UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 93$^{d}$ CONGRESS
FIRST SESSION

## VOLUME 119—PART 13

MAY 16, 1973 TO MAY 29, 1973
(PAGES 15853 TO 17214)

4 MAR 1975

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1973

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93$^{d}$ CONGRESS, FIRST SESSION

# HOUSE OF REPRESENTATIVES—*Wednesday, May 16, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Only fear the Lord and serve Him faithfully with all your heart; for consider what great things He has done for you.*—I Samuel 12:24.

Eternal God our strength in hours of need and our help in days of trouble, lead us, we pray Thee, to a higher plane of courage and faith as we wait upon Thee that the influence we wield and the example we set may always be for the good of our country.

"We would be true for there are those
who trust us;
We would be pure, for there are those
who care;
We would be strong, for there is much to
suffer;
We would be brave for there is much to
dare."

Keep us ever faithful in this office to which we have been elected, ever loyal to this country to which we pledge our full allegiance and ever devoted to the high goal of liberty and justice for all.

"We would live ever in the light,
We would work ever for the right,
We would serve Thee with all our might,
Therefore, to thee we come."

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last days proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on May 14, 1973, the President approved and signed a bill of the House of the following title:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 504. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The message also announced that the Vice President, pursuant to Public Law 86-420, appointed Mr. Moss, Mr. HARRY F. BYRD, JR., and Mr. RANDOLPH, on the part of the Senate, to the Mexico-United States Interparliamentary Meetings to be held in Mexico, May 24 to May 29, 1973.

## RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON S. 38, AIRPORT DEVELOPMENT AND AIR PASSENGER HEAD TAXES

The SPEAKER laid before the House the following resignation as a conferee:

MAY 15, 1973.

Hon. CARL ALBERT,
*Speaker, House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: In view of my many other commitments, it is impossible for me to continue as a conferee on the bill, S. 38, Airport Development and Air Passenger Head Taxes.

Please consider this my resignation and withdrawal as a conferee.

With all good wishes,
Sincerely yours,
JOHN D. DINGELL,
*Member of Congress.*

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Washington, Mr. ADAMS, as a manager on the part of the House at the conference on the bill S. 38 to fill the vacancy resulting from the resignation of the gentleman from Michigan, Mr. DINGELL.

The Clerk will notify the Senate of the change in conferees.

## FRONTIERO AGAINST RICHARDSON

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, Monday's Supreme Court decision in the case of Frontiero against Richardson represents a significant step forward in the struggle to secure equal rights for women in this country. In addition to reaffirming that the 5th and 14th amendments provide some—though not enough—protection for women's rights, it demonstrates the fallacy of the argument that the equal rights amendment would result in the removal or limitation of hard-won protections and benefits.

Under consideration in the case were statutes that provide that spouses of male members of the armed services are automatically considered as dependents for purposes of obtaining increased quarters allowances and medical and dental benefits, but that spouses of female members are not considered as dependents unless it is demonstrated that they are dependent upon the female member for more than one-half of their support.

Eight members of the Court voted to strike down this statute as unconstitutionally discriminatory; four of this group went so far as to state that the use of sex as a basis of classification is—like the use of race, alienage, or national origin—inherently suspect.

The decision also indicates the incorrectness of the argument that ratification of the equal rights amendment would eliminate hard-won benefits for women. Having found the distinction in this case between men and women unconstitutional, the Court ruled that the remedy is to extend the benefit to the woman, rather than to remove it from the man.

While this decision does not obviate the need for ratification of the equal rights amendment, it does indicate that the major fear expressed by those who oppose the ERA is wholly without foundation, and it should serve as a strong impetus for early ratification.

## J. EDGAR HOOVER

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I have noted a statement in the press which alleges that certain files were kept from J. Edgar Hoover because he was "not of sound mind" in his last years. The statement was attributed to William C. Sullivan, formerly Assistant to the Director of the FBI.

Mr. Hoover appeared before the State, Justice, Commerce Subcommittee of House Appropriations on March 2, 1972. This was a very short time before his death. I was present at the hearing. It was a full-length hearing at which Mr. Hoover was the principal witness. He discussed in complete detail the operations of the Federal Bureau of Investigation. He responded freely and openly to all the questions which were asked him by committee members. There is no doubt in my mind, and I think there is no doubt in the minds of those who were present, that Mr. Hoover was of sound mind and that he was in full possession of his faculties and fully capable of making the sound decisions which had always characterized his work as Director of the FBI.

The article also states that Mr. Hoover forced Sullivan to retire from the FBI on October 6, 1971. I would say that tells the whole story. Possibly Mr. Sullivan now figures that he can have his revenge for being pushed out of the FBI. It was my understanding that, out of kindness, Mr. Hoover allowed Mr. Sullivan to retire rather than be fired.

## MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS ADMINISTRATION IS INEFFECTIVE

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, the administration has announced that the Nation suffered a $10.2 billion balance-of-payments deficit during the first quarter of this year.

That is almost as much deficit as we had in all of 1972. It is the second worst deficit for any quarter since we started keeping records.

The worst is still the third quarter of 1971 when the outflow of funds to foreign nations reached $11.9 billion. That was one of the factors that finally forced President Nixon to institute wage-price controls in August 1971. It took him a year to take advantage of the emergency economic powers which Congress, in its concern, had voted him.

Today, less than 10 percent of the current deficit is due to trade. One of the President's economic advisers attributes the bulk of the deficit to speculation before and after the administration's devaluation of the dollar last February 12.

Meanwhile, the dollar continues to weaken steadily in the international market. In Paris yesterday, gold was selling at a fantastic record high of $128 an ounce. At home, inflation continues, and the stock market is shaky.

In short, Mr. Speaker, these are more signs of the ineffectiveness of the present administration.

## THE LATE HONORABLE J. EDGAR HOOVER

(Mr. FLYNT asked and was given permission to address the House for one minute.)

Mr. FLYNT. Mr. Speaker, I wish to associate myself with the remarks of my colleague from Florida (Mr. SIKES).

I was shocked with disbelief when I read the story on page A-10 of the Washington Post on yesterday to which my colleague just referred. I, too, was present in the subcommittee for the Departments of State, Justice, Commerce, the Judiciary, and related agencies of the Committee on Appropriations on March 2, 1972, when Mr. Hoover made his last appearance before us. In his capacity as Director of the FBI at that time Mr. Hoover gave every appearance to the members of our subcommittee that he was in good physical and mental health at that time. He was alert; he answered questions which had no relation to the prepared statement which he made to our committee during the first few minutes of his appearance before us. He was strong of mind and body and intellect at that time.

I think for anybody at this late date, when the Director's lips have been sealed by death, to attack his state of mind is an insult to the memory of a great American.

Mr. Speaker, I resent the slur on Mr. J. Edgar Hoover, the late Director of the FBI. I certainly believe, based upon his last appearance before our subcommittee, that there is no basis for the statement attributed to Mr. Sullivan in yesterday's edition of the Washington Post.

## THE LATE HONORABLE J. EDGAR HOOVER

(Mr. SLACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. SLACK. Mr. Speaker, my attention has been called to a statement published in the Washington Post yesterday, May 15, in which former Assistant Director William Sullivan is quoted as saying he did not turn over certain files to the late J. Edgar Hoover because Hoover was "not of sound mind" for the past few years.

I challenge that statement on the basis of personal observation and experience. For over a dozen years I have been a member of the Appropriations Subcommittee which considers annual FBI appropriations requests, and during those years I listened with interest to his concise, thoroughly documented presentations. When he appeared before us last year, his command of the facts was just as when I first heard him a dozen years before.

When Mr. Hoover testified, there was never any evasion or attempt to escape through a back door of generalities, and if he did not possess a fact in response to a question, he knew where the fact could be found and proceeded to satisfy the subcommittee at once. This was the real key to his consistent success in obtaining funds for FBI improvement and expansion.

Sullivan refers to Hoover as a "master blackmailer," a contemptible slur placed before the public with the secure knowledge that you cannot be called to account for libel of one who has passed on. On this point, I know nothing of attempted blackmail, but on the record of very exacting appearances before the appropriations subcommittee, I feel required to inform the Members of the House that in his last year in office, J. Edgar Hoover was still a master of the facts where the Bureau was concerned.

## INCREASE IN PRICE OF GOLD OVERSEAS

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, for those people who picked up this morning's newspapers and read about the increase in the price of gold overseas, and the imbalance of payments during the first quarter of this year, this should not come as any surprise to them.

While the administration has been boasting about a reduction of the imbalance in trade for the first quarter of this year, they failed to explain why over $10 billion of American money went overseas during the first quarter of this year.

Now we find a speculation on gold. It indicates to me, Mr. Speaker, that the multinational corporations and some of the speculators in this country are sending their money overseas to drive up the price of gold and drive down the value of the dollar. I think it is important that Congress should look at this. I hope that the House Committee on Banking and Currency will look into this problem and find out and list the names of those who participated in the speculation of the dollar during the last two devaluations, because they will find out that Americans who sent their money over there made 6½-percent profit on their speculation within 10 days, which is close to 300-percent profit.

If they take it over a 12-month period, they will find out that that list would make pale the preferred list of J. Pierpont Morgan.

Yes, Mr. Speaker, there is a scandal going on in this Nation today, and it is about time Congress looked into it and found out who sent that $10 billion overseas during the past 3 months, because it is more than a coincidence that the price of gold has gone up over $127 an ounce as of yesterday.

## DAILY SUMMARY OF PROCEEDINGS OF THE HOUSE AND SENATE

(Mr. LEHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. LEHMAN. Mr. Speaker, I would like to compliment the Joint Committee on Congressional Operations on their most recent pilot project—the preparation of a daily summary of the proceedings of the House and Senate for delivery to the offices shortly after the close of business each day.

Particularly valuable to me and my staff is the fact that any changes in the legislative program will be known that same day, rather than the following morning. This enables my staff to prepare for the next day's legislative session in a less hurried and more complete fashion.

I, for one, hope that the pilot study proves itself sufficiently worthwhile so that this service may be continued.

## STATE PRISON FARMS ROB FEDERAL TREASURY

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, State prison

farms robbed the Federal Treasury of $1 million in farm subsidies last year.

This is an outrage. These payments were made because the prison farms did not grow crops.

The Department of Agriculture has no business subsidizing the operations of State prison farms.

Let me list the largest prison farm recipients:

| | |
|---|---|
| Texas | $550,000 |
| Arkansas | 139,000 |
| Louisiana | 122,000 |
| Alabama | 90,000 |
| Tennessee | 46,000 |
| Mississippi | 37,000 |
| Indiana | 26,000 |

Farm subsidies mean higher food prices and higher taxes. These prison farm giveaways are another example of how the farm subsidy program is shackling the American taxpayer.

## SUCCESSION TO PRESIDENCY IS PROVIDED FOR IN CONSTITUTION

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, one of the silliest statements ever attributed to a Member of this body came to my attention yesterday, and that is a recommendation that the President and Vice President should resign and the Speaker of the House should become the leader of a coalition Government.

Mr. Speaker, this statement is not only silly but it is downright illegal. As I understand the Constitution of the United States, the order of succession to the Presidency is spelled out in the law recognizing that some of the persons formerly associated with the President and his reelection committee have been accused of illegal conduct, even so, no one has linked the President with any action that would justify such drastic action as resignation.

Not even the most partisan spokesman nor the most imaginative news reporters have in any way attempted to connect the Vice President with the questionable behavior which has given rise to the current attacks on the President's former associates.

For any Member of this body, who has taken the oath of office to uphold the Constitution to make a suggestion that the order of succession to the office stipulated in the Constitution be abolished makes me question the man's understanding of our system of government. To be charitable, I wonder if he knows what he is talking about?

## MEMORY OF J. EDGAR HOOVER SHOULD NOT BE ATTACKED

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, I would like to commend the gentleman from Florida (Mr. SIKES) and the gentleman from Georgia (Mr. FLYNT) and the gentleman from West Virginia (Mr. SLACK) and associate myself with their remarks as they relate to the vicious attack on the memory of one of our greatest Americans, J. Edgar Hoover.

One Mr. Sullivan is a former agent who was permitted to resign from the Bureau. He made some scurrilous remarks about Mr. Hoover that I would consider a really cheap shot. He attacked the record of a man such as Mr. Hoover, after he has passed on, and that should speak for itself as to his integrity and credibility.

As a former FBI agent, I personally contacted Mr. Hoover over the years, and had a great visit with him less than a month before he died. He was sharp, articulate, and fully and completely in command of himself. Sullivan has rendered a disservice to the memory of a great man.

## CALL OF THE HOUSE

Mr. CHARLES H. WILSON of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. FULTON. Mr. Speaker, I move a call of the House.

A call of the Hosue was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 147]

Badillo
Barrett
Biaggi
Blatnik
Camp
Carney, Ohio
Carter
Chappell
Chisholm
Clark
Collier
Conyers
Cotter
Coughlin
Denholm
Giaimo
Gray
Green, Oreg.
Green, Pa.
Hays
Hébert
Howard
Johnson, Colo.
Karth
King
Kluczynski
Kuykendall
Long, La.
McCloskey
McCormack
Madden
Mills, Ark.
Moorhead, Pa.
Moss
Murphy, N.Y.
Nedzi
Nix
O'Brien
O'Hara
Reid
Rhodes
Rooney, N.Y.
Rosenthal
Roy
Roybal
Sandman
Stubblefield
Teague, Tex.
Waldie
Wilson, Charles, Tex.
Young, S.C.

The SPEAKER. On this rollcall 382 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## PERSONAL EXPLANATION

Mr. THONE. Mr. Speaker, the CONGRESSIONAL RECORD of May 8 indicates that I was absent for rollcall No. 129, the vote on final passage of the Oil Pollution Act Amendments of 1973 (H.R. 5451). I would like to state that contrary to the RECORD, I was present for the vote and did cast my vote in favor of this legislation.

## REFORM OF CAMPAIGN PRACTICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–102)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on House Administration and ordered to be printed:

*To the Congress of the United States:*

A thorough-going reform of campaign practices in our Federal elections ranks high on our list of national priorities.

Many separate proposals for such reform are now pending before the Congress; in light of recent disclosures of widespread abuses during the Presidential campaign of 1972, many more will doubtless soon be made.

I believe that reform is essential, and urgent; I also believe it is vital that these proposed reforms be carefully considered not singly, but in their relation each to the others, and that this be done in a nonpartisan context.

Therefore, I recommend creation of a Non-partisan Commission on Federal Election Reform, to be established as quickly as possible and to be charged with examining our entire pattern of campaign practices and with recommending a comprehensive set of reforms. A proposed Joint Resolution to accomplish this accompanies this Message.

The Commission I propose would be composed of seventeen members. Eight of these would be chosen by and from the Congress, two Democrats and two Republicans from the Senate and two Democrats and two Republicans from the House of Representatives. It would also include the national chairmen of the two principal political parties, and seven other, public members, to be selected by the President. No more than four of seven public members shall be members of the same political party. To further ensure its complete independence, the chairman and vice-chairman would be selected from among the members of the Commission, by the Commission itself.

The Commission's mandate would be as broad as the Federal election process itself. Nothing would be excluded. It would be authorized to examine the cost and financing of campaigns, including proposals for alternative methods of financing; laws on reporting and disclosure; the elimination from campaigns of violence and the threat of violence, and infringements on the right of privacy; curbing vote frauds; the length of political campaigns; the use and abuse of techniques such as television commercials, polling and computerized direct mail; methods of curbing the entire range of unfair or unsavory campaign practices; and anything else the Commission might consider desirable for a comprehensive reform of Federal elections and campaign practices.

It would be directed to make its final report to the Congress and the President no later than December 1, 1973. It would also be encouraged to make interim recommendations during the course of its work, in order to expedite their consideration by the Congress.

Because it bears an intimate and vital relationship to campaign reform, I recommend that the Commission also consider the question of whether the length of the terms of office of members of the

Senate, of the House of Representatives or of the President should be changed.

If the Commission is to complete its work promptly, in order to allow the Congress time to consider and possibly to act on its recommendations prior to the 1974 Congressional campaigns, it is, of course, essential that the Commission begin its work soon and pursue it expeditiously. For my part, I shall do all that I can to facilitate this, and I urge the Congress to take swift and favorable action on this proposal.

RICHARD NIXON.

THE WHITE HOUSE, *May 16, 1973.*

---

## PRESIDENT'S PROPOSAL FOR BIPARTISAN COMMISSION ON FEDERAL ELECTION REFORM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I welcome President Nixon's proposal for a truly bipartisan Commission on Federal Election Reform. He has acted with commendable dispatch and I hope the majority leadership of the Congress will move with similar speed and nonpartisan spirit to get started on this important national priority.

Clearly the Federal Election Campaign Act of 1971 needs improvement in the light of experience. It is not accurate to say it failed, for prosecutions are now underway of individuals accused of violating it. But I have always felt that timely disclosure before election day is a better way to insure clean campaigns than the most severe punishment afterward.

In politics as in other forms of competition the successful professionals play by the rules, and the rules should be simple, fair, and reasonable. Our two-party system provides a measure of mutual vigilance which must be preserved no matter what reforms are enacted into law. The proposed Commission should consider more effective monitoring of national ad hoc campaign organizations which operate independently of the recognized party structures.

As a Republican I reaffirm my faith in my party and recall that Republicans led the fight for election reform legislation throughout the 1960's which culminated in the 1971 act signed by President Nixon. I urge my fellow Republicans to join with independents and Democrats in supporting the President's new recommendations to the Congress.

I insert at this point the text of President Nixon's remarks to the Nation today amplifying his views on the subject of election reform. The address follows:

### TEXT OF AN ADDRESS BY THE PRESIDENT ON THE FEDERAL ELECTION REFORM TO BE TAPED FOR USE ON RADIO

In my televised address to the Nation two weeks ago, I called on the leaders of both political parties, and on citizens everywhere, to join in working toward new ways of ensuring that future elections would be as nearly free of abuse as possible.

To achieve this goal, I have today proposed to the Congress the establishment of a nonpartisan, top-level, independent commission charged with making concrete proposals for reform—not only to examine our laws and see what new ones are needed, but also to examine the observance and enforcement of our laws, and those campaign standards and practices not governed by law but rooted in common usage.

This Commission would be composed of seventeen members. Eight would be chosen by and from the Congress—two Democrats and two Republicans from the House, and two Democrats and two Republicans from the Senate. Seven public members would be chosen by the President for their experience, knowledge and perspective in this field—of whom no more than four could be from the same political party. The chairman of the Democratic and Republican National Committees would also serve on the panel. To further ensure the Commission's complete independence, its chairman and vice chairman would be selected from among the members of the Commission by the Commission itself.

I trust the Congress will act swiftly to establish the Commission. Yesterday I met with the bipartisan leadership of the Congress to discuss this matter. The proposal I am making today incorporates suggestions made by them; and my discussions with them have given me reason to believe that swift action is possible. If the Congress does give this proposal its quick approval, then the Commission's report and recommendation can provide the basis for reforms that could be in place in time for the 1974 Congressional elections.

The mandate of the Commission I have proposed will be as broad as the Federal election process itself. Nothing will be excluded.

It will be authorized to examine the costs and financing of campaigns, and look into the various ways in which the costs can be kept down and improper influence or influence-seeking through large campaign contributions can be ended. It can consider limitations on the total amounts candidates can spend, recognizing both the potential for abuse and the heavy burden that high campaign costs impose on both parties. It can look into the laws governing disclosure of campaign funds and how they are spent, and how both those laws and their enforcement might be improved. It can review the tax laws as they relate to the financing of political campaigns and can look into the question of possible public funding of campaigns.

Other areas for inquiry would include the elimination from our election campaigns of violence and the threat of violence; of intimidation; of frauds in the casting and counting of ballots; of the throwing about of misleading or malicious charges; of sabotage and espionage and other infringements on the rights of privacy; and of the whole range of improper campaign practices.

Beyond measures to curb these clearly evident abuses, the Commission will be authorized to examine such matters as the length and structure of our political campaigns, the purposes for which campaign funds are spent, the use and abuse of techniques such as television commercials, polling and computerized direct mail—and whatever else it may consider appropriate to a thorough-going campaign reform.

There is another matter of crucial importance to our election process, which I am also asking that the Commission consider. That is whether the Constitution should be amended to change the length of the terms of office of members of the House, of the Senate or of the President.

Many political scientists have suggested, for example, that the President should be elected for a single, non-renewable six-year term, instead of being eligible for two four-year terms. The Commission could well consider the merits of this proposal.

Another change it might consider is whether members of the House of Representatives should be elected for terms of four years instead of two.

Personally, I have long favored the four-year term for members of the House, with half of the members elected every two years. Members serving for two-year terms have to spend one of every two years running for re-election, with the result that they serve one year and run one year. This not only places an enormous burden on the member himself; it also can work to the disadvantage of his constituents and of the country. By reducing the extraordinary campaign burden on its members, I believe the House of Representatives could be made a more effective instrument of government.

The Commission will be directed to come up with a comprehensive set of legislative recommendations. It will also be directed to examine whether additional measures, such as voluntary agreements between candidates or party organizations, may be desirable to extend into those areas where legislation cannot appropriately reach.

Because time is of the essence, the Resolution I have proposed would direct the Commission to file a public report no later than December 1 of this year. I believe that with hard work, the members of the Commission can complete their study even before then.

The Commission will have complete, independent authority to choose its own priorities among the matters to be considered—and, as it proceeds, it will be encouraged to make interim recommendations for action by the Congress without waiting for its final report.

One option I considered was for the Administration itself to prepare a set of proposed reforms and present them at this time. I rejected that course for two reasons:

First, a really comprehensive campaign reform, which I believe we need, must thread its way through enormous complexities, high sensitivities, entrenched interests, and a careful assessment of the possibilities of enactment by the Congress. This will take time. It can be done, but it cannot be done overnight.

Second, I feel it is essential that proposals for reform come not from one political party, not from one Administration, not from one Congress, but from a bipartisan group of recognized experts, working in a non-partisan atmosphere and broadly enough based to give their recommendations the full authority of manifest impartiality.

Let me stress that this new Commission is in no way competitive with the Senate's Ervin Committee. The new Commission will draw on information being developed by the Ervin Committee, and also on other studies of past campaign abuses. But its own central focus will be on the future—on how not only Presidential elections, but also Congressional elections, can most effectively be reformed.

Campaigns have changed drastically in the past century, and even in the past generation. Television, the rise of professional campaign management firms, jet air travel, sophisticated polling techniques, skyrocketing costs, all have had a powerful impact on the way campaigns are conducted. As in so many other areas of our life, the sheer size of modern campaigns has contributed to the size of the problem and to the magnitude of the abuses.

There will be a temptation to attempt reforms piecemeal; this, I believe, would be a mistake. The reforms needed are sweeping rather than scattered, and each should be considered in relation to the others. We should think in terms of nothing less than a complete re-examination of our system of elections and campaign practices.

Scores, perhaps hundreds, of ideas for various election reforms have already been seriously and responsibly put forward. Many are now pending before the Congress. The principal need is to sort through these ideas, to develop such additional ones as may be appropriate, and to design a comprehensive reform of the campaign system so that in its totality it will work, and work fairly and honestly.

It would be premature to predict what a Commission such as the one I propose might recommend. But these are a few examples of the kinds of reform it would certainly consider:

Strict limits on the size of individual campaign contributions;

Strict limits on the size of campaign contributions or the amount of campaign assistance that can be given by business, labor or professional organizations;

Strict limits on cash contributions;

Tightened control over the activities of multiple organizations working for the same candidate;

Shorter election campaigns;

New disclosure rules that would simplify not only the filing of reports, but also the public discovery of what was important in those reports;

Reducing the cost of reaching the public, as, for example, by making free radio and television time available to candidates, or by revision of the equal time requirements that now restrict broadcasters in their campaign coverage;

New Federal laws that would make illegal, practices that are now only unethical; and

The establishment of an independent Federal Elections Commission, with its own enforcement powers.

It is important that these reforms stay within the spirit as well as the letter of the Constitution; that they not unduly infringe either the rights of the States or the First Amendment rights of individuals to freedom of expression and freedom of assembly. It is important that they be fair, effective, realistic and enforceable. Devising such a system of campaign reform will be difficult, but not impossible.

I am convinced a route can be charted that will avoid the obstacles; that wide-ranging reforms are possible and desirable; and that persons of the caliber of those who would be named to this Commission, given a reasonable period of time and also a firm deadline, can come up with a set of proposals that will work, and that will help to restore the faith of the American people in the integrity of their political processes.

## RULES OF PROCEDURE FOR THE COMMITTEE ON RULES

(Mr. YOUNG of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I place into the RECORD a copy of the Rules of Procedure for the Committee on Rules adopted on Tuesday, March 27, 1973:

### RULES OF PROCEDURE FOR THE COMMITTEE ON RULES, ADOPTED TUESDAY, MARCH 27, 1973

### RULE 1—MEETINGS

(a) The Committee on Rules shall meet at 10:30 a.m. on Tuesday of each week when the House is in session. Meetings and hearings shall be called to order and presided over by the Chairman or, in the absence of the Chairman, by the Ranking Majority Member of the Committee present as Acting Chairman.

(b) A minimum 48 hours' notice of regular meetings and hearings of the Committee shall be given to all members except that the Chairman, acting on behalf of the Committee, may schedule a meeting or hearing for the consideration of emergency and/or procedural measures or matters at any time. As much notice as possible will be given to all members when emergency meetings or hearings are called; provided, however, that an effort has been made to consult the Ranking Minority Member.

(c) Meetings, hearings, and executive sessions of the Committee shall be open to the public in accordance with clause 26 and clause 27 of rule XI of the Rules of the House of Representatives, as amended by H. Res. 259, 93d Congress.

(d) For the purpose of hearing testimony, a majority of the Committee shall constitute a quorum.

(e) For the purpose of executive meetings, a majority of the Committee shall constitute a quorum.

(f) All measures or matters which have been scheduled for consideration by the Committee on which any Member of the House wishes to testify, and so requests, will be the subject of hearings, at which time all interested Members who are proponents or opponents will be provided a reasonable opportunity to testify.

(g) There shall be a transcript of regularly scheduled hearings and meetings of the Committee which may be printed if the Chairman decides it is appropriate, or if a majority of the members request it.

(h) A Tuesday meeting of the Committee may be dispensed with where, in the judgment of the Chairman, there is no need therefor, and additional meetings may be called by the Chairman, or by written request of a majority of the Committee duly filed with the Counsel of the Committee.

(i) The Committee may permit, by a majority vote on each separate occasion, the coverage of any open meeting or hearing, in whole or in part, by television broadcast, radio broadcast, and still photography under such requirements and limitations as set forth in the Rules of the House of Representatives.

(j) The five-minute rule in the interrogation of witnesses, until such time as each member of the Committee who so desires has had an opportunity to question the witness, shall be followed.

(k) When a recommendation is made as to the kind of rule which should be granted a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the meeting where such language is to be considered or as soon thereafter as such recommendation becomes available.

### RULE 2—VOTING

(a) No measure or recommendation shall be reported, deferred, or tabled by the Committee unless a majority of the Committee is actually present.

(b) A rollcall vote of the members of the Committee may be had upon the request of any member.

(c) The result of each rollcall vote, including the names of Committee members and how they voted on specific issues, shall be available for public inspection at the office of the Committee.

### RULE 3—REPORTING

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee, the Chairman or Acting Chairman shall report the same or designate some member of the Committee to report the same to the House, such report to include the totals of any record vote thereon.

### RULE 4—COMMITTEE STAFFING

(a) The professional and clerical staffs of the Committee shall serve under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of the members of the staffs and delegate such authority as the Chairman deems appropriate, with the exception of the Minority staff, who shall serve under the general supervision and direction of the Ranking Minority Member of the Committee.

### RULE 5—MISCELLANEOUS

(a) The Committee shall have prepared, maintained, printed and published a calendar listing all matters formally before it. Information on this calendar shall include the number of the bill or resolution, a brief description of the measure's contents, including the legislative committee reporting it, and the name of the principal sponsoring Member.

(b) The staff shall prepare, maintain, and furnish to the members of the Committee a list of all pending bills or resolutions from other committees concerning which a hearing request has been properly filed with the Committee. This list shall be distributed to the members of the Committee on a regular weekly basis when the House is in session and shall include the number of the bill or resolution, the name of the legislative committee reporting it, the principal sponsoring Member, and the date upon which the request for a rule was filed, along with a brief analysis of the contents of the scheduled measures and a description of the rule requested by the reporting legislative committee, if so requested.

(c) For purposes of this rule, matters formally before the Committee include: bills or resolutions over which the Committee has original jurisdiction, and bills or resolutions from other committees concerning which the chairman or designated member of such committee has requested a hearing in writing and forwarded to the Committee on Rules a copy of such bill or resolution as reported, together with the final printed committee report.

(d) Executive meeting minutes shall be available to Committee members but may not be released to any other person without the consent of the Committee, in compliance with Rule XI, clause 27(o).

(e) Upon adoption of the rules and procedures of the Committee at the opening of each Congress, the Chairman may have these rules and procedures printed in an early issue of the CONGRESSIONAL RECORD.

## HOBBY PROTECTION ACT

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 390

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5777) to protect hobbyists against the reproduction or manufacture of certain imitation hobby items and to provide additional protections for American hobbyists. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Del Clawson), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 390 provides for an open rule with 1 hour of general debate on H.R. 5777. The rule makes it in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Committee as an original bill.

The purpose of H.R. 5777 is to protect hobbyists against the reproduction or manufacture of political and numismatic hobby items. The legislation provides that any imitation political item manufactured in, or imported into, the United States for purposes of commerce must be permanently marked with the calendar year of its manufacture. Also, H.R. 5777 requires any imitation numismatic item manufactured in, or imported into, the United States for purposes of commerce to be marked "copy."

The Committee on Interstate and Foreign Commerce estimates that the cost of carrying out the provisions of the bill will not exceed $50,000 per year for the next 5 years.

Mr. Speaker, I urge adoption of House Resolution 390 in order that we may discuss and debate H.R. 5777.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 390, the rule before us today, provides for the consideration of H.R. 5777, the Hobby Protection Act. This is an open rule with 1 hour of general debate. It also includes a provision making the committee substitute in order as an original bill for the purpose of amendment.

The purpose of H.R. 5777 is to require the marking of imitation numismatic and political items so as to prevent their being sold or traded as originals.

More specifically, this bill provides that any imitation political item be plainly marked with the calendar year of its manufacture and any imitation numismatic item must be marked "copy."

There are two methods of enforcement provided in this bill. First, private enforcement, which would permit any interested person to bring a civil action to enjoin a violation and for damages. Second, the Federal Trade Commission could use its cease and desist order remedy to prevent violations.

The Committee on Interstate and Foreign Commerce estimates that the cost of carrying out this bill will not exceed $50,000 per year for the next 5 years.

Mr. Speaker, I urge the adoption of House Resolution 390.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5777) to protect hobbyists against the reproduction or manufacture of certain imitation hobby items and to provide additional protections for American hobbyists.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5777, with Mr. Fulton in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Devine) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, this is a very simple bill. I shall present as briefly as possible the purpose of the bill. It is to keep imitation numismatic and political items from coming into and being manufactured in the United States.

I might say for the information of those who are interested in glassware, that we considered two bills, H.R. 1068 and H.R. 3747, on imitation antique glassware at the same time that hearings were held on the legislation now before the House. These two bills were by Mr. Rooney of Pennsylvania and Mr. Wyman. The subcommittee is now drafting legislation on glassware. I just want to let the authors of those bills know what had happened. Glassware is not included in the present bill. The problem of antique glassware will be taken up after we have redrafted legislation on the problem.

One of the reasons for this bill is that other countries have been sending in imitation coins and other numismatic materials. In the last 3 years there have been more than 40,000 of these coins and tokens come in from one source in Southeast Asia, Kuala Lumpur, the capital of Malaysia. We are just trying to stop that. We think this is a good bill. Organizations from all over America came in to testify in favor of the bill.

Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. Broyhill).

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of this bill.

Mr. Chairman, the bill before us today (H.R. 5777) is designed to protect collectors of coins, tokens, paper money, commemorative medals and political items against the reproduction of such items which are later sold as originals. While this legislation has not received a great deal of publicity, it will, if passed, offer needed protection to a steadily increasing number of American citizens.

It is estimated that there are in the United States today well in excess of a million persons who collect hobby items, and they spend millions of dollars each year to acquire them. As might be expected, with the growing market in numismatic and political items there has been a growing incidence of fake items being purchased or obtained through trade in the belief that they are original items.

Most imitation numismatic items are produced in Europe, the Near East and Southwest Asia. However, many museums and similar institutions also reproduce numismatic items which are sold with literature or packaging which make it clear that they are reproductions. Unfortunately, the coin and the literature indicating that the coin is a reproduction become separated and many of these coins are subsequently sold or traded as originals.

The Federal counterfeit laws prevent the manufacture or importation of imitations of existing currency, but there are no comparable provisions of Federal law which apply to other numismatic items or political items. This bill provides the additional protections which are needed to help rectify the problem.

Under this legislation, any imitation political or numismatic items manufactured in, or imported into, the United States for distribution in commerce must be plainly and permanently marked in such a manner as to clearly indicate that they are imitations. Imitation political items would be required to be marked with the year of their manufacture. Imitation numismatic items would be marked with the word "copy."

A failure to comply with these marking requirements would be unlawful and an unfair or deceptive act in commerce under the Federal Trade Commission Act and the Federal Trade Commission could utilize its cease and desist order remedy to prevent violations. In addition, any interested person could bring an action for an injunction restraining such violation in the U.S. district court for a district in which the defendent resides or has an agent.

The bill provides for no additional authorizations and inasmuch as it does offer a greater degree of protection for collectors of these hobby items, I recommend it to my colleagues for their approval.

Mr. MAYNE. Mr. Chairman, I rise in support of passage of H.R. 5777, the Hobby Protection Act, as amended. I had cosponsored introduction of similar legislation in the 92d Congress, and I am pleased that the House Interstate and Foreign Commerce Committee has favorably reported H.R. 5777.

Many of the over a million American collectors of original numismatic items are Americans of relatively low and fixed incomes, older Americans who upon retirement find the time to spend on their favorite hobbies. Far too often these elderly men and women are defrauded through sale and trade of imitation numismatic and political items as originals. Federal counterfeit laws prevent the manufacturing or importing of currency imitations, but no comparable laws apply to other numismatic or political items.

H.R. 5777 provides that any imitation political item not clearly and permanently marked with the year in which it was made may not be imported or manufactured in the United States for commercial purposes. The bill further provides that any imitation of a numismatic item—anything which has been part of a coinage or issue which has been used to commemorate a person or event, including coins, tokens, paper money, and commemorative medals—must be clearly and permanently marked "copy" before it may be imported into or manufactured in the United States for commercial purposes.

Manufacture or importation of items prohibited by this legislation would be unfair or deceptive acts or practices in violation of the Federal Trade Commission Act. Prohibited items imported into the United States would be subject to seizure and forfeiture under our customs laws. An exemption from the penalties would protect common carriers, contract carriers, or freight forwarders handling the prohibited items innocently in the ordinary course of business.

Enforcement of the act is lodged in the Federal Trade Commission, but any interested person could privately enforce the bill's prohibitions by bringing a civil action in a U.S. district court for injunctive relief to restrain violations and for damages including costs and reasonable attorneys' fees. This should help relieve the Federal Trade Commission of some of the enforcement burden. The legislation makes clear that its provisions are in addition to, not in substitution for or limitation of, the provisions of any other Federal or State law that might apply. By its terms, the legislation's prohibitions apply only to imitation political items and imitation numismatic items manufactured after the date of enactment, so the collector would stll have to be wary of being defrauded by previously manufactured imitations.

Mr. Chairman, this long-needed legislation. I urge all my colleagues to vote in support of its enactment.

Mr. PICKLE. Mr. Chairman, I rise in support of H.R. 5777, the hobby protection bill.

With over a million people collecting coins, and other forms of legal tender, and with a growing hobby of collecting campaign and political items, it is only fair to the collectors and the consumers who may purchase these items that the imported imitation be labelled as such.

The bill does not put ayone out of business. This bill does not cost millions of dollars to enforce.

What the bill does do is make the market for coin collecting of political items an open and honest market.

I have watched with great interest the bill as it was first introduced in rather rough form, then perfected in public hearings and drafting sessions.

I feel that it is commendable that this work has brought to the floor of the House a bill that is reasonable and protective of the American hobbyists and consumers.

I commend my colleague from Texas, Bob Eckhardt, for his efforts with this legislation. I commend the Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee for its measured, yet expedient work, in proposing this legislation to the full House.

I urge that the House adopt H.R. 5777.

Mr. STAGGERS. Mr. Chairman, I have no further request for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Hobby Protection Act".

### MARKING REQUIREMENTS

Sec. 2. (a) Political Items.—The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce of any imitation political item which is not plainly and permanently marked with the calendar year in which such item was manufactured, is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) Coins and Other Numismatic Items.—The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce of any imitation numismatic item which is not plainly and permanently marked "copy", is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act.

(c) Regulations.—The Federal Trade Commission shall prescribe rules for determining the manner and form in which items described in subsection (a) or (b) shall be permanently marked.

(d) Exemption.—Subsections (a) and (b) and regulations under subsection (c), shall not apply to any common carrier or contract carrier or freight forwarder with respect to an imitation political item or imitation numismatic item received, shipped, delivered, or handled by it for shipment in the ordinary course of its business.

### PRIVATE ENFORCEMENT

Sec. 3. If any person violates section 2(a) or (b) or a rule under section 2(c), any interested person may commence a civil action for injunctive relief restraining such violation, and for damages, in any United States District Court for a district in which the defendant resides or has an agent. In any such action, the court may award the costs of the suit including reasonable attorneys' fees.

### ENFORCEMENT BY FEDERAL TRADE COMMISSION

Sec. 4. (a) Except as provided in section 3, this Act shall be enforced by the Federal Trade Commission under the Federal Trade Commission Act.

(b) The Commission shall prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

### IMPORTS

Sec. 5. Any item imported into the United States in violation of section 2 (a) or (b) or regulations under section 2(c) shall be subject to seizure and forfeiture under the customs laws.

### APPLICATION OF OTHER LAW

Sec. 6. The provisions of this Act are in addition to, and not in substitution for or limitation of, the provisions of any other law of the United States or of the law of any State.

### DEFINITIONS

Sec. 7. For purposes of this Act:

(1) The term "original political item" means any political button, poster, literature, sticker, or any advertisement produced for use in any political cause.

(2) The term "imitation political item" means an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy, or counterfeit of an original political item.

(3) The term "original numismatic item" means any thing which has been a part of a coinage or issue which has been used in exchange or has been used to commemorate a person or event. Such term includes coins, tokens, paper money, and commemorative medals.

(4) The term "imitation numismatic item" means an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item.

(5) The term "commerce" has the same meaning as such term has under the Federal Trade Commission Act.

(6) The term "Commission" means the Federal Trade Commission.

(7) The term "United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

### EFFECTIVE DATE

Sec. 8. This Act shall apply only to maintain political items and imitation numismatic items manufactured after the date of enactment of this Act.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time only to propound one question to the distinguished gentleman from West Virginia (Mr. STAGGERS) and that is why this bill did not come up under unanimous consent.

Mr. STAGGERS. It is hard to say.

Mr. GROSS. Could it be, and I will not pursue the question with my friend, the gentleman from West Virginia, that it was necessary to have something before us today merely to say the House had some business?

Mr. STAGGERS. Let me say to my distinguished friend, the gentleman from Iowa, that we did think about going to the Rules Committee for a rule because we thought there might be some discussion on other matters concerning glassware and we would have to answer questions and we did not want to preclude questions on this. I tried to answer those questions in my earlier remarks, but those were important matters that were included in bills in hearing before our Subcommittee on Commerce and Finance at the same time as the legislation now being considered. I recognize the importance of those matters and that is why we wanted to go to the Rules Committee to ask for a rule, in order to give anyone who wanted to a chance to offer an amendment or have a discussion. That is why I discussed those questions in the beginning of my remarks. We did go before the Rules Committee and asked for a rule.

Mr. GROSS. I am glad the Rules Committee gave this bill a rule.

The Rules Committee had before it yesterday a bill which would have given to the House the power to authorize certain moneys for the postal operation or in other words would have given the Post Office and Civil Service Committee needed authority to look into the affairs of the Postal Service. That rule was defeated in the Rules Committee by a vote of 6 to 5, as I understand it, despite the fact that the bill came out of the Post Office and Civil Service Committee by a vote of 22 to 1, with bipartisan support. I have never heard of the Rules Committee refusing to grant a rule on a bill coming from a committee of 26 members with bipartisan support, and approved by a vote of 22 to 1. That bill might well have been before the House today.

It is in my opinion, highly necessary to the return of proper mail service in this country. But, it was waylaid in the committee yesterday.

Mr. Chairman, I hope the Committee on Rules will approve consideration of that bill next week, but for the present, I suppose we will wind up consideration of this bill immediately. Then the decks will be cleared for the members to take off on their junket to New York or to Europe for a long weekend.

Again, I say this is a sad commentary on the legislative process.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I commend the gentleman for his contribution.

I would just like to say again that in our committee we do try to give everyone a chance to be heard, if possible, and to take as few bills under suspensions as possible in order to give them an opportunity to talk.

As I said, one of the reasons was that this bill originally was quite different than it is now. I thought personally that it would be wise to bring it up so that if there was a misunderstanding, it could be discussed. I think the explanation which I gave to start with was sufficient. Some of the members are not here who I thought would probably want to talk about it, so evidently they do not.

Mr. GROSS. Mr. Chairman, I neglected to say, and I think I should say to the few members who are on the floor of the House at this time, that apparently the administration opposes the bill to give the House of Representatives any real authority over the operation of the postal service, and the Republican leadership in the House apparently opposes a rule and legislation to that end.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Fulton, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5777) to protect hobbyists against the reproduction or manufacture of certain imitation hobby items and to provide additional protections for American hobbyists, pursuant to House Resolution 390, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The electronic voting device apparently is not operating properly.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 382, nays 7, not voting 44, as follows:

[Roll No. 148]

YEAS—382

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins
Conable
Conlan
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Dennis
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, Md.
Lott
Lujan
McClory
McCollister
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Mills, Md.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—7

Crane
Henderson
Landgrebe
Milford
Rose
Steiger, Ariz.
Symms

NOT VOTING—44

Alexander
Arends
Badillo
Barrett
Biaggi
Blatnik
Camp
Carter
Collier
Cotter
Davis, Ga.
Dellenback
Denholm
Dickinson
Evins, Tenn.
Giaimo
Green, Oreg.
Green, Pa.
Hays
Hébert
Howard
Johnson, Colo.
King
Kluczynski
Landrum
Long, La.
McCloskey
McCormack
Madden
Mills, Ark.
Nix
O'Brien
Pepper
Price, Tex.
Riegle
Robison, N.Y.
Rooney, N.Y.
Roy
Sandman
Stubblefield
Teague, Tex.
Waldie
Wilson,
Charles, Tex.
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Arends.
Mr. Teague of Texas with Mr. Carter.
Mr. Charles H. Wilson of California with Mr. Badillo.
Mr. Blatnik with Mr. Camp.
Mr. Evins of Tennessee with Mr. Dickinson.
Mr. Green of Pennsylvania with Mr. Price of Texas.
Mr. Hays with Mr. Robison.
Mr. Hébert with Mr. O'Brien.
Mr. Howard with Mr. Dellenback.
Mr. Nix with Mr. Riegle.
Mr. Barrett with Mr. Sandman.
Mr. Kluczynski with Mr. Collier.
Mr. Long of Louisiana with Mr. Biaggi.
Mr. Waldie with Mr. McCloskey.
Mr. Madden with Mr. King.
Mr. Giaimo with Mr. Pepper.
Mrs. Green of Oregon with Mr. Mills of Arkansas.
Mr. Alexander with Mr. Landrum.
Mr. McCormack with Mr. Cotter.
Mr. Denholm with Mr. Stubblefield.
Mr. Roy with Mr. Davis of Georgia.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture."

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed (H.R. 5777).

The SPEAKER pro tempore (Mr. McFall). Is there objection to the request of the gentleman from California?

There was no objection.

## PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE CERTAIN REPORTS

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Wednesday, May 16, 1973, to file the reports on H.R. 6717, to amend section 210 of the Flood Control Act of 1968 relating to user fees, as amended; H.R. 5857, to amend the National Visitor Center Facilities Act of 1968, and for other purposes, as amended; H.R. 6330, to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia, as amended; H.R. 5858, authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, as amended; and H.R. 6830, to amend Public Law 90–553 authorizing an additional appropriation for an International Center for Foreign Chanceries.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. Gray)?

Mr. GROSS. Mr. Speaker, reserving the right to object, have all these bills been cleared by the minority?

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. I thank the gentleman for yielding. Yes, I spoke to the minority leader, Mr. Gerald R. Ford, and also to the ranking Republican member, the gentleman from New York (Mr. Grover).

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## EQUAL RIGHTS AMENDMENT

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, 2 days ago, in the case of Frontiero against Richardson, the Supreme Court struck down provisions of Federal law that discriminated between male and female members of the Armed Forces. A male member of the military has been—and still is—automatically entitled to medical benefits and a quarters allowance for his wife. But until now, to receive the same benefits and allowance for her husband, a female member of the military had to prove that he was in fact dependent on her. On Monday the Supreme Court ruled that this dependency requirement, imposed on female members alone, violated the Constitution.

I would like to express undying gratitude to, and admiration for the legal ability of, the four Justices who held that—

> Classifications based upon sex, like classifications based upon race . . . are inherently suspect and must therefore be subjected to close judicial scrutiny.

If this doctrine prevails we will be treated as least as well as those who are discriminated against on account of race.

And I would like to ask: What are the other Justices waiting for? Three Justices used the proposed equal rights amendment as an excuse for avoiding the question of whether sex is an inherently suspect classification. Are they waiting for the people to vote on how to interpret the Constitution? Part of the argument against equal rights has been that the Constitution covers women.

As I said before this House on August 10, 1970, "There never was a time when decisions of the Supreme Court could not have done everything we ask today." Ever since 1868, when the 14th amendment was added to the Constitution, its guarantee of equal protection could have been interpreted to protect women against discrimination because of sex. And it should have been interpreted in this way. But it has not been.

The judgment of the Supreme Court in Frontiero against Richardson is a clear bell ringing in quiet air. It is a summons to legislatures to step into the 20th century. Women should not have to bear the burden of bringing case after case to obtain constitutional protection against sex discrimination, but they are willing to do so. Women's legal defense funds are being set up throughout the country, and the hardest and toughest cases will come before the courts. Already cases are pending before the Supreme Court.

Are the legislatures of this country going to sit back and wait for the Supreme Court to write the law? Legislating is the business of legislatures. The U.S. Congress and 30 State legislatures have approved the equal rights amendment. I urge the remaining State legislatures to act now, to provide for equality of rights under the law without regard to sex, to ratify the equal rights amendment, and to amend their laws at once.

## SKYLAB

(Mr. FUQUA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FUQUA. Mr. Speaker, as the Members of the House are undoubtedly aware from media reports, America's first experimental space station, Skylab, has encountered difficulties following its liftoff Monday from Cape Kennedy. I returned yesterday from Cape Kennedy and I believe the House would be interested in a status report on the situation as I understand it.

The problem is twofold: First, high temperatures in the orbital workshop, and second, a lack of power generation from the workshop solar arrays. The current thinking is that a piece of shielding from the rear of the workshop was torn loose during the launch phase. This shielding serves the purpose of protecting against small meteoroid punctures and is painted to give thermal protection to the workshop. Furthermore, a set of panels located near the shielding and used to collect solar energy has failed to properly deploy. The original cause of the failure is, as yet, unknown. The launch of the astronauts scheduled for Tuesday, May 15, 1973, was postponed in order to study the data in an attempt to fully understand the problems. My conversations with the NASA Administrator, Dr. James C. Fletcher, indicate that the launch of the astronauts may now take place this coming Saturday, May 19, 1973.

While the situation is serious and will cause curtailment of some experiments, there is every reason to believe that the NASA/industry expertise will result in a redefined flight plan that will allow the successful manned visit of the Skylab. Planning options beyond the first visit are being laid out and will undoubtedly hinge on the condition that the astronauts find the Skylab thermal system and solar panels in when they get up there, hopefully on Sunday.

In the meantime, I can assure you that the people involved in these critical decisions are working at the limit of their capabilities to optimize the scientific, medical, and engineering returns from this very important Skylab program.

I would like at this time to include in the RECORD a more detailed status report from NASA:

### SKYLAB

The Skylab space station was launched Monday, May 14, 1973 at 1:30 p.m. EDT from the Kennedy Space Center into a near nominal orbit of 236 nautical mile altitude. Post launch examination of telemetry data indicated that a structural problem occurred 63 seconds into the flight, near the time of maximum aerodynamic pressure. This structural problem apparently caused the micrometeoroid shield to deploy prematurely and possibly to be carried away. It also apparently prevented unfolding of the large electric power producing solar panels on the sides of the Skylab. Following vehicle orbital insertion the aerodynamic nose cone enclosure was jettisoned and the Apollo Telescope Mount was rotated to its normal on-orbit position. The Apollo Telescope Mount solar array system was extended normally and electrical power was provided by this system as expected. The net resulting power available to Skylab is about one-half of that expected and alternate modes of operation from those initially planned will be required. Systems analyses are underway to determine mission alternatives. The apparent failure of the meteoroid shield also resulted in higher than normal temperatures of the Orbital Workshop portion of the Skylab external surfaces and interior. Analyses are underway to see if these temperatures are acceptable for habitation or if alternate means can be devised to restore more normal temperature operation. Problems of lesser concern have occurred with the attitude control system but these appear under control.

It was decided to defer the manned Skylab 2 launch by at least five days, to no earlier than May 20 at 11:00 a.m. EDT, in order to replan the mission to this lower power level and to assess fully the status of the other Skylab systems which could have been affected by this apparent failure.

Crew procedures are being reviewed and revisions are being prepared where necessary to facilitate the activation of the vehicle with the presently known deficiencies. In the event that new or additional actions are required, procedures will be developed and the necessary crew training will be performed prior to Skylab 2 liftoff.

No new information has been uncovered which reveals the cause of the failure of the micrometeoroid shield during launch and the apparent subsequent fouling of the workshop solar arrays. The data continue to be analyzed by the engineering team. The data are somewhat incomplete in real time since some of the events occurred between station passes and the taped telemetry data must be dumped at a ground station, processed and then analyzed.

The analysis of the thermal and electrical systems effects continues on an intensive basis. The Apollo Telescope Mount solar arrays continue to work propertly and there is no significant change in the status of the workshop solar panels. They are still in a partially extended position with no new estimate of the extent of their deployment. The thermal condition of the spacecraft is more troublesome than had been initially anticipated. However, the situation has stabilized. The meteoroid shield, in addition to providing a protection against small punctures, was painted in such a manner to provide a temperature balance in the spacecraft and on the external skin. The two effects have been found to have contradictory mission requirements; i.e., to maximize the electrical power available it is desirable to point the solar arrays at the sun constantly. However, this causes the skin of the new unprotected Orbital Workshop to heat up excessively. Engineering evaluation and computer analysis is currently underway to find an optimum combination of solar-oriented and non-solar-oriented orbits.

The flight support teams at the Johnson Space Center and the Marshall Space Flight Center are continuing in their task of trying to develop an optimum flight plan for Skylab 2. Obviously, the experiment activity which will be possible depends upon the resolution of the electrical and thermal questions.

These resolutions are expected prior to the possible launch of Skylab 2 on Sunday, May 20, 1973. Preparations at the Kennedy Space Center for a launch at approximately 11:00 a.m. on Sunday, May 20, are proceeding. By Saturday afternoon, a fuller understanding of the technical situation will be available and a decision to launch or not to launch will be made at that time.

## DEATH OF MAJ. GEN. JAMES L. PRICE

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I take this time to, with profound regret, advise of the death of a truly great American, one who has served our Military Establishment for 32 years with great merit. I refer to Air Force Maj. Gen. James L. Price, who met with death yesterday while piloting his F–106 aircraft.

Major General Price was presently Commander of the 21st NORAD Division headquartered at Hancock Field, Syracuse, N.Y., which is in my congressional district.

Mr. Speaker, certainly America has lost one of its greatest sons. His dedication to the service of this great Nation throughout these 32 years has earned for him the gratitude of every American. I express my profound sympathy to his wife and children.

The newspaper clipping follows:

### GENERAL PRICE DIES IN F–106 EXPLOSION 18 MILES OUT OF GRIFFISS

(By Robert Andrews)

Air Force Maj. Gen. James L. Price was killed yesterday when his F–106 plane turned into a "ball of fire" shortly after it was struck by lightning moments after taking off from Griffiss Air Force Base, Rome.

There were indications the fighter-interceptor disintegrated in mid-air.

Gen. Price, with 32 years of service in the military, was comamnder of the 21st NORAD Region Air Division at Hancock Field.

His plane took off about 2:21 p.m. into stormy skies, according to officials at Griffiss.

A pilot in a companion plane, Lt. Col. Jacques Suzanne, reported seeing lightning strike Price's plane just before it went down.

Both pilots were on a routine training mission, required to maintain flight status.

A woman called Air Force officials from the base hospital and said she had seen a plane "explode in the air like a ball of fire."

Officials at Griffiss said that, although lightning struck the plane just before it went down, the lightning may not have caused the crash.

"These are all-weather craft" said a spokesman. "They are struck by lightning all the time. The cause is under investigation."

Wreckage of the plane was scattered over a desolate wooded area near Holland Patent, about 18 miles from the base.

A wheel from the plane was found a quarter mile away from the site of the crash.

Griffiss officials said they lost radar contact with the general's plane on take-off. Verbal contact was lost four minutes later, they said.

Cause of the accident will be investigated by a board of Air Force officials.

Gen. Price assumed command of the 21st NORAD Region-Air Division at Hancock in February, 1972.

Born in Hornersville, Mo., the 52-year-old general entered the Army Air Corps in 1940.

During World War II, Gen. Price was a pilot and operations officer in the European Theater.

In September, 1948, he was assigned to Germany. During his German tour, Gen. Price was a flight commander in the Berlin Airlift.

From 1949 to October, 1951, he served in Germany with the 36th Fighter Bomber Group. Then followed his first assignment with the Aerospace Defense Command as an assistant operations officer and later wing commander for the 33rd Fighter Interceptor Wing, Otis Air Force Base, Mass.

He served at several other bases in the United States; as commander of the 41st Fighter Interceptor Wing, Guam, and as assistant chief of plans and programs with the 13th Air Force, Taiwan.

Gen. Price served in Vietnam as commander of the 505th Tactical Control Group in 1967.

He arrived in Panama City, Fla., in January, 1968, as vice commander of Tyndall Air Force Base's Air Defense Weapons Center, becoming its commander in June of that year.

In 1952, the general attended the University of Maryland. He received a master's degree in business administration from Syracuse University in 1957.

His decorations include the Silver Star, Legion of Merit with two oak leaf clusters, Distinguished Flying Cross, and Air Medal with four oak leaf clusters.

Surviving are his wife, Mrs. Ellen Mae Harris Price; a son, James L. Price, at the Air Force Academy in Colorado; and two daughters, Jean Ann and Margaret Lee.

Arrangements for services will be announced.

## PRAYERS FOR EXILED PEOPLE

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, as we approach Cuban Independence Day, I wish to share with the House a moving and inspiring prayer for the restoration of Cuban freedom and independence by a distinguished and dedicated Cuban, Dr. Manolo Reyes, now an eminent television reporter of channel 4 in Miami, who also nobly serves America.

The prayer follows:

Almighty God, we humbly come before Thee to thank You for the constant Grace You shed over all Your children.

We ask of You, especially, Your divine help for the 7 million brothers that are living today in the martyred island of Cuba, under the communist tyranny. And also, for the one million fellow country men who have been forced into exile. All of them together form a single country, they are Cubans anxious for liberty and peace, so once again the

Cuban family can be together and through You work for future generations.

Today on May 20th, we commemorate once more another anniversary of Cuba's independence won in the year 1902. To gain that freedom both Cubans and Americans spilled their blood on Cuban soil. And today, that freedom has been denied to us by international communism and for more than 14 years our country has been under the darkest clouds.

We appeal to Your divine charity; so that the storm will subside. Open Your Divine Arms, Builder of the World, to our country, and give us the light of freedom.

Bless the President of the United States, his Cabinet, the Senate, the House of Representatives and this great American nation as all of them have taken us in with a true spirit of brotherhood at the moment when we needed it most.

Strengthen every day the character of those that all over the world pursue the defense of human rights, especially those of our brothers imprisoned in our country.

And when the day comes and Cuba breaks off the red chains of communism, make our nation more united to you—and to this nation and to the rest of the world so it can be the torch and the road to follow—as the first nation in the world—freed from communism. Amen.

## SENATOR CHILES ADDRESSES CENTER FOR INTER-AMERICAN RELATIONS

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, Florida's Senator, LAWTON CHILES, in scarcely 2 years has emerged as one of Congress most thoughtful spokesman on U.S. policy toward Latin America. He has devoted to the task of learning about our neighbors in this hemisphere the same kind of energy, strenuous effort and perseverance that won him election to the Senate. We in Florida are immensely proud of him. As one long interested in Latin America, I am especially pleased that he has chosen to invest so much time and effort in the affairs of this hemisphere. I can think of no more important area to which he could devote his attention.

On April 12, Senator CHILES addressed a special meeting of New York's Center for Inter-American Relations here in Washington. I was privileged to be present at the meeting and to hear his eloquent call for a coherent, meaningful U.S. hemisphere policy. Because of the importance of Senator CHILES' remarks, I want to call them to the attention of all those in the House interested in Latin America:

### IT'S TIME TO FISH OR CUT BAIT WITH LATIN AMERICA

(By Senator LAWTON CHILES, Before Center for Inter-American Relations, Apr. 12, 1973)

With the General Assembly of the OAS meeting this week in Washington, I would like to raise some issues for general consideration. There are some events which have occurred in the last several months which give a new cast to U.S.-Latin American relations and give the present moment a special importance. I think we are at a moment where we must fish or cut bait as far as our policy is concerned. During 1973 we need to decide in the Congress and in the Executive whether or not we are going to have a policy toward Latin America. We can no longer afford a non policy. It would be better for us to say "no" than to say nothing at all . . . to get out of the Inter American system, back out of our earlier commitments, and swear off being present and accounted for but with nothing to say.

Why do I say this is a special moment and a time for decision? First, the President has indicated in a news conference recently that he is thinking about a trip to Latin America. If he is doing that, we would do well to give some very real thought to what he will want to do at the other end of his travels . . . what sort of policies he would want to initiate. His traveling to Latin America will raise expectations of a renewed interest. Latin America is one area of the world where expectations of U.S. behavior have been way above what we actually have done. So nothing could be worse than to raise expectations again without delivering the goods.

My understanding is that Mr. Kissinger has called for an internal U.S. policy review of our relations with Latin America. This is a hopeful sign. When I returned from Latin America in November I appealed to the President and to Dr. Kissinger to give more attention to the area. While I don't suggest that they are following my recommendation, I am pleased that some consideration is being given in the Executive Branch to the area.

Finally, at the last meeting of the Inter-American Economic and Social Council of the OAS, Dr. Carlos Sanz de Santamaria was given a mandate to explore with other governments at the highest level desirable directions the Inter-American system might take in the field of cooperation for development. The success of the mission given Don Carlos will be directly related to how much importance he is given and how seriously the governments of the hemisphere (especially our own) attend to his efforts.

These various reviews provide us with a real opportunity to make up our mind what we want to do in Inter-American relations. I think we should seize it.

In addition to this, recent events also seem to argue that we take a long hard look at our relations in the hemisphere.

At the meeting of the OAS Inter-American Economic and Social Council meeting in Bogota in February, the United States found itself abstaining from the final resolutions of the meeting. The meeting was admittedly very badly timed. It was too early in a new Administration in Washington and Charley Meyer, who had so steadfastly served as Assistant Secretary of State for Inter-American Affairs during difficult years, had already resigned. It was his last official meeting as head of the U.S. delegation. So it was hardly the moment for the U.S. to be in a position of policy strength.

We ended up being there but not being a party to the conclusions. This weakens the whole system. Either we should have gotten the meeting put off or gone there with some ideas of our own and engaged in active negotiations to end up with some conclusions we could live with. As it was, the meeting got away from us and now the usefulness of the whole exercise can be seriously questioned. What good dces it do to have a series of "interAmerican" recommendations to which the U.S. is not a party?

We were thrown into somewhat the same position in the UN Security Council meeting held in Panama. We had to exercise our veto in order to put down a Security Council resolution regarding the Panama Canal. This was a very trying and difficult situation. The UN Security Council is hardly the place to be establishing the terms of agreement between the United States and Panama over the Canal. But again, we were alone—isolated from other nations—appearing to hold a much more negative position on the Canal than we really do.

The whole meeting was staged by Panama to pressure the U.S., which was a highly questionable tactic on their part if they really want to settle the Canal issue on reasonable terms. But the other nations went along with holding the meeting in Panama in order to try to flush out the U.S. on what its policy is toward Latin America in general. It seems to me that if our policy had been more defined and if we were more engaged in inter-American relations, we would not have gotten maneuvered into such a difficult position. There would not have been the generalized frustration for Panama to exploit to its own propaganda advantage.

On March 11th there were elections in Argentina, their first in seven years. When I was in Argentina in November, just as Peron returned, Argentines were telling me what a political genius the old man was. They said he had three tactics he used to keep on top of the political situation: confusion, secrecy, and surprise. But once he returned to Spain it looked as if the old master had blown it. It appeared that he had stayed too long in Argentina, had failed to get the Government to agree to an open public meeting of his supporters, and had divided his party by choosing his Press Secretary, Hector Campora, as his candidate. People thought that the election would be close and would go to a second round. But Peron turned out to be master of his trade and Peronism is undeniably the strongest political force in Argentina today. It is not clear what the Peronists will do in power, but it does seem that they will be highly independent and a force to be reckoned with in the hemisphere.

I was in Chile also in November just as the strike ended and as the military came into the Cabinet. Chile is in a highly delicate political and economic situation. Allende really has his hands full. His reforms have polarized the country politically and thrown the economy into a tailspin. It looked like he would be lucky if he was able to improve at all on the 36 per cent of the vote he got in winning the Presidency in 1970.

In the parliamentary elections just held on March 4th, he ended up with 43.7 per cent of the vote. This gives his government enough feeling of support and confidence so that he has been able to reshape his cabinet and remove the military.

So instead of having been weakened by the election, as many people had predicted he would be, the Allende government has been strengthened. The Chilean government will continue to be a major factor in hemispheric relations. They are very capable diplomats and will continue to play a significant role in international meetings. The Allende government will not disappear. We are going to have to deal with it as it is.

Finally, we have the grim reality of the ITT affair in Chile in the fall of 1970 which is now coming into public view in the hearings being held by Senator Church's Subcommittee on Multinational Corporations. Whatever else they may show, these hearings definitely reveal the attempt by a multinational corporation to decisively influence American foreign policy and to actively intervene in the domestic politics of another country engaged in the democratic process.

It seems evident that the efforts of the ITT simply escaped the grasp of our government's policy toward Chile and overshadowed our public policy to our great detriment in the hemisphere.

This series of events and their implications lead again to the fact that it is the hour for decision for the United States with regard to Latin America.

Now I draw several conclusions from these events. First, I see us becoming increasingly isolated in the hemisphere. The countries that are mad at us are better at getting the others to go along with them than we are at finding some kind of compromise that the majority of the countries can buy into. In my view, our isolation doesn't mean that "we don't have any friends there any more" but that we have not made enough effort to establish a basis for cooperation to address problems we all feel are worth dealing with. If we were doing this—if we were engaged in a working relationship with Latin American countries—then we wouldn't find ourselves isolated from our closest neighbors.

Second, it seems as if our relations with Latin America are completely overwhelmed by events which are beyond the scope and capacity of our present policy. Our relations with Latin America are determined more by events than by policy. We are not anticipating events but reacting to them. We cannot hope to control events in Latin America but we should be able to make it known that we will scrupulously respect democratic procedures, that we will seek to negotiate differences, and to engage in positive discussions that will lead to concrete results.

Finally, it seems that governments in Latin America are becoming more independently minded rather than less, and that we need to accept that as a reality. It makes it all the more necessary that we make some choices about what our policy will and will not be, and get on with implementing it, taking governments as they come, because the hemisphere is going to have a variety of different types of governments no matter what we do. The era of consensus in the hemisphere is over. There will be divisions and differences between countries in the region. It seems that we should simply get into this new ball game and play it out rather than standing in the middle of the field getting yelled at for doing anything.

This is the fundamental decision we must make this year: Are we going to play ball or are we not? If we are going to play in the same game and on the same field with the Latin American nations, it seems to me that we have got to take several actions.

We must redefine our role in the Organization of American States and in the Inter-American system in general. We must decide whether or not the OAS is the appropriate forum for us to discuss our economic relations with Latin America, or whether it is essentially a forum for Latin America to work out its common interests. As things are now there is a tremendous confusion of functions within the OAS, the OAS serving as an umbrella for political discussions in the General Assembly and for economic discussions in the Economic and Social Council and the CIAP. Each hamstrings the other. And there is tremendous confusion as to the roles of the OAS in relation to the Special Commission for Latin American Coordination (CECLA) on the one hand and the Economic Commission for Latin America (ECLA) on the other. There is a lot of floundering going on amongst these various institutions because no one is sure who is doing what. There are a variety of possibilities and alternatives that could be worked out. But we as a government should at least have our own game plan and know what would best serve our purposes.

We should engage ourselves, especially in the Congress, in a thorough reform of our aid program. Our people are increasingly tired of supporting "foreign aid" when it includes everything in the kitchen sink from disaster relief to military assistance to export credits. I think we should make an effort to clarify our assistance program by focusing on more specific objectives and separating programs from each other, identifying each with its own objective. For starters, I think we could—

(1) separate once and for all, economic from military assistance,

(2) concentrate our bilateral assistance on people—people in poverty, people in disaster areas, people in emergency situations. By focusing our bilateral aid on these humanitarian areas, we can be more effective than by spreading our aid over a large number of activities; we can demonstrate our concern for people in dire circumstances; and we can get more support from our own people;

(3) channel our general development assistance and loans through the international development banks making contributions proportional to the participation of other industrial countries; and

(4) see to what extent we can prudently convert military assistance to military sales, to get away from giving away arms and by this forcing countries to decide how much arms are really worth to them.

If our interests in Latin America are to be taken seriously, we must go ahead with our promise to implement a generalized scheme of tariff preferences for developing countries. In doing this I think we should insist that the Europeans dismantle their special preference arrangements with Mediterranean countries. I don't see any reason why we should give preferences to countries in the Mediterranean who are giving European exports preference over our exports in order that they might have special access to the European market. The whole idea of a generalized system is to keep the rules fair for everybody and avoid breaking world trade into blocs. If the Europeans and the Mediterranean countries are not willing to break up their cozy arrangement, I think we should exempt them from our scheme and implement the generalized system on those product areas of special interest to Latin America.

We should explore the types of credit policies used so successfully by the Japanese and the Germans in promoting their trade and business relations with developing countries. We need to keep up with these policies of our competitors. Our trade deficit is a critical problem. It would be much worse if we did not run trade surpluses with the developing world. In order to do this we need to provide the financial facilities for our exporters so developing countries can afford to increase their imports from us.

We should encourage a broader participation of industrial nations in the InterAmerican Development Bank and conduct our policy in the Board of Directors of the IDB and the World Bank so as to insure that the decision process of these international banks is truly international. If we are to channel an increasing share of our development assistance and loans through multilateral institutions we must not allow our bilateral political problems between ourselves and particular developing countries to determine loan decisions if these institutions are indeed to be multilateral. We must be especially careful not to allow investment disputes involving individual companies to affect the relationship between these development banks and the developing world, as this undermines not only the credibility of these institutions but also mars the integrity of our commitment to development relations with poorer countries.

We in the Congress need to take a careful look at the degree to which our taxpayers money should become involved in insurance programs for businesses making investments abroad. After all the difficulty and embarrassment ITT has caused us by its carrying-ons in Chile, we may end up paying ITT $94 million to reimburse them for their losses in Chile. This is just not good politics. It is a burden on the tax dollar and it gets our government involved in a dispute with a foreign government on behalf of a company which in some cases may have been involved in some very dubious dealings.

These various actions as beginning steps could have the effect of clearing the air in our relations with Latin America. They would be evidence of interest on our part in seeking a new basis for interAmerican relations. At the same time they would serve to define what we want from the various international institutions to which we belong and trim back our own programs to fit more specific and more broadly supported goals.

In closing, I would repeat what I said at the outset. Now is the time to decide whether we are going to fish or cut bait in our relations with Latin America. The non policy and the no profile is getting us nothing but isolation and rancor in our own hemisphere. It would be better for us to quit the inter-American system and swear off our earlier interest in cooperation for development than to continue to be a non-participating participant in a game we seem not to want to play. There is a role for us in the Congress—in expressing interest, arousing public concern, suggesting ideas, and in keeping a knowledgeable eye on Executive action and inaction. But the ultimate decision is for the President to make. I hope he is aware that now is the hour.

---

## CONCERNING INTRODUCTION OF TRANSITION BILL OF 1973

(Mr. COHEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COHEN. Mr. Speaker, today I am introducing a bill to assist Congressmen-elect in establishing their staffs and offices in addition to familiarizing them with the congressional process. My bill will provide minimum office facilities to freshmen Members prior to the swearing-in ceremony. Stationery, postage, staff salaries and office space would be made available to Congressmen-elect within days after their election. This bill would not convey the powers of office; it is designed to make this period of transition between election day and the 3d of January a little easier for our new Members.

Although this legislation is written very tightly, it is the concept and philosophy of it that is most important: That new Members face special problems coming into office and as a rule find their initial few weeks chaotic and frustrating. In this light, new members would welcome the advice, insight and assistance of this body. However, currently there is no mechanism of assistance or education—only time.

My bill would authorize 12.5 percent of the maximum annual amount allocated for district office space, expenses, stationery and stamps, and 5 percent of the annual salary allowance. Furthermore, each Congressman-elect would be entitled to one round trip from his district to Washington.

As I am sure you are aware, the duties of office begin practically the day after election. Mail starts to pour in; personnel must be screened and hired; a district office must be acquired and staffed. In addition, new Representatives often have to relocate their entire family in Washington. All of this contributes to a very hectic 6 weeks before the swearing-in ceremony.

There are a number of ways to finance

this bill: For example, the office allowance for the first year could be stretched to cover 13½ months and could be made available to newly elected Members as soon as the Clerk of the House certifies their election. The scope of the bill can also be enlarged by providing a professional consulting and counseling service to interested freshmen.

I am sure that most of our new Members have passed their so-called hour of crisis. However, in less than 2 years a new freshman class will again face those difficult and trying first weeks. I hope that the senior Members of this body will consider the implications of this legislation and feel free to offer suggestions. I have been told by the Legislative Council that my bill is the first of its kind and in that sense quite unique.

---

## "MO" UDALL MAKES SENSE ON ENERGY

(Mr. PIKE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PIKE. Mr. Speaker, those of us who work seriously at the task of keeping our constituents informed via congressional newsletters are consistently given a high standard to shoot at in those produced by our distinguished colleague from Arizona, Morris Udall. Ask anybody—colleagues, professional staff, or members of the working press—to name the 10 best newsletters put out by Members of Congress, and it is 10 to 1 that the name topping the list most often will be Mo Udall's. More than lively, interesting reading, Mo's newsletters are so crammed with factual, useful information that all by themselves they constitute a liberal education.

The current one dealing with the "energy crisis" is a good case in point. Most of us are so awash now in tons of information and misinformation on this problem that we have real difficulty sorting fiction from fact. Mo Udall's concise, clear coverage of the issues in this complex problem come as close to doing this as anyone is likely to achieve in the space of four action-packed pages. They deserve to reach the widest possible audience and in furtherance of that goal I herewith introduce them into the Record:

### The Energy Binge Is Over

"At this moment in history we need to realize that: bigger is not better; slower may be faster; less may well mean more." Stewart L. Udall (1967) "Man . . . An Endangered Species."

President Kennedy, reeling in early 1961 from a series of disastrous setbacks, including the Bay of Pigs, was heard to remark: "all the chickens are coming home to roost, and we appear to have moved right into the chicken coop." A whole new flock came home during this 1972–73 winter, and here are some examples:

An 18-month attack in the international market left that worldwide symbol of value and stability—the U.S. dollar—minus 30% of its purchasing power in foreign countries.

A confident President, seeing light at the end of the tunnel, released the economy from the straightjacket of controls only to find, instead of light, another tunnel. Inflation is running amok and could reach the incredible total of 7% this year alone.

Several Midwest states shivered through the months of January and February without sufficient heating oil for homes and even some hospitals. Ultimate disaster was avoided by a fortuitous turn of nature—a mild winter.

Coal, a sick industry for decades, found itself booming amidst heightened demand for energy supplies. At the same time, residents of Appalachia and conservationists came before the Congress demanding a ban on coal strip mining which has left a legacy of sagging mountains, gouged countryside, and polluted streams in some of the poorest states of the union.

You could argue that these four items are entirely unrelated, but you'd be dead wrong. For each is a symptom and outgrowth of something called "the energy crisis"—a crisis whose implications don't begin and end at the gas station or furnace, but rather include the gyrations of the European gold markets, the stability of prices at home, and the quality of our land, air and water. It's something we'll be living with for a long time to come and unless I'm badly mistaken, it's going to drastically disrupt and change our lives.

That fantastic machine, the U.S. trillion dollar economy, and America's unprecedented living standard have largely been built on energy from oil, gas, and coal. These "fossil fuels" heat our homes, cook our food, run our factories, mills and railroads. They gave us the auto age and the space age. For decades we have been led to believe that supplies of these fuels would last almost indefinitely at low cost.

Working on that assumption, national policy since World War II has discouraged imports of foreign oil so that production of our own "unlimited" reserves would not be stifled. In the 30 years we were locked into that policy, our country's population burgeoned by some 60 million—as though we had immigrated all of Mexico—and each American increased his energy intake by *three* times.

It is now clear that our assumptions were wrong, that we have in fact been on an energy binge, and, that the hangover could have a protracted and painful impact on the "American way of life." A few statistics shape the dimensions of the trouble:

Americans, 6% of the people on this planet, last year consumed 40% of all the energy used in the entire world.

Since 1950, a time when we led the world in wealth and energy consumption, we have doubled our intake, tripled our electrical demands and our appetite is continuing to grow.

But by 1970, our production of energy supplies, chiefly gas and oil, began to peak out so that now we are using more gas than we find and more oil than we refine.

If energy demand were to level off today, the story would be alarming enough; but every study and projection tells of an even more frightening future. The boys at Reddy Kilowatt are talking about doubling present output by 1980—quadrupling it by 1990. This year alone we'll have to find new energy for the 11,000,000 gas burning autos Detroit will produce and the 2,500,000 new homes constructed by the housing industry.

All of this will be happening in America, but we aren't the whole story. There are the undeveloped countries with rising expectations, the exploding Common Market, the inventive and ambitious Japanese, the Chinese looking for new trade relationships, and the development-minded Russians—all of whom will be looking for more gas, oil, and coal, and some of it from the same markets we will seek to tap.

And when they compete with us it will be with fire in their eyes because they will know:

Much of the world's precious oil reserve is spent moving big American cars, sometimes three to a family, currently accounting for 48% of the world's autos and 55% of all the gas consumed;

Old friends like the British and Germans are getting along with a lot less energy, approximately half as much per capita, and their standards-of-living aren't so bad;

The lion's share of the additional energy demanded by Americans will be for uses others view as outrageous luxuries like air conditioning, for which 210 million Americans consume as much energy as 800 million Chinese use for every purpose.

One additional piece of the foreboding energy puzzle is this: most of the world's remaining known petroleum reserves lie in the nations of the Mideast whose current demeanor towards the United States is less friendly than to many of our major energy competitors.

Most of us were asleep at the switch (at least the OFF switch!!) when all this happened and we're in for some tough adjustments. The Midwest oil shortage in a mild 1972 winter was not a one-shot accident but rather, in all probability, a minor preview of the years just ahead. For unless I miss my guess, gasoline shortages and electrical blackouts will be our regular companions for the rest of the 1970's. These events, and the hard statistics I have cited, demand that we confront the "energy crisis" and devise a conservative, responsible strategy to bring our energy budget into balance in ways that are environmentally sound.

### SOME NON-SOLUTIONS

Everyone in Washington has opinions on, and solutions for, the energy crisis. Two of them, the centerpieces of the President's recent Energy Message, I find highly questionable, and, when tied together as an exclusive package, totally unacceptable. They are non-solutions.

The first is to simply buy more oil from the Arabs. It won't work. The United States has been the world's greatest trader and producer of modern times. But in 1971 we sold fewer goods abroad than we bought—the first time that happened since 1892. One big reason: we paid out $7 billion for foreign oil, a sum which almost exactly matched our trade deficit, itself a major culprit of inflation at home. Analysts claim that our 1971–72 dollar devaluations were in no small part due to the large dollar balances in the hands of oil-producing countries and were used to make a "run" on U.S. currency in international markets.

If we accept unbridled consumer demand for energy as a fact of life, we can count on buying $14 billion of Mideast oil by 1975 and some $30 billion a year by 1980. What will these kinds of purchases do to the dollar and where will we find the American exports to pay or them?

But if the economic implications of such a dependency are worrisome, the political considerations are downright frightening. How would it affect our commitment to Israel? Even if a political solution were found to current Mideast divisions, could we really plan on a constant supply of energy transfusions from countries whose policies can be reversed on a day's notice by a coup-de-etat or by a shiek who turns unfriendly?

A second non-solution is the all-out dig-dam-drill approach. As blackouts and gas station shortages begin to hit more and more we'll hear advice whose effect, though tucked into nice euphemisms, will be this: forget all environmental and health considerations and get on with strip mining for coal, both on private and scenic public lands of the West. After all, coal is cheap and accessible. We'll also be advised to get more gas and oil by drilling from the fishing waters of Maine to the beaches of North Carolina and off the coast of California. And before this chorus has ended, there will be persuasive arguments for building hydroelectric dams on every last river site, including two in the Grand Canyon.

For a few years we'll have no choice but to buy some Mideast oil. And there is some digging and drilling we should and can do without environmental damage. But neither solution is tolerable in the long run. For sooner or later (20-60 years depending on how pessimistic you are) mankind is out of gas and oil. In a few centuries or less, you can scratch coal.

The harsh truth is that eventually, if civilization is to remain on this planet, we need permanent, renewable, clean, large-scale energy sources that, like the windmill or the old waterwheel, *consume nothing and pollute nothing*. We have some cushions that will let us overdraw our energy bank account for a time, but we should aim right now at a balanced energy budget before the year 2000.

The question is how do we do it? Part of the answer lies in the experience of the 1960's when America spent $25 billion for a crash program that harnessed the brains and enthusiasm of the scientific community and put a man on the moon. We desperately need, right now, that kind of program for energy research and development, and we ought to give it that kind of money and that sense of urgency. Like the space program, it will need to integrate both short and long term goals with special task forces for the many elements and technologies involved.

### NEXT YEAR AND THE NEXT CENTURY

While we search for long-range solutions, we can buy time in several ways. First, we should zero in on the incredible and wasteful way we use our fossil fuels. Even assuming—as I do not—that every kilowatt burned and every auto mile traveled is essential, we could find ways to provide those same kilowatts and miles with far less gas, oil, and coal:

Conventional electric power stations extract only 30% of the potential energy in each unit of coal or oil they burn. We can make substantial improvements here and have more electricity from the same quantity of fuel.

I think we have too many home appliances. But without reducing the number, we can better design appliances to do the same work using far less current.

We waste immense quantities of heat and light in our homes, offices and factories. We can have nearly the same levels of comfort if we will design and insulate buildings and heating and cooling machinery to operate in less wasteful ways.

Coal requires great energy to transport, and it is the worst polluter when it burns. With a crash development program, we can perfect promising new processes which may enable us to turn coal into pipeline gas, solving both problems at one stroke.

This short-range program, plus the energy conservation efforts discussed later, will help buy time. And time we need, for it may take two decades to prove out the permanent power sources needed for the long haul. Legislation now pending, and a new bill I will offer, will create government-industry development corporations (along the lines of the Communications Satellite Corporation) to go to work on all of these possibilities:

The Fast Breeder Nuclear Reactor. We are running out of nuclear fuel, uranium, but the breeder reactor creates more nuclear fuel than it burns. The Nixon Administration is already fully committed to its development. However, there are serious health, safety, and environmental hazards that have yet to be solved.

Nuclear fusion. This is a much more complicated and, hence, dubious source of electricity directly converted from atomic energy. It is held out by respected scientists as the ultimate answer, with none of the environmental demerits of the breeder, but it is in the embryonic stage and its mysteries may not be worked out for decades, if ever.

Geothermal power. This is the heat of the earth (which) man has always seen in volcanoes and geysers. In Mexico this year I saw an operating geothermal electric plant with one-third the power of Hoover Dam. The U.S. is far behind in this technology.

Ocean tides and currents. There is power there if we can learn to harness it. The windmill is the cleanest form of mass-produced energy ever known to man; like methods lending themselves to more dependable and universal use must be pursued.

Solar energy. Harnessing and transmitting the heat of the sun into everyday energy production by using massive reflectors and other devices. A brilliant husband and wife team at the University of Arizona has provided world leadership in solar power research and technology.

Long shots. While we're at it, we ought to look at every other possible lead. One German scientist makes an impressive case for large, 400-foot high windmill farms as a supplement to other power systems.

### NEW HABITS, NEW ATTITUDES

These programs will take time. But while the scientists and engineers are at work, there are things we can do right now in 1973. They involve new attitudes and habits of energy thrift and conservation. For the fact is Americans have been energy glutton champions. The fact is the age of cheap energy is past. The fact is we could keep most of the comforts and conveniences of our present high living standards and "the American way of life" and still cut home and personal energy consumption by one-third. Such an energy diet would be good for us all; let's take a look at some items on this regimen:

Higher gasoline prices and/or rationing are just over the horizon. We could help head them off by cutting back on our extravagant use of the motor vehicle. Does your family really need that third car, the new snowmobile, or motor home? Can you cut your monthly driving miles by 15–25%?

I believe we can get commuters out of cars and into mass transit or car pools or neighborhood bus pools, if we just put our minds to the job. Government can give this effort a big boost by opening up the Highway Trust Fund to help cities pay for subways, new buses and so on. The Senate approved such a plan this year, but once again the House, construction and automobile interests, turned it down.

We have to find ways to encourage commuters to live in, or closer to, the places where they work, and we have to discourage urban sprawl. The kind of national land use planning legislation I have long sponsored may finally be approved by the Congress this year, and it will be a good first step.

But while we are cutting down on auto miles, we have to recognize that under the best of circumstances, our living patterns will always require millions of private autos for point-to-point travel. Thus we must insist on government policies which encourage *smaller cars with smaller engines* so that we can get more passenger miles out of the same amount of gas.

Public attitudes and lifestyles are affected by our friends in communications and advertising. With industry and government, they did their part to get us into this mess and they can help get us out. The electric industry should spread the message of energy thrift with the same vigor they taught us energy gluttony.

Things like turning down the thermostat by 5 degrees in the winter and up 5 in the summer, buying smaller cars and fewer gadgets aren't all that wrenching or dramatic sacrifices. But if each of us takes some of these kinds of steps so that personal per capita energy consumption declines by one-third, we'd jointly be striking a blow for a sounder dollar, a cleaner environment, and a stronger, self-sufficient America. And lest we pity ourselves, we should know that even on the 30% energy diet, we'll be using one and one-half as much energy as we consumed in 1950, and nearly twice what the average Frenchman uses today.

In this energy conservation effort, government leadership can play a crucial role. President Nixon has suggested a new office of energy conservation to spark voluntary programs in the private sector and, more importantly, coordinate and direct the efforts of the disparate and far-reaching federal government, the most gluttonous energy user of them all. We need a hard-boiled energy conservationist leading this office who will show us the way toward:

Requiring the kind of insulation and heating and cooling units in new homes that are efficient in saving energy.

Informing Americans on what appliances burn what quantities of electricity, and placing stiff luxury taxes on the wasteful ones.

Making war on loud, garrish neon signs. They contribute nothing to our country and they burn enough energy to bring on some shortages we can avoid.

Reforming our cockeyed electrical rate structures, a crazy system that rewards waste. If my home and your home are the same size and I burn twice as much electricity, the local utility company will penalize your thrift and reward my extravagance. The same is true of industry. Rate structures now decrease charges as use goes up—it ought to be the reverse.

While Congress and the American people begin to live and cope with the energy crisis in the months and years ahead, we will come across at least two traps I hope we'll avoid.

1. I've spoken and written much about another crisis: the environment. There'll be temptations to retreat from our commitment to clean water and air, temptations to dam wild rivers, and desecrate wilderness and national parks. Some nondamaging tradeoffs may be necessary, but when the tough decisions come, the environment cannot be sold out. If we are sensible, we can both balance the energy budget and make our peace with nature's eternal laws.

2. These thirty golden years of the energy age have been fabulous ones for those of us lucky enough to have shared the burgeoning middle and upper income wealth of this historic time. As we shift to a period marked more by energy scarcity, we should avoid the temptation of lecturing our less fortunate countrymen and those in poorer lands about the virtues of poverty, and the psychic damage of too many autos and air conditioners. The needs of those at the bottom of the economic ladder ought to come first.

I'm struck, as I come to the end, at the perhaps too pessimistic tone of this report. I do hold very deep concerns about the dimensions of the approaching crisis. But I learned long ago not to sell Americans short. As a people, we've faced many discouraging times and somehow we always get through them stronger and wiser. So, I hope we'll get up and get going. One of my old coaches had a saying that seems appropriate for all of us today: "When the going gets tough, the tough get going."

## APPOINTMENT OF A SPECIAL PROSECUTOR

(Mr. OWENS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OWENS. Mr. Speaker, I am today introducing a bill which would provide that on the motion of any person a district court judge, if he believes the interests of justice so require, may appoint a special prosecutor to investigate and prosecute cases where present or former employees of the executive branch have allegedly committed offenses aginst the United States or where there may be a conflict of interest involving the regular prosecutor. Such a special prosecutor would have all the authority to investigate and prosecute normally exercised by the U.S. attorney. Moreover, he would be truly independent of the executive branch. He could only be removed by the court and would not be subject to supervision by the Attorney General, the President, or any other official of the executive branch. I insert at this point in the RECORD the text of the bill:

H.R. —

A bill to amend title 28 of the United States Code to provide for the appointment of special prosecutors in certain cases

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title 28 of the United States Code is amended—

(1) by adding at the end of chapter 121 the following new section:

"§ 1875. Special prosecutors in certain cases.

"On the motion of any person, a District Court which has ordered or called a grand jury may, in cases where present or former employees of the Executive Branch have allegedly committed offenses against the United States or where there may be a conflict of interest involving those normally charged with investigating and prosecuting offenses against the United States, appoint a special prosecutor to investigate and prosecute such cases if the court finds that the interests of justice so require. In cases arising under this section, such prosecutor shall have all authority normally vested in the United States Attorney, but such prosecutor may be removed only by the court and shall not be subject to supervision by any officer of the Executive Branch. Such prosecutor shall be compensated at the rate of ---------- and, with the approval of the court, may appoint such staff, who shall be compensated at the rate of not more than ----------, as may be necessary to assist him in the performance of his duties under this section.

(2) by adding at the end of the table of sections of chapter 121 the following new item:

"1875. Special prosecutors in certain cases.".

I need not repeat the familiar reasons of why the appointment of a special prosecutor from outside the executive branch is absolutely essential in order to restore the faith of the American people in the integrity of their Government. Even the President now seems to understand that. The bill I am introducing today is intended to look beyond Watergate and to reduce the likelihood of future coverups.

In the Watergate case or any other future case of alleged wrongdoing by Government officials, it should not be solely up to the discretion of the President or his Attorney General—who themselves may be the source of the conflicting interests—to decide whether or not a special prosecutor is to be appointed. The conflicts inherent in having the President or his Attorney General be the only ones who decide whether to appoint a special prosecutor are no different from the inherent conflict of an administration investigating and prosecuting itself.

The law is presently unclear as to whether a Federal judge has the power to appoint a special prosecutor without the authority that this bill would grant. Some States have statutes which authorize a court to make such an appointment when the regular prosecutor is disqualified because of "interest" in the outcome; and some State courts have held that even without statutory authority the courts have inherent power to appoint such a prosecutor. The purpose of this bill is to remove any doubt about a Federal court's authority.

In 1951, a Senator from California, named Richard M. Nixon, introduced a much broader bill which would have enabled a district judge at the request of a grand jury to appoint a special prosecutor in any case whether or not the regular prosecutor had a conflict of interest. I insert the Nixon bill at this point in the RECORD:

S. 2086

A bill to authorize in certain cases the appointment of special counsel and investigators to assist grand juries in the exercise of their powers

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the analysis of chapter 215 of title 18, United States Code, is amended by inserting immediately after item 3328, the following new item:

"3329. Powers of grand jury; special counsel and investigators; limitations on discharge; signing of certain indictments; charge."

SEC. 2. Title 18, United States Code, is further amended by inserting immediately following section 3328 a new section as follows:

"§ 3329. Powers of grand jury; special counsel and investigators; limitations on discharge; signing of certain indictments; charge

"(a) Any grand jury impaneled before a district court may inquire at the instance of the court or an attorney for the Government, or at it own instance, whether a crime cognizable by the court has been committed.

"(b) Any grand jury undertaking an inquiry upon its own initiative shall be entitled to the services of a special counsel and special investigators, not exceeding      in number, who shall be appointed by the court before which any such grand jury was impaneled with the approval and upon the request of twelve or more jurors. Any such special counsel shall be entitled to compensation at the rate of $      , and any such special investigators shall be entitled to compensation at the rate of $      , per day for each day engaged in investigating or presenting evidence in connection with such inquiry. Such compensation shall be paid by the United States marshal on the voucher of the foreman of the jury out of any funds available for the payment of fees to grand and petit jurors.

"(c) Whenever a grand jury shall give notice to the court that it wishes to undertake an inquiry, such grand jury shall not be discharged by the court prior to such time as the court shall receive notice that such inquiry has been completed. The notice provided for in this subsection shall be given in writing signed by twelve or more members of the grand jury.

"(d) Upon the completion of any inquiry undertaken by a grand jury upon its own initiative, the grand jury may prepare one or more indictments upon the concurrence of twelve or more jurors and return such indictment or indictments to the judge in open court. Any such indictment shall be signed by the foreman and by the special counsel, if one shall have been appointed pursuant to subsection (b).

"(e) The district judge, on empanelment of a grand jury, shall charge the grand jury of its rights under this section."

Senator Nixon's bill if enacted into law would have permitted the appointment of a special prosecutor in the Watergate scandal or in any other case where the grand jury felt the U.S. attorney was not investigating thoroughly enough. The bill that I am introducing today is much narrower in that it permits the appointment of a special prosecutor only in the case's interest. If Mr. Nixon as a Senator favored giving the courts the power to appoint a special prosecutor in any situation, I can see no reason why Mr. Nixon as President would object to this narrower approach.

The Attorney General-designate has indicated that he will appoint a special or supervisory prosecutor in the Watergate case and seek Senate approval of his choice. My bill would go further and provide for a completely independent prosecutor, and is, I think, worthy of Congress consideration unless the Attorney General-designate does eventually yield up supervisory authority over the special prosecutor.

If any good is to come of the deplorable mess known as the Watergate Scandal, we must act now upon the lessons learned. Next time there is a conflict of interest involving Federal prosecutors, there may not be enough public outrage to force the appointment of a special prosecutor. More importantly, the knowledge that a special prosecutor can be appointed by a court may, if not actually deterring criminal activity, deter any attempts to cover it up. The appointment of a special prosecutor in the Watergate case soon after links to the White House were established might very well have prevented the coverup that almost succeeded.

For the sake of the integrity of our system of law, I urge that provision be made to prevent future conflicts of interest from interfering with the investigation and prosecution of offenses against the United States. The trauma of the Watergate cannot bear repeating.

---

## WITHDRAWAL OF H.R. 6912, DOLLAR DEVALUATION BILL

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, as chairman of the Subcommittee on International Finance, I owe it to my colleagues to explain my action yesterday in withdrawing H.R. 6912, the dollar devaluation bill.

It is the constitutional duty of the Congress to establish the Nation's currency and to set its value. The repeated announcements by the administration declaring the congressionally-established values of the dollar to be invalid have resulted in de facto devaluations which we are asked to make legal by post hoc actions, such as provided for in H.R. 6912.

I believe that in order for us to be able to carry out our duty in maintaining the value of the dollar, it is necessary for us to know what the administration is doing that actually affects the value of the dollar. The subcommittee had asked the administration to provide certain reports which would enable us to determine what actions they were taking that impinge on the value of the dollar. The administration has refused to provide such reports on any acceptable basis and I, therefore, withdrew the bill. If and when the administration comes forward with an acceptable reporting arrangement, we will consider this matter further.

This is very important because the country once again is facing pressures—pressures which have been brought about by the ambiguous position of this administration. White House spokesmen from one wing of the Oval office have recently made statements indicating that the President might not be unwilling to devalue the dollar while, at the same time, other White House spokesmen from another wing of the Oval office, speaking in Paris yesterday, denied any intention to devalue the dollar. This confusion only fuels monetary speculation which as all of you know is growing apace once again.

I will not stand idly by while the administration flounders and by its indecision places our currency in jeopardy. Congress has a responsibility here and I intend to see that it is exercised.

---

## CONFERENCE COMMITTEE ON HIGHWAY BILL

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, the conference committee on the highway authorization bill has met in six sessions and has resolved many of the matters in controversy.

If the conference committee can simply continue with the diligence, mutual understanding, and spirit of conciliation which it already has exhibited, we should be able to agree upon terms for a regular 3-year highway authorization within a matter of a few more days.

The conference committee has made truly remarkable progress. In 4 days of sessions, it has resolved differences on 54 separate provisions in the respective bills. We have agreed on reductions in the first year's authorizations totaling some $845 million below the levels contained in the House bill, and this should commend our work for the President's approval and signature.

Compared with the pace at which our deliberations proceeded last year, we are moving on the Indianapolis Speedway.

Under the circumstances, I see no present need for considering stopgap legislation. The great need of the States is for a regular highway bill under which they can make intelligent long range plans for the next 3 years. In my opinion it would be a disservice to the States and to the national interest to delay final passage of regular highway legislation.

## THE UNITED STATES IN SPACE—OUR REMOTE SENSORS

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, this is the third in a series of expositions in which I hope to inform my fellow colleagues about the national space program.

Today, I want to talk about our program of unmanned satellites and deep space probes, with some discussion of accomplishments over the past years, the present status of the program, and the prospects for the future. I will cover the applications, planetary and deep space exploration satellites of our NASA program.

I think it proper at this point to introduce some historical perspective drawn from the legislative experience of the House and from the Committee on Science and Astronautics:

In 1958, at about the time the committee was created, the Select Committee on Astronautics and Space Exploration was deeply engaged in the formation of the basic law now known as the Space Act.

Testimony from a broad spectrum of witnesses—scientists, industrialists, educators—strongly endorsed a program that would produce a wide variety of spacecraft to investigate the phenomena of planets, stars, and the space separating them. There were many allusions to weather satellites, communication satellites, navigation satellites, and the profound benefits they would bring to millions of people. These statements produced a reaction that frankly bordered on the incredulous with no little amusement in many quarters.

The past 14 years contain all of the achievements that were promised back in 1958.

We have put to work our Tiros and Nimbus weather satellites in an operating system that is producing 24-hour coverage on a routine basis of not only the weather, but the entire earth's climatic cycles. The information we receive from these satellites is available to any nation on earth that desires it.

These satellites have saved thousands of lives and billions of dollars of property, savings that can be fully documented.

Worth the investment?

One minor incident of catastrophic potential to only a few humble farmers in Mexico comes to mind.

These people lived in the shadow of a dam which stored irrigation water vital to a rather extensive farm area. Heavy rains had filled the reservoir almost to the breaking point, and Mexican officials seriously considered releasing the water to save the village from destruction, but wiping out all the crops in the valley.

However, a query of the Nimbus satellite revealed no more rain in the offing, and the situation quickly returned to normal. Here was a real return to the benefit of many small people of low economic level.

There are many, many other incidents such as this one that could be cited.

Remember Hurricane Camille? It was discovered aborning by Nimbus which tracked it down to its final dissipation after it had wreaked tremendous destruction. But, experienced observers estimated that 20,000 to 50,000 American lives were saved as a result. Even if they were 90 percent in error, 2,000 to 5,000 lives saved makes the program worthwhile.

Various studies into the cost-savings we can expect from meteorological satellite work have produced incredibly impressive results.

The IBM Corp., a few years ago, conducted a comprehensive analysis of the benefits of more accurate weather forecasting and concluded that if weather could be accurately predicted even 3 days in advance, man could save $60 billion a year. Sixty billion, not million.

Even if this estimate is highly optimistic, we must not forget that whatever the cost-savings is, the space program has never cost more than $6 billion per year and is not only a bit over $3 billion. And this estimated $60 billion is an annual return on work in merely one field.

Furthermore, NASA's work today in this field is aimed at accurate weather forecasting not merely 3 days in advance, but 2 full weeks. We cannot begin to calculate the savings in a system with that capability.

I would also like to highlight the amazing results of NASA's work in another major field, satellite communications. To the credit of NASA's achievements today we can have a profitmaking international communication satellite network tying together over 80 countries of the world located on six continents.

Since the advent of the commercial communication satellite in 1965, we have seen an annual growth in international telephone traffic of 20 percent per year, the introduction of international real-time television transmission, and a decline in the cost of international communication by a factor of 55 percent.

About 67 percent of all international communications is now made by satellite. Because of the satellite, high-quality telephone calls can be made to more than 20 countries that cannot be reached by cable. One out of every four people on earth can now see an important event on TV as it happens, live via satellite.

Examining this impact of the communication satellite in more detail, without the satellite international television would never have been possible. The relatively low channel carrying capacity of today's undersea cables make carrying a television signal impossible. In terms of the cost impact, the investment cost per channel per year for an international telephone link has fallen from $25,000 to approximately $1,000 with the availability of the latest generation of communication satellites, the Intelsat 4 series.

The impact of the communication satellite on domestic communications is forecast to be even greater.

In 1960, Americans made 18 billion telephone calls; 10 years later Americans made 200 billion telephone calls. This country's domestic telecommunications network, consisting of 700 million miles of wire, cable, and microwave relays, unquestionably represents the finest and most sophisticated communication system in the world today. But with the advent of television and data communications, the present system has been pushed to its virtual limits in terms of being expanded by conventional means.

Clearly, the communication satellite offers this country the hope by which we can meet the communication demands of tomorrow.

Further outgrowth of this work is the promise for educating the masses of the many developing countries throughout the world. One of the most exciting programs involves the use of a NASA satellite, ATS-F, to provide instructional and educational television to the country of India.

India has received permission from NASA to use the satellite in 1974 to provide direct broadcast programing to over 5,000 villages; Indian government officials see this as only the first step in a satellite broadcasting program eventually encompassing over 500,000 separate villages.

The communication satellite offers the only means by which the masses of the developing countries of the world can be reached and taught on an accelerated basis. The satellite will offer to compress the process of world education by decades.

Another spacecraft of outstanding utility has been the navigational satellite, a series of which has been in continuous use since 1960. The satellites were first put into use by the Navy, but, increasingly, they are being employed by virtually all major commercial deep-water operators.

An example of such use is a private company specializing in drilling in very deep water, perhaps up to 20,000 feet. It is absolutely essential that the drillers know exactly what their position is before beginning to drill. Land-based loran stations do provide very accurate position data, but not as good as does the navigation satellite.

Navigation on the ocean and in the air is still a matter of series of heading adjustments which, over a course of time can amount to considerable loss of productive money. In fact, a 1-percent savings in fuel and manpower costs due to navigational improvement would save the shipping industry $150 million per year. The transit system has already shown that it can make a significant contribution in meeting this goal of reducing operating costs.

This, then, is a general summation of what has been accomplished in applications satellites that are returning real benefits to people on earth.

What about the future plans?

There are some very exciting programs already underway which will be of highly pragmatic value to people here at home and abroad.

One is the earth resources technology program. This is a satellite system that is aimed eventually at a comprehensive as well as specific survey of the earth's resources. This program began to pay off last July, when the first Earth Resources Technology Satellite—ERTS-1—was successfully put into orbit.

The results from ERTS-1 have already exceeded even the highest expectations of its backers. It has found nickel deposits in Canada and South Africa and copper ranges in Pakistan.

It has found that lakes in Brazil were as much as 20 miles away from their locations on earlier maps.

It has enabled land-use maps to be drawn for cities such as Chicago and Minneapolis, and States such as Rhode Island and Wisconsin. And those concerned about the environment, as we all should be, should note the environmental applications of ERTS.

In Chicago, Pittsburgh, Gary, and Minneapolis, ERTS has been able to identify the sources of industrial smoke by analysis of color shades. It has also pinpointed every smoke plume in the State of Virginia, including at least five which had been unidentified before the ERTS photographs. Satellites such as this promise to be a great help in cracking down on polluters.

The principal value and application of the earth resources program, which is becoming of dire importance today, is the opportunity to develop the means by which man can intelligently and effectively manage those resources upon which his survival literally depends.

From space we are now able to survey and evaluate one of the most important of man's needs today, the availability and location of water.

Preliminary ERTS data is proving to have significant hydrological implications. For instance, the mapping of fracture systems from ERTS-1 is allowing hydrologists to locate areas of potential high ground water yield. This information is being used in Pennsylvania for regional ground water resource development previously not possible. It is expected that the data will be a valuable guide in the drilling for ground water in other areas as well.

ERTS-1 imagery has proved invaluable in the rapid and more complete assessment of stream network character, vegetation cover, drainage area, and surface water features in large and/or remote regions of the world.

As an example, in a 170,000 mile region in South America, hundreds of drainage basins were inventoried, using 31 images from ERTS-1 with reference to surface water features, 36 new lakes were found. Surveys in this detail, which are of great value and importance to water resources planning and development are impossible by conventional methods.

The Department of the Interior has organized and has in operation today the earth resources observation systems—EROS—program which is producing extremely valuable data essential to the efficient management of the public lands of the United States.

The Interior Department was instrumental in establishing the characteristics of ERTS-1, the key element in the EROS program. The high resolution imagery of ERTS-1 has been immeasurably beneficial to the Department not only for building a comprehensive information base about this country's natural resources but also for emergency situations requiring a quick response. The time required to map flood inundated areas is an order of magnitude smaller than that required for aircraft surveys, and the area covered is much greater than normally covered by the aircraft survey.

We can only imagine the utility ERTS data would have had if ERTS-1 had been available to survey the progress and aftermath of Hurricane Agnes, for instance.

Perhaps even more important in terms of lives and property saved is the capability to forecast areas threatened by flood.

Again, ERTS data is far superior to anything we can obtain with aircraft. In runoff and flood forecasting, the most important variable is the amount and intensity of precipitation. In the western United States, a very large percentage of the runoff occurs as a result of snow melt.

ERTS-1 data has been used to accurately map the amounts of snow cover to within 1 percent of drainage basin area, and the elevations of snow lines to within 60 meters. The implications of this capability are staggering. We were fortunate to have a relatively mild winter this year but think of the importance of ERTS data in years with heavy snow.

In this country the Department of the Interior and other agencies are making significant progress in putting ERTS data to good use.

In other countries, too, ERTS data is proving to be extremely useful in providing an insight and knowledge of the extent of natural resources that could not otherwise be obtained. ERT's imagery has already helped identify promising locations for minerals and oil in several countries and it can be expected that even more locations will be identified as the images come under closer scrutiny.

The prospector of today is not the lonely man and his jeep in a wasteland. Today's prospector is a data specialist in an analysis center.

In addition to the hydrologist and the geologist, ERTS is proving to be a valuable and beneficial observational tool for a number of other disciplines.

It is anticipated that ERTS imagery and the more advanced earth resources experimental package—EREP—to be flown on the Skylab mission will be a great boon to agriculture. When the growing season gets underway, the ERTS and EREP sensors will inventory the different types of crops, identify diseased plants and trees, and map the various soil conditions throughout the land. These two spaceborne observation systems will continue to assess timberlands and farmlands, and will be instrumental in the planning and use of land for roads, parks, and waterways.

Cartography is still another discipline that is benefiting and will continue to benefit from remote sensing technology.

Map and chart information will in turn benefit an almost unlimited number of fields including ecology, meteorology, navigation, geology, geography, forestry, transportation, agriculture, and urban affairs. One of the keys to this broad contribution by satellite technology is simply the satellite's vantage point.

As an example, to accurately and comprehensively scan the United States by airplane and produce a single photographic composite would require a full decade. Since ERTS–1 was launched last July, it has photographed the North American Continent more than 10 times and has taken scores of pictures of every major land mass around the world.

The second area of satellite activity I will discuss briefly is the area of the planetary and exploratory programs.

Much has already been accomplished in this field. The orbiting astronomical observatory—OAO—series of unmanned satellites has revolutionized the concepts of the universe, its dimensions, its energies, and its nature. The information revealed has been so surprising to astronomers that it will take considerable time before they will be able to fully understand the impact of this data on present theories in astronomy and concepts of cosmology. The mission of OAO was to measure the electromagnetic spectrum of space, especially in the ultraviolet, that scientists would never be able to obtain from the earth because of the intervening atmosphere. As one measure of OAO's contribution, I have been told that the project in terms of man's ability to investigate the stars and the planets is equivalent in importance to the invention of the telescope.

The past 2 years have been particularly important for our planetary and exploratory programs. Mariner was put into orbit around Mars late in 1971.

The satellite successfully mapped the planet in addition to providing a wealth of data that has completely revised all previous concepts of Mars. Mariner's findings laid the groundwork for this country's next venture to Mars, the Viking expedition in 1975–76 which will search for evidence of life on the planet. Another planetary probe, Pioneer 10, started its long journey to Jupiter a little over 1 year ago.

As 1972 ended, Pioneer 10 had passed safely three-fourths of the way through the Asteroid Belt but still has a quarter of a billion miles to fly before it can train its camera on Jupiter's colorful bands and roving Great Red Spot in December this year.

The heaviest and most complex U.S. space observatory, named for the Polish astronomer Copernicus, was launched in August last year.

It is providing data on some of the most remote ultraviolet and X-ray sources in the universe with a clarity never before possible. So precise is the pointing accuracy of Copernicus, the satellite can hold its telescope, the largest ever placed in space, on an object smaller than a basketball if seen at a distance of 400 miles.

Our most recent planetary probe, and NASA's first launch of any kind since Apollo 17 launched last December, is Pioneer 11, Pioneer 10's sister probe. It is also headed for Jupiter. As planned, Pioneer 10 will pass about 87,000 miles from Jupiter; Pioneer 11 may pass much closer, and is scheduled to reach Jupiter in early 1975.

In summary, I have tried to capsulize the NASA endeavor to explore space and to use space technology to benefit all mankind.

More than 12 years ago, when the Committee on Science and Astronautics was still in its infancy, expert scientists and engineers described for the committee the achievements in space they expected to accomplish. Those achievements and more have already been realized by this country.

The national effort we began in 1958 we will continue far into the future, as far into the future as it is possible to project if, and I want to emphasize that "if," we continue to have the will, the purpose and the desire to do so.

We have the skill, the resources, and the vision to use space research and technology to elevate the welfare and the spirit of mankind to a level never before believed possible.

The most exciting rewards from space lie only just ahead. It is now time for us to reach out for them.

## APPALLING CRIME IN GEORGIA

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATHIS of Georgia. Mr. Speaker, the sensibilities of Georgians have been shocked with the news from Donalsonville, in Seminole County, that six persons have been found shot to death in execution fashion.

The Washington Post today carried the following United Press International account:

> ### Six in Georgia Family Found Shot to Death
>
> Donalsonville, Ga., May 15.—Five members of a religious farm family, four of them deacons in their church, were found shot to death today, and the nude body of one of their wives was discovered later in a wooded area.
>
> The slaughter enraged residents of this rural area, near the Georgia-Florida line, and scores of them joined local and state authorities in a manhunt for the killer or killers.
>
> Sheriff Dan White identified the male victims as Ned Alday, 62, his three sons, Jerry, 35, James, 25, Chester, 32, and Ned Alday's brother, Albrey, 56.
>
> The five bodies, each with a bullet hole in the head, were found in a house trailer owned by Jerry Alday, whose wife, Mary, was later found in woods about six miles away. She had been shot once in the back of the head and again in the torso and left beneath a blanket. She apparently had been sexually molested. Her clothes were found nearby.
>
> Bill Kelley, a foreman of a coroner's jury, said a 1970 Chevrolet Impala belonging to Jerry Alday was missing and police in Georgia, Florida and Alabama were alerted to be on the lookout for the vehicle, which bore the tag number MIY 519.
>
> Kelley said neighbors told of three young men who apparently followed Mrs. Alday to her home Monday from the state welfare office where she worked.
>
> Police issued a lookout for men, described as fugitives from Towson, Md., work camp and a 16-year old boy. They were identified, as Wayne Carl Coleman, 27, George Dungee, 35, Carl Isaacs, 19, and William Newton Isaacs, 16. Police describe the four as "armed and dangerous."
>
> The bodies of the men were found about 2:30 a.m. by Bud Alday, another brother of Ned, who went looking for them when they failed to return home Monday night. There was no sign of struggle.

Mr. Speaker, there can be absolutely no reason for these senseless killings. They were obviously committed by a person, or most probably persons, who have no respect for human life.

As the news story relates, the Aldays were religious citizens, who were respected in their community and were doing no one harm in any way.

I can think of no more appalling crime in Georgia in my lifetime. I sincerely hope and pray that those guilty will be promptly apprehended and brought before the bar of justice, and I sincerely hope that Georgia's new death penalty statute will have been ruled constitutional by that time so that these wanton killers, whoever they may be, can receive the punishment they so richly deserve.

## ARARAT TEMPLE AAONMS PAYS TRIBUTE TO NOBLE HARRY TRUMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Randall) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, in the April issue of Ararat Shrine News which reached our office a short time ago, there is a page entitled "Harry Truman Memorial."

After reading in this memorial I learned that Mr. Truman was one of very few, if not the only member of the Senate ever to serve as a U.S. Senator while concurrently serving as grand master of a grand lodge—in this instance, the Grand Lodge of Missouri in the year 1941.

As a member of Ararat Temple, I wish to confess that I was not as conversant with some of the happenings in the life of our greatest Missourian as I had thought myself to be. For instance, I did not know until his passing that Mr. Truman was at one time a member of the divan of Ararat Temple, serving in the office of oriental guide. Upon his election to the U.S. Senate, he was prevented from proceeding further on the divan toward the office of potentate of the temple.

In the memorial I have referred to, there appears some quotations concerning Mr. Truman which are the product of some of the most brilliant minds of our time. The two, which in my judgment fit so well that they deserve repetition when they describe this great man as "earthy, plain, there was no wrinkle in his honesty," and "He wore the mantle of our trust with truth, and bore his solitary power with humility."

Mr. Speaker, I am privileged and honored to have the pleasure to read into the Record at this time the words of the Harry Truman memorial as they appeared in the Ararat Shrine News for April 1973, volume 37, No. 4, as follows:

> ### Harry Truman Memorial
>
> Illustrious noble Harry S Truman was born in Lamar in Barton County, Missouri, on May 8, 1884, and as an infant, accompanied his parents to Belton and Harrisonville in Cass County, Missouri where they resided for a period of less than 2 years before moving to Jackson County, Missouri, where he became a resident for the remainder of his long, active and productive life.
>
> Harry S Truman was a Baptist, and a mem-

ber of the Grandview Baptist Church. He was interested in and active in freemasonry at all levels. Among his many masonic accomplishments and memberships was his membership in Belton Lodge 450, Belton, Missouri, where he became a member in 1909 and served as senior warden in 1910. In 1911 he organized Grandview Lodge 618 and was its first worshipful master when it became a chartered lodge. He served again as master of the lodge in 1917.

While he was a Members of the U.S. Senate he served as grand master of the grand lodge of ancient free and accepted masons of Missouri in 1941 and master of the Missouri Lodge of Research in 1951. He was a member of the Scottish Rite of the Orient of Missouri and was coroneted a thirty-third degree mason on October 19, 1945. He received the Order of the Red Cross of Constantine, December 26, 1945. He belonged to Orient chapter 102, of Kansas City. Missouri, Shekinah Council 24, Kansas City, Missouri,, and Palestine Commandery 17, Independence, Missouri. He was a member of Ararat Temple of Kansas City, Missouri, and Court 54, Royal Order of Jesters, Kansas City, Missouri. During his more active years in Ararat Temple, he served as a member of its divan, attaining the office of oriental guide before his election to the United States Senate in 1934 prevented him proceeding farther. Our brother also served as honorary grand master of the Order of DeMolay.

During the time of all of his participation in masonry, Noble Truman was also actively engaged in political life. He was elected Eastern Judge of the County Court of Jackson County, Missouri, and served as such in 1923 and 1924. In 1927 he was elected presiding judge of that court, a position that he held until 1934. In the election in the fall of 1934, Noble Truman was elected to the United States Senate where he served through 1944. History is replete with his activities and constructive works during this phase of his life. In January, 1945, he became Vice President of the United States, and in April, 1945, upon the death of President Franklin Delano Roosevelt, Noble Harry S Truman became the thirty-third President of the United States. He continued to serve as President until 1953.

Upon his retirement from active political life, he returned once more to his home in Independence, Missouri, where he remained until his death, December 26, 1972, at 88 years of age. Seldom does an organization have the privilege of including within its rank a member such as Noble Harry S Truman, and at a time such as this, the inadequacy of the spoken or written word to express our pride in his accomplishments and our sorrow in this loss is self-evident. To him we say, Noble Truman, well done.

As we move in travel we note in a downtown park site in Athens a life size statue of our illustrious noble set to honor his great interests in humanity throughout the world. A similar site was noted in the islands of the Caribbean. We note a few quotes from brilliant minds of our time. "A fearless son of simple soil," "of sturdy soul and tempered true" "earthy, plain, there, was no wrinkle in his honesty. When the time came he stepped to the anvil humbly but not afraid, relying always in his independent way, upon the goodness of the Lord, in whose hand is the hammer of our fate." "He wore the mantle of our trust with truth, and bore his solitary power with humility."

He was in attendance and often served as speaker at the Frank S. Land breakfast given each year during the grand masters conference at Washington, D.C. He was a great personal friend of the shrine in all its endeavors. We have all been made richer in spirit and in service by his association with us down through the years.

## CONGRESS AND THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, on Tuesday, May 15, my distinguished colleague from Texas, Senator LLOYD BENTSEN, spoke to the National Economists Club on the subject of "Congress and the Budget." In this speech he discussed the current proposals for reforming the congressional budgetmaking process.

As a member of the Joint Economic Committee, Senator BENTSEN is particularly concerned with congressional procedures for determining fiscal policy—that is, for deciding on the appropriate size of the total budget surplus or deficit. His speech contains his ideas for improving these procedures. Senator BENTSEN makes some very helpful suggestions, especially his suggestion that Congress be required to debate and act upon the Joint Economic Committee's annual recommendations on the level of the budget surplus or deficit.

I hope all Members of Congress will study this suggestion. I include Senator BENTSEN's remarks to the National Economists Club in the RECORD:

### CONGRESS AND THE BUDGET

(Remarks by Senator LLOYD BENTSEN)

Ladies and Gentlemen, it is a pleasure to be with you today. I am somewhat reluctant to accept speaking engagements during the week with the Senate in session. But I could not pass by an opportunity to address a group with so august a name as the National Economists Club. Just as long as no one finds out we met in the Black Horse Tavern.

An anonymous detractor of your profession once said, "You can make a parrot into a learned political economist—all he must learn are the two words 'supply' and 'demand'." Well all professions have their detractors and everyone knows an economist must learn a great deal more than the words "supply" and "demand". You must also learn other words like "seasonally adjusted" and even phrases such as "assuming other things remain constant" and most important of all that favored phrase "in the long run".

Actually, I have a very deep respect for your profession which began when I was in business and serving on the board of the Council of Economic Development. And my respect has grown since coming to the Senate and serving on the Joint Economic Committee.

As I sit on that Committee and hear your colleagues testify I sometimes am reminded of the days when I was building my insurance business and talking with professional actuaries. The analogy is by no means completely appropriate, but then, as now, I sometimes become distressed at the number of assumptions and qualifications which have to be made and the varying opinions which we hear. Those of us in Congress, like all people forced to make decisions in terms of yes and no, hope for unqualified and, if possible, unanimous answers. Sometimes I wish I could vote 60% yes, 40% no. We don't live in a simple yes and no world.

As long as the Employment Act of 1946 is on the books saying it is our continuing responsibility to "promote employment, production, and purchasing power", we will need your input even when the crystal ball is a little hazy. "Promote maximum employment, production, and purchasing power." That is quite a goal. The chief weapon the Congress has is fiscal policy and that is what I would like to say a few words about this afternoon.

The founding fathers gave the power to levy taxes and the power to spend to an institution which now has 100 members in one house and 435 in the other and which can't do anything until a majority of both houses agree. And even once Congress agrees, the Constitution provides the President a role in the spending process. He can veto any spending measure the Congress passes. And the Congress can try to override that veto if it wishes.

Of course, it becomes unwieldy at times, but Justice Brandeis described our system best when he said the doctrine of the separation of powers was adopted, "not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but by means of the inevitable friction incident to the distribution of the governmental powers among three departments to save the people from autocracy."

The men who founded this government wanted taxing and spending to be the result of compromise and consensus with all views considered and I think they were right. I firmly believe their organization is a good one. But I also believe that we have failed very badly in modern times in our efforts to make that organization work.

Just how badly we have failed became clear in the closing hours of the last Congress. We were given an ultimatum by the President which in effect said "place an overall ceiling on expenditures, give me the authority to cut programs indiscriminately, or be prepared to shoulder the blame for higher taxes." We almost bowed to the ultimatum because we lacked a better alternative. We found ourselves painted into a corner. Our response to the President's ultimatum was inaction. The President, with apparently wide public support, then implemented his own ultimatum by impoundments—in spite of the fact that we had not given him any new legislative authority.

It may turn out to be one of the ironies of history that this assertion of unprecedented executive power was the first step toward restoring the balance between the Executive and Legislative branches of government. As a result of this confrontation, we in the Congress are no longer ignoring our inadequacies for coping with the size and complexity of today's Federal budget. I believe there is now a climate in which substantial reforms can take place.

As you know, the Joint Study Committee on Budget Control has made some sweeping suggestions for asserting rational Congressional control over spending, many of which I think are very good. At the very least their proposal will provide an excellent vehicle for reform. There are some aspects about their proposals which I would do differently. There are some items which they did not deal with where reforms are needed. The Government Operations Committee has fifteen other measures before it as well. I am introducing an amendment to the Joint Committee's bill to provide that the membership of the Budget Committees be selected by the party caucus and that the majority and minority leadership be included. Committees as important as these must be broadly representative of the entire Congress.

I also think any reform measure should provide for an independent determination by the Congress as to the Federal deficit or surplus called for by the current economic conditions. The President's Council of Economic Advisers is not always right. In fact, they have made some very serious errors in forecasting economic performance in the last several years. The Joint Economic Committee currently hears the views of independent economists at our annual hearings but that information should be made part of the decision making process and not just published in a report. I am introducing an amendment to require that the Congress act upon the Joint Economic Committee's recommendation as to the level of surplus or deficit independently of any debate on priorities.

Almost all of the reform proposals recognize that our current appropriation process has become so fragmented that we have lost control over total spending. As a result when the Finance Committee held confirmation hearings on Caspar Weinberger's appointment as Secretary of H.E.W., he had a ready answer to those who complained about cuts in specific programs. It ran something along the lines of "yes Senator I am sure the education subcommittee concluded that was the minimum level of funding necessary for the program to meet its goals. But did anyone on your subcommittee or any other committee consider the overall needs for Federal programs compared to revenues available." The answer is no! No one in the Congress presently looks at the overall picture of spending through all sources: appropriations, contract authority and trust fund expenditures. And until we have such a group the Executive branch is going to win most of the arguments.

The Congress routinely provides the Executive branch with necessary staff and data retrieval capability. Yet when it comes to giving ourselves the tools to do our job we are penny-wise and dollar-foolish.

Before moving to the Finance Committee this year, I served on the Armed Services Research and Development Subcommittee. Every year that Subcommittee has the responsibility of authorizing approximately $8 billion in some of the most important defense spending we undertake. This spending sets the direction for our future weapons systems. Do you know how many professional staff members that Subcommittee has to help it analyze the most complicated weapon systems in the world? One. One staff man. The California Legislature provides itself a staff of 63 to analyze a State budget which is one billion dollars less than Defense Research and Development. I would not even hazard a guess as to how many people at the Pentagon are involved in the R & D Budget request.

The Executive branch has over 6,700 computers being used to prepare budget analysis, oversee program operation and aid in decision-making. The Congress has four. The Senate is presently using the only computer it has for housekeeping purposes. The House uses its computers to keep track of bills and voting records.

I think that whatever reform measure emerges should include a provision requiring the implementation of the Congressional data retrieval system by the beginning of 1975 as well as additional professional staff.

There is a bill under consideration now to require that forecasts made by Federal agencies of outlays resulting from new Congressional authority be supplied to the Congress as well as to OMB. As incredible as this may seem, Congress has no technical capability to translate spending authority into outlays during a given year. We have no way to know if what is actually spent bears any relation to what should have been spent.

I have often thought that if my business has been run the way the Congress handles money I would have been bankrupt in six months.

When we provide ourselves with procedures to bring some order to the spending process, I believe we will solve the impoundment problem as well. We will have the information and I think the political support as well.

The question of unlimited impoundment authority is not a liberal conservative issue. I think a large portion of the public who have favored the President's impoundments would feel quite differently if a less defense conscious President was withholding $14 billion of the funds Congress had appropriated for National security.

I am convinced that people want to see Congress retain its power of the purse—if we can demonstrate that we are still capable of handling the job. And I think that we are beginning to do that.

Of course spending is just half of fiscal policy—and I might add the more enjoyable half.

Revenue raising is never as popular as revenue dispensing. Tax reform as a generality is popular. However, the more specific the proposal gets the more it looks like a tax increase to someone and that's never quite so popular. The 93rd Congress will be making some changes in the Revenue Code.

I will look forward to input from members of your profession. We will need it. The professional staff of the Finance Committee and the Joint Committee on Internal Revenue provide excellent technical advice, but tax policy more than any other Government action dictates the direction in which a free enterprise economy will move. We need to know what the long-range economic effects of changes in preferences will mean before, not after, we make them. I want us to light a candle before we take a step down any of those dark stairways.

What would be the impact upon the availability of equity capital for new business ventures if capital gains were taxed on a scale graduated to the period of holding rather than the present six month provision? What would be the effect of considering inflation in the tax treatment of capital gains?

Those and hundreds of others are the kinds of questions we will need answers for and I think your profession can help.

I also think there is a creative role for your profession in determining tax policy. I supported the investment tax credit when it was re-instituted in 1971. But I was concerned then that we had waited too long before bringing it back and I am beginning to be concerned now that we have waited too long before reducing it. The McGraw-Hill survey is now projecting a 19% increase in capital spending for this year.

If we are going to use an investment tax credit as an instrument of fiscal policy we must reduce the lag time and make it more responsive to changes in economic conditions. Chairman Burns has suggested the Congress give the President the authority to vary the credit. But I am one of those who is trying to get back into the hands of Congress some of the spending authority we let slip away. I certainly am not going to vote to give him that kind of authority over taxes.

I would like to take the investment tax credit out of politics and tie it to an economic index. I have considered relating the credit to economic growth—or perhaps a combination of capital spending increases over the past two quarters plus the survey of business intentions for the next two.

When Arthur Okun was contacted he expressed reservation about any economic index being used as an automatic trigger. I am told he was concerned that businessmen would read the trend and either delay or accelerate their investment decisions based upon the date the tax credit was likely to change. Well, I am not going to get into an economic argument with Dr. Okun, or at least not in front of the National Economists Club. And I share his concern to a degree.

But this is the kind of dialogue which needs to go on between the Economic community and members of Congress. As a member of the Finance Committee, I am looking for ways to make fiscal policy do the job set out for us by the Employment Act of 1946—maximum employment, maximum production and maximum purchasing power. I welcome your views. Knowledge is still the only instrument of production not subject to the law of diminishing returns.

## LOCAL OPTION ON AIRPORT CURFEWS NEEDS QUICK CONGRESSIONAL ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RONCALLO) is recognized for 1 minute.

Mr. RONCALLO of New York. Mr. Speaker, on Monday the Supreme Court ruled that local municipalities could not control noise pollution by enacting a curfew on jet flights at airports under their jurisdiction. I do not believe that was the intent of Congress when it passed the Noise Control Act of 1972. In the close 5-to-4 decision, Justice William H. Rehnquist, speaking for the minority, stated that "noise regulation has traditionally been an area of local, not national, concern." He noted that—

> The history of Congressional action in this field demonstrates an affirmative Congressional intent to allow local regulation.

I commend Justices Potter Stewart, Byron R. White, and Thurgood Marshall for joining in this opinion.

In the majority decision, Justice William O. Douglas invited Congress to change the law, as he sees it, to allow States and municipalities to participate in the fight against airport noise pollution. I accept that invitation, and will introduce within a week an amendment to the Noise Control Act of 1972 which will specifically state that nothing in the act prevents States or local municipalities from controlling the hours of local airport operation or the type of aircraft allowed to use the facilities during those times. I hope that my colleagues will join me in this effort to clarify the intent of Congress in its effort to fight noise pollution to the maximum extent possible in cooperation with local governments.

## AMENDMENT TO OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, last October 2, I introduced an amendment to the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers. This amendment would provide for consultation between OSHA officials and businesses with fewer than 50 employers, and would help these small businesses comply with OSHA regulations without being subject to harsh and unnecessary penalties. As presently interpreted, the law provides for no such consultation. Unfortunately due to the late session logjam, no action was taken on my amendment or others similar to it. However, the problem of small businesses not knowing of, or understanding, OSHA regulations is still with us. This problem is summed up in the report of the Subcommittee on Environmental Problems Affecting Small Businesses to the Select Committee of Small Businesses, which states:

> The subcommittee finds that the single most important problem of the Federal Occupational Safety and Health program is the inability of the small businessman to learn

what is expected of him. Witness after witness testified that they cannot find out exactly which standards apply to them and which do not. The standards promulgated by the Secretary of Labor together with all the material incorporated by reference, constitute a mound of technical regulations that few laymen can understand. Small businesses simply do not have the time nor expertise to comprehend fully and accurately the standards.

The Occupational Safety and Health Act was an important step on the part of the Congress toward improving working conditions in this country and decreasing on-the-job deaths and injuries. But the success of this legislation depends on the cooperation of business and Government in defining and carrying out the responsibilities of each. I believe this bill will help smaller business know what is expected of them, and greatly increase the effectiveness of the OSHA Administration. It could also result in savings to employers and employees in terms of reduction of injuries.

The text of my amendment follows:

H.R. 7879

A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the heading of section 28 of the Occupational Safety and Health Act of 1970 is amended to read as follows:

"ASSISTANCE TO SMALL EMPLOYERS"

(b) Section 28(a) of such Act is amended by inserting "(1)" immediately after the subsection designation, by striking out "(1)" and inserting in lieu thereof "(A)" and by striking out "(2)" and inserting in lieu thereof "(B)".

(c) Subsection (b), (c), and (d) of section 28 of such Act are redesignated as paragraphs (2), (3), and (4), respectively.

SEC. 2. Section 28 of the Occupational Safety and Health Act of 1970, as amended by this Act, is further amended by inserting at the end thereof the following:

"(b)(1) In order to further carry out his responsibilities under subsections (c) and (d) of section 21 as amended regarding additional assistance to small employers, the Secretary may visit the workplace of any small employer which has fifty or fewer employees for the purpose of affording consultation and advice for such employer. Such visit (A) may be conducted only upon a valid request of an employer for consultation and advice at the workplace on the interpretation or applicability of standards or on possible alternative ways of complying with applicable standards, and (B) shall be limited to the matters specified in the request affecting conditions, structures, machine, apparatus, devices, equipment, or materials in the workplace. The Secretary may evaluate a request by an employer pursuant to this subsection and, if appropriate, may provide for an alternative means of affording consultation and advice other than onsite consultation.

"(2) The Secretary may make recommendations regarding the elimination of any hazards disclosed within the scope of the onsite consultation. No visit authorized by this subsection shall be regarded as an inspection or investigation under section 8 of the Act and no notice or citations shall be issued nor shall any civil penalties be proposed by the Secretary upon such visit, except that nothing in this subsection shall affect in any manner any provision of this Act the purpose of which is to eliminate imminent dangers.

"(c) Nothing in subsection (b) of this section shall be deemed to require the Secretary to conduct an inspection under section 8 of the Act of any workplace which has been visited for consultative purposes. However, in the event of a subsequent inspection, the Secretary may in his discretion take into consideration any information obtained during the consultation visit of that workplace in determining the nature of an alleged violation and the amount of the penalties to be proposed, if any. The failure of the Secretary to give consultation and advice regarding any specific matter during the consultation visit shall not preclude the issuance of appropriate citations and proposed penalties with respect to that matter.

"(d)(1) In prescribing rules and regulations pursuant to subsection (b) of this section, the Secretary shall provide (A) for appropriate consultation with employees at the workplace concerning the matters covered by the consultation and (B) for the appropriate separation of functions between officers, employees, or agents who conduct visits pursuant to subsection (b) of this section and officers, employees, or agents who conduct inspections or investigations under this Act.

"(2) The Secretary shall also prescribe appropriate rules and regulations for the identification and notification of employers who are eligible for onsite consultation under subsection (b) of this section."

SEC. 3. Section 21 of the Occupational Safety and Health Act of 1970 is amended by adding a new subsection as follows:

"(d) In order to provide additional assistance to small employers the Secretary may conduct onsite consultations pursuant to the provisions of subsections (b), (c), and (d) of section 28."

SEC. 4. This Act shall take effect one hundred and twenty days after the date of its enactment.

## LEGISLATION INTRODUCED COVERING SECURITY GUARDS AT FEDERAL INSTALLATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, last year the Congress enacted and the President signed Public Law 92-382, which places firemen at a Federal facility under the provisions of section 8336(c) of title 5, United States Code.

This section relates to the retirement of Government employees engaged in certain hazardous occupations.

Because of the nature of their job, security guards at these Federal installations often face the risk of injury or even death in the performance of their duties. It is up to them to protect the area from intrusion.

I therefore feel that the security guard's job has the same element of risk as that of the fireman. They, in fact, must also be present and perform duties when a fire occurs. They are also exposed to similar dangers.

For that reason, I am today introducing legislation which would place these men under the provision relative to early retirement.

I urge the support of my colleagues in seeking early enactment of this bill.

## WORTHY RESEARCH AND DEVELOPMENT MUST NOT BE HALTED IN MIDSTREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, another example of the shortsightedness of the present administration in dealing with the problems that America faces today has just come to my attention. I have just learned that the Office of Management and Budget, for the second time, has recommended that no funds be budgeted for new demonstration grants in solid waste. If such a recommendation were followed many of our important research projects to discover new ways to dispose of solid waste would be imperiled.

In my opinion this would be a very unwise and wasteful exercise.

An example of the kind of program that would be endangered is the CPU-400 pilot plant in Menlo Park, Calif. For the first time last month 1,100 kilowatts of electric power were generated in a gas turbine in this pilot plant, using only municipal rubbish and garbage as fuel.

Under Government supervision and funded largely by congressionally appropriated funds, the initial test runs of the plant met, or exceeded, expectations.

We need today to find new ways to dispose of solid waste and this plant demonstrates that the research the Government has funded is worthwhile.

In addition, with the United States facing an energy crisis this plant has shown that we can provide energy through the use of waste that would otherwise go unused.

It is incumbent upon the Congress to insure that worthy research and development is not halted in midstream.

## "VOTER REGISTRATION"—AN AMERICAN ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 10 minutes.

Mr. RANGEL. Mr. Speaker, now that S. 352 has been approved by the other body, it is the responsibility of the House to take the same careful look at the way voters must register in this Nation.

Some have labeled postcard registration a democratic issue, others have called it a black issue. I would strongly contend, Mr. Speaker, that my colleague would do well to realize at the very beginning of our discussion of modernized registration procedures that it is an American issue; not one of party or race.

Its foundations are the same foundations as those of the Constitution, Declaration of Independence, and the Bill of Rights. The Jeffersons, Franklins, Washingtons, and Madisons of our Nation's heritage did not view elections as the privy of one party.

This body has also laid foundations as it approved constitutional amendments opening the ballot box to blacks, women, and those 18 to 21 years of age. I am hopeful that this representative democracy has not reached such a sad state, that it is ready to let those foundations crumble due to the administrative obstacles now posed to millions of voters by complex and cumbersome systems of registration.

Following is the major portion of the

report of the Senate Post Office and Civil Service Committee on S. 352. The rest of the report, including the text of the bill, as well as other discussions of this issue will follow on future days of congressional business:

### VOTER REGISTRATION

The Committee on Post Office and Civil Service, to which was referred the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

### PURPOSE

S. 352 is designed to contribute to the correcting of the dismal voter turnout in American elections for the past 50 years. The Committee majority is convinced that voter registration requirements for the most part have become obstacle courses which prevent large numbers of Americans from exercising their franchise. The bill seeks elimination of those obstacles.

In effect, S. 352 releases the prospective registrant from the requirement in most states of personal appearance for the purposes of registration. The bill will establish a voter registration system for Federal elections through the mail. By the simple process of filling out a postcard form and mailing it to the local registration agent, the applicant avoids the cumbersome, onerous and unnecessary requirements presently in existence in most states.

A National Voter Registration Administration would administer the program. Qualified applicants would be permitted to register to vote in Federal elections up to 30 days prior to a Federal election.

Postcard forms would be mailed by the Administration to every postal address and residence in the United States, and would be available in ample quantities for public distribution at various state and Federal facilities across the country. The postcard forms would include information appropriate to each state's requirements for voter registration. The completed card would be mailed or delivered by the applicant to the local registration agent. The local registration agent must then inform the applicant by mail of his acceptance or rejection. The costs of such mailings would be borne by the Administration.

The Administration would further be available to aid the states in setting up the postcard system for Federal elections, to help in the prevention of fraudulent registration and to provide financial aid should the states adopt the postcard system for local elections.

In recommending this legislation to the Senate, the Committee has taken great care to insure that the prerogatives of the states to establish by law general qualifications for voting are preserved. The determination of who is a qualified elector in any state remains the right and responsibility of the state. No Federal official participates in the registration process in the states unless the Voter Registration Administration is requested by a state to provide assistance in administering the registration-by-mail program.

### JUSTIFICATION

Nowhere in the free world is voter participation at a lower level than it is in the United States. Voters in Canada, England and Germany, for instance, have been participating in their elections at a rate well above 75 per cent; while in the United States, the trend of participation has steadily declined since the adoption of voter registration laws.

In the United States the highest rate of participation in the twentieth century was in 1960 when 64 per cent of all Americans of voting age voted. In 1966, the percentage dropped to 60.6 per cent. In 1972, the percentage of participation by voting-age Americans had dropped to a shocking 55 per cent.

Indeed, in 1972 sixty-two million voting-age Americans did not vote. Of the 77,466,000 total votes cast for President in 1972, the President received 47 million of those votes. This means that the President was elected by roughly one-third of the voting-age population.

The Committee in its hearings discovered that nine out of ten *registered* Americans vote, but fewer than six out of ten *voting-age* Americans vote. Eighty per cent of voting-age Americans voted in 1876, before registration laws were adopted; by 1924, when most states had adopted registration laws, only 48 per cent of voting-age Americans voted. In short, one-third of America had stopped voting.

It is the Committee's conviction that our disquieting record of voter participation is in large part due to the hodgepodge of registration barriers put in the way of the voter. Such obstacles have little, if anything, to recommend them. At best, current registration laws in the various states are outmoded and simply inappropriate for a highly mobile population. At worst, registration laws can be construed as a deliberate effort to disenfranchise voters who desperately need entry into the decision-making processes of our country.

To put the matter another way, the effect, if not the intent, of registration laws is to interfere with the most basic proposition of a free society—that is, we must have full and viable participation in the democratic process. "We the People" does not mean we some of the people. "We the People" does not mean that the 47 million votes cast for the President in 1972 is a people's mandate when 65 millions of the American people of voting age did not even cast a ballot.

There is substantial evidence demonstrating that many state and local registration officials at the very least do not do all they can to encourage registration and voting. For example, some ranchers in western states must travel over 100 miles in order to register to vote. In far too many states, voter registration offices are open from 9:30 a.m. to 5:00 p.m. on weekdays only. Seventy-six per cent have no Saturday or evening registration in non-election months. The working man simply cannot get to the registration offices to register in preparation for exercising his most sacred right—the right to vote.

Other registration requirements harass the prospective, unregistered voter. Oftentimes, registration is closed for excessively long periods prior to election day. In New York, a qualified voter who does not register prior to the general election in one year is unable to become registered for a following primary election. In effect, then, registration for a primary election in New York is closed for eleven months. Pennsylvania closes its registration books 50 days before an election; California, 54 days; Rhode Island, 60 days. In only 23 states is absentee registration permitted. In many states, one has to re-register each year. Missouri has six different registration systems for cities, depending on their size, and a seventh system available to counties at their option. In very few states does the law provide for time off from work to register or to vote.

Places of registration are used to complicate and obstruct easy registration. For example, in New York City, with the exception of three days of precinct registration 30 days before an election, the only place a person can register to vote is at the downtown central office of the Board of Elections. The situation is the same in Cleveland, Ohio; with the exception of three days of registration in local precincts a month before an election, the only place anyone can register is at the city hall.

Only 16 states authorize deputy registrars. Only 30 allow registration on weekends (and for many states that means only one weekend a year). The frustrations which result from such haphazard and uneven registration laws and conditions are enough to discourage even the most interested applicant; but for citizens whose knowledge and interest in political affairs is not substantial, it serves as out-and-out disenfranchisement. S. 352 is designed to introduce uniformity about voter registration in preparation for Federal elections.

It is true that the problem of what motivates prospective voters is a murky matter at best. The Committee made a very serious attempt to consider the problem of motivation, but soon discovered that there has been very little useful investigation into why people do or do not avail themselves of the electoral process.

Nevertheless, common sense forces recognition of the fact that the complexities of law and administrative regulations act as a deterrent to many prospective voters. Examination of the four-page registration form for the State of Alabama is itself a convincing demonstration that a simple postcard registration system for Federal elections is desirable. The aim of the legislation this Committee recommends to the Senate is to establish a registration-by-mail program within the Bureau of the Census to provide a simple and expeditious means for qualified applicants to register to vote in Federal elections.

A conclusion of a Gallup Poll conducted in December of 1969 stated: "It was not a lack of interest, but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation." The League of Women Voters in a study published in 1972 stated: "Millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system." The National Municipal League came to a similar conclusion.

A Federal postcard system will generate considerable savings for states and localities in the operation of their voter registration systems. David Dinkins, President of the New York City Board of Election Commissioners, pointed out in his testimony before the Committee that during four days of registration efforts in New York City in 1972, for every new registration gained it cost the city approximately $8.00. Further, that in a non-Presidential year when the public interest is far less but overhead is the same, the cost per new registrant would be greater. S. 352 will substantially reduce such costs.

Generally speaking, the development of Federal law, both constitutional and legislative, has been one of encouraging the participation of all citizens in the affairs of government. An open society requires constant expansion and encouragement. A glance at the past demonstrates that expansion. Six of the last twelve amendments to the Constitution have dealt with the expansion of the franchise:

The Fifteenth Amendment, prohibiting disenfranchisement because of race, color, or previous condition of servitude;

The Seventeenth Amendment, providing for the direct election of United States Senators;

The Nineteenth Amendment, extending to women the right to vote;

The Twenty-Third Amendment, extending to citizens of the District of Columbia the right to vote in Presidential elections;

The Twenty-Fourth Amendment, abolishing the poll tax as a condition for voting in Federal elections;

The Twenty-Sixth Amendment, lowering the voting age in all elections to 18.

Similarly, the constitutional history of the Fourteenth and Fifteenth Amendments is abundant with decisions of all Federal courts insuring the right to vote for all Americans.

But if the way to the polls is blocked by archaic and obstructive registration laws, then the great strides which have been our hallmark will not lead to widespread citizen participation.

By using the Postal Service as a means of contacting the qualified applicant and offering him an opportunity to register to vote by easily filling out a form and returning it to the local registration office by mail, a system of ease and convenience for the citizen is created that undoubtedly will resolve the basic difficulty of current registration practices—the burden, if not the inability, of getting to the courthouse. The Committee is reasonably confident that the Internal Revenue Service would not propose that taxpayers must go to the courthouse to pick up income tax forms or not be allowed to pay income taxes. No less should we expect the exercise of the franchise to be more burdensome than the payment of taxes.

Even the most meager understanding of a free society convinces one that government should be the last institution in society to throw up blockades to voter participation. It is government's responsibility to encourage and promote voter participation. Yet, we find in state after state inattention to that responsibility, at best. At worst, in other cases, we find the curious notion that the responsibility of government is to limit free access to the franchise.

The argument that registration by mail will lead to fraud and to millions of ineligible electors being put on the rolls is based more on unsubstantiated fear than fact. Nothing in S. 352 prevents the county clerks from investigating the qualifications of applicants who register by mail. Indeed, under the bill, if the county clerk finds the task of registering voters through this process too difficult, he may ask the National Voter Registration Administration for assistance, and the Administration is authorized to lend such assistance. Such assistance can include the ascertainment of the qualifications of an individual who applies by mail. In the last analysis, the determination of who is a qualified elector is made by state or local officials in whom such power and responsibility is placed by state law. Nothing in S. 352 changes that basic principle of constitutional government and the nature of the Federal system.

For those who cannot relieve themselves of their concern for fraud, it is well to remind them that the bill provides severe penalties for fraud. For anyone who gives false information on the registration postcard, fines of up to $10,000 can be levied or imprisonment for not more than five years or both. Such provisions are in addition to the state penalties now in effect.

A large majority of the witnesses appearing before the Committee supported S. 352. Very few of the witnesses believed that fraud was a serious likelihood in a postcard system. Of particular interest was the testimony of Randall B. Wood, former director of elections for the State of Texas. Noting that Texas is a demographically diverse state, Mr. Wood pointed out that Texas has had a system of registration by mail since 1941. He pointed out that in the 30 years experience with the registration-by-mail system "... the old bugaboo of fraud simply could not be raised in Texas very well because the experience over those 30 years had generally disproved that registration by mail was any more susceptible to fraud than any other registration system."

It needs to be noted here that the low voter participation in Texas over those 30 years was, according to Mr. Wood, primarily due to the poll tax system and the requirement to re-register every year. The poll tax was struck down in 1965, and yearly re-registration was ended in 1971.

Mr. Wood observed that when fraud occurred in Texas elections, it was not due to registration. He said, "Fraud is induced into the election system by election officials, and that can happen as easily with personal registration systems as it can with registration by mail." In short, Mr. Wood's expertise suggests that election officials' carelessness or collusion lies at the root of the fraud problem.

In North Dakota, where no formal system of registration exists, voters simply qualify at the time they vote if their names are not already on the poll book. A recent study by Lloyd B. Omdahl, professor at the University of North Dakota, demonstrated that even unofficial complaints about unqualified voters in that state's eight largest cities amounted to only 12, while 67 precincts reported that they *never* had unqualified voters. No formal complaint has been filed in the state since registration was repealed in 1951.

David Dinkins, President of the Board of Elections in New York City, testified that "We do not see fraud as presenting any problem at all. ... If anything, we can tighten things up a bit." Moreover, speaking for the Board of Elections for New York City, he found S. 352 "... highly desirable and desperately needed."

The Committee deliberated with great care over the administrative feasibility of the bill's provisions. Testimony and reflection brought us to the conclusion that no real or serious administrative problems would result from S. 352. Indeed, from the standpoint of local registration jurisdictions, the current system in many cases would be simplified if only because the requirement for personal scrutiny of the applicant has been removed. Dinkins testified that the bill ". . . . is administratively feasible as far as we are concerned in New York, and I would imagine if we can do it, anybody can, . . ."

S. 352 will begin the process of establishing uniformity in our registration laws, at least so far as Federal elections are concerned. In addition, the bill provides incentives for the states to adopt the postcard system for their elections. Thus, the opportunity for uniformity is increased. Our contacts with the National Association of Secretaries of State have made us aware of their recognition of the pressing need for uniformity in our election laws. Their resolutions in this regard at their conference in New Orleans, Louisiana on February 1 and 2, 1973 have been placed in the Congressional Record.

The Committee gave due thought and care to the problem of when the postcards should be mailed. We knew that interest in elections reaches its apogee close to general election day. The ideal utilization of voter interest would suggest a mailing at this time. However, the Committee recognized the essentiality of primary elections and caucuses in the Federal process. We, therefore, concluded that if only one mailing was to be made by the National Voter Registration Administration on a biennial and quadrennial basis, the time to do that was prior to primaries leading to Federal general elections. Nevertheless, the bill does not preclude the National Voter Registration Administration, when appropriate, from making other mailings. The Committee recommends that the Administration give due regard to the desirability to make other mailings on a case-by-case basis.

A special note should be made about those states and local jurisdictions which do not require registration prior to election day as a condition for casting a ballot (as in the case of North Dakota). S. 352 allows the regulations of the Administration to exclude such states and local jurisdictions from the provisions of the bill. Such a provision is consistent with the conceptual framework the Committee used in its deliberations. That is, generally speaking, prior registration requirements are restrictive, and when such requirements are not present, then no need for a postcard registration system is apparent. Furthermore, if a state finds the Federal postcard system not to their liking, they merely have to modernize their voter registration laws along the lines established by North Dakota in 1951 to avoid the postcard system.

### REIMBURSEMENT AND INCENTIVE PAYMENTS

As a means of encouraging state governments to establish uniform residence requirements and close-of-registration deadlines, the Committee recommends widespread use of the provisions which authorize payments to states that adopt the Federal standards included in the bill. Acceptance of the registration-by-mail system will be enhanced by the requirements for reimbursing state governments for the costs of processing voter registration forms.

Basically, the Administration will pay any state the fair and reasonable cost of processing forms. The determination of cost will be made by the Administration and the Administration is authorized to make advance payments to state governments.

If a state enacts legislation and adopts the registration-by-mail system included in this legislation for its state and local elections, the Administration is authorized to pay that state an amount not exceeding 30 percent of the amount paid that state for processing registraiton forms in the most recent Federal election.

It is the hope of the Committee that the Administration will develop innovative ways to increase voter participation. As an example, there is nothing in the bill that would prohibit the Administraiton from developing model computer programs based on each state's election laws. Such programs could be made available to the state should they choose to go to a computer system. Certainly the costs to the states for developing electronic data processing systems would be lessened if the Administration had such programs available.

These incentive payments can relieve state governments of some of the burdens and costs of conducting elections. More important, however, uniform residence and close-of-registration practices will substantially increase the opportunities for voter participation.

### COST

Accurate estimates of the cost of administering S. 352 over the next five-year period are difficult to make. During the hearings on the voter registration bill introduced in the last Congress, Dr. George Brown, then Director of the Bureau of the Census, advised the Committee that the cost of printing and distributing voter registration forms under S. 2574 could easily amount to between $15 million and $20 million in a general election. In this year's testimony, the Acting Director of the Bureau of the Census, Robert L. Hagan, accepted the previous director's judgment that a start-up cost, including the first mailing, would amount to $30 million.

Hypothetically, if 40 million Americans completed and returned registration forms and the fair and reasonable cost of processing cards was 50 cents, the maximum cost of reimbursing state governments for processing, as well as paying all states a 30 percent incentive for conforming both registration and residency requirements to the Federal standard, would be $26 million.

By comparison, the estimated cost of a mid-decade census program, which the Administration has urged the Congress to enact over the past several years, is about $200 million.

### GRANTS FOR REGISTRATION ACTIVITIES

The Committee has given very careful consideration to the provisions of S. 472, sponsored by Senator Edward M. Kennedy and Senator Ted Stevens, to encourage States to increase voter registration activities by making direct grants for such programs. Senator Stevens proposed that the language of S. 472 be incorporated in S. 352 and reported to the Senate.

The majority of the Committee believes that the incorporation of S. 472 into the text of S. 352 is inadvisable at this time. First of all, a majority of the Committee believes that there is a clear difference in the nature of the approaches of S. 352 and S. 472. S. 352 is designed to eliminate personal appearance registration as a prerequisite for voting in Federal elections; S. 472 in effect perpetuates personal appearance voter registration, but streamlines and modernizes that system on a State-by-State basis. A majority of the Committee believes that the basic purposes of the two bills are incompatible.

Secondly, a majority of the Committee believes that the extra cost involved in making extensive financial grants to individual states combined with the basic cost of a registration-by-mail program might be substantial. If money is to be spent by the Federal government to improve voter turnout in Federal elections, we believe it can best be spent by establishing an easy method of registration for everyone.

Nevertheless, all Members of the Committee believe that improved voter registration assistance in individual States is highly desirable and recommend that further study to achieve better registration be undertaken on both the Federal and State level.

### PUBLIC HEARINGS

Public hearings in the 93d Congress on voter registration were held on February 7, 8, and March 16, 1973. Witnesses included experts in the field, State and local government officials, officers of the League of Women Voters, and other directly interested parties. The overwhelming majority of witnesses and testimony favored the enactment of voter registration legislation.

The Administration is opposed.

---

## WOMEN STRIKE FOR PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, this morning's New York Times carried an article on Women Strike for Peace, a nationwide group which has been active in the search for peace—not only in Indochina, but all over the world—since its founding in 1961, I am proud to have been associated with this great organization since it was founded, and I am most pleased to observe that it is still actively seeking an end to the arms race and a world of peace for everyone.

The article follows:

### Women's Group Began as One Day Protest 4,215 Days Ago

(By Nadine Brozan)

Jan. 27: The accord to end the Vietnam war goes into effect, and the United States withdraws its troops. At home, most American citizens heave a sigh of relief—but there are some who don't.

Jan. 28: Women Strike for Peace take to the streets of Philadelphia to collect funds for Bach Mai Hospital in Hanoi.

March 7: Women from politically conservative Orange County, N.Y., convene the newest branch of Women Strike for Peace. "We just don't feel the war has ended yet, not with the number of civilian casualties in Cambodia," said Mrs. Frances Adler, a founder of the branch.

And on May 22, delegations of WSP'ers (pronounced Wispers) are expected to converge on Washington, along with the National Welfare Rights Organization, to protest the bombing of Cambodia, the military budget and cutbacks in domestic funds. .

WSP's crowded 1973 calendar is testimony to the endurance of a movement that began with a lonely stance 12 years ago, survived the rise and fall of other peace groups and is still, despite the Vietnam truce, refusing to fold up its tents and go away.

Mission accomplished? For these women, many old timers, some recent converts, the answer is a resounding no. They have not seen the fulfillment of their original and still paramount goal: halting the international arms race.

That goal, as formulated in pre-Vietnam 1961, had three prongs: achievement of a nuclear test ban treaty, strengthening the United Nations as a peace-keeping instrument, and universal military disarmament.

"When Vietnam came along, we certainly hadn't accomplished those three, but we knew we had to get involved," said Mrs. Ethel Taylor, a WSP activist since its inception and an organizer of its Philadelphia branch.

"It would be so great now," she said with a sigh, "if it were possible to forget Vietnam." But it is not, and so the women are not only pressing on but are adding new and sometimes more youthful voices to their chorus.

For the moment, their priorities are still largely Vietnam-oriented: implementation of the peace and ceasefire in Indochina, working for unconditional amnesty, freedom for the 200,000 political prisoners reportedly being held in South Vietnamese jails, and reduction of the military budget.

With Tuesday's march, the first mass demonstration since the ceasefire, the movement (it has always refused to call itself an organiaztion or even keep membership lists) will hark back both philosophically and tactically to its origins—a march to decry nuclear weapons.

The women plan to carry yellow balloons that will be inscribed, "Scuttle the Trident," a reference to the $1-billion Trident nuclear-powered submarines. They also will carry their original slogan—"End the Arms Race, not the Human Race"—which they used in their Nov. 1, 1967 march when they vented their anger at the contamination of milk by the strontium 90 emitted by nuclear fallout.

But if there are parallels between today's march and yesterday's, there have also been changes far beyond the expectations of the woman who ignited the movement "out of personal frustration and despair" over the American response to the nuclear cold war.

For one thing, recalled Dagmar Wilson, who was an illustrator of children's books when she founded the movement, "it was only supposed to be a one-day action." That was 4,215 days ago.

"I mentioned my feelings to male friends but all they did was make wisecracks," said Mrs. Wilson, who in recent years has dropped out of WSP's front lines. "So I called every woman in my address book to ask what they think of an action for peace. The idea of housewives striking was arresting, and the response overwhelming."

And, indeed, it was. No one was more astonished than Mrs. Wilson herself when six weeks later an estimated 50,000 women in 60 cities were galvanized to "strike."

The next day she was swamped with letters, and the movement was off and running—and marching, petitioning, leafleting, letter-writing, confronting officialdom from Assemblymen to Ambassadors as well as the public across the nation and in places from the Hague to Hanoi.

Sociologically, the movement was ahead of its time in anticipating, and sometimes paving the way, for issues that would later shake the country.

The Cold War had not yet thawed in 1961, and apart from the suffragettes, women had rarely made their voices a chorus. So WSP formed an implausible group, housewives, taking an unpopular stand—questioning their Government's foreign and military policies.

Ecology was yet to make tremors, but it was at the heart of their message—nuclear fallout was befouling the atmosphere. And women's liberation was still dormant—Betty Freida would not publish "The Feminine Mystique" for two years. The early WSP participants were not, at first, concerned with equality, but soon began to assert themselves as *women*.

"It was always a very subtle putdown, the attitude of men that 'If women knew as much as we know . . .' " Mr. Wilson said. "We broke the terrible silence of women to say that we are here and we count, too."

"In a sense, we used the 'feminine mystique' to our advantage," said Amy Swerdlow. a founder of the New York WSP and editor of Memo, the movement's national quarterly magazine, who is planning to write a history of WSP.

"We used the fact that we were housewives and mothers, women stepping out of our acceptable sphere. We were doing a job of being good mothers by becoming involved in political action for the sake of our children's survival," she said.

As time passed and the tide of liberation swelled, WSP's tactics evolved, from parlor polite to militant and ultimately to politically sophisticated.

"When the limited test ban treaty was signed [in 1963], we said. 'Thank you for the first step,' " Mrs. Swerdlow recalled with bemusement. "Can you imagine women saying thank you today? We were the ladies with the white gloves."

With the Vietnam war, the "ladies" removed their "white gloves."

"The war pushed us into every possible tactic," Mrs. Swerdlow said. "We became expert draft counselors, we got involved in civil disobedience, in sitting down in Congress and in front of trains carrying napalm. We chained ourselves to the White House, blocked ships, lay down on the street pretending to be dead Vietnamese and went to Hanoi." (One leader, Mrs. Cora Weiss, in coalition with delegates of other peace groups, negotiated the release of nine American prisoners of war.)

Mrs. Taylor estimated that more than 50 WSP'ers, herself among them, had gone to jail at one time or another. "Women were willing to commit civil disobedience in the hope that other women would identify with them," she said.

In their early days, the women were often called naive idealists who criticized Government policy without offering practical alternatives, but they gradually became more political.

The turning point came in 1970 when WSP's first national and political director, Bella Abzug, ran for Congress.

The movement, for the first time, endorsed a political candidate and enlisted in Mrs. Abzug's campaign. The organization "certainly had a big influence on my decision to run," the Congresswoman said in a telephone conversation from her Washington office.

If WSP has grown politically—once mobilized by a single issue, it now encompasses many corollaries, from war toys to Wounded Knee, from defeating an R.O.T.C. bill to protesting the price of meat—it has not changed much ethnically or economically. It is still fairly well confined to the educated, white middle class.

"We have made a dent among the blacks, but not a terribly significant one," Cora Weiss said. "WSP has always tried to reach out and understand intellectually that their issue [minority groups] is our issue, but getting it together on a large scale is another matter."

And despite its measurable impact, despite the fact that it elicits applause where it once provoked snickers and hate mail, it is still not welcomed in all quarters.

Or so, as an example, the Airline Division of Women Strike for Peace, a 6-month-old group of stewardesses, ticket agents and ground personnel employed in New York by three airlines, has learned.

The leader of the group—which differs from the WSP norm in that the members are in their 20's and early 30's, and are all single—refused to divulge either her name or those of her colleagues.

"They wouldn't fire us, but management opposes this because it's so controversial," she explained. "And most of us are from the South, where the military is an honored profession and opposition is not taken lightly. Many of our families, those who know, disapprove."

"It has taken us a long time to decide to become active, and now that we have, we want to be effective," she vowed. "If that involves making compromises, we're willing."

## LEGISLATION ENABLING NONPROFIT ENTERPRISES TO BE ELIGIBLE FOR SBA LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I introduce for myself and 12 of my colleagues a bill to amend the Small Business Act so that nonprofit enterprises may be eligible for SBA loans. Many of my colleagues on the Banking and Currency Committee support this bill, and are the cosponsors mentioned above.

Economic development has been in the past, and must continue to be, one of our most vital priorities. Each of us recognizes the far-reaching effects of a strong local economy on an entire community or district. Widely varying nonprofit retail or service organizations have played a major role in such development. Community groups or corporations have been increasingly instrumental in financial growth of areas of the inner cities, just as farmer cooperatives have been successfully organized throughout the country by producers to market their wares. Nursery schools and day care centers, charitable organizations with retail outlets, and community-operated cooperative food markets have all been extremely valuable additions to our communities. They provide services to the consumer that cannot be found elsewhere, and for which there are no substitutes. The consumer often realizes great savings through such transactions. Group health plans, telephone coops, senior citizens groups and many others are nonprofit organizations that have come to be a central part of the services offered to us.

The Small Business Act regulations, drafted in the early fifties and based on a rather stricter view of business than we now know it, specify that organizations must be profitmaking to be eligible for loans. That requirement is now antiquated and obsolete. So long as the enterprise is able to pay back the loan it should be able to receive it. Nonprofit organizations are just as likely to have the resources to meet their obligations as are enterprises organized with a profit-making structure.

For these reasons I strongly believe, and my colleagues have concurred, that we must update this act, so that the regulations will be in harmony with business as we now know it.

The amendment shall read as follows:

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by inserting after "concern" in the first sentence thereof the following: "shall include any non-profit organization the purpose of which is to provide economic benefit or valuable service to its members (whether or not such members are themselves small business concerns) and which possesses such financial structure and prospects as provide reasonable assurance of its ability to meet financial obligations, and".

## TO CREATE A SELECT COMMITTEE ON CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, the most valuable resources this country has are its children. Nearly 70 million Americans—34 percent of the population are under the age of 18, and are formally defined as children. It is on this group that the very survival of our nation depends, and on this group that our hopes for the future rest.

But too many of our children are poor, too many are malnourished, too many have physical and emotional problems, too many cannot read. The situation is tragic in a nation which can afford to take care of all its citizens; it is particularly ironic in a nation which claims to be so conscious of its youth.

Our children need a voice. They cannot lobby for their own interests on Capitol Hill; they cannot convince a Congressman of the rightness of their position over dinner. We must speak for them, but we have neglected them.

Our approach to problems such as education, nutrition, health, family planning, and child care has been fragmented. The Senate at least has an able subcommittee which tries to assimilate the problems of children and make recommendations to that body. But in the House, we divide the problems of children among a variety of committees and subcommittees: Education and Labor; Ways and Means; Subcommittee on Labor, Health, Education, and Welfare; Subcommittee on Public Health and Environment; Special Subcommittee on Education; Select Subcommittee on Education; and General Subcommittee on Education.

As a result, our approach has been uncoordinated and very unsatisfactory in dealing with the myriad problems of children. Today, in an effort to coordinate our approach, I am introducing legislation to create a Select Committee on Children.

The committee would not have legislative authority. Its function would be to hold hearings and make investigations of the problems of children in this country in order to keep the House better informed about activities and needed actions in this area. The select committee could consider a broad spectrum of children's problems, including but not limited to: mental health, the right to read, prenatal and postnatal care, illegitimacy, day care, child development, education, physical health care, and housing.

I would hope that the select committee could be short-lived, perhaps no more than a Congress in length. During that time, I would hope that the Select Committee on Committees would create a formal subcommittee charged with responsibility for children and with the power to legislate. The Select Committee on Children would be a much-needed interim measure.

Mr. Speaker, I would like to describe briefly the kinds of problems which children in this country face.

Reading is a critical problem which seems to grow more severe and widespread as children get older. For example, 12 percent of all 9-year-old children read at or below the level of a 7-year-old. But 25 percent of all 11-year-olds read at or below the level of a 9-year-old. The reading problem is heightened in schools in the Nation's poor areas. In those schools in which one-half of the children are poor, more than one-fifth of the enrollment requires special instruction in reading—instruction which the students very often do not receive. This situation leads to a high percentage of adults who are unable to read. In 1970 and 1971, 18.5 million adults were unable to fill out practical forms that society demands, such as driver's license forms, tax forms, and social security forms. Clearly, we need to improve our teaching methods in this vital area.

To cite another area—mental health—we find that at the present time, about 500,000 children as young as 2 or 3 years of age suffer from the most serious forms of mental illness. Ten percent of all school-age children have emotional problems requiring psychiatric help, yet the number of special education classes and programs does not begin to meet the need. The number of boys aged 10–19 in mental hospitals has increased sixfold since 1950, with only a twofold-increase in population. In 1969, over one-fourth of the total addition to outpatient services in community health centers were children 17 or under. From 1966–68, the most prevalent increases in first admissions to State and county mental hospitals were among those 18 and under.

These statistics are frightening. We must find out why mental illness in children is on the rise and what we can do to combat it.

One of the most pressing problems children in this country face is poverty. One-sixth of the Nation's 0- to 6-year-olds live in poverty; another one-sixth live in near poverty. Children born into this cycle of poverty face obstacles that almost program them for failure. Their chances of getting the proper nutrition, health care, and education are slim. They must face psychological handicaps as well; children raised in a ghetto, where violence can happen at any time, where they are often neglected or raised apathetically, grow up thinking they are not worth very much as human beings and that the world is not a good place in which to live.

Studies have shown that early childhood development programs can offset some of these barriers to emotional and physical health. Yet these programs are simply not available to meet the need. Too many of the available day care programs are custodial in nature—they simply provide food, supervision, and safety, while the real need is for education and enrichment.

It is not only the children of the poor who need day care services. There is growing public support for day care on a broader basis—for those children whose mothers work, for those children who have handicaps, and for those children whose parents are in education or training programs that provide opportunities for work. Today, one-third of the mothers of preschool children—a total of 4½ million women—are working at full- or part-time jobs. This means there are more than 5 million preschool children who need full- or part-time day-care services while their mothers are away from home. Yet, there are less than 700,000 spaces in licensed day-care programs to serve them.

The child development bills now pending before Congress provide for day care centers with a wide range of services, such as nutritional, medical, social, psychological services, summer, and after-school programs for older children, and care for children whose parents work at night.

The Select Committee on Children could investigate this crucial area of child care and make recommendations for the types of programs that should be adopted.

Juvenile delinquency, which has been steadily increasing for the past decade, is a very serious problem that the Select Committee on Children should consider. In 1971, 25.8 percent of all arrests made in this country involved children under 18, according to Federal Bureau of Investigation statistics. That means that 1,700,942 children were arrested. Auto theft was a major area of crime: 53 percent of all persons arrested for stealing cars in 1971 were under 18. The number of children arrested for running away from home was 269,000—and that figure is only a fraction of the actual number of runaways. Each year, increasing numbers of teenagers and even younger children leave home and are lost in the bustling cities. These children have become a symbol of the growing alienation between young people and adults, and make it clear that the problems of children cannot and should not wait. Their problems should be recognized and dealt with early.

Another pressing problem relating to children is the need for good, reliable information about the reproductive process and contraception. It is estimated that some 5 million women need financial assistance in order to get this kind of information. There is also a great need for free or inexpensive clinics which provide prenatal and postnatal care.

We have cited just a few of the many, complex problems which affect children. There are many more.

The 1970 White House Conference on Children has outlined some critical areas for action. Some of the Conference's recommendations have been discussed by Congress; others have not. The following are several areas which are appropriate for study by the Select Committee on Children:

### CREATIVITY AND THE LEARNING PROCESS

The U.S. Office of Education, State departments of education, and local school authorities should enable school superintendents and principals to seek out and employ talented, creative community resource persons, regardless of certification.

### CRISIS IN VALUES

A comprehensive family assistance plan and supportive family services programs should be established.

Presidential leadership should be vigorously asserted to restore confidence and unity of a national purpose and that a Children's Bureau be established at the national level as a continuing advocate for children.

### FUTURE

National priorities should be reordered, with spending of money, materials, and energy for war and defense subordinated to wars against racism, poverty, and pollution, and action on behalf of education.

Substantial Government funds should be allocated for the deliberate development of schools, accountable to the public, whose sole reason for being is experimental.

Support should be given to schools endeavoring to abolish grade levels, develop new evaluation procedures, use the full range of community resources for learning, automate certain kinds of learning, explore instructional techniques for developing self-awareness and creative thinking, reschedule the school year, and more.

Most of all, substantial financial support should be given to schools seeking to redesign the entire learning environment, from the curriculum through the structure of the school to completely new instructional procedures.

### EDUCATIONAL TECHNOLOGY

The Conference recommended the redesign of education to achieve individualized, humanized, child-centered learning. Educational technology should be applied operationally in all Federal education programs and that it should be included in future legislation.

Federally supported public education in the United States should be made available for children at the age of 3.

### HEALTH

Federally financed comprehensive child health care programs should be established with a stable, permanent Federal financing mechanism.

The need for comprehensive services for the mental health of child and youth is also great.

Each State should be financially assisted to establish a division for preventive health investigation to identify preventable child health hazards, investigate failures to utilize preventive knowledge, seek correction of deficiencies through the exercise of appropriate authority, inform the public and governmental authorities when legislation is needed, hold public hearings, investigate individual preventable deaths, develop standards and make periodic reports.

### THE HANDICAPPED

The Conference recommended immediate and full appropriation of funds, especially for those programs which focus on manpower training and the provision of services for the handicapped.

### CHILD CARE

A diverse national network of comprehensive developmental child care services should be established to accommodate approximately 5.6 million children by the year 1980 through consolidated Federal efforts via legislation and funding as well as through coordinated planning and operation involving State, local, and private efforts.

### LAW

The recommendation was made that cross-cultural, participatory experiences be provided for all children so they may understand the concepts and goals of justice in terms of human relations, and that community decisionmaking processes and educational experience provide for the participation and knowledge necessary for personal, realistic commitment to the democratic system.

### READING

Enabling legislation should be introduced in the United States Congress to establish a national priority for the right to read effort.

An appropriate level of funding should be authorized to support the right to read effort.

An administrative organization should be established to coordinate and direct all programs, existing and contemplated, related to the right to read effort.

Last year, I introduced a resolution calling for a select committee on children, and circulated it for comment to various interested organizations. The need for this Select Committee is best shown by letters of commendation which I received from these organizations.

Dr. James N. Sussex, M.D., president-elect of the American Association of Psychiatric Services for Children, said:

> Assigning the issue of concern for children to a single committee should be a significant step in assuring that these issues are resolved and not just lost in the maze of other legislative matters facing committees.

Ida Rappaport of the Association for Children with Retarded Mental Development, said:

> I agree with you and the intent of the Resolution that an overall approach to the problems of children, which would be initiated by your Resolution, is long overdue. Any efforts by the Congress to develop a coordinated approach on the multiplicity of child problems should be hailed by those who are engaged in trying to improve life for them.

Ruth C. Sullivan of the National Society for Autistic Children stated:

> I am sure such a committee would serve a very useful purpose.

Henry K. Work, M.D., American Psychiatric Association, said:

> I am most impressed with your activities, and especially with the resolution concerning children.

Vera S. Paster, Ph. D., of the American Orthopsychiatric Association Inc.:

The American Orthopsychiatric Association has, since its founding 50 years ago, been greatly concerned with preventive measures in mental health and thus has always had children at the center of its concern. Therefore, we applaud the intent behind the introduction of this resolution and hope, in future years, it will bear fruit.

Therefore, I urge you today to support this resolution which would create a Select Committee on Children.

## GAO ANSWER TO QUESTIONS CONCERNING UNPRECEDENTED POWERS REQUESTED IN ADMINISTRATION TRADE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, on May 2, I addressed a letter to the General Accounting Office on several of the issues involved in H.R. 6767, the Trade Reform Act of 1973.

Because of the importance of this legislation to every Member of Congress and to every sector of the American economy, I would like to enter the GAO's reply to me, dated May 11, 1973.

In reading the letter, several new issues are raised, which I am currently reviewing with the GAO. In general, the letter indicates that the Agreement signed with the Soviet Union in October does not extend most favored nation status to the Soviet Union retroactively. MFN status would still require congressional approval. But note that the language of the bill is such that the congressional vote blocking MFN would require a negative vote of 218 Members, not just a negative vote of the majority of those present. In other words, the language would impose a more than 50 percent vote requirement on the Congress.

In answer to a question which I raised concerning the extent of the President's discretionary authority, the GAO notes:

> In this regard we might point out that an adjustment to nontariff barriers is required to be submitted to the "congressional veto" process of subsection 103(a) only when the President, in his judgment, "determines it necessary or appropriate" to do so and that *the proposed bill gives no guidelines as to how the President is to exercise the broad discretion given to him by this subsection.* (Emphasis added.)

In another interesting point, the letter indicates that there are possible similarities between our Nation's wheat export subsidy program and the types of foreign subsidy programs to which we object. The logic of the trade bill would certainly seem to me to indicate that our own domestic and costly wheat subsidy program be terminated.

In sum, Mr. Speaker, the GAO letter, the first of a number which I will be entering in the RECORD, indicates the enormous uncertainty and discretionary language contained in the administration bill. It is increasingly obvious that the Congress must make a lengthy and detailed rewrite of this legislation.

The letter follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
*Washington, D.C., May 11, 1973.*

Hon. CHARLES A. VANIK,
*House of Representatives.*

DEAR MR. VANIK: By letter dated May 2, 1973, you requested our views with respect to certain questions concerning H.R. 6767, 93d Congress, which the President submitted to the Congress and which, if enacted, may be cited as the "Trade Reform Act of 1973."

The first question you raise is:

"(1) In H.R. 6767, the Trade Reform Act of 1973, what basis is there for the statement in the explanation to Section 502 that 'agreements which have already been entered into such as the agreement with the Soviet Union signed in October, 1972' are eligible for most favored status under Title 5 of H.R. 6767?"

Title V of H.R. 6767 is entitled "Trade Relations with Countries Not Enjoying Most-Favored-Nation Tariff Treatment." Section 502 of Title V authorizes the President to enter into certain commercial agreements. Subsection (a) thereof provides:

"Subject to the provisions of subsections (b) and (c) of this section, the President may authorize the entry into force of bilateral commercial agreements providing most-favored-nation treatment to the products of countries heretofore denied such treatment whenever he determines that such agreements with such countries will promote the purposes of this Act and are in the national interest."

With respect to that title, on page 8 of House Document 93-80, dated April 10, 1973, containing the President's message proposing this bill, it is stated in pertinent part:

"*Most-Favored-Nation Authority.*—My proposed legislation would grant the President authority to extend most-favored-nation treatment to any country when he deemed it in the national interest to do so. Under my proposal, however, any such extension to countries not now receiving most-favored-nation treatment could be vetoed by a majority vote of either the House or the Senate within a three-month period.

"*This new authority would enable us to carry out the trade agreement we have negotiated with the Soviet Union* and thereby ensure that country's repayment of its lendlease debt. * * *" (Emphasis supplied.)

Section 502(c)(1) provides that an agreement referred to in subsection (a) or an order referred to in subsection 504(a) shall take effect only after the expiration of 90 days from the date on which the President delivers a copy of such agreement or order to the Houses of Congress, if between the date of delivery and the expiration of the 90-day period "neither the Senate nor the House of Representatives has adopted a resolution, by an affirmative vote by the yeas and nays of a majority of the authorized membership of that House, stating that it disapproves of the agreement or order." (We might point out in this regard that the standard of "a majority of the authorized membership" could require a greater number of votes in either House than either of the phrases "a majority" or "a majority of those present and voting" which are frequently used in matters such as these.)

Section 504 relates to the extension, and the withdrawal or suspension, of most-favored-nation treatment. Subsection (a) thereof provides, in pertinent part, that such treatment may be extended "to the products of a foreign country which (1) has entered into a bilateral commercial agreement and such agreement has entered into force pursuant to section 502 * * *." Thus, when the United States has entered into a commercial agreement with a foreign country and that agreement has "entered into force" under section 502, the President may, under section 504, extend most-favored-nation treatment to that country.

With respect to your question as to whether enactment of H.R. 6767 would affect the October 1972 agreement with the Soviet Union and allow the President to extend most-favored-nation treatment to that country, it does not appear to us that the language of the bill differentiates between a commercial agreement which was entered into prior to enactment of H.R. 6767 or one entered into after enactment thereof. Rather, if the subject agreement is "entered into force" in accordance with the provisions of section 502—including affording the opportunity for a "congressional veto" under the provisions of subsection (c)—the President may extend most-favored-nation treatment to that country under section 504.

Your first question is answered accordingly.

Your second question is:

"(2) As a Constitutional question, can the President through trade negotiations overturn a law of the Congress. For example, if the Congress has enacted legislation providing for the protection of certain endangered species of animals, can the President, through most favored nation trade status and other trade agreements, provide for the importation of the fur skins of such animals?"

Section 103 of H.R. 6767 relates to nontariff barriers to trade. Nontariff barriers include such matters as requiring products to meet certain health and safety standards or to have certain minimum information on their labels. Subsection (a) of section 103 provides in pertinent part that: "* * * It is the will of the Congress that the President take all appropriate and feasible steps within his power to reduce, eliminate, or harmonize barriers and other distortions of international trade in order to further the objective of providing better access for products of the United States to foreign markets." Subsection 103(b) provides:

"In order to further the objectives of subsection (a), the President is urged to negotiate trade agreements with other countries and instrumentalities providing on a basis of mutuality for the reduction, elimination, or harmonization of barriers and other distortions of international trade. Nothing in this subsection or in subsection (a) shall be construed as prior approval of any legislation that may be necessary to implement an agreement concerning trade barriers and other distortions of international trade."

Section 103(c) authorizes the President to take any action required or appropriate to carry out any trade agreement negotiated pursuant to section 103(b) "to the extent that such implementation is limited to a reduction of the burden on trade resulting from methods of customs valuation, from establishing the quantities on which assessments are made, and from requirements for marking of country of origin."

Section 103(d) relates to nontariff trade barriers other than those listed in subsection (c), quoted above, and provides in full:

"Whenever the President enters into a trade agreement providing for the reduction, harmonization or elimination of barriers or other distortions of international trade, and *the President determines that it is necessary or appropriate to seek additional action by Congress in order to implement such agreement,* he may authorize the entry into force of such agreement and issue such orders as may be necessary for the United States to fulfill its obligations under such agreement, subject to the procedures contained in subsection (e)." (Emphasis supplied.)

Subsection (e) provides:

"(e) Orders issued pursuant to subsection (d) shall be valid pursuant to this section:

"(1) Only if the President has given notice to the Senate and to the House of Representatives of his intention to utilize this procedure, such notice to be given at least 90 days in advance of his entering into an agreement;

"(2) Only after the expiration of 90 days from the date on which the President delivers a copy of such agreement to the Senate and to the House of Representatives, as well as a copy of his proposed orders in relation to existing law and a statement of his reasons as to how the agreement serves the interests of United States commerce and as to why the proposed orders are necessary to carry out the agreement; and

"(3) Only if between the date of delivery of the agreement to the Senate and to the House of Representatives and the expiration of the 90-day period referred to in subsection (e)(2) above, neither the Senate nor the House of Representatives has adopted a resolution, by an affirmative vote by the yeas and nays of a majority of the authorized membership of that House, stating that it disapproves of the agreement."

The President in his message to the Congress printed in House Document 93–80, *supra.*, explain these provisions as follows:

"Secondly, I request a Congressional declaration favoring negotiations and agreements on non-tariff barriers. I am also asking that a new, optional procedure be created for obtaining the approval of the Congress for such agreements when that is appropriate. *Currently both Houses of the Congress must take positive action before any such agreement requiring changes in domestic law becomes effective*—a process which makes it difficult to achieve agreements since our trading partners know it is subject to much uncertainty and delay. Under the new arrangement, the President would give notice to the Congress of his intention to use the procedure at least 90 days in advance of concluding an agreement in order to provide time for appropriate House and Senate Committees to consider the issues involved and to make their views known. After an agreement was negotiated, the President would submit that agreement and proposed implementing orders to the Congress. If neither House rejected them by a majority vote of all members within a period of 90 days, the agreement and implementing orders would then enter into effect." (Emphasis supplied.)

A President may not through trade negotiations overturn or change a duly enacted law, absent other authority of law. However, as can be seen from the emphasized portion of the above quote, the President feels—and we agree—that the enactment of section 103 will grant him sufficient authority to allow him to enter into agreements which could, in effect, change domestic law. In other words, this provision would allow the President to limit the effect of domestic legislation with respect to certain imported products, subject only to the "congressional veto" provisions of subsection (e). In this regard we might point out that an adjustment to nontariff barriers is required to be submitted to the "congressional veto" process of subsection 103(e) only when the President, in his judgment, "determines it necessary or appropriate" to do so and that the proposed bill gives no guidelines as to how the President is to exercise the broad discretion given to him by this subsection.

As to the constitutionality of this type of arrangement, the Congress may lawfully authorize the President to abrogate certain provisions of law when he determines such abrogation to be in furtherance of the purposes of the authorizing act and in the national interest. Whether the exercise of such authority by the President would raise a constitutional question would depend on the statute involved and the facts and circumstances in each case. For example, eliminating certain nontariff barriers on imports might result in discriminating against domestic competitors and thus raise a constitutional question.

Your second question is answered accordingly.

Your third question is:

"(3) Would it be the General Accounting Office's interpretation that the language in Title 3 of H.R. 6767, relating to unfair trade practices and dumping, would, if enacted by a foreign country, result in action against the wheat subsidy program currently conducted by the Department of Agriculture? In other words, if the wheat subsidy program which is part of the United States Code were operated by, say, Canada, would Title 3 of H.R. 6767 provide for us to take action against that country to stop its export subsidy practices?"

Section 301(a) of the subject bill provides, in pertinent part, that whenever the President determines that a foreign country or instrumentality "provides subsidies (or other incentives having the effect of subsidies) on its exports of one or more products to other foreign markets which have the effect of substantially reducing sales of the competitive United States product or products to those other foreign markets;" the President "shall take all appropriate and feasible steps within his power to obtain the elimination of such subsidies" and that he may take certain other steps in response to unfair foreign import restrictions and export subsidies. If a program similar to our wheat export subsidy program was adopted by a foreign country, and such subsidy had the effect of substantially reducing sales of competitive United States wheat to foreign markets section 301(a), in our opinion, would require the President to take appropriate action against that country in an effort to halt such subsidies, taking into consideration the relationship of such action to our international obligations.

As to antidumping, section 310 of H.R. 6767 contains provisions amending the Antidumping Act, 1921, 19 U.S.C. 160(b) to provide for more expeditious investigations and decisions. The substantive law is, in effect, unchanged. If a statute similar to the Antidumping Act, 1921, as amended, were adopted by a foreign country, it could result in action against our wheat subsidy export program if our program had the effect of having United States wheat sold in that country for less than its fair value.

Also section 330 of Title III of H.R. 6767 amends section 303 of the Tariff Act of 1930, 19 U.S.C. 1303, with respect to countervailing duties. The proposed section 303(a)(1), as contained in the subject bill, provides, in pertinent part that:

"(1) *Whenever any country,* * * * *shall pay or bestow,* directly or indirectly, *any bounty or grant upon the manufacture or production or export* of any article or merchandise manufactured or produced in such country, * * * then upon the importation of such article or merchandise into the United States, * * * there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

"The Secretary of the Treasury shall determine within 12 months after the date on which the question is presented to him, whether any bounty or grant is being paid or bestowed." (Emphasis supplied.)

The first paragraph of section 303 of the Tariff Act as it would be amended by H.R. 6767 would be almost identical to the present section 303. H.R. 6767 also would amend section 303 by adding subsections dealing with the determination of the amount, if any, of any bounty or grant and the actions which may be taken with respect therewith. As the President explained this section on page 7 of House Document 93–80 *supra.*, the proposed legislation would amend current countervailing duty laws "to provide for more expeditious investigations and decisions. It would make a number of procedural and other changes in these laws to guarantee their effective operations." However, the proposed section is not intended to, and, in our opinion, does not, change existing substantive law with respect to countervailing duties. Therefore, if the wheat subsidy export program currently conducted by the Department of Agriculture could be considered a payment or bestowal, directly or indirectly, of a bounty or grant upon the manufacture or production or export of wheat, and if a similar subsidy program were adopted by a foreign country, it is our opinion that section 330 of H.R. 6767—as well as existing law—would enable, but not require, the United States to take appropriate action against that country in an effort to halt the subsidy practices.

Your third question is answered accordingly.

Your fourth question is:

"Section 1353 of Title 19 of the U.S. Code states, 'nothing in this Part shall be construed to give any authority to cancel or reduce in any manner, any of the indebtedness of any foreign country to the United States.' Does this section prohibit, before a new act of Congress, any negotiation with a foreign country such as the Soviet Union, to reduce the debt owed that country to the United States?"

While 19 U.S.C. 1353 precludes construing anything in Part III of Subtitle II of Title 19, United States Code, as giving any authority to cancel or reduce the indebtedness, or any part thereof, of any foreign country to the United States, there is nothing in such code provision which would prohibit the President from cancelling or reducing such indebtedness under other statutory authority if such exists.

Your fourth question is answered accordingly.

We trust that the above is responsive to your inquiry.

Sincerely yours,

PAUL G. DEMBLING,
*Acting Comptroller General of the United States.*

---

## ISRAEL: FIRST VICTIM OF "OIL AS A WEAPON"?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 5 minutes.

Mr. PODELL. Mr. Speaker, when Israel celebrated her 25th anniversary last week we recalled with pride and admiration the story of her birth and struggle for nationhood. A modern industrialized country has developed under the challenge of acute defense problems and a heavy load of immigration. There have been dramatic victories in the ongoing process of nation-building.

One of the less visible battles has been on the international economic front. There is a longstanding Arab effort to force companies doing business with the Arab world to boycott Israel. By and large, they have spoken loudly and carried a small stick and the boycott has not enjoyed great success. A great deal of credit is due to the vigilance of the Anti-Defamation League of the B'nai B'rith in publicizing the activities of companies who succumb to the boycott.

Israel's battle for world trade and economc relations free of blackmail is also an ongoing one. Several Japanese industrial giants, Nissan, Toyota and Hitachi, with the tacit support, if not the encouragement, of the Japanese Government, refuse to deal with Israel. Ostensibly, this is for commercial reasons, but upon examination, their justifications are revealed as coverups for submitting to Arab pressure.

Israel's efforts to establish a mutual landing rights treaty with Japan reveal a pattern of industrial and governmental collusion in discriminating against Israel. Six years ago, Japanese Airlines, JAL, agreed to enter into negotiations with El Al for a mutual air agreement which was to be followed by a discussion between the respective governments on a landing rights treaty. In the 6 years following, there has been no substantive progress. Neither the airlines nor the Japanese Government would hold the promised negotiations with their Israeli counterparts.

In 1970 B'nai B'rith instituted a boycott of Japanese Airlines in light of their continued refusal to end discriminatory practices. The Japanese response was more doubletalk. The airlines consistently maintained that its decision was subject to the recommendations of the Japanese Government while the Government claimed that the decision rested with the airline. Negotiations were repeatedly scheduled in response to American public opinion, but then were never held.

The most common reason cited by the Japanese for their refusal to negotiate landing rights is that a Tel Aviv-Tokyo route simply would not be profitable. El Al's offer to service the route alone while sharing the profits from the route makes this argument absurd. Japanese Airlines could not lose out under such an arrangement.

It is ironic that Japan is sacrificing the principles of free trade and contraverting the international agreements to which she is a signatory in the face of a paper tiger. The Arabs have consistently failed to follow through on their threats. Most major air carriers service both Israel and the Arab countries.

Mr. Speaker, this situation must not continue. We must not condone it. The current fuel shortage has made us painfully aware of the potential economic power and pressure that the Arab countries will be able to exert in the coming decades. Japan is even more dependent on Middle-Eastern oil than is the United States. If Japan submits to pressure in the face of a specious Arab threat, what hope is there that she will stand up to blackmail in the future?

This is not a question only for Japan. If the international community remains silent they will encourage the Arab countries to exploit their economic advantages in the years to come "as a weapon" not only for attacking Israel but for destroying free and open trade between nations. We must make it clear that such pressure will not work.

Japan has earned a leading role in the world economy. It is time she accepted the responsibilities of such a role. Until the policy of economic discrimination is ended we must continue to pressure the Japanese Government, and seek sanctions against companies which refuse to trade with Israel.

## TEXAS ALCOHOL SAFETY ACTION PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CASEY) is recognized for 5 minutes.

Mr. CASEY of Texas. Mr. Speaker, District Attorney Carol Vance of Houston, Tex., is to be commended for one of the most far sighted programs for dealing with drunk driving that has been developed. An article in the March issue of the Houston Lawyer, a monthly publication of the Houston Bar Association tells how this great district attorney has marshaled the resources of our community to deal with this very serious problem.

Mr. Speaker, I wish to call this program to the attention of my colleagues with the thought that their communities may find it to be helpful in combating drunk driving which is indeed a national problem:

### TASAP AND THE DWI OFFENDER

An innovative project focusing on the drunk driver was recently implemented by District Attorney Carol Vance.

Mr. Vance said that the number of driving while intoxicated cases in Harris County doubled from 5,000 cases in 1970 to 10,000 cases in 1972 and 12,000 DWI cases are anticipated in 1973.

As he saw an extraordinary increase in DWI offenses and received more information about the DWI problem, the District Attorney's office became convinced that traditional methods would not stop the spiraling number of drunk drivers.

During 1971, and since, Vance has had extensive conversations on the subject with Baylor College of Medicine and officials from the Texas Office of Traffic Safety and the U.S. Department of Transportation.

### FUNDING

By early 1972, Mr. Vance had obtained funds from these state and federal agencies to hire TASAP Project Director Carol Coffee to coordinate and write a proposal to obtain funds for a new DWI project.

Also in early 1972, Mr. Vance requested 21 members of the community to serve as an Advisory Committee during the proposal-writing period and after implementation.

Chairman of the Committee is 182nd District Judge Lee Duggan, Jr., and Chairman of the Law and Justice panel of the Committee is Judge J. D. Guyon of County Criminal Court-at-Law No. 2.

In mid-December of last year, Mr. Vance formally announced the receipt of $1.2 million in State and Federal funds for a three year project called TASAP—the Harris County Texas Alcohol Safety Action Project.

### DRIVERS WHO DIE

"The TASAP is really after the problem drinker-driver," Mr. Vance said. The District Attorney said researchers had identified the problem drinker-driver as one who is alcohol-dependent to the extent that his behavior is seriously affected.

"Research indicates," Mr. Vance noted, "that these people often deny their problem or seem helpless to change their behavior. And their excessive drinking-driving may concern their family and friends or cost them their jobs."

The relationsip between drunk drivers with emotional problems and traffic fatalities was evident in a Baylor College of Medicine study called "Drivers Who Die." The study examined 25 serial driver fatalities from automobile collisions in Harris County.

Baylor researchers found that:—72 per cent of drivers killed in traffic crashes had 0.15 percent blood alcohol content readings (0.10 per cent is presumed intoxicated).

—80 per cent of the fatality group had severe stress (marital, financial, occupational, etc.) within 24 hours prior to the crash; and

—19 of the 25 dead drivers each averaged 7 prior moving traffic violations.

### IT IS NO ACCIDENT

The Baylor research team thus drew the following conclusion about drivers who die:

"We dispute the contention that a majority of traffic collisions are 'accidents' . . . It was the opinion of the researchers that a very small percentage of fatal automobile collisions are, in fact, accidents.

"When there is a true accident—i.e. an unavoidable event happening primarily by chance—there is usually both a normal personality and an absence of any specific stress, where death was caused by an unusual accumulation of circumstances."

Mr. Vance added that "It was this type of information, along with spiraling DWI cases and 300 Harris County traffic fatalities each year that led us to develop and seek funding for TASAP."

### TASAP COMPONENTS

While the District Attorney's Office is the prime contractor for TASAP funding and is responsible for project management, a number of public and private groups are a part of TASAP through sub-contracts or inter-agency agreements.

The TASAP components are the Harris County Adult Probation Department, the Harris County Sheriff's Department, Baylor College of Medicine, the University of Houston, City of Houston Public Health Department, and the Houston Regional Council on Alcoholism.

In addition, the cities of Bellaire, South Houston, Deer Park, Jacinto City and Galena Park are involved in TASAP.

All of the TASAP components seek to get the drunk driver off the road until he has corrected his behavior and seek to reduce the number of traffic deaths, injuries and property damage caused by these problem drinker-drivers.

### HOW DOES IT WORK?

After a person is charged with DWI, his case is examined by either Richard Cobb or Gerald Guerinot, Assistant District Attorneys assigned to TASAP.

Cobb or Guerinot attempt to eliminate some "social" drinker-driver DWI defendants by looking for a low blood alcohol content level, a good driving record, whether or not a collision occurred and the time of day in which the DWI arrest was made. These criteria are part of extensive criteria developed by Baylor College of Medicine, coordinator of all TASAP rehabilitative methods.

Those DWI defendants who are possible problem drinker-drivers are sent a letter asking them (preferably their attorney) to contact the District Attorney's Office.

When contact is established, Cobb and Guerinot urge the defendants to involve themselves in a pre-trial screening at Baylor College of Medicine.

### BAYLOR'S ROLE

A team of Baylor professionals headed by K. D. Charalampous, M.D., determines if the DWI defendant is a problem drinker-driver through several (or all) of the following methods:

(1) Examine driving records and personal social history records.

(2) Administer a screening test for alcohol dependence.

(3) Interview of the defendant by a counselor-coordinator.

(4) Interview of the defendant by a psychiatrist.

Baylor then forwards a report to the District Attorney's Office which indicates whether or not Baylor considers the DWI defendant to be a problem drinker-driver.

Dr. Charalampous said that 64 percent of those DWI defendants which Baylor has screened have been found to be problem drinker-drivers.

If the District Attorney's Office receives a report from Baylor which designates the DWI defendant as a problem drinker-driver, the District Attorney's Office will then concur with a request for probation only if the defendant is assigned to TASAP as a special condition of his probation.

### AFTER PROBATION

If the defendant receives a probated sentence for DWI and if the Court accepts the special condition of probation that requires the probationer to "participate faithfully in TASAP", then the Harris County Adult Probation Department arranges a second meeting at Baylor for the probationer.

At this second meeting, Baylor professionals decide which rehabilitative method (or combination of methods) is most appropriate to modify the probationer's drunk driving behavior.

A person receiving TASAP-assigned probation could be required to deal with his drinking-driving problem by one or more of the following methods:

Enter Driver Behavior Modification School at the University of Houston;

Attend individual and group sessions sponsored by the Houston Regional Council on Alcoholism;

Enter Opportunity House, operated by the City of Houston Public Health Department; and/or

Become involved in other community rehabilitation activities—public and private—coordinated by Baylor College of Medicine.

Probation officers assigned to TASAP have the usual responsibilities for assuring that conditions of probation are met and for coordinating initial and subsequent actions by Baylor and the agencies involved in rehabilitation for the DWI probationer.

### REHABILITATIVE METHODS

At the University of Houston Driver Behavior Modification School, the DWI probationer will attend sessions for 2½ hours per week for four weeks. Thereafter, the DWI probationer will attend reinforcement sessions at intervals of six weeks until a period of 35 weeks is completed.

During the first four sessions at the University of Houston, the DWI probationer will receive information about the effects of alcohol on his driving capability, will see films that require his reactions and will be involved in group discussions.

A DWI probationer assigned to TASAP could be required to involve himself in Alcoholics Anonymous through the Houston Regional Council on Alcoholism.

Opportunity House provides a half-way house for TASAP-assigned DWI probationers that requires an environment which removes them from access to alcohol until they can cope with their problem. Opportunity House personnel obtain part-time to full-time employment for their residents at an appropriate time.

Baylor College of Medicine may determine that the TASAP-asigned DWI probationer could benefit from any one of a number of other community facilities which could intervene in the drunk driving behavior of the individual. This fourth rehabilitative area could include intensive individual counseling within the means of the probationer.

### INCREASED ENFORCEMENT

The Harris County Sheriff's Department is involved in TASAP in several areas. During March, the Sheriff's Department conducted a school for breathalyzer operators in Harris County.

This training will enable law enforcement officers from the Sheriff's Department and from the cities of Bellaire, Galena Park, Jacinto City, Deer Park and South Houston to have a first time capability in using the breathalyzer to determine presumed limits of intoxication.

Breathalyzer instruments will be provided through TASAP to the Sheriff's Department and other jurisdictions mentioned. The Sheriff's Department will train 20 officers each year through 1975 and provide technical supervision for these operators and instruments.

## MASS TRANSIT CRISIS IN NEW YORK CITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, the increasing financial problems facing mass transit facilities in this country have brought the public transportation system in New York City to the brink of an enormous crisis.

In his 1973–74 budget message to the New York City Council, Mayor John Lindsay disclosed that after January 1, 1974, the city would end its $65.6 million annual transportation subsidies for schoolchildren and the elderly. This action would constitute an unconscionable and cruel burden upon those members of our society who are most deserving of publicly supported access to mass transit, and I urge the mayor and the city council to reassess the planned budget priorities in the light of the hardships which this proposal would inflict on the young and on our senior citizens. We simply must find a way to retain these subsidies.

The mayor's message struck an ominous note of enormous potential consequences by warning that the city's increasing financial operating deficits may lead soon to a fare rate of 55 cents, a price which would be a devastating blow to millions of New Yorkers.

In a very real sense, this New York City problem has its roots in the distorted national transportation policies from which the country suffers. America has a craving need to upgrade mass transportation with a massive infusion of Federal funds, but Congress has not taken the steps necessary to realize that goal. Once again this year, the Senate voted to open the vast existing resources of the highway fund for mass transit use at local option, but despite the energetic efforts of many urban Representatives, the House voted down the proposal. As a result of Federal inertia, we now witness the difficulties and burdens which unavailability of mass transit financing is causing to the general public in big cities across the country.

Just 2 weeks ago, the administration-opposed H.R. 6452, the Urban Mass Transit Act of 1973, which contained badly needed operating subsidies for mass transit systems with operating deficits like those of New York City, was removed from the House legislative calendar.

Here in Congress we must keep hammering away at this problem until we develop a program to provide the mass transit assistance which our urban areas need so badly. Instead of paving the country over with superhighways and consuming vast quantities of dwindling energy reserves in running pollution-causing private passenger automobiles over them, this Nation must concentrate its efforts on upgrading the mass transit facilities so desperately needed in the cities.

In the meantime, until a national solution can be reached, New York City must do everything in its power to realine its budget so that existing transportation subsidies for the young and the elderly continue at present strength.

## BACKGROUND ON IMPOUNDMENT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the problem imposed upon Congress by excessive impoundment of funds by the Chief Executive is leading toward a confrontation between the executive and legislative branches of Government. I think it may be well to discuss the background of impoundment. It is not new.

The concerned men who labored during the long hot summer of 1787 divided the functions of Government among the three separate branches. This arrangement was intended to promote the long term responsiveness of government to the people, from which each branch ultimately draws its authority.

### THE POWER OF THE PURSE

The representatives of the people were to be makers of the laws and keepers of the public purse. Congressional supremacy in fiscal matters is clearly set forth in the Constitution. That authority to levy taxes, appropriate revenues, and finally to control how that money is spent is perhaps the cardinal power of the Congress—the foundation of all legislative power.

The legislative and executive branches are now divided over the issue of impoundment. That in itself is not news to the body politic. There have been several celebrated impoundment cases, characterized by a political contest between the Congress and the Executive. The question of the authority to impound was not treated specifically in the Constitution and has never been satisfactorily resolved. What is news is the virtually unlimited authority to impound claimed by the administration and the serious implications of this claim for the role of the legislative branch in this Government.

### APPROPRIATIONS ARE PERMISSIVE IN NATURE

Some discussion about the nature of appropriations may be helpful at this point.

Appropriation bills generally are not cast in arbitrary language mandating that every dollar appropriated be obligated in the time frame for which it was originally intended. There are, on the contrary, obvious circumstances under which Congress would expect the Executive to impound.

In some instances in recent years Congress has directed the Executive to impound funds, leaving to him the decision as to the specific funds to be withheld. It did so in 1967 in H.J. Res. 888 with respect to the fiscal 1968 budget, and in the Revenue and Expenditure Control Act of 1968 with respect to the fiscal 1969 budget.

### ANTI-DEFICIENCY ACT

More importantly, Congress in 1905, 1906, and 1950 enacted legislation, still in effect, which provides for the impoundment of funds by the President under certain special circumstances. The relevant language of the Anti-Deficiency Act is as follows:

> (2) In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available. Whenever it is determined by an officer designated in subsection (d) of this section to make apportionments and reapportionments that any amount so reserved will not be required to carry out the purposes of the appropriation concerned, he shall recommend the rescission of such amount in the manner provided in the Budget and Accounting Act, 1921, for estimates of appropriations.

In this language Congress essentially directs the Executive not to obligate appropriated money if it develops that the purpose of legislation can be achieved for less, or if developments subsequent to the Appropriation Act make the use of the money unnecessary.

This principle squares with common sense. Congress does not administer the Government. Those in executive capacities do bear a responsibility to achieve the purposes of appropriations at the least practicable cost. Some degree of administrative flexibility, such as that provided under the Anti-Deficiency Act, is essential to insure prudent management of the huge and complex Federal establishment.

### THOSE JEFFERSON GUNBOATS

In 1803 Thomas Jefferson impounded $50,000 appropriated for gunboats on the Mississippi River. Time and again administration spokesmen have cited this action as the original and auspicious precedent for the broad impoundment authority they are merchandizing today. The full story reveals that the gunboat impoundment was a perfect example of the type of action Congress intended to be carried out under the Anti-Deficiency Act.

On February 28, 1803, Congress had appropriated the $50,000 and had authorized the militia to be called because New Orleans had been closed to American shipping and a conflict with the French and the Spanish seemed imminent. The French had actually moved a large force into the Caribbean. The threat of war and the need for the gunboats dissolved with the purchase of the Louisiana Territory, which was announced on July 4, 1803. Nobody argues with that type of action. That is exactly the kind of saving one would expect under the Anti-Deficiency Act.

### CURRENT IMPOUNDMENT ISSUE

The impoundment issue today is critical because it involves an unwarranted and dangerous encroachment by the Executive upon the appropriations authority of the Congress. It masks a major bid for increased power by the Executive and represents a profound challenge to the Congress.

### THE FISCAL CRISIS

The heart of the administration's argument is that we face a fiscal crisis and that Congress alone put us there. It is true that the Government is at a fiscal crossroads. But only the most naive student of public affairs would swallow the charge that Congress somehow put this one over on the hapless President. It is true that the Nation will have accumulated about one-fourth of its half-trillion-dollar national debt in only 4 years. But it is the President who is recommending increased borrowing of $34 billion in 1973 and $30 billion more of the same for fiscal 1974 in his current budget. And this is but a continuation of what has gone before.

### THE FISCAL FACTS

The facts are that we have a government of shared responsibility. The Executive and the Congress have acted together to produce these results. Over the last 5 years, the Congress has approved the total budget authority the Executive has requested. The package may have been put together differently—representing differing points of view between the Executive and the legislative branches on priorities—but the totals were the same.

I would note that the Congress, acting through the appropriations process during those 5 years, reduced budget authority by $30 billion. It offset this reduction by a $30 billion increase in nonappropriation bills.

It is also true that executive and legislative branches, acting together on taxes since 1962 have reduced revenues that would otherwise have been available by about $50 billion, had the economy performed as it has.

In fiscal 1973 when the Congress did exceed the budget by about $6 billion in spending, the increases were largely for social security benefits, revenue sharing, black lung, and others. In fairness to the Congress, it must be said that the President signed these bills and took credit for the largest increases.

The fiscal facts do not in any way support the charge that the Congress alone has produced a fiscal crisis.

Perhaps it is the administration's approach to the fiscal problem that is more fundamentally disturbing than the misstatement of how that problem came about. The President has said that his authority to impound stems from his responsibility to fight inflation and prevent tax increases. He has charged that the Congress represents special interests while he represents the general interest, and that this situation compels him to assume primary responsibility for fiscal policy. Time and again administration spokesmen have hammered home the message that the President must impound to battle inflation, because congressional authority is fragmented.

### THE AMERICAN SYSTEM OF GOVERNMENT

If that premise is accepted, then Congress might as well go home. Please excuse me if I belabor some obvious points. Congressional authority is fragmented. To be absolutely precise, it is divided among 435 Representatives and 100 Senators—all, I might add, elected by the same citizens who elected Richard Nixon last November.

The Office of the President speaks with one voice, and that is appropriate and necessary for the executive and administrative responsibilities assigned to the executive branch under the Constitution.

Congressional decisions are deliberative judgments, forged from the competition of differing ideas and finally molded by compromise solutions that are acceptable to a majority vote. This system may not be too appealing for the administration of government, but the role of Congress is not to administer—it is to legislate! While it may be that efficiency is necessary to the administrator, it is also true that deliberative judgment is the essence of policymaking through legislation.

Let me emphasize I am not defending this system—I am describing what has been the American system of government for some 200 years. It needs no defense.

The President is not alone in possessing the right to govern. His approach to the fiscal problem has not been to propose policies and actions to the Congress for consideration or to seek a cooperative solution to fiscal problems, but to impose his own solution.

I would assert again that the people have vested in their Congress just as much responsibility and authority as they have in the Executive. If the administration's line of reasoning is granted validity, we have moved one giant step toward nullifying any significant role for Congress in our Government. This is not in keeping with the American Constitution, not in accord with the American tradition of government. It is not democracy.

---

## INTER-AMERICAN DEVELOPMENT BANK ANNUAL REPORT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, 13 is supposed to be an unlucky number but for the Inter-American Development Bank its 13th year has been one of record achievement with more than $807 million in loans made to speed economic and social development in the hemisphere.

Last week the IDB held the annual meeting of its Board of Governors in Kingston, Jamaica, and related its 1972 annual report. A press release accompanying the report summarized the bank's activities and accomplishments during 1972. Because the United States has provided almost $3 million to the IDB, I am sure that this summary will be of great interest to many in the House of Representatives:

### Inter-American Bank Gives Further Record Support For Latin America's Accelerating Economic Growth

By a number of indicators the Inter-American Development Bank's support in 1972 for Latin America's accelerating economic and social development was the greatest in its thirteen-year history.

This was detailed in the Bank's 1972 Annual Report made public today (Monday, May 7, 1973) as the Fourteenth Annual Meeting of the Bank's Board of Governors opened in Kingston, Jamaica. The report was presented to the meeting by Bank President Antonio Ortiz Mena.

During 1972 the Bank lent a record total of $807 million to support the increasingly rapid economic and social growth of its member countries. That figure was 24 per cent higher than the previous record total of $652 million authorized in 1971.

The Bank's lending action has supported and coincided with a period of steady economic growth in the hemisphere over the past decade, particularly over the last four years. During 1972 the report said, the rate of growth of the region was 6.2 per cent and over the 1968–72 period the growth averaged 6.4 per cent.

In addition to its record lending, the report said that in 1972 the Bank made substantial progress in attracting new financial resources for Latin America's development, not only from its own membership but also from other capital contributing nations. A major highlight in this connection was the entry of Canada into the Bank as a full member on May 3, 1972, and continued progress in the Bank's efforts to attract other countries, including Japan, Germany, and other major capital exporters into membership.

Another highlight in the Bank's efforts to replenish its financial resources for Latin America's development was the entry into effect of an increase in the Bank's Fund for Special Operations amounting to $1.5 billion.

The entry into effect of that increase was vitally needed for the Bank to continue lending on concessional terms in the future. During the year the Bank put into effect a policy designed to give preferential support for its needier member countries and those having an insufficient market economy with the resources of the Fund. As a result the Bank in 1972 lent record sums to five of those countries—Bolivia, the Dominican Republic, Ecuador, El Salvador and Haiti.

The report said that the Bank's 52 loans amounting to $807 million in 1972 "represented a broad advance in the Bank's objective of achieving a lending plateau of about $1 billion yearly over the next few years compared with the slightly more than $600 million average level established over the previous three years."

At the end of 1972 the Bank's cumulative lending stood at $5,441 million net of cancellations and exchange adjustments distributed in 719 individual loans.

The report emphasized that this lending volume represents only a minor portion of the total Latin American investment effort and pointed out that the steady economic growth registered over much of the past decade by a substantial number of the countries of the region was due primarily to their own efforts. The report added:

"Overall, Latin America has provided approximately 89 per cent of its own investment thrust, with the remaining 11 per cent coming from the international financial community and bilateral lending sources."

In this regard the Bank's total lending of $5,441 million has been matched by counterpart funds amounting to $10,933 million provided primarily by Latin America itself in carrying out projects whose total cost amounts to $16,374 million.

The Bank's disbursements in 1972 which amounted to $479 million were also higher than those of any previous year and brought the cumulative total as of December 31, 1972, to $3,087 million.

During the year the Bank also authorized an additional $6 million in nonreimbursable technical assistance to help its members draft new projects, improve governmental institutions, train development personnel and foster the region's economic integration.

The Bank's support for the region's economic integration also registered new highs in 1972. That support included a loan of $80 million to help Argentina and Uruguay to build a joint 1,620,000-kilowatt hydroelectric power station, loans totaling nearly $10 million to support lending programs of the Andean Development Corporation and the Central American Bank for Economic Integration and $16 million in credits to finance exports of capital goods from one Latin American country to another.

The Bank's net earnings in 1972 totaled $51 million compared with $45 million in 1971 and the Bank's reserves rose from $166 million in 1971 to $216 million in 1972.

In raising funds in the capital markets to augment its lending resources, the Bank once again relied on sources entirely outside the United States. Through borrowings the Bank raised $141 million in 1972—$62.1 million in Germany, $20.8 million in Switzerland, $19.5 million in France, $6.2 million in Sweden and $32.5 million in Latin America. In addition it drew down $36 million in a borrowing arranged in 1971 in Japan.

The Bank's sectoral lending in 1972 reflected a judicious balance between the economic infrastructure fields of electric power and transportation and the directly productive sectors of industry and agriculture, along with attention to social sectors.

Within this context in 1972 economic infrastructure accounted for $357 million or 44 per cent of the Bank's lending, the directly productive sectors for $307 million or 38 per cent, and the social sectors for $143 million or 18 per cent.

The distribution of Bank loans in 1972, as well as on a cumulative basis, is shown in the following table:

DISTRIBUTION OF LOANS

[Dollar amounts in millions]

| Sector | 1972 | 1961-72 | Percentage |
|---|---|---|---|
| Agriculture | $130 | $1, 283 | 23 |
| Electric power | 233 | 973 | 18 |
| Transportation and communications | 124 | 951 | 17 |
| Industry and mining | 160 | 813 | 15 |
| Water and sewage systems | 61 | 596 | 11 |
| Urban development | 44 | 402 | 7 |
| Education | 29 | 197 | 4 |
| Preinvestment | 9 | 100 | 2 |
| Export financing | 16 | 91 | 2 |
| Tourism | 1 | 35 | 1 |
| Total | 807 | 5, 441 | 100 |

During 1972 the Bank completed its share in the execution of 48 projects for which the Bank had authorized loans totaling a net $304 million. Completed cost of the projects was $797 million. Projects completed in 1972 raised the total number carried to completion with the assistance of Bank loans to 391 in which the Bank's lending investment came to $1,797 million.

A summary estimate of the accomplishments which the Bank's total lending through December 31, 1972, has brought about or is expected to bring about includes the incorporation into production of over 9.3 million acres of farmland and the granting of nearly 1 million credits to farmers; the construction or improvement of 26,610 miles of Latin America's road network; the installation of 10.3 million kilowatts of electric power and 54,300 miles of transmission and distribution lines; the construction or expansion of 5,150 industrial enterprises and 4,840 water and sewage systems; the construction of 367,100 housing units for low-income families; the improvement of 614 learning centers; the execution of 600 preinvestment studies for new projects, and the financing of $122 million worth of exports among its member countries.

In a special analysis of economic development trends of the region, the Bank's Annual Report pointed out that the satisfactory rate of economic growth achieved by Latin America in recent years was continued in 1972.

The report said that industrial activity continued to play a dynamic role in the evolution of Latin America's internal economy during the year, a situation that was reflected in a rapid growth of exports of manufactured products.

"At the same time," it said, "programs to develop electric power and basic industry—particularly iron and steel—became increasingly important, while the exploitation of natural resources such as iron, aluminum, petroleum and forest resources was intensified."

The report also noted that the Latin American nations have recently begun to exhibit a greater awareness of social problems but added that "action in this field with the possible exception of progress achieved in health and education has not yet had a significant impact."

The development of production trends in the region followed the pattern established in the 1960s but at a slightly faster rate, the report pointed out. The contribution of the primary sector—agriculture and mining—to the gross domestic product declined from 20.5 per cent in 1967 to 18.3 in 1971 while the contribution of the secondary sector—manufacturing, construction, electric power and transportation—increased progressively from 35.4 per cent in 1967 to 37.6 per cent in 1971.

According to preliminary information, the increase in the region's gross domestic product for 1972 was 6.2 per cent, a rate similar to that achieved in 1971. The increase in per capita product amounted to an average of 3.5 per cent annually for both 1971 and 1972.

"The continuation of the high rate of growth over the last three years—1970–72—is an encouraging sign of progress in the capacity for autonomous development of the region, thanks to which adverse factors in the world economy have been counterbalanced," the report stated.

The region's dynamic industrial sector, meanwhile, has expanded more rapidly than the gross domestic product but at a slower pace than in previous years. Production rose by 7.1 per cent in 1971, a slight decrease from the 7.5 per cent rate of 1970. The most striking progress was made by Brazil with an average rate of expansion of 12 per cent in 1968–71, followed by Argentina, Mexico and Colombia which registered average annual gains during the period of more than 7 per cent.

An important feature of Latin America's recent industrial expansion, the report pointed out, has been the rapid rise in the export of manufactured products which during 1968–70 increased at a rate of 13.1 per cent. In Brazil the value of such exports, excluding processed foods, rose from $13 million in 1959 to more than $600 million in 1972.

The performance of Latin America's balance of payments during the 1968–71 period was generally favorable and preliminary data indicates that this trend continued in 1972. Despite a constant deterioration of the balance on current account in 1968–71, a substantial increase in long-term capital movements increased regional reserves to an estimated $2.7 billion with the most significant improvements occurring in Brazil and Venezuela. A further increase in international reserves, estimated at 30 per cent, is anticipated for 1972.

In light of these events, the report stated that "the general outlook for 1973 is for a continued improvement in the balance of payments, especially since higher earnings are expected from exports of goods" to the industrialized countries which comprise Latin America's principal markets. The devaluation of the U.S. dollar in 1971 and related developments in the international monetary field had an important impact on the external sector of Latin America, however, and "this element will continue to be a basic concern for the region," the report added.

Intra-regional trade, meanwhile, continued to be a dynamic factor in total regional exports, especially in 1968 and 1969. The economic integration movement, beset by problems in recent years, showed new vigor in 1972 as both Mexico and Argentina established close ties with the Andean Group, and the Latin American Free Trade Association (LAFTA) and the Central American Common Market (CACM) registered small but encouraging gains.

Helping spark regional development in recent years was a continued increase in investments and savings. For the region as a whole, the investment coefficient rose from 18.1 per cent in 1967 to 19.4 per cent in 1971, representing an average annual increment of 8.3 per cent, while the savings coefficient rose from 16.6 per cent to 17.3 per cent in the same period, an annual rate of 7.6 per cent.

The report cited a number of weaknesses which threaten to retard future growth of the Latin American economies. These include lagging agricultural production and a steady expansion in external debt and debt service.

---

## MANA-ZUCCA: GRANDE DAME OF MIAMI MUSIC

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, artistic genius is a rare quality seldom found. In Mana–Zucca, grande dame of Miami music, it is found, cherished, and admired by musicians and music lovers throughout the world.

It would be difficult to judge the total impact of Mana-Zucca's talent and her longstanding support of the arts. We are indebted to her not only for her numerous compositions but for her leadership in developing an appreciation for great music throughout the world but most particularly in Miami.

We all know Madame Mana-Zucca best for her composition "I Love Life." We must not overlook her many talents and her zest for fine living, as well, and I call to the attention of our colleagues an article which gives us a glimpse of her strengths.

Madame Mana-Zucca we all thank you.

The article follows:

### MANA-ZUCCA: GRANDE DAME OF MIAMI MUSIC

(By Hannah Polansky)

Madame Mana-Zucca is the grand dame of Miami music: composer, actress, singer, concert pianist, raconteur; hostess to the celebrities of the world.

She is a beauty. About to celebrate her 50th wedding anniversary, she would probably sue if I suggested her age. But it really would not matter. She has made beauty ageless.

I sat beside her on a white sofa in her new, luxurious living room, as close as I sit to the paper in my typewriter; and, marvelled at the unbelievable peaches-and-cream complexion, and blue eyes with a Shirley Temple sparkle. She sat animated, like a starlet pitching for her first part.

That is probably the secret right there. Her enthusiasm is fresh and spirited, and her drive never slackens. This pixy-ish little lady with curley auburn hair, and a remarkably trim figure, has over 1,100 published songs, sonatas, concertos, chamber music etudes—written for piano, violin, flute, recorder, cello, saxophone, ballets, and orchestra.

Most of us have sung and played her songs all our lives, and know them so well we assumed, the composer was a bearded, dead gentleman from the 1800's.

Mana-Zucca has about 1000 songs yet to be published. That is a pretty imposing list, even for a very prolific artist; even for a child prodigy who started to compose at age 4.

What is her present problem? She hasn't made it with the "rock set."

"Don't give many dates," Mana gracefully suggested; "The old folks all know me, and the young ones may get cooled off by them. I'm interested in the young ones. I want them to know me and my music. I would like to have a hit on the charts."

#### YOUTH CONFLICT

Mana may just run into the first conflict in her career. She said, "when you think of children today, you can't be proud of them. I think they're awful. I'm so against this new era. I'm not bashful to say it.

"They look terrible. I don't mind the long hair, if they combed it. No shoes; I won't let any body come into my house in bare feet. I don't want athlete's foot in my house. They may think I'm square or stuffy; I don't care.

"They are not making things better. They are making it worse, and their manners are terrible. After all, we are not supposed to be animals. We are supposed to be a higher type; we are supposed to be superior. What are they going to do next?

"They have no shame—and those movies! They are simply terrible. I don't want that kind of a thrill, to go to ugly, dirty movies. They are filthy, and I'm not bashful telling it. I protest openly."

Mana-Zucca's concern for grooming and manners comes naturally. She grew up and has lived all her life in the gracious splendor provide to those of recognized talent and wealth. Her immediately identified genius catapulted her from childhood on, into a world of glamour and high fashion.

While on tour in London she was the house guest for over a year, of Mrs. Lewis, whose husband was the front half of "Lewis & Marks," the firm which owned the South African diamond mines before DeBeers. Mana says, "I lived better and more * * *.

When Mana was ready to get married, she selected a very rich man (she happened to love him). Her husband provided his young bride with a house that had the proportions and furnishings of a fine museum; a house so grand it became a local landmark.

#### REGAL HOSTESS

As Mrs. Irwin M. Cassel, Mana established herself as a famous hostess and leader in the music community. The graces and refinements of living are integral to her life style.

There's many a young "rock" singer who may find it difficult to slow down to her beat, but whether he knows it or not, he probably learned his beat from a Mana-Zucca song. Mana's "The Big Brown Bear" and dozens of other Mana-Zucca songs are standards in the songbooks for student musicians. (These are known as Piano Teaching Pieces in the catalogs of music.)

Each year millions of students are graduated from our schools singing the joyous and exuberant strains of Mana's most famous song: "I Love Life." Parents hearing their children sing the song, automatically triple the size of Mana's audience.

"I Love Life" (She wrote it in ½ hour. Her husband composed the lyrics to that, as well as 90 other songs.) is so well known, legend and anecdotes surround it. Here's one Mana recounted: A plane approaching Denver ran into motor trouble, and it appeared it might crash. The pilot explained the situation to the passengers and horror struck.

One passenger bravely yelled out, "Let's sing, 'Nearer My God To Thee.'" Then another passenger shouted him down and yelled, "No, let's sing, 'I Love Life.'" The plane landed safely. It was one of the passengers who called Mana.

Now would you believe it. This internationally renowned composer, distinguished with the designation: "most famous woman composer in the world," could gracefully sit back in her opulent surroundings and bask in her rightfully earned laurels. Not Mana-Zucca. She wants to be a household name.

#### POPULAR TUNE

John Charles Thomas introduced "I Love Life" and made it the hit of its day. Many great and popular singers recorded it since, including Jan Peerce.

Several years ago Paul Anka made a very successful recording of it, but one of Mana-Zucca's songs never matched the popularity of a "Beatles" song, and she is not happy about it. Mana wants a smash, and she would like it to happen while she is still around to enjoy it.

Though at another time she mused philosophically, "Unfortunately, my best works are not popular. My little things are very popular. When I've passed on, my more serious things will get proper recognition. They are now doing things I composed when I was 12, 13, and 14 years old. It takes time. It's nothing new."

Factually, Mana-Zucca never left the spotlight since she left the incubator. She got as close to being born a star as it is possible.

Mana-Zucca is a native New Yorker, born of nonmusical parents. At age 3½, while she was playing with a toy piano, a friend of her father's, Jacques Danielson, husband of novelist Fannie Hurst, discovered baby Mana had perfect pitch. At his suggestion, her father immediately purchased a "real" piano for Mana, and her career as a concert pianist and composer was launched. While most kids were learning to tie their shoelaces, Mana, child prodigy, inaugurated a tour which took her all over the United States and Europe, in spectacular concert performances, before the sparkling audiences of her day. (I can't mention the dates.)

#### FAMOUS TEACHERS

By the time Mana was 8 years old she played a Beethoven Concerto with the New York Philharmonic under Walter Damrosch. She went on to play and study with the great music teachers both here and abroad.

In the United States Mana-Zucca studied piano under Alexander Lambert, and composition under Herman Spielter. In Europe she studied piano with Godowsky and Busoni, composition with Yogrich, and voice with von zur Muehlen. In addition to concertizing in the United States, Russia, Germany, France, Holland and England; she also enjoyed successful diversification with concert singing, and appearing in several musical comedies—as the star, of course.

When Irwin M. Cassel asked for Mana's hand in marriage, he was already a substantial merchant prince. He built what is now the Downtown Richard's store, then called Cromer-Cassel.

I. M. Cassel is one of the earliest pioneers in our area. He first came to Miami in 1912, and was a friend of Flagler, Collins and other members of Miami's "Mayflower Set," in the days when if you shot a cannon you hit an alligator.

In 1921 Mana-Zucca, the successful concert pianist, now Mrs. Irwin M. Cassel, gave up the touring aspect of her career, and settled down to being a wife, mother, composer, and patron of music in her newly adopted home town.

She quickly discovered Miami was a vast musical wasteland. All she heard was "Way Down Upon the Suwannee River," and "Three Blind Mice." Mana said, "I can't live with that."

### CLUB FORMED

She called a few friends together and said, "Let's have a music club, and really have some music." They decided to call it the "Mana-Zucca Music Club." From that day on, every Tuesday afternoon at 4 o'clock, "and I don't mean five after four," said Mana, "we had 300 people in my drawing room.

"The money we collected for memberships paid the artists who performed for us. We even brought John Charles Thomas down, and he was the big star then."

"Whenever friends from anywhere in the world visited Miami, I asked them to come to the concerts," said Mana. One day Jose Iturbi was in town. He called and asked if he could come over. Mana was delighted to have him.

Mana didn't permit ordinary intermissions at her concerts. Instead, she used the time to introduce the celebrities present to the audience. This day she introduced Iturbi, and asked if he would say a few words. Iturbi said he did not speak well, and would rather not. She recalled to him that he spoke on radio and so on.

He said, "Yes, but then I had a script." Someone in the audience called out, "then let him play." Mana told her audience she could not do this, Iturbi was her guest.

Iturbi replied, "Why, don't I play well enough for you?" After that Iturbi gave an impromptu concert no one present that day will ever forget.

"The Mana-Zucca Music Club" gave 525 concerts over a period of 15 years, almost all of them held in Mana's drawing room.

This drawing room was an oblong room about 60 feet long, with very high ceilings. Along one of the long walls of the room ran a raised platform about 18'' above the floor, forming a long narrow stage. It held two concert-sized grand pianos comfortably. There was enough room left in this treasure-packed room to hold 300 guests.

### NO LIQUOR

Neither drinks nor food were ever served at these concerts. Mana has strong feelings about mixing liquor with music—not with her music.

She invites friends over for cocktails on other days, when she holds "salon" in the European tradition. People come and sit and talk about everything from growing violets to producing Broadway plays. (What, no television?)

Mana also gave a series of concerts to sell bonds, and raised one million dollars herself.

When Mana-Zucca came to Miami we had no orchestra. One day Bowman F. Ashe, president of the University of Miami called and discussed with Mana the hiring of a gentleman named "Volpe" to start an orchestra, and to be its first conductor. It was on Mana's recommendation that Volpe was hired, and our orchestra was born.

Mana-Zucca knew Arturo di Filippi before he came to Miami to sing in an opera. She thinks he did a fantastic job since he took over running the opera. "He has great talent for getting money and getting people interested," she says. "I think he has the only opera company operating in the black. He has done miracles."

Mana-Zucca is a vice president of the "Community Concerts," which have had tremendous success. They now have a waiting list of 600. There is also "The Civic," and "Chamber Music," and all the orchestras of the world that come to play for us. Many of the most celebrated solo artists come to perform, too. The Miami musical picture rings a melodious song at the box office and for the music lover.

### YOUTH CONCERTS

For the last 15 years Mana has held concerts in her home for students of local music teachers. The children present an "All Mana-Zucca" concert. They come dressed up in their newest and finest, flushed with excitement at the opportunity to play the music of the only living composer in their book, while the composer herself is listening to them play.

It is the event of the year for most of the children, and a thrill for the parents and friends who make up the audience. (It is a popular practice among music teachers all over the United States to give "Mana-Zucca" concerts for young music students.)

"I do everything I can to encourage children to study music," says Mana. "There was a time when music was part of a child's education. Nowadays kids don't practice like they used to. After one or two or three years they quit. I blame the mothers, I really do.

"I hated to practice when I was a child, but my mother made me practice. Too many mothers are too busy going to cocktails and luncheons to bother about the children. Nowadays the mothers don't worry about children, and don't watch their children like my mother use to. I had a trained nurse for my son for seven years, but I watched him. I watched the nurse, too. I practiced every day; it was part of my day. If I tried not to, my mother didn't let me get away with it."

Mana has another argument with females: "Too few women devote themselves to creating music. They should compose songs," she says.

### NEED SPONSORS

Mana also thinks creative people should have sponsors. She says, we would never have heard a note from some of the great masters of all times if they hadn't been supported by royalty, the church or private sponsors.

Mana herself would still welcome a generous and open-pursed sponsor who could provide her with national publicity, so the music she produces could reach a mass audience.

It is only six months since Mana and her husband moved to Miami Beach. For many years the interests representing Jordan Marsh tried to convince Mana to sell their home, which stood in the way of the expansion program. Mana hesitated because the house held so many pleasant memories. It had made it possible to give concerts, introduce new artists in whose talent she had confidence, and to give great parties.

Finally her home succumbed to the pressure of progress. The house was sold to the Phipps Estate, which rents to Jordan Marsh. The house has been torn down.

Many of the treasures and furnishings in the old house went to Goodwill Industries. Her new house was purchased furnished; besides, most of the furniture in their original home was too large to fit into any conventional house.

### PIANO COLLECTION

Mana kept some prized personal possessions, and of course she kept her famous piano collection. It now consists of over 200 miniature pianos representing every period, every furniture style, every kind of material imaginable, in many sizes. The smallest one is the size of a thumb nail. Some are so precious they are housed under glass. Some have great sentimental value, because the pianos were sent to Mana from friends all over the world. There are ivory pianos and inlaid ones, and carved ones, and gilded ones.

I flipped over a bronze piano set in an arched alabaster bandshell, with a tiny concealed light which reflects on the bronze male pianist seated at the piano. The man is Beethoven.

Mana has a Tiffany lamp with colored glass set to look like unpolished stones, which could command the eye-tooth from an advocate.

She still has the two concert grands. Now they sit dovetailed so that the players face each other, one step below the living room, in what ordinary people would call a Florida room. Behind the pianos is a large, tall, heavy, hand-carved screen worth building a room around.

The house contains enough of the flavor of Mana and the things she loves to create a proper backdrop for its illustrious occupant.

In a walk around the house with Mana, she pointed through the kitchen window to a guest house on the property. Mana said, "The former owner may have called it a guest house; I do not use it. I do not have guests."

I knew every long time Miami resident would want to hear more. "How do you cope with the guest problem?" I queried.

### NO GUESTS

"I do not cope with it," she said in Sousa march rhythm, "I never have a guest. I wouldn't have a guest for anything in the world, because they disarrange my whole living.

"I'm not as sweet as I used to be with people who call me. Yes, everybody calls me. Not only people I know, but people who know friends of mine. I have so much to do, I must protect my time. When I go to New York and call friends, they don't rush to invite me over immediately. They wait until it fits into their plans. It is not understood by people who come to Miami."

The Cassels have given up their New York apartment near Carnegie Hall. It was so well situated. So many of the artists appearing at Carnegie would stop by.

Mana and her husband no longer travel extensively. They used to go abroad every year for a few months.

The new house can hold only about 75 people comfortably, so some things have slacked off a bit; but Mana keeps composing. She said, "A few moments before you arrived two numbers came off the press; one is the 'Polka Comique'; the other is a ballad, 'Love is a Dream.'

"They are not my best work, but they will be popular because they are not my best. I wrote more modern than I used to. I am trying for a new audience. We have only 24 hours in the day, and I could use 48."

"Does a woman who has eleven hundred published songs have a favorite?" we asked.

"My favorite composition could only be my son, Marwin," said Mana as motherhood squeezed out the composer. "My son is Marwin Shepard Cassel, a very successful lawyer. The first half of his name comes from me, the second half from his father.

"He works too hard, much too hard. My son lives on Miami Beach and practices here. He has a lovely wife, Phyllis, and three sons: Bradley, Jimmy and Tommy. They are all artistic." The children call her "Grand-Mana," and that's a lyric she loves.

The song which brought her most fame bears a fitting title, because everything about Mana-Zucca sings, "I Love Life."

## FUEL SHORTAGE

(Mr. POAGE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, the possible future fuel shortage has brought news headlines and public discussion, but this concern largely has been focused on inconveniencies to motorists as the tourist season approaches.

The situation involves something much more serious than the threat of curtailed vacation travel or abbreviated weekend drives.

Fuel shortages threaten production of this year's crops. This, added to abnormally adverse spring weather in much of the country and coupled with increased domestic and export demands, bodes no good in our fight to hold down food prices.

There is little we could have done or can do about the weather. Increased domestic demand reflects greater purchasing power of the American consumer. Agricultural exports are a vital factor in our international trade. All this means that it is doubly important that our trucks and our tractors, and our cultivators and our combines and other farm machinery don't run out of fuel.

The House Committee on Agriculture has received reports that gasoline and diesel oil shortages are threatening production. If a farmer's tractor runs out of fuel in the big middle of his field, he will probably contact his Congressman. We want to prevent that from happening. Therefore, we have arranged a public hearing for tomorrow and will have energy industry officials in for testimony and questioning. We want to make sure that farmers not only get fuel priority, but that they also get the fuel—as needed, because the crops will not wait.

## DEMOCRATIC VOICE FOR UNION MEMBERS

(Mr. BAKER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BAKER. Mr. Speaker, in all too many cases we have seen strikes in various sectors of our economy which are uncivilized and unnecessary as a means of settling disputes between employees and employers. In all too many cases, the individual union member and his or her family does not end up any further ahead than before the strike started.

We would all like to see, I am sure, better procedures for settling disputes and redressing grievances than strikes. However, if we are going to have strikes, then I feel strongly that the individual worker should have a real voice, and a democratic procedure for participating, in labor negotiations affecting him and his family.

Therefore, I am offering today a bill to amend the National Labor Relations Act to give individual union members this democratic voice in their union affairs by providing employees the right to decide by secret ballot whether or not to strike—or, if they are already on strike, to decide whether or not they want to continue on strike.

## HOSPITAL CURRENT FINANCING

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, on April 2, 1973, the Social Security Administration proposed to terminate the current financing for hospitals on June 30, 1973. This would have the effect of a virtual balloon payment forcing hospitals to raise their fees and borrow money at high interest rates. This is clearly contrary to any desire to hold the line on medical care costs to the American people.

The processing of medical claims in both public and private coverage while improving still requires several weeks. The result is an occasional serious cash flow problem for the hospital. It was to deal with this reality that the current financing program was started 7 years ago. While arguments can, I am sure, be made that as the processing time shrinks the need for this program diminishes, the very abrupt cancellation proposal on April 2 will bring financial chaos to the health care delivery system.

I hope that the Congress will act with uncommon dispatch and enact H.R. 5291 which would provide an equitable and realistic repayment schedule of $300,000,000 currently advanced.

As evidence of the impact the June 30 cutoff would have I offer for the Record the following letter from Pacific Hospital of Long Beach, Calif.:

Pacific Hospital of Long Beach,
*Long Beach, Calif., April 20, 1973.*

Commissioner of Social Security,
*Department of Health, Education, and Welfare Building, Washington, D.C.*

Dear Commissioner: We are deeply concerned over the proposed regulations to rescind the current financing provisions of Medicare which were published April 2 in the Federal Register.

We consider this the final blow in Administration's attempt to dissolve what started out to be a worthwhile and workable partnership arrangement between hospitals and government to provide institutional health care for Medicare beneficiaries.

If these regulations are approved, our hospital will be required to repay $185,700 of current financing money by June 30; resulting in a serious invasion of the working capital needed to continue our services.

Contrary to H.E.W. Secretary Caspar Weinberger's statements, we need to be *paid* for services we render, at the time those services are rendered.

Each year we experience an increase in the Medicare caseload and a decrease in our private patient activity. As there are no provisions in the current Medicare reimbursement formula that will adequately provide health care institutions with the working capital required to render their services; we question the reasoning behind such a decision to request the "immediate" repayment of the funds advanced under the Medicare current financing program.

It appears to me that your office is laboring under the false assumption that the payment of claims submitted by us to your intermediary are handled very expeditiously. With all due respect to the intermediaries, this simply is not the case.

Please allow me to illustrate just one of many examples of what the Medicare current financing means to an institution such as ours. Simply, it helps to fill the gap; to provide operating capital when payments for services are delayed due to computer programming changes, claims handling changes, regulation changes, lack of adequate personnel to handle payment of hospital claims or what have you.

We've heard all the excuses.

At July 31, 1972 the amount due this hospital for services rendered to Medicare patients alone was $378,000. At March 31, 1973 this figure has grown to $531,000 (an increase of 40.5%).

Our Medicare caseload did not increase that much.

Our billing procedures have not changed.

But I can assure you that all of the types of delays mentioned above—we have encountered.

We strongly urge you to reconsider a reasonable extension of the June 30 date to recover these funds.

Sincerely,

David H. Payne, M.D.,
*Executive Vice President.*

## THE HEMOPHILIA ACT OF 1973

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, today I wish to introduce the Hemophilia Act of 1973, companion to S. 1326 which is sponsored by Senator Harrison Williams, of New Jersey. Briefly, the bill would pay for all or part of the necessary treatment of a person suffering from hemophilia, depending upon his ability to pay; would establish no less than 15 hemophilia treatment centers throughout the United States to make expert care and diagnosis more accessible; would make grants for the establishment of blood fractionation centers for the fractionation and distribution of blood and blood products; and would create in the National Institutes of Health a National Hemophilia Advisory Board which would establish guidelines for the diagnosis and treatment of persons suffering from this disease.

Hemophilia is a relatively rare illness. Often called the "royal disease," it is, in fact, democratic in its incidence and involves a series of tragedies, beginning, of course, with the victim himself. He is one of 100,000 so afflicted, approximately 11 years old, and successor to a genetic deficiency which robs him of the clotting factor in his blood and, thus, of a normal active life. If he is fortunate, he has a moderate form of the disease, which means that he rarely hemorrhages spontaneously, as will a severe hemophiliac, but he experiences significant bleeding after minor cuts and bruises so that he has needed treatment by the age of 1 year and, before the age of 6, has been intravenously infused with blood products. His disease will cause poor attendance at school, and, when he passes the age of 16, he will have only a 60 percent chance of employment.

The tragedy extends to the families, many of whom must relocate in order to be nearer the few U.S. treatment centers. These specialized centers tend to be located in major cities and are usually affiliated with medical schools. Many fathers of hemophiliacs choose their jobs on the basis of their proximity to a center, and they moonlight. Mothers work to support the cost of treatment. Thus, added to the shock of the disease itself is the trauma of major adjustments in employment and life style, affecting finances, the ability to obtain loans, the family size, and types of leisure which most of us take for granted.

Then there is the treatment itself. Discovery in the mid-1800's that bleeding in the hemophiliac could be controlled to some extent through transfusion of whole blood marked the beginning of replacement therapy. Treatment became more sophisticated when medical research uncovered the abnormality in the genes that control the synthesis of the clotting factors in the blood. In the hemophiliac, the complex series of events which result in blood clotting are activated as in persons with normal blood. However, the plasma has an insufficient amount of either factor VIII—antihemophiliac factor—or factor IX—plasma thromboplastin component—so that the clotting process is aborted. In 1964, researchers discovered that these factors could be separated from human plasma by a process called cyroprecipitation and infused either directly or from a dry concentrate form into the patient. This fractionating, or breaking up into components, of blood plasma is a technique of major significance, not only to the hemophilia patient who formerly required whole blood transfusions, but also to the rest of us who face chronic deficiencies in the national blood supply.

It is estimated that, if all severe hemophilia patients were placed on a program of regular infusion to maintain the necessary level of the clotting factor, as much as 13.3 million units of whole blood could be required per year. This amount is more than the current annual supply of all whole blood units. Since there is no substitute for blood, its multiple use through fractionation is both reasonable and necessary.

But blood fractionation centers are lacking. The dry product is expensive, and, because most physicians prefer to administer the infusions themselves in a hospital setting, the treatment can amount to an average cost of $6,000 per year. So we have the final tragedy of hemophilia, which is that, although a cure for the disease is available, it is too costly for the sufferers.

Hemophiliacs are treated much the same as they were decades ago—with new blood products but in an episodic manner, that is, when they have suffered injury or spontaneous hemorrhage. If hemophiliacs, especially the severe cases, were to receive ongoing therapy—regular infusions of the clotting factor—they could live a normal life, seek and hold preferred employment, and, most important, be free of that aspect of the disease which is most crippling—the fear.

We as a nation consistently have affirmed our intention to wage war on disease, and we have undergone the costly research into the cause and cure of hemophilia. The legislation I introduce today would simply finalize our commitment to those afflicted by the disease—by making more accessible and by paying for, if need be, the treatment. Some might find the bill esoteric, providing as it does for so few people at so high a cost. It is, Mr. Speaker, if 100,000 are too few and the cost per life too much.

The text of the bill follows:

H.R. 7881

A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Hemophilia Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) Congress finds and declares—

(1) that there are a significant number of individuals residing in the United States who suffer from hemophilia;

(2) that there exists today the technology and the skills to enable such individuals to lead productive lives;

(3) that the high cost of such technology and skills are in most cases denying the benefits of such advances to individuals suffering from hemophilia.

(b) It is therefore the purpose of this Act to guarantee individuals suffering from hemophilia their entitlement to care commensurate with the technology and skills that are available.

SEC. 3. Title XI of the Public Health Service Act (42 U.S.C. 201) is amended by adding at the end thereof the following new part:

"PART C—HEMOPHILIA PROGRAMS

"DEFINITIONS

"SEC. 1121. As used in this part the term—

"(1) 'hemophilia diagnostic and treatment center' means an entity which provides the following:

"(A) access for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(B) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(C) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(D) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such center but which is more convenient (as determined by the Secretary) than the next geographically closest center;

"(E) programs of social and vocational counseling for individuals suffering from hemophilia;

"(F) individualized written programs for each person treated by or in association with such center; and

"(G) complies with guidelines for treatment established by the National Hemophilia Advisory Board, under this part.

"ENTITLEMENT TO TREATMENT

"SEC. 1122. (a) Any individual suffering from hemophilia may file a claim for benefits under this part with the Secretary in such form and containing such information as he may reasonably require.

"(b) Benefits under this part shall be paid to, or on behalf of a claimant, in an amount equal to 100 per centum of the actual cost of providing blood, blood products, and services associated with the treatment of hemophilia, less—

"(1) amounts payable by third parties (including governmental agencies), and

"(2) amounts determined by the Secretary (in accordance with subsection (c)) to be payable by individuals suffering from hemophilia.

"(c) In determining the amount which may be payable under subsection (b)(2) the Secretary, after consultation with the Secretary of the Treasury, shall establish a schedule of cost sharing by such individual based upon the adjusted gross income of such individual.

"(d) Any claim submitted under this part shall contain a certification that treatment provided to the claimant is in accord with the guidelines promulgated by the National Hemophilia Advisory Board pursuant to the authority granted under this Act.

"(e) There are authorized to be appropriated for the fiscal years beginning July 1, 1973, and ending June 30, 1976, such sums as may be necessary to carry out the purposes of this section.

"TREATMENT CENTERS

"SEC. 1123. (a) The Secretary shall provide for the establishment of no less than fifteen new centers for the diagnosis and treatment of individuals suffering from hemophilia.

"(b)(1) In carrying out the purposes of subsection (2) the Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities for projects for the establishment of hemophilia diagnostic and treatment centers as defined in section 1121.

"(2) No grant or contract may be made under this part unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner and contain such information, as the Secretary shall by regulation prescribe.

"(3) An application for a grant or contract under this part shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(c) In establishing such centers the Secretary shall—

"(1) take into account the number of persons to be served by the program supported by such center and the extent to which rapid and effective use will be made of funds by such center; and

"(2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"(d) There are authorized to be appropriated to carry out the purposes of this section $5,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1124. The Secretary shall establish a program within the Public Health Service to provide for diagnosis, treatment, and counseling of individuals suffering from hemophilia. Such program shall be made available through the facilities of the Public Health Service to any individual requesting diagnosis, treatment, or counseling for hemophilia.

"BLOOD FRACTIONATION CENTERS

"SEC. 1125. (a) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals to establish blood fractionation centers, for the purpose of fractionating and making available for distribution blood and blood products, in accordance with regulations prescribed by the Secretary to hemophilia treatment and diagnostic centers.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976.

"ADVISORY BOARD FOR HEMOPHILIA TREATMENT STANDARDS

"SEC. 1126. (a) There is hereby established in the National Institutes of Health a National Hemophilia Advisory Board (hereinafter in this section referred to as the 'Board') to be composed of twenty members as follows:

"(1) the Secretary and the Director of the National Institutes of Health; and

"(2) eighteen members appointed by the President.

The persons appointed to the Board shall be appointed from among persons who are among the leading scientific or medical authorities outstanding in the study, diagnosis, or treatment of hemophilia or in fields related thereto.

"(b) (1) Appointed members shall be appointed for six-year terms, except that of the members first appointed, six shall be appointed for a term of two years, and six shall be appointed for a term of four years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Appointed members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) A vacancy in the Board shall not affect its activities, and eleven members thereof shall constitute a quorum.

"(4) The President shall designate one of the appointed members to serve as Chairman for a term of two years. The Board shall meet at the call of the Chairman, but not less often than four times a year.

"(c) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities conducted under this part.

"(d) Members of the Board who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Board compensation at rates not to exceed the daily equivalent of the annual rate in effect for GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Director of the National Institutes of Health shall make available to the Board such staff, information, and other assistance it may require to carry out its activities.

"FUNCTIONS OF THE BOARD

"SEC. 1127. It shall be the function of the Board to (1) establish guidelines for the diagnosis and treatment of persons suffering from hemophilia; and (2) submit a report to the President for transmittal to the Congress not later than January 31 of each year on the scope of activities conducted under this part.

"RECORDS AND AUDIT

"SEC. 1128. (a) Each recipient of a grant or contract under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this title which are pertinent to any such grant.".

---

## INJUSTICE IGNORED

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, I was so impressed with the content of an editorial which appeared in the Stars and Stripes—the National Tribune under date of Thursday, May 2, 1973, that I felt impelled to share the content of these thoughts with our colleagues and with all veterans through the media of the pages of the CONGRESSIONAL RECORD.

For a long while I have felt that the truly neglected veterans have been those who served in World War I. They have never received any substantial veterans benefits, at least, none even closely commensurate to those who served in World War II, Korea or the Vietnam conflict. Not only does this editorial point up the fact that the elderly veterans of World War I have not received their just due in relation to the other veterans but this article quite properly points out that these older men are the ones who are striving the hardest to make ends meet in these times of rampaging inflation.

But, Mr. Speaker, the most important thought presented in the editorial is the fact that last year's social security increase caused nearly all of them to lose part of the veterans' pension. When this happened all of these veterans were assured that there would be remedial legislation restoring these cuts which would be enacted early in the 93d Congress. Please note well and listen to this—think for a moment where we are now—the administration through the Office of Management and Budget made no provision in the new budget for any funding to pay for such a restoration. In other words, OMB seems quite content to let these slashes remain in order to stay within some kind of desired budget. For my part, I so hearitly agree with the suggestion that the Government can always seem to find money for billions in foreign aid but not a cent for our aging pensioners of World War I.

The authors of this editorial are so completely and entirely accurate when they point out that now when 4 months have passed and we are in the fifth month of this calendar year, the Veterans' Affairs Committee of neither body of the Congress has reported any kind of a bill to try to undo the injustice done these deserving veterans. Up to now this is truly, injustice ignored.

The editorial from the Stars and Stripes—the National Tribune follows:

[From the Stars and Stripes—The National Tribune, May 10, 1973]

EDITORIAL—INJUSTICE IGNORED

Elderly veterans who had their pensions cut as a result of last year's social security increase were assured by officers of major veterans organizations and by members of Congress that remedial legislation restoring their cuts would be passed early in the 93d Congress. Now, as detailed in the May 3 issue of Stars and Stripes—The National Tribune, it develops that no provision was made by the administration for money to pay for such a restoration. In short, the administration through its office of Management and Budget would let the slashes remain in order to stay within its desired budget.

The action is indefensible. The majority of those hit by the pension cuts are elderly World War I men striving to make ends meet in their dire financial situation. The thought behind the social security increase of 20 percent was to give all the elderly of the land an increase to help them meet rising costs of living and to make their lot generally a happier one. The law did just that for everyone except those drawing pensions because of their distressed situation. Because no provision was made to prevent the social security increase from being counted against their income limitations, these elderly veterans faced a cruel slash. In some cases, the social security increase was sufficient to wipe them from the pension rolls.

The Government can find money for a few billions in foreign aid, but not for the aging pensioners.

If the administration and the Congress both desire to stay within the proposed budget, then let them find other fields to slash. Such action may damage some programs, some pet political projects, and even some deserving undertakings, but the damage will not be equal to the injustice done these elderly veterans who served their country when it needed them and who by the tens of thousands are in pitiful straits.

In this field, we feel certain that the American public would unreservedly support the Congress if it passed essential restorative legislation. We doubt, too, that the President would be inclined to veto such a measure.

In short, it is in the lap of Congress to come up with a solution. It sidestepped the matter when it arose late last year with the promise that remedial action would be taken early in the 93d Congress.

Four months have gone by. Numerous bills proposing repair of the damage have been introduced, but the Veterans' Affairs Committee of neither Chamber has come up with a bill to undo the injustice done to the aged pensioners, the one element of our citizens cruelly hurt by a law intended to help.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Rangel, for Thursday, May 17, 1973, on account of pressing business in his district and New York City.

Mr. Railsback• (at the request of Mr. Gerald R. Ford), for the week of May 21, 1973, on account of official business.

Mr. Kluczynski (at the request of Mr. O'Neill), for today, on account of a death in his family.

To Mr. Johnson of Colorado (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Fascell, for 30 minutes, Monday, May 21, and to revise and extend his remarks and include extraneous material.

Mr. Randall, for 15 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Hinshaw) to revise and extend their remarks and include extraneous material:)

Mr. Roncallo of New York, for 1 minute, today.

Mr. Frenzel, for 5 minutes, today.

Mr. Walsh, for 5 minutes, today.

Mr. Dennis, for 1 hour, May 23, 1973.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. O'Neill, for 5 minutes, today.

Mr. Rangel, for 10 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Harrington, for 10 minutes, today.

Mr. Vanik, for 5 minutes, today.

Mr. Podell, for 5 minutes, today.

Mr. Casey of Texas, for 5 minutes, today.

Mr. Bingham, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Randall in two instances.

(The following Members (at the request of Mr. Hinshaw) and to include extraneous material:)

Mr. Madigan.

Mr. Derwinski.

Mr. Lujan.

Mr. Ashbrook in three instances.

Mr. Treen in three instances.

Mr. Bray in three instances.

Mr. Thomson of Wisconsin.

Mr. Wyman in two instances.

Mr. Frenzel in two instances.

Mr. Zwach.

Mr. Vander Jagt.

Mr. Hogan in three instances.

Mr. Veysey in two instances.

Mr. Shriver.

Mr. Broomfield in five instances.

Mr. Hanrahan.

Mr. Huber.

Mr. Abdnor.

Mr. Hillis.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous material:)

Mr. Morgan in three instances.

Mr. Blatnik in two instances.

Mr. Charles H. Wilson of California.

Mr. Gonzalez in three instances.

Mr. Corman.

Mr. Rarick in three instances.

Mr. Riegle.

Mr. Edwards of California in two instances.

Mr. Chappell.

Mr. Wright.

Mr. Brademas in six instances.

Mr. Mazzoli.

Miss Jordan.

## ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, May 17, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

919. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

920. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended (18 USC 1154(d);] to the Committee on the Judiciary.

921. A letter from the Acting Administrator of General Services, transmitting prospectuses for public building projects at various locations, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R 5464. A bill to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes; with amendments (Rept. No. 93-208). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 5857. A bill to amend the National Visitor Center Facilities Act of 1968, and for other purposes; with amendment (Rept. No. 93-209). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 5858. A bill authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; with amendment (Rept. No. 93-210). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 6330. A bill to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia; (Rept. No. 93-211). Referred to the Committee of the White House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 6717. A bill to amend section 210 of the Flood Control Act of 1968; with amendment (Rept. No. 93-212). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 6830. A bill to amend Public Law 90-553 authorizing an additional appropriation for an International Center for Foreign Chanceries; (Rept. No. 93-213). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO (for himself, Mr. Bergland, Mr. Donohue, Mr. Dulski, Mr. Hawkins, Mr. Minish, Mr. Nix, Mr. Patten, Mr. Podell, Mr. Rodino, Mr. Rosenthal, Mr. Shipley, Mr. Stokes, Mr. Tiernan, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Zablocki):

H.R. 7865. A bill to require that a peroentage of U.S. oil imports be carried on U.S. flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BAKER:

H.R. 7866. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

By Mr. BIAGGI:

H.R. 7867. A bill to provide for a Federal loan guarantee and grant program to enable educational institutions and individuals to purchase electronic reading aids for the blind; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself and Mr. Leggett):

H.R. 7868. A bill to increase the subsistence payments to students at the State marine schools; to the Committee on Merchant Marine and Fisheries.

By Mr. BOLAND:

H.R. 7869. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

H.R. 7870. A bill to authorize the President of the United States to allocate energy and fuels when he determines and declares that extraordinary shortages or dislocations in the distribution of energy and fuels exist or are imminent and that the public health, safety, or welfare is thereby jeopardized; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Banking and Currency.

By Mr. BURKE of Massachusetts:

H.R. 7871. A bill to provide for project grants for the development and demonstration of programs for rehabilitative and habilitative care of the aged, blind, and disabled patients of long-term health care facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts (for himself, Ms. Abzug, Mr. Edwards of California, Mr. Hinshaw, Mr. Roe, and Mr. Roy):

H.R. 7872. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 7873. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 7874. A bill to amend the Domestic Relations Section of the District of Columbia Code; to the Committee on the District of Columbia.

H.R. 7875. A bill to amend title 28 of the District of Columbia Code to prohibit, in the District of Columbia, discrimination on the basis of sex or marital status in commercial credit transactions, and for other purposes; to the Committee on the District of Columbia.

By Mr. EDWARDS of California:

H.R. 7876. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FLOWERS:

H.R. 7877. A bill to amend section 210 of the Flood Control Act of 1968; to the Committee on Public Works.

By Mr. FORSYTHE:

H.R. 7878. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 7879. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 7880. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 7881. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself and Mr. Horton):

H.R. 7882. A bill to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government; to the Committee on Government Operations.

By Mr. MARAZITI:

H.R. 7883. A bill to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines; to the Committee on Agriculture.

By Mr. MEEDS (for himself, Mr. Melcher, Mr. Leggett, Mr. Lujan, Mr. Hawkins, Mr. Podell, Mr. Moakley, Mr. Rees, Mr. Yatron. Mrs. Chisholm, Mr. St Germain, Mr. Bergland, Mr. Helstoski, Mr. Sandman, Mr. Hillis, Mr. Denholm, Mrs. Grasso, Mr. Davis of Georgia, Mr. William D. Ford, Mr. Downing, Mr. Won Pat, and Mr. de Lugo):

H.R. 7884. A bill to amend the Multiple Use and Sustained Yield Act of 1960 with respect to the maintenance of an adequate supply of timber for the United States, and for other purposes; to the Committee on Agriculture.

By Mr. MINISH:

H.R. 7885. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. PARRIS:

H.R. 7886. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

By Mr. PATTEN:

H.R. 7887. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. ROBISON of New York:

H.R. 7888. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and Staff, and for other purposes; to the Committee on Rules.

By Mrs. SCHROEDER:

H.R. 7889. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. SHRIVER:

H.R. 7890. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. STARK (for himself and Mr. Young of Georgia, Mr. Hanna, Mr. Fauntroy, Mr. Mezvinsky, Mr. Corman, Mr. Moakley, Mr. Rees, Mr. Gettys, Mr. Minish, Mr. Gonzalez, Mr. Reuss, and Mr. Koch):

H.R. 7891. A bill to amend the Small Business Act to provide that a small business concern shall include a nonprofit organization providing economic benefit or valuable service to its members; to the Committee on Banking and Currency.

By Mr. VANIK (for himself, Mr. Madden, Mr. Brown of California, Mr. Hawkins, Mrs. Schroeder, Mr. Tiernan, Mr. Moss, Mr. Carey of New York, Ms. Abzug, Mr. Drinan, Mr. Badillo, Mr. Lehman, Mrs. Burke of California, Mr. Brasco, Mr. Howard, Mrs. Chisholm, Mr. Seiberling, Mr. Moakley, Mr. Conyers, Mr. Eilberg, Mr. Murphy of New York, Mr. Harrington, Mr. Rosenthal, Mr. James V. Stanton, and Mr. Stark):

H.R. 7892. A bill to provide that local educational agencies shall not receive Federal financial assistance unles they provide education services to all handicapped children at levels of expenditure at least equal to expenditures for other children; to the Committee on Education and Labor.

By Mr. WALSH:

H.R. 7893. A bill to amend title 5, United States Code, to include security guards at installations of the military departments within the provisions of such title relating to civil service retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. WALDIE:

H.R. 7894. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax to a taxpayer who pays the tuition and certain related items of a student at an institution of higher education, where the taxpayer and the student agree to repay the credit (with interest) to the United States after the education is completed; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 7895. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. Corman, Mrs. Grasso, Mr. Hawkins, Mr. Podell, Mr. Roncallo of New York, Mr. Rosenthal, Mr. St Germain, Mr. Talcott, and Mr. Towell of Nevada):

H.R. 7896. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972; to the Committee on Public Works.

By Mr. HARRINGTON (for himself, Mr. Alexander, Mrs. Burke of California, Ms. Chisholm, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Mr. Fraser, Mr. Helstoski, Mr. Koch, Mr. Moakley, Mr. Roybal, and Mr. Won Pat):

H. Res. 396. Resolution creating a Select Committee on Children to conduct an investigation and study of social conditions adversely affecting the development of children; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII,

206. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to the U.S.S. *Constitution;* to the Committee on Armed Services.

## PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KOCH:

H.R. 7897. A bill for the relief of Lujza Olter; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 7898. A bill for the relief of Armig G. Kandoian; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 7899. A bill for the relief of Georgina Henrietta Harris; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause I of rule XXII,

215. The SPEAKER presented a petition of Steven J. Condes, Harrisburg, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

## REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

## REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the fourth calendar quarter 1972:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not reptated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

---

Year: 19_______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| (Mark one square only) | | | | |

---

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

---

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

---

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

---

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

A. Action for Legal Rights, 1225 19th Street NW., Suite 602, Washington, D.C. 20036.

A. Ad Hoc Committee of Shipbuilders, 1200 18th Street NW., Washington, D.C. 20036.

A. Evelyn Metcalf Ahrens, Blair House, Suite 819, 8201 16th Street NW., Silver Spring, Md. 20910.

A. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C. 20006.

A. Donald E. Anderson, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20036.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Realty Committee, 230 Park Avenue, New York, N.Y. 10017.

A. James Arthur Austin, 1701 North Fort Myer Drive, Arlington, Va. 22209.

B. American Feed Manufacturers Association, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Dresser Industries, Inc., P.O. Box 718, Dallas, Tex. 75221.

A. Donald F. Bale, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash.

A. Al J. Ballard, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

A. Herbert B. Barksdale, P.O. Box 28088, Washington, D.C. 20005.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, D.C. 20006.

B. North Atlantic Mediterranean Freight Conference.

A. Page Belcher, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Meyer Bernstein, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. Boasberg, Hewes, Klores, Smith & Kass, 1225 19th Street NW., Washington, D.C. 20036.

B. Action for Legal Rights, 1225 19th Street NW., Washington, D.C. 20036.

A. John Broadbent, 161 East 42d Street, New York, N.Y. 10017.

B. J. R. Timmins & Co., 37 Wall Street, New York, N.Y.

A. David W. Broome, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Charles H. Brown, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Brownstein, Zeldman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Massachusetts Banker Association, Inc., 125 High Street, Boston, Mass., 02110.

A. Brownstein, Zeldman & Schomer, 1025 Connecticut Avenue NW,. Washington, D.C. 20036.

B. National Ad-Hoc Housing Coalition, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Phil Burnett, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Busby Rivkin Sherman Levy & Rehm, 816 Connecticut Avenue NW., Washington, D.C. 20006.

B. Automobile Importers of America, 816 Connecticut Avenue NW., Washington, D.C. 20006.

A. Busby Rivkin Sherman Levy & Rehm, 816 Connecticut Avenue NW., Washington, D.C. 20006.

B. Feather & Down Association, Inc., 257 West 38 Street, New York, N.Y. 10018.

A. Business Executives Move for Vietnam, 901 North Howard Street, Baltimore, Md. 21201.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.

B. Citicorp Leasing International, Inc., 399 Park Avenue, New York, N.Y. 10022.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.

B. Schlumberger Ltd., 277 Park Avenue, New York, N.Y. 10017.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.

B. White, Weld & Co., Inc., One Liberty Plaza, New York, N.Y. 10006.

A. David W. Calfee III, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

A. L. C. Carpenter, 201 South Seventh Street, Columbia, Mo.

B. Midcontinent Farmers Association.

A. Alfred Carr, 1201 Sixteenth Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 Sixteenth Street NW., Washington, D.C. 20036.

A. Citizens for Control of Federal Spending, 1629 K Street NW., Suite 700, Washington, D.C. 20006.

A. Kimball Clark, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

A. Clark, West, Keller, Sanders & Ginsberg, 2424 First National Bank Building, Dallas, Tex. 75202.

B. National Music Publishers' Association, Inc., 110 East 59th Street, New York, N.Y. 10022.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y. 10022.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Lehman Brothers Inc., One William Street, New York, N.Y. 10004.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Oil Shale Corp., 680 Fifth Avenue, New York, N.Y. 10019.

A. John M. Coffey, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Page Belcher, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Cohen and Uretz, 1730 M Street NW., Washington, D.C. 20036.

B. McDonnell Douglas Finance Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90801.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Independent U.S. Tanker Owners Committee, Suite 510, 1612 K Street NW., Washington, D.C. 20006.

A. Committee on Strikes in Transportation, 1101 17th Street, NW, Washington, D.C. 20036.

A. The Common Fund, 635 Madison Avenue, New York, N.Y. 10022.

A. Communities In Action Together, 1717 Massachusetts Avenue, NW., Suite 403, Washington, D.C. 20036.

A. Computer Industry Association, Inc., 16255 Ventura Boulevard, Encino, Calif. 91316

A. Congress Watch, Room 305, 2000 P Street NW., Washington, D.C.

A. Connecticut Bankers Association, 100 Constitution Plaza, Hartford, Conn. 06103.

A. James Conroy, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Bertram Robert Cottine, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street, NW., Suite 708, Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Printing Ink Manufacturers, 101 Executive Building, Elmsford, N.Y. 10523.

A. Covington & Burling, 888 16th Street, NW., Washington, D.C. 20006.

B. The Commonwealth of Puerto Rico:

A. Covington & Burling, 888 16th Street, NW., Washington, D.C. 20006.

B. The National Association of Industrial Parks.

A. John Jay Daly, Jr., 968 National Press Building, Washington, D.C. 20004.

B. Direct Mail Advertising Association, 230 Park Avenue, New York, N.Y. 10017.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. Central Railroad Co. of New Jersey, 1100 Raymond Boulevard, Newark, N.J.

A. Benjamin G. Danis, 2100 M Street NW., No. 700, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW., No. 700, Washington, D.C. 20037.

A. Danzansky, Dickey, Tydings, Quint & Gordon, Suite 1010, Bender Building, 1120 Connnecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006

A. Claire C. Davis, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah, 84101.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Electronic Industries Association, 2001 Eye Street NW., Washington, D.C. 20006.

A. DeHart and Brodie, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.

A. DeHart and Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.

A. Philip L. Deitch, 278 Center Street, Oceanside, New York, N.Y. 11572.
B. National Student Lobby, 413 East Capitol Street SE., Washington, D.C. 20003.

A. Robert F. DeLay, 230 Park Avenue, New York, N.Y. 10017.
B. Direct Mail Advertising Association, 230 Park Avenue, New York, N.Y. 10017.

A. Delta Group, Ltd., 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.

A. Claude J. Desautels, Suite 811, RCA Building, 1725 K Street NW., Washington, D.C. 20006.
B. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

A. Claude J. Desautels Associates, Suite 811, RCA Building, 1725 K Street NW., Washington, D.C. 20036.
B. Merrill Lynch, Pierce, Fenner & Smith, Inc., One Liberty Plaza, 165 Broadway, New York, N.Y. 10006.

A. John M. Dickerman, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.

A. Direct Mail Advertising Association, 968 National Press Building, Washington, D.C. 20004.

A. Jack Donahue, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.
B. Council for the Advancement of the Psychological Professions and Sciences, 1100 17th Street NW., Suite 1000, Washington, D.C., 20036.

A. Norman E. Duncan, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, 10019.

A. R. Michael Duncan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. R. Michael Duncan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Safety Belt Council, Inc., New Rochelle, N.Y.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Max N. Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. National Ski Areas Association, 99 Park Avenue, New York, N.Y. 10016.

A. Janice Eichhorn, 512A Sixth Street SE., Washington D.C. 20003.
B. Self-Determination for D.C., 2027 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Frank Ellis Associates, Suite 400, 1730 North Lynn Street, Arlington, Va. 22209.

A. Kenneth W. Emerson, Jr., 1129 20th Street NW., Suite 602, Washington, D.C. 20036.
B. National Club Association, 1129 20th Street NW., Washington, D.C. 20036.

A. Lowell J. Endahl, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

A. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert S. Esworthy, 5200 South Quebec Street, Englewood, Colo. 80110.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Leon Felix Jr., 10600 West Higgins Road, Rosemont, Ill. 60018.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Manuel D. Fierro, 2001 Wisconsin Avenue NW., Suite 260, Washington, D.C.
B. Raza Association of Spanish Surname Americans, 2001 Wisconsin Avenue NW., Suite 260, Washington, D.C.

A. William C. Fitch, 1701 North Kent Street, Arlington, Va. 22209.
B. Senior Advocates International, Inc., 1825 K Street NW., Washington, D.C. 20006.

A. John S. Forsythe, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Fortas and Koven, 1054 31st Street NW., Washington, D.C. 20007.
B. Committee of Publicly Owned Companies, 22 Thames Street, New York, N.Y. 10006.

A. Donald A. Frederick, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Friends of the Regional Medical Programs, 2128 Wyoming Avenue, Washington, D.C. 20008.

A. Peter N. Gammelgard, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Edward A. Garmatz, 2210 Lake Avenue, Baltimore, Md. 21213.
B. Baltimore Gas & Electric Co., Gas & Electric Building, Baltimore, Md. 21203.

A. William T. Gibb III, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Caesar A. Giolito, 1700 18th Street NW., Washington, D.C. 20009.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.

A. Horace D. Godfrey, 918 16th Street NW., Suite 500, Washington, D.C. 20006.
B. Florida and Louisiana sugar cane producers and processors.

A. James T. Godfrey, Post Office Box 19343, Washington, D.C. 20036.
B. American Physicists Association, Post Office Box 19343, Washington, D.C. 20036.

A. Warren Graves, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

A. Hubert D. Hagen, Suite 1800, 500 North Broadway, St. Louis, Mo. 63102.
B. Arch Mineral Corp., Suite 1800, 500 North Broadway, St. Louis, Mo. 63102.

A. Doann Haines, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Lloyd M. Hampton, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

A. Andrew E. Hare, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
B. National Right To Work Committee, 1990 M Street NW., Washington, D.C.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Harris, Berry & Gipson, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Patricia Hewitt and Associates, 6240 Rio Bonito Drive, Carmichael, Calif. 95608.
B. National Federation of Societies for Clinical Social Work.

A. Saunders C. Hillyer, Box 399, Cordova, Alaska 99574.
B. Cordova District Fisheries Union, Box 399, Cordova, Alaska 99574.

A. Glen D. Hofer, 1030 15th Street NW., Washington, D.C. 20005.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Homemakers' United Efforts, 11040 North 73d Street, Scottsdale, Ariz. 85260.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem Avenue, Argo, Ill. 60501.

A. Hughes, Hubbard & Reed, 1660 L Street NW., Washington, D.C.
B. The Common Fund, 635 Madison Avenue, New York, N.Y. 10022.

A. Human Life Amendment Group, 15 E Street, Washington, D.C. 20001.

A. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.

A. Timothy H. Ingram, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World.

A. Judy Jackson, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.
B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C. 20005.

A. Anita Johnson, 2000 P Street NW., Suite 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Charles E. Johnson, 1776 K Street NW., Suite 900, Washington, D.C. 20006.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10019.

A. Linda Katz, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Charles L. King, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Walter Kischefsky, 5408 Rickenbacker Avenue, Suite 302, Alexandria, Va. 22304.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

A. John Kramer, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Ralph D. B. Laime, 5200 South Quebec Street, Englewood, Colo. 80110.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.
B. Sportsman's Paradise Homeowners Association, Route 2, Box 228, Blythe, Calif. 92225.

A. Leonard Lee Lane, 620 C Street SE., Washington, D.C.
B. Coalition to Tax Pollution.

A. Clifford C. LaPlante, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash.

A. J. P. LeGory & Associates, 306 North Washington Street, Falls Church, Va. 22046.
B. Air Cushion Industries, Inc., P.O. Box 657, Waldorf, Md.

A. Gilbert LeKander, 910 17th Street, NW., Suite 501, Washington, D.C. 20006.
B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., P.O. Box 1445, Spokane, Wash. 99210.

A. Cathy Lerza, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Joseph A. Letorney, 20 Ashburton Place, Boston, Mass. 02108.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. J. M. B. Lewis, Jr., 308 Shenandoah Building, Box 2887, Roanoke, Va. 24001.
B. National Council of Coal Lessors, 317 Southern Building, Washington, D.C. 20005; Iron Ore Lessors Association, 1500 First National Bank Building, St. Paul, Minn.

A. Ronald L. Leymeister, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Russell B. Light, 955 L'Enfant Plaza North SW., Washington, D.C.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.
B. Pacific Rim Trade Association, 222 Southwest Harrison Street, Suite GA 2, Portland, Oreg. 97201.

A. Lobel, Novins & Lamont, 1523 L Street NW., Washington, D.C. 20005.
B. New Hampshire Association of Savings Banks, 3 Capitol Street, Concord, N.H. 03301.

A. Sam Love, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Lusk-Evans Ltd., 1028 Connecticut Avenue NW., Suite 707, Washington, D.C. 20036.

A. Macmillan, Inc., 1701 North Fort Myer Drive, Suite 601, Arlington, Va. 22209.

A. Ronald E. Madsen, 962 Wayne Avenue, Silver Spring, Md. 20910.
B. Park Mobile, Inc., 61 Broadway, New York, N.Y. 10006.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Potters Industries, Inc., Industrial Road, P.O. Box 14, Carlstadt, N.J. 07072.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recycled Paperboard Division of the American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Council on Foundations, 888 Seventh Avenue, New York, N.Y. 10019.

A. J. Eugene Marans, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Martin, Moore, Thaler & Whitfield, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Bank, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Mike Masaoka, 2021 L Street NW., Washington, D.C. 20036.
B. American Japanese Trade Committee, 2021 L Street, Washington, D.C. 20036.

A. Mike Masaoka, 2021 L Street NW., Washington, D.C. 20036.
B. Nisei Lobby, 2021 L Street NW., Washington, D.C. 20036.

A. Guy B. Maseritz, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Robert A. Matthews, 801 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

A. Charles H. Mauzy, 501 Pulliam Street, SW., Suite 450, Atlanta, Ga. 30312.
B. National Education Association, 1201 16th Street, NW., Washington, D.C. 20036.

A. John L. McCormack, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

A. Robert E. McGarrah, Jr., 2000 P Street NW., Suite 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C. 20001.

A. Robert McElwaine.
B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C. 20006.

A. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Suite 750, Washington, D.C. 20015.

A. R. Otto Meletzke, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C. 20006.

A. Michigan Association of Vietnam Veterans, care of Melvin E. Wamsley 21829 Oakwood, East Detroit, Mich. 48021.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pacific Lighting Corp., 810 South Flower Street, Los Angeles, Calif. 90017.

A. John S. Monagan, Whitman & Ransom, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Connecticut Bankers Association, 100 Constitution Plaza, Hartford, Conn. 06103

A. Montgromery Ward & Co., Inc., 1660 L Street NW., Suite 1001, Washington, D.C. 20036.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. D. Michael Murray, Suite 1103, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Union Station, 516 West Jackson Boulevard, Chicago, Ill. 60606.

A. National Committee for Effective No-Fault; 2535 Massachusetts Avenue NW., Washington, D.C. 20008.

A. National Council of Agricultural Employers, 337 Southern Building, 15th & H Streets NW., Washington, D.C.

A. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.

A. National Realty Committee, Inc., 230 Park Avenue, New York, N.Y. 10017.

A. Robert W. Nelson, 2000 Florida Avenue, NW., Washington, D.C. 20009.
B. National Rural Electric Cooperatives Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

A. Ivan A. Nestingen, Suite 307, 1730 K Street NW., Washington, D.C. 20006.
B. American Nursing Home Association, 1200 15th Street NW., Washington, D.C. 20036.

A. John L. Oshinski, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

A. Pacific Lighting Corp., 810 South Flower Street, Los Angeles, Calif. 90017.

A. Lawrence Parachini, 1717 Massachusetts Avenue NW., Suite 403, Washington, D.C. 20036.
B. Communities in Action Together, 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Central American Sugar Council, 1200 17th Street NW., Washington, D.C. 20036.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Suite 700, Washington, D.C. 20036.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street, NW., Washington, D.C. 20036.
B. Institute of Scrap Iron and Steel Inc., 1729 H Street NW., Washington, D.C. 20006.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street, NW., Washington D.C. 20036.
B. Moody's Investors Service, Inc., 99 Church Street, New York, N.Y. 10008.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. New Process Co., 220 Hickory Street, Warren, Pa. 16365.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. West India Shipping Co., Inc., Post Office Box 10355, Port of Palm Beach, West Palm Beach, Fla.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Tax Corp. of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C. 20006.
B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska 99501.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y. 10022.
B. Armco Steel Corp., 703 Curtis Street, Middletown, Ohio 45042.

A. Pepper, Hamilton & Scheetz, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Coalition of Concerned Charities, care of John G. Milliken, Suite 1102, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. J. Hardin Peterson, Sr., Post Office Drawer BS, Lakeland, Fla. 33802.
B. Florida Fruit and Vegetable Association, Post Office Box 20155, Orlando, Fla. 32814.

A. Ann E. Petty, 1730 M Street, NW., Washington, D.C. 20036.
B. American Optometric Association, care of Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

A. Judy Pope, 620 C Street SE., Washington, D.C. 20003.
B. Coalition to Tax Pollution.

A. William I. Powell, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Prod, Inc., Suite 511, 2000 P Street, NW., Washington, D.C. 20036.

A. William W. Rayner, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.

A. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10019.

A. Diane Rennert, 1826 Jefferson Place NW., Washington, D.C. 20036.

A. Robert R. Rickett, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robinson, Silverman, Pearce, Aronsohn, Sand & Berman, 230 Park Avenue, New York, N.Y. 10017.
B. National Realty Committee, Inc., 230 Park Avenue, New York, N.Y. 10017.

A. Ronald E. Robinson, 910 Fifth Avenue, Seattle, Wash. 98104.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Louis T. Rosenberg, Suite 331, 118 Broadway, San Antonio, Tex. 78205.
B. The Sierra Club, South Texas Group, P.O. Box 6466, San Antonio, Tex. 78209.

A. Robert J. Routier, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Wally Rustad, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

A. Frank J. Scaduto, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Sheet Metal Workers International Association, 1750 New York Avenue NW., Washington, D.C. 20006.

A. Jerome D. Schaller, 1750 Pennsylvania Avenue NW., Suite 1100, Washington, D.C. 20006.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.

A. James J. Schintz, Pennsylvania Independent Automobile Dealers Association, 229 State Street, Harrisburg, Pa. 17101.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Independent Grocers' Alliance, 300 West Adams Street, Chicago, Ill. 60606.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. National Institutional Food, Distributors Associates, Inc., 300 Interstate North, Suite 800.

A. Sharon, Pierson, Semmes, Crolius & Finley, Canal Square, 1054 31st Street NW., Washington, D.C. 20007.
B. Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street, NW., Washington, D.C. 20007.
B. Topco Associates, Inc., 7711 Gross Point Road, Skokie, Ill., 60076.

A. W. Lee Shield, 1701 K Street, NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street, NW., Washington, D.C.

A. Arnold Smith, 968 National Press Building, Washington, D.C. 20004.
B. Direct Mail Advertising Association, 230 Park Avenue, New York, N.Y. 10017.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

A. Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.
B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y. 10017.

A. Edward T. Stevenson, 2021 K Street NW., Suite 307, Washington, D.C. 20006.
B. Southern Furniture Manufacturers Association, P.O. Box 951, High Point, N.C. 27261.

A. R. Keith Stroup, 1237 22d Street, NW., Washington, D.C. 20037.
B. National Organization for the Reform of Marijuana Laws, 1237 22d Street, NW., Washington, D.C. 20037.

A. Sullivan, Beauregard, Meyers & Clarkson, 1200 18th Street NW., Washington, D.C. 20036.

A. Surrey, Karasik and Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Anna I. Duisberg, 231 South Dwight Place, Englewood, N.J. 07631.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C. 20006.
B. Retail Credit Co., Post Office Box 4081, Atlanta, Ga. 30302.

A. Ronald E. Sweet, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW. Room 200, Washington, D.C. 20036.

A. James R. Tanck, 1825 K Street NW., Suite 1120, Washington, D.C. 20006.
B. National Apartment Association, 1825 K Street NW., Suite 1120, Washington, D.C. 20006.

A. David Tarr, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

A. Tax Reform Research Group, 733 15th Street NW., Suite 426, Washington, D.C. 20005.

A. Pat Taylor, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Joseph F. Thomas, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

A. J. R. Timmins & Co., 37 Wall Street, New York, N.Y. 10005.

A. Phillip Tocker, 1725 K Street NW., Washington, D.C.
B. Outdoor Advertising Association of America, Inc., 1725 K Street NW., Washington, D.C.

A. Christine Topping, 220 Maryland Avenue SE., Washington, D.C. 20002.
B. Bipartisan Committee for American Voters Overseas, 220 Maryland Avenue SE., Washington, D.C. 20002.

A. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Robert E. Vinson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

A. Jack Ware, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. George A. Watson, Suite 510, 1129 20th Street NW., Washington, D.C. 20036.
B. The Ferroalloys Association, 1129 20th Street NW., Suite 510, Washington, D.C. 20036.

A. Henry B. Weaver, 1025 Connecticut Avenue NW., Room 414, Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Clyde M. Webber, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

A. Fred Wegner, 1750 K Street NW., Suite 1190, Washington, D.C. 20006.
B. Retired Persons Services, Inc., 1750 K Street NW., Suite 1190, Washington, D.C. 20006.

A. Richard J. Wiechmann, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Kenneth Williamson, 2130 LeRoy Place NW., Washington, D.C. 20008.
B. General Conference of the Seventh-Day Adventists, 6840 Eastern Avenue NW., Washington, D.C. 20012.

A. Frederick L. Williford, 10010 Green Forest Drive, Adelphi, Md.
B. National Federation of Independent Business, 921 Washington Building, Washington, D.C. 20005.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Dealer Bank Association, Post Office Box 479, Wall Street Station, New York, N.Y. 10005.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Yale University, New Haven, Conn. 06520.

A. John A. Wilson, 1145 19th Street NW., Room 501, Washington, D.C. 20036.
B. National Sharecroppers Fund, 1145 19th Street NW., Room 501, Washington, D.C. 20036.

A. Thomas Rodman Wilson, 1212 Massachusetts Avenue NW., Washington, D.C. 20005.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue, Washington, D.C. 20036.
B. Peterson Publishing Co., 8490 Sunset Boulevard, Los Angeles, Calif. 90069.

A. Robert C. Zimmer, 1775 K Street NW., Suite 220, Washington, D.C. 20006.
B. Massachusetts Consumer Bankers Group.

## QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the fourth calendar quarter 1972:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

---

Year: 19______ ➤

### REPORT

### PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| (Mark one square only) | | | | |

---

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

---

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

---

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.➤

---

AFFIDAVIT

[Omitted in printing]

PAGE 1➤

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

**Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.**

*Receipts* (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)
6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year
8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

*Loans Received*

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

| *Amount* | *Name and Address of Contributor* |
|---|---|
| | (*"Period"* from Jan. 1 through ------------------, 19----) |
| $1,500.00 | John Doe, 1621 Blank Bldg., New York, N.Y. |
| $1,785.00 | The Roe Corporation, 2511 Doe Bldg., Chicago, Ill. |
| $3,285.00 | TOTAL |

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

**Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.**

*Expenditures* (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures
9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year
11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

*Loans Made to Others*

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

| *Amount* | *Date or Dates—Name and Address of Recipient—Purpose* |
|---|---|
| $1,750.00 | 7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill." |
| $2,400.00 | 7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month. |
| $4,150.00 | TOTAL |

PAGE 2

A. Action for Legal Rights, 1225 19th Street NW., Suite 602, Washington, D.C. 20036.
D. (6) $22,137.92. E. (9) $11,030.44.

A. Clarence G. Adamy, 1725 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Ad Hoc Committee of Shipbuilders, 1200 18th Street NW., Washington, D.C. 20036.
E. (9) $617.07.

A. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.
D. (6) $8,284.60. E. (9) $8,284.60.

A. Gibson T. Ahlgren, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $7,455.79. E. (9) $7,455.79.

A. Aircraft Owners & Pilots Association, P.O. Box 5800, Washington, D.C. 20014.

A. Randolf H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.
D. (6) $150. E. (9) $25.

A. Alderson, Catherwood, Ondov & Leonard, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn. 55912.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $2,294.55.

A. Donna Allen, 3306 Ross Place NW., Washington, D.C. 20008.
B. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif. 90004.
D. (6) $1,040. E. (9) $1,708.79.

A. Nicholas E. Allen, 444 Shoreham Building, Washington, D.C. 20005.
B. Music Operators of America, Inc., 288 North La Salle Street, Chicago, Ill.
D. (6) $500. E. (9) $204.64.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Amalgamated Transit Union, National Capital Local Division, 689, 100 Indiana Avenue NW., Washington, D.C. 20001.

A. American Academy of Family Physicians, 215 Volker Boulevard, Kansas City, Mo. 64112.
D. (6) $4,730.16. E. (9) $4,730.16.

A. American Automobile Association, 1712 G Street, NW., Washington, D.C. 20006.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $1,555.39. E. (9) $1,555.39.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.
D. (6) $1,783. E. (9) $1,783.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $3,820.49. E. (9) $3,820.49.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $42,687. E. (9) $42,687.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $59,921.76.

A. American Frozen Food Institute, 919 18th Street, NW., Washington, D.C. 20006.
D. (6) $183,300.94. E. (9) $1,946.53.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $2,910.41. E. (9) $3,668.15.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $5,065.32. E. (9) $4,317.69.

A. American Justice Association, Inc., Defence Highway, Gambrills, Md. 21054.
D. (6) $2. E. (9) $2.

A. American Land Title Association, 1818 L Street NW., Suite 303, Washington, D.C. 20036.
E. (9) $445.

A. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C. 20006.
E. (9) $2,838.40.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
E. (9) $29,069.11.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $2,975.

A. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.
E. (9) $1,418.64.

A. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $6,206.14. E. (9) $6,206.14.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10616.
E. (9) $456.13.

A. American Parents Committee, Inc., 15 E Street NW., Washington, D.C. 20001.
D. (6) $3,829.02. E. (9) $3,104.78.

A. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $18,530. E. (9) $7,564.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $8,537.93. E. (9) $8,537.93.

A. American Physicists Association, P.O. Box 19343, Washington, D.C. 20036.
D. (6) $214. E. (9) $214.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
E. (9) $4,869.20.

A. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $1,273,959.50. E. (9) $83,064.37.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017

A. American Society of Consulting Planners, 1750 Old Meadow Road, McLean, Va. 22101.
E. (9) $1,249.98.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington D.C. 20036.
B. National Customs Brokers & Forwarders Association of America, Inc., One World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $400. E. (9) $172.81.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $432,81.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $18,062.89. E. (9) $18,062.89.

A. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,290.06. E. (9) $58,631.68.

A. American Veterinary Medical Association, 1522 K Street NW., Suite 828 Washington, D.C. 20005.
E. (9) $550.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.
D. (6) $112,920. E. (9) $879.65.

A. Ted E. Amick, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Donald E. Anderson.
B. Nat. Cable Television Association, 918 16th Street NW., Washington, D.C.
D. (6) $5,606.76. E. (9) $310.00.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,281. E. (9) $30.10.

A. George W. Apperson, 100 Indiana Avenue NW. No. 403, Washington, D.C. 20001.
B. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C.

A. Clarence A. Arata, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $15,000.

A. John C. Archer, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $550. E. (9) $300.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $44.50. E. (9) $9.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Fairchild Camera & Instrument Corp., 464 Ellis Street, Mountain View, Calif. 94040.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Floor Covering Group, 919 Third Avenue, New York, N.Y. 10022.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

E. (9) $5,350.

A. Association for the Advancement of Invention & Innovation, Suite 1007, Crystal Plaza Building 1, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $2,285. E. (9) $1,019.27.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.

D. (6) $220. E. (9) $82.50.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300. E. (9) $300.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $10,107.86. E. (9) $10,107.86.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $410.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

E. (9) $1,000.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $300.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $65. E. (9) $40.16.

A. Richard W. Averill, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $800. E. (9) $301.

A. Nicholas R. Bach, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

B. National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

D. (6) $75. E. (9) $4.

A. Donald L. Badders, 910 South Michigan Avenue, Room 530, Chicago, Ill. 60605.

B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.

D. (6) $360.26. E. (9) $299.70.

A. Carl E. Bagge, Coal Building, Washington, D.C. 20036.

B. National Coal Association, Coal Building, Washington, D.C. 20036.

E. (9) $1,955.79.

A. John C. Bagwell, 723 Investment Building, Washington, D.C. 20005.

B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. Charles W. Bailey, 1990 M Street NW. Suite 400, Washington, D.C. 20036.

B. National Right To Work Committee, 1990 M Street NW., Washington, D.C.

D. (6) $15.

A. George F. Bailey, Jr., Montgomery, Ala.

B. Alabama Railroad Association, Montgomery, Ala.

A. James F. Bailey, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

E. (9) 623.91.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Thomas F. Baker, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association.

D. (6) $129.80. E. (9) $32.88.

A. Donald F. Bale, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash.

D. (6) $575. E. (9) $175.

A. Al J. Ballard, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $150.

A. Ernest L. Barcella, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

A. Thomas H. Barksdale, Jr., 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1,925. E. (9) $280.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

A. Vincent Gerrard Barnett, Suite 400, 919 18th Street NW., Washington, D.C. 20006.

B. Committee of European Shipowners, 30–32 St. Mary Axe, London EC3A 8ET, England.

D. (6) $7,500. E. (9) $6,566.10.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.

D. (6) $3,600.

A. David S. Barrows, 214 Century Building, Portland, Oreg. 97205.

B. Association of Oregon and California Land Grant Counties, Douglas County Courthouse, Roseburg, Oreg. 97470.

D. (6) $1,200.

A. Weldon Barton.

B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $4,730.98. E. (9) $109.68.

A. Lucius D. Battle, 950 L'Enfant Plaza South SW., Washington, D.C. 20024.

B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C. 20005.

B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.

A. Donald S. Beattie, 400 First Street NW., Washington, D.C. 20001.

B. Congress of Railway Unions.

D. (6) $579.57.

A. Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, D.C.

B. North Atlantic Mediterranean Freight Conference.

D. (6) $450. E. (9) $10.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich., 48214.

D. (6) $4,417.92. E. (9) $398.38.

A. John H. Beidler, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $6,481.74. E. (9) $586.55.

A. Page Belcher, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $975.

A. Thomas S. Belford, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $199.98. E. (9) $48.93.

A. Thomas P. Bennett, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $2,500. E. (9) $3,530.86.

A. Meyer Bernstein, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,386.97. E. (9) $59.

A. Max N. Berry, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

A. Robert L. Bevan, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000. E. (9) $45.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $9,345. E. (9) $326.10.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Occidental Life Insurance Co., 12th Street at Hill, Los Angeles, Calif. 90054.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. The Paul Revere Corp., Worcester, Mass. 01608.
D. (6) $100. E. (9) $34.20.

A. Lydia Bitter, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $280. E. (9) $280.

A. Neal R. Bjornson, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,250. E. (9) $26.66.

A. Brent Blackwelder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $212.50.

A. Jerald Blizin, 1425 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,100.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y. 10017.
B. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,875.01. E. (9) $117.30.

A. Boasberg, Hewes, Klores, Smith & Kass, 1225 19th Street NW., Suite 602, Washington, D.C. 20036.
B. Action for Legal Rights, 1225 19th Street NW., Suite 602, Washington, D.C. 20036.
D. (6) $9,232.50.

A. Becky Bogard, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $70.

A. Frederick C. Bond, III, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $41.68. E. (9) $38.20.

A. S. Lees Booth, 1000 16th Street NW., Suite 601, Washington, D.C. 20036.
B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $50.

A. G. Stewart Boswell, Suite 1001, 1150 17th Street, N.W., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C. 28202.
D. (6) $875. E. (9) $144.29.

A. Charles G. Botsford, 1730 M Street N.W., Suite 609, Washington, D.C. 20036.

A. Albert D. Bourland, 1660 L Street, NW., Suite 814, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $1,226.55.

A. Rodney A. Bower, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
D. (6) $240. E. (9) $20.

A. J. Wiley Bowers, 325 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 325 Pioneer Building, Chattanooga, Tenn. 37402.

A. Edward L. Bowley, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL-CIO.
D. (6) $7,175.28. E. (9) $822.85.

A. George E. Bradley, 1341 G Street NW., Washington, D.C. 20005.
B. Organization of Professional Employees of USDA, 1341 G Street NW., Washington, D.C.
D. (6) $900. E. (9) $25.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,500. E. (9) $1,015.

A. Charles N. Brady, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Joseph E. Brady, Room 122, Sheraton Gibson Hotel, Cincinnati, Ohio 45202.
B. National Coordinating Committee of the Beverage Industry.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O Box 12285, Memphis, Tenn. 39112.
D. (6) $576.92. E. (9) $144.63.

A. Edward J. Brenner, Suite 1007, Crystal Plaza I, 2001 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention & Innovation, Suite 1007, Crystal Plaza I, 2001 Jefferson Davis Highway, Arlington, Va 22202.

A. Parke C. Brinkley, the Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association.

A. Wally Briscoe.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $135. E. (9) $16.50.

A. John Broadbent, 161 East 42d Street, New York, N.Y. 10017.
B. J. R. Timmins & Co., 37 Wall Street, New York, N.Y.
E. (9) $106.82.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.
D. (6) $375.
A. Michael D. Bromberg, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
D. (6) $4,500.
A. W. S. Bromley, 605 Third Avenue, New York, N.Y. 10017.
B. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. Joe B. Browder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE, Washington, D.C. 20003.
D. (6) $650.

A. Brown, Vlassis & Bain, 222 North Central Avenue, Phoenix, Ariz. 85004.
B. Navajo Tribe, Window Rock, Ariz. 86515.

A. Charles H. Brown, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $12.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $300.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Housing Producers, 10920 Wilshire Boulevard, Suite 308, Los Angeles, Calif. 90024.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., 600 Marine Plaza, Milwaukee, Wis. 53202.

A. Lawrence E. Bruce, Jr., 1125 15th Street, NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $450. E. (9) $2,749.

A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. St. Paul Title Insurance Corp., 1650 West Big Beaver Road, Troy, Mich. 48084.
D. (6) $50. E. (9) $64.20.

A. George S. Buck, Jr., P.O. Box 12285, Memphis, Tenn. 38212.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Robert D. Buehler, 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. The B. F. Goodrich Co., Akron, Ohio 44318.
D. (6) $220.

A. Bulgarian Claims Committee, c/o Chaco Chase, 109 20 71 Road, Forest Hills, N.Y. 11375.
E. (9) $120.25.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.
D. (6) $900. E. (9) $300.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $3,000. E. (9) $300.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $700.

A. George J. Burger, 125 Clove Road, New Rochelle, N.Y.
B. Burger Tire Consultant Service, 125 Clove Road, New Rochelle, N.Y.

A. George J. Burger, 30 Clinton Place, New Rochelle, N.Y. 10801.
B. National Federation of Independent Business, 30 Clinton Place, New Rochelle, N.Y. 10801.
D.(6) $3,541.81. E. (9) $401.95.

A. Burley & Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.
D. (6) $13,783.98. E. (9) $1,108.44.

A. Phil Burnett, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.

A. George Burnham IV, 1625 K Street NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $699. E. (9) $292.

A. Charles S. Burns, 1620 I Street NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $1,200. E. (9) $344.55.

A. David Burpee, Fordhook Farms, Doylestown, Pa. 18901.
E. (9) $57.16.

A. Business Consumer Protection Bureau, 624 Market Street, McKeesport, Pa. 15132.

A. Business Executives Move for Vietnam Peace and New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.
D. (6) $4,750.04. E. (9) $1,608.37.

A. Monroe Butler, 1801 Avenue of the Stars, Suite 1106, Los Angeles, Calif. 90067.
B. The Superior Oil Co., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Charles S. Caldwell, 1437 K Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D.(6) $5,550. E. (9) $839.56.

A. David W. Calfee III, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $1,215.21.

A. Donald L. Calvin, 11 Wall Street, New York, N.Y. 10005.
B. New York Stock Exchange, 11 Wall Street, N.Y.

A. Carl C. Campbell, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $429.23.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20006.
E. (9) $270.40.

A. Charles O. Campbell, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Marvin Caplan.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,879.50. E. (9) 132.35.

A. Ronald A. Capone, Room 505, the Farragut Building, Washington, D.C.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London, E.C.3, England.
E. (9) $389.40.

A. Michael H. Cardozo, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y. 11232.
B. Seafarers International Union.
D. (6) $2,500. E. (9) $1,897.15.

A. Elizabeth S. Carpenter, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York City, N.Y. 10017.
D. (6) $200. E. (9) $7.50.

A. Braxton B. Carr, 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.
B. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.
D. (6) $267.50. E. (9) $199.00.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
D. (6) $2,500.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Alaska Interstate Co., 2200 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027; Apco Oil Corp., Liberty Bank Building, Oklahoma City, Okla. 73102; Gulf Interstate Co., American Building, Houston, Tex. 77022.
D. (6) $17,898.75.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.
B. South African Sugar Association, P.O. Box 507, Durban, South Africa.
E. (9) $5,100.20.

A. James B. Cash, Jr., 1120 Connecticut Avenue, NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $164.80.

A. Frank R. Cawley, 511 Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Agricultural Publishers Association, 511 Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
D. (6) $116.65. E. (9) $301.96.

A. Frank R. Cawley.
B. Harcourt Brace Jovanovich, Inc., 1625 I Street NW., Washington, D.C. 20006.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Cordage Institute, 2300 Calvert Street NW., Washington, D.C. 20008.
D. (6) $937.50.

A. Justice M. Chambers, 2300 Calvert Street NW., Washington, D.C. 20008.
B. Swaziland Sugar Association, P.O. Box 445, Mbabane, Swaziland.
D. (6) $7,500. E. (9) $2,267.74.

A. James W. Chapman.
B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,411.

A. William C. Chapman, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $3,392.08.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Lowell T. Christison, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, % Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $19.22. E. (9) $14.20.

A. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $70,291.95. E. (9) $134.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $12,310.50. E. (9) $6,463.63.

A. Earl W. Clark, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee.
D. (6) $825. E. (9) $106.14.

A. Kimball Clark, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $11.25.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,874.98. E. (9) $320.43.

A. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Atchison, Topeka and Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

A. Clark, West, Keller, Sanders & Ginsberg, 2424 First National Bank Building, Dallas, Tex. 75202.
B. National Music Publishers' Association, Inc., 110 East 59th Street, New York, N.Y.
D. (6) $1,000.

A. Clay Pipe Industry Depletion Committee, Post Office Box 6, Pittsburg, Kans. 66762.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $631.62.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chemplex Co., 3100 Golf Road, Rolling Meadows, Ill. 60008; Copolymer Rubber & Chemical Corp., Box 2591, Baton Rouge, La. 70821; Dart Industries, Inc., 8480 Beverly Boulevard, Los Angeles, Calif. 90054.

D. (6) $104.99.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y. 10022.

E. (9) $10.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Lehman Brothers Inc., One William Street, New York, N.Y. 10004.

E. (9) $46.50.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Oil Shale Corp., 680 Fifth Avenue, New York, N.Y. 10019.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Suite 224, Scarsdale, N.Y. 10583.

D. (6) $50. E. (9) $170.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.

B. American Brands, Inc., 245 Park Avenue, New York, N.Y. 10017.

E. (9) $85.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.

B. Brown & Williamson Tobacco Corp., Louisville, Ky. 40201.

E. (9) $85.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.

B. Liggett & Myers Inc., 630 Fifth Avenue, New York, N.Y. 10020.

E. (9) $85.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.

B. Lorillard, Division of Loews Theatres, Inc., 200 East 42d Street, New York, N.Y. 10017.

E. (9) $85.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.

B. Philip Morris Inc., 100 Park Avenue, New York, N.Y. 10017.

E. (9) $85.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.

B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C. 27102.

E. (9) $85.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Basketball Players Association, 15 Columbus Circle, New York, N.Y. 10023.

A. Larry D. Cline, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $33.60.

A. Coalition for a National Population Policy, Suite 1010, Bender Building, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Coalition to Tax Pollution, 620 C Street SE., Washington, D.C. 20003.

D. (6) $1,600. E. (9) $2,632.52.

A. Grover C. Cobb, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $400.

A. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

D. (6) $54,275.00. E. (9) $677.05.

A. John M. Coffey, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Page Belcher, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Jeffery Cohelan.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $900.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $5,625. E. (9) $197.56.

A. Jerry Cohen, 470 Totten Pond Road, Waltham, Mass. 02154.

B. Ruetgerswerke Aktiengesellschaft, Frankfurt, West Germany.

A. Timothy A. Colcord, 1620 I Street NW., Suite 603, Washington, D.C. 20006.

B. National BankAmericard Inc., 555 California Street, San Francisco, Calif. 94126.

D. (6) $7,291.66. E. (9) $8,493.86.

A. R. Michael Cole, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street, NW., Washington, D.C. 20036.

D. (6) $4,500.

A. Robert E. Cole, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Motor Vehicle Manufacturers Association, 320 New Center Building, Detroit, Mich. 48202.

D. (6) $500.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.

D. (6) $25,185.67. E. (9) $236.74.

A. Coles & Goertner, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

B. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.

E. (9) $213.48.

A. William J. Colley, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,400. E. (9) $1,251.

A. Collier, Shannon, Rill & Edwards, 1625 I Street N.W., Washington, D.C.

B. American Cylinder Manufacturers Committee, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $35.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.

B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.

B. Bicycle Manufacturers Association of America, Inc., 122 East 42d Street, New York, N.Y. 10017.

D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.

B. Tool & Stainless Steel Industry Committee, 1625 I Street NW., Suite 622, Washington, D.C. 20006.

D. (6) $1,250. E. (9) $525.

A. James F. Collins, 1000 16th Street NW., Washington, D.C. 20006.

B. American Iron & Steel Institute, 50 East 42d Street, New York, N.Y.

D. (6) $500. E. (9) $125.

A. Paul G. Collins, 111 Westminister Street, Providence, R.I. 02903.

B. The Industrial National Bank of Rhode Island, 111 Westminister Street, Providence, R.I. 02903.

D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo. 80202.

A. Committee for Humane Legislation, Inc., 11 West 60 Street, New York, N.Y. 10023.

D. (6) $12,716.22. E. (9) $13,825.60.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.

D. $87,050. E. $7,503.24.

A. Common Cause, 2030 M Street, NW., Washington, D.C. 20036.

D. (6) $1,394,838.84. E. (9) $214,737.11.

A. The Common Fund, 635 Madison Avenue, New York, N.Y. 10022.

E. (9) $9,723.76.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.

B. American Academy of Actuaries, 208 South LaSalle Street, Chicago Ill. 60604.

D. (6) $900. E. (9) $147.60.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.

B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $1,500. E. (9) $200.

A. Congress of Railway Unions, 400 First Street NW., Washington, D.C. 20001.

D. (6) $6,998.42. E. (9) $7.071.89.

A. Congress Watch, Room 305, 2000 P Street NW., Washington, D.C. 20036.
D. (6) $329. E. (9) $329.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $200. E. (9) $63.50.

A. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. Jack T. Conway, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,812.50.

A. Cook & Franke, 660 East Mason Street, Milwaukee, Wis. 53202.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Howard Lee Cook, Jr., 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,300. E. (9) $678.

A. Eileen D. Cooke, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $598.80.

A. J. Milton Cooper, Suite 401, 1000 Vermont Avenue NW., Washington, D.C. 20005.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $3,750. E. (9) $785.16.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Council of Forest Industries, 1025 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,000. E. (9) $3.70.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Uniroyal, Inc., Naugatuck, Conn.; Converse Rubber Co., Malden, Mass.
E. (9) $322.35

A. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $2,000. E. (9) $825.

A. Darrell Coover, 1625 I Street NW., No. 812, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $186.

A. James T. Corcoran, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Motor Bus Owners, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.
D. (6) $925. E. (9) $87.50.

A. Robert M. Coultas, Suite 508, 1612 K Street NW., Washington, D.C. 20006.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

A. Council for the Advancement of the Psychological Professions & Sciences, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.
D. (6) $41,650. E. (9) $5,173.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.
D. (6) $691.88. E. (9) $691.88.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Adhesive & Sealant Council, 1410 Higgins Road, Park Ridge, Ill., 60068.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C. 20005.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Classroom Periodical Publishèrs Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Industrial Diamond Association of America, 2017 Walnut Street, Philadelphia, Pa. 19103.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Jewelers Vigilance Committee, 156 East 52d Street, New York, N.Y. 10022.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Kohler Co., Kohler, Wis. 53044.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20015.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. National Glass Dealers Association, 1000 Connecticut Avenue, Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y. 10017.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Roger C. Courtney, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill 61602.
D. (6) $161.28. E. (9) $201.55.

A. Covington & Burling, 888 16th Street, Washington, D.C. 20006.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue, NW., Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street, NW., Washington, D.C. 20006.
B. The Commonwealth of Puerto Rico.

A. Covington & Burling, 888 16th Street, NW., Washington, D.C. 20006.
B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis. 43201.
D. (6) $3,900.

A. Covington & Burling, 888 16th Street, NW., Washington, D.C. 20006.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Eugene S. Cowen, 9024 Willow Valley Drive, Potomac, Md. 20854.
B. American Broadcasting Co., 1150 17th Street, NW., Washington, D.C. 20036.
D. (6) $78. E. (9) $78.

A. Cox, Langford & Brown, 21 Dupont Circle NW, Washington, D.C. 20036.
B. Association of Research Libraries, 1527 New Hampshire Ave., NW., Washington, D.C. 20036.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. The National Collegiate Athletic Association, U.S. Highway 50 and Nall Ave., P.O. Box 1906, Shawnee Mission, Kans. 66222.
D. (6) $870. E. (9) $22.

A. Roger M. Craver, 2030 M Street NW., Washington, D.C. 20036.
B Common Cause, 2030 M Street, NW., Washington, D.C. 20036.

A. Robert W. Crawford, 1625 I Street, NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $9,999.99. E. (9) $1,440.28.

A. W. J. Crawford, P.O. Box 2180, Houston, Tex. 77001.
B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.

A. Hubert M. Crean, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. H. C. Crotty, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. Jack A. Crowder, Suite 1001, 1150 17th Street, NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $1,500. E. (9) $12.50.

A. Culbertson, Pendleton & Pendleton, One Farragut Square, South, Suite 800, Washington, D.C. 20006.
B. Canned & Cooked Meat Importers' Association, c/o Deltec International Ltd., 2801 Ponce De Leon Boulevard, Coral Gables, Fla. 33134.
D. (6) $975. E. (9) $363.47.

A. John T. Curran, 905 16th Street, NW., Washngton, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street, NW., Washington, D.C. 20006.
D. (6) $8,250. E. (9) $2,790.28.
A. Thomas A. Daly, 1101 16th Street, NW., Washington, D.C. 20036.

B. National Soft Drink Association.
D. (6) $122.16. E. (9) $2.

A. Benjamin G. Danis, 2100 M Street, NW., Suite 700, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street, NW., Suite 700, Washington, D.C. 20037.
D. (6) $100.

A. John C. Datt, 425 13th Street, NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $1,719. E. (9) $37.45.

A. Philip J. Daugherty.
B. Industrial Union Department, AFL–CIO, 815 16th Street, NW., Washington, D.C. 20006.
D. (6) $2,735.85. E. (9) $108.50.

A. John B. Davenport, Jr., 2000 Florida Avenue, NW., Washington, D.C. 20009.
B National Rural Electric Cooperative Association, 2000 Florida Avenue, NW., Washington, D.C. 20009.
D. (6) $150.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill. 60605.
B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill. 60605.
D. (6) $500. E. (9) $194.72.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60690.
B. Bankers Life and Casualty Co., 4444 Lawrence Avenue, Chicago, Ill. 60630.
D. (6) $187.50. E. (9) $20.

A. Charles W. Davis, One First National Plaza, No 5200, Chicago, Ill. 60670.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.
D. (6) $1,912.50. E. (9) $15.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.
B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.
D. (6) $350. E. (9) $38.15.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill. 60606.
D. (6) $650. E. (9) $64.76.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill. 60607.
E. (9) $236.70.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $900. E. (9) $199.33.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.
B. United Insurance Company of America, One East Wacker Drive, Chicago, Ill. 60601.
D. (6) $187.50. E. (9) $20.

A. Claire C. Davis, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Fred E. Davis, 277 Park Avenue, New York, N.Y. 10017.
B. National Association of Manufacturers.
D. (6) $500. E. (9) $489.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20006.
D. (6) $9. E. (9) $4.50.

A. Walter L. Davis, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Charles W. Day, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $325. E. (9) $320.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Electronic Industries Association, Consumer Electronics Group, 2001 I Street NW., Washington, D.C. 20006.

A. Tony T. Dechant.
B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $4,000. E. (9) $247.15.

A. DeHart and Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.
D. (6) $195. E. (9) $23.50.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Delta Group, Ltd., 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $1,000. E. (9) $300.

A. Vincent A. Demo, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $7,500. E. (9) $2,332.

A. Ray Denison, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $6,727. E. (9) $436.54.

A. Claude J. Desautels, Suite 811, RCA Building, 1725 K Street NW., Washington, D.C. 20006.
B. American Society of Composers, Authors and Publishers, One Lincoln Plaza, New York, N.Y. 10023.
D. (6) $6,000.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,281.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.
E. (9) $135.

A. Ralph B. Dewey, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $1,640. E. (9) $837.65

A. John M. Dickerman, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.
D. (6) $2,009.76. E. (9) $17.95.

A. Timothy V. A. Dillon, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Department of Water Resources, State of California, Post Office Box 338, Sacramento, Calif. 95802.
D. (6) $2,342.48. E. (9) $182.48.

A. Timothy V. A. Dillon, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Marysville Dam Committee, Post Office Drawer B. Marysville, Calif. 95901.
D. (6) $781. E. (9) $11.

A. Timothy V. A. Dillon, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Sacramento Yolo Port District, Post Office Box 815, West Sacramento, Calif.
D. (6) $1,081.38. E. (9) $31.38.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $45,291.36. E. (9) $45,291.36.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C. 20006.
E. (9) $3,200.

A. William H. Dodds, 1126 16th Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $5,539.92. E. (9) $675.15.

A. James F. Doherty.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $4,125. E. (9) $3,881.

A. Patrice M. Doherty, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $180. E. (9) $46.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $346.25. E. (9) $377.15.

A. Edward V. Donahue, 1900 L Street NW., Washington, D.C. 20036.
B. Graphic Arts International Union, 1900 L Street NW., Washington, D.C. 20036.
D. (6) $1,527. E. (9) $1,714.

A. Jack Donahue, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.
B. Council for the Advancement of the Psychological Professions and Sciences, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.
D. (6) $1,002. E. (9) $206.06.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. James C. Donald, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,200. E. (9) $3,464.61.

A. Gary W. Donnelly, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $31.20.

A. James A. Dorsch, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. C. L. Dorson, Suite 529, Munsey Building, Washington, D.C. 20004.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Suite 529 Munsey Building, Washington, D.C. 20004.
D. (6) $2,708.22. E. (9) $280.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Advance Schools, Inc., 5900 Northwest Highway, Chicago, Ill.

A. F. Raymond Downs, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Harry J. Doyle, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $512.50. E. (9) $462.80.

A. Robert H. Doyle, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $4,031.25.

A. Dean W. Drulias, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, care of Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $41.63. E. (9) $165.71.

A. Franklin B. Dryden.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $120. E. (9) $120.

A. Lawrence M. Dubin, 1 First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Sears, Roebuck and Co., 925 S. Homan Avenue, Chicago, Ill. 60607.
D. (6) $17,650. E.(9) $20.

A. Evelyn Dubrow, 1710 Broadway, New York 19, N.Y.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York 19, N.Y.
D. (6) $4,004. E. (9) $2,923.24.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $60.

A. Norman Duncan, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $180. E. (9) $32.35.

A. R. Michael Duncan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. R. Michael Duncan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Pauline B. Dunckel, 1901 North Fort Myer Drive, Suite 900, Arlington, Va., 22209.
B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Suite 900, Arlington, Va., 22209.

A. Louise C. Dunlap, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $2,280. E. (9) $292.86.

A. William E. Dunn, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. J. D. Durand, 1725 K Street NW., Washington, D.C. 20006.
B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
E. (9) $410.

A. J. Frederick Durr, 1900 South Eads Street, Box 836, Arlington, Va. 22202.
B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Arlington, Va. 22202.
E. (9) $124.50.

A. Robert E. Early, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,250.

A. Roy W. Easley, 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Arthur B. Edgeworth, Jr., 1709 New York Avenue NW., Washington, D.C. 20006.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $500.

A. Hallett D. Edson, 956 North Monroe Street, Arlington, Va. 22201.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va, 22201.
D. (6) $1,125.

A. E. Neel Edwards, Jr., 921 Washington Building, Washington, D.C. 20515.
B. National Federation of Independent Business.
D. (6) $2,500. E. (9) $249.

A. Macon T. Edwards, Ring Building, Room 610, 1200 18th Street NW., Washington, D.C. 20036.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $350.25. E. (9) $32.52.

A. J. C. B. Ehringhaus, Jr., 1600 South Eads Street, Arlington, Va. 22202.
B. The Tobacco Institute, Inc. 1776 K Street NW., Washington, D.C. 20006.

A. Harmon L. Elder, 1900 L Street NW., Washington, D.C. 20036.
B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C. 20036.
D. (6) $250. E. (9) $131.74.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.
D. (6) $124.75.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Ruth Bowdey Elliott, 5500 Quincy Street, Hyattsville, Md., 20784.
D. (6) $2,589. E. (9) $2,548.49.

A. John C. Ellis, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, Washington, D.C. 20006.
D. (6) $1,000.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $95. E. (9) $1,216.25.

A. Kenneth W. Emerson, Jr., 1129 20th Street NW., Suite 602, Washington, D.C. 20036.
B. National Club Association, 1129 20th Street NW., Suite 602, Washington, D.C. 20036.
D. (6) $152,964.89. E. (9) $1,199.09.

A. Richard W. Emory, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
E. (9) $905.

A. Lowell J. Endahl, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. Bob Hoffman, York Barbell Co., York, Pa. 17405.
D. (6) $1,625. E. (9) $345.07.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y. 10017.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,725.

A. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $23,198.96. E. (9) $14,607.83.

A. Russell G. Ernest, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States.
D. (6) $3,000. E. (9) $18.75.

A. Robert R. Fahs, 1030 15th Street NW., Washington, D.C. 20005.
B. Cargill, Inc., 1200 Cargill Building, Minneapolis, Minn. 55402.
D. (6) $2,500. E. (9) $26.75.

A. Clinton M. Fair, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $6,505. E. (9) $589.14.

A. The Farmers' Educational and Cooperative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $111,857.15. E. (9) $39,052.06.

A. Federation of American Hospitals, 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $4,500.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C. 20002.
D. (6) $25,243.50. E. (9) $8,380.62.

A. James I. Fender, 100 NE. Adams Street, Peoria, Ill. 61602.
B. Caterpillar Tractor Co., 100 NE. Adams Street, Peoria, Ill. 61602.
D. (6) $450. E. (9) $272.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.
B. Council of Forest Industries of British Columbia, 1500/1055 West Hastings Street, Vancouver, 1, B.C. Canada.
D. (6) $12,255.13. E. (9) $185.

A. Herbert A. Fierst, 607 Ring Binlding, Washington, D.C. 2036.
B. Joint Committee of Printing and Publishing Industries of Canada, Fourth Floor, 117 Eglinton Avenue, East, Toronto 12, Canada.
D. (6) $999.99. E. (9) $66.

A. Francis S. Filbey, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $5,014.78.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $15. E. (9) $2.75.

A. Thomas W. Fink, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $390. E. (9) $97.65.

A. James W. Finley, 1015 18th Street NW., Suite 303, Washington, D.C. 20036.
B. Crown Zellerbach Corp., One Bush Street, San Francisco, Calif. 94119.

A. William J. Flaherty, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $6,725.63.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $1,875. E. (9) $51.45.

A. Carl J. Fleps, 1000 16th Street NW., Washington, D.C. 20036.
B. The Greyhound Corp., Greyhound Tower, Phoenix, Ariz. 35077.
D. (6) $350. E. (9) $46.

A. Florida Fruit & Vegetable Association, P.O. Box 20155, Orlando, Fla. 32814.

A. John F. Fochtman, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,000. E. (9) $756.

A. Gordon Forbes, 207 Union Depot Building, St. Paul Minn. 55101.
B. Minnesota Railroads Association.
D. (6) $500.

A. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.
D. (6) $23,432.50.

A. James W. Foristel, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,400. E. (9) $892.

A. David H. Foster.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $237.50.

A. William C. Foster, Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Alyeska Pipeline Service Corp., Post Office Box 576, Bellevue, Wash.
D. (6) $1,200.

A. William C. Foster, Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo.
D. (6) $168.

A. John S. Forsythe, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.
D. (6) $750.

A. John G. Fox, 2000 L Street NW., Washington, D.C. 20036.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $5,000.

A. James O. Freeman, 1709 New York Avenue NW., Washington, D.C. 20006.
B. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,187.50. E. (9) $14.

A. Benjamin W. Fridge, 1900 South Eads Street, Arlington, Va. 22202.
B. National Rifle Association of America, 1600 Rhode Island Avenue, Washington, D.C. 20036.
D. (6) $3,750. E. (9) $919.89.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Hualapai Tribe of the Hualapai Reservation, Peach Springs, Ariz.
E. (9) $3.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Metlakatla Indian Community, Box 142, Metlakatla, Alaska.
D. (6) $1,125.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Navajo Tribe, Window Rock, Ariz.
E. (9) $141.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Nez Perce Tribe, Lapwai, Idaho.
D. (6) $600.

A. Fried Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Oglala Sioux Tribe, Pine Ridge, S. Dak.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Pueblo of Laguna, Laguna, N. Mex.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Salt River Pima-Maricopa Indian Community, Box 120, Route 1, Scottsdale, Ariz.
D. (6) $62.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Seneca Nation of Indians, Box 268–A, Irving, New York, N.Y. 14081.
D. (6) $1,925.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Tuscarora Indian Nation, Lewiston, N.Y.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.
B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street, NW., Washington, D.C. 20005.
D. (6) $925. E. (9) $12.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street, NW., Washington, D.C. 20001.
D. (6) $500. E. (9) $34.90.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $53,656. E. (9) $12,746

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $573.75. E. (9) $2,803.01.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $170.

A. David C. Fullarton, 2100 M Street NW., Suite 700, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.
D. (6) $1,250.

A. James E. Gaffigan, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $215.38. E. (9) $38.82.

A. Robert E. Gallamore, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,518.75.

A. Peter N. Gammelgard, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Nicole Gara, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,000.

A. William B. Gardiner, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $5,934.37.

A. John W. Gardner, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
E. (9) $1,810.15.

A. Edward V. Garlich, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $115. E. (9) $75.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $870.

A. Walter Gerson, 1016 20th Street NW., Washington, D.C. 20036.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $2,428. E. (9) $425.

A. Donald A. Giampaoli, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,350.

A. William T. Gibb III, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Wayne Gibbens, 1800 K Street NW., Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $750. E. (9) $140.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio 45219.
B. International Union of United Brewery, Flour, Cereal, Soft Drink, & Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio 45219.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.
B. The Ohio Railroad Association.

A. Dave Givens, 916 Nashville Trust Building, Nashville, Tenn. 37201.
B. Class I railroads in Tennessee.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.
B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.
D. (6) $5. E. (9) $2.09.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $41.21.

A. Horace D. Godfrey, 918 16th Street NW., Suite 500, Washington, D.C. 20006.
B. Florida and Louisiana sugarcane producers and processors.
D. (6) $1,550. E. (9) $324.28.

A. Don A. Goodall, 1625 I Street NW., Suite 614, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $165. E. (9) $120.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn. 55401.
B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn. 55401.
D. (6) $6,000.

A. Frederick D. Goss, 2100 M Street NW., Suite 700, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.
D. (6) $576.

A. Edward Gottlieb & Associates, 485 Madison Avenue, New York, N.Y. 10022.
B. Florists' Transworld Delivery Association. 900 West Lafayette Boulevard, Detroit, Mich. 48226.

A. Government Employes Council, AFL–CIO, 100 Indiana Avenue, NW., Washington, D.C. 20001.
D. (6) $16,259.70. E. (9) $5,705.71.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,558.33. E. (9) $41.03.

A. Graphic Arts International Union, 1900, L Street NW., Washington, D.C. 20036.
D. (6) $1,527. E. (9) $1,714.

A. Warren Graves, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $900. E. (9) $209.24.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22101.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C. 20008.
B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $312. E. (9) $31.29.

A. Samuel A. Grayson, 611 Idaho Building, Boise, Idaho 83702.
B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68102.
E. (9) $702.73.

A. William G. Greif, 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $500.

A. Fred J. Greiner, 910 17th Street NW., Washington, D.C. 20006.
B. Evaporated Milk Association, International Association of Ice Cream Manufacturers, Milk Industry Foundation, 910 17th Street NW., Washington, D.C.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $8,906. E. (9) $8,906.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $549.99. E. (9) $18.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C. 20006.
B. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C. 20006.
D. (6) $1,850. E. (9) $550.

A. R. William Habel, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $2,880.00. E. (9) $432.72.

A. Matthew Hale, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $400.

A. J. G. Hall, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich., 48202.
D. (6) $4,500. E. (9) $1,794.43.

A. Keith Halliday, 1725 K Street NW., Washington, D.C. 20006.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.
B. The Business Roundtable, 888 17th Street NW., Washington, D.C. 20006.
D. (6) $250. E. (9) $10.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.
B. National School Supply & Equipment Association, 1500 Wilson Boulevard, Arlington, Va. 22209.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.
B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y. 10022.

A. Harold F. Hammond, 1101 17th Street NW., Washington, D.C. 20036.
B. Transportation Association of America.
D. (6) $119. E. (9) $75.76.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $1,087.49. E. (9) $12.89.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

A. Robert B. Harding, 1801 K Street NW., No. 1041, Washington, D.C. 20006.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $450.

A. Eugene J. Hardy, 277 Park Avenue, New York, N.Y. 10017.
B. National Association of Manufacturers.
D. (6) $2,500. E. (9) $722.55.

A. Andrew E. Hare, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
B. National Right To Work Committee, 1990 M Street NW., Washington, D.C.
D. (6) $740. E. (9) 84.50.

A. Bryce N. Harlow, 1801 K Street NW., Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $325. E. (9) $325.

A. Thomas E. Harman, 1025 Connecticut Avenue NW., Room 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Room 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $400. E. (9) $96.90.

A. John H. Harper, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $69.75. E. (9) $225.96.

A. Barbara W. Harris, 25 Louisiana Avenue NW., Washington, D.C. 20001.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

D. (6) $1,665.29.

A. Otto R. Harrison, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Exxon Company, U.S.A., P.O. Box 2180, Houston, Tex.

E. (9) $488.69.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $3,248. E. (9) $5,379.08.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C. 20006.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.

D. (6) $6,655.20. E. (9) $50.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $892.64.

A. Sidney G. Hawkes, 800 17th Street NW., Suite 501, Washington, D.C. 20006.

B. The Mead Corp., 118 West First Street, Dayton, Ohio 45402.

D. (6) $650. E. (9) $368.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $402.38. E. (9) $31.60.

A. Carl F. Hawver, 1000 16th Street NW., Suite 601, Washington, D.C. 20036.

B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

D. (6) $3,168.59. E. (9) $726.48.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,281. E. (9) $124.22.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $14,306.27. E. (9) $14,306.27.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $300. E. (9) $225.70.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y. 10017.

B. American Parents Committee, Inc., 15 E Street NW., Washington, D.C.

A. John F. Heilman, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $4,125.

A. Robert B. Heiney, 1138 20th Street NW., Washington, D.C. 20036.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $875. E. (9) $589.53.

A. Ross E. Heller, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

D. (6) $1,800.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $150. E. (9) $150.

A. Leslie P. Hemry, 1701 K. Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $126.88. E. (9) $1.50.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500. E. (9) $343.80.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C. 20005.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

D. (6) $9,500. E. (9) $1,101.94.

A. M. F. Hicklin, 720 Bankers Trust Building Des Moines, Iowa 50309.

B. Iowa Railway Association, 720 Bankers Trust Building, Des Moines, Iowa 50309.

A. J. Thomas Higginbotham, 1725 K Street NW., Washington, D.C. 20006.

B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $664.31.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C. 20004.

B. Unemployment Benefit Advisors, Inc.

D. (6) $2,000. E. (9) $2,000.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,000. E. (9) $755.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $480.

A. Claude E. Hobbs, 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $900. E. (9) $195.

A. Leo D. Hochstetter.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Ralph D. Hodges, Jr., 1619 Massachusetts Avenue NW., Washington, D.C.

B. National Forest Products Association.

A. Glen D. Hofer, 1030 15th Street NW., Washington, D.C. 20005.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Dale Curtis Hogue, 1100 17th Street NW., Washington, D.C. 20036.

B. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte, Calif. 91734.

E. (9) $300.

A. Thomas P. Holley, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Lee B. Holmes, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $3,178. E. (9) $15,595.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,750. E. (9) $48.

A. The Hormel Foundation, Austin, Minn. 55912.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.

B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.

A. Thomas Howarth, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. U.S. Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

D. (6) $510.83. E. (9) $510.83.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Charles L. Huber, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $8,783.75. E. (9) $398.10.

A. Hughes, Hubbard, & Reed, 1660 L Street NW., Washington, D.C.

B. The Common Fund, 635 Madison Avenue, New York, N.Y. 10022.

D. (6) $9,650. E. (9) $73.76.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Ohio Valley Improvement Association, Inc.

A. Gregory A. Humphrey, 1012 14th Street NW., Washington, D.C. 20005.

B. American Federation of Teachers, AFL-

CIO, 1012 14th Street NW., Washington, D.C. 20005.
E. (9) $115.01.

A. David J. Humphreys, 1140 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.
D. (6) $12,500. E. (9) $148.95.

A. Richard M. Hunt, 1660 L Street, NW., Washington, D.C. 20036.
B. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.
D. (6) $562.

A. James L. Huntley, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $6,483. 31. E. (9) $1,623.68.

A. Elmer P. Hutter, P.O. Box 2255, Washington, D.C. 20013.
D. (6) $5.

A. Elmer P. Hutter, Lobbyist, P.O. Box 2255, Washington, D.C. 20013.
B. Harry E. Chapman, Washington, D.C.
D. (6) $1. (9) $185.

A. Frank N. Ikard, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K. Street NW., Washington, D.C. 20006.

A. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $7,189.82. E. (9) $7,189.82.

A. Timothy H. Ingram, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council For a Livable World.
D. (6) $3,624.42.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.
E. (9) $54.25.

A. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.
D. (6) $36,745.79. E. (9) $640.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $8,020.56.

A. International Brotherhood of Painters & Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.
E. (9) $4,464.33.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $14,179.33.

A. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, 8000 East Jefferson, Detroit, Mich. 48214.
D. (6) $96,308.30. E. (9) $96,308.30.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $1,699.91.

A. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.
E. (9) $420.50.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn. 55101.
D. (6) $13,243.29. E. (9) $7,141.53.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.

A. Chas. E. Jackson, 1200 18th Street NW., Suite 1112, Washington, D.C. 20036.

A. Robert C. Jackson, 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,750. E. (9) $162.38.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. Bank of America N.T. and S.A., Bank of America Plaza, San Francisco, Calif. 94137.
D. (6) $135. E. (9) $108.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C. 20004.
B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101.
E. (9) $940.25.

A. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.

A. Jess Johnson, Jr., Suite 300, 1700 K Street NW.. Washington, D.C. 20006.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Reuben L. Johnson.
B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $5,453.50. E. (9) $278.86.

A. Charles N. Jolly, 1775 K Street NW., Suite 315, Washington, D.C. 20006.
B. Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514.

A. Allan R. Jones, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $63.27.

A. Charlie W. Jones, 1150 17th Street NW., Washington, D.C. 20036.
B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Suite 310, Washington, D.C.
D. (6) $210. E. (9) $89.

A. H. Daniel Jones III, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $100. E. (9) $45.

A. L. Dan Jones, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $37.50.

A. Oliver H. Jones, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Assocation of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $719. E. (9) $9,607.

A. Carl D. Jordan, 408 East Maple Street, Fremont, Mich. 49412.
B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.
D. (6) $355. E. (9) $62.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20006.

A. Gerald M. Katz, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. American State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

A. Carleton R. Kear, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $170.

A. William J. Keating, 725 15th Street NW., Washington, D.C. 20005.
B, National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif. 90067.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif. 90067.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.
B. The Superior Oil Co., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif.
E. (9) $275.

A. Charles C. Keeble, P.O. Box 2180, Houston, Tex. 77001.
B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.
E. (9) $12.40.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,500.

A. John G. Keller, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $7,500. E. (9) $2,656.30.

A. Harold V. Kelly, 720 Hotel Washington, Washington, D.C. 20004.
B. Unemployment Benefit Advisors, Inc.
D. (6) $1,000. E. (9) $1,000.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association.

A. George Kelm, One First National Plaza, No. 5200, Chicago, Ill. 60670.
B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.
D. (6) $350. E. (9) $38.15.

A. R. G. Kendall, Jr. Montgomery, Ala.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
D. (6) $52. E. (9) $309.65.

A. I L. Kenen, 1341 G Street NW., Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $833.32.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D. C. 20006.
B. Marathon Oil Co., Findlay, Ohio. 45840.
E. (9) $324.40.

A. Jeremiah J. Kenney, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa. 15230.

D. (6) $925. E. (9) $200.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $900. E. (9) $40.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill. 61201.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $940.74.

A. Charles L. King, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $105.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $943.52.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa. 18101.

B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa. 18101.

D. (6) $1,014.48. E. (9) $742.42.

A. James D. Kittelton, 7901 Westpark Drive, McLean, Va. 22101.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

D. (6) $5,130.14. E. (9) $144.10.

A. Ralph W. Kittle.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $400. E. (9) $200.

A. Douglas E. Kliever, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue, NW., Washington, D.C. 20036.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $5,749.98. E. (9) $344.19.

A. Paul R. Knapp, 1511 K Street NW., Washington, D.C. 20005.

B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

D. (6) $875.

A. John S. Knox, Jr., 166 16th Street NW., Atlanta, Ga., 30318.

B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

D. (6) $450. E. (9) $37.33.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $500. E. (9) $100.

A. Martha Knouss, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $125.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $59.60.

A. Horace R. Kornegay, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

A. Paul A. Korody, Jr., 1725 I Street NW., Washington, D.C.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

E. (9) $500.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C., 20036.

B. United Steelworkers of America.

D. (6) $4,467.75. E. (9) $799.30.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $144.50.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,101.66. E. (9) $29.04.

A. William J. Kuhfuss, 225 Touhy Avenue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $1,050.

A. Lloyd R. Kuhn, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $7,092. E. (9) $1,180.95.

A. Norman G. Kurland, 2027 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,355.17. E. (9) $2,313.68.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C. 20005.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,986. E. (9) $4,283.

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $12,915.28.

A. Nick L. Laird, Suite 300, 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. A. M. Lampley, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $155.

A. Leonard Lee Lane, 620 C Street SE., Washington, D.C. 20003.

B. Coalition to Tax Pollution.

D. (6) $1,375.

A. Asger F. Langlykke, 1913 I Street NW., Washington, D.C. 20006.

B. American Society for Microbiology, 1913 I Street NW., Washington, D.C. 20006.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $498.15.

A. Clifford C. LaPlante, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash.

D. (6) $575. E. (9) $175.

A. Reed E. Larson, 1990 M Street NW., Suite 400, Washington, D.C. 20036.

B. National Right to Work Committee, 1990 M Street NW., Washington, D.C.

D. (6) $52.50. E. (9) $7.50.

A Glenn T. Lashley, 1712 G Street NW., Washington, D.C. 20006.

B. District of Columbia, American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Dillard B. Lasseter, P.O. Box 270, Washington, D.C. 20044.

B. American Trucking Association, 1616 P Street NW., Washington, D.C.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va. 22150.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $2,700.

A. Donald F. Lavanty, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $1,117.24. E. (9) $970.80.

A. George H. Lawrence, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $500. E. (9) $115.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C.

B. American Association of Nurserymen, Inc., 230 Southern Building, Washington, D.C. 20005.

A. Robert W. Lee, 1028 Connecticut Avenue NW., No. 1004, Washington, D.C. 20036.

B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass. 02178.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,630. E. (9) $3,550.37.

A. Robert J. Leigh, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

D. (6) $125.

A. Gilbert LeKander, 910 17th Street NW., Suite 501, Washington, D.C. 20006.

B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., P.O. Box 1445, Spokane, Wash. 99210.

D. (6) $450.

A. Nils A. Lennartson, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va,, 22314.

D. (6) $455.

A. S. R. Levering, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,149.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.

B. Association of American Railroads, American Railroad Building, Washington, D.C. 20006.

D. (6) $1,000.

A. Harry LeVine, Jr., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

D. (6) $250.

A. Charles R. Lewis, P.O. Box 7, Charleston, W. Va. 25321.

B. West Virginia Railroad Association.

D. (6) $5,000.01.

A. J. M. B. Lewis, Jr., 308 Shenandoah Building, Box 2887, Roanoke, Va. 24001.

B. National Council of Coal Lessors, 317 Southern Building, Washington, D.C. 20005; Iron Ore Lessors Association, 1500 First National Bank Building, St. Paul, Minn.

D. (6) $6,250.

A. J. Stanley Lewis, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,963.31.

A. Robert G. Lewis.

B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $6,461.50. E. (9) $170.46.

A. Herbert Liebenson, 1225 19th Street, Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $1,200.

A. Russell B. Light, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash.

D. (6) $575. E. (9) $175.

A. Lester W. Lindow, 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

D. (6) $47,475. E. (9) $7,088.13.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. National Maritime Compensation Committee, 1331 Southwest Broadway, Portland, Oreg.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis. 54401.

B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

D. (6) $500.

A. Charles B. Lipsen.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $10,096.17. E. $489.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $316.50. E. (9) $199.60.

A. Lobel, Novins & Lamont, 1523 L Street NW., Washington, D.C. 20005.

B. New Hampshire Association of Savings Banks, 3 Capitol Street, Concord, N.H. 03301.

D. (6) $300. E. (9) $22.16.

A. Laurence London, 25 Broadway, room 1012, New York, N.Y. 10004.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $200.

A. Sheldon I. London, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.

D. (6) $350.

A. Philip J. Loree, 25 Broadway, Room 1012, New York, N.Y. 10004.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $500.

A. Otto Lowe, 888 17th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $1,050.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $700. E. (9) $200.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

E. (9) $1,550.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Lund, Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Ebasco Industries, 345 Park Avenue, New York, N.Y. 10022.

A. Lund, Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.

A. Lund, Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg. 97204.

A. William George Lunsford, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,709.

A. James H. Lynch, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $5,795.30. E. (9) $182.70.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va. 22209.

B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.

D. (6) $950. E. (9) $1,415.55.

A. Joseph V. Machugh, 225 A Street NE., Washington, D.C. 20002.

B. Menswear Retailers of America, Room 390 National Press Building, 14th and F Streets NW., Washington, D.C. 20004.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $750. E. (9) $15.40.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street, Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $510.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Potters Industries, Inc., Industrial Road, P.O. Box 14, Carlstadt, N.J. 07072.

D. (6) $820. E. (9) $13.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recycled Paperboard Division of the American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

D. (6) $170. E. (9) $24.75.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Suite 310, Washington, D.C. 20036.

E. (9) $299.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.

D. (6) $7,374.99. E. (9) $127.04.

A. Mike Manatos, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $144.19. E. (9) $156.54.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $5,000. E. (9) $3,000.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C. 20003.

B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. J. Eugene Marans, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co, Dearborn, Mich. 48121.

A. Ralph J. Marlatt, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

B. National Association of Mutual Insurance Agents, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

E. (9) $805.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah 84101.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $4,564.30. E. (9) $285.69.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

D. (6) $153.60. E. (9) $2.25.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. J. Paull Marshall, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) ($159.01. E. (9) $201.60.

A. Richard E. Martinez, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $636.48. E. (9) $721.80.

A. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Association on Japanese Textile Imports, Inc., 551 Fifth Street, New York, N.Y. 10017.

D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $500.

A. Guy B. Maseritz, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

A. Walter J. Mason, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Building and Construction Trades Dept., AFL–CIO, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $5,499.91. E. (9) $700.

A. P. H. Mathews, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $607.07. E. (9) $530.

A. John J. L. Matson, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

D. (6) $400.

A. Barry D. Matsumoto, 1730 Rhode Island Avenue NW., Suite 204, Washington, D.C. 20036.

B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.

A. Charles D. Matthews, 1100 17th Street, NW., Washington, D.C. 20036.

B. National Ocean Industries Association, 1100 17th Street, NW., Washington, D.C. 20036.

D. (6) $156. E. (9) $75.

A. Robert A. Matthews, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 800 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $455.

A. Charles E. Mattingly, 1608 K Street, NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianpolis Ind.

D. (6) $4,200. E. (9) $364.07.

A. C. V. & R. V. Maudlin, 1111 E Street, NW., Washington, D.C. 20004.

B. Brass and Bronze Ingot Institute, 300 West Washington Street, Chicago Ill. 60606.

A. C. V. & R. V. Maudlin, 1111 E Street, NW., Washington, D.C. 20004.

B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Arnold Mayer, 100 Indiana Avenue NW., room 410, Washington, D.C. 20001.

B. Amalgamated Meat Cutters and Butcher Workmen of North America, 2800 North Sheridan Road, Chicago, Ill. 60657.

D. (6) $5,675. E. (9) $130.

A. Mayer, Brown & Platt, 231 South LaSalle Street, Chicago, Ill. 60604.

B. L. M. Williams and Clayton Burch families, c/o Continental Illinois National Bank and Trust Co., 231 South LaSalle Street, Chicago, Ill. 60693.

E. (9) $650.67.

A. William J. McAuliffe, Jr., 1828 L Street NW., Suite 303, Washington, D.C. 20036.

B. American Land Title Association, 1328 L Street NW. Suite 303, Washington, D.C. 20036.

D. (6) $360. E. (9) $10.

A. Michael J. McCabe, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Michael J. McCabe, 1700 Pennsylavnia Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. John A McCart, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Government Employees Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $3,019.38.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Gulf and Western Industries, Inc., One Gulf and Western Plaza, New York, N.Y. 10023.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Magnavox Co., 1700 Magnavox Way, Fort Wayne, Ind. 46804.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C.

B. Montgomery Coca-Cola Bottling Co., Inc., North Perry and Jefferson Streets, Montgomery, Ala. 36103.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Alfred P. Slaner, 640 Fifth Avenue, New York, N.Y. 10019.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La. 70110.

A. John L. McConnell, 1660 L Street NW., Washington, D.C. 20036.

B. New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.

D. (6) $1,200. E. (9) $175.

A. E. L. McCulloch, 819 Railway Labor Building, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $486.63. E. (9) $154.91.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

A. Barbara D. McGarry, 15 E Street NW., Washington, D.C. 20001.

B. American Parents Committee, Inc., 15 E Street NW., Washington, D.C. 20001.

A. J. Raymond McGlaublin, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

D. (6) $7,080.

A. Myles F. McGrail, 1825 K Street NW., Suite 501, Washington, D.C. 20006.

B. The Dow Chemical Co., Midland, Mich. 48640.

A. Marshall C. McGrath.

B. International Paper Co., Room 700, 1620 I Street NW. Washington, D.C.

D. (6) $686.67. E. (9) $87.88.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $6,727. E. (9) $544.23.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,750. E. (9) $29.45.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

D. (6) $625.21.

A. C. A. Mack McKinney, 933 North Kenmore Street, Suite 317, Arlington, Va.

B. National Headquarters, Marine Corps League, 933 North Kenmore Street, Suite 317, Arlington, Va.

E. (9) $17.

A. C. A. Mack McKinney, 1400 North Uhle Street, Suite 609, Arlington, Va.

B. Non Commissioned Officers Association of U.S.A., P.O. Box 2268, San Antonio, Tex.

D. (6) $1,875. E. (9) $1,518.60.

A. John S. McLees, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

D. (6) $175.

A. C. W. McMillan, Suite 1015, National Press Building, 14th and F Streets, Washington, D.C.

B. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo.

D. (6) $1,200.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $150. E. (9) $41.

A. Charles R. McNeill, 1120 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,000. E. (9) $812.66.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.

B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa. 19107; Great Lakes Dredge & Dock Co., 228 North LaSalle Street, Chicago, Ill.; Dunbar & Sullivan, Dredging Co., 22720 Michigan Avenue, Dearborn, Mich.

D. (6) $7,000. E. (9) $868.33.

A. George G. Mead, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $92.83.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y. 10017.

E. (9) $1,991.72.

A. Carl J. Megel, 1012 14th Street NW., Washington, D.C. 20005.

B. American Federation of Teachers, AFL-CIO, 1012 14th Street NW., Washington, D.C. 20005.

E. (9) $12,320.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $6,727. E. (9) $273.35.

A. R. Otto Meletzke, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C. 20006.

D. (6) $15.

A. Ellis E. Meredith, 1611 North Kent Street, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

A. Lawrence C. Merthan, 1425 K Street NW., Washington, D.C. 20006.

B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.

D. (6) $1,287. E. (9) $275.79.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. George F. Meyer, Jr.

B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $392.

A. James G. Michaux, 1801 K Street NW., Washington, D.C. 20006.

B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202.

D. (6) $500.

A. Anne Miller, Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $75. E. (9) $107.90.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Capital Holding Corp., Commonwealth Building, Louisville, Ky. 40201.

E. (9) $25.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.

B. Dallas, Tex., Chamber of Commerce.

D. (6) $195. E. (9) $68.05.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.

B. Gulf Intracoastal Canal Association, Houston, Tex.

D. (6) $262.50. E. (9) $41.11.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.

B. Texas Gulf, Inc., New York, N.Y.

D. (6) $225. E. (9) $265.66.

A. Edwin Reid Miller, Union Pacific Building, 1416 Dodge Street, Omaha, Nebr. 68102.

B. Nebraska Railroad Legislative Committee, Union Pacific Building, 1416 Dodge Street, Omaha, Nebr. 68102.

D. (6) $6,049.98.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill. 60610.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $875.

A. Luman G. Miller, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

B. Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

A. A. Stanley Miller, 910 16th Street NW., Room 302, Washington, D.C. 20006.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $100.

A. Jack Mills, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $250.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. Montgomery Ward & Co., Inc., 1660 L Street NW., Suite 1001, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.

D. (6) $750. E. (9) $650.

A. G. Merrill Moody, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $18.39. E. (9) $15.43.

A. O. William Moody, Jr., 815 16th Street NW., Room 501, Washington, D.C. 20006.

B. Maritime Trades Department, AFL-CIO, 815 16th Street NW., Room 501, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $880.70.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Morison, Murphy, Abrams, & Haddock, Suite 900, 1776 K Street NW., Washington, D.C. 20006.

B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

A. James M. Morris, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $2,247.06.

A. Jack Moskowitz, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $159.66.

A. Lynn E. Mote, 1133 15th Street NW., Suite 503, Washington, D.C. 20005.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. Motorists United for Ecology, Inc., 3477 New Ridge Drive, Palos Verdes Peninsula, Calif. 90274.

D. (6) $100. E. (9) $95.34.

A. William G. Mullen, 491 National Press Building, Washington, D.C. 20004.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

E. (9) $181.83.

A. John J. Murphy, 418 Shoreham Bldg., 806 15th Street NW., Washington, D.C. 20005.

B. National Customs Service Association.

A. Richard W. Murphy, 1200 18th Street NW., Suite 1109, Washington, D.C. 20036.

B. Merck & Co., Inc., Rahway, N.J. 07065.

D. (6) $500.

A. D. Michael Murray, 1000 Connecticut Avenue NW., No. 1103, Washington, D.C. 20036.

B. Chicago, Milwaukee, St. Paul, & Pacific Railroad Co., 516 West Jackson Boulevard, Chicago, Ill. 60606.

D. (6) $540. E. (9) $670.70.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $185.

A. J. Walter Myers, Jr., 4 Executive Park East NE., Atlanta, Ga. 30329.

B. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $2,987.50. E. (9) $55.13.

A. John J. Nangle, 1625 I Street NW., Suite 812, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $586.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $82.50.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.

A. National Air Carrier Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $875. E. (9) $875.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $36,057.90. E. (9) $6,395.09.

A. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $71,824.37. E. (9) $6,472.86.

A. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Arlington, Va. 22202.
D. (6) $2,354.29. E. (9) $2,354.29.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $300.

A. National Association of Insurance Agents, Inc., 85 John Street, New York, N.Y. 10038.
E. (9) $16,029.26.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,036,172.14. E. (9) $43,990.68.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $3,890.41. E. (9) $3,890.41.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $5,141.25. E. (9) $5,141.25.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $224,021. E. (9) $6,656.53.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300. E. (9) $300.

A. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $649,127.57. E. (9) $4,457.16.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $486,835.97. E. (9) $3,198.67.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif. 90004.
D. (6) $1,708.79. E. (9) $1,708.79.

A. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $4,100. E. (9) $1,000.

A. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
E. (9) $534.55.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $12,472.87. E. (9) $12,472.87.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington D.C.
B. Cenco Inc., 2600 S. Kostner Avenue, Chicago, Ill.
D. (6) $2,475. E. (9) $179.85.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $1,111.10. E. (9) $88.78.

A National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Elba Systems Corp., 5909 East 38th Avenue, Denver, Colo.
D. (6) $375. E. (9) $17.71.

A. National Council for a Responsible Firearms Policy, 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $704.69. E. (9) $30.

A. National Council of Agricultural Employers, 337 Southern Building, 15th and H Streets NW., Washington, D.C.
D. (6) $43,000. E. (9) $1,650.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington D.C. 20036.
D. (6) $37,359.94. E. (9) $37,934.60.

A. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.
E. (9) $2,039.83.

A. National Electrical Contractors Association, Inc., 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y. 10017.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $327,271.30. E. (9) $18,834.21.

A. National Federation of Independent Business, Inc., 920-922 Washington Building, Washington, D.C.
B. National Federation of Independent Business, Inc., 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $12,550.15. E. (9) $12,550.15.

A. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $162,987.61. E. (9) $11,470.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.
E. (9) $350.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Suite 632, Washington, D.C. 20036.
D. (6) $44,065.58. E. (9) $32,900.82.

A. National Institute of Locker and Freezer Provisioners, 224 East High Street, Elizabethtown, Pa. 17022.
D. (6) $13,277.87.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
D. (6) $25,708.69. E. (9) $25,708.69.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $4,658.76. E. (9) $4,658.76.

A. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.
D. (6) $34,303.43. E. (9) $4,353.80.

A. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
D. (6) $1,080. E. (9) $750.

A. National Realty Committee, Inc., 230 Park Avenue, New York, N.Y. 10017.
D. (6) $2,333. E. (9) $2,333.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $12,123.81. E. (9) $1,458.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

A. National Right to Work Committee, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $4,645.50. E. (9) $4,645.50.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
E. (9) $4,063.73.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $13,812.74.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $5,812.48.

A. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.
E. (9) $3,851.

A. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $1,717.85. E. $1,717.85.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $26,913.40. E. (9) $5,996.05.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Suite 711, Washington, D.C. 20005.
D. (6) $5,371.45. E. (9) $5,308.97.

A. Navajo Tribe, c/o Controller, Window Rock, Ariz. 86515.

A. NBA Players Association, 15 Columbus Circle, New York, N.Y. 10023.
D. (6) $721. E. (9) $721.

A. Alan M. Nedry, 1801 K Street NW., No. 1041, Washington, D.C. 20006.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $600.

A. Allen Neece, Jr., 512 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Cos. 512 Washington Building, Washington, D.C. 20005.

D. (6) $300.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,192.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,000. E. (9) $442.13.

A. J. T. Nelson, Gibson Island, Md. 21051.

B. Household Finance Corp., Prudential Plaza, Chicago, Ill., 60601.

D. (6) $600. E. (9) $309.98.

A. Robert W. Nelson, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $160.

A. Robert B. Neville, 1155 15th Street NW., Suite 505, Washington, D.C. 20005.

B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.

D. (6) $1,875.

A. Louis H. Nevins, 908 Colorado Building, Washington, D.C. 20005.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $1,656.25. E. (9) $171.06.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

D. (6) $31,250. E. (9) $17,730.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C. 20036.

B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill. 60014.

D. (6) $150.

A. Richard Ney, Watergate South, 700 New Hampshire Avenue NW., Washington, D.C. 20037.

B. American Academy of Family Physicians, 215 Volker Boulevard, Kansas City, Mo. 64112.

D. (6) $4,500. E. (9) $1,190.16.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $1,260. E. (9) $911.10.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.

B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,575. E. (9) $860.08.

A. Patrick J. Nilan, 817 14th Street, NW., Washington, D.C.

B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.

D. (6) $7,746.16. E. (9) $644.26.

A. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.

E. (9) $562.

A. Stanley D. Noble, 20 North Wacker Drive, Chicago, Ill. 60606.

B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.

D. (6) $1,500. E. (9) $269.01.

A. Robert D. Nordstrom, 1133 20th Street NW., Washington, D.C. 20036.

B. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.

D. (6) $400. (E) (9) $100.

A. Robert B. Norris, 1000 16th Street NW., Suite 601, Washington, D.C. 20036.

B. National Consumer Finance Association, 1000 16th Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $420.

A. Robert H. North, 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

D. (6) $650.

A. Raymond D. O'Connell, 400 Madison Avenue, New York, N.Y. 10017.

B. National Cable Television Association, Inc., 1634 I Street NW., Washington, D.C. 20006.

D. (6) $3,000. E. (9) $1,661.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B. American Transit Association, 465 L'Enfant Plaza, West SW., Suite 2900, Washington, D.C. 20024.

D. (6) $1,500. E. (9) $147.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B. Upper Mississippi Towing Corp., 7703 Normandale Road, Room 110, Minneapolis, Minn. 55435.

D. (6) $2,500. E. (9) $125.86.

A. Lawrence J. O'Connor, Jr., 1801 K Street NW., Suite 1021, Washington, D.C. 20006.

B. The Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

E. (9) $312.46.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill. 60603.

B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.

D. (6) $300.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $1,500.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.

B. Philippine Sugar Institute.

D. (6) $500. E. (9) $250.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.

B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, NY. 10003.

D. (6) $4,269.98. E. (9) $2,063.21.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.

A. Alvin E. Oliver, 725 15th Street NW., Washington, D.C. 20005.

B. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $2,730.26. E. (9) $1,944.99.

A. John L. Oshinski, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

D. (6) $4,562.50. E. (9) $681.89.

A. Juris Padegs, 127 East 59th Street, New York, N.Y. 10022.

B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C. 20004.

B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C. 20004.

A. Edward J. Panarello, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $6,170.86. E. (9) $1,224.50.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $315.23.

A. Kenton H. Pattie, 3150 Spring Street, Fairfax, Va. 22030.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.

D. (6) $1,389.24.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.

B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $240.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20030.

B. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.

D. (6) $1,500.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.

B. Boating Industry Associations, 401 North Michigan Avenue, Chicago, Ill. 60601; National Association of Engine & Boat Manufacturers, 537 Steamboat Road, Greenwich, Conn. 06830.

D. (6) $316.25.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.

B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.
D. (6) $2,082.50.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Institute of Scrap Iron & Steel, Inc., 1729 H Street NW., Washington, D.C. 20006.
D. (6) $840.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. International Snowmobile Industry Association, 5100 Edina Industrial Boulevard, Minneapolis, Minn. 55435.
D. (6) $1,760.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. The Nestle Co., 100 Bloomingdale Road, White Plains, N.Y. 10605.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. The Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $4,000.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Tax Corporation of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.
D. (6) $160.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. West India Shipping Co., Inc., P.O. Box 10355, Port of Palm Beach, West Palm Beach, Fla.
D. (6) $2,961.25.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y. 10022.
B. Armco Steel Corp., 703 Curtis Street, Middletown, Ohio 45042.

A. John J. Pecoraro, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Brotherhood of Painters & Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,556.28.

A. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
E. (9) $4,229.25.

A. D. V. Pensabene, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $50. E. (9) $25.

A. J. Carter Perkins, 1700 K Street NW., Washington, D.C. 20006.
B. Shell Oil Co., One Shell Plaza, Houston, Tex. 77002.
D. (6) $1,000.

A. J. Hardin Peterson, Sr., P.O. Drawer BS, Lakeland, Fla. 33802.
B. Florida Fruit & Vegetable Association, P.O. Box 20155, Orlando, Fla. 32814.
E. (9) $51.32.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $7,015. E. (9) $340.56.

A. Richard W. Peterson, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $350. E. (9) $325.

A. Roger J. Phaneuf, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $800. E. (9) $132.25.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $101.88.

A. Daphne Philos, 3150 Spring Street, Fairfax, Va. 22030.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $375. E. (9) $1,913.62.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $3,333.33. E. (9) $137.16.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $350. E. (9) $810.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex. 79401.
D. (6) $59,679.43. E. (9) $1,350.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $475. E. (9) $14.78.

A. Judy Pope, 620 C Street SE., Washington, D.C.
B. Coalition to Tax Pollution.
D. (6) $750.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $11.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C. 20006.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.
D. (6) $404. E. (9) $16.50.

A. Richard M. Powell, 1210 Tower Building, Washington, D.C. 20005.
B. International Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C. 20005.

A. Carlton H. Power, 1918 North Parkway, Post Office Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.
D. (6) $660. E. (9) $70.50.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $500. E. (9) $93.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Holding Co., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $296.35.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $494.62. E. (9) $494.62.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $720.

A. William A. Quinlan, Route 8, Box 238, Annapolis, Md. 21401.
B. Associated Retail Bakers of America, 735 West Sheridan Road, Chicago, Ill. 60613.
D. (6) $364. E. (9) $101.92.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $1,666.50. E. (9) $333.04.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,031.98.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $393.12.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $31.33. E. (9) $8.14.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $10,692. E. (9) $10,692.

A. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

A. D. Michael Rappoport, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $142.50. E. (9) $197.79.

A. G. J. Rauschenbach.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.
D. (6) $1,500. E. (9) $2,060.

A. Thomas D. Ray.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.
D. (6) $1,100. E. (9) $174.75.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.

B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150.00.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.
E. (9) $12,648.95.

A. Dwight C. Reed, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $25.24. E. (9) $15.38.

A. David J. Reedy, 6S430 Huntington Circle East, Naperville, Ill. 60540.
B. National Advertising Co., 6850 South Harlem Avenue Bedford Park, Argo, Ill. 60501.
D. (6) $2,100.00

A. Lawrence D. Reedy, 602 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y 10017.
D. (6) $1,250. E. (9) $600.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. John A. Reilly, 59 Maiden Lane, New York, N.Y. 10038.
B. Estate of Bert N. Adams, 1461 West 16th Place, Yuma, Ariz. 85364; Emma Giambald, 1461 West 16th Place, Yuma, Ariz. 85364; George Hallingby, 4104 Chestnut Drive, East, Forest Hills, Holiday, Fla. 33589.
E. (9) $25.

A. W. W. Renfroe, 101 East High Street, Lexington, Ky. 40507.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky. 40507.
E. (9) $206.20.

A. Research To Prevent Blindness Inc., 598 Madison Avenue, New York, N.Y.
E. (9) $2,892.52.

A. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,973.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Suite 529, Munsey Building, Washington, D.C. 20004.
D. (6) $8,984.96. E. (9) $11,492.98.

A. James J. Reynolds, 1625 K Street NW., Suite 1000, Washington, D.C.
B. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C.
D. (6) $1,875. E. (9) $193.25.

A. Austin T. Rhoads.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $350. E. (9) $174.92.

A. Theron J. Rice, 1130 17th Street NW., No. 430, Washington, D.C. 20036.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $625.

A. Mark Richardson, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $270. E. (9) $250.

A. Robert R. Rickett, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Rosalie Riechman, 120 Maryland Avenue NE., Washington, D.C. 20002.
B. Women's International League for Peace and Freedom, 1213 Race Street, Philadelphia, Pa. 19107.
D. (6) $1,575.

A. Siert F. Riepma, 1725 K Street NW., Suite 1202, Washington, D.C. 20004.
B. National Association of Margarine Manufacturers, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.
E. (9) $30.

A. Stark Ritchie, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. William Neale Roach, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $186.99.

A. Paul N. Robbins, 2029 K Street NW. Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $70.

A. Robinson, Silverman, Pearce, Aronsohn, Sand & Berman, 230 Park Avenue, New York, N.Y. 10017.
B. National Realty Committee, Inc., 230 Park Avenue, New York, N.Y. 10017.
D. (6) $1,875. E. (9) $104.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. James A. Rock, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $219. E. (9) $4.56.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036
B. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $729.20.

A. Frank W. Rogers, Suite 793, 1801 K Street NW., Washington, D.C. 20006.
B. Western Oil & Gas Association, 609 South Grand Avenue, Los Angeles, Calif. 90017.
D. (6) $750.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $1,000.

A. John F. Rolph III, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $2,148.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermijo Avenue, Colorado Springs, Colo. 80903.
B. Union Nacional de Productores de Azucar, S.A. de C.V., Balderas 36, Mexico, D. F. Mexico.
D. (6) $3,600. E. (9) $3,665.26.

A. Robert J. Routier, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.
D. (6) $50.

A. Royall, Koegel & Wells, Suite 1009, 1730 K Street NW., Washington, D.C. 20006.
B. The Deltona Corp., 3250 Southwest Third Avenue, Miami, Fla. 33129.
D. (6) $1,592.50.

A. John Forney Rudy, 1800 K Street NW., Suite 622, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.
D. (6) $3,876.92. E. (9) $421.55.

A. Wally Rustad, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. J. T. Rutherford and Associates, Inc., 1660 L Street NW., Washington, D.C 20036.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $500.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., Washington, D.C. 20036.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $934.17.

A. Ella Marice Ryan, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $100. E. (9) $58.66.

A. William H. Ryan, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,500. E. (9) $78.43.

A. Francis J. Riley, 500 Title and Trust Building, Phoenix, Ariz. 85003.
B. Standard Oil Co. of California, San Francisco; Shell Oil Co., Mobile Oil Corp.

A. Sachs, Greenebaum & Tayler, 1620 I Street NW., Washington, D.C. 20006.
B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.
D. (6) $450. E. (9) $5.58.

A. Carl K. Sadler, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $6,996.50. E. (9) $11,152.10.

A. Frank J. Scaduto, 1750 New York Avenue NW., Washington, D.C. 20006.

B. Sheet Metal Workers International Association, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $5,800.

A. Raymond L. Schafer, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Eric P. Schellin, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.

B National Patent Council, 1225 19th Street NW., Siute 409, Washington, D.C. 20036.

D. (6) $750.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

A. A. Cleve Schneeberger, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Portland Cement Association, Old Orchard Road, Skokie, Ill. 60076.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.

B. National Liquor Stores Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.

D. (6) $225. E. (9) $20.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.

B. Washington, D.C. Retail Liquor Dealers Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.

D. (6) $555. E. (9) $50.

A. Donald H. Schwab, 200 Maryland Avenue NE., Washington, D.C.

B. Veterans of Foreign Wars of the United States.

D. (6) $1,821.88. E. (9) $14.70.

A. John W. Scott, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $5,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 1209, Washington, D.C. 20036.

B. Jefferson Pilot Corp., P.O. Box 21008, Greensboro, N.C. 27402.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 1209, Washington, D.C. 20036.

B. Provident Life & Accident Insurance Co., Chattanooga, Tenn. 37402.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $153. E. (9) $11.87.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $100. E. (9) $25.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C. 20004.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

E. (9) $158.18.

A. J. Richard Sewell, 1725 I Street NW., Washington, D.C.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

E. (9) $500.

A. Charles W. Shaeffer, 127 East 59th Street, New York, N.Y. 10022.

B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Robert L. Shofer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 235 E. 42d Street, New York, N.Y. 10017.

D. (6) $575. E. (9) $225.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Independent Grocers' Alliance, 300 West Adams Street, Chicago, Ill. 60606.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Albright Title & Trust Co., 100 North Main Street, Newkirk, Okla. 74647; American Title Insurance Co., 150 SE Third Avenue, Miami, Fla. 33131; Chelsea Title & Guaranty Co., 1300 Bacharach Boulevard, Atlantic City, N.J. 08401, et al.

D. (6) $3,014.08. E. (19) $116.77.

A. Shaw, Pittman, Potts & Trowbridge, Barr Building, 910 17th Street NW., Washington, D.C. 20006.

B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y. 10017.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

D. (6) $5.995.75. E. (9) $3,180.40.

A. Dale Sherwin, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,250. E. (9) $65.02.

A. W. Lee Shield, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $50.

A. Edward L. Shields, 666 11th Street, Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,035.

A. Harvey A. Shipman, 1725 K Street NW., Suite 1103, Washington, D.C. 20006.

B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa. 19104.

A. Lucien J. Sichel, 1730 M Street NW., Washington, D.C. 20036.

B. Abbott Laboratories, North Chicago, Ill. 60064.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1175 K Street NW., Washington, D.C. 20006.

D. (6) $66.

A. Talmadge E. Simpkins, 100 Indiana Avenue, NW., Washington, D.C. 20001.

B. Labor-Management Maritime Committee.

D. (6) $825. E. (9) $102.70.

A. Lana H. Sims, 1003 Security Federal Building, Columbia, S.C. 29201.

B. South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C. 29201.

D. (6) $60.84. E. (9) $72.08.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washingotn, D.C. 20036.

A. Carstens Slack, 1825 K Street NW., Washington, D.C. 20006.

B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. William L. Slayton, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Stephen Slipher, 1709 New York Avenue NW., Washington, D.C. 20006.

B. United States Savings & Loan League, 111 East Wacker Driver, Chicago, Ill.

D. (6) $4,062.50. E. (9) $25.50

A. Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. American Horse Council, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $6,250. E. (9) $2,516.78.

A. Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $6,250. E. (9) $0.90.

A. Donald E. Smiley, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Exxon Company, U.S.A., Post Office Box 2180, Houston, Tex.

E. (9) $222.92.

A. Arthur J. Smith, 1700 K Street NW., Suite 300, Washington, D.C. 20006.

B. Shell Oil Co., Post Office Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Everard H. Smith, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearbon, Mich. 48121.

D. (6) $340. E. (9) $314.20.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C. 20036.

B. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y. 10022.

E. (9) $14.63.

A. Robert Wm. Smith, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $187. E. (9) $166.

A. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va. 22207.

B. Citizens Committee on Natural Resources, 1546 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.

D. (6) $2,176.96. E. (9) $1,239.64.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C. 20004.

B. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

D. (6) $475. E. (9) $63.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, *D.C. 20006.*

B. Ford Motor Co., Dearborn, Mich.

D. (6) $3,215. E. (9) $1,533.80.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.

B. Burley and Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.

D. (6) $550. E. (9) $558.44.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,941.

A. J. R. Snyder, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $200.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.

D. (6) $2,656.80. E. (9) $4,345.37.

A. Charles B. Sonneborn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill. 60611.

E. (9) $25.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

E. (9) $150.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. William W. Spear, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.

D. (6) $1,399. E. (9) $6.20.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. James M. Sprouse, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Squibb Corporation, 40 West 57th Street, New York, N.Y. 10019.

E. (9) $87.

A. John M. Stackhouse, The Madison Building, 1155 15th Street NW., Washington, D.C. 20005.

B. National Agricultural Chemicals Association.

A. The Standard Oil Co. (Ohio), 1801 K Street NW., Suite 1021, Washington, D.C. 20006.

E. (9) $312.46.

A. Melvin L. Stark, 1025 Connecticut Avenue NW., Suite 211, Washington, D.C. 20006.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 211, Washington, D.C. 20006.

D. (6) $3,000. E. (9) $350.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $500.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Council for a Responsible Firearms Policy, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y. 10005.

D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.

B. Robert College of Istanbul, Turkey, 305 East 45th Street,, New York, N.Y. 10017.

D. (6) $20.

A. B. H. Steuerwald, 400 First Street NW, Washington, D.C. 20001.

B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Wynne A. Stevens, Jr., 1901 North Fort Myer Drive, Arlington, Va. 22209.

B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $870.

A. Edward T. Stevenson, 2021 K Street NW., Washington, D.C. 20006.

B. Southern Furniture Manufacture Association, High Point, N.C.

D. (6) $5,500. E. (9) $2,920.

A. Travis B. Stewart, 1775 K Street NW., Washington, D.C. 20006.

B. Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.

D. (6) $550. E. (9) $50.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $6,039.35. E. (9) $488.25.

A. William M. Stover, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $1,000. E. (9) $100.

A. Herald E. Stringer, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $5,910. E. (9) $661.90.

A. John Stringer, 666 11th Street NW., Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,430.

A. Michael E. Strother, 1315 16th Street NW., Washington, D.C.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.

E. (9) $22.80.

A. R. Keith Stroup, 1237 22d Street NW., Washington, D.C. 20037.

B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.

D. (6) $4,153.80.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.

B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,250. E. (9) $541.91.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.

D. (6) $600.

A. Sullivan, Beauregard, Meyers & Clarkson, 1200 18th Street NW., Washington, D.C. 20036.

E. (9) $617.07.

A. Barry Sullivan, 536 Washington Building, Washington, D.C. 20005.

B. National Association of River & Harbor Contractors, 536 Washington Building, Washington, D.C. 20005.

D. (6) $1,200. E. (9) $93.26.

A. Frank L. Sundstrom, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

D. (6) $2,214. E. (9) $642.

A. Glenn A. Swanson, 818 18th Street NW., Washington, D.C. 20006.

B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.

D. (6) $11,386.88. E. (9) $1,647.92.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

D. (6) $7,500.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.

B. Bethlehem Steel Corp., 701 East Third Street, Bethelehem, Pa. 18016.

D. (6) $375. E. (9) $293.48.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. Charles C. Talley, 100 Angus Court, Charlottesville, Va. 22901.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

E. (9) $50.

A. David Tarr, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $197.49.

A. Tax Reform Research Group, 733 15th Street NW., Suite 426, Washington, D.C. 20005.

D. (6) $409.25. E. (9) $409.25.

A. Richard M. Tempero, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $343.74.

A. L. D. Tharp, Jr., 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Independent Natural Gas Association of America, 1660 L Street NW, Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. J. Woodrow Thomas, Inc., Suite 600, 734 15th Street NW., Washington, D.C. 20005.

B. Hart Metals, Inc., Tamaqua, Pa. 18252.

D. (6) $2,250.

A. J. Woodrow Thomas, Inc., Suite 600, 734 15th Street NW., Washington, D.C.

B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.

D. (6) $4,500.

A. William D. Thompson, 1660 L Street NW., Suite 814, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $3,203.34.

A. Cyrus C. Tichenor III, 822 Connecticut Avenue NW., Washington, D.C. 20006.

B. A. H. Robins Co, Inc, 1407 Cummings Drive, Richmond, Va. 23220.

D. (6) $5,250. E. (9) $1,447.21.

A. Paul J. Tierney, 1101 17th Street NW., Washington, D.C. 20036.

B. Transportation Association of America.

D. (6) $482. E. (9) $96.21.

A. J. R. Timmins & Co., 37 Wall Street, New York, N.Y. 10005.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C. 20036.

E. (9) $1,663.

A. Patrick F. Tobin, 1341 G Street NW., Room 304, Washington, D.C. 20005.

B. International Longshoremen's and Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.

D. (6) $4,510.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,000. E. (9) $71.50.

A. David R. Toll, 1140 Connecticut Avenue, Suite 1010, Washington, D.C.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $513.94. E. (9) $82.94.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C. 20036.

E. (9) $76.11.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,688. E. (9) $73.97.

A. Glenwood S. Troop, Jr., 1709 New York Avenue NW., Washington, D.C. 20006.

B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $5,625. E. (9) $34.70.

A. Galen Douglas Trussell, 277 Park Avenue, New York, N.Y. 10017.

B. National Association of Manufacturers.

D. (6) $792. E. (9) $536.73.

A. John D. Tyson.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

E. (9) $19,478.02.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

E. (9) $249.30.

A. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

E. (9) $39,244.93.

A. Universal Development Consultants, Inc., 425 13th Street NW., Washington, D.C.

B. Mortgage Bankers Association of America.

D. (6) $750. E. (9) $156.80.

A. Lois Van Valkenburgh, 1673 Preston Road, Alexandria, Va. 22302.

B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C. 20001.

D. (6) $24. E. (9) $5.15.

A. Ted Van Dyk Associates, Inc., 1720 I Street NW., Suite No. 400, Washington, D.C. 20006.

B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

E. (9) $308.97.

A. John A. Vance, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $768.29. E. (9) $544.56.

A. John W. Vardaman, Jr., 839 17th Street NW., Washington, D.C. 20006.

B. Named Individual Members of the San Antonio Conservation Society v. Texas Highway Department.

D. (6) $3,500.

A. Venable, Baetjer & Howard, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $125.60. E. (9) $114.90.

A. L. T. Vice, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

B. Standard Oil Co. (California), Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

E. (9) $125.

A. Robert E. Vinson, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $2.

A. Walter D. Vinyard, Jr., 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Registered Bank, Holding Cos., 730 15th Street NW., Washington, D.C. 20005.

D. (6) $157.25. E. (9) $70.50.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $4,263.24. E. (9) $994.08.

A. E. F. Waldrop, Jr., Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $153.12.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Jack A. Waller, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $5,869.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $4,843.44. E. (9) $1,333.43.

A. Charles Walsh.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $127.50. E. (9) $15.

A. William A. Walton, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.

B. Kansas Railroad Committee, 800 Merchant National Bank Building, Sixth and Jackson Streets, Topeka, Kans. 66612.

A. Richard D. Warden, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $4,988.52. E. (9) $465.54.

A. Jack Ware, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1,875. E. (9) $134.

A. George B. Watts, 1155 15th Street NW., Washington, D.C.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $300.

A. Ray Wax, 1900 South Eads Street, Box 836, Arlington, Va.

B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Arlington, Va. 22202.

E. (9) $27.75.

A. Herman Webb, 400 First Street NW., Washington, D.C. 20001.

B. International Brotherhood of Electrical Workers, O'Hare Office Building, Suite 400, 10400 West Higgins Road, Rosemont, Ill. 60018.

D. (6) $525.

A. Fred Wegner, 1750 K Street NW., Suite 1190, Washington, D.C. 20006.

B. Retired Persons Services, Inc., 1750 K Street NW., Suite 1190, Washington, D.C. 20006.

A. Clarence M. Weiner, 575 Madison Avenue, New York, N.Y. 10022.

B. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.

D. (6) $10,000. E. (9) $30.

A. F. Paul Weiss, 1825 K Street NW., Washington, D.C. 20006.

B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $850. E. (9) $220.35.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C. 20006.

B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

E. (9) $110.

A. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md. 20015.

B. The Tobacco Institute, Inc., Suite 1200, 1776 K Street NW., Washington, D.C. 20066.

A. Paul S. Weller, Jr., 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $2,216.66. E. (9) $56.55.

A. Fred M. Wertheimer, 2030 M Street, NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,600. E. (9) $171.16.

A. Terrell M. Wertz, 1608 K Street, NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,750. E. (9) $40.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Oil Co., 240 Radnor Chester Road, St. Davids, Pa. 19087.
D. (6) $4,500. E. (9) $1,760.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis. 53703.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. John C. White, Room 1008, 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., Room 1008, 1101 17th Street NW., Washington, D.C.

A. John S. White, 420 Cafritz Building, Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $407.31.

A. Robert L. White, 7315 Wisconsin Avenue, Washington, D.C. 20014.
B. National Electrical Contractors Association, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Douglas Whitlock II, 1660 L Street NW., Suite 1005, Washington, D.C. 20036.
B. Zale Corp., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $150.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $1,000. E. (9) $250.

A. Williams, Connolly & Califano, 839 17th Street NW., Washington, D.C. 20006.
B. Named Individual Members of the San Antonio Conservation Society v. Texas Highway Department.
D. (6) $3,500.

A. Francis G. Williams.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

A. Harding de C. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94119.
E. (9) $50.

A. Williams & King, 1620 I Street NW., Washington, D.C. 20006.
B. Mergenthaler Linotype Co., Mergenthaler Drive, Plainview, N.Y. 11803.
D. (6) $1,000.

A. Williams & King, 1620 I Street NW., Washington, D.C. 20006.
B. National Nutritional Foods Association, 7624 South Painter Avenue, Whittier, Calif. 90602.
D. (6) $2,500. E. (9) $425.

A. Robert E. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, Post Office Box 66100, Chicago, Ill. 60666.
D. (6) $1,250. E. (9) $519.75.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. American Basketball Association, 1700 Broadway, New York, N.Y. 10019.
D. (6) $1,804. E. (9) $13.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Oil Investment Institute, 2500 Dunstan, Suite 605, Houston, Tex. 77005.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Yale University, New Haven, Conn. 06520.
E. (9) $225.75.

A. John A. Wilson, 1145 19th Street NW., Room 501, Washington, D.C. 20036.
B. National Sharecroppers Fund, 1145 19th Street NW., Room 501, Washington, D.C. 20036.
D. (6) $7,902.90. E. (9) $7,516.59.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La. 71106.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $1,200. E. (9) $463.80.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $2,000. E. (9) $565.65.

A. Richard F. Witherall, 702 Majestic Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

A. Peter L. Wolff, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, One Dupont Circle NW, Washington, D.C. 20036.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C. 20006.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $8,308.80. E. (9) $851.79.

A. William E. Woods, 440 National Press Building, Washington, D.C. 20004.
B. National Association of Retail Druggists, One East Wacker Drive, Chicago, Ill. 60601.
D. (6) $750. E. (9) $150.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Co., Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90213.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Flying Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Perry W. Woofter, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $2,167. E. (9) $27.

A. George M. Worden, 1425 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $375.

A. Gerald L. Wykoff, 7315 Wisconsin Avenue, Washington, D.C. 20014.
B. National Electrical Contractors Association, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Wyman, Bautzer, Rothan & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Alaska Federation of Natives, Inc., 1675 C Street, Anchorage, Alaska 99501.

A. Wyman, Bautzer, Rothan & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

A. Wyman, Bautzer, Rothan & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Copyright Owners Negotiating Committee, c/o Phillips, Nizer, Benjamin, Krim and Ballon, 477 Madison Avenue, New York, N.Y. 10022.

A. Wyman, Bautzer, Rothan & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Embassy of the Government of the Republic of Korea, 2320 Massachusetts Avenue NW., Washington, D.C. 20008.

A. Wyman, Bautzer, Rothan & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Peterson Publishing Co., 8490 Sunset Boulevard, Los Angeles, Calif. 90069.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. First National City Bank, 399 Park Avenue, New York, N.Y. 10022.
D. (6) $200 E. (9) $157.87

A. Kenneth Young, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $6,448. E. (9) $521.96.

A. Albert H. Zinkand, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Charles O. Zuver, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $96.15.

## QUARTERLY REPORTS*

***All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.**

The following registrations were submitted for the fourth calendar quarter 1972:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

---

Year: 19______ ◄

### REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| | | | | |
| | (Mark one square only) | | | |

---

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

---

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

---

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

---

### AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $2,500.

A. Gibson T. Ahlgren, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $7,602.48. E. (9) $7,602.48.

A. Alaska Interstate Co., P.O. Box 6554, 5051 Westheimer, Houston, Tex. 77005.
E. (9) $11,783.09.

A. George Alderson, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $2,000.

A. Nicholas E. Allen, 444 Shoreham Building, Washington, D.C. 20005.
B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.
D. (6) $450. E. (9) $19.01.

A. American Cancer Society, 219 East 42d Street, New York, N.Y.
E. (9) $8,507.63.

A. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.
D. (6) $34,504.10. E. (9) $34,504.10.

A. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $12,515.39. E. (9) $3,498.52.

A. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.
E. (9) $13,133.50.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $4,001.05. E. (9) $4,001.05.

A. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100. E. (9) $100.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $27,419.75. E. (9) $27,419.75.

A. American Nurses' Association, Inc., 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $49,815.43. E. (9) $49,815.43.

A. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $5,111.94. E. (9) $5,111.94.

A. American Podiatry Association, 20 Chevy Chase Circle NW., Washintgon, D.C. 20015.
E. (9) $8,785.54.

A. American Society of Consulting Planners, 1750 Old Meadow Road, McLean, Va. 22101.
E. (9) $1,249.98.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,211. E. (9) $29.42.

A. Robert E. Ansheles, Suite 718, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. CITC Industries, Inc., 1 Park Avenue, New York, N.Y. 10016.
D. (6) $125. E. (9) $85.15.

A. APCO Oil Corp., Houston Natural Gas Building, Houston, Tex. 77002.
E. (9) $11,783.09.

A. Arnold & Porter, 1229 19th Street NW,, Washington, D.C. 20036.
B. Franklin Life Insurance Co., Franklin Square, Springfield, Ill. 62705.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $471.25. E, (9) $15.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Montgomery County, Md., Lawyers Association, c/o George Ballman, 3720 Farragut Street, Kensington, Md.
E. (9) $295.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Powell Lumber Co., Lake Charles, La.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $8,333. E. (9) $736.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. State Farm Mutual Insurance Co., 112 East Washington Street, Bloomington, Ill. 61701.
D. (6) $2,430. E. (9) $55.

A. Judith A. Assmus, 1763 R Street NW., Washington, D.C. 20009.
B. Washington Research Project Action Council, 1763 R Street NW., Washington, D.C. 20009.
D. (6) $1,862.49.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
E. (9) $2,350.

A. Association of Petroleum Re-Refiners, 1500 North Quincy Street, Box 7116, Arlington, Va. 22207.
D. (6) $900. E. (9) $900.

A. Emil F. Baker, 1303 New Hampshire Avenue NW,, Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Peter M. Balitsaris, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $3,375. E. (9) $214.95.

A. Vincent Gerrard Barnett, Suite 400, 919 18th Street NW., Washington, D.C. 20006.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London EC3A 8ET, England.
D. (6) $7,500. E. (9) $6,972.53.

A. James C. Barr, 1156 15th Street NW., Washington, D.C. 20005.
B. National Association of Federal Credit Unions, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $300. E. (9) $117.50.

A. Davis M. Batson, 1155 15th Street NW., No. 611, Washington, D.C. 20005.

B. Ethyl Corp., 1155 15th Street, Washington, D.C. 20005.

A. Donald S. Beattie, Congress of Railway Unions, Room 800, 400 First Street NW., Washington, D.C. 20001.
D. (6) $1,574.20.

A. Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, D.C. 20006.
B. North Atlantic Mediterranean Freight Conference.

A. C. Thomas Bendorf, 1620 I Street NW., Suite 505, Washington, D.C. 20006.
B. American Trial Lawyers Association, Cambridge, Mass.
D. (6) $1,500. E. (9) $100.

A. Arthur A. Benson, II, 1024 Commerce Tower, Kansas City, Mo. 64105.
B. Save Our Soil, Inc., Pattonsburg, Mo. 64670.
D. (6) $1,472.50. E. (9) $505.71.

A. Max N. Berry, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Laurel Hill Cemetery Association, Clayton, Mo. 63105.
E. (9) $25.02.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Occidental Life Insurance Co., 12th Street at Hill, Los Angeles, Calif. 90054.
E. (9) $20.07.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Paul Revere Corp., Worcester, Mass. 01608.
E. (9) $36.73.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C. 20036.

A. Rodney A. Bower, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
D. (6) $240. E. (9) $20.

A. Melvin J. Boyle, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.

A. George E. Bradley, 1341 G Street NW., Washington, D.C. 20005.
B. Organization of Professional Employees of USDA, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $750. E. (9) $25.

A. Joseph E. Brady, Room 122, Sheraton Gibson Hotel, Cincinnati, Ohio 45202.
B. National Coordinating Committee of the Beverage Industry.

A. Cyril F. Brickfield, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $139.75.

A. Wally Briscoe.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $135. E. (9) $16.50

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $18,246.12. E. (9) $18,246.12.

A. David Brower, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $1,000.

A. Charles H. Brown, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. W. F. Broxterman, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $1,384.66. E. (9) $36.50.

A. Marguerite Bryan, 400 First Street NW., Suite 700, Washington, D.C. 20001.

B. District No. 1, Pacific Coast District, MEBA, 17 Battery Place, New York, N.Y. 10004.

D. (6) $900. E. (9) $259.78.

A. Richard L. Bullock, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $300.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

A. George J. Burger, 125 Clove Road, New Rochelle, N.Y.

B. Burger Tire Consultant Service, 125 Clove Road, New Rochelle, N.Y.

A. George J. Burger, 30 Clinton Place, New Rochelle, N.Y. 10801.

B. National Federation of Independent Business, 30 Clinton Place, New Rochelle, N.Y. 10801.

D. (6) $4,249.98. E. (9) $367.29.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $70.44.

A. Charles S. Caldwell, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $5,550. E. (9) $388.

A. Charles R. Carlisle, Suite 903, 1701 K Street NW., Washington, D.C. 20006.

B. Lead-Zinc Producers, Committee.

D. (6) $1,057.50. E. (9) $1,030.73.

A. John R. Carson, 20 Chevy Chase Circle NW., Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.

D. (6) $2,500.

A. Richard M. Carrigan, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $4,156. E. (9) $71.80.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Apco Oil Corp., Liberty Bank Building, Oklahoma City, Okla. 73102; Alaska Inter-State Co., 2200 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027; Gulf Interstate Co., American Building, Houston, Tex. 77022.

D. (6) $23,441.25.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.

B. South African Sugar Association, Post Office Box 507, Durban, South Africa.

D. (6) $65,000. E. (9) $5,898.59.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $2,250.

A. Coalition to Tax Pollution, 620 C Street SE., Washington, D.C. 20003.

D. (6) $4,544. E. (9) $4,235.68.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 Street NW., Washington, D.C. 20036.

D. (6) $6,993.74. E. (9) $881.68.

A. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

D. (6) $153,975. E. (9) $516.54.

A. Committee for Modern Efficient Transportation, Suite 808–810, 910 17th Street NW., Washington, D.C. 20006.

A. Congress of Railway Unions, Room 800, 400 First Street NW., Washington, D.C. 20001.

D. (6) $9,694.76. E. (9) $7,399.94.

A. Council of AFL–CIO Unions for Scientific, Professional, and Cultural Employees, 1155 15th Street NW., Washington, D.C.

D. (6) $1,250. E. (9) $1,250.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Adhesive & Sealant Council, 1410 Higgins Road, Park Ridge, Ill. 60068.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C. 20005.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Classroom Periodical Publishers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Industrial Diamond Association of America, 2017 Walnut Street, Philadelphia, Pa. 19103.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Jewelers Vigilance Committee, 156 East 52d Street, New York, N.Y. 10022.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Kohler Co., Kohler, Wis. 53044.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20015.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Glass Dealers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y. 10017.

A. John A. Couture, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $4,546.89. E. (9) $138.90.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $5,387.59. E. (9) $516.50.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $320. E. (9) $222.61.

A. John C. Datt, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,490. E. (9) $22.06.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.

B. D.C. Transit System, Inc., Washington, D.C.

D. (6) $2,500.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.

B. Opticians Association of America, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. Association of Plaintiffs Trial Attorneys for Metropolitan Washington, D.C., Inc., 910 17th Street NW., Washington, D.C. 20005.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.

B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.

D. (6) $120. E. (9) $21.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Potters Industries, Inc., Industrial Road, P.O. Box 14, Carlstadt, N.J. 07072.

D. (6) $840. E. (9) $29.85.

A. Vincent A. Demo, 25 Broadway, New York, N.Y. 10004.

B. International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

D. (6) $6,875. E. (9) $2,858.

A. Leslie E. Dennis, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $850. E. (9) $151.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,211. E. (9) $63.52.

A. William E. Dunn, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.

D. (6) $2.91. E. (9) $27.04.

A. D. A. Ellsworth, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $5,790. E. (9) $868.77.

A. Ethyl Corp., 1155 15th Street NW., No. 611, Washington, D.C. 20005.

A. Edward R. Fellows, Jr., 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

D. (6) $925. E. (9) $54.50.

A. Francis C. Fini, 2020 Brooks Drive, Apartment 618, Suitland, Md. 20028.

B. Air Force Sergeants Association, Inc., 6101 28th Avenue SE., Suite 713, Washington, D.C. 20031.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,808. E. (9) $11.58.

A. David H. Foerster, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,200. E. (9) $25.83.

A. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.

D. (6) $9,120.

A. John S. Forsythe, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $262.50. E. (9) $26.45.

A. David H. Foster, 918 16th Street NW., Washington, D.C.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $2,500. E. (9) $237.50.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.

B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

A. Ronald C. Frankis, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $1,061.56. E. (9) $41.10.

A. Charles L. Frazier, 485 L'Enfant Plaza SW., Washington, D.C. 20024.

B. National Farmers Organization, Corning, Iowa 50841.

D. (6) $1,950. E. (9) $1,416.97.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Devils Lake Sioux Tribe, Fort Totten, N. Dak.

E. (9) $21.08.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Hualapai Tribe of the Hualapai Reservation, Peach Springs, Ariz.

D. (6) $235. E. (9) $5.93.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Metlakatla Indian Community, Box 142, Metlakatla, Alaska.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Mizrachi Womens Organization of America, 242 Park Avenue South, New York, N.Y. 10003.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Navajo Tribe, Window Rock, Ariz.

E. (9) $160.34.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Nez Perce Tribe, Lapwai, Idaho.

D. (6) $350.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Oglala Sioux Tribe, Pine Ridge, S. Dak.

D. (6) $3,000.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Salt River Pima-Maricopa Indian Community, Box 120, Route 1, Scottsdale, Ariz.

D. (6) $125.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Seneca Nation of Indians, Box 231, Salamanca, N.Y. 14779.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Sisseton & Wahpeton Sioux Tribe, Sisseton, S. Dak.

D. (6) $1,597.92. E. (9) $26.91.

A. Friends of the Earth, 620 C Street SE., Washington, D.C.

D. (6) $9,300. E. (9) $9,300.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,200.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Section 23 Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $450.

A. David C. Fullarton, 2100 M Street NW., No. 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., No. 700, Washington, D.C. 20037.

D. (6) $150.

A. Tom Garrett, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $1,950.

A. Leo J. Gehrig, One Farragut Square South, Washington, D.C. 20006.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $2,296.68. E. (9) $362.18.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 2036.

A. Louis Gerber, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $2,919.86.

A. Mary C. Gereau, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $4,236.45. E. (9) $61.65.

A. Donald A. Giampaoli, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.

D. (6) $1,350.

A. William T. Gibb, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D.(6) $62.81. E. (9) $5.40.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio 45219.

B. International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio 45219.

A. Lawrence D. Gilson, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $303.31.

A. Jay W. Glasmann, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230.

D. (6) $500.

A. The Glenmede Trust Co., 1529 Walnut Street, Philadelphia, Pa.

A. Jack Golodner, 1225 19th Street NW., Washington, D.C.

B. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $310.

A. Jack Golodner, 1155 15th Street NW., Washington, D.C. 20005.

B. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $1,000.

A. Frederick D. Goss, 2100 M Street NW., No. 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., No. 700, Washington, D.C. 20037.

D. (6) $60.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $752.97. E. (9) $26.53.

A. James W. Green, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $4,215. E. (9) $185.34.

A. Gulf Interstate Engineering Co., 811 Dallas, Americana Building, Houston, Tex. 77002.

E. (9) $4,713.19.

A. James M. Hacking, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $10.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,049.99. E. (9) $35.49.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $263.75. E. (9) $21.10.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.

B. California Savings & Loan League, 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.

D. (6) $1,800.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va. 22046.

B. Air Force Sergeants Association, Inc., 6101 28th Avenue SE., Suite 713, Washington, D.C. 20031.

A. Robert E. Harman, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $25.

A. L. James Harmanson, Jr., 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $2,033. E. (9) $3,545.63.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

D. (6) $3,168.59. E. (9) $1,668.50.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,169. E. (9) $40.47.

A. Ralph E. Heal, 250 West Jersey Street, Elizabeth, N.J. 07207.

B. National Pest Control Association, 250 West Jersey Street, Elizabeth, N.J. 07207.

A. William H. Hedlund, 909 American Bank Building, Portland, Oreg. 97205.

B. Standard Oil Co. (California), San Francisco, Calif.; Mobil Oil Co., Los Angeles, Calif.; Union Oil Co. (California), Los Angeles, Calif.

A. Ross E. Heller, 2100 M Street NW., No. 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., No. 700, Washington, D.C. 20037.

D. (6) $420.

A. James A. Hourihan, Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Prince Georges County Bar Association, Upper Marlboro, Md.

A. Valerie Howard, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $537.53.

A. Peter W. Hughes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $271.71.

A. Gerald W. Hyland, 1730 Rhode Island Avenue, Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $1,152.31. E. (9) $104.45.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Insurance Economics Society of America, 11 East Adams, Chicago, Ill. 60603.

D. (6) $9,565.88. E. (9) $640.

A. Raymond M. Jacobson, 1819 H. Street NW., Washington, D.C. 20006.

B. American Society of Consulting Planners, 1750 Old Meadow Road, McLean, Va. 22101.

D. (6) $1,249.98.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C. 20004.

B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101.

E. (9) $545.70.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C. 20036.

B. Dresser Industries, Inc., 1100 Connecticut Avenue.

A. Patricia Keefer, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, DC., 20037.

D. (6) $1,431.80.

A. George J. Kelley, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,000. E. (9) $600.

A. Kennedy & Leighton, 888 17th Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $5,294.40. E. (9) $203.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $227.54. E. (9) $10.84.

A. Peter M. Kirby, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association.

D. (6) $750. E. (9) $392.50.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. James D. Klink, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $5,560. E. (9) $515.90.

A. John S. Knox, Jr., 166 16th Street NW., Atlanta, Ga. 30318.

B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

D. (6) $100.

A. Joseph L. Koach, 1900 L Street NW., Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.

A. George W. Koch, 1425 K Street NW., Washington, D.C. 20005.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

D. (6) $5.60.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

D. (6) $4,467.75. E. (9) $1,703.50.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington. D.C.

D. (6) $1,281.24. E. (9) $74.61.

A. Laurence F. Lane, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $95.75.

A. Leonard Lee Lane, 620 C Street SE., Washington, D.C. 20003.

B. Coalition to Tax Pollution.

D. (6) $975.

A. Dillard B. Lasseter, P.O. Box 270, Washington, D.C. 20044.

B. American Trucking Association, 1616 P Street NW., Washington, D.C.

A. League for Economic Assistance and Development Inc., 390 Plandome Road, Manhasset, N.Y. 11030.

D. (6) $616. E. (9) $449.28.

A. Robert J. Leigh, 2100 M Street NW., No. 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., No. 700, Washington, D.C. 20037.

D. (6) $20.

A. Nils A. Lennartson, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $625.

A. Gilbert B. Lessenco, Wilner & Scheiner, 2021 L Street NW., Washington, D.C. 20036.

B. Metropolitan Chapter, National Association of Social Workers, 1424 16th Street NW., Washington, D.C.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C. 20003.

D. (6) $19,887.52. E. (9) $17,029.96.

A. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.,

D. (6) $2,931.44. E. (9) $2,931.44.

A. Zel E. Lipsen, Suite 809, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) $500.

A. J. Patrick Logue, 1030 15th Street NW., No. 408, Washington, D.C. 20005.

B. American Nurses Association, Inc., 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $3,942.03.

A. Raymond W. Lucia, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Motorcycle Industry Council, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Clarence T. Luntquist, 4822 Tilden Street NW., Washington, D.C. 20016.

B. Menswear Retailers of America, Room 390, National Press Building, Washington, D.C. 20004.

D. (6) $600. E. (9) $300.

A. James H. Lynch, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $4,758.60. E. (9) $337.04.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif. 95814.

B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.

A. Macmillan, Inc., 1701 North Fort Myer Drive, Suite 601, Arlington, Va. 22209.

A. Ben J. Man, 400 First Street NW., Suite 700, Washington, D.C. 20001.

B. District No. 1, Pacific Coast District, MEBA, 17 Battery Place, New York, N.Y. 10004.

D. (6) $1,638. E. (9) $152.42.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C. 20003.

B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. Joseph V. Marhugh, 225 A Street NE., Washington, D.C. 20002.

B. Menswear Retailers of America, Room 390, National Press Building, 14th and H Streets NW., Washington, D.C. 20004.

D. (6) $500.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah 84101.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $4,416.90. E. (9) $433.23.

A. Guy B. Maseritz, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $124.69. E. (9) $30.75.

A. Mayer, Brown & Platt, 231 South LaSalle Street, Chicago, Ill. 60604.

B. Williams and Clayton Burch families, c/o Continental Illinois National Bank and Trust Co., 231 South LaSalle Street, Chicago, Ill. 60604.

D. (6) $350. E. (9) $433.

A. Stanley J. McFarland, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $5,250. E. (9) $246.20.

A. Myles F. McGrail, 1825 K Street NW., Suite 501, Washington, D.C. 20006.

B. The Dow Chemical Co., Midland, Mich. 48640.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,750. E. (9) $36.64.

A. William F. McKenna, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $108.75. E. (9) $14.95.

A. MEBA, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.

E. (9) $5,019.93.

A. R. Otto Meletzke, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $43.55. E. (9) $9.87.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Interfraternity Conference, Inc., P.O. Box 40368, Indianapolis, Ind. 46240.

D. (6) $5,000.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43601.

D. (6) $600.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $259. E. (9) $8.

A. Paul J. Minarchenko, 1155 15th Street, Washington, D.C. 20005.

B. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $5,000. E. (9) $387.90.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. John G. Mohay, 734 15th Street NW., Washington, D.C. 20005.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.

D. (6) $379.16.

A. A. S. Mike Monroney, 1701 K Street NW., Suite 1000, Washington, D.C. 20006.

B. Osage Tribal Council, Pawhuska, Okla. 74056.

E. (9) $2,710.05.

A. Morgan, Lewis, & Bockius, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Walgreen Drug Stores, 4300 Peterson Avenue, Chicago, Ill. 60646.

D. (6) $1,235.

A. John Morgan, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $583.59.

A. Motorists United for Ecology, Inc., 3477 New Ridge Drive, Palos Verdes, Calif. 90274.

D. (6) $324. E. (9) $1,022.58.

A. William G. Mullen, 491 National Press Building, Washington, D.C. 20004.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

E. (9) $192.11.

A. George E. Myers, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $806.22. E. (9) $58.35.

A. J. Walter Myers, Jr., 4 Executive Park East, NE., Atlanta, Ga. 30329.

B. Forest Farmers Association, 4 Executive Park East, NE., Atlanta, Ga. 30329.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $2,887.50. E. (9) $89.27.

A. National Associated Businessmen, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D(6) $691.86. E. (9) $1,817.65.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $20,122.87. E. (9) $20,223.21.

A. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9). $1,500.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $61,679.39. E. (9) $36,206.52.

A. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.

E. (9) $20,301.98.

A. National Citizens Committee for Revenue Sharing, 707 National Press Building, Washington, D.C. 20004.

E. (9) $1,123.93.

A. National Committee for Research in Neurological Disorders, c/o Warren F. Beer, 66 East 34th Street, New York, N.Y. 10016.

D. (6) $5,700. E. (9) $4,252.78.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $103,348.72. E. (9) $101,883.88.

A. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $28,583.50. E. (9) $4,006.51.

A. National Federation of Business and Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $65,978.19. E. (9) $6,273.60.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Suite 632, Washington, D.C. 20036.
D. (6) $9,373.40. E. (9) $11,503.24.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $224.17. (9) $1,963.16.

A. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $283,916.94. (9) $1,459.50.

A. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.
D. (6) $1,488. E. (9) $651.

A. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
D. (6) $1,870.50. E. (9) $750.

A. National Rural Housing Coalition, DuPont Circle Building, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,155.50. E. (9) $3,383.61.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $6,720. E. (9) $3,900.

A. National Sharecroppers Fund, 1346 Connecticut Avenue NW., Room 909, Washington, D.C. 20036.
D. (6) $3,025.72. E. (9) $5,643.87.

A. National Student Lobby, 413 East Capitol Street SE., Washington, D.C. 20003.
D. (6) $7,433.88. E. (9) $9,640.60.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $9,882.14. E. (9) $15,700.22.

A. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $8,737.09. E. (9) $9,797.88.

A. National Telephone Cooperative Association, 2100 M Street NW., No. 700, Washington, D.C. 20037.
E. (9) $650.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $20,328. E. (9) $5,316.41.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $226.35.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $2,500. E. (9) $19,761.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Seward P. Nyman, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
D. (6) $650.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill. 60603.
B. Insurance Economics Society of America, 11 East Adams, Chicago, Ill. 60603.

A. Claude E. Olmstead, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $259. E. (9) $10.

A. Charles E. Olson, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,521.75. E. (9) $212.69.

A. Layton Olson, 612 Lexington Place NE., Washington, D.C. 20002.
B. National Student Lobby, 413 East Capitol Street SE., Washington, D.C. 20003.
D. (6) $2,200.94.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $1,843.76. E. (9) $2,960.92.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Company, Campbell Place, Camden, N.J. 08101.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C. 20004.

A. Carol Ames Parker, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $2,100.

A. Jack Pearce, Suite 808–810, 910 17th Street NW., Washington, D.C. 20006.
B. Committee on Modern Efficient Transportation.

A. Pepper, Hamilton & Scheetz, 123 South Broad Street, Philadelphia, Pa.
B. The Glenmede Trust Co., 1529 Walnut Street, Philadelphia, Pa.
E. (9) $545.22.

A. Political Action Committee for Engineers and Scientists, Suite 809, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $500.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $463. E. (9) $26.34.

A. James B. Potter, Jr., 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Motorcycle Industry Council, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Power Tool Institute, 604 Davis Street, Evanston, Ill. 60204.
D. (6) $400. E. (9) $400.

A. Pugsley, Hayes, Watkiss, Campell & Cowley, 400 El Paso Gas Building, Salt Lake City, Utah 84111.
B. Alaska Interstate Co., 2200 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027; APCO Oil Corp., Houston Natural Gas Building, 17th Floor, Houston, Tex. 77002; Gulf Interstate Co., Americana Building, Houston, Tex. 77022.
D. (6) $525.

A. Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43694.
E. (9) $600.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.
D. (6) $8,500. E. (9) $1.50.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. The Department of Tourism, Hamilton, Bermuda.
D. (6) $1,666. E. (9) $32.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Island Equipment Co., 3300 NE Yeon Avenue, Portland, Oreg.
D. (6) $11,000. E. (9) $1.50.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J.
D. (6) $900.

A. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $1,000. E.(9) $1,000.

A. Rial M. Rainwater, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $259. E. (9) $8.

A. William W. Rayner, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150.

A. Recording Industry Association of America, Inc., One East 57th Street, New York, N.Y. 10022.
D. (6) $25,814.35. E. (9) $10,103.07.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.
E. (9) $11,312.70.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y.
E. (9) $2,500.

A. Reserve Officers Association of United States, 1 Constitution Avenue NE., Washington, D.C.
D. (6) $965.48. E. (9) $412.40.

A. William L. Reynolds, 1200 17th Street NW., Suite 500, Washington. D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

D. (6) $430. E. (9) $50.

A. Mark Richardson, 1611 North Kent Street, Arlington, Va. 22209.

B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

D. (6) $270. E. (9) $250.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10013.

A. Rosalie Riechman, 120 Maryland Avenue NE., Washington, D.C. 20002.

B. Women's International League for Peace and Freedom, 1213 Race Street, Philadelphia, Pa. 19107.

D. (6) $1,575.

A. John Riley, 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $703.12. E. (9) $53.25.

A. Kenneth Roberson, 2 Dubonnet Road, Valley Stream, N.Y. 11581.

B. Meat Importers Council of America, Inc., 708 Third Avenue, New York, N.Y. 10017.

D. (6) $12. E. (9) $56.50.

A. James A. Rock, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $208. E. (9) $1.80.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $2,400. E. (9) $229.31.

A. Ann Roosevelt, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $2,250.

A. Ross, Marsh & Foster, 730 15th Street NW., Washington, D.C. 20005.

D. (6) $4,875.

A. Stuart Philip Ross, Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Motorcycle Industry Council, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Stuart Philip Ross, Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Prince Georges County Bar Association, Upper Marlboro, Md.

A. Carl K. Sadler, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $5,741.40. E. (9) $8,087.32.

A. Eric P. Schellin, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.

B. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.

D. (6) $750.

A. The Section 23 Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $450. E. (9) $450.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C. 20004.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

E. (9) $169.54.

A. Leo Seybold, 1709 New York Avenue NW., Washington, D.C.

B. Air Transport Association.

D. (6) $1,479. E. (9) $181.45.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

D. (6) $5,995.75. E. (9) $3,396.45.

A. Norman R. Sherlock, 1709 New York Avenue NW., Washington, D.C.

B. Air Transport Association.

D. (6) $865. E. (9) $680.70.

A. Dale Sherwin, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,084. E. (9) $66.21.

A. Edward L. Shields, 666 11th Street, Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $930.

A. A. Z. Shows, Suite 904, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $3,000. E. (9) $3,586.30.

A. Gilbert Simonetti, Jr., 1620 I Street NW., Washington, D.C. 20006.

B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y. 10019.

A. Lana H. Sims, 1003 Security Federal Building, Columbia, S.C. 29201.

B. South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C. 29201.

D. (6) $26.61. E. (9) $53.20.

A. Julian N. Singman, 724 14th Street NW., Washington, D.C. 20005.

B. International Longshoremen's Association, AFL–CIO, 17 Battery Place, Suite 1530, New York, N.Y. 10004.

D. (6) $5,001. E. (9) $814.76.

A. Hall Sisson, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $2,966.51.

A. Jonathan W. Sloat, 1425 K Street NW., Washington, D.C. 20005.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

D. (6) $7.60. E. (9) $2.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Cooperative League of the U.S.A., 1828 L Street NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $725.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $150. E. (9) $150.

A. J. Gilbert Stallings, 1776 K Street NW., Washington, D.C. 20036.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Joseph J. Standa, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $251.93. E. (9) $75.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. John Stringer, 666 11th Street NW., Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,325.

A. R. Keith Stroup, 2105 N Street NW., Washington, D.C. 20037.

B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.

D. (6) $337.

A. Noble J. Swearingen, 128 C Street NE., Suite 61, Washington, D.C. 20002.

B. National Tuberculosis & Respiratory Disease Association, 1740 Broadway, New York, N.Y. 10019.

D. (6) $950.

A. Monroe Sweetland, 1705 Murchison Drive, Burlingame, Calif. 94010.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $308.62. E. (9) $100.

A. Ivan Swift, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $1,458.98.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.

B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.

D. (6) $115.38. E. (9) $219.38.

A. Richard M. Tempero, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $343.74.

A. J. Woodrow Thomas Associates, Inc., 734 15th Street NW., Suite 600, Washington, D.C. 20005.

B. Hart Metals, Inc., Tamaqua, Pa. 18252.

D. (6) $2,250.

A. J. Woodrow Thomas Associates, Inc., 734 15th Street NW., Suite 600, Washington, D.C. 20005.

B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500.

A. Tipperary Land and Exploration Corp., 500 West Illinois, Midland, Tex. 79701.

E. (9) $3,142.16.

A. Patrick F. Tobin, 1341 G Street NW., Room 304, Washington, D.C. 20005.

B. International Longshoremen's and Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.

D. (6) $4,510.

A. J. P. Trainor, 400 First Street NW., Washington, D.C 20001

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $3,500. E. (9) $1,244.14.

A. W. M. Trevarrow, 601 National Press Building, Washington, D.C. 20004.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.
D. (6) $4,500. E. (9) $137.75.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,579. E. (9) $84.28.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif. 94108.
D. (6) $75. E. (9) $127.77.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $27,785.43.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $549.50. E. (9) $549.50.

A. R. Dick Vander Woude, 10600 West Higgins Road, Rosemont, Ill. 60018.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $353.75. E. (9) $75.

A. Wald, Harkrader, & Ross, 1320 19th Street NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. DeMelt E. Walker, 1730 Rhode Island Avenue NW., Washintgon, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $682.84. E. (9) $49.75.

A. Charles S. Walsh.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $127.50. E. (9) $15.

A. James A. Warren, 5500 Friendship Boulevard, Chevy Chase, Md. 20015.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.
D. (6) $450. E. (9) $150.

A. Washington Research Project Action Council, 1763 R Street NW., Washington, D.C. 20009.
E. (9) $6,047.65.

A. Fred W. Wegner, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.
E. (9) $120.42.

A. Paul S. Weller, 1129 20th Street N.W., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $2,100. E. (9) $144.65.

A. Lee C. White, 1156 15th Street NW., Washington, D.C. 20005.
B. American Natural Gas Co., and subsidiaries, 1 Woodward Avenue, Detroit, Mich. 48226.

A. Robert E. Wick, 1800 K Street NW., Washington, D.C.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.
E. (9) $107.54.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif. 95814.
B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.
D. (6) $2,750. E. (9) $6,414.38.

A. Wilmer, Cutler, & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $980. E. (9) $27.36.

A. Women's International League for Peace and Freedom, 1213 Race Street, Philadelphia, Pa. 19107.
D. (6) $9,133.56. E. (9) $8,654.97.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $5,109.39. E. (9) $557.35.

A. V. T. Worthington, 1500 North Quincy Street, Box 7116, Arlington, Va. 22207.
B. Association of Petroleum Re-Refiners, 1500 North Quincy Street, Arlington, Va. 22207.
D. (6) $375.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue, NW., Washington, D.C. 20036.

A. John L. Zorack, 1709 New York Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $1,415. E. (9) $152.75.

A. Nicholas H. Zumas, 1225 19th Street NW., Suite 702, Washington, D.C. 20036.
B. National Music Publishers Association, 110 East 59th Street, New York, N.Y. 10022.
D. (6) $150.

# SENATE—*Wednesday, May 16, 1973*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Creator and Ruler of all that is, help us to love Thee with our whole heart and mind and soul, to love our Nation, to cherish its heritage and to further its ideals. Fit us for service by expelling from our lives all that corrupts or obstructs the doing of Thy will. Implant Thy law deep in our hearts and give us grace to live by it. Make sensitive our conscience to monitor our actions according to Thy law. For the sake of the world, for the sake of America, for the sake of Thy kingdom, give us grace and wisdom to do the right thing.

We pray in His name who went about doing good. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 15, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, with the exception of the Federal Power Commission.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, with the exception of the last two nominations, will be stated.

## DEPARTMENT OF LABOR

The legislative clerk read the nominations in the Department of Labor, as follows:

Richard F. Schubert, of Pennsylvania, to be Under Secretary of Labor.

Bernard E. DeLury, of New York, to be an Assistant Secretary of Labor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

## ADMINISTRATION ON AGING

The legislative clerk read the nomination of Arthur S. Flemming, of Virginia, to be Commissioner on Aging.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## FEDERAL HIGHWAY ADMINISTRATION

The legislative clerk read the nomination of Norbert T. Tiemann, of Nebraska, to be Administrator of the Federal Highway Administration.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## NATIONAL COMMISSION ON MATERIALS POLICY

The legislative clerk read the nomination of Frederick B. Dent, of South Carolina, to be a member of the National Commission on Materials Policy.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## COLLECTION OF FEES FOR USE OF FEDERAL AREAS FOR OUTDOOR RECREATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 140, S. 1381.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

S. 1381 to amend certain provisions of the Land and Water Conservation Fund Act of 1965 relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 5, after "U.S.C.", strike out "460L (b)" and insert "4601-5"; and, on page 2, line 8, after the word "facilities", insert "or combination of those facilities"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first paragraph of section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897; 16 U.S.C. 4601-5), is amended to read as follows:

"(b) SPECIAL RECREATION USE FEES.—Each Federal agency developing, administering, or providing specialized sites, facilities, equipment, or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense: *Provided,* That in no event shall there be a charge for the day use or recreational use of those facilities or combination of those facilities or areas which virtually all visitors might reasonably be expected to utilize, such as, but not limited to, lightly developed or back-country campgrounds, picnic areas, boat ramps where no mechanical or hydraulic equipment is provided, drinking water, wayside exhibits, roads, trails, overlook sites, visitors' centers, scenic drives, and toilet facilities."

### LIMITATION ON USER FEES

Mr. DOLE. Mr. President, as one of the original sponsors of S. 1381, the bill to limit user fees charged at Federal lakes administered by the Corps of Engineers, I am pleased to urge its passage by the Senate today.

This bill was introduced in an effort to meet a basic unfairness, a distortion of congressional intent and a clear case of administrative impracticality. I would point out these matters briefly, for I have earlier detailed the circumstances leading to introduction of this bill.

### THREE FACTORS

First, the Corps of Engineers, quite unadvisedly in my opinion, issued a very highhanded and inaccurate announcement of its user fee policies. This announcement led to widespread alarm among thousands of campers, boaters, and picnickers in Kansas and elsewhere that they were to have their recreation activities taxed beyond their ability to afford them—perhaps as much as $30 for a family of four per weekend. As it turned out the actual fees were finally established at a much lower and more reasonable level. But, nonetheless, a great deal of ill-will and irritation was generated by the handling of these proposals.

Second, as the fees were finally set they included assessments on the utilization of so-called day-use recreation facilities. These fees were not so excessive as originally feared, but a serious question arose about Congress intent that such fees were to be charged at all. These day-use areas are the types of facilities which almost every visitor to a lake could be expected to use, and it was felt that Congress never intended to impose a tax on everyone who comes for a hike, a picnic, an afternoon in the sun or a day's fishing.

Third, although these fees were not set on a per-person basis as the original announcement indicated, even collecting a charge from each carload of visitors to an area will be such a costly, time-consuming operation that these collections will never break even. Manpower and administrative costs will almost inevitably consume more than the revenues brought in by the fees, so it does not appear to make much sense to collect them. In addition to irritation and inconvenience—both to visitors and Corps of Engineers personnel—will further add to the overall negative aspects of these fees.

This bill does not seek to eliminate all fees, only those which are impractical and inconsistent with congressional intent. For example, overnight camping fees, generally set at $1 or $2, are not affected by the bill. There has been no great objection to such fees, either; for the public, quite fairly I believe, does not object to paying a reasonable charge for a worthwhile privilege or service.

### URGE SENATE APPROVAL

So, Mr. President, I firmly support this bill and urge that my colleagues in the Senate vote it their approval. Its passage will be a major step toward eliminating an unnecessary, unwise and useless irritation and inconvenience to the millions of Americans who each year enjoy the attractions of our Federal lakes and recreation areas.

I am hopeful that the House of Representatives can follow favorable Senate action with its own approval, so this measure can become law at the earliest possible date.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HUDDLESTON. Mr. President, I am most gratified that the Senate has acted favorably on S. 1381, legislation which reinforces stated congressional intent that day use recreational facilities and other ordinary visitor facilities operated by the Corps of Engineers should not be subject to fees.

This legislation will both eliminate a source of aggravation and inconvenience to the user-public and will additionally remove from the Corps of Engineers what can only be an unnecessary and costly administrative burden.

I know that the news of the passage of this bill will be welcomed by the citizens of Kentucky who have had to bear the burden of double payments—payments in support of the original construction of the facilities through Federal taxes and payments for continued use of the facilities which they had every right to believe would be furnished as a matter of course. This will affect such Corps of Engineers properties as Rough River, Green, Barren, Buckhorn, and Nolin reservoirs in my State of Kentucky.

I am pleased to have supported this legislation which I know will be of benefit to many citizens of the Commonwealth of Kentucky.

## ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Montana is recognized.

(The remarks Senator MANSFIELD made at this point on the introduction of Senate Joint Resolution 109, providing for a 6-year term for President, and remarks by Senators SCOTT and AIKEN are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

(The remarks Senator SCOTT made at this point on the introduction of Senate Joint Resolution 110, to establish a nonpartisan commission on Federal election reform, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Utah (Mr. Moss) is recognized for not to exceed 15 minutes.

(The remarks of Senator Moss made at this point on the introduction of S. 1825 and S. 1826, providing expanded nursing home and home health benefits under the Social Security Act, are printed in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program, was read twice by its title and referred to the Committee on Foreign Relations.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma (Mr. BARTLETT) is recognized for not to exceed 15 minutes.

## LIMITATION ON ARTIFICIAL ACCOUNTING LOSSES

Mr. BARTLETT. Mr. President, the American consumer will be the one who suffers most if proposals by the administration regarding "Limitation on Artificial Accounting Losses" become law. At a time when the consumer is already feeling the effects of the energy crisis, the administration has proposed a crippling blow against those who would help in reducing the crisis.

The President's recent energy message, although not going far enough, was an encouraging sign to those who know that the energy crisis is upon us. The Treasury Department's proposals are inconsistent with policies designed to solve our present energy problems.

I firmly believe that these proposals should be rejected for the following reasons:

First. They greatly reduce the incentive to drill for oil and gas at the very time in our Nation's history that those incentives are needed the most. The National Petroleum Council estimates the energy needs from the current $9 billion to approximately $33 billion annually in order to guarantee our national security in times of emergency and to fulfill our day-to-day needs in normal times. The Treasury proposals will decrease rather than increase capital outlay.

Second. The proposals unquestionably result in fewer oil and gas wells being drilled, and there has been a sharp decline in the last 15 years in drilling for oil and gas in this country. Oil and gas exploration at best is a highly risky business. Without tax incentives, the risks are usually not worth taking as compared to other forms of investment on the outside.

Third. They will reduce competition in the energy industry. The proposals are aimed solely at individual investors. In the energy industry, the small independent producer will suffer, because he is the one who has to rely on individual investors to finance oil and gas exploration. The major companies will also suffer, as will the consumer, because less drilling will be done and less production found by the independent. The damage to the independent will reduce competition and help the big get bigger, which is against the national interest.

Fourth. The proposals add unneeded complexity to our tax laws. The concepts involved in the LAL proposals may add significantly to accountants' and lawyers' costs but will do nothing to advance our national energy policy.

Fifth. The proposals are discriminatory in that they make an item deductible to one type of taxpayer and deny deductibility for the same item to other taxpayers.

Sixth. The proposed effective date of April 30, 1973, has already discouraged and, in some cases, eliminated proposed drilling activities. The uncertainty which has been created by the proposals will discourage many who would not even be affected by the proposals if adopted in their present form. The cost to our Nation of this uncertainty far outweighs any revenue gain.

Seventh. The proposals will aggravate our balance-of-payments problems now and in the future. Any slight gain in revenue will seem small by comparison to the outflow of dollars which will result from a continuing inadequate energy supply; it will seem miniscule in comparison to the increased cost of oil and gas to the American consumer; it will be negligible in contrast with the shortages and inconveniences caused by these inconsistent, contradictory proposals.

Eighth. The administration proposals will inhibit development by unreasonably restricting the definition for tax purposes of an exploratory well. Under the administration definition, an exploratory well must be located at least 2 miles in all directions from any well which is producing or has produced in the past. Oklahoma has a surface area of 60,000 square miles and we have had 212,000 producers. Obviously, there are relatively few sites in Oklahoma where a test can be located so as to meet the administration guidelines for the Exploratory Drilling Investment Credit. The LAL proposal, by requiring related income before allowing deductions, will greatly discourage new enterprises. Most startup business have losses in the first year or so. Denying deductions on the theory that there is not enough income in that business to offset expenses is unwise and fallacious. When expenses exceed income in any business, it is obvious that income taxes are less, but unfair to say that the Government's money is being used. In the long run, tax revenues are increased through policies that stimulate investment.

Some may question the use of tax policy to encourage or discourage investment. But the fact is that any major alteration in our tax structure inevitably leads to that result. In the final analysis, the LAL proposal discourages investments in cattle operations at a time when housewives are crying over meat prices; discourage investments in real estate at a time when we claim to want better housing for all our citizens; and discourage investments in oil and gas at a time when the "energy crisis" is not merely a phrase but a reality.

The LAL proposal, although possessing certain initial emotional appeal, is detrimental to the national interest and is inconsistent with fundamental and important national policies.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. BARTLETT. I yield.

Mr. CURTIS. I would like to commend the distinguished Senator from Oklahoma for the speech he is making.

We should review our tax laws from the standpoint of the public good and the needs of our economy. I am afraid that some politicians in the country have been carried away by cliches, by statements that have had appeal without substance.

Prior to the nominating conventions and the Presidential race last year, I heard speeches that advocated changes in our tax laws that not only were unsound but were misinforming the American people. Some of those speakers said, "Well, there are rich men paying no taxes. Your taxes ought to be reduced. Therefore, I will do something."

In the first place, the alleged facts were inaccurate; but, in the second place, we have to have a tax law that makes it possible that individuals spending hundreds of thousands and millions of dollars in a search for oil or gas be treated equitably in their tax returns; that if they have other income, the fact that they have sought oil or gas and did not get it is a just factor to be taken into account. That is just, it is fair, but, furthermore, it is in the public interest.

Likewise, few people understand that if there is oil underneath the ground, it is irreplaceable. We can plant some crops on the surface, and can plant more crops the following year. It is a recurring annual production. But when we take the oil out of the ground and sell it, we are selling something that is not replaceable. It is not a recurring production. It is like selling one's farm an acre at a time. It is not ordinary income. And that is where the whole theory of the depletion allowance comes in—one is depleting his capital; he is not engaged in an annual production of something.

Mr. BARTLETT. Does not this proposal increase the taxes, and hence the cost of doing business for those engaged in the oil and gas business, and hence would it not need to be passed on to the consumer?

Mr. CURTIS. That is correct. Furthermore, it increases the shortages. It is an unsound tax law. It is unsound conservation and development of our natural resources. It is unsound from the standpoint of the needs of our people.

I think the individuals who make that proposal are well meaning, but they certainly do not understand either the tax law or our resources or the needs of our economy, and I am including certain individuals in the Treasury in that regard.

We had an experience in 1969. There was a big hue and cry—"Let us reform the tax laws. Let us plug the loopholes." When we got through, we had done two or three things: In the first place, we had decreased our revenues about $6 or $7 billion—more by present standards because that law is still in effect. Second, at the very time we were on the verge of an energy crisis, we took action in that tax law to discourage exploration, finding, and development of petroleum and natural gas. Somewhat parallel to this is the proposal of the Treasury with reference to an added value tax. The disturbing of the right of an individual who may want to charge off certain expenses now allowed in farming against his income is another. It will not bring in enough revenue to give anybody a noticeable reduction in his taxes, but it will discourage the production of livestock, and no doubt other food substances. It will increase the shortages just as the Tax Act of 1969 increased the shortage of fuel and energy resources. At the same time, the rank-and-file taxpayer will not get any benefit. It is a wrong theory.

We are very much indebted to the distinguished Senator from Oklahoma for calling the matter to the attention of the Senate today as he has. I apologize for taking up so much of his time, and I do appreciate the Senator's yielding to me.

Mr. BARTLETT. I thank my good friend and colleague from the State of Nebraska, whose views are well taken and who has made a contribution to this subject.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. JOHNSTON. Mr. President, I want to congratulate the Senator from Oklahoma for his excellent dissertation on the very bad effect of the proposed tax law. We know that this is not just a question of what these laws would do if enacted, but also a question of what these proposals are doing today by virtue of the retroactive effect that Secretary Shultz advocated when he proposed the new section for the IRS Code.

I criticize the proposal for two reasons: First of all, it is not fair because the tax laws explicitly permit the deduction of tangible costs of drilling an oil well against other nonrelated income. Second, it discourages, rather than encourages, the drilling of oil.

If one has other oil income, he can deduct the intangible costs of drilling an oil well. If one is not rich, but is an ordinary person who wants to invest $500 or $1,000 in a wildcat oil well, he cannot deduct it. It will be the fat cats who have plenty of oil income who can continue to enjoy the benefit of these deductions. Those individuals who do not have other oil income will not be able to do so.

The problem of equity is one with which the Congress has wrestled for years, always trying to make the tax equitable. And that is a serious consideration. However, more serious is the fact that this proposal tends to discourage the drilling of wildcat wells at a time when our Nation has a severe energy crisis.

Seventy-five percent of the oil wells drilled in the lower 48—that is the United States exclusive of Alaska and Hawaii—are drilled by independents and not by the big companies. Most of these are wildcat wells and wildcatting is a very risky business. Considerably less than one out of five wildcat or exploratory wells are successful. Approximately 83 percent of all exploratory wells result in dry holes. Frequently these "long post holes" can cost $500,000 to $1,000,000. This is most assuredly a high risk business.

What does the independent do when he wants to drill an oil well—keeping in mind that this constitutes 75 percent of the oil wells drilled in this country? First, he must locate and obtain the rights to a geologically feasible prospect. Then he must contact people who have a little extra money, people usually in a higher tax bracket—such as our friends the doctors who seem to have lots of extra money. He will ask, "Will you invest with me and put up $1,000 for this purpose? If we are not successful on the wildcat, you can deduct the entire cost of it on your income tax this year. If we do hit, you can deduct the intangible costs and you will have a break in terms of depletion allowance."

That is the way that most wells are drilled by independents in the lower 48. It is done because people are willing to put up risk capital in a very risky business.

The President has proposed that we disallow the intangible drilling cost deduction as now applied and compounded this error by making it retroactive to April 30.

As a practical matter, the result of this proposal is a diminution of the attractiveness of investing in drilling ventures. The independent is now forced to approach his wealthy doctor friends and say, "I have a rich prospect. Let me have $x$ dollars for this purpose." The doctor will ask, "Can I deduct that from my other income on my tax return if we hit?" The oilman must tell him, "I do not think so, at least if the present proposed tax legislation passes."

Mr. President, even if we defeat the proposed legislation, the retroactive aspect of this proposal will nonetheless kill oil drilling in the lower 48 while are considering the matter.

Mr. President, I want to join in the strongest way possible with my distinguished friend, the distinguished Senator from Oklahoma in urging not only that Congress defeat this ill-conceived measure, but also that Congress see that the retroactive provisions of the measure which make it retroactive to April 30, are deleted and deleted now.

If it should be decided by the Congress that the original proposal has merit, the Congress can pass it, but not retroactively; because even suggesting that it be made retroactive does kill oil drilling in north Louisiana, where I live, and also in south Louisiana, where the business is very big. I imagine this is also true in the great State of Oklahoma represented by my friend, the Senator from Oklahoma.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired. Under the previous order, the Senator from Louisiana (Mr. JOHNSTON) is now recognized for not to exceed 15 minutes.

Mr. JOHNSTON. Mr. President, I thank the Chair. Now that I have stolen all the time of the Senator from Oklahoma I will yield him such time as he wants of my time.

Mr. BARTLETT. Mr. President, I thank my good friend, the Senator from Louisiana, for his very astute remarks spoken at a time in this country when our energy sources are not sufficient and at a time when we are not facing up to the many problems that exist today.

I believe the impression given by the administration's proposed action would be that we do not have any real concern about our sources of enegry, that perhaps we have sufficient sources.

I refer to an article in the newspaper this morning and last night about the nation of Libya cutting off its suppies of production for 24 hours and three other nations joining for 1 hour to show us that they do not like our foreign relations with respect to Israel.

So we face not only the question of bankruptcy by virtue of buying so much foreign oil, but we also face the problem of severe blows to our economy because of the negative balance of payments. I would point out that we also face the problem of blackmail by nations which could take advantage of our inadequate supply.

The proposal of the administration, as the Senator from Louisiana so very ably stated, is not timely.

Mr. President, I have some additional statements that I would like to make.

Mr. GRIFFIN. Mr. President, would the Senator yield?

The PRESIDING OFFICER. The Senator from Louisiana has the time.

Mr. JOHNSTON. Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, is time allotted to me under a special order this morning?

The PRESIDING OFFICER. The Senator is correct. The Senator from Michigan has 15 minutes under a special order.

Mr. GRIFFIN. Mr. President, if it is agreeable to the other Senators, I ask unanimous consent that the Senator from Oklahoma have some additional time, if he desires, out of my time.

Mr. BARTLETT. Mr. President, I thank the Senator from Michigan. However, I think there will be ample time since other Senators have special orders. I appreciate the offer of the Senator from Michigan.

I would like to point out that the action of the Treasury Department would tend to reduce competition, as the Senator from Louisiana has said, from among that part of the oil and gas industry that is generally referred to as the independents, the small businessmen, because they are the ones who principally supply the funds from outside of the industry for the purpose of financing drilling ventures.

It is reported and it is generally agreed that 75 percent of the oil funds in this country are spent by the independents. The wells are subsequently purchased by major oil interests.

So the competition would be reduced by this proposal. It would also tend to reduce the number of small businessmen and the independents.

The retroactive feature, as the Senator from Louisiana has so very ably stated, has already discouraged some willing funds from continuing their drilling activities. Unless this feature is removed immediately, it will eliminate the drilling of other wells.

It is interesting that the amount of capital invested in the oil and gas industry in recent years has come, most of it, from funds other than those generated by the industry itself—other than profit.

The change from 1961 to 1971 is an increase from 13 percent of total funds coming from outside to 29 percent. So this particular suggestion or proposal if allowed by the Treasury Department, would increase very markedly the moneys available for exploration.

The definition, for tax purposes, of an exploratory well would deal quite a blow to States that have mature oil developments such as the State of Louisiana, the State of Oklahoma, or the State of Texas, because it provides that an exploratory well must be located at least 2 miles in all directions from any well which is producing or has produced in the past. Oklahoma has a surface area of 69,000 square miles and we have had 212,000 producers. Obviously, there are relatively few sites in Oklahoma where a test can be located so as to meet the administration guidelines for the Exploratory Drilling Investment Credit. If those wells were evenly distributed, which of course they are not, it would take only some 17,000 producing wells rather than the 212,000 to cover the whole State.

This clearly shows that there would be immense areas of the State that would no longer enjoy the same tax advantages that are now available to the entire industry and to outside sources of revenue.

Also, the definition that they provide does not make sense because so much of the drilling today is deeper, and the fact that a well did produce at one time at a shallow depth in no way has any relationship to whether or not there will be production at a deeper and more expensive level. So this guideline is very unfair, and particularly unfair to those, again, who are in the independent sector of the oil and gas industry, because they are the ones who are more apt than the others to probe and drill around in the older areas, the shallower areas, perhaps going deeper, perhaps trying for secondary recovery, perhaps attempting to recover more oil from areas which have already been depleted.

Mr. President, I yield the remaining time of the Senator from Louisiana back to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I again congratulate the distinguished Senator from Oklahoma. I would like to add just one additional thought, and try to emphasize it as much as I can. I point out that my friends who are independent oil operators in the State of Louisiana have informed me that so long as this measure is under consideration, they are out of business; that there will be no more independent wells financed by independent money so long as the Treasury Department proposal is under consideration by Congress because the thing business hates worst is uncertainty. Indeed, anyone harboring uncertainty about what the potential tax treatment of his investment is simply not going to make an investment, and is not going to explore for oil and gas.

So, in the strongest way possible, I would urge the Treasury Department to withdraw the retroactive provision of this measure, and let it be considered by Congress in due course without any consideration of it as a retroactive measure.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 15 minutes.

Mr. BELLMON. Mr. President, I wish to commend my distinguished colleague from Oklahoma for the leadership he is displaying today in calling the attention of the Senate and the country to the dangers inherent in the recent recommendations of the Secretary of the Treasury.

It may not be well known by the Members of the Senate, but Senator BARTLETT is one of the most respected and knowledgeable leaders in the petroleum industry from my State. He is highly trained in petroleum science. He has had the advantage of a lifetime of active participation in the oil and gas industry. He is a highly respected former Governor of the State of Oklahoma, and while in that capacity, he served for a time as chairman of the Interstate Oil Compact Commission. I doubt that the Senate has ever had a more knowledgeable or better informed Member on energy matters, and I again congratulate and commend him for the leadership he has taken in attempting to show the Senate this morning the danger in the present situation.

Mr. President, last weekend while in my Oklahoma City Office I was visited by a constituent who had a problem which dramatically demonstrates the extent of the damage being done in this Nation's critically short energy supply by the so-called tax reform proposals made by Secretary Shultz.

My visitor was a former employee of the Chase Manhattan Bank. He had given up his position there and came to Oklahoma to join with a small independent oil and gas exploration firm in an attempt to develop a natural gas field. The group had taken an oil and gas lease on several thousand acres in an area which had been thoroughly drilled for oil and generally abandoned as being only marginally productive and economically unattractive. Since natural gas prices have been held at uneconomic low levels, previous exploration activities had disregarded possible gas producing zones.

This group had hoped to come into that old field and produce gas commercially. The group set up a drilling fund to raise capital needed to drill and complete wells for natural gas production. Shares in the fund were being offered to out-of-State investors with high incomes from sources unrelated to oil and gas production.

With the announcement of Secretary Shultz' proposals, sales of shares in the drilling fund came to a screeching halt. Two provisions in the Secretary's proposals have caused investors to turn away from drilling funds—first is the provision that present deductions relating to intangible drilling and development costs be limited to professional oil operators. This is the point my colleague from Louisiana was making just a moment ago.

And second, the proposed change in the rules applies as of May 1, 1973, even though congressional action on the Secretary's proposals is months—perhaps years away. In fact, it is my opinion that these two elements of his recommendations are headed for the legislative scrap heap where they belong.

I told my constituent that he should go back to his potential investors and tell them that the recommendations of the Secretary of the Treasury literally had no chance of passage, and that he should therefore not stop his drilling fund share sales, or stop his efforts to produce the gas which this Nation desperately needs.

Mr. President, here is what these proposals would do: First, they would largely end exploration for and development of new oil and gas fields in the mid-continent area.

The reason is that the mid-continent area is so picked over that professionals including the major oil companies have largely withdrawn from the area and are devoting their talents and capital to offshore and foreign operations. This means that most of the new discoveries in the mid-continent area are made by independents using capital raised from investors whose incomes come from outside the petroleum industry. The drilling fund is the most common device for raising the capital which these independent operators must have.

Mr. President, if we dry up this source of oil and gas exploration funds we will bring exploratory efforts in the mid-continent area to a halt because the professionals are engaged elsewhere and the amateurs simply do not have the capital available to drill in these economically hazardous areas.

The problem is made even more acute by the provisions in the Secretary's recommendations that any transaction or commitment entered into after May 1, 1973, will be governed by the provisions which he has proposed. If the Secretary had intended to stop oil and gas exploration in its tracks, he could not have thought of a more devilishly effective means of accomplishing his ends. Why would any sane high-income taxpayer currently invest in a drilling fund when he knows that the present rules may be later changed to take away from him any economic advantage that comes from success in finding a producing oil and gas field?

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum which outlines the detrimental aspects of the administration's tax proposal.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

### MEMORANDUM, ADMINISTRATION TAX PROPOSALS

Secretary Schultz submitted his tax reform proposals to the House Ways and Means Committee in a 175 page book on April 30, 1973. Those proposals most directly related to the oil and gas industry and the probable effects thereof are summarized herein:

1. A useful idea is presented in the "Exploratory Drilling Investment Credit" (EDIC). Exploratory drilling investment is so defined as to include the total intangible drilling and development costs incurred in connection with domestic exploration, including geological and geophysical cost incurred in the taxable year up to $50,000 multiplied by the number of domestic ex-

ploratory tests actually drilled. An investment credit of 7% may be taken for unsuccessful exploratory holes and an additional 5%, totalling 12% credit is allowed for successful exploratory tests. Unfortunately, an "exploratory test" must be located at least two miles in all directions from any well which is producing or has produced in the past. Oklahoma has a surface area of 69,000 square miles. Nearly 300,000 tests (including 212,000 producers) have been drilled in the state. Obviously there are relatively few sites where a test can be located so as to meet the "exploratory" definition provided in the Schultz proposal. The American Petroleum Institute and others have previously developed definitions for exploratory wells which should be considered.

2. Another interesting suggestion is the "Limitation on Artificial Accounting Losses" (LAL). This provides intangible costs and other losses can be deducted only the extent offset by income to the investor from oil and gas sales. Dry holes would be deductible regardless of the LAL limitation. This provision would seriously reduce the participation of non-oil industry people in funding oil and gas exploration. In the continental United States between $500 million and $1 billion from non-industry sources would have been expended in calendar year 1973. It can be expected that these investments will virtually disappear. Obviously exploration will suffer greatly.

Another unfortunate effect of this provision would be abandonment of exploratory wells which normally would be completed as relatively small producers. An operator drilling an exploratory test decides at total depth whether or not the possible oil and gas showings encountered justify expending completion costs, and if so, the completion attempt is usually made. Monies spent on the test to reach the objective depth are already expended, thus they are not considered in the completion cost estimate. The changed situation, however, would require that the operator convince himself that the reserves to be encountered would pay out completion costs plus the dollar amount of expected tax savings resulting from abandonment of the test as a dry hole. Assuming 50% tax rate, since cost of completion average about 50% of cost incurred to that point, the exploratory test would have to justify twice the investment to enable completion as has been the case.

3. The Schultz proposal calls for effective date to be retroactive to April 30, 1973, regardless of date of enactment of the proposal. Were the proposed effective date to be amended to date of passage, activities during 1973 and to passage date would continue at an accelerating pace. With the April 30, 1973 effective date, however, investors will not put up their funds in face of such retroactive application and exploration will be severely curtailed, beginning immediately, thus defeating the purpose of the act, i.e., to stimulate exploration and development.

In summary, it appears that the proposal offers substantial benefits to a relatively small number of offshore operators but that inland exploration, conducted by several thousand individuals and companies, will be severely curtailed.

Mr. BELLMON. The Secretary has demonstrated abysmal ignorance of the way oil and gas developments are made on shore in this country in these times. His lack of knowledge in this field goes back many years to the days of the Areeda report. At that time, the assumption seemed to be that this Nation no longer needed a strong, healthy domestic oil and gas industry because there was available abundant low-cost oil and gas from the Middle East. The claim was made that consumers could save some $5 billion a year if the domestic oil and gas industry were dismantled and this Nation increased the import of crude oil and liquefied natural gas it needed. Facts have never supported this assertion. In fact, the exact opposite is currently true.

The fallacy of the Areeda Commission's conclusions—and, by the way, Secretary Shultz was one of the principal members of that Commission—have been dramatically demonstrated in the years since that report was issued. Last winter, this Nation suffered through a series of critical and chronic severe energy deficiencies. At the present time many areas of our economy are deeply concerned that the supply of liquefied petroleum gas, diesel fuel, gasoline, jet fuel, and natural gas will be inadequate to supply the needs of food producers, electrical power generating plants, the transportation industry, and other vital segments of our economy. To state the problem in its simplest, starkest, but totally realistic form, if we have no fuel, soon we will have no food.

Efforts are being made to allocate our scarce energy supplies to keep the Nation from chaos brought on by the lack of essential services which depend upon dependable supplies of energy.

Also, at the current time, the cheapest source of environmentally desirable crude oil and natural gas is right here in the United States.

I want to emphasize that point and also that the cheapest source of crude oil and natural gas today is right here in the United States. Especially, the sweet low-sulfur crude on which most of our refineries depend.

Currently the domestic oil and gas industry is the consumers best friend.

Areeda was wrong, but his ghost lives on in the person of Secretary Shultz and in the form of the April 30 proposals for tax change from the Department of the Treasury.

In this morning's Washington Post, a story appeared stating that four of the principal oil-producing nations of the Arab world have halted the flow of oil to the West as a symbolic protest against this Nation's foreign policy.

Senator Bartlett referred to this article earlier and I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Arabs Halt Oil Briefly in Protest

Beirut, May 15.—Four Arab countries staging a symbolic protest against Israel's continued existence as a nation, today temporarily halted the flow of oil to the West.

The demonstration, in response to an appeal issued following a Pan-Arab Trade Union Conference in Cairo earlier this month, supposedly was timed to coincide with Israel's 25th anniversary. The actual anniversary was May 7.

The oil stoppage had special signifiance in view of world pre-occupation with the energy crisis. Though the protest was meant to last one hour, Libya went further and shut its pumps for 24 hours. The others taking part were Iraq, Kuwait and Algeria.

There was no indication that Saudi Arabia, the world's third largest oil producer after the United States and the Soviet Union, was observing the demonstration.

At a meeting of the Arab Defense Council earlier this year in Cairo, Iraq called for use of oil in the battle against Israel and indicated that it was willing to stop the flow of oil to the West completely if such a move was launched.

Kuwait officials also said recently that their country was ready to shut off the oil pipelines the moment the battle against Israel began.

Saudi Arabia has been against stopping the flow of oil as a political weapon. King Faisal was quoted three years ago as stating that a stop to pumping was "out of the question."

But a possible change in Saudi Arabian policy was seen in an interview given last month in the United States by the Saudi Arabian minister of oil and mineral resources, Sheik Ahmed Zaki Yamani.

The minister said then that Saudi Arabia might not increase oil production "unless there was a change in the political climate." This was interpreted to mean a change in the attitude of U.S. toward support for Israel.

Mr. BELLMON. Mr. President, this could be the first of many such instances since those nations have accumulated huge currency reserves and are no longer particularly interested in producing their declining petroleum resources at a rapid rate. This uncertainty of our foreign supply, plus the heavy drain that imported energy will make upon our already disastrous negative balance-of-payments position should cause the Secretary of the Treasury, the administration, and the Congress to take immediate and dramatic action to strengthen and energize the domestic energy industry in all its forms, coal, petroleum, nuclear, and geothermal, breeder reactor, and all the exotic energy areas.

In an effort to help in this endeavor, on March 12, 1973, I introduced S. 1162, entitled the National Energy Resources Development Act of 1973. This proposal includes nine steps that I feel could and should be taken immediately to place the emphasis upon the development of this Nation's abundant energy resources, so that this country could again become self-sufficient in meeting its energy needs.

I am appalled and amazed that Secretary Shultz has seen fit to lead the administration's attack on the energy problem in exactly the wrong direction.

I have joined other Members in a letter to him stressing the damaging effects of his proposals and I sincerely hope they will be quickly withdrawn.

Mr. President, Congress and the administration must immediately make a decision as to the direction this Nation will take in meeting its energy needs. If we wish to become dependent upon foreign sources for our energy and are willing to pay the price in further unfavorable balance-of-payments problems, and are willing to live with the uncertainty of supply, and with loss of control over this Nation's destiny, then the proposals of Secretary Shultz are clearly right on target.

If, on the other hand, we wish to develop the abundant natural energy resources that we have, and the Secretary of the Interior estimates that we have enough coal, uranium, gas, and oil, to last this Nation from 500 to 1,000 years, then these proposals of the Secretary of the Treasury must be looked upon as a retrograde movement.

Mr. President, I hold in my hand a table from a report published by the U.S. Geological Survey, showing what this Nation's oil and gas reserves are estimated to be. It shows that we have proved reserves of oil of 40 billion barrels and unproved reserves of 280 billion barrels. If we are going to go after this potential reserve of 280 billion barrels just in oil, we must have available the funds from outside the oil and gas industry to drill the exploration wells and bring them into production.

According to this table, on natural gas we have potential reserves of 1,200 trillion cubic feet. The same thing is true, if we want this gas, we are going to have to make available the capital it take to bring it into production.

Mr. President, the effect of the proposals of the Secretary of the Treasury to end the search for these desperately needed reserves means that the major oil companies are looking elsewhere and, without outside investors, the independents simply do not have the capital to do the job.

Mr. President, I believe that the Secretary's proposals must be rejected immediately to avoid further paralysis of our energy development efforts.

Let me again congratulate my colleague from Oklahoma for rendering a real service to the Senate and the Nation, and to stress once more my feeling that those who understand the problem must continue to lead the fight against the ignorance and the lack of understanding which seems to affect the U.S. Treasury Department and, to some extent, the entire administration.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement on S. 1162, the National Energy Resource Development Act of 1973.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 1162.—NATIONAL ENERGY RESOURCE DEVELOPMENT ACT OF 1973

PROVISIONS

I. Expands Joint Committee on Atomic Energy into Joint Committee on Energy.

II. Establishes the Office of Under Secretary of the Interior for Energy and Mineral Resources.

III. Establishes Production Payment and Work Performance Guidelines for Mineral Leases.

IV. Expands present lease offerings fivefold.

V. Establishes a Commisison on Energy Utilization and Logistics.

VI. Terminates FPC authority to regulate wellhead gas prices—new, immediately; old, over 3 years.

VII. Provides for 1% increase in depletion allowance for each 5% of increased domestic production up to 10% increase in depletion. Not subject to 50% taxable income provision.

VIII. Exempts oil companies from antitrust laws for purpose of conducting research.

IX. Authorizes the Secretary of Defense to purchase hydrocarbon products produced from coal or oil shale.

Mr. BELLMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HASKELL). Two minutes.

Mr. BELLMON. I yield my 2 minutes to the distinguished Senator from Wyoming (Mr. HANSEN).

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. TAFT) and I may change sequences in our statements here, in order that he may be heard first.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I thank the distinguished Senator from Wyoming for yielding and reversing the order.

I want to begin my remarks by commending the junior Senator from Oklahoma and the senior Senator from Oklahoma for their initiative in this matter. The fuel crisis is one of the most important problems facing the Nation.

In Ohio it is an immediate problem. Unfortunately, the only reasonable resolution of the problem I can think of is to urge the Secretary of the Treasury to reverse the recent notice he has given with respect to proposed tax investment changes. These changes which are to become effective on May 1 could prove to be most damaging.

If he fails to do so, the result will be to absolutely cut off the supply of outside capital for development of oil and gas wells in the State of Ohio and, for that matter, so far as I know, throughout the Nation.

Mr. President, many of us are already aware of and concerned with the energy shortage which has developed in recent months. It is difficult to pick up a newspaper these days without reading about the energy shortage and its effects. The Department of the Interior has just released an extensive report on energy supply which supports to a great extent industry pronouncements on the subject.

In Ohio, last fall, a freeze was imposed which prohibited new natural gas customers, even for residences. During the winter, Ohio industrial users of natural gas saw their gas supply quotas cut even below previously announced levels, and plant expansions have been curtailed. Scores of service stations have been closed or have shortened their hours.

In view of these conditions, Congress must seriously consider any and all proposals for legislation which might adversely affect the energy supply. An example of such a proposal is contained in the tax reform provisions announced on April 30 by Secretary Shultz.

One of the major features of those proposals involves alteration of the treatment of losses resulting from expenditures for "intangible drilling and development costs" in the oil and gas industry. The proposal has the avowed intent of restricting outside investment in the oil and gas industry.

The Treasury Department explanation of the proposal specifies that it is intended that the change is to affect all transactions entered into after April 30, 1973, notwithstanding the date upon which the legislation might be passed. While such retroactive treatment is not unusual in tax law, I believe that the chilling effect of the retroactive dating on the Nation's energy supply must have been overlooked in this case.

For example, in Ohio approximately 1,300 new wells have been drilled in each of the last 4 years. As the natural gas shortage has worsened, the producers have emphasized natural gas exploration in the area. This has resulted in a significant percentage increase in production of natural gas in the State. While this is a small amount when compared with the natural gas imported from other States, it is a vital margin in a time of shortage.

It is reliably estimated that 90 percent of the new drilling in Ohio is financed at least partially by investment from outside the industry itself. One of the major factors in such investment is the present tax treatment of expenditures for intangible drilling and development costs which is afforded the investor. This treatment has been recognized since the adoption of the first income tax statute and was codified in the 1954 Revenue Code, section 263(c).

Loss of the outside investment will obviously cripple the oil and gas industry in Ohio and elsewhere. And is an immediate problem. This is because the proposed retroactive date has put a cloud on 1973 investments and each potential investor must be informed of that cloud under applicable securities laws. No doubt this is similarly affecting other States which has oil and gas production.

The problem is that in the distribution of the information regarding these investments under our security laws, it is required that there be a notification of anything that might tend to react unfavorably upon the particular investment. This means that on investments that already have been prepared, one has to put a red herring sticker on the front advising—of any request by the Secretary of the Treasury as to the effective date of legislation that might be submitted to Congress. The effect, unfortunately, is simply to cut off completely this particular type of investment to the detriment of the public generally.

The only way to eliminate the sticker requirement is for the Secretary of the Treasury to reverse the position he has taken. Such notification, in my opinion, is highly speculative and misleading anyway, in view of the attitude of Congress that we have seen in the past on these issues. The only way it can be eliminated is for the Secretary of the Treasury to pull back on the requirement.

The merits of the proposals will obviously be argued long and hard. But none of us is ready to consider a decision on the merits at this time. We do not even know if it would clear the Ways and Means Committee of the House of Representatives. It seems unlikely, in view of past decisions of this kind, that it would. This is why I feel that the proposal concerning the retroactive effective date must be reconsidered immediately. If we later reject or modify the proposals, there is no assurance that we will be able to go back and recreate the investment which has been held back because of the retroactive date suggestion. That investment will in all likelihood be lost—with the resultant loss in energy which would have been developed with the investment, and loss of any independent companies put out of business in the interim.

Incentive tax features for investments such as those involved in this question have been in effect for decades. During this period we did not face the energy supply problems which we face today. Surely, we should not allow the retroactive date proposal to further adversely affect the energy situation without congressional consideration of the relative priorities involved. All of us should call on the Treasury Department to make an announcement revoking its position on the proposal concerning the retroactive effect of any changes which are adopted. This seems to be the only course to correct a very undesirable situation.

Mr. HANSEN. Mr. President, I compliment the distinguished Senator from Ohio upon the statement he has just made. He understands far better than most of us the ramifications of the issue we are considering and the importance of taking the steps that must be taken if we are to get a resolution of this crisis as quickly as we can. It will not be easy, but certainly what he has said underscores our concern about the action that I think must be taken if we want to anticipate with reasonable assurance that we will be able to get ourselves out of the jam in which we find ourselves.

Also, I commend the distinguished Senator from Oklahoma (Mr. BARTLETT) for his perception and understanding of the energy problem which the Nation is now experiencing, and for his most appropriate remarks.

I fully agree with the able Senator from Oklahoma, who has had extensive experience as an independent operator in the oil and gas business and who knows whereof he speaks.

Mr. President, President Nixon in his recent energy message to Congress recommended that the price of newly discovered natural gas be decontrolled and that the Congress extend the investment tax credit to exploratory drilling for oil and gas. Secretary of the Treasury George Shultz, included that recommendation in his recent proposal for tax change to the Ways and Means Committee of the other body. He told the committee that the exploratory drilling credit at 1973 levels would amount to about $50 million a year.

But what the Lord giveth, He also taketh away, and what Mr. Shultz did not publicize was another provision buried in another part of the tax change proposals that would eliminate the application of intangible drilling expenses to nonrelated income and thereby take away one of the most important sources of financing from an independent producer. It could also wipe out the drilling fund business—some 75 of them—which has become an important source of exploratory financing to independents and several majors as well.

While Mr. Shultz was helping the industry by taking away the source of somewhere between one and one-and-a-half billion dollars a year for the $50 million the President had offered, his deputy, William Simon, who is also chairman of the President's Oil Policy Committee, was making a speech to the Financial Analysts Federation of Washington. He told that group that U.S. energy industries will need $500 billion in the next 15 years to meet soaring energy demands. Of that $500 billion, Simon said, $150 billion would be needed for exploration and production of crude oil and natural gas and another $30 billion for 58 new refineries. He said the President's recent energy message is a blueprint for action that must and will be taken. However, he did not mention what his boss, George Shultz, was telling the Ways and Means Committee.

The Senator from Texas (Mr. TOWER) and I are meeting with Mr. Shultz this afternoon in an effort to point out the absolute absurdity of such a proposal, especially at this time. It is like throwing an anvil to a drowning man.

And while some U.S. Senators and Treasury Secretaries talk about eliminating what few incentives the industry now has to explore for new reserves, Japanese groups with government financing are making package deal offers for oil in the Middle East and trying those deals down with hard cash on the barrelhead or long-term, low-interest loans.

They have $20 billion in monetary reserves accumulated from a trade imbalance with the United States, and they are using it to outbid U.S. companies.

Over the past year with increasing frequency we have seen symptoms of the energy crisis beginning to develop. Schools have been closed. Plants have been closed, resulting in unemployment. Grains untreated for lack of fuel have spoiled. Inland water transportation in the Midwest was seriously curtailed. Even in the East, it was necessary for the Government to order release of bonded jet fuel to keep some domestic airline flights going. Many independent gasoline stations have closed. Other stations will be short of fuel. Commuters and vacationers will experience spot shortages of gasoline this summer. Blackouts and brownouts may also recur this summer.

This coming winter more natural gas will be curtailed. The FPC estimates that winter 1973–74 curtailments will equal or exceed one trillion cubic feet or about 4 percent of our annual consumption. Many gas users will be trying to switch to oil to fill the natural gas gap. There will be shortages of oil and more homes, offices, factories, stores, schools and hospitals will suffer the squeeze of a national shortage of heating fuels.

These are the symptoms that the man in the street will either be experiencing himself or learning about through the media.

Behind these symptoms lie causes. The statistics paint the picture. I will not quote them. Senators have heard them before.

In 1966, over 80 percent of new Permian Basin gas was sold to interstate pipelines; by the end of the first 6 months of 1970 the proportion of new gas being committed to interstate as opposed to intrastate markets had been reversed. In the first 6 months of 1970, 90 percent of new Permian Basin gas was being sold to intrastate consumers while less than 10 percent was connected to interstate pipelines. Interestingly enough, the most dramatic change in the pattern of gas commitment took place in 1968 following a Supreme Court decision affirming the FPC's Permian Basin area rate decision.

Up until recent FPC pricing changes, it was actually costing more to find and produce gas than its return on investment.

Due to environmentalist litigation and a footdragging Federal leasing program the industry has had inadequate access to the Outer Continental Shelf to search for oil and has been unable to transport Alaskan oil to the lower forty-eight.

We have been forced to turn increasingly to foreign oil to fill the domestic production gap. If this trend continues, the National Petroleum Council estimates that our oil imports will increase from a current rate of some six million barrels a day to about 19 million barrels a day in 1985. That is to say that our total annual oil imports will increase from about 30 percent of domestic usage now to over 60 percent in 1985.

If this comes to pass, our balance of trade deficit for energy fuels alone in that year could reach $30 billion. Furthermore, the Arab countries fully understand the political leverage which goes with being the major world supplier of energy.

Why then has domestic production of oil and gas failed to keep pace with growing demands? The decline in our domestic oil and gas exploration and development has resulted from poor economics, not poor geology. From the scientific side, I need only cite the conclusion of the late Dr. William Pecora, Under Secretary of the Interior and an internationally honored earth scientist. In a speech to the conference board in New York, in April 1972, Dr. Pecora warned that steps must be taken to assure the consumer that adequate domestic oil and gas reserves will be available. Dr. Pecora said in that speech that the potential oil and gas resources remaining to be found and developed would meet our 1971 needs for these two fuels almost 100 times over.

On May 10 the Wall Street Journal in its lead editorial said:

> No one really knows how much a given increase in price will add to domestic reserves. Administration specialists are willing to guess, however, that doubling the price will increase the domestic producible supply of oil by 50%. Gas reserves would increase as much and probably more.

Besides that, there is no better way to encourage research, development, and technology in other energy fields than to make the possibility of a profit a reasonable reality. Coal gasification and shale oil recovery are classic examples.

Long before we have pumped our last barrel of oil, America can become relatively self-sufficient energywise if we get on with the job of developing our total energy resources.

Environmental restrictions, Federal, State, and local must be relaxed or stretched out to relieve the crunch.

Restrictions on the use of high sulfur coal and residual oil and the use of sour crude in some of the larger coastal refineries has had a chain reaction in aggravating an already critical fuel situation.

Federal internal combustion engine emission standards have increased the use of crude oil by more than 300,000 barrels per day and if the stricter standards are met as now called for by law, the increase will be closer to 2 million barrels per day—the ultimate capacity of the Alaska pipeline if the environmentalists ever allow it be built.

The Federal Government talks from one side of its mouth about conserving scarce fuels and out of the other of increasing their use through strict and often questionable environmental standards. We all believe in clean air and water but, if the environmentalists have their way, we will be in no shape to clean up anything. It is hard to accomplish much working in the dark when you are cold.

Mr. President, I would like to observe that none of us here disagrees with the goals and objectives of the environmentalists. All of us want these things. The question facing America today is: Are we willing to take the steps necessary at this time in order to make certain that the increasingly expensive search for oil and gas can continue, that we stretch out the supply of those sources of energy we now have, and that we use those in abundant supply—and coal is one—until we get the technology perfected to go to cleaner fuels?

I think it is a matter of time before we have a viable coal gasification process worked out. When that comes about there is no reason why gas made from coal cannot help fill the shortage that now exists with respect to natural gas supplies.

For those concerned about the price, let me add a short note on that score. At the present time LNG being imported to this country from Algeria, and perhaps other points in the Mideast, it is costing $1.25 to $1.50 per 1,000 cubic feet delivered f.o.b. New York harbor. It is not a question of whether we will be paying more for gas in the future. It is a question as to whether we will take those steps now to permit an increase in price to come about to give the encouragement necessary to our domestic industry to discover more new reserves, to discover those reserves that Dr. Pecora said may exceed or equal 100 times our use of energy in 1971, or if we are going to subject ourselves to a total reliance on foreign imports that will admittedly cost at least 3 to 4 times as much as they are now costing, according to the edicts of the Federal Power Commission.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. HANSEN. I note in today's Washington Post that officials of the Oil Heat Association of Maryland have asked Gov. Marvin Mandel to suspend air quality standards. The alternative, the industry officials told the Governor, is a shortage of home heating oil next winter.

They told the Governor that the clean air rules are requiring business and industries to use more home grade heating oil in order to meet air quality standards.

This approach will have to be taken by more States if we are to avoid a real crisis in fuel shortages for farm use this spring, summer, and fall and in another crisis in fuel for home heating and transportation next winter.

As desirable as secondary clean air standards may be, they can and must be relaxed until we can solve present and pending fuel supply and distribution problems.

A number of activities that engage the attention and the energies of the people of the United States can be put off, can be delayed, can be postponed temporarily; but there are a few that are not regulated by man; they are regulated by nature, and I submit, along with other such matters as fall in this category is the time to plant and the time to harvest. We cannot delay that. If we do, we do it at great risk to the future supplies of food in this country.

Mr. BARTLETT. Mr. President, at this point in the RECORD, at the request of the Senator from Alaska (Mr. STEVENS), I wish to state that the Senator from Alaska is opposed to the action taken by Secretary of the Treasury Shultz. The Senator from Alaska will later submit a statement for the RECORD to express his opposition.

Mr. President, I yield 2 minutes at this time to my good friend, the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, I thank the Senator from Oklahoma. First, I associate myself with the remarks heretofore made by the Senator from Louisiana, the Senator from Ohio, and the Senator from Wyoming, and the two Senators from Oklahoma as they concern themselves with the stated intention of the Secretary to make certain investment costs now applicable to the development of oil and gas retroactive with respect to oil and gas to April 30 of this year.

Mr. President, my remarks today are not directed at whether or not we should change the law with reference to such intangible deduction costs, but rather to whether or not the Secretary should put such a damper on the matter at this point by stating publicly that he intends to seek such retroactivity at this time.

It seems to me that it is extremely important, and the Secretary's statement does not take cognizance of the extreme hazards that exist in our country with reference to the further development of our natural resources of oil and gas.

Mr. President, I join with the many other Senators who have requested that the Secretary of the Treasury remove from the active record such intended action and leave it to the wisdom of the Congress to decide whether we will change the law.

I do not say that the law should not be changed. However, I do favor the continuance and expansion of exploration in this particular area of oil and gas.

I know that my friend, the distinguished Senator from Oklahoma is far more expert in this field. I join with him today in asking the Secretary to remove the cloud which he has now placed upon the investment approach taken by many people in this country, principally through the independents who do not have sufficient resources without the aid of outside investors.

I commend those Senators who have preceded me, particularly the Senator from Ohio for his remarks on this approach, a Senator from a State that is not in the West or Southwest.

Mr. BARTLETT. Mr. President, I commend the Senator for his remarks. I thank my colleague from Oklahoma and the Senators from Louisiana, Ohio, Nebraska, and Wyoming for their remarks this morning.

There is no question that we will be facing higher and higher prices. Perhaps there is a question as to how high the prices will go on our energy needs.

Mr. President, there is a big question on the ability of the country to provide the necessary supply. I think that the actions taken by Secretary Shultz will give the impression to the rest of the world that we are not concerned over this matter. I think that he is showing that he is out of step with the times and is turning his back on the matter. I think he is approaching the question in the same clumsy way in which he approached the matter of imports in 1969.

I think it is most important that we level with the people so that they will know that we are facing desperate times and are having difficulty in providing the needed energy to run this Nation.

I stated earlier that Libya and three other nations are restricting their production of oil, and that as a signal to this country that they do not like our attitude toward Israel, they have shown us the kind of blackmail that we can expect in the future.

I have been saying for some time that it will be forthcoming. It is now with us. It may very well be expressed in far more convincing terms in the future than it has been in the last day or so.

Mr. President, I thank my friend, the Senator from New York, for permitting me to speak at this time. I now yield back the remainder of my time to the Senator from Michigan and yield the floor to the Senator from New York.

---

## DOMESTIC PETROLEUM EXPLORATION

Mr. DOLE. Mr. President, I wish to add an expression of my concern to that which is understandably apparent in this body today with regard to the tax proposals which would and are having the effect of decimating the ranks of domestic independent oil and gas producers. I can see no other result, for the big, integrated, international oil companies would be unaffected by these proposals. Representing a State long abandoned by these big companies, a State where the small independent explorer is the backbone of what is left of the oil and gas business, I am mystified that the administration would advance proposals to dry up the outside capital available to independent producers on a share-the-risk basis.

### CONSISTENT POLICIES

There has been a great deal of lip-service given recently to the need to reverse our declining energy supply position. But we quit meeting the increased demand for natural gas 4 years ago. We are dependent on foreign oil for a third of our need for liquid fuels. In fact, because we have peaked in gas production and are experiencing a rapid decline in our oil-producing capacity, the total increase in demand for these fuels is being met by foreign petroleum, primarily foreign oil.

If we are to reverse our deteriorating energy supply position, we are going to have to adopt policies that are consistent with the demonstrated needs. We want energy and adequate energy, but at every turn there seems to be a new roadblock tossed in the way of energy exploration and development. Some appear to delight in berating the "international oil companies," and if that is a satisfying exercise, fine. But virtually every attack or change I see put forward on public policy affecting petroleum development would wipe out the smallest first leaving the so-called giants untouched. And these particular administration proposals fall into the same category.

Last month the administration sent an energy message to the Congress. The initiatives put forth in it left room for some improvements and changes, but they were generally felt to be headed in the right direction—toward turning us around on energy development. At last it was felt, here is something that advocates encouragement, rather than economic reprisal against the people who have found most of the oil and gas in America—the thousands of venturesome independents who put their money on the line in the riskiest enterprise in America.

### SURPRISE TRADEOFFS

The President's energy message even recommended improved tax incentives for domestic oil and gas exploration, in the form of small tax credits for exploration expenditures. There was not a hint in the message anywhere that Secretary Shultz would soon be forwarding the "tradeoffs" for this relatively small tax incentive that was tossed to domestic producers. But when the "tradeoffs" came, they were marked well in bold language, and the message was: If you are an independent oil producer who relies in part on outside risk capital to explore for oil and gas, your outside capital sources will be dried up.

### REAL BUSINESS COSTS

Mr. President, the intangible drilling costs—IDC's—incurred by investors in oil and gas exploration and development are nonrecoverable in the strictest sense of the word. They include costs such as labor, drilling mud, cement put downhole, and site clearing. They are clearly business costs that ought to be expensed. They are the same as newsprint and labor, two large expense items in running a newspaper, which are and ought to be expensed. It was never the intent of Congress in providing for intangible writeoffs, that types of income or different sources of income should be subject to discrimination. But the treatment suggested by Secretary Shultz for intangible expenditures for outside investors in oil and gas exploration is tax discrimination.

What Mr. Shultz is saying is that if you are a dentist or a building contractor or a professional engineer, and you invest in a drilling venture you can expense your intangibles only against oil and gas income—not against your regular income. This is hair-splitting, a distinction between risk dollars depending on their source, and it does not make sense. Oil and gas exploration is a high-risk enterprise. If there are tax provisions which recognize this, they ought to apply to any willing risk dollar—and not just select risk dollars.

### ENCOURAGE DOMESTIC EXPLORATION

We ought to be doing everything possible to attract all available dollars into petroleum exploration and development. We ought to be doing this particularly in the lower 48 States, onshore, because for the rest of the 1970's these 48 States which are the province of the small, independent wildcatters and explorers, offer the best hope of meeting increased needs for that essential fuel, natural gas. No other source, foreign or domestic, conventional or synthetic, offers an equivalent hope for substantially increasing natural gas supplies at comparable costs.

At this crucial time it is unrealistic, to say the very least, to put forth disturbing and discouraging tax proposals that would foreclose willing petroleum exploration investors from making a contribution to findings vitally needed new oil and gas supplies. I hope Secretary Shultz can be persuaded of this fact and will abandon this negative proposal which is at cross-purposes with the administration's declared intent to revive our domestic oil and gas exploration and development. If he does not, I trust the Congress will make the decision.

The Treasury Department acknowledges it is merely playing musical chairs with the taxpayers in these proposals. It said, accurately, that no new net revenues would be involved in these proposals. It is simply shifting the tax burden around and putting a big load on those who have dollars they are willing to risk in petroleum exploration.

### TIME FOR DECISIONS

It is time the administration made a basic decision. Does it want to encourage renewed petroleum exploration, or does it merely want to shift tax dollars around and create uncertainty of a kind that will dry up half the petroleum exploration now taking place? I hope the decision will be made soon and in the proper direction. I believe the reality of our deteriorating energy situation will compel Mr. Shultz to withdraw this proposition. The sooner the air is cleared on this matter, the better—for all concerned.

---

## RESPONSE TO SECRETARY SHULTZ' PROPOSALS FOR TAX CHANGE—AN INTRODUCTION

Mr. STEVENS. Mr. President, despite Secretary Shultz' good intentions of presenting a tax proposal to increase exploration of gas and oil in the United States to meet our growing energy needs, his plan does just the opposite.

By limiting tax deductions only to exploratory and drilling operations that have proved successful, the proposal defeats its purpose because the incentive for finding new oil is severely limited.

Many of the independent oil firms simply do not have the capital resources to survive a proposal like that offered by Secretary Shultz. Exploration and drilling is expensive and without deductions for exploration and drilling many independent firms could not embark on the search for America's energy for fear of bankruptcy.

Secretary Shultz' proposals do not only have an adverse impact on securing domestic sources of energy but they conversely put U.S. oil firms searching for oil abroad in a disadvantageous position.

### THE NEED FOR NEW EXPLORATION

Petroleum exploratory and development drilling activity measured by number of wells has declined sharply since 1956: New-field wildcat wells decreased by 42 percent and development drilling by 52 percent. At the same time, there has been no decrease in expenditures for exploration and development. The reduced level of activity has been offset by increases in unit costs.

Needed additions to reserves of oil and gas have fallen severely below rising demand.

This has resulted in a steady decline in the ratio of reserves to consumption and an increased reliance on foreign oil—a reliance that has not only shocked our economy, but also has raised definite questions to this Nation's national security. Oil imports supplied 16 percent of domestic requirements in 1956, 29 percent in 1972 and are expected to account for 35 percent, more than one-third of our needs, this year.

The three major reasons why we have lagged behind in developing our energy resources at home have been in major part due to price restrictions and ever-increasing costs which have resulted in inadequate returns on new investment, delayed access to potentially productive offshore areas—especially in my home State of Alaska and, of course, real or in many cases imagined environmental concerns.

### OIL PROFITS AND OIL TAXATION

It is obvious to most persons who have evaluated the oil industry to other business sectors that petroleum industry profits are not excessive by any objective standard. The rate of return on shareholders' equity has been less than the average for other manufacturing businesses in 7 of the last 10 years.

Conversely, the petroleum industry's tax burden is greater than the average for all U.S. corporations, even if sales and excise taxes are excluded. If sales and excise taxes are in fact included, the petroleum sector's taxes are over three times as high.

It has been estimated that the Federal tax changes adopted in 1969 increased the petroleum industry's tax burden by $518 million in 1970. The November 1970, crude oil price was only enough to offset this added tax burden. Price increases simply cannot stimulate more rapid source development if they just offset increased tax burdens.

However, the discouraging trends of recent years can be reversed through adoption of a positive national energy policy—not through proposals like that of Secretary Shultz, which would just compound our already crippled effort for energy exploration.

### INTANGIBLE DRILLING COSTS

Current deduction of intangible drilling costs is an incentive of vital importance to the economic health, to not only the petroleum industry, but on a larger scale to the United States.

Repeal or limitation of this deduction would cause the withdrawal of vast amounts of capital, which would delay the search for sorely needed oil and gas over the next several years.

The additional tax revenue expected from requiring IDC costs to be recovered through depreciation would be short lived. Additional tax revenue would be realized only until annual capitalized expenditures increased to the level of annual IDC expenditures. Thereafter, tax revenue would be unaffected by the change. But a reduction in the IDC expenditures would reduce discoveries and, in the long term, reduce profits and consequently tax revenues.

### THE NEED TO REMAIN COMPETITIVE ABROAD

U.S. taxation of foreign source income of American petroleum companies must be evaluated in the light of the importance of their activities to the national interest of the United States. The United States will require large volumes of petroleum imports in the next 10 to 15 years—especially if the construction of the trans-Alaska pipeline continues to be delayed.

If privately owned U.S. companies were unable to continue to complete effectively in the international oil industry, this Nation would inevitably become largely dependent for its essential foreign supplies on companies owned in whole or in large part by foreign governments—especially unstable Middle Eastern governments. It is essential to realize here, that there would be no assurance of even-handed treatment of all countries in a supply crisis.

It should be noted that our balance-of-payments problem is a staggering one and that our imports of oil have contributed heavily to this deficit problem. But, the participation of U.S. companies in the world oil industry has definite positive implications for helping equalize our balance-of-payments problem. Indeed, in 1971, earnings by U.S. oil companies abroad exceeded new outlays by about $1.5 billion.

### CONCLUSION

The Nation's energy needs can be met only if the supply of external capital is sharply stimulated. One such stimulas would be a marked increase in energy prices. However, price increases alone are not the answer.

Secretary Shultz' proposal is not a proposal that will stimulate exploration which would result in developing new sources of domestic energy—rather it would retard that important goal. We must give our oil industry the opportunity to go forward and find the oil we most urgently need—we must not place new handicaps on their most important and vital job.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## PROPOSED ESTABLISHMENT OF A NONPARTISAN COMMISSION ON FEDERAL ELECTION REFORM—MESSAGE FROM THE PRESIDENT

The **PRESIDING OFFICER** (Mr. HASKELL) laid before the Senate a message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Rules and Administration. The message is as follows:

*To the Congress of the United States:*

A thorough-going reform of campaign practices in our Federal elections ranks high on our list of national priorities.

Many separate proposals for such reform are now pending before the Congress; in light of recent disclosures of widespread abuses during the Presidential campaign of 1972, many more will doubtless soon be made.

I believe that reform is essential, and urgent; I also believe it is vital that these proposed reforms be carefully considered not singly, but in their relation each to the others, and that this be done in a nonpartisan context.

Therefore, I recommend creation of a Non-partisan Commission on Federal Election Reform, to be established as quickly as possible and to be charged with examining our entire pattern of campaign practices and with recommending a comprehensive set of reforms. A proposed Joint Resolution to accomplish this accompanies this Message.

The Commission I propose would be composed of seventeen members. Eight of these would be chosen by and from the Congress, two Democrats and two Republicans from the Senate and two Democrats and two Republicans from the House of Representatives. It would also include the the national chairmen of the two principal political parties, and seven other, public members, to be selected by the President. No more than four of seven public members shall be members of the same political party. To further ensure its complete independence, the chairman and vice-chairman would be selected from among the members of the Commission, by the Commission itself.

The Commission's mandate would be as broad as the Federal election process itself. Nothing would be excluded. It would be authorized to examine the cost and financing of campaigns, including proposals for alternative methods of financing; laws on reporting and disclosure; the elimination from campaigns of violence and the threat of violence, and infringements on the right of privacy; curbing vote frauds; the length of political campaigns; the use and abuse of techniques such as television commercials, polling and computerized direct mail; methods of curbing the entire range of unfair or unsavory campaign practices; and anything else the Commission might consider desirable for a comprehensive reform of Federal elections and campaign practices.

It would be directed to make its final report to the Congress and the President no later than December 1, 1973. It would also be encouraged to make interim recommendations during the course of its work, in order to expedite their consideration by the Congress.

Because it bears an intimate and vital relationship to campaign reform, I recommend that the Commission also consider the question of whether the length of the terms of office of members of the Senate, of the House of Representatives or of the President should be changed.

If the Commission is to complete its work promptly, in order to allow the Congress time to consider and possibly to act on its recommendations prior to the 1974 Congressional campaigns, it is, of course, essential that the Commission begin its work soon and pursue it expeditiously. For my part, I shall do all that I can to facilitate this, and I urge the Congress to take swift and favorable action on this proposal.

RICHARD NIXON.

THE WHITE HOUSE, *May 16, 1973.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HASKELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

The **PRESIDING OFFICER**. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

## WATERGATE, OUR ECONOMY AND OUR NATIONAL INSTITUTIONS

Mr. **JAVITS**. Mr. President, I am deeply interested that almost contemporaneously with this statement of mine and without any concert whatever, the Senator from Arizona (Mr. GOLDWATER) addressed himself substantially to the same idea in a statement issued today.

This is the effect Watergate may be having on our Nation and on broader issues of vital concern to our Nation.

The fact that our political institutions are being tested with respect to Watergate does not mean that our political institutions are not basically strong and will not survive. In fact, perhaps our institutions may be even greatly improved by this catharsis. For example, the Congress may at long last, after some decades of second class citizenship, be ready to come into its own again as an equal partner in Government in matters of war and peace as in matters of domestic revenue, expenditures, and prices and wages, thereby giving to the United States an even greater stability.

In any case, and despite the testing of our political institutions, there is no evidence whatever justifying a vote of no confidence in our economic institutions which remain the strongest national aggregation of production and technology on Earth. We cannot affect what foreigners may think of our Government or our money, but we certainly can affect what Americans think of both, and this is both our duty and our responsibility.

There is no reason for pressing the panic button on account of Watergate. Our institutions are capable of dealing with even such a national scandal, and they are indeed in the process of dealing with this scandal in a way probably unparalleled in its directness and comprehensiveness than is possible in any other country in the world. Americans have every reason to assert their confidence in the country's economy—which is actually flourishing notwithstanding many productivity, efficiency, and morale problems still to be solved.

Yet it does seem that we are facing a vote of no confidence by the world in the U.S. political and economic institutions. I am convinced that those who are speculating on adversity will live to regret it. But additional steps need to be taken. It is required that the United States take effective action to insulate Watergate from the rest of the operations of our Government by the speedy appointment of a special prosecutor with adequate and autonomous and independent power. That can be done as a matter of law.

Second, it is imperative that additional economic actions be taken with respect to the inflationary boom we are facing and my proposals in this regard follow.

---

## THE MONEY AND INFLATIONARY CRISES

Mr. JAVITS. Mr. President, I speak today to the money and inflationary crises which we face in the country and in the world.

The precipitate rise in the price of gold on world markets coupled with the serious continuing decline in the New York stock market signals an international vote of no confidence as far as the U.S. dollar is concerned. The continuation and acceleration of such a tendency has the capacity for such damage to the economy and stability of the whole world that it needs to be addressed immediately, for it does not represent a question of imbalance which can be corrected by another devaluation, but simply an evidence of panic psychology about the state of public affairs in the United States.

Despite the testing of our political institutions, there is no evidence whatever justifying a vote of no confidence in our economic institutions which remain the strongest national aggregation of production and technology on earth. We cannot affect what foreigners may think of our Government or our money, but we certainly can affect what Americans think of both, and this is both our duty and our responsibility.

In this regard let me say that, compared with rates of inflation in other major industrial countries we are doing far better than they are though we must continue to do much better. I predict that the dollar will still turn out to be the strongest and most desired currency on earth—and not too long from now either. But there are measures which we need to take to implement our confidence and to buttress these findings. There are five principal areas where we must direct our attention now.

### I. PHASE III

Phase III controls have proven themselves to be inadequate and we must return to a more rigorous program of wage and price controls.

In announcing phase III, the President declared that the Federal Government would "retain the power—and the responsibility—to step in and stop action that would be inconsistent with our anti-inflation goals." More recently, the administration has announced that it is assembling evidence on profit margins in the larger firms, so that rollbacks could be instituted where necessary. We are being told, in other words, that the administration packs a stick in the closet and intends to use it when conditions warrant.

I maintain the present conditions fully warrant the use of the "stick in the closet" directed towards future price increases. And yet the administration appears to be unwilling to use it even to disallow future price increases, let alone to roll previous ones back. And while rollbacks might entail serious technical problems, surely the administration must make good on its stick-in-the-closet pledge with regard to future price increases if phase II is to have any substance at all.

In extending the Economic Stabilization Act Congress again gave the President the authority to take such action and it was my reading the the congressional mood that firmer action on the price front was clearly desired by the majority of the Members of the Congress. It is my hope that the administration's recently promulgated prenotification requirements will lead to this course of action.

In my opinion, a sector-by-sector application of phase II type controls in those areas where price trends are clearly excessive is one way to restore equity to our industrial economy which in the period since phase II was promulgated has shown considerable voluntary wage restraint but much less price restraint.

This approach—which is similar to the approach taken in World War II and Korea—is really the only way to deal with prices which are rising at rates of 10 to 20 percent a year. It is the only way to clamp down on the "sky's the limit" philosophy of pricing, which has yielded record increases in profits and profit margins for many firms in many industries. In recommending action aimed at this rapid increase in profits, the role of corporate profits in providing the incentives for further expansion and in creating the creditworthiness to finance new facilities must be carefully weighed.

For comparison with the profit picture, wage settlements during phase III to date are close to 5.5 percent—that is, the voluntary guideline promulgated by the administration. Until recently, labor has shown a willingness to join in restraint; however there are ominous signs that this willingness will be eroded in the face of staggering price increases. This does not bode well for the economy or for labor peace in the year ahead.

### II. TAX POLICY

It may be necessary to make some hard choices about tax policy, in order to dampen the excess demand which is at the root of many of the price increases. On May 8 I introduced a bill to give the President greater flexibility in setting the rate for the investment tax credit, and I hope that the President will consider seriously scaling down the present 7 percent credit to a lower number which would cool down the activity in new plant and investment spending now at a record 19.5 percent over last year.

This alone may not be enough. Clearly, continuation of a sizable full employment deficit at a time when the economy is moving into boom conditions is the worst of all possible fiscal policies. Our Nation should not tolerate such a policy, since it is a prescription for economic disaster leading to boom and bust cycles. Tax reform is of course vital and could add materially to our revenues, but to be effective it must come in time and that will not be easy. Also on the expenditure side Congress is seeking to get better control of the overall budget and expenditure pattern, but this, too is unlikely to come soon enough as to effect materially the fiscal year 1974 deficit. Accordingly, if the balance sheet of Government revenues and Government expenditures indicate the continuation of such a deficit, I feel that the administration and the Congress may have little choice but to bite the bullet and institute an increase in the corporate income tax or a personal income tax surcharge—hopefully excluding lower incomes—or some other tax device for moderating consumer demand. Responsible fiscal policy may well demand no less. In facing this possibility let us remember that substantial tax reductions which may have been unwise were effected in 1969 and 1971. I note that the West German Government, which also is facing severe inflationary pressures, has just initiated similar measures.

Recent official Government estimates indicate that the Federal Government will experience a sizable full employment deficit in the first half of 1973 even after it is adjusted downward some $6 billion for the taxes that were overwithheld. The projected deficit for the last half of 1973 is at a $1.2 billion full employment deficit level at an annual rate. These figures are unacceptable when the economy is expanding at a rate well in excess of 10 percent. Now, I am reliably informed that these rates of deficit are moderating, and that the last half of 1973 even may show a small full employment surplus because of spending restraint combined with increased revenue flows accruing to the Federal Government.

It is my hope that these statistical trends are accurate since they would argue against a tax increase. However, if this favorable trend is not borne out by subsequent estimates, our Nation will face no alternative to a tax increase. In considering alternatives, the American people should understand that there is no more regressive tax than a high rate of inflation and that high rates of inflation do more to erode real income and purchasing power than a temporary income tax surcharge designed to stem inflation.

### III. MONETARY POLICY

It should also be recognized that this is a particularly difficult time for the managers of monetary policy in the United States. The boom conditions of the economy dictate that a restrictive monetary policy be followed and the Federal Reserve Board indeed has been implementing such a policy. However, this restrictive policy must walk an exceedingly delicate tightrope to insure that money does not become so tight that the experience of 1969–70 is repeated. At that time, it will be recalled, a highly restrictive monetary policy directly led to spiralling unemployment, credit crunches, liquidity crises, enormously high interest rates, housing shortfalls and seriously depressed financial markets.

The principal problem facing our money managers is the unsustainably high rate of business borrowing from our Nation's banks. This is not to say that the present rate of consumer borrowing is not a problem. The high rate of business expenditures which is determined by this business borrowing is a key element in the boom economic conditions now facing the country which could get out of hand. This business borrowing must be dampened and dampened quickly and this is one reason why I have urged a lowering of the investment tax credit. If the business boom gets out of control perhaps a suspension of the tax credit would be called for. This suspension will reinforce the dampening effect of higher interest rates and whatever other money management tools the Government may choose to use.

If the rate of business borrowing from our Nation's banks indeed is dampened by increasing the cost of money through a mix of monetary and tax matters, this is the best insurance that ample bank funds will be available for the mortgage needs of individuals seeking to own a home, for small business and individual loans, and for the financial needs of our municipalities. In this connection the size of the Federal Government's deficit again comes into play since the size of the deficit determines the need of the Government to enter the financial markets in competition with other users of funds.

Since the credit crunches of 1965–66 and 1968–69, important steps have been taken to insure that bank funds will be available to the small borrower at acceptable rates. I refer to the recent Federal Reserve Board action toward the establishment of a dual rate interest system which seeks to insulate the interest rate on home mortgages, small business loans, et cetera, from increases in the prime rate. This policy is welcome since it should insure that the housing market does not bear the full brunt of higher interest rates as it has in the recent past. In this connection it is also worth noting that Ginny Mae and Fanny Mae have improved their techniques which will insure further that adequate funds continue to flow into the housing market.

While I am confident that the tools in hand will be adequate to dampen the present business boom while insuring that ample bank funds remain available for other critical sectors of our economy, the business community should also be reminded that the Federal Government does have the authority to take stronger action under the Credit Control Act of 1969. Then, too, in the early 1950's when our economy also faced inflationary problems, voluntary credit allocation schemes were implemented. It is my hope that such action will not prove to be necessary.

### IV. GOLD SALES

I think the Treasury must seriously take up the possibility of earmarking a portion of its monetary gold supply for sale to licensed American industrial users. At present rates of growth, gold imports alone will contribute almost $600 million to our balance-of-payments deficit. Sales of our monetary gold stock in amounts sufficient to cover this deficit would have a considerable supply effect in the thin world gold market, and would also calm the speculative fever in gold substantially. The cost of such an action would be approximately 2 percent of our Treasury gold stock per year; the benefits to our balance of payments, and to enabling domestic users to absorb the disturbing surges in gold prices, would be positive.

In addition, such an action would signal to the world that the United States takes in earnest its views, which has been expressed in official quarters before, that gold must eventually be rellegated to the status of an ordinary commodity rather than as a keystone of the international monetary system. This latter view need not be abandoned at once, but surely we must strive in the direction of reducing our reliance upon monetary gold. In my view, Treasury sales of gold to licensed domestic users would speed this movement in the right direction; a movement which to date has been too slow.

### V. CONGRESSIONAL BUDGETARY PROCEDURES

Finally, I am convinced that Congress itself holds the key to a restoration of confidence in the workings of Federal spending policies, and I would urge that the current debate over congressional budget control not get sidetracked from the real issue, which is how to bring Congress to bear effectively and responsibly in matching our fiscal resources with the Nation's priorities. This is not to say that I am completely happy with all aspects of the plan devised by the Special Joint Committee. I believe some aspects of the proposal should be changed, but it is urgently important that we take prompt action. Congress must honestly concede that at the present time, the President clearly has superior decisionmaking power, a power which is backed up by a large professional staff in the Office of Management and Budget and by hundreds of analysts in other parts of the executive branch. But, as literally thousands of constituent letters attest, the American people prefer these decisions to be made by their elected representatives in Congress, not by one man in the White House or by anonymous planners in the various executive branch agencies.

The current fix Congress is in—unable to gain control of the spending process—is not so much the fault of the President grabbing too much power as the Congress stumbling along with too little. We owe it to the people who sent us here, as well as to our own sense of the proper functioning of Government, to waste no time in establishing an effective "budget bureau" capability in the Congress.

Mr. President, I yield the floor and thank my colleague from West Virginia very much for his customary graciousness.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE BASE CLOSINGS IN RHODE ISLAND

Mr. PASTORE. Mr. President, on April 17, by public announcement by the Defense Department with reference to base closings, we in Rhode Island received a staggering, stunning blow. In one stroke approximately 5,000 civilian jobs will be lost if this edict is carried out. It involves military personnel as well, all inclusive perhaps 21,000. The indirect repercussion of this move with reference to civilian jobs will come almost to the figure of 19,000. The loss of payroll to my State will be one quarter of a billion dollars a year. Add to this an already existing unemployment rate of 6.4 percent.

Mr. President, there is no question at all that by the winding down of the Vietnam conflict some changes had to be made. We realize that today we have fewer ships than we had perhaps several years ago, and perhaps fewer planes, and that an evolution is taking place with reference to the weaponry of our country, as is happening in the countries of our possible adversaries. But the serious question that confronts our people is, Why take so much out of Rhode Island? Out of all of the jobs that will be lost in this national plan, one-half will be lost in the State of Rhode Island.

Mr. President, when you realize that we have less than 1 percent of the entire population of the country, you can well realize how staggering this blow is to our economy. I do not know if our State will ever be able to recover from it.

Mr. President, many arguments have been made by the Defense Department. They have tried to rationalize much of their action, but I daresay at no point have they been convincing.

Today an editorial appeared in the Providence newspaper. The Providence newspaper is a very conservative newspaper. It is an independent newspaper. The editorial staff is quite objective. They have written an editorial today, the title of which is "A Basis for Outrage." I ask unanimous consent that it be printed in the Record at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### A Basis for Outrage

Rhode Island's senior U.S. senator, John O. Pastore, has denounced the closing of most of Rhode Island's naval installations as "a monstrous debacle of deception." While persons may disavow the senator's rhetoric as too strong, there is basis for outrage that yet has to be fully explored.

Consider the new Newport Bridge, the most expensive tax-supported installation ever undertaken in Rhode Island. Many millions of dollars in construction costs were added to this bridge because of what the Navy then insisted upon, and which was deemed for the good of Rhode Island. The bridge had to be built high enough to allow the passage beneath of any Navy ship that was on the drawing boards, or might be on the drawing board until the year 2000. The result was a bridge with one of the highest vertical clearances in the world—215 feet from mean high water—which can accommodate easily any of the nation's largest carriers, none of whose superstructures extends vertically beyond 200 feet. Soon, perhaps, the full and bitter irony of this will sink in with Rhode Islanders—that they pledged millions of dollars in tax funds to accommodate military vessels which probably never will pass underneath because bases on the opposite sides of the bridge are now considered virtually obsolete by the Department of Defense.

Perhaps Senator Pastore is outraged, too, over the Defense Department's explanation that the new carriers won't be coming to Rhode Island because the berths are not deep enough. It should be pointed out that back in the fall of 1954, the Navy indicated that the new *Polaris* submarines would be based at Newport. This meant deepening a berth at Newport from about 35 feet to about 50 feet in order to facilitate underwater repairs. The submarines never came, but the berth was dredged and prepared.

Question: If the Navy could so easily deepen a berth for a *Polaris* submarine back in the mid-1960s on the east side of the bay, what is so insurmountable about preparing a berth on either side for the newest aircraft carriers in the 1970s? Or did the mobilization of environmentalists, intensely interested in problems of depositing the dredgings, actually figure in the Defense Department's deliberations about which home ports on the East coast were thought more important than others with respect to modernization of naval forces?

The same question can be asked with respect to DOD's observations about the landing strips at Quonset. One runway could be lengthened inland with no great problems. Lengthening a crosswind strip would mean going into the bay, a fact which again raises an environmental issue.

The Defense Department can argue that for security reasons it cannot go into all the "whys" and "wherefores" of why the Navy changed its mind about Quonset, for instance, from being one of "the most favorable sites in the Northeast for a major naval air base" to a site now considered expendable.

Senator Pastore is justifiably outraged when so momentous a change is explained solely in terms of a dredging problem and an insufficiently long airstrip.

Mr. PASTORE. Mr. President, I want the record to show that at no time were we given—I repeat, at no time were we given—an opportunity to challenge the judgment of the Defense Department. As a matter of fact, during the Presidential campaign—and I say this without venom—advertisements appeared in the Rhode Island newspapers, one as late as November 2, 1972. They appeared in the Pawtucket Times. They said that if McGovern was elected and if McGovern's plan came about, Quonset Point, Newport, and Davisville would be closed down, but that if the President was reelected, none of that would be. That was the representation made to the people of Rhode Island, Mr. President, as late as November 2, 1972. I am convinced that at that time there was already a plan on the desk of the Secretary of the Navy to close down these bases.

All we are asking for is justice. We are asking that this matter be reviewed.

Mr. President, we are willing to accept our proportionate share of the cuts, but why should they be so drastic? Why should they involve so many people? I have received letters from people who have been working at our installations for 23 years. They are not yet 50 years old, and they are asking me, "What am I going to do now? I am not eligible for retirement payments. What am I going to do now?"

I say to this Government that spreads so much of our largess all around the world in a sense of compassion. "Is this the way to deal with human beings? Is this what we do to loyal American workers?"

One man said, "Yes; they offered me a job in another place, but that place happens to be in the Aleutians." Is that the way to deal with people? Is that a satisfactory transfer?

Mr. President, this is serious business. I do not know what we are going to be able to do in order to change it, but it strikes me that the Defense Department, and indeed even the President, ought to allow a review to see whether or not justice can be done to our installations.

We in Rhode Island claim to be the cradle of our American Navy. Newport traditionally has always been a base for U.S. ships. Quonset Point came into being just before World War II. The same reasons that made them select them then exist today.

They told us that the harbor at Quonset Point is not deep enough, and yet never once have they asked for money to deepen the harbor. There was a time when it was stated they intended to port the Polaris submarine at Newport, and for that reason they asked to deepen the harbor there. We struggled to get that money, and it passed, and we deepened the harbor, and yet the Polaris submarine did not come. We built a bridge across Narragansett Bay—that was mentioned in the editorial which I placed in the Record—and we had to go up 215 feet above mean high water in order to give clearance to aircraft carriers, and that cost our taxpayers a lot more money than we ordinarily would have had to spend to bridge Narragansett Bay.

After we spent all this money and after we cooperated with the Navy, what did they do? With one stroke of the pen, they closed it down. Eighty percent of our activities are going. One-half of what is happening to the Nation is happening to the State of Rhode Island.

Mr. President, I ask whether that is fair. Is that how to deal with the people? The people of Rhode Island voted for President Nixon. And they voted for Nixon because these representations were made. Naturally, since the President of the United States and his committee said, "You reelect me, and I will keep these facilities open," even the Democrats voted for him. I do not blame them. I would have done the same to protect my job. And that is what we are talking about here, jobs.

I hope that someone in authority will read what I have to say. I hope they will read this editorial. I hope that they will look into this matter. I hope they will review it. And I hope that justice will be done.

Mr. President, I thank the Senator from West Virginia for yielding me the time to make this statement.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

Donald C. Alexander, of Ohio, to be Commissioner of Internal Revenue; and

Edward C. Schmults, of New York, to be General Counsel for the Department of the Treasury.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Jack B. Kubisch, of Michigan, a Foreign Service Officer of class one, to be an Assistant Secretary of State;

Marshall Wright, of Arkansas, a Foreign Service Officer of class 2, to be an Assistant Secretary of State;

Phillip V. Sanchez, of California, to be Ambassador Extraordinary and Plenipotentiary to Honduras;

Robert J. McCloskey, of Maryland, a Foreign Service Officer of class one, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Cyprus; and

John M. Porges, of New York, to be Executive Director of the Inter-American Development Bank.

The above nominations were reported with the recommendation they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Karl D. Ackerman, and sundry other officers, for promotion in the Foreign Service; and

Robert C. Amerson, of South Dakota, and sundry other officers, for promotion in the Foreign Service.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS:

S. 1825. A bill to amend title XVIII of the Social Security Act to authorize the provision of intermediate care services under Medicare, and for other purposes; and

S. 1826. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes. Referred to the Committee on Finance.

By Mr. CASE:

S. 1827. A bill to deauthorize U.S. Army Corps of Engineers projects if Congress has not appropriated funds to carry out the projects for a period of 8 years or more since authorization. Referred to the Committee on Public Works.

By Mr. ROBERT C. BYRD (for himself and Mr. Williams):

S. 1828. A bill to require the President to appoint, with the advice and consent of the Senate, the head of the Mining Enforcement and Safety Administration, Department of the Interior. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 1829. A bill to amend section 14 of the Natural Gas Act in order to direct the Federal Power Commission to make certain studies. Referred to the Committee on Commerce.

By Mr. RIBICOFF:

S. 1830. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards. Referred to the Committee on Labor and Public Welfare.

By Mr. CURTIS (for himself and Mr. McGovern):

S. 1831. A bill to amend title XIX of the Social Security Act to eliminate therefrom certain provisions relating to the provision of skilled nursing and intermediate care facility services under State plans approved under such title. Referred to the Committee on Finance.

By Mr. FONG:

S. 1832. A bill for the relief of Jonabel O. Resurreccion; and

S. 1833. A bill for the relief of Sergio Osmena Jr., his wife, Lourdes R. Osmena, and their son Tomas R. Osmena. Referred to the Committee on the Judiciary.

S. 1834. A bill to amend the National Housing Act to increase the maximum mortgage amounts insurable in the case of property located in Alaska, Guam, or Hawaii, and to amend section 5(c) of the Home Owners Loan Act of 1933 to authorize an increase in the principal amount of mortgages on properties in Alaska, Guam, and Hawaii to compensate for higher prevailing costs, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HARTKE (for himself, Mr. Hughes, Mr. Talmadge, Mr. Randolph, Mr. Cranston, Mr. Hansen, Mr. Thurmond, Mr. Stafford, and Mr. McClure):

S. 1835. A bill to amend title 38, United States Code, to increase the maximum amount of Servicemen's Group Life Insurance to $20,000 to provide full-time coverage thereunder for certain members of the Reserves and National Guard, to authorize the conversion of such insurance to Veterans' Group Life Insurance, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. FONG:

S. 1836. A bill to amend the Act entitled "An Act to incorporate the American Hospital of Paris", approved January 30, 1913 (37 Stat. 654). Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. Moss):

S. 1837. A bill to amend section 1903 of the Social Security Act to remove limits on payments for skilled nursing homes and intermediate care facilities. Referred to the Committee on Finance.

By Mr. HARTKE (for himself and Mr. Bible):

S. 1838. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 so as to extend to all individuals who have attained age 65 coverage under part A of Medicare, to extend (without payment of premium) coverage under Part B of Medicare to all individuals covered under part A of Medicare, too revise the Social Security and Medicare tax schedules, to provide an alternative tax rate for low-income individuals, and to provide for partial general revenue financing of the Social Security and Medicare programs. Referred to the Committee on Finance.

By Mr. MANSFIELD (for himself and Mr. Aiken):

S.J. Res. 109. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Pennsylvania (for himself, Mr. Mansfield, Mr. Griffin, Mr. Dole and Mr. Cook):

S.J. Res. 110. Joint resolution to establish a Non-partisan Commission on Federal election reform. Referred to the Committee on Rules and Administration.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 1825. A bill to amend title XVIII of the Social Security Act to authorize the provision of intermediate care services under Medicare, and for other purposes; and

S. 1826. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes. Referred to the Committee on Finance.

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill amending title 18 of the Social Security Act to provide expanded nursing home and home health benefits. The enactment of this proposal would provide this Nation for the first time with a comprehensive program for treatment of the infirm elderly.

Mr. President, nursing homes continue to occupy the spotlight of public attention with seemingly endless criticism and scandals surfacing in the public press about the operation of specific nursing homes or the administration of the present medicare and medicaid programs. Despite much progress in the past 10 years, nursing homes still have a negative image with the public. I suggest that the real scandals lie elsewhere: they are, first, that we hear so little of what good nursing homes are doing and second, there is no comprehensive system of long-term-care benefits.

With respect to the first problem, the Subcommittee on Long-Term Care of the Senate Committee on Aging made great effort, in its 1969–70 hearings, to accentuate the positive. The committee's report based on these and prior hearings as far back as 1963, is under preparation. The report applauds our finer facilities and holds them as models to be duplicated in the future.

With respect to the second problem, scholars in geriatrics and gerontology are agreed that the primary problem in the field of long-term care is that there is no overall system, in effect—that rather there is an isolated series of benefits.

The need for a national policy with regard to treatment of the infirm elderly was recognized as far back as 1959, when the Subcommittee on Aging and Problems of the Aged, the predecessor of the Senate Special Committee on Aging, issued its landmark report. Two years later the White House Conference on Aging also resolved that a broad spectrum of institutional and home health services was lacking and was necessary.

The story since that time is that some gains have been made in terms of medicare and medicaid programs enacted in 1965, but there is still no comprehensive system of benefits to meet the needs of older Americans.

### HOW MANY OLDER AMERICANS NEED LONG-TERM CARE?

Ethel Shanas, a respected authority in the field, in her 1967 study, "The Needs of Older Americans in Five Countries," projected that about one-fifth of our 20 million older Americans needed some degree of protective service, ranging from personal care—help in dressing, bathing, eating, and just in getting through the day—to skilled nursing care on a continuous 24-hour nursing basis.

Of these 4 million older Americans, a little over a million are presently institutionalized. There are 900,000 in nursing homes and related facilities and 111,000 in mental institutions.

The remaining 3 million individuals are found in the community. These individuals are bedfast, housebound, or ambulate only with difficulty.

While these facts should be enough to document the increasing need for long-term care, two other factors should be added.

The first relates to the fact that more and more individuals are living longer and longer. Modern medicine has lengthened the lifespan. But while mortality has been set back, disability increases sharply with advanced age.

The second factor is the prohibitive cost of long-term care. The cost of nursing home care in the United States today averages something like $600 a month. An average retired couple receives less than $300 a month in social security benefits. Nursing home care is clearly out of their reach. The services of a home health nurse which must be purchased at an average rate of $3.50 an hour are also unavailable.

### WHAT DO EXISTING PROGRAMS PROVIDE?

The explicit suggestion from the previous paragraphs is that millions of older

Americans are going without needed care and services. This contention is amplified by the paucity of programs in the field of long-term care.

The medicare program which now serves our 20 million senior citizens and about 3 million disabled, provides a benefit for individuals who have been in the hospital for 3 days in a row, or who are transferred to a skilled nursing facility participating in medicare within 14 days of their discharge, providing that a physician certifies their continuing need for the kinds of services for which they were hospitalized.

In 1965, the Congress specifically considered the question of whether a nursing home benefit should be provided. The answer was negative. What was provided instead was a post-hospital benefit called "extended care." Extended care was so named because services had to be provided in separate facilities with standards just below that of the hospital itself. The level of care provided is called skilled nursing care. So last year's medicare reform bill, H.R. 1, resulted in a name change so extended care facilities are now known as skilled nursing facilities, taking the name of the acute, subhospital level of care they provide.

In 1972, this medicare nursing home program contributed only $180 million to the Nation's $3.5 billion nursing home bill. Some 70,000 nursing home patients in any given day have their care paid for by the medicare program.

The lion's share of the cost of nursing home care was assumed by the medicaid program which contributed $1.7 billion in 1972.

Medicaid is a Federal grant-in-aid program administered by HEW in which the Government pays from 50 to 83 percent of the costs incurred by the State in providing nursing home care to welfare recipients who are unable to pay for the care they need.

While it is clear that there is a great and growing need for long term care, medicare, within the institutional context, presently provides little or no help. For those willing to take the pauper's oath, medicare now provides two levels of care. In addition to skilled nursing, that level nearest to hospital care, medicaid for the first time this year provides for a level called intermediate care. Individuals requiring more than board and room, but less than skilled nursing care, fall into this category. Once again this secondary level of care, which is what most people associate with conventional nursing care, is available only to welfare patients.

### NONINSTITUTIONAL CARE

What does medicare provide by way of home health benefits?

There is the skeleton of a program but no real program of substance with total outlays running less than 1 percent of medicare's $12 billion contribution care of Americans over 65.

Home health care is provided under both part A and part B of medicare. Part A provides for home health benefits—up to 100 visits for each benefit period—after an individual has been hospitalized for at least 3 days, providing that a home health plan is established for the patient within 14 days of his transfer from a hospital or medicare skilled nursing facility. Moreover, individuals must be confined to their homes and a physician must certify the need for skilled nursing care or physical therapy. Speech therapy, occupational therapy, part-time services of a home health aide and medical social services are also authorized, subject to the continuous precondition that the patient qualify for skilled nursing care.

The definition of skilled nursing care in the home health setting has been as restrictive as applied in the nursing home setting. The result has been to keep the costs of the medicare home health program down to their present minimal level and, perhaps, to deny millions of Americans the care they need.

To complete this analysis of existing programs, home health care is also provided under medicare part B, the supplementary medical insurance portion of medicare. The same preconditions for eligibility are required except for prior hospitalization which is unnecessary to claim benefits under part B. The scope of coverage is the same with the potential of benefits ranging from the services of a home health aide to speech therapy. Benefits are restricted by the limitation of qualification for skilled nursing care. In fact, home health agencies are required as a condition of participation in the medicare program to provide skilled nursing, plus one additional service. In 75 percent of the cases the other service provided is physical therapy.

Mr. President, what I have tried to make my consistent theme throughout this statement in my discussion of both the home health—non-institutional—and the institutional setting, is the need for services broader than skilled nursing care—that most acute level of long term care. The very absence of other levels of care undoubtedly leads to overutilization of hospital beds or skilled nursing facilities. The suggestion that needy patients are being denied services has by now become a ringing conclusion which necessitates legislative reforms.

### SOLUTIONS: TOWARD A NATIONAL POLICY

The bill I am introducing today suggests solutions which will lead us toward a national policy. The first bill deals with the institutional setting. It authorizes a second level of nursing home care under the medicare program. The level of care will be called intermediate care and will be consistent with the definition of intermediate care under title 19—Medicaid. With the enactment of this proposal, medicare will for the first time provide assistance to the elderly needing levels of care characterizing conventional nursing home care. This bill provides that an individual will be entitled to 100 days care—total—per benefit period under medicare part A, regardless of whether such care is received in a skilled nursing facility or an intermediate care facility. Moreover, my bill deletes the 3-day prior hospitalization requirement and the 14-day transfer requirement so that physicians can place individuals in skilled nursing facilities or intermediate care facilities without the necessity of prior hospitalization. The present requirements for utilization review, medical review and professional review would be continued to insure that patients are properly placed and to prevent overutilization.

In addition, the copayment features of the medicare nursing home benefit would be retained. The first 20 days care in a nursing home would be paid for irrespective of whether the patient was in a skilled nursing facility—SNF—or an intermediate care facility—ICF—the patient will continue to pay $7.50 a day thereafter for the next 80 days.

With respect to the noninstitutional benefit, it is clear that a secondary level of care is also required. My bill proposes leaving part A, post-hospital home health assistance, pretty much intact and unchanged with the addition of the new level which provides intermediate nursing care. Once again, the definition employed is taken from the medicaid law for consistency.

Under my bill, part B of medicare will continue to authorize this same level of care in Home Health Services. However, a few other changes are suggested. First, an individual would continue to be entitled to 100 home health visits per calendar year as the law provides. My bill will provide patients with the option of exchanging one or more of these visits for a stay in a senior citizen day care center.

Following the British experience, the proposal for day care is presently very much in vogue among scholars in the field of long-term care. It is only a matter of time before America recognizes its advantages. My bill on this subject in the last Congress, S. 3267, was adopted on a demonstration basis as an amendment to H.R. 1 last year. These demonstrations will provide the Congress with the experience necessary before agreeing to the large-scale legislation suggested today.

The bill I am introducing today also makes it clear that intermediate nursing care can include homemaker's services, which is essentially an expansion of the home health aide's services presently authorized but seldom provided. My bill on this subject in the last Congress, S. 3269, was likewise included in H.R. 1 for demonstration purposes.

My new bill also suggests two other changes in medicare, part B, Home Health Services. First, it would make it possible for a needy older American to go directly to a Home Health Agency where a staff physician will be authorized to determine the need for care, and the level of care required, and to establish a plan for home health care. These determinations of the physician, of course, will be subject to the safeguards of utilization review, medical review and professional standards review. Finally, this bill repeals a portion of section 1861 (o) of the Social Security Act which prohibits the application of medicare, part B, Home Health Benefits, to individuals with mental illness.

In addition to this broad new bill, I am today reintroducing a bill which was before the last Congress as S. 3271, and which would create an experimental program to subsidize the family for the care of their elderly in their own homes. This proposal is a recognition to the fact that nursing homes are anathema to some ethnic groups in our society with strong traditions of taking care of their own, and is an effort to give these groups some assistance in this task. It will answer the question of whether Americans are willing to pay perhaps $3 a day to help keep needy elderly in their own homes instead of the $15 a day to house them in a medicaid, welfare nursing home. The plan deserves to be tested. The proposal was accepted in the Senate version of H.R. 1 last year but deleted in conference.

### SUMMARY

Mr. President, the clear and growing needs of older Americans for long term care is becoming an alarming reality. The problem will only become more acute in the future. If left unattended, the problems of the present will return in the form of an amplified crisis in the next few years. Equally as clear as this dramatic and growing need, is the failure of present Federal programs to insulate older Americans against the multiple costs and pressure of increased age with increased disability. With nursing home costs averaging $600 a month, few but the rich can afford to pay for their care. The medicare program provides help only to those who are so ill that they require hospitalization, and then only for the continuation of care provided in the hospital. This narrow range of nursing home benefits has led many misinformed older Americans to cry that medicare has become another broken promise. Only under the medicaid welfare nursing home program is there the broad range of institutional services. In the noninstitutional sphere, medicare under both part A, the hospitalization portion, and part B, the supplementary medical insurance portion of medicare, provides a home health benefit. In theory, a wide range of services is available, including physical therapy, occupational therapy, speech therapy, the services of a home health aide, and medical social services. In practice, these services are not available because of the statutory precondition that patients must continue to be eligible for that highest of levels of long term care called skilled nursing care.

The legislation I am introducing today provides a secondary, less acute level of care in the medicare programs institutional benefits and authorizes payment for this same level of intermediate care in the medicare home health programs. The enactment of these measures will give the Nation, for the first time, a comprehensive set of benefits in the field of long term care. For the first time the United States will have a national policy with regard to the infirm elderly.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD following these remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 1825

A bill to amend title XVIII of the Social Security Act to authorize the provision of intermediate care services under medicare, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) (1) section 1812(a) (2) of the Social Security Act is amended by striking out "post-hospital extended care services" and inserting in lieu thereof "intermediate care services or extended care services".

(2) Section 1812(b) (2) of such Act is amended by striking out "post-hospital extended care services" and inserting in lieu thereof "intermediate care services or extended care services".

(3) Section 1812(e) of such Act is amended by striking out "post-hospital extended care services" and inserting in lieu thereof "intermediate care services, extended care services".

(b) Section 1813(a) (3) of such Act is amended by striking out "post-hospital extended care services" and inserting in lieu thereof "intermediate care services or extended care services".

(c) (1) (A) Section 1814(a) (2) (C) of such Act is amended to read as follows:

"(C) in the case of extended care services, such services are or were required to be given because the individual needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis, for a particular health condition including any condition with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (9) of section 1861(e)) prior to transfer to the skilled nursing facility or for a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services;".

(B) Section 1814(a) (2) of such Act is further amended—

(i) by striking out "or" at the end of subparagraph (D);

(ii) by inserting "or" at the end of subparagraph (E); and

(iii) by adding after subparagraph (E) the following new subparagraph;

"(F) in the case of intermediate care services, such services are or were required because of the health condition of the individual;".

(2) Section 1914(a) (6) of such Act is amended—

(A) by striking out "post-hospital extended care services" and inserting in lieu thereof "intermediate care services or extended care services"; and

(B) by striking out "hospital or skilled nursing facility" and inserting in lieu thereof "hospital, intermediate care facility, or skilled nursing facility".

(3) Section 1814(a) (7) of such Act is amended—

(A) by striking out wherever they appear, the words "services or post-hospital" and "services or further post-hospital" and inserting in lieu thereof, the words "services, intermediate care services, or" and "services, further intermediate care services, or further", respectively; and

(B) by striking out "hospital or skilled nursing facility" and inserting in lieu thereof "hospital, intermediate care facility, or skilled nursing facility".

(d) (1) Section 1814(h) of such Act is amended by striking out "Posthospital" in the caption of such subsection.

(2) Section 1814(h) (1) of such Act is amended by striking out "post-hospital extended care services" and inserting in lieu thereof "intermediate care services or extended care services".

(e) Section 1816(a) (1) of such Act is amended by inserting "intermediate care facilities," after "extended care facilities,".

SEC. 2. Section 1816 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"Intermediate Care Facility

"(aa) The term "intermediate care facility" means (except for the purposes of subsection (a) (2)) an institution (or a distinct part of a hospital or skilled nursing facility) which has in effect a transfer agreement (meeting the requirements of subsection (l)) with one or more hospitals having agreements under section 1866 and which—

"(1) provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities;

"(2) meets such such standards prescribed by the Secretary as he finds appropriate for the proper provision of the care and services described in paragraph (1);

"(3) has in effect a utilization review plan which meets the requirements of subsection (k);

"(4) in the case of an institution in any State in which State or applicable local law provides for the licensing of institutions of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State or locality responsible for licensing institutions of this nature, as meeting the standards established for such licensing;

"(5) has in effect an overall plan and budget that meets the requirements of subsection (z);

"(6) supplies full and complete information to the Secretary or his delegate as to the identity (A) of each person who has any direct or indirect ownership interest of 10 per centum or more in such intermediate care facility or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such intermediate care facility or any of the property or assets of such intermediate care facility, (B) in case an intermediate care facility is organized as a corporation, of each officer and director of the corporation, and (C) in case an intermediate care facility is organized as a partnership, or each partner; and promptly reports any changes which would affect the current accuracy of the information so required to be supplied;

"(7) cooperates in an effective program which provides for a regular program of independent medical evaluation and audit of the patients in the facility to the extent required by the programs in which the facility participates including medical evaluation of such patient's need for intermediate care services;

"(8) meets such provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as are applicable to intermediate care facilities; except that the Secretary may waive, for such periods as he deems appropriate, specific provisions of such Code which if rigidly applied would result in unreasonable hardship upon an intermediate care facility, but only if such waiver will not adversely affect the health and safety of the patients; except that the provisions of such Code shall not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in intermediate care facilities; and

"(9) meets such other conditions relating to the health and safety of individuals who are furnished services in such institution or relating to the physical facilities thereof as the Secretary may find necessary (subject to the second sentence of section 1863), except that the Secretary shall not require as a condition of participation that medical social services be furnished in any such institution; and except that such term shall not (other than for purposes of subsection (a)(2)) include any institution which is primarily for the care and treatment of mental diseases or tuberculosis. For purposes of subsection (a)(2), such term includes any institution which meets the requirements of paragraph (1) of this subsection. The term 'intermediate care facility' also includes an institution described in paragraph (1) of subsection (y), to the extent and subject to the limitations provided in such subsection. Notwithstanding any other provision of law, all information concerning intermediate care facilities required by this subsection to be filed with the Secretary shall be made available to Federal or State employees for purposes consistent with the effective administration of programs established under titles XVIII and XIX of this Act.

"Intermediate Care Services

"(bb) The term 'intermediate care services' means services provided an individual in an intermediate care facility after admission to such facility."

SEC. 3. (a) The following sections of the Social Security Act are amended—

(1) by striking out the phrase "hospital or skilled nursing facility" or "hospitals and skilled nursing facilities" each time either such phrase appears therein and inserting in lieu thereof "hospital, skilled nursing facility, or intermediate care facility" or "hospitals, skilled nursing facilities, or intermediate care facilities", respectively; and

(2) by inserting "or intermediate care facility", or "or intermediate care facilities" after the phrase "skilled nursing facility" or "skilled nursing facilities", respectively, wherever either such phrase appears therein (except where either such phrase is part of the phrase "hospital, skilled nursing facility, or intermediate care facility" or "hospitals, skilled nursing facilities, or intermediate care facilities"):

(A) section 1814(h);

(B) section 1861(k);

(C) section 1861(l);

(D) section 1861(m)(7);

(E) sections 1861(y) (2) and (3);

(F) section 1861(z);

(G) the last sentences of section 1866(a)(1), section 1866(b), section 1866(c)(2), and section 1866(d); and

(H) section 1876(1)(3).

(b)(1) Section 1861(a)(1) of such Act is amended by striking out "services, or extended care services" and inserting in lieu thereof "services, intermediate care services, or extended care services".

(2) Section 1861(a)(2) of such Act is amended by striking out "neither an inpatient of a hospital nor an inpatient of a skilled nursing facility" and inserting in lieu thereof "not an inpatient of a hospital, a skilled nursing facility, or an intermediate care facility".

(c) Section 1861(i) of such Act is repealed.

(d) Section 1861(k)(3) of such Act is amended by striking out "services or extended care services" and inserting in lieu thereof "services, intermediate care services, or extended care services".

(e) Section 1861(n) of such Act is amended—

(1) by inserting "or intermediate care facility" after "skilled nursing facility" the first time such term appears therein; and

(2) by striking out all after "part A" and inserting in lieu thereof "intermediate care services or extended care services.".

(f) Section 1861(u) of such Act is amended by inserting "intermediate care facility," after "skilled nursing facility,".

(g) Section 1861(v) of such Act is amended—

(1) by inserting in paragraph (1)(B) of such subsection "or intermediate care services" after "extended care services";

(2) by inserting in paragraph (1)(E) of such subsection (i) "and intermediate care facilities" after "in the case of skilled nursing facilities", (ii) "and intermediate care facility services" after "the cost of skilled nursing facility services", and (iii) "or intermediate care facility" after "to any skilled nursing facility";

(3) by striking out in paragraphs (2)(A) and (3) of such subsection "or post-hospital" and inserting in lieu thereof ", intermediate care services, or"; and

(4) by striking out in paragraph (3) of such subsection "hospital or skilled nursing facility" and inserting in lieu thereof "hospital, skilled nursing facility, or intermediate care facility".

(h) Section 1861(w) of such Act is amended by inserting "intermediate care facility," after "skilled nursing facility,".

(i)(1) The caption of section 1861(y) of such Act is amended to read as follows:

"Extended Care and Intermediate Care in Christian Science Skilled Nursing Facilities and Intermediate Care Facilities".

(2) Section 1861(y)(1) is amended by striking out "The term 'skilled nursing facility' " and inserting in lieu thereof "The terms 'skilled nursing facility' and 'extended care facility' ".

(3) Section 1861(y)(2) of such Act is amended by inserting "intermediate care services or" after "treated as".

(4) Sections 1861(y)(3) and (4) of such Act are amended by striking out "post-hospital extended care services" wherever such term appears in each such section and inserting in lieu thereof "intermediate care services or extended care services".

(j) Section 1864(a) of such Act is amended—

(1) by striking out "hospital or skilled nursing facility" and inserting in lieu thereof "hospital, skilled nursing facility, or intermediate care facility";

(2) by inserting "intermediate care facility," after "hospital, skilled nursing facility,"; and

(3) by inserting "or intermediate care facility" after "skilled nursing facility".

(k) Section 1866 of such Act is further amended by striking out in subsections (b)(3) and (d) "post-hospital extended care services" and inserting in lieu thereof "intermediate care services, or extended care services".

(l) Section 1877 (c) of such Act is amended by inserting "intermediate care facility," after "skilled nursing facility,".

SEC. 4. (a) Section 1835 (a) (2) (A) of such Act is amended—

(1) by inserting in clause (i) thereof "or intermediate nursing care" after "skilled nursing care"; and

(2) by inserting in clause (ii) thereof "or by a home health agency's screening team (consisting of a physican, a registered professional nurse, and a social worker)" after "physician".

(b) Section 1861 (m) of such Act is further amended—

(1) by striking out "established and periodically reviewed by a physician" and inserting in lieu thereof "established and periodically reviewed by a physician or, in the case of benefits provided under part B, by such agency's screening team";

(2) by inserting in paragraph (1) thereof "or intermediate nursing care provided by or under the supervision of a registered professional nurse, a licensed practical nurse, or a nursing aid" after "professional nurse";

(3) by inserting in paragraph (4) thereof "or, for the purpose of benefits provided under part B, homemaker services" after "health aide"; and

(4) by adding at the end thereof the following new sentence: "For purposes of benefits provided under part B, the term 'home health services' also means such personal care, supervision, and services, as the Secretary shall by regulation prescribe, provided in day care centers which meet such standards as the Secretary shall by regulation establish.".

(c) (1) Section 1861 (o) (1) of such Act is amended to read as follows:

"(1) is primarily engaged in providing skilled nursing services, intermediate nursing services, and at least two other therapeutic services;".

(2) Section 1861 (o) of such Act is further amended by striking out in the matter following paragraph (5) "regulations; and except for the purposes of part A such term shall not include any agency or organization which is primarily for the care and treatment of mental diseases." and inserting in lieu thereof "regulations.".

(d) Section 1861 (u) of such Act is amended by inserting "day care center," immediately before "hospital".

SEC. 5. The amendments and repeals made by this Act shall be effective for months beginning after June 30, 1973, and shall apply to spells of illness beginning after June 30, 1973.

SEC. 6. There are hereby authorized to be appropriated from general revenues of the Government to the Federal Hospital Insurance Trust Fund and to the Federal Supplementary Medical Insurance Trust Fund for each fiscal year, beginning with the fiscal year ending June 30, 1974, such amounts as may be necessary to reimburse such Trust Funds for 100 per centum of the expenditures required to be made from such Trust Funds in each such fiscal year to carry out the amendments made by this Act.

---

### S. 1826

A bill to authorize an experimental program to provide for care for elderly individuals in their own homes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF EXPERIMENTAL PROGRAM TO PROVIDE IN-HOME CARE FOR ELDERLY INDIVIDUALS

"SEC. 1121. (a) The Secretary is authorized to establish an experimental program of subsidization of families who agree to care for their dependents who are 65 years of age or older and who would otherwise require, because of physical or mental infirmities, the services of a skilled nursing home, in their own homes. Such subsidies may be made directly, in the form of grants, to families who are determined, in accordance with regulations prescribed by the Secretary, to be eligible for assistance under this program.

"(b) Any grant under this section shall be made on such terms and conditions, and payments thereunder shall be made in advance or by way of reimbursement and in such installments, as the Secretary may determine to be appropriate to carry out the purposes of this section and protect the financial interests of the United States.

"(c) Any grant under this section shall be made only upon application therefor, submitted in such form and containing such information and assurances as the Secretary may by regulation require."

SEC. 2. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, such sums as may be necessary to carry out the provisions of this Act.

---

By Mr. CASE:

S. 1827. A bill to deauthorize U.S. Army Corps of Engineers projects if Congress has not appropriated funds to carry out the projects for a period of 8 years or more since authorization. Referred to the Committee on Public Works.

Mr. CASE. Mr. President, I am today reintroducing legislation that would focus the attention of the U.S. Army Corps of Engineers on civil works projects that reflect the changing needs and priorities of this country.

Currently there are some 1,300 Corps of Engineers projects authorized by Congress. Some of them were authorized as long ago as the late 1880's. Many of them were designed to meet objectives that were valid at the time but have long since become outdated.

Since I first introduced this legislation last year, the administration has proposed one step toward eliminating the corps' stockpile of backlogged projects and the Senate has approved a modified version of the administration proposal.

In the Flood Control Act, the Senate approved a provision that requires the Chief of the Corps of Engineers to submit annually to Congress a list of projects that have been authorized for 8 years or more that he believes should be deauthorized.

In my view, this provision places the burden of proof in the wrong place. It requires the Chief of the Corps of Engineers to review the corps own backlog of outdated projects and to recommend which ones should be deauthorized.

My bill would proclaim the intent of Congress that continued lack of funding of projects shall be taken as evidence that they do not reflect current needs and priorities. It provides for automatic deauthorization of any corps project that has been authorized for 8 years or more but has not had construction funds appropriated for it by Congress during that time.

This would eliminate any need for the Chief of the Corps annually to review a huge backlog of outdated projects. It also would eliminate the paradox of the Chief of the Corps of Engineers acting as both an advocate of projects that come under his jurisdiction and as a critic of these projects.

In formulating my bill, I had discussions with various persons who are familiar with the operations of the Corps of Engineers and interested in making the corps a more positive instrument for environmental protection in this country. Without exception, they emphasized that congressional direction was needed if the corps is to become more deeply committed to the protection of the environment.

For example, Charles H. Stoddard, former chairman of the Environmental Advisory Board of the Corps of Engineers, said:

> The slate should be wiped clean by Congress. The Corps is so imbued with traditional developmental concepts that it really cannot become committed to projects designed to protect the environment so long as it has a backlog of (traditional) projects.

It is difficult to draw any deadline without providing for some exceptions. Therefore, my bill authorizes the Secretary of the Army to submit to Congress a study and recommended plan for reauthorization of any project terminated under the provisions of the bill if the plan for reauthorization reflects environmental standards in effect at the time the plan is submitted.

The Corps of Engineers, drawing on the best of West Point's engineering graduates and supported by more than 40,000 civilian employees, is potentially the greatest single instrument in this country for the protection of the environment.

Eventually, the Corps of Engineers could provide studies, plans, and technical assistance; and in some cases, it could construct public works for the collection, purification, storage, or reuse of storm waters, sanitary sewage, waterborne industrial wastes, and other liquid wastes. It could restore land areas scarred by strip mining, construction projects, and other means. It could reclaim lakes, rivers, streams, and other bodies of water that have become polluted to an extent that they are no longer useable for recreational or commercial purposes.

The corps could develop means of reducing or disposing of solid wastes and providing for adequate supplies of potable water. It could help reclaim deteriorating areas such as waterfronts. And it could help to clear flood plain areas to help prevent flood damage.

But before all that can happen, we in Congress have to work out priorities that the corps can follow in determining which of its responsibilities it should take on first.

My bill is the first step in this direction. It is my hope that hearings can be held on this bill this year and that it will be given careful consideration.

---

By Mr. ROBERT C. BYRD (for himself and Mr. WILLIAMS):

S. 1828. A bill to require the President to appoint, with the advice and consent of the Senate, the head of the Mining Enforcement and Safety Administration, Department of the Interior. Referred to the Committee on Interior and Insular Affairs.

### SENATE SHOULD CONFIRM MESA DIRECTOR

Mr. ROBERT C. BYRD. Mr. President, I am introducing a bill today to require that the Administrator of the recently constituted Mine Enforcement and Safety Administration of the Department of the Interior be appointed by the President of the United States and confirmed by the Senate.

I would like to provide a background summary of actions which have led up to the introduction of this bill. On May 7, 1973, the Secretary of the Interior, the Honorable Rogers C. B. Morton signed, and thus effectuated, the Secretary's order No. 2953. I ask that a copy of this order be printed in the RECORD at this point.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
*Washington, D.C.*

ORDER NO. 2953

Subject: Reorganization of Bureaus and Offices.

Sec. 1. *Purpose.* This Order outlines the implementation of the reorganization plan described in Secretary's Order 2951 dated February 6, 1973. Provided herein are brief functional descriptions of new organizations created, the transfer of various functions between organizations, and the assignment of bureaus and offices to Assistant Secretaries for Secretarial direction and supervision.

Sec. 2. *Responsibilities.* Assistant Secretaries named in Secretary's Order 2951 will be responsible for implementing the provisions of this Order as well as the development of new or revised organization statements for publication in the Departmental Manual. The Assistant Secretary-Management is responsible for the approval of all reorganization actions made pursuant to this Order as provided in 101 DM.

Sec. 3. *Authority.* This Order is issued in accordance with the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Sec. 4. *Secretarial Officers.* The functions, authorities, and responsibilities of all Secretarial officers, except the Solicitor, have been revised as provided in Secretary's Order 2951. The following Sections and the chart attached to this Order delineate the transfer and alignment of existing and new organizations. A description of each Secretarial officer position and the organizational entities under its jurisdiction are described below.

Sec. 5. *Assistant Secretary—Energy and Minerals.* The Assistant Secretary—Energy and Minerals discharges the duties of the Secretary with the authority and direct responsibility for programs associated with energy conservation; energy and mineral data and analysis; generation, transmission and marketing of electric power except for those functions performed in the Bureau of Reclamation; mine health, safety and training programs; topographic, geologic and mineral resources matters; oil and gas activities, including import allocations; energy, metallurgical and mining reseach and development; and emergency preparedness and natural disaster energy and minerals functions. The Assistant Secretary—Energy and Minerals exercises Secretarial direction over the described functions of the following organizations:

(a) *Geological Survey.* The Geological Survey retains its present functions and is transferred from the former Assistant Secretary—Mineral Resources.

(b) *Bureau of Mines.* The Bureau of Mines is transferred from the former Assistant Secretary—Mineral Resources and retains its traditional functions of energy, Metallurgical and mining research and development, mine health and safety research, and mineral supply. Other functions related to mine health and safety are transferred to the Mining Enforcement and Safety Administration described in Section 5(c) below.

(c) *Mining Enforcement and Safety Administration.* A new Mining Enforcement and Safety Administration is established and is responsible for administering the Federal Coal Mine Health and Safety and the Federal Metal and Nonmetallic Mine Safety Act. Mine health and safety, assessment and compliance, and education and training functions are transferred to this office from the Bureau of Mines.

(d) *Power Administrations.* The Bonneville, Southwestern, Southeastern and Alaska Power Administrations retain their present functions and are transferred from the former Assistant Secretary—Water and Power Resources.

(e) *Office of Oil and Gas.* The Office of Oil and Gas retains its present functions and is transferred from the former Assistant Secretary—Mineral Resources.

(f) *Office of Coal Research.* The Office of Coal Research retains its present functions and is transferred from the former Assistant Secretary—Mineral Resources.

(g) *Office of Energy Data and Analysis.* A new Office of Energy Data and Analysis is established to serve as the focal point in the Department for coordinating functions related to gathering and analyzing energy data. The Office develops appropriate information systems, analyses, and studies to assist in economic forecasting and policy decisionmaking. The Office also evaluates and reviews energy data-gathering programs and functions performed in the bureaus and offices reporting to the Assistant Secretary—Energy and Minerals.

(h) *Office of Research and Development.* A new Office of Research and Development is established to coordinate energy and minerals research and development activities. The Office sets priorities and formulates research and development budgets, oversees development of new research and development programs, and evaluates the progress and results of all research and development conducted or sponsored by the Department. The Office administers a Central Energy Fund and directs the underground electric power transmission research program which is transferred to this office from the former Assistant Secretary—Water and Power Resources.

(i) *Office of Energy Conservation.* A new Office of Energy Conservation is established to promote efficiencies in the use and development of energy resources; to coordinate all Federal Energy Conservation programs; to conduct research on methods of improving the efficiency of energy usage; to promote consumer awareness of the need for energy conservation; and to develop contingency plans for nationwide power, fuel and mineral resource emergencies caused by natural disasters, civil defense emergencies or other interruptions of the Nation's energy and mineral supplies. The activities associated with the emergency minerals and emergency solid fuels functions are transferred to this office from the former Assistant Secretary—Mineral Resources. The Defense Electric Power Administration is transferred to this office from the former Assistant Secretary—Water and Power Resources.

Sec. 6. *Assistant Secretary—Land and Water Resources.* The Assistant Secretary—Land and Water Resources discharges the duties of the Secretary with the authority and direct responsibility for programs associated with land use and water planning; public land management; construction and operation of multi-purpose dams and water distribution facilities; marketing of water and specified Bureau of Reclamation hydroelectric power projects; conversion of saline water and water resources research; and emergency preparedness water resources functions. The Assistant Secretary—Land and Water Resources exercises Secretarial direction over the following organizations:

(a) *Bureau of Land Management.* The Bureau of Land Management retains its present functions and is transferred from the former Assistant Secretary—Public Land Management.

(b) *Bureau of Reclamation.* The Bureau of Reclamation retains its present functions and is transferred from the former Assistant Secretary—Water and Power Resources.

(c) *Office of Land Use and Water Planning.* A new Office of Land Use and Water Planning is established to be responsible for policy development and interagency coordination on use of public land and water resources, liaison with the Water Resources Council, coordination of River Basin Commission activities and interagency coordination with State and other Federal land use and water planning agencies. The Office of Regional Planning, under the former Assistant Secretary—Program Policy, is abolished and its functions are transferred to this office.

(d) *Office of Saline Water.* The Office of Saline Water retains its present functions and is transferred from the former Assistant Secretary—Water and Power Resources.

(e) *Office of Water Resources Research.* The Office of Water Resources Research retains its present functions and is transferred from the former Assistant Secretary—Water and Power Resources.

Sec. 7. *Assistant Secretary—Fish and Wildlife and Parks.* The Assistant Secretary—Fish and Wildlife and Parks discharges the duties of the Secretary with the authority and direct responsibility for programs associated with the development, conservation, and utilization of fish, wildlife, recreation, historical, and national park system resources of the Nation. The Assistant Secretary—Fish and Wildlife and Parks exercises Secretarial direction over the following organizations:

(a) *National Park Service.* The National Park Service retains its present functions.

(b) *Bureau of Sport Fisheries and Wildlife.* The Bureau of Sport Fisheries and Wildlife retains its present functions.

(c) *The Bureau of Outdoor Recreation.* The Bureau of Outdoor Recreation retains its present functions and is transferred from the jurisdiction of the former Assistant Secretary—Program Policy.

Sec. 8. *Assistant Secretary—Congressional and Public Affairs.* The Assistant Secretary—Congressional and Public Affairs discharges the duties of the Secretary with the authority and direct responsibility for programs associated with legislative and Congressional liaison activities; public information and communications matters; and the Department's Johnny Horizon program. The Offices of Congressional Liaison, Communications, and Legislation and the Johnny Horizon Program Office are transferred to the jurisdiction of the Assistant Secretary—Congressional and Public Affairs.

Sec. 9. *Assistant Secretary—Management.* The Assistant Secretary—Management discharges the duties of the Secretary with the authority and direct responsibility for the functions carried out by the former Assistant Secretary—Management and Budget through the offices of Management Consulting, Management Operations, Survey and Review, Organization and Personnel Management, Library Services, Secretarial Operations, Manpower Training and Youth Activities, International Activities, and Accounting Management and Policy. The Office of Budget assigned to the former Assistant Secretary—Management and Budget is transferred to the Assistant Secretary—Program and Budget as described in Section 10.

Sec. 10. *Assistant Secretary—Program Development and Budget.* The Assistant Secretary—Program Development and Budget discharges the duties of the Secretary with the authority and direct responsibility for the functions carried out by the former Assistant Secretary—Program Policy through the Offices of Environmental Project Review, Policy Analysis, Economic Analysis, and Budget. The Office of Budget is transferred from the former Assistant Secretary—Management and Budget.

Sec. 11. *Solicitor.* The authorities, functions and responsibilities of the Solicitor remain unchanged.

Sec. 12. *Commissioner of Indian Affairs.* As provided for in Secretary's Order 2951, the Commissioner of Indian Affairs reports directly to the Secretary and directs the activities of the Bureau of Indian Affairs.

Sec. 13. *Other Secretarial Officers.*

(a) *Office of Hearings and Appeals.* The Office of Hearings and Appeals retains its present functions, responsibilities and organizational placement.

(b) *Office of Territorial Affairs.* As provided for in Secretary's Order 2951, the Director, Office of Territorial Affairs, reports directly to the Secretary.

(c) *Office of Equal Opportunity.* The Office for Equal Opportunity retains its present functions, responsibilities and organizational placement.

(d) *The Office of the Science Adviser.* The Office of the Science Adviser retains its present functions and responsibilities.

Sec. 14. *Secretarial Delegations of Authority.*

(a) Broad delegations of the Secretary's authority have been made to the Assistant Secretaries by 210 DM 1.2, and such delegations are not affected by the provisions of this Order. All other delegations of authority in effect preceding the date of this Order remain in effect to the extent they are compatible with the organizations, functions and responsibilities provided in this Order.

(b) Delegations of authority which have been affected by transfer of program responsibility or abolishment of positions are reassigned to the head of the bureau or office to which the program responsibility is transferred by this Order. Such officials are responsible for immediately initiating action for appropriate amendments to the Secretary's delegations of authority provided in the 200 Series of the Department Manual. The Assistant Secretary—Management, in cooperation with the Solicitor, is responsible for the timely conversion and revision of affected Secretary's delegations of authority.

Sec. 15. *Administrative Provisions.*

(a) The Assistant Secretary—Management and the Assistant Secretary—Program Development and Budget will take appropriate actions to accomplish the transfer of personnel, funds, and property to implement the provisions of this Order.

(b) Detailed organization statements providing for the reassignment of all functions affected by this Order will be prepared and published in the DM within a 90-day transition period beginning with the effective date of this Order.

(c) Employees of bureaus and offices whose functions are reassigned from the bureau or offices in which they are employed are to be detailed to the bureau or office to which they are employed are to be detailed to the bureau or office to which the functions are assigned by this Order during the 90-day transition period.

Sec. 16. *Effective Date.* This Order is effective immediately.

ROGERS C. B. MORTON,
*Secretary of the Interior.*

Mr. ROBERT C. BYRD. Mr. President, this order establishes a new agency within the Department of the Interior titled, "the Mining Enforcement and Safety Administration," and assigns to it the responsibility of administering the Federal Coal Mine Health and Safety Act and the Federal Metal and Nonmetallic Mine Safety Act. In addition, this new agency will handle mine health and safety, assessment and compliance, and education and training functions.

I believe that this new agency will be handling responsibilities commensurate with the most important agencies within the Department. The Administrator of MESA will be responsible for the health and safety of the thousands of miners in this country who labor daily under the most potentially hazardous industrial conditions in the entire Nation. A vigorous and fair enforcement of the Coal Mine Health and Safety Act and the Metal and Nonmetallic Mine Safety Act can provide vitally needed protection and safeguards to the mine workers of the United States.

I believe that by requiring the Administrator of MESA to be subject to Senate confirmation, we will be taking a forceful step to insure that whatever administration is in office, it will be encouraged to appoint the most qualified individual available to fill this position.

Mr. President, thousands of miners in

West Virginia and throughout the Nation need to know that they are getting the protection they deserve from this new agency. I believe it is imperative that this important position be subject to Senate confirmation. In this way, Congress can do its part to insure selection of the most qualified individual for this post.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. WILLIAMS. Mr. President, I join the Senator in expressing the need for this particular office to have confirmation by the Senate. I ask the Senator to include me as a cosponsor.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the Senator's remarks, and I am delighted that he has asked to be a cosponsor. I ask unanimous consent that the name of Mr. Williams be added as a cosponsor of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 1828

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262), shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

---

By Mr. RIBICOFF:

S. 1830. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards. Referred to the Committee on Labor and Public Welfare.

### YOUTH CAMP SAFETY ACT OF 1973

Mr. RIBICOFF. Mr. President, within the next few weeks summer vacation will begin for America's students. Over 7 million of these boys and girls will spend all or part of that time at camp. For the vast majority it will be an experience they will long remember. For a few, however, it will mean injuries and even death—a nightmare neither parents nor children will ever forget.

Most parents assume that sending their child to camp is like sending them to school—competent instructors, clean and sturdy facilities, strict health standards. Unfortunately, their assumptions are often wrong because most States provide little or no supervision to protect children from the kind of accidents that can cripple or kill.

Based on the best information available, the leading cause of camp fatalities is drowning, which kills an estimated 40 youngsters each summer. Yet 40 States have no requirements for counselors who oversee water activities.

Twenty-four States require no license or set no standards for camps. Only 15 States have any camp safety legislation. Only 26 regulate sanitation and 46 have no laws concerning personnel.

Because of the almost complete absence of State standards concerned members of the camping industry, such as the American Camping Association, have tried to establish and police their own standards. Too many camps across the Nation, however, do not belong to a reputable organization and are free to ignore suggested guidelines.

Each summer newspapers are full of the tragic results of this lack of concern—a camper bleeds to death because no doctor was available, an open truck filled with boys and girls and driven by a 17-year-old overturns on a freeway, a group of youngsters are lost in the woods because their guide was untrained. It is estimated that over 250,000 campers are injured each summer, many of them seriously and some fatally.

This deplorable state of affairs was brought to my attention in 1966 by Mitch Kurman of Westport, Conn. In 1965, Mr. Kurman chose an upstate New York camp which offered canoe trips for his 15-year-old son. Like every other parent, he simply assumed the camp was safe and that his boy would have a wonderful summer.

One night he received word that his son had drowned in a canoeing accident on a branch of the Penobscot River in Maine. On checking into what was first considered to be an unfortunate accident, he learned from other campers on the trip and from Ontario and Maine police that his son's young counselor had previously had a narrow escape on a river he had been warned against and that a forest ranger had specifically warned the same counselor not to challenge the Penobscot. The counselor ignored all these warnings and led his inexperienced charges down a stretch of river which has been described as "wilder than the Niagara Gorge" in canoes that lacked fast water safety equipment.

Since that time Mr. Kurman has become a crusader for greater camp safety. He has been a vigorous supporter of the legislation I introduce today as part of his unceasing effort to insure that no more parents have to face the agony he experienced.

It has been 8 years since Mr. Kurman's son died. How many other youngsters have also perished in camping accidents in those 8 years and how many more will die before constructive action is taken?

After introducing legislation to correct this situation in every Congress since 1967, the Senate finally approved my bill on August 6, 1971, as an amendment to the Higher Education. Act.

That proposal, which I reintroduce today, would authorize the Secretary of Health, Education, and Welfare, in consultation with camping and safety experts, to establish minimum camp safety standards after surveying existing standards published by State and private organizations and the effects of these standards.

The Federal Government will not itself certify camps. This will be done by the States.

After publication of the standards, each State will be encouraged to establish its own camp safety program.

If the State's plan meets Federal standards, the Secretary is authorized to pay up to 50 percent of the cost—but not exceeding $50,000 per fiscal year—of developing and administering the program.

A camp certified by the States as complying with the Federal standards will be authorized to advertise such compliance. This will allow parents to choose with certainty a safe camp for their children.

If, after appropriate notice and hearings, the Secretary disapproves a State's plan or withdraws his approval of a plan, the State has the right to appeal to the U.S. court of appeals.

The cost of this program will be minimal—especially when compared to the cost in unfulfilled lives which will otherwise result.

Despite the Senate's positive action, a similar amendment approved by the House Education and Labor Committee was replaced on the House floor by a provision simply calling upon HEW to study the problem. That provision prevailed in conference and the study is now taking place.

Everyone familiar with the problem of camp safety knows what the study will find—because of a lack of State concern thousands of young boys and girls are injured and even die each summer at camp.

My bill will correct that problem.

We can no longer play Russian roulette with the health and safety of our children and grandchildren.

The current study is needed—but action must follow. Each day of delay means another camping accident and possible death that could have been prevented.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 1830

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Youth Camp Safety Act."

#### STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to protect and safeguard the health and well-being of the youth camps, resident camps, and travel camps, by providing for establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

#### DEFINITIONS

Sec. 3. As used in this title—

(a) The term "youth camp" means:

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of, or portions of, five days or more, and in-

cludes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspices, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

(b) The term "person" means any individual, partnership, corporation, association, or other form of business enterprises.

(c) The term "safety standards" means criteria directed toward safe operation of youth camps, in such areas as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State" includes each of the several States and the District of Columbia.

### GRANTS TO STATES FOR YOUTH CAMP SAFETY STANDARDS

SEC. 4. From sums appropriated pursuant to section 10 of this Act, but not to exceed $2,500,000 of such appropriation for any fiscal year, the Secretary is authorized to make grants to States which have State plans approved by him under section 6 to pay up to 50 per centum of the cost of developing and administering State programs for youth camp safety standards.

SEC. 5. In developing Federal standards for youth camps, the Secretary shall—

(a) undertake a study of existing State and local regulations and standards, and standards developed by private organizations, applicable to youth camp safety, including the enforcement of such State, local, and private regulations and standards;

(b) establish and publish youth camp safety standards within one year after enactment of the title, after consultation with State officials and with representatives of appropriate private and public organizations after opportunity for hearings, and notification published in the Federal Register; and

(c) authorize and encourage camps certified by the States as complying with the published Federal youth camp standards to advertise their compliance with minimum safety standards.

### STATE PLANS

SEC. 6. (a) Any State desiring to participate in the grant program under this title shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program for State supervised annual inspection of, and certification of compliance with minimum safety standards developed under the provisions of sections 5 and 9(a) of this title, at youth camp located in such State;

(2) provide assurances that the State will accept and apply such minimum youth camp safety standards as the Secretary shall by regulations prescribe;

(3) provide for the administration of such plan by such State agency;

(4) provide for an advisory committee, to advise the State agency on the general policy involved in inspection and certification procedures under the State plan which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations, or groups concerned with organized camping;

(5) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require;

(6) provide assurance that the State will pay from non-Federal sources the remaining cost of such program; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this title.

(b) Any State desiring to enable youth camps in the State to advertise compliance with Federal youth camp standards, but which does not wish to participate in the grant programs under this title, shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall accomplish the step specified in (a) (1) through (3) of this section and which provides for availability of information so that the Secretary may be assured of compliance with the standards.

(c) The Secretary shall not finally disapprove any State plan submitted under this title or any modification thereof, without first affording such State agency reasonable notice and opportunity for a hearing.

### DETERMINATION OF FEDERAL SHARE; PAYMENTS

SEC. 7. (a) The Secretary shall determine the amount of the Federal share of the cost of programs approved by him under section 6 based upon the funds appropriated therefor pursuant to section 10 for that fiscal year and upon the number of participating States; except that no State may receive a grant under this title for any fiscal year in excess of $50,000.

(b) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

### OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 8. (a) Whenever the Secretary after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this title, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 6, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments will be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 6 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

### ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 9. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) The Secretary may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

### ADMINISTRATION

SEC. 10. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this title.

(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this title; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

(c) Nothing in this title or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this law to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

### AUTHORIZATION

SEC. 11. There are authorized to be appropriated to carry out the provisions of this Act the sum of $3,000,000 for the fiscal year ending June 30, 1974, and for each of the five succeeding fiscal years.

---

By Mr. FONG:

S. 1834. A bill to amend the National Housing Act to increase the maximum mortgage amounts insurable in the case of property located in Alaska, Guam, or Hawaii, and to amend section 5(c) of the Homeowners Loan Act of 1933 to authorize an increase in the principal amount of mortgages on properties in Alaska, Guam, and Hawaii to compensate for higher prevailing costs and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. FONG. Mr. President, I am today introducing legislation that will go far to alleviate the critical shortage of mortgage money in the housing market in Hawaii, Alaska, and Guam. The bill, Mr. President, will substantially raise the levels that savings and loan institutions and banks may lend for houses in Hawaii, Alaska, and Guam, commensurate with the extremely high cost of housing there. The bill increases the amount banks may lend on single family dwellings to $66,000 by increasing the maximum FHA mortgage insurance available to $66,000 in Hawaii, Alaska, and Guam. Proportionate increases are also provided for multiple family dwellings.

Likewise the bill increases the amount federally chartered savings and loan institutions may lend on single family dwellings to $65,925, with proportionate increases for multiple dwellings.

The bill, Mr. President, removes the present inequitable $4,500 gap in Hawaii, Alaska, and Guam between the amount banks and savings and loan institutions can lend on single-family dwellings. According to my investigations, there was no existing reason for this $4,500 gap and, therefore, I attempted to give banks and savings and loan institutions equal treatment by allowing both kinds of financial lender the same approximate mortgage ceilings for comparable housing in Hawaii, Alaska, and Guam.

Although I would prefer the dollar amounts to be exactly equal, it is impossible to do so, because we dealt with two different laws, and each law had to be amended percentagewise rather than through an exact dollar amount. However, I believe that the dollar amounts are now close enough to give fair and equitable treatment to both banks and savings and loan institutions.

I hope, Mr. President, that this bill will provide a two-pronged approach to the critical housing shortage in Hawaii, Alaska, and Guam, by allowing both the banks and the savings and loan institutions to fully participate in the financing of a greater number of homes there.

---

By Mr. HARTKE (for himself, Mr. HUGHES, Mr. TALMADGE, Mr. RANDOLPH, Mr. CRANSTON, Mr. HANSEN, Mr. THURMOND, Mr. STAFFORD, and Mr. MCCLURE):

S. 1835. A bill to amend title 38, United States Code, to increase the maximum amount of Servicemen's Group Life Insurance to $20,000 to provide full-time coverage thereunder for certain members of the Reserves and National Guard, to authorize the conversion of such insurance to Veterans' Group Life Insurance, and for other purposes. Referred to the Committee on Veterans' Affairs.

### VETERANS' INSURANCE ACT OF 1973

**Mr. HARTKE.** Mr. President, today I introduce legislation on behalf of the distinguished Senator from Iowa (Mr. HUGHES) who is necessarily absent today. This bill which may be cited as the Veterans' Insurance Act of 1973 will be considered in hearings on May 23 by the Veterans' Affairs Subcommittee on Housing and Insurance which Senator HUGHES so ably chairs.

Four major amendments to veterans' insurance laws are contemplated by this bill. First, Servicemen's Group Life Insurance—SGLI—would be extended to provide full-time coverage for certain members of the Ready and Retired Reserves and the National Guard. Second, the Veterans' Insurance Act would establish a new nonrenewable 5-year term insurance program to be known as Veterans' Group Life Insurance—VGLI—which would become effective upon a serviceman's discharge and the cessation of his SGLI insurance policy. Third, the maximum amount of insurance coverage under either SGLI or VGLI would be increased from the present $15,000 to $20,000. Fourth, amendments are made to the veterans' special term life insurance program authorized under section 723 of title 38 to make it a participating policy.

### SGLI FOR RESERVES AND NATIONAL GUARD

Mr. President, the Veterans' Insurance Act is intended to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and for certain members of the retired Reserve up to the age of 60.

This bill would provide full-time coverage under SGLI up to $20,000 for persons who volunteer for assignment to the Ready Reserve of a uniformed service and are assigned to a unit or position in which they may be required to perform active duty or active duty for training, and each year will be scheduled to perform at least 12 periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code. Currently, this group, along with other reserves, are covered under SGLI only on such days as they are on active duty or active duty for training under a call or order to duty that specifies a period of less than 30 days, during the hours of scheduled inactive duty training and while traveling to or from such duties.

This bill would also provide full-time coverage under SGLI for persons assigned to, or who, upon application, would be eligible for assignment to the Retired Reserve of a uniformed service who are under 60 years of age and have completed at least 20 years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, members of the Retired Reserves are not eligible for SGLI.

Full-time coverage of any member of the Ready Reserve would terminate 120 days after separation or release from an assignment which qualifies him for such coverage. However, if on the date of such separation or release the member was totally disabled, SGLI coverage would continue in effect during total disability up to 1 year as is provided in present law for persons on extended active duty. Further, if on the date of separation or release from such an assignment, the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, would continue in force until receipt of the first increment of retirement annuity by the member or the member's 61st birthday, whichever occurs earlier. Such continued coverage would be subject to the timely payment of premiums under terms prescribed by the Administrator.

The premium charges will be paid by the member through payroll deduction. There is, of course, no cost to the Government. The Administrator is authorized to determine premiums that would include an amount necessary to cover the administrative cost of such insurance.

The Department of Defense strongly recommends extension of SGLI to these men "as a positive and feasible incentive for service in the National Guard and Ready Reserve forces, particularly the Selected Reserve."

Mr. President, America has depended upon strong, willing Reserve forces to help provide its wartime strength requirements, and their contributions have been highly important.

But we must remember that providing for strong Reserves is not now an easy thing to do. The attractiveness for service in the Reserves is not as great under present day conditions and attitudes as in previous years. The pressure of the draft has been removed and with it much of the incentive for young men to seek service in the Reserves. Reserve strength figures are dropping. If we are to make service in the Reserves sufficiently attractive to maintain adequate strength levels, we must provide new incentives.

### VETERANS' GROUP LIFE INSURANCE

Mr. President, the Veterans' Insurance Act of 1973 would also provide for the conversion of Servicemen's Group Life Insurance to a nonrenewable 5-year term policy to be known as Veterans' Group Life Insurance effective on the day SGLI terminates for the servicemen. At the end of the 5-year period, the policy could then be converted to an individual policy of insurance with a commercial insurance company selected by the veteran. Presently a serviceman may be covered by Servicemen's Group Life Insurance of up to $15,000 while he is in the service. This coverage continues for 120 days following discharge or up to 1 year in the case of total disability. Within that period the veteran has the right to convert to an individual policy with a commercial insurance company of his choice. It is no secret, however, that it often takes considerable time for a veteran to completely adjust back to civilian life. Life insurance hardly appears to be a priority to the young ex-serviceman concerned with all of the obvious readjustment problems of additional schooling, of finding an adequate job, beginning a family and buying a home. One-hundred and twenty days passes quite swiftly and the veteran often finds himself with with no insurance coverage. His financial situation often prohibits him from taking out any insurance much less adequate insurance. Veterans' Group Life Insurance is intended to provide a low-cost policy of life insurance during this readjustment period at the end of which the veteran will both recognize the value of commercial life insurance and be in a position to purchase an adequate amount. The Veterans' Administration has reported that if a veteran 23 years of age today buys a $15,000 ordinary life policy with no added benefits from a company which will pay dividends, a typical monthly premium would be about $21. The cost would of course be reduced in the future by dividends as declared. Veterans' Group Life Insurance as proposed by this bill, however, would reduce by more than 75 percent most veterans' initial outlay for the same amount of insurance during these critical years of readjustment.

The bill would automatically cover any serviceman being discharged by the service following enactment of this act unless he declined in writing to be covered. In addition, the bill would provide a partial 5-year retroactive coverage for the some 6 million Vietnam-era veterans, many of whom did not convert their SGLI policies. Under this retroactive provision VGLI would be issued for a term period equal to 5 years less any time lapse in the termination of the applicant's Servicemen's Group Life Insurance and the date of enactment of this act. For example, the veteran who was discharged a year ago would be entitled to Veterans' Group Life Insurance for a period of 4 years. A veteran discharged 2 years ago would be entitled to VGLI for a period of 3 years, and so on. For retroactive coverage, proof of good health would be required except that any veteran who could not meet the good health requirements for insurance under this subsection solely because of a service-connected disability would have such disability waived.

### INCREASE SGLI AND VGLI TO $20,000

Mr. President, the Veterans' Insurance Act would also increase the maximum amount of life insurance coverage under servicemen's group life insurance and veterans' group life insurance from $15,000 to $20,000.

The importance of life insurance to all Americans should not be underestimated. People buy life insurance for a variety of reasons, but the main one is to provide financial protection for their families in case they should die prematurely. Americans purchased $189.2 billion of life insurance in 1971 and $193.6 billion in 1970, including $17.1 billion under SGLI.

Through legal reserve life insurance companies, Americans owned $1.5 trillion of life insurance by the end of 1971. If divided among all families in the Nation, each would have had $21,800 of protection at the year's end. In fact, excluding families with no life insurance, the average ownership for insured families was about $25,700.

Ninety-one percent of all families have some coverage by life insurance, insuring the man in 86 percent of all cases. Some 140 million individual policyholders, or two out of three people in the country, were insured with legal reserve life insurance companies.

Families are being insured at higher rates today. In 1971, over 50 percent of all new ordinary policies purchased was for amount of $10,000 or more, compared to 32 percent 9 years earlier. Thirty-six percent was between $10,000 and $25,000.

There have been few Federal programs that have been as successful and popular as veterans' insurance. The SGLI program is a unique combination of public and private cooperation to provide low cost insurance to our servicemen and veterans. I believe an increase in the maximum amount of insurance to $20,000 is long overdue. Of course, the insured can choose to purchase lesser amounts of insurance if he desires to.

### VETERANS' SPECIAL LIFE INSURANCE

Mr. President, the Veterans' Insurance Act would also amend 38 U.S.C. section 723 to make the veterans' special term—RS—insurance a participating policy.

The veterans' special term insurance—VSLI—program was authorized to permit veterans of the Korean conflict to continue Government-sponsored life insurance following their military service—as had been true for their World War II and World War I predecessors. The Korean serviceman was in a different circumstance, since he carried no premium-paying insurance during service—rather, the Government covered his insurance requirements with a $10,000 servicemen's indemnity. Hence VSLI was created for these men following their discharge. It was the first regular Government-administered program to be written on a nonparticipating basis, that is, without dividends. It is self-supporting except that the cost of administration is borne by the Government.

There are today 562,621 VSLI policies in force, a total face value of $5.3 billion. VSLI consists of two varieties, "RS" and "W." The RS insurance is entirely term insurance with the premium rate increasing at the expiration of each 5-year period. W insurance is both term and permanent. It was created to provide RS holders with the option of exchanging their policies for a nonrenewable insurance after age 50 at a greatly reduced cost. Fifty-six percent converted from RS to W.

The total number of RS policyholders has only slightly decreased over the past few years, from 49,687 at the end of 1968 to 44,157 at the end of 1972. Yet the surplus earnings in the RS revolving trust fund has quadrupled over this same 4-year period from $2 to $8 million.

Congress never intended for the Government to overcharge war veterans for insurance. Policyholders who continued their protection on the term plan are still being charged premiums far in excess of mortality experience—up to 70 percent more than is needed to pay for the cost of claims, mortality, and administrative charges. The mortality table established at the start of VSLI is obviously out of date today.

Equity demands that these excess premiums be returned to the veterans who paid for them. This proposed amendment to section 723 would direct the Administrator of the Veterans' Administration to determine the amount in the revolving fund which is in excess of the actuarial liability, including contingency reserves, and pay such amounts as a dividend without interest less the annual cost per policy.

Mr. President, I ask unanimous consent that the text of the bill, as introduced, be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1835

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Veterans' Insurance Act of 1973".

SEC. 2. (a) That section 723 of title 38, United States Code, is amended as follows:

(1) The catchline is amended to read as follows: "Veterans' Special Life Insurance".

(2) Clause (4) of subsection (a) is amended to read as follows: "(4) all premiums and other collections on such insurance and any total disability provisions added thereto shall be credited to a revolving fund in the Treasury of the United States, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums".

(3) Clause (5) of subsection (b) is amended to read as follows: "(5) all premiums and other collections on insurance issued under this subsection and any total disability income provisions added thereto shall be credited directly to the revolving fund referred to in subsection (a) of this section, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums".

(4) Subsections (d) and (e) are hereby repealed.

(b) The analysis of chapter 19 of title 38, United States Code, is amended by deleting "723. Veterans special term insurance." and inserting in lieu thereof the following: "723. Veterans Special Life Insurance."

SEC. 3. Clause (5) of section 765 of title 38, United States Code, is amended to read as follows:

"(5) The term 'member' means—

"(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted man, or grade, or as a cadet or midshipman of the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy;

"(B) a person who volunteers for assignment to the Ready Reserve of a uniformed service and is assigned to a unit or position in which he may be required to perform active duty, or active duty for training, and each year will be scheduled to perform at least twelve periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10;

"(C) a person assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who has not received the first increment of retirement pay or has not yet reached sixty-one years of age and has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10; and

"(D) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises."

Sec. 4. Section 767 of title 38, United States Code, is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure against death—

"(1) any member of a uniformed service on active duty, active duty for training, or inactive duty for training scheduled in advance by competent authority;

"(2) any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(B) of this title; and

"(3) any member assigned to, or who upon application would be eligible for assignment to, the Retired Reserve or a uniformed service who meets the qualifications set forth in section 765(5)(C) of this title;

in the amount of $20,000 unless such member elects in writing (A) not to be insured under this subchapter, or (B) to be insured in the amount of $15,000, $10,000 or $5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 765(5)(B) of this title, or the first day a member of the reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 765(5)(C) of this title, or the date certified by the Administrator to the Secretary concerned and the date Servicemen's Group Life Insurance under this subchapter for the class or group concerned takes effect, whichever is the later date."

(2) Subsection (b)(2) is amended by deleting "ninety days" and inserting in lieu thereof "one hundred and twenty days".

(3) Subsection (c) is amended to read as follows: "(c) If any member elects not to be insured under this subchapter or to be insured in the amount of $15,000, $10,000 or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $20,000, $15,000, or $10,000 under this subchapter, as the case may be, upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator. Any former member insured under Veterans' Group Life Insurance who again becomes eligible for Servicemen's Group Life Insurance and declines such coverage solely for the purpose of maintaining his Veterans' Group Life Insurance in effect shall upon termination of coverage under Veterans' Group Life Insurance be automatically insured under Servicemen's Group Life Insurance, if otherwise eligible therefor."

Sec. 5. (a) Section 768 of title 38, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting "or while the member meets the qualifications set forth in sections 765(5) (B) or (C) of this title," immediately before "and such insurance shall cease".

(2) Clauses (2) and (3) of subsection (a) are each amended by deleting "ninety days" wherever it appears therein and inserting in lieu thereof "one hundred and twenty days".

(3) Subsection (a) is further amended by adding at the end thereof the following:

"(4) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(B) of this title, one hundred and twenty days after separation or release from such assignment—

"(A) unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after separation or release from such assignment; or

"(B) unless on the date of such separation or release the member has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10 and would upon application be eligible for assignment to or is assigned to the Retired Reserve, in which event the insurance, unless converted to an individual policy under terms and conditions set forth in section 777(e) of this title, shall, upon timely payment of premiums under terms prescribed by the Administrator directly to the administrative office established under section 766(b) of this title, continue in force until receipt of the first increment of retirement pay by the member or the member's sixty-first birthday, whichever occurs earlier.

"(5) with respect to a member of the Retired Reserve who meets the qualifications of section 765(5)(C) of this title, and who was assigned to the Retired Reserve prior to the date insurance under this amendment is placed in effect for members of the Retired Reserve, at such time as the member receives the first increment of retirement pay, or the member's sixty-first birthday, whichever occurs earlier, subject to the timely payment of the initial and subsequent premiums, under terms prescribed by the Administrator, directly to the administrative office established under section 766(b) of this title."

(4) Subsection (b) is amended to read as follows:

"(b) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, that, except as hereinafter provided, Servicemen's Group Life Insurance which is continued in force after expiration of the period of duty or travel under sections 767(b) or 768(a) of this title, effective the day after the date such insurance would cease, shall be automatically converted to Veterans' Group Life Insurance subject to (1) the timely payment of the initial premium under terms prescribed by the Administrator, and (2) the terms and conditions set forth in section 777 of this title. Such automatic conversion shall be effective only in the case of an otherwise eligible member or former member who is separated or released from a period of active duty or active duty for training or inactive duty training on or after the date on which the Veterans' Group Life Insurance program (provided for under section 777 of this title) becomes effective. Servicemen's Group Life Insurance continued in force under section 768(a)(4)(B) or (5) of this title shall not be converted to Veterans' Group Life Insurance. However, a member whose insurance could be continued in force under section 768(a)(4)(B) of this title, but is not so continued, may, effective the day after his insurance otherwise would cease, convert such insurance to an individual policy under the terms and conditions set forth in section 777(e) of this title."

(5) Section 768(c) is hereby repealed.

(b) The amendments made by this Act shall not be construed to deprive any person discharged or released from the Armed Forces of the United States prior to the date on which the Veterans' Group Life Insurance program (provided for under section 777 of title 38, United States Code) becomes effective of the right to convert Servicemen's Group.

Sec. 6. Section 769 of title 38, United States Code, is amended as follows:

(1) By deleting from paragraphs (1) and (2) of subsection (a) "is insured under a policy of insurance purchased by the Administrator, under section 766 of this title" and inserting in lieu thereof "is insured under Servicemen's Group Life Insurance".

(2) By redesignating paragraphs (2) and (3) of subsection (a) as paragraphs (3) and (4), respectively, and by adding after paragraph (1) a new paragraph (2) as follows:

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 765(5)(B) of this title, or is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of section 765(5)(C) of this title, and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made."

(3) By deleting from the second sentence of paragraph (4) "subsection (1) hereof, or fiscal year amount under subsection (2) hereof" and inserting in lieu thereof "paragraph (1) or (2) hereof, or fiscal year amount under paragraph (3) hereof"; and by deleting in such paragraph (4) "this subchapter" each time it appears and "insurance under this subchapter" and inserting in lieu thereof "Servicemen's Group Life Insurance".

(4) The first sentence of subsection (b) is amended by deleting "such insurance" and inserting in lieu thereof "Servicemen's Group Life Insurance"; and the second sentence of such subsection is amended by deleting "this subchapter" and inserting in lieu thereof "Servicemen's Group Life Insurance".

(5) Subsection (c) is amended by deleting "such insurance" and inserting in lieu thereof "Servicemen's Group Life Insurance".

(6) The last sentence of subsection (d)(1) is amended to read as follows: "all premium payments and extra hazard costs on Servicemen's Group Life Insurance and the administrative cost to the Veterans' Administration of insurance issued under this subchapter shall be paid from the revolving fund".

(7) By adding at the end of such section a new subsection as follows:

"(e) The premiums for Servicemen's Group Life Insurance placed in effect or continued in force for a member assigned to the Retired Reserve of a uniformed service who meets the qualifications of section 765(5)(C) of this title, shall be established under the criteria set forth in section 771 (a) and (c) of this title, except that the Administrator may provide for average premiums for such various age groupings as he may determine to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing or continuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Administrator directly to the administrative office established for such insurance under section 766 (b) of this title. The provisions of section 771 (d) and (e) of this title shall be applicable to Servicemen's Group Life Insurance continued in force or issued to a member assigned to the Retired Reserve of a uniformed service. However, a separate accounting may be required by the Administrator for insurance issued to or continued in force on the lives of members assigned to the Retired Reserve and for other insurance in force under this subchapter. In such accounting, the Administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles".

SEC. 7. Section 770 of title 38, United States Code, is amended as follows:

(1) The first paragraph following the colon in subsection (a) is amended to read as follows:

"First, to the beneficiary or beneficiaries as the member or former member may have designated by a writing received prior to death (1) in the uniformed services if insured under Servicemen's Group Life Insurance, or (2) in the administrative office established under section 766(b) of this title if separated or released from service, or if assigned to the Retired Reserve, and insured under Servicemen's Group Life Insurance, or if insured under Veterans' Group Life Insurance;".

(2) Subsections (f) and (g) are amended by adding after "Servicemen's Group Life Insurance" wherever it appears therein "or Veterans' Group Life Insurance".

SEC. 8. Section 771 of title 38, United States Code, is amended as follows:

(1) Subsection (b) is amended by deleting "the policy or policies" and inserting in lieu thereof "Servicemen's Group Life Insurance".

(2) The third sentence of subsection (e) is amended by deleting "section 769" and inserting in lieu thereof "section 769(d)(1)".

SEC. 9. (a) Subchapter III of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 777. Veterans' Group Life Insurance

"(a) Veterans' Group Life Insurance shall be issued in the amounts of $5,000, $10,000, $15,000 or $20,000 only. No person may carry a combined amount of Servicemen's Group Life Insurance and Veterans' Group Life Insurance in excess of $20,000 at any one time. Any person insured under Veterans' Group Life Insurance who again becomes insured under Servicemen's Group Life Insurance may within sixty days after becoming so insured convert any or all of his Veterans' Group Life Insurance to an individual policy of insurance under subsection (e) of this section. However, if such a person dies within the sixty-day period and before converting his Veterans' Group Life Insurance, Veterans' Group Life Insurance will be payable only if he is insured for less than $20,000 under Servicemen's Group Life Insurance, and then only in an amount which when added to the amount of Servicemen's Group Life Insurance payable shall not exceed $20,000.

"(b) Veterans' group life insurance shall (1) provide protection against death; (2) be issued on a nonrenewable five-year term basis; (3) have no cash, loan, paidup, or extended values; (4) except as otherwise provided, lapse for nonpayment of premiums; and (5) contain such other terms and conditions as the Administrator determines to be reasonable and practicable which are not specifically provided for in this section, including any provisions of this subchapter not specifically made inapplicable by the provisions of this section.

"(c) The premiums of veterans' group life insurance shall be established under the criteria set forth in sections 771 (a) and (c) of this title, except that the Administrator may provide for average premiums for such various age groupings as he may decide to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Administrator directly to the administrative office established for such insurance under section 766(b) of this title. In any case in which a member or former member who was mentally incompetent on the date he first became insured under veterans' group life insurance dies within one year of such date, such insurance shall be deemed not to have lapsed for nonpayment of premiums and to have been in force on the date of death. Where insurance is in force under the preceding sentence, any unpaid premiums may be deducted from the proceeds of the insurance. Any person who claims eligibility for veterans' group life insurance based on disability incurred during a period of duty shall be required to submit evidence of qualifying health conditions and, if required, to submit to physical examinations at their own expense.

"(d) Any amount of veterans' group life insurance in force on any person on the date of his death shall be paid, upon the establishment of a valid claim therefor, pursuant to the provisions of section 770 of this title. However, any designation of beneficiary or beneficiaries for servicemen's group life insurance filed with a uniformed service until changed, shall be considered a designation of beneficiary or beneficiaries for veterans' group life insurance, but not for more than sixty days after the effective date of the insured's veterans' group life insurance, unless at the end of such sixty-day period, the insured is incompetent in which event such designation may continue in force until the disability is removed but not for more than five years after the effective date of the insured's veterans' group life insurance. Except as indicated above in incompetent cases, after such sixty-day period, any designation of beneficiary or beneficiaries for veterans' group life insurance to be effective must be by a writing signed by the insured and received by the administrative office established under section 766(b) of this title.

"(e) An insured under Veterans' Group Life Insurance shall have the right to convert such insurance to an individual policy of life insurance upon written application for conversion made to the participating company he selects and payment of the required premiums. The individual policy will be issued without medical examination on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums in the event the insured performs active duty, active duty for training, or inactive duty training. The individual policy will be effective the day after the insured's Veterans' Group Life Insurance terminates by expiration of the five-year term period, except in a case where the insured is eligible to convert at an earlier date by reason of again having become insured under Servicemen's Group Life Insurance, in which event the effective date of the individual policy may not be later than the sixty-first day after he again became so insured. Upon request to the administrative office established under section 766(b) of this title, an insured under Veterans' Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. In addition to the life insurance companies participating in the program established under this subchapter, the list furnished to an insured under this section shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administrator and agree to sell insurance to former members in accordance with the provisions of this section.

"(f) The provisions of section 771 (d) and (e) of this title shall be applicable to Veterans' Group Life Insurance. However, a separate accounting shall be required for each program of insurance authorized under this subchapter. In such accounting, the Administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles."

"(g) Any person whose Servicemen's Group Life Insurance was continued in force after termination of duty or discharge from service under the law as in effect prior to the date on which the Veteran's Group Life Insurance program (provided for under section 777 of this title) became effective, and whose coverage under Servicemen's Group Life Insurance terminated less than five years prior to such date, shall be eligible to apply for and be granted Veterans' Group Life Insurance in an amount equal to the amount of his Servicemen's Group Life Insurance which was not converted to an individual policy under prior law. Veterans' Group Life Insurance issued under this subsection shall be issued for a term period equal to five years, less the time elapsing between the termination of the applicant's Servicemen's Group Life Insurance and the effective date on which the Veterans' Group Life Insurance program became effective. Veterans' Group Life Insurance under this subsection shall only be issued upon application to the administrative office established under section 766(b) of this title, payment of the required premium, and proof of good health satisfactory to that office, which proof shall be submitted at the applicant's own expense. Any person who cannot meet the good health requirements for insurance under this subsection solely because of a service-connected disability shall have such disability waived. For each month for which any eligible veteran, whose service-connected disabilities are waived, is insured under this subsection there shall be contributed to the insurer or insurers issuing the policy or policies from the appropriation "Compensation and Pensions, Veterans' Administration" an amount necessary to cover the cost of the insurance in excess of the premiums established for eligible veterans, including the cost of administration and the cost of the excess mortality attributable to such veteran's service-connected disabilities. Appropriations to carry out the purpose of this section are hereby authorized".

(b) The analysis of subchapter III of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following:

"777 Veterans' Group Life Insurance.".

SEC. 10. This Act shall become effective as follows:

(1) The amendments made by section 2, relating to Veterans' Special Life Insurance, shall become effective upon the date of enactment of this act except that no dividend on such insurance shall be paid for any period of time prior to January 1, 1974.

(2) The amendments relating to Servicemen's Group Life Insurance coverage on a full-time basis for certain members of the Reserves and National Guard shall become effective upon the date of enactment of this Act.

(3) The amendments increasing the maximum amount of Servicemen's Group Life Insurance shall become effective upon the date of enactment of this act.

(4) The amendments enacting a Veterans' Group Life Insurance program shall become effective on the first day of the third calendar month following the month in which this Act is enacted.

---

**By Mr. FONG:**

S. 1836. A bill to amend the act entitled "An act to incorporate the American Hospital of Paris," approved January 30, 1913 (37 Stat. 654). Referred to the Committee on the Judiciary.

Mr. FONG. Mr. President, today I am introducing legislation to amend the charter of the American Hospital of Paris so as to remove the limitation on the maximum number of members of its board of governors.

As anyone who has had the misfortune to become ill while in Europe well knows, the American Hospital of Paris, located on the Boulevard Victor-Hugo in Paris, France, affords outstanding medical and surgical services.

This hospital was founded in 1910. It

was incorporated by an act of Congress (37 Stat. 654) approved January 30, 1913. It is a nonprofit institution for the express purpose of serving Americans, with or without funds, residing or traveling in France. Through the years, it has earned an international reputation for providing outstanding medical care to its patients, American as well as many other nationalities.

We all understand that management of any hospital in today's world is a very complex business, but the direction of an American hospital in a foreign country is doubly difficult. Their task is further complicated by their determination to expand the facilities and to rebuild and modernize many of the buildings on their property, some of which date back to 1910 and are no longer useful or economic to operate.

Working with the help of U.S. management engineers, the American Hospital of Paris has also begun to improve further the quality of its health care delivery system by developing a biological and scientific research institute as part of the hospital complex. This, they expect, will lead to an affiliation with one or more American universities and it will thus become a teaching institution to provide an even greater exchange of scientific ideas and talent. In this connection, some financial assistance through AID's program to help American schools and hospitals abroad is anticipated. However, the major part of the $25 million needed for the project must be privately subscribed.

I might note parenthetically, that even though the American Hospital of Paris has served as an outstanding example of American medical excellence in France since 1910, it has never asked for U.S. Government assistance until this past year.

The American community of Paris, which the hospital was founded to serve, is very special. Apart from the 25,000 to 30,000 Americans who live in Paris more or less permanently as businessmen, bankers, educators, government officials, and so forth, there are literally hundreds of thousands of other Americans who have a right to use the facilities including students, tourists, visiting officials as well as those Americans residing elsewhere in Europe. According to the expert advice of a group of American hospital consultants, demand for the use of the hospital facilities will more than double over the next 7 to 10 years.

In order to raise the money to carry on and expand its worthwhile humanitarian efforts, the president and executive governor of the American Hospital of Paris, Perry H. Culley, advises me that its management consultants feel that the interests of the hospital would be better served if they were permitted to have more governors, and thus broaden their base to include some of the younger American residents of Paris, both men and women, who represent our country either in business or government.

By its charter, its Board of Governors is limited to 20 members. My bill proposes to eliminate this restriction so that, as recommended by its management consultants, the hospital may offer Board membership to "certain individuals, preferably in the lower age bracket, who evidence some interest in maintaining and promoting better health services and who hopefully might be in a position to help financially either themselves, or through contacts with other individuals who might become contributors."

A fact sheet prepared by the American Hospital of Paris as to its operations, would, I am certain, be of interest to my colleagues.

Mr. President, I ask unanimous consent that the fact sheet be printed at this point in the RECORD.

One final note: The American Hospital of Paris contributes immensely in promoting good will in France and in furthering Franco-American friendship and scientific cooperation and exchange. If it were possible to measure its contribution in cash, I believe it would be worth many, many millions of dollars. It is a landmark in Europe and, through modernization and expansion, will be an even more important show place for the best of American medical and health care practice.

I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill and factsheet were ordered to be printed in the RECORD, as follows:

### S. 1836

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 4 of the Act entitled "An Act to incorporate the American Hospital of Paris", approved January 30, 1973 (37 Stat. 654) is amended by deleting "nor more than twenty".

(b) Section 6 of such Act is amended by deleting "an equal number of" wherever it appears therein.

---

### THE AMERICAN HOSPITAL OF PARIS FACT SHEET

(1) Opened—March 1910.

(2) Chartered by an Act of Congress, January 1913.

(3) The American Hospital of Paris is the only hospital in Europe accredited by the American Joint Commission on the Accreditation of Hospitals.

(4) The American Hospital of Paris operates under regulations established by the French Ministry of Public Health and is accredited by the French Social Security.

That is, number of rooms authorized, rates charged per room, number of U.S. doctors allowed, social security benefits, etc.

(5) Number of Americans—Authorized, 6.

(6) Number of French Doctors—

1. Active staff, 95.
2. Consulting staff, 44.
3. Courtesy privileges, 267.
4. Honorary staff, 58.

(7) Number of Nurses—129.

(8) Number of persons employed (except doctors), 550.

(9) Number of beds (authorized), 187.

(10) Average number of babies born a year, 550.

(11) Number of operating rooms, 4.

(12) Average number of out-patient clinic visits per year, 38,000.

(13) Average number of in-patient operations performed yearly, 2,500.

(14) Average percentage of American patients, 25%.

(15) Average percentage of French and other nationalities, 75%.

(16) Average number of patients admitted per year, 5,500.

(17) Among outstanding facilities are:

(a) one of the finest X-Ray departments in Europe.

(b) an Intensive Care Unit of 7 beds with individual and central monitoring.

(c) a Radioactive Isotope Laboratory.

(d) a Cobalt bomb.

(e) the Eisenhower Pavillion with large private rooms and out-patient facilities.

(f) a Clinical Laboratory with autoanalyzer (automatic clinical testing unit).

(g) a Photocoagulator and a laser for the Department of Ophthalmology.

(18) The American Hospital of Paris remained open during all of World War I and World War II (even under German occupation).

(19) In 1917 the American Hospital became *Military Hospital No. 1 of the United States Army.*

(20) After the liberation of Paris in 1944, the U.S. military operated the hospital. By the late 1940's the hospital was back under civilian control but the American Army kept one floor with its own staff until late in 1967. This floor, with 50 beds, has since then been used for civilian patients.

(21) By its Charter, *all* Americans, with or without funds, are given priority treatment and many patients are stranded American students in Paris.

(22) The range of prices for rooms is presently as follows:

*Ward,* 127 frs. per day.

22 *Semi-private rooms* (2 beds), 183 frs. per day.

82 *Private rooms* (without all facilities), 230 frs. per day.

7 *Medium-size private rooms with bath,* 279 frs. per day.

7 *Large private rooms with bath and W.C.,* 308 frs. per day.

16 *Luxe* rooms, 316 frs. per day.

(23) Although the American Hospital of Paris functions exclusively in France, its organization is all-American, with the American Ambassador as a "working" Honorary President, an American President, Executive Governor, Chief of Medical Services and a 20-member Board of Governors, all prominent U.S. citizens who are residents of Paris.

(24) The American Hospital, a non-profit institution, receives no financial support from the American or French Governments and has been operating for the last few years at a loss of approximately $500,000 annually, including depreciation.

---

By Mr. WILLIAMS (for himself and Mr. Moss):

S. 1837. A bill to amend section 1903 of the Social Security Act to remove limits on payments for skilled nursing homes and intermediate care facilities. Referred to the Committee on Finance.

### REPEAL OF ARBITRARY MEDICAID REPAYMENT LIMITATIONS FOR NURSING HOMES AND INTERMEDIATE CARE FACILITES

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference a bill that will amend section 1903 of the Social Security Act by removing arbitrary statutory limits on payments for skilled nursing homes and intermediate care facilities.

Last year's social security and medicare reform bill, H.R. 1, (Public Law 92–603), included a provision (section 225) which limits Federal participation in nursing home rate increases for skilled nursing and intermediate care facilities to 105 percent of the previous year's commitment. This was apparently intended as a cost control measure to limit precipitous increases in the rates States pay nursing homes under the medicaid program.

Of course, medicaid is a Federal grant-in-aid program administered by HEW. Under the medicaid program the Government pays from 50 to 83 percent of the cost incurred when a State provides nursing home care to welfare patients who cannot afford it.

Since the lion's share of the medicaid funds comes from the Federal Government, limiting the Federal Government's participation to 105 percent of what it paid has a serious adverse effect. It will place a flat limit on State payments to medicaid nursing homes of 5 percent over the previous year's rates regardless of how much costs have actually increased.

Members of the American Nursing Home Association and the New Jersey Nursing Home Association have challenged this provision as arbitrary and unfair. I believe they are right and that it should be repealed. This is the effect of my bill.

There are several persuasive reasons to make the reform which I am supporting.

First, the provision of the Social Security Act in question, section 1903(j), applies only to nursing homes. It does not apply to hospitals which have essentially similar costs as far as supplies, food, and personnel.

Second, this section of the law seems to contradict section 1902(a)(13) subsection (E) which requires the States to establish cost related reimbursement for medicaid nursing homes by July 1, 1976.

Third, there is no consideration given to increases in rates which will be required to meet new and higher federally imposed standards incorporated in H.R. 1 last year.

Finally, there is no concession in the present 5 percent ceiling for inflation generally or specifically for the increases in costs of supplies, materials, food, and personnel.

On this last point, we should note that the general rate of inflation in the United States is presently about 6 percent a year while medical and health costs have been increasing twice as fast. The lack of controls on suppliers is also significant—particularly since food costs for providers will probably jump 13 to 20 percent this year.

I would also like to emphasize that there are abundant cost controls in the present law to protect against unreasonable increases in nursing home rates. Among these are Utilization Review, Professional Standards Review Organizations and Medical Review. Moreover, the Cost of Living Council controls the rates nursing homes can charge to private patients.

All of these are compelling arguments for the repeal of section 1903(j). But most important of all from my judgment is the fact that this provision effectively limits the quality of care provided to patients under the medicaid program. It has been acknowledged by most students in long-term care that medicaid rates are too low and that this is one of the primary causes for the reports of low quality of care received by indigent nursing home patients. In H.R. 1, last year the Congress made a commitment to increase these rates to a reasonable level, at least to reflect cost minimums. I intend to see that we keep our promise. The present provision is clearly arbitrary and discriminatory and patently unfair. For all these reasons and for the sake of the thousands of elderly who must spend their remaining days in a long-term care facility, we must repeal section 1903(j).

By Mr. HARTKE (for himself and Mr. BIBLE):

S. 1838. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 so as to extend to all individuals who have attained age 65 coverage under part A of medicare, to extend—without payment of premium—coverage under part B of medicare to all individuals covered under part A of medicare, to revise the social security and medicare tax schedules, to provide an alternative tax rate for low-income individuals, and to provide for partial general revenue financing of the social security and medicare programs. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, today I introduce legislation to effect several major reforms in the social security system. Specifically, my proposal would combine parts A and B of the medicare health insurance program, cover all persons over 65 under that program, eliminate the present separate premium for part B medicare, provide for partial general revenue financing of both retirement and health insurance benefits, establish an alternative rate of payroll tax for low-income individuals, and establish a payroll tax rate which will not need to be increased until the year 2020.

### MEDICARE

Mr. President, medicare provides needed health insurance coverage for millions of elderly Americans. Health expenditures are the most costly item in the budget of an older American, and medicare helps to ease that burden.

At the present time, those persons eligible for part B—physicians' services—coverage pay a monthly premium of $5.80 or 69.60 a year, which is matched dollar for dollar by the Federal Government. In July of this year, that monthly premium will go up to $6.30 or $75.60 a year. Because a significant number of older Americans live below or near the poverty level, this monthly premium only serves to take away money which is needed to purchase other essentials.

I have long advocated that we should eliminate the special premium for part B medicare coverage and combine that coverage with part A—hospital insurance—coverage. Under the proposal that I introduce today, both parts would be financed from a combination of the payroll tax and Federal general revenues, with the consequent elimination of the special part B premium. In this way, the elderly can purchase both hospital and doctor coverage before they retire, rather than be saddled with part of the expense after retirement, when it can least be afforded.

Similarly, I have advocated the appropriation from general revenues of funds to pay part of the cost of medicare. This approach helps to pay for the cost of health insurance for workers who are already old, thus relieving younger workers of the burden. In order to make the medicare program fully effective in its early years, people who were already at or approaching retirement age at the time medicare began were fully covered even though some had made no contributions at all, and the rest—together with their employers had made contributions substantially below the cost of benefits paid to them. Thus, part or all of the cost of the benefits for these older workers is now met by the contributions of younger workers and future generations of workers.

The use of general revenues is also a more equitable means of paying for the health insurance program. In the cash social security program, the more one works and the higher his wages, the better his protection will be generally. In the medicare program, however, the person who has the minimum amount of coverage to be eligible to be insured and thus has paid a minimum payroll tax contribution is entitled to the same health insurance benefits as the person who has paid the maximum contributions over his entire working lifetime. Thus, the high-income worker is paying a larger total amount for the identical benefits. The use of general revenues to pay for part of the health insurance cost is a more equitable means of financing medicare.

Under the proposal I introduce today, the combined parts A and B of medicare would be paid through a one-third contribution from employees, one-third from employers, and one-third from general revenues. The general revenue contribution would be phased in over a period of 4 years, beginning with a contribution equal to one-fifth of benefit outgo in fiscal year 1974, one-fifth for fiscal year 1975, one-fourth in fiscal year 1976, and one-third in each fiscal year after 1976. The general revenue contribution for medicare in fiscal year 1974 would amount to approximately $3 billion.

### CASH BENEFITS

Mr. President, my proposal makes similar arrangements for financing cash benefits under the social security program. If one looks only at social security's current benefit and financing provisions and does not take into account that there will be future changes made in the program, one could conclude that young workers would get social security protection that is worth less than the combined employee-employer contributions that will be paid on their earnings. Under this sort of static analysis of the present program, that is, an analysis that assumes that wage and benefit levels remain unchanged in the future, the combined contributions of future generations of workers and their employers will be about 50 percent higher than the benefits payable to these future generations.

Moreover, a case could be made that payroll contributions are not the most desirable means by which to pay for the cost of getting the program started—that is, the cost of financing benefits for the first generation of workers. The employee-employer contribution, when viewed solely as a tax, is regressive since it falls more heavily on low-income workers than on higher-paid workers. Proponents of general revenue financing have argued for many years that a regressive tax should not be used to finance a social cost that is the responsibility of the whole Nation.

If the cost of getting the program started were to be met by a Government contribution, all of the contributions paid with respect to the earnings of future generations of workers—by employers as well as employees—would be available to furnish protection for those future generations. As a result, the value of the insurance protection provided under the program for them could be made equivalent to the value of the ultimate combined employee-employer rate to be paid in the future. At the same time, the adoption of such a financing policy could make possible a substantial liberalization of benefits now without increases in social security contribution rates.

An arrangement under which the cost of getting the social security program started would be spread over the broader base of general taxation has often been proposed over the years. In 1935, the Committee on Economic Security, in explaining its plan for contributory annuities, made the following statement in its report to the President:

> The allowance of larger annuities than are warranted by their contributions and the matching contributions of their employers to the workers who are brought into the system at the outset would involve a cost to the federal government which, if payments were begun immediately, would total approximately $500 million per year. Under the plan suggested, however, no payments will actually be made by the Federal government until 1965 and will, of course, be greater than they would if paid as incurred by the amount of the compound interest on the above sum.

In recommending a Government contribution, a 1938 Advisory Council said:

> Since the Nation, as a whole, will materially and socially benefit by such a program it is highly appropriate that the Federal government should participate in the financing of the system. With a broadening of the scope of the protection afforded, government participation in meeting the cost of the program is all the more justified since the existing cost of relief and old age assistance will be materially affected.

The Advisory Council of 1948 wrote the following statement in its report:

> The Council believes that old age and survivors insurance should be planned on the assumption that general taxation will eventually share more or less equally with employer and employee contributions in financing future benefit outlays and administrative costs . . . in a social insurance system it would be inequitable to ask either employers or employees to finance the entire cost of liabilities arising primarily because the act had not been passed earlier than it was. Hence it is desirable for the Federal government, as a sponsor of the program, to assume at least part of these accrued liabilities based on the prior service of early retirements. A government contribution would be a recognition of the interest to the Nation as a whole in the welfare of the aged, and of widows and children.
>
> Such contribution is particularly appropriate in view of the relief to the general taxpayer which should result from the substitution of social insurance for part of public assistance.

The use of general revenues would be one means of making the social security system cost less for all contributors except insofar as they would pay higher income taxes, of improving benefit levels, and of meeting costs on a considerably more progressive basis.

Under the Hartke proposal for general revenue financing of cash benefits, the general revenue contribution would be equal to two-tenths of one-fifth of cash benefits outgo in fiscal 1973. The two-tenths figure would increase by one-tenth each fiscal year after 1973 eventually reaching one-fifth of benefit outgo for each fiscal year beginning with 1981. In other words, the general revenue contribution for the cash benefit program would be equal to one-twenty-fifth of benefit outgo in fiscal 1973; three-fiftieths of benefit outgo in fiscal 1974; two-twenty-fifths in fiscal 1975; one-tenth in fiscal 1976; three-twenty-fifths in fiscal 1977; seven-fiftieths in fiscal 1978; four-twenty-fifths in fiscal 1970; nine-fiftieths in fiscal 1980; and one-fifth in each fiscal year after 1980.

Mr. President, the payroll tax has become one of the largest components in the Federal taxation system. While the size and impact of this tax has grown rapidly, its substance has remained unchanged since the original adoption of social security. The result is that the single worker who earns $30,000 a year pays a tax equal to that which is paid by a $10,000 wage earner. What is even more important, the effective rate of taxation declines as the rate of earnings increases. The worker with a $25,000 income has a payroll tax rate of about 1.6 percent; the executive with a $100,000 income has a payroll tax rate of about four-tenths of 1 percent; but the worker with only a $7,000 income has a payroll tax rate of 5.2 percent under the current law.

A reduction in social security tax liability for low-income individuals is necessary to offset some of the regressive nature of the current flat-rate social security tax. The amount of social security tax liability for employees and the self-employed should be based on their earnings, the low-income allowance, and the number of exemptions they claim on their income tax return.

Under the proposal which I introduce today, if a worker has earnings that do not exceed the point of first income tax liability as prescribed by the amendment, he would pay 10 percent of the total social security tax due. For each $50 of earnings in excess of the point of first tax liability the proportion of social security tax paid by the individual would be increased by 5 percent so that earnings within the first $50 range above the point of first tax liability would result in a tax on his total earnings of 15 percent of the social security tax. Total earnings within the next $50 range would mean a tax rate of 20 percent of the total tax. No individual would pay more than 100 percent of the total social security tax rate.

For example, the provisions of my amendment provide that a worker claiming two exemptions would pay 10 percent of the total social security tax on earnings below $2,750. If his earnings were more than $2,749 but less than $2,800, he would pay 15 percent of the total social security tax. A worker claiming four exemptions would pay at the 10 percent rate on earnings up to $4,250 and on earnings more than $4,249 but less than $4,300 he would pay 15 percent of the total social security tax. In determining income to arrive at the point of first tax liability, only wages and self-employment income covered under the social security program would be used.

Employers would withhold the adjusted social security tax from their employees. In some situations, an employee with more than one employer during the year would not have a sufficient amount of social security taxes withheld during the year, because his total social security tax liability would be based on his total covered earnings. In this case, the employee would pay the difference between the tax due and the tax withheld when he filed his Federal income tax return. In addition, some employees might have an overwithholding of their social security taxes. These individuals would receive a refund of their excess social security tax when they file their return. Similarly, for purposes of withholding the social security tax and computing the social security tax due at the end of the year, a working married couple would both be considered single individuals with one exemption each. This might require adjustments in the amount of tax due or refunded at the time the income tax return was filed.

Mr. President, I ask unanimous consent that a table which describes the impact of this Hartke social security tax proposal be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PERCENTAGE OF SOCIAL SECURITY TAX PAID BY A SINGLE INDIVIDUAL AT VARIOUS INCOME LEVELS

| Covered social security earnings | Percent of total social security tax paid by employee | Effective social security tax rate [1] |
|---|---|---|
| 0 to $2,049 | 10 | 0.52 |
| $2,050 to $2,099 | 15 | .78 |
| $2,100 to $2,149 | 20 | 1.04 |
| $2,150 to $2,199 | 25 | 1.30 |
| $2,200 to $2,249 | 30 | 1.56 |
| $2,250 to $2,299 | 35 | 1.82 |
| $2,300 to $2,349 | 40 | 2.08 |
| $2,350 to $2,399 | 45 | 2.34 |
| $2,400 to $2,449 | 50 | 2.60 |
| $2,450 to $2,499 | 55 | 2.86 |
| $2,500 to $2,549 | 60 | 3.12 |
| $2,550 to $2,599 | 65 | 3.38 |
| $2,600 to $2,649 | 70 | 3.64 |
| $2,650 to $2,699 | 75 | 3.90 |
| $2,700 to $2,749 | 80 | 4.16 |
| $2,750 to $2,799 | 85 | 4.42 |
| $2,800 to $2,849 | 90 | 4.68 |
| $2,850 to $2,899 | 95 | 4.94 |
| $2,900 and over | 100 | 5.20 |

[1] Based on employee and employer social security contribution rate of 5.2 percent each for 1972.

CONCLUSION

**Mr. HARTKE.** Mr. President, this Hartke legislation is designed to make the social security system more equitable for the current working generation while providing for expanded benefits for those who are retired. H.R. 1, passed by the Congress late last year, accomplishes neither of these goals.

I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1838

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Social Security Amendments of 1973".

### HOSPITAL INSURANCE BENEFITS UNDER PART A OF MEDICARE FOR UNINSURED INDIVIDUALS WHO HAVE ATTAINED AGE 65

SEC. 2. (a) Section 1811 of the Social Security Act is amended by striking out "and are entitled to retirement benefits under title II of this Act or under the railroad retirement system".

(b) (1) Section 226(a) of such Act is amended to read as follows:

"(a) Every individual who—

"(1) has attained age 65, and

"(2) is—

"(A) (i) entitled to monthly insurance benefits under section 202, or (ii) a qualified railroad retirement beneficiary, or

"(B) a resident of the United States (as defined in section 210(i)) and—

"(i) a citizen of the United States (as so defined), or

"(ii) an alien lawfully admitted for permanent residence who, after being so admitted, has resided in the United States (as so defined) continuously for a period of not less than 5 years,

shall be entitled to hospital insurance benefits under part A of title XVIII for each month for which he meets the conditions specified in paragraph (1), beginning with the first month after December 1973 for which he meets the conditions specified in paragraphs (1) and (2)."

(3) Section 226(i) of such Act is hereby repealed.

(3) Section 103 of the Social Security Amendments of 1965 is hereby repealed.

(c) Section 1818 of such Act is hereby repealed.

(d) The amendments and repeals made by the preceding provisions of this section shall take effect on January 1, 1974.

### AUTOMATIC COVERAGE (WITHOUT PAYMENT OF PREMIUM) FOR BENEFITS, UNDER PART B OF MEDICARE, OF INDIVIDUALS ENTITLED TO BENEFITS UNDER PART A OF MEDICARE

SEC. 3. (a) Section 1831 of the Social Security Act is amended to read as follows:

"SEC. 1831. There is hereby established an insurance program to provide medical insurance benefits in accordance with the provisions of this part for all individuals who are entitled to the hospital insurance benefits provided by part A."

(b) (1) Section 1836 of such Act is amended to read as follows:

"SEC. 1836. Every individual who, for any period of time, is entitled to hospital insurance benefits under part A shall, for such period of time, be entitled to the benefits provided by the insurance program established by this part."

(2) The heading to such section 1836 is amended to read as follows: "INDIVIDUALS ENTITLED TO BENEFITS".

(d) Sections 1837, 1838, 1839, 1840, 1843, and 1844 of such Act are hereby repealed.

(e) Section 1902(a) (10) of such Act is amended by striking out "the making available of supplementary medical insurance benefits under part B of title XVIII to individuals eligible therefor (either pursuant to an agreement entered into under section 1843 or by reason of the payment of premiums under such title by the State agency on behalf of such individuals), or".

(f) Section 1902(a) (15) of such Act is amended by striking out "either or both of".

(g) Section 1903(a) (1) of such Act is amended by striking out "(including expenditures for premiums under part B of title XVIII, for individuals who are recipients of money payments under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, and, except in the case of individuals sixty-five years of age or older who are not enrolled under part B of title XVIII, other insurance premiums for medical or any other type of remedial care or the cost thereof)" and inserting in lieu thereof "(including insurance premiums for medical or any other type of remedial care or the cost thereof)".

(h) Section 1903(b) of such Act is amended by striking out paragraph (1) thereof and by striking out "(2)" at the beginning of paragraph (2) thereof.

(i) (1) Section 21(c) of the Railroad Retirement Act of 1937 is amended by striking out "part A" and inserting in lieu thereof "parts A and B".

(2) Section 21(d) of such Act of 1937 is amended by striking out "and sections 1840, 1843, and 1870" and inserting in lieu thereof "and section 1870".

(3) Section 22 of the Railroad Retirement Act of 1937 is amended by striking out "and their eligibility to enroll under part B of such title XVIII".

(j) The amendments and repeals made by the preceding provisions of this section shall take effect January 1, 1974.

### PAYMENTS OF ALL MEDICARE BENEFITS FROM SINGLE TRUST FUND

SEC. 4. (a) (1) Section 1841 of the Social Security Act is repealed, effective January 1, 1974.

(2) On January 1, 1974, there shall be transferred to the Trust Fund established by section 1817 of the Social Security Act all the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund.

(b) (1) The heading to section 1817 of the Social Security Act is amended by striking out "HOSPITAL" and inserting in lieu thereof "HEALTH".

(2) The first sentence of section 1817(a) of such Act is amended by striking out "Federal Hospital Insurance Trust Fund" and inserting in lieu thereof "Federal Health Insurance Trust Fund".

(3) Section 1817(h) of such Act is amended by inserting "and part B" immediately after "this part".

(c) Section 1861(v) (1) (B) of such Act is amended by striking out "Federal Hospital Insurance Trust Fund" and inserting in lieu thereof "Federal Health Insurance Trust Fund".

(d) Section 1864(b) of such Act is amended by striking out "Federal Hospital Insurance Trust Fund" and inserting in lieu thereof "Federal Health Insurance Trust Fund".

(e) (1) Section 201(g) (1) (A) of such Act is amended by striking out "Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund" and inserting in lieu thereof "Federal Health Insurance Trust Fund".

(2) Section 201(i) (1) of such Act is amended by striking out "the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund" and inserting in lieu thereof "and the Federal Health Insurance Trust Fund".

(f) Section 21(e) of the Railroad Retirement Act of 1937 is amended by striking out "Federal Hospital Insurance Trust Fund" and inserting in lieu thereof "Federal Health Insurance Trust Fund".

(g) (1) Section 1401(b) of the Internal Revenue Code of 1954 is amended by striking out "HOSPITAL INSURANCE" and inserting in lieu thereof "HEALTH INSURANCE".

(2) (A) Section 3101(b) of such Act is amended by striking out "HOSPITAL INSURANCE" and inserting in lieu thereof "HEALTH INSURANCE".

(B) Section 3111(b) of such Act is amended by striking out "HOSPITAL INSURANCE" and inserting in lieu thereof "HEALTH INSURANCE".

(h) The amendments and repeals made by the preceding provisions of this section shall take effect January 1, 1974.

### CHANGES IN TAX SCHEDULES; ALTERNATIVE TAX FOR LOW-INCOME INDIVIDUALS

SEC. 5. (a) (1) Section 1401(a) of the Internal Revenue Code of 1954 /relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (1) through (4) and inserting in lieu of such paragraphs the following:

"(1) in the case of any taxable year beginning after December 31, 1973, and before January 1, 2020, the tax shall be equal to 6.3 percent of the amount of the self-employment income for such taxable year; and

"(2) in the case of any taxable year beginning after December 31, 2019, the tax shall be equal to 8.3 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (1) through (6) and inserting in lieu of such paragraphs the following:

"(1) with respect to wages received after December 31, 1973, and before January 1, 2020, the rate shall be 4.85 percent; and

"(2) with respect to wages received after December 31, 2019, the rate shall be 5.5 percent."

(b) (1) Section 3101 of the Internal Revenue Code of 1954 (relating to tax on employees) is amended by adding at the end thereof the following new subsection:

"(c) Alternate Tax on Low-Income Individuals.—

"(1) In general.—In the case of an individual whose adjusted social security income for the calendar year is less than $850, there is hereby imposed on the income of such individual (in lieu of the taxes imposed by subsections (a) and (b)) a tax determined under the following table:

| "If the adjusted social income is: | The tax is the following percentage of the taxes imposed by subsections (a) and (b): |
|---|---|
| Less than 0 | 10 percent. |
| 0 to $49 | 15 percent. |
| $50 to $99 | 20 percent. |
| $100 to $149 | 25 percent. |
| $150 to $199 | 30 percent. |
| $200 to $249 | 35 percent. |
| $250 to $299 | 40 percent. |
| $300 to $349 | 45 percent. |
| $350 to $399 | 50 percent. |
| $400 to $449 | 55 percent. |
| $450 to $499 | 60 percent. |
| $500 to $549 | 65 percent. |
| $550 to $599 | 70 percent. |
| $600 to $649 | 75 percent. |
| $650 to $699 | 80 percent. |
| $700 to $749 | 85 percent. |
| $750 to $799 | 90 percent. |
| $800 to $849 | 95 percent. |

"(2) ADJUSTED SOCIAL SECURITY INCOME.—For purposes of this subsection, the adjusted social security income of an individual for any calendar year is his adjusted gross income for his taxable year beginning in such calendar year (determined under section 62) minus the sum of—

"(A) $1,300, and

"(B) the amount of personal exemptions to which he is entitled under section 151.

In the case of a married individual whose spouse receives wages or self employment income during such year, his adjusted gross income and the number of exemptions to which he is entitled shall, for purposes of this paragraph, be determined as if he were not married."

(2) Section 3102 of such Code (relating to deduction of tax from wages) is amended by adding at the end thereof the following new subsection:

"(d) WITHHOLDING ON WAGES OF LOW INCOME INDIVIDUALS.—

"(1) IN GENERAL.—In the case of an individual whose adjusted wages are less than $850 (computed at an annual rate), the employer of such individual shall deduct from the wages paid (in lieu of the amount required to be deducted under subsection (a)) an amount of the tax imposed by section 3101 determined under the following table:

| "If the adjusted wages (computed at an annual rate) are: | The amount to be deducted is the following percentage of the amount required to be deducted under subsection (a): |
|---|---|
| Less than 0 | 10 percent. |
| 0 to $49 | 15 percent. |
| $50 to $99 | 20 percent. |
| $100 to $149 | 25 percent. |
| $150 to $199 | 30 percent. |
| $200 to $249 | 35 percent. |
| $250 to $299 | 40 percent. |
| $300 to $349 | 45 percent. |
| $350 to $399 | 50 percent. |
| $400 to $449 | 55 percent. |
| $450 to $499 | 60 percent. |
| $500 to $549 | 65 percent. |
| $550 to $599 | 70 percent. |
| $600 to $649 | 75 percent. |
| $650 to $699 | 80 percent. |
| $700 to $749 | 85 percent. |
| $750 to $799 | 90 percent. |
| $800 to $849 | 95 percent. |

"(2) Adjusted wages.—For purposes of this subsection, the adjusted wages of an individual for any period is the amount of wages (adjusted to an annual rate), minus the sum of—

"(A) $1,300, and

"(B) the amount of personal exemptions to which he is entitled under section 151.

In the case of a married individual whose spouse receives wages during such period, the number of exemptions to which he is entitled shall be determined as if he were not married.

"(3) Credit against tax.—Amounts deducted from the wages of an employee under this subsection shall be allowed as a credit against the tax imposed on the employee under section 3101.

"(4) Withholding certificates.—Each employee shall furnish his employer with a signed certificate setting forth such information as is necessary to enable the employer to determine whether this subsection is applicable to him, and the amount of tax to be deducted under this subsection. Such certificate shall be in such form, shall be furnished at such time or times, and shall remain in effect for such period as the Secretary or his delegate prescribes by regulations.

"(5) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 3101(c)."

(c) Section 1401 of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income) is amended by adding at the end thereof the following new subsection:

"(c) Alternate Tax on Low-Income Individuals.—

"(1) In general.—In the case of an individual whose adjusted social security income for the taxable year is less than $850, there is hereby imposed on the self-employment income of such individual (in lieu of the taxes imposed by subsections (a) and (b)) a tax determined under the following table:

The tax is the following percentage of the taxes imposed by subsections (a) and (b):

| "If the adjusted social security income is: | (Percent) |
|---|---|
| Less than 0 | 10 |
| 0 to $49 | 15 |
| $50 to $99 | 20 |
| $100 to $149 | 25 |
| $150 to $199 | 30 |
| $200 to $249 | 35 |
| $250 to $299 | 40 |
| $300 to $349 | 45 |
| $350 to $399 | 50 |
| $400 to $449 | 55 |
| $450 to $499 | 60 |
| $500 to $549 | 65 |
| $550 to $599 | 70 |
| $600 to $649 | 75 |
| $650 to $699 | 80 |
| $700 to $749 | 85 |
| $750 to $799 | 90 |
| $800 to $849 | 95 |

"(2) Adjusted social security income.—For purposes of this subsection, the adjusted social security income of an individual for any taxable year is his adjusted gross income for such year (determined under section 62), minus the sum of—

"(A) $1,300, and

"(B) the amount of the personal exemptions to which he is entitled under section 151.

In the case of a married individual whose spouse receives wages or self-employment income during each year, his adjusted gross income and the number of exemptions to which he is entitled shall, for purposes of this paragraph, be determined as if he were not married."

(d) Section 31 (b) of the Internal Revenue Code of 1954 (relating to credit for special refunds of social security tax) is amended by striking out the heading and paragraph (1) and inserting in lieu thereof the following:

"(b) Credit for Excess Withholding of Social Security Tax.—

"(1) In general.—The Secretary or his delegate may prescribe regulations providing for the crediting against the tax imposed by this subtitle of amounts deducted under section 3102 from the wages paid to the taxpayer in excess of the tax imposed on such wages by section 3101, including the amount determined by the taxpayer or the Secretary or his delegate to be allowable under section 6413 (c) as a special refund of such tax. The amount allowable as a credit under such regulations shall, for purposes of this subtitle, be considered an amount withheld at source as tax under section 3402."

(e) There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Health Insurance Trust Fund amounts (as determined by the Secretary of the Treasury) equal to losses of revenues of such trust funds resulting from the application of sections 3101 (c) and 1401 (c) of the Internal Revenue Code of 1954. The amounts appropriated by the preceding sentence shall be transferred from time to time from the general fund in the Treasury to the respective trust funds on the basis of estimates by the Secretary of the Treasury. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the amounts which should have been transferred.

(f) Section 3111 (a) of the Internal Revenue Code of 1954 (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (1) through (6) and inserting in lieu of such paragraphs the following:

"(1) with respect to wages paid during the calendar years 1974 through 2019, the rate shall be 4.85 percent; and

"(2) with respect to wages paid after December 31, 2019, the rate shall be 5.5 percent."

(g)(1) Section 1401 (b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended—

(A) by striking out "and before January 1, 1978" in paragraph (2) and inserting in lieu thereof "and before January 1, 1974"; and

(B) by striking out paragraphs (3) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1973, and before January 1, 1975, the tax shall be equal to 1.3 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1974, and before January 1, 1976, the tax shall be equal to 1.4 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1975, and before January 1, 1978, the tax shall be equal to 1.55 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1980, the tax shall be equal to 1.6 percent of the amount of the self-employment income for such taxable year;

"(6) in the case of any taxable year beginning after December 31, 1979, and before January 1, 1984, the tax shall be equal to 1.65 percent of the amount of the self-employment income for such taxable year;

"(7) in the case of any taxable year beginning after December 31, 1983, and before January 1, 1989, the tax shall be equal to 1.8 percent of the amount of the self-employment income for such taxable year; and

"(8) in the case of any taxable year beginning after December 31, 1988, the tax shall be equal to 1.9 percent of the amount of the self-employment income for such taxable year.".

(2) Section 3101(b) of the Code (relating to rate of tax on employees for purposes of hospital insurance) is amended—

(A) by striking out "calendar years 1973, 1974, 1975, 1976, and 1977" in paragraph (2) and inserting in lieu thereof "calendar year 1973"; and

(B) by striking out paragraphs (3) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar year 1974, the rate shall be 1.3 percent;

"(3) with respect to wages received during the calendar year 1975, the rate shall be 1.4 percent;

"(4) with respect to wages received during the calendar years 1976 and 1977, the rate shall be 1.55 percent;

"(5) with respect to wages received during the calendar years 1978 and 1979, the rate shall be 1.6 percent;

"(6) with respect to wages received during the calendar years 1980, 1981, 1982, and 1983, the rate shall be 1.65 percent;

"(7) with respect to wages received during the calendar years 1984, 1985, 1986, 1987, and 1988, the rate shall be 1.8 percent; and

"(8) with respect to wages received after December 31, 1988, the rate shall be 1.9 percent.".

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended—

(A) by striking out "calendar years 1973, 1974, 1975, 1976, and 1977" in paragraph (2) and inserting in lieu thereof "calendar year 1973"; and

(B) by striking out paragraphs (3) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar year 1974, the rate shall be 1.3 percent;

"(3) with respect to wages paid during the calendar year 1975, the rate shall be 1.4 percent;

"(4) with respect to wages paid during the calendar years 1976 and 1977, the rate shall be 1.55 percent;

"(5) with respect to wages paid during the calendar years 1978 and 1979, the rate shall be 1.6 percent;

"(6) with respect to wages paid during the calendar years 1980, 1981, 1982, and 1983, the rate shall be 1.65 percent;

"(7) with respect to wages paid during the calendar years 1984, 1985, 1986, 1987, and 1988, the rate shall be 1.8 percent; and

"(8) with respect to wages paid after December 31, 1988, the rate shall be 1.9 percent.".

(h) The amendments made by subsections (a)(1) and (g)(1) shall be applicable only with respect to taxable years beginning after December 31, 1973. The amendments made by subsections (a)(2), (f), (g)(2), and (g)(3) shall be applicable only with respect to remuneration paid after December 31, 1973. The amendments made by subsections (b) and (c) shall apply only with respect to taxable years ending after December 31, 1973.

PARTIAL FINANCING OF TITLE II TRUST FUNDS FROM GENERAL REVENUES

SEC. 6. (a) In addition to any other funds appropriated or authorized to be appropriated pursuant to other provisions of law for any fiscal year to the Federal Old-Age and Survivors Insurance Trust Fund, and in addition to any other funds authorized by other provisions of law to be appropriated to or deposited in the Federal Disability Insurance Trust Fund for any fiscal year, there are authorized to be appropriated to each of such funds the following amounts:

(1) For the fiscal year ending June 30, 1974, an amount equal to one twenty-fifth of the expenditures from such fund for such year:

(2) For the fiscal year ending June 30 1975, an amount equal to three-fiftieths of the expenditures from such fund for such year;

(3) For the fiscal year ending June 30, 1976, an amount equal to two twenty-fifths of the expenditures from such fund for such year;

(4) For the fiscal year ending June 30, 1977, an amount equal to one-tenth of the expenditures from such fund for such year;

(5) For the fiscal year ending June 30, 1978, an amount equal to three twenty-fifths of the expenditures from such fund for such year;

(6) For the fiscal year ending June 30, 1979, an amount equal to 7/50 of the expenditures from such fund for such year;

(7) For the fiscal year ending June 30, 1980, an amount equal to 4/25 of the expenditures from such fund for such year;

(8) For the fiscal year ending June 30, 1981, an amount equal to 9/50 of the expenditures from such fund for such year; and

(9) For any fiscal year ending after June 30, 1981, an amount equal to ⅕ of the expenditures from such fund for such year.

(b)(1) Funds authorized to be appropriated under subsection (a) shall be appropriated for any fiscal year on the basis of estimates by the Congress of the amounts which will be expended for such year from the trust fund to which funds are being appropriated, reduced, or increased to the extent of any overappropriation or underappropriation under this section to such fund for any preceeding year with respect to which adjustment has not already been made.

(2) The Secretary of Health, Education, and Welfare shall furnish to the Congress such information, data, and actuarial studies as may be appropriate to enable the Congress to make the estimates referred to in paragraph (1).

PARTIAL FINANCING FROM GENERAL REVENUES OF COMBINED HOSPITAL AND MEDICAL INSURANCE PROGRAM UNDER TITLE XVIII

SEC. 7. (a) In addition to any other funds appropriated or authorized to be appropriated pursuant to other provisions of law for any fiscal year to the Federal Health Insurance Trust Fund (as redesignated by section 5 (b) of this Act), there are authorized to be appropriated to such Fund the following amounts:

(1) for the fiscal year ending June 30, 1974, an amount equal to ⅕ of the expenditures from such fund for such year;

(2) for the fiscal year ending June 30, 1975, an amount equal to ⅕ of the expenditures from such for such year;

(3) for the fiscal year ending June 30, 1976, an amount equal to ¼ of the expenditures from such fund for such year; and

(4) for any fiscal year ending after June 30, 1977, an amount equal to ⅓ of the expenditures from such fund for such year.

(b)(1) Funds authorized to be appropriated under subsection (a) shall be appropriated for any fiscal year on the basis of estimates by the Congress of the amount which will be expended for such year from the Federal Health Insurance Trust Fund, reduced or increased to the extent of any over-appropriation or under-appropriation under this section to such Fund with respect to which adjustment has not already been made.

(2) The Secretary of Health, Education, and Welfare shall furnish to the Congress such information, data, and actuarial studies as may be appropriate to enble the Congress to mke the estimates referred to in paragraph (1).

---

By Mr. MANSFIELD (for himself and Mr. AIKEN):

S.J. Res. 109. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States. Referred to the Committee on the Judiciary.

SINGLE 6-YEAR TERM FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Vermont (Mr. AIKEN) and myself, I introduce a proposal to amend the Constitution so as to provide a single 6-year term for the office of President of the United States.

In recent years there have been a number of significant amendments to the Constitution of the United States. Correcting the matter of Presidential succession and particularly extending the franchise of the ballot to young adults 18, 19, and 20 years of age represent enormous steps forward; steps that, in my judgment, protect and enhance immensely the Democratic processes of the Nation. As these processes are being tested today as they have rarely been tested before, it is clear that another step remains to be taken in the area of constitutional evolution. It is only by providing a single Presidential term of 6 years, I believe, that the Nation will preserve for future generations the complete integrity of its highest office. Only with a single term will there be assured a sufficient degree of freedom and independence for the President to function properly and adequately today and in the years ahead; years that will produce still more enormous trials and tensions on the national and global scale, some of which have emerged, others of which have yet to emerge.

By no means do I imply that with such an amendment new ground is being broken or that a topic of first impression is being raised. Indeed, the suggestion of a single 6-year term has been with us ever since the delegates to the Constitutional Convention of 1787 thrashed over the question of a President's term and his eligibility for reelection.

Since the Constitution was ratified, hundreds of amendments have been introduced in the Senate and House of Representatives proposing a change in presidential tenure. More than 130 of them recommended a single term of 6 years. Twice, the House of Representatives reported legislation providing for the 6-year term. And in 1913, the Senate passed Senate Joint Resolution 78, calling for a term of 6 years, but no action was taken by the House. Presidents themselves have been most active in their support for the concept. Nearly 150 years ago Andrew Jackson recommended that the electoral college be abolished—also a good suggestion, in my opinion—that the President be elected by direct vote, and that he be limited to a single term of either 4 or 6 years. Presidents Hayes, Cleveland, and William Howard Taft also offered the proposal. More recently, President Lyndon Johnson endorsed the concept as an essential reform for democratic institutions in a rapidly changing world.

I may say also that it is my understanding that President Eisenhower was in favor of such an idea. I know that President Nixon does not look upon it with disapproval.

That brings us up to today, and I must say that the merits of the proposal dictate its need now as never before.

As has been made so amply clear, it is just intolerable that a President of the United States—any President, whatever his party—is compelled to devote his time, energy, and talents to what can be termed only as purely political tasks. I do not refer solely to a President's own reelection campaign. To be sure, a reelection effort and all it entails are burdens enough. But a President facing reelection faces as well a host of demands that range from attending the needs of political office holders, office seekers, financial backers and all the rest, to riding herd on the day-to-day developments within the pedestrian partisan arena. Surely this amendment does not represent a panacea for these ills which have grown up with our system of democracy. But along with an effective public financing of elections, it would go far, I think, in unsaddling the Presidency from many of these unnecessary political burdens that an incumbent must bear.

To a very great extent such a change would free the President to devote a far greater measure of his time to the enormous task of serving all of the people of the Nation as Chief Executive. Accordingly, more time would be provided for policymaking and policy implementing, for program initiating and for shaping and directing the kind of administration a President chooses. More time would be provided as well for the kind of experimentation that a successful Presidency requires; such experimentation has come too infrequently in recent years and as a Nation we suffer from that inadequacy.

In short, 6 full years could be devoted to the job of the Presidency. It is by itself a complicated and gigantic responsibility. Six years could be devoted, free of the burdens of seeking—however unavoidably—partisan political objectives and free of any potential conflicts inherent in such endeavors.

There is another aspect to this problem of reelection and it concerns not an incumbent President but rather those of the opposition; those who seek to gain the White House for their own. Certainly there is a great deal of room for constructive criticism, be it partisan or of whatever nature. Criticism is fundamental to our success as a Nation. It is what distinguishes us most as a free and open society. But there is another sort of criticism that a first-term President must face at times and no President can give his fullest attention to the country so long as he is barraged and fired upon by those who do not offer constructive advice and alternatives but who would instead hope only to weaken an incumbent's chances for reelection.

The effect of such vituperation when resorted to is just as invidious to the present 2-term system as when an incumbent for similar partisan advantage puts political expediency before the Nation's interest. What I am suggesting is that the President should be free to concentrate completely on his responsibilities. Electing him to a single term of 6 years, I think, would increase the probability.

And what of the arguments against this proposition? One raises the lameduck issue. The argument goes that when a President is elected for a single term of 6 years, he immediately becomes a lame duck. But the same is true today as soon as a President has been reelected to a second term. The 22d amendment saw to that. But it is really no argument at all. Lameness by no means is inherent in a single term. It relates, in my judgment, to the strength and quality of the man holding the office; should he be a lameduck President, it is not because of any inhibitions imposed by a single term. An unlimited number of terms would not sustain such a man. On the other hand, a President who rises to his responsibilities will have sufficient opportunity to organize an effective and successful administration given a 6-year term to do so. Six years in office is sufficient time to effectuate all such policy aims a newly elected President entertains.

Conversely, 6 years is long enough for one man to endure in a position filled with the pressures and tensions, the worries and responsibilities of the Presidency of the United States.

Adding to them, the stresses and strains of a reelection campaign simply makes no sense today. With a single 6-year term, gone would be the charge, however invalid, that a President uses his power to appoint to achieve political ends and to pave the way for his reelection. For that matter, gone, too, would be the argument that discussions of foreign policy, of economics, and whatever would be politically motivated.

Finally, with this issue arises squarely the matter of election costs. The money involved in a Presidential campaign today has skyrocketed beyond all reason. The situation cannot be tolerated. The facts of what happens when political slush funds are made available are just beginning to emerge. Spreading the financial strain over 6-year intervals should certainly ease some of the financial burden; but the only answer is in a comprehensive public election financing law. And such a proposal must be considered right along with what I am today suggesting with the single Presidential term.

To sum it up, what this proposal seeks is to place the office of the Presidency in a position that transcends as much as possible partisan political considerations of whatever nature and source. That it cannot do the reform job completely, I have already said. Still, its adoption would do much, I think, to streamline the Presidency in a manner that ultimately will make the office more fully responsive to the concerns of all Americans.

Mr. President, may I say that this is the fifth or sixth time that the distinguished Senator from Vermont (Mr. AIKEN) and I have introduced this resolution. We hope it will be given the most serious consideration.

Mr. SCOTT of Pennsylvania. Mr. President, there is another reform which I think should clearly attract our attention, and that is the need for a constitutional amendment to provide a 4-year term for Members of the House of Representatives, one-half of whom should be elected every 2 years.

The Members of the House have often given as their reason for not voting for such an amendment the fear that opposition to it would exist in the Senate, due to, I suppose, threat of competition. I have not found that feeling to be widespread in the Senate. There may be a very few who feel that way. But many of us who discussed it the other day, in both parties, expressed the common opinion that the majority of the Senate would have no objection to a 4-year term for the House of Representatives.

Therefore, I should like to suggest that during the consideration of the 6-year term amendment for the Presidency, the 4-year term for the House of Representatives be added to it, because I do not believe the amendment providing a 4-year term has sufficient national interest to give it as good prospects of action in the States as it would if it were included as a part of the 6-year term proposal. Normally, necessary reforms which do not attract public attention are not achieved unless they are attached to necessary reforms which do attract public attention.

I have long had a personal belief that a 7-year term for the Presidency would be the best solution. This is not to say that I would not support a 6-year term. I have an open mind about that; and certainly if this other provision were added, I would support it.

My reasons for a 7-year term may strike some as rather odd-ball reasoning, and I am aware of the objections to it; but they are the same objections that pertain to the 6-year term, in part—the necessity for conforming State laws, for example, and other legislative changes. But in a 7-year term, the election of a President would come under such conditions as to bring it coincidental with the election of one-half of a Congress at times, at other times coincidental with the election of the other half of Congress, and at still other times coincidental with the election of local officers within the States and the election of Governors in certain years and Governors from other States in certain years.

It seems to me that this would so distribute the processes of democracy that each new election for the President would confront the candidates with a changed condition in the country—sometimes conditions that are locally important, sometimes conditions that are nationally important—but I think it would be a truly democratic process to consider at least a 7-year single term for the Presidency.

In any event, I commend the distinguished majority leader and the Senator from Vermont for now offering this proposal. I would hope to accept it, and I would hope that they would be able to accept my suggestion.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. May I say that I have not given much consideration to a proposal for one 7-year term; but the Senator does have an argument, because if the 4-year term for the House is approved and if the House is elected every 2 years, it does get away from one-half of the House always running with the President. I think it is entitled to the most serious consideration.

Mr. SCOTT of Pennsylvania. That is very much part of what I had in mind—that the processes would be such that the President would not be running with the same kind of candidates over a successive period of 7-year terms.

Mr. AIKEN. Mr. President, I will take only a minute. The Senator from Montana, the majority leader, has introduced for himself and for me an amendment to the Constitution of the United States relating to the term of office of the President and Vice President of the United States. This amendment would provide a single 6-year term for the President and Vice President.

I know there is opposition to it, because it is said that, under our proposal, he would be a lameduck President for 6 years. That is not true. This single term limitation has been tried out in other countries and works much better than our current system which, because of a reelection campaign, can adversely affect the reputation of the White House and a President.

I am very happy to join with the majority leader in submitting this amendment, and hope that we may get favorable action on it during this session of Congress.

I thank the Senator from Oklahoma for yielding.

---

By Mr. SCOTT of Pennsylvania (for himself, Mr. MANSFIELD, Mr. GRIFFIN, Mr. DOLE, and Mr. COOK):

S.J. Res. 110. Joint resolution to establish a nonpartisan commission on Federal election reform. Referred to the Committee on Rules and Administration.

Mr. SCOTT of Pennsylvania. Mr. President, on behalf of the distinguished majority leader; the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN), the distinguished Senator from Kansas (Mr. DOLE), and myself, I offer a joint resolution to establish a nonpartisan commission on Federal election reform, and I ask that it be appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. SCOTT of Pennsylvania subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD the text of the President's radio address today on Federal election reform.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### THE FEDERAL ELECTION REFORM

In my televised address to the Nation two weeks ago, I called on the leaders of both political parties, and on citizens everywhere, to join in working toward new ways of ensuring that future elections would be as nearly free of abuse as possible.

To achieve this goal, I have today proposed to the Congress the establishment of a non-partisan, top-level, independent commission charged with making concrete proposals for reform—not only to examine our laws and see what new ones are needed, but also to examine the observance and enforcement of our laws, and those campaign standards and practices not governed by law but rooted in common usage.

This Commission would be composed of seventeen members. Eight would be chosen by and from the Congress—two Democrats and two Republicans from the House, and two Democrats and two Republicans from the Senate. Seven public members would be chosen by the President for their experience, knowledge and perspective in this field—of whom no more than four could be from the same political party. The chairman of the Democratic and Republican National Committees would also serve on the panel. To further ensure the Commission's complete independence, its chairman and vice chairman would be selected from among the members of the Commission by the Commission itself.

I trust the Congress will act swiftly to establish the Commission. Yesterday I met with the bipartisan leadership of the Congress to discuss this matter. The proposal I am making today incorporates suggestions made by them; and my discussions with them have given me reason to believe that swift action is possible. If the Congress does give this proposal its quick approval, then the Commission's report and recommendations can provide the basis for reforms that could be in place in time for the 1974 Congressional elections.

The mandate of the Commission I have proposed will be as broad as the Federal election process itself. Nothing will be excluded.

It will be authorized to examine the costs and financing of campaigns, and look into the various ways in which the costs can be kept down and improper influence or influence-seeking through large campaign contributions can be ended. It can consider limitations on the total amounts candidates can spend, recognizing both the potential for abuse and the heavy burden that high campaign costs impose on both parties. It can look into the laws governing disclosure of campaign funds and how they are spent, and how those laws and their enforcement might be improved. It can review the tax laws as they relate to the financing of political campaigns and can look into the question of possible public funding of campaigns.

Other areas for inquiry would include the elimination from our election campaigns of violence and the threat of violence; of intimidation; of frauds in the casting and counting of ballots; of the throwing about of misleading or malicious charges; of sabotage and espionage and other infringements on the rights of privacy; and of the whole range of improper campaign practices.

Beyond measures to curb these clearly evident abuses, the Commission will be authorized to examine such matters as the length and structure of our political campaigns, the purposes for which campaign funds are spent, the use and abuse of techniques such as television commercials, polling and computerized direct mail—and whatever else it may consider appropriate to a thorough-going campaign reform.

There is another matter of crucial importance to our election process, which I am also asking that the Commission consider. That is whether the Constitution should be amended to change the length of the terms of office of members of the House, of the Senate or of the President.

Many political scientists have suggested, for example, that the President should be elected for a single, non-renewable six-year term, instead of being eligible for two four-year terms. The Commission could well consider the merits of this proposal.

Another change it might consider is whether members of the House of Representatives should be elected for terms of four years instead of two.

Personally, I have long favored the four-year term for members of the House, with half of the members elected every two years. Members serving for two-year terms have to spend one of every two years running for reelection, with the result that they serve one year and run one year. This not only places an enormous burden on the member himself; it also can work to the disadvantage of his constituents and of the country. By reducing the extraordinary campaign burden on its members, I believe the House of Representatives could be made a more effective instrument of government.

The Commission will be directed to come up with a comprehensive set of legislative recommendations. It will also be directed to examine whether additional measures, such as voluntary agreements between candidates or party organizations, may be desirable to extend into those areas where legislation cannot appropriately reach.

Because time is of the essence, the Resolution I have proposed would direct the Commission to file a public report no later than December 1 of this year. I believe that with hard work, the members of the Commission can complete their study even before then.

The Commission will have complete, independent authority to choose its own priorities among the matters to be considered—and, as it proceeds, it will be encouraged to make interim recommendations for action by the Congress without waiting for its final report.

One option I considered was for the Administration itself to prepare a set of proposed reforms and present them at this time. I rejected that course for two reasons:

First, a really comprehensive campaign reform, which I believe we need, must thread its way through enormous complexities, high sensitivities, entrenched interests, and a careful assessment of the possibilities of enactment by the Congress. This will take time. It can be done, but it cannot be done overnight.

Second, I feel it is essential that proposals for reform come not from one political party, not from one Administration, not from one Congress, but from a bipartisan group of recognized experts, working in a non-partisan atmosphere and broadly enough based to give their recommendations the full authority of manifest impartiality.

Let me stress that this new Commission is in no way competitive with the Senate's Ervin Committee. The new Commission will draw on information being developed by the Ervin Committee, and also on other studies of past campaign abuses. But its own central focus will be on the future—on how not only Presidential elections, but also Congressional elections, can most effectively be reformed.

Campaigns have changed drastically in the past century, and even in the past generation. Television, the rise of professional campaign management firms, jet air travel, sophisticated polling techniques, skyrocketing costs, all have had a powerful impact on the way campaigns are conducted. As in so many other areas of our life, the sheer size of modern compaigns has contributed to the size of the problem and to the magnitude of the abuses.

There will be a temptation to attempt reforms piecemeal; this, I believe, would be a mistake. The reforms needed are sweeping rather than scattered, and each should be considered in relation to the others. We should think in terms of nothing less than a complete re-examination of our system of elections and campaign practices.

Scores, perhaps hundreds, of ideas for various election reforms have already been seriously and responsibly put forward. Many are now pending before the Congress. The principal need is to sort through these ideas, to develop such additional ones as may be appropriate, and to design a comprehensive reform of the campaign system so that in its totality it will work, and work fairly and honestly.

It would be premature to predict what a Commission such as the one I propose might recommend. But these are a few examples of the kinds of reform it would certainly consider:

Strict limits on the size of individual campaign contributions;

Strict limits on the size of campaign contributions or the amount of campaign assistance that can be given by business, labor or professional organizations;

Strict limits on cash contributions;

Tightened control over the activities of multiple organizations working for the same candidate;

Shorter election campaigns;

New disclosure rules that would simplify not only the filing of reports, but also the public discovery of what was important in those reports;

Reducing the cost of reaching the public, as, for example, by making free radio and television time available to candidates, or by revision of the equal time requirements that now restrict broadcasters in their campaign coverage;

New Federal laws that would make illegal, practices that are now only unethical; and

The establishment of an independent Federal Elections Commission, with its own enforcement powers.

It is important that these reforms stay within the spirit as well as the letter of the Constitution; that they not unduly infringe either the rights of the States or the First Amendment rights of individuals to freedom of expression and freedom of assembly. It is important that they be fair, effective, realistic and enforceable. Devising such a system of campaign reform will be difficult, but not impossible.

I am convinced a route can be charted that will avoid the obstacles; that wide-ranging reforms are possible and desirable; and that persons of the caliber of those who would be named to this Commission, given a reasonable period of time and also a firm deadline, can come up with a set of proposals that will work, and that will help to restore the faith of the American people in the integrity of their political processes.

## ADDITIONAL COSPONSORS OF BILLS

### S. 80

At the request of Mr. HOLLINGS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 80, the Offshore Marine Environment Protection Act of 1973.

### S. 811

At the request of Mr. FANNIN, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 811, to amend the Taylor Grazing Act to increase the amount of certain revenue returned to the State.

### S. 1063

At the request of Mr. HUMPHREY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1063, a bill to establish a program of nutrition education for children as a part of the national school lunch and child nutrition programs and to amend the National School Lunch and Child Nutrition Acts for purposes related to strengthening the existing child nutrition programs.

### S. 1402

At the request of Mr. HARTKE, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1402, the National Blood Bank Act.

## AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENTS

### AMENDMENT NO. 136

(Ordered to be printed, and referred to the Committee on Finance.)

Mr. CURTIS (for himself and Mr. MCGOVERN) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

## AMENDMENT OF THE SMALL BUSINESS ACT—AMENDMENT

### AMENDMENT NO. 137

(Ordered to be printed and to lie on the table.)

Mr. WILLIAMS (for himself and Mr. BAYH) submitted an amendment intended to be proposed by them jointly to the bill (S. 1672) to amend the Small Business Act.

### AMENDMENT NO. 138

(Ordered to be printed and to lie on the table.)

Mr. TAFT. Mr. President, I send to the desk a modified version of my amendment No. 97 to S. 1672, a bill to amend the Small Business Act. The modification involves only technical changes.

I ask unanimous consent that the modified amendment, along with a fact sheet concerning it, be printed in the RECORD at this point.

There being no objection, the amendment and factsheet were ordered to be printed in the RECORD, as follows:

### AMENDMENT NO. 138

At the end of the bill add the following new section:

SEC. 4. (a) The second paragraph following the numbered paragraphs of section 7(b) of the Small Business Act is amended by striking out the following: "and prior to July 1, 1973,".

(b) Clause (D) of the second paragraph following the numbered paragraphs of section 7(b) of the Small Business Act is amended—

(1) by striking the "and" at the end of subclause (i);

(2) by striking out "July 1, 1973" in subclause (ii) and inserting in lieu thereof "April 20, 1973";

(3) by striking the period at the end of subclause (ii) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subclause:

"(iii) with respect to a loan made in connection with a disaster occurring on or after April 20, 1973, notwithstanding the provisions of Public Law 93–24, the total amount so canceled shall in no case exceed $2,500, and the per centum of the principal of the loan to be canceled shall be reduced by 4 for each $1,000 by which the borrower's income exceeds $10,000, but such per centum to be canceled shall not be less than 20 unless the total amount so canceled would otherwise exceed $2,500. For the purpose of this subclause (iii), 'income' means—

"(I) except in the case of a borrower who retires or becomes disabled in either the taxable year in which the loss or damage is sustained or the preceding taxable year, or in the case of a borrower which is a corporation, adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, for the taxable year preceding the taxable year in which the loss or damage is sustained,

"(II) in the case of a borrower who retires or becomes disabled in the taxable year in which the loss or damage is sustained or in the previous taxable year, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, as estimated by the Administrator for the taxable year after the taxable year in which the loss or damage is sustained, and

"(III) in the case of a corporation, taxable income, as defined in section 63 of the Internal Revenue Code of 1954, for the taxable year preceding the taxable year in which the loss or damage is sustained."

### FACT SHEET—TAFT DISASTER RELIEF AMENDMENT TO S. 1672

*Present disaster relief law*—victims of natural disasters occurring on on after April 20, 1973, can receive only 5% loans and no grants.

*Prior disaster relief law*—victims of natural disasters occurring since the beginning of 1972 but prior to April 20, 1973 could receive 1% loans with the first $5000 "forgiven" (given as a grant).

*Taft disaster relief amendment*—victims of Presidentially declared of SBA declared natural disasters occurring on or after April 20, 1973, could get 5% loans (same as present disaster relief law) with up to the first $2500 "forgiven", depending on income. Those with $10,000 or less last year's incomes could get 100% of their damage repair or replacement loan "forgiven" up to a maximum forgiveness grant of $2500; this percentage would drop by four for each $1000 by which a person's last year's income exceeded $10,000, but in no case would it drop below 20%.

| Last year's income | Total repair assistance amount | Percent forgiveness (grant) | Grant amount | Loan principal amount |
|---|---|---|---|---|
| $10,000 and under | $2,500 | 100 | $2,500 | 0 |
| | 7,500 | ---------- | 2,500 | $5,000 |
| $14,000 | 2,500 | 84 | 2,100 | 400 |
| | 7,500 | ---------- | 2,500 | 5,000 |
| $18,000 | 2,500 | 68 | 1,700 | 800 |
| | 7,500 | ---------- | 2,500 | 5,000 |
| $22,000 | 2,500 | 52 | 1,300 | 1,200 |
| | 7,500 | ---------- | 2,500 | 5,000 |
| $26,000 | 2,500 | 36 | 900 | 1,600 |
| | 7,500 | ---------- | 2,500 | 5,000 |
| $30,000 and over | 2,500 | 20 | 500 | 2,000 |
| | 7,500 | ---------- | 1,500 | 6,000 |

### OTHER PROVISIONS OF TAFT AMENDMENT

1. For those who have retired or become disabled in the year the disaster occurred or the previous year, their estimated next year's income, rather than their previous year's income, would be the basis for determining the grant amount.

2. The July 30 expiration date for the Small Business Administration's discretionary authority to refinance mortgages of substantially damaged homes for a loan amount greater than the amount of the physical loss sustained (provided that monthly mortgage payments are not lowered as a result of the refinancing), and to avoid hardship situations by suspending disaster loan payments for the lifetime of individuals and spouses who rely for support on survivor, disability or retirement benefits, would be repealed.

*Relationship of Taft amendment to Administion's disaster relief proposal*—The Administration is more comprehensive than the Taft amendment. It is controversial and has a long way to go in the legislative process. In the meantime, disaster victims will not be given sufficient relief. In addition, Congress will be tempted to pass either special relief for individual new disasters, or more generous comprehensive legislation at a later date which is retroactive over a long period of time.

### ADVANTAGES OF THE TAFT AMENDMENT

1. Provides desperately needed and substantial relief to those who are least able to afford damage repairs and replacement expenses.

2. Apportions loans and benefits more equitably and responsibly than previous laws.

3. Much less expensive than the law in effect for natural disasters occurring before April 20, 1973.

## ADDITIONAL COSPONSOR OF AN AMENDMENT

### AMENDMENT NO. 97 TO S. 1672

At the request of Mr. TAFT, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of his amendment, No. 97, to S. 1672, a bill to amend the Small Business Act, which would restore to a limited extent the grant through loan forgiveness program for victims of floods, hurricanes, tornadoes, and other natural disasters.

## ADDITIONAL STATEMENTS

## UTAH'S RED ROCK COUNTRY

Mr. MOSS. Mr. President, the southeastern quarter of my State of Utah offers some of the most beautiful landscape in America. Here there are more natural stone arches, windows, spires and pinnacles than in any other known section of the country. And there are canyons and rock formations that have never been explored or mapped. This is Utah's famed "red rock country." And much of this country is protected in three national parks—Arches, Capitol Reef, and Canyonlands. As the sponsor of the bills which created all three national parks I have spoken many times of the wonder and beauty of this area.

Miss Lynn Ferrin, an assistant editor for Motorland magazine, visited this scenic area of Utah recently, and relates her experience in an article appearing in the May/June issue of the magazine. She says the best way to appreciate fully the impact of this colorful canyon country is to hike, and Miss Ferrin describes the numerous arches, sculptured sandstone cliffs, and Indian ruins she viewed by foot. This is an especially beautiful time in southern Utah—because of heavy snows and rain this winter, a fabulous array of wildflowers is in bloom.

Miss Ferrin's article is an eloquent description of the wonders of southeastern Utah, and I ask unanimous consent that her article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### WANDERING AROUND UTAH'S RED ROCK COUNTRY

(By Lynn Ferrin)

Canyonlands National Park—The trail to Druid Arch. Thirteen miles round trip, thirteen wildly beautiful miles in the red rock desert of southeastern Utah.

In the early morning cool, I left Squaw Flat Campground and started walking fast, the stone beneath my boots ringing with a hollow sound like ceramic wind bells. I followed the cairns up over the slick-rock shelves and through dark fissures and across the verdant flat spaces they call "parks" out here.

The sweet fragrance of Fremont Mahonia filled these parks, and the juniper trees were all trimmed with blue berries like Christmas trees and the canyon wrens were singing prettily. Asters were blooming, too, and big red velvety paintbrush, even though there hadn't been any real rain in months.

Pink and red and tan striped stone towers called the Needles marched across the ridges like petrified Indian armies. The snowy La Sals rose in the purpose distance.

After a couple of hours I turned up Elephant Canyon and started shuffling through the deep, hot dust. I saw a pale-skinned girl resting under a cottonwood tree; she said she was spending a week backpacking in the Needles country. Had she seen any other people out here? "Well," she said, "three or four days ago I saw a couple of hikers, but that was all until you came by." Her biggest problem was getting water to fill her canteen—she'd found a little spring a quarter of a mile away, and didn't want to venture more than a half-day hike from it in the heat.

As I left, she said, "When you come back, there's a high place near here where you can see down the length of Elephant Canyon. There's this long row of huge rounded rocks, and it looks just like a parade of big old elephants."

When I approached the head of the canyon, a great monolith of pink stone stood against the sky. As I walked around the bends in the narrowing canyon, the perspective changed and streaks of sky gradually began to show through the rock—Druid Arch!

It was far bigger than it seemed in photographs—some 360 feet high and altogether marvelous. I climbed along a circular shelf until I found a shady alcove in the cliff, it had a view of the arch, and I took my pack and sat down to eat lunch.

What is it, I pondered, about these great arches of the canyon country that so intimidates us? The way they contain a piece of the sky, of blue infinity within the stone . . . How a preposterous feat of engineering undreamt of by mere men, was accomplished without intent over the ages, by the accidental workings of weather and time upon the rock. . . .

Years before, I'd stood on the plains of England and seen Stonehenge, for which Druid Arch was, in a way, named—and that was filled with the ghosts and mysteries of unknown men. But in Druid Arch I saw a simple, perfect statement by nature, without purpose, without hangups. Then I slept for a while in the fly-buzzing noontime heat.

On the way back, I passed a marker pointing to a side trail: "Chester Park, 30 minutes." I wanted to see Chester Park, the main attraction of this region, and I figured I could make it in fifteen minutes if I hurried. Not so. It was all uphill, up, up the dusty trail, beneath overhangs, through the junipers and across hot slickrock and along the base of a row of stone pinnacles then through a deep passage.

Suddenly the countryside opened up wide and bright, and I stood at the edge of Chester Park, looking out at the green expanses bordered by the Needles, like gigantic stone picket fences. I rested there a few moments, then hurried back down.

It was late afternoon when I saw the sign: "Water." By the time I had: Gotten lost twice. Been out of water for three hours. Found myself trembling along a three-inch-wide ledge a hundred feet over the canyon floor, scared and whining. My mouth felt as if I had been eating crackers for a week.

I scrambled down through the cottonwoods to a shadowy glen. Springs dripped through maidenhair ferns and monkey flowers into a little pool. Flies and water bugs and gnats and other little things played around happily. I held my tin cup under one of the faster drips. Ping. Ping. Ping. Splat. Splat. That yielded half a teaspoon of water. Splat. Splat. I never waited so patiently for anything in my life.

When the cup was full, it was the sweetest, coolest, most welcome drink I ever tasted. I stood there maybe a half hour longer, filling my cup two or three times, listening to the springs dripping and the insects humming around in this little oasis of green life. Up above, the heat hung in the canyons, still and deadly. I thought of Loren Eiseley's words in *The Immense Journey:* "If there is magic on this planet, it is contained in water."

That evening I trudged down the lonesome dirt road, dehydrated, exhausted and happy. After a while a Salt Lake family in a jeep came along and picked me up. The father told me about an Indian pictograph he'd seen way out Salt Creek, called "All American Man." He said it was a red, white and blue painted figure, sort of like an Anasazi Uncle Sam.

We headed toward the lights of Canyonlands Resort, twinkling beneath the mesa, and the delights of cold, cold beer.

The southeastern quarter of Utah is a fantastic landscape of buttes, spires, arches, plateaus, perpendicular walls and twisting canyons, all carved out of the many strata of rock laid down by ancient seas and sandstorms. It is drained by the muddy Colorado and its tributaries. Most of it is naked and raw and wild, a land of eroded rock and torturous desert, although on its fringes are a few high snow-capped mountains cloaked in forests of cool pine and breezy aspen and clear streams. There are even a few towns, founded by the Mormon pioneers scattered far apart.

Some of the very best of this high desert Colorado Plateau country is protected in three national parks: Arches, Capital Reef and Canyonlands. Arches and Capitol Reef became national parks in late 1971— upgraded from national monument status. At the same time, the size of Canyonlands National Park was increased by 72,000 acres, including the Maze, the Land of Standing Rocks and Lavender Canyon.

These parks are for lovers of desert wilderness. They each contain only one or two paved roads, which can deliver you to a campground, trailhead or ranger station. But to see the most wonderful areas, and see them right, you have to get out of your steel-and-chrome module and contemplate the gorgeous blossom on the spiney old prickly pear. You have to leave car and asphalt behind and explore the parks by jeep, airplane, horse, canoe, raft, or best of all, by foot.

In the towns of Moab, Torrey, Blanding, Hanksville and Monticello, you can find professional guides who will take you into the rugged backcountry for anything from an afternoon to two weeks. They're men like Kent Frost and Mitch Williams, jeep and backpack guides; Tex McClatchy, who runs canoe, raft and powerboat trips; and Dick Smith, a pilot. Sometimes they get together for trips combining jeeping and river-running or flying and hiking.

You can go alone, too, if you do some careful planning and know something about desert survival. If you hike, or take a jeep or horse away from the most popular short trails, be sure to tell a ranger where you're going and ask his advice. You'll need plenty of water—a gallon a day per person during hot weather—so you can't travel far from known sources.

Best time to visit the Colorado Plateau is during spring and fall—winters are cold and bleak, summers are beastly hot. A bonus: This is one of the most fabulous springtimes ever seen in the canyon country. A phenomenal amount of snow and rain fell on it all winter, and the wildflower performance should be dazzling. There should be an unusual amount of water in the springs and potholes, too. River-runners in Cataract Canyon, the wildest stretch of the Colorado River, will find a record amount of terrifyingly fast water this spring.

Capitol Reef National Park is a geologist's wonderland. Most of the official park brochure is devoted to the geologic history of the area, telling about the different strata of multi-colored rock, and whether they were formed in the Jurassic or Permian ages, or whatever. You can go out and see these formations, you can look at Capitol Dome and say, wow, that's Navajo Sandstone, or at Hickman Natural Bridge, that's Kayenta Formation, or at the bottom of the Goosenecks, that's Kaibab Limestone, and you will know how old it is and how it was created.

The north part of the park contains Cathedral Valley, where huge gothic cones rise from the stony desert. It can be reached only by a four-wheel-drive road. The central section, where Utah Highway 24 runs along the riffling Fremont River, is the most peopled—it contains the visitor center, campgrounds, scenic drives and several nature trails.

To the south stretches a dramatic formation called Waterpocket Fold, a hundred-mile-long fold in the earth's crust that exposes green, red, white and brown strata of sedimentary rock in high, eroded cliffs. (It's been called "the sleeping rainbow.") Along its base can be found hidden natural tanks which collect rain and melted snow—waterpockets, lovely places to cool off on hot afternoons.

Capitol Reef has its human history, too. In pre-Columbian times, the stone-age Fremont Culture Indians lived in this region, raising corn and pecking petroglyphs in the canyon walls. In the late 1800's, a few Mormon pioneers settled along the Fremont River and planted fine orchards of apples, peaches and pears. You can visit their old schoolhouse at Fruita, built in 1890 and used through 1941, and restored and refurnished by the park service.

Families and day-hikers will love this park. Many of the trails leading to the main attractions are only one to three miles long. You could walk a few of them in one day and still have energy left over. They lead you to places like Hickman Natural Bridge, Whiskey Spring, the Goosenecks, Cohab Canyon and the Narrows of Grand Wash. A map describing these short trails is available at the visitor center, as well as other publications about the natural features of the Capitol Reef country. You can also chat with the ranger on duty about other things to see and do in the park, and get information about commercial jeep trips to remote areas off the main roads.

The Waterpocket Fold stretches south from Thousand Lake Mountain all the way to Lake Powell on the Colorado River. Between Utah Highway 24 and the Colorado, only one road crosses it. It's the Burr Trail, once a cattle trail and now a graded dirt road that runs from the isolated Mormon settlement of Boulder to the rim of the fold, then down nerve-shattering switchbacks to another dirt road that runs along the entire base of the fold.

Along the way you'll eat a lot of dust and maybe not see another car. But you will see: An interesting Indian village "dig" at Anasazi State Historic Monument near Boulder. Yesterday tableaus of cowpokes herding complaining cattle along the washes. A heavenly vista of pinewoods and snow way up on Boulder Mountain. Silhouettes of deer leaping across flawless blue skies. The sheer ramparts of the Waterpocket Fold, running north and south as far as you can see.

Holes in the big red rocks. Places to play peek-a-boo with God. Arches National Park contains almost a hundred "openings in stone"—that is, a hundred *discovered* arches. There are surely lots more out there in the labyrinths of sandstone where modern man has never set foot.

Arches National Park is like a huge advertisement for Kodachrome: sandstone that changes from flaming coral to rush to purple during the passage of the sun, sapphire skies, the snow-domed La Sal Mountains far across the Colorado. The park's main features are the arches eroded out of the "fins" of Entrada Sandstone, those enormous vertical red slabs that sit in the desert like dishes in a rack. The landscape is full of weird shapes cut in the rock, shapes that inspired names like Three Gossips, Tower of Babel, Eye of the Whale, and Sergeant, Corporal and Drummer Boy.

Motorists "doing" the western parks—Lord help 'em—find Arches an easy place to visit. It's only five miles north of Moab with all its motels and cafes and air-conditioned comfort, and paved roads lead to a lot of the best scenes in the park.

But it's very sad if they don't get out and hike a few of the park's lovely—and short—trails. They should go in a contemplative mood, and in the company of a full canteen and, say, Edward Abbey's eloquent book *Desert Solitaire*, written about his time as a young ranger in Arches when it was still a lonely place.

For example, it's only a three-mile walk, round trip, to see Delicate Arch, that incredible ring of stone that stands up all alone and defiant on the rim of a 500-foot-cliff.

Out in the Devil's Garden—a name as contradictory as the desert itself—it's a one-mile walk to fragile, 291-foot Landscape Arch (probably the longest natural stone span on earth), and a mile further to Double O Arch, and you pass four more major arches along the way.

There's a maze of fins and deep passageways so confusing and dangerous that its entrance is sealed behind a locked gate. It's called the Fiery Furnace, although in summer it's cooler than the rest of the neighborhood in there. Each morning, in tourist season, a ranger leads a nature walk into the Fiery Furnace. And hopefully back out again.

Devil's Garden in Arches National Park has one of the best-designed desert campgrounds I've seen—each campsite seems to be tucked away in the rocks, with a little shade and privacy.

Other than that, and a larger visitor center, there are no tourist facilities in the park at all. Which is just fine.

Dick Smith, the big shy pilot who runs Canyonlands Resort, banked the plane. "Look down over the right wing," he said "Halfway down that cliff you'll see an Indian ruin." And below, in a long alcove, were several stone houses where, centuries ago, the Anasazi lived.

"Wow! That's a big town. Have you been down there?"

"Nope. Nobody has, far as I know. It would be about a 90-mile walk from the end of the nearest jeep road. If you could even find it."

Later, flying toward Moab, I looked down on a jumbled region of red fins, dark canyons and green trees. What's that?

"Oh, that's what they call Back of the Rocks, or Behind the Rocks."

"What's it like?"

"Dunno. Roads only go to the edge of it. Don't imagine anybody's been in there very far." Then he added. "You know, the San Rafael Swell county to the northwest would make a great national park. Trouble is, hardly anyone knows about it."

That's the provocative thing about these southeastern Utah parks—they all contain country that remains largely unexplored and unmapped, and likely to stay that way a while. The only way to see much of it is by plane, and that will give only a frustrating glimpse of its beauties.

The least trammeled park is Canyonlands. Almost a third of a million acres of the wildest canyons you ever saw, the deep canyons where the Green and Colorado rivers flow, and then flow together, and all the other canyons big and small that drain into them. It's a couple of hundred miles, by road, between different sections of the park.

Only two roads can take a passenger car into Canyonlands National Park. About eight miles north of Moab, a road leaves U.S. 163 and heads across Island in the Sky, a 6,000-foot-high plateau east of the Green and west of the Colorado. The road passes a ranger station, a campground at Green River Overlook, and stops at Grand View Point where you can see down a few thousand feet to the confluence of the two great rivers.

Utah Highway 211 takes you into the southern portion of the park, to the country where you'll find the Needles, Angel Arch, Druid Arch, a ranger station and campground. The popular jeep and hiking trails are here, including one trail that goes down to Spanish Bottom on the banks of the Colorado.

On Utah 211, halfway to the park, be sure to stop at Newspaper Rock State Historic Monument. Here, the ancient Indians inscribed a whole wall of rock with petroglyphs of hunters, ghostly horned men, antelopes, deer, snakes and scorpions and many things we can't define. There's a big chain link fence around Newspaper Rock, lest all the little piggies attack it with spray paint and chisels.

The Maze, west of the Green River, can be approached from Hanksville, and only in a four-wheel-drive vehicle. Even the jeep trail stops at its borders. Beyond is a tortured land of serpentine canyons and more canyons twisting this way and that, pink and white canyons with sandy floors, green oases, Indian ruins and wall paintings. Only backpackers and horsemen can venture into the Maze, and only if they know what they're doing. (Pilot Dick Smith at Canyonlands Resort will fly backpackers to an airstrip at the edge of the Maze, and return for them at a prearranged time.)

The morning at Canyonlands Resort I hopped into a rental four-wheel-drive vehicle and after some instructions in its tricky operation, headed up Salt Creek Canyon. I wanted to see the pictograph they call Thirteen Faces East, and cajoled the ranger into telling me where it was. ("We don't have a steel fence around it yet, so we're keeping it a secret.")

I went rumble-tumbling along the road, bouncing past Paul Bunyan's Potty and Tower Ruin, roaring down embankments, splashing through the creek, swishing through the marshes, and churning through hubdeep sand.

Way up Horse Creek Canyon, I parked the jeep in a thicket of trees, clambered up a sandy rise and plowed through the brush. I stopped at the canyon wall, face-to-face with the painted figures. They were low on the wall, at eye level, protected by an overhang from centuries of rain and wind. It was a red-and-white parade of thirteen Indians, in be-ribboned braids and beads and white skirts, most of their faces painted white, but one face was dark and glowering.

I stood in the heat and stared at the ancient painted men for a long time, and they never said a word.

So I climbed back into the jeep and drove back down the canyon toward the airstrip.

---

## FERROUS SCRAP EXPORT INFORMATION POLICY SET

Mr. SCOTT of Pennsylvania. Mr. President, I am pleased to note Commerce Secretary Frederick B. Dent has recently established a new procedure under which information on large export shipments of ferrous scrap and relevant data on large export orders will be made promptly available to the Department.

I share the concern which many industry officials have expressed over large increases in the price of this important material. Although the new reporting policy will have no direct impact on prices, it will, hopefully, enable the Department to better analyze market fluctuations and to improve forecasts of future shipments resulting from long term contracts.

Mr. President, in order to bring this development to the attention of my colleagues, I ask unanimous consent that the official Department of Commerce announcement of this new reporting system be printed in its entirety in the RECORD.

There being no objection, the material was ordered to be printed as follows:

### SECRETARY DENT, "EXTREMELY CONCERNED" ABOUT RISING FERROUS SCRAP PRICES, SEEKS BETTER EXPORT INFORMATION

Secretary of Commerce Frederick B. Dent today announced a reporting procedure is being established under which information on export shipments of ferrous scrap and pertinent data on export orders will be made promptly available to the Department. Export orders for less than 500 short tons and shipments against such orders, will be exempt from these reporting requirements. He indicated that assurances have been received from major scrap exporters that the exporting community can comply with this approach to reporting without undue burden.

The Secretary said he is "extremely concerned about recent price increases in this material and the potential inflationary effects which such increases may have on the steel and ferrous foundry industries and the economy as a whole."

He reaffirmed his concern and the need for obtaining better and more up-to-date information on ferrous scrap in letters to several prominent leaders in the steel and ferrous foundry industries.

In these letters he stated:

"I am writing you about the problem which the United States iron and steel industry faces in rising prices for one of the industry's basic inputs—ferrous scrap. I am extremely concerned about the recent price increases in this material and the potential inflationary effects which such increases may have on your industry, and on the economy as a whole.

"Our analysis indicates that, although export shipments (which now account for approximately 20 percent of total sales of scrap) are an important factor in determining domestic prices, we do not have up-to-date information which allows us to quickly analyze fluctuations in export shipments as they occur, nor are we able to forecast future shipments resulting from long-term contracts. Accordingly, a reporting procedure is being established under which the ferrous scrap industry will begin reporting pending and subsequent export orders by tonnage, destination, and date of shipment, as well as information on export shipments as they occur, except for orders of less than 500 tons, and shipments against such orders.

"While this step will not decrease the price of ferrous scrap, it will provide us with the data we need to better understand and deal with this situation, which is of great concern to all of us."

---

## UNION COUNTY, N.J., OFFICE OF AGING RECEIVES AWARD

Mr. WILLIAMS. Mr. President, I was pleased to note that recently the National Association of Counties selected Union County, N.J., to receive the 1973 "New County, U.S.A. Achievement Award" for the activities of its Office of Aging. This coveted national award was established by NACo to give recognition to the efforts of forward-looking county governments in vital areas of public service.

The provision of a life of dignity and security for our Nation's senior citizens has long been a major concern of mine. I am especially gratified, therefore, that the admirable activities of the Union County Office of Aging have been noted and commended by NACo.

In order that this important event be appropriately commemorated, I ask unanimous consent that the attached related materials be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Union County Office on Aging,
*Elizabeth, N.J., May 8, 1973.*
Senator Harrison A. Williams, Jr.,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Williams: When I was appointed to this position a year ago I felt a special responsibility as Union County Director on Aging because of your national example and leadership in this area and you being a Union County resident.

I'm very pleased to enclose a copy of a recent letter from the National Association of Counties indicating the Union County Office on Aging has been selected for national recognition through an Achievement Award.

Best personal regards,
Peter M. Shields,
*Executive Director.*

Enclosure.

---

National Association of
Counties Research Foundation,
*April 17, 1973.*
Edward H. Tiller,
*Director, Board of Chosen Freeholders,*
*Elizabeth, N.J.*

Dear Director Tiller: The National Association of Counties New County, U.S.A. Center is very pleased to advise you that Union County has been selected to receive a NACo New County U.S.A. Achievement Award for its Office of Aging.

As you know, the Award program was developed to give national recognition to progressive county developments that demonstrate an improvement in county governments services to its citizens.

A special feature of this year's annual conference in Dallas, Texas, July 22–25, 1973, will be a County Achievement Fair on Monday afternoon, July 23. County Achievement Award counties will be able to prepare an exhibit and explain their program to the more than 3,000 county officials who will attend the walk through "show and tell."

Fred Hufnagle, NACo Exhibit Manager will contact you concerning your exhibit space. There will be a charge of $35 for each exhibit space.

We also hope you and representatives of your county will be present to accept the award at our annual conference in July. Please advise Charlene Caile if your county will be participating at the Dallas Convention. I will send additional details at that time.

All local governments can learn from the Union County program. We at the National Association of Counties congratulate you for your fine efforts.

Sincerely,
Rodney L. Kendig, *Director.*

---

## THE MINED AREA PROTECTION ACT

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the Record the text of a letter from Under Secretary of the Interior John C. Whitaker to Senator Jackson, chairman of the Committee on Interior and Insular Affairs, together with suggested amendments to S. 923.

There being no objection, the letter and amendments were ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Office of the Secretary,
*Washington, D.C., April 9, 1973.*
Hon. Henry M. Jackson,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: We have recently conducted a careful review of the Administration's proposed Mined Area Protection Act, introduced as S. 923, in an effort to identify those provisions which might be changed to further strengthen the bill.

Mindful that adequate time must be allowed for the Federal Government and the State Governments to develop the stringent program provided by this bill, we have reduced a number of our time requirements to achieve the earliest realistic implementation of this program. We again urge the enactment of S. 923 with these amendments.

Our amendments are attached to this letter.

Sincerely yours,
John C. Whitaker,
*Under Secretary of the Interior.*

Enclosure.

---

### Amendments to S. 923

1. Page 6, line 20, delete the words "two years" and insert the words "one year".

2. Page 6, line 25, after the word "Indians." insert the following language: "If State compliance with this section requires an act of the State legislature the Secretary may extend the period for submission of such State regulation up to one additional year."

3. Page 7, line 25, and page 8, line 1, delete the words "one year" and insert "180 days".

4. Page 8, line 1, delete all the language to the end of the subsection after the word "date," and insert the words "except, upon good cause shown, (i) permits issued for such operations may allow up to one year from the effective date of the permit for an operator to come into full compliance with those regulations, (ii) permits issued for such operations producing less than 10,000 tons per year of mine run material and for open pit mining operations may allow up to two years from the effective date of the permit to come into full compliance with these regulations; provided that operator is diligently proceeding to bring such mining operation into compliance."

5. Page 12, line 17, delete the word "sixty" and insert the word "thirty".

6. Page 13, line 17 and page 14, line 20, delete the words "one hundred and eighty days" and insert the words "one hundred and twenty days".

7. Page 15, line 16, delete the words "one year" and insert the words "one hundred and twenty days".

8. Page 16, line 22, delete the words "one hundred and eighty" and insert the word "ninety".

9. Page 18, line 2, delete the words "two years after" and insert after the word "date" the words "prescribed in section 201(a)".

10. Page 18, line 3, delete the words "of enactment".

---

## ADDITIONAL LETTERS FROM U.S. AIRMEN INVOLVED IN CAMBODIAN OPERATIONS

Mr. FULBRIGHT. Mr. President, on May 1 I inserted in the Record six letters I had received from U.S. airmen involved in air operations over Cambodia. Since then I have received four more, one of whom specifically stated that his name could be used. I have deleted the names of the other writers for their protection.

I ask unanimous consent that these letters be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

May 5, 1973.

Senator J. William Fulbright: In the paper today I read an article which quotes Kenneth Rush, deputy secretary of states, as saying "the United States is striving to give the Cambodians the right to select their own form of government." Seems to me we were sold this bill of goods about ten or twelve years ago and the only things that have changed are the speaker and the name of the country. I am not questioning the motives behind our actions but can you answer these two question for me? Why? For what?

We have heard war for the last ten or twelve years must we hear it for another ten or twelve years? I have been in the service for the last 8½ years in various capacities from basic to electronics instructor and spent two years in Vietnam. In choosing the Military as a career I swore to defend my country but must I defend every other country in the world?

The prisoners are home from North Vietnam but you have all but forgotten another type of prisoner that you yourselves have brought into existance. I am one of these other type of prisoners, the P.O.G.'s, Prisoners On Guam and other places. We joke about ourselves just as man has a tendency to laugh about things that hurt him the most but they still hurt none the less. I speak for myself but I know there are many who feel as I do. What is happening to Congress have they lost their sense of what is right and wrong? You have taken thousands of men from their homes and families, ruined hundreds of marriages and for what, so we can continue to kill people who don't agree with us politically?

You don't know what you are doing, you don't know what is happening to us, but still worse you simply don't care. You don't know what it is like to see a man cry out of loneliness and to see that same man turn into an alcoholic trying to drown the sorrows that you of congress have imposed on us all. I am sure it would gladden your hearts to watch men cheer and clap when an airplane starts its takeoff roll and *aborts*. I am sure you would think it funny that the men are so apathetic that an aircraft was allowed to take off with a maintenance man still sitting in the wheel well working or so bitter that people are finding wire bundles cut while the aircraft is sitting on the ground. When all is said and done we have to listen to a man tell us that we don't have any morale problems. Be of good cheer gentlemen, but I am glad that I don't have to live like you. I hope you enjoy hurting, killing and destroying your fellow man.

In answer to Mr. Rush, Senator Fulbright read some letters from B–52 Crews with their names withdrawn. Well if this letter gets past the nose of some secretary you can use my name, I am not afraid of you Mr. Congressman, you have done to me all that you can do to make my life miserable and the lives of many more.

JAMES PFLUEGER, *SSgt.*

---

MAY 8, 1973.

Hon. J. WILLIAM FULBRIGHT,
*U.S. Senate,*
*Washington, D.C.*

DEAR SIR: Enclosed is a copy of a news clipping from the May 6, 1973 Pacific Stars and Stripes, and a copy of the letter I sent to President Nixon. It pretty much speaks for itself as to how I feel about the bombing of Cambodia. This letter to you is just to let you know, I support you 100 per cent in your efforts to put an end to our South East Asian involvement.

If you see fit to use either of these letters in your efforts to end the bombing, you have my permission. Thanks for all your help.

Sincerely,

——— ———,
*SSgt USAF.*

---

RICHARD M. NIXON,
*President of the United States.*

DEAR SIR: In regards to the news paper clipping I am enclosing, I find it hard to believe the Pentagon would resort to such low tactics as to threaten a shortage of funds to meet the servicemans hard earned pay. If the Pentagon is so concerned over the shortage of funds to pay the serviceman, Why don't they submit a request to transfer the needed funds to the Military Personnel account, without the clause of also transferring to the Operations and Maintenance Account?

I for one Mister President hope that Congress challenges the Department of Defense, by not approving any transfer of funds to pay or feed the military personnel, and at the same time, feed the bombing of Cambodia.

If it means slowing down, or stopping the bombing of Cambodia, I would be willing to do without my pay. I would appreciate knowing why our Department of Defense, with all the supreme leaders have to resort to these low tactics to continue to bomb Cambodia.

Sincerely,

ONE OF YOUR FELLOW AMERICANS,
*Ssgt., U.S.A.F.*

---

GI PAY CAUGHT IN CONGRESS-DOD HASSLE

WASHINGTON.—A growing debate in Congress over the war in Cambodia has the armed forces wondering if they will have the money to make their June 30 payrolls.

The Pentagon wants to transfer $430 million from its "weapons" account into two other accounts—"operations and maintenance," from which the bombing of Cambodia is underwritten, and "military personnel," from which personnel are paid and fed.

But there is a growing move in Congress to deny the Pentagon authority to switch the funds.

If the Pentagon is turned down by Congress, it could still keep the bombers going, officials said. But they said ships by the dozens would probably be ordered into port and other aircraft grounded to save fuel costs. Spare parts purchases might grind to a halt and "anything that could wait would wait."

On July 1, the new fiscal year begins, and new funds will then be available for costs incurred after that date.

But 2.3 million servicemen are due their semi-monthly paychecks June 30, and officials wonder what will happen if Congress doesn't approve the transfer authority. They were reluctant to talk about the possible shortfall, apparently for fear of upsetting the ranks.

The House Appropriations Committee Thursday defeated 31–14 an attempt to block the transfer authority. But Speaker Carl Albert later called the House Democratic Steering Committee together. It voted 18–3 to urge Democrats to block the request.

The crunch will come in a House floor vote expected next Wednesday.

Then the bill goes to the Senate where the Democratic caucus—with only two dissenting votes—Wednesday urged Senators to kill all funding for the war.

Opponents of the Pentagon's request say it is a new form of Tonkin Gulf resolution that would have the effect of legitimizing the present U.S. bombing in Cambodia plus any further bombing.

Officials originally had not anticipated any trouble getting the transfer authority—"but if we don't get it, it will be a disaster," one Pentagon money handler said.

Back in 1877, Congress never got around to appropriating any money for the Army payroll and the troops worked without paychecks for a year.

---

MAY 4, 1973.

DEAR SENATOR FULBRIGHT: I write to you today with much despair in my heart. I have mulled over these words in my mind many a time in the past few months but now I must sit down and bare my conscience. I am an AC–130 gunship navigator fighting the war in Cambodia on a day to day basis. I come as close as one can get to observe the conflict at hand. What I see is an absurd effort by the President of the United States, my Commander-in-Chief, to preserve an unpopular, corrupt, dictatorial government at any expense. We have become once again involved in a civil conflict, and as a result of our involvement, have escalated the death and destruction on a massive scale. If we accomplish anything at all, it will be another endless stalemate, perpetuating perhaps another endless war.

I respect and obey the law that, as a member of the military, requires me to follow the orders of my superiors and the Commander-in-Chief of the Armed Forces. It has been this principle, my sworn oath, that has kept me engaged in this conflict for so long. I love my country and have served it faithfully for five years, but I fear my conscience can no longer endure this senseless, indiscriminate bombing by B–52s and F–111s that kill and injure thousands of civilians and creates hundreds of thousands of refugees. As a crewmember on an AC–130 gunship I feel a terrible sense of guilt. We do not use bombs, only artillery shells over a battlefield, but we contribute to the prolongation of this meaningless, unconstitutional war.

Sir, I am not a disgruntled serviceman expecting quick release. In fact, I hold a regular commission and have been very pleased with Air Force life, seriously considering making the Air Force a career. But this war in Cambodia has made me feel that I am no more than a high paid mercenary fighting on the whims of one man, the President of the United States. I do not know whether my conscience will allow me to go on. I am beginning to feel that I have compromised myself for too long already. My only hope is Congressional legislation by you and your colleagues to bring this war to an end. I urge you to take these steps as quickly as possible.

Sincerely yours,

——— ———,
*Captain, USAF.*

---

MAY 8, 1973.

Senator WILLIAM FULBRIGHT,
*U.S. Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR FULBRIGHT: It is encouraging to see that someone in the Congress has taken an interest in the attitude of the B–52 crewmembers towards their role in the Cambodian involvement. You have no doubt discovered from your mail that there is a growing resentment in the ranks of those of us who have been left behind in a war that the American public believes is over. It most certainly is not over. I fly bombing missions as often now as I did before the so-called Peace Agreement.

I do not understand how the President can criticize the North Vietnamese for sending arms and supplies into Cambodia and then expect people to accept his continued bombing in that country as being within the provisions of Article 20 of the Vietnam Cease fire. It seems that we are equally at fault with our enemy. The President's argument that we are preventing the North Vietnamese from forcing a form of government that is unacceptable to the Cambodian people is also rather weak. Perhaps if he would examine the bodies of the communist soldiers killed by American air strikes he would discover that their ranks too are composed by Cambodian nationals. It is obvious to me that the United States is choosing sides in a civil war and that despite what the President says we are indeed trying to force a particular outcome.

Officers of the United States Air Force are sworn to defend the country against all enemies. We are also sworn to obey the orders of the President of the United States who is our Commander-in-Chief. I think now that perhaps the latter is being accomplished at the sacrifice of the former. The Cambodian situation has little or no bearing on the national security of our homeland. If the taxpayer were to be told the numbers of B–52 bombers, KC–135 tankers, F–111's, F–4 Phantom jets, and men and material that are being expended in support of the Cambodian operation he would be shocked. The taxpayer has paid for these with his hard-earned dollar and yet he is deriving absolutely no benefit from these resources. At a time when there is an approaching critical fuel shortage in our country the President feels he can afford to squander hundreds of thousands of gallons of fuel flying combat missions in a war nobody wants. I hope you and your colleagues in the Senate will continue the battle to cut-off funds for Nixon's private war. I don't feel he should be allowed to maintain an army-for-hire at the expense of the American public any longer.

Many like myself believe we have done all the good we can do for this part of the world. Our POW's are home and we want to go home too. Our families have had to endure years and months of separation while we carry out our duty. It is time to stop trying to win the battle for men's minds with bombs.

Very sincerely yours,

——— ———.

---

## A MORE RESPONSIBLE APPROACH NEEDED

**Mr. DOLE.** Mr. President, yesterday the Senate considered legislation which would subsidize health care delivered through health maintenance organizations. S. 14, as it was presented for final passage, differed greatly from the form in which it passed the Senate during the 92d Congress. I voted for the HMO bill in its amended form last fall to register support for the health maintenance organization concept as one of many ideas which was worthy of further consideration in Congress as part of the effort to improve health care delivery in America.

However, I opposed many of the specific provisions contained in the bill considered last fall and voted for all the amendments to relax its definition of an eligible HMO and reduce the dollar authorization.

S. 14, the health maintenance organization and resource development bill, came before the Senate this year with a very real chance that some form of the HMO bill will become law before the end of the session. Although I still support the development of the HMO concept, I could not vote for a measure which failed to embody logical and responsible provisions to insure the rational development of HMO's as part of the overall effort toward improved health care.

S. 14, though it was greatly altered, still contained many provisions not in the best interests of the taxpayer, the health provider, and the patient.

My opposition to S. 14 stems from a basic disagreement with several of the major concepts included in the bill. First, the bill placed major emphasis on one narrow form of health care delivery—closed panel group practice. The bill would authorize $430 million for the development of HMO's, and of that amount, 82.5 percent would be reserved for closed panel group practices meeting, a very rigid definition. To qualify as an HMO under this title, comprehensive health services must be provided on a prepaid basis to all enrolled members. The list of required services includes physician services, inpatient health services, home health services, diagnostic services, preventive health services, emergency services, medical society services, mental health services, and physical rehabilitation services, among others. Physicians serving in the HMO medical group must have little or no fee-for-services income to supplement the income derived from the HMO.

S. 14 presumed that closed panel group practice is superior to the individual practice type HMO, and assumed the strict HMO structure outlined in the bill is a formula that will meet the health care delivery needs in every setting. Unfortunately, the emphasis placed on one form of an HMO over another restricts the free development of HMO's in all forms, and in spite of the provisions for supplemental HMO's, the major impact of S. 14 would be limited to the larger metropolitan areas. The HMO concept is a broad concept which encompasses a wide range of possible methods of delivering medical care. The closed panel group practice form is but one model and its effectiveness is yet unproven. I believe, therefore, that Federal funds should be used to stimulate innovation in developing the HMO concept rather than for full-scale promotion of one specific type of HMO.

Other provisions in S. 14 go beyond the concept of HMO development and are matters of real concern to me. For example, I feel the provisions which would allow Federal preemption of State laws have implications far beyond the area of health care.

In many States, local and State statutes have placed barriers in the way of the development of group practice. S. 14 permits the establishment of maintenance organizations as well as the operation of health care providers who receive so-called quality health care initiative awards regardless of State laws to the contrary. Thus, State laws which require such organizations to receive approval of a medical society or which require physicians to constitute the majority or all of an organization's governing body would be rendered null and void by this portion of S. 14. I feel these preemption provisions are unwise as matters of basic Federal-State policy and favor instead the administration's approach to this matter which would provide Federal technical assistance to aid the States in changing their laws, should they so desire.

In addition, a large portion of the bill is concerned with the development and enforcement of medical quality standards. The bill would establish a Commission on Quality Health Care Assurance which would set standards for health care providers falling under its purview and define norms for health care practices. Of course, every physician and health care provider is concerned with developing better methods of practice and assuring that the treatment delivered in every instance is the best that could possibly be given. However, the prescription of Federal, nationwide criteria and norms of practice, unless carefully controlled, could stifle innovative and creative practice. The dangers of such an approach would appear to be at least as great as the potential benefits. Although the HMO concept does create the potential for under- rather than over-treatment, the quality care provisions appear to me to be a highly questionable means of dealing with a possible, theoretical problem.

I opposed passage of S. 14, and, although I voted for the amendment to provide $100 million for the development of rural HMO's, I still believe the S. 14 prototype is not suited to the needs of rural areas.

In the last 3 years the Department of Health, Education, and Welfare has provided more than $20 million in planning and development assistance to 110 HMO applicants from all types of communities. Fourteen of the applicants have become operational HMO's with no Federal assistance beyond the planning and development stage. Provisions in last year's social security amendments made it possible for medicare and medicaid patients to receive services through HMO's. Thus. HMO's are able to serve the elderly and disadvantaged and be reimbursed for these services through medicare and medicaid.

Given this momentum and the current interest in developing HMO's, I feel the Federal Government should not become deeply involved in HMO development at this time, especially in a way which would structure and limit the flexibility of the concept to meet the varied health delivery needs of communities across the country.

---

## ROBERT F. FROEHLKE

Mr. NUNN. Mr. President, the Honorable Robert F. Froehlke served with distinction as the Secretary of the Army from July 1, 1971, until May 15, 1973. During the 2-year period, his personal style and sincere enjoyment of people enabled him to substantially restore the waning pride and confidence of members of the Army. Under his exceptional leadership, the effectiveness of the Department of the Army was materially enhanced and its management improved. He personally recruited outstanding personnel for the Department and molded them into an efficient and sound management team. Bob Froehlke contributed immeasurably to the Army's credibility with many Members of Congress and with the American public because of his honest and candid approach to the Army's problems.

His candor and frankness in testifying before the Armed Services Committee was refreshing and helpful.

Robert F. Froehlke is returning to private life having served his country with honor and dedication for the past 4½ years. He leaves behind a stronger, more vigorous Army ready to defend the United States of America.

---

## NEEDED RESHAPING OF NATO DEFENSES IN EUROPE

Mr. FANNIN. Mr. President, last Sunday's Washington Star-News carried a very interesting and informative article concerning the needed reshaping of NATO defenses in Europe.

This article was written by Mr. Earl H. Voss, who is on the staff of the American Enterprise Institute in Washington. I am certain that everyone in Congress appreciates the outstanding work done by AEI in making studies and compiling material that is extremely useful in our legislative work.

Mr. Voss was a correspondent for the Star from 1951 to 1964, and he is a man who is very knowledgeable in foreign affairs. He is a consultant to the Department of Defense and the Los Alamos Scientific Laboratories.

In recent times there has been much pressure to withdraw U.S. forces from Europe. Some of this pressure has been caused by our critical balance-of-payments problems. Some of the pressure has grown out of the disenchantment and frustration in Southeast Asia. Some of the pressure comes from shortsighted advocates of neo-isolationism.

There has been very little public discussion of just how U.S. forces can be reduced in Europe and at the same time maintain a credible NATO deterrent to Communist aggression.

Mr. Voss explores this facet of the problem and offers some proposals. This certainly is a matter that should be fully discussed and a new course charted before any action is taken which will force a unilateral withdrawal of American troops.

Mr. President, I commend Mr. Voss for bringing this issue to public attention and I ask unanimous consent that his article be printed in the RECORD for the benefit of my colleagues who may have missed it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### DEFENDING EUROPE WITH BLUNDERBUSSES

(By Earl H. Voss)

Phase One of the Nixon Doctrine, the Asia phase, is now passing into history and Phase Two is begging, as Henry Kissinger's "New Atlantic Charter" speech of April 23 portends.

Once again—in Europe as in Asia—the President seeks a less obtrusive American presence, without diminution of commitment. In all probability, there will be a reduction of American troop forces, but with no abandonment of the United States' basic commitment to its NATO allies, a commitment now entering its second quarter-century.

That is the promise of the Nixon Doctrine. But the shape and composition of the evolving American presence in Europe, and the underlying policy and strategy, have been shown neither to the American people nor to the even more concerned peoples of Europe.

That there will be dramatic changes in the American role in NATO in the next five years seems beyond serious dispute. Illogical fatalism apparently has settled on Western Europe; its failure to muster sufficient force to offset Warsaw Pact conventional forces persists. Now, war-weary and involvement-wary Americans are pulling back.

The leadership in Washington so far has shown some pique with a prosperous Europe for its failure to assume its full load of conventional defense, but not enough to stir Europeans into any serious action. The American citizenry, on the other hand, tends to go along with congressional spokesmen who want American troops withdrawn from Europe.

More compelling than mere talk, however, is the economic pressure, both real and exaggerated for American withdrawal. The Nixon Administration so far has fought valiantly to forestall congressional moves to force premature troop withdrawal from Europe. But the administration also has developed a reputation for accepting inevitables—and a significant reduction of U.S. forces in Europe is certainly in the cards for the next five years. Secretary of State William Rogers rules out withdrawals for only 18 months, until October 1974.

There will be at least one more try at the poker table to persuade the Warsaw Pact powers to match Western demobilization moves in Central Europe. But Moscow's reading of the European and Washington hands shows no reason to pay much for U.S. withdrawal. That is painfully clear from the public attitude of the Soviet Union toward the talks on Mutual and Balanced Force Reduction, a hypnotic phrase which hides impossible problems.

Even assuming good faith all around, it would be miraculous for 13 nations on one side and seven on the other to agree on "parallel" relations, much less "balanced" ones.

Indeed, the entire history of arms control agreements with the Soviet Union shows that only the most simplistic accords are possible. Once again, Kremlin leaders are giving every appearance of having decided they need only wait—this time until a tax-weary and disillusioned American public insists on unilateral withdrawal.

Europe thus is headed for trouble—from an increasingly dominant conventional Warsaw Pact military threat—unless NATO can be aroused. All of which raises a question: If NATO has not the will or desire to match the Warsaw Pact in conventional war-making power, is there another course?

The quick answer is yes.

In Northern and Central Europe, the Warsaw Pact powers have 1 million men compared to 580,000 for NATO (excluding France); 16,000 tanks compared to 6,000 for NATO; and roughly 4,000 tactical aircraft compared to 2,000 for NATO.

These relative forces levels lead to the conclusion that the Warsaw Pact conventional capability substantially exceeds that of NATO. This imbalance is accepted as a fact of life by NATO, which banks on tactical nuclear firepower and the United States' strategic nuclear guarantees.

In the case of non-conventional or nuclear capabilities, it is surprising, in fact even astonishing, how little public attention has been paid—especially in the United States—to the Soviet buildup of tactical nuclear weapons in Eastern Europe. In terms of the most effective nuclear weaponry, namely surface-to-surface missiles, the Soviet Union already has deployed more than twice as many launchers as NATO. Moreover, the Soviet Union, expecting conflict with NATO to force the use of nuclear weapons, has evolved doctrine and tactics around this expectation while NATO continues to rely mainly on its conventional posture.

Thus it is not clear that NATO has held onto its once undisputed tactical nuclear lead over the Warsaw Pact.

Whereas we have no dependable knowledge about the kinds of warheads in Soviet tactical nuclear weapons, the NATO nuclear stockpile has been revealed to be made up to a substantial degree of Model-T blockbusters and blunderbusses which neither our European allies nor the Americans wish to inflict on Europe—or even the Warsaw Pact countries.

That stockpile of blunderbusses would produce too much fallout, cause too much blast damage, endanger many friendly troops and kill far too many civilian noncombatants. No political or military prize worth that ghastly cost would be obtainable.

Whatever the Soviet Union might do with its nuclear weapons, the United States alone could transform the European theater into the cinder field the whole world dreads.

It has been argued, and perhaps it is true, that this same stockpile of blunderbusses has been a vital part of the deterrent—so far—to Warsaw Pact aggression against NATO. But now that we acknowledge strategic parity an indefinite reliance on NATO's outmoded tactical stockpile could backfire disastrously. In the face of a Warsaw Pact conventional thrust into Western Europe—on the pattern of the invasion of Czechoslovakia, for instance—NATO (and an American President) might prefer to accept the conventional thrust rather than risk the nuclear punishment, a major part of it likely to be inflicted by NATO's own nuclear weapons.

Thus the temptation for Warsaw Pact adventure in Western Europe, political or military, will grow in the years ahead, unless—

Unless NATO can compensate for its conventional warfare inferiority with a plausible, usable defense which can stop any Warsaw Pact thrust without inflicting unacceptable damage on friendly territory or people.

There are planners in the military and scientific communities of the United States who now believe such a plausible defense can be built, even while absorbing the withdrawals of American troops which Congress is on the verge of dictating.

New, more cost-effective weapons have by now not only been conceived but the principles have been tested and the realization is slowly dawning that they can revolutionize NATO strategy.

These weapons can be used in discriminating ways. Unlike the blunderbusses in the current stockpile their effects can be controlled and confined to a degree where only the specific target area of concern is covered with casualty-producing or physically-damaging effects. Collateral damage to civilians and their economy can be reduced drastically below what the current stockpile would cause.

In a word, science and technology in the United States have now made available the tools to support a truly revolutionary military doctrine.

In constructing a revised strategy for NATO compatible with the precepts of the Nixon Doctrine, we are concerned with *tasks* to be done, *personnel* required and *weapons* available, without regard to service roles.

We shall assume that NATO's task is to stop all *conceivable* Warsaw Pact attacks with a minimum of losses for friendly and enemy forces and peoples. More fundamental, the NATO goal is to deter those attacks with an obvious, well-advertised capability to stop them. We shall dismiss from our calculations at the outset palpably irrational moves by the Warsaw Pact powers.

It is inconceivable, for instance, that the Warsaw Pact powers would release in barrage their large force of medium and intermediate range ballistic missiles along the western Soviet border to destroy all NATO military capability in Europe. All Western Europe would be incinerated—the prize the Warsaw Pact sought would be wiped out—and the radio-active fallout might endanger not only the peoples of Western Europe but of the Warsaw Pact as well.

Conventional attacks on the pattern of Czechoslovakia 1968, or limited nuclear thrusts by the Warsaw Pact into NATO territory, on the other hand, are conceivable, particularly as the American presence in Europe diminishes. How can NATO seal its borders from such plausible Warsaw Pact attacks, or have confidence that such attacks are deterred?

NATO's defenses should be strong enough to stop any conceivable overland incursion from the Warsaw Pact powers into NATO territory—before it reaches vital population centers or military strongpoints. This is possible. And this should be made obvious to the Pact and to our allies—thereby giving our allies the backbone to resist coercion or "Finlandization."

One military plan for NATO is to:

1. Fight the war defensively, using the advantages nuclear weapons give the defense.
2. Replace manpower with nuclear firepower.
3. Employ low-yield precision-delivered weapons which are both militarily effective and politically acceptable, providing a more effective defense of European NATO nations than now exists.
4. Rely on indigenous forces to (a) call nuclear fire onto an attacking enemy and (b) destroy enemy forces dispersed by the nuclear fire.
5. Permit drastic reductions in United States forces, aiming eventually at a single role as supervisor of nuclear materials.
6. Place primary emphasis on the attack of the forward elements of the Warsaw Pact forces—namely, those elements which constitute the most dangerous and immediate threat

This concept would establish a zone for detecting incursions and bringing nuclear fire on the invaders. This zone might extend no more than a few tens of miles inside NATO territory from the border with the Warsaw Pact powers. Inside this zone, NATO would hide electronic detectors and pre-positioned terminal-guidance packages to direct missile fire and other types of NATO fire onto enemy attacking units so soon as they entered the zone.

Highly mobile reserve units would be available, stationed far to the rear in peacetime, for quick availability along the historic and natural invasion routes.

Fire directed by the detection and target location system would come from widely-dispersed, mobile missiles or short-range aircraft with short-field takeoff and landing capability. All weapons would be equipped with warheads having yields approximately one one-hundredth as large as NATO's current blunderbusses and would be delivered with high accuracy.

The Warsaw-Pact powers would be assured in advance that these weapons, stationed on European NATO territory, would have no other mission than the defense of Europe. Even today, NATO forces have certain weapons which could be redesigned and given new discriminating warheads which could be redeployed safely and under full control, to initiate this plan.

One of the prime aims of this new NATO defense would be to paralyze any incursion as quickly as possible. No pause would be contemplated or allowed. Discriminating firepower would be concentrated on the incursion as quickly as possible. No widespread devastation need occur and the effects of such attacks could be highly localized.

This response would be intended to stop the battlefield engagement where it began. Nuclear fire would destroy whatever invading force ventured across the border. No large friendly force would be in the area.

Beyond the detection and nuclear fire zone, each European member of NATO would provide its own defense forces, highly-trained militia or regulars. They would be issued modern anti-tank and anti-personnel weapons for this purpose. Other indigenous forces would be trained in air defense and, once a war started, would have access to weapons sufficiently powerful to deal with all threats from the air.

Requirements for American ground forces in this NATO defense configuration would be greatly reduced. Given the restrictions of the Nuclear Non-Proliferation Treaty and other international agreements, these requirements obviously could not be reduced to zero. A few, tens of thousands of American forces would be needed as custodians of the nuclear warheads.

Actual requirements for American personnel in Europe must be left to the experts, of course, but obviously the American contingent of NATO's European defense force eventually could be held well below 100,000 men, allowing more than two-thirds of the American force now in Europe to be returned—along with their families.

Eventually European forces could take over both the detection-nuclear zone mission and whatever conventional defense seemed necessary.

We are left with at least one major problem to consider. As the present American commitment to NATO is now constituted, the United States' strategic deterrent—its ICBM's, its B52s and its Polaris-Poseidon submarines—is presumed available for use against the Soviet Union in defense of NATO.

It is unlikely that either the United States or the Soviet Union would risk provoking thermonuclear retaliation on its own soil by hitting the other nuclear superpower. This proposition has become so obvious that many authorities advocate an announced "decoupling" of American strategic forces from the defense of Europe. They believe that all United States nuclear weapons which constitute a threat to the Soviet Union should be removed from Europe.

With the type of force suggested here, however, there need be no declared decoupling. It would be sufficient to indicate by the deployment of nuclear weapons that in most cases a United States strategic nuclear response would not be invoked by a Warsaw Pact attack on Western Europe.

If NATO is to remain an effective alliance, of course, Europe might wish to provide a substitute for the United States strategic guarantees, perhaps the British and French nuclear forces.

This new strategy for implementation of the Nixon Doctrine in Europe cannot be rushed, of course. Certainly President Nixon has been wary enough of the political and military pitfalls of changing NATO strategy. So wary, in fact, that he has paid little public heed to the potential of modern nuclear weaponry and delivery systems for a more realistic NATO defense in the decade of the '70s and beyond. Obstacles to change are many.

First, there is the innate conservatism of the entire free world, including the military establishments of Europe and the United States. But President Nixon has shown himself to be a master at effecting needed change, even when it is radical change.

Second, there is the knee-jerk revulsion to all things nuclear, sometimes justified, sometimes emphatically not.

Third, there is the unwillingness of the American military services to subscribe to military concepts which will result in drastic manpower and force reductions. Still, the American military services are the world's most compliant in accepting firm civilian direction and leadership.

Fourth, there are the apprehensions in Europe that leap to the fore at the softest hint of American troop withdrawals. The softening process in European public opinion has already begun, however. An assurance of continued American commitment in a manner such as is outlined here would stand a good change to be accepted over time—especially since it is a more useful and credible commitment.

Fifth, there will be the reactions of Moscow and the Warsaw Pact and European sensitivities to this problem. Pains would have to be taken to assure the Pact and our NATO allies, through fully candid discussions, that this new military configuration would be for the specific purpose of emphasizing defense; that there would be nothing for the Pact to fear from NATO in the way of aggression.

We have it from Henry Kissinger that 1973 is the year of Europe. The travels of Shultz and Volcker have already established a certain mood to give and take in trans-Atlantic economic relations. Senator Mansfield signaled in mid-March his intention to press once more for United States troop withdrawals from Europe, a notion remarkably compatible with the Nixon Doctrine if not fully appreciated by our European allies. President Nixon tours Europe later this year, seeking a new Atlantic Charter.

The historic moment is at hand for a master stroke which not only brings home most of our men under arms in Europe but also provides NATO enough new clout to keep Western Europe safe and confident indefinitely.

## EQUAL CREDIT OPPORTUNITIES FOR WOMEN

Mr. WILLIAMS. Mr. President, in February of this year I introduced an amendment to the Consumer Credit Protection Act to prohibit discrimination by creditors on the basis of sex or marital status in connection with any extension of credit. Although I continue to believe that the passage of this legislation is vital to the complete elimination of credit discrimination against women, I was most gratified and encouraged by recent events in New Jersey pertaining to the mitigation of the gross injustices suffered by women in this important area of commercial relations. Specifically, two of New Jersey's largest retailers, Sterns' and Bamberger's responded to the growing public clamor against the unfair treatment of women, in regard to the extension of credit, by voluntarily revising their respective credit systems. I am most hopeful that these timely actions by two mammoth members of New Jersey's retailing community are indications of an overall trend toward fair and equal treatment for women, in regard to credit policy.

Mr. President, I ask unanimous consent to print in the Record this news article from the Passaic, N.J., Herald-News pertaining to these important recent developments.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Stores Issue 'Ms.' Credit

(By Michael Cleveland)

Sterns and Bamberger's, two of the largest department stores in New Jersey, will issue credit cards to married women under their own names, spokesmen said yesterday.

The information was garnered in the wake of a complaint filed by the Essex County chapter of the National Organization for Women against Sears Roebuck and Co. NOW, which filed the complaint with the state's Division on Civil Rights, charged that Sears refused to issue a credit card to a married NOW member in her own name and instead issued it in her husband's name.

According to Raymond Klein, credit manager for Sterns' Paramus outlet the store will issue credit to married women in either their own or their husband's name.

"It's funny you asked at this time," Klein said. "Two weeks ago we issued a charge plate to a married woman. She wanted it as 'Ms.' and we gave it to her."

"Ms." is the designation that women's liberation groups prefer to use when referring to either single or married women.

"She was a professional woman, earning her own income," Klein said. "We sent her a card listing her as 'Mrs. John Jones' and she sent it back because she wanted 'Ms.' We gave it to her."

According to Klein, if a married woman has a credit card issued in her own name, she is responsible for payment on the account, not her husband.

A spokesman for Bamberger's in Newark said a married woman can be listed in one of three ways: Under her husband's name, under her married name or under her maiden name.

"We react to the customer," the spokesman said. "We react to what the customer wants to do."

He added, however, that if the card is listed under the wife's name, he thought the husband would still be responsible for the bills.

"It's still a marital thing," the spokesman said, "But it's a legal question, so I really don't know."

NOW's complaint claimed that because Sears issued a credit card under a husband's name, the NOW member in question "does not have an account at Sears. It means her husband has an account at Sears."

## SPECIAL COMMITTEE ON AGING MINORITY REPORT

Mr. FONG. Mr. President, the Senate Special Committee on Aging tomorrow is releasing its annual report with minority views by Senators Hansen, Gurney, Saxbe, Brooke, Percy, Stafford, Beall, Domenici, and myself.

I recommend that every Member of the Senate give careful consideration to both majority and minority recommendations in the report and the valuable factual information it contains.

Recognition is given to the substantial progress during the past 15 months, particularly with regard to bipartisan improvements in the income status of older Americans and strengthening of activities within the Administration on Aging and Action programs.

Noteworthy have been increases in social security and railroad retirement benefits, which went into effect last year, and the new supplemental income security program which begins operation in January with new national minimum income provisions for all persons past 65, the blind and the disabled. Together they represent major steps in removal of older persons from poverty and improvements in their economic status as a whole.

Adoption of automatic social security increases based on the cost of living, which we have long advocated, is also most gratifying.

Both the majority and minority members emphasize, however, that there remain many problems and unmet needs among older Americans which deserve careful and prompt consideration by the Congress. Among pressing matters which need action are the following:

First, control of inflation, the most serious and universal economic problem facing older Americans.

Despite the superiority of America's responses to the challenge of inflation when compared with other countries, the seriousness of this problem is obvious.

We are hopeful because of the recognition now being given to this problem by the Congress and the administration. Because so much of the rising price spiral has its roots in government policies, however, it is important that congressional concern be forthright, consistent and enduring. It must begin with careful scrutiny of appropriations of funds and avoidance of unnecessary expenditures.

Second, adequate protection of individual rights under private pensions.

It is reasonable to expect that legislation in this field will be enacted during the current Congress, hopefully in such a form that it will permit continued growth in private pensions while giving assurances to covered employees of their plan's financial integrity and protection of their individual share when they retire. We strongly endorse such efforts.

Third, property tax relief.

Revenue sharing proposals already adopted and now under consideration by the Congress, as well as other appropriate steps in the tax field, can be, and in some cases already have been, helpful in reducing property tax burdens. High priority should be given to such relief for older persons. It should consider the needs of those who rent as well as the high percentage of persons past 65 who own their own homes.

President Nixon's proposal for tax credits against property taxes, submitted to the House Ways and Means Committee April 30, for consideration by Congress goes beyond revenue sharing by providing direct tax relief to individual taxpayers. Tax credit for persons past 65 with incomes under $15,000 would be allowed for the amount of real property taxes they pay in excess of 5 percent of household income up to a maximum $500 total tax credit. For this purpose, 15 percent of rent paid would be considered as real property taxes. The plan would thus give tax relief to both older home owners and those who rent.

Fourth, updating the retirement income tax credit.

The retirement income credit provision of the Internal Revenue Code, designed to give tax treatment to retirees whose income comes from sources other than social security payments comparable to that afforded by the tax-free status of the latter, has not been updated since 1954. During the period intervening since that year, substantial increases in social security have destroyed the tax equity of 19 years ago. Correcting this oversight by updating the retirement income tax credit is fair and proper. It will be of benefit to many older persons including large numbers of retired teachers, firemen, policemen, and other public servants. This could be added to the tax reform bill Congress will be working on shortly.

Fifth, updating veterans pensions in line with recent social security increases.

Failure of 1972 legislative action to improve eligibility standards and benefit levels in the veterans pension program has denied the full effect of recent social security increases to many of the 2,366,000 persons served by the program in 1972, including thousands who became completely ineligible, many of whom actually suffered aggregate income losses. We believe prompt action should be taken on eligibility determination rules and other changes in veterans legislation to be sure that pensioners in fact receive full benefit of the 1972, 20-percent social security increase.

Sixth, expansion of employment opportunities, including further liberalization of the social security "earnings test."

The Social Security Amendments of 1972 did provide a most welcome increase in the amount of money a social security beneficiary may earn without loss of benefits, but the action fell short of the $3,000 level of unpenalized earnings which has twice been approved by the Senate. At a minimum we believe the Senate should persist in its efforts to increase permissible earnings to that point. We favor expansion of job opportunities for older persons who want to supplement income through employment, but such efforts often become meaningless in view of social security income losses resulting from current penalties.

One additional comment appears appropriate at this point. The decision of President Nixon to name Dr. Arthur S. Flemming as Commissioner on Aging should be a source of gratification to all Members of the Senate.

Dr. Flemming's distinguished career, which includes service as Secretary of Health, Education, and Welfare during the Eisenhower administration and more recently as chairman of the 1971 White House Conference on Aging, eminently qualifies him for this position of leadership. His extensive background and unquestioned commitment to older Americans should produce a new, heightened emphasis on aging within the executive branch of the Federal Government. We urge prompt approval by the Senate of Dr. Flemming's nomination.

## CONCURRENT RESOLUTION BY THE SOUTH CAROLINA GENERAL ASSEMBLY EXPRESSING CONCERN FOR UNACCOUNTED FOR MIA'S

Mr. HOLLINGS. Mr. President, on behalf of Senator Thurmond and myself, I would like to bring to the attention of my colleagues in the Senate a concurrent resolution passed by the General Assembly of South Carolina on May 2, 1973, and I ask unanimous consent that it be printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

H. 1893

A concurrent resolution to express the deep concern of the South Carolina General Assembly at the failure of the North Vietnamese Government and their allies, the Viet Cong and Pathet Lao, to account for over one thousand Americans missing in action in Indochina and to memorialize the Congress and the President to take appropriate action to insure a proper accounting in accordance with the Paris Peace Agreement.

Whereas, substantially more than one thousand Americans are still listed as missing in action in Indochina and are unaccounted for despite the cease-fire resulting from the Paris Peace Agreement; and

Whereas, this situation obviously is a cause of great concern to the families and loved ones of those whose fate in the war is as yet undetermined and, indeed, our nation has an absolute responsibility to obtain an accounting of those brave men who served their country so well; and

Whereas, Article 8 of the Paris Peace Agreement provides for an accounting of all prisoners of war and personnel missing in action, including those who died in prison or elsewhere in enemy-held territory, and all parties concerned are obliged to cooperate in the accomplishment of this vital accounting; and

Whereas, it now appears that the North Vietnamese, the Viet Cong and the Pathet Lao are refusing to fulfill their obligations under the Paris agreement and more than one thousand American military and civilian personnel are still unaccounted for. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring: That the General Assembly of South Carolina by this resolution expresses its deepest concern at the failure of the North Vietnamese, the Viet Cong and the Pathet Lao to account for more than one thousand Americans still listed as missing in action in Indochina, and hereby memorializes the Congress and the President of the United States to take appropriate action in every possible manner to obtain a full and complete accounting for all Americans missing in action in accordance with the Paris Peace Agreement.

Be it further resolved that the President and the Congress are urgently requested to not even consider possible economic aid to North Vietnam until a satisfactory accounting as requested in this resolution has been accomplished.

Be it further resolved that copies of this resolution be forwarded to each member of the South Carolina Congressional Delegation and the President of the United States.

## ON THE TRAIL TO HIGH-PRICED BEEF

Mr. DOMINICK. Mr. President, over over the past several weeks, we have heard much talk about rising beef prices and some of the reasons for those increases. Among the problems facing us in Colorado was the weather—extreme cold temperatures and heavy snowfalls which seriousy affected cattle production. Now there is a real possibility of fuel shortages with resulting increases in food costs because of lack of supplies, both for the consumer and the cattleman. A recent article in the New York Times does much to put the beef price story in perspective. It follows the process, from raising cattle to delivering beef to the consumer, and I believe the article merits the attention of each of my colleagues and the general public. Mr. President, I ask unanimous consent that the article, "The Trail to High Priced Beef," by Seth S. King be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ON THE TRAIL TO HIGH-PRICED BEEF

(By Seth S. King)

FRASER, COLO.—Jim Murphy slammed a hook into the bale of crisp hay and heaved it onto the huge sled, shoving it up on top of a dozen other bales.

He urged the two broad-beamed draft horses through a pasture gate, shouting "Ronald" to the team leader. With the ease of long practice, Mr. Murphy began kicking the bales apart and pushing the hay off onto the snow.

It was a crackling, clear day in the dry air at 8,700 feet altitude as the cows, most of them heavy with calf, lumbered through the powdery drifts to reach the hay.

As he has for the last 38 years, Mr. Murphy was winter-feeding his herd of cows and yearling steers. It is from ranches like Mr. Murphy's in the West and Southwest and from the new grass farms in the South that most of the nation's beef cattle start their two-year trip from range to supermarket.

Here is the beginning of the long "pipeline" that carries beef, the prized American food, to dining tables. Mr. Murphy plays a part in the great numbers game in which the country's craving for beef and the supply available are pushing prices to their highest levels in history.

Mr. Murphy, a large, jovial man with a shock of white hair, now hidden under the earflaps of a wool cap, was not even breathing hard.

"When you're 63 years old, bucking 70 or so bales every day keeps that old arthritis farther away," he said.

"I suppose I'm not dressed exactly the way you'd expect a rancher to look," he added. "But it was 32 degrees below early this morning, and a Stetson just don't hold off that kind of cold."

With his brother, John, Mr. Murphy runs about 550 head of beef cattle on 6,100 acres in a wide valley between two towering ranges of the Rocky Mountains.

In summers, when the grass is deep, the Murphys rent national forest grazing land. Each week Jim Murphy's wife, Kerry, 58, a lean, wind-burned woman who says nobody around here ever calls her anything except "Punk," rides out to keep check on these cattle.

"She's about the only real cowboy we have left around here," Mr. Murphy said.

The Murphy operation is small compared with the enormous ranches of eastern Colorado or west Texas, but all of them handle cattle in much the same way.

The climate requires Mr. Murphy to follow the traditional Western breeding pattern. His cows are bred in July. Their calves are born the next April. Mr. Murphy grazes them about 18 months, until they have grown to about 790 pounds. He then sells them at auction to the highest bidder, and they are moved on to a feedlot or grain farm for fattening.

There is little flexibility in the business of raising calves. Mr. Murphy's profits (quite healthy last year) are dictated by what a feedlot operator will pay, bidding in competition with others, to get the Murphy yearlings.

These animals have to be sold in October, good market or bad. Mr. Murphy can't hold them for a better price.

"They don't reach the best weight before October," he explained. "After October the grass gets bad and they begin to lose weight. If you start putting hay into them, even if you grow it yourself, pretty soon you're pushing more into them than any price rise would get you back."

After keeping some of the best heifer calves as brood cow replacements, the Murphys sell about 250 head each year.

Last October, in a rapidly rising market, the Murphys got a whopping 45 cents a pound, or about $355.50 a yearling. In 1971 the animals were selling for 36 cents a pound and five years ago for 27 cents.

Including supplemental feed, taxes, summer labor, interest on loans and inoculations, Mr. Murphy estimates that each "cow unit" costs about $222 a year to produce.

"We got 10 times more for yearlings last October than we did in 1932, when I started in here," Mr. Murphy said. "But everything cost less then. Why, you could hire help for $35 a month and keep. Today the same thing costs $500."

And there are other differences today, Mr. Murphy said. "For one thing, without them old cowboys, we use machinery. We've got $33,000 tied up in tractors, hay balers and the like. But it's a hell of a lot easier to get them two old horses hitched up on a winter morning than to try and start a tractor."

After a pause, he continued: "These mountain cattle can stand nearly anything. We take a beating sometimes on hay if a summer's too dry. But we don't suffer the way those Texas ranchers did in December. I fear to think what losses they had."

The vicious early winter storms that caused thousands of cattle in west Texas and eastern Colorado to freeze and starve were very much on the mind of Jim Miller, the president and chief stockholder of Miller Feedlots, Inc., of LaSalle, Colo. This is one of the many huge feeder operations strung out across the high plains north of Denver and east of the mountains.

"If you had come here any other year, you'd never have seen this," Mr. Miller declared, sweeping his arm at a sea of very muddy steers.

When you stand in the middle of the feedlot, all you can see in any direction are beef cattle. Mr. Miller pointed to snow standing six inches deep on the field beyond the pens. In the pens the snow had been churned and rechurned in the sticky, knee-deep mud.

"I'm spending $2,000 a week just to get that mud hauled out of those pens," said Mr. Miller. "It's true that we're getting more for a fat steer now than anybody ever paid before. But there's never been a year when the weather and ranch cattle and what I have to feed them have been so costly."

Since the nineteen-sixties feedlots like Mr. Miller's have grown larger and larger, supplying an increasing percentage of fattened cattle directly to the big packing companies. In turn, these companies have been abandoning their outmoded packing plants in Midwestern cities and moving to new sites in Texas, western Iowa, Nebraska and eastern Colorado, where they are building modern, mechanized plants close to feeder operations like Mr. Miller's.

Mr. Miller, at 35, is a man with a $7-million investment to manage. He is a brawny former football player who grew up on his father's ranch near Dillon, Mont.

Back in his small, simple office at the edge of the teeming pens, Mr. Miller sat down, pushed his big Stetson to the back of his head and sighed softly.

"We figure that in normal years we have to expand 2 or 3 per cent a year in the feedlots, just to keep up with the rising demand for beef," he said. "Well, I figure there's already been such a loss in the country's total beef cattle supply, from those winter storms, that we'll be in a real scramble just to keep up with the demand. You can readily imagine what that's going to mean to prices—they're going to stay mighty high."

A feedlot is akin to a slow-moving production line. Mr. Miller buys new feeder cattle every month. His representatives watch the sales barns in the Rockies and in those milder parts of Kansas, Oklahoma and Texas where ranchers can carry steers on winter wheat and have them ready for market during most of the year.

These animals come to LaSalle weighing a little more than 700 pounds. For the next five months, Mr. Miller pushes feed into them twice a day until they grow to about 1,150 pounds, the choice grade weight.

Recently, Mr. Miller was paying a record 51 cents a pound—about $360 an animal. With today's high prices for corn and soybeans, his taxes, the labor cost of his 20-man work force and interest on what he borrows, he calculates that the "gain" on each animal costs $132, making a total cost of $492 for each fattened steer.

Even with choice grade cattle now bringing a record price of about 43 cents a pound from packers, Mr. Miller expects to make only about $2 a head on most of the 40,000 animals he feeds during a year.

"Five years ago that margin was $12 to $15 a head," he said. "Even last year it was running $10 a head. But suddenly the cost of feed is skyrocketing, and so is the price for range cattle. So the feeder isn't making all that much now."

Mr. Miller lives in a neat new house a hundred yards from one corner of the sprawling feedlot. He had been in his office since 4:30 that morning, getting ready for the packers' representatives coming to bid for his animals.

Like Mr. Murphy, the rancher, a cattle feeder faces an inexorable time factor. He cannot hold animals, either, beyond a certain time in hopes of a market rise.

"I've got about a week's leeway," Mr. Miller said. "If we feed for too short a time, an animal isn't heavy enough to make the top price. If we feed a week too long, we're putting more into him than we'll get out. We can't afford to hold him here just for the pleasure of his company."

Mr. Miller said he didn't want to give the impression of complaining about his rising costs.

"I'm not all that blue," he said. "People still enjoy sitting down to a nice beef steak. As long as the demand for beef stays high, we'll manage. In this business you ride out the poor years with the good ones."

Mr. Miller expressed concern about steak prices at the retail level.

"We don't want to lose Mrs. Consumer," he said. "We can't afford to drive her away to buying other things for her table."

The packers and the wholesale processors, the next two stops along the way before beef reaches the supermarket shelves, share Mr. Miller's concern about prices.

"We really hate a rising market," said Robert Carlson, head of Dixon's Wholesale Meats in Des Moines.

"We can't get our prices up fast enough to keep pace with it," he explained. "And, like the supermarkets, we're so close and visible to the customer that we're the first to get blamed for higher prices."

A cheerful, incisive Nebraska native, Mr. Carlson started his career as an insurance man. He got into the beef business by chance when he married Barbara Dixon, daughter of the company's owner.

Dixon's Wholesale Meats operates from a simple, highly functional new building in northwest Des Moines. Most of it is taken up by cavernous refrigerated rooms where beef is hung and processed.

In his office Mr. Carlson was holding a small, four-page folder of yellow paper, covered with lists of prices. He said he receives a copy of this "yellow sheet" each weekday from its publisher, the National Provisioner's Daily Market and News Service, Chicago.

"This is the bible," he explained. "This shows yesterday's wholesale prices on beef carcasses around the Midwest and then for each of the primal cuts, like rounds or loins. We can tell what it cost yesterday to buy those and at what price we might try to buy at today. Nobody, from the packer through the wholesaler or the distributor, can get very far above or below the prices quoted here, plus, of course, processing costs and a little profit."

From feedlots like Mr. Miller's in Colorado, cattle move to the packer, who bids for fattened beef animals in competition with other packers.

A packer kills the animal and prepares the carcass. Most of them sell the whole carcass to wholesalers like Mr. Carlson or directly to the large chains of supermarkets that have their own processors.

At the Dixon firm, Mr. Carlson's white-coated boners and butchers carve up the carcasses he has bought from a packer, preparing such items as filet mignons, rib roasts, top sirloins or hamburger, depending on what his customers are ordering.

These days Mr. Carlson's customers are restaurants, schools and hospitals. The Dixon firm also used to process meat for the small grocers before they virtually disappeared, driven out of business by the supermarkets.

The arithmetic that began ascending when Mr. Murphy's calves put on weight begins to descend when a packer slaughters a steer. A 1,000-pound animal becomes a 590-pound carcass. After the fat and bone are trimmed out of it, the processor has 465 pounds of retail cuts. Of this, there will be 40 pounds of sirloin, 45 of rib roast, 105 of chuck roast and 110 of hamburger.

"When you divide down to that level, you can see that we're moving into the penny and fraction-of-a-penny range on costs and prices," said Mr. Carlson. "We offer a price to a packer. If he agrees, we get it. If there's a better bid, we'll have to match it or go without. We pass the increase on to a retail customer, just as the supermarket does. The packer has done the same beforehand.

"Whichever way it goes, from the packer on down, the base price will be close to the yellow sheet, because that's what most of the industry has to pay that day."

Mr. Carlson sells his processed beef parts with a 10 per cent markup if they go out as primal cuts or a 20 per cent markup if they are cut further into steaks, roasts or hamburger. Out of this markup comes his operating costs and his profit.

"Thirteen per cent of those costs are for labor," he said. "Just as with the big packers, that's our biggest cost."

For the packers, too, the timetable is relentless. Their union contracts guarantee a 36-hour work week. If a packer slowed down production to push up the retail market, he would still have to pay for a 36-hour week.

Mr. Miller's concern over this winter's cattle losses is not fully shared by the American Meat Institute, which has a good record in forecasting beef supply and demand.

The trade organization expects this year's consumption to rise to 118 pounds of beef per person, an increase of 2.5 pounds from 1972's 115.5 pounds. In 1960 consumption averaged 85.1 pounds. In 1950 it was only 63.4 pounds.

The Institute also expects total beef cattle production to expand about 2 per cent this year, barely equaling the rise in demand.

"But like it always has, the beef industry, in the end, comes down to the housewife," said a meat trade publisher. "If she still walks up to a meat counter, looks over a good cut of beef and says 'My, that's a terrible price,' and then buys it anyway, this year is going to be pretty much like last year. If she backs away, you'll see prices turn down, all the way back to the rancher."

### S. 1752

Mr. TAFT. Mr. President, I am extremely pleased that the Senate passed unanimously, S. 1752, a bill prescribing the objectives and functions of the National Commission on Productivity and Work Quality, on Thursday, May 10.

I helped to author this legislation because the related tasks of increasing both productivity and the job satisfaction of our workers are absolutely vital to the success of American economic and social policy. Increases in the efficiency of the U.S. economy strengthen America's competitive position and enable wage increases to occur without causing inflation. Alleviating the blue collar blues and the white collar woes may be even more important, because Americans spend so much of their time on the job. More satisfied workers might also, in many cases, be more productive ones.

Because the balance-of-trade deficit and inflation are quite properly major concerns at the present time, the activities of the Commission take on added importance. During the period from 1965 through 1970, the average annual U.S. rate of productivity increase was the lowest of any major free world nation. Our output per man-hour increased on an average of 2.1 percent annually, while that of Japan increased on an average of 14.2 percent annually. Even though our productivity performance has been improving lately, last year Japan's manufacturing productivity was still increasing at a rate almost three times as great as ours. This development has lessened our ability to compete in domestic and international markets and thereby has contributed to the present trade imbalance. In addition, our poor productivity showing has augmented the inflation problem, because many of the wage increases during the late 1960's were not offset by increased output per man-hour.

I have, indeed, been convinced for some time that the Commission's objectives are of the utmost importance. I was not convinced, however, that the Commission was likely to make much progress toward achieving those objectives in the manner it was proceeding. That is why we need this legislation.

As the committee report clearly states, the crux of S. 1752 is to set priorities for the Commission to follow. The Commission is to concentrate its efforts where they can make the most difference with respect to America's international competitive position, the efficiency of Government, the cost of the most basic goods and services and the job satisfaction of American workers. I believe it is quite appropriate that undertaking efforts to increase Government efficiency should be one of the Commission's basic objectives. We have an obligation to the taxpayers to make Government as efficient as possible, and well-reasoned efforts along these lines should certainly be given every encouragement.

I am convinced that the Commission will become more effective if it adheres strictly to the priorities set forth in S. 1752. A fine-tuned sense of priorities is essential for a Commission which has so little manpower and such broad, important goals.

I have examined the Commission's budget for fiscal 1974, and although I still have some questions about it, it certainly corresponds more closely to these priorities than the budget for fiscal 1974 originally submitted by the Commission.

The explicit assignment to the Commission of an advisory function with respect to Government policies affecting productivity and job satisfaction, as well as the duty to encourage and promote Government policies consistent with its objectives, is also a major step forward. The Government has been without an in-house advocate for such policies for too long. I hope that the Commission will do everything in its power to fulfill this vital role and to become a more active advocate for such policies in private industry as well.

The legislation's increased emphasis on worker morale is also definitely called for. Senator JAVITS and Senator PERCY, who helped Senator JOHNSTON and I write the bill, have long been interested in this crucial problem and I commend them for that interest. The Commission is uniquely equipped to deal with this problem because of its labor-business-public structure.

Mr. President, I realize that a Commission spending $5 million per year can hardly be expected to bring about many fundamental changes directly. It is my hope and belief, however, that as redirected by S. 1752 the Commission will prove to be a valuable catalyst. If successful, it will stimulate labor, management, and government to create the partnership which will be necessary if we are to make the maximum possible progress in terms of both productivity increases and improvement in the morale of American workers.

### TRINITY COLLEGE'S 150TH ANNIVERSARY

Mr. RIBICOFF. Mr. President, on May 16, 1823, the Legislature of the State of Connecticut approved the charter for Washington College to be established in Hartford as the second institution of higher learning in Connecticut. Yale had received its charter in 1701.

In 1845, the name of Washington College, Connecticut's second oldest institution of higher learning, was changed to Trinity College. Today I have the honor of noting the 150th year of its founding.

From its beginning, this college, dedicated to the liberal arts, established a reputation for excellence. Its standards of scholarship have been reflected in the deeds of graduates who, today, number more than 10,000. They have earned places of leadership throughout the world in business and industry, in law and medicine, as members of the clergy, in government, in the arts, and as active and respected members of their communities.

The successes of Trinity College graduates bear witness to the skills and competence of the countless faculty members who have taught there. They have not only imparted wisdom and knowledge but also an understanding of the human experience to equip Trinity graduates with the qualities essential to live and work and contribute in a free society.

Trinity College was founded as an all-male institution. Women became a part of the campus scene in 1969 and comprise two-fifths of the present undergraduate student body of 1,600.

In addition, Trinity College has been increasing the enrollment of minorities, especially blacks and Spanish-speaking students, and has begun an experimental program to assist students who transfer there after completing work at nearby junior and community colleges.

The curriculum at Trinity has undergone significant changes in recent years. Recognized as one of the most innovative among the Nation's colleges, it has been a model for other institutions to follow.

In 1955, when I was Governor of Connecticut, Trinity College conferred upon me the degree of honorary doctor of laws. I take special pride in noting the 150th anniversary of the founding of this distinguished institution of higher learning in Hartford.

---

## SUDDEN INFANT DEATH

Mr. MONDALE. Mr. President, for nearly a year and a half my Subcommittee on Children and Youth has been studying the problem of crib death and seeking solutions to the serious problems it poses for thousands of American families.

In January of last year the subcommittee held a hearing in which we received testimony from parents and other experts familiar with the tragedy of SIDS. Since then we have received hundreds of letters, many of them from parents who have lost children, and are eagerly awaiting a sign that a cause and cure for this disease are near.

Last year I introduced and the Senate approved a resolution calling on the Department of Health, Education, and Welfare to make research into crib death a top priority; and to institute sorely needed education, information, and statistical activities related to SIDS.

Early this month I introduced new legislation providing for the creation of a research program designed to focus the attention and the resources of existing medical facilities and personnel on SIDS.

I am gratified to see that the press is continuing to bring the tragedy of crib death to the attention of the public.

At this time, I request unanimous consent that two recent articles on the subject be printed in the RECORD. The first is an editorial which appeared in the Washington Post; and the second, "Battling Mysterious 'Crib Death' ", appears in the May issue of the Reader's Digest.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### THE SUDDEN INFANT DEATH SYNDROME

Among the mysteries of American health care, few are as persistently complex as the disease known as sudden infant death syndrome (SIDS). Like cancer, its causes are unknown. Yet, an estimated 10,000 infants die annually from SIDS. Serious research began only a few years ago but even this research was limited; there has been a lack of trained scientific investigators interested in the problem.

As a means of increasing concern in SIDS, Sen. Walter Mondale (D-Minn.) has introduced legislation to promote research activities in this area. In Congress' last session, a similar bill passed the Senate 72–0, but it went nowhere in the House. The importance of research into SIDS is not only that a cure for the disease might be found, but that even if children continue to die from it at least the parents and community will know the reason. At the moment, serious and tragic injustices often occur because parents of SIDS victims are falsely accused of child abuse. Dr. Abraham B. Bergman, M.D., president of the National Foundation for Sudden Infant Death, points to a recent California case in which a young couple was taken to jail while their baby's body still lay in the house. The parents were charged with involuntary manslaughter but the charges were eventually dismissed by a municipal court judge. Dr. Bergman, in discussing the event, said "it was clearly a case of ignorance and prejudice against a couple who were young and poor and couldn't defend themselves."

Even those parents well established in middle-class life are often subjected to harassment and insult following a crib death misfortune. The point is not that possible child abuse should be ignored but rather that unwarranted criminal investigations should not occur. The parents are already undergoing severe emotional pain. As one witness said in hearings last year, the parents "have enough to do just attempting to maintain their sanity and marriage while trying to explain to their not-too-understanding relatives how their happy, healthy infant could possibly have died."

Obviously, we are only at a beginning in our understanding of SIDS. What is crucial is that serious research begin at once, not only to save lives among infants but to protect parents in the event that tragedy does occur.

---

### BATTLING MYSTERIOUS "CRIB DEATH"— NO. 1 CAUSE OF DEATH IN INFANTS AFTER THE FIRST WEEK OF LIFE—PREVENTIVE MEASURES MUST BE FOUND

(By Dr. Frank N. Medici, instructor in pediatrics at New York Hospital-Cornell Medical Center. He is a Fellow of the American Academy of Pediatrics, and is in private practice in Nanuet, N.Y.)

Fear of losing a life entrusted to his care is a nightmare that haunts every young pediatrician when he first hangs out his shingle. For me, the crisis came in 1966 and centered on Susan, one of my first patients.

I examined her the day she was born, and thereafter at regular intervals. I well remember her six-month checkup.

Her weight and height were proper; the contour of her chest was good; the soft spot on the top of her head was closing nicely; her heartbeat was strong and regular. "Her development is right on schedule," I told her mother. "She's in excellent health."

That night, Susan was put to bed about seven o'clock. At 11, her parents looked in and found her on her back in untroubled sleep. The mother placed an additional blanket over her, kissed her and tiptoed out of the room.

At two minutes past six the following morning, my bedside telephone rang. As I came groggily awake, I hear Susan's father saying, his voice high and strained, "We can't wake Susan up. *We can't wake her up!*"

Fortunately, they lived only a block away, and I ran the distance. Susan lay limp in her mother's arms. There was no heartbeat. Instructing the father to call for an ambulance, I injected adrenalin directly into the baby's heart and then began to give her mouth-to-mouth respiration. All my efforts were fruitless. The tiny body had been cold when I took it from the mother, and at the hospital Susan was pronounced "dead on arrival."

The young parents, overwhelmed by feelings of guilt, consented to an autopsy. The 24 hours of waiting for the medical examiner's report were gloomy for me as well, for I wondered what it would reveal about my own incompetence. At last the report arrived, and I read it through quickly. Then, unbelieving, I read it a second time. The medical examiner could find *nothing* to indicate the cause of death! There was no evidence of lethal disease or injury. It was, I realized, a case of "crib death," or "sudden infant death syndrome"—something I had heard of in medical school, but never seen firsthand, for its victims are not sick children to be found in the hospital but presumably well children who die suddenly at home.

When I showed the report to the baby's mother, she stared at it, then said in a flat voice, "I killed my baby. I put too many blankets on her, and she smothered to death."

I assured her this was not the case, for the coroner's report ruled out suffocation. But she wasn't listening. A few weeks later, the young couple moved out of town, probably hoping to leave their feelings of guilt behind. As for myself, I began to study all the medical literature available on crib deaths.

Sudden infant death syndrome (SIDS) is the No. 1 cause of death in infants after the first week of life. Each year in the United States, approximately 10,000 babies die of this mysterious malady. This means that each day some 27 families find a child dead.

Although SIDS has been with us since recorded history, only recently has it been recognized and catalogued as a specific disease. These deaths seldom occur before four weeks of age, rarely after seven months, and there is an immutable pattern to them. The baby, apparently healthy and normal, is put routinely to bed and drops into an untroubled sleep. Sometime during the night, the infant dies. There is no record of a baby crying out in pain—nothing but sudden, swift death.

Over the past two decades, a variety of theories about the problem have been developed and discarded. Suffocation was ruled out; research proved that a normal amount of covering cannot deprive the infant of sufficient oxygen. Cow's-milk allergy was considered when antibodies were found in the blood, but a child highly sensitized to milk would have shown other evidence of such intolerance. In several cases, enlarged thymus glands proved to be the *result* of quick death, not the cause. Similarly, occasional hemorrhage into the cervical cord was shown to be a side effect of death, not the cause.

In short, we now know many things that SIDS is *not*, but we still don't know exactly what it *is*. And in this darkness the afflicted families are beset by fears and suspicions and unwarranted feelings of guilt. Some parents, convinced that they passed along faulty genes, refuse to have more children. Others turn to divorce, or spent a lifetime of recrimination, each blaming the other.

Sometimes the people that the frantic parents reach out to for help, such as police and fire-department rescue squads, become accusers. When these men arrive and find the baby dead, the parents driven by remorse and guilt, and even the family physician bewildered, it is not surprising that suspicions are aroused. "How many times did you hit the baby?" may be a policeman's opening question.

There are today three major volunteer health organizations in the United States dedicated to the eradication of SIDS. The International Guild for Infant Survival has headquarters in Baltimore, where it helps finance research, distributes educational material and aids stricken families. The Andrew Menchell Infant Survival Foundation, based in New York City, has established a research laboratory in the department of forensic medicine of New York University's School of Medicine. There, forensic pathologists probe for the secrets of SIDS under the direction of Dr. Milton Helpern, Chief Medical Examiner, City of New York.

The largest of these health organizations is the National Foundation for Sudden Infant Death. With headquarters in New York City and 40 chapters from coast to coast, NFSID is oriented toward public education and parent counseling. Under a successful pilot program in Seattle, every SIDS baby is autopsied at a teaching hospital, the parents are immediately given a full report by the attending pathologist, and a visit is made to the home by a public-health nurse. If necessary, the parents also receive supportive therapy from a mental-health professional.

While proud of its Seattle plan, the NFSID is convinced that only the federal government can supply sufficient funds and momentum to force a medical breakthrough. And there is some indication that NFSID's hopes may soon materialize.

In January 1972, a public forum for both medical and lay leaders in the fight against SIDS was provided in a hearing held by the Senate Subcommittee on Children and Youth, chaired by Sen. Walter Mondale (D., Minn.) Appearing before the subcommittee, Dr. Abraham Bergman, president of NFSID and professor of pediatrics at the University of Washington, said, "It may well be that the common-cold virus acts in a strange way on the nervous system of the sleeping baby. We feel that the viral infection somehow causes the vocal cords to be more sensitive and susceptible to spasm, and that SIDS occurs when the vocal cords suddenly close during sleep, shutting off the airway."

Dr. Bergman and his colleagues, Drs. J. Bruce Beckwith and C. George Ray, have studied every SIDS case occurring in the Seattle area since January 1965 (more than 500 cases). Autopsies revealed that the common-cold virus was present in twice as many SIDS babies as in the other ones. And many mothers reported that their babies had a slight cold when they were put to bed on the fatal nights. Though future research may or may not confirm the Seattle group's theory, it is a welcome navigational light in the swirling fog of ignorance and and fear.

At the end of the public hearing, Senator Mondale's subcommittee presented a resolution to Congress directing HEW's National Institute of Child Health and Human Development "to designate the search for a cause and prevention of sudden infant death syndrome as one of the top priorities in research efforts." The Senate passed the resolution, and Senator Mondale requested $10 million for research and education relating to crib deaths. Although President Nixon vetoed this HEW increase and others as excessive, there is hope that substantial research funds will be appropriated when the 1974 budget comes up for consideration this year.

In the meantime, parents should be aware of what we already know:

1. SIDS cannot be predicted, and it is not now preventable.

2. It always occurs during sleep, with no sound or cry of distress. Death probably occurs in seconds.

3. The cause is *not* suffocation from clothing or blankets, nor is it aspiration or regurgitation.

4. SIDS is neither contagious nor hereditary. The likelihood of two crib deaths in a single family is minute.

5. SIDS is not traceable to such modern environment agents as birth-control pills, fluoride in drinking water, smoking.

6. There is hope. The medical profession is at last coming to grips with SIDS, and I believe that it will eventually go the way of smallpox, measles and polio.

## TIME TO REAFFIRM AMERICA'S SUPPORT OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the bicentennial anniversary of America's independence will be celebrated during the next few years, with a continuing emphasis on our country's tradition of freedom and human rights. We will soon mark the passage of 200 years since the signing of the document which most clearly embodies this tradition: the Declaration of Independence. This is an event and an anniversary of which every American can be proud.

But another document of human rights has remained unacted upon by the Senate for 24 years. How can the Senate both look forward to the observance of America's commitment to human rights, and simultaneously fail to ratify the Genocide Convention, which is another necessary expression and reaffirmation of those rights? How can the Senate justify inaction on the convention?

We have been assured by the administration that there are no constitutional drawbacks to ratification. The President, the Secretary of State, and the former Attorney General have voiced their support. The Committees of the American Bar Association which most closely studied the Convention have called for ratification. Seventy-six other nations have subscribed to the convention and the principles embodied therein.

During this period of renewal and reaffirmation of the principles which first animated this country and which should continue to do so, we cannot continue to fail to recognize, for ourselves and for the world, a clear expression of these principles in the area of international law. We must remember our founding principles, and reaffirm them by ratifying the Genocide Convention, as well as the conventions on the Abolition of Forced Labor and the Political Rights for Women. These ratifications must take place soon.

---

## DO POLITICS AND SCIENCE MIX?

Mr. FULBRIGHT. Mr. President, Ms. Judith Randal wrote a very timely and perceptive piece about Dr. Robert Q. Marston, entitled "Do Politics and Science Mix?" which appeared in the Washington Evening Star of May 3. In view of recent developments in our Government, I think this article is especially significant, and I ask unanimous consent that it be printed in the Record as part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Do Politics and Science Mix?

(By Judith Randal)

People dismissed from office after a stint with the Nixon administration have varied ways of taking their leave. Some go in disgrace with their tails between their legs. Others go proudly, but quietly—apparently in the belief that to disclose what led up to the rupture would not make any difference either to the public or to the colleagues left behind. The nation should take note that Robert Q. Marston is one of the few in recent memory to have chosen another style.

Marston is the physician and former Rhodes scholar who was appointed by the late President Johnson to head the National Institutes of Health. He succeeded a man, Dr. James V. Shannon, who made the NIH the very symbol of a government agency dedicated to excellence and as free of political constraints as such an agency can be.

Knowing Marston, the scientific community confidently assumed he would carry on in the same tradition, and heaven knows he tried in the face of growing odds. But in December, following President Nixon's landslide victory, he was asked to resign, and on Jan. 20—Inauguration Day—he was ignominiously demoted to serve as acting director of one of the smaller institutes that constitute NIH.

Last week, after deciding to spend a year as a scholar-in-residence at the University of Virginia and to accept a position as a distinguished fellow of the National Academy of Sciences' new Institute of Medicine, he spoke for the last time to those with whom he had spent almost eight years at NIH. No successor to the directorship has been named.

Marston is not a bombastic man, and bitterness and recrimination are not his way. There was no name-calling on this occasion, and in a sense what he was saying was meant only for the consumption of his colleagues. Yet so much of it spoke directly to what has made American science the achievement it has become in the years since World War II that it is worth repeating here.

Dealing with the pursuit of intellectual excellence. Marston recalled that it has been NIH custom to have scientific policy decisions made by groups of scientists rather than bureaucratic managers and that this system of "peer review" has brought rich rewards, both in true medical progress and in prestige as measured by such benchmarks as the Nobel prize.

He did not have to tell these men and women that this widely copied system—which has made American science the envy of the world—is now being subverted by the Nixon administration, whose present secretary of Health, Education and Welfare, Caspar W. Weinberger, construes it as self-serving and a fount of potential disloyalty to the administration. As "management for management's sake" replaces the freedom to pursue knowledge in an environment untrammeled by politics, they have seen for themselves that it is being destroyed.

Nor did they need to have recalled for them the mischief being done by beating the drum for cancer (and, to a lesser degree, heart disease) while more fundamental aspects of biomedical research which seek answers to these and, indeed, all disease processes wither for lack of funds. Just as they understand the current folly of ending training support for young scientists who are the source of new ideas, they understand—as the public, for the most part, does not—that to elevate any aspect of medical research disproportionately at the expense of others makes no sense scientifically and is transparently political in its intent.

Accordingly, when Marston told this audience that "creative people are to be valued more than organizational arrangements or complex plans," and that "criticism is a necessary part of science to be encouraged and not stifled," one could only have wished that the "people managers" at the White House could have been listening.

And even more worthy of their attention, in light of current revelations about the Watergate, might have been the following credo with which Marston took his leave.

"Perhaps I speak too much from the idealism of one who chose to go into the medical profession, but I believe in the dignity of man—that to treat one another with respect is an expression of strength, not weakness; and that charity is good, not bad; that the power of public office should not be allowed to lead to arrogance, and that we must always remember as public officials that the money we spend is not our own."

## NEW HAMPSHIRE SPEAKER OF THE HOUSE ENDORSES THE FEDERAL-STATE LEGISLATIVE COUNCIL

Mr. HUMPHREY. Mr. President, on March 6, I introduced S. 1099, a bill to establish a Federal-State Legislative Council.

This council, composed of 12 Members of Congress and 12 State legislators representing different geographical areas, will explore and research problems common to the legislative process. It will try to improve communication and cooperation between Congress and the 50 State legislatures, to undertake substantive program evaluations, and to make recommendations for programs and reforms at both the State and National levels.

Because of its unique composition and role with the governing process, it is expected that the recommendations of the council will receive great weight in Congress and in the individual legislatures.

Recently, I received a strong endorsement for my bill from a distinguished State legislator. Mr. James E. O'Neill, speaker of the New Hampshire House of Representatives wrote to express his support for the council idea. He added:

> In spite of current precedents and gubernatorial folk-wisdom, it really is necessary for Congress and State Legislatures to enact laws for the development of public policy. If, on a national level, these lawmakers could meet jointly to thrash out problems, we will actually achieve our common goal of a revitalized federal system.

Mr. President, I ask unanimous consent that the full text of this letter be printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW HAMPSHIRE,
HOUSE OF REPRESENTATIVES,
*Concord, May 3, 1973.*

Hon. HUBERT H. HUMPHREY,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR HUMPHREY: This letter is in reference to your introduction of S. 1099, which will establish a Federal-State Legislative Council composed of twenty-four members from various geo-political subdivisions.

I wish to emphasize my strong support for your innovative concept and I would welcome the opportunity to assist you in supporting this bill in any way I can.

New Hampshire has the third largest legislative body in the English-speaking world. I have been a state legislator for the past sixteen years and have watched our state grow and change. These changes have primarily resulted by Congressional action and Presidential initiative.

New Hampshire is also a small state, in both geography and population. Please remember that proposals like S. 1099 should provide a forum for small states to discuss problems and issues of mutual concern with Congressmen and state legislators.

Our founding fathers created our democratic institutions with the intent that small states would have equal voice in the decision making process. It is my hope that your bill will incorporate safeguards to insure small states' participation—thus strengthening the new federalism.

I strongly endorse S. 1099 because this legislation would provide a permanent structure through which the discussion of issues and problems of common interest to State Legislatures and Congress can be initiated. There are many problems facing our citizens which require joint Congressional and State legislative action for their implementation and solutions.

In spite of current precedents and gubernatiorial folk-wisdom, it really is necessary for Congress and the State Legislatures to enact laws for the development of public policy. If, on a national level, those lawmakers could meet jointly to thrash out problems, we will actually achieve our common goal of a revitalized federal system.

It seems to me that this Federal-State Legislative Council can contribute significantly to the objective of making intergovernmental problem-solving at the legislative level a reality.

Cordially,

JAMES E. O'NEIL, SR.,
*Speaker of the House.*

---

## THE ADMINISTRATION'S POSITION WITH RESPECT TO THE COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. HOLLINGS. Mr. President, on Monday, March 5, Chairman Russell E. Train of the Council on Environmental Quality appeared before the Commerce Subcommittee on Oceans and Atmosphere to testify about administration views on S. 80, a bill to regulate the construction and operation of superports.

Because such projects will have tremendous impacts on the coastal zone of any State selected to receive the pipeline from a superport, I raised a number of questions with Chairman Train regarding the administration's failure to seek funding for the National Coastal Zone Management Act which passed the Congress and was signed by President Nixon in October 1972.

It was Chairman Train's duty, of course, to state the then existing administration position that we need an overall national land-use program which would include the coastal zones. This position is contrary to the view of Congress, which adopted the Coastal Zone Management Act without a dissenting vote. In view of this conflict, I subsequently submitted a series of questions to Mr. Train and to the Secretary of Commerce. In a letter dated April 20, 1973, the Secretary of Commerce, on behalf of himself and the Council on Environmental Quality, after consulting with the Office of Management and Budget, has advised my subcommittee of the administration's present position with respect to the Coastal Zone Management Act of 1972. That position is stated as follows:

THE ADMINISTRATION'S POSITION WITH RESPECT TO THE COASTAL ZONE MANAGEMENT ACT OF 1972

1. The Administration does not believe the absence of funding for the law, at any time, negates or suspends the Act.

2. The "Congressional Findings" in Section 302 have effect, regardless of the extent of funding which may be available at any particular time.

3. The "Declaration of Policy" of the Act has effect regardless of the funding of the Act which may be available at any particular time.

4. The absence of Federal funding, for States during any period in the development of their coastal zone management programs, means that States which feel they want to proceed to develop a coastal zone management program during such period, will receive no federal assistance for such development under the Act.

5. The June 30, 1977 expiration date for authority to make program—development grants to states under Section 305 means that no development funds will be available after that date regardless of the failure of funds being available during prior periods.

6. The Administration cannot state at this time whether it will request subsequent appropriations under the Act to be for past periods during which there were no funds available for grants to states.

7. The Administration does not regard the June 30, 1977 termination date for participating in the costs of the development of state programs as being deferred by a period of time equivalent to the period of time for which no funds are appropriated and/or made available.

8. After the effective date of the Act, states must develop their coastal zone management programs in substantial compliance with the procedural requirements of the Coastal Zone Management Act in order to be able to later receive approval of their management programs, notwithstanding the fact that no federal financial participation in the costs of development of their programs as contemplated by the Act is available at the time of such development. Examples of such instances are:

a. Section 306(c)(3) which requires public hearings in the development of the program. Even if the management program itself developed by the State is satisfactory, it cannot be approved if it was developed after the effective date of the Act and the State did not hold public hearings in its development, notwithstanding the lack of Federal funds at the time of such development.

b. Section 306(c)(1) requires that the State must have developed and adopted its program . . . with full participation by "relevant state agencies, regional organizations, port authorities and other interested parties public and private."

Even if the state management program is satisfactory, it cannot be approved if it was developed without such participation by others, notwithstanding the fact that no federal financial participation in the costs of development of the program as contemplated by the Act was available at the time of such development.

9. Notwithstanding the availability of funds, the National Oceanic and Atmospheric Administration (NOAA) is to consult with, cooperate with, and coordinate the activities of, other interested federal agencies in the Coastal Zone, including in the development of coastal zone management programs. All federal agencies must provide "positive participation," not passive cognizance, in the development of state coastal zone management programs and NOAA is to coordinate such federal activities. The foregoing includes the siting of offshore facilities.

10. Notwithstanding the availability of funds, Section 307(d) of the Act is operative. It provides that:

"Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary (of Commerce, utilizing NOAA) that the project is consistent (with the purposes of the Act) or is necessary in the interest of national security."

11. (a). Federal agencies conducting or supporting activities affecting the coastal waters and lands shall do so to the maximum extent practicable to be consistent with a state's approved coastal zone management program, as required by Section 307 (c) of the Act.

(b). Federal agencies undertaking developments in the coastal zone shall also do so consistent with the approved state program, as required by Section 307(c) of the Act.

(c). Section 307(c) also requires that, after approval of a state coastal zone management program by the Secretary of Commerce (NOAA), any applicant for a federal license or permit to conduct any activity affecting the state's coastal zone, must include in his application a certification that the activity complies with the state program. Subsequently, it is required that the state be notified and the license or permit cannot be granted unless the state concurs, or unless the Secretary finds it is consistent with the Act, or that the activity is necessary for national security.

Section 306, pertaining to giving approval to a state management program, is operative, notwithstanding the absence of funds and a state may develop a coastal zone management program and the Secretary of Commerce may approve it in order for the other benefits of the Act to be available.

12. Notwithstanding the availability of state grant funding, the Secretary of Commerce (NOAA) has authority and responsibility to review state coastal zone management programs.

13. Section 311 pertaining to an Advisory Committee is in effect regardless of the appropriation or availability of funds for the states.

14. The Annual Reports, required of the President to Congress on the administration of the Coastal Zone Management Act of 1972, will be made, notwithstanding the availability of funds for grants to the states.

15. The absence of funding at this time or any later date does not affect the ability and duty of the Secretary of Commerce to adopt necessary rules and regulations under Section 314 of the Act.

At this time, draft guidelines for Section 305 of the Act (development of state programs) have been circulated for comment to appropriate Federal agencies. After these comments have been received and incorporated, when appropriate, it is expected that the regulations will be published within the next month.

16. The failure to request funds and possible later unavailability thereof for the limited periods specified in the authorization Section of the Act does not affect the expiration dates for such authorizations as stated in the Act.

17. In the event the expiration dates of periods specified for fund authorizations in the Act go by, without the States having received that federal financial participation for the full periods contemplated, the Administration is unable to state whether or not it would request an extension of such authorizations.

18. The Administration is unable to state whether it is possible it would not request the further authorization mentioned above.

19. The Administration is also unable to state whether it would support such an extension of the authorization.

20. The Administration is further unable to state whether it might oppose the extension of such authorizations by vetoing legislation extending the same.

21. The Administration does not now plan to request, or oppose, legislation extending an extension of the authorization periods.

22. If no funds are made available to the states within the periods specified in the authorization section and the same is not extended, it is true that the situation insofar as federal financial support of state coastal zone programs is concerned, is the same as if the President had vetoed the Act instead of signing it on October 27, 1972.

This situation is hypothetical, however, and the Congress, first, would have to pass the necessary legislation.

The Department of Commerce has been guided by specific provisions of the bill and, when necessary, its legislative history.

The Department has also considered the general rules of statutory construction which seek to give meaning and purpose of all the provisions of legislative enactments and to reconcile them with other laws.

In particular, the Department has recognized the directives of the National Environment Policy Act which, in Section 102, declares:

"The Congress authorizes and directs that, to the fullest extent possible—the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act. . . ."

Consistent with that declaration and general rules of interpretation, this Department will seek to give meaning and effect to every portion of the Act, notwithstanding the availability of funds for grants to states at any particular point in time for any reason.

The above does not, of course, take into account any changes in the Act which the Congress might determine to make in the future.

---

## THE LESSONS OF VIETNAM

Mr. HARTKE. Mr. President, Vietnam is a conflict which divided our Nation and left wounds which will take many years to heal. But it has also left us with many lessons which are ours to learn.

This Nation is not a policeman for the world. We have enormous military might, but it must be used wisely and sparingly if it is to be effective.

The Congress cannot remain silent while this—or any other President—takes this country deeper and deeper into armed conflict. Yet, it is clear that the administration's current policies in Cambodia are leading us into unwanted and undesirable commitments to the preservation of the current leadership of that country. The lessons of Vietnam tell us of the dangers of escalating involvement in the affairs of other nations—no matter what the pretext.

Mr. President, I ask unanimous consent that an article on this subject by our distinguished colleague, Senator MONDALE, which appeared recently in the New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CAMBODIA: TUNNEL AT THE END OF THE LIGHT

(By WALTER F. MONDALE)

WASHINGTON.—As the last U.S. soldier left Vietnam, most Americans believed and hoped that the event signaled the end of our military involvement in the longest, costliest and most divisive war in our history.

But in only a matter of hours it was clear that despite these hopes for peace we were still at war. U.S. planes still were flying bombing missions over Cambodia in an effort to prop up the besieged and unpopular Lon Nol Government, and there were warning signs that our commitments to the Thieu regime in Saigon might result in renewed U.S. military action.

The irony is inescapable: twelve years after American forces first were committed to Vietnam in the name of protecting a friendly but vulnerable government, once again a President of the United States, entirely on his own, is using U.S. military force in a foreign country with absolutely no constitutional authority for doing so.

The sense of having been through all this before is overwhelming. Haven't we learned anything in the last decade from our initial mistake—from the human suffering, the incredible destruction, the cost to the American spirit? Have we failed entirely to learn the two fundamental lessons of those tragic years' (1) that it is beyond our national capacity to affect the ultimate outcome of a foreign struggle that is essentially indigenous in nature, and (2) that it is only at great cost to this nation that a President ignores the Constitution of the United States?

It is common practice in countries such as Cambodia, Thailand and Vietnam for chiefs of state to ignore or suspend provisions of their constitutions, as Lon Nol did in October, 1971. Now, tragically, ignoring our own Constitution is apparently becoming common practice in this country as well.

In March, 1970, one month before our forces invaded Cambodia, the Nixon Administration indicated that it no longer was depending on the Tonkin Gulf Resolution as legal authority for its Indochina activities. The sole basis claimed by the President was, instead, "the right of the President of the United States under the Constitution to protect the lives of American men."

But the last American soldier now has left Vietnam, and with him has gone whatever validity existed in the President's claim. Yet the bombing has continued every single day since then, increasing the possibility of new American prisoners of war.

The Administration has been trying desperately to justify its bombing policy. Its efforts have been imaginative but futile. The SEATO treaty commitment has been mentioned, but the Lon Nol Government has not altered Prince Sihanouk's 1955 decision to exempt Cambodia from the treaty's protection. A tenuous link has been offered between the President's mandate to make war and his re-election mandate, but surely this is not a serious point.

We have been told that the Cambodian Government has asked for our air support. State Department lawyers reportedly are working full-time to produce a rationalization, but so far they are reluctant to disclose it. Finally, the Administration has tried to rely on a tacit understanding of an ambiguous section (Article 20) of the Paris agreement—an agreement which was not even submitted to Congress for ratification—as justification for its actions.

Secretary Richardson says the bombing will continue until the Communists agree to a cease-fire. The number of competing insurgent groups fighting against Lon Nol—the Khmer Rouge, the Sihanouk government-in-exile, and other minor splinter groups—makes remote the prospect of a cease-fire, or even negotiations. Under this policy we could be bombing for years.

Mr. Richardson also said that "Our constitutional authority rests on the circumstances that we are coming out of a ten-year period of conflict. This is the wind-up. What we are doing in effect is to try to encourage the observance of the Paris agreements by engaging in air action at the request of the Government."

This rationale could be extended easily to involve us again in Laos and Vietnam as well as Cambodia. And it seems ominous that Mr. Richardson, in fact, refuses to rule out the reintroduction of American troops into Vietnam.

This legal legerdemain by the Administration is an open challenge to Congress to assert its constitutional responsibility and act to end our involvement in what constitutes—even according to the President's own reasoning—a new war. We no longer can permit the President's war-making powers to go unchecked and unchallenged.

The Senate now is considering a bill introduced by Senators Church and Case that would prohibit the re-engagement of U.S. forces anywhere in Indochina without Congressional approval. And, because of the urgent and immediate danger of our raids over Cambodia, I am introducing legislation to cut off funds for U.S. military activity in that country. Finally, the proposed war powers act will permit us to come to terms with the broader aspects of executive authority.

All these measures are necessary, in my

judgment, if we are to learn anything from the painful lessons of the past decade.

"If our bombing now continues in Cambodia," Senator Hatfield recently warned, "we will be on our way to making the Constitution of the United States the last casualty of this war." Avoiding such a constitutional tragedy—as well as further human tragedy—is now the urgent responsibility of Congress.

---

## UNITED STATES NEEDS PERMANENT POLICY AND ORGANIZATION FOR LONG-TERM NATIONAL GROWTH AND DEVELOPMENT

Mr. HUMPHREY. Mr. President, I ask unanimous consent to print in the RECORD an article entitled "Toward a National Materials Policy," which appeared in World magazine on May 22, 1973.

The article announces the release of "Man, Materials, and Environment" by the NAS Study Committee on Environmental Aspects of a National Materials Policy. Its recommendations warrant the serious attention of every Member of Congress.

The article also notes that the report of the National Commission on Resources Policy to Congress and the White House, to which the NAS study contributes, is due next month. This is a report to which we all should give close attention.

While I support the important work of the Commission, I believe that it demonstrates a totally inadequate approach to the study and anticipation of major national growth and development issues. This country desperately needs permanent institutional arrangements for analyzing trends, rates of change, and interrelationships among important factors affecting America's future.

I will soon introduce the Balanced National Growth and Development Act of 1973. I believe it would go a long way toward meeting the need for a balanced growth and development policy for our Nation and providing the institutional arrangements necessary to make such a policy effective.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### Toward a National Materials Policy

At the end of next month, a group of seven men is due to submit to the White House and Congress a report of potentially great significance. The National Commission on Resources Policy, in an active lifetime of less than twenty months, has had the nearly impossible task of assessing the nation's and the world's resources (including energy), making long-range predictions as to their availabilities, and of providing recommendations in such broad areas as maximization of resource use; conservation and environmental protection; preferred technologies and research priorities; waste management and recycling; the use of incentives, penalties, and other control techniques; public education and the reshaping of values. An interim report last year focused on the nation's growing dependence on imports of raw materials.

A major contribution to the work of the commission is a 100,000-word report by a Study Committee on Environmental Aspects of a National Materials Policy assembled by the National Academy of Sciences. Its "Man, Materials, and Environment," released in advance of the commission report, is wide-ranging and unequivocating. It asks for no less than a constitutional amendment "declaring that the right of an individual citizen to a safe, healthful, productive, and esthetically and culturally pleasing environment shall not be abridged." It asserts that the use of materials will double and then double again over the next thirty to forty years; some materials will become exhausted and others decline in quality, with the result that more energy will be required for extraction and ever-increasing stress will be placed on the environment. It calls for open-minded reexamination of our belief that natural resources can be used in whatever amount is evoked by public demand for goods and services and by producers' efforts to expand their markets.

The NAS Study Committee comes out strongly for effluent and emission taxes as "the primary instrument" in the reduction of pollution from stationary sources. It recommends the imposition of fixed standards only where a critical health problem exists or—in the absence of a federal effluent tax—where states compete with one another as pollution havens.

Other recommendations of the study committee:

Mining and lumbering should be prohibited unless the land can be repaired by proper disposition of the spoil and revegetation. Exploitation on public lands should require a performance bond.

To reduct waste and litter, container manufacturers should be required to meet design standards for packaging, much as auto manufacturers are required to meet emission standards by a given date. Outright restrictions are the only alternative.

The costs of using recycled materials should be computed after adjusting for the net benefits to the environment and the reduced costs of handling solid wastes. Also, a system should be explored for imposing a tax on virgin materials at the point of extraction—a tax that would be rebated when recyclable materials are returned to an acceptable depository.

To avoid collision with other industrial powers bidding for environmentally attractive resources in short supply, such as low-sulphur petroleum and liquid natural gas, the United States should hasten to collaborate with other nations in finding "orderly and equitable marketing arrangements."

No materials policy will be effective without a policy on population.

The NAS Study Committee was not, of course, under the kinds of political pressures that the commission is subject to, and the latter is under no obligation to accept the NAS study. Nevertheless, the fact that the commission did not delay its publication is encouraging, and there is some evidence that the commission and its staff have achieved a broader perspective as their work has proceeded. As is so often the case with governmental commissions, the most important figure is the chief of staff, James Boyd, sixty-eight, who has been director of the U.S. Bureau of Mines, vice-president of Kennecott Copper, and president of the Copper Range Company. Environmentalists were less than happy with his appointment, but Boyd and his staff of twenty professionals have exposed themselves to all points of view (they conducted forums at eight universities), and they've now begun to sound like environmentalists.

Also on the commission, chaired by Jerome L. Klaff, a Baltimore businessman who buys and recycles scrap, are two knowledgeable scholars, the political scientist Lynton Keith Caldwell and the physicist Frederick Seitz, president of Rockefeller University. The other members are drawn from government, industry, and labor.

It has been more than twenty years since the United States assessed its materials policy. This was the famous Paley Commission report, produced during the cold war when the nation was preoccupied with military defense. As Boyd has said, "This is the first [commission] to be motivated by a desire to promote the quality of life on a long-range basis rather than reaction to immediate strategic defense needs."

The report due on June 30 will be an important document. At the moment the signs are mildly favorable that it will be a good one.

---

## A VALUABLE CONTRIBUTION FROM THE SEA GRANT PROGRAM

Mr. HOLLINGS. Mr. President, I ask unanimous consent that an article that appeared in the March issue of Sea Grant, published by the National Oceanic and Atmospheric Administration—NOAA—be printed in the RECORD as part of my remarks.

The article points out another valuable contribution by scientists under the federally assisted Sea Grant program at universities throughout the country. Dr. W. C. Walter, College of Pharmacy at the Medical University of South Carolina, is participating in the drive to cure leukemia by examining the effect of the excretions of amaroucium—or seapork—against cancerous cells. Dr. Walter is beginning from scratch in his research of these sea animals, and his findings illustrate another valuable resource to be found in the seas and on offshore waters and underscore the need to continue studies of the marine environment.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

### Sea Pork Holds Promise

(By Anne Moise)

The Medical University of South Carolina is seeking the help of the sea and Sea Grant in its fight against leukemia.

Extracts of the marine organism Amaroucium have been found to act against tumors in lymph glands. W. G. Walter, College of Pharmacy, is directing his Sea Grant research toward finding which chemical elements of this organism are acting on the tumors. His investigation should provide information on the types of agents effective against cancer, and the related chemical treatments for this dread disease.

Amaroucium—or sea pork—is not the first natural substance Walter has examined. He has been submitting organisms to the National Cancer Institute (NCI) for screening for a number of years.

In this case, sea pork is a common (though little known) animal. Colonies of the animals may be seen as pinkish-orange or gray clumps on the beach. Often these fleshlike colonies wash up after a storm or a flood tide. It was Walter's curiosity when he found these strange organisms while he was walking on the beach that caused him to examine them more closely.

### STARTING FROM SCRATCH

The only research conducted on Amaroucium is so old and incomplete that Walter and his assistant have had to virtually start over from scratch, even to the extent of updating and preparing a classification.

Each specimen of sea pork is first cleaned and foreign debris removed. It is then weighed, measured, numbered, and a sample section preserved for identification. The remaining portion of the colony is either processed immediately or frozen. The date and location of the specimen's origin are also logged.

Sea pork extracts then are sent to NCI for screening. So far, the substance has proven active against two common tumors.

The next step will be determining the specific material in the extract which has the anti-tumor activity. Testing will then proceed with the pure chemical.

"We will study the structure of the chemical. If the chemical is not easily found in nature, it will be synthesized," Walter explains.

He emphasizes that these steps are within the foreseeable future.

"Although preliminary screening shows anti-tumor activity, we cannot honestly say what will come with more intensive tests. We can't and shouldn't encourage—we do not now have a new cancer drug."

Walter has recruited Charleston shrimpers to supply him with sea pork. They have been most cooperative and, particularly in the winter months, have been catching large quantities in their trawls.

### PROTEIN SOURCE

Sea pork could become more than a temporary crop for these and other shrimpers if an offshoot of Walter's original research proves worthwhile. He has found that sea pork has high protein content, which could help the nation's and the world's search for more protein sources. The organism also contains valuable hormones.

Currently, Walter is experimenting with freeze-dried Amaroucium. The dried animals are ground and formed into food pellets for laboratory mice. The growth rate of the mice, their longevity and litter sizes are recorded. So far the results of these tests are quite satisfying, and he hopes that someday the products of sea pork and this research may prove beneficial to man.

The fact that Amaroucium are free of fouling organisms such as barnacles and worms suggests to Walter that they may also possess some anti-fouling secretion. He is only partially involved in this additional aspect of sea pork, but feels it has interesting possibilities, especially to boat and dock owners.

The sea pork is a more exciting organism than it looks would ever indicate. If continued research is as rewarding as the preliminary survey shows, this ugly duckling someday will come into its share of scientific, and perhaps even public, appreciation.

## NORTH SLOPE ALASKAN OIL

Mr. MONDALE. Mr. President, the question of transportation of North Slope Alaskan oil to the "lower 48" States is a matter of utmost urgency to the future energy policy of the United States.

Meeting in St. Louis, the National Oil Jobbers Council—NOJC—on April 27 passed a resolution which I believe to be of great importance in the debate over how the national interest will be served in the delivery of this North Slope oil. The NOJC is a federation of 38 State and regional associations of jobbers, covering 46 States. There are individual members in 49 of the 50 States, and total individual membership surpasses 13,000. But perhaps most importantly, the NOJC members handle 25 percent of the gasoline and 75 percent of the fuel oil sold in this country. Many members have in recent months suffered hardships as a result of the supply problems for fuel oil and gasoline which many sections of our Nation have experienced.

Perhaps better than any other group, the NOJC knows the meaning of these shortages and how they can affect individual businessmen. Therefore, the resolution passed by the NOJC by a nearly unanimous vote to strongly endorse the building of a trans-Canadian—rather than a trans-Alaskan—pipeline to transport North Slope Alaskan oil to American markets, gains special significance. As the Oil Jobbers point out in their resolution, it is the midwest—along with the East—which bears the brunt of fuel shortages, and to which the massive oil reserves of the Alaskan North Slope should go.

I urge my fellow Members to read this resolution in light of the need for energy products which the members of the NOJC experience. I believe this resolution helps to dispel the myth that routing of North Slope Alaskan oil through Canada is impractical and without substantial support among the American business community.

Mr. President, I ask unanimous consent that the resolution No. 3 of the National Oil Jobbers Council be printed at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

### RESOLUTION NO. 3

Whereas the national energy shortage mandates the speedy transportation of Alaskan crude oil to the "lower 48", and

Whereas in District II the shortage of energy impinges most severely because its geographic location denies its access to alternative world sources to which coastal areas have access, and

Whereas the shortage in District II is more than can be supplied from Districts III and IV, and

Whereas the nation has traditionally found and still finds a strong ally in our Canadian neighbor, an alliance buttressed by treaties and other joint enterprises for our common defense, and

Whereas large quantities of crude oil and natural gas flowed and currently flow into the Midwest from Canada, and

Whereas there is widespread support for a McKenzie Valley pipeline to bring natural gas from Alaska to the Midwest, and

Whereas American oil companies have made and continue to make large investments in Canada, and

Whereas one of these investments is one of the world's largest networks capable of transporting substantial volumes of crude oil from Canada to the United States which the companies have recently enlarged, and

Whereas the Canadian Energy Minister has publicly stated his belief based on numerous studies that a crude oil line along the McKenzie Valley would be environmentally safer than the Alaska pipeline, and

Whereas in the light of the delays to which the Alaskan line has been subject and will continue to be subject, a McKenzie Valley pipeline will bring Alaskan oil to the area where it is most needed more quickly than it could be brought if an Alaskan line, a tanker fleet, and a line eastward from Seattle had to be constructed.

Now therefore be it resolved that the National Oil Jobbers Council and its officers carry to all appropriate executive and legislative agencies its strong support for a McKenzie Valley pipeline to bring Alaskan crude oil to the "lower 48."

## ACTION AND THE AGED: 1973

Mr. HARTKE. Mr. President, as chairman of the Senate Special Committee on Aging, my distinguished colleague, (Mr. CHURCH), has been vigorous in his pursuit of justice for our Nation's elderly. His dedication and effectiveness have earned him the respect of millions of older Americans who look to him with hope.

Mr. President, recently, Senator CHURCH spoke before the annual meeting of the National Caucus of the Black Aged. I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### ACTION AND THE AGED: 1973

I'd like to begin this address by reading you a message I sent a month or so ago when I heard that your Chairman, Hobart Jackson, was about to be honored in his home city.

I wrote this to Hobart:

"I am delighted to learn that you will be the recipient of the Philadelphia Tribune Charities Humanitarian Award for 1973. It's natural that Philadelphia should honor you for the contributions you have made to the people of your city, but—as one who knows of some of the work you do on behalf of the entire Nation—I believe that the Tribune Charities should also dedicate at least part of its citation to Hobart Jackson, good citizen of the United States and friend of all its people."

My message, Hobart, was heartfelt. I welcomed the opportunity to tell your fellow Philadelphians what I have felt for a long time. We owe you a great deal because of the pioneering work you are doing at the Stephen Smith Geriatric Center, because of the fine professional contribution you make to gerontology through your writing and through your fine example, because of the social awareness you provide as the leader of the National Caucus on the Black Aged, and because you care—you care a great deal—about what is happening to the people of this Nation.

That kind of caring has not gone out of fashion in the United States, even though the present Administration does not seem to place high value on it. No one truly concerned about people could ever believe that the ruthless way is the right way.

That cannot be the way in our Nation. Hobart Jackson knows that. The people in this room know that. And thank God, many members of Congress know that and will not tolerate a steamroller stampede over the rights of people and over those programs needed to serve people.

As Chairman of the Advisory Council on Aging and Aged Blacks to the Senate Committee on Aging, Hobart Jackson is helping to make certain that we on the Committee devote special attention to the intense problems of so many older Americans who suffer what has been called "multiple jeopardy."

They are old. They are black and have lived through decades of deprivation caused, in large part, by discrimination. And many—almost 40 percent—live in poverty.

Our Advisory Group meets from time to time—not as often as I would like, Hobart—to alert the Committee to problems of which they are intensely aware. On that Advisory Committee—in addition to Hobart—are others who serve as officers of your Caucus. Inabel Lindsay, who wrote the report for us on Multiple Jeopardy, is your consultant. Dr. Jacquelyne Jackson—your Secretary—and certainly one of the hardest working researchers in all of gerontology—is a member, along with Dr. Robert Butler and Dr. Benjamin Mays. I'd like to thank each one who serves on our Advisory Committee.

My major message today can be very simply stated: Sixteen months after the White House Conference on Aging, the Nation can take some satisfaction from gains made on behalf of Older Americans during that period, but we had better remain watchful lest we lose what we have gained.

My reason for raising the possibility of regression—at a time when we thought we were going forward—is that this Administration apparently believes that there is a base level—how they find that level, I don't know—above which the elderly should not go in terms of retirement security.

I have come to this conclusion because of the ill-advised proposal—incorporated in the budget message—to raise the cost of Medicare to those very persons who once were told that Medicare was supposed to end the spectre of financial wipeout because of illness in old age.

The Administration is advocating what it calls "cost-sharing" among the elderly, which is just a fancy name for trying to cut the budget by taking essential help away from the poor and the ill.

If the Administration has its way, this is what will happen:

A patient in need of hospitalization would pay the full cost of his room and board charge for the first day and 10 percent for all costs thereafter. A patient now pays the first $72 of his hospital bill and nothing after that until the 61st day. There is some talk that Medicaid could help patients meet the new requirements, but past experience shows that this kind of help is often difficult to obtain, that it involves a means test, and that many medicare patients regard it as "welfare medicine." It is a far cry from what Congress had in mind when it enacted medicare eight years ago.

The medicare deductible, that which the patient must pay the doctor, is now $60 but the new budget would raise it to $85. And after that the patient's share on the balance would rise from 20 to 25 percent.

The Administration says that such changes would reduce utilization of hospitals and physicians services and would therefore be economy measures. That's like saying: "If food prices are too high, eat less!"

I wish that the budget makers had paid some attention to excellent testimony given within recent days before the Senate Committee on Aging.

For example, Nelson Cruikshank, president of the National Council of Senior Citizens, said that increases in deductibles and coinsurance—euphemistically called "cost-sharing"—inevitably cause the patient to postpone needed care. Mr. Cruikshank said that a 1971 survey by the Blue Cross Association and the National Association of Blue Shield found that coinsurance and deductibles do not, in fact, act as checks against overutilization.

He added:

"It is the poor, not the well-to-do, who will go without health care, thus increasing inequities and aggravating the health problems of all but the most fortunate."

It, therefore, behooves Congress to challenge the Executive Branch on such questionable economics.

As a matter of fact, we *did* challenge the Administration very directly on its Medicare cost-sharing proposals at hearings in March before our Subcommittee on Health.

The Health, Education, and Welfare Secretary—Mr. Weinberger—was there and he didn't give an inch. He kept insisting that elderly people would not abuse their rights to obtain Medicare if their out-of-pocket costs were raised. In my opinion, he did not offer one persuasive fact in support of his stand.

The Secretary also made one other comment which was very much in my mind a few moments ago when I said that the Administration, and Mr. Weinberger in particular, seem to be striving to fix a level of deprivation for the elderly. They apparently believe that older Americans should be kept depressed.

I believe that everyone in this room knows that the Administration has fought every Social Security increase since Mr. Nixon took office. Last year, when I led the Senate fight for the 20 percent, across-the-board Social Security increase, I was subjected to intensive Administration pressures to make it 10 percent instead. On the eve of the Senate vote, I received a personal visit from a Presidential emissary who earnestly asked me to back down. Well, we insisted on 20 percent, and got it.

With that bit of history in mind, listen to what Secretary Weinberger told a Congressional Committee on March 1 in defense of what he called the Medicare "cost-sharing reforms:"

"As you know, social security cash benefits have risen about 70 percent since 1966. It is therefore now feasible to make greater, although still quite limited, use of cost-sharing provisions in order to improve the design of the program."

Mr. Weinberger's view of "quite limited" increases in cost-sharing for Medicare are certainly different from mine. In fact, the Committee on Aging has been told that if the Administration's proposals were to go into effect tomorrow in New York City, for example, a 21-day hospital bill for an older person with Medicare would involve an out-of-pocket cost of $330, or about three and a half times as much as is now paid by the patient.

If that is limited cost-sharing, then I guess we see what the Administration means when it says that Viet Nam, and now Cambodia, are examples of limited warfare.

I pledge to you today, as I have already pledged to the Senate, that I will do all in my power to take the Administration Medicare proposal—and bury it deep. That's the fate it deserves.

Furthermore, I believe that the best thing Congress can do about Medicare at this point in history is to *improve* it, not *constrict* it.

I have, therefore, sponsored legislation for Medicare coverage of certain out-of-hospital prescription drugs.

And I will soon introduce legislation to protect the elderly against the threat of costly and catastrophic illness resulting from a prolonged period in the hospital.

Specifically, my proposal would:

Extend the Medicare lifetime reserve from 60 to 120 days;

Increase hospital coverage for one benefit period from 150 to 210 days; and

Reduce the deductible charge for hospitalization.

And, I am considering other essential improvements as well.

One of the reasons that I have placed such priority attention to Medicare is simply that I am shocked by a statistic which emerged when the Committee made its routine check of Medicare costs for use in the annual Committee report.

I wanted to know how much out-of-pocket health care expenses were being paid, on the average, by older Americans on the Medicare rolls. I was startled last year when I discovered that these per capita costs stood at $225. That, my friends, was only $9 less than the costs in 1966, the year that Medicare took effect.

But the new figures show that in Fiscal Year 1972, the costs shot up to $276, or $42 *more* than was the case in 1966.

I don't put the blame for this situation on Medicare. Far from it, Medicare never has been able to do the job Congress wanted it to do, and today it covers only 42 percent of all health care costs of persons of age 65 and over.

What we need, therefore, are fundamental changes in our health care system. Only then can we hope to improve health care services while maintaining cost controls to give us what we pay for.

Elderly minority groups continue to be among the most disadvantaged in our entire society.

The poverty rate for aged blacks is still about twice as high as for elderly whites. Particularly alarming, more than five out of every eight—or 64 percent—of elderly blacks who live alone had incomes below the poverty threshhold.

Should the members of this group be called upon for increased "cost-sharing" under Medicare?

Why instead doesn't the Administration declare, as I have, that the time has come to eliminate poverty, once and for all, among all older Americans?

Why instead doesn't the Administration come forward with a response worthy of the White House Conference on Aging of 1971?

The answer, Mr. Nixon says, is simple. *We can't afford it.* The President has been largely successful in persuading the media and the bulk of the public that he has presented an "economy" budget to a spendthrift Congress in a determined drive against inflation.

I suppose it is useless to point out that an anti-inflationary budget is a balanced budget, or, better still, a budget in surplus. Since he became President over four years ago, Mr. Nixon has yet to send Congress a balanced budget. Indeed, his new budget embraces a deficit of between twelve and fifteen billion dollars. It is an inflationary budget.

By the same token, I suppose it is equally useless to remind the people that Congress has reduced—yes, I said reduced—the Nixon budget requests over the last four years by a grand total of $20.2 billion dollars! Why, then, should Congress have to wear the hairshirt for fiscal irresponsibility? It belongs just as much, if not more, on the President's back, as on ours.

The truth is that neither the President nor the Congress has kept the Federal Government's financial house in order. Blaming the "other guy" is the oldest political trick in the books. In the past four years, the national debt has leaped up an astonishing 104.3 billion dollars. Both the Nixon Administration and the Congress are to blame.

In view of this, there is no doubt in my mind that a ceiling must be set on Federal spending, and the over-all budget must be cut to fit within the ceiling. The argument between the Democratic Congress and the Republican Administration has nothing to do with setting a ceiling, but rather with where the spending cuts shall be made.

The President wants to cut back on civilian spending and increase military spending.

I would cut the military spending, instead.

The President wants to cut back on domestic spending and increase foreign spending.

I would spend more at home, and less abroad.

The President wants to curtail spending by executive decision. I believe that spending priorities should be determined by all the elected representatives of the people. Under the Constitution, the power over the purse belongs to Congress, and that's where it should remain!

I believe it to be the duty of Congress to establish its own spending ceiling and stick with it. Then the President will have no excuse to disregard the priorities established by Congress. If he still wants to impound certain appropriated funds, let him submit his case to Congress for its approval. In this way, Congress can again regain true control over the purse strings, as our Founding Fathers intended.

Important as the Congressionally-established ceiling may be, I think that perhaps another ingredient may help Congress in its struggle to make the Nixon budget more human.

Oddly enough, that ingredient may be a byproduct of the unholy Watergate mess.

Men now caught up in the swirl of charges related to Watergate apparently thought that their cleverness and disregard for the decent way of doing things would somehow hold them above the reach of the law.

A similar arrogance prevails in much else the Administration has done in the name of the "New Federalism."

We see an Office of Economic Opportunity illegally disbanded even while courts and Congress say it cannot be done.

We see a President who says he has found somewhere in the Constitution—or perhaps in his own imperial intuition—the authority to impound appropriated money on a scale never before dreamed of in the history of this republic.

We see Cabinet members who refuse to tell Congress how public money is being spent.

We see much more that offends the American spirit and makes us ask how close we are to one-man rule.

I think, however, that Watergate can infuse this Administration with a quality it has lacked—and needed—since it arrived in Washington.

That quality, of course, is humility. I happen to think that anyone elected or appointed to serve the people should have a good supply of humility.

Arrogance of power, so visibly demonstrated by a senseless war in Indo-China, can occur within our Nation as well as without.

Viet Nam provided lessons that should have been learned on the international scene.

Watergate can provide the lessons that should be heeded at home. That is my fervent hope and my prayer today as we undergo still another period of testing that can and should help us build a stronger and better America.

---

## THE UNITED STATES, THE UNITED NATIONS AND AFRICA

Mr. HUMPHREY. Mr. President, I was recently appointed chairman of the Subcommittee on African Affairs of the Foreign Relations Committee. This carries with it a number of special challenges.

There is tremendous potential in the development of African-American relations. It is a challenge to see that this potential is realized.

The nations of Africa are seeking to expand their ties with countries other than their former colonial rulers. They desire trade and investment relations with all members of the international community. I believe the United States can aid the nations of Africa and benefit from the diversification of African international relations.

The African people share the determination of all Americans to secure freedom, justice, and human dignity for all men. We can join them in this struggle.

African states have great untapped natural and human resources. We can share in the development of these resources which will ultimately enrich the entire world.

But in order to realize this potential, we in Congress will have to take a more active interest in Africa. We cannot afford to neglect this continent because we lack deep historical ties with it. Nor must the fact that Africa is not an arena for a major power confrontation serve as an excuse for official disinterest.

It seems that in the President's global strategy, Africa is a low priority area. African issues do not receive great attention and African interests are often sacrificed to those of Europe and other areas.

The Congress can correct this neglect of Africa.

We can see that the United States has a vital Africa policy that lives up to its full potential. But this can come to pass only if members of Congress take the trouble to learn about Africa, to examine its most critical issues and to play a major role in formulating policy.

For this reason, I plan to deliver a series of statements during the coming year examining a broad spectrum of issues that go to the heart of African-American relations.

Today I want to express my deep concern over the policies of the United States toward southern Africa issues within the United Nations.

On March 10, 1973, the United States abstained in a Security Council vote on the report of the special mission to Zambia. On April 2, 1973, we cast a vote against a Human Rights Commission draft convention making apartheid a crime under international law.

Both of these measures grew out of the commitment of the United Nations to the cause of human rights. These basic rights are being denied to most of the people of South Africa and Rhodesia, because of their race and skin color.

The United Nations has a mandate to defend human rights throughout the world. It is written into the charter. And this responsibility is the reason for a Human Rights Commission.

We are a long way from the ideal of assuring these rights to all men. But, as a former member of the U.S. delegation to the United Nations, I believe that this body can do a great deal to further the cause of human rights. And I believe that when member states stand together in defense of these rights, the United States must stand with them.

The member states have chosen the violation of human rights in southern Africa as a focus for world attention.

Many of the states, as former colonies, find the oppression of one race by another particularly offensive.

This form of officially sanctioned oppression has almost disappeared from the world. The official policies of Rhodesia and South Africa therefore stand out as a tragic and unnecessary anachronism.

I believe that the United States must take the lead in this important defense of human rights.

We should do so, because ours is a multiracial society and we know well how long and difficult the struggle is to assure equal rights to all races.

We should do so, because we are among the nations most committed to human rights. For many nations, the guarantee of these rights is mere rhetoric. For us, it is central to the foundation of our democratic system and we understand its value to the success of our way of life.

We should do so, because of our role as a leading member of the international community. For centuries the great powers of the Western world believed in racial domination as the first step in political and commercial exploitation of peoples around the globe. In this century, it is our duty to see that self-determination is granted to all peoples.

But the United States has not taken the lead in the defense of human rights in southern Africa. Too often we have been the nay-sayers, the abstainers and the users of vetoes.

These two recent votes are part of a long series of U.S. abstentions and "no" votes on southern African issues in the United Nations:

On four occasions, from December 1970, to November 1972, the United States voted against General Assembly resolutions declaring the policies of apartheid of the Government of South Africa a negation of the U.N. Charter and a crime against humanity.

Eight times, from October 1970, to November 1972, the United States abstained on General Assembly resolutions which were intended to intensify the United Nations campaign against apartheid, specifically through the dissemination by the U.N. of information about the evils of the practice.

On January 23, 1970, the United States abstained from supporting a General Assembly resolution which called on all states to observe an arms embargo against South Africa.

Five times, from November 1969, to December 1972, the United States has voted against General Assembly resolutions reaffirming the inalienable right of the people of Zimbawe—Rhodesia—to self-determination, freedom, and independence. These resolutions also deplored the refusal of the United Kingdom to take effective measures against the "illegal racist minority regime" in Southern Rhodesia and urged all states to refrain from any action which would confer a semblance of legitimacy on the regime of Southern Rhodesia.

On five occasions, from February 1972, to March 1973, the United States has abstained on Security Council resolutions urging all states to implement fully the U.N. economic sanctions against Southern Rhodesia.

In March 1970, we chose to cast our first veto in the history of our membership in the United Nations on a southern African issue—that of extending the sanctions against Rhodesia. Since the United Kingdom had already vetoed the measure, our veto was redundant. We had reversed our policy of never vetoing a measure which had strong world wide support.

Third world observers wondered about the implied meaning behind the United States casting its first veto on a measure calling for the United Nations to take a strong stand against racial oppression.

The United States has supported the International Court of Justice decision that South Africa's claims to Namibia are illegal, but has refused to sit on the Council for Namibia. We have withdrawn from the committee of 24, which deals with African liberation movements. Sweden is now the only Western member of that committee.

Finally, since the passage of the Byrd amendment in October 1971, the United States has been the only nation in the world to authorize by law the breaking of sanctions imposed by the United Nations against Rhodesia.

As Vice President, I made the following remarks at Africa Hall in Addis Ababa in January 1968:

> We have supported majority rule, human rights and self-determination throughout the world. We will not abandon them in the southern sixth of Africa. . . . No country in the world has recognized the small minority which denies to the great majority of the Rhodesian population effective participation in the governing process. In the long run, such reactionary behavior cannot succeed—neither in Southern Rhodesia nor in other parts of Southern Africa where self-determination is still denied.

I firmly believed this then, and I still believe it. But I am concerned today that our actions in the United Nations have put us in the position of giving moral and psychological support to the white regimes of southern Africa. They have cast serious doubt on our commitment to self-determination throughout the world.

The other nations of the world are saying to these minority regimes: "You are an anachronism in this age of self-determination. Your policies are an offense to those of us who have thrown off the yoke of colonial domination and proven our ability to govern ourselves. We will not accept you into the brotherhood of nations until your governments are chosen by all your people. And we will do everything we can to free the victims of oppression in your countries."

The United States seems to be saying, "We do 'abhor' the domination of a black majority by a white minority; but the United Nations attempts to end this domination are 'impractical.' We will accept the white-ruled southern African states into the community of nations, because we see no way of changing them—and because they are good trading partners and provide a good climate for foreign investment."

Many Americans do not realize the impact this stand has on the developing countries of Africa, Asia, and Latin America. These countries regard the U.N. as a forum in which they can put before the world the issues with which they are most concerned: Poverty, hunger, disease, mass unemployment, and domination of the weak by the strong. The issue on which these nations speak with greatest solidarity is the denial of self-determination to the people of southern Africa by white supremist regimes.

Our insensitivity on this issue suggests to these nations that we are not listening when they appeal for understanding of their common problems.

We appear to have tacitly accepted white domination rather than risk any inconvenience—even so small an inconvenience as higher chrome prices—to bring about majority rule.

It is no wonder that representatives of the third world cheer when a U.N. vote goes against us, after we have refused to support them in their fundamental conviction that no race should dominate another.

It is clear that our U.N. position on southern Africa hurts our relations with other African states. We continually praise the Organization of African Unity. We realize that African nations are too small to finance development or provide viable markets by themselves. They are too weak to defend themselves alone against outside attack. These states must work together to solve common economic problems. They must meet to resolve their disputes without involving the major powers. We are grateful for the effectiveness of the OAU in both these areas.

Yet we forget that the chief political goal of the OAU is the liberation of southern Africa. This is why it was formed and why it has survived the splits among African nations over many other issues.

The independent states of Africa know that they cannot regard themselves as wholly free so long as the Africans in the South are still dominated by Europeans.

African unity, of which the OAU is a symbol, can never be realized so long as Africans in part of the continent have no voice in their government.

African states cannot feel secure so long as the nation which has a greater quantity and more sophisticated arms than the rest of them put together—excluding Egypt—is ruled by a racist minority.

It is a basic contradiction in our policy to support the African states in political and economic development efforts, to support the OAU, and yet to vote against them in the United Nations on what they commonly regard as the key political issue on the continent.

Finally, speaking with all candor, we cannot regard our southern Africa policy merely as "foreign relations." It has received a great deal of attention from groups deeply concerned with American race relations. Ten percent of our people trace their heritage to Africa. We have the second largest black population in the world. We cannot say that our southern Africa policy has no domestic constituency.

I fear that there are persons who believe we have gone too far in our domestic civil rights struggle. And it is often these same persons who also believe that we have gone too far in our southern African policy. They hold that we have done enough to fight racism both at home and abroad.

I disagree with this belief. I strongly believe that we must do more to promote racial equality in the United States while maintaining a vigorous international stand against apartheid. The United States must actively promote peaceful change—at home and in southern Africa. The alternatives to nonviolent progress are either continuing injustice or violence.

We must carefully examine the rationale behind our abstentions, "no" votes, and vetoes on southern African issues in the United Nations.

In voting 21 to 2 in favor of the draft convention on apartheid, the Human Rights Commission took a stand wholly consistent with the convictions of the United States. It was a move to assure that international law, like United States law, is based on fundamental human rights. We, of all nations, should support the U.N. in taking such a stand, yet we cast one of the two dissenting votes. We did so for the following reasons:

First, we argued that this draft convention was unnecessary, because the crimes to which it alludes are already covered in existing conventions against racism and genocide. The United States is not a signatory to either of these conventions; and it is strange that we should argue that their authority alone is sufficient when we do not officially recognize that authority ourselves.

Second, we stated that the draft convention represents a "broadening" and "weakening" of the definition of "crimes against humanity." It is necessary to have laws which define the meaning of our broad, universal commitments when applied to a specific situation. Such laws do not "weaken" or "broaden" our commitments. They strengthen them and give them focus by applying them to present, real circumstances. The U.S. civil rights legislation did not "weaken" our commitment to human rights. It strengthened it.

The Human Rights Commission Draft Convention does the same thing internationally. It cannot be separated from a present, real situation that demands the application of international law. Recently, the South African Government has attempted to extend apartheid into Namibia.

We have ceased Ex-Im Bank activities and discouraged investments there on the grounds that the U.N., not South Africa, holds legal jurisdiction over that territory. Now that the Human Rights Commission is trying to put some teeth into that jurisdiction, by making illegal the racist policies South Africa is pursuing in Namibia, the United States is voting against it. In so doing, we, not the United Nations, are weakening our position on "crimes against humanity."

Finally, we argued that this draft resolution would raise the hopes of black South Africans without any real impact on their situation. But I believe it would have a positive effect. It would assure those who are fighting against apartheid from within that the international community is on their side. For the United States to vote against such a resolution, on the other hand, has a negative effect. It reassures the South African Government that the stronger members of the international community do not view their policies as illegal and will take no substantive action to encourage change.

Mr. President, turning now to our March 10 abstention on the Zambian issue, one of the reasons given for this action by our U.N. Ambassador was that the resolution "could have the effect of increasing the confrontation." The resolution did not call for a British or U.N. invasion of Rhodesia, or for increased military support to the liberation movements, or for any other direct escalation of violence.

While the U.N. resolution deliberately avoided the subject of violence, I believe the American public must realize that the governments of southern Africa use violence as a tool of government.

The jailing or execution of all political opposition—often without trial—is a form of violence.

The police firing into a crowd of nonviolent demonstrators in Sharpesville in 1960 was an act which symbolizes the violence used by the white government of South Africa.

The South African pass system which allows the government arbitrarily to "endorse out" a black from the 87 percent of the country which is designated "white" is a form of rule by force and violence.

The recent decision by Ian Smith that whole villages can be forced to pay unlimited fines without redress in the courts is a form of violence.

A second argument that was used by our U.N. Ambassador to justify our recent abstention was that the resolution "was not likely to achieve the desired results." It seems from the text of the resolution that the "desired results" were these: to make clear the U.N. position against the recognition of Ian Smith's regime and in favor of self-determination for the people of Rhodesia;

To oppose the presence of South African troops in Rhodesia;

To encourage the member states to explore all possibilities for extending the scope and improving the effectiveness of sanctions—but none were endorsed in the resolution;

And to define what was required to bring about self-determination in Rhodesia. The results of the United States endorsing such a resolution would have indeed been "desirable": we would have made it clear that we stood with the rest of the world against white supremacy in Rhodesia.

This second argument was consistent with our position that the U.N. should not pass resolutions which are "impractical." I personally can see nothing impractical about the resolution; and I question the strategy of responding to those resolutions which are impractical in a purely negative way. If the United States believes there is hope for peaceful change in southern Africa, we should take the lead in exploring ways the United Nations can help to bring about that change. And we should be the first to implement policies aimed at encouraging self-determination.

In the past few years, we have heard many recommendations as to how the United States could help effect a peaceful transition from white domination to democratic, multiracial societies in Southern Africa. We have heard them from American church, student and labor organizations, from Congressman DIGGS and the Black Caucus, from southern Africans visiting the United States—Chief Buthelesi, David Thebahali, Bishop Muzorewa. It is time we evaluate these recommendations, make those which are workable part of our policy, and take the leadership in the U.N. in advocating resolutions we believe will be effective rather than just criticizing those we believe will not.

A first step in showing our genuine support of self-determination in southern Africa would be to respond to Zambia's appeal for assistance. We voted in favor of a resolution calling on member states to aid this country which has suffered most from the imposition of sanctions against Rhodesia.

On January 19 of this year, Ian Smith unilaterally closed the border between Rhodesia and Zambia, cutting off the route by which Zambia received half her imports. The man who has been arguing that world sanctions against Rhodesia were illegal thus decided to use sanctions himself.

President Kaunda responded by closing off copper exports through Rhodesia and developing alternative trade routes. Although Smith has reopened his side of the border, President Kaunda is determined to keep his closed until there is a majority government in Rhodesia. He is doing this because he has no alternative—it is obvious that he cannot allow his country's economic development to remain at the mercy of the whims of the Rhodesian Prime Minister. If he were to continue importing and exporting through Rhodesia, Smith could shut off his trade route any time and cripple the Zambian economy.

But this policy is expensive for Zambia, already suffering from the decline in world copper prices. The U.N. Special Mission has determined that it will cost her $250 million to develop the alternative truck routes and $5 to $6 million yearly thereafter in higher transport costs. The biggest problem will be finding a way to bring in essential imports—food and mining equipment—many of which are now being airlifted.

President Kaunda has sent representatives to many governments asking for help in this situation. He has appealed to the United States for Ex-Im Bank loans to purchase trucks as well as for aid. Canada, Great Britain, and Australia have already agreed to give some assistance; but it is nowhere near the amount needed. Zambia's economic situation is indeed critical. She cannot deal with it alone. We have the resources to provide some assistance. I believe we should.

AID is now considering assistance to Zambia to help purchase the imports necessary for developing new trade routes. This assistance should be provided.

The Export-Import Bank has helped finance the sale of $13 million worth of trucks and $5½ million worth of locomotives to Zambia. It has provided $8.3 million in loans and $8.3 million worth of guarantees for these exports. I support this policy of encouraging the export of transport equipment to Zambia and believe it should be continued.

Assistance to Zambia is important for two reasons. First, she must have reliable transport routes in order to achieve economic stability. Second, the loss of transport revenue and foreign exchange to the Rhodesian Government has increased the pressure on Ian Smith to reach a peaceful settlement with African leaders. Aid to Zambia is, therefore, one of the tools the world community can use to achieve a peaceful transition to majority rule in Rhodesia.

We should begin now to play an active role in exploring and implementing those policies which will encourage peaceful change in southern Africa. Abstensions, no votes, and vetoes, unaccompanied by positive alternatives, make our commitment to self-determination and human rights questionable in the eyes of the world.

Mr. President, I ask unanimous consent that the Security Council resolution No. 328 concerning political issues relating to Zambia and Rhodesia, the statement made by Ambassador Christopher H. Phillips on March 10, 1973, and the text of the Human Rights Commission's "Convention on the Suppression and Punishment of the Crime of Apartheid" be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### RESOLUTION 328 ADOPTED BY THE SECURITY COUNCIL AT ITS 1694TH MEETING, ON MARCH 10, 1973

[Vote—13-0-2 (U.S., U.K.)]

The Security Council,

Having considered with appreciation the report of the Security Council Special Mission established under resolution 326 (1973) of 2 February 1973,

Having heard further a statement by the Permanent Representative of the Republic of Zambia,

Recalling its resolutions 277 (1970) and 326 (1973),

Reaffirming that the situation in Southern Rhodesia constitutes a threat to international peace and security,

Gravely concerned at the persistent refusal of the régime of South Africa to respond to the demands contained in its resolution 277 (1970) and 326 (1973) for the immediate withdrawal of its military and armed forces from Southern Rhodesia and convinced that this constitutes a serious challenge to the authority of the Security Council,

Bearing in mind that the Government of the United Kingdom, as the administering Power, has the primary responsibility for putting an end to the illegal racist minority régime and for transferring effective power to the people of Zimbabwe on the basis of the principle of majority rule,

Reaffirming the inalienable right of the people of Zimbabwe to self-determination and independence in accordance with General Assembly resolution 1514 (XV) and the legitimacy of their struggle to secure the enjoyment of their right as set forth in the Charter of the United Nations,

1. Endorses the assessment and conclusions of the Special Mission established under resolution 326 (1973);

2. Affirms that the state of tension has been heightened following the recent provocative and aggressive acts committed by the illegal régime of Southern Rhodesia against the Republic of Zambia;

3. *Declares* that the only effective solution to this grave situation lies in the exercise by the people of Zimbabwe of their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

4. *Strongly condemns* the racist regime of South Africa for its persistent refusal to withdraw its military and armed forces from Southern Rhodesia;

5. *Reiterates* its demand for the immediate withdrawal of South African military and armed forces from Southern Rhodesia and from the border of that territory with Zambia;

6. *Urges* the Security Council Committee established in pursuant of resolution 253 (1968) concerning the question of Southern Rhodesia to expedite the preparation of its report undertaken under Security Council resolution 320 (1972), taking into account all

proposals and suggestions for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe);

7. *Requests* all Governments to take stringent measures to enforce and ensure full compliance by all individuals and organizations under their jurisdiction with the sanctions policy against Southern Rhodesia and calls upon all Governments to continue to treat the racist minority regime in Southern Rhodesia as wholly illegal;

8. *Urges* the United Kingdom as the administering Power to convene as soon as possible a national Constitutional Conference where genuine representatives of the people of Zambabwe as a whole would be able to work out a settlement relating to the future of the Territory;

9. *Calls upon* the Government of the United Kingdom to take all effective measures to bring about the conditions necessary to enable the people of Zimbabwe to exercise freely and fully their right to self-determination and independence including:

(a) The unconditional release of all political prisoners, detainees and restrictees;

(b) The repeal of all repressive and discriminatory legislation;

(c) The removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights;

10. *Decides* to meet again and consider further actions in the light of future developments.

---

## STATEMENT BY AMBASSADOR CHRISTOPHER H. PHILLIPS, U.S. REPRESENTATIVE, IN THE SECURITY COUNCIL, EXPLANATION OF VOTE ON THE RESOLUTION DEALING WITH THE REPORT OF THE SPECIAL MISSION TO ZAMBIA, MARCH 10, 1973

Mr. President, briefly with respect to the second resolution, S/10898/Rev. 1, I believe members of the Council will recall that my delegation abstained on Security Council Resolution 326 of the current year and we did so because we felt the resolution was not likely to achieve the desired results and could have the effect of increasing confrontation. We find, unfortunately, the same to be true of Resolution S/10898/Rev. 1. And there are elements in that resolution which the United States has been unable to accept in the past, particularly the idea that the scope of sanctions against Southern Rhodesia might be extended as distinct from strengthening existing sanctions. But we do agree with the assessment by the Special Mission that the situation in Southern Africa and particularly in Southern Rhodesia is in large part a result of the denial of the right of self-determination of the majority of the African people.

---

## REVISED DRAFT CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

The States Parties to this Convention,

Guided by the Charter of the United Nations, which provides for international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which the General Assembly stated that an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Observing that, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, States particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Observing that, in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, "inhuman acts resulting from the policy of apartheid" are described as crimes against humanity,

Recalling the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

Observing that the United Nations General Assembly and Security Council have adopted a number of resolutions in which the policy of apartheid is condemned as a crime against humanity,

Convinced of the need to take further effective measures at the international and national levels with a view to the suppression and punishment of the crime of apartheid.

Have agreed as follows:

### ARTICLE I

1. The States Parties to this Convention declare that inhuman acts resulting from the policies and practices of apartheid and similar racial segregation are crimes violating the principles of international law, and in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security.

2. The States Parties to this Convention declare criminal those organizations, institutions and individuals which pursue a policy of apartheid.

### ARTICLE II

In this Convention, the term "the crime of apartheid" shall apply to the following acts, committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and of systematically oppressing them:

(a) Denial to a member of members of a racial group or groups of the right to life, liberty and security of person, or the murder of members of a racial group or groups, infliction upon them of serious bodily injuries or mental derangement or subjecting them to torture or to cruel, inhuman or degrading treatment;

(b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction;

(c) Any measures, including legislative measures, calculated to debar a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the all-round development of such a group or groups;

(d) Any measures, including legislative measures, forcibly dividing the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups and the prohibition of mixed marriages between various racial groups, and by the expropriation of landed property belonging to a racial group or groups;

(e) Denial to members of such a group of elementary human rights and freedoms, including the right to work, the right to education and the right to freedom of movement and of speech;

(f) Exploitation of the labour, including forced labour, of the members of a racial group or groups;

(g) Legal and administrative prosecution of organizations and persons opposing *apartheid;*

(h) Arbitrary arrest and illegal imprisonment of the members of a racial group or groups.

### ARTICLE III

International criminal responsibility shall apply to individuals, members of organizations and institutions and representatives of the State, whether residing in the territory of the State in which the acts are perpetrated or in some other State, whenever they:

1. Participate in, directly inspire or conspire in the commission of any of the acts mentioned in article II of the present Convention; or

2. Abet or encourage such participation, inspiration or conspiracy.

### ARTICLE IV

1. The States Parties to this Convention undertake:

(a) To adopt any legislative or other measures necessary to prevent any encouragement of the crime of *apartheid* or of manifestations of *apartheid* and to punish persons guilty of that crime;

(b) To prevent the encouragement and commission of the acts declared to be crimes under international law arising from the policies and practices of *apartheid* within their territorial jurisdiction.

2. Persons charged with the acts enumerated in article II shall be tried by a competent tribunal of the State in the territory of the State Party to this Convention.

### ARTICLE V

The States Parties to this Convention undertake to participate in international measures adopted by the United Nations Security Council and aimed at the suppression and punishment of the crime of apartheid, and to co-operate in the implementation of decisions adopted by other competent organs of the United Nations with a view to achieving the purposes of this Convention.

### ARTICLE VI

The States Parties to the present Convention undertake to send reports to the Commission on Human Rights on:

1. Information concerning entry visas issued, entries made and business conducted by the represetatives of the Government of the Republic of South Africa and other persons believed to be responsible for acts defined in article II of this Convention;

2. Information concerning the legislative, judicial and administrative measures adopted to bring to trial and punish, if found guilty, persons believed to be responsible for the acts defined in article II in accordance with article IV (a) of this Convention;

3. Proceedings instituted and findings made under article IV, paragraph 2, of the present Convention.

### ARTICLE VII

1. The Chairman of the Commission on Human Rights shall appoint a group consisting of three members of the Commission on Human Rights who are also representatives of States Parties to this Convention to consider reports submitted by States Parties in accordance with article VI.

2. If among the members of the Commission on Human Rights there are no representatives of States Parties to this Convention or if there are fewer than three such representatives, the Secretary-General shall, after consulting all States Parties to the Convention, designate a representative of the State Party or representatives of the States Parties which are not members of the Commission on Human Rights to take part in the work of the group established in accordance with paragraph 1 above, until such time as representatives of the States Parties to the Convention are elected to the Commission on Human Rights.

3. The group may meet for a period of not more than five days, either before the opening or after the closing of the session of the Commission on Human Rights, to consider the reports submitted in accordance with article VI.

### ARTICLE VIII

The States Parties to the present Convention empower the Commission on Human Rights to:

(a) Request United Nations organs, when

transmitting copies of petitions under article 15 of the Convention on the Elimination of All Forms of Racial Discrimination, to draw its attention to complaints concerning acts which are enumerated in article II of this Convention;

(b) Prepare, on the basis of the information submitted to it under article VI, a list of individuals, organizations, institutions and representatives of States who are alleged to be responsible for the crimes enumerated in article II of this Convention as well as those against whom legal proceedings have been undertaken by States Parties to this Convention;

(c) Request information from States Parties to this Convention, and from authorities responsible for the administration of trust and Non-Self-Governing Territories mentioned in article 15 of the Convention on the Elimination of All Forms of Racial Discrimination, as to the measures that have been taken by them with regard to such individuals alleged to be responsible for crimes under article II of this Convention who are believed to be within their territorial and administrative jurisdiction.

Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

### ARTICLE IX

Acts enumerated in article II of this Convention shall not be considered as political crimes for the purpose of extradition.

### ARTICLE X

Disputes between States Parties arising out of the interpretation, application or implementation of this Convention which have not been settled by negotiation shall, at the request of the States Parties to the dispute, be brought before the International Court of Justice, save where the parties to the dispute have agreed on some other form of settlement.

### ARTICLE XI

This Convention shall be open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it subsequently at any time.

### ARTICLE XII

1. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### ARTICLE XIII

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the tenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

### ARTICLE XIV

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

### ARTICLE XV

The Secretary-General of the United Nations shall inform all States of the following particulars:

(a) Signatures, ratifications and accessions under articles XI and XII;

(b) The date of entry into force of this Convention under article XIII;

(c) Denunciations under article XIV.

### ARTICLE XVI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

---

## TAX LOSS FARMING

Mr. ABOUREZK. Mr. President, with the memory of tax time still fresh in our minds, I am gratified that the tax-loss-farming issue is gaining steam in the current campaign for tax reform.

In my view, the practice of tax-loss farming, which permits large corporations and hobby farmers to farm at a loss and then write off that loss against big profits from their nonfarm income, presents one of the most indefensible inequities anywhere in our tax system. It is just another example of how our tax laws work to the advantage of the rich and to the detriment of the average wage earner.

Jeanne Dangerfield has recently written a background paper on tax-loss farming for the Agribusiness Accountability Project which provides an excellent analysis of this disturbing practice. Mr. President, I ask unanimous consent that this report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

### Sowing the Till

(A background paper on tax loss farming by Jeanne Dangerfield)

#### INTRODUCTION

In the past twenty years, the tax load on farmers has increased by 297 percent. The price the farmer receives for his product has increased by only six percent in that same period. Such skyrocketing production cost, coupled with low farm income, has made farming a mighty tough row to hoe. In fact, there are only about half as many farmers today as there were in 1952.

But, while many farmers have been losing and going under, an increasing number of corporations and wealthy urbanites have learned how to lose at farming and still get away with a profit. Rather than working the land, they work the tax laws.

In detail, it's complicated. In concept, it's simple: lose money in farming and write those losses off against nonfarm income. The impact is to lower the amount of income that is taxable. There's a bonus: the losses are not real, only paper losses. That is because the costs of "farming" can be written off on one year, even though the product will not be sold until another year. Thus, there are tax losses this year, profits next year. And those profits can be re-invested for still another tax loss. In 1972, these farm losses cost the U.S. Treasury over 840 million dollars.

While the rich get richer, the family farmer is competitively disadvantaged. Agricultural markets are distorted, the public treasury is avoided, land values are artificially inflated and consumers are faced with a threat to food prices and supplies. It is a losing proposition, unless you are rich.

Tax shelter farming is made possible by special tax concessions intended to benefit real farmers. As far back as the Internal Revenue Act of 1916, special provision was made for farmers on the basis that they lack sophisticated accounting techniques, that it is difficult to appropriate expenses to particular crops or animals, and that there are sizeable fluctuations in annual profits in farming. Such considerations remain appropriate, even critical, to family farmers.

But John Connelly, Jack Nicklaus, Ronald Reagan and Jack Benny are not family farmers. Neither are thousands of high income doctors, lawyers and other professionals who enjoy winning in agriculture by losing. Tax shelter farming is a rich man's game. The newspaper advertisements soliciting big city investors in these agricultural schemes specify that no one need apply whose tax bracket is less than 50 percent.

#### TILLING THE TAX LAWS: TAX BREAKS IN FARMING

The key to tax shelter farming as a haven for the surplus dollars of city investors, is a series of tax loopholes built into revenue acts that go back to 1916. The legislative history of these provisions shows the Congressional intent to provide for the special problems involved in farming.

In practice, however, those laws have catered to the special needs of wealthy investors and corporations, and, in many cases, they have led to new problems for the farmers they were designed to benefit.

#### CASH VERSUS ACCRUAL ACCOUNTING

The first of the special provisions for farmers was in the Revenue Act of 1916. It gave the farmer the option of using either the "cash accounting method" used by individuals on their tax returns, or the "accrual accounting method", required of all other businesses, to compute their yearly income. Under the accrual method, taxpayers must inventory their goods held for sale at the end of the year and add the value of these goods to the total sales from the year, subtracting last year's inventory value, to arrive at the year's gross income. Under this method, an expense or sale is ruled to be effective at the time the goods purchased actually change hands.

Taxpayers using the cash accounting method are not required to keep inventories. Their income is computed on a basis of cash actually received during the year from the sale of products. An expense or sale is considered incurred at the moment the money changes hands.

If a cash farmer pays for $1,000 worth of feed in December, he can deduct the cost in that year, even if the feed is not delivered until January of the following year. Under the accrual method, the farmer could not take the deduction until the feed is actually delivered.

Cash accounting is important to both the farmer and the farm investor. To the farmer, cash accounting means some flexibility in adjusting year-to-year income; it also simplifies bookkeeping chores.

To the tax-loss investor, who is generally in the position to be able to afford the accountants and bookkeepers, cash accounting creates "artificial losses" by allowing premature deductions of expenses against high non-farm income. This lets him postpone paying taxes on that percentage of his income equivalent to the amount of his farm deductions. In effect, he gets an interest-free loan from the government. When the product is finally sold and profit realized, the public's interest-free "loan" to the investor can be extended if the investor chooses to reinvest his profits in another farm venture.

Benefits to the wealthy investor are compounded, since the greater the investor's income, the greater the value of each deductible dollar. The actual subsidy received by the tax-loss investor increases in proportion to his tax bracket. For example, an investor in the 50% tax bracket would normally pay half of every $1000 of income in taxes. If he can deduct a $1,000 feed expense from his tax bill, however, he has, in effect paid only $500 for the $1,000 worth of feed, the difference between what he would have given up in taxes and the actual price of the feed. The average farmer's income tax bracket is around 20%. A farmer in the 20% tax bracket would save only $200 on a $1,000 feed bill. The richer you are, the richer you get.

There are advantages the city investor, whose investment cash is essentially surplus, has over the farmer, who is actually counting on his farm investment for a livelihood. First, if a profit is realized when the crop is sold, the tax shelter farmer can reinvest the total amount in another tax-loss venture to earn more. The farmer, however, must live off his profit and must pay taxes on it. Secondly, in a situation in which actual profit is not realized, the city farmer who has invested in tax farming for an independent income still is ahead of the game from the savings he realizes on his tax bill. He can lose and still win. To the farmer, who depends on his farm profits for support, the real income and the farm income are the same, and a non-profit venture means exactly that.

### *Capital expenditures*

Under the cash accounting method a farmer can deduct expenses of materials and services that actually go into or are a part of, a final saleable product—such as feed, seed, stud fees, and management services. Other farm inputs, such as machinery and equipment and improvements to barns and farm buildings, are classified as capital assets and are not immediately deductible. The definition of a capital asset is an asset that is part of the tools and machinery of running the business—an asset that is not incorporated in any one final end product, but that can be used to develop many end products over a period of time. The cost of these assets is generally recovered through depreciation, which involves deducting a certain percentage of the cost of the item over a fixed number of years equal to its useful life.

Orchards, vineyards and dairy and breeding herds, because they are not actually products to be sold, but rather they produce commodities that are sold, are capital assets. The cost of maintenance, upkeep and development of these capital assets is called a capital expenditure and in nonfarm businesses would not be immediately deductible. Under the Revenue Acts of 1916 and 1919, farmers received another special privilege: the costs of raising livestock held for draft, breeding or dairy purposes, and the costs involved in developing vineyards and fruit and nut orchards, are all fully deductible, even though they are capital expenditures.

### *Capital gains*

The principles of cash accounting and related deduction benefits enable the investor to postpone taxes, but eventually the product, or capital asset, will be ready for sale. At this point the investor and the farmer are both liable for taxes on any profit which might occur from the sale, and the tax owed the government is based on the individual's tax bracket for his total income.

The Revenue Act of 1942 included a special provision-capital gains treatment on farm assets such as trees and vines. A later court decision further expanded this provision to include draft and dairy breeding animals. This means that income from sales of these capital assets, which have been held for a specific minimum period of time, are taxed at rates equivalent to half the person's regular tax bracket. Furthermore, capital gains taxation has a 25% minimum of gains of less than $50,000 and a 35% maximum on gains in excess of $50,000. The holding period to qualify for capital gains tax rate varies from asset to asset: the holding period for cattle and horses, for example, is two years. For other livestock, it is only one year

The rationale behind this privilege is the special nature of farming. Many farm products—such as grapes, tree fruits and cattle—require a substantial time of investment before they can return a profit. It might take an orchard or vineyard 4 to 8 years to reach maturity and a breeding herd at least four years before they bring any profit. There is a great deal of risk involved in farming, due to such factors as weather, disease, accidents, and price fluctuations.

The capital gains treatment for agriculture, like the other special agricultural provisions, works out better for a wealthy investor than for a real farmer. Again, the benefits increase proportionately to the taxpayers income bracket. For example, if an investor sells an orchard for $1,000 after holding it the prescribed amount of time, he is eligible for capital gains treatment on his income from that sale, and need only pay taxes at half of his normal tax rate. However, if he is in the 70% tax bracket, one half his normal tax rate exceeds the capital gains maximum on amounts less than $50,000 which is 25%, so the tax bill is reduced by another 10% for a total of $250,000. The 20% tax bracket farmer also saves half his tax bill on his sale, but there are two disadvantages. First, his savings on the $1,000 sale is only half of $200, rather than half of $700, and secondly, in many cases, to take advantage of the capital gains opportunity a farmer would have to sell his source of support. This tax "benefits" puts teeth in the old adage that farmers live poor and die rich.

The farm investor, on the other hand, with little commitment to a particular plot of land, area, or commodity, can liquidate his interests, make his profit, and reinvest elsewhere.

### *Other tax benefits*

Cash accounting, deduction of capital expenditure and capital gains treatment are the keys to understanding tax shelter farming, but there are certain other benefits available to farmers which have implications for the non-farmer investor, too. Under the Revenue Act of 1971, the investment credit was made available for purchase of livestock and various kinds of real property, such as feed bins and farm buildings. The investment credit allows a dollar-for-dollar reduction of the tax bill of an amount equal to 7% of the cost of eligible property. The merit of a credit, as opposed to a deduction, is that it is equally beneficial to taxpayers in all tax brackets. Furthermore, a limitation is built into the code providing that the credit, or a percentage of the credit, will be recaptured if the asset is not held the length of its useful life.

A similar restriction is placed on special deductions available to farmers for soil and water conservation and land clearing costs, specifying that the land must be held five years, or the deductions will be disallowed completely. The land must be held ten years to qualify for full recognition of the deductions as legitimate expense. Despite the limitations, however, it is the top bracket investors who can best afford to make these improvements, sell the appreciated land, pay only capital gains tax, and make a profit. These land improvement deductions are particularly attractive to the big city professional who picks up a piece of country property for weekend recreation, such as hunting, fishing, camping and so forth. Not only can this investor improve his land for his recreational needs and get a tax deduction for doing it, but he also increases the re-sale value of his property.

A final inducement to investing in ranching is the availability of accelerated depreciation rule (ADR) on certain assets, including cattle and real property. Although the cash-basis taxpayer does not inventory cattle born into the herd, he can use the ADR to depreciate rapidly any animal he buys to build up the herd.

## BECOMING A FARMER: THE LIMITED PARTNERSHIP AND OTHER DEVICES

Various arrangements are available to the investor who wants to become a farmer for tax purposes. In fact, it is considerably less risky and less expensive to become an investment farmer than to actually farm the land for a living. The Chairman of the House Subcommittee on Agricultural Appropriations commented last year on the family farmer's investment plight, when he noted that it takes "about as much money to start a farm as to start a bank, and about as much nerve as to rob a bank."

For the city investor, steel nerves are less important than a good tax accountant. The investor's "management" responsibilities are limited to his ability to account for his farm gains and losses on April 15th. The investment farmer need not ever see his farm or even own more than a percentage of a beef herd. He is considered a farmer in the eyes of the IRS so long as he is the owner or part owner of any farm assets that will be developed for profit.

"Tax shelter farmers" are not only individuals. A corporation is a legal entity and can reap the same benefits in farming as do individual taxpayers. Individual stockholders of a corporation are not considered farmers, however, since the corporation is considered responsible for gains and losses, which do not flow through directly to the stockholder.

### *Limited Partnerships*

The primary mechanism which makes "farmers" out of tax shelter investors is the limited partnership. It is an organizational form that has been used in oil, gas, and real estate for some time, but it is relatively new in agricultural enterprises. A limited partnership allows the pass-through of profits and losses—and tax deferals—straight to the individual partners. The partnership itself is not taxed, but rather each partner is taxed in proportion to his share of the venture.

Partnership status, as opposed to classification as a corporation, is necessary to assure this benefit. A limited partnership will not be so defined if it has two or more of the attributes that define a corporation. These traits are: limited liability, continuity of life, transferability of interest, and centralization of management. In all limited partnerships, liability is limited to the amount of the partner's actual investment. Limited partnerships use various technicalities to avoid the other traits of a corporation: (1) continuity of life is avoided by setting a time limit, but often giving the option to renew the venture; (2) management is vested in the general partner, but the limited partners often retain the same rights held by a corporation's stockholders, such as the ability to remove or replace the management (the general partner) and to vote to dissolve the operation; and (3) transferability of interest is usually possible in a limited partnership, but it requires the formality of the consent of the general partner.

A limited partnership is formed by first creating a corporation to act as the general partner in the venture. In most cases an existing corporation establishes a subsidiary corporation for this purpose, and the subsidiary then acquires its capitalization, line of credit, and, frequently, land from the parent organization. The general partner will be responsible for the management and liability of the venture. State laws specify that such programs must file with the state securities commission, but only if interests will be offered to more than a mininum number of potential investors (ten in California), which exempts many from the registration requirement. In addition, registration must be made with the SEC if an inter-state offering is planned. Offerings are then made either directly to the public or through security dealers.

Feedlots and food distributors, such as Montana Beef Industries, Inc., and Cal-Maine Foods, Inc., often set up partnerships to assure clientele or capital for their services. Railroads, oil companies, and utilities figure prominently in the organization of limited partnerships, since they have available land for such projects. Insurance companies, too, are appearing as farm venture backers, partly because they hold the mortgages on a large amount of farm land. Southern Pacific, Atlantic Richfield, Buttes Gas and Oil, Kaiser Aetna, Apache Corporation, and Hartford Life Insurance are just a few of the companies becoming interested in farming.

### *Agency services*

A different possibility for the investor would be to enter into a contract with an agency that specializes in managing farm investments. Oppenheimer Industries is one such firm that will purchase breeder or feeder cattle for clients, contract with ranchers or feedlots to care for them, and arrange putting the cattle on the market. Kaiser Aetna's Ventura Operations in California will manage absentee owner's citrus or walnut groves.

In a limited partnership arrangement the investor owns only a percentage of the total operation. Under an agency agreement, the investor becomes the legal owner of a plot of land or a herd of cattle, and he can use these holdings as collateral for his personal loans. In agency set-ups the investor raises his own financing, therefore having the opportunity to get a better rate than may be available through the partnerships. The investor generally sets up a drawing account from which the agent makes investments. The agent is paid a flat fee per head of livestock or per acre managed or, in some cases, a percentage of the gross sales.

### *Individual placements*

A third possibility for the investor is to make direct contact with his investment, by personally arranging to buy land or a rancher's cattle, for example. In order to take advantage of tax benefits, the investor must be considered to be engaged in farming for a profit. If the IRS determines the investor-farmer is just in it for pleasure, recreation, or some other non-business purpose, his deductions may be disallowed. The investor could choose to hire a farm manager to look after his property for wages, or he might opt for a share-lease arrangement where risk and profit are split between himself and his manager. The first of these alternatives has drawbacks for the average business person because his employees lack the incentive to strive for maximum profit potential; investors are advised that "it's usually best to consider a farm near enough to your home so you can inspect it now and then." In the case of a corporation, a subsidiary might be created to be devoted to farming, but whose gains and losses would be reflected on the tax bill of the parent corporation.

### *Leveraging*

A principle common to most farm investments is the concept of leveraging one's capital. That is, using one's actual cash investment in the venture as collateral for securing a loan to increase the total available working capital. Tax laws provide that an investor can deduct not only the expenses incurred by the actual cost to him of his investment, but also expenses incurred by borrowed money. In other words, if the investor's actual cash contribution is $5,000, and that money is used as collateral to borrow an additional $10,000, the investor may be able to make deductions worth two to three times the real cost of his investment.

### FAVORITE TAX LOSS CROPS

Not all areas of agriculture are equally attractive to the tax-loss farmer. The selection of a crop or livestock venture will take into account the desire of the investor to maximize his tax shelter assets. like deductions and the possibility of converting ordinarily income to capital gains, while minimizing his non-shelter assets, such as machinery and buildings. In addition, the investor will want to invest in assets that can be used as collateral for maximum borrowing power, so that he can leverage or "pyramid" his money to make each dollar go further.

Whatever tax shelter he choses, the reasons that a prospective investor pours his capital into a specific farm crop or product have little to do with market demand, soil suitability, production efficiency or other factors which are the major concerns of the working farmer. Rather, the decision is based on the potential for maximum tax write-off.

From the point of view of the tax loss farmer, the areas which currently seem most attractive in agriculture are orchard and vineyard development, cattle breeding herds, and cattle feeding programs. The investors' orchards and vineyards are planted and developed. At maturity, the trees and vines will yield fruit and nuts. In the years before the orchard or vine reaches maturity, the investor can make liberal deductions against his non-farm income. When the investment begins producing fruits and nuts for sale, these products are taxable at ordinary income rates, but the orchards or vines themselves bring capital gains.

The investor in breeding herds gets similar benefits. The purpose of breeding is to increase the size and quality of the herd, and the investor can deduct the expenses of feeding and maintaining the animals while he is doing this. The breeder sells male calves born into the herd and culled animals (those not up to the quality of the herd) for beef. Taxes on the proceeds are paid at ordinary income rates. However, animals held for two years or more will bring capital gains when the herd is sold.

Cattle feeding programs involve an investment in young cattle that will be fattened for slaughter. Cattle and feed are bought for the investor, and the animals are put in a feedlot where they are confined until heavy enough for slaughter for meat. This process usually takes about six months, so the investor's money is returned within a year. Fattened animals will not bring capital gains, but the ability to pre-pay the feed bill and other costs of maintaining the animals are sufficient enough attractions to the tax-loss investor.

Variations of these three basic tax loss themes sometimes crop up. An arrangement quite similar to the cattle feeding programs is available in egg production. The principle is the same in both operations: a large end-of-the-year investment in feed and chickens will provide first year write-offs; returns will come back with the sale of eggs the following year. Cal-Maine, Inc., a holding company, whose subsidiaries conduct a fully integrated commercial egg business, is the backer of such a venture called National Farming Program 1972, (See Appendix A) offering potential investors $6,000,000 of interests in the egg business. The irony of the situation is that nobody else seems to be making any money on eggs; the egg industry is plagued with over-production and poor returns to farmers.

Some of the more bizarre tax loss schemes demonstrate the ingenuity of promoters in their efforts to find a tax dodge in every commodity. Recently a novel tax-loss idea was introduced for dairy breeding herds. A promoter came up with a plan allowing investors to buy three-month old heifer calves that would be bred in fifteen months, then sold to dairy men just before calving. Since cows would be held for a period of 24 months, investors are promised the chance to get capital gains on the sale. Although the cows are theoretically held for breeding purposes, they actually are held for sale, and it seems unlikely that investors will receive a favorable ruling on this point from the IRS.

Work is also being done on a similar program which would lease rather than sell dairy cattle. This effort is probably inspired by what was once called the Codding "Rent-a-Cow" Program. Codding offered investors the chance to lease a pregnant cow for a year, keeping any calves born to her during that time. If the leased cow's offspring did not live, the investor was assured of a replacement calf. This round-about scheme was devised so that the price of the cow could be deducted rather than capitalized. One would guess that a lease-a-dairy-cow program would simply have investors lease their pregnant Holsteins to the dairyman, who would then milk the cow during its useful life.

Within the programs described as having the best potential for the tax-loss farmer, certain commodities tend to come in and out of popularity. In the 1960's investor money was going into citrus and almonds. But, the Tax Reform Bill of 1969 required the costs of developing citrus and almonds to be capitalized rather than keeping these costs deductible, so investors turned to pistachios, apricots, and walnuts. Now because of rising popularity and increased consumption of wine in the U.S., investors are rushing into grapes.

The entire grape acreage in California last year consisted of 400,000 acres, of which 93,000 had been planted in the past three years—53,000 acres in 1972 alone. Projected new plantings for 1973 may exceed 70,000 acres. Two partnerships alone will plant 50,000 acres. By 1973 many of the new plantings, mostly in varietal wine grapes, will be ready for harvest.

Meanwhile, Wells Fargo Bank is labelling the wine industry, "one of the brightest spots in California's agriculture." Wells Fargo is backing its words with dollars by financing grape syndicates.

The Southern Pacific Railroad is among those jumping on the grape train. Southern Pacific is planning a joint venture with Russell Giffen, a grape grower from the San Joaquin Valley. The railroad is investing $2 million, 1000 acres af land and miles of surplus telegraph wire which was left over from the switch to microwave radio several years ago. The wire will be used to support the vines. Giffen will then put another 1,000 acres in the venture, called Golden Vinyards, which Southern Pacific estimates will bring a net income of $400,000 annually by 1975.

### SOME IMPACTS OF TAX LOSS FARMING

Such tree crops as apples, peaches and avocados are ideally suited to tax loss farming. All development expenses during the first years before the orchard reaches maturity are deductible and capital gains are realized when the investment is sold. For the full-time farmer, trying to make a living from tree crops, the tax loss farmers pose a serious problem.

Tree crops account for only a very small percentage of farm land (.3%) and only 3.9% of the total farm revenue. Producers of these commodities face an inelastic market demand for their products. Even a seemingly insignificant increase in production may mean that the price a producer can get for his product will drop and that surpluses are created.

Although the farmer gets a tax subsidy from the government by deducting development expenses, the subsidy is not necessarily sufficient to offset loss of revenue from depressed prices. And family farmers are more interested in fair prices than a tax subsidy. Oversupplies and depressed prices of oranges and almonds prompted growers to petition Congress in 1969 to revoke their privilege of deducting orchard development expenses. As a result, citrus and almond growers are now required to capitalize those development expenses.

When lowered prices are taken into account, the value of the tax deduction is reduced radically for real farmers. An unpublished report from California found that low prices in 1972 reduced the peach farmers' deduction to only 12% of its potential value, the apple growers' deduction to 15% of value and the avocado producers' deduction to 23% of value. Apricot producers are actually losing money because tax breaks do not make up for the low price for apricots in an oversupplied market.

Suddenly oversupply within a commodity has disastrous effects on the smaller producer who is always the first to suffer when the market is squeezed. At recent Senate hearings on Land Ownership, Use and Distribution in California, one family farmer described the impact of an oil company's quickie tax dodge. The company planted several thousand acres of cling peaches on the western side of the Fresno Valley. As a result, the market was glutted and many growers were forced to let their peaches rot on the trees. The oil company was left with a tax write-off and the farmers were left with all the peaches they could eat.

Tax loss farming threatens sudden market fluctuations in nearly every commodity suitable to its requirements. Walnut growers, who are concerned about tax-loss threats to their industry, will be interested in the Kaiser plan for walnut production. A recent article in *Western Fruit News* stated that Kaiser Industries expects soon to be the world's leading producer of walnuts.

As economist Michael Perleman points out in a recent paper on unfair competition in agriculture, a corporation with vertical integration potential is not as vulnerable to low market prices as an individual producer. "As a corporation like Tenneco goes into the almond canning business, it can use its leverage from its large production of almonds to force down almond prices. The losses to Tenneco as a farmer are more than compensated by the gains to Tenneco as a buyer of almonds."

While financial giants like Wells Fargo and major corporations like Southern Pacific are pouring enormous amounts of capital into limited partnerships, the family farmer finds the credit door slammed in his face. The agricultural loan officer of California's Bank of America stated that "of course the commercial farm, in our opinion, has to produce a gross income of at least $20,000 a year annually. Anything below that we consider a very small farm, and in California $20,000 is very small."

John Deere and Company makes farm loans as "a sales tool," but it's not the average farmer who is sought out, as the corporate president recently made clear: "We do not attract this business by taking excessive risks. Our credit standards have been high . . . our losses have been minor."

Confucius said that "The best fertilizer is the footsteps of the landowner." The current tax system works against that wisdom by fostering absentee ownership. High-income lawyers, doctors, movie stars, athletes and other investors might not recognize fertilizer, even if it was on their boots, but they do recognize a good tax deal.

Most city investors who are encouraged to enter agriculture know little about farming operations and can provide little guidance or oversight. Promoters of agricultural ventures are the ones with the management power. These promoters often charge a set fee per head of livestock or acre of land managed. There is often no real consideration given to costs of production—the emphasis is on generating commissions for management.

When the tax loss venture goes to market, promoter concern with volume rather than profit can result in price cutting. Again, this kind of non economic competition is most felt by the smaller operator. And, price cutting on this level has little chance of being reflected in the Consumer's food bill since extra profit dollars are absorbed by middlemen and promoters who have interests in the ventures.

Consumers have a vested interest in the farmer's welfare. America's abundant supply "of cheap food" has depended on the skill and diligence of family farmers who know their land, care about their production, and oversee a manageable acreage. Tax loss investors who have little, if any, personal commitment to producing commodities for profit, have the potential to force these family farmers out of business. As the number of family farmers who are unable to stay in production increases, the consumer will find himself dependent on corporate and syndicated enterprises for food.

It is the existence of a large number of relatively small-scale independent farms which has provided pressure to keep prices competitive. As the small operations are taken over, and the larger firms and ventures no longer have an incentive to keep costs and prices down, the consumer will eventually have to pay. Concentration of agricultural production increases the potential for collusion, market sharing, restrictions on entry of new firms, and out-right control of food supplies, quality and prices.

A look at Penn Central, Lockheed and Litton Industries indicates that corporate efficiency is not all it's cracked up to be. Agriculture may be more of an art than it is a business or a science, and the casualty list of corporate "farmers" is not encouraging. Fortune magazine recently listed some of the more spectacular failures:

No public agency formally keeps track of the financial records of big corporate farms. But Agriculture Department officials can rattle off the names of more than a dozen spectacular failures. Among them:

Gates Rubber Co. tried for three years to grow sugar beets, corn, and vegetables on 10,000 acres in eastern Colorado before selling off its land and fleet of expensive equipment in early 1971.

In 1967, CBK Agronomics, Inc., began acquiring what was to have been 80,000 acres in Missouri, Texas, and California, planning to grow diversified crops and feed cattle, but gave up last year and went into coal mining.

Multiponics, Inc. (originally Invanhoe Associates, Inc.), drained or cleared 35,000 acres in Florida, Arkansas, Mississippi, and Louisiana in 1969 and produced two crops of soybeans, cotton, and grain. But it ran into financial problems, failed in an effort to sell a public stock offering, and is now in bankruptcy proceedings.

Great Western Ranches, Inc., assembled a four-million acre complex of operating orchards and ranches in the West, along with timber and recreational land, paying the owners with stock. It went bankrupt last year.

Tax-loss ventures, too, can do badly in agriculture. One of the most notorious examples of a badly managed investment is the Black Watch farms fiasco. In October of 1970 Black Watch collapsed on 585 doctors, lawyers, brokers, and other city investors who had thought beef breeding would be the answer to their tax problems. Instead, the investors stand to lose $40 million of the $50 million they had put into cattle. Black Watch failed primarily for two reasons: (1) the promoters made unreasonable guarantees of returns, and (2) the venture lacked experienced management that understood the cattle business.

In 1967 the original promoter sold Black Watch to Bermec Corporation, a truck leasing firm run by H. L. Meckler. After taking it on as a struggling family-run operation, Meckler turned Bermec into a financial giant by using the leveraging principle: Pyramid your capital for all it is worth. Looking for a new challenge, Meckler was struck by what appeared to him to be great similarities between equipment leasing and cattle breeding. Any farmer could have told him ahead of time that cattle are not as predictable as machinery and are subject to disease, accidents, and weather.

Black Watch promised its investors a $2000 return per cow and guaranteed to replace any lost from six months to its ninth birthday. A computer and team of 8 programmers were entrusted with keeping track of investor cattle, but nothing seemed to work out. Records were kept improperly, worthless cattle were bought sight unseen, poor animals were not removed from the herd, calf crop was only 60% (90–95% is normal), and tremendous costs bogged down the venture. The computer never got things straight. $200 per animal per year was needed to pay executive salaries, a staff of 75 and other expenses at the company headquarters. The company's total operating costs came to $424 per animal per year.

The Black Watch pyramid collapsed because it was built on worthless cattle and bad management. The Black Watch collapse was felt by more than unlucky investors. Twenty-three independent farms and ranches filed suits for $1.5 million owed them on maintenance contracts. Presumably one of the advantages of encouraging non-farmer investment in agriculture is that it takes some of the risk and financial burden off ranchers who contract to manage investor cattle. The danger in such an arrangement is that if the investor fails to come up with the maintenance payment, the rancher is out of luck. An added tragedy was the plight of 30,000 abandoned cattle on 70 ranches.

The Black Watch incident did not deter investor interest in the cattle industry. Some of the appeal of cattle seems to be based on psychological needs—for many investors, a deal in cattle is the fulfillment of a childhood dream to play cowboy, tinged with the glamour and intrigue of becoming a cattle baron. The prospectuses that describe the various agri-deals appeal to the latent gentleman farmer. As one ad put it, "the prime market for the new agribusiness participations are those legions of desk bound executives who have always thought they wanted to get closer to the land if only through proxy."

### TAX LOSS FARMING AND BEEF

Cattle offer many real economic incentives to the investor beyond tax benefits. Beef prices are high, and the demand for beef is increasing steadily. USDA predicts that per capita consumption of beef will jump from 113.4 pounds a year to 130 pounds per year by 1980. Cattle, furthermore, require little or no investment in machinery, make good collateral for loans, and provide the investor with the opportunity of making large premature deduction by pre-paying the cost of feed.

Tax-loss farmers focus on three areas of the beef industry—purebred breeding operations, commercial cow-calf breeding herds, and cattle feeding. Purebred breeding operations breed registered animals to produce foundation stock that will produce more and better meat. Since the laws of genetics state that an animal will pass his characteristics on to his offspring, bulls born into these purebred herds are sold to commercial breeders who wish to improve the quality of their herds. Commercial breeding herds produce calves for sale that will be fed and fattened in feedlots and slaughtered for meat.

Profits in beef cattle have historically been so erratic that most beef producers in the U.S. do not depend entirely on beef as their sole source of income. Capital gains on their breeding herds help somewhat in easing the burden of these producers. Commercial breeding has long been the domain of a vast number of small, privately-owned, cow-calf enterprises, whose holdings average only 42 head each. Currently over 90% of the estimated 1.3 million farms and ranches that produce beef cows have fewer than 50 cows, yet they produce 80% of the output of beef calves. These smaller operators are under great pressure to expand to keep up with "optimum farm size" estimates for credit and other purposes. A cattle ranch large enough to assure a farmer an adequate income is an operation with at least 300 head of cattle and a $300,000 investment. But small operators are having difficulties trying to expand in the face of inflated land prices, brought about by city investors who are paying $25 to $100 per acre more than the productive value of the land.

City investors do not use the same measures in evaluating the worth of acreage as do full-time farmers. Factors such as the aesthetic beauty, the recreational potential, and the proximity of the property to a metropolitan area generally weigh more heavily in the investor's mind than the capacity of the land to support cattle or the suitability of the soil for feed grains.

Tax-loss farming is having a definite upward effect on beef prices by pushing up one of the factors of beef production—land. The fact that outside investors can, and are, outbidding farmers for acreage has led to a situation where farm land increasingly is scarce—a Texas rancher noted that he knew of no land between Houston and Dallas (250 miles) that was priced in a range economically feasible for farming.

When the tax-loss farmer will pay more an acre than the projected yield of the plot should warrant, it means that all farmers wishing to expand their operations will be forced to pay the higher price in order to expand. This means that rather than trying to make his costs as low as the farmer, the tax-loss farmer effectively makes the farmer's costs rise to meet his. And the tax-loss investor still comes out ahead, because he can deduct interest payments on the purchase price against his non-farm income, and these deductions will be more valuable the higher the purchaser's tax bracket.

Not all tax-loss breeders actually own the land used for grazing their cattle. Usually the general partner of a limited partnership will have legal title to the land, since land is not a good tax-shelter asset. In other cases, an agency will contract with ranchers to graze investor cattle on their lands. Land that is owned by investor groups is frequently planned to be subdivided and turned over to some non-farm use after the investors have received all their tax deductions, a practice which is also contributing to the spiraling costs of land.

The price of land is not the only problem of the small rancher trying to make a living in the beef business. Even more of a threat to the farmer-rancher is the fact that he is suddenly being forced to compete against investors who are not farming for profit. The promoters and managers who look after these investors' holdings frequently charge a flat fee per head or acre managed and therefore have little incentive to get a competitive price on their products.

The prospect of tax-loss farming pushing beef prices up is further increased if one takes a careful look at the operations of a typical tax-loss venture. In many cases it is the organizer of the venture rather than the investor himself who is the real winner on these deals. Arthur J. Groesbeck, Jr., a Los Angeles tax adviser estimated that probably half of all tax shelters were of no value—glib promoters can skim as much as 50% as their take. The commitment of the typical promoter-manager is even less than the commitment of the typical investor towards healthy agricultural production, since the investor, at least, had to put up the capital.

Of the three kinds of cattle programs, purebred cattle offers the most flagrant examples of abuses on the part of the promoters of these schemes.

One such offering, the Calderone-Curran Ranches, Inc., offered investors the chance to own their own purebred herd of 10 cows for a price tag of $28,570. The securities dealer making the sale would get 6¾ percent of the sale amount, and an additional 2½ percent would go to the dealer-manager, making selling commissions a grand total of 9% of the investment. In addition, the purchaser enters into a maintenance contract whereby the company feeds, cares for and breeds the animals in exchange for the assignment upon birth of all bull calves and every tenth heifer calf produced by the herd. Proceeds realized by the sale of culled animals (animals not up to the standard of the herd) would also go to the management company. The difference, furthermore, between the net price of $2571 per head received by the company and the actual cost of the animal (about $400) goes to cover all the costs involved in breeding and maintaining the animals, the costs of arranging financing and making the offering, and the costs necessary to support the supervisory and management staffs. The promoter of this venture is meeting his costs and making his profits whether or not the enterprise turns out to be profitable. On top of that, he shares in 50% of any profits that do return to the venture.

The taxpayer-consumer should be concerned about these promoters. All taxpayers end up subsidizing the tax-loss farmer's venture by way of higher taxes and cut backs in other government expenditure programs that might seem more appropriate for subsidy than the purebred cattle, which unlike the commercial breeding herds, has always been associated with wealth, glamor, and even royalty. The taxpayer, therefore, has a vested interest in the success of the enterprise.

Cattle feeding ventures do not offer capital gains to the investor, but they do give the taxpayer with an unexpected high taxable income in one year a chance to defer all or part of his tax bill to another year when his tax rate may be lower. Cattle feeding funds are also used for a quick shelter until the investor decides what long term shelter he wants. Cattle feeding gives high, first-year write-offs for feed and management expenses of up to 200–300% of the amount of the investment.

In the following year, when the cattle are sold, tax on the income will be due, but in the meantime the investor has had interest-free use of money that otherwise would have been paid in tax, and he has the time to decide whether or not to reinvest the returns in another feeding program or convert to breeder cattle for long-term capital gains.

Small feed lots are also affected by the trend toward bigness brought on in part by tax loss farming. There are currently 154,536 feedlots in the United States, 99 percent of which are under 1000-head capacity, accounting for 38% of production. Fifteen thousand of these smaller feedlots folded in 1971.

Meisner and Rhodes, economists at the University of Missouri, have reported on the dominance of huge feedlots in the West:

"Recent developments include the further growth of the very large feedlots and the multiple ownership of large lots. Feedlots of more than 32,000 capacity tripled from 13 in 1967 to 44 in 1971. Cattle capacities (one-time) of large feeding corporations are reported to be approximately 173,000 for Western Beef, 135,000 for Meso Agro, 108,000 for Prochemco and 130,000 for Stratford of Texas, to name a few of the corporate leaders in custom feeding, which each control multiple lots."

The trend to "custom feeding" has increased as "limited partnership" and "agency service" deals have attracted increasing amounts of outside capital into the industry. Feedlots without a subsidiary of their own to attract investor capital, or without affiliations with an independent cattle breeding program, run into problems bidding against the bigger, well-financed operations for feeder cattle. As feeder prices inflate, it is the smaller feedlots that cannot afford to keep their lots full, and many farmer-feeders have given up trying to match the buying and marketing power of the huge Western lots.

The attractions of cattle feeding are sufficient in any case to have produced a rush of investor money into the cattle feeding programs. Prospectuses of cattle programs have multiplied over the past two or three years.

Prior to 1969, there was little interest in cattle feeding, but suddenly investor interest caught on so that now one source estimates that 60% of the cattle on feed in California are owned by limited partnerships and cattle feeding funds. A recent study at Texas A. & M. shows that 90% of the 1.4 million head of cattle being fed in the Panhandle-Plains Region are owned by individuals and groups other than the feedlots, which means a potential investment of around $348 million dollars by tax loss farmers.

The effect of increased dependence in the cattle industry on custom feeding arrangements, sponsored by tax-loss capital, may have long-term implications for the cattle industry. Because the availability of tax-loss capital is responsive to fluctuations outside of the industry, rather than within it, problems relating to the amount and constancy of investment capital may eventually have effects on retail prices. For example, there is usually a substantial increase in investment capital available to feeding programs at the end of the year when taxpayers need a quick shelter. Because of the increased end-of-the-year demand, prices for feeder cattle and feed are forced up during this time. As a result, the increasing demand for feeder cattle may lead to early placement of the younger calves on feed. The younger stock has a slower feed-to-fat conversion rate, takes longer to reach slaughter age, and therefore are less profitable. The rate of return of a calf averages 5.3%, whereas, on a yearling steer, the rate of return is 12.8%. Since feedlots average about an 8% margin of return, the increased use of younger, less profitable calves may lead to increased prices for fed cattle, rather than a cutback in the feedlot's profit margin.

Another disadvantage to the increased dependence of cattle feeding programs on an unsteady supply of outside capital is mainly felt by the smaller operators. In the summer, when investor interest lags, smaller lots, without the help of the promotion staffs and contacts available to the bigger lots, often find the going tough.

### THE HIDDEN FARMERS: WHAT WE DO NOT KNOW ABOUT TAX SHELTERS

One of the unsettling things about tax-loss farming is that by all indicators it appears to be a rapidly increasing trend—but no one seems to know very much about it. No substantive work has been done to evaluate either the extent or the impact of tax-loss farming. Certainly a phenomena that has such potential to alter the whole structure of food production in this country deserves more attention.

Secretary of Agriculture Earl Butz, who likes to tell farmers that he is their "cowhand on the Potomac," has yet to put himself or his Department on the line in opposition to tax-shelter "farmers," even though real farmers are being adversely affected. In February of this year, the House Ways and Means Committee held three days of hearings on agricultural taxes, but neither the "cowhand" nor any other USDA official bothered to appear or submit a viewpoint.

The Department of Agriculture has exactly two staff members working on tax-related issues in agriculture. A third staff member has informally been keeping track of limited partnership offerings filed with the SEC. So far, USDA has come out with only three short studies touching on the problems of tax-loss farming, the first of which appeared in May of 1972. All three studies have concentrated on the methods rather than on the impacts of tax-loss farming.

A few facts can be gleaned from some of the work coming out of the land grant colleges, but the problem with this material is that it tends to be area-specific rather than providing a comprehensive picture of the problem. Texas A & M has produced a study of the financial structure of the Texas beef feeding industry, for example, and work is being done at the University of Missouri on cattle feeding. By far the most thorough thinking on the subject of the current and potential effects of tax-loss farming has been done by Hoy Carmon and Charles Davenport of the University of California. Carmon has worked on cattle breeding and feeding, and in orchard and vineyard development. But there are still many holes to be filled in, and it is hard to evaluate effects of something so little is known about.

The National Coalition for Land Reform found that neither the California Department of Real Estate, the State Department of Agriculture, the Commissioner of Corporations, the U.S. Department of Agriculture nor the Securities and Exchange Commission had any comprehensive idea of the extent and impact of tax-loss farming. No one seemed to know what crops were being focused on, how much acreage was involved, or whether anyone was checking to see if the quality of soil was suitable for the anticipated crop.

Part of the problem in determining the extent of tax-loss farming is that many farm ventures are exempt from filing with state or national regulatory agencies because they plan intrastate offerings or they have less than a minimum number of partners. Agencies that manage investor herds are not required to file prospectuses with the SEC no matter what their size, since they are ruled to be providing services as opposed to offering interest in securities. No one knows how much acreage is "farmed" by individuals who have contracted with these agencies or those who have made their own arrangements to become "tax-loss" farmers.

### RECOMMENDATIONS

"If the government objects to tax avoidance, it should change the law."—J. P. Morgan

In 1968, Orville Freeman, then Secretary of Agriculture, wrote that "We believe there are serious problems in the area of tax treatment of farm income, and that these problems can be remedied . . . We strongly urge passage of legislation which eliminates existing farm tax haven's for individuals and corporations with substantial nonfarm incomes." He was supported by an Assistant Secretary of the Treasury, who wrote that "When a taxpayer purchases and operates a farm for tax purposes . . . this cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family."

In 1969 Congress took a token step to limit some of the abuses in tax-loss farming by requiring farmers with losses exceeding $25,000 in any one year to establish something called the Excess Deductions Account (the EDA). This provision requires that every dollar of loss over $25,000 will reduce the amount of income qualified taxable at the capital gains rate.

The EDA provision has had little effect, however, in deterring tax-loss farming. To some extent it has discouraged interest in beef breeding—the number of prospectuses offering partnerships in beef breeding do not seem to have increased appreciably since 1969, but neither do they seem to have decreased. Oppenheimer Industries reports that the EDA has had little effect on their breeding operations. The EDA has no effect whatever on the kinds of tax-loss farming where capital gains is not a factor, like feeding and egg production.

By postponing action on tax-loss farming, the chances of ever correcting the situation become dimmer and dimmer. Beef feedlots already are becoming dependent on the financing provided by tax-loss farmers. When Congress failed to enact effective limitations in the Tax Reform Act of 1969, promoters took it as a sign of tacit approval, and tax shelters have proliferated.

The Agribusiness Accountability Project calls on the Administration and on Congress to initiate steps immediately that will eliminate tax-loss competition with America's family farmers.

(1) Tax loss farming has negative impact on farmers and on consumers. The U.S. Department of Agriculture has taken no position on the issue. The Agribusiness Accountability Project calls on Secretary of Agriculture Earl Butz to make a policy statement of the Department's position on the subject of tax-loss farming.

(2) Congress is urged to devise legislative methods that do not promote unfair competition in farming by giving proportionately more benefits to the wealthier taxpayers. Such possibilities include:

Imposing an outside limit on the amount of farm deductions that can be used to offset non-farm income in any one year, but providing for loss-carry back and loss-carry forward privileges for losses exceeding that amount so that farmers would not lose the ability to make legitimate deductions.

Placing a restriction on the percentage of allowable deductions to be claimed by taxpayers whose effective tax rate exceeds a set figure.

Changing the status of certain farm expenses from deductions to tax credits, so that all farmers would receive a tax credit equal to a straight-across the board percentage of their expenses.

(3) Administrative agencies are asked to take action to correct tax-loss farming abuses:

The Internal Revenue Service is called on to deny partnership status to the limited partnerships in agricultural ventures, which would thus subject the venture to corporation tax and disallow the pass-through of gains and losses to investors. This can either be achieved by IRS rulings that such ventures fulfill two of the four characteristics that are used to define a corporation, or that the operation is not profit-oriented.

The Treasury Department is asked to take administrative action to disallow limited partners, whose liability is theoretically limited to the extent of their investment, from making deductions that exceed their actual cash contributions to the venture. This can be accomplished by amending IRS Regulation 1.752, paragraph (e).

The SEC is urged to tighten disclosure requirements by

(a) Restricting further the regulations on who must file farm offerings

(b) Requiring agencies offering management services to investors to file for registration and supply information on the number of their clients and the amount of acreage controlled

(c) Requiring annual public disclosure of the financial status of limited partnerships

(d) Requiring prospectuses to spell out dangers of over-planting in particular commodities.

(4) State and local governments should take measures to protect their rural constituencies from the potential deleterious effects of tax-loss farming on their communities, for example:

Requiring permits for any limited partnership, where either, an offer will be made to more than ten individuals, more than five partners will be involved, or the total investment in the venture exceeds more than $200,000.

The approval of such permits would take into account potential negative impact on the farm community and the stability of the industry or crop planned for development.

An alternative approach would have communities adopt policies that would levy a special tax or require special zoning on land that will be farmed by an absentee owner.

(5) The AAP calls for a full-scale public inquiry into the extent and potential impact of tax-loss farming,

The Department of Agriculture should initiate a thorough, public investigation of tax-loss farming, with particular emphasis on the acreage, crops, and commodities affected and the implications of such on farmers and rural communities.

Concurrently, an evaluation should be made of alternative sources of supply of capital that could be provided for farmers, ranchers, and feedlots now dependent on this kind of outside capital.

The Joint Committee on Internal Revenue and Taxation is urged to speed up the release of its current study of the legislative history and economic impact of tax-loss farming.

Studies should be undertaken at the state and local levels and in the land grant colleges to measure the impact of tax-loss farming on various localities of the country.

### APPENDIX A. PROFILES OF FIVE LIMITED PARTNERSHIPS INVESTING IN AGRICULTURE

Examining five tax shelters in California, Mississippi, Texas, Arizona and Mexico, totaling $38 million worth of partnership interests in agriculture, it is possible to see the type of financial power which is today seriously disrupting America's agricultural economy.

In California the state's tenth largest bank (U.S. National) bankrolls the state's largest farmer (Hollis Roberts) to form a syndicate. Another nearby 295,000 acre ranch (Tejon Ranch) controlled by the west's largest publishing company (Times Mirror Corporation), borrows $27 million from one of the nation's largest insurance company's (John Hancock) to form an agricultural syndicate which plans to market many of its crops through an international conglomerate (Tenneco, Inc.).

In Mississippi a major food company (Cal-Maine Foods, Inc.) absorbs a syndicate of its own creation into its fully integrated commercial egg business which will have to compete with many of the company's own contract farmers. In Arizona a newly-created U.S. real estate investment company (Antaeus Development Company) creates a joint venture syndicate using cheap Mexican land and labor to produce crops for distribution in the U.S.

And a large, integrated nationwide financial service organization (Equity Funding Securities Corporation) sets up a beef cattle syndicate installing one its executive vice presidents as chairman of the syndicate's board only to see him resign from the company 16 months later along with five other corporation executives in the wake of a major fraud scandal involving the corporation and its subsidiaries.

### *Ankony Cattle Systems—1971*

A limited Partnership Formed to Engage in the Breeding and Sale of Seedstock Beef Cattle and the Feeding of Commercial Cattle for Slaughter.

$5,000,000 of limited partnership interests (2000 units $2500 per unit—Minimum purchase: two units)

General Partner: Equity Funding Cattle Management Company manages the partnership and Ankony Angus Corporation maintains the herd (both wholly-owned subsidiaries of Equity Funding Corporation of America).

Underwriters: Equity Funding Securities Corporation.

*Equity Funding Securities Corporation*—an integrated financial service organization primarily engaged, through subsidiaries, in the sale of life insurance and mutual fund shares, either separately or in coordinated acquisition plans, and in life insurance operations. In early 1973 the Corporation filed bankruptcy proceedings after federal and states investigators discovered over two-thirds of the insurance written by the firm's key subsidiary were bogus policies that the company sold to reinsurers for cash. Millions of dollars of company assets were also found missing.

The Feeders purchased by the Partnership are fed at independent feed lots, or at feed lots which Ankony has acquired or manages. The purchase of Feeders and feed by the partnership are financed through banks, feed lot operators or "other lenders."

"The Partnership may engage to a limited extent in the trading of cattle and grain futures. Hedging is the purchase or sale of "paper lots" of a given commodity. Management of the General Partner has had limited experience in hedging operations and there can be no assurance that hedging, if engaged in, will be profitable, or will minimize the Partnership's Risks."

—Prospectus, December 6, 1971

Main office is in Los Angeles, California at 1900 Avenue of the Stars.

*1971 Antaeus Annual Preference Program* (Terminated June 30, 1972)

A limited partnership formed to participate in joint ventures engaged in the growing of agricultural produce in Mexico for distribution primarily in the United States.

$2,500,000 of limited partnerships (Maximum of 1000 and minimum of 480 units of limited partnership interest at $2500 per unit).

General partner: Antaeus Development Company, (subsidiary of Antaeus Resources Corporation).

Underwriter: Antaeus Distributors, Inc. (subsidiary of Antaeus Resources Corporation).

*Antaeus Resources Corporation*—sponsors natural resources and real estate investment programs with tax shelter characteristics, e.g., San Diego Company (cut flowers and potted plants), Boulder Properties (real estate properties development in Arizona, Colorado and Florida).

Joint Ventures in Mexico included the Almada (2960 acres of cucumbers, pole tomatoes, bell peppers, squash, safflower, soy beans, sorghum, corn), Zaragoza (1,310 acres of vegetables and 1245 acres of citrus), Palomares-Rendon (1110 acres of cucumbers, pole tomatoes, bell peppers, egg plant), Riveros (360 acres of pole tomatoes, cucumbers, bell peppers, cherry tomatoes) Rivera (2260 acres of bell peppers, red peppers, cantaloupe melons, squash, string beans, pole tomatoes, cucumbers, pickles, eggplant).

"The supply of labor traditionally has exceeded demand in the areas of the Joint Ventures."

—Prospectus, November 11, 1971

All produce of joint ventures except for the Rivera Joint Venture was to be distributed exclusively by Sierra Pacific Distributors, the Nogales, Arizona division of DVR Corporation, a wholly owned subsidiary of Antaeus.

Desert Citrus Packers (a division of DVR Corporation) harvests, grades, stores and packs and Sunkist Growers, Inc., a citrus marketing cooperative, sells citrus grown by six limited partnerships, of which three officers and directors of Antaeus Development are general partners and of five in which Antaeus is a limited partner, in competition with the citrus grown by one of the Joint Ventures.

Neither Program nor the General Partner or the distributors had any history of operations prior to this offering.

### *National Farming Program—1972*

A limited partnership formed to engage in an agricultural business limited to activities in connection with the production and sale of Shell Eggs (from Partnership flocks).

$6,000,000 of limited partnership interests (6,000 units at $1,000 per unit—minimum purchase: five units)

General Partner: Jefferson County Egg Farms, Inc. (Jackson, Mississippi) (a subsidiary of Cal-Maine Foods, Inc.)

Distributors: Thirty-three Twenty Securities Corporation (a subsidiary of Cal-Maine Foods, Inc.) and GFCS, Inc. (both organized specifically for this offering).

*Cal-Maine Foods, Inc.*—A fully integrated commercial egg business with owned and leased facilities located in the South, West, Midwest and Northeast with a net worth as of April 22, 1972, of $9,558,496.

Chicken flocks to be maintained in facilities owned or operated by farmers under *contract* with the partnership. All replacement birds, feed, medication and supplies to be purchased from Cal-Maine Foods, Inc. A portion of the Partnership flocks will be maintained under *contract* at farms owned or operated by affiliates of Cal-Maine. Partnership to sell all its marketable egg production to Cal-Maine. Upon dissolution of Partnership all its assets to be sold to Cal-Maine pursuant to a right of first refusal.

Upon sale of the initial laying flock to the Partnership and the purchase of feed, Cal-Maine to realize an approximate profit of between $75,000 to $877,000 (depending on number of units sold).

General Partner to receive an initial management fee of 8% of the gross proceeds of the offering (maximum of $480,000), a continuing fee computed and paid *weekly* for the management of the Partnership's flocks of 1.5 cents per dozen eggs produced and sold, a distribution of up to 25% of the gain realized by the Partnership upon sale of its properties.

Eugene C. Pace (Securities salesman licensed by the State of California) is controlling shareholder and principal executive officer of GFCS, Inc., and the initial Limited Partner of the Partnership. Fred Adams, Jr., Chief Executive Officer and Director, and George A. Rabinoff, Vice President and Director, of the General Partnership are both founders and principal stockholders of Cal-Maine Foods, Inc.

"Because of the relationship of parties, conflicts of interest exist and may arise in the future between the Partnership and the General Partner, its affiliates and other private limited partnerships managed by the General Partner."

—Prospectus, July 28, 1972.

### *Roberts Syndication—1971*

A limited partnership formed to engage in the Business of Owning and Farming 5,829 Acres of Vineyards and Fruit and Nut Groves and Fresno, Kern and Tulare Counties, California.

$8,400,000 of limited partnership interests (8,400 units at $1000 per unit (payable $365 at time of subscription)—Minimum purchase: five units.

General Partner: Roberts Management Corporation (sole general partner of Roberts Syndication—1971), a wholly-owned subsidiary of Roberts' Farms Inc.

Underwriter: First California Company, Inc.

Farm Manager: *Roberts' Farms Inc.*—wholly-owned by Hollis and Manon Roberts of McFarland, California. Engaged in citrus farming since 1958 and in fruit, nut and grape farming since 1957. Controls 130,000 acres worth $125 million (approximately 80,000 acres bought in 1971 from Tenneco, Inc. for $80 million with which the farms now has a marketing agreement). Presently, farms citrus and nut groves for 49 different owners, including Getty Oil Company, Texaco, Inc., Buttes Gas and Oil Company and PIC Realty Corporation (a subsidiary of Prudential Life Insurance Co.). Frequently financed by C. Arnholt Smith and U.S. National Bank in San Diego, California.

All monies received by the Farm Manager from the sale of crops (except expenses) are paid into a special account of the Company at the U.S. National Bank.

Any contract or future labor negotiation and resultant contract which could result in higher labor costs would cause an increase in the management fee paid by the Company to the Farm Manager.

Purchasers must be a resident of California, either have a present net worth (exclusive of home, furnishings and personal automobiles) in excess of $50,000 and an annual gross income in excess of $35,000, or that he has a present net worth (exclusive of home, furnishings and personal automobiles) in excess of $100,000, regardless of annual gross income.

Farm manager receives $351.34 per acre, harvests and markets all crops for a fee equal to cost plus 10%, "extraordinary" farming services cost plus 10%, incentive payments which are 25% of the amount by which net cash receipts (after principal and interest payments) exceed an accumulative amount equal to an annual rate of 10% of the limited partners, 25% of any profit made by Company (exceeding sales price of $2350 per acre) less applicable principal payments, and 3% of the purchase price of capital items purchased by the Company.

"In the event that trees or vines die or become commercially unproductive, (Farm Manager) will have no duty under this agreement to either remove or replace said trees or vines, (Farm Manager) will have no duty to make capital improvements or pay real property or personal property taxes on the property or improvements thereon, or pay any assessments by virtue of the ownership of the real property."—1971 Farm Management Agreement, December 30, 1971

### *Tejon Agricultural Partners*

A Limited Partnership Formed to Engage In the Business of Farming Approximately 21,000 Acres of Land in Kern County, California, which will be planted with Grape Vineyards, Nut, Citrus and Fig Groves, and Vegetable and Field Crops.

$16,000,000 of Limited Partnership Interests (16,000 units at $1000 per unit (subject to assessment up to $200 per unit)—Minimum purchase: five units)

General Partner: Tejon Agricultural Corporation (wholly owned by Tejon Ranch Co.) organized in connection with this offering.

Underwriters: The First Boston Corporation and Dean Witter and Company, Inc.

The General Partner will contribute the property to the Company which obtained a loan (approximately $27,000,000) secured by the property and the improvements to be developed therein, from John Hancock Mutual Life Insurance Company. The property will be returned to the General Partner at the end of the partnership term which will occur on or before December 31, 1997.

Farm Manager:

*Tejon Ranch Company*—publicly held corporation (Times Mirror Corporation owns 12.8% and Chandis Securities Company—wholly owned by the Times Mirror Chandler family—owns 5.8%) which owns a 295,000 acre ranch—largest single operating ranch in California. Formed in 1936 as a successor to a partnership organized in 1912 the Ranch Company raises beef cattle (14,000 head), cotton, potatoes, oranges, and field grains.

Purchasers must have a net worth of $50,000 or more and an estimated taxable income in the 50% or higher tax bracket or a net worth of not less than $200,000.

Will market wine grapes (43% of plantings) through "one or more California wineries," vegetables and field crops through "brokers, shippers and grower-shippers who purchase for customers or for wholesale distribution on a seasonal basis," almonds through California Almond Orchards (a subsidiary of Tenneco, Inc.), oranges and lemons will be packed at Terra Bella Citrus Association Inc. (subsidiary of Pacific Lighting Corporation) and marketed by Sunkist Growers, figs through Sunland Marketing, Inc. ("Sun-sweet" and "SunMaid"), walnuts through Diamond Walnut Growers Association, pistachios through either California Almond Orchards or W. D. Fowler and Sons Corporation (a subsidiary of Pacific Lighting Corporation).

Water will be provided to 73% of the Partnership's land by Federal and State of California Water Projects including the California Water Project and the U.S. Bureau of Reclamation's Central Valley Project.

Farm manager is not presently a party to a collective bargaining agreement with any labor union.

"Farm Manager, both as a direct farm operator and as a lessor to other farm operators, may from time to time be in competition with the Company as to one or more crops. However, the Farm Manager has agreed that during the initial four years of the Company's operation it will not plant or permit new lessees to plant new trees and wine crops in competition with the Company."—Prospectus, May 22, 1972.

### APPENDIX B. A $100,000,000 WHO'S WHO OF SYNDICATED FARMING

1. *Amfac Cattle Company*—A subsidiary of Amfac, and agent was marketing agent for Amfac Cattle Programs. Was formed out of an acquisition of Wilhelm Foods. Pens in Fort Collins and Rocky Ford, Colorado. Pen capacity is 65,000 head.

2. *Amfac Cattle Programs*—A $20,000,000 limited partnership engaged in the cattle feeding business for a limited period of time.

3. *Amfac, Inc.*—A diversified merchandising (Western Drug Supply), asset management (86,000 acres owned and 94,000 acres leased principally in Hawaii, credit, mortgage banking, and financial corporations), hospitality (hotels, restaurants—"Fred Harvey," and resorts), and food processing (Lamb-Weston, Inc., Wilhelm Foods, Pacific Pearl Seafoods, Inc., five sugar companies—largest producer of raw cane sugar in Hawaii, fresh and frozen beef operations in Australia) corporation.

4. *Ankony Angus Corporation*—A breeder, buyer and seller of registered black Angus cattle which maintains the herd for Equity Funding Cattle Management Company.

5. *Ankony Cattle Systems—1971*—A $5,000,000 limited partnership formed to engage in the breeding and sale of seed-stock beef cattle and the feeding of commercial cattle for slaughter.

6. *Antaeus Annual Preference Program/1971*—A $2,500,000 limited partnership formed to participate in joint ventures engaged in the growing of agricultural produce in Mexico for distribution primarily in the United States. Terminated in June, 1972.

7. *Antaeus Development Company, Inc.*—General partner in the 1971 Antaeus Annual Preference Program (subsidiary of Antaeus Resources Corporation).

8. *Antaeus Resources Corporation*—Sponsors natural resources and real estate investment programs with tax shelter characteristics through its subsidiaries.

9. *Apache Corporation*—A diversified company engaged in manufacturing operations, providing investment services with controlling interests in a gas and oil exploration company and general partner of Apache Grove Land Program 1972. The Corporation has 28 operating oil and gas programs, a realty fund, two other grove land programs, and 27 operating subsidiaries including Apache Programs, Inc., a NASD member broker-dealer and S & J Ranch, Inc., a manager of agricultural properties.

10. *Apache Grove Land Program 1972*—A $5,950,000 limited partnership to acquire, own and develop 2178 acres of land in Fresno, Medera and Tulare Counties, California which include oranges, figs, pistachio and olive trees. The objective of the program is to hold part of the land for possible appreciation in value while in the interim attempting to produce income from farming operations.

11. *Bell Cattle Funds*—A $10,000,000 limited partnership formed to engage in cattle feeding in Arizona.

12. *Buttes Gas & Oil Company*—A publicly held corporation engaged principally in the exploration for, and development and production of, oil, gas and other minerals and the development and farming of some 16,000 acres of agricultural properties. Organized the 1971 Treecrop Company. A subsidiary of the Company is White River Farms, producer of 20%–30% of the wine grapes for Guild Winery ("Roma," "Wine Master," "Virginia Dare," "Cresta Blanca") and currently refusing to renegotiate a contract with the United Farm Workers Union (AFL–CIO)

13. *Calafia Groves Company*—An $8,000,000 limited partnership formed to engage in the business of owning and farming of approximately 2814 acres of almond and citrus groves in Kern County, California. Offering was withdrawn in March, 1972.

14. *Calafia Land Corporation*—The general partner of Calafia Groves Company. The Corporation is owned 30.6% by Sunland Development, Inc., 3.8% by its officers and directors, 4.5% by Midland Securities Company, Inc. and 61.1% by approximately 23 other persons. Sunland Development, Inc. is owned 8.6% by Midland Securities Company, Inc. and its affiliates. Midland Securities Company, Inc. is wholly owned by M. J. Coen, Chairman of the Board of Calafia Land Corporation. Midland Securities Company, Inc. owns 51% of First California Company, Inc., (whose president is M. J. Coen).

15. *Cal-Maine Foods,* Inc.—A holding company whose subsidiaries (including several limited partner syndicates) conduct a fully integrated commercial egg business throughout the U.S.

16. *Circle Three Land and Cattle Company*—A $6,000,000 limited partnership for the purpose of engaging in the cattle and ranching business in California, Texas, Mississippi, Oklahoma, Nebraska, Kansas and Iowa.

17. *Equity Funding Cattle Management Company*—The general partner of Ankony Cattle Systems—1971 and a subsidiary of Equity Funding Corporation of America. Samuel B. Lowell, Chairman of the Board of Directors, and Executive President and Director of EFCA, and Stanley Goldblum, a director, and President and Chairman of the Board of EFCA, both recently resigned from EFCA in the wake of a major fraud scandal.

18. *Equity Funding Corporation of America*—Is engaged in the marketing, creation and management of financial services and products. In recent months the company has filed bankruptcy proceedings, two thirds of its insurance written by the firm's key subsidiary were bogus policies that the company sold to reinsureres for cash, the company's stock is no longer being traded, and millions of dollars of the company's assets are missing.

19. *First California Company, Inc.*—A San Francisco, California underwriting firm which handles a variety of agricultural syndicates in California (including Roberts Syndication—1971 and Calafia Groves Company) and has strong business ties with C. Arnholt Smith, Westgate-California and U.S. National Bank.

20. *Great Plain Western Corporation*—The general partner of Circle Three Land and Cattle Company. Corporation does not own or operate any feed yard but places cattle on feed in commercial feedlots entrusting the actual care and feeding to the selected feedlots. The Corporation also manages four other limited partnerships.

21. *Jefferson County Egg Farms, Inc.*—A corporation (subsidiary of Cal-Maine Foods, Inc.) engaged in the production of shell eggs in Jackson, Mississippi, and the general partner of the National Farming Program/1972 limited partnership syndicate.

22. *John Hancock Mutual Life Insurance Company.*—Fifth largest U.S. insurance company with assets of $10.6 billion who provided a $27 million loan to help establish the Tejon Agricultural Partners.

23. *Lava Financial Company.*—A California corporation which is the general partner of Bell Cattle Funds. Certain principal stockholders are also principal stockholders of McElhaney Cattle Company.

24. *Lincoln Industries Corporation.*—Sole limited partner of McFaryland Management Company. Wholly-owned subsidiary of Hornblower & Weeks Hemphill, Noyes.

25. *Maple Leaf Pistachio Ranch.*—A $2,240,000 limited partnership formed in California to engage in the business of raising pistachios and cattle.

26. *McElhaney Cattle Company.*—Maintains, purchases, and feeds cattle for Bell Cattle Funds.

27. *McFarland Land Company.*—Manages and participates in the ownership of 7,926 acres of California wine grape vineyards which are owned by private limited partnerships or other ventures formed privately through offerings to limited groups of investors. Owned by M. B. McFarland, Myron B. McFarland, Jr., and Gerald B. McFarland (general partners).

28. *McFarland Management Company.*—The general partner of Vineyards Ltd. Partnership of Investco Associates Inc. and McFarland Land Company.

29. *Monterey Vineyards*—A $8,300,000 limited partnership formed to acquire up to 4355 acres of land in Monterey County, California for the purpose of planting and harvesting wine grapes. The partnership also has secured loans of $5,774,000 from John Hancock Mutual Life Insurance Co., $3,640,000 from Mutual Benefit Life Insurance Company and an unsecured loan of $1,298,000 from Wells Fargo Bank.

30. *National Farming Program/1972*—A $6,000,000 limited partnership formed by subsidiary of Cal-Maine Foods, Inc. to engage in an agricultural business limited to activities in connection with the production and sale of shell eggs.

31. *Nazko Valley Ranch Company Ltd.*—A Canadian corporation which is managing cattle for Maple Leaf Pistachio Ranch.

32. *Oakville Limited Partnership*—A $1,500,000 limited partnership has exercised an option assigned to the partnership by Oakville Vineyards to purchase certain properties, including certain farm equipment and all of the stock in a corporation owning vineyards, wineries, farming equipment and other miscellaneous property located in Napa Valley, California.

33. *Oakville Vineyards*—the general partner of the Oakville Limited Partnership, whose stock is owned by W. E. van Loben Sels. Vineyards comprised of 260 acres in addition to various farm and wine-making equipment Eight wines are bottled with the Oakville label.

34. *Rancho De Las Frutas*—A $389,500 limited partnership formed in California to purchase and engage in the business of farming 320 acres of tree fruit and vineyards.

35. *Roberts Farms Inc.*—Wholly owned by Hollis and Manon Roberts and located throughout the southern San Joaquin Valley, California. Controls 130,000 acres making Roberts the valley's largest individual farmer, and one of the nation's top suppliers of fruits and nuts. In 1971 Roberts bought nearly 80,000 acres of prime agricultural land from Tenneco, Inc. for almost $80,000,000. Roberts is a close business associate of C. Arnholt Smith and the U.S. National Bank; manages farms for some 49 different customers, including Roberts Syndication–1971, 1971 Treecrop Company, Jasmine Groves, Rancho Santa Maria, SWESGA Land Corporation, Getty Oil Co., Texaco and PIC Realty (a subsidiary of Prudential Life Insurance Co.).

36. *Roberts Management Corporation*—

General partner for Roberts Syndication-1971. Wholly owned by Roberts Farms Inc.

37. *Roberts Syndication-1971*—A $8,400,000 limited partnership formed to engage in the business of owning and farming approximately 5,829 acres of vineyards and fruit and nut groves located in Fresno, Kern and Tulare Counties, Calif.

38. *S & J Ranch, Inc.*—A subsidiary of the Apache Corporation and farm manager for Apache Grove Land Program 1972. Properties in Tulare, Fresno, and Kings Counties, Calif. Manages two other Apache land programs and farms an additional 707 acres in Madera County for various landowners not affiliated with Apache.

39. *Sierra Pacific Distributors*—The Nogales, Arizona division of DVR Corp. (wholly owned subsidiary of Antaeus) who acted as distributor of produce for the 1971 Antaeus Annual Preference Program.

40. *Sun Fruit, Ltd.*—Farm manager for Wine Lands, Inc. Formerly known as Federal Fruit Distributors and whose farming operations spread throughout California. Stockholders equity is $1,813,244.

41. *Tejon Agricultural Corporation*—A subsidiary of Tejon Ranch Company and the general partner of Tejon Agricultural Partners. One director of the Corporation is James B. Kendrick, Jr., Vice President in charge of Agricultural Sciences, University of California.

42. *Tejon Agricultural Partners*—A $16,000,000 limited partnership formed by the Tejon Ranch Co. (295,000) in California with a $27 million loan from John Hancock Insurance Co. to engage in the business of farming approximately 21,000 acres of land which are to be planted with grape vineyards, nut, citrus and fig groves and vegetable and field crops.

43. *Tejon Ranch Company*—A 295,000 acre ranch in Kern County, California which is publicly held but controlled by the Times-Mirror Corporation and which is leasing the land used by the Tejon Agricultural Partners.

44. *Thirty-Three Twenty Securities*—A division of Cal-Maine Foods, Inc. and distributor of the units offered by National Farming Program/1972.

45. *Times Mirror Corporation*—The west's largest publishing company (*The Los Angeles Times*) owned by the Norman Chandler family and owner of the controlling interest in the Tejon Ranch Co.

46. *Treecrop 1971 Management Corporation*—The general partner of 1971 Treecrop Company and a wholly-owned subsidiary of Buttes Gas and Oil Company.

47. *U.S. National Bank* (San Diego, Calif)—Tenth largest bank in California with assets of over $750 million. President and Chairman of the Board is C. Arnholt Smith, a close personal friend of President Nixon and an important GOP fund raiser. Both the bank and Smith are deeply involved in many of the complicated financing programs of California agricultural and real estate syndicates.

48. *Vineyards Ltd.*—The general partner of Monterey Vineyards.

49. *Vista Ranching,* Inc.—A Merced County, California ranch which is to develop and manage pistachio groves for Maple Leaf Pistachio Ranch.

50. *Wine Lands, Inc.*—The general partner of Rancho De Las Frutas. Newly formed corporation.

51. *1971 Treecrop Company*—A $2,100,000 limited partnership formed to farm approximately 2408 acres of land (purchased on option from Buttes Gas & Oil Co.), substantially all planted with nut, citrus and other fruit trees and grape vineyards, located in Tulare and Kern Counties, California. Company was organized through the efforts of Buttes. Farm Manager is Roberts Farms Inc. Certain crops will be marketed through Tenneco, Inc., Sunkist Growers, Inc. and the California Canners and Growers Assoc.

## LEGAL AND CONSTITUTIONAL POSITION RESPECTING BOMBING IN CAMBODIA

Mr. JAVITS. Mr. President, on April 30, 1973, Secretary of State Rogers appeared before the Foreign Relations Committee to testify on the State Department authorization bill. At that time he presented to the committee a memorandum entitled "Presidential Authority To Continue United States Air Combat Operations in Cambodia." This memorandum was submitted in response to a request from Chairman FULBRIGHT some weeks earlier for a statement of the administration position.

In my judgment, the State Department memorandum fails to make its case. When Secretary Rogers again appeared before the Foreign Relations Committee, at the request of myself and other members, on May 10, 1973, I submitted a memorandum which is a reply to the State Department memorandum in some detail. My memorandum is entitled "A Rebuttal to the State Department Legal Memorandum on Authority for the Continued Bombing of Cambodia."

In view of the importance of the issues involved and the many requests received for copies of my memorandum, I ask unanimous consent that the following documents be printed in the RECORD at the conclusion of my remarks: First, the State Department memorandum; second, my memorandum in rebuttal; and third, the full text of the opinion, cited in the State Department memorandum, by Judge Wyzanski for the U.S. Court of Appeals for the District of Columbia in Mitchell against Laird.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### PRESIDENTIAL AUTHORITY TO CONTINUE U.S. AIR COMBAT OPERATIONS IN CAMBODIA

The purpose of this memorandum is to discuss the President's legal authority to continue United States air combat operations in Cambodia since the conclusion of the Agreement on Ending the War and Restoring Peace in Vietnam on January 27, 1973 and the completion on March 28, 1973 of the withdrawal of United States armed forces from Vietnam and the return of American citizens held prisoner in Indochina. The memorandum also discusses the background of the Agreement of January 27 and the purposes of various United States actions in order to clarify the legal issues.

For many years the United States has pursued a combination of diplomatic and military efforts to bring about a just peace in Vietnam. These efforts were successful in strengthening the self-defense capabilities of the armed forces of the Republic of Vietnam and in bringing about serious negotiations which culminated in the Agreement on Ending the War and Restoring Peace in Vietnam, signed at Paris on January 27, 1973.[1] This Agreement provided for a cease-fire in Vietnam, the return of prisoners, and the withdrawal of United States and allied armed forces from South Vietnam within sixty days. The Agreement (in Article 20)[2] also required the withdrawal of all foreign armed forces from Laos and Cambodia and obligated the parties to refrain from using the territory of Cambodia and Laos to encroach on the sovereignty and security of other countries, to respect the neutrality of Cambodia and Laos, and to avoid any interference in the internal affairs of those two countries. This Article is of central importance as it has long been apparent that the conflicts in Laos and Cambodia are closely related to the conflict in Vietnam and, in fact, are so inter-related as to be considered parts of a single conflict.

At the time the Vietnam Agreement was concluded, the United States made clear to the North Vietnamese that the armed forces of the Khmer Government would suspend all offensive operations and that the United States aircraft supporting them would do likewise. We stated that, if the other side reciprocated, a *de facto* cease-fire would thereby be brought into force in Cambodia. However, we also stated that, if the communist forces carried out attacks, government forces and United States air forces would have to take necessary counter measures and that, in that event, we would continue to carry out air strikes in Cambodia as necessary until such time as a cease-fire could be brought into effect. These statements were based on our conviction that it was essential for Hanoi to understand that continuance of the hostilities in Cambodia and Laos would not be in its interest or in our interest and that compliance with Article 20 of the Agreement would have to be reciprocal.

It has recently been suggested that the withdrawal of all U.S. armed forces from South Vietnam and the return of all U.S. prisoners has created a fundamentally new situation in which new authority must be sought by the President from the Congress to carry out air strikes in Cambodia. The issue more accurately stated is whether the constitutional authority of the President to continue doing in Cambodia what the United States has lawfully been doing there expires with the withdrawal of U.S. armed forces from Vietnam and the return of American prisoners despite the fact that a cease-fire has not been achieved in Cambodia and North Vietnamese troops remain in Cambodia contrary to clear provisions of the Agreement. In other words, the issue is not whether the President may do something new, but rather whether what he has been doing must automatically stop, without regard to the consequences even though the Agreement is not being implemented by the other side.

The purposes of the United States in Southeast Asia have always included seeking a settlement to the Vietnamese war that would permit the people of South Vietnam to exercise their right to self-determination. The President has made this clear on many occasions. For example, on May 8, 1972, when he made the proposals that formed the basis for the ultimately successful negotiations with North Vietnam, he said there were three purposes to our military actions against Vietnam: first, to prevent the forceful imposition of a communist government in South Vietnam; second, to protect our remaining forces in South Vietnam; and third, to obtain the release of our prisoners.[3] The joint communique issued by the President and Mr. Brezhnev in Moscow on May 29, 1972[4] in which the view of the United States was expressed said that negotiations on the basis of the President's May 8 proposals would be the quickest and most effective way to obtain the objectives of bringing the military conflict to an end as soon as possible and ensuring that the political future of South Vietnam should be left for the South Vietnamese people to decide for themselves, free from outside interference. The recent opinion of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell* v. *Laird* makes it clear that the

---

Footnotes at end of article.

President has the constitutional power to pursue all of these purposes. In the words of Judge Wyzanski the President properly acted "with a profound concern for the durable interests of the nation—its defense, its honor, its morality."

The Agreement signed on January 27, 1973 represented a settlement consistent with these objectives. An important element in that Agreement is Article 20 which recognizes the underlying connections among the hostilities in all the countries of Indochina and required the cessation of foreign armed intervention in Laos and Cambodia. The importance of this article cannot be overestimated, because the continuation of hostilities in Laos and Cambodia and the presence there of North Vietnamese troops threatens the right of self-determination of the South Vietnamese people, which is guaranteed by the Agreement.

The United States is gratified that a cease-fire agreement has been reached in Laos. It must be respected by all the parties and result in the prompt withdrawal of foreign forces. In Cambodia it has not yet been possible to bring about a cease-fire, and North Vietnamese forces have not withdrawn from that country. Under present circumstances, United States air support and material assistance are needed to support the armed forces of the Khmer Republic and thereby to render more likely the early conclusion of a cease-fire and implementation of Article 20 of the Agreement. Thus, U.S. air strikes in Cambodia do not represent a commitment by the United States to the defense of Cambodia as such but instead represent a meaningful interim action to bring about compliance with this critical provision in the Vietnam Agreement.

To stop these air strikes automatically at a fixed date would be as self-defeating as it would have been for the United States to withdraw its armed forces prematurely from South Vietnam while it was still trying to negotiate an agreement with North Vietnam. Had that been done in Vietnam, the Agreement of January 27 would never have been achieved; if it were done in Cambodia, there is no reason to believe that a cease-fire could be brought about in Cambodia or that the withdrawal of North Vietnamese forces from Cambodia could be obtained. It can be seen from this analysis that unilateral cessation of our United States air combat activity in Cambodia without the removal of North Vietnamese forces from that country would undermine the central achievement of the January Agreement as surely as would have a failure by the United States to insist on the inclusion in the Agreement of Article 20 requiring North Vietnamese withdrawal from Laos and Cambodia. The President's powers under Article II of the Constitution are adequate to prevent such a self-defeating result. It is worth noting that in reaching a similar conclusion, the report entitled "Congress and the Termination of the Vietnam War" recently prepared for your Committee by the Foreign Affairs Division of the Congressional Research Service, arrived at the same general conclusion as to the President's Constitutional power.

One must recognize that the scope and application of the President's powers under Article II of the Constitution are rarely free from dispute. Under the Constitution, the war powers are shared between the Executive and Legislative branches of the Government. The Congress is granted the powers "to provide for the common defense", "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water", "to raise and support armies", "to provide and maintain a navy", "to make rules for the government and regulation of the land and naval forces", and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . ."[5] On the other hand, the Constitution provides that "the executive power shall be vested in a President," that he "shall be Commander-in-Chief of the army and navy of the United States," and that "he shall take care that the laws be faithfully executed."[6] The President is also given the authority to make treaties with the advice and consent of two thirds of the Senate, to appoint ambassadors with the advice and consent of the Senate, and to receive ambassadors and other public ministers.

The proceedings of the Federal Constitutional Convention in 1787 suggest that the ambiguities of this division of power between the President and the Congress were deliberately left unresolved with the understanding that they were to be defined by practice. There may be those who wish the framers of the Constitution would have been more precise, but it is submitted that there was great wisdom in realizing the impossibility of foreseeing all contingencies and in leaving considerable flexibility for the future play of political forces. The Constitution is a framework for democratic decision and action, not a source of ready-made answers to all questions, and that is one of its great strengths.

There is no question but that Congress should play an important role in decisions involving the use of armed forces abroad. With respect to the continuation of U.S. air combat activity in Cambodia, what is that role? The Congress has cooperated with the President in establishing the policy of firmness coupled with an openness to negotiation which has succeeded in bringing about the Agreement of January 27 and which can succeed in securing its implementation. This cooperation has been shown through consultations and through the authorization and appropriation process. The Congress has consistently rejected proposals by some members to withdraw this congressional participation and authority by cutting off appropriations for necessary military expenditures and foreign assistance. The Congress has also enacted several provisions with specific reference to Cambodia.[7] The President's policy in Cambodia has been and continues to be fully consistent with these provisions.

It was, of course, hoped that the Agreement signed at Paris on January 27 would be strictly implemented according to its terms, including the prompt conclusion of cease-fires in Laos and Cambodia and the withdrawal of foreign troops from those two countries. What has happened instead is that, in Laos, the cease-fire has been followed by continuing communist stalling in forming the new government and, in Cambodia, the communists responded to the efforts of the Khmer Government to bring about a *de facto* cease-fire with a fierce, general offensive. North Vietnamese forces remain in Laos and Cambodia and continue to infiltrate men and war material through these countries to the Republic of Vietnam. North Vietnamese forces in Cambodia continue to participate in and to support Communist offensive operations.

United States air strikes in Laos were an important element in the decision by North Vietnam and its Laotian allies to negotiate a cease-fire in Laos. If United States air strikes were stopped in Cambodia despite the communist offensive, there would be little, if any, incentive for the communists to seek a cease-fire in that country, and the temptation would doubtless be great for North Vietnam to leave its troops and supply lines indefinitely in Laos and Cambodia. Such a situation would be the opposite of that prescribed by Article 20 of the Vietnam Agreement and would so threaten the viability of the settlement in Vietnam and the right to self-determination of the South Vietnamese people as to be totally unacceptable to the Republic of Vietnam and to the United States. In light of these facts, it seems clear that the argument that the Constitution requires immediate cessation of U.S. air strikes in Cambodia because of the Paris Agreement is, in reality, an argument that the Constitution which has permitted the United States to negotiate a peace agreement—a peace that guarantees the right of self-determination to the South Vietnamese people as well as the return of United States prisoners and withdrawal of United States armed forces from Vietnam—is a Constitution that contains an automatic self-destruct mechanism designed to destroy what has been so painfully achieved. We are now in the process of having further discussions with the North Vietnamese with regard to the implementation of the Paris Agreement. We hope these discussions will be successful and will lead to a cease-fire in Cambodia.

FOOTNOTES

[1] LXVIII, *Bulletin*, Department of State, No. 1755 February 12, 1973, p. 169.

[2] "(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao people's fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

"The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

"(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

"(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

"(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs."

[3] *Bulletin*, Department of State, May 29, 1972, p. 747.

[4] *Bulletin*, Department of State, June 26, 1972, p. 899.

[5] U.S. Constitution, Article I, Section 8.

[6] U.S. Constitution, Article II, Sections 1 and 2.

[7] For example, Sec. 7 of the Special Foreign Assistance Act of 1971 (Pub. L. 91–652, Jan. 5, 1971, 84 Stat. 1942) and Sections 655 and 656 of the Foreign Assistance Act of 1961, as amended (added by Section 304 (b) of Pub. L. 92–226, Feb. 7, 1972, 86 Stat. 29).

---

## A REBUTTAL TO THE STATE DEPARTMENT LEGAL MEMORANDUM ON AUTHORITY FOR THE CONTINUED BOMBING OF CAMBODIA

(By Senator JACOB K. JAVITS)

The memorandum titled *Presidential Authority to Continue United States Air Combat Operations in Cambodia,* submitted to the Senate Foreign Relations Committee by Secretary Rogers on April 30, 1973, is an untenable case built on false premises. A refutation in some detail of its major premises and arguments is important for the public record.

### I. CONTINUITY OF AUTHORITY

The State Department memorandum (pp. 3–4) poses the fundamental question in this manner: "The issue more accurately stated is whether the constitutional authority of the President to continue doing in Cambodia what the United States has lawfully been doing there expires with the withdrawal of U.S. armed forces from Vietnam and the return of American prisoners despite the fact that a cease-fire has not been achieved in Cambodia contrary to clear provisions of the Agreement." The memorandum bases its affirmative answer to the constitutional question on these grounds: a) "The President's powers under article II of the Constitution are adequate . . ." (p. 8); b) A recent United States Court of Appeals decision which the memorandum (p. 6) states: "makes it clear that the President has the constitutional power to pursue all of these purposes" (i.e., the purposes of the Vietnam peace agreement of January 27, 1973).

The State Department's constitutional argument cannot, in my judgment, withstand close scrutiny. First, as the question is posed whether the President can *continue* to bomb in Cambodia after the Vietnam peace agreement, we must examine the basis of the authority for bombing in Cambodia *before* the peace agreement.

In announcing on April 30, 1970 his decision to initiate U.S. combat actions in Cambodia, President Nixon stated:

". . . I have concluded that the actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now and would constitute an unacceptable risk to those who will be there after withdrawal of another 150,000.

"To protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs, I have concluded that the time has come for action."

In his Interim Report to the nation of June 3, 1970 concerning U.S. military operations in Cambodia, President Nixon stated:

". . . The only remaining American activity in Cambodia after July 1 [1970] will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam."

In a television interview on May 3, 1970 Secretary of State Rogers was asked to define the President's constitutional authority as Commander-in-Chief with respect to the Cambodian operation.

"Q. Mr. Secretary . . . do you believe that the President . . . has the constitutional authority to move American ground forces into another country, although part of a Vietnam operation . . .?"

"A. Well, I have no doubt at all that the President has the constitutional authority to take this action as Commander-in-Chief of the Armed Forces. He has the constitutional authority to do it to protect the lives of Americans."

The President had no statutory authority from the Congress to initiate air bombardment or any other combat activities. He based his decision on his claimed authority as Commander-in-Chief "to protect the lives and security of our men in South Vietnam." The basis of the President's own claim of authority to bomb in Cambodia thus has been eliminated by the completion of the withdrawal of U.S. forces from Vietnam and the return of U.S. prisoners, pursuant to the Vietnam peace agreement.

Next let us examine the contention that "the President has the constitutional power to pursue all of these purposes" of the Vietnam peace agreement, which is based on the *dicta* of a lower court judge.

It is an elementary principle of law that a "purpose" may be legal and constitutional but that the *methods* employed to pursue the "purpose" may be illegal and unconstitutional. The methods must independently meet the criteria of legality and constitutionality. Methods do not acquire legality or constitutionality from the "purpose" in which they are employed.

There are two additional important constitutional points in this regard. First, it is an established principle of constitutional practice under our system of checks and balances that no one branch of the federal government may push the exercise of its constitutional authority to the limit where it effectively preempts and prevents another branch of the government from exercising its constitutional powers and prerogatives. Accordingly, the President cannot push the exercise of his powers as Commander-in-Chief and Chief Executive to the point where the Congress is preempted and prevented from exercising its war powers under Article I, section 8 of the Constitution.

Second, as the State Department bases much of its claim of legal and constitutional authority on the terms of the Vietnam peace agreement, it is essential to point out that under constitutional law the President cannot acquire constitutional or legal authority on the basis of a unilateral action of his own. The "Agreement on Ending the War and Restoring Peace in Vietnam" is an executive agreement and, as such, it is for constitutional purposes strictly a unilateral action of the President. As an executive agreement, the Vietnam peace agreement short circuits the constitutionally prescribed treaty process which requires the advice and consent of the Senate in order for it to acquire status as the "law of the land."

## II. AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

In addition to the fallacious constitutional arguments put forth, the State Department memorandum lays great stress on the terms of the Vietnam peace agreement as justification for the continued bombing of Cambodia. However, the memorandum's arguments with respect to the peace agreement itself are equally specious.

In particular, the memorandum bases its case on Article 20 of the agreement, stating on p. 2: "The Article is of central importance as it has long been apparent that the conflicts in Laos and Cambodia are closely related to the conflict in Vietnam and, in fact, are so inter-related as to be considered parts of a single conflict." It is further stated on p. 6: "The importance of this article cannot be overestimated, because the continuation of hostilities in Laos and Cambodia and the presence there of North Vietnamese troops threaten the right of self-determination of the South Vietnamese people, which is guaranteed by the Agreement."

Article 20 consists of four short clauses as follows:

*"Article 20*

"(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

"The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

"(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

"(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

"(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs."

Let us now examine whether there is anything in Article 20 which gives the President legal authority to continue the heavy air bombardment of Cambodia. In doing so, we set aside the larger question of whether the President can acquire any legal authority on the basis of a unilaterally executed "executive agreement."

In examining Article 20, the first thing to be noted is that it applies to the parties "participating in the Paris Conference on Vietnam." This is important because neither the Lon Nol Government, nor any of the Cambodian opposition factions are parties to the Agreement or Article 20. According to the Administration's own testimony, all but a very minor proportion of the continuing fighting in Cambodia is between the forces of Lon Nol and the opposing, indigenous Khmer opposition. The American Embassy in Phnom Penh recently stated that there was no evidence that any North Vietnamese forces were involved in the fighting *per se*.

Second, it must be noted that there is no mention anywhere in Article 20 of a cease-fire in Cambodia. Moreover, the obligation of "foreign countries" (i.e., the U.S. and North Vietnam) to "put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material" is *not conditioned on a cease-fire*. Accordingly, the absence of a cease-fire in Cambodia among the contending Cambodian factions cannot be cited as an authority under Article 20 for continued U.S. combat involvement there. If the U.S. were to cite the continuing presence of North Vietnamese forces in Cambodia as a violation of Article 20, it could not cite the absence of a cease-fire as the basis of such a violation, and logic would indicate that the North Vietnamese could equally cite the massive continuing U.S. military bombing in Cambodia as the justification for the continuing presence of its forces there.

At this point it is pertinent to cite the statements of Dr. Henry Kissinger, in explaining the Vietnam peace agreement on January 24, 1973 that: "There are no secret understandings" and that: "The formal obligations of the parties have all been revealed, and there are no secret formal obligations."

The State Department memorandum stresses the importance of Article 20 ("cannot be overestimated") primarily in relation to "The right of self-determination of the South Vietnamese people, which is guaranteed by the Agreement."

Administration witnesses have testified that the U.S. resumed bombing in Cambodia at the request of the Lon Nol Government pursuant to a scenario described in the State Department memorandum as follows: ". . . in Cambodia, the communists responded to the efforts of the Khmer Government to bring about a *de facto* cease-fire with a fierce, general offensive." The implication might be drawn that the forces described herein as "communist" were North Vietnamese, if we had not independently been informed that this is not the case.

(It is interesting to note that in his testimony before the Senate Foreign Relations Committee on February 21, 1973 Secretary Rogers described the situation in quite different language: "However, it must be noted that President Lon Nol's declaration of a unilateral end to offensive operations on January 28 has unfortunately been met by an increase in Khmer insurgent hostilities.")

At issue is the question of legal and constitutional authority and not a question of the correctness of policy. Although it bases its case heavily upon it, the State Department memorandum fails to prove—indeed, it scarcely discusses—the condition essential to its contention: that is, that the continued presence of enough North Vietnamese support troops in Cambodia to require or justify continued bombing because that continued presence threatens the right of self-determination in South Vietnam. Such a contention might be difficult to prove in light of Dr. Kissinger's explanation that the peace agreement countenances the continued presence within South Vietnam itself of approximately 145,000 North Vietnamese troops.

The memorandum does not argue that the outcome of the present fighting between the contending Cambodian factions, in what Dr. Kissinger has described as a "civil conflict," is crucially related to the South Vietnamese "right of self-determination" which is "guaranteed" under the Agreement.

Pertinent to this last point are the remarks of Secretary Rogers on June 7, 1970 on "Face the Nation":

Mr. KALB. Mr. Secretary, the President has established as a matter of principle, by his action against the sanctuaries, that he finds unacceptable and intolerable Communist control of the border areas. Does it then not follow that he would find equally "intolerable" communist control of all of Cambodia?

Secretary ROGERS. No, I don't think so. I mean, the reason he found intolerable the sanctuaries is because they were using those sanctuaries to fire on American forces. Now, that is not true if they moved to the west in Cambodia.

Mr. KALB. But if they control the entire country, they would have a larger reserve from which to fire upon American forces.

Secretary ROGERS. Well, they still wouldn't control the sanctuary areas.

Mr. KALB. What I'm trying to get at, sir, is——

Secretary ROGERS. Well, there is no doubt, Mr. Kalb, that obviously if the government of Cambodia came into Communist hands, it would be an unfavorable development. We would hope that that doesn't happen.

Mr. HERMAN. Would it be "unacceptable"?

Secretary ROGERS. No, not unacceptable in the sense that we would use American forces to support the government. Now, that is a decision that the President made when he entered into Cambodia. And there has never been any deviation from that.

* * * * *

Mr. BAILEY. Are you saying, sir, that we don't want the government of Cambodia to fall into Communist hands, we would regard it as an unfortunate development, but that we are not prepared to use American troops to prevent that happening?

Secretary ROGERS. Correct.

In summary, the State Department memorandum fails to establish that a cease-fire in Cambodia is required under Article 20 of the Agreement.

It fails to establish North Vietnamese or Vietcong substantial responsibility for the continued fighting in Cambodia, and none of the contending Cambodian factions is a party to the Agreement.

It fails to establish that the defeat of the Lon Nol forces would per se threaten the right of South Vietnamese self-determination.

It fails to establish that the Vietnam peace agreement does, or can, give the President the legal or constitutional authority to "guarantee" the right of South Vietnamese self-determination through the instrumentality of the continued aerial bombardment of Cambodia.

It fails to establish its contention that the claimed authority to bomb in Cambodia before the Vietnam peace agreement and subsequent U.S. withdrawal and prisoner return, on the basis of the Commander-in-Chief's power "to protect American forces in Vietnam," has not lapsed with the withdrawal of U.S. forces from Vietnam.

It fails to establish that the President has the constitutional authority to bomb Cambodia.

### No. 71-1510—THE HONORABLE PARREN J. MITCHELL, ET AL., APPELLANTS v. MELVIN R. LAIRD, ET AL

(Appeal from the United States District Court for the District of Columbia; decided March 20, 1973)

*Lawrence R. Velvel*, with whom *Stefan Tucker* and *Christopher Sanger* were on the brief, for appellants.

*Gregory Brady*, Assistant United States Attorney, with whom *Harold H. Titus, Jr.*, United States Attorney, *John A. Terry, Michael A. Katz*, Assistant United States Attorneys and *Hermine Herta Meyer*, Attorney, Department of Justice were on the brief for appellees, *Thomas A. Flannery* United States Attorney at the time the record was filed and *Walter H. Fleisher*, Attorney, Department of Justice, also entered appearances for appellees.

Before BAZELON, Chief Judge, and TAMM, *Circuit Judge* and CHARLES E. WYZANSKI, JR.,[1] *Senior United States District Judge for the District of Massachusetts*.

Opinion for the Court filed by *Senior District Judge* WYZANSKI.

WYZANSKI, *Senior District Judge:* April 7, 1971 thirteen members of the United States House of Representatives, as plaintiffs, filed in the District Court, a complaint against the President of the United States, the Secretaries of State, Defense, Army, Navy, and Air Force, and the United States of America. Plaintiffs alleged that for seven years the United States, by the named individual defendants and their predecessors, has been engaged in a war in Indo-China without obtaining "either a declaration of war or an explicit, intentional and discrete authorization of war" and thereby "unlawfully impair and defeat plaintiffs' Constitutional right, as members of the Congress of the United States, to decide whether the United States should fight a war." Plaintiffs prayed for, first, an order that defendants be enjoined from prosecuting the war in Indo-China unless, within 60 days from the date of such order, the Congress shall have explicitly, intentionally and discretely authorized a continuation of the war, and second, "a declaratory judgment that defendants are carrying on a war in violation of Article I, Section 8, Clause 11 of the United States Constitution."

The District Court dismissed the action as to the President, on the authority of *Mississippi v. Johnson*, 71 U.S. (4 Wall.) 475 (1866), and as to the other defendants, on the authority of *Luftig v. McNamara*, 126 U.S. App. D.C. 4, 373 F.2d 664 (1967), cert. denied 387 U.S. 945 (1967).

By somewhat different paths, the three judges who have heard this appeal from the District Court's judgment of dismissal have concluded unanimously that said appeal should be dismissed.

The first issue presented is whether the case is now moot. Recently, the President has purported formally to end hostilities in Vietnam and Laos. There has been no similar action with respect to Cambodia, another part of Indo-China. The continuation of hostilities there precludes our holding that this case is moot. Furthermore, a declaratory judgment respecting past action might have legal import, inasmuch as, though this point is not specifically pleaded, plaintiffs have a duty under the Constitution to consider whether defendants in continuing the hostilities did commit high crimes and misdemeanors so as to justify an impeachment of the individual defendants, pursuant to United States Constitution, Article I, Section 2, Clause 5.

The second issue is whether the dismissal of the action against the United States was correct for a reason not given by the District Court. We are unanimously of the view that as to the government the dismissal was correct because the sovereign has not consented to be sued.

The third issue is whether the dismissal of the action as to the remaining defendants was proper for another reason not given by the District Court: to wit, that plaintiffs have no standing to sue. None of the judges who heard this appeal is persuaded that plaintiffs are sound in their explicit reliance upon defendants' alleged duty not to interfere with what the complaint alleges is "plaintiffs' Constitutional right, as members of the Congress of the United States, to decide whether the United States should fight a war."

Implicit in plaintiffs' contention is their assumption that the Constitution gives to the Congress the *exclusive* right to decide whether the United States should fight *all* types of war. Without at this point exhaustively considering all possibilities we are unanimously of the opinion that there are some types of war which, without Congressional approval, the President may begin to wage; for example, he may respond immediately without such approval to a belligerent attack, or in a grave emergency he may, without Congressional approval, take the initiative to wage war. Otherwise the country would be paralyzed. Before Congress could act the nation might be defeated or at least crippled. In such unusual situations necessity confers the requisite authority upon the President. Any other construction of the Constitution would make it self-destructive.

However, plaintiffs are not limited by their own concepts of their standing to sue. We perceive that in respects which they have not alleged they may be entitled to complain. If we, for the moment, assume that defendants' actions in continuing the hostilities in Indo-China were or are beyond the authority conferred upon them by the Constitution, a declaration to that effect would bear upon the duties of plaintiffs to consider whether to impeach defendants, and upon plaintiffs' quite distinct and different duties to make appropriations to support the hostilities, or to take other legislative actions related to such hostilities, such as raising an army or enacting other civil or criminal legislation. In our view, these considerations are sufficient to give plaintiffs a standing to make their complaint. Cf. *Flast v. Cohen*, 392 U.S. 83 (1968); *Association of Data Processing Service Organizations, Inc. v. Camp*, 397 U.S. 150 (1970); *Barlow v. Collins*, 397 U.S. 159 (1970)

The fourth issue is whether plaintiffs seek adjudication of a "political question" beyond the jurisdiction conferred upon the courts by Article III of the Constitution. Despite *Luftig* v. *McNamara, supra,* which admittedly indicates that it is beyond judicial competence to determine the allocation, between the executive and the legislative branches, of the powers to wage war, we are now persuaded that there may be, in some cases, such competence. *Massachusetts* v. *Laird*, 451 F. 2d 26 (1st Cir. 1971), aff'ng s.c. 327 F. Supp. 378 (D. Mass. 1971); *Orlando* v. *Laird*, 443 F. 2d 1039 (2nd Cir. 1971). Cf. *Powell* v. *McCormack*, 395 U.S. 486 (1969).

Here the critical question to be initially decided is whether the hostilities in Indo-China constitute in the Constitutional sense a "war," both within and beyond the meaning of that term in Article I, Section 8, Clause 11. That the hostilities have been not merely of magnitude but also of long duration is plainly alleged in paragraph 4 of the complaint. It is there said that "For at least the last seven years . . . the United States . . . has been engaged in Indo-China in the prosecution of the longest and one of the most costly wars in American history. As of the present, one million human beings, including over 50,000 Americans have been killed in the war, and at least one hundred billion dollars has been spent by the United States in and for the prosecution of the war." There would be no insuperable difficulty in a court determining whether such allegations are substantially true. If they are, then in our opinion, as apparently in the opinion of President Nixon, as revealed by his use of the word "war" in his second Inaugural Address, delivered January 20, 1973, there has been a war in Indo-China. Nor do we see any difficulty in a court facing up to the question as to whether because of the war's duration and magnitude the President is or was without power to continue the war without Congressional approval.

---

[1] Sitting by designation pursuant to Title 28, U.S.C. § 294(d).

But the aforesaid question invites inquiry as to whether Congress has given, in a constitutionally satisfactory form, the approval requisite for a war of considerable duration and magnitude. Originally Congress gave what may be argued to have been its approval by the passage of the Gulf of Tonkin Resolution, 78 Stat. 384 (1964). See *Orlando v. Laird, supra*. However, that resolution cannot serve as justification for the *indefinite* continuance of the war since it was repealed by subsequent Congressional action, 84 Stat. 2055 (1971). Apparently recognizing that point, the Government contends that Congressional approval has been given by appropriation acts, by extension of the Selective Service and Training Act, and by other measures.

We are unanimously agreed that it is constitutionally permissible for Congress to use another means than a formal declaration of war to give its approval to a war such as is involved in the protracted and substantial hostilities in Indo-China. See *Massachusetts v. Laird* and *Orlando v. Laird*, both *supra*. Any attempt to require a declaration of war as the only permissible form of assent might involve unforseeable domestic and international consequences, without any obvious compensating advantages other than a formal declaration of war does have special solemnity and does present to the legislature an unambiguous choice. While those advantages are not negligible, we deem it a political question, or, to phrase it more accurately, a discretionary matter for Congress to decide in which form, if any, it will give its consent to the continuation of a war already begun by a President acting alone. See *Massachusetts v. Laird, supra, s.c.,* 327 F. Supp. 378 (D. Mass. 1971): *Orlando v. Laird, supra; Berk v. Laird,* 317 F. Supp. 715 (E.D.N.Y. 1970). That is, we regard the Constitution as contemplating various forms of Congressional assent, and we do not find any authority in the courts to require Congress to employ one rather than another form, if the form chosen by Congress be in itself constitutionality permissible. That conclusion, however, leaves unanswered the further question whether the particular forms which the Government counsel at our bar refer to as having been used by Congress in the Indo-China war are themselves of that character which makes them *in toto,* if not separately, a constitutionally permissible form of assent.

The overwhelming weight of authority, including some earlier opinions by the present writer, holds that the appropriation, draft extension, and cognate laws enacted with direct or indirect reference to the Indo-China war (and which have been acutely and comprehensively analyzed by Judge Judd in *Berk v. Laird, supra*) did constitute a constitutionally permissible form of assent. *Massachusetts v. Laird, Orlando v. Laird, Berk v. Laird,* all *supra,* and *United States v. Sisson,* 295 F. Supp. 511 (D. Mass. 1968). Judge Tamm is content to adhere to that line of authority.

But Chief Judge Bazelon and I now regard that body of authority as unsound. It is, of course, elementary that in many areas of the law appropriations by Congress have been construed by the courts as involving Congressional assent to, or ratification of, prior or continuing executive action originally undertaken without Congressional legislative approval. Without a pause to cite or to examine in detail the vast body of cases involving such construction, it is more relevant to emphasize the special problem which is presented when one seeks to spell out from military appropriation acts, extensions of selective service laws, and cognate legislation the purported Congressional approval or ratification of a war already being waged at the direction of the President alone. This court cannot be unmindful of what every schoolboy knows: that in voting to appropriate money or to draft men a Congressman is not necessarily approving of the continuation of a war no matter how specifically the appropriation or draft act refers to that war. A Congressman wholly opposed to the war's commencement and continuation might vote for the military appropriations and for the draft measures because he was unwilling to abandon without support men already fighting. An honorable recent, compassionate act of aiding those already in peril is no proof of consent to the actions that placed and continued them in that dangerous posture. We should not construe votes cast in pity and piety as though they were votes freely given to express consent. Hence Chief Judge Bazelon and I believe that none of the legislation drawn to the court's attention may serve as a valid assent to the Vietnam war.

Yet it does not follow that plaintiffs are entitled to prevail. When on January 20, 1969 President Nixon took office, and when on the same or even later dates the other individual defendants took their present offices, they were faced with a belligerent situation not of their creation. Obviously, the President could not properly execute the duties of his office or his responsibility as Commander-in-Chief by ordering hostilities to cease on the very day he took office. Even if his predecessors had exceeded their constitutional authority, President Nixon's duty did not go beyond trying, in good faith and to the best of his ability, to bring the war to an end as promptly as was consistent with the safety of those fighting and with a profound concern for the durable interests of the nation—its defense, its honor, its morality.

Whether President Nixon did so proceed is a question which at this stage in history a court is incompetent to answer. A court cannot procure the relevant evidence: some is in the hands of foreign governments, some is privileged. Even if the necessary facts were to be laid before it, a court would not substitute its judgment for that of the President, who has an unusually wide measure of discretion in this area, and who should not be judicially condemned except in a case of clear abuse amounting to bad faith. Otherwise a court would be ignoring the delicacies of diplomatic negotiation, the inevitable bargaining for the best solution of an international conflict, and the scope which in foreign affairs must be allowed to the President if this country is to play a responsible role in the council of the nations.

In short, we are faced with what has traditionally been called a "political question" which is beyond the judicial power conferred by Article III of the United States Constitution. And on that ground the complaint was properly dismissed by the District Court.

*Appeal dismissed.*

---

## DEFENSE FIRMS AND EXCESSIVE PROFITS

Mr. PROXMIRE. Mr. President, I am today releasing the names of more than 100 defense firms against whom excessive profits determination were made by the Renegotiation Board for fiscal year 1972, together with the amounts firms were required to refund to the Government.

I am also making available to the public additional information showing the profits earned by these same Government contractors after the amounts considered excessive were refunded.

After deducting "excessive" amounts, defense profits, according to information supplied by the Renegotiation Board, range from modest to outrageously high. In one case a defense contractor was allowed to retain profits of nearly 2,000 percent as a return on net worth, computed after deducting the amount considered excess.

The firms determined to have made the highest excessive profits were engaged mostly in the production of bombs, fuses, ammunition, and miscellaneous ordnance.

The largest refund was obtained from National Union Electric Corp. which was directed to give back $8,900,000. Other large refunds were obtained from Norris Industries, Inc., $2,000,000; Kilgore Corp., $1,700,000; and Wells Marine Inc., $1,700,000.

Most disturbing are the exorbitant rates of return earned by the firms on this list even after they were forced to make sizable refunds, and the fact that some firms were found to have taken excessive profits several years in a row.

The Pentagon is, in effect, condoning excessive profits by continuing to award contracts to firms against whom excessive profits determinations are made year after year.

National Union Electric Corp. made excessive profits on defense contracts in 1967, 1968, and 1969. Yet, after subtracting the amounts determined to be excess, this firm's profits amounted to 74 percent, 72 percent, and 91 percent as a return on net worth, for each of those years.

Similarly, Norris Industries' after-refund profits was a 71-percent return on net worth, and Wells Marine made a whopping 206 percent.

Of the 131 firms named, the after refund profits of 94 exceeded 50 percent of net worth, 49 made over 100 percent, 22 made over 200 percent, and 4 defense contractors made over 500-percent profit on net worth. Only four contractors on the list made returns on net worth below 25 percent.

The firm with the highest return on net worth was Eisen Brothers, Inc., a manufacturer of ammunition parts. This contractor's profit, after refunding $150,000 determined to be excessive, was 1,902.7 percent of net worth.

Whitaker Corp. made 579 percent on net worth; Major Coat Co., Inc., made 589 percent; and M. Sloane Manufacturing Co., made 872 percent.

Most of the companies on the list are small and medium sized, with the exception of a few giants such as Teledyne and Norris Industries—both of whom are among the Pentagon's 100 largest contractors—and Trans World Airlines.

The absence of many large firms from the list may be explained by two factors. First, excessive profits are determined on the basis of a contractor's entire defense business for each year, rather than for individual contracts. A company's entire annual defense business is averaged and considered as a whole so that losses or low profits on some contracts offset high profits on others.

Defense contractors are also permitted to consolidate the defense business of two or more subsidiaries or divisions of a parent firm. These rules give a tremendous advantage to large conglomerate corporations who can average the profits of many contracts and offset low returns from one type of defense business against high profits on another type of defense business.

One result of this policy is to give conglomerates an incentive to "buy in" to defense business and an unfair business advantage over others. A giant firm that knows it can make up for losses on one contract with higher profits on another, can afford to underbid the smaller companies and drive them from the field.

Another major problem with the way excessive profits are measured is the Renegotiation Board's use of return on sales. Most experts agree that return on capital employed or net worth is the preferred method of measuring profitability.

The Pentagon and defense contractors like to use the sales measure because typically it suggests low or moderate profits when the return on investment may be shockingly high. Computing profits as a percentage of sales is often meaningless and misleading.

Some experts prefer the return on capital employed measure rather than return on net worth. "Capital employed" is defined more broadly than "net worth" which includes borrowings. Use of this measure usually results in rates of return that are lower than would result from use of net worth.

Nevertheless, returns on capital of the firms on the Renegotiation Board's list are generally far higher than is reasonable, in my judgment.

Teledyne's return on capital, after being required to refund $700,000 in excessive profits, was 79.8 percent. Teledyne's return on net worth, after the refund, was 217 percent. Of the 131 firms on the list, 64 were allowed to retain profits based on capital of 35 percent or more, 32 firms retained profits of more than 50 percent, and 9 firms made more than 75 percent.

Federal statistics show that average profits on stockholders' equity—a measure that closely approximates net worth—for all manufacturing firms ranges from 18 to 20 percent annually.

I want to emphasize that not all defense firms make the high and excessive profits reflected by the contractors I have referred to. We do not know the profits of most contractors because the Pentagon has refused, despite my repeated requests, to collect information about profits as a return on capital and net worth. The Renegotiation Board points out that due to shortcomings in the data the returns it has computed on capital and net worth are not always good indicators of comparative profitability.

But it is clear from the information available that many defense contractors are making excessive profits, as determined by the Renegotiation Board, and that profits are still very high after refunds of excessive amounts are made.

It is also clear that the laws and rules under which the Renegotiation Board operates have been rigged to favor the giant defense contractors, especially the conglomerate corporations. Most of the conglomerates escape renegotiation and excessive profits by averaging the results of all defense contracts and by consolidating the results of subsidiaries and divisions.

I have requested additional information about profits from the Renegotiation Board and hope to make public additional facts in the near future.

With unanimous consent, I am having printed at the close of my remarks a number of tables showing the profit margins I have referred to. Table 1 shows the names of the firms, the amounts of refunds, and the profits as a return on capital and net worth after deducting the excessive profits. Table 2 shows the amounts of renegotiable sales and the dollar amounts of profits retained after deducting the excessive amounts. Table 3 shows the profit rates as a return on sales, and a list of the location by city and State of each of the firms.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1

| Determination No. | Name of contractor | Amount of excessive profits refunded | Profits after refund as percent of— Capital [1] | Profits after refund as percent of— Net worth [1] |
|---|---|---|---|---|
| 1 | The Stalker Corp | $70,000 | 20.8 | 38.2 |
| 2 | Allen Electric & Equipment Co. Sii to Crown Steel Products Co. | 175,000 | 36.0 | 90.1 |
| 3 | Rex Precision Products, Inc | 50,000 | 35.0 | 82.0 |
| 4 | George D. LaBarre T/A Mohawk Products Co | 50,000 | (4) | (4) |
| 5 | Clevepak Corp | 250,000 | 42.9 | 99.9 |
| 6 | Thomaston Special Products, Inc. Sii to Thomaston Special Tool. | 200,000 | 33.2 | 49.3 |
| 7 | Bradford Dyeing Association (U.S.A.), Inc | 150,000 | 58.3 | 226.5 |
| 8 | Eisen Bros., Inc | 150,000 | 30.4 | 1,902.7 |
| 9 | Pascoe Steel Corp | 350,000 | 36.3 | 100.5 |
| 10 | Nu-Pak Co | 150,000 | 113.6 | 434.0 |
| 11 | Nu-Pak Co | 300,000 | 45.6 | 115.5 |
| 12 | Gillmore M. Perry | 135,000 | (4) | (4) |
| 13 | Gillmore M. Perry | 145,000 | (4) | (4) |
| 14 | Gillmore M. Perry | 125,000 | (4) | (4) |
| 15 | United Telecontrol Electronics, Inc | 100,000 | 66.4 | 108.2 |
| 16 | Sandnes' Sons, Inc | 125,000 | 68.9 | 463.9 |
| 17 | CYJO Dissolution Co | 150,000 | 31.4 | 62.5 |
| 18 | Pembroke, Inc | 700,000 | 41.2 | 109.8 |
| 19 | Burns Manufacturing Co | 100,000 | 48.2 | 80.7 |
| 20 | Dart Industries, Inc. Sii to The West Bend Co | 175,000 | 26.1 | 47.3 |
| 21 | Calabrese & Sons | 65,000 | 39.3 | 76.5 |
| 22 | Federal Cartridge Corp | 350,000 | (3) | (3) |
| 23 | Guy H. James Industries, Inc | 725,000 | 43.4 | 126.4 |
| 24 | Holly Corp | 400,000 | (4) | (3) |
| 25 | Holly Corp | 200,000 | (3) | (3) |
| 26 | Holly Corp | 200,000 | (3) | (3) |
| 27 | Air Industries Corp | 550,000 | 34.2 | 54.5 |
| 28 | Far West Industries, Inc | 50,000 | [2] 200.0 | [2] 200.0 |
| 29 | Penland Container, Inc | 125,000 | 44.3 | 69.5 |
| 30 | DeRossi & Son Co | 125,000 | 38.7 | 49.5 |
| 31 | Victor Comptometer Corp | 200,000 | 15.6 | 31.2 |
| 32 | H. H. Robertson Co | 50,000 | 26.9 | 46.9 |
| 33 | Galion Amco, Inc | 475,000 | 40.2 | 80.5 |
| 34 | Clymer Machine Co., Inc | 40,000 | 73.2 | 248.8 |
| 35 | Electronic Products & Engineering Co., Inc | 150,000 | 58.1 | 292.1 |
| 36 | M. L. W. Corp | 150,000 | 33.2 | 83.5 |
| 37 | Tan-Tex Industries, Inc | 650,000 | 15.9 | 44.5 |
| 38 | Portec, Inc | 225,000 | 33.4 | 40.7 |
| 39 | Vega Precision Laboratories | 125,000 | 56.5 | 107.3 |
| 40 | Cleveland Steel Products Corp | 200,000 | 29.7 | 40.2 |
| 41 | J. Schoeneman, Inc | 75,000 | 28.9 | 35.4 |
| 42 | Chapman Machine Co., Inc | 75,000 | 32.6 | 51.2 |
| 43 | Lee Realty Corp | 70,000 | [2] 10.0 | [2] 51.2 |
| 44 | Abbot Machine Co | 150,000 | 81.7 | 203.6 |
| 45 | Continental Connector Corp | 500,000 | 25.4 | 34.3 |
| 46 | Mosaic Fabrications, Inc | 100,000 | 57.4 | 137.0 |
| 47 | Glass Designers, Inc | 50,000 | 56.9 | 95.1 |
| 48 | Glass Designers, Inc | $50,000 | 53.2 | 73.2 |
| 49 | Bilt-Rite Box Co., Inc | 75,000 | 39.4 | 60.1 |
| 50 | Trans World Airlines, Inc | 200,000 | (3) | (3) |
| 51 | Norris Industries, Inc | 2,000,000 | 33.0 | 70.8 |
| 52 | Lake Shore, Inc | 75,000 | 26.8 | 52.3 |
| 53 | Texas Aluminum Co., Inc | 50,000 | 20.3 | 442.2 |
| 54 | H. Walters & Co., Inc | 225,000 | 53.7 | 124.0 |
| 55 | National Union Electric Corp | 5,000,000 | 22.4 | 74.4 |
| 56 | Major Coat Co., Inc | 750,000 | 84.6 | 589.3 |
| 57 | Graniteville Co | 600,000 | 20.8 | 32.4 |
| 58 | Camel Manufacturing Co | 600,000 | 52.0 | 102.6 |
| 59 | Tools Products Co., Inc | 225,000 | 31.0 | 52.4 |
| 60 | Elliott Bros. Steel Co | 50,000 | 27.1 | 95.6 |
| 61 | Valcor Engineering Corp | 50,000 | 25.4 | 34.9 |
| 62 | Teledyne Inc., Sii to Sewart Seacraft, Inc | 700,000 | 79.8 | 217.0 |
| 63 | John Wood Co | 450,000 | 21.2 | 40.5 |
| 64 | Dynasciences Corp | 125,000 | 31.2 | 255.4 |
| 65 | Kellwood Co | 50,000 | 38.9 | 142.3 |
| 66 | Air Treads of Atlanta, Inc | 100,000 | 72.8 | 435.4 |
| 67 | Adrian Wilson Associates | 150,000 | (3) | (3) |
| 68 | Hardie-Tynes Manufacturing Co | 300,000 | 19.1 | 23.8 |
| 69 | Putnam-Herzl Finishing Co., Inc | 100,000 | 29.0 | 96.9 |
| 70 | Thomaston Special Products, Inc. Sii to Precise Products Industries, Inc. | 225,000 | 55.4 | 55.4 |
| 71 | Standard Resources Corp | 75,000 | 56.3 | 237.9 |
| 72 | The Tubular Products Co | 75,000 | 35.6 | 74.7 |
| 73 | The United Tool & Die Co | 100,000 | 25.9 | 35.0 |
| 74 | International Chair Corp | 15,000 | (3) | (3) |
| 75 | Aircraft Service Intl. Janitorial, Inc | 40,000 | (3) | (3) |
| 76 | Aircraft Service Intl. Janitorial, Inc | 150,000 | (3) | (3) |
| 77 | Flight Belt Corp | 7,000 | (2) 5.2 | (2) 7.8 |
| 78 | Flight Manufacturing Corp | 15,000 | (2) 4.6 | (2) 4.8 |
| 79 | O'Brien Gear & Machine Co | 250,000 | 48.1 | 210.2 |
| 80 | The Stanwick Corp | 150,000 | (3) | (3) |
| 81 | Plaza Mills, Inc | 50,000 | 17.8 | 55.6 |
| 82 | Computer Instruments Corp | 50,000 | 37.6 | 55.1 |
| 83 | Portec, Inc | 550,000 | 29.8 | 38.2 |
| 84 | Michaels Stern & Co., Inc | 100,000 | 25.1 | 63.3 |
| 85 | So-Sew Styles, Inc | 350,000 | (2) 121.1 | (2) 121.1 |
| 86 | Centre Manufacturing Co., Inc | 375,000 | 45.4 | 104.6 |
| 87 | Aerial Machine & Tool Corp | 75,000 | 23.0 | 49.3 |
| 88 | National Union Electric Corp | 3,100,000 | 23.7 | 72.4 |
| 89 | Rex Precision Products, Inc | 40,000 | 30.7 | 74.6 |
| 90 | Whittaker Corp. Sii to Bermite Powder Co | 300,000 | 53.7 | 579.7 |
| 91 | The Stalker Corp | 125,000 | 35.7 | 54.8 |
| 92 | Kilgore Corp | 950,000 | 32.7 | 68.0 |
| 93 | Kilgore Corp | 750,000 | 26.3 | 42.7 |
| 94 | Glenn Manufacturing Co., Inc | 900,000 | 58.7 | 123.7 |

Footnotes at end of table.

| Determination No. | Name of contractor | Amount of excessive profits refunded | Profits after refund as percent of— Capital [1] | Net worth [1] |
|---|---|---|---|---|
| 95 | Ametek, Inc. Sii to Plymouth Industrial Products, Inc. | $600,000 | 90.9 | 226.4 |
| 96 | United Telecontrol Electronics, Inc | 125,000 | 35.5 | 69.3 |
| 97 | Model Screw Products, Inc | 100,000 | 50.0 | 137.3 |
| 98 | Wells Marine, Inc | 1,700,000 | 52.8 | 206.1 |
| 99 | Shinn Engineering, Inc | 350,000 | 33.4 | 63.2 |
| 100 | Superior Stell Ball Co | 100,000 | 44.8 | 120.8 |
| 101 | Warren Pumps, Inc | 200,000 | 23.2 | 46.9 |
| 102 | M. Sloane Manufacturing Co | 200,000 | 20.8 | 872.2 |
| 103 | American Technical Industries | 175,000 | 30.5 | 58.3 |
| 104 | American Technical Industries Sii to Lem Products Corp. | 35,000 | 57.4 | 140.0 |
| 105 | Neapco Products, Inc | 175,000 | 25.7 | 30.3 |
| 106 | Carlisle Corp | 500,000 | 37.0 | 91.0 |
| 107 | Sterling Electronics Corp. Sii to 872 Rockaway Corp. | 40,000 | 50.4 | 83.7 |
| 108 | Milan Box Corp | 50,000 | 23.1 | 32.9 |
| 109 | Patty Precision Products Co | 40,000 | 41.1 | 244.3 |
| 110 | Sun Garden Packing Co | 100,000 | 22.2 | 95.3 |
| 111 | Dale Fashions, Inc | 150,000 | 62.0 | (3) |
| 112 | American Sportswear Co., Inc | 15,000 | (3) | (3) |
| 113 | National Union Electric Corp | 800,000 | 21.5 | 91.5 |
| 114 | The Dyson-Kissner Corp. Sii to Northwest Automatic Products Corp. | 275,000 | 24.5 | 33.8 |
| 115 | The Dyson-Kissner Corp. Sii to Northwest Automatic Products Corp. | 225,000 | 20.4 | 27.6 |
| 116 | Anixter Bros., Inc. Sii to Anixter-Normandy | 250,000 | 39.1 | 109.6 |
| 117 | AWA Corp | 150,000 | 55.0 | 237.1 |
| 118 | AWA Corp | 500,000 | 48.5 | 137.0 |
| 119 | M.L.W. Corp | 375,000 | 56.3 | 64.5 |
| 120 | Abbot Machine Co | 275,000 | 66.5 | 122.6 |
| 121 | Lee Realty Corp | 125,000 | (3) | (3) |
| 122 | Landis Clothes, Inc | 100,000 | 46.4 | 214.6 |
| 123 | Kreisler Industrial Corp | 315,000 | 45.7 | 138.4 |
| 124 | Metro Machine Corp | 34,000 | 44.8 | 119.2 |
| 125 | Sterling Commercial Steel Ball Corp | 225,000 | 39.3 | 58.1 |
| 126 | The Lawrence Jaros Co., Inc | 30,000 | (4) | (4) |
| 127 | The Lawrence Jaros Co., Inc | 30,000 | (4) | (4) |
| 128 | Oppenheimer Inc | 40,000 | 16.9 | 22.2 |
| 129 | Opacalite Inc | 40,000 | 26.5 | 135.0 |
| 130 | Rodale Electronics, Inc | 100,000 | 21.6 | 46.5 |
| 131 | Macrodyne-Chatillon Corp., Sii to Consolidated Missile Co., Inc. | 80,000 | [2] 86.4 | [2] 163.4 |
| 132 | Hitco Sii to Hawley Products Co | 250,000 | 42.2 | 78.1 |
| 133 | Alaska-Puget-United Transportation Co | 75,000 | (3) | (3) |
| 134 | Clearwater Die & Manufacturing Co., Inc | 50,000 | 40.3 | 64.0 |
| 135 | Hutt, Inc | $175,000 | 166.1 | 329.1 |
| 136 | The National Tool & Die Co | 135,000 | 32.6 | 46.4 |
| 137 | Pembroke, Inc | 425,000 | 41.3 | 56.4 |
| 138 | The Border Machinery Co., Inc | 40,000 | 52.5 | 105.5 |
| 139 | Puritan Fashions Corp | 175,000 | 25.5 | 29.6 |
| 140 | John Wood Co | 150,000 | 20.5 | 31.5 |
| 141 | Dallathe Corp | 5,000 | (3) | (3) |
| 142 | Dallathe Corp | 12,000 | (3) | (3) |
| 143 | Panco Corp. Sii to Beeville Corp | 29,000 | (3) | (3) |
| 144 | Panco Corp. Sii to Beeville Corp | 18,000 | (3) | (3) |
| 145 | Panco Corp. Sii to Corpus Mainbase Corp | 12,000 | (3) | (3) |
| 146 | Panco Corp. Sii to Corpus Mainbase Corp | 22,000 | (3) | (3) |
| 147 | Panco Corp. Sii to Corpus Mainbase Corp | 16,000 | (3) | (3) |
| 148 | Glynco Corp | 12,000 | (3) | (3) |
| 149 | Glynco Corp | 10,000 | (3) | (3) |
| 150 | Panco Corp. Sii to Jaxs Corp | 44,000 | (3) | (3) |
| 151 | Panco Corp. Sii to Jaxs Corp | 28,000 | (3) | (3) |
| 152 | Panco Corp. Sii to Jax Corp | 32,000 | (3) | (3) |
| 153 | Panco Corp. Sii to Key West Corp | 30,000 | (3) | (3) |
| 154 | Panco Corp. Sii to Key West Corp | 18,000 | (3) | (3) |
| 155 | Panco Corp. Sii to Key West Corp | 17,000 | (3) | (3) |
| 156 | Panco Corp. Sii to Kingsville Corp | 2,000 | (3) | (3) |
| 157 | Panco Corp. Sii to Kingsville Corp | 12,000 | (3) | (3) |
| 158 | Panco Corp. Sii to Kingsville Corp | 5,000 | (3) | (3) |
| 159 | Panco Corp. Sii to Medius Corp | 12,000 | (3) | (3) |
| 160 | Panco Corp. Sii to Medius Corp | 24,000 | (3) | (3) |
| 161 | New York Corp | 9,000 | (3) | (3) |
| 162 | New York Corp | 11,000 | (3) | (3) |
| 163 | New York Corp | 14,000 | (3) | (3) |
| 164 | Olathe Corp | 6,000 | (3) | (3) |
| 165 | Olathe Corp | 3,000 | (3) | (3) |
| 166 | Olathe Corp | 7,000 | (3) | (3) |
| 167 | Bahia Dorado Corp | 10,000 | (3) | (3) |
| 168 | Metro Machine Corp | 40,000 | 29.6 | 49.0 |
| 169 | Broomfield Corp | 550,000 | 45.7 | 109.0 |
| 170 | Stanadyne, Inc | 275,000 | 28.0 | 36.4 |
| 171 | Lasko Metal Products, Inc | 600,000 | 28.2 | 63.7 |
| 172 | Kaynar Mfg. Co., Inc | 75,000 | 27.0 | 39.7 |
| 173 | Cone Mills Corp | 325,000 | 25.4 | 42.1 |
| 174 | Jernberg Forgings Co | 100,000 | 32.3 | 36.9 |
| 175 | Gibraltar Manufatcuring Co | 475,000 | 48.7 | 147.4 |
| 176 | Jonathan Logan, Inc | 100,000 | 25.1 | 198.7 |
| 177 | Paramount Warrior, Inc. Sii to Pacific Crane & Rigging Co. | 150,000 | (3) | (3) |
| 178 | E. Walters & Co., Inc | 50,000 | 35.6 | 79.5 |

---

[1] Because of the presence or absence of factors, such as Government short- or long-term capital input, sole source or rated order procurement conditions, critical production or delivery requirements, etc., return rates on beginning capital and beginning net worth allocated to renegotiable business on a cost-of-goods sold basis are not always good indicators of comparative profitability. This is particularly true in case of smaller contractors with large increases in renegotiable business during the review year. Also, it is important to note that the ratios are the results of the Board's determinations and that, because of the small number of cases involved and the great variety in underlying conditions, these ratios are not amenable to statistical interpretation.

[2] Ratios influenced by intercompany relationships.

[3] Not relevant, because of the nature of the contractor's business.

[4] Nominal capital and/or net worth deficit.

### APPENDIX TABLE I.—EXCESS PROFITS DETERMINATIONS, FISCAL 1972

[In thousands of dollars]

| Determination No. | Contractor's fiscal year | Product or service | SIC No. | Before determination: Renegotiable sales: Prime | Subcontracts | Total | Renegotiable profits | Profit (before determination) as percent of: Sales | Capital | Net worth | Excessive profits [1] | After determination renegotiable: Sales | Profits |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 1970 | Aircraft engine parts | 3722 | ------ | 1,930 | 1,930 | 384 | 19.9 | 25.5 | 46.7 | 70 | 1,860 | 314 |
| 2 | 1965 | Miscellaneous machinery | 3599 | 604 | 1,244 | 1,848 | 420 | 22.7 | 61.6 | 154.4 | 175 | 1,673 | 245 |
| 3 | 1968 | Castings | 3323 | ------ | 2,537 | 2,537 | 359 | 14.2 | 40.7 | 95.2 | 50 | 2,487 | 309 |
| 4 | 1968 | Manuf. representative | 5088 | ------ | 249 | [2] 249 | 173 | (5) | (5) | (5) | 50 | [2] 199 | 123 |
| 5 | 1967 | Fiber containers | 2655 | 491 | 5,320 | 5,811 | 945 | 16.3 | 58.3 | 135.8 | 250 | 5,561 | 695 |
| 6 | 1968 | Fuse parts | 1929 | 3 | 1,189 | 1,192 | 342 | 28.7 | 78.9 | 117.0 | 200 | 992 | 142 |
| 7 | 1967 | Dyeing and finishing | 2261 | ------ | 9,627 | 9,627 | 1,176 | 12.2 | 66.9 | 259.6 | 150 | 9,477 | 1,026 |
| 8 | 1968 | Ammunition parts | 1929 | 5,997 | ------ | 5,997 | 854 | 14.2 | 36.9 | 2,308.1 | 150 | 5,847 | 704 |
| 9 | 1967 | Metal pontoons | 3449 | 13,257 | 6,514 | 19,771 | 2,707 | 13.7 | 41.7 | 115.4 | 350 | 19,421 | 2,357 |
| 10 | 1967 | Metal containers | 3491 | 5,350 | ------ | 5,350 | 827 | 15.5 | 138.7 | 531.3 | 150 | 5,200 | 677 |
| 11 | 1967 | do | 3491 | 1,926 | ------ | 1,926 | 522 | 27.1 | 107.4 | 272.2 | 300 | 1,626 | 222 |
| 12 | 1965 | Manuf. representative | 5097 | ------ | 279 | [2] 279 | 252 | (5) | (5) | (5) | 135 | [2] 144 | 117 |
| 13 | 1966 | do | 5097 | ------ | 306 | [2] 306 | 279 | (5) | (5) | (5) | 145 | [2] 161 | 134 |
| 14 | 1967 | do | 5097 | ------ | 294 | [2] 294 | 245 | (5) | (5) | (5) | 125 | [2] 169 | 120 |
| 15 | 1968 | Electronic equipment | 3662 | 2,101 | 101 | 2,202 | 430 | 19.5 | 87.0 | 141.0 | 100 | 2,102 | 330 |
| 16 | 1967 | Rope assemblies | 2298 | 3,799 | 77 | 3,876 | 575 | 14.8 | 88.1 | 592.8 | 125 | 3,751 | 450 |
| 17 | 1967 | Machining | 3599 | ------ | 958 | 958 | 294 | 30.7 | 64.3 | 128.0 | 150 | 808 | 144 |
| 18 | 1968 | Coats | 2311 | 5,653 | ------ | 5,653 | 1,362 | 24.1 | 84.8 | 225.9 | 700 | 4,953 | 662 |
| 19 | 1968 | Wooden boxes | 2441 | 2,189 | 1,434 | 3,623 | 548 | 15.1 | 59.0 | 98.6 | 100 | 3,523 | 448 |
| 20 | 1968 | Cartridges | 1961 | 1,297 | ------ | 1,297 | 355 | 27.4 | 51.9 | 94.0 | 175 | 1,122 | 180 |
| 21 | 1967 | Machining | 3599 | 997 | 65 | 1,062 | 220 | 20.7 | 55.8 | 108.6 | 65 | 997 | 155 |
| 22 | 1967 | Government plant operations | 3901 | 74,410 | 356 | 74,766 | 2,351 | 3.1 | (4) | (4) | 350 | 74,416 | 2,001 |
| 23 | 1967 | Trousers | 2327 | 2,268 | 1,382 | 3,650 | 1,112 | 30.5 | 124.6 | 362.8 | 725 | 2,925 | 387 |
| 24 | 1962 | Storage | 4226 | 3,598 | ------ | 3,598 | 1,253 | 34.8 | (4) | (4) | 400 | 3,198 | 853 |
| 25 | 1963 | do | 4226 | 1,453 | ------ | 1,453 | 455 | 31.3 | (4) | (4) | 200 | 1,253 | 255 |
| 26 | 1964 | do | 4226 | 1,419 | ------ | 1,419 | 423 | 29.8 | (4) | (4) | 200 | 1,219 | 223 |
| 27 | 1967 | Fasteners | 3452 | 132 | 2,652 | 2,784 | 828 | 29.7 | 102.0 | 162.6 | 550 | 2,234 | 278 |
| 28 | 1967 | Metal finishing | 3471 | ------ | 111 | 111 | 57 | 51.5 | [3] 1,630.0 | [3] 1,630.0 | 50 | 61 | 7 |
| 29 | 1967 | Fiber containers | 2655 | 1,122 | 252 | 1,374 | 287 | 20.9 | 78.4 | 123.2 | 125 | 1,249 | 162 |
| 30 | 1969 | Coats | 2311 | 4,463 | 284 | 4,747 | 677 | 14.3 | 47.5 | 60.7 | 125 | 4,622 | 552 |
| 31 | 1967 | Office machines | 3579 | 2,101 | 32 | 2,133 | 459 | 21.5 | 27.5 | 55.7 | 200 | 1,933 | 259 |
| 32 | 1966 | Fabricated metal products | 3499 | 970 | 221 | 1,191 | 203 | 17.0 | 35.8 | 62.2 | 50 | 1,141 | 153 |
| 33 | 1968 | Ammunition | 1961 | 3,839 | 389 | 4,228 | 1,008 | 23.9 | 76.1 | 152.2 | 475 | 3,753 | 533 |
| 34 | 1968 | Machining | 3599 | 1,343 | 301 | 1,644 | 239 | 14.6 | 87.9 | 298.8 | 40 | 1,604 | 199 |
| 35 | 1968 | do | 3599 | ------ | 2,796 | 2,796 | 445 | 15.9 | 87.6 | 440.6 | 150 | 2,646 | 295 |
| 36 | 1968 | Trousers | 2327 | ------ | 1,675 | 1,675 | 337 | 20.1 | 59.9 | 150.4 | 150 | 1,525 | 187 |
| 37 | 1968 | Wholesaler | 5033 | 6,006 | 13,121 | 19,127 | 1,641 | 8.6 | 26.4 | 73.7 | 650 | 18,477 | 991 |
| 38 | 1966 | Construction equipment | 3531 | 2,043 | 125 | 2,168 | 500 | 23.1 | 60.7 | 73.9 | 225 | 1,943 | 275 |

| | | | | Before determination | | | | Profit (before determination) as percent of | | | | After determination renegotiable | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Renegotiable sales | | | | | | | | | |
| Determination No. | Contractor's fiscal year | Product or service | SIC No. | Prime | Subcontracts | Total | Renegotiable profits | Sales | Capital | Net worth | Excessive profits[1] | Sales | Profits |
| 39 | 1967 | Transponders | 3662 | 1,533 | 970 | 2,503 | 464 | 18.6 | 77.3 | 147.0 | 125 | 2,378 | 339 |
| 40 | 1968 | Miscellaneous ordnance | 1999 | 2,047 | -------- | 2,047 | 493 | 24.1 | 49.9 | 67.6 | 200 | 1,847 | 293 |
| 41 | 1967 | Coats | 2311 | 1,526 | -------- | 1,526 | 297 | 19.5 | 38.7 | 47.4 | 75 | 1,451 | 222 |
| 42 | 1969 | Machining | 3599 | -------- | 2,516 | 2,516 | 432 | 17.2 | 39.5 | 62.0 | 75 | 2,441 | 357 |
| 43 | 1968 | Miscellaneous machinery | 3599 | -------- | 322 | 322 | 113 | 35.1 | [3] 26.4 | [3] 134.5 | 70 | 256 | 43 |
| 44 | 1967 | Machining | 3599 | -------- | 2,775 | 2,775 | 547 | 19.7 | 112.6 | 280.5 | 150 | 2,625 | 397 |
| 45 | 1968 | Electrical connectors | 3643 | 419 | 3,209 | 3,628 | 962 | 26.5 | 52.8 | 71.4 | 500 | 3,128 | 462 |
| 46 | 1966 | Glass products | 3231 | 178 | 1,811 | 1,989 | 415 | 20.9 | 75.6 | 180.4 | 100 | 1,889 | 315 |
| 47 | 1966 | Glass | 3229 | -------- | 246 | 246 | 120 | 48.8 | 97.6 | 163.1 | 50 | 196 | 70 |
| 48 | 1966 | do | 3229 | -------- | 206 | 206 | 105 | 50.9 | 101.9 | 140.2 | 50 | 156 | 55 |
| 49 | 1970 | Wooden boxes | 2441 | -------- | 2,470 | 2,470 | 364 | 14.7 | 49.6 | 75.7 | 75 | 2,395 | 289 |
| 50 | 1968 | Support services | 7399 | 30,002 | -------- | 30,002 | 1,219 | 4.1 | (4) | (4) | 200 | 29,802 | 1,019 |
| 51 | 1967 | Bombs | 1929 | 133,315 | 5,459 | 138,774 | 17,700 | 12.8 | 37.2 | 79.8 | 2,000 | 136,774 | 15,700 |
| 52 | 1968 | Machinery | 3531 | 1,855 | 3,556 | 5,411 | 750 | 13.9 | 29.8 | 58.1 | 75 | 5,336 | 675 |
| 53 | 1968 | Aluminum extrusions | 3352 | -------- | 1,925 | 1,925 | 333 | 17.3 | 23.9 | 520.3 | 50 | 1,875 | 283 |
| 54 | 1968 | Machining | 3599 | 710 | 1,535 | 2,245 | 525 | 23.4 | 93.9 | 216.9 | 225 | 2,020 | 300 |
| 55 | 1967 | Fuzes | 1929 | 28,268 | 4,080 | 32,348 | 9,082 | 28.1 | 51.2 | 169.9 | 5,000 | 27,348 | 4,082 |
| 56 | 1968 | Coats | 2311 | 2,973 | 345 | 3,318 | 1,080 | 32.5 | 276.9 | 1,928.6 | 750 | 2,568 | 330 |
| 57 | 1966 | Broad woven fabric | 2231 | 1,711 | 4,017 | 5,728 | 1,176 | 20.5 | 42.4 | 66.1 | 600 | 5,129 | 576 |
| 58 | 1967 | Tents | 2394 | 3,788 | -------- | 3,788 | 998 | 26.3 | 130.5 | 257.2 | 600 | 3,188 | 398 |
| 59 | 1968 | Aluminum castings | 3361 | -------- | 1,942 | 1,942 | 535 | 27.5 | 54.0 | 90.4 | 225 | 1,717 | 310 |
| 60 | 1968 | Steel strapping | 3499 | 2,117 | -------- | 2,117 | 334 | 15.8 | 31.8 | 112.1 | 50 | 2,067 | 284 |
| 61 | 1969 | Valves | 3494 | 221 | 1,114 | 1,335 | 241 | 18.0 | 32.0 | 44.0 | 50 | 1,285 | 191 |
| 62 | 1966 | Boats | 3732 | 6,166 | -------- | 6,166 | 1,722 | 27.9 | 134.4 | 365.6 | 700 | 5,466 | 1,022 |
| 63 | 1967 | Bombs | 1929 | 3,889 | 2,348 | 6,237 | 1,140 | 18.3 | 34.9 | 66.9 | 450 | 5,787 | 690 |
| 64 | 1967 | Fire control equipment | 1941 | 1,291 | 920 | 2,211 | 360 | 16.3 | 47.7 | 391.3 | 125 | 2,086 | 235 |
| 65 | 1968 | Tents | 2394 | -------- | 2,986 | 2,986 | 504 | 16.9 | 43.2 | 158.0 | 50 | 2,936 | 454 |
| 66 | 1969 | Tire retreading | 7534 | 1,437 | -------- | 1,437 | 309 | 21.5 | 107.7 | 643.8 | 100 | 1,337 | 209 |
| 67 | 1967 | Architectural engineering service | 8911 | 3,041 | 407 | 3,448 | 766 | 22.2 | (4) | (4) | 150 | 3,298 | 616 |
| 68 | 1968 | Blowers | 3564 | 1,155 | 662 | 1,817 | 618 | 34.0 | 37.1 | 46.2 | 300 | 1,517 | 318 |
| 69 | 1967 | Dyeing and finishing | 2262 | -------- | 760 | 760 | 190 | 25.0 | 60.2 | 203.6 | 100 | 660 | 90 |
| 70 | 1968 | Fuze parts | 1929 | -------- | 826 | 826 | 297 | 36.0 | 228.5 | 228.5 | 225 | 601 | 72 |
| 71 | 1965 | Diodes | 3674 | 239 | 1,542 | 1,781 | 351 | 19.7 | 71.6 | 302.6 | 75 | 1,706 | 276 |
| 72 | 1968 | Tube assemblies | 3498 | -------- | 1,220 | 1,220 | 262 | 21.5 | 49.8 | 105.2 | 75 | 1,145 | 187 |
| 73 | 1968 | Miscellaneous machinery | 3599 | -------- | 1,945 | 1,945 | 393 | 20.2 | 34.7 | 46.9 | 100 | 1,845 | 293 |
| 74 | 1967 | Wooden boxes | 2441 | -------- | 75 | 75 | 21 | 28.0 | (6) | (6) | 15 | 60 | 6 |
| 75 | 1965 | Custodial services | 7349 | -------- | 1,213 | 1,213 | 100 | 8.2 | (4) | (4) | 40 | 1,173 | 60 |
| 76 | 1967 | do | 7349 | -------- | 2,576 | 2,576 | 316 | 12.3 | (4) | (4) | 150 | 2,426 | 166 |
| 77 | 1968 | Seat belts | 2399 | -------- | 29 | 29 | 10 | 33.7 | [3] 17.1 | [3] 26.7 | 7 | 22 | 3 |
| 78 | 1968 | Machining | 3599 | -------- | 53 | 53 | 20 | 37.6 | [3] 18.3 | [3] 19.5 | 15 | 38 | 5 |
| 79 | 1967 | Electronic components | 3679 | 1,745 | -------- | 1,745 | 374 | 21.4 | 145.0 | 633.9 | 250 | 1,495 | 124 |
| 80 | 1967 | Management consulting | 7392 | 9,342 | 504 | 9,846 | 831 | 8.4 | (4) | (4) | 150 | 9,696 | 681 |
| 81 | 1968 | Wholesaler | 5033 | -------- | 1,653 | 1,653 | 190 | 11.5 | 24.2 | 75.3 | 50 | 1,603 | 140 |
| 82 | 1963 | Potentiometers | 3611 | 409 | 1,215 | 1,624 | 311 | 19.2 | 44.7 | 65.6 | 50 | 1,574 | 261 |
| 83 | 1967 | Rock crushing equipment | 3531 | 3,717 | 10 | 3,727 | 1,023 | 27.4 | 64.5 | 82.7 | 550 | 3,177 | 473 |
| 84 | 1967 | Coats | 2311 | 1,524 | -------- | 1,524 | 297 | 19.5 | 37.9 | 95.5 | 100 | 1,424 | 197 |
| 85 | 1966 | Raincoats | 2385 | -------- | 731 | 731 | 396 | 54.2 | [3] 1,042.1 | [3] 1,042.1 | 350 | 381 | 46 |
| 86 | 1966 | do | 2385 | 7,029 | -------- | 7,029 | 1,006 | 14.3 | 72.4 | 166.8 | 375 | 6,654 | 631 |
| 87 | 1968 | Hardware | 3429 | 1,384 | 346 | 1,730 | 292 | 16.9 | 31.0 | 66.4 | 75 | 1,655 | 217 |
| 88 | 1968 | Ammunition | 1929 | 30,005 | 4,220 | 34,225 | 7,771 | 22.7 | 39.5 | 120.5 | 3,100 | 31,125 | 4,671 |
| 89 | 1969 | Castings | 3323 | -------- | 1,994 | 1,994 | 307 | 15.4 | 35.3 | 85.8 | 40 | 1,954 | 267 |
| 90 | 1967 | Explosives | 2892 | 18,860 | 1,315 | 20,175 | 2,268 | 11.2 | 61.9 | 668.0 | 300 | 19,875 | 1,968 |
| 91 | 1969 | Aircraft engine parts | 3722 | -------- | 3,296 | 3,296 | 643 | 19.5 | 44.4 | 67.9 | 125 | 3,171 | 518 |
| 92 | 1967 | Pyrotechnic ammunition | 2899 | 16,257 | -------- | 16,257 | 2,626 | 16.2 | 51.3 | 106.5 | 950 | 15,307 | 1,676 |
| 93 | 1968 | do | 2899 | 13,538 | -------- | 13,538 | 2,197 | 16.2 | 40.0 | 64.8 | 750 | 12,788 | 1,447 |
| 94 | 1967 | Trousers | 2327 | 2,609 | -------- | 2,609 | 1,119 | 42.9 | 300.0 | 632.2 | 900 | 1,709 | 219 |
| 95 | 1967 | Plastic products | 3079 | 3,071 | 2,601 | 5,672 | 1,329 | 23.4 | 165.7 | 412.7 | 600 | 5,072 | 729 |
| 96 | 1969 | Radar equipment | 3662 | 3,871 | 204 | 4,075 | 711 | 17.4 | 43.0 | 84.1 | 125 | 3,950 | 586 |
| 97 | 1968 | Screw machine products | 3451 | 1,893 | 163 | 2,056 | 354 | 17.2 | 70.0 | 191.4 | 100 | 1,956 | 254 |
| 98 | 1967 | Ammunition | 1961 | 5,836 | -------- | 5,836 | 2,306 | 39.5 | 201.0 | 784.4 | 1,700 | 4,136 | 606 |
| 99 | 1968 | Aircraft parts | 3729 | -------- | -------- | 4,835 | 1,090 | 22.5 | 49.1 | 93.2 | 350 | 4,485 | 740 |
| 100 | 1967 | Ball bearings | 3562 | 2,339 | 2,493 | 4,832 | 692 | 14.3 | 52.4 | 141.2 | 100 | 4,732 | 592 |
| 101 | 1968 | Pumps | 3561 | 3,241 | 3,555 | 6,796 | 1,277 | 18.8 | 27.5 | 55.6 | 200 | 6,596 | 1,077 |
| 102 | 1967 | Canvas products | 2394 | 1,794 | 148 | 1,942 | 357 | 18.4 | 47.2 | 1,983.3 | 200 | 1,742 | 157 |
| 103 | 1968 | Machining | 3599 | 64 | 4,521 | 4,587 | 839 | 18.3 | 38.6 | 73.7 | 175 | 4,412 | 664 |
| 104 | 1968 | do | 3599 | -------- | 255 | 255 | 70 | 27.6 | 114.8 | 280.0 | 35 | 220 | 35 |
| 105 | 1969 | Fuses | 1929 | 2,025 | -------- | 2,025 | 427 | 21.1 | 43.6 | 51.4 | 175 | 1,850 | 252 |
| 106 | 1966 | Wire and cable | 3357 | 376 | 5,133 | 5,509 | 1,255 | 22.8 | 61.4 | 151.0 | 500 | 5,009 | 755 |
| 107 | 1968 | Electronic systems | 3662 | 1,350 | -------- | 1,350 | 243 | 18.0 | 60.7 | 100.7 | 40 | 1,310 | 203 |
| 108 | 1970 | Wooden boxes | 2441 | -------- | 2,743 | 2,743 | 247 | 9.0 | 29.0 | 41.3 | 50 | 2,693 | 197 |
| 109 | 1968 | Missile parts | 3729 | -------- | 809 | 809 | 158 | 19.6 | 54.9 | 327.8 | 40 | 769 | 118 |
| 110 | 1968 | Canned fruits | 2033 | 4,639 | -------- | 4,639 | 673 | 14.5 | 26.1 | 112.0 | 100 | 4,539 | 573 |
| 111 | 1968 | Coats | 2311 | 2,514 | 355 | 2,869 | 447 | 15.6 | 93.3 | (6) | 150 | 2,719 | 297 |
| 112 | 1968 | Equipment rental | 7394 | -------- | 30 | 30 | 26 | (4) | (4) | (4) | 15 | 15 | 11 |
| 113 | 1969 | Miscellaneous ordnance | 1929 | 23,745 | 2,468 | 26,213 | 4,598 | 17.5 | 26.0 | 110.6 | 800 | 25,413 | 3,798 |
| 114 | 1966 | Screw machine products | 3451 | 465 | 2,780 | 3,245 | 732 | 22.6 | 39.3 | 54.2 | 275 | 2,970 | 457 |
| 115 | 1967 | do | 3451 | 225 | 2,981 | 3,206 | 639 | 19.9 | 31.5 | 42.7 | 225 | 2,981 | 414 |
| 116 | 1967 | Wholesaler | 5063 | 3,322 | 4,338 | 7,660 | 919 | 12.0 | 53,6 | 150.5 | 250 | 7,410 | 669 |
| 117 | 1966 | Electrical equipment | 3694 | 543 | 3,895 | 4,438 | 693 | 15.6 | 70.2 | 302.6 | 150 | 4,288 | 543 |
| 118 | 1967 | do | 3694 | 3,544 | 3,501 | 7,045 | 1,303 | 18.5 | 78.6 | 222.4 | 500 | 6,545 | 803 |
| 119 | 1969 | Trousers | 2327 | 4,039 | 664 | 4,703 | 738 | 15.7 | 114.4 | 131.1 | 375 | 4,328 | 363 |
| 120 | 1968 | Machining | 3599 | -------- | 3,888 | 3,888 | 859 | 22.1 | 97.8 | 180.5 | 275 | 3,613 | 584 |
| 121 | 1967 | Equipment rental | 7394 | -------- | 397 | 397 | 178 | (4) | (4) | (4) | 125 | 272 | 53 |
| 122 | 1969 | Jackets | 2328 | 1,526 | 168 | 1,694 | 291 | 17.2 | 70.6 | 327.0 | 100 | 1,594 | 191 |
| 123 | 1968 | Aircraft parts | 3729 | -------- | 3,599 | 3,599 | 777 | 21.6 | 76.8 | 232.8 | 315 | 3,284 | 462 |
| 124 | 1967 | Ship repair | 3731 | 1,034 | -------- | 1,034 | 208 | 20.1 | 53.6 | 142.2 | 34 | 1,000 | 174 |
| 125 | 1968 | Steel balls | 3499 | 2,380 | 256 | 2,636 | 573 | 21.7 | 65.0 | 95.6 | 225 | 2,411 | 348 |
| 126 | 1967 | Manufacturers representative | 5099 | -------- | 174 | [2] 174 | 81 | (5) | (5) | (5) | 30 | [2] 144 | 51 |
| 127 | 1968 | do | 5099 | -------- | 174 | [2] 174 | 73 | (5) | (5) | (4) | 30 | [2] 144 | 43 |
| 128 | 1968 | Lighting fixtures | 3642 | 57 | 1,990 | 2,047 | 286 | 14.0 | 19.7 | 25.9 | 40 | 2,007 | 246 |
| 129 | 1967 | do | 3642 | -------- | 1,101 | 1,101 | 198 | 18.0 | 33.2 | 169.2 | 40 | 1,061 | 158 |
| 130 | 1969 | Electronic equipment | 3662 | 3,165 | 216 | 3,381 | 600 | 17.7 | 26.0 | 55.8 | 100 | 3,281 | 500 |
| 131 | 1967 | Aircraft parts | 3729 | -------- | 867 | 867 | 220 | 25.4 | [3] 147.5 | [3] 257.0 | 80 | 787 | 140 |
| 132 | 1965 | Fiber products | 2655 | 855 | 1,314 | 2,169 | 528 | 24.4 | 80.2 | 148.3 | 250 | 1,919 | 278 |
| 133 | 1965 | Water transportation | 4422 | 2,472 | -------- | 2,472 | 581 | 23.5 | (4) | (4) | 75 | 2,397 | 506 |
| 134 | 1969 | Aircraft parts | 3729 | -------- | 1,446 | 1,446 | 231 | 16.0 | 51.4 | 81.6 | 50 | 1,396 | 181 |
| 135 | 1967 | Testing | 7397 | 1,550 | -------- | 1,550 | 356 | 23.0 | 327.2 | 644.6 | 175 | 1,375 | 181 |
| 136 | 1967 | Aircraft parts | 3729 | -------- | 1,331 | 1,331 | 331 | 24.9 | 55.1 | 78.4 | 135 | 1,196 | 196 |
| 137 | 1969 | Coats | 2311 | 5,447 | -------- | 5,447 | 1,118 | 20.5 | 66.7 | 91.0 | 425 | 5,022 | 693 |
| 138 | 1970 | Repair shop | 7699 | 1,677 | -------- | 1,677 | 252 | 15.0 | 62.4 | 125.4 | 40 | 1,637 | 212 |

Footnotes at end of table.

APPENDIX TABLE I.—EXCESSIVE PROFITS DETERMINATIONS, FISCAL 1972—Continued

[In thousands of dollars]

| Determination No. | Contractor's fiscal year | Product or service | SIC No. | Before determination — Renegotiable sales |  |  | Before determination | Profit (before determination) as percent of |  |  | Excessive profits[1] | After determination renegotiable |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  |  |  |  | Prime | Subcontracts | Total | Renegotiable profits | Sales | Capital | Net worth |  | Sales | Profits |
| 139 | 1966 | Trousers | 2327 | 2,221 |  | 2,221 | 425 | 19.1 | 43.4 | 50.3 | 175 | 2,046 | 250 |
| 140 | 1968 | Bombs | 1929 | 8,074 |  | 8,073 | 1,065 | 13.2 | 23.8 | 36.6 | 150 | 7,923 | 915 |
| 141 | 1968 | Aircraft servicing | 4582 | 122 |  | 122 | 20 | 16.4 | (4) | (4) | 5 | 117 | 15 |
| 142 | 1969 | do | 4582 | 126 |  | 126 | 28 | 22.2 | (4) | (4) | 12 | 114 | 16 |
| 143 | 1968 | do | 4582 | 226 |  | 226 | 56 | 24.8 | (4) | (4) | 29 | 197 | 27 |
| 144 | 1969 | do | 4582 | 236 |  | 236 | 47 | 19.9 | (4) | (4) | 18 | 218 | 29 |
| 145 | 1968 | do | 4582 | 210 |  | 210 | 37 | 17.6 | (4) | (4) | 12 | 198 | 25 |
| 146 | 1969 | do | 4582 | 243 |  | 243 | 51 | 21.0 | (4) | (4) | 22 | 221 | 29 |
| 147 | 1970 | do | 4582 | 236 |  | 236 | 44 | 18.6 | (4) | (4) | 16 | 220 | 28 |
| 148 | 1968 | do | 4582 | 68 |  | 68 | 21 | 30.2 | (4) | (4) | 12 | 56 | 9 |
| 149 | 1969 | do | 4582 | 106 |  | 106 | 23 | 21.7 | (4) | (4) | 10 | 96 | 13 |
| 150 | 1968 | do | 4582 | 257 |  | 257 | 76 | 29.6 | (4) | (4) | 44 | 213 | 32 |
| 151 | 1969 | do | 4582 | 242 |  | 242 | 57 | 23.6 | (4) | (4) | 28 | 214 | 29 |
| 152 | 1970 | do | 4582 | 210 |  | 210 | 57 | 27.1 | (4) | (4) | 32 | 178 | 25 |
| 153 | 1968 | do | 4582 | 209 |  | 209 | 56 | 26.8 | (4) | (4) | 30 | 179 | 26 |
| 154 | 1969 | do | 4582 | 183 |  | 183 | 40 | 22.1 | (4) | (4) | 18 | 165 | 22 |
| 155 | 1970 | do | 4582 | 164 |  | 164 | 38 | 23.2 | (4) | (4) | 17 | 147 | 21 |
| 156 | 1968 | do | 4582 | 258 |  | 258 | 33 | 13.0 | (4) | (4) | 2 | 256 | 31 |
| 157 | 1969 | do | 4582 | 259 |  | 259 | 43 | 16.6 | (4) | (4) | 12 | 247 | 31 |
| 158 | 1970 | do | 4582 | 272 |  | 272 | 38 | 14.0 | (4) | (4) | 5 | 267 | 33 |
| 159 | 1968 | do | 4582 | 179 |  | 179 | 34 | 19.0 | (4) | (4) | 12 | 167 | 22 |
| 160 | 1969 | do | 4582 | 230 |  | 230 | 52 | 22.6 | (4) | (4) | 24 | 206 | 28 |
| 161 | 1968 | do | 4582 | 96 |  | 96 | 20 | 20.8 | (4) | (4) | 9 | 87 | 11 |
| 162 | 1969 | do | 4582 | 103 |  | 103 | 25 | 24.3 | (4) | (4) | 11 | 92 | 14 |
| 163 | 1970 | do | 4582 | 91 |  | 91 | 26 | 28.6 | (4) | (4) | 14 | 77 | 12 |
| 164 | 1968 | do | 4582 | 105 |  | 105 | 19 | 18.1 | (4) | (4) | 6 | 99 | 13 |
| 165 | 1969 | do | 4582 | 102 |  | 102 | 16 | 15.7 | (4) | (4) | 3 | 99 | 13 |
| 166 | 1970 | do | 4582 | 89 |  | 89 | 18 | 20.2 | (4) | (4) | 7 | 82 | 11 |
| 167 | 1970 | do | 4582 | 65 |  | 65 | 17 | 26.9 | (4) | (4) | 10 | 55 | 7 |
| 168 | 1969 | Ship repair | 3731 | 1,734 |  | 1,734 | 261 | 15.0 | 34.9 | 57.9 | 40 | 1,694 | 221 |
| 169 | 1968 | do | 3731 | 2,137 |  | 2,137 | 768 | 36.0 | 161.0 | 384.0 | 550 | 1,587 | 218 |
| 170 | 1969 | Miscellaneous ordnance | 1999 | 267 | 14,183 | 14,450 | 2,133 | 14.8 | 32.1 | 41.8 | 275 | 14,175 | 1,858 |
| 171 | 1968 | Ammunition | 1929 | 11,787 | 713 | 12,500 | 2,169 | 17.4 | 39.0 | 88.0 | 600 | 11,900 | 1,569 |
| 172 | 1968 | Fasteners | 3452 | 262 | 1,134 | 1,396 | 296 | 21.2 | 36.2 | 53.1 | 75 | 1,321 | 221 |
| 173 | 1967 | Textile products | 2231 | 1,825 | 3,556 | 5,381 | 1,033 | 19.2 | 37.1 | 61.5 | 325 | 5,056 | 708 |
| 174 | 1968 | Forgings | 3391 |  | 3,063 | 3,063 | 500 | 16.3 | 40.7 | 46.2 | 100 | 2,963 | 400 |
| 175 | 1968 | Tank parts | 3714 | 3,749 |  | 3,749 | 923 | 24.6 | 100.3 | 303.6 | 475 | 3,274 | 448 |
| 176 | 1967 | Coats | 2311 | 2,053 |  | 2,053 | 404 | 19.7 | 33.3 | 264.1 | 100 | 1,953 | 304 |
| 177 | 1968 | Heavy construction | 1621 | 8,172 | 234 | 8,406 | 1,120 | 13.3 | (4) | (4) | 150 | 8,256 | 970 |
| 178 | 1969 | Fuses | 1929 | 2,119 | 501 | 2,620 | 452 | 17.2 | 40.0 | 89.5 | 50 | 2,570 | 402 |

---

[1] Before adjustments for State income taxes.

[2] Commissions and fees.

[3] Ratios influenced by intercompany relationships.

[4] Not relevant, because of the nature of the contractor's business.

[5] Not relevant: Agent.

[6] Nominal capital and/or net worth deficit.

| Determination No. | Contractor's fiscal year | SIC No. | Renegotiable cost of goods sold (in percentages) |  |  | Ratio of net worth to longterm debt | Turnover rate (after determination) |  | Profit (after determination) as percent of |  |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  |  |  | Material and subcontracting | Direct labor | Overhead |  | Capital[1] | Net worth[1] | Sales[1] | Capital[1] | Net worth[1] |
| 1 | 1970 | 3722 | 23.3 | 30.0 | 46.7 | 9.4 | 1.2 | 2.3 | 16.9 | 20.8 | 38.2 |
| 2 | 1965 | 3599 | 65.2 | 12.4 | 22.4 | 5.2 | 2.5 | 6.2 | 14.6 | 36.0 | 90.1 |
| 3 | 1968 | 3323 | 48.3 | 22.8 | 28.9 | 2.9 | 2.8 | 6.6 | 12.4 | 35.0 | 82.0 |
| 4 | 1968 | 5088 | (4) | (4) | (4) |  | (4) | (4) | (4) | (4) | (4) |
| 5 | 1967 | 2655 | 60.0 | 14.0 | 26.0 | 1.4 | 3.4 | 8.0 | 12.5 | 42.9 | 99.9 |
| 6 | 1968 | 1929 | 34.0 | 27.5 | 38.5 | 27.6 | 2.3 | 3.4 | 14.3 | 33.2 | 49.3 |
| 7 | 1967 | 2261 | 46.0 | 30.0 | 24.0 |  | 5.4 | 20.9 | 10.8 | 58.3 | 226.5 |
| 8 | 1968 | 1929 | 69.6 | 10.0 | 20.4 | 0.1 | 2.5 | 158.0 | 12.0 | 30.4 | 1,902.7 |
| 9 | 1967 | 3449 | 73.7 | 14.9 | 11.4 | 4.2 | 3.0 | 8.3 | 12.1 | 36.3 | 100.5 |
| 10 | 1967 | 3491 | 67.3 | 18.5 | 14.2 | 1.8 | 8.7 | 33.3 | 13.0 | 113.6 | 434.0 |
| 11 | 1967 | 3491 | 65.5 | 21.7 | 12.8 | 7.9 | 3.3 | 8.5 | 13.6 | 45.6 | 115.5 |
| 12 | 1965 | 5097 | (4) | (4) | (4) |  | (4) | (4) | (4) | (4) | (4) |
| 13 | 1966 | 5097 | (4) | (4) | (4) |  | (4) | (4) | (4) | (4) | (4) |
| 14 | 1967 | 5097 | (4) | (4) | (4) |  | (4) | (4) | (4) | (4) | (4) |
| 15 | 1968 | 3662 | 60.1 | 16.5 | 23.5 | 3.4 | 4.2 | 6.9 | 15.7 | 66.4 | 108.2 |
| 16 | 1967 | 2298 | 75.0 | 15.0 | 10.0 |  | 5.7 | 38.7 | 12.0 | 68.9 | 463.9 |
| 17 | 1967 | 3599 | 11.4 | 28.8 | 59.8 | 2.3 | 1.8 | 3.5 | 17.8 | 31.4 | 62.5 |
| 18 | 1968 | 2311 | 56.2 | 27.0 | 16.8 |  | 3.1 | 8.2 | 13.4 | 41.2 | 109.8 |
| 19 | 1968 | 2441 | 71.9 | 10.0 | 18.1 | 6.5 | 3.8 | 6.3 | 12.7 | 48.2 | 80.7 |
| 20 | 1968 | 1961 | 57.7 | 6.5 | 35.8 | 4.7 | 1.6 | 3.0 | 16.0 | 26.1 | 47.3 |
| 21 | 1967 | 3599 | 57.8 | 19.2 | 23.0 | 9.7 | 2.5 | 4.9 | 15.5 | 39.3 | 76.5 |
| 22 | 1967 | 3901 | (3) | (3) | (3) |  | (3) | (3) | 2.7 | (3) | (3) |
| 23 | 1967 | 2327 | 6.6 | 55.4 | 38.0 |  | 3.3 | 9.5 | 13.2 | 43.4 | 126.4 |
| 24 | 1962 | 4226 | (3) | (3) | (3) |  | (3) | (3) | 27.6 | (3) | (3) |
| 25 | 1963 | 4226 | (3) | (3) | (3) |  | (3) | (3) | 20.4 | (3) | (3) |
| 26 | 1964 | 4226 | (3) | (3) | (3) |  | (3) | (3) | 18.3 | (3) | (3) |
| 27 | 1967 | 3452 | 34.8 | 35.5 | 29.7 |  | 2.8 | 4.4 | 12.4 | 34.2 | 54.5 |
| 28 | 1967 | 3471 | 27.9 | 40.6 | 31.5 |  | [3]17.0 | [3]17.0 | 12.1 | [3]200.0 | [3]200.0 |
| 29 | 1996 | 2655 | 56.1 | 20.2 | 23.7 | 3.7 | 3.4 | 5.4 | 13.0 | 44.3 | 69.5 |
| 30 | 1969 | 2311 | 33.9 | 48.2 | 17.9 |  | 3.2 | 4.1 | 11.9 | 38.7 | 49.5 |
| 31 | 1967 | 3579 | 42.0 | 16.4 | 41.6 | 2.4 | 1.2 | 2.3 | 13.3 | 15.6 | 31.2 |
| 32 | 1966 | 3499 | 80.1 | 4.7 | 15.2 | 4.0 | 2.0 | 3.5 | 13.4 | 26.9 | 46.9 |
| 33 | 1968 | 1961 | 41.2 | 33.1 | 25.7 | 3.6 | 2.8 | 5.7 | 14.2 | 40.2 | 80.5 |
| 34 | 1968 | 3599 | 49.9 | 20.7 | 29.4 |  | 5.9 | 20.0 | 12.5 | 73.2 | 248.8 |
| 35 | 1968 | 3599 | 54.0 | 11.8 | 34.2 | 0.6 | 5.2 | 26.2 | 11.1 | 58.1 | 292.1 |
| 36 | 1968 | 2327 | 9.8 | 67.1 | 23.1 |  | 2.7 | 6.8 | 12.3 | 33.2 | 835 |
| 37 | 1968 | 5033 | 99.2 |  | 0.8 |  | 3.0 | 8.3 | 5.4 | 15.9 | 44.5 |
| 38 | 1966 | 3531 | 56.7 | 15.2 | 28.1 |  | 2.4 | 2.9 | 14.2 | 33.4 | 40.7 |
| 39 | 1967 | 3662 | 55.9 | 22.3 | 21.8 | 21.4 | 4.0 | 7.5 | 14.3 | 56.5 | 107.3 |
| 40 | 1968 | 1999 | 65.4 | 11.4 | 23.2 |  | 1.9 | 2.5 | 15.9 | 29.7 | 40.2 |
| 41 | 1967 | 2311 | 15.3 | 59.0 | 25.7 |  | 1.9 | 2.3 | 15.3 | 28.9 | 35.4 |
| 42 | 1969 | 3599 | 61.9 | 14.7 | 23.4 |  | 2.2 | 3.5 | 14.7 | 32.6 | 51.2 |
| 43 | 1968 | 3599 | 28.9 | 40.0 | 31.1 | 23.2 | [3]0.6 | [3]3.0 | 17.0 | [3]10.0 | [3]51.2 |
| 44 | 1967 | 3599 | 5.3 | 28.1 | 66.6 |  | 5.4 | 1.5 | 15.1 | 81.7 | 203.6 |
| 45 | 1968 | 3643 | 45.2 | 32.3 | 22.5 | 19.4 | 1.7 | 2.3 | 14.8 | 25.4 | 34.3 |
| 46 | 1966 | 3231 | 25.2 | 22.4 | 52.4 |  | 3.4 | 8.2 | 16.7 | 57.4 | 137.0 |

| | | | Renegotiable cost of goods sold (in percentages) | | | | Turnover rate (after determination) | | Profit (after determination) as percent of | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Determination No. | Contractor's fiscal year | SIC No. | Material and subcontracting | Direct labor | Overhead | Ratio of net worth to longterm debt | Capital [1] | Net worth [1] | Sales [1] | Capital [1] | Net worth [1] |
| 47 | 1966 | 3229 | 34.1 | 33.8 | 32.1 | --- | 1.6 | 2.6 | 35.7 | 56.9 | 95.1 |
| 48 | 1966 | 3229 | 43.5 | 30.5 | 26.0 | --- | 1.5 | 2.1 | 35.2 | 53.2 | 73.2 |
| 49 | 1970 | 2441 | 71.3 | 21.3 | 7.4 | --- | 3.3 | 5.0 | 12.0 | 39.4 | 60.1 |
| 50 | 1968 | 7399 | (3) | (3) | (3) | (3) | (3) | (3) | 3.4 | (3) | (3) |
| 51 | 1967 | 1929 | 42.8 | 10.5 | 46.7 | 9.8 | 2.9 | 6.2 | 11.5 | 33.0 | 70.8 |
| 52 | 1968 | 3531 | 49.6 | 23.6 | 26.8 | 3.3 | 2.0 | 4.1 | 12.6 | 26.8 | 52.3 |
| 53 | 1968 | 3352 | 28.9 | 19.4 | 51.7 | 0.1 | 1.3 | 29.3 | 15.1 | 20.3 | 442.2 |
| 54 | 1968 | 3599 | 74.5 | 13.1 | 12.4 | 6.4 | 3.6 | 8.3 | 14.9 | 53.7 | 124.0 |
| 55 | 1967 | 1929 | 57.9 | 16.3 | 25.8 | 0.9 | 1.5 | 5.0 | 14.9 | 22.4 | 74.4 |
| 56 | 1968 | 2311 | 21.6 | 51.3 | 27.1 | 1.0 | 6.6 | 45.9 | 12.8 | 84.6 | 589.3 |
| 57 | 1966 | 2231 | 74.9 | 13.2 | 11.9 | 3.3 | 1.8 | 2.9 | 11.2 | 20.8 | 32.4 |
| 58 | 1967 | 2394 | 50.7 | 32.5 | 16.8 | 21.2 | 4.2 | 8.2 | 12.5 | 52.0 | 102.6 |
| 59 | 1968 | 3361 | 26.0 | 57.7 | 16.3 | --- | 1.7 | 2.9 | 18.1 | 31.0 | 52.4 |
| 60 | 1968 | 3499 | 81.9 | 7.1 | 11.0 | 1.1 | 2.0 | 7.0 | 13.7 | 27.1 | 95.6 |
| 61 | 1969 | 3494 | 39.2 | 23.3 | 37.5 | 9.9 | 1.7 | 2.3 | 14.8 | 25.4 | 34.9 |
| 62 | 1966 | 3732 | 67.0 | 15.2 | 17.8 | 6.3 | 4.3 | 11.6 | 18.7 | 79.8 | 217.0 |
| 63 | 1967 | 1929 | 71.6 | 8.1 | 20.3 | 3.1 | 1.8 | 3.4 | 11.9 | 21.2 | 40.5 |
| 64 | 1967 | 1941 | 67.8 | 21.5 | 10.7 | --- | 2.8 | 22.7 | 11.3 | 31.2 | 255.4 |
| 65 | 1968 | 2394 | 52.1 | 20.4 | 27.5 | 3.5 | 2.5 | 9.2 | 15.5 | 38.9 | 142.3 |
| 66 | 1969 | 7534 | 50.9 | 19.1 | 30.0 | 0.7 | 4.7 | 27.9 | 15.7 | 72.8 | 435.4 |
| 67 | 1967 | 8911 | (3) | (3) | (3) | --- | (3) | (3) | 18.7 | (3) | (3) |
| 68 | 1968 | 3564 | 54.2 | 17.4 | 28.4 | --- | 0.9 | 1.1 | 21.0 | 19.1 | 23.8 |
| 69 | 1967 | 2262 | 17.6 | 43.7 | 38.7 | 1.7 | 2.1 | 7.2 | 13.6 | 29.0 | 96.9 |
| 70 | 1968 | 1929 | 32.8 | 48.5 | 18.7 | --- | 4.6 | 4.6 | 12.0 | 55.4 | 55.4 |
| 71 | 1965 | 3674 | 16.3 | 33.6 | 50.1 | 0.5 | 3.5 | 14.7 | 16.2 | 56.3 | 237.9 |
| 72 | 1968 | 3498 | 77.1 | 10.3 | 22.6 | 2.4 | 2.2 | 4.6 | 16.3 | 35.6 | 74.7 |
| 73 | 1968 | 3599 | 27.8 | 28.0 | 44.2 | --- | 1.6 | 2.2 | 15.9 | 25.9 | 35.0 |
| 74 | 1967 | 2441 | 55.0 | 39.4 | 5.6 | --- | (3) | (3) | 10.1 | (3) | (3) |
| 75 | 1965 | 7349 | (3) | (3) | (3) | (3) | (3) | (3) | 5.1 | (3) | (3) |
| 76 | 1967 | 7349 | (3) | (3) | (3) | (3) | (3) | (3) | 6.8 | (3) | (3) |
| 77 | 1968 | 2399 | --- | 80.0 | 20.0 | --- | [2] 0.4 | [2] 0.6 | 12.9 | [2] 5.2 | [2] 7.8 |
| 78 | 1968 | 3599 | --- | 84.0 | 16.0 | --- | [2] 0.3 | [2] 0.4 | 12.9 | [2] 4.6 | [2] 4.8 |
| 79 | 1967 | 3679 | 78.9 | 5.6 | 15.5 | 0.9 | 5.8 | 25.3 | 8.3 | 48.1 | 210.2 |
| 80 | 1967 | 7392 | (3) | (3) | (3) | (3) | (3) | (3) | 7.0 | (3) | (3) |
| 81 | 1968 | 5033 | 98.7 | --- | 1.3 | --- | 2.0 | 6.4 | 8.8 | 17.8 | 55.6 |
| 82 | 1963 | 3611 | 14.7 | 35.9 | 49.4 | --- | 2.3 | 3.3 | 16.6 | 37.6 | 55.1 |
| 83 | 1967 | 3531 | 66.3 | 13.2 | 20.5 | --- | 2.0 | 2.6 | 14.9 | 29.8 | 38.2 |
| 84 | 1967 | 2311 | 13.8 | 40.5 | 45.7 | 3.3 | 1.8 | 4.6 | 13.8 | 25.1 | 63.3 |
| 85 | 1966 | 2385 | 4.1 | 95.9 | --- | --- | 10.0 | [1] 10.0 | 12.2 | [2] 121.1 | [2] 121.1 |
| 86 | 1966 | 2385 | 56.7 | 36.9 | 6.4 | --- | 4.8 | 11.0 | 9.5 | 45.4 | 104.6 |
| 87 | 1968 | 3429 | 69.5 | 20.8 | 9.7 | --- | 1.8 | 3.8 | 13.1 | 23.0 | 49.3 |
| 88 | 1968 | 1929 | 57.8 | 17.3 | 24.9 | 1.1 | 1.6 | 4.8 | 15.0 | 23.7 | 72.4 |
| 89 | 1969 | 3323 | 41.5 | 26.7 | 31.8 | 2.1 | 2.2 | 5.5 | 13.7 | 30.7 | 74.6 |
| 90 | 1967 | 2892 | 68.4 | 11.6 | 20.0 | 0.5 | 5.9 | 58.5 | 9.9 | 53.7 | 579.7 |
| 91 | 1969 | 3722 | 24.5 | 33.6 | 41.9 | --- | 2.2 | 3.4 | 16.3 | 35.7 | 54.8 |
| 92 | 1967 | 2899 | 78.5 | 6.4 | 15.1 | --- | 3.0 | 6.2 | 10.9 | 32.7 | 68.0 |
| 93 | 1968 | 2899 | 74.5 | 7.1 | 18.4 | --- | 2.3 | 3.8 | 11.3 | 26.3 | 42.7 |
| 94 | 1967 | 2327 | 5.6 | 66.4 | 28.0 | --- | 4.6 | 9.7 | 12.8 | 58.7 | 123.7 |
| 95 | 1967 | 3079 | 64.9 | 18.0 | 17.1 | 2.0 | 6.3 | 15.8 | 14.4 | 90.9 | 226.4 |
| 96 | 1969 | 3662 | 58.0 | 19.0 | 23.0 | 85.3 | 2.4 | 4.7 | 14.8 | 35.5 | 69.3 |
| 97 | 1968 | 3451 | 45.7 | 20.1 | 34.2 | 2.7 | 3.8 | 10.6 | 13.0 | 50.0 | 137.3 |
| 98 | 1967 | 1961 | 37.2 | 24.9 | 37.9 | 2.5 | 3.6 | 14.1 | 14.7 | 52.8 | 206.1 |
| 99 | 1968 | 3729 | 47.6 | 21.5 | 30.9 | 3.9 | 2.0 | 3.8 | 16.5 | 33.4 | 63.2 |
| 100 | 1967 | 3562 | 57.3 | 14.0 | 28.7 | 2.2 | 3.6 | 9.7 | 12.5 | 44.8 | 120.8 |
| 101 | 1968 | 3561 | 58.7 | 10.7 | 30.6 | 7.7 | 1.4 | 2.9 | 16.3 | 23.2 | 46.9 |
| 102 | 1967 | 2394 | 100.0 | --- | --- | --- | 2.3 | 96.8 | 9.1 | 20.8 | 872.2 |
| 103 | 1968 | 3599 | 57.5 | 16.1 | 26.4 | 7.7 | 2.0 | 3.9 | 15.0 | 30.5 | 58.3 |
| 104 | 1968 | 3599 | 4.8 | 53.1 | 42.1 | --- | 3.6 | 8.8 | 15.9 | 57.4 | 140.0 |
| 105 | 1969 | 1929 | 41.7 | 13.8 | 44.5 | 15.8 | 1.9 | 2.2 | 13.6 | 25.7 | 30.3 |
| 106 | 1966 | 3357 | 62.6 | 14.2 | 23.2 | 1.2 | 2.5 | 6.0 | 15.1 | 37.0 | 91.0 |
| 107 | 1968 | 3662 | 70.4 | 18.3 | 11.3 | --- | 3.3 | 5.4 | 15.5 | 50.4 | 83.7 |
| 108 | 1970 | 2441 | 82.5 | 8.6 | 8.9 | 25.8 | 3.2 | 4.5 | 7.3 | 23.1 | 32.9 |
| 109 | 1968 | 3729 | 24.5 | 34.2 | 41.3 | 0.7 | 2.7 | 16.0 | 15.4 | 41.1 | 244.3 |
| 110 | 1968 | 2033 | 79.1 | 12.1 | 8.8 | 4.1 | 1.8 | 7.6 | 12.6 | 22.2 | 95.3 |
| 111 | 1968 | 2311 | 17.6 | 43.5 | 38.9 | (3) | 5.7 | (3) | 10.9 | 62.0 | (3) |
| 112 | 1968 | 7394 | (3) | (3) | (3) | --- | (3) | (3) | (3) | (3) | (3) |
| 113 | 1969 | 1929 | 58.0 | 16.7 | 25.3 | 0.6 | 1.4 | 6.1 | 14.9 | 21.5 | 91.5 |
| 114 | 1966 | 3451 | 40.5 | 31.4 | 28.1 | --- | 1.6 | 2.2 | 15.4 | 24.5 | 33.8 |
| 115 | 1967 | 3451 | 34.4 | 30.1 | 35.5 | --- | 1.5 | 2.0 | 13.9 | 20.4 | 27.6 |
| 116 | 1967 | 5063 | 98.5 | 0.9 | 0.6 | --- | 4.3 | 12.1 | 9.0 | 39.1 | 109.6 |
| 117 | 1966 | 3694 | 75.4 | 15.4 | 9.2 | 6.0 | 4.3 | 18.7 | 12.7 | 55.0 | 237.1 |
| 118 | 1967 | 3694 | 72.0 | 15.2 | 12.8 | 22.2 | 3.9 | 11.2 | 12.3 | 48.5 | 137.0 |
| 119 | 1969 | 2327 | 52.8 | 30.1 | 17.1 | --- | 6.7 | 7.7 | 8.4 | 56.3 | 64.5 |
| 120 | 1968 | 3599 | 29.1 | 22.6 | 48.3 | --- | 4.1 | 7.6 | 16.2 | 66.5 | 122.6 |
| 121 | 1967 | 7394 | (3) | (3) | (3) | --- | (3) | (3) | (3) | (3) | (3) |
| 122 | 1969 | 2328 | 31.3 | 58.5 | 10.2 | --- | 3.9 | 17.9 | 12.0 | 46.4 | 214.6 |
| 123 | 1968 | 3729 | 58.1 | 10.1 | 31.8 | 16.4 | 3.2 | 9.8 | 14.1 | 45.7 | 138.4 |
| 124 | 1967 | 3731 | 48.7 | 30.8 | 20.5 | --- | 2.6 | 6.8 | 17.4 | 44.8 | 119.2 |
| 125 | 1968 | 3499 | 63.6 | 21.6 | 14.8 | --- | 2.7 | 4.0 | 14.4 | 39.3 | 58.1 |
| 126 | 1967 | 5099 | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) |
| 127 | 1968 | 5099 | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) | (4) |
| 128 | 1968 | 3642 | 43.9 | 19.3 | 36.8 | 38.0 | 1.4 | 1.8 | 12.3 | 16.9 | 22.2 |
| 129 | 1967 | 3642 | 35.2 | 28.7 | 36.1 | 2.0 | 1.8 | 9.1 | 14.9 | 26.5 | 135.0 |
| 130 | 1969 | 3662 | 72.2 | 13.5 | 14.3 | 1.0 | 1.4 | 3.0 | 15.2 | 21.6 | 46.5 |
| 131 | 1967 | 3729 | 13.8 | 32.0 | 54.2 | --- | [2] 4.9 | [2] 8.5 | 17.7 | [2] 86.4 | [2] 163.4 |
| 132 | 1965 | 2655 | 42.6 | 21.0 | 36.4 | 1.9 | 2.9 | 5.4 | 14.5 | 42.2 | 78.1 |
| 133 | 1965 | 4422 | (3) | (3) | (3) | --- | (3) | (3) | 21.1 | (3) | (3) |
| 134 | 1969 | 3729 | 49.7 | 42.1 | 8.2 | --- | 3.1 | 4.9 | 13.0 | 40.3 | 64.0 |
| 135 | 1967 | 7397 | 86.2 | 6.5 | 7.3 | 4.5 | 12.6 | 25.0 | 13.2 | 166.1 | 329.1 |
| 136 | 1967 | 3729 | 63.4 | 14.5 | 22.1 | --- | 2.0 | 2.8 | 16.4 | 32.6 | 46.4 |
| 137 | 1969 | 2311 | 49.9 | 31.3 | 18.8 | --- | 3.0 | 4.1 | 13.8 | 41.3 | 56.4 |
| 138 | 1970 | 7699 | 63.7 | 36.3 | --- | 9.6 | 4.1 | 8.1 | 12.9 | 52.5 | 105.5 |
| 139 | 1966 | 2327 | 74.2 | 15.5 | 10.3 | --- | 2.1 | 2.4 | 12.2 | 25.5 | 29.6 |
| 140 | 1968 | 1929 | 73.4 | 9.1 | 17.5 | 4.9 | 1.8 | 2.7 | 11.6 | 20.5 | 31.5 |
| 141 | 1968 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 12.6 | (3) | (3) |
| 142 | 1969 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 14.0 | (3) | (3) |
| 143 | 1968 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 13.6 | (3) | (3) |
| 144 | 1969 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 13.3 | (3) | (3) |
| 145 | 1968 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 12.9 | (3) | (3) |
| 146 | 1969 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 13.3 | (3) | (3) |
| 147 | 1970 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 12.9 | (3) | (3) |
| 148 | 1968 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 15.3 | (3) | (3) |
| 149 | 1969 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 13.3 | (3) | (3) |
| 150 | 1968 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 15.1 | (3) | (3) |
| 151 | 1969 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 13.8 | (3) | (3) |
| 152 | 1970 | 4582 | (3) | (3) | (3) | --- | (3) | (3) | 14.1 | (3) | (3) |

**Footnotes at end of table.**

| | | | Renegotiable cost of goods sold (in percentages) | | | | Turnover rate (after determination) | | Profit (after determination) as percent of | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Determination No. | Contractor's fiscal year | SIC No. | Material and subcontracting | Direct labor | Overhead | Ratio of net worth to longterm debt | Capital[1] | Net worth[1] | Sales[1] | Capital[1] | Net worth[1] |
| 153 | 1968 | 4582 | (3) | (3) | (3) | | (3) | (3) | 14.7 | (3) | (3) |
| 154 | 1969 | 4582 | (3) | (3) | (3) | | (3) | (3) | 13.6 | (3) | (3) |
| 155 | 1970 | 4582 | (3) | (3) | (3) | | (3) | (3) | 13.9 | (3) | (3) |
| 156 | 1968 | 4582 | (3) | (3) | (3) | | (3) | (3) | 12.3 | (3) | (3) |
| 157 | 1969 | 4582 | (3) | (3) | (3) | | (3) | (3) | 12.5 | (3) | (3) |
| 158 | 1970 | 4582 | (3) | (3) | (3) | | (3) | (3) | 12.3 | (3) | (3) |
| 159 | 1968 | 4582 | (3) | (3) | (3) | | (3) | (3) | 13.1 | (3) | (3) |
| 160 | 1969 | 4582 | (3) | (3) | (3) | | (3) | (3) | 13.7 | (3) | (3) |
| 161 | 1968 | 4582 | (3) | (3) | (3) | | (3) | (3) | 12.9 | (3) | (3) |
| 162 | 1969 | 4582 | (3) | (3) | (3) | | (3) | (3) | 14.7 | (3) | (3) |
| 163 | 1970 | 4582 | (3) | (3) | (3) | | (3) | (3) | 15.1 | (3) | (3) |
| 164 | 1968 | 4582 | (3) | (3) | (3) | | (3) | (3) | 13.3 | (3) | (3) |
| 165 | 1969 | 4582 | (3) | (3) | (3) | | (3) | (3) | 12.9 | (3) | (3) |
| 166 | 1970 | 4582 | (3) | (3) | (3) | | (3) | (3) | 13.4 | (3) | (3) |
| 167 | 1970 | 4582 | (3) | (3) | (3) | | (3) | (3) | 13.5 | (3) | (3) |
| 168 | 1969 | 3731 | 59.9 | 24.2 | 15.9 | | 2.3 | 3.8 | 13.0 | 29.6 | 49.0 |
| 169 | 1968 | 3731 | 51.6 | 34.7 | 13.7 | | 3.3 | 7.9 | 13.7 | 45.7 | 109.0 |
| 170 | 1969 | 1999 | 42.6 | 11.8 | 45.6 | | 2.1 | 2.8 | 13.1 | 28.0 | 36.4 |
| 171 | 1968 | 1929 | 71.7 | 13.1 | 15.2 | 10.2 | 2.1 | 4.8 | 13.2 | 28.2 | 63.7 |
| 172 | 1968 | 3452 | 20.3 | 23.4 | 56.3 | 7.9 | 1.6 | 2.4 | 16.7 | 27.0 | 39.7 |
| 173 | 1967 | 2231 | 42.5 | 24.0 | 33.5 | 2.7 | 1.8 | 3.0 | 14.0 | 25.4 | 42.1 |
| 174 | 1968 | 3391 | 81.7 | 7.7 | 10.6 | | 2.4 | 2.7 | 13.5 | 32.3 | 36.9 |
| 175 | 1968 | 3714 | 63.8 | 16.0 | 20.2 | | 3.6 | 10.8 | 13.7 | 48.7 | 147.4 |
| 176 | 1967 | 2311 | 100.0 | | | 0.5 | 1.6 | 12.8 | 15.6 | 25.1 | 198.7 |
| 177 | 1968 | 1621 | (3) | (3) | (3) | | (3) | (3) | 11.7 | (3) | (3) |
| 178 | 1969 | 1929 | 65.1 | 19.0 | 15.9 | 2.9 | 2.3 | 5.1 | 15.6 | 35.6 | 79.5 |

---

[1] Because of the presence or absence of factors, such as Government short- or long-term capital input, sole source or rated order procurement conditions, critical production or delivery requirements, etc., return rates on beginning capital and beginning net worth allocated to renegotiable business on a cost-of-goods sold basis are not always good indicators of comparative profitability. This is particularly true in case of smaller contractors with large increases in renegotiable business during the review year. Also, it is important to note that the ratios are the results of the Board's determinations and that, because of the small number of cases involved and the great variety in underlying conditions, these ratios are not amenable to statistical interpretation.

[2] Ratios influenced by intercompany relationships.

[3] Not relevant, because of the nature of the contractor's business.

[4] Not relevant: Agent.

[5] Nominal capital and/or net worth deficit.

Source: Renegotiation Board Annual Report, fiscal year 1972.

### LOCATION OF EACH OF THE FIRMS

1. The Stalker Corporation, Essexville, Michigan.

2. Allen Elec. & Equip. Co., Sii to Crown Steel Products Co., Orrville, Ohio.

3. Rex Precision Products, Inc., Gardena, California.

4. George D. LaBarre, Hawthorne, New Jersey.

5. Clevepak Corporation, New York, New York.

6. Thomaston Special Products, Inc. Sii to Thomaston Special Tool, Thomaston, Connecticut.

7. Bradford Dyeing Assoc. (U.S.A.), Inc., Westerly, Rhode Island.

8. Eisen Brothers, Inc., Hoboken, New Jersey.

9. Pascoe Steel Corporation, Pomona, California.

10. Nu-Pak Company, Parkesburg, Pennsylvania.

11. Nu-Pak Company, Parkesburg, Pennsylvania.

12. Gillmore M. Perry, Washington, D.C.

13. Gillmore M. Perry, Washington, D.C.

14. Gillmore M. Perry, Washington, D.C.

15. United Telecontrol Electronics, Inc., Asbury Park, New Jersey.

16. Sandnes' Sons, Inc., New Cumberland, Pennsylvania.

17. CYJO Dissolution Company, San Diego, California.

18. Pembroke, Inc., Egg Harbor City, New Jersey.

19. Burns Manufacturing Company, Aitkin, Minnesota.

20. Dart Industries, Inc., Sii to The West Bend Company, West Bend, Wisconsin.

21. Calabrese & Sons, Mechanicsburg, Pennsylvania.

22. Federal Cartridge Corporation, Minneapolis, Minnesota.

23. Guy H. James Industries, Inc., Midwest City, Oklahoma.

24. Holly Corporation, Azusa, California.

25. Holly Corporation, Azusa, California.

26. Holly Corporation, Azusa, California.

27. Air Industries Corporation, Garden Grove, California.

28. Far West Industries, Inc., Phoenix, Arizona.

29. Penland Container, Inc., Hanover, Pennsylvania.

30. DeRossi & Son Company, Vineland, New Jersey.

31. Victor Comptometer Corp., Chicago, Illinois.

32. H. H. Robertson Company, Pittsburgh, Pennsylvania.

33. Galion Amco, Inc., Galion, Ohio.

34. Clymer Machine Co., Inc., Trumbanersville, Pennsylvania.

35. Electronic Products & Engineering Co., Inc., Hialeah, Florida.

36. M. L. W. Corporation, Bayamon, Puerto Rico.

37. Tan-Tex Industries, Inc., New York, New York.

38. Portec, Inc., Oak Brook, Illinois.

39. Vega Precision Laboratories, Vienna, Virginia.

40. Cleveland Steel Prod. Corp., Cleveland, Ohio.

41. J. Schoeneman, Incorporated, Owings Mills, Maryland.

42. Chapman Machine Co., Inc., Darien, Connecticut.

43. Lee Realty Corporation, Milwaukee, Wisconsin.

44. Abbot Machine Company, Milwaukee, Wisconsin.

45. Continental Connector Corp., Woodside, New York.

46. Mosaic Fabrications, Inc., Southfield, Michigan.

47. Glass Designers, Inc., Southfield, Michigan.

48. Glass Designers, Inc., Southfield, Michigan.

49. Bilt-Rite Box Co., Inc., Decatur, Alabama.

50. Trans World Airlines, Inc., Kansas City, Missouri.

51. Morris Industries, Inc., Los Angeles, California.

52. Lake Shore, Inc., Iron Mountain, Maryland.

53. Texas Aluminum Company, Inc., Rockwell, Texas.

54. E. Walters & Co., Inc., Elk Grove, Illinois.

55. National Union Electric Corp., Greenwich, Connecticut.

56. Major Coat Company, Inc., Bridgeton, New Jersey.

57. Graniteville Company, Graniteville, South Carolina.

58. Camel Manufacturing Company, Knoxville, Tennessee.

59. Tools Products Company, Inc., Minneapolis, Minnesota.

60. Elliott Bros. Steel Co., New Castle, Pennsylvania.

61. Valcor Engineering Corp., Kenilworth, New Jersey.

62. Teledyne Inc., Sii to Sewart Seacraft, Inc., Berwick, Louisiana.

63. John Wood Company, Cleveland, Ohio.

64. Dynasciences Corporation, Blue Bell, Pennsylvania.

65. Kellwood Company, St. Louis, Missouri.

66. Air Treads of Atlanta, Inc., Forest Park, Georgia.

67. Adrian Wilson Associates, Los Angeles, California.

68. Hardie-Tynes Manufacturing Co., Birmingham, Alabama.

69. Putnam-Herzl Finishing Co., Inc., Putnam, Connecticut.

70. Thomaston Special Products, Inc. Sii to Precise Products Industries, Inc., Thomaston, Connecticut.

71. Standard Resources Corporation, Culver City, California.

72. The Tubular Products Co., West Hartford, Connecticut.

73. The United Tool & Die Co., West Hartford, Connecticut.

74. International Chair Corporation, Miami, Florida.

75 Aircraft Service International Janitorial, Inc., Miami, Florida.

76. Aircraft Service International Janitorial, Inc., Miami, Florida.

77. Flight Belt Corporation, Long Island City, New York.

78. Flight Manufacturing Corp., Long Island City, New York.

79. O'Brien Gear & Machine Co., Highland, Park, Illinois.

80. The Stanwick Corp., Arlington, Virginia.

81. Plaza Mills, Inc., New York, New York.

82. Computer Instruments Corp., Hempstead, New York.

83. Portec, Inc., Oak Brook, Illinois.

84. Michaels Stern & Co., Inc., Rochester, New York.

85. So-Sew Styles, Inc., Centre, Alabama.

86. Centre Manufacturing Co., Inc., Centre, Alabama.

87. Aerial Machine & Tool Corporation, Long Island City, New York.

88. National Union Electric Corp., Greenwich, Connecticut.

89. Rex Precision Products, Inc., Gardena, California.

90. Bermite Powder Company, Saugus, California.

91. The Stalker Corporation, Essexville, Michigan.

92. Kilgore Corporation, Toone, Tennessee.

93. Kilgore Corporation, Toone, Tennessee.

94. Glenn Manufacturing Co., Inc., Amory, Mississippi.

95. Ametek, Inc. Sii to Plymouth Industrial Products, Inc., New York, New York.

96. United Telecontrol Electronics, Inc., Overland, Missouri.

97. Model Screw Products, Inc., Overland, Missouri.

98. Wells Marine, Inc., Costa Mesa, California.

99. Shinn Engineering, Inc., Santa Ana, California.

100. Superior Steel Ball Co., New Britain, Connecticut.

101. Warren Pumps, Inc., Warren, Mass.

102. M. Sloane Manufacturing Co., Hollywood, Florida.

103. American Technical Industries, Mount Vernon, New York.

104. American Technical Industries Sii to Lem Products Corporation, Mount Vernon, New York.

105. Neapco Products, Inc., Pottstown, Pennsylvania.

106. Carlisle Corp., Cincinnati, Ohio.

107. Sterling Electronics Corp. Sii to 872 Rockaway Corporation, Houston, Texas.

108. Milan Box Corporation, Milan, Tennessee.

109. Patty Precision Products Company, Sapulpa, Oklahoma.

110. Sun Garden Packing Company, San Jose, California.

111. Dale Fashions, Inc., Vineland, New Jersey.

112. American Sportswear Co., Inc., Vineland, New Jersey.

113. National Union Electric Corp., Greenwich, Connecticut.

114. The Dyson-Kissner Corp. Sii to Northwest Automatic Products Corp., New York, New York.

115. The Dyson-Kissner Corp. Sii to Northwest Automatic Products Corp., New York, New York.

116. Anixter Bros., Inc. Sii to Anixter-Normandy Skokie, Illinois.

117. AWA Corporation, Aurora, Illinois.

118. AWA Corporation, Aurora, Illinois.

119. M.L.W. Corporation, Bayamon, Puerto Rico.

120. Abbot Machine Company, Milwaukee, Wisconsin.

121. Lee Realty Corporation, Milwaukee, Wisconsin.

122. Landis Clothes, Inc., Vineland, New Jersey.

123. Kreisler Industrial Corp., North Bergen, New Jersey.

124. Metro Machine Corporation, Norfolk, Virginia.

125. Sterling Commercial Steel Ball Corp., Sterling, Illinois.

126. The Lawrence Jaros Co., Inc., Cleveland, Ohio.

127. The Lawrence Jaros Co., Inc., Cleveland, Ohio.

128. Oppenheimer Inc., Willow Grove, Pennsylvania.

129. Opacalite Incorporated, Santa Ana, California.

130. Rodale Electronics, Inc., Garden City, New York.

131. Macrodyne-Chatillon Corp., Sii to Consolidated Missile Co., Inc., Brea, California.

132. Hitco Sii to Hawley Products Company, Los Angeles, California.

133. Alaska-Puget-United Transportation Companies, Seattle, Washington.

134. Clearwater Die & Manufacturing Company, Inc., Paramount, California.

135. Hutt, Inc., Cliffwood, New Jersey.

136. The National Tool & Die Co., Hartford, Connecticut.

137. Pembroke, Inc., Egg Harbor City, New Jersey.

138. Border Machinery Company, Inc., El Paso, Texas.

139. Puritan Fashions Corporation, New York, New York.

140. John Wood Company, Cleveland, Ohio.

141. Dallathe Corporation, Corpus Christi, Texas.

142. Dallathe Corporation, Corpus Christi, Texas.

143. Beeville Corporation, Corpus Christi, Texas.

144. Beeville Corporation, Corpus Christi, Texas.

145. Corpus Mainbase Corporation, Corpus Christi, Texas.

146. Corpus Mainbase Corporation, Corpus Christi, Texas.

147. Corpus Mainbase Corporation, Corpus Christi, Texas.

148. Glynco Corporation, Corpus Christi, Texas.

149. Glynco Corporation, Corpus Christi, Texas.

150. Jaxs Corporation, Corpus Christi, Texas.

151. Jaxs Corporation, Corpus Christi, Texas.

152. Jaxs Corporation, Corpus Christi, Texas.

153. Key West Corporation, Corpus Christi, Texas.

154. Key West Corporation, Corpus Christi, Texas.

155. Key West Corporation, Corpus Christi, Texas.

156. Kingsville Corporation, Corpus Christi, Texas.

157. Kingsville Corporation, Corpus Christi, Texas.

158. Kingsville Corporation, Corpus Christi, Texas.

159. Medius Corporation, Corpus Christi, Texas.

160. Medius Corporation, Corpus Christi, Texas.

161. New York Corporation, Corpus Christi, Texas.

162. New York Corporation, Corpus Christi, Texas.

163. New York Corporation, Corpus Christi, Texas.

164. Olathe Corporation, Corpus Christi, Texas.

165. Olathe Corporation, Corpus Christi, Texas.

166. Olathe Corporation, Corpus Christi, Texas.

167. Bahia Dorado Corporation, Corpus Christi, Texas.

168. Metro Machine Corporation, Norfolk, Virginia.

169. Bromfield Corporation, East Boston, Mass.

170. Stanadyne, Inc., Windsor, Connecticut.

171. Lasko Metal Products, Inc., West Chester, Pennsylvania.

172. Kaynar Mfg. Co., Inc., Fullerton, California.

173. Cone Mills Corporation, Greensboro, North Carolina.

174. Jernberg Forgings Company, Chicago, Illinois.

175. Gibraltar Manufacturing Co., Port Huron, Michigan.

176. Jonathan Logan, Inc., N. Bergen, New Jersey.

177. Paramount Warrior, Inc., Paramount, California.

178. E. Walters & Co., Inc., Elk Grove Village, Illinois.

Source: Renegotiation Board.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## AMENDMENT OF LABOR-MANAGEMENT RELATIONS ACT 1947

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 1423, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 1423) to amend the Labor-Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

The PRESIDING OFFICER. Time on this bill is now under control, with time on each amendment in the first degree limited to 1 hour; time on each amendment in the second degree, debatable motion, or appeal limited to 30 minutes; and time on the bill limited to 3 hours.

### PRIVILEGE OF THE FLOOR

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the following staff members of the Committee on Labor and Public Welfare be permitted the privilege of the floor during the consideration of S. 1423: Gerald Feder, Donald Elisburg, and Eugene Mittleman; and that Roger King, legislative assistant to Senator TAFT, be permitted the same floor privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that a member of my legislative staff, Mr. Gary Lieber, be permitted on the floor during the consideration of the bill and my amendment thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I ask unanimous consent that my legislative assistant, Tom Shroyer, be permitted on the floor during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the staff people who have been mentioned here may be allowed to be on the floor during roll call votes, also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WILLIAMS. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, one of the glaring injustices in America is that Americans of moderate means neither know when they need legal services, nor how to obtain them, nor are they able to finance those services.

During the past decade, several nongovernmental groups have begun to experiment with programs designed to ensure the availability of legal services.

Bar associations across the Nation are developing insurance programs to provide these services. Labor organizations, on their own and jointly with local bar associations, have begun to establish legal service programs. The insurance industry is developing and marketing plans for legal services.

Various other user groups, such as farm organizations, credit unions, and cooperatives, have been involved in similar experimentation.

One major obstacle to the experimentation with and creation of such programs is section 302(c) of the Labor-Management Relations Act, which prohibits labor and management from jointly administering trust funds established to provide such legal services to employees, their families, and dependents.

Section 302 of the Labor-Management Relations Act, 1947, as amended, prohibits payments by employers of money or other thing of value to employee representatives.

This broad prohibition was enacted to prevent bribery, extortion, shakedowns, and other corrupt practices.

However, section 302(c), as originally enacted, enumerated five exceptions to the general prohibition in section 302, thus permitting employer contributions to jointly administered labor-management trust funds to finance medical care programs, retirement pension plans, and other specific programs.

By enacting a general prohibition on employer payments and then setting forth specific exceptions, Congress impliedly prohibited payments for any purpose not specifically excepted.

It is clear, from the history of section 302, that Congress intended only to prohibit abuses of welfare funds to the detriment of union members, and that the funds excepted from the prohibition were those types of benefit funds then in existence.

Legal service plans were not mentioned in any of the deliberations leading to the enactment of section 302.

The failure to contemplate such plans is undoubtedly attributable to the fact that they are of relatively recent vintage.

Indeed, only in 1971 was the last legal barrier to unilateral funds removed, when the Supreme Court in United Transportation Union against Michigan, ruled that a labor organization had a 1st and 14th amendment right to engage in group activity to enable its members to meet the costs of legal representation. This was the right to participate in a unilateral fund.

Since 1947, Congress has recognized the legitimacy of trust funds being established for other purposes on two occasions.

Thus, in 1959, jointly administered trust funds for purposes of "pooled vacation, holiday, severance, or similar benefits or defraying costs of apprenticeship or other training programs," were excepted from the prohibition.

In 1969, Congress further amended that section to authorize such funds for the purpose of "scholarships for the benefit of employees, their families and dependents for study at educational institutions, and child care centers for preschool and school age dependents of employees."

Today, management is free to provide such services for their employees and labor can establish such funds for their members, but employers are barred from making contributions to any fund for legal services jointly administered with a labor organization or one which is unilaterally administered by such labor organization, even though in many industries jointly trusteed plans would be the only vehicle by which legal services could be effectively provided.

S. 1423 would add an eighth exception to section 302(c) to authorize employer contributions to jointly administered trust funds for the purposes of defraying the costs of legal services for employees, their families and their dependents.

This legislation is necessary because of the growing recognition that existing methods of delivery of legal services to middle and working class citizens are inadequate.

The establishment of legal service programs through collective bargaining, in a manner similar to the way health benefit programs have been established, would be an important step toward alleviating this problem.

American workers today live in an increasingly complex society; yet under our system they are often effectively denied access to proper legal representation.

Permitting employees access to prepaid legal services can often be in the direct interest of the employers.

For example, we learned at the hearings of a pilot program undertaken unilaterally by an employer during World War II to provide legal services to its employees.

The employer actually employed attorneys on a salary to aid with the personal legal problems of its employees.

The primary purpose of the program was to save man-hours by keeping employees on the job during the vital years of the war effort.

The records of the program reflect a saving of over 15,000 man-hours, including those hours saved to the employer by virtue of 61 employees being excused from jury service.

As noted in the September 1964 Journal of the State bar of California—

> The company was attempting to minimize the adverse effects that a legal problem might have upon an employee, both in time lost from the job and attitude on the job.

It is clear to me that providing legal services for employees will have the effect of improving productivity, reducing lost time, and effectively improving employee morale.

This legislation is to authorize the availability of private funds to employees, their families, and their dependents for all legal and related services.

During the hearings on this legislation my distinguished colleage from Ohio (Mr. TAFT) brought out the preventive law aspects of this legislation most forcefully.

As he noted, and I fully agree, it is vitally important that in matters involving marital relations, for example, that the funds be available not only for litigation but for efforts at reconciling the parties, such as marriage counseling.

Another example is perhaps best demonstrated by a program adopted by a unilaterally administered union plan in Columbus, Ohio, where the plan provides for legal services on tax matters, including assistance to the members of the plan in preparation of tax returns.

It is important to note that this bill will not direct the establishment of such programs.

It will not dictate the terms and conditions of such programs, and it will not interfere in any way with the operations of such programs. It will not finance such programs.

Rather, it will bring such joint programs within the scope of collective bargaining by removing an unwarranted and unintended Federal road block to the establishment of such programs by the private sector with private funding.

This measure will not replace national, State, or local bar association procedures with Federal procedures.

It will not subvert State control over the practice of law with Federal control.

It will neither require nor prohibit open panels or closed panels, and it will neither require nor prohibit the establishment of such programs.

It will not require labor or management to agree to any such program, and, within the limits provided herein, the parties will be free to determine the types of benefits and the manner in which legal services will be provided.

Nothing in this measure will affect the traditional relationship between lawyers and their clients nor the duty of lawyers to fully represent their clients.

There is no reason for the Federal Government to be the major obstacle to private arrangements to insure the availability of legal services to the millions of moderate income Americans. This bill will remove that obstacle.

During consideration of this legislation an amendment, offered by Senator TAFT, was adopted to bar the use of such funds in suits against contributing employers, except in workmen's compensation cases, suits against participating labor organizations, and in any suit against any employer or labor organization where the matter in question arises under the National Labor Relations Act or the Labor-Management Relations Act.

This amendment reflects a judgment that there is too great a potential for abuse if such trust funds are involved in litigation involving the employee-employer relationships.

The amendment does not have the effect of prohibiting such lawsuits, but merely bars the use of the legal services provided for under this bill in such lawsuits against employers, labor organizations, their officers and agents.

Another amendment that was adopted in committee would bar the use of such funds where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959.

The purpose of that amendment was to prohibit these funds from becoming involved in internal union controversies.

Mr. President, it is gratifying to me that this legislation is truly bipartisan.

It has been cosponsored by the entire membership of the Committee on Labor and Public Welfare, as well as my distinguished colleagues, the Senator from Florida (Mr. Gurney), and the Senator from Alabama, (Mr. Sparkman).

This legislation has the support of the administration, organized labor, the bar, the insurance industry, and consumer groups.

Mr. President, I ask unanimous consent to have printed in the Record a letter addressed to me from the Secretary of Labor, Peter J. Brennan, expressing the administration's support of this legislation. It suggests certain changes in the bill that was first introduced. The changes that were suggested by the administration were adopted and are part of the committee amendment pending before the Senate.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Labor,
*Washington, D.C., May 2, 1973.*
Hon. Harrison A. Williams, Jr.,
*Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: In your letter of March 31, 1973, you asked for my views on S. 1423, a bill to amend the Labor Management Relations Act to permit employer contributions to jointly administered trust funds that are utilized in providing legal services for employees. The bill would amend section 302(c) of the LMRA by adding a new clause (8) authorizing the establishment of such programs.

As legal services are critical to all of us at various times in our lives, I support in principle the inclusion of such authority. Any such provision, however, should bar the use of legal service trust funds to pay for the defense of union officers facing criminal charges for misfeasance in office. It should also bar use of trust funds in suits by employees against their own employers (except when the employee is seeking to obtain workmen's compensation) and by union members against their own unions.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,
Peter J. Brennan,
*Secretary of Labor.*

Mr. WILLIAMS. Mr. President, one of the most helpful examples of what can be a salutory beneficial effect of unions providing legal services for their members was an example given to us from the State of Louisiana.

I ask unanimous consent to have printed in the Record certain selective portions of the testimony describing the plan and what it has meant to the members who are part of that group legal service plan.

The PRESIDING OFFICER. If the Senator will yield, the Chair states that that program is extremely important. Without objection, the portions of testimony will be printed in the Record.

Portions of the testimony follows:

### Statement of Robert J. Connerton, General Counsel, Laborers' International Union of North America; Stephen I. Schlossberg, General Counsel, International Union United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW); Max Zimny, General Counsel, International Ladies' Garment Workers Union; Joyce D. Miller, Director, Department of Social Services, Amalgamated Clothing Workers of America; Comprising a Panel

Mr. Connerton. Mr. Chairman, for your benefit and Senator Taft's benefit, Mr. Zimny is on my extreme left, Mr. Schlossberg joins me, and of course our fine lady Joyce Miller is on my right.

My name is Robert J. Connerton, and I am general counsel of the Laborers' International Union. I am accompanied here this morning by Jack Curran, our legislative director.

Mr. Chairman, I have had an opportunity as general counsel to assist in the development of the prepaid legal services plans for Laborers' affiliates in Shreveport, La., Columbus, Ohio, Birmingham, Ala., and Philadelphia, Pa., and am presently engaged in helping set up prepaid legal services plans covering approximately 10,000 laborers in Washington, D.C., Virginia, and Maryland, and approximately 20,000 union laborers in the State of Massachusetts. I also have served as a member of the prepaid legal services committee of the American Bar Association, since its inception in 1970, which has helped formulate the response of the organized bar to the challenge of providing legal services for moderate-income Americans. I also served as chairman of a steering committee which led to the recent establishment of the National Consumer Center for Legal Services.

I understand Mr. Duffy, the staff director of the center, is scheduled to testify at a later time.

From these three vantage points, I have been fortunate to watch and also to participate in the unfolding of the movement of making legal services freely available to all Americans. I think as both you and Senator Taft have indicated, there was not any deliberate attempt to stifle the growth of legal service plans. Actually section 302 was drafted in 1947 and was drafted in terms of the general prohibition with specific exceptions, so that as new programs developed from 1947, it has been necessary to come here and petition the Congress to amend section 302 to exclude these programs from the statutory prohibition.

So we have a long history in this connection. For example, back in 1959 you will recall the Congress excepted pooled vacations and holidays and severance plans and apprenticeship and other training programs from prohibitions, and 10 years later it added another exception for day care centers and scholarship programs.

Your bill would simply add one more specific exception to section 302 in order to correct the legislative draftsmanship oversight.

Last year in connection with the preparation for testifying in the House in support of this proposal, we did make a careful study of the legislative history of section 302. It was not based upon any consideration of public policy. Legal service programs were not then in existence and there is a good reason for it. Let me describe it to you.

For many years State bar associations took action against groups which were trying to provide legal services for their members. For example, today we still have outstanding injunctions against the American Automobile Association in many States of the country for providing legal services for their members. So we have had almost insuperable barriers built up until very recently on the representation by attorney to members of the group, by referral of the group.

In three relatively recent Supreme Court decisions, two involving trade unions and another involving a civil rights group, the Supreme Court held that the 1st and 14th amendments protected user groups in retaining attorneys or making any other legal arrangements to assist their members in asserting their legal rights. Still there were those in certain State bar associations who felt that these cases were limited to their facts, that they continue to take action against groups, and it was only 2 years ago in April 1971, that the Supreme Court in the *UTU* v. *State of Michigan* case delivered the definitive opinion which rejected any attempt to limit the earlier cases to their particular facts.

The Court made clear in that case that its holdings in previous cases did not turn upon any set of particular facts, but that the right was an unrestricted right protected by the 1st and 14th amendments and such right could not be abridged or restricted.

Now we are really only talking about a period of 2 years, in which it has become clear that consumer groups of all types have a right to make arrangements to provide legal services for their members.

Now during that period of time the Court was also acting upon the right of Americans to be provided with competent counsel, and the Supreme Court, you will recall, has steadily expanded its notion that the Constitution requires that indigent defendants in criminal cases be provided with representation. Again it was only about 7 months ago in the *Argersinger* case where the Supreme Court ruled unanimously that counsel must be provided in criminal prosecution where there is even a possibility of incarceration, whether a misdemeanor case or otherwise.

Then we can also see this situation unfolding in another area. We found that during the 1960's the Congress of the United States provided for indigents in civil cases their neighborhood legal services, the right to counsel and although there has been some question raised now in the conversion of the service to a public corporation, I am sure these minor questions will be settled, and it seems clear that this service will continue to provide free legal services for approximately 40 million poverty level Americans who are eligible for benefits.

I would like to take you back to the Senate bill on this score 2 years ago which contains a little noticed provision which was subsequently deleted in conference, which would have permitted these Federal poverty law programs to expand their scope to serve the people of moderate income through a device of charging small fees to represent the citizens.

Now the matter was I gather stricken in conference without debate. Without imposing too much on you or Senator Taft, I think it is eminently clear that adequate counsel is still beyond the means of over 150 million Americans in this country. We thought that provision marked the handwriting on the wall. I do not think you can expect moderate income Americans living in an increasingly complicated society, having the same needs for adequate legal counsel as the poor, in the same general area, landlord, tenant, veteran, consumer cases and so forth, to continue and support free legal services for the poor while their own legal needs remain unfulfilled.

I am not suggesting that they will turn against neighborhood legal services programs, but I am suggesting unless we can provide through our free enterprise system the private mechanisms for the delivery of these services, it is inevitable that the Federal Government will be called upon to meet this growing demand.

Now across the country today the problem of providing legal services for this mass market of moderate income Americans is being attacked by a great variety of groups. The American Bar Association is active, American trial lawyers, insurance companies are interested in the field, universities, the consultants, Blue Cross-Blue Shield, all types of farm groups, cooperatives, trade unions, credit unions, religious groups, and civil rights organizations.

Now let me turn quite briefly to review just two plans in which my organization happens to be involved. The first was a cooperative effort between our local union in Shreveport with the American Bar Association and the Ford Foundation. This covers a group of approximately 600 laborers. It has been in existence for 2 years. It is financed by a 2-cent-per-hour union dues payment deducted by employers pursuant to voluntary checkoff. All members of the Shreveport Bar Association participate in these arrangements. Again it was necessary to do it that way because of the present strictures of section 302. Coverage is provided just like a Blue Cross-Blue Shield medical plan pursuant to a schedule of benefits. The plan prohibits any suits against the unions. It prohibits suits against employers and prohibits suits between members.

Now after 2 years we can tell you that Shreveport is alive and well. It has not undermined the stability of the collective-bargaining relationship in any way. There has been no mad rush to either the lawyers or the courthouse—we were concerned we might have some legal hypochondriacs in our group, and we have not had any yet. There have been no harassing lawsuits involved. There has been no attempt made on the part of anyone to tear down the system.

We have put the emphasis up on the front end, up in the area of preventive law. It has paid 93 percent of the total legal billings. I was just down in Shreveport over the weekend for a meeting on the plan with the bar association reviewing its second year of activity and we found something very, very interesting that a certain kind of case involving very, very sharp practices in the consumer area has all of a sudden seemed to dry up. Whereas the union used to receive 8, or 9, or 10 calls a week from certain sharp operators looking for members, they are not receiving calls anymore. It is more in the nature of preventive law.

In fact, it has diminished from the number of cases going on the court's docket rather than adding to it, and this is simply what the union is seeking to carry out. There have been unemployment compensation cases, domestic relations, automobile cases, real property—somebody buys a house, drafts a will—and there have been retail credit and other consumer problems. This is the type of case we have had there.

The Chairman. What is the point there? Were the sharp operators promoting unwarranted litigation?

Mr. Connerton. Yes, Senator. And we have, as I say, any number of specific instances we will be delighted to furnish the committee. For example, they would be doing such things as going in the morning to a man's house and asking him to help him take out his furniture and put it in the truck, simply because he had signed a note for someone else maybe a year or two before. Obviously, under those circumstances if you are provided with legal representation, then this type of thing just simply does not happen, because it is illegal for them to do so in the first place.

We have found many, many cases in the consumer area where a poor person rather than spend $300 or $400 to go to a lawyer and defend himself, would rather sit by and let the person do something even though he knows it is illegal for them to do so.

Now, turning quickly to another plan that we have—and this is out in Columbus, Ohio, and it is more in the nature of a group health kind of plan, rather than following the analogy of Blue Cross, Blue Shield. Well, it covers 3,000 members and their dependents. Again it is financed through a working dues arrangement. It functions through a legal center staffed by attorneys, much like the group health clinic.

The usage there has been extremely high. It has been over 50 percent in the first year.

Again, this plan prohibits suits against employers or unions or between members. The union conducts an intensive educational program with mailings to its members so they can recognize consumer problems. It has a WATTS line where any of its members living in an outlying area can simply pick up the phone and get free advice and consultation from the legal center. It covers virtually every single type of case that is manageable except exclusions I mentioned earlier.

We found that in most of these cases that we develop a different type of practice, where there is practice in the law office, rather than practice in the courts. Most of these cases have been adjusted without the necessity of either litigation or trial. There is simply no evidence that the center is adding to the backlog of the courts.

Again we have had no frivolous actions.

Attorneys retain rights to reject any nonmeritorious claims. The plan is now in the process of being expanded to encompass other labor groups in Ohio. We are plugging in the Ohio State University Law School as a backup center. We have established an advisory board in which the bar and all other community groups participate. All of the information there is available to the committee or any other group that is interested.

I think I am imposing too much on everyone else's time. I would say in conclusion, Mr. Chairman, that we deem the request for providing legal services to moderate-income Americans simply to be entitled to the same equality of treatment as that afforded medical, dental, pension, day-care centers, or other permissible fringe benefits.

Passage of S. 1423 will be an important first step in this direction.

I want to thank you and Senator Taft for the opportunity of appearing here this morning.

I would like permission, Mr. Chairman, to submit my statement and other materials for the record.

The Chairman. Yes, that will be included in full.

Mr. WILLIAMS. Mr. President, the Presiding Officer is familiar with this situation and knows, as I know indirectly, how much it has meant to the people who need legal services and who might otherwise have difficulty in meeting their legal needs.

Mr. President, I urge very strongly that the legal service program become a reality by the passage of S. 1423, which amounts to including another opportunity for jointly administering the funds in section 302(c).

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. TAFT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. President, I endorse S. 1423 and am hopeful that the Senate will approve this measure this afternoon.

The concept of providing greater access to the legal system in this country is an excellent objective, and I believe that every reasonable effort must be made to provide legal counsel for individuals in all income ranges. The objective of permitting the establishment of joint management-labor trust funds for prepaid legal services is a positive step in this direction, as America's working men and women will have greater access to legal counsel by passage of S. 1423. Certain safeguards, however, must be adopted to prevent abuse of this concept in the labor-management context. Such funds should not be furnished for any proceeding, formal or informal, directed against an employer and a labor organization administering such a fund, or against any other employer or labor organization in any matter arising under The National Labor Management Act, as amended.

Specifically, such funds should not only be prohibited from use for litigation, but also from counseling and legal advice with respect to disputes or proceedings in the labor-management context. To do otherwise would be counterproductive to achieving the very real benefits possible from such legislation.

Further, I strongly feel that such funds should not be available for legal defense funds for labor representative officers or officials. Such disputes, which are basically internal labor organization matters, should not be financed by such funds.

Therefore, I offered an amendment in the Senate Labor Subcommittee to insulate such funds from labor-management proceedings, formal and informal. The amendment further provided adequate safeguards with respect to use of such funds in internal labor organization disputes. This amendment was worked out with cooperation from labor and management organizations and accepted by the committee without dissent.

I would also like to further emphasize that the prohibitions for use of such trust funds contained in the limiting amendment are not meant to be all inclusive; they should in no way be construed as restricting the imposition of further requirements or prohibitions by labor and management representatives on the use of such funds.

I understand that an amendment is likely to be offered this afternoon by the Senator from Texas (Mr. Tower) and the Senator from Arizona (Mr. Fannin) which would have the effect of stating that such funds should not be a subject of mandatory collective bargaining.

I do not expect to support that amendment, since I feel—as the Senator from New Jersey has mentioned—that the Senate should not make a judgment on on whether such jointly administered funds should be subject to mandatory collective bargaining. Rather I feel, to be consistent with the provisions of the Taft-Hartley Act, that the question of what constitutes a mandatory subject of bargaining should be resolved on a case-by-case basis, depending upon the specific facts before the National Labor Relations Board or the courts.

Mr. President, during the consideration of the Labor Management Relations Act of 1947, the issue of mandatory collective bargaining arose. As a matter of fact, the House passed a bill containing an enumeration of that issue. The text of the bill passed in the Senate had no such definition. The bill provided that the parties could bargain in good faith with respect to wages, hours, and other terms and conditions of employment, leaving in basic terms the issue of whether or not the matter would mandatorily be subject to bargaining to be determined on a case-by-case basis.

The conferees on the bill, which became known as the Taft-Hartley Act, agreed that the circumstances having to do with whether a particular situation called for the mandatory or nonmandatory provision of bargaining may vary widely depending on the type of contract that is being proposed by either labor or management.

I agree with this approach as the question as to whether a matter should be subject to mandatory bargaining may very well depend upon the past history of a contract. The situation might occur where a labor-management contract that has been in existence for a number of years and there has been an on-going bargaining over the question of the legal services precedent. It seems likely under those circumstances that the courts or the Board would be inclined in the direction of saying that prepaid legal services trust funds would be a subject of mandatory bargaining.

On the other hand, in the circumstances when no such trust fund had been set up before, and the proposed trust fund would be limited to personal injury cases or benefits for dependents of employees, the Board or the court might properly determine that such funds would not be a subject of mandatory bargaining.

In any event, realistically I think we can recognize that what is and what is not compliance with mandatory collective bargaining requirement is perhaps very theoretical in a general sense. When parties get to the bargaining stage and they have a situation that theoretically does not require them to bargain on an issue, I think that as a practical matter bargaining still goes on. The mere fact that a subject is not determined to be subject to bargaining, I think, realistically means very little.

I think that if we adopt the bill it will be a step forward toward providing legal services for workers all over the country. I urge the legislation be approved without the adoption of the Tower-Fannin amendment.

Mr. TOWER. Mr. President, I call up my amendment——

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. Would it be appropriate to adopt the committee amendment before other amendments are offered?

The PRESIDING OFFICER (Mr. JOHNSTON). Unless the amendment of the Senator from Texas is to the committee amendment, it would be in order first to consider the pending amendment. Is all time yielded back on the committee amendment?

Mr. TAFT. I yield back the time on this side on the committee amendment.

Mr. WILLIAMS. How much time remains on the committee amendment?

The PRESIDING OFFICER. Forty minutes remain.

Mr. WILLIAMS. We yield back the remainder of our time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

### AMENDMENT 128

Mr. TOWER. Mr. President, I call up my amendment No. 128, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 3, after the colon, insert the following: "*Provided*, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice:".
>
> On page 2, line 3, after "*Provided*" delete the comma and add "*further*,".

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield myself 10 minutes.

Mr. President, the legislation before us amends the Taft-Hartley Act by permitting the establishment of employer-employee trust funds to defray the costs of legal services. The major limitation on these trust funds is that they could not be used by an employer to sue a union, or a union or employee to sue an employer, with the exception of workmen's compensation cases.

From the outset, I would like to make it clear that I am not particularly opposed to this concept. However, as the bill is drafted, the bargaining over the possible establishment of such trust funds would become a mandatory subject of collective bargaining, thereby requiring an employer to give it equal consideration with such other issues as wages or face the possibility of being charged with an unfair labor practice.

I do not believe this requirement is in the public interest, particularly with respect to the stated goals of the Taft-Hartley Act. Congress passed the Taft-Hartley Act upon coming to the realization that the national interest would no longer be best served through the encouragement of certain union activity—the stated purpose of the Wagner Act of 1935.

Instead, Taft-Hartley represented a basic policy change in the direction of neutrality between employer, employees, and unions. Unfortunately, due to the decisions, rulings and basic approach of the National Labor Relations Board, such a policy of neutrality in labor-management relations does not now exist. Instead of so-called "laboratory conditions" our national labor law policy has reverted to one where union activity is encouraged to the disadvantage of employers, individual employees, small unions, and also to the general public.

It is because of this longstanding trend that I feel compelled to offer this amendment which I might add is also sponsored by Senator FANNIN. At a time when there exists such an imbalance in labor-management relations, I cannot see the wisdom in further expanding the subjects that fall under the category of mandatory subjects of collective bargaining.

The committee report on S. 1423 tends to leave the impression that the bill takes no position on whether the legal services provision will be either mandatory or permissive. I quote from page 5 of the report:

> During the course of the hearings on this legislation, the committee was urged to include a provision which would have provided that no labor organization or employer shall be required to bargain on the establishment of any such trust funds and refusal to do so shall not constitute an unfair labor practice. The committee, in not including such a provision, intends to leave the law to mandatory subjects of bargaining where it finds it.

This statement is, in my mind both misleading and unwise. It is misleading in the sense that the National Labor Relations Board, when given the opportunity, has in almost every instance decided that particular fringe benefits and other related subjects that at one time were either management prerogatives or permissible subjects of bargaining are to be henceforth mandatory subjects of collective bargaining. The Board has accomplished this by giving the broadest possible interpretation to the phrase "other terms and conditions of employment" which is found in section 8(d), the "duty to bargain" section of the Taft-Hartley Act.

Examples of Board decisionmaking as to this expansion of mandatory subjects of collective bargaining include:

First. Individual merit increases in J. H. Allison & Co.

Second. Piece rates or other incentive pay rates in East Texas Steel.

Third. Wage changes made to maintain existing differentials when changes in the minimum wage laws require increases at the bottom end of the wage scale in Standard Candy.

Fourth. Health and accident insurance plans in Cross & Co.

Fifth. Profit-sharing retirement plans in Black-Clawson Co.

Sixth. Stock purchase plans provided for employer contributions in Richfield Oil.

Seventh. A unilateral change in insurance carriers in Wisconsin Southern Gas.

Eighth. Discounts on company products in Central Illinois Public Services.

Ninth. Christmas bonuses in Sullivan Dry Dock.

Tenth. Rent on company houses in American Smelting and Refining.

Eleventh. Rules on absenteeism and tardiness in Murphy Diesel Co.

Twelfth. Institution of aptitude tests in American Gilsonite.

Thirteenth. Super seniority for union representatives in Marine & Shipbuilders.

Fourteenth. Subcontracting out of work in the well-noted Fireboard case.

These represent only a portion of subject topics which the NLRB has recognized as falling within the phrase "other terms and conditions of employment." In my opinion, perhaps a reasonable argument can be put forth to substantiate some of these decisions. Nevertheless, taken together as a group, the Board has disregarded the neutrality principle and has opted instead to follow the underlying principles set out in the Wagner Act of 1935—principles that no longer represent the enunciated position of Congress.

The committee report's treatment of this matter is therefore unwise, because it gives an independent agency even more power to broadly interpret the will of Congress.

Stated otherwise, S. 1423 as reported by the Senate Labor and Public Welfare Committee represents congressional abrogation of responsibilities to the executive branch at a time when we hear a great deal of rhetoric about the need for Congress to freely legislate without being restrained by administrative action.

Mr. President, in 1969, Congress amended section 302(c) of the Taft-Hartley Act to permit employer contributions to jointly administered trust funds for the purpose of scholarships for the benefit of employees, their families, and dependents and for child care services for preschool and school aged dependents of employees. However, Congress, in its wisdom, added the following proviso:

> That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

My amendment to S. 1423 is identical to this proviso. I am not persuaded at all as to why bargaining for legal services should be mandatory while bargaining for scholarships and child care should be permissive. Furthermore, I can perceive of no concrete explanation as to why legal services can be translated into "other conditions of employment" and scholarships and day care services are not.

The failure to include the language I have suggested will most likely give the Board an excuse to make prepaid legal services mandatory since the language of my amendment would appear in the scholarship-day care section within section 302(c) but would then not appear in the proposed section immediately following concerning legal services.

Mr. President, no doubt an argument will be presented that in practice it does not matter whether subjects are mandatory or permissive. I do not believe this to be the case. For example, the employer of a moderately sized business is at a distinct disadvantage in negotiating with a strong union. It may become apparent to him that even though he is not theoretically forced into negotiating a legal services fund or some other type of fringe benefit, due to economic factors he will be forced into agreeing to some of these topics that are somewhat outside the confines of traditional demands—wages and hours. While this might not affect General Motors' bargaining position, it does place great pressure on a smaller general contractor, for example, who must negotiate with a fairly strong labor organization.

It has been my feeling for some time that Congress must move to revamp the National Labor Relations Board so as to effectuate a balanced labor-management policy within the framework of the Taft-Hartley Act. Therefore, I have introducd legislation to remove unfair labor practices from the jurisdiction of the National Labor Relations Board and place them in U.S. district courts. As an alternative to this legislation, Congress can and should clarify the National Labor Relations Act with respect to the provisions, for example, relating to subjects of collective bargaining and secondary boycotts. The legislation now before us offers an excellent vehicle for Congress to reassert itself in labor-management policymaking and thereby limit the discretionary authority of the independent regulatory agency in question.

I, for one, have long felt that Congress is equipped to consider legislation that would not allow the NLRB wide discretionary latitude. Labor law has always been a subject grounded in policy questions, rather than in technical questions. In a statement to the Senate Subcommittee on Separation of Powers during its 1968 hearings on congressional oversight of the NLRB, Judge Friendly of the U.S. court of appeals made the following statement:

> Today NLRB cases do not seem to require a good deal of expertise that a good judge cannot easily acquire. Many of the cases turn on the substantiality of evidence and do not weigh great questions of the moment.

I believe that this also applies with respect to Congress as well as the judiciary and, therefore, I have introduced this amendment so as to allow the Congress itself to set labor law policy, thereby fulfilling its constitutional responsibility as the legislative branch of the Government.

I again want to emphasize that I am not strictly opposed to the concept of prepaid legal services as being a permitted item in the collective bargaining process. The committee report makes note of the fact that some unions in many parts of the country have established pilot programs for prepaid legal services. I agree that this should not be discouraged and I am convinced that my amendment which will make prepaid legal services a permissible subject of bargaining will not stifle this trend.

Even if Congress failed to approve this legislation, the larger unions in the country that seem most interested in prepaid legal services would be able to continue and expand upon their activities on a unilateral basis.

Nevertheless, this trend, if it is one, does not necessitate it being made mandatory at a time when there is a clear imbalance in labor-management relations.

The fact is that the NLRB would, I think, based on past experience, seize on this as an authorization, if my amendment is not passed, to make legal services a mandatory item in the collective bargaining inventory.

In these days, Mr. President, organized labor more than any other segment of the American economy operates behind virtually an impenetrable statutory wall of protection and can demand and get wage increases not tied to increases for productivity, that have no relationship to the marketplace or to the laws of supply and demand. It possesses the greatest power of any other segment of the economy and can regularly thumb its nose at the general citizenry of this country. I do not believe that we should expand its power on matters that it insists are part of the collective bargaining process.

It is high time that we in Congress had the guts to stand up to the great political power of labor and pass some realistic labor legislation.

Mr. FANNIN. Mr. President, will the Senator from Texas yield me 5 minutes?

Mr. TOWER. I yield to the Senator from Arizona whatever time he finds necesary.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. FANNIN. I thank the Senator from Texas.

Mr. President, the amendment offered by Senator TOWER and me is a simple one in that it provides that bargaining over such employer contributions be permissive rather than mandatory.

In 1969, Congress amended section 302 (c) of the law to permit bargaining for scholarships for the benefit of employees and their families and for child care centers for employees' preschool and school age dependents (subsection 7). However, Congress added the proviso:

> That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

Our amendment makes the exact same proviso applicable to bargaining upon legal services. There is just no reason why bargaining for employer contributions for scholarships and child care centers should be permissive and bargaining for employer contributions for legal services should be mandatory.

During the past 25 years, fringe benefit programs have become a major issue in negotiating collective-bargaining agreements. The committee heard testimony that in some instances the combined contributions to such funds, excluding wages, exceed $4 for each man-hour worked—Council of Construction Employers. To add yet another issue to be bargained and paid for by the employer will further inflate the cost of production and is not in the public interest. Eventually, the public pays the entire cost, directly or indirectly.

If the bill passes, we may expect a proliferation of funds for legal services. Unions will be compelled by considerations of competition and prestige to negotiate them and employers will be obliged to contribute money to them There will be increases in product costs and undoubtedly labor strikes.

Mr. President, it is our hope that our amendment will reduce in some part those increased costs and strikes.

If this bill passes without amendment, what new subjects for bargaining can we expect? Employee car insurance? Employee's wearing apparel? Employer paid hair grooming—massage rooms, gasoline for employees' cars used to drive to the employers' plant, free food in the cafeteria, and so forth.

Provision for expenses such as employing legal counsel, and other personal expenses, is and should continue to be the responsibility of the individual. Employers are not legal guardians of their employees.

The workers should retain full responsibility and authority over how much of their wages to spend and how much to set aside for emergencies. I believe most Americans wish to retain these rights and responsibilities and Congress should not through its action transfer these responsibilities to the public through employers.

The Senator from Texas has listed just a few of the fringe benefits which the NLRB and the courts have held to be mandatory subjects for bargaining. They illustrate the ingenuity of unions in bringing up new subjects for bargaining. They also illustrate the strength of unions in being able to obtain these things for their members. Unions do not need the help of Congress in adding to these costly fringe benefits.

If such a legal service plan is indeed desirable, it can be established under existing law by any group of employees that want one through the simple expedient of the interested individuals funding it themselves. Programs of this nature are currently in existence in several sections of the country.

Mr. President, at a time when we are becoming less and less competitive in the world market for our manufactured goods, it seems highly inappropriate that we should move at this time to increase our costs of production. Every day we learn more and more about what is happening in other parts of the world where they are producing at far less costs than we are.

When we consider that, excluding wages, the cost of contributions to such funds in some instances exceed $4 for each man hour at work, we realize the seriousness of this matter.

I, therefore, urge adoption of the amendment by the distinguished Senator from Texas (Mr. TOWER).

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield to me.

Mr. WILLIAMS. I yield to the Senator from New York whatever time he may require within the time available.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, this is a serious matter we are discussing, as it represents a new area for action between labor and management. The fact is that the idea of prepaid legal services has developed considerable currency and that both the American Bar Association and my own bar association in New York, according to the report which I have, look with favor on this development. In my view, Congress ought to do all it can to encourage the establishment of these prepaid legal service funds through collective bargaining. That is why I fully support this bill, and hope very much the Senate will approve it as reported by the committee.

The question which is now submitted to us is a very narrow one; namely, shall or shall not employers be required to bargain with unions on this subject if the employer does not wish to do so?

The Senator from Texas (Mr. TOWER) negates the proposition. We do not negate or affirm it but leave it to be determined by the NLRB and the courts on a case-by-case basis.

The argument on the part of the proponents of the amendment naturally proceeds on the theory that if there is a right to bargain, or a mandatory obligation to bargain, that means that the workers get it. But that really is not so. Unions demand many things in collective bargaining; who can say that they get any or all of their wage demands or their fringe benefits?

The mere fact that bargaining is mandatory simply means that it needs to be discussed in a serious and good faith way.

It has been said, and very properly so, that even if this amendment were adopted any experienced labor negotiator could handle that without running afoul of the law, even if the employer or employers do not wish to discuss the matter. I want to emphasize that the issue here is not whether employers should or should not agree to make payments to these funds. The issue is whether they should even talk about it, provided the NLRB holds that the particular legal services plan which is brought up is a legal services plan which falls within the definition of wage, hours, and conditions of employment.

Mr. TOWER. Mr. President, will the Senator yield so that we may ask for the yeas and nays?

Mr. JAVITS. I yield.

Mr. TOWER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. For example, the Board may very well make a distinction between a legal services program which deals with suits on workmen's compensation, as the subject for a trust fund such as the one we are discussing, and a legal services program which may deal with the generality of obligations of the individual for perhaps opposing a department store bill or a suit against some retailer for misrepresentation or fraud or a personal injury suit in an accident case.

I believe, Mr. President, that as the whole concept of the employer-employee relationship is developing under the labor laws, these issues need to be developed with it. We should not put shackles on it.

I think the people on our side of the argument have made a very good case for cranking into the law a requirement that bargaining on legal services trust funds should be mandatory. Had we written it into the law, that would have been that. We chose to leave the law where we found it and to deal with the substantive elements of the case. The proponents of the amendment would have us negative that proposition and, by terms of the law, exclude it from the collective bargaining process. I do not believe that should be so.

I emphasize again—and I think it is the crucial point for Senators in determining how they will vote—that the fact that it is a subject for bargaining, a mandatory subject for bargaining, even if it were in the whole generality of legal services trust funds, would still not compel the employer to agree.

So I believe that the committee should be sustained and that the amendment should be rejected.

Mr. WILLIAMS. Mr. President, I yield to the Senator from Ohio such time as he requires.

Mr. TAFT. I thank the chairman of the committee.

I really have little to add to the argument on this amendment.

As I said in my opening remarks, I feel it is somewhat of a tempest in a teapot; because, as a practical matter, the differentiation between mandatory and nonmandatory subjects in collective bargaining is certainly not a very clear one in most circumstances.

In that regard, I invite the attention of the Senate to the statement of Harry P. Taylor, president of the Council of Construction Employers, Inc., who testified before the Labor Committee, along with a panel representing employers in the contracting and construction business. I read from the committee hearing record in that connection, on page 242:

> The CHAIRMAN. In this legislation—I might have missed what you said there—but if you are dealing with any suggestion that this legislation makes this a mandatory issue, it does not.
>
> Mr. TAYLOR. Sir, if I may speak to it as one who did negotiate, representing management, with the building trades unions, if I had a choice between it being mandatory or permissive——
>
> The CHAIRMAN. You would rather have it mandatory?
>
> Mr. TAYLOR. No, sir, but only for those few cases—and, they are rare—where the negotiator for the union is not astute enough to inflate his demand for mandatory bargaining issues.
>
> This is the situation where they say, now you just give a little more on this permissive issue, and I will get reasonable on the mandatory issue. The net effect in dealing with an astute negotiator—most of them are that I have met—from the union, it really makes very little difference. They will make it mandatory by the mere practice, even if it is just permissive.
>
> I would rather have it permissive.

This is the testimony we received from an individual who has been involved in the very industry which the Senator from Texas has mentioned.

As I have said, I think it really is somewhat of a tempest in a teapot. It seems to me to be questionable and argumentative at this point to try to put these services in a separate category aside from the other major fringe benefit issues. The National Labor Relations Board and the courts, as the case may be, should make the decision on a case-by-case basis as to whether or not prepaid legal services are subject to mandatory or nonmandatory bargaining.

I think it would be a mistake to adopt the amendment. I can understand opposition to the bill, as expressed by the Senator from Arizona, and perhaps others are opposed to the bill as well.

If we accept this concept, however, it seems to me that it is desirable to try to encourage rather than discourage inclusion in labor contracts joint trust funds for legal services. I do not believe, as has been argued, that that is an inflationary move. Far from it. I think that anybody who has been involved in labor-management discussions and in negotiations recognizes that it is a question of the package you are willing to arrive at. Some of it is in pay and some of it in fringe benefits. Whether such funds are mandatory or permissive, they will be part of the fringe benefits negotiated by labor and management. Labor organizations may set up these trust funds, anyway; and it seems to me desirable, under the circumstances, to have a joint labor-management participation in establishing and controlling such funds.

Mr. WILLIAMS. I yield myself such time as I may require.

Mr. President, it might be helpful to go back and review for a moment what happened in 1947 during the deliberations on the Labor-Management Relations Act of that year. The issue of congressional definition of mandatory bargaining arose then. As a matter of fact, a bill passed in the House of Representatives contained an enumeration of those issues over which the parties would be required to bargain. However, the bills that passed the Senate contained no such definition. Rather, the bill merely defined collective bargaining as the conferring in good faith "with respect to wages, hours, and other terms and conditions of employment." It then left the specific determinations of what issues are mandatory subjects of bargaining to be determined, as the Senator from New York pointed out, on a case-by-case basis, by the judicial and quasi-judicial process.

The conferees on that act in 1947, the Taft-Hartley Act, agreed with the Senate provision, and that is where we are today. This would make a specific finding, as part of the definition, of what is mandatory and what is not. We leave that question unanswered, as the Taft-Hartley Act in many cases left it unanswered.

I suggest that in this situation, for all the reasons that have been advanced, we not legislate this definition of the Tower-Fannin amendment.

The bill will not direct the establishment of legal services programs, it will not dictate the terms and conditions of such programs, it will not require nor prohibit the establishment of such programs and it will not require labor or management to agree to any such programs.

The bill will simply permit management to contribute to such fringe benefit funds if management agrees with labor to the establishment of such a fringe benefit.

The amendment by Senators Tower and Fannin would permit an employer to refuse even to bargain over the establishment of a legal service program by designating legal services fringe benefits as a nonmandatory subject of bargaining.

During the hearings on this legislation, the committee heard some witnesses who urged that legal services be made a mandatory subject of bargaining.

Others urged an amendment similar to the Tower-Fannin amendment.

Although some members of the committee believe that a legal service fringe benefit should be treated like other fringe benefits such as health insurance and pensions, all mandatory subjects of bargaining, the committee decided not to resolve the issue on a basis of the generalized statements in our hearing record.

Rather, we chose to be consistent with the provisions of the Taft-Hartley Act under which the question of what constitutes a mandatory subject of bargaining is resolved on a case by case basis, depending upon the specific facts involved, by the National Labor Relations Board or the Courts.

The effect of the amendment is to grant to employers a statutory right to refuse to bargain with his employees about the establishment of a legal services program.

The whole purpose of S. 1423 could be thwarted by the proposed amendment. While we are trying to provide a vehicle for employees to protect themselves with legal services plans through the collective bargaining process, this amendment would allow any employer to thwart the whole process from the outset by simply saying "I refuse to discuss that subject."

This amendment in effect could give the employer the sole discretion of deciding whether or not a legal services plan would be established under the auspices of section 302.

We would be building in a tremendous inequality in bargaining power over a subject of great importance to employees, a subject which, as Secretary of Labor Brennan said in endorsing S. 1423, is "critical to all of us at various times in our lives."

It is a subject about which employers should also have a deep interest. Our committee report described the case of an employer which unilaterally undertook a legal services program for its employees during World War II. That program resulted in a savings of thousands of man-hours in time lost on the job in attempting to deal with personal legal problems. We concluded in our report that:

> It is clear to the committee that providing legal services for employees will have the effect of improving productivity, reducing lost time, and effectively improving employee morale.

Legal services to the average American is such an important national problem that many believe that employees should have an absolute right, through their unions, to demand that employers bargain over the establishment of such funds on a jointly administered basis. Some believe that these plans would bring such benefits to both the employer and his employees, that it should be spelled out in the law as a mandatory subject of bargaining.

Let me be certain here that my colleagues understand that making a subject of bargaining mandatory simply means that an employer must bargain in good faith about the subject. He by no means has to agree to the demand.

In any event, after we completed a review of the legislative history of the Taft-Hartley Act and the many court decisions dealing with the issue of which subjects of bargaining were permissive and which were mandatory, we concluded that it would not be appropriate to include any provision in the bill at all.

It is clear that this was intended by Congress in 1947 as a subject which was to be left to the National Labor Relations Board and the courts, to be decided on a case-by-case basis.

The act itself, of course, does not specify which subjects are mandatory and which are permissive. Let me briefly review how the law has been developed by the courts.

Section 8(d) of the Labor-Management Relations Act, 29 U.S.C. section 141, section 158(d) (1970), provides in pertinent part:

> To bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to *wages, hours, and other terms, and conditions of employment*, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party. . . . (Emphasis added.)

The distinction between mandatory and merely permissive bargaining subjects is crucial. In *N.L.R.B.* v. *Borg-Warner Corp.*, 356 U.S. 342 (1958), the Supreme Court held that lawful matters not within the scope of "wages, hours and other terms and conditions of employment" are permissives bargaining subjects.

The inventory of forms of compensation held to be mandatory bargaining subjects has been established on a case by case basis: individual merit raises, *N.L.R.B.* v. *J. H. Allison & Co.*, 165 F. 2d 766 (6th Cir. 1948); Pension, *Inland Steel Co.* v. *N.L.R.B.*, 170 F. 2d 247 (7th Cir. 1948), *cert. denied*, 336 U.S. 960 (1949); Christmas Bonuses, *N.L.R.B.* v. *Niles-Bement-Pond Co.*, 199 F. 2d 713 (2d Cir. 1952); Rentals for Company-Owned Housing, *N.L.R.B.* v. *Lehigh Portland Cement Co.*, 205 F. 2d 821 (4th Cir. 1953); Piece or Other Incentive Rates, *N.R.L.B.* v. *E. Texas Steel Castings Co.*, 211 F. 2d 813 (5th Cir. 1954); Profit-Sharing Plans, *N.L.R.B.* v. *Black-Clawson Co.*, 210 F. 2d 523 (6th Cir. 1954); Stock Purchase Plans, *Richfield Oil Corp.* v. *N.L.R.B.*, 231 F. 2d 717 (D.C. Cir. 1956), *cert. denied*, 351 U.S. 909 (1956); Employee Discounts, *N.L.R.B.* v. *Central Ill. Pub. Serv. Co.*, 324 F. 2d 916 (7th Cir. 1963).

In developing the Mandatory versus Permissive Bargaining Concept, the NLRB and the courts have looked to bargaining practices as relevant, but not determinative. *Fibreboard Paper Products Corp.* v. NLRB, 379 U.S. 203, 211 (1964). It is well established that:

> Section 8(d) of the act—does not immutably fix a list of subjects for mandatory bargaining.

*Chemical Workers, Local 1* v. *Pittsburgh Plate Glass*, 404 U.S. 157, 158 (1971) and that:

> Effective collective bargaining—include(s) the right—to bargain about the exceptional as well as the routine—"

Order of *Railroad Telegraphers* v. *Railway Express Agency*, 321 U.S. 342, 347 (1944).

Whether legal service plans would be found to be mandatory or permissive subjects of bargaining is an open question. There are those who argue that they should be treated in the same manner as group health plans, which are mandatory subjects of bargaining. Others argue that they should be a permissive subject of bargaining.

The point is that we should leave it to the NLRB and the courts to decide the qustion on the basis of traditional and well-established criteria. The question has not yet been presented in an actual case, and we should leave the law as we find it.

Mr. TOWER. I yield myself 1 minute.

Mr. President, I want to say that passing this bill without my amendment simply puts another plug in the hands of big unions which in many instances, most instances, are greater and more powerful than the business organizations they deal with. Remember, organized labor is the only segment of the American economy that does not have to pay attention to regulations in the marketplace or the law of supply and demand because of the statutory law of protection around them.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Delaware (Mr. BIDEN), and the Senator from Idaho (Mr. CHURCH) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Virginia (Mr. SCOTT) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from New York (Mr. BUCKLEY) is detained on official business.

The Senator from Illinois (Mr. PERCY) is absent by leave of the Senate on official business.

The result was announced—yeas 26, nays 66, as follows:

[No. 142 Leg.]

YEAS—26

Baker
Bartlett
Bellmon
Bennett
Brock
Byrd,
  Harry F., Jr.
Cook
Cotton
Curtis
Domenici
Dominick
Eastland
Ervin
Fannin
Griffin
Hansen
Helms
Hruska
McClellan
McClure
Nunn
Saxbe
Thurmond
Tower
Weicker
Young

NAYS—66

Abourezk
Aiken
Allen
Bayh
Beall
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cranston
Dole
Eagleton
Fong
Fulbright
Gravel
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Williams

NOT VOTING—8

Biden
Buckley
Church
Goldwater
Hughes
Percy
Scott, Va.
Stennis

So the Fannin-Tower amendment was rejected.

Mr. JAVITS. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS. Mr. President, I know of no further amendments. I am prepared to yield back the time remaining on the bill, if Senators controlling the time in opposition are also willing.

Mr. JAVITS. Who controls the time in opposition?

Mr. WILLIAMS. The Senator from New York himself does.

Mr. JAVITS. I am prepared to yield back the time under my control, as well, unless there are Senators who desire to speak on the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. JAVITS. Mr. President, I do not want to cut off any Senator. I think it is a little early compared with what Senators usually assume. On my time, I suggest the absence of a quorum before the third reading of the bill.

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, I urge speedy adoption of S. 1423 as unanimously reported from the Labor and Public Welfare Committee. As a cosponsor of this legislation, I regard the provision of high-quality prepaid legal services as being of the utmost importance. I wish to commend the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS) for their leadership in presenting and obtaining quick Senate action on this bill.

Over the past 2 years, the Senate has debated and twice passed legislation which I, joined by many others, have sponsored to create a National Legal Services Corporation. This legislation has been designed to aid the poor in receiving the legal assistance they need to insure equal justice for all under our Constitution. Within the near future, the Senate will again be debating the future of the legal services program.

The legislation under consideration today, however, is important in a different way. For not only the poor in our society often find quality legal services beyond their reach. Many middle-class Americans often experience difficulties in affording such services and the present means for delivering these services do not always prove adequate. For these Americans, the ability to establish joint labor-management trust funds to finance legal services is of real concern.

S. 1423, it should be noted, does nothing more than remove a presently existing legal barrier which prevent the formation of jointly administered labor-management trust funds to finance the provision of legal services. By authorizing employer contributions to such funds, this legislation will help provide legal services in many industries where such jointly administered funds may well be the only effective way of providing such services.

The bill does not finance or direct the establishment of such legal services programs. It allows for maximum flexibility in the nature, number, and particular provisions in plans for prepaid legal services.

In short, S. 1423 attempts to recognize the growing need for quality prepaid legal services among employees in many industries, and declares that the Federal Government will not stand in the way of unions and management jointly deciding to administer such funds. As such, it fills a definite need and will be a real contribution toward benefiting the welfare of millions of families across the Nation.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1423) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Virginia (Mr. SCOTT) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent by leave of the Senate on official business.

The result was announced—yeas 79, nays 15, as follows:

[No. 143 Leg.]

YEAS—79

Abourezk
Aiken
Allen
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Dominick
Eagleton
Fong
Fulbright

Gravel
Griffin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya

Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—15

Bartlett
Bennett
Byrd,
Harry F., Jr.
Cotton
Curtis

Eastland
Ervin
Fannin
Hansen
Helms
Hruska

McClellan
Saxbe
Thurmond
Tower

NOT VOTING—6

Biden
Goldwater

Hughes
Percy

Scott, Va.
Stennis

So the bill (S. 1423) was passed, as follows:

S. 1423

An act to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 302(c) of the Labor Management Relations Act 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: *Provided further,* That no such legal services shall be furnished (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workmen's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, or this Act, and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959".

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary clerical and technical corrections in the engrossment of the bill, and that the bill (S. 1423) be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Clerk of the House had been directed to notify the Senate that Mr. ADAMS, of Washington, had been appointed as a manager on the part of the House at the conference on the bill (S. 38) to amend the Airport and Airways Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, vice Mr. DINGELL, resigned.

## LEAVE OF ABSENCE

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senator from Illinois (Mr. PERCY) be granted leave of the Senate from today until Friday on official business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, I rise to ask the distinguished majority leader what the order of business will be for the rest of the day, the rest of the week and, if he is prepared to say, until the very brief recess before Memorial Day.

## AMENDMENT OF THE SMALL BUSINESS ACT

Mr. MANSFIELD. Mr. President, in response to the query raised by the distinguished Republican leader, first, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 123, S. 1672, so that it may be made the pending business.

The PRESIDING OFFICER (Mr. DOMENICI). Under the previous order, the Chair lays before the Senate S. 1672, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 1672) to amend the Small Business Act.

The PRESIDING OFFICER. Time on this bill is under control, with time on each amendment except one amendment to be offered by the Senator from Ohio (Mr. TAFT) limited to 30 minutes, time on the bill to be limited to 1 hour.

Mr. MANSFIELD. Mr. President, we will not take up the Small Business bill until tomorrow, sometime between the hour of 10:30 and 11 o'clock a.m. So there will be no time on the bill this evening.

## LEGISLATIVE PROGRAM

Following the disposition of the pending business, it is anticipated that the Senate will turn to the consideration of Calendar Order No. 142, a bill (S. 355) to amend the National Traffic and Motor Vehicle Safety Act of 1966, and then hopefully, either Calendar No. 144 or Calendar No. 145. Some difficulties pertain to Calendar Nos. 143 and 141.

It is anticipated that on the calendar tomorrow will be the bills reported out by the Committee on Foreign Relations yesterday, or Monday, the State Department Authorization Act, the Foreign Building Act, the authorization for the USIA, and the authorization for the Peace Corps. In view of the difficulties which have developed concerning the taking up of the urgent supplemental appropriation bill, I would anticipate the same difficulty would accrue to the State Department authorization bill, but I will plead with the distinguished minority leader from time to time to see whether, out of the goodness of his heart and his wisdom of mind, he might not relent, but I am not holding out much hope.

Mr. SCOTT of Pennsylvania. The minority leader is filled with goodness of heart and enormous good will and a compulsive desire to please the distinguished majority leader in every way possible, and to the extent to which he and his colleagues can bring themselves to do so, we will try to do in bringing ourselves to do so.

Mr. MANSFIELD. May I say that I appreciate the candor of the distinguished minority leader. I would say that the situation which confronts us at the present time is the exception to the rule.

Mr. SCOTT of Pennsylvania. The distinguished majority leader is very kind—as always.

Mr. MANSFIELD. Mr. President, on Monday next, the Senate will proceed to the consideration of the nominations of Robert H. Morris, of California, and

William L. Springer, of Illinois, to be members of the Federal Power Commission.

At this time, as in executive session, I ask unanimous consent that there be 2 hours of debate on Monday next on the nomination of William L. Springer, of Illinois, the time to be equally divided between the distinguished Senator from Utah (Mr. Moss) and the equally distinguished Senator from New Hampshire (Mr. COTTON); and I also ask unanimous consent that it be in order to order the yeas and nays on that nomination at this time.

The PRESIDING OFFICER (Mr. DOMENICI). That is on the nomination of William L. Springer, of Illinois?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on this nomination at this time.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that it be in order to order the yeas and nays on the nomination of Robert H. Morris, of California, immediately after the disposal of the Springer nomination on Monday next, at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the nomination of Robert H. Morris, of California.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, other legislation will be reported from the various committees in the meantime. I will get together, as usual, with the distinguished Republican leader, trying to work out the mode of operation for these matters so that they can be considered by the Senate before we recess at the conclusion of business a week from tomorrow.

Mr. SCOTT of Pennsylvania. Has the distinguished majority leader, at this time, arrived at any decision regarding a session this coming Friday?

Mr. MANSFIELD. It would depend, I would say in reply, on what the Senate is able to accomplish on tomorrow.

Mr. SCOTT of Pennsylvania. In other words the carrot and the stick?

Mr. MANSFIELD. The stick and the carrot. [Laughter.]

The PRESIDING OFFICER. The Chair would inquire of the distinguished majority leader, does he want to ask unanimous consent that the time heretofore agreed upon on S. 1672 be deferred until tomorrow and start running tomorrow?

Mr. MANSFIELD. The distinguished Presiding Officer has stated the situation correctly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say, in all candor, to my distinguished friend, the Republican leader, that it really is not the stick and the carrot or the carrot and the stick. It is just the way things work out. I do not know what is going to come upon the calendar.

Mr. SCOTT of Pennsylvania. I understand.

Mr. COTTON. Mr. President, if the distinguished majority leader will yield, I think that while 2 hours is ample for consideration of the Springer nomination, I would be very much surprised if we used more than half that time.

Mr. MANSFIELD. I would be disappointed if we did.

### QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legslative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate will recall that I said we would get to a vote between the hour of 10:30 and 11 o'clock tomorrow on the bill to amend the Small Business Act.

I would like to make a further addendum and ask unanimous consent that the time begin running on the Springer nomination immediately after the close of morning business on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

### QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT OF THE SMALL BUSINESS ACT

The Senate continued with the consideration of the bill (S. 1672) to amend the Small Business Act.

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. S. 1672.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order for amendment No. 125 to be offered to the bill S. 1672. The amendment is by Mr. EAGLETON. I have cleared the matter with Mr. TOWER, who is the manager of the bill on the other side of the aisle; I have cleared it with the manager of the bill on this side of the aisle; and I have also cleared it with the leadership on the other side of the aisle.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

### ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATORS AND FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the assistant Republican leader, Mr. GRIFFIN, be recognized for not to exceed 15 minutes; that he be followed by the junior Senator from West Virginia, Mr. ROBERT C. BYRD, for not to exceed 15 minutes, at the conclusion of which there be a period for the transaction of routine morning business, of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR S. 1672 TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the transaction of routine morning business, the Chair lay before the Senate the unfinished business, S. 1672.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### FEDERAL POWER COMMISSION

Mr. ROBERT C. BYRD. Mr. President, I have been authorized by the distinguished majority leader to ask unanimous consent, as in executive session, that the previous order with respect to the consideration of Calendar No. 125, Message No. 29, the nomination of Robert H. Morris, be vacated.

The PRESIDING OFFICER. The order for the vote thereon?

Mr. ROBERT C. BYRD. That the previous order with respect to Mr. Robert H. Morris be vacated, with the exception of the yeas and nays which were ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on Monday, after the transaction of routine morning business is completed, the Senate will go into executive session to consider the nomination of Mr. William L. Springer, of Illinois, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1977. There is a time limitation of 2 hours on that nomination, the time to be equally divided between Mr. Cotton and Mr. Moss, at the conclusion of which a yea-and-nay vote, which has previously been ordered, will occur. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. At the conclusion of the vote, the Senate would not then proceed to vote on the nomination of Mr. Morris. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COTTON, At what time is it the intention for the Senate to meet on Monday?

Mr. ROBERT C. BYRD. At 12 noon.

Mr. COTTON. So that, in all probability, the debate on the nomination of Mr. Springer would hardly start before 1 p.m.

Mr. ROBERT C. BYRD. I doubt that it will.

Mr. COTTON. I am coming in by plane, and I plan to arrive here by 1 o'clock or within 10 minutes thereafter.

Mr. ROBERT C. BYRD. The Senator will be accommodated, because he is always most accommodating to his colleagues.

Mr. COTTON. I thank the Senator.

## ORDER FOR CONVENING OF THE SENATE ON MONDAY, MAY 12, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate meets on Monday, it meet at the hour of 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Monday, and after the completion of any orders for the recognition of Senators which may have been entered prior thereto, there be a period for the transaction of routine morning business, of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate go into executive session to begin its consideration of the nomination of Mr. William L. Springer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. This is in accordance with our colloquy, may I say to the distinguished Senator from New Hampshire.

Mr. COTTON. It will not happen before 1 p.m. or 1:30?

Mr. ROBERT C. BYRD. I assure the Senator of that.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 10 a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, the assistant Republican leader, Mr. Griffin, will be recognized for not to exceed 15 minutes, after which the junior Senator from West Virginia (Mr. Robert C. Byrd) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will resume its consideration of the unfinished business, S. 1672, a bill to amend the Small Business Act, under a time limitation. Yea-and-nay votes will occur on amendments thereto and possibly on the passage of the bill. There may be other matters called up tomorrow following the disposition of the unfinished business, and yea-and-nay votes may likewise occur thereon.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT TO 10 A.M.

Mr. HUDDLESTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow morning.

The motion was agreed to; and at 3:25 p.m. the Senate adjourned until tomorrow, Thursday, May 17, 1973, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 16, 1973:

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

*To be commander*

Phillip C. Johnson
James P. Brown, Jr.
Karl W. Kieninger

*To be lieutenant commander*

William L. Stubblefield
Ronald L. Crozier
Melvyn C. Grunthal
William D. Neff
Michael Kawka
Clarence W. Tignor
Melvin N. Maki

*To be lieutenant*

Michael R. Johnson
Max M. Ethridge
Gary L. Sundin
Carl V. Ullman
Keith G. Baldwin
Stephen L. Wood
Robert H. Qualset
Gary M. Adair
Alan P. Vonderohe
David B. McLean
David B. MacFarland
Kurt J. Schnebele
Emerson G. Wood

*To be lieutenant (junior grade)*

Carl S. Smyth
James R. Hastings
James R. Faris
Michael F. Kolesar
Denis A. Redwine

### U.S. AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962 title 10 of the United States Code:

*To be lieutenant general*

Lt. Gen. Gordon M. Graham, [redacted]R (major general, Regular Air Force) U.S. Air Force,

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

*To be lieutenant general*

Maj. Gen. Donavon F. Smith, [redacted]R (major general, Regular Air Force) U.S. Air Force,

### FEDERAL RESERVE SYSTEM

Robert C. Holland, of Nebraska, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1964, vice James Louis Robertson, resigned.

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 16, 1973:

### DEPARTMENT OF LABOR

Richard F. Schubert, of Pennsylvania, to be Under Secretary of Labor.

Bernard E. DeLury, of New York, to be an Assistant Secretary of Labor.

### ADMINISTRATION ON AGING

Arthur S. Flemming, of Virginia, to be Commissioner on Aging.

### FEDERAL HIGHWAY ADMINISTRATION

Norbet T. Tiemann, of Nebraska, to be Administrator of the Federal Highway Administration.

### NATIONAL COMMISSION ON MATERIALS POLICY

Frederick B. Dent, of South Carolina, to be a member of the National Commission on Materials Policy.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

# EXTENSIONS OF REMARKS

## RECOGNITION OF MUSICAL TALENT

## HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. MADIGAN. Mr. Speaker, earlier this week I had the opportunity to hear the Master's Men, the male glee club of Lincoln Christian College, perform on the Capitol steps. This group also shared their beautiful music with the Senate in the rotunda of the Russell Senate Office Building.

This chorus, specializing in sacred music, is made up of young men from all over the United States who are training for some phase of the ministry at Lincoln Christian College and Seminary, Lincoln, Ill.

It is refreshing to meet such a fine group of young men, and after hearing them, it is understandable why this outstanding group directed by Mr. K. David Hargrove is in such demand throughout the Midwestern United States.

I would like to insert in the RECORD the names of this group and their hometowns so that my colleagues might be aware of the fine work that these outstanding young men are doing.

Abegglen, Jim, second tenor, Olney, Ill.
Adams, Tim, bass, Lexington, Ky.
Allen, Sky, second tenor, Whiting, Ind.
Baker, Bill, baritone, Waukegon, Ill.
Bender, Bob, baritone, Browns, Ill.
Blankenship, Jim, first tenor, Greenville, Ill.
Bradburn, Ken, baritone, LaPorte, Ind.
Burberry, Mac, second tenor, Lexington, Ky.
Cheatham, Roger, second tenor, Wheaton, Ill.
Densmore, Jim, technician, Albion, Ill.
Eagles, Jerry, first tenor, Tulsa, Okla.
Ellis, David, bass, Highland, Ind.
Flick, Shockley, bass, Portage, Ind.
Gallagher, Mark, bass, Indianapolis, Ind.
Gaston, Mike, bass, Windsor, Ill.
Harbin, Mike, first tenor, Atlanta, Ga.
Harney, Larry, first tenor, Lexington, Ky.
Henwood, Ron, second tenor, Rossville, Ill.
Holland, Bruce, second tenor, Rittman, Ohio.
Holland, Mike, bass, Rittman, Ohio.
James, Mark, percussion, Potomac, Ill.
Jones, Mark, baritone/accompanist, Omaha, Nebr.
McFadden, Matt, technician, Lexington, Ky.
McGilliard, Dale, baritone, Brownsburg, Ind.
Mead, Andy, baritone, Downs, Ill.
Peters, Eric, first tenor, Indianapolis, Ind.
Ritter, Jay, baritone, Rossville, Ill.
Ross, George, baritone, Palmyra, Ill.
Shepherd, Gene, baritone, Albion, Ill.
Van Meter, Rick, baritone/accompanist, Springfield, Ill.
Vollstedt, Tim, second tenor, Bloomington, Ill.
Walston, Rick, second tenor, Wood River, Ill.
Wells, Steve, bass, Lexington, Ky.
White, Steve, second tenor, Danville, Ill.
Woods, David, first tenor, Albion, Ill.

---

## SALUTE TO BASKETBALL OFFICIALS

## HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. WRIGHT. Mr. Speaker, more and more sports and athletic events occupy our leisure time. One little-known aspect of such activities is the art of officiating. With the basketball season just being completed it might be fitting to take cognizance of the role played by these men in the striped shirts in a game invented and primarily performed in the United States.

Recently, the assistant to the commissioner of the Southern Conference, J. Dallas Shirley, a resident of the Greater Washington, D.C. area, authored an article on what a spectator should look for in a good basketball official and how to tell one from another. The following is Mr. Shirley's article:

### WHAT IS A GOOD BASKETBALL OFFICIAL? HOW CAN I TELL?

(By J. Dallas Shirley)

Quite often the average basketball fan, filled with enthusiasm and love of the game, tries to honestly be objective and asks himself, "How can I tell if the official is a good one or not?"

Certainly it is agreed that you cannot follow the advice given in the poem printed below, for more than God can referee.

Many spectators who come to games are not and cannot be objective in their evaluation of the man in the striped shirt for they are prejudiced, biased, ill-informed and think only those calls that are made in favor of his team are correct.

In an attempt to be of service to the spectator who really wants to determine if the man with the whistle is competent, I should like to present a few yardsticks he may use in trying to arrive at a fair and honest answer.

To begin with we must recognize that first impressions are all too often lasting impressions and this is not always fair. As the official walks on the floor he immediately starts selling himself to you. You look at his general appearance, judging, if he is neat and in good physical condition, if he is overweight or carrying a spare tire around his mid-section.

Like you, the official is very conscious of his appearance and condition. In fact two or more months prior to the opening of the season he starts working out regularly to get in tip-top shape and be ready to run approximately four miles per game, staying with young students who have little to do but attend school, practice and play the game.

Next you must determine, in your own mind, if he knows the rules. Now it is quite possible that you cannot judge this area to your satisfaction because of your general lack of complete knowledge of the rules. However, you can easily determine if the official makes his calls with conviction, if he is on top of the play, are his calls generally accepted by all concerned, does he keep his cool? This plus your general knowledge should provide you with sufficient confidence to make a fair evaluation of this point.

You should know that in addition to his conditioning program the official is required to attend weekly meetings to study the rules and mechanics of officiating. To many this is a review, but always there are changes that take place each year and he must not only learn the changes but must be able to apply them to his work on the floor. Also, he is required to attend conference clinics, take national rules examinations and carefully study Bulletins that are sent to him periodically by his supervisor.

To further assist him in his development to reach and maintain his maximum potential he is frequently observed by his supervisor and offered constructive suggestions for his general and specific improvement.

Are you convinced that the official is in the best possible position to see the play, every time he makes a call? Does he move each time the ball is passed or shot to obtain a better angle on the play? Does he make an honest attempt to stay ahead of the ball? Does he loaf coming up the floor and does he allow the game to lag while he administers a free throw or out of bounds play? Does he signal clearly his calls following each time he blows the whistle, so that all in the gymnasium know exactly what he has called? These are a few of the questions you have to ask yourself as you try to answer the question is he doing a good job.

To determine this side of the official's work, you must know there is an area of officiating which is very important to the official known as mechanics. Proper use of the prescribed mechanics determines whether the officials work as a team or as two individuals on the floor. To have a game covered properly, all ten players and the bench must be under constant supervision and this requires both men to work as a team for the full length of the game. The Collegiate Commissioners Association and the High School Federation yearly publish a Manual of Officiating which is a Bible to all qualified officials. Every time you see an official move, give a signal or administer an infraction he is following a very definite and specific directive in performing this responsibility.

It may be of further help to you if you were aware and kept in mind the philosophy of officiating which covers only three points, but three very important points. As each act is committed on the floor the official must instantly determine in his mind, based upon years of experience:

1. Did the player gain an advantage as a result of his illegal act?

2. Was his opponent placed at a disadvantage as a result of the illegal act?

3. Will the game get rough and out of control if this type of action is not penalized promptly?

If the answer to any of the above is in the affirmative the official must sound his whistle at once and act accordingly within the frame work of the rules. Please remember the man in the Striped Shirt must act at once, he has no chance to review his decision, nor does he have instant replays at his command, nor can he stop and reflect, his must be an instant decision. If not he will not sound his whistle and the game will continue. This is the area of judgment which makes basketball the most difficult of all sports to officiate.

In conclusion it may be of assistance in your evaluation to know the "Ten Don'ts For Officiating." For every violation of the below, plus what has been described above, a point may be deducted from the official's score. It will be surprising to fair minded spectators just how high each official will rate.

The Ten Don'ts For Officiating

1. Don't take your eyes off the play
2. Don't take anything for granted
3. Don't explain your decisions
4. Don't argue with players, coaches or managers
5. Don't talk to spectators
6. Don't look for trouble
7. Don't make decisions for your partner
8. Don't work without proper equipment
9. Don't hold idle conversation with players
10. Don't stand on a time

Really now, you do agree, that the poem is not true.

REFEREES

I think that I shall never see
A satisfactory referee,
About whose head a halo shines,
Whose merits rate reporter's lines
One who calls them as they are,
And not as I should wish, by far.

A gent who leans not either way
But the boys decide the play.
A guy who'll sting the coach who yaps
From Siwash Hi or Old Millsaps.
Poems are made by fools like me,
But only God could referee.

## DAKOTA DEBACLE

### HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. ABDNOR. Mr. Speaker, it has been nearly 3 months since the takeover of Wounded Knee began. It has taken that long for many elements of the news media to place that violent and destructive act into perspective.

The Washington Star-News was one Eastern newspaper that had a grasp of the situation at Wounded Knee from the beginning. Tuesday, May 15, the paper editorialized on the conclusion of "the so-called second battle of Wounded Knee." I urge my colleagues' reading of this editorial:

DAKOTA DEBACLE

The so-called second battle of Wounded Knee was, from start to finish, a sorry spectacle. It degraded the image of law, and made the legitimate pleadings of American Indians more difficult.

Still, some people will see in it the imagery of noble Indian activists bringing attention to the deprivation of their people by means that, while not commendable, at least are understandable, and perhaps the only effective option. This is nonsense. The 70-day occupation and vandalism of Wounded Knee achieved nothing except destruction, and certainly did not enhance the prospect for Indian advancement in general.

What the militants have to show for their pains—and all their melodrama and threatening rhetoric—are two dead brethren, more than a dozen wounded people (including a U.S. marshal who is paralyzed from the waist down), and the rubble of burned-out buildings. In addition, numerous leaders and members of the fire-brand American Indian Movement (AIM) have criminal charges to contend with, and we assume that the prosecution will not be lax. But many participants in this violent drama apparently escaped, filtering out across the plains at night, and taking with them much of the automatic weaponry that was used to challenge legal authority. Federal officials also had precious little to show, in the way of surrendered armaments, when they took the village last week.

So the question arises, is this the end of it? Will some of the missing insurgents, and perhaps other Indian radicals, appear elsewhere to stage another armed confrontation, making the same preposterous demands? If that should happen, we trust that federal authorities will profit from their frustrating and demeaning experience at Wounded Knee. Only when the enclave was effectively sealed off from supplies did the long negotiations produce a surrender. This tactic, and possibly more severe measures, should have been employed weeks earlier.

Anyway, the country can be thankful that this dangerous engagement is over. Perhaps the arrest of the more provocative AIM leaders will have a quieting effect on their movement. All they gained, in the end, was the promise of a meeting with White House representatives next week. That could have been achieved before those homes and businesses in Wounded Knee were burned, or any blood was spilled. Nothing like that must be allowed to happen again, in prolonged parleying with armed lawbreakers.

But neither should this destructive group be identified in the public mind as "the Indians," per se. It is a fringe, mainly with an urban base, whose tactics are deplored by a great many other Indians. And these depredations by a few must not cause any hesitation in dealing more adequately with the desperate poverty that afflicts so many reservation Indians.

## MEMORIAL FOR LAW ENFORCEMENT OFFICERS ERECTED IN FLINT, MICH.

### HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. RIEGLE. Mr. Speaker, by Presidential proclamation, the week of May 13 to May 19, 1973, was proclaimed National Police Week. In recognizing National Police Week and May 15, 1973, as Police Officer's Memorial Day, Flint Memorial Park Cemetery in Flint, Mich., has erected and dedicated a monument to give tribute to all law enforcement officers.

The idea of a monument was that of James E. Van Linden, vice president of Flint Memorial Park. He presented his idea to the board of directors and a resolution was supported and unanimously adopted to enable this idea to become a reality. Rita J. Silverman, the cemetery president, unveiled and dedicated the monument on May 15, 1973.

The monument was dedicated to all law enforcement officers, their families, and especially to their comrades who sacrificed their lives in heroism to aid their fellow man. May their memory and honor live forever.

Craftsmen poured 400 pounds of molten metal at 2,100° F. to cast this bronze plaque. The 7-by-4-foot handcrafted bas relief bronze plaque is the first of its kind to be cast anywhere.

The bronze plaque is permanently attached to a 9½-ton pillar of granite 9 feet tall quarried from world famous Rock of Ages quarry. The special block of granite weighed approximately 40 tons when lifted from a depth of 350 feet from the quarry.

A 250-pound solid bronze bald eagle with a wingspread of 31 inches mounted on top gives the monument an overall height of 12 feet.

Principal speakers at the dedication and memorial service were Congressman DONALD W. RIEGLE, JR., and Justice Mary Coleman, Michigan State Supreme Court. Many other dignitaries attended and wreaths were placed in memory of policemen who have died in line of duty.

A background figure carved on the plaque of a police officer bending to a distraught child, with the words "He Cares" tells still another story about our dedicated law enforcement officers.

Our gratitude to these men and women remain in the minds and hearts of us all.

## FBI NEEDS A PERMANENT DIRECTOR TO BETTER SERVE NATION

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. HOGAN. Mr. Speaker, since the death of the former Director of the Federal Bureau of Investigation, J. Edgar Hoover, the Bureau has been operating without the leadership of a permanent Director. It was most heartening for me to recently read a resolution prepared by the board of directors of the Society of Former Special Agents of the Federal Bureau of Investigation, Inc. I wish to share this resolution with my colleagues in the House and the Members in the Senate so that all may be aware that it is in the best interest of our country to appoint a permanent Director as expediently as possible:

RESOLUTION

Whereas the Society of Former Agents of the Federal Bureau of Investigation, Inc. is composed of a membership of selected former Special Agents of the Federal Bureau of Investigation in excess of 5,700,

Which membership has contributed to the FBI's prestige, stability, respect and reputation for integrity and dedication to public service and

Which membership has helped earn for the FBI its exemplarily national and world wide reputation, and

Whereas the prestige and accomplishments of the Federal Bureau of Investigation were gained through firm, forceful, fair and politically impartial leadership, and

Whereas the Federal Bureau of Investigation has been without a permanent Director for the past year and the continued absence of a permanent Director is not in the best interests of this nation,

Now therefore be it resolved by unanimous vote of the Board of Directors of the Society of Former Special Agents of the Federal Bureau of Investigation, Inc. in meeting assembled April 28, 1973 at Cincinnati, Ohio that the President of the United States and the

Senate of the United States Congress take immediate steps to select a permanent Director of the Federal Bureau of Investigation and

Be it further resolved that such Director should be a person representing the highest traditions of the Service including qualities of integrity, loyalty, moral fibre, leadership and freedom from partisan involvement, and

Be it further resolved that the Society of Former Special Agents of the Federal Bureau of Investigation, Inc. is prepared to offer its services and assistance in achieving this objective, and places itself at the call and request of the President of the United States and the United States Senate,—all for the best interests of our country.

## DISTINGUISHED CITIZEN

## HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. MIZELL. Mr. Speaker, I rise briefly to call my colleagues' attention to a recent article in North Carolina magazine telling of the presentation of the North Carolina Citizens Association's annual Citation for Distinguished Citizenship to Alex H. Galloway of Winston-Salem, the recently retired chairman of the board of R. J. Reynolds Industries.

This presentation was a richly deserved tribute to an outstanding business and community leader who contributed so much to the progress and success of both.

The article follows:

### ALEX GALLOWAY: DISTINGUISHED CITIZEN

(EDITOR'S NOTE.—The North Carolina Citizens Association's annual Citation for Distinguished Citizenship was presented to Alex H. Galloway of Winston-Salem, Chairman of the Board of R. J. Reynolds Industries, at the organization's Annual Meeting on March 21. The citation was presented by State Treasurer Edwin Gill, himself a recipient of the Association's Citation for Distinguished Public Service in 1970. Mr. Gill's remarks for the occasion follow.)

Through the years, I have had many privileges, but none that I value more than the pleasant duty assigned to me here tonight. It is a high honor to present your "Man of the Year" award to a distinguished North Carolinian—Alex Galloway. I would not attempt in my own words to give you his most interesting biography, for the highlights of his career, which include public service to the City of Winston-Salem, the County of Forsyth, the State of North Carolina and to the nation—are all eloquently described in the citation that I have the honor to present at this time.

Before reading to you excerpts from the citation, I would like to say that I have never known a man who carried great authority more gracefully than Alex. Over the years, he has had to meet many difficult and grim challenges. As he faced each crisis, he was both firm and serious; but those who knew him best could always see that, in spite of the stress and strain of executive decisions, there was just a suggestion of a twinkle in his eye; and, regardless of the chilling effects of adverse circumstances, I know of no man who has maintained at all times a more hopeful and optimistic attitude about the progress of his State, his nation, and the industrial giant with which he has long been associated.

I have said that Alex Galloway has been optimistic, and by that I do not mean that he practices an optimism based on an ethereal dream. His optimism has grown out of the realities of life, which he has understood. As a top-flight administrator, he has spent much of his time helping to direct and redirect the flow of events to cope with problems never before contemplated. As we are all aware, tobacco has been tremendously important to the economy of North Carolina. And, we the people of North Carolina, are indeed grateful to Mr. Galloway and his industrial colleagues for their contributions to the good life that we now enjoy.

Mr. Galloway's response to these unusual times and circumstances has been twofold. First, he and his associates have insisted upon continued research, and the production of the finest kind of product, and told the world frankly about it. The other response was to launch a vast and knowledgeable and very successful program of diversification.

Alex Galloway is now serving as Chairman of the Board and Chief Executive Officer of one of the great corporations of America, R. J. Reynolds Industries, Incorporated. I have said this before and I repeat it here, that R. J. Reynolds is one of the best organized, and one of the best administered, and one of the best managed companies in the entire United States, and when its history is written from time to time, it will reflect the imagination, the courage, and even the chivalry of the man we honor here tonight.

## WATERGATE NOT TYPICAL OF POLITICAL SYSTEM

## HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. MOLLOHAN. Mr. Speaker, one of the things that has concerned me most about the unfolding Watergate affairs has been the fear that good Americans throughout the Nation may interpret these events as representing the decline and decay of our great political process. I do not believe this is a valid interpretation, and neither do the astute and perceptive editors of the Wheeling News-Register. In an editorial printed in that paper on May 8, 1973, the editors pointed out in a very reasonable, analytical, and well-written fashion why Watergate is not typical of the American political process. Mr. Speaker, I believe the editors of the Wheeling News-Register are to be commended for their forthright and judicious appraisals and observations and commend this editorial to your attention:

### NOT TYPICAL!

With the unfolding Watergate scandal becoming more serious with almost every passing day it is best that we keep in mind that this is NOT typical of the political process in America.

When Watergate first surfaced there was a tendency on the part of the people and many commentators to write it off as "just politics." We should know better by now.

Last week in an appearance before the American Society of Newspaper Editors in Washington, Senator George McGovern, defeated Democratic candidate for president, rejected the idea that Watergate was typical politics. He said Watergate is worse than the tactics of any campaign "in my memory or modern times."

He said, "What was wrong with Watergate was not just that the President's associates got caught but what they did. The standard of conduct set by the Committee to Re-Elect the President was simply unprecedented. I have no doubt that the ethical standards of American politics can be improved. But we must wonder about Mr. Nixon's reference to 'campaign excesses that have occurred on all sides'. I emphatically reject the notion that I or my colleagues or my party in the Presidential election condoned or would have countenanced activities of a criminal nature. Any such insinuation is unworthy of Mr. Nixon's pledged determination to avoid '. . . actions which would appear to reflect on innocent people'."

Sen. McGovern's words ring more honestly since he had repeatedly refused to respond to press inquiries about Watergate until his appearance before the editors. Even then he pleaded for moderation and urged Democrats not to try to make political hay from this scandal.

He went on to say, "I take no joy today from the President's difficulties. With him, I hope they will be resolved soon so that he and we can fight out the future on other, better issues."

Surely if the Democrats were guilty of any similar wrongdoing, as the President's Republican re-election friends have been involved in, the Republicans would have brought it forward by now. They had their network of spies working and if Democrats had been found engaged in sinister tactics and money maneuvering by now such misdeeds would have been trumpeted on high.

That has not been the case. There has been some talk of the climate in this country when the '72 election campaign began referring to the anti-Nixon sentiment especially among the young because of the continuation of the war in Vietnam. And there was speculation about the possibility of thousands of demonstrators turning up in massive protest at the Republican National Convention. But no one ever linked the Democratic party organization with these reports. These were not activities being planned, coordinated and directed out of National Democratic Headquarters or Sen. McGovern's campaign organization.

We have witnessed some evil, dirty and corrupt happenings in American politics—both among Republicans and Democrats—but nothing to match the terribly dangerous and frightening abuse of power as brought out so far by the Watergate investigations. So we had best not try to excuse this Administration scandal with the idea that this is the normal way of American politics. Our politics for all its shortcomings is better than that and let's not forget it.

## MISS PHYLLIS ANN DAIGLE

## HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. TREEN. Mr. Speaker, at the time of the Inauguration of President Nixon last January I spoke of the accomplishments and the talents of a group of young people from the Third District of Louisiana, The Thibodaux High School Tiger Band. I also inserted a list of the names of band members into the CONGRESSIONAL RECORD.

I very much regret to report that due to a clerical error I neglected to list the name of one member of the Tiger Band. She is Miss Phyllis Ann Daigle, who with the other members of the band came to Washington to help celebrate the Inauguration. Phyllis Ann is the 15-year-old daughter of Mr. and Mrs. Harold Daigle of Thibodaux. I would like to take this opportunity to apologize to my colleagues, to Phyllis Ann and to her parents for this omission, and to correct the record accordingly. My previous remarks about these young people apply with equal emphasis to Phyllis Ann.

## TAX CREDITS FOR HIGHER EDUCATION

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. RAILSBACK. Mr. Speaker, over the years the Congress has devoted considerable energy and resources toward improving our educational system. Federal programs have assisted the veteran, the needy, the handicapped. However, one segment of our population has too often been forgotten: the middle-income American.

Many of these individuals find themselves in very difficult financial situations when they try to send their children to college. Charges at public as well as private institutions of higher learning have risen sharply in recent years. The average tuition, room, and board at a public institution is now approximately $1,400. At a private college or university, these same necessities generally exceed $3,000. Add to these costs the expenses of books, supplies, equipment, and transportation, and the problem confronting many middle-income families becomes clear. If the Congress does not take action soon, it may well be that only students from very poor families or from very rich families will be able to pursue higher education.

We must provide some measure of relief to the citizens who are making every effort and sacrifice to educate their children with their own resources—resources which are often inadequate or which, if used for this purpose, place a heavy burden upon the other members of the family.

For my part, I was pleased to join Congressman Coughlin in sponsoring a bill to provide tax credits for the expenses of higher education. The legislation is virtually identical to bills which were introduced in the 91st and 92d Congress with over 100 cosponsors. Briefly stated, it provides a tax credit of 100 percent of the first $200 spent on higher education; 25 percent of the expenses from $200 to $500; and 5 percent of the costs incurred between $500 and $1,500. The full credit would apply to persons whose adjusted gross income is $19,000 or less. For those with higher income, the amount of credit would be reduced a little. The credit in such cases will be reduced by 1 percent of the amount by which the taxpayer's income exceeds $19,000 for the year in which the credit is claimed.

Anyone is eligible for the higher education tax credit if he pays the expenses of a full- or part-time student enrolled at an institution of higher learning. The taxpayer claiming the credit may be the student himself, and the institution also includes accredited technical or vocational schools beyond the 12th grade.

I am convinced immediate action on this legislation is necessary. As we debate its relative merits, inflation continues to eat away at families' savings, and tuitions continue to rise.

The bill is also necessary to help relieve the financial anemia of many of our colleges and universities. Just 2 years ago the Association of American Colleges conducted a survey of private institutions of higher learning entitled, "The Red and the Black." The survey revealed what private college spokesmen have been telling us for years—that expenses are outstripping incomes. Almost half of the private institutions of higher education faced operating deficits in the 1971 school year. Later in 1971 a followup study, "Redder and Much Redder," painted a worsening picture.

One of the strengths of American postsecondary education is its diversity. But the choice and diversity may not be able to exist much longer. Many private schools, dependent upon tuition as a primary source of revenue, face declining enrollments, because their high tuitions are pricing them out of the education market.

Mr. Speaker tax credits will help relieve the heavy financial burden American parents bear in providing higher education for their children. Tax credits can also be instrumental in financially bolstering private higher education by enabling more persons to enroll. I encourage my colleagues to support the legislation Congressman Coughlin and I and many other have introduced. We need educated and enlightened men and women, and we need healthy institutions of higher learning.

## ANNOUNCEMENT OF HEARINGS ON TREATMENT AND REHABILITATION OF NARCOTICS ADDICTS

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the House Judiciary Committee will complete its series of hearings on narcotic addiction treatment and rehabilitation programs in five major cities: Washington, D.C.; Los Angeles, San Francisco, and Alameda Counties, Calif.; Chicago, Ill.; and New York City.

The subject of these hearings will be "Narcotic Addiction Treatment and Rehabilitation Programs in New York City." This is the last of five reports issued by the General Accounting Office on the above-mentioned cities.

The hearings will commence with testimony from the office of the Comptroller General of the United States on Wednesday, May 23, 1973, at 10 a.m., in 2237 Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515.

## SAN MATEO NEEDS DECISION NOW

### HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. RYAN. Mr. Speaker, there is presently pending before the Secretary of Agriculture a request by the Governor of California that San Mateo County be declared a disaster area as the result of substantial frost damage last December. The farmers in this community sustained more than $3 million in crop losses due to an unseasonable freeze. But that loss figure does not take into account the long-range effects which will reverberate throughout the community for many months to come. There is loss of labor revenue, which means some worker will not be employed in the harvesting of the lost crop. His wages will not be taxed. His family may have to be cared for by the community. He will have no money to spend in local stores.

The actual dollar loss is thus multiplied several times in the community in which the loss occurred. The President recently signed into law H.R. 1975, an emergency loan act which would offer some relief to the farmer, and make it possible for him to replant and recover his lost crops, or take whatever course is available to him to stay in business. The provisions of this law provide for 5 percent interest loans, which I consider to be fair in light of the fact that losses of this kind can often be fatal to the farmer. And one thing this Nation can not afford to be without is a healthy rural economy.

As an illustration of the impact agriculture has on the economy of San Mateo County, I am adding to my remarks two newspaper stories from the Half Moon Bay Review, each dealing with crop figures for 1972. You will note, Mr. Speaker, and my colleagues, that floriculture plays a dominant role in the total agriculture output of San Mateo County. The agricultural losses of this community can never be fully recovered. But the legislation recently adopted by Congress and signed into law by the President can surely be used to keep this land rural and productive. Hopefully, the Secretary of Agriculture will also realize the impact such a loss has on a community, and take action soon to soften the economic blow to San Mateo County.

The following news articles are hereby submitted for printing in the Record:

#### Flowers Lead County Valuable Crops; 1972 Statistics Released

San Mateo County's floriculture industry continues to dominate the field of million dollar crops in 1972, with only one vegetable crop—Brussels sprouts in the top list, according to the annual report issued by the county's agricultural office recently.

Flowering potted plants increased a whopping $2,063,000 from 1971 to lead the county's million dollar crop list with a 1972 value of $8,074,000. In second place was carnations up $933,000 to a value of $5,247,000 in 1972.

Two flower crops—ornamental nursery stock and chrysanthemums, dropped in value, although they remained the third and fourth highest million dollar crops, respectively.

Ornamentals dropped $667,000 in 1972 for a total value of $4,113,000 while chrysanthemums dropped $146,000 to a value of $2,517,000 in 1972.

Other million dollar crops include strawflowers, $1,672,000; marguerites, $1,658,000; Brussels sprouts, $1,630,000; indoor decorative plants, $1,613,000; and roses, $1,398,000.

### OUTDOOR FLORICULTURE

Aster production, and price per bloom fell during 1972, so the total value of the crop dropped from $38,600 in 1971 to $28,300 in 1972. Calla lilies were also down from $52,000 in 1971 to $36,000 in 1972.

The cost of calla lilies dropped from $1.25 a dozen to $.99 a dozen during that period.

Pompon chrysanthemums increased in value from $105,000 to $136,000 in 1972 despite a slight decrease in volume because the unit price (per bunch) increased from $.50 to $.65 during the year.

Cut foliage increased noticeably during 1972, with the total value being $135,000 as opposed to $75,000 in 1971. Production increased by 25,000 bunches, and the unit price increased from $.75 to $1.08 in 1972. Increasing dahlia production from 3 acres to 4 in 1972, along with a per unit price increase made it possible for dahlias to more than double in value in 1972.

$24,000 as compared to $9,900 the year before.

Production went up from 300,000 to 400,000 blooms, and the unit price of dahlias increased from $.033 to $.06 a bloom.

Increased production, and price per unit made it possible for the 1972 heather crop to increase in value from $173,000 to $365,000.

Iris total value in 1972 was $159,000 as compared to $109,000 in 1971. Price per dozen increased from $1.00 to $1.25, and increased acreage made possible a larger number of iris grown—127,000 in 1972 as compared to 109,000 in 1971.

### MARGUERITES UP

Marguerites went up in value from $1,093,000 in 1971 to $1,658,000 in 1972, according to the report.

Production went up from 3,416,000 to 3,948,000 bunches, and the unit price increased from $.32 to $.42 during the year.

Narcissus production, unit price and total value all decreased in 1972. Total value of the crop was $53,800 in 1972 as compared to $106,000 in 1971.

Shasta daisies increased $7,000 in value during 1972 due to a unit price increase while production remained constant at 3,510,000 blooms. Total value was $218,000 in 1972.

Stock value was down to $3,000 from $3,600 in 1971 with decreased production but a per unit price increase from $.60 to $.75 a dozen.

### STRAWFLOWER STATISTICS

Strawflowers increased in production, and total value during 1972 despite drop in unit value. Production was 83,600 boxes as compared to 72,000 in 1971. Cost per unit dropped to $20.00 a box in 1972 from $22.00 a box in 1971.

Total value of the crop was $1,672,000 in 1972 as compared to $1,584,000 in 1971.

A large drop in the per unit price of violets decreased the value of the 1972 crop despite increased production. Unit price was $1.75 a dozen as compared to $3.00 in 1971.

Total value of the crop was $77,000 in 1972, $22,000 less than the 1971 total of $99,000.

Yarrow made a significant gain in 1972, with a total value of $76,700 as compared to $30,000 in 1971.

Production of yarrow was up from 54,000 dozens to 76,700 and price per unit went up from $.56 to $1.00 a dozen.

Miscellaneous flowers (including begonias, tulips, etc.) increased in value from $326,000 to $350,000 in 1972. Price per unit was up from $.63 a bunch in 1971 to $.82 a bunch in 1972, it was learned.

Herbaceous perennials increased production in 1972 despite a slight loss in acreage, and ended up with a value increase from $291,000 in 1971 to $380,000 in 1972.

Christmas trees continue to grow in crop value, with production, and cost per unit increasing in 1972.

Approximately 232 acres in the county were planted in Christmas trees last year, for a total of 32,000 trees as compared to 27,000 trees the year before. Cost per tree increased from $6.96 to $7.25 in 1972.

Total value of the 1972 Christmas tree crop was $232,000, up $44,000 from the 1971 total of $188,000.

Nursery stock declined from a value of $4,780,000 in 1971 to $4,113,000 in 1972.

---

### YEAR 1972 VEGETABLE CROP OF SAN MATEO COUNTY VALUED AT $9,845,500

Vegetable crops in San Mateo county increased in value from $8,035,363 in 1971 to $9,845,500 in 1972, it was learned in the annual county agricultural report issued recently.

### ARTICHOKES

Artichokes were up in value, totaling a value of $685,700 with 610 acres harvested in 1972 as compared to $577,100 in value with 560 acres harvested in 1971.

Unit price of artichokes was $209.81 in 1972 as compared to $231.49 in 1971.

Snap beans increased in value significantly in 1972, with an increase from $78,000 in 1971 to $106,000 in 1972. Acreage in snap beans rose from 47 to 75 in one year, and production was also up.

Unit price of snap beans dropped from $375 in 1971 to $321 in 1972.

Table beets were up in value from $10,800 to $11,700 during 1971–72. Production of beets remained constant with 1971 figures with the exception of a unit price increase from $171 to $186.

### BRUSSELS SPROUTS

Brussels sprouts totals are a value of $1,630,000 in 1972 compared to a value of $1,506,000 in 1971. Less acreage in sprouts was reported, but unit price increased from $230 per ton to $275 per ton.

Fresh market Brussels sprouts dropped in value from $147,000 in 1971 to $114,000 in 1972.

Sprouts for processing increased in value from $1,359,000 to $1,516,000 during the same period.

Cabbage production, unit price and crop value all went down in 1972. Totals were $26,100 in 1971 as compared to $19,500 in 1972.

Celery crops made a small gain in value from $30,700 to $32,800 during the year.

Chard production and value dropped despite an increase in price per ton from $125 a unit in 1971 to $150 a unit in 1972.

Totals on chard crop value are $115,000 in 1971 and $106,000 in 1972.

Sweet corn increased in production from 27 to 43 acres, with a decrease in unit price from $121 a ton to $111 a ton during 1972.

Corn crop totals for 1972 show an increase—$34,400 as compared to $23,500 in 1971.

Green leafy vegetables (kale, mustard greens, etc.) went up in value $20,000 in 1972—from $49,000 in value in 1971 to $69,000 in value in 1972.

Production of leafy vegetables was down—16 acres in 1972 as compared to 24 acres in 1971, but unit price increased dramatically—$558 per ton in 1972 as compared to $268 in 1971.

Production of lettuce dropped 20 acres, and unit price per ton was $146 in 1972 as compared to $162 in 1971.

The parsley crop more than halved in value during 1972—$8,000 in value last year as opposed to $17,000 in value in 1971. Production dropped despite a unit cost increase from $193 in 1971 to $258 in 1972.

Leeks production was valued at $44,600 in 1972, a substantial increase over the 1971 crop value of $29,400. Production of leeks was up, unit price dropped during the year.

Lettuce, all varieties, was down in value—from $211,000 in 1971 to $175,000 in 1972.

Market green peas crop dropped in value $20,000 in 1972—from $300,000 in value in 1971 to $280,000 in 1972.

Acreage production of peas increased, but overall production dropped, and unit price remained the same for both 1971 and 1972—$250 a ton.

The country's potato crop dropped in 1972 from a value of $51,000 in 1971 to a value of $48,600 in 1972. Production and unit price were both down.

Radishes—590 tons valued at $105,000 were produced in 1972. The year before, 648 tons were produced for a crop value of $108,000.

Spinach production and value went way up in 1972—from 60 acres in production to 148 in one year. Unit price for spinach went from $302 per ton in 1971 to $335 per ton in 1972.

Total value of the spinach crop was $93,000 in 1971 as compared to $207,000 in 1972.

A seesaw situation developed in 1972 squash crop of San Mateo county.

The winter squash crop fell sharply in value in 1972, valued at $104,000 where the 1971 crop had been valued at $240,000. Unit price of winter squash had plummeted to $54.20 per ton in 1972 as compared to $92.70 the year before.

On the other hand, summer squash increased in production, and crop value in 1972—$118,000 in value as compared to $32,000 in 1971.

Production increased from 10 acres in cultivation to 36, and unit price increased from $333 per ton in 1971 to $341.00 per ton in 1972.

---

## A FEDERAL CHARTER FOR THE GOLD STAR WIVES OF AMERICA

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. SHRIVER. Mr. Speaker, I am introducing legislation today to provide a Federal charter for the Gold Star Wives of America.

Members of Gold Star Wives are the widows of members of the Armed Forces of the United States who died while in active service. The national organization was established in 1945, and it is now comprised of more than 2,000 members in 49 of our States.

This is truly a national organization; it is patriotic, nonpartisan and nonprofit in nature; it is dedicated, through active assistance to their families, to honoring the memory of loved ones who paid the supreme sacrifice while serving our country.

I am informed by the officers of this organization that their work would be greatly aided by a Federal charter. I know of no reason why this should not be done.

The staff of the House Judiciary Committee has indicated the committee is sympathetic toward this legislation, but that technical difficulties have prevented action. The problems are legal, and they have nothing to do with the organization itself.

Apparently, no Federal charter legislation will be considered by either the

House or Senate Judiciary Committees until the question of regulation or supervision of all such charter organizations is settled. I do not argue with that, nor do the Gold Star Wives, but it is time to get on with it.

Mr. Speaker, the concerns of the Gold Star Wives transcend State lines, and the activities and benefits available from the organization are helping widows and children of servicemen in nearly all of our congressional districts. Federal charter legislation should receive high priority in the 93d Congress.

---

## CONGRESS AND CAMBODIA

## HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. HANRAHAN. Mr. Speaker, recently this body had occasion to consider H.R. 7447, with its controversial amendments. I have recently read an editorial in the Wall Street Journal on the subject of that legislation. I would like to submit it for my colleagues consideration:

### CONGRESS AND CAMBODIA

We happen to believe that the House of Representatives was wrong, on balance and at this time, to vote against funds for further bombing in Cambodia. But we believe far more strongly that the administration is wrong in its apparent attitude that the bombing will continue regardless of what Congress does.

So far as the policy itself goes, our controlling thought is that President Nixon and Mr. Kissinger, having steered us all this way in Indochina, deserve ample opportunity to wrap up the loose ends. They have managed the withdrawal from Vietnam far better than anyone could have predicted, consistently proving themselves right and their congressional critics wrong. Surely none of the critics would have thought four years ago, or even one year ago, that today the Americans would be gone from South Vietnam and an anti-Communist government would still stand in Saigon. If the administration now feels it needs to bomb in support of the Cambodian government long enough to reach some modus vivendi there, we would be inclined to give it that chance.

That is by no means to say we see anything to be said for a policy of propping up Cambodia indefinitely with B-52s. In the end the fate of Cambodia, and the fate of South Vietnam if Cambodia does fall, will have to be determined by the indigenous anti-Communist forces, though of course they need American supplies. The U.S. Air Force can only marginally affect the outcome, and American planners should be looking forward to ending the bombing, completing the relatively adroit military withdrawal Mr. Nixon has managed over the last four years.

So we have rather mixed feelings about the House vote. For all these years Congress has fiddled with the anti-war cause, marching up the hill and down like "The Grand Old Duke of York." Now, after Mr. Nixon has the American forces safely out of Vietnam, and the prisoners back, and just as Mr. Kissinger is preparing to meet with Le Duc Tho about Cambodia, Congress finally is willing to take a stand. We can't decide whether to condemn it for awkward and even cowardly timing, or to salute it for at long last standing up to take some of the responsibility.

On the matter of responsibility as opposed to the wisdom of the decision though, something closer to the salute has to prevail. The measure the administration put before Congress was technically one of authority to transfer funds from one Pentagon account to another, and the House recognized that the real issue was whether it would give authority for the bombing. On the merits of this question, despite our inclination to string along with those who made past policy, it is far from clear Congress is wrong. And as our system of government is designed, and if true responsibility is to be restored on Capitol Hill, Congress must be permitted to make some of the mistakes.

We are troubled, then, by the administration's announced plan to continue the bombing even after the Senate endorses the House action and the intent of Congress is clear. Apparently the Pentagon has, or thinks it has, technical authority to use other funds for this purpose, at least temporarily. Perhaps so, but the ultimate meaning is that Congress can work its will on the bombing only by tearing down the whole defense budget. Surely that is not how constitutional government is supposed to work.

At the very least, it seems to us, the administration owes Congress a clear up-and-down vote on the bombing. That is, it should put the question squarely before Congress, not as some kind of a technicality. It should make its case for the policy it wants to follow, and pledge to follow the intent of Congress if Congress wants to take responsibility out of Executive hands.

Nothing like this was ever done in the history of the Vietnam war; if it had been done either the policy would have been different or Congress and the nation would have been united behind the policy that was followed. Either course would have been preferable to what happened.

This kind of clear decision with clear responsibility, it seems to us, ought to be the heart of constitutional government. The Founding Fathers, after all, did invest Congress with the power to declare war. This observation may not provide an instant answer to all the constitutional questions that may arise in this day and age, but certainly those words in the Constitution mean *something.*

---

## GOVERNOR REAGAN'S TAX LIMITATION GAINS SUPPORT

## HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. VEYSEY. Mr. Speaker, the tax reduction plan to be submitted to the voters of California by Gov. Ronald Reagan has had favorable editorial comment. On February 26 and 27, radio station KNXT in Los Angeles and the Wall Street Journal in their April 19, 1973, edition carried editorial evaluations, and I present them so that my colleagues may be aware of the broad support developing for this innovative proposal to control the burden of taxation:

### GOVERNOR REAGAN'S TAX REDUCTION PLAN

Governor Reagan is beginning a statewide campaign to persuade the people to put a lid on taxes. His idea may not sound revolutionary, but it is, and you'll be hearing a lot more about it.

Reagan is concerned that taxes at all levels of government—local, State and Federal—are taking more and more from our personal income.

As the chart shows, all taxes combined amount to only 15% of personal income back in 1930. By 1950 that had risen to 30%. Now it's close to 45% and climbing. When it gets above 50%—which could be by 1980—Reagan says the country will be in deep economic trouble.

Reagan illustrates the problem another way that may be even more dramatic.

All State taxes now amount to $9.8 billion. By 1990, Reagan expects that total to reach $47 billion. Personal income will have gone up, too, but not as fast. Reagan's plan would reduce the tax bite by 1990 to only $27 billion.

The secret of the plan is a Constitutional Amendment that would limit the percentage of personal income that could be taken by State taxes. The percentage would be lowered a little at a time over the next 15 years; from the present 8.75% to about 7% by 1990.

It's true that a flat limit on taxes might create problems. We might need or want more spending. In that case, the Legislature could impose a new tax, but the voters would have a chance to throw it out at the next general election. An emergency fund is in Reagan's plan, too.

The strongest argument we've heard against the plan is that if there's a flat limit on state income it would cause the various government agencies to fight among themselves for a bigger slice of the pie. So what's new? Isn't that the way it works now?

Milton Friedman, the famous economist from the University of Chicago—one of many around the country who supports the Reagan plan—said the tax limit would force agencies to make tighter budgets and he thinks it could set an example for every State. So do we. We'd like to see the Legislature put the Reagan Amendment on the ballot and let the people decide if they really want to put an end to ever increasing taxes.

---

### LIMITING TAXING POWER

Public resistance to taxation is not a negligible force but neither is the clamor from interest groups for more and more tax-financed public spending.

Throughout most of this century, the interest groups have been winning. Government at all levels, which took about 15% of personal income in 1930 and some 32% in 1950, takes a whopping 43% today.

Whether or not there is some turning point, or at least leveling off point, to be reached in this long-term trend can only be guessed, but there are many reasons why it would be prudent for the nation to strike some long-term balance soon between public and private sector spending. If for no other reason, the rising weight of the public sectors acts as a drug on the nation's productivity, and thus its progress towards an even higher standard of living.

So it is a matter of no small interest that Governor Ronald Reagan of California has proposed an amendment to the California constitution placing a permanent limit on the level of state taxation. It would start at the current level of 8.75% of personal income and descend to 7.25% over 15 years. The state's budget still would rise over this period because of rising incomes and population.

It should not be surprising that the Reagan proposal is under attack from several quarters. There are charges that such a limit would not make adequate allowance for depressions or natural disaster, that it will straitjacket future administrations and that it represents a radical departure from tradition. The last claim is the only one that has much validity.

The Reagan proposal provides for an emergency fund equal to 0.2% of the state's personal income (some $220 mililon next fiscal year). And it allows a tax increase above the limitation upon approval of two-thirds of the legislature and the governor, but voters then have the opportunity to approve or disapprove the increase by a simple majority vote at the next statewide election.

Nevertheless, the proposal is radical in the sense that it acknowledges there should be a limit to what percentage of an individual's income the government can properly claim. It is radical in that it would force legislators to adopt broad spending priorities, rather than allow them to react to the demands of special interest groups by raising taxes. Above all, the proposal raises the radical question, which Governor Reagan posed to legislators, "Are we automatically destined to tax and spend, spend and tax indefinitely until the people have nothing left of their earnings for themselves?"

This bold proposal, the handiwork of an impressive academic and industry brain trust, is sure to generate hostility from those who still believe, in the face of abundant evidence to the contrary, that governments invariably make better economic choices than do individuals collectively.

But as the tax burden continues to increase, there is need for a tax policy alternative to the present method of collecting whatever the traffic will bear. The Reagan proposal may not be the final answer, but if it stimulates widespread discussion about the limits of public taxation and spending it will have performed a valuable public service.

## A TRIBUTE TO JUDGE SAUND

### HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. MORGAN. Mr. Speaker, it was my great privilege to be a friend and a colleague of Judge Dalip Singh Saund who was a member of the Foreign Affairs Committee throughout his distinguished service in this body. Although only a freshman Congressman at the time of his appointment to the committee, he soon made his mark as one of its ablest members. His imprint on major foreign affairs legislation lasts to this day.

The late 1950's and early 1960's, when Judge Saund was here, were years of historic change in the world scene. The big power cold war was beginning to melt. Americans were growing in awareness of another global challenge, posed by the needs of poor countries which cover much of the Earth.

The time had come to shape new policy for American assistance abroad—and Judge Saund's early life in India, his knowledge of farming in California, and his compassion for people everywhere, endowed him ideally for this role.

As a member of our committee, he was of course very knowledgeable about South Asian affairs. But his active, humanitarian interest was universal. He showed deep concern for the impoverished masses not only in India, but worldwide. He labored especially for provisions to assist small farmers and the dispossessed everywhere.

Mr. Speaker, the foreign assistance legislation shaped in 1961 is still basic law today, and parts of it come from the hand and heart of Judge Saund. It was a heavy loss to the committee when a stroke felled him in 1962.

Much is made, and rightly so, of Judge Saund's unique record as the first native of India to win elective office in the United States. We can say even more proudly of him that he came to represent what is best in America.

## THE THIRD ADMINISTRATION

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. FRENZEL. Mr. Speaker, in the editorial section of the May 10 New York Times an article by Ron Speed, a constituent of mine and president of the national Ripon Society, was published.

The article follows:

#### The Third Administration

(By Ron Speed)

MINNEAPOLIS.—The damage of the Watergate affair is done. Under the circumstances the best the President could do was assign the responsibility for uncovering the truth to Elliot Richardson. A loyal and committed Nixon partisan, the new Attorney General is a man of unquestioned integrity, intelligence and ability. He is the right man for the job.

But the larger question is whether the President can regain enough of a nation's confidence to be effective during the remainder of his term. In light of the acts of the 1972 campaign, Mr. Nixon's overwhelming electoral mandate of six months ago is lost. His speech of April 30 was a promise to re-earn that mandate by his future actions as President.

The belated disclosure of his four Christmas Eve resolutions was an attempt to set a new tone with a new Inaugural Address which instead of stressing the traditional themes of *laisse-faire* commit the President to four positive goals. In the wake of the Haldeman and Ehrlichman resignations, the third Nixon Administration will be measured by its commitment to achieving these objectives.

These were the goals, as presented in his April 30 address:

"Equality of opportunity, full opportunity for all Americans." This means a rededication to civil rights not merely in the enforcement of laws but in the rhetoric and symbols of politics. It means hiring women, minorities and aging workers. It means open housing and insurance against crushing hospital bills. It means an open educational system and a relief from an unfair share of the tax burden for the lower-middle-class worker.

"Jobs for all who can work and generous help for those who cannot." The redesign of welfare, rent subsidy, food stamps and Social Security programs remain—as the President proclaimed—a major load of Government. The failure of his welfare program in the first term was not the fault of Congress, but the Administration itself. The White House was at first unable to draft a bill which contained work incentives. When such a bill began to surface, Mr. Nixon's new economic policy of August 1971 made it inevitable that this program would be abandoned in the name of budgetary stringency.

"A climate of decency and civility." We take this to mean that there will be regular press conferences, a working Cabinet, close dealing with Congress, a fulfillment of pledges of an open Presidency with regard to young people, an infusion of intellectual content as well as political skill into the White House staff, and a more forgiving attitude toward the dissenters on Vietnam.

"A land in which each person can bear to dream his dreams, not in fear, but in hope." This means law enforcement but it also means giving every American a stake in the preservation of the law. Property and participation are the ways to assure this. Mr. Nixon has committed himself verbally on several occasions to expanded ownership. It is time to make good on this commitment by examining proposals for profit-sharing, employe stock ownership, cooperative enterprise, land reform, community ownership, and new legal forms to promote them.

Not only must the third Nixon Administration build a stronger progressive foundation for public policy, but it must be done in an air of openness, cooperation and trust. If public confidence is to be restored, the Administration will have to do what it says. John Mitchell's precept "watch what we do, not what we say," too often has been incorporated in Mr. Ziegler's lies to the press. This "new majority" mentality—withholding information and manipulating issues and people for the sake of political expediency—has now been thoroughly discredited. As the White House players change, what must be certain is that the White House mentality be changed as well.

As for Watergate, it should lead to a full reform of the political process: the stringent new code on campaign spending, corrupt practices, financing and voting frauds and the strict enforcement of these by the Department of Justice.

Of the President himself, whom the Ripon Society endorsed in 1968 and 1972, we expect a new tone. If he is to convince the country to look forward to his leadership instead of backwards to criminal behavior in the White House, he will have to find tangible ways to demonstrate that the third Nixon Administration will be a regime of integrity, progress, liberty, civility, order, justice, amnesty and compassion.

## MAIL SERVICE

### HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. LUJAN. Mr. Speaker, with the amount of mail that we have been receiving on the mail service, it might be appropriate to include in today's RECORD the following editorial from the Los Alamos Monitor, May 1, 1973, pertaining to it:

#### Mail Service

Now on display in the post office is a huge multicolor rendering of the ten-stamp commemorative that is due to be issued by the custodian of the mails next week. Every post office in this land will be able to sell plate blocks and first-day-of-issue covers, presumably making this unique series highly popular with collectors. This is the first time that the post office has issued a ten-stamp commemorative. The previous high number was four. Each of the ten stamps shows a different scene within a post office or of one of the minions out on his appointed rounds. Also unusual, there is a message printed on the back of each stamp. This, too, will be of interest to collectors.

To those who contemplate buying the stamp to use instead of placing it in an album, we have this suggestion: it might be appropriate to place the stamp in the customary place on the envelope—the upper right hand corner—but put it on upside down. Not in this instance to indicate affection, but rather distress. Let's admit to one another that the Federal government's tinkering with the mails is causing a steady deterioration in service. Despite self-serving surveys performed by the post office which indicate that Americans are satisfied with mail service, the average user of the mails is highly dissatisfied.

It might be fun to do this, to let the powers that be (the average postal employee is nearly as unhappy with the situation as the public) now that the great unwashed mob out there in the sticks is less than overjoyed with the mails.

---

## WELFARE SCANDAL—XXI

## HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, medicaid consumes many Federal tax dollars every year. Do we know how well these dollars are being spent? An investigation conducted this spring by the Milwaukee Sentinel indicates that local controls over the use of medicaid cards are lax and ineffective in preventing wholesale abuse.

Add this to the growing list of techniques used by those engaged in systematic welfare fraud and you have an impressive argument for immediate reform of our system of public welfare.

The Milwaukee County Welfare Department is planning to tighten its procedures to prevent abuse of use of medicaid cards. The lesson should not be lost on other jurisdictions or on other aspects of the welfare programs administered in Milwaukee. I hope the lesson will not be lost on Congress. The article follows:

### EXPIRED MEDICAID CARDS USED BY SOME CLIENTS

(By Gene Cunningham and Stuart Wilk)

Some welfare clients are able to use canceled Title 19 Medicaid cards to obtain free medical services because the Milwaukee County Welfare Department is not recovering the cards after they have been canceled.

When a client is no longer eligible for Title 19 Medicaid, it is the welfare department's responsibility to recover his ID card, said John Murphy, director of the Bureau of Medical Services, Division of Family Services, State Department of Health and Social Services.

"The manual instructs the county to recover the ID card," Murphy said. "They have to get them whatever way they can, but they have to get them back."

The welfare department here does not know how many canceled Title 19 cards are still in circulation because it does not keep a record of those that are not returned after they are canceled.

Its only attempt to obtain the canceled cards is to send a form letter to the client asking him to return the card in a self-addressed envelope that is enclosed.

The letter asks the client to "please send back your yellow medical assistance card."

And it warns that should the card be used "you will be commiting fraud, which is punishable by law. In addition, any medical bills you would run up by using the card must be paid by you."

"Cards very often do not come in" after the form letter is sent, said Frank Pokorny, financial assistance supervisor at the department. "If the recipient doesn't return the card, there is no followup."

Pokorny said he had "no idea how many cards don't come in. Records aren't kept on that. I'd have no way of knowing."

Title 19 cards are automatically stamped with an expiration of six months from the time the card is issued in Aid to Families with Dependent Children and general assistance cases.

In adult categories of aid—aid to the aged, blind and disabled—the expiration date is one year from the time the card is issued.

But if a client's financial situation changes—making him ineligible before the expiration date on the card, the client is expected to return the card.

If he does not, and subsequently uses the card, the State Department of Health and Social Services will honor the claim anyway under what it calls a "good faith" arrangement—despite the county's claim that the client will be responsible for medical expenses.

Under this arrangement, invalid cards are honored if the expiration date on the card would make it appear that the card is still valid.

According to the credit manager of one Milwaukee hospital, there are months in which these "good faith" payments range from $3,000 to $5,000—for that hospital alone.

He said the hospital averages about three claims a month that end up being paid under the "good faith" arrangement and he showed reporters records indicating that single cases have resulted in payments of nearly $1,700.

Murphy cited figures that showed payments have been considerably less than that in recent months, with payments ranging from $145 to $700 a month statewide.

Technically, anyone who uses a Title 19 card after he knows it to be invalid is committing fraud, the Sheriff's Department Fraud Squad said.

But a fraud squad deputy said that few cases are brought to the attention of the squad.

Because of a large backlog of welfare fraud cases, those Title 19 cases that are steered to the squad generally don't receive prompt attention, he said.

There are other abuses of Title 19 cards that the squad has handled.

A common misuse, said one deputy, is the "borrowing" of a recipient's card by someone not eligible for medical aid.

The cards have no picture identification and is relatively easy for someone to borrow a card and obtain medicine or medical care, the deputy said.

Another abuse is the "overuse" of Title 19 cards. Some recipients go to hospital emergency rooms with a common headache to get "free" aspirin—although it costs taxpayers $10 for an emergency room visit for the recipient.

Within a few months, the welfare department is planning to switch to a system whereby Title 19 cards will be issued monthly instead of once every six months or once a year.

It is expected that the monthly system will cut down on some Title 19 abuses.

"The whole system will be computerized," Pokorny said. "That will help a lot. We need that."

---

## THE REVENUE ANALYSIS OF H.R. 1040, THE TAX EQUITY ACT OF 1973

## HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. CORMAN. Mr. Speaker, tax analysts and advocates, a Washington-based group devoted to analyzing tax bills introduced in the Congress—also serving as a public interest tax law firm—has included in its May 14 weekly publication, Tax Notes, the revenue analysis of H.R. 1040, the Tax Equity Act of 1973.

Revenue estimates are of major consideration in any comprehensive tax reform proposal, especially in one that purports about $20 billion a year in additional Federal revenue.

Given the complexities of the Tax Code, estimating revenues is not a simple task, especially on a fully effective basis. TA/A singled out H.R. 1040 for particular attention because they regard it as the most comprehensive tax bill introduced in the 93d Congress. Their estimating staff, Thomas F. Leahey, Gerard M. Brannon, and Samuel H. Black have my highest regard. Their interest and efforts are most commendable.

I suggest to my colleagues a glance at the estimates for three particular sections which I have continually cited as extreme tax-shelter loopholes: The investment credit, the asset depreciation range, and the deduction for depreciation on rental real estate. Under the TA/A's estimates, the current revenue loss in these three sections is $3.5 billion, $4.2 billion, and $3 billion, respectively, or a total loss of $10.7 billion. These unwarranted loopholes alone reflect a loss of Federal revenue that is unacceptable, inequitable, and economically unproductive.

To anyone interested in supporting the reform of our tax laws toward the objectives of H.R. 1040, I commend a careful study of the TA/A's analysis, with special attention to the footnote section. The entire analysis is reprinted as follows:

### A REVENUE ANALYSIS OF H.R. 1040

The Tax Equity Act of 1973 (H.R. 1040) is designed, according to its chief sponsor, James C. Corman, D-Calif., "to obtain a more equitable federal tax structure, to provide a more evenhanded system by which the American businessman or individual investor can invest his capital, and to supply new and sufficient revenue to meet the costs of public needs." It is the most comprehensive tax bill introduced in the 93d Congress by a member of the Ways and Means Committee. To date, 52 co-sponsors have joined with Rep. Corman.

The most important changes the bill would make are to tax capital gains as ordinary income and to repeal most tax subsidies. Behind these changes lie two crucial assumptions: income should receive the same tax treatment no matter how it is derived; and the tax code is not a good way to stimulate, and should not be used to stimulate, industrial activity.

In the capital gains field, the bill would cut taxes on gains when the assets had been held a long time, in an attempt to minimize the effects of inflation; Tax A/A estimates that this attempt would restore most of the tax preference to the capital gains area. Repealing capital gains is perhaps the easiest way to simplify the tax law, much of which is concerned with turning ordinary income into gains.

The bill would repeal the classic tax subsidies to industry, such as the depletion allowances for oil and minerals, bank debt reserve deductions, and deferred taxation of foreign income. It would repeal two of the tax stimuli in the 1971 Act: the investment credit and ADR. The bill also makes some important depreciation changes, forbidding the use of accelerated depreciation unless it is used also for all non-tax purposes; and limiting realty depreciation to the titleholder's equity.

With respect to individual taxes, the bill would cut the maximum rate to 50%; end the exempt status of new municipal bonds; and substitute an adjustable credit for most personal deductions.

Following is an analysis by TA/A of the revenue impact of the bill. Estimates were made by Thomas F. Leahey, TA/A consultant and former chief of the revenue estimating staff at Treasury; Samuel H. Black, staff attorney; and Gerard M. Brannon, TA/A director of tax research:

REVENUE ESTIMATES, CORMAN BILL (H.R. 1040, 93D CONGRESS)

[In millions of dollars]

| | Section | Corporation | Individual | Total[1] |
|---|---|---|---|---|
| | TITLE I—CAPITAL GAINS AND LOSSES | | | |
| 101 | Repeal of alternative tax on capital gains | +550 | +100 | +650 |
| 102(a) | Increase basis of capital assets for inflation | (2) | (2) | [3] −5,000 |
| (b) | Tax capital gains as ordinary income | (2) | (2) | [3] +7,500 |
| 103 | Limitation on deduction of capital losses | * (4) | * | * |
| 104 | Capital loss carrybacks and carryovers | * | −100 | −100 |
| 105 | Capital gain and capital loss defined | 0 | 0 | 0 |
| 106 | Nontaxed gains; carryover of basis at death | −(5) | +600 | +600 |
| 107 | Tax treatment of gain on certain sales of patents | | * | * |
| | TITLE II—INCOME DERIVED FROM EXTRACTION OF MINERALS | | | |
| 201 | Repeal of percentage depletion | +800 | +150 | +950 |
| 202 | Deduction of intangible drilling costs and other exploration and development expenditures | * | * | * |
| 203 | Repeal of maximum tax on certain sales of oil or gas properties | * | * | * |
| 204 | Income from mineral properties located outside the United States | * | * | * |
| | TITLE III.—REFORM MEASURES AFFECTING PRIMARILY INDIVIDUALS | | | |
| 301 | 50-percent maximum rate for individuals | * | −1,300 | −1,300 |
| 302 | Credit against tax for personal exemptions and non-business deductions | * | +3,000 | +3,000 |
| 303 | Repeal of $100 dividend exclusion | * | +300 | +300 |
| 304 | Limitation on deduction of interest on investment indebtedness | | * | * |
| 305 | Elimination of vacation resort house as tax shelter | | * | * |
| 306 | Disallowance of expenses attending convention outside the United States | | * | * |
| 307 | Restrict farm deductions taken against nonfarm income | * | +250 | +250 |
| 308 | Computation of earnings and profits on a consolidated basis | * | | * |
| 309 | Dividend on certain sales of stock | * | | * |
| 310 | Termination of stock option provisions | | +100 | +100 |
| 311 | Disallowance of certain double deductions | | * | * |
| 312 | Tax childrens' income from parent's short-term trust | | +200 | +200 |
| 313 | Deductible losses of limited partner cannot exceed investment | | * | * |
| 314 | Repeal of exemption for earned income from foreign sources | | +100 | +100 |
| 315 | Underpayments of estimated tax | | * | * (6) |
| | Title IV—REFORM MEASURES AFFECTING PRIMARILY CORPORATIONS | | | |
| 401 | Repeal of investment credit | +2,900 | +600 | +3,500 |
| 402 | Repeal of asset depreciation range system | (2) | (2) | [7] +4,200 |
| 403 | Depreciation deduction not to exceed book depreciation | [8] (+2,500) | | [8] (+2,500) |
| 404 | Deduction for repairs limited to amount recorded on books | (8) | | (8) |
| 405 | Limitations on dividends received deductions | +300 | | +300 |
| 406 | Use of appreciated property to redeem stock | * | * | * |
| 407 | Recognition of gain on sales in connection with certain liquidations | * | | * |
| 408 | Denial of tax-free exchanges in case of investment companies | * | * | * |
| 409 | Certain transactions disqualified as reorganizations | * | * | * |
| 410 | Repeal of special treatment of bad debt reserves of financial institutions | +500 | | +500 |
| 411 | Repeal of deduction for Western Hemisphere trade corporations | +75 | | +75 |
| 412 | Taxation of undistributed profits of foreign corporations | +300 | | +300 |
| 413 | Involuntary conversions | * | | * |
| 414 | Computation of underpayments of estimated tax | * | | *(6) |
| | TITLE V—REFORMS AFFECTING INDIVIDUALS AND CORPORATIONS | | | |
| 501 | Minimum tax | +2,100 | +200 | [9] +2,300 |
| 502 | Deduction for depreciation based on equity on rental real estate | +1,000 | +2,000 | +3,000 |
| 503 | Charitable gifts of appreciated property | * | * | * |
| 504 | Capital expenditures in developing fruit or nut groves or vineyards | * | * | * |
| 505 | Repeal of tax exemption for ships under foreign flag | * | * | * |
| 506 | Limitations on foreign tax credit | +300 | * | +300 |
| | TITLE VI—ESTATE TAX AMENDMENTS | | | |
| 601 | Integration of estate tax and gift tax systems | | +400 | +400 |
| 602 | Estate tax on gifts taking effect at death | | * | * |
| 603 | Life insurance included in gross estate | | * | * |
| 604 | Charitable deductions in the case of estate tax | | +200 | +200 |
| | TITLE VII—STATE AND LOCAL OBLIGATIONS | | | |
| 701 | Repeal of exemption for interest on new issues of State and local bonds | +2,000 | +1,200 | +3,200 |
| 702 | United States to pay 50 percent of interest yield on State and local obligations | | | [10] −3,600 |
| | Grand total | NA | NA | * |

---

[1] In making a revenue estimate, it was assumed that no changes were made in the Internal Revenue Code except the change proposed in the section of the bill to which the estimate pertains.

A second assumption underlying the revenue estimates is that the proposal in the relevant section is fully effective. Thus the estimates refer to many different years, and are not strictly comparable. There are extreme examples. Sec. 106 will not be fully effective for 1 generation. Sec. 701 might not be fully effective for 40 years, because some existing tax-free bonds will not mature until that time.

These 2 assumptions are among the reasons why the estimates cannot be totaled. See note 11, below.

[2] No allocation made.

[3] Section 102 of the bill would add to the "tax basis" of an asset ⅓ percent for each month (4 percent each year) the asset was held after the fist year. The maximum add-on would be 60 percent of the original tax basis.

It is difficult to make an estimate of the revenue cost of this proposal because of our ignorance as to the makeup of asset portfolios in the future, and because rates of gain and the length of period held always vary. A principal cause of variation in holding periods is economic growth. During periods when real asset values are increasing rapidly assets change hands more rapidly. Since growth cannot be predicted, neither can holding periods.

This analysis examined various possible distributions of capital gains depending on the historical changes in stockmarket prices, using the best source data available to Treasury (unfortunately, these data are about 10 years old).

1 possible assumption is that asset values will grow with GNP (this would follow an approach used by Gerard M. Brannon, formerly head of the Office of Tax Analysis in Treasury). One might expect GNP, under full employment, to grow about 7.5 percent annually (4.5 percent real growth+3 percent price inflation). The use of 7.5 percent a year could also be supported by the fact that this is the average yearly increase in the Standard & Poor Index of 500 stocks for the last 10 years. This analysis uses the 7.5 percent figure to compute the revenue cost of the inflation proposal.

Sec. 102(b) adds to the capital gains tax base, then sec. 102(a) subtracts from it. The present tax base is half of total gain; the bill would make the base all of total gain, by taking all the gain into income. The inflation provision would then subtract an amount from the increased tax base. Specifically, the inflation provision will roll back about ⅔ of the increase in the tax base and about ⅔ of the initial revenue gain.

The estimate assumes that the taxation of capital gains as ordinary income would have an initial gross effect, before taking the inflation adjustment into consideration, of +$7,500,000 assuming a strong stock market. This is higher than the most recent published Treasury estimate of +$5,600,000. The higher figure is supported by more recent data, but any one number can only be a rough approximation as capital gain income varies greatly from year to year. For example, the amount of capital gains as reported by individuals in 1968 was $18,000,000,000; this was almost double the $9,900,000,000 reported in 1966.

Starting with $7,500,000,000 as the increase in revenue from full taxation of capital gains, that revenue increase is reduced by ⅔. The revenue reduction resulting from the inflation provision in the Corman bill is therefore $5,000,000,000. Subtracting this from the initial $7,500,000,000 revenue increase from taxing capital gains as ordinary income yields a net increase from sec. 102 of $2,500,000,000.

Another way to describe the net effect of sec. 102 is to explain that present law offers a ½ exclusion for long-term gain; sec. 102(b) repeals this ½ exclusion; then sec. 102(a) restores, on the average, a ⅓ exclusion to compensate for inflation.

The use of overall averages in making these estimates will undoubtedly maximize the impact of the inflation factor. The ⅔ offset may thus be an overstatement. It is believed, however, that the inflation factor will have a very substantial negative effect on the potential yield from taxing capital gains as ordinary income.

[4] Some revenue effect, but less than + or −$50,000,000.

[5] Does not apply to this category.

[6] This provision may significantly accelerate large estimated tax payments from 1 year to the previous year. The effect would be a large revenue gain to Treasury in the previous year, and a large "loss" in the following year. The net effect would be nil, except for small amounts of "interest" the Treasury would earn by having the money sooner. These amounts would be less than +$50,000,000.

[7] Assumes full utilization of ADR. Expectations were that ADR would be fully used. As ADR statistics are being compiled, however, economists are starting to believe that utilization may be much less. The Commerce Department, in the national income estimates, is currently assuming about 80 percent utilization.

[8] If business does not use tax depreciation for nontax accounting and stockholder reporting purposes, there will be a substantial increase in revenues from this proposal; the $2,500,000 figure would be a maximum. On the other hand, if businesses adopted tax accounting rules for other bookkeeping purposes, there would be no revenue gain.

[9] 1st year effect. The revenue gain would be reduced as the interest on future issues of State and local obligations become taxable.

[10] Not a revenue loss, but rather a required appropriation and outlay. This analysis puts the cost of a 50 percent subsidy at greater than the revenue gain from the issuance of taxable bonds. The figures in the "total" column are not reached until all tax-free bonds have been retired.

*These columns of estimates cannot readily be added, for the following reasons: Each estimate assumes that only 1 change has been made in the law—the change proposed in the section to which the estimate applies. The estimates apply to the 1st year when the change is fully effective. These years are different in many cases. Certain sections of the bill, notably 102(b), 106, 302, 502, and 701, will result in multi-billion-dollar increases in individuals' taxable income. Because the individual tax rates are progressive, the large increases will result in significantly higher marginal tax rates for millions of individuals. This has 2 crucially important 2d-round effects: (1) the revenue gain from repealing other tax preferences (i.e., those repealed in this bill) will be greater—these other preferences would be sheltering income which would be taxable at higher rates; and (2) the revenue loss from not repealing any tax preference not in the bill is greater. If these effects can be estimated, it would require a great deal of additional analysis. Sec. 301 introduces a rate-limiting 3d-round factor into an effort to arrive at a total. The effect of sec. 301 is to reduce the gain from all revenue-producing sections of the bill, and reduce the loss from all remaining revenue-losing sections of the Internal Revenue Code. Again, this makes the totalling process overly complex. The estimates do not take into account any possible changes in taxpayer behavior in response to the tax law changes. Bearing the above problems in mind, it is still possible to arrive at a figure approximating the long-term revenue effects of the bill. It is believed that the interacting effects of the various provisions would require cutting from $3,000,000,000 to $4,000,000,000 from the total of the right-hand column in order to yield a close estimate of total revenue effect.

## GEORGE W. BALL ON OUR FOREIGN POLICY

---

## HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. CHARLES H. WILSON of California. Mr. Speaker, the latest issue of Newsweek magazine carries a most stimulating article by George W. Ball concerning President Nixon's foreign policy. He points out that Nixon has not been as innovative as he has claimed, but has, in fact, merely followed European precedents of the 1950's and 1960's. Mr. Ball also discusses the effect of the President's confinement of foreign policy formulation to a small, secretive elite and suggests the implications of Watergate in forcing the White House to be more open with the American people and our allies abroad. In order that all Members may benefit from his indepth analysis, I would now like to insert the entire article into the RECORD.

[From Newsweek, May 21, 1973]

GAULLISM, NIXON STYLE?

(By George W. Ball)

Contrary to conventional wisdom, the principal result of our major foreign-policy initiatives of the past two years has not been so much to break fresh ground as to expunge the aberrations that separated us from the policies of our Western European allies. Thus, in establishing the beginnings of a working relationship with China, we have in large degree merely followed the example of Britain in 1950 and France in 1964. In seeking a *modus vivendi* with the Soviet Union, we have repeated the precedents of President de Gaulle in 1963 and more recently of the Bonn government, which concluded a treaty with Moscow three years ago. In removing restraints on East-West trade, we have done little more than bring our practices in line with what the Western European nations have been doing for years. Finally, in ending our active involvement in the Vietnamese civil war—if, in fact, we have conclusively done so—we have undertaken an extrication that France achieved in 1954.

The result is a curious paradox. Though one might expect that the removal of differences through this convergence of policies would bring us to a closer understanding with our Western European friends, relations are today more strained and fragile than at any time in the past two decades.

### FIVE EQUAL POWERS

In large part, this is due to the unilateral means by which we undertook our diplomatic repositioning. First was the President's failure to consult—or even to inform—our alliance partners before announcing his historic trip to China, and since then he has continued to play an essentially lone hand. Transacting an impressive volume of diplomatic business at the summit meeting in Moscow last May, he has, in manner at least, accorded equal treatment to our allies and adversaries—or even treated the Communist powers with greater deference than our Western friends. Finally—and this has proved the most disturbing question—did he really mean to adumbrate a new American design when he unveiled his famous concept of a peaceful world of five equal balancing powers—the United States, Europe, the Soviet Union, China and Japan—"each balancing the other"?

What many Europeans deduced from all this was not that America had embraced a "new isolationism," in spite of much trendy talk along that line, but that our government was pursuing something approaching an American variant of Gaullism. There was clearly a sense of *déjà vu*, for, like President Nixon, General de Gaulle had also envisaged, at the heart of world politics, a constellation of mutually balancing powers to supplant the bipolar world of Washington and Moscow. Nor was that the only nostalgic resemblance; common threads of aloofness and secrecy characterized both regimes—conditions assuring the flexibility needed for a free-form game of balance-of-power politics. To achieve the requisite maneuverability the President dared not show his hand; his next moves must be kept concealed not only from America's allies but also from the American people and even the Congress.

### FAITS ACCOMPLIS

The only way to make this possible was to concentrate the power to act and decide within the forbidding walls of the White House, while inducing Congress and the people to accept major policy moves not by consultation in advance but by a series of *faits accomplis* made palatable through time-honored devices of effective theater—the skillful use of surprise, the grandiloquent announcement and the pageantry of well-staged summit meetings. There has been no better example of this than the dramatic unveiling of the President's plan to visit China—with the glamour and color of the television spectacular forestalling and frustrating criticism in conservative quarters.

Unfortunately, the confinement of all serious foreign-affairs business to a narrow White House circle has sharply diminished the range of our diplomatic potential by disabling us from dealing with more than one or two major areas at a time. Meanwhile, the fact that, throughout the past two years, our efforts and attention have been narrowly focused on secret talks with Peking and Moscow has necessarily excited suspicion and disenchantment throughout European chancelleries. Some have seen in our unilateralism—our American Gaullism—a danger that the United States might make an accommodation with the Soviet Union at the expense of Western European interests; others have feared that, in playing an intricate chess game of balance-of-power politics, Washington might prefer to deal with a fragmented Europe and thus be led to undermine the unity so far achieved by the European Community.

Against this background the President's designation of 1973 as the "Year of Europe" seemed to some skeptics across the water more ominous than reassuring, for they read in the slogan little more than that America was now proposing to demand commercial and economic concessions in aid of its own ailing balance of payments.

It was to silence these suspicions and prepare the way for fruitful discussions that that resourceful tactician Professor Kissinger launched a vigorous offensive. In what was proclaimed as a major policy speech, on April 23 he called for a "new Atlantic Charter." Then immediately following came the State of the World message and a Kissinger press conference. What this frenetic activity seemed to denote was a frontal effort to allay the apprehensions caused by our unilateralist practices and the President's ill-chosen reference to the five "balancing powers." In fact, the State of the World message explicitly rejects the classical concept of balance of power—with its "continual maneuvering for marginal advantages over others"—as both "unrealistic and dangerous" in "the nuclear era." Meeting the skeptics headon, it categorically insists that, though we deem it essential to involve the Communist powers in a common effort of peace, America still respects the "distinctions between friends and adversaries."

### AFTER WATERGATE

While clearly useful to say, no such mere assertions will by themselves persuade Europeans that America's flirtation with Gaullism was only a holiday fancy. They will be watching how we conduct ourselves from now on, and, although our future course of action cannot be definitively predicted, one element already at work may prove more significant than any conscious Presidential decision. That is the effect of the Watergate disclosures in compelling the White House to abandon its Gaullist type of aloofness in favor of a more open and cooperative style of conducting the public business—including our relations with other capitals.

Given the loss of confidence he has suffered, no longer will the President be able to administer foreign policy with the authority and secrecy of a dynast, communing only with himself and Dr. Kissinger. From now on, not only Congress but the American people must be taken into confidence, which necessarily implies more open exchanges with our allies. Fully exposed to the sunshine, eighteenth-century balance-of-power politics—with their traditional apparatus of shifting and reversing alliances—will be quite unworkable. Indeed, it is even possible that the State Department will once again become America's foreign office instead of merely the repository of menial chores.

---

## AND NOW, FRANCE!

---

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. GAYDOS. Mr. Speaker, it is good to learn through newspaper accounts that the Treasury Department is investigating reports that France has been dumping cold-rolled stainless steel sheets and strip metal in the U.S. market at below fair value prices.

Assistant Treasury Secretary Edward L. Morgan disclosed that the Department has reasonable cause to believe that the dumping has taken place and, therefore, is withholding customs appraisement of the value of the imported French steel until its detailed probe is complete. If the case is proved, then penalties will be in order.

We are glad the Treasury has become active not only in this instance, but in others recently where selling at cutrate was found to be taking place and reportedly was stopped. Certainly our laws in this matter—the laws aimed at keeping our market from becoming a world's dumping ground to the detriment of American workers and industries—must be rigidly enforced.

Even so, we are disturbed at the charges that France, long considered a trading partner of good conduct, has gotten into the game of trying to take advantage of us in our business relationships. Its steel industry never has been considered much of a threat to our own either here or in other markets. According to the Treasury, imports of French steel amounted to only $9.4 million in 1972, which is not much.

And yet, the Treasury has the dumping charges against France and now is conducting the necessary investigation. Can we not trust anybody any more?

## INFLATION AND DELAY

## HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. SIKES. Mr. Speaker, the Christian Science Monitor in its May 10, issue provided a broad and comprehensive view of the continuing problem of inflation and the need for stronger corrective action. I submit it for reprinting in the RECORD:

INFLATION AND DELAY

Mr. Nixon's economic moves of the past week—a price-rise delay lever for the 650 largest corporations, and a mostly stand-pat "tax reform" proposal—show the administration is not yet ready to attack America's escalating inflation.

Mr. Nixon could have used either the wage-price or tax reform occasions to take more decisive anti-inflation steps. But instead of a freeze or roll-back or comprehensive price boost screen, he opted for a prenotification plan that could permit the administration to buy time against further big company price rises—if the adminsitration chooses to delay the price boosts. And in the area of taxes, the administration did not suggest anything like a tax increase or a repeal of the investment tax credit. These would have sopped up buying power or curbed industrial expansion.

Instead, the administration is keeping for the moment to its familiar theme that a holddown on the federal budget in Congress is the best way to discipline the economy.

The problem is that the budget is being held down, that government revenues are higher than were anticipated, and still inflation is getting out of hand. It may be true that food prices are not climbing as sharply. But industrial goods prices have taken up where the food spurt may be tapering off. And if the trend continues, the United States may find itself enjoying a boom through much of this year, but a boom that will put heavy demands on materials and labor resources. If demand keeps pushing prices up, then labor, which has been keeping its settlements near the 7 percent guideline, will break ranks and seek pay boosts to offset the shrinking paycheck. And the United States would be where it was in August of 1971 when Mr. Nixon threw the thunderbolt wage-price freeze.

It is hard to know how much of Mr. Nixon's timing is being influenced by his economic philosophy and how much by the immediate political ramifications of Watergate.

At the moment the two may be working together for delay.

Mr. Nixon and his key economic aide, George Shultz, dislike controls. With business registering healthy profits and planning robust expansion this year and next, the surface signs are comfortable for the administration: expansion, even with inflation, is politically safer than putting screws on the economy through credit tightening, higher unemployment, and threatened recession. If things turn worse for the President on Watergate, he may want to lay a bold hand on the economy as a demonstration of active presidential authority. The moment for such an assertive move, with the lines of command in his administration still confused and the full impact of Watergate still unplumbed, is not yet.

In one sense, the current expansion should be reassuring for Americans. A degree of expansion should be considered the norm. And yet there is widespread fear that the expansion could be soured by selfish overreaching, as happened earlier in the Nixon administration when the building trades unions grabbed more than their share of an allowable pay boost.

It is to allay this fear that business and labor have been so receptive to strong government action on wages and prices.

Again, the timing may not have been right this past week for Mr. Nixon again to show a strong activist hand in controlling the economy.

And one would not want Watergate to spur the President into precipitate action. The case for heading off another boom and bust cycle must be made on economic grounds, not for its usefulness as a political diversionary tactic nor merely to keep intact the vital functions of the presidency.

But the overheating economy, resurging inflation, the restiveness of labor leadership, make case enough that the time for presidential action is soon.

---

## THE CUBAN REFUGEE AIRLIFT

## HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. CHAPPELL. Mr. Speaker, in view of the repeated propaganda attempts by the Communist regime in Cuba to question the support of the United States regarding the Cuban refugee airlift, I think it is well for all of us to review the role of the U.S. Government in offering continual support for this vital mission.

The State Department expected the eventual termination of the airlift since August 1971, when the Cuban Government informed us that it would only continue long enough to permit departure of the final groups of persons then being processed. Thereafter, the airlift operated on an increasingly sporadic basis with lengthening intervals between series of flights.

After the Cuban Government had communicated its intention to end the airlift, a State Department spokesman stated on August 31, 1971, that—

> The United States reaffirmed to the Cuban government through the Swiss Embassy in Havana our continuing commitment to the terms of the Memorandum of Understanding which dates back to November 6, 1965—the Memorandum of Understanding covering the movement of Cubans to the United States on the airlift, and urged the Cuban government to permit the airlift to continue until all those Cubans who have asked to be reunited with their families in the United States have left Cuba on the airlift, including those whose names were submitted by relatives in the United States.

The Department since then reaffirmed this position on numerous occasions to the Cuban Government.

Although the airlift was extended on a piecemeal basis for a longer period than anticipated in 1971, the Cuban Government finally informed us that the series of airlift flights to take place from March 26 to April 6 of this year would transport all of the remaining persons that it was prepared to authorize for the airlift.

The decision to terminate the airlift on April 6 was made by the Cuban Government for its own reasons which escape our control. The willingness of the United States to maintain the airlift was and is well-known to the Cuban authorities.

Mr. Speaker, the Government of the United States has steadfastly supported the right of the Cuban people to leave the Communist regime of Castro to be with their families here. As Castro continues to spew his lies about the United States throughout this hemisphere, let us continue our dedication to the opportunity for self determination for Cubans who would regretfully leave their homeland in order to be free.

In order to substantiate the above, I will read a letter addressed to me by Marshall Wright, acting assistant secretary for congressional relations:

APRIL 13, 1973.

Hon. BILL CHAPPELL, JR.,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. CHAPPELL: As you requested, I am happy to provide information on the termination of the Cuban refugee airlift.

As you know we had expected the eventual termination of the airlift since August 1971 when the Cuban Government informed us that it would continue only long enough to permit departure of the final groups of persons then being processed. Thereafter the airlift operated on an increasingly sporadic basis with lengthening intervals between series of flights.

After the Cuban Government had communicated its intention to end the airlift the Department spokesman stated on August 31, 1971 that "the United States reaffirmed to the Cuban Government through the Swiss Embassy in Havana our continuing commitment to the terms of the Memorandum of Understanding which dates back to November 6, 1965—the Memorandum of Understanding covering the movement of Cubans to the United States on the airlift, and urged the Cuban Government to permit the airlift to continue until all those Cubans who have asked to be reunited with their families in the United States have left Cuba on the airlift, including those whose names were submitted by relatives in the United States." The Department since then reaffirmed this position on numerous occasions to the Cuban Government.

Although the airlift was extended on a piecemeal basis for a longer period than we had anticipated in 1971, the Cuban Government finally informed us that the series of airlift flights to take place from March 26 to April 6 of this year would transport all of the remaining persons that it was prepared to authorize for the airlift.

I think you will appreciate that the decision finally to terminate the airlift on April 6 was made by the Cuban Government for its own reasons which escape our control. Our own willingness to maintain the airlift was and is well-known to the Cuban authorities.

I trust that this information has been responsive to your request. However, if you have any further questions, please let us know.

Sincerely yours,

MARSHALL WRIGHT,
*Acting Assistant Secretary for Congressional Relations.*

---

## MINNESOTA ABORTION RESOLUTION

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. ZWACH. Mr. Speaker, several Members of Congress, including myself, have introduced right to life amendments to the Constitution of the United States.

On May 8, the Legislature of the State of Minnesota, in support of our congressional efforts, passed H.F. 479, Resolution No. 5 memorializing the Congress of the United States to propose a constitutional amendment offering and protecting the value of human life.

Mr. Speaker, with your permission, and for the enlightenment of the other Members of Congress, I am inserting Minnesota House File 479, Resolution No. 5, in the CONGRESSIONAL RECORD at this point:

H.F. NO. 479—RESOLUTION NO. 5

A resolution memorializing the Congress of the United States to propose a constitutional amendment affirming and protecting the value of human life

Whereas, the United States Supreme Court has recently put on the United States Constitution a construction that is contradictory to the convictions of the people of the United States about the value of human life; now, therefore,

Be it resolved, by the Legislature of the State of Minnesota that the Congress of the United States should speedily propose to the states for their ratification an amendment to the United States Constitution substantially in the following form:

"Article ——

SECTION 1. No person shall be deprived of life, liberty, or property, from conception until natural death without due process of law, nor denied the equal protection of the laws; provided that this article shall not prevent medical operations necessary to save the life of a mother.

SEC. 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation."

Be it further resolved, that the Secretary of State of the State of Minnesota transmit copies of this resolution to the Speaker of the United States House of Representatives, the president of the United States Senate, the chairmen of the Judiciary Committees of the United States House of Representatives and Senate and the Minnesota Representatives and Senators in Congress.

---

## FORMER MEMBER ANDY JACOBS' BOOK REVIEWED

## HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Ms. JORDAN. Mr. Speaker, a former Member of this body, Andy Jacobs, Democrat, of Indiana, has written a very poignant book titled, "The Powell Affair: Freedom Minus One."

The book is a detailed case study of the inquiry of the select committee which investigated the right of Adam Clayton Powell to be seated in the House of Representatives.

This book presents valuable information for students of congressional committee deliberations.

I would like, at this point, to share two recent reviews of "The Powell Affair: Freedom Minus One" with my colleagues:

THE POWELL AFFAIR: FREEDOM MINUS ONE

(By Andy Jacobs, Indianapolis: Bobbs-Merrill Co.)

*The Powell Affair*, by former Representative Andy Jacobs (D–Indiana), is an exceptional book. Jacobs was a member of the nine-man Select Committee appointed in 1967 to investigate the right of Adam Clayton Powell (D–New York) to take his seat in the House of Representatives. The Committee was chaired by Emanuel Celler (D-New York), venerable chairman of the House Committee on the Judiciary, and had only five weeks in which to complete its study and produce recommendations for House action.

Jacobs tells the story of the Committee's tortured deliberations—from the day Speaker McCormack asked him to serve to March 1 when the House rejected the Committee report and excluded Powell from membership in the House. The detail he has provided is important in itself since any effort to define misconduct is logically an exercise in determining the limits of behavior for all members. No doubt his account will be relied on by some future Congress when similar questions arise.

Of more immediate significance, however, is the fact that Jacobs has succeeded in showing the layman much about how Congress works. One learns a great deal about interpersonal relationships, the power of the chairman, how difficult it is just to get the problem defined, the importance of procedure, the diverse demands on the member's time, the important role of the staff, the pull of one's political party—in short, the "stuff" that makes up politics in the House of Representatives. Though all told from the perspective of a junior Democratic congressman, Jacobs seeks to understand how his colleagues on the Committee see the issue. He is considerably less patient with the Republican leadership, which sought Powell's exclusion from the first.

The book is very easy reading and should find a wide audience. I personally found it difficult to lay aside. I would expect it to be used widely in the classroom—both in introductory American government courses and those treating the legislative process. Jacobs includes the relevant documents in appendices.

CHARLES O. JONES,
*University of Pittsburgh.*

[From the Houston Chronicle, Apr. 21, 1973]

(By John P. Roche)

In 1967 the House of Representatives carried out one of the most spectacularly unconstitutional acts in this history of the republic: It refused to seat a duly elected member of Congress on the ground that his personal life and business ethics made him unfit for membership.

The representative was, of course, Adam Clayton Powell from Harlem—a talented, star-crossed Negro who had long offended the Southern barons by his refusal to say "Yes, Massa." His life-style, combined with his power as chairman of the House Committee on Education and Labor, had built up a legion of enemies. (Powell died April 4, 1972.)

The legality or illegality of some of Powell's transactions is not the issue—there is no doubt about his casual approach to certain articles in the criminal code. The point is that the House of Representatives is not a court of law. When a representative appears to be sworn in, the only relevant question is the legality of his election. But in Powell's case, the House chose to sit as judge, prosecutor and jury on his personal characteristics.

It began when the House passed a resolution barring Powell from his seat pending investigation and recommendation by the House Select Committee. Fortunately for students of American government, Andy Jacobs of Indiana, then a congressman, was appointed to this committee and—at a friend's suggestion—kept a detailed diary of the ensuing inquest. Published as "The Powell Affair: Freedom Minus One" (Bobbs-Merrill), it is one of the most fascinating inside views of Congress at work that I have ever read.

The House Select Committee, lacking precedents, was completely at sea as to what procedures to follow. For example, what form should be followed in requesting Powell to testify? When the letter was prepared, the committee's counsel noted that "in the second paragraph the word 'summon' is used. This is a word stronger than 'invite' but not so strong as the issuance of a subpoena." One member immediately argued that the word summon "will sound to the public like an order to appear. Then if Powell should refuse, it would seem an illegal act." He preferred "invite," and "invite" it was. At another point someone suggested that Powell, who was putting on quite a performance offstage, might go to the Supreme Court and get an injunction. Chairman Emanuel Celler said in that case he would move to impeach the Supreme Court!

Without recapitulating the details, the Select Committee eventually recommended unanimously that Powell be seated; be censured and condemned for gross misconduct; be fined $40,000 for his sins and be stripped of his seniority. On March 1, 1967, this recommendation went to the full House for decision.

By coincidence I happened to be with Marvin Watson and President Johnson in the Oval Office when the committee's judgment came in on the ticker. The president read it, nodded his head sadly, and said, "They're going to throw him out." "Even though the committee (of five Democrats and four Republicans) was unanimous?" I asked. "Johnnie," he replied, "they are tasting blood, and once they get the flavor, they're not going to stop till the last drop is gone."

He was right. By a vote of 222–202 the committee's recommendations were rejected and the governor of New York was notified that Powell's seat was vacant.

Powell won the special election, and went to court to get a ruling on the legality of his being barred from taking his seat. He was again elected in 1968, and in 1969 the Supreme Court ruled 7–1 that the House had acted unconstitutionally in excluding him. His triumph was short-lived, though of immense symbolic importance. He was defeated in 1970, but the point was made—one hopes once and for all—that the people of the United States choose their representatives, that the Congress is not a private club.

---

## FOOD STAMPS FOR STRIKERS

## HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. MIZELL. Mr. Speaker, I rise to join the distinguished gentleman from Alabama (Mr. DICKINSON) and several of my other colleagues in this very worthwhile effort to focus the attention of the Congress and of the American people on a serious abuse of the Federal Government's food stamp program.

Most of us can cite isolated individual instances of abuse in this program, but the subject for consideration today goes far beyond the need to tighten up the administration of the program to prevent these examples of fraud and excess and mismanagement.

The subject today is the systematic, authorized abuse of the program by the Nation's labor unions—the provision of food stamps to workers on strike against their employer.

I have been concerned for a long time about the continuing policy of permitting food stamps for strikers. As my colleagues have pointed out today, this policy has resulted time after time, and with increasing frequency, in longer and longer strikes—often at considerable cost to the Nation's economy.

This policy seriously undermines the labor-management arbitration process, in that it places the Federal Government on side against the other by providing a direct Federal subsidy to labor unions at the expense of the companies and of the American people.

This policy is neither fair nor responsible, and I have sponsored legislation in the 91st, 92d, and 93d Congresses to ban the issuance of food stamps to workers on strike.

I would like 1973 to be the year when the Congress corrects this inequitable situation. With the interest and concern being demonstrated here today for this problem, there is reason to hope that this will, indeed, be the year we set the matter aright.

---

## MALCOLM X REMEMBERED

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. RANGEL. Mr. Speaker, this Saturday, May 19, 1973, will be the 48th anniversary of the birth of Malcolm X.

Now some 8 years since his assassination, Malcolm X is remembered in different ways by different people. To some, he is remembered as a racist radical or a revolutionary. Most of us in the black community remember him as a forceful and visionary leader of black America. The important fact is not how he is remembered, but that he is remembered. For whatever one's feelings are toward Malcolm X, one basic belief must come through. Malcolm vocalized and interpreted the deepest feelings of black America. By confronting all of America with the stark and uncompromising black state of mind, Malcolm led our Nation in the direction of honesty and racial justice.

Malcolm X had his greatest effect on, and was, in turn, most greatly affected by, the people and personality of Harlem. Malcolm spent much of his life in this community hustling here, preaching here, leading here, and eventually murdered here.

I join with my colleagues in Congress, fellow residents of Harlem and New York City, and Americans everywhere in remembering Malcolm X, and rededicating ourselves to achieving his goal: freedom for the oppressed in this Nation and throughout the world.

I now submit for the collective interest of this body, an article by Robert Penn Warren that appeared in the Yale Review of December 1966 entitled, "Malcolm X: Mission and Meaning":

### MALCOLM X: MISSION AND MEANING

(By Robert Penn Warren)

James Farmer, lately the National Director of the Committee of Racial Equality, has called Malcolm X a "very simple man." Elijah Poole, better known to the Black Muslims as Muhammad and, indeed, as Allah, called him a "star gone astray." An editorial writer of the *Saturday Evening Post* put it: "If Malcolm X were not a Negro, his autobiography would be little more than a journal of abnormal psychology, the story of a burglar, dope pusher, addict and jailbird—with a family history of insanity—who acquires messianic delusions and sets forth to preach an upsidedown religion of 'brotherly' hatred." Carl Rowan, a Negro, lately the director of the United States Information Service, substantially agreed with that editorial writer when he said, in an interview after Malcolm's assassination, that he was "an ex-convict, ex-dope peddler who became a racial fanatic." Another editorial writer, that of the *Daily Times* of Lagos, Nigeria, called him a martyr.

Malcolm X may have been, in varying perspectives, all these things. But he was also something else. He was a latter-day example of an old-fashioned type of American celebrated in grammar school readers, commencement addresses, and speeches at Rotary Club lunches—the man who "makes it," the man who, from humble origins and with meager education, converts, by will, intelligence, and sterling character, his liabilities into assets. Malcolm X was of that breed of Americans, autodidacts and homemade successes, that has included Benjamin Franklin, Abraham Lincoln, P. T. Barnum, Charles A. Edison, Booker T. Washington, Mark Twain, Henry Ford, and the Wright brothers. Malcolm X would look back on his beginnings and, in innocent joy, marvel at the distance he had come.

But in Malcolm X the old Horatio Alger story is crossed, as has often been the case, with another typical American story. America has been prodigally fruitful of hot-gospellers and prophets—from Dr. Graham and his breed, Amelia Bloomer and her bloomers, Emerson and the Oversoul, and Brigham Young, on to F. D. R. and the current Graham, Billy. Furthermore, to round out his American story and insure his fame, Malcolm X, like John Brown, Abraham Lincoln, Joseph Smith (the founder of Mormonism), and John Fitzgerald Kennedy, along with a host of lesser prophets, crowned his mission with martyrdom. Malcolm X fulfills, it would seem, all the requirements—success against odds, the role of prophet, and martyrdom—for inclusion in the American pantheon.

Malcolm Little, who was to become Malcolm X and El-Hajj Malik El-Shabazz, was born in Omaha, Nebraska, on May 19, 1925. All omens were right, and all his background. He was the seventh child of his father. One night during the pregnancy of his mother, hooded Ku Klux Klansmen, mounted and brandishing rifles and shotguns, surrounded the house, calling for the father to come out; the mother faced them down and persuaded them of the fact that her husband was not at home. The mother, a West Indian who looked white, was ashamed, not proud, of the white blood. The father, a Baptist preacher, was a militant follower of Marcus Garvey, and this was to lead to another attack on the Little home, in 1929, in Lansing, Michigan, this time by the Black Legion, which except for black robes was indistinguishable from the Klan; the house burned to the ground, while white police and firemen looked on. The memory of that night stayed with Malcolm from childhood—that and the pictures his father showed him of Marcus Garvey "riding in a fine car, a big black man dressed in a dazzling uniform with gold braid on it, and he was wearing a thrilling hat with tall plumes," and the Garveyite meetings at which his father presided and which always ended with the exhortation, "Up, you mighty race, you can accomplish what you will!" The people would chant these words after Malcolm's father.

To complete the picture of the preparation of the hero for his mission, his father, who had seen two brothers killed by white men and a third lynched, was found, one night, on a streetcar track, with skull crushed and body cut almost across. Negroes in Lansing—and the son all his life—believed that he had been attacked by white men, and then laid on the track. Malcolm always believed that he, too, would meet a violent death. When he first became aware of the long stalk, which was to end in gunfire in the Audubon Ballroom, Malcolm might accept it then, as a fulfillment of old omens and institutions.

In spite of the powerful image of the father, the pictures of Garvey in uniform, and the tales of black kings, Malcolm's early notion of Africa was still one "of naked savages, cannibals, monkeys and tigers and steaming jungles." He says that he never understood why. But that statement must be an example, in a form more bland than usual, of his irony, for a large part of his autobiography (*The Autobiography of Malcolm X*, with the assistance of Alex Haley, New York City: The Grove Press, 1966) is devoted to explaining *why*—that is, by the white man's "brain-washing"; and then explaining *how*, step by step, he came to the vision of another Africa, and of another self, different from the hustler, pimp, dope-addict, dope-pusher, burglar, and, by his own account, generally degraded and vice-ridden creature known as "Satan," who, in 1948, in Concord Prison, in Massachusetts, heard, in a letter from his brother Philbert, of the "natural religion for the black man." The religion was called the "Nation of Islam."

This autobiography is "told" to Alex Haley, a Negro, a retired twenty-year man of the Coast Guard turned journalist. From 1963 up to the assassination, Haley saw Malcolm for almost daily sessions when Malcolm was in New York, and sometimes accompanied him on his trips. Haley's account of this period, of how he slowly gained Malcolm's confidence and how Malcolm himself discovered the need to tell his story, is extremely interesting and, though presented as an Epilogue, is an integral part of the book; but the main narrative has the advantage of Malcolm's tone, his characteristic movement of mind, and his wit, for Haley has succeeded admirably in capturing these qualities, as can be checked by the recollection of Malcolm's TV appearances and conversation and by his taped speeches (*Malcolm X Speaks: Selected Speeches and Statements*, edited by George Breitman, New York: Merit Publishers, 1966).

The *Autobiography* and the speeches are an extraordinary record of an extraordinary man. They are, among other things, a record that may show a white man (or some Negroes, for Malcolm would say that many Negroes do not know the nature of their own experience) what it means to be a Negro in America, in this century, or at least what it so dramatically meant to one man of unusual intelligence and powerful personality. Being a Negro meant being "black"—even if black was no more than a metaphor for Malcolm, who was himself "marigny," a dull yellowish skin, pale enough to freckle, pale eyes, hair reddish-coppery. He had been "Detroit Red" in his hustling days.

To be black, metaphorically or literally, meant, according to Malcolm, to wear a badge of shame which was so mystically and deeply accepted that all the practical injustices the white world might visit upon the black would seem only a kind of inverted justice, necessary in the very nature of things, the working out of a curse. The black man had no history, no country, no identity; he was alienated in time and place; he lived in "self-hate," and being unable to accept "self," he therefore was willing to accept, supine or with random violence, his fate. This was the diagnosis of his own plight, as Malcolm learned it from the "Nation of Islam."

As for the cure, what he found was the doctrine of the Black Muslims. This involved a history of creation and a metaphysic which made the black man central and dominant, and a secular history of kingly achievement in Africa. The divine and secular histories provided a justification for the acceptance of the black "self." In addition, the doctrine provided an understanding of the iniquity of the white man which would account for the black man's present lot and would, at the same time, mobilize an unquenchable hate against him. Total withdrawal from the white man and all his works was the path to virtue, until the day of Armageddon when he would be destroyed. Meanwhile, until the Chosen People had been relieved of the white man's presence, the black man was presented with a practical program of life: thrift, education, cleanliness, diet (no pork, for example, pork being a "nigger" food), abstemiousness (no alcohol or tobacco), manners and courtesy, puritanical morality and reverence for the home and Muslim womanhood—a general program of "wake up, clean up, and stand up." In fact, on the practical side, in spite of the hatred of the white man and contempt for his culture, the Black Muslim doctrine smuggled into the life of the Negro slum the very virtues which had made white middle-class America what it was—i.e., successful.

After Malcolm's death Dr. Kenneth B. Clark, the Negro psychologist and the author of an important book called *Dark Ghetto*, said that he had been "cut down at the point when he seemed on the verge of achieving the position of respectability he sought." In the midst of the gospel of violence and the repudiation of the white world, even in the Black Muslim phase, there appears now and then the note of yearning. In the *Autobiography* we find, for instance, this passage: "I was the invited speaker at the Harvard Law School Forum. I happened to glance through a window. Abruptly, I realized that I was looking in the direction of the apartment house that was my old burglary group's hideout. . . . And there I stood, the invited speaker, at Harvard."

Malcolm, still in prison, gave up pork and tobacco, and undertook a program of reading in the good library there available. He read in Plato, Aristotle, Schopenhauer, Kant, Nietzsche, and the "Oriental philosophers." He read and reread the Bible, and could match quotations with a Harvard Seminary student who conducted a class for prisoners. He studied *The Loom of Language*, by Frederick Bodmer, and memorized Grimm's Law. He read Durant's *Story of Civilization*, H. G. Wells' *Outline of History*, Herodotus, Fannie Kimball, *Uncle Tom's Cabin*, Gandhi, Gregor Mendel, pamphlets of the "Abolitionist Anti-Slavery Society of New England," and J. A. Rogers' *Sex and Race*. He was trying to find the black man's place—and his own—in history, trying, in other words, to document the doctrine of the Black Muslims. He wrote regularly to Muhammad to tell what he had found.

While he was still in prison Malcolm also had a vision. He had written an appeal to Muhammad to reinstate his brother Reginald, suspended as a Muslim for "improper relations" with the secretary of the New York Temple. That night he spent in desperate prayer. The next night he woke up and saw a man sitting, there in the cell, in a chair by him. "He had on a dark suit, I remember. I could see him as plainly as I see anyone I look at. He wasn't black, and he wasn't white. He was light-brown-skinned, an Asiatic cast of countenance, and he had oily black hair. . . . I had no idea whatsoever who he was. He just sat there. Then suddenly as he had come, he was gone." The color of the man in the vision is an interesting fact. So is his immobility and silence.

When Malcolm Little came out of prison, he was Malcolm X, the "X," according to the practice of the Black Muslims, standing for the true name lost long ago in Africa to take the place of the false white name that had been forced on him. He had been reborn, and he now entered upon his mission. Soon he was an accredited minister of Muhammad, the official defender of the faith and the intellectual spokesman of the movement. His success, and especially the fact that he was invited to colleges, where Muhammad would never be invited, led to jealousy and, as Malcolm reports, contributed to his "silencing" as soon as a good justification appeared.

Malcolm X was not the only man drawn from the lower depths to be reborn in the Nation of Islam. It is generally admitted that the record of rehabilitation by the Black Muslims of dope addicts, alcoholics, prostitutes, and criminals makes any other method seem a waste of time. They have, it would seem, found the nerve center that, once touched, can radically change both the values and the way of life for a number of Negroes in America; and it is important here to use the phrase "Negroes in America" with special emphasis, and no other locution, for those redeemed by the Black Muslims are those who have been only *in*, but not *of*, America, those without country, history, or identity. The Black Muslims have found, then, a principle that, if not of universal validity (or, in one perspective, isn't it? for white as well as for black?), at least involves a truth of considerable psychological importance.

That truth is, indeed, shrouded in metaphysical mumbo-jumbo, political and economic absurdity, and some murderous delusions, but even these elements have a noteworthy symbolic relation to the central truth. It is reported that Martin Luther King, after seeing Malcolm X on TV, remarked: "When he starts talking about all that's been done to us. I get a twinge of hate, of identification with him. But hate is not the only effect." A man as intelligent, as cultivated, and as experienced as James Farmer has testified in his recent book *Freedow When?* that the Black Muslims and Malcolm X have had a very important impact on his own thinking and in helping to change his basic views of the Negro Revolution, especially on the question of "blackness" and on the nature of integration and the Negro's role in an open society.

If this is the case, then the story of Malcolm X assumes an added dimension. It shows the reader the world in which that truth can operate; that is, it shows the kind of alienation to which this truth is applicable. It shows, also, the human quality of the operation, a man in the process of trying to understand his plight, and to find salvation, by that truth. But there is another aspect to the *Autobiography*. Malcolm X was a man in motion, he was a seeker, and that motion led, in the end, away from orthodox Black Muslim doctrine. The doctrine had been, he said, a strait jacket. He was now in the process of stripping away, perhaps unconsciously, the mumbo-jumbo, the absurdities, and the murderous delusions. He was trying, as it were, to locate the truth that had saved him, and divest it of the irrelevancies.

In the end, he might have come to regard the religion that, after his break with the Black Muslims, he had found in Mecca as an irrelevancy, too. Certainly, just before his death he could say that his "philosophy" was still changing. Perhaps what Mecca gave him, for the time being at least, was the respectability, the authority, of the established thing. But he might have finally found that authority in himself, for he could speak as a man whose very existence was witness to what he said. Something of that purely personal authority comes through in these books.

Malcolm X had, in his last phase, lost the mystique of blackness so important to the Black Muslims; he had seen the blue-eyed and fair-haired pilgrims in Mecca. He was no longer a separatist in the absolute sense of the Black Muslims. He had become enough of an integrationist to say: "I believe in recognizing every human being as a human being . . . and when you are dealing with humanity as a family, there's no question of integration or intermarriage. It's just one human being marrying another human being or one human being living around with another human being." And just before his death he had made a down-payment on a house, in Long Island, in a largely Jewish neighborhood. He no longer saw the white man as the "white devil"—metaphysically evil; and he was ready, grudgingly, not optimistically, and with a note of threat, to grant that there was in America a chance, a last chance, for a "bloodless revolution." He was ready to work with other Negro organizations, even those which he had most derided, to try to find common ground and solutions at a practical level.

Certain ideas were, however, carried over from the Black Muslim days. The question of "identity" remained, and the question of race pride and personal self-respect divested of chauvinism, and with this the notion of "wake up, clean up, and stand up," the notion of self-reliance, self-improvement, self-discipline. If he could say such things, which smacked of the discredited philosophy of Booker T. Washington, and which few other Civil Rights leaders would dare to utter, it was because he did so in the context of his intransigence vis-à-vis the white world and his radical indictment of white society. Even in the last phase, even if he believed in "recognizing every human being as a human being," and no longer took the white man to be metaphysically evil, his indictment of white society was still radical; unless that society could really be regenerated, the chance for the "bloodless revolution" was gone.

This radical indictment leads to what may be the greatest significance of Malcolm X, his symbolic role. He was the black man who looked the white man in the eye and forgave nothing. If the white man had turned away, in shame or indifference, from the awful "forgiveness" of a Martin Luther King, he still had to face the unforgivingness, with its shattering effect on his accustomed view of himself and with the terrifying discovery, as Malcolm's rage brought his own rage forth, of the ultimate of which he himself would, under pressure, be capable. To put it another way, Malcolm X let the white man see what, from a certain perspective, he, his history, and his culture looked like. It was possible to say that that perspective was not the only one, that it did not give the whole truth about the white man, his history, and his culture, but it was not possible to say that the perspective did not carry *a* truth, a truth that was not less, but more, true for being seen from the angle of "Small's Paradise" in Harlem or of the bedroom to which

"Detroit Red," the "steerer," brought the "Ivy League fathers" to be ministered to by the big black girl, whose body had been greased to make it look "shinier and blacker" and whose Amazonian hand held a small plaited whip.

On the afternoon of Sunday, February 21, 1965, at a meeting of his struggling new Organization of Afro-American Unity, in the Audubon Ballroom, on West 166th Street, in Harlem, Malcolm X rose to speak and uttered the ritual greeting, "*Asalaikum*, brothers and sisters!" He was immediately cut down by shotgun and revolver fire from assassins waiting in the front of the audience. At 3:30 at the Columbia-Presbyterian Hospital, he was pronounced dead. Three men—Talmadge Hayer, Norman 3X (Brown), and Thomas 15X (Johnson)—were arrested in the case and tried for first-degree murder. Thayer denied Black Muslin connections, but Thomas 15X was identified as a member and Norman 3X as a lieutenant in the "Fruit of Islam"—the bodyguards of Elijah Muhammed. After deliberating for twenty hours a jury found them guilty, and all three were given life sentences.

What would have been Malcolm's role had he lived? Perhaps, as some Negro leaders said shortly before his death, he had no real organization, and did not have the talent to create one. Perhaps his being in motion was only, as some held, a result of confusion of mind, a groping that could not be trusted to bring results. Perhaps, as James Farmer had put it, Malcolm, for all his talk, was not an activist; he had managed all along to be out of harm's way whenever harm was brewing, and he was afraid of the time when he "would have to chirp or get off the perch."

But perhaps the new phase of the Negro Revolution, with the violence of the great city slums, might have given him his great chance. He might have, at last, found himself in action. He might have found himself committed to blind violence, but on the other hand he might have had the power to control and canalize action and do something to reduce the danger of the Revolution's degenerating into random revolt. For, in spite of all the gospel of intransigence, Malcolm had always had a governing idea of a constructive role for the Negro, some notion of a society. After all, he had personal force, as no one who ever spent as little as ten minutes with him would have doubted; charisma, to use the fashionable word, and that to a degree possessed by no other leader except Martin Luther King. And he had one great asset which Martin Luther King does not have: he was from the lower depths and possessed the authority of one who had both suffered and conquered the depths.

Whatever the future might have held for him had he lived, his actual role was an important one, and in one sense the importance lay in his *being* rather than his *doing*. He was a man of passion, depth, and scale—and his personal story is a moving one. There is the long struggle. There is the sense of desperation and tightening entrapment as, in the last days. Malcolm recognized the dilemma developing in his situation. The "so-called moderate" Civil Rights leaders, he said, dodged him as "too militant," and the "so-called militants" dodged him as "too moderate." Haley reports that he once exclaimed "They won't let me turn the corner! I'm caught in a trap!" For there is a trap in the story, a real and lethal one. There is the gang of Black Muslims covering his every move in the Statler Hilton at Los Angeles, the mysterious Negro men who tried to get his room number at the Hilton in New York City, and the sinister telephone call to his room in the hotel the morning of his death.

There is the bombing of his house, and despairing anger when the event was widely taken as a publicity stunt. There is his remark to Haley, as he asked to read the manuscript of his book for a last, unnecessary time: 'I just want to read it one more time, because I don't expect to read it in finished form"—wanting, as it were, to get a last sense of the shape of his own life as he felt the trap closing. There is, as with a final accent of pathos, the letter by his six-year-old daughter Attilah (named for the Scourge of God), written just after his death: "Dear Daddy, I love you so. O dear, O dear, I wish you wasn't dead." But entrapment and pathos was not all. He had been bred to danger. When he stepped on the platform that Sunday afternoon, in the face of odds which he had more shrewdly estimated than anybody else, he had nerve, confidence, style. He made his last gesture.

As one read the *Autobiography*, one feels that whatever the historical importance of Malcolm Little, his story has permanence, that it has something of tragic intensity and meaning. One feels that it is an American story bound to be remembered, to lurk in the background of popular consciousness, to reappear some day in a novel, on the stage, or on the screen. No—the right medium might be the ballad. Malcolm was a figure out of the annoymous depth of the folk, and even now, in a slum bedroom or in the shadowy corner of some bar, fingers may be tentatively picking the box, and lips fumbling to frame the words that will mean, long after our present problems are resolved and forgotten, the final fame, and the final significance.

## LAOS IS BEING LOST TO HANOI

## HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. HUBER. Mr. Speaker, the House was enmeshed in the question last week of whether it ought to permit the President to continue to support Cambodia with air strikes. Sometimes, I think that we tend to forget that the questions of Cambodia, Laos, and South Vietnam are all one. For the time being the situation in South Vietnam is relatively calm, although the buildup by the North Vietnamese is ominous. In Cambodia the situation is precarious, but the House by its action last week expressed a certain disinterest in the matter. Missing from the subject of recent debates is the little country of Laos, which, if North Vietnam proceeds as it has, will surely be lost to North Vietnam rule.

The following article from the Daily Telegraph of London is a good summation of the situation and I feel it is worthwhile reading for my colleagues:

[From the London Daily Telegraph, Apr. 17, 1973]

### HANOI GRABS LAND THAT WAS LAOS

The events of the past three months have shattered hopes that Laos can remain much longer an independent country. Ever since its foundation in the mid-14th century, this little-known, landlocked kingdom on the Middle Mekong, with an area almost the size of Britain and a population of some 2½ million, has striven to preserve its identity in the face of encroachment by its stronger neighbors.

The phrase "buffer State" might have been coined to describe Laos, enclosed by Thailand Burma, Vietnam, China and Cambodia.

"When the buffalos fight," runs a Laotian proverb, "it is the grass that suffers"; and so Laos has always sought survival in a policy of neutrality.

But when, on Feb. 21 this year, I watched the signing of the cease-fire, on terms virtually dictated by Hanoi through its puppets of the Pathet Lao, I knew I was witnessing the final collapse of that policy. It is now only a matter of time before Laos becomes Hanoi's colony.

The cease-fire agreement concedes to the Communists everything they wanted. Even the terminology is significant: the Royal Laotian Government emerges as merely "the Vientiane Government," while the Pathet Lao became "the Patriotic Forces"—an ironic title in view of their utter dependence on the North Vietnamese Army, their total subservience to the politburo in Hanoi.

Equally cynical, though far more important, is the clause dealing with the withdrawal of foreign troops from Laotian territory: the U.S. and Thailand are specifically named, but there is no mention of the 65,000 North Vietnamese troops operating in the country, who actually outnumber the Royal Laotian Army.

Politically, the agreement in effect guarantees the Pathet Lao a 50 per cent, representation in the new Government when it is formed—in contrast to the 25 per cent they received under the Geneva Accords of 1962. But this is of minor importance beside the military aspect of an arrangement which ensures withdrawal from the Royal Laotian Government of its main protection—American air power.

### OUT FOR AGGRANDISEMENT

What, then, were the pressures that compelled the dedicated neutralist Prime Minister Prince Souvanna Phouma, to sign a virtual capitulation to Communism? The clue lies almost entirely in the military situation. Lenin once observed that in any confrontation it is necessary to ask the question: Who is doing what to whom? In this case there is no doubt of the answer: North Vietnam is invading Laos—and has been doing so for at least 10 years.

It is a delusion to suppose that Hanoi's only interest in Laos is the protection of the Ho Chi Minh trails. The North Vietnamese leaders have always regarded themselves as the heirs to the French, and their main objective ever since 1945 has been to gain control over the whole French Indo-China.

At first their interest in the Pathet Lao was confined to the provision of arms, money and advisers. But since 1963 they have increased their military and political control to the point where they now maintain, in addition to their 65,000 troops, their own cadres in the Pathet Lao.

The Americans, in contrast, committed no ground troops to Laos. Their military contribution was mainly in money, equipment, training, and—above all—air power; at the same time they provided massive funds in civil aid programmes. But in neither sphere did they try to control the Royal Government—wherein I believe they made a cardinal error. For the injection of vast sums of money over a short period into a country which had never known wealth inevitably produced corruption on a gigantic scale.

More disastrous in the long run was the effect on the Army. The Lao soldier can fight well if properly led, looked after, and paid. Unfortunately promotion was often through family interest, and pay seldom reached the ordinary soldier.

As paymasters the Americans were in an impregnable position to put an end to all this corruption, to insist on a purge of the civil administration, and—most important for the conduct of the war—to turn the Army into a properly disciplined force with regularly paid troops led by qualified officers. But from a misguided fear of appearing to be "colonists" they—or their masters in Washington—refused to interfere.

### GOOD BUT FEW

To provide a stiffening for the Army the Americans, in consultation with the Royal Government, formed the "Irregular" organisation. This has been fancifully described as "the CIA's secret army." In fact, although the Irregulars were paid directly by the Americans—which meant they actually received their money—they came under the overall command of the Army and the Americans had only an advisory role in their deployment. However, they did have a say in promotions, which were consequently made on merit.

These Irregulars—the earliest and most famous were General Van Pao's Meo in the northeast—were organised in "Groupes Mobiles," and were predominantly Laotian—mainly lowland Lao and Kha and Meo—although later they were reinforced by Thai volunteers.

I have watched Irregulars in action. I was with the Kha of GM 41 in some of the bitter fighting around Saravane last January, and I spent 24 hours with the Meo garrison of Bouam Long, an enclave deep in Communist territory north-east of the Plain of Jars, which has withstood over four years of siege, assault, and daily bombardment by the North Vietnamese Army. I believe that if the Army had more troops like these, and if they had artillery to match the North Vietnamese, Souvanna Phouma would not have had to sign such humilitating terms.

Although the main air effort has been American, the Royal Laotian Air Force has made a useful contribution. The pilots of their slow, piston-engined T28s bombed with skill, resolution and remarkable accuracy; I have flown with a Lao pilot on "Forward Air Control" and watched them make their strikes. I have also flown with a Lao aircrew in a "Spooky" night gunship on a mission in close support of ground troops. There is nothing wrong with the quality of the Laotian airmen; but there are not enough of them and aircraft are obsolete.

The final American error was not to insist on a simultaneous cease-fire in Vietnam and Laos. When the Americans warned Prince Souvanna Phouma that the bombing in Laos would cease, and military support be withdrawn, from Feb. 25, he had to take whatever terms he could get. The result is a situation where the North Vietnamese can take over the whole country any time they wish—although they may think it prudent to delay a while, until the American withdrawal is irreversible. Then, only pressure from China—a remote possibility—is likely to deter them.

## PRESENTATION STUDENTS VOLUNTEER THEIR SERVICES

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. MAZZOLI. Mr. Speaker, the ladies have done it again.

Introducing a new concept in community-service education to supplement classroom theory, the seniors of Presentation Academy in Louisville, Ky., under the leadership of Sister Suzanne Reasbeck embarked on an ambitious volunteer service program.

These girls worked in hospitals, schools, and charitable institutions throughout the city 2 days a week in lieu of class attendance. Their experiences proved diverse and rewarding for all concerned.

A recent article in the Record, the Louisville Archdiocesan newspaper, told the story. I would like to bring this article to the attention of our colleagues by inserting it at this point in the CONGRESSIONAL RECORD:

[From the (Louisville) Record, Apr. 26, 1973]

### GOOD FEELING

#### PRESENTATION STUDENTS TERM VOLUNTEER SERVICE REWARDING

(By Cass Harris)

Over 90 per cent of the senior class at Presentation Academy skips classes on Mondays and Tuesdays—but they aren't playing hookey.

Actually the 115 seniors are participating in a two-month Volunteer Service Program. The girls spend their regular class hours on these days in a variety of places performing volunteer community-service type jobs.

The Volunteer Service Program, according to Sister of Charity Suzanne Reasbeck, provides the girls the opportunities to offer Christian service to the community, to gain actual experience in different fields instead of just "classroom theory," and to evaluate prospective career fields. Sister Suzanne, a senior teacher, is coordinating the program.

The girls were carefully matched with each organization, Sister Suzanne said, and in many cases a person from the organization came to the school to conduct workshops or training sessions or just to give the girls background information.

The girls go directly to their particular job each Monday and Tuesday. Their work is supervised by a specified person from the organization who is requested to fill out two evaluation reports during the two-month program.

The largest number of girls—29—is involved with hospital work. Stationed at St. Joseph's Infirmary, Children's Hospital, Kosair and Suburban Hospital, they serve much as Candy Stripers do, Sister Suzanne said. At St. Joseph, for instance, she said, they work on the floors, in maternity, pediatrics and physical therapy, deliver mail, transport patients and run errands for them.

Eighteen seniors work in a number of Head Start programs throughout the city, and 17 girls act as teachers' aides at St. Frances of Rome, St. Joseph, Holy Family and St. Gabriel Schools, Sister Suzanne said.

Girls who requested to work with retarded children were assigned to the Cerebral Palsy School, the Cerebral Palsy Center, the School for Autistic Children. Hazelwood Hospital, the Msgr. Pitt Learning Center and the Council for the Retarded, Sister Suzanne said.

At these places the girls mainly assist with different types of therapy—physical, recreational, musical, industrial and speech.

Some other seniors who asked to work with children were assigned to the nursery at St. Thomas-St. Vincent Home, to the Home of the Innocents, and to the Jewish Home for Convalescent Children.

Other organizations receiving service from the seniors include King's Daughters Home for Incurables and the Sister Visitor Program, where two girls accompany the Sisters on visits to poor and elderly persons and help distribute food and clothing.

The amazing thing so far, Sister Suzanne said, is that "out of all of the girls we placed we haven't had to change any of them," although some had a little trouble adjusting at first.

"We tried to get them to realize that in making a choice of a job you just don't quit after the first day—you have to work it out," she explained.

Caryn Johnny, Kay Owens and Betty Cambron were three who didn't really like their assignments in the beginning.

Miss Johnny, a teacher's aide at St. Frances of Rome School, said she had really hoped to be assigned to a nursery. "I thought I was going to hate it but the first day I went there the kids started talking to me and they really made me feel needed. Now I really like it a lot," she said.

She added that now she frequently visits St. Thomas-St. Vincent Home on weekends because many of her charges from St. Frances live there.

Kay Owens, who works at the Louisville School for Autistic Children, said she didn't like it at first because "it was so weird—I couldn't get used to talking to children who didn't understand a word you were saying."

Now she has a better understanding of the problems, Miss Owens said, adding, "It's been good experience because I had thought of going into special education and it's helped me to decide" to do so.

Betty Cambron, who along with Diane Waters works at King's Daughters Home for Incurables, said that "the first day I didn't think I was going to make it. I didn't realize they (incurables) existed but when I started working there I realized they're people just like me, they have needs that need to be met, they need companionship. It makes you feel like someone cares, and that helped me quite a bit."

Miss Cambron said she has adopted as a special project a blind man who has no legs and is considered too old for rehabilitation. "I'm trying to teach him to be secure in his own room, to move in his wheelchair by himself and to do things for himself," she explained.

Miss Waters said they also read to the patients, write letters, take them around the home, introduce the new patients and often "just sit and talk with them."

"Most of them are so lonely, and when you keep them company it makes you feel like you're really doing something for somebody that really needs you. It's a feeling of responsibility, too" she said.

Like Miss Owens Cathy Schroering also feels the program has helped with regard to her future plans. Presently she and Mary Seadler are working with "classroom trainables" at the Cerebral Palsy School.

"I was planning to go on into this field but I was kind of afraid because I had no experience," Miss Schroering explained. "This is really going to be a big help when I do go into this field. I think it's more rewarding than working with normal children. It makes you feel important and really needed."

Miss Seadler agreed, adding, "I learned that if you really work with them and give time you'll get something in return . . . a feeling like helping somebody, giving something more that's not just an ordinary thing to do."

Denise Glasscock said she has also learned several things in working with groups of black children in the Head Start program at the Newburg Child Development Center.

"I guess I was prejudiced before but I'm not any more since I've worked there," she explained, adding "also, I understand three-year-olds now—I used to think my little brothers were brats."

Sister Suzanne said the program, which concludes May 1, has met with enthusiastic reception on all fronts. Teachers and parents, both of whom were consulted before the program was instituted, have praised the program, Sister Suzanne said, and all of the supervisors' first evaluations were highly positive.

But it's the students who seem to be top boosters of the program. "I think it should've started long ago," Miss Johnny summed up. "You feel like you have more responsibility than just going to school every day. You get somebody to look up to you and it makes you feel good."

## GEORGE L. PELLETTIERI

---

### HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. THOMPSON of New Jersey. Mr. Speaker, it is always a sad thing when society loses one of its great citizens, but it is particularly so when that person is very young. Last week, the city of Trenton and the State of New Jersey lost one of our outstanding men, George L. Pellettieri. He was just 39 years old, but had achieved prominence in his early thirties.

George was a graduate of the Lawrenceville High School, of Princeton University and of the Rutgers Law School. Despite ill health almost his whole life, he devoted himself to a tremendously demanding and active life helping innumerable good causes and literally thousands of the poor and less fortunate. He did all of it with his superb legal ability, characterized by great determination and goodwill. George was a legend in his own time.

I counted George L. Pellettieri as one of my closest friends. He helped me on dozens of occasions and was always willing to drop everything to go to the rescue of a constituent in difficulty. Following, Mr. Speaker, are two highly sensitive and unusual newspaper articles from the Trentonian, a leading morning paper in the form of an editorial, and the other from the Trenton Times, our city's outstanding afternoon paper. The articles will reveal what a brilliant and unique fellow George was:

#### GEORGE L. PELLETTIERI

George L. Pellettieri did many things well and some things—like total dismembering a hostile witness—superbly. But what he did best was enjoy. He got a tremendous kick out of his near-legendary image as the hottest of hot-shot lawyers. And he thoroughly enjoyed friends, enemies, ivory tower intellectuals, those who would love to dismantle those towers brick by brick, street people and, of course, cuckoos of every stripe and type. He lived a lot of different lives in his 39 years and he relished them all, which, towards the end, required a special kind of courage. Because, towards the end, George Pellettieri knew he was dying.

He knew because it was impossible not to know. He had been ill for years, in and out of doctors' offices, hospitals and operating rooms. But in between these reminders of a physical condition that was steadily worsening, he laughed at himself and at the ironies of life. He also continued to help the helpless, some of whom he saved from the viciousness of poverty and racism and some of whom he saved from jail.

Nobody who knew him could be sure how well they knew him. His fascination in finding out about them thwarted their efforts to find out about him. It was impossible not to recognize his brightness, his compassion, his extraordinary legal ability, his hilarious sense of the ridiculous and his almost palpable contempt for hypocrisy. But, with it all, there was a hint of sadness veiled by privacy and perhaps even a tacit implication that if he had it all to do again, he might have done it differently.

We realize this isn't an ordinary editorial farewell. But George Pellettieri was no ordinary man. Those who knew him at Lawrenceville School, at Princeton University, in the flames of courtroom combat, on a dozen do-gooder committees, in the kitchen of Chick and Nello's or in the quiet of his home appreciated the quality that set him apart. They appreciated them over the years and they appreciated them even more Wednesday when the word came that he was gone.

He died on a ship, while attempting to recuperate from yet another operation. He died far from the scene of his triumphs. He will be missed and remembered and talked about, this hottest of hot-shot lawyers, this gentle, caring, remarkably gifted man.

#### GEORGE'S GOODBY: MUSIC FROM HEART

(By Joe Piscione)

Some words defy definition. Take "class" for example. It's part physical. But it's part mental, too. It's solid, yet intangible. It's subtle and it's also obvious. When it's there, you know it.

It was there at Gruerio's Funeral Home on Chestnut Ave. Friday everning. The family and friends of George L. Pellettieri were there to pay their last respects to a man who made the legal profession a work of art.

But George L. Pellettieri didn't restrict his artistry to the courtroom. He carried it over into all aspects of his life. Finally, he turned out one last masterpiece—after his death.

It was all his work Friday night. He'd left a letter to be opened after his death, telling his family just the way he'd like things done. George L. Pellettieri wanted to go out in style.

It was like no viewing Trenton ever has seen. The crowds began arriving before 5 p.m. and continued to arrive until long after the scheduled 9 p.m. end of calling hours.

They came in cars or they walked. Then they stood in line for 20 minutes to pass by the body of the man they admired. Politicians, members of the legal fraternity, business men, skilled and unskilled laborers—a cross-section of humanity came to say good bye to a man who had touched all their lives in an all-too-short 39 years.

And George L. Pellettieri's final summation unfolded before them.

Black crepe, moaning and tears? No way.

Instead, a Dixieland jazz band, playing blues sweet and cool, welcomed callers to George L. Pellettieri's fare-well. Callers stopped and listened and made requests. And the band played music from the heart.

Inside the main chapel, the line twisted past the coffin. Flowers and dim candle lighting? No way.

The flowers were neatly arranged in another room. The only flower in the main chapel was the bright red rose in George L. Pellettieri's lapel.

To be perfectly honest, George L. Pellettieri looked sharp. No dark grey suit on that guy. Instead, he work black shoes and slacks and a white sport jacket with a charcoal pin-stripe. The rose set things off perfectly.

At the foot of the casket the widow waited. More style and class.

Louise Pellettieri was dressed entirely in white. Nobody had to hold her up in her chair. She stood near the body of her husband and greeted their friends with a firm hand and a steady voice.

Outside the funeral home, people gathered in small groups and talked with the strains of the Dixieland band in the background. Darkness set in the and crowds kept coming.

Just around noon yesterday, George L. Pellettieri's body was taken to Greenwood Cemetery. There were TV cameras there to capture the moment. And the Dixieland band was there to play George L. Pellettieri's favorite numbers—"The Impossible Dream" and "Nearer My God To Thee."

All his life, George L. Pellettieri made a habit of doing things with more class than the next guy. He went out the way he wanted to yesterday—in style.

Even after death, George L. Pellettieri was outclassing the field.

## THE AMERICAN CHILD CARE DISGRACE

---

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD the text of an excellent article by Maureen Orth, an associate editor at Newsweek magazine, entitled, "The American Child-Care Disgrace."

The article, published in the May, 1973, issue of the journal, "Ms.," is a well informed analysis of the history of the Comprehensive Child Development Bill which was passed by the 92d Congress but vetoed by President Nixon.

The article follows:

#### SUFFER THE LITTLE CHILDREN—THE AMERICAN CHILD-CARE DISGRACE

(By Maureen Orth)

> "So critical is the matter of early growth that we must make a national commitment to provide all American children an opportunity for healthy and stimulating development during the first five years of life." *Richard M. Nixon, the President's message establishing the Office of Child Development, January, 1969.*

> "Neither the immediate *need* nor the desirability of a national child-development program of this character has been demonstrated. . . . For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child-rearing over against the family-centered approach." *Richard M. Nixon, the President's veto message on the Comprehensive Child Development Bill, December, 1971.*

In Chicago, a day-care center licensed to care for 18 children was found to have 51 infants strapped in cribs and high chairs—with only one employee to care for them.

In Los Angeles, some mothers who must work outside the home have become so desperate that they leave their children with junkie babysitters, knowing that a cash payment at the end of the day will bring the addict back the next morning.

In Cleveland, there are so many children who come home from school to an empty apartment, but who are too little to be trusted with loose keys, that neighborhood stores sell chains for the purpose of hanging keys around the necks of these "latchkey" children.

In Detroit, a working mother discovered that her small daughter was being physically abused by the neighbor—herself the mother of many small children—with whom she had been leaving her for a year.

In New York, a report on police efficiency found this interesting problem with patrolmen on the night shift: they failed to make arrests that would require their presence in court during the day. Their wives work, and the men must be home with the children.

These examples are heartbreaking but not unusual. They can be multiplied across the country thousands, millions of times—a testament to our inability to deal with a fundamental human need.

#### MORE WORKING MOTHERS

Today we have more working mothers than ever before, more than twice as many as in 1950, and the figures are expected to double in the next decade. Nearly one-third of all mothers with preschool children and half the mothers with children 8 to 14 are working. Each year, more and more research piles up attesting to the importance of learning in the first five years of life. We live in a country that pays lip service, at least, to the idea that the welfare of the child is a basic human right. Yet we have no national network of subsidized quality child-care centers (not day care, which assumes all people's needs fall from 9 A.M. to 5 P.M.) where parents can be sure their child will be able to develop her or his potential, will receive health care, hot meals, preschool education, and personal attention—a full range of developmental services plus the opportunity to relate to and learn from a variety of adults and children. Child care, of course, must not be tied exclusively to the needs of the working mother. The father, too, has an equal need—whether he is raising children alone or is the only wage earner in a family that desperately needs a second income. And children have the greatest need of all. Our goal should be free, universal, consumer- (this means parents) controlled child care, where children, even rich children, have the daily companionship and learning opportunity of being with their peers as well as their parents.

But instead, we have millions of children, at least eight million in desperate need, who should be in centers but aren't. Many are cared for by a succession of untrained babysitters. Others have brothers and sisters who are forced to drop out of school to care for them. The notion of aunts and grannies in the home who love to take care of little children just isn't true any more. Estimates of latchkey children run as high as a million and a half. No one at all takes care of them. But they often show up later as other kinds of statistics, in juvenile delinquency cases and drug-addiction centers. Then we pay highly for their care.

There's nothing so radical about the idea of making voluntary child-care programs available to American parents and their children. During World War II, for instance, the government cheerfully paid for child-care centers for more than a million-and-a-half children whose mothers were working in defense plants. Currently, however, the only justification for subsidized child care that the government will accept is to get people off the welfare rolls—a goal that results in isolating poor and minority children in custodial centers so that their mothers can be forced to work.

### HUMAN RIGHTS FOR CHILDREN

We shouldn't have to declare World War III to understand children have basic human rights. The constituency for child care is no less than the parents and children of America. Yet despite the serious need for early childhood development, there is little action. Why is child care a dead issue in Washington today?

"I've spoken to hundreds of women across the country, rich and poor, women who make $20,000 a year—women whose lives have been blighted because they have been unable to find satisfactory day care," says Dr. Edward Zigler, a Yale professor of child development, who is the former head of the Office of Child Development at the Department at the Department of Health, Education and Welfare. "What's happened to their children? Almost 50 percent of all mothers work, yet so far they haven't exerted pressure on the government. I am convinced it has to do with the downtrodden nature of women in America. They feel this is the way things are supposed to be. They're *supposed* to be put upon. Farmers and the aerospace industry fight for their interests and get billions of dollars worth of subsidies. The government helps them, but doesn't help mothers. We've so conditioned women to get the short end of the stick that they think it's the plight of women to suffer, and they don't expect any action."

Zigler's observation offers some insight into at least one of the reasons why the Comprehensive Child Development Act of 1971—a bill of direct benefit to millions of mothers, fathers, children, and employers; a bill which passed Congress but was vetoed by President Nixon—never caught fire in the grass roots, and didn't receive the lobbying support it needed to survive. (Simply put, the bill would have extended downward the age at which a child is eligible to attend school. Parents would have had the option of placing children of two-and-a-half, and even younger, in child-care facilities that offered education, nutrition, and health programs. The services, including prenatal care, were to be available to the middle class as well as to the poor. Although the bill fell short of providing free care, since all persons earning over a specified income would pay on a sliding scale, it would, nevertheless, have established the beginnings of a socially and economically mixed preschool system.)

While women continue to suffer because of the overwhelming difficulty of finding affordable, quality child-care arrangements, they may keep their suffering hidden, even to themselves. Many women are tortured by guilt when they leave children in the care of others, no matter how justified the reasons or how educational for the children. They don't think of turning to the government for help. Somehow we have so indoctrinated women with the sacred, romantic myth of motherhood (significantly, not parenthood) plus the ideal of the nuclear family, that they are reluctant to admit when they need help and reluctant to demand that some of their tax dollars go toward child care. As long as the American mother has feelings of guilt and is unable to see child care as more than a personal problem, the politicians will continue to ignore her and the basic rights of her children.

But women are not to be blamed out of proportion to their real political power. The failure of child-care legislation goes beyond lobbying.

### OTHER OBSTACLES

Obviously an adequately funded child care and development program costs money—an estimated $20 billion a year to fulfill today's needs. "You won't get twenty billion in a decade," asserts an aide to the Senate Finance Committee, "because the American taxpayer doesn't care that much about kids." But this figure does not seem hopelessly huge when compared with other government figures—particularly items in the Department of Defense Budget. There, cost overruns on military contracts—not the contracts themselves—ran to more than $29 billion in 1972 alone.

Another obstacle in the path of subsidized child care is the fact that the majority of the lawmakers and Administration aides charged with deciding the fate of crucial legislation are men past the age of parenting. They seem unable to grasp what it means to be a 32-year-old wage earner responsible for three children under the age of eight. This insensitivity, fortified by the scare rhetoric of the right wing ("the sovietization of American youth," "the final fatal step toward 1984"), places any concept of comprehensive child care in jeopardy. The opponents of federal child-care programs, furthermore, write letters to the White House and to Congresspeople far out of proportion to their numbers. And the media, responsive to the issue only during volatile, after-the-fact confrontations, have not been persuaded to provide the ongoing coverage so needed to communicate the philosophy and significance of government involvement in child care.

According to Edward Zigler, "Any legislation as fundamental as the Comprehensive Child Development Act of 1971 cannot succeed without a substantial national dialogue. The woman in Dubuque and the man in Los Angeles have to grasp the issue." Given the media's apathy, the inability of put-upon parents to form an effective, visible lobby, plus the savvy of the issue's professional foes, the President's veto becomes less surprising.

### LEGISLATIVE LESSON

If we are to fight successfully in the future for quality child-care programs, a recap of the legislative fate of the Comprehensive Child Development Act affords some valuable lessons.

The bill originated in Congress, which made it unique and problematic from the start. (The Executive is accustomed to initiating major legislation.) For over a year, the Administration could not decide what position to take. Health, Education and Welfare—the agency charged with administering the bill—was being asked to create both philosophy and bureaucracy at once, in addition to carving out a whole new sphere in American education, subject to a wide range of special interest groups (from textbook salespeople to a vast new children's lobby). Yet by the summer of 1971, everyone was cautiously predicting the bill would become reality.

But liberals in the electorate (who formed the "daycare lobby" as it was called) and liberals in the Senate toughened their position on consumer control. They wanted funds to flow in a direct federal-local relationship to child-care centers, thus bypassing involvement of the state governments. (Remembering Mississippi, for example, which held back progress in Head Start because the programs had to be integrated, they decided not to let history repeat itself.) But Republicans and some moderate Democrats felt the states should be involved, that exclusion constituted a violation of states' rights, and that direct funding would create a "vast [federal] bureaucratic army." Powerful Republicans in Congress warned that the cutting out of the states would lead to a veto. In order to preserve the original bipartisan nature of the bill, Representative John Brademas (D.-Ind.), the bill's mentor in the House, sought to maintain some role for the states.

In the end, though, the liberals were able to maintain "consumer control" provisions intact. Many Washington observers believe their refusal to give on this point resulted in the winning of the battle only to lose the war.

The final version of the Comprehensive Child Development Act was reported out of the joint Senate-House Conference Committee with the stipulation that any locality over the size of 5,000 could apply for direct funds from the federal government, thereby limiting the states to a mainly technical or advisory role. Most of the Senate Republican leadership voted for the bill anyway, knowing it would probably be vetoed. Many had cynically voted for passage because, after all, who wants to vote against little children with an election year coming up?

When the bill arrived on President Nixon's desk for signature, it landed among thousands of letters peppered with such phrases as "the heavy hand of government in every cradle." The proponents of the bill, organized into a 23-group coalition led by Marian Wright Edelman, Director of the Washington Research Project, had not convincingly demonstrated (to Mr. Nixon's satisfaction) what they knew to be the needs of so many American families.

Although Patricia Nixon was then Honorary Chairperson of the Day Care and Child Development Council, one of the staunchest advocates of subsidized child care, Richard Nixon pandered to the conservative outcry (perhaps mindful that the conservatives were also angered over his trips to China and Russia) and struck down the Comprehensive Child Development Act. In an inflammatory veto message, he chose not to commit "the vast moral authority of the national government to the side of communal approaches to child-rearing over against the family-centered approach." It didn't seem to matter that the veto message contradicted one of the President's pet pieces of legislation at that time, the Welfare Reform Bill, "H.R. 1"—which sought custodial child-care facilities for the children of welfare mothers so they could enroll in work-training programs. Without child care, what chance would there be to get these women off the dole? Evidently, it was all right to "break up" the families of welfare recipients to get them to work, but those mothers of middle-class families who were already working would be forced out of the labor market.

While Marian Wright Edelman's coalition worked hard to promote the bill, they, in the words of Washington reporter John Iglehart, "never sold day care as a middle-class need. Most politicians don't see day care any differently than any other OEO [Office of Economic Opportunity] liberal, bleeding-heart program." According to Theodore Taylor, Executive Director of the Day Care and Child Development Council of America, "There [was still] the sense that child-care institutions undermine the stability of the family and that child care or child development is really only an adjunct to welfare." So the massive, three-year-long struggle that spanned thousands of pages of testimony, endless conferences and meetings, and hundreds of hours and thousands of dollars of staff time was scratched with one stroke of the Presidential pen.

### CODE WORDS

Because the Administration's attitude toward child care has hardened so much in the time since the veto, it now seems almost utopian to think that developmental child care ever had a chance of becoming law. Since the veto, major governmental effort in the child-care field has been a part of the insidious design to provide custodial babysitting for the children of welfare mothers, but only for those mothers on work-training programs. Spaces for their children would come, not through the creation of new facilities, but from the elimination of the children of the working poor and middle class who are already in subsidized centers.

Now, "revenue sharing" is the new code word used in government to dismiss queries about instituting a national network of child care. Under revenue sharing, each state receives a check from the federal government to spend as it wishes. The Administration purports not to care if the states spend the money on child care or lowering property taxes or paving highways. The practical consequence of revenue sharing, though, has been to pit all the social-welfare programs that receive federal moneys—but which are now under a spending ceiling limit—against each other. As a result, drug-rehabilitation programs are fighting the elderly who are fighting the handicapped who are fighting child-care people—all for limited funds.

This is so because, under the legislation passed by the last Congress, social-welfare programs that previously received matching funds from the federal government are subject to a $2.5 billion spending ceiling. The child-care money that used to come out of Title IV–A and IV–B of the Social Security Act is also part of that limit. Formerly, if state and local governments or private local donors could come up with 25 percent of the money to fund a child-care center, the federal government would foot the additional 75 percent-providing a center met certain criteria. There was no upward limit on the money the states could apply for. Few states, however, took advantage of the law, which also stipulated that Title IV–A and B funds were for "any kind of service that was rehabilitative or preventive in nature for past, present, or potential welfare recipients." However, New York liberally interpreted that definition and began setting up child-care centers for middle-class children; Mississippi went even further—it saw the legislation as a way to practically fund their state government. Congress plugged that loophole. And in February, the Administration introduced regulations that would severely restrict the eligibility of a past or potential welfare recipient. Previously, a "past" recipient was defined as someone on welfare within the last two years; this may be changed to the last three months. A "potential" welfare recipient was someone who without child care, would go on welfare in five years—this may be changed to six months. There was even a proposal—since abandoned—to prohibit the use of private money to get matching funds. This would have been especially damaging to poorer states that have no hope of generating child-care funds from their own revenues. As one Administration official summarizing the current Nixon philosophy of government spending and social welfare, put it, "You've got to get the right bang for the buck."

### HARD REALITIES

Today we are in the paradoxical position of having the number of children who require child care dramatically increasing and the number of federal government "slots" in child care decreasing. The new restrictive guidelines hit hardest at the working poor—women who have struggled valiantly to stay off welfare. "Day-care prices most frequently quoted are $25 to $36 a week," one mother of a three-year-old child told me. "Since I take home $100 a week, this is impossible." If their children are no longer "eligible" for subsidized child-care facilities, many parents who are now classified as working poor will have to quit their jobs and be forced to rely on unemployment and eventually welfare. Is this "the bang for the buck" the Administration is seeking?

When asked by a reporter about the fiscal irresponsibility of eliminating child-care slots only to have state and federal government pay more money out in welfare and unemployment, an administrator of the Office of Child Development at HEW replied, "That is an excellent question without an answer. That kind of consideration makes eminent good sense to you or me, but God knows why OMB [Office of Management and Budget] did it."

John Hutchison, Special Assistant to the Acting Administrator of Social Rehabilitation Services at HEW, which is the office that administers Title IV–A funds, did have an answer. "Women need to understand the hard realities fiscally and operationally," she explained. "Child care has expanded rapidly in the last two years, but fiscal limits are being imposed for those who need it most. We don't know what's going to happen. You have to make your choices based on cost benefits."

The morality of "cost benefit analysis" has effectively stopped the creation of new child-care facilities across the country, threatened the existing quality of child care received, and perpetuated a vicious cycle isolating the poor. Though revenue sharing purports to throw the burden of providing child-care services to the states, the states have not had an impressive record of achievement in establishing new child-care facilities, licensing private day-care homes, or training personnel to staff the centers.

Although the once lofty hope of comprehensive childhood development has been reduced to a repressive social-service concept connected to the employability of welfare mothers, we do not lack legislators eager to sponsor bills that would guarantee to all young children vital health and educational services. What the Brademases, Mondales, Reids, Hecklers, Chisholms, and Abzugs in Washington need is tangible support at the community level. We must continue to make our needs known to our mayors, city councils, governors, and state legislators. They in turn will be forced to demand federal relief. For example, Mary Sansone of New York City, representing the Congress of Italian-American Organizations (CIAO), informed the local establishment that they could cross off the support of Italians on election day if much needed child-care facilities weren't forthcoming. She even went to Washington to lobby powerful national legislators. Wilbur Mills, Chairman of the House Ways and Means Committee, showed how child care is, in many legislators' minds, connected to welfare and minority stereotypes: he astonished her by saying, "I wasn't aware that Italians needed help." But, because of her and the Organization's persistence, CIAO has obtained funding for three centers.

### THE CHALLENGE

A larger grass-roots effort must also be made to overcome the indifference to inadequate child care and the die-hard myths, particularly the guilt-inducing exclusivity of parenting, that prevent a commitment to early childhood development programs. "Advocates of free, universal child care would do well to focus on consciousness-raising about child care and finding a legislative vehicle which will enable Congress to spend money without seeming to be helping 'the poor,'" advises William Pierce, Director of the Washington office of the Child Welfare League of America. He suggests a possible legislative vehicle: "Attach child care directly to education. California already has [some] child care connected to education. Bipartisan action might be possible for some bill [in 1974 but not before] which uses the California experience as a model."

Can we wait yet another year? Another year of vital human needs going unmet? of latchkey children roaming the streets? of substandard baby-sitting services? of prevailing upon a grandmother or a neighbor who may already have too many children of her own? of middle- and upper-income children who vegetate by the television set?

American parents must start by asking why.

---

## ANDERSON FINDS JOBS FOR VETS

### HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. HILLIS. Mr. Speaker, today I would like to honor a group of veterans back in Indiana's Fifth District who have been active in making the Jobs for Veterans program a success.

This group of veterans in Anderson, Ind., has found 167 Vietnam vets jobs in Madison County since the American Legion post there took on this project. Heading up this job-finding delegation is a World War II veteran, Francis Pope.

As the Jobs for Veterans representative in Anderson, Mr. Pope has visited all of the major industries in and around Madison County and urged them to find spots for the worthy returning veterans. With a 4- or 5-man delegation, Francis Pope has handled the placing of these young veterans on a case-by-case basis, going in and talking to the company personnel people, representing the individuals, serving as a personal employment service of sorts, at no compensation whatsoever.

There are many who have criticized that our veterans organizations are for old men and are not suited to the needs and interest of the younger returning veterans. The Anderson American Legion has proved this does not have to be. The members of this post have shown they do care about the fine young men returning to Madison County, and are taking direct action to prove their feelings.

I would like to salute Mr. Pope and the Anderson Legion members today and cite their efforts to my colleagues as an example of what the Jobs for Veterans program ought to be in every community in this country if enough people become concerned about the unemployment problem of our Vietnam vets. With more local action programs like this, an unemployed veteran might become a scarce commodity—which I am sure we would all like to see happen.

The Federal Government can set up programs like the Jobs for Veterans initiative, but in the end, it is the effort and concern of local people in any community which makes or breaks any Federal program. I think the Anderson Legion has proved this, and I hope their example will be followed by other local groups in the future. Thank you.

---

## LOS ANGELES COUNTY ENDORSES SCHOOLBUS SAFETY BILL

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. ASPIN. Mr. Speaker, I am happy to report to the Members of the House that the board of supervisors of the county of Los Angeles recently endorsed in principle H.R. 4187, the Schoolbus Safety Act of 1973.

This bill has now been cosponsored by 77 Members of the House. Recently, the Subcommitee on Commerce and Finance of the Interstate and Foreign Commerce Committee chaired by our distinguished colleague from California, (Mr. Moss) finished 2 days of hearings on schoolbus safety legislation.

With 20 million children riding schoolbuses to and from school every day, we must do everything necessary to make sure that they ride safely.

This most welcome endorsement by the Los Angeles board of supervisors is contained in a letter from Joseph M. Pollard, their Washington legislative counsultant. The letter follows:

BOARD OF SUPERVISORS,
COUNTY OF LOS ANGELES,
*May 14, 1973.*

The Honorable LES ASPIN,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN: At its meeting held May 1, 1973, on motion of Supervisor James A. Hayes, the Board of Supervisors of the County of Los Angeles endorsed in principle H.R. 4187, the measure concerned with School Bus Safety which establishes standards consistent with the pressing need to ensure the safety of children.

The Board emphasized the necessity of such nationwide Federal safety requirements, pointing out the growing accident rate of schoolbuses, which are relatively legislation-free vehicles compared to other carriers, and the number of injuries to children which have resulted.

Sincerely,
JOSEPH M. POLLARD,
*Legislative Consultant.*

---

## CAB ORDERS NO-SMOKING AREAS ON AIRCRAFT

### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. YOUNG of Florida. Mr. Speaker, I want to applaud the Civil Aeronautics Board for its action on May 7 in ordering certified air carriers to provide no-smoking areas aboard their flights. This action, which becomes effective on July 10, is in full accord with the spirit and intent of H.R. 1309, the Nonsmokers Relief Act I introduced early this year.

This act in no way infringes on the rights of those who choose to smoke, but does protect the rights and health of nonsmokers by requiring separate seating aboard planes, trains, and buses traveling in interstate commerce. This measure has drawn overwhelming public support, and since it was first introduced in the 92d Congress, many airlines have voluntarily adopted its provisions.

Now, after extensive hearings, the Civil Aeronautics Board has confirmed the need for such regulations and strongly supports the arguments I have offered in urging prompt action by the Congress to adopt the Nonsmokers Relief Act.

The CAB has confirmed that smoking aboard aircraft causes severe discomfort to passengers, and that such passengers constitute a substantial number of air travelers. The CAB ruling points out—

> Although smokers often refer to their "right" to smoke, their freedom to smoke, as a court recently observed, "may have to give way to the freedom of others to be unannoyed by smoke".

However, neither the CAB ruling nor my bill would prohibit smoking aboard aircraft; rather, both would merely require separate nonsmoking areas aboard each flight.

The CAB concludes—

> The Board is convinced that any problems attending the implementation of this rule will be considerably less than those under the present system of voluntary and largely unenforced segregation of smokers.

For the consideration of my fellow Congressmen, the major arguments for the CAB decision follow:

> PART 252—PROVISION OF DESIGNATED "NO-SMOKING" AREAS ABOARD AIRCRAFT OPERATED BY CERTIFICATED AIR CARRIERS
>
> ENACTMENT OF PART
>
> In EDR-231, the Board issued a Notice of Proposed Rule Making to enact a new Part 252 of the Economic Regulations to reqluire certificated air carriers (both route and supplemental carriers) to establish procedures designed to segregate passengers who desire to be seated in designated "smoking" areas and to prohibit smoking in all areas not so designated on commercial flights.
>
> In EDR-231, it was noted that a joint study of the Federal Aviation Administration and the Department of Health, Education and Welfare had concluded that the low levels of contaminants measured do not represent a health hazard to the nonsmoking passengers on aircraft. On the other hand, the study found that a significant portion of the nonsmokers (over 60 percent) stated that they were bothered by tobacco smoke, and suggested corrective action should be taken, such as a ban on smoking or the segregation of smokers from nonsmokers on commercial flights. It was further noted in EDR-231 that although the FAA had not yet taken final rule making action with respect to the issue of whether smoking presented a health hazard, there no longer seemed to be any reason for the Board to defer institution of rule making proceedings on whether the extent to which tobacco smoke causes annoyance and discomfort to passengers warrants remedial action, and if so, what form of action should be taken.
>
> The ATA carriers object to the Board's reliance on the study as a measure of passenger annoyance with smoking on aircraft and the appropriate corrective action to be taken. They assert that the Board ignored the finding in the study that the atmosphere in aircraft cabins is substantially cleaner than is advised for public buildings or required by Environmental Protection Agency standards and also ignored the evidence that commercial aircraft cabins are extremely effective in changing air throughout the cabin every five minutes or less.
>
> We find this objection to be without merit. Aircraft cabins are not public buildings. There is no indication that standards applicable to public buildings are applicable to the special high-density seating conditions of aircraft. Moreover, unlike persons in public buildings, non-smoking passengers on aircraft may be assigned a seat next to, or otherwise in close proximity to persons who smoke and cannot escape this environment until the end of the flight. Finally, notwithstanding that aircraft cabins are very effective in changing cabin air, a substantial number of passengers are bothered by smoking on aircraft, as will be seen.
>
> It is also alleged that the questionnaire on which the study was based was "loaded" against toleration of smoking on aircraft. Specifically, the carriers refer to the fact that the question asking whether smoking on aircraft should be permitted in certain areas, not at all, or as at present, makes no distinction as to cigar, cigarette or pipe smoke. Apparently, the carriers contend that if this question had been broken down by type of smoke, relatively few passengers would be in favor of restricting the smoking of cigarettes aboard aircraft.
>
> If this is the point of the argument, it cannot be sustained. Of the 3,073 passengers on the MAC flights, 1,604 (52 percent) stated that they had smoked on the flights, as follows: 1,538 passengers—cigarettes; 28—cigars; 37—pipe. Of the 265 passengers on domestic flights, 83 (31 percent) reported that they had smoked on the flights, as follows: 72 passengers—cigarettes; 1—cigars; 5—pipe. On the MAC flights, 26 percent of the passengers reported that they were bothered by cigarette smoking and 30 percent on domestic flights. In sum, since cigarette smoking was the overwhelming type of smoking engaged in and since substantial numbers of passengers specifically stated they were bothered by cigarette smoking, it seems clear that cigarette smoking was of serious concern to those urging that corrective action be taken.
>
> In addition, the ATA carriers calculate that if 60 percent of nonsmokers were bothered by smoking and favored corrective action, the number of such passengers would be 900, or less than 27 percent of the total number of passengers surveyed. This calculation assumes that only nonsmokers are bothered by tobacco smoke and want remedial action taken. This assumption ignores the fact that a number of smokers side with the nonsmokers on this issue. Thus, the study shows that of the total 3,338 passengers, 1,258 (38 percent of the total) stated that they were bothered by tobacco smoke and 1,343 passengers (40 percent of the total) want corrective action taken.
>
> The ATA carriers further note that the survey took place primarily on international military flights, and not on actual air carrier flights where the great percentage of passengers desiring remedial action "would have already been accommodated by the volun-

tary smoker segregation efforts of the air carriers." The carriers add that the "fact that 3,072 passengers of the total 3,338 were military passengers should make it obvious that this was a study of military flights and military passengers and cannot be relied upon to the extent conceived by the Board to show a need for rule making in the area of domestic civil air transportation."

Certainly the fact that the study concerned mostly MAC flights and passengers is a factor to be considered in weighing the results of the study. But, as will appear, this consideration suggests that the results obtained from the MAC flights understate the dimensions of the smoking problem in civil air transportation.

On MAC flights, 1,745 passengers (56 percent of all passengers) were smokers, and 92 percent of the latter smoked on the flights. On the domestic flights, 116 passengers (43 percent of all passengers) were smokers, and 72 percent of the latter smoked on the flights. The greater incidence of smokers and smoking on the MAC flights would suggest that there would be greater tolerance of smoking on such flights than on domestic flights. This is confirmed by the study data. Corrective action was asked by only 39 percent of the MAC passengers (41 percent of those answering the question). But remedial action was asked by 54 percent of domestic-flight passengers (58 percent of those responding). Accordingly, if the study had been confined to civil air transportaton, it seems evident that even greater support for corrective action would have been manifested than was shown in the study.

Finally, it is asserted that the questions used in the survey do not test the depth of concern of the passenger. Any defect of the questions on this score has been fully compensated for by the many comments filed by nonsmokers in this proceeding which forcefully illustrate that antipathy against unsegregated smoking runs deep. Based upon these comments, as well as complaints received by the Board, there can no longer be any doubts that smoking aboard aircraft causes real discomfort to passengers, and the survey shows that such passengers constitute a substantial number of air travelers.

We conclude that the ATA carriers have failed in their effort to discredit the study results as to the extent of passenger annoyance and discomfort over smoking on aircraft and their views that remedial action be taken. It is also to be emphasized that if the carriers believed that unregulated smoking aboard aircraft does not give rise to significant and widespread discomfort among non-smoking passengers, they were free to, and had the full capability to, conduct their own surveys and offer them in rebuttal. Moreover, their own efforts at segregating smokers and nonsmokers on aircraft is, we believe, convincing evidence that the carriers are quite cognizant of the considerable passenger annoyance with smoking on aircraft and their demand that corrective action be taken.

This brings us to the argument that the rulemaking of the Board is totally unnecessary at present. In this connection, the ATA carriers' comment states that all trunk carriers now offer segregation of smokers from nonsmokers, and an increasing number of local service operators are either actually segregating or initiating steps to do so. In addition, the ATA carriers have supplemented their comments by advising that in November 1972, the Air Traffic Conference of America adopted a resolution, recently filed for Board approval, with an effectiveness date of January 1, 1973, which reads: "Members shall provide for the separation of smokers and nonsmokers on all scheduled flights. Methods of separation shall be determined and supplemented by Members individually."

If the carriers' voluntary rules in this area had been effective in separating smokers from nonsmokers, and could thus be reasonably expected to continue to be effective, there would be some force to the argument that the Board should not adopt these rules. But this is far from being the case. The docket in this proceeding is replete with letters from passengers—many of them copies to airlines—complaining that the carriers have not maintained the purported separation and that they have been subjected to discomfort and distress thereby. A recurrent theme is that the non-smoking passengers are told the non-smoking section is full; or, having been placed in a non-smoking section, nevertheless find that fellow passengers who smoke in their section are not required to desist.

We conclude that the carriers' self-imposed smoking rules have not offered an adequate remedy, and that the recent ATC resolution is so vague and general that it cannot reasonably be expected to make them more effective. We therefore reject the argument that industry action on the smoking problem renders Board rule making unnecessary.

The ATA carriers also submit that the Board does not possess the requisite authority to promulgate the proposed regulation. We cannot agree.

Section 204(a) of the Act empowers the Board to make such rules, "pursuant to and consistent with the provisions of this Act as it shall deem necessary to carry out the provisions of and to exercise and perform its powers and duties under this Act." Section 404(a)(1), among other things, requires air carriers "to provide safe and adequate service, equipment and facilities," and sections 404(a)(1) and (2) require air carriers "to establish, observe and enforce—just and reasonable—practices" relating to air transportation.

In the Board's judgment, service and practices which do not provide for the effective separation of smokers and non-smokers on aircraft are not "adequate service" or "just and reasonable practices." Moreover, the carriers' certificates expressly state that the exercise of the privileges granted therein shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board. The restrictions on smoking aboard aircraft imposed by this rule are, in our view, reasonable limitations required by the public interest.

In the first place, there can be no doubt that substantial numbers of passengers are bothered by smoking. As indicated earlier, the study shows that 38 percent of the total number of passengers surveyed stated that they were bothered by smoking on aircraft. Furthermore, it is clear that this annoyance is rooted in a perceived physical discomfort, rather than on moralistic judgment. Thus, the passengers stated that tobacco smoke in the aircraft cabin bothered their eyes, nose, throat or chest. The survey also shows substantial sentiment that smoking should be permitted only in certain areas. Moreover, the study stated: "If it is presumed that two trends in American society continue, namely that (1) greater emphasis is placed on the health aspects of nonsmoking and (2) the incidence of respiratory symptomology among the American population is increasing, it can be predicted that more people will be annoyed by tobacco smoke in the future, unless corrective action is taken." (P. 48)

In addition, the carriers, as noted, have taken voluntary action to provide for the separation of smokers and nonsmokers on scheduled flights. And in doing so, they are, in the words of the ATA carriers, "responding to market interest and demands." This is a palpable indication that the carriers themselves recognize that they have an obligation to substantial numbers of their passengers to relieve the annoyance and discomfort they are subjected to from being seated in close proximity to smokers and that the era of indiscriminate and unsegregated smoking on aircraft is over.

Finally, we take note of the ATA carriers' argument that the adequacy of service language in section 404(a) cannot be considered to constitute statutory authority for the regulation by the Board "of the level of comfort of air passengers." The question here is not one of requiring the carriers to provide optimum comfort to passengers. The question instead is whether the carriers should be free to subject passengers (both nonsmokers and numbers of smokers) to the discomfort of unregulated smoking. We cannot agree that they have such freedom and cannot accept the implied thesis that it is wholly within the discretion of management to decide whether or not to provide for segregated smoking on aircraft. To the contrary, as shown by the survey and comments, the extent and depth of passenger discomfort and annoyance from unsegregated and unregulated smoking on aircraft compels the conclusion that service which does not provide for the effective separation of smokers constitutes neither adequate service nor reasonable practice and cannot be permitted under the Act.

The ATA carriers point to section 401(e)(4) of the Act, which they assert must be regarded as outweighing any implicit authority ascribed to section 404(a). Section 401(e)(4) proscribes the imposition of certificate conditions restricting "the right of an air carrier to add to or change schedules, equipment, accommodations and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require," with an exception not pertinent here. This section is not relevant, in our opinion, since the rule does not restrict a carrier's right to add to or change schedules, equipment, accommodations or facilities. In any event, although seection 401(e)(4) prohibits prior restraints by way of certificate conditions upon managerial discretion, the Board may nevertheless impose restraints on carrier discretion where such action is required under other provisions of the Act. In particular, where the Board finds that service provided is inadequate, the Board clearly is empowered to "specify in detail what constitutes minimally adequate service" and "[i]n fashioning its remedy, the Board has wide discretion." In our estimation, a regulation providing for the separation of smokers and nonsmokers is an appropriate and reasonable remedy.

In light of the foregoing, the Board finds that it has authority to adopt a regulation providing for the separation of smokers and nonsmokers.

A number of comments opposing the rule contend that the segregation of smokers discriminates against them. We find no reasonable basis for this contention. Smoking plainly causes annoyance and discomfort to non-smokers to a degree warranting separate placement of smokers. Although smokers often refer to their "right" to smoke, their freedom to smoke, as a court recently observed, "may have to give way to the freedom of others to be unannoyed by smoke." For reasons given, the right to smoke must be restricted on aircraft through the segregation of smokers.

At the other extreme are those who urge an absolute ban on smoking on aircraft, the position advocated by ACAP. Just as the attitude of many smokers appears insensitive to the rights of non-smokers to be relieved of the annoyance and discomfort caused by smoking, so does the attitude of many nonsmokers appear insensitive to the rights of smokers. Smoking is a lawful activity, and requiring smokers to abstain totally on flights would cause many of them severe discomfort. Nor is there any reason to believe, at this juncture, that the discomfort caused by smoking aboard aircraft can be reasonably dealt with only by an absolute ban. The segregation of smokers, we believe, strikes an equitable balance, allowing neither smokers nor non-smokers to infringe on the reasonable exercise of the rights of others.

---

## GOLD VALUE INCREASES AS PAPER MONEY DEPRECIATES

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. RARICK. Mr. Speaker, gold, the basic precious metal indicative of wealth, has now soared to the price of $128 per ounce as thinking people abandon the unsecured paper currency medium of exchange to seek other avenues to secure and protect their wealth.

The President's chief economic adviser, Mr. Stein, shrugs off the soaring gold price as a general neurosis of the outside world, which he feels will have little effect on the American economy.

But in America, the only free world country which prohibits its citizens from possessing or owning gold, indications are otherwise. The constantly increasing prices of food and services are making it apparent to the citizen that something is wrong with his paper dollars and coins which have no intrinsic value. Americans are awakening to the stark reality that the worth of food and services is not going up but rather the buying power of printing press currency and slug money is going down.

Americans are in many instances breaking their own country's laws by participating in the European market under various subterfuges to transfer their dollars into gold and gold futures. As the demands of the new prospectors increase the buying of gold, the supply continues to dwindle as even the speculators fear selling gold at any price.

Indicative of ingenuity employed by many Americans to safeguard their wealth was the recent announcement by the Teamsters Union that to safeguard the investment of its pension and health and welfare funds it had bought $26 million worth of Israeli bonds. This Teamster investment abroad represents contributions from laborers earned in America from Americans. Yet its leadership obviously fears investing the trusts of its members in their own country because of the monetary situation.

But the average American concerned over protecting his savings, his retirement for old age, and still trying to stay ahead of the constantly decreasing purchasing price of the dollar is unable to transfer his nestegg into the stability of gold.

Two months ago, with little fanfare, possibly not to suggest the chance of hope to the average American, 111 Members of Congress cosponsored a sense of Congress resolution urging the President to authorize the right of Americans to buy and sell gold. Two months ago, the price of gold was under $90 per ounce. The failure of the administration to act then for the benefit of American citizens has already denied our people a chance to salvage their savings and earnings by investing in gold.

A statement presented by the Secretary of the Treasury and made a part of the hearings on the devaluation of the dollar from a base of $38 to $42.22 in relation to an ounce of gold praised dollar devaluation as a means of increasing the relative value of U.S. gold at Fort Knox. The rationale was that by devaluing the dollar another 11.11 percent the U.S. gold reserves presently estimated at $10 billion would be increased to a value of $11 billion 165 million.

Apparently the Treasury Department experts in their backward arithmetic did not consider that to sell the Nation's gold reserves to the American citizens at the present going rate of $128 per ounce would have enhanced the same gold reserves in excess of 200 percent or valued at over $20 billion. This plus the fact that the gold would be safe in the repositories of the American people.

The refusal of the President and his advisers to accept reality of what is taking place the world over and the refusal of the news media to inform the people raises the question, "Is the controlling minority which directs the helm of our Government afraid to legalize gold ownership for Americans because they know that such freedom would completely destroy the people's confidence in unsecured paper currency and reveal the failures of the Federal Reserve System?"

American currency and coinage is authorized under the Constitution for the benefit of American people and not for the oversight and manipulation of international bankers and foreign powers. If our present financial system controlled and manipulated by international entangling deals has been successful in the protection and betterment of the American people, then why is it not working?

Our Government has failed to protect our people's financial system. Certainly the American citizen can no longer be discriminated against. He is entitled to freedom to convert his wealth and earnings from his labors, his savings and the evidence of his industriousness, to whatever medium of security he chooses. The right of American citizens to own gold is certainly one such choice.

I include related newsclippings:

[From the Evening Star and Daily News, May 15, 1973]

GOLD HITS $128 IN PARIS; DOLLAR SLUMPS IN EUROPE

LONDON.—The price of gold shot up sharply again today. The U.S. dollar slumped accordingly and, in Paris, where gold reached an astonishing $128.50 an ounce, the financial newspaper Les Echos speculated whether there might be a third devaluation of the dollar.

As the dollar fell in Europe and on the Tokyo money market other currencies increased, the British pound, worth less than $2.50 yesterday morning, cost $2.57 today. French financial sources said gold's leap and the dollar's plunge showed a deep-seated distrust of the dollar's stability. London dealers echoed this idea.

In London, the fixed price climbed to $107 an ounce. Yesterday's closing price was $102.75—itself a record.

"This market is totally irrational and self-feeding," said Bruce Smith, foreign exchange manager of Britain's Midland Bank. Dealers in the gold bullion market said there seemed no end in sight to the almost perpendicular rise in the metal's price.

In Paris the price leaped $22.30 an ounce to $128.50 an ounce but fell back later to $114.40. In normal times gold's price increases only by cents or fractions of cents.

But as was the case in the earlier great gold rush, which led to devaluation of the U.S. dollar Feb. 11, hectic trading pushed up the price.

The official U.S. price of gold is $42 an ounce, a price set in February when the dollar was devaluated. The price then was $35 an ounce.

---

[From the Washington Post, May 16, 1973]

GOLD PRICE HITS HIGH; DOLLAR TOUCHES LOW

LONDON, May 15.—Gold hit record highs in Europe for the second straight day today and the U.S. dollar touched new lows. But experts said another international monetary crisis appeared unlikely.

Dealers here and on the Continent reported that by late in the day some of the steam had gone out of the feverish trading in dollars and gold since the weekend.

Gold nevertheless closed in London and Zurich, the world's two largest bullion markets, at a record $110.50 an ounce, up $8 for the day. But $5 of that climb came in the first hour alone and the markets appeared relatively steady later on.

Bernard Nossiter of the Washington Post Foreign Service reported from London that the market was very thin, today's trading being estimated at a maximum of 25 tons, or about $75 million. Bullion dealers suggested that the demand for gold did not represent a flight from the dollar, which has drifted down very little. Rather, they said, it reflects uneasiness about values on the part of the very rich—mostly Europeans and Americans.

In Paris, gold soared to an all-time high of $124.13 an ounce, up a phenomenal $17.94 on the day. Bankers there said buyers were in the market for gold "at any price."

The Paris gold market, however, is a special case, because French government controls limit the import and export of gold.

Dealers reported a vicious circle on financial markets earlier in the day. As gold rose, speculators cashed in dollars and U.S. securities to buy more gold and get on the bandwagon. This pushed dollar exchange rates down and encouraged more gold buying. The process depressed the dollar to record lows in Paris and Frankfurt.

But the dollar began to recover slightly on foreign exchange markets late in the day, and finished above its worst levels in most centers. This, plus the late recovery of stock prices in New York, prompted dealers here to suggest that some of the pressure against the dollar was receding.

In London, the pound climbed as high as $2.58, its peak for 11 months, but closed back at $2.5650, a gain of 2½ cents for the day.

"The pound is very much overvalued at this level and the dollar too low," said Bruce Smith, foreign exchange manager at the Midland Bank.

Market sources said there had been an overreaction to the gold price passing through the psychologically important $100 an ounce barrier Monday.

A spokesman for a London gold dealer said the market "defies analysis. The speculators have taken over."

Although there was no general agreement whether or when the activity of the past two days would cool off, the cause of the flurry seemed fairly well established in the minds of the experts.

Most sources blamed it largely on uncertainty over President Nixon's ability to carry through trade, economic and monetary measures amid the Watergate scandal.

Much of the money fleeing out of dollars and into supposedly safer gold was clearly coming from the Middle East.

"There is not the slightest doubt that the Middle East oil people are in the market on a huge scale," a foreign exchange dealer for the Union Bank of Switzerland said.

Herbert Stein, President Nixon's chief economic adviser, in Paris for a meeting, called the gold flurry "a general neurosis of the outside world" which will have little effect on the American economy.

He said he saw no prospect for further devaluation of the dollar and that the past two devaluations are contributing to a balance of payments which should reach equilibrium within two years.

The U.S. dollar declined today to a new low on the Tokyo Foreign Exchange Market before recovering to close slightly higher.

The price most frequently quoted was 262.35 yen, an effective revaluation of 17.40 per cent for the yen compared with the previous low record of 262.80 yen.

The steep decline from Monday's close of 265.00 took place under the pressure of the weakness of dollars and higher gold prices in overseas centers.

Towards the close, however, the dollar recovered moderately to close at 263.67 yen.

---

[From the Evening Star and Daily News, May 11, 1973]

### ISRAEL HONORS TEAMSTER HEAD

(By Clare Crawford)

Teamsters President Frank E. Fitzsimmons is this year's unlikely "Abbie's Irish Rose."

Fitzsimmons received the Israel Silver Anniversary Award last night for being instrumental in the investment of Teamster Pension and Health and Welfare funds in $26 million worth of Israeli bonds.

Fitzsimmons is an Irishman, but last night's dinner for 2,500 Teamsters and Teamster employes was declared his "Bar Mitzvah" by Herbert Stein, Chairman of the President's Council of Economic Advisers.

Stein went on to detail the common links between the Israelis and the Irish, who have been called one of the lost tribes of Israel.

Both, said Stein, have spent a certain period of time under "the British yoke"—"though the Israelis broke it earlier." And both, Stein said, have no oil . . . "and to live under the British with no oil one must develop a sense of humor."

Stein went on to praise Fitzsimmons, a rather controversial labor leader, as "a friend of Israel" and for his "force and diligence."

Treasury Secretary George Shultz also praised Fitzsimmons and read a similar telegram from President Nixon, Atty. Gen. Richard Kleindienst agreed he was a good guy.

But it was Labor Secretary Peter Brennan who got the big hand and shouts of "Give 'em hell, Pete" from the lively crowd, which earlier had sung, spontaneously, the Star-Spangled Banner when it was played.

Brennan said of Fitzsimmons, "He's real man. He's got guts and he's shown it and I'm happy we're both Americans and both Irish."

Then quoting an old Irish saying which the crowd cheered, he said, "May the wind always be at your back and may ye be dead an hour before the devil knows you're gone."

Fitzsimmons, who rules less and is therefore liked more by his junior officers than was his predecessor, Jimmy Hoffa, was appropriately grateful.

He thanked everyone and spoke of the parallels between the struggling state of Israel and the labor struggle in America.

In what was taken as a reference to the Watergate affair, he said, "There is no time like the present to support our leaders and uphold the dignities and morals of our country."

He called Israel "the last outpost of Democracy in the Middle East."

Israeli Foreign Minister Abba Eban was scheduled to present the medal, but bowed out as "indisposed" after having a "heavy schedule the last few days." New Israeli Ambassador Simcha Dinitz did the job and said the Teamsters' investment made it possible for Israel to "not only support war but to launch peace."

Teamsters spokesmen say labor has always supported Israel because the Israeli labor movement, Histadrut, is the only free trade union in that part of the world.

The bonds pay 5½ percent interest.

Perhaps said one cynical guest ITT should have purchased $25 million worth of bonds in the incumbent Chilean government they favored rather than trying to stop the opposition.

The evening was informal. Most of the dais guests wore black tie but the audience did not.

Brennan said he was not packing his legendary gun and seems to be losing his Irish sense of humor about it. He said someone had started the story as "good publicity," but "I never carry one."

In the past the White House has reported he has checked a gun when he sees the President.

Whatever, Brennan went on to say he had been surprised by the indictments of John Mitchell and Maurice Stans yesterday. "I'm always surprised . . . or life wouldn't be worth living." He said he had been traveling around the country, and the working man "isn't interested in Watergate . . . a little irritated. But they are talking about the high cost of living."

They don't want price freezes because that means wage freezes, he said—which is also what the Nixon Administration says.

The Washington Hilton Ballroom was decorated with shimmering silver and baby blue streamers and a huge picture of Fitzsimmons with Golda Meir.

The menu was strictly truck driver's meat and potatoes. But in honor of the President of the biggest international union in the world, it was called "Toronodos Marchand du Vin on Toasted Crouton" and "Pommes Parisienne."

---

### RARICK COSPONSORS LEGISLATION

WASHINGTON.—Congressman John R. Rarick, D-La., today announced that he has cosponsored with 111 other Members legislation that would put the U.S. House of Representatives on record favoring the sale of U.S. gold to American citizens.

Rarick said that the proposed resolution expresses as the sense of the House "that should United States gold be offered for public sale, the sale of such gold must be restricted to the domestic market and American citizens for a period of thirty days before being offered on the world market."

"Nixon Administration officials announced two weeks ago that consideration is being given the sale of U.S. gold on the open market, in an effort to control gold speculation," Rarick pointed out. "If the President intends to again allow the sale of U.S. gold to foreign nationals, U.S. citizens should at least be given the opportunity to purchase it."

"U.S. citizens have been discriminated against, with respect to the right to own gold since 1934," Rarick added. "We feel that it is time that the Congress recognize the right of Americans to obtain tangible rewards for their labors."

"Before the practice was ended in 1971, foreigners could purchase U.S. gold on the open market, yet a U.S. citizen was forbidden by law to own or hold gold. Since then, no obligations of the U.S. government have been paid on gold, but there has been no change in the government's position on U.S. citizen ownership of gold," the Louisiana Congressman remarked.

---

## PEACE OFFICERS' MEMORIAL DAY

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. HOGAN. Mr. Speaker, May 15 has been designated as "Peace Officers' Memorial Day" in recognition of these many brave men who gave ther lives in the performance of duty. In honor of the men who were killed between May 15, 1972, and May 15, 1973, I insert in the RECORD the names of these law enforcement officers and their agency.

INTERNATIONAL CONFERENCE OF POLICE ASSOCIATIONS,
*Washington, D.C., May 1, 1973.*

Hon. LAWRENCE J. HOGAN,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN HOGAN: As a former member of the Federal Bureau of Investigation, and one deeply interested in law enforcement, may I make a suggestion to you.

As Chaplain of the International Conference of Police Associations, representing over 150,000 law enforcement officers throughout the United States (and Canada), I keep an accurate and up-to-date file on police officers killed in the line of duty. I do this so that I can send a letter of sympathy in the name of the International Conference of Police Associations to the Chief of his department.

Since May 15th has been designated "PEACE OFFICERS' Memorial Day," I thought it would be a great thing for you to read into the Congressional Record a list of the Law Enforcement Officers, and their agency, killed between May 15, 1972 and May 15, 1973—a Roll of Honor. With that in mind, I am sending this up-to-date list of the men who have paid the supreme sacrifice in a one-year period.

I think it is our duty to revere the memory of these "Brothers in Courage" who have given their lives in the performance of duty.

Thanking you in advance for whatever you can do to accomplish this, Larry, I remain

Fraternally yours,
Rev. R. JOSEPH DOOLEY,
*Chaplain, ICPA.*

P.S. I will call your office with any additional names before May 15th.

---

### ROLL OF HONOR OF LAW ENFORCEMENT OFFICERS KILLED MAY 15, 1972, TO MAY 15, 1973

Patrolman Antonio T. Canales, San Antonio, Texas, May 18, 1972.

Sheriff Paul R. Vinson, King County, Texas, May 19, 1972.

Patrolman Gayle L. Holmes, Texas Highway Patrol, May 19, 1972.

Marshal Carl L. Hart, Bokchito, Oklahoma, May 21, 1972.

Patrolman Robert Gallowitch, Chicago, Illinois, May 24, 1972.

Patrolman Charles J. Williams, Rockford, Illinois, June 1, 1972.

Sheriff Wesley G. Cole, Tulsa County, Oklahoma, June 9, 1972.

Officer Harlow D. Meers, Rome, Georgia, June 10, 1972.

Patrolman James T. Sawyer, Custer, South Dakota, June 13, 1972.

Patrolman David F. Noel, Houston, Texas, June 17, 1972.

Deputy Marshal Leroy Odum, Jr., Farmerville, Louisiana, June 20, 1972.

Deputy Sheriff Lawrence P. Felcyn, Redwood County, Minnesota, June 25, 1972.

Deputy Sheriff John M. Heithcock, Williamson County, Tennessee, June 28, 1972.

Constable Dan D. Tubbs, Pittsburg, Texas, June 30, 1972.

Patrolman William F. Holbert, Binghamton, New York, July 17, 1972.

Deputy Sheriff R. L. Shipp, Hunt County, Texas, July 18, 1972.

Deputy Marshal Dick D. McKinney, Cedar Rapids, Iowa, July 20, 1972.

Detective Guy A. Mack, Sr., Canton, Ohio, July 22, 1972.

Patrolman John Sellers, Pinole, California, July 24, 1972.

Patrolman Lorenzo Gray, Baltimore, Maryland, July 25, 1972.

Officer Al Chew, Steamboat Springs, Colorado, July 28, 1972.

Patrolman Melvin O. Minor, Norman, Oklahoma, July 30, 1972.

Patrolman Gilbert T. Stocker, Detroit, Michigan, July 31, 1972.

Sergeant Robert L. Mikesell, Calipatria, California, August 3, 1972.

Chief of Police Melvin R. Lucas, Milton, West Virginia, August 4, 1972.

Officer Kenneth G. Rodediger, California Highway Patrol, August 5, 1972.

Detective Howard L. Johnson, Roseville, Minnesota, August 16, 1972.

Officer Lawyer Young, Drew, Mississippi, August 20, 1972.

Constable Crockett B. Boothe, Welch, West Virginia, August 21, 1972.

Trooper Donald G. Pederson, Wisconsin State Patrol, August 26, 1972.

Patrolman Joseph A. Edwards, Columbus, Ohio, August 28, 1972.

Chief of Police Verne L. Ervin, French Lick, Indiana, September 10, 1972.

Officer Gerald W. Welling, Michigan Department of Natural Resources, September 10, 1972.

Detective Howard F. Smith, Cincinnati, Ohio, September 13, 1972.

Officer Kenneth Kennedy, Hutchison, Kans., September 15, 1972.

Trooper Robert E. Ake, Oklahoma Highway Patrol, September 18, 1973.

Detective Darel D. Cate, Buena Park, Calif., September 21, 1972.

Patrolman Charles W. Morris, Sunnyvale, Calif., September 23, 1972.

Patrolman Joseph G. Wright, North Carolina State Highway Patrol, September 27, 1972.

Chief of Police Marvin J. Bell, Elizabethtown, N.C., September 30, 1972.

Lieutenant Inno M. Suek, Minneapolis, Minn., September 30, 1972.

Deputy Sheriff Orie Hicks, Harlan County, Ky., October 8, 1972.

Patrolman Roy O. Caffey, South Carolina Highway Patrol, October 8, 1972.

Trooper Stephen B. De Vries, Michigan State Police, October 12, 1972.

Officer Henry L. Thompson, Birmingham, Ala., October 16, 1972.

Trooper Robert D. Lapp, Pennsylvania State Police, October 16, 1972.

Officer Stephen J. Ondas, Akron, Ohio, October 21, 1972.

Officer Israel P. Gonzales, Arlington County, Va., October 25, 1972.

Sergeant Robert W. Bennett, Parma Heights, Ohio, October 25, 1972.

Patrolman J. L. Spruill, Houston, Tex., October 27, 1972.

Sheriff Boyd L. Hall, Teton County, Wyoming, November 1, 1972.

Lieutenant Robert C. Atwell, Marion County, Indiana, November 2, 1972.

Sergeant Harry C. Chapin, Florida Game and Fresh Water Fish Commission, November 5, 1972.

Patrolman Richard Posey, Kenneth Square, Pennsylvania, November 15, 1972.

Patrolman William Davis, Kenneth Square, Pennsylvania, November 15, 1972.

Officer Henry Minard, Hollywood, Florida, November 18, 1972.

Chief of Police Thomas C. Dillon, Bethel, Alaska, November 19, 1972.

Sergeant William R. Morris, Miami County, Ohio, November 22, 1972.

Special Agent Pete E. Lackey, Illinois Bureau of Investigation, November 27, 1972.

Trooper Larry T. Walton, North Carolina Highway Patrol, December 2, 1972.

Patrolman Frank G. Dobler, St. Louis, Missouri, December 2, 1972.

Officer Charles H. Lee, Clayton, North Carolina, December 2, 1972.

Sergeant Gerald J. Riley, Detroit, Michigan, December 8, 1972.

Trooper James B. Robinson, Alabama Department of Public Safety, December 19, 1972.

Patrolman John C. Thomas, Tuscaloosa, Alabama, December 10, 1972.

Chief of Police Dana Thompson, Manchester Center, Vermont, December 12, 1972.

Patrolman Harold E. Warnecke, St. Louis, Missouri, December 15, 1972.

Officer Clyde Pearson, Bossier City, Louisiana, December 17, 1972.

Detective Conrad L. Birney, Alexandria, Virginia, December 27, 1972.

Patrolman Robert Bradford, Detroit, Michigan, December 27, 1972.

Deputy Sheriff Carrol V. Copeland, Wheeler County, Texas, December 31, 1972.

Cadet Alfred E. Harrell, New Orleans, Louisiana, December 31, 1972.

Detective Sergeant Carl E. Wilson, Los Angeles County Police, January 4, 1973.

Detective Donald W. Schneider, Los Angeles County Police, January 4, 1973.

Patrolman William Wainwright, Reynolds, Georgia, January 6, 1973.

Officer Waldron G. Carp, Tustin, California, January 7, 1973.

Deputy Superintendent Louis J. Sirgo, New Orleans Police Department, January 7, 1973.

Patrolman Paul Persigo, New Orleans Police Department, January 7, 1973.

Patrolman Phillip Coleman, New Orleans Police Department, January 7, 1973.

Patrolman Antonio Cuzman, Jr., Houston, Texas, January 9, 1973.

Patrolman George E. Jacobs, San Antonio, Texas, January 10, 1973.

Detective Percy L. Clark, Salt Lake City, Utah, January 11, 1973.

Officer Algie Long, Hurtsboro, Alabama, January 11, 1973.

Patrolman Richard Miller, East Cleveland, Ohio, January 11, 1973.

Patrolman Robert Wenzel, Chicago, Illinois, January 19, 1973.

Patrolman Stephen R. Gilroy, New York City, January 19, 1973.

Officer Delbert Pearson, Texas Alcoholic Beverage Commission, January 19, 1973.

Trooper Robert M. Semrov, New York State Police, January 27, 1973.

Officer Gerald Hempe, Milwaukee, Wisconsin, January 31, 1973.

Officer Charles Smith, Milwaukee Police Department, January 31, 1973.

Deputy Sheriff Vincent Jerry Walker, Bexar County, Texas, February 2, 1973.

Reserve Deputy Joshua B. Rodriguez, Bexar County, Texas, February 2, 1973.

Patrolman Larry E. Quinn, DeKalb County, Georgia, February 4, 1973.

Trooper Charles W. Parks, Florida Highway Patrol, February 6, 1973.

Officer Raymond Carl Wilbert, Turlock, California, February 9, 1973.

Detective Larry Jack Stevens, Lubbock, Texas, February 9, 1973.

Officer William T. Manning, Tallapoosa, Georgia, February 11, 1973.

Patrolman Earl W. Phillips, Harrison County Mississippi Sheriff's Off., February 19, 1973.

Officer Carroll D. Garrison, Prince Georges County Police, February 20, 1973.

Patrolman Amos Hampton, Lexington, Mississippi, February 22, 1973.

Patrolman Fred D. Carr, Seattle, Washington, February 25, 1973.

Officer Fred H. Early, Los Angeles, California, March 3, 1973.

Sergeant Edwin C. Hosli, Sr., New Orleans, Louisiana, March 5, 1973.

Officer Duran Ratliff, Dickenson County, Virginia, March 6, 1973.

Officer Larry L. Wetterling, California Highway Patrol, March 9, 1973.

Lieutenant Alfred E. Stewart, San Bernardino County Sheriff, March 7, 1973.

Patrolman Melvin E. Colebrook, Salt Lake County Sheriff, March 10, 1973.

Patrolman Fulton H. Anthony, South Carolina Highway Patrol, March 10, 1973.

F.B.I. Agent Gregory W. Spinelli, Charlotte, North Carolina, March 15, 1973.

Officer George D. Jones, Metropolitan Police, Washington, D.C., March 24, 1973.

Patrolman John L. Summers, St. Louis, Missouri, April 5, 1973.

Patrolman Norman F. Buchman, Baltimore, Maryland, April 6, 1973.

Deputy Marshal Jessie J. Neal, Farmerville, Louisiana, April 8, 1973.

Deputy Marshal Hed O. Wiley, Farmerville, Louisiana, April 8, 1973.

Officer Louis J. Vasgar, Philadelphia, Pennsylvania, April 13, 1973.

Captain Larry Beery, Kingman, Kansas, April 15, 1973.

Deputy Sheriff Rodolpho F. Sanchez, Costilla County, Colorado, April 16, 1973.

Officer Tommy Ray, Louisville, Kentucky, April 20, 1973.

Trooper George W. Amos, Jr., Nebraska State Patrol, April 20, 1973.

Patrolman Thomas G. Tarantino, Martinez, California, April 21, 1973.

Sheriff E. D. Hamilton, Presidio County, Texas, April 27, 1973.

Trooper Werner F. Foerster, New Jersey State Police, May 2, 1973.

Deputy Sheriff Max G. Straub, Kiowa County, Oklahoma, May 2, 1973.

---

## ANNOUNCEMENT OF HEARINGS ON H.R. 677 AND H.R. 689

## HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the House Judiciary Comittee will hold hearings on H.R. 677, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities, and H.R. 689, to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

The hearings will commence with testimony from the Department of Justice on Thursday, May 24, 1973, at 10 a.m., in 2226 Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515.

## TRIBUTE TO PAUL ENGLE

## HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. CULVER. Mr. Speaker, recently a distinguished Iowan, Paul H. Engle, was awarded a Tribute of Appreciation by the U.S. Department of State for his significant contribution to international understanding of literature and the arts. As the director of the international writing program in the school of letters, Paul Engle was the founder and director of two creative writers' workshops at the University of Iowa.

Paul Engle is a prolific and gifted writer. He has written several volumes of poetry, a novel and numerous magazine articles. He is presently working on a new volume of poetry. Recently, he wrote a pageant for the tricentennial celebration, commemorating the discovery of the Mississippi River by Marquette and Jolliet, which will be performed on June 16, 1973, in McGregor, Iowa.

There are two creative writers' workshops, one international in scope, at the University of Iowa. Paul Engle's guidance of these educational programs, and his dedication in the development of these workshops have made the international writing program at the university one of the truly outstanding programs of this type in the Nation.

Paul Engle has helped to bring about greater mutual understanding and enterprise among writers in many countries of the world. He has been aptly described as "a patron saint of writers" in an article in the Cedar Rapid Gazette which I insert in the RECORD with an editorial from the same newspaper:

[From the Cedar Rapids (Iowa) Gazette, Apr. 29, 1973]

### LATEST PAUL ENGLE TASK: A NEW SERIES OF POETRY

(By Bob Jones)

IOWA CITY.—In 1926, a Cedar Rapids Washington high school student wrote a class poem which was buried beneath the class tree. The tree up and died, but that didn't discourage the student, Paul Engle, from further literary endeavors.

A dedicated man of remarkable energy, Engle went on to become a Rhodes Scholar, internationally celebrated poet, commentator and lecturer and, as founder of the Writer's Workshop and International Writing Program at the University of Iowa, a patron saint of writers.

The Cedar Rapids native earned a BA from Coe college and a master's degree from Iowa U. in 1932, presenting as his thesis a collection of original poetry, "Worn Earth", The volume won the Yale Series of Younger Poets award that year.

Having studied at Columbia university, he subsequently received two degrees at Oxford as a Rhodes Scholar. In 1937 Engle joined the Iowa U. faculty and founded the Writer's Workshop.

At its inception, the workshop was deemed a risky project, but it was one he believed in wholeheartedly, hoping it would enable young writers to learn. Indeed, in the years that have followed it has drawn authors and poets—rising and established—from across the country. In the workshop an environment of cooperation facilitates stimulation and productivity among instructors and students.

A partial listing of particpants reads like a Who's Who of American literary figures: Playwright Tennessee Williams, Poet Robert Lowell, Short Story Writer Flannery O'Connor, and Novelists Philip Roth, Robert Penn Warren, Vance Bourjally, Kurt Vonnegut and William Price Fox.

### INTERNATIONAL PROGRAM

Engle left the workshop in 1962 to found a similar project, the International Writing Program, of which he is the director. Unique in scope, it also engenders interaction and creativity. Published writers from abroad are brought to Iowa City for the IWP.

Since they stand much of the expense of participants, these programs are expensive. The IWP alone has a yearly bill of about $160,000—which the university doesn't foot.

Engle has a feisty enthusiasm for his projects and, characteristically, has been a tireless trouper in soliciting financial support through the years—to the tune of $1.5 million. Foundations, corporations, organizations, and individuals have contributed, but by and large due to Engle's persuasion and persistence. The state department gives about $75,000 a year.

"In doing this, it's important to know a number of ways to persuade because you're dealing with all imaginable types of people. I try to tell possible contributors that they would truly be supporting a worthwhile cause."

Besides being the driving force behind these programs, he's also a widely-heralded poet.

He feels that in writing, he tries to find himself in his poems, which, he hopes, reflect his inner hopes and desires.

### READING ALOUD

He comments on an aspect of poetry that—to him—is crucial in the creating process. "I'm a great believer in reading poetry aloud. It did begin orally, but then jumped to books.

"It's fascinating, too, to read to myself and others. With a work, a poet doesn't know how it'll sound until he reads it aloud. Orally reading a poem is very much a part of writing it.

"To hear a poet read his own words greatly changes things. Some poets read brilliantly; others read like their larynxes have been removed along with their tonsils."

Over the years Engle has had tremendous output.

He has written nine books of poetry, a novel, two reminiscences, an opera libretto and, among other things, contributed to "The American Heritage Cookbook".

Many magazines have carried his articles. A past book reviewer, he has also edited five books.

Having traveled throughout America and the world, he has lectured extensively at colleges and universities and logged up numerous appearances on TV and radio.

He has been awarded fellowships from the Guggenheim, Rockefeller and Ford Foundations. In addition, he has been appointed to the National Council of the Arts and two committees of the John F. Kennedy Cultural Center, Washington, D.C.

### NEW SERIES OF POEMS

Engle is currently working on a new series of poetry. "This collection is concerned with—and employs—the symbolism of extremely ordinary objects, like a drop of water or a door, for example."

He has been involved with a set of poems—yet unpublished—about the assassination of President Kennedy. The styles of the individual poems range from the freest kind of free verse to a more difficult early French form. "The reason for the great variety of forms is to capture the great variety of emotions linked with the event. Each emotion found its particularized form."

It is from the perspective of nine years since the occurrence that he touches upon it. He mentions that the literature which came out shortly after the shooting resulted from the indignation at the time. He feels that it's better to write about something a few years after it happens—from a different vantage point.

There are, of course, more plans for bringing foreign writers to U.I.'s International Writing Program.

In the near future, Science Fiction Writer Kurt Vonnegut, a good friend of Engle's, will be going to Latvia to see a translator. If the Soviet government gives the go-ahead, the translator will be allowed to come to the States when Vonnegut returns.

Next year, Engle and his wife, Hua Ling Nieh, chairwoman of U.I.'s department of East Asian languages and literature, intend to tour Asia in behalf of the IWP. They hope to get writers and poets to come to Iowa City.

And with Paul Engle doing the persuading, you can bet they'll be there.

---

[From the Cedar Rapids (Iowa) Gazette, April 21, 1973]

### TRIBUTE TO ENGLE

Last January the state department in Washington called a native Iowan to Washington and presented him with a hand-lettered, framed "Tribute of Appreciation."

The certificate was presented by John Richardson, jr., assistant secretary of state for education and cultural affairs. In attendance at the ceremony were departmental officers assigned to various regions of the world.

The Iowan to whom the certificate was presented was, of course, Paul Engle, director of the international writing program in the school of letters at the University of Iowa.

After some 15 years, during which Paul Engle started the program—after successfully launching the writers workshop for creative writers—the state department took note that something valuable was happening out here in Iowa.

The realization that something valuable was happening came not only from the university campus but from countries throughout the world whose citizens have participated in and benefited from the program.

Engle deserves more credit than he will ever get, perhaps, because he is a native Iowan—a native of Cedar Rapids—and because the old axiom still rings true that a prophet is without honor in his own home.

He has started two programs at the university and nurtured them to success with his own hard work not only in teaching but seeking out the funds to keep them in operation. Aside from private contributions, he has had little, if any, help from the state itself or from the university other than to make facilities available.

Nevertheless, his native state is honored along with himself through tribute so appropriately worded:

"To Paul H. Engle for sustained and significant contribution to international understanding, through decades of dedicated encouragement and inspiration to creative writers from his own and other lands."

Iowa, too, owes Paul Engle much for his leadership of far-reaching programs that have helped to bring the countries of the world closer through the written word.

---

## NO WARNING, NO WARRANT, AND NO APOLOGY

## HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. OBEY. Mr. Speaker, last month an armed band of Federal narcotics agents burst into two homes in Collinsville, Ill., and rousted their innocent occupants in terrifying and wholly mistaken raids. According to the victims, the raiders were armed, seedy, and rude, giving no warrant, showing no warrant, and departing without apology.

This was a frightening, Gestapo-like deed by men entrusted with enforcing the laws of the United States. It is no wonder that the Wausau, Wis., Daily Record-Herald warns:

> Similar raids must never be repeated, and both the executive and legislative branches of government should take steps immediately to assure that they do not.

The full text of the editorial follows:

Wausau Viewpoint: We Must Not Fear Knock on Door

A knock on the door while Hitler was in power in Germany could freeze people in fear. But in America, the land of the free, a "man's home is his castle" and that phrase summarizes beautifully one of the most basic and greatest constitutional guarantees.

Yet on the night of April 23 in Collinsville, Ill., two homes were broken into, reportedly by gangs of long-haired, poorly dressed, armed men who didn't knock, but simply broke down the doors. They shouted obscenities as they entered.

Once inside, they terrorized the families and threw furniture about. The people were so scared that they pleaded for their lives.

As everyone now knows, these were not ordinary robbers or burglars. They were representatives of the United States government—the Bureau of Narcotics.

As serious as is the drug problem in America, nothing could ever justify this breaking into the homes of Americans without a search warrant and spreading terror without reason. The Narcotics Agents had bad advice, the wrong addresses, and they had badgered and scared innocent people.

This is not the first time this has happened. You may recall a similar incident last January when the same Nazi-style tactics were used to enter a home in Winthrop, Mass.

This is a matter of the greatest concern to all Americans. Similar raids must never be repeated, and both the executive and legislative branches of government should take steps immediately to assure that they do not.

## A CONSTITUTIONAL AMENDMENT AFFIRMING AND PROTECTING THE VALUE OF HUMAN LIFE

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. FRENZEL. Mr. Speaker, the Honorable Secretary of State of Minnesota, Arlen Erdahl, has provided me with a copy of H.F. No. 479, resolution No. 5, as adopted by the Legislature of the State of Minnesota, memorializing the U.S. Congress to propose a constitutional amendment affirming and protecting the value of human life:

A Resolution Memorializing the Congress of the United States To Propose a Constitutional Amendment Affirming and Protecting the Value of Human Life

Whereas, the United States Supreme Court has recently put on the United States Constitution a construction that is contradictory to the convictions of the people of the United States about the value of human life; now, therefore,

Be it resolved, by the Legislature of the State of Minnesota that the Congress of the United States should speedily propose to the states for their ratification an amendment to the United States Constitution substantially in the following form:

ARTICLE—

Section 1. No person shall be deprived of life, liberty, or property, from conception until natural death without due process of law, nor denied the equal protection of the laws; provided that this article shall not prevent medical operations necessary to save the life of a mother.

Sec. 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Be it further resolved, that the Secretary of State of the State of Minnesota transmit copies of this resolution to the Speaker of the United States House of Representatives, the president of the United States Senate, the chairmen of the Judiciary Committees of the United States House of Representatives and Senate and the Minnesota Representatives and Senators in Congress.

## BIOMEDICAL RESEARCH: TRAINING GRANTS ARE A MUST

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. DRINAN. Mr. Speaker, I have addressed on earlier occasions the proposals of the Nixon administration to reduce Government spending on biomedical research. At this time I would like to offer the analysis on this issue of Dr. Frederick J. Stohlman, Jr., director of medicine and research at St. Elizabeths Hospital in Brighton, Mass., and professor of medicine at Tufts University School of Medicine.

Dr. Stohlman's comments focus on two areas affected by the proposed reductions in biomedical research funds: training and method of funding. The administration seeks the abandonment of the research training grants presently offered by each of the National Institutes of Health. No funds for new grants are included in the President's 1974 budget, and only those grants approved before January 29 of this year for which there are continuing commitments will receive any money at all. If these proposals are enacted, as Dr. Stohlman suggests, the result will be a serious reduction in the number of trained biomedical researchers and a severe financial squeeze upon the students and faculty of medical institutions. In addition, the vast expenses of advanced biomedical training will limit the field almost exclusively to those with inherited wealth.

Dr. Stohlman also comments upon the administration's avowed emphasis upon cancer and heart disease research. I found these comments particularly provocative, and I urge my colleagues to study Dr. Stohlman's opinions carefully:

I should like to thank Congressman Drinan for this opportunity to present my views on the current biomedical research picture and to direct my attention to two major areas—Training and the Method of Funding. After the election of last November, rumors circulated that there would be major changes in research funding by the Federal Government, and in particular that training grants would be discontinued. At that time hard information was difficult to obtain. In January, it became clear that there was substance to these rumors. I had agreed to site visit a training program for N.I.H. on January 9th and was notified on the 5th that it was to be cancelled until policy was clarified. In mid January, members of Advisory Committees of N.I.H. were told that no new training grants were to be funded and that it was probable that no new commitments made after the 29th of January would be honored. In February, fellowship applications were returned to the applicants with a note that the fellowship program would be discontinued. In March, Directors of existing Training Programs were advised that only those commitments to trainees made prior to January 29th would be honored by N.I.H. and then only for those with less than two years of training. Further, it was suggested that those faculty salaries associated with the training programs as well as other items of supplies would be prorated. Thus, if a Director had authorization for four trainees but commitments had been made for only three prior to the 29th of January, faculty salaries would be reduced by 25%. January 29th was the operative date, for it was on this day that the budget message was delivered to Congress indicating that training programs, fellowships, and career development awards would be phased out; several institute budgets would be reduced; contracts would be increased and traditional research grants de-emphasized.

In the framework of these events, rumors—information to Advisory Groups and retroactive discontinuation of funding, it is not surprising that the scientific community was outraged. Not only did this seem to be a shortsighted view for the future of medicine but the retroactive withdrawal of commitments was without precedent. This is not the type of policy which a thoughtful person expects from the leaders of our Government. It is easy to dismiss the scientists criticism as the pleadings of a self-interest group and it is equally tempting to characterize the Administration as anti-intellectual. However, hyperbole, adversary positions and polarization of issues are unlikely to correct what in my view is a potentially dangerous situation for the country. Hopefully, reasoning and logic will prevail. Perhaps one bright light on the scene is the welcome departure of two Christian Scientists—Haldeman and Erlichman from the President's Council.

Time does not permit one to fully develop the facts and arguments. Briefly in respect to training, the position and arguments of the Administration have been several fold. These are: First, amongst those whose training has been subsidized by the Government, a significant number have not proven to be successful investigators and hence have not pursued an academic career—rather they entered a specialized area of private practice. We cannot deny this. In fact, however, until candidates have done research, neither they nor their preceptors can be certain that they will have the talent to be successful investigators. For this is a new experience and life. To draw an analogy to President Nixon's favorite sport—Everyone who goes out for football doesn't necessarily make the team. We recognize this in sports. Should we not recognize it in research?

A second argument is: If the financial rewards are great enough, people will make sacrifices and incur debts to achieve that end. Thus, if the law, accounting and medicine provide a high enough monetary reward, the student graduating from high school or college will borrow money in an effort to embark on such a career.

At that point, however, his options are limited, the alternatives being lower paying jobs of less intellectual satisfaction on the one hand and a short-term debt with rich rewards on the other. The situation is significantly different in respect to post-doctoral research training. In the case of medicine, the individual is at a crossroad—he has obtained a college degree, a degree in medicine and in most instances, has had three or four additional years of specialty training. He may have incurred debts along the way. Now he is confronted with a decision—furter debt and a career in academic medicine where financial rewards will be less than private practice or entering private practice without additional burdensome debts, with a secure financial future and an intellectual challenge which, while perhaps less than academic medicine, is certainly a satisfying one. Further, should he enter private practice, he will not be confronted with the insecurity of future grant awards and the changing budgetary considerations that have marked the past five years and will worsen in the future. It will be an unusual person who will incur such further debts. It is likely that only those of independent means would enter research training under these circumstances. Thus, we limit our research talent to those of inherited wealth.

It has also been suggested that persons in training should be included as staff under a research grant or contract. But this is subterfuge and it seems to me that there is already too much of this in our national life.

The final argument has been that a significant proportion of research grants have been approved but not funded and hence we have a wealth of talent awaiting the opportunity—why train more? It perhaps belabors the obvious that research talent can't be placed in the deep freeze to be brought out 10 years later when funds are available nor to point out that the early years are most productive and hence we must have a continuous supply. If we can't train people today, there will be no investigators a decade from now.

The second area of consideration is the distribution of funds allocated for research. The budget requests an increased amount of money available in two categorical areas—Heart and Cancer. Some of this is no increase at all, for it has been accomplished by transferring funds from other institutes within N.I.H. These reductions taken with other budgetary considerations, e.g., inflation and increasing fixed costs such as those associated with the new Social Security Tax have critically reduced the amounts of money available in some areas. Fundamental programs supported by these Institutes may generate information of significance not only in Cancer and Heart but also in understanding a variety of diseases not as politically popular today and hence not on today's shopping list.

It is of further concern, that there is increasing sentiment at a policy level that top priority should be for development rather than research. Dr. Rauscher in addressing the Executive Committee of the American Cancer Society stated: "I think the major philosophy of this program has to be that we must do now, today, with existing information the best we can do for delivery of technology to the patient. Now, this seems like a very logical thing to do, but if you carry that one step further it means that if technology is available for transmission to the patient—and again within limited funds—that this must be done, even at the expense of basic or fundamental research."

Thus, if there are monies left for research so be it but this is not the top priority. The emphasis on development rather than basic research is further evidenced by the Administration's move toward contracts rather than traditional research grants. Surely developmental research is necessary in those areas where fundamental knowledge is already available. But this should not be done at the expense of fundamental research. In our approach to Cancer and Heart Disease, we are not at that stage where all the information is in and we need only a crash program to solve the problem. We are not ready for a Manhattan Project, or a Lunar Program. More information is needed and new ideas are needed to generate this information. Thus, we should provide support for good ideas generated by scientists under the research grant program rather than in contracts generated by Administrators. The concept of placing large sums in the bricks and mortar of 15 Cancer Centers spread across the country on geopolitical grounds to provide patient care should not be viewed as research. Surely, new treatment programs and and therapeutics strategies must be tried. But the existing facilities have proven adequate for the evaluation of chemotherapy in leukemia and other forms of cancer, anti-thrombotic agents and other clinical trials. There is no evidence to suggest that we need additional centers for clinical evaluation. Indeed, there is every reason to believe that such monies will be wasted and lead to data collection but little in the way of much needed new information.

## SENIOR CITIZENS' MONTH

## HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. HELSTOSKI. Mr. Speaker, the President of the United States has proclaimed this month as Senior Citizens' Month. A proclamation without action is meaningless. We must redirect ourselves so that senior citizens will be accorded the dignity they so richly deserve.

The senior citizen is fast increasing in numbers. He represents the fastest growing segment of our population. The median age of our older Americans has gradually risen to its present high of 73 years. Every day there are 4,000 newcomers to the ranks of the aged. And, although 1 out of every 10 Americans is over the age of 65, 2 of every 10 Americans over 65 is poor. What this means is simply that if you are old, you are twice as likely to be poor.

Demographic shifts in population have added to the plight of our elderly. Millions of young Americans have flocked to the suburbs, leaving the inner city to the aged, the same inner city that is entangled in a myriad of social problems.

When someone retires, he usually has insufficient funds to provide adequate goods and services for himself the rest of his life. We are all aware of the magnitude of the contributions the senior citizen has made to his country. His Government should, in return, assume the responsibility of assuring these Americans a life free from want and suffering.

The 92d Congress has been applauded for several landmark pieces of legislation it has enacted for the elderly. We in the 93d Congress have not abandoned this goal of improving the standard of living for all senior citizens. I commend the actions of my colleagues for their passage of the Older Americans Act amendments. This can be a stepping stone for a concerted congressional effort to make this month truly a time of rejoicing for our senior citizens.

The House of Representatives has before it several bills which I have introduced that deal with the plight of the aged in this country. Among these bills are those that provide financial assistance for the construction and operation of senior citizens community centers; provide payment of special allowances to help elderly low-income persons and families to meet their housing costs; and permit the full deduction of medical expenses incurred for the care of individuals 65 or over without regard to the 3-percent and 1-percent floors. I urge the passage of these and similar bills to indictate to the senior citizen a congressional commitment to provide for his welfare.

Let it be remembered that the greatness of this Nation is on the line when this same country, making countless advances in the extension of the longevity of life, is unable to give her oldest citizens, the senior citizens, a decent life.

## RARICK REPORTS TO HIS PEOPLE: THE GLOBAL WAR ON DRUG TRAFFICKERS AND THE NEW NIXON CHINA POLICY CANNOT PEACEFULLY COEXIST

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. RARICK. Mr. Speaker, drug abuse in this country has reached such epidemic proportions that the President has declared heroin "Public Enemy No. 1" and has launched what he has referred to as "an all-out, global war" against drug traffickers. Some strides in the area of dangerous drug control have been made.

The Federal effort at controlling drug traffic has resulted in extensive seizures of illicit narcotics and increased arrests of drug dealers and pushers. Drug seizures by Federal agencies almost doubled last year—to 472,000 pounds. Arrests rose to more than 16,000 during the same period. Efforts are being made on a number of fronts, and many authorities believe that heroin addiction is on the wane.

Worldwide seizures of heroin and morphine base increased from just over 7 tons to more than 21 tons in 1971. A shortage of narcotics has been responsible for driving up the price, driving down the quality, and driving many addicts into rehabilitation programs. Police report sharp declines in the numbers of drug-related crimes against property. Burglaries, larcenies, and auto thefts accounted for a decrease in the overall crime picture during the past year. Deaths resulting from drug overdoses leveled off last year for the first time in more than a decade.

The battle against heroin addiction has by no means been won. Traffic in the drug will continue, despite threats from law enforcement agencies, as long as it remains fabulously profitable and the drug supply is not cut at the source.

Drug abuse is certainly not a new phenomenon in America. It goes back beyond the turn of the century. Many soldiers returned from the Civil War addicted to morphine, as a result of the treatment they received for wounds. During the early decades of this century, there was widespread use of opium by middle-aged people. Many became hooked on the drug as a result of taking patent medicines, which at that time were uncontrolled in their use of opium as a prime ingredient. Government estimates placed the number of heroin addicts in the United States by 1 million by 1918.

The wide use of narcotics in the early part of the century was attributable to the lack of drug controls at both the State and National level. Public reaction demanded legislation to tighten the controls over dangerous drugs and narcotics. The use of heroin, did not end as a result of tough penalties for use or sale of drugs; it went underground. It surfaced alarmingly in the 1960's, when abuse of large varieties of different drugs became one of the major aspects of the so-called counterculture.

While no one knows precisely how many addicts there are today, conservative estimates place the number at between 500,000 and 600,000. It is estimated that addicts spend some $17 million daily on heroin—or $6 billion a year. Most of the money is obtained through criminal activity. In urban areas authorities estimate that 35 percent of the people arrested for property crimes, are narcotics users seeking money to pay for their habits. But the human suffering involved cannot be translated into economic terms.

In addition to State and Federal agencies, a number of private groups have entered into the area of drug treatment and a variety of programs have been put forth. Some have succeeded, while others failed. Most experts agree, however, that any treatment should be directed at helping drug users become law-abiding, productive, non-drug using members of the community.

Program theories range from total withdrawal from drugs, to prescription use of heroin under a doctor's supervision. Most of the drug treatment programs are still in the experimental stages. Their relative success is yet to be determined. Treatment of the drug dependent individual is a worthwhile aim, and one that should continue. Much of the $719 million Federal budget for drug programs this year will be spent in the area of addict treatment. In many parts of the country there is already enough treatment capacity so that no one can say that he was forced by society to commit a crime to get drugs because he could not get treatment. It is estimated that this year's treatment capacity, including state and local projects, will be 250,000.

But treatment of addicts is merely a response to a drug problem that has already developed, it is not a long-term solution. Doctors can treat the symptoms, but they cannot cure the disease of drug addiction. Any efforts to find and offer help to early drug users must be coupled with efforts at prevention, through reducing the availability of narcotic drugs and legal penalties to deter experimentation and use. If we concentrate only on treatment of those already hooked, without making the strongest possible efforts to get those responsible off the street and disrupt the supply network, then the drug problem in this country will continue.

No drug abuse program will succeed unless we prevent the pusher—whether he is an addict himself and sells heroin to support his habit, or a nonaddicted criminal in the business strictly for a profit—from spreading the disease. Efforts are being made to reduce or eliminate penalties for drug abuse, under the excuse that addiction is a disease. Judges have used a defendant's addiction as justification for lighter sentencing. A distributor's addiction must not be used as an excuse for special treatment. He poses too big a threat to a society that must be protected from the narcotics profiteers. Longer and more certain imprisonment for all drug traffickers must be the certain result of their criminal activity. For those pushers who are themselves addicted, treatment must be offered, to help return them to a productive life when they are released.

Efforts at prevention of opium and heroin from entering this country must as the President said, be on a global scale. Our 20,000 or so miles of coasts and borders make intercepting drugs at our doorstep a difficult, if not impossible job. This is compounded by the 225 million people entering our country legally through customs every year. The Customs Bureau and the border police have recently made record seizures of narcotics being smuggled into the United States. But our agents cannot search the thousands of foreign diplomats and United Nations personnel, who come and go with total immunity to searches of their black diplomatic pouches.

A tougher effort of control must be made at the source, where the opium poppies are grown and converted into heroin. This must be the primary target of international drug control.

All the heroin and cocaine sold in the United States originates in foreign countries. Opium poppy farming is distributed among about a dozen countries around the world. Efforts at breaking the chain of drug supply must begin at the source. A very small portion—perhaps 5 percent—of the world's opium production is all that is required to supply our addict population. All the opium needed to convert into heroin for the addicts in the United States can be grown on a 10-square-mile area almost anywhere in the world. Yet vast fields of the poppies are grown, in many cases under government supervision, in a number of countries.

Several countries, such as Turkey, have eliminated their domestic production of opium at the request of the State Department, which plays the major role in all foreign aspects of the Federal antidrug effort. The Department's request was coupled with a bundle of taxpayers' money to pay Turkish farmers not to plant opium. But the United States does not have enough money to buy off every potential opium-producing country in the world. The State Department's diplomats have tread softly on demanding that foreign countries clean up their local drug producers, for fear that we might commit a diplomatic blunder. And large quantities of opium and heroin continue to be smuggled into this country and end up on the streets of our cities.

In an effort to help fight the drug problem at the source I have introduced H.R. 1616. The bill would instruct the President to suspend economic and military assistance and certain sales to any country which fails to take positive action to prevent narcotic drugs produced or processed in that country from entering the United States. The President has similar discretionary powers under existing law. My bill would make action by the President mandatory when evidence is presented that a foreign country is doing nothing to curb the drug flow into the United States.

If the bill were enacted into law, it would certainly affect the world's largest producer and trafficker in opium—Communist China. Reports of a Peiping-directed, international drug smuggling network were disclosed by the New York Daily News only a few weeks ago. They confirm intelligence reports from Nationalist Chinese sources. Operations involve the smuggling activity of Chinese Communist sailors who jump ship in American ports carrying large quantities of almost pure heroin, destined for the American market. CIA reports quoted by the News indicate that the Peiping regime is doing nothing to stem the flow of drugs into the United States. The two reporters that broke the news of the smuggling operations said that the official Washington explanation for the Chinese operations here is that the Hong Kong seamen caught selling heroin are professional criminals, not Peiping agents. Yet investigators have followed the ship-jumping Chinese to secret meetings with members of China's United Nations mission in New York and to the Chinese Embassy in Ottawa. There has been no official explanation for the conferences between Peiping's diplomats and the Hong Kong dope peddling seamen.

Last year police agents arrested 23 Red Chinese sailors and confiscated high-grade heroin and opium valued at several million dollars. Certainly, the State Department and the President have been mum on Red China's role in the drug problem in this country, it would upset the administration's new "China Policy." Rather than censuring the Communists for allowing the drug trafficking to continue, the administration announces that this year the United States will become one of Red China's five largest trade partners.

The Chinese mainland has long been the major producer and trafficker in the world's opium, morphine, and heroin. In fact, narcotics provide one of the major sources of much needed foreign currency for the Red regime. Narcotics smuggled into the United States and European countries by Chinese agents have been reported to produce in excess of $800 million in revenue for Red China.

Hong Kong authorities last year seized $30 million worth of mainland drugs. The annual opium output, planted under government control and supervision is said to exceed 10,000 tons of raw opium a year. Production was stepped up in 1970 to flood South Vietnam with the drug, and as a result, thousands of American GI's became addicted to the drug while stationed there.

Chinese drug production has been well documented, yet United States-Red China trade is encouraged to grow. The Congress last week approved a Presidential request for $1.5 million to fund a U.S. mission in Peking. In the United States 40 Red Chinese diplomats are housed in one of the most prestigous Washington hotels and wined and dined in the diplomatic social circle.

While American business is supplying them farm equipment, jet airliners, fertilizer and selling them low-cost food subsidized by U.S. taxpayers, the Chinese Communists continue to profit and smuggle into this country the drugs that have hooked over half a million Americans.

Last September, the President said, addressing the International Narcotics Control Conference:

> Any government whose leaders participate in or protect the activities of those who contribute to our drug problem should know that the President of the United States is required by statute to suspend all American economic and military assistance to such a regime and I shall not hesitate to comply with that law where there are violations.

It should be obvious to most Americans that the President's historic new "China policy" cannot peacefully coexist with his "global war" against drug traffickers.

---

## LEE HAMILTON'S MAY 16, 1973, WASHINGTON REPORT, ENTITLED "NEW FEDERALISM"

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. HAMILTON. Mr. Speaker, I include my May 16, 1973, Washington Report entitled "New Federalism":

#### NEW FEDERALISM

If you ask the man in the street a few questions about government, more likely than not he will tell you that government is too big, too expensive, too confusing, and too inefficient. Many of us in government share his concerns and believe we simply have to find ways of making government work better.

The structure of American federalism has come under increasing attack as people from all levels of society have expressed their frustrations with the growth of government and its inability to solve problems. In the past 40 years the number of civilian employees in the federal government has increased from 600,000 to 2.8 million, the budget has grown from $4.6 billion to $250 billion, and since 1963 the number of federal grant programs to state and local governments has grown from 160 to 1,000, which now channel $43 billion to these governments.

The President's solution to these problems of government is the "New Federalism," an effort to change the power balance of American federalism by shifting money and authority from Washington to state and local governments. The New Federalism is the primary hallmark of the President's domestic policy, and revenue sharing and reorganization of the executive branch are its keystones.

General revenue sharing, already enacted into law, will pump $30 billion into state and local treasuries over the next 5 years with few strings attached; special revenue sharing, not yet enacted into law, proposes to consolidate categorical grant programs into large block grants (e.g., education) with a minimum oversight from Washington.

The reorganization of the executive branch, proposed by the President to the Congress, but not yet enacted into law, would reduce the number of federal departments from 12 to 8 with several super-departments. To decentralize and coordinate decisionmaking, the President has already ordered the standardization of regional offices for the major departments of government, so that they operate on common lines from a single headquarters city in each region. So far at least, the performance of these regional offices has been spotty and unconvincing.

The heart of the New Federalism is the belief that there are too many federal programs, too much red tape, too many federally imposed priorities on localities, and the structure of federal aid must be simplified to give more control to state and local governments.

These proposals have stirred powerful opposition from federal bureaucrats, Congressional committees, and private interest groups, which have special interests in categorical grant programs. These voices support federal categorical grants, narrowly focused programs dealing with a specific problem (e.g., education for handicapped persons). They argue that state and local governments are often corrupt or lack the capacity to manage unrestricted federal funds, and are too vulnerable to political pressures to meet the needs of many worthy, but relatively powerless, groups.

Also, and more recently, many governors and mayors, who were initially enthusiastic about the New Federalism because it would increase their control in the use of funds, are now having second thoughts as they lose the funds from categorical aid programs without anything to take their place. Some even claim they were misled in supporting revenue sharing last year.

What is needed is not exclusive reliance on revenue sharing or categorical grants, but a better "mix" of federal grant assistance. The federal government must have a combination of categorical grants and revenues sharing, each designed to meet specific needs: categorical grants for specific areas of national concern; revenue sharing to allow consolidation of existing categorical grant programs to meet broad needs (e.g., law enforcement), and to allow states and localities to devise their own priorities and programs.

In short, I find the central thrust of the New Federalism attractive, with its emphasis on consolidation of programs, flexibility, decentralized decisionmaking, and a larger role for states and localities. At the same time, though, certain goals are worthy of specific federal programs.

---

## THE KILLING GOES ON IN SOUTHEAST ASIA—LEST WE FORGET

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. BROWN of California. Mr. Speaker, on May 10 this distinguished body broke with tradition and voted not to give the administration everything that it had requested in a military appropriation bill. I am sure that passage of the Addabbo amendment must have been a traumatic experience for the Department of Defense, since it has been the policy of the House of Representatives for the last decade not only to grant any military appropriation requests for Southeast Asia, but even in many cases to throw in a little extra.

I was particularly pleased to help Congress take this first successful and independent step, since I remember the occasion, 8 years ago, when we were given our first chance to vote specifically against funds for the war in Indochina. It was a rather lopsided vote on May 5, 1965, when we passed the supplemental appropriation for military functions of the Department of Defense. There were 408 yeas, 18 not voting, and 7 nays. I am proud to have cast one of those nay votes; the others were cast by our late colleague Mr. Ryan of New York, our former colleague Mr. Dow, also of New York, and by Representatives BURTON and EDWARDS of California, Representative CONYERS of Michigan, and Representative GREEN of Oregon. Our ranks have grown, slowly but steadily, until we became a majority last week and refused to authorize any further funding for bombing Cambodia.

I might add that this was the first time, during my more than 8 years in the House, that I have been on the winning side of an appropriations vote related to the war.

But in the euphoria over our symbolic victory, and it really is mainly symbolic, since I have great faith in the ability of the administration to evade or just plain ignore the intent of Congress—in our euphoria, I hope that we will not forget that the war continues. I hope that we will not feel that we have done our duty for the cause of peace, and can now go on to other matters. For the fact is that peace has not come to Indochina, and Nixon administration policies will not bring peace to that part of the world.

Mr. Speaker, it is so easy, amid all the talk of peace, to forget just exactly what really is happening over there. The sad fact is that the piece of paper which was signed in Paris means little to the Cambodian peasant killed by American antipersonnel bombs.

I would like to share a report by Daniel Southerland of the Christian Science Monitor with our colleagues. The article appeared in the San Bernardino Sun-Telegram on May 9, the day before we passed the Addabbo amendment, and provides an interesting example of what it is like to live in a part of the world that is being subjected to President Nixon's "peace with honor."

The article follows:

#### U.S. BOMBERS ATTACK PHANTOM ENEMY IN CAMBODIAN VILLAGE

(By Daniel Southerland)

PREK YOUN, CAMBODIA.—The bombing of villages such as this one raises embarrassing questions for the Nixon administration.

A White House spokesman has said that the bombing in Cambodia is a result of the continuing presence of North Vietnamese troops in violation of the Vietnam peace agreement.

But just as has been the case in many other Cambodian villages in recent months, the troops who entered Prek Youn were not North Vietnamese. They were Cambodian—Khmer insurgents.

Even assuming that one unstated aim of the bombing is to weaken not the North Vietnamese in Cambodia but the Khmer insurgents, Prek Youn is at the very least an example of needless damage inflicted on civilians.

According to villagers from Prek Youn, and they all agree on this, the bombs hit the village several hours after the Cambodian insurgents had left. The only people hurt by the bombing, therefore, were civilians.

Prek Youn is, or rather was, a large and prosperous village on the Mekong River near Highway 1 about 23 miles east-southeast of Phnom Penh. The people grow rice, corn, potatoes, beans, bananas, and watermelons. Prek Youn was untouched by the fighting and bombing until recently.

One night two weeks ago Khmer insurgent troops attacked a nearby government Army camp and then entered the village. These were what the people call "Red Khmers." They have the support of the North Vietnamese, but they now are doing most of the fighting in Cambodia.

After entering Prek Youn, the Red Khmers fired on Cambodian Navy patrol boats trying to clear the way for a supply-vessel convoy up the Mekong.

They urged some of the villagers to leave with them. They told those who did not want to go that they, too, should leave the village because it would be bombed by Americans.

Many of the people took this advice, and by 6 a.m. next day were on their way. The Red Khmers also left. At about 9 o'clock, according to villagers' accounts, two American jets appeared and began bombing.

The villagers said the American fighter-bombers made one pass after another against a phantom enemy. They destroyed or heavily damaged about half the village.

That night near the village where some of the people had taken refuge, the fighter-bombers struck again. The bombs killed an 11-year-old boy named Sok San and wounded at least seven others. Among them was a 32-year-old pregnant woman named Vong Sarim. The Cambodian Navy took the wounded up the river to Phom Penh.

Vong Sarim later said that she had seen no Khmer insurgents or any other troops where the night bombing occurred. She gave birth without difficulty, but her right leg was still badly swollen because of debris that hit it during the bombing.

Inside the village itself, the bombing killed 15 cows. Near their remains lay part of the casing for a U.S. Air Force "antipersonnel" weapon known as the CBU.

This cluster bomb unit had contained several hundred steel-pellet bomblets. The casing was marked as a product of Lanson Industries. It is specifically designed to kill people, but this time it got animals.

In some sections of Prek Youn, nothing remains but deep bomb craters, broken cooking pots and other utensils, rotting fruit, shattered banana trees, and scorched pieces of corrugated iron roofing.

One of the strangest things was a printed leaflet. Apparently dropped by an airplane, the leaflet was written in Vietnamese. It was addressed to North Vietnamese troops and told them that a peace treaty had been signed in Vietnam and that they could go home.

The people in Prek Youn had seen small groups of Cambodian insurgent troops in the village. But they had not seen a single Vietnamese. No one in the village could read the leaflet.

Prek Youn now is deserted. Some of the people return to the village in the morning to sift through the ruins and retrieve possessions and food. Then in the afternoon they move closer to Phnom Penh. Many are living at pagodas serving as unofficial refugee camps.

At the Sla Keth pagoda, 12 miles east of Phnom Penh, refugees from Prek Youn report they had no help from the government. They feared that the rice they salvaged from Prek Youn was going to run out in two or three months. They had no idea when it would be safe enough for them to return to the village.

The area along Highway 1 east of Phnom Penh is heavily populated. But for some eight miles east of Prek Youn most of the people are afraid to spend the night in their old homes. In the afternoon you can see them moving westward on the highway in ox carts and rented motorbike taxis with the food and belongings they have salvaged.

"I would like to ask you to request the government not to drop any more bombs because we would like to rebuild our homes," said an old man living among the Prek Youn refugees outside the Sla Keth pagoda.

"You journalists can see the problem with your own eyes," said another refugee. "But most of the American people cannot see with their own eyes, so your government gets away with lying to them."

"We want President Nixon to do everything he can to stop the war," the man said, as more and more refugees gathered around.

"We want you to send our voices to the American people," he said. "Our only hope is in the American people because our own government ignores us.

"If the Americans can make peace in Cambodia, we, the Cambodian people, will thank the American people like brothers."

One wonders how many Prek Youns there are.

Recently the United States has reversed an earlier policy of not bombing in the heavily populated area around Phnom Penh.

Mr. Speaker, approximately 10 years ago, a gentleman by the name of Bob Dylan wrote a song which he titled "Blowin' in the Wind." That song contains nine questions, the last of which is particularly appropriate for us to ask ourselves today. As I read of Prek Youn and the countless other villages we have destroyed during the reign of Richard the Arrogant, I ask myself, to quote Bob Dylan—

> How many deaths will it take 'til he knows that too many people have died?

How many deaths, Mr. Nixon?

---

## THE REALITIES OF CONSUMER PROTECTION: INTELLIGENT PUBLIC POLICY VERSUS FANATICISM

### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. VANDER JAGT. Mr. Speaker, the New York Times now recognizes the price to consumers of misguided governmental efforts to protect public health. In the wake of the Food and Drug Administration's ban on livestock implantation of diethylstilbestrol—DES—pellets, a decision which was forced upon the agency by an excessively rigid statute, the Times published an editorial acknowledging the likelihood of a beef price increase of between 3.5 and 15 cents per pound. Such increases will come on top of the soaring meat prices which have alarmed consumers across the Nation and led to appeals for more vigorous governmental price restraints.

I join with the Times in affirming that—

> Obviously no saving in meat prices can justify a real risk of cancer in the food Americans eat.

But I also join the Times in asking—

> But how real is the risk from which the FDA has now begun to protect the community?

On April 27, following the FDA action, I issued a press release announcing the introduction of a bill directing the National Academy of Sciences to undertake a 1-year study of whether the "zero residue" concept of the Federal Food, Drug, and Cosmetic Act as it pertains to agents in foods might safely be revised in light of recent technological advances in residue detection. Today I again urge prompt congressional action to establish this study, to facilitate a matching of public policy with the impressive recent gains of science.

On April 30, the Times published its editorial, noting the extraordinarily minute traces of DES residue whose detection led to the regulatory action, and questioning as I have the soundness of a public law which permits no reasoning in Federal administrative response. Wrote the Times—

> The point is that the Delaney amendment is an all or nothing affair, and presumably would have applied if the analytical equipment had found only one thousandth of a trillionth part of DES. This sounds more like fanaticism than intelligent public policy. Would not Congress be well advised to consult the scientists on what meaning, if any, the law should give to infinitesimal quantities?

I can answer this question only with a vehement "Yes."

Mr. Speaker, we live daily amid reaffirmation of the wisdom of the ancient proverb that the end does not justify the means. In a free society governmental efforts to protect the public must be characterized by discretion and balance. I believe that we have a new opportunity to seek that posture.

There follows the text of my press release of April 27, 1973, the New York Times editorial of April 30, 1973, and H.R. 7439:

[From the New York Times,
Apr. 30, 1973]

#### POLICY ON INFINITESIMALS

The Food and Drug Administration has banned further use of the cattle-fattening hormone DES on which livestock raisers have long relied to get the maximum gain in animal weight for a given quantity of feed. DES is a carcinogen and minute traces of it were found in animals on which it had been used. The Delaney amendment prohibits the use in foods of agents known to cause cancer, and that amendment has now been applied. The result in the not too distant future is likely to be more expensive beef, with estimates of the likely price increase ranging from 3.5 to 15 cents a pound.

Obviously no saving in meat prices can justify a real risk of cancer in the food Americans eat. But how real is the risk from which the F.D.A. has now begun to protect the community? The F.D.A. has reported that its extremely sensitive analytical equipment has detected DES on the order of magnitude of 120 parts per trillion in the animal tissue examined. Such sensitivity in measuring infinitesimal quantities is a respectable scientific feat, but how meaningful is it as a guide to the public? Is there a significant—even an appreciable—risk of anyone getting cancer from eating meat containing so tiny a quantity of DES? How does the "risk" the F.D.A. has moved against compare with the risk of breathing normal polluted air in Manhattan or downtown Washington, D.C.—or with the risk of having a chest X-ray or smoking a single cigarette?

The point is that the Delaney amendment is an all or nothing affair, and presumably would have applied if the analytical equipment had found only one thousandth of a trillionth part of DES. This sounds more like fanaticism than intelligent public policy. Would not Congress be well advised to consult the scientists on what meaning, if any, the law should give to infinitesimal quantities?

---

[From the Office of Congressman Guy Vander Jagt Apr. 27, 1973]

Press Release

A Food and Drug Administration announcement this week of an immediate ban on the implantation of diethylstilbestrol (DES) pellets in livestock brings into sharp focus the complexity of government's responsibility to the public. This action reflects undue rigidity in the law and resulting administrative action, for when the emotionalism which understandably surrounds cancer is subdued and the facts are examined objectively, there appears little rationale for the new policy and its considerable expense to consumers.

Concern over use of this growth stimulant in livestock is twofold. Current food law prohibits use of a chemical in food if any residue of the substance could reach consumers. Because DES has been shown to induce tumors in mice it is considered a carcinogen, despite the virtual impossibility that any human would ingest a comparable quantity by eating the monumental amounts of liver every day for years that would be required. Secondly, vaginal cancer recently has been detected among a small number of daughters of women who took large doses of DES as a prescriptive drug in the 1950's to prevent miscarriages. While on the surface each of these considerations may appear to be decisive, in fact the picture is far more complex.

First, the only use of DES that ever has been associated with human cancer is the prescriptive use described above, no longer practiced. In order to consume the same amount of DES as the women who took that prescription, one would have to eat liver containing two parts per billion of DES at a rate of between 5,500 and 137,000 pounds per day! Or from another perspective, if DES were present in liver at that concentration, a person would have to eat 500 pounds of it to obtain an amount of estrogen equivalent to the normal daily estrogen production of a mature woman.

FDA's latest action is based upon a new radioactive residue-measurement technique of amazing capability. The residues reported, which range up to only 12 parts per trillion, are far more minute than those associated with previous detections or the amounts in the above comparison. To provide an indication, two parts per billion is equal to a drop and a half in 25 thousand gallons; two parts per trillion thus would be a drop and half in 25 million gallons. One part per trillion equals about one second in 33 thousand years!

Refinement of this degree carries implications for "zero residue" that were unimaginable a decade ago when the law was passed. I applaud the researchers for developing and implementing this technology, but now call upon Congress to bring the law up-to-date. I will introduce a bill next week authorizing the National Academy of Sciences to initiate a one-year study of whether the residue requirements might safely be revised in light of current technology.

One of the greatest outcries today is over the price of meat. We have had one boycott and talk of others as well as drastic government action persists. Yet despite the fact that no human cancer has ever been traced to the use of DES in livestock production, the government is now taking action which could increase the cost of beef to U.S. households by hundreds of millions of dollars a year.

The public interest requires constant vigilance against disease. But it also requires non-arbitrary action by legislative and administrative authorities. I hope that those in Congress who have relentlessly pursued a ban on all DES use will recognize the public interest in a review of the statute.

---

H.R. 7439

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the National Academy of Sciences shall conduct a study to determine if, because of the availability of improved techniques of residue detection, the requirements of section 512 (d) (1) (H) of the Federal Food, Drug, and Cosmetic Act may safely be revised to permit certain amounts of residues to be present in meat or other food. Within one year from the date of the enactment of this Act the National Academy of Sciences shall report the results of the study to the Congress together with any recommendation for legislation which it determines is necessary to carry out its findings.

---

## WATERGATE AND CAMBODIA: THE SAME ATTITUDE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. RANGEL. Mr. Speaker, last Thursday, with the passage of the Addabbo amendment, this body made clear its disapproval of the administration's bombing of Cambodia. The Senate Appropriations Committee yesterday voted unanimously to impose an absolute cutoff on all present and past appropriations for U.S. bombing of Cambodia and Laos, and it is expected that the full Senate will soon adopt this position.

The White House, in its typically arrogant fashion, has already announced that it will ignore any actions Congress takes to halt the Cambodian bombing. This is regardless of the fact that continued bombing after Senate action would clearly be illegal.

However, this should not be surprising, for the recent discoveries that have been made in the Watergate affair demonstrate that many in this administration are not particularly concerned with what is legal or illegal.

In connection with U.S. activities in Indochina, the administration has recently admitted that the U.S. Government is paying some 15,000 to 20,000 Thai troops to stay in Laos. This is merely one more example of the administration's disregard for the law. Not only is this financing of troops illegal, but it clearly violates the Paris Peace Agreement.

I would like to insert into the Record two New York Times editorials that address themselves to United States involvement in Indochina. As the editorials state, it is time for Congress to take the actions that are necessary to insure that the United States disengages itself from Southeast Asia.

The editorials follow:

Defiance of Cambodia—And in Laos

The nation moved a step closer toward what Senate Majority Leader Mansfield has warned could become "a true constitutional crisis" when a Senate appropriations subcommittee yesterday accepted a House-approved prohibition on the transfer of funds for bombing in Cambodia. The Administration has already indicated it will ignore such a ban even if it is endorsed by Congress.

Any continuation of the bombing after expected Senate approval of this provision would amount to open defiance of the clear intent of Congress to put an end to United States military action in Cambodia. In order to check such an abuse of Presidential power and to begin to restore its own integrity, Congress would be obliged to move to a more drastic confrontation by banning funds for United States military activities anywhere in Indochina without prior Congressional approval, as long proposed by Senator Case, Republican of New Jersey, and Senator Church, Democrat of Idaho.

If the President has learned anything at all from the Watergate and allied scandals and the national revulsion they have produced, he will act now to avert this ultimate showdown. The White House indication that it will persist in its present policy in unconstitutional defiance of Congress would, if carried out, enormously exacerbate the present tension that is already seriously affecting the political process.

If the system of checks and balances which is the ultimate safeguard of American liberties is to be preserved, the developing constitutional crisis over the Administration's persistent arbitrary military involvement in Indochina needs to be resolved decisively in favor of Congress.

The admission of an Administration official that the United States is to finance the presence of 15,000 to 20,000 Thai "irregular" troops in Laos over another shocking illustration of the Administration's disregard of Congress and the Constitution in the persisting military interventions in Indochina.

The funding of foreign mercenaries in Laos is specifically forbidden in an amendment to the Department of Defense authorization bill for 1971. The Administration has argued in the past that these mercenaries in Laos were all indigenous "volunteers" of Thai origin. But inquiries by Senate investigators and American correspondents have revealed that the "volunteers" were in fact reservists who had come from Thailand and expected to return there.

In addition to being flagrantly illegal, continuing American support for the Thai mercenaries violates the spirit of the Paris accords and contradicts Administration claims that it is disengaging from Indochina, especially if, as a Senate source has indicated, their numbers were drastically increased late last year in anticipation of the Vietnam cease-fire agreement.

Congress obviously must take additional steps to insure that its will is followed to the letter in Laos as well as in Cambodia and elsewhere throughout Indochina.

---

## NATIONAL POLICE WEEK

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. HOGAN. Mr. Speaker, the week of May 13 is designated as National Police Week and I would like to call to the attention of my colleagues an article from the Law Officer, written by Rev. R. Joseph Dooley, chaplain for the International Conference of Police Associations.

This timely article reflects the need to replenish part of the American patriotism that some have attempted to deride and ridicule.

The article follows:

### God Bless America

(By Rev. R. Joseph Dooley, Chaplain I.C.P.A.)

In recent years, some neo-sociologists have denigrated the average American's love of country, warning that "waving the flag" is an infantile disease we should long ago have outgrown—as they obviously have. The syndrome, they say, prevents us from looking at our faults objectively and thus deters reforms desperately needed.

I doubt they can root out the dread virus, however, for patriotism seems to me a reflex, much like breathing. The symptoms appear early in life—as when we root for our school in a track meet; and as 50,000 die-hard Redskin fans go berserk with delight as "their team" wins the championship and goes to the Superbowl.

Yet, thanks to the increasing effort of this dedicated sociological cult, there is some erosion in our patriotism. I see it in such things as George Washington's Birthday, Independence Day, and Thanksgiving being celebrated as commercial sales days rather than commemorating a National Event.

A letter that was published in the New York Times last year condemned the display of the flag by police officers on their uniforms as a "shocking . . . misuse of the flag." The reason given was that the flag has become the symbol of a pro-Administration position on the War in Vietnam, and therefore places the policeman on one side of a political dispute.

Why is this?

The solution, it seems to me, is not to deny the police officer the right to wear the most precious symbol of our nationhood. On the contrary, every American ought to be encouraged to display the flag as much as possible. The reason that the flag did become the symbol of a pro-Administration position on the War is that so many of the anti-Vietnam War protesters dramatized their point of view by burning the American Flag and flying the Viet Cong flag. How often were the flags at the base of the Washington Monument burned?

Nothing is to be gained by tearing down our love and respect for the banner which has symbolized the great hopes and dreams of the American people throughout their history.

Then we have people like Jane Fonda and Joan Baez who have testified to the excellence of life in North Vietnam; Angela Davis and magnate Cyrus Eaton have hailed the virtues of the U.S.S.R. Yet, curiously, all have returned to their "inferior" native land. That is when the bumper-sticker "Love it or Leave it" takes on real meaning.

In the 197-year history of the United States perhaps there has never been a story quite like the return of our Prisoners of War from Indochina. Along with many of you, I watched the landing at Clark Air Base, and heard those never-to-be-forgotten words of the first man off the hospital plane, Captain Jeremiah Denton, held captive for some eight years. "We are honored to have had the opportunity to serve our country under difficult circumstances . . . God Bless America." And there was the blessed truth that gave the lie to Jane Fonda and her ilk.

As the former prisoners begin to arrive at air fields across the country, the reception awaiting them reflects a depth of patriotism among our citizens that some Americans felt was lost forever.

President Nixon, in his radio address on law enforcement and drug abuse prevention on March 10, 1973, said: "When I saw and heard the remarks of our returning prisoners of war, so strong and confident and proud, I realized that we were seeing men of tough moral fibre, men who reflected, despite their long absence from America, what America is all about . . . To accept anything less than a nation free from crime is to be satisfied with something less than America can be and ought to be for all our people."

The Police Officer is part of this American heritage. His or her life is built around a strong sense of the common good and a sense of patroitism. In the police ranks, there is no room for sardonic, timed rationalizing that lessens personal commitment and courageous respect for responsible duty.

The price the police officer pays for this is sometimes high. We need to remind ourselves often of our priceless heritage and of our spiritual success—so we proudly wear the flag of our country. We must be faithful to our ideals as police officers and sincere in our pursuit of what is right. Because each one of you "are honored to have the opportunity to serve your country under difficult circumstances . . ."

God bless America and our police.

---

## U.S. CONGRESSMAN HARSHA RECEIVES FIRST INTERNATIONAL SAFETY AWARD AT PARLIAMENTARY DINNER IN LONDON

### HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 1973*

Mr. MIZELL. Mr. Speaker, as many of my colleagues already know, the distinguished ranking minority member of the Committee on Public Works (Mr. HARSHA) has been awarded the first International Road Safety Cup for his work in the field of highway safety. The award was presented to Mr. HARSHA at a parliamentary dinner held in London last December 5.

The Night Driving Safety News has published an article on this award presentation, and I believe my colleagues will be interested in its contents. I am sure they join me in congratulating the distinguished gentleman from Ohio for this outstanding honor, which well befits his many great contributions and achievements in the field of highway safety.

The article follows.

### U.S. Congressman Harsha Receives First International Road Safety Award at Parliamentary Dinner in London

Congressman William H. Harsha (R-Ohio) was awarded the first International Road Safety Cup for his work in the field of highway safety in America by British Member of Parliament, The Hon. Sir Clive Bossom, at a Parliamentary dinner held in London December 5th.

In presenting the award, Sir Clive Bossom said, "There are two fields of highway safety activity I admire particularly in your country, your driver education program for the young and your efforts to improve driving conditions on rural roads, especially during the hours of darkness.

"In view of the efforts of the Public Works Committee and particularly of its Roads Subcommittee which is responsible for promoting better safety on the highways, it was decided that the first award should be in honor of this work," he stated.

Rep. Harsha, ranking minority member of the House Public Works Committee and its Roads Subcommittee, was made the first recipient of the award for his "Omnibus Highway Safety Act," a 12-point proposal emphasizing road safety, which he conceived and introduced. The bill was included in the 1972 Federal Aid Highway Act which narrowly missed passage prior to adjournment of the 92nd Congress.

#### LEGISLATION TO BE REINTRODUCED TO CONGRESS

In accepting the awards, Rep. Harsha said, "We came very close to approving highway safety legislation in America, which, when implemented, will bring about dramatic reductions in accidents. My studies indicate that upwards of 10,000 lives will be saved each year with commensurate decreases in injuries and property damage. I am hopeful that this measure will be approved." Mr. Harsha reports he has readied new highway safety legislation for introduction early in the next session of Congress which begins in January.

"Although much has been achieved in highway safety, the population death rate in America from automotive accidents has increased in the last decade almost 30 percent," he told the distinguished group of British Members of Parliament and traffic safety leaders.

"For every fatality, there are between ten and eleven serious injuries," he pointed out. "This means that last year in America 600,000 people were carried from the scene of accidents, dead or alive."

Congressman Harsha cited "the need to search for new approaches to reduce the carnage on our roads and to improve the standard of professionalism we bring to bear upon the problem.

"I strongly believe in the interchange of ideas and programs between nations. Through such cross-fertilization we can assure eventual success of our combined efforts. I hope that this International Road Safety Cup will become the symbol of both our aspirations and achievements in the highway safety field.

The award was initiated by Traffic Engineering and Control Magazine, a world-renowned authority in its field, to recognize outstanding leadership and effective action in promoting road and traffic safety. It will be presented annually, with the International Road Safety Cup passing from one winner to the next.

Also present at the dinner were Harsha's Congressional colleagues, Robert Jones of Alabama, James Wright of Texas, Kenneth Gray of Illinois, James Grover of New York, James Howard of New Jersey, John Hammerschmidt of Arkansas and Clarence Miller of Ohio. Among U.S. industrial leaders in the road safety field present were John P. Manley, executive vice president of Potters Industries, Inc. and Gerald P. Balcar, vice president of Potters Industries.

EDITOR'S NOTE.—Congressman Harsha introduced the Highway Safety Act of 1973 on January 18th. At the heart of his new bill, H.R. 2332, are four action programs.

A special pavement marking program for all rural highways of the nation where two-thirds of traffic fatalities now occur.

A spot improvement program for already identified high hazard locations both on and off the Federal-aid system.

A roadside obstacle removal program to eliminate natural and man-made obstacles that vehicles are apt to hit when they leave the traveled way either because of driver loss of control or as a result of a collision avoidance manuever.

A separation, relocation, and signing program to assure that all railroad highway crossings in America are provided with adequate signs and protection devices.

# SENATE—*Thursday, May 17, 1973*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, judge of each day and our final judge, we thank Thee for this good land, its resourceful people, and its enduring institutions. We thank Thee for all who serve the Government competently and faithfully without blemish or stain. We thank Thee for citizens steeped in that righteousness which exalts a nation and will not falter or fail amid all change. Make this a time of cleansing and renewal of all that is best in our national life. And to Thee shall be all the glory and the praise.

In Thy holy name we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 17, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 16, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations under New Reports, Department of the Treasury.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations under New Reports, Department of the Treasury, will be stated.

## DEPARTMENT OF THE TREASURY

The second assistant legislative clerk read the nominations in the Department of the Treasury as follows:

Edward C. Schmults, of New York, to be General Counsel for the Department of the Treasury.

Donald C. Alexander, of Ohio, to be Commissioner of Internal Revenue.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## MOTOR VEHICLE DEFECT REMEDY ACT •

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 142, S. 355.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 355, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Motor Vehicle Defect Remedy Act".

SEC. 2. Section 108(a)(4) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1397) is amended to read as follows:

"(4) fail to furnish notification, fail to remedy any defect or failure to comply, fail to maintain records, or fail to meet any other obligation imposed upon any manufacturer, distributor, or dealer pursuant to section 113 of this Act.".

SEC. 3. Section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402) is amended to read as follows:

"DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

"SEC. 113. (a) REQUIREMENT OF NOTICE.—For purposes of this section, the retreader of tires shall be deemed the manufacturer of tires which have been retreaded, and the brand name owner of tires marketed under a brand name not owned by the manufacturer of the tire shall be deemed the manufacturer of tires marketed under such brand name. Every manufacturer of motor vehicles or tires shall furnish notification to the purchaser of such motor vehicle or item of motor vehicle equipment, pursuant to subsection (b) of this section, if—

"(1) such manufacturer discovers that any motor vehicle or item of motor vehicle equipment produced by such manufacturer—

"(A) contains a defect and determines in good faith that such defect relates to motor vehicle safety; or

"(B) does not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to section 103 of this Act; or

"(2) the Secretary determines, through testing, inspection, investigation, or research carried out pursuant to this Act, through examination of communications pursuant to subsection (c) of this section, or through other means, that any motor vehicle or item of motor vehicle equipment produced by such manufacturer—

"(A) contains a defect which relates to motor vehicle safety; or

"(B) does not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to section 103 of this Act.

"(b) CONTENTS, TIME, AND FORM OF NOTICE.—(1) The notification required by subsection (a) of this section shall contain, in addition to such other matters as the Secretary may prescribe by regulation—

"(A) a clear description of the defect in any motor vehicle or motor vehicle equipment or of the failure to comply with any applicable motor vehicle safety standard;

"(B) an evaluation of the risk to traffic safety reasonably related to such defect or failure to comply;

"(C) a statement of the measures to be taken to remedy such defect or failure to comply;

"(D) a statement that the named manufacturer shall cause such defect or failure to comply to be remedied without charge pursuant to subsection (e) of this section;

"(E) the date when such defect or failure to comply will initially be remedied without charge and, in the case of tires, the final date when such defect or failure to comply will be remedied without charge pursuant to subsection (e) of this section; and

"(F) a description of the procedure to be followed in informing the Secretary whenever a manufacturer, distributor, or dealer fails or is unable to remedy without charge such defect or failure to comply.

"(2) The notification required by subsection (a) of this section shall be furnished within a reasonable time after—

"(A) the discovery of the defect or failure to comply by the manufacturer, pursuant to subsection (a)(1) of this section;

"(B) the Secretary's determination of the defect or failure to comply pursuant to subsection (a)(2) of this section or subsection (g) of this section, if applicable.

"(3) The notification required by subsection (a) of this section shall be accomplished—

"(A) by certified mail to—

"(i) the first purchaser (not including any dealer of such manufacturer) of the motor vehicle or motor vehicle equipment containing such defect or failure to comply,

"(ii) any subsequent purchaser of such vehicle or equipment to whom has been transferred any warranty thereon,

"(iii) any other person who is a registered owner of such vehicle or equipment and whose name and address is reasonably ascertainable through State records or other sources available to such manufacturer; and

"(B) by certified mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such motor vehicle or motor vehicle equipment was delivered.

"(c) Information and Disclosure.—Every manufacturer of motor vehicles or tires shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or to the purchasers of motor vehicle or motor vehicle equipment produced by such manufacturer regarding any defect in such vehicle or equipment which is sold or serviced. The Secretary shall disclose so much of any information referred to under this subsection, subsection (a) of this section, or section 112(a) of this Act to the public as he determines will assist in carrying out the purposes of this Act, but he shall not disclose to the public any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, unless he determines that it is necessary to carry out the purposes of this Act.

"(d) Records of First Purchaser.—Every manufacturer of motor vehicles or tires shall maintain records of the names and addresses of the first purchaser (other than a dealer or distributor) of motor vehicles or tires produced by such manufacturer. The Secretary may establish, by order, procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection except that the availability or not of such assistance shall not affect the obligation of manufacturers under this subsection. Such procedures shall be reasonable for the particular type of motor vehicle or tires for which they are prescribed.

"(e) Remedy of Defect or Failure To Comply.—If—

"(1) any motor vehicle (including any item of original motor vehicle equipment) or tire is determined by its manufacturer, pursuant to subsection (a)(1) of this section, to contain a defect or failure to comply which relates to motor vehicle safety; or

"(2) the Secretary determines, pursuant to subsection (a)(2) of this section, or under subsection (g) of this section, if applicable, that any motor vehicle or item of motor vehicle equipment contains a defect which relates to motor vehicle safety or does not comply with any applicable motor vehicle safety standard prescribed under this Act,

then, after the notification required by subsection (a) of this section is furnished as provided in subsection (b) of this section, the manufacturer of such motor vehicle or tire presented for remedy pursuant to such notification shall cause such defect or failure to comply in such motor vehicle (including any item of original motor vehicle equipment), such item of motor vehicle equipment, or such tire to be remedied without charge. In the case of a tire presented for remedy pursuant to such notification, the manufacturer of each such tire shall replace such tire without charge for a period up to sixty days after receipt of such notification or sixty days after replacement tires are available, whichever is later. In the case of a motor vehicle presented for remedy pursuant to such notification, if the defect or failure to comply cannot be adequately remedied, the Secretary shall require the manufacturer, at the manufacturer's option, either to—

"(A) replace such motor vehicle without charge with a new or equivalent vehicle, or

"(B) refund the purchase price of such motor vehicle in full less a reasonable allowance for depreciation.

The dealer or retailer who performs such remedy work without charge shall receive fair and equitable reimbursement for such work from such manufacturer. The requirement of this subsection that such remedy work be performed without charge shall not apply if a determination is made under subsection (g) of this section that the defect or failure to comply is de minimis, or if such motor vehicle or item of motor vehicle equipment was purchased by the first purchaser (not including any dealer of a manufacturer) more than eight calendar years before the manufacturer receives notification from the Secretary, pursuant to paragraph (1) of subsection (g) of this section, of defect or failure to comply.

"(f) Approval and Implementation of Remedy Plan.—(1) The Secretary shall approve with or without modification after consultation with the manufacturer of such motor vehicle or tires, such manufacturer's remedy plan including the date when and the method by which the notification and remedy required pursuant to this section shall be effectuated. Such date shall be the earliest practicable one but shall not exceed sixty days from the date of discovery or determination of the defect or failure to comply pursuant to subsection (a) of this section or under subsection (g) of this section, if applicable, unless the Secretary grants an extension of such period for good cause shown and publishes a notice of such extension in the Federal Register. Such manufacturer is bound to implement such remedy plan as approved by the Secretary.

"(2) Upon application in writing by such manufacturer, the Secretary may approve any amendment or modification of such plan for good cause shown provided notice of such modification is reasonably publicized by such manufacturer. The Secretary shall cause each such application and the decision rendered on such application to be published in the Federal Register within five days of receipt or issuance. As used in the paragraph, 'good cause' means unavoidable delay due to strikes, catastrophe, or natural disaster.

"(g) Proceedings.—(1) The Secretary shall immediately notify such manufacturer of his determination under subsection (a)(2) of this section of the defect or failure to comply, and shall supply a statement of his reasons and the basis for the findings. Such determination, reasons, and findings shall be published immediately in the Federal Register. At the same time, the Secretary shall make available to the manufacturer and any interested person all information, subject to the provisions of subsection (c) of this section, upon which the findings are based. Within seven days after the manufacturer receives notification pursuant to this paragraph such manufacturer may file a petition to initiate a proceeding to establish to the satisfaction of the Secretary that—

"(A) such motor vehicle or item of motor vehicle equipment does comply with such standard or does not contain a defect which relates to motor vehicle safety; or

"(B) such defect or failure to comply is de minimis in its impact on the number of traffic accidents and deaths and injuries to persons resulting from traffic accidents.

A proceeding on such petition shall commence within twenty-one days of the date of the determination and such date shall be announced publicly. A record of the proceeding shall be maintained. The proceeding shall be structured to proceed as expeditiously as possible while permitting the manufacturer and all interested persons an opportunity to present their views. Participants shall be given a limited right to cross-examine experts on matters directly related to the issues of defect or failure to comply. For purposes of this subsection, 'a limited right to cross-examine' means that the Secretary may set such conditions and limitations on cross-examination as he deems necessary to assure fair and expeditious consideration of the contested issues. All testimony shall be presented by affidavit or orally under oath, pursuant to regulations issued by the Secretary, and the Secretary may require that persons with the same or similar interests appear together by a single representative. Within fourteen days of the conclusion of the proceeding, the Secretary shall issue his decision on the petition with a statement of his reasons. If such decision affirms the original determination of the Secretary, under subsection (a)(3) of this section, the Secretary shall direct such manufacturer to furnish forthwith the notification required by such subsection. The Secretary's decision and reasons shall be published immediately in the Federal Register.

"(2) Except as otherwise provided in this paragraph, any person who is aggrieved by the decision in a proceeding under this subsection may appeal a decision of the Secretary upon the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit. Such petition shall be filed within twenty days after the Secretary's decision. In any such review, the factual findings of the Secretary shall be sustained if supported by substantial evidence on the record considered as a whole. The Secretary shall file the record on which his findings are based within twenty days of the date the petition for review is filed. The court shall expedite the disposition of such petition for review. The Secretary's determination that a defect or failure to comply is or is not de minimis in its impact is not reviewable under this paragraph.

"(h) Imminent Hazard.—(1) The Secretary may file an action against—

"(A) an imminently hazardous motor vehicle or item of motor vehicle equipment for seizure of such vehicle or equipment under paragraph (2)(B) of this subsection; and

"(B) a manufacturer, distributor, or dealer of such motor vehicle or item of motor vehicle equipment.

As used in this subsection, 'imminently hazardous' means a motor vehicle or item of motor vehicle equipment which presents immediate and unreasonable risk of death, serious illness, or severe personal injury.

"(2)(A) The court in which such action is filed shall have jurisdiction to declare such motor vehicle or item of motor vehicle equipment to be imminently hazardous and (in the case of an action under paragraph (1)(B) of this subsection) to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent relief as may be necessary to protect the public from such risk.

"(B) In the case of an action under paragraph (1)(A) of this subsection, the motor vehicle or item of motor vehicle equipment may be proceeded against by process of libel for the seizure and condemnation of such product in any district court of the United States within the judicial district in which such motor vehicle or item of motor vehicle equipment is found. Proceedings and cases shall conform as nearly as possible to proceedings in rem in admiralty.

"(C) An action under paragraph (1)(B) of this subsection may be brought in the district court of the United States for the District of Columbia or in any judicial district in which any of the defendants is found, resides, or transacts business. Process may be served on such defendant in any judicial district in which such defendant resides or may be found. Subpenas requiring the attendance of witnesses in such an action may run into any other district.

"(4) Notwithstanding any other provision of law, in any action under this subsection, the Secretary may direct attorneys employed by him to appear and represent him."

Sec. 4. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"There is hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act not to exceed $46,773,000 for the fiscal year ending June 30, 1974."

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report on S. 355.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

REMARKS TO ACCOMPANY PASSAGE OF S. 355

The Motor Vehicle Defect Remedy Act (S. 355) would amend the National Traffic and Motor Vehicle Safety Act by empowering the Secretary of Transportation to require the remedy of a safety-related defect or failure to comply with a motor vehicle safety standard at no cost to the consumer. In addition, the bill would authorize $46,773,000 to be appropriated for implementation of the Act for the fiscal year ending June 30, 1974.

The major thrust of S. 355 is to empower the Secretary of Transportation to require that the manufacturer of a motor vehicle or an item of motor vehicle equipment (including tires) which contain a safety related defect or a failure to comply with a motor vehicle safety standard to remedy such defect or failure to comply without charge to the consumer. Under current law, the Secretary may require such manufacturer to send a defect notification to the first purchaser of such motor vehicle or item of motor vehicle equipment. However, under current law, repair at no cost is discretionary with the manufacturer.

In the case of a motor vehicle, the manufacturer would be required to actually remedy the defect or failure to comply. If such motor vehicle could not be adequately remedied, the Secretary would have the discretion to require the manufacturer to choose either to replace such motor vehicle without charge with a new or equivalent vehicle or to refund the purchase price of such motor vehicle in full less a reasonable allowance for depreciation.

In the case of tires, the manufacturer would have to replace the tire, at no cost, with no deduction for tread wear (as is the current industry practice). The consumer would have a period of 60 days from the date of notification or availability of replacement tires, whichever is later, to have the remedy work performed. This time-limitation provision is designed to encourage consumers to replace defective tires immediately instead of waiting until they are worn out before obtaining new tires.

Additionally, S. 355 precisely defines the administrative hearing procedure available to the manufacturer of a motor vehicle or item of motor vehicle equipment which has been declared by the Secretary to contain a defect or failure to comply. The procedure is designed to insure an expeditious consideration of the views and evidence of the manufacturer and other interested parties. Due to the nature of the potential risk to the public health and safety, it is imperative that this administrative proceeding not be delayed. Accordingly, the Secretary is vested with great discretion to control the proceedings.

Under the new procedure, if the Secretary determines that a defect or failure to comply exists, he immediately notifies the manufacturer of his determination and supplies a statement of his reasons and the basis for the findings. His determination, reasons and findings are published immediately in the Federal Register. Within 7 days after the manufacturer receives notification of the Secretary's determination, he may file a petition to initiate a proceeding to establish to the satisfaction of the Secretary that the motor vehicle or item of motor vehicle equipment does comply with a standard or does not contain a safety related defect or that the defect or failure to comply is *de minimis* in its impact on motor vehicle safety. The Secretary has 21 days within which to commence the proceeding.

A record of the proceeding shall be maintained. The proceeding shall be structured to proceed as expeditiously as possible while permitting the manufacturer and all interested parties to present their views. The Secretary shall afford participants a limited right to cross-examine experts on matters directly related to the issues of defect or failure to comply. However, the Secretary may establish such limitations on cross-examination as he deems necessary to assure fair and expeditious consideration of the contested issues. The Secretary must render his decision on the petition within 14 days of the conclusion of the proceeding. An opportunity for judicial review to the U.S. Court of Appeals for the District of Columbia is available to any person aggrieved by the decision at the proceeding.

In those cases where the risk to the public is obvious, S. 355 provides for a procedure whereby the Secretary can avoid the possibly time consuming procedures and act immediately to remove an obvious hazard by applying to a District Court for such temporary or permanent relief as may be necessary to protect the public.

Finally, the Committee has proposed to authorize appropriations of not to exceed $46,773,000 for the fiscal year ending June 30, 1974. The Administration has requested an open ended authorization in support of a request for appropriations of $35,630,000.

BACKGROUND AND NEED

*Repair at no cost*

Since the enactment of the National Traffic and Motor Vehicle Safety Act of 1966, over 36,000,000 motor vehicles have been recalled due to the presence of a safety related defect (including failures to comply with motor vehicle safety standards). The Motor Vehicle Safety Act currently empowers the Secretary of Transportation to declare that a safety related defect exists and to require that a notification be sent to the owners of the defective vehicles. But the Act does not require the manufacturer to remedy that defect at no cost to the consumer.

As the auto safety program in the Federal government matures, more and more vehicles are being recalled. Thus, in 1972, 12,000,000 cars were recalled—more than in any other single year. In fact, more vehicles were recalled last year than were built. Now that the nation has finally developed the capability of discovering defects in motor vehicles, we must do all in our power to insure that those defects are remedied; all of our efforts to locate safety related defects and warn consumers of their existence are wasted if the vehicle is not ultimately repaired. It must be as attractive and convenient as possible for a consumer to invest the energy and the effort to get his or her vehicle fixed. At stake is not only the welfare of the owner of the vehicle himself, but also other persons who might be injured as a result of the defect.

Our experience over the past six years demonstrated that owners of defective vehicles have a greater tendency to have their vehicles remedied if the the manufacturer absorbs the repair cost. Statistics compiled by the National Highway Safety Administration indicate that in recall situations where the manufacturer has absorbed defect repair costs, about 75% of those owners who received notification had the vehicle inspected, and repaired where necessary. On the other hand, in the Corvair heater recall, where the manufacturer refused to absorb the cost of remedy, only 7.6% responded to the warning.

Repair at no cost legislation is not new to the Senate. In 1969, the Senate adopted a proposal similar to S. 355. In the Conference Committee with the House, however, that provision was deleted in exchange for industry assurance that all safety related defects would be remedied at the manufacturer's expense whether or not such an obligation was mandated by legislation.

Generally, the automobile industry has honored that commitment. However, in the past 18 months, there have been two notable instances where that promise has been breached. In November, 1971, the National Highway Traffic Safety Administration declared that the heater on all 1960–68 Chevrolet Corvairs contained a safety related defect; the heater leaked poisonous fumes into the passenger compartment. The 680,000 owners of those cars were each asked to bear the cost of the repair—$150–$200 per vehicle—with no assurance the repair would last.

One year later, in November, 1972, the second breach occurred, this one involving a foreign manufacturer—Volkswagen of America. Approximately 3.7 million vehicles were involved. The windshield wiper system on all 1949–1969 Volkswagens was found to be defective in that a set screw loosend without warning, causing failure of the wiper system. Although Volkswagen sent notification letters to all known owners, the company only had the names of 220,000 of the 3.7 million owners. The manufacturer refused to absorb the remedy cost for even these vehicles.

This legislation is designed to insure that the consumer never again will be forced to pay for the repair of safety related defects. It codifies the right of the American consumer to have an automobile containing a safety related defect to be made safe by the manufacturer free of charge. The Committee believes that the requirement of remedy at no cost will also serve as an added inducement to consumers to put forth the time and effort to have an unsafe motor vehicle or item of motor vehicle equipment made safe.

*The authorization*

In recent years the Committee on Commerce has authorized on an annual basis a sum certain to be appropriated for the implementation of the National Traffic and Motor Vehicle Safety Act. As a result of continuous and thorough oversight activities by the Committee, sums not to exceed $46,773,000 have been proposed for authorization for the fiscal year ending June 30, 1974. This sum represents $11,710,000 more than the amount which the Office of Management and Budget requested for the National Highway and Traffic Safety Administration appropriation in fiscal 1974.

Even if all of these funds which the Committee proposes to authorize were appropriated, it would still represent a sum more than $10 million less than that which the National Highway Traffic Safety Administration requested from the Department of Transportation. The Committee has been informed that the NHTSA requested $58,198,000 from the Department for implementation of the National Traffic and Motor Vehicle Act. The Department requested only $50,612,000 from the Office of Management and Budget for the implementation of this Act. The OMB allowance amounted to only $35,063,000. Hence, the Committee's proposed authorization is a compromise between the amount which the Office of Management and Budget has concluded is necessary for implementation of the Act and that which the agency itself had requested. An analysis of the Committee's rationale for increasing the authorization above the amount requested for appropriation follows:

For the research and analysis functions under the Act, the NHTSA requested $40,730,000 for FY 1974 from the Department. The OMB allowance for these functions was $21,446,000. The Committee proposes to increase this amount by $9,750,000.

It is intended that $2,000,000 of this proposed increase be utilized for additional activities in the area of accident investigation and data analysis. Specifically, it is to enable the agency to commence several studies to ascertain the effect of motor vehicle safety standards on highway safety and to plot the future course of federal regulation in this area. The questions which need to be answered are as follows:

(1) Has each standard that has been promulgated by the NHTSA been cost beneficial?

(2) Does each standard accomplish the goal for which it was developed?

(3) Is there a need to amend any standard so that it more effectively achieves the goal for which it is intended?

(4) What standards must be promulgated in the next decade which will be both cost beneficial and will fulfill the mandate of the Motor Vehicle Safety Act?

The Committee believes that the answers to these questions must be ascertained for several reasons. First, the consumer should not be asked to pay for safety items which are not performing their mission. Second, if the consumer can be protected by the modification or addition of a motor vehicle safety standard at a cost which is commensurate with the degree of protection, then he is entitled to be so protected. Third, the manufacturers are entitled to notice of necessary design modifications which will be required in order to comply with future motor vehicle safety standards.

The Committee proposes to authorize five additional personnel and support for these new accident investigation and data analysis functions.

In the area of crash survivability, the Committee proposes to authorize an additional $4,490,000. Three million dollars of this amount is proposed to be utilized for additional passive restraint field testing. Currently, motor vehicles equipped with airbags have accumulated over 12 million miles on the highways with great success. The bags have proven to be both reliable and life saving. However, the current fleet of only 2,000 vehicles should be increased to insure the efficacy of the airbag. Accordingly, the additional $3 million is intended to be used by the NHTSA to equip General Services Administration vehicles with airbag systems.

In addition, the Committee proposes to authorize an additional $1 million for vehicle structures research. Many members of Congress are disturbed with the lethargy with which the Administration has pursued the area of school bus safety. It has only been within the last few months that the agency has proposed its first comprehensive standards relating to school buses. However, these pertain only to interior structures and much still needs to be done in this area. Standards have yet to be proposed relating to structural integrity, exhaust systems, fuel tank location, braking systems, and the like. Accordingly, the additional $1 million proposed for authorization for vehicle structure research is intended to be utilized in the school bus area.

Finally, the Committee proposes to authorize $100,000 for a study to determine the desirability of requiring lap belt systems in motor vehicles equipped with air bags. Motor Vehicle Safety Standard 215 which may require a passive restraint system, such as an airbag, in all motor vehicles manufactured after the Fall, 1975 does not call for the installation of such lap belts. The Committee believes that in the interest of public health and safety, a study to determine the wisdom of such a deletion is necessary.

Finally, the Committee proposes to authorize an additional 15 personnel and support for the functions outlined in the area of crash survivability.

In its request for appropriations, the NHTSA requested no funds for motor vehicle-in-use activities. This deletion was based on the rationale that all motor vehicle-in-use activities would be merged with the functions under the Motor Vehicle Information and Cost Savings Act. When the Committee authorized funds for this act last year, it did not intend the NHTSA to abandon all of its other motor vehicle-in-use functions. The agency has only recently proposed motor vehicle-in-use standards which were mandated by section 108(b)(1) of the Motor Vehicle Safety Act and which are now five years overdue. Accordingly, the Committee proposes to authorize $2 million for vehicle degradation studies and $1 million for additional work to establish the motor vehicle-in-use standards. Finally, the Committee proposes to provide five additional personnel for the motor vehicle-in-use function.

The NHTSA requested $11,576,000 for the Motor Vehicle Program for FY 1974. The Office of Management and Budget allowance for this function was only $8,138,000. The Committee proposes to increase this amount by $1,830,000. Specifically, the Committee proposes to authorize $600,000 for cost and lead time analysis activities. President Nixon's ad hoc committee on the "Cumulative Regulatory Effects on the Cost of Automotive Transportation" (RECAT) criticized the NHTSA for failure to undertake sufficient cost and lead time analysis. The RECAT committee said that:

"In particular, careful consideration of and, where possible, demonstration of technical feasibility and early adequate, cost benefit analysis performed *prior* to the publication of the notice of proposed rulemaking, rather than later, would serve to demonstrate to automobile manufacturers, the public and the regulators themselves that the proposed regulation was in fact likely to be both cost beneficial and practical."

Cost and lead time analysis is vitally important to the manufacturer so that he may plan in advance, changes in design and construction of motor vehicles in order to comply with motor vehicle safety standards. Although there is growing indication that the NHTSA needs greater access to manufacturer cost information, comprehensive cost and lead time analysis must be undertaken regularly to prevent delay in implementation of standards.

In last year's authorization, the Committee proposed that a contingency fund be available to the agency for defect investigation and standard enforcement work. The Committee has proposed again this year a contingency fund of $1 million. This fund would be utilized when additional work is needed to expedite a defects' investigation which may present a substantial threat to the motoring public or when demands upon the Office of Defect Investigations are too strenuous to effectuate all of the pending investigations. Inherent in the establishment of this contingency fund is the emphasis that the committee places on the need for the NHTSA to investigate and take appropriate action in any potential defect situation.

The Committee also proposes to authorize $100,000 for a study to determine the effectiveness of the defect investigation and standard enforcement activities of the NHTSA. In the last two years, there has been substantial criticism that the Office of Defect Investigations is not effectively utilizing its resources and information in conducting defect investigations. The proposed funds would be used to consult outside sources on the most effective approach to defect investigation and standard enforcement in the motor vehicle safety area. For the purposes of the increased activities in the area of defect investigation and standard enforcement, the Committee additionally proposes to authorize five new positions in the Motor Vehicle Program.

Finally, the Committee proposes to authorize five additional positions for the Office of the General Counsel. Under the repair-at-no-cost provisions of S. 355, burdens on this office may increase. The Office of the General Counsel is now severely understaffed and the addition of five attorneys would expedite legal matters within the agency.

Mr. MAGNUSON. I urge my colleagues to take favorable action on this important piece of consumer safety legislation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to promote traffic safety by providing that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner, and for other purposes."

## PERMISSION FOR IMMEDIATE RETIREMENT OF CERTAIN FEDERAL EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 145, H.R. 6077.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 6077, to permit immediate retirement of certain Federal employees.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof the text of S. 1804, Calendar No. 144, the companion Senate bill, as reported with committee amendments.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6077) was read the third time and passed.

The title was amended, so as to read: "A bill to permit immediate retirement of certain Federal employees, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill, S. 1804, be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask that the time be charged to the time of the next Senator to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged against the time allotted to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following letters, which were referred as indicated:

### Reports on Approval of Certain Loans by Rural Electrification Administration

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Minnkota Power Cooperative, of Grand Forks, N.D. (with accompanying papers). Referred to the Committee on Appropriations.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to South Mississippi Electric Power Association, of Hattiesburg, Miss. (with accompanying papers). Referred to the Committee on Appropriations.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Dairyland Power Cooperative, of LaCrosse, Wis. (with accompanying papers). Referred to the Committee on Appropriations.

### Proposed Legislation From Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act (with an accompanying paper). Referred to the Committee on Commerce.

### Proposed Contracts for Certain Research Projects

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Physixa International Co., San Leandro, Calif. (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Foster-Miller Associates, Inc., Waltham, Mass. (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

### Proposed Legislation From Administrative Office of the United States Courts

A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the appointment of legal assistants in the Courts of Appeals of the United States (with an accompanying paper). Referred to the Committee on the Judiciary.

A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the appointment of transcribers of official court reporters' transcripts in the United States District Courts, and for other purposes (with an accompanying paper). Referred to the Committee on the Judiciary.

### Reports of Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on third preference and sixth preference classification for certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

### Proposed Amendments to Certain Prospectuses for Public Building Projects

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, proposed amendments to certain prospectuses for public building projects (with accompanying papers). Referred to the Committee on Public Works.

### Proposed Prospectus Relating to Federal Center at Hyattsville, Md.

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to the proposed extension of the leasehold interest for Federal Center No. 1, at Hyattsville, Md. (with accompanying papers). Referred to the Committee on Public Works.

### Proposed Legislation From the Veterans' Administration

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide an earlier effective date for payment of pension to veterans (with an accompanying paper). Referred to the Committee on Veterans' Affairs.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

A resolution adopted by the County Legislature of the County of Monroe, N.Y., praying for the enactment of legislation to amend the Federal Internal Revenue Code. Referred to the Committee on Finance.

A resolution adopted by the Fifth Palau Legislature, Western Caroline Islands, praying for an expeditious settlement of the Micronesian War Claims. Referred to the Committee on Interior and Insular Affairs.

A resolution adopted by the Fifth Palau Legislature, Western Caroline Islands, praying for the enactment of legislation to reimburse that government for expenses incurred relating to war damage claims. Referred to the Committee on Interior and Insular Affairs.

A resolution adopted by the Upsala College, East Orange, N.J., relating to the independence of the Oglala Sioux Indian Nation. Referred to the Committee on Interior and Insular Affairs.

A resolution adopted by the Holy Name Society of the Church of the Little Flower, Coral Gables, Fla., praying for the enactment of legislation to amend the Constitution relating to abortion. Referred to the Committee on the Judiciary.

A resolution adopted by the Chamber of Commerce of Hawaii, praying for the enactment of legislation relating to shipping strikes. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by Commissioners' Courts of Runnels County, Tex., expressing gratitude for enactment of revenue sharing legislation. Ordered to lie on the table.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 1697. A bill to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California (Rept. No. 93–153).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 112. An original joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding (Rept. No. 93–154).

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services, without amendment:

S. 1773. A bill to amend section 7305 of title 10, United States Code, relating to the sale of vessels stricken from the Naval Vessel Register (Rept. No. 93–157).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 114. Resolution authorizing the printing of the annual report of the National Forest Reservation Commission (Rept. No. 93–155).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 116. Resolution to provide additional funds for the Committee on Appropriations (Rept. No. 93–156).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 1808. A bill to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes (Rept. No. 93–158).

## EXTENSION OF TIME FOR FILING MINORITY VIEWS ON S. 1570

Mr. FANNIN. Mr. President, I ask unanimous consent that the minority members of the Committee on Interior and Insular Affairs be given until midnight tomorrow to file their views on S. 1570, the fuel allocation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORITY TO FILE VIEWS ON SUPPLEMENTAL APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the Senator from Nebraska (Mr. Hruska), that he have until midnight Friday night to file dissenting views on the supplemental appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

James T. Clark, of Michigan, to be an Assistant Secretary of the Interior.

Mr. JACKSON. Mr. President, in submitting this report of the Committee on Interior and Insular Affairs on the nomination of James T. Clark, of Michigan, to be Assistant Secretary of the Interior for Management, I wish to state that this nominee has agreed and committed himself on record to appear and testify at such reasonable times as the Interior Committee or any other duly constituted Senate committee might request his presence.

Mr. SYMINGTON. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nomination of Maj. Gen. Daniel James, Jr., USAF, to be lieutenant general as Principal Deputy Assistant Secretary of Defense for Public Affairs; Vice Adm. John V. Smith, USN, Gen. Frank Thomas Mildren, USA, and Lt. Gen. Otto J. Glasser, USAF, to be placed on the retired list in those respective grades; to the promotion of Lt. Gen. William Eugene DePuy, USA, to be general as Commanding General, USA Training and Doctrine Command and Maj. Gens. Donn Royce Peke and Orwin C. Talbott, USA, to be lieutenant generals in connection with assignments at U.S. Army Training and Doctrine Command; Lt. Gen. Melvin Zais, USA, to be general as Commanding General, Allied Land Forces Southeastern Europe; Rear Adm. Merton D. Van Orden, USN, to be Chief of Naval Research in the Department of Navy for a term of 3 years; Maj. Gen. William J. Evans to be lieutenant general as Deputy Chief of Staff, Research and Development, Headquarters, USAF. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, in addition, there are 1,729 temporary promotions in the Army—1,708 to be lieutenant colonel and 21 to grade of captain; 4,2033 Regular and Reserve—both temporary and permanent—promotions in the Navy in grade of captain and below; 60 temporary appointments to colonel—2 are Reservists—in the Marine Corps; 1st Lt. William D. Rusinak for appointment in the Marine Corps to the grade of captain; 873 Air Force and Military Academy cadets to second lieutenant in the Air Force; and, 37 Air National Guard majors to lieutenant colonel in the Reserve of the Air Force. Since these names have already appeared in the Congressional Record, in order to save the expense of printing on the Executive Calendar I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ROBERT C. BYRD:

S. 1839. A bill to amend the Judiciary and Judicial Procedure Act of 1948. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. Tower, Mr. Randolph, Mr. Baker, Mr. Burdick, and Mr. Domenici):

S. 1840. A bill to provide for disaster assistance, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs; then to be referred to the Committee on Public Works, if and when reported by the Committee on Banking, Housing, and Urban Affairs, by unanimous consent.

By Mr. PASTORE (for himself, Mr. Cannon, Mr. Cook, and Mr. Beall):

S. 1841. A bill to amend the Communications Act of 1934 for one year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams. Referred to the Committee on Commerce.

By Mr. BELLMON:

S. 1842. A bill to amend the Social Security Act so as more effectively to assure that certain children, who have been abandoned by a parent, will receive the support and maintenance which such parent is legally required to provide, and otherwise to enforce the duty of parents to provide for the support and maintenance of their children. Referred to the Committee on Finance.

By Mr. HANSEN:

S. 1843. A bill to authorize the granting of mineral rights to certain homestead patentees who were wrongfully deprived of such rights. Referred to the Committee on Interior and Insular Affairs.

By Mr. ABOUREZK (for himself, Mr. Brock, Mr. Cook, Mr. Case, Mr. Gravel, Mr. McGovern, Mr. Fulbright, Mr. Cranston, Mr. Talmadge, Mr. Percy, Mr. Randolph, Mr. Hatfield, Mr. McGee, and Mr. Johnston):

S. 1844. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. BAYH:

S. 1845. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. McGOVERN (for himself, Mr. Curtis, and Mr. Abourezk):

S. 1846. A bill to amend the Small Business Act by adding at the end thereof a new title. Referred to the Committee on Banking, Housing and Urban Affairs; and

S. 1847. A bill to amend the Disaster Relief Act of 1970. Referred to the Committee on Public Works.

By Mr. STEVENSON:

S.J. Res. 111. A joint resolution to express the sense of Congress that a White House Conference on Amateur Athletics be called by the President of the United States. Referred to the Committee on Commerce.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 112. An original joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding. Placed on the calendar.

By Mr ABOUREZK (for himself, Mr. McGovern, Mr. Clark, and Mr. Hughes):

S.J. Res. 113. A joint resolution to direct the Interstate Commerce Commission to adopt a moratorium on railroad abandonments. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself and Mr. Javits):

S.J. Res. 114. A joint resolution to authorize and request the President to proclaim the week of May 20–26, 1973, as "Digestive Disease Week." Considered and passed.

(The text of the joint resolution and the debate relating to its passage are printed at a later point in the Record of today.)

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERT C. BYRD:

S. 1839. A bill amend the Judiciary and Judicial Procedure Act of 1948. Referred to the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, I am today introducing a bill that I believe could help to end one form of harassment used against policemen in the performance of their duties. The bill provides that any party bringing suit against a police officer of the United States, any State, county, or municipality be required to post a surety bond conditioned on the payment to the defendants of reasonable costs of investigation and legal fees for defending such action, should the defendants prevail.

Police officials have informed me that officers are sometimes intimidated by the prospect of being brought into court unfairly; and this feeling of intimidation, on occasion, has manifested itself in the actions of policemen who shy away from enforcing the letter of the law.

If acting properly, and within their jurisdiction, police officers should not be made to pay legal expenses out of their own pockets, as is the case in many situations today, when they as defendants prevail.

The bill I am introducing would save the officer from having to use his own savings to defend himself against an unjust charge.

By Mr. SPARKMAN (for himself, Mr. Tower, Mr. Randolph, Mr. Baker, Mr. Burdick, and Mr. Domenici):

S. 1840. A bill to provide for disaster assistance, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs; then to be referred to the Committee on Public Works, if and when reported by the

Committee on Banking, Housing and Urban Affairs, by unanimous consent.

Mr. SPARKMAN. Mr. President, I introduce for myself, Senators Tower, Randolph, Baker, Burdick and Domenici, a bill to provide for disaster assistance and other purposes. This measure is recommended by the administration and deals with several areas of disaster relief to States and local governments, small businesses, homeowners, and so on. The proposed legislation crosses the legislative jurisdiction of both the Committee on Banking, Housing and Urban Affairs and the Committee on Public Works.

Accordingly, Mr. President, under agreement with the distinguished chairman of the Public Works Committee, Mr. Randolph, I ask unanimous consent that the bill be referred first to the Committee on Banking, Housing and Urban Affairs, and after that committee has considered the provisions of the bill falling within its legislative prerogatives and reported, it be referred to the Public Works Committee so that committee may consider the provisions of the bill falling under its legislative jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I also ask unanimous consent that the message to Congress transmitting this proposal be printed in the Record at this point in my remarks.

There being no objection, the message was ordered to be printed in the Record, as follows:

*To the Congress of the United States*:

I am today submitting for the consideration of the Congress the Disaster Preparedness and Assistance Act of 1973. This legislation has resulted from a comprehensive review of all our disaster assistance activities as called for under Public Law 92–385, enacted last August.

A major objective of this bill is to consolidate the responsibility for disaster assistance, reducing the number of Federal agencies involved in these efforts, eliminating overlapping responsibilities and distributing benefits on a more equitable basis. Reorganization Plan No. 1 of 1973, in which the Congress has already concurred, provides the organizational structure for achieving this consolidation under the Secretary of Housing and Urban Developemnt. This new legislation would also do a great deal to strengthen the role of State and local governments and of private institutions in meeting this important challenge.

In addition, as its name clearly implies, this bill would place greater emphasis on protecting people and property against the effects of disasters before they occur. In this same connection, I would call once again for prompt enactment of the Flood Disaster Protection Act of 1973 which I submitted to the Congress several weeks ago.

The Disaster Preparedness and Assistance Act of 1973 represents a comprehensive new approach to a very crucial problem. To ease the transition to this new system, I propose that during its first year of operation a special Federal grant of $250,000 be provided to each State to help it increase its disaster preparedness and assistance capabilities.

Last year set a new record for the number of disasters which had to be formally declared by the President of the United States—48 in all. Already this year, spring floods and tornadoes have brought tragedy to many areas of our country.

While we cannot fully control the occurrence and the impact of disasters, we must do all we can to prepare for them, to prevent them, and to mitigate and remedy their effects. The legislation I am submitting today can help us do all these things more efficiently and more effectively and I strongly urge its prompt enactment.

Richard Nixon.

The White House, *May 8, 1973.*

### DISASTER PREPAREDNESS AND ASSISTANCE ACT OF 1973

Mr. DOMENICI. Mr. President, I am pleased to join as a cosponsor of the President's legislative recommendations for revision of the Federal disaster relief laws. Since the enactment of the Disaster Relief Act of 1970, Public Law 91–606, the country has suffered a number of severe storms including flash flooding in South Dakota, widespread flooding in the East following tropical storm Agnes—called the most extensive flood in the country's history by the National Oceanic and Atmospheric Administration—and culminating in recent flooding in the Mississippi River Basin. After only 2 years since passage of the basic disaster relief legislation—Public Law 91–606, we have experience to provide a basis for a complete review of current law.

As the ranking minority member of the Public Works Subcommittee on Disaster Relief, I have participated in field hearings regarding the adequacy and implementation of the basic, current disaster relief program. I believe these hearings have testified to the value of present law and Federal aid provided in meeting and alleviating emergency situations and in accelerating efforts toward full recovery. On the other hand, these hearings have suggested improvements in current law. Much of the criticism of current law was directed toward administrative problems associated with delay, confusion, and duplication dealing with many Federal departments and agencies, cumbersome procedures in preparing applications for categorical aid programs and administrative decisions of numerous Federal agencies.

The President's proposals are designed to allow the States and local communities maximum discretion in planning and carrying out long-range rehabilitation. In title VI, following the emergency, Federal block grants would be made available to the States on the basis of estimated damages in lieu of categorical aid. The Governor would be responsible for administration of the grant program.

Second, the President's recommendations would require that as a condition for Federal assistance, property owners in disaster-prone areas purchase flood insurance, where reasonably available, adequate, and necessary. In addition, no Federal assistance would be given in future disasters unless the insurance requirements continue to be complied with. I am convinced that Government-sponsored, subsidized disaster insurance is the best means of aiding disaster victims.

Of course, a disaster insurance program is only as effective as the availability and adequacy of insurance at reasonable rates. The National Flood Insurance program of the Department of Housing and Urban Development has had, to date, very disappointing results. While there are now more than 1,700 communities in the National Flood Insurance program, it is still less than half of the more than 5,000 flood-prone communities in the country, as estimated by the Army Corps of Engineers. While 175,000 persons have purchased close to $3 billion of flood insurance, these figures are a small proportion of the potential flood losses. For example, at the time of the Rapid City, S. Dak., flood only 29 residents had taken the opportunity to protect their homes and businesses. It is estimated damages following Tropical Storm Agnes approach $2 billion. Yet it is estimated only about 2 percent of actual losses were covered by flood insurance.

I am pleased that the President sent to the Congress the Flood Protection Act of 1973, which would expand the flood insurance program by substantially increasing limits of coverage and the total amount of insurance authorized to be outstanding and would provide incentives for known flood-prone communities to participate in the program. The measure would reduce insurance rates from 40 cents per hundred of coverage to 25 cents per hundred. It would increase authorized sales from $4 billion to $10 billion. It would increase subsidized coverage for single-family dwellings from $17,500 to $35,000 and the dwellings contents from $5,000 to $10,000. Subsidized coverage for non-residential structures would increase from $30,000 to $100,000 and the contents from $5,000 to $100,000. Additional coverage would become available at actuarial rates.

In addition to providing coverage against loss, the Flood Protection Act would promote sound flood plain management and land use control. Perhaps the most effective means of reducing long rum losses are the requirements—in both the proposed Disaster Relief Act of 1973 and the Flood Protection Act of 1973—that hazard mitigation measures such as landuse and construction standards be complied with in disaster prone areas.

A comprehensive salable system of federally subsidized insurance is needed if we are truly to move away from responding to disasters on ad hoc basis. I am pleased that the Federal Insurance Administration is studying the feasibility of expanding the flood insurance program to cover other types of disasters as well.

Mr. President, under current law Federal aid is available only after a major disaster declaration by the President. Prior to such declaration the Governor of the effected State must estimate damages and certify the need for Federal disaster assistance and give assurances of the expenditure of a reasonable amount of State funds. In most cases, the full extent of damages cannot be determined for days and the cost of recovery may not be accurately assessed for weeks. Estimates made immediately following a disaster must usually be necessarily based upon fragmentary and incomplete information.

The President's proposal would expedite Federal assistance in emergency situations, enabling the President to provide 100 percent Federal emergency assistance for life-saving, public health and safety with or without a major disaster declaration. If there is ever a time when the Federal Government should move swiftly and decisively, it is to alleviate the suffering, hardship, and threat to health and safety in the immediate aftermath of catastrophe.

Mr. President, because many major disasters strike without warning, assistance must be readily available for immediate relief. That is, predisaster preparedness is a major and crucial part of any type of comprehensive disaster program. Preparation and planning is important to the success of the program. Under current law, Federal assistance is available for preparedness planning on a 50 percent matching basis by the States, up to $250,000. In addition, grants are available on a 50 percent matching basis, up to $25,000 per year for improving, maintaining and updating state disaster assistance plans. Experience has shown that with the multitude of high priorities requirements on the States, many have not taken advantage of this matching program.

The Disaster Relief Act of 1973 would provide 100 percent funding up to $250,000 to each State for 1 year to encourage them to create disaster assistance programs and agencies. The Congress will have the opportunity to review the extent of Federal assistance necessary to give incentive to the States to develop disaster preparedness programs. If the States are to take more responsibility in disaster relief, it is essential they have the ability to develop an effective program.

The Disaster Relief Act of 1973 would also strengthen the disaster warning system. Present law permits only the use of the Federal civil defense communications system. The proposed bill would authorize contracts with private or commercial systems as well—section 702.

The President's proposal would also provide new assistance for needy families—up to $3,000 per low-income family. Title V would authorize Federal grants based on the number of low-income families in the disaster area as estimated by the State. Eligibility of, and actual amount given to, each needy family would be determined by State criteria. Other individual benefits include unemployment assistance—section 601—federally funded but State administered; legal services provided in cooperation with State and local bar associations—section 208; temporary housing—section 601—federally funded and State administered; and food stamps—section 601.

Mr. President, as I have explained, the administration bill includes several constructive changes and, of course, other modifications about which there may be differences of view. I am pleased to cosponsor the President's proposal and look forward to a full review of our disaster relief program and the development of a still better program. The Federal disaster relief program is of great importance and interest to communities and families in every State.

By Mr. PASTORE (for himself, Mr. CANNON, Mr. COOK, and Mr. BEALL):

S. 1841. A bill to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams. Referred to the Committee on Commerce.

Mr. PASTORE. Mr. President, on behalf of Senator CANNON, Senator COOK, Senator BEALL, and myself I introduce a proposal which would, in effect, prohibit any television broadcast licensee, cable television system, or network television broadcast organization from carrying out any contract or arrangement whereby the station, network or system is prevented from broadcasting or carrying the home games of any professional football, baseball, basketball or hockey team when tickets for admission to such game are no longer available for purchase by the general public 48 hours or more before the scheduled beginning time of such game.

The proposal would terminate after 1 year following its date of enactment.

The Commerce Committee held 3 days of extensive hearings on similar legislation last October.

At the committee's urging, Commissioner Rozelle of the National Football League, announced on October 12 that the National Football League would televise the Super Bowl game in Los Angeles, site of the game, if all tickets were sold by 10 days prior to its playing on January 14, 1973. He also said that the NFL would assemble the facts concerning the legal conflicts of stadium leases, stadium contracts with outside parties, radio and television contracts as well as practical considerations involved in altering its policy of not televising regular season games commercially. The result was to be submitted to the committee.

On May 3, 1973 Commissioner Rozelle met with me and submitted the NFL study he had promised in the previous October.

At the May 3 meeting he offered to lift the TV blackout for Super Bowl 1973, and to work out with the club owners an experiment for the last five home games of the New York Giants whereby the blackout would be lifted in the New Haven-Hartford, Conn., area.

I told him that as far as I was concerned this was not a meaningful experiment, and it was therefore unacceptable. I said I was going to report to the committee and if it agreed I would recommend 1 year trial legislation.

Mr. President, I reported to the committee, and recommended that trial legislation be introduced. The committee expressed the hope that the National Football League would reconsider and come back to the committee with a more meaningful experiment for the coming season.

The study which the NFL submitted indicated that some of its clubs have stadium leases and concessionaire contracts which will be affected by the legislation.

In view of the extensive hearings held just last year I do not believe it necessary to go over the same ground again.

The committee may, however, hold some hearings so that the municipalities which lease stadiums to NFL clubs may express their views as to the desirability of lifting the local TV ban when a game is sold out.

---

By Mr. BELLMON:

S. 1842. A bill to amend the Social Security Act so as more effectively to assure that certain children, who have been abandoned by a parent, will receive the support and maintenance which such parent is legally required to provide, and otherwise to enforce the duty of parents to provide for the support and maintenance of their children. Referred to the Committee on Finance.

### FEDERAL CHILD SUPPORT SECURITY ACT

Mr. BELLMON. Mr. President, I am today reintroducing the Federal Child Support Security Act, a bill to amend the Social Security Act to assure that certain children, who have been abandoned by a parent, will receive the support and maintenance which such parent is legally required to provide.

One of the major weaknesses of present divorce laws is that it is quite easy for a parent, usually a father, to avoid his court-imposed duty of child support. Often he can do this simply by moving to another State. In some instances a further minor step might be required such as getting an unlisted telephone number.

When this happens, the full burden of supporting the children falls upon the mother. She is forced to find a job and possibly neglect her maternal duties. Many women go on welfare, and thus become a burden on society.

All the while, the father escapes his responsibility.

Clearly the system needs to be changed to avoid further abuses of this kind.

Mr. President, we have in our society "tax dodgers" and "draft dodgers," but in my opinion the most reprehensible "dodger" of any kind is the parent who dodges his duty to support his children.

What happens when a father refuses to make the child support payments ordered by a court? What alternatives are available to the mother in such a situation?

In the simplest kind of circumstance, if both parents live in the same State, the mother has various State remedies open to her. Since the father comes under jurisdiction of the State courts, a binding court order can be applied against him. The State attorney general's office also can be helpful.

But all too often this is not the case. Frequently, if a father wants to get out of paying child support, he simply moves to another State. The costs of collecting from the runaway father may well exceed the amount of the actual payments.

Most States have reciprocity laws to help enforce alimony and child support decrees. However, in order to enforce these laws, it is necessary that the mother know the address of the father, so that papers can be served. Finding out this information can be both difficult and expensive.

In most cases, the mother does not

have the money necessary to hire a private investigator to track down the father, who may be living thousands of miles away. Even if she does, and is determined to go through all the trouble involved, it is both emotionally disturbing to the family and economically counter productive to go through the same lengthy procedures each time a payment is missed, which is often once a month.

There are special procedures for those mothers forced to go on welfare, or to remain on welfare when the father leaves the home. Present laws require that State welfare agencies establish a separate, identified unit whose purpose is to secure support for children from deserting parents, utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support. Also, the State welfare agencies are required to enter into cooperative arrangements with the courts and with law enforcement officials to carry out this program. Access is authorized in some instances to both social security and Internal Revenue Service orders to locate the deserting parents.

However, to quote from the Senate Report to H.R. 1 last fall, "the effectiveness of the provisions of present law has varied widely among the States." Even with this assistance, the major problem is locating the father, as very few agencies have the funds or the personnel necessary to do the job successfully.

Speaking in Oklahoma City in 1971 at the 20th annual National Conference on Uniform Reciprocal Enforcement of Support, Judge Raymond R. Niemer, senior family court judge of Erie County in Buffalo, N.Y., said courts need additional help in locating parents who do not pay. He said States are working together as well as they can in finding fathers who flee to another State and making them pay, but he said extradition would not solve the problem.

Quoting Judge Niemer:

> If he has gone somewhere to get a job it would serve no purpose to uproot him just to bring him back.

As a result of these conditions, the head of the abandoned family—usually a mother—finds it difficult or even impossible to obtain the income required to provide the care which children need. In many cases, this means that children of broken homes live in want and squalor. It also means that in countless thousands of cases the mothers of these children turn to the Federal welfare programs for survival. This is one reason we have seen the costs of the aid to families with dependent children program rise astronomically from $1.02 billion in 1960 to more than $4.8 billion in 1972. The trend continues sharply upward.

Judge Niemer, like many of his legal colleagues, believes additional legislation is needed to make it possible to obtain the money for child support from those who are legally responsible. He said:

> What we need to do is to coordinate into a country-wide law so that borders will be merely lines on a map.

Mr. President, the legislation I am proposing would accomplish that purpose. It will create the authority and the legal mechanism to bring order out of the chaotic, costly and destabilizing child support conditions which exist today.

This bill establishes the Federal child support security fund. It provides that court established child support payments may be made from the fund. Such payments become an obligation of the responsible parent to the Federal Government, and could be withheld from his salary the same as social security taxes are withheld at the present time. The bill also provides the Secretary of Health, Education, and Welfare with the necessary authority to collect from responsible parents the amount of child support paid in behalf of the parent. In this regard, the bill provides for the release of necessary information by any department or agency to enable the Attorney General to take necessary action to recover child support payments made in behalf of responsible parents.

Mr. President, this bill is identical to S. 2669 of the 92d Congress. Some of that bill's provisions were included in the welfare section of H.R. 1, as a means of reducing the cost of the AFDC program. However, since the entire welfare section was later dropped from H.R. 1, none of these provisions have become law.

After it was introduced, S. 2669 received wide publicity and a great many mothers who have suffered injustice under the present system wrote letters and petitions endorsing and supporting the bill. I ask unanimous consent that a representative sample of this mail be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

### REPRESENTATIVE SAMPLE

I am writing you as a last resort, and hopefully to furnish an example for the Senate Bill you have introduced to obligate the father of minor children to provide support. I have followed the advice of Governor Hall's office, the Welfare Department, and Tulsa District Attorney's office to get my husband to pay his obligation instead of the State Welfare Department, but I can't afford to hire private investigators.

On May 1, 1969, I was divorced from my husband in Tulsa County, Oklahoma. He was ordered to pay child support for our 3 children, who are now 6, 8, and 10. I haven't received a penny from him yet. He was also ordered to pay my attorney $300.00 in fees.

I learned he was on probation before in Oklahoma for failing to provide. He was then, May 1, 1969, remarried, and I guess he is still married. They were living in East Tulsa County, but managed to sell her house and property and moved out of state to avoid paying child support.

I was billed for the attorney fees which I was unable to pay. I had to pay the gas company $48.00 in January, 1972, for a gas bill he didn't pay in 1965 when we were married.

I started drawing A.D.C. for my 3 children and still am.

The Welfare office and D.A.'s office told me I had to have his address before I could do anything. I learned he had been employed for Tri-State Trucking Company in Joplin, Missouri. I got his address by calling long-distance information, in Neosho, Missouri.

I went to the Tulsa District Attorney's office in December 1971, and went back regularly after that on the date they told me to.

On May 8, 1972, the lady in the District Attorney's office told me my husband had moved to somewhere else in Joplin, Missouri. The District Attorney's office said they would have to close their file until I could furnish them with his new address in Joplin, Missouri, as it is in a different county. He still works for Tri-State Trucking Company.

I called Joplin information and they told me the street he lives on but they can't give me his address because he has a unlisted number. I can't understand why he only has to cross a state or county line and get an unlisted phone number.

---

I'd like to add my support to your Federal Child Support Security Bill. I'm one of the many women raising a child alone. My daughter is five and her father, a resident of another state, did not want a child and has never supported her. Fortunately, my secretarial position provides a steady income and we won't starve by any means, but support would enable planning ahead for an education, as well as providing the ever-increasing, ever more costly, daily needs of a growing girl.

---

I would like to call your attention to some things in regard to welfare recipients. Several years ago I was on A.D.C. This would have been entirely unnecessary had legal action been taken to force my previous husband to pay the child support my children were granted in court. This would have paid the necessary baby sitter and the amount of money I made working, even though small, would have been enough for us to live. He lived in Texas, however, and the reciprocal action was impossible even though I signed three separate papers to authorize his arrest. Fortunately I received sheet metal training through Cessna Aircraft and was able to make enough money to support my family and pay a baby sitter too. Cessna paid women the same as men. However, many women in the same shape I was in, quit their jobs and went back on Welfare as they lived as well without working and were home with their children. I am now married to a Policeman and we don't have as much money as when I was on Welfare. My husband is seriously thinking of going back to truck driving. In addition to drawing welfare payments, many women took in ironing and did babysitting and came out with quite an income.

---

I'm writing in favor of your Welfare Change Plan.

I am 16, and have 2 younger sisters and a brother. Our father left us in 1959, and hasn't contributed any help whatsoever in our favor. Even before that he didn't support us.

Our mother was sick and couldn't work, so Welfare has helped us. She's doing a lot better now. She's been trained, but can't find any kind of work other than domestic work, so we are still on Welfare.

I feel that our father should have some responsibility to not only our family, but to his several other families as well, forced or otherwise.

My family and I all agree strongly with this plan. I sincerely hope to see it put to work, because I don't like the idea of having other people support me through life when they have families of their own to support.

---

This morning I read of your proposal to establish a "federal child support security fund." I, and I am sure many other divorced mothers, applaud you for this action. There are so many of us in the same position—we work to support our children, but wages for women are not sufficient to afford our children with most of the necessities of life.

For myself and my children, I cannot in all conscience sit back and live on welfare. I am capable of working and enjoy it. I do not make enough to hire an attorney to track down the father of my children and institute action against him. On the other hand, I make too much to qualify for legal aid to start proceedings.

The legislation which you have introduced, if passed, will mean that my children and many others like them will have a fair chance—which they deserve.

---

I am one of the many women that doesn't get child support from my ex-husband and it isn't easy for a woman to support four children.

There are many women in Oklahoma with the same problem. The lawyers can't do anything without money. The state can't pick them up unless we know where to tell them the fathers are.

The only way we can find out is if we are drawing welfare. The welfare department will find out where they are and make them pay payments but still they aren't having any luck either.

We can't live on $192.00 per month—this is allowed for a mother of four children on welfare, so I work—six days a week as a cashier and reservationist.

I think this is the best solution to all the problems of women who are left alone to raise children with no help from the father.

The children don't have a chance to participate in activities, clubs, church and social life as the children with both a mother and father.

It costs $27.00 a month to feed three children on school lunches.

The women have to carry all the responsibilities and it is rough. We have to see that they have food, clothing, shelter and love. Believe you me it is hard working and having time to take individual time for each of them.

Well, I've had my say, Mr. Bellmon, and again I don't know where, who or how you got the idea to have this bill introduced but I will say you are on my good list. I know there are many, many women in the state of Oklahoma who feel the same as I do.

---

I want to congratulate you on your efforts to make a federal crime of the abandonment of children by fathers who are fully capable of supporting them.

I have practiced law forty years in Oklahoma City and one of the tragedies has been the complete failure of the law profession under the present setup to make fathers support their children in these divorce cases. The moral blindness of people as to the severe criminality in a healthy, able-bodied father of four or five little children going off and abandoning them. The average District Attorney in Oklahoma rants and raves about burglary and car stealing, which in my opinion are insignificant crimes compared to that of abandoning little children. As a result, when you send some little mother over to see the District Attorney, he either will not do anything or tell them to go back to their lawyer and the lawyer ought to get a contempt citation against the father and make him support his children. The lawyer has heavy overhead today to keep his office open and this mother hasn't any money to pay the fee, she has no money to pay the sheriff to go bring him back from California, Kansas or some other state and the result is nothing is done.

We have a standard reciprocity law which most of the states subscribe to where your local District Attorney can send a case to the county where the man is located in some foreign state and that District Attorney is supposed to bring him down before the Judge and either jail him or make him pay. However, my experience with that law is that it is a total failure and just doesn't work.

The federal government will return some kid who stole some old $400 jalopy car and crossed the state line under the Dyer Act. Under the Mann Act, they'll return some boy who took some questionable woman across the state line, but a father who abandons a bunch of hungry kids is allowed to go scott free.

I certainly wish you all the success in the world in this endeavor, and it will save the taxpayers a lot of money, as this Aid to Dependent Children is getting to be a terrific cost to the state and federal government.

---

I received your recent letter and would like to say that I'm glad to see something being done toward the Child Support situation. I hope this will benefit everyone and not just those on welfare. You see I don't believe in people getting welfare when they are able and capable of working. I want to make my own way and take care of my own children but I also feel that a father who is working, making good money should also be made to live up to the court order and provide the child support he agreed to and was ordered to pay.

Under the "Uniform Reciprocal Support Act" I have been unable to get anything done. He pays just when he feels like it and that's getting to be less and less. I have the distinct impression from the District Attorney's office that if I were on welfare I would accomplish more. I think this is terrible that a taxpayer cannot get the cooperation through the laws that someone who is on welfare and drawing my money can.

Can you please tell me where I can get a copy of the Uniform Reciprocal Support Act and if there is any way I might be able to collect through the Texas laws since he is there and is employed. From what I've been told it appears anyone can run to Texas and get out of paying anything they owe. If this is the case it is a sad state that our laws are in. A law is not a law if it doesn't have teeth.

Thank you for any information you can give me and for your introducing this bill on the Federal Child Support Security Act.

---

This letter is to advise you of my support along with many other women I know in the same position of the Federal Child Support Security Act.

I was divorced in 1967 and left with four children, two of which are now grown, left home and self supporting. Out of the four years I have been divorced I have received child support payments only eight months. I work to try and support my two remaining children and at one time I worked two jobs until it was too much both mentally and physically. It is all I can do to keep things going financially and I like many others could use this help. The children's father's whereabouts is unknown at this time. Of course many mothers in my position do not have the money to hire an attorney to help them. To me this plan sounds like a very good one.

---

I wholeheartedly agree with the Child Support Bill you have introduced; if this passes it will be the answer to all my prayers.

I am the mother of two children, and haven't received any support at all this year—even taking every possible action that I know of. The D.A., the Grand Jury . . . but still no results. I just hope and pray that it will be okayed.

---

I've been hearing and reading about the impending law to make missed child support payments a debt of the father to the Federal Government. I applaud this legislation, as a divorced mother who has never received a cent from an irresponsible father. I worked all last year and saved money like a "Scrooge" to put myself through college, and my daughter and I are forced to live with my parents, who are lovely people, but it doesn't make the situation any better, because I have too much money to get on welfare. What a deplorable system!

---

I was so happy to read the article published in the Daily Oklahoman regarding Child Support payments.

My ex-husband is three years behind on payments. We have a 15–16 and 17 year old. It has been quite a struggle to make the living, but by the grace of God we have made it. They are so wonderful to help themselves and all are honor students. Things look a bit serious now, as they have cut my hours at the Post Office. I work two hours a day at the Post Office, then about three hours at a cafe and then a beautician the rest of the day and part of the night, with the full realization that I am a mother twenty-four hours a day.

Any assistance will help and I do hope it passes. I have tried to find my husband and I have signed and agreed to sign anything to force him to pay and I seem to get the run-around everywhere I go. I have tried to get something done through the County officials and have caught them in several lies, so I have given up there. I knew he was living in the City, but driving a truck in and out and I called them one time and told them exactly where they could have him picked up and nothing was done. I checked with Oklahoma City and a warrant was never sent to them for his arrest.

I paid an Oklahoma City attorney $225 as a retainer and he never did do anything except send me about five letters saying I would have to give him more information, which didn't make sense because they had his correct address and he is too big a lawyer for that.

I have heard recently that my husband is mixed up completely in the Mafia rackets or something. One of his greatest faults was gambling and it sounds logical. He has made no contact to see his three children and has sent less than $300 since he left seven years ago.

I could leave well enough alone except for the fact when you are trying to help young ones to be responsible adults and their parents show this kind of example, I just can't see it. I have tried to keep hate out of it and feel I have succeeded there. Where can I go from here—I do really appreciate you putting out the effort to revise some of these situation. I know it will help many.

I would like to commend you on your attempt to pass the Federal Child Support Security Act. It is a pity that it has taken so long for a bill such as this to be introduced.

Few people realize how many "neglected children" there are in this world simply because their fathers refuse to support them.

My ex-husband is a professional man earning in excess of $1500 per month, yet the court awarded me a mere $150 per month for the support of two children. There is now an accumulated arrearage of more than $2500. As I live in Arkansas and he lives in Minnesota, I have been unable to force him to pay even through the Department of Court Services. I have too much pride to ask for welfare assistance and have often worked two jobs to take care of our needs.

Please Senator Bellmon, for the sake of millions of children, don't give up your fight. Children should not be made to suffer for the vengeful acts of their parents.

---

I was gratified to read in today's Daily Oklahoman that you are proposing a bill which would enable enforcement of child support by Social Security Administration.

My former husband is an Italian citizen and has been living in Lexington, Kentucky since 1966. I met and married him there and we have one son. Our marriage faltered in 1968 and I was forced to return to my home, Oklahoma City. Since that time, he has not contributed to the support of our son. I was granted child support from the Fayette County Court, Lexington, after our separation, and again from the Oklahoma County Court following a divorce which I obtained through publication in December, 1970. However, I have not been able to enforce either ruling because I do not have his precise address. Furthermore, his work carries him out of town a great deal, adding another complication to having him served with the necessary papers. I have written to the immigrations authorities in Cincinnati, Ohio, under whose jurisdiction he lives. However, their reply was that they could not intervene because this was a "civil" matter.

I have a good job as a secretary, but it has been a continual struggle for me to support our son. With the current wage freeze and without the financial assistance from my husband, our future looks bleak, at best I have always felt that I should accept my responsibilities and have done so to the best of my ability without seeking public assistance. However, I feel that my husband should accept his share of the responsibility in raising our son. I have never sought alimony, although his income could easily accommodate both alimony and child support.

I would like to thank you for a well thought out approach to this problem, and for your interest. I don't know why someone hasn't thought of this as a solution before now. I am afraid that it is almost too good to be true. It seems that so many well conceived ideas meet with defeat. I only hope that you are able to convince the necessary people of the merit of your idea and I am with you all the way.

---

I was reading your article on the Child Support Bill. I have just recently gone through a divorce and my ex-husband was to send child support for our three children. The first month and a half he did pretty fair but since the last of August I have received nothing.

It is hard trying to furnish the children the things they need on just what I make, and really it is not right by law or state that a mother as it is in my case have the complete support. The father has a responsibility to his children also.

In my case it was a one sided divorce. This was what my husband wanted and this is what he got.

Our divorce was granted in Missouri and since then the children and I have come back to Oklahoma, which is our home and a Great State if I may say so.

I hope for others that this bill passes because it is not easy to meet expenses. If others have had as much trouble as I have getting by, I wish you the best in obtaining this. If I can do anything to help on this bill I will try. Good luck.

---

I am writing to inquire about a bill that I was told you were working on. This bill concerns child support. I think the bill is supposed to enable the Federal Government to subtract the child support from the father's Social Security, so the mother would receive it regularly.

I would like very much to have a copy of this bill, if it exists. I think it is a very worthwhile subject, and I don't think enough people realize the difficulty a mother has in trying to collect this money.

In my own case for example: I was divorced in January of 1971 and since then the father has paid $120 in child support. He is supposed to pay $60 per month. I finally decided to try and do something about it, but it isn't very easy. A private lawyer could probably help me, in fact I talked to one, but it would cost a small fortune, that if the father didn't pay, I would have to, and with raising a small child I don't need any more expenses than I have to have. I went to the District Attorney's office, but I needed an address of where he was and where he had just recently worked (which I didn't find out about till after he had already quit). They mailed him a letter in care of that address, and now we have to wait 30 days; at that time, I will have to have a definite address and they will not help me in any way to get one. Neither will they talk to me on the phone, I either write, which takes time, or I take off from work and go in person, which costs my wages.

Anyway, this is just a few of the problems a mother encounters when trying to collect child support from an irresponsible father and I think that anything that could be done about this would be terrific. Please feel free to use this letter in any way you wish, and I will expect a copy of the bill as soon as it is convenient for you.

If you need any petitions to be signed, please feel free to send me one.

---

Mr. BELLMON. Mr. President, these are the most eloquent arguments that could be made in behalf of this bill. These women have pursued every avenue now open to them in an effort to get the child-support money to which they are legally entitled, without success. As a result, many feel disgraced to be forced to live on welfare.

Others are holding down two and three jobs in an effort to stay off welfare, and their children are suffering as a result. They badly need the help of Congress in working out a system to get them the money they have been granted without going through the costly, emotionally destabilizing, intricate legal procedures which are now their only recourse, and which so frequently end in failure.

This bill would shift the burden of supporting dependent children from the Federal Treasury to the responsible parents. It would help to stabilize the income of these families. It would relieve the emotional stress faced by these families and perhaps help prevent the breakup of so many families.

We have laws against "tax dodgers." We have laws against "draft dodgers." It is time we had a law against "child-support dodgers."

Congress will do a great service not only to the families of broken homes but to the taxpayers of the country by approving the legislation needed to make certain that runaway fathers meet their family obligations.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1842

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Child Support Security Act of 1971".

SEC. 2. The Social Security Act is amended by adding after title XIX thereof the following new title:

### "TITLE XX—ENFORCEMENT OF PARENT DUTY TO PROVIDE CHILD SUPPORT

#### "FINDINGS AND DECLARATION OF PURPOSE

"SEC. 2001. (a) The Congress finds and declares that—

"(1) in numerous cases children, who have been abandoned by a parent, are not receiving from such parent the support and maintenance to which they are legally entitled; and

"(2) the failure of parents of such children to carry out their duty of child support and maintenance frequently results either (A) in a lack of proper care of such children, or (B) the imposition of an unfair and unnecessary burden on the taxpayers who, because of such failure, are obliged through welfare programs to provide for the support and maintenance of such children.

"(b) It is, therefore, the purpose of this title further to assure that parents who have abandoned their children will be required to carry out their obligations for child support and maintenance, and that such children will receive the parental support and maintenance to which they are entitled.

#### "PART A—COLLECTION AND DISSEMINATION OF INFORMATION TO ASSIST IN LOCATING CERTAIN PARENTS

#### "PROVISION OF INFORMATION BY SECRETARY

"SEC. 2010. (a) Upon request, filed in accordance with subsection (c) of any authorized person (as defined in subsection (b)) for the most recent address and place of employment of any individual, the Secretary shall, nothwithstanding any other provision of law, provide such information to such person, if—

"(1) the Secretary (on the basis of the information supplied in, or in connection with, such request and any other information which is brought to his attention) is reasonably satisfied that such information is sought in connection with the enforcement against such individual of the legal duty of such individual to provide for the support and maintenance of a child or children of such individual; and

"(2) such information—

"(A) is contained in any files or records maintained by the Department of Health, Education, and Welfare; or

"(B) is not contained in any such files or records, but can be obtained by the Secretary, under the authority conferred by section 2011, from any other department, agency, or instrumentality of the United States or of any State.

"(b) As used in subsection (a), the term 'authorized person' means—

"(1) the child of the individual with respect to whom the information referred to in subsection (a) is requested, if—

"(A) there has been issued, by a court of competent jurisdiction, a court order against such individual for the support and maintenance of such child; or

"(B) such child is a qualified, approved applicant for, or recipient of, financial assistance under any welfare program which (i) is administered by any State (or political subdivision thereof) and (ii) is designed to provide for or assist in the provision of support and maintenance of children in destitute or necessitous circumstances; and

"(2) the parent, guardian, attorney, or agent of a child described in clause (1), or a public welfare agency providing financial or other assistance to such child because of such child's destitute or necessitous circumstances; or

"(3) the court which issued, with respect to such child, a court order described in clause (1)(A), or any agent of such court.

"(c) A request under this section shall be filed in such manner and form as the Secretary shall by regulations prescribe and shall be accompanied or supported by such documents as the Secretary may determine to be necessary to enable h mito make the findings prescribed in subsection (a)(1).

#### "SECURING OF INFORMATION FROM OTHER DEPARTMENTS AND AGENCIES

"SEC. 2011. (a) Whenever the Secretary receives a request submitted under section 2010 which he is reasonably satisfied meets the criteria established by section 2010(a)(1), he shall promptly cause a search to be made of the files and records maintained by the Department of Health, Education, and Welfare with a view to determining whether the information sought in such request is contained in any such files or records.

"(b) If the search referred to in subsection (a) does not produce the information sought, the Secretary shall forthwith request such information of the head of any other department, agency, or instrumentality of the United States or of any State, if he determines that there is a reasonable probability that such information is contained in the files and records maintained by such department, agency, or instrumentality.

"(c) Notwithstanding any other provision of law, whenever the head of any department, agency, or instrumentality of the United States receives a request for information from the Secretary pursuant to subsection (b), the head of such department, agency, or instrumentality shall promptly cause a search to be made of the files and records maintained by such department, agency, or instrumentality with a view to determining whether the information sought is contained in any such files or records. The head of such department, agency, or instrumentality shall, if such search discloses the information sought, immediately transmit such information to the Secretary, and, if such search fails to disclose the information sought, immediately notify the Secretary of that fact.

### "Part B—Payments by Secretary for Support and Maintenance of Certain Children

### "ESTABLISHMENT OF REVOLVING FUND

"Sec. 2020. (a) There is hereby established in the Treasury a revolving fund to be known as the Federal Child Support Security Fund (hereinafter in this part referred to as the 'security fund'), which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, to enable him to make the child support payments authorized by this part.

"(b) To the extent authorized from time to time in appropriation Acts, there shall be deposited in the security fund amounts recovered, under section 2025, from parents of the children who receive child support payments under this part.

"(c) There is authorized to be appropriated to the security fund an initial sum of $75,000,000, and thereafter such sums as may be necessary to enable the Secretary to make therefrom the child support payments authorized by this part.

### "CHILD SUPPORT PAYMENTS

"Sec. 2021. (a) From the moneys available in the security fund, the Secretary shall, in accordance with this part, make child support payments to any child who is entitled to such payments under this section.

"(b) A child shall be entitled to child support payments under this part, if—

"(1) application for such payments has been filed (in such form, manner, and containing such information as the Secretary may require); and

"(2) the Secretary is reasonably satisfied (from the information contained in or supplied in support of such application and any other information that is brought to his attention) that—

"(A) a parent of such child is, and has been for a period of not less than 6 months immediately preceding the date the application is filed, absent from the State in which such child resides;

"(B) not later than 4 months prior to the date the application is filed there has been issued, by a court of competent jurisdiction in the State in which such child resides, against such parent a court order under which such parent is ordered to make periodic financial contributions for the support and maintenance of such child; and

"(C) such child has not, for a period of not less than 3 months immediately prior to the date the application is filed, received any periodic financial contribution from such parent as required under such court order.

"(c) Any child who is entitled to child support payments under this part shall be paid such payments on a monthly basis, beginning with the month in which application for such payments is filed, or, if later, the month in which the Secretary determines that such child is entitled to such payments.

"(d) (1) The amount of the child support payments payable under this part to any child entitled thereto shall, subject to paragraph (2), be equal to the amount of the monthly periodic financial contributions that the parent of such child has been ordered to make, under the court order referred to in subsection (b) (2), for the support and maintenance of such child, or, if less, $150. If the periodic financial contributions that such a parent has been so ordered to make are payable on other than a monthly basis, the provisions of the preceding sentence shall be applied so as to reflect, as nearly as possible, an amount which is equivalent to that which would be produced if such periodic financial contributions were payable on a monthly basis.

"(2) If for any month for which a child is entitled to child support payments under this part, the parent of such child, against whom the court order (referred to in subsection (b) (2)) for support and maintenance of such child is issued, makes any financial contribution toward the support and maintenance of such child (whether or not such contribution is made in compliance or partial compliance with such order), the amount of the child support payments payable to such child for such month shall be reduced (but not below zero) by the amount of such financial contribution.

"(e) No child shall be entitled, on the basis of any application for child support payments under this part, to be paid such payments for any month after the third consecutive month with respect to which the amount of the child has been reduced, pursuant to subsection (d) (2) to zero. Nothing in the preceding sentence shall be constructed to preclude any child whose entitlement to child support payments on the basis of any application has been terminated pursuant to such sentence from thereafter applying for and again becoming entitled to such payments on the basis of a new application therefor.

"(f) Any application for child support payments under this part for any child may be filed by such child, by the parent, guardian, attorney or agent of such child, or by any public welfare agency which is providing financial or other assistance to such child because of such child's destitute or necessitous circumstances.

"(g) Whenever the Secretary finds that more or less than the correct amount of child support payments has been paid with respect to any child, proper adjustment shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments to such child. The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of child support payments with respect to any child with a view to avoiding penalizing such child who was without fault, and whose parent, attorney, or agent was without fault, in connection with the overpayment, if adjustment on account of such overpayment in such case would defeat the purposes of this part, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this part.

### "HEARINGS AND REVIEW, AND PROCEDURES

"Sec. 2022. (a) (1) The Secretary shall provide reasonable notice and opportunity for a hearing to any child who is or claims to be eligible for child support payments under this part and is in disagreement with any determination under this part with respect to his eligiblity for payments, or the amount of such payments, if such child requests a hearing on the matter in disagreement within thirty days after notice of such determination is received.

"(2) Determination on the basis of such hearing shall be made within thirty days after the individual requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determinations under section 205; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court.

"(b) (1) The provisions of section 207 and subsections (a), (d) (e), and (f) of section 205 shall apply with respect to this part to the same extent as they apply in the case of title II.

"(2) To the extent the Secretary finds it will promote the achievement of the objectives of this part, qualified persons may be appointed to serve as hearing examiners in hearings under subsection (a) without meeting the specific standards prescribed for hearing examiners by or under subchapter II of chapter 5 of title 15, United States Code.

"(3) The Secretary may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys, as hereinafter provided, representing claimants before the Secretary under this part, and may require of such agents or other persons, before being recognized as representatives of claimants, that they shall show they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, territory, district, or insular possession of his residence or before the Supreme Court of the United States or the interior Federal courts, shall be entitled to represent claimants before the Secretary. The Secretary may, after due notice and opportunity for hearing, suspend or prohibit from further practice before him any such person, agent, or attorney who refuses to comply with the Secretary's rules and regulations or who violates any provision of this paragraph for which a penalty is prescribed. The Secretary may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this part, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this part by word, circular, letter, or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Secretary, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

"(c) The Secretary shall prescribe such requirements with respect to the furnishing of relevant data and material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this part. The payment of child support payments to which a child is otherwise entitled shall be conditioned upon compliance with such requirements.

### "PENALTIES FOR FRAUD

"SEC. 2023. Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any child support payment under this part.

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such payments,

"(3) being the parent, guardian, attorney, or agent of any child and having knowledge of the occurrence of any event affecting such child's initial or continued right to any such payments, conceals or fails to disclose such event with an intent fraudulently to secure such payments either in a greater amount than is due or when no such payments are authorized, or

"(4) having made application to receive any such payment for the use and benefit of another and having received it, knowingly and willfully converts such payment or any part thereof to a use other than for the use and benefit of such other person,

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

### "USE OF STATE WELFARE AGENCIES FOR ADMINISTRATION

"SEC. 2024. (a) The Secretary shall enter into an agreement with any State which is able and willing to enter into such an agreement under which the State agency administering or supervising the administration of the State plan of such State approved under part A of title IV will, on behalf of the Secretary, make in such State child support payments to the children residing in such State who are entitled to such payments, and make such determinations with respect to eligibility for and the amount of such payments as may be specified in the agreement.

"(b) The cost of carrying out any such agreement shall be paid to the State by the Secretary, from moneys in the security fund, in advance or by way of reimbursement and in such installments as may be agreed upon between such State and the Secretary.

### "RECOVERY FROM PARENTS OF AMOUNTS PAID AS CHILD SUPPORT PAYMENTS

"SEC. 2025. (a) Any child support payments made under this part to any child shall be considered to have been made for the benefit of the parent of such child whose failure to make court ordered payments for the support and maintenance of such child gave rise to such child's entitlement to child support payments under this part, and such parent shall be liable to the United States for the amount of any such payments plus interest on such amount computed at the rate of 8 per centum per annum.

"(b) At the earliest practicable date after any child has first been paid child support payments under this part, the Secretary shall notify the Attorney General of that fact and shall advise the Attorney General of the name and address of such child and the name of the parent of such child whose failure to make court ordered payments for the support and maintenance of such child gave rise to such child's entitlement to child support payments under this part. Such notification shall, if the Secretary (utilizing the authority conferred upon him under part A) is able to provide the same, contain the most recent address and place of employment of such parent.

"(c)(1) At the earliest practicable date after having received any notification from the Secretary under subsection (b) with respect to any parent, the Attorney General shall initiate appropriate proceedings, including the filing of suit in the appropriate United States district court, for the recovery of the amounts due the United States from such parent by reason of the provisions of this section. Any amount for which any parent is liable to the United States under this section shall be treated as a debt due and owing to the United States, and may be deducted from any amount otherwise due such parent or becoming due to such parent at any time from any officer or agency of the United States.

"(2) If at the end of any taxable year of any parent having a liability to the United States under this section, there remains unpaid any amount of such liability, any credit to which such parent is otherwise entitled under section 31(a) of the Internal Revenue Code of 1954 shall be reduced by the amount of such unpaid liability.

"(d) Amounts recovered from any parent under this section (whether by any deduction or reduction authorized under subsection (c) or otherwise) shall be transmitted to the Secretary of the Treasury for deposit by him in the security fund.

### "DEFINITIONS

"SEC. 2026. For purposes of this part—

"(1) the term 'child' means an individual under 18 years of age, or an individual over 18 years of age if such individual is under a disability (as defined in section 223(d)(1)(A)) which began before he attained such age; and

"(2) an individual shall be considered to be the parent of any child if such individual has been determined, by a court of competent jurisdiction, to have a parental duty to provide for the support and maintenance of such child and has been ordered by such court to provide for such support and maintenance.

### "PART C—OBLIGATIONS OF PARENTS OF CHILDREN RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN

### "FINANCIAL OBLIGATION OF DESERTING PARENT

"SEC. 2030. (a) If aid under a State plan approved under part A of title IV is provided to the spouse, child, or children of an individual during any period for which such individual has deserted such spouse, child, or children, such individual shall be liable to the United States in an amount equal to the Federal share (as computed by the Secretary in accordance with standards prescribed by him) of such aid furnished during such period.

"(b) The Secretary shall issue such regulations and make such arrangement with State agencies administering or supervising the administration of State plans approved under part A of title IV as may be necessary to assure the provision to him by such agencies of any information which such agencies have or can obtain and which will be helpful in identifying and locating any individual who has a liability to the United States under subsection (a).

"(c) The Secretary shall promptly provide to the Attorney General any information which will be helpful to him in instituting appropriate proceedings for the recovery of amounts for which individuals are liable to the United States (including information obtained by the Secretary under authority of section 2011).

"(d) Any amount owing to the United States by reason of the provisions of subsection (a) may be recovered in the manner authorized by section 2025 for the recovery of liabilities owed to the United States by reason of the provisions of such section.

"(e) Any amounts recovered under this section (whether by any deduction or deduction authorized under section 2025(c) or otherwise) shall be deposited in the Treasury as miscellaneous receipts.

### "DUTY OF ADULT RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN TO PROVIDE INFORMATION CONCERNING DESERTING PARENTS

"SEC. 2031. (a) If any child has been deprived of parental support or care by reason of the continued absence from the home of a parent and is a recipient of aid to families with dependent children under a State plan approved under part A of title IV, it shall be the duty of any individual, who is the relative with whom such child is living (within the meaning of the 'relative with whom any dependent child is living', as defined in section 406(c)) promptly to disclose, to the local welfare office administering such plan for the area in which such individual resides, any information which such individual has regarding the identity, address, or place of employment or the parent of such child who, by reason of his continued absence from the home, has deprived such child of parental support or care.

"(b) Any individual, having a duty under subsection (a) to disclose information which he possesses and who willfully fails to disclose such information as provided in subsection (a), shall be fined not more than $1,000 and imprisoned for not more than one year.

### "PART D—MISCELLANEOUS PROVISIONS

### "PENALTY FOR TRAVEL IN INTERSTATE OR FOREIGN COMMERCE TO AVOID PARENTAL RESPONSIBILITIES

"SEC. 2040. Whoever travels from one place to another in interstate or foreign commerce, for the purpose of avoiding any responsibility imposed upon him under the law of any State for the support and maintenance of his child or children, shall be fined not more than $1,000 and imprisoned for not more than one year.

### "DUTY OF POVERTY LAWYERS TO ASSIST IN SECURING CHILD SUPPORT

"SEC. 2041. (a) Notwithstanding any other provision of law, legal services programs established pursuant to section 222(a)(3) of the Economic Opportunity Act of 1964 shall be operated in such manner as to give first priority to cases involving the securing of parental support for children who have been abandoned by a parent.

"(b)(1) Whenever any State agency administering or supervising the administration of any State plan approved under part A of title IV determines that any child applying for or receiving aid under such plan has been abandoned by a parent, it shall be the duty of such agency to refer such child (or the adult relative with whom such child is living) to any legal services program (as referred to in subsection (a)) located in the area in which such child resides, for the purpose of obtaining legal assistance under such program in securing from such parent support for such child.

"(2) The Secretary is authorized to issue such regulations and to take such actions as may be necessary or appropriate to assure that State agencies having the duty described in paragraph (1) will carry out such duty.

"(c) Notwithstanding any other provision of law, on and after the period beginning one month after the date of enactment of this title, no Federal funds shall be available for the operation of any legal service program (referred to in subsection (a)) unless the Director of the Office of Economic Opportunity is satisfied that such program will be operated in a manner consistent with the provisions of subsection (a)."

---

### By Mr. HANSEN:

**S. 1843. A bill to authorize the granting of mineral rights to certain homestead patentees who were wrongfully deprived of such rights. Referred to the**

Committee on Interior and Insular Affairs.

### EQUITY FOR HOMESTEADERS

Mr. HANSEN. Mr. President, I send to the desk for appropriate reference a bill to enable certain homesteaders or their successors in title to obtain equity from their Government.

The bill would accomplish this purpose by authorizing a homestead titleholder who has been wrongfully deprived by the Government of the minerals in his land to apply to the Secretary of the Interior for conveyance to him of those minerals. The homesteader shall submit proof that the withholding of the minerals was the result of error, whether intentional or not, or that he was unduly pressured into waiving his mineral rights through ignorance or fear; or that there was some other wrongful or mistaken act on the part of the Federal officials involved in the issuance of the homestead patent.

If the homestead titleholder's proof is accepted, the Secretary is to convey the minerals to the surface owner. The burden of proof is on the homesteader. All existing rights of all persons, whether under the mining laws or under the mineral leasing laws, are fully protected.

As was pointed out in the recent report of the Public Land Law Review Commission, a great many laws were enacted in years gone by under which a citizen could go out on vacant, unappropriated public lands, make an "entry," and by performing certain work and complying with specific precedures, he could get title to a given tract, the size of which might vary from 160 acres to 640 acres.

Under certain of these homestead laws, title to the minerals passed with the surface to the homesteader, provided the land had not been classified as having known mineral values. Under other laws, the Government was required to reserve coal, oil, and gas deposits whether or not there was any reason to believe such deposits did in fact exist.

The variety of laws, procedures, and situations led to a great deal of confusion and there were instances in which a homesteader did not get the minerals in his land to which he was rightfully entitled under the law and facts at the time he acquired title to the surface. On occasion, Congress has passed and the President has signed private laws for the relief of individual homesteaders or for specified groups, such as the Kenai homesteaders in Alaska.

The bill I am introducing today is for a general law to provide for rectification of this situation and enable homestead titleholders to obtain equity if they were wrongfully deprived of the minerals in their lands. No existing rights acquired by others, such as those of a Federal lessee on the land or a claimant under the mining laws, would in any way be interfered with or invalidated.

---

By Mr. ABOUREZK (for himself, Mr. Brock, Mr. Cook, Mr. Case, Mr. Gravel, Mr. McGovern, Mr. Fulbright, Mr. Cranston, Mr. Talmadge, Mr. Percy, Mr. Randolph, Mr. Hatfield, Mr. McGee, and Mr. Johnston):

S. 1844. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes. Referred to the Committee on Rules and Administration.

Mr. ABOUREZK. Mr. President, I am today introducing a bill whose purpose it is to establish an American Folklife Center in the Library of Congress. It is similar in substance to S. 1930, which was introduced in the 91st Congress by Senator Fred Harris and others.

I am pleased to note that I have already been joined in this effort by Senators Brock, Cook, Case, Gravel, McGovern, Fulbright, Cranston, Talmadge, Percy, Randolph, Hatfield, McGee, and Johnston.

Mr. President, the American Folklife Preservation Act is, in a certain sense, a preservation bill. It is intended to preserve our folk culture, to help us retain the crafts, the music, and the customs which belong to the American people. It is intended to seek out, before it is too late, the practitioners of these folk traditions, and to save their knowledge. It is intended to retain, in the minds of our children, a memory of their ethnic heritage, and of their heritage of democratic unity.

But, in a more important sense, this bill is not intended merely to salvage a few memories from the past. Folk culture, by definition, is the culture of people, of our people. It is not the classical culture of Western Europe, whose grandeur was often unavailable to our forefathers.

Nor is it mass culture, created by technology and lowered to a common denominator by the exigencies of a mass market. Rather, it is a living culture, which is shaped by each individual who participates in it. It is, in a very real sense, the soul of the American people.

Yet, our Government has given almost no attention to this most vital area. We have established two magnificent endowments, the National Endowment for the Arts, and the National Endowment for the Humanities, and funded them most liberally. They have done a great deal for the arts in this country. Yet, virtually none of their millions has been spent on folk culture. Nor has any other institution provided even a faintly adequate program in this area. This must be remedied.

I must say in all fairness, however, that in many departments of government, there have been sporadic attempts to institute programs in the field of folklore. There has, unfortunately, been little coordination among these programs, and little input from those who are most knowledgeable in the field. It would be the purpose of my bill to establish that coordination. This is not an entity that would compete with existing programs, but one which would seek to make their efforts more effective.

I propose that we begin our task by the establishment of a folklife center. This need not be a giant, multimillion dollar endowment. Rather it must be a collection of scholars, men and women who are knowledgeable in the field of folklore. It must be run by persons who can communicate their feeling that Fiddlin' John Carson is as important as any rock group, that the blues of the Mississippi Delta is one of the bases for virtually all our present popular music. We need to exhibit folk crafts and artifacts on the same basis as other art. And we must help the young performers, and young craftsmen, and young people who are keeping the customs, and music, and art of their fathers alive.

I feel we can begin to do all these things best by establishing this American Folklore Center. I hope that my colleagues will join with me in sponsoring this worthy bill.

I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 1844

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "American Folklife Preservation Act".

#### DECLARATION OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress hereby finds and declares—

(1) that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people;

(2) that the history of the United States effectively demonstrates that building a strong nation does not require the sacrifice of cultural differences;

(3) that American folklife has a fundamental influence on the desires, beliefs, values, and character of the American people;

(4) that it is appropriate and necessary for the Federal Government to support research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs, and values of the American people in both rural and urban areas;

(5) that the encouragement and support of American folklife, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government; and

(6) that it is in the interest of the general welfare of the Nation to preserve, support, revitalize, and disseminate American folklife traditions and arts.

(b) It is therefore the purpose of this Act to establish in the Library of Congress an American Folklife Center to develop, promote, and implement a program of support for American folklife.

#### DEFINITIONS

Sec. 3. As used in this Act—

(1) the term "American folklife" means the traditional customs, beliefs, dances, songs, tales, sayings, art, crafts, and other expressions of the spirit common to a group of people within any area of the United States, and includes music (vocal and instrumental), dance, drama, lore, beliefs, language, humor, handicraft, painting, sculpture, architecture, other forms of creative and artistic expression, and skills related to the preservation, presentation, performance, and exhibition of the cultural heritage of any family, ethnic, religious, occupational, racial, regional, or other grouping of American people;

(2) the term "Board" means the Board of Trustees of the Center;

(3) the term "Center" means the American Folklife Center established under this Act;

(4) the term "group" includes any State or public agency or institution and any nonprofit society, institution, organization, association, or establishment in the United States;

(5) the term "Librarian" means the Librarian of Congress;

(6) the term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands; and

(7) the term "workshop" means an activity the primary purpose of which is to encourage the development of skills, appreciation, or enjoyment of American folklife among amateur, student, or nonprofessional participants, or to promote scholarship or teaching among the participants.

### ESTABLISHMENT OF CENTER

SEC. 4. (a) There is hereby established in the Library of Congress an American Folklife Center.

(b) The Center shall be subject to the supervision and direction of a Board of Trustees. The Board shall be composed as follows—

(1) four members appointed by the President from among individuals who are officials of Federal departments and agencies concerned with some aspect of American folklife traditions and arts

(2) eight members appointed by the Librarian of Congress from among individuals from private life who are widely recognized by virtue of their scholarship, experience, creativity, or interest in American folklife traditions and arts;

(3) the Librarian of Congress;

(4) the Secretary of the Smithsonian Institution;

(5) the Chairman of the National Endowment for the Arts;

(6) the Chairman of the National Endowment for the Humanities; and

(7) the Director of the Center.

In making appointments from private life under clause 2, the Librarian shall give due consideration to the appointment of individuals who collectively will provide appropriate regional balance on the Board.

(c) The term of office of each appointed member of the Board shall be six years; except that (1) (A) the members first appointed under clause (1) of subsection (b) shall serve as designated by the President, one for a term of two years, two for a term of four years, and one for a term of six years, and (B) the members first appointed under clause (2) of subsection (b) shall serve as designated by the Librarian, two for terms of two years, four for terms of four years, and two for terms of six years; and (2) any member appointed to fill a vacancy occuring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term.

(d) Members of the Board who are not regular full-time employees of the United States shall be entitled, while serving on business of the Center, to receive compensation at rates fixed by the Librarian, but not exceeding $100 per diem, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) (1) The Librarian shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve for a term of one year. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years. The Vice Chairman shall perform the duties of the Chairman in his absence. In case of a vacancy occurring in the chairmanship or vice-chairmanship, the Board shall elect a member to fill the vacancy for the remainder of the unexpired term.

(2) A majority of the members of the Board shall constitute a quorum.

(f) After consultation with the Board, the Librarian shall appoint the Director of the Center. The basic pay of the Director shall be at a per year rate equal to the rate of pay provided for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Librarian upon the recommendation of the Director shall appoint a Deputy Director of the Center. The basic pay of the Deputy Director shall be fixed at a rate not to exceed GS-18 of the General Schedule under section 5332 of such title.

(g) (1) The Director shall be the chief executive officer of the Center. He shall carry out the programs of the Center subject to the supervision and direction of the Board, and shall carry out such functions as the Board may delegate to him consistent with the provisions of this Act.

(2) The Deputy Director shall perform such functions as the Director, with the approval of the Librarian, may prescribe, and shall serve as Acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

### FUNCTIONS OF THE CENTER

SEC. 5. The Center and it director is authorized to—

1) enter into, without regard to federal procurement statutes and regulations, contracts with, make grants and loans to, and award scholarships to individuals and groups for programs for the—

A) initiation, encouragement, support, organization, and promotion of research, scholarship, and training in American folklife;

B) initiation promotion, support, organization, and production of live performances, festivals, exhibits, and workshops related to American folklife;

C) purchase, receipt, production, arrangement for and support of, the production of exhibitions, displays, and presentations (including presentations by still and motion picture films, and audio and visual magnetic tape recordings) which represent or illustrate some aspect of American folklife; and

D) purchase, production, arrangement for and support of, the production of exhibitions, projects, presentations, and materials specially designed for classroom use representing or illustrating some aspect of American folklife;

(2) establish and maintain in conjunction with any Federal department, agency, or institution a national archive and center for American folklife;

(3) procure, receive, purchase, and collect for preservation or retention in an appropriate archive creative works, exhibitions, presentations, objects, materials, artifacts, and audio and visual records (including still and motion picture film records, audio and visual magnetic tape recordings, written records, and manuscripts) which represent or illustrate some aspect of American folklife;

(4) loan, or otherwise make available, through Library of Congress procedures, any item in the archive established under this Act to any individual or group;

(5) present, display, exhibit, disseminate, communicate and broadcast to local, regional, State, or national audiences any exhibition, display, or presentation referred to in clause (3) of this section or any item in the archive established pursuant to clause (2) of this section, by making appropriate arrangements, including contracts, loans, and grants with public, nonprofit, and private radio and television broadcasters, museums, educational institutions, and such other individuals and organizations, including corporations, as the Board deems appropriate;

(6) loan, lease, or otherwise make available to public, private, and nonprofit educational institutions such exhibitions, programs, presentations, and material developed pursuant to clause (1) (D) of this subsection as the Board deems appropriate; and

(7) develop and implement other appropriate programs to preserve, support, revitalize, and disseminate American folklife.

### LIMITATIONS ON GRANTS

SEC. 6. (a) No payment shall be made pursuant to this Act to carry out any research or training over a period in excess of two years except that with the concurrence of at least two-thirds of the members of the Board of the Center such research or training may be carried out over a period of not to exceed five years.

(b) Assistance pursuant to this Act shall not cover the cost of land acquisition, construction, building acquisitions, or acquisition of major equipment.

(c) No individual formerly in the employment of the Federal Government shall be eligible to receive any grant or other assistance pursuant to this Act, or to serve as a trustee of the Center, in the two-year period following the termination of such employment.

### ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In addition to any authority vested in it by other provisions of this Act, the Center, and its Director, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be for the purposes of the Center and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions, without reference to Federal property disposal statutes;

(3) in the discretion of the Center, receive (and use, sell, or otherwise dispose of, in accordance with clause (2)) money and other property donated, bequeathed, or devised to the Center with a condition or restriction, including a condition that the Center use other funds of the Center for the purpose of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of the Act in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the Center may appoint and fix the compensation of a reasonable number of personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate received by the Deputy Director of the Center;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of the Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); and

(8) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the pro-

visions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529).

(b) The Center and its director shall submit to the Librarian for inclusion in the annual report of the Library of Congress to the Congress an annual report of its operations under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Center deems appropriate.

AUTHORIZATION

SEC. 8. There are authorized to be appropriated to the Center such sums as may be necessary to carry out the provisions of this Act.

---

By Mr. BAYH:

S. 1845. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes. Referred to the Committee on Labor and Public Welfare.

DRUG ABUSE EDUCATION EXTENSION ACT OF 1973

Mr. BAYH. Mr. President, the rising incidence of drug addiction and abuse, particularly among young people, is one of the most critical problems facing our Nation. As chairman of the Juvenile Delinquency Subcommittee, I have been actively involved in investigating the diversion and abuse of legitimately produced narcotic drugs as well as nonnarcotic psychotropic drugs, such as amphetamines, barbiturates, and methaqualone.

We have learned from numerous witnesses that many legitimate domestically produced psychotropic drugs are more readily available than heroin, and can be as dangerous to the abuser. Conservative estimates indicate that at least 14 million Americans have abused methamphetamines, amphetamines, barbiturates, and other prescription drugs. Even if the war on heroin should result in total victory, the epidemic of drug abuse which plagues American society would not be vanquished; for the source of supply for growing legions of addicts is a domestic one. I have been particularly concerned with finding out how these drugs are diverted from the legal chain of distribution into the illicit market and what can be done to stop this diversion.

Overproduction of these drugs, inadequate security precautions in their storage and distribution, unscrupulous physicians who overprescribe or who sell prescriptions, thefts from pharmacies and warehouses—these are some of the factors making dangerous drugs readily available to the abuser.

Quite often the feared and despised "pusher" is a family's own medicine cabinet. Casual attitudes toward potentially destructive drugs, coupled with abundant supply, are intimately linked with current trends of drug abuse.

During the 2 years that I have been chairman of the Juvenile Delinquency Subcommittee, I have made great efforts to insure that a number of these dangerous drugs—amphetamines, barbiturates, and methaqualone—be subjected to stricter production and distribution controls, and I have introduced legislation to make sure that this was done. The administrative agencies responsible for enforcing our dangerous drug laws, the U.S. Bureau of Narcotics and Dangerous Drugs, and the Food and Drug Administration, have finally responded to congressional concern by doing administratively what I proposed to accomplish through legislation; namely, they have placed the amphetamines, shorter-acting barbiturates, and methaqualone under the substantially stricter production and distribution controls of schedule II of the Controlled Substances Act.

While our efforts to curtail diversion of legitimately produced narcotic and nonnarcotic dangerous drugs are critical in reducing drug abuse in this country, any real long-range success in combating drugs must also involve extensive programs of public education. Most Americans are simply not aware of the tragic effects of drug abuse, particularly when the drug abused is a familiar, prescription drug. Our subcommittee hearings revealed that many people distinguish "hard" drugs, such as heroin and cocaine, from nonnarcotic "soft" drugs which are produced for legitimate medical purposes. This unfortunate distinction has served to perpetuate the belief that "soft" drugs, such as barbiturates, amphetamines, and methaqualone, involve little risk to the abuser. As the many witnesses who have appeared before the subcommittee, particularly the former drug addicts and abusers, made abundantly clear, nothing could be further from the truth.

In order to make sure that Americans get the kind of drug information that is needed to prevent escalating abuse, I am introducing today a 1-year extension of the Drug Abuse Education Act of 1970, which expires on June 30. The Drug Abuse Education Act authorizes the Secretary of the Department of Health, Education, and Welfare to make grants to encourage the development and implementation of new and improved curriculums in drug abuse education for public and private elementary, secondary, and adult education programs; provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; develop and operate community education programs on drug abuse; and provide for coordinating Federal activities in drug abuse education.

In my proposed 1-year extension of the act, I have provided authorization for appropriations at the same level as fiscal year 1973: $14 million for drug abuse education projects and $14 million for community education projects. I have added a requirement that 10 percent of the appropriated funds be used for evaluation purposes.

My bill makes one major change in the existing Drug Abuse Education Act. It requires that independent, thorough evaluations be conducted, at least annually, of all drug abuse education projects and community education projects funded under this act. These evaluations will include an assessment of the impact of these programs in reducing the incidence and frequency of drug abuse, as well as an examination of the strengths and weaknesses of each program, particularly with regard to reaching different age and socioeconomic groups in the communities served. In addition, the Secretary of Health, Education, and Welfare, responsible for administering the act, is required on the basis of these evaluations, to report to the Congress on the overall effectiveness of these programs in actually reducing drug abuse in the United States.

I believe that systematic evaluation must be made part of this vital prevention effort. There have been isolated reports from some communities that drug abuse education programs have actually increased the amount of drug experimentation and abuse. That is clearly not the goal of the programs funded under this act. We must make sure that programs are developed that both convey accurate information and also discourage the young person from trying out the dangerous drug. That is why regular, thorough evaluation is so necessary. We must find out what a program is actually accomplishing before we seek to continue it, expand it, or replicate it in other communities.

Recent studies in New York City indicate that drug prevention programing in schools can really work. A survey of 900 students who took part in special group counseling sessions at nine New York high schools showed a 49 percent reduction in disciplinary referrals, a 66 percent reduction in unsatisfactory conduct ratings, a 39 percent reduction in the number of major subjects failed and an increase of slightly over 5 points in the students' overall grade-point average. These are very encouraging results, confirming that truancy, disruptive classroom behavior and poor school performance are strongly associated with drug abuse. Drug education programing is one of the best preventive measures we can take; and one which will have direct results in school performance.

In my own State of Indiana, the Indiana State Department of Education, the Indianapolis Public School system, and 16 mini-grant teams, consisting of school systems, mental health organizations, and public and private non-profit organizations, received over $179,000 in grants for drug abuse education programs in fiscal 1972. During this fiscal year, the number of mini-grant teams has been increased to 23, although the total level of funding has remained the same.

As a result of the programs developed in Indiana under the Drug Abuse Education Act, over 1,400 teachers, counselors, law enforcement officials, and other public service and community leaders have been trained in drug abuse prevention methods. More than 40,000 Hoosiers have been served by these programs. Indiana, has not, as yet, experienced the full impact of the drug abuse epidemic. I am hopeful that through community-based drug abuse prevention programs such as those provided under this act, we can ward off the growing drug menace not only in Indiana, but across the Nation.

I ask unanimous consent that the bill and an analysis be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "Drug Abuse Education Extension Act of 1973".

### STATEMENT OF PURPOSE

SEC. 2. The Drug Abuse Education Act of 1970 is amended to read as follows:

"(a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a dearth of creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

"(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

### DRUG ABUSE EDUCATION PROJECTS

"SEC. 3. (a) The Secretary shall carry out a program of making grants to, and contracts with, institutions of higher education. State and local educational agencies, and other public and private education or research agencies, institutions, and organizations to support research, demonstration, and pilot projects designed to educate the public on problems related to drug abuse.

"(b) Funds appropriated for grants and contracts under this section shall be available for such activities as—

"(1) projects for the development of curricula on the use and abuse of drugs, including the evaluation and selection of exemplary existing materials and the preparation of new and improved curricular materials for use in elementary, secondary, adult, and community education programs;

"(2) projects designed to demonstrate, and test the effectiveness of curricula described in clause (1) (whether developed with assistance under this Act or otherwise);

"(3) in the case of applicants who have conducted projects under clause (2), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, adult and community education programs;

"(4) preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

"(5) community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community;

"(6) programs or projects to recruit, train, organize and employ professional and other persons, including former drug abusers or drug dependent persons, to organize and participate in programs of public education in drug abuse.

"(c) In addition to the purposes described in subsection (b) of this section, funds in an amount not to exceed 5 per centum of the sums appropriated to carry out this section may be made available for the payment of reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

"(d) (1) Financial assistance for a project under this section may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary, and only if such application—

"(A) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(B) provides for carrying out one or more projects or programs eligible for assistance under subsection (b) of this section and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

"(C) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in subsection (b) of this section, and in no case supplant such funds; and

"(D) provides for making such reports, in such form and containing such information, as the Secretary may reasonably require, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) Applications from local educational agencies for financial assistance under this section may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(3) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner.

"(e) There are hereby authorized to be appropriated $14,000,000 for the fiscal year beginning July 1, 1973, for the purpose of carrying out this section. Sums appropriated pursuant to this section shall remain available until expended.

### COMMUNITY EDUCATION PROJECTS

SEC. 4. There is authorized to be appropriated $14,000,000 for the fiscal year beginning July 1, 1973, for grants or contracts to carry out the provisions of this section. From the sums available therefore for any fiscal year, the Secretary of Health, Education, and Welfare is authorized to make grants to, or enter into contracts with, public or private nonprofit agencies, organizations, and institutions for planning and carrying out community-oriented education programs on drug abuse and drug dependency for the benefit of interested and concerned parents, young persons, community leaders, and other individuals and groups within a community. Such programs may include, among others, seminars, workshops, conferences, telephone counseling and information services to provide advice, information, or assistance to individuals with respect to drug abuse or drug dependency problems, the operation of centers designed to serve as a locale which is available, with or without appointment or prior arrangement, to individuals seeking to discuss or obtain information, advice, or assistance with respect to drug abuse or drug dependency problems, arrangements involving the availability of so-called "peer group" leadership programs, and programs establishing and making available procedures and means of coordinating and exchanging ideas, information, and other data involving drug abuse and drug dependency problems. Such programs shall, to the extent feasible, (A) provide for the use of adequate personnel from similar social, cultural, age, ethnic, and racial backgrounds as those of the individuals served under any such program, (B) include a comprehensive and coordinated range of services, and (C) be integrated with, and involve the active participation of a wide range of public and nongovernmental agencies.

### TECHNICAL ASSISTANCE

"SEC. 5. The Secretary and the Attorney General (on matters of law enforcement) shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of programs of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

### EVALUATION

"SEC. 6. (a) The Secretary shall provide for independent, thorough evaluation, at least annually, of all drug abuse education projects funded under section 3 and all community education projects funded under section 4 of this Act. Such evaluation shall include, but is not limited to, the following factors:

"(1) a careful assessment of the impact of such programs and the materials used in such programs, including curriculums in use in elementary, secondary, and adult and community education programs involved in projects described in section 3(b) (2), in reducing the incidence and frequency of the abuse of narcotic and nonnarcotic dangerous drugs in the communities served;

"(2) an examination of the strengths and weaknesses of such programs, particularly with regard to reaching different age and socioeconomic groups in the communities served; and

"(3) the relative effectiveness of these types of programs in reducing drug abuse as compared to other possible preventive efforts.

"(b) On the basis of these evaluations and other information, the Secretary shall make a comprehensive annual report to the Congress on the immediate and long-range merit of programs funded under this Act in reducing drug abuse in the United States, with particular emphasis on the relative strengths and weaknesses of such programs. The report shall also include the Secretary's recommendation for any legislative or programmatic changes necessary to make drug abuse education efforts more effective.

"(c) At least 10 per centum of the funds appropriated under this Act shall be used for evaluation purposes as provided by this section.

### PAYMENTS

"SEC. 7. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

### ADMINISTRATION

"SEC. 8. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

#### DEFINITIONS

"SEC. 9. As used in this Act—

"(a) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(b) The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

---

### SECTION-BY-SECTION ANALYSIS—DRUG ABUSE EDUCATION EXTENSION ACT OF 1973

#### SHORT TITLE

Section 1. This section provides that the act may be cited as the Drug Abuse Education Extension Act of 1973.

#### STATEMENT OF PURPOSE

Section 2. This section amends the Drug Abuse Education Act of 1970 as follows:

(a) This subsection states the finding that drug abuse "diminishes the strength and vitality of the people of our Nation," that such abuse is increasing, that there is a dearth of creative projects designed to educate students and others in this area, and that Government and private efforts are required to remedy the situation.

(b) This subsection states the purposes of the bill to be: To encourage the development of new and improved curricula to demonstrate their use and evaluate their effectiveness in model programs, to disseminate educational materials, to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders, and to offer community education programs for parents and others.

#### DRUG ABUSE EDUCATION PROJECTS

Section 3. (a) This section authorizes the Secretary of Health, Education, and Welfare to make grants to, or contracts with, institutions of higher education, other public or private agencies, institutions, and organizations.

(b) This subsection provides that funds appropriated under this section for grants and contracts shall be available for activities such as:

(1) Curriculum development and preparation on the use and abuse of drugs;

(2) Projects to test the effectiveness of such curriculum;

(3) Dissemination of curricular materials and other information to public and private elementary, secondary, and adult education programs for applicants who have conducted projects;

(4) Preservice and inservice training programs on drug abuse for teachers, counselors, law enforcement officials, and other public service and community leaders;

(5) Community education programs on drug abuse (including seminars, workshops, and conferences) involving parents and others in the community; and

(6) Programs or projects to recruit, train, organize, and employ professionals, former drug users, and others to organize and participate in drug abuse education programs.

(c) This subsection provides that the Secretary may utilize up to 5 percent of the funds appropriated to carry out the act to pay reasonable and necessary expenses of State educational agencies for planning, development, and implementation of drug abuse education programs.

(d) This subsection contains certain routine house-keeping provisions such as the provision that any amendment to an application under the act shall be considered in the same manner as original applications except as the Secretary may otherwise provide by regulation.

(e) This section authorizes appropriations of $14 million for the fiscal year beginning July 1, 1973.

#### COMMUNITY EDUCATION PROJECTS

Section 4. This section authorizes the Secretary of Health, Education, and Welfare to make grants or contracts with public or private nonprofit agencies, organizations, and institutions for community-oriented education projects on drug abuse and drug dependency. The projects include, but are not limited to, personal and telephone counseling and information services, neighborhood aid and information centers, and peer group discussion programs.

This section authorizes appropriations of $14 million for the fiscal year beginning July 1, 1973.

#### TECHNICAL ASSISTANCE

Section 5. This section provides that the Secretary of Health, Education and Welfare and the Attorney General shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of drug abuse education programs.

#### EVALUATION

Section 6. (a) This section requires the Secretary to provide for thorough and independent evaluation, at least annually, of all drug abuse education projects and all community education projects funded under Sections 3 and 4 of this Act, including the following factors:

(1) assessment of the impact of such programs and the materials used in such programs in reducing the incidence and frequency of the abuse of narcotic and nonnarcotic dangerous drugs;

(2) examination of the strengths and weaknesses of such programs; and

(3) effectiveness of these types of programs in reducing drug abuse.

(b) This section also requires the Secretary to make a comprehensive annual report to Congress on the immediate and long range merit of programs funded under the Act as well as recommendations for any legislative or programmatic changes necessary to make drug abuse education more effective.

(c) Ten percent of the funds appropriated under this Act are reserved for evaluation.

#### PAYMENTS

Section 7. This section provides that payments under the act may be made in installments and in advance, or by way of reimbursement.

#### ADMINISTRATION

Section 8. This section authorizes the Secretary to utilize the services of other Federal or other public or private agencies in carrying out the act and to pay for such services either in advance or by way of reimbursement.

#### DEFINITIONS

Section 9. This section defines "Secretary" to mean the Secretary of Health, Education, and Welfare; and "State" to include, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

---

**By Mr. McGOVERN (for himself, Mr. CURTIS, and Mr. ABOUREZK):**

**S. 1846. A bill to amend the Small Business Act by adding at the end thereof a new title. Referred to the Committee on Banking, Housing and Urban Affairs; and**

**S. 1847. A bill to amend the Disaster Relief Act of 1970. Referred to the Committee on Public Works.**

#### THE INNOCENT VICTIMS OF WOUNDED KNEE

Mr. McGOVERN. Mr. President, I send to the desk for appropriate reference two bills on behalf of myself, the junior Senator from South Dakota (Mr. ABOUREZK), and the Senator from Nebraska (Mr. CURTIS), which, if adopted, would help the innocent victims of Wounded Knee recover from the damage the recent occupation made of their homes, their farms, and businesses.

The irony of that occupation is that it harmed many hundreds of the very people it was supposed to help. The residents of the Pine Ridge Reservation have never been well off. But now many have lost all they have. Homes and farms were burned, cattle slaughtered, and even the tribal artifacts in the most famous Sioux Museum were destroyed.

The following account from the Rapid City Journal is typical of many returning residents:

> Martha Moose, 63, returned to Wounded Knee Wednesday, 70 days after the February morning she, her husband and four grandchildren left the village fearing for their lives.
>
> What Mrs. Moose found when she returned to her two-room home was a scene an FBI agent described as being "so bad that you don't believe it even when you see it."
>
> The floor was covered with clothing, letters, photographs, pieces of furniture, broken glass, trash and a lifetime collection of "things." Dried corn and cherries crunched underfoot. Parts of a bed were here and there and in one corner, a cookstove was broken and blackened. Windows were broken out and walls were battered.
>
> Rubble was strewn outside. In the yard lay the bodies of the family's pets, two dogs shot to death and left for their owners to bury. In back of the house were the ashes of what had been a chicken coop and a storage shed.
>
> Scrawled on the door and walls were the letters "A.I.M."
>
> "They took what they wanted," Martha Moose said, "why did they break so much? I think I will cry to death."

The list of such personal tragedies is not limited to Indians or even the State of South Dakota. Those occupying Wounded Knee pillaged and foraged far and wide, raiding cattle and damaging property even in Nebraska. George Coates, whose nearby ranch was raided three times for food, is now living in a trailer with his family since during the last raid his house was burned to the ground. The Reverend and Mrs. Lansbury had their parsonage destroyed by fire. The Wounded Knee trading post no longer exists.

The question now is who shall pay the price of the destruction and suffering which occurred. As matters stand, the burden of reconstruction will fall principally upon those who suffered injury and damage. Few had sufficient insurance to cover their loss and fewer still have the resources to survive without further assistance. The State will do what it can but in the last analysis does not have the resources to do the job.

I think the Federal Government has a moral obligation to help the innocent victims of Wounded Knee. Without debating the wisdom of the Department of Justice in refraining from taking more forceful action, it is clear that much of the damage could have been avoided had the occupation ended earlier. Surely the obligation to aid in the reconstruction of Wounded Knee is as great as any obligation to aid in the reconstruction of war-torn Indochina as proposed by the administration.

The first bill is an amendment to the Small Business Act. It would direct the Administrator to compensate any uninsured loss or injury to persons who were not willfully engaged in the disturbance at Wounded Knee, or any related disturbances, but who suffered as a result. The amount of such compensation would be 100 per cent of the fair market value of the property immediately before the incident, and would subrogate the Government of the United States to any claim the compensated person might have against a third party. We feel that this service can best be handled by the Small Business Administration through its local offices due to its expertise in cost evaluation.

The second bill, which is an amendment to the Disaster Relief Act of 1970, would clarify the President's authority to declare the area a disaster area. The Office of Emergency Preparedness is of the opinion that the statutory language "other catastrophes" does not encompass economic disasters caused by the acts of man, but only natural disasters.

This bill will make certain that it does. It should be noted that this amendment would not require that disaster relief be given in this instance, or in any future such disasters, but only enable the Governor of whichever state is involved to request "disaster area" designation and give the President the flexibility to act favorably on such a request.

The importance of such flexibility is demonstrated by the fact that 300 trailers now located near Rapid City in the custody of OEP are not available to be used at Wounded Knee. The Government is attempting the transfer of some trailers in the custody of the General Services Administration in New York City, With the minor modification of the law we propose, it would be possible to use trailers only 100 miles away, rather than those 2,000 miles away.

I sincerely hope, Mr. President, that we can act promptly on these bills. Our proposals are modest in scope. Preliminary reports indicate the costs would not exceed $5 million. And this small investment in the lives and hopes of the innocent victims of Wounded Knee would enable them to return to earning their living and leading their lives in a normal fashion after these many months of hardship.

I ask unanimous consent that the text of our bills be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 1846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### CONGRESSIONAL FINDINGS

SECTION 1. The Congress finds that,

(a) Many innocent persons suffered injury and loss as a result of the disturbances at Wounded Knee, South Dakota, and other related disturbances;

(b) Many such injuries and losses occurred as a result of the forebearance of the Department of Justice in dealing with the disturbances; and

(c) The government of the United States has an obligation to compensate innocent persons for injuries and losses for which they would not otherwise receive compensation.

### COMPENSATION

SEC. 2. The Administrator is authorized and directed to grant any innocent person for any uninsured loss or injury which arose out of, or was caused by, the disturbance at Wounded Knee, South Dakota, or any related disturbances as defined in Section 4 hereof, an amount equal to 100 per cent of such loss or injury.

### REPORT TO CONGRESS

SEC. 3. The Administrator shall report to Congress within 30 days of enactment hereof on the amount and extent of damage resulting from such disturbances.

### DEFINITIONS

SEC. 4. As used in this Act—

(a) "Innocent person" means any person or entity as to whom the Administrator has reasonable grounds to believe (1) was not willfully engaged in any such disturbances when the loss or injury occurred, and (2) was not responsible for such loss or injury.

(b) "Uninsured loss or injury" means any damage to property, personal or real (including livestock, loss of earnings or damage to business) or any personal injury which would not have occurred but for such disturbances and for which compensation would not otherwise be received; and

(c) "Related disturbance" means any disturbance or event occurring during the period January 1, 1973, to and including May 9, 1973, within the States of Nebraska and South Dakota in which any non-resident of Wounded Knee occupying Wounded Knee during all or part of such period was involved.

### SUBROGATION

SEC. 5. Any right of action of any person compensated under Section 2 hereof, arising out of the disturbance at Wounded Knee, South Dakota, or any related disturbance, shall inure to the government of the United States upon payment of the compensation required under Section 2 hereof.

### AUTHORIZATION

SEC. 6. There are hereby authorized to be appropriated such funds as are necessary to carry out the purposes of this Title.

---

### S. 1847

A bill to amend the Disaster Relief Act of 1970

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, that Section 102 (1) of the Disaster Relief Act of 1970 is amended by inserting after ". . . or other catastrophy" the following: "(including any act or accident caused by man which results in substantial economic injury to that area)."

---

**By Mr. STEVENSON:**

S.J. Res. 111. A joint resolution to express the sense of Congress that a White House Conference on Amateur Athletics be called by the President of the United States. Referred to the Committee on Commerce.

Mr. STEVENSON. Mr. President, I am today introducing a joint resolution expressing the sense of the Congress that a White House Conference on Amateur Athletics be called by the President.

Most sports fans—and most Senators—are aware of the problems in amateur athletics. Our Olympic team has been beset with difficulties, culminating in the recent announcement by the National Collegiate Athletic Association that it was withdrawing its support from the U.S. Olympic Committee. And there has been the long and sometimes bitter feud between the NCAA and the Amateur Athletic Union, including the recent dispute over whether college players would be allowed to compete in the AAU-sponsored basketball series with the Soviet Union.

Such problems must be prevented. The United States must be permitted to field its best amateur athletes in international competition. If these problems are not prevented voluntarily, congressional intervention and Federal regulation may be inevitable. Several bills to reorganize amateur athletics under Federal control have already been introduced. The Senate Commerce Committee has scheduled 3 days of hearings on these bills next week.

The time for a voluntary settlement may be growing short—but I believe there is still time, and that Federal regulation may still be avoided.

The resolution I am introducing today will facilitate such a voluntary settlement. It calls upon the President to convene within 6 months a White House Conference on Amateur Athletics. The Conference, to be conducted under the direction of the Secretary of Commerce, would make recommendations concerning problems relating to the organization or regulation of amateur athletics in the United States, including but not limited to U.S. participation in international competition.

The Conference would bring together representatives of Government, professional and lay people who work in the field of amateur athletics, representatives of high school and college athletics, representatives of other organizations in the field of amateur athletics, and representatives of the general public.

A final report on this Conference would be submitted to the President within 90 days after the Conference is begun, and within 60 days thereafter the Secretary of Commerce would transmit to the President and the Congress his recommendations, including any legislation necessary to implement the recommendations in the report.

In addition to introducing this resolution, I shall write President Nixon asking him to convene such a Conference. The sooner such a Conference can meet, the sooner there can be a solution to the problems which confront us in amateur athletics.

I am deeply concerned about the future of amateur athletics and would hate to see the Federal Government become involved unnecessarily in this aspect of American life. I urge the President to convene such a Conference, and I urge the organizations concerned with amateur sports to reconcile their differences and work together for the advancement of amateur athletics in our country.

Mr. President, I ask unanimous consent this joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

### S.J. RES. 111

Whereas amateur athletic competition enriches the lives of contestants and observers alike; and

Whereas athletic competition between citizens of different nations contributes substantially to the ideal of international peace and cooperation; and

Whereas amateur athletics in the nation and the nation's participation in international competition have been seriously weakened by controversies concerning the organization and regulation of amateur sports; and

Whereas the United States has a vital interest in supporting amateur athletes in their training and development in order that they will represent the United States as best they can in international competition; Now therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the President of the United States is authorized and requested to call a White House Conference on Amateur Athletics within six months of the date of enactment of this joint resolution in order to make recommendations concerning problems relating to organizing or regulating amateur athletics in the United States, including but not limited to United States participation in international competition. Such conference shall be planned and conducted under the direction of the Secretary of Commerce (hereinafter referred to as the "Secretary") with the cooperation and assistance of such other Federal Departments and agencies, including the assignment of personnel, as may be appropriate.

(b) For the purpose of arriving at facts and recommendations concerning the problems in amateur athletics and the utilization of skills, experience, and energies and the improvement of the conditions of amateur athletes, the conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the field of amateur athletics, representatives of high schools and colleges and high school and college athletics, representatives or other organizations in the field of amateur athletics, and representatives of the general public.

(c) A final report of the White House Conference on Amateur Athletics shall be submitted to the President not later than ninety days following the date on which the conference is called and the findings and recommendations included therein shall be immediately available to the public. The Secretary shall within sixty days after the submission of such final report, transmit to the President and the Congress his recommendations for administrative action and any legislation necessary to implement the recommendations in the report.

SEC. 2. In administering this joint resolution, the Secretary shall—

(a) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(b) prepare and make available background materials for the use of delegates to the White House Conference on Amateur Athletics as he may deem necessary;

(c) prepare and distribute interim reports of the White House Conference on Amateur Athletics as may be exigent; and

(d) engage such additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 3. For the purpose of this joint resolution the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 4. (a) The Secretary is authorized and directed to establish an Advisory Committee to the White House Conference on Amateur Athletics.

(b) (1) Any member of the Advisory Committee who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties.

(2) Members of the Advisory Committee, other than those referred to in paragraph (a), shall receive compensation at rates not to exceed $75 per day, for each day they are engaged in the performance of their duties as members of the Advisory Committee including travel time and, while so engaged away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) Such Advisory Committee shall cease to exist ninety days after the submission of the final report required by section 1(c).

SEC. 5. There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this joint resolution.

By Mr. ABOUREZK (for himself, Mr. McGOVERN, Mr. CLARK, and Mr. HUGHES):

S.J. Res. 113. A joint resolution to direct the Interstate Commerce Commission to adopt a mortorium on railroad abandonments. Referred to the Committee on Commerce.

Mr. ABOUREZK. Mr. President, at a time when every media is shouting about the energy crisis now affecting our Nation, it does not make sense for our Government to contribute to the shortage of fuel by authorizing the abandonment of thousands of miles of railroads that service our rural areas.

It is for that reason that I am today introducing with Senators McGOVERN, CLARK, and HUGHES, a joint resolution requiring the Interstate Commerce Commission to adopt a moratorium on railroad abandonments until such time as fuel supplies are adequate to assure the availability of alternative modes of transportation to serve our agricultural areas.

In my State alone, authoritative source indicate that 1973 might see gasoline shortages as high as 140 million gallons and diesel fuel shortages as high as 80 million gallons.

At the very time that our agricultural areas are being urged to produce as much as they possibly can in order to stabilize food prices and in order to assure export capacity to help bring our balance of payments back in line, such shortages will be nothing less than disaster.

The fact is, goods that cannot be moved by rail must be moved by truck. Frequently, adequate quantities of trucking cannot be found to serve our rural areas. Even where enough trucks are available, fuel consumption will skyrocket. I have figures that suggest it would take 2½ semitrucks to move the goods that can be hauled in one boxcar and the truck trips necessary to equal an average train of boxcars will consume five times as much fuel.

The administration has very properly made agriculture a high priority user under its voluntary guidelines for distribution of petroleum products.

While I question how effective voluntary guidelines will be, there is no question that agriculture is the central area of concern.

It is not consistent for the Interstate Commerce Commission to be in a position to undermine this priority by adding to the burdens of fuel consumers in rural areas through additional railroad abandonments.

It is for that reason that this resolution is introduced.

I hope that more of my colleagues here in the Senate will join me in sponsoring this effort and in working for its speedy passage.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 113

Whereas American agriculture is highly dependent on railroad transportation for the movement of agricultural commodities, and

Whereas increased transportation costs would contribute to rising food prices, and

Whereas American agricultural products are a major ingredient in American export trade and thus help lower balance-of-payment deficits, and

Whereas the level of gasoline and other petroleum product supplies are inadequate to meet the needs of all areas of the Nation, and

Whereas this shortage threatens the production of needed agricultural products: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to conserve valuable petroleum resources in agricultural areas, the Interstate Commerce Commission shall upon enactment of this resolution declare a moratorium on railroad abandonments until such time as the Interstate Commerce Commission determines that fuel supplies are adequate to assure availability of alternative modes of transportation to serve agricultural areas.

---

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 181

At the request of Mr. MOSS, the Senator from Kansas (Mr. DOLE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors to S. 181, a bill to authorize reduced fares on the airlines on a space-available basis for individuals 21 years of age or younger or 65 years of age or older.

### S. 971

At the request of Mr. TAFT, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of S. 971, the Home Preservation Act of 1973.

### S. 1188

At the request of Mr. BROCK, the Senator from Ohio (Mr. TAFT) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1188 to promote the utilization of improved technology in federally assisted housing.

### S. 1348

At the request of Mr. BROCK, the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1348, the National Mobile Home Safety Standards Act ol 1973.

### S. 1625

At the request of Mr. TAFT, the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Nevada (Mr. BIBLE), the Senator from Montana (Mr. MANSFIELD), the Senator from Missouri (Mr. SYMINGTON), the Senator from Illinois (Mr. STEVENSON), and the Senator from Arizona (Mr. GOLDWATER), were added as cosponsors of S. 1625, to extend until November 1, 1975 the existing exemption of the steamboat *Delta Queen* from certain vessel laws.

### S. 1694

At the request of Mr. MOSS, the Senator from Iowa (Mr. CLARK), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors to S. 1694, a bill to amend the Federal Trade Commission Act to regulate commerce and to assure adequate and stable supplies of petroleum products at the lowest cost to the consumer, and for other purposes.

### S. 1714

At the request of Mr. MCGOVERN, the Senator from Rhode Island (Mr. PASTORE), the Senator from Iowa (Mr. HUGHES), the Senator from Idaho (Mr. CHURCH), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 1714, to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era.

### S. 1715

At the request of Mr. MCGOVERN, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 1715, to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era, and for other purposes.

### S. 1716

At the request of Mr. MCGOVERN, the Senator from Iowa (Mr. HUGHES), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 1716, to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes.

### S. 1717

At the request of Mr. MCGOVERN, the Senator from Rhode Island (Mr. PASTORE), the Senator from Iowa (Mr. HUGHES), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 1717, to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans.

### S. 1718

At the request of Mr. MCGOVERN, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 1718, to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational allowances and have their period of entitlement reduced proportionally.

### S. 1734

At the request of Mr. MANSFIELD (for Mr. MAGNUSON) the Senator from New Hampshire (Mr. COTTON) was added as a cosponsor of S. 1734, to amend certain laws affecting the Coast Guard.

### S. 1773

At the request of Mr. HARRY F. BYRD, JR., the Senator from Missouri (Mr. SYMINGTON) was added as a cosponsor of S. 1773, to amend section 7305 of title 10, United States Code, relating to the sale of vessels stricken from the Naval Vessel Register.

### S. 1814

At the request of Mr. JAVITS, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1814, the Adult Education Amendments of 1973.

### SENATE JOINT RESOLUTION 88

At the request of Mr. JAVITS, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of Senate Joint Resolution 88, authorizing the President to proclaim the first Sunday of June of each year as "American Youth Day."

## ADDITIONAL COSPONSORS OF A RESOLUTION

### SENATE RESOLUTION 89

At the request of Mr. BROCK, the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from New Mexico, Mr. DOMENICI), the Senator from New York (Mr. JAVITS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Resolution 89, to create a temporary select committee to review the Committee structure in the Senate.

## EXTENSION OF MORE FLEXIBLE REGULATION TO FEDERALLY INSURED FINANCIAL INSTITUTIONS—AMENDMENTS

### AMENDMENT NO. 139

(Ordered to be printed and to lie on the table.)

Mr. BROCK. Mr. President, the amendment to S. 1738 which I am submitting today for myself and the Senator from Utah (Mr. BENNETT) has as its purpose the confining to the States of Massachusetts and New Hampshire a practice under which mutual savings banks in those States are offering the public an interest return on checking accounts—NOW accounts—to the competitive disadvantage of commercial banks, cooperative banks, and savings and loan associations. This amendment would prevent any further unregulated proliferation of what is in fact the payment of interest on checking accounts.

This practice could readily become nationwide through adoption by other types of depository institutions. I understand that NOW account operations in mutual savings banks are already being contemplated in New York, Pennsylvania, and Vermont. Other States and other depository institutions would soon follow. This in turn would bring about a complete revamping of our financial system without adequate consideration of its consequences.

As indicated above, NOW accounts are interest-bearing checking accounts. In fact, one Massachusetts mutual savings bank advertises them as being "5¼ percent better than a check." Congress should not condone the existence of these accounts without a thorough study of the implications.

Failure to ban "NOW" accounts infringes on a 40-year statutory prohibition on the payment of interest on checking accounts, a law going back to the Banking Act of 1933. Commercial banks are under the ban of that law with regard to checking accounts, and yet New England competitors of commercial banks are doing the very thing banks are prohibited from doing.

The Congress decided in 1933 that the payment of interest on checking accounts is not in the public interest. Thus, we should be cautious about setting aside that law. I am not saying that the law should not eventually be changed. What I am saying is that if the door to interest-bearing checking accounts is opened, it should be done in the light of careful assessment of all the implications of such a change, and not via the backdoor of so-called NOW accounts.

The ramifications of paying interest on checking accounts reach into nearly all aspects of the financial system. For example, it affects monetary policy, the competitive equality among different types of financial institutions, the stability of the financial system, depositor protection, and the flow of funds to housing and many other important areas of the economy.

Contrary to popular opinion, NOW accounts are certainly not in the interest of all consumers. It may be to some consumers' benefit to get interest on checking accounts—I would like that myself—but it would force up borrowing costs to most other consumers who have to depend on credit. It is one sided to say that some individuals as depositors are benefited by a return on checking accounts or a higher return on savings deposits when that return is produced by a corresponding increase in loan rates to others. The persons who will gain most from deposit interest are the more affluent, whose savings exceed their mortgage and other debts, or who have no debt. But those needy persons who are struggling to own a home, or to pay a landlord's mortgage through rent, are the one who will lose, and they are consumers too. I think we should look at both sides of this question. You cannot raise the deposit costs of financial institutions without raising borrowing costs or causing other maladjustments.

Then, too, I think we sometimes forget that mortgage loans generally require much greater stability of deposits than that provided by checking accounts. Such money should not be put into long term mortgages. If savings accounts take on the characteristics of checking accounts, the financial institutions offering those accounts will have to put the funds into liquid and high yielding short-term investments in order to meet demand withdrawals and to defray the higher costs of operation. Accordingly, we can look for a decline in thrift institution support of the housing markets, and this is certainly not in the public interest.

NOW accounts create an intolerable competitive situation. This phraseology was used by Governor Mitchell when he testified on March 21 before our committee on this legislation. At the present time, mutual savings banks in Massachusetts have no legal reserve requirements against deposits and in New Hampshire the reserve requirements on commercial bank check accounts range from 8 to 17½ percent. It is obvious that NOW account operations provide a very unfair competitive edge for mutual savings banks over commercial banks; and by the same token, in terms of liquid assets, they do not offer as much depositor protection as commercial bank checking accounts do.

Moreover, at 5¼ percent interest, mutual savings banks in Massachusetts can pay three-fourths of 1 percent more to attract deposits than commercial banks can pay on regular passbook savings; and, of course, on checking accounts commercial banks are forbidden to pay any interest at all. The competitive inequity is obvious.

I ask unanimous consent that my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

#### Amendments No. 139

On page 1, line 6, strike out "(a)".

On page 2, strike out lines 1 through 9, and insert in lieu thereof the following:

#### PROHIBITION ON CERTAIN ACTIVITIES BY DEPOSITORY INSTITUTIONS

Sec. 2. (a) No depository institution shall allow the owner of a deposit or account on which interest or dividends are paid to make withdrawals by means of negotiable or non-negotiable orders or otherwise in favor of any person other than the depositor or his legal representative, except that such withdrawals may be made prior to June 1, 1974 in the States of Massachusetts and New Hampshire in accordance with contractual arrangements entered into prior to such date.

(b) For purposes of this section, the term "depository institution" means—

(1) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

(2) any State bank as defined in section 3 of the Federal Deposit Insurance Act;

(3) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(4) any savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(5) any insured institution as defined in section 401 of the National Housing Act;

(6) any building and loan association or savings and loan association organized and operated according to the laws of the State in which it is chartered or organized; and, for purposes of this paragraph, the term "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(7) any Federal credit union as defined in section 101 of the Federal Credit Union Act; and

(8) any State credit union as defined in section 101 of the Federal Credit Union Act.

(c) Any depository institution which violates this section shall be fined $1,000 for each violation.

On page 2, line 12, strike out "Sec. 2." and insert "Sec. 3.".

On page 3, line 7, strike out "Sec. 3." and insert "Sec. 4.".

On page 6, line 10, strike out "Sec. 4." and insert "Sec. 5.".

On page 13, line 16, strike out "Sec. 5." and insert "Sec. 6.".

## ADDITIONAL COSPONSORS OF AN AMENDMENT

### AMENDMENT NO. 135 TO S. 1672

At the request of Mr. Stevenson, the Senator from Wisconsin (Mr. Proxmire), the Senator from Illinois (Mr. Percy), the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Hartke), the Senator from New York (Mr. Javits), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Minnesota (Mr. Humphrey), the Senator from Ohio (Mr. Taft), the Senator from New Jersey (Mr. Williams), the Senator from Florida (Mr. Gurney), the Senator from California (Mr. Tunney), and the Senator from Delaware (Mr. Biden) were added as cosponsors of Amendment No. 135, to the bill (S. 1672) to amend the Small Business Act.

## NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM THE FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Members and the public that the Subcommittee on Criminal Laws and Procedures will hold open hearings on May 23, 1973, on bills to codify, revise, and reform the Federal criminal laws. The hearings will commence at 10 a.m. in room 2228, Dirksen Senate Office Building. The following witnesses have been scheduled to appear on this day: Hon. Marvin E. Frankel, judge, U.S. District Court, New York, on the appellate review of sentencing; a representative of the National Association of Insurance Commissioners on insurance bankruptcy; and a representative of the section on taxation of the American Bar Association on tax laws.

Additional information on the hearings is available from the subcommittee in room 2204, Dirksen Senate Office Building, telephone, area code 202 225-3281.

## ANNOUNCEMENT OF RAILROAD RETIREMENT HEARINGS

Mr. HATHAWAY. Mr. President, the Railroad Retirement Subcommittee of the Senate Committee on Labor and Public Welfare will conduct hearings on Wednesday, May 30 and Thursday, May 31, on H.R. 7200 and other legislation concerning the railroad retirement system now being prepared.

The hearings will be held in room 4232, the Senate Labor and Public Welfare Committee hearing room beginning at 9:30 a.m.

The purpose of these hearings is to examine the present retirement system. The committee has invited representatives of the Association of American Railroads, the United Transportation Union, Railroad Retirement Board and other interested parties to testify at these hearings. Any person wishing additional information should contact Mr. Angus S. King, Jr., counsel of the subcommittee at 225-2523.

## ADDITIONAL STATEMENTS

## NO GREATER LOVE

Mr. CRANSTON. Mr. President, a story appeared in the Los Angeles Times last Tuesday which I would like to call to the attention of every Member of the Congress.

It is about one woman's determination, courage, and humanitarianism about a problem all of us should be concerned with. She is a resident of Washington, D.C., but the problem she's working on is national in scope.

For Miss Carmella LaSpada has dedicated herself to helping the children of men who were killed in action or are missing in action in Vietnam.

These are the forgotten children in America. But some of them—thanks to Miss LaSpada and her organization "No Greater Love"—are being remembered.

I have met and talked with Miss LaSpada and I am familiar with how she is trying to help these children—children who must grow up without a father and with the cruel memory of a father lost in a war which no one wanted.

No Greater Love needs the support of millions of Americans. The organization should be established in all of our States. But Miss LaSpada will need help if that is to be accomplished.

I urge my fellow Senators to read this article about a very fine woman and a great cause. And I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Remembering the Fatherless in War's Wake

(By Ursula Vils)

Carmella LaSpada flipped the pages of a red loose-leaf binder and paused at a letter obviously scrawled by a child, in this case a boy whose father is missing in action in Vietnam.

The letter is dated Dec. 25 and addressed to the Chicago Bears football team:

"Thank you for my picture. My daddy used to watch your team on TV and I did to. I was waiting for my daddy to come home from Vietnam. But I still watch your games.

Love Kris."

The poignant note is one of numerous responses to a program designed to let children of American servicemen missing or killed in action in Indochina know there are those who care about them.

#### A STAGGERING CHALLENGE

The program is called No Greater Love and its challenge is staggering: There are more than 75,000 children who have lost their fathers in American's longest war.

No Greater Love grew out a Washington-based program Carmella LaSpada launched in May, 1971, with a number of athletes concerned about the plight of American prisoners of war and those missing in action in Southeast Asia.

Miss LaSpada, a petite, persuasive, fast-talking young woman, explained No Greater Love's evolution on a visit to Los Angeles to marshal aid for the program in Southern California.

"The athletes, being nonpolitical, felt they might have a chance to discuss the issue with Hanoi on the strictly human level, with no political overtones."

Four famed athletes—football's Johnny Unitas, baseball's Brooks Robinson and Ted Williams and swimmer Don Schollander—wrote to North Vietnam Prime Minister Pham Van Dong asking permission to visit him to discuss the POW/MIA matter.

No reply was received.

But POW/MIA children, alerted through the National League of Families of Prisoners and Missing in Southeast Asia, began writing their athlete heroes.

"We found there were 2,500 such children," said Miss LaSpada, whose six-month leave from a non-political civil service job in the President's office (she has served several Administrations) has escalated to nearly two years—with no immediate prospect of returning.

"We decided to try to do something for the children. In the summer of '71 we sent out questionnaires about their interests so we could personalize our efforts. If Kris, for instance, liked the Chicago Bears, we wanted to see to it he got personally autographed photos or a football from that team.

### VOLUNTEER STUDENT HELP

"We got the forms back in November '71. With the help of student volunteers from Georgetown University, we got out a couple thousand gifts in three weeks—in time for Christmas."

On the success of the Christmas campaign—and the response from the children—Carmella LaSpada vowed to continue the program and to expand it to include special occasions, such as birthdays, religious milestones and children's medical crises.

She lined up an impressive roster of athletes, professional and college sports teams and entertainers who would send the children personalized remembrances—autographed photos, a note, a phone call on a special occasion such as a birthday or the even of surgery.

And she worked, and is still bending every effort, toward lining up financial support. Although the athletes' and entertainers' time is donated and many of the mementos are provided by the sports teams, funds are needed for mailing, an office and to expand the program, she said.

"We sent 4,000 gifts last Christmas," Miss LaSpada said, "working out of my apartment. It looked like a warehouse." She came to Southern California primarily to attend a Steel Workers Union banquet last Saturday, of which the proceeds are to go to No Greater Love. She also is completing plans for a party Saturday for MIA and KIA (killed in action) children at which a Southland advisory committee will be announced. It will be at Mrs. Donald Rosenfeld's home in Beverly Hills.

She is anxious to expand into California because of the large number of MIA and KIA children living on or near military installations here, such as the El Toro and San Diego areas.

### LEST THEY FORGET

Miss LaSpada also sees the need to remind the public about the children who remain fatherless despite the cessation of American involvement in Indochina.

"A lot of people want to forget Vietnam," she said. "But children are the innocent victims of any war.

"Their mothers don't know the effect of their having lost their fathers yet. They can tell a child to be proud of his dad, but it means a lot more if an athlete he admires says, 'You must really be proud to have had such a father.' "

So, breathless with enthusiasm, talking like a machine-gun, Carmella LsSpada plunges into the future.

"We're planning a big push for Father's Day in June," she said, "and I'm hoping to line up a series of public service spots for radio and television through the Ad Council.

### FLAGS FOR HEROES

"For Flag Day, we're trying for Operation Hero Flag, a project to send each a Flag flown over the Capitol on the father's birthday.

"And I keep looking for my angel . . . that one person . . . someone who'll give us enough for the mass mailing we need."

Miss LaSpada serves No Greater Love as vice president (Johnny Unitas is president), treasurer and national coordinator. The group is nonprofit and tax exempt. Its mailing address is PO Box 968, Hoya Station, Washington, D.C. 20007.

And what does Carmella LaSpada live on? "Well, I've used up my savings, but my brother, a Washington attorney, helps me, and every time I go home to Philadelphia I come back with packages of food."

She turned more serious, monumentally uninterested in her standard of living.

"I'm really fortunate," she said. "My father is wonderful, and growing up without him . . . well . . . I guess that's why I'm doing this for the MIA/KIA children. It's like the least I can do.

"The only way this program will die is if I die."

She riffled the pages of the red binder again and stopped at another letter from a son of a man missing in Indochina. This one was addressed to the Cincinnati Bengals football team:

Dear Bengals: Thank you very much for the stocking filled with all that neat stuff. I'll put them all around my room.

I hope you have real good luck for all the seasons to come.

Sincerely,

Mark.

P.S. My mother didn't make me write this.

---

## SENATOR HELMS PROTESTS UNREASONABLE OSHA RULES FOR GROWERS OF TOBACCO

Mr. HELMS. Mr. President, on May 1 of this year, the Department of Labor under the Occupational Safety and Health Act proposed certain so-called emergency temporary standards for exposure to organophosphorous pesticides which were published in the Federal Register. These standards would establish minimum periods during which farmworkers or other agricultural employees would be prohibited from reentering the fields treated with the listed pesticides.

Among the crops controlled under this proposed regulation is tobacco. I strongly object to the publication of these emergency regulations and I have voiced my objections in a letter to Mr. John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, which I am inserting in the Record.

These regulations are believed by many to be the result of a sellout by the Department of Labor to the pressure and intimidation brought to bear by Caesar Chavez and the OEO-funded migrant legal action program. I have to date seen no evidence justifying these "emergency" regulations. The regulations which have been proposed stipulated periods of from 2 to 7 days during which farmworkers cannot reenter fields which have been sprayed with the various pesticides covered in the regulations. This will impose an obviously serious hardship on the farmer and on his ability to cultivate his crop. Chemical pesticides applied according to instructions have resulted in no danger insofar as I know to the health of farm employees engaged in harvesting tobacco.

Tobacco is a perishable crop. The timing involved in the cultivation and harvesting depends in large part upon weather conditions during the season. In light of this, the minimum time periods during which OSHA insists that farmworkers may not reenter fields is unreasonable, unfair, and in complete disregard for the rights of the farmer to earn a living without undue governmental interference.

If these regulations become effective, the farmworker entering a field during the prescribed period for any reason would be required to wear a gas mask or respirator as well as coveralls or other body coverings including gloves, hat, and shoe coverings. The image of a tobacco farmer working his fields covered from head to toe and wearing a gas mask in mid-July points out just how ridiculous and unreasonable these occupational safety and health regulations can be.

In addition, these regulations would apply to any employee, as determined by the Occupational Safety and Health Administration, who works in a tobacco farmer's fields. As an example, this could mean that if a man owns a small farm on which he grows tobacco, and also has a tenant living on the farm who helps the farmer in cultivating and harvesting the tobacco, that tenant would not be allowed into the fields for from 2 to 7 days, depending on which chemicals were being sprayed at different periods during the growing season. It also means that, if the tenant does have to go into the fields at some point while the reentry prohibition is in effect, he would have to wear the protective clothing or gas masks that these regulations require. Under the regulations, the farmer would also have to set up toilet facilities in the field and provide clean water for washing in the field; he would be required to supply coveralls and have them cleaned after each day for his tenant. The same situation would apply if a man's brother or any other relative outside of his immediate household helps him with his tobacco farming and is given pay or other benefits for helping with the tobacco crop.

These regulations have been demanded by unions purporting to represent migrant workers employed principally in fruit harvesting. These regulations have no reasonable connection to tobacco growing and should not apply to the tobacco farmer.

I urge other Members of the Senate to join me in insisting that the Department of Labor reconsider and withdraw these proposed "emergency" regulations.

I would hope that every citizen and every farmer who feel that these regulations are unjust, and an example of Washington's bureaucracy running wild, will write to the Department of Labor, Occupational Safety and Health Administration, and voice their objection to these proposed regulations.

Mr. President, I ask unanimous consent that my letter to Mr. Stender to which I have previously referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 9, 1973.

Mr. JOHN H. STENDER,
*Assistant Secretary, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C.*

DEAR MR. STENDER: I am writing to you to object in the strongest possible terms to the proposed emergency temporary standards for exposure to organophosphorus pesticides published in the Federal Register of May 1, 1973.

In today's economy fraught with rising consumer prices for agricultural products, these proposed emergency occupational safety and health regulations will definitely result in increased costs of production with the consequent increased costs to the consumer. In some cases, it is easily foreseeable that these regulations will force farmers and orchardmen out of their livelihood.

There is a definite point at which the harassment and bureaucracy attendant to the administration of the Occupational Safety and Health Act become so burdensome that the small producer is forced to quit or sell out to the larger economic unit which can afford the overhead and inefficiencies which result from government regulation.

The Occupational Safety and Health Act, and more importantly, the administrative excesses in its application, have contributed significantly to the difficult times which small businessmen and small farmers are experiencing. When the small businessmen and small farmers are put out of business, the whole Nation suffers because they are the competitive edge that keeps our free market economy operating.

The proposed emergency regulations and the justifications for them which were outlined in the Federal Register give no consideration to the practical ability of farmers and orchardmen to implement these regulations and still be able to cultivate their fruits and crops.

I am not satisfied that any reasonable case has been made by the Occupational Safety and Health Administration to justify the imposition of emergency regulations.

I would ask you at this time to suspend the effective date which has been published for the implementation of these regulations until such time as a more thorough evaluation can be made of the effects of the various pesticides on the safety of farm workers and the rationality of such regulations in terms of the ability of agricultural producers to comply with such standards.

Sincerely,

—— ——.

## THE CONSTITUTION, CONGRESS, AND SENATOR ERVIN

Mr. CHURCH. Mr. President, for many years now, our distinguished friend and colleague from North Carolina (Mr. ERVIN) has urged the legislative branch to live up to its rightful constitutional role in our governmental system of shared and coordinated powers. The year 1973 is the year that SAM ERVIN is showing us the way. He has said, "I think the Senate is determined to recover some of its powers." I think he is right; I think the Senator is the symbolic leader in this major move by this body. I respectfully tip my hat and express my appreciation to him for his hard work as a legislator, for his commitment to restoring the balance of power between the branches of government and, above all, for his abiding faith in the Constitution of the United States.

I ask unanimous consent that an article by James M. Naughton entitled "Constitutional Ervin" that appeared in the New York Times Magazine on May 13 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CONSTITUTIONAL ERVIN

(By James M. Naughton)

WASHINGTON.—Tourists peered, like innocent cherubim placed there for effect, over the edge of the circular second-floor railing and down on the human fresco in the well of the Senate rotunda of the United States Capitol. Portable floodlights. Three television cameras. A dozen microphones. A rackety pack of the nation's premier investigative reporters. And, at the center, a broad-shouldered, white-haired, 76-year-old oracle who alternately listened to questions with an amused smile creasing his McIntosh apple face or gargled answers in a cornmeal-mush dialect of the Appalachian South.

Once, maybe twice, the word "Watergate" seemed to rise rancidly from the fresco, rebound off the nearby stone wall—where a plaque noted that Samuel F. B. Morse had, 129 years earlier, telegraphed "What hath God wrought!" to Baltimore—and lodge in the ears of curious bystanders. "What's going on?" people asked each other. "Who is that?" a lady inquired of a Capitol guard.

"That's Senator Ervin of the Watergate committee," the guard replied.

"Oh, yes," said the lady, excitedly, repeating the bulletin to an elderly companion. "That's Senator Erwin."

They may not know how to pronounce his name, these visitors from Nebraska or Texas or New Hampshire or Georgia who outnumber the springtime crocuses in the capital. But they know who Sam J. Ervin Jr. is.

He is the investigator who was not indulging in hyperbole when he threatened to send the Senate Sergeant-at-Arms to arrest any White House aide refusing to testify about political espionage and sabotage before the Select Committee on Presidential Campaign Activities. He is the constitutional lawyer who dismissed President Nixon's interpretation of executive privilege as so much "executive poppycock." He is the legislator who drafted a measure to demand that the White House follow Congressional instructions on how to spend Federal money. He is the storyteller who seems to have committed to memory the Bible, the Constitution, the words of Shakespeare, the rulings of the Supreme Court, the advice of Thomas Hobbes, James Madison, W. C. Fields and, of course, Tarheel philosopher Lum Garrison. He is the Democratic senior Senator from North Carolina and, after 18 years in the Senate and five decades in public life, he has amassed enough influence, authority and seniority to chair—besides the Watergate inquiry—the Government Operations Committee and three Judiciary subcommittees, enabling him to preside over more than 60 Congressional employes with an annual payroll exceeding $1-million.

And he is the closest thing the United States Congress has to a symbolic leader in its bitter dispute with President Nixon over constitutional powers.

Congress sorely needs a symbol. Pierre L'Enfant designed the District of Columbia to resemble a big wheel, with the Capitol at its hub, but the power and visibility have shifted to the White House. Congress must struggle ritually to overcome political, philosophical and sectional differences among 435 Representatives and 100 Senators on the most mundane matters. The President can act with solitary dispatch. Members of Congress may get 30 seconds of time on a newscast for each ton of paper they distribute with their press statements. The President can monopolize 30 minutes of prime time on every television network, simultaneously, merely by suggesting he has something on his mind.

Congress had plenty on its mind when it convened for the 93d time in January. Since its members had gone off last year to get elected or re-elected, the President had dismissed Watergate, through his spokesmen, as a third-rate burglary attempt unconnected to the White House. He had declared peace to be at hand in Indochina just before the election and then unleashed aerial devastation on Hanoi just before Christmas. He had impounded—withheld, that is—more than $12-billion allocated by Congress for a variety of spending programs, in effect unilaterally re-setting the nation's spending priorities. The Senate and House of Representatives might have been able to live with all that, but Mr. Nixon had not even troubled to go through the motions of advising their leaders. At least, grumbled some of them, Lyndon Johnson had flown committee chairmen down to the Pedernales to tell them when they were about to be disregarded. As Ralph Nader put it, the President's great contribution to the Congress was that he had offended its sensibilities. Almost by accident—Ervin, a Presbyterian elder, might say by predestination—the senior Senator from North Carolina has become the symbol of the wounded institution trying to recover its strength and its self-respect. After two decades as hardly more than a caricature of the Southern wing, Sam Ervin at the twilight of his career has become the graven image of Congress. Nothing that he is doing or saying today is much different from what he did or said as a freshman Senator in 1954, but suddenly people are watching and listening with the avidity of voyeurs. His long love affair with the original version of the Constitution has propelled Ervin into the role of architect of Congressional efforts to regain constitutional prerogatives. His reputation for fairness and his experience as a justice of the North Carolina Supreme Court have cast him in a leading role in the Watergate morality play. His native wit and accumulated hill-country charm have captivated the media, helped turn Ervin into a campus folk figure and caused all of Washington to listen for his antiphons every time the White House sings a new tune. In the next few days, as the Watergate committee begins its public exploration of a scandal that has raised doubts about the integrity of the 1972 Presidential election and of the national political system itself, it will be Sam Ervin, manipulating the gavel and guiding the inquiry, who will be the dominant political figure in Washington.

The snow tires sang and windshield wipers clacked as the Chrysler New Yorker bearing United States Senator license plates swished through Cornelius and turned right onto North Carolina 73, tunneled into the wet dark night at 60 m.p.h. and headed home to Morganton.

"Oh, ah can see fahn," said Sam Ervin as he squinted toward the ends of the headlamp beams. "Ah just hope it isn't too bad through Hickory."

"Do y'all have your seat belts on?" inquired Miz Margaret, scrunched hospitably into a corner of the rear seat alongside the clothes hamper, hatbox and overnight case so that her husband and their guest could talk up front. "Is the air-conditioner on?"

The previous day, a radio newscaster had told Sam Ervin that Richard Nixon had caved in on executive privilege. "Major developments" in the Watergate case had suddenly come to his attention, the President had announced. After weeks of insisting on the right of his White House aides to decline to appear before the Ervin committee, after Ervin had threatened their arrest if necessary, after the Attorney General had claimed executive privilege cloaked all 2.5-million Government employes in Presidential secrecy, after Ervin had rejected an offer of written answers or informal close-door White House testimony, the President had reversed himself and ordered his aides to cooperate with the Senate investigation.

"Ah got to a motel and there were two newsmen there," Mr. Ervin recalled as the Chrysler neared Lowesville." "Ah must enunciate very poorly, 'cause ah never say anything to belittle people, and ah told them ah was glad the President's aides were gonna come down and testifah, and they misunderstood mah Southern accent. Ah was saying a-i-d-e-s, ah thought plainly. Gol darn if they didn't both write me up saying ah was glad the eggs were gonna come down and testifah. . . ."

"Can you imagine?" Miz Margaret intervened.

". . . which is contrary to mah whole history. It was just in the two North Carolina papers, so ah hope it'll stay there. Ah said before, ah'm charged with bein' judge and jury and ah don't like to say anything—ah don't say anything—that's attacks on people or anything to indicate ah can't base mah decisions solely on what evidence we bring in. Now if that's been some of you Nawtherners, ah could understand it. You couldn't understand the dialect. But how these Southerners couldn't understand the difference between aides and eggs. . . ."

Senator Barry Goldwater, the Arizona Republican, the conscience of the conservatives, the 1964 Republican nominee for President, came out the other day in favor of an independent, impartial investigation of the Watergate conspiracy by a prominent individual outside both the Administration and the Congress.

"But I have complete faith in Ervin," he hastily noted. "I'd trust him with my wife's back teeth."

That attitude is more prevalent than bunkum in the United States Senate. It explains why Ervin was pressganged into the chairmanship of the Watergate probe and why the White House has the jitters about the Senate investigation.

Ervin was snowbound in Morgantown last January when Mike Mansfield, the Senate Democratic leader, persuaded the Democratic Policy Committee to initiate a full-scale inquisition into every allegation of wrongdoing by the Republican Presidential campaign organization in 1972—the bugging of the Democrats' Watergate offices, the sabotage of Democratic candidacies, the laundering of hundred-dollar bills to support these efforts, White House attempts to cover it all up. Mansfield's first rule was that the committee's Democrats could not be past or potential Presidential candidates, a stipulation that seemed to rule out nearly every Democrat in the Senate. Mansfield also wanted as chairman an experienced lawyer, preferably one with investigative or judicial experience.

The logical, perhaps the lone, prospect was Samuel James Ervin Jr. He had supported the President on Vietnam and voted to sustain some Nixon vetoes. He was not, clearly, a partisan Democrat. He had practiced law since 1922, served at every level of the criminal and appellate court system in North Carolina, sat on the Senate committees that censured Joseph McCarthy in 1954 and investigated labor racketeering from 1957 to 1960. Above all, as Mansfield put it, he "was the only man we could have picked on either side of the aisle who'd have the respect of the Senate as a whole. We could've got the fist-pounding, free-wheeling boys out there. I don't know what that would have accomplished. We're not looking for a TV melodrama. We're looking for a good, fair, impartial investigation."

But Sam Ervin wasn't looking for its chairmanship. He was enmeshed in constitutional scraps over the impoundment of appropriated funds by the President and secrecy in the executive branch. And, despite the fact that he will be 78 years old when his Senate term expires in 1974, Ervin has not yet decided to retire. He didn't relish taking on another, potentially political clash with a President who had just produced a landslide victory that in North Carolina also swept out of the Senate Ervin's friend, B. Everett Jordan and installed as the junior Senator from North Carolina a conservative Republican, Jesse Helms.

It snowed in North Carolina. Ervin could not get to Washington for the January meeting of the Democratic caucus. Mansfield hustled the 14-member Policy Committee and then the 57-member caucus, minus Ervin, to unanimously endorse Ervin for the Watergate chairmanship.

"Mike didn't leave me much choice. Ah sorta felt like, under the circumstances, it was mah duty to go ahead and do the best ah could," Ervin said. He slowed the big Chrysler at a dark bend in North Carolina 16, outside Triangle.

"Careful," cautioned Miz Margaret.

"Mah good wife says if ah see anythin' controversial comin' from far off, ah run as fast as ah can to jump right in the middle of it. Which is, ah think, an error on her part. But it does seem like ah get a lot of assignments like that."

His willingness to accept them is conditioned in part by the offensive attitude of the White House, the arrogance with which it has refused to give explanations for its war policies or peace hopes, to provide witnesses when Congressional committees request them, to acknowledge the constitutional power of the purse that Congress has been impotent to retain.

"Ah think after the election Nixon got such a tremendous vote, why he thought he had a great mandate from the people. In mah judgment, he overlooked the fact it was not because they loved Ceasar more but Brutus less."

The stop sign loomed up suddenly. The Senator tromped hard on the brake. The Chrysler slid to a halt with its nose poking into the crossroad. Miz Margaret kept her own counsel.

"Ah think the Senate is determined to recover some of the powers. The thing that concerns me is whether the House has the will to do so. It's sorta hard work to sit down and study, for example, this impoundment bill, which the Senate passed as an amendment. The evolution of that bill required a whole lot of work 'cause it was a very weak bill when it started out. It had no means of enforcement. And then we conducted hearings and witnesses came along. Many of them made valuable suggestions and it's a pretty good bill now, ah think. The Administration doesn't want the bill. It might be vetoed, and then it comes to a question of whether or not it can be passed over a veto—in the first place, how much the House is gonna be interested, 'cause they've got a bill over there that's almost a verbatim copy of a bill ah introduced two years ago, that ah came to the conclusion was worthless. They've got a bill over there that's not any good at all. Ah can say that 'cause about 95 per cent of it's what ah wrote out of the Senate version."

Congress already has enough power to force the White House to yield documents and supply witnesses. The question is whether Congress has the nerve to use it, Professor Raoul Berger, a senior fellow at Harvard Law School, admonished at a Senate hearing last month.

Under old English law, which the framers of the United States Constitution had in mind as precedent when they created the system of checks and balances, Professor Berger said, anyone refusing a subpoena from Parliament would be tossed into the Tower of London.

"Hear that, Senator Ervin?" chortled Senator Muskie.

"If I had six Senator Ervins, old as I am, I'd storm the White House," the Harvard professor said.

It is a suggestion not taken lightly some places. Like the White House.

"I worry about him," confessed one Presidential aide. "Ervin's fair. He commands a lot of respect. He's got a following. He has earthy charm. He's going to give us trouble."

Ervin has been trying to do just that—to Supreme Court Justices as well as to Presidents—during his entire Senate career.

In 1954, departing Senator Guy Gillette of Iowa urged freshman Senator Sam Ervin to assume the lead in trying to curtail the encroachment by the executive and judicial branches on the legislative power of Congress. The courts were writing law and the Administration was disregarding law, they agreed. Ervin mentioned the matter to Senator Mansfield and to Senator Everett M. Dirksen, the influential Illinois Republican, and the two leaders introduced a resolution that led to creation of the Senate Judiciary Subcommittee on Separation of Powers. Ervin has been its only chairman.

From that forum—and later from the Subcommittee on Constitutional Rights, the Subcommittee on Revision and Codification of Law, and the full Committee on Government Operations, all of which Ervin also chairs—he has conducted seemingly contradictory crusades. He led Southern filibusters against civil rights laws but initiated civil liberties measures. He voted against Federal housing subsidies but challenged President Nixon's right to withhold the housing funds. He consistently supported the American military involvement in Indochina but fought bitterly against military surveillance of anti-war dissidents. He opposed court rulings that freed criminal suspects on technical procedural grounds but fought with equal fervor against adoption of the "preventive detention" law that permits the jailing of defendants before trial on the grounds they might commit another offense.

The consistency that Ervin sees throughout such positions is that he bases them all on his reading of the United States Constitution.

He is a fundamentalist, a strict constructionist, a constitutional conservative who abhors increases of power, however minimal, in the central government as threats to individual liberty. He grew up immersed in, and consequently still reflects, the old-fashioned Southern fidelity to the Constitution in its original form.

Even when Ervin served as the legal adviser to the civil rights filibusters he sought, not always with success, to limit the debate to questions of constitutionality rather than of prejudice. He cautioned against considering Governors Ross Barnett of Mississippi and George Wallace of Alabama to be embodiments of the Southern view. Once he summed up his own civil rights position this way:

"My stand is unequivocal. No man should be denied the right to vote on account of race; no man should be denied the right to seek and hold any job, the right to live by the sweat of his own brow; no man should be denied the right to have a fair and impartial trial by a jury of his peers; no man should be denied the right to a decent education or to enjoy any other basic human right. . . .

"But we will not fool history as we fool ourselves when we steal freedom from one man to confer it on another. When freedom for one citizen is diminished it is in the end diminished for all. Nor can we preserve liberty by making one branch of Government its protector, for, though defense of liberty be the purpose, the perversion of it will be the effect. The whole fabric of our Constitution—the federal system and the separation of powers doctrine—is designed to protect us against such centralization; but even the language and lessons of the Constitution cannot stop a people who are hell-bent on twisting the document to the will of a temporary majority."

Congressional doves have argued that the United States slipped into Vietnam with little regard for the constitutional requirement of a declaration of war. But Ervin has supported—until, significantly, the last few weeks—the American involvement in Southeast Asian combat. He considered the Tonkin Gulf resolution to be "tantamount to a declaration of war" and voted against its repeal. When it was repealed, he continued to support the Nixon Administration on the grounds that the President had, as Commander in Chief, the authority to protect American troops being withdrawn from the combat zone.

But now that the troops have been withdrawn, Ervin is seriously considering a shift that could have important ramifications in a Senate whose conservatives often follow his lead. "I am frank to state," he told a questioner who wondered the other day about the President's authority to bomb in Cambodia, "that I am somewhat at a loss to understand what authority we have."

Ervin's stewardship of the Senate's effort to enact a law shielding journalists from interrogation by legal officials or subpoena by grand juries is grounded in his interpretation of the First Amendment. He would except newsmen from giving testimony on anything other than first-hand observation of a crime and would stipulate in the legislation he has prepared, that sources of all other information given to journalists are to remain private and that any unpublished data is immune from examination.

The most difficult of Ervin's positions to rationalize, however, is his adamant opposition to the Equal Rights Amendment to the Constitution, which would grant legal parity to women. Ervin's attitude seems less judicial than biological when he explains that "you have got to admit that there are physiological differences between men and women. I stick to my guns that I do not want to see women drafted in this country to serve in the armed forces just as men do."

When Ervin is introduced to an audience in his home state, inevitably he is described as a "champion of individual liberty," which causes him to break out in blushes and grins.

"Our greatest possession," he has told the students and faculty of Davidson College in North Carolina, "is not the vast domain: It's not our beautiful mountains, or our fertile prairies, or our magnificent coastline. It's not our great productive capacity. It is not the might of our Army or Navy. These things are of great importance. But in my judgment the greatest and most precious possession of the American people is the Constitution."

That is why, he said, he initiated legislation this year to compel the President to follow Congressional instructions on spending. "This is not a confrontation that's primarily concerned with money," insisted Ervin.

Mr. Nixon has contended that he was forced to cut back on some spending programs and eliminate others—despite Congressional appropriations—in order to avoid a deficit that would exceed the national debt ceiling or the tax increase that an "irresponsible" Congress would force with profligate spending. But Ervin, who has voted against every increase in the national debt and many of the Democratic-sponsored social spending proposals of the last decade, insists that the President simply does not have the constitutional right to refuse to spend as Congress directs.

Even the Nixon public relations apparatus, which came up with "battle of the budget" information kits advising Administration officials on tactics for attacking Congressional spending habits, is hardpressed to paint Ervin as a fiscal libertine.

Ervin himself complains that both Presidents and Congresses have been too loose with the public's money, as in the foreign aid program, for example. "If an individual were to borrow money to give it away," he notes wryly, "his friends and family would institute an inquisition in lunacy against him and have a guardian appointed on the grounds that he's not capable of managing his own affairs. But in the last 40 years, if a politician advocated the country borrowing money to give it away, he would likely be elected President or Senator or Congressman or wind up as Secretary of State." His most telling punch line, however, may be his assertion that "the most reckless spending man that's ever been in the White House since I've been in Congress is the present occupant. The national debt has increased $110-billion since he took his oath of office a little over four years ago."

Small wonder that even before Ervin got under way with the Watergate investigation, the White House was fretful over the Senator's potential to shape the public perception of the clash between the President and the Congress. A political associate of Ervin's in Charlotte, N.C., a contributor who had also supported President Nixon's candidacy for reelection, tells of receiving "a call from Washington" to inquire if there wasn't some way that he and "other Nixon friends" could persuade Ervin to back off a bit. Instead, the Charlotte man passed the information on to Ervin.

"Mah father was a lawyer, too, and when ah first started practicin' with him, we used to go to some of the mountain towns, and most of them were hard to get into before the roads were very good. And you got over there, you had to stay all week, 'cause it was just too much trouble getting in and out. So at night the judge and the lawyers would sit around and tell stowries. And so ah just heard a lot of these old stowries then, and mah father was pretty much of a stowryteller."

The Chrysler swept easily along U.S. 64 and 70. Whoosh. Clumps of trees. Whoosh. A darkened clapboard house. Whoosh. Whoosh. Two mobile homes, no longer mobile, their occupants camped permanently along the highway.

"Mah wife, of course, says ah haven't heard a new stowry in ages, and she's gettin' tired of laughin' at these old ones."

It is an exaggeration. Most of the stories are old, but what about the Senator's response to the question at the news conference a few hours earlier in Davidson College's elegant old Philanthropic Society Hall? (And was it really coincidental that Ervin had sat a few feet away from a Bible opened to the Book of Solomon?) The question was whether Ervin would take Martha Mitchell up on her publicly expressed wish to testify on behalf of the former Attorney General at the Watergate hearings.

"Ah'd have to meditate a long time on a voluntary witness," he'd answered. "The only other voluntary witness ah've had was a man who calls me several times a week to tell me the Lord has communicated with him on Watergate." His face had become red with suppressed delight. "Ah told him ah'd be awful glad to have the Lord come and testify, but if ah let him come and tell us what the Lord had told him about Watergate, people might criticize us on the grounds the testimony is hearsay." He had let the delight burst forth in glee. It had been comcunicable.

"Ah have always found if you got a good stowry that sort of fits things, a good stowry is worth an hour of argument."

There are many styles in the United States Senate, but few of its members are stylish. Ed Muskie glowers and pounds his fist in righteous indignation nearly every time he confronts an Administration witness who disagrees with him. Hugh Scott, the Republican leader, prefers such rhetorical curlicues as this comment a few days ago on the Watergate conspirators: "This rotten vine of Watergate has produced poisoned fruit, and all who have been nourished by it ought to be cast out of the Garden of Eden."

Sam Ervin smiles, grins, chortles, guffaws and harpoons witnesses with barbed anecdotes. He is not above using the same one three times in a single day to make three separate, distinct points. But when Ervin is at his best, which he has been frequently this year, his style can be devastating.

He was dumbfounded, almost, on the day that Attorney General Richard G. Kleindienst testified that the President had a constitutional right to control the testimony of every single employe of the executive branch, from janitor to letter carrier to national security consultant.

"Your position," asked Ervin, "is that the President has implied power under the Constitution to deny to the Congress the testimony of any person working for the executive branch of the Government or any document in the possession of anybody working for the Government?"

"Yes, sir," said the then-Attorney General, "and you have a remedy, all kinds of remedies—cut off appropriations. Impeach the President."

That seemed a mite extreme to Mr. Ervin. He brooded a while. Then, in a comment to the next witness, he sought to make the point that any official of the Government should have no reluctance to at least appear as a Congressional witness before deciding if he could answer a question without violating a Presidential confidence.

"One time," said the Senator, "I was holding court and a man wanted to be excused from the jury panel on the grounds he was deaf in one ear. And I said, 'We will wait to see whether you will be selected to be on a grand jury, because a grand jury only hears one side of a case.'" Ervin's only regret seemed to be that he had not remembered the anecdote before Kleindienst had departed.

Inevitably, when Ervin quizzes a witness, the discussion gets down to basics: the Constitution of the United States. The Senator is never without at least one blue paperbound copy and frequently has enough extras to pass out to any witness who might dispute his interpretation of the contents. "I would suggest," he remarked one day at a hearing on the impoundment of appropriated funds, "there are two books that should be in the White House to read. One is the Constitution of the United States and the other is Dale Carnegie's book on 'How to Win Friends and Influence People.'"

A few days later, at a subsequent impoundment hearing, the new Deputy Attorney General, Joseph T. Sneed—fresh from the post of Dean of Law at Duke University, where Richard Nixon studied law and in Sam Ervin's home state—made it a point to say he had brought along his own copy of the Constitution. He needed it.

Senator ERVIN. Now, is not the veto the only provision in the Constitution which gives the President the power to disapprove constitutionally, an appropriation bill or any other bill passed by Congress?

Mr. SNEED. Senator, if you mean by that the power to veto is exclusive and this excludes the impoundment authority, we do not see it that way.

Senator Ervin. Well, is that not the only expressed authority conferred on the President to not carry out any act of Congress? It is his right to veto if he thinks it is improper.

Mr. Sneed. This is specifically conferred.

Senator Ervin. And is it not a rule of construction of statutory and constitutional provisions that the suppression of one is the exclusion of another?

Mr. Sneed. Well, it is a canon of interpretation, and frequently followed.

Senator Ervin. You mean that the President can refuse to execute an act of Congress without vetoing it?

Mr. Sneed. Senator, what I have really said is [that] the President, we believe, has the power by virtue of all the acts that have been enacted by Congress to which I have made reference [on the national debt limitation, the mandate to seek full employment and the requirements to curtail inflation] to impound funds in the manner in which he has done.

Senator Ervin. Well, I am talking about the Constitution now, not the statutes.

Mr. Sneed. Well, as I say, when we get down to, as I mention in my formal statement, situations in which all of the statutory justifications for impounding were stripped away and we have simply a question of whether there is any constitutional power of the President to impound and Congress has said you must spend, it is our contention that he may refuse to spend and that the collision in that case between the Congress and the President is a political question that is not justificable.

Senator Ervin. I am reminded of the story of the deacon who desired to preach. The deacon went to the board of deacons and wanted to know why they fired him, and he asked the chairman. "Don't I arguefy?" He said, "Yes, you arguefy, yes." He said, "Don't I sputify?" The chairman said, "Yes, you sure do sputify." He said, "What's the trouble with my preaching?" The chairman said, "You don't show wherein." I wish you would show wherein there is any provision other than the veto power that the President has the right to ignore any provision of Congress.

Mr. Sneed. There is no explicit power of impoundment.

Senator Ervin. The power has to be either expressed or implied. Now, tell us where it is implied. If you will tell us where it is, we will facilitate this.

Mr. Sneed. We have to go, as far as the Constitution is concerned, to Article Two in Sections One and Two and Three.

Senator Ervin. Well, the only thing I see in there that anybody has invoked so far is [the President's] power to see that the laws are faithfully executed. I cannot reconcile [your] conclusion with what the words say. If there is any other provision of the Constitution that provides that power—

Mr. Sneed. Senator, I have done my best to contribute to this discussion.

Senator Ervin. Somebody told me once when I was representing a case, he said, 'You put up the best possible defense for a guilty client.'

The Chrysler made it through Hickory all right. The strip of truck terminals and furniture factories and discount stores and gas stations along the highway was still ablaze with light, but it was nearly midnight and there was little traffic.

"Ah think the President made a great mistake in his approach," said Ervin. "'Cause ah have no doubt—in fact there's a good many people in Congress concerned about financial matters, the balance of payments, deficit spendin'—and ah think that if the President had called a group like that and approached them and asked them for he'p he'd have made much better progress. But apparently he has a feeling he has a great mandate and the Congress is just sort of a useless body standin' in his way."

Sam Ervin feels far from useless now. He is on top of his own world. Virtually every issue he has fretted about, almost alone, for 18 years is at the head of the Congressional agenda now.

The car slowed and crept through the edge of Morganton and turned left into the circular drive in front of a low-slung red brick house with a big white portico. Senator Sam and Miz Margaret stepped wearily out and trod into the entrance hall. It was cloaked in books from floor to ceiling. So was the big den just off the hall. And the little hallway between the den and the bedroom. Copies of the United States Code. Journals of Congress. Treatises on the Constitution. Big Bibles, small Bibles, stacks of theological and merely inspirational volumes. And the papers of the Presidents.

The Senator got out the bourbon and the box of potato chips and anticipated a few days of relaxation. The phone rang. It was C.B.S. in New York. Did the Senator have any comment on the latest newspaper accounts about the Watergate case? No, he'd have to refrain from comment and remain an impartial judge of the facts.

He sipped at the bourbon and tried to stay away, unsuccessfully, from the potato chips. There is the Senate election to think about in North Carolina in 1974.

"It depends on three things. What mah doctor says, whether the people want me and the family doctor."

"The time to quit," said Miz Margaret, "is when people want to stay."

## LAW ENFORCEMENT AND THE HEROIN PROBLEM

Mr. JAVITS. Mr. President, last Monday the Executive Reorganization Subcommittee under the chairmanship of the Senator from Connecticut (Mr. Ribicoff) held a public hearing in New York City on Reorganization Plan No. 2 which is now pending in our subcommittee.

Senator Ribicoff and I heard testimony from a distinguished and diverse group of drug treatment, prevention, prosecution and enforcement officials in the New York metropolitan area and I commend and thank all the witnesses for their testimony which was most helpful and important; and the chairman for coming to New York City, where unhappily we have an undue share of drug abuse. The hearing was designed to explore changing patterns of drug abuse and trafficking and the interrelationships of law enforcement and treatment approaches. Specifically, we inquired into the following problems:

First, the nature of drug use and abuse in the New York City school system, and the impact of drug education programs, particularly the new SPARK program to combat it;

Second, the patterns of drug abuse generally, especially the apparent decline in heroin availability and use, and the upsurge in the use of amphetamines, barbiturates, methaqualone, cocaine, and alcohol;

Third, the role of organized crime in drug trafficking and the difficulty in apprehending major traffickers;

Fourth, the complexity and high cost of effective drug enforcement and prosecution, especially in coordinating investigation and intelligence gathering; and

Fifth, the difficulty in tying drug treatment programs into the criminal justice system.

Mr. President, a most original and incisive point of view was articulated before the subcommittee by Mr. Mark H. Moore, who is an instructor in public policy at the Kennedy School of Government at Harvard University. He advanced a most interesting theory regarding the impact of effective law enforcement efforts upon heroin availability and resultant abuse of other dangerous drugs. He argued that law enforcement prevents heroin use, particularly among those not living in endemic areas, and also motivates users to seek treatment. He emphasized that we must constantly keep in mind that while law enforcement is an important instrument, it is only part of a strategy for controlling heroin problems and that treatment facilities are absolutely vital.

Mr. President, I ask unanimous consent that the text of Mr. Moore's testimony be printed in the Record together with a list of the panels at the hearing.

There being no objection, the material was ordered to be printed in the Record, as follows:

### Statement of Mark H. Moore

My name is Mark H. Moore. I am an instructor in Public Policy at the Kennedy School of Government at Harvard University. I have been a consultant to both the Addiction Services Agency in New York City and to the New York City Police Department. My doctoral dissertation is on heroin policy in New York City.

The issue I would like to address is what contribution can and should the enforcement of narcotics laws make to the overall objectives of heroin policy. I will discuss this issue in the following way:

First, I will assert that the major objective of enforcing narcotics laws is to prevent heroin use. I will discuss the mechanisms by which law enforcement has this effect, and the evidence which suggests that it would work.

Second, I will qualify this assertion by noting that law enforcement has harmful effects on the behavior and condition of people who already use heroin, and that law enforcement probably cannot even prevent heroin use among those now living in areas where heroin use is endemic. This qualification will indicate what policies *in addition* to law enforcement we need to achieve the purposes of heroin policy. I will end the testimony by summarizing the limited, but extremely important role that enforcing narcotics laws has in our overall heroin policy.

The most important single objective of enforcing narcotics laws is to *prevent* heroin use, i.e., to reduce the probability that those not currently using heroin will begin to do so. I will support that assertion by describing the mechanisms by which law enforcement creates a variety of inconveniences for experimental users, and by presenting evidence which suggests that inconvenience is enough to discourage many experimental users of heroin from continuing to use. One should keep in mind throughout the discussion that I am describing the reactions of *experimental* users of heroin rather than the reactions of *experienced* addicts. Given that experimental users of heroin are, by definition, not yet addicted to heroin, one would expect them to react much more to levels of inconvenience than experienced addicts.

The most common notion of the mechanism by which law enforcement prevents heroin use is by deterrence. New users are confronted by the prospect of arrest and imprisonment. Because of this risk, they decide not to use heroin. This is *not* the mechanism which I think is important.

What I think is important is that law enforcement tends to increase the amount of time that it takes to find heroin, from 5 minutes to three hours. It also creates the possibility that a new user could spend 3 to 5 hours looking, and ultimately fail to "score". Both the inconvenience and the uncertainty discourage experimental users from trying to "cop".

Law enforcement tends to increase the amount of time it takes to cop and to reduce the probability of being successful by three different mechanisms.

First, law enforcement tends to reduce the aggregate supply of heroin. It does so in two different ways. One way is that heroin dealers are arrested and supplies of heroin are confiscated. It is this effect which is measured accurately by arrests, seizures, etc. and which is largely used to evaluate police efforts. While arrests and confiscations have a direct impact on the supply of heroin, this impact is usually short-lived. Both dealers and suppliers are easily replaced.

A much more important effect of law enforcement, and one that is rarely noticed and evaluated, is that enforcing narcotics laws gives all heroin dealers incentives to behave cautiously. What cautiously means is restricting the number of people who know they are in the heroin business, screening customers to eliminate information and undercover agents, and arranging elaborate "drop" strategies for exchanging heroin without being discovered in the act. What "cautious" means from the point of view of the volume of heroin that can be pushed into the street is "inefficient".

Dealers tend not to advertise, refuse to sell to suspicious customers, and spend enormous amounts of time on each transaction. Since each dealer is less efficient, the whole distribution system manages to push less heroin onto the street. My hunch is that the impact on efficiency is much more important in reducing the aggregate supply than the effect of direct confiscation.

The second mechanism by which law enforcement creates inconveniences for new users is that it tends to make dealers leery of strangers. Suppose for a minute that you are a heroin dealer. You have your choice between selling to two users whom you have seen around, who buy large quantities of heroin, buy regularly, are experienced in dealing with the police and are known to be "stand-up guys"; in selling to 10 people whom you've never seen before, who buy small amounts of heroin, buy irregularly, have no experience in dealing with the police, and have no reputation. Which group would you choose as your customers given law enforcement pressure? Most people would choose to sell to the two experienced users. This suggests that new users may experience unusual difficulty in persuading heroin users to deal with them. The dealers judge them to be bad risks relative to many other potential customers.

Third, law enforcement tends to keep heroin markets disorganized. Dealers go in and out of business. Places where one can buy heroin change from week to week and day to day. This rapid change does not necessarily confuse experienced users. They talk to one another frequently enough to keep up with these changes in the markets. New users, however, have much less regular access to information. They simply do not have six experienced friends who can keep them up to date on places to "score". As a result, they tend to find the heroin markets later and less reliably than experienced users.

In sum, law enforcement tends to reduce the aggregate supply of heroin, to make dealers afraid of strangers, and to keep heroin markets disorganized. The effect of this is to force new users to scramble to gain access to heroin markets. They must work to get information about where to "score", to overcome the dealers' suspicion, and must compete against experienced users for a limited supply of heroin. The new users experience this increased work an increase in the amount of time to "score", and a reduced confidence that they will succeed.

Given that law enforcement increases the hassle of trying to "cop" (i.e., raises the amount of time to find heroin from 5 minutes to three hours), is there any reason to believe that this increased hassle prevents heroin use? Isn't it true that if someone wants to use heroin, he will be willing to spend 2–3 hours looking for it?

My judgment in this issue is that there may be *some* people who are willing to search 3 hours, but they are a surprisingly small minority. There are two important pieces of evidence which suggest that the prospect of a 3 hour search is enough to discourage most potential users from experimenting with heroin.

The first piece of evidence is that no one searches intensively for heroin in the early stages of use. As Chein found in his definitive study at the onset of heroin use:

> "The first try of heroin was a casual, social experience with peers." [1]

This finding has been replicated by many others. One possible though not necessary implication of this evidence is that if users had been forced to search actively for heroin, they might never have begun use.

The second piece of evidence is one small study of 40 people who began heroin use, enjoyed it, but abandoned it. In this study, 22 out of the 40 people have up heroin use because they lost their connection (i.e., their connection lost his connection, their connection was arrested, their connection moved, or they moved.) What is even more significant is that very few of those users who lost their connection made a serious effort to re-establish a connection. The users who lost their connection said they quickly became discouraged because they were "ignorant about who might constitute a new source of supply and known narcotics pushers refused to sell to people who were 'too young'." [2]

This evidence seems persuasive to me. The experience of the Vietnam users also seems to support the same point. While I can't report that evidence as directly as this other evidence, it seems that many of the Vietnam users gave up heroin use when they returned to the United States. I would attribute much of this apparent success simply to the fact that most soldiers find heroin much more difficult to find when they returned home than it had been in Vietnam. They couldn't find people to tell them how to get it. They were forced to deal with criminals and other people whom they didn't know or like. Given the trouble, it wasn't worth continuing to use heroin. Indeed, I would venture to speculation that those veterans who continued to use heroin were primarily those who returned to areas where heroin was available.

Thus, law enforcement tends to increase the "hassle" of finding heroin. An increased hassle in finding heroin tends to reduce the probability that non-users will begin to use heroin.[2] In short, law enforcement prevents heroin use.

There are two important qualifications to this conclusion. First, law enforcement is not likely to successfully prevent heroin use in areas where heroin use is endemic. Many non-users in these areas are known and trusted by dealers and are experienced in dealing with the police. No likely level of law enforcement is likely to raise their time to "score" by more than 2–3 hours. Law enforcement protects kids from Richmond and New Jersey much more effectively than it protects kids in central Harlem. This is particularly agonizing because the ghetto communities must bear the brunt of law enforcement efforts. They incur all of the costs, and none of the benefits. To prevent heroin use in these areas one must do much more than make heroin hard to find. One must provide jobs, schools and recreation opportunities that can compete with heroin use as an entertaining way for non-users to spend their time. Law enforcement may contribute to prevention in these areas by making these alternative activities relatively more attractive. But it cannot be expected to do the whole job.

Second, effective law enforcement has disastrous effects on the behaviour, condition and opportunities of committed addicts. Law enforcement tends to raise the risks of doing business for heroin dealers. As a result, they increase the market price of heroin, and dilute the quality. Raising the price of heroin may increase the number of crimes committed by users. By making the doses of heroin insterile and unpredictable, it threatens old users with risks of death and serious illness. By increasing the number arrested for narcotics crimes, more users are stigmatized. Some argue that there is a beneficial impact of enforcing narcotics laws even on the behavior, lives and opportunities of committed addicts. This benefit is that it increases their motivation to seek treatment. While this effect does seem to occur, it seems like a small benefit compared with the unfortunate effects of this policy. The most important implication of this observation is that enforcing narcotics laws *obliges* us to use other policies and programs to respond to the disastrous effects on the behaviour of current users. We must make a wide variety of treatment programs available to users who will volunteer. And we must provide alternatives to jail for users arrested on narcotics charges and charges associated with violent and property crimes.

In sum, law enforcement has two very important contributions to make to our overall heroin policy. First, it prevents heroin use. Second, it motivates users to seek treatment. However, law enforcement is only *part* of a strategy. It prevents heroin use only among those not living in endemic areas. To protect those who do live in endemic areas we must provide attractive competitive uses of their time. It has disastrous effects on the behaviour and condition of experienced heroin users. In order to cope with these disastrous effects, we must provide a rich array of treatment programs and invent procedures for diverting arrested narcotics users from jail. I believe that we should strengthen law enforcement to secure the benefits which law enforcement permits. However, it is important to keep constantly in mind that while law enforcement is an important instrument, it is only *part* of a strategy for controlling the heroin problems.

### List of Witnesses

#### DRUG USE PANEL

Graham Finney, former Commissioner, City Addiction Services Agency;

Arthur Jaffe, Director, SPARK program, City Board of Education, who will be accompanied by three former addicts in the program;

Msgr. William B. O'Brien, President of Daytop treatment program;

Richard DeLone, Assistant Commissioner, Addiction Services Agency;

Prof. Mark Moore, Harvard University, specialist in the workings of the heroin distribution market.

---

[1] Chien, et. al., *The Road to Heroin,* Basic Books, 1965.

[2] Robert Schasre. "Cessation Patterns Among Neophyte Heroin Users", International Journal of the Addictions, Vol L No. 2 June, 1966.

PROSECUTORS' PANEL

Robert Morse, United States Attorney, Eastern District;

Walter Phillips, Assistant U.S. Attorney and chief of narcotics unit, Southern District;

Paul Curran, State Investigations Commissioner;

Frank Rogers, City-wide Narcotics District Attorney;

William Tendy, Assistant State Attorney General and chief of Southeast Region Organized Crime Task Force.

LAW ENFORCEMENT PANEL

William P. McCarthy, Deputy New York City Police Commissioner, Organized Crime Control, accompanied by

William Bonacum, Chief, City Police Department Narcotics Squad;

Daniel Casey, Regional Director, Federal Bureau of Narcotics and Dangerous Drugs;

John Fallon, Agent-in-Charge, U.S. Customs Agency Service;

Andrew Maloney, Regional Director, Federal Office of Drug Abuse Law Enforcement.

## REGIONAL MEDICAL PROGRAM

Mr. MONTOYA. Mr. President, for years, families living in rural areas have been denied adequate health care. The requirement of sometimes traveling miles upon miles to receive expert medical assistance has been both an inconvenience and a health risk.

Yet when I think of the few alternatives which have been made available to them, I think of the saying, "Blessed are those that naught expect, for they shall not be disappointed." Pioneers who used to travel miles from any settlement knew they would not be able to receive expert medical care if illness occurred. They had no expectations, therefore, they were not disappointed. But this is the 20th century. With the numerous technological advances being made constantly, these disappointments are needless and inexcusable.

Seven years ago, however, the regional medical program was created for this purpose of providing this long overlooked health care. Since then, 56 programs have begun through coordination with universities, specially organized corporations, existing corporations, and medical societies. Through nationwide efforts of doctors, nurses, health administrators, and members of the public, over 9.6 million people received needed health care in 1972 alone. This included care in the specialized areas of heart disease, cancer, stroke, kidney disease, as well as preventive and emergency health care.

The program brought the advances of medical knowledge to the bedside of the patient by developing new skills related to coronary care units, developing stroke teams, and training neighborhood health aides and clinic assistants.

Though these programs have proven to be beneficial to many communities throughout the Nation, they have been met by the administration with insensitivity and indifference. Funds for these regional medical programs will soon be drastically cut resulting in the crippling or dismantling of existing programs throughout the Nation.

As a result, millions of Americans will again have to travel many miles to receive health care from well-trained, well-equipped medical centers. While some may receive treatment early enough, others may receive it too late, or if no transportation is available, not at all.

Destruction of these programs has been justified by the administration with three arguments.

First, the administration contends that Federal funds are being used to finance the continuing education for professionals generally capable of financing their own education to improve professional competence.

Consider the facts, Mr. President. Under the regional medical program of 383,000 providers trained in either new or improved skills only 78,300 were medical doctors, dentists, or osteopaths. Registered nurses and practical nurses represented 138,300 and allied health personnel totaled 166,660.

Further, Mr. President, through the efforts of RMP's, a substantial number of innovative new types of health personnel have been trained to provide the needed health care to American citizens. For example, RMP's have supported training and placement of nurse practitioners and physician assistants to extend the services of the family doctor in underserved rural and urban areas of the Nation.

In 1970 alone some 7,500 persons were trained in this and other types of critically needed new health manpower. By 1972, almost 14,000 people had been trained through RMP efforts. Projections for 1973 based on RMP's program requests indicated plans to train almost 38,000 new allied health professionals to serve in essentially new roles to fill gaps in providing health service.

These facts clearly indicate, Mr. President, that the Administrator's contention that RMP funds are being concentrated to educate professionals who are able to obtain this education without use of Federal funds, is without any merit or validity.

It is next contended by the administration that RMP's have abandoned their original mission of upgrading health care of persons threatened by heart disease, cancer, stroke, kidney disease, and related diseases, and have concentrated their efforts on improving health care delivery systems.

Consider the facts, Mr. President. In a report issued by RMP coordinators, figures cited show this change to be grossly inaccurate. The report shows that of the 9.6 million people served by RMP directly in 1972, about 2.3 million received care in the categorical areas initially given RMP. Another 2.4 million people were served by the administration initiated emergency medical service program funded by RMP. About 3 million people were recipients of primary care through demonstration projects.

It would seem, Mr. President, that RMP's are being phased out not because they abandoned their original mission, but because they expanded to a larger scope. In the budget narratives for 1972 RMP's were asked to work to improve access to health care delivery systems. Similar recommendations were made in a white paper issued by the administration in 1971. RMP coordinators point out that it is impossible to get the newest research developments to the bedside without first improving primary care. This logic is difficult to refute, Mr. President.

It is most difficult to understand the administration's argument when one considers that the number of persons treated in the areas of cancer and pulmonary diseases actually rose between 1970–73. The program's flexibility is exemplified by this increase, Mr. President, and the fact that the program was able to meet changing needs at the same time reducing their administrative costs by 50 percent in 3 years, is now being used to justify the argument that RMP's have abandoned their original mission.

In New Mexico, RMP's have meant that people in rural areas are able to obtain a variety of health services where before they had to travel many miles to obtain similar services.

New Mexico's program is rated among the top five in the Nation in effectiveness and I would like to briefly describe some of the activities of the program.

Created in 1968, it has responded to the public's need with enthusiasm and dedicated effort. New Mexico ranks third in the Nation in the number of cases per capita of rheumatic heart disease. Realizing that strep throat can lead to this disease, a highly effective streptococcal throat culture program has been initiated in the State. Strep throat culture program information has been disseminated to parents and communities through the local media, and culturing for the program is done at the Cuba Health Center in Cuba, N. Mex.

NMRMP's leukemia-lymphoma program has combined the efforts of 71 physicians throughout the State and doctors at Bernalillo County Medical Center to provide therapy and support care for cancer patients.

Accurate recording of the types of cancer afflicting New Mexicans was impossible before the NMRMP began a tumor registry program. Now one of the three of four most sophisticated in the United States, the program provides care, direct telephone communication data, as well as regular reports to give each hospital rapid access to cancer registry information.

Other New Mexico programs include:

The community rehabilitation program which brings basic rehabilitation services and continuity of care to rural areas. Some 3,000 health care providers and 1,500 consumers have been directly affected thus far.

A cultural laboratory which creates a greater awareness of cultural health practices in New Mexico, and provides language training to communicate with minority groups.

An emergency medical service technician training program which provides 500 hours to train technicians who will provide greater accessibility of medical services to economically depressed areas. High school graduates, both men and women, are given favorable consideration if they show an expressed interest and desire to work in the field. Three residents of Mora County are now operating the only available ambulance service in that county.

A Health Information Center which, among other accomplishments provides dial-access tapes and toll-free phone line to provide health-related information and answer crisis questions.

The Health Sciences Information at the University of New Mexico Medical Library which provides education material for rural doctors.

The New Mexico shared purchasing activity that enables hospitals and clinics in the state to combine their purchasing of medical supplies, thus eventually saving patients millions of dollars.

The Poison Control and Drug Information Center which provides information on drug and poison antidotes. Statewide expansion involves the current person-to-person information distribution system, and a later change to a computerized system. Calls will be free.

The cardiopulmonary laboratory and therapist training program which delivers services to 250,000 residents of rural northern New Mexico. The majority of these being Spanish-surnamed and over 50 years of age.

In addition, its Regional Advisory Group has provided the vehicle by which the consumer, the planner, and the provider of services have joined hands and solved rural living problems.

Less than half of the advisory group's members are health care professionals or allied health workers. Most members are from the general public. Headed by an 11-member Executive Board, the group is divided into active committees that meet at least once a month. A Technical Review Committee determines whether a proposed program is a proper activity, and an Evaluation Committee insures that the program can be measured for effectiveness.

The efforts of the advisory group and others involved seem futile, however, because the Nixon administration's decision to terminate RMP cancels three New Mexico programs immediately. Several remaining programs will be continued until June 30, and five programs will only continue until December 31.

The administration has once again shown that it is easy to propose impossible remedies. To produce health, a program must examine disease, which it cannot do without funds. It is easy to trim a budget, but it is not easy to find a medicine for life once a man has died—and such deaths are likely to occur when citizens in rural areas are deprived of accessible, immediate health care.

As a member of the Appropriations Committee on Labor, Health, Education, and Welfare, I will strongly urge my colleagues to support continued funding of this program. At the same time, I encourage this body to support this program, which has proven to be the most viable form of health care for rural citizens.

Mr. President, although the program is scheduled for termination on June 30 of this year, I was most pleased to see the Congress take positive action to extend the life of the program. With similar legislation now before the House, I am hopeful that RMP's will be allowed to continue their work in the health field. Only a Presidential veto will prevent this.

Given the accomplishments of the RMP's, it is most difficult to justify or find validity in the actions of the administration to terminate RMP's.

If their arguments were valid, program structure changes would seem to be the constructive solutions. The administration, however, has the funds which would make it an independent, functional program. This illogical "remedy" is much too strong for the "disease."

I sincerely hope that my colleagues will join my efforts to insure the continuance of the regional medical program.

## FUTURE OF THE REPUBLIC OF CHINA

Mr. HANSEN. Mr. President, a retired Marine officer, Col. A. M. Fraser, has had published in the February 1973, Marine Corps Gazette, a very concise post-World War II history of Taiwan and the Republic of China.

Colonel Fraser is well-qualified to make his observations about the "Future of Taiwan." He has since his retirement in 1964 been a political-military research analyst for the Institute for Defense Analyses and Historical Evaluation and Research Organization. While on active duty, he was senior Marine adviser to the Military Advisory Assistance Group, Republic of China.

At the conclusion of his article, Colonel Fraser makes statements, with which few Americans would disagree, as follows:

> No matter how much this nation wants to reduce its military presence and to see an end to trouble in Asia, we must remember that American support, freely and massively given, put the people of Taiwan—native and mainlander—in their present position. It would be morally indefensible now to abandon them to a fate not of their own choosing.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Future of Taiwan

(By Col. A. M. Fraser)

Taiwan was called "Ilha Formosa"—Beautiful Island—by the Portuguese sailors who first saw it early in the 16th century. It is an island in a chain extending from the northernmost parts of Japan to the Philippines. The island is about 250 miles long and 60 to 80 miles wide. It is often said to be shaped like a tobacco leaf. The Tropic of Cancer intersects the island and the climate is generally sub-tropical, with typhoons a continuing threat during the season. Most of the arable land and the bulk of the people are found in a fairly narrow band along the west coast. A rugged mountain range, in which some peaks exceed 12 thousand feet, runs north-south almost the length of the island. Mainland China lies as near as 90 miles away across the Taiwan Strait. Labor-intensive agriculture has been the base of life in Taiwan, although modernization and industrialization have become increasingly important over the last 20 years. Strategically the island may be almost *too* close to the mainland, but it does possess several modern military airfields and naval bases. One major airfield has been a significant base for the logistic support of the Vietnam effort and, until the Taiwan Strait Patrol of the Seventh Fleet was discontinued, its destroyers operated out of the southern port of Kaohsiung.

Taiwan was a prize in the settlement of the 1895 Sino-Japanese War. From 1895 until 1945 the island was a Japanese colony and the government on the mainland had no contact with it. Prior to 1895 the central government of China had ruled, with some European and Japanese competition and varying degrees of success, at least from the latter days of the Ming Dynasty (ended 1644). The people of Taiwan are largely ethnic Chinese, no mater how they may be viewed as a political entity. At the present time the population of Taiwan is about 15 million. Two per cent are aborigines, a people of the same stock as the hill tribes of Northern Luzon. Fourteen per cent are mainlanders who emigrated between 1945 and 1949, mostly as a direct result of the Civil War on the mainland. The remainder—some 84 per cent—are *Taiwanese* Chinese whose progenitors had arrived from the mainland provinces of Fukien and Kwangtung across the Strait, beginning late in the 15th century. There are social and cultural differences among the several Taiwanese Chinese groups, deriving from their several points of origin—"the native place"—on the mainland.

In the instrument of surrender at the end of WWII, the Japanese accepted the Potsdam Declaration (June 1945) which had reaffirmed the earlier Cairo Declaration (December 1943) which had said that it was the purpose of the Allies to see that Japan returned all the territories stolen from China such as Formosa, the Pescadores and Manchuria. The Yalta Agreement in February 1945 did not address the status of Taiwan. Chinese forces took over administration of Taiwan from the Japanese.

Nationalist rule replaced Japanese control over a people who had come to think that they were going to be liberated from oppression. But, of the mainlanders when they took over, Gen. Wedemeyer said "The Army conducted themselves as conquerors." The events of 1949 on the mainland brought the remnants of the Nationalist Army and the civilian supporters of Chiang Kai-shek's government to Taiwan, perhaps two million altogether. There are many reasons for the disenchantment that arose and grew between Mainlanders and Taiwanese. The administration that took over in 1945 was in some respects a military government over people who had been collaborators with the Japanese. As much as 90 per cent of former Japanese enterprises were brought under government control. Mainlanders displaced locals in many major posts and some elements of a "spoils system" hindered efficient operations. Restrictive business licensing practices were imposed, along with other actions that seemed to operate against the Taiwanese. There has always been disagreement over the reasons for the slowness of recovery and rebuilding in Taiwan. Some of the fault surely rested with shortsighted and venal officials. Part was due to the extent and nature of the damage suffered in WWII. Finally, the Nationalists were fully occupied with the ongoing Civil War on the mainland and had little time or resources to devote to Taiwan as a special case.

In February 1947 there was a serious uprising against the mainland government in Taiwan, whose head, Chen Yi, is generally agreed to have been inept and cruel. The incident was triggered by the killing of a Taiwanese woman who was selling cigarettes upon which tax had not been paid. Conflict quickly spread to produce a real Mainlander-Taiwanese confrontation. It has been asserted that as many as 10 thousand Taiwanese were killed by government troops. By the end of March the revolt had been suppressed. A respected official from the mainland, sent to investigate, blamed the affair on Communist activities, the results of Japanese training, and unscrupulous Taiwanese politicians. Whatever the causes, the animosities engendered and expressed in the conflict have not entirely disappeared, even though 25 years and shared prosperity have served to reduce the tension.

### THE ANTAGONISTS

It has never been thought, in Taipei or Peking, that a "two China" outcome of the Taiwanese question would be acceptable. Both parties view themselves as the legitimate government of all China, and agree that China includes the territory now controlled by the Nationalists. There is a civil war, still unsettled, and the total extent of the nation so divided has never been in question. There is of course much talk about an independent Taiwan or a "one China, one Taiwan" outcome. There has been for a long time a Taiwan independence movement. Students in the U.S. and voluntary exiles in Japan and other places have kept the issues alive and generated sympathy for their cause. Recent events, which will be discussed later, cast some doubt on the prospects for a clearly separate Taiwanese nation.

The existence of an unresolved civil war is attested by the history of actual fighting that has taken place in the general area of Taiwan. In October 1949 there was a short and bloody battle for the island of Quemoy. A Communist landing attempt was defeated by the Nationalist garrison, with a cost in casualties to the landing force that has been claimed to be 15 to 19 thousand.

In September 1954 there ensued the so-called "First Taiwan Strait Crisis." The Communist forces shelled offshore island positions heavily and the Nationalists replied with air attacks on mainland targets. In December the Tachen Islands were blockaded and in February 1955 they were evacuated by the Nationalists. These islands were extremely vulnerable and the U.S. apparently was unwilling to view them as being protected by the President's authority to defend places related directly to Taiwan. Third Marine Division shore party elements assisted in the removal of those who did not want to remain on the islands under Communist control.

"The Second Taiwan Strait Crisis" began with heavy shelling of Quemoy on 23 August 1958. In this, as in other actions, the Matsu Island group also got its share of attention although, throughout several periods of active combat, attention focused on Quemoy to the south. It was seemingly more important in the general political as well as tactical schemes of things and military action was accompanied by intensive political maneuvering. This time the Presidential authority to act was invoked and the U.S. began support of the Nationalists in several significant ways. Resupply vessels were convoyed to the three-mile limit, in the face of Peking's claim to a twelve-mile boundary. There was sizable support of resupply actions. Eight-inch howitzers were brought to the Quemoy garrison by troops from the Third Marine Division. First Marine Aircraft Wing units, flying from Taiwan, provided cover for resupply, particularly at night. The shelling was extremely heavy and the Nationalists were threatened with a Communist landing which never materialized. Throughout this period the U.S. emphasized that its efforts were purely in the interest of defense and not in support of any attempt to retake the mainland. The Soviet Union showed less militancy than Peking would have wished. For a number of reasons, Peking announced the suspension of shelling on 6 October, but alternate day firing in generally lesser volume has continued and special events, such as President Eisenhower's visit to Taiwan in June, 1960 were marked by heavy increase in action as an expression of disapproval by the People's Republic of China (PRC). For some time now the every-other-day action has involved the airburst firing of propaganda shells by both sides, with little or no physical damage. The number of rounds fired from mainland batteries by now is reckoned at more than one million.

In June 1962 both sides took significant actions that could prudently be seen as preparations for aggressive action. There is some disagreement among observers as to which side had invasion in mind and which had reacted by defensive moves, but in any event battle was not joined. It has been reported that President Kennedy took the occasion to reassure the Communist leaders that the U.S. would not support an invasion effort.

The foregoing is a bare outline of hostile actions between the parties. Raids, reconnaissance by many means, espionage, and small actions at sea have been too numerous to chronicle here. The importance of all this action is that it asserts what both sides believe—the war is not over. It is clear to military professionals that an amphibious operation against the mainland could not be mounted and maintained in effective size without massive sea, air, and logistics support by the U.S., which clearly is not part of American policy. The PRC, for its part, is equally unable to attempt seizure by force as long as the U.S. maintains its commitment to assist, particularly with the Seventh Fleet. It may be argued that extreme political and social turbulence on either side of the Strait might create more favorable conditions for an attack. This may be so, but the effect of this possibility is to make both sides careful to avoid such a level of chaos.

### UNITED STATES INFLUENCE AND ACTIONS

Without attempting to recount, however briefly, the history of Sino-American relations after 1945, it is necessary to highlight some of the events that characterize U.S. involvement in the fate of the Nationalist government and in the endurance and prosperity of that government on Taiwan.

President Truman, in his December 1945 instructions to Gen. Marshall, stressed the need for cessation of the internal war in China and his desire for unification. While urging some broadening of the governmental base, he linked such action to the elimination of "autonomous" armies—meaning, of course, the Communist forces. Despite American efforts (however they may be viewed) the Chinese Civil War went on and the Nationalist forces eventually found themselves sequestered on the island of Taiwan and a few other smaller pieces of offshore real estate.

On January 5 1950 President Truman disclaimed any desire for any special rights or privileges in Taiwan. Further, he said that U.S. armed forces would not interfere in the ongoing situation and would not pursue a course that would lead to involvement in it. He ended with ". . . the United States Government will not provide military aid or advice to the Chinese forces on Formosa." Less than six months after taking this position and two days after the first attack in Korea the President altered course. Noting that Communist occupation of Formosa would threaten security of the Pacific area he said (on 27 June 1950) that he had ordered the Seventh Fleet to prevent any attack on Formosa. He called upon the Chinese government on Formosa to cease all air and sea operations against the mainland and said that the Seventh Fleet would see that this was done. He ended saying that the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations.

Much has been said about the strategic importance of Taiwan. One of the strongest views was expressed by Gen. MacArthur to the Senate Armed Forces and Foreign Affairs Committees in 1951. His concern was over Taiwan in hostile hands and he did not see it as important for U.S. bases or other purposes. He described it as menacing to Alaska, Washington State, Oregon, California, and Central and South America. In enemy hands, he said, it would make the whole line of defense in the Pacific untenable. In his words "It just gives them the master strategic bastion at a point which would increase their striking capacity many, many times." Of Taiwan, the U.S. Ambassador in 1969, Walter B. McConaughy, said "Lying midway along the offshore island chain stretching from Japan to Indonesia, Taiwan occupies a strategic position, not only in military terms, but in respect to the lines of communication and trade which are important to the continued development of the East Asian region as a whole." It has been popular to describe the island as an important position in a continuous offshore chain which, if fractured by the loss of Taiwan to a hostile power would seriously impair the whole American position in East Asia.

The entry of Communist China into the Korean War had of course sharpened and given immediacy to U.S. views of that nation's hostility. The balancing of considerations apparent in the President's 27 June statement changed, over time, to a position in which the U.S. became actively involved in the fate of the Nationalist government.

A Mutual Defense Treaty between the United States of America and the Republic of China entered into force on 3 March 1955. Article V included these words:

"Each party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

Article VII gives the U.S. the right to dispose land, sea, and air forces in and about Taiwan and the Pescadores as might be required for their defense as mutually determined. Official agreements related to the treaty covered inherent rights of self defense under attack, provided for prior consultation and joint agreement over the use of force when both parties were involved, and pledged that jointly developed forces would not be removed from agreed territories without mutual agreement. A Joint Resolution of the Congress gave the President of the U.S. the authority to employ armed forces to protect Formosa and the Pescadores, with the further stipulation that he might also act to protect such related positions and territories of that area then in friendly hands as might be necessary in assuring the defense of Formosa and the Pescadores. We may say that the U.S. has stood solidly behind the Republic of China's (ROC) running battle with the PRC, while acting also to restrain any major attack on the mainland.

The Republic of China demonstrates what the long-term application of the Nixon Doctrine may mean, even though that doctrine was not formally announced until long after U.S. aid to the ROC had begun. U.S. military aid programs, with increasingly greater emphasis on purchase rather than grant acquisition, have armed and equipped a force of about half a million men. There are some 18 Army and two Marine divisions, plus two armored brigades and assorted combat support and support units. The Navy is built around 11 destroyers and 18 DE's, with the backing of sizable numbers of support and auxiliary vessels, and some 21 LST's. The Air Force is mainly a high performance defense force with a fair-sized transport capability and some modern reconnaissance elements. There are about 80 F-100, 70F5A, and over 50 F-104A.

### THE ECONOMY

The economy of Taiwan under Japanese control was integrated into a total system as a "feeder." Export trade was controlled by the Japanese and was almost entirely based on agricultural items—rice, sugar, livestock, some tea, and fruit. Under Nationalist control, and with the boost in extensive aid, the economy has flourished and the nature of export trade has changed decisively. In 1952, agriculture produced almost 36 per cent of net domestic production and industry 19 per cent. In 1971 these figures were almost exactly reversed. Between 1959 and 1971 Taiwan's foreign trade grew from just over $400 million to almost $5 billion (estimated) for 1972. This compares with just over $4 billion for Peking. Per capita income has reached $360 per year. Principal exports are now textiles; electronic and electrical products are in second place, followed by plywood, metal products, machinery and sugar. Aggregate foreign investment will soon reach $800 million of which Japan's share is about $100 million. Employment conditions are good and further helped by the fact that the military establishment keeps more than three per cent of the able-bodied males off the labor market. The U.S. Ambassador stated in 1969 that economic growth and the value of industrial output were growing steadily, the foreign exchange position was strong, and there was an impressive increase in the growth rate of exports. It is clear that the economy of the ROC has made impressive progress and moved with dispatch toward diversification and modernization.

### THE STRATEGIC VIEW

The military facilities on Taiwan are of some use in the Vietnam war. Logistic support to Indochina involved about nine thousand men in 1969–70, flying and supporting cargo and tanker aircraft, in some small fighter detachments, and manning the usual headquarters. The U.S. Taiwan Defense Command, a planning element with no troops assigned, numbered fewer than 200. The MAAG at that time numbered about 500, but the strength continues to drop as the transition is made from grant aid to purchase of equipment. There are small units involved in a few highly specialized communications and intelligence activities. There are no primary U.S. combat units stationed in Taiwan.

In a major war the U.S. would probably find air facilities in Taiwan very useful, with the reminder that they may be a little too close to the mainland. There is little space for housing and training ground troops beyond the needs of Nationalist forces. There could be some minor use of naval facilities, but these too would have little to spare on a recurring basis after taking care of their own forces.

There is one special point to remember about Taiwan in the hands of a government hostile to the mainland leadership. The PRC is rightfully fearful of having to fight on more than one front. The Nationalists have made no secret that they consider times of turmoil and difficulty on the mainland favorable to their return. The forces on Taiwan—and particularly if they had U.S. air and naval support—constitute a real threat to carve out a piece of the east and southeast area should Peking become heavily involved with the Soviet Union along their 4,500 mile border in the north. The U.S. in the past has assured the PRC that it would not participate in or support an aggressive move from Taiwan. The present trend in U.S.-PRC relations suggests the further reduction of such a possibility. Nevertheless, the physical facts of the situation imply a capability which, under favorable conditions, could be most dangerous to the mainland.

What would be the strategic value of Taiwan in the hands of an enemy of the U.S.—and most particularly an aggressive China? In terms of conventional operating conditions the "island chain" as discussed by Gen. MacArthur and Ambassador McConaughy would of course be interrupted. The patrol range of Communist aircraft would be increased by the distance between Taiwan and the mainland. Naval vessels, and most particularly submarines, would have much freer access to the open sea. Air and sea routes now in common use would become vulnerable and in time of tension or hostilities would have to be moved eastward. If Chinese hostility extended to Japan the vulnerability of Japan's fuel and raw materials transport systems would increase sharply. Conversely, the U.S. would face all the military inconveniences of a power into whose lines the enemy had been able to force a salient.

In the strategic sense the PRC would derive a benefit from possession of Taiwan that might, in its total effect, be more significant than any other. The threat from Nationalist forces would disappear and one of the principal points of origin for one element of a two-front attack would be eliminated.

### THE CHANGING WORLD

Taiwan's diplomatic losses over the last two years have been substantial. Although many observers felt that the ultimate entry of the mainland government into the United Nations was inevitable, the swiftness and style of the action was shocking when it came. Taipei feels a sense of betrayal, particularly on the part of the United States and Japan. The blows have been suffered with dignity and with assertions of the intent to carry on and to survive. But no one thinks that the ROC position has not been eroded.

More specific events have increased concern. In the Shanghai communique of 27 February 1972 the U.S. acknowledged that all Chinese on either side of the strait "maintain that there is but one China and that Taiwan is part of China." The U.S. reaffirmed its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. It went ". . . it (U.S.) affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes." The "saving" nature of the last phrase cannot be ignored, but the use of Taiwan as a bargaining counter in some long-term negotiations between Peking and Washington is not reassuring to the Nationalists.

It is recalled that the Nixon-Sato joint statement of November 1969 asserted, among other things, that the security of Taiwan was "a most important factor" for the defense of Japan. This statement did not contain any specific indication of the form that Japanese assistance in the defense of Taiwan might take, but it was widely believed that at the least Japan would concur in the use of Japanese and Okinawan bases by U.S. forces should it be necessary. The Nixon visit to China in February 1972 brought about an extensive re-examination of the whole position by Japan's leaders. In May, Mr. Fukuda, then Foreign Minister, said that the 1969 statement was "dissolving" because the changing situation in the area, a change he attributed to the Sino-American summit.

When Mr. Tanaka took office as Prime Minister of Japan, one of his first acts was his own summit meeting with mainland leaders. The swiftness of his movement can only add to the uncertainty over the future of Taiwan. The official communique issued in Peking on 29 September includes these statements:

The abnormal state of affairs which has hitherto existed between the People's Republic of China and Japan is declared terminated on the date of publication of this statement.

The Government of Japan recognizes the Government of the People's Republic of China as the sole legal government of China.

The Government of the People's Republic of China reaffirms that Taiwan is an inalienable part of the territory of the PRC. The Government of Japan fully understands and respects this stand . . .

The (two governments) have decided upon the establishment of diplomatic relations as from September 29, 1972.

The (two governments) agree to hold negotiations aimed at the conclusion of a treaty of peace and friendship.

Mr. Tanaka had said earlier that it would be impossible for Japan to continue diplomatic relations with the Nationalist government on Taiwan after relations with mainland China were normalized. A few days earlier a special envoy from Tokyo, Mr. Shiina, had arrived in Taipei with the joyless task of trying to explain the new Japanese initiatives to the government there. He was given a stern lecture and some vague threats over what was seen as an abrogation of the 1952 Treaty between Japan and the Nationalistic government. On 29 September, Taipei announced that it was severing relations with Japan because of that nation's perfidious action in establishing relations with the mainland. In Tokyo the ambassador from Taipei was told that diplomatic relations between his country and Japan had "ceased to exist."

Even though Tanaka has warned his people that there is much still be done in the development of new relations with Peking, it must be accepted that the sought-for improvement will at the least require Japan to demonstrate that she will not participate in military actions that might be distasteful to the PRC. The whole effect of Tanaka's initiatives can be seen from Taipei only as further erosion of status in the world community, as well as further complication in her security situation. This is not to say that the Republic of China does not still see the absolutely fundamental importance of the U.S. commitment; it simply must be recognized that the physical problems of U.S. assistance in time of war would be considerably magnified if the bases in Japan and Okinawa were denied to U.S. forces.

### PROBLEMS OF THE NEW SITUATION

It is too early to try to assess all the effects of the massive changes that have come about in international affairs as products of new goals and styles in Peking's conduct. Some modest analyses of the range of conditions facing the Republic of China on Taiwan, however, may be made.

Politically the prospect is not encouraging. The ROC has been expelled from the United Nations and its principal organs. The PRC has even moved to stop the publication of information about the ROC in UN statistical reports and caused to be removed the plaque from a gift the ROC made to the UN headquarters. Over 80 nations now have diplomatic relations with Peking rather than Taipei. The U.S. is the only major nation maintaining full contact with the ROC. Over time this situation is bound to be difficult. Taipei will be denied contacts and exchanges that are important ingredients in the life of a nation. There will be barriers to trade and travel. It must be anticipated that the PRC will, when it seems advantageous to do so, make reduction of contact with the ROC a condition of good relations with itself.

The internal political situation in Taiwan is even now changing in a not entirely unexpected way. Several observers have commented that the new situation tends to drive the Taiwanese and the Mainlanders closer together. There is no evidence that anyone in Taiwan favors reunion with the mainland on Peking's terms. Avoidance of this contingency tends to reduce the importance of other political alternatives and to narrow the range of choices open to Taiwanese politicians. Most of the nations now dealing with the PRC have agreed in some way that there is only one China. Thus, the chances for recognition and international status for a new nation (whatever it might call itself) are poor. Of direct and critical importance is the operation of the Mutual Security Treaty. This agreement was made between the United States and the Republic of China. There is no provision or open assurance that it would be transferred to a successor government on Twaian and of only Taiwan. In the absence of a firm U.S. security guarantee, no government could hope to stand long against the PRC. While the situation thus tends to reduce enthusiasm for a "free Taiwan" it also endows the Taiwanese with some leverage in national affairs, since their cooperation in preserving the common future is essential.

The flourishing economy and accompanying personal well-being in Taiwan are among its greatest assets. The PRC has made a number of attempts to influence trade relations, particularly those between Taiwan and Japan. In the past Peking has proclaimed its refusal to deal with Japanese firms dealing with Taiwan or having substantial interests there. In some cases the Japanese have complied; in others dummy corporations have been set up to cover operations. The Japanese have had some success in keeping a foot in both camps. In a press conference in Washington on 19 October 1972 the Japanese Foreign Minister, Mr. Ohira, said that China did not object to Japan's continued economic and cultural ties with the Nationalists on Taiwan. How specific and enduring this attitude may be remains to be seen.

Taiwan is by no means complacent. On 9 October the ROC Economic Minister, Mr. Y. S. Sun, emphasized that self-sufficiency was the economic policy objective and the ROC would continue to strengthen economic and trade relations with "non-hostile" nations of the world. It is interesting that Peking may not be entirely opposed to such actions. It has been rumored that the Communist government has taken a relaxed and rather permissive view of third-country investment in Taiwan. This makes sense if the PRC really believes that Taiwan will eventually come into its hands without war. Increased investment means increased productivity and prosperity. Even today, the foreign trade of Taiwan exceeds that of the mainland.

Mr. Sun noted redoubled efforts to expand heavy industry, to develop chemical and petrochemical industries, and to increase output of machinery, steel, and ships. New agricultural programs to increase output and farm prosperity were also mentioned. Taiwan's best hope for survival lies in just such programs. In the world of international trade the ROC must continue to offer values that attract buyers, despite efforts to stifle trade through political action. Taipei's economic planners are aware that they must move toward a system that is better able to operate as a complete national entity rather than as a part of another larger mechanism. For example, the manufacture of electronics has often involved the assembly of components produced elsewhere and the marketing of the finished product has been managed by an outsider. Some of this will necessarily persist, but alternative sources of inputs will have to be sought and marketing brought firmly under home control. Most particularly, any reduction of Japanese activity could only be replaced by, or through the cooperation of, the United States. Meantime, the ROC government shows determination to carry on and the people continue to constitute an energetic and productive work force whose wage demands make their output competitive in world markets.

The third major problem confronting the ROC is that of physical security. The only enemy is the PRC. The only effective ally is the United States. The loss of Japanese cooperation and support in the defense of Taiwan would make things more difficult, but the only critical determinant is the American will to act. The Nationalist forces are well-armed and prepared. Nevertheless, the mainland, if not occupied and diverted as she now is by the Soviet Union, could pay the price and overwhelm Taiwan's defenses by sheer numbers, even though the cost would be great. The political leaders have reiterated that Taiwan would be taken by political means and that military action was not necessary. This may be their actual belief, but we may be sure that it is reinforced by the presence of the Seventh Fleet.

This nation and many others will no doubt encourage any mutually acceptable movement toward accommodation between the two groups. It is popular to say that this will take place in some subtle and mysterious Oriental fashion, probably over a long period of time. This may be so, but the Republic of China must not be coerced simply because the U.S. is no longer seen as a reliable protector. Some appropriate physical American commitment is needed. No matter how much this nation wants to reduce its military presence and to see an end to trouble in Asia, we must remember that American support, freely and massively given, put the people of Taiwan—native and mainlander—in their present position. It would be morally indefensible now to abandon them to a fate not of their own choosing.

## AMERICAN PEOPLE OPPOSE CAMBODIAN BOMBING

Mr. CHURCH. Mr. President, the American people are opposed to the bombing in Cambodia and Laos by a 2 to 1 margin, according to the most recent Gallup poll. By a similar ratio, the American people believe that U.S. bombing will lead to the reinvolvement of our Armed Forces—air, land, and sea—in Indochina's continuing conflict.

In response to the question, "Do you think further military action in Southeast Asia should require a vote of approval by Congress, or not?"—76 percent said, "Should." It is my sincere hope that, with the Eagleton amendment to the second supplemental appropriations bill and the Case-Church amendment to the State Department authorization bill, such a condition will become the law.

I ask unanimous consent that a Washington Post article of May 13 on the Gallup poll be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE GALLUP POLL: BOMBINGS OPPOSED BY 2-TO-1 MARGIN

(By George Gallup)

PRINCETON, N.J.—The latest nationwide Gallup survey shows Americans opposed to the bombing in Cambodia and Laos by a 2–1 margin and, by approximately the same ratio, they think that bombing will lead to a reinvolvement of American troops in Southeast Asia. In addition, by an overwhelming majority, the public wants congressional sanction of further military action in Southeast Asia.

The peace agreement signed in Paris last January ended active American involvement in the fighting in Vietnam. United States forces have, however, continued bombing, particularly in Cambodia.

Nearly 6 in 10 Americans (57 per cent) disapprove of the bombing and 29 per cent approve; 14 per cent have no opinion. Correspondingly, 59 per cent feel the bombing will lead to renewed American troop commitment in Southeast Asia, 26 per cent think it will not, and 15 per cent have no opinion.

By a 6 to 1 margin (76 to 13 per cent), Americans feel the President should seek a vote of approval from the Congress before carrying out additional military action in Southeast Asia.

Earlier this month in his State of the World message, President Nixon termed the situation in Laos and Cambodia "fluid," and warned that in continuing to violate the peace agreement North Vietnam risked "revived confrontation" with the United States.

Presidential critics have said Mr. Nixon should seek congressional approval before undertaking acts of war such as the bombing of Cambodia. Two weeks ago, in defending administration policies before the Senate Foreign Relations Committee, Secretary of State William Rogers claimed war powers were deliberately left vague and ambiguous in the Constitution on the assumption they would be "defined by practice."

Large majorities in all major groups support congressional approval prior to further military action in Southeast Asia. Approximately the same proportion of Republicans, Democrats and independents (three in four) think approval of Congress should be required prior to further U.S. military commitments.

Here are the questions asked with the findings:

*"As you know, U.S. planes are bombing Communist positions in Cambodia and Laos. Do you approve or disapprove of this action?"*

[In percent]

| | Approve | Disapprove | No opinion |
|---|---|---|---|
| National | 29 | 57 | 14 |
| Republicans | 40 | 47 | 13 |
| Democrats | 20 | 64 | 16 |
| Independents | 32 | 57 | 11 |

*"Do you think this action will lead to our getting involved in Southeast Asia again with U.S. troops?"*

[In percent]

| | Yes | No | No opinion |
|---|---|---|---|
| National | 59 | 26 | 15 |
| Republicans | 46 | 38 | 16 |
| Democrats | 67 | 19 | 14 |
| Independents | 61 | 25 | 14 |

*"Do you think further military action in Southeast Asia should require a vote of approval by Congress, or not?"*

[In percent]

| | Should | Should not | No opinion |
|---|---|---|---|
| National | 76 | 13 | 11 |
| Republicans | 73 | 18 | 9 |
| Democrats | 79 | 7 | 14 |
| Independents | 77 | 16 | 7 |

The findings reported today are based on interviews with a total of 1,548 adults, 18 and older, interviewed in person in more than 300 scientifically selected localities during the period April 27–30.

## MEAT INGREDIENT STANDARDS

Mr. GRIFFIN. Mr. President, last February, I introduced a bill (S. 991) to make clear that minimum ingredient standards for meat products promulgated under Federal law should not be interpreted so as to abrogate enforcement of higher standards already established by State law.

This legislation was drafted after the Sixth Circuit Federal Appeals Court ruled last fall that Michigan's ingredient standards for meat products could no longer be enforced because of enactment by Congress of a weaker Federal statute.

Application to have that ruling reviewed was filed in the U.S. Supreme Court. And it had been the hope that the Supreme Court would consider and overturn the decision on appeal, thereby making further legislative action by Congress unnecessary. Unfortunately, however, the Supreme Court this week refused to hear the appeal.

Now, consumers in Michigan—for the first time in nearly 20 years—may find that hotdogs and other meat products for sale at Michigan stores will be made of pig snouts, spleens, udders, salivary glands, stomachs, and other animal organs. Until now, such items could not be ground up and included in meat products sold in our State.

On April 2 of this year, during Senate debate on related legislation, the distinguished chairman of the Subcommittee on Agricultural Research and General Legislation (Mr. ALLEN) assured me of his willingness to hold, hearings on my bill. Although no hearings have yet been scheduled, I am confident that the subcommittee chairman will soon set a date for hearings.

Mr. President, for the past 20 years, Michigan has required that skeletal meat be used in comminuted meat products, such as hot dogs, sausages, and luncheon meat. In addition, Michigan standards also require a minimum 12-percent protein content in such meat products.

By contrast, the existing Federal statute sets no minimum protein standard whatever and, contrary to Michigan law, permits the use of such animal byproducts as snouts, lips, spleens, udders, salivary glands, stomachs, and other organs.

The call which I sound now for legislative relief from this situation is not new. In the closing days of the last Congress, at the urging of Michigan officials and consumer protection representatives, the House Agriculture Committee amended a meat inspection bill to make clear that States such as Michigan with higher standards would not be penalized. Unfortunately, the bill as so amended did not become law.

Until the Supreme Court refused this week to hear the appeal from the Sixth Circuit Court of Appeals, there continued to be hope at least that legislation might not be necessary. But now it is clear that there is no alternative.

When a new Federal law setting minimum standards operates to wipe out higher State standards that have effectively protected consumers for a long period of time—without even so much as a price benefit to consumers—it is time for Congress to take a closer look at its handiwork.

Preserving the high quality of meat sold to Michigan consumers is an important issue in my State. Just recently the Michigan legislature adopted a resolution requesting that Congress upgrade Federal standards to conform at least to those now existing in Michigan.

Mr. President, I ask unanimous consent that a copy of that resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION NO. 32

A concurrent resolution requesting the Congress of the United States to upgrade the Federal meat standards of the United States

Whereas, The State of Michigan has for many years had one of the highest acts relative to the meat standards within the United States and as a consequence the people of the State of Michigan have enjoyed wholesome and outstanding meat products; and

Whereas, During recent months there have been federal court cases involving the high standards set by this state's high meat standards in which out-of-state meat packers have challenged the Michigan law on the grounds that our standards are higher than the federal standards and as a consequence the people of the State of Michigan might soon be faced with the prospects of lower meat standards and lower quality meat products than that established by its own meat standards; and

Whereas, The Federal Wholesome Meat Act, despite its protective sounding title, does not guarantee the consumer high quality wholesome meats but permits the addition of many by-products of animal slaughtering which the State of Michigan does not allow; and

Whereas, Michigan's high standards for comminuted meats are still being enforced under terms of a federal court stay, while the State of Michigan seeks an appeal to the United States Supreme Court, there is a distinct possibility that the eventual outcome of this litigation is that the State of Michigan will be flooded with meats and meat products which do not meet the high standards imposed by this state's meat standards but which meet the standards set by the Wholesome Meat Act; now therefore be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature urge the Congress of the United States either to amend the Federal Wholesome Meat Act to guarantee wholesome meats throughout the country of at least the standards set by the meat standards of the State of Michigan or else amend the Federal Wholesome Meat Act in such a way that would permit individual states to impose higher standards for meat products within its own state than those imposed by the Federal Act; and be it further

Resolved, That a copy of this resolution be submitted to the presiding official of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Michigan delegation to the Congress of the United States.

Adopted by the Senate, February 8, 1973.

Adopted by the House, April 12, 1973.

---

## PUBLIC FINANCING OF ELECTIONS

Mr. ABOUREZK. Mr. President, I ask unanimous consent that two recent articles from the Wall Street Journal, "How Should We Finance Elections," by Arlen J. Large and "Another View of Election Spending," by Jerry Landauer, to be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ABOUREZK. I was extremely pleased and appreciative that the Democratic Conference chose last Wednesday, May 9 to adopt a resolution in support of public financing legislation. I ask unanimous consent that the text of this resolution also be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ABOUREZK. Mr. President, I feel very strongly that the time for serious consideration of public financing legislation has now arrived. From time to time I intend to place in the RECORD materials which I believe will help provide the Senate with information on this subject. I encourage Senators to join me in sharing similar information with the Senate and to take a few moments to examine the materials that appear in the RECORD.

There would be no better place for any person interested in the subject of public financing of elections to begin his study than by reading the article by Mr. Landauer which appeared in the Wall Street Journal on May 14. Mr. Landauer's essential point is that public financing is already a reality. What is missing is a set of guidelines to insure that financing is legal, fair, and open to public scrutiny.

As Mr. Landauer points out, the public pays both open and hidden campaign and election costs at innumerable points in the process. It pays directly for election machinery, it pays through lost tax revenue for the IRS sponsored dodge on $3,000 political gifts, it pays through higher prices of products levied to recoup the heavy business giving that exists despite our present campaign laws, and, of course, it pays the salaries of incumbents and their staffs while they campaign for office.

I know that that last point raises the very sensitive question of whether public financing of elections is an inherently antiincumbent proposition. I do not share the view of some that it is somehow horribly wrong for a man who has spent his life in public service to be concerned that his ability to continue in public service not be suddenly and severely jeopardized. But I also reject the view that public financing is inherently antiincumbent in its effect on election. Public financing can be proincumbent, or antiincumbent, or it can be neutral.

What is important is that public confidence in our entire electoral process stands at an all time low. I feel that I personally have both an obligation to my country and a purely selfish, personal interest in erasing what has become almost an automatic assumption that politicians are men of questionable integrity at best, or crooks at worst. I think that all Members of Congress would do well to balance any supposed antiincumbent bias in public finance against the competing, well proven axiom that when the voters become generally disgusted with what they see going on they vote indiscriminately to turn the rascals out.

Public financing should be examined carefully and quickly by this body. Legislation should be prepared which will sharply limit large private campaign donations, which will replace the loss of these funds with politically neutral public money, and which will make this replacement through means that neither favor nor discriminate against either challengers or incumbents.

Obviously writing such legislation will not be easy. But difficulty is not an excuse for inaction, it is a recommendation for action. The job will be a tough one. It will have fundamental effects on our electoral process. But it is a job which must be undertaken, and it should be undertaken now.

EXHIBIT 1

[From the Wall Street Journal, May 14, 1973]

### ANOTHER VIEW OF ELECTION SPENDING

(By Jerry Landauer)

WASHINGTON.—My colleague, Arlen J. Large, treated readers of this page last week to an array of entertaining arguments against using tax money to underwrite the campaigns of politicians seeking office. He doesn't want the government to subsidize the lies that campaigners tell. He fears the whiff of tax dollars will lure more kooky candidates out of the woodwork, and he opposes government intrusion into yet another arena traditionally reserved for private, voluntary effort.

All these objections are valid, but Mr. Large has mustered them in defense of a myth. In fact, taxpayers at all levels of government already are subsidizing election campaigns, and as campaign costs mount, the government subsidies will grow apace. The issue no longer is whether government should pay. The real question is how—furtively, as at present, or openly and with some semblance of fair play?

Actually, the practice of taxing citizens to pay for election costs is so deeply entrenched that few people even bother to think about it anymore. Local governments print ballots, buy voting machines and provide election officials; in the 19th Century the costs were paid by the political parties. In all but a few Southern states taxpayers today pick up the cost of conducting party primaries, including those held to choose party officials down to the level of ward leader.

If it is fitting for governments to pay the cost of electing ward heelers, why isn't it proper to subsidize, say, a presidential candidate appealing for votes on TV?

Another question: Isn't there something inequitable about local, state and federal governments continuing to pay the salaries of incumbents while they're out running for reelection? Mr. Large doesn't want the government in the business of bankrolling campaign gimmickry, yet through this method alone millions of tax dollars flow to politicians engaging in just that.

But this is only one of the hidden subsidies politicians enjoy. The federal treasury underwrites the cost of sending vast volumes of franked congressional mail to constituents at election time; even the envelopes are provided at public expense. A Congressman enjoys free office space, free telephones and free broadcast facilities. And if he happens to be a committee chairman he can tap committee staffers as well as his own for campaign chores.

#### IRS ENCOURAGEMENT

Nor does it end here. More important than these relatively direct taxpayer subsidies are the many indirect subsidies which the Internal Revenue Service not only tolerates, but encourages. Two of them alone probably cost the treasury $10 million in lost revenues last year.

The first subsidy stems from a curious IRS interpretation of just who it is who benefits from a political contribution. To the average man on the street, the answer might seem obvious: It is the candidate who benefits, of course. Not so, the IRS ruled in June 1972. The real beneficiary, the agency decided, is the candidate's fund-raising committee. This ruling allows political contributors to donate big money without paying any federal gift tax on their gifts.

An example will indicate what this ruling means in practice. Suppose you have $99,000 you want to give away. If you give it, say, to your brother-in-law, you may have to pay gift taxes on as much as $96,000 of your donation. The tax generally applies to gifts in excess of $3,000 a year to any one recipient, after the donor has exhausted a $30,000 lifetime exemption. Nor can you get around the law by setting up 33 trusts of $3,000 each with your brother-in-law as beneficiary; the Supreme Court ruled out that dodge 30 years ago.

But suppose your brother-in-law is running for Congress. Then, thanks to the IRS ruling, you can merely give $3,000 apiece to each of 33 transparently sham committees fund-raising for him. Your brother-in-law benefits from the $99,000; you don't pay a cent in taxes.

A second subsidy occurs because the IRS allows fund-raising committees to accept appreciated stock, sell it and pocket the profits, without paying capital gains taxes. During the campaign last year this newspaper detailed how Republican fund-raisers, in particular, were using this device. In October, the IRS said it would have to "consider" the issue. Six months later the agency is still considering; the old rule still stands.

The irony of this is that the IRS is treating political parties as if they were tax-exempt charities—while sternly denying tax exemption to real charities that might want to engage in lobbying or politics on the side.

Indeed, in IRS eyes, politicians seem to occupy a higher status than churchmen. Religious groups must at least file statements with the IRS, even if they don't pay actual taxes. Political organizations need not file returns on their money-gathering operations; their special treatment is not enshrined in law, but is simply "a matter of history," or custom, the IRS explains.

Tax favoritism is only one of the indirect ways by which all of us subsidize campaign costs. We also pay—involuntarily—in our role as consumers, for by buying goods which have been marked up to recoup the political dollars which businessmen everywhere are expected to contribute.

Under federal law, of course, corporations (and unions) can't donate to campaigns for President, Senator or Representative. But there are ways around the law: A corporation, to cite just one example, can give a trusted officer a phony "raise" or "bonus," which he then passes on to a political candidate. In a dozen or so states, moreover, corporations legally can give to candidates for state or local office, and some other states merely restrict the giving rights of regulated industries such as insurance companies or utilities.

These corporate executives, of course, don't consult the political predilections of shareholders before donating tax-deductible dollars for partisan purposes. Yet now, when it's proposed to open the U.S. Treasury in a bipartisan way to finance election campaigns, some critics exhibit liberation qualms about the lack of "personal veto" by those who would pay the bill.

It's argued that stern enforcement of existing law will do much to eliminate campaign shenanigans. But this trust seems misplaced. The 1971 Federal Election Campaign Act may help, by requiring full disclosure of who is giving and who is getting political dollars. But tough enforcement of this and other election laws requires attributes of sainthood rarely found at the topmost rungs of government. "'It's simply unreasonable to expect an attorney general to proceed against the election committee of his boss, the President," says Philip S. Hughes, who heads the Office of Federal Elections in the General Accounting Office.

Being political men, attorneys general know there simply aren't enough disinterested donors to come up with the $400 million or so spent by candidates for all elective offices last year. Hence the Justice Department traditionally views strings-attached campaign gifts more tolerantly than if the money were being proffered to some government official for personal use.

For example, outgoing Attorney General Richard Kleindienst would immediately order the arrest of anybody offering him money to fix a case. In 1970, however, a Senate aide Robert Carson offered him $100,000 from a "friend in trouble," not for Mr. Kleindienst's pocket but for Republican coffers; Mr. Kleindienst rejected the offer but didn't recognize it as a bribe until the FBI alerted him to an ongoing investigation of Carson, who was subsequently convicted.

#### JUSTICE DEPARTMENT PERMISSIVENESS

Justice Department permissiveness extends especially to businessmen making illegal campaign gifts. Former Internal Revenue Commissioner Randolph Thrower spoke in 1969 of conspiracies "so flagrant that businessmen invited to a group meeting are openly briefed" about plans to contribute expenses. Thereafter the Justice Department brought 18 criminal actions, not against executives or fund-raisers but against corporations; without exception, the companies merely paid, from money belonging to shareholders, a few thousand dollars in fines.

Despite the many devious fund-raising tactics employed last year, it's suggested that this kind of large-scale cheating is unlikely to reoccur. The 1971 act didn't take effect until April 7, 1972, and this was a one-shot inducement for corner-cutting, it is argued.

Maybe that's right. Yet long after the April 7 deadline Nixon committees in many places were still assigning quotas for corporate gifts ("efforts by corporations to help in the campaign have been surprisingly poor," the President's Pittsburgh reelection committee complained on Sept. 5). And just before Election Day the Seafarers Union borrowed $100,000 from an obliging New York bank for transfer to the Nixon campaign; GOP collectors neglected to disclose the gift until last January.

Considering the returns from each invested dollar, the donations from unions and other muscular interests aren't surprising. Two maritime unions alone raised $622,000 for campaign gifts last year. Result: No more than a handful of Congressmen now oppose spending $500 million to "save" a merchant marine that has shriveled by 1,600 ships during the last decade, while gobbling up $3 billion in government subsidies.

Four milk cooperatives amassed a $3 million war chest last year, after generating political pressures strong enough to force an increase in milk price supports. Result: The government is paying perhaps $100 million more to support dairy prices, and consumers are paying more for dairy products.

It does seem ironic that seamen's unions and dairy co-ops are raising campaign cash through the kind of automatic "check off" that some deem unworkable or ignoble for the ordinary taxpayer. Dairy farmers that is, gladly let their co-ops deduct a few cents from every milk check. Seamen let their union deduct $10 a month for transfer to politicians.

Should we publicly finance our election campaigns? Don't kid yourself. We already do—through direct subsidies to incumbents, through tax subsidies for big contributors, through dodges and loopholes and regulations the average taxpayer hasn't the time to try to understand. The issue is whether we can do it honestly.

---

[From the Wall Street Journal, May 10, 1973]

## How Should We Finance Elections?

(By Arlen J. Large)

Washington.—One of the many unfortunate by-products of the Watergate scandal is the increased demand for public financing of political election campaigns.

For many decent people, the ugliness of safes and suitcases bulging with cash practically shaken down from big operators wanting government favors is the clincher. Their answer is to run elections with public funds, freeing contributors from implied shakedowns and candidates from the big-money influence of pressure groups. And with a tight limit on the public money available, such luxuries as a private army of spies and saboteurs might seem less cost-effective for politicians with no other scruples.

So argues freshman Democratic Sen. James Abourezk of South Dakota. A new law providing public money for federal elections, he says, "is needed immediately to prevent another Watergate from ever happening again in this nation."

But is it really? Giving tax money to people seeking office has many drawbacks, and these should be carefully pondered before the public till is opened. There are mechanical problems, such as regulating the continued use of money privately obtained on the side. There is the problem of sending Treasury checks to ego-trippers just running for office as an exciting pastime, without much thought of winning or serving.

Above all, there is the basic unwisdom of enshrining as a legitimate function of government that artificial process known to politicians as a "campaign." Campaigns have the sole purpose of manipulating people to obtain their votes, which is a questionable service for the government to bankroll. The public would subsidize not only the lies told during campaigns, but all the inane paraphernalia that infuse them with color but little substance.

During his unsuccessful 1970 Senate race in Illinois, the late Ralph Smith, a Republican, distributed a kid's coloring book that capsuled his service in the legislature and other biographical highlights. ("When Ralph was 8-years-old, he played baseball, marbles, and he liked to eat ice cream. He still likes baseball and ice cream.") It was a well-executed, charming campaign gimmick, a perfectly legitimate way to make a memorable impression on a citizen. Whether that citizen should have to pay for such fluff against his will is another matter.

From the standpoint of the practicing politician, however, almost anything would be better than the present system of private fund-raising. Many find it demeaning and humiliating to face a roomful of potential contributors, and say what they want to hear about oil depletion, the glories of the wilderness, Phantom jets for Israel, the minimum wage, textile import quotas, or whatever. A Congressman who disappoints a big donor by voting "wrong" faces not just the denial of money at the next election, but retaliation in the form of a well-financed primary opponent.

### SENATOR HART'S BILL

Emancipation from all that is seen to lie in the equal access to public money. Sen. Philip Hart, the thoughtful, unabrasive liberal Democrat from Michigan, is the main sponsor of a bill for the public financing of Senate and House elections.

Sen. Hart's bill is intended as a companion to previous laws representing the first limited steps toward public financing of elections. These provide for small tax credits or deductions for voluntary political donations by individuals, plus the new form allowing the taxpayer to earmark $1 of his federal payment for use by national parties in the 1976 presidential election.

The $1 taxpayer's public-spirited "checkoff" ultimately may turn out to be a futile act, because Congress before 1976 must pass a new bill actually appropriating an amount equal to the taxpayer checkoffs, and this bill could be cut, defeated or vetoed. At any rate, the plan was a big dud in its first year of operation, with less than 3% of this spring's tax returns accompanied by a checkoff form.

Whatever its failings, the checkoff plan at least gives the individual taxpayer the option of denying his dollar of public money to the politicians. Sen. Hart's plan for public financing of congressional campaigns allows no such personal veto; Treasury money would be paid out automatically to as many qualified candidates as asked for it. Any candidate could refuse the public money and rely on private contributions, but he'd be handicapped by being labeled a captive of the fat cats.

The public financing of congressional campaigns would have two side-effects, not necessarily bad. It would spell defeat for more incumbents, who now have a great private fund-raising advantage over unknown challengers back home. Sen. Hart's proposed 10-cents-per-voter subsidy for primary elections works out, for example, to $1.4 million for each statewide candidate in California, guaranteeing a sitting Senator a herd of rivals in his own party as well-fixed as he. That independently available source of Treasury money also would further weaken the declining influence of organized political parties, for a rising young politician would be able to ignore the bosses and strike for glory on his own.

To preserve some role for traditional party funding in general elections, Sen. Hart would allow a candidate to accept limited donations from national and state party headquarters, and even to collect some small gifts from individuals. These amounts are intended to be marginal compared with the assured hunk of Treasury money, but this is the area where temptations would arise to outspend an opponent. A special federal board would be set up to catch cheaters.

All proposals for public financing of campaigns must deal with the problem of nonserious kooks lured into a contest by the whiff of free money. Because the government should never have the power to decide who's not serious or who's a kook, the weeding-out safeguards must be automatic and uniform. Sen. Hart's plant would require all would-be candidates to put up a "security deposit" equal to one-fifth of the expected federal subsidy. If on election day a goof-off candidate got less than 10% of the total vote, he'd forfeit his deposit; if less than 5%, he'd not only be made to give up the deposit but also pay back all the federal campaign money given to him.

But rules would have to be piled on rules to prevent a candidate from entering the free-money game by getting his security deposit from a few rich backers. No individual or organization would be allowed to put up more than $250.

Possibly through some such maze of rules a fair system could be devised. But the fundamental question remains: Do the expenses of electing one man to office instead of another have a legitimate call on the whole citizenry's money?

That depends mainly on what the taxpayers would be buying. "Information" presumably would be the basic commodity: a candidate's opinions on various public problems, what he looks and sounds like, his facility with words.

Not all information that would be helpful to a voter is generated during the formal canvassing season known as the campaign, the period for which subsidies are proposed. During the long stretches between campaigns, incumbent in Congress amass voting records, do and say things that are reported as news, send out mail and newsletters and return home for supposedly nonpartisan speeches to the garden clubs. Because most of this informational activity already is publicly financed, a special campaign-season subsidy wouldn't buy much extra help for the voters in judging incumbents.

Challengers would benefit more, by using the subsidies in traditional ways to promote the recognition of their names. Even so, campaign-generated information "is only one of many variables affecting elections," says Ralph Winter, a Yale Law School professor, in a treatise on the subject. The incumbent's age, the state of the economy, deep changes in public sentiment all can prove even more decisive.

Anyway, "information" is rather a strong word for some of the mindless sloganeering and televised imagery that the taxpayers are being asked to underwrite.

"He Really Gets Things Done." "You Can Believe Adlai Stevenson." "Bill Brock Believes." "President Muskie (Don't You Feel Better Already?)" "Bob Barry is a Fighter Who Takes on the Tough Ones." From the pictures flooding the nation at campaign time, one would conclude that Congressmen do nothing but stride confidently across the Capitol plaza with a briefcase, or wander lonely beaches, jacket over the shoulder, a thoughtful gaze on the horizon.

### A MUSHROOMING INDUSTRY

In recent years a whole industry of campaign advertising specialists has mushroomed to advise candidates on how to spend their privately collected money on this kind of material. With an assured supply of financing from public tax funds, the campaign consultant would become just one more parasitic operator who, like a commercial income tax preparer, thrives merely because the government exists. Public financing of elections in Puerto Rico already has hired flocks of campaign experts down from the mainland.

For all its foolishness, the "information" that's broadcast and printed during campaigns is regulated only by the laws of libel and a candidate's judgment of how much mudslinging the public will tolerate. If politicians' attacks on each other ever become an official cost of government, Congress would be increasingly tempted to legislate standards of fair campaign comment. Knowledge that they were financing Republican propaganda would be intolerable for many Democratic taxpayers, and vice versa, but making subsidized candidates obey "fairness" guidelines would be equally intolerable, and probably unconstitutional.

At this point the inevitable question arises: "Well, do you want ITT (or the Teamsters, or United Auto Workers) to buy the next President?"

That risk obviously needs to be diminished, in light of the revelations of recent years, but there's not yet an obvious need to go to the extreme of taxing people to pay for the antics of barnstorming politicians, or adding their expenses to the national debt. At least that step shouldn't be taken before trying sterner enforcement of existing law.

The 1971 Federal Election Campaign Act is based on the assumption that mere public disclosure of political contributions is a deterrent to moneybag abuses. The deterrent stems not just from press and public curiosity about who gave, and how much. A list of a candidate's contributors in the hands of his opponent lends itself, bluntly speaking, to pretty effective demagoguery.

It's true that the 1971 law didn't prevent the ugly mess we have now. But much of the problem can be traced to the attempts last year by both donors and solicitors to shuffle huge sums around before the April 7 start of the disclosure rules. That one-shot inducement for corner-cutting has vanished. Also, people haven't started going to jail yet for the financial violations related to Watergate and other 1972 campaign didos. Watergate is ruining reputations right and left, a fate which ought to scare other big operators into better future behavior.

### A CATHARSIS

Some politicians hope the whole Watergate story will be something of a catharsis for the traditional system of campaign giving. "By exposing it we can use this case to dispose of these practices once and for all," says Republican Sen. Charles Percy of Illinois. The Senate's special Watergate investigating committee is specifically charged with identifying loopholes in existing election laws and recommending changes.

Establishment of a six-member federal elections commission is being proposed by Senate GOP Leader Hugh Scott of Pennsylvania to replace the congressional agencies which now monitor political financing. If they find something wrong, the case would have to be referred to the Justice Department for prosecution, which so far has been flabby. The proposed commission would have power to launch its own court action against violators.

Tightening the law where possible and creating yet another enforcement bureaucracy would not provide the whole answer to the buying and selling of political influence through campaign giving. But it would be better than anything accomplished before, and it could head off the wrong answer of letting politicians reach the public trough before they're elected to anything.

---

### EXHIBIT 2

### RESOLUTION OFFERED BY SENATOR ABOUREZK BEFORE THE SENATE DEMOCRATIC CONFERENCE

Whereas, public confidence in the integrity of the Federal government has been undermined by the corrupting influence of large campaign contributions in recent months, and

Whereas, to maintain the confidence in the integrity of free and open elections is of paramount concern to the preservation of democracy and the continuing orderly operation of government, and

Whereas, the Congress has committed itself to positive and constructive reform of the electoral process by enactment of the Federal Elections Campaign Act of 1971, tax credits, and the tax check-off system for financing of Presidential elections,

*Resolved*, that the Democratic Conference calls for the prompt scheduling of hearings by appropriate committees on proposals to provide for public financing of Federal elections and favors Senate passage of legislation embodying the public financing concept and an end to the corrupting influence of large campaign contributions in Federal elections at the earliest possible date.

*Resolved further*, that the Democratic Conference supports the establishment of an independent prosecutor to enforce impartially and effectively all Federal campaign financing laws.

---

## ELDER STATESMAN SPEAKS OUT ON WATERGATE

Mr. PEARSON. Mr. President, the April 20 issue of the New York Times carried an article by Alf M. Landon dealing generally with the Watergate situation. Mr. Landon's comments and observations are very perceptive and cogent and I ask unanimous consent that this article by the Republican Party's senior statesman be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ELDER STATESMAN SPEAKS OUT

(By Alf M. Landon)

TOPEKA, KANS.—The ramifications of the Watergate criminal conspiracy are far-reaching and deep with scattered reputations and distressed families.

The great constitutional questions between the executive and legislative functions involved, which have existed since the birth of our great and beloved Republic, have once again been solved by mutual agreement without resorting to a Supreme Court decision.

The constitutional question is not a simple confrontation between the Congress and the President on the matter of executive privileged communications.

It would be impossible to conduct an efficient Administration if either the President or his subordinates were subject to the beck and call of Congressional committees. Every Chief Executive in our history has rightfully asserted that position.

On the other hand, the right of investigation by the Congress is a precious one and must be maintained. The President and Senator Sam Ervin, chairman of the Senate committee investigating Watergate, have successfully linked these two together by arranging for the voluntary appearance of any of the executive staff before the Senate committee. It is simply reaching a satisfactory accommodation which has often occurred in the past on this ticklish question between Presidents and Congressional committees to avoid the long delay of settling a constitutional question in the courts. I think the same questions have arisen in relations between governors and their state legislatures.

In 1964 when Senator Fulbright, after the Manila conference in which President Johnson assumed the guardianship of all Asia, persistently attempted to get Secretary of State Rusk to appear before the Senate Foreign Relations Committee to answer questions as to the extent of our foreign commitments all over the world, he declined. It was finally settled by an informal agreement limiting the scope of the committee's questions such as is in the case of Watergate.

There are, of course, grave legal questions involved. What right does anyone have to "bug" someone else's property by breaking and entering the same? That's just like going into someone's office when he's out—searching his files to get valuable information in a business affair or to embarrass him in some other way. That's simply a matter of theft and invasion of privacy, which was the charge in the Watergate trial.

President Nixon has properly referred the Watergate skulduggery to the judicial process.

As far as the failure of the President to speak out more definitely is concerned, he could not make statements on a subject matter which was involved in grand jury proceedings. He could not say anything because he would be rightfuly criticized for influencing pending decisions in the judicial process. Senator Ervin, former trial judge and justice of the Supreme Court in North Carolina, has recognized the duty of the Investigating committee to carefully guard and maintain at all hazards the precious right of any individual concerned to a fair trial and his day in court.

Public understanding of the fundamental threat to our democratic processes, which concerns us all in the shocking Watergate arrangements by a handful of President appointees, was further complicated by glib reporting evaluating our President's positions relative to Congressional investigations as grabbing for more power.

Over-all, there is the growing righteous indignation of the public at sordid political usage. Illegal Watergate activities are exploding all over the place. It was lightly referred to as a "caper" by cynical Washington news media and in some other quarters as the way of politicians. Common sense rejects that kind of stuff and nonsense.

The inherent moral questions are getting worse and worse and worse. The question of character is coming in more and more all the time.

We have the then Attorney General of the United States, with more power than J. Edgar Hoover had in his prime, finally admitting that he participated in three conferences where the bugging of Democratic National Committee headquarters in the Watergate was discussed. He could have flatly put a stop to it by simply saying, in the first conference, if you fellows ever go ahead with your proposed stupid, immoral and illegal plans. I'll throw the book at you, either as crooks or as "nuts."

Instead, John Mitchell apparently pussyfooted around with two more conferences. He knew who was involved when it happened. He should have had them prosecuted the next day. The astounding contradictions in his own statements have shaken and alarmed our citizenry. At the least an Attorney General of the United States has lowered the ethical standards of his high position and his profession by his conduct, betraying the confidence of the President of the United States.

Also, it can be said that by the prestige of his high office, in even personally participating in three meetings and listening to the discussion and planning of a criminal act, he gave the color of safe conduct to others directly or indirectly familiar with it.

John Mitchell's motives in this high scandal are a mystery. His actions uncovered so far by grand jury proceedings are not. His record will haunt him as long as he lives and his reputation in history thereafter. At least the due processes of the law promptly started and properly by the positive direction of the President are involving the higher-ups. That is healthy for both political parties and the public, for at the conclusion of the jury trials the mark of the Watergate case will be in the verdict of the American conscience. The real damage is the diminished public confidence in, and respect for, our highest public office in the United States of America.

There is not the slightest indication that the President is involved. There is no evidence that he knew anything of this illegal going-on in campaign planning.

History reveals that was the experience of other Presidents of our country with the constant increase of heavy and complex burdens, political as well as governmental, of that office. It should be recognized by objective-minded folks that a President cannot be held responsible for campaign planning as he can, and is, for his national policies. There are simply not enough hours in the day for that. There are hardly enough hours for his main job of running the Government.

---

## CUTBACKS IN HEALTH RESEARCH PROGRAMS

Mr. EAGLETON. Mr. President, the administration's budget recommendations for the coming fiscal year for health programs results in reductions in many activities conducted by the National Institutes of Health. Moreover, the administration proposes to concentrate the majority of health research resources on cancer and heart research, at the expense of other vitally needed programs.

Although I believe that it is necessary to substantially increase funding in these two areas—the major health concern and the major cause of death in this country—I do not believe that the other areas of biomedical research should be so severely curtailed.

One instance of the impact of this lack of funding for biomedical research has been brought to my attention by Dr. Robert E. Sparks, a faculty member at Washington University in St. Louis. Dr. Sparks very ably points to the need to continue and, where possible, expand research in kidney disease. Under H.R. 1, passed last Congress, persons covered by social security and their dependents who are in need of kidney transplantation or dialysis are eligible for medicare payments. It is estimated that the cost of the amendment will eventually run close to one-half billion dollars. In my judgment, this is not the time to reduce funds for research into kidney disease, as the administration now proposes. Better and less expensive methods of treatment must be found so that this cost does not continue to spiral. It cannot be done without adequate Federal support.

Such examples of the random and eccentric nature of the administration's budget cutting make it difficult for me to regard its budget proposal as responsible and responsive to the needs of our country.

Mr. President, I express my concern with Dr. Sparks and ask unanimous consent that his letter be printed at the end of my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON UNIVERSITY,
*St. Louis, Mo., April 16, 1973.*

Senator THOMAS EAGLETON,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR EAGLETON: I am a member of the faculty of Washington University in St. Louis. I am writing to you, as a member of the Labor-HEW subcommittee of the Senate, to point out a relationship between two pieces of legislation which most of your Senate colleagues may not be aware of, and which I believe to be of importance.

I refer to the relationship between the FY '74 NIH appropriations on which you will soon be starting hearings, and the dialysis and transplantation amendment to HR 1, which went into effect April 1, and for which payments will begin from Social Security on July 1. My concern stems from the fact that I have been a consultant or a member of the Advisory Committee to the Artificial Kidney/Chronic Uremia Program of the National Institute of Arthritis, Metabolism and Digestive Diseases of the National Institutes of Health since 1965. In addition I have conducted research since 1964 in areas relevant to the artificial kidney.

My concern is with the eventual cost of the HR 1 amendment and the implications this should have for the NIH appropriations. The cost of HR 1 during the first year will be large enough, but the cost in 3–4 years will be staggering. Consider that probably 30,000 people will be on dialysis when the program stabilizes, and that the average cost for each patient will be about $10,000 on the average. (The cost of dialysis at home is approximately $5,000 and in a kidney center the cost is about $15,000). This means the cost to the government for dialysis treatments will be about $300,000,000 per year. In addition the amendment commits Social Security to pay for all the patients' medical expenses. Since many of the people with severe kidney disease also have other medical problems it is not unrealistic to place the eventual cost of the program at ½ billion dollars a year.

It is important to note that the cost of this amendment will be in the same league as the entire expenditures of the National Heart and Lung Institute or the National Cancer Institute, the two largest institutes in the NIH!

The critical question at this time is how much research funding is being allocated to the important problem of lowering this cost and making the treatment more effective. The answer is that the only research effort backing up this enormous program on which the nation has embarked is the small Artificial Kidney/Chronic Uremia Program. This program has had to fight for its life in the last three years and this year, just when it is assuming the back-up research role for an expenditure nearly as large as that for cancer, it has been asked to take a cut of 30%, down to only $3.5 million.

This seems to me to be the wrong direction considering that the HR 1 amendment is the first major governmental program to assume responsibility for all direct payments for a major disease. It is most important that it be conducted thoughtfully and with careful planning. It appears mandatory that part of this planning must include an augmented research program to increase the efficiency of treatment.

I would urge that this relationship between the HR 1 cost and the research budget of the Artificial Kidney/Chronic Uremia program be brought out clearly in the committee hearings and, if possible, be mirrored in the appropriations. Since two agencies are involved, it is likely that the tie-in will not be accomplished unless it is spelled out by Congress.

This letter is not (probably unfortunately) part of an organized campaign to inform legislators of the tie-in between HR 1 and the NIH appropriations. In view of the magnitude of governmental expenditure on the HR 1 amendment, I hope a high priority will be given in the hearings to providing the Artificial Kidney/Chronic Uremia Program with the funds to properly back-up this expenditure and study how it may be lowered in the future.

I might add that one of the few health matters on which the President has made supportive statements has been the artificial kidney. Hence there is some hope that, if a particular provision in this area were written into the appropriations, the President might be inclined favorably toward it.

Thank you for your attention to this problem. If, on your next trip to St. Louis, you would like to speak to the medical researchers in the area of hemodialysis, or visit the Renal Division and the Chromalloy-American Kidney Center at Barnes Hospital, I would be pleased to make the arrangements.

Sincerely yours,

ROBERT E. SPARKS,
*Professor of Chemical Engineering.*

## CONFIRMATION OF DR. ARTHUR S. FLEMMING

Mr. BEALL. Mr. President, I am pleased that the Senate has given the nomination of Dr. Arthur S. Flemming to serve as Commissioner on Aging its prompt and favorable consideration. In recent weeks, significant progress has been made toward improving the lives of older Americans. The enactment of the Older Americans Comprehensive Services Act of 1973 significantly strengthened and upgraded the Administration on Aging. By confirming Dr. Flemming, the Senate has placed a man uniquely qualified to lead this newly strengthened agency.

I issued a brief statement during the Labor and Public Welfare Committee's consideration of Dr. Flemming's nomination, and I ask unanimous consent that that statement plus Dr. Flemming's biographical sketch be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### STATEMENT BY SENATOR J. GLENN BEALL, JR., REGARDING THE NOMINATION OF DR. ARTHUR S. FLEMMING

One could hardly comment on the progress we have made in recent years in efforts to understand and meet the needs of the elderly without mentioning the role of Dr. Arthur S. Flemming. Dr. Flemming is a distinguished academician, religious leader and public servant who has served his nation in various capacities during the past four decades.

As Secretary of Health, Education, and Welfare from 1958 to 1961, Dr. Flemming laid the groundwork for the increased role of the Federal Government in the field of aging. The first White House Conference on Aging in 1961 was an outgrowth of his efforts. This conference set the stage for the development of the Administration on Aging and other programs designed to meet the special needs of Senior Citizens.

In 1971, President Nixon called upon Dr. Flemming to assume the chairmanship of the second White House Conference on Aging which was held in December of that year. Dr. Flemming brought together thousands of delegates and experts from across the nation. The momentum generated by this conference has served to bring the problems of our senior citizens to the attention of all of our people. Legislation such as the Nutrition Program, the Older Americans Comprehensive Services Act of 1973, the expansion of Socal Security coverage, and the 20% Social Security increase enacted last year all reflect the Congressional response to The White House Conference of 1971.

Since The White House Conference, Doctor Flemming has served as Special Consultant to the President on Aging, a position that has enabled him to advocate the cause of senior citizens at the very highest levels of our government. In addition, Doctor Flemming has devoted his considerable energies to the task of coordinating federal programs in the field of aging.

I am especially pleased that the President has nominated Arthur Flemming to serve as Commissioner on Aging, and I understand he will be principal advisor on matters affecting the aging in all domestic programs. A strong Commissioner on Aging presiding over a strengthened Administration on Aging will make a significant contribution to the welfare of senior citizens. I look forward to working with Doctor Flemming during his tenure as Commissioner on Aging.

### BIOGRAPHICAL STATEMENT OF ARTHUR SHERWOOD FLEMMING

Born in Kingston, New York, June 12, 1905.

#### ACADEMIC BACKGROUND

A.B., Ohio Wesleyan University, 1927; M.A., American University, 1928; J.D., George Washington University, 1933.

Honorary degrees from a number of colleges and universities.

#### PROFESSIONAL ACADEMIC EXPERIENCE

Instructor of Government, American University, 1927–30.

Director, School of Public Affairs, American University, 1934–39.

Executive Officer, American University, 1938–39.

President, Ohio Wesleyan University, 1948–53, and 1957–58.

President, University of Oregon, 1961–68.

President, Macalester College, 1968–71.

### OTHER PROFESSIONAL EXPERIENCE

Editorial Staff, U.S. Daily (Now U.S. News and World Report), 1930–34.

Member, U.S. Civil Service Commission, 1939–48.

Member, War Manpower Commission, 1942–45 (Chairman, Labor-Management Manpower Policy Committee of the Commission).

Director, Office of Defense Mobilization, 1953–57 (Served during this period as member of National Security Council and by invitation of the President, participated in meetings of the Cabinet).

Secretary, Health, Education and Welfare, 1958–61.

Chairman, White House Conference on Aging, 1971–

Special Consultant to the President on Aging, 1972–

### OTHER SERVICE

Member of first and second Hoover Commissions on organization of Executive Branch of Government.

Member, President Eisenhower's Advisory Committee on Government Organization, 1953–61.

Member, International Civil Service Advisory Board, 1960–64.

Chairman, National Advisory Committee of Upward Bound, 1965–

Member, National Advisory Committee of Peace Corps, 1961–68.

Member, President's Committee on Labor-Management Policy, 1965–68.

Chairman, Commission on Political Activity of Government Personnel, 1966–67.

Chairman, Social Security Advisory Council, 1969–71.

President, Oregon Council of Churches, 1964–66.

President, National Council of Churches of Christ in America, 1966–69.

President, National Council on Social Welfare, 1968–69.

Chairman, American Council on Education, 1969–70.

### PERSONAL

Married, Bernice Virginia Moler, December 14, 1934.

Children—Elizabeth Ann (Mrs. George Speese), Susan Harriett (Mrs. John Parker), Harry Sherwood, Arthur Henry and Thomas Madison (twins).

Member—Methodist Church.

Republican.

## CONGRESS AND CAMBODIA

Mr. CHURCH. Mr. President, in matters of war and peace, Congress is a constitutional coequal with the executive branch. This fact is being made loud and clear by recent actions taken in the House of Representatives and within two separate Senate Committees regarding Cambodia.

The advice offered by the Christian Science Monitor, a highly respected national newspaper that over the last decade has lined up behind the President on these matters, is pertinent and should be heeded.

The Monitor editorialized;

> (I) t behooves Mr. Nixon to be sensitive to the Congressional mood, to consider the humanitarian as well as military factors, and to avoid bringing on the "constitutional crisis" of which Mr. Mansfield warns.

I ask unanimous consent that the May 16 lead editorial in the Christian Science Monitor and a feature article by the Monitor's Richard L. Strout be printed in the Record.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

### Bombing in Cambodia

Senate majority leader Mansfield warns of a "true constitutional crisis" if the President ignores expected legislation to end military reinvolvement in Indochina without "specific authorization by Congress."

Such legislation has been approved by the Senate Foreign Relations Committee in the form of the Case-Church amendment. Also on the way through Senate committee processes is approval of House legislation against continued bombing in Cambodia, with the Senate extending the ban to Laos as well.

If Dr. Kissinger's forthcoming talks with North Vietnam's Le Duc Tho have concrete results, the legislation might be affected. But at the moment it appears that the congressional trend is irreversible. A revitalized Congress is seeking to restore the the balance of government by asserting its constitutional power over making and financing war. Supporters of the new legislation want to prevent a repetition of congressional acquiescence in administration military steps of the sort they feel could start the whole Indo-China cycle over again.

There are potential dangers in limiting executive flexibility in military matters, especially in Laos, where the administration sees the presence of an illegal North Vietnamese Army as requiring U.S. support of thousands of Thai mercenaries. Elsewhere in the world there may be occasions where the President might need to move fast.

But with U.S. troops and POWs out of Indo-China, it is hard to plead such an urgent national interest that the President could not take time to seek congressional approval for new or continued bombing there. It is unacceptable for the administration to threaten to continue to bomb even if Congress cuts off requested funds.

Rather it behooves Mr. Nixon to be sensitive to the congressional, be sensitive to the humanitarian as well as military factors, and to avoid bringing on the "constitutional crisis" of which Mr. Mansfield warns.

### Nixon-Congress Asian Rift Test of New Power Balance

(By Richard L. Strout)

Washington.—Congress tightens pressure on President Nixon over Cambodia, and the upshot should indicate the changed power lines in Washington.

The Senate Appropriations Committee votes 24 to 0 to cut off all funds for bombing Cambodia or Laos.

Mr. Nixon's prestige is involved on three fronts: Watergate, the economy, and Congress.

Congress now is definitely kicking back at Mr. Nixon over impoundment, executive privilege, and—immediately—curtailment of commitment in Southeast Asia, specifically in Cambodia.

And so, this week, three strands are braided: The start of the Senate Watergate investigation, the meeting of presidential adviser Henry A. Kissinger with Le Duc Tho about Cambodia, and the Senate committee approval, without dissent, of congressional veto of further funds for Cambodia.

Simultaneously a run on the dollar has developed abroad emphasizing, and perhaps enhancing, the power struggle in Washington.

### AUTHORITY DILUTED

President Nixon's home-front crisis weakens his authority in international affairs. Simultaneously, it tempts a long-weakened Congress to grab back power.

One aspect is Cambodia.

The big break here came last week when the House of Representatives for the first time since the Indo-China struggle began passed an end-the-war bill 219-188, rejecting funds to continue bombing .

It was a dramatic rebuke to the President. The House has always hitherto supported him in the war.

For the first time the Senate now is following the House lead.

A Senate appropriations committee rejected a Defense Department request for a transfer of Pentagon funds to continue Cambodia bombing, and added Laos to the ban.

The Senate Foreign Relations Committee approved an amendment that went further: cut off funds for all military actions in Indo-China without specific congressional authorization. Sens. Clifford P. Case (R) of New Jersey and Frank Church (D) of Idaho thus launched the New Case-Church amendment.

The full Senate Appropriations Committee adopted an amendment to a supplemental appropriations bill by Sen. Thomas F. Eagleton (D) of Missouri to apply the spending ban to all funds previously voted. His amendment is subject to a point of order from the chair. Senator Eagleton plans to appeal a ruling to a majority vote.

The moves in the Senate on Cambodia considerably widen the House action. Together they would include not only Cambodia but all funds for all military action in Southeast Asia. They would specifically reaffirm the requirement of congressional approval.

Washington finds it hard to believe there will be a showdown with the White House, but it can't be sure; it may be a test of the new balance of power.

Significantly, the House heard familiar pro-war arguments repeated in its debate last week and then rejected them by a 31-vote majority.

## THE PRINCIPLES OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there is at least one statement about the Genocide Convention about which everyone will agree; it has come under exceedingly close scrutiny, both here in the Senate and among the citizenry. This scrutiny is entirely proper. Every treaty which the Senate is called upon to ratify should be carefully examined to insure that our national interests, as well as international order and justice, are upheld.

But the prolonged and redundant nature of our scrutiny of this convention is truly unfortunate. Essentially the same arguments have been made since the convention's introduction. Most of these arguments have been technical, focusing on very small parts of the convention and its language. Again, it is proper that these matters should be scrutinized, but unfortunately the prolongation of nit-picking scrutiny has meant that the larger principles involved have been almost forgotten, at least by those opposed to the convention.

The Genocide Convention is a declaration that the United States and all civilized nations are opposed to mass murder and that all of them will do their share to assure that the horrors of Nazi Germany are not repeated. We are all against genocide. We all abhor the brutal elimination of racial, ethnic, and religious groups. Now we all have a chance to do something about it. To pass up this chance—as we have for 25 years, would be extremely unfortunate.

The Senate can ratify the Convention on the Prevention and Punishment of the Crime of Genocide. This would be an international commitment to decency and morality entirely consistent with our tradition of concern for the welfare of all. Ratification of this treaty is in keeping with our position as a leader of the free world. Now we can do more than just say that we are opposed to genocide. Now we can take constructive action to prevent the occurrence of the crime of genocide.

Mr. President, the time has come for the Senate to ratify the Genocide Convention.

## U.S. CONVERSION TO THE METRIC SYSTEM

Mr. PELL. Mr. President, it has come to my attention, and I believe it will be of interest to the Senate, that Lord Orr-Ewing, chairman of the Metrication Board of Great Britain, has been honored by the U.S. Metric Association and by this association's Rocky Mountain division, directed by Miss Frances J. Laner.

A specially designed sculpture, representing the pioneer spirit of the American West, was presented by Miss Laner to Lord Orr-Ewing as a symbol of the British Metrication Board's own pioneering efforts in metric conversion.

Mr. President, I believe this event serves to emphasize the cooperative spirit between our own country and Great Britain, especially in an area where we can look toward future conversion to the metric system by the United States.

As one who has long believed that conversion to the metric system would be beneficial to our Nation, and as one who has consistently introduced the legislative measures which could achieve this goal, I wish to commend the example Great Britain has set for us with respect to metrication, as well as the recognition of this example by the Metric Association.

According to the association's newsletter, in accepting his award Lord Orr-Ewing said, "For the U.S. Metric Association, a major breakthrough is in sight," and he referred to new legislation which would make this possible, so that the United States could join the 131 countries of the world now committed to the metric system.

I am most hopeful that during this Congress we can—at long last—provide the legislative base to achieve our own future conversion to the metric system.

## AMERICAN SUPPORT FOR DELHI COMMUNIQUE

Mr. CHURCH. Mr. President, American newspapers strongly support the political-military detente called for by the April 17 joint communique between the Government of Bangladesh and India. The Baltimore Sun labeled it, "An Opening in South Asia"; the Washington Post called it, "A Hopeful Move."

The New York Times said:

> That elusive light at the end of so many dark tunnels, flashed hopefully . . . when India and Bangladesh finally offered to release, conditionally, about 90,000 Pakistani prisoners of war.

The current contention point between Bangladesh and Pakistan concerns the trial of 195 military men considered to have committed crimes of murder and rape in 1971.

> This is a modest figure in view of the magnitude of the crimes recorded during the nine-month army crackdown in the former Bengali province.

Last week, however, a most disturbing dispatch was received from Islamabad. Reuters reported that the Pakistan Government issued orders for the police to "round up," out of their homes, several hundred Bengalis now living and working in Pakistan. This police-state tactic was presumably taken in retaliation for Dacca's war crimes trial proposal. Such a provocative act counters the Government policy, stated just 2 weeks before, of fully cooperating with "all Bengalis to leave Pakistan if they so wish. Indeed, the Government of Pakistan always sought a humanitarian solution of the problem and has taken several steps consistent with that aim."

I am deeply concerned, as are many of my colleagues, at the report of the "step" of using over 100,000 Bengalis stranded in Pakistan to further fuel the fratricidal fires so long kept burning on the subcontinent. Such action, even though President Bhutto would have had his soldiers and civilians returned without conceding any bargaining positions during forthcoming negotiations, only puts back the old road blocks to reconciliation that the Delhi communique had knocked away.

President Bhutto should, at the very least, try to negotiate one Bengali for one Bihari as he offered to do in his interview with Newsweek on April 4, when he said:

> The status of the Biharis (non-Bangalis) is an atrocious nightmare. We can take some some—one for every Bengali who wants to leave our side.

I ask unanimous consent that editorials from American newspapers backing steps for detente in South Asia, together with the Pakistan Government's statement of April 20, and a Reuters dispatch regarding the present plight of Bengalis in Pakistan, to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 27, 1973]

### LIGHT IN SOUTH ASIA

That elusive light at the end of so many dark tunnels flashed hopefully last week in South Asia when India and Bangladesh finally offered to release, conditionally, about 90,000 Pakistani prisoners of war.

The response from Islamabad has been positive although the Pakistanis understandably express "apprehension" over the conditions—the simultaneous repatriation to Pakistan of 260,000 Biharis (non-Bengalis) who have affirmed their allegiance to Pakistan and a desire to leave Bangladesh, and the retention of some prisoners for war-crimes trials in Dacca.

Resettlement of the Biharis will create economic and political problems for the Pakistani Government, which already has an unemployment problem and which is wary of further disrupting the already delicate balance between Sindis and non-Sindis in the Karachi area where most Biharis would be expected to locate. But certainly it would be difficult to deny the birthright of these citizens, many of whom openly sided with government forces during the civil war in the former East Pakistan.

War crimes trials obviously pose a domestic political problem for Mr. Bhutto. But indications from Bangladesh are that the number to be tried will be less than 200, a modest figure in view of the magnitude of the crimes recorded during the nine-month army crackdown in the former Bengali province. Pakistanis, most of whom refuse to acknowledge even that crimes were committed, must recognize that Dacca could never entrust conduct of the trials to Islamabad, as Mr. Bhutto has suggested, specially since the man whom the Bengalis regard as the number one war criminal, General Tikka Khan, is now Pakistan's Army Chief of Staff.

---

[From the Baltimore Sun, April 22, 1973]

### AN OPENING IN SOUTH ASIA

The proposal by India and Bangladesh for an exchange of South Asian peoples, including most of the 90,000 Pakistani war prisoners, has been received with guarded unofficial welcome in Pakistan. The welcome is guarded because there are complications; but even so the offer does contain a major concession that Mr. Bhutto's government cannot, in reason, fail to consider.

Until now, a stumbling block in the way of South Asian settlement has been the requirement that before the prisoners were returned Pakistan must formally recognize Bangladesh. That condition is now removed.

Others, however, remain. The Delhi-Dacca proposal calls upon Pakistan to release some 157,000 Bengalis stranded there after the war of December, 1971. Most of these Pakistan would surely be willing to let go; indeed surely wants to get rid of. Much harder is the question of the approximately 300,000 Muslim Biharis—so-called because the majority of them moved from Bihar in India to what was then East Pakistan, after the partition of the subcontinent in 1947—in Bangladesh.

Some are willing to stay on as citizens of Bangladesh, but most would prefer to go to Pakistan. And Pakistan emphatically does not want them: Muslim though they may be, and even if they supported Pakistan in the war, they are still Bengalis. In today's reduced Pakistan, Bengalis are simply not welcome.

Then there is the further question of Bangladesh's insistence on at least token war-crimes trials, and an apparent disposition in Pakistan to try some of its Bengalis as traitors. Mr. Bhutto may not be able to accept the former, and may for internal political reasons feel he has to insist on the latter.

Yet the opening offered is a real one, and Bhutto, now that the opposing Pakistani parties have brought themselve close enough to reconciliation to approve a constitution, appears to have enhanced his authority. To agree to the offer would take courage and boldness—qualities the Pakistani President has in the past proved himself not to lack. It is encouraging that he has now himself responded—if still guardedly—to the new initiative from the other side.

---

[From the Washington Post, Apr. 26, 1973]

### A HOPEFUL MOVE IN SOUTH ASIA

A major advance in relations on the South Asian subcontinent is promised by the proposal of India and Bangladesh to return the 90,000 Pakistani POWs held for the last 16 months, if Pakistan will 1) release some 200,000 Bengali civilians stranded since the 1971 war and 2), in a kind of exchange, accept back some 200,000 Biharis who have been interned in Bangladesh but do not wish to stay there. By this one stroke, three important groups, each posing a political knot as well as a humanitarian issue, could start their lives anew. What makes the deal considerably more palatable for Pakistan is that Bangladesh no longer demands Pakistani recognition as a condition of POW return. Bangladesh still threatens to retain up to 200 POWs to try as war criminals, but since trials would ensure Bangladesh—a major supplicant for international handouts—major political damage, one hopes that Sheikh Mujib will find a way around them. Besides, Pakistan could hold counter-trials of Bengalis.

To outsiders, it may seem odd, not to say distasteful, that problems can be solved by official decisions to move large communities of people from one country to another, rather than to treat their condition in place. But large scale transfers of people have been a feature of political life in the subcontinent at least since India and Pakistan were born as modern states a quarter-century ago. Moreover, many Americans tend to forget how immense was the movement of people from one country to another in Europe after World War II. The Soviet Union alone, for instance, physically expelled some 10 million people from areas conquered by the Red Army; no one now challenges that astonishing act. The one conspicuous postwar exception to the notion of resolving political issues by moving people around the map is the Mideast, where the claim of some Palestinians to return to their former homes in what now is Israel is still part of the politics of the region.

In the current case of this subcontinent, the three groups of people who would be moved (one composed of military prisoners, two of civilian internees) wish to move. This is what makes the new Indian proposal seemingly such a natural. It was only last July that India and Pakistan agreed, at Simla, to work for "an end to the conflict and confrontation that have hitherto marred relations." Not without strain, they have since moved a significant distance toward their goal—not by American prodding, it might be noted, but in response to their own sense of what is necessary and right.

---

[From the Evening Star and Daily News, Apr. 21, 1973]

### The Bihari Nettle

The offer by India and Bangladesh to return some 90,000 Pakistani prisoners of war in return for the repatriation of more than 100,000 Bengalis stranded in Pakistan and the acceptance by Pakistan of several hundred thousand members of Bangladesh's Bihari minority affords a basis for negotiations which should not be missed.

Of the three groups involved, the Biharis are in a special situation. Pakistan wants its POWs back. Bangladesh needs the 26,000 Bengali soldiers and 15,000 civil servants interned in Pakistan. But nobody wants the Biharis, who supported Pakistan's suppression of the Bangladesh independence movement, and it is questionable if the Biharis are of one mind as to where they would like to seek their future.

Arid West Pakistan would be a completely foreign environment for the Biharis, Moslems from the Indian state of Bihar who fled into East Pakistan when the subcontinent was partitioned in 1947, and Pakistan asserts that the Biharis must be guaranteed a secure future in their adopted land, Bangladesh. Yet hatred against the Biharis in Bangladesh is so strong that in the foreseeable future they cannot hope to live a decent life there. Their ties with Bihar were severed a quarter of a century ago and their future there at best would be uncertain.

It seems to us that all three nations—Bangladesh, Pakistan and India—have an obligation toward the Biharis, and that none of these nations should have to shoulder the burden alone. It would seem fair if India and Pakistan would agree to accept those Biharis who might elect to emigrate and that Sheikh Mujibur Rahman, the prime minister of Bangladesh, should take steps to ensure the physical safety and integration of those who might opt to remain in his country.

The question of trials of Pakistani officers for war crimes—and the threatened countertrial of Bengalis in Pakistan for sedition—is one which both sides ought to put aside in the interest of peace, if only because nothing like fair trials would be possible in either country in the present atmosphere.

But the Bihari nettle is one which must be grasped, and by all the parties involved.

---

[From the Christian Science Monitor, April 21, 1973]

### India's Package Offer on POW's

At last India is making a determined effort to break the deadlock blocking the release of the 90,000 Pakistani prisoners it has held since the war of December, 1971.

Premier Indira Gandhi has come forward with a package proposal for the prisoners' release worked out jointly with Bangladesh. The most encouraging thing about the plan is that Bangladesh is no longer insisting that Pakistan accord it official recognition before the POWs go home.

The proposal is for a three-way exchange of prisoners and minority populations. In addition to the Pakistani POWs, it would cover 175,000 to 200,000 Bengalis stranded in Pakistan since the war, and part of the Bihari community now living in Bangladesh.

Pakistan's initial reaction has been cautious. It appears to see the offer as a basis for negotiation rather than something it can accept outright.

President Bhutto of Pakistan has invited India to send representatives to Islamabad for discussions and "clarifications" of the plan. At the same time he has said flatly that he cannot accept Bangladesh's stated intention to retain some 200 of the POWs for war crimes trials. Mr. Bhutto may also raise objections to the proposed exchange of some 260,000 members of the Bihari minority. The Biharis are accused by Bangladesh of collaborating with the Pakistanis in their military repression of the Bengali independence movement in the months preceding the 1971 war. Sheikh Mujibur Rahman, the Bangladeshi Premier, has said that those Biharis who want to leave the country may do so. However, Pakistan up till now has indicated that it does not accept responsibility for relocating the Biharis, whom it regards as residents of East Bengal.

Our correspondent in New Delhi says India will insist that the package deal be accepted or rejected in its entirety, and that there can be no partial acceptance. This condition could again wreck hopes of an early settlement. While Pakistan must make concessions, as Bangladesh has done, it can hardly be expected to accept a cut and dried package without some discussion.

President Bhutto himself is now in a stronger position at home as a result of the National Assembly's recent adoption of his new constitution.

Unfortunately the constitution still refers to Bangladesh as East Pakistan. However, the hurdle of recognizing Bangladesh should be easier for Mr. Bhutto to clear once he gets his POWs home.

The joint Indo-Pakistani offer has been a long time coming. Now it has come, it should be quickly followed up.

---

[From Pakistan Mission to the United Nations, New York]

### Pakistan Invites Indian Representatives to Islamabad for Discussions—India's Fulfillment of Its Obligation Under Geneva Conventions Will Accelerate Normalization

Rawalpindi, April 20, 1973: A statement issued by the Government of Pakistan says that "For obtaining the necessary clarification of the implications of the statement (issued in Delhi on April 17), and in the spirit of promoting an advance towards peace, the Government of Pakistan has decided to invite representatives of the Government of India to Islamabad for discussions and also to explore further possibilities for the implementation of the Simla Agreement. The process of the normalization of the situation in the sub-continent would be accelerated by India's promptly fulfilling its unconditional obligations under the Geneva Conventions."

Following is the text of the statement:

"The Government of Pakistan has carefully considered the statement issued in Delhi on April 17. While the statement purports to be inspired by the vision of a durable peace in the sub-continent, the Government of Pakistan notes with regret that it contains several allegations which are both unfounded and unfair. Not wishing to enter into polemics over these issues and thus to prolong a chain of charge and countercharge, Pakistan deems it sufficient to reiterate its resolve to adhere to the letter, and fulfill the spirit of the Simia Agreement, with a view to the reduction of tensions, the settlement of disputes and the building of international relations in the sub-continent on the foundations of justice and equity. The many offers, acts and initiatives of the Government of Pakistan towards this end hardly need to be recalled.

#### UNCONDITIONAL OBLIGATION

"It is fact beyond question that the normalization of the situation in the subcontinent has been obstructed by India's continuing to hold in illegal captivity over 90,000 Pakistani prisoners of war and civilian internes despite the cessation of hostilities sixteen months ago. The Geneva Convention of 1949 about the treatment of prisoners of war, to which India is a signatory, makes it the obligation of the detaining power to release and repatriate prisoners of war 'without delay after cessation of hostilities'. The obligation is unilateral and unconditional. The principle involved is basic to international law and any compromise with it, open or disguised, can set a calamitous precedent. Apart from humanitarian considerations, it will nullify all obligations under the Geneva Conventions, which civilized nations have laboured for over a century to evolve and to make binding on all states. The Government of Pakistan notes with concern that their 'initiative' embodied in the statement issued in Delhi invites Pakistan to compromise the principle by agreeing to, or acquiescing in, conditions which are irrelevant and unrelated to the repatriation of the prisoners of war.

"The Government of Pakistan cannot recognize the competence of the authorities in Dacca to bring to trial any among the prisoners of war on criminal charges. According to an established principle of international law, only a competent tribunal of Pakistan can have jurisdiction in this matter since the alleged criminal acts were committed in a part of Pakistan and since also the persons charged are the citizens of Pakistan. It would be repugnant to a nation's sovereignty to surrender its exclusive jurisdiction in this regard. The Government of Pakistan reiterated its readiness to constitute judicial tribunal, of such character and composition as will inspire international confidence, to try persons charged with the alleged offences.

### ATMOSPHERE

"Apart from these inescapable considerations of both sovereignty and justice, the Government of Pakistan is gravely apprehensive that if the authorities in Dacca begin to hold these trials, it will poison the atmosphere and seriously retard the establishment of that climate of peace and reconciliation which is a dire necessity for the welfare of the peoples of the sub-continent.

"On its part, the Government of Pakistan in its desire to put an end to a chapter of tragic conflict, has exercised maximum restraint even to the extent of refraining from exercising its rightful jurisdiction and bringing to trial those Bengalis in Pakistan against whom there is evidence of the commission of such acts as subversion, espionage and high treason. The terms of the Delhi statement would make it impossible for this restraint to continue.

"The Government of Pakistan is prepared to fully cooperate with arrangements for all Bengalis to leave Pakistan if they so wish. Indeed, the Government of Pakistan has always sought a humanitarian solution of problem and has taken several steps consistent with that aim.

### UNIQUE DOCTRINE

"As regards 'Pakistanis in Bangladesh' the propostion contained in paragraph 5 of the Delhi statement is extraordinary, advancing the unique doctrine that an ethnic, linguistic or political minority can be persecuted, offered an 'option' under pain of loss of jobs, property or even life and arbitrarily expelled from its place of domicile, creating an obligation for Pakistan to receive its members. The Government of Pakistan is acutely distressed at the tragic suffering of the victims of this prejudice and bigotry urges the international community to persuade the authorities in Dacca to protect the basic human rights to which these unfortunate people are entitled. The solution of the humanitarian problem which may still arise should be a concern of humanity. The Government of Pakistan is willing to fully participate in the effort of alleviating this human plight.

"Notwithstanding these difficulties inherent in terms of the Delhi statement, the Government of Pakistan feels that it constitutes a response to Pakistan's urgings for further dialogue between Pakistan and India. For obtaining the necessary clarifications of the implications of the statement and in the spirit of promoting an advance towards peace and normalcy the Government of Pakistan has decided to invite representatives of the Government of India to Islamabad for discussions and also to explore further possibilities for the implementation of the Simla Agreement. The process of the normalization of the situation in the sub-continent would be accelerated by India's promptly fulfilling its unconditional obligations under the Geneva Convention."

---

[From The Washington Post, May 17, 1973]

### PAKISTAN RAIDS BENGALI HOMES

Pakistani police raided the homes of hundreds of Bengalis early yesterday morning. A government spokesman said the Bengalis who were taken away would eventually be repatriated to Bangledesh, but a Pakistan newspaper suggested that some might be tried for treason.

---

### PAKISTANI POLICE ROUND UP BENGALIS

ISLAMABAD, May 6.—Pakistani police rounded up several hundred, and possibly thousands, of Bengalis in this capital early today.

A government spokesman said they were being taken to two or three places "in preparation for their eventual repatriation to Bangladesh."

Large squads of police raided the homes of Bengalis after midnight and took away people, with only a handful of possessions. Dozens of buses and trucks, with suitcases and bags piled on their roofs, took people to Islamabad's central police station.

The main target of the raids was an area of lower-class government housing where Bengalis formerly employed by the Pakistan government were recently ordered to settle, with about three families in each house.

The government spokesman said the Bengalis were being shifted to alternative accommodation because of congestion and pressure on official housing in the capital.

He said the government was also concerned that some Bengalis fleeing the country across the western borders with Afghanistan were taking files and important papers with them.

The spokesman stressed that the Bengalis were not being taken to any kind of camps or places of detention, and added that the Red Cross would be permitted to visit them.

The Red Cross has estimated that 157,000 Bengalis are stranded in Pakistan, especially in the southern part of Karachi.

Several thousand Bengalis are believed to have fled to the western border with Afghanistan. Facilities have been provided in Kabul, the Afghans capitol, to help them continue on to Bangladesh.

The fate of the Bengalis in Pakistan is linked to the 90,000 Pakistani prisoners of war held by India since Pakistan's defeat in the Bangladesh war of independence and to the large Bihari minority in Bangladesh. The Biharis are non-Bengalis many of whom collaborated with Pakistani army during the war.

### EXCHANGE PROPOSED

India and Bangladesh have proposed an exchange of the Biharis and POWs for the Bengalis now in Pakistan.

The independent daily newspaper Jang (War) reported that the one of the places the Bengalis were taken is Warsak, about 20 miles from the Northwest Frontier city of Peshawar and close to the Afghan border.

The newspaper said in a front-page report that "those Bengalis who worked against the security and integrity of Pakistan, collaborated with the enemy and indulged in treacherous activity were being transferred in two batchs to camps in the Punjab." It added that investigations for the possible trial of Bengalis were now completed and trials could start at any time. One of the main sources of dispute between Bangladesh and Pakistan is Bangladesh's annonuced intention to try a number of Pakistan officers for war crimes.

---

## NATIONAL ORGANIZATIONS TESTIFY ON SOCIAL SERVICES FOR AGED

Mr. EAGLETON. Mr. President, at a hearing held yesterday by the Senate Finance Committee, representatives of the American Association of Retired Persons, the National Retired Teachers Association, and the National Council on the Aging presented for the hearing record a very comprehensive and constructive statement on the provision of social services to the aged.

Their statement outlines the development of social services for the aged under the Social Security Act, analyzes the crippling effects of a change in the law made last year and new regulations issued by the Department of Health, Education, and Welfare on May 1, and makes recommendations for congressional action.

Mr. President, I ask unanimous consent that the testimony of these three organizations be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

### HEARINGS ON SOCIAL SERVICE REGULATIONS

(Testimony of Cyril F. Brickfield, legislative counsel, National Retired Teachers Association, and American Association of Retired Persons; and Jane E. Bloom, Public Policy Associate, National Council on Aging)

Chairman Long, distinguished members of the Senate Finance Committee:

I am Cyril F. Brickfield, Legislative Counsel to the National Retired Teachers Association and the American Association of Retired Persons. These two Associations have a combined membership of more than five million one hundred thousand older Americans.

Joining with me, Mr. Chairman, is Mrs. Jane E. Bloom, Public Policy Associate of the National Council on the Aging. The National Council on the Aging, of which both the NRTA and the AARP are members, is an organization of groups directly concerned with the needs of older Americans and a membership organization of professionals involved in the direct provision of care and services to older persons.

Also accompanying us this morning is Mr. Laurence F. Lane of my staff.

We three organizations—AARP, NRTA and NCOA—welcome this opportunity to join before you to emphasize the serious concern we share regarding the impending demise of services to older Americans under Title I and Title XVI of the Social Security Act.

Essentially, Mr. Chairman, we are alarmed by the recent changes made in the program by P.L. 92–512 and by the regulations governing these social service programs for the elderly.

1. We find that thousands of elderly persons are being denied services because of stricter eligibility requirements; this denial is, in turn, forcing the elderly onto welfare rolls or, even worse, into nursing homes and other institutions.

2. We fear that the needs of the elderly will be neglected altogether if the states are allowed to determine how much money should be allocated for adult services.

3. Corollary to the above concern, we feel that each state should be required to make available a full range of basic services that will allow older persons to remain independent and in their own homes for as long as possible.

Underlying these concerns is a basic premise which was most eloquently expressed by Senator Eagleton in a Senate floor statement last week. The Senator declared:

"The primary purpose of social services for the elderly is to prevent dependency and institutionalization by providing the support that can enable older people to remain in their homes. To be efficacious, these services must be provided when they are most needed. And, they are needed, not at some arbitrary age, not at the point when the individual's income and resources meet cash assistance eligibility standards, but at that point in time when the individual becomes vulnerable to dependency."

Our mutual alarm has been heightened by the expressions of state officials such as the following excerpt from an official report of the Georgia Department of Human Resources:

"While the actual cutbacks in Title XIV aging programs have been acute, the potential impact of the revision appears to be of even greater magnitude. . . . many programs that were being planned to provide much-needed services to Georgia's residents may never be implemented—particularly at levels required to make significant impact on the needs of Georgia's some 368,000 elderly residents over age 65."

### EVOLUTION AND UTILIZATION

In order to better understand our forthcoming recommendations for changing this situation, some background on the program would be useful to this Committee. For further details, we call your attention to a recent report by the Senate Special Committee on Aging entitled *The Rise and Threatened Fall of Service Programs for the Elderly,* which is appended to our testimony for your use.

Social services as now developed are authorized under the public assistance Titles of the Social Security Act: Title I—Old Age Assistance; Title IV—Aid to Families of Dependent Children; Title X—Aid to the Blind; and Title XIV—Aid to the Permanently and Totally Disabled. At one time, each State was required to administer a separate state plan for the aged under Title I, another for the blind under Title X and still a third plan to serve the disabled under Title XIV. Congress recognized the inefficiency, the duplication of efforts, and the added administrative cost of maintaining three distinct programs for adult recipients. Accordingly, in 1962 Congress enacted Title XVI ("Grants to States for Aid to the Aged, Blind or Disabled, or for such Aid and Medical Assistance to the Aged") which enabled states to operate a "combined adult program" with attendant savings in administrative cost. Twenty states have adopted Title XVI, the remainder continue to provide services to the aged through the other adult titles.

The primary purpose of the Act's social services programs for adults is to reduce dependency and promote the opportunity for independent living and self-support to the fullest possible extent. In the case of the elderly, such services are also intended to support a variety of living arrangements as alternatives to institutional care. Under regulations precedent to the ones just promulgated, certain kinds of services were required to be provided by each state, while others were offered as optional services. Overall, there had been a large area of discretion at the state level with regard to the extent and kinds of services which were supported.

Mandatory services for the aged, blind and disabled included: information and referral without regard to eligibility for assistance; protective services; services to enable persons to remain in or to return to their homes or communities; supportive services that would contribute to a "satisfactory and adequate social adjustment of the individual," and services to meet health needs. Optional services encompassed three broad categories: services to individuals to improve their living arrangements and enhance activities of daily living; services to individuals and groups to improve opportunities for social and community participation; and services to individuals to meet special needs.

With reference to eligibility, the states were allowed great leeway in determining categories of persons to receive these mandatory and optional services. In addition to all aged, blind or disabled persons who presently receive welfare payments, the state could elect to provide services to former recipients of financial assistance or to potential welfare recipients; this latter category included persons who are not money payment recipients but are eligible for Medicaid, persons who are likely to become welfare clients within 5 years, and persons who are at or near the dependency level.

For instance, a city agency could run a homemaker program for the elderly serving an area determined by census income figures to be a poverty area. While only 50 per cent of recipients of the program benefits might be actual recipients of Old Age Assistance, the other 50% of the individuals participating in the program would be deemed near the dependent level because of their marginal income as residents of the target area, and, therefore, eligible for homemaker assistance.

It is important to note, Mr. Chairman, that the Department of Health, Education and Welfare's Social and Rehabilitation Service estimates that nearly two million adults received assistance from social service programs during 1972, and that many of these individuals were older Americans.

The changes made by P.L. 92–512 meant that Federal funding of social services under Titles I, IV, XXIV and XVI of the Social Security Act is now limited to no more than $2.5 billion per year—fully eliminating the previous open-ended basis for the program. The amount allotted to each state is based on population; thus a State which has 10 per cent of the national population would have a limit on social service funding equal to $250 million, or 10 per cent of the total ceiling. It should be further noted in this discussion that no dollar amount by category is mandated within the ceiling. Thus, a state which receives $250 million in Federal funding may spend whatever percentage it wishes for services to the elderly under its Title I or XVI program. The elderly could receive all or none of the $250 million, based on State discretion.

Another newly enacted provision of PL 92–512 limits the eligibility for social services. Prior to the 1972 amendments, any program which had provided services to past, present or potential welfare recipients was eligible to receive funding. Now, 90 per cent of the allocated Federal matching dollars must be spent on current welfare recipients and no more than 10 per cent on past or potential recipients.

Although six categories were exempt from this 90/10 welfare/nonwelfare ratio, services to the elderly are not among these exceptions. Thus, services to the aged are subject to the stipulation that at least 90 per cent of the funds be expended on behalf of elderly welfare recipients. Although the 90/10 ratio need not apply to each individual service program, the paperwork involved in averaging the services provided by the state to conform to the 90/10 restriction precludes funding of projects that have an appeal to other than public assistance recipients.

As a result of the new 90/10 eligibility restriction, many senior centers and other providers of service have been cut off from funding by their state welfare department or have been ordered to cut back their services. The full impact of the new restrictions is yet to be realized. Some agencies providing these social services have been given short-term extensions while new funding sources are sought or new proposals written. And, because of poor accounting procedures, it has proved impossible to obtain a listing of all Title I and XVI projects now in operation throughout the country, making it extremely difficult to evaluate the total effect of the eligibility standard. However, it is important to note that preliminary evidence does confirm beliefs that the new law will cause a serious cutback in services to the elderly.

### LEGISLATIVE CHANGES

From the above discussion, Mr. Chairman, it should be apparent that our organizations' basic objection lies not with the finalized regulations but, rather, with the legislative changes in PL 92–512 to which the regulations must conform.

We, therefore, urge Congress to consider legislation which would exempt the elderly (defined as persons aged 60 and over) from the restrictive 90/10 (welfare/non-welfare eligibility ratio. The Senate Special Committee on Aging suggests this could be done by amending Section 1130(a)(2) of the Social Security Act to add a Subsection (F) which would read: services provided to the elderly, defined as persons who have attained the age of 60 years.

A number of measures have been introduced in this Congress which would work toward this goal. Our organizations have gone on record in support of H.R. 3819 introduced by Congressman John Heinz, which would exclude from application of the 90/10 limitation services to the aged, blind and disabled; we support the Heinz bill, which now has 90 cosponsors, as a model for action by this committee.

Consideration should also be given by this committee to legislation instructing the Secretary of the Department of Health, Education and Welfare to provide reallocation procedures for social service funds whereby a state's unused allocation would be redistributed among the other states. Preference for reallocation should be given to those states with larger proportions of poor and near poor, and whose supplemental state plans would provide for certain services designed to prevent or reduce institutionalization.

Thirdly, we strongly urge Congress to mandate services under the adult titles. Under present statute, states need not allocate any of their allocated monies to serve adults. Clearly, the intent of Congress was to include not only one, but a whole host of services for the adult; this intent must be spelled out in legislation if the elderly are to be assured inclusion. We believe that a proper balance between adult programs and other non-aged programs can be accomplished either by requiring that a percentage of the social service funds available to a state be earmarked for adult services or by requiring the provision of specific services for the elderly before federal funds are made available.

### ADMINISTRATIVE CHANGES

The final regulations compound the devasting impact of the 1972 amendments. We view the regulations as a top layer of restrictions designed to preclude utilization of services. These wholesale cutbacks in the social services area are unfortunate and will, in the long run, prove costly.

With respect to § 221.5, AARP, NRTA and NCOA object to the elimination of a requirement that states provide certain mandatory services to the elderly. We feel that each state should be required to make available a full range of basic services that will allow older persons to remain independent and in their own homes for as long as possible. If states elect to include the elderly in their plan, they need only choose *one* service. All others are optional. We believe that the old regulations—mandating a package of services and providing a number of optional services—should be reinstated.

Congress, in passing the Older Americans Comprehensive Service Amendments last month, recognized that for many older persons social services can mean the difference between living independently in their own homes or being unnecessarily and prematurely institutionalized at a much higher public cost. In passing this act, the Congress reaffirmed the Declaration of Objectives of the Older Americans Act of 1965 which promised older Americans, among other objectives, the following two goals:

> Retirement in health, honor, dignity—after years of contribution to the economy . . .

> Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed . . .

If it is a federal objective to secure these goals, should it not be within the scope of the federal power to mandate minimum regulations toward obtaining these objectives? Where Congress designed these two programs to mesh in providing comprehensive services to older persons, HEW is working to dismantle the machinery.

With reference to the Section 221.9 services, our organizations wish to point out to the members of this committee several additional facts. The elimination of the information and referral services as a designated service is most unfortunate. As the preface to the Senate Special Committee on Aging print concerning social services points out:

> An old person who simply wants information may find that he has to go to several public or private agencies, and even then he may be unable to piece together the information into a cohesive package for practical use. . . . Quite often those most in need of services do not receive them because they (1) don't know about them (2) may not fall neatly into the category which will qualify them for one service or another or (3) cannot reach the services because they have no transportation.

The elimination of homemaker services as a mandatory service and the elimination of prescribed standards recommended by such organizations as the National Council for Homemaker Services will have a marked effect on this viable alternative to institutional care. How much longer will the public have to shoulder the more expensive costs of institutional care before we will develop a policy to encourage home health programs?

As with other sections of the regulations, we find older Americans excluded from sharing the benefits of legal service assistance because of the narrow definition of how services may be used.

Our organizations deplore the redefinition for potential and past recipients of assistance in Section 221.6. The new definition of past and potential recipients of assistance are unrealistic, particularly in the case of the elderly, and the previous definition should be reinstated. Under the final regulations, an elderly person may be defined as a potential recipient beginning only at age 64½. "Former" recipients will now only be eligible for social services for 3 months. Unfortunately, the definitions become a moot issue in light of the current 90/10 welfare/nonwelfare ratio.

If only 10 per cent are allowed to be former or potential Old Age Assistance recipients—and recent findings show that states will not even make this 10 per cent attempt—then only the definition of current recipients needs to be considered. If, however, legislative changes are made to exempt the elderly from the 90/10 restriction, the definitions of former and potential become all-important.

Should we prevent a husband and wife from receiving social services just because one spouse is below the age of 64½? We do not believe it was the intention of Congress to promulgate such an arbitrary age barrier.

The income test has been changed from 133⅓ per cent of the state's payment level to 150 per cent of the combined total of the Supplemental Security Income benefit level and the state's supplementary benefit level, if any. We ask, Mr. Chairman, was it the intention of the Congress to deny needed services to an older person living on a modest Social Security retirement benefit?

Of even more widespread implication is the prohibition against persons with any assets, such as a savings account, an insurance policy or an owned home, beyond those permitted cash assistance recipients. Was it the intent of Congress to force older Americans seeking to retain their dignity and independence to be subjected to the demeaning indignity of surrendering all their possessions in order to obtain minimum help through social services? If so, Mr. Chairman, this is a bleak day when we reward those who have struggled to be a productive force in the mainstream of our nation with artificial barriers to self-help.

Under both the proposed regulations and the final regulations of Section 221.8 services may be provided only to support the attainment of one of two goals—self-support or self-sufficiency. Under both the proposed regulations and the final regulations, the self-support goal is made inapplicable to the aged. Under the proposed regulations, the self-sufficiency goal was defined as applying to the aged, blind, disabled and families, without regard to whether they were current, former or potential recipients. However, under the final regulations, the self-sufficiency goal has been redefined to exclude former and/or potential recipients of assistance under the blind, aged, disabled and family programs.

Thus, because the other goal—self-support—has been made inapplicable to the aged, the result is that no social services of any kind may be provided an elderly person who is not a current recipient. We emphasize to the members of this committee that the social service goals set forth in the published regulations have been restated in such a fashion that there are no services that may be provided a potential elderly recipient at any age. The restrictive definition of a potential elderly recipient has been made inoperative. It is our understanding that Senator Eagleton has taken this issue up with the HEW Secretary and has received assurances that the regulations will be modified in this regard.

With respect to Sections 221.7 and 221.8 our Associations agree that evaluation and reporting procedures for social service programs should be improved to increase the cost-efficiency of the programs. However, these proposed regulations for the certification of eligible individuals and the drawing up of individual service plans go far beyond what is necessary to achieve cost-efficiency. In fact, they would result in precisely the opposite. They would create a burden of unnecessary paperwork and delay at the expense of providing services to the people who need them. Furthermore, letters from our members indicate that services to older persons are frequently needed on a one-time only basis. The proposed requirements for certification and individual service plans could delay the provision of these services to such an extent that the individual would be unable to receive them at the time they were needed.

### CONCLUSION

In closing, Mr. Chairman, I wish to emphasize that the basis objections of the American Association of Retired Persons, National Retired Teachers Association and National Council on the Aging lies not with the finalized regulations, but rather, with the legislative changes in PL 92–512 to which the regulations must conform. We urge this committee to recommend and the Congress to enact the corrective amendments which we have outlined in this statement.

Pending this action by the Congress, our three organizations call upon the Secretary of Health, Education, and Welfare to withdraw the regulations issued May 1 and to revise these regulations to insure more equitable treatment of older Americans. In this effort, we solicit the support of this distinguished committee.

Thank you.

---

## MAY—SENIOR CITIZENS MONTH

Mr. CLARK. Mr. President, this month has been proclaimed Senior Citizens Month by the President of these United States. Certainly it is an appropriae occasion for every citizen to reflect upon the achievements and contributions which older Americans have given to their country. For it is today's seniors that made this Nation a strong, progressive leader in the world of nations.

It would seem appropriate, then, in the strongest and wealthiest of all countries that every older citizen would be able to live a life characterized by activity, fulfillment, and satisfaction.

This, all too often, is not the case. I would like to share with Senators an article entitled "Plight of our Elderly Seen as American Disgrace," published in the Sioux City Journal of May 9, 1973.

This story concerns a man named Joe Makowitz, of New York. It could just have well been about Sam Smith of Iowa or Max Jones of "Anytown," U.S.A.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Plight of Our Elderly Seen as "American Disgrace"

New York.—In 1910, when he was 21 years old. Polish-born Joe Makowitz came to the United States to build a life of meaning and substance and joy.

But it didn't work out as planned.

Almost since the moment he arrived, the immigrant (now a citizen) has failed and floundered. For 63 dreary years he has lived in solitary desperation in an 8-by-5-foot hotel room in Manhattan sleazy Bowery district.

For almost as long as he has drifted into and out of a gloomy assortment of activities including stoop labor and panhandling. And in all this time he has acquired nothing: no family, no friends, no money, no past and most assuredly, no future.

Today, the 84-year-old man is among that awful army of barely washed, forever suffering and totally unwanted human debris known as derelicts. All his life in this nation he has been a nobody; and now, hobbled with the diseases of the aged, waiting mainly for death. Joe Makowitz has reached the final despair; he is an *old* nobody.

He is, unhappily, not alone in his anonymous wretchedness. The backways of American towns large and small are populated by the same kind of faceless, nameless, defeated peasants.

Precise statistics are unavailable, but many of the routine figures about old people—such as the fact that 34 per cent of the nation's aged live alone, 60 per cent live in substandard housing and one of every four dwell at or below the income poverty level—are indication enough that dereliction is an all too ripe potentiality for many of the nation's 20 million senior citizens.

New York, as one exaggerated example, is in some areas almost crowded with the peers of Joe Makowitz. Winos stagger through the rubbish of the Lower East Side; addicts nod in the doorways of Harlem and the South Bronx; homeless vagabonds dodge the police in Grand Central Station and the Staten Island Ferry Terminal. One city social worker estimates there are "anywhere from 5,000 to 50,000" derelicts in the five boroughs, and adds: "Whatever the number, it's scandalous."

Scandalous? Not exactly. That word implies some degree of public outrage, which in this case does not apply. Americans do not apply. Americans do not care enough about the elderly to be outraged at any of the generation's problems. Dereliction least of all.

In New York, for instance, pedestrians who are confronted by an ancient drunk on the sidewalk do not act at all scandalized. They do not even call a cop. They merely, routinely, step over and ignore the bothersome object.

Disgrace would be a better term. The elderly unwanted are a social disgrace. Moreover, believes Pam Scott of New York City's

Office on the Aging, the disgrace is, among advanced Western nations, peculiarly American: "You don't see people like this lying around the streets of Paris or London."

Even the poorer nations of Asia, as anthropologist Margaret Meade has repeatedly pointed out, cling to the philosophy that the past of the old is the future of the young and thus the societies strive to preserve the dignity and respectability of the elderly.

America, of course, does have some commitment to its older generations—social security, Medicare and old age assistance—yet the continuing presence of aged nobodies is, say critics, ample evidence that this most advanced nation is still missing the mark.

It is, in all honesty, not easy for any nation to help the really wretched old. Pam Scott recalls an episode with a "shopping bag woman" of her neighborhood: "She was a typical vagrant. Everything she owned was in her shopping bags. I doubt if she had any permant shelter. But when I tried to help her, she just refused to be helped. I brought her into our office repeatedly, but all she said was that I worried too much."

Ms. Scott believes that many old derelicts are suspicious of social agencies; because despite their conditions they do not want to give up their last measure of dignity—individuality.

Yet such problems do not fully explain the ongoing process of dereliction in the nation. There is no doubt, as Janet Sillen of this city's Bellevue Hospital geriatric section believes: "We (people) are just not reaching out for these people."

Why? In part because there's not much to do with them once they've been reached. The nation's 25,000 nursing homes (only half of which employ qualified nurses) are overcrowded as is. Private housing is even in worse shape, the 1972 White House Conference on Aging reported there is an urgent need for 120,000 new housing units per year for underprivileged retired people.

As for other concerned institutions, there just aren't many: New York's state hospitals, as example, have in recent years given up accepting patients on the basis of senility alone—to get in these days, says a state official who doesn't like the rule, "an old person has to be foaming at the mouth."

Joe Makowitz, for one, does not foam at the mouth. He has been mugged in the streets, has been partially paralyzed by a stroke, and has lived long years of privation which have left him slow and helpless—but he does not foam at the mouth. Thus he must, at 84 and a hapless derelict, still fend for himself in the world.

The world? Makowitz world is his 8-by-5 room (at the end of a 36-inch-wide hallway) on the seventh floor of the "Bowery Hilton," the Salvation Army Hotel. It is not posh. One of his neighbors has decorated the pull on a ceiling light with a Christmas ornament; other than that there is no decor worth mentioning.

And neighbors? The fellow across the way has just been paroled from prison after serving 35 years for murder; the guy in the wheelchair at the window has recently had his toes removed in surgery and hallucinates much of the time about monkeys biting his feet; a chap in the canteen is trying to get a spoonful of potatoes into his mouth but his motor mechanisms have been muddied by four or five decades of alcoholism.

And outside, for Joe Makowitz it is not much better. Two years ago some kids in a park stole his witch at knifepoint. Last year when he tried to vote for the president he found he could not read the ballot and there was nobody to help. Today if he wanders any distance from the Bowery he is frightened by traffic or humiliated by his fellow Americans who take pains to keep him downwind.

Eighty four years, then.

Of nothing.

And when the sad man dies he will be nailed into a cheap box and buried in a mass grave at potter's field. So far that's the best solution we have for the old nobodies.

## EMERGENCY FUNDS

Mr. CHURCH. Mr. President, recent events are creating an atmosphere of cynicism toward representative government. These doubts cannot be dispelled when the American people are called upon to obey restrictions and regulations under the pretext of the existence of a state of national emergency, dating back to the banking crisis of 1933 and the Korean conflict of 1950. The work of the Special Committee on the Termination of the National Emergency, the bipartisan committee on which Senator MATHIAS and I are cochairmen, is therefore particularly relevant. The special committee is reviewing the many sections of the United States Code that become applicable during a declared state of national emergency, plus the process by which an emergency may be declared. It is also preparing procedures that will assure that, in the future, emergency powers do not endure once the instigating conditions have passed.

Hearings were held in April; more will take place in June.

The May 11, 1973, issue of "Commonweal" discusses some aspects of the special committee's findings thus far. I ask unanimous consent that the editorial comment be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### EMERGENCY POWERS

Before staffers of the Special Senate Committee on the Termination of the National Emergency got very deep into preparations for hearings on emergency powers statutes, they made some amazing discoveries.

First, they incorrectly thought that the state of national emergency proclaimed by President Truman on Dec. 16, in response to both the invasion of Korea by Communist China and worries of Communist aggression worldwide, was the only such declaration. Research disclosed, however, that the U.S. had been in a state of declared national emergency since March 9, 1933!

That was when Congress, at the request of President Roosevelt, passed the Emergency Banking Act, allowing the President to exercise in peacetime what had originally been war powers. No one ever thought to declare the emergency ended and repeal the Act.

More significantly, Special Committee researchers found that nowhere in government—either in Congress or in the Executive branch—was there a complete catalogue of statutes and Executive Orders pertaining to emergency powers.

In April, in cooperation with the Library of Congress, the General Accounting Office and the Justice Department, the researchers undertook a computer hunt of all relevant statutes in the U.S. Code. The findings are now being collated by staff and shortly the Special Committee will issue what it calls "a reasonably complete (sic) catalogue of all emergency power statutes." The process is taking one month, which gives some idea of the inaccessibility of information one would expect to be immediately at hand.

The inconsistency and confusion involving national emergency powers lend urgency to the Special Senate Committee's efforts to uncover and review every emergency statute for the purpose of knowing how many exist, which are needed, which can be junked, which should be revised.

"It is sensible for the Legislative and Executive branches, working together, to lay out a reasonable, regular and consistent procedure for coping with future emergencies," the Special Committee declared in a joint statement. "Insofar as it is possible to prepare for future emergencies through statute, the Special Committee believes that it is beneficial to leave such a body of law, provided however that such statutes provide for effective oversight and for the termination of delegated authority when the state of emergency is no longer warranted."

At this juncture, the Special Committee has arrived at no more than a few preliminary, tentative conclusions on the subject—specifically:

"There is no consistent way in which emergencies are invoked, reviewed, or terminated. Emergencies in most cases are declared by the President, in a few by the Congress, in some cases jointly; in still others, heads of Departments can declare emergencies. A few statutes require reports or some process of review; most do not. Very few provide for a method of termination."

The Special Committee plans several blocks of hearings on the emergency-powers issue, the next one being slated for June. The Special Committee is to report back to the Senate by February, 1974.

## FINANCIAL DISCLOSURE

Mr. BAYH. Mr. President, as the Members of this body well know, I have long supported the imposition of higher ethical standards on all of us who do the Government's business. I believe that these standards should be applied to members of the Executive branch, to members of the Judiciary, and to Members of Congress. Once again I have introduced legislation—S. 1766—which would accomplish this purpose.

In order to indicate my good faith and my concern about the need for voters to have access to detailed information on the financial affairs of Members of the House and the Senate, I am today submitting a disclosure of my assets and liabilities, together with my income for the year 1972. I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

*Personal financial disclosure Senator and Mrs. Birch Bayh* *

ASSETS MAY 1973

| | |
|---|---|
| Cash in hand and in saving and checking accounts (approximate) | $4,600 |
| 340 acre farm Vigo County, Ind. (basis at acquisition) | 68,000 |
| Residence, Washington, D.C.: | |
| Cost: | |
| Lot | 25,000 |
| House | 75,000 |
| Less mortgage, balance due | −54,209 |
| Net | 45,791 |
| Securities placed in blind trust in May 1970 with Terre Haute First National Bank (based on May 14, 1970, market value; present investments and value unknown) | 45,655 |
| 372 shares Vigo County, Ind., Farm Bureau Cooperative Association, Inc., patron account No. 21880 | 1,915 |
| Farm Producers Marketing Association | 250 |

*Personal financial disclosure Senator and Mrs. Birch Bayh*—Continued

| | |
|---|---|
| Tangible personal property in Washington, D.C. (estimated) | $6,500 |
| Cash value of life insurance (approximate) | 9,520 |
| Buick sedan 1970 (book value) | 1,400 |
| Chrysler sedan 1970 (book value) | 2,200 |
| Total assets | 185,831 |
| Less personal note, Merchants National Bank, Indianapolis | 5,000 |
| Total net assets | 180,831 |
| INCOME 1972 | |
| Salary as U.S. Senator | 42,500 |
| Honoraria and writing income | 14,010 |
| Farm income | 9,814 |
| Dividends, interest, and gains on investments | 1,922 |
| Total income | 68,246 |

*Does not include property which was purchased by Mrs. Bayh in her own name with the proceeds of her father's estate.

## HARRY C. HAMM—A GREAT NEWSMAN AND GREAT WEST VIRGINIAN

Mr. ROBERT C. BYRD. Mr. President, it was my good fortune to have been invited to attend a dinner honoring my good friend Mr. Harry C. Hamm, editor of the Wheeling News-Register and editor in chief of the Ogden newspaper chain, at Ogleby Park in Wheeling, W. Va., on Saturday night, May 12. My schedule did not permit me to attend, but I was pleased to send my felicitations to this able editor; and I wish to comment further upon Mr. Hamm's contributions to his profession and to his native city of Wheeling.

The dinner marked Mr. Hamm's 50th birthday. It was arranged by his colleagues in the news media in recognition of the outstanding record he has made, both in journalism and in regard to civic responsibility. That others outside his profession appreciate Editor Hamm's accomplishments is attested to by the fact that he has previously been honored by numerous organizations, including the National Police Officers Association of America, the Rotary Club, the U.S. Junior Chamber of Commerce, and the American Association of University Professors.

Among the many activities, in which Mr. Hamm has actively engaged, have been the campaign to clean up air pollution in Wheeling, which he spearheaded; the first comprehensive planning and industrial development effort in that city; and Wheeling's urban renewal program, in which he served as chairman of the Wheeling Urban Renewal Authority, helping to prepare the first such program in West Virginia.

Mr. Hamm currently is president of the West Virginia Association of the Associated Press, and he was president for two terms of the United Press International Editors of West Virginia. He has served as well on the board of directors of the West Virginia Press Association.

Harry Hamm began his newspaper career in 1941 as a reporter on the News-Register. His work was interrupted by World War II, during which he served 3 years in the U.S. Army—two of them overseas in the European Theater, where he won the Purple Heart with Oak Leaf Cluster.

Returning to the paper after the war, he became its city editor in 1948. He was made managing editor in 1951, editor in 1956, and on July 1, 1968, he was promoted to editor in chief of the Ogden chain, which is composed of 11 newspapers in four States—West Virginia, New York, Iowa, and Missouri. In this position, he exercises overall editoral and news supervision, and his editorial column appears in papers of the chain.

Mr. Hamm is married to the former Miss Mary Haddox of Moundsville, W. Va., and they are the parents of 12 children.

I am very happy to join with Harry Hamm's colleagues, and with his friends in general, in saluting him upon the occasion of his 50th birthday. Both newspapering and the city of Wheeling have benefited greatly by the work which he has done.

Mr. President, I ask unanimous consent to insert at this point in my remarks, a copy of the message which I sent to be read at the dinner honoring Mr. Hamm.

There being no objection, the message was ordered to be printed in the RECORD as follows:

### HONORING MR. HAMM

I am delighted to take this means of extending my best wishes to my friend Harry Hamm on his 50th birthday. Let me say that I am glad that you are having a *Hamm Roast* tonight instead of a *Byrd Barbecue*.

My mind has not been fully made up until now—but maybe editors, more than reporters, are in need of a "shield law."

In sending my congratulations in this way, I shall try to be careful in what I say. I know only too well that an editor always has the last word.

I will say only that I once heard a newsman say that an editor's 50th birthday is when he starts worrying more about his *hairline* than about his *deadline*.

With Senators, Members of the House of Representatives, and the Governor all invited to help Harry celebrate this evening, it's too bad that you couldn't also have had the Vice President on hand to say a few words about the media.

Since you won't have that pleasure, let me simply say to a great editor of a great newspaper chain—and to all of you who have gathered to do him honor this evening—that I hope Harry Hamm, a man whom I greatly admire and respect, will have 50 more years as successful as his first 50 have been!

Thank you, and my very best wishes to all of you.

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## AMENDMENT OF THE SMALL BUSINESS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume its consideration of the unfinished business, S. 1672, which the clerk will state by title.

The assistant legislative clerk read the bill (S. 1672) by title, as follows:

A bill to amend the Small Business Act.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to speak out of order at this time and that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE CBS NEWS SPECIAL REPORT ON THE SENATE AND THE WATERGATE AFFAIR

Mr. MANSFIELD. Mr. President, on Sunday last, I viewed with interest a CBS News special report entitled "The Senate and the Watergate Affair." In the course of that telecast the seven members of the Watergate Committee were singled out, described, and categorized.

May I say that, as far as I am concerned—and I think I speak for the entire Senate—not a better representative group of Senators could have been chosen to conduct this investigation on a fair, impartial, and nonpartisan basis. However, I must say that I deeply resent some of the statements made about some of the Senators, especially Senator DANIEL KEN INOUYE, of Hawaii, a man who served this country in a most difficult time for him and people of his descent, a man who was a member of the most highly decorated regimental combat team in the entire period of the Second World War, a man who lost an arm in the service of his country, a man who earned a battlefield promotion the hard way, and a man who has represented his State, Hawaii, since it entered the Union; and he has represented Hawaii with distinction in both the House and the Senate.

I note, for example, present on the floor the distinguished Senator from Texas (Mr. TOWER), and I am sure he is aware of the fact that there is a very close relationship between many Texans who served under Gen. Mark Clark in Italy and the regimental team of which DANIEL KEN INOUYE was a member. I believe—I am not certain, but I believe—that the State of Texas has, in effect, conferred honorary citizenship on the members of that outstanding regimental combat team because of the close cooperation, coordination, and spirit of comradeship in battle between that group and a particular Texas division serving at the Rapido River, in Italy, at that time.

The telecast last Sunday referred to Senator INOUYE as follows:

> Not a powerful Senator, but adept at logrolling.

I resent that appellation of our colleague, because I know of no Senator who has been more conscientious, more dedicated, or more involved patriotically in the interests of his country and the well being of the Republic, to which he gave so much at a time of deep stress.

Senator INOUYE is not and has not been a logroller. Senator INOUYE has been one of the strong right arms of the Democratic leadership, and he has been one of the chief assistant whips. That position was not given lightly, but in recognition of the dedication and ability of this great Senator. He has performed his duties with distinction, with integrity and with patriotism, and he has not been involved in any kind of logrolling whatsoever.

For Senator INOUYE, as for all the members of the special committee, I have a deep affection and a great personal regard, and I can say without fear of equivocation that every Senator, Republican and Democratic, feels the same way.

The next Senator mentioned was JOSEPH MANUEL MONTOYA, of New Mexico.

The reference to him is as follows:

> A weak reputation in the Senate; most frequently described as a light weight; works very hard for New Mexico.

The latter part of the statement is the only part I would agree with. He works very hard for his State, as all of us do. But he also works very hard for the Nation as a whole.

JOE MONTOYA has made many contributions to the betterment of our people in the many years he has served in both the House and the Senate. JOE MONTOYA is not a lightweight. He is anything but that. I, too, know JOE MONTOYA from the House and the Senate. I know what JOE MONTOYA is and what he has done. I know of his dedication and his integrity. I resent very deeply that this man, this outstanding Senator, is described flippantly as having a weak reputation in the Senate when the exact opposite is true. I resent very much his being described, flippantly, as a lightweight, because the exact opposite is true.

I deplore the kind of characterization in this telecast because it is in no way correct, and because it tends to downgrade two of the most outstanding Members of this body.

I want the RECORD to show my very high regard for Senators INOUYE and MONTOYA, and that I depend on both of them for advice and counsel, I want the RECORD to show that they have dedicated themselves to their States, to the Nation, and to this body.

I want to state for the record, too, that they are men of good reputation, excellent reputation, and outstanding reputation, and that both of them will do a good, fair, impartial job on the committee which they now grace. Both are lawyers, and both are men of whom the Senate is proud.

As far as the other members of the committee are concerned, I see nothing derogatory on the basis of this broadcast except one other reference which refers to the vice chairman of the committee, the distinguished senior Senator from Tennessee (Mr. BAKER) as "no longer regarded as the administration water boy."

Speaking as a Member of the opposing party, I have never regarded Senator BAKER as a water boy at any time in his career in the Senate, now in its seventh year. He has been independent in his judgment. He has always done what he considered right. He has not been swayed by outside interests, either from downtown or elsewhere. I think that the Senate and the Nation are especially fortunate to have a man of the caliber and integrity and dedication and patriotism of Senator BAKER as the vice chairman of the Watergate Committee.

So, for the RECORD I want it understood, as far as the majority leader is concerned, he not only has an extremely high regard for Senator INOUYE and Senator MONTOYA whom, incidentally, the majority leader has appointed to this committee, but he also has an extremely high regard for all seven members of the Watergate Committee. I anticipate and expect without doubt that the job they will do will be workmanlike, and, to repeat, fair, impartial, and nonpartisan.

I think the Senate is extremely fortunate to have been able to have such men as the chairman of the committee, Senator SAM ERVIN, of North Carolina; Senator HOWARD BAKER, of Tennessee, vice chairman; Senator HERMAN EUGENE TALMADGE, of Georgia, who has one of the keenest minds in the Senate, a man of brilliant intellect whose talents and ability have never been fully appreciated except by those of us who really know him; Senator INOUYE of Hawaii; Senator MONTOYA, of New Mexico; Senator EDWARD GURNEY, of Florida; and Senator LOWELL WEICKER, of Connecticut.

I do not think that a better composite group of Senators could have been chosen. As far as I am concerned, I will not stand by quietly and see them labeled as lightweights or weak or log rollers or water boys. It just is not true, and their records will bear out what I have said.

Mr. SCOTT of Pennsylvania. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Mr. President, I would be delighted to yield to the distinguished minority leader.

Mr. SCOTT of Pennsylvania. Mr. President, I want to share in the indignation of the distinguished majority leader at this further accession of McCarthyism at its worst.

Mr. President, McCarthyism was not too promptly condemned by this body when it was rampant. I take the greatest of pride in the fact that I was the first Member of Congress to condemn McCarthyism in the America magazine at a time when the American public, I am sure, thought it was a dangerous thing to do, although I must admit that I did not.

We now have McCarthyism again. If the Senate does not stand up against McCarthyism and do something that it has failed to do for too long, stand up against this, we will be derelict in our duty.

The Senator from Wisconsin (Mr. PROXMIRE) led the way.

Mr. President, I think we ought to serve notice right now that we honor and praise and glory in a free and independent and vigorous press. But we will express in the Senate and elsewhere our indignation when this precious right is wantonly abused by those who seek to pile sensation upon sensation. Ninety-five percent of the media personnel in this country are hard working, honorable, and fairminded men. However, some yield to temptation, as some in every group yield to temptation. And it is wrong, wrong, wrong.

Mr. President, we take responsibility, the majority leader and myself, for the members of the Ervin committee. On our side of the aisle, the distinguished Senator from Texas, the chairman of our Policy Committee, was consulted, as were all members of the leadership—the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN); the chairman of the conference, the distinguished Senator from New Hampshire (Mr. COTTON); the Secretary of the Conference, the distinguished senior Senator from Utah (Mr. BENNETT). And all of us met together. It was our first and unanimous choice that our ranking member should be the distinguished and trusted and eminent senior Senator from Tennessee (Mr. BAKER).

It was our unanimous choice that the other Senators from the minority side should be the distinguished senior Senator from Florida (Mr. GURNEY) and the distinguished junior Senator from Connecticut (Mr. WEICKER).

These men, as well as the distinguished majority members of the committee, are men of the utmost integrity. And before they accepted these designations on the minority side—and I am sure that the same thing is true with respect to the majority side—they sought and received from us a clear and unmistakable pledge that we would in no way interfere in the conduct of their responsibilities, that we wished them to pursue the truth vigilantly and to the end that their responsibilities would be exercised by them alone, and that we would back them up, no matter where the road led.

We cannot have the integrity of the Senate recklessly impugned by people who do not know what they are talking about, and who simply want to enlarge their audience in this irresponsible manner.

We trust them all. I have the greatest confidence in the chairman, the distinguished senior Senator from North Carolina (Mr. ERVIN), and in the membership from the majority, the distinguished Senator from Georgia (Mr. TALMADGE), the distinguished Senator from Hawaii (Mr. INOUYE), and the distinguished Senator from New Mexico (Mr. MONTOYA). These men ought not to be hampered, at the beginning of their difficult and burdensome job, by any kind of petty sharpshooting or sniping at their motivation or upon their character or their integrity.

The Senate prides itself upon the

honor of its Members. It prides itself upon the fact that its Members so conduct themselves as to be worthy of the public trust, as this committee will. This is a nonpartisan, or, if you wish, bipartisan committee, and I am very glad that, although I did not hear the whole of this program, I have heard the distinguished majority leader, and I am aware of the nature of the program.

I think it is time that those who behave in this manner be at least put on notice that when they do it, the Senate will rise in its wrath and smite them for all it is worth.

Mr. TOWER. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. TOWER. I would like to associate myself with the remarks of both the distinguished majority leader and the distinguished minority leader.

I think it is time that we did stand up, as Senator Scott has said, when all too often the news media present editorial opinion as fact, and I am delighted that the majority leader has taken the initiative here today in standing up for Members of this body whose ability, standing, or integrity has been questioned.

Senator Montoya comes from my neighboring State of New Mexico, and he is the only Member of the Senate of Mexican-American descent. Senator Inouye fought with valor and distinction with the 36th Texas Division in Italy. I share the resentment of the majority and minority leaders at the kind of presentation the American people were subjected to on the program referred to.

Mr. MANSFIELD. Mr. President, in conclusion, may I say that if any Member of this body in a position of leadership has a reputation for not—I repeat, not—being an arm-twister, it is the Senator from Montana now speaking. But I must confess that, for the first time in my political career as majority leader, I had to do some arm-twisting to get Senator Ervin to consider seriously taking the chairmanship of this committee. In that respect, I recall going to the distinguished Republican leader and asking him for his support in that endeavor, and his support was given wholeheartedly.

May I say, furthermore, that Senator Talmadge, Senator Inouye, and Senator Montoya were not eager to serve on the Watergate Committee, but on the basis of pleas made by Senator Ervin and me, they did consent; and I must say that I am delighted that they are members of the committee, and I am delighted that they have as their counterparts the three Republican Senators who also are serving.

They will do a good job. It will not be a case of "show biz." It will not be a television spectacular in the usual sense. It will be a hard-working committee, trying to arrive at the facts, and doing so on a basis of dignity, dedication, impartiality, and nonpartisanship.

These remarks are made voluntarily by me because of my great admiration, affection, and respect for all seven members, and because I do not think that they should be labeled in the way that some of them have been. There is such a thing as personal dignity and personal feelings. All these Senators have passed the test which really counts, the test imposed upon them by the electorate in their States. They are here as representatives of those sovereign States, to use a constitutional term applicable to the first phase of this Republic. They are comporting themselves with dignity and distinction, and with credit to the Senate.

I thank the Chair for permitting me to make these few remarks.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. ROBERT C. BYRD. Mr. President, I wish to associate myself with the statements that have been made by the distinguished majority leader, the distinguished Republican leader, and the distinguished Senator from Texas (Mr. Tower). I think it is most unfortunate that the labels to which the majority leader and others have referred have gone out over the airwaves to the people of this country, casting undue and unjust reflection upon these outstanding Members of the Senate, who were chosen by the majority leader and the minority leader to serve on the Ervin committee. I think to that extent such categorizations are a reflection on the leadership of the Senate as well, and unfortunately they also constitute a reflection—unjustly again—upon the media, reflecting their own biases.

We are all subject, Mr. President, to our own prejudices and biases. We are all human. But I think that those who have a high calling—such as that which rests upon the members of the fourth estate, and which also rests upon us as elected representatives of the people—also bear a heavy responsibility to be objective and fair in the performance of the duties that are incumbent upon us—both in the media and in Government.

So I regret what has been said in derogation of Mr. Inouye, Mr. Montoya, and Mr. Baker. All Senators appointed to serve on the Ervin committee are able and conscientious men. They are not "lightweights," or "water boys." I consider it a disservice to the Ervin committee and to the purpose for which it was formed, a disservice to the Senate, and a disservice to the media themselves for such irresponsible categorizations to be made.

I thank the majority leader for expressing his indignation and for allowing me to associate my own remarks with his.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from West Virginia, and I thank the Senator for allowing me this time.

I suggest the absence of a quorum, with no time taken out of the time of the distinguished Senator from California (Mr. Cranston).

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Clark). Without objection, it is so ordered.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 5777) to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 5777) to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture, was read twice by its title and referred to the Committee on Commerce.

## AMENDMENT OF THE SMALL BUSINESS ACT

The Senate resumed the consideration of the bill (S. 1672) to amend the Small Business Act.

Mr. CRANSTON. Mr. President, I ask unanimous consent that during the consideration of S. 1672 and during all votes thereon, Carolyn Jordan, Win Farin, Herb Spira, Dudley O'Neal, Reggie Barnes, Mike Burns, Rod Solomon, Hal Walman, Joan Baldwin, John Adams, and Jack Lewis be afforded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. What is the pending business?

The PRESIDING OFFICER. S. 1672. The bill is open to amendment.

Mr. CRANSTON. Mr. President, I will make very brief remarks and then we will proceed to consider the various amendments.

Mr. President, the legislation which we are considering today, S. 1672 is of major importance to the small businessmen of America.

The legislation as reported out of the committee would do the following:

First. Section 1 of the bill would effect four amendments to the provisions of section 4(c)(4) of the Small Business Act governing the total amount of loans, guarantees and other obligations and commitments which may be outstanding at any one time from the SBA's business loan and investment fund. These amendments are to increase the ceilings of the revolving loan funds of the SBA. Current budget projections indicate that the present ceiling will carry them only through August 1973.

Second. Section 2 of the bill would consolidate several sections of the economic disaster program of the Small Business Administration dealing with the Coal Mine Health and Safety Act, the Wholesome Meat Act, and the Occupational Safety and Health Act and provide a new section authorizing the SBA to assist small business concerns in meeting requirements imposed by any Federal law or any State law enacted in conformity therewith if such concern is likely to suffer substantial economic injury without assistance.

This amendment is a longstanding effort by the distinguished chairman of the Select Committee on Small Business (Mr. BIBLE) and the Small Business Committee presents this as an excellent piece of legislation.

> It is the policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible the interests of small business concerns in order to preserve free competitive enterprise . . . and to maintain and strengthen the overall economy of the Nation.[1]

The national need for a viable small and independent business community can be traced to the 19th century with passage by the Congress of legislation that focused public attention on the growing power of the corporate structure and the many difficulties that faced smaller firms.

Today, there are 5½ million small businesses in our Nation which provide for an estimated 40 percent of the Nation's jobs and 37 percent of the gross national product. While economic strength achieved by the United States is often credited to our large mass production industries, great credit must go to the millions of small firms who are suppliers of big businesses and who help link large businesses with the consuming public by distributing and servicing mass-produced consumer goods.

It is well recognized that the small businessman is more singularly affected in times of economic doldrums than large businesses. The Congress has recognized this in many actions it has taken to assist the small businessman. This bill recognizes and addresses itself to the fact that the small businessman is at a disadvantage in obtaining financing at reasonable rates. The financial assistance needs of small businesses like other businesses, are for credit and equity capital. The Task Force on Improvements for Small Business indicated that one-fifth of the small businessmen consulted listed financing first among their problems. It was also pointed out that in times of monetary restraint such as the present, small businesses and particularly new ventures in small business, appear to be handicapped vis-a-vis large, well established corporations in acquiring financing.

The Senate Subcommittee on Small Business through its oversight responsibility, will continue to review the operation of the Small Business Administration to emphasize the support of the Congress for this Nation's small businessmen and to assure that the Small Business Administration has adequate resources to assist all small businesses in all parts of the Nation, to carry out the expressed policy of the Congress. The committee recommends this bill as an avenue to reduce the uneven impact of national policies of fiscal and monetary restraints on small businesses.

Mr. President, I ask unanimous consent that an excerpt from the committee report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### HISTORY OF LEGISLATION

S. 804 was introduced on February 7, 1973, and hearings were held by the Small Business Subcommittee on March 13, 1973.

S. 1113 was introduced on March 7, 1973 and hearings were held by the Small Business Subcommittee on March 13, 1973.

On March 27, 1973 the committee voted unanimously to report a clean bill with (S. 1113) as section 1 and (S. 804) as section 2 and section 3 with two technical amendments.

### EXPLANATION OF THE BILL

S. 1672 is divided into three sections. Section 1 of the bill amends section 4(c)4 of the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration.

Section 1 effects four amendments to the provisions of 4(c)4 of the Small Business Act.

Paragraph 1 of section 1, the first of these amendments would increase from $4.3 billion to $6.6 billion SBA's lending authority for direct, immediate participation and guaranteed loans under section 7(a); displaced business loans under 7(b)(3); trade adjustment assistance loans under section 7(e); subcontract authority under section 8(a) and economic opportunity loans under title IV of the Economic Opportunity Act of 1964.

Paragraph 2 of section 1 will increase from $500 million to $725 million SBA's lending authority to SBIC's under title III of the Small Business Investment Act of 1958.

Paragraph 3 of section 1 will increase from $500 million to $600 million the amounts outstanding from the loan fund for purposes of the State and local development company loan programs under title V of the Small Business Investment Act of 1958.

Paragraph 4 of section 1 will increase from $350 million to $475 million SBA's lending authority under title IV of the Economic Opportunity Act of 1964 for loans to low-income individuals and for businesses located in areas of high unemployment or low income.

The Small Business Administration estimates that these increases will assure continued lending activities through fiscal year 1975.

Section 4(c)1 of the Small Business Act, as amended by Public Law 89–409 approved May 2, 1966 (a business loan and investment fund, and a disaster loan fund) for the financing of SBA's programs.

Section 4(c)(3) of the act authorizes appropriations to the two funds "* * * in such amounts as may be necessary * * *." However, with respect to the business loan and investment fund, the Congress has set limits on the amounts which may be used for the various programs by providing in section 4 (c)(4) for limitations on the amounts of loans guarantees, and other obligations or commitments which may be outstanding at any one time from that fund.

When the Small Business Act was originally passed in 1954 ceilings on outstanding financial commitments by the agency were placed in the legislation to provide Congress with a check on the operations of the Small Business Administration. As these ceilings are reached SBA is required to come before the Congress to justify a new ceiling increase thus providing an automatic review of the agency's operation. The ceiling increases in section 1 represent neither an appropriation of funds nor an authorization for appropriations. The legislation merely allows SBA to increase its loan ceilings so that it may spend funds that it will obtain through the appropriation process or through repayment of prior loans. It also is the means by which Congress controls the extent of the Government's possible outstanding financial liability for the respective SBA programs within a given period.

It is necessary for the financing of SBA's programs that the ceiling figures in 4(c)(4) be raised from time to time as the programs approach the maximum levels. This results from a combination of medium term loan repayment, steadily increasing loan volume, and a recent need to depend more on the use of guaranteed loans.

Public Law 87–550, approved July 25, 1962 requires that SBA advise the Congress periodically of the ceiling increases necessary for the continuation of its programs, and that such advice include program needs for the fiscal year under consideration plus the two succeeding fiscal years. The committee in consideration of such advice from the SBA recommends approval of ceiling increases for the current fiscal year plus fiscal year 1975.

Section 2. During the subcommittee's consideration of S. 804 it was reported as section 2 and 3 of S. 1672.

In 1972 the Senate passed this general authority as part of the Disaster Relief Act. However, it was deleted in a House-Senate conference.

Section 2 consolidates and expands SBA's present authorities to make loans to small concerns to finance structural, operational, or other changes required in order to meet standards imposed by Federal laws, or by State laws enacted in conformity with Federal laws.

This section consolidates three subsections of the Small Business Act into a single section: the Coal Mine Safety Act of 1969 (subsection 7(b)(5) of the SBA Act), the Occupational Safety and Health Act of 1970 (subsection 7(b)(5)) and the Egg Product Inspection Act of 1970 (which also extended eligibility to small firms affected by the Wholesome Meat Act of 1967 and the Wholesome Poultry Products Act of 1968 (subsection 7(b)(6))).

This consolidation provides for a uniform approach and a single framework for the extension of economic disaster loans to small business firms to comply with new Federal environmental, consumer, pollution, and safety standards.

The interest rate proposed is at the cost-of-money to the Federal Government plus one-fourth of 1 percent. Committee studies indicate that such an interest rate would be comparable to the rate large corporations are able to obtain through tax-exempt bonds to finance their pollution control facilities.

All economic disaster loans made will be fully repayable to the Treasury with interest. These loans will not be made where money is available commercially. The interest rate is not a subsidized rate—it is at the actual cost of money to the Federal Government plus one-fourth of 1 percent premium. Because businesses will survive and expand as a result of these loans they will pay more tax money into the Treasury. The maximum amount loanable is $500,000.

Section 3 subsection (a) redesignates section 7(g) of the Small Business Act as added by section 3(b) of the Small Business Investment Act of 1972 as subsection 7(h) and subsection (b) conforms by changing 7(g) to 7(h) wherever it appears throughout the Small Business Act. During consideration by the committee it was discerned that there were two section 7(g)s. This technical amendment corrects the situation by designating the latter as 7(h).

### CORDON RULE

In the opinion of the committee it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this report.

---

[1] P.L. 85–536, 1958 (Small Business Act).

Mr. CRANSTON. Mr. President, I now yield to the distinguished Senator from Texas (Mr. Tower) the ranking minority member of the subcommittee and the full committee who has been of great, great help in preparing and handling this legislation.

Mr. TOWER. Mr. President, I thank my colleague from California. I yield myself, on my own time, so that I will not intrude on his, such time as I may require.

The PRESIDING OFFICER. The Senator from Texas may proceed.

Mr. TOWER. Mr. President, S. 1672 is a good bill. The increasing demands made on the Small Business Administration justify the increase in the loan ceiling. The demands are meritorious.

The Small Business Administration has been one of the most successful Government agencies from the standpoint of being a stimulus to the economy. I believe that there is no way we could ever consider the SBA as simply a political boondoggle. It has been of great benefit to small businesses throughout the country. It was the SBA that took initiatives in minority business enterprises in trying to stimulate capital flow into minority businesses and to bring particularly the black and the Mexican-American ethnic minorities into the mainstream of the American free enterprise system.

I feel confident that by virtue of its past reputation and its past actions, our request here today for an increase in the loan ceiling will be met with favor by the Senate.

I urge adoption of the bill.

I should like to state, however, that I am aware of amendments relative to disaster relief which might be addressed to the bill today and would be hopeful that perhaps some of the sponsors of the amendments will reconsider offering them, in light of the fact that the administration has just sent down its Disaster Relief Preparedness Assistance Act of 1973, so that it seemed to me perhaps we should deal with disaster on a comprehensive basis, using the administration's recommendations as a working paper, at least; and, of course, refining and improving and adding our own input to that proposed legislation it seems to me that that would be a more orderly way to do business than with patchwork, amendatory provisions relative to disaster relief. Thus, Mr. President, I am hopeful that it can be considered in a different context and we will have extensive hearings on it.

I yield the floor.

### AMENDMENT NO. 125

Mr. EAGLETON. Mr. President I call up my amendment No. 125 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Sec. 4. Notwithstanding the provisions of Public Law 93-24, the Secretary of Agriculture shall continue to exercise his authority with respect to natural disasters which occurred after December 26, 1972, but prior to April 20, 1973, in accordance with the provisions of section 5 of Public Law 92-385 of such section was in effect prior to April 20, 1973.

Mr. EAGLETON. Mr. President, I ask unanimous consent that to correct a printing error on line 6 of the amendment, the word "which" be inserted between the words "section" and "was".

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. So that it will read on line 6 "of such section which was in effect prior to April 20, 1973."

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and the amendment will be so modified.

Mr. EAGLETON. Mr. President, the purpose of the amendment is to require the Department of Agriculture to make loans to farmers in areas which were hit by disasters prior to enactment of recent amendments to the disaster loan program—April 20, 1973; Public Law 93-24—on the same terms as are now being made by the Small Business Administration.

As it is, farmers in flooded areas of Missouri and elsewhere in the Mississippi River Valley are receiving only 5-percent loans from FHA with no forgiveness provision, while small businessmen in the very same areas benefit from 1-percent loans from the Small Business Administration with the first $5,000 forgiven.

Mr. President, this is an intolerable situation. It violates every standard of justice and fair play and is contrary to the understanding and intent of the Senate in passing the recent disaster relief amendments.

Legislative history in the Senate clearly bears this out. When the senior Senator from Texas (Mr. Tower) offered his amendment to H.R. 1975, it was with the intent of putting FHA and SBA loans on exactly the same footing. I would like to read a few exchanges that occurred on the floor at that time. These exchanges are contained in the Congressional Record of March 28, 1973, between pages 10001 and 10004.

Mr. Tower on introducing his amendment said:

> In its present form, H.R. 1975 would create an inequity between disaster loans approved by the Small Business Administration. As presently drafted, the bill would amend the disaster loan authority of the Farmers Home Administration by deleting the loan cancellation provision and by increasing the interest rate from the present rate of one per cent per annum to a rate not to exceed five per cent per annum.
>
> The amendment I offer today, Mr. President, will correct this inequity by applying the same provisions to disaster loans approved by the Small Business Administration. . . . What I am saying, Mr. President, is that we are simply trying to make the loan procedures and policy relative to SBA disaster loans consistent with those in this bill.

Further along in the debate, the Senator from Oklahoma (Mr. Bellmon) had this to say of the Tower amendment:

> We should be treating rural and urban residents the same. The purpose and effect of the amendment of the Senator from Texas would be to accomplish that objective. I strongly support the amendment.

That statement was followed shortly by this question and answer exchange between Mr. Buckley and Mr. Tower:

> Mr. Buckley. I should like to ask a question of the Senator from Texas to make sure that I understand what his amendment proposes. It would affect only future loans from the SBA. Is that correct?
>
> Mr. Tower. That is correct.
>
> Mr. Buckley. I wanted to clarify that because it would be an act of unfairness to change the ground rules with respect to those who already have accepted loans.
>
> Mr. Tower. It would operate only on future loans.
>
> Mr. Buckley. I think the amendment has the virtue of symmetry. It would insure comparable treatment to victims of natural disasters although when we do approach disaster legislation on a more comprehensive basis I believe we may well need to distinguish between damage to homes and damage to crops produced on property.

The Senator from Tennessee (Mr. Brock) had this to say of the Tower amendment:

> I support this amendment for two or three basic reasons. First, in the sense of equity, as the Senator from Oklahoma has pointed out, I cannot justify treating urban areas with different kinds of programs than rural people have.

The Senator from New Mexico (Mr. Domenici) had this to say:

> Mr. President, it is only proper that we make the entire law fair and that farmers and the city dwellers have the full benefit of the law though we do not have a different law for those who live on farms and those who live in the city. If we are going to have the $5,000 forgiveness, than they should apply in all situations, and not just in some situations.

As these exchanges make very clear, the purpose of the Senate was to put the two programs on exactly the same footing and, further, to avoid changing ground rules in the middle of the game by having the new provisions apply only to future disasters.

Mr. President, I ask unanimous consent that an opinion prepared by the American Law Division of the Library of Congress supporting this reading of legislative intent be printed at this point in my remarks.

There being no objection the opinion was ordered to be printed in the Record as follows:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
*Washington, D.C., May 14, 1973.*

To: Honorable Thomas F. Eagleton
(Attention of Jack Lewis).
From: American Law Division
Subject: Disaster Relief Under P.L. 93-24

This is in response to your request for information as to the effect on coverage of disaster victims as a result of the passage of P.L. 93-24 which amends the emergency loan program under the Consolidated Farm and Rural Redevelopment Act, 7 U.S.C. 1921 et seq., and the similar program under the Small Business Act, 15 U.S.C. 636(b) (1), (2) and (4). Specifically you inquire whether the 1% interest rate and $5000 forgiveness provisions of prior law would be applicable to the residents of areas in which disasters occurred prior to the effective date of P.L. 93-24 but subsequent to December 27, 1972, and which have been declared disaster areas by the President. The mentioned declarations also were made prior to the effective date of the law.

As introduced, H.R. 1975 dealt only with the administration of the Farmers Home Administration emergency loan program. On

December 27, 1972, the F.H.A. ceased receiving and processing loan applications on the ground that the liberal interest and forgiveness provisions of the law had resulted in unexpectedly high demands for such loans and were proving to the inflationary. The debates on the floors of both Houses indicate agreement that the terms of the loans under the program were too liberal but concern was raised that the abrupt cut-off date produced inequities with regard to disaster victims who had not filed applications prior to December 27. As a result, the House passed the Bergland Amendment which "grandfathered" vested claims for 18 days after the effective date of the Act. *Congressional Record,* February 22, 1973, The Senate concurred *Congressional Record,* March 28, 1973, 9999–10000. The Senate also perceived a further inequity in the emergency loan program in that the bill would allow the Small Business Administration's similarly liberal loan provisions to remain in effect, thereby discriminating in favor of urban disaster victims. The Tower Amendment, which made loans approved by SBA on or after the date of enactment of the bill subject to the same provisions as those applicable to FHA loans, was passed to rectify this situation by making the terms of the two programs parallel. *Congressional Record,* 10001–10005. In response to questioning, Senator Tower agreed that his amendment would only apply to future loans.[1] There was no discussion in either House at this time as to applicability of then-existing law to disasters which might occur between December 27 and the effective date of the legislation.

In conference, the Tower amendment was adopted with a modification which gives SBA applicants an unlimited period within which to file applications for loans in areas declared disaster areas between January 1 and December 27, 1972.

Both Houses adopted the conference recommendations without further amendment. However, a further question of "inequity" was raised by House Manager Poage who noted that although FHA had stopped giving 1% forgiveness loans on December 27, SBA had continued to approve such loans, a practice which would result in a benefit to urban residents. The manner in which a resolution of the problem was reached is indicated in the following excerpts from the RECORD of April 12, 1973, 12188–12189:

"Nevertheless, the conferees on the part of the House remain concerned that after we had resolved the differences of the two bills in conference we were left with an unfair situation whereby the potential recipients who were to be funded by the Small Business Administration loans at 1 percent subsequent to December 27 and prior to date of enactment of the bill would be better off than the rural resident who would have been offered, at best, the opportunity to receive only 5 percent loans without the forgiveness feature.

"Accordingly, I discussed the problem with a former member of this body, the able Administrator of the Small Business Administration, Mr. Kleppe, and with representatives of the President, and we have reached a solution that will take care of the most glaring inequities of the two loan programs during the period between December 27 and the date of enactment of H.R. 1975. Rather than describe it in my own words, I will read herewith the letter received from Mr. Kleppe on Tuesday announcing an administration policy change affecting the emergency loan program."

SMALL BUSINESS ADMINISTRATION,
*Washington, D.C., April 10, 1973.*
Hon. W. R. POAGE,
*Chairman, Committee on Agriculture, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The purpose of this letter is to express the Administration's intentions with respect to disaster loans to be made by the Small Business Administration for disaster damage sustained by residents of rural areas.

Effective immediately, SBA will accept disaster loan applications for damage sustained by farmers and other residents of rural areas as a result of all disasters declared by the President since December 27, 1972. Assistance will be made available to such borrowers, however, only for damage sustained to dwellings and household contents. Such loans made by SBA with respect to disasters occurring prior to the date of enactment of H.R. 1975 will carry the terms and benefits provided by Public Law 92–385, which include cancellation of up to $5,000 and a rate of interest of 1 percent per annum. Of course, these present benefits will apply to *all* loans made in such areas, whether the loans themselves are made prior to or after the date of enactment.

SBA is not in a position to refinance existing Farmers Home Administration mortgages. When a rural area resident has an FHA mortgage, however, SBA will contact the local FHA representative and attempt to work out an equitable financing package for the homeowner. Every effort will be made by both agencies to restore the applicant to pre-disaster condition with no increase in periodic installment payments.

When a loan to a farmer is involved, SBA will determine the extent of the damages sustained and the amount of loan which the applicant is eligible to receive. Since the farmer may well be dependent upon FHA or a Production Credit Association for production loans, and since FHA or the PCA may hold mortgages on the farm itself, SBA will consult with the local FHA representative to work out a total financing package which will permit the farmer to continue to operate.

The Office of Management and Budget has expressed its concurrence in the foregoing arrangements.

Sincerely,

THOMAS S. KLEPPE,
*Administrator.*

The other amendments adopted by the Senate would have given applicants for SBA loans 18 days after enactment of the bill to apply for such loans at the old rate. The conferees of the other body agreed to recede on the amendment because the substitute language for the amendment No. 4 would give applicants an unlimited period within which to file their applications.

Mr. Speaker, this bill represents the best available compromise to get a sound emergency loan program into operation immediately. Toward that end, I think it does a good job.

Mr. Speaker, I yield to the gentleman from California (Mr. TEAGUE) such time as he may consume.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of the conference report on H.R. 1975. As the distinguished gentleman from Texas has pointed out, this conference report represents a very constructive and necessary legislative effort to meet the pressing credit needs of many people who have been victims of natural disasters throughout the Nation.

I would draw the attention of the House to the fact that this conference report has been approved by all the conferees from the House and the other body.

I am also confident that it will be signed into law by the President.

The main thrust of this legislation is to repeal the current provisions of law that apply to both the Small Business Administration and the Farmers Home Administration with respect to loans at 1 percent with a $5,000 forgiveness. In lieu of these provisions which recent experience tells us were, in many cases, overgenerous, H.R. 1975 proposes emergency loans at a flat 5-percent interest rate.

There are two key dates that are involved in this legislation. The first is December 27, 1972, the date the President terminated the secretarially designated disaster program and the second is the date of enactment of this bill.

As explained by the chairman, the treatment of disaster victims before December 27, 1972, during the period December 27, 1972 and date of enactment, and after date of enactment will be somewhat different.

The conference committee, however, has tried to adjust these differences in an effort to achieve equity for victims whose losses occurred during each of these three periods. As Members will recall, during House debate on this bill, our colleague from Minnesota (Mr. BERGLAND) offered an amendment which was later adopted to allow an 18-day "window" for eligible borrowers in certain secretarially declared disaster areas to obtain the benefits of the $5,000 forgiveness, 1 percent loan program. In the other body an amendment was adopted to terminate $5,000 forgiveness, 1 percent loans through the Small Business Administration. The conference report brings back to the House both provisions. Thus, the Bergland amendment, which is estimated to result in an outlay of some $300 million—of which approximately $180 million would be forgiveness—is slated to become law.

In the future, however, loans made by both FHA and SBA will be at a flat 5-percent rate, with no forgiveness.

Finally, Mr. Speaker, as the gentleman from Texas has pointed out, the administration has pledged to make loans to farmers and other rural residents in Presidentially declared areas for disasters that occurred during the hiatus period between December 27, 1972, and the date of enactment of this bill.

A similar question as to the effect of the bill on the so-called "hiatus period" also arose in the Senate. Senator McGovern dealt with it as follows (Congressional Record, April 12, 1973, 12059):

"Mr. President, the question has been raised about the effect of this bill on natural disasters which have struck in the past few days, such as the devastating floods in the Missouri and Mississippi Valley.

"The amendment to this bill would repeal the portion of the Small Business Administration loan program which now grants 1 percent loans and $5,000 forgiveness, but it makes that termination effective with enactment. It is clear that any disasters which occur before the enactment of this legislation would be covered under the terms of existing law, not the provisions of this bill.

"I just want the record to show clearly that the floods in the lower Mississippi River Basin and the lower Missouri River Basin are covered under existing law, with the more liberal features. I am told that the assistant general counsel of the Small Business Administration concurs with this view, and interprets this bill as saying that these cases would not be affected by enactment of the legislation."

Although Senator McGovern's remarks would appear directed solely to the Tower amendment, the comments of Members Poague and Teague seem to indicate an understanding with the Executive branch that disaster occurring during the hiatus period would be covered by the more liberal provisions of the then-applicable laws. Moreover, it may be argued that the acceptance of the Tower amendment was a clear indication that the Congress meant to make the FHA and SBA loan programs consonant with and parallel to each other and intended to avoid a situation in which applicants under one program would be treated differently or more favorably than applicants under the other. The sense of the debates taken as a whole indicates this was meant to be the case, both during the hiatus period and after the effective date of the legislation.

---

[1] An amendment to the Tower proposal also "grandfathered" rights of SBA applicants for 18 days.

Thus, there would appear a substantial basis for arguing that residents of areas in which disasters occurred and which were declared disaster areas by the President, prior to the effective date of P.L. 93-24, are entitled to apply for, and receive, loans under the more favorable provisions of prior law.

MORTON ROSENBERG,
*Legislative Attorney.*

Mr. EAGLETON. Mr. President, I will read here only the concluding paragraphs:

> Although Senator McGovern's remarks would appear directed solely to the Tower amendment, the comments of Members Poage and Teague seem to indicate an understanding with the Executive branch that disaster occurring during the hiatus period would be covered by the more liberal provisions of the then-applicable laws. Moreover, it may be argued that the acceptance of the Tower amendment was a clear indication that the Congress meant to make the FHA and SBA loan programs consonant with and parallel to each other and intended to avoid a situation in which applicants under one program would be treated differently or more favorably than applicants under the other. The sense of the debates taken as a whole indicates this was meant to be the case, both during the hiatus period and after the effective date of the legislation.
>
> Thus, there would appear a substantial basis for arguing that residents of areas in which disasters occurred and which were declared disaster areas by the President, prior to the effective date of P.L. 93-24, are entitled to apply for, and receive, loans under the more favorable provisions of prior law.

Unfortunately, that intent was not realized in practice. The final language of the statute, while very clear with respect to SBA loans, left the provisions concerning FHA loans vague and subject to interpretation.

The result is that a small farmer in Missouri who was wiped out by the flood is eligible for only a 5-percent loan with no forgiveness feature. But the man who sells him feed and equipment right next door can get a 1-percent loan with the first $5,000 forgiven. Even more inequitable, the farmer who raises cattle can receive only a 5 percent loan to help repair his losses while the feedlot operator to whom he sells the cattle qualifies for the far more generous SBA loan.

Very simply, my amendment would require the FHA to adopt the SBA interpretations of the new law and to make available to qualified applicants in areas hit by disasters prior to April 20, 1973, loans at the old 1 percent interest rate with the 5,000 forgiveness feature.

The amendment is supported by the Missouri Farm Bureau and the Missouri chapter of the National Farmers Organization.

I think it is essential that Congress take this step to relieve the deep sense of injustice felt by those in the flooded States who have fallen afoul of this bureaucratic conflict. Congress cannot allow to stand a policy which makes second-class citizens of our farmers.

Mr. STEVENSON. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield.

Mr. STEVENSON. Rains continuing over a 2-month period have caused flooding in Missouri. The flooding began in early March.

On the weekend of April 20–22, heavy rainfall caused further flooding of already swollen rivers throughout Illinois.

On April 20, President Nixon signed Public Law 93-24, which changed the terms of the disaster loan program. The question immediately arose: Will those people who suffered flood damage on April 20, 21, and 22 be given less generous assistance than their neighbors who suffered damage just a short time before?

Small Business Administration disaster officials said "No." They took the position—and I think it is the correct one—that the latest damage was proximately caused by the flooding that had been occurring for 6 weeks. They consider the damage done on the weekend of April 20–22 to be a part of a major disaster that began earlier.

These officials are, therefore, making disaster assistance loans on the terms that were in effect prior to the enactment of Public Law 93-24. That is, all Illinois flood victims, including those who suffered losses on April 20–22, are entitled to 1 percent loans with a $5,000 forgiveness clause.

Under the Senator's amendment, would the Farmers Home Administration take the same position as the Small Business Administration with respect to those damaged on the weekend of April 20–22?

Mr. EAGLETON. Very definitely, yes. We have had similar problems in Missouri. It is my belief and position that if the disaster began prior to the April 20 enactment of Public Law 93-24, as it did in Illinois and Missouri, then my amendment would require the Farmers Home Administration to make loans for all damage occurring in connection with that disaster under the pre-Public Law 93-24 terms. All victims of a disaster that extends over such a period of time should be treated alike.

Mr. President, I wish to make one final statement to make it abundantly clear what the Senator from Illinois and I are talking about. Disasters that occurred in Illinois and Missouri commenced prior to April 20 of this year. There was an addition to those disasters when new rain aggravated previously existing situations and made them worse. It is our firm intent in this amendment to treat FHA loan applicants on the same and more generous basis as the Small Business Administration is treating its loan applicants.

Mr. STEVENSON. I thank the Senator from Missouri. With that assurance, that the FHA loan applicants will be treated on the same and more generous basis as SBA is treating its loan applicants, I am satisfied. I commend the Senator in his support of his very sound amendment.

Mr. CRANSTON. Mr. President, the amendment offered by my colleague from Missouri (Mr. EAGLETON) would attempt to correct an existing inequity between the disaster loan programs administered by the Farmers Home Administration and the Small Business Administration. This inequity arises out of differing interpretations of the recently enacted disaster relief amendments—Public Law 93-24—where the SBA has been permitting loans at the old 1 percent interest rate with $5,000 forgiveness in the case of disasters occurring prior to the date of enactment of the new amendments on April 20, 1973. The FHA, on the other hand, has been operating under a stricter interpretation of the new law and has been offering only 5-percent loans except in the case of certain disasters that occurred in 1972. I agree with Senators EAGLETON and SYMINGTON that this inequity should be corrected.

As Senator EAGLETON pointed out in his remarks of May 10, this bureaucratic inequity is particularly glaring in the case of the unprecedented flooding of the Mississippi River this spring which has left thousands homeless and economically damaged. It makes little sense to treat a flood victim who is a farmer any differently than a flood victim who is a small businessman simply because two Federal agencies disagree. If we do not correct this inequity we will be adding to unneeded animosity between the small businessman and the farmer.

This amendment would also be extremely helpful to California farmers, and particularly the California citrus industry which suffered a devastating frost on January 3, 4 and 5. It has been estimated that as much as 65 percent of the naval orange crop was affected by this killer frost, with many farmers losing their entire crop. Only 30 percent of the California citrus industry is covered by Federal crop insurance, leaving the remaining 70 percent to somehow fend for themselves. Senator EAGLETON'S amendment would enable them to benefit from the more generous disaster loan provisions that were eliminated by the recent disaster relief amendments, signed into law on April 20.

I would like to ask the distinguished Senator one question. The Farmers Home Administration matters fall within the jurisdiction of the Committee on Agriculture and Forestry. Has the Senator checked out the amendment with that committee?

Mr. EAGLETON. Yes, we have discussed it with the Agriculture Committee staff. We heard no objections.

Mr. CRANSTON. As far as the Senator from California is concerned I am prepared to accept the amendment, but first I would like to hear from the Senator from Texas.

Mr. TOWER. Mr. President, may I say for the minority that the amendment is quite acceptable to me. I can hardly quarrel with the logic of the Senator from Missouri since he quoted me considerably in his statement. As he said, it is consistent with the policy already established in this body. In all equity, the amendment should be adopted. I do support the amendment.

Mr. EAGLETON. I thank the Senator from California and the Senator from Texas.

### FLOOD VICTIMS SHOULD RECEIVE EQUAL TREATMENT UNDER EMERGENCY LOAN PROGRAM

Mr. SYMINGTON. Mr. President, the amendment Senator EAGLETON and I have offered would provide better and more even-handed relief for farmers and businessmen who are victims of the Mississippi floods.

Only now are flood waters beginning to recede in our State, and some project that the Mississippi River may remain above flood stage until the end of this month.

Victims of this terrible disaster are returning to their homes, businesses, and farms to salvage what remains and to make the best estimates of the losses which they must attempt to replace.

This hardship is needlessly compounded when the two principal Federal agencies which provide disaster assistance offer loans for reconstruction under two different sets of guidelines.

As the law is now interpreted, those homeowners and businessmen who apply to the Small Business Administration for disaster assistance are eligible for loans which bear a 1-percent interest rate and for which the first $5,000 of the face amount can be forgiven.

At the same time, a farmer who lives in the same community and may even deal with the businessman receiving SBA assistance is told by the Farmers Home Administration that he must pay 5-percent interest and there is no forgiveness of any amount on his loan to replace crop and equipment losses.

Since December 27, 1972, when this administration terminated the FHA emergency loan program, there has been no operating Federal loan program to which farmers could turn for assistance to restore farm related disaster losses.

The Congress, in effort to make some form of disaster loan available, passed legislation which the President signed on April 20. This measure raised disaster loan rates from 1 to 5 percent and eliminated the $5,000 forgiveness feature of loans made by the Small Business Administration and the Farmers Home Administration.

Unfortunately, in connection with the Mississippi floods, the more favorable loan rates were interpreted to apply only to the SBA disaster loans, while the higher rates were applied by the administration to the FHA emergency loan program.

Farmers are justifiably disturbed by this inequitable treatment. As Senator EAGLETON has ably pointed out, a farmer in our State who raises cattle is being told that he is entitled to a 5-percent loan with no forgiveness feature. After suffering damage in the same flood, the feedlot operators to whom the farmer sells cattle, qualify under SBA for the 1-percent loan, and also are eligible for $5,000 forgiveness.

We have been told that SBA had considered a recommendation to open the more generous loan assistance to farmers during the interim period, but chose to decline because it would have been contrary to administration policy.

This amendment would bring both disaster relief programs into conformity for victims of floods or other disasters which occurred before April 20.

The flood waters which have ravaged our State for so many weeks spared nothing in their path, and have brought hardship and suffering to farmers and businessmen alike. Surely every effort to help rebuild these losses must be evenhanded and fair to all recipients. This amendment would correct the injustice which otherwise would result.

The PRESIDING OFFICER. Does the Senator from Missouri yield back his time?

Mr. EAGLETON. I yield back my time.

Mr. CRANSTON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I call up the amendment that was introduced on behalf of myself and the Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. The amendment will be stated.

Th legislative clerk read as follows:

At the end of the bill, add the following:

SEC. 4. Section 7(b)(4) of the Small Business Act is amended by inserting before the semicolon at the end thereof the following: ": *Provided*, That loans under this paragraph include loans to persons who are engaged in the business of raising livestock (including but not limited to cattle, hogs, and poultry), and who suffer substantial economic injury as a result of animal disease".

Mr. WILLIAMS. Mr. President, as I indicated, the amendment I am offering is on behalf of myself and the Senator from Indiana (Mr. BAYH). It is prompted by a disaster that hit in New Jersey, Indiana, and one or two other States, and it involves an epidemic of cholera that visited the hog stocks of farms in those States. This was a disaster to the farmers and the feedlot operators dealing in hogs.

Early last fall, hog cholera of epidemic proportions broke out in my State of New Jersey and resulted in the loss of at least 18 herds of hogs—approximately 30,000 animals.

The disease has had a devastating impact on many hog farmers, their employees, and families in my State where, regrettably we are facing the forced closing of an average of one farm each day.

Furthermore, I understand that hog cholera over the last year has hit herds in Georgia and Indiana, where nearly 20,000 animals had to be destroyed.

Mr. President, it is my understanding that when an outbreak of hog cholera occurs, all the animals in the affected area are quarantined and that when the infection begins to spread in a herd, the entire herd must be destroyed.

In other words, that individual's entire business is lost until the herd can be replaced.

Clearly, that is a substantial economic blow for these small farmers.

Under existing Department of Agriculture regulations and pursuant to a special New Jersey program, these individuals who lost their hogs have been compensated for each animal that was destroyed.

This assistance has provided the affected farmers with funds necessary to replace their herds and has been most important in this respect.

However, compensation for the loss of a herd is only part of the problem.

When such a disaster strikes, the farmer also loses his source of operating capital and unless he has saved a significant amount of cash, which I believe is exceedingly difficult today in a small agricultural business with its tight profit margins, he must borrow large amounts of money to clean and disinfect remaining animals, pay his employees, meet outstanding contracts, and feed the new herd until it was matured.

Obviously, these people need an outside source of funds.

To a limited extent, money is available from commercial banks at current commercial rates.

Unfortunately, in too many cases, this high rate for money at such a critical time does not realistically allow small farmers to take advantage of this kind of financial assistance which would provide them the working capital that is necessary to carry them through to the marketing of their next herd.

As soon as I understood the magnitude of this calamity in New Jersey, I wrote to the Department of Agriculture urging them to designate certain counties in New Jersey as disaster areas and make the farmers eligible for disaster relief.

However, the Department of Agriculture initially responded that their disaster relief loans only could be extended in instances where animal disease resulted from abnormal weather.

I was subsequently informed that the Farmers Home Administration disaster relief program had been discontinued.

In addition, I was told by the Department of Agriculture that these individuals in New Jersey were considered businessmen because they produced neither half their livestock nor half their feed and therefore they did not qualify for disaster relief loans even if they were available.

I have presented this case and all of its merits to the Small Business Administration and to the Department of Agriculture. The farmers of New Jersey, Indiana and Georgia did not receive this relief. I presented the matter to the chairman of the Committee on Banking, Housing, and Urban Affairs (Mr. SPARKMAN). I have a letter in which he states his feeling that, within the Small Business Administration jurisdiction of today and the history of certain provisions of the act, it certainly should be covered; but it has not been covered. I presented the same evidence to the Senator from Georgia (Mr. TALMADGE), the chairman of the Committee on Agriculture and Forestry. Again it is his feeling that it should be covered. But, Mr. President, it has not been covered. That is why the Senator from Indiana and I have proposed this amendment.

I wrote to the Small Business Administrator, who replied that he could not act until the Department of Agriculture "formally declares New Jersey a disaster area" and that only this declaration "would automatically trigger SBA's economic injury disaster loan program. Small businesses would be eligible for loans for economic injury suffered as a result of the cholera epidemic."

I ask unanimous consent that a copy of Administrator Kleppe's letter of December 8, 1972, be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SMALL BUSINESS ADMINISTRATION,
*Washington, D.C., December 8, 1973.*
Hon. HARRISON A. WILLIAMS, Jr.,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR WILLIAMS: Thank you for your inquiry of November 29, 1972, on behalf of Gloucester County, New Jersey, residents affected by the cholera epidemic of pigs.

We conducted a thorough investigation of the epidemic and found that the Department of Agriculture and the State of New Jersey are bearing the responsibility for relief. Farmers and commercial feed yards suffering loss of hogs will be reimbursed at the current market value of their swine, with the Federal Government paying 75 percent of the value of the animals and the State of New Jersey the balance.

Under the purview of its Act, the Small Business Administration is restricted at this time from making loans for economic injury to affected businesses in New Jersey. However, if the Department of Agriculture formally declares New Jersey a disaster area, this would automatically trigger SBA's economic injury disaster loan program. Small businesses would be eligible for loans for economic injury suffered as a result of the cholera epidemic. These loans would bear an interest rate of 3 percent with no forgiveness feature.

We appreciate your interest in the Agency's disaster program. If we can be of assistance in any other matter, please let us now.

Sincerely,
THOMAS S. KLEPPE,
*Administrator.*

Mr. WILLIAMS. Thus, it appears that the hog farmers are caught in the middle.

Mr. President, I continued to press this issue and with the help of Senator TALMADGE, the distinguished chairman of the Senate Agriculture Committee, and his fine staff, discovered that the Small Business Act includes a provision for loans in the case of so-called product disaster.

This paragraph, section 636(b)(4) of title 15 of the United States Code appears to apply perfectly to the problems faced by hog farmers.

It states that the Administrator can make loans:

> To assist any small business concern in reestablishing its business if the Administration (SBA) determines that such concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

Furthermore, the legislative history on this section indicates a clear intention to extend these product disaster loans to small business concerns that suffered economic injuries from disasters other than those caused by absences or excesses of rain. I ask unanimous consent that the pertinent section of the House report on the 1964 Small Business Act amendments be included at this point.

There being no objection, the excerpt from the House report was ordered to be printed in the RECORD, as follows:

> There appears to be no equitable reason for excluding from SBA's disaster assistance program small businesses that suffer economic injury from disasters other than those caused by the absence or excesses of rain. Such calamities as earthquakes, hurricanes, fires, storms, and freezing, as well as those resulting from the marketability of fish by reason of such causes as toxicity of the waters, would certainly seem to have an equally valid claim for disaster aid. The proposed revision would make aid available to small business concerns suffering economic injury due to all natural or undetermined causes.

Mr. WILLIAMS. Mr. President, in my judgment, this section of the law gives the SBA the authority to provide product disaster loans to those concerns which lost their herds of livestock.

I wrote to Senator JOHN SPARKMAN, the distinguished chairman of the Banking, Housing and Urban Affairs Committee which has legislative jurisdiction over the SBA and sought his interpretation of this particular section of the law.

I am pleased to note that his interpretation supported mine.

I ask unanimous consent that Senator SPARKMAN's letter of April 6 and Senator TALMADGE's letter of April 12 also be included in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING,
HOUSING AND URBAN AFFAIRS,
*Washington, D.C., April 6, 1973.*
Hon. HARRISON A. WILLIAMS, Jr.,
*Chairman, Committee on Labor and Public Welfare, Washington, D.C.*

DEAR MR. CHAIRMAN: I appreciate being informed of the difficulties facing New Jersey hog farmers who have been forced to destroy their herds which had contracted hog cholera and the Small Business Administration's reaction to this situation. I understand that farms in Indiana and Georgia have also been stricken with this disease.

It is regrettable that so much confusion exists on this particular issue and that the affected hog farmers have been unable to secure assistance from the federal government to meet their operating expenses during the period while they replenish their herd and market it.

In looking at the sections of the U.S. Code which you discussed—Paragraph 636(b)(4) of Title 15—I would maintain that the law clearly states that the Small Business Administration can provide assistance to concerns which have suffered economic losses because they have been unable to market their product as a result of disease occurring through natural causes. This paragraph describes the plight of New Jersey's hog farmers. It appears to me that Mr. Kleppe's response of December 12, 1972, refers to other sections of paragraph 636 and is less closely related to the situation we are discussing.

I encourage you to press this matter with SBA and keep me informed of any developments as I am very concerned about the manner in which SBA interprets this provision of the law.

With best wishes, I am
Sincerely,
JOHN SPARKMAN,
*Chairman.*

---

COMMITTEE ON AGRICULTURE
AND FORESTRY,
*Washington, D.C., April 12, 1973.*
Hon. HARRISON A. WILLIAMS, Jr.,
*U.S. Senate, Washington, D.C.*

DEAR PETE: Thank you for your letter concerning the hog cholera epidemic in New Jersey.

The staff of the Committee on Agriculture and Forestry has informed me of the discussions they had with your staff about the attempt to qualify these hog producers for emergency loans. I understand that the U.S. Department of Agriculture does not make loans to feed lot operations such as the ones that you have in mind in New Jersey because they do not fit the USDA's definition of "farmer" under the Emergency Loan legislation. However, I know that these feed lots badly need emergency loans in order to resume their operations. It seems to me that Title XV, Paragraph 636(b)(4) of the U.S. Code is quite clear. The Small Business Administration has the authority to assist your feed lot operators without any action from the U.S. Department of Agriculture. I cannot understand how the Administrator of the Small Business Administration could make a contrary finding.

I hope you are successful in getting the Small Business Administration to take action on behalf of the New Jersey farmers, and I will be glad to assist in any way possible.

With every good wish, I am
Sincerely,
HERMAN E. TALMADGE,
*Chairman.*

Mr. WILLIAMS. Mr. President, with the benefit of Senator SPARKMAN and Senator TALMADGE's counsel on this issue, I again wrote to Administrator Kleppe nearly 1 month ago to urge him to provide funds under this section to these beleaguered farmers.

Two days ago, I received an interim reply saying that his Office of General Counsel was asked for an interpretation of this section of the statute and that I would be informed of their decision at some unspecified date in the future.

I am offering this amendment today because the people who have lost their animals over the last 8 months cannot wait any longer for Federal assistance.

There obviously is too much confusion about this issue and every indication is that people who raise livestock for human consumption have been effectively excluded from disaster relief programs which are designed to assist during or after such calamities.

In addition, I understand that millions of chickens in California were destroyed last year because of Newcastle disease, yet people were not eligible for any Federal assistance or loans to provide operating capital while they disinfected their property and developed new flocks.

And, of course, there are other diseases like brucellosis, a bacterial infection among dairy cattle, which wipe out entire herds.

However, Federal aid to provide operating capital presently is not extended to any of these persons.

Mr. President, I believe that my amendment, which states that "loans under this paragraph include loans to persons who are engaged in the business of raising livestock—including but not limited to cattle, hogs, and poultry—and who suffer substantial economic injury as a result of animal disease," will fill this gap in the law and assist those people who have suffered from the effects of these livestock diseases and need our help.

Mr. CRANSTON. Mr. President, the amendment offered by the distinguished Senator from New Jersey would provide assurance that section 7(b)(4) of the Small Business Act applies to persons engaged in the business of raising livestock, including poultry, who suffer substantial economic injury as a result of an animal disease. In effect, farmers who have been economically hurt as a result of an animal disease would be clearly eligible for loan assistance from the Small Business Administration.

This amendment would be especially helpful to the poultry and egg industry in southern California, which suffered devastating economic losses over the past year because of the rapid-fire spread of exotic Newcastle disease. This disease, according to the USDA, is now pretty much under control, but the economic impact continues to be felt. Between December 1971, when Newcastle disease was first discovered, and the present time, 11.47 million chickens have been "depopulated." Nine and one-half million of these were layers, representing 35 percent of the commercial egg industry in southern California. Most of the poultry farms that are now unable to obtain the necessary capital to get back into business are small family farms. But even the larger enterprises that have managed to stay in business have suffered tremendous economic losses.

Those whose flocks were found to be infected with exotic Newcastle disease were indemnified by the Federal Government for every chicken that was destroyed. Most farmers, however, have complained that the indemnification program was inadequate because the costs of getting back into production, purchasing feed, and having one's operating capital tied up for 9 to 12 months were substantially greater than what they were paid through indemnification.

Even worse, however, are the many whose flocks were not found to be infected but who were within the quarantine area. In effect, these people were told that their business must cease outside the quarantine area—where their markets were—until the quarantine was lifted. Yet they received no compensation whatever. Turkey ranchers, hatcheries and those whose chickens are being raised for sale rather than egg-laying were especially hurt in this way.

I think that the Senator's amendment to clarify 7(b)(4) of the Small Business Act will rectify a most unfortunate situation and I am happy to support it.

I yield now to the Senator from Texas.

Mr. TOWER. Mr. President, I should just like to ask a question of my distinguished friend from New Jersey. He parenthetically includes cattle, hogs, and poultry and notes that it is not limited to that.

Mr. WILLIAMS. Yes.

Mr. TOWER. I would like to ask the Senator, just to point out an example, if it would include a herd of horses that had been decimated by Venezuelan equine encephalomyelitis?

Mr. WILLIAMS. In my judgment, that is exactly a situation that would be covered. We did specify three areas that we know have had epidemics of disease—hogs, cattle, and poultry. The disease that has come to be recognized among dairy herds is brucelosis. I know that is a situation within the intention of our amendment. The encephalomyelitis problem that visits horses would be in the same category, certainly.

Mr. TOWER. I thank the Senator from New Jersey. Actually, it is my view that these matters should probably be included in some form of comprehensive agricultural legislation, but in the absence of such specific legislation, we have to deal with the matter. Therefore, I am happy to support the amendment of the Senator from New Jersey, and I express the hope that this matter will be taken up more fully within the Committee on Agriculture and Forestry in some sort of program device to deal with this kind of problem.

Mr. WILLIAMS. I thank the Senator.

I appreciate the graciousness of the Senator from Ohio, who, I know, has been waiting for recognition. I appreciaate his waiting until we could have the discussion we have just had.

Mr. TAFT. Mr. President, I commend our colleague from New Jersey. I know that in my own State hog cholera has been a great problem, and I know that his amendment should help our situation and be extremely beneficial.

Mr. BAYH. Mr. President, in 1972 there was a rather severe outbreak of hog chlorera in Indiana. As of December 6, 19,567 hogs had been killed to prevent the spread of the disease. The Federal Government paid a total of $631,192 in indemnities to affected Indiana hog producers, and a national emergency was declared for the area.

Many of these hog producers now face a delay of a year to 18 months before they will be able to return their farms to full producing capacity. During the delay, the farmer must continue to pay overhead costs such as taxes on, and maintenance of, his buildings, and wages for the employees whose assistance he will need once the farm is again in full production. For those farmers who have plowed past profits back into the farm rather than accumulating savings for use in emergencies, this past year has been a traumatic one, economically.

Since December, I have been urging the Department of Agriculture to liberalize indemnity payments for victims of hog cholera. I have pointed out repeatedly that poultry farmers in California whose flocks were infected last year with exotic Newcastle disease have been paid indemnities which are much higher than those paid to hog producers. The discrepancy between payments is very unfair because hog farmers face as long a delay as poultry farmers before they can get back into business. Despite the Department's attempt to justify the discrepancy between payments, the fact of the matter is that the Department has declined to give one producer desperately needed financial assistance to get him back on his feet, while paying another group of producers generous payments designed to compensate them for lost profits during the time needed to get back in full production.

I have drafted legislation (S. 1683) designed to provide hog producers with the same kind of assistance as that given to poultry producers, and have asked the Senate Agriculture Committee to attach the legislation to this year's Agriculture Act. Unfortunately, the committee decided not to attach my bill as an amendment to the farm bill because the Department successfully argued that it would be too expensive. While I am also concerned about the question of expense, I cannot understand why the Department incurred the initial expense of paying poultry producers for lost profits if it was not prepared to treat livestock and pork producers in the same way. Therefore, I intend to present my bill calling for equitable treatment of poultry and swine producers to the Senate during debate on the Agriculture Act.

However, in the meantime, the administration could be helping these farmers by providing loans to help them get back into business. I am pleased to join with my distinguished colleague from New Jersey in urging the Senate to specify that the Small Business Administration may make loans to persons who are engaged in the business of raising livestock—including but not limited to cattle, hogs, and poultry—and who suffer substantial economic injury as a result of animal disease.

I urge the Senate to pass this amendment, and I urge the Small Business Administration to provide loans to those who are in need of them. In a year of meat shortages and high prices, the Government should do everything possible to encourage producers of meat to stay in business despite the threat of epidemics of animal disease.

Mr. CRANSTON. Mr. President, I am prepared to yield back my time.

Mr. WILLIAMS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment of the Senator from New Jersey is yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

### AMENDMENT NO. 138

Mr. TAFT. Mr. President, I call up my amendment No. 138, and ask unanimous consent that the names of the senior Senator from Michigan (Mr. Hart), the junior Senator from Hawaii (Mr. Inouye), and the junior Senator from Colorado (Mr. Haskell) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read the amendment (No. 138) as follows:

The Senator from Ohio (Mr. Taft) for himself and other Senators, proposes an amendment identified as No. 138.

Amendment No. 138 is as follows:

At the end of the bill add the following new section:

SEC. 4. (a) The second paragraph following the numbered paragraphs of section 7(b) of the Small Business Act is amended by striking out the following: "and prior to July 1, 1973,".

(b) Clause (D) of the second paragraph following the numbered paragraphs of section 7(b) of the Small Business Act is amended—

(1) by striking the "and" at the end of subclause (i);

(2) by striking out "July 1, 1973" in subclause (ii) and inserting in lieu thereof "April 20, 1973";

(3) by striking the period at the end of subclause (ii) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subclause:

"(iii) with respect to a loan made in connection with a disaster occurring on or after April 20, 1973, notwithstanding the provisions of Public Law 93–24, the total amount so canceled shall in no case exceed $2,500, and the per centum of the principal of the loan to be canceled shall be reduced by 4 for each $1,000 by which the borrower's income exceeds $10,000, but such per centum to be canceled shall not be less than 20 unless the total amount so canceled would otherwise exceed $2,500. For the purpose of this subclause (iii), 'income' means—

"(I) except in the case of a borrower who retires or becomes disabled in either the taxable year in which the loss or damage is sustained or the preceding taxable year, or in the case of a borrower which is a corporation, adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, for the taxable year preceding the taxable year in which the loss or damage is sustained,

"(II) in the case of a borrower who retires or becomes disabled in the taxable year in which the loss or damage is sustained or in the previous taxable year, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, as estimated by the Administrator for the taxable year after the taxable year in which the loss or damage is sustained, and

"(III) in the case of a corporation, taxable income, as defined in section 63 of the Internal Revenue Code of 1954, for the taxable year preceding the taxable year in which the loss or damage is sustained."

Mr. TAFT. Mr. President, this is the same amendment, in substance, as my amendment No. 97. Only technical changes have been made. Detailed information as to the intention, purpose, and necessity for the amendment has been distributed to the desks of all Senators.

Mr. President, my amendment would restore to a limited extent the grant through loan forgiveness program for victims of floods, hurricanes, tornadoes, and other natural disasters.

As has already been commented upon on the floor today, the passage of Public Law 93–24 ended the $5,000 loan forgiveness and 1-percent interest rate program, effective as of April 20. Also, as of the end of December, the administration cut off the agricultural subsidies that were being provided and indicated they did not expect to restore them until the 5-percent loan, no forgiveness program was put into effect.

The disaster relief laws were recently amended to eliminate grant assistance. As a result, the best Uncle Sam will presently do for a disaster victim whose home or business has been demolished is to give him a 5-percent loan.

Frankly, I think this is inadequate, and I think it is unconscionable. A 5-percent loan with no forgiveness grant provision is hardly adequate assistance for an elderly person trying to make ends meet on a fixed income and suddenly without adequate housing, or a low- or moderate-income family still responsible for mortgage payments on its silt-covered home.

It can certainly be argued that the disaster relief legislation which we passed last year, to provide $5,000 grants and 1-percent loans for disaster victims, placed an excessive financial burden on the Government. I argued during the debate on that bill that these provisions were unwise, mainly because the $5,000 grants would be given irrespective of proven need. The same extensive Government assistance would be made available to millionaires for repairing their tennis courts, and people who were really made destitute by a disaster.

At that time, the Senate passed my amendment to base the grant amount on the recipient's last year's income. However, this amendment was not accepted by the House of Representatives and died in conference. The resulting forgiveness grant program was certainly unwise.

Nevertheless, the answer to the inadequacies of this program is not to abolish disaster relief grants altogether. President Nixon made a strong case for the importance of an adequate disaster relief program in his May 1 message to Congress on foreign aid. He said:

> America's fund of goodwill in the world is substantial, precisely because we have traditionally given substance to our concern and compassion for others. In times of major disaster, American assistance has frequently provided the margin of difference between life and death for thousands. Our aid to victims of disasters—such as the earthquake in Peru and floods in the Philippines—has earned us a reputation for caring about our fellowman.
>
> No nation is more generous in such circumstances. And the American people respond with open hearts to those who suffer such hardship. I am therefore asking the Congress to authorize such amounts as may be needed to meet emergency requirements for relief assistance in the case of major disasters.

Obviously, the President was talking in those cases not about loans, but about grants, the grants and assistance which our Government has made in the spirit of compassion that Americans have always shown, but which is not being shown to Americans at the present time. Why should Americans not be put in at least the same position as those who suffer from the ravages of disaster in other parts of the world?

I believe that America should have concern and compassion for others. I think it is of tremendous importance to be a compassionate world citizen. But I think that we had better be certain at the same time to have compassion for our own citizens.

The disaster relief program, as recently altered, does not do that. I strongly believe in Federal budget cutting wherever appropriate, but the elimination of grants for disaster victims is an utterly discompassionate rejection of the Government's basic responsibility to help its citizens in times of real emergencies. The lack of forgiveness will also encourage Congress to provide special grants piecemeal for victims of specific disasters. For that reason, in the long run if we do not establish some kind of permanent program, we may find that the cost of providing disaster relief exceeds the cost that would exist if we had adopted the amendment I am proposing.

On May 10, just 8 days after I introduced my amendment, north-central Ohio was ravaged by tornadoes. The storm left 5 Ohioans dead, 147 injured and approximately 5 million in private property damage.

The area in question has not yet been declared a disaster area. The chances of receiving a declaration would be enhanced if our Governor would ask for one. But even after a declaration is made, all that people affected can possibly get from the Federal Government under the new law are 5 percent loans.

Mr. President, what am I supposed to tell the homeless people in Willard, Ohio? Am I supposed to go home and say that I voted for as much grant money as necessary to help the Nicaraguans, but no grant assistance for them?

If other Senators are not in this situation now, they could be in it at any time soon.

I am aware that just recently, within the last 2 weeks, the President sent up a proposal on this matter. I agree with many of the proposals in the administration bill—for example, the centralization of disaster assistance responsibility in HUD. But this controversial measure has a long way to go in the legislative process. It has just been introduced. Hearings have not been held as yet.

We cannot wait for a comprehensive bill to pass before we provide adequate disaster aid for our citizens. Indeed, I do not believe we will be likely to leave the situation as it is. Congress is likely to respond to the inadequacies in the present program by either passing special bills to cover individual new disasters or making whatever comprehensive legislation we pass retroactive all the way to last month—and bringing about all of the attendant administrative problems which always accompanies that type of legislation.

Therefore, I urge us to adopt an adequate disaster relief program now. We can always change it later to fit into whatever comprehensive legislation we pass.

The amendment which I am introducing today would provide a grant through loan forgiveness of 100 percent of the damage repair or replacement loan up to $2,500, for those victims of Small Business Administration-declared or presidentially-declared disasters with last year's incomes of $10,000 or less. This percentage would drop by 4 for each additional $1,000 of income, but everyone damaged could receive at least 20 percent of his damage amount—up to

$2,500—as a grant. Any additional loan would be made at the present rate of 5 percent. The grant and amount for those who have retired or become disabled in the year of the disaster or the previous year, would be based on their estimated next year's income.

These provisions would apply to all disasters occurring after April 20, the date after which disaster grants would otherwise be unavailable.

My amendment also repeals the July 30 expiration date of the Small Business Administration's discretionary authority to refinance mortgages of substantially damaged homes for a loan amount greater than the amount of the physical loss sustained—provided that monthly mortgage payments are not lowered as a result of the refinancing—and to suspend disaster loan payments in hardship cases for the lifetime of individuals and their spouses who rely for support on survivor, disability, or retirement benefits. The refinancing provisions must be extended to take care of low- and moderate-income disaster victims who have large outstanding mortgages or large repair bills.

My amendment would provide very substantial assistance to low- and moderate-income citizens, who are least able to afford damage repair and replacement expenses. It would also apportion disaster benefits more equitably than present law. At the same time it would cost considerably less than the $5,000 grant, 1-percent loan relief program in effect for disasters occurring on or before April 20, 1973.

I believe that my amendment is both responsive to the pressing needs of disaster victims and fiscally responsible. I urge the Senate to adopt it.

The PRESIDING OFFICER (Mr. CLARK). Is this amendment the amendment on which there is to be a 2-hour limitation?

Mr. TAFT. This is the amendment covered by the unanimous-consent agreement in that respect.

Mr. CRANSTON. Mr. President, I would like to address myself briefly to the forgiveness provision in Senator TAFT's amendment.

In the past, I have made it plain that I do not favor a flat forgiveness, which is both inequitable and fosters fraud, as experience under this act has demonstrated. I do, however, favor Senator TAFT's proposal for a graduated forgiveness based on the adjusted gross income of the disaster victims.

Clearly there is a great need in these times of economic peril to assist the low and moderate homeowners from the catastrophic effects of a natural disaster. Those individuals with fixed income such as the elderly suffer extra hardship in these situations. I feel that if we are to provide for foregiveness it should be based on the needs of the victims. The surest way to do this is to tie forgiveness to income.

I support Senator TAFT's provision as I did last year, as a fine example of responding to the needs of the society.

In view of my position, I yield the responsibility for the opposition time to the distinguished Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Mr. President, the amendment offered by the distinguished Senator from Ohio has not been considered by the Committee on Banking, Housing and Urban Affairs, and is not germane to the subject matter which S. 1672 addresses. Further, the amendment would negate the effects of legislation enacted by this body just a few weeks ago.

S. 1672 is an original bill reported out by the committee, after it had considered and combined two measures: S. 1113, increasing the amounts which may be outstanding from SBA's business loan and investment fund for various program purposes; and S. 804, combining and extending SBA's present authorities to make loans to small business concerns to finance structural operational, or other changes in plant and equipment required to meet standards imposed by Federal law, or by State law enacted in conformity with Federal law.

Mr. President, because of the extreme cost involved in the forgiveness features in effect until recently, and because of the possibilities for abuse provided by such features, the Congress saw fit just last month to enact H.R. 1975—which was signed by the President on April 20, 1973, and is now known as Public Law 93–24. That measure stripped the controversial and costly cancellation provisions out of the law, and increased the rate of interest applicable to disaster loans made by SBA and by the Farmers Home Administration.

The amendment now attempts to undo what was done only last month, by putting a different form of forgiveness back into the law. Further, it would cause serious administrative problems, because income levels would have to be verified and loan personnel would be required to spend more time on each application in order to calculate the amount of cancellation to which each borrower would be entitled. This administrative problem may sound minor and unimportant. But I assure you that in disaster situations, where time is essential and the greatest need is to approve and disburse loans in order to get the victims back into their homes, such a proposal as this one would cause sizable and unnecessary problems.

Mr. President, this body acted just last month to effect a change in the Federal disaster assistance provided by SBA and FHA. We have a new comprehensive disaster assistance bill before the committee now, which should be the subject of hearings and consideration in the committee before we act on this subject on the floor.

I am not saying that I would always disagree entirely with the substantive proposal of my friend from Ohio, but in the light of the fact that we do have a comprehensive disaster bill pending before the committee, pending hearings, we should wait until that time to engage in disaster legislation, rather than trying to enact far-reaching disaster legislation here on the Senate floor today.

I therefore regretfully oppose the amendment offered by my distinguished friend from Ohio.

Mr. TAFT. Mr. President, in reply to the comments of the distinguished Senator from Texas, I would like to point out that for all practical purposes, the subject matter of this amendment was considered by the Banking, Housing and Urban Affairs Committee last year in great detail. I offered an amendment along the same lines at that time in committee. It was thoroughly discussed, and it was passed here on the floor of the Senate by a rollcall vote during the last session.

The bill then went over to the House of Representatives, and the provision was knocked out at that point. Instead, a provision for $5,000 loans without any reference to income was included.

The second point I would like to make is that, as the Senator from Texas has mentioned, if we agree to this amendment we would be undoing something the Senate did earlier this year. Mr. President, I wholeheartedly agree; there is no question about that. But Public Law 93–24 was a farm bill, and did not have any Senate hearings as to its effect upon the SBA disaster relief program. It passed the Senate without any particular notice, on a voice vote.

So, insofar as this part of the bill is concerned, all the arguments as to its consideration in committee are quite the other way around. The Senate committee has heard a great deal about this proposal, and literally nothing about the provision which was embodied into the current law, and cut off the loan forgiveness program for our own citizens who suffer from disasters—quite in contrast with the attitude we have adopted insofar as international disaster relief is concerned.

I would also like to discuss a couple of other subjects the Senator has touched upon. The first has to do with means tests in time of disaster.

IRS estimates that after establishing one new program for the computer, they could certify the income for any given disaster assistance application in 1½ to 2 weeks. There would be a nonrecurring cost of less than $1 million for doing the initial programing. This estimate is based on the probability that IRS might receive 700 or so of these applications per week at some times.

It should be pointed out that people whose damage repair or replacement loan principals are greater than $12,500 would not need to bother with the income test, since they would get $2,500 forgiveness in any case, and that during the 1½ to 2 weeks the SBA can continue to process the application—do the appraisal etc. In addition, there would be no need to verify the incomes of those who claim that their last year's incomes were $30,000 or more, since 20 percent of their loan amount up to $2,500, would be "forgiven" in all cases.

A means test was an integral part of the Administration's bill to amend the Disaster Relief Act of 1970, which was submitted to the Public Works Committee on draft form last year.

A further item covered by the Senator from Texas is the matter of cost.

The SBA could supply no exact cost estimates for the Taft amendment. However, the amendment certainly costs much less than $5,000 forgiveness, 1 percent loan arrangement that Congress passed last summer. Prior to the passage of Public Law 93-24, this arrangement was scheduled to stay in effect through July 30.

The TAFT forgiveness arrangement is also cheaper than that contained in Public Law 91-606, which was in effect before last August and was scheduled to come into effect again on July 30. This law, the Disaster Relief Act of 1970, provided $2,500 forgiveness to anyone who took out a loan for $3,000 or more—regardless of his income. In addition, the new administration proposal is to provide averaging not more than $3,000 for needy disaster victims. The average grant under the Taft amendment will be considerably less than $3,000.

Mr. President, I think this answers the Senator's criticisms and comments. I am not barring the possibility of having hearings and going into great detail in considering a comprehensive proposal, if such a proposal comes from the administration, as to how to handle disaster relief. But I do say that to the victims of floods and other disasters, in this interim period while we are considering such legislation, we have an obligation to be fair and compassionate, and I urge the passage of this amendment.

Mr. STEVENSON. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the Senator from Illinois.

Mr. STEVENSON. I have a perfecting amendment. Will the Senator yield me 5 minutes?

Mr. TAFT. I am glad to yield the Senator such time as he wishes. However, Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. If the Senator offers a perfecting amendment, does he not have his own time?

The PRESIDING OFFICER. There would be 30 minutes on an amendment in the second degree, 15 minutes to each side. However, the Chair would remind the Senator from Illinois that his amendment would not be in order until all time on the amendment in the first degree has been used or yielded back, except by unanimous consent.

Mr. STEVENSON. I ask unanimous consent to proceed with a perfecting amendment.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, will the Senator from Illinois state his unanimous consent request again?

Mr. STEVENSON. I ask unanimous consent that I be permitted to offer a perfecting amendment and that the time will run on the perfecting amendment without depriving the Senator from Ohio of the time remaining on his amendment.

Mr. TOWER. I have no objection.

Mr. TAFT. Mr. President, I have no objection. However, I do have other requests for time, and cannot yield back the time on the amendment.

The PRESIDING OFFICER. The Senator's time would be reserved.

Is there objection to the request of the Senator from Illinois? Without objection, it is so ordered.

### AMENDMENT NO. 134

Mr. STEVENSON. Mr. President, I call up my perfecting amendment No. 134.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. STEVENSON's amendment (No. 134) is as follows:

Amendments intended to be proposed by Mr. Stevenson to amendment numbered 97 proposed by Mr. Taft to S. 1672, a bill to amend the Small Business Act, viz:

On page 2, line 8, strike out "$2,500" and insert in lieu thereof "$4,000".

On page 2, line 12, before the period insert the following: ", and the interest on the balance of the loan shall be at a rate of 3 per centum per annum".

On page 3, after line 14, add the following new subsection:

"(c) Notwithstanding the provisions of any other law, in the case of a disaster occurring on or after April 20, 1973, the Secretary of Agriculture shall make disaster loans at the same rate of interest and with the same forgiveness provisions applicable to Small Business Administration disaster loans pursuant to this section."

Mr. STEVENSON. Mr. President, I send to the desk some minor technical modifications to conform the amendment with amendment No. 138 offered by the Senator from Ohio.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. STEVENSON's amendment (No. 134), as modified, is as follows:

Amendments intended to be proposed by Mr. Stevenson to amendment numbered 138 proposed by Mr. Taft to S. 1672, a bill to amend the Small Business Act, viz:

On page 2, line 8, strike out "$2,500" and insert in lieu thereof "$4,000".

On page 2, line 14, before the period insert the following: ", and the interest on the balance of the loan shall be at a rate of 3 per centum per annum".

On page 3, after line 17, add the following new subsection:

"(c) Notwithstanding the provisions of any other law, in the case of a disaster occurring on or after April 20, 1973, the Secretary of Agriculture shall make disaster loans at the same rate of interest and with the same forgiveness provisions applicable to Small Business Administration disaster loans pursuant to this section."

Mr. STEVENSON. Mr. President, I ask unanimous consent that a member of my staff, Mr. Barry Goode, be permitted the privilege of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, since April 20, when the President signed Public Law 93-24, the Consolidated Farm and Rural Development Act, disaster relief grants, that is to say, loan forgiveness for disaster relief loans, have been unavailable and loans are available only at a 5-percent interest rate. This provision, as it applies to SBA loans, was approved by the Senate on a voice vote late in the day, and without the debate such a proposal deserved. It replaced a provision which provided disaster relief grants up to $5,000 and 1-percent loans. It was argued that the previous provision was too generous and perhaps that is so. But its replacement errs on the other extreme. It is unconscionable. The present disaster relief program really offers the disaster relief victim nothing, or at least it would offer the disaster relief victim nothing were it not for the fact that commercial bank rates are at the present time extraordinarily high. When it offers 5-percent long-term loans, something more than that is needed, and needed now, while longer-range legislation is being considered.

I want to commend the distinguished Senator from Ohio (Mr. TAFT) for his compassionate and creative response in offering help to the innocent victims of natural disasters in the United States. The mechanism he proposes would provide grants to those in need, but would decrease the size of these grants in proportion to an individual's income. The concept which has been reviewed in the Banking Committee and approved last year on the floor of the Senate is a sound one and I intend to support it. But while the concept of the amendment of the Senator from Ohio is sound, it can, I believe, be strengthened in three ways. That is the purpose of the perfecting amendment.

The first change would reduce the rate of interest on disaster assistance loans from 5 to 3 percent. The difference between a 5-percent and a 3-percent interest rate on these loans is substantial to the borrower. It would make a great difference to hard-pressed victims of natural disasters.

Let us assume that a family with an annual income of $8,000 owns a house valued at $20,000 and that the house is destroyed in a hurricane. Under the terms of the Taft amendment, the family would receive, in effect, a $2,500 grant and a $17,500 loan. For the sake of computation, let us further assume the loan is 25 years in duration. The cost of that loan over its lifetime would be $5,833 more at a 5-percent interest rate than at a 3-percent interest rate. Clearly, $6,000 is a substantial sum of money to a family earning only $8,000 per year.

The second change would substitute $4,000 for the $2,500 maximum forgiveness proposed by the Senator from Ohio. In Public Law 92-385, Congress directed the President to make a study of existing disaster assistance legislation and to recommend improvements in that law. On May 8, the President transmitted such a report to this body, recommending that disaster assistance loans contain a forgiveness feature of up to $4,000, depending on the recipient's income. My amendment is consistent with that recommendation. It would provide a fair measure of generosity to people who have been made needy by forces beyond their control. It would provide assistance to those who need it the most, and, at the same time, with the concept proposed by the Senator from Ohio, would avoid giving windfalls to wealthy individuals.

Mr. President, this perfecting amendment would make a third change in the amendment proposed by the Senator from Ohio. It would assure that Farmers Home Administration's disaster assistance loans would be made on the same terms as the changes proposed for the Small Business Administration program. We cannot in good conscience alter the Small Business Administration loan program without making a similar change in the FHA program.

That was the governing principle that emerged from the Senate debate on the subject in late March, and again this morning in the debate on the amendment offered by the Senator from Missouri (Mr. EAGLETON), an amendment which was adopted this morning by the Senate. This principle was supported without dissent on the floor of the Senate and was supported by the Senator from Texas (Mr. TOWER) and other Members of this body who recognize that a disaster is a disaster whether it occurs on the farm or in a city, and that it would be wrong for the Government to discriminate against some citizens simply because they live in the countryside or on the farms and not in the cities.

So my amendment would perfect the Taft amendment by changing the FHA disaster relief program to conform it to the terms of the Small Business Administration's disaster relief program.

Mr. President, the Senator from Ohio rightly and persuasively pointed out that the United States at the present time provides disaster relief on far more generous terms to citizens in other parts of the world than it does to its own citizens. The amendment which I offer accepts the concept of the Taft amendment and would simply provide relief on moderately more generous terms, terms which I do not believe can be called too generous—that is, a 3-percent loan with a maximum of $4,000 forgiveness—and finally, loans to those who live in the countryside as well as to those who live in the cities.

Mr. President, I urge adoption of my amendment.

Mr. TAFT. Mr. President, I do not know the disposition of the Senator from California on this amendment. I do not know whether he is yielding time on it. May I inquire of the Senator?

Mr. CRANSTON. I will say a few words about the amendment. I will support it. Therefore, I should yield time to the Senator from Ohio to handle opposition to it, if that is the Senator's disposition.

Mr. TAFT. Mr. President, I thank the Senator. I believe that under the unanimous-consent agreement, whoever proposes an amendment would have the time, but I oppose the amendment. I therefore yield myself 3 minutes to oppose the amendment of the Senator from Illinois.

The PRESIDING OFFICER (Mr. BIDEN). The Senator from Ohio is recognized for 3 minutes.

Mr. TAFT. Mr. President, I rise to oppose the amendment with a good deal of reluctance, but I feel compelled to do so for a number of reasons. I designed my amendment so that it would provide substantial relief to those who need it most, while at the same time having as small a budgetary impact as possible, so as to make more likely passage of the legislation which, as I have indicated, should be passed on an emergency basis as quickly as possible.

The question of how much disaster relief to give is a subjective one: I, personally, would not oppose the Stevenson amendment on the grounds that it provides excessive relief. But my overriding concern is that some further relief be provided, and that concern leads me to be extremely sensitive to the political climate surrounding this legislation.

My amendment, unless we have another Hurricane Agnes in the near future, is probably going to have a tougher time in the House than the Senate. That turned out to be the case last year. In addition, the more expensive it is, the more likely the President may feel it necessary to veto it for budgetary reasons.

For these reasons, I carefully drew up my forgiveness provision to cost about the same as the loan and grant arrangement under the Disaster Relief Act of 1970, the law in effect before we liberalized the program significantly as a reaction to the Agnes disaster. The maximum forgiveness under both approaches is $2,500, and the interest rate in my amendment is about one-eighth percent lower than it was under the Disaster Relief Act of 1970.

As I said, I personally believe that the higher assistance amount in the Stevenson amendment is probably justifiable and equitable. Nevertheless, there is no denying that the liberalizations contemplated carry a hefty price tag. For example, on a 20-year, $20,000 home repair or replacement loan, the difference between a 5-percent interest rate and a 3-percent rate alone, is much more than the forgiveness amount proposed by either myself or Senator STEVENSON. These expenses worry me, because I feel that they could jeopardize the passage of this essential legislation.

I left the agriculture disaster relief program out of my original amendment in deference to the Agriculture Committee, which reported the bill changing the farm disaster relief program to a 5-percent loan program, presumably after careful and detailed consideration. The farmers' home disaster relief program had been suspended and, under the circumstances, the committee felt that the 5-percent program was the best arrangement possible to achieve at that time. I have been informed this morning that the committee chairman is still of the opinion. He urges that our efforts be limited to the SBA program, which was never suspended in the first place. I do realize that this does raise a problem of equity, however, and that many Senators will feel that the Stevenson amendment as it relates to the farmers' home program must be accepted on those grounds.

Because of its cost and the peculiar situation concerning the rural disaster relief program, I believe that passage of the Stevenson amendment would mean rougher going for this bill. Therefor, it is with some reluctance that I say I cannot accept it.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were not ordered.

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CRANSTON. Mr. President, in connection with the amendment offered by the Senator from Illinois, since April 20, disaster relief assistance to the unfortunate victims of natural disasters has consisted of 5-percent loans, with no forgiveness feature. Prior to that date, disaster relief assistance consisted of 1-percent loans, with a $5,000 forgiveness. The administration, via a floor amendment, repealed the forgiveness feature of the Disaster Relief Act as of April 20. On May 8, the administration came to Congress with its comprehensive disaster relief bill, which included a $4,000 forgiveness figure.

This kind of action seems to me to be very confusing and not particularly logical. The administration cuts off forgiveness 1 month and recommends forgiveness the next month. I am not certain whether $2,500, $4,000, or $5,000 is the proper amount of forgiveness. However, $4,000 is considerably lower than the $5,000 flat forgiveness that was in effect 1 month ago, the same amount now recommended by the administration.

Certainly, I agree that the unfortunate victims of disasters who are now deprived of forgiveness as of April 20 should be given forgiveness assistance until Congress can consider the administration comprehensive disaster bill, at which time a substantial change may be made in many of the arrangements that are now being made and that will be, in that sense, rather temporary. But in the interests of justice, I do support the amendment of the Senator from Illinois.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment by Mr. STEVENSON occur today at 1 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, reserving the right to object—and I shall not object—I have a request for additional time thereafter, so I would think a time certain of 1:45 would be feasible.

Mr. ROBERT C. BYRD. On the Senator's amendment?

Mr. TAFT. Yes.

Mr. ROBERT C. BYRD. Very well.

Mr. TOWER. Or earlier.

Mr. TAFT. Yes, or earlier.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment by Mr. TAFT occur at 1:45 p.m. today, or earlier if time thereon is yielded back.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, could we hear that again?

Mr. ROBERT C. BYRD. The vote on the Stevenson amendment would be at 1 p.m. today and the vote on the amendment by Mr. TAFT would be not later than 1:45 p.m.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair wishes to inquire of the Senator from West Virginia, what is to happen with only 14 minutes remaining on the time of the Senator from Illinois between that time and 1 p.m.?

Mr. ROBERT C. BYRD. The vote would occur in any event at 1 p.m. today.

The PRESIDING OFFICER. The Chair understands that. But that means a 25-minute hiatus.

Mr. ROBERT C. BYRD. We will worry about that. I do not think we will run into a problem. We can solve that when the time comes. I think the Senator from Illinois is probably going to ask unanimous consent to take up a noncontroversial amendment. He says that it is noncontroversial. The Senator from New Mexico wishes to speak on the amendment by the Senator from Ohio.

The PRESIDING OFFICER. There will be no problem if the time is used on the amendment to the bill or the Taft amendment.

Mr. ROBERT C. BYRD. Yes. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the distinguished Senator from Ohio.

Basically, I have some comments directed to the proposals of the Senator from Ohio (Mr. TAFT) and the Senator from Illinois (Mr. STEVENSON). I hope the Senate is genuinely concerned about the inadequacy of the approach we are taking today to provide assistance to persons affected by a natural disaster. I agree we must continue to have some kind of individual assistance by way of a grant during the period of time it takes Congress to understand we cannot continue to handle disasters and the need for disaster relief in a piecemeal manner and to agree on a unified permanent and equitable disaster program that will address the whole complex of needs created when a disaster strikes. Each time a disaster occurs we cannot convene the Congress and decide whether to provide a $5,000 or a $2,500 forgiveness in the FHA or SBA loan programs. We have to decide as a nation, based on experience and we have had a great deal of experience with Agnes, Buffalo Creek, Rapid City, the California earthquakes and other disasters what we are trying to do, what needs we are trying to meet and then write a comprehensive disaster program. The record is full of the shortcomings of the present fragmented approach to disaster assistance.

One of the main categorical programs used to aid an individual who loses his home and possessions in a disaster is the Small Business Administration loan program.

In that regard, I wish to submit for the record testimony from Mr. Allen I. Slaman who was the SBA loan administrator in region III during and after the Agnes disaster.

I ask unanimous consent that the statement by Allen I. Slaman, Assistant Chief, Loan Administration Division, SBA, may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY ALLEN I. SLAMAN

I am Allen I. Slaman, Assistant Chief, Loan Administration Division, Region III, Small Business Administration in Philadelphia.

Mr. CHAIRMAN: I appreciate the opportunity to appear today in behalf of Region III of the Small Business Administration.

As all of us are so well aware, Tropical Storm Agnes was by almost any standard of measurement, the greatest natural disaster to ever strike the U.S. mainland. Certainly, no disaster caused more human suffering and misery than Agnes did and the people of Pennsylvania in general, and the Wyoming Valley in particular bore the brunt of a very large part of that suffering and misery.

Our chief concern at SBA since we opened our first office in Pennsylvania only three days after Agnes struck on Friday, June 23, was to help the people in the Wyoming Valley and throughout the Region, get gack on their feet as quickly as possible.

As a matter of fact, our staff was at work over the weekend following the storm, surveying to the extent possible the damage and getting preliminary information that would serve as the basis of our operations.

First, SBA declared all of Pennsylvania's 67 counties eligible for SBA assistance.

By the end of the first week, we had established SBA disaster offices in 24 locations in the State, including Wilkes Barre and the surrounding areas.

I believe it is extremely important to note that while Pennsylvania and the Wyoming Valley were our chief concerns, Region III also was responsible for and provided disaster relief to Hurricane Agnes victims in Maryland, Virginia, West Virginia, and the District of Columbia.

We assembled the greatest disaster task force in the Agency's history—nearly 1,400 people—and over 800 of that number were assigned to work in Pennsylvania.

The existence of other disasters throughout the country and the need to continue to provide assistance to the small business community under our regular programs limited the availability of permanent SBA personnel however, temporary personnel were hired and performed an excellent job. The assistance provided by volunteers of all types, including Region III Advisory Council members, SCORE, ACE, the banking community, and private citizens was exceptional and aided this Agency greatly.

I think it is also noteworthy to mention that our workforce was augmented by the addition and by the cooperation of other Federal Agencies. In particular, the U.S. Department of the Treasury provided 120 personnel to supplement our workforce.

Mr. Chairman, this disaster, not unlike almost every other disaster SBA has responded to in our 20-year history, produced problems which were compounded by the magnitude of this disaster.

We believe that for the most part we recognized these problems and while immediate solutions were not always possible, we did the best we could to resolve them. Indeed, we are still finding an occasional problem, and are continuing to take corrective measures as soon as they are recognized.

Consideration of loans for victims located in possible redevelopment and urban renewal areas posed a serious problem, principally because decisions on areas under consideration had not been reached by the local redevelopment authorities and, in some cases, still have not been. Therefore, although loans were either disbursed or approved, cases where redevelopment and urban renewal has an effect will be handled on an individual basis as action becomes possible.

Another serious matter is the escalation in building costs that have taken place necessitating the reconsideration of many applications which when approved, provided the disaster victim with ample funds for the repair of his home but which now have or may have become insufficient. It is the intention of the SBA to do everything possible within the purview of our legislative authority to aid these people in making their repairs so as to be able to return them to their homes.

In addition, Mr. Chairman, I wish to point out that the Agency has attempted to help the homeowner, within its limited authority, by repeatedly warning against unscrupulous contractors that attempt to take advantage of victims in serious disasters such as this one. While the licensing and policing authority rests with the State and local governments, we have tried to help through numerous press releases and other public messages.

I think it is pertinent to point out some of the things we did here to speed our response to the devastation caused by Agnes.

We received maximum authority from Washington to approve loans. Prior to Agnes, disaster offices could approve loans of up to $50,000. This was increased to $500,000 for all disaster offices.

We streamlined procedures to expedite approval of property loans and unsecured home loans.

We eliminated the requirement for disaster victims to obtain a contractor's estimate before we would accept an application.

We contracted with a private appraisal firm to obtain loss verification reports on Pennsylvania applications.

We selected key personnel to serve on management teams that went into every disaster office to assure that the streamlined procedures were implemented.

A major innovation to provide more efficient service to disaster victims was the assignment of Ombudsmen to various major offices and this personal service resulted in 70 to 800 telephone calls a day in which the

Ombudsmen were able to satisfy 90 percent of the inquiries within a 24-hour period.

In an effort to speed up the disbursement of checks, a Fiscal Office was established in Harrisburg, Pennsylvania, which was supported by the U. S. Treasury Department establishing an office there which issued checks directly, thereby enabling rapid service on the delivery of checks and avoiding the transportation delay that would have resulted in going to our Fiscal Office Headquarters in Denver, Colorado, and then to Washington, D.C.

On August 16, 1972, President Nixon signed Public Law 92–385 which amended existing Disaster Relief Legislation and required an extensive review of all previous loan applications.

While continuing to expedite incoming applications, SBA utilized computers to assist in the job of making the retroactive benefits of the new Law available to the disaster victims who already had received SBA loans.

Mr. Chairman, we at SBA are extremely proud of the job we did for Pennsylvanians and residents of the Wyoming Valley in particular. Our efforts were not without their shortcomings but we have done our best job possible to respond to the needs of the people under existing Disaster Relief Legislation.

Less than two month after SBA began disaster operations in Tropical Storm Agnes, the Agency had approved more than $200 million in loans and more than 60 percent of that was approved for disaster victims here in Pennsylvania.

As of March 31, 1973, SBA has approved disaster loans in the sum of $775,825,103 to disaster victims in Pennsylvania; a total of 91,713 loans. And, to illustrate the magnitude of the devastation here in the Wyoming Valley, more than half of that dollar total, $415,190,011, a total of 30,942 loans have gone to residents of the Wyoming Valley which is served by our Wilkes-Barre office.

So great was the need here, that SBA has established a permanent office to service the disaster loans and to care for the continued and future needs of the businesses here under our regular loan program.

Mr. Chairman, again, we at the Small Business Administration are extremely proud of the effort on the part of our staff, and of the Agency's accomplishments, in assisting diaster victims of Tropical Storm Agnes.

Mr. DOMENICI. Mr. President, it might be interesting for those interested in the capability of the Small Business Administration to handle this matter to note that 90,000 loan applications were handled in Pennsylvania alone as a result of Agnes, and over 800 people were employed by SBA to process those applications. As Mr. Slaman noted in his testimony, in order to continue to provide assistance under the regular small business program, the purpose for which SBA was established—the use of permanent, skilled SBA personnel in the disaster office was limited and temporary personnel was hired to carry out much of the work.

The Public Works Disaster Relief Subcommittee held 2 days of hearings in Wilkes-Barre last weekend to evaluate the adequacy and implementation of the Disaster Relief Act of 1970, Public Law 91–606, during and after the Agnes disaster. One of the greatest concerns expressed to us by the local people was that the Small Business Administration had no clear, consistent policy or guidelines to handle the disaster relief loan program, and the high rate of turnover in personnel exacerbated this problem.

There are those who insist we handle the flood insurance program separately from the disaster relief provided through the grant and loan program.

We have those who question the adequacy or inadequacy of flood insurance. There are many that say flood insurance is the only real solution.

Mr. President, would you believe that in the Wilkes-Barre area, prior to Agnes, only two homes were insured under the national flood insurance program but over 14,000 homes were damaged by the storm. I submit it is not sufficient to say, "Let us modify the limits, the extent of coverage, and the like." We have to figure out a way to assure the homeowner of some kind of insurance coverage, much akin to his fire insurance, so he would make the decision on the extent of coverage. We should make it easy for him, and we should not put in the hands of a small business loan association the job of separating out this enormous need for help when something like Agnes comes along.

For instance, during the subcommittee's hearings in Wilkes-Barre, we had testimony from a 65-year-old man whose home was three-quarters destroyed by the flood and who had a $20,000 mortgage on the house before it was destroyed. Public Law 606, prohibits discrimination against senior citizens, so SBA gave him the $5,000 grant and a loan for $15,000. He said, "I am 65 years old. The house has $20,000 worth of mortgages on it. Whether the loan be 1 percent or 5 percent, I am worried. I am a sick man. When I die my wife is going to be burdened with this debt. How can you help me?" We have no provision for life insurance in that situation.

We had farmers come before us saying, "You give businessmen downtown loans and there is additional assistance under urban renewal. What are you doing for me?" The farmer says, "My house is in the middle of my farm. My farm and my house have been destroyed. I do not know which agency to go to. Am I to be treated as a homeowner or do I resort to something akin to a grant-in-aid program?"

I am not here to challenge the amendment of the Senator from Ohio for the $2,500 forgiveness, or the Senator from Illinois' proposal, which is more generous and broader based. I am here to say that neither is going to be adequate, that neither is going to do the job in this country, and we are not going to solve the problem of providing adequate disaster relief by continuing to take one program from the Committee on Banking, Housing and Urban Affairs and another from a different committee in the Senate and hope they will work together and do the job. We should make up our minds to do something that needs to be done and develop a unified disaster program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TAFT. Mr. President, I yield 2 additional minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Let me continue with my caveats and concerns. I have now visited two major disaster areas as the ranking minority member of the Public Works Disaster Relief Subcommittee. During these hearings, we heard most about the need for a catastrophic insurance program. Then, we come back and find that we are piece-meal considering amendments to one grant-in-aid program—out of about 30 that provide some form of disaster assistance.

I submit to Senators in the Chamber today with amendments, who indicate great concern for disaster victims, that the best that we could do would be to consider the total needs of the people in a disaster area and not thrust on the Small Business Administration a policy it is not equipped to handle.

If we pass either amendment today we do not solve the problems we have heard about in our field hearings. The SBA was not created and it is not equipped, nor are the people trained to handle these problems. We should be talking about disaster assistance aside from the jurisdictional lines that guide us, whether they be the FHA or the SBA.

I commend both Senators for their efforts in the meantime. I do not know which is more correct; neither will solve the problem. The evidence is now abundant that we are not going to solve it in an orderly manner if we follow the fragmented approach which this legislation perpetuates. We must decide the kinds of needs that must be met and call it a disaster program, and not deal with it piecemeal and willy-nilly as we are now.

I thank the Senator from Ohio for yielding to me 7 minutes on this matter.

Mr. TAFT. Mr. President, I yield myself 2 minutes.

I want to commend the junior Senator from New Mexico for a very sound analysis of the problems in this regard. It is certainly true that the SBA has turned out to be an agency that has been tremendously overburdened with the problems of handling disaster relief programs in the past.

One thing which the Senator did not mention, which I know from my conversations with Mr. Kleppe, the Administrator of the SBA, is that the other SBA programs are and have been suffering very materially because of the tremendous demands that have been made on SBA in connection with disaster loan and grant programs we have had in the past.

It seems to me the SBA is a tremendously important agency, one that I think is attempting to do a good job and has been doing a good job in its regular functions. If we could somehow unburden it from the administration of disaster relief programs, it would be able to do an even better job on these functions than it has been doing.

As legislation, I am proposing, I think we are dealing with an emergency situation. There is nothing to prevent us from going ahead, in due course, and having very comprehensive hearings on the proposal that the chairman of the committee submitted today, which I understand has the blessing of the administration, in an attempt to achieve some centralization and conduct a review of the entire disaster relief program itself.

Certainly the flood control and insurance program has been emphasized all too little and understood all too little. Perhaps it has not been doing the kind of job it ought to be doing.

I commend the Senator for his concern. I will only say I am aware of the problems he points out, that many Senators are aware of them that, and we should certainly attempt to work in the direction he suggests.

I thank the Senator for his comments.

### AMENDMENT NO. 135

Mr. STEVENSON. Mr. President, I ask unanimous consent that the pending amendment be set aside for a period of not to exceed 10 minutes, during which I will offer what I believe to be a noncontroversial amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I call up my amendment No. 135, which is at the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment (No. 135) as follows:

SEC. 4. The Disaster Relief Act of 1970 is amended by inserting in section 101(a)(1) between the words "high waters," and "wind-driven waves," the following: "erosion," and inserting in section 102(1) between the words "high waters," and "wind-driven waves," the following: "erosion,".

Mr. STEVENSON. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of this amendment: Senators PROXMIRE, PERCY, BAYH, HARTKE, JAVITS, SCHWEIKER, HUMPHREY, TAFT, WILLIAMS, GURNEY, and TUNNEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, this amendment has already been adopted unanimously in the Senate by voice vote. The effect of the amendment is to simply add to the list of natural disasters, in the Disaster Relief Act of 1970, erosion. The act now provides relief from damage caused by a variety of disasters—flooding, for example, but not erosion. The damage can be exactly the same. What difference does it make to the innocent victim if his home is toppled into Lake Michigan or the Pacific Ocean as a result of the undermining effects of erosion, or if it is washed away?

This amendment is intended to eliminate an inequity and an inconsistency in the present disaster relief program by simply including the victims of erosion as well as the other natural disasters which are listed in that act.

As I mentioned, it has been adopted unanimously by the Senate on a voice vote. It was dropped in conference on a question of germaneness, which would not be present if adopted again by the Senate this time as an amendment to the bill that is before us.

Mr. President, I ask unanimous consent that the Senator from Delaware (Mr. BIDEN) also be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I have discussed the amendment with the Senator from California (Mr. CRANSTON) and also with the Senator from Texas (Mr. TOWER). I hope that they might be prepared to accept the amendment.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. TAFT. Mr. President, I am a cosponsor of the amendment offered by the Senator from Illinois because it is essential and equitable that those people on the shores of the Great Lakes whose properties are endangered by soil erosion be able to receive Federal disaster assistance.

This amendment makes it clear that shoreline areas suffering from severe erosion where life or property is seriously endangered would qualify for such assistance. The Office of Emergency Preparedness believes that this type of disaster can be just as serious as disasters such as flooding and tornadoes which are already eligible for assistance.

As one who is very familiar with the situation in the Toledo area and along Lake Erie in northern Ohio, I agree with this assessment wholeheartedly. Individuals fighting to save shoreline facilities before they are washed way deserve the help of the Federal Government.

This amendment is crucial to the people of my State and others in the Midwest. I urge its adoption by the Senate.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. CRANSTON. I, too, am delighted to support the amendment offered by the Senator from Illinois.

Shoreline erosion is a problem throughout the United States. Many areas in the State of California are experiencing this problem, particularly along the coast from Santa Barbara to San Diego.

At the present time there is no assistance for homeowners or small businesses from the Federal Government under existing legislation. Congress cannot authorize the Corps of Engineers to go in to correct the erosion situation on private land. Legislation authorizing the Corps of Engineers only allows them to assist where public lands are involved.

At the present time, if there is excessive flooding that causes erosion, a natural disaster can be declared. However, if there is continuous erosion which is just as damaging, a disaster cannot be declared. I agree with the purpose of this amendment to eliminate that inconsistency in the present legislation. I am delighted to support the amendment.

Mr. TOWER. Mr. President, I shall not object to the amendment. I am prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the Stevenson amendment to the Taft amendment.

Mr. CRANSTON. Mr. President, I yield to the Senator from Nevada (Mr. BIBLE) from the time on the bill to such time as he may require.

Mr. BIBLE. Mr. President, my remarks are addressed primarily to, and in support of, section 2 of S. 1672, as reported by the Committee on Banking, Housing and Urban Affairs on April 30 [1] and now before the Senate for consideration.

This section would provide general authority for "economic disaster" loans to small businesses facing compliance with mandatory Federal environmental, consumer protection laws, such loans coming through the Small Business Administration. This legislation would grant general authority for SBA to make low-interest loans so that small businesses can comply with requirements imposed by any Federal environmental, consumer, health and sanitary law—or any State, regional and other laws enacted pursuant to such Federal authority in these fields.

Some background on this section of the bill might be helpful. By now, many members of this body have seen long-established businesses shut down under the impact of environmental and consumer legislation.[2] The Council on Environmental Quality informs us that about one-third of plant closings in the next few years will be for these reasons.

We have been trying, since 1968, to provide for Small Business Administration loans to enable small companies to come into compliance with these laws when private financing is unavailable, and thus to remain in business.

Section 2 was first introduced as S. 1750 in the 91st Congress. It was reintroduced as S. 1649 in the 92d Congress and passed the Senate as part of the Disaster Relief Act, following tropical storm Agnes. It was, however, deleted in the House-Senate Conference last year.

After extensive consultation with the House Members concerned and the Small Business Administration. I reintroduced this bill with several refinements and improvements as S. 804 of this 93d Congress.

Since 1969, this language has also been enacted as limited to five particular statutory areas. These are listed and explained in my testimony to the Senate Committee on Banking, Housing and Urban Affairs of March 12, 1973. I ask unanimous consent that this statement be included in the RECORD following my remarks for information purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The enactment of section 2 of this bill would consolidate these five existing subsections and would provide a uniform basis for extension of this principle to other needed areas where Federal environmental and consumer laws and regulations are requiring small businesses to make large-scale capital investments under short-term deadlines.

Three key provisions of the bill are as follows:

First. All loans are fully repayable with interest;

---

[1] S. Rept. 93–132.

[2] Dun & Bradstreet has reported that liabilities of companies going into bankruptcy more than doubled between 1968 and 1972, going over $2 billion for the first time in 1972.

Second. The interest rate is at the full cost of money to the Federal Government plus ¼ of 1 percent, a rate comparable to that available to large busineses by the use of Government-sponsored tax exempt bonds; and

Third. There is a ceiling on the maximum loan amount under this section equal to what is permitted under all other sections of subsection 7(b) of the Small Business Act.

We have worked closely with the House of Representatives to satisfy their questions with regard to this legislation. We were particularly pleased that Chairman Wright Patman, of the House Banking Committee, chose to introduce the companion bill (H.R. 4272) on February 8, 1973.

My March 12 testimony, which will follow this statement, includes a tabulation of the 126 loans which SBA has made in various categories under the previously enacted authority. I feel that the Small Business Administration is already well along in developing the necessary guidelines to undertake administration of the general authority of this loan provision.

Since 1969, language has also been enacted limited to five particular statutory areas.

There has been broad bipartisan cosponsorship of S. 804 by 36 Senators this year. We have worked long and hard to bring the legislation to this point. We feel it is a technically sound bill and much needed bill. We thus urge its passage so that we can help millions of American small businesses become full partners in progress rather than its victims.

### Exhibit 1

### Statement by Senator Alan Bible

Mr. Chairman, and members of the Subcommittee, I appreciate very much appearing before this Subcommittee in support of S. 804, the so-called "economic disaster" SBA loan bill. This is a special pleasure since the Chairman of this Subcommittee in this Congress is the distinguished Senator from California, the neighboring state to the west of my own.

May I submit for insertion at the close of my testimony an explanatory statement I gave before this Subcommittee on my bill, S. 1649, in the 92nd Congress, which also provides a history of the background of this legislation together with the goals it has intended to reach.

In further explanation, I include a copy of my floor statement at the time this legislation was introduced by myself on behalf of 36 other Senators as cosponsors on February 7, 1973.

Mr. Chairman, the major provisions of S. 804 were approved by this Committee and passed the Senate last year as part of H.R. 15692, but the "economic disaster loan" provisions contained in section 2 were deleted in conference at the insistence of the other body.

Since last Fall, we have consulted at length with the House members who questioned the absence of a statutory loan ceiling. We have also conferred with the Small Business Administration. Consequently, I can report that these problems have been worked out most satisfactorily and the distinguished Chairman of the House Banking and Currency Committee (Mr. Patman) has graciously offered to serve as the chief sponsor of this same bill and has introduced it as H.R. 4272 in the other body.

Perhaps I can assist the Subcommittee by outlining briefly the highlights of the bill and some of its technical features.

The principle of the bill is simple: a small business that cannot obtain capital to finance improvement in plant or equipment required by Federal environmental, consumer, health and safety statutes can come to the Small Business Administration for a compliance loan. We have called this an "economic disaster loan" bill, because without access to this capital source, many firms will be legislated out of business without compensation.

Since the proposal was first offered on April 1, 1969, the SBA economic disaster loan authorization has been enacted in the following statutes:

1. Coal Mine Safety Act of 1969—as to small coal mines.

2. Occupational safety and Health Act of 1970—as to small businesses facing compliance with this Act.

3. Egg Products Inspection Act of 1970—as to small meat, poultry, and egg processors subject to the Wholesome Meat, Poultry Products, and Egg Products Inspection Acts.

4. Water Pollution Control Act Amendments of 1972—as to firms required to comply with that Act.

5. Rural Development Act of 1972 as to firms and businesses in rural areas.

On this basis, I believe it is fair to say that there is widening acceptance of this principle by the committees and membership of Congress. Also, there are 36 cosponsors of S. 804 in the present session and the distinguished Chairman of the House Banking Committee, Rep. Wright Patman, introduced the companion measure in the other body. However, there remain gaps in coverage; for example, air pollution and low-lead gasoline. The distinguished Chairman of this Committee (Mr. Sparkman) at one time prepared a table listing many Federal statutes requiring compliances with mandatory standards under Federal deadlines. This is contained as an exhibit to my statement.

S. 804 would consolidate the existing program authorizing financial aid for particular purposes; and would provide a consistent framework for the application of this principle in other areas.

This bill would grant to the Small Business Administration discretionary authority to formulate regulations assuring a similar and fair application to all industry groups and individual businesses as well as protection against possible abuses. SBA has already accumulated experience administering the existing authority, as indicated by the following chart showing loans made under provisions already in the law:

CONSUMER PROTECTION PRODUCT LOANS, CUMULATIVE THROUGH JAN. 1, 1973

| | Number | Total | SBA share |
|---|---|---|---|
| Meat product loans | 162 | $24, 416, 886 | $23, 535, 521 |
| Egg product loans | 21 | 2, 743, 300 | 2, 707, 870 |
| Poultry product loans | 7 | 775, 500 | 740, 330 |
| Total | 190 | 27, 935, 686 | 26, 983, 721 |
| Occupational health and safety | 36 | 6, 505, 700 | 6, 309, 510 |

The Agency would be in a favorable position to proceed further given a Congressional mandate by such legislation as S. 804.

The following are somewhat technical features of the bill:

1. *Loans contemplated by the bill are fully repayable*—there would be no "forgiveness" amounts or grants. The financial assistance would be in the form of loans under section 7(b) of the Small Business Act with compensatory interest.

2. *The interest rate proposed is the cost of money plus ¾ of 1 percent*—The bill is designed to make capital available for compliance where it would be otherwise unavailable through commercial sources. It is not the intention of the bill to subsidize interest rates. In fact, the cost-of-money formula is about equivalent to the interest rate paid by larger corporations for their compliance expenses raised through pollution control bonds sponsored by local governmental authorities.

3. *The bill would consolidate several existing sections*—The bill would consolidate at least three subsections of section 7(b) of the Small Business Act and might possibly extend to other related provisions of the law, such as section 7(g) on water pollution.

4. *Laws and regulations of state and local governments are mentioned* in the bill, but the entitlement to SBA loan assistance is based upon the requirement that any such regional, state, or local rule must be based upon a specific governing Federal statute. This assures that Federal assistance is matched with the Federally-created problem.

5. *A ceiling on the maximum amount* of this provision has been added to this year's bill as a result of discussions with Rep. Wright Patman and his staff. The ceiling is equal to that applying to other sections of 7(b) of the Small Business Act (which is presently $500,000 for businesses).

6. *Identifying the specific compliance action* has been made an even more rigorous requirement in this year's bill by the addition of the language ". . . requirement imposed *on such concern* . . ."

Mr. Chairman, it has become well-known that the series of new laws upgrading environmental and consumer standards under Federal deadlines has caused unintended hardship for smaller and partially older businesses. This is especially true in times of stringent credit and money availability.

The Council on Environmental Quality recently published a report predicting that perhaps ⅓ of the companies closing down in the next few years would do so directly as a result of the inability to comply with environmental standards. The study said that these closings might be concentrated in some industries such as fruit and vegetable canning where a significant proportion of smaller firms might be forced out of business.

The Subcommittee can imagine that the air or water pollution control equipment required by any business might add substantially to cost without adding at all to sales or profits. As a result, many valued, long-established firms across this country will be forced to close their doors as casualties if Congress does not act.

In summary, the Government has created a problem in the environmental area which is most severe for the small businessman. S. 804 attempts to provide a remedy addressed to that problem. The bill would provide a framework for making small business a partner in the cause of a better environment rather than a victim of that cause. I hope this Subcommittee will bring its expertise to bear in further improving this bill, so that it might gain the support of both Houses of Congress and thereby help thousands of small business firms to remain alive and serve their customers, their neighborhoods and their communities.

Mr. STEVENSON. Mr. President, I ask unanimous consent that I may be permitted to modify my amendment No. 134 by striking lines 3 through 5.

The effect of this modification would be to delete the provision in the amendment referring to 3-percent loans to the victims of disasters. I make this request reluctantly, but in the hopes of improving the chances of its passage.

Mr. TOWER. Mr. President, reserving

the right to object, is my understanding correct that the modification requested by the Senator from Illinois was simply with respect to that one relating to a change in the interest rate from 3 to 5 percent?

Mr. STEVENSON. The understanding is correct. The modification would leave the 5-percent loan rate unaffected by my amendment.

Mr. TOWER. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 2, line 8, strike out "$2,500" and insert in lieu thereof "$4,000".

On page 3, after line 17, add the following new subsection:

"(c) Notwithstanding the provisions of any other law, in the case of a disaster occurring on or after April 20, 1973, the Secretary of Agriculture shall make disaster loans at the same rate of interest and with the same forgiveness provisions applicable to Small Business Administration disaster loans pursuant to this section."

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, with respect to amendment No. 134, which is to be voted on at 1 o'clock, is the question divisible between lines 1 and 2 and the remainder of the amendment?

Mr. TOWER. Mr. President, the Senator from Illinois just modified the amendment to strike out the interest rate provision.

Mr. JAVITS. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator from Texas yield me 1 minute?

Mr. TOWER. Mr. President, I yield 1 minute on the amendment to the Senator from New York.

Mr. JAVITS. Mr. President, is the question divisible as between lines 1 and 2 and the remainder of the amendment?

The PRESIDING OFFICER. The amendment is so divisible.

Mr. JAVITS. Mr. President, I demand that the amendment be so divided.

The PRESIDING OFFICER. The amendment will be so divided, and there will be yea-and-nay votes on each part.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Mr. President, is the current parliamentary situation that at 1 o'clock we will vote on the first part of the amendment of the Senator from Illinois and then immediately following we will vote on the second part?

The PRESIDING OFFICER. The Senator from Texas is correct.

Mr. JAVITS. Mr. President, the author of the amendment has just explained to me that he struck out what he did in deference to my views and the views of other Senators.

He would prefer to have the amendments voted on en bloc. Therefore, Mr. President, with the permission of the manager of the bill, I ask unanimous consent to vacate the demand which I have made and which the Chair has granted and ask unanimous consent that the amendment may be voted on en bloc.

Mr. President, I might state in deference to the views of the Senator from Illinois that if the first part goes down with the rest of the amendment, if it should be rejected, I would seek to insert that as a separate amendment, or perhaps the Senator from Illinois would.

I ask unanimous consent that the order pursuant to my unanimous-consent request that there be a division of the amendment be vacated and that the amendments be voted on en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time consumed to be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, how much time remains to me on my amendment?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. STEVENSON. Mr. President, this amendment has now been modified so as to make only two changes in the Taft amendment. The first change is to increase the maximum forgiveness to $4,000 from the $2,500 provided in the Taft amendment. I emphasize that this is not an outright forgiveness; it is a maximum forgiveness, scaled back for those whose income exceeds $10,000.

Under the amendment, interest rates on loans to disaster victims would be continued at the present 5-percent rate. It is not a generous program—not for those suffering the consequences of a natural disaster.

The amendment makes one further change in the Taft amendment. It provides that the assistance will be available on the same terms to those eligible for assistance from the Farmers Home Administration. Without that part in this amendment, the Senate would be saying, in effect, "Those eligible for Small Business Administration relief will be eligible for loan forgiveness or an outright relief grant, but you who reside in the countryside, you who live on the farms and are eligible for FHA assistance, you do not get the forgiveness or the outright grants for disaster relief."

Mr. President, that is an intolerable distinction. It is a discrimination against the farmer such as has never been accepted intentionally by this body before. It was rejected this morning when the Senate adopted the Eagleton amendment. It should be rejected again.

The PRESIDING OFFICER. All time of the Senator from Illinois has expired. The Senator from Texas has 3 minutes remaining on the amendment.

Mr. MONTOYA. Mr. President, New Mexico has had a difficult time with the weather over the past few months, and it appears as if we will continue to have problems in the coming months.

This past winter was a very severe one. In December and January and February and March, we experienced numerous snow storms, and there was deposited on the mountains a snow pack of normal to above-normal depth. Then came the end of March and early April. March must have come in like a lamb in New Mexico, Mr. President, because it went out like a lion. In a 2-week period, the northern part of my State was buffeted by a series of blizzards, one coming in as the earlier one went out. The situation with respect to snowfall in New Mexico had already been serious, and these blizzards made it disastrous.

Governor King carefully assessed the damage done to the State, and, on April 26, requested the President to declare 11 counties in northern New Mexico a major disaster area. Last week, the President did declare nine counties in the area a disaster area.

It has been estimated that the storm did at least $17,092,487 worth of damage. Public property damage in the 11 counties is estimated at $9,249,991. Private damage now visible and accountable is estimated at $7,842,946. Most of this loss is attributable to livestock losses.

Now with the coming of warmer weather, the annual spring thaw has begun and there is a danger of floods. Good advanced planning in the state and the absence of extremely warm temperatures so far has prevented major flooding, but the danger remains very great. The snowpacks are deep, and there is a tremendous amount of water in the mountains waiting to be released.

There is no apparent reason to me why people suffering from this or other disasters occurring after April 20 should be treated differently from those suffering from earlier disasters.

I realize that the President has proposed comprehensive, new disaster relief legislation, and I think some of his proposals are very good: Unifying what is now a divided responsibility for disaster relief, for example, is a step which needs to be taken. I imagine, however, that it will take some time for this legislation to be enacted. In the meantime, ranchers in New Mexico, soybean and cotton growers along the Mississippi, and many other victims of recent disasters are going to be faced with assuming a greater portion of their losses than those assumed by other disaster victims. The date of the disaster should not be a factor in determining the quality or quantity of assistance offered to the victim.

I think there are inequities in the present situation. I think these inequities would be exaggerated were we to leave this situation as it is now. Therefore, I want to lend my support to the amendment offered by Senator Stevenson. I think that until the Congress can carefully consider comprehensive new legislation, Senator Stevenson's proposal ought to be the law.

Who yields time?

Mr. TOWER. Mr. President, is it out of order to suggest the absence of a quorum?

The PRESIDING OFFICER. Except by unanimous consent.

Mr. TOWER. I ask unanimous consent that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hathaway). Without objection, it is so ordered.

The question is on agreeing to the Stevenson amendment, as modified, to the amendment of the Senator from Ohio (Mr. Taft).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Mondale), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Texas (Mr. Bentsen) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

On this vote, the Senator from Minnesota (Mr. Humphrey) is paired with the Senator from North Carolina (Mr. Helms).

If present and voting, the Senator from Minnesota would vote "yea" and the Senator from North Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is absent by leave of the Senate on official business.

The Senator from Colorado (Mr. Dominick), the Senator from North Carolina (Mr. Helms), and the Senator from Virginia (Mr. Scott) are absent on official business.

The Senator from Kansas (Mr. Dole), the Senator from Hawaii (Mr. Fong), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

Also, the Senator from New Hampshire (Mr. Cotton) and the Senator from Maryland (Mr. Mathias) are necessarily absent.

On this vote, the Senator from North Carolina (Mr. Helms) is paired with the Senator from Minnesota (Mr. Humphrey). If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Minnesota would vote "yea."

The result was announced—yeas 50, nays 31, as follows:

[No. 144 Leg.]

YEAS—50

Abourezk
Aiken
Allen
Bayh
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Church
Clark
Cook
Cranston
Domenici
Eagleton
Ervin
Fulbright
Gravel
Hart
Haskell
Hatfield
Hathaway
Huddleston
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
McGovern
Metcalf
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Randolph
Ribicoff
Schweiker
Scott, Pa.
Sparkman
Stevens
Stevenson
Symington
Weicker
Williams

NAYS—31

Baker
Bartlett
Beall
Bellmon
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Case
Chiles
Curtis
Eastland
Fannin
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
McClellan
McClure
Nunn
Packwood
Proxmire
Roth
Stafford
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—19

Bentsen
Cotton
Dole
Dominick
Fong
Hartke
Helms
Hughes
Humphrey
Kennedy
Mathias
McGee
McIntyre
Mondale
Percy
Saxbe
Scott, Va.
Stennis
Tunney

So Mr. Stevenson's amendment (No. 134), as modified, to the Taft amendment (No. 138) was agreed to.

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TAFT and Mr. CRANSTON moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. TAFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. TOWER. Mr. President, I should like to inquire as to the parliamentary situation, for the benefit of Senators who want to make their plans for the afternoon.

The current unanimous-consent agreement provides that the amendment of the Senator from Ohio will be voted on not later than 1:45. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. Would the Chair please advise the Senate as to how much time remains on the amendment of the Senator from Ohio?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. TOWER. Fourteen minutes to a side?

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. I thank the Chair.

Mr. TAFT. I yield myself 1 minute.

Mr. President, I have no additional requests for time. I simply want to reaffirm, before I yield back the remainder of the time, that with the changes that have been brought about in the Taft amendment by the Stevenson amendment, I would still support the amendment. While the changes that have been made may be a little high in cost—and we may have some difficulty in getting the bill through because of this—I think they are fair and equitable, as I said when I spoke earlier on the amendment. I have no further statement to make on the amendment.

I would be glad to yield time. If no one desires time, I will yield back the remainder of my time on the amendment.

Mr. TOWER. Mr. President, I have no desire to belabor the matter. I have already stated in detail my objections to the amendment of the Senator from Ohio.

I simply reiterate that I think that with the comprehensive disaster bill now before the Committee on Banking, Housing and Urban Affairs, it is inappropriate to legislate on disasters by amendment on the Senate floor, when it is a matter that is going to receive extensive attention from the committee and will have extensive hearings. Therefore, I think it is unwise for us to legislate on the matter at this time, and I will oppose the amendment of the Senator from Ohio.

I am prepared to yield back the remainder of the time in opposition to the amendment.

Mr. CRANSTON. I will yield back the balance of my time, after I speak for about 60 seconds.

Mr. TOWER. I yield time in opposition to the amendment to the Senator from California.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. RANDOLPH. I wish to ask a question of the able Senator from Texas.

I am not certain on which premise the Senator bases his opposition to the amendment of the Senator from Ohio.

Mr. TOWER. Among other considerations, primarily the fact that we have before us a recommendation from the administration of a comprehensive disaster relief bill, and there will be hearings on it. That, no doubt, will attract a great deal of attention on the part of the Senate. I simply feel that that is the more orderly way to legislate on the matter, rather than trying to legislate disaster relief by amendment on the floor.

Mr. RANDOLPH. This is a vital subject, and I very briefly comment. Over a period of 5 or 6 years in the Committee on Public Works we have given careful consideration to disaster relief. From our committee came the broad disaster relief program of 1970, the first in the country, which took care of the problems of Hurricane Agnes. Senator Bayh was helpful in guiding that measure to passage. We, in the committee, have a Disaster Relief Subcommittee, which is chaired by the able Senator from North Dakota (Mr. Burdick), and which is much involved in these matters. The ranking minority member of the subcommittee, Senator Domenici, has taken an active interest in these inquiries, and the other subcommittee members, Senator Clark, Senator Biden, and Senator Buckley, are concerned with improving the basic disaster relief law. Senator Burdick has recently conducted field hearings in Biloxi, Miss., Rapid City, S. Dak., and Wilkes-Barre, Pa. Early next month additional hearings will be held in Elmira and Corning, N.Y., and further hearings will be scheduled to consider the administration's proposals to amend the Disaster Relief Act of 1970.

I desire to have the feelings of the capable Senator from Texas (Mr. Tower) as the situation affects action in the committee of which he is a member.

Mr. TOWER. I am certain, on all aspects of the administrative proposal over which we have jurisdiction, we will pay very close attention. I know the position of the chairman, but I think we are of like mind, and there will be consideration.

Mr. RANDOLPH. I thank the Senator.

Mr. CRANSTON. I would like to say in support of the amendment that I totally agree with the Senator from Texas. We should consider long-range legislation that has been submitted by the administration. We will do that. However, this legislation is designed to deal with the present situation and certain unfairnesses in the present situation, and those people who formerly would have been entitled to $5,000 forgiveness.

The PRESIDING OFFICER. The Senator will please suspend. The Senate will be in order.

The Senator may proceed.

Mr. CRANSTON. One of the purposes of this legislation is to assist people who would have had substantial help until April 28, who are now entitled to little help, and this is to help them until we get a bill on a more permanent basis and legislation dealing with the proposal submitted by the administration.

In the meantime, this amendment, which raises it to $4,000 and keeps interest at 5 percent, is a very good amendment and insures equity between the owners of farms under the Farm Home Administration, and other people who suffered disasters who were dealt with through SBA.

Mr. RANDOLPH. Mr. President, will the diligent Senator yield?

Mr. CRANSTON. I yield.

Mr. RANDOLPH. I recall that when we had the $5,000 provision that at least one Senator from California—and I am not certain at the moment; I recall Senator Tunney having talked with me—there were instances that were widespread of misuse or abuse of the $5,000 forgiveness provision. Is that correct?

Mr. CRANSTON. The Senator is correct. There were abuses. I think that SBA learned from that experience and there is a little likelihood of abuse. I do not favor forgiveness as a principle, but in the interim period we should be providing it to people who suffered disasters recently, and not have the April 20 cutoff.

Mr. RANDOLPH. I agree that we must help those who have been displaced and who lost property from disasters such as hurricanes, floods, and earthquakes, because we should give citizens the feeling that Congress is conscious of their plight and a conscience that Congress must have and a sense of fairness, in this matter. Is that the Senator's feeling?

Mr. CRANSTON. It is, and I feel, as I know the Senator feels, that we should treat citizens on an equal basis and we should not have a gap so that people would not be treated as people were treated earlier.

Mr. RANDOLPH. We must surely do that, so that equity be provided.

Mr. CRANSTON. We must.

Mr. TOWER. Mr. President, I am prepared to yield back my time.

Mr. TAFT. I am prepared to yield back my time.

Mr. MAGNUSON. Mr. President, will the Senator yield to me for 2 minutes on another matter? I must leave the Chamber, and I would appreciate it if the Senator would yield.

Mr. TOWER. I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

## NOMINATIONS OF ROBERT H. MORRIS OF CALIFORNIA AND WILLIAM L. SPRINGER OF ILLINOIS TO BE MEMBERS OF THE FEDERAL POWER COMMISSION

Mr. MAGNUSON. Mr. President, on the Executive Calendar are two nominations for the Federal Power Commission: Robert H. Morris, of California; and William L. Springer, of Illinois, a former Representative who is well known to many of us here. I had thought that the nominations were to be brought up today at approximately 1:15 p.m.; but apparently the situation is such that they cannot be brought up today. The Committee on Commerce yesterday suggested that the name of Robert H. Morris be put over for confirmation until after the recess, and that the name of William L. Springer be taken up separately. The leadership today has decided to take them up on Monday.

I cannot be here on Monday, but I desire to announce publicly now, as chairman of the Committee on Commerce, and the one who held hearings, that I wish to be recorded in favor of Mr. Springer's nomination.

## LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. President. I ask unanimous consent that I may be excused from attendance on the sessions of the Senate on Monday and Tuesday of next week for family reasons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT OF SMALL BUSINESS ACT

The Senate continued with the consideration of the bill (S. 1672) to amend the Small Business Act.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Ohio, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from California (Mr. Tunney), are necessarily absent.

I further announce that the Senator from Texas (Mr. Bentsen), is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis), is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey), the Senator from Iowa (Mr. Hughes), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is absent by leave of the Senate on official business.

The Senator from Colorado (Mr. Dominick), the Senator from North Carolina (Mr. Helms) and the Senator from Virginia (Mr. Scott) are absent on official business.

The Senator from Kansas (Mr. Dole), the Senator from Hawaii (Mr. Fong) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

Also, the Senator from Kentucky (Mr. Cook) the Senator from New Hampshire (Mr. Cotton), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

On this vote, the Senator from Kentucky (Mr. Cook) is paired with the Senator from North Carolina (Mr. Helms). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from North Carolina would vote "nay".

The result was announced—yeas 59, nays 22, as follows:

[No. 145 Leg.]

YEAS—59

Abourezk
Aiken
Allen
Baker
Bayh
Beall
Bible
Biden
Brock
Brooke
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Domenici
Eagleton
Eastland
Ervin
Fulbright
Gravel
Hart
Haskell
Hatfield
Hathaway
Huddleston
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McGovern
Metcalf

Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Weicker
Williams

NAYS—22

Bartlett
Bellmon
Bennett
Buckley
Byrd,
Harry F., Jr.
Case
Curtis
Fannin
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
McClure
Nunn
Proxmire
Roth
Talmadge
Thurmond
Tower
Young

NOT VOTING—19

Bentsen
Cook
Cotton
Dole
Dominick
Fong
Hartke
Helms
Hughes
Humphrey
Mathias
McGee
McIntyre
Mondale
Percy
Saxbe
Scott, Va.
Stennis
Tunney

So Mr. TAFT's amendment, as modified, was agreed to.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I wish, at the outset, to commend the senior Senator from California on his leadership in bringing this legislation to the floor.

As a Senator from a State in which small businesses play a vital role in our economical life, I consider the programs of the Small Business Administration among the most important and productive of all Federal Government programs.

In a national economy in which huge corporations predominate, the SBA is one place in the Federal Government to which the small businesses can look for assistance in meeting the unique problems that confront them.

The legislation now before us, extending the SBA funding authority, is essential legislation, and I express my admiration for the continued role played by the senior Senator from California (Mr. CRANSTON) in trying to make certain that the small businesses of our country are given equitable treatment.

Mr. President, I send to the desk an amendment on behalf of myself, the senior Senator from Rhode Island (Mr. PASTORE), the senior Senator from Massachusetts (Mr. KENNEDY), the junior Senator from Massachusetts (Mr. BROOKE), the senior Senator from California (Mr. CRANSTON), and the junior Senator from California (Mr. TUNNEY).

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to state the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike out lines 6 through 10.

On page 3, line 11, strike out "(e)" and insert in lieu thereof "(c)".

On page 3, after line 22, add a new section as follows:

LOANS FOR ADJUSTMENT ASSISTANCE IN BASE CLOSINGS

SEC. 4. The first sentence of section 7(b) of the Small Business Act is amended by adding after paragraph (6) the following new paragraph:

"(7) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a new business, or in establishing a new business if the Administration determines that such concern has suffered or will suffer substantial economic injury as the result of the closing by the Federal Government of a major military installation under the jurisdiction of the Department of Defense, or as a result of a severe reduction in the scope and size of operations at a major military installation."

Mr. PELL. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes on the pending amendment, the time to be equally divided between the Senator from Rhode Island (Mr. PELL) and the Senator from Texas (Mr. TOWER).

Mr. PASTORE. Mr. President, would the majority leader mind making that request 7 minutes, since I would like to have 2 minutes?

Mr. MANSFIELD. I ask unanimous consent that there be a time limitation of 7 minutes on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, my State of Rhode Island, as well as the State of Massachusetts, and other States are threatened by manmade disasters ordered by the Defense Department—the recent decisions to close major defense bases, including the Navy Department decision to withdraw all of the Atlantic fleet of ships from Narragansett Bay and to close down the Naval Air Rework Facility at Quonset. Rhode Island with 1/200th of the Nation's population has taken one-sixth of the civilian manpower cuts that the Defense Department has made ordered. Our State has lost half of the military jobs affected nationwide by the base closings.

We expected cuts on a proportional basis, and were prepared to accept them.

When I see a situation of the sort that has happened in our State, involving a clear violation of campaign promises about these bases, I personally think that this is a minor Watergate. The existence of many small businesses is now threatened by the DOD decision.

I believe that when small businesses suffer a disaster such as this they should be given the same relief as those who suffer from a natural disaster.

The amendment I have offered is a straightforward amendment, and one which would provide desperately needed assistance to small businesses in areas affected by the closing of major defense installations.

The amendment provides that small businesses severely affected by the closing of major Defense Department bases or installations, or by severe reductions in the scope of operations of military bases, will be eligible for loan assistance on the same terms as other small businesses which face economic problems because of Federal Government actions.

I offer the amendment, Mr. President, because of the unprecedented economic disaster that will confront hundreds of small businessmen in my State if the base closing plans recently announced by the Defense Department are carried out.

In case some of my colleagues might think I am exaggerating, I want to emphasize that the situation confronting the workers and businessmen of my State is not a routine reduction in force at defense installations. What has been proposed and announced by the Defense Department is an unprecedented close-down of the largest single source of jobs and payroll in our small State.

It involves the elimination of more than 20,000 military and civilian jobs, in a State with a current unemployment rate of more than 6 percent, and with a total working population of 300,000.

To serve the needs of the military and civilian populations of the major Naval bases in Rhode Island, small businesses through the years have made major investments, with the encouragement, and at times with the urging of the Defense Department, which has constantly emphasized the need for the host communities to provide housing, and all the myriad services—service stations, cleaners, motels, apartments, groceries, diaper services—providing both necessities and conveniences for the base populations.

And then precipitously, it is announced that almost the entire base complex in Rhode Island will be closed—not phased out—but shut down abruptly, and arbitrarily.

I agree that businessmen take risks when they invest. I am not proposing that the Federal Government absorb the losses of these businessmen, as the Federal Government has absorbed the losses of major defense contractors who run into financial trouble.

I do believe, however, that the Federal Government has a responsibility to these small businessmen—a responsibility to help them, with loans, to adjust to the new economic situation confronting them as a direct result of precipitate and unpredictable action by the Federal Government.

The Federal Government, the Congress, has clearly recognized and assumed this kind of responsibility in the past. The Congress has in the past authorized disaster loans to small businesses adversely affected by Federal highway construction, by federally financed urban renewal projects, and to small businesses adversely affected by new regulatory policies of the Federal Government.

In the case of base closings, we have a similar situation: a policy decision of the executive branch of the Federal Government will create a first-class economic disaster area.

The Department of Defense, in announcing the plans for base closings throughout the country, estimates the savings will amount to $3.6 billion over the next 10 years. The Defense Department, however, did not bother to calculate the off-setting loss to the small businessmen in Newport, Middletown, Portsmouth, North Kingstown, and East Greenwich, R.I., or to the businessmen of Long Beach, Calif., or Boston, and Chicopee, Mass.

If we are to have a responsible government, it must be a government that faces up honestly and squarely to the consequences of its actions and policies.

As this bill now stands, the Federal Government stands ready to provide loans to small businessmen who suffer severe economic losses because of a natural disaster—an act of God for which the Federal Government was in no way responsible. Are we to deny similar assistance to small businessmen who are faced with an economic disaster that results directly from a conscious, planned, deliberate decision of the Federal Government?

Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from California is recognized for 2 minutes. The senior Senator from Rhode Island has 2 minutes.

Mr. TOWER. Mr. President, I have 3½ minutes. I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. On the bill?

Mr. TOWER. On the amendment.

Mr. CRANSTON. Mr. President, I support the amendment. I think it is very fair to give people in the small business world who have been the victims of a disaster by virtue of the closing of bases in Rhode Island, Massachusetts, California, and elsewhere, assistance so that they might get on their feet and start some other businesses if these bases are closed.

I, therefore, support the amendment.

Mr. PASTORE. Mr. President, naturally I rise in support of the amendment. I would say, in complementing what has been said by my junior colleague, that we would not be advancing the amendment if equity and justice had been meted out to us in Rhode Island. As a matter of fact, as has been pointed out by my colleague, that Rhode Island has less than 1 percent of the population of the country, and we are sustaining 50 percent of the cuts made nationally. In one small State, we will lose in payroll alone one-fourth of a billion dollars a year. That is a staggering blow to Rhode Island. This came right out of the blue.

We have been trying to find out for a long time exactly what the Defense Department and the Navy had in mind about these installations. They would not tell us. Finally, when we talked to the Secretary of Defense, I asked, "Will you give us an opportunity to do something about this?"

He said, "No, when we make an announcement, it will be final."

I do not see how anyone can think that is fair to the working people of my State, people who have been loyal civilian workers of the Federal Government.

Mr. President, we did this once before when the Senator from Montana (Mr. Mansfield) introduced an amendment to the effect that where there was a dislocation because of international agreements on disarmament, these people would be given special consideration.

We are now saying that where 5,000 workers are involuntarily laid off in my State, some consideration ought to be given to the small businesses that will be affected.

I brought this matter up when Mr. Kleppe came before our Appropriations Committee only a week or so ago. And he told me at that time that he has this matter very much in mind and will do everything within his power until this law is passed and do whatever he can to assist the small businesses in that locality.

I would hope that the justice we did not receive from downtown will be rendered to us this afternoon when this amendment is overwhelmingly supported and passed.

I thank my colleague for offering the amendment.

Mr. President, I ask unanimous consent to have printed in the Record the statement by Mr. Thomas S. Kleppe, Administrator of the Small Business Administration, before the Subcommittee on State Justice and Commerce appropriations.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Statement of Thomas S. Kleppe, Administrator; Accompanied by H. Gregory Austin, General Counsel, and Herbert T. Mills, Director, Office of Budget and Finance

Senator Pastore. The next item we will consider is the 1974 budget request for the Small Business Administration.

A total of $248,273,000 is requested in direct appropriations for three accounts, namely:

$22,300,000 for salaries and expenses, a decrease of $260,000 below the 1973 appropriation.

$973,000 for payment of participation sales insufficiences, which is an increase of $3,000 over 1973, and

$225,000,000 for business loan and investment fund, a decrease of $170,000,000 below the 1973 appropriation, made to date.

Also requested is the transfer from the SBA revolving fund to the salaries and expenses account of $69,700,000.

Summary justifications filed in support of the budget requests will be placed in the record.

All right, Mr. Kleppe, you may proceed with your statement on the 1974 fund requirements for the SBA.

Mr. Kleppe. May I introduce the two gentlemen with me, our General Counsel, Mr. Gregory Austin, and our Director of the Budget, Mr. Herbert Mills.

Let me make some comments mainly to generate some questions you have.

Mr. Chairman, it is a pleasure to appear before you again, this time to discuss the Small Business Administration's budget request for fiscal year 1974. With your permission, I would like to briefly summarize our request.

The budget request for fiscal year 1974 includes (1) $92 million for salaries and expenses of the Small Business Administration; (2) a capital appropriation of $225 million for the Business Loan and Investment Fund; and (3) an appropriation of $973,000 for the payment of participation sales insufficiencies.

Mr. Chairman, if you please, I would like to briefly highlight our plans for fiscal year 1974 and some of our activities in past years prior to getting into the specific appropriation request.

The Small Business Administration budget request for fiscal year 1974 reflects the continued emphasis on the basic objectives of the Agency to provide opportunities for the new small business to enter the economy, the creation of new jobs, maintenance and increasing viability of those existing small businesses and to obtain these objectives through maximum use of the resources available to the Agency with the minimum of Federal outlays.

Senator Pastore. Maybe you are familiar with this and maybe you are not. But I think you are.

We in Rhode Island have just suffered a severe blow in closing down of 80 per cent of our Naval facilities in our State which means that we stand to lose 5,000 civilian jobs; we stand to lose Navy personnel together with their families, we have had quite a program in housing in order to house these Navy families which may be leaving unless we can do something to reverse this very staggering blow and there is some talk that if this cannot be done that then we want to industrialize that area if we possibly can. This is very desirable property.

We have a fine port there. We have a fine airport. We have all of the facilities that go not only to attract large business, but also small business.

I am wondering in a situation of that kind is any special consideration given by the small business administration to matters of this kind?

Mr. Kleppe. Yes, Mr. Chairman. I want to qualify my answer to the effect that we don't have the special program that adapts itself only to that kind of an activity.

Senator Pastore. That is true. But you have Charlie Fogarty up there in Rhode Island. I don't know whether or not he has a certain amount allocated to him that he can deal with. If he has a certain amount allocated, then that is it. In view of the fact that a thing of this kind comes along, it depends on whether or not you decide to allocate more to him.

Mr. Kleppe. You are talking about direct funds I think when you make that statement.

Senator Pastore. Yes.

Mr. Kleppe. That would be true because we do have a serious limitation on direct funds. But insofar as guarantee authority and guarantee funds working with the banks——

Senator Pastore. There is a limit within what you are asking?

Mr. Kleppe. Yes. But it is very high. We will enroll as high and strong as we can, as much as the traffic will bear out in the community.

Senator Pastore. But in the event that the situation becomes such that it might slow down the applications unless they got more help or something of that kind, you can shoot somebody up from your organization here in Washington to make some transfers to help them out in case of emergency?

Mr. Kleppe. Certainly. We would be glad to do that. We have done this, for example, when that situation struck Seattle—so we can inject additional support and power in there. We do because this is part of our objective of increasing and helping the economic structure of a community that suffers from that.

Senator Mansfield, for example, introduced an amendment that would provide some additional support from SBA in the event of base closings, unemployment situation. So we do have latitude where we would address additional powers, but the greatest share of that power comes from the Guaranty Loan program which has a limit, but virtually no limit. We have a great deal of expansion.

The lending levels for business type loans (nondisaster) will be the greatest in the history of the Agency. For 1974, SBA plans to approve $2.6 billion in loans to small businessmen.

This compares to actual approvals of $1.4 billion in fiscal year 1972, and an estimated $1.9 million in 1973, or an increase of 33 per cent over 1973. This dramatic increase is directly related to the SBA's intense efforts in motivating the participation of the private sector in SBA's lending programs.

SBA has conducted a successful sales campaign on banks and other lending institutions, and they have responded favorably. Two-thirds of the nation's banks are now participating in SBA's programs. In fiscal year 1974, 90.8 per cent of the value of SBA's business loans will be provided under the guarantee program. This compares to 83.5 per cent in fiscal year 1972 and 83.3 per cent in fiscal year 1973.

Senator Pastore. Before you go any further, maybe I am anticipating a little bit—if I am, we can wait until you explain it—what is our record of success?

Mr. Kleppe. May I answer that by telling you what our cumulative losses are?

Senator Pastore. You are going to speak in percentages or dollar?

Mr. Kleppe. Percentages. Mr. Chairman, our cumulative loss ratio, percentage, in business loans is just under six per cent.

Senator Pastore. How much would you say that we had guaranteed over the years—when you say six per cent, this is overall since the time of existence?

Mr. Kleppe. That is correct.

Senator Pastore. It is cumulative.

Mr. Kleppe. Cumulative, and projected, actual and projected.

Senator Pastore. How much have we guaranteed in dollars that this six per cent reflects upon?

Mr. Mills. We can give it to you in the business loan program, the biggest one of all. We have guaranteed over $3.8 billion.

Mr. Kleppe. Cumulatively?

Mr. Mills. I am sorry.

Mr. Kleppe. Mr. Chairman, I don't believe we have with us—yes, it is, too. That is correct.

Senator Pastore. You stick with that figure, $3.8 billion?

Mr. Mills. Through December 1972.

Senator Pastore. From the beginning. What was the time of the beginning?

Mr. Mills. This started in 1954.

Senator Pastore. From 1954 to 1972 we have a guarantee of $3.8 billion in business loans?

Mr. Kleppe. That is SBA share, our share. The total gross amount of those loans is different.

Senator Pastore. When you sustain a loss of six per cent, that is all SBA loss?

Mr. Kleppe. Yes.

Senator Pastore. But the fact still remains that this six per cent loss that you sustained did enable us to guarantee together with cooperation of the banks not only 3.8 of our own money, but how much of their money?

Mr. Kleppe. About $750 million.

Senator Pastore. Would you leave it at that or some other elements come into this?

Mr. Kleppe. I think we can fairly add in what our participation figures are, also.

Senator Pastore. What is that?

Mr. Kleppe. SBA share, $1.8 billion.

Senator Pastore. What does that mean?

Mr. Kleppe. This is probably where we put up 75 per cent of the money and the bank puts up five, or 50–50.

Senator Pastore. The other is 90–10?

Mr. Kleppe. That is correct.

Senator Pastore. When we talk about a six per cent cumulative loss, we are talking about the whole ball of wax. So you have to add the 1.8?

Mr. Kleppe. Yes. So it is $5.6 billion, 5,650,000,000 is the total and the gross, including what the banks cover and everything would be $6.9 billion, almost $7 billion.

Mr. Chairman, I would like to add one thing into this question you have asked. One specific loan program we had, which is the economic opportunity loan program, which is part and parcel of the OEO program, our losses there cumulatively and projected are running at about 33 per cent.

Senator Pastore. They are large there, aren't they?

Mr. Kleppe. Yes.

Senator Pastore. That is the program that is being phased out, isn't it?

Mr. Kleppe. No. That part is not being phased out as far as we are concerned. But I would add one other qualifying factor here.

Senator Pastore. I would like, Mr. Kleppe, for you to elaborate in the record a little bit about that. There are a lot of people who are quite disturbed over the fact that while our heart is in the right place the direction has not been as salutary as we would want it to be.

In other words, they feel that in many, many instances some of these people were set up in business, they did not have the proper background in order to make it a successful venture and then they ended up within a short time just closing the place down or just saying, "Look, I can't do it."

I would like to get your reaction on that. I think that if we are going to help people there may be other more successful ways of doing it.

Mr. Kleppe. I would like to elaborate on that a little bit because you hit a very sensitive area. Number one, we aren't authorized to grant 100 per cent guarantee in that loan program. Twenty-eight months ago when I came to SBA we were offering 100 per cent guarantee.

What did we find? We found some banks making these EOL loans to fulfill a social commitment in their area and 60 days, 90 days later when they found out that man wasn't in business at all, never intended to be in business, but went out and bought a car, a boat or paid some bills, called upon SBA for his guarantee.

We were obviously with a loss. We immediately discontinued 100 per cent guarantee even though it is authorized by law to go that high. We say if a bank is going to go in and make a loan to a legitimate business we want him to have part of the action because then we will have better credit judgment, we will have better follow-through and more expertise. That is Number one.

Number two is the other thing you asked about, and that is the management know-how of these people is at a relatively low level. We know from Dun & Bradstreet's Survey that 67 per cent of businesses that go broke not because of the shortage of money, but because of the lack of management know-how.

So we have tried to find every capability within the framework of our total social structure, not just SBA, to find ways to increase and improve the management and technical assistance available to not only minority business, but all small business. It is a difficult area. It is a most difficult area.

But suffice it to say that we today are learning a lot better how to make loans so that those people have a better chance of success than they had before, vis-a-vis the fact that we hold management seminars, we now know if we can get a small businessman to come to the seminars and learn the basics of management that his chance of success is about 50 per cent greater than the man that doesn't come.

So that ought to tell us something.

The other thing is that we have got a higher loan limit in that EOL loan category so we don't get criticized and caught short on the short funding part.

It used to be $25,000. Congress raised it to $50,000 last year. So it gives us a little more latitude insofar as the funding side of the thing is concerned.

All in all, we are hopeful over this program, but there is one saving phase to me, and I give it to you as not a justifying consolation, but as a fact, that in the OEO program, Mr. Chairman, of which this loan program is authorized, I believe I can say to you honestly that it is the best section in the OEO Bill because it is a business-oriented section and we do get $2 out of $3 back that we lend out, even with the high rate of loss.

In accordance with all other SBA programs, it is by far the biggest loss ratio.

Senator Pastore. What is justification for your saying that?

Mr. Kleppe. It is not a justification. It is only a comment about the OEO section. This is a loan, business oriented section that we have in the EOL program.

Senator Pastore. Is this the 100 per cent you are talking about?

Mr. Kleppe. Yes. It is 100 per cent guarantee allowable. We do not permit it.

Senator Pastore. What do you permit?

Mr. Kleppe. Ninety per cent. We make a bank take 10 per cent of the action.

Senator Pastore. Heretofore you say when you came into the organization at that time it was 100 per cent.

Mr. Kleppe. Yes.

Senator Pastore. What are the mechanics? I am a member of a minority group, for instance, I am out of a job, but I think I would like to run a gasoline station. Who do I go to? Do I go to the SBA or to the bank?

Mr. Kleppe. Either one. Most generally you should go to the bank.

Senator Pastore. Let's assume I go to the bank. First of all the bank doesn't know me. I walk in in overalls. I have patches in my pants. God knows who can you see in the bank. But you do see somebody, I suppose, ultimately. They discuss this matter. What does the bank do? What kind of investigations do they make?

Mr. Kleppe. The bank right now is probably thinking the only way I can talk to this man is if we can get 100 percent guarantee for him.

Senator Pastore. Does the bank call you up?

Mr. Kleppe. Probably. Yes.

Senator Pastore. The bank gets in touch with you?

Mr. Kleppe. Yes. The man, too, because we want to see him.

Senator Pastore. You are in on it as much as the bank?

Mr. Kleppe. Sure. But we weren't back in those days.

Senator Pastore. Why weren't you? What was the system?

Mr. Kleppe. I don't know. The bank would just make the loan and offer 100 per cent guarantee on him because it was a blanket guarantee that came from SBA.

Senator Pastore. How could they give 100 per cent guarantee without conferring with the SBA.

Mr. Kleppe. I don't know.

Senator Pastore. You don't know?

Mr. Kleppe. I can't answer that before I came. I can tell you now. They get in touch with SBA, we talk to the man.

Senator Pastore. That is what you are doing now?

Mr. Kleppe. You bet. We have to approve it, too.

Senator Pastore. In order to emphasize and dramatize the change you have made, could you get for the record for me how that would happen that a bank would assume the granting of a loan which would have to be guaranteed by the SBA at 100 per cent and yet the SBA never had any part in whether or not the loan should be made in the first place.

Mr. Kleppe. Yes. We will supply that.

Senator Pastore. Will you?

Mr. Kleppe. Yes. However, I don't want to exonerate SBA——

Senator Pastore. I don't mean this as a criticism.

I would like for the record to show the drama of whatever renovations or innovations that you have made in order to improve the situation because I tell you, there is a lot of spirit in the Congress to help these people get themselves into business. The unfortunate thing is you state there is a 33 per cent loss.

Mr. KLEPPE. In that one loan program. Mind you, Mr. Chairman, we make a lot of minority loans and they are part and parcel of that figure.

Senator PASTORE. Those are people already in business.

Mr. KLEPPE. Not all, no. There are some new ones there, too, but that is a business loan program that has a higher limit. We have many minority loans in that 7(a) category which represents that six per cent.

Senator PASTORE. Make the distinction between what you just got through talking about and this business loan.

Mr. KLEPPE. I make the distinction this way: the credit standards under the 7(a) business loan category are much tougher than they are in the EOL category because of what we believe the true intent of Congress was when that section——

Senator PASTORE. What is the measure. Of whether you come under one or the other? When the applicant comes in, I am a member of the minority group——

Mr. KLEPPE. The size of the loan would be something as a limit under EOL, $50,000, under 7(a) it is $350,000. The credit standards that are applicable here insofar as this man getting a start or expanding a business and his credit standards are lower where we couldn't qualify him under 7(a) at all, we would look at him under EOL.

Senator PASTORE. Is the formula the same, 90–10?

Mr. KLEPPE. Yes.

Senator PASTORE. Only the ceiling is higher?

Mr. KLEPPE. Only the ceiling is higher. That is correct.

Senator PASTORE. But there is a distinction between the two insofar as to what the applicant is entitled to?

Mr. KLEPPE. Yes. There is another distinction. The interest rate.

Senator PASTORE. Isn't it a fact that under the OEO those are cases where a certain individual has never been in business before?

Mr. KLEPPE. Not only that, that is part of it, but he also might be in business and want to expand, need some additional funding.

Senator PASTORE. Isn't that the same criteria when you go in for a business loan?

Mr. KLEPPE. It can be. But the standards of his credit stability at that point, and what you look at to make a loan are probably different.

Senator PASTORE. Why are they different? That is what I am getting at, insofar as it pertains to the applicant, is it because he has been in business before or he is not that poor? How do you decide what category he is going to go under?

Mr. KLEPPE. That is just what I have been answering. One is what are his needs from the standpoint of the amount of the loan. If he needs $100,000 obviously we can't look at him from EOL.

Number two, if his credit standards, in his P & L, net worth, his operating statement is such that it is lower than the standards we require over here in 7(a), we will look at him.

Senator PASTORE. In other words, he has got to be poorer?

Mr. KLEPPE. Yes. This is why our loss ratio is so much greater.

Senator PASTORE. In other words, he has to be a pretty poor fellow to come under this 100 per cent thing we used to have before.

Mr. KLEPPE. He has to be poorer than he is under 7(a).

Mr. Chairman, one other thing I should say on a differential in these loan programs. If we have got money for direct lending in these categories, the statutory interest rates under 7(a) is five and a half per cent, the statute rate under EOL is six and a quarter per cent. That is another difference.

Senator PASTORE. Because the risk is greater.

Can you state that in figures? We have lost 33 per cent, right? You say it is a good thing, we get $2 out of every $3 we put up. The fact is how much have we lost in dollars?

Mr. KLEPPE. Actual losses, estimated losses combined, $109,900,000.

Senator PASTORE. Say it again.

Mr. KLEEPE. $109.9 million cumulative. That is actual and estimated. Breaking that down, Mr. Chairman, our actual losses have been $36,700,000; but we estimate we will lose $73.2 million in liquidation. So that figure I gave you is 33 per cent of the cumulative total.

Senator PASTORE. You call this a good program?

Mr. KLEPPE. I did not say that, Mr. Chairman.

Senator PASTORE. You said of everything under OEO, this is about the best thing they have got.

Mr. KLEPPE. Under OEO. That is important.

Senator PASTORE. You don't speak well of OEO.

Mr. KLEPPE. Mr. Chairman, OEO has all of the grant programs and this is not a grant program. At least we get $2 out of every $3. I would think that was pretty terrible if this was our 7(a) business loan program. But this is the reason I qualified it to you.

Let's look at it another way, and I know you feel this way. I believe that unless we, through this vehicle, give those people a chance to succeed or a chance to fail, they will never have a chance to succeed. They have got no other place to go if they are going to be in business.

Senator PASTORE. But that isn't the question. That is very philosophical. If you don't give them a chance to fail, you never know whether or not they are going to succeed. That sounds beautiful. That sounds beautiful. But the fact still remains here we are confronted with a problem, we are using taxpayers' money, and we want to help the poor.

The question here is in the doing of this, do we adopt the proper procedures and the proper programs? I realize that today you find that among the poor there is a lot of unskilled help that has to be trained for better things. But the point that I am making is that I wonder sometimes if we do the right thing. Maybe we are doing the right thing.

I am not a protagonist of OEO. Don't get me wrong. As a matter of fact, I think it is regrettable that they are disbanding it. I am going to vote to continue it. That is the way I feel about it.

But I am wondering sometimes if we are not throwing out the baby with the wash water. Because we have had some failures it doesn't necessarily mean helping the poor should be abandoned.

The trouble here is what is the best way to help and what is the most successful way to help? Do we help them well by wasting $109 million as you have said already? Couldn't that $109 million have been spent a lot better if we took these people and trained them to be a carpenter, trained them to be a bricklayer so they could have gone out and got a job, not take somebody who has maybe never had any experience before and say, "I would like to go into clothes cleaning business." He opens it up today and nothing happens. You find out that in three or four months after that you go there looking for him and the place is closed. He has failed.

I wonder if that is the answer. Unless you people downtown who have had the intimate experience with these people come to this Congress and say, "This is the way to help the poor, this is not the way to help the poor," that is the only way we are ever going to resolve this question.

I must say this. I received a beautiful letter from a high school teacher in Ohio. Why they write to me, I don't know. But he has had a seminar of his 9th grade class on this question of reforming the welfare.

This is well done. They have submitted to me a well documented memoranda of what they feel is wrong with the social welfare program and what should be done. I am having it all analyzed because I only got it yesterday. I have got it home.

I tell you that they have some very good suggestions that they are making. First of all, they talk about the make work aspect of welfare, to make people to at least do something that will dignify what they get so that they won't consider themselves paupers, that they are on the dole system, that there ought to be a better program of training these people for useful jobs because somehow many of these people will, they are destined to be born in an environment there if somebody doesn't come in and take them by the hand they are going to end up on relief, too.

There are many ways of doing this. That is the point I am making with you.

Mr. KLEPPE. That is why I recite this. I think it is much better because of this pride factor. They have a chance to go into business. It is not a welfare deal. Sure, we lose 33 per cent. That is better than giving them money, kissing it off, ruining their pride and not giving them a chance to run a business.

Senator PASTORE. The only trouble with this is we can't give it to that many people. This is only a handful of people in comparison to those that really can be helped. In other words, would you help 10 people by putting them in business, or would you help 100 people by training them for a job that might be useful with the same amount of money? That is the question I raise.

Mr. KLEPPE. Of course, this is not a welfare program. It wasn't designed as such.

Senator PASTORE. It turned out to be that, didn't it?

Mr. KLEPPE. You may interpret it that way. I wouldn't dispute that because of our 33 per cent loss. But I thought it was important, Mr. Chairman, that you had the difference between our experience in that loan program versus our other.

Senator PASTORE. This thing is going to come up. As I said before, I don't want anyone to misinterpret my questioning here today. I have to develop these things so that when questions are asked on the floor, I have to be the devil's advocate sometimes.

I am not opposing this program as such. I am trying to extricate from you for the purposes of the record some of the arguments that can be used because I would like to hear the other side of this.

I would like to hear some of these social-minded people come in here and give us an explanation of how good this has been if it has done any good at all.

The same thing happened, of course, with Section 235 and 236 under the HUD Act on building of homes. You have five per cent, and somebody comes in and gets a guarantee from the government and it is supposed to be housing for the poor. There has been a lot of criticism of that program because there have been some failures.

There has been some gouging. But I am not ready to throw out that program because I think the good that has come out of it by far outweighs whatever abuses there have been. The only trouble is that the management has been so bad and the supervision has been so bad that we could have caught a lot of these things.

For instance, on your loan program, I know of some instances that have come to our attention where some of these people haven't been followed up for years.

Mr. KLEPPE. Yes. I am sure that is right.

Senator PASTORE. Why did that happen? If you give a fellow the money to open up gasoline station, why shouldn't someone from SBA go up there the next week and find out how the fellow is doing?

Mr. Kleppe. You should if we have the people.

Senator Pastore. You don't do that. The trouble with us is we don't have the follow-up. We give people money in many, many categories and then we don't follow it up to see where the money has gone.

Mr. Kleppe. I didn't want to kid anybody. That is still true because we don't have the people to do that kind of job.

Senator Pastore. I know. But that is where the waste is.

Mr. Kleppe. That is one of the problems, very definitely. This is one thing about working together with the banks. It is a help. We do get some help in the follow-up you are talking about.

Senator Pastore. I would hope you would insist upon that, because they have got better faculties than you have. You only have a few people, as I know, in your SEA Office in Providence. But all of our banks are doing very well in Rhode Island. They are building brand-new buildings, they have beautiful Board of Directors, I think they can hire a lot of people to go around and make sure that the money they lend out is really doing these people some good.

Mr. Kleppe. We push it as hard as we can. We can't make them do it. Therefore, we do run into these difficulties. But it is the kind of a thing——

Senator Pastore. I am not saying you have to hit them over the head to do it. I think you can have a tremendous amount of influence.

Mr. Kleppe. Mr. Chairman, I told you about having two-thirds of the banks working with us today, two years ago we only had 8 per cent of the banks that would even work with SBA on the loan.

We believe that is the reason very clearly why we have the fantastic increase in the balance available and it is still going up.

In addition to its lending programs, SBA will provide increased assistance in other program areas. For instance, the surety bond program under which SBA guarantees bid performance bonds needed by small businessmen in order to obtain contracts will increase to $504.0 million in fiscal year 1974, as compared to $163.1 million in fiscal year 1972 and $385.0 million in fiscal year 1973.

The lease guarantee program which permits small businessmen to obtain leases in class A locations will reach $250.0 million (aggregate rent) in fiscal year 1974 as compared to $149.3 million in fiscal year 1972 and $185.0 million in fiscal year 1973.

SBA has been the leader in the Federal Government in building minority enterprise. In 1972, SBA loans to minority businesses amounted to $237.6 million, an increase of 22 per cent over the previous year.

Through March 31, 1973, we have already approved minority loans amounting to $223.3 million, an increase of 43 per cent over the $156.1 million approved for the first nine months of last year.

Our budgeted goal for minority loans in fiscal year 1973 was $434 million. Now, gentlemen, we are not going to make that goal because we are not going to achieve the bank participation which we have planned. As far as the goal for direct SBA dollars, we will achieve that portion of our minority loan goal.

However, the significant thing is that we are continuing to increase every year over prior years and by a good margin. We are going to continue to work with the banks in order to obtain greater participation in the minority loan program. An average of 19 per cent of the SBA business loan dollar has gone to minorities in the last three years, and we are setting a goal of 22 per cent for fiscal year 1974.

Through our prime and subcontract assistance program, which brings together Government buyers and small businessmen, and champions the cause of small business interest in dealing with all Government procurement agencies, $12.6 billion of procurement was awarded to small businessmen in fiscal year 1972. This was the all time record of the Agency. For the first half of fiscal year 1973, we are running 11.6 per cent ahead of the same period in fiscal year 1972.

We are extremely pleased with the success in our prime and subcontract assistance programs, and we are forecasting a further increase of approximately 10 per cent in fiscal year 1974:

Through our Certificate of Competency program, we have had a continuing increase in the number of awards to small businessmen. In fiscal year 1972, 232 awards were made as a result of COC's with a value of $38 million.

So far in fiscal year 1973, we have already made 127 awards with a value of $41 million. We are setting a goal of a 13 per cent increase in fiscal year 1974. The 232 awards made in fiscal year 1972 saved the taxpayers over $5 million.

The 8(a) program of awarding Federal contracts to the socially and economically disadvantaged is up sharply. SBA had forecast a dollar value of $100 million for fiscal year 1972.

We actually achieved $153.4 million which was an increase of 132 per cent over 1971. Our budget goal for fiscal year 1973 was $175 million. We are now anticipating at least $200 million in contract awards. Our original budget goal for fiscal year 1974 was $200 million. We are now estimating that this will hit about $250 million.

The new Limited Small Business Investment Company concept, which is pioneering as a major source of equity financing for minorities had 31 firms which reported activity in 1972. This compared to 21 firms which reported in the previous year.

Capital investment was up 145 per cent at $10.3 million and their financings in minority businesses were up 75 per cent at $3.5 million. We now have 59 licensed firms, and we are looking forward to our next report as of March 31, 1973, which is due to be submitted to SBA by June 30, 1973. We are confident that this report will show even greater increases.

These 59 firms have a private capitalization of $22.5 million and the government lending of $5 million.

The record outlined above in 1973 was accomplished despite the fact that on June 1972, Hurricane Agnes struck the Eastern United States from New York to Florida causing an estimated $2.5 billion in damage to homes, business and public property.

SBA, in responding to the victims of this catastrophic storm, will provide more assistance than in any previous disaster in the history of Agency.

Our current estimate for the disaster loan program for fiscal year 1973 is for over 225,000 loans valued in excess of $1.6 million, and gentlemen, as you know, this does not take into consideration the recent flooding of the Mississippi River and other disasters which are imminent.

Senator Pastore. How does that work out? Do you lend the money to businesses that have been destroyed?

Mr. Kleppe. And homes. We have a home program and business.

Senator Pastore. What has been the situation? How successful is it?

Mr. Kleppe. Our cumulative loss ratio in our disaster program, in June 30, 1972, it was .4.6. But that is going up.

Senator Pastore. But it is still better than the overall program, the six per cent?

Mr. Kleppe. Not anymore, it isn't. It was then, but it isn't anymore.

Senator Pastore. You mean it has gone over six per cent?

Mr. Kleppe. Yes.

Senator Pastore. What accounts for it?

Mr. Kleppe. Mr. Chairman, we had some serious disasters in very low-income areas in southern Texas, in a very low-income area in all of Puerto Rico. If you take the earthquake area in California, that was a relatively high-income area.

The Hurricane Agnes was in a relatively good-income area. But you get these low-income areas.

Senator Pastore. Are they forgiven any part of this?

Mr. Kleppe. Yes.

Senator Pastore. How much?

Mr. Kleppe. We have three different disaster programs, the first one was $1800, the second was $2500, and this last one was $5,000. Now the new law that just got put on the books in April.

Senator Pastore. There were some scandals.

Mr. Kleppe. I don't think that is why this was done.

Senator Pastore. You must be kidding. There were some places there where the damage was only about $1800 or $1,000 and they knew there would be a forgiveness of $3,000. Some entrepreneur would come in and give an estimate.

Mr. Kleppe. We had that in California. When you say that is the reason it was passed, maybe you are right. I wouldn't try to prejudge what your opinion is.

Senator Pastore. What our opinion was? What our action was. The Congress did that.

Mr. Kleppe. In any event, I recite this because this is a major way from our regular SBA activity.

Senator Pastore. You say there is a decrease of $260,000 on salaries and expenses. Then you are asking for a transfer of $69,700,000.

Mr. Kleppe. Yes, from three revolving funds.

Senator Pastore. Why are you taking it out of the revolving fund? Why don't you need this money in the revolving fund?

Mr. Mills. The revolving funds will pay their share of the cost. That is the way the law reads.

Senator Pastore. This is not an increase over last year?

Mr. Mills. It isn't.

Senator Pastore. In other words, if I take the $260,000 out of the $69,700,000, is that the increase?

Mr. Mills. No, sir. The $260,000 decrease is actually—we have what they call a direct appropriation.

Senator Pastore. Yes. I know that.

Mr. Mills. If you were to remove out the loan program where we get the contingency and supplementals and so forth out of the total available, and compare that with last year, there is an increase in our budget as the statement reads of $5,491,000 for the salaries and expenses over the same comparable funding of last year.

Senator Pastore. How do you justify that?

Mr. Kleppe. There is one paragraph here that describes it. There is a decrease of 146 in our filled permanent positions authorized at June 30, 1973, from 4,200 to 4,054 to be filled at June 30, 1974.

Notwithstanding this decrease in year-end permanent positions, there is an increase in man-years in 1974 over 1973. This comes about because of the payment out of these funds of permanent employees who were detailed to disaster duty in 1973, and from the phasing down of employment during 1974, rather than a reduction at the beginning of the year.

Senator Pastore. For instance, are you adding the number of employees in 1974 budget as against 1973?

Mr. Mills. Yes, sir, man-years. Not positions, man-years. Some of these people were paid last year out of the disaster loan, the contingency item you have of 10 per cent.

This year it will be paid out of another appropriation, transfer of funds. It amounts to $2.8 million just for that alone.

Senator Pastore. How many vacancies do you have now?

Mr. Kleppe. 4,061—139 as of this point in time.

Senator Pastore. Is that about the average?

Mr. Kleppe. It probably wouldn't be the average, Mr. Chairman, if we weren't looking at a reduced personnel figure for fiscal year 1974. We have got 4200 authorized ceiling now. We have got an authorized ceiling of June 30, 1974 of 4,054, 146 less.

I don't like the idea of just jumping right up to the 4200 knowing full well we have to come back down again. Somebody might get hurt.

Senator Pastore. But are you asking for the money to pay for the maximum personnel?

Mr. Kleppe. Yes.

Senator Pastore. Why, if you are not going to fill them?

Mr. Kleppe. We are going to have them filled from the standpoint of the 4054. That is what this budget deals with.

Senator Pastore. But is this budget confined to the man-hours you are talking about?

Mr. Kleppe. Yes.

Senator Pastore. It deals with full employment?

Mr. Kleppe. Yes.

Senator Pastore. Yet, you have got how many did you say vacancies?

Mr. Kleppe. We have got 139 over our June 30, 1973 level, but we are over our June 30, 1974 level. We have no vacancies from that position. We are over. This budget deals with the dollars needed for 4,054 people. We are already over there.

Mr. Chairman, we can't afford to be down from where we are at. We don't have any fat in personnel.

Now, Mr. Chairman, let me discuss the specific appropriation items.

As to salaries and expenses, the request of $92 million for salaries and expenses consists of a direct appropriation of $22.3 million and authority to transfer $69.7 million from the three revolving funds. This transfer authority includes the usual contingency language providing that 10 per cent of the transfer amount of $6.970 million be apportioned for use only at such times and in such amounts that may be necessary to carry out the activities of the funds.

These are the funds which we finance salaries and expenses associated with disaster loan-making.

The comparable amount available in fiscal year 1973 was $110 million. However, excluding this contingency item from our overall request for salaries and expenses of $92 million, our total request for fiscal year 1974 is $85.030 million.

If we exclude the cost of disaster loan-making from our fiscal year 1973 program, along with the funds that were held in reserve by OMB, our comparable program for 1973 was $79,539 million. Therefore on a comparable basis, our request for 1974 is $5,491,000 higher than our 1973 program.

There is a decrease of 146 in our filled permanent positions authorized at June 30, 1973, from 4,200 to 4,054 to be filled at June 30, 1974. Notwithstanding this decrease in year-end permanent positions, there is an increase in man-years in 1974 over 1973.

This comes about because of the payment out of these funds of permanent employees who were detailed to disaster duty in 1973, and from the phasing down of employment during 1974, rather than a reduction at the beginning of the year.

Business Loan and Investment Fund. We are requesting an appropriation of $225 million for additional capital for the Business Loan and Investment Fund. This amount is required to provide the projected loan programs for 1974.

Simply stated, our obligations for loan approvals, interest, and administrative expenses will exceed our repayments and other revenue including carry-over balances from 1973 by $225 million. The request of $225 million compares to $395 million appropriated in 1973.

Disaster Loan Fund. Mr. Chairman, the estimate before you does not contain a request for a capital appropriation for the Disaster Loan Program for 1974. At the time this budget was developed, we anticipated sufficient carry-over at the end of 1973 which with the availability of repayments, would provide a $100 million program for 1974.

As I explained to you at our recent hearings on the disaster supplemental for 1973, this situation has now changed due to the recent flooding and tornadoes, and other unplanned increases in the disaster loan program.

In all probability, we will be requesting at a later date more funds for the disaster loan program. It is just impossible at this time to tell what this may amount to.

Gentlemen, this completes my brief review of SBA's budget request for fiscal year 1974. We will be pleased to answer any questions the committee may have.

Senator Pastore. How much did you ask OMB for 1974?

Mr. Kleppe. In appropriations or people?

Senator Pastore. Did they grant you everything you asked for?

Mr. Kleppe. No.

Senator Pastore. How much do you request?

Mr. Kleppe. We requested additional funds for direct loans in 7(a) that we didn't get. We got a total of 225 for the business loan and investment fund.

It seems to me we asked for about 300-and-some.

Senator Pastore. What did they give you?

Mr. Kleppe. Two hundred twenty-five. This is our business loan investment.

Senator Pastore. Do you expect to be coming back on a supplemental?

Mr. Kleppe. For that purpose? Probably not, Mr. Chairman.

Senator Pastore. How about this disaster in the Mississippi valley?

Mr. Kleppe. Yes.

Senator Pastore. Do you have enough money for that?

Mr. Kleppe. No. There is a $150 million supplemental that is before you. Mr. Chairman, we have asked OMB for an additional $350 million.

Senator Pastore. They have not decided that yet?

Mr. Kleppe. You have not received that yet, no. We know that we are out of money at the end of this week, if we get this $150 million supplemental, it will probably last us to the end of the fiscal year. We have great additional exposure that has happened since I was up to testify before you and, hence, our request to OMB.

I suspect we will have to handle that on a supplemental basis, Mr. Chairman, when it happens.

Senator Pastore. How many cases have you presented to the United States Attorney's Office for consideration?

Mr. Kleppe. The last time I was up here I left that with you and I didn't bring the detail up here.

Senator Pastore. Will you put it in the record?

Mr. Kleppe. Yes. I would be very glad to.

Mr. TOWER. Mr. President, I yield 1 minute to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, with no time allotted to their side, I wish to announce that the next vote will occur shortly and will take 15 minutes. It is my understanding that shortly after that we will vote on final passage. I ask unanimous consent that the time allotted on the vote on final passage be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President. I have some firsthand knowledge of what the distinguished Senators from Rhode Island have been talking about. I face base closures in my State. And I face the imminent closure of two more bases.

I think, based upon the Mansfield amendment of sometime ago, that this is an acceptable amendment. I am prepared to accept it myself on behalf of the minority.

Mr. KENNEDY. Mr. President, I wholeheartedly support the amendment for the reasons advanced by the Senators from Rhode Island. Those reasons are equally applicable to Massachusetts. The amendment offered by the Senator is a significant step toward relieving the economic impact on small business firms caused by the Defense Department's decision to close or consolidate activities at some 274 bases in 32 States.

We know from past experience that, apart from the actual loss of civilian defense jobs or military jobs in a community, there are also serious multiplier effects as well. The Department of Defense estimates that for every 100 civilian defense jobs lost in a community, there are an additional 153 other service jobs lost as well—men and women who were grocers, plumbers, bus drivers, and other providers of services for those civilian workers. For every 100 military jobs lost, they estimate there are another 66 jobs lost in the community. So we are talking about a total impact that can create economic chaos in a community, especially among small businesses.

This amendment will provide immediate help to those firms which suffer sudden increases in unemployment or other economic burdens as a result of the loss of defense facilities in their areas. Clearly, when national decisions such as the base closing decision are made, individual businesses and workers should not be forced to suffer the full burden of those decisions. They deserve Federal assistance in adjusting to an economic calamity that is no fault of their own.

Recently, for these same reasons, I introduced S. 1695, the Emergency Manpower and Defense Works Assistance Act which seeks to provide short-term assistance to workers. It authorizes public service employment, health benefits, early retirement, moving expenses, and extended severance benefits to workers who lose their jobs as a result of the base closing decision.

I am pleased that Congress is moving forward on many fronts to deal with the devastating impact of the military base cutbacks. I commend the Senator from Rhode Island for his initiative on the pending small buisness legislation, and I urge the Senate to approve it.

Mr. CRANSTON. Mr. President, on May 3, my colleague from California (Mr. Tunney) and I introduced a bill, S. 1709, which would effectively prohibit the permanent reduction in force of civilian employees at U.S. bases until there is a comparable reduction-in-force affecting foreign nationals employed by the United States overseas. In addition, I have cosponsored a bill introduced by the Senator from Massachusetts (Mr. Kennedy) which is designed to provide specific benefits to the victims of this latest round of closings. I have also cosponsored a bill introduced by the Senator from Rhode Island (Mr. Pell) to establish a "Military Installation Closing Commission." This commission would review and evaluate all Department of Defense proposals to close military installations in the United States.

The Pentagon has announced plans to close 274 military installations nationwide by June 1974, in order to accomplish a $1 billion savings in operational expenses. In California, a total of 11 installations are affected by this order.

I have been and am now still opposed to the closing of military installations "until the administration develops a program for providing jobs for civilian workers threatened by layoffs and loan assistance for those individuals dependent on these bases for their business existence."

It is significant, that the administration is not cutting back our military bases or installations overseas. The United States is maintaining many hundreds of bases and installations overseas in 30 foreign countries at a cost of some $30 billion a year.

We are sacrificing jobs and businesses here at home so that the President can keep his bases overseas. We should be putting that money to work here at home in areas that create jobs for Americans rather than jobs for Icelanders, Germans, Spaniards, and countless other foreigners.

In addition to the thousands of civilian employees being put out of work, thousands of small businesses in and around the closing bases will go out of business.

I support and cosponsor Senator Pell's fine amendment to assist these small businessmen in the economic adjustment they will have to make upon such short notice from the military of termination of business activity. This kind of action by the administration has left many individuals and small businesses unable to plan a responsible transition. Congressional action is needed to address this problem.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Rhode Island. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Kentucky (Mr. Huddleston), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Minnesota (Mr. Mondale) are necessarily absent.

I further announce that the Senator from Texas (Mr. Bentsen) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is absent by leave of the Senate on official business.

The Senator from Colorado (Mr. Dominick), the Senator from North Carolina (Mr. Helms), and the Senator from Virginia (Mr. Scott) are absent on official business.

The Senator from Kansas (Mr. Dole), the Senator from Hawaii (Mr. Fong), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

Also, the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton) and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The Senator from Nebraska (Mr. Curtis) is detained on official business.

On this vote, the Senator from Nebraska (Mr. Curtis) is paired with the Senator from North Carolina (Mr. Helms). If present and voting, the Senator from Nebraska would vote "yea" and the Sentor from North Carolina would vote "nay."

The result was announced—yeas 69, nays 11, as follows:

[No. 146 Leg.]

YEAS—69

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Domenici
Eagleton
Eastland
Ervin
Fulbright
Gravel
Gurney
Hart
Haskell
Hatfield
Hathaway
Hollings
Hruska
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McClure
McGovern
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Tower
Tunney
Weicker
Williams
Young

NAYS—11

Brock
Buckley
Byrd, Harry F., Jr.
Fannin
Goldwater
Griffin
Hansen
Packwood
Proxmire
Talmadge
Thurmond

NOT VOTING—20

Bentsen
Cook
Cotton
Curtis
Dole
Dominick
Fong
Hartke
Helms
Huddleston
Hughes
Humphrey
Mathias
McGee
McIntyre
Mondale
Percy
Saxbe
Scott, Va.
Stennis

So Mr. Pell's amendment was agreed to.

Mr. PELL. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I yield myself such time on the bill as may be required, to yield to the distinguished Senator from Pennsylvania (Mr. Scott).

---

## LEGISLATIVE PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, I rise to ask the distinguished majority leader what the program is for the remainder of the day.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Republican leader, it is my understanding that we will have one more vote, to take no more than 10 minutes, and that will complete our business for today except to finish the Executive Calendar.

It is my understanding that on tomorrow or thereafter, the State Department authorization bill, the USIA bill, the Peace Corps bill and the Foreign Service Buildings Act will be reported. It is hoped that we will be able to get an agreement on the Peace Corps and the Buildings Act bills for Monday. The others will have to wait until Monday to be considered.

---

## ORDER FOR ADJOURNMENT TO 12 O'CLOCK NOON ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER (Mr. Hathaway). Without objection it is so ordered.

---

## PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, I rise again at this point to indicate that on two of the bills we are disposed to waive the usual 3-day notice in order to expedite our business; namely, the Peace Corps and the Foreign Service buildings bills. We are not waiving the others at this point.

Mr. MANSFIELD. Mr. President, for the information of the Senate, after discussing it with the distinguished Republican leader, it is the intention of the joint leadership to lay down the urgent supplemental appropriation bill before we go out next week and have it made the pending business upon our return.

Mr. BROOKE. Mr. President, will the distinguished majority leader yield for a question?

Mr. MANSFIELD. I yield.

Mr. BROOKE. Mr. President, I have a resolution on the calendar dealing with the appointment of a special prosecutor, for approval by the Senate. I have held up discussion and debate on this matter, because the Judiciary Committee has been conducting confirmation hearings on the Attorney General.

The issue raised so far is as to the independence of the special prosecutor. I think that this is a decision which the Senate should be making rather than the Attorney General-designate. I hope that the leadership will allot time so that this issue may be discussed on the floor, to pass the resolution to create a special prosecutor with the approval of the Senate, or as some Senators feel, we should have a statutory independent prosecutor, because we seem to be deadlocked insofar as the Judiciary Committee is concerned at the present time.

But, at any rate, not speaking for the Judiciary Committee, as I am not a member of it, I do feel, now that the actual hearings have been concluded, that we should have discussion and debate on the resolution itself.

Mr. MANSFIELD. Mr. President, the hearings have not yet been concluded, but the joint leadership will be glad to discuss the matter with the distinguished Senator from Massachusetts.

Mr. BROOKE. Are we going over until Monday next?

Mr. MANSFIELD. We are.

Mr. BROOKE. My point, Mr. President, is that this should be a decision made by the Senate prior to the long recess to be taken over Memorial Day.

Mr. MANSFIELD. Well, we are going over until Monday next, but we will be in session until Thursday next, so there will be plenty of time to discuss it with the distingiushed Senator from Massachusetts, with his approval.

Mr. BROOKE. I appreciate that and thank the distinguished majority leader very much.

Mr. McCLELLAN. Mr. President, will the distinguished majority leader yield for a question?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. I believe the distinguished majority leader just made a reference to laying down the supplemental appropriation bill. Is that going to be laid down today and made the pending business for Monday?

Mr. MANSFIELD. No. That bill will be laid down on the day we go out for the Memorial Day recess so that it will be made the pending business when we return.

Mr. McCLELLAN. Oh, after the recess?

Mr. MANSFIELD. Yes. We have no other choice.

Mr. McCLELLAN. I thank the distinguished majority leader.

---

## AMENDMENT OF SMALL BUSINESS ACT

The Senate continued with the consideration of the bill (S. 1672) to amend the Small Business Act.

The PRESIDING OFFICER. Who yields time?

MANY SENATORS. Vote! Vote! Vote!

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

> At the end of the bill add the following new section:
>
> "SEC. —. The first sentence of subsection (a) of Section 10 of the Small Business Act and the first word of the second sentence of such subsection are amended to read as follows:
>
> The Administration shall, as soon as practicable each calendar year, make a comprehensive annual report to the President, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include a description of the state of small business in the nation and the several States, and a description of the operations of the Administration under this chapter, including, but not limited to, the general lending, disaster relief, government regulation relief, procurement and property disposal, research and development, technical assistance, dissemination of data and information, small business advocacy, and other functions under the jurisdiction of the Administration during the previous calendar year. Such report shall contain recommendations for strengthening or improving such programs, or, when necessary or desirable to implement more effectively Congressional policies and proposals, for establishing new or alternative programs. In addition, such

Mr. KENNEDY. Mr. President, the amendment recognizes the growing importance of reports to Congress by Federal agencies, so that we may receive the latest and most up-to-date information available on areas within the jurisdiction of such agencies.

I give my strong support to the pending legislation, which will offer substantial and urgently needed new assistance to small businesses throughout the country. At the same time, however, I believe that, in light of the plight of small business in the country, it is appropriate for Congress at this time to require the Small Business Administration to submit more comprehensive annual reports to the Congress on the state of small business in the Nation.

Although the SBA currently submits an annual report, the statutory mandate for the report is far from comprehensive. As a result the annual SBA reports fall short of the goal of seriously addressing the important issues confronting small business in the modern American economy. In fact, the most recent SBA annual report, the report for the calendar year 1971, is a thin 32-page brochure, most of which is pictures—an attractive public relations promotion, perhaps, but hardly the serious analysis of American small business that Congress and the country ought to have.

In recent years, Congress has enacted effective legislation in other areas, requiring newly established agencies to provide detailed information and recommendations with respect to functions within their jurisdictions. The same should be required of the SBA.

To this end, the amendment I am proposing to S. 1672 would require the Small Business Administration to submit a "State of Small Business" report to the President and Congress each year. This report will include a description of the state of small business in the Nation and the several States, and a description of the operations of the administration during the year. The report will contain detailed summaries of the principal missions of the agency, including its following functions: general lending, disaster relief, Government regulation relief, procurement and property disposal, research and development, technical assistance, dissemination of data and information, the small business advocacy role of the agency, and its other functions. My intention is that the report will deal with every aspect of small business in the Nation's economic life, including, for example, the impact of the tax laws on small business. In addition, the report will include recommendations for strengthening and improving SBA programs, in order to implement congressional policies more effectively.

In this way, both Congress and the small business community in every State will have the information needed to preserve one of the country's greatest strengths, the role of small business in our national economic life.

It is especially appropriate that the Senate is considering this legislation now, for this week also marks the occasion of the annual Washington presentation of SBANE, the Smaller Business Association of New England. SBANE is widely regarded as one of the most effective small business associations in the country, as its annual Washington presentations each spring are one of the highlights of the congressional year.

In addition, for the first time this year, SBANE has expanded its Washington presentation to include two other small business organizations—the Independent Business Association of Wisconsin, and the Smaller Manufacturers Council of Pittsburgh. The mutual cooperation of these three organizations is an excellent indication of the growing effectiveness of small business organizations across the country and their ability to make their voices heard in Congress.

Mr. President, this year's Washington presentation by SBANE deals with four major areas involving some of the most basic needs of small business—taxation, the growing paperwork burden imposed by Federal regulations, Federal Government procurement procedures, and the need for greater representation of small business in Goverment decisionmaking. SBANE has prepared a concise summary of its program, and I ask unanimous consent that the program may be printed in the RECORD.

There being no objection, the program was ordered to be printed, in the RECORD, as follows:

### SMALL BUSINESS WASHINGTON PRESENTATION, MAY 16, 1973

#### BACKGROUND

The Small Business Washington Presentation was originated by the Smaller Business Association of New England, Inc. (SBANE) Waltham, Mass., nearly three decades ago to present specific proposals to enhance the economic posture of small business and encourage the development and growth of American free enterprise.

This year SBANE has been joined as equal partners in the Presentation by the Independent Business Association of Wisconsin (IBA-W) Milwaukee, Wis., and the Smaller Manufacturers Council (SMC) Pittsburgh, Pa.

It is hoped that this will be the beginning of a national grassroots movement of small business organizations joining together to press for the needs of the small business community that can be met by national legislation.

Small business has always received a warm welcome on Capitol Hill. The Presentation's purpose is to translate this cordial reception to meaningful action by articulating the concerns and problems of small business to our national lawmakers.

We thank the Senate and House Small Business Committees and staffs for making it possible for the three organizations to give this Presentation.

### INTRODUCTION

Small business an American cornerstone: Small business is a quality-of-life issue.

Indeed, the survival and the strengthening of America's small business community is not primarily for the benefit of the small entrepreneur, although he will be one of the beneficiaries. The larger group of beneficiaries will be the American public which, because the small business has always been one of the cornerstones of the American economy, has tended to forget that the existence of a large, thriving small business community is one of the elements that adds great strength to the warp of the American social fabric.

Public opinion about business at low ebb: Much of the present state of public opinion about American business is due to the emphasis on the large corporation. There is no way to avoid this emphasis. The most important labor union contracts are with major corporations, Government activities directed toward business usually play up the big names, as in Justice Department antitrust suits against large corporations or in actions of the Securities & Exchange Commission. In the entertainment media, the executive suite of the large corporation is more often the setting than the front-office of a machine shop employing 50 workers.

Opinion Research study. At the time of the February, 1972 White House Conference on the Industrial World Ahead, Thomas W. Benham, president of Opinion Research Corporation, presented the results of a study his firm had done for the conference. It found a sharp decline in the public's approval of business from 1965 to 1971. In 1965 some 47% of the public had expressed disapproval of business; in 1971, the figure had risen to 60%. In the same period of time, those who expressed "high approval" of business declined from 20% to only 11%. Further more, only 27% thought that competition serves to keep prices fair, and 62% were in favor of government controls to assure equity for the consumer.

The large get larger: Certainly a large part of the public's impression of business is gained by the emphasis on the large firm. A recent Federal Trade Commission survey showed that in 1968 the 100 largest manufacturing organizations in the United States held a larger share of manufacturing assets than had the 200 largest only 18 years earlier. Yet, 95% of all the business units in the United States are still small businesses. They produce between 35 and 40% of the gross national product, and employ 44% of the work-force. There is actually no commonly accepted statistic on the number of small businesses. There are some 5¼ million full-time commercial small businesses in the country. But if the number of farms, professional businesses (such as doctors and lawyers) and part-time businesses are included, the number is about doubled. Small business performs many functions:

### *Functions of small business*

Civic contribution: 1. The small, independently-owned business forms the backbone of many American towns and small cities. The civic contribution of a local businessman, rooted to his community, with no intention and often no possibility of moving elsewhere, is incalculable. It is the businessman who knows he is staying who contributes the most to the social welfare of his town, in contrast to the corporation executive who moves in and out of ten different towns in maybe 15 years and has little time to plant roots in a single one of them.

Without the social stability fostered by the smaller business firm, the United States would be socially even more at loose ends than it is today.

Inventiveness: 2. The small business is still the place where inventiveness flourishes. According to one count, half of some 61 major inventions in this century have been the work of either a single individual or have come out of a small business. These include air conditioning, automatic transmission, ballpoint pens, cellophane, Cinerama, the helicopter, insulin, the jet engine, power steering, and zip fasteners. They include names like Lee DeForest, who invented the vacuum tube; Robert Goddard and the rocket; Ernest O. Lawrence and the cyclotron; Selman Waksman and Streptomycin; Alexander Fleming and penicillin; Edwin Armstrong and the FM radio; Edwin Land and the Polaroid camera.

Several recent studies have shown a relationship between the U.S. foreign trade balance and the introduction of new products in the United States. One in particular, done for the Commerce Department by Professor Robert Stobaugh and a group of colleagues at the Harvard Business School, demonstrated that the U.S. has traditionally been able to maintain a positive trade balance because this was the country in which most new inventions first came to market. Once any invention or new process is known, the U.S. tends to lose its at first monopolistic position in the field and then even its predominant lead. This process of the transfer of technology overseas cannot be reversed or stopped, the Commerce Department study concluded. The only thing that can assure a better U.S. trade picture is the continued introduction of new products in this country, ahead of their appearance elsewhere in the world. Since so many new products have been the work of the small or fledgling business firm, it is clearly in the overall national interest to defend and even foster the viability of such firms.

Supplier to big firms: 3. The small business, while often an end seller of its own products or services, is also an important adjunct to the large corporation. Without the availability and flexibility of small business firms, the big would be even bigger and perhaps less efficient. As a single example, General Motors Corporation has 26,000 suppliers. Almost half of every GM sales dollar goes to these suppliers. Over 64% of those suppliers employ less than 100 people, and 89% employ less than 500.

Good fit for special kinds of production: 4. The small business is ideally suited for certain kinds of products and services: manufacturing of products with limited market volume; products having a short production cycle (because of change in seasons or styling) and also low capital requirements. Here are included many items of clothing, jewelry, and shoes; products requiring very fast service, such as legal printing, photo engraving, or some specialty chemical firms that serve as converters of chemicals turned out by the large chemical manufacturers.

### *Cleanup time*

Small business needs breathing room too: This is a decade in which America is dedicated to cleaning up its air and purifying its streams, to generally improving the quality of its life, which is already close to the top in terms of actual physical goods produced and distributed per capita. There is no more appropriate time in which to consider whether America's small businesses are also being given their breathing room in this hopefully better environment that is emerging. Because America's small businesses have diverse interests, limited funds with which to make themselves heard as a lobby, and usually no spare executive talent to do anything other than try to run the business, their position as a unique and major institution (when they are all taken together) is in danger of being overlooked.

5 million small businesses comprise major institution: It is our position that the viability and prosperity of the over 5 million small businesses in the country depends in part on awakening the federal government to the fact that here is an institution which deserves some special attention at this moment in the country's history. This is not to request that the inherently inefficient be kept alive in resuscitators or by artificial injections. It is not to prevent the orderly evolution of the business system, which is always undergoing some change—it is not to repeat some of the mistakes of the Agriculture Department of a generation ago, in trying to keep alive a kind of farming that was destined to change with the times anyhow. What it does mean is that the particular problems of small business is a society dominated by macro-institutions need to be appreciated and enough attention paid to them to restore the situation to the status quo ante. Specifically, as the following four sections will detail:

### *Taxation*

We do not request a special system of taxation that would benefit small business but be unfair to others. We do ask that the tax treatment of small business take into account the particular problems of small business in accumulating capital, when the normal avenues of access to capital or credit that are available to large business are partially restricted or even closed to small business.

### *Paperwork*

We want recognition of the fact that many small businesses do not have the staff or the sophistication to handle the increasing volume of paperwork demanded of them by the federal government. We ask the government to set up machinery which will monitor the creation of new reporting requirements by business.

### *Procurement*

We fear that small business will see its relative position further eroded if there are not adequate measures to apportion to its share of the $55 billion annual federal government procurement budget. We suggest specific steps which would increase the ability of small business to get its share of federal procurement.

### *Representation*

In many units, departments, and agencies of government, small business needs a special representative. When decisions are being made that affect the business-government relationship, someone needs to represent the special problem of small business. Up to now, the advocacy role that was to be played by the Small Business Administration has not been effective enough. In addition to this kind of specific representation, small business also needs help from government in charting its course as a viable and growing institution in the American economy for the rest of this century.

Small business does not need to ask for artificial protection. It does need a kind of special concern lest its special problems go unrecognized in a society in which the giant institutions dominate the news and the decision-making process.

It is the small businessman more than the corporate vice president who is more often the risk-taker in our society today, who lays his personal capital on the line, who is the initiator, the innovator. It is the small businessman who typifies some of the best of the traditionally American qualities—the work ethic, personal sacrifice, the willingness to take risks on one's own. If the small business story were better known, and if the small business sector were enjoying a healthier growth, it is our strong feeling that much of the present negative attitude toward the free enterprise system in America would be dissipated.

Thus, we find strong reasons for the federal government's insuring that the small business community has a chance to thrive on its own. At the very least, no actions of the federal government, as will be detailed in the following sections, should be such as to make the economic situation of the small business any more precarious than it is.

We strongly advocate the adoption of Senator John Tower's bill which would increase the present surtax exemption for corporations from $25,000 to $100,000. His bill would retain the present 22% normal rate on pretax income up to $100,000, thus helping solve the internal financing needs of many small businesses. We are strongly opposed to any change in estate taxation which would result in the taxation of capital gains at death, in addition to taxation of the decedent's estate. Such a proposal, while having some basis on equity on its face, would strike in inequitable fashion at the small businessman, most of whose net worth is usually represented by a business built up over a lifetime. This would decrease incentives to build such a business, as well as make the continuance of the business after the owner's death more questionable.

Higher surtax exemption: The law which exempts corporations from the 26% surtax, in addition to the 22% normal profits tax which all corporations must pay, dates back to 1938. It was established at that time partly in recognition of the special difficulties small business faces in building up its capital. If the situation were to be restored only to its 1938 equivalent, the loss in purchasing power of the dollar in the intervening 35 years would require raising the exemption limit to $75,000.

Internal funds vital: But it is not solely a question of returning to some prior year as a base for all time. The continuance of small business depends in large part on the maintenance not only of incentives to the individual entrepreneur, who takes genuine risks every business day. It is also a matter of providing the funds for the individual enterpreneur to stay in business and the capital requirements to start or stay in business are usually the most serious problem today. The capital markets are efficient for large users of credit. They become less efficent and less accessible the smaller the size of a company. For example, the costs of a small underwriting may be prohibitive to a small firm. Or, bank term loans may be unavailable to small business if it does not own readily marketable fixed assets that can be pledged as collateral. Thus, to a greater extent than with other forms of enterprises, the small businessman is forced to rely on his profits to generate new capital. Or, he is forced to reinvest part of his own after-tax drawings from the business, or to look to limited private placements.

A high income tax depletes the internal funds for additional investment on which the small business must mainly rely. Measures that permit increased retention of earnings on the other hand, help to finance growth, ease the climate of borrowing, and foster the establishment and healthy expansion of small concerns.

If a hypothetical small business earned exactly $100,000, its present taxes would amount to $41,500. If the surtax exemption were to be raised to $100,000 that same business would then pay income taxes of only $22,000, giving it a 33.5% increase in after-tax income.

In both 1970 and 1971 there were over 10,000 business failures. Some of these represented new and perhaps poorly managed business firms which did not deserve to survive, at least not through special favor. Nor were all of them small businesses; the Penn Central collapse occured in June, 1970. But many of these failures were directly attributable to the difficulties small businesses have in accumulating sufficient capital to be economically viable units. And, besides the firms that actually failed, many were led to seek a merger or to sell out for similar reasons.

Phase-out of multiple surtax exemption: This is an opportune moment to examine the surtax exemption, because in one more year, the former tax benefit of multiple surtax exemptions will have been phased out. Until 1969, large companies could take advantage of the multiple surtax exemption through the use of multiple corporations. They were slightly penalized in doing so by the imposition of a 6% extra tax on the first $25,000 of taxable income. This reduced the actual tax saving on the first $25,000 of income in each tax-paying unit from $6,500 to $5,000. The 1969 Tax Reform Act phased out the multiple surtax exemption over a five-year period which ends December 31, 1974. After that time, a controlled group of corporations will be limited to a single $25,000 surtax exemption.

The purpose in phasing out the multiple surtax exemption was to end what many in Congress felt was an abuse of that part of the tax law. The phase-out was estimated to bring in an additional $235 million a year in taxes, when fully in effect. While we would not criticize the end of the multiple surtax exemption in cases where it did encourage an abuse of the system, it has also increased the taxes of businesses which for very good reasons may have been run as more than a single corporate entity. Thus, we see this as an ideal time to consider raising the single surtax exemption from $25,000 to $100,000. It will not only make it somewhat easier for small business to accumulate capital, but will redress any inequity caused by ending the multiple surtax exemption.

Capital gains tax at death: With more tax reform in the offing either in 1973 or 1974, we find it necessary to take a strong stand against any proposal to tax capital gains at death. Although the proponents for this change in the tax laws have some debating points on their side, a change in this direction would have a disastrous effect on small business.

At present, incremental changes in the value of capital assets are taxed only at the time of a sale or exchange. At time of death, since there is no sale or exchange of property, but only its transfer to the beneficiaries of an estate, the change in capital values is not taxed. (However, since the estate tax is steeply progressive, assets that have appreciated in value are in effect taxed more than those that have not, although the computation of the estate tax does not actually make any separation of the assets in this regard.)

Unique problems of estate of small businessman: The value of the gross estate of many small businessmen is represented chiefly by the stock in their business. Where the business has prospered, and especially where it has been ongoing for a long period, the basis of the stock in it is quite low compared to present value. Already, the federal estate tax on an estate which consists largely of a family-owned business is a primary factor in forcing the sale of many such businesses. Especially when the business is not currently making a large return for its owner, at least on the basis of the increased value of his investment, the estate is sometimes forced to sell the business in order to pay the estate taxes. This situation would be multiplied many times if an estate were to have to pay both the present estate tax and also a capital gains tax based on the increased value of the stock in the family business.

The estate of a small business executive faces a different problem from that of a person whose estate is composed largely of marketable securities. The paper appreciation of a business stock is normally locked into assets used in the business; it is illiquid. Furthermore, the stock of many small businesses is completely unmarketable, i.e., if there is not enough cash available to pay estate taxes, the entire business must be sold. There is no possibility of selling just some of its shares to the general public without going through the expensive process of an SEC registration, and this avenue is not even open to a business unless it is of some size. None of these considerations apply to the estate of a person who dies owning largely marketable shares of many companies; yet both would be affected by a decision to tax capital gains at death.

Finally, a capital gains tax at death would fall unevenly on two estates, as shown in the table below. Since a capital gains tax would be a debt payable by the estate, it would reduce the estate tax burden of the particular estate. Taking two estates, composed (for simplicity's sake) entirely of stock in close corporations, with one estate worth five times the other, the table shows the two estate taxes under present law. Assuming a capital gains tax at a 35% rate before the imposition of estate taxes at the same rates as they currently are, the increase in tax for the smaller estate would be 75%, against an increase of 38% for the larger estate. This is because the larger estate, after paying the capital gains tax, would escape a good portion of the higher brackets of the estate tax that it was already paying under current law. Such new inequities as would be introduced, if capital gains taxes at death were to be introduced, argue further for maintaining this portion of the tax system as it now exists.

SCHEDULE OF TAX CONSEQUENCE OF PROPOSED TAX ON CAPITAL GAINS AT DEATH

| | Estate 1 | Estate 2 |
|---|---|---|
| Value of stock | $500,000 | $2,500,000 |
| Basis of stock | 100,000 | 500,000 |
| Gain | 400,000 | 2,000,000 |
| Present law: | | |
| Gross estate | 500,000 | 2,500,000 |
| Exemption | 60,000 | 60,000 |
| Taxable estate | 440,000 | 2,440,000 |
| Estate tax | 126,500 | 968,800 |
| Capital gains tax | 0 | 0 |
| Total tax | 126,500 | 968,800 |
| Proposed law: Capital gains tax (35 percent) | 140,000 | 700,000 |
| Estate tax: | | |
| Gross estate | 500,000 | 2,500,000 |
| Tax liability | 140,000 | 700,000 |
| Subtotal | 360,000 | 1,800,000 |
| Exemption | 60,000 | 60,000 |
| Taxable estate | 300,000 | 1,740,000 |
| Estate tax | 81,700 | 636,200 |
| Capital gains | 140,000 | 700,000 |
| Total | 221,700 | 1,336,200 |
| Percentage of increase | 75.26 | 37.92 |

### PAPERWORK

We ask for recognition of the fact that the paperwork requirement thrown on small business by the federal government is in some cases the extra margin that threatens to drive a small business under, if the requirements are faithfully met. We support measures to reduce the number of reports required to be filed by small businesses. Specifically, we urge the passage of S. 200, introduced on January 4, 1973, by Senator Thomas J. McIntyre.

Paperwork burden: The Congress and the Administration have been aware of the need to curtail the paperwork burden at three levels—government itself, business and the public at large. With this in mind, in 1942 it enacted a Federal Reports Act, which was amended in 1950. But the results, at least in terms of their effects on the operation of small business, have been disheartening. During 1972, Senator McIntyre's Subcommittee on Government Regulation of the Senate Select Committee on Small Business held hearings on the impact of the Federal paperwork burden on small business. Witnesses before the Subcommittee referred to the paperwork-redtape burden, "as the single most important element in the success or failure rate of a small business," according to Senator McIntyre. One expert witness from the Office of Management and Budget was not able himself to compile a "typical set of forms to be completed by a dress shop in one year's operation."

Present monitoring ineffective: Moreover, the Internal Revenue Service is exempt from the OMB forms monitoring and paper reduction effort. But some 35% of all federal forms are generated by the IRS. The Social Security Administration, also a major paperwork producer, seemed to show too little concern at the effects of paperwork on the small businessman.

So we conclude that the present efforts of OMB are not significant enough, or there are too many agencies outside its purview, to stem the tide of paperwork. To make an analogy with the ecology movement, there is better understanding today of the interrelatedness of all parts of a system. What seems to a small businessman like an unending stream of government paperwork flowing through his front door is disruptive to the ecology of his entire business—to the time he needs to spend on production or marketing or handling his finances. The average small businessman spends some 200 hours a year completing forms, calculating and paying his taxes, and responding to various government questionnaires. Assuming he worked only a 40-hour week, this "compliance activity" would amount to 10% of his working time: Compounding this imposition, many small businesses do not have the personnel who are skilled in undertaking the requirements of new form. [It is for these reasons that we strongly support S. 200.]

Senate Bill 200: Therefore, we strongly support S. 200, which requires that new forms and reports, and revisions of existing forms that would result from new legislation be contained in reports of committees reporting that legislation to the floor. Senator McIntyre has noted that when Congress passes a new law, in order to guarantee compliance, it attaches a reporting requirement. "We do not consider as to whether or not this reporting requirement can be satisfied in another less complex manner than additional direct reporting by business." S. 200 would require a legislative report on any new bill to contain a statement "setting forth whether the proposed legislation will require additional mandatory reporting from the private sector."

Senate Bill 201: We also support S. 201, introduced by Senate Robert Taft, Jr., which would change the Internal Revenue Code so as to "relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter." Whether this (number of employees) is the cut-off point or some other criterion is used, we feel that some such categorization of businesses is necessary to exempt the smallest from a load they cannot afford to carry. Another approach would be for Congress to recognize the three tiers of industry as done by the Wage Board and Price Commission during Phase 2.

We would then recommend that all Category 3 companies, those having less than $50 million volume, would receive special relief from the paperwork burden.

We also suggest that separate business advisory councils be established to monitor the kind of reporting required of Category 3 companies. This council should concern itself with how readily the typical small business can cope with the information requests and compliance forms.

The small businessman wants to comply with the law. Nothing that is requested here is asked as any particular favor to avoid the intent of laws already on the books. What we do ask for is recognition that small business has inherent differences from the large corporation. Many small companies are struggling for survival. Some 100,000 new firms are begun each year, and most of them are small businesses when they begin. If small business is to prosper and have a chance to continue making the major contribution to the quality of American life and to the inventive process (which is particularly strong in the small firm, as measured by the percentage of inventions that have been the work of individual inventors or have come out of the R&D of small firms), there must be a recognition that compliance with paperwork requirements is today a major problem for many small firms.

### PROCUREMENT

The federal government spends in excess of $55 billion on goods and services annually. The manner in which this spending is handled has a major bearing on the development of small business. Specifically, we support:

1. Establishment of a small claims court to handle claims up to $50,000.

2. Establishment of a federal Office of Procurement Policy in the executive branch, which would coordinate and direct the government's procurement policies as they relate to the special needs of small business.

3. Mandatory subcontracting of a portion of the large contracts of prime contractors to small business.

4. Federal support of Research and Development efforts by small firms by specifically directing some portion of government R&D expenditures, the SBA to utilize the section 8A, powers and funds provided under the Research Applied to National Needs (RANN) program, and the creation of an R&D Information System for small firms.

5. Prohibition, except in certain unusual cases, of grantee use of federal supply schedules.

6. An increase in the limitation on small purchases that can be made without competitive bidding from $2,500 to $10,000.

Procedures to settle contract disputes: The procedures for settling contract disputes with the government need to be simplified. As they exist today, their operation is too expensive in terms both of time and money for the size of claim often involved.

Disputes with the governmet may arise for many legitimate reasons: disagreement over contract changes, the interpretation of the language of a contract or its specifications, or allowable costs in cases where the government has terminated a contract for its own convenience.

Board of Contract Appeals: Boards of Contract Appeals already exist to settle such disagreements. The original purpose in setting up these Boards was to provide a simple administrative remedy for what would otherwise have been litigated. However, in the time since the Boards of Contract Appeals were first set up, court decisions have required BCA hearings to be held under almost the same conditions as a trial in court.

A contractor wanting to settle a claim in a BCA must, along with his witnesses, travel to Washington for a hearing. An appeal normally costs about $5,000, and a year or more goes by before a settlement is reached, during which time the contractor has no use of the money owed him.

Proposed regional small claims division: While we realize that the safeguards provided for in a Board of Contract Appeals hearing are meant to protect all parties, the time and money involved in a hearing make the process inequitable in the case of a small company or a small claim. Therefore, we propose legislation which would set up, within the Boards of Contract Appeals, regional small claims divisions that could handle with dispatch claims of less than $50,000 per contract.

The contractor, under our proposal, would have the right to elect the full hearing approach or the small claims division. The government would not have this option. Further, the government would be required to abide by the decision but a small business could appeal to the Board of Contract Appeals. The claims would be processed regionally, avoiding the need for expensive trips to Washington. The claims could be presented by the contractor or his attorney if he so elects or his employees and by the contracting officer instead of by attorneys for both parties. There would be no formal set of pleadings, but merely a statement by both sides of the matters in dispute. Technical rules of evidence would not apply, but would be replaced by informal methods of proof. Decisions would be required within 30 days of the end of a hearing.

Access of subcontractors to government contractors: We also recommend that government prime contractors be required, in their contracts with subs, to give the subcontractor direct access to the government contracting officer involved in the contract or to a Board of Contract Appeals, or a small claims division such as called for above, in the case of a dispute with the prime contractor. There is some justification for the federal government not wanting to become involved in a dispute between a subcontractor and the prime contractor. However, a great number of the disputes which arise with subcontractors have their origin in a government change order or a contract cancellation. Because of this, we feel that it is only equitable that a subcontractor should have direct access to the government agency involved and to the court/hearing procedures which are available to the prime contractor.

Office of Procurement Policy: 2. We support the establishment of an Office of Procurement Policy in the executive branch. This office, which would be responsive to Congress, would have primary responsibility for the development of procurement policy in the government. The individual contracting agencies would still handle their own procurement. As matters stand now, the Department of Defense makes procurement policy for the military departments and the General Services Administration, under the Federal Property and Administrative Services Act, is supposed to do the same for the civilian departments. But there are numerous exceptions and restrictions on its powers. We feel, as did the Commission on Government Procurement, that many of that body's recommendations "designed to achieve more consistent policies and procedures will be difficult, if not impossible, to achieve in the absence of an effective focal point for procurement policy leadership in the executive branch."

One of the tasks of the proposed Office of Procurement Policy should be to make sure that a fair proportion of government contracted business including that of prime contractors goes to small business. While the establishment of exact percentages by which to measure what is fair may be impractical and not even in the long run interest of fairness, the Office should set some kind of standard by which to make an annual measurement of the effectiveness of the individual procuring agencies in doing business with the small business community. This office should measure not only the amount of small business contracts, but what kind of help can be given small business in getting for itself a larger share of government contracts.

Mandatory small business contracting: 3. Since 1967, the percentage of federal procurement going to small business has been declining. While we recognize the undesirability of setting up new regidities in government, we also deplore the burden small business has had to bear because of this trend. Since a good part of the contracts small business has with government are through being the subs of a prime contractor, we support the establishment, at least on a test basis, of some kind of mandatory small business contracting on the part of prime contractors.

In past periods, the amount of business put out to a subcontractor has varied widely. When government procurement is high, a prime contractor tends to subcontract as much work as possible in order to bid on more prime contracts. In such periods, large subcontractors are also busy and provide less competition for the smaller subcontractors. When government procurement tightens up, the larger contractors tend to keep more work in their own shop, so as to cover their overhead. The ups and downs of government procurement thus fall hardest on small business, as matters now exist. While we realize that small business cannot be entirely spared any of the cyclical changes that affect all business, in the interest of equity, we suggest some kind of mandatory small business subcontracting so that the effects of changes in government procurement levels do not fall disproportionately on small business.

R & D contracts: 4. Small business needs specific government help to get its share of research and development contracts. The Small Business Administration has recognized that R & D activity is highly concentrated. The four largest R & D firms in the United States do about 20% of all industrial R & D; some 100 companies account for 80% of the business. When it comes to federally funded R & D, the proportions are ever more askew. The four largest firms account for one-third of all the federal funded R & D work done by private industry. While many small R & D companies may lack the capacity to handle a government R & D contract, this is not the sole reason for the undue concentration of the business.

A part of the problem has been identified by the SBA itself as lying in the nature of much government R & D work. Small firms are most capable of handling basic or applied research. And, in fiscal 1971, (as an example), small firms got about a third of the Department of Defense's research-type contracts. Small firms are less geared to doing development contracts, and got only 3% of those awards from the DOD in 1971. But the DOD spent $4.5 billion on those contracts that year, as against only $90 million on research type contracts.

RANN funds: Our national priorities are and have been changing. This is evidenced, in part, by the Research Applied to National Needs and R & D Incentive programs, administered by the National Science Foundation (NSF). We believe, as the recognized source of innovation, that small business should achieve its deserved participation in funding under these programs. To assure this important national need, we propose that the SBA be allowed to use its Section 8A subcontract powers with small R & D firms. Under this a portion of RANN funds will be allocated to the SBA, with individual awards to be decided jointly with the NSF.

National R & D Information System: To further aid the small R & D firm, we propose a National R & D Information System to be run by the SBA. This system would provide advance warning of R & D procurements from all major departments, to small business. This capability, building upon procedures developed between SBA and DOD will give "the little guy" the same opportunity as big business, with its far-flung network of sales representatives.

Buying from federal supply sources: 5. Grantees of federal funds should not be allowed to buy from federal supply sources. During a couple recent years, the federal government opened some of its supply lists to some state and local agencies and school districts that were the recipients of federal grants. By allowing them to "shop" at federal prices, which were obtained by virtue of the federal government's position of being a major purchaser and also by its not always pricing items out at their full cost, including overhead, the government took major business away from private suppliers. In November, 1972, the General Services Administration acted, following a request by the Office of Management and Budget, to stop this practice.

The majority of the Commission on Government Procurement have adopted a stand that where some governmental purpose is accomplished by a grant (this fact supposedly being demonstrated by that grant's paying for at least 60% of the program), then federal supply sources should be available, if requested, for use by the lower level of the government in meeting the equipment and supply needs of that program.

Opposition to stand of Commission on Government Procurement: Our proposal is somewhat different, and is in line with the dissenting position taken by five of the commissioners working on the government procurement report. Our proposal is that if all costs to the public are considered, including not only all economic cost factors but the "socio-economic effects on the community" and the commercial business sector in local communities, then grantees of federal funds should normally be required to make all purchases connected with the grant directly from private business. Along with the dissenting commissioners, we recommend a prohibition against the use of federal supply sources by grantees, "except where unusual circumstances dictate and under express statutory authorization." In any cases where supplies are made available to grantees from a federal source, they should be charged on the basis of their "total economic cost" to the federal government.

Exemption from competitive bidding for small orders: 6. Simplified procedures for government procurements should be applied to all procurements under $10,000 as against the present limit of $2,500. Under the present rules, both the DOD and civilian agencies must negotiate contracts or engage in formal advertising for items over $2,500. While changing the limit to $10,000 would be expected to make such business more attractive for small firms who cannot get involved in large amounts of paperwork for relatively small jobs, it would also be of immense benefit to the government. Formally advertised contracts under $10,000 according to the Commission on Government Procurement amount to only .7 of 1% of the total dollars of military procurements, but 98% of total procurement transactions in DOD. This requested simplification of the rules would open up much small government business to the small business firm. We also suggest that the $10,000 limit be periodically reviewed and raised, in line with the GNP deflator, consumer price index, or some such commonly accepted measure of the general change in price levels.

### REPRESENTATION

Small business needs a representative in Washington.

It needs representation in two ways—specifically—on groups studying particular problems which relate to the business community; more broadly, small business needs some kind of advocacy role which would help reinstate its position as one of the cornerstones in the American socio-economic system.

Specific small business representation: The specific ways in which small business needs representation are illustrated by the recent Commission on Government Procurement. One of he commissioners was a representative of small business, as was one member of the commission's working staff. Small business should be represented on various Presidential task forces, on special commissions created by Congress, and on the various ongoing government-business advisory boards.

Reasons for underrepresentation of small business: One reason for the laggard representation of the small business interest is that most businessmen in this category are not trained to think in terms of government relations and few have the time to get involved personally. The small businessman often belongs to a trade association that reflects the particular interests of his industry, but he is not inclined to band together with others simply because they are commonly engaged in small business. He typically works hard at his own business, gets involved beyond his home area.

The small business interest seems to suffer from too often being represented by a bureaucratic mentality far removed from an understanding of the actual atmosphere within which the small businessman carries on his commercial activities.

The small business interest also suffers from a generation of economic teaching which has unwittingly played up the large corporation and all large units of power, including labor unions and government. During the last 30 years, economic teaching has emphasized how the major parts of the economy have intermeshed. This emphasis has unintentionally downplayed the role of the individual unit in the economy and particularly, the role of the smaller business units. Yet, it is now becoming clear that people cannot be entirely manipulated, and that personal incentives must be understood if one is to understand why a businessman is willing to take risks, just as personal motivation must be better understood if industrial productivity is to grow faster.

Broad advocacy role: We agree with the recommendations in the Report of the President's Task Force on Improving the Prospects of Small Business that the SBA was to be responsible for identifying and analyzing "small business problems so as to be the voice and advocate of American small business". However, we think the challenge today is not for an advocacy role in the terms in which a lawyer would on an ad-hoc basis defend his client's interests in court, as much as for government through research to contribute to an analysis and definition of the problems of the American small businessman. Practical solutions are called for if the relative decline of small manufacturing business in the United States is to be halted.

The advocacy role we see for small business in Washington is similar to the role the Consumer Protection Agency plays for the consumer. The American public had problems as a consumer, but its interests were too diffused for it to easily band together as a lobby or interest group. Government, recognizing that a need existed to protect the diverse interests of consumers, rightly decided to create an agency to serve the consumer's interests. The same kind of active approach to the problems of the small business community is needed right now.

The advocacy of small business suffers because too many government employees and too much of the public business is equated with the stocks listed on the New York Stock Exchange. Broad treatment of business as if all businesses were large, well-staffed, very profitable, and expert at representing their own case in Washington through individual lobbyists or trade groups masks the serious problems facing small business. An example of this is the passage of the Occupational Safety & Health Act, which was done with the highest intentions in mind but with disregard and lack of knowledge of its hazardous effects on some small businesses.

It is clear to us that there is considerable sentiment in Washington for helping small business. Its economic problems are at least partially recognized. It is beginning to be clearer that small business conforms more closely to the original ideas behind the U.S. free enterprise system than do some of today's giant corporations, who wield both economic and political clout. Small business is increasingly seen as a counterforce to the dehumanization process worked on many employees by the large corporation. Many of today's younger people would prefer to work and be identified with small business, but they need to have that choice available if their wishes are to mean anything. Thus, a new advocacy role for small business, set up by act of Congress, would strengthen the economic position of the small business community but more importantly contribute to building within American society the kind of business system that is more akin to the original risk-taking of traditional free enterprise and that at the same time strengthens the fabric of that society.

### SUMMARY

Twenty years from now gross national product will have doubled—at least—if we can still extrapolate from the recent past. We know some other things about the future: the size of the labor force, based on the number of today's babies; the expected rise in personal income through annual hikes in productivity; the costs to the firm and indirectly to the purchasing public of consumerism and ecological concern. We also know that the large corporation will be still larger, except where anti-trust laws break up a small number of firms or where an industry defines its role too narrowly and misses the signals of change.

But we do not know what American small business will be like in twenty years. It has none of the protections that accrue to size or to widespread managerial talent. And, we submit, whatever America's wealth in another twenty years, it will be a poorer America if the small business community has not enlarged its role in and usefulness to this society.

It is because small business, somewhat like the consumer, is in totality a clear entity, in fact, a major institution in America, but in its single units not a potent or organized force, that we submit the above modest proposals as a means by which the federal government can use its authority to protect and even to encourage this very American and very deserving part of the U.S. economic fabric.

### ABOUT SBANE

The Smaller Business Association of New England, Inc., is a private, non-profit, nonpartisan association of New England small companies. It was founded in 1938 to promote and protect the welfare of small business throughout the six-state region. This is accomplished by:

(1) grouping together, articulating the needs of small business, and taking common action:

(2) promoting and supporting legislation and government activities beneficial to small business and opposing those activities and legislation detrimental to the interest of the smaller business;

(3) cooperating with other small business groups; and

(4) the education of the small businessman and others in the problems which they must face in order to be successful, and the education of the small businessman as to matters which both threaten and preserve the system of free, profit-incentive, private, competitive enterprise.

The major emphasis in the programs offered to the membership are in the areas of legislation on the national level and education programs.

Besides appearances before various Congressional committees, the Association appears on Capitol Hill once a year for a Washington Presentation of specific proposals designed to assist small business.

The Association is also a member of the Small Business Economic Council, which was formed at the request of President Nixon in September, 1970, to promote awareness of small business problems with key administrative officials.

The education activities are many and varied. They include seminars and conferences held throughout New England often sponsored in conjunction with leading New England universities and Federal agencies such as the Small Business Administration.

Best known of SBANE's educational programs for the past 14 years has been the annual "Live-In" Seminar on the campus of the Harvard Business School.

The Association also publishes a monthly newsletter, Small Business News containing information and educational features for the small business executive and news about SBANE's monthly activities.

The Association's services also extend to counselling its members on small business problems and serving as a source of business information. Furthermore, the Association provides government liaison, procurement assistance and offers its members group insurance programs and trade missions.

SBANE offices are located at 69 Hickory Drive, Waltham, Massachusetts 02154.

### OFFICERS

Edward H. Pendergast, Jr., President, Anthony, Pendergast, Creelman & Hill, 185 Devonshire Street, Boston, Massachusetts—Term Expires: 1973.

William B. Anderson, Vice President, Matrix, Inc., 33 Metacomet Avenue, East Providence, Rhode Island 02916—Term Expires: 1973.

James Reider, Vice President, George T. Johnson Company, 141 Middlesex Turnpike, Burlington, Massachusetts 01803—Term Expires: 1973.

Ronald F. Kehoe, Esquire, Secretary, Haussermann, Davison & Shattuck, 15 State Street, Boston, Massachusetts 02109—Term Expires: 1973.

Daniel F. Slade, Vice President, The Cricket Press, Inc., 66 Summer Street, Manchester, Massachusetts 01944—Term Expires: 1973.

Oliver O. Ward, Vice President, Athbro Precision Engineering Corporation, Hall Road, Sturbridge, Massachusetts 01566—Term Expires: 1973.

Harvey C. Krentzman, Treasurer, Advanced Management Associates, 39 Old Colony Road, Newton, Massachusetts 02167—Term Expires: 1973.

### BOARD OF DIRECTORS

Paul W. Beamer, Electro-Fiberoptics, 99 Hartwell Street, W. Boylston, Massachusetts 01583—Term Expires: 1974.

Nathaniel F. Bigelow, Nathanial F. Bigelow & Company, 116 Lowell Street, Manchester, New Hampshire 03105—Term Expires: 1975.

Lola Dickerman, Esquire, Dickerman & Glazerman, 84 State Street, Boston, Massachusetts 02109—Term Expires: 1975.

Douglas S. Dillman, The Horn Corporation, Westford Road, Box 190, Ayer, Massachusetts 01432—Term Expires: 1975.

Walter Geisenhainer, Brodie, Inc., 299 Mishawum Road, Woburn, Massachusetts 01801—Term Expires: 1975.

Richard M. Glennon, Peat, Marwick, Mitchell & Company, One Boston Place, Boston, Massachusetts 02108—Term Expires: 1974.

Langdon G. Johnson, The Pace Group, 60 Washington Street, Hartford, Connecticut 06106—Term Expires: 1975.

Joseph F. McPhee, Cargocaire Engineering Corporation, 6 Chestnut Street, Amesbury, Massachusetts 01913—Term Expires: 1973.

Edwin C. Mead, Mead-Ross Associates, Box 701, Lyme Road, Hanover, New Hampshire 03755—Term Expires: 1974.

Richard P. Melick, Esquire, Parker, Coulter, Daley & White, 50 Congress Street, Boston, Massachusetts 02109—Term Expires: 1974.

Andrew M. Monahan, 128 Publishing Co., Inc., 66 Walpole Street, Box 128, Norwood, Massachusetts 02062—Term Expires: 1973.

Dr. Arthur S. Obermayer, Moleculon Research Corporation, 139 Main Street, Cambridge, Massachusetts 02142—Term Expires: 1974.

Paul W. Otto, United Engineers, Inc., 950 North Main Street, Randolph, Massachusetts 02368. Term Expires: 1975.

Kevin C. Phelan, State Street Bank & Trust Company, 225 Fanklin Street, Boston, Massachusetts 02110—Term Expires: 1975.

Elinor Selame, Selame Design Associates, 2330 Washington Street, Newton Lower Falls, Mass. 02162—Term Expires: 1974.

Bernard Soep, Bernard Soep Associates, 23 Miner Street, Boston, Massachusetts 02215—Term Expires: 1973.

Roland L. Sutton, Jr., Maine Machine Products Company, Parsons Avenue, South Paris, Maine 04281—Term Expires: 1973.

Andrew P. Swanson, G. Fred Swanson, Inc., 618 Cranston Street, Providence, Rhode Island 02907—Term Expires: 1974.

Walter C. Tillinghast, Spaulding Co., Inc., 33 Pacella Park Drive, Randolph, Massachusetts 02368—Term Expires: 1975.

Roger E. Travis, Medi, Inc., 27 Maple Street, Holbrook, Massachusetts 02343—Term Expires: 1973.

Daniel F. Viles, Waltham Screw Company, 77 Rumford Avenue, Waltham, Massachusetts 02154—Term Expires: 1975.

Robert S. Westwater, Atlantic Bearings & Drives Company, 65 Inner Belt Road, Somerville, Massachusetts 02143—Term Expires: 1975.

### 1973 WASHINGTON PRESENTATION COMMITTEE

Chairman: Joseph J. Butare, Jr., State Street Bank & Trust Co., 225 Franklin Street, Boston, Massachusetts.

Vice Chairman: William D. Glover, Write, Inc., 178 Wade Street, Bridgeport, Connecticut.

Vice Chairman: Michael B. Rukin, Analytical Systems Corp., 11 Ray Avenue, Burlington, Massachusetts.

Donald J. Aldrich, Rhode Island Hospital Trust, 15 Westminster Street, Providence, Rhode Island.

William B. Anderson, Matrix, Inc., 33 Metacomet Avenue, East Providence, Rhode Island.

Donald F. Barry, Container Services, Inc., 109 Industrial Avenue East, Lowell, Massachusetts.

Nathaniel F. Bigelow, Nathaniel F. Bigelow & Co., 116 Lowell Street, Manchester, New Hampshire.

James A. Clary, 26 Gault Park Drive, Westport, Connecticut.

Raymond W. Cocchi, Independent Broker-Dealers Trade Assn., Baystate West, Springfield, Massachusetts.

G. Brenton Creelman, Anthony, Pendergast, Creelman & Hill, 185 Devonshire Street, Boston, Massachusetts.

Robert T. Davison, Aberdeen & Company, 483 Boston Post Road, Weston, Massachusetts.

Lola Dickerman, Esquire, Widett & Widett, 100 Federal Street, Boston, Massachusetts.

Douglas S. Dillman, The Horn Corporation, Westford Road—Box 190, Ayer, Massachusetts.

Richard M. Glennon, Peat, Marwick, Mitchell & Co., One Boston Place, Boston, Massachusetts.

Robert H. Goff, Jr., Price Waterhouse Co., 1200 Hartford Bldg., Providence, Rhode Island.

Richard J. Guilfoyle, I.M.M.G. Investments, Inc., 160 Old Derby Road, Hingham, Massachusetts.

Stanley W. Horsman, Plymouth-Home National, 34 School Street, Brockton, Massachusetts.

Raymond L. Hunicke, Lewis Corporation, Main Street, Woodbury, Connecticut.

Ronald Kehoe, Esquire, Haussermann, Davis & Shattuck, 15 State Street, Boston, Massachusetts.

August J. Kochis, Eckel Industries, Inc., 50 Regent Street, Cambridge, Massachusetts.

Harvey C. Krentzman, Advanced Management Associates, 39 Old Colony Road, Newton, Massachusetts.

Richard G. Lee, Lee Packaging Machinery Corp., 178 Crescent Road, Needham Heights, Massachusetts.

Robert S. Lee, Hotwatt, Inc., 28 Maple Street, Danvers, Massachusetts.

Philip G. Lovelett, Leasing of New England, Inc., 220 Main Street, Auburn, Maine.

Edwin C. Mead, Mead-Ross Associates, Box 701, Hanover, New Hampshire.

Joseph F. McPhee, Cargocaire Engineering Corp., 6 Chestnut Street, Amesbury, Massachusetts.

Andrew Monahan, 128 Publishing, 66 Walpole Street, Norwood, Massachusetts.

Gregory Muzzi, Peat, Marwick, Mitchell & Co., 40 Westminster Street, Providence, Rhode Island.

James Ofria, Contract Machining Corp., 18 A Street, Burlington, Massachusetts.

Kevin Phelan, State Street Bank & Trust Co., 225 Franklin Street, Boston, Massachusetts.

Nicholas Picchione, Dome Publishing Co., Inc., 480 Benefit Street, Providence, Rhode Island.

Robert U. Porter, Porter Construction Co., Inc., 84 Arsenal Street, Watertown, Massachusetts.

Maynard W. Powning, Koehler Manufacturing Co., 123 Felton Street, Marlboro, Massachusetts.

William Shaw, United Packaging Corp., 172 East Maine Street, Georgetown, Massachusetts.

S. Abbot Smith, 137 Marlboro Street, Boston, Massachusetts.

Bernard Soep, Bernard Soep Associates, 280 Lincoln Street, Boston, Massachusetts.

Martin B. Stocklan, Louis Sack Co., Inc., 24 Lake Street, Somerville, Massachusetts.

Philip R. Temple, Filfast Corporation, Pope Road, Holliston, Massachusetts.

Henry Villaume, Howell Laboratories, Inc., Gibbs Avenue, Bridgton, Maine.

Joseph Weinrebe, Republic Travel Service, 312 Stuart Street, Boston, Massachusetts.

John H. Westerbeke, J. H. Westerbeke Corp., 35 Tenean Street, Boston, Massachusetts.

SBANE STAFF

Lewis A. Shattuck, CAE, Executive Vice President.

Phyllis E. Marcus, Administrative Assistant.

Marcia L. Montgomery, Staff Assistant/Bookkeeper.

Joan M. Sweet, Director, Membership Development.

ABOUT IBAW

The Independent Business Association of Wisconsin, Inc., was organized as a result of a Statewide Conference on Independent Business Problems in Wisconsin held on October 14, 1970. As a result of this day long conference, a small group of dedicated businessmen formed a Steering Committee to explore the establishment of an organization to represent Independent Business in Wisconsin.

Under the strong leadership of Chairman Herman Williams, this committee developed IBAW as a non profit, non partisan association for the purpose of encouraging stability, growth, and profit, with high ethical standards, for independent business in Wisconsin. Membership is open to businesses engaged in manufacturing, wholesaling, retailing, and service industries. Professional businesses which provide advisory services are able to join as Associate Members.

The objectives of IBAW are:

To inform on legislation & taxation on a local, The State & national level.

To educate for management development & personal business growth.

To exchange ideas, discuss common problems & their solutions.

IBAW has organized and sponsored programs in cooperation with University of Wisconsin Extension; Small Business Administration; local Chambers of Commerce; State Division of Economic Development; Council of Independent Managers—Society for Advancement of Management; Center for Venture Management; National Council for Small Business Management Development and other groups interested in the growth of independent business in the State of Wisconsin.

The First Annual Meeting of IBAW was held April 27, 1971, in Milwaukee, Wisconsin. This conference on Financial Management was attended by over 75 businessmen and women. Mr. Herman Williams was elected the first President of IBAW.

During 1971, three management development luncheon programs "Help Yourself to Profits", "Small Business Tax Reform", and "Wage and Price Freeze, Phase 2" were held.

In 1972, informational legislative activity included the First Annual Wisconsin Legislative Day in Madison and participation with SBANE during Small Business Week, May 16 & 17, 1972 in Washington, D.C.

Management development workshop included "OSHA—How It Affects Your Profits Now!" and "Problems in Dealing with the State Department of Industry, Labor and Human Relations."

Breakfast Club programs, "Meet Your Congressman," "Technology Transfer—an emerging industry", "Mergers and Acquisitions for Independent Business" were well attended.

Legislative Luncheons to meet "eyeball to eyeball" with State Representatives and Senators is a continuing program.

A newsletter, "INTERCOM", covers the activities of the Association.

IBAW offices are located at 10855 West Potter Road, Milwaukee, Wisconsin 53226, telephone (414) 258-7055.

INDEPENDENT BUSINESS ASSOCIATION OF WISCONSIN

*1972–1973 officers and directors*

Herman Williams '75, President, Williams Steel & Supply, Inc., 999 W. Armour Avenue, Milwaukee, WI 53221, Phone: 481-7100.

Bruno J. Mauer '75, Vice-President, Rickert Industrial Supply Co., 2942 North 117th Street, Milwaukee, WI 53222, Phone: 476-7600.

Roland Sprenger '75, Treasurer, Allis Tool & Mach. Corp., 647 South 94th Place, Milwaukee, WI 53214, Phone: 258-5511.

Richard C. Moog '73, Secretary, Crane Mfg. & Service Corp., 6000 So. Buckhorn, Cudahy, WI 53110, Phone: 769-8162.

Everett Hokanson '73, Wire & Mtl. Spec., Inc., 4021 So. Kinnickinnic, Milwaukee, WI 53207, Phone: 483-5660.

Richard C. Moog '73, Crane Mfg. & Service Corp., 6000 So. Buckhorn, Cudahy, WI 53110, Phone: 769-8162.

Ken Persson '73, Lake Mills Concrete Prod., P.O. Box 1, Lake Mills, WI 53551, Phone: 648-5012.

Angelo Ditello '74, Nat'l. Transit Cartage, 2619 S. 5th St., Milwaukee, WI 53204, Phone: 384-1900.

Harry J. Humphries '74, Humphries-Hansen, Inc., 8515 West Kaul Ave., Milwaukee, WI 53225, Phone: 353-8515.

Robert H. Taylor '74, Engman-Taylor Co., Inc., 2830 West Stark, Milwaukee, WI 53209, Phone: 873-2520.

Bruno J. Mauer '75, Rickert Industrial Supply Co., 2942 North 117th St., Milwaukee, WI 53222, Phone: 476-7600.

Roland Sprenger '75, Allis Tool & Mach. Corp., 647 South 94th Place, Milwaukee, WI 53214, Phone: 258-5511.

Herman Williams '75, Williams Steel & Supply, Inc., 999 W. Armour Ave., Milwaukee, WI 53221, Phone: 481-7100.

*1972–1973 Legislative Committee IBAW*

Bruno J. Mauer, Chairman, Rickert Industrial Supply Company.

Harold Clemens, Vice-Chairman, Small Business Administration—Milwaukee.

Delyle G. Beyer, D. G. Beyer, Inc.

William B. Ellis, Curtis Development & Mfg. Company.

Eckhardt Grohmann, Aluminum Casting & Engineering Company.

Howard Heckel, Northern Gases & Supplies Co., Inc.

Dr. John Komives, Center for Venture Management.

Richard Krauthoefer, Siekert and Baum, Inc.

Roland Sprenger, Allis Tool & Machine Corp.

Stanley Steffke, Foreway Express, Inc.

ABOUT SMC

The Smaller Manufacturers Council, the only organization in the United States serving small manufacturers exclusively, was formed in 1945 by a group of 16 Pittsburgh manufacturers.

During World War II the U.S. Government sponsored the Smaller War Plants Corporation to assist small industrial plants in bidding on and carrying out defense contracts. The need for the corporation ended with the end of the war but the 16 Pittsburgh entrepreneurs didn't want to give up the close working relationships which had developed during the war years. If working together as a group, meeting to exchange ideas and pool experience, had worked during the war, why not also in peace, they reasoned.

In April, 1945, the Council was organized on the basic idea that "In Unity There Is Strength." The purpose from the beginning was to serve member-companies and the Tri-State area of Western Pennsylvania, Eastern Ohio and Northern West Virginia through cooperative action—to pool experience, resources and energy to achieve constructive business and civic results that no individual small manufacturer could hope to accomplish alone. Eleven active committees, ranging from Government Relations to Environmental/Sociological, assure that the original purpose of the organization is continued today.

As word of the activities of the Smaller Manufacturers Council spread throughout the country, manufacturing companies in cities outside the original Tri-State area became interested. In October, 1972, 17 representatives of companies or groups from 10 cities in 6 states gathered in Pittsburgh for the story of how to establish similar groups in their areas. Since then, several organizations, based on the SMC philosophy and practice, have been formed in those cities.

Those original companies in the SMC were headed by men who knew how to get things done. Through the years the same has been true of the various officers and directors and that, more than anything else, explains the dynamic growth of the first Smaller Manufacturers Council from a group of 16 member-companies to more than 530 member-companies today, employing some 55,000 persons and with annual collective sales of over one billion dollars.

SMALLER MANUFACTURERS COUNCIL

*Officers*

Wm. H. Braunlich, Jr., President.
Alex. T. Kindling, First Vice-President.
A. Warne Boyce, Second Vice President.
Paul S. Steiner, Treasurer.
John W. Hannon, Secretary.
Leo R. McDonough, Executive Vice-President.

*Directors*

Jos. F. Pfenninger, President, Schaefer-Goodnow Fdries, Inc., 2—36th Street, Pittsburgh, Pa. 15201.
F. S. Speicher, Jr., President, M. E. Cunningham Co., Rochester Road, Ingomar, Pa. 15127.
Paul S. Steiner, President, "Visual" Industrial Products, Inc., Box 500, Indianola, Pa. 15051.
A. Warne Boyce, President, Microbac Laboratories, Inc., 4580 McKnight Road, Pittsburgh, Pa. 15237.
Wm. H. Braunlich, Jr., President, Braunlich-Roessle Co., 3117–27 Penn Ave., Pittsburgh, Pa. 15201.
H. Edward Cable, Chairman, Weld Tooling Corp., 3001 W. Carson St., Pittsburgh, Pa. 15204.
Stephen S. Evans, Vice-President, Allegheny Plastics, Inc., 17 Thorn Run Road, Coraopolis, Pa. 15108.
William Gluck, Owner, Gluco, Box 336, Monroeville, Pa. 15146.
John W. Hannon, President, Maynard Research Council, Inc., 300 Alpha Dr., Pittsburgh, Pa. 15238.
Alex. T. Kindling, President, The Atomatic Manufacturing Co., 300 Shadeland Ave., East Pittsburgh, Pa. 15112.
Ralph W. Murray, President, IDL Inc., 535 Old Frankstown Road, Pittsburgh, Pa. 15239.
Carl N. Neuman, Vice-President, Advertisers Associates, Inc., 1627 Penn Avenue, Pittsburgh, Pa. 15222.

*Government Relations Committee*

A. Warne Boyce, Vice-President and Chairman.
Harry G. Austin, Jr., (James Austin Co., Mars, Pa.).
Wm. H. Braunlich, Jr. (Braunlich-Roessle Co., Pittsburgh).
H. Edward Cable (Weld Tooling Corp., Pittsburgh).
C. Dana Chalfant (Weinman Pump & Supply Co., Pittsburgh).
G. Robert Cox (J. P. Devine Mfg. Co., Pittsburgh).
Frank B. Fairbanks, Jr. (Horix Manufacturing Co., Pittsburgh).
Darrell N. Harper (Independent Mining & Mfg. Co., Connellsville, Pa.)
James L. Henderson, Jr. (Robinson Industries, Inc., Zelienople, Pa.).
Andrew Kondas (Universal Air Precipitator Corp., Monroeville, Pa.).
Robert S. Lind (J. S. McCormick Co., Pittsburgh).
Sam Michaels (Pittsburgh Annealing Box Co., Pittsburgh).
Ralph W. Murray (IDL, Inc., Pittsburgh).
William S. Perkins (Woodings-Verona Tool Works, Verona, Pa.).
Phil F. Sauereisen (Sauereisen Cements Co., Pittsburgh).
Jon R. Swoager (Automation Equipment Inc., Imperial, Pa.).
John W. Trubic (Penn Perry Roofing, Inc., Pittsburgh).

Mr. KENNEDY. Mr. President, let me also add that, in recent months, the Small Business Administration has provided valuable increased assistance to firms in the Commonwealth of Massachusetts. During the first 9 months of the current fiscal year, SBA provided 390 regular business loans totaling $21.8 million; during the same period in the fiscal year 1972 350 such loans were made, totaling $18.5 million. In addition, since March, 1973, SBA has made available 2093 disaster loans to Massachusetts, totaling $10.1 million. The principal loans were made for the Plymouth County Labor Day storm, 108 loans totaling $562,000; the February 1973 northeastern storm, 1804 loans totaling $7.8 million; and the recent Red Tide disaster, 181 loans totaling $1.6 million.

In the past, SBA has played a significant role in preserving the vitality of small business. It is my hope that the amendment I am offering today will assist Congress and the administration in providing even more effective assistance in the years to come, and I hope that it will be approved by the Senate.

Mr. CRANSTON. Mr. President, such reports proposed by the Senator would be very useful, and I am delighted to accept and support the amendment.

Mr. TOWER. Mr. President, I yield myself such time on the bill as I may require.

I yield 1 minute to the Senator from New York.

Mr. JAVITS. I wish to ask the chairman of the Small Business Committee a question. I am the ranking member of that committee.

This amendment goes very deeply to our work in dealing with the whole small business field. I have discussed it with the Chairman. He feels, if I understand him correctly, that we should allow this amendment to go into this bill, but that our committee will consider it; and if we think that any changes are needed to conform to the policies we advocate for small business, he feels that there is adequate room in the legislative process, by conference or in other body, to do what needs to be done. Is my understanding correct?

Mr. BIBLE. The Senator has stated my impression of this amendment correctly. I see no real objection to it. I have checked it with the staff, and they feel that this additional information is helpful.

If, on further examination, we do find some problems in it, we can take the corrective action at that time. Personally, I have no objection to it. Obviously, I have not checked it with all the committee members.

Mr. JAVITS. I thank the Senator. I thought that in fairness to the Small Business Committee, these facts should be spread on the RECORD.

The PRESIDING OFFICER (Mr. PACKWOOD). Who yields time?

Mr. CRANSTON. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TOWER. I ask for third reading, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield 1 minute on the bill to the Senator from Ohio.

Mr. TAFT. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and conforming changes in the engrossment of the bill. The reason I ask this is that the Stevenson amendment to the Taft amendment changed the $2,500 in one place to $4,000 and failed to change it on another line.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. McGEE), and the Senator from New Hampshire (Mr. McINTYRE) are necessarily absent.

I further announce that the Senator from Texas (Mr. BENTSEN) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Iowa (Mr. HUGHES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent by leave of the Senate on official business.

The Senator from Colorado (Mr. DOMINICK), the Senator from North Carolina (Mr. HELMS), and the Senator from Virginia (Mr. SCOTT) are absent on official business.

The Senator from Kansas (Mr. DOLE), the Senator from Hawaii (Mr. FONG), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

Also, the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

If present and voting, the Senator from Maryland (Mr. MATHIAS) and the Senator from Kentucky (Mr. COOK) would each vote "yea."

The result was announced—yeas 82, nays 1, as follows:

[No. 147 Leg.]

YEAS—82

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Curtis
Domenici
Eagleton
Eastland
Ervin
Fannin
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McClure
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Proxmire

NOT VOTING—17

Bentsen
Cook
Cotton
Dole
Dominick
Fong
Hartke
Helms
Hughes
Humphrey
Mathias
McGee
McIntyre
Percy
Saxbe
Scott, Va.
Stennis

So the bill (S. 1672) was passed, as follows:

S. 1672

An act to amend the Small Business Act

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### AUTHORIZATION

SECTION 1. Paragraph (4) of section (4) (c) of the Small Business Act is amended—

(1) by striking out "$4,300,000,000" and inserting in lieu thereof "$6,600,000,000";

(2) by striking out "$500,000,000" where it appears in clause (B) and inserting in lieu thereof "$725,000,000";

(3) by striking out "$500,000,000" where it appears in clause (C) and inserting in lieu thereof "$600,000,000"; and

(4) by striking out "$350,000,000" and inserting in lieu thereof "$475,000,000".

### LOANS TO MEET REGULATORY STANDARDS

SEC. 2. (a) The first sentence of section 7 (b) of the Small Business Act is amended by striking out all that follows paragraph (4) through paragraph (6) and inserting in lieu thereof the following:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed on such concern pursuant to any Federal law, any State law enacted in conformity therewith, or any regulation or order of a duly authorized Federal, State, regional, or local agency issued in conformity with such Federal law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph: *Provided,* That the maximum loan made to any small business concern under this paragraph shall not exceed the maximum loan which, under rules or regulations prescribed by the Administration, may be made to any business enterprise under paragraph (1) of this subsection; and".

(b) Paragraph (7) of the first sentence of section 7(b) of such Act is redesignated as paragraph (6).

(c) Section 28(d) of the Occupational Safety and Health Act of 1970 (Public Law 91-596) is amended by striking out "7(b) (6)" and inserting in lieu thereof "7(b) (5)".

SEC. 3. (a) Subsection (g) of section 7 of the Small Business Act, as added by section 3(b) of the Small Business Investment Act Amendments of 1972, is redesignated as subsection (h).

(b) Subsection (c) of section 4 of the Small Business Act is amended by striking out "7(g)" each place it appears in paragraphs (1)(B), (2), and (4) and inserting in lieu thereof "7(h)".

### DISASTER LOANS

SEC. 4. (a) The second paragraph following the numbered paragraphs of section 7(b) of the Small Business Act is amended by striking out the following: "and prior to July 1, 1973,".

(b) Clause (D) of the second paragraph following the numbered paragraphs of section 7(b) of the Small Business Act is amended—

(1) by striking the "and" at the end of subclause (i);

(2) by striking out "July 1, 1973" in subclause (ii) and inserting in lieu thereof "April 20, 1973";

(3) by striking the period at the end of subclause (ii) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subclause:

"(iii) with respect to a loan made in connection with a disaster occurring on or after April 20, 1973, notwithstanding the provisions of Public Law 93-24, the total amount so canceled shall in no case exceed ($4,000, and the per centum of the principal of the loan to be canceled shall be reduced by 4 for each $1,000 by which the borrower's income exceeds $10,000, but such per centum to be canceled shall not be less than 20 unless the total amount so canceled would otherwise exceed $4,000. For the purpose of this subclause (iii), 'income' means—

"(I) except in the case of a borrower who retires or becomes disabled in either the taxable year in which the loss or damage is sustained or the preceding taxable year, or in the case of a borrower which is a corporation, adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, for the taxable year preceding the taxable year in which the loss or damage is sustained,

"(II) in the case of a borrower who retires or becomes disabled in the taxable year in which the loss or damage is sustained or in the previous taxable year, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, as estimated by the Administrator for the taxable year after the taxable year in which the loss or damage is sustained, and

"(III) in the case of a corporation, taxable income, as defined in section 63 of the Internal Revenue Code of 1954, for the taxable year preceding the taxable year in which the loss or damage is sustained."

(c) Notwithstanding the provisions of any other law, in the case of a disaster occurring on or after April 20, 1973, the Secretary of Agriculture shall make disaster loans at the same rate of interest and with the same forgiveness provisions applicable to Small Business Administration disaster loans pursuant to this section.

### AUTHORITY OF SECRETARY OF AGRICULTURE WITH RESPECT TO NATIONAL DISASTERS

SEC. 5. Notwithstanding the provisions of Public Law 93-24, the Secretary of Agriculture shall continue to exercise his authority with respect to natural disasters which occurred after December 26, 1972, but prior to April 20, 1973, in accordance with the provisions of section 5 of Public Law 92-385 of such section which was in effect prior to April 20, 1973.

### LIVESTOCK LOANS

SEC. 6. Section 7(b) (4) of the Small Business Act is amended by inserting before the semicolon at the end thereof the following: ": *Provided,* That loans under this paragraph include loans to persons who are engaged in the business of raising livestock (including but not limited to cattle, hogs, and poultry), and who suffer substantial economic injury as a result of animal disease".

### EROSION ASSISTANCE

SEC. 7. The Disaster Relief Act of 1970 is amended by inserting in section 101(a) (1) between the words "high waters," and "wind-driven waves," the following: "erosion," and inserting in section 102(1) between the words "high waters," and "wind-driven waves," the following: "erosion,".

### LOANS FOR ADJUSTMENT ASSISTANCE IN BASE CLOSINGS

SEC. 18. The first sentence of section 7(b) of the Small Business Act is amended by adding after paragraph (6) the following new paragraph:

"(7) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a new business, or in establishing a new business if the Administration determines that such concern has suffered or will suffer substantial economic injury as the result of the closing by the Federal Government of a major military installation under the jurisdiction of the Department of Defense, or as a result of a severe reduction in the scope and size of operations at a major military installation."

### ANNUAL REPORT ON STATE OF SMALL BUSINESS

SEC. 9. The first sentence of subsection (a) of section 10 of the Small Business Act and the first word of the second sentence of such subsection are amended to read as follows: "The Administration shall, as soon as practicable each calendar year make a comprehensive annual report to the President, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include a description of the state of small business in the Nation and the several States, and a description of the operations of the Administration under this chapter, including, but not limited to, the general lending, disaster relief, Government regulation relief, procurement and property disposal, research and development, technical assistance, dissemination of data and information, and other functions under the jurisdiction of the Administration during the previous calendar year. Such report shall contain recommendations for strengthening or improving such programs, or, when necessary or desirable to implement more effectively Congressional policies and proposals, for establishing new or alternative programs. In addition, such".

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the legislative counsel may make technical corrections in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Secretary of the Senate already has that authority.

---

## DESIGNATION OF DIGESTIVE DISEASES WEEK

Mr. KENNEDY. Mr. President, I ask unanimous consent to introduce a joint resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (S.J. Res. 114) was read the first time by title and the second time at length.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. KENNEDY. Mr. President, the joint resolution calls upon the President of the United States to proclaim the week of May 20, 1973, as Digestive Diseases Week.

Mr. President, this is an entirely appropriate time to draw attention to the tragic toll which digestive diseases take in the United States. For example, 13 million Americans have chronic digestive disease and more people are hospitalized with a diagnosis of digestive disease than with any other disease in the United States.

In recognition of this great problem, Mr. President, I introduced in the Senate on January 26, 1971, S. 305, the National Digestive Diseases and Nutrition Act, and on May 5, 1972, legislation incorporating the essential elements of that bill was sent to the President. That legislation broadened the scope and the name of the National Institute of Arthritis and Metabolic Diseases of the National Institutes of Health to include a major effort in respect to digestive diseases.

Since then, Mr. President, many professionals, physicians, and research experts throughout America have come together to found the American Digestive Disease Society, along with its affiliate the National Foundation for Ileitis and Colitis.

Mr. President, I am delighted to join with the ranking minority member of the Senate Committee on Labor and Public Welfare to introduce this resolution, which calls upon the President to proclaim next week "Digestive Diseases Week."

The major digestive diseases are: Peptic ulcer, ulcerative colitis, hepatitis, cirrhosis of the liver, gallstones, ileitis, infectious diarrhea, cancer of the colon/rectum, and malabsorption.

I would emphasize that we are not speaking of a minor, obscure area of health care.

One out of every six illnesses suffered by our people is a digestive disease.

Digestive disease is the major or contributing cause of the hospitalization of over 5 million persons each year. As such, it is the Nation's No. 1 cause of hospitalization, exceeding heart disease, accidents, and even childbirth.

Diseases of the digestive tract include several of the most common forms of cancer which account for about 30 percent of all cancer deaths.

One of the digestive diseases, cirrhosis of the liver, is, by itself, one of the leading causes of death in this country.

Not only is digestive disease marked by high incidence, but it is the No. 2 cause of disability in this country. Some 400,000 people are totally disabled from digestive diseases, while another 800,000 are limited in their ability to work. Each day, digestive disease results in 200,000 absentees from work—the leading cause of absenteeism among men.

Among veterans, nearly 140,000 men receive payments for service-connected digestive disease conditions. This alone costs the Nation $100 million annually.

The total economic cost to the Nation of these diseases is truly staggering. Dr. Thomas Almy, a past president of the American Gastroenterological Association, estimated the total cost to be $10 billion per year, based on HEW figures. Just the cost to the American people of surgery for one digestive disease—gallbladder disease—is estimated to be a half-billion dollars.

From examining any number of indices, therefore, it is clear that digestive disease is a very major disease category which is taking a great toll in this Nation in terms of lives, suffering, incapacitation, and economic cost.

The obvious next question is: What can be done to reduce this toll?

The answer, as with most health problems, is more research into the causes of these diseases coupled with an increase in the number of practitioners specially trained to treat the conditions.

In recent years, the National Institutes of Health have been doing relatively little research in the digestive disease area.

We all know it is impossible to predict which specific diseases will be eliminated or alleviated by a program of accelerated biomedical research. However, the prospects for some early successes in the digestive disease field appear quite good.

For example, there has been recent progress area of viral hepatitis—one of the digestive diseases. As a result, it is now possible to identify one of the two types of viruses which cause that disease. This finding has already been put to very practical, life-saving use in the area of blood banking, where hepatitis is often spread through the transfusion process. Many lives are being saved by our new-found ability to detect the one type of virus in blood samples—blood containing such viruses is no longer being used in transfusions. Even more lives will be saved, however, when scientists are able to identify the other type of virus. For this, more research is needed.

Similarly, there has been some dramatic progress made in the field of gallstone control. Researchers at the Mayo Clinic think a way may have been found to "dissolve" gallstones without surgery. Practical application of these findings, however, will require substantially more work.

I urge my colleagues to give this resolution their full support.

Mr. GRIFFIN. Mr. President, as I understand it, the resolution has been checked with the ranking minority member of the Committee on the Judiciary, Senator HRUSKA.

Mr. KENNEDY. The Senator is correct.

Mr. GRIFFIN. Mr. President, I have seen the resolution, and it will not cost the taxpayers any money. I think it is appropriate that the Senate pass the joint resolution.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, the Senator from New York is a cosponsor of the resolution. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I commend the joint resolution to the Senate. I have just addressed this group, and it is very representative, and it does fine work.

Mr. President, I am pleased to join with Senator KENNEDY in the introduction of a joint resolution authorizing the President to proclaim the week of May 20 to 26, 1973, as "Digestive Diseases Week."

Only last year, Congress concluded that digestive diseases are a major national health challenge of a magnitude not previously recognized. There was enacted into law Public Law 92–305, which changed the name of the National Institute of Arthritis and Metabolic Disease to the National Institute of Arthritis, Metabolism and Digestive Disease—NIAMDD—created the position of Associate Director for Digestive Disease and Nutrition within the NIAMDD; expanded the Council of that Institute to include more digestive disease and nutrition scientists; and emphasized the critical need for more support of research and training in the field.

In contrast with the size of the problem—13 million Americans have chronic digestive disease, and such conditions constitute the No. 1 reason for hospitalization in the United States—distressingly little effort has been directed at reducing the burden of digestive diseases.

If we are to create a partnership of Federal and private sector support—of a remedial program for digestive disease—the public must become better informed and knowledgeable about digestive disease. A Presidential proclamation designating the week of May 20 to 26, 1973, as "Digestive Diseases Week" would make that possible by focusing public attention on the problem of digestive diseases.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 114) was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

### SENATE JOINT RESOLUTION 114

**Whereas Digestive diseases, which include ileitis, colitis, peptic ulcer, gastritis, hepatitis,**

cirrhosis of the liver, pancreatitis; gallstones, infectious diarrhea, malabsorption, and cancer of the esophagus, stomach, pancreas, colon and rectum and associated intestinal disorders, are responsible for one out of every six illnesses suffered by Americans, are the cause of suffering to one-half the population of the United States annually, and chronically afflict 21 million Americans annually; and

Whereas Digestive Diseases are the cause of the loss of 300 million man days of productive work annually, are a cause of the economic loss to this Nation of an estimated 8.1 billion dollars annually due to disability and income loss due to premature death; and

Whereas Digestive Diseases are the cause of untold suffering to our people, requiring more than five million people to be hospitalized annually: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue a proclamation designating the week of May 20–26, 1973, as "Digestive Disease Week"; and inviting the people of the United States to celebrate such week with appropriate activities.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Marks, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BIDEN) laid before the Senate a message from the President of the United States submitting the nomination of Paul Rex Beach, of Virginia, to be U.S. Director of the Asian Development Bank, with the rank of Ambassador, which was referred to the Committee on Foreign Relations.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar, beginning with the Department of State.

There being no objection, the Senate proceeded to consider executive business.

The PRESIDING OFFICER (Mr. BARTLETT). The first nomination will be stated.

## DEPARTMENT OF STATE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

## INTER-AMERICAN DEVELOPMENT BANK

The second assistant legislative clerk read the nomination of John M. Porges, of New York, to be Executive Director of the Inter-American Development Bank.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

The SECOND ASSISTANT LEGISLATIVE CLERK. Routine nominations placed on the Secretary's desk in the Diplomatic and Foreign Service.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

## ORDER FOR CONSIDERATION OF URGENT SUPPLEMENTAL APPROPRIATION BILL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that when the urgent supplemental appropriation bill is reported out of committee, as I believe it will be today, or tomorrow at the latest, it be laid before the Senate and made the pending business prior to the recess of the Senate over Memorial Day and that it be the pending business on our return.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I wonder if I could inquire whether consent has been given for the Senator from Nebraska to file his minority views up until Friday midnight.

Mr. MANSFIELD. We have done that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair would like to know if the Senator asked unanimous consent, in executive session, that the President be notified.

Mr. MANSFIELD. No; my only request was that the Senate return to legislative session. I did not make a request that the President be immediately notified.

The PRESIDING OFFICER. The question is that the order be rescinded making such a request?

Mr. MANSFIELD. Yes, if such a request has been made it should be rescinded. The nominations have been confirmed, and I asked that the Senate return to legislative session.

## AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Monday next, the Secretary of the Senate be authorized to receive messages from the House of Representatives and the President of the United States and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Monday next, all committees may be authorized to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Monday next, the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT ON PEACE CORPS BILL

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished majority leader, and with the approval of the distinguished assistant Republican leader, to ask unanimous consent that at such time as the so-called Peace Corps bill is called up and made the pending business before the Senate, there be a time limitation thereon of one-half hour, to be equally divided between the distinguished majority leader and the distinguished minority leader or their designees; that time on any amendment, debatable motion, or appeal, thereto be limited to 20 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous consent agreement is as follows:

*Ordered,* That, during the consideration of H.R. 5293, a bill authorizing continuing appropriations for the Peace Corps, and H.R. 5610, a bill to amend the Foreign Service Buildings Act, 1926, debate on any amendment, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the bills shall be received.

*Ordered further,* That on the question of the final passage of the bills debate shall be limited to one half hour each, to be equally divided and controlled, respectively, by the Senator from Montana (Mr. Mansfield) and the Senator from Pennsylvania (Mr. SCOTT), or their designees: *Provided,* That the said Senators, or either of them may from the time under their control on the passage of the said bills, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

### UNANIMOUS-CONSENT AGREEMENT ON STATE DEPARTMENT BUILDINGS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the so-called State Department Buildings measure (H.R. 5610) is called up and made the pending business before the Senate, there be a similar agreement thereon with respect to time and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS-CONSENT AGREEMENT ON S. 1798, STRUCTURE AND REGULATION OF FINANCIAL INSTITUTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 1798, a bill to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, the time to be equally divided between and controlled by Mr. SPARKMAN and Mr. TOWER; that time on any amendment thereto be limited to 1 hour; that time on any amendment to an amendment, debatable motion, or appeal be limited to 30 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

*Ordered*, That, during the consideration of S. 1798, a bill to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, to amend certain laws relating to federally insured financial institutions, debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further*, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Alabama (Mr. Sparkman) and the Senator from Texas (Mr. Tower): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

### TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now may be a period for the transaction of routine morning business for not to exceed 1 hour, with statements limited therein to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is there further morning business?

I withdraw that request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. JAVITS. Mr. President, if the Senator will yield, I noticed that the unanimous-consent request was for an hour, with statements limited to 30 minutes. That would mean two Senators could consume the hour. I understand the situation, but I would just like to suggest to the Senator that he limit statements in the second part of the hour to less than 30 minutes. I want the floor for 5 or 6 minutes. I would suggest that Senators, after the half hour of the Senator from South Dakota (Mr. McGOVERN), may have 10 minutes each.

Mr. ROBERT C. BYRD. Mr. President, Senators can have 30 minutes, if they want to. They can also have anything less.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

### CAMBODIA: LET US STOP IT NOW

Mr. McGOVERN. Mr. President, Mr. Kissinger said in a recent address:

> Nothing is more urgent than a serious, dare I say compassionate, debate as to where we are going at home and abroad.

I myself had something of that sort in mind last fall, and I am still in favor of it. Assuming that Mr. Kissinger is speaking for his employer as well as himself, I take this occasion to express some thoughts about the continuing war in Cambodia and its implications for "where we are going at home and abroad." I am not confident of mustering as much "compassion" for our policymakers as Mr. Kissinger commands, or as Mr. Nixon would undoubtedly think his due, but I would join gladly with Mr. Nixon and Mr. Kissinger in a measure of compassion for the victims of their wide-ranging B–52 raids in Cambodia that have now been going on for several weeks.

#### MR. NIXON'S POST-VIETNAM WAR

The purpose of the bombing, quite evidently, is to keep the demoralized Cambodian army, and with it the enfeebled regime in Phnom Penh, from collapsing under the pressure of the Khmer Rouge rebels. It is conceded by American observers that the Cambodian rebels are now fighting their own war, with North Vietnamese logistical support but few North Vietnamese or Viet Cong soldiers, and that the war in Cambodia is now a civil war between two groups in Cambodia, those supporting the Lon Nol government and those supporting the insurgents.

Nonetheless, despite greater numbers—the exact number is unknown owing to payroll padding by corrupt officers—and despite artillery, armored personnel carriers, light bombers and ample stores of other equipment provided by the United States, the Cambodian army is faltering, and would surely collapse without saturation bombing of villages and countryside by American B–52's. "American air power is necessary and indispensable," says the Chief of the Cambodian General Staff, Maj. Gen. Sosthene Fernandez. "Yes," he adds with emphasis, "you can say indispensable."

Being "realists," President Nixon and his proteges in Phnom Penh cannot be expected to trouble themselves about the human costs of their desperate strategy. Others of us, however, may find these worth nothing. An aged street vendor summed it up for an American reporter: "The bombers may kill some Communists, but they kill everyone else too."

That is something I hope the leadership and every Member of the Congress will consider as we decide what urgency we will attach to measures which could bring a halt to this incredible bombing in Cambodia.

I understand there is to be a delay of some 3 weeks before we vote in the Senate on the Case-Church amendment, which the Foreign Relations Committee has approved by a wide margin, and on the proposal to delete authority to transfer funds to continue the B–52 raids.

That delay cannot buy salvation for Lon Nol's wobbly government in Phnom Penh. It cannot make reality of the myth that the North Vietnamese have the power to terminate an indigenous Cambodian revolt. And more talks with Henry Kissinger cannot magically endow them with that power. All this bombing will do in 3 more weeks is inflict more torture on innocent people. It can only prolong their suffering, and destroy more of another tiny Southeast Asian country.

At long last, have we not had enough? Must we search still longer for enough compassion and decency to stop this madness? Must this Chamber, by doing nothing, be responsible for still more bloodshed?

Mr. President, I am greatly encouraged by the vote on yesterday in the Senate Committee on Appropriations of **24 to 0** in favor of terminating any further support to the aerial bombardment in Cambodia. A similar vote of the Democratic Caucus in the House of Representatives yesterday was most encouraging.

But no one knows how many civilians—or for that matter how many Communists—are being killed in Cambodia by American bombs. James Lowenstein and Richard Moose, staff assistants for the Symington Subcommittee on U.S. Security Agreements and Commitments Abroad, reported upon their return in mid-April from a trip to Cambodia that the U.S. Embassy in Phnom Penh validates all B–52 and F–111 strikes in central and western Cambodia, the area of combat with the Cambodian rebels. Under the procedure used, the Cambodian General Staff submits a request for an air strike containing data about the nature of the target, and also a certification that friendly forces, villages, temples and pagodas are not within a specified distance of the target. Then the target and target area where the bombs will fall are plotted on large maps which are supposed to show the exact location of all houses and buildings—this, one assumes as a safeguard against the notorious sloppiness of Cambodian intelligence personnel. Significantly, Mr. Lowenstein and Mr. Moose report, however, that they "were told by the air attaché that the maps being used by the Embassy were several years old and that the Embassy did not have current photography on proposed target areas which would permit the identification of new or relocated villages." On the basis of such information—or misinformation—an Embassy bombing panel then decides upon targets and conveys its decisions to the Seventh Air Force Commander.

To escape the devastating effects of American bombing of their villages, refugees have been swarming into Phnom Penh. These refugees report that dozens of villages to the east and southeast of Phnom Penh have been destroyed and as many as half of their inhabitants killed or maimed by recent American bombing raids. International relief officials in charge of refugee camps in the capital estimate that nearly 10,000 people fled from their villages to the camps just since the intensified bombing raids began in early March. Many others have fled into Communist-occupied areas, which cover about 80 percent of the territory of Cambodia. A study mission of Senator KENNEDY's Judiciary Subcommittee on Refugees returned from Indochina in early April and reported that at least one-third of the population of Cambodia—some 2 million people—have been made refugees over the last 3 years; they crowd by the tens of thousands into shantytowns around Phnom Penh and provincial cities, neglected and ignored both by their own government and by the U.S. Missions in Phnom Penh.

To get some idea of what it means for one-third of the people of the little country of Cambodia to be driven out of their homes and villages by aerial bombardment and forced into the refugee centers, one would have to realize that, in terms that we can comprehend in the United States, that would be the equivalent of 75 million Americans driven out of their homes and forced into miserable refugee centers around our great cities. This is what is being accomplished by the costly, incredible, and, I think, stupid aerial bombardment now going on over Cambodia.

No one, as I have said, knows how many have been killed. A relief official offered an "educated guess" of at least 3,000 civilians killed in 3 weeks in March—but, he allowed, it could have been 10,000. As the Communist rebels have moved closer to Phnom Penh, so too have the B-52's, whose bomb explosions can be heard in the city all night, night after night. A young Cambodian woman in a refugee camp said that more than half of the 1,200 people in her village 25 miles from Phnom Penh—as well as about 50 Communist guerrillas—had been killed in a B-52 raid a few days before.

Another young woman told a reporter of nights of hiding in a deep bunker in a village 18 miles east of Phnom Penh, she said,

> When everything seemed to explode inside me and when the noise was so loud that I couldn't hear if I was screaming or not, I knew the Americans had come.

What kind of advertising is it for the United States if poor, simple people of this kind have such a picture of the United States and what it stands for around the world?

We have just recently completed hearings on the Voice of America program and the U.S. Information Service. I presided over those hearings. We are spending more than $700 million a year to posture the United States, so that people around the world will think favorably of our Nation.

No one denies the importance of that, but I would suggest that the reports of the aerial bombardments against one of the smallest countries in the world offset by many times over the efforts we make through the Voice of America to portray a favorable image of our own country.

Self-proclaimed realist that he is, believer in and practitioner of Bismarckian realpolitik, Mr. Nixon cannot be expected to dally with sentimentalities. Politics itself is "warfare," as he told us some years ago; we cannot cry too much about the inevitable casualties.

I think the politics themselves of this operation cannot possibly stand the light of critical examination. Let us therefore consider Mr. Nixon's Cambodian policy in terms of his own stern criterion of national interest, Cambodia representing, as the President said in a press conference in 1971, "the Nixon Doctrine in its purest form."

The essence of the Nixon Doctrine was expressed in the most salutary way in the President's 1973 inaugural:

> We shall do our share in defending peace and freedom in the world. But we shall expect others to do their share. The time has passed when America will make every other nation's conflict our own, or make every other nation's future our responsibility, or presume to tell the people of other nations how to manage their own affairs.

Mr. President, that was the President of the United States, speaking in his inaugural address; and I agree with the sentiments the President outlined in that passage.

The statement is based upon an unexceptionable premise—that the United States is responsible for its own interests, which is to say, for the security and welfare of the American people, and not for the interests of shaky, wobbly, unpopular transient regimes in remote and nonstrategic corners of the world. Our own interests surely do encompass a need for international cooperation in both politics and economics, and for the use and development of international institutions. They also encompass an ideological preference—though no more than a preference—for free and democratic institutions. Our interests most emphatically do not extend to the preservation of corrupt and moribund regimes such as that of Lon Nol in Cambodia, whose survival in power is even less important to us, if possible, than that of Mr. Thieu in South Vietnam.

With the breakdown of the cease-fire throughout Indochina, there is increasing credence to the proposition that Mr. Kissinger's whole peace agreement was based upon a profound misunderstanding. The Paris Accords are a model of imprecision, filled with clauses that can be interpreted—and now indeed are being interpreted—in radically divergent ways. I think this was no accident. Secretary of State Rogers confessed to the Senate in February that if the negotiators had tried to eliminate the ambiguities, we never would have had a cease-fire.

Quite obviously, the purpose of the high-flown ambiguities with which the Paris Accords are replete was not to spell out a detailed agreement but to cover the underlying disagreements about the future of South Vietnam and Indochina and, more important still, to prevent these basic disagreements from interfering with the central objective on which there was, or seemed to be, agreement—the disengagement of the United States from the war. Now that these disagreements have reemerged—rather sooner, to be sure, than one might have expected—Mr. Kissinger expresses, or affects, astonishment that the North Vietnamese are violating the Unconditional as the ambiguous parts of the Paris settlement.

Is it possible that the administration actually expected the rickety apparatus put together at Paris to work? Did they really think the warring Vietnamese factions would compose their irreconcilable difference through a contraction called the National Council of National Reconciliation and Concord? Did they think the Vietnamese insurgents would give up their quarter-century's campaign to take over South Vietnam and unify the country under their rule? Did they think the Vietcong and Hanoi would be content to enage in a political struggle through the organics devised at Paris while Mr. Thieu continued to press them militarily and made no secret of his own plans for subverting the Paris arrangements at every turn? Or did the administration suppose that the North Vietnamese would give up supplying their forces through the Ho Chi Minh trail, as specified by the Paris agreement, after the United States had used the interim between the breakdown of negotiations in October and the January agreement to flood South Vietnam with arsenals of weapons?

Mr. President, we know that weapons were shipped in from all over the South Pacific as fast as we could move them in, from the closing days of October up until the January agreement. I must confess I have never thought of Mr. Nixon as an exceptionally idealistic leader, but neither have I thought of him, or of Mr. Kissinger, as the kind of naive sentimentalists they would have to be to have expected the Vietnamese factions to carry out the Paris agreements with genuine good faith.

Authentic realists that they claim to be, the North Vietnamese may well have had a quite different conception of the meaning of the Paris agreement. To them it may never have been anything more than an elaborate facade for that "elegant bugout" of which Mr. Kissinger had once spoken with derision. And perhaps, too, in a spirit of Machiavellian kinship, they supposed that Mr. Kissinger actually had come to share this conception, requiring only that the "bugout" be "elegant" enough to satisfy President Nixon's requirement of "peace with honor."

The latter, in the eyes of Hanoi, may well have represented nothing more than a requirement for an orderly withdrawal, the return of our prisoners, and an elaborate facade of political machinery for Mr. Nixon's domestic public relations. The assumptions, to be sure, are cynical ones, but they seem plausible enough from Hanoi's standpoint and also from the standpoint of American interests. Recognizing that the United States has no security interest in Indochina, nothing at stake, that is, affecting the strength and welfare of the American Nation, the North Vietnamese quite naturally may have supposed that Mr. Nixon recognized this, too, and could therefore be bought off from his terror bombing with an arrangement that he could at least call "peace with honor."

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. KENNEDY. I just wanted to commend the Senator from South Dakota for making this statement here before the Senate this afternoon, and for drawing the attention of the Senate to the problem of the human tragedy in Cambodia as well as the policy tragedy.

I would like to join the Senator in expressing concern for the people who are really caught in the crossfire of our Cambodian policy, the civilians—not so much the troops, the government troops, the North Vietnamese, or the insurgent troops, whoever they might be—but it has been the civilians who are caught in the crossfire of this war, and they are the ones who are suffering most grievously.

I remember writing to the Secretary of Defense about a year ago on the question of the general bombing policy in the north, and in response I received a letter from which I shall read a short paragraph, and then ask unanimous consent that the entire letter be printed in the RECORD.

The Secretary stated:

> The correct rule of international law which has applied in the past and continues to apply to the conduct of our military operations in Southeast Asia is that "the loss of life and damage to property must not be out of proportion to the military advantage to be gained."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

### I. TEXT OF DEPARTMENT OF DEFENSE RESPONSE TO A MAY 3, 1972, LETTER FROM THE SUBCOMMITTEE CHAIRMAN

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
*Washington, D.C., September 22, 1972.*

Hon. EDWARD M. KENNEDY,
*Chairman, Subcommittee on Refugees, Committee on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR SENATOR KENNEDY: The Secretary of Defense has asked that I respond to your letter of 19 August 1972 pertaining to the Subcommittee on Refugees' inquiry into war-related civilian problems in Indochina.

The Rules of Engagement are highly sensitive documents which set the criteria and specify in detail the permissible offensive and defensive actions which U.S. forces may undertake under any given set of circumstances. They are very closely controlled because of their obvious and inestimable value to the enemy. To expose the rules governing the conduct of combat operations is to risk jeopardizing the lives of U.S. personnel charged with the responsibility for conducting those operations and would otherwise be detrimental to national security.

The President and the Secretary of Defense have repeatedly stated that our attacks upon North Vietnamese targets are and have been limited to military objectives. Any damage done to civilian areas adjacent to these targets is unintended and results not from any action on our part, but from the Government of North Vietnam's refusal to live in peace with her neighbors. A public listing of specific targets would permit the enemy to either move or better protect those targets and would result in the loss of American lives and make the destruction of these targets more difficult.

With regard to the allegations made by Mr. Clark and the enemy's strident assertions that we have a concerted and intentional campaign of bombing the dike system, the following appears appropriate. Several Congressional Committees including the Senate Foreign Relations Committee have been thoroughly briefed on this subject. The few dikes that have been hit are immediately adjacent to readily identified military-associated targets. The observable damage is minor and no major dike has been breached or functionally damaged. It further appears that even the minor collateral damage could be repaired in less than a week without the employment of machinery of any kind. The enemy has intentionally placed anti-aircraft sites, supply depots and essential lines of communication upon the dike system in an effort to immunize these military functions.

In fact, severe floods occurred last year in North Vietnam in the absence of bombing, whereas the high water season has now virtually passed without significant flooding.

Major General Pauly will accompany Ambassador Sullivan to the Subcommittee's hearing on 28 September 1972. If, at that time, the Committee wishes to inquire further and is prepared to go into executive session, General Pauly will be prepared to provide, on a classified basis, additional information.

In earlier inquiries, you had requested a complete glossary of terms which have been used officially and unofficially to describe American or American-supported military activities in Indochina. In response to your request, you were provided with a copy of MACV Directive 525–13, "Rules of Engagement for the Employment of Fire Power in the Republic of Vietnam." To the best of our knowledge, this contains a complete glossary of terms which are used officially. As to unofficial terms, we have never compiled, or attempted to compile, a listing of Southeast Asia lexicon. If you would care to submit a listing of such unofficial terms in which you are interested, we will be glad to provide you with an opinion, to the extent we can obtain adequate information upon which to base an opinion, to the prevalent usage of such terms.

With respect to your request for a copy of the full text of the "Report of the Department of Army Review of the Preliminary Investigation into the My Lai Incident", commonly referred to as the "Peers Report", I would again suggest that this is an investigative report not subject to the requirements for public disclosure under the Freedom of Information Act. As you may be aware, the demand for disclosure of the so-called Peers Report was litigated in the case of *Aspin* v. *The Department of Defense, et al.*, Civil Action No. 632–72, U.S. District Court for the District of Columbia. The court ruled that this report was not subject to the requirement for public disclosure.

We have previously provided you with statistics on U.S. military air operations in Southeast Asia, as will appear from the charts to which you were previously referred, which appear at pages 9069 *et seq.* of the hearings of the Armed Services Committee of the House of Representatives on H. Res. 918 held on April 18, 1972. The latest available update of this releasable material is as follows:

Allied air munitions expenditures in Southeast Asia are released on a monthly basis. Compilation time results in lag time of approximately 15 days following end of month. Preliminary figures are usually available by the 15th of each month.

*Annual tonnage figures since 1966*

| | |
|---|---|
| 1966 | 496,319 |
| 1967 | 932,119 |
| 1968 | 1,437,370 |
| 1969 | 1,387,259 |
| 1970 | 977,446 |

MONTHLY TONNAGES

| | 1971 | 1972 |
|---|---|---|
| January | 70,792 | 56,790 |
| February | 66,510 | 67,536 |
| March | 92,191 | 70,694 |
| April | 85,000 | 91,670 |
| May | 76,463 | 105,729 |
| June | 60,863 | 112,460 |
| July | 49,196 | 99,066 |
| August | 51,171 | 98,182 |
| September | 51,177 | |
| October | 47,315 | |
| November | 50,644 | |
| December | 61,838 | |

U.S. Strike Sorties in South Vietnam are released daily by the U.S. Military Assistance Command Vietnam in its daily press communique. These same communiques are made available to the press corps by the DoD in Washington. Audited U.S. strike sortie figures in South Vietnam are also available for public release on a monthly basis.

Since the resumption of bombing over North Vietnam in early April in response to the North Vietnamese invasion of the RNV, MACV is also reporting approximate strike sortie figures over North Vietnam in in its daily press communiques.

U.S. AIR STRIKE SORTIES FOR 1972

| | Republic of Vietnam | North Vietnam |
|---|---|---|
| January | 416 | |
| February | 1,856 | |
| March | 1,088 | |
| April | 12,267 | [1]1,550 |
| May | 14,855 | [1]7,650 |
| June | 11,764 | [1]10,380 |
| July | 11,528 | [1]8,195 |
| August | | [1]7,225 |

[1] Approximate.

As I am sure you are aware, the Department of Defense has no personnel on the ground in the combat areas in Laos, Cambodia or North Vietnam and, consequently, has no reliable basis to make estimates of the casualties of the conflict. As we have previously reported, our attacks upon enemy targets are and have been limited to military objectives. Any damage done to civilian areas adjacent to these targets are unintended.

The Department of Defense, represented in this opinion by the Offices of General Counsel, and the Judge Advocates General of the Army, Navy and Air Force, does not accept the resolutions adopted by the Institut de Droit International at its Session in Edinburgh, 1969, as an accurate statement of international law relating to armed conflict.

The law between States applicable to armed conflict reflects the willingness of States to accept legal restraints on their conduct or the weapons to be used in such conflicts. A substantial body of the laws of armed conflict is to be found in the widely accepted Hague Conventions of 1907 and the Geneva Conventions of 1949, and in customary international law (i.e. rules that are accepted as law in the practices of States in armed conflict). Particular emphasis for present purposes must be accorded the Annex to Hague Convention #IV of 1907, referred to as the Regulations Respecting the Laws and Customs of War on Land.

A summary of the laws of armed conflict, in the broadest terms, reveals certain general principles including the following:

(a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;

(b) That it is prohibited to launch attacks against the civilian population as such; and

(c) That a distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the civilians be spared as much as possible.

These general principles were recognized in a resolution unanimously adopted by the United Nations General Assembly in its Resolution dated 13 January 1969 (Resolution 2444 (XXIII)). We regard them as declaratory of existing customary international law.

The principle in (a) restates the humanitarian principle codified in Article 22 of the Hague Regulations. The principle in (b) is to be found in the universally accepted customary international law of armed conflict to the effect that attacking forces are to refrain from making civilians as such the object of armed attack. They are not, however, restrained from attacking military targets necessary to attain a military objective even though there is a risk of incidental casualties or damage to civilian objects or property situated in the vicinity of a legitimate military target.

The principle in (c) addresses primarily the Party exercising control over members of the civilian population. This principle recognizes the interdependence of the civilian community with the overall war effort of a modern society. But its application enjoins the party controlling the population to use its best efforts to distinguish or separate its military forces and war making activities from members of the civilian population to the maximum extent feasible so that civilian casualties and damage to civilian objects, incidental to attacks on military objectives, will be minimized as much as possible.

In the application of the laws of war, it is important that there be a general understanding in the world community as to what shall be legitimate military objectives which may be attacked by air bombardment under the limitations imposed by treaty or by customary international law. Attempts to limit the effects of attacks in an unrealistic manner, by definition or otherwise, solely to the essential war making potential of enemy States have not been successful. For example, such attempts as the 1923 Hague Rules of Air Warfare, proposed by an International Commission of Jurists, and the 1956 ICRC *Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War* were not accepted by States and therefore do not reflect the laws of war either as customary international law or as adopted by treaty.

However, by way of acceptable analogy, reference can be made of the Hague Convention #IX of 1907 concerning Bombardment by Naval Forces in Time of War. Articles 1 and 2 of that Treaty would, *prima facie,* be applicable to air warfare as well as to naval bombardment, providing, in part, that bombardment of "undefended ports, towns, villages, dwellings, or buildings is forbidden," but that:

"Military works, military or naval establishments, depots of arms or war materiel, workshops, or plant which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbor are not, however, included in this prohibition," and the commander of an attacking force "incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances."

An additional example of a customary rule of international law, applicable by analogy to air warfare, appears in Article 8 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of May 14, 1954. Under that Article the Contracting Parties recognize that points vulnerable to armed attack in the event of armed conflict include "any large industrial center or . . . any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defense, a port or railway station of relative importance or a main line of communication."

The test applicable from the customary international law, restated in the Hague Cultural Property Convention, is that the war making potential of such facilities to a party to the conflict may outweigh their importance to the civilian economy and deny them immunity from attack.

Turning to the deficiences in the Resolutions of the Institut de Droit International, and with the foregoing in view, it cannot be said that Paragraph 2 which refers to legal restraints that there must be an "immediate" military advantage, reflects the law of armed conflict that has been adopted in the practices of States. Moreover, the purported legal restraints in paragraphs 7 and 8 on weapons *per se* and on the use of weapons do not accurately reflect the existing laws of armed conflict nor can they find support in the practices of States from which that law might be said to be emerging.

The existing laws of armed conflict do not prohibit the use of weapons whose destructive force cannot be limited to a specific military objective. The use of such weapons is not prescribed when their use is necessarily required against a military target of sufficient importance to outweigh inevitable, but regrettable, incidental casualties to civilians and destruction of civilian objects.

The major preambular paragraph of the Resolution proclaiming that recourse to force is prohibited in international relations is incorrect, and is inconsistent with the United Nations Charter as well.

As in other branches of international law, the law applicable to armed conflict develops only to the extent that Governments are willing to accept new binding restraints. In the search for such a consensus which is now in progress by the International Committee of the Red Cross as well as by the United Nations, resolutions such as those of the Institute of International Law form a valuable basis for discussion and consideration. But as indicated here, it cannot be said that all of the provisions of these resolutions reflect the practice of States under the belief that international law demands such practice.

These, like many similar statements, ignore the variable factors of military necessity. Real protection of civilians and the civilian population in time of armed conflict will come from realistic restraints, widely accepted and practiced by the world community, reflecting in their information informed analyses of military and political strategies, tactics and technology.

With reference to your inquiry concerning the rules of engagement governing American military activity in Indochina, you are advised that rules of engagement are directives issued by competent military authority which delineate the circumstances and limitations under which United States Forces will initiate and/or continue combat engagement with the enemy.

These rules are the subject of constant review and command emphasis. They are changed from time to time to conform to changing situations and the demands of military necessity. One critical and unchanging factor is their conformity to existing international law as reflected in the Hague Conventions of 1907 and the Geneva Conventions of 1949, as well as with the principles of customary international law of which UNGA Resolution 2444 (XXIII) is deemed to be correct restatement.

The draft proposals prepared by the International Committee of the Red Cross were submitted for consideration and are presently being considered in the ongoing process of debate, discussion and conference which has taken place in two major conferences of governmental legal experts in Geneva in 1971 and 1972 and by a separate panel of independent experts in 1970. The positions of the United States delegations to these conferences take into account the position of other governments as they are presented.

The fragmentary information relayed through you by Mr. Clark from the North Vietnamese purporting to identify locations where collateral damage is alleged to have been done to other than military targets is generally too vague and imprecise to facilitate a meaningful search of records of air operations in North Vietnam. For example, the "map" provided by the North Vietnamese through Mr. Clark to you is in fact no more than a free-hand sketch, with the alleged damage areas shown by splotches measuring about 10 kilometers across. It is indicated in the letter from Mr. Clark to you, we note, that he has provided to you so far only partial data in his possession. Under these circumstances, particularly in view of the patently propagandistic character of the allegations by the North Vietnamese with reference to bombing of dikes, as noted above, it would appear to serve no useful purpose on the basis of such fragmentary data to further pursue an extended study of photography, which for military security reasons, would mostly not be releasable to the public even if identified.

I would like to reiterate that it is recognized by all states that they may not lawfully use their weapons against civilian population or civilians as such, but there is no rule of international law that restrains them from using weapons against enemy armed forces or military targets. The correct rule of international law which has applied in the past and continued to apply to the conduct of our military operations in Southeast Asia is that "the loss of life and damage to property must not be out of proportion to the military advantage to be gained." A review of the operating authorities and rules of engagements for all of our forces in Southeast Asia, in air as well as ground and sea operations, by my office reveals that not only are such operations in conformity with this basic rule, but that in addition, extensive constraints are imposed to avoid if at all possible the infliction of casualties on noncombatants and the destruction of property other than that related to the military operations in carrying out military objectives.

Sincerely,

J. FRED BUZHARDT.

---

II. TEXT OF CHAIRMAN'S LETTER TO SECRETARY OF DEFENSE MELVIN R. LAIRD

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, D.C., May 3, 1972.*

Hon. MELVIN R. LAIRD,
*Secretary of Defense, Department of Defense, Washington, D.C.*

DEAR MR. SECRETARY: I appreciate receiving the Department of Defense's response of November 8, 1971, to my letter of May 10, 1971. However, the Department's response, by Mr. J. Fred Buzhardt, General Counsel, neglects several items raised in my letter. I suggested in this letter, that, as responses are prepared to individual items, they be forwarded to my office. Because nothing has been received since early November, and in the light of the growing Congressional and public concern over the kinds of items raised in my letter, I am writing to you again, and would appreciate the Department's comments on the items below.

1. The Judiciary Subcommittee on Refugees again requests a complete glossary of terms which have been used, officially and unofficially, to describe various American or American-supported military activities in Indochina. Although it was helpful to receive a copy of MACV Directive 525–13, "Rules of Engagement for the Employment of Firepower in the Republic of Vietnam", the glossary of terms contained therein was minimal. Moreover, Mr. Buzhardt's letter failed to comment on the projected impact upon civilians of the military activities associated with those terms.

2. I would also like to request again, for use by the Subcommittee, a copy of the full text of the "Report of the Department of Army Review of the Preliminary Investigation into the My Lai Incident", commonly referred to as the Peers report.

3. The intensity and the impact on the civilian population of the American-sponsored air war over all of Indochina has evoked much public controversy and concern. The recently increased bombing, especially, raises again the kinds of questions I included in my letter of May 10. What is the history of the air war over Indochina, as measured by annual bomb tonnages and the annual number of aircraft sorties over each of the countries in the area, including North Vietnam? In separate calculations for northern and southern Laos, and for North Vietnam, what is the monthly rate of sorties, identified by the kinds of aircraft employed, since January 1968? What is the monthly tonnage of ordnance for each area, and over the same period of time? How would the Department characterize the kinds of ordnance used? And what are the Department's estimates of civilian casualties, resulting from aerial bombardments, for each country in Indochina? The Subcommittee is particularly interested in available estimates on war damage to the civilian population in North Vietnam.

4. At a hearing on May 7, 1970, the exchange below took place. In the absence of a satisfactory response at that time, or since then, it would be helpful to receive the Department's full comment now, but in the context of all of Indochina and of developments throughout the area subsequent to May 7, 1970. In this connection, my reference to "confidential materials" obviously applies only to open sessions of the Subcommittee, such as those in which Mr. Doolin has participated.

Mr. DOOLIN. In terms of our air attacks, Senator, I believe my statement is as far as I can go in open session; it accurately reflects the operating authorities. As I indicated, all air strikes, except some, are validated by the Ambassador to Laos and to my knowledge maximum care is taken to avoid the causing of civilian casualties. . . .

Senator KENNEDY. Well, are these limitations really any different from Vietnam. . . .

Mr. DOOLIN. I can only say on the basis of the information available, the maximum care is taken to avoid civilian casualties wherever possible.

Senator KENNEDY. I'm sure maximum care is taken. I want to know what the results are.

Now, you must know from aerial photography how many villages have actually been destroyed—what the size was of villages where you take pictures one day and then again the next day; you can tell where buildings were, whether they are up or down; and you can make some estimation as to whether there had been people in the village or not. Have you done any kind of work like this?

Mr. DOOLIN. Mr. Chairman, there is some information available and I will be pleased to prepare a report on the subject and submit it to you and correlate it with the rules of engagement which I will go into in much more detail either in executive session or private correspondence.

Senator KENNEDY. I don't think any of us are looking for confidential materials here. I think we are trying to find out whether there are procedures used in bombings, and whether you follow those procedures to the best of your ability. We are interested in what the results of these procedures are in terms of civilian casualties and the creation of refugees.

Mr. DOOLIN. Well, as I indicated in my statement, Mr. Chairman, the air activities are with the approval of the Forward Air Guides. These men are Laotian, English-speaking; they avoid towns and these strikes are validated by the U.S. Embassy in Vientiane.

Senator KENNEDY. That, of course——

Mr. DOOLIN. They might put them as close to the scene as possible.

Senator KENNEDY. Well, now I'm interested in the performance chart as well as what the procedure chart shows. I'm sure we have outlined carefully prescribed procedures to avoid the creation of civilian casualties and refugees. But I'd be interested in what the results of those procedures have been as seen from aerial photography and from other kinds of intelligence activities you have access to and whether you are sufficiently concerned about these problems that you are taking these precautions.

Mr. DOOLIN. I'll see if I can provide that to you, Senator.

5. There are currently in existence manuals on rules of land warfare and on rules of naval warfare. What is the status of proposals on a similar manual relating to the rules of air warfare? Also, what program of instruction pertaining to the protection of civilians in air warfare is currently in use at the Air Force Academy? Does the Department accept the statement of the Institute of International Law on the nature of military targets (resolutions at Edinburgh, 1969) as an accurate restatement of international law? Does the Department accept the "Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War"—prepared by the International Committee of the Red Cross (ICRC)—as acceptable standards for the protection of such populations, and, if not, are there specific changes the Department would suggest? Are the classified rules of engagement governing American military activities in Indochina fully compatible with the general rules established by the ICRC and the general standards set by the Institute of International Law? And what is the Department's attitude toward the draft protocol on aerial bombardment and other matters which was submitted on May 3, by the International Committee of the Red Cross, to the Geneva Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts?

6. Finally, on the basis of the Subcommittee's hearings and study over recent years, on April 29, 1971, I recommended that the President create a permanent Military Practices Review Board to advise the Joint Chiefs of Staff on standards and procedures designed to keep American military policies and practices within the bounds of simple humanitarian and international legal obligations, and to monitor the implementing of the rules of engagement governing American armed forces in active combat. I further recommended that the Review Board be appointed by the President at an early date in consultation with the appropriate committees of the Congress; that it be composed of high level officials in government as well as recognized non-governmental experts on humanitarian problems and international law; and that it be attached to the National Security Council. The recommendation has generated much positive response among persons in government and elsewhere, and, again, I would appreciate very much learning the Department's views on this matter.

In conclusion, let me say once again that I fully appreciate the lengthy nature of these inquiries. But, in view of the widespread Congressional and public interest in the issues raised by these inquiries, I strongly feel that meaningful responses will contribute to greater understanding and will be beneficial to all concerned. I am extremely hopeful that it will be possible to include a good deal of the responses in the public record. I would also like to suggest that, as responses are prepared to individual items, they be forwarded to my office.

Many thanks for your consideration.

Sincerely,

EDWARD M. KENNEDY.

---

Mr. KENNEDY. He gave this as the expressed attitude of the Defense Department; and when we realize that in Cambodia alone 45 percent of the hospitals have been destroyed, that some $2 billion of war damage to civilian institutions has occurred, that of the 6.5 million people who live in Cambodia more than 3 million have been made homeless, and that there are tens of thousands of civilian deaths and hundreds of thousands of civilian war casualties, I am just wondering, given the impact on the civilians, whether the Senator, as one who has served in the Air Force of our country in the last war, and who knows first hand about the impact of the bombing, how he feels? Given the kind of human loss, the number of civilian casualties, and the number of refugees created our policy, even the stated administration policy, which I feel is perhaps a reasonable statement of international law, "that the loss of life and property must not be out of proportion to the military advantage gained"— given the loss of life, the suffering, and the damage to property, does the Senator believe the military advantage to be gained outweighs that loss? And I wonder how the Senator thinks that our interests are really being advanced by this bombing policy.

Mr. McGOVERN. The question the Senator from Massachusetts asks makes the point, that even if one divorces the human factor in the incredible suffering and destruction we are meting out to the civilian population of Cambodia and consider that only from the military standpoint, it is impossible to see any justification for it, especially the B-52 raids.

Recently, I had a long conversation with one of the people in the administration who is resigning because of his disgust over this policy. He has had some responsibility for keeping in close touch with it. He said that we have evidence the enemy insurgents in Cambodia know about the B-52 strikes before they take place. It is information that comes from the Cambodian general staff when they request an air strike, and where the requirement that there be some precaution taken in the strikes does have the effect of providing leaks.

Almost invariably, the military forces on the other side, who are supposed to be interdicted, get out of the road. All they have to do is to move into another quadrant. The B-52's come in and do their bombing over a certain quadrant, but the insurgent forces are gone long before they get there. Any military personnel are out of that area. What are left are the innocent civilians who do not have that information in time, so that their homes are destroyed, their rice paddies disrupted—and this is an area where a tremendous amount of rice is grown, so that supplies of rice become deficient.

As the Senator's Subcommittee on Refugees has demonstrated, we have driven well over a third of the people out of their homes to get away from the bombing. I cannot conceive of any military advantage with that kind of terrible destruction of people whom we are supposedly trying to help.

Mr. KENNEDY. Ambassador Hummel appeared before our Refugee Subcommittee recently and indicated to us that he could not foresee in the immediate future any cessation or halting of the bombing. He felt it was because of a violation of the truce agreement with the South and that we should expect that there will be continued bombing by the United States.

I remember asking him whether he thought, if there were other violations, and if we used his reasoning, that might not it mean that we could begin bombing in the North again, with all the implications of that—the probable loss of American planes, the loss of American pilots, and the possibility of new prisoners of war. He refused, during that exchange, to give absolute assurance that this might not take place in the North.

I am wondering whether the Senator from South Dakota believes that the American people really understand the danger as much as they should, that there really is, at least within the administration, of an open attitude toward perhaps losing additional planes and additional American flyers and additional American prisoners of war. Does not the Senator from South Dakota also agree with me that most Americans feel that that phase of the war has passed and they do not look at the Cambodian involvement as risking that danger? Does not the Senator from South Dakota also agree with me, further, that that danger is ever present, one which all Americans should be very much aware of?

Mr. McGOVERN. I certainly do. It is impossible to say what the state of American knowledge or opinion is on this subject. I am sure in my mind that the American people do not want us to become reinvolved in conflict with North Vietnam. I am convinced that if they understood all the implications going on in Cambodia today, they would be horrified as to what is being done in the name of the United States. That attitude, I believe, has even seized the Congress, as evidenced by the vote in the Appropriations Committee yesterday.

It is very important that without any undue delay, we move to put some restrictions on the administration so that we do not have to take steps that could reinvolve us in another major war in Indochina.

If American planes are shot down over Cambodia, or we renew the bombing of North Vietnam and our planes are shot down, as they inevitably would be, then we have the same old dilemma again, that of American prisoners of war being taken, and the argument being made again by our policymakers that we cannot ease off our bombing until we achieve the release of our prisoners of war, as happened several months ago.

So the Senator's concern is well taken and I hope it will not be lost on our policymakers downtown.

Mr. KENNEDY. I want to thank the Senator from South Dakota very much for his statement.

If we use the rationale and the reasoning of the administration as they justify their continued bombing of Cambodia, it would appear that their only real justification for it is, because they fear the possibility of a government coming to power in Cambodia which might not be sympathetic or friendly to the United States. If we use that as a test or a criterion, I suppose we could be bombing parts of the Philippines where the insurgents there have made statements in opposition to American Government policy, or we could be involved in bombing any number of places that I can think of in Southeast Asia.

If that is going to be the criterion by which we will define the presence of our American fighting forces, does not the Senator from South Dakota feel troubled by that apparent open-endedness in terms of the attitude and policy of the administration?

Mr. McGOVERN. I am troubled by it.

The PRESIDING OFFICER (Mr. HUDDLESTON). The 30 minutes time of the Senator from South Dakota have expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we may have an additional 10 minutes, or 15 minutes.

The PRESIDING OFFICER. If the Senator from Massachusetts desires to be recognized, he is entitled to 30 minutes which he can yield to the Senator from South Dakota.

Mr. KENNEDY. Mr. President, I desire to be recognized.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may be recognized for 30 minutes and that my time be yielded to the Senator from South Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has that right.

The Senator from South Dakota is recognized.

Mr. McGOVERN. I thank the Senator from Massachusetts.

To respond to his inquiry, one of the things that has troubled me is the inability of the administration to state a clear and legal justification for what we are doing in Cambodia. I thought that justification had been stated for the bombing of North Vietnam, but at least there were certain arguments that had a kind of hazy logic about them. There was the argument that our prisoners were being held by North Vietnam and that we had to keep the pressure on until they were released.

There was the argument that we had to protect American forces on the ground in South Vietnam by attempting to bomb the movement of men from the north. For a while, there was the argument that the Gulf of Tonkin resolution had provided legal justification, or that the SEATO Treaty had provided justification.

None of those things are present in the bombing of Cambodia today. We have repealed the Gulf of Tonkin resolution, as the Senator knows. That justification has gone.

The Cambodian Government has specifically repudiated the SEATO agreement and said it has no validity so far as they are concerned. So that justification is not there. There are no American prisoners of war that we are attempting to release from Cambodia, and no American forces on the ground in South Vietnam that we claim to be protecting.

When we interrogated Secretary Rogers and Mr. Richardson before the Committee on Foreign Relations as to what was the rationalization or the legal ground on which we are carrying on the bombing in Cambodia, they came up with the flimsiest kind of argument that under the treatymaking power of the Constitution, since we have an agreement with North Vietnam, that also gave us the power to retaliate if they do not keep to such a treaty. Yet in another moment they tell us that there is no treaty. If there was one, it would have to be submitted to the Senate for ratification, as the Senator knows. They talked about an informal agreement rather than a treaty. So that shot down their own arguments when they contended that we are bombing in Cambodia in order to enforce a treaty which, they say, in the next breath, we never made with North Vietnam.

I have yet to see any logical, consistent, or compelling legal or constitutional justification for the bombing that is going on in Cambodia.

I believe that the thrust of the Senator's question is well placed, that it is a very dangerous gamble we are carrying on there, which could involve us in major military operations.

Mr. KENNEDY. Again, I want to thank the distinguished Senator from South

Dakota and commend him on his statement.

Mr. McGOVERN. I thank the Senator from Massachusetts for his contribution.

The valid purpose of the Paris accords, as Mr. Kissinger himself has acknowledged, was to end American involvement in Southeast Asia. That objective—which is all that our interests require or ever have required—has been achieved to the extent that our troops have been withdrawn and our prisoners repatriated. Beyond that it simply does not matter very much, from the standpoint of American interests, how the peoples of Indochina work out—or fight out—their unresolved differences. The crucial question now is whether President Nixon recognizes these facts and, more particularly, whether he is prepared to make the extremely important distinction between the national interest of the United States and his own personal stake in the unwieldy deal struck at the peace conference.

The President's Cambodian policy suggests that he is not prepared to make that distinction. It suggests that he has objectives which exceed the security requirements of the American people, for which he is willing to risk a general American reentry into the Indochina war, as the Senator from Massachusetts has just said, and is already risking the creation of more American prisoners by the aerial bombardment now going on. In this connection, I think it pertinent to point out that I have no objection to appropriate responses to Hanoi's ceasefire violations such as the suspension of talks on reconstruction assistance. I think it is foolish for us to be talking about rebuilding North Vietnam while we are in the middle of demolishing Cambodia. There is not much chance, in any case, of Congress approving bilateral aid for North Vietnam, and in the circumstances of a general crumbling of the Paris agreement, the whole idea takes on a growing aura of unreality. I do not see much merit, or much realism, in the Nixon-Kissinger notion of aid to North Vietnam as an "investment in peace"—which seems to be a fancy way of suggesting that the North Vietnamese can be bought off with a few billion dollars from their long-term design for the unification of the two Vietnams.

The saturation bombing of Cambodia is a matter that requires our urgent attention. It is not only cruel and inhuman but, more important in the framework of this administration's values, it is stupid and unrealistic, threatening to shatter the fragile cease-fire and, with it, what remains of the President's prestige at home. Is Mr. Nixon's pride once again on the line? Are we to be treated to more petulance about "respect" for the office of President, and about "pitiful, helpless giants?" The President has a well-known penchant for bold action in time of crisis, and is said to take pride in a reputation for unpredictability. These attributes may be useful for certain purposes of statesmanship, but they are not useful when reasons of state are confused with personal pride and anger. It is one thing to act boldly in the national interest; it is quite something else for a leader to strike out wrecklessly to show an adversary how tough and relentless he is, to keep from being gotten the better of—as if world politics were a contest of politicians and their pride rather than of nations and their interests.

The "Nixon Doctrine" notwithstanding, the United States is being drawn steadily deeper into the Cambodian morass as the strength of the insurgents grows and the Government's forces deteriorate. The issue in any case, as Secretary of State Rogers acknowledged in his statement to the Foreign Relations Committee on April 30, has more to do with South Vietnam than with Cambodia itself. If the port of Sihanoukville—renamed Kompong Som—should be reopened to supply the North Vietnamese and the Vietcong in South Vietnam, still more if the Cambodian rebels should defeat the Phom Penh government, the South Vietnamese army would be put at a considerable disadvantage in the continuing Vietnamese civil war. Ultimately, it would seem to be Mr. Thieu and his Saigon regime whose future is at stake in Cambodia—although Secretary Rogers prefers to speak in euphemisms about "the right of self-determination of the South Vietnamese people." Even if Mr. Nixon were prepared to part with his feeble client in Phnom Penh—and that is not entirely clear—he remains quite evidently committed to his more vigorous client in Saigon.

Hence the morass. As long as we remain committed to the present Saigon regime, we are drawn toward involvement in Cambodia—there are no frontiers in the swamp. One either extricates oneself—as was thought to have been done at Paris—or one slides back in. Except for its own unfortunate inhabitants, Cambodia is a sideshow. The significance of the deepening American involvement is that it shows that the Nixon administration has yet to bite the bullet on Vietnam; it is still committed to the victory of one faction over the other in the Vietnamese civil conflict.

It is drawn, therefore, to the cause of Lon Nol, the ailing, partly paralyzed, deeply superstitious man who purports to rule Cambodia. It may not be called a "commitment"—the law, in case anyone cares, prohibits it. The Church-Cooper amendment of 1970 forbidding the use of American ground troops in Cambodia contains an additional clause—more in the nature of a forlorn hope—specifying that military and economic assistance to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense." So much then for the law. With this apparently in mind, the State Department came up with the artful notion that U.S. air strikes in Cambodia were not indeed a "commitment" to that country but rather a "meaningful interim action" to compel compliance with the Vietnam peace agreement. Something closer to the reality of our involvement with Cambodia was expressed in President Nixon's message to Lon Nol after the bombing attack on his palace in March. Expressing his admiration for "the Khmer people's courage and steadfastness under your leadership," Mr. Nixon went on to "reaffirm assurances of our continued support."

Even in a land much given to mysticism like Cambodia, the head of state, President Lon Nol, qualifies as uncommonly superstitious and eccentric. He is reported to believe deeply in demons and spirits and in omens provided by his soothsayers. In addition, since a massive stroke in 1971, the Cambodian leader has suffered partial paralysis. While his country is consumed by war, and while disasters accumulate, he is reported to perceive himself as a god-king commissioned by heaven to revive the ancient glory of the Khmer kingdom.

While the head of state muses on his destiny, the government sinks deeper in political intrigue and corruption, and until his forced departure from the country on April 30, effective power was accumulating in the hands of the President's aggressive "little brother"—as he is known—Brig. Gen. Lon Non. After the recent bombing of the presidential palace General Lon Non seized the occasion to break a schoolteachers' strike, close down all the nongovernment newspapers, round up more than one hundred leading political figures and intellectuals, and place under house arrest Lt. Gen. Sirik Matak, his brother's collaborator in the coup which ousted Sihanouk in 1970 and one of the few competent administrators in the country.

At the battle front, now in the outskirts of Phnom Penh itself, Lon Nol's generals, according to informed Western observers, engage in a lucrative commerce with the enemy. Some generals are said to sell even their American-supplied ammunition to the Communists, as well as such essentials as rice and fuel. The most notorious scandal is that of the so-called "phantom troops." No one knew the exact size of the Cambodian army, because the soldiers are supposed to be paid through unit commanders, many of whom are enriching themselves—with American money—by padding their rosters with the names of nonexistent soldiers. Unwilling to conduct a head count, the government has chosen instead to deal with this and other scandals by closing down the newspapers which were exposing them. Many real soldiers have in fact gone unpaid, and thereupon taken to looting and robbing peasants. "Much of the army," says an observer, "is no longer fighting. It is too busy stealing chickens. It has to, for otherwise it would starve."

Such is the estate of President Nixon's latest client, the country which is supposed to represent "the Nixon Doctrine in its purest form." Appalled by the shortcomings of the regime, but unwilling to implement President Nixon's inaugural pledge that "the time has passed when America will make every other nation's conflict our own," American officials have undertaken to bring about "reforms" in the Cambodian Government. They have prevailed upon Lon Nol to recast his government by forming a "High Political Council" composed of himself, Gen. Sirik Matak, and two of the other collaborators in the 1970 coup, in Tam and Cheng Heng. Best of all, from the standpoint of American Embassy officials, "little brother" Lon Non has been packed off on a long, vaguely defined mission to France and the United States.

The new regime—if there is a new regime—is said to be committed to a negotiated settlement with the insurgents. Sirik Matak has said that would be his objective. Perhaps, with the help of Mr. Nixon's B–52's, they will prevail upon the divided Khmer Rouge factions to sign a paper truce similar to the ones in Vietnam and Laos. One hopes that it will come and come soon, but it is far from a certainty. Meanwhile, for the sake of pride, President Nixon continues this war for which he has no legal authority and in which the United States has no legitimate stake. One prays that President Nixon will not fail in this latest, and most gratuitous, of his military gambles. The issue at the moment is in limbo. In his recent "state of the world" report, Mr. Nixon warned ominously that "the coals of war still glow in Vietnam and Laos, and a cease-fire remains elusive in Cambodia," and the President also warned Hanoi of "revived confrontation with us." Mr. Kissinger now says that matters have improved in Cambodia since the report was prepared and that, as a result, "We are not too pessimistic that over a period of weeks, maybe months, some cease-fire negotiations could start." Although Mr. Kissinger suggested no substantive grounds for his relative optimism, we must hope that it is well founded. If the President miscalculates, America may find itself again at war throughout Indochina, with all that that would bring in the way of death and devastation to the peoples of those lands, and division and dismay to the American people. "The flame of the Indochina war has been turned down," a Cambodian official said recently, "but the pilot light is still burning brightly in Cambodia. It is just a question of time before our war reignites the whole thing."

### II. AN ILLEGAL WAR

There is a "zone of twilight," as Justice Jackson said, between the clearly defined powers of Congress and those of the President. Armed with a bagful of sophistries and rationalizations, President Nixon has carried the current air war in Cambodia beyond the "zone of twilight" into the outer reaches of legal darkness. Without a shred of constitutional authority on which to base the current bombing campaign, the administration tried at first to get by with supercilious evasions of the question, such as Assistant Secretary—and Ambassador designate—Sullivan's recent statement that "two lawyers" in the State Department were working on a new constitutional justification for the bombing of Cambodia. Meanwhile, of course, the bombing was continuing, since there could be no doubt of the Department's ability to cook up something. "For now," Mr. Sullivan added with a twinkle, "I'd just say the justification is the reelection of President Nixon."

Proceeding on similarly elevated jurisprudential grounds, Secretary of Defense—and Attorney General-designate—Richardson then attempted to explain away the annoying reminders in Congress and the press of President Nixon's own previous—and, I might add, spurious—claim of authority for his military actions in Cambodia. When President Nixon sent American troops into Cambodia on April 30, 1970, he said that their mission was "to protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs." And when American forces were withdrawn from Cambodia, the President said, on June 3, 1970:

> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find this is necessary to protect the lives and security of our forces in South Vietnam.

Now that the troops are out of Vietnam, Mr. Richardson maintains that the President still has constitutional authority to bomb Cambodia because he is merely trying to clean up a "lingering corner of the war."

Despite his credentials as a distinguished lawyer, Mr. Richardson has been quite unable to come up with any provision of the Constitution authorizing the President to clean up "lingering corners of wars"—especially wars which were never authorized by Congress in the first place. The "main point," Mr. Richardson told newsmen recently, "is simply that a cease-fire has not been achieved in Cambodia.

He continued:

> So what we are doing in Cambodia is continuing to support our ally there against the continuing efforts to disrupt communications, to isolate Phnom Penh. We are engaged in air strikes only at the request of the Cambodian government.

The reference to Cambodia as an "ally" is significant, raising the question of what it takes to make an "ally." One might have supposed that it took a treaty of alliance ratified by the Senate, but Cambodia, as we know, is in no such relationship to the United States. Although in 1954 Cambodia was designated a "protocol" state entitled to protection under the SEATO Treaty, the Cambodian Government has repeatedly and categorically refused the protection of SEATO, and on May 30, 1970, Mr. Richardson himself, as Acting Secretary of State, wrote to the Foreign Relations Committee:

> The SEATO treaty has no application to to the current situation in Cambodia.

Also pertinent to Mr. Richardson's notion of Cambodia as an ally is the Javits amendment to the Church-Cooper amendment of 1970, which specifies that military and economic assistance to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense." It is a fascinating question of law how a country which has refused protection under a treaty, a country whose defense by the United States is prohibited by law, nonetheless qualifies as an "ally." Really something more than an ally, in Mr. Richardson's view, since its "request" for our air strikes is invoked as a basis for the President's authority to mount those air strikes. In this frame of reference, the Phnom Penh regime qualifies as a kind of super-ally, with an active role, superseding that of Congress, it would seem, in our constitutional processes. Or, as Merlo Pusey, a student of the war power, has put it:

> To say that the President is free to engage in military activities in another country merely on the request of its leader is to argue that he is free to make war at his own discretion regardless of how remote our interests in the outcome may be.

One might dismiss Secretary Richardson's eccentric notions of the President's war power as the aberration of an impromptu press conference, but for the fact that he reiterated the same views on a subsequent occasion. Asked during an appearance on "Meet the Press" on April 1 for some constitutional justification for the bombing of Cambodia, the Secretary said that he did not think it would be difficult to come up with one—"unless you are looking for some line in the Constitution that deals specifically with this kind of situation." The administration's authority, Mr. Richardson went on:

> Rests on the circumstances that we are coming out of a ten-year period of conflict. This is the windup. The fighting in Cambodia is a kind of residue. . . .

Some of us indeed are "looking for some line in the Constitution." Laboring under the quaint notion that our basic law, "living document" though it may be, requires some modicum of relationship between its own specifications and the behavior of officials who are supposed to be operating under it, we think it reasonable to expect executive branch officials to cite the provisions of the Constitution which they believe authorize their actions, all the more for the fact that there are other provisions of the Constitution—the war powers of Congress as spelled out in article I, section 8—which clearly prohibits unauthorized executive action. Even if one is not a strict constructionist, as President Nixon and his assistants quite evidently are not, one would hope to be able to construe something from the Constitution relating to actions taken in its name—something more, that is, than all this sophistic nonsense about "lingering corners" and "residues" of wars and the support of an "ally" who under our law is disavowed as an ally.

In apparent recognition of the inadequacy of such makeshift pseudo-legalities, the State Department's lawyers labored mightily to produce a definitive document, submitted by Secretary Rogers to the Foreign Relations Committee on April 30, purporting to establish the President's authority to conduct the air war in Cambodia. Citing the various requirements of withdrawal from and nonintervention in Cambodia and Laos spelled out in article 20 of the Paris peace agreement, the State Department memorandum claims a Presidential right to take military action to enforce this provision of the Paris settlement, although that settlement is not a treaty, but an executive agreement contracted without the consent or authorization of Congress. Because there has been no cease-fire in Cambodia, because North Vietnamese forces have not withdrawn from that country as specified in article

20 of the Paris peace agreement, and because, in consequence, U.S. air support is needed to sustain the Lon Nol government, it is inferred by the State Department memorandum that—

> U.S. air strikes in Cambodia do not represent a commitment by the United States to the defense of Cambodia as such but instead represent a meaningful interim action to bring about compliance with this critical provision in the Vietnam Agreement.

The language is bureaucratically murky, but its thrust is clear—the President now claims war powers to enforce the executive agreement of January 27, 1973.

Even if there were grounds for so extravagant a claim, the claim is inconsistent with the State Department's own interpretation of the Paris agreement. We are much in the debt of the Senator from Missouri (Mr. SYMINGTON) for calling to the attention of the Foreign Relations Committee, on April 30, a State Department briefing paper entitled "Interpretation of the Agreement on Ending the War and Restoring Peace in Vietnam." As to U.S. bombing of Cambodia and withdrawal of foreign forces, the briefing paper states as follows:

> Our air activities in Laos and Cambodia, both combat and non-combat, have been undertaken at the request of the governments of those two countries. They are not affected by the Agreement *until such time as cease-fires and foreign troop withdrawals are arranged in those two countries*. Article 20 of the Agreement requires respect for the 1954 and 1962 Geneva Agreements and the withdrawal of foreign troops and their equipment from Cambodia. *This article was carefully drafted, however, to avoid stating a time or period of time for the implementation of these obligations, and it was clearly understood that they would be implemented as soon as cease-fire and troop withdrawal arrangements could be worked out in Laos and Cambodia. . . .*

Again, as to the withdrawal of foreign troops, the briefing paper states:

> The obligation to withdraw foreign forces from Laos and Cambodia is stated in Article 20(b) of the Agreement. However, *this obligation constitutes an agreement in principle and no time is stated for it to become an effective obligation*. It was recognized that this, as other obligations of Article 20, should become effective at the earliest possible time, but it was also recognized that *the precise timing would depend upon the timing of agreements among the contesting parties in Laos and Cambodia*. We made it clear to the North Vietnamese that we intended to continue our air strikes in Laos until there was a cease-fire there, at which time they would of course be prohibited.
>
> Thus, the provisions of Article 20(b) should be understood as agreements in principles which the United States and the DRV would endeavor to see were included in cease-fire or other settlement agreements in Laos and Cambodia. *Only when such agreements are concluded will the obligation to withdraw become operational.*

As between the two sections of the briefing paper quoted—the one relating to our bombing, the other to withdrawal of foreign forces—the administration is in a position of perfect inconsistency. On the one hand it makes cryptic references to a secret understanding that the U.S. bombing would continue until a cease-fire was concluded. On the other hand North Vietnam is accused of violating the Paris agreement, although by the administration's own written understanding of article 20, the North Vietnamese will be obligated to withdraw from Cambodia only when a cease-fire is concluded. Not only, then, does the administration claim to derive war powers from an executive agreement with a foreign nation; it does so under a false and misleading version of its own official—and hitherto secret—understanding of that agreement. It is difficult to conceive of a legal position more bankrupt.

Lacking anything more specific in the way of Presidential authority to sustain the air war in Cambodia, the State Department memorandum of April 30 is reduced to such banalities as the revelation that article II of the Constitution vests the Executive power in a President, who is also to be Commander in Chief of the Armed Forces. And—little though it supports the Executive's position—the memorandum goes on to remind us that the President, "shall take care that the laws be faithfully executed." Finally, the State Department memorandum has resorted to that favorite proposition of the loose constructionists, the alleged ambiguity of the Constitution and the deliberate imprecision of the framers in dividing powers between Congress and the President. The framers, in this view, were wise indeed "in leaving considerable flexibility for the future play of political forces."

Painful experience has taught us in the Senate to be wary of panegyrics to ambiguity, "flexibility and the future play of—political forces." All these, we have come to learn, are euphemisms for one thing—the Executive desire to conduct foreign policy exactly as the President sees fit, without the bothersome intereference of Congress. In fact the framers of our Constitution were not nearly as vague and indecisive as the Executive would have us believe. As the Foreign Relations Committee noted in its war powers report of last year:

> Whatever else they may have painted with a "broad brush," the framers of the American Constitution were neither uncertain nor ambiguous about where they wished to vest the authority to initiate war . . . . the framers vested the authority to initiate war in the legislature, and in the legislature alone, and established the framework for tight Congressional control over the military establishment.

### III. ENDING IT

There are two possible ways of ending this war in Cambodia which goes against both our laws and our interests. The preferred approach—a negotiated cease-fire—is at the disposal of a reluctant executive. The alternative—a legislative mandate to end the bombing and all other American involvement—is available for Congress to employ at any time.

From the standpoint of our interests our negotiating position is strong; because there is no threat to the security or welfare of the United States, we are in a position to tolerate any of the contending factions, or any combination of them, as the Government of Cambodia. It is here, rather than in the constitutional realm that the President possesses the flexibility he seems to value so highly. It is only Mr. Nixon's own abiding conviction that it matters to the United States who rules in Phnom Penh—or for that matter in Saigon—that has robbed our policy of flexibility, kept us on the edge of the abyss, and condemned the Cambodian peasantry to death and devastation by American bombs.

One possible result of a negotiated settlement might be the restoration of Prince Sihanouk as head of a coalition of the disparate elements contending for power in Cambodia. He visited the guerrilla-held territory of Cambodia in February and March, and there are unauthenticated reports that he has put together a coalition of the rebel forces. Sihanouk is considered to be "Peking's man," but he is also thought to be acceptable to Hanoi, and both China and North Vietnam have indicated their preference for a neutral Cambodia. Aside from the pride and pretensions of the Nixon administration, there is no reason why the United States could not tolerate a coalition of Sihanouk and the Khmer Rouge, with or without the participation of Lon Nol, Sirik Matak and other members of the present regime in Phnom Penh. For that matter we could as well tolerate a regime dominated by the Khmer Rouge. And we could call it "peace with honor," if such slogans are required, for the compelling reason that a nation's honor is inseparable from its interests, and our interests impose no requirements at all as to the kind of regime which will rule in Phnom Penh. When honor and interests diverge, as they do in Mr. Nixon's current policy, then it is not honor at all which is at stake but pride and presumption.

In the absence of a new and wiser approach by the administration, Congress has the legislative authority—perhaps, one might add, the responsibility—to bring Mr. Nixon's post-Vietnam war to a belated end. It is unlikely that this can be accomplished by the simple denial of the authority to transfer military funds recently requested by the administration; in his testimony before the Senate Defense Appropriations Subcommittee on May 7, Secretary Richardson made it known that the administration would not be deterred from its bombing campaign by so simple a legislative device. He proceeded thereupon to acquaint the subcommittee with the kind of legerdemain to which the administration will have resort if the transfer authority is denied. And, as an added fillip, the Secretary tried to scare Senators away from an amendment specifically prohibiting the use of funds for the bombing by suggesting that if such a prohibition were defeated, then "we would be justified in regarding that vote as a vote to at least acquiesce in that activity.'" Here then is another interesting example of the jurisprudence of Mr. Nixon's Attorney General-designate: anything goes unless specifically prohibited, and an unsuccessful attempt to prohibit some activity will be taken as a vote of confidence.

Mr. Richardson's blackmail notwithstanding, Congress can and should prohibit the continuation of this cruel and unnecessary war. The logical and available vehicle is the Church-Case amendment, which would prohibit any further military action in or over or from off the shores of the countries of Indochina unless specifically authorized by Congress, and would prohibit economic assistance of any kind to North Vietnam unless specifically authorized by Congress. Just possibly, the administration's threat to interpret an unsuccessful vote on the Church-Case amendment as an endorsement of its policy will provide Senators and Congressmen with the added incentive to make sure that this time, at long last, congressional action to end the war in Indochina will not fail.

Mr. Kissinger, the architect of the unfulfilled Paris peace agreement, has been preoccupied of late with compassion. He calls for a compassionate debate as to where we are going at home and abroad, and he even calls for compassion toward those involved in the Watergate affair, lest we fall into an orgy of recriminations. As I indicated at the beginning of these observations, I am glad to endorse Mr. Kissinger's plea, and indeed to expand upon it by calling upon the administration to show compassion as well as to seek it. It can do so by lifting from the people of Cambodia the burden of death and devastation, and by lifting from the American people the burden of division and recrimination, which this war, more than any domestic scandal, has imposed upon them.

---

## THE BOMBING IN CAMBODIA

Mr. JAVITS. Mr. President, there is an ongoing debate before the Committee on Foreign Relations respecting the constitutional authority of the President to continue the bombing in Cambodia. In this ongoing debate, in which both the Secretary of Defense and the Secretary of State have testified, the attitude taken is that the bombing in Cambodia does represent a constitutional power of the President based primarily upon the fact that the President entered into a cease-fire agreement; that that cease-fire agreement is alleged to have contemplated a cease-fire in Cambodia; that North Vietnam, through the presence of its troops—and there is a great deal of argument about how many troops they have and whether they are the decisive factor in the conflict in Cambodia—is really sustaining the civil war which is going on in Cambodia; that, therefore, to "enforce" the cease-fire agreement, in order to make it effective in all its terms, the President has authority to bomb.

Mr. President, I do not agree with that argument. In the absence of any superseding statement by the President, we must take as authoritative the memorandum submitted to the Foreign Relations Committee by the Secretary of State on April 30. The legal and constitutional arguments in that brief are just not tenable, in my judgment. I do not believe there is any constitutional authority for the President of the United States to engage in bombing in Cambodia. I believe that the last vestige of any such authority disappeared when U.S. troops were withdrawn from South Vietnam. This is entirely consistent with the assertions of the President, the Secretary of State, and the President's foreign policy chief, Dr. Kissinger, when Cambodia was invaded—or when we moved into Cambodia—in 1970 in order to allegedly destroy enclaves which were threatening U.S. troops in South Vietnam through the presence in those enclaves in Cambodia of North Vietnamese troops. It was also the explanation for withdrawal in July of 1970, at a time when it was alleged that the work had been done—that is, that the North Vietnamese had been disabled in those enclaves.

Now the ground has shifted to another constitutional justification. I see nothing in the Constitution or in practice under the Constitution, in view of the fact of the cease-fire in Vietnam—incidentally, that cease-fire does not call for a cease-fire in Cambodia—that would justify the bombing in Cambodia. The cease-fire agreement just says that the parties contemplate that there will be a cease-fire in Cambodia. It does call for the withdrawal of all foreign troops from Cambodia, which includes North Vietnamese troops. But this agreement made by the President with the North Vietnamese, and other parties depends, for its being construed as a cease-fire agreement, and not a treaty, upon the fact that it is completely operative and that the operation under it is finished.

An Executive agreement, it is charged, can be made where you are dealing with the question of deployment or nondeployment of forces which is exactly what the cease-fire cómes to. It is a grave question to me that a cease-fire which has been implemented within the area in which U.S. troops are engaged can now be construed as a treaty, without Senate ratification, on the ground that one of the parties may be held to its terms outside the operation of the cease-fire where it affected American troops. I do not believe that is so.

I believe that if the President wants to implement, by force, the terms of this agreement on the grounds that the terms can be projected to another country—and after the departure of U.S. troops—it would have to be a treaty ratified by the Senate; and even then he could act only with the concurrence of Congress, because his actions necessitate making war in order to enforce a treaty.

So, I cannot see any constitutional ground whatever that justifies this Presidentially ordered and conducted air war.

The President of the United States, the most solemn and important Office we have in this country in matters of foreign policy, declared yesterday, through his spokesman, according to one of our prominent newspapers this morning, that recent steps in the Senate and the House of Representatives to stop the American bombing in Cambodia were especially damaging, because they came "on the very eve of negotiations to achieve compliance" with the Paris agreement.

Mr. President, I said a moment ago that there is a very grave question as to whether any "compliance" with the Paris agreement is justified on the ground that this is a contemplated cease-fire; but let us assume that it is, because of the failure of the North Vietnamese to withdraw their troops, in whatever number, from Cambodia—that is part of the agreement—and on the ground that the President did not choose to submit that agreement to the Senate. Hence, the concept of the agreement as a treaty is an erroneous concept. At the most, it is an operative document in the field; and once American troops are out of the field, that is the end of it.

Finally, in addition to the fact that it has not been submitted as a treaty and will not be, I do not believe the Constitution empowers the President to go to war in order to enforce the terms of a treaty unless Congress concurs.

The President says that we should shut our eyes to these acts—notwithstanding, as I believe, that they are contrary to law and the Constitution, the highest law of the land—on the ground that if we do not shut our eyes to it, we will be damaging the cause of our country on the very eve of negotiations, and so forth.

Mr. President, my answer to that is as follows: First, if when we insist that law and the Constitution be observed we are damaging the interests of our country, then surely we are being asked to subscribe to one-man rule, because we are damaging the interests of our country in the opinion of one man, the President of the United States, who is just as mortal as I am, or any Senator or Congressman, or anyone in the United States, and he can be just as wrong.

Second, we are asked to forego the protections of the Constitution upon which our liberties are based. There is a higher cause than anything that happens in Indochina. We see on all sides what happens to our Constitution when we shut our eyes to the requirements of law on the ground of some vague higher law. For example, in the eyes of a good many of these people involved in the scandals now being heard before a Senate committee their higher cause was to at all costs, no matter what it meant, no matter what act had to be performed, and whether the occupant of the office wanted it or not, to commit any act so long as he could be President of the United States. That is not the way our country is run. I am confident that is not the way the President wants it or wanted it, and it is not anything we can condone.

I have rejected the argument that we are interfering because we insist on obedience to the Constitution.

In answer to the argument with respect to the cutoff of funds in the Committee on Appropriations and the vote in the other body demonstrating the same attitude, that we are running counter to the highest interests of our country, on the contrary we are acting in the highest interests of our country.

Next, are we really interfering with negotiations looking toward compliance with the cease-fire agreement, which is the administration case? To that I answer decidedly "no," for this reason. All we ask of the President is that he come to Congress and make a case. What we say is that we, too, have power in this matter; that we have a joint power; that the power is not alone in the President.

If the President has a case in the highest interest of our country, can we assume that a majority of the House and the Senate will not go with him and drag its feet, and prejudice and harm the interest of our country and its security and the people in the world by obdurately not assisting the President of the United States? Never. I do not believe that this argument is valid any more than the argument with respect to the Constitution or the law was valid.

While personally I am doubtful that they could at this time persuade the Congress to endorse new or continued hostilities in Indochina, that possibility cannot be ruled out given the great persuasiveness of the President and his key advisor in foreign affairs. It is most unfortunate in my judgment that the President has not chosen to pursue this course which is the proper and only course open to him at this stage under the Constitution as I understand it. Accordingly I call upon the President to seek a congressional authorization if he believes it is necessary or desirable in the national interest to continue the bombing of Cambodia. If he should do this, I would do my utmost to see that every opportunity is accorded to the President to make his case as fully and as persuasively as he can. However, the President, the Congress, and the Nation would then have to be prepared to accept the verdict as reflected in the votes of the Senate and the House of Representatives.

I deeply feel that the President would be much better served by dealing with the issue of coming to Congress, making his case, revealing the facts and circumstances that he feels demands bombing on the part of the United States, get the concurrence of Congress, and in so doing he would sustain the rule of law and sustain the highest interest of the Constitution of the United States in protecting the liberties of our people.

It is significant that for the second time the Committee on Foreign Relations this very day, with almost unanimity—only one member voting present, again reported a historic break with the past, is the War Powers Act, to codify and give us a methodology on the question of right of the President to make war without the consent of Congress, which has been growing until it blossomed in full variety in the Vietnam war.

As one who praises the President for the enormous leadership he has shown with regard to the foreign policy of this country in respect of the opening relations with the People's Republic of China, the new relationship we are trying to establish with the Soviet Union, and many other areas, I urge the President of the United States to come to Congress and seek what would truly be lawful and constitutional authority to carry on the war in Cambodia, and if he will not quit it on the grounds that the liberties of our country are far more important than any other argument that might be made to sustain the bombing, notwithstanding the Constitution.

In closing, I am confident that the President will obey the law when and if the Congress has spoken statutorily on this subject, either in response to Presidential request or on its own initiative in the absence of a Presidential request. Defense Secretary Elliot Richardson assured the Foreign Relations Committee that this would be the case when I questioned him on this very point when he testified before the Foreign Relations Committee on May 8.

Mr. President, I yield the floor.

### BILL HELD FOR PRINTING

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a bill submitted today by the Senator from New Jersey (Mr. WILLIAMS) be held for printing until the number S. 1861 is reached.

The PRESIDING OFFICER. Without objection, it is so ordered.

### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATOR GRIFFIN AND SENATOR ROBERT C. BYRD ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders or their designees have been recognized under the standing order, the distinguished Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes, and that he be followed by the Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, the Senator from Michigan (Mr. GRIFFIN) will be recognized for not to exceed 15 minutes, after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes. At the conclusion thereof, the Senate will go into executive session to consider the nomination of Mr. William L. Springer, of Illinois, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1977. There is a time limitation on that nomination of not to exceed 2 hours. It is anticipated that the time will begin to run at about 1 p.m., 1:10 p.m., or 1:15 p.m. on Monday. All the time may not be taken. The yeas and nays have been ordered on the confirmation of the nomination of Mr. Springer. Hence, there will be a yea-and-nay vote at, I would say, circa 2:30 p.m. or certainly not later than 3 or 3:15 p.m.

Other legislative matters subsequently will probably be taken up and yea and nay votes could likewise occur thereon on Monday afternoon.

### ADJOURNMENT UNTIL MONDAY, MAY 21, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and at 3:30 p.m., the Senate adjourned until Monday, May 21, 1973, at 12 o'clock noon.

### NOMINATIONS

Executive nominations received by the Senate May 17, 1973:

#### ASIAN DEVELOPMENT BANK

Paul Rex Beach, of Virginia, to be U.S. Director of the Asian Development Bank, with the rank of Ambassador.

### CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1973:

#### DEPARTMENT OF THE TREASURY

Edward C. Schmults, of New York, to be general counsel for the Department of the Treasury.

Donald C. Alexander, of Ohio, to be Commissioner of Internal Revenue.

#### DEPARTMENT OF STATE

Jack B. Kubisch, of Michigan, a Foreign Service officer of Class 1, to be an Assistant Secretary of State.

Marshall Wright, of Arkansas, a Foreign Service officer of Class 2, to be an Assistant Secretary of State.

Phillip V. Sanchez, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Honduras.

Robert J. McCloskey, of Maryland, a Foreign Service officer of Class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

#### INTER-AMERICAN DEVELOPMENT BANK

John M. Porges, of New York, to be Executive Director of the Inter-American Development Bank for a term of 3 years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### IN THE DIPLOMATIC AND FOREIGN SERVICE

Diplomatic and Foreign Service nominations beginning Karl D. Ackerman, to be a Foreign Service officer of Class 1, and ending John F. Tefft, to be a Foreign Service officer of Class 7, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 27, 1973.

Diplomatic and Foreign Service nominations beginning Robert C. Amerson, to be a Foreign Service officer of Class 1, and ending Michael D. Zimmerman, to be a Foreign Service officer of Class 6, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 27, 1973.

# HOUSE OF REPRESENTATIVES—*Thursday, May 17, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Rest in the Lord and wait patiently for Him.*—Psalm 37: 7.

O Thou whose spirit sustains us in the stillness of the night and whose strength supports us in the struggle of each new day, grant unto us the grace which will keep us in the fellowship of those who walk in Thy way and give to each one of us the guidance we need to keep our hearts at peace with Thee and with one another.

Help us to do our duties cheerfully. May our burdens not be too heavy, our tasks not be too demanding, and our trials not be too troubling. But if we fail in any good thing—let Thy wisdom correct us, Thy mercy forgive us, and Thy love amend our ways. Deliver us from inward evil and outward harm so that when evening comes it may not find us afraid or ashamed but at peace with Thee and with our fellow men; through Jesus Christ, our Lord. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 14. An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes;

S. 723. An act to establish a National Institute of Health Care Delivery, and for other purposes;

S. 1381. An act to amend certain provisions of the Land and Water Conservation Fund Act of 1965 relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes; and

S. 1423. An act to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

## GROSS ERROR WITH RESPECT TO SECURITY CHECKS BY HOUSE INTERNAL SECURITY COMMITTEE

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, I take the floor today after notifying the gentleman from California (Mr. WALDIE), for the purpose of correcting a very gross error made in a press release reportedly coming from his office. The first sentence reads as follows:

> Congressman Jerome R. Waldie, D-Calif., today said he was "appalled by the revelation that since 1971, the Civil Service Commission has singled out all Federal job applicants who have attended college since June, 1968, for a security check by the House Internal Security Committee."

Let me advise the House that the House Committee on Internal Security makes no security checks for any agency. It is true that the Civil Service Commission does have access to certain information in the files of the House Committee on Internal Security, as a part of the national agency check which is performed for all prospective employees of the Federal Government, but the House Committee on Internal Security performs no internal security checks for any agency of Government.

## MAJORITY LEADER THOMAS P. O'NEILL SAYS ADMINISTRATION PLANS TO IMPLEMENT SPECIAL REVENUE SHARING WITHOUT CONSENT OF CONGRESS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, any day now we can expect the Federal Register to publish new rules implementing special revenue sharing for manpower programs.

This, despite the fact that Congress has never authorized special revenue sharing. Yet, a high Labor Department official had the audacity to tell a House committee that he has his orders—he is to institute special revenue sharing by July 1 no matter what Congress does.

In addition, Congress has learned that the Federal Aviation Administration proposes to raise user charges $50 million above the levels approved by the airports and airways legislation.

We all know that the administration has said it has the right to withhold expenditures, even though Congress has specifically authorized them.

Now we see the administration asserting the right to spend money as it sees fit, through special revenue sharing, even though Congress has not authorized such procedures.

And, finally we have the administration exercising the right to tax and to raise revenues on its own initiatives, without asking or receiving the consent of Congress.

Mr. Speaker, this administration does not seem to feel that it needs a Congress at all. This administration still refuses to recognize that this is not a nation of one-man rule.

## NATIONAL AUTISTIC CHILDREN'S WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 296) authorizing the President to proclaim the last week of June of each year as "National Autistic Children's Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to request of the gentleman from California?

### PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, reserving the right to object, under this procedure I would like to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, is there any understanding officially or as a practical matter, that there be no quorum calls or rollcalls today?

The SPEAKER. The Chair knows of no such understanding.

Mr. GROSS. I thank the Speaker for his answer, and withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

### H.J. RES. 296

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue a proclamation each year designating the week which begins on June 24 as "National Autistic Children's Week", and calling the attention of the people of the United States to the plight of the autistic child, and the services which are available to help such children and their families.

### AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. EDWARDS of California: On page 1, line 4, strike out the words "each year".

Mr. GROSS. Mr. Speaker, will the gentleman from California (Mr. EDWARDS) yield?

Mr. EDWARDS of California. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, will the gentleman from California (Mr. EDWARDS) state the purpose of this resolution and give us the title?

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, the resolution authorizes the President to proclaim the last week of June of this year as "National Autistic Children's Week."

Mr. GROSS. What kind of a week?

Mr. EDWARDS of California. National Autistic Children's Week.

Mr. GROSS. Mr. Speaker, will the gentleman spell that?

Mr. EDWARDS of California. A-u-t-i-s-t-i-c.

Mr. GROSS. And what does that mean?

Mr. EDWARDS of California. Mr. Speaker, these are children who may be physically healthy but live in a world apart from others and fail to respond to normal personal interactions. Because of their handicaps they require special care, and this is of great concern to the medical profession.

The fact that the gentleman requests an explanation of the word "autistic" reflects the need for special attention by our society to these children. The designation of "National Autistic Children's Week" would provide a time for directing public attention to these children and for educating the public on what can be done to help them.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation.

Mr. WALDIE. Mr. Speaker, the House will today consider a bill to which there can be little, if any objection—a bill which would set aside the last week of June as National Autistic Children's Week, to recognize and draw attention to a little known disorder which affects hundreds of children throughout the United States.

These children have been termed "autistic"—and although they may appear normal outwardly, they live in a world apart from others, seemingly inaccessible. These children are multihandicapped in their ability to receive and communicate information. Although some display amazing feats of memory, their robotlike insistence on daily routine makes this condition one of the most puzzling of medical mysteries. There is no known cause or cure for autism, although a large and growing body of research indicates that a biochemical error may be at the root of this disorder.

The Maryland Society for Autistic Children describes these children as "seemingly unresponsive to the usual give and take of parent-child relationships."

They said:

> Like deaf-blind children they are often hyperactive, their behavior hard to manage. Public outings, even for such necessities as buying shoes, can leave a wake of upset and angry shopkeepers who believe the child (who looks so normal) to be just a "spoiled brat" and berate the parent for the child's unacceptable social behavior.
>
> Some scream for hours. No amount of effort on the parents' part can comfort them. Many can go for days with little sleep or food. A few are so disruptive they require permanent hospitalization.

The last 10 years has brought success in reaching these children. Special education and vocational training efforts suited to their needs have benefited autistic children. However, these children are victims not only of an illness, but of a neglectful society when they are deprived of opportunities provided normal children. By setting aside this week we can further educate society to recognize autism's signs, and make a renewed effort to learn more about the cause and cure for autism.

Mr. Speaker, I urge all Members to vote favorably on this measure.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize the President to proclaim the last week of June, 1973, as 'National Autistic Children's Week'."

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. O'NEILL. Will the distinguished gentleman yield? If he will, I will be happy to respond.

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. The program for the House of Representatives for the week of May 21, 1973, is as follows:

Monday is Consent Calendar day. There will be three suspensions:

H.R. 6628, Micronesian Claims Act amendment;

House Joint Resolution 512, temporary extension of housing laws; and

H.R. 630, additional seats for R. F. K. Stadium.

Tuesday, suspensions, two bills: H.R. 6717, user fees in recreational facilities, and H.R. 2246, to agree to a Senate amendment with an amendment to the Economic Development Act extension. Also H.R. 7200, railroad retirement temporary increase extension, with an open rule and 1 hour of debate.

On Wednesday, H.R. 7528, NASA authorization, subject to a rule being granted, and H.R. 77, jointly administered trust funds for legal services plans, also subject to a rule being granted.

On Thursday, H.R. 6912, Par Value Modification Act; H.R. 5858, JFK Center maintenance funds; H.R. 5857, National Visitors Center amendment; and H.R. 6830, International Center for Foreign Chanceries, all subject to rules being granted.

Also on Thursday we will receive the former Members of Congress.

The House will recess for Memorial Day at the conclusion of business on Thursday until noon on Tuesday, May 29.

Conference reports may be brought up at any time, and any further program or changes will be announced later.

## ADJOURNMENT OVER

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the distinguished majority leader about the receiving of former Members. Did the gentleman say that the House would receive them in formal session or after the session?

Mr. O'NEILL. I said after the business is over.

Mr. GROSS. After the business session on Thursday.

Mr. O'NEILL. It is just the usual procedure we go through every year, and it does not interfere with the business of the House at all.

Mr. GROSS. I understand that, but is this not the day when we adjourn for Memorial Day?

Mr. O'NEILL. Yes, sir.

Mr. GROSS. And a rather long weekend with respect to Memorial Day?

Mr. O'NEILL. Yes.

Mr. GROSS. Which makes some difference, does it not, as to whether the House will be continued in session with respect to the ability of Members to leave after the business session?

Mr. O'NEILL. I have to assume we will complete our business and on the completion of our business we will meet with the former Members.

Mr. GROSS. That is all I wanted to know: Whether the House would continue in session to receive the former Members or whether we would adjourn and then they would be received on an informal basis.

Mr. O'NEILL. That is the way it has always been.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## HARRY S TRUMAN—A GREAT AMERICAN PRESIDENT

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, although our dear friend, former President Harry Truman, has been gone from us now for some time, there comes to my attention quite regularly commentaries and memorials on the life of this great American President that should certainly be incorporated in the RECORD in order that these eulogies may in turn be made a part of the memorial volume which will soon be published in memory of Mr. Truman.

One of the best eulogies, that I must confess I had neglected to recognize until now, was the address by Dr. Richard S. Kirkendall, professor of history, University of Missouri-Columbia. His address on Mr. Truman was presented at the Truman Memorial convocation held in the Memorial Union Auditorium on January 17, 1973, at the University of Missouri-Columbia.

It has now come to my attention that, although Dr. Kirkendall was a native of the State of Washington, he has become one of the authorities on the accomplishments of Missouri's most distinguished son, the great Harry S Truman.

Dr. Kirkendall has excellent credentials as a Truman authority. He joined the faculty of the University of Missouri at Columbia early in 1958 and gained national acclaim for his research and writings on the Truman years. After nearly 10 years, in 1967, he released his first large-scale survey of literature on the Truman era, as editor of "The Truman Period as a Research Field."

This distinguished Truman authority does not come by his knowledge as a matter of hearsay because he has had access to the Truman Library at Independence and had the privilege of several personal interviews with the former President. So it could appropriately be said that Dr. Kirkendall not only had a professional knowledge of Mr. Truman because he is a student of history, but also a personal knowledge because of the several personal interviews with Mr. Truman.

For my part, I am glad that I have recently discovered this excellent address because I would not want it to have been omitted from Mr. Truman's memorial volume. It is my privilege to read into the Record at this time the address entitled "Harry S Truman—A Great American President" as follows:

### HARRY S TRUMAN—A GREAT AMERICAN PRESIDENT

(Editor's Note.—Although he is a native of Spokane, Washington, Dr. Richard S. Kirkendall has become one of the nation's authorities on the accomplishments of one of Missouri's most distinguished native sons—the late President Harry S. Truman.

(Joining the University of Missouri-Columbia history department faculty in 1958, Dr. Kirkendall advanced from assistant to full professor while gaining national acclaim for his research and writings on the Truman years.

(Dr. Kirkendall is a graduate of Gonzaga University at Spokane. After two years in the Navy, he resumed his education and earned master's and doctorate degrees in 1953 and 1958 at the University of Wisconsin.

(He taught history for a year at Wesleyan University at Middletown, Connecticut, before moving to the UMC campus. Not long after his arrival in Missouri he published *Social Scientists and Farm Politics in the Age of Roosevelt* as a hardback volume. In 1967, he made the first large-scale survey of literature on the Truman era as editor of *The Truman Period as a Research Field*.

(Access to the Truman Library at Independence and personal interviews with the former President added to Dr. Kirkendall's personal and professional knowledge of Mr. Truman.)

Harry S. Truman was one of America's greatest presidents. This is not to say that he was always wise and always successful. None of our presidents has been wise and successful at every point. We have not been ruled by gods. We have been forced to make do with men, and men have limits on their abilities. In appraising presidents, the historian must have realistic expectations.

Harry S. Truman's achievements and proposals entitle him to recognition as a great occupant of the Executive Mansion. He failed more than once; a bolder man might have accomplished more; a wiser one would have avoided some of his moves. His accomplishments may not have been as substantial and significant as Washington's, Lincoln's or Franklin Roosevelt's. Yet, he did promote valuable changes; he developed a new and larger role for the United States in the world, affected some parts of it in very desirable ways, and encouraged social and economic improvements at home. And our experiences since he left the White House suggest that his advice should have been followed more closely.

Truman was not a small man who suddenly had a very big job imposed upon him. The job was very big, but he brought to it rich and varied experiences in American life and politics. He had served for eight years as the chief administrative officer of a populous county and more than nine years as a United States senator. He had campaigned for office on local and state levels, administered and constructed court houses, welfare agencies, roads, and other public facilities in Jackson County, contributed significantly to the war effort as an investigator of the economic side of it, and learned much about the American political and economic systems. Although his brief vice presidency had not supplied specialized training for the higher assignment, his selection as a candidate had enabled him to wage a national campaign in 1944, and his responsibilities as vice president had given him a chance to exercise his political talents in new ways. If he did not shape the administration's proposals, he did obtain opportunities to build support for them. His career before the White House was not a little man's career.

Truman's life before April 12, 1945 also supplied him with a philosophy on the issues that he would face, including the international affairs that would dominate his presidency. His thinking on foreign policy emphasized political considerations, especially the distribution of power, the importance of the military factor, and the need to deal forcefully with aggressive nations. This philosophy was the product of his own experiences as a soldier extending over more than thirty years and of the nation's experiences in world affairs from 1918 to 1945.

As president, Truman was determined to avoid what he regarded as the errors of the past: weakness and refusal to get involved in the major international problems. He feared that the American people would retreat to the foreign and military policies of the 1920s and the 1930s that had failed disastrously. He was convinced that the nation must play a very significant role in the world in the postwar period and must possess military strength.

With Truman supplying essential leadership and making the basic decisions, the United States did not retreat to the poilcies of the interwar period. Instead, it played a large role in the world. Truman carried to completion Roosevelt's plans for the creation of and American membership in the United Nations. Of greater importance, at least in the short run, his administration developed and implemented a plan—the Marshall Plan—for European recovery. The plan and the program that followed contributed decisively to the economic recovery of Western Europe and to the development of political stability and strength in the region.

Truman believed that the United States could and should play a large role in world affairs, but he did not regard American power as unlimited. He did not believe that the United States could do all that it might wish nor accomplish all that it might hope. This sense of limits affected his efforts in Eastern Europe, where he relied largely on words in a futile effort to influence political developments. He was distressed by Russian behavior there but believed that there was little he could do to change it. The sense of limits also prevented him from intervening in a large way in the Civil War in China even though he hoped that Chiang Kai-shek could avoid defeat. He and his aides did not believe that the United States could mobilize the economic and military resources needed to avert a decisive influence on that very large, very complex, and deeply troubled nation.

The sense of limits also contributed significantly to another very controversial aspect of Truman's presidency: his conflict with General Douglas MacArthur in 1951. The President rejected the General's proposal to throw more force against the Chinese in Korea and to carry the war into China itself, according to Truman's top military adviser, "involve Chiang's troops." Truman regarded the suggestions as extremely dangerous. "We are trying to prevent a world war—not to start one," he explained. Furthermore, MacArthur's proposals would tie the United States down in an area of secondary importance and thereby give the Russians new opportunities in a much more important region: Europe. MacArthur's strategy would, according to Truman's top military adviser, "involve us in the wrong war, at the wrong place, at the wrong time, and with the wrong enemy." MacArthur's objectives—the reunification of Korea under non-Communist control and the weakening of China—were not unattractive, but they seemed to Truman to be beyond the limits of American power. The pursuit of them would result in losses that would far outweigh those objectives in importance.

The Truman-MacArthur controversy also involved another very important consideration: the place of the military in American life. Truman regarded military power as essential but also dangerous. His solution was civilian control. This was, of course, the solution of the American Constitution. MacArthur tried to use his prestige to force a change in policy and appealed publicly for support of his ideas. His actions challenged Truman's authority as Commander in Chief, and the President concluded that he must remove the General from command in order to uphold and maintain the essential principle of civilian supremacy.

Foreign affairs was the most significant aspect of Truman's presidency. The record of his domestic accomplishments did not contain any contribution as substantial as the Marshall Plan, to cite a major example. Nevertheless, he was not insignificant in the domestic history of the United States. He was not able to gain acceptance for new domestic proposals, but he did expand and improve already established ones, such as Social Security and public power, and he did defend them against their foes. Moreover, by publicizing various issues, such as health insurance, he paved the way for later accomplishments. Furthermore, he did more on behalf of the civil rights of black Americans than any of his predecessors in the twentieth century.

Truman's civil rights record deserves more than brief mention. It was influenced by his interest in the nation's relations with other people as well as by domestic concerns and humanitarian considerations. Well aware of the international implications of American race relations, he was convinced that the country "could no longer afford the luxury of a leisurely attack upon prejudice and discrimination." In 1951, when vetoing a bill that would segregate schools on federal property, he explained.

"We have assumed a role of world leadership in seeking to unite people of great cultural and racial diversity . . . We should not impair our moral position by enacting a law that requires discrimination based on race."

Truman's concern in this area was expressed by several significant actions. Late in 1946, he established a Committee on Civil Rights to investigate race relations and make recommendations for government action to protect civil rights, and less than a year later, the committee produced a bold report that influenced the administration's subsequent behavior. Soon, his Justice Department joined the NAACP in an attack before the United States Supreme Court on segregated housing. This marked the beginning of that department's significant participation in the civil rights movement. Early in the following year, the President delivered a special message attacking discrimination and segregation and calling for national legislation that would provide federal protection against lynching, protect the right to vote, prohibit discrimination in interstate transportation facilities, and establish a permanent agency concerned with job discrimination. And in July, 1948, Truman issued two executive orders on civil rights, including one calling for equality of treatment and opportunity in the armed forces and the establishment of a committee to help with the implementation of the order. The President explained that it was intended to end segregation.

Truman enjoyed some successes in this area. His Justice Department continued to function as a "friend of the court" in the major civil rights cases and helped the NAACP win its battles. His appointees to the United States Supreme Court also played important roles in these cases, which attacked segregation in housing, railroad dining cars, and higher education and prepared the way for the monumental decision in 1954 attacking segregation in all public schools. And the armed forces were desegregated. They had taken on new importance as a result of the enlargement of the nation's role in the world, and he promoted progress in race relations in this part of American life.

Truman failed, however, to obtain passage of the broad civil rights legislation that he proposed. Perhaps he might have accomplished more if he had pressed his proposals more boldly. His appraisal of political realities restrained him, however. His ability to promote change was limited by strong resistance, especially in the South. Many southerners bolted the Democratic party in 1948 and supported Governor J. Strom Thurmond of South Carolina in a presidential campaign that focused upon race relations. And after the election, a congressional coalition of conservative Democrats, mostly southerners, and conservative Republicans dominated Congress on domestic issues and frustrated Truman's appeal for a legislative attack upon problems in American race relations. Even before Truman became president this coalition had demonstrated that it could thwart a president. It was chiefly responsible for his failure in this area.

Truman did not always succeed, and he did not always make wise decisions. One unwise one was the decision to provide financial support for the French in their battle against revolution in Indochina. This marked the beginning of an involvement that led to disaster.

Truman, however, was not responsible for the disaster. His successors were. They lacked his appreciation of the limits on our power and enlarged enormously a rather small commitment that could have been terminated after the French failed or at some other point far short of massive military involvement.

Many Americans, however, could not accept Truman's belief that their power had limits. That belief was one of the sources of his unpopularity during his last years in office. By early 1952, only 25 percent of the people thought that he was doing a good job. His most prominent critics were very dissatisfied with his foreign policy, seeing it as responsible for the "loss" of China and for other undesirable developments, and they assumed that the United States could and should accomplish much more than he had accomplished. It was this attitude that led to our large-scale involvement in Vietnam. It has been an effort to "avoid another China."

Truman made mistakes, he failed to accomplish some of his objectives, but he was a much greater president than most Americans realized during his years in the White House. They should have accepted rather than resisted his advice on civil rights and made a much larger effort to solve the problems in American race relations. Instead, those problems—or many of them—were allowed to grow and become a serious threat to the nation as well as a source of suffering and sorrow for many individuals. More attention should have been paid to his suggestions about the limits on American power. Instead, we enlarged our role until bitter and destructive experiences in Vietnam provided persuasive evidence on this point.

In his area of greatest significance, international affairs, Truman's point of view and performance were complex and balanced. He believed that the United States must play a large role in world affairs, but he also maintained that there were limits on what the nation could and should do. He insisted that the United States must have a strong military establishment, but he also knew that a strong military posed a threat to the American system and must be kept in a subordinate position.

We need that complexity and balance at the present moment. Alive now to the folly of globalism, we may swing back to isolationism, forgetting its dangers. The United States once tried to play a small role in the world, but that failed. It did not keep the country out of major wars. Now the nation, or at least a very substantial part of it has become aware of the shortcomings of the global role, the limits on American power, and the need to make choices, and efforts are being made to define a role in the world that minimizes difficulties. The thought and record of one of our greatest presidents could help us define that role.

## TVA ABANDONS ITS ORIGINAL OBJECTIVES BY ENCOURAGING THE STRIP MINING AND DEVASTATION OF THE LAND

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, 40 years ago on May 18, 1933, the establishment of the Tennessee Valley Authority marked one of the greatest political and social experiments in the Nation's history. In recommending to Congress in 1933 the creation of a TVA, President Roosevelt said:

> Many hard lessons have taught *us* the human waste that results from lack of planning. Here and there *a few* wise cities *and counties* have looked ahead and planned. But our nation has "just grown". It is time to extend planning to a wider field, in this instance comprehending in one great project many States directly concerned with the basin of one of our greatest rivers.

TVA began from an impoverished region with proud people, a World War I munitions plant, and a great river made unnavigable by numerous shoals and siltation which resulted from years of erosion on the steep hillsides which form its watershed. The future of the Tennessee Valley, and indeed the United States, was seen in the potential this river offered as a backbone of transportation and a source of hydroelectric power.

### THE DREAM OF GEORGE NORRIS

It was the imagination and ideals of a Republican Senator, George Norris, from a Midwestern State, Nebraska, and a progressive President, Franklin Delano Roosevelt, which enabled the "Great Experiment" to develop. The experiment was considered by its founders as more than a regional program, it was a prototype for other regions to emulate—a multipurpose program to enrich the land through wise conservation of the natural and human resources.

Muscle Shoals, the site of the munitions plant, became a symbol of the struggle of the Nation to lift itself by its bootstraps. President Roosevelt said of Muscle Shoals:

> Muscle Shoals is more today than a mere opportunity for the Federal Government to do a kind turn for the people in one small section of a couple of States. Muscle Shoals gives us the opportunity to accomplish a great purpose for the people of many States and, indeed, for the whole Union, because there we have an opportunity of setting an example of planning, planning not just for ourselves but planning for the generations to come, tying in industry and agriculture and forestry and flood prevention, tying them all into a unified whole over a distance of a thousand miles so that we can afford better opportunities and better places for millions of yet unborn to live in the days to come.

In most respects, that great experiment begun 40 years ago has been an overwhelming success. TVA is unique as a comprehensive program for the betterment of the lives of the population of an entire region. And, so far as management of water and agricultural resources is concerned, TVA has been a leader in developing agricultural fertilizers and promoting modern agricultural husbandry nationwide. It is, in this capacity, a model for the entire world.

### COMPREHENSIVE PLANNING BY TVA

TVA is a multiple purpose program in the fullest sense and, indeed, is our finest example of comprehensive planning and development of water resources. Prior to TVA, flooding was one of the chief obstacles to development of the region. Operation of TVA dams has prevented millions of dollars of flood damage to Chattanooga and other communities along the Tennessee River. Similar benefits have accrued from reduction of flood peaks downstream along the Ohio and Mississippi. TVA has been a leading innovator in flood plain management programs, and has coupled its construction program with wise management of riparian lands.

Water flow regulation, together with channel improvements, has also vastly improved navigability. Waterborne commerce increased from 33 million ton-miles in 1933 to 3.7 billion ton-miles in 1970. The importance to economic development is obvious; but, more than that, the waterways have served as a yardstick for maintaining reasonable rates among other forms of transportation as well.

### RECREATIONAL BENEFITS

TVA reservoirs provide great recreational resources for the entire Nation. The impoundments also provide water for municipal, industrial, and agricultural water uses which are of vital importance to the region.

Apart from development of the water resources, TVA has made great strides in soil conservation, fertilizer research, and production. Power from the hydroelectric plants was vital to the Oak Ridge operations and other defense needs during the Second World War.

The main objective of all this, though, was bettering the life of the people of the TVA region. In 40 years of TVA, per capita income of the region grew from 45 percent of that of the Nation to 75 percent.

However, wealth is not the sole measure of a people. Success is manifest in less tangible ways: In the faces of the people, in educational institutions and in a healthful physical and spiritual environment.

### THE ROLE OF POWER

But beginning in 1954, TVA lost sight of the objectives of its founders which were so cogently stated by President Roosevelt:

> Now for the TVA. I can put it this way: Power is really a secondary matter. What we are doing there is taking a watershed with about three and a half million people in it, almost all of them rural, and we are trying to make a different type of citizen out of them, not what they would be under their present conditions. Now that applies not only to the mountaineers, we all know about them, but it applies to the people around Muscle Shoals. Do you remember that drive over to Wheeler Dam the other day? You went through a county of Alabama where the standards of education are lower than almost any other county in the United States, and yet that is within twenty miles of the Muscle Shoals Dam. They have never had a chance. All you had to do was to look at the houses in which they lived. Heavens, this section around here is 1000% compared with that section we went through. The homes through here are infinitely better.
>
> So TVA is primarily intended to change and to improve the standards of living of the people of that Valley. Power is, as I said, a secondary consideration. Of course it is an important one because, if you can get cheap power to those people, you hasten the process of raising the standard of living.

Things change, however, and despite the good words of President Roosevelt concerning the secondary nature of cheap power in TVA, it is cheap power that sets the scene for our modern image of this agency.

As we now celebrate the 40th anniversary of this noble experiment, it seems appropriate that we reflect not only on what has gone before in the history of this agency, but what lies ahead, as well.

### IS TVA TWO-FACED?

Ancient Roman mythology had as one of its most important dieties Janus, who opened the sky at sunrise and closed it at sunset. He is often represented as having two faces, one to see into the future, the other to see into the past.

The analogy which can be drawn between Janus and the Tennessee Valley Authority at this time is appropriate. Certainly, TVA has been responsible for bringing light to the people of south Appalachia. The growing reliance on coal-fired powerplants carries with it the threat of darkness for the land and for the people.

TVA, upon looking back, can find satisfaction in the great good it has done in applying basic conservation premises and enlightened Government policy to solving the problems of a land and its people.

Poverty and erosion were evident in both man and land in the Tennessee Valley 40 years ago. The richness of the land and of the human spirit were washed away by the flood of nature's wrath with man's folly.

The past-seeing Janus eyes of TVA saw those errors of Man erased, to be replaced with constructive reasoned enterprise. Those eyes have seen the land and the people prosper.

There is a troubling mote in the eye of retrospective vision, however. It is a mote that threatens to blot out the accomplishments of the past. And, to set the stage for a future which has the potential to dwarf the ravages of the 1930's.

Modern man, muscled with new technology and motivated by greed, is on the march. TVA, if not leading the parade, is certainly calling the tune.

The bulldozers and power shovels which came to shape and heal, to rebuild in the 1930's stayed when their work was finished. But like house pets left unsupervised too long, they have gone feral, cutting and tearing at the earth as a pack of wild dogs destroys a deer.

George Norris once said, mistakenly, as it turns out:

> I think the TVA will prove the greatest thing in the world for the human betterment of common, ordinary men and women. It will combine the blessings and advantages God has given us into an integrated whole, improving the lot of everyone and injuring nobody.

Cheap power, the balm of a generation ago, has become the narcotic debilitating drug of the present. With the hydro potential of the Tennessee Valley largely tapped, the switch was on—to thermal power. Coal-fired thermal power.

### THE RAVAGES OF STRIP MINING

Striped mined coal.

A troubling mote in the backward-looking eye, indeed.

Some details on the changing power picture are clear. One of those details is that the U.S. Government has been a key factor in the increasing demand for electricity in the TVA area. Science writer John Walsh noted in October 1965 the ravenous appetite of the Oak Ridge facilities:

> In 1944, before Oak Ridge had geared up to its peak wartime pace, Federal installations used some 717 million kilowatt hours out of a TVA total annual output of 9110 billion . . . The Korean War and the advent of hydrogen weapons sent Federal power requirements up proportionately faster (than private demands). In 1954 Federal use of TVA power had climbed to 11.8 billion out of a total output of 30.1 billion kilowatt hours. By 1964 the Federal share was 25.4 billion kilowatt hours out of a total output of 68.5 billion.

We can only hope that the strategic arms limitation agreements will enable this domestic energy consumption spiral to level off.

Walsh also zeroed in on the supreme irony of the situation, the environmental destruction associated with an organization dedicated to conservation. Walsh quoted former Kentucky Gov. Edward Breathitt's remark that—

> Certainly the TVA, which is basically a conservation agency, should insist that good conservation practices be observed whenever it does business. The conscience of the Authority should not allow the destruction it is today helping to promote.

The reaction to those strong words by TVA Board Chairman Aubrey Wagner is interesting. Wagner said:

> To put the picture in perspective in 1963, out of a total production of 178 million tons of coal in Kentucky, Tennessee, Illinois, Virginia and Alabama, TVA bought some 22 million tons or about 12 percent. During this same year, slightly more than one-third of the total production came from surface mines—strip and auger—and slightly over half of the total coal TVA bought came from these mines.

In that response, Mr. Wagner chose to ignore the point at issue, contenting himself with manipulated figures—only two of the States named lie largely within TVA jurisdiction.

The crucial item in Wagner's statement was that over half of TVA coal came from surface and auger mines. That was the fact that was so at odds with all that TVA should stand for.

### NO RECLAMATION AT FIRST

At the time, there was no provision for reclamation in TVA contracts. Cheap power from cheap coal was the operative order of the day. One operator was quoted as saying:

> There isn't an operator in this business who can sell coal at TVA prices without tearing up the State. There is no reason why we should have to mine coal under emergency conditions.

The 1965 pressures on TVA appeared to have had some effect, since invitations to bid for coal supply contracts in July of that year carried with them the requirement that strip mined lands be reclaimed.

### NEW "RECLAMATION" REQUIREMENTS

The provisions of that date still sound commendable; coal faces and all toxic materials to be buried; breakthroughs to underground mines sealed; no spoiled deposits in natural drainage courses; spoil banks regarded to allow vegetation to become established; and replanting of trees or other cover.

All reclamation was to be completed within 24 months after delivery of the coal. Operators failing to meet the requirements were to have their contract cancelled and were to be removed from the list of eligible contractors for future supply contracts. And the reclamation requirements have been stiffened repeatedly.

Any number of States have legislation on their books at this time, legislation which proclaims just such a no-nonsense approach to strip mining reclamation.

I have traveled to a number of those States. I have listened to witnesses from those States as they testified before congressional committees considering Federal legislation on strip mining. I have received thousands of letters from citizens in those States.

These experiences have led me to a single conclusion. The only effective legislative control of strip mining is the legislative elimination of strip mining, wthin is reasonable period of 6 months for contour mining, and 17 months for area stripping.

### "RECLAMATION" HAS FAILED

Indicative of the failure to control the ravages of stripping through regulations or laws is the incident reported in the Nashville, Tennessean on September 19, 1971, by William Greenburg. After a field inspection of a strip mine supplying coal to TVA, the reporter wrote:

> At least one landslide could be clearly seen, dropping a sheet of brown down the lush green mountainside.
>
> A resident of the area pointed up and said: "That is what TVA is doing to us. They tell us they are making the strip miners grow it back. They can never make that mountain green again. And they can never take that slop out of our river again."

This was some 6 years after TVA had first imposed reclamation requirements in its contracts, and after those requirements had been updated and strengthened.

Perhaps the "local resident" quoted in that newspaper account should be packed up and sent to the TVA board of directors. He clearly has a more intimate knowledge of strip mining operations and a more accurate appraisal of the potential for reclamation than do the majority of board members now serving.

That same article lends some hope, however, since it noted—

> There are the conservationists within the TVA who hold that the agency doesn't take enough force in demanding that the strip mined lands be redeveloped. A few, in candid moments, wonder if reclamation is impossible after the land has been robbed of its coal.

The renewed opposition to the TVA's continued mammoth consumption of strip mined coal led to the seemingly inevitable result—new reclamation standards, touted to be tougher and more readily enforceable than the previous requirements set just a year before, in December 1970.

Unrealistic as this band-aid-against-a-cancer approach may be, one can still understand the reasoning which underlies the gradual increase in severity of restrictions as previous rules prove ineffective.

Completely beyond understanding or rationalization, however, was the earlier refusal of TVA to comply with the law of the land—the National Environmental Policy Act of 1969.

This landmark piece of legislation is designed to bring a degree of environmental balance into the Federal decision-making process by requiring agencies to file a statement of expected environment impacts before undertaking a program or policy which could significantly affect the environment.

### SEPARATE ENVIRONMENTAL IMPACT STATEMENTS NOT FILED BY TVA

Conservationists had called for environmental impact statements to be filed on a series of contracts to supply coal obtained by surface mining.

TVA refused to comply, so the conservationists went to Court on March 1, 1971. The plaintiffs, Natural Resources Defense Council, Environmental Defense Fund, and the Sierra Club, pointed out in their suit that T–A had never filed such a specific environmental statement, although the agency had shown an awareness that strip mining does have a detrimental effect on the environment.

The case will be heard on its merits on May 21, 1973, in the Federal district court at Knoxville, Tenn. Two issues will be argued: First, whether the environmental impact statement submitted by TVA complies with the NEPA requirements; and second, whether requiring that individual impact statements be filed as contended by the plaintiff would affect the competitive purchasing procedures required by the TVA Act.

It is interesting to note that the proposed revisions of the CEQ guidelines provide for "generic" impact statements in the case of repetitive or sequential actions by Federal agencies, but even these new guidelines recognize that some actions, although of a class for which a generic statement has been written, would result in unique environmental damage to the extent that an individual impact statement would be required for individual projects. Certainly, each and every coal procurement contract would result in damage in a different location and situation so as to require an independent analysis of the environmental impact.

### WEAKNESS OF TVA REGULATIONS

But more importantly than that, the policies followed by TVA are so insufficient as to constitute no policy at all. The agency allows, for instance, stripping operations on slopes as great as 28 degrees. In the surface mining legislation which passed the House of Representatives last year there was a provision which would have barred stripping on any slopes exceeding 20 degrees.

The toughened provisions of the 1970 reclamation regulations contained loopholes large enough to run the "Gem of Egypt" through. Phrases such as "as closely as possible," and "to the maximum extent practicable" dotted the regulations. So they tried to toughen them further.

It is clear that TVA has not acted in good faith to uphold the charter presented to it in 1933. A recent report by the General Accounting Office prepared at my request thoroughly documents the failure of the TVA to live up to its own requirements.

A survey of the Beaver Creek Basin in Kentucky by the Geological Survey reveals the backsliding which has taken place in the province of TVA as a result of strip mining.

Over 27,000 tons of earth per square mile were washed away in strip mined areas, as compared to 1,900 tons in non-strip-mined areas. Minerals were washed out of the earth at a rate of 1,370 tons per square mile in stripped areas, while only 111 tons were lost in nonstripped areas.

All the fish and most of the plant life had been eradicated in streams affected by strip mining.

Six years after the mining had been concluded found these conditions still existing.

Strip mining cannot be regulated.

Our coal resources can continue to play a vital role in supplying our Nation with energy, but that coal must come from underground mines where there are available eight times the amount of low-sulfur reserves as there are strippable reserves, mines where the health and safety of the miners are adequately protected, where stable, long-term job possibilities exist.

Underground coal mines can provide economic benefits without trading away environmental protection in return.

A sound economy in a sound land—this is the charter from which TVA has wantonly strayed.

It is the charter to which TVA must be returned.

---

## DISTRICT OF COLUMBIA FEDERAL PAYMENT ACT OF 1973

The **SPEAKER**. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. **FUQUA**. Mr. Speaker. I have this date introduced a bill, with Congressman ANCHER NELSEN as a cosponsor, that would establish a new and what is believed to be a better and improved procedure for determining the Federal payment for the District of Columbia. This proposal includes both the procedure as it relates to appropriating funds for the Federal payment, as well as authorizing the amount of the Federal payment. It legislatively implements the recommendation of the Commission on the Organization of the Government of the District of Columbia—the Nelsen Commission—as it relates to this matter.

The Nelsen Commission, in its study, found that the lump sum and the formula approaches to the Federal payment were both troublesome, not only to the Congress, but to the District government as well. The Commission considered that the Federal payment should be predictable; operate to encourage District efforts to raise more revenues; use the prior year authorization level as a base; operate to avoid wide fluctuations impacting adversely on the District's ability to plan and finance operations; and, to the extent possible, reflect the unusual costs to the District of its role as the Nation's Capital.

The Nelsen Commission also recommended that, where the District Government determines that there will be a need for an increase in the authorization, that it should act promptly to insure that the matter is submitted to the Congress sufficiently in advance—approximately 18 months—so that the Congress will be able to establish a level of Federal payment 1 year in advance of the beginning of the fiscal year in which such authorization would take effect.

It is generally conceded that the problem of the Federal payment as it relates to the District of Columbia leaves both of the principal parties relatively unhappy with the effort they expend to arrive at an agreement regarding the level of that payment. On the one hand, in many instances the Congress deals with the matter in a relatively bulk increment manner, rather than approaching it on a refined statistical basis. However, Congress yielding in certain instances because it considers it does not have sufficient information on which to make a refined judgment, the authorization is set on the basis of compromise rather than need for informed judgment. Meanwhile, the District government is often unhappy, it appears, because certain of its officials may feel that they have been unable to fully get across their story to the Congress as far as justifying needs and convincing the Congress that a larger increase in the Federal payment is fully warranted.

It is believed that the approach contained in this bill would to a large extent diminish, if not eliminate, this controversy and, in addition, permit the Congress to act in a more informed manner as it relates to the Federal payment. On the other hand, District government officials, by providing for intercity fiscal comparisons in justifying their level of request for a Federal payment, will be informing the residents of the District that their need, at least on a basis compared with other cities, is justifiable; and that their revenue-raising efforts, such as those relating to real estate tax, are comparable with like cities, given the uniqueness of the Nation's Capital. Certainly, the information supplied the Congress by the District government and the Offie of Management and Budget should also serve to inform and reassure local residents that their taxes are being used by the local government in an effective and efficient manner.

This manner of arriving at a Federal payment should also serve to inform the Nation's taxpayers, "who give a substantial measure of financial support to the operation of the District government (S. Rept. 91–1122, page 2)" that the Congress is performing its proper and informed legislative oversight in establishing a Federal payment for the District of Columbia. Your support on behalf of this measure is solicited, and in order to provide those in the Congress who may not have had an opportunity to read some of the background as it relates to this matter, the excerpt from the Nelsen Commission report which relates to this matter is reprinted below:

### The Federal Payment

The Fiscal relationship between the District of Columbia and the Federal Government has always been difficult to define, let alone quantify. Some aspects of the relationship are more clearly understood than others. For instance, it is well known that the Congress enacts most revenue measures for the District, appropriates annually the funds it may expend including those raised from local revenue sources, and determines the size of the Federal Payment. Federal grants-in-aid are available to the District as they are to state and local governments.

Great difficulty arises in trying to determine precisely the costs and benefits which accrue to the District of Columbia as a result of being the seat of the Federal Government. Satisfactory techniques have not been developed for quantifying such factors as the influence of the Federal payroll, the tourist trade drawn by the Federal city, the effect of Federal agency relocation and leasing decisions, the impact of exempt Federal and related property (i.e. embassies, national nonprofit associations, etc.) as it relates to revenue collection, and the extra costs the District incurs as a result of policing and cleaning up after national demonstrations.

Many feel that the Federal Payment should reflect only the extraordinary net cost (above average or different in some way from comparable cities) to the District of the Federal presence. Others maintain that the Federal Payment should be sufficient to make the District a model American city or, at least an orderly, attractive and pleasing National Capital. In these approaches as well as others, there is little agreement as to which costs and benefits are considered normal and which extraordinary, or how they should be reflected in the annual Federal Payment.

Although intercity fiscal comparisons are useful in determining the level of the Federal Payment, measurement difficulties preclude establishing the Payment based solely on the difference between District expenditures and revenues of average intercity rates. Nevertheless, intercity comparisons are still extremely helpful as a starting point in determining whether the standard of fairness seems to be observed for each new level of the Federal Payment. It is important to realize that the knowledge gained from intercity fiscal comparisons is suggestive and not definitive—it must be used judiciously and its limitations must be understood.

Because of the vital role the Federal Payment plays in District financial operations and its effect on the economy and efficiency of those operations, the determination of the level of the Federal Payment has been a matter of primary concern to the Commission. The Commission has not been able to develop a precise mathematical formula nor does it believe the subject is amenable to such precision. Nevertheless, a list of several identifiable elements of costs and benefits to the District of the Federal presence has been assembled which bears on the subject and should be considered, among others in future deliberations.

1. Revenues unobtainable because of the relative lack of taxable commercial and industrial property.

2. Revenues unobtainable because of the relative lack of taxable business income.

3. Potential revenues that would be realized if the following exemptions from District taxes were eliminated:

a. Non-resident income earned in the District

b. Other special exemptions from individual income taxes

c. Exemptions from sales taxes

4. Recurring and non-recurring costs of unreimbursed services to the Federal Government.

5. Other expenditure requirements placed on the District by the Federal Government which are unique to the District.

6. Benefits of Federal grants-in-aid relative to aid given other states and local governments.

7. Recurring and non-recurring costs of unreimbursed services rendered the District by the Federal Government.

8. Benefits derived through Treasury borrowing.

9. Higher than average sales tax revenue from tourist trade.

10. Benefits from museums, parks, libraries, and cultural activities which are financed by the Federal Government or are located in the District because it is the Nation's Capital.

11. Net costs, if any, after considering other compensation for tax base deficiencies and the direct and indirect taxes paid, of providing services to tax-exempt non-profit organizations and corporate offices doing business only with the Federal Government.

12. Benefits of a relatively stable economy.

Some of the above elements can be quantified; others are purely judgmental. The Commission believes that the Federal Payment will thus continue to represent a kind of equilibrium, balancing extraordinary net benefits of the Federal presence with extraordinary net costs, however these benefits and costs may be defined. Adjustments in the Payment should be considered when these extraordinary elements change significantly to the extent that the adjustments can be based on measurable changes.

A continuing analysis of the elements affecting the level of the Federal Payment is essential to recommending such adjustments on a fair and equitable basis. The Commission believes that such analysis should hereafter be conducted on a continuing basis under the supervision of the Federal Office of Management and Budget in conjunction with its annual review of the District Government's budget submission, and related intercommunity revenue and expenditure comparisons developed by the District government. A background paper on the Federal Payment may be found in Volume III of the Nelsen Commission Report.

---

## HOUSE MEMBERS CALL FOR OVERHAUL OF SOCIAL SERVICE REGULATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. Fraser) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, today the Senate Finance Committee is holding the last of 4 days of hearings on the revised social service regulations issued by the Department of Health, Education, and Welfare, on May 1.

In a statement submitted to Finance Committee Chairman Russell Long, 84 House Members have called for an overhaul of the May 1 regulations.

We feel that HEW has moved beyond congressional intent by using the regulations to convert social services from a program intended to keep people off welfare to one which is targeted almost exclusively on welfare recipients.

In an effort to exclude most nonrecipients from the program, HEW has unintentionally provided an incentive for welfare dependency. Under new income eligibility standards, many cash assistance recipients with outside earnings will be able to qualify for free day care, for example, while people at the same income level who are entirely self supporting will be unable to obtain the free service. Obviously, there will be little incentive for the welfare recipient to become financially self-sufficient under this arrangement.

A copy of our letter to Senator Long follows:

House of Representatives,
*Washington, D.C., May 15, 1973.*

Senator Russell Long,
*Chairman, Senate Finance Committee,*
*Washington, D.C.*

Dear Mr. Chairman: We want to indicate our concern about the revised regulations for the social services program issue by the

Department of Health, Education and Welfare on May 1.

After reviewing these latest regulations together with the earlier version published on February 16, it appears to us that HEW has lost sight of the original objective of the social services program—the prevention of welfare dependency.

The new regulations, in effect, convert social services from a program intended to keep people off welfare to one which is targetted almost exclusively on welfare recipients.

In some areas, the regulations are actually counter-productive. Welfare dependency, in fact, will be encouraged rather than discouraged. A good case in point is the new income eligiblity standards. The May 1 regulations state that with the exception of day care, potential welfare recipients will be eligible for services only if their gross income does not exceed 150% of their state's welfare payment standard. This means that in every state, many welfare recipients with outside earnings will be eligible for services while non-recipients at the same income level will be ineligible. The accompanying chart documents this point.

Clearly, HEW will have difficulty justifying an arrangement in which a non-recipient finds that he can not qualify for free day care service, for example, while his welfare recipients neighbor with an *equal if not higher income* can obtain the free service.

What HEW is really telling people through these new regulations is that you can do much better for yourself if you stay on welfare so why bother trying to make it on your own.

The new assets requirement will also tend to discourage economic independence. Under the revised regulations, potential recipients will have to meet the same assets test used for cash assistance recipients. In most states, this means that low income homeowners, farmers and people with modest savings will be effectively cut off from the program. Here again, we will be penalizing those people who are struggling to maintain their self-sufficiency at poverty level incomes.

We are also concerned about the extremely restrictive definition of services eligible for federal reimbursement. Funding will be cut off for a wide range of programs, including education, mental health, medical treatment and nutritional services.

A number of states have used social service funds to establish drug treatment and alcoholism control centers. By treating an individual's drug problem, a community agency is doing much to keep this person off the welfare rolls. Yet, most drug treatment programs will no longer be fundable under the new regulations.

Many older people have maintained their independence and avoided institutionalization with the aid of programs such as "Meals on Wheels". But many of these efforts, as well, will now be terminated as a result of the new regulations.

These new federally-imposed restrictions run counter to efforts underway throughout the federal government to give states more flexibility in dealing with their own locally identified needs. For some reason, the objectives of the New Federalism have been abandoned when it comes to social services.

Clearly, additional revisions of the May 1 regulations are necessary if the social service program is to meet the major goal laid out for it by Congress—the prevention of welfare dependency. If the necessary adjustments are not made on an administrative level, we urge the Finance Committee to consider legislative action to deal with the concerns we have just outlined.

We would appreciate having this letter made part of your committee's official hearing record on social service regulations.

With best wishes.

Sincerely,

Brock Adams, Bella S. Abzug, Joseph P. Addabbo. Thomas L. Ashley, Herman Badillo, John A. Blatnik, Jonathan B. Bingham, Edward P. Boland.

John Brademas, Frank J. Brasco, George E. Brown, Jr., Yvonne Brathwaite Burke, Shirley Chisholm, William Clay, John Conyers, Jr., James C. Corman.

Dominick V. Daniels, Ronald V. Dellums, Frank E. Denholm, John Dent, Ron de Lugo, Charles C. Diggs, Jr., Robert F. Drinan, Bob Eckhardt.

Don Edwards, Joshua Eilberg, Dante B. Fascell, Walter E. Fauntroy, Richard H. Fulton, Henry B. Gonzalez, Ella Grasso, William J. Green.

Gilbert Gude, Michael Harrington, Augustus F. Hawkins, Henry Helstoski, Ken Hechler, Elizabeth Holtzman, James Howard, Barbara Jordan, Robert Kastenmeier.

Edward I. Koch, Robert L. Leggett, Spark M. Matsunaga, Lloyd Meeds, Ralph H. Metcalfe, Patsy T. Mink, Parren J. Mitchell, John Moakley.

William S. Moorhead, John M. Murphy, Claude Pepper, Bertram Podell, Richardson Preyer, Charles B. Rangel, Thomas M. Rees, Donald W. Riegle.

Peter W. Rodino, Jr., Fred B. Rooney, Benjamin S. Rosenthal, Dan Rostenkowski, Edward R. Roybal, Paul S. Sarbanes, Patricia Schroeder, John F. Seiberling.

B. F. Sisk, James V. Stanton, Fortney H. Stark, Louis Stokes, W. S. Stuckey, Jr., Gerry E. Studds, James W. Symington, Frank Thompson, Jr.

Robert O. Tiernan, Lionel Van Deerlin, Charles A. Vanik, Antonio Borja Won Pat, Sidney R. Yates, Andrew Young, John Culver, Robert Roe, Mike McCormack.

TABLE 1.—ELIGIBILITY FOR SOCIAL SERVICES FOR A FAMILY OF 4 UNDER HEW REGULATIONS[1]

| State | AFDC payment standard (annual) | Annual net earnings level[3] at which eligibility for AFDC closes[4] | Limit on family eligibility[2] for— | |
|---|---|---|---|---|
| | | | Services other than day care | Day care |
| Alabama | $1,164 | $2,106 | $1,746 | $2,716 |
| Alaska | 4,800 | 7,560 | 7,200 | 11,200 |
| Arizona | 3,384 | 5,430 | 5,070 | 7,896 |
| Arkansas | 2,748 | 4,482 | 4,122 | 6,412 |
| California | 3,768 | 6,042 | 5,682 | 8,792 |
| Colorado | 2,904 | 4,716 | 4,356 | 6,776 |
| Connecticut | 4,056 | 6,444 | 6,084 | 9,464 |
| Delaware | 3,444 | 5,527 | 5,167 | 8,039 |
| Washington, D.C | 2,868 | 4,742 | 4,382 | 6,692 |
| Florida | 2,676 | 4,374 | 4,014 | 6,244 |
| Georgia | 2,724 | 4,446 | 4,086 | 6,356 |
| Hawaii | 4,008 | 6,372 | 6,012 | 9,352 |
| Idaho | 3,384 | 5,436 | 5,076 | 7,896 |
| Illinois | 3,264 | 5,256 | 4,896 | 7,616 |
| Indiana | 4,356 | 6,894 | 6,534 | 10,164 |
| Iowa | 3,600 | 5,760 | 5,400 | 8,400 |
| Kansas | 3,864 | 6,156 | 5,796 | 9,016 |
| Kentucky | 2,808 | 4,572 | 4,212 | 6,552 |
| Louisiana | 1,296 | 2,304 | 1,944 | 3,024 |
| Maine | 4,188 | 6,642 | 6,282 | 9,772 |
| Maryland | 2,400 | 3,960 | 3,600 | 5,600 |
| Massachusetts | 4,188 | 6,622 | 6,262 | 9,772 |
| Michigan | 4,332 | 6,858 | 6,498 | 10,108 |
| Minnesota | 4,068 | 6,462 | 6,102 | 9,492 |
| Mississippi | 3,324 | 5,346 | 4,986 | 7,756 |
| Missouri | 3,636 | 5,814 | 5,454 | 8,484 |
| Montana | 2,472 | 4,068 | 3,708 | 5,768 |
| Nebraska | $3,684 | $5,886 | $5,526 | $8,596 |
| Nevada | 2,112 | 3,528 | 3,168 | 4,928 |
| New Hampshire | 3,528 | 5,652 | 5,292 | 8,232 |
| New Jersey | 3,888 | 6,192 | 5,832 | 9,072 |
| New Mexico | 2,436 | 4,014 | 3,654 | 5,684 |
| New York | 4,032 | 6,408 | 6,048 | 9,408 |
| North Carolina | 1,906 | 3,219 | 2,859 | 4,447 |
| North Dakota | 3,600 | 5,760 | 5,400 | 8,400 |
| Ohio | 2,400 | 3,960 | 3,600 | 5,600 |
| Oklahoma | 2,268 | 3,762 | 3,402 | 5,292 |
| Oregon | 3,204 | 5,166 | 4,806 | 7,476 |
| Pennsylvania | 3,756 | 5,994 | 5,634 | 8,764 |
| Rhode Island | 3,156 | 5,094 | 4,734 | 7,364 |
| South Carolina | 2,496 | 4,104 | 3,744 | 5,824 |
| South Dakota | 3,420 | 5,490 | 5,130 | 7,980 |
| Tennessee | 2,604 | 4,266 | 3,906 | 6,076 |
| Texas | 1,776 | 3,024 | 2,664 | 4,144 |
| Utah | 2,820 | 4,590 | 4,230 | 6,580 |
| Vermont | 4,020 | 6,390 | 6,030 | 9,380 |
| Virginia | 3,132 | 5,058 | 4,698 | 7,308 |
| Washington | 3,528 | 5,652 | 5,292 | 8,232 |
| West Virginia | 1,656 | 2,884 | 2,484 | 5,796 |
| Wisconsin | 3,624 | 5,796 | 5,436 | 8,456 |
| Wyoming | 3,120 | 5,040 | 4,680 | 7,279 |
| Puerto Rico | 1,584 | 2,736 | 2,376 | 3,696 |
| Virgin Islands | 1,992 | 3,348 | 2,988 | 4,648 |

[1] Based on July 1972 data, except for West Virginia (July 1971). Individuals must also have resources (assets) which are within the limits specified by the State for cash assistance recipients.

[2] Income limit for people off welfare.

[3] Work expenses may be deducted from total earnings in calculating net earnings.

[4] Income limit for people on welfare.

Source: Department of Health, Education, and Welfare.

Mr. Speaker, the following article from the Minneapolis Tribune discusses the welfare-dependency incentive created by the new social service income eligibility standards.

This flaw in the May 1 regulations was brought to light at the Senate Finance Committee hearings by my colleague from Minnesota, Senator WALTER MONDALE.

The article follows:

[From the Minneapolis Tribune, May 9, 1973]

### MONDALE QUESTIONS LEAD TO REVIEW OF HEW RULES ON SOCIAL SERVICES

(By Finlay Lewis)

WASHINGTON, D.C.—Questions raised Tuesday by Sen. Walter F. Mondale, D-Minn., have prompted the U.S. Department of Health, Education, and Welfare (HEW) to reexamine key positions of its regulations that will govern a $2.5-billion program of social services.

Philip Rutledge, HEW's acting administrator of social and rehabilitation services, acknowledged in an interview yesterday that the department will restudy its income eligibility standards for the program as a result of Mondale's questions.

Earlier yesterday, Mondale produced figures during a meeting of the Senate Finance Committee showing that in certain instances welfare recipients could do better under the program than those who are not on welfare.

Rutledge, HEW Secretary Casper Weinberger and other department officials appeared before the committee to explain the regulations, most of which will go into effect July 1.

The regulations will govern a program under which federal, state and local governments and private charities put up funds to carry on a wide range of social services aimed at moving poor people off of welfare. A corollary objective of the program—two-thirds of which is financed by the federal government—is to keep potential welfare recipients off of the public assistance rolls.

Under HEW's new regulations, a person who is not already on welfare can qualify for social service benefits if his or her income is less than 150 percent of a particular state's welfare assistance standard.

An exception to the income standard is in the area of day-care services. Here a mother, for example, can receive a partial subsidy for day-care expenses until her income becomes more than 233 percent of the state's assistance standard.

Mondale's figures disclosed, however, that in every state the figure of 150 percent would be at least $360 less than the maximum amount of earnings that a welfare recipient is allowed to keep under various employment programs.

The situation arises because a welfare recipient is allowed to discount a flat $30 a month, plus one-third of his earnings in computing his or her eligibility for public assistance.

In Minnesota, Mondale's figures show that the basic assistance standard for a family of four is $4,068. However, a welfare family of four can actually receive $6,462 in income as a result of the discount provisions and still qualify for HEW's program of social services.

In contrast, a family of four that is not on welfare is disqualified from the social services program as soon as its income hits $6,102, or 150 percent of $4,068.

"This simply means that many people who are on welfare will receive more free services than those who are not on welfare—and whose incomes are actually less than the welfare recipients," Mondale said.

This situation might result in a "disincentive" that would frustrate the effort to move people off of welfare, Mondale suggested.

Despite persistent questioning by Mondale none of the HEW officials at the committee session effectively rebutted his arguments.

In the interview later, Rutledge said that HEW analysist are studying Mondale's figures but he agreed that there is an income gap built into the regulations favoring those on welfare.

"I'll have to see his arithmetic but he's raised a good point and we're going to analyze the situation again," said Rutledge.

"The question is whether this amount of money constitutes a disincentive or whether it doesn't. There's disagreement around that question," added Rutledge, whose office administers the social services program.

In a separate interview, Mrs. Joan Hutchinson, acting deputy assistant secretary for welfare legislation, said that the policy of discounting certain portions of a welfare recipients' income is intended to serve as a work incentive.

## WATERGATE

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, this morning, the Ervin Committee opened its hearings into the Watergate scandal and other events surrounding the 1972 presidential election campaign. I hope and expect that the Ervin hearings will bring out much of the information about Watergate that has not yet been made available to the Congress and the public, but the work of that committee is not and cannot be enough.

Under the Constitution, the House of Representatives has an independent responsibility to oversee and inquire into the conduct of "the President, Vice President and all civil officers of the United States," and, if necessary, to discipline them. The House must not shirk that high duty.

Included at this point in the RECORD are two items from this morning's New York Times—an article by Anthony Lewis and an editorial:

### THE VOICE OF HISTORY—AT HOME ABROAD

(By Anthony Lewis)

LONDON, May 16.—The Convention that wrote the Constitution of the United States debated only July 20, 1787, the clause making the Chief Executive of the new Government removable on impeachment and conviction. The surviving notes of the debate, by James Madison, make highly pertinent reading in 1973.

Opinion in the Convention was divided. Some thought a limited term of office would be sufficient assurance against executive misbehavior. But three of the Convention's leading figures argued for impeachment: Benjamin Franklin, Madison himself and his fellow Virginia, George Mason.

"No point is of more importance," Mason said. "Shall any man be above Justice? Above all shall that man be above it who can commit the most extensive injustice?"

Dr. Franklin warned that the absence of an impeachment provision would leave the removal of an "obnoxious" executive to more violent methods. Madison thought the clause "indispensable . . . for defending the community against the incapacity, negligence or perfidy of the chief Magistrate."

The clause was approved in general terms. On Sept. 8 it came before the Convention again in final draft form, listing as grounds for impeachment "treason and bribery." Mason thought that was too narrow.

"Attempts to subvert the Constitution," he warned, "may not be treason." He first suggested adding "maladministration," then substituted "other high crimes and misdemeanors." The amendment carried.

The framers of the Constitution plainly intended impeachment to play a broad role as one of their several defenses against abuses of power. That was still the view fifty years later, when de Tocqueville said the main object of the clause was "to take power away from a man who makes ill use of it."

It is a historical anomaly, therefore, to treat the idea of impeaching a President as almost sacrilegious. The notion that kings rule by divine right was pretty well undermined by the 18th century, and those who made the American Revolution hardly meant to enshrine it afresh in the Presidency.

Of course the importance of the Presidency in the America system, and in the world, has grown beyond what the men who met in Philadelphia in 1787 could have imagined. It is inconvenient to change Presidents in mid-term; it is risky. But the risks are not only one way.

We can live with a weakened Presidency; we have done so before, and the Presidential mystique is overdue for deflation. But can we live with ourselves under a leadership that we know is tainted? For the inevitable obscurity about exactly what Richard Nixon did cannot hide what everyone must know; that the lawlessness we call Watergate could not have taken place except in an atmosphere created and permitted by this President.

It is true that no American President has been removed from office, and that is an important gloss of history on the constitutional text. But then no President in office has had so many close associates charged with such grave abuse of power—or has had called into question the honor of the terms on which he was elected.

In thinking about the difficulties of changing Presidents, we should not forget how a democracy may benefit from a cleansing change in leadership. After the disastrous Suez affair in 1956 Britain changed Prime Ministers without changing parties. Even that was enough to lift much of the cloud from public life, for all the lasting impact of Suez.

The American system is less flexible than the parliamentary, but it does not condemn us to the rigid embrace of a President unfit for office. The Constitution speaks not only of "removal" but of "resignation." Those words were used again just six years ago, in the 25th Amendment.

Is there any serious possibility of resignation? It is an act of self-denial hard to imagine in any man ambitious enough to have become President. But once before on a momentous occasion Richard Nixon put his country ahead of his own ambition—when he decided not to challenge the 1960 election. One cannot exclude a decision that only his resignation could open the way to a healing of American politics.

The succession of Spiro Agnew to the Presidency would still leave us, however, under the shadow of doubt about the integrity of the 1972 election. The necessity is to remove that shadow without leaving the country driven by partisan rancor. As it happens, the 25th Amendment offers a way out.

A little-noted section of the new amendment provides that when there is no Vice President—as, for example, when one has succeeded to the Presidency—the President shall nominate a successor, subject to confirmation by majority vote of both houses of Congress. If Mr. Agnew undertook to resign when a successor qualified, he would set in motion a process bipartisan in its nature. Such an idea is still staggering to contemplate, but we shall have to begin opening our minds to the constitutional possibilities.

At the Convention of 1787 Gouveneur Morris of Pennsylvania at first opposed the impeachment clause but changed his mind after the debate. The President was not to be a king, he said: "The people are the king." How ironic it would be if we now bound ourselves to a king of shreds and patches.

### UNANSWERED QUESTIONS

With the opening of the Ervin committee hearings today, the nation carries forward the task—already under way in several grand jury rooms—of sorting out truth from rumor about the interlocking crimes and conspiracies known as Watergate. Public testimony by many witnesses over the coming weeks may illuminate the role of one man not likely to be called as a witness, President Nixon.

The President's address to the nation on April 30 clearly failed to resolve the gathering doubts about that role. His subsequent speech at a Republican fund-raising dinner in Washington only made matters worse. He has avoided holding a press conference where he could be questioned. Yet silence and a determined attempt to carry on public business as if nothing had happened are not convincing or reassuring. The questions accumulate.

What took place between the President and John N. Mitchell, his former Attorney General and most trusted political confidant, during the two-hour conference last July 1 which preceded Mr. Mitchell's resignation as campaign manager? That was two weeks after the Watergate burglars were arrested. The involvement of some officials of the Committee for the Re-election of the President was already becoming apparent.

Did President Nixon fire Mr. Mitchell because of the bungled Watergate break-in? Did Mr. Mitchell remove himself for public relations purposes but continue to keep effective control over the committee's operations? Did Mr. Mitchell tell the President during that conference what he knew about Mr. Liddy, Mr. Hunt and the other Watergate operators? If not, why not? When did the President first learn that Liddy and Hunt had been on the White House payroll performing undercover missions?

Next, there are the mysterious telephone calls last July to and from L. Patrick Gray 3d, the acting director of the Federal Bureau of Investigation. Mr. Gray, distraught because of the interference of White House aides in the F.B.I.'s investigation, called Clark MacGregor, the successor to Mr. Mitchell as campaign manager, and warned him that Watergate might be much more serious than anyone thought.

Whether Mr. MacGregor told that to the President is unclear, but soon thereafter Mr. Nixon and Mr. Gray had a telephone conversation. The latter told the President he was "confused" about the intervention of White House aides, if Mr. Gray's account is correct, Mr. Nixon did not ask him for details. He merely told him to carry on the investigation and ended the conversation. Why did the President not express curiosity about something obviously worrying his inexperienced appointee at the F.B.I.?

A third set of questions concerns the Watergate investigation supposed to have been carried on by John W. Dean 3d, the President's counsel. Mr. Nixon referred to Mr. Dean's "complete investigation" as the basis for his assertion at a news conference last Aug. 29 that no one then employed at the White House was involved in the Watergate case.

It now appears, according to Mr. Dean, that he never made any investigation, never submitted any report written or oral to the President. It further appears, according to unidentified White House sources, that President Nixon relied upon an oral report from John D. Ehrlichman who was Mr. Dean's superior, in that remarkably narrow hierachy of authority at the White House. What is the truth about "the Dean investigation"? Did Mr. Dean mislead Mr. Ehrlichman, or did Mr. Ehrlichman mislead the President?

A fourth set of questions arises from the activities of Dwight Chapin, the President's appointments secretary, and Herbert Kalmbach, the President's personal attorney. Mr. Kalmbach raised large sums in cash some of which he dispensed, on Mr. Chapin's instructions, to the head of a network of political saboteurs. In view of Mr. Kalmbach's lawyer-client relationship with the President and in view of his long personal and political association with him, would he have engaged in such activities unless he was certain that they had the President's approval? Has the President ever discussed these matters with Mr. Kalmbach? When Mr. Chapin unexpectedly resigned last winter from his prestigious White House post to take a lower-paid job in private industry, did not Mr. Nixon experience any surprise at his departure?

If President Nixon were the kind of man who, like General Eisenhower, had little interest in the details of politics or, like President Harding, were unintelligent, some of these questions would not arise. But Mr. Nixon is an able lawyer quite familiar from the Hiss investigation with the work of the F.B.I. and of criminal prosecutors. He has an omnivorous taste for political information and a feeling for the nuances of power. He is not an ignorant or careless man.

The hearings of the Ervin committee and the work of the grand juries may unravel some of these mysteries. But until these questions—and many more like them—are answered, the public cannot be satisfied that the whole truth has been learned.

## THE NEED FOR TOUGHER FOOD SANITATION LEGISLATION

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, at the beginning of the 93d Congress, I introduced H.R. 323, a bill to strengthen the authority of the Food and Drug Administration in enforcing hygiene and sanitation standards in the Nation's food-processing industry. This bill attracted broad bipartisan cosponsorship and public interest.

Since the introduction of H.R. 323, a series of processed-food contamination incidents and the resulting dangers to the consumer public have underscored the necessity for enactment of strong and effective food-processing legislation to protect the American consumer. One of the provisions of my bill would require the registration of all food-processing establishments with the FDA, a practice which is not presently mandated by law. The National Canners Association has announced that it supports the concept of registration of commercial food canners with the FDA, and I hope that the House Interstate and Foreign Commerce Committee's Subcommittee on Public Health and Environment, under the very capable leadership of its distinguished chairman, the gentleman from Florida (Mr. Rogers), will take action upon this proposal at the earliest possible date.

The New York Post has published an article on the recent history of food contamination in the United States, and I am including it for reprinting in the Record:

### FDA Checking Mushroom Canneries

Washington (LAT)—Government food inspectors are conducting a nationwide survey of the mushroom canning industry in the wake of three discoveries of deadly botulism germs in canned mushrooms this year.

The mushroom discoveries were the latest in a series of commercial botulism cases that have occurred since 1965, when the first outbreak in 40 years killed two Detroit women who had eaten tuna fish salad.

The three discoveries of contaminated mushrooms were made before anyone had eaten them. The Food and Drug Administration considers this the result of increased surveillance and public awareness.

The first mushroom discovery this year was made by a company employe taking inventory at United Canning Co. in East Palestine, Ohio.

The second was made by an FDA inspector who noticed swollen cans at a warehouse during a visit to Fred's Cannery of South Lebanon, Ohio.

The third discovery, involving Fran's Canners of Ravena, N.Y., was made by a shopper at the Fort Gordon, Ga., commissary.

### HUGE RECALL

After the discoveries, the FDA recalled more than 100,000 food items—pizza, tuna noodle casseroles, chicken dinners, beefburgers—containing mushrooms supplied by the canneries.

At the same time, the FDA launched a nationwide survey of all mushroom canning plants, about 50. The survey is more than half completed.

Food protection activities were greatly stimulated after a bowl of canned soup claimed a life in 1971 and led to a nationwide roundup of more than a million cans of the company's (Bon Vivant) products.

Spending on FDA food programs, including beefed up inspections and research, soared 61 per cent from fiscal 1971 to 1973. State food law enforcement agencies were given $4.5 million to carry out 30,000 plant inspections over a three-year period and report the results to FDA.

FDA scientists developed an improved technique to screen food products for C. botulinum, the organism that produces the botulin toxin.

Meantime, the National Canners Assn. came up with a program calling for registration of commercial food canners, mandatory code marking and highly detailed production controls for processing of Hermetically sealed low-acid foods.

One part of the program was to require supervisors of cooking and container sealing operations to receive extensive training and be certified as competent.

Training courses have begun for both industry personnel and FDA food plant inspectors at university food technology centers in important canning areas.

The industry program is being supplemented with specific codes of sanitation practice for different sectors of the food industry.

## PERSONAL ANNOUNCEMENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I wish to announce that had I been present and voting, I would have voted "aye" on rollcalls 11, 19, 54, 79, 80, and 138. I would have voted "nay" on rollcall 111.

## NATIONAL DEFENSE ORGANIZATION AGAINST RACISM AND POLITICAL REPRESSION

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, on last May 3, I addressed the House to call attention to the plans of the Communist Party to establish a new front organization to be known as the National Defense Organization Against Racist and Political Repression—NDO. On that occasion, I briefly reviewed the background of the NDO and set forth some of its objectives. On last May 9, my distinguished colleague from Ohio, John Ashbrook, also addressed the House on this subject matter and furnished additional details establishing the Communist character of the NDO. These actions were taken in order to alert the Congress and the American public of a new Communist propaganda drive designed to bring about the repeal of existing legislation pertaining to national security and to cause the defeat of proposed remedial legislation in this very important area.

Because I believe that the majority of my colleagues and the American public are interested in learning additional details concerning the NDO, I am again taking to the floor to alert you to the current plans of this Communist front group.

The founding conference of the NDO was in Chicago, Ill., on the weekend of May 11–13, 1973, at the Pick-Congress Hotel with approximately 750 individuals in attendance, reportedly representing some 225 separate organizations. Conspicuous by their absence were contingents from the Communist Party's bitter rivals; namely, the Maoists and Trotskyites. The fact that they were not officially represented there is further evidence that this was strictly a Communist Party show.

Charlene Mitchell, a member of the Communist Party's Central Committee and the 1968 Presidential candidate on the Communist Party ticket, chaired the conference. It is expected that Mitchell will also be directing the National Defense Organization's day-to-day activities from its New York City headquarters.

The keynote speaker at the founding conference was the notorious Angela Davis, who is also a member of the Communist Party's Central Committee. It is interesting to note that just a decade ago, prominent Communist Party members such as Charlene Mitchell and Angela Davis would never have allowed their names to be published in connection with fronts established by the party. Today, however, the seeming public apathy toward communism has encouraged Communist Party members to "come out of the closet" in an effort to legitimize their activities.

Running like a redline through Angela Davis' keynote speech was a total hostility toward our free society. Davis charged that the United States has a history of "repression." She termed the United States "an imperialist power" that has taken drastic forms of repression against the "struggling peoples in the underdeveloped countries of Asia, Africa, and Latin America." At the same time, Davis commended the "heroic Vietnamese people who tied down the U.S. military apparatus and finally expelled them from South Vietnam." She termed this "an extraordinary victory over imperialism." In conclusion, Davis stated:

> We intend to devote the majority of the conference to the task of developing policies and programs for united action designed to defend and free political prisoners, and all victims of the racist and Fascistlike offensive in the United States.

It is interesting to note that among those applauding Davis' diatribe at the conference was none other than Mary Timothy. Timothy was the foreman of the jury which acquitted Davis of charges that she furnished some of the guns used in a 1970 court shoot-out and kidnaping which resulted in the death of four persons in California, including the presiding judge. Of further interest is the fact that Timothy stayed in Chicago with Bettina Aptheker, who is another of the CP's central committee members.

A most active participating organization at the founding conference was the National Committee Against Repressive Legislation—NCARL—a group which was originated as a Communist front group and which still has several prominent Communists among its leaders. The primary objective of NCARL is the abolition of the House Committee on Internal Security. In addition to running a conference workshop, the NCARL was active in distributing to those at the conference its literature aimed at abolishing the House Committee on Internal Security. It was particularly interesting to note that the NCARL distributed flyers containing reprints of my remarks on the House floor on last May 3 as they appeared in the CONGRESSIONAL RECORD, along with the usual Communist diatribe against the Committee on Internal Security and imploring recipients of the literature to write to their Congressmen to demand abolition of the committee.

On last January 9, I addressed the House as to the history and leadership of the NCARL and also exposed the false charges they made against my committee. For the benefit of Members who may want to refer to my remarks they may be found in the CONGRESSIONAL RECORD of January 9, 1973, beginning on page 537.

Other workshops at the conference were held on the following subject matters: Prisoners and prisons; police brutality; immigration and deportation; repression in the Armed Forces; repression and labor; and repression of political organizations and individuals.

A nationally coordinated campaign, using regional, State, and local defense coalitions with a national coordinator appointed by the National Steering Committee, was announced at the conference. States are grouped into 17 regions.

In working to achieve its objectives, the National Defense Organization program calls for a campaign of opposition to the following legislation currently before the 93d Congress: H.R. 6241, Constitutional Oath Support Act; H.R. 1594, restraint on travel by U.S. citizens to hostile areas; and H.R. 6046, Criminal Code Reform Act of 1973. Also high on the NDO objectives is the abolishment of the Committee on Internal Security and the repeal of the Anti-Riot Act of 1968 as well as the Subversive Activities Control Act of 1950. The NDO plans to establish a national mass lobby in Washington, D.C., around its campaign priorities; to organize letter writing campaign to Members of Congress; and an appeal to the United Nations "relying on the U.N. Universal Declaration of Human Rights."

It should be obvious to any reasonably objective observer that the NDO is nothing more than a Communist-led effort to undermine our national security by falsely claiming that all legislation relating to national security is "repressive." In spite of this, prominent public leaders around the country, including two mayors of large cities in Indiana and Wisconsin, as well as some of my congressional colleagues, have endorsed the program of the NDO.

Although the NDO claims a sincere interest in ending repression and racism, this is in reality just another of the great deceptions practiced by the Communists through the years. Theirs is a single aim; namely, the gaining of the Communist objective looking toward the defeat of all legislation designed to protect our internal security.

There are those who may scoff at the significance of the NDO program, but let us make no mistake; the CP does not consider the NDO program insignificant. Those who choose to downgrade the threat of this Communist Party-directed operation are sadly underestimating the zeal and dedication of some of the participants.

When the antiwar demonstrations were at their height here in Washington I repeatedly called to the attention of my colleagues that those of them who were following the lead of the two largest antiwar groups, the National Peace Action Coalition and the People's Coalition for Peace and Justice, were in reality marching behind the banners of the Trotskyite Communist Socialist Workers Party, which owned the National Peace Action Coalition lock, stock, and barrel, and the Communist Party, which had a substantial participation in the leadership of the People's Coalition for Peace and Justice.

I am doing the same thing concerning the latest Communist Party effort—warning those of you who may be misled by its propaganda. Nothing lasting or worthwhile can be accomplished by following the line of Communist Party leaders who are not motivated by real concern for social justice. There are hundreds of legitimate organizations working in behalf of reform of our penal system and other alleged concerns of the National Defense Organization. They all need support and I suggest to my concerned colleagues that they lend their very substantial influence to those who really need it and will not misuse it.

I am, incidentally, happy to report to the House that its Committee on Internal Security continues to be a prime target of the Communist Party and its supporters. I would have cause for concern if it were not.

## MEMORIES OF HARRY TRUMAN

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, the magazine Modern Maturity is a publication of the American Association of Retired Persons. In their February-March issue, a tribute was paid to our former President, Harry S Truman, which escaped my attention until within the last few days.

The article was written by Hubert Pryor. It is not long, but it makes some points that have been emphasized before but put in slightly different terminology, with a sidelight that had not been included in other editorials or other commentaries.

The article so appropriately starts off with the fact that there was never a more difficult time for a man to succeed to the Presidency of the United States, but above all there was never a moment left for him to reflect on the difficulties he had to face. In just a few words, this well-prepared memorial points out that within 2 months after being thrust into the world's highest office, he had presided over the end of the war in Europe and had the courage to use the awesome weapons to end the struggle in the Pacific. Finally, this very brief memorial concludes with the thought that of all of Mr. Truman's virtues, his one supreme virtue was that he was one of us—and, most of all, he demonstrated what anyone of us can do when we are challenged to solve difficult problems.

The full content of the article, "Memories of Harry Truman," by Hubert Pryor, as it appeared in the February-March, 1973 issue of Modern Maturity, follows:

MEMORIES OF HARRY TRUMAN

If there was ever a more difficult time to succeed to the presidency of the United States, there wasn't even a moment to reflect on the matter. In the above picture, barely two months after being thrust into the world's highest office, Harry S Truman had presided over the end of the war in Europe and was preparing to end the struggle in the Pacific with weapons so awesome that the world would never again be the same. Between VE-day and VJ-day, he made a historic appearance in San Francisco. Chopping his hands down on the rostrum, and sticking out his jaw, he wound up the conference held for the purpose of founding the United Nations and attempting to set the human course for all time on the path of peace.

It has seemed at times since then as if the high hopes of San Francisco could not have been more short-sighted. And yet, with all the turmoil of the world, we have been spared the total nuclear conflagration so often feared.

We owe no small part of that good fortune to the acts of Harry Truman during the next almost eight years—maybe not always the wisest, maybe not always the most popular, but certainly among the most clear-cut, the most decisive or any series of acts undertaken by any American chief executive.

In the social order, too, we have much for which to be grateful to Harry Truman. It was in answer to his call that the first National Conference on Aging was held in 1950, a meeting in Washington attended by some 800 men and women from around the country to prepare, as it turned out, for the first and second White House Conferences on Aging held in 1961 and 1971.

The status of older people has risen many notches since the days Harry Truman was in office. And for all our problems, we have much else for which to be grateful in our lives since then, too.

Harry Truman's supreme virtue was that he was one of us and that he showed what any one of us can do when challenged to do so.

We will miss him. Let us not miss the high example he set us.

HUBERT PRYOR.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURKE of Florida (at the request of Mr. ARENDS), on account of pressing family business, for today and Monday.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HINSHAW) and to revise and extend their remarks and include extraneous matter:)

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. BRECKINRIDGE) and to revise and extend their remarks and include extraneous matter:)

Mr. FUQUA, for 10 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. RANGEL, for 10 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. BRADEMAS, for 10 minutes, today.

## EXTENSION OF REMARKS

For unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN to include a newspaper article.

(The following Members (at the request of Mr. HINSHAW) and to include extraneous matter:)

Mr. ROUSSELOT.

Mr. WYLIE in two instances.

Mr. DERWINSKI.

Mr. SCHERLE in two instances.

Mr. WHALEN.

Mr. HOGAN in three instances.

Mr. THOMSON of Wisconsin.

Mr. KEMP.

Mr. MILLER.

(The following Members (at the request of Mr. BRECKINRIDGE) and to revise and extend their remarks and include extraneous matter:)

Mr. STUDDS.

Mr. ANNUNZIO in two instances.

Mrs. MINK.

Mr. MOLLOHAN.

Mr. JOHNSON of California in two instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. CORMAN.

Mr. MITCHELL of Maryland.

Mr. BARRETT.

Mr. HARRINGTON.

Mr. BOLAND in two instances.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 14. An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 723. An act to establish a National Institute of Health Care Delivery, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1381. An act to amend certain provisions of the Land and Water Conservation Fund Act of 1965 relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes; to the Committee on Interior and Insular Affairs.

## ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, May 21, 1973, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

922. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

923. A letter from the Acting Administrator, Environmental Protection Agency, transmitting a report on a preliminary study on the disposal and possible alternative use of waste oil, pursuant to Public Law 92-500; to the Committee on Public Works.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 3801. A bill to extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to United States nationals employed by the Federal Government; (Rept. No. 93-214). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois (for himself and Mr. WYDLER):

H.R. 7900. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself, Mr. BAKER, Mr. COHEN, Mr. FORSYTHE, Mr. GUDE, Mr. HASTINGS, Mr. HILLIS, Mr. HORTON, Mr. JOHNSON of Colorado, Mr. LENT, Mr. MCCLORY, MR. MCDADE, Mr. MCKINNEY, Mr. MADIGAN, Mr. MAYNE, Mr. MOSHER, Mr. PRITCHARD, Mr. RINALDO, Mr. SCHNEEBELI, Mr. SMITH of New York, Mr. J. WILLIAM STANTON, Mr. STEIGER of Wisconsin, Mr. TEAGUE of California, Mr. WALSH, and Mr. WARE):

H.R. 7901. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. ASPIN (for himself, Mr. BERGLAND, Mr. BOLAND, Mr. BROWN of California, Mr. GILMAN, Mr. HARRINGTON, Mr. HAWKINS, Mr. LEGGETT, Mr. MOLLOHAN, Mr. MURPHY of Illinois, Mr. OBEY, Mr. O'HARA, Mr. PODELL, Mr. PREYER, Mr. REES, Mr. ROSENTHAL, Mr. ROY, Mr. ROYBAL, Mr. RUPPE, Mr. SARBANES, Mr.

Snyder, Mr. Studds, and Mr. Walsh):

H.R. 7902. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Ms. Abzug, Mr. Adams, Mr. William D. Ford, Mr. Seiberling, Mr. Whitehurst, and Mr. Won Pat):

H.R. 7903. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. BAFALIS:

H.R. 7904. A bill to deauthorize permanently the recently-halted Cross-Florida Barge Canal; to the Committee on Public Works.

By Mr. BROTZMAN:

H.R. 7905. A bill to amend the Tariff Schedules of the United States with respect to the classification of certain ceramic articles; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. Armstrong, Mr. Beard, Mr. Burgener, Mrs. Burke of California, Mr. Butler, Mr. Cronin, Mr. Froehlich, Mr. Gunter, Mr. Hanrahan, Mr. Hinshaw, Mr. Hudnut, Mr. Johnson of Colorado, Miss Jordan, Mr. Lott, Mr. Moakley, Mr. O'Brien, Mr. Parris, Mr. Pritchard, Mr. Roncallo of New York, Mr. Steelman, Mr. Studds, Mr. Treen, and Mr. Young of Alaska):

H.R. 7906. A bill to provide certain facilities and assistance for Members-elect to the House of Representatives who are not incumbent Members of the House and for other purposes; to the Committee on House Administration.

By Mr. COUGHLIN (for himself, Mr. Archer, and Mr. Davis of Georgia):

H.R. 7907. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for certain expenses of elementary or secondary education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Anderson of Illinois, Mr. Archer, Mr. Biester, Mr. Eilberg, Mr. Hastings, Mr. Railsback, Mr. Steele, and Mr. Veysey):

H.R. 7908. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 7909. A bill to amend title 38, United States Code, to extend to 10 years the delimiting period in which veterans must complete their educational programs; to the Committee on Veterans' Affairs.

By Mr. FUQUA (for himself and Mr. Nelsen):

H.R. 7910. A bill to establish a procedure for determining the Federal payment for the District of Columbia, and for other purposes; to the Committee on District of Columbia.

By Mr. GONZALEZ:

H.R. 7911. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. HANRAHAN:

H.R. 7912. A bill to assure the imposition of appropriate penalties for persons convicted of offenses involving heroin or morphine, to provide emergency procedures to govern the pretrial and posttrial release of persons charged with offenses involving heroin or morphine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT:

H.R. 7913. A bill to repeal the meat quota provisions of Public Law 88-482; to the Committee on Ways and Means.

H.R. 7914. A bill relating to the dutiable status of fresh, chilled, or frozen cattle meat and fresh, chilled, or frozen meat of goats and sheep (except lambs); to the Committee on Ways and Means.

By Miss JORDAN:

H.R. 7915. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT:

H.R. 7916. A bill to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis, and for other purposes; to the Committee on Armed Services.

By Mr. MOSS (for himself, Mr. Eckhardt, Mr. Helstoski, Mr. Breckinridge, Mr. Dingell, Mr. Carney of Ohio, and Mr. Adams):

H.R. 7917. A bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA (for himself, Mr. Biaggi, Mr. Brademas, Mr. Gaydos, Mr. Lehman, Mr. Benitez, Mr. Huber, Mr. Badillo, Mr. Bingham, Mr. Conte, Mr. de Lugo, Mr. Dent, Mr. Fisher, Mr. William D. Ford, Mr. Forsythe, Mr. Fraser, Mr. Giaimo, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Hechler of West Virginia, and Mr. Horton):

H.R. 7918. A bill to amend the Higher Education Act of 1965 to protect the freedom of student-athletes and their coaches to participate as representatives of the United States in amateur international athletic events, and for other purposes; to the Committee on Education and Labor.

By Mr. O'HARA (for himself, Mr. Biaggi, Mr. Brademas, Mr. Gaydos, Mr. Lehman, Mr. Benitez, Mr. Huber, Mr. Mathias of California, Mr. Melcher, Mr. Michel, Mr. Moakley, Mr. Moss, Mr. Nedzi, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Rosenthal, Mr. Tiernan, Mr. Vander Jagt, Mr. Ware, and Mr. Won Pat):

H.R. 7919. A bill to amend the Higher Education Act of 1965 to protect the freedom of student-athletes and their coaches to participate as representatives of the United States in amateur international athletic events, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS:

H.R. 7920. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL (for himself, Mr. Fraser, Mr. Metcalfe, Mr. Pike, and Mr. Price of Illinois):

H.R. 7921. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in the labeling and advertising of drugs sold by prescription the "established name" of such drug must appear each time their proprietary name is used, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Fraser, Mr. Gunter, Mr. Metcalfe, Mr. Pike, and Mr. Price of Illinois):

H.R. 7922. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Fraser, Mr. Gunter, Mr. Metcalfe, Mr. Pike, and Mr. Price of Illinois):

H.R. 7923. A bill to permit the advertising of drug prices and to require retailers of prescription drugs to post the prices of certain commonly prescribed drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Fraser, Mr. Metcalfe, and Mr. Price of Illinois):

H.R. 7924. A bill to amend title 35 of the United States Code to provide for compulsory licensing of prescription drug patents; to the Committee on the Judiciary.

By Mr. SARASIN:

H.R. 7925. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. Dellums, Mr. Waldie, and Mr. Johnson of California):

H.R. 7926. A bill to require the President to furnish predisaster assistance in accordance with the Disaster Relief Act of 1970 to avert or lessen the affects of a major disaster in California; to the Commission on Public Works.

By Mr. STEPHENS:

H.R. 7927. A bill to amend section 24 of the Federal Reserve Act to broaden the powers of national banks to make real estate loans; to the Committee on Banking and Currency.

H.R. 7928. A bill to amend title XVIII of the Social Security Act to provide for payment under part A thereof (the hospital insurance benefit program) for care and treatment furnished at a central radiation therapy treatment facility; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey (for himself, Mr. Moorhead of Pennsylvania, Mr. Blatnik, Mr. Howard, Mr. Rodino, Mr. Roe, Mr. Hunt, and Mr. Patten):

H.R. 7929. A bill to amend the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241), to insure a fair and reasonable participation of U.S. flag commercial vessels in carrying petroleum and petroleum products whose shipment originates in foreign ports and which are carried to the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WAMPLER (for himself and Mr. Robinson of Virginia):

H.R. 7930. A bill to amend the Federal Meat Inspection Act with respect to custom slaughtering; to the Committee on Agriculture.

By Mr. BAFALIS (for himself, Mr. Abdnor, Mr. Armstrong, Mr. Burgener, Mr. Fisher, Mr. Haley, Mr. Hanrahan, Mr. Huber, Mr. Hudnut, Mr. Landgrebe, Mr. Lott, Mr. Lujan, Mr. Mann, Mr. McCloskey, Mr. Moorhead of California, Mr. Parris, Mr. Robinson of Virgnia, and Mr. Walsh):

H.J. Res. 558. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. GERALD R. FORD (for himself, Mr. Arends, Mr. Dickinson, Mr. Cleveland, Mr. Frenzel, Mr. Froehlich, Mr. Hansen of Idaho, Mr. Hastings, and Mr. Devine):

H.J. Res. 559. Joint resolution to establish a nonpartisan commission on political campaign reform to the Committee on House Administration.

By Mr. MYERS (for himself, Mr. FRENZEL, Mr. MADIGAN, Mr. RINALDO, Mr. ROY, and Mr. TALCOTT):

H.J. Res. 560. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. FUQUA:

R. Res. 397. Resolution disapproving Reorganization Plan No. 2; to the Committee on Government Operations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COUGHLIN:

H.R. 7931. A bill for the relief of Bruce A. Feldman, lieutenant commander, Marine Corps, U.S. Navy Reserve; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 7932. A bill for the relief of Mr. and Mrs. Manuel H. Araya; to the Committee on the Judiciary.

H.R. 7933. A bill for the relief of Luis Osvaldo Salazar-Cabrera; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

2160. The Speaker presented a petition of Norman L. Birl, Jr., Rosharon, Tex., relative to redress of grievances; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## SENATOR RANDOLPH EXPLAINS IMPORTANT ROLE OF POLICE—WEST VIRGINIA PROBLEMS ARE LISTED—NATIONAL POLICE WEEK FOCUSES ATTENTION

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Thursday, May 17, 1973*

Mr. RANDOLPH. Mr. President, this week, May 13–19, is "Police Week"—a week that deserves recognition by America's citizens. The policeman's job today is tougher than ever. Patrick V. Murphy, head of the Police Foundation, says the Nation's law enforcement community is crippled by frustration, low morale, and a shattered self-image. Murphy feels that—

> The policeman has never been able to tell the public how different and tough his life is, how dangerous it is. People have no idea of the complexities and pressures of his job.

The policeman's roles are many and varied. He or she must be a traffic director, a "big brother," a teacher, an administrator, and a protector of the public. At a recent meeting of the West Virginia Governor's Committee on Crime, Delinquency, and Correction, the discussion of community relations covered issues such as: The relation of education, religion, and employment to crime; new directions in education and employment efforts; specific community and individual actions as deterrents to crime; integrity of government; delivery of social services; responsiveness of government; drug abuse prevention, treatment and education.

I am seriously concerned over the increasing number of law enforcement officers who have been killed by criminals. Our able colleague, Senator EASTLAND, has called for "immediate action from Congress." One hundred or more police officers have been killed in each of the last 3 years—double that of the mid-1960's. In 1971, 126 policemen were killed. Last year 112 officers were slain. More officers were killed attempting arrests than in any category. We must stop warfare against the police.

An ever-increasing problem for law enforcement is drug abuse. Col. R. L. Bonar, head of the West Virginia State Police, has asked the State to provide additional troopers to meet the drug situation. Bonar said that the drug problem is a serious one and has affected students in high schools throughout West Virginia. In 1968, he said, there were only three drug arrests made in the State but last year there were 434 and he expects 600 this year. The age group most seriously affected ranges from 14 to 23.

During this week and throughout the year, Mr. President, our citizenry is reminded to say "Hello" to the neighborhood policeman or to nod "Thank you" at the officer when he assists us in crossing the street or giving us directions. It's a small token of appreciation but yet a well-deserved one.

I ask unanimous consent, Mr. President, that the following articles be printed in the RECORD: An excerpt from Bill Gold's "District Line" column about a radio program responsible for better communication between the police and the community in Charleston, W. Va.; my statement on the anniversary of this unique program; a letter from the Charleston chief of police about the "Buzz the Fuzz" program; a new article on Patrick Murphy of the Police Foundation; and a "letter to the editor" of the News-Tribune in Keyser, W. Va., by a former West Virginia State trooper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 16, 1973]

THE DISTRICT LINE

(By Bill Gold)

SUGGESTION BOX

A young friend named Jennings Randolph served his state for 14 years in the House of Representatives, has already put in 14 more in the Senate, and was reelected to another 6-year term last November. Somehow during all these years he has managed to maintain a lively interest in new ideas.

The latest from him is about the "Buzz the Fuzz" idea that gained almost instant popularity in Charleston, West Virginia's capital. Any citizen who has a police-related question can get it answered by dialing a special number listed in the Charleston phone book. In addition, there's a Buzz the Fuzz radio program sponsored by a Community Involvement Task Force.

Big city police departments looking for ways to establish better lines of communication between themselves and their communities might be well advised to consider Sen. Randolph's report on Buzz the Fuzz.

---

CHARLESTON POLICE DEPARTMENT,
*Charleston, W. Va., February 27, 1973.*

Hon. JENNINGS RANDOLPH,
*U.S. Senate,*
*Washington, D.C.*

DEAR SIR: This is to acknowledge, with appreciation, receipt of the article entitled "The District Line" . . . by Bill Gold, which appeared in the Washington Post on February 16, 1973, and in which your latest idea concerning Charleston's "Buzz-the-Fuzz" program was published in the suggestion box.

Since the establishment of "Buzz-the-Fuzz", Charleston Police have been successful in reaching approximately eighty per cent of the teenager and pre-teen youth in our City.

Our last radio broadcast was on Thursday, February 22, 1973, between 7:00 P.M. and 7:30 P.M. After "Buzz-the-Fuzz" left the air, our officer remained at the radio station for more than thirty minutes, answering questions still being telephoned in.

We feel that "Buzz-the-Fuzz" acquaints adults and youth with "their" police department and establishes a better relationship between our department and the citizens of the City of Charleston. It also makes our officers more aware of their personal lives and conduct so as not to be exposed on "Buzz-the-Fuzz".

Our program is very successful and one of which we are extremely proud.

May I thank you for your suggestion to other Police Departments that such a program might be advisable to establish communications between the police and the community.

Very truly yours,

L. H. MORRIS,
*Chief of Police.*

---

RADIO STATEMENT BY U.S. SENATOR JENNINGS RANDOLPH, MARCH 8, 1973

I commend WXIT's Buzz the Fuzz Program on its first anniversary. I know the important public service role it provides and its value to the people.

The Charleston Area Chamber of Commerce, The Charleston Police Department and the management of WXIT are all to be commended for their participation in this unique program.

I am especially interested in the drug information effort of WXIT. As a member of the Senate Subcommittee on Alcoholism and Narcotics, I know of the drug problem facing us. I believe informational programs such as Buzz and the Fuzz are very beneficial.

Again, my best wishes for continued success.

---

[From the Washington Post, May 14, 1973]

EX-CHIEF MURPHY SEES WORK AHEAD

(By Paul W. Valentine)

Patrick V. Murphy, cop for 27 years, police chief in four cities including New York and Washington and now head of the Police Foundation here, says the nation's law enforcement community is crippled by frustration, low morale and a shattered self-image.

"There have been improvements, yes, but we still have a very long way to go," said Murphy, 52, in his new office at the Police Foundation, an arm of the Ford Foundation with a $30 million grant to devise experimental and innovative training and research projects among the nation's police departments.

In a wide-ranging but bleak overview of law enforcement in America, Murphy said police departments lack professionalization, resist change, suffer organizational fragmentation, place undue emphasis on hardware and equipment and are paranoid about the often hostile world surrounding them.

Rank-and-file policemen are deeply troubled by the social "permissiveness and loss of standards" they see around them, he said, while police chiefs are vexed by a similar loss of discipline among the rank and file itself.

Police departments are plagued by sick-ins, "blue flu" protests and other breaches of the paramilitary tradition of policing, he said.

"The chiefs are always complaining that the new policemen don't respect authority, that they don't want to comply, to conform," he said.

Rank and file officers in turn feel that the "country is going to hell," he said, and they consider themselves the "thin blue line" between order and chaos.

Police officers increasingly have retreated into social isolation and their own closed fraternities "because they feel that no one understands them," Murphy said.

"It's so frustrating to them," he said. "The policeman has never been able to tell the public how different and tough his life is, how dangerous it is. People have no idea of the complexities and pressures of his job . . . Since he feels no one understands him, he tends to get into that kind of a shell."

Many officers resent what they feel is an attempt by modern police departments to force them into a "social worker" role in addition to their traditional enforcement jobs, Murphy said.

"We're trying to improve the policeman's perception of himself in this respect," he said. "If he ever sat down and thought about it, he'd realize that most of his work always has been of a noncriminal nature—ambulance runs, accidents, quieting a noisy party—and not to lock people up.

"The policeman's job is maintaining order, not just arresting people . . . Settling domestic disputes without arresting anyone is an example of how a truly professional policeman can put his skills to work."

Despite these and other problems, Murphy said, there have been some fundamental improvements in police performance in recent years.

"Major city departments especially are more sophisticated now in handling race relations, crowd control, when and how to make arrests, things of that sort," he said.

But a central problem remains: professionalizing police departments and junking the "military model" on which most departments are now structured, he said.

Among other things, this would allow rank-and-file officers to participate more fully in the "problem solving and priority setting" procedures of the department, he said.

Professionalization would also help to establish statewide standards of performance, encourage the merger or elimination of small inefficient departments and overcome the "fragmentation and interjurisdictional messes we now have in our metropolitan areas," he said.

Another benefit, already used in some cities, he said, is employment of civilians as personnel directors, systems managers, lawyers and other specialized consultants in the police hierarchy.

There is an additional need, he said, for departments to de-emphasize the use and display of police hardware—guns, tear gas, armored personnel carriers—and to encourage instead the use of low key tactics, nonviolent crowd control procedures and individual dispute settlement skills.

As president of the Police Foundation, Murphy says he hopes now to combine his experience as a policeman with the energies of the foundation to help cure the ills of contemporary law enforcement.

Once a beat patrolman in New York City 27 years ago, Murphy has served as police chief in Syracuse, N.Y., public safety director in Washington, police commissioner in Detroit and most recently police commissioner in New York.

He was also briefly an administrator of the Federal Law Enforcement Assistance Administration in late 1968.

---

[From the Keyser (W. Va.) News-Tribune, Dec. 14, 1972]

### LETTER TO THE EDITOR

On Monday, Dec. 11, 1972, three West Virginia Conservation Officers were walking across Potomac State Campus. I personally knew one of them because when I was a member of the West Virginia State Police I had the pleasure of working with him on occasions. The other two officers I had never worked with but have had the pleasure of meeting in the past. They stopped and we talked for a minute and I asked: "What are you doing up here?" They informed me that they had a warrant for an individual. I told them to take it easy and that I would see them around. As they started to continue their walk across the campus I heard some shouting "GET THE PIGS OFF CAMPUS." Not only does this type of thing occur with the students but with the public in general also.

Not too long ago the legislature passed a law lowering the adult status from 21 years of age to 18 years of age. This means that an 18-year-old by law is considered an adult. It gives him the right to vote, to buy whiskey, and to enter into corporations, etc. I have always contended, however, that just because an individual reaches the age of 18, 21, or even 25 that this in itself doesn't make him an adult. Whenever I hear comments like I heard on Monday then I feel it just sets a stronger foundation on my belief mentioned above. Unfortunately, it's not only the students, it's the citizens, and what is more disgraceful it is the parents who also make these type of comments.

So many times I hear people say that a particular person isn't a cop because he has never had any training. All the administration has done is given him a badge and gun and call him a policeman. I will admit that you are 100 percent right and that I disagree with that procedure 100 percent. Unfortunately, there are policemen in this category and because of their lack of knowledge, not only of the law but more so common sense, it makes it bad for all law-enforcement officers, just like those few individuals who shouted those words make it bad for all college students and all citizens, parents, etc. I will be the first to admit that we don't need policemen of this caliber. I feel that all law-enforcement personnel from Justice of Peace to F.B.I. should be required to be trained before being sent out to do a man's job.

As for the word "PIG." To a well trained, dedicated police officer that word has a specific meaning. Pride, Integrity, and Guts. If an individual gets all excited when someone calls him a "PIG," then he's not cut out for the job.

When I heard the words, "get the pigs off campus," it wasn't the fact that the word "pig" was mentioned that puzzled me, it was the sound of disrespect that encouraged me to write this letter. I sincerely believe that if people had the opportunity to ride for one week with a law enforcement officer the attitudes of many would change. I venture to say that there would be many people who couldn't take it for a week.

I hear people talk about police harassment. You people don't know what harassment is until you are a policeman.

A policeman is a lot of things, but what people forget is that he is an individual with feelings also. He goes out and tries to do a job (most of the time the odds are against him) protect lives and property. The lives and property of you and your family. He takes many risks and is compelled to do things which brings tears to his eyes or makes him feel like its time to get behind the bushes and vomit (only because what he has to do is part of his job and it takes a certain kind to do it).

Do you know what it's like to get a call that a man has just shot and killed three people and has barricaded himself in a house? Do you realize who has to get that man out of that house before he kills anyone else? The policeman. Do you know what it is like to be called out on an accident and when you arrive you recognize the car as being your best friend's or a neighbor and all that is visible is blood and part of a leg because the rest of the body is pinned underneath the car? Do you know how it feels to have to go to a home and tell a mother, father, husband, or wife that their son or daughter or mate was killed in an automobile accident by a drunk? The sound of screams, the begging, the hoping that there has been some kind of a mistake. None of it is pretty. Not one bit of it. Then finally the day comes when you receive a teletype that Trooper or Patrolman ---------------- was killed this morning attempting to serve a warrant or while making a routine check. That, my friends, is a terrible feeling. It makes you want to cry, to vomit, and the worst of it all is that the policeman must attend his fellowman's funeral and be brave as he sits and watches the dead policeman's wife and family accept all that is left of his life. His name plate and the flag that was draped over his coffin. I could go on and on about the policeman. ,

Again I must agree with the public that there is no place for a law enforcement officer if he has no training. He is a menace to our society, he may get a fellow police officer killed, and, yes, he will find it hard to gain the respect of the people he is to serve. We cannot blame all of this on the individual himself except that he ought to respect himself and the people he is to serve more by fighting and requesting that training be made available for him. Also if the public would concern themselves with this problem and demand that their law enforcement officers be trained then I'm sure this would wake many administrations up throughout our country.

I was a policeman or a "PIG," if you wish, in Keyser for a little over two years. I was proud to wear the forest green uniform of the W. Va. State Police, and I was also proud to work with the individuals that I worked with. They taught me a lot and I have a lot to learn and eventually hope to go back into law enforcement. The citizens of Keyser and Mineral County taught me a lot also. They care, but they don't want to get involved. If you care, you will get involved if only to voice your opinion.

To the students and to the citizens who feel that the words disrespect and policeman go together, there is one thing to keep in mind. If it wasn't for the "PIGS" then the PENS throughout the nation would not be filled with people who have committed crimes against the lives and property that the policeman tries in vain to protect.

Ex-Trooper James D. Ross,
*Keyser, W. Va.*

## BIG BROTHER GOVERNMENT NOW TELLS PRIVATE SCHOOLS WHAT TO DO

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. HOGAN. Mr. Speaker, in 1966, the Clinton Christian School was founded on a curriculum which interlinked a progressive educational program with religious concepts and discipline. Recent governmental actions at this privately operated school are an example of "big brother" government assuming the role of dictating to all of us, not only what is to be taught in our schools, but also how it is to be taught.

Itn conferring with Prince Georges County Councilman, John Burcham, he informed me that the County Health Department objected to the disciplinary methods employed by the school as well as the children learning and repeating in unison, verses and chapters from the Bible. Furthermore, representatives of the Health Department gave scores of zero to the school because it did not have exactly the materials prescribed for 3-to 6-year olds, such as a table and chairs, telephones, sponges, hand puppets, et cetera.

Mr. Speaker, there seems to be a real paradox when a representative of government expresses concern about young children having the opportunity for freedom of expression when in the same breath those representatives of government are prescribing to those in charge of a school a very specific controlled environment. It seems strange that children must have an opportunity for freedom of expression, but the grownups do not.

It is obvious to me that this campaign against this and other private schools is a thinly disguised attempt to deny parents of Prince Georges County a chance to send their youngsters to private schools rather than have them bused miles and miles away from their home neighborhoods.

Mr. Speaker, because it represents clearly the concept that the parents, not the State, can make the best judgment as to what is best for their children, I would like to call, to the attention of my colleagues, an editorial by The Courier, a weekly newspaper published in Prince Georges County, Md.

INEXCUSABLE REPORT

Just seven years ago several people who were dismayed by the lack of association between God and life in the public school system of Prince Georges County founded and opened the Clinton Christian School.

Its founders embarked on a program of education which not only would teach children to read, write, add and subtract, but would place an important emphasis on God's role in man's life and man's role on God's Earth.

The founders realized what everyone in the world realizes except the various boards of education. If the learning process is to function well there must be discipline, so with parental permission paddling was instituted as the reward for misbehavior.

That people liked the idea of this school was evidenced by an ever increasing enrollment. Parents who could send their children to public school for free chose instead to pay hundreds of dollars a year to send them to Clinton Christian School where the Bible and strict discipline were an integral part of regular school life.

Presently more than 600 students are enrolled on three separate campuses of the school.

Now comes the bureaucracy, that so totally epitomizes Prince Georges County these days, in an attempt to close the school for reasons that smack more of harassment than genuine concern for the children of parents who willingly and deliberately place their children in an educational environment of which they approve.

There are zoning considerations and fire safety considerations included in the move against the school.

Zoning is an arbitrary situation and easily resolved by a majority vote of the County Council. The fire safety violations cited appear easy enough to solve with the placement of additional exit signs and an improved alarm system.

The real crux of the situation may revolve around philosophy and may not be so easily or willingly changed.

The county Health Department has stepped into the scene with criticism of children learning and repeating in unison verses and chapters from the Bible. A report written by someone named Helen Foster who is described as chief of child day care and child development division also objects to teaching children to read at an early age.

Mrs. Foster reveals herself as reading, writing and arithmetic advocate when she writes "creative experiences were not provided nor were time, materials, equipment and opportunities for such experiences provided."

Such an observation harks of that large cadre of modern educators who would rank a course in creative sandbox well ahead of either reading or writing.

However it is a strange world in which public health officials hold undue influence over school curriculum and reverence to God.

Mrs. Foster also cites a regulation that states, "no child shall be subjected to treatment injurious to his physical or emotional health by a staff member."

Apparently learning to read at an early age and learning Bible verses is considered by the Health Department to be injurious to the emotional health of children.

Dr. Perry Stearns, the county's public health officer also got into the act by declaring that the school could be closed if it fails to correct the violations.

Dr. Stearns declared that "paddling children is not an accepted practice" even if parents do consent.

It is just this sort of drivel from fuzzy thinking public officials that has brought the public school system to its present chaotic state. Lack of discipline in public schools is eroding the entire educational process.

If the Mrs. Fosters and Dr. Stearns of the world have their way we may yet succeed in rearing a generation of totally undisciplined and atheistic people who are much more concerned with their creative experiences than the productive work of life.

We still steadfastly hold to the concept that parents, not the state, can make the best judgment as to what is best for their children.

We are confident that Clinton Christian School will wage a determined fight for those ideals which it and its supporters believe and that David once again may slay Goliath.

---

## CARL SCHURZ HIGH SCHOOL MARKS 100TH ANNIVERSARY

## HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. ANNUNZIO. Mr. Speaker, on May 18 Carl Schurz High School, located in the 11th Congressional District which I am privileged to represent, will be 100 years old. The school will celebrate the occasion with an art fair and a reunion. All former teachers have been invited to return and to meet with their students from bygone years.

The program will include a turn-of-the-century melodrama play, art displays in the halls, strolling musicians, and a concert, concluded by school chorus members from years past, singing Handel's Hallelujiah Chorus.

Carl Schurz High School is a Northwest Side Chicago landmark, both as an institution and as a building. Begun as Jefferson Township High School in 1872, the school changed its name once and location twice before it became a fixture at Milwaukee and Addison, growing with the Northwest area which it has served for five generations.

As it was being built, a civic official of German origin pressed for and won renaming of the new facility for Carl Schurz, prominent German-born friend of Abraham Lincoln, orator, journalist, ambassador, and senator who died in 1906.

While unconnected with Chicago or the Northwest Side, Schurz was not without fame in the field of education. Upon his arrival in the United States in 1849 and his settlement in Watertown, Wis., his wife, Margarethe, transplanted a German custom and began the first American kindergarten in 1856.

Mr. Speaker, it was my privilege to be assigned as a teacher at the Carl Schurz High School in 1936. During my tenure at Schurz, I had the honor of knowing William Slocum, the distinguished principal of Carl Schurz who served in this capacity for more than 25 years, as well as Thomas C. Johnson, who served as principal from 1936 to 1939, after Mr. Slocum's retirement.

Carl Schurz High School was, and still is today, the center of many community activities. It provided the community with outstanding basketball and football teams, many fine operettas, and extracurricular activities that involved the whole community. The "esprit de corps" of the faculty and its excellent relations with the community were a source of great pride and inspiration both to me and to the other teachers.

I was the class adviser on the clean-up campaign which generated so much interest among the students, their parents, and the various community organizations. I can remember distinctly the feeling of pride shared by the faculty and the students as we ran the poster contest for the best clean-up poster, the locker clean-up, and the competition among the various grammar schools, whose students ultimately came to Schurz.

Carl Schurz was a "hub" for all of the community activities. I salute Carl Schurz High School on its 100th birthday, and I also salute Mr. J. P. Maloney, its present principal, the teachers, the students, and the parents, for carrying on all of the wonderful traditions established during the 100-year history of Carl Schurz—including outstanding service to its students and dedicated service to the entire community.

---

## RUBBERSTAMPED POSTAL ALIBIS

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. SCHERLE. Mr. Speaker, a recent editorial in the Clarinda, Iowa Herald-Journal concerning the U.S. Postal Service will be of interest to my colleagues. It describes the excuses most favored by the Post Office to explain tardy mail delivery and suggests a variety of ways to expand the now limited vocabulary of the rubberstamp. It might not expedite your correspondence—What could?—but it will liven up its looks.

The editorial follows:

RUBBERSTAMPED POSTAL ALIBIS

A man recently received a letter that took 15 days to get from Indiana to California. It was rubber-stamped with this explanation from an Indiana post office: "Found in Supposed Empty Equipment."

A rubber stamp? It must be necessary to use such a message quite a lot. A California editor snooped around and found another stamped message used often by the postal services: "Found Behind Inoperative Files."

This led to a game anyone can play. The Lapeer (Mich.) suggests making up your own rubber stamps for the postal service. Such as:

"Found in Cornerstone of Building Dedicated in 1854."

"Chewed & Considered Digested by Friendly Goat."

"Excavated by Archeological Crew in Ancient Greek Diggings."

"Removed by Mistake from Mail Bag by Old Bag."

"Missent to Moscow, Russia, from Moscow, Idaho."

"Found in Septic Tank at Home of Discharged Mail Carrier."

"Went South With Sparrows by Mistake."

"Fell into Disgrace, but Recovered by Loyal Postal Employees."

"Found in Pony Express Mail Bag on Late Late Show."

"Found in Back of Miss-parked 1934 mail truck."

"You get the idea. Mail your suggestions to us. We may print them, if they get here," the Lapeer paper concluded.

---

## QUESTIONS ON H.R. 6767, THE TRADE REFORM ACT OF 1973

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. VANIK. Mr. Speaker, prior to the beginning of the hearings on H.R. 6767, The Trade Reform Act of 1973, I requested the assistance of the Ways and Means Committee in obtaining answers to an initial list of questions—many technical in nature—which I raised concerning the bill.

Because of the importance of this legislation to all Members of Congress and to the entire Nation, I would like to enter in the RECORD at this point the questions, the answers prepared by the Office of the Special Trade Representative, and in some cases a further response from myself.

I am making this data public, because I believe it is important for each Member to examine this bill most carefully, to raise general policy questions as well as specific questions on details and language.

The questions and responses follow:

1. Question: Sec. 2 (a) refers, as part of the statement of purposes, to "formulation of international standards for investment and tax laws and policies." Where is this stated purpose carried out in the actual language and authorities described in the Act?

Answer: Section 2(a) states that a purpose of the proposed Act is to provide authority *in the trade field* supporting U.S. participation in an interrelated effort to develop reforms in the world economic system generally.

2. Question: Sec. 103(e) (3) refers to disapproval of an agreement by a "majority of the authorized membership of that House." Does this mean a majority of all members (218) or a majority of a quorum (110)?

Answer: A majority of all members.

Vanik response: This raises a serious issue as to whether or not we are to permit legislative language which will require, in essence, more than a majority vote on legislative vetoes.

3. Question: In Sections 111, 112, 113, and 114, there seems to be some confusion or at least little rationale in what is covered under the hearing and advice procedures. Should not Section 103 actions be covered under Section 111 and 114—as they are in Section 112 and 113?

Answer: It is difficult to provide the Tariff Commission with information on non-tariff barriers in advance of negotiations similar to that provided with respect to items which will be subject to tariff concessions. Non-tariff barriers are very complex and agreed solutions will not be apparent in the usual case in advance of the negotiations.

Vanik response: But the removal of Non-Tariff Barriers can be just as serious or damaging to an industry and its workers as Tariff reductions.

4. Question: In Sec. 201(b) (4), should the phrase be "compete more effectively with imports" or "against" imports?

Answer: The meaning is intended to be the same under either formulation.

5. Question: If the U.S. Tariff Commission is split, will that still constitute an affirmative finding of the Commission under the provisions of this new bill?

Answer: If the Commission is split, the President can break the tie either way under authority of Sec. 330(d) of the Tariff Act of 1930, as amended in 1954.

6. Question: In Sec. 202(b), definite time periods are set for Presidential action with respect to 202(a) (1) but there appears to be no time requirement for implementing action under 202(a) (2) providing for assistance to workers through the Department of Labor. Shouldn't there also be a time requirement for action under 202(a) (2)?

Answer: Since the Presidential action is confined to requesting the Secretary to expedite petitions for adjustment assistance, a time limit does not appear appropriate in this case.

Vanik response: Vagueness in the area of worker adjustment assistance caused much of the difficulty under the 1962 Trade Act.

7. Question: Further, in Sec. 202(b), it states that if the President decides not to take action, he shall submit a report to Congress "immediately". Is the term immediately to be understood to be the sixty days referred to elsewhere in the paragraph, or since there might be uncertainty, should the word "immediately" be clarified to indicate that action within 60 days is intended?

Answer: The term "immediately" means immediately after reaching a decision. The President has 60 days in which to make the decision.

8. Question: In Section 202(b), if the President reports a negative determination to the Congress, can the Congress do anything about it? In other words, I do not see any provision for the passage of a "corrective resolution" by the Congress.

Answer: Congress can enact legislation.

Vanik response: This would be a difficult legislative process. An amendment should be provided to permit a "Legislative Veto" of such determinations.

9. Question: In Section 203 relating to import relief, the President may suspend the application of items 806.30 or 807.00 of the Tariff Schedules of the United States. As I understand the headnotes to this portion of the Tariff Schedule, this will mean that American items exported, with value added in foreign countries, and then imported into the United States will not, as per the provisions of 806.30 and 807.00 pay duty just on the foreign value added, but will, when these provisions are suspended, pay full duty on the value of the total imported product. Is this reading correct?

Answer: Yes. The reading is correct.

10. Question: In Section 203(d) (4) there is a reference to the "factors described in 202(b)." Should this reference actually be to "factors described in 202(c)"?

Answer: Yes. The correct reference is Section 202(c).

11. Question: Under the compensation authorities described in Section 404, would there be a system of hearings, advice, etc., as provided in Section 111*ff*.

Answer: Section 410 provides for public hearings prior to the conclusion of any agreement or the modification of any duty pursuant to Section 404.

Vanik response: This does not appear to be as detailed or as specific a hearing process as provided through Sections 111 and following:

12. Question: In Section 221(a), workers may petition for assistance and relief. The phrase found in 201(a) (1), "which is representative of an industry" is missing. Does this mean that the workers of *any single company*, plant, or shop, can seek relief, even though the *industry* in which they are employed is, perhaps not suffering *as a whole* from import injuries?

Answer: The worker adjustment assistance provisions are designed to aid workers whether or not an entire industry is impacted. A significant number or proportion of the workers in a firm or appropriate subdivision of a firm who are totally or partially separated may receive assistance.

13. Question: (a) Section 222 defines group eligibility requirements for worker relief assistance. The criteria are that a significant number or proportion of the workers in the firm have become totally or partially separated, or are threatened to become so, that sales or production, or both, of such firm or subdivision have decreased, and that imports have contributed substantially to this situation. What is the "relationship" between the three conditions? Must all be met?

(b) Could not a situation exist where sales and production of a firm would be up, but through automation and increased productivity, workers are being separated and, because of the volume of imports, additional jobs are not being created in the domestic economy, commensurate with the increased sales of the product?

Answer: (a) All three criteria must be met.

(b) Under the proposed Trade Reform Act, as well as under existing law, adjustment assistance is directed towards import caused underemployment.

14. Question: In section 231(B), is the Committee aware of any reason for the deletion of the 78 weeks out of the last 156 weeks employment conditions presently contained in 19 U.S.C. 1941(c)(1). In addition, how long are unemployment benefits good for? Are there no special periods of extended unemployment benefits for older workers (as provided in present law under the Trade Expansion Act of 1962)?

Answer: The deletion of the 78 week requirement is motivated by a desire to diminish the administrative burden and resulting delay of researching each individual's employment record. In addition, this restrictive requirement unnecessarily excluded workers from benefits. The unemployment benefits are co-extensive with the period that benefits are co-extensive with the period that benefits are available in the worker's state of employment. There are no special periods of extended unemployment benefits for older workers.

15. Question: It is true that the $5 per day subsistence allowance provided in Section 234, relating to training, is the same figure as was provided in the TEA of 1962?

Answer: Yes.

16. Question: In Section 236, relocation allowances are provided for an affected worker "who is the head of a family." Since there is a dollar limitation on the amount of relocation assistance, shouldn't relocation be provided to any worker, regardless of his family or marital status?

Answer: The dollar limitation on the lump sum payment in the proposed bill does not constitute a significant change in the overall relocation allowance provisions of the Trade Expansion Act. The proposed bill continues the Trade Expansion Act requirement that the worker be a head of a family. The more important limitation on relocation allowances is that it is directly related to reasonable and necessary expenses.

Vanik response: Relocation assistance should be provided to all workers, whether married or single.

17. Question: With respect to Section 239 and payment to the States for supplemental benefits for workers, has the Administration supplied the Committee with any estimates on the cost of these proposals. If so, would these estimates permit a calculation of the number of American workers who will be hurt by imports?

Answer: Estimates will be submitted as part of the hearings on the bill.

18. Question: In Section 245, relating to definitions, why have Guam and the Virgin Islands been excluded, particularly now that they have delegates in the Congress?

Answer: The Trade Expansion Act definition has been retained.

Vanik response: This is not an answer to the question.

19. Question: In Section 301(a)(B), the term "country or instrumentality" is used. Does the word instrumentality apply to the EEC? To what groups does it apply?

Answer: The term instrumentality does apply to the EEC and, for example, to any customs union with a common external tariff.

20. Question: In Section 203, establishing purchase prices, is it the Committee's understanding that this applies to the traditional form of Value-Added Tax as used in Europe? Is this section intended to permit the use of anti-dumping and other unfair trade provisions against those Nations which have an export-rebatable form of VAT?

Answer: The amendment of Section 203 would affect rebates of taxes under the Anti-Dumping Act in only one respect. It would require that taxes being rebated be related *directly* to the products exported to the United States or components thereof. Accordingly, it would not have any effect on Treasury's present treatment of rebates of the value-added tax under the Anti-Dumping Act.

21. Question: In Section 350, relating to protection against patent violations, has the Committee received any communications indicating that this type of protection should be applied in copyright cases?

Answer: There is no necessity to extend the protection afforded by section 337 of the Tariff Act to copyright cases in light of the provisions of title 17 of the United States Code (enacted by act of July 30, 1947, ch. 391, 61 Stat. 652). Sections 106 through 109 of title 17 provide effective remedies in respect of the importation of prohibited articles, including provisions for the forfeiture and destruction thereof.

22. Question: In Section 401(b)(1)(A) and 401(b)(3)(A), there is the word "substantial" as applied to balance of payments deficits and surpluses. Has the Committee received any communication as to what is meant by the word "substantial?"

Answer: This is a judgmental factor which must be weighed by the President at the time that action under the section is contemplated.

Vanik comment: This is the type of response that should cause all of us in the Congress to examine this legislation with the utmost care There is entirely too much Executive discretion throughout the bill.

---

## DR. KISSINGER TURNS TO EUROPE

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. GAYDOS. Mr. Speaker, Dr. Henry Kissinger now is turning his considerable diplomatic talents from Southeast Asia to Europe and, in a recent major policy speech to the annual meeting of the Associated Press in New York City, gave what was described as an unusually frank analysis of the problems there.

His analysis disturbed me, not because of the nature of the problems he listed but because he seemed to have ours and the Europeans' grouped together as of equal diplomatic concern. Complaints here about Europe, he said, are that the nations there ignore their wider responsibilities in pursuing their own economic self interests and that they are not carrying enough of the common defense load. Europe's complaints, he added, are that we appear to be out to divide them economically, or desert them militarily, or bypass them diplomatically.

I submit that these complaints are on two very different levels. Ours against Europe are based on what actually is taking place and each constitutes a heavy financial burden upon us. We are getting little European economic cooperation as the state of the dollar and our trade deficits attest. And Europe's dodging on NATO's cost has meant great sacrifices of American money and manpower. Conversely, the European complaints are mere suppositions—notions that we might be plotting something they do not like. These gripes have no substance—no reality—and they could mean nothing at all.

I hope Dr. Kissinger in his efforts to build what he terms "a new Atlantic Charter" will not trade off, as though dealing with matters of equal validity, our real complaints against those of Europe which in truth are quibbles and suspicions. If he does so, then his new European agreement could prove to be as shaky in the test as has been the one he negotiated on Vietnam.

---

## THE WELFARE MYTH

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. FRASER. Mr. Speaker, the American people have been inundated with accusations, innuendos, facts, and fictions about what is commonly called the welfare mess. The information and misinformation has come from public officials, the media, and the man on the street. The result is a confused and too often unfair picture of the welfare recipient.

COPE, the Committee on Political Education of the AFL–CIO, has put together a fact sheet on welfare, aptly headlined "Welfare: Everybody's Whipping-Boy." We should use the facts of welfare not the fictions as the base for our discussions of this difficult problem. COPE's memo contributes greatly to the necessary rational discussion. Mr. Speaker, I include the following:

#### Welfare: Everybody's Whipping-Boy

Welfare . . . it's as unloved as athlete's foot. Office-holders know they're guaranteed prime press space by attacking it. Conservative groups and leaders make careers inveighing against it. In a government administering thousands of programs, welfare is probably the least popular and most misunderstood. It's everybody's whipping-boy.

The Greeks created no more myths about their gods than we have about welfare. Time and again we are told of the welfare client who arrives in a fancy car to pick up the check that comes from taxpayers' money, and goes home to his color television and vintage champagne. He is strong, able-bodied and employable, we are told . . . but he just doesn't want to work. He's a loafer.

If the welfare client is female, we are drawn a horror picture of repeated illegitimate births for the sole purpose of increasing her welfare benefits. She's a loafer, too.

We are advised that welfare provides such opulent living its clients would be crazy to give it all up and go to work. We hear repeatedly that welfare clients are cheats and welfare programs are rampant with fraud.

We even are asked to believe that hordes of poor people scrutinize statistics that come out of federal and state agencies, locate states and communities where the highest welfare, benefits are paid, and choose their spots accordingly.

We believe, too, that the majority of welfare recipients are blacks.

Perhaps the attitude of a great many Americans toward welfare was reflected in a campaign statement by President Nixon: "We are faced with the choice between the 'work ethic' that built this nation's character, and the new 'welfare ethic' that could cause that American character to weaken." The statement seems to encompass and reinforce most of the myths about welfare.

As the new Congress swings into action and may confront again, as it did last year, the welfare issue, it's a good time to look more closely at the facts, not the myths. Following are 10 key facts about welfare.

Fact No. 1—People wind up on welfare not because they are cheats, loafers or malingerers, but because they are poor. They are not just poor in money, but in everything. They've had poor education, poor health care, poor chances at decent employment, and poor prospects for anything better.

Fact No. 2—But even most of the poor are not on welfare. Some 15 million Americans receive some form of welfare benefits. There are more than 25 million officially below the poverty level of $4,000 a year for a family of four. Another 30–50 million are just barely above it. And $4,000 a year, as everyone knows, does not afford extravagance.

Fact No. 3—Of the 15 million receiving welfare, about eight million are children under 16 years of age. Anyone for "work-fare" for children more than half a century after child labor laws were enacted?

Fact No. 4—Less than one percent—about 150,000—of welfare recipients are able-bodied employable males. Many of these are in their late-middle years. Most are uneducated. All are required by law to sign up for work or work training. A government study shows more than 80 percent want to work, rather than draw welfare, and among the fathers in this group one in three is enrolled in work training.

Fact No. 5—Apart from children and the relative handful of potential employables, on welfare are more than two million aged, more than one million totally and permanently disabled or blind, three million mothers. All of these are in programs roughly supported 50–50 by state and federal funds. Another group of less than one million is aided by state and local non-federally supported programs. These are single adults and childless couples, most of whom work full time but are paid less than they would be on welfare. These are the working poor.

Fact No. 6—No one is getting rich on welfare. It allows, at best, bare-bone living. In no state does the average welfare payment bring a family up to poverty level. Maximum payments for a family of four range from the $700 a year in Mississippi to $3,600-plus in New York, New Jersey, Massachusetts and Connecticut. Thirty-nine states pay less than their own established standard of need.

So instead of the high living often portrayed among welfare recipients, the facts boil down to an average nationally of $1.68 per recipient per day with a range in the states from 48 cents to $2.58 per person per day. Out of this comes food, clothing, housing and other essential cost items. A survey of welfare mothers showed that if they received higher benefits, half would spend it mostly on food, 28 percent on clothing and shoes, most of the others on rent or a combination of essentials.

(Figures are based on the major federal-state matching program called Aid to Families With Dependent Children, which covers the largest percentage of welfare recipients.)

Fact No. 7—Cheating and fraud in welfare are minimal. There is, of course, some cheating and dishonesty among welfare clients. Try to imagine any program involving 15 million persons that is entirely free of fraud. But the Department of Health, Education and Welfare estimates there is cheating among fewer than one percent of welfare cases. Add to this another 2–3 percent on the rolls due to misunderstanding or technical bureaucratic error, and there is an upper range of 4–5 percent receiving benefits who are either completely or partially ineligible. It is likely that this range of cheating, plus error, exists in income tax payments of citizens and in many other areas of activity.

No one argues that any cheating should be permitted when discovered, but the public idea of massive fraud in welfare is wrong.

As for invading hordes of welfare clients moving from state to state to achieve higher benefits, facts don't support this myth. In New York, which pays the highest benefits, less than two percent of new recipients have lived in the state less than two years; more than 85 percent of all recipients have lived there more than five years. The facts show that poor people, like the rest of us, move around mainly to find better job opportunities.

Fact No. 8—Welfare mothers are not churning out illegitimate children. Nearly 70 percent of all children in welfare families are legitimate, according to the Social and Rehabilitation Service of HEW. Thirty percent of welfare families with any children have only one child; 25 percent have two; 18 percent have three. The remainder have four or more.

Economically, anyway, the myth is nonsense, since the average payment per additional child nationally is only $35 a month, hardly an incentive toward mass production.

Fact No. 9—More than 48 percent of welfare families are white; about 43 percent are black. Most of the remaining are American Indians, Orientals and other racial minorities. The reasons for the high percentage of blacks are self-evident: More than 34 percent of the black population in the U.S. have incomes below the poverty level, compared to 13 percent of the white population.

Fact No. 10—There is no evidence to sustain the belief that welfare is necessarily habit-forming, that is that "once on welfare, always on welfare." Half the families on welfare have been on the rolls 20 months or less; two-thirds have been on the rolls less than three years. Fewer than one in five have received welfare for five years or more. One in 16 has been on 10 years or more. About 65 percent of welfare cases at any given time are on for the first time; about one-third are repeaters.

These, then, are some of the major facts about welfare. Sad to relate, there is no fresh revelation among them. They have been printed in many places, many times. Yet, the myths about welfare, and the objections to it, persist.

A major objection, raised both by those who want to reduce it and even many of those who want to improve it, is its cost. It is true, welfare costs money—about $12 billion a year in the major programs jointly financed on about a 50–50 basis by the states and federal government. Another $100 million a year is borne by states and communities in general assistance programs not aided by Washington.

The federal share of the cost represents about 2½ percent of an over-all budget of $270 billion that President Nixon is shooting for next year.

So welfare really costs less than 2½ cents of every dollar paid into federal taxes. Indeed, closing just a few major tax loopholes for corporations and wealthy individuals alone could bring in enough additional federal revenue to cover present welfare outlays.

Buried in the emotions surrounding, and misunderstandings of, welfare are some other important matters that should not be ignored:

AFDC, the major welfare program, was conceived to provide help for dependent children. As Bert Seidman, director of the AFL-CIO Social Security Department noted in a recent speech, "Our whole approach to welfare reform ought to be, therefore: What is best for these millions of disadvantaged and under-privileged children?" He called "disadvantaged" and "under-privileged" fancy words "to describe kids who are hungry and ill-clothed and living in rat-infested tenements surrounded by filth, despair, degradation and often disease."

Instead, Seidman said, "their plight is ignored and all the attention is placed on the alleged sins of the adults . . . but whatever may or may not be the sins of their parents, the guiltless children share heavily in the punishment."

It is too simple to say, as some do, "send the mothers to work." In the first place, surveys show many would like to work. But where are the jobs, and if there were jobs what do you do with the children? Who will be there when they get home from school? If they are pre-school, where are the day care centers to look after them properly? The President vetoed day care legislation a couple of years back.

If there were sufficient jobs and adequate day care facilities, what are the ethical implications of a must-work program for welfare mothers? Some welfare opponents have split personalities. In one breath they oppose day care legislation on the grounds it would weaken the family structure; in the next breath they extol "work-fare" and the "work ethic." You can't have it both ways.

Experience with non-federal must-work programs for welfare clients in several states has been a jolt, with one of the key roadblocks to any success being "the documented reluctance of employers" to hire welfare recipients, according to a congressional study.

Welfare probably will be a matter of heated controversy for years to come, and it is likely to remain massively misunderstood. The shape of any true reform was described by Seidman this way:

*"In summary, any genuine welfare reform must, first and foremost, emphasize the children's welfare. It should rely primarily on non-welfare programs to develop and assure suitable jobs at decent wages supplemented by improved social insurance, health security and other programs aimed at eliminating poverty.*

*"With this multi-faceted approach, welfare, whatever it is called, could become a residual program providing a decent level of living to people who can't work at all or ought not to be required to work if they wish to devote themselves to their children's care. Under these circumstances, welfare would be far less costly and the 'work ethic' would be irrelevant to welfare. The nation might even turn once again to helping instead of punishing the poor."*

## THE SERIOUS PROBLEM OF EMPLOYING ILLEGAL ALIENS

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. GONZALEZ. Mr. Speaker, today I am reintroducing a bill which would disallow employers from deducting from their gross income the salaries the employers pay to their illegal alien employees.

I realize that the House just passed a bill that places a greater responsibility on the employer to hire only American citizens, and that if he does not he is subject to legal action, but I feel that it is unfair under our present tax laws to allow an employer to list all salaries paid to these employees as business expenses on this tax return regardless of whether some of these employees are in the United States illegally.

It seems to me that it is not proper to let an employer who hires illegal aliens to be given an unjust advantage over the employer who hires legitimately.

At this time the number of illegal aliens pose a serious challenge to the workers in Texas and the United States in general, and I feel this bill is another way to attack this serious problem of employing illegal aliens.

---

## PREVENTING HEART FATALITIES

## HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. GUDE. Mr. Speaker, in a heart attack, the enemy is time—the time it takes for the ambulance to arrive and to get to the hospital. The time it takes to get the victim of an attack under care.

Would it not be great, if you felt you were having a heart attack, to have at hand a method of letting your doctor hear your heartbeat, see your cardiogram and prescribe a medicine you had with you, so that you had a better chance to survive until you got to a hospital and were under treatment?

This is possible today. Officials of Montgomery County, Md., which I represent in Congress, have been discussing the implementation of such a system with the county heart association and a local firm, which has developed a CardioBeeper for use over the telephone and a kit containing two injectors providing two alternative medical emergency treatments.

As an outgrowth of the single heartmobile that the association operated, a program has been proposed for the use of rescue squad vehicles, with specially trained operators, to provide the whole county with heartmobile techniques. A central communications system between persons with cardiac kits and their doctors might be tied into this system.

I hope that Montgomery County can show the way to a reduction in the 1,000 heart attack victims who die each day in the United States before even reaching a hospital.

A potentially important key to reducing these deaths, the emergency cardiac kits developed by Survival Technology, Inc., is described in this report from the Montgomery County Sentinel of March 22:

### SELF-INJECTING "PEN" AIDS HEART PATIENTS

(By Hank Plante)

"The enemy is time," and with those words Dr. Stanley J. Sarnoff hopes he may be on to one of the most important medical breakthroughs in decades.

About 600,000 people die every year in the U.S. from heart attacks, and about 350,000 of them (or 1,000 people every day) die from the attacks before they even reach the hospital. It is those precious seconds that are Sarnoff's enemies, and after five years and untold dollars of research, the weapon against those fatal hospital trips may be forthcoming.

Sarnoff, 56, is President and Chairman of the Board of Survival Technology, Inc., one of those Bethesda medical firms that are tucked in the county's corners producing specialized, practical life-saving tools.

It was at his business's birth, in 1958 as Rodana Research Corp., that he developed a small, penlight-sized injector that is familiar to anyone who has gone through military service since that time.

The Atro-Pen injector contained atropine, which served as a quick, self-administered antidote to nerve gas. About 35 million of the small pens have been sold for those purposes to date, giving Sarnoff and his 35 employes a rather respectable living.

But atropine is an old drug, and one of its other uses has long been to speed up a heartbeat in the event of an emergency. About two milligrams of atropine will do the job, generally, and that just happened to be the amount already being used in Atro-Pens as a gas antidote. Sarnoff looks to the ceiling when he recalls the coincidence and says, "Somebody up there must like us."

For another kind of heart problem, that accompanying an irregular heartbeat, lidocaine has frequently been used, and it too has been packaged into a somewhat larger Lido-Pen.

The resulting kit, containing two pens, a trainer pen, and another Survival Tech invention called the CardioBeeper, fit into a small leather case about the size of a pocket radio, and, after clinical studies have been completed and the Food and Drug Administration has approved Survival Tech's device, the package should be available for about $250 each. Here's how it works:

A patient is in the hospital after a heart problem, and his doctor brings in the small leather case and produces a "trainer" Atro-Pen. Right then and there, he learns how to use the device, and how to teach his secretary or wife how to use it as well.

He pulls the yellow safety cap off the small plastic tube, and presses it against his thigh. He never sees the needle—which Sarnoff says is an important psychological advantage of any self-administering advice—and as he applies about two pounds of pressure against the tube, the needle injects either two mgs. of atropine or 300 mgs. of lidocaine, whichever is appropriate.

Atropine and lidocaine have been used intravenously in hospitals to combat heart problems for some time. Survival Tech's "Heart Plan," calls for a different dose of the drugs and a different route: intramuscular injections.

Backing up about two minutes, here's how he determines which tube to inject. The CardioBeeper, also in the leather case, is the first thing he reaches for as soon as he suspects something may be wrong.

The small plastic box has a phone number written on it, he dials it and reaches his doctor's office or his medical answering office where a doctor is on call. There are two wires coming out of the Beeper, and he places one under each arm; there are no lubricants to apply, nothing to clip-on stick-in, but as soon as he has the wires' plastic ends under his arms he hears a beeping sound that coinsides with his heart beat, and an accompanying blinking light--either green or orange.

Holding the Beeper up to the phone, the doctor can "hear" his heartbeat, and touching a small button on the Beeper, he produces a steady, unbroken "Beeeeep," he is sending his electrocardiogram over the phone and his doctor is receiving it on a special pick-up unit. The physician then tells him which tube to inject, either the orange one or the green one. Lest there be any confusion, the blinking light on the Cardio-Beeper will either be an orange one or a green one that coincides with the needed injector.

The doctor, in the meantime, has already phoned for an ambulance to pick up the patient, and the whole process, from start to finish, has taken about four minutes.

To the patient, all he has done is follow simple instructions, but to others like Ireland's Dr. P. Frank Pantridge, who developed the mobile "Heartmobile" concept, that patient has not become one of the 49 per cent of heart sufferers who in the first 30 minutes of a coronary have the slow rates and low blood pressure that may lead to death.

To Stanley Sarnoff, after his Princeton A.B., his Johns Hopkins M.D., his Harvard associate professorship, and his role as head of NIH's Cardiovascular Physiology lab, those four minutes may be his brainchild and social contribution come true.

---

## ADDRESS OF THE HONORABLE JOHNNIE M. WALTERS

## HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. DORN. Mr. Speaker, Johnnie M. Walters was recently invited to address a joint session of the South Carolina General Assembly. This great honor was extended as South Carolinians are proud of the distinguished national service of our native son. Johnnie Walters, as Assistant Attorney General of the United States and as Commissioner of the Internal Revenue, rendered our country dedicated, devoted and constructive service. In a sensitive position of leadership, he administered justice fairly, uprightly and with great ability. Every American can be proud of Johnnie Walters and his record of superb achievement for the Nation. Mr. Speaker, I commend to the attention of the Congress and the American people Mr. Walters' splendid address:

### REMARKS BY JOHNNIE M. WALTERS

#### I. INTRODUCTION

Being proud South Carolinians, you can appreciate how pleased I am as a native to be with you today. To be a South Carolinian is a notable distinction; to be invited to address this distinguished General Assembly indeed is a high compliment and honor. I keenly appreciate this, and thank you sincerely.

Years ago—when I was in high school, I was privileged to visit with a distinguished citizen who was about to address the General Assembly, the Honorable A. L. M. Wiggins of Hartsville. He asked me a question that evening in 1938 about which I've thought often, and particularly since the date of your concurrent resolution inviting me here today. Stating that he was trying to decide what to say in his speech, Mr. Wiggins asked: "McKeiver, if you were going to address the General Assembly, what would you say?" That was a difficult question in 1938, and it still is difficult. My concern with this question lately has generated all sorts of ideas—too many for us to discuss today. Having a real appreciation of the value of your time, I want to say something meaningful, yet without being pedantic.

#### II. FINANCES

I am not a politician, although I try to be politic. I am a tax lawyer and have been since 1949. It has been a high honor and privilege to serve the Nation since January 1969 first as Assistant Attorney General in charge of the Department of Justice's Tax Division and then as Commissioner of Internal Revenue. With this experience, I think it is appropriate today to make a few observations about our Federal tax system and finances. While the Commissioner has nothing to say about how the Federal government spends its money, he is charged with collecting practically all of it.

I do not hesitate in South Carolina to speak of efforts to balance the budget. In South Carolina you have paid particular attention to this for a long time. Under the able leadership of the distinguished Speaker and Senator Edgar Brown, the General Assembly has contributed mightily to the sound financial record and reputation of the State. Also, the present distinguished Governor, his predecessors, and loyal officials of the executive department have worked closely with the leadership in this commendable effort. Over the years, South Carolina has done a better job in living within its budget than has Washington. All of us—and especially you—should take great pride in the outstanding financial management of the State.

On the Federal scene, President Nixon is struggling to achieve greater balance between income and expenditures. This is not easy, as you know, but it is essential that we at least begin changing directions so that at some point our Federal financial affairs will be in better shape. As you so well know, this is an issue in which every knowledgeable citizen should take an interest, and particularly those who are state legislators because of the impact Federal finances have on state and local affairs. As responsible officials, you fully realize that the President needs, and is seeking, help in the effort to achieve sounder Federal financing. Having participated to some extent in the effort, and believing firmly in both its necessity and wisdom, I urge you to add your support.

If we want America to survive and prosper, we must get a grip on Federal finances. We must collect them even-handedly, fairly, and vigorously. We must spend them constructively, effectively, and wisely. We should recognize that in neither area have we achieved perfection and that those now responsible for collecting and spending Federal revenues are striving for improvement. They need our help. We should not let them down!

### III. LAW AND MORALITY

Having been party to the efforts since 1969 to increase the observance of law and order, I consider it appropriate today to note significant progress toward this goal. Yet, at the same time, I sadly must acknowledge some significant failures to observe law and order. The disturbing crime waves of the 1960's are coming under control. Just last year we saw the first actual decrease in crime in 17 years (3%). The revolutionary disturbances of a few years ago no longer plague us. All this is good. Nevertheless, it is not enough.

Americans are loyal law-abiding citizens, with relatively few exceptions. They expect their neighbors and public officials to observe the rules of law and order. And, in particular, public officials—at all levels of government—have high tests to meet. They are leaders, and good Americans look to them to set the standards. At any time our leaders fail to set and observe high standards, our great national fabric—our national soul—is damaged and torn.

In administering our Federal tax system, we have seen many instances of misbehavior on the part of public officials and other leaders. Prosecuting sitting members of Congress is most disturbing in that it demonstrates a lack of morality in the leadership area. Likewise, prosecuting Federal and State judges shows the same thing. It is almost inconceivable that anyone would presume to place himself in a position of leadership and yet not act responsibly in matters of law and morality.

Right now the Watergate affair is the shining example of wrongdoing. And particularly the kind of wrongdoing we can neither afford nor tolerate. It is too early to assess the full damage of the Watergate affair. That will take years. Yet we already know the damage is monumental, and that without regard to administrations or parties. The severest damage is to the great American belief and trust in fair play and honesty—particularly in the governmental area.

Despite the personal and national tragedy of Watergate, we can take heart in one aspect of it. The law is prevailing. In many, if not most, other countries the Watergate affair would not see the light of day. In our great country, we shall see the majesty of the law prevail. Amongst others, we must give credit for this to our democratic system, to the freedom and tenacity of the press, and to the good loyal American's insistence on the truth! For all of this better side of this sordid spectacle we ought to and must be grateful! It demonstrates that America still is a land of law and not of men!

We have surmounted other wrongdoings, and we will this. Yet we should recognize the very real national danger in wrongdoing—and particularly by those in positions of leadership and trust. We must pray and work for greater integrity and morality on the part of everyone, including ourselves. We should do to another only that which we would have him do unto us. Having suffered great damage at the Watergate, we now should work together in healing our wounds. It will not serve the Nation well to do otherwise.

### IV. CONCLUSION

I am very proud of South Carolina. I always shall strive to have South Carolina proud of me. I appreciate and thank you for the high honor of being with you today. God bless each of you, this great State, and our great Nation!

---

## VOTER REGISTRATION: IN HUMAN TERMS

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. RANGEL. Mr. Speaker, I have placed before the House of Representatives, the National Voter Registration Rights Act of 1973 (H.R. 4846) which would serve to renovate and modernize our system of voter registration.

In considering this proposal, it would be absolutely tragic if my colleagues thought of voter registration as only numbers and various statistics, or only in terms of financial costs, or whether the proposal does or does not invite fraud and corruption. Much more importantly, we must reflect on what voter registration has meant in human terms in recent American history.

In the summer of 1964, 650 volunteers from all across the country journeyed to Mississippi to participate in the Summer Freedom Project. The program was sponsored by such groups as the Southern Christian Leadership Conference, the Student Non-Violent Coordinating Committee, the Congress of Racial Equality and the Mississippi branch of the National Association for the Advancement of Colored People. The primary objective of this project was to register eligible black voters. "Letters From Mississippi." edited by Elizabeth Sutherland, is a compilation of letters written by the volunteers during those summer months. I now submit for your attention and the attention of my colleagues, excerpts from the book to show what voter registration truly means.

### LETTERS FROM MISSISSIPPI

VALLEY VIEW, *August 25.*

The right to vote is completely controlled by the registrars—one to each of 82 counties. They alone decide whether an applicant has passed the test, they inform him only after a 30-day wait, and they don't have to tell him why he failed the test.

The registrar could always find a reason for flunking a Negro applicant: the undotted "i," a misspelling, or especially an error in question 19 which required the applicant to copy out and then interpret any one of the 286 sections of the Mississippi Constitution specified by the registrar. Some of the sections run as long as two pages, all in legalese. Negroes with Ph.D.'s were flunked, while white men with only a grammar school education were passed.

But more discouraging to the Negro than these technical traps was the fact that the names of all applicants were published in the newspaper for two weeks or more. It wasn't difficult to tell white and Negro names apart, as the white names were dignified by Mr., Miss, Mrs. And once identified. . . .

BATESVILLE.

Fear of The Man, fear of Mr. Charlie. . . . Occasionally it is the irrational fear of something new and untested. But usually it is a highly rational emotion, the economic fear of losing your job, the physical fear of being shot at. Domestic servants know that they will be fired if they register to vote; so will factory workers, so will Negroes who live on plantations. In Mississippi, registration is no private affair. . . .

GREENWOOD, *July 15.*

We are trying to get people to go down to the courthouse to register. In Mississippi there are no deputy registrars, the only place that people can register is at the Courthouse at the County Seat. The county seat for Leflore County is Greenwood. This in itself restrains Negroes from voting because they don't like to go to the courthouse, which has bad connotations for them. Behind the courthouse is the Yazoo River. The river also has bad connotations; as Albert Darner said, it's "Dat river where dey floats them bodies in."

McCOMB, *August 20.*

The voter registration program, despite its shortcomings, is a beautiful thing to watch. Such a big step for these people! The voter registration classes are slightly tense, but what is more present is hope, positiveness. The people dress up carefully. They shake each other's hands, await eagerly the return of those who have gone down to the courthouse already. Two functional illiterates have come, and so many others have so much trouble filling out the form. But they're going down—a cemetery caretaker, a blind man, a cafe owner, a domestic . . .

MILESTON, *July 6.*

DEAR MOM AND DAD: Mileston, where I'm staying, is in the flat Delta section of Holmes County. The Negro farms here were once part of huge plantations. In 1939 the federal government confiscated the land when the plantation owners failed to pay back taxes, and the land was divided up among Negro families who had applied for it. Land reform (on a minuscule scale) has had an enormous effect on the people . . .

Last year Hollis Watkins, a SNCC staff member, began a voter registration drive here. He got about 14 Negroes to go to the court house with the intention of registering to vote. Sheriff Smith greeted the party with a six shooter drawn from his pocket, and said "Okay, who's first?" Most of the Negroes remained cautiously quiet. After several seconds a man who had never before been a leader stepped up to the Sheriff, smiled and said, "I'm first, Hartman Turnbow." All registration applications were permitted to be filled out and all were judged illiterate. The next week, Turnbow's house was bombed with Molotov cocktails. When the Turnbows left the burning house, they were shot at, and they shot back until the attackers fled. A couple of days later, Mr. Turnbow, Hollis Watkins, Robert Moses and a couple of other people were arrested for arson; Turnbow was accused of having bombed his own house which wasn't insured. Sheriff Smith was the one witness against them. Mr. Turnbow was convicted in a Justice of Peace Court, but the conviction was overruled in a federal district court . . .

The Negro people we are living with have enormous hope and are extremely practical about achieving their goals. This community is an oasis of hope in a desert of broken minds: the plantation sharecroppers who have little reason for hope . . .

Love,

JOEL.

These young people died in the cause of pushing and selling American democracy to disenfranchised and discriminated-against individuals. They put their lives on the line to register people. I hope that we, in Congress, can follow the lead of these kids and open up the political process by opening up our voter registration system.

---

## WELFARE SCANDAL—XXII

## HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, it's not enough for some welfare clients to live self-satisfied lives dependent on public welfare and supported by their communities and the Nation's taxpayers. Some cheat.

Perhaps it is fair to blame the system for encouraging such abuses. But the fact remains: welfare clients are bad risks in many cases. Not paying rents, doctor and dentist bills, or even moving bills has victimized many businessmen who have welfare clients as customers.

It's past time to tighten up our administration of welfare programs. Congress must recognize its responsibility to prevent fraud, waste, and mismanagement of public programs by more realistic and effective legislative requirements. It's time for welfare reform, now. The article follows:

[From the Milwaukee Sentinel]

### MOVING FIRMS TO SUE AID UNIT

(By Gene Cunningham and Stuart Wilk)

The owner of two Milwaukee area moving firms has instructed his attorney to file suit against the Milwaukee County Welfare Department to obtain payment of more than $6,500 due the firms for moving welfare clients.

The suit may also test the legality of a department policy limiting the amount paid for moving to $100.

John M. Malley, Jr., owner and president of North Star Van & Storage Inc. and City Van & Storage Inc., both at 4545 N. Port Washington Rd., Glendale, said he had directed his attorney, John Collentine, to file the suit.

It will seek collection for unpaid bills dating back to 1966, including $4,873 due City Van & Storage and $1,776 due North Star Van & Storage Malley said.

Collentine said he had discussed the unpaid bills several times with the department and "the only thing they said was that they paid the recipients so they (the department) aren't liable."

Malley and Collentine intend to find out if that is true.

Collentine is executive secretary of the Milwaukee Furniture Movers Association.

Collentine said he also believes that the department's policy of paying a maximum of $100 for a move is in violation of Public Service Commission (PSC) regulations.

"It's contrary to state law," he said. "The Public Service Commission says that we (commercial movers) cannot charge more or less than our tariff (rates) provides."

As the department operates, it will allow $100 for moving even if the bill is more than that amount, Collentine said.

Arthur Silverman, welfare director, said Monday that the $100 maximum is set by the State Department of Health and Social Services and not by the local welfare department.

"Consequently, we abide by what is the state rate in moving costs" Silverman said. "To exceed that rate would be to forgo federal and state reimbursement" for money in excess of the $100 maximum, he said.

A PSC official in Madison said Monday that movers are required to charge according to their rates on file with the commission and that they are prohibited from either charging more or accepting less.

"They cannot accept just $100," said Lester L. Dietrich, director of the commission's tariff bureau.

Neither the welfare department nor anyone else can arbitrarily pay more or less for a move, he said.

"We have known that this situation has existed for years in the welfare department, and the carriers are faced with a problem," Dietrich said.

The moves for which Malley will sue to collect were ordered by the department's caseworkers and done by his companies, Malley said.

#### INSTRUCTIONS TO ATTORNEY

He said he had directed Collentine to "take the necessary action so that we get paid for these moves, even if it means taking Mr. Silverman to court."

"The department has been completely unco-operative regarding unpaid bills. They've listened, but they've done nothing," Malley said.

He said there are four or five moving companies in the Milwaukee area with unpaid bills of $5,000 to $10,000 each for moving welfare recipients on authorization of the department.

Silverman told The Sentinel that if the department has given the moving allowance to a recipient, "then to make a second payment to the mover would be duplication. Duplication would not receive any federal or state reimbursement, but would be totally out of county funds."

Silverman said that if moving grants were made to recipients, "then the recipients owe them (the movers) the money."

He also pointed out that in order to get federal and state reimbursement, the money must be given directly to the recipient—and not to the mover.

#### MANY RELUCTANT

Malley said that most movers don't want anything to do with moves ordered by the welfare department.

As a result, he said, two companies are getting the bulk of the welfare department's business for client moves.

One, he said, is soliciting the business because it has learned how to collect—apparently in excess of the $100 the department allows.

The company refuses to unload the furniture at the new location until the full amount is paid, Malley said.

"They take the van with the furniture on it back to the terminal and simply refuse to return and unload it until they're paid," Malley said.

#### CLIENT GETS MONEY

In the meantime, the welfare recipient goes to the department, tells someone what happened and gets the money for the full cost of the move, often in excess of $100. After the recipient gives the money to the moving company, his furniture is unloaded.

The department ends up paying $30 to $40 more than the move should cost because the company also charges for extra travel time and tieup of the van going to and from the terminal, Malley said.

He said he would not resort to holding furniture to obtain payment.

Silverman denied any knowledge of cases of movers holding furniture in order to collect bills in excess of the $100 maximum.

"We know of no such situation," said Silverman. "If he (Malley) knows of such a situation, we would suggest that he let us know the name of the mover involved."

Collentine said that moving companies are not allowed to donate their services because of PSC regulations, but that getting paid $100 for a $120 moving bill, in effect, amounts to donating $20.

#### MOST TOP $100

Malley said that the bills for most local moves run slightly more than $100.

John Dwyer, vice president of Malley's firms and president of the Milwaukee Furniture Movers Association, said that "most of the 22 movers in the association don't want to have a thing to do with welfare moves."

He estimated that the costs of moving welfare clients is more than $100,000 a year.

Under common carrier regulations, a moving company cannot refuse a move, Malley said.

However, he said, an increasing number of companies are "too busy" to accept welfare moves.

But Malley said that some welfare recipients are getting wise to the situation and do not tell movers that they are on welfare.

#### WAIT FOR UNLOADING

"Sometimes they'll call you as if it were a private job and not till you finish and get unloaded do they tell you they're on welfare.

"Then they say, 'Bill the welfare department.' And we have to whistle Dixie," Malley said.

He said his companies had handled welfare department moves for more than 20 years and until the middle 1960s had no trouble.

Then, he said, the department changed its policy of making payment direct to the mover and began, instead, giving the money to the recipients. But, he said, the movers were not notified of this change.

"I don't believe any of the movers knew about this change for 6 or 12 months," he said.

#### BILLED DEPARTMENT

"We were billing the department with a copy of the bill sent to the recipients," Malley said.

Then, he said, unpaid bills began to grow in number and amount.

Between 25% and 50% of the recipients pay them, Malley said, but the remainder collect the money and don't pay.

In most cases, inquiries to the department bring the reply that the money for the move was given to the recipient, he said. It's extra money for the recipient, but it leaves the mover unpaid, he said.

Malley said that some welfare recipients go to a mover, get an estimate, then turn it in to the department and get paid the amount of the estimate. Then, he said, they move in their own car or get a friend with a truck to help them, and they pocket the money they got from the department.

Case aides confirmed that some recipients keep the moving money given them by the department and move the furniture themselves.

### DEPARTMENT PAYS

Malley said the department is paying for a commercial moving job when the person is actually either moving himself or giving a few dollars to an unlicensed trucker to move him.

All of the welfare moves carried on his companies' books as unpaid bills were authorized by the department through its caseworkers, Malley said.

But he said, when he inquires about payment for them, "the answer seems always to be that the caseworker who authorized the move is no longer with the department or else the recipient is no longer on the local welfare rolls."

He produced a letter from the department in answer to one inquiry concerning lack of payment for the moving of 20 welfare recipients.

"Look at this one," Dwyer said, pointing to one of the recipient names on the letter. Concerning the recipient, the department had written "according to our records, the client changed his mind and didn't move."

"We moved him," Dwyer declared.

### SAYS CLIENT GOT MONEY

In most of the 20 cases included in the letter, the department's reply was that it had given the money for the move to the recipient.

In two cases, the amount charged was believed to be excessive so authorization for payment was refused by the caseworker, the department letter said.

A caseworker cannot make such an arbitrary decision, the PSC said.

No one can decide that a moving bill based on approved rates is too high and refuse to pay it for that reason, Dietrich said.

Collentine said that he expected to file suit for Malley's firms within the next 10 days.

---

## INDEPENDENT GAS DEALERS ENDANGERED

## HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. STUDDS. Mr. Speaker, an ominous trend has developed in the response of our major oil companies to the growing gasoline shortages. The very real danger is that the major suppliers of fuel will continue to service the chain service stations while drastically reducing, or in some cases, even stopping gasoline delivery to the smaller, independent operators.

For Congress to sit back and allow the big oil suppliers to drive America's independent service stations out of business would be tragic. Yet it is already happening. In my own district in southeastern Massachusetts, independent gas stations in the town of Hull, on Cape Cod, and elsewhere are in danger of being forced to close for lack of gasoline to sell.

Mr. David E. Lynch, writing for the Brockton, Mass., Daily Enterprise, has documented how the major oil companies have made a policy of driving the smaller, independent operators out of business, and how President Nixon's latest energy message only serves to increase oil company profits rather than getting at the roots of the problem or taking decisive action to save the independents.

In order that all Members may have the benefit of Mr. Lynch's article while we still have time to enact legislation to stop discriminatory practices against independent dealers, I include it at this point in the RECORD:

### THE ENERGY CRISIS: FACT, FICTION OR CONSPIRACY?

(By David E. Lynch)

WASHINGTON.—To M. A. Adelman, the world energy crisis is a fiction. "But," the Massachusetts Institute of Technology energy expert says, "belief in the fiction is a fact."

To the federal government and the oil industry, the current crisis is a fact that is nature's way of telling us "the era of cheap and plentiful supplies of energy is over."

("Popeye is running out of cheap spinach,"' former Commerce Secretary Peter G. Peterson told us last November.)

To Martin Lobel, a former energy expert for the Joint Economic Committee, the energy crisis is an oil industry "conspiracy" to drive the independent refiners and marketers out of business and to raise prices.

To the general consumer, this fact, fiction or conspiracy will add anywhere from five to 10 cents a gallon on his gasoline bill this summer. And if the shortage gets as severe as some predict, no amount of money will be able to buy the automobile fuel in certain places at certain times.

How this all came about is difficult to determine.

Adelman blames it on environmental safeguards, the unrealistic regulations of natural gas and international "collusion."

The industry and the federal government agree with his first two reasons and add two of their own: import quotas and the lack of tax incentives for domestic exploration and production.

Lobel contends that the so-called energy crisis is the result of the oil industry's historical policy of purposely underestimating the demand in an effort to keep the supply and demand curve in their favor.

Internationally, the "fiction" or energy crisis, Adelman recently wrote in the authoritative journal, Foreign Policy, "makes people accept higher oil prices as imposed by nature, when they are really fixed by collusion among the OPEC (Organization of Petroleum Exporting Countries) governments."

Lobel who has gone into public interest law and is fighting the oil companies' request for a gasoline price hike, agrees with the international collusion theory and thinks the domestic "conspiracy" is the most important threat to American consumers today.

He contends that the major oil companies have manufactured the current shortages of crude oil and gasoline by providing the government with "phony statistics" indicating that domestic supply supplemented with small foreign imports would meet demand when they knew there would not be enough fuel.

This, Lobel says, prevented any governmental "jaw-boning" that would face the oil industry to produce the needed fuel that would have prevented the shortage.

With the shortage at hand, the oil companies blamed the lack of fuel in unprecedented demand and had an excuse to cut off supply to independent refiners and marketers, thereby clearing the way for price increases.

This shortage, he says, was "manufactured" by the oil companies in an effort to keep supplies tight and prices high.

He documented this claim in testimony before the Cost of Living Council's investigation into home heating oil price increases in February.

He asked the council to find out from the oil industry why:

"The major oil companies uniformly assured the director of the Office of Emergency Preparedness in September 1972, that 'there should be an adequate supply of number 2 oil during the coming winter' and that 'the industry has the necessary refining capacity and necessary feedstocks to insure an adequate supply' even though the American Petroleum Institute's own public reports showed that stock levels of distillates, primarily number 2 on Sept. 1, 1972, were 27.8 million barrels below the same date in 1971?

"The following major oil companies assured the Texas Railroad Commission in August 1972, that their desired stock levels of distillates, primarily number 2 home heating oil, were adequate even though they were below the 1971 level and demand was anticipated to grow and indeed had grown by about seven per cent since then?"

"The government did not take any steps to increase production in August when public reports indicated that 'there was about an 18 per cent reduction in available crude oil from 50,966,000 barrels to 41,425,000 barrels between 1971 and 1972 despite an increase in demand of about seven per cent?' "

The public interest lawyer says this "phony" shortage drove some independent refiners and marketers out of business last winter and will put more out of business this summer because of the gasoline shortage.

"This is what it's all about," Lobel said during a recent interview, "the major oil companies are now saying the home heating oil shortage forced them to refine number 2 oil three weeks into the gasoline refining season, creating a shortage of gasoline.

"This," he said, "gives the majors a perfect opportunity to cut supplies to the independents, eliminating the most competitive part of the market and clearing the way for price increases."

The independent refiners and marketers are now asking the federal government to step in and force the majors to provide them with at least the same amount of fuel they received last summer.

These independents for years have provided a convenient market for the major oil companies' surplus crude and finished products. And because they are smaller, had no advertisement costs and kept overhead costs much lower than the majors, the independents were much more efficient and could afford to sell their gasoline for three to five cents a gallon less than the major companies.

Before supply began to get especially tight in the early 1970s, this arrangement worked very well for both sectors of the market.

In fact, a marketing expert told the Joint Economic Committee recently, the independents were "forcing the majors to incorporate their efficiency and self service that could have resulted in substantial savings to the public.

"But," Fred C. Allvine, a Georgia Institute of Technology professor continued, "the competitive pressure of the efficient independent discount gas marketers are no longer being felt."

The major companies, Lobel says, "don't want the independents cutting into their market, so they're going to cut off supply."

Allvine points out that the price of gasoline to major brand dealers in 100 cities has increased by approximately 2.1 cents per gallon for 1973 in comparison to the same period in 1972. "This in turn means pump price increases of about three cents per gallon."

It is now generally agreed by all sectors of the industry and the government that there will be gasoline "run-outs" of short duration throughout the country this summer.

But it is difficult to determine what this will do to the eventual price.

Some are predicting that gasoline will go up to anywhere from 60 cents to a dollar a gallon. But William E. Simon, the deputy secretary of the Treasury, who admits prices will increase, denied that they will "rise to astronomical levels."

Another aspect of the gasoline shortage is the fact that the majors are getting into the discount business at the same time the independents are being forced out.

Exxon is now marketing discount gas under the Alert brand name at 16 stations in four states. Economy and Bulko are the two new brand names for Gulf's discount operation. Shell markets it under the name Cello. Phillips Petroleum discounts under Blue Goose and Red Dot Gas.

This new operation comes at a time when the majors are closing their unprofitable brand name stations all over the country. The stations that are more than 300 miles from a refinery and have only a few pumps and do auto repair are the ones that are being closed.

Exxon is in the process of closing 150 of its 400 retail stations in Illinois, Michigan, Wisconsin and Indiana. Gulf has put up for sale, 3,500 stations in 21 states from Illinois to California and the Northwest. BP has already pulled out of the Northeast and Sun Oil Co. has withdrawn from Tennessee and most of the upper Midwest. Cities Service, Atlantic Richfield and Philips Petroleum are also closing stations.

Mr. Adelman's solution for the real domestic shortage is compel the oil producers to having the federal government market their own oil instead of going through OPEC; imposing import quotas and increasing domestic energy sources, which would force world prices to decline.

Until early this year, the federal government and the major oil companies would have gladly accepted most of these recommendations, especially the import restraints.

Both had been defending the import quotas for keeping cheap imports out and "fostering the growth of a strong domestic producing industry capable of exploring for and developing new domestic reserves."

But now it seems the government and the oil industry are blaming the import controls for the current shortage of crude oil the domestic refineries need to convert this crude into the desperately needed gasoline.

People like Rep. Silvio O. Conte, R-Mass., and Sen. Edward M. Kennedy, D-Mass., who have been arguing all along that the quotas never did anything except allow the domestic shortages of home heating oil, are wondering why their continually rejected arguments against the program are now being accepted by the government and the industry.

These lawmakers and others from New England have continually rebutted the national security rationale for the quotas by pointing to the fact that the quotas were never very effective in encouraging domestic exploration, production and refining.

Now, listen to what Silvio O. Conte, by far the sharpest critic of the import quotas, said at McIntyre's hearings in 1971:

"The rationale for quotas is that higher prices through the quotas are needed to produce sufficient profits to encourage further domestic exploration and development. Isn't it interesting though, that the majors are eager to spend tremendous sums to drill for and produce oil in the North Sea, in the Atlantic off Canadian shores and elsewhere—all to be sold on the world market at prices far cheaper than domestic prices. Why don't we see similar serious exploration efforts in the lower 48?"

Senator McIntyre at that same hearing asked Hollis Dole, an assistant secretary of Interior, why, in light of the fact that the quotas were set up to encourage domestic production and refining, have there been so few refineries built in the United States?

Dole pointed out to the environmentalists' opposition to refinery siting as part of the problem, but he did produce statistics showing that there were 30 new refineries and 14 major refinery expansions between 1960 and 1961.

If Adelmen is correct about the international collusion and Lobel is correct about the domestic conspiracy may never be determined.

But it appears that OPEC and the U.S. major oil companies will continue to increase their profits with the help of President Nixon's latest Energy Message.

The central thrust of his April 18 address is aimed at increasing domestic production by providing new incentives and opportunities for exploration and development of America's energy reserves while calling on foreign crude as a short-term solution.

The chief executive actions in that message was the termination of the 14-year-old oil import quota system and a partial decontrolling of natural gas prices.

The refinery construction and expansion will be encouraged by reduced import fees for new and expanded refineries. The Administration says that since April 18, the majors have announced plans to build eight new refineries. More are expected.

To encourage new exploration the President asked Congress to extend the investment tax credit provisions to the oil and gas industry by providing a seven per cent tax credit on dry or unsuccessful, new wells and a 12 per cent tax credit for wet, or successful wells.

The message contained no mention of any possible changes in the existing 22 per cent oil depletion allowance.

The president also called for delays in the implementation of the Clear Air Standards to permit the continued production of most plentiful energy resource—coal.

To Martin Lobel, this message is the fruits of the "conspiracy." The oil companies, he said, "blackmailed" the government into providing new incentives that will allow them to continue to "blackmail the consumer."

To the government, this message is admittedly not the final solution, but the federal officials involved in compiling this document are pretty well convinced that it will provide a partial solution for the short and long-term problem.

To the oil industry, which has been surprisingly silent on the President's message, the proposal will help in the long run. But, according to Texaco's Amos Card, price controls must be lifted to allow the importation of European gasoline that is now selling at five to 10 cents more than it can be profitably brought into the East Coast.

## YOUTH ON THE ENVIRONMENT

### HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. JOHNSON of California. Mr. Speaker, oftentimes, as we pass legislation, we do so without a clear understanding of what the impact of that legislation will be. I would like to enter the following contest-winning essays, by two young people in the Second District of California, dealing with the subject of pollution, in the RECORD. A subject which, incidentally, we were quite engrossed with during the 92d Congress, culminating in the Water Quality Act of 1972, and, if all indications are correct as I read them, will be of great importance throughout the 93d Congress. Here are the views of two concerned young people who express a view that should be kept in mind as we begin to consider legislation dealing with the environment:

#### PLANTS

(By Linda Walker)

Where ever they can find sunlight, air or a little earth plants will grow.

On the north coast of Greenland the arctic poppy peeps out from under the ice. In the wastes of the antarctic grow mosses and tussock grass.

Flowers of vivid colors and great variety force their way up through the snow on the mountainsides. In the heart of burning desert the awe and cactus find a way to live.

Steaming hot pools, such as those in Yellowstone National Park, they are beautiful and are beautifully colored by tiny plants called Algae. Rivers, lakes, and swamps are filled with water plants. Very simple plants such as certain bacteria yeasts, and molds don't need sunlight and earth but live on and multiply in darkness. The only place one can find almost no plant life is in the blackest parts of the sea. The Scientists who study plants (Botanists) have named and described between 350,000 and 400,000 different kinds of plants.

But how much more time will they be living, growing, and polinating? Surely not very long with the pollution, smog, dirty rivers and streams.

Thousands of animals, fish, and birds die of this.

What are we doing about this?

Soon every plant and animal and even people will be gone. There will be no life on earth.

Avoid pollution.

#### A TRIP DOWN OUR RIVERS

(By Lee Monchamp)

Will you join me for a trip down our rivers? Now let's get ready for our trip.

On your left you can see a broken bottle out in the middle of the current. That is one of our more common sights you'll see along the way.

Now let's move on, around the bend you'll see where the field was stripped of all its top soil. There is a rare sight to see, kids picking up the litter.

That's something different, they usually drop the garbage in the river and not pick it up.

On your right you see a pop can. Look! over there? It's a fish, belly up from the pollution in the river. Let's move on.

From here we'll have to walk. The garbage here is too thick to get through. We'll have to walk for about 100 yards. This is the worst part of the river.

From here on it will be easier to move on. Now let's get back in the boat. Be careful you might slip on that broken piece of glass.

"Don't! drink the water please" the river has a waste inlet, right behind us. This is just one of the many along the river.

Let me stop here. I think you know what I mean. The rivers aren't that bad yet. But if we don't try to do something about it it could become that bad.

I feel we should try to do something about pollution now. If we wait it might be too late. Let's join together and help stop pollution of our lakes and rivers, so we can see clean lakes and clean rivers again.

## ENERGY CRISIS IS NOW

## HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. HANNA. Mr. Speaker, I have been one of the growing number of Members who have tried to alert the Congress and the public to the realities of the energy problems facing the United States on both a short- and a long-run basis. I want to call the attention of the House to a very real present and most serious aspect of the energy crisis: The fact that today the volume buyers of diesel fuel and gasoline are being told that there is no fuel for them or that their supply will be seriously restricted. Bus lines in our cities, contractors using heavy equipment, refuse collection fleets, and general trucking firms are all immediately threatened with curtailment or a complete halt in their operation. The economic, ecological, and social damage that will result is going to be catastrophic. The construction industry alone employs over 4.5 million people and amounts to 11 percent of our Gross National Product. If fuel for bulldozers, trucks, and paving equipment is not available, we will put 4.5 million men on our unemployment rolls. Not only will this mean an increased outflow of money from the Treasury, but a reduced inflow since these men would not be paying taxes while they have no income. Furthermore the public will be denied the roads and buildings for which there is high demand.

If the bus lines serving our central cities are forced to curtail service due to a fuel shortage—who suffers? The poor and the elderly who do not have the availability of a car. Many of the presently employed residents of Los Angeles and other cities depend on bus transit to get to work. Are we going to allow a misallocation of natural resources to rob the people of employment and mobility—to rob them of transportation to health care, to places where they can shop? I cannot accept the simplistic callousness that says "This is the result of natural economic forces that should not be tampered with."

If we do not care about transportation for the elderly and poor or about the 4 million workers in construction jobs, then let us look at what the diesel fuel oil shortage means to the average middle-class suburban consumer who owns two cars and drives from home to a suburban shopping center. They will find that the goods they want in the stores would not be there because the trucking company that would have brought them could not buy fuel. I am not talking about a doomsday in the next century—I am talking about a crisis that will hit many localities within the next 8 weeks unless something is done to guarantee the availability of fuel to these users.

I would ask my colleagues to indulge me for one more, perhaps more telling example—not at all hypothetical. Something that will happen to some of my constituents in the next few weeks. Last evening I was informed that two of the fleets of trash trucks which service Orange County, Calif., have been notified that in another month there will be no fuel for them. Many of us in this Chamber have discussed on a very broad level the dual crisis of energy and environment. But here we find the two coming together in a very dramatic way. Serious environmental damage is going to occur for many of our people if the shortage of fuel is not averted.

The Congress and the President must realize that the energy crisis is no longer an academic subject. It is going to damage the lives of many Americans in the next few months. If we are to avert this, we must find the means through public policy to induce or if necessary, require the larger oil companies who control a vital national resource to allocate that resource in a way consistent with the national interest and the needs of all segments of our society. This crisis just around the corner is not the result of a shortage of crude. It results from the fact that automobile gasoline is the most profitable end product of crude and, therefore, the oil companies, motivated by short-term profit and nothing more, produce gasoline for suburban cars rather than fuel for trash trucks and suburban buses.

We must not allow this socially, economically, and environmentally disastrous allocation of a natural resource to exist simply out of a blind allegiance to a narrow view about what is meant by a free enterprise system. We must ask—freedom for whom?

---

## THE FUTURE OF PACIFIC AIR CARGO

## HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mrs. MINK. Mr. Speaker, on April 30, the second annual Pacific Basin Air Cargo Conference was held in Honolulu. The meeting was called by Governor Burns and was sponsored by the Department of Transportation of the State of Hawaii. Hawaii is destined to become the air cargo transportation center of the entire Pacific area.

The keynote address for this conference was given by Mr. James K. Carr, president of the Airport Operators Council International. Mr. Carr, who is presently director of aviation, County of Sacramento, Calif., is a former staff member of our Committee on Interior and Insular Affairs and was Under Secretary of the Interior in the Kennedy administration. Mr. Carr set the tone for the meeting by discussing the need for cooperation and planning in developing the coming "Common Market" in the Pacific.

I know that many of my colleagues will be interested in Mr. Carr's remarks and, therefore, I am including them at this point:

### THE COMING "COMMON MARKET": OUR COLLECTIVE CONCERN—THE FUTURE OF PACIFIC AIR CARGO

(By James K. Carr)

To adequately cover the scope of this conference in a keynote address the speaker should be, preferably, at least a combination of a Secretary of State, Secretary of Commerce, member of the Tariff Commission, Economic Advisor to the President, shipper, airline official, and Operator of airports.

Only in the latter position do I have any credentials at all.

It was pleasing therefore, that despite my limitations, Governor John A. Burns, a longtime friend and a distinguished public servant, invited me to make some remarks at the opening of this Conference.

We are grateful also to Dr. Fugio Matsuda, Director of Transportation, and the many others who arranged this gathering. It gives all of us an excellent opportunity to discuss the coming "Common Market"—the future air cargo traffic in the Pacific Basin.

The air cargo trade between Pacific Basin nations follows routes that crisscross and skirt around more than sixty million square miles of ocean. The Pacific is the greatest expanse of water on the face of the globe. The Pacific covers an area more than twice the size of the North and South Atlantic combined.

The seeming obstacles of distance are made-to-order opportunities for modern-day jet aircraft. The nations of the Pacific are on the brink of new world trade traffic patterns which have never before been possible. It becomes possible because of large, jet powered, cargo capacity.

This phenomena results from several other factors, a few of which I shall mention.

The Pacific Basin is unique: It lends itself to superjet air cargo traffic as does no other area.

The Pacific Basin produces valuable agricultural products in abundance all year long at one place or another. When it is winter in the Northern Hemisphere it is summer in the South Pacific and Latin America.

A continuing build-up in air traffic volume, passenger and freight, is the key to economical trade by air. It can surpass men's dreams of a relatively few years ago. If we string the strands of air cargo commerce intelligently, it will more than double in the Pacific Basin within the next ten years. Already commercial exchange among the Pacific Basin nations exceeds $100,000,000,000 a year. In the same area some three dozen air carriers compete for the air cargo traffic.

Let me take two phases of this growing market to illustrate more specifically the unparallelled potential for world trade by air, namely movement of "Agricultural Products" and what might be termed "The Extended Assembly Line".

#### AGRICULTURAL PRODUCTS

Fruit, lamb, and other New Zealand and Australian agricultural products are no strangers to the marts of North America, China, and Japan.

Berries and beef, fruit and vegetables from California, Oregon, and Washington end up on the tables of Hawaii, Japan, and the South Pacific. Likewise the agricultural bounty of Mexico's growing agricultural industry is sold in the same areas.

In distant, "down-under" lands housewives await the annual arrival of California strawberries, apricots, plums, and asparagus.

Conversely, in opposite months supermarket patrons pick up peaches and other products from the South Pacific.

The point need not be belabored. Jet aircraft cargo has these products flowing back and forth across the Pacific in quantities of economic significance for the first time in history. This is only the beginning.

### EXTENDED ASSEMBLY LINE

The so-called "Extended Assembly Line" is even a more interesting development in air freight. It is based on the availability of lower-cost labor and the economics of jet transport.

For example, material for electronic components moves from Mountain View on the deep San Francisco Peninsula to Singapore, Korea, Japan and Mexico. The components move back by air to the Peninsula. The completed products are assembled and then shipped by air to America's mid-west and easterly heavy industrial manufacturing centers. No such size of "Extended Assembly Line" activity has developed between Europe and North America.

### RIM TRAFFIC

The Pacific Rim traffic is as busy as the cross ocean traffic. Other new markets are developing.

For instance, with its advantages of low cost labor and leather, Mexico will soon be producing large volumes of Italian shoes on Italian lasts to be sold by Italian companies.

These illustrate the forthcoming remarkable and unique developments that will create new air cargo trade in the coming "Common Market" of the Pacific Basin.

### COOPERATION A "MUST"

Cooperation is a "must" if we are to achieve the goal. Working together and knowing one another better we can curb inordinate self interest, excessive nationalism, and the kind of isolationism that set back world trade some forty years ago.

The development of one region economically almost always helps the other region. We should have learned that lesson from past experience.

There is an awful lot of work to do, however, by aircraft manufacturers, shippers, freight forwarders, financiers, airlines, airport operators, and governments.

### JOINT USE OF FACILITIES

In Tokyo last week two rival department stores have agreed to use the same trucks to deliver their goods to their customers. It prevents congestion and is a better use of their total resources. It saves energy and reduces pollution.

Isn't it time that airlines and governments take a closer look at the ridiculous inefficient handling of cargo by different entities?

A move toward better utilization of facilities with less "pride of ownership" would reduce costs. It would represent conservation of resources. Joint use would represent the highest from of international thrift in a field of extensive, but limited, resources. Joint use would improve the financial health of all the airlines and could lower freight rates as well.

### STANDARDIZED CONTAINERS

The design of standardized containers is an area where much, much study is needed. Considerable progress has been made, but there is ample room for a lot more.

Containers have tremendous interchange ability. They adapt to transhipment in a manner that permits contact to almost any city in the world within a matter of hours.

The LD–3 container system on wide-bodied jets is like adding the equivalent of a 707 freighter on the bottom of the plane already carrying passengers and baggage. In some instances the "daylight" loaded LD–3 is nearly cutting in half previous air freight rates. Maritime rates are rising so air cargo is definitely closing the cost gap with ocean borne commerce.

### THE "FASTEST WAY" BECOMES "THE WAY"

The future looks very bright. "The Fastest Way" of moving traffic down the centuries has always become "The Way". The Romans improved on sporadic winds and sail power with galley slaves. Intercontinential railroads in the United States took the business away from ships going "around the Horn" or "over the Isthmus of Panama". In the future, "superjet airships" will be "the way" of moving freight across the Pacific.

### DEMAND BOTH TYPES

Traffic needs, however, will demand both types of cargo capacity, passenger plane "belly cargo space" and all-cargo freighters.

Even in the last few days Easter flower shipments from California were delayed because huge loads of passengers and baggage reduced the "lift capacity" for freight forwarders on scheduled wide-bodied jets. We will need both types of cargo operations and more.

If all the people of China step up trade with the rest of the world, the aircraft manufacturers will have a difficult time meeting demands for new aircraft.

### AIR CARGO FACILITIES

As for cargo facilities at airports in the Pacific Basin, I should like to comment briefly.

With the incredible variety of products that are flowing back and forth from one airport to another in the different nations, and the different needs, it would be poor planning to overstandardize the overall airport facilities themselves although it makes sense to standardize containers and other tools of the trade.

### COOPERATIVE PLANNING

Instead, we face a challenge of cooperative planning that is in many ways much more complex than the planning that was done a few years ago for air passenger traffic. Probable volumes, variety of products, ground distribution, and, above all, financing are proper ingredients of airport planning.

Some of you will recall that in the mid 1960's airport operators complained that they were only in a position to make plans to receive certain aircraft when they would read in the newspapers that a particular airline had purchased a special type of aircraft.

Thanks to Stuart G. Tipton, President of the Air Transport Association, the Boeing Company, and other aircraft manufacturers, meetings were held in 1967 to set criteria for a much more intelligent planning of passenger facilities. It was the beginning of The Industry Working Group.

We are now face to face with this more dfficult planning problem. Airport operators must meet now with airline aircraft manufacturers and government representatives to determine what the specific needs for cargo will be at key airports.

Superjet cargo "Airships" will come in the future. It may happen fairly soon. Special faclities will be needed to handle such large aircraft.

Others that should not be overlooked if planning is to be effective are the shippers themselves and the freight forwarders. Too often shippers have been more or less told to accommodate to container design instead of seeing whether specially shaped containers would fit the shipper's needs. All of these factors must be brought to bear to resolve air cargo faciltles problems and it cannot be done too soon. Fortunately, this very conference represents a beginning toward intelligent air cargo facilties planning for the Pacific.

### SUMMARY

To summarize, the extent of the coming "Common Market" of air cargo in the Pacific, if imaginatively developed, could produce air commerce almost beyond the imagination.

This air cargo effort must use tourism to lead the way. Nothing replaces person-to-person contact or person-to-person advertising in the development of air routes.

A great future exists for feeding the people of the world because of the unique characteristics of the products of the Pacific Basin. It depends on cooperative planning.

The "Extended Assembly Line" possibilities are already defying people's dreams of a few years go.

In conclusion, my commendation again to Governor Burns, to Dr. Matsuda, for calling us together in Hawaii—a most logical place to discuss the air cargo movement of the Pacific Basin.

May you and I and the people who succeed us make no small plans in developing the coming "Common Market"—our collective concern—the future air cargo traffic of the Pacific Basin nations.

---

## A NOMINEE FOR SAVIOR

## HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. WYLIE. Mr. Speaker, on May 16, there appeared an article in the Des Moines Register entitled "A Nominee for Savior" regarding my good friend, H. R. Gross. I regard Mr. Gross as certainly one of the most valuable Members of this House. A multitude of others would agree with me, including Mr. Don Kaul of the Des Moines Register. He agrees with me to the extent that he has nominated Mr. Gross to run for President in 1976. Unfortunately, Mr. Gross tells me that he is not available. But I would hope that he will still be available to continue his long service as the conscience of this body.

It is in this vein that I recommend to the attention of my colleagues an article by Don Kaul entitled "A Nominee for Savior":

### A Nominee For Savior

There's nothing wrong with this country's political system that a good savior couldn't cure.

But, things are bad. You can't tell the difference between the President's original cabinet and the FBI's Ten Most Wanted list. The CIA is considering uniforms that feature caps with bells on them and Frank Sinatra has stopped going to the White House for fear of ruining his reputation.

But all that's needed to restore public confidence in the institution of the presidency is a new face in the White House, one that inspires trust.

Just look at the record. The last time the public's confidence in government was at a similarly low ebb was during the administration of Warren G. Harding. It was an administration wracked by a series of scandals that shook the very roots of public faith.

Yet that faith was restored because we had a man standing in the wings who could command the confidence of the American people in its time of doubt. That man was Calvin Coolidge.

Cool Cal was perfect for the role. He was a tight-faced New Englander who, by word and deed, projected honesty and integrity.

He not only wouldn't say something that wasn't true, he wouldn't say anything. And he possessed to a remarkable degree that single trait that inspires the confidence of the American people in their leaders—a total lack of imagination.

That's what we need now—a new Calvin Coolidge.

There has been a certain amount of speculation as to the possible presidential candidate in 1976, but none of them fit the Coolidge image.

Spiro Agnew is too widely associated with the Nixon administration, John Connally is much like Lyndon Johnson, Charles Percy too has a sissy name. On the Democratic side, only Ted Kennedy stands out, and not for reasons of probity.

No, what's wanted is a new face, one that America can depend on.

It so happens there is such a man, a mature man who has been in politics for decades without once feeling the cool shadow of scandal.

He is recognized by friends and enemies alike as completely honest and, importantly, he looks it. (As a matter of fact, by comparison, he makes Calvin Coolidge look like Dorian Gray.)

Furthermore, he is an Iowan.

Yes, folks, the man I'm talking about is none other than our own H. R. Gross.

Think about it. If we put H. R. Gross in the White House, do you think we'd be beleaguered with Watergates, Vescos, Bobby Bakers and oil-land giveaways.

Not on your life.

Would we have every two-bit government flunky riding around in a chauffeured limousine, a runaway defense budget, three White Houses and expensive presidential trips all over the world?

No way.

The first thing Mr. Gross would do would be to install a pay phone in the White House. The second thing he'd do is dig up the Rose Garden and plant a cash crop. The third thing he would do is trade in the presidential Lincoln for a used Ford or Chevy. He probably wouldn't do anything else, but so what?

The people could begin to believe in their President once again.

H. R. Gross for President. Remember, you read it here first.

## THE ADMINISTRATION'S "BETTER COMMUNITIES ACT"

### HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. BARRETT. Mr. Speaker, the administration recently submitted to the Congress a proposal entitled the "Better Communities Act," which in its principal features is very similar to the "Community Development Special Revenue Sharing" legislation proposed early in the 92d Congress. The administration also has made available a directory of eligible recipients under the act, with estimates of the annual amount of financial assistance each recipient would receive during an initial 5-year period beginning in fiscal year 1975.

I have received numerous inquiries from House Members concerning the possible impact of the legislation on their communities and the prospects for action by the Housing Subcommittee in this area. I would like to take this occasion, as chairman of the subcommittee, to make clear my position on the administration bill and to outline my proposed course of action.

Members will recall that during the 92d Congress the Senate passed and the House nearly passed a community development block grant proposal which would have consolidated several HUD grant programs into a single, flexible block grant, provided funds to communities on a more equitable basis, and lodged responsibility for carrying out the program in the chief elected officials of local communities. The House Banking Committee proposal is described in House Report 92–1429, on pages 54–64. The Senate and House proposals were fundamentally similar. They were adopted after extensive hearings and studies and, in the House, after open executive sessions during which administration officials had ample opportunity to offer modifications or raise objections to various provisions. I believe it fair to say that the community development block grant proposal as passed by the Senate and approved by the House Banking Committee was one of the least controversial parts of an otherwise highly controversial omnibus housing bill.

In view of this background, the administration's proposed "Better Communities Act" is a serious disappointment. In all significant respects, the administration has turned the clock back to the spring of 1971 when it introduced its earlier special revenue-sharing proposal, a proposal that was overwhelmingly rejected by the Congress.

All of us—Democrats and Republicans alike—want to act expeditiously on community development legislation so that the cities can continue and expand their rebuilding and preservation efforts. Yet it appears that the administration is unwilling to make any significant compromise or accommodation with the views of the Congress as expressed during the past 2 years.

Both the House and Senate bills called for grant allocation provisions which would have distributed funds equitably through a population and need formula, while at the same time protecting—through a "hold harmless" provision—against sharp cutbacks in ongoing community development activities in scores of cities throughout the country; the "Better Communities Act" virtually abandons a meaningful "hold harmless" concept by forcing many cities with high levels of community development activity to cut back over a 5-year period to significantly lower program levels;

Both the House and Senate bills contained statements of national objectives—the elimination of slums and blight, the provision of improved housing for lower income families, and the provision of better community facilities and services—toward which cities were required to address their community development efforts; no statement of national objectives is contained in the Better Communities Act, and the administration has made clear it wants no review responsibilities of any kind in connection with applications for grants;

Both the House and Senate bills provided for a strong link between local community development activities and housing efforts; there is virtually no reference to housing in the "Better Communities Act";

Finally, both the House and Senate bills recognized the need to provide for a smooth transition period between the termination of existing programs and the initiation of the block grant program; the "Better Communities Act" ignores this need, and the administration imposes a moratorium on new commitments under the existing community development programs during fiscal year 1974, the transition year.

Virtually all of these basic elements of the House and Senate bills were overwhelmingly agreed to by the Senate as a whole and by the House Banking and Currency Committee. Yet the "Better Communities Act" recognizes none of these elements, which are of such obvious importance to the Congress.

In my view, these fundamental differences between the Congress and the administration on the shape of a new community development program, coupled with the lack of any housing programs to support and supplement such a program, foreclose the possibility of any truly productive hearings on the "Better Communities Act" at the present time. Instead, in order to speed up consideration of community development legislation in a way that clarifies, and hopefully narrows, the issues involved, I plan to ask the administration to provide the subcommittee with a thorough explanation of the major differences between the "Better Communities Act" and the House and Senate community development proposals of 1972, making clear why the administration rejected the Congress's views on these important issues. Hopefully, with this information in hand, we will be able to move forward with a careful analysis and discussion of the issues, narrow our differences, and arrive at a point where productive hearings resulting in a reasonable consensus become possible.

## OHIO UNIVERSITY WIND ENSEMBLE

### HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. MILLER. Mr. Speaker, last evening I had the opportunity to attend the Kennedy Center to hear a most delightful and enjoyable concert performed by the Ohio University Wind Ensemble from Athens, Ohio.

This was a unique privilege. Unique in respect to both the quality of the performance and to the circumstances surrounding the ensemble's appearance—it being the first time a university group had been permitted the opportunity to perform in the Concert Hall at Kennedy Center.

I would like to briefly touch upon the highlights of this eventful evening and on its participants in that I believe the achievements of this fine group should be shared.

The ensemble's eight piece program was very ably conducted by Dr. Thomas Lee and Mr. Adrian Gnam, faculty members of Ohio University's exceptional School of Music. Mr. Gnam, a widely renowned oboist, also captivated the audience with a beautifully played solo in the world premiere performance of a highly innovative and exciting work by Cincinnati based composer Paul Cooper.

Mr. Cooper, the composer-in-residence of the College-Conservatory of Music, at the University of Cincinnati, was on hand for his composition's maiden performance.

The talented 54 member wind ensemble played exceptionaly well and received repeated accolades from all who attended.

The ensemble was made up of the following musicians:

MEMBERS OF ENSEMBLE

Tracey Topping, Dianne Ritz, Andrea Minnelli, Tana Beistel, Bertrude Van Auken, Jeffrey Roquemore, Sue Warne, Diana Funta, Dale Bechtel, Linda Moriarty.

Kathy Lightfoot, Peggy Lester, Catharine Canning, Nancy Anderson, Gregory Gibson, Sheila Coffindaffer, Deborah Campana, Clifford Boye, Joan Oloff, Connie Karns.

Debbra Kuhns, Carolyn Rometo, Eric Christianson, Nancy Gilder, Donald Rader, Candace Cotton, Richard Mingus, Eugene Carinci, Marjorie Cohen, Dennis Imhoff.

Keith Applegate, Richard Pond, Jeffrey Myers, Janine Price, Joseph Johnson, James Warrick, Peter Couladis, Steven Calantropio, John Creachbaum, Joseph Chitty.

Peter Stephenson, James Chickrell, Michael Rubin, Hal Walker, Ronald Hensley, Jerry Lawson, Mychael Langford, Martin Osborne, Denis Winter, Daniel Ward, Paul Young, Dan Williams, Rebecca Reynolds, Fred Wyss.

In closing I would like to compliment the Ohio University Alumni Association for their foresight in bringing the ensemble to Washington and to thank them and officials of Ohio University for the excellent arrangements they made in support of this performance.

---

## AMERICA—A TEENAGER'S VIEW

## HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. LANDGREBE. Mr. Speaker, so much has been written and said about American teenagers and their supposed "changing values." I have never been convinced that the stereotype teenager which the mass media has projected the past several years was a true picture of American teenagers today.

Recently, I received a letter from a typical American teenager who has never been projected by the press. Miss Deborah Gail Reisinger of 8346 Meadowlark Drive, Indianapolis, Ind., is the author of the letter which I now present for the RECORD:

MAY 1, 1973.

DEAR CONGRESSMAN: I am a nineteen year old white female American citizen and proud of it. I'm sure that I speak for many people when I say I'm really disturbed about what is happening in America. I'm also a Christian, but that doesn't give me a monopoly on loving America and fearing for her future freedom.

Do you know that the Communists have planned the overthrow of our country by or before 1975? Why 1975? So that America will not celebrate her two-hundredth birthday in freedom. America is the last stronghold in the struggle to spread Communism throughout the world. Once the Communists have us in their power, the rest will be comparatively easy. Oh, it's not anything sudden. This overthrow has been subtly planned and executed in this country for a long time. How are the Communists planning to do this? Why, ten years ago, the drug-, sex-, and revolution-oriented songs that we hear on the radio today, disc jockeys wouldn't have dared to play. Movies which would only have been shown in "blue" or "porno" houses are now leniently rated and even shown on television. No subject is taboo on television anymore. Bigotry and foul language can keep a show on top with ease.

America was founded on Christian principles and ideals—one of which is the freedom of worship. But how much longer will we have this freedom or any of the others? Unless Americans wake up out of their lethargy and begin to fight this creeping evil, America is lost. That's not just a melodramatic statement, either.

Communism has subtly corrupted our youth. How? By rock 'n roll music, to name just one way. Rock 'n roll is banned in Russia because of its harmful influence. Shouldn't that tell us something? But no, the message of drug abuse, revolution, and illicit sex constantly surrounds teenagers. Its just a steady infiltration of revolutionary ideas. And the worst of it is that many of our young people applaud these ideas. These "Americans" show it by evading the draft, living in communes, and the senseless abuse of drugs. Incidentally, the word "commune" is just a derivative from the root-word "Communism".

It's not just the young people, though. What has happened to the patriotism that made America as one against the threat of the Nazis during World War II? We face an even greater threat now, but what is being done? I'll tell you what's being done—anything and everything to counteract the good in America. Bills like the equal rights one which, Thank God, wasn't passed in Indiana are just subterfuges the Communists are using. They look innocent enough on the outside, but when you look beneath the surface you see that they're harmful for America. This equal rights bill demands complete equality between men and women. That means women would be eligible for the draft, and required to work, thus having to leave their children in day schools, where they can be influenced wrongly. So many things seem deceptively innocent on the surface but the Communists can twist these bills to suit their purposes, and certainly not for the good of America.

Remember, I'm speaking of my generation, but I'm ashamed to be counted among the majority of them. Sure, there are many good, proud American teenagers, but I'm afraid that they are a small minority compared to the thousands of young people that can be found listening to a rock concert, or freaked out on drugs, or living in a commune.

It's not too late to fight for America's future.

In conclusion, I ask you, as a concerned American, to vote against any future bills and legislation which would not be beneficial in the best interest for America.

Thank you for your time and may God bless you.

"The youth of today are tomorrow's leaders."

Sincerely,

(Miss) DEBORAH REISINGER.

---

## CONSUMERS AND TAXPAYERS PAY COST OF SOVIET GRAIN "DEAL"

## HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. ROUSSELOT. Mr. Speaker, the American taxpayers, it now turns out, have been heavily involved in supporting the U.S. grain deal with the Soviet Union. This arrangement, consummated in July of 1972, is substantially subsidized by the Department of Agriculture with U.S. Treasury dollars.

The consumers and taxpayers of our country are paying the cost of this arrangement in many hidden ways. I believe—now that more of the facts have become known—it is important that my colleagues carefully consider the total ramifications of this grain sale to the Soviet Union. The Comptroller General, Elmer B. Staats, and his General Accounting Office, have now had a greater opportunity to review all the aspects of this agreement, and I believe it is imperative that we, too, as individual Members of Congress, become totally aware of what occurred in this consummated arrangement. It is our responsibility to make sure that in future agreements neither consumers nor taxpayers be so heavily called upon to cough up hard-earned money without knowing in advance what is truly involved.

Congressman BEN BLACKBURN, of Georgia, and his staff assistant, Miles M. Costick, have been kind enough to accumulate many of the facts on this Soviet grain deal, and I ask my colleagues to review them:

THE COSTS OF THE SOVIET GRAIN "DEAL"

The huge grain sales to the Soviet Union resulted in a wide variety of costs which can be classified into the following categories:

1. Costs to the Consumers
2. Costs to the Taxpayers
3. Costs to the Economy as a Whole
4. Political Costs to the United States
5. Costs to the Free Economies

COSTS TO THE CONSUMERS

According to the figures supplied by the Comptroller General, Elmer B. Staats, the massive grain sales to the Soviet Union raised domestic prices of wheat from about $1.63 per bushel in July of 1972, to $2.49 a bushel in September of the same year. CBS news has computed the total cost to the American consumers for the 9-month period starting July 1972, and according to these figures, the total costs to the consumer for the purchase of bread and other flour-based products as a result of the Soviet wheat deal, will be at least $300 million, and that is a conservative estimate. As far as beef and pork (and beef and pork-based products) are concerned, the additional costs the American consumers will have to absorb during the same 9-month period is $1.2 billion in order to eat the amount of meat that he has been consuming. However, the actual increase in food prices imperatively adds an additional 12 percent to the combined figure of $1.5 billion.

The cost of feed grain plays a large role in determining the price of poultry, eggs, and dairy products. The increase in those prices vary from 12 to 25 percent, and that adds—for the 9-month period—an additional cost to the consumer of about $800 million.

COSTS TO THE TAXPAYERS

The direct subsidy for the Soviet grain deal, at the expense of the American taxpayers, exceeded $300 million. The subsidy for the transportation of grain, so far, has amounted to over $400 million. This figure coincides with figure, estimated by CBS-News.

COSTS TO THE ECONOMY AS A WHOLE

These are the most difficult to estimate because they reflect a variety of costs and factors which are extremely intricate in nature. Some of them, such as market distortions, transportation tie-ups, and loss of good will with established customers for agricultural products (for instance, Japan) are almost impossible to measure.

The grain deal has been financed with a credit of $750 million by the Commodity Credit Corporation (CCC) at 6⅛% interest, repayable in three years. The interest rate is lower than what it cost the U.S. Treasury to borrow in the market place. By contrast, the Treasury is paying 6½% and 6⅝% on recent market borrowings.

The freight rates on the railroads increased by about 10% and, in addition, the economy experienced the most acute railroad car shortage in the history of the American railroads. This shortage in the Midwest resulted in the shortage of some rail carried products, such as fuel oil. The overburdening of the transportation system with transportation of grain for the Soviet Union, resulted in delayed deliveries of numerous industrial products from steel and machinery to various component parts for a variety of industrial commodities.

Another cost to the economy resulting from the Soviet grain deal is the increased price of agricultural machinery. The increase has been reported to be about 10 percent.

National and independent bakers are complaining because wheat shipments to the Soviet Union have resulted in a price surge at home. The price surge at home resulted in the increase of the price of flour the bakers buy. This resulted in a large number of bankruptcies among the independent bakers which, so far, have cost ten thousand people their jobs. For example, the added annual cost of one particular enterprise—American bakeries—is estimated at $9.2 million over the 12-month period starting August 1972.

For the farmers, the cost of the Soviet grain "deal" was at least $120 million by September 1972—both because they sold wheat too early (spring of 1972 which is usual) to benefit from higher prices and, more importantly, because the higher prices cut the subsidy available to many Southwestern farmers.

If we sum up the cost of the Soviet grain deal to the American public, then we reach a sum which for the 9-month period exceeds $3.2 billion.

### POLITICAL COSTS TO THE UNITED STATES

The lack of any political trade-offs in regard to the Soviet Union could be clearly defined as a political cost.

The fight against inflation failed primarily because of increases in food prices which are directly associated with the Soviet grain deal. While the increase in the Consumer Price Index was at the annual rate of about 5%, the increase in food averaged (for the same period) some 25%. This is a clear indication that the fight against inflation might have been completely successful had it not been for the Soviet grain deal. The increase in food prices is primarily responsible for the present inflation hysteria around the Congress and the country as a whole. The consequences of it for the welfare of the United States and its economy are not difficult to foresee: Distorted markets; large economy fluctuations; and all this due to irrational behavior on both the supply and demand side.

### COSTS TO THE FREE ECONOMIES

The costs to the free economies primarily take the form of distortion effects on the market forces, both within the financial market and markets for agricultural products. In financial markets, the market interest rate is suppressed by Soviet absolute demand monopoly and ability to use political power for the purpose of coercion. In agricultural markets, strongly fluctuating and sudden exaggerated demands for the grain stuff, and playing competitors on the supply side against each other, resulted in tremendous distortions on prices and supply. And both elements, distortions in financial and agricultural markets, are responsible for highly negative influence on the World economy.

---

## LEGAL SERVICES MUST BE PRESERVED AND IMPROVED

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Ms. ABZUG. Mr. Speaker, the Board of Community Action for Legal Services—CALS—the umbrella agency for OEO Legal Services in New York City, has just passed a resolution calling for increased legal services funding, a truly independent and national legal services corporation, and the continuance of the very valuable backup centers in the OEO legal services program. The resolution also asks that there be no restrictions imposed on the representation offered by legal services lawyers to their clients and commends the CALS attorneys throughout New York City "for their maintenance of high standards in the practice of law on behalf of their clients" and urges them "to continue those efforts in these troubled times."

I wish to include the full text of the Board's resolution in the RECORD at the conclusion of these remarks and also to add my own approbation for the top quality representation and advocacy which these fine lawyers provide for their clients. The guiding principle here should and must be that an indigent client of a legal services attorney is entitled to representation as good as that which a wealthy client of a private attorney receives; such a principle has no room for inadequate funding and support for that attorney or artificial and punitive constraints on his representation.

The text of the resolution follows:

MAY 8, 1973.

### RESOLUTION

#### POINT ONE

Whereas, Community Action for Legal Services, Inc., with its ten delegate corporations, twenty-one offices, 188 attorneys and $5,156,896 annual budget from OEO Office of Legal Services is the largest operating legal services program in the nation; and

Whereas, in calendar year 1972 the CALS program represented 47,313 separate new clients, giving help in such areas of law as landlord-tenant, family, divorce, consumer, welfare, unemployment, health, education, day care and civil rights; and

Whereas, the need for attorneys in the poverty communities of New York City far exceeds the present capacity of even this large a program, with over 3,000,000 people eligible for legal services by reason of their low income; and

#### POINT TWO

Whereas, various persons with influence within the administration of the current legal services program have acted in ways that has threatened the future of the program and have indicated misgivings about the roles being played by legal services attorneys and have acted in ways that brought confusion and uncertainty to the current employees of legal services programs; and

Whereas, questions have been raised concerning the future of the specialized legal services "back-up" centers that provide training litigative assistance and other forms of program support for the attorneys working throughout the country to represent the poor; and

Whereas, the future of the Reginald Heber Smith Community Lawyers Fellowship Program, funded by the Office of Legal Services, has also been put in question; and

Whereas, the OEO Office of Legal Services has announced that its regional offices, including one in New York City, will be closed on or before April 28, 1973; and

Whereas, some consideration is apparently being given to the use of limited purpose revenue sharing as a funding method for legal services, rather than funding the program on a national level through a single, independent National Legal Services Corporation; and

#### POINT THREE

Whereas, the Board of Directors of Community Action for Legal Services, Inc., (CALS), is composed of members drawn from every bar association in the City of New York, including the minority bar associations, from the law schools, from the public sector and from the poverty communities throughout the city; and

Whereas, the Board of Directors of CALS has for the last six years overseen and observed the work of its attorneys on behalf of poor people during the past four years and studied the many suggestions made during these years for altering the legal services programs; and

#### POINT FOUR

Whereas, it is the experience of the CALS Board of Directors:

1. That far too little money has been made available, either to CALS or to legal services nationally to meet the need for legal services to low income people; and
2. That the "back-up" centers provide critically needed assistance to CALS attorneys representing the poor in New York City; and
3. That the Fellowship Program has been by far the most effective agent for recruiting, training and providing local programs throughout the country with minority lawyers of high skill; and
4. That the regional office of the OEO Office of Legal Services has been of substantial and continuing value to CALS, and that its closing before a new legal services program is created will cause discontinuity in the representation of the poor and in the efficient management of legal services programs across the country; and

#### POINT FIVE

Whereas, a limited purpose revenue sharing approach to the provision of legal services throughout the nation would fragment the legal services programs, make it highly susceptible to local and state political manipulation and pressure and endanger the very concept of legal services for the poor "without fear or favor" in some sections of the country; and

Whereas, the Presidents of the American Association, the New York State Bar Association and the Association of the Bar of the City of New York have all spoken before a sub-committee of the House of Representatives of the United States Congress within the past sixty days, and have all expressed their strong support for the concept of an independent National Legal Services Corporation, operating without political influence and without restrictions on the representation available to the poor; and

Therefore, be it resolved by the Board of Directors of Community Action for Legal Services, Inc., that:

1. Substantially increased funding for legal services programs throughout the country should be provided by Congress;

2. A National Legal Services Corporation, free of all political control, should be established to directly administer a program of providing legal services to the poor;

3. No revenue sharing approach to legal services should be adopted;

4. The "back-up" centers and the Reginald Heber Smith Community Lawyer Fellowship Program should be maintained in their current form;

5. The regional office of legal services should not be closed or cut back during this period of reorganization;

6. All poor people in New York City, and throughout the country, are entitled to the full services of attorneys, without restrictions on the types of clients represented and the legal remedies employed by such attorneys in behalf of their clients. There should be no limit to the use of federal or appellate courts, class actions, or legislative and administrative forums, or to restrict the representation of groups;

7. CALS attorneys throughout this city are to be commended for their efforts and for their maintenance of high standards in the practice of law on behalf of their clients and are urged to continue those efforts in these troubled times.

---

## ISRAEL'S 25TH FOUNDING ANNIVERSARY OBSERVED IN SPRINGFIELD, MASS., WITH MEMORABLE PARADE AND CELEBRATION; SPECIAL "SALUTE TO ISRAEL" SECTION PUBLISHED BY SPRINGFIELD SUNDAY REPUBLICAN EDITOR JOSEPH W. MOONEY

## HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. BOLAND. Mr. Speaker, the 25th anniversary of the founding of the State of Israel was marked by a gala parade and celebration in my home city of Springfield, Mass., last Sunday. I had the honor of participating in this memorable Israel Independence Day event.

The Springfield Sunday Republican joined the community, the only city under 1 million population in this country to have a parade, by publishing a special Salute to Israel section. Editor Joseph W. Mooney wrote of his exclusive interview with David Ben Gurion, former Premier of Israel, in the Ben Gurion home in Tel Aviv in November 1971.

Mr. Speaker, I wish to include with my remarks the Springfield Republican's "Israel's 25th Anniversary" editorial, Editor Mooney's interview with David Ben Gurion, the Sunday Republican article "25 Years: A Sequence of Wonders," by Joel A. Leavitt, president, Springfield Jewish Federation; the Springfield Republican interviews with Rabbi Stanley M. Davids of Springfield's Sinai Temple and Rabbi Jordan S. Ofseyer of Beth El Temple entitled "A 'Second Chance'—A 'Dream Realized' "; and the Springfield Union's Monday morning newsstory on the parade and celebration headlined "Israel Gets Ecumenical Birthday Salute," by Lenore Magida:

### ISRAEL'S 25TH ANNIVERSARY

Israel is celebrating its 25th anniversary, a milestone in one of the most remarkable human achievements in modern history.

When David Ben-Gurion, first premier, proclaimed its independence May 14, 1948, the new nation had only 650,000 people, mostly survivors of Nazi concentration camps.

In an interview with the editor of The Republican and The Union, Ben-Gurion recently said Israel now needs three things: another 6 million Jews, a single language (Hebrew), and "peace with our neighbors."

The new country was attacked the next day, May 15, by the armies of surrounding Arab states, determined that no Jewish state should exist in Palestine.

Israel's heroic struggle for survival is a classic of military valor. Twice more, after that, the new state had to engage in all-out battle to preserve its integrity, in 1956 and 1967. Relatively minor frontier clashes have occurred all during the quarter century.

In spite of enormous obstacles, Israel has grown to 3 million people, about half of them immigrants. It is strong militarily and economically, and is the most solidly democratic nation of the Middle East. Despite its continuing risk of conflict with Arab states, Israel is highly popular with tourists, having deep religious significance for both Jews and Christians.

It is one of the ironies of history that Israel's foundation was indirectly assisted by Adolph Hitler, whose murder of millions of Jews shocked the conscience of the world. This resulted in overwhelming support for re-establishment, in their ancestral land, of a new home.

Israel's outstanding success is due primarily to the courage and sacrifices of its own citizens, substantially aided by the generosity of people in many lands, especially the U.S.

Shalom, touvim—peace, to the good life.

---

### AN ISRAELI-ARAB PEACE FORESEEN BY BEN GURION

(By Joseph W. Mooney)

Israel's past is history.

But what about her future?

In an exclusive interview with David Ben Gurion, former premier of Israel, in November, 1971, in his home in Tel Aviv, I got the answer while touring Israel on a mission sponsored by the United Jewish Appeal. It's as timely today as it was then.

Ben Gurion was asked how he saw the state of Israel in another 50 years and did he think there would be peace by then.

#### SEEK THREE THINGS

Content to cut back his assessment from 50 to 25 years, BG (his diplomatic nickname) said he would like to "see three things, because without them there would be no Jewish state."

In his modest Tel Aviv living room his formula for Israel's success was a tall order. Most countries fighting for their independence had failed to accomplish what Ben Gurion was setting his sights on.

"One is—we need another six million Jews.

"I don't believe that every Jew will come to Israel. I would like it, but it depends on him. He is entitled to what he likes." The 1971 estimated population of Israel was 3 million. Adding another six million to the New Jersey-sized country would place it ahead of the Jewish population in the United States today.

#### LANGUAGE REQUIREMENT

One other requirement Ben Gurion insisted on was that all Israelis speak Hebrew. He cited that the way of life of India's millions . . . is no different now than before independence from Great Britain.

"They speak the same languages, as they spoke before. Their way of life is just the same. The same thing applies to all the other states which became independent. It is not the same thing as this Jewish state. You can't compare it. They (Jews) did not talk the same language because Jews have spoken lots of languages, depending on the country in which they were living."

Ben Gurion's point was to make Israeli's aware that Hebrew, not Yiddish, was their language.

". . . I was told by Jews in Israel that it (Hebrew) is a dead language. I know this was nonsense. Now there are more than 2½ million Jews in Israel, and all of them speak Hebrew—the children, the grandchildren, great-grandchildren—it is their language."

The second thing BG insisted on was that the desert be settled. In that way everyone would have enough room in which to live as well as developing the desert.

"The area we had before the Six-Day War—80 per cent of that area was a desert. If you go from Tel Aviv to Haifa and look at both sides of the road when you are traveling, you will see there is desert. So 80 per cent of the country was a desert. And not settled . . . I remember when the state was proclaimed, there were many Jews who said—a desert is always a desert. Now nobody will say that. We have built many villages and even towns in the desert and we are building more and more. Still, the greatest part of the country remains a desert."

And the third thing Ben Gurion said was vital to the continued life of Israel "is peace with our neighbors."

"When the state was proclaimed, it declared an appeal to all the Arab states on all sides of Israel. We want to work with you. We must build our country and develop it and we will help you to develop your country. And to live in peace.

"Before the state was proclaimed, when the United Nations accepted the resolution to have a Jewish state, to divide Israel—half a Jewish state, half an Arab state, they declared—no, there will be no Jewish state."

According to Ben Gurion, there were only 650,000 Jews living there then. He said the Arab nations said their armies numbering 30 million "will be here" the day Israel became a state "and they were here."

#### AIDED BY RUSSIA

The only country to help Israel after it obtained statehood, Ben Gurion said, was Russia.

"At first, people thought that the Jews would be destroyed. But then the United Nations decided that there should be a rest for one month after the first month . . . this was our great help, because then the youth organized and when we proclaimed the State, we called in the youth of a certain age to become soldiers—not to fight, because the UN decided that for 30 days there should be no fighting—but they should learn to fight, which they did.

"It helped us a great deal and also the government which helped us then—now in our time it's unbelievable—the only state which helped us then was Russia. Russia decided to provide us with all the necessary arms to fight. Not that she gave it herself, but she told Czechoslovakia that they should sell the Jews all the equipment necessary and they stood behind us until the war was over.

"They were the only government in the world that stood with us. America had imposed an embargo."

#### EGYPT'S POSITION

On other subjects Ben Gurion said that he doubts Premier Answar Sadat will make peace even though he feels there are reasons and forces in Egypt which need peace badly. He felt that out of the then 120,000 university graduates, either in Egypt or in other countries, there are not at least 30,000 to 40,000 who know the position of the Arab peasants who want to improve the poor, population and health conditions of their own people.

The white haired BG said that before Premier Gamal Abdel Nasser died he had changed his mind about wanting to destroy

Israel. Instead, Ben Gurion said, Nasser wanted to rebuild Egypt.

"Throughout all the years he (Nasser) had one idea. He wanted to maintain the ideal for all the Arab countries to destroy Israel. But in his last year he came to the conclusion he had made a mistake. What his people needed was not to destroy Israel. They needed better conditions of life. Better education. But he died."

Ben Gurion said he heard this from an American journalist who came to Israel to tell him Nasser's change of heart.

"There are many in Egypt who know what the position of Egypt is—the economic position. And therefore I believe that while this year there will be no peace, I cannot imagine that within the next 10 years—nobody can tell when something exactly is going to happen in history—but when I say 20 years it may be eight or 12—then there will be peace."

Nasser's "mistake" coupled with Ben Gurion's optimism may just result in peace in the Middle East in the second 25 years of Israel's existence.

### Twenty-Five Years: A Sequence of Wonders

(By Joel A. Leavitt)

The first 25 years of Israel's independence have witnessed a sequence of wonders.

After the most excruciating afflictions suffered by our people in their tragic exile, they have returned—brands plucked from the flames of the extermination camps of Europe, brothers grieving in Arab lands, others dismayed by fear of spiritual extinction in affluent countries.

They have returned thirsting for redemption, determined to take part in the herculean effort to build a free Jewish society in the historic homeland after 2000 years of wandering. Our people have ceased to be stateless; Israel has become its heart and anchor of salvation.

What has Israel accomplished during these 25 years?

She has defended her independence and has assured the survival of her people.

She has made a home for Jews from all corners of the earth whether in need of refuge or in search of an independent Jewish identity.

She has developed a most humane society, preserving ancient Jewish values while responding to the needs of a modern democratic society composed of Jews and Arabs living together in productive harmony.

She has developed her material resources and raised her people's quality of life.

She has guaranteed freedom of access to the religious shrines of all faiths.

Modern Israel is a nation reborn, living proof of the continuation of a history that began with Abraham and developed through periods of slavery and redemption and two millennia of exile. Israel is the regathering of the remnants of a nation persecuted and tormented; it is the reshaping of a people into a cohesive, unified organism; it is the reaffirmation of the indestructible qualities of the human spirit—an example to all mankind.

But during these festive days of Israel's 25th Anniversary we recall our kin, prisoners of hope in the Soviet Union and other lands. May this year see their freedom and their redemption as we remember the words of the prophet Amos:

"I will restore the fortunes of my people Israel,
And they shall rebuild the ruined cities and inhabit them;
They shall plant vineyards and drink their wine,
And they shall make gardens and eat their fruit.
I will plant them upon their land;
And they shall never again be plucked up
Out of the land which I have given them."

### A "Second Chance"—A "Dream Realized"

The state of Israel represents the granting of a "second chance" to the Jewish people, according to one Springfield rabbi.

Rabbi Stanley M. Davids of Springfield's Sinai Temple said Israel gives Jews a "second chance to deal with the world in fully normal terms. Israel is a challenge to the Jewish people not to be a wandering, homeless people and, above all, not to be a dependent people."

"The relevancy of Judaism can only be tested in the crucible of the real world, and Israel is a real test," Rabbi Davids said.

"Israel stands as a real testing ground for the entire message of Jewish civilization," Rabbi Davids said.

Rabbi Davids said one of the "crucial problems facing the Jewish community is to balance the demands of the Jewish communities all over the world and helping Israel survive."

"A problem too often overlooked by Jewish leaders is the growth and survival of local communities in the United States. We need to be more responsive than in the past to Jewish education and Jewish life in this country," Rabbi Davids said.

Rabbi Jordan S. Ofseyer of Springfield's Beth El Temple said that the state of Israel represents the "realization of the hopes and dreams and prayers of Jews for more than 2000 years."

"It is a very humbling realization that it was granted to our generation—after more than 100 generations of dispersion—to witness the founding of Israel," Rabbi Ofseyer said.

Rabbi Ofseyer said Israel presents a "special challenge to the Jewish people to see that it succeeds in every sense, spiritually and materially, and that it continues to fulfill its potential in calling for moral responsibility and in technological growth."

Rabbi Ofseyer said there is a "mutually fructifying relationship" between Israel and the world Jewish community, a "spiritual fellowship and kinship that Jews feel towards each other."

"The establishment of Israel has given a new sense of purpose and a sense of pride to Jews of the world. It has become a focus for Jewish interest and concern and haven to Jews who are forced to flee their countries," Rabbi Ofseyer said.

### Israel Gets Ecumenical Birthday Salute

(By Lenore Magida)

Israel is a young state with old dreams, and its 25th anniversary commemoration in Springfield Sunday was created and celebrated by both the young and the old.

Israel is a country of many peoples, and the local parade in its honor Sunday included a Scottish and an Oriental band, several church corps and a black marching group, as well as many contingents from the Western Massachusetts Jewish community.

Israel is a land of stamina and pride, and Springfield parade participants finished the 2.2-mile route with wide smiles and waving arms and then went into the Jewish Community Center for an afternoon of other activities.

And most of all, Israel is now "young and alive at 25,"—her independence declared May 14, 1948—and that was plenty of reason for upwards of 5,000 Western Massachusetts residents to celebrate Sunday.

#### SACRED AND JOYOUS

For to her supporters, Israel is a nation which could easily adopt the slogan on the B'nai B'rith float in Sunday's parade: "A Tradition With a Future." And to those who love "Eretz Yisrael"—the land of Israel—both the tradition and the future are sacred and joyous.

So they packed the sidewalks of Sumner Avenue from Forest Park to the "X" as the Springfield Jewish Federation-sponsored parade began, and they waited by the hundreds for the lively procession to wind its way down Dickinson Street to the JCC.

The reviewing stand outside the center was filled with Western Massachusetts government officials, who took the reviewing position after marching the parade route, and with local Christian dignitaries who joined the celebration after Sunday morning church services.

#### DISTINGUISHED MARCHERS

Officials who marched along with local Jewish leaders were Springfield Mayor William Sullivan; U.S District Court Judge and former Springfield Mayor Frank H. Freedman; U.S. Reps. Edward P. Boland, D.-Springfield, and Silvio O. Conte, R-Pittsfield; state Sen. Alan D. Sisitsky, D-Springfield, and state Reps. Iris K. Holland, R-Springfield, Theodore J. Trudeau, D-Springfield; James J. Bowler, D-Springfield; Anthony M. Scibelli, D-Springfield, and Peter H. Lappin, D-Springfield.

Waiting for them and the rest of the marchers on the reviewing stand were the Most Rev. Christopher J. Weldon, bishop of the Roman Catholic Diocese of Springfield; Msgr. David P. Welch, editor of the Catholic Observer; the Rev. Joseph J. O'Neil, assistant editor of the Catholic Observer, and the Rev. Ronald G. Whitney, associate executive director of the Council of Churches of Greater Springfield.

#### ONE OF A KIND

What they and the other spectators saw and heard was, according to Salute to Israel Week Chairman Herbert Levi "the only parade in a community of under a million people in this country."

And it was a distinctive parade. Instead of the usual preponderance of veterans groups this procession had unit after unit of even younger than Israel kids, although the Jewish War Veterans and the elderly persons of the Jewish community also were represented.

"Hava Negilah," "Fiddler on the Roof" and other Jewish-oriented tunes replaced parade songs in praise of America. And the floats showed kibbutzim, the Wailing Wall and other Israeli scenes instead of Betsy Ross and beauty queens.

The afternoon celebration in the JCC also had a special flavor, part of which was the featured food treat, felafal, a sandwich-type snack filled with a fried chick pea mixture and salad vegetables.

#### SPORTING EVENTS

Anniversary-goers were kept busy with a book sale and several Israeli movies and elementary school children had a chance to try their skill at swimming, running, soccer, foul shooting, broad jumping and an obstacle course in special "Maccabiah Games."

The big day of tribute came to a close with the awarding of Jewish pendants to the top performers in the games and the presentation of plaques for the best floats. Kodimoh Synagog of Springfield and Sons of Zion Synagog of Holyoke tied for first place in the float competition.

Sunday's hoopla does not mark the end of local commemoration of Israel's first quarter-century of life. Levi said a special Springfield library exhibit will continue through the week and that today, the actual anniversary of the declaration of Israeli independence, flags will fly in downtown Springfield and the Kodimoh Young Peoples' choir and band will perform at Baystate West.

## NEW ELECTION REFORM: CLOSING THE GATE, AFTER THE WATER HAS LEAKED

---

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. RARICK. Mr. Speaker, the latest affront to the American electorate is the announcement from the White House that the President recommends creation of a nonpartisan commission on Federal election reform. In fact, he even accompanied his message with a copy of a proposed bill that he would have Congress rubberstamp into law.

In his message to the Congress, the President said:

> Many separate proposals for such reform are now pending before the Congress in light of recent disclosures of widespread abuses during the Presidential campaign of 1972, . . .

Overlooked for some reason in the statement is any acknowledgement that the Congress had already enacted in April of 1972, the Federal Election Campaign Act. Nor does the President mention that many of the "widespread abuses" complained of, came about, because the passage of such legislation caused desperate efforts by some to avoid disclosures after the act became effective.

Now the President, reacting to emotional front page publicity of "widespread abuses during the Presidential campaign of 1972" and without giving the existing law enacted by Congress a chance to work, seeks to use the taxpayers' money to create another study group which would cause more election interference, redtape, and control over the masses of elected officials not involved in any of these "widespread abuses."

The new blue ribbon commission would be authorized to, among other things:

First, consider the advisability of changing the term of office of Members of the House of Representatives, or the Senate, or the President of the United States, and

Second, make recommendations for such legislation, constitutional amendment or other reforms as its findings indicate, and in its judgment are desirable to revise and control the practices and procedures of political parties, organizations, and individuals participating in the Federal electoral process.

Certainly the laws of the United States already cover every suggestion made by the President. The American people or their representatives already have the power to change any of the laws should they so desire, with or without the establishment of a new election overseer.

All the laws in the world do nothing, but offer false security if the laws are not followed or enforced.

The American people should by now be aware that we cannot legislate morality, let alone honesty. It seems to be another instance of the pot calling the kettle black. Perhaps a more accurate comparison would be closing the gate, after the water has leaked.

I include in the RECORD the following related newsclipping:

> SENATE PANEL VOTES BILL TO CREATE AN ELECTIONS COMMISSION
>
> (By Morton Mintz)
>
> The Senate Commerce Committee yesterday approved a bill to create an independent elections commission empowered to investigate and prosecute violations.
>
> In addition to stripping the Justice Department of enforcement authority, the bill would also:
>
> Put a ceiling of 25 cents a voter on expenditures by presidential and Senate and House candidates;
>
> Make it easier for Democratic and Republican presidential and vice presidential candidates to get free television time.
>
> Require all contributions and expenditures in presidential contests to be accounted for by the national committee of each candidate's party rather than ad hoc groups.
>
> The bill, approved without objection in an executive session, now goes to the Senate Rules Committee, which must hold hearings and act on the measure within 45 days.
>
> And President Nixon, in a related development, sent to Capitol Hill his recommendation for creation of a nonpartisan study commission on election reform.
>
> Yesterday, the full Commerce Committee adopted an amendment in which in sparsely populated states a candidate for the Senate or for Congressman-at-large could spend a minimum of $175,000. A House candidate running in a congressional district could spend at least $90,000.
>
> Mr. Nixon's proposal for a study commission led Democratic National Chairman Robert S. Strauss to express concern that it may be "another delaying tactic and whitewash effort." John W. Gardner, chairman of Common Cause, said the commission "can only serve to stifle action."
>
> The President vetoed one reform measure in 1970. Before the present law took effect his fund-raisers collected $15 million to $20 million with an assurance to contributors that they would avoid disclosure.
>
> Mr. Nixon said in a radio broadcast yesterday with the message that the proposed study group would have a mandate "as broad as the federal election process itself," including possible public funding of campaigns and the relation of tax laws to contributions.
>
> With quick congressional approval, the study commission could provide the basis for reforms "in time for the 1974 congressional election," the President said.

---

## MEDICAL CUTS ENDANGER CANCER AND HEART DISEASE EFFORTS

---

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. DRINAN. Mr. Speaker, as part of its campaign to reduce federal funding of health programs, the administration has proposed the phaseout of the National Institutes of Health research training grants. No new commitments are to be accepted for research training grants, and only those grants approved before January 29, 1973, with continuing commitments will be funded during the 1974 fiscal year.

It has been argued in defense of this proposal that private money will be able to make up the difference caused by the sudden loss of Federal funds. Yet, every indication that I have received suggests that there is insufficient private money to fill the gap, and that the only results of the termination of the NIH training grant program will be fewer researchers, fewer medical educators, and far fewer opportunities for men and women who want a career in medical research. To my mind, at least, these are not desirable goals.

At the hearings on the proposed medical cuts that I held on May 5, 1973, in Newton, Mass., I received a statement from Dr. Thomas J. Ryan, professor of medicine at Boston University Medical School, head of the section of cardiology, and chairman of the Research Allocations Committee of the Massachusetts Heart Association.

Dr. Ryan spoke directly to the question of the degree to which private institutions like the Massachusetts Heart Association would be unable to satisfy the financial needs accompanying advanced medical research and research training. The lesson of his testimony is, I believe, that while there is a need to prevent abuses of the training grant program, such abuses as may have occurred are not adequate justification for the complete termination of the research grant program. The changes necessary should be made not with a bludgeon, but with a scalpel. It is also notably ironic that Dr. Ryan's comments suggest hard times ahead for research on heart disease—supposedly along with cancer are two diseases upon which the administration wants to focus both attention and money.

Testimony of two other physicians dealt with the current "public enemy No. 1" disease, cancer. Dr. Leo Stohlbach is the chief of medicine at the Pondville Hospital in Walpole, Mass. He is also an assistant professor of medicine at Tufts University School of Medicine. He was accompanied by Dr. William Fishman, director of the cancer research center at Tufts.

These two doctors pointed out that for all the noise about the conquest of cancer, the truth is somewhat less imposing. The President has consistently failed to release the entire sum of money appropriated by Congress for cancer research. In addition, other reductions in health and medical programs will have telling effects upon the conquest of cancer efforts, particularly in the forms of personnel shortages, elimination of the regional medical program, and the proposed change in grant application policy which would substitute solicited contracts for grants.

Heart disease and cancer are among the greatest challenges facing mankind. I hope that my colleagues will take the time to read the testimony of these three doctors who are actively engaged in research into heart disease and cancer:

### TESTIMONY OF DR. THOMAS J. RYAN

I commend you, sir, for your efforts to date in the Legislature to reinstate those funds cut from the fiscal 1974 budget that the Congress, in past years, has allocated for the support of postgraduate medical training and research. I attend this meeting as one of your many constituents from the medical community who is deeply concerned about the impact of these budgetary cuts that clear reason indicates strike at the very foundation of our medical system.

As a graduate of an NIH training grant a dozen years ago and, presently, as the director of a Federal training grant in cardiology at our institution, I, albeit in the very good company of many of the previous speakers, could be cast in the role of an individual with vested interest. It is most important that we step clear of this charge. We are well aware of the cogent points raised against the Federal subsidization of postgraduate clinical training and the possibility that such a specialty trained physician may one day become a "fat cat." There are many ways of dealing with that particular inequity, however, without precipitously shutting down the whole system. The whole system includes the teacher of the trainee. His greatest requirement is time protected for teaching. Who pays for protected time? The whole system includes the trainee whose mind is fertilized by the experience and from whence new ideas sprout up. This will lead to fruitful investigation only if the individual is provided protected time. You cannot harvest productive research without protected time. And who pays for protected time?

I can tell you from my experience with the Massachusetts Heart Association that it cannot come, in any substantial manner, from the private sector. Heart fund monies available for research and training in this state totaled $255,028 this past year. The Research Allocations Committee received grant requests totaling $898,911. It should be pointed out that the Massachusetts Heart Association has traditionally limited its total budgetary support to any one project or any one trainee to $10,000 per annum, in the belief that it was important to support the initial investigative efforts. With this vital seed money the investigator was then able to develop the project to the point where it could compete more successfully at the Federal level and receive realistic budgetary support. Time and again this has proven to be the successful formula for productive research. At the fountainhead stands the extramural grant award program of the NIH. Here exists the ultimate of peer review. It has no counterpart in any other branch of the Federal government or in the private business sector. It remains the core of all other funding programs. If this central role of NIH is diminished by inadequate budgetary support, it will adversely effect those research programs funded by voluntary nonprofit organizations such as the Heart Association, the Cancer Society, the National Foundation, etc. The research supported by these agencies has been meaningful and productive. To lead it down a blind alley with no hope for meaningful Federal support for those projects and researchers whose work has been demonstrated to be worthwhile by virtue of their seed money is true folly.

Few, if any, will contend the pre-eminence of American medicine in the world today. The influx of foreign physicians for training in this country is well known to us all. In terms of the World Market, one of the priceless American commodities still remains an American medical education. This says something for the present system.

It is my firm conviction that the research and educational programs funded by the federal government through NIH stand as the fountainhead of our current medical system and to alter its financial support abruptly would result in total collapse of the world's leading medical system.

---

### TESTIMONY OF DR. LEO L. STOLBACH AND DR. WILLIAM FISHMAN

As Chief of Medicine at Pondville Hospital, the State cancer hospial in Walpole, Massachusetts, I am responsible for the care of patients with cancer and participate in the clinical research necessary to improve methods of treatment. Pondville participates in the activities of the Tufts Cancer Research Center and I am also speaking as a representative of the Tufts Clinical Cancer Unit which is involved in patient care, research and physician education at Pondville, the Lemuel Shattuck and New England Medical Center Hospitals.

There has been much publicity in the past year regarding a major commitment by the federal government in the area of cancer research and cancer care. However, despite the President's "Conquest of Cancer" pronouncements, our cancer program at Tufts (like those at many other medical schools throughout the nation) has been faced with major cutbacks which limit research, patient care and medical education. The HEW bill for 1973 still has not been signed by the President. Because of this many grants have been approved without funding in the cancer field, just as in all other areas of medical research. It should also be emphasized that during the past few years the President has consistently released considerably less money for cancer research than has been appropriated by Congress.

Dr. William Fishman, Director of the Tufts Cancer Research Center, will discuss the effects of the federal cutbacks on basic research in the cancer field at Tufts University. I would like to stress the effects of such cuts as they relate to the care of patients with cancer at the Tufts affiliated hospitals. In my opinion, these three areas of clinical concern deserve top priority:

#### 1. SHORTAGE OF PERSONNEL

The Tufts Cancer Unit involves the cooperative efforts of physicians at the New England Medical Center, the Lemuel Shattuck, and Pondville Hospitals. These physicians have been participating for the past eight years, through NIH support, in a program to train physicians in cancer work. This program will be terminated on June 30, 1973, thereby eliminating necessary fellowship and medical staff positions. Only one half (six, instead of twelve) of our projected number of trainees can be accepted for the coming year. The loss to our program of 50% of our trainees will definitely reduce the number of patients who can be cared for at our facilities. In addition, it will decrease the number of available physicians trained in various disciplines to deal with this disease. There is a documented need for medical oncologists, radiotherapists, cancer surgeons and rehabilitation personnel, yet training programs in these specialties are being discontinued.

#### 2. ELIMINATION OF THE REGIONAL MEDICAL PROGRAM

Until April 30, 1973 the Tufts Cancer Unit actively participated in the Regional Medical Program in Cancer of both Tufts University and Boston University. The goal of this program had been to improve patient care in the community hospital through conferences and consultations by physicians, nurses and social workers. The abrupt termination of the Regional Medical Program in its fourth month of the current grant year curtails this important opportunity for communication between specialists in cancer patient management and community hospital personnel.

#### 3. CHANGE IN GRANT APPLICATION POLICY

During the past year there has been a shift of funding from research project grants to research contracts solicited by the National Cancer Institute. This approach tends to stifle original thinking in the development of new approaches to cancer problems. Furthermore, it establishes a pattern of focus on immediate goals rather than long-term objectives.

---

## ALFRED P. SLOAN AWARDS FOR DISTINGUISHED PUBLIC SERVICE TO HIGHWAY SAFETY AWARDED TO WENDELL COLTIN

## HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. HARRINGTON. Mr. Speaker, this year's winner of the highest award of the Alfred P. Sloan Awards in the print media category went to Wendell Coltin for "distinguished public service to highway safety."

Wendell is a long-time friend of mine and my family and the author of the "Safety Crusade" column since May 20, 1956. The column appears in the Boston Herald American. He has received more than 70 awards for the column during its 17 years.

The column has pointed out problems on many streets and highways, and by bringing these safety hazards to public attention, seen to it that they were corrected.

We all owe a debt of gratitude to Wendell Coltin for his excellent job in this area. A story in the Boston Herald American on May 11, 1973, explains Wendell's fine efforts in detail, and I insert it in the RECORD at this point.

The column follows:

### WRITER WENDELL COLTIN HONORED—ROAD SAFETY AWARD TO HERALD AMERICAN

Wendell H. Coltin, Boston Herald American Safety Crusade columnist, was announced yesterday as the winner of the top award of $1000 in the print media, in the 25th Annual Alfred P. Sloan Awards for "distinguished public service to highway safety."

The announcement of the highest "individual creative award" to Coltin was made by Roy D. Chapin, Jr., board chairman of American Motors Corp. and chairman of the Highway Users Federation, at the 80th Annual Meeting of the Massachusetts Highway Association in the Pleasant Valley Country Club, Sutton.

The Sloan Awards are offered by the Highway Users Federation "to encourage vigor and innovation in the development of public service programs aimed at the reduction of traffic accidents, injuries and deaths."

The awards are in memory of Alfred P. Sloan, Jr., a former president and chairman of the General Motors Corp. and a pioneer in the organized highway safety movement. The awards' program is conducted by the Highway Users Federation under a grant from the Automotive Safety Foundation.

The awards recognize performance of the print and broadcast media in the continuing campaign to improve safety on the nation's highways. Coltin has been writing the Safety Crusade column since May 20, 1956 and it has received more than 70 awards, many of them top national honors.

He was the first newspaperman to win the American Trucking Associations' Safety Story Competition two years in a row; was the first dual winner for the best series and individual story; and received several other awards from the ATA.

In addition to writing the Safety Crusade column, which will be 17 years old May 20, Coltin has also spoken before numerous groups and at safety conferences on the subject of highway safety and the Herald American Safety Crusade.

His Safety Crusade column has been credited by public officials and others in Massachusetts and New England through the years in focusing on a variety of problems in highway safety, which have led to such legislation in Massachusetts as a No-Fix Traffic Ticket Law, chemical tests for suspected drunken drivers, eye examinations on renewal of drivers' licenses, tighter semi-annual inspections of motor vehicles, reflective number plates to help prevent nighttime accidents on streets and highways; and optional anti-jaywalking legislation for cities and towns to adopt.

Coltin's column has called attention to hazardous conditions on streets and highways that have needed correction and in many instances have ultimately been corrected, including removal of death traps in openings along median strips of such roads as Routes 1, C–1, 9 and 128.

It has cited the importance of driver education; and it has also singled out for recognition truck drivers whose operating manner and safety achievement has reflected credit on their firms and pointed up the good public relations a firm receives from such driving performances; also its beneficial rate as far as insurance is concerned.

Heads of the Registry of Motor Vehicles in Massachusetts, the Massachusetts State Police, individual police chiefs, the Massachusetts Highway Association and Public Safety Secretary Richard E. McLaughlin, a national officer in the American Association of Motor Vehicle Administrators, have publicly commended Coltin for his Safety Crusade column and its contribution to the cause of highway safety.

Coltin also writes the Medicare Mailbox column in the daily Herald American and Sunday Herald Advertiser and is regarded nationally as one of the most knowledgable persons in the news media on Social Security and Medicare. The Medicare column has been honored on many occasions.

## SPECIAL INTEREST GROUPS DOMINATE LEGISLATIVE PROCESS

### HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. MOLLOHAN. Mr. Speaker, unless my mail differs greatly from that of my colleagues, the Members of this body are plagued with frequent questionnaires on how you voted or how you will vote on a given issue. The questions on these forms are frequently such an oversimplification of the issues involved that it is either impossible to give a simple and direct answer, or as a result of amendments to a bill, or the availability of additional information and further study, you find you have made a declaration you cannot, in good conscience, keep.

We are all aware that lobbies and interest groups keep scorecards which are used by the members of those groups to determine whether our retention in Congress is in their interest or not. This is true despite the fact that these tallies may be very misleading.

I am submitting today an editorial from the Wheeling Intelligencer, of Wheeling, W. Va., that I consider to be most provocative and one that should be of considerable interest to Members of Congress, political scientists, and constituent groups, alike. I do not agree that Congress is a captive of special interest groups, but I do agree that perhaps it is time to look at a new scale upon which to weigh our work.

The editorial follows:

LAWS—SPECIAL INTEREST GROUPS DOMINATE LEGISLATIVE PROCESS

Dr. Perry E. Gresham, chairman of the board of trustees of Bethany College, spoke a few days ago to the George Washington Society of Harvard and Radcliffe College at Cambridge, Mass. The society is an affiliate of the Intercollegiate Studies Institute.

In a portion of his address, Dr. Gresham said the American system suffers from excessive special interest-group legislation. We believe a few excerpts from his remarks bear repeating:

"So pervasive is this chummy philosophy that our laws are written for interest groups and our government administers the laws with the interest group in mind.

"The Department of Labor, for instance, has become a servant of the unions. The Department of Agriculture works for the agriculture interests, and the Department of Commerce represents the trade associations.

"The net effect of the interest-group philosophy is contempt for law which dares to oppose the group interest . . .

"This trend results in a hopeless jungle of class-oriented laws, vaguely written, subject to administrative bargaining and dealing, rather than simple clarity and enforcement.

"We have laws for the veterans, the farmers, the unions, the builders, the railroads, the motor companies, the colleges, and almost any other interest group that comes to the mind and attention of some eager legislation.

"The country would be better served by legislative sessions dictated to the repeal of the superlative laws rather than the relentless creation of new ones. It is the shame of our age that a legislature takes pride in the number of bills it has passed to clutter the books and reduce human freedom."

Perhaps it is time to look at a new scale upon which to weigh the work of our state legislators and members of Congress.

## HALT U.S. BOMBING OF CAMBODIA

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. ROSENTHAL. Mr. Speaker, I joined recently with nine of my colleagues in a lawsuit challenging the constitutionality of continued American military activity in Cambodia and the threatened resumption of full scale hostilities in Vietnam without congressional approval.

We are once again at a critical juncture in our foreign policy determinations and national history. Having extricated ourselves from the quagmire of Vietnam, we are tragically and incredibly embarking upon another venture in Southeast Asia—one which threatens to develop into another nightmarish horror.

One would have hoped that 1 million dead, including 50,000 Americans and the expenditure of more than $125 billion would have drilled home the heart-rending lessons of Indochina. But no—this administration—and, until last Thursday, this Congress, have been backing into this new abomination in the same way we ensnarled ourselves in the last.

Under our Constitution, only Congress has the power to declare war. Congress has not exercised this power in regard to Cambodia. It has passed no legislation or joint resolution declaring war. Nor has Congress enacted any statute which expressly and intentionally authorized war. Thus, in carrying on the bombing in Cambodia, the executive branch of the Government is conducting a Presidential war, wholly without constitutionally required congressional authorization.

The efficacy of our constitutional right to vote in Congress, in deciding whether this country should fight a war, has been negated by the Executive's action in prosecuting this authorized war. This right was affirmed, recently, in Mitchell against Laird, decided by the U.S. Court of Appeals in Washington, D.C. This ruling held that Members of Congress have standing to sue to determine the legality of military operations conducted by the President in the absence of a declaration of war by Congress.

In carrying on a war which has not been authorized by the only branch of our Government granted the constitutional right to do so, the executive branch has clearly violated the basic constitutional concept of separation of powers. Separation of powers is so essential to our form of government, and so threatened, that we are taking a step which is unusual for Congressmen, but which we believe to be imperative. We are filing a brief asking the judiciary to uphold separation of powers and the declaration of war clause by ruling that the Executive has been and is acting illegally.

Aside from the constitutional questions raised by our full-scale bombing raids on Cambodia, there are several other compelling reasons why our participation in this latest madness must be halted now.

U.S. military operations currently under way in Cambodia violate the intent of several laws passed by the Congress. The Military Procurement Authorization Act for fiscal 1972 (Public Law 92–156; 85 Stat. 423) provides that all U.S. military forces should be withdrawn from Indochina subject only to the release of all American POW's, and accounting for MIA's. As we know, the prisoners have been released and are now home. The Pentagon has indicated that it is satisfied that no other Americans are still being held by the Communists in Indochina. Hence, conditions set by the law have been met—why then are we again dropping tons of explosives? The Defense Appropriation Act of 1971 (Public Law 91–668; 84 Stat. 2020) provides that our military should not be used to support or assist efforts to aid the governments of Laos or Cambodia. Yet, this appears to be precisely what we are doing.

Our activities are not protecting American troops or safeguarding a withdrawal. Neither are they aimed at forcing a release of prisoners of war. These reasons can no longer be used as excuses for continued American involvement in the bloodshed.

We have no treaty commitments to Cambodia—and never have had any. Cambodian Government have consistently and specifically rejected all American offers of alliance in SEATO or any other treaty organization.

The struggle currently going on in Cambodia is, to all observers, a civil war. The primary protagonists are the Lon Nol government and the domestic insurgent Khmer Rouge. Outside aid to each side has essentially been limited to supplies and war materiel. Even American Embassy officials in Phnom Penh were forced to admit this in a recent statement. There is no cause for our Government to participate in what is fundamentally a civil war between Cambodians.

Last and most crucial is the point that our national interests simply are not threatened in Cambodia. The Nixon administration has not even claimed that American security is at stake there. Vietnam, if nothing else, taught all of us that backing corrupt dictatorships in Indochina is not the course that our foreign policy ought to be taking. In fact, we have learned that to do so is to flirt with national tragedy.

Why then, we must ask, are we being dragged into yet another war by an administration which has received no acquiescence, but rather, growing resistance from the Congress?

The answer, as it has been in so many other instances in the past several months, is arrogance. The arrogance which prompted widespread sabotage and bugging that culminated in the Watergate; the arrogance which led to unprecedented subversion of our free and open political process; the arrogance which allowed the President to impound funds duly authorized and appropriated by the elected representatives of the people are all examples of the arrogance of power which threatens to destroy us with another Vietnam.

The American people cannot—must not tolerate this brazen usurpation of authority. The courts and the Congress must unite to halt this latest threat to our constitutional government.

---

## THE SCOURGE OF INFLATION

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. CRANE. Mr. Speaker, there is, at the present time, much concern over the rapid increase in prices, particularly in the price of food. To express this concern citizens have gathered together in boycotts of products such as meat. Others have called for the imposition of wage and price controls over the entire economy.

However well meaning, those who advocate such approaches to the problem of inflation are dealing with symptoms, not with causes. The cause of inflation is, in large measure, the rapid increase in the money supply as a result of deficit spending and of the policies of the Federal Reserve Board. It is an illusion to believe that inflation can be stopped until the budget is balanced and until each dollar in circulation possesses the real value of a dollar.

Americans should have learned this lesson long ago. The American Revolution provides our earliest example of the failure of deficit financing and of introducing new dollars into the money supply without proper backing.

Prof. Clarence Carson notes that:

> When government enters the marketplace it becomes a bidder among bidders for the supply of goods and services available. . . . Before government can become a bidder in the market, it must acquire goods and services, or their equivalent, for making exchanges . . . the government as government is not a producer of goods nor provider of services and has none of these to offer in exchange. Before it can operate in the market, then, government must acquire these, or their equivalent, from those who provide and produce them.

What government ordinarily does is to raise money through taxes. Professor Carson points out that:

> Money can enable a government to use the marketplace as a major source of goods and services . . . government must respect the nature and character of money . . . What a given unit of money will command in goods and services in the marketplace is a ratio between the quantity of money and quality of goods and services . . . If the quality of money is increased and all else remains the same, the price may be expected to rise in proportion to the increase.

During the American Revolution, the Congress and the States did not impose taxes but attempted to finance the war effort primarily by the issuance of paper money, what is known as "Continental currency." Without any backing, Professor Carson writes:

> This process of issuing more and more set in early. The initial issue was to have been for $2 million, but before it had been accomplished, Congress authorized another $1 million. Before the end of the year $3 million more was issued.

The more money the Congress issued, the less it was worth. As a result, larger and larger issues were made, and an unprecedented inflation set in. By 1778, the Armed Forces were finding it difficult to acquire goods with paper money. George Washington wrote in 1779 that "a wagon load of money will scarcely purchase a wagon load of provisions."

Professor Carson concludes at:

> The American cause was not lost as a result of the inflation. It was won despite the inflation . . . the consequences of inflation . . . followed into the Confederation period. But the lessons of the experience were not lost on the leaders of that generation. In time, they were used to try to prevent a recurrence of mistakes. Unfortunately, we cannot report that these lessons are still remembered to the seventh generation.

Boycotts and controls of wages and prices will do no more to effect inflation in the long run than did similar policies in the colonial period. Only when the cause of inflation is itself effectively dealt with can we hope to end it.

I wish to share with my colleagues the discussion of inflation during the colonial period by Prof. Clarence Carson. The article, which appeared in the July 1972 issue of the Freeman follows:

### THE FOUNDING OF THE AMERICAN REPUBLIC

(By Clarence B. Carson)

Men at ease and in comfortable circumstances must find it difficult to comprehend the sufferings of the Patriot armies during the War for Independence. These armies had to suffer, in addition to those tribulations incident to war, from lack of clothing, blankets, sufficient food, drink, transport, and many other of the necessities of life. Yet it is the judgment of the generality of historians that most of this deprivation was unnecessary and unwarranted. There was food aplenty in the states, and there was at least the potentiality of enough clothing. It may be added that there were enough men of the right age to have constituted overwhelming forces against those the British actually sent to America, and there was a potentiality for manufacturing adequate munitions for the war. (For example: "In 1775 the Union produced 30,000 tons of crude iron—one seventh of the world's total output." It is quite probable that the war could have been brought to a successful conclusion long before it was had these resources been devoted to the effort in sufficient amounts. They were not.

The main reason why men and materials were not brought to focus adequately on the war effort was the method used to finance the war. The successful prosecution of a war—any war—requires that a sufficient amount of energy and resources be diverted from other uses in order to accomplish the end of winning the war. To acquire the necessary goods and services, government enters the market.

Government may enter the marketplace in such a way as to take advantage of the services offered in a market, or it may intervene in the market in such ways as to make that instrument virtually useless for its purposes. When government enters the marketplace it becomes a bidder among bidders for the supply of goods and services available. What the government acquires there, others are denied, or vice versa.

#### *Government Takes Goods*

Before government can become a bidder in the market it must acquire goods and services, or their equivalent, for making exchanges. This necessity poses what is the most enduring problem of government: the government, as government, is not a producer of goods nor provider of services, and has none of these to offer in exchange. Before it can operate in the market, then, government must acquire these, or their equivalent, from those who own or produce them, In effect, government must take goods and services from those who provide and produce them. For this to be done equitably and justly, experience indicates that this appropriation should be spread over and apportioned among the producing citizenry.

Money has afforded a means for apportioning taxes and a way for government to enter the marketplace for trading without interfering destructively with the function of the market. In short, money can enable a government to use the marketplace as a major source of goods and services which it needs, particularly in war. For this to happen, however, government must respect the nature and character of money. Money is a medium of exchange, i.e., it is that through which are made exchanges of goods for goods, services for services, or any other combinations of these. What a given unit of money will command in goods and services in the marketplace is a ratio between the quantity of money and quantity of goods and services, as modified by the strength of the desires of all who have any of these in their possession or wish to acquire them. To put the matter concretely, if a bushel of wheat brings one dollar this means that the quantity of money is such, the quantity of wheat is such, the desire for wheat is such, and the desire for money is such, that one dollar is the price that will effect an exchange. If the quantity of money is increased, and all else remains the same, the price of wheat may be expected to rise in proportion to the increase of money. A money tax enables the government to reduce the supply of money available to private bidders, and thus to become an effective bidder for its needs in the market.

*Monetary manipulation*

It is theoretically clear, then, what the consequences would be if the government attempted to get its needs by simply increasing the money supply. It would reduce the quantity of goods and services a given unit of money would command. But why could the government not do this as a means of taxation, thus avoiding the onerous necessity of a direct appropriation of money? Of course, it could do this. Thomas Paine declared that this is just what the Congress did during the War for Independence. It would have cost ten or twelve million pounds sterling, he estimated, to have financed the war by ordinary taxation; "and as while this money was issuing, and likewise depreciating down to nothing, there were none, or few valuable taxes paid; consequently the event to the public was the same, whether they sunk ten or twelve millions of expended money, by depreciation, or paid ten or twelve millions by taxation; . . . And therefore . . . [the] debt, has now no existence; it having been paid, by everybody consenting, to reduce as his own expense, from the value of the bills continually passing among themselves, a sum, equal to nearly what the expense of the war was for five years." Thomas Paine was, as usual, an adept pleader of special causes, but he was no scholar, and certainly not an economic historian. His statement that everybody consented is simply not true, and he ignores both the ruinous train of consequences following upon the inflation and the question of whether or not it was effective in its object of providing for the armed forces.

It is not necessary, however, to explore the theoretical impact of the inflation further; it unfolds in the story of the financing of the war. The Congress and the states did attempt to finance the war effort primarily by the issuance of paper money. Congress issued what is known as Continental currency. The notes did not bear interest, as such currency sometimes did, but they were supposed to be redeemed by the states at a later date.

All accounts agree that Congress issued more and more of the currency over the years through 1779. A recent estimate of the sums issued goes as follows:

| | |
|---|---|
| 1775 | $ 6, 000, 000 |
| 1776 | 19, 000, 000 |
| 1777 | 13, 000, 000 |
| 1778 | 63, 500, 300 |
| 1779 | 90, 052, 380 |

This process of issuing more and more set in early. The initial issue was to have been for $2 million, but before it had been accomplished Congress authorized another $1 million. Before the end of the year $3 million more was issued. This despite the fact that Congress had intended only one issue at the beginning. And, there were those who attempted to prevent the escalation. Benjamin Franklin said: "After the first emission I proposed that we should stop, strike no more, but borrow on interest those we had issued. This was not then approved of, and more bills were issued."

The process of issuing more and more of the currency and raising the amounts of single issues is easily explained. Once the money had been issued, it fell into private hands in return for goods and services. The government no longer had access to the currency. Congress then made further issues in order to have money to spend. The more it issued, the less the money was worth; larger and larger issues were made in the attempt to get the results that could be obtained by smaller issues earlier. Reliance on paper money has—for these reasons, and more complex ones where there are combinations of taxation and fiat money financing—a pyramiding effect.

*Money vs. Currency*

The real reason for the Continental currency issues, then, was that Congress and the states were attempting to finance the war without levying taxes directly. They are entitled to some sympathy for the difficult situation in which they were trying to function, but no amount of sympathy alters the consequences of actions. Congress had no authority to levy taxes. With equal validity, it can be said that Congress had no authority to issue money. The truth of the matter is that Congress had as little and as much power as it could manage to exercise during the period under consideraton.

It had no constitution, hence, no constitutional limits on what it could do. Its members, however, were delegates from the states. It may well be that had Congress attempted to levy taxes it would have been repudiated by the states or by the people. At any rate Congress did not even attempt to levy taxes. It was not that the members could see no need for taxes. Congress declared, on many occasions, that the states should levy taxes. Elaborate schedules were devised for apportioning the costs of the war among the states. Solemn proclamations were issued urging the states to tax. For example, in 1777 Congress admonished the states to "raise by taxation in the course of the ensuing year, and remit to the treasury such sums of money as they think will be most proper in the present situation of the inhabitants. . . ."

*States Under Political Pressure*

*Instead of taxing to retire the Continental currency, the states issued large amounts of paper money themselves.* "The emission of all the states exceeded $200,000,000. Virginia led the way, followed by North Carolina; then came South Carolina, Georgia, Delaware, and New Jersey exercised the most restraint."

A minor stream that added to this flood of paper currency issued by Congress and the states was provided by domestic loans. Loan office certificates and certificates of indebtedness were issued to the extent of $20 million. The loan office certificates circulated generally, one writer notes, "effecting essentially the same consequences as would have attended the issue of an equal quantity of paper money."

*Paper Declared Legal Tender*

Sucessive interventions were made in the market, interventions which followed logically from the use of fiat money to finance the war. The first of these interventions was to make the paper legal tender so that it would circulate as money. The specific actions to do this were by the states.

When he was in command of forces at Philadelphia, General Putnam made this announcement: "In future, should any of the inhabitants be so lost to public virtue and the welfare of their country, as to presume to refuse the currency of the American states in payment for any commodities they may have for sale, the goods shall be forfeited, and the person or persons so refusing, committed to close confinement." In a similar fashion, George Washington was authorized to take goods from those who refused the Continental currency and to arrest and confine them.

*Rising Prices—and Control*

With such Draconian measures to support it, the Continental paper money did circulate. But the more of it that was issued, the more depreciated. The most noticeable effect of this to the public was a general rise in prices. (Prices of particular goods and services rise and fall as demand and supply fluctuate even if the amount of money in circulation remains stable. And, given blockades and the kinds of demands incident to war, some prices would have risen inevitably during these years. However, the price increases were not only general but some of them are rises in Continental currency in relation to what they could be bought for in specie, which indicates that it was the currency which occasioned some of the increases.) Some of the state governments intervened in the market further by attempting to fix prices. As frequently happens, the legislators sought to control the effect—the rise in prices—rather than the cause—the increase in the money supply. Congress recommended that regional conventions be held to set prices for particular areas. The New England and Middle states held such conventions, but the Southern states south of Maryland steered clear of price controls. After a convention had agreed upon the general features of prices, it was up to the individual states to enforce the tariffs. The following is a description of penalties adopted by Rhode Island in 1777:

"The penalty of demanding more than the tariff price was set at the value of the article—half to the State, and half to the informer. Any one who refused for his commodities the tariff price, and afterward sold them for any other goods, was to forfeit the value thereof, half to the State, and half to the informer. If complaint was made that articles necessary for the army or navy were withheld by monopolizers, the State officers and Judges or any two Justices of the Peace might issue a warrant to impress and seize the same, breaking open buildings. The goods were to be appraised by two indifferent men at prices not to exceed those of the tariff. Anybody who contracted to receive for labour or goods more than the tariff rates was to be counted an enemy of the country, and fined twenty shillings for every article sold of the price of twenty shillings or under, and a sum equal to the value of the article, if it was worth more than that."

The price controls, where they were at all effective, resulted in shortages. John Eliot wrote from Boston in June of 1777: "We are all starving here, since this plaguy addition to the regulating bill. People will not bring in provision, and we cannot procure the common necessaries of life. What we shall do I know not." What they did, of course, is what people ever do: evade the regulations, barter, blackmarket, produce a money that will purchase goods, and find a variety of means to perpetuate the market, however inadequate they are compared to the opportunities in a free market.

*Army requisitions*

By 1778 the armed forces were finding it increasingly difficult to acquire goods with paper money. "Though paper money was taken, with more or less reluctance, in return for most things, some services were rendered only upon promises of receiving specie." George Washington wrote in 1779 that "a wagon load of money will scarcely purchase a wagon load of provisions." The country was in the grip of a runaway inflation. Every man of intelligence knew that the root cause was the increase of the money supply (much as this is known in our day), yet there was not the will to deal effectively with it.

To get supplies and transport, the army had to resort to its equivalent of barter, i.e., impressment and requisition from the surrounding populace. There had been some impressment, particularly of transport, from the beginning of the war; but by the time of the Yorktown campaign in 1781 this method seems to have been relied upon almost exclusively. There was more and more of this done before 1781, however. By the latter part of 1779, supplies in general were being requisitioned. On December 11, 1779, Congress "voted requisitions on the States for specific supplies of flour and Indian corn. December 14, they established a system of requisitions and contributions of this kind, Maryland alone voting no. February 25, 1780, an elaborate apportionment of requisitions for such supplies was made. . . . Each State was called upon for the staples which it produced."

### *Unhappy consequences of rampant inflation*

Men contemporary with events frequently described the consequences of the inflation as well as could be done. Josiah Quincy wrote these words to General Washington:

"I am firmly of the opinion, and think it entirely defensible, that there never was a paper pound, a paper dollar, or a paper promise of any kind, that ever yet obtained a general currency, but by force or fraud, generally by both. That the army has been grossly cheated; that creditors have been infamously defrauded; that the widows and fatherless have been oppressively wronged and beggared; that the gray hairs of the aged and the innocent, for want of their just dues have gone down with sorrow to their graves, in consequence of our disgraceful depreciated paper currency."

By 1778, John Adams could say that "every man who had money due to him at the commencement of this war, has been already taxed three-fourth parts of that money. . . . And every man who owed money at the beginning of the war, has put three-fourth parts of it in his pockets as clear gain. The war, therefore, is immoderately gainful to some, and ruinous to others."

### *Decay of public virtue*

George Washington wrote: "Speculation, peculation, engrossing, forestalling, with all concomitants, afford too many melancholy proofs of the decay of public virtue. . . ." And a writer to a New Jersey paper assessed the blame for this: "I do not say that the abundance of money is the only cause of the decay of virtue or increase of vice, but I say it is a very principal cause, it operates more this way than any other, yea, than all other causes put together."

The inflation contributed much to the loss of confidence in the Congress, the state governments, and the very cause they were committed to at the time. The idea was advanced, when the first issues of paper money were made, that its becoming currency would help to tie people to the cause of independence. Since the fate of the money—its eventual redemption—would depend upon the success of the revolt, those who came into possession of it would be committed to victory. So it might have been, I suppose, if the Congress had been content with one or two issues, if the states had refrained from issues, and if the governments had then turned to direct taxation. But the effect of issuing more and more was not only to reduce the value of the money but also to undermine confidence in the governments which issued it.

In fact, people began to suspect rather quickly that Congress would eventually repudiate its paper. To counter this fear, time and time again Congress reiterated the determination to redeem it and denounced those who said that would be otherwise. In 1778, Congress adopted the following resolution: "Whereas a report hath circulated in divers parts of America, that Congress would not redeem the bills of credit issued by them to defray the expenses of the war, but would suffer them to sink in the hands of the holder, whereby the value of the said bills hath, in the opinion of many of the good people of these States, depreciated; and lest the silence of Congress might give strength to the said report; resolved that the said report is false and derogatory to the honor of Congress." One writer notes that "as paper money depreciated more and more, the pledges of Congress in respect to its redemption were more frequent and intense in form of expression."

### *They tried to stop*

Congress resolved in September 1779 to issue paper money only to the total of $200 million. "Upon this mountain of paper," a modern historian has written, "Congress resolved to make its final stand. . . . But . . . the defiant proclamation of September 1779 proved the signal for another sharp selling wave in Continental money. By January 1780, the army was paying for supplies twice what it had paid in September 1779; and by March 1780, prices had risen four times above the level of September 1779."

At that point, Congress began the outright repudiation of its paper, though the culmination was to come later. In March of 1780, Congress devalued the currency by proclaiming that it should now trade at forty to one of gold or silver. To finance this exchange, new paper money was to be issued to be redeemed by the states by taxation. An elaborate plan was contrived for the retiring of the old currency and replacing it with the new. The plan did not work. There was no reason why it should. If the new money was more valuable than the old, it would not circulate, according to Gresham's Law, assuming the old money was still legal tender. In fact, the new money quickly fell to the same value as the old, and the whole became virtually worthless by 1781. In March of 1781, Congress abandoned the acceptance of its own paper money as legal tender. It was now to be accepted only on a sliding scale that was supposed to represent its depreciation. Thereafter, it depreciated so rapidly that it shortly ceased to circulate at all. Specie came out of hiding and replaced paper money as the currency of the land.

All these untoward events might be accepted as the cost of the war, but only if the currency had enabled the Congress to bring the resources of the country to bear on the war effort. That, however, was emphatically not the case. On the contrary, the paper money plus the absence of significant taxation tended to disperse the resources of the country and the energies of the people. Congress and the states were continually short of money, whereas the populace had an abundance. In consequence, the production, transport, trading, and provision of goods and services were concentrated on the civilian population, and the armed forces received short shrift.

### *Suppliers refuse to cooperate*

In the later stages of the war, as already noted, the army had to abandon the use of the paper money substantially and turn to direct methods to get goods and services. This was not only an inconvenient and inefficient method of gathering material but also made people resent the army. For example, here are reports of the situation in Virginia in 1781—at a time when a major British army was concentrated there and Washington was about to win his greatest victory. An agent sent to impress transport reported: "I have been much perplexed, for after having impressed them, the owners of some, by themselves or others, have taken, in the nighttime, a wheel or something to render them useless; and I don't recollect any law to punish them, if it could be proved." The Quartermaster wrote to the war office: "Let me entreat, sir, that something may be done to draw the people with their means of transportation into the service willingly. I find them so opposed to every measure that is oppressive that it is almost impossible to effect anything of consequence that way. Many of the teamsters upon the late occasion have deserted with their wagons after throwing their loads out at improper places. . . ."

Nor were taxes in kind a way to get goods where they were wanted. General Washington wrote to the President of Pennsylvania in 1782: "A great proportion of the specific articles have been wasted after the people have furnished them, and the transportation alone of what has reached the army has in numberless instances cost more than the value of the articles themselves." It is not difficult to explain why this was so. The commodities had been taken without reference to a particular need, had been stored where no army might appear, except by accident, and were often spoiled when they were wanted. By contrast with this poor form of barter, the market is an efficient and felicitious device when acceptable money is in circulation; the market tends to make the goods available where and when they are wanted, and money is flexible: it can call forth a variety of goods.

The American cause was not lost as a result of the inflation. It was won despite the inflation. But victory was almost certainly delayed for several years; much suffering resulted; and the people's confidence had been sorely tried. Indeed, we have not finished yet in this work with the consequences of the inflation, for they followed into the Confederation period. But the lessons of the experience were not lost on the leaders of that generation. In time, they were used to try to prevent a recurrence of the mistakes. Unfortunately, we cannot report that these lessons are still remembered to the seventh generation.

---

## LEST WE FORGET

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. SCHERLE. Mr. Speaker, this month's First Monday, the monthly publication of the Republican National Committee, has a special report in it titled "Ramsey Clark, Jane Fonda and Company: Dupes of the Decade." The article is totally devoid of polemics or cheap shot debating tactics. It merely juxtaposes quotes from individuals like Fonda and Clark with quotes from the returned POW's themselves. The message is plain, I think, and one worthy of attention from my colleagues. Therefore, I insert it into the Record:

### Ramsey Clark, Jane Fonda and Company: Dupes of the Decade

LEST WE FORGET

"I think they are lying. I think they are lying and I think they are not only going to have to live with the fact that they were carrying out acts of murder for the rest of their lives. They are also going to have to live with the fact that they are lying on their consciences. It was not—it was not a policy of the North Vietnamese to torture prisoners."—*Jane Fonda on the ABC News, April 3, 1973.*

"San Diego, April 12—One of the U.S. pilots who appeared at Hanoi press conferences with Jane Fonda and Ramsey Clark said today that he was tortured into doing so. . . . At a meeting with newsmen at the Navy hospital here, Lt. Cdr. David W. Hoffman, 32, said he had been coerced into meeting with Miss Fonda and the former U.S. Attorney General. 'I had a broken arm,' said Hoffman. 'It was in a cast. I was hung by that broken arm several times and allowed to drop at the end of a rope from a table which was kicked out from under me.' Hoffman said: 'I reject everything I said' in the conferences."—*Washington Post, April 13, 1973.*

"The longest-serving prisoner she saw had been in Hanoi since 1967, the most recent since last month. 'They assured me they were in good health,' she said. 'When I asked them if they were brainwashed, they all laughed.' "—*Excerpt from article in the Washington Post, July 26, 1972, quoting Jane Fonda after her trip to Hanoi.*

"Air Force Col. Robinson Risner said the captors would, 'tie your wrists behind your back . . . and force your head and shoulders down until your feet or your toes were in your mouth, and leave you in this manner until you acquiesced in whatever they were trying to get you to do.'

" 'I myself have screamed all night,' said Risner, who was captured in 1965. 'When they torture you enough, then you scream, you holler.' "—*Washington Post, March 30, 1973.*

"The most informed and reliable study now available of alleged torture of American POWs by the North Vietnamese has been made by John M. Van Dyke, formerly of the State Department's Legal Adviser's Office and currently attached to the Center for the Study of Democratic Institutions at Santa Barbara, California, who comes to the general conclusion that there have been instances of unauthorized mistreatment by particular prison guards or by townspeople near the scene of capture, but that there is no evidence at all that North Vietnam is pursuing a policy of torture or vengeance toward the POWs. Indeed, Van Dyke's careful analysis of the most publicized claims of torture by some released prisoners casts considerable doubt on the authenticity of their allegations."—*Professor Richard A. Falk, Princeton University, before the House Subcommittee on National Security Policy and Scientific Developments, March 31, 1971.*

"The other prisoner, he said, was knocked down, 'kicked in the face, stamped in the face, kicked in the genitals' and reduced to a 'cringing' mass 'squealing like a pig.' He, too, was tightly bound with wire and his arms jerked up behind him almost out of their sockets, Kushner said. Two weeks later he was dead."—*Maj. F. Harold Kushner, quoted in the Washington Post, April 5, 1973.*

"San Francisco—An American physician who just returned from a 10-day visit to Hanoi said he found medical care there "superb' and 'no evidence that prisoners of war have been mistreated at any time.' . . . The health care delivery in North Vietnam is 'really unbelieveable, it's superb,' (Dr. George J.) Roth said. 'One couldn't help sense the people had made an enormous investment to taking care of their sick.' "—*Excerpt from article in the Philadelphia Inquirer, Oct. 26, 1972.*

"In Evansville, Ind., Army S. Sgt. James F. Pfister of Evansville said he saw 10 fellow prisoners of war die of malnutrition and poor medical care. He said he did not suffer any torture himself nor did he see any."—*Washington Star-News, March 30, 1973.*

"Hanoi—During last night's U.S. bombing raids, American singer Joan Baez played her guitar and sang songs against war in the fallout shelter of the Hao Binh Hotel."—*Excerpt from article in the Washington Post, Dec. 20, 1972.*

"The catalog of abuse read like an index to the Marquis de Sade. The ex-POWs said that they had faced regular beatings, with anything from bamboo clubs to automobile fan belts. Some complained that their captors had proved more energetic in exploiting wounds than in treating them. 'They'd catch one of us with a broken arm and work it up and down like a pump,' shuddered one of the returnees. Others said they had been tied to anthills, shackled to leg irons for so long the metal grew into their flesh, or trussed with rope or wire into human balls with their toes jammed to their mouths. Long periods of solitary confinement—Col. Norman Gaddis counted 1,000 days—and other forms of psychological torture were almost as brutal as the physical punishment."—*Newsweek magazine, April 9, 1973.*

"Nobel Prize winner Dr. George Wald returned from North Vietnam and said that its government 'is way ahead of the Geneva Conventions in its treatment of American prisoners of war. He told a news conference that he based his judgment on a 'private, undisturbed' meeting he had last week with two downed American pilots in Hanoi."—*Excerpt from article in the Washington Post, Feb. 25, 1972.*

"Even those who considered their treatment comparatively mild, such as Air Force Captain Joseph Milligan, often suffered enormously. Provided totally inadequate medical attention, Milligan treated—and cured—a badly burned arm by letting maggots eat away the pus, then cleaning off the maggots with his own urine."

"The favorite props of the North Vietnamese captors were lengths of rope, iron manacles that could be screwed down to the bone and fan belts for administering beatings. Prisoners claimed that they were tied up for interminable periods into positions that yogis could not assume. Ropes tied to a man's ankles, wrists and neck were tightened until he was bent over backward in a doughnut shape. Men were also bent forward into a position of a baby sucking its big toe. The ropes cut off circulation, and in several cases, paralyzed limbs for months, even years.

"Handcuffs on the wrists of one prisoner were tightened so much that blood came through the pores. Hands and feet often swelled to unimaginable proportions and turned black. Jaws, noses, ribs, teeth and limbs, the prisoners charged, were deliberately broken and left unset. The sick and wounded were left in their own excrement for days on end. Fan belts or lengths of rubber turned buttocks of beaten prisoners into raw flesh. Sergeant Don MacPhail said that he was hung from a tree over three fresh graves and beaten with sticks. He was told that he would be in the fourth grave."—*Time magazine, April 9, 1973.*

"Mr. Clark said again that the prisoners, in his estimation, were in good health and were being treated humanely. He said they complained of the food, although they had plenty, and that the beds were too small for some of them. . . . Mr. Clark said his own visit to a prison camp persuaded him that the prisoners had not been brainwashed or mistreated. He concluded by charging that those who say these men are mistreated were doing so for 'other motives'—and that these persons 'may care more about the Thieu government than getting the boys home.' "—*Ramsey Clark in an article in the N.Y. Times, Aug. 16, 1972.*

"Navy Capt. James B. Stockdale gave his description of what he called the 'primary mode' of torture:

"Manila ropes or nylon straps were wrapped around the prisoner's arms and neck. His feet were attached to an iron bar. His arms were then drawn back behind his body and his head forced down, while the torturer stood on his back. The technique, Stockdale said, shut off blood circulation to the lower arms, caused a feeling of claustrophobia as the head was forced down, and produced acute pain in the arms twisted behind one's body."—*Washington Post, March 30, 1973.*

"The interrogation process, unlike the situation in the prisons of the Republic of Vietnam (Saigon), is not accompanied by torture; where threatening or harsh treatment has occurred toward captured pilots in North Vietnam it has typically come not at the hands of military or prison authorities but at the time of capture or immediately after capture at the hands of angry villagers whose houses, fields and hamlets had been attacked from the air."—*Stewart Meacham, Peace Secretary, American Friends Service Committee, before the House Subcommittee on National Security Policy and Scientific Developments, March 31, 1971*

"In February, 1966, when they wanted me to give them a biography, I was tortured seven days and six nights in a pitch black room. They beat me very regularly and brutally while I was in large traveling irons with my hands tightly cuffed behind me It was very cold and I had no blanket, no bedding, no socks, only sandals and pajamas. When I moved it hurt more. I was like an animal Not even a healthy animal, like a crippled roach, I was pretty much of a vegetable."—*Navy Capt Jeremiah Denton, quoted in Washington Post, March 31, 1973.*

"Sontay was the turning point for many families who had feared to speak out before and who finally realized that now that they were in steady communication with their prisoner relatives, had seen photos of them, exchanged mail and sent packages, and knew them to be alive and well, the prisoners lives were being endangered, not by North Vietnamese ill-treatment, but by American commandos"—*Cora Weiss, Co-Chairman, Committee of Liaison, before the House Subcommittee on National Security Policy and Scientific Developments, March 31, 1971.*

"Denton said he confessed after days of torture when they 'put a 10-foot-long iron bar on top of my shins and two men walked it up and down.' "—*Washington Post, March 30, 1973.*

"As to actual conditions of treatment, reports vary. Among the visitors to camps from American peace groups, and from such countries as France and Japan, there seems to be general accord that POWs receive more food than do members of North Vietnam's army, that POWs are given medical treatment, that no systematic torture or brainwashing takes place, and that POWs seem in good spirits.

"The real issue is, whether there is a Government policy by North Vietnam, to so mistreat our prisoners, and I believe that no compelling evidence of that has been shown, indeed just the opposite. . . . Now, as I say, it is impossible to know, with any great certainty, what is going on, but I think that a fair look at the evidence shows that there is no policy of mistreatment."—*Richard J. Barnet, Co-Director, Institute for Policy Studies and a member of the Committee for Liaison, before the House Subcommittee on National Security Policy and Scientific Developments, March 31, 1971.*

### JANE FONDA AND REAL LIFE

"The great film director Joseph Mankiweicz once told me, 'Distrust movie actors with causes. They live in so rarified an atmosphere of celebrity, their notions of good are so completely derived from film scripts in which good is absolute, that they have no conception of the ambiguity of right and wrong in real life.

"Yesterday on this report we had an example. Col. James Kessler described the brutal tortures he and his fellows were put to make them say the right thing which is often the false thing to visiting peace militants like Jane Fonda.

"In the same report Miss Fonda said flatly, he and his fellows were liars and murderers. She was unambiguous like a movie script. No thought that those shown her might be, as they were, selected and fattened up for display; no consideration that for years the communists had tortured and murdered individual South Vietnamese villagers at the rate of around 200 a week before we decided, rightly or wrongly, to try to stop it by bombing the source.

"The peace movement has some solid arguments that need to be weighed, along with the hawk arguments, as we now try to put the Vietnam tragedy in its right place in history. But Miss Fonda is a negative contributor. She should stick to movie scripts. Her own closed little mind by itself is clearly not up to making judgments about real life."—*ABC's Howard K. Smith in a commentary, April 4, 1973.*

---

(Reprinted from the Chicago Tribune)

### HANOI DUPES SHOULD APOLOGIZE

(By Nick Thimmesch)

WASHINGTON.—So it's true. It's true that the American prisoners of war were cruelly abused, beaten, starved, and tortured psychologically by their Communist captors. The prosaic, and patriotic, judgment that this was the way it probably was turns out to be true. The skeptics, fierce antiwar causists, and pro-Hanoi activists were dead wrong.

We can tell the returned prisoners are speaking the truth by looking at their faces as they appear on television. Those are men who strain to hold back the anger, the feeling of hurt, as they struggle to objectively describe what they went thru. They are not the faces of the New Lefters and antiwar critics who spoke blandly a few years ago about how nice the North Vietnamese were treating the American prisoners.

One by one, the Americans tell of having their bodies bound so forcibly that they literally became balls with shoulders popping from their sockets and toes pushed into their mouths; of beatings which splattered blood on the walls; of being shackled to bunks for weeks and thus being forced to wallow in their own defecation; of solitary confinement, six months at a time; of starvation; and being deprived of sleep and medical treatment.

Thru spoken world, the "Bitch Box" loudspeaker, and issues of a Communist paper published in the United States, the prisoners were informed, variously, that their wives were unfaithful; that their children were in trouble; that a prominent U.S. congressman felt the North Vietnamese would be smart to relocate prisoners in cities and areas vulnerable to bombing, and the man Hanoi hoped would win the election, Sen. George McGovern, said that "I would go to Hanoi and beg if I thought that would release the boys one day earlier."

For several years, a diverse lot of perverse activists calling themselves Americans traveled to Hanoi and often came away telling about how well the American U.S. POWs were being treated. They had either seen a handful of specially selected prisoners or were told about POW living conditions by the Communists. This was the basis for their reports.

In the Vietnamese war, one of Hanoi's greatest sources of power [a power that the United States had to overcome to get Hanoi to finally settle] was the notion and impression that the vast majority of American people were against the war and wanted the United States to pull out immediately—thus leaving Viet Nam to the Communists.

Hanoi used this power effectively, just as effectively as they would have used B-52s had they had them, by inviting a collection of duped Americans to serve their cause. In World War II, the Nazis and Japanese also "used" people, and we called these people collaborators, even "Quislings," after [Vidkun Quisling, the pro-Nazi Norwegian traitor]. At war's end, these collaborators and sympathizers were set upon by angry patriots who beat them, shaved their heads, killed them in some instances, and at least jailed them for trials.

Well, the Vietnamese war is too complex, and the degree of involvement of the Americans who helped Hanoi questionable, for a like expression of popular revenge. But since these people stridently demanded public and press attention when they went to Hanoi and pled Hanoi's cause, it is appropriate now to list their names so that the American people can reflect on their poor judgment and naivete, if not their lack of patriotism. The returned POWs agree that these people not only helped prolong the war by encouraging Hanoi to believe the antiwar movement would win out but they also caused further suffering to the prisoners.

Those who went to Hanoi and served the enemy while hurting the U.S. and our POWs include: Jane Fonda, the actress; the Rev. William Sloan Coffin of Yale University; Cora Weiss of the Women's Strike for Peace; Ramsey Clark, former U.S. attorney general; David Dellinger, apostle of the New Left; Richard Falk of Princeton University; Douglas Dowd of Cornell University; Norm Chomsky of the Massachusetts Institute of Technology; Richard J. Barnet, co-director of the Institute for Policy Studies; folk singer Joan Baez; and Jane Hart, wife of Sen. Philip Hart [D., Mich.].

Each one of these people owes a public apology to the returned American prisoners of war, and an admission that they were indeed duped by Hanoi and thus given to make impressionistic statements about the prisoners which only served Hanoi's cause.

I doubt that these people will say they are sorry or admit they were wrong. They are all hiding and silent. They shouldn't worry. No one will shave their heads.

---

### WALD WAFFLES

In view of the returning POWs tales of torture, do you still believe the North Vietnamese were "way ahead of the Geneva Convention" in their treatment of our men? *First Monday* asked Harvard biology Prof. George Wald in a telephone interview.

"Well, I think I had not read the Geneva Convention so that there were technical violations not being observed such as open visiting," he replied.

---

## SITTING ON A BASKETBALL

## HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. MICHEL. Mr. Speaker, there are some 125,000 people in this country who are partially or completely paralyzed, who have lost the use of their limbs and control of their body functions because of injury to their spinal cords. Some 10,000 people are paralyzed in this manner in the United States each year. Nearly all of them are young—between 18 and 25—vigorous and active until struck down by perhaps an automobile accident, a diving mishap or other sports-related accident. And, our veterans who have been injured in this way are nearly all young men who would otherwise be leading normal, productive lives.

What happens to these people? Who cares for them? What can they do? I invite my colleagues to find some of the answers to these questions in an address that was delivered last month by a man who has made a tremendous contribution in this area over the years—a man to whom we all owe a great deal.

Dr. Paul C. Bucy, chairman of the National Committee for Research in Neurological Disorders, has a long and distinguished career as an outstanding neurosurgeon and expert on diseases and injuries of the back—a career which includes association with the Northwestern University Medical School at Chicago, as professor of neurological surgery.

Dr. Bucy's remarks will, I believe, serve to make us all more aware of how much remains to be done to alleviate the problems of those suffering spinal cord injuries:

### SITTING ON A BASKETBALL

(By Paul C. Bucy, M.D.)

In all probability you have never sat on a basketball without being able to feel it. Neither have you imagined such an unlikely situation. For the next few minutes let us give free rein to our imaginations and try to put ourselves in the position of people to whom this is a reality.

A few years ago a paraplegic was asked what it was like to be a paraplegic. His answer was: "It is like sitting on a basketball that you cannot feel and do not know is there." This was a most incomplete description of the situation which confronts the young men who are paraplegics or quadriplegics. Paraplegia is a paralysis of the legs, and quadriplegia is a paralysis of the arms and legs resulting from injury to the spinal cord. But paralysis, the loss of the ability to move one's arms or legs, is only part of the picture. These paralyzed people also have a loss of all feeling in the paralyzed parts. They have a loss of the ability to control their bowels and bladders. They have lost their ability to perform sexually, but not their sexual desires. They are subject to a variety of serious complications, such as pain, bed sores, infections of the bladder and kidneys, the development of bone within their muscles, and the fixation of their paralyzed joints.

Probably none of you know few if any such people. And yet they are not rare. Because of their disability, because of their sores and the offensive smell of urine and feces they all too often slink away out of the public eye, either at home or in some nursing facility. How many are they? There are over 10,000 young people paralyzed in this fashion in this country each year. There are about 125,000 people in the United States permanently paralyzed in this manner. And as our population grows and the causes of the accidents resulting in such paralysis increase, the numbers go up and up.

Who are these people? They are almost all young people between 18 and 25 years of age. Eighty-five per cent of them are young men. They are the vigorous, active young people of our society because it is in vigorous activities that they are injured. About 50% are injured in automobile accidents. Most of the others are injured in sports accidents of which diving accidents lead the list. Try to imagine yourself again as a vigorous young man who is rendered paralyzed in the twinkling of an eye. Your future is gone. If you survive, and today most do survive, you are faced with years of battle against your disability and its many complications. Your sex life is gone. But your sexual desires are not. Your eyesight is there, your mind is there, and the accident did not destroy your testicles. Only your ability to perform has been destroyed.

If you now have the picture let us review the history of the situation. At the time of World War I most people paralyzed by injury to their spinal cords died in a relatively short time. If they had injured the spinal cord in the neck they died because of paralysis of the muscles with which they breathed or because of infection or the accumulation of fluids in their lungs which were functioning so inadequately. If the injury was below the neck they died from infection of the bladder and kidneys or infection in their bed sores. By the start of World War II not quite a quarter of a century later no paraplegic or qudriplegic from World War I was still alive.

Dr. George Riddoch, an English neurologist and a good friend of mine, who had had close contact with the paraplegics of World War I determined that that was not going to happen again. In the midst of World War II he went to the British government and successfully insisted that a special effort must be made to treat these unfortunate young men better. He recognized that this could not be done with these paralyzed patients scattered about in numerous hospitals, but only if they were concentrated under the care of someone who was interested in helping them, was sympathetic to their plight and had the training and intelligence to improve their care. Finding such a person was almost an impossibility—but not quite.

In 1930 I spent a few months with one of Germany's leading neurologists and neurosurgeons—Professor Otfrid Foerster of Breslau. This club has heard of him on October 4, 1954 in a paper entitled, "Der Herr Professor", by Percival Bailey. In Foerster's clinic I met his first assistant, Dr. Ludwig Guttmann. He was a Jewish neurological surgeon, and one of the many Jews in Germany who were convinced that "It can't happen here." First he was driven from Foerster's clinic by the Nazis and took a position in the Jewish hospital in Breslau. Then he was driven from Breslau and accepted a post in Hamburg. Still he hung on, and almost too long. He and his wife were among the few that caught that "last train out." Just before the start of World War II in 1939 they left for England. Here through the efforts of another mutual friend, Sir Hugh Cairns, the Professor of Neurological Surgery at Oxford, Guttmann found a place to work and the means to support himself and his wife. This opportunity was not, however, a position in which Guttmann felt that he really was utilizing fully his training and abilities. He was tolerated but was actually a "fifth wheel," an unneeded man.

It was to Guttmann that George Riddoch went with his proposal. Would he, Guttmann, establish a center for the care of those paralyzed by injury to their spinal cords. Guttmann accepted. Here was the opportunity to help the country which had adopted him and to show his appreciation to the English young men who had given so much in their fight against his enemies. In his wisdom, Guttmann made several very wise stipulations. First, he must be given complete charge and complete responsibility. Second, all military personnel paralyzed in this fashion must be assembled in one center. Third, that center must be an independent unit in a general medical and surgical hospital. With Riddoch's support his conditions were all met and the world's first spinal cord injury center was established in the Stoke Mandeville General Hospital at Aylesbury, England. It is still there.

The number of beds has gradually increased to 230. Civilian paraplegics were soon added to the original military casualties. The care of these patients has steadily improved. A new electrically operated special bed for paraplegics was invented. The care of the paralyzed bladder was greatly improved until today 65% of these patients never develop a urinary infection whereas formerly all of them did. Guttmann developed sports for his patients. They play basketball swim, bowl, etc. Out of this has grown the International Paraplegic Olympic Games which have now been held in Israel, Japan and elsewhere. Guttmann so improved the care and health of these men that a few years ago he was able to report that 85% of the patients discharged from Stoke Mandeville—now the National British Spinal Cord Injury Center—were employed. This brought another problem which Guttmann promptly met. He established special hostels where those paralyzed men who had no home to go to could live, have the special facilities necessary for their daily life, and either work in the hostel or go out to work. Soon his successful efforts attracted worldwide attention.

Doctors and nurses came to Stoke Mandeville to learn his methods. They returned home and established spinal cord injury centers in their own countries. Today such centers, modelled after Stoke Mandeville, exist in Germany, France, Africa, Ireland, Scandinavia, Canada, Australia, New Zealand—almost everywhere—that is everywhere except in the United States. Here is our own great country these people are still neglected. Nowhere in the United States can a paraplegic obtain the best care which could now be provided and most of them get the worst care—not much better than was available a quarter of a century ago.

Guttmann's accomplishments have been recognized by England. He is now Sir Ludwig. One can easily imagine the joy of this little short, rotund Santa Claus-like Jewish man, always with a twinkle in his eyes, when the sword of the Queen of England descended on his shoulder making him an English knight. But neither this nor the many other honors bestowed upon him by other countries, including Germany, is the one he cherishes most. He is most proud of being one of the six men in all history who have been named Honorary Citizens of Aylesbury, England. The affection and admiration which the people of England have for him was touchingly emphasized a few years ago when I stood with him in his study to receive a group of English school children. They had marched for miles through England collecting funds to be used by him in his center. They had come to present this money to him personally. I was deeply touched, and I know that he was.

But let us return again to our own country and to World War II. The sad way in which the United States has lagged behind the rest of the world is not all the fault of politicians and people in general. My own profession, or at least some of its members, bear their share of blame. The United States like all countries at war, had its share of paraplegics and quadriplegics as a result of missile wounds, jeep accidents, falls down cliffs, etc. As a result it developed paraplegic wards in a number of its military hospitals.

One of these was at Mayo General Hospital in Galesburg, Illinois. Two of my former young associates were in charge of that ward. Dr. L. W. Freeman and Dr. Robert Heimburger. They became very much interested in the problems of these paralyzed young men. At the termination of the war they wanted to do something about the situation. They were assigned to the Hines Veterans Hospital just outside of Chicago. They asked for the opportunity to take charge of the paraplegic wards there and to develop a research facility which would study these problems and endeavor to improve the care. Their request was denied; denied by one of the best known professors of neurological surgery in the United States; a man who early in World War II was in charge of all neurological surgery for the United States Army. His reply to their request was, "What do you want to do that for? Their situation is hopeless. They are not going to get better. You will just be wasting your time."

His remarks were closely paraphrased by the dean of Northwetsern University Medical School who said to me, when I proposed to develop a spinal cord injury center at the Chicago Wesley Memorial Hospital and Northwestern University Medical School, "Why do you want to waste your time and effort on these people? They are just going to lie around getting bed sores and smelling of urine. I know, I took care of them in World War II." My answer was, "That is exactly why I want to. It is totally unnecessary." And there were others. One of the leading professors of neurology in New York City sat on a review committee considering the allocation of money for research projects.

Bill Freeman of the Mayo General Hospital had not been discouraged by the rebuff which he received at Hines Veterans Hospital. He had become Professor of Research Surgery at Indiana University and had developed a research laboratory devoted to the study of spinal cord injury. But such a laboratory needs money. He had applied for a research grant. The influential professor from New York was responsible for his request being turned down because in his opinion there was nothing that could be done about the injured spinal cord. Bill Freeman continued nevertheless. Almost the only man in the United States who did so for many years. Finally the many disappointments and frustrations which he encountered took his life and abolished a brilliant career.

Fortunately there have been others intrigued by the possibility that something could be done about the injured spinal cord. In 1911 Dr. A. R. Allen had devised an experimental method for injuring the spinal cords of animals and had demonstrated that with appropriate treatment the resulting paralysis in experimental animals could be reversed. He was not taken seriously and his work was soon forgotten. The work of Allen was not really appreciated for over half a century. In the mid 1960s Maurice Albin in Cleveland got the idea that cooling the injured spinal cord might reverse the paralysis, and it did. His work with the neurosurgeon, Robert White, reawakened interest in the entire problem. They demonstrated that the paralysis which develops immediately when the spinal cord is bruised is not necessarily permanent as had been thought and taught for many years. Since their work, which was first published in 1966, a number of others have become involved in the experimental treatment of the injured spinal cord and have shown that several different forms of treatment can be effective in the laboratory. The opportunity to try these experimental forms of treatment in man is not yet available although steps in that direction are being taken. The National Institute of Neurological Diseases and Stroke just last month awarded funds to establish three Acute Cord Injury Clinical Research Centers. Here spinal paralysis in man will be studied and the effective forms of treatment developed in the research laboratories will be tried in man.

The experimental studies have all agreed upon the very important point. If any treatment is to be effective it must be instituted within four hours after the onset of the paralysis. Whether the same time limits apply to man is not yet known. What happens in and to the spinal cord that gives rise to this extremely short time limit? Only recently have detailed studies been undertaken in our laboratories to determine exactly what happens to the bruised spinal cord. When the spinal cord is struck it immediately ceases to function and the animals become paralyzed in that part of the body below the level of injury. Yet if one examines the spinal cord at that time he will find no changes in its appearance. The nerve fibers and cells within it appear normal. Then why is the animal (or the man) paralyzed? Studies of the flow of blood through the spinal cord probably give an important part of the answer for there is an immediate reduction in blood flow of approximately 50 per cent. It is known that nervous tissues—the brain and the spinal cord—survive interruption of blood flow for only a brief period. If the supply of blood is completely arrested the tissues of the nervous system will die within five minutes. If the supply is only reduced and the tissues survive, the loss of function is reversible.

However, the reduction in blood flow through the bruised spinal cord is only the beginning. Soon other changes begin to appear and to grow progressively more severe. Within four hours these changes will produce a permanent destruction of the nerve fibers and cells.

The stories of two actual patients will illustrate the importance of these points. Billy Hill was 15 years old when he dived into a shallow pool, struck his head on the bottom and broke his neck. His arms and his legs became totally paralyzed. He lost all feeling from the neck downward over his trunk and all four extremities. His bladder was paralyzed. Fortunately he fell into competent hands. He was transferred from northern Indiana to Chicago, and was admitted to our hospital within three hours after he became paralyzed. The fractured spine was reduced and medicine was given to reduce the swelling of his spinal cord. Shortly thereafter slight sensation returned to one toe. Gradually he improved and movement began to return. Two months after his injury he was able to stand and walk. His recovery has since been completed. He has returned to school and plays his guitar.

How different is that happy story from another. A young man thirty-five years old was injured in an automobile accident. On admission to the hospital in the evening his only complaint was of pain in the back of his neck. About midnight it was noted that movements of his legs were growing weaker. Soon he lost feeling in the lower part of his body and by 3 A.M. his legs and bladder were completely paralyzed. Subsequently he was transferred to another hospital which was better equipped to care for patients paralyzed by injury to their spinal cords. However, he did not arrive there until about 12 hours after his accident and over 5 hours after he had become totally paralyzed. Although the fracture of his spine was promptly reduced and he was given appropriate treatment he did not recover and still remains totally paralyzed.

Obviously the first requirement for prompt, adequate treatment is early, safe transportation to a medical center equipped to provide proper care. In this, Illinois has been the outstanding leader in this country. Under the direction of the Governor, Illinois has developed a system by means of which patients paralyzed by injury to their spinal cords can be carefully and quickly transported from any point in the state to the Spinal Cord Injury Center at the Northwestern Memorial Hospital here in Chicago. Transportation is by airplane, heliocopter or motor ambulance depending upon which form of transportation is best suited to the circumstances. Northwestern has long been interested in this problem. It has developed a special unit in the hospital for the care of these patients. This unit has a corps of doctors and nurses particularly trained in this type of care and intensely interested in these unfortunate patients. Although this system has been in operation only a short time it has already demonstrated its worth on many occasions. Illinois can take great pride in its intelligent leadership in this field. There is no question but that its plans will be imitated.

Fortunately the United States has finally awakened from its long sleep and is now beginning to do what most other civilized countries in the world have done long ago. But much still remains to be done. If we are to deal with this problem appropriately we must insure that every person paralyzed by injury to his spinal cord can be cared for in an appropriate spinal cord injury center. This will require that any person so paralyzed can be admitted to such a center regardless of his ability to pay, regardless of his race, creed or color and admitted within less than four hours after he becomes paralyzed. This will require that such centers be established throughout the United States so that no point will be more than four hours away. How many such centers will it take? Probably at least 50. They must be developed without any reference to political boundaries. These centers should be no smaller than 50 beds and no larger than 100. It is obvious that a center of this sort and size would not be reasonable in many of our smaller states. It is also obvious that the 15 year old boy injured in northern Indiana should be transferred to Chicago and not to Indianapolis. It is obvious that the Illinois plan in which persons injured in Cairo are transferred to Chicago is not the best plan. They should be transferred to St. Louis. It is obvious that the state of Nevada could not be expected to develop such a plan for transportation and such a center. It has too few citizens. Yet if you are paralyzed in an automobile accident while driving across Nevada you should be given the best possible treatment.

It may be asked, "Why a special spinal cord injury center? Why a center of this size?" Why not just provide for the care of these patients in every general hospital. The answer is that it can't be done. There are many reasons why a spinal cord injury center should have at least 50 beds. The care of these patients requires the attention of doctors and nurses particularly trained for this task, and equipment specially made for this purpose. The centers, too, must be architecturally designed to meet the needs of these patients. Just any doctor, any nurse and any hospital bed will not suffice. To continue with these will only insure that we will do the same inadequate job that we have been doing for years. No hospital can enlist the services of the doctors and nurses specially trained to deal with this problem if they only have a few patients of this type. It would be too expensive to do so and the professional personnel would not find enough to do to maintain their interests.

There are other important reasons for developing such centers. One is the patient himself. Spinal paralysis is a very discouraging thing. If the patient is going to do the most to recover, he must have hope that he can recover. The doctors and nurses can supply much of the optimistic atmosphere required, but not all. It is very discouraging to any paralyzed young man to be surrounded completely with perfectly healthy young men and women—particularly if the young women are pretty, sympathetic nurses. It is important that he be associated with other paralyzed patients. Thus he will realize that he is not alone. That others have the same problem. It is even more important that he sees other patients, paralyzed like himself, who are recovering. Nothing will bolster his spirits more or give him more determination to exert every effort than seeing someone else getting well.

Another important reason for the development of these centers is research. There are still many problems associated with spinal paralysis still be to be solved. Nothing will stimulate research, the desire to solve a problem, as much as the problem itself. The young doctors and nurses in such a center will become determined to do something about the problems with which they are confronted. Furthermore, the problems presented by various patients are different. All aspects of spinal paralysis will not become apparent from a few cases. And lastly, the patients themselves must be studied. Reliable answers can not be obtained from a few patients. The 15 year old boy cited earlier does not prove that the treatment given him was responsible for his recovery, nor that the same treatment would be successful with other patients. Neither can we rely on the laboratory animal for our answers. Studies on cats, dogs and monkeys must be made. But ultimately what is learned in the laboratory must be studied in man. We already know that what is true for the cat is not always true for the monkey. We can never assume that what is true for the monkey is also true for man until we have demonstrated that it is.

It may be argued that the plans incompletely outlined here are terrible expensive. Are they? No. They are not nearly as expensive as what we are doing now. The improved care resulting from the development of the spinal cord injury center at the Northwestern Memorial Hospital has dropped the average necessary period of hospitalization by more than 50 percent. The United States Army has estimated that a soldier paralyzed by injury to his spinal cord will require more than $900,000 for care in the course of his lifetime. It will not be necessary to cure many of these young men or even to shorten the hospital stay of those who can not be cured in order to pay for these centers and the research that will be required.

In view of the fact that these centers must ignore city and county boundaries and state lines, they must be organized and financially supported by the Federal Government. The question must immediately arise, "Isn't that socialized medicine?" and the answer is, "Certainly!" It might also be added that that is exactly why the spinal cord injury centers have been so successfully developed in England.

However, we must not permit ourselves to get hung-up on words. Although we have seldom called it that, we have had socialized medicine in the United States for longer than any of us can remember. What do you suppose the state hospitals for the mentally ill are? What were the tuberculosis sanitariums which were for so many years supported by the government? What are the institutions for the mentally retarded, the epileptic, the indigent sick and the many others who are unable to provide for their own care through the ordinary medical and hospital facilities. All of these are socialized medicine. We must never deny proper care to our ill and disabled because of words which have become offensive to us. Proper care for those with spinal paralysis is not now available. It can be supplied for all of those paralyzed in no other way. The responsibility of government is to do for the people what they can not do for themselves.

The question will also be raised, "Isn't it foolish to spend this money for this purpose when our Federal Government is already overspent." I would be the first to agree with anyone that waste in government spending must be abolished. I would agree also that it is foolish for the Federal Government to spend millions of dollars providing hospital care for people who are perfectly able to provide it for themselves just because they are over 65 years of age. Yet that is what we are doing. What do we do now with those men paralyzed by injury to their spinal cords that are sick with their kidney infections and bedsores and unable to work? We care for them in public institutions at public expense. Is that saving money? Or would it be better to spend less money to provide them with better care initially and either cure them of their paralysis or enable them to support themselves? Who is acting more fiscally intelligent? England where 85 per cent of these patients become employed or the United States where only a small handful of them do? Forget the misery, the pain and suffering and think only of dollars. The course we are now pursuing is financial nonsense. When Sir Ludwig Guttmann was asked by a member of Parliament to state in one sentence what he had accomplished, he said, "I have taken disabled, discouraged men and made them self-respecting tax paying citizens." How much longer must we wait for the United States to do likewise?

---

## WHAT DO WOMEN REALLY THINK ABOUT ABORTION?

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. HOGAN. Mr. Speaker, since the January 22 Supreme Court decision on abortion, this controversial issue has aroused the sense of justice in many individuals across the country.

In light of this controversy, I submit an article for the Record written by Mrs. Doris Revere Peters, that appeared in Columbia magazine in April 1973. This article clearly examines the stress felt by many women, and the emotional and psychological risk involved in an abortion.

The article follows:

### What Do Women Really Think About Abortion?

(By Doris Revere Peters)

The women's liberation movement has received so much publicity that every segment of society surely must be aware of its demands. The amount of coverage given to it in the media could lead some to believe that the movement represents a female majority.

Although many women agree with bits and pieces of their demands the majority of women is far from supporting all of its goals. Women's comments range from "I agree with women's lib on a few issues" to "I think they have made a contribution in getting equal pay for equal work." More often the statement is made: "I agree with them up to a point." And in the light of recent developments the "point" alludes to the movement's arguments in favor of abortion.

These feminists contend that most women believe in abortion. But is this contention true? What creditable measure is there for assessing the average woman's views and reactions to the new, easy abortion legislation?

Since the New York law was passed in 1970 and in light of the recent Supreme Court decision in January of this year, it appears that most of the reactions have come from men. One exception is Birthright, a nonsectarian organization devoted to helping mothers-to-be go through with pregnancies even under conditions which seem to be adverse.

One of Birthright's regional directors stated that the Supreme Court decision on abortion was "an uneducated one and not representative of the majority of the American people."

Another source documented by research indicates that the feminists' statistics are erroneous. According to Dr. Judith Blake, an internationally respected social scientist, most women do not favor abortion. In her recent analysis of how the overall American population views abortion, Dr. Blake, chairman of the department of demography at the University of California, concluded that 80% of the population "disapproves the legalization of easy abortion." Also contrary to the radical feminist line, Dr. Blake found that women under 30 as well as college-educated women have negative attitudes toward abortion.

The same study showed that the strongest promoter of easy abortion is the white, upper-class, liberal, educated, non-Catholic male. These results prompted Mary Kay Williams, editor of the Catholic Family Leader, to observe: "In the light of this discovery it well may be that the women's movement is playing into the hands of a group they often denounce as chauvinist."

Yet women by the thousands are having abortions. Who are they? Why do they have them? Now that the physical risk has been lessened, how do they feel emotionally and psychologically? Not enough time has passed to conduct a reliable study. And women understandably are reluctant to talk.

However one group has been verbal. Nurses. Just after England's abortion law was passed newspapers carried stories of nurses of different religious persuasions quitting their jobs because they found abortion procedures "horrendous."

In this country some hospitals are booked solid for months with abortions while genuinely sick patients are turned away or go on long waiting lists. Some nurses regard the demands made on nursing service by "this abortion business" as outrageous. Others resent the time given to abortion cases because it is taken away from other patients who are there to give life. But all agree that it is not only the physical demands.

"It is emotionally draining on all of us," explained a nurse who is planning a family herself. "No matter how disinterested or calloused a woman about to be aborted appears, there comes a time when she goes through some grave doubts. Maybe she is okay right up until the time the doctor injects the saline solution. The nurse is there to sustain her, to give her support. But it's difficult for the nurse to hide her own feelings. Very often the woman feels she is not doing the right thing and she looks to us for encouragement which we are unable to give."

Another nurse asked: "How can we work here and not be drained? In one room we must encourage a woman who already has had four miscarriages and who is hoping against hope that she will have a normal child. In the next room we have to console a 41-year-old woman who desperately wanted a baby and who just gave birth to a monster! From there we go to a girl who opted for an abortion and we have to throw away a perfectly formed fetus. It is not normal to expect us to frame that many attitudes and still be sincere."

One young registered nurse gave this reason for quitting a well-paying job: "I could not possibly go on ignoring the live fetuses or even putting the dead ones in buckets to be sent to the labs."

How does the woman who has had an abortion feel? Is she relieved or full of guilt? There has not been enough time for adequate sampling.

But two doctors, James H. Egan and Eugene J. Mahon, from the division of child psychiatry at St. Luke's Hospital in New York City have conducted a postabortion study. While it involved only 12 teenagers whose mean age was 15 years and 7 months, the investigation did reveal the presence of guilt feelings. Reporting their findings at the annual meeting of the American Academy of Child Psychiatry in New Orleans, the doctors found that a "lingering sense of guilt for having destroyed the fetus was present in many of the girls."

They held from three to five in-depth interviews with each girl. The study revealed that guilt prevaded the girls' dreams and found its way into their poems and short stories. In some of the teen-agers aggressive infantile behavior was the result of the guilt while in others it produced fears about the intactness of their reproductive organs and fertility, "fears that could be put to rest only by subsequent pregnancy."

Additional conclusions reached by the doctors were the following:

"It is surprising that such an important event in the developmental life of a young girl is met with so little help from parent, peer or professional.

"To offer elective abortion to an adolescent without offering counseling to her family and boyfriend and of course herself is to prepare her for a postabortion period of guilt, ambivalence and depression that may have significant effects on her behavior and personality.

"It is not surprising that the awesome existential facts of pregnancy and abortion should produce profound but subtle change in an adolescent's psyche."

Continued exploration of the psyche may prove how unnatural and harmful abortion can be.

---

## BAFALIS REINTRODUCES BALANCED BUDGET AMENDMENT

## HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. BAFALIS. Mr. Speaker, today I am pleased to reintroduce my proposed anti-deficit spending constitutional amendment, House Joint Resolution 332, to permit 17 of my colleagues—both Democrats and Republicans—to join as cosponsors.

This amendment, which I first introduced on February 8 in an effort to force the Congress to live up to its responsibility of balancing the budget, now has the backing of 30 Congressmen:

James Abdnor, Republican of South Dakota.

William Armstrong, Republican of Colorado.

Clair Burgener, Republican of California.

O. C. Fisher, Democrat of Texas.

Jim Haley, Democrat of Florida.

Robert Hanrahan, Republican of Illinois.

Robert Huber, Republican of Michigan.

William Hudnut, Republican of Indiana.

Earl Landgrebe, Republican of Indiana.

Trent Lott, Republican of Mississippi.

Manuel Lujan, Republican of New Mexico.

James Mann, Democrat of South Carolina.

Paul McCloskey, Republican of California.

Carlos Moorhead, Republican of California.

Stan Parris, Republican of Virginia.

J. Kenneth Robinson, Republican of Virginia.

William Walsh, Republican of New York.

LaMar Baker, Republican of Tennessee.

James Collins, Republican of Texas.

John Conlan, Republican of Arizona.

Philip Crane, Republican of Illinois.

Edward J. Derwinski, Republican of Illinois.

Harold V. Froehlich, Republican of Wisconsin.

William Ketchum, Republican of California.

John Rousselot, Republican of California.

Dick Shoup, Republican of Montana.

Floyd Spence, Republican of South Carolina.

Steve Symms, Republican of Idaho.

David C. Treen, Republican of Louisiana.

It is good to have these gentlemen join me in the battle to fiscal responsibility to Government. To me this support means that the demand for sound spending practices is not limited to one party, or one area of the country. These cosponsors represent all segments of the population and all geographic areas and almost every shade of political philosophy. Certainly, this must suggest the universality of the people's desire to see the Federal Government live within its means.

House Joint Resolution 332 states that—

> Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total estimated revenue of the United States for such fiscal year.

While this idea seems very simple, it would really put Congress on the spot. Instead of spending money for every program suggested, we in Congress would be forced to set priorities—to look at every program in terms of dollars and cents, in terms of its value in relation to other needs and in terms of the limits on the resources of the people.

The overwhelming response to this legislation has been most heartening. I have received letters from people across the country in support of House Joint Resolution 332 and a balanced budget. I am confident that, if this amendment is adopted by this Congress and ratified by the States, it will be a big step toward cutting back inflation and returning our economy to solid ground.

## FREEDOM OF THE PRESS, PEKING STYLE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. RARICK. Mr. Speaker, those great oracles of the public right to know, the New York Times and the Washington Post, have already learned that the Red Chinese regime does not recognize the first amendment freedom of the press.

The Communist Party of mainland China has reportedly threatened to retaliate against the two American newspapers because they dared to print an ad from Americans of Chinese descent which was critical of the President's new China policy in importing a bunch of Red Party diplomats into the United States. The threat reportedly is to deny the two American newspapers a news bureau in Peking.

The tragic note of the whole incident is that the free Chinese had to pay for their aid, while the Red Chinese retaliation to suppress free speech got free news coverage.

If either of the two papers forsakes their free press heritage in order to accept the bribe of a newsdesk in Peking, then their readers should know that the dispatches sent from the bureau are just as accurate as the Peking government will allow. That is freedom of the press, Communist style.

[From the Washington Post, May 17, 1973]

CHINA THREATENS NEW YORK TIMES OVER ANTI-PEKING ADS

(By Anthony Astrachan)

NEW YORK, May 16.—China threatened The New York Times today that the government will not allow the newspaper to open a bureau in Peking unless it stops running anti-Peking advertisements.

A. M. Rosenthal, managing editor of The Times, said he had told a Peking diplomat here that The Times regards freedom of political advertising as part of freedom of the press and that The Times will continue to accept such ads.

The Times, which has been allowed to send more correspondents to visit China than any other American newspaper, has long sought a bureau in Peking.

Rosenthal said the Chinese had indicated several times in years of "rather informal dealings" that they were unhappy that The Times printed advertisements from "reactionary Chinese groups" in America and Taiwan.

Assistant managing editor Seymour Topping, an old China hand who did the informal negotiating, told the Chinese each time that the newspaper regarded the acceptance of such ads as important in maintaining a free press.

Rosenthal was requested to come to the Chinese mission to the United Nations by Chou Nan, a first secretary who is one of the mission's best English speakers and handles most of its dealings with the press.

Chou told Rosenthal that his government had instructed him to tell the managing editor that it considered these advertisements unfriendly acts which militated against better understanding between the peoples of China and the United States.

Chou emphasized that Peking considered that such advertisements ran counter to the goal of exchanging newsmen between the two countries.

He said The Times should know how the Chinese government felt and stop running the ads.

Rosenthal said Chou asked "if he had made himself perfectly clear. I told him, 'Yes.'"

Rosenthal also repeated the belief that a free press is vital in this country, including freedom of political advertising, and that those who own the presses have an obligation to make space available to people who do not.

The managing editor said he also showed Chou advertisements The Times had run from Communist governments, including one featuring a message from President Kim Il Sung of North Korea and others from critics of The Times.

He then asked directly: "Does this mean we will not be allowed a bureau in Peking?"

Rosenthal said Chou smiled and said he had nothing to add to his first statement, "But you can draw your own conclusions."

Chou had with him an ad from the May 10 New York Times in which "The Chinese Consolidated Benevolent Association" protested the establishment of the new Chinese liaison office in Washington.

The Washington Post which has also requested permission to establish a bureau in Peking, ran a similar ad May 10, from the Association of Free Chinese in the United States. The Post said today that like the Times, it has always regarded freedom to advertise as part of freedom of the press and would continue to accept political ads that were in good taste and factually accurate.

## BRITISH JOURNALIST HENRY BRANDON COMMENTS ON WATERGATE AFFAIR

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. BRADEMAS. Mr. Speaker, the repercussions of the Watergate affair and the other misdeeds of persons associated with President Nixon are being felt far beyond the boundaries of our country.

On a visit to England recently, I found much attention being given by the most respected British journals to the present crisis of confidence in the President.

One of the most perceptive foreign observers of the American scene, Henry Brandon of the Sunday Times of London, wrote an article from the perspective of his 23 years as a journalist in the United States in which he said:

> For the first time in twenty-three years, I sense a fear that the government may be rotten at the core.

I wish to call Mr. Brandon's article to the attention of my colleagues and at this point, Mr. Speaker, I include it in the RECORD:

WHY THE MORALITY DISAPPEARED

(By Henry Brandon)

Every day brings new tawdry revelations about the moral and political corruption of President Nixon's re-election campaign and of the men who ran it. But the centre of the debate has now shifted to the President's own future. Can he salvage his own prestige? Can he prevent the disintegration of his own Administration? Can he stave off the kind of constitutional crisis that has already begun to undermine orderly government?

Americans are asking such questions. They are well aware of how much depends in this world on a well-functioning US government, and how much their own fate is involved. Profound worry is mixed with disbelief at the moral insensitivity of the men around the President; sadness goes hand-in-hand with a firm conviction that the full truth must be exposed to the light of day.

NIXON NOT POPULAR

Mr. Nixon is not a popular President. The residual sympathy he enjoys in this situation therefore does not go deep. But their basic patriotism and their own sense of security tend to make most Americans rally in support of the Presidency in a time of crisis. So far the President has not given them the explanation of his own innocence that they need. All they know at this moment is that he, his administration and, as a consequence, the United States is in deep trouble.

Every day that passes without the President setting public concern and suspicion at rest, will make it more difficult for him to recover public confidence. Some of his close friends have advised him not to await the indictments by the grand jury, as he has said publicly he is going to do, because he must know by now in his own heart, whom he still trusts and whom he can no longer trust.

Two prominent figures, evangelist Billy Graham and president-elect Chesterfield Smith of the American Bar Association, asked President Nixon to appoint an independent investigator. Several Republican members of Congress warned that unless the White House is cleaned out, support for the administration's programme in Congress and political support for Republicans in the next elections will be seriously damaged.

One American columnist, a lifelong friend and admirer of Mr. Nixon's, told me yesterday how sick at heart he is, how humiliated and ashamed he feels. He is now waiting impatiently for the President to act decisively and so restore his credibility, but he has begun to wonder whether Mr. Nixon may not still believe that he can bluff his way out of this sordid cul-de-sac. It was a cri de coeur from a once proud conservative and Republican.

Could it be that the President still adheres to the belief, that as he wrote in his book "Six Crises": "The man in political life must come to expect the smear and to know that, generally, the best thing to do about it is to ignore it—and hope that it will fade away."

There is widespread agreement now that, above all, the President must provide convincing proof that he had no knowledge of the Watergate bugging affairs and that he did not knowingly participate in the subsequent cover-up operation. He has also been asked in many quarters and, most specifically yesterday by the Association of the Bar of the City of New York, to appoint an independent lawyer as a special prosecutor to conduct an independent investigation of the Watergate bugging case since the Department of Justice cannot be considered impartial and a conflict of interest exists.

### PRESIDENTIAL NEGLIGENCE

There is no doubt that the proper judicial processes are being overtaken by investigative news reporters, but, to a large extent, this is due to President Nixon's own neglience. There were ample reasons for him to initiate the kind of investigation he started on March 21 much earlier and to confront his aides with the right questions sooner, but Mr. Nixon is known to loathe unpleasant personal confrontations. He has a habit of avoiding them and leaving them to his aides. Maybe when it came to confronting those he had trusted most—men like Haldeman (the White House chief of staff); Ehrlichman (the White House chief domestic adviser); and Dean (Pres. Nixon's counsel)—men whom he had used as his own instruments to confront others, he prevaricated for as long as possible.

The President should have been aware that rightly or wrongly, his integrity and his intellectual and moral honestly have always been considered his weak points, especially by the Opposition. It was obvious that in the current scandal these qualities would, justifiably again be placed in serious doubt because of the number of unanswered questions and the mounting evidence of wrongdoing.

Such questions are not asked out of spite by the Press, which has experienced so much abuse by the Nixon Administration, but to make the President in his isolation realise how far the doubts and suspicions among the public have gone.

Under the American constitution there is no "flexible response," to use a term of nuclear strategy, in dealing with presidential misconduct. It can either be ignored or he can be impeached by the House of Representatives and tried by the Senate—but there is no form of limited censure.

Although no evidence has so far come to light directly implicating the President, public opinion polls show that four out of every 10 Americans believe Mr. Nixon had prior knowledge of the Watergate affair. It proves that even as a president Mr. Nixon has not made an impression as a man of great principle or substantial character. It also proves that he is hurt personally by a crisis of confidence in himself and in his judgment. The men he chose to run his official household clearly were unsuited to be entrusted with such high responsibilities.

### NIXON ADVISORS INEXPERIENCED

Nobody can quite understand how men on whom such powers were bestowed by the man who inspired such loyalty in them, could have gone astray in such a monumentally crass way. In contrast to most of the earlier White House scandals, in this case nobody is accused of having tried to line his own pockets. The crimes committed were all done to ensure Mr. Nixon's re-election.

The best explanation is that Mr. Nixon's entourage is almost devoid of men with political experience, a surprising choice by such a veteran politician as the President. He has surrounded himself instead with tough-minded managers and huckster-type public relations men. The power they wielded inspired little respect. They used it in what many came to feel an autocratic manner to run the entire administration from a very few desks in the White House. The believed in the arrogance of power rather than in its fallibility. They were also contemptuous of politicians and therefore skeptical of that indefinable quality: the public appeal of public men. They were trained to have only confidence in the manipulation and the selling of politicians, not in their innate qualities, and they proved that anything goes when it came to ensure Mr. Nixon's and, in effect, their own, victory.

As a consequence, they had no feel for what is and what is not possible or permissible in politics. It made it hard for them to conceive the role of moral principles in politics and the restraints that exist in politics on deception and on the uses of unlimited funds. To enable them to deploy their power at will, Haldeman and Ehrlichman surrounded themselves with young men, equally cynical and unscrupulous and also without political experience. They were "doers," who would carry out their orders without questioning them. They were enthusiastic, rather efficient opportunists, who had no judgment of their own, who had never earned as much money as they did in the White House and so saw themselves as transmission belts of Presidential power.

They had little respect for the political system, for the game of politics, or for politicians and they treated members of Congress and the Cabinet accordingly. This also explains why the "palace guard" in this supreme crisis elicits so little sympathy anywhere.

During the election campaign, one cabinet member was given orders to attack George Meany, the labour leader, who was said to have made a disparaging remark about the President. He was given a prepared text for the attack and told where to deliver it. The cabinet member then got hold of Mr. Meany's speech and did not find it disparaging of the President. So he called one of the junior "palace guard" and told him that he had decided against making the speech. It did not take long for him to realise that he was being blackballed in various ways.

For a time, Mr. Nixon kept some of his friends among the political pros at his elbow. Men like Bryce Harlow, Robert Finch and Donald Rumsfeld all used to be close to the President. They would all have advised strongly against the conspiratorial approach to the election campaign. But they were gradually squeezed out by Haldeman and Ehrlichman until no politician was left in the White House who understood what it means in the old-fashioned way to pull political strings. A White House without politically experienced men is like a turbine without pressure gauges.

What further complicated relations within the "palace guard" was the rivalry that existed between Haldeman and the former Attorney General, John Mitchell, and their respective staffs. Each considered himself the principal power centre, but, at least on the surface, when Mitchell resigned last July, allegedly because he wanted to spend more time with his wife and daughter, Haldeman reigned supreme. Staff loyalties, however, continued to remain divided and the 34-year-old John Wesley Dean, an eager, hard-driving man with a boyish charm, who had been placed into the White House by Mitchell, remained loyal to his former boss.

### JEB MAGRUDER ROLE

When the 38-year-old fresh-faced but rather insecure Jeb Stuart Magruder, a Haldeman protege, began to incriminate Mitchell and Dean as participants in the planning of the Watergate bugging operation Dean immediately warned that he would not be made a "scapegoat" and began pointing the finger at Magruder and Haldeman.

Magruder, who has experience in merchandising cosmetics and women's hosiery, since then has privately explained that the only reason he decided to tell the prosecutors the truth was because President Nixon had asked all those involved to confess the truth. More accurately, though, it was after he had heard that an underling had begun to "sing" that he decided to tell his side of the story in his own defence. And so the floodgates which the "palace guard" had assumed were well bolted, were kicked open by a man whom Haldeman had counted among his most loyal and reliable colleagues.

It was from this point on that Haldeman and Ehrlichman—the true spear bearers in the "palace guard"—began to feel endangered. By now they have not only lost the loyalty of their own team, but they have aroused the ire of a, maybe naive, but honest, ex-mariner, the former acting FBI Director, Patrick Gray, whom they used to destroy two folders of documents which they considered too "hot" to keep in the White House. One of the documents included fabricated State Department cables designed to implicate the late President Kennedy in the 1963 political assassination of South Vietnamese President Ngo Dinh Diem. The other was a dossier on Senator Edward Kennedy and the Chappaquiddick accident. Gray, now in his righteous anger, is another loyalist willing to tell the truth to the prosecution.

It has been known before that the Watergate conspirators had also been involved in collecting a "dirty file" on Teddy Kennedy, just in case he got the presidential nomination, but it was news that they had gone as far as faking State Department cables to damage the Kennedy name.

Haldeman and Ehrlichman have now succeeded in persuading President Nixon to postpone any drastic steps, including their own resignations. They do not only have an extraordinary hold over the President, they are also his own last ditch defence. Much of his own ability to clear himself of all complicity may depend on them.

To a large extent, the functioning of the Nixon administration depends on these two men, such has been the concentration of the decision-making process, such has been Mr. Nixon's habit of delegating power. Even in the field of foreign affairs, Dr. Kissinger depends to some extent on Haldeman in clearing certain decisions that affect his own operation and the State Department or the Pentagon.

Haldeman dislikes the star quality Kissinger has acquired, dislikes the liberal friends he consorts with, and at times has let it be known that Kissinger's relations with the President have become strained; but he also recognised the extent to which the President depends on Kissinger and, in the end, that remained the decisive factor even for him.

Kissinger's reputation remains totally untainted by what happened at the other end of his corridor, where Haldeman has his office, and so is that of Treasury Secretary George Shultz and that of other members of the cabinet, with the exception of Attorney-General Kleindienst, who is likely to go, if and when the President decides on a drastic house cleaning. But they all feel crippled by the fact that the President is crippled.

There is a gloom in the White House such as I have not seen it in all the 23 years I have been in this city. The great crises of the past electrified the atmosphere, created great tension, but there was always an inner confidence in the ultimate ability of the President to act and to govern. I remember an interview with President Johnson during the Tet offensive in Vietnam when he looked ashen and could hardly speak; I remember the extreme but quiet tension during the Cuban missile crisis; the despair during the McCarthy days in the early fifties and the determination to act after the invasion of South Korea. But I do not remember sensing a fear that the government may be rotten at the core.

It is therefore high time that the President restored the sanctity of his office, offered solid proof of his innocence and restored the credibility of his administration. He must also clean out the Augean stables and surround himself with men who have a broader vision, a greater sense of morality and a better grasp of the American political system and what is expected of the President. It will not be easy to find these men in this situation.

It may be a hopeful sign that Mr. Nixon has now turned to an outside lawyer, the 70-year-old John J. Wilson, and entrusted him with the task of determining whether his principal aides are implicated in the scandal.

Two key figures, Patrick Gray and Jeb Magruder, resigned on Friday, but it is difficult to imagine that Dean and Erlichman—who handed Gray the two Kennedy folders to burn—are not directly implicated.

Following Gray's forced resignation. President Nixon immediately appointed William Ruckelshaus as the new (acting) head of the FBI—and for more reasons than that he has been up to now head of the Environmental Protection Agency.

Mr. Nixon now seems more isolated than ever before. Even though he flew off yesterday to inspect flood conditions in Mississippi as if he had nothing more serious on his mind, he cannot ignore, however much he may want to, that he himself is in danger of drowning.

---

## MILITARY RANKS ATTRACT FEW BLACKS

## HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. MITCHELL of Maryland. Mr. Speaker, there are those who purport to be "liberal spokesmen" who oppose the All-Volunteer Force on the grounds that the draft is in the best interests of the poor and the black. Nothing could be further from the truth than this paternalistic argument. In the past, the proportion of blacks among draftees has always been greater than the proportion of blacks among enlistees. In addition, the ability to escape military service through deferments and medical exemptions has consistently been more readily available to the educated and affluent.

Under the draft, young men and their families were forced to serve at poverty level wages, while the defense dollar went to hardware, machinery, and pay increases for the senior grades. Today, the lower ranking enlisted man is given a fair salary, which allows him to support his family with a certain measure of dignity.

The real problem is not the continuation of the Presidential power to draft—it is the persistent lack of equal opportunity in the Armed Forces. Although some improvements have been made in recent years, minority group recruitment and advancement still lags badly. These topics were highlighted in a recent article entitled "Military Ranks Attract Few Blacks," and I ask unanimous consent that it be included at this point in the RECORD.

[From the Chicago Tribune, April 29, 1973]

### MILITARY RANKS ATTRACT FEW BLACKS

(By Robert Enstad)

A few years back, the best opportunity available to a young black with a college degree was an Army career. This situation has changed as the Army and other branches of the military fight a losing battle with industry to attract educated blacks and other minority-group members to their ranks.

The blunt fact is that the armed services, which statistically look lily white, especially in the officer ranks just can't attract the minority-group people they would like. And the fear that an all-volunteer Army which became a reality on Jan. 1, would become a haven for America's minorities is not coming true.

"The minority community of this nation isn't banging the door to get in," said Lt. Col. Donald Williford, a black in charge of the Army's minority-officer procurement program. "Our biggest problem is one of awareness, of letting the minorities know that the Army is no longer World War II or Korea, that the Army is educationally oriented."

The story is the same for the Air Force, the Marines, and the Navy, which also are trying desperately to increase minority-group representation in their enlisted and officer ranks.

According to CWO John L. Beverley, the Navy's minority-programs officer for Illinois, the Navy is still fighting its old image of an institution that didn't accept blacks, which was true until 1942.

"Many blacks will question us and ask where their advancement will be in the Navy," said Beverley. "Our biggest problem is trying to erase that old image of segregation and discrimination, of blacks who served in the Navy being mostly cooks and stewards."

Minority participation in the armed forces as of last June 30 was roughly the same as their percentage or the nation's population. The figures were 87.2 per cent Caucasian, 11.1 per cent black, and 1.7 per cent from other minority groups.

However, most minority-group members were enlisted men, and the percentage of black enlisted men in the Army was several percentage points above their percentage of the total population.

Only a tiny fraction of officers were black. The Army led with 3.9 per cent of its officers, followed by the Air Force, 1.7 per cent; the Marines, 1.5 per cent; and the Navy, .9 per cent.

The Army figure reflected only a .7-per cent increase in black officers since 1964, a period in which the Army and the other military branches established special recruiting efforts to attract blacks, Spanish-speaking Americans, Orientals, and American Indians.

Why have these efforts had so little success?

According to Williford and Maj. Lazelle E. Free and Lt. Alfredo Brown, both of the Army's 5th Recruiting District human-relations office, the Army's failure is caused by:

The requirement of a college degree to get into the Army's officer program.

Anti-Army attitudes that grew out of the Viet Nam war.

Peer-group pressure not to join the military.

Lack of prestige among blacks in being an Army officer. Many blacks "never think of themselves as wearing anything more than stripes in the Army," Brown said.

New opportunity in industry for educated blacks.

Why is it so important that the Army have more black officers? Seventeen per cent of the Army's enlisted personnel is black, and these men cannot find enough black officers with whom to relate.

"When you try to spread the minority officers among different parts of the Army you don't have enough," said Williford. "The enlisted man can't see enough of them to say, 'Hey, he has done something. I want to be like him.' "

Ironically, the Army's own higher standards for enlisted men are making it more difficult to enlist minority-group members in those ranks. Starting this year the Army is recruiting only a small percentage of men without high school degrees and is being more strict about accepting young persons with minor police records. This means that such persons, who often are from minority groups, can no longer find an escape from their troubles and joblessness in the Army.

Said Lt. Col. Frank S. Westling, chief of staff of the Army's 5th Recruiting District:

"We used to allow recruiters to make phone checks of an applicant's police record. Now he must have some written proof. Repeated trouble with the law means he could be trouble for us. We want to avoid those people."

Westling and Lt. Col. James Clites, chief of recruiting for the 5th Recruiting District, believe the Army still has discrimination problems it must overcome if it is to attract more blacks. But they also believe the Army has made considerable progress at integration, and that this message hasn't gotten across to the black community. There are nine black Army generals, they point out.

"It is terribly important to us that the black go back to his community after his Army service and have good things to say about us," said Westling.

The one bright spot for military recruiters is that, while they are not doing as well as they like, they are doing much better than they were 10 or even 5 years ago in attracting minority-group members.

"Over-all, we are doing very well, considering where we were," said Beverley, the Navy recruiter. "As time goes on we will do much better."

### PERCENTAGES OF GROUPS IN ARMED SERVICES

The following table shows how much minority-group participation there is in the armed services. The figures are for last June 30, the latest figures available from the Department of Defense.

These figures have changed somewhat, especially since the military has been cutting down on its strength since the end of the Vietnam war.

The category of "others" includes Spanish-speaking Americans, Orientals, and American Indians.

[In percent]

| | |
|---|---|
| TOTAL IN ALL BRANCHES OF THE MILITARY—2,311,194 | |
| Caucasians | 87.2 |
| Blacks | 11.1 |
| Others | 1.7 |
| ARMY ENLISTED MEN TOTAL—686,695 | |
| Caucasians | 81.9 |
| Blacks | 17.0 |
| Others | 1.1 |
| ARMY OFFICERS TOTAL—121,290 | |
| Caucasians | 95.7 |
| Blacks | 3.9 |
| Others | .4 |
| NAVY ENLISTED MEN TOTAL—510,669 | |
| Caucasians | 89.0 |
| Blacks | 6.4 |
| Others | 4.6 |
| NAVY OFFICERS TOTAL—73,155 | |
| Caucasians | 98.7 |
| Blacks | .9 |
| Others | .4 |
| AIR FORCES ENLISTED MEN TOTAL—599,774 | |
| Caucasians | 86.6 |
| Blacks | 12.6 |
| Others | .8 |
| AIR FORCES OFFICERS TOTAL—121,674 | |
| Caucasians | 97.7 |
| Blacks | 1.7 |
| Others | .6 |
| MARINE CORPS ENLISTED MEN TOTAL—178,395 | |
| Caucasians | 86.1 |
| Blacks | 12.6 |
| Others | 1.3 |

MARINE CORPS OFFICERS TOTAL—19,542

| | |
|---|---|
| Caucasians | 98.0 |
| Blacks | 1.5 |
| Others | .5 |

## SCIENTIFIC MERIT AND BIOMEDICAL RESEARCH

## HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. DRINAN. Mr. Speaker, on other occasions I have addressed the administration proposals to reduce funding for biomedical research, both in the form of total funds available for grants and by eliminating National Institutes of Health research training grants. Another proposal has been offered by the administration, that while less obvious than budgetary reductions, deserves most serious consideration.

It has been proposed that the current grant system employed by the National Institutes of Health be replaced with a contract system, thus eliminating the primary function of the NIH "Peer Review System" that presently controls the awarding of research grants. A number of university-based medical research institutions and researchers have challenged these proposals, claiming that their result would be to significantly increase funding for industrial research projects without due regard to scientific merit.

One such critic is Dr. Jerome Gross, a professor of medicine at Harvard Medical School and a biologist at the Massachusetts General Hospital in Boston. I would like to share with my fellow Members of Congress the views of Dr. Gross, who spoke before the hearings I held on proposed cuts in Federal medical programs on May 5, 1973, in Newton, Mass.:

### COMMENTS OF JEROME GROSS, M.D.

As a member of the professional biomedical community I wish to comment on what I see as an increasingly destructive trend in the philosophy and procedures for federal funding of research, particularly basic research in the biomedical sciences.

To introduce myself, I am Professor of Medicine at Harvard Medical School and Biologist at the Massachusetts General Hospital. My major area of interest deals with the biological and biochemical mechanisms of growth and development which are involved in crippling birth defects, structural deformities resulting from chronic diseases and failure to heal properly, and the mechanisms of aging.

Regarding the cut-back in funds for biomedical research, it has been easy to accept the too obvious explanation that this particular area of governmental support is being treated uniformly like all others undergoing fund reduction. This argument might be acceptable if it weren't for the fact that the trend began at least seven years ago during the Johnson administration. Some of us became aware of increasing pressures to encourage contracts, targeted practical research, to cost account the benefits of research and to answer the question, "why can't we admipister our research along the lines of the Department of Defense"? There were at that time trial balloons raised at the NIH, questioning the desirability of the Peer Review System and tentatively proposing the use of "in house" administrative evaluations of quality and desirability by NIH staff scientists and administrators. In 1966 this hospital was visited by 3 paid industrial consultants to the National Institutes of Health for the purpose of seeing how our research capabilities might be coordinated with those sectors of the aerospace industry which would relate to biomedical research and development. We were told of the advantages of contract type research, of how the NIH Peer Review System really functioned on the basis of cronyism and special "in" privilege; ergo, why don't we get smart and administer our research more in line with industrial procedures.

I suggest that with the rapid increase in research funds and potential for industrialization of health-related research there has been strongly increased pressure to obtain a much larger share of public research money and control for industry. Under the present NIH granting mechanism one wonders how research proposals from industry would have fared in the competition with universities on the basis of scientific merit. Under a contract system with ad hoc reviewing committees or "in house" administrative decisions, industry can be assured of a far larger share of the funds regardless of scientific merit—and a larger hand in the decision making.

In order to make this shift in fund mechanisms, the easiest procedure is to cut back research grant applications in order to force university investigators to accept contracts. In addition, opposition is most effectively eliminated by removing the key staff members at DHEW and the NIH who might fight the shift in policies through their long established relationships with congressional committees, executive agencies and the outside scientific public.

What further evidence is there for the existence of such a "game plan"? Published figures from the NIH show a progressively increasing shift toward research contracts of large size. The National Cancer Institute and the National Heart and Lung Institute, both of which have been fattened in their appropriations are increasingly going the large contract direction. The rest of the National Institutes of Health, still primarily operating through research grants, have been seriously cut in their appropriations, the net effect of which will mean reduction in the work of the study sections and the redirection of grantees toward contracts. In this manner the standing committee type peer review system is being automatically attenuated and the industrialization of the universities being effectuated.

The open contention that scientific merit and quality should not have top priority in the evaluation procedure is a built in philosophic feature of these trends away from a continuing national competition for research funds. Loss of faith in the ethic of quality will doom science to mediocrity, lead to high cost technological developments such as respirator tanks for the treatment of polio and the loss of low cost highly creative laboratories, such as that of John Enders who solved the problem of polio via basic laboratory studies supported by shoe string research grants.

If it is not possible to alter this trend away from competitive research grants and toward large administratively awarded contracts we should at least try to play an important role in attempting to establish a peer review mechanism for contracts based on quality and competition.

It is a well known secret that the Office of Management and Budget has recently prepared a memorandum for discreet distribution to certain NIH officials recommending abolition of the study section peer review system and the substitution of mail reviewers who are not associated with the particular field of the application, i.e. not knowledgeable. It is also strongly rumored that NIH committees are studying alternate plans for reviewing mechanisms. It is of vital importance that the NIH and interested congressmen receive serious impute from the outside with regard to the relative merits of the present Peer Review System and useful modifications. There certainly has been relatively little open debate and discussion of this vital subject now in the backwash of budget cuts.

## LOUIS GOLDBLATT MERITS RETAILER OF THE YEAR AWARD

## HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. ANNUNZIO. Mr. Speaker, on May 10, 1973, Louis Goldblatt, president and chief executive officer of Goldblatt Bros., Inc., received the National Brand Names Retailer of the Year Award at the Annual Awards Banquet of the Brand Names Foundation.

The coveted Retailer of the Year Award denotes marketing of the finest quality and widely diversified general merchandise, as well as leadership in advertising and promotion, business relations, continuity of finest standards, employee training programs, community interest, and participation in civic and cultural affairs.

It is an award justly deserved by Goldblatt Bros., Inc., for the high standards—in policy and practice—maintained over the years by that company having served the best interests of the consumer by giving him, along with courteous and efficient services, access to high quality merchandise at costs affordable by the average American.

Mr. Speaker, Lou Goldblatt began his career in his father's tiny neighborhood dry goods store in Chicago and this original $500 investment has been developed into a chainstore organization of 46 full-line department stores, located in four Midwest States, employing more than 10,000 people.

Lou Goldblatt is a distinguished American, and a humble and compassionate man. He has participated in every worthwhile endeavor in our community in order to help those who are in need of help. He is a great humanitarian who has always contributed generously to the betterment of the people of our community. He is an outstanding philanthropist who has been a strong supporter of such meritorious causes as cancer research, the cerebral palsy campaign, heart disease research, and other charities involving hospitals, clinics, rehabilitation centers, and medical research. Above all, he has never lost the common touch.

Mrs. Annunzio and I extend our heartiest congratulations to him, to his wonderful wife, and to the entire Goldblatt family for this well-deserved recognition. They have our best wishes for many years of good health and continuing fruitful service to the people of our great country.

## MINNEAPOLIS' URBAN AMERICAN INDIAN CENTER

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. FRASER. Mr. Speaker, last week ground was broken in Minneapolis for the $2.5 million Urban American Indian Center.

This new facility, the first of its kind in the country, will provide a uniquely Indian cultural and social setting in which urban Indian people can deal with their own needs on their own terms.

The following article in the Model City Paper provides additional information about the new Indian Center.

The article follows:

URBAN AMERICAN INDIAN CENTER GROUNDBREAK MAY 10

Ground will be broken May 10 for the Urban American Indian Center at Bloomington and Franklin Avenues, former site of the Adams Elementary School.

The 40,000-square-foot social service, cultural and recreation complex geared toward the needs of the urban Indian will be financed with a $2.5-million grant from the federal government, City of Minneapolis and Model City.

Actual construction will begin early this summer with completion projected for spring of 1974. Construction bids should be let around June 1.

Keynote speaker for ceremonies beginning at 2 p.m. is Don Cook, chairman of the Indian Center board of directors.

Representatives of the federal Department of Housing and Urban Development of the city and Model City will make brief remarks. There will also be an opening statement by Erv Sargent, coordinator of the center.

Leon Cook, chairman of the National Council of American Indians, members of the National Tribal Chairmen's Association and chairman of tribes throughout the Midwest have been invited.

The Indian Center is the first federally-funded project of its kind in the nation.

The structure's emphasis, that of a "common community pavilion," according to Jerry Johnson of the Partners, chief architects for the project, will be conveyed through the use of huge 1-by-6 foot hemlock beams in the ceiling.

The angular shape of the structure "came naturally," he said, given the site and building's planned uses. A full-sized fieldhouse that will accommodate everything from basketball to indoor tennis and baseball is set back on the site. It will have bleacher seating for 600.

Directly in front of the fieldhouse along Franklin Avenue, an open-air amphitheater will be located. Over 600 spectators can sit along its terraced sides and the ceremonial plaza will be large enough for 150 participants.

The western portion of the center doglegs out from the fieldhouse to blend with storefronts along Franklin Avenue. This wing will contain social services offices, an auditorium, central court-museum, library, small clinics and a guest house for visiting teams or lecturers.

Housed in the rear of the wing is a day care center for up to 60 children. It opens onto a courtyard, playspace and wading pool.

The center will also include a kitchen, lockers and meeting rooms.

The architects and board of directors have tried to incorporate as much natural material into the design and stucture as possible, Johnson said. Most of the interior will be skylighted, natural-finish wood siding will cover the exterior and sidewalks and ramps leading to the building wind around carefully existing trees.

Denby Deegan Associates of Bismarck, N.D., have been hired to lend an Indian motif to walls, floors and furnishings. Plans are being made to apply large Indian art abstractions to the exterior walls. Quarry tile, perhaps from Moose Lake, will be laid in the plaza floors.

Symbolic play equipment for the day care court is being designed "so the children will ask questions and learn about their heritage through the things they play with," said Johnson.

A pole, symbolic of a vertical Indian art object to be commissioned later, now stands before the building's scale model.

With the acquisition this year through Model City urban renewal money of additional open space east of the center, plans are being made to vacate 16th Avenue between Franklin and 19th Street to create a community mall for Indian events and fairs.

Two basketball courts, a volleyball court, small sand-lots and a 470-foot powwow ring will be developed and on open land.

---

## APATHY IN THE AUTO INDUSTRY

## HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. VANIK. Mr. Speaker, it is an economic fact of life that events in our automobile industry send shock waves throughout our entire economy. The Motor Vehicle Manufacturers Association of the United States proudly proclaims that 1 out of every 6 employed persons works in the manufacture, distribution, maintenance, and commercial use of motor vehicles; 1 out of every 5 of the Nation's 311,464 wholesale establishments sell automotive products: and 1 out of every 4 retail dollars is for automotive-related purchases. The impact of the Big Four is so pervasive that one analyst of the industry has quipped—

> When Detroit sneezes, the nation catches a cold.

It is in view of these facts that I am distressed to see the automakers reacting so lethargicly to the demands of the marketplace. The strength of our economy is founded on the vitality arising from the interaction of supply and demand forces. But the management of the Big Four appears content to devise their own standards. The recent developments regarding compliance with the Clean Air Act clearly illustrate this tendency. We have also seen Detroit's apathy in its continuing insistence on promoting high-priced, overpowered, inefficient automobiles.

The National Academy of Sciences recently reported on the automakers' poor attempts to meet the requirements of air pollution controls. The report concluded, in part:

> It is unfortunate that the automobile industry did not seriously undertake such a program on its own volitation until it was subjected to governmental pressure. A relatively modest investment, over the past decade, in developmental programs related to emissions control could have procluded this crisis that now prevails in the industry and the nation.

The vitality of the American automobile industry depends on a responsive management. I am very concerned that the apathy of the Big Four will ultimately cost the jobs of thousands of workers, as the consumer begins to look elsewhere for his automobile. The editors of the Washington Post apparently share my concern. I would like to submit to the RECORD a copy of their editorial which appeared in yesterday morning's editions:

AUTO MAKERS AND BUSINESS CATASTROPHES

The recent improvement in American exports does not entirely allay the rising doubts about the competitive performance of American industry. A large part of the improvement is owed to agricultural exports. The record of the American automobile industry is practicularly troubling. Up until 1968, the United States had always exported more motor vehicles and parts than it imported. But then things turned around and last year the country bought $3.5 billion worth of vehicles and parts more than it sold. That amount alone is more than half of the country's entire trade deficit for 1972.

The automobile industry's difficulties seem to go deeper than the conventional accounting of costs and demand. Successful competition is a constant process of rapid adaptation to new circumstances. The industry's struggles with the Clean Air Act offer an example—a small one, to be sure, but telling—of the way that it currently operates. The combined engineering skill of these huge companies has not produced an engine that can adequately meet the original 1975 standards of the act, which was passed three years ago.

The best that they could devise was an attachment known as a catalytic converter, which neither they nor anyone else trusted. The industry and its critics agreed that it offered the prospect of high cost, low efficiency, difficult maintenance and dubious effectiveness. General Motors protested that if it were forced to go into production with the catalytic converter, it would risk a "business catastrophe." The episode is something less than a monument to American technological genius.

There are four engines that appear to have met the original 1975 standards. Two are Japanese, and two are German. Not only are the Europeans and Japanese adapting far more rapidly to world automobile markets than the American manufacturers, but they are adapting faster to our own domestic market. The two German engines are diesels, one of which, incidentally, is made by GM's subsidiary. It should be noted that no diesel is likely to meet the act's restrictive 1976 standards. The Japanese Mazda, with its rotary engine, has met the 1975 standard with a thermal purifying system that somewhat diminishes performance but seems to offer more hope. Still more hopeful, Honda has developed a stratified charge system that not only meets the 1975 standards but seems very likely to meet the 1976 standards as well. In contrast, there is no American engine that even meets the original 1975 requirements without the catalytic converter that, to GM, threatens a business catastrophe. Americans have to begin wondering whether the business catastrophe here does not go considerably beyond the narrow issue of exhaust purification.

Many American industries continue to demonstrate brilliantly their ability to compete worldwide. Aircraft, computers and various other kinds of advanced machinery are doing very well abroad. But the automobile industry is a large enough piece of our national economy that its successes and failures have meaning for us all. Fortune Magazine has just published its annual list of 500 largest American industrial companies, and three of the top five are automobile companies. (The other two are Exxon and General Electric.)

Part of the American manufacturers' trouble arises, evidently, from their habit of putting extremely heavy engines in their cars. Efficiency is supposed to be one attribute of a good machine, but the recent gasoline mileage figures published by the Environmental Protection Agency show that in most weight classes the foreign imports tend to get significantly better mileage than American cars. In response, it might be argued that foreign manufacturers are designing their cars for markets where gas costs twice as much as it does here. But the American companies are making cars for a market in which both the government and the oil companies are now anxiously exhorting drivers to keep their tire pressure up and their speed down to avoid another kind of business catastrophe, a gasoline shortage this summer. The gasoline mileage of the average American car has dropped steadily in recent years.

American automobile makers usually react with hostility to the suggestion that they are producing the wrong kind of car. They keep saying that they are meeting the American consumers' taste. Meanwhile, of course, the level of imports keeps rising. The automobile industry is larger than ever, richer than ever, and central to American prosperity. But there is some grounds to suspect that it is a little less quick and flexible than it used to be, in responding to new challenges.

---

## LISTEN WORLD

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 1973*

Mr. HOGAN. Mr. Speaker, every year the Bowie-Crofton Optimists' Club conducts an oratorical contest, a praiseworthy event aimed at enriching the lives of young people by giving them valuable experience in public speaking. This year's winner was James Stascavage, a 12-year-old resident of Bowie, Md., and a student at St. Pius School there.

I would like to share Jim's speech with my colleagues because it illustrates so well the balance of optimism and concern that is felt by the young people into whose hands we shall deliver this country. I insert Jim Stascavage's speech, entitled "Listen World," in the RECORD.

The speech follows:

LISTEN WORLD!

(By James Stascavage)

"Ya pays yer money and ya takes yer choice!" So the barkers at the carnival would yell to the people that they were trying to con. Well—at my age I don't have the money to pay, or, at least today, the choice to take, But that doesn't mean that I don't have likes or dislikes.

For example, I don't like some of the false advertising we have on TV, in the newspapers and in the magazines today. In many cases, this is just propaganda that is waiting for the unsuspecting public. Ads that say that there are tremendous sales on household items oftentimes furnish the people with broken cheap goods that have exorbitant price tags. I'm not saying that all ads are wrong.

Many are honest and true, and aid the public in deciding which are the right buys. But still, who can tell whether or not they will be the victims of a bait-and-switch deal. That is, they show a beautiful piece of furniture on TV at a very low price—but!—When you go there the same piece of furniture is run-down and faulty. The salesman then shows you another piece—beautiful—but about three times more expensive! Hearing ads on TV and seeing them in the paper, who knows which is the truth and which one picks his pocket? These con-men exist even in the small rural towns and can get away with almost anything.

But I have other things besides complaints. I like the way you're taking notice of the pollution problems and helping to support ecology. I don't understand why you put up with people who still pollute our natural resources. I would be glad if we could go back to the Reconstruction Era just after the Civil War, but I guess that no one can stop economic development, not even you, World.

Pollution starts when factories try to compete with each other in the manufacturing of goods. They need electricity and take a good percent of it from the water in hydroelectric plants. The electricity is put to use in companies and corporations. But in many cases the owners of companies don't know where their wastes are going. Why don't you tell them World!

Many of our streams and lakes are cluttered with debris because some men were too greedy to worry about pollution. Lake Erie is so full of muck that lake trout, pike and pickerel die, float to the top and cause an organic pollution. People who bought homes on Lake Erie twenty years ago thought it would be a great recreation area. Then the companies moved in and turned it into one great big mess.

But the pollution in the water doesn't come from factories on land alone. Huge freighters and steamers leave big clumps of oil and waste floating in the oceans and lakes. Oil wells that float in the seas also leave their mementos to our age of civilization.

Praise is also due to your concern of the welfare of your people. Many poverty stricken children and adults die each day. But organizations such as Hope and Care help to save some of these people.

Poverty results when people have no money or valuables and no jobs to produce an income. With no income, their credit rating is zero and so are their chances of owning their own land and home. But when poor families get together they form a community called a ghetto. Organizations help, but while they can't completely eliminate poverty, they do get rid of a good part of it. With the help of people around the world, poverty will be a word of the past.

With these and other complaints and praises I give you credit for doing a very good job. You have your failures and your weaknesses, but you get straight A's in trying to keep yourself together for generations to come.

---

# SENATE—*Monday, May 21, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. ROBERT T. STAFFORD, a Senator from the State of Vermont.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who hast brought us to the beginning of a new week, remind us of our heritage as a "Nation under God." If we have strayed from Thy precepts, bring us back to the faith of our fathers, that with clean hands and pure hearts we may serve Thee aright. O Thou whose judgments are true and righteous altogether, keep this Nation and its people under Thy higher law lest we become a law unto ourselves and perish. Help us to worship Thee and Thee alone lest we make idols of ourselves or yield to false deities. May Thy spirit brood over us and move amongst us that in these days of destiny we may make Thy ways our ways. Not in our own but in Thy strength and wisdom help us to serve Thee.

We pray in Thy Holy Name. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 21, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT T. STAFFORD, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. STAFFORD thereupon took the chair as Acting President pro tempore.

## REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of January 29, 1973, Mr. MCCLELLAN, from the Committee on Appropriations, reported favorably, with amendments, on May 18, 1973, the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, and submitted a report (No. 93–160) thereon, which was printed.

Under authority of the order of the Senate of May 17, 1973, the following reports of committees were submitted:

On May 18, 1973:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

H.R. 5293. An act authorizing additional appropriations for the Peace Corps (Rept. No. 93–161); and

H.R. 5610. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes (Rept. No. 93–162).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 514. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data (Rept. No. 93–163).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 1201. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes (Rept. No. 93–164).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1385. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands (Rept. No. 93–165).

### MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 17, 1973, the Secretary of the Senate, on May 18, 1973, received the following messages in writing from the President of the United States:

Executive K, Ninety-third Congress, first session, Treaty With the Oriental Republic of Uruguay on Extradition and Cooperation in Penal Matters, signed at Washington on April 6, 1973;

Executive L, Ninety-third Congress, first session, an Amendment to Article 61 of the Charter of the United Nations, adopted by the General Assembly of the United Nations on December 20, 1971; and

Veto message, relating to the bill (S. 518) to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 17, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 296) to authorize the President to proclaim the last week of June 1973, as "National Autistic Children's Week," in which it requested the concurrence of the Senate.

### WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### VETO MESSAGE—S. 518

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a veto message which was laid before the Senate be spread on the Journal and held at the desk for later disposition.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Chair lays before the Senate a letter from the Secretary of the Senate which the clerk will state.

The assistant legislative clerk read as follows:

MAY 21, 1973.

*To the President pro tempore of the Senate:*

Attached hereto is a sealed envelope from the President of the United States, addressed to the President of the Senate of the United States, received by me at 3:00 p.m. on May 18, 1973, which purports to contain a veto message on the bill (S. 518), an act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget.

Very respectfully,

FRANCIS R. VALEO,
*Secretary of the Senate.*

The text of the message is as follows:

*To the Senate of the United States:*

I am today returning without my approval S. 518, a bill which would require Senate confirmation of those who serve as Director and Deputy Director of the Office of Management and Budget.

This legislation would require the forced removal by an unconstitutional procedure of two officers now serving in the executive branch. This step would be a grave violation of the fundamental doctrine of separation of powers. In view of my responsibilities, it is my firm duty to veto this bill.

Under present law, the Director and Deputy Director of the Office of Management and Budget are appointed by the President and serve at his pleasure. S. 518 would abolish these two positions effective thirty days after enactment and then provide for their immediate reestablishment. If the officers now lawfully occupying these Office of Management and Budget positions were to continue to serve, they would have to be reappointed by the President, subject to the advice and consent of the Senate.

The constitutional principle involved in this removal is not equivocal; it is deeply rooted in our system of government. The President has the power and authority to remove, or retain, executive officers appointed by the President. The Supreme Court of the United States in a leading decision, *Myers* v. *United States*, 272 U.S. 52, 122 (1926), has held that this authority is incident to the power of appointment and is an exclusive power that cannot be infringed upon by the Congress.

I do not dispute Congressional authority to abolish an office or to specify appropriate standards by which the officers may serve. When an office is abolished, the tenure of the incumbent in that office ends. But the power of the Congress to terminate an office cannot be used as a back-door method of circumventing the President's power to remove. With its abolition and immediate re-creation of two offices, S. 518 is a device—in effect and perhaps in intent—to accomplish Congressional removal of the incumbents who lawfully hold those offices.

Disapproval of this legislation is also required because of the nature of the positions it would subject to Senate confirmation. For over 50 years the Office of Management and Budget and its predecessor agency, the Bureau of the Budget, has been headed by a Director appointed by the President without Senate confirmation.

The positions of Director and Deputy Director of the Office of Management and Budget were established in the Executive Office of the President to provide the President with advice and staff support in the performance of his budgetary and management responsibilities. These positions cannot reasonably be equated with cabinet and sub-cabinet posts for which confirmation is appropriate.

The responsible exercise of the separate legislative and executive powers is a demonstration of the workability of the American system. But, if it is to remain workable, I must continue to insist on a strong delineation of power and authority, the basis of which is too fundamental to allow to be undermined by S. 518.

The point was made most succinctly by James Madison in 1789:

"If there is a principle in our Constitution, indeed in any free constitution more sacred than another, it is that which separates the legislative, executive and judicial powers. If there is any point in which the separation of the legislative and executive powers ought to be maintained with great caution, it is that which relates to officers and offices."

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1973.*

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the President be printed as a Senate Document.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### REMOVAL OF INJUNCTION OF SECRECY FROM TREATY WITH ORIENTAL REPUBLIC OF URUGUAY ON EXTRADITION AND COOPERATION IN PENAL MATTERS, AND ON THE AMENDMENT TO ARTICLE 61 OF THE CHARTER OF THE UNITED NATIONS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the Oriental Republic of Uruguay on Extradition and Cooperation in Penal Matters, signed at Washington on April 6, 1973 (Executive K, 93d Congress, first session), and the amendment to article 61 of the Charter of the United Nations adopted by the General Assembly of the United Nations on December 20, 1971 (Executive L, 93d Congress, first session), both transmitted to the Senate on Friday, May 18, 1973, by the President of the United States, and that the treaty and amendment with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and the President's messages be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the treaty and the amendment with accompanying papers will be referred to the Committee on Foreign Relations and ordered to be printed, as well as the

President's messages—which will be printed in the RECORD.

The texts of the President's messages are as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Extradition and Cooperation in Penal Matters Between the United States of America and the Oriental Republic of Uruguay, signed at Washington on April 6, 1973. I transmit also, for the information of the Senate, the Report of the Secretary of State with respect to the Treaty.

The Treaty significantly updates the present extradition relations between the United States and Uruguay and adds to the list of extraditable offenses both narcotic offenses, including those involving psychotropic drugs, and aircraft hijacking. Provision is also made for extradition for conspiracy to commit the extraditable offenses.

The Treaty will make a significant contribution to the international effort to control narcotics traffic. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1973.*

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the text of the amendment to Article 61 of the Charter of the United Nations adopted by the General Assembly of the United Nations on December 20, 1971, and set forth in General Assembly Resolution 2847 (XXVI).

I transmit also, for the information of the Senate, the report received by me from the Department of State with respect to the amendment.

Article 61 of the Charter relates to the composition of the Economic and Social Council of the United Nations and the election to membership thereon by the General Assembly. At present the Council is composed of 27 members as a result of a Charter amendment adopted in 1963, which entered into force on August 31, 1965. By the new amendment to Article 61, the Council membership would be increased from 27 to 54. A formula for geographic distribution of the seats on the Council is also set forth in the General Assembly's Resolution.

As in 1963, when the Council membership was enlarged from 18 to 27, the Economic and Social Council must be enlarged to take account of the growth of the United Nations Organization, with particular attention to the need for an equitable distribution of membership among the less developed countries.

It is in the national interest of the United States to ratify the new amendment to Article 61 with a view to making more effective the Economic and Social Council of the United Nations.

I therefore request the consent of the Senate to ratification by the United States of the amendment set forth in Resolution 2847 (XXVI).

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1973.*

## CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calender Order Nos. 146 through 150.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the first bill.

---

## PREDISASTER ASSISTANCE

The Senate proceeded to consider the bill (S. 1697) to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California, which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert:

### FINDINGS

SECTION 1. The Congress finds and declares that a freeze in December of 1972 killed tens of thousands of eucalyptus trees in the counties of Alameda and Contra Costa in California, that such trees are highly combustible and threaten to cause a major disaster, that State and local resources are strained to the point where all available funds are being expended, and that immediate Federal assistance is necessary to avert or lessen the effects of such a disaster.

### GRANTS

SEC. 2. (a) The President is authorized and directed—

(1) to make grants to units of local government and State and local public agencies in order to assist such units and agencies; and

(2) to reimburse them for assistance furnished prior to the date of enactment of this Act,

for the purpose of carrying out fire suppression, tree removal, and reforestation activities on public and private lands located in Alameda and Contra Costa Counties in California in connection with the threatened major disaster referred to in section 1. The amount of any grant under this subsection may not exceed the cost actually incurred by the grantee in carrying out such activities. There are authorized to be appropriated not to exceed $11,000,000 to carry out the provisions of this subsection. Any sums so appropriated shall remain available until expended.

(b) In addition to grants made pursuant to subsection (a), the President is authorized and directed to make grants to reimburse any owner of property located in Alameda or Contra Costa Counties in California for the lesser of the actual or reasonable cost of carrying out tree removal activities on his property prior to the date of enactment of this Act if such activities are directly related to the threatened major disaster referred to in section 1. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

### FEDERAL RESOURCES

SEC. 3. The President shall exercise the authority conferred on him by section 221 of the Disaster Relief Act of 1970 to assist units of local government and State and local public agencies in carrying out fire suppression, tree removal, and reforestation activities on public and private lands located in Alameda and Contra Costa Counties in California to avert or lessen the effects of the threatened major disaster referred to in section 1.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–153), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### HISTORY OF LEGISLATION

S. 1697 was introduced on May 3, 1973, and hearings were held by the Small Business Subcommittee on May 9, 1973. At these hearings testimony was received from Darrell Trent, Acting Director, Office of Emergency Preparedness; Edwin Meese III, executive assistant to Gov. Ronald Reagan; Hon. Ronald V. Dellums; Hon. Fortney H. Stark; William Hildebrand, chairman, Inter-Agency Advisory Committee and Assistant Civil Defense Director, Alameda, Calif.; Richard C. Trudeau, general manager, East Bay Regional Park District; Jay ver Lee, director, City of Oakland Park Recreation Department; Marge Gibson, vice-chairperson, Citizens Fire Hazard Committee, Oakland; Craig Chandler, Acting Directory of Emergency Operations, U.S. Forest Service, Department of Agriculture. The bill was reported without objection by the Banking, Housing and Urban Affairs Committee on May 16, 1973.

### EXPLANATION OF THE BILL

There exists the threat of a major fire in portions of Alameda and Contra Costa Counties in California, as a result of a severe freeze in December 1972 which killed 1 million eucalyptus trees throughout the area. The trees are highly combustible and experts fear if fire breaks out it could spread throughout the Metropolitan East San Francisco Bay area, causing up to $200 million damage. Critical fire season in northern California begins in July of every year. Before that time this year, emergency measures must be taken to minimize the threat of serious fire, which now is triple the "normal" danger because of the tinder-dry trees and thousands of pounds of debris which the dead trees are shedding. The actions which are necessary in the months ahead threaten to bankrupt property owners and local agencies if Federal aid is not made available. A request by the Governor of California for a Presidential disaster declaration, was denied on April 27, 1973. In the absence of a formal disaster declaration, only a special act of Congress can make Federal aid available to avert a disaster.

Section 1 of the bill outlines the finding of Congress that a threat of major disaster exists and Federal assistance is necessary to avert such a disaster.

Section 2 authorizes and directs the President to make grants to units of local government and State and local public agencies to perform fire suppression, tree removal, and reforestation work on public and private lands in order to reduce the fire threat. A maximum of $11 million is authorized for this work.

In addition, reimbursement to property owners is provided for actual or reasonable costs in carrying out tree removal activities on private property, prior to enactment. Such sums as may be necessary are authorized in this subsection.

Section 3 directs the President to exercise the authority conferred on him by section 221 of the Disaster Relief Act of 1970 to assist local governments and agencies perform necessary fire suppression, tree removal, and reforestation activities on public and private lands in order to avert or lessen the effects of a major disaster.

The enactment of this bill would go far in preventing a major disaster in the area of these eucalyptus trees. The committee recommends that the Senate take prompt action on this bill.

Mr. CRANSTON. Mr. President. I am pleased and encouraged that the Senate has taken this major step today toward alleviating an extremely dangerous situation which exists in the East San Francisco bay area of California.

S. 1697, which I introduced along with Senator TUNNEY on May 3, 1973, requires the President to furnish predisaster assistance in order to avert or lessen the effects of a major fire disaster in two bay area counties. The problem results from a freak December frost which killed about a million eucalyptus trees throughout 2,500 acres of public and private land. The tinder-dry trees, still filled with highly combustible eucalyptus oil, pose a monumental and unprecedented fire hazard.

Senator Tunney and I joined Gov. Ronald Reagan several weeks ago in requesting a Federal disaster declaration, to make available the aid and facilities of the Federal Government in averting a holocaust. State agricultural and forest experts have predicted that if fire breaks out during the critical summer fire season, the entire east bay metropolitan area could burn. Damage estimates range up to $200 million with possible loss of hundreds of lives.

The Office of Emergency Preparedness refused to recommend a disaster declaration to President Nixon. The reason given was that under section 221 of the Disaster Relief Act of 1970, which allows for predisaster assistance when the threat of disaster is imminent, the immediacy of the impending disaster has to be obvious to the OEP.

By everyone's admission, this is a unique situation in California. The disaster which threatens will clearly be a "major" disaster as defined by the law. But the imminence of it cannot be determined by a matter of days or weeks. The OEP apparently interprets the Disaster Act as meaning that predisaster assistance ought to be furnished by the Federal Government if disaster is reasonably certain to occur within 7 days. The fires which threaten to destroy perhaps 12 cities in the east bay, if not likely to occur within the next 7 days—so no Federal disaster declaration. Perhaps when summer comes, and a fire will threaten to break out in any 7-day time frame, OEP would be ready to declare an imminent disaster—but by then it would be too late to prevent it.

When this "reasoning" on the part of the President's disaster office became known to me, I introduced S. 1697 and scheduled hearings of the Small Business Subcommittee of the Banking Committee. At the opening of those hearings, the Acting Director of OEP, Darrell Trent, testified that amid the continuing pressures and publicity, President Nixon had agreed to reopen the administration's investigation of the Governor's disaster request. Perhaps the administration's interpretation of the Disaster Relief Act of 1970 could be made more flexible.

My purpose in introducing S. 1697 and holding hearings was to insist that the will of Congress in providing for predisaster aid to avoid disasters, be carried out by the administration. In responding to questioning at the hearings, Darrell Trent acknowledged that minimum financial support by the Federal Government in the form of predisaster aid can save untold millions of dollars in damage and save countless lives. A Federal disaster program does not necessarily have to consist just of a series of mop up operations after the fact. But the administration is extremely reluctant to spend those few dollars for preventive disaster work, apparently in an overzealous move toward economy in Government.

In my opinion, that decision flirted recklessly with lives and property of tens of thousands of Californians.

I believe that such speedy action by the Senate, in passing my bill just 18 days after I introduced it, will convince the President that the decision not to declare a disaster in Alameda and Contra Costa Counties a misinterpretation of Congress willingness to stand by while the administration once again ignores the will of the Nation's elected representatives.

I believe the legislative victory in the Senate today should be a major factor in convincing the President to reverse his decision. But if he still does not act—or if he responds with too little, too late—Congress authority and intention to provide relief will have been already set in motion.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## INCREASED LIMITATION ON FLOOD INSURANCE COVERAGE

The joint resolution (S.J. Res. 112) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding, was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1319 of the Housing and Urban Development Act of 1968 is amended by striking out "$4,000,000,000" and inserting in lieu thereof "$6,000,000,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93–154), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE OF LEGISLATION

The purpose of this joint resolution is to increase the authority for the Federal flood insurance program from the existing $4 billion to $6 billion.

### NATIONAL FLOOD INSURANCE PROGRAM

The program was authorized by section 1319 of the National Flood Insurance Act of 1968 which provided that the face amount of flood insurance coverage outstanding and in force at any one time shall not exceed $4 billion.

Reports from the National Flood Insurers Association, which administers the program under contract with the Federal Insurance Administration of HUD indicate that unless congressional action to increase the limitation of $4 billion is taken within the next few days, there will be no choice but to suspend the program.

Since the National Flood Insurers Association writes flood insurance policies through a network of "servicing carriers" (generally, one for each State) who, in turn, accept applications for flood insurance from all licensed property insurance agents and brokers, the disruption which would be caused by a stop order will be considerable, and the process of reinstituting the program correspondingly difficult.

The remarkable increase in the rate of flood insurance policy sales can be substantially attributed to public interest and concern following the devastating flood resulting from Hurricane Agnes last June, from a reduction in the price of flood insurance coverage initiated at about the same time, and from the increasing interest of banks and mortgage lending institutions in securing this flood insurance protection for properties upon which they place mortgages. As of January 1, it is a requirement that all FHA-insured mortgage loans on properties located in flood-prone areas carry Federal flood insurance; the Veterans' Administration is expected to follow suit shortly.

Although the increase in interest in the flood insurance program has been largely concentrated in Eastern States because of the connection with Hurricane Agnes, substantial increases in participating communities and policies in force are seen in other areas: In Missouri, number of communities increased 18 percent between June and December and policies in force by 4 percent; in Illinois, communities are up to 139 percent and policies up 178 percent; in Michigan, communities are up 250 percent and policies up 142 percent. Nationwide, the increases are 20 percent for eligible communities and 31 percent in policies in force.

## REPORT OF NATIONAL FOREST RESERVATION COMMISSION

The resolution (S. Res. 114) authorizing the printing of the annual report of the National Forest Reservation Commission was considered and agreed to, as follows:

*Resolved,* That the annual report of the National Forest Reservation Commission for the fiscal year ended June 30, 1972, be printed with an illustration as a Senate document.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93–155), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 114 would provide that the annual report of the National Forest Reservation Commission for the fiscal year ended June 30, 1972, be printed with an illustration, as a Senate document.

The printing cost estimate, supplied by the Public Printer, is as follows:

*Printing cost estimate*

To print as a document (1,500 copies) ---------------------- $5,316.13

## ADDITIONAL EXPENDITURES BY COMMITTEE ON APPROPRIATIONS

The Senate proceeded to consider the resolution (S. Res. 116) to provide additional funds for the Committee on Appropriations which had been reported from the Committee on Rules and Administration with amendments in line 1, after the word "Appropriations," strike out "hereby"; and, in line 4, after the word "same," strike out "purpose" and insert "purposes."

The amendments were agreed to.

The resolution, as amended, was agreed to as follows:

*Resolved,* That the Committee on Appropriations is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $75,000, in addition to the amount and for the same *purposes,* specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-156), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Congress, 60 Stat. 812, August 2, 1946) authorizes each standing committee of the Senate to expend not to exceed $10,000 per Congress for routine committee expenditures.

Senate Resolution 116 would authorize the Committee on Appropriations to expend from the contingent fund of the Senate, during the 93d Congress, $75,000 in addition to the amount, and for the same purposes, specified in said section 134(a).

The Committee on Rules and Administration is reporting Senate Resolution 116 with pro forma amendments.

## SALE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER

The bill (S. 1773) to amend section 7305 of title 10, United States Code, relating to the sale of vessels stricken from the Naval Vessel Register was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (1) of section 7305 of title 10, United States Code, is amended to read as follows:

"(1) Except as provided in subsection (a). no vessel of the Navy may be sold in any manner other than that provided by this section, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973."

SEC. 2. The amendment made by the first section of this Act shall not apply in the case of any Navy vessel with respect to which a written agreement to sale was entered into prior to June 30, 1973.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-157), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Under present law, vessels stricken from the U.S. Naval Register may be disposed of to foreign nations under chapter 2 of the Foreign Military Sales Act of 1948 (Public Law 90-629) under the general category of defense articles. S. 1773 precludes the sale of stricken vessels under Public Law 90-629, and makes it mandatory that such vessels be disposed of only under the competitive bid provisions of section 7305 of title 10, United States Code. The General Legislation Subcommittee's report to the Committee on Armed Services is herewith made a part of this report on S. 1773. The full committee adopted the recommendation set forth at the end of this subcommittee report.

### BACKGROUND

The Subcommittee on General Legislation held hearings on H.R. 9526 on February 17, 1972. The bill as proposed by the administration sought authorization for the loan of combatant ships to certain foreign nations pursuant to the provisions of title 10, section 7307, United States Code. Specifically, the bill proposed new loans of five destroyers and two submarines to Spain, one destroyer and two submarines to Turkey, two destroyers to Greece, two submarines to Italy, and two destroyers to Korea.

Pertinent to this discussion are the House amendments which were vigorously opposed by Navy, Defense, and State witnesses. These amendments sught to change existing law in the following respects:

1. The term of the loan was reduced from 5 years, as proposed, to 4 years.
2. The option to extend the loan for an additional 5 years was deleted.
3. Made it mandatory that the loaned ships be returned at the expiration of the loans.
4. Made it mandatory that the loan be terminated if the President determined that that such loans no longer contributed to U.S. defense needs.

In his testimony, the Chief of Naval Operations emphasized that the ships involved in that legislation were among those being retired from the Navy because of funding limitations. The subcommittee was assured that although the ships would be manned and operated by the recipient Nations, title will remain with the United States.

The committee recommended and the Senate agreed to the 5-year term as requested by the administration. The remaining three House amendments were agreed to by the Senate and it is these amendment and subsequent actions of the executive branch that gave rise to these followup hearings.

In its report the Senate Armed Services Committee made it emphatically clear that Congress was determined to maintain its legislative control over the transfer of combatant ships under loan to foreign nations. The committee report stated:

"The fundamental issue involved in these amendments deals with the authority and responsibility of the Congress to establish laws and determine the conditions under which U.S. naval vessels will be sold, transferred, or otherwise disposed of to foreign nations. The congressional authority in the fields of foreign policy and treaty making has already been dangerously eroded by the Executive Agreement device. The committee agrees with the House that ships loaned * * * should have congressional approval prior to each loan extension. Since the loan is for a stated period and no longer, congressional approval should be obtained for the retention of loaned vessels beyond the loan period."

H.R. 9526 became law on April 6, 1972 (Public Law 92-270).

### CHANGE IN POLICY

Immediately following enactment of Public Law 92-270 with the restricting amendments, the executive branch changed its policy to selling in lieu of leasing and loaning vessels. We are aware that existing statutes permit these sales but we cannot overlook either the timing or the device used to implement the new policy.

As stated above, the House amendments were strongly opposed by the administration because the option to extend ship loans without congressional authority would no longer be available and because of the added requirement that loaned ships be returned to U.S. custody at the expiration of each loan. Although there are several laws under which naval vessels may be transferred to foreign nations, there are only two which specifically provide for the transfer of major combatant ships. The first (10 U.S.C. 7307) relates to the naval vessel loan program. The second (10 U.S.C. 7305) permits the sale of vessels under strict advertised sealed bid procedures.

Section 7305, subsection (1) is given as the authority to dispose of major combatant vessels to a foreign nation. That subsection provides:

"(1) Except as otherwise provided by law, no vessel of the Navy may be sold in any other manner than that provided by this section, or for less than its appraised value, unless the President so directs in writing (Aug. 10, 1956, c. 1041, 70A Stat. 451)."

The Congressional intent appears quite clear. The Congress was insisting that naval vessels be sold only on the competitive bid basis. We recognize, however, that the words "Except as otherwise provided by law, * * *," also made it possible for the Navy to avoid congressional authorization by resorting to the subsequent enactment known as the "Foreign Military Sales Act of 1968" (Public Law 90-629). Section 21 of that law provides:

CHAPTER 2—FOREIGN MILITARY SALES AUTHORIZATIONS

"SEC. 21. CASH SALES FROM STOCK.—The President may sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any friendly country or international organization that agrees to pay not less than the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interests of the United States within a reasonable period not to exceed one hundred and twenty days after the delivery of the defense articles or the rendering of the defense services."

### BLANK CHECK AUTHORITY

For all practical purposes, section 7305 now becomes obsolete in that sales to foreign nations of any defense article may be made without consulting or obtaining congressional approval. It is understandable that the Navy is opposed to any amendment which would impose any restraints on ship disposals. Under the present policy all ships under loan, including those loaned under Public Law 92-270 last year may now be stricken from the naval register prior to loan expiration and sold under the Foreign Military Sales Act. Thus the ships need not be returned and loan extensions will not be necessary.

This subcommittee regards both the policy and the procedures employed, to be a circumvention of congressional intent and control. The subcommittee fully supports these ship transfer programs to assist our allies. It is fully recognized that such transfers of equipment to our allies are in our national security interests. But, we are constrained to state that the Congress has been extremely liberal in granting "blank check" authority to the executive branch on combatant ship disposals.

### RECOMMENDATION

The subcommittee recommends that the following amendment be introduced with a view to enactment:

1. That subsection (1) of section 7305 of title 10, United States Code, is amended to read as follows:

"(1) Except as provided in subsection (a), no vessel of the Navy may be sold in any manner other than that provided by this section, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973.

"SEC. 2. The amendment made by the first section of this Act shall not apply in the case of any Navy vessel with respect to which a written agreement to sale was entered into prior to June 30, 1973."

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with New Reports.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

### U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Air Force be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the U.S. Air Force are considered and confirmed en bloc.

### U.S. ARMY

Mr. MANSFIELD. Mr. President, I make the same request.

The PRESIDING OFFICER. The nominations in the U.S. Army are considered and confirmed en bloc.

### U.S. NAVY

The assistant legislative clerk read the following nominations:

Rear Adm. Merton D. Van Orden, U.S. Navy, to be Chief of Naval Research in the Department of the Navy for a term of 3 years in accordance with title 10, United States Code, section 5150.

Vice Adm. John V. Smith, U.S. Navy, for appointment to the grade indicated, when retired, pursuant to the provisions of title 10, United States Code, section 5233, to be vice admiral.

Mr. MANSFIELD. I make the same request as to these nominations, Mr. President.

The PRESIDING OFFICER. Without objection, the nominations in the U.S. Navy are considered and confirmed en bloc.

### U.S. MARINE CORPS

The assistant legislative clerk read the nomination of 1st Lt. William D. Rusinak, U.S. Marine Corps, for appointment to the grade of captain.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

### DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of James T. Clarke, of Michigan, to be an Assistant Secretary of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

### ROUTINE NOMINATIONS PLACED ON THE SECRETARY'S DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Air Force, Army, Navy and Marine Corps placed on the Secretary's desk be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations placed on the Secretary's desk are considered and confirmed en bloc.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will resume consideration of legislative business.

### DEATH OF FORMER REPRESENTATIVE JEANNETTE RANKIN, OF MONTANA

Mr. MANSFIELD. Mr. President, on Saturday last, a distinguished stateswoman, a predecessor of mine in the House of Representatives, the first woman elected to the Congress of the United States, Miss Jeannette Rankin, passed away at the age of 92.

Jeannette Rankin was a woman of outstanding courage, integrity, devotion, and dedication to the things in which she believed. She was a woman who paved the way for more equal rights for other women. She did so beginning in 1916, when she was elected to Congress as a Representative from the First District of the State of Montana.

Miss Rankin did not run for reelection, but when the clouds of war gathered in the early 1940's she did run again, and she was elected again by the people of the western district of Montana to sit in the House of Representatives.

Miss Rankin voted against our entering the First and Second World Wars. Miss Rankin had to withstand a great deal of criticism, but she never waivered in her desire for peace for this country and for peace throughout the world.

Her latest endeavor was the organization of the so-called Jeannette Rankin Brigade, composed of 5,000 women who petitioned Congress to bring an end to the war in Indochina. She was not successful then; but, as always, Jeannette Rankin left her imprint on anything she chose to do.

The people of Montana and the Nation are truly saddened at the passing of this great woman, who did so much for this country, who led the way in this century in trying to achieve greater and more equal rights for women, who made such a mark on the Congress of the United States, on this Nation, and on the world.

We will miss her very much. I will miss her very personally, because I looked upon Jeannette Rankin as a close personal friend and a woman in whom I had great faith and great confidence. May her soul rest in peace.

Mr. President, I ask unanimous consent that various obituaries and articles on the passing of the great lady be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 20, 1973]

#### JEANNETTE RANKIN, FIRST WOMAN IN CONGRESS, DIES

(By Lawrence Feinberg)

Jeannette Rankin, the first woman elected to the U.S. House of Representative and the only member of Congress to vote against American entry into both world wars, died Friday of an apparent heart attack in Carmel, Calif. She was 92.

A pacifist, suffragette and Republican, Miss Rankin was elected to Congress from Montana in 1916. She was one of 56 members of the House to vote against American entry into World War I in April, 1917.

Twenty-four years later, when she was serving her second term in the House, Miss Rankin was the only member of Congress to vote against the declaration of war against Japan that brought America into World War II after the bombing of Pearl Harbor.

She remained active until recently in peace and women's rights groups, and led an antiwar march to the Capitol in 1968. Last year she made a month-long trip to India.

"If I had my life to live over," she said in an interview recently, "I would do it all again, but this time I'd be nastier."

When she turned 90, Miss Rankin agreed with an interviewer that some of her ideas on pacifism and women's liberation still seemed radical, but she added:

"I can't get excited about it because I got so excited so long ago. Everything they talk about now, we talked about before 1914."

Miss Rankin, who never married, was born June 11, 1880, on a ranch near Missoula, Mont., where she regularly spent her summers until recently. Her father was a contractor and her mother a school teacher who had traveled to Montana by wagon train.

She was graduated from the University of Montana in 1902, became interested in settlement house work in San Francisco, and in 1908–09 attended the New York School of Philanthropy. While in New York she became interested in women's suffrage.

Later, she did social service work in California and Washington state, and then headed a successful campaign to give women in Montana the right to vote.

In 1915 she went to New Zealand and took a job as a seamstress to learn the problems of women workers. But she came back to Montana a year later, ran for Congress, and won.

Miss Rankin took her seat in the House of Representatives on April 4, 1917. Her first vote two nights later was against the United States declaration of war on Germany.

When the clerk called her name, Miss Rankin rose and said:

"I want to stand by my country, but I cannot vote for war."

What she said next could not be heard in the din that followed, but she was officially recorded as voting no.

On Dec. 8, 1941, Miss Rankin's "no" was firm and loud when she voted against the declaration of war against Japan.

There were hisses from the gallery, and a small procession of congressmen came up to her to try to change her mind and make the war vote unanimous.

Miss Rankin refused.

According to a newspaper story the next day, she told them that she had a deep horror of war and added that, in any case, the declaration by Congress was premature because there was no definite confirmation that the Japanese had attacked Pearl Harbor. She said the British were such clever propagandists that they might well have cooked up the story.

As she left the House floor, she was besieged by reporters and photographers and took refuge in a telephone booth in the House Republican cloakroom. Police were called and escorted her to her office where she spent the afternoon behind locked doors.

During her first term in Congress (1917 to 1919) Miss Rankin introduced bills to give women the vote and also to give them U.S. citizenship rights independent of their husbands. She also offered a bill providing for public instruction of women concerning infant hygiene, and noted wrylv years later, "The government has always offered instruction in the hygiene of pigs."

She ran for the Senate and lost in 1918. During the next two decades she spent much of her time as a lobbyist in Washington, first on women's and children's legislation for the National Consumers League, and then for disarmament measures for the National Council for Prevention of War.

After World War II broke out in Europe, she ran for Congress again in Montana with the slogan: "Prepare to the limit for defense; keep our men out of Europe."

But her vote against the declaration of war after Pearl Harbor was widely resented in her district. Later she voted for military appropriations bills and for pay raises for soldiers, but she did not run for re-election.

Miss Rankin retired quietly, and drew relatively little public attention until the mid-1960s when her reputation revived as the antiwar women's liberation movements flourished.

Her name was used by a women's peace group, the Jeannette Rankin Brigade, which drew about 3,000 women, Miss Rankin in the forefront, for an antiwar march on the Capitol in January, 1968.

The event was a focal point in the development of the women's liberation movement, and in the four years that followed, Miss Rankin appeared often at meetings and conferences on women's issues, as well as before antiwar groups.

But her views were unorthodox.

She suggested in several interviews that women ought to be paid to take care of their children because "most women would prefer to stay home with their children."

She also declared, "It's superficial to ask for equal pay (for women). What we need is a complete revision of the money system."

For achieving peace her prescription was simple: "We must have absolutely unilateral disarmament," she declared last year. "If we disarmed, we would be the safest country in the world. After all, you have to have a worthy adversary to fight. Would Cassius Clay fight a Boy Scout?"

She said her hopes for peace lay with women. "We could have peace in one year," she said "if women were organized."

Miss Rankin also was interested in electoral reform, campaigning to abolish the electoral college and for large, multinumber Congressional districts.

Since 1935, she had owned a farm house in Watkinsville, Ga., as well as a ranch in Montana. At the time of her death she was living at the Carmel Valley Manor Rest Home.

She is survived by three sisters.

---

[From the New York Times, May 20, 1973]

### Ex-Rep. Jeannette Rankin Dies; First Woman in Congress, 92—Suffragist Leader Was Only Member Voting Against U.S. Entry to Both World Wars

(By Robert D. McFadden)

Jeannette Rankin, the first woman to serve in the United States Congress and the only Representative who voted against the nation's entry into World Wars I and II, died Friday night at her apartment in Carmel, Calif. She was 92 years old.

Miss Rankin, a lifelong pacifist and one of the country's earliest women's suffragists, served only two terms in the House of Representatives, 1917 to 1919 and 1941 to 1943. But in both those terms, by an odd turn of history, the United States decided to go to war.

Her dissenting votes were consistent with her lifelong belief that violence cannot solve human disagreements.

Miss Rankin also introduced the first bill to grant women citizenship independent of their husbands, and authorized the first bill for Government-sponsored instruction of hygiene in maternity and infancy.

A Republican from Missoula, Mont., she ran her campaigns on a peace platform. After leaving the Congress, she devoted her widely admired energy to peace organizations and women's activist groups.

#### A LONG ACTIVE LIFE

Until her health began failing seriously last year, Miss Rankin's only concession to age was a cane and a slight weariness at seeing the ideas she had been advocating for seven decades treated as if they were still radically new.

There were no consciousness-raising groups to liberate Jeannette Rankin in 1916, when, as the United States moved toward war with the Central Powers, the small, trim woman from Missoula undertook her successful Congressional campaign.

"I knew the women would stand behind me," she said when told she had won. "I am deeply conscious of the responsibility. I will not only represent the women of Montana, but also the women of the country, and I have plenty of work cut out for me."

Miss Rankin took her seat in the House on April 2, 1916. Four days later, in the predawn hours of April 6, after months of mounting pressure, she told her colleagues in a moment of high drama: "I want to stand behind my country, but I cannot vote for war."

She then cast her dissenting vote. The final House vote to declare war was 373 to 50. Hers was an unpopular stand, and she became the target of many barbs. But she contended afterward: "I'd go through much worse treatment. If you know a certain thing is right, you can't change it."

After her first term, Miss Rankin sought but lost the Montana Republican nomination for the Senate, and for more than two decades devoted herself to peace organizations, particularly the National Conference for the Prevention of War.

"Prepare to the limit for defense; keep our men out of Europe," was her slogan in 1940 for her second successful race for the House. Many years later, she said: "The women elected me because they remembered that I'd been against our entering World War I."

Despite Pearl Harbor, the pleadings for unanimity by Everett McKinley Dirksen, then a member of the House, and the eloquence of President Franklin D. Roosevelt in his Dec. 8, 1941, address to Congress, Miss Rankin cast the only dissent in the 388 to 1 House vote on the Declaration of War against Japan.

"I voted against it because it was war," she said afterward.

In recent years, Miss Rankin who never married, continued to march and make speeches for the causes in which she believed.

#### DENOUNCED VIETNAM WAR

She led the Jeannette Rankin Brigade in a massive march on Capitol Hill in Washington in 1968 to protest the war in Vietnam, which she denounced as a "ruthless slaughter."

The following year she participated in moratorium marches in Georgia and South Carolina. She continued, too, to write letters and to make phone calls and visits to members of Congress, urging an end to United States involvement in Indochina.

In an interview several years ago, Miss Rankin called the Vietnam war "stupid and cruel," and put the blame on "stupid leaders" and a "military bureaucracy." She added: "The people really aren't for war. They just go along, but war is evil and there is always an alternative."

At the polls, she said, people are given a "choice of evils, not ideas."

As for women, for whose rights she labored a lifetime, Miss Rankin said: "They've been worms. They let their sons go off to war because they're afraid their husband will lose their jobs in industry if they protest."

Jeanette Rankin was born on June 11, 1880, on a ranch near Missoula, the oldest of seven children of John and Olive Rankin. Her father was a rancher and building contractor, and her mother was a native of New Hampshire who had gone West to be a schoolteacher.

Miss Rankin graduated from the University of Montana in 1902 and went into social work, which took her to New York City. Here, she joined the suffrage movement and lived in the Suffrage League house on East 86th Street. In 1908–09, she was a student at the School of Philanthropy here, then did social work in Seattle for a year, before turning increasingly to the women's movement.

She later became field secretary of the National American Women's Suffrage Association and chairman of the Montana State Suffrage committee. In 1912, she took the suffrage fight home to Montana, addressing the State Legislature—a precedent for a woman—on the subject.

Two years later, Montana passed a suffrage law. This was six years before that right became a Constitutional Amendment. Miss Rankin later said she first ran for Congress "to repay the women of Montana who had worked for suffrage."

Miss Rankin long advocated electoral reforms, with a view to greater diversity among candidates. "Now," she said, "we have a choice between a white male Republican and a white male Democrat." And, with equal vigor, she urged unilateral disarmament, contending: "If we disarmed, we'd be the safest country in the world."

---

Mr. METCALF. Mr. President, it was with deep regret that I learned of the death of Miss Jeannette Rankin last Friday at her California home. I join with my distinguished colleague from Montana (Mr. MANSFIELD) in mourning the loss of this grand, courageous, and imaginative woman.

Miss Rankin headed the campaign for women's suffrage in her native State of Montana. In addition, she served with distinction as field secretary for the National American Woman Suffrage Association in the Western States, where, not surprisingly, women first won suffrage. Montana's law was adopted in 1914.

Always something of a visionary, Miss Rankin took the next logical step, filed for office and, in 1916, became the first woman ever to serve in the U.S. Congress.

The lady from Montana handled the condescension that traditionalists customarily reserve for experimentalists with grace and dignity.

Those who waited for her to stumble waited in vain, for if she felt uncomfortable in the bright light of public curiosity, she gave no sign of it and went calmly about the business of legislating. The status of women had not been raised to the sharp profile it now enjoys, but at the time of Miss Rankin's election, only 12 of 48 States permitted women to vote in elections. One worldly European sage said America was doomed to failure with its "utopian" notion of the female franchise.

Looking back on that time, Miss Rankin summed up the importance of her service in an address to the 1972 Montana Constitutional Convention. She said:

> If I am remembered for no other act, I want to be remembered as the only woman who ever voted to give women the right to vote.

That vote occurred in the 65th session of Congress, in 1919, on a resolution to amend the U.S. Constitution to permit exercise of the franchise regardless of sex.

Miss Rankin's other most significant activities began soon after taking her seat in the House when she became embroiled in the passionate debate surrounding U.S. participation in World War I.

A pacificist, Miss Rankin was horrified by the agonies of war and the waste of human lives. She thought that history, particularly European history, illustrated the futility of armed conflict. But she also knew that a vote against U.S. entry into World War I might effectively end her political career and perhaps damage the women's suffrage movement since she was its principal symbol.

As she rose to vote, she expressed her dilemma in one short sentence:

> I want to stand by my country, but I cannot vote for war.

Montana voters did not return Miss Rankin to Congress until 1941. Once again she voted against U.S. participation in a world war, this time in the wake of the Pearl Harbor attack. She stood alone, the sole Member of the House of Representatives to vote against the declaration.

While history may not agree with Miss Rankin's views, it will applaud her courage and sense of duty. She was a public servant who voted conscientiously and independently.

Suffrage and peace were not her only causes. During her years in Congress, and later as a private citizen, she worked for protection of the public lands, programs to assist the Indian people, civil rights, child welfare, redistribution of the world's wealth and consumer protection.

Her opposition to war heightened her concern for returning servicemen. She introduced many bills to provide benefits for them, including support of dependents.

Women's causes continued to occupy much of her time. During her two Congressional terms she introduced the first legislation to provide instruction in maternity and infant hygiene. She also offered measures to provide "equal pay for equal work" for U.S. employees, regardless of sex; and to enable American women who marry foreigners to maintain their citizenship.

In the last few years of her life, Miss Rankin's concerns assumed new relevance, underlining the prophetic quality of her life. She was an active spokesman for the Women's Rights movement; she joined in the peace efforts of the late 1960's and early 1970's. She worked hard for a direct election of the president and elimination of the electoral college.

Jeannette Rankin was a woman ahead of her time. She was independent, principled, eloquent and human. She sought the spotlight of controversy to promote her causes. If circumstance would not give her a platform, she worked quietly behind the scenes for the same causes. She was committed to mankind on a personal and collective basis.

We Montanans are deeply proud of our most distinguished leader. We treasure the independence and humanity that were Miss Rankin's hallmarks. We are sorry she is gone, but we rejoice in a long life well lived.

---

## IN COMMEMORATION OF THE LOSS AND SUFFERING OF THE DEAD AND WOUNDED MEMBERS OF THE ARMED FORCES OCCASIONED BY THE WAR IN VIETNAM

**Mr. MANSFIELD.** Mr. President, on behalf of the distinguished minority leader and myself, with Memorial Day just around the corner, I send to the desk a Senate resolution and ask for its immediate consideration.

**The PRESIDING OFFICER** (Mr. NUNN). The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 117) commemorating the loss and suffering of the dead and wounded members of the Armed Forces occasioned by the war in Vietnam.

**The PRESIDING OFFICER.** Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

**Mr. MANSFIELD.** Mr. President, this week the Senate approaches its Memorial Day recess, a time when the Senate adjourns to join the Nation in honoring those who have made personal sacrifice for their Nation in time of war. In preparing for this occasion this year, the Senate has gone on record to single out specifically for special tribute those missing in action as a result of the war in Indochina. In past years, the prisoners of that war whom we welcomed home a short time ago were similarly honored.

It is hoped that America will recall the others who are not MIA's and who are not POW's. It is hoped that America will remember those to whom we owe, I believe, special recognition and more from a grateful land. These are the casualties whose numbers comprise the largest single adverse statistic of the war in Vietnam. I speak of the dead and the wounded, and it is in their behalf and to honor them that the distinguished minority leader and I rise in the Senate today to present the resolution now before the Senate.

The war in Vietnam may be over and the prisoners may be home. Not coming home, however, are the 56,244 American GI's who were killed in this tragedy.

And coming home broken both in body and in spirit are many of the 303,635 American GI's whose wounds left them torn and maimed, at times legless or armless or sightless, surviving only as living testaments to the waste and tragedy of this war in Vietnam. Their numbers alone contain 25,000 paraplegics and quadraplegics. Countless more are bedridden, mangled, confined to wheelchairs and otherwise left with scars that mean imprisonment—imprisonment not for just 2 years, or 6 years, or 10 years, but imprisonment for a lifetime.

And what about those 56,244 who returned to America in coffins? To them and to their families is owed the highest tribute. They made the supreme sacrifice. They gave their lives.

The war in Vietnam may be over. But I pray that we never terminate our regard for the thousands upon thousands of casualties of that war—the dead and those in homes and hospitals across the land who are threatened no longer by death but who are instead threatened by the indifference of society no longer at war.

To them and to their families, on this Memorial Day, just as to the families of the missing and to the POW's, is owed not just the thanks of a grateful Nation but a pledge of justice, equity, care, and concern for their well-being now and forever.

Mr. President, I ask unanimous consent to have printed in the RECORD the last casualty list, dated January 27, 1973, and extending from January 1, 1961, as well as an article published in yesterday's Washington Star, entitled "Notes of a 'POW'—Doing a Life Term."

**The PRESIDING OFFICER.** Without objection, it is so ordered.

NUMBER OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM, CUMULATIVE FROM JAN. 1, 1961 THROUGH JAN. 27, 1973

| | Army | Navy[1] | Marine Corps | Air Force | Total |
|---|---|---|---|---|---|
| A. Casualties from actions by hostile forces | | | | | |
| 1. Killed | 25,373 | 1,092 | 11,478 | 495 | 38,438 |
| 2. Wounded or injured: | | | | | |
| (a) Died of wounds | 3,516 | 146 | 1,451 | 48 | 5,161 |
| (b) Nonfatal wounds: | | | | | |
| Hospital care required | 96,802 | 4,178 | 51,392 | 931 | 153,303 |
| Hospital care not required | 104,718 | 5,898 | 37,202 | 2,514 | 150,332 |
| 3. Missing: | | | | | |
| (a) Died while missing | 1,689 | 187 | 5 | 440 | 2,321 |
| (b) Returned to control | 54 | 5 | 2 | 35 | 96 |
| (c) Current missing | 258 | 142 | 96 | 724 | 1,220 |
| 4. Captured or interned: | | | | | |
| (a) Died while captured or interned | 15 | 1 | 3 | 2 | 21 |
| (b) Returned to control | 57 | 7 | 12 | 8 | 84 |
| (c) Current captured or interned | 87 | 169 | 26 | 309 | 591 |
| 5. Deaths: | | | | | |
| (a) From aircraft accidents/incidents: | | | | | |
| Fixed wing | 90 | 166 | 144 | 761 | 1,161 |
| Helicopter | 2,389 | 66 | 432 | 75 | 2,962 |
| (b) From ground action | 28,114 | 1,194 | 12,361 | 149 | 41,818 |
| Total deaths[2] | 30,593 | 1,426 | 12,937 | 985 | 45,941 |
| B. Casualties not the result of actions by hostile forces | | | | | |
| 6. Current missing | 103 | 1 | 14 | | 118 |
| 7. Deaths: | | | | | |
| (a) From aircraft accidents/incidents: | | | | | |
| Fixed wing | 276 | 187 | 46 | 290 | 799 |
| Helicopter | 1,875 | 55 | 242 | 19 | 2,191 |
| (b) From other causes | 4,995 | 636 | 1,392 | 290 | 7,313 |
| Total deaths | 7,146 | 878 | 1,680 | 599 | 10,303 |

---

[1] Navy figures include a small number of Coast Guard casualties.

[2] Sum of lines 1, 2(a), 3(a), and 4(a).

### NOTES OF A "POW"—DOING A LIFE TERM

(By Pete Rios with Rob Warden and Terry Shaffer)

CHICAGO.—Of all the shots fired in a battle, one sounds different from the rest and you know, instinctively, that bullet has your name on it.

I know this because I was a U.S. Army medic in Vietnam. I heard it over and over from the guys I patched up on the battlefield.

And I know because I definitely heard the bullet that got me. Rifles and machineguns were blazing all around, and one crack was more distinct than any other. It was for me.

I had been in Vietnam six months. The life expectancy of a medic was only three or four months.

My number came up on July 19, 1966, two days before I was scheduled to leave Vietnam for a rest period. We were in a reactionary platoon, intended to back up another group on a search-and-destroy mission.

We were waiting when suddenly the radio man from the other platoon screamed over the horn, "My God, there are Viet Cong all over the place." Then we went into the main battle in choppers. We landed in a mine field. We lost complete ships carrying men. It was complete chaos.

I was moving cautiously from body to body, carrying my aid bag, looking for a few who weren't beyond help.

I was on one side of a dirt bank in a rice paddy, and the first sergeant yelled to me to get a man lying on the other side. I told myself I would count to three and jump over, and I did. One, two. Three.

Crack! I heard the one that got me.

When I fell to the other side, I was paralyzed. Already, my body was drawn up, twisted, and I hurt all over. Even my lips and my tongue hurt. My eyebrows hurt. It was just one tremendous charleyhorse.

The first sergeant grabbed me, and I remember him shaking me and screaming, "Doc, Doc, you okay?" then he turned, and I will never forget the words, "Oh, my God, Doc's dead.

I wasn't dead. I wasn't. I kept thinking, "I'm alive, save me!" But I couldn't talk or move and the sergeant moved on to someone else. I never saw him again.

Lying there, I guess I became religious all of a sudden. I was making these vows, thinking, "God, if you'll make me live, I'll do this or I'll do that."

Charlie—that's what the GIs called the Viet Cong—came over and took my .45, my aid bag and some other equipment. He kicked me in the left hand to see if I was alive. God, my heart was pounding so loud I knew he would hear it. But he didn't.

I couldn't see what was happening around me, but I heard moans and cries for help from others in my platoon, and I heard shots. Then all was still.

The man who saved me was named Grayson, a black man from Ohio who, a little earlier, had been my very first patient in that skirmish when he caught some shrapnel in the chest.

Although he was badly hurt, he managed to drag me about 80 feet to a bush area.

I don't know how we could laugh when we were lying there about to die, but we did. Grayson was making wisecracks. I'm a Mexican-American and I broke up when this black guy says, "Lookit, of all the guys, why do I gotta die with you—a member of a minority group?"

Off in the distance, we could see a chopper, just a speck in the sky. But we didn't know if it would come down for us.

It was a famous trick of Charlie to wipe out a unit and then dress up in the uniforms they took off the dead to get a chopper down. Then they'd blast the hell out of it.

For some reason Charlie didn't try that in this case. But we couldn't expect the guys in the chopper to know that.

That's when Grayson really used his head to save our lives. He ripped off my fatigue jacket and took his off. Then he put his body across mine, forming a black and white "X" visible from the air.

The purpose of this was to show the pilot he was black. "I know he never did see a nigger Charlie," Grayson said.

When the chopper flew over us, we could see it was just an observation ship, carrying two men, and we knew it couldn't take us. But the pilot signaled that he would send someone back for us.

I had no sense of time, so I don't know how long we were there before the other chopper came. But they got us out of there, God bless them. As we were being taken out, I could hear the ping of rifle bullets hitting the bottom of the helicopter.

Grayson and I were the only ones who came out of there alive, and this created a great psychological bond between us. We absolutely went bananas, crying and screaming, when they tried to separate us. The doctors understood and even let us go to surgery together, not separating us until the anesthesia took over.

After a little while in the field hospital, they flew us to Saigon and we were in a big military hospital there.

A lieutenant colonel came in our room right after we got there to present us with the purple heart. Passing out purple hearts probably was his main job. He had dark glasses, just like Gen. MacArthur's, and a cigaretteholder. His khakis were starched so much I don't think he could bend over, and the nurses were around him like bees on honey.

He gave us a little talk about how we had served with honor, and said he was proud of us.

What disillusioned me, and it was to be the first of many disillusionments, was that they misspelled my name on the award. Although I always go by "Pete," my real name is Adolphe. They spelled it "Adolfe."

I guess it's not important. But it seemed to me that if a colonel is going to come and tell you what a great credit you are to your country, they at least ought to go to the trouble to find out how to spell your name.

A week later we were flown to Travis AFB, Calif., and psychologically we were in pretty bad shape because we knew we were permanently disabled. But we had adjusted enough that we could be put into different rooms.

We were to spend only one day at Travis and go to Andrews AFB in Washington to be treated at Walter Reed Army Hospital.

When I woke up, the doctors at Travis gave me a strong sedative. Then they told me Grayson had died during the night.

It was a tremendous shock. He was the best friend I ever had or will have and, you know, I don't even know his first name.

At Andrews I was greeted by another lieutenant colonel. So help me, they must print those guys. This one didn't look like he could bend over either, and he repeated almost word for word the little speech I had heard in Vietnam.

But the program at Walter Reed was fantastic. They made you do things for yourself. For instance, I had to feed myself from the start. The first day, I held a bowl of corn flakes with my chin on my chest and spilled most of them all over my neck. But I got better at eating corn flakes as time went on.

By the end of the first week. I could operate a wheelchair. I went on physical therapy for as long as I could take it, up to eight hours some days. By the end of my two-month stay, I could walk with leg braces and crutches.

Then I was discharged from the Army, which made me ineligible for further treatment at Walter Reed but qualified me for veteran's benefits. I left Walter Reed on Oct. 16, 1966, to come to the Hines VA Hospital near Chicago, my hometown.

It was another world.

Two days after I arrived at Hines, I had my first physical therapy appointment and I was looking forward to it because of the progress I had made at Walter Reed. That morning, I put my braces and my pants on and walked on crutches down to the physical therapy room.

The doctor took one look at me and said, "I thought you were a young (recent) injury." I told him that was right, that I had been wounded just a little more than three months earlier.

"Well, it's impossible for you to walk," he said.

"What do you mean?" I demanded. "You can see I am walking, can't you?"

"Young injuries," he informed me, "never walk so soon."

So I walked back to my room, took off the leg braces stood the crutches up in the corner and went back to physical therapy in my wheelchair.

That seemed to please the doctor very much.

One night not long after that, we were having a pillow fight in the ward. I knew that's childish, but what the hell. Anyway, I let one guy have it with a pillow and, in the process, threw my right shoulder out of joint.

It really hurt, and everybody was yelling, "Nurse, nurse!" She came right in, but wouldn't help me. "You deserved it," she said. "You deserved it, having a pillow fight at your age." She just turned around and left, saying she had to work on some charts.

I didn't get to see a doctor until about an hour later. Since I had thrown my shoulder out before, I knew what had to be done. But the doctor didn't seem to know. I tried to explain it to him.

"Use the simple fulcrum method," I said.

"Don't tell me what to do," he snapped. "I'm the doctor."

Well, he tugged and pushed awhile, and when it became obvious that he wasn't accomplishing anything, he got me on a litter and took me to the emergency section.

They called the orthopedic doctor on duty. He took one look and used the simple fulcrum method, just like I had asked the doctor on the ward to do in the first place.

On another occasion, I had an upset stomach. I have irritable bowels, which is common among paraplegics. "Nurse," I said, "I think I'm going to have diarrhea." I asked if I could have Lomotil, an antidiarrhea drug.

She said she wasn't allowed to give a patient medication without the doctor's orders. "Look," I said, "do I have to get diarrhea before I can have anything for it?"

"That's about the way it is," she said, and she wouldn't ask the doctor,

Well, I got diarrhea, of course, and then the nurse gave me Kaopectate, an awful-tasting creamy liquid that cures diarrhea for some people.

I protested that Kaopectate never worked for me, but the nurse said she would wait and see. It took her about an hour and a half to figure out that I was right. Then the doctor agreed I could have Lomotil.

I suppose what I object to is always being categorized as "a patient." There is a nurse, a patient. There is a doctor, a patient. Never Pete Rios. You are in a wheelchair, so you are "a spinal-cord injury"—not a person. You are 30 years old, and you've had more than your share of experiences, but you are treated as if you were a child.

For instance, an aide brings you a menu before meals. The menu has no purpose. If you don't like something, you don't mark it on the menu. But you get it anyway. "This is good for you," the nurse says.

You get a monthly allotment check from the government because of your disability. You are legally entitled to the money and don't owe an accounting to anyone. But that doesn't stop a social worker from coming around to ask how you spent it.

Since you are "a patient" and expected not to think, you should not ask questions about your own body. You don't need to know why your bowels won't work, why you can't have sexual relations, why you are spastic, why one foot is colder than the other one, why you have pain.

Oh, we have had classes and a nurse puts an anatomical chart on the wall. "This is your spinal cord," she says, pointing to the chart. "This is where you are injured." In sum, you are to accept pain because you are supposed to have pain. Lesson concluded.

When I came to Hines, it seemed that people who can't get jobs digging holes on the outside come to work for the VA. For example, there was a man who worked in the spinal injuries section at Hines who didn't seem to like anybody too much. I called him Badass.

We have one portable telephone in the section for 40 patients. It is supposed to be the patients' phone, and while some of the paraplegics can get to another phone, the portable one is the only means of communication that the quadriplegics have with the outside.

The employes aren't supposed to use the portable phone. All they have to do is walk about 30 feet out into the hall to use another phone. But Badass continually made and received calls on the patients' phone, and he tied it up for 15 to 20 minutes at a time.

One night, a good friend of mine, Jam Imperiale, who is a paraplegic, had the phone beside his bed and received a couple of calls for Badass. But he would not let them talk to Badass. He said they should call back on the staff phone.

And one of them did, apparently telling Badass what Imperiale had said. Imperiale had just gotten into his wheelchair when Badass came in and literally yanked him out of the chair and hit him in the back.

Imperiale complained to the nurse, who was afraid to do anything about it. But Badass threatened to kill Imperiale if he ever caught him outside the hospital.

That weekend, Imperiale had planned to leave the hospital. But when he got to the front door, he saw Badass and three other guys sitting in a car. One of them raises up a baseball bat to scare Imperiale. It scared him, all right. He didn't leave that weekend and, in fact, never left again until he was discharged to go home.

One of the unfortunate things about the wonderful personality of Badass was that it was contagious. Everybody who worked with him seemed to adopt his style, and before you knew it, some of the patients had to pay bribes if they wanted to be turned over in bed or get water or have their urine bags emptied.

It's understandable why some employes are inclined to look for payola. Some of them have families and they earn no more than $550 a month before deductions. They see the helpless patients they're allegedly caring for as easy marks. A totally disabled man with a service-related injury gets about $1,400 a month from the government tax free.

Some of the employes also supplement their incomes by acting as "rum runners" for patients. Only a few will do this, and they'll do it only for patients they trust implicitly. Otherwise, their necks would be in a noose. The way it works, essentially, is that if you want a half-pint that costs $2.50 in a liquor store, a runner is at your your service for a total price of $5.

Narcotics and even prostitutes are available through the same system. I admit this isn't extremely widespread, but I personally regard it as a serious scandal. The hospital officials contend that, since there are about 14,000 patients at Hines, a small society, it shouldn't be astonishing that you find essentially the same vices and problems that exist in the larger society.

I have been disappointed to find that the public seems cognizant only of the fact that many Americans (about 47,000) were killed or missing in Vietnam and that the remaining hundreds of thousands who served there came home. Nobody seems to think of the fact that 153,000 were wounded or that 7,750 came back blind or with missing or useless legs.

Sure, you read in the newspaper that a dozen or so were wounded from time to time, but that doesn't convey what really happened. If you want to see the aftermath of all the gory splendor of Vietnam, just take a stroll through the second-floor spinal injuries section at Hines.

Few Americans, to be sure, considered Vietnam a noble conquest, and we certainly didn't come back to tickertape parades. It was different than World War II and Korea, when, so I understand, all America seemed to be shouting, "hooray for the veterans!"

People not only don't give a damn today, but some of them are downright antagonistic toward you.

Once when I was out of the hospital, I went into a bar to keep a date with a waitress. A drunk at the bar turned to me and yelled, "You came in here in that wheelchair because you want a free drink. I know your kind. I had polio, but I had enough guts to get up."

I tried to ignore him, but then he came over and whirled me around in the wheelchair and threw a drink in my face. "There's your free drink. I won't buy you another one."

God, I wanted to walk then. I prayed, "just two minutes, Lord." I prayed to the devil, "if you want my soul, just let me walk two minutes." But nobody answered my prayers.

Another time, I went with a young lady to a downtown restaurant where there was a long line of people waiting to be seated.

A waiter came over to us and said, "I have a table ready for you." He wheeled me around several couples who had been waiting longer than we had.

The restaurant had a special section set aside for wheelchairs—not to put you where you wouldn't be seen, but a place where you could be comfortable and still not feel shunted aside. I thanked the waiter.

Then a woman who had been waiting in line a long time came up to me and said something about respecting your elders. She berated me for being disrespectful to her and asked, "how did you get hurt anyway?"

I said I was shot in Vietnam.

"Well," she said, "you certainly deserved it."

Thirty seconds, Lord, please.

Once I was in an elevator in my wheelchair and more and more people kept crowding on it. A woman tore her dress on the brake of the chair. She blamed me for it, rather abusively.

But I was ready with a classic come-back: "I hope, madam, that in the next life our roles aren't reversed, so that I won't rip my dress on your wheelchair."

The VA merely reflects the attitudes of the public and the White House. The public would prefer not to be reminded of us, and the president shows his gratitude by trying to cut VA benefits by $7 billion.

And where do you suppose are the people and the flags? They were greatly in evidence for the returning prisoners of war. But their absence now goes to show, I think, that either you were killed in Vietnam, you were a prisoner, or you just don't count.

Most severely disabled veterans, frankly, are not overly impressed that an American prisoner spent 22 years in China or eight years in Hanoi. We're glad, of course, that they came back.

But now we are the only POWs.

Guys who are blind or crippled are going to be POWs as long as they live.

There is no time limit—not eight years, or 22—on that kind of imprisonment.

Mr. **SCOTT** of Pennsylvania. Mr. President, I join the distinguished majority leader in offering this resolution. We have paid our respects and shown our honor and pride in the prisoners of war and the missing in action, and it is only suitable that at this Memorial Day period we note for the Nation our grief and theirs at the loss of these great and fine and valued Americans who made the supreme sacrifice.

As the distinguished majority leader has noted, many of these returned veterans are permanent POW's living with their disabilities, adjusting as well as they may to the world to which they returned after they had done their duty and had followed the precepts of duty, honor, and country and had served valorously and honorably.

Of the dead, there is a ceremony at remembrance day time in Australia where a verse is repeated every year. It is known to every Australian, it is known to many Americans, and I conclude with it in this tribute to the dead:

They shall grow not old,
As we that are left grow old.
Age shall not weary them
Nor the years condemn.
At the going down of the sun and in the morning, We will remember them.

The **PRESIDING OFFICER**. The question is on agreeing to the resolution.

The resolution (S. Res. 117) was unanimously agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 117

Whereas, This Nation's participation in the war in Vietnam has ended and all American prisoners of war have been returned; and

Whereas, Since 1961, 56,244 men have given their lives in the service of their country in their tragic war; and

Whereas, Since 1961, 303,635 men have returned from Southeast Asia casualties of this war, many thousands of whom have been returned with bodies and spirit permanently broken and scarred by the wounds of war, Be It

*Resolved*, That the United States Senate mourns the death of all these courageous Americans, commemorates their memory, and recognizes its obligation especially to those Americans returned with broken and dismembered bodies who shall be imprisoned the rest of their lives as a result of these tragic hostilities, and Be It Further

*Resolved*, That the United States Senate shall dedicate itself to the debt it owes these Americans and shall look to them as a living reminder of the tragedy of the Vietnam conflict, and Be It Further

*Resolved*, That on Memorial Day, May 28, 1973, special commemoration be accorded the 359,879 dead and wounded members of the Armed Forces whose loss and suffering were occasioned by the war in Vietnam.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time charged to the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR HOUSE JOINT RESOLUTION 296 TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent to hold House Joint Resolution 296 at the desk. A companion resolution will soon be reported in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Marks, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Nunn) laid before the Senate a message from the President of the United States submitting the nomination of Adm. William F. Bingle, U.S. Navy, for appointment to the grade of admiral, when retired, which was referred to the Committee on Armed Services.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the time allocation to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining under the order?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining under the order.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

## ROBERT C. BYRD TO VOTE FOR RICHARDSON

Mr. ROBERT C. BYRD. Mr. President, I shall cast my vote, albeit reluctantly, for Elliot Richardson to be Attorney General of the United States—reluctantly, not through lack of respect and admiration for his ability or for him as a person or for him as a public official, but, rather, because of the unfortunate situation in the context of which his nomination must be judged. I refer to the Watergate scandal, and to the fact that Mr. Richardson, as Attorney General, may, and probably will, make certain decisions affecting some of his colleagues and associates—former or present—in an administration to which he owes this, his fourth important and high appointment. With all proper respect for Mr. Richardson, I wish the President had gone outside the administration and brought in a fresh name and a fresh face for the sensitive task of carrying the ultimate responsibility for the Watergate investigation.

Surely no one man in America is so equipped with intelligence, integrity, and experience that he stands pre-eminent and head and shoulders above and alone among his fellow Americans as the only man equipped to serve as Attorney General and because of this he must be pulled out of the office of Secretary of Defense for which he was so recently confirmed after prior service as HEW Secretary in the Cabinet and earlier service in the State Department as Assistant Secretary.

Surely, we are not to believe that our country is so devoid of talented and eminent men that only one man—Mr. Richardson, able and dedicated though he is—is available, and that he must be shuttled from pillar to post in an effort to deal with each new and succeeding crisis. May Heaven come to our aid if this is our sad state.

Highly respected though he is, Mr. Richardson's appointment to be Attorney General is, I believe, regrettable and unfortunate. At another moment in history, I would support his nomination with enthusiasm. Coming, as it does, at this crucial time, however, I can only support his nomination with some misgivings. It is possible that his performance in office will erase all doubt, and hopefully it will, but as one who has the constitutional duty of voting on his nomination under the circumstances, my sensibilities are offended, at least to a degree, at being forced to make an affirmative decision almost without a choice to do otherwise. For time is passing and the hour is late. There has already been too long a delay in the full and thorough prosecution of all the crimes suspected to have been committed in the context of what has become a generic term for infamy—Watergate. Of course, Mr. Richardson's nomination could be rejected, but that would necessitate our having to start all over again with no assurance of better luck the next time around.

The Attorney General designate has been patient and cooperative, and he has conscientiously sought to allay every concern and every doubt harbored by Judiciary Committee members. He has prepared guidelines for the direction of a special prosecutor, and he has now selected a highly reputable outside prosecutor. Mr. Richardson has revised, reworked, and refined the guidelines in response to questions by members of the Judiciary Committee, asked of him both privately and publicly. All of this is to his credit.

I think, therefore, that we on the Judiciary Committee have gone as far as we can go and done all we can do to assure an objective and thorough investigation and prosecution of the Watergate case.

Deficiencies may yet exist in the guidelines, if we are to accept the premise that nothing is perfect. Short of absolute and complete authority for the prosecutor, one cannot be sure beyond peradventure of doubt that he will be genuinely independent. But at least the guidelines would seem to provide for such independence. The answers by both Mr. Richardson and by Mr. Cox to questions which I have asked today in the Judiciary Committee would appear to alleviate all reasonable concern that the special prosecutor be given the full and complete independence that he will need. It will be up to him now to live up to his assurances and to the expectations and the duties required of him. At least the instrumentalities exist whereby the prosecutor can bring to public account, if he will, any attempt to hinder or pressure or obstruct him in the pursuance of his duty without fear or favor.

Let it be clear, however, that it is not the name of Mr. Cox that is subject to Senate confirmation. It is the name of Mr. Richardson, and no one else.

Initially, I thought the idea advanced by Mr. Richardson was a good one, namely, that the Senate express itself in support of the special prosecutor selected. I have changed my mind. The Senate is not required by the Constitution to pass judgment on this nonstatutory appointment, and it ought not assume this nonobligatory burden. The burden should rest with Mr. Richardson—that is where it began and that is where it should end—with Mr. Richardson carrying full responsibility for the choice and selection of the prosecutor.

That is all the more reason why Mr. Richardson will want to see to it, in the end, that the work done is well done and so recognized as having been well done by all.

In my judgment, the Senate should act quickly now to confirm Mr. Richardson's nomination. If he is to fulfill the trust reposed in him, he ought to be allowed to begin with due haste.

The Committee on the Judiciary should, of course, complete its interrogation of the Attorney General designate and of the special prosecutor who has been selected by Mr. Richardson. Once that interrogation has been completed, I believe that the Senate then should move as quickly as possible to proceed to the consideration of the nomination and to act on the confirmation of the nomination, hopefully before the Memorial Day recess. Time, unbridled, will ill serve the cause of justice in these circumstances.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. NUNN). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVES DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STAFFORD) laid before the Senate the following letters, which were referred as indicated:

### Proposed Contracts From Department of the Interior

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Rapidex, Inc., Boxford, Mass., for a research project entitled "Wedge Longwall Cutterhead Development" (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

A letter from the Deputy Assistant Secretary of the Interior, transmitting pursuant to law, a proposed contract with Arthur D. Little, Inc., Cambridge, Mass., for a research project entitled "High Working Level Alarm" (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with MSA Research Corporation, Evans City, Pa., for a research project entitled "Improved Dust Control at Chutes, Dumps, Transfer Points, and Crushers in Noncoal Mining Operations" (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

### Report Relating to a New Attitude on Aging

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report entitled "Toward a New Attitude on Aging: A Report on the Administration's Continuing Response to the Recommendations of the Delegates to the 1971 White House Conference on Aging," dated April 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

### Report of the Ozarks Regional Commission

A letter from the Federal Cochairman, the Ozarks Regional Commission, transmitting, pursuant to law, a report of that Commission, though December 31, 1972 (with an accompanying report). Referred to the Committee on Public Works.

### Report Entitled "Waste Oil Study, Preliminary Report to The Congress"

A letter from the Acting Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Waste Oil Study, Preliminary Report to the Congress" (with an accompanying report). Referred to the Committee on Public Works.

### Proposed Legislation From the Department of the Interior

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the National Visitor Center Facilities Act of 1968 to authorize certain interpretive transportation services, and for other purposes (with an accompanying paper). Referred to the Committee on Public Works.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STAFFORD):

A joint resolution of the legislature of the State of Utah. Referred to the Committee on Finance:

"H.J.R. No. 16

"A joint resolution of the 40th Legislature of the State of Utah memorializing the Congress of the United States to support efforts to increase the adequacy of the railroad retirement system through the ton-mile tax

*"Be it resolved by the Legislature of the State of Utah:*

"Whereas, new approaches are needed to the problem of financing the Railroad Retirement System to protect the pensions of members of the system as well as all other railroad employees;

"Whereas, the present Railroad Retirement System is not in the position of guaranteeing a continuation of all present benefits or to provide necessary financing to insure a reduction in retirement age;

"Whereas, a method of insuring a sound retirement system for present and future pensions is needed without interference from regulatory agencies; and

"Whereas, the "Ton-Mile Tax" would be an equitable method of insuring the financial soundness of the Railroad Retirement System;

"Now, therefore, be it resolved, that the 40th Legislature of the State of Utah memorialize the Congress of the United States to pass the "Ton-Mile Tax" in order to insure the financial independence of the Railroad Retirement System.

"Be it further resolved, that the Congressional delegation from the State of Utah use their efforts to support this concept.

"Be it further resolved, that the Secretary of State of Utah send copies of this resolution to the Senate and House of Representatives of the United States and to each Senator and Representative from the State of Utah."

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. 925. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes (Rept. No. 93–166), together with individual views.

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1016. A bill to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes (Rept. No. 93–167).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD:

S. 1848. A bill for the relief of Mrs. Lucy Locke. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (by request):

S. 1849. A bill to authorize the disposal of various materials from the national stockpile and the supplemental stockpile, and for other purposes. Referred to the Committee on Armed Services.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 1850. A bill to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1851. A bill to amend title V of the Housing Act of 1949 to provide for the use of fee appraisers and construction inspectors, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 1852. A bill for the relief of Georgina Henrietta Harris. Referred to the Committee on the Judiciary.

By Mr. HANSEN:

S. 1853. A bill to amend the Internal Revenue Code to encourage development of processes to convert coal to low pollutant synthetic fuels. Referred to the Committee on Finance.

By Mr. BARTLETT:

S. 1854. A bill to authorize funds to compensate the Cherokee Nation, a tribe of Indians of Oklahoma, for the loss of 545,175.14 acres of land. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS (for himself, Mr. STEVENS, Mr. RANDOLPH, and Mr. GRAVEL):

S. 1855. A bill to promote the development within the United States and foreign countries of American arts and handcrafts. Referred to the Committee on Commerce.

By Mr. BARTLETT:

S. 1856. A bill to determine the rights and interests of the Choctaw Nation, the Chickasaw Nation, and the Cherokee Nation in and to the bed of the Arkansas River below the Canadian fork and to the eastern boundary of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 1857. A bill to provide opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services, to amend the Public Works and Economic Development Act of 1965 to establish a program to assist municipalities and businesses in urban industrial development, for other other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs and the Committee on Labor and Public Welfare.

S. 1858. A bill to establish a comprehensive employees pension plan protection system. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. Brooke):

S. 1859. A bill directing the Secretary of Defense to transfer jurisdiction and control of a portion of the property comprising the Boston Naval Ship Yard at Charlestown, Mass., to the Secretary of the Interior. Referred to the Committee on Armed Services.

---

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 1850. A bill to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and Senator Tower a bill to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes.

This bill was recommended to the Congress by the Department of Agriculture. I ask unanimous consent that the letter from the Department of Agriculture transmitting this measure be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
*Washington, D.C., April 23, 1973.*

Hon. Spiro T. Agnew,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. President: Enclosed is a proposed amendment to Title V of the Housing Act of 1949, as amended, to extend veterans' preference for housing loans to veterans of the post-Korean era.

Section 507 of the Housing Act of 1949 directs that preference be given to veterans and to families of deceased servicemen who apply for rural housing loans. The bill would amend section 507 to include as "veterans" those persons who served in and were discharged on other than dishonorable conditions from the military forces of the United States during the period beginning after January 31, 1955, and ending on August 4, 1964, or during the Vietnam era (as defined in section 101 (29) of Title 38, United States Code). The term "deceased servicemen" would be expanded to include persons who died in military service during this same period. These changes would extend the preference provisions so as to add the Vietnam era and the post-Korean conflict period to the time intervals already covered by section 507. This proposed change is consistent with the national policy of recognizing the fairness of according veterans and the families of deceased servicemen special treatment in various ways.

Section 102(2)(c) of Public Law 91-190 does not apply to this legislation. Therefore, an environmental statement is not enclosed.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,
J. Phil Campbell, *Under Secretary.*

---

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 1851. A bill to amend title V of the Housing Act of 1949 to provide for the use of fee appraisers and construction inspectors, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and Senator Tower a bill to amend title 5 of the Housing Act of 1949 to provide for the use of fee appraisers and construction inspectors and for other purposes.

This bill was recommended to the Congress by the Department of Agriculture. I ask unanimous consent that the letter from the Department of Agriculture transmitting this measure be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
*Washington, D.C., April 6,1973.*

Hon. Spiro T. Agnew,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. President: Enclosed is an amendment to Title V of the Housing Act of 1949 to authorize Farmers Home Administration to contract for inspection and other services incident to the housing program and to use the Rural Housing Insurance Fund to pay for these and related program expenses and services.

In order to improve the timeliness of the administration of our housing programs, we need to make use of the services available by contract to the building and home mortgage industries. We propose to contract for such services to the extent necessary to supplement the agency's staff. Because of a rapid increase in the rural housing program volume without a corresponding increase in the agency's staff, this discretionary authority is needed to provide prompt services to applicants, borrowers and builders. The contract employees authorized by the bill would not be considered as Federal employees for any purpose.

The suggested amendment of section 506 (a) of the Housing Act of 1949 would eliminate the requirement that construction would be inspected by employees of the Secretary. This would permit, but not require, the inspections on a home to be made by fee inspectors.

The cost of outside services would be paid for out of charges made against the loan or out of other funds. The amendments to section 517(j)(3) would permit charges and payments for services to be handled through the Rural Housing Insurance Fund.

No additional funds would be needed for these proposed changes.

The Office of Management and Budget advises that these proposals are consistent with the Administration's objectives.

Sincerely,

---

By Mr. MATHIAS (for himself, Mr. Stevens, Mr. Randolph, and Mr. Gravel):

S. 1855. A bill to promote the development within the United States and foreign countries of American arts and handcrafts. Referred to the Committee on Commerce.

Mr. MATHIAS. Mr. President, today I am introducing a bill to promote the development within the United States and foreign countries of American arts and handcrafts. This bill is designed to fill a great gap in our existing craft programs and to help the citizens of other nations understand and appreciate American culture.

Whereas we can all appreciate the merits of funding for great artistic endeavors such as classic operas and great symphonies, it has long been my feeling, as an American interested in preserving his cultural heritage, that perhaps the most reflective of American customs, folkways, and traditions are the handcrafts of our talented craftsmen.

Our country has a rich folk tradition and a wide diversity of people and races. Yet, I have been disturbed to discover that almost nowhere outside the United States, and at very few places within this country, can one have the benefit of viewing or purchasing authentic American artifacts and handcrafts so illustrative of American ingenuity.

Anyone who has visited another country knows that the most valuable souvenirs of his travels are those items representing that country's culture and customs. Visitors to our country do not only shop for electric coffee pots and toasters, but also search for ceramic, wood, and metal artistry as well as Indian headdress, moccasins, and other ethnic products.

Among the most interesting experiences I have had in the crafts field was attending the Smithsonian's Annual Folklife Festival last summer on the National Mall in Washington. The folk traditions of a different State are featured there each year, and last year, we were proud to have Maryland as the featured State. On the Mall, Maryland's craftsmen, musicians, dancers, horsemen, hunters, wood carvers, trappers, and beekeepers set up shops and exhibited their talents. In addition, a special site on the Potomac River was added to the festival last year for a large exhibition of the water traditions and skills of Maryland's Eastern Shore.

The large turnout for this 5-day event was reflective of the strong and growing interest in and demand for authentic American handwork. Many Americans, and foreigners alike, are eager to learn more about the American character and gain a better understanding of our skills and folkways. Therefore, it occurred to me that displaying both in this country and in U.S. embassies abroad the products of American craftsmen—Eskimos, Indians, New Englanders, Southerners, Appalachian, and other Americans—would serve to fulfill this basic desire to gain a better insight into the American character, and the American heritage.

It is estimated, however, that if we were to begin today such a program for domestic and foreign exhibition of American handcrafts, it would take but a short while to drain the supply of quality crafts available for display. The reason for this deficiency is the shortage of programs to assist those interested in expressing themselves through crafts in the design, production, advertising, or marketing of their crafts.

Last year, therefore, I introduced legislation to corrcct this situation. Although the bill was introduced late in the Senate session, it was cosponsored by nine of my Senate colleagues, Senators Chiles, Stafford, Fong, Randolph, Javits, Gravel, Bayh, and Robert C. Byrd, and some members of the Senate Commerce Committee to which it was referred expressed great interest in its passage. Today, I am introducing it again and it is my hope that it will receive early and favorable consideration by the Senate.

The legislation I am offering provides for the establishment and administration by the Secretary of Commerce, in cooperation with the Interagency Craft Committee, of a program to insure a lasting supply of authentic American arts and handcrafts. The program would provide assistance in the training of persons to design and produce quality crafts and would provide assistance to skilled craftsmen in advertising, conducting market research, shipping, displaying, and selling crafts within the United States and in foreign countries.

As I see it, the Office of American Arts and Handcrafts will provide the expertise, the guidance, and the coordination that is so desperately needed by the many excellent producers of American arts and handcrafts. Throughout this country, there are people creating beautiful and practical handcrafts and works of art—works that are representative of their ethnic origins, their region, and their American heritage. For many, this exercise of native creativity is primarily therapeutic; for others it is a livelihood. But for all of them, I have found that there is need for help in marketing their products and adjusting their production to meet the areas of demand. The purpose of my bill, therefore, is to create a bridge between the producers and the consumers.

It is my hope that through this far-reaching program, American ethnic and cultural groups across the country will have the opportunity to express their originality and creative ability to a worldwide audience.

---

By Mr. HARTKE:

S. 1857. A bill to provide opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services to amend the Public Works and Economic Development Act of 1965 to establish a program to assist municipalities and businesses in urban industrial development and for other purposes. Referred by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs and the Committee on Labor and Public Welfare.

### NATIONAL GROWTH POLICY EMPLOYMENT ACT OF 1973

Mr. HARTKE. Mr. President, today I introduce legislation to guarantee jobs to all who need them and to provide for a land-banking program to assist communities in attracting and maintaining an industrial base.

Mr. President, in recent months an ominous trend has developed in this country. We have seen the President dismantle social programs which benefit millions of Americans while at the same time increasing the funding for environmental programs. We have witnessed this event because this Nation recognizes the environmental crisis but is not yet equally cognizant of the depth and breadth of that crisis. We will soon see the passage of a national land-use policy bill which will gear itself to the issue of the environment, not to the interrelationship of the Nations' population growth, land use control, and unemployment, nor to economic and racial discrimination. If the Nation's environmental concern extended to the urban environment of the Nation's ghettos, if it extended to the vast areas of rural poverty, and if it extended to the waste and banality of the Nation's suburbs, then I would be less concerned.

We all know that the environmental crisis is real and ominous. While this administration tells us that the fight to clean up the environment is being won, we see the truth around us. The Club of Rome, the Commission on Population Growth and the American Future, and Barry Commoner, tell us something more akin to the truth. And yet, as Americans we often fail to respond to a problem until it reaches crisis proportions.

As we move toward that environmental crisis, we must remember that all of us will suffer from plant closings, inefficient allocation of resources, and fouled air and water. But the economically disadvantaged will be hurt the most. It is they who will see fewer resources devoted to their desperate needs; it is they who will be the first to lose their jobs; it is they who will have to bear the major brunt of the environmental crusade.

There is more than one way to approach the problem of economic growth. Recently, I proposed the National Growth Policy Planning Act to help the Nation plan for its growth so as to understand the trend and alternative solutions to the long range and interrelated problems which abound in our environment. Before we devote ourselves to limiting the Nation's growth, we must guarantee our poor and underprivileged an equal opportunity to succeed and a higher level from which to pursue that goal. Before we limit the Nation's growth, we must concentrate on guaranteeing that everyone has access to jobs that will provide the opportunity to swim rather than sink. That mandate is already in the law under the statute passed more than a quarter of a century ago, the Employment Act of 1946, which provides that Congress set a national goal "to promote maximum employment, production, and purchasing power." Only one agency in Government, the Economic Development Administration, has tried to combine the responsibilities of that act with an attempt to guide the Nation's growth and development. We need new tools.

Today, I offer the National Growth Employment Policy Act of 1973, a proposal to insure that we guarantee jobs for those who need them and provide a program for identifying and buying parcels of land that are needed in urban areas to insure that corporations do not relocate and create unemployment.

Title I would provide a job for every able-bodied American in need. In essence this "full employment" title assures that anyone who cannot find a job in the private sector will have access to a public sector job. These will not be transitional jobs, nor will they be make-work jobs. Instead, they will be jobs which will help translate the social concerns of government into concrete action. They will be jobs in which workers can take pride in their accomplishments.

As chairman of the Senate Committee on Veterans' Affairs, I am well aware of a most shameful aspect of the unemployment picture. Many of the unemployed are Vietnam veterans. Men torn from careers in formation, pulled away from jobs and normal lives, sent to Indochina, and then returned to a society that offers them no place. This is nothing short of a national disgrace. However, this Hartke bill will guarantee that special preference is given to the hiring of Vietnam and Korean veterans who served after 1964.

For the past 35 years we have assumed that the answer to a high rate of unemployment was either tax reductions or additional Government spending. Inevitably, both of these approcahes have failed. Although there has been increasing recognition of structural employment and the marked skill imbalances in the economy, most economists have supported monetary and fiscal policy as the main tools to assure full employment and price stability. What is needed is a new approach.

The current policies of the administration are but an extension of the high unemployment policies of the past. The policies will not succeed in lowering prices or holding back inflation, nor will they succeed in lowering unemployment much below the 5-percent level.

It is time that we broke with the misguided policies of the past and adopted a new economic game plan which will give us full employment without substantial inflation. By full employment I do not mean a 5-percent rate of unemployment or even a 4-percent rate, but something close to zero long-term unemployment.

Another smaller but equally significant group of unemployed are highly skilled but, because of changes in national priorities or unfair competition from abroad, have lost their jobs and are unable to find new ones.

Experience has made it clear that the private sector cannot expand to provide jobs for these millions of able-bodied unemployed without, at the same time, causing inflation. The answer lies in creating new public sector jobs—jobs financed by the Federal Government and provided at the Federal, State, and local levels.

Some may say that the cost for these new jobs will be excessive but such critics forget that we are already paying the unemployed through unemployment insurance and welfare programs. By paying the able-bodied unemployed for socially useful work, we can enhance the moral fiber of the Nation, stabilize and invigorate the economy.

Others may oppose any legislation which turns over to the public sector a larger portion of the Nation's economic activity than is customary during peacetime. To these people, I say that Government is in a unique position to calculate both the social costs and the social benefits of its activities. Government need not be solely concerned with maximizing profits and replacing manpower with technology. Instead, Government can weigh the availability of unused manpower against the values of purer air and water, better schools and medical care, more livable cities, safer streets, better care of the aged, better mass transit, more day-care centers, and other services which can best be offered by Government. In short, Government can match the concerns of society to the resources at hand.

The continued growth of a technology-intensive society promises to leave millions of Americans with obsolete skills and no prospects of meaningful employment. This situation seems so needless and wasteful when there are so many unmet public needs crying for manpower. This title will provide many middle-aged Americans with new hope, start millions of young people on the road to productive lives, and assure our returning veterans of full membership in the society that sent them off to war.

Title II on urban employment and national growth amends the Public Works and Economic Development Act of 1965. It helps cities to set up land banks. The banks would consist of land purchased by municipalities for resale to manufacturing plants and business enterprises that otherwise might move from central cities leaving their workers behind. An analysis of nonresidential building permits reveals that in the last 5 years approximately 70 percent of all metropolitan industrial buildings were constructed outside of the central cities. Another study has found that during the past 5 census years, the suburbs of the 40 largest metropolitan areas gained 85 percent of the new jobs in manufacturing, wholesale and retail trade and related services. In these same areas, 99 percent of the new manufacturing jobs developed in the suburbs. This means that the jobs requiring the lowest skills and paying the lowest salaries are leaving the city, while the white collar firms remain.

Officials in several cities have been trying to set up land bank proposals on their own but have found it difficult. Urban unemployment is a tremendous problem, and our effort needs new direction. Not only must we provide for public service jobs, but we must insure that those jobs that are available in the private sector are not taken away. Thus, title II focuses on the main problem confronting firms that must expand, but find that it is uneconomical to do so inside the central city where a major drawback is the high cost of land. This land has been expensive because it is scarce and also because structures on it often must be demolished.

Under this title, city administrators aided by Federal loans and grants would embark on an aggressive program of identifying and buying parcels of land that are likely to be in demand for industrial expansions. The city would develop the land and hold it for resale. Out of a $450 million cash reserve set-aside by Congress, a city would obtain loans covering up to 90 percent of the purchase price of the land. The money could also be used for demolition. Corporations could borrow for construction and purchase of equipment. Certain conditions would have to be met to make the city or corporation eligible for the low-cost loans, including compliance with title VII of the Civil Rights Act of 1964 covering employment discrimination. A separate reserve of $50 million would be used to make grants to cities only, covering up to 25 percent of the project cost.

This program will be a self-sustaining program for the most part. The city would repay the Federal Government out of proceeds of land resale. Corporations would repay out of expanded revenues. The grants would be used primarily to make up the loss, if any, that a city might incur in selling land.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 1857

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "National Growth Policy Employment Act of 1973".

### TITLE I—FULL EMPLOYMENT AND NATIONAL GROWTH

#### STATEMENT OF PURPOSES

Sec. 101. The Congress finds and declares that—

(1) to attain the objective of the Employment Act of 1946 "to promote maximum employment, production and purchasing power" it is necessary to assure an opportunity for a gainful, productive job to every American who seeks work and furnish the education, training, and job placement assistance needed by any person to qualify for employment consistent with his highest potential and capability;

(2) the United States has the capacity to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and to obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities;

(3) the balanced growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who, with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment and attention;

(4) the placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate employment opportunities;

(5) there are great unfilled public needs in such fields as health, community improvement, education, transportation, public safety, recreation, environmental quality, conservation, and other fields of human betterment and public improvement, which can be met by expansion of public sector employment opportunities providing meaningful jobs for unemployed and underemployed persons, including those who have become unemployed as a result of shifts in the pattern of Federal expenditures;

(6) economic prosperity and stability in the United States and the well being and happiness of its citizens will be enhanced by the establishment of a comprehensive full employment program designed to assure every American an opportunity for gainful employment; and

(7) while there is an immediate national interest in an efficient and comprehensive means of guiding the nation's growth and while the rapid growth of the nation's population, a deteriorating environment, increasing urban sprawl, large scale industrial growth, conflicts in patterns of land use, the fragmentation of government entities, and the increased size, scale, and impact of private and public actions have created a situation in which growth policy management decisions of national, regional, statewide and local concern are often being made on the basis of expediency, tradition, short-term economic consideration, and other factors which detract from the real concerns of a sound national growth policy and are detrimental to the future well being of the nation; first priority should be given to providing employment and job stability to those who have the greatest needs.

#### DEFINITIONS

Sec. 102 As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor;

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) "city" means an incorporated municipality; or other political subdivision of a State, having general governmental powers.

#### AUTHORIZED APPROPRIATIONS

Sec. 103 (a) For the purposes of carrying out this Act, there are authorized to be appropriated such funds as may be necessary.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated, shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

#### ALLOCATION OF FUNDS

Sec. 104 (a) Sums appropriated pursuant to this Act for any fiscal year shall be allocated in the following manner:

(1) Not less than 80 per centum shall be apportioned by the Secretary among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States.

(2) The remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The Secretary is authorized to make reallocations for such purposes under this Act as he deems appropriate of the unobligated amount of any apportionment under subsections (a) (1) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a) (1) or (b), and no revision in the apportionments of the funds not so reallocated shall be made because of such reallocations.

(d) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a) (1) and (b) of this section.

### FINANCIAL ASSISTANCE

SEC. 105. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services.

### ELIGIBLE APPLICANTS

SEC. 106. Financial assistance under this Act may be provided by the Secretary only pursuant to applications submitted by eligible applicants who shall be—

(1) public agencies and institutions of the Federal Government;

(2) public agencies and institutions of States and cities; and

(3) Indian tribes and any private nonprofit agencies and institutions approved by the Secretary for the purpose of this Act.

### ELIGIBLE PARTICIPANTS

SEC. 107. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs assisted under the provisions of this Act.

SEC. 108. (a) Financial assistance under this Act may be provided by the Secretary for any financial year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, for unemployed and underemployed persons in such fields as health care, public safety, education, transportation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) a description of the methods to be used to recruit, select, and orient eligible participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(4) a description of unmet public services needs and a statement of priorities among such needs;

(5) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(7) the education, training, and supportive services (including counseling, medical care, and family planning) which complement the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(11) an indication of the full participation and maximum cooperation among local public officials, area residents, and representatives of private organizations in the development of the program and a description of their respective roles in the conduct and administration of the program; and

(12) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

### APPROVAL OF APPLICATIONS

SEC. 109. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the Secretary; and

(3) an opportunity has been provided to officials of appropriate cities to submit comments with respect to the application to the Secretary.

### SPECIAL CONDITIONS

SEC. 110. (a) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this Act will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(6) every participant shall be advised, prior to entering up employment, of his rights and benefits in connection with such employment; and

(7) special consideration in filing public service jobs will be given to unemployed or underemployed persons who are military veterans of the Vietnam Era, as defined in section 101 of Title 38, United States Code, (and who have received other than dishonorable discharges); and that the applicant shall (a) make a special effort to acquaint such individuals with the program, and (b) coordinate efforts on behalf of such persons with those authorized by chapters 41 and 42 of Title 38, United States Code (relating to Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies.

(b) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(c) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

### ADDITIONAL LIMITATIONS AND CONDITIONS

SEC. 111. (a) Any amounts received under chapters 11, 13, 31, 34, and 35 of Title 38, United States Code, by any veteran of any war, as defined by section 101 of Title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(b) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the effectiveness of all programs. Such data shall include, but be not necessarily limited to, information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in previous training and employment situations, if any;

(3) total dollar cost per person, including breakdown between salary or stipend, supportive services, and administrative costs. The Secretary shall compile such information on a State, regional, and national basis.

(c) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, political affiliation, physical disability, or beliefs.

(d) The Secretary shall not provide financial assistance for any program under this

Act which involves partisan political activities; and neither the program, the funds provided therefor, or personnel employed therein, shall be, in any way or to any extent engaged in the conduct of partisan political activities in contravention of chapter 15 of Title 5, United States Code.

(e) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation or maintenance of so much of any facilitiy as is used or to be used for sectarian instruction or as a place for religious worship.

ADMINISTRATIVE PROVISIONS

SEC. 112. (a) The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Such rules, guidelines, regulations, and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures, and make such payments, in installments and in advance, or by way of reimbursement, or otherwise allocate and expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(c) The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ and dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

(d) The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

(e) The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other provisions of Federal law if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

(f) In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

(g) The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him only when necessary to fulfill the purposes of this Act and subject to prior written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority and the reasons and justification for the exercise of such authority.

ADVANCE FUNDING

SEC. 113. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the current fiscal year and one for the succeeding fiscal year.

TRANSFER OF FUNDS

SEC. 114. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

LABOR STANDARDS

SEC. 115. All laborers and mechanics employed in any construction, alteration, or repair, including painting or decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). All others shall be paid at a rate not less than the then-prevailing Federal minimum wage. The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276 (c)).

COOPERATION OF OTHER AGENCIES

SEC. 116. Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies and other appropriate public and private organizations and facilities, with their consent.

ADVISORY COMMITTEE

SEC. 117 (a) The Secretary shall appoint an Advisory Committee on Public Service Employment which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, education, economic opportunity programs, as well as representatives of the unemployed. From the members appointed to such Committee, the Secretary shall appoint a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such committee shall hold not less than two meetings during each calendar year.

(b) The Advisory Committee shall—

(1) review the administration and operation of all programs under this Act and advise the Secretary of Labor and other appropriate officials as to carrying out their duties under this Act;

(2) conduct independent evaluations of programs carried out under this Act and publish and distribute the results thereof; and

(3) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs as are authorized under this Act.

(c) The Advisory Committee shall make an annual report, and such other reports as it deems necessary and appropriate, on its findings, recommendations, and activities to the Secretary and to the Congress.

(d) The Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the Advisory Committee shall be paid compensation at a rate not to exceed the per diem equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the work of the Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

STATE AND LOCAL ADVISORY COMMITTEES

SEC. 118. For the purpose of formulating and implementing programs under this Act, the Secretary may, where appropriate, assist in the establishment of representative advisory committees on a community, State, and regional basis.

REPORTS

SEC. 119. (a) The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources and use, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources and use.

(b) The Secretary shall transmit at least annually as part of the report required under this section a detailed report setting forth the activities conducted under this Act.

INTERSTATE AGREEMENTS

SEC. 120. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECTIVE DATE

SEC. 121. The effective date of this Act shall be July 1, 1973. Rules, regulations, guidelines and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment of this Act.

### TITLE II—URBAN EMPLOYMENT AND NATIONAL GROWTH

### FINDINGS AND DECLARATIONS

SEC. 201. (a) The Congress hereby finds and declares that—

(1) the harmful economic consequences resulting from the trend of industrial migration from large cities is a matter of critical national concern;

(2) such industrial migration causes a waste of the economic resources in the cities, including serious unemployment in the labor force and an erosion of the tax base of the cities;

(3) to overcome this problem, the Federal government, in cooperation with the States, should help cities and municipalities to take effective steps in planning and financing economic development in line with balanced national growth;

(4) Federal financial assistance, including grants and loans for development of facilities to communities and business in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies, provided that such assistance is preceded by and consistent with sound, long-range economic planning and growth policy planning; and

(5) under the provisions, employment opportunities should be created by developing and expanding new and existing industrial establishments and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

(b) It is the purpose of this Act to authorize the Federal government to provide a direct program of Federal assistance to municipalities and to private industry to alleviate the wasteful economic disruption and loss resulting from the movement of industrial firms away from the cities.

SEC. 202. The Public Works and Economic Development Act of 1965 is amended by adding at the end thereof the following new title:

### "TITLE VIII—URBAN INDUSTRIAL DEVELOPMENT

### "PART A—GRANTS TO CENTRAL CITIES FOR THE ESTABLISHMENT OF URBAN LAND BANKS

### "DIRECT AND SUPPLEMENTARY GRANTS

"SEC. 801. (a) Upon the application of any central city, as defined in section 833, with a population of one hundred thousand or more, the Secretary is authorized to make direct grants for the purchase and development of real property within such central city, on condition that such real property be employed at a later date for the purpose of industrial development, if he finds that—

"(1) the project for which financial assistance is sought will directly or indirectly—

"(A) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial plants or facilities.

"(B) otherwise assist in the creation of additional long-term employment opportunities for such area, or

"(C) prevent the loss of existing job opportunities in such area;

"(2) the area for which a project is to be undertaken is suitable in terms of terrain and location for industrial development, and that the costs incurred by the municipality are reasonable in terms of current local property values.

"(b) The amount of any direct grant under this section for any project shall not exceed 25 per centum of the cost of such project.

"(c) Such project may include—

"(1) acquisition of real property and any structures located thereupon;

"(2) demolition and removal of building; and

"(3) other improvements necessary to make the land suitable for industrial development.

"(d) A municipality purchasing land with assistance provided under this section may sell, lease, convey, or otherwise use such land, provided that such use is consistent with the purpose of industrial development.

"(e) The Secretary shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of municipalities that apply for assistance. In prescribing such rules, regulations, and procedures the Secretary shall consider among other relevant factors (1) the severity of the rates of unemployment in the areas eligible for assistance under this title and the duration of such unemployment and (2) the income levels of families and the extent of underemployment in such eligible area.

"(f) Not more than 15 per centum of the appropriations made pursuant to this section in any fiscal year may be expended in any one State in such fiscal year.

### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 802. There is hereby authorized to be appropriated to carry out this part not to exceed $50,000,000 per fiscal year for the fiscal year ending June 30, 1974, and for each fiscal year thereafter through the fiscal year ending June 30, 1978.

### "PART B—LOANS TO CENTRAL CITIES FOR THE ESTABLISHMENT OF URBAN LAND BANKS

### "URBAN LAND BANK LOANS

"SEC. 810. (a) Upon the application of any central city, as defined in section 833, with a population of one hundred thousand or more, the Secretary is authorized to purchase evidences of indebtedness and make loans to assist in financing the purchase and development of real property within such municipality; on condition that such real property be employed at a later date for the purpose of industrial development, if he finds that—

"(1) the project for which financial assistance is sought will directly, or indirectly—

"(A) tend to improve the opportunities in the area where such project is or will be located, for the successful establishment or expansion of industrial plants or facilities,

"(B) otherwise assist in the creation of additional long-term employment opportunities for such area, or

"(C) prevent the loss of existing job opportunities in such area;

"(2) the financial assistance requested for such project is not otherwise available from private lenders or from other Federal agencies on terms which in the opinion of the Secretary will permit the accomplishment of the project;

"(3) the amount of financial assistance requested plus the amount of other available funds for such project are adequate to insure the completion thereof;

"(4) there is a reasonable expectation of repayment;

"(5) the area for which a project is to be undertaken is suitable in terms of terrain and location for industrial development, and that the costs incurred by the municipality are reasonable in terms of current local property values.

"(b) The amount of any loan under this section shall not exceed 90 per centum of the cost of such project.

"(c) Such project may include—

"(1) acquisition of real property and any structures located thereupon;

"(2) demolition and removal of buildings;

"(3) other improvements necessary to make the land suitable for industrial development.

"(d) A municipality purchasing land with assistance provided under this section may sell, lease, convey, or otherwise use such land, provided that such use is consistent with the purpose of industrial development.

"(e) Subject to section 832(2) of this title, no loan including renewals or extensions thereof, shall be made under this section for a period exceeding forty years, and no evidence of indebtedness maturing more than forty years from the date of purchase shall be purchased under this section. Such loans shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less not to exceed one-half of 1 per centum per annum.

"(f) The amount of any loan under this section shall not exceed 90 per centum of the cost of such project.

"(g) Not more than 15 per centum of the appropriations made pursuant to this section for any fiscal year may be expended in any one State in such fiscal year.

### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 811. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section: *Provided*, That annual appropriations for the purpose of purchasing evidences of indebtedness, and making and participating in loans shall not exceed $200,000,000 for the fiscal year ending June 30, 1974, and for each fiscal year thereafter through the fiscal year ending June 30, 1978.

### "PART C—URBAN INDUSTRIAL DEVELOPMENT LOANS

### "BUSINESS LOANS AND LOAN GUARANTEES

"SEC. 820. (a) The Secretary is authorized (1) to purchase evidences of indebtedness and to make loans (which for purposes of this section shall include participation in loans) to aid in financing any project within a central city, as defined in section 833 of this title, of one hundred thousand population or more for the purchase or development of land and facilities (including machinery and equipment) for industrial usage, including the construction of new buildings, and rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings; and (2) to guarantee loans for working capital made to private borrowers by private lending institutions in connection with projects in central cities assisted under subsection (a)(1) hereof, upon application of such institution and upon such terms and conditions as the Secretary may prescribe: *Provided, however*, That no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

"(b) Financial assistance under this section shall be on such terms and conditions as the Secretary determines, subject, however, to the following restrictions and limitations:

"(1) Such financial assistance shall not be extended to assist establishments relocating from one area to another or to assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them, except that such limitation shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in any increase in unemployment of the area of original location or in any other area where such entity conducts manufacturing operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing manufacturing entity in the area of its original location or in any other area where it conducts such operations.

"(2) The project for which financial assistance is sought must be reasonably calculated to provide more than a temporary alleviation of unemployment or underemployment within the area wherein it is or will be located.

"(3) No evidence of indebtedness shall be purchased and no loans shall be made or guaranteed unless it is determined that there is reasonable assurance of repayment.

"(4) Subject to section 832(2) of this title, no loan, including renewals or extensions thereof, may be made hereunder for a period exceeding thirty years and no evidences of indebtedness maturing more than thirty years from date of purchase may be purchased hereunder, except that these restrictions on maturities shall not apply to securities or obligations received by the Secretary as a claimant in bankruptcy or equitable reorganization or as a creditor in other proceedings attendant upon insolvency of the obligor.

"(5) Loans made and evidences of indebtedness at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the nearest one-eighth of 1 per centum, plus additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose.

"(6) Loan assistance shall not exceed 90 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land facilities (including machinery and equipment), demolition and removal of structures, and of constructing, altering, converting, rehabilitating, or enlarging the building or buildings of the particular project, and shall, among others, be on the condition that other funds are available in an amount which, together with the assistance provided hereunder, shall be sufficient to pay such aggregate cost.

"(7) Such assistance shall be extended only to applicants which have been approved for such assistance by an agency or instrumentality of the central city thereof in which the project to be financed is located, and which agency or instrumentality is directly concerned with the problems of industrial development in such central city.

"(8) To the extent the Secretary finds such action necessary to encourage financial participation in a particular project by other lenders and investors, any Federal financial assistance extended under this section may be repayable only after other loans made in connection with such project have been repaid in full, and the security, if any, for such Federal financial assistance may be subordinated and inferior to the lien or liens securing other loans made in connection with the same project.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 821. There is hereby authorized to be appropriated to carry out this part not to exceed $250,000,000 per fiscal year for the fiscal year ending June 30, 1974, and for each fiscal year thereafter through the fiscal year ending June 30, 1978.

"PART D—MISCELLANEOUS

"SEC. 830. (a) No land for the acquisition of which a grant, loan, or other financial assistance has been made under this title shall be converted to uses not originally approved by the Secretary without his prior approval. Prior approval will be granted only upon satisfactory compliance with regulations established by the Secretary. Such regulations shall require findings that (1) there is adequate assurance that the substitution of another project of as nearly feasible equivalent usefulness, location, and fair market value at the time of the conversion; (2) the conversion and substitution are needed for orderly growth and development, and (3) the proposed use of the substitution as established by the Secretary under this title.

"(b) If application is made for conversion under subsection (a), the Secretary may modify the terms of the grant or loan agreement as he sees fit, taking into account the degree by which the municipality or manufacturing firm benefited by purchasing the land pursuant to this title, the alternate land use which such municipality or manufacturing firm proposes, and any other relevant factors. Such modification of the agreement may include establishing an earlier repayment date for a loan, or repayment by the municipality of any grant received. The Secretary, after consulting with the municipality may similarly modify the terms of the agreement if the land purchased remains vacant for an unreasonable length of time as determined by the Secretary.

"SEC. 831. The Secretary is authorized to make grants, loans, and other financial assistance to municipalities under this title in any combination he deems necessary except that the total of all financial assistance under this title shall not exceed 100 per centum of the total project cost (excluding all other Federal aid in connection with the undertaking).

"SEC. 832. In performing his duties under this title, the Secretary is authorized—

"(1) under regulations prescribed by him, to assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with loans made or evidences of indebtedness purchased under this title, and collect or compromise all obligations assigned to or held by him in connection with such loans or evidences of indebtedness until such time as such obligations may be referred to the Attorney General for suit or collection;

"(2) to further extend the maturity of or renew any loan made or evidence of indebtedness purchased under this title, beyond the periods stated in such loan or evidence of indebtedness or in this title, for additional periods not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan or evidence of indebtedness;

"(3) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to, or otherwise acquired by, him in connection with loans made or evidences of indebtedness purchased under this title;

"(4) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to him in connection with loans made or evidences of indebtedness purchased under this title. This shall include authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Secretary, Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not apply to any contract or hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of loans made or evidences of indebtedness purchased under this title if the premium therefor or the amount thereof does not exceed $1,000. The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Secretary pursuant to the provisions of this title may be exercised by the Secretary or by any officer or agent appointed by him for that purpose without the execution of any express delegation of power or power of attorney;

"(5) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized by this title;

"(6) in addition to any powers, functions, privileges, and immunities otherwise vested in him, take any and all actions, including the procurement of the services of attorneys by contract, determined by him to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made or evidences of indebtedness purchased under this title;

"(7) employ experts and consultants or organizations therefor as authorized by section 55a of title 5, compensate individuals so employed at rates not in excess of $100 per diem, including traveltime, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 73b–2 of title 5 for persons in the Government service employed intermittently, while so employed, except that contracts for such employment may be renewed annually;

"(8) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or his property. Nothing herein shall be construed to except the activities under this title from the application of sections 507(b) and 2679 of title 28 and section 316 of title 5; and

"(9) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this title.

"SEC. 833. When used in this Act the term 'central city' shall mean that governmental unit within each Standard Metropolitan Statistical Area designated and defined as such by the Office of Management and Budget."

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE) I ask unanimous consent that the bill today introduced by him (S. 1857) be jointly referred to the Committee on Labor and Public Welfare and the Committee on Banking, Housing and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

By Mr. KENNEDY (for himself and Mr. BROOKE):

S. 1859. A bill directing the Secretary of Defense to transfer jurisdiction and control of a portion of the property comprising the Boston Naval Shipyard at Charlestown, Mass., to the Secretary of the Interior. Referred to the Committee on Armed Services.

### BOSTON NAVAL SHIPYARD AND THE U.S.S. "CONSTITUTION"

Mr. KENNEDY. Mr. President, since the Secretary of Defense announced the closing of the Boston Naval Shipyard, there continues to be an enormous concern for the workers and their families who will be affected by the closing. On May 2, I introduced legislation to assist these workers providing readjustment allowances, counseling benefits, relocation allowances, early retirement benefits and health benefits.

There are two additional concerns of the residents of the Commonwealth of Massachusetts in connection with the closing of the Boston Naval Shipyard: First, that the U.S.S. *Constitution* remain in Boston, second, that the historic portions of the Boston Naval Shipyard at Charlestown be preserved. The residents of the Commonwealth are entitled to assurances that *Old Ironsides* will not be moved and that no part of the yard which has historic significance will be lost.

There have been suggestions from other parts of the Nation that *Old Ironsides* might find a home in other States and urging the Secretary of the Navy to take steps to move the ship. The U.S.S. *Constitution,* in history and in fact, has a home, Boston, Mass.

The *Constitution,* better known perhaps as *Old Ironsides* is a commissioned ship of the U.S. Navy to this day though she was built in 1797. *Old Ironsides* was involved in the undeclared naval war with France (1798–1800), the sea battles with the Barbary Pirates (1801–1805), and the War of 1812. The ship was condemned as unseaworthy in 1830, and for a time the future of the *Constitution* was in jeopardy. However, Oliver Wendell Holmes' poem "Old Ironsides" aroused public interest in the ship, the appropriations for rebuilding were authorized, and an immense restoration effort restored the ship to its former beauty and fitness.

I ask unanimous consent to enter in the RECORD at this point a few of the letters I have received from children and adult citizens which demonstrate the deep feeling and attachment for *Old Ironsides.*

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SECRETARY OF THE COMMONWEALTH,
STATE HOUSE,
*Boston, Mass., May 4, 1973.*
Hon. EDWARD M. KENNEDY,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: The Massachusetts Historical Commission is seriously concerned with reports emanating from Washington and other seaboard states that there is a move afoot to move the USS *Constitution* from Massachusetts with the phasing out of the Boston Naval Shipyard.

As Chairman of the Massachusetts Historical Commission and custodian of National Historic Landmarks and other properties in Massachusetts listed on the National Register, I summoned an emergency meeting of the Commission, the purpose of which is to preclude any transfer of the Flagship of the First Naval District.

We have achieved total support from the ranks of the highest governmental officials, both on State and Federal levels, as well as from historical landmarks preservation organizations in the private sector.

We urgently solicit your support towards maintaining the USS *Constitution* at her Boston berth where she was launched; where she has persevered for the last 176 years; and where her glorious history says she belongs for the ages.

Please advise the Massachusetts Historical Commission as to what you can and will do towards the attainment of our cause.

Sincerely,
JOHN F. X. DAVOREN,
*Chairman, Massachusetts Historical Commission.*

---

SPRINGFIELD, MASS.,
*April 20, 1973.*
Senator EDWARD KENNEDY:

I hope you will fight to keep *"Old Ironsides"* in Boston across from where she was built. The reason I don't want her to be moved is the same as you said, it means a lot to the people of Massachusetts.

Thank you.
DOREEN LYNCH.

---

WETHERSFIELD, CONN.,
*April 19, 1973.*
Senator EDWARD KENNEDY,
*Senate Office Building,*
*Washington, D.C.*

MY DEAR SENATOR KENNEDY: I have just read of the suggestion to move *"Old Ironsides"* from Boston. I agree with you 100% that it should remain as an important part of the Boston skyline, and a "highlight of the 1976" celebration.

I grew up in Hyannis, and made frequent visits to Boston with my father. One of the highlights of our visits was to *"Old Ironsides."* I just cannot imagine it being berthed anywhere else.

Sincerely,
ABERE BODFISH DUNN,
(Mrs. Herbert F. Dunn).

---

WEST NEWTON, MASS.
Senator EDWARD M. KENNEDY,
*John F. Kennedy Federal Building,*
*Boston, Mass.*

DEAR MR. KENNEDY: I am an eighth grade student at Warren Junior High School in Newton, Mass. I am very concerned with the talk I hear about *"Old Ironsides"* being moved to another State. I know that you are trying to do something about keeping *Old Ironsides* in Boston. I hope you will succeed because I feel that is now part of Boston, and Boston would never be the same without it. It would be, for Boston, like removing the Coliseum from Rome.

Very sincerely yours,
FALVIO FABRIZI.

---

WILMINGTON, DEL.

DEAR SENATOR KENNEDY: Although neither a native nor a resident of Boston or of Massachusetts, I, as a citizen of the United States, am solidly in back of you on the *Old Ironsides* Issue.

I would be glad to write to a person, or persons, whom you might suggest, if you thought it might do good—assuming that many others would be doing the same thing.

Respectfully,
M. O. BADER.

Mr. KENNEDY. Mr. President, I asked the Secretary of the Navy, John Warner, to make it absolutely clear that the U.S. Navy would not move the U.S.S. *Constitution* at any time in the future, and I would like to include in the RECORD at this point a copy of Secretary Warner's response.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE NAVY,
*Washington, D.C., May 3, 1973.*
Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: Thank you for your telegram of 18 April expressing concern for the future of USS *Constitution.*

As you know, *Constitution* is currently in drydock at Boston Naval Shipyard undergoing an extensive overhaul. Although the shipyard will be closed during 1974, her overhaul will be completed at Boston and thereafter she will be maintained in her home port of Boston, as required by Public Law 83–523.

Thank you for your interest in *Constitution* and the preservation of this priceless reminder of our national heritage.

Sincerely yours,
JOHN W. WARNER,

Mr. KENNEDY. Mr. President, the significance of the Secretary's message is clear for the citizens of the Commonwealth of Massachusetts—not only will the overhaul of *"Old Ironsides"* be completed at Boston, but "thereafter she will be maintained in her home port of Boston, as required by Public Law 83–523." As a result of this communication from the Secretary, it is my hope that there will be no further speculation about moving the ship.

Mr. President, there is also a great deal of concern that the historically significant portions of the Boston Naval Yard at Charlestown may not be properly maintained and preserved in view of the closing of the yard. I have introduced legislation which will establish the Boston National Historical Park and Congressman THOMAS P. O'NEILL has introduced companion legislation in the House of Representatives. The Charlestown yard is included in this legislation. It is considered an integral part of the establishment of a national park to preserve the monumental historic sites in Boston, Mass.

I would like in insert in the RECORD at this point study material compiled by the city of Boston, the Boston Economic Development and Industrial Commission, and the Boston Redevelopment Authority regarding the historic significance of the Charlestown yard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### A. GENERAL DESCRIPTION OF THE BOSTON SHIPYARD

#### *Location and size*

Situated at the foot of Breeds Hill and the Bunker Hill Monument, the Boston Naval Shipyard at Charlestown is a relatively flat piece of land created on mudflats between the Charles River and Mystic River estuaries. Its northwestern, landward edge is defined by the Mystic Bridge and ramp system separating the shipyard from the Charlestown residential community. By Navy records, the present area of the shipyard is approximately 130 acres, including 83.9 acres of "hard land" and 46.07 acres of piers and water area to the U.S. bulkhead line.

#### *Historical significance*

The Charlestown Navy Yard is of historical significance for its connection with the Revolutionary War, and the establishment of the U.S. Navy, its role in the building and maintenance of many important ships of the fleet, and for the first in Navy facilities and operations which occurred here.

The origins of the shipyard date to the spring of 1797, several months before the establishment of the U.S. Navy Department, when a resolve from the Naval Committee of the House of Representatives recommended that an appropriation be made for the establishment of a government dock-yard. Three years later, in the spring of 1800, Secretary of the Navy Benjamin Stoddard proposed the purchase of land at Boston for such a purpose. Later that year, 43 acres of land and mudflats were purchased at Charlestown for a sum of $39,214. Included in the site of the new shipyard was the land known as "Moulton's Point," where the British troops had landed and formed for the assault in the famous 1775 Battle of Bunker Hill.

Among the ships constructed at the Naval Yard in subsequent years were the "Independence," considered to be "the finest and heaviest frigate-built vessel of her time," and the first torpedo boat the "Intrepid." One of the most famous ships constructed at the yard was the "Merrimac," converted into an ironclad by Confederate forces during the Civil War and known for its encounter with the Union Ironclad "Monitor" at Hampton Roads. For all but 40 years since 1803, when her hull was covered with copper made by Paul Revere, the famous frigate "Constitution" has made the Naval Yard her home.

The Charlestown Naval Shipyard has also been the site of several unique facilities. The first "shiphouse" for building ships indoors was constructed here in 1813 and proved so successful that it was copied in other shipyards in this country and abroad. Drydock #1, constructed in 1833, is one of the oldest drydocks in the country and was first occupied by the Constitution. The 1,360 foot long ropewalk produced all of the Navy's rope for over a century.

### *Architectural Significance*

The structures in the shipyard illustrate a variety of building types and several phases in the architectural stylistic development of the 19th and 20th centuries. They exhibit as well the increasing size and capacity of industrial structures permitted by changes in technology.

Notable structures in the shipyard include:

1) The Commandants House (1809)—a very fine three story brick mansion exhibiting Federal style features.

2) Drydock 1 (1827–33)—authorized by President Andrew Jackson, this is one of the two oldest drydocks in the country, both of which were completed in the same year. The Constitution was the first ship to enter the drydock and will be the last to do so under Naval auspices.

3) Wood-Metal Shop (#22) (1832)—This handsome granite multi-story structure may have been designed by Alexander Parris, Architect of the Quincy Market Complex in Boston.

4) Rope Walk (#58) (1834–36)—A unique granite structure 1,360 feet in length, the Rope Walk produced all of the Navy's rope for almost 135 years.

5) Buildings 24, 33, 34, 36, 38 (1837–1954)—multi-story granite structures of considerable architectural merit.

## B. REUSE AND DEVELOPMENT CONCEPTS

### *National Historic Park and Naval Museum*

Because of its long and considerable role in the building of Naval ships, its architectural heritage, and the assets of its waterfront location, the Boston Naval Shipyard at Charlestown is important to both the City of Boston and the Nation.

The city proposes that as part of a development plan for the re-use of the shipyard, a portion of the site be reserved as an historic park of National importance. Such a "park" would feature a major Naval Museum, a visitors center interrelating regional historic sites, open space and recreation facilities and appropriate services.

1) Naval Museum.—The primary focus of the Charlestown Naval Shipyard historic park should be a Museum of Naval Architecture and History. Such a museum would surpass in scope any of the existing Naval and Maritime Museums in this country and be modelled in part after the National Maritime Museum, Greenwich, England. Exhibits should explore at least the following topics:

a) Naval architecture and technology—demonstrating scientific principles such as hydrodynamics and locomotion, and the development of ships reflecting an understanding of these concepts and the special requirements of ships of war.

b) The art of ship building—methods of ship construction including materials, equipment, time and skills required.

c) Exploration and navigation.

d) Related technology—development of secondary naval equipment, such as rope, anchors and anchor chains.

The history of the U.S. Navy should be explored but not in such a way as to duplicate facilities at the Naval Academy at Annapolis, Maryland. Emphasis should be placed on the changing duties and living conditions of ordinary men aboard ships rather than on heroes or on particular events of history.

A small special exhibit should be included which tells the history of the Boston Naval Shipyard at Charlestown and the boats which were built here. To demonstrate both the technology changes in naval architecture and the experience of the U.S. Navy, full sized vessels should wherever possible be restored and moored at piers 1 to 4 of the shipyard. A major feature of the museum would, of course, be the U.S.S. Constitution.

### Vistitors Orientation Center

The Naval Shipyard is itself a Revolutionary War Site. It is now and will continue to be the major attraction on the Freedom Trail. Furthermore, it has a considerable amount of space which is potentially available for purposes of historical commemoration. It, therefore, seems an appropriate location for a visitor's center whose function would be to provide an introduction to the historic sites of the Region. The purpose of such a center would be to show the relationship and sequence of events preceding, during and after the period of armed conflict in the Boston region. Emphasis should be on the general and interpretative rather than the specific. For this reason, films and topographic maps and models might constitute the bulk of the exhibit material.

Mr. KENNEDY. Mr. President, I expect action in the Congress during this session on the Boston Historical Park bill, but there still is apprehension that before the park is established work will not have begun to preserve and protect those portions of the yard which cannot be used for industrial, maritime, or commercial purposes and which are historically significant. The legislation I introduce today will allow the Secretary of Defense to transfer to the Secretary of the Interior those portions of the yard which the Commonwealth, the city of Boston, and the Departments of Defense and Interior agree should comprise the national historic site. The city of Boston has suggested a naval museum be included in the site and this legislation provides that the Secretary of Interior may begin immediately a study to establish such a facility.

I have asked the Secretary of the Navy and the Secretary of the Interior to forward to me their suggestions for facilitating this transfer, and I will be happy to incorporate their ideas into the legislation.

The distinguished chairman of the Senate Interior Subcommittee on Parks and Recreation has agreed to hold public hearings on my legislation to establish the Boston National Historical Park in Boston on July 17. During those hearings, we will have the opportunity to focus on the immediate need to assure the preservation of the Charlestown yard as well as consider the other historic sites in Boston of major significance.

Mr. President, the Governor of Massachusetts, the mayor of Boston, and the entire Massachusetts delegation here in the Congress is working together not only to assist those workers who will lose their jobs as a result of the closing of the Boston Naval Shipyard, but also in a major effort to convert the facility from defense to civilian uses. This will require an investment of over $200,000 from the city of Boston and $400,000 in Federal assistance. The city of Boston has already completed the enormous task of outlining the resources, the potential, and the suggested development needed to convert the Boston Navy Yard into a vigorous and important part of the economy of Boston and Massachusetts.

While we work together in this effort, it is my hope that the Congress will act quickly on the legislation I introduce today to preserve for future generations a site of tremendous historic and maritime significance.

Mr. BROOKE. Mr. President, this measure must properly be considered contingency legislation in the event that the concerted effort of the Massachusetts congressional delegation to reverse the decision to phase-out the Boston Naval Shipyard does not succeed.

While it is necessary to advance this vehicle for the future use of the Boston Naval Shipyard in the event our appeal is denied, I shall continue to do all within my power to prevail upon the Department of Defense to consider the meritorious strategic and economic arguments in favor of the continued operation of this facility.

The city of Boston and the Commonwealth of Massachusetts have promptly and responsibly explored alternative uses of the Shipyard complex should the facility be phased-out. The city and Commonwealth are in agreement as to a contingency plan. This plan is contained in a report to the Secretary of Defense submitted by the city of Boston, the Boston Economic Development and Industrial Commission and the Boston Redevelopment Authority.

We are prepared to convert if necessary. I believe we have the capacity to plan and execute a conversion program that provides the maximum economic and human benefits possible. While we continue our efforts to reverse the decision to phase-out the Boston Naval Shipyard, we must look ahead to the various alternatives we face. This legislation provides a response to the alternative we now seek to avoid.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 275

At the request of Mr. Hartke, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 275, a bill to amend title 38, United States Code, increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

### VETERANS' PENSIONS

Mr. BAYH. Mr. President, I am honored to add my name as a cosponsor of S. 275, a bill to increase the limitation on allowable outside income for those collecting non-service-connected pension and disability payments, or dependency and indemnity compensation.

This bill is necessary so that veterans can enjoy the full benefits of the 20-percent increase in social security payments provided for last year in Public Law 92–336. Under the law, as a veteran or survivor's outside income increases, his or her pension is accordingly decreased. Since social security is included as part of outside income under the non-service-connected pension program, 1.2 million veterans and survivors now receive reduced veterans' pension checks, and another 20,000 have dropped from the rolls altogether.

Thus, veterans are caught in a bind between two social programs designed to assist them maintain a reasonable income level; in a year of inflation when no payments are truly adequate to those living on fixed incomes the retired veteran finds his overall payments constant despite action by Congress designed to increase his standard of living.

Mr. President, S. 275 would increase the annual income limitations for eligible veterans and their survivors receiving pensions and would provide increases in the rates of pension averaging about 8 percent. It would also provide an increase in the annual income limitation of old law pensioners by $400. Finally, it would increase the annual income limitation by $400 for those parents receiving dependency and indemnity compensation—DIC—and increase the rates of DIC for an average program benefit increase of 8 percent.

These provisions are identical to those of S. 4006 which unanimously passed the Senate on October 11 of the last Congress; because the House had decided to delay action until after passage of H.R. 1, Congress did not have sufficient time to take final action on S. 4006 during the last days of the 92d Congress. However, I am hopeful that Congress will act during this Congress to assist the 1.2 million veterans who need additional assistance rather than reduced payments.

For those who argue that the estimated annual cost of $197.9 million is excessive, I want to point out that a veteran with no dependents receives pension assistance only if his annual income is less than $3,000; a veteran with one to three dependents does not receive a pension check under this bill if his income is greater than $3,800. Thus, the program is designed to help the truly needy, not to provide luxury checks to those who already are taken care of by other Federal programs.

Mr. President, veterans have provided service to our country at considerable danger to their own lives. In return, the administration has moved to decrease pension payments for those living below the poverty level, and has arbitrarily and unilaterally changed the disability rating schedule to lessen payments for disabled veterans. I have cosponsored S. 1076, the Veterans' Administration Accountability Act, and intend to push for passage of S. 275, I have also supported: First, the Vietnam-Era Veterans' Readjustment Assistance Act of 1972 providing substantial increases in educational and vocational training benefits; second, the Veterans Health Care Expansion Act of 1973; and third, the Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1973.

I believe that the contributions of our veterans deserve ample recognition and financial assistance when necessary.

### S. 838

At the request of Mr. Tower, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 838, to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces.

### S. 1005

At the request of Mr. Case, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 1005, to amend the National School Lunch Act, as amended, to assure that the school food service program is maintained as a nutrition service to children in public and private schools, and for other purposes.

### S. 1105

At the request of Mr. Percy, the Senator from Maryland (Mr. Beall) was added as a cosponsor of S. 1105, the anti-environmental barriers bill.

### S. 1148

At the request of Mr. Cranston, the Senator from Minnesota (Mr. Mondale), the Senator from Rhode Island (Mr. Pell), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 1148, a bill to provide for operation of all domestic volunteer service programs by the Action Agency, to establish certain new such programs, and for other purposes.

### S. 1408

At the request of Mr. Hartke, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 1408, a bill to provide social security coverage for Federal employees.

### S. 1415

At the request of Mr. Buckley, the Senator from Michigan (Mr. Hart) and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 1415, to assist in the financing of small business concerns which are disadvantaged because of certain social or economic considerations not generally applicable to other business enterprises.

### S. 1422

At the request of Mr. Humphrey, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 1422, a bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for reform of the system of justice in the United States, and for other purposes.

### S. 1436

At the request of Mr. Hartke, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 1436, a bill to eliminate the social security payroll tax for persons over 65 years of age.

### S. 1497

At the request of Mr. Tunney, the Senator from South Dakota (Mr. McGovern), was added as a cosponsor of S. 1497, a bill to amend the Omnibus Safe Streets Act and to provide for an improved Federal effort to combat crime.

### S. 1698

At the request of Mr. Humphrey, the Senator from Wyoming, (Mr. McGee) was added as a cosponsor of S. 1698, a bill to amend the Rural Development Act of 1972 and for other purposes.

### S. 1722

At the request of Mr. Hartke, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 1722, a bill to provide tutorial assistance for homebound handicapped students.

### S. 1807

At the request of Mr. Tunney, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 1807, authorizing the Secretary of the Interior to execute a program of salinity control for the Colorado River.

### SENATE JOINT RESOLUTION 17

At the request of Mr. Tower, the Senator from Florida (Mr. Gurney) was added as a cosponsor of Senate Joint Resolution 17, to authorize and request the President of the United States to issue a proclamation designating October 14, 1973, as "German Day."

## ORDER FOR STAR PRINT OF S. 1835

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Indiana (Mr. Hartke), I ask unanimous consent, because of certain clerical and technical errors in S. 1835, a bill to amend title 38 of the United States Code, that a star print be made of the bill to correct those errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATE RESOLUTION 117—SUBMISSION OF A RESOLUTION COMMEMORATING THE LOSS AND SUFFERING OF THE DEAD AND WOUNDED MEMBERS OF THE ARMED FORCES OCCASIONED BY THE WAR IN VIETNAM

(Considered and agreed to.)

Mr. MANSFIELD (for himself and Mr. Scott of Pennsylvania) submitted a resolution (S. Res. 117) commemorating the loss and suffering of the dead and wounded members of the Armed Forces occasioned by the war in Vietnam.

(The text of the resolution and remarks pertaining thereto are printed at an earlier point in the Record.)

## ADDITIONAL COSPONSORS OF RESOLUTIONS

### SENATE RESOLUTION 87

At the request of Mr. Bartlett, the Senator from Maryland (Mr. Beall) was added as a cosponsor of Senate Resolution 87, requesting the President to begin a national carpooling program.

### SENATE RESOLUTION 113

At the request of Mr. Stevenson, the Senator from Michigan (Mr. Hart) was added as a cosponsor of Senate Resolution 113, to establish a temporary select committee to study the Senate committee system.

---

## EMERGENCY PETROLEUM ALLOCATION ACT OF 1973—AMENDMENT

### AMENDMENT NO. 140

(Ordered to be printed, and to lie on the table.)

Mr. MOSS. Mr. President, I send to the desk an amendment to the bill (S. 1570) to authorize the President of the United States to allocate energy and fuels, which I intend to call up later. I ask unanimous consent that it be printed and lie on the table, and that the text of the amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

### AMENDMENT NO. 140

Strike out the short title at the beginning of the bill and the title to section 101 and insert in lieu thereof the following:

### "TITLE I—EMERGENCY ALLOCATION OF PETROLEUM

### "SHORT TITLE, FINDING, AND PURPOSE

"Sec. 101. (a) This title may be cited as the "Emergency Petroleum Allocation Act of 1973'."

Renumber subsections (a) and (b) of section 101 as subsections (b) and (c).

Strike out the term "this Act" wherever it appears and insert in lieu thereof "this title".

At the end of the bill add a new title as follows:

### "TITLE II—FAIR MARKETING OF PETROLEUM PRODUCTS

### "SHORT TITLE, FINDINGS, AND POLICY

"Sec. 201. (a) This title may be cited as the 'Fair Marketing of Petroleum Products Act'.

"(b) Congress finds and declares that—

"(1) Current practices have harmed marketing competition in the gasoline and petroleum products industry.

"(2) Independent businessmen willing to risk their personal savings and assets and to work long and hard hours to build and maintain a business by paying personal attention and providing service to the consumer are being unfairly punished by arbitrary control of refined petroleum products by suppliers.

"(3) Winter shortages of fuel oils have had a deleterious effect on the availability of fuel supplies to heat American homes and dry grain crops.

"(4) Projected shortages of gasoline and propane will damage the consumer during the summer months by higher prices, shortages of supply, and the possibility of rationing in some areas.

"(5) Independent jobbers and retailers of petroleum products have been cut off from sources of supply of such products and pressured out of the marketplace to the great disadvantage of the consumer.

"(6) Independent jobbers and retailers of petroleum products who have made substantial personal investments in their businesses and who employ or have employed large numbers of citizens find themselves earning subsistence wages or unemployed.

"(7) Apparently unnatural economic forces prevail in the marketing of petroleum products.

"(8) Excessive and distorted market power which is enjoyed by major integrated oil companies is harming the consumer.

"(c) Competition, equal access to supplies for all retailers, and nondiscriminatory practices are essential to the fair and efficient functioning of a free market economy. Gasoline and other petroleum products should be produced, distributed, and marketed in the manner most beneficial to the consumer. Therefore, it is declared to be the policy of the Congress to assist consumers and retailers to reach these goals.

### "DEFINITIONS

"Sec. 202. As used in this title—

"(1) 'Commerce' means commerce among the several States or with foreign nations or in any State or between any State and foreign nation.

"(2) 'Commission' means the Federal Trade Commission.

"(3) 'Franchise' means any agreement of contract between a petroleum producer or a petroleum distributor and a petroleum retailer or between a petroleum producer and a petroleum distributor under which such retailer or distributor is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such producer or distributor, or any agreement or contract between such parties under which such retailer or distributor is granted authority to occupy premises owned, leased, or in any way controlled by such producer or distributor, for the purpose of engaging in the sale at retail or distribution of petroleum products of such producer or distributor.

"(4) 'Includes' should be read as if the phrase 'but is not limited to' were also set forth.

"(5) 'Person' means an individual or a corporation.

"(6) 'Petroleum distributor' means any person engaged in commerce in the sale, consignment, or distribution of petroleum products to retail outlets which it owns, leases, or in any way controls.

"(7) 'Petroleum producer' means any person engaged in the production, importation, or refining of petroleum and in the sale of petroleum or petroleum products in commerce for resale.

"(8) 'Petroleum products' includes any substance refined from petroleum.

"(9) 'Petroleum retailer' means any person engaged in commerce in the sale at retail of any petroleum product in any State, either under a franchise or independent of any franchise or who was so engaged at any time during the period commencing three years prior to the date of enactment of this Act.

"(10) 'Retail' means the sale of a product for purposes other than resale.

"(11) 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any organized territory or possession of the United States.

### "PROTECTION OF NON-FRANCHISED DEALERS

"Sec. 203. (a) Applicability.—A petroleum retailer or a petroleum distributor who is doing business independent of a franchise may maintain a suit for unlawful conduct as defined in subsection (b) of this section. A petroleum retailer may maintain such suit against a petroleum distributor whose actions affect commerce and whose products he purchases or has purchased, directly or indirectly. A petroleum distributor may maintain such suit against a petroleum producer whose actions affect commerce and whose products he distributes or has distributed to petroleum retailers.

"(b) Unlawfulness.—(1) It shall be unlawful for a petroleum producer or a petroleum distributor to fail to furnish gasoline or any other petroleum product to any petroleum retailer or petroleum distributor at wholesale prices, in reasonable quantities, and on nondiscriminatory terms so long as such producer or distributor continues to furnish gasoline or any other petroleum product to petroleum retailers who are under a franchise to such person.

"(2) It shall be unlawful for any person who is engaged directly or indirectly, in both refining and the marketing of petroleum products to pay or give or contract to pay or give anything of value or subsidy to any person, including but not limited to, price subsidies or protection, or reduction or credit on lease rentals, if the effect of such payment or contract to pay or give anything of value or subsidy is to reduce the effective selling price of any petroleum product below the post price therefor.

"(c) Prima Facie Evidence.—It is prima facie evidence of a violation of subsection (b) of this section that a petroleum producer or a petroleum distributor—

"(1) delivers, during any calendar month, to petroleum retailers or petroleum distributors who are independent of any franchise a lower percentage of the total number of gallons of gasoline or other petroleum products delivered by him to all petroleum retailers and petroleum distributors than the percentage so delivered during the period July 1, 1971, through June 30, 1972; of

"(d) Remedy.—The court may grant an award for actual damages resulting from the unlawful conduct together with such equitable relief as is necessary, including declaratory judgment and mandatory or prohibitive injunctive relief. The court is authorized to grant interim equitable relief, and punitive damages where indicated, in suits under this section, and may, unless such suit is frivolous, direct that costs, including a reasonable attorney's fee, be paid by the defendant.

"(e) Procedure.—A suit under this section may be brought in the district court of the United States for any district in which the petroleum distributor or the petroleum producer against whom such suit is maintained resides, is found, or is doing business, without regard to the amount in controversy. No suit shall be maintained under this section unless commenced within three years after the alleged unlawful conduct took place.

### "PROTECTION OF FRANCHISED DEALERS

"Sec. 204. (a) Applicability.—(1) A petroleum retailer or a petroleum distributor who is doing business under a franchise may maintain a suit in accordance with this section if such franchise is canceled, not renewed, or otherwise terminated, or if he receives notification of intention to cancel, to refuse to renew, or to otherwise terminate such franchise. A petroleum retailer may maintain such suit against a petroleum distributor whose actions affect commerce and whose products he sells or has sold under such franchise and against a petroleum producer whose actions affect commerce and whose products he sells or has sold. A petroleum distributor may maintain such suit against a petroleum producer whose actions affect commerce and whose products he distributes or has distributed to petroleum retailers.

"(2) No action may be brought under this section if the terms of such franchise provide for binding arbitration, in accordance with the rules of the American Arbitration Association, of any dispute arising under such franchise, including any dispute relating to cancellation, failure to renew, or termination.

"(b) Defenses.—It shall be a defense to any suit under this section that the franchise was or will be canceled, not renewed, or otherwise terminated because—

"(1) the petroleum retailer or the petroleum distributor maintaining such suit failed to comply substantially with essential and reasonable requirements of such franchise;

"(2) such retailer or distributor failed to act in good faith in carrying out the terms of such franchise; or

"(3) no petroleum products are or were available, except that this defense is not available to a petroleum distributor who is also a petroleum producer unless such producer is unable to meet the demands of such distributor because of apportionment priorities established by law; or

"(4) such producer or distributor withdraws entirely from the sale of petroleum products in commerce for sale at retail in the United States.

No defense under this subsection may be raised by any petroleum distributor or petroleum producer unless he furnished notification pursuant to this subsection to the petroleum retailer or the petroleum distributor maintaining such suit. Such notification shall be in writing and shall be accomplished by certified mail to such retailer or distributor; shall be furnished not less than ninety days prior to the date on which such franchise was or will be canceled, not renewed, or otherwise terminated; and shall contain a statement of intention to cancel, not to renew, or to terminate together with the reasons therefor, the date on which such action shall take effect, and a statement of the remedy available to such retailer or distributor under this Act together with a summary of the provisions of this section.

"(c) REMEDY.—The court may grant an award for actual damages resulting from the cancellation, failure to renew, or termination of such franchise together with such equitable relief as is necessary, including declaratory judgments and mandatory or prohibitive injunctive relief. The court is authorized to grant interim equitable relief and punitive damages where indicated in suits under this section, and may, unless such suit is frivolous, direct that costs, including a reasonable attorney's fee, be paid by the defendant.

"(d) PROCEDURE.—A suit under this section may be brought in the district court of the United States for any district in which the petroleum distributor or the petroleum producer against whom such suit is maintained resides, is found, or is doing business, without regard to the amount in controversy. No suit shall be maintained under this section unless commenced within three years after the cancellation, failure to renew, or termination of such franchise or the notification thereof.

"CONFORMING AMENDMENT

"SEC. 205. Sections 1 and 3 of the Robinson-Patman Price Discrimination Act (15 U.S.C. 13, 13a) are hereby amended by striking out 'engaged in commerce' wherever such term is used and inserting in lieu thereof 'engaged in commerce or affecting commerce'.

"REPORT

"SEC. 206. The Commission shall cause to be conducted a study of economic forces, market power, and practices in the marketing of gasoline and other petroleum products to the American consumer, including the effects of petroleum producers directly or indirectly operating as petroleum distributors and petroleum retailers, the relationship between economic power and credit card systems, and shall report thereon, including recommendations for legislation, to the President and the Congress simultaneously not later than two years after the date of enactment of this Act."

### AMENDMENT NO. 143

(Ordered to be printed, and to lie on the table.)

Mr. BARTLETT submitted an amendment, intended to be proposed by him, to Senate bill 1570, supra.

## BUDGET CONTROL ACT OF 1973—AMENDMENT

### AMENDMENT NO. 141

(Ordered to be printed, and referred to the Committee on Government Operations.)

Mr. BENTSEN. Mr. President, the Congress is faced with one of the most serious, complex, and challenging problems in many years—the reassertion of the role of Congress in the process of establishing our national priorities. One of the most important facets of this problem is the procedure by which the Congress collects and spends the public moneys. The power of the purse is the fundamental power of the Congress. Unless we are able to discharge our revenue and spending responsibility in an effective and efficient manner and in a manner which instills confidence in the American public, we will not be able to maintain present, much less restore past, congressional control over our national priorities.

I was very pleased to see that the Joint Study Committee on Budget Control has produced a generally sound and reasonable set of recommendations for reform of the congressional budget process. I am pleased to join as a cosponsor of S. 1641 which the distinguished senior Senator from Arkansas has introduced in behalf of the Joint Study Committee. I think this bill, when considered along with the other measures before the Government Operations Committee, can serve as an excellent vehicle for reform.

One of the most important reform proposals of this bill lies in the creation of a Budget Committee in each Chamber to oversee the entire spending process and to recommend to the Congress expenditure ceilings and ceilings on new obligational authority. I support the establishment of these committees. However, such wide-ranging authority, I believe, must be shared by the Congress as a whole. All members must have ample opportunity to participate in the process. And the committees themselves must be representative of the various views within the Congress if the new system is to be effective and if it is to be an instrument of true reform.

Therefore, I am submitting an amendment to S. 1641 to provide that the membership of the Budget Committees be selected by the party conferences and that the majority and minority leadership be included.

My amendment would provide the following:

First. Add the Speaker and the minority leader to the membership of the proposed 21-member House Budget Committee.

Second. Add the majority and minority leaders to the membership of the proposed 15-member Senate Budget Committee.

Third. Retain the one-third spending, one-third taxing, and one-third legislative committee composition of both the Senate and House Budget Committees but provide that those members are to be named by the respective party conferences under such rules as the conferences may choose to adopt.

In that the new Budget Committees will make recommendations to the Congress as to percentage of the budget which should be set aside for existing programs and what percentage should be reserved for new initiatives, it is important that the majority and minority leadership be represented on the committees. The inclusion of the elected leadership will broaden the representation of the committees as well as insure that the leadership has direct input concerning the overall legislative program.

Considering the importance of these Budget Committees I think it is essential that the remaining members be selected by the party conferences. The party conferences may wish to provide special rules for the selection to insure the broadest geographical and ideological representation. However, I think these rules should be left to the conference in order that members may have broad latitude in deciding how their party's spokesmen on these committees will be selected.

My amendment would retain the representation of the spending and revenue-raising committees which the Joint Study Committee recommended. It is these committees which must carry out the Congress will once the respective Chambers have acted upon the resolutions establishing ceilings on spending and, if necessary, requiring a revenue increase. I believe this representation of the spending and revenue-raising committees will bring back, at least in part, the unified consideration of these actions which existed prior to the splintering of the taxation and appropriation process in the mid-1800's. The functions were divided at that time because of the burden on one committee of giving extensive consideration to complicated revenue and spending bills. However, the creation of budget committees to give general consideration to the impact of one upon the other should provide both the spending and revenue-raising committees a clearer understanding of the problems faced by the other.

Mr. President, the question of congressional budget reform is not a liberal or conservative issue nor is it a Democratic or Republican issue. We all have a stake in a more rational and effective budgetary process. I believe the adoption of my amendment will provide the broad participation which we need.

---

## STRUCTURE AND REGULATION OF THE FINANCIAL INSTITUTIONS—AMENDMENTS

### AMENDMENT NO. 142

(Ordered to be printed, and to lie on the table.)

Mr. HARTKE. Mr. President, I submit an amendement to S. 1798 and ask unanimous consent that the text of that amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 142

On page 16, line 16, insert the following new sections:

SEC. 6. (a) For the purpose of this section—

(1) "Board" means the Board of Governors of the Federal Reserve System;

(2) "individual" means a natural person;

(3) "individual savings deposit" means (a) any deposit or account in a savings institution which consists of funds deposited to the credit of one or more individuals or in which the entire beneficial interest is held by one or more individuals, and upon which earnings are payable, or (b) shares in a savings institution which are issued for the savings of its members and upon which earnings are payable, or (c) any evidence of indebtedness issued by a savings institution to one or more individuals or in which the entire beneficial interest is held by one or more individuals, and upon which earnings are payable. Such term includes regular, notice, and time deposits, and share accounts, and any other such deposits and accounts, whether or not evidenced by an instrument;

(4) "earnings' means any amount accruing to or for the account of any individual as compensation for the use of funds constituting an individuals savings deposit. Such term includes dividends and interest on any individual savings deposit;

(5) "payable", when used with respect to a certain date or period of time, means the date on which or the period of time after which an absolute right to earnings exists, regardless of whether the earnings are actually paid;

(6) "savings institution" means any person, firm, corporation, association, or organization which in the regular course of business receives and holds or issues individual savings deposits and pays earnings thereon;

(7) any reference to this Act, to any requirement imposed under this Act, or to any provision thereof includes reference to the regulations of the Board under this Act or the provision thereof in question.

(b) Nothing in this Act applies to any transaction involving—

(1) a deposit of funds if the principal purpose of that deposit is to secure or guarantee the performance of a contract or the conditions of a contract for the sale or use of goods, services, or property;

(2) interest payable on premiums, accumulated dividends, or amounts left on deposit under an insurance contract;

(3) any obligation issued by any Federal, State, or local government, or any agency, instrumentality, or authority thereof, except that the Board shall prescribe rules and regulations to require disclosures by any agency, instrumentality, or authority of the Federal Government.

(c) Periodic percentage rate is the rate applied each period to the principal amount for that period to determine the amount of earnings for that period and may be referred to as the periodic percentage rate. If the period is less than one day, for purposes of disclosure, the period shall be construed to be either one day or the actual time interval after which earnings are payable, whichever is less, and the rate to be disclosed in lieu of the true periodic percentage rate shall be the factor used to determine the amount of earnings for a one-day period.

(d) Annual percentage rate is the periodic percentage rate multiplied by the number of periods in a calendar year of three hundred and sixty-five days for all years including leap year, and may be referred to as the annual percentage rate.

(e) Annual percentage yield is the amount of earnings which accrue in one year to a principal amount of $100 as the result of the successive applications of the periodic percentage rate at the end of each period to the sum of the principal amount plus any earnings theretofore credited and not withdrawn during that year, and may be referred to as the annual percentage yield.

(f) The Board shall prescribe regulations to carry out the purposes of this Act. These regulations shall provide for clear, concise, and uniform disclosures of information required by this Act, and may contain such classifications, adjustments, and exceptions as the Board determines are necessary or proper to effectuate the purposes of this Act. All disclosures required by this Act shall be made only in terms as defined or used in this Act, as defined or used in the Truth in Lending Act or in regulations prescribed under that Act, or as such terms are further defined by the regulations of the Board. The Board may authorize the use of tables or charts for the disclosure of information required by this Act.

(g) The Board may prescribe such other rules and regulations as it determines to be necessary or appropriate to carry out the purposes of this Act.

(h) Each savings institution shall make available in writing to any individual upon request, and at the time he initially places funds in an individual savings deposit in such savings institution, the following information with respect to individual savings deposits:

(1) The annual percentage rate;

(2) the minimum length of time a deposit must remain on deposit so that earnings are payable at that percentage rate;

(3) the annual percentage yield;

(4) the periodic percentage rate and the method used to determine the balance to which this rate will be applied;

(5) the number of times each year earnings are compounded;

(6) the dates on which earnings are payable;

(7) any charges initially or periodically made against any deposits;

(8) any terms or conditions which increase or reduce the rate of earnings payable as disclosed under items (1) or (3); and

(9) any restrictions and the amount or method of determining the amount of penalties or charges imposed on the use of funds in any deposit.

(i) Each savings institution shall disclose annually and at the time any earnings report is made to an individual in person, or by mailing to his last known address, with respect to his individual savings deposit—

(1) the amount of earnings paid;

(2) the annual percentage rate;

(3) the periodic percentage rate;

(4) the principal balance to which the periodic percentage rate was applied, and the method by which that balance was determined;

(5) any charges made against the account during the period covered for purposes of computing the payment of earnings and making the report; and

(6) any other terms or conditions which increased or reduced the earnings payable under conditions as disclosed under item (1) or (3) of subsection (a).

(j) The Board may, by regulation, authorize or publish tables of periodic factors which reflect compounding, and such other information as it determines to be necessary or appropriate in order to facilitate the individual's ability to verify the computation of earnings payable on any individual savings deposit.

(k) Not less than ten days before a savings institution adopts any change with respect to any item of information required to be disclosed under this section, that institution shall notify each individual depositor of each such change, unless such change is directed by regulatory authority.

(l) Every advertisement relating to the earnings payable on an individual savings deposit shall state in print of equal prominence the annual percentage rate and the annual percentage yield. If that rate is payable only on a deposit which meets certain minimum time or amount requirements, those requirements shall be clearly and conspicuously stated.

(m) No such advertisement, announcement, or solicitation shall—

(1) include any indication of any percentage rate or percentage yield based on a period in excess of one year or on the effect of any grace period; or

(2) make use of the term "profit" in referring to earnings payable on such deposits.

(n) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any insured credit union.

(o) For the purpose of the exercise by any agency referred to in subsection (n) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of the law specifically referred to in subsection (n), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(p) Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this Act shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(q) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

(r) Except as otherwise provided in this section, any savings institution which fails in connection with any transaction subject to this Act to disclose to any individual any information required under this Act to be disclosed to that individual is liable to that individual for the damage sustained which—

(1) shall not be less than $100 nor greater than $1,000; and

(2) In the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(s) An institution has no liability under this section if within fifteen days after discovering an error, or upon receipt of written notice of an error and prior to the bringing of an action under this section the institution notifies the individual concerned of the error and makes whatever adjustments are appropriate and necessary.

(t) An institution may not be held liable in any action brought under this section for a violation of this Act if the institution shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(u) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

(v) Whoever willfully and knowingly (1) gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this section, or (2) otherwise fails to comply with any requirement imposed under this section shall be fined not more than $5,000.

(w) In the exercise of its functions under this section, the Board may obtain upon request the views of any other Federal or State agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of savings institutions subject to this section.

(x) This section does not annul, alter, or affect, or exempt any savings institution from complying with, the laws of any State relating to the disclosure of information in connection with individual savings deposits, except to the extent that those laws are inconsistent with the provisions of this section or regulations promulgated under this section, and then only to the extent of the inconsistency.

(y) This section, does not otherwise annul, alter, or affect in any manner the meaning, scope, or applicability of the laws of any State, including, but not limited to, laws relating to the types, amounts or rates of earnings, or any element or elements of earnings, permissible under such laws in connection with individual savings deposits, nor does this section extend the applicability of those laws to any class of persons or transactions to which they would not otherwise apply.

(z) Except as specified in subsection (v), this section and the regulations promulgated under this section do not affect the validity or enforceability of any contract or obligation under State or Federal law.

## NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD (for Mr. EASTLAND). Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Harold O. Bullis, of North Dakota, to be U.S. attorney for the district of North Dakota for the term of 4 years, reappointment.

Brian P. Gettings, of Virginia, to be U.S. attorney, eastern district of Virginia, for the term of 4 years, reappointment.

At Senator EASTLAND's request and on behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, May 28, 1973, any representations or objections they may wish to present concerning the above nominations with a further statement whether it is their intention to appear at any hearing which may be scheduled.

## NOTICE OF HEARINGS ON S. 1386

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Committee on Interior and Insular Affairs has scheduled open public hearings for Tuesday, June 5, 1973, on S. 1386, a bill to authorize saline water appropriations. The hearing will be held in the committee room 3110, Dirksen Office Building, beginning at 10:30 a.m.

Persons wishing to testify or submit statements for the hearing record on this legislation should so advise the staff of the Interior Committee.

## ADDITIONAL STATEMENTS

### THE WATERGATE

Mr. SCOTT of Pennsylvania. Mr. President, an editorial in the Thursday Washington Post says most eloquently what many of us have been talking about for several weeks: that it is time to get on with the Watergate investigation. Moreover, the Post says, the Senate and the public have "to start trusting someone." I heartily concur with both statements.

I commend this excellent editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TWO INVESTIGATIONS; TWO DIFFERENT GOALS

It is unfortunate, it seems to us, that the Ervin committee hearings into the Watergate affair are getting under way before a special prosecutor has been chosen to take charge of the criminal aspects of the situation. The interplay between the public Senate hearings, the actions of the grand jury, and the ultimate criminal prosecutions is a delicate matter, fraught with dangers on every side. There is, for example, the problem of trading immunity from prosecution for testimony—a decision in which the special prosecutor's judgment would be important. In his absence, the Senate committee must be doubly careful not to foreclose his options with the grand jury or in the courts before he even takes office.

We share the concern of attorney Ronald Goldfarb, expressed elsewhere on this page today, that Sen. Ervin's zeal for "getting the whole sordid story" of Watergate entails a risk of "prejudicing the judicial and prosecutive process." And we agree with Mr. Goldfarb that this would be "wrong and sad."

Problems of this type always occur when two investigations into the same facts run concurrently. But usually the prosecutors have a better idea of where they are headed than the congressional committees do. In this instance, the key figure in the prosecution has yet to be chosen. The two investigations, of course, have quite different goals. The Ervin committee is out to educate the public and to determine if new legislation is needed. The grand jury is out to see that justice is administered to those who broke existing laws. The goals, while not incompatible, do conflict in some crucial respects. Because neither clearly outweighs the other in value to the country, the advice of the special prosecutor would be helpful in keeping the balance true.

But the fact is that the public hearings do start today. Thus, the need for getting on with the criminal aspects of the matter become even more pressing. That, along with the testimony of Mr. Richardson in recent days, leads us to believe that the Senate ought to go ahead and confirm his nomination as Attorney General as soon as possible. The sooner the new team is in the Department of Justice, the better.

There is still an argument to be made, of course, that the Senate should hold up confirmation in hopes of forcing the creation of a special prosecutor's role that would be totally free of Mr. Richardson's influence. We would have preferred that the prosecutor have that kind of independence. But several factors suggest that the time for that argument is over and the time to get things moving—on Mr. Richardson's terms—is here. One of these is the mere passage of time since the President chose not to go for a totally independent prosecutor and during which Congress has done nothing about it but talk. Another is the obvious respect for Mr. Richardson that exists on Capitol Hill and elsewhere. Still another is the way in which Mr. Richardson has explained the role he expects to have in the investigation and prosecution.

As we understand it, Mr. Richardson has said he will give the special prosecutor free rein unless he believes the prosecution is running amuck. There are, we suppose, two objections to this. One is that Mr. Richardson will be able to hobble the investigation if he should decide to. The other is the appearance to the public of Nixon administration influence on the special prosecutor. The first of these objections seem to us insupportable. Whoever he may be, the special prosecutor will be a person of extraordinary clout in Washington. If he is strong—and none of those whose names have been tossed about is weak—the special prosecutor will have the political power, if not the legal power, to run things the way he thinks they should be run. A reluctance anywhere in government to let him have the people or the documents or whatever he wants could be overcome, we suspect, by a brief conversation between him and Senator Ervin or between him and the press corps. Any sign from him that a further coverup is under way would blow the place apart. And, if he hit a stone wall somewhere in his work, his resignation would tumble more than just a wall. In other words, the special prosecutor does not have to be fully independent in technical terms to be a tiger, as long as he has strength and integrity. He can report to the Attorney General, as Mr. Richardson has said he must, but his political claws will be sharper, if he needs them, than Mr. Richardson's ever can be.

The other objection is more difficult. Senator Hart put it well on Monday when he said that "the real problem is if the facts don't involve the President, who will believe Elliot Richardson when he says they don't." That, too, can be overcome if Mr. Richardson picks a good man, gives him what he wants, stays out of the way, and lets him take the honor and the glory. The other half of Senator Hart's statement was that he was confident "that if the facts led to involvement of the President, Elliot Richardson, whether he had a special prosecutor or not, would name the President." However it might have been done differently and better, and as difficult as it may be in these days when it is hard to know whom to trust, we have not reached the point when the Senate and the public have to start trusting someone to clean up this mess pretty soon. We have very little choice but to start by trusting Mr. Richardson.

## EXECUTIVE PRIVILEGE—DEVIOUS DOCTRINE

Mr. HARTKE. Mr. President, one of the dangerous doctrines being touted by the current administration is that of Executive privilege. In sum, this doctrine says that the people are not entitled to certain information because it is somehow "privileged" and thus not open to public scrutiny.

In effect, this doctrine has been used by the executive branch to hide embarrassing and damaging information from the Congress and from the public at large. There is no basis for it in law, and little basis for it in history. It is a doctrine of convenience which we should limit before it gets out of hand.

Mr. President, I ask unanimous consent that an article on this subject written by Clark R. Mollenhoff which appeared recently in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### EXECUTIVE PRIVILEGE—DEVIOUS DOCTRINE

(By Clark R. Mollenhoff)

WASHINGTON.—The Fitzgerald case demonstrates the extreme evil that executive privilege can be in hiding relevant facts from the public in an Air Force conspiracy to destroy a truthful witness.

An Air Force cost analyst, A. Ernest Fitzgerald was discharged after he displeased his superior by testifying on the billion-dollar cost overruns on the C–5A program. Editorial pages were nearly unanimous in castigating the abolition of Fitzgerald's $30,000-a-year job, and declared the economy reasons given were but a subterfuge for malicious retaliation.

The Air Force denied it, and imposed a secrecy on its records, proceedings and conversations with the White House. The "privilege" buried evidence of a devious smear of Fitzgerald as well as other evidence that the Air Force plotted to harass and intimidate a truthful witness.

Disregarding Air Force efforts to impose executive privilege, White House memoranda were made available to iFtzgerald to establish key aspects of his case. Without those internal memoranda of advice, Fitzgerald's case would have been incomplete and the Air Force would have successfully hidden its deceptions.

Recent history shows that this devious doctrine has rarely been used for anything but a cover-up for scandalous military bungling, foreign aid corruption, conflicts of interest and influence peddling. Examples include the Dixon-Yates "conflict of interest," the Adams-Goldfine affair, frauds in Laos foreign aid, the Billy Sol Estes cotton allotment frauds, the TFX warplane mismanagement and "conflicts of interest," and the White House investigation of the Watergate scandal.

Arrogant executive branch officials have even used it to bar General Accounting Office auditors from financial records in violation of the Budgeting and Accounting Act of 1921 that specifically requires that "all records" be made available to the office upon request.

Various Attorneys General, politically appointed, have ruled that executive privilege gave the executive branch the right to impose this arbitrary secrecy. It was the king's lawyer stating the king was right in asserting this total power to withhold evidence from Congress and the General Accounting Office.

It has been conceded that no law of Congress has granted this so-called executive privilege and no Supreme Court decision has been cited for this assertion that the President has a constitutional right to bar testimony from any high-level or low-level official of any executive agency when he believes it to be in the national interest. Further, we are told that the executive privilege claims cover any internal working paper in the executive branch and that any advisory opinion can be withheld from Congress, the General Accounting Office or the public without explanation except that the President believes it to be in the national interest.

The only authority cited for this seed of totalitarianism is a claim of some all-encompassing "inherent right" under "the separation of powers" doctrine of the Constitution.

Senator Sam Ervin, a recognized authority on the Constitution, has declared that "executive privilege is executive poppycock." He has castigated President Nixon's effort to bar all present and former White House aides from appearing on the Watergate investigation as an attempt to rob Congress of a rightful power to investigate to determine if the laws passed by Congress are being properly administered and enforced.

Raoul Berger, a senior fellow at Harvard Law School who has done extensive research on the history of the so-called precedents, has declared that executive privilege is a myth and not the "time-honored doctrine" that William P. Rogers claimed it to be when he became its leading proponent as Attorney General in the Eisenhower Administration.

Seldom has it been used as anything but a blatant cover-up for corruption, mismanagement and political double-dealing. The doctrine is devoid of decency because it creates the illusion that officials may use the great power of the White House in secret and never be held accountable for their acts.

The Watergate scandal is simply the latest manifestation of the corrupting influence of the ill-founded illusion of total power to corrupt the political processes and get by with it. The Watergate scandal and the Fitzgerald case provide sufficient examples for the public and the Congress to comprehend the mischief that can be created behind a facade of pious slogans about "a sacred separation of powers."

Where secrecy is needed to cover sensitive negotiations or raw F.B.I. files, an articulate President need only appeal to the common sense and decency of the electorate on the specific issue involved, and not engage in public relations gimmickry to give further support to a doctrone that could destroy all of our freedoms.

---

## PRODUCTIVITY AND WORLD COMPETITION

Mr. PERCY. Mr. President, I would like to call attention to an excellent editorial which appeared in the Washington Post on April 30, 1973, titled "Productivity and World Competition." The editors of the Post are to be commended for recognizing the key importance of productivity growth to the United States competitive position in the world market. Although our productivity growth rate is currently well over the average of the past 20 years, we are still far behind our five leading trading partners.

The Federal Government has acted in response to the need to improve U.S. productivity and the quality of American work: The arm of the Government in this area has been the National Commission on Productivity. On May 10, the Senate voted to renew the mandate of the Commission for 1973, directing it:

To promote increased productivity and to improve the morale and quality of work of the American worker, for the purpose of providing goods and services at low cost to American consumers, improving the competitive position of the United States in the international economy, and facilitating a more satisfying work experience for American workers.

Government urging alone, however, cannot change productivity in the private sector. We need to make the public aware of the critical importance of increased productivity to our national economic well-being, and of the benefits such growth would provide all of our citizens. The Washington Post has contributed to public knowledge of this subject, and I ask unanimous consent that the aforementioned editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### PRODUCTIVITY AND WORLD COMPETITION

Productivity, the amount that the average worker produces in one hour, indicates our economic strength better than any other single statistic. Because of our very high productivity, we live better than other nations while working shorter hours. Increased productivity is the magic that makes possible higher earnings as well as longer weekends as well as broader social benefits of every sort. It is reassuring to learn that national productivity rose at an annual rate of 47 per cent in the first three months of this year. The rate of improvement is maintaining the level of late 1972, and greatly exceeds the 20-year average of 3 per cent.

But the current period is, of course, one in which the economists would expect productivity to be rising unusually rapidly. The big jumps come when production is soaring, typically in the recoveries from recessions. Since most of the industrial nations are now going through similar recoveries, they are also improving their productivity. In recent years, they have generally been doing it a good deal more effectively than American industry. They are closing the gap that once set our industry apart from any other nation's, and they are doing it at a speed that does much to explain our current troubles with international trade deficits, currency devaluations and rising world prices.

From 1965 to 1972, productivity rose by the following percentages in this country and five of its leading trading partners:

| | *Percent* |
|---|---|
| United States | 20.0 |
| Great Britain | 36.6 |
| Italy | 41.5 |
| West Germany | 42.0 |
| France | 53.3 |
| Japan | 130.3 |

These figures are taken from the International Economic Report that Mr. Peter Flanigan presented to the President a month ago. The report also observes that, from 1965 to 1970, our export prices rose a great deal faster than those of the other five countries. The disparity in productivity is part of the answer. On the other hand, the report found that from 1970 to 1972, our export prices rose far more slowly than those of the other five. That was the result of the 1971 devaluation and a relatively low rate of inflation. Unfortunately, within the past several months our inflation rate has more than doubled and now approaches the very high European rate, casting new doubt over the prospects for trade development in 1973.

As long as our productivity continues to rise, our economic wealth and its accompanying benefits will continue to expand. But, to be candid, there is not much reason to expect any early change in the differences between our performance and that of the other major industrial nations. We are getting richer. But our friends and competitors are getting rich faster, and the productivity figures explain why.

---

## AMA ATTEMPTS TO CAPTURE PROFESSIONAL STANDARDS REVIEW

Mr. BENNETT. Mr. President, as the principal sponsor of the Professional Standards Review Organization statute, I am profoundly disturbed over intensified efforts by the AMA and the bureaucracies of some State medical organizations to pressure HEW into ignoring unequivocal legislative intent that, except in smaller and sparsely-populated States, PSRO's are to be established at local and not State levels.

That effort is set to culminate this Wednesday in a "March on Washington" by the officialdom of 36 State medical societies. Organized by the AMA, these "marchers" will descend upon congressional and HEW offices in an attempt to secure approval of a policy in direct disregard of the whole thrust of the PSRO statute. It is nothing more than a naked power play designed to politicize what the Congress sought to professionalize.

Under the law already passed, Professional Standards Review Organizations are to be established for the purpose of reviewing the quality and appropriateness of care and services provided under medicare and medicaid. Practicing physicians in local areas of proper size, who meet statutory requirements as to organization, capability and objectivity will be given the opportunity to offer to contract with the Secretary of Health, Education, and Welfare to undertake that review. The amendment contains many provisions designed to assure appropriate public accountability in this delegation of responsibility to the medical profession.

The key element in the amendment, however, is to lodge responsibility precisely where it belongs and precisely where it can be exercised in effective fashion—at local levels. That responsibility is vested in local organizations of practicing physicians and may not be diminished, diluted or delegated away to the bureaucratic and political levels of medicine, no matter how much they denigrate the organizational capacity of practicing physicians at local levels.

What the AMA and the bureaucracy of organized medicine seeks in this Wednesday's confrontation is to require that the Secretary of Health, Education, and Welfare ignore the clear intent of the law, and not contract on a direct and primary basis with each PSRO in a State but rather that he contract with local PSRO's only through an umbrella Statewide organization which would be run or controlled, of course, by State medical organizations. This proposal to establish a new and illegal insulating layer of medical bureaucracy is not only completely unacceptable to me, it is also absolutely in complete contradiction of the PSRO statute and legislative history. That legislative history, to the effect that PSRO's are to be established at local levels—except in smaller or more sparsely populated States—is so clear that I marvel at the obtuseness and ostrichlike nature of those who argue to the contrary.

It might be helpful in understanding this "power play" and attempt at takeover to review some of the legislative history of the professional standards review amendment.

Here is what the Finance Committee report on H.R. 1 said about PSRO's:

> Priority in designation as a PSRO would be given to organizations established at local levels representing substantial numbers of practicing physicians who are willing and believed capable of progressively assuming responsibility for overall continuing review of institutional and outpatient care and services. Local sponsorship and operation should help engender confidence in the familiarity of the review group with norms of medical practice in the area as well as in their knowledge of available health care resources and facilities. Furthermore, to the extent that review is employed today, it is usually at the local level."
>
> In the opening statement of the Senate debate on H.R. 1, the Chairman of the Committee, Senator Long, had this to say about my amendment:
>
> "The Committee bill would establish professional standards review organizations, sponsored by organizations representing substantial numbers of practicing physicians in local areas, to assume responsibility for comprehensive and ongoing review of services covered under the Medicare and Medicaid programs. The purpose of the amendment would be to assure proper utilization of care and services provided in Medicare and Medicaid utilizing a formal professional mechanism representing the broadest possible cross section of practicing physicians in an area.
>
> The report of the Conference on H.R. 1 described the Amendment in these terms:
>
> The Senate amendment added a new section to the House bill which provides for the establishment of Professional Standards Review organizations consisting of substantial numbers of practicing physicians (usually 300 or more) in local areas to assume responsibility for comprehensive and on-going review of services covered under the Medicare and Medicaid programs.

Now, given that legislative history, as well as a series of speeches emphasizing the local nature of the PSRO program, which I made prior to enactment, I cannot see how anyone can contend that the PSRO's should be regulated by a statewide mechanism.

In a speech last month to the American Academy of Family Physicians, I discussed the reasons why PSRO's were to be local in nature and operation and the supportive role that might be played by State organizations.

Mr. President, I ask unanimous consent that excerpts from that speech appear at the conclusion of my remarks.

I might add that, during the course of my years of work on the PSRO amendment and subsequently, I have spoken with literally hundreds of physicians who strongly urged that PSRO control be lodged at local and not State levels.

Mr. President, I have discussed the legislative intent concerning the focus of PSRO responsibility and accountability with officials of HEW—including the Secretary. They have assured me that they understand and intend to comply with the legislative intent as expressed in the reports and statements previously cited.

Mr. President, the Wednesday "March on Washington" in the main represents an effort to promote the welfare of the medical bureaucracy as opposed to the medical profession as a whole and the individual practitioner as a person—to say nothing of the public interest.

Given this situation, it seems high time to pull some teeth and to show some teeth.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

### Excerpts From Statement of Senator Wallace F. Bennett, Before the American Academy of Family Physicians

I cannot emphasize too strongly the fact that under the new law, PSRO's are to be organized in local medical service areas of proper size. This means we expect that most PSRO's will involve some 800 to 1,000 physicians each. In perhaps a dozen or so of the small or sparsely populated States the PSRO for obvious reasons, will be Statewide, but these few States will constitute the only exceptions with the rest of the States subdivided into local PSRO areas.

Now, the reason I am emphasizing the local nature of PSRO activity is because there are some people in some parts of organized medicine who are still pressing hard to have all PSRO's throughout the country organized on a Statewide basis. I, for one, have considerably more faith in PSRO's structure from the bottom up, rather than from the top down. But, even more importantly, the legislative history makes it absolutely clear that PSRO's are to be established in local areas and that the Secretary of HEW has the obligation to give first priority to local PSRO's.

There are a number of reasons for focusing on PSRO's at local levels. First and foremost is the fact that all physicians practicing in an area must have the opportunity to actively relate to and participate in the activities of the PSRO. Statewide operation, particularly in a large State, would create a sense of remoteness for the local practitioner, rather than a sense of direct identification and involvement.

The existence of local organizations will also facilitate the ability of every practitioner to actively involve himself as a reviewer; the Bennett Amendment, as you know, requires that a PSRO provide for the broadest possible involvement of practitioners in an area as reviewers on a rotating basis.

I am sure that you can all see the educational value to the practitioner through regular service as a reviewer. Review service provides him with an opportunity to work with and be exposed to the norms and parameters of care applicable in his area, as well as with an opportunity to evaluate the methods and practices of his peers. Practitioners in a local area are obviously most familiar with the range of health care resources available in their own areas. They know what skilled nursing facility beds, home health services or other health care alternatives are available or not available. Local review enhances the exercise of realistic professional discretion, rather than enforcing guidance by remote control from on high.

Additionally, in a large state, we can get PSRO's off the ground, area-by-area, in orderly fashion rather than being confronted with an all-or-nothing situation in the entire state. There is also a practical and political corollary to the last point, relating to a possible PSRO failure. If, for example, we had a statewide PSRO in California and that should go sour five years from now, the Government would be confronted with an enormous task in terms of developing an acceptable replacement. On the other hand, if, as intended, there are some twenty PSRO's in California, and one or two go bad, the task of replacement is one of reasonable and manageable proportions.

Now that I have "iterated" and reiterated the local nature of PSRO's, I might point out the legitimate role available to organized medicine at State levels. First, as I have noted in previous speeches, there is a great deal to be done in developing and assembling the norms and parameters of care which will be applied by PSRO's in their screening and certification process. Here is an area where state organizations can be quite helpful to local PSRO's. For example, I understand that the Pennsylvania Medical Society convened 21 specialty and sub-specialty groups within the state to develop parameters for 100 hospital diagnoses. Assuming the validity of those parameters, the material developed could be adapted and applied by all of the PSRO's throughout the state. State organizations could also serve to develop rosters of specialty and sub-specialty practitioners so that local PSRO's could know where to turn for expertise available outside of their area for the review of the practice profiles of practioners in those specialities and sub-specialties. State organizations could also be of invaluable assistance in providing expertise to a faltering PSRO to help it achieve acceptable levels of performance. Additionally, it probably would be beneficial in many states to set up central data banks for PSRO use, with each local PSRO having a computer link to the central computer.

This would facilitate the development of practitioner and patient profiles and also enhance objective comparison of PSRO's within a state. What I have just described is not a total listing by any means. Other types of state-centered service will undoubtedly appear when the programs get underway.

---

## AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

Mr. BUCKLEY. Mr. President, an editorial in the New York Times May 14, 1973, titled "Jacking Up Farm Prices" and one in the Birmingham, Ala., Post-Herald May 19, 1973, titled "New Props for Farmers" point out defects in the Agriculture and Consumer Protection Act of 1973 recently approved by the Senate Agriculture Committee. I would like to bring those editorials to the attention of the Senate and to address myself to what I feel to be some of the defects in this bill.

The Agriculture and Consumer Protection Act of 1973 proposes, among other things, a scheme which would create what the Times calls "a subsidy mechanism that would lock up the prices of foodstuffs close to their present peaks."

As the Post-Herald points out:

> Seeking new legislation to prop farm prices at an artificially high level at a time when the President is trying to bring Federal spending under control is most unwise.

The bill also seeks to perpetuate the present excessive $55,000 limit on payments per crop per farm per year that demonstrably means little to the small farmer but provides windfalls for the larger operators. It would also continue a system of acreage allotments that has long since outlived its usefulness, assuming it was ever justified in the first instance.

Mr. President, we need to liberate the farmer from Government interference with production and liberate the consumer from governmental interference with the marketplace.

I think it is a special irony that the bill bears the word "consumer" in its title. The Times accurately labels the bill "a guaranteed lien on the housewife's pocketbook." The rising food costs that have so damaged family budgets all across the Nation would only be aggravated by the target price concept that is at the heart of the bill. Target prices would be established for wheat, feed grains, and cotton at levels high above their market price of recent years. Housewives would, in effect, be forced to pay high prices for bread and cereal and meat simply because an economically unsound target price concept would "lock up" the price of foodstuffs at artificially high levels, with no hope for relief for the average family as farmers respond to current price levels by increasing production.

Finally, Mr. President, I am concerned with the potential effects of this bill on not only the farmer and the consumer, but on the Nation as a whole. Because of the initiative and resourcefulness of the American farmer, the principal American products that can compete in foreign markets today are agricultural products. Yet this bill proposes to hold the price of food at levels that could lose for the farmer the world markets he has only recently obtained.

The farmer needs freedom to utilize his talents, and this is the time to begin to give him that freedom by moving away from subsidy programs and acreage policies which have bound him in the past. I am convinced that it is in the public interest and particularly in the interest of the consumer, already reeling from high prices, to take a long, hard look at the bill in question. What the Nation needs now is a farm program that frees rather than further restricts the initiative and energy of the American farmer. As of the moment, the bill does not do this.

Mr. President, I ask unanimous consent to print copies of the New York Times and Birmingham Post-Herald editorials in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

### JACKING UP FARM PRICES

If the farm bill approved last week by the Senate Agriculture Committee wins the support of Congress, American housewives can say good-by to any hopes they may have of ever seeing food prices return to levels that—as recently as a year ago—they thought of as high but bearable.

For, at a time when food prices have soared to record heights, the Senate Agriculture Committee has moved to create a subsidy mechanism that would lock up the prices of foodstuffs close to their record peaks.

Under a new concept of "target prices," the bill would require the Secretary of Agriculture to establish the amount of acreage for producing wheat, feed grains and cotton that would if necessary be "set aside"—held out of production—in order to hit "target prices" set far above the average prices of recent years. Wheat would be set at $2.28 a bushel, cotton at 43 cents a pound and corn at $1.53 a bushel. If the "target" prices specified by the Senate committee bill had been in effect last year, they would have cost taxpayers an estimated $2.6 billion. But the Agriculture Committee chairman, Senator Talmadge of Georgia, blithely says, "Hopefully, if prices stay high, it will cost nothing."

Actually, the bill constitutes an outrageous, guaranteed lien on the housewife's pocketbook. An even worse aspect is that, if farm supply should again catch up with booming domestic and world demand, the Government would either have to pay out enormous subsidies or else remove vast amounts of land from production in order to cut supplies of farm goods and thereby hold prices up to "target levels." Since this would mean higher United States farm prices than world market prices, "target-pricing" would necessitate major increases in export subsidies—unless the United States were to find itself priced altogether out of the world market.

The benefits of target-pricing would—like existing farm programs—go primarily to the biggest farm producers, who own the land and produce the crops that get the subsidies, not to the low-income farmers who really need help. The concept of agricultural price targets should be replaced by one of farm *income* targets that would benefit the poor, not the rich.

Indeed, the Senate Agriculture Committee has turned a deaf ear to Administration proposals that it reduce the present $55,000 limit on payments per farm for each crop—a figure that can be multiplied several times over by big farm operators who can plant different crops and split farms into several units.

The Senate committee also ignored earlier proposals of Agriculture Secretary Butz that specific crops be removed from acreage allotments, thus freeing farmers to make plantings on controlled acreage of whatever crops would give them the best returns in response to market demand. The present system amounts to a set of legalized monopolies, with the Government as its director.

Few city people realize, for instance, that not anybody can grow peanuts; a farmer has to have a "license" from the Government—an acreage allotment—to grow and sell peanuts. For years that acreage for peanuts has been frozen at about 1.5 million tons—but production has roughly doubled. Peanut subsidies in 1972 cost the taxpayer about $105.5 million a year. The program has also jacked up the prices American consumers had to pay for peanuts by about 40 per cent above the world market price. If the present program continues, losses to the Government (the taxpayer) will total $537 million from 1973 through 1977.

Not absolutely but relatively, this is peanuts. Total budgeted costs of farm price and income subsidies—including milk, sugar, rice, tobacco, cotton, wool, wheat, feed grains and so on—exceeded $5 billion last year. To this sum must be added costs totaling at least another $5 billion, in terms of higher prices paid by consumers.

In the midst of inflation, steeply rising farm prices and income, and strongly growing domestic and world food demands, the entire United States farm program desperately needs a complete overhaul, ending costly price supports and subsidies, and modifying existing acreage allotments and "set-asides." The over-all farm problem is no longer one of surplus and deflation but scarcity and inflation. Residual poverty among small farmers will not be ended by present subsidies and acreage restrictions, but requires a different approach aimed directly at increasing the small farmer's income.

---

### NEW PROPS FOR FARMERS

If the new price support bill approved by the Senate Agriculture Committee ever becomes law, President Nixon can forget about his hope of phasing out federal farm subsidies.

The committee, headed by Sen. Herman E. Talmadge, D-Ga., would establish a government-subsidized price floor of $2.28 a bushel for wheat, $1.53 a bushel for corn, 43 cents a pound for cotton—prices even higher than the current market rates.

"This is not a device to phase out subsidies," the Agriculture Dept.'s chief economist properly points out. "It's a device to increase them."

Seeking new legislation to prop farm prices at an artificially high level at a time when the President is trying to bring federal spending under control is most unwise.

The Talmadge bill also would continue the practice of paying farmers up to $55,000 per crop per year for keeping land out of production. The limit should be trimmed to $20,000, as some congressmen have suggested or the subsidy should be phased out entirely, saving the taxpayers more than $3 billion a year.

In addition, the bill would increase federal price supports for milk (why?) and give more power to the big dairy cooperatives, which, by no coincidence, contribute heavily to political campaigns.

With farm income surging and food prices knocking holes in the family budget, it's hard to see why farmers should be treated like economic cripples.

A policy that encourages the government to keep food prices high—or else pay an outrageous farm subsidy—is contrary to the best interests of consumers and taxpayers alike.

That's why Congress should go along with the President's plan to phase out the farm subsidy system—and stop devising new props and crutches to take its place.

## CARL E. BAGGE URGES A WORLD CONGRESS OF COAL—SENATOR RANDOLPH COMMENDS PURPOSE SOUGHT

Mr. RANDOLPH. Mr. President, many words have been written and spoken in recent months, regarding the threat of serious energy shortages that the United States and, indeed, the world, now face. Meanwhile our country remains embarked on a national energy policy which is keyed to increased petroleum imports from the Middle East. However, this policy places us on a direct course toward cutthroat competition with other consuming countries over what are limited international supplies.

This, I fear, is an additional, adverse consequence of our failure to provide this country with a definitive National Energy Policy. Already, we are experiencing the early signs of strained relations with some of our allies over this issue. And, this is an added cost we cannot well afford.

While the consuming nations must concern themselves with the national aspirations of the oil producing countries, so also must the United States and other nations with abundant coal resources recognize the need for a coherent international strategy for the development of their domestic energy resources as an alternative to oil imports. Over the long term, many of the present consuming nations, who possess abundant coal resources, may well move from the status of net importers of energy supplies to the status of net exporters of such fuel forms as synthetic petroleum products and solvent refined coal.

It has been suggested that the consuming countries develop a cartel to improve their bargaining position with the producers cartel—OPEC—the Organization of Petroleum Exporting Countries. However, only today, Carl E. Bagge, president of the National Coal Association, proposed a consortium of the coal-producing nations, bound by a common commitment to make coal a truly major and diversified worldwide energy source. The combined efforts of the coal producing nations offers an opportunity to provide another international energy supply that can serve as a balancing force that could render much of the world's current dependence on petroleum redundant.

There is general agreement that the current growing international reliance of the oil consuming nations on the OPEC countries for their alternative energy supplies is a time-bomb in international relations. However, this tension might be relieved through the worldwide development of coal as an alternative energy supply. This opportunity also offers developing nations the promise of essential long-term energy supplies to meet their future needs.

As an initial step in this direction—toward a rejuvenation of the world's coal supplies—Carl Bagge has proposed a World Congress of Coal. Such a Congress could serve to transform the current, regionally fragmented, international coal communities. In his words, a continuing body of specialists would be provided—

> Representing all coal-producing and coal-consuming nations that at the peak of its usefulness would underwrite specific coal research and development projects that would bring common benefits and advances not only to all the coal industries of the world but to all mankind.

Mr. President, Mr. Bagge's remarks before the 10th biennial meeting of the Council of the Association for Coal in Europe, today, at Tregenna Castle, St. Ives, Cornwall, England, are very penetrating, realistic and farsighted. And, I request unanimous consent that they be placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### COAL—THE ENERGY KEY TO WORLD STABILITY

It is a unique privilege for me to address this distinguished meeting of the Council of the Association for Coal in Europe—the nations which have contributed with such constancy to the development of Earth's most abundant and useful fuel. The United States, which has been a beneficiary of your history in many ways, has benefited not least from your progressive tradition of coal extraction and utilization.

The coal industry in the United States is also now firmly committed to that tradition. As the inheritor of the world's largest coal resources, the coal industry in the United States is determined to develop that natural bounty to the utmost to serve not only our own national need but the human need for energy.

Energy is an essential raw material of world progress on which all mankind ultimately depends for our individual, national and world peace and stability. It is no longer politically practical for any nation to seek only its own sufficiency of energy. International competition for shrinking global supplies of fuels is already producing severe pressures on domestic economies, foreign relations, and the world monetary system. Our decent hope for universal human advancement cannot be served by the manipulation of accidental concentrations of fuels, creating a seller's market out of consumer distress.

In the already lengthening shadow of an international energy crisis, all coal-producing nations must today assume broader responsibilities to maintain an adequate and fully distributed supply of world energy. For coal is the only fuel that offers an energy economy of plenty for mankind for the foreseeable future. Coal is the one fuel that nature has laid down in sufficient quantity to compensate for her understandable ignorance of economic geography. Those of us who have deposits of coal are today obliged to make the best use of them, not only for our own national energy purposes but to relieve the existing intolerable strain on the dwindling world supply of other fossil fuels.

The industrial world has in the past shortsightedly shifted its primary energy base from strength to weakness—from the security of coal to the vagaries of oil and natural gas supply. We have all been lured into consuming the most limited portion of our world fuel substance at an alarming rate because—up to now—it has been more easily won than coal and more easily suits our convenience in transport and use, not to mention recently refined environmental sensibilities which are shared by all the industrially advanced nations of the world.

The United States offers a notable though hardly singlular example of this digression from its historical mainstream of energy. For decades, the American energy consumer lived well according to his fuel preferences, under the illusion that he was enjoying a surplus of domestic oil and gas. In truth, he was eroding accessible reserves to the point where today the domestic industries must search deeper and in more physically and economically demanding places, onshore and off, to find the remainders of the nation's fluid fuel reserves. The immense capital expenditure required for such an exploration and development venture has undoubtedly lent at least the color of plausibility to the alternative of purchasing oil and gas in the international marketplace.

For the long run, however, and even in the mid-term, that alternative is an illusion on a grand scale. The world supply of oil and gas simply will not support the demands of the presently industrialized nations, let alone the additional needs of developing nations that are rightfully seeking to improve their energy production and diversity of use.

If all mankind is to queue up eventually at a kind of world fuel bank, it would be prudent to know its balance of assets and liabilities beforehand. According to a recent United Nations study of global energy resources, coal's share of total fossil fuel reserves is an overwhelming 93 per cent, leaving only 4 per cent for oil and 3 per cent for natural gas. Further, the study estimated that, at current rates of utilization, the world by the year 2000 will have exhausted 87 percent of its oil reserves, 73 per cent of its natural gas reserves—and a mere 2 per cent of its coal.

It is cold comfort for the American consumer that he has been following the way of the world in neglecting his coal resource base—which represents 88 per cent of the United States' proved fuel reserves, even including uranium oxide—and relying for more than three-quarters of national total energy supply on oil and gas reserves that together amount to no more than 5 per cent of his fuel inheritance.

Clearly, the tide of oil and gaseous fuels is inexorably running out, and coal is, in geological fact if not by popular election, the principal guarantor of world energy supply well into the next century. Despite advances in nuclear power development—which in the United States have been dramatically slower than originally expected—the world is hardly prepared to scrap its versatile and complex hydrocarbon energy network for an all-electric nuclear base.

A problem as broadly pervasive as energy shortages demands nothing less than a comprehensive solution. I firmly believe that the strongest candidate-solution is an international resurgence on a massive and unprecedented scale of coal production and a worldwide commitment to its utilization as a major source of diversified energy. For the industrial nations of the world, which are more concerned with supplying their power needs than establishing fuel power oligarchies coal is the most politically and economically accessible fuel.

The irony we face today is that coal, for all its saving potential, must itself be rehabilitated in the eyes of both governments and the public before it will be graciously allowed to redeem them. It is an aberration of history that the very fuel which gave birth to the industrial revolution and almost single-handedly supported two centuries of worldwide mechanical and economic progress has been allowed to fall into disfavor only because it has been denied an appropriate share of that progress by the benign and sometimes even hostile neglect of government and the public.

Today the coal industries of the world must re-establish their natural preeminence in energy supply against both the forces of external competition and internal neglect. These, then are our common problems—the problems of the coal-producing nations. I am convinced they will be solved only by greatly expanded international cooperation between us. The coal-producing nations of Western Europe have already adopted this cooperative course—as wise as it is necessary—and the United States coal industry is entirely willing to join in the establishment of a greatly expanded international program of constructive coal utilization and development.

This occasion is a striking reminder for me that the troubled energy situation in the United States coincides in general outline with the problems of Europe. Indeed, the most threatening problem—constantly increasing dependence on closely held Middle Eastern oil resources—extends beyond our two continents to Japan.

National trends away from coal to an inordinate reliance on oil for total energy supply have brought us to the edge of an abyss, and the only wonder is that so many of us still appear willing to risk the descent—so long as it seems comfortably gradual—rather than to struggle back to the secure ground of coal.

All of you know your national positions in oil supply and demand better than I, and you may draw such parallels as undoubtedly exist between recent American energy developments and your own.

Since 1970, U.S. demand for oil has exceeded domestic production. For years, the number of exploratory well drillings has declined steadily for economic reasons and the building of new refineries is at a standstill largely because of environmental controversy over plant siting.

The outlook for increased production of indigenous oil is primarily clouded, however, by the steady depletion of proved reserves. At the end of 1972, those reserves had dropped to a life index—or ratio of reserves to production—of 10.5 years, even with the statistical inclusion of large new reserves in Alaska that continue to lie in a limbo of environmental concern about the effects of a hot pipeline on the permanently frozen tundra of the Arctic.

All of that explains, though it does not justify in the coal view, the U.S. resort to oil imports to satisfy consumers who only last year boosted the petroleum share of total energy supply to 46 per cent. It is widely estimated that the United States, which currently imports one-quarter of its oil requirements, will double that dependence on foreign sources by 1985.

The international rub in that prospect is that the most substantial part of the increased oil supply must come from the Middle Eastern hoard on which Europe and Japan have been drawing more heavily than the United States for years. The possibilities for harm in a multinational scramble for oil in one of the world's most politically volatile regions are eminently plain. It is always a mistake to bid up prices, but it is a blunder when one is also unsure of the security of the prize, even if it represents almost 70 per cent of the world's known reserves of oil.

The Middle East, frankly, is a tinderbox with a record of several flare-ups in the past three decades and frequent interruptions of oil flow. Further, it is increasingly clear that oil reserves—and not exclusively in the Middle East—can be used as instruments of national or bloc policy in foreign relations and economic spheres. The world menace of a hegemony of oil—the triumph of the industrially weak over the industrially strong—is nonetheless real because it would necessarily be shortlived.

The Middle East must greatly expand its production to meet the anticipated growth in oil demand in Western Europe, Japan, and the United States. But a recent U.S. Congressional report pointed out that without new discoveries only two or perhaps three of the Middle Eastern countries are at all likely to increase their oil production beyond the 1980's. Some of the less well-endowed countries have already moved to production curbs to stretch their reserves, and the most affluent of them all—Saudi Arabia—has warned the Western world that large increases in its production will be conditioned on prices.

Members of the organization of petroleum exporting countries have already won substantial concessions from multinational oil companies on matters of operational control and revenue sharing by using the levers of nationalization and concerted action. Their message is clear: there will be no more bargain prices for oil. The United States has learned that lesson after years of pitting what once was cheap foreign oil against its domestic fuels, particularly coal. Today, imported oil products are more expensive than their domestic counterparts.

Meanwhile, the huge drain of Western money into the treasuries of the oil-exporting countries could radically shift the balance of economic power and imperil the world monetary system. Wealth is a rather common national goal, but surplus wealth carries a great potential for mischief.

Now we read reports that Western European nations are interested in creating a common front with the United States and Japan on oil matters to give consuming nations bargaining leverage against the OPEC group. Indeed, the eminent oil economist, Walter J. Levy, has called on the consuming countries to form an organization that would be a "countervailing power" to OPEC, warning that without it the quest for energy could affect not merely international trade and finance but the peace and security of the world. This proposal is supported by several key political leaders in the United States.

Others, however, see nothing but danger in that direction. J. K. Jamieson, chairman of Exxon Corporation, has warned that such a confrontation between oil-consuming and oil-producing camps could create a "hostile atmosphere" that would tend to further politicize the petroleum business and jeopardize the smooth flow of energy and the world's economy. But he also cautioned against what he called "destructive competition" for oil supplies among consuming nations. That specter was recently raised also by the Japanese Trade Ministry, which warned of Japanese fears of an energy clash with the United States for Middle East oil.

The U.S. position has been stated clearly by President Nixon's assistant for national security affairs, Henry A. Kissinger, who said in a recent major policy statement that America is prepared to work cooperatively with Europe and Japan on new common problems we face. He pointed out that energy raises challenging issues of assurance of supply, the impact of oil revenues on international currence stability, common political and strategic interests and the long-range relations of oil-consuming to oil-producing countries. "This," Dr. Kissinger said, "could be an area of competition; it should be an area of collaboration."

In short, the United States would avoid the polarization of energy forces as the carrier of an unprecedented international crisis.

Western Europe, with a greater dependence on oil imports, has been deeply concerned about serious dislocation in world oil supply longer than the United States. One proof of our new concern is our national participation in the effort of the Organization for Economic Cooperation and Develpment to produce a comprehensive report on long-term problems and to develop an agreement for international sharing of oil in times of acute shortages.

This, of course, is the spirit of international cooperation. But the substance of any such international agreement must inevitably be the parceling out of emergency rations of a rapidly diminishing world resource. I am continually amazed at the obviously idealistic lengths to which our governments will go to make do with a negative fuel situation, while consistently scanting the positive help of incredibly rich coal resources distributed widely across the industrialized world. Our governments have become too obsessed with complicated solutions to their energy problems to recognize that coal can put a modern edge on Ockham's razor.

Strangely enough, one of the most impressive recent testimonials for world coal development came from the Secretary-General of OPEC, who said candidly that coal utilization must be intensified if world energy demands are to be met. If OPEC believes that, why should coal countries doubt it?

I submit that the only strong and predictably effective counter to the looming economic and political power of the OPEC cartel through the remainder of the fossil fuel age is a free consortium of the coal-producing nations, bound only by a common commitment to make coal a truly major resource of diversified energy worldwide. Singly we have more or less coal, but combined we have coal in nature's plenty and could form a balancing force that could make much of the world's petroleum needs redundant.

One aspect of worldwide coal development as a counter to increasing reliance on oil that continues to be ignored is the promise of vital energy help for developing nations. All serious students of international relations agree that the growing gulf between the "have" and the "have-not" nations is a critical impediment to world peace, if not actually a time-bomb. The have-not nations must be given the fullest scope to develop their economies so they can provide their citizens with a standard of living that will not constantly invite invidious comparisons with the lifestyle of others. Energy is crucial to that development.

But in a world which is today scrambling for decreasing petroleum supplies, underdeveloped nations must be pitted against the highly industrialized countries. Given the dynamics of any competition amid scarcity, prices will tend to rise, possibly to peaks that will impose prohibitive energy costs on the nations that can least afford them but must increase their energy consumption at a bewildering rate to catch up with economic history.

That is a dilemma that can be avoided only by development of the world's coal resources as an energy alternative to oil and a political equalizer. Greater availability and use of coal will relieve much of the pressure on oil supplies and put a brake on the price mechanism that otherwise could run out of gear. Most important, coal can give both the energy-rich and the energy-poor access to a virtually limitless mid-term fuel resource that will provide them time to develop the new energy technology the world will need as fossil-fuel reserves reach the limit of their expansion potential.

The liberal interchange of energy resources, unhindered by political maneuvers in the world market, is insurance of a vital kind for world peace through progress. It is a geopolitical irony, then, that the very few nations that appear to be the most forward in massive efforts to expand coal development are following an ideological mandate that may or may not reflect their genuine needs. Elsewhere, representative governments of the world have been allowing their coal productions and even their productive capacity itself to decline. Whatever the reasons for this—economic rationalization or environmental restriction or exploitation of popular preference for convenience—they will no longer stand against the stark need for coal.

Let the United States serve as an example. It is commonly predicted that we will have exhausted our indigenous supply of oil and natural gas before the end of this century, that nuclear power by then will fall far short of satisfying even our electricity demand and, thus, the nation will desperately need vastly increased tonnages of coal simply to maintain its energy economy. If projections of United States coal needs vary, it is only on the side of competition to arrive at the largest number.

Thus, the United States Department of the Interior has predicted that our domestic coal requirements for electric power generation in the year 2000 will soar to 775 million tons, that the manufacturer of needed synthetic natural gas from coal will take 308 million tons and that other industrial uses, including production of synthetic oil from coal, will demand 247 million tons. In addition to this tremendous total of more than 1.3 billion tons of domestic coal requirement, Interior estimated, our industry must make 108 million tons available for export.

The National Petroleum Council, a prestigious industry advisory committee to the Secretary of the Interior, sees coal needs growing sooner than the millennial year and substantially greater than Interior expects. The Council postulated four sets of limiting conditions, related to probable economic and environmental developments, and forecast that even under the least favorable conditions for coal, the United States must consume one billion—that is, one thousand million—tons a year by 1985. With significant changes in current energy supply trends, the Council said, coal use could range as high as 1.6 billion tons.

These projections are not academic exercises. We must accept their direction if not the details. And we must assume that coal will be permitted its destined growth simply because the need for sufficient energy to improve the human condition carries a pragmatic sanction to which secondary goals must yield either gracefully or in a rout.

What the United States coal industry needs now, however, is not fatalistic assurance of future worth but present help to recoup its strength to meet the stern challenge of doubling its production in a brief span of time. Our coal industry has never asked for the kind of government subsidy that was bestowed on nuclear power development but it is vigorously asking now for a new climate of government encouragement through a fair share of national energy research and development spending and reasonable relief from hasty and ill-conceived legislative restrictions on coal production and utilization.

President Nixon in the long-awaited Energy Message he sent to the U.S. Congress last month offered the American coal industry a promise wrapped in a paradox. Although he strongly urged increased development and use of coal as a matter of "highest national priority," he did not propose any increase in R&D funds to realize those vital objectives. Instead of the massive national commitment to coal absolutely required by our straitened fuel circumstances, he settled for proposals that the states delay enforcement of secondary air quality standards that constrict coal use, that Congress speedily set the mining rules it deems necessary to curb environmental abuses and let the industry get on with its job of winning coal, that the electric utility companies be allowed to recoup the cost of air pollution control equipment through higher rates for power and that the utilities be required to report regularly on their coal use.

At best, this is coal encouragement by indirection in the face of Mr. Nixon's clear statement that "every decision against coal increases petroleum or gas consumption, comprising our national security and raising the cost of meeting our energy needs."

His message left Federal R&D funds for coal budgeted at $119.9 million for the next fiscal year, an increase of $25.4 million from the current year but a far cry from the almost $564 million budget for nuclear power development through both fission and the remote technology of fusion.

Fortunately, influential members in both houses of Congress put a higher premium on coal development through research and have proposed bills for Federal spending of $20 billion over the next decade or so to realize coal's potential as our only saving energy resource in a protracted crisis. We earnestly hope they will prevail.

Western Europe may find another paradox in an Energy Message dominated by the national urgency of increasing production of all forms of domestic energy, including shale oil and geothermal steam, to reduce long-term U.S. reliance on fuel imports. Mr. Nixon did abolish our oil import quote system, which will undoubtedly bring us still further into the international oil market. But in fact the quota system through steady liberalization had become too open-ended to defend our domestic fuels anyway, and its replacement by a graduated license-fee quota system, which is designed to make price the operative factor and encourage the domestic oil industry to find and produce more oil and to build refineries at home instead of overseas, was not a complete surrender to the import mentality.

The U.S. coal industry welcomes Mr. Nixon's recommendation to Congress to free new domestic supplies of natural gas from Federal price regulation. This would be a powerful incentive for indigenous gas development to counter imports and, at the same time, reduce the completely artificial price advantage that premium fuel paradoxically has enjoyed over abundant coal in the boiler fuel market.

Ths major disappointment of the coal industry in the President's energy stance is his failure to enlarge on initiatives in coal utilization research, that have bought us to the threshold of a new synthetic fuels industry, or to order a bold program to rejuvenate the technology of coal extraction. Coal, after all, is our mother fuel, not a maiden aunt to be pensioned into declining years. If the world's coal industries are to serve the huge energy demands we see ahead, they must be reborn in a new technological age.

The coal industries in the United States, in Western Europe and the world have made incremental progress in technology over centuries; now they must make not evolutionary but lightning progress across the whole span of operations—from winning coal to winning back consumers. The United States industry is calling on its government to mount a coal advancement effort similar in scope and funding to the railroad development and homesteading programs of the past and, in our time, nuclear power development and space exploration. This is by no means an immoderate request in the gathering gloom of a national energy crisis that requires a strategy for industrial survival.

The plain fact is that the current technology of coal production is woefully inadequate for our enlarged prospects. The continuous mining machine, for example, which marked a new era in underground mining, is now more than 20 years old. By our modern quick-march standards, a mechanical concept that old is in the prime of senility. What is worse, the continuous miner is neither continuous in any real sense nor inherently efficient.

We need a wholly new integrated-systems approach to underground mining, including rapid drilling and tunneling, foolproof roof support, automatic coal cutting and underground transport, computerized operation—everything, in short, to boost our declining productivity and do it in as hazard-free a working environment as human ingenuity can devise.

Speaking boldly, we might consider going completely beyond underground mining as we have known it in its long historical development. The idea of gasifying coal in place, or liquefying coal to a pumpable slurry, has not failed—it has not been sufficiently tried. At least as a development in parallel with solid coal extraction, this new approach is worth a considerable venture. For one thing, it would greatly relieve the age-old and still growing problem of handling mining wastes without incurring the wrath of a public that will no longer suffer gladly the proliferation of slag heaps and culm banks.

Let me emphasize that in all this I am not proposing to innovate our invaluable miners out of their jobs. Labor must remain the backbone of coal production in any form, but I also believe firmly in industry's obligation to labor to make mining a safer and more skillful occupation. The term manpower, to me, implies no condescension, and I believe that old skills beget new ones. I am forcibly reminded of that truth here in Cornwall, which has a mining tradition dating back to the Roman emperors that has been perpetuated by Cornishmen named Cousin Jack in countries on which the Roman sun never rose.

We should also recall that it has not been innovation but the slowness of mining progress that has contributed most to coal mine rationalization and miner redundancy. A new surge in coal production must mean more jobs—as Lord Macaulay would say, every schoolboy knows that.

The American coal industry also has a homely expression about coal: If you can't sell it, don't produce it. At home we are striving mightily to overcome problems in both the production and consuming ends of the business. While bringing our underground production up to the most rigorous standards of health and safety in our history, we have expanded use of the safer, more economical and often geologically necessary technology of surface mining to the point where it now accounts for about half of our total production. Despite the fact that this surface-mined coal generates one-fourth of the nation's electricity, environmentally inspired legislative pressures for restricting surface mining continue to build. The cry is for a plane of surface-mined land reclamation that is lofty and is also to be quickly achieved, and the only alternative offered is to cease mining.

The coal industry absolutely rejects the thesis that mining must inevitably leave the land in permanent disarray. The responsible surface mine operators are practicing reclamation as part of the mining cycle and have demonstrated an increasing capability to restore mined land to productive uses. We have transformed a native art into a scientific discipline that, with accelerated research and proper respect for the growing cycles of nature, will eventually yield the results that both coal operators and environmentalists desire.

The consumer problem of sulfur emissions from coal combustion, which has cut deeply into coal's utility market, can also be solved by research. Technically feasible air pollution control systems have been pilot-tested—what is required now is a massive infusion of research and development funds to bring the best of these systems to full-scale demonstration and on to practical commercial use. Can we readily believe that the ultramodern science of chemistry and the most advanced engineers in history cannot, with proper financial support, clean up a power plant stack?

Scientific research has already provided us with the long-term solution to lean coal-energy—the conversion of coal to clean-burning, pollutant-free synthetic gas and oil. These are not radically new, untested processes by any means, as Europeans well know and as Americans who formerly found their way home by the light of coal-gas street lamps should remember. But how little we have exploited this energy resource, and how timid we have been—and continue to be—in weighing economic considerations against the bold stroke required to bring coal conversion research to the commercial threshold. Here is a potentially large supplement to our oil and gas supplies, and a hedge against almost total dependence on the Middle East and North Africa—and here we are, just now trying to elaborate on the Lurgi process with a methanation step that with foresight and generous funding we could have had in better time.

Our research needs are many, and certainly include a revamping of the aging and inefficient electric generating technology that we can only hope will carry us into the promised nuclear power era. Magnetohydrodynamic generation, fuel cells and combined-cycle systems employing steam and gas turbines are clear options. And they all carry high research pricetags—too high perhaps for the industry of any one nation.

The only way out of the cost dilemma is to internationalize research. There are precedents for bilateral research cooperation. The United States, for example, has had cooperative programs with other nations in a variety of energy applications—with the United Kingdom on fluidized-bed combustion of coal, with Germany on magnetohydrodynamics, with Italy and Japan on geothermal energy, with Poland on coal technology and most recently with the Soviet Union on a number of energy technologies. Coal representatives of many nations have exchanged information and visited foreign workings, and the U.S. coal industry welcomes all opportunities to enlarge its knowledge of and working relationships with other coal industries everywhere.

But it strikes me that this, helpful as it undoubtedly is, is too conservative an approach to international coal cooperation—indeed, almost primitive in view of the broad-scale problems that need common solutions and the tremendous demand that I see for coal in the future.

We have so far been looking at coal's promise and problems through all too narrow national windows, when what is urgently needed is the kind of integrated world overview of the Apollo spaceman.

The United Nations is our paradigm of world cooperation on issues affecting the course of governments and the aspirations of people—in both of which energy sufficiency must play an indispensable part. Certainly the UN structure is comprehensive enough to provide a truly worldwide focus on coal's potential as the international balance wheel of energy stability and as significant insurace against political excursions—or incursions—in pursuit of energy domination.

The UN has already set this direction and supplied a framework of action in the various energy committees of the Economic Commission for Europe. The Coal Committee of ECE has done outstanding work in providing an international clearinghouse for information on progressive coal developments and a forum for constructive thinking about coal problems.

But this is simply not enough for the world's present coal requirements. I believe the coal industries of the world must now extend their coal efforts into a far more active sphere. I believe the coal industries of the world should convene a World Congress of Coal. I believe we need nothing less than the transformation of the current regionally international coal committees into a World Congress of Coal, a continuing body of specialists representing all coal-producing and coal-consuming nations that at the peak of its usefulness would underwrite specific coal research and development projects that would bring common benefits and advances not only to all the coal industries of the world but to all mankind.

This would be an enormous venture, of course, and would call for overcoming many complexities of national interests. But in a world that has already lapsed into devious schemes of energy protectionism on an international basis, with the profound threat to world stability which that has introduced, the concept of a World Congress of Coal can scarcely be dismissed as grandiose.

The National Coal Association on behalf of the American industry offers its good offices toward such an undertaking and, in that, reflects—according to my reading of recent U.S. Government declarations—America's specific desire to accelerate and expand international cooperation in energy development.

President Nixon raised the theme of energy cooperation to the level of a grand design when he said in his Energy Message to Congress: "I believe the energy challenge provides an important opportunity for nations to pursue vital objectives through peaceful cooperation. No chance should be lost to strengthen the structure of peace we are seeking to build in the world, and few issues provide us with as good an opportunity to demonstrate that there is more to be gained in pursuing our national interest through mutual cooperation than through destructive competition or dangerous confrontation."

I am unused to qualifying Presidential statements, but I am forced to add that the rewards of international cooperation for energy adequacy will be greatest if that cooperation concentrates primarily on progress for coal, the world's overwhelmingly most abundant and chemically versatile fuel.

Our best efforts to maintain universal energy stability in our time with oil and natural gas will be reduced to making do with scarcity and rationing and could be completely frustrated by nature—if nothing worse. But coal offers a richly positive alternative, and the only wonder is that in a world plagued with energy problems our nations have not rushed to exploit coal to the fullest. We must come to it in the end, even as a hydrocarbon prop for a specialized nuclear power economy, and that is the most compelling reason for making a fair start on it now, while we still have coal industries in place and capable of growth. Coal may not be the energy world's first choice, but it certainly is the most visible second chance for that world's stability and survival.

---

## SPECIAL ASSISTANT TO INVESTIGATE THE WATERGATE

Mr. THURMOND. Mr. President, I rise in support of the resolution sponsored by the senior Senator from Massachusetts.

The Watergate incident is many things to many people. To most of us, it was a crime for which there is no excuse.

But the true significance of Watergate transcends the illegal act of bugging, and it certainly overrides any partisan gains or losses which may result. A much more important concern is the effect it will have on the continuing processes of governing the United States. This is the paramount question, and the final verdict may not be known for many months.

When the break-in and bugging at Democratic national headquarters were first discovered last summer, their consequences to the country seemed small indeed. The crime was first viewed as a mindless caper carried out by a few political amateurs. But recent revelations indicate the possibility of a much broader campaign of political impropriety which could possibly reach into the upper echelons of Government.

Although several high ranking officials have resigned in the aftermath of Watergate, they should not be prejudged. These resignations were the first step toward restoring lost confidence in the White House and are not admissions of guilt. Many are talking as if they have already been indicted and convicted. But we must exercise caution not to reach any conclusions until the judicial process has taken its course. Then if anyone is found guilty, he should be punished in accordance with the law. Until this happens, however, discretion should be the watchword.

In order to expedite the resolution of this matter and to restore full confidence in the executive branch, it is mandatory that the investigation be above any question of partiality. For this reason I believe that someone outside the executive branch should be appointed as a Special Assistant to aid in the investigation. However, it is my firm conviction that this Special Assistant should be accountable to and under the supervision of the Attorney General. Such a procedure would be consistent with our legal system, which charges the Attorney General with the responsibility of investigating and prosecuting criminal matters such as the Watergate incident.

Mr. President, this resolution in no way implies that the Attorney General, or the President himself, could not conduct a full, fair, and impartial investigation of Watergate. However, the appointment of a Special Assistant from outside the executive branch will remove every question of partiality. I understand that the Attorney General agrees that a Special Assistant should be appointed, and that he is presently taking steps in that direction. I commend him for this action, and I urge my colleagues to support this resolution which will make the Senate's views on this question a matter of public record.

---

## CHILD ABUSE

Mr. MONDALE. Mr. President, in recent weeks my Subcommittee on Children and Youth has been conducting a broad investigation into the problem of child abuse. In the course of the subcommittee's investigation and its four hearings we have been seeking models of programs which hold out promise for improving our methods of preventing, identifying, and treating child abuse.

Therefore I was gratified to read in the April 15 edition of the St. Paul Pioneer Press newspaper a description of the effective child abuse program operated jointly by the Zumbro Valley Mental Health Center, the Ramsey County Welfare Department and a "Parents Anonymous" chapter in my home State of Minnesota. Parents Anonymous is a self-help organization of parents who are former child abusers.

The article about the Minnesota program touches on some of the themes that have been developed by witnesses during the subcommittee's hearings—including the need of battering parents for assistance in coping with family problems.

At this time I request unanimous consent that the article from the St. Paul Pioneer Press be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From St. Paul Sunday Pioneer Press, Apr. 15, 1973]

### CHILD ABUSE—THE DARK SIDE OF FAMILY LIFE

(By Nancy Livingston)

It's easy to think all child abusers are monsters. The act itself seems so despicable.

But most people who work with child abusers agree the majority are not monsters, nor are they psychotic. Troubled, yes. Serious problems, yes. In need of help, definitely.

Take the case of Sheila, 28.

On the surface, Sheila (a fictitious name for a real person) seems like the average American parent. Dark-haired and attractive, she has a sunny smile and flashes deep dimples. She speaks softly and thoughtfully.

About three years ago, Sheila spent a month in the hospital following an incident in which she severely beat her month-old hydrocephatic baby fracturing both his arms. The baby suffered permanent brain damage.

When Sheila had her second baby, less than a year later, she watched him fearfully to see if he, too was "retarded." She became convinced he was.

One day, in a rage, she threw her second son on the floor and struck him repeatedly with her fists. He was temporarily placed in a foster home.

Last year, two children in Ramsey County were not as fortunate as Sheila's. One died from head injuries and one from suffocation at the hands of their parents. So far this year, one child has died after being beaten by her father.

Why do these things happen? What could possibly possess a person to strike a defenseless child not once, but over and over?

Virginia Trampe of the Zumbro Valley Mental Health Center said there are a couple of reasons for normally well adjusted people to resort to violence.

One, she said, is lack of life supports—not enough money, lack of communication with others and a lack of amenities—like babysitters—that can alleviate stress.

Another reason—the constancy of the demands of the child. To some women, a child who persistently wails and cries is saying that his mother is unacceptable. When a person's self-image is threatened like that, the normal reaction is rage, said Miss Trampe. She noted that high-risk times of day are when the child is supposed to perform in a specific way such as at feeding time, bedtime and toilet time.

There are other characteristics of this so-called "battered child syndrome." A common one is that parents make unreasonable demands on their youngsters. They deal with their kids as though they were much older. And they look to them for reassurance, comfort and loving response.

Wayne Fox, head of the child protective services at the Ramsey County Welfare Department, said this interaction is called "role reversal." The parent becomes the child and the child is expected to be the parent.

Another indulging in role reversal might say, "My baby hates me—he won't stop crying." Or "My baby is trying to make me mad."

Sheila, the woman at the beginning of the story, said she thought when her children cried they were accusing her of being a bad person. And when they were fussy and whiny it meant she had failed in her maternal role.

Sheila felt she wasn't getting the love she needed from her passive, subtly critical husband. Not only her marriage partner, but her parents, her relatives and her in-laws were critical of her. The children were supposed to make up for this injustice. They were supposed to love her and cherish her and fulfill her unmet emotional needs.

But the infants didn't read the scene. A series of frustrations sparked by the child's selfish complaining unleased her pent-up fury. In her own words, she "took it out on the kids."

Sheila said she doesn't exactly remember the circumstances of the beatings. But she does vividly recall the guilt and self-hate that flooded her after it was over. She was desperate for help and saturated with fear that she would strike her children again.

Sheila was referred to the Zumbro Valley Mental Health Center, where she entered into group therapy sessions with other women of similar experience. At first she clung to the group as a crisis prevention tool. She became especially dependent on one group member, who she called daily for support.

Later, after she began to control her fear and improve her self-concept, she started to use the group for informational purposes. She saw herself fitting into a pattern and she began to look at her own behavior more objectively.

The last step in Sheila's evolution as a parent was to actively use the information supplied in the therapy sessions until her own sense of motherliness was awakened. She had to learn how to be a mother, and it was a long, slow process.

Now Sheila's second child has been returned to her, the first is still in a foster home, and she has a third child. When she talked to this reporter, she proudly pulled out a color snapshot of her kids and talked about their cute personalities.

She said she and her husband are still having problems, but she is "handling it beautifully" and not taking it out on the children.

Miss Trampe said several marital problems exist in almost all cases of child abuse. The child becomes the battleground for two unhappy, insecure persons.

She said nearly all abusers were themselves abused as children and they emerged from childhood feeling pretty awful about themselves. One group of child abusers at the center, she said, consists of seven women who all feel they are the outcasts of their respective families.

Sheila said her father and mother had "rotten tempers" and they used to beat her with a broom if she dared to display her own temper. This was all in the name of discipline.

Usually it is just one child who bears the brunt of his parent's rage. Children are especially likely to "get it" if they are perceived to be sick, illegitimate, deformed, hyperactive, fussy or step-children.

When Sheila gave birth to a deformed baby, this was further indication to her that she was not a good person. For a year and a half after the beating incident she kept the child in her home and tried to cope with her feelings. She said she didn't hate the child, she hated herself.

Miss Trampe said other kids are singled out because they remind a parent of someone she doesn't like—a former husband, boyfriend or relative. Or perhaps herself.

In Ramsey County last year there were 53 new cases of confirmed child abuse. Wayne Fox said his department is following about 250 cases of abuse and 1,200 cases of child neglect.

The 1972 county statistics indicate most abusers have not more than a high school education, most are white and most are the natural parents of the victim. The income level of the family is generally less than $6,000 per year in 42 of last year's 53 cases.

In 35 of the county cases last year, the child remained with his own parents. In only one case were parental rights completely terminated. In 34 of the 52 cases, no court action at all was taken against the abusing parent.

Nationally, about 65,000 cases of child abuse are reported each year. About 25 per cent are said to be seriously, sometimes permanently, injured. Perhaps 6,000 are killed.

In addition to the resources of help for the child abuser at the county mental health center and Welfare Department, a self-help, non-professional rap group has been started in St. Paul.

Called Parents Anonymous, the group's motto is "I will live one day at a time without beating my child."

There are no professional people attached to the group. Members meet weekly in a St. Paul church to discuss common problems.

Though hopes were high when the group started a year and a half ago, the group is now having real problems staying afloat. It's leader, herself a child abuser, complained that people have no commitment to the group. "They all say they want professional help, but they refuse to go to the mental health center because that means they're sick."

Often, the group leader said, members are satisfied with spilling out their problems and leaving it at that. They don't attempt to get at the root of the violence. Their attendance falls off until the abusive pattern recurs.

She said the group may soon cease to function.

In Ramsey County, the Child Abuse Team was created to involve many professional agencies in the problem. When a potential abuse case is referred to a member of the team, members—who include police officers, doctors, social workers and nurses—hold staff conferences to decide its disposition.

It seems that at last the darkest side of family life in America is being examined by society. Things have progressed significantly from just a century ago when authorities in New York City finally freed Mary Ellen, a little girl kept chained to her bed and otherwise mistreated by her adoptive parents.

That court battle was won by the American Society for the Prevention of Cruelty to Animals.

### MONDALE SEEKS NATIONAL POLICY

Sen. Walter Mondale, D-Minn., is among those trying to focus national attention, and particularly legislative attention, on the problem of child abuse.

Mondale heads a Senate subcommittee on child abuse that recently heard three days of testimony from doctors who operate children's hospitals and from former child abusers.

The subcommittee has taken the first major step toward making Congress aware that the federal government might have a role in dealing with this problem. As it stands now, there is no national policy on child abuse.

Mondale has legislation before the Senate which would provide $90 million over the next five years to work with child abuse by establishing a national center and a national commission on child abuse and neglect.

## THE 1974 BUDGET THREATENS FUTURE OF ADEQUATE HEALTH CARE

**Mr. HUMPHREY.** Mr. President, as part of its investigation of rising prices to consumers, last week the Joint Economic Committee's Subcommittee on Consumer Economics held 2 days of hearings on the Federal role in providing adequate health care to the American people at a reasonable cost.

Medical services are one part of the consumer's budget over which he has very little control, yet these costs are rising rapidly. The medical services component of the Consumer Price Index increased at a 5 percent annual rate in the 6 months ending in March of this year. This is in a period when the medical sector of the economy is under much tighter controls than the rest of the economy. In some areas, particularly hospital care, price rises have been even worse.

The only way to get an overall look at what the Federal Government is doing to address this problem is to carefully examine the Federal budget. It is the only planning document we have at the Federal level and it is the document that shows where we are putting our physical resources. Our examination with numerous expert witnesses leads me to the conclusion that the proposals in the 1974 budget will not solve any problems in the long run, and, in the immediate future, they will increase the costs faced by consumers.

Dr. John Cooper, president of the Association of American Medical Colleges, presented the results of a survey made by his organization on the impact of the budget proposal on medical education. This is a real horror story:

Federal funds available in fiscal 1974 for support of programs of research, teaching, and service would drop 11 percent from the fiscal 1972 level, more than 15 percent from the level in the current fiscal year, and 26 percent from the level which schools planned for fiscal 1974, prior to the release of the budget recommendations.

A number of schools reported to Dr. Cooper either that State legislatures would not grant requests for higher State appropriations or would not be in session even to consider such requests. Private schools have no source of income to replace lost Federal funds.

The proposed reduced levels of fiscal 1974 Federal support would require the schools to terminate the employment of 1 out of every 12 faculty members, unless other sources of salary support can be found.

In terms of undergraduate medical education, one-third of the schools reporting indicated the strong possibility of having to reduce the size of future entering classes. For many schools, future increases in first-year enrollments will not be possible.

Regional medical programs termination—as proposed in the budget—may force about one out of two medical schools to phase out or to curtail their health care programs in rural or neighborhood ghetto areas; their referral services in such significant areas as cancer, heart disease, stroke, kidney transplants, radiation, and emergency care; and their formal programs for instruction, lectures, and seminars for the continuing education of practicing physicians.

Taken together, these findings show beyond a doubt that the Federal Government has reneged on a commitment to support medical schools. The administration entered an agreement with these schools. If they would expand enrollment, encourage minority students to enter their programs, and provide more aid in ghetto areas, then the Federal Government would assist with financing. The schools have kept their end of the bargain, but now the Federal Government wants to back out. It is forcing these schools to fire teachers, reduce enrollment, and cut back on services.

Dr. Karen Davis of The Brookings Institution presented an excellent discussion of the way the Government assists in financing medical care and the impact of the administration's medicare and medicaid proposals on the elderly.

When medicare, medicaid, and tax subsidies for medical costs are combined, 45 percent of the total benefits go to people in families with income below $5,000. This concentration of benefits on low-income groups, however, is largely due to sizable expenditures for low-income old people. Of the $5 billion in benefits for people under 65 in 1970, only 28 percent went to people with family incomes under $5,000, while 40 percent went to individuals with more than $10,000 income.

Although medicare and medicaid provide substantial help, there are still big gaps. In fact, the elderly now pay more for medical care out-of-pocket than before medicare. Private payments for personal health care of the elderly averaged $309 in fiscal year 1966, before the introduction of medicare. In fiscal 1972, private payments totaled $404 per capita. We have failed to protect the predominantly poor elderly population from the ravages of medical care inflation.

Moreover, if this administration's proposals were adopted, the elderly would pay even more. They claim that patients who spend 100 days in the hospital would have more protection under their proposal, and this is true. But 99 percent of all medicare hospital stays are less than 100 days. Under current laws, a patient hospitalized for 30 days would pay an estimated $84 out-of-pocket. But under proposed legislation, he would pay an estimated $400.

At the end of April, the administration presented some modest tax proposals which would affect the tax subsidy for medical care. These particular proposals would be an improvement over our current laws, but Dr. Davis estimates that still 47 percent of the benefits would go to individuals with incomes over $15,000 per year and 66 percent would go to people with incomes over $10,000 per year.

The saddest part of the budget package is that it will worsen the plight of minority groups. Although medicare provides uniform benefits for all, in 1969 average reimbursement for hospital and physician services per elderly white person was $320 compared to $229 per elderly black person. It is urgent that supplementary measures be undertaken to improve the access of blacks, chicanos and Indians to medical resources—such as increasing the supply of minority medical personnel, greater placement of minority physicians on hospital staffs, training of minority residents as paraprofessional personnel to work in community health organizations, subsidies for health care organizations to locate in minority neighborhoods, and improved and expanded hospital outpatient facilities. Yet, Dr. Cooper showed that the groups who will be hit hardest by a shift from fellowships and training grants to loans will be these minority groups.

Stepping back to look at the overall health budget, it simply does not hold together. For years we have talked about the need for comprehensive planning to direct our health effort, but all of our witnesses agreed that this budget does not have any underlying plan of action. Even Dr. Edwards, the Assistant Secretary for Health, admitted in his testimony that we have not yet developed a comprehensive strategy for health care.

The importance of an integrated national health policy cannot be overstressed. As Mr. Glenn Wilson of the University of North Carolina Medical School explained, large sums of money have been poured into the health care system with little or no regard for and certainly with little prior discussion of the resource capacity to provide the service. Runaway inflation was the result of this approach. In the fifties, trade unions bargained for better medical benefits and in the mid-sixties, we enacted medicare. There was no systematic evaluation of the capabilities of the health care system to deliver the services. As effective demand rose rapidly, the free enterprise health care system naturally responded with price increases.

This year we are again considering a national health insurance plan, but we must be wary of considering it in isolation. Our present health care delivery system is seriously outmoded. In fact, an extensive study by the Committee for Economic Development, as reported by Alfred C. Neal, CED president, found that the organization of our existing health care delivery system virtually assures the Nation of a continuing spiral of inflation.

If we are to have a successful national health insurance plan we also need extensive reorganization of our health care delivery system.

Our present health system is made up of many separate pieces. Each piece is worthy by itself, but must be put together with the others to make the whole function properly. In other words we need a national health policy. That policy must stimulate a healthy balance of resources between the delivery of health care services, the education of health care providers, and basic research. The latter must encompass both biomedical research and research involving the delivery system. None of the pieces can bring their maximum benefit to bear upon the health of the American people without the complementary aspects of the others.

Unfortunately the 1974 Budget makes no contribution toward pulling the parts together. We cannot depend upon the administration. Congress should act now on its own initiative.

---

## INTERVIEW WITH NEW YORK STATE SENATOR MARCHI

Mr. BUCKLEY. Mr. President, the May issue of the Intellectual Digest contains an interview with New York State Senator John Marchi, who is currently a candidate for election as mayor of New York City. I have known and admired Senator Marchi for some time and I want to bring to your attention his qualities of intellectual excellence and political astuteness both of which are evidenced throughout this interview. I ask unanimous consent to have printed in the Record the interview with Senator Marchi.

There being no objection, the interview was ordered to be printed in the Record, as follows:

### The Remarkable Mr. Marchi

John J. Marchi, a most congenial conservative candidate and a proudly independent man, has served in the New York State Legislature for 20 years. In 1969 he first ran for mayor of New York City, on the Republican-Conservative ticket, and lost to incumbent John V. Lindsay. But en route to defeat he left a lasting mark on the minds of voters, many of them liberals, who were astonished by his qualities. Bruce and Naomi Bliven found those qualities intact when they talked recently with Senator Marchi in his large, bright, still bare office in the unfinished legislative office building in Albany.

Bruce Bliven. Do you define the word "conservative" in a particular way?

Marchi. I think the English language is the most marvelous language—the richest. But there is also a great deal of imprecision. I don't know whether it is an American characteristic, or whether it is going to be the way of people in the future, not to be closely riveted to definitions. Some damage is done as we adjust language to accommodate evolving approaches to life and problems.

Take a word like "discrimination." It now has an odious connotation. But a man who practices discrimination in the sense that he is discriminatory in values and tastes—I think that is one of the great heritages and one of the great rights we want to preserve for Western civilization. If the word signifies prejudgment, then that is something else. So the pejorative is only one sense.

I remember getting into quite a discussion with Judy Michaelson [a *New York Post* reporter] on the significance of "law and order" as a code phrase. I said "My understanding is that the rule of law and the idea of order are ethical concepts." She said, "Yes, but the message you convey by using 'law and order' may mean pounding some disadvantaged person over the head." In fairness to Judy, I did look up the words in several dictionaries published in the thirties, and the primary meaning then was ethical: "a distributive fairness," that kind of justice. But when I looked it up in the new *American Heritage Dictionary*, I found that there has been a shift. "Law" becomes the application of law, and nothing more. The judge who sentenced Susan B. Anthony was applying law, the law then. Her appeal was to a sense of law, rooted in justice ]see ID, September 1972].

Naomi Bliven. Natural law.

Marchi. Right, exactly. I think we—speaking as a professional class, those in government—have to tidy up our language and our concepts. The neat packaging for the public is a technique for getting something across very fast. But we do violence to well-structured thinking, not always a very conscious process but one that knows certain disciplines. Sometimes we avoid the bewildering conflicts and contrasts—for example, how do you define a conservative?

Bruce Bliven. How do you?

Marchi. In Italy a "liberal" is one who believes in the unrestricted movement of people and goods, with minimum interference by government in anything. The classic liberal would object to laws that govern the length of the working day. When they suggested reducing the workweek of women in coal mines in England in the 1800s, the liberals felt that this would lead ultimately to the abridgement of the right of contract. Well, I guess it does, but after all . . . In this country there are people who vote conservative, feel conservative and may be conservative about behavior, but they don't believe in an unbridled economy without any interference. And there are other conservatives who feel that we shouldn't legislate in matters such as the use of drugs or promiscuity of any kind—sexual deviancy and the rest of it. So what does conservative mean?

Naomi Bliven. That is classical liberalism. I think many people in the United States who are reactionaries are nineteenth-century liberals gone sour.

Bruce Blivens. The extreme Right, just short of the nut Right, really is liberal by traditional definition.

Marchi. Those nations that are within the Anglo-Saxon tradition, as far as political institutions are concerned, are primary pragmatic in the sense that they look to the solution of a problem and are not that firmly rooted in a political philosophy. You can see that by the very fact that we have common law, as against code countries that describe law minutely in terms of codes. England usually has two parties, though they have had three, so Parliament is rectangular in shape. You're either in or you're out. The fan-shaped French Parliament allows you to move—if you feel you're a bit more to the left, you may move over one row or so. But is that important? Or is the Anglo-Saxon tradition the saving factor in our experience—tending to look to a final objective, and finally squaring one's political thinking and one's so-called philosophy to arrive at the end product?

Naomi Bliven. In the thirties what was state and local, as against federal, was thought of as conservative. Now what is local—the community, usually—is a radical issue. Community control is an issue most often raised by the Left. Is a section of the Left becoming conservative without knowing it?

Marchi. I don't think they are far enough away from the picture to evaluate it. It can't be seen in any kind of real perspective yet. In the 1930s, Roosevelt was saying things that would be eminently desired by conservatives today. In those years, the exercise of power by the Supreme Court in knocking down acts of Congress was a conservative bulwark in the defense of freedom. The same phenomenon in the fifties and sixties brought cries to impeach the Court for abusing its authority. I suppose nonphilosophic conservatives rationalize in terms of personal impact, and then from there they go out and find their reasons. Again, very pragmatic, and sometimes not a really well thought-out process.

Bruce Bliven. Still, the practical problem is to say where you stand with a single word, though all the words are everchanging. We *can't* come to the conclusion that the meaning of "liberal" or "conservative" is so diffuse that those words won't be used.

Marchi. No, we can't.

Bruce Bliven. Perhaps we are trying to come down to a least common denominator, and "conservative" comes down to a life style, or a style of approaching problems.

Marchi. I suppose there must be considerable discussion among ideological conservatives as to exactly what conservatism means. To one voter if may mean paying a little less in taxes; to somebody else it may mean walking the streets at night without getting clobbered. But I don't know whether we have consciously developed a conservative or liberal ideology that is easily identified. In terms of general institutions, on the other hand, it is surprising that liberals and conservatives in this nation, and I suspect in England and in most Anglo-Saxon-tradition countries also, are closer—much closer—than in countries where the ideological sorting-out process is more precise—going from left to right in France, Germany or Italy. There the differences are enormous. But not here. The American liberal is not necessarily committed to anything other than the private ownership of means, provided it's socially oriented. Most American conservatives, or those who vote the Conservative line, can agree with that. The difference in the United States is minuscule. Its range might be covered by one party expressing one point of view, because the institutional values are much the same.

Naomi Bliven. I once heard a Republican say, "I think we need the Democrats to think of far-reaching, innovative social programs, but then we need the Republicans to administer them."

Marchi. It depends on where a man comes from. We don't have a Democratic party and a Republican party in the United States; we have 50 Democratic and 50 Republican parties. I find myself perhaps in far greater agreement and more at home in approaching problems with Democrats in New York or, say, California, than I do with Democrats or Republicans from the Midwest. We don't have party congresses for ideological discussion. The Republicans agreed on some ideological content in 1964, and it didn't meet with overwhelming approval from the American people. Similarly, where the Democrats had the same experience with McGovern, last year, they suffered the same fate at the polls.

There has seldom been any great departure, except in times of great stress—Roosevelt after 1932—but even then Roosevelt was elected by trying to be more Republican than Hoover: he was going to cut expenses, and we were going to try to collect money from those nations in Europe that hadn't honored their World War I debts. Of course, the realities turned him about very quickly. It was the fact that people were marching the streets and were out of work that produced the change, not so much his ideological appeal to the people.

Naomi Bliven. Are you interested in politics in Italy, even though you visit there as a private person?

Marchi. Oh, I am. I get immersed in it. It's the difference between having a two- and a three-dimensional photograph, where you begin to see things in perspective.

Naomi Bliven. When we talk about the fact that we don't seem to have hard-and-fast ideology in American politics, and that Europe seems to have more. . .

Marchi. Yet we *have*. We have it in the really deep institutional sense, both we and the British. But we don't let it interfere with the resolution of day-to-day problems.

Naomi Bliven. Do you imagine Italian politics being able to coalesce into a two-party system?

Marchi. Not unless it were restructured. We have the single-seat constituency, so the person who gets the largest number of votes is the one who gets elected. This tends to winnow down to two alternatives: those who are in and those who would like to be in. It is possible, in structuring your form of representation, to compel this either-or situation. France has gone over to this in great measure, the choice is now between the Gaullists and the non-Gaullists. In Italy, the Christian Democratic party is an anomaly, because it was put together to oppose a Communist alternative—a sort of catchall—and this is why they have so many problems in the Christian Democratic party. They are a mass party, as are the Republican and Democratic parties in this country.

The Andreotti government has within it today the Socialists—those who are aligned with the Western nations—as well as the Christian Democrats. It has the Republicans, who have hardly any reason to exist any more because Italy is a republic, and the Liberals, who are business oriented. These center parties just give the government a bare majority. There are those within the Christian Democatic party who feel that the Andreotti coalition is too fragile and who would rather go to the Left, feeling perhaps that the Communist party is sufficiently bourgeois so that it is not thinking of blowing up all democratic institutions.

Naomi Bliven. Everyone makes the point that West European Communists since Czechoslovakia have perhaps gotten over their infatuation with the Soviet Union.

Marchi. There's a wide range even within the satellite countries. In some you still have private ownership of land; in others you even have a measure of business flourishing. Others are more orthodox with respect to Marxist theory—Bulgaria, for example. I suppose it is the same thing that happened within the Church, to some extent—a nationalization of a spiritual patrimony that then is broken down into national components that acquire their own national characteristics. We don't know what would happen in the satellite nations but for the pressure of the Soviet military. I don't think they would automatically swing into some kind of democratic, capitalistic orbit.

On the other hand, looking down the long tunnel of history, how do we know a hundred years from now just how far the so-called state capitalists, moving and responding to social changes, which seem to ignore geographical boundaries, might move in our direction—with the same thing happening to us? The Communists, on a very rational plane, felt that they ought to organize farming on an industrial basis—that's what they were really saying. So they went about it, and they had their miseries, and they still have 40 percent of their people trying to raise food—and their effort is insufficient for the total population. We, on the other hand, serve what we like to believe is a private-enterprise system—industrial development of land. And our big producers of food, perhaps, are closer to the Soviet collectives—in substance, I mean. [Laughs.] These are the curious things. Economics and so many other factors impose their own disciplines.

Bruce Bliven. Are we speaking about the lack of clear definition in this country as a rather sad thing?

Marchi. Well, no. I just say it's a fact of life, it just puts a little extra burden on us to define better.

Bruce Bliven. Quite hard, I think, especially on a man who is running for office and wants to explain himself.

Marchi. This is the big problem. During the mayoral campaign, I'd get on a program and they'd say, "Mr. Lindsay, Mr. Marchi, will you please make a statement on the financial problems of the city of New York—in two minutes?" Now how in heaven's name could he or I talk to the economic problem of New York City in 120 seconds? The people who were trying to advise me said, "You've got to hit the high spots. People are paying too much in taxes! Business is running out of the city Bing, bing, bing, bing!"

It was not that I have difficulty making up my mind. I have made a lot of what I think have been very difficult decisions—on school restructuring, and the like. It's not that I am afraid to make the decision, but why should we indulge in such gross intellectual violence? We wouldn't tolerate the quick cliché in ordinary discussion. Things ought to be simple, but they're not. Happily or unhappily, we are trying to measure concepts of distributive justice and concepts that will generate well-being, and there are a lot of intangibles, variables—life is complex. What can you say in 120 seconds? There is a violence done by those gross oversimplifications.

Bruce Bliven. Perhaps we've come to an essential part of conservatism: refusal to indulge in gross oversimplification.

Marchi. It means many things to many people, but in that sense I would be a conservative.

Bruce Bliven. I didn't mean to force you into labeling yourself.

Marchi. I don't know. I might be classified a conservative in terms of my own personal life style. I believe in God and I believe that there is a hereafter. I also believe that we are subject to a moral law capable of some definition . . . It becomes more difficult as you go away from the Ten Commandments and get down to . . .

Naomi Bliven. The finance bill.

Marchi. Right! Or whether you are going to vote for a striped-bass bill. The dilemma of human existence, the problem of being and nonbeing—this is something that has plagued man since Adam and Eve—and I have a feeling that my challenge, and the right I have to select among good things, morally, is a premise of the human condition, of human existence.

Naomi Bliven. Perhaps the distinction isn't really political but theological: between people who believed in original sin and people who believed in the perfectibility of man.

Marchi. You are getting into something here that interests me personally. Whether this is something that matters to the voters or not, I don't know. As we make our choices in life, I think that our options are for choices that are morally good. This is very difficult. You have to have a spiritual content, because spirituality is a fact, and it's almost unscientific not to take it into consideration when you are considering man. There is an added element to the human personality that is . . . well, I'll call it divine. To me, there is something more involved than just what makes us up. The problem with Marxism is Marxist dialectical materialism, which reduces man . . . This also happens with everybody else who has the same materialistic outlook on man but comes out with different theories: the social compact, what is useful. We don't kill each other, because none of us benefits by that . . . Our law, of course, is structured on natural law and divine law. We have crimes that are *malum prohibitum*—things that are prohibited because they are wrong by statute—and *malum in se*—things that are prohibited because they are wrong of themselves, such as killing. Much of our law is structured on the old tradition of *malum in se*. This moral factor is introduced. In the Nuremberg trials, there was an absence of a law that covered the situation—but, I suppose, there was a reference back to *malum in se*.

Bruce Bliven. When you look back in history, do you have any heroes?

Marchi. I have a gut reaction and sympathy for the person who struggled and perhaps did not come up with the right answer, but I have no conscious models.

Bruce Bliven. I think that George Washington was a conservative.

Naomi Bliven. Although he was a revolutionary.

Marchi. He was a revolutionary, yet his federal system did not contemplate our type of democratic recourse, except in the most indirect way. He wanted some kind of enlightened aristocracy—good people who would make final decisions on the formulation of government. A remarkable era, because politically I don't think we've had anything stimulating since the Revolution. I mean with Jefferson and Madison and so on. Nothing has happened since. Events have happened—the Civil War—and America has developed, but not that kind of thinking. Oh, and I want to mention a Tuscan who I think had an influence on Jefferson—Philip Mazzei.

Naomi Bliven. They were an enormously cosmopolitan lot, the Founding Fathers. When I read their correspondence, they were discussing, for example, Cesare Beccaria . . .

Marchi. Ah, yes. *Tratto dei Delitti e delle Pene*. [*Essay on Crimes and Punishments*, published in 1764.]

Naomi Bliven. They had to know what all European thought was, and they were terribly up to date on it.

Marchi. When we had a vote on capital punishment, I voted to abolish it, of course. I had read Beccaria in Italian—it's just a little thin volume—and I finally located some English copies, and I circulated them to a few of the senators.

I'm against capital punishment, because I think that the state brutalizes itself—an execution only excites and promotes morbid propensities. Furthermore I believe that the certainty of punishment, rather than the severity, is the deterrent.

Bruce Bliven. When you first came to Albany, 20 years ago, did you have a different view of political life?

Marchi. No, I don't think so. I went to law school because I felt that here was a vast discipline, a tremendous area, that dealt with human beings. As a youngster, I was interested in what other people were doing. And then there is this three-dimensional thing I spoke of. The primary language at home was Italian. So I not only could measure in perspective the significance of words but also could appreciate that you have to look at the rest of the world and see why easy assumptions aren't that easy. I love this work. I think it is the most exciting thing that I could do. You take in the whole range of man—all his problems—heredity, philosophy, everything comes into it.

Bruce Bliven. Were the problems less complex?

Marchi. I suppose they were less complex. I just see it in terms of the workweek. Here is something that I want to meet, but it's tough, and how are you going to do it?

Sometimes you *cannot* give meaningful answers to people. You really can't tell them why, in the way they deserve to be addressed. Is it my shortcoming? Or isn't there enough time? But since everybody has the problem, it's tougher than it was in the early fifties, no question about it. That doesn't make it less exciting, however.

People have asked, "Why don't you go to Congress?" which to me would be a sort of slow death, sitting around as a freshman congressman. Here, having the opportunity to speak, I have a respectable platform. In Congress I would not be able to make an input—really to see something happen. I see things I've done—maybe some of them are a disaster—but, for weal or woe, they've happened and I've been part of it.

Even when I was running for Mayor, I said I didn't think I'd be as happy had I won as I have been in the work of the state senate, which is small in numbers. Being a committee chairman, I've had a chance to get into a wide variety of things. The Mayor has that chance, of course, in an operative sense. In some ways it is a little tougher. The Mayor has to explain why the snow wasn't taken away. You could do both as in the parliamentary system, where the executive keeps legislative responsibilities, and a prime minister is also a deputy, or a member of Parliament.

**Bruce Bliven.** State government hasn't been much in the news, what with our city problems and those of the federal executive; it's refreshing to hear you make the point that state government is so satisfactory.

**Marchi.** Central government seems too remote. Strictly grass-roots government can sometimes lead to disaster—you know, one-acre zoning. Middle government can conciliate, and I think it has great possibilities. here's an area, a very interesting area, that I feel will be broadened and deepened in the future—an intermediate level of government, that is, state government.

**Bruce Bliven.** We've enjoyed seeing Albany. We hadn't seen the Mall.

**Marchi.** Everybody accuses the Governor (eternally Nelson A. Rockefeller) of having an edifice complex, but actually we seem to have a guilt complex when it comes to spending for anything public. I remember in Staten Island the Parks Department put some flowers in the beds in front of Borough Hall and up in Silver Lake Park, and there were letters to the papers objecting to the waste of taxpayer's money. Yet those same letter writers try to keep their gardens looking nice.

**Bruce Bliven.** But out of their own pockets.

**Marchi.** Yes. So there is this feeling of guilt here about doing anything public. In Milan they rebuilt La Scala before they even tackled anything else. Isn't there something to be said, if it's done right for building a capital? We had a lot of fighting, the same way, about the New York State Council on the Arts—spending money to subsidize something like the Metropolitan Museum of Art, for instance. We ought to have that much presence. If everything has to pay its way, if you can't have educational television unless it pays it own way—well, there must be some accommodation, somewhere, for purely public interest.

We can meet practically all our objectives without depriving or limiting our intellectual horizons. I remember, as a youngster, going to W.P.A. concerts, the Federal theater. I don't know that everything the New York State Council on the Arts supports is good. There may be work that, in 20 years, will look so bad we'll wonder why we did it. It was a mistake. But if you're afraid to make mistakes in government or the arts, that's the end of innovation, the end of creativity.

## HOW MANY WAYS ARE THERE TO WASTE DEFENSE DOLLARS?

Mr. PROXMIRE. Mr. President, recently the Department of the Army sent out a news release in the southern California area under an official business stamp and Government-paid postage.

One of these releases was addressed to the Blade-Tribune Publishing Co. in Oceanside, Calif. The envelope was specially marked "Very Important."

Now one might think that this was an announcement of great importance. After all, it was marked "Very Important" and sent under U.S. postage and classified as official business. One might presume that it contained the announcement of a large defense contract for that area or news of a base closing that would affect thousands of employees. Or maybe it contained information about returning POW's.

Mr. President, such was not the case. Let me quote from the lead paragraph from this "Very Important" official business immediate release:

> Mrs. Louis Kaufman, wife of the 63rd ARCOM's Commanding General, hosted the Senior Commander's Wives Tea as a prologue to the 63rd Army Reserve Command Dinner Dance. The gathering was held at the Presidential Suite of the Universal Sheraton Hotel in Los Angeles.

It went on to say that wives of other generals from throughout southern California were in attendance and the tea was an informal occasion so that they could get to know one another.

This is what the taxpayers' money is being spent on. Announcements of teas for general's wives. This was the "very important" message which was distributed throughout southern California.

Mr. President, it struck the managing editor of the Blade-Tribune the same way it did me. He immediately wrote back to Maj. Burton Q. Watterson at the Headquarters of the 63d U.S. Army Reserve Command in Los Angeles with a stinging rebuke. Mr. Missett told Major Watterson:

> The enclosed release is without question the grossest misuse of American tax funds that we have ever experienced. To mark the envelope "Very Important" was incredulous. We regret misusing the already overburdened mails to return it to you with our objections, but we have no other choice. Please remove us from your mailing list immediately.

How can the Army come to Congress with a straight face and announce that no money should be cut out of their budget because it would endanger national security. Let them explain how this announcement of a tea party contributes to keeping the Nation strong. Let them explain why the Government funds were used for this purpose.

It is only a small example of the waste that goes on at every level of the military and especially at the top. In terms of money, it is very, very small. But it is symptomatic of a greater problem.

Mr. President, I ask unanimous consent that the Army press release and a letter from the Blade-Tribune be printed in the Record.

There being no objection, the press release and letter were ordered to be printed in the Record, as follows:

The Blade-Tribune,
*Oceanside, Calif.*

Senator William Proxmire,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Proxmire: As one of the very few champions of the dire plight of the waste of government, I'm sending you the American taxpayer vis-a-vis the budgetary enclosures for your information.

For an Army major to devote his time writing such drivel, or any serviceman for that matter, is simply sheer stupidity.

To mark an officers' wives' tea-party "very important" is adding insult to injury.

Then to use the U.S. mails to deliver such a waste of time and money to all the news media of Southern California, which this no doubt was, is misuse of tax monies, clear and simple.

We've attached Zerox copies of the letter and envelope, as well as our terse reply, for your perusal.

Thank you for your time on this matter, as well as the countless other causes which you have devoted your time in attempting to cut government waste.

William J. Missett, Jr.,
*Managing Editor.*

---

Major Watterson: The enclosed release is without question the grossest misuse of American tax funds that we have ever experienced.

To mark the envelope "very important" was incredulous.

We regret misusing the already overburdened mails to return it to you with our objections, but we have no other choice.

Please remove us from your mailing list immediately.

The Blade-Tribune.

---

Department of the Army,
*Los Angeles, Calif.*

Mrs. Louis Kaufman, wife of the 63rd ARCOM's Commanding General, hosted the Senior Commander's Wives Tea as a prologue to the 63rd Army Reserve Command Dinner Dance. The gathering was held at the Presidential Suite of the Universal Sheraton Hotel in Los Angeles.

In attendance were wives of Senior Commanders from units throughout Southern California, Nevada, Arizona, and various other locations in the United States. Among those in attendance were wives of, 6th U.S. Army Commander, Lieutenant General Richard G. Stilwell, retired Major General, William J. Hexson, Chief Judge Army Judiciary (Mississippi), Brigadier General Edmond W. Montgomery, Commander of the 311th Support Bridgade, Brigadier General Joseph Rebman, Deputy Assistant to the Surgeon General, Brigadier General Jon Zumsteg, Deputy Commander of the 63rd ARCON, Brigadier Darel R. Sievers, and Captain Mark Smith, a recently released P.O.W. of the Vietnam conflict. Also in attendance was/were ———.

The tea served as an informal gathering so that the many wives could get to know one another more closely.

Planning the event was Mrs. Kaufman. She was assisted by Mrs. Sievers, wife of Brigadier General Darel R. Sievers.

## THE LEARNING EXCHANGE

Mr. PERCY. Mr. President, I have been pleased in the past few years to bring to the attention of my colleagues the founding and growth of a unique organization, the Learning Exchange of Illinois. The Learning Exchange has been growing by leaps and bounds in recent months, and I look with pride on the success that Illinoisans Denis Detzel, G. Robert Lewis, and their associates have had with this innovative concept of person-to-person education and training.

On April 10, 1973, the Wall Street Journal published an article on the birth and expansion of the Learning Exchange. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### IN CHICAGO, IT'S EASY TO FIND SOMEONE TO TEACH LION TAMING OR ANYTHING ELSE

(By Terry P. Brown)

CHICAGO—Joan Phillips, a college admissions director here, is learning sign language one night a week so she can "talk" to a deaf neighbor. Mrs. Jessie Sotonoff, a housewife, studies Hebrew so she can speak with her grandchildren when she visits them in Israel. Peter Tasso, a 22-year-old university graduate, meets weekly with a dozen other aspiring writers to discuss their works.

They, and thousands of others in this metropolitan area, are participating in an unusual experiment in education called "The Learning Exchange." It isn't a school with classrooms, grades, entrance requirements or certified teachers—and as often as not there's no tuition. It's a simple design to bring together people who want to teach with those who want to learn. For the price of a phone call or postage stamp, many people are getting access to education they wouldn't otherwise get.

The Exchange's rolls have increased to more than 4,000 participants in less than two years. And the number of people using the Exchange could increase to nearly 20,000 by year-end, its co-founders say. This growth has been stimulated primarily by word-of-mouth and public-service advertising by local media.

#### GETTING RICH AND TAMING LIONS

An academic commission on nontraditional study recently reported that many of the nation's adults want a different kind of education and a lot more of it than most colleges and universities provide. Most adults aren't getting what they want, however, primarily because of prohibitive costs and a desire not to go to school full-time. "The Learning Exchange is one attempt to meet the needs of those who aren't being served by existing institutions," says Boston's John Holt, educator and author of several books on the ills of contemporary education. "New ways are being discovered to break the monopoly schools have on learning."

In many cities, night schools and local YMCAs offer inexpensive courses for adults, but the Exchange is far more extensive and far less structured. Its latest quarterly catalog lists more than 800 subjects, ranging from traditional ones such as algebra and history and 23 foreign languages to more colorful ones such as bagpipe playing, lion taming, chimpanzee training and male liberation. On the practical side, there's "How to Get Rich," "Income Tax Preparation" and "Holding a Job," which don't have to be taken in sequence.

The Exchange works like this. When a person calls desiring to learn, he's given the names and telephone numbers of those who have registered to teach that subject. The Exchange's operator also tells the caller how the teacher acquired his competence. If a teacher isn't available, the learner is kept on file until one registers. There also are interest group matchings for people who simply want to discuss a subject with others. That's it, as far as the Exchange's involvement is concerned.

#### SOME TEACHERS CHARGE FEE

It's up to the learner to call the teacher and set up "class" arrangements. About 1,000 groups are meeting in homes, libraries, restaurants or wherever they choose. Most "classes" are small with one or two learners, but interest groups can range up to 15 or more people. If learners get bored or don't like their teacher, they can quit or try to find a more stimulating pedagogue.

Qualifications of teachers vary widely and, although most participants are adults, all ages are using the Exchange. A teen-aged north suburban girl gives flute lessons to students twice her age. A high-school teacher gives German lessons to a chemical engineer and Russian lessons to two young boys. A retired welder, who converted his garage into a workshop, teaches his trade to several young men. "It's the only place in town where I can learn French free of charge," says one enthusiastic user.

About 40% of the teachers charge some fee, but many who charge use a sliding scale based on the learner's ability to pay. When a person calls, the Exchange will tell you whether a teacher charges or not. Fees can range from $1 a lesson to learn English, for example, to $10 an hour for piano lessons. Many participants barter one of their own skills or areas of expertise in order to learn another. Mrs. Phillips gives her sign-language teacher guitar lessons, and Mrs. Sotonoff does typing for her Hebrew professor.

#### A $25 GRANT

The Exchange was started in May 1971 by Denis Detzel, 26, and G. Robert Lewis, 32, former doctoral candidates in education at Northwestern University in suburban Evanston who call themselves "Ph.D. dropouts from the academic assembly line." Mr. Lewis, who runs the Exchange full-time, says, "In any sizable community, there are skillful, knowledgeable people outside of schools and universities who can teach others." He adds: "We provide a simple way to bring these people together with anyone who wants to find tutors, beat boredom, recover old skills or develop new ones."

The simplicity of the Exchange requires little capital outlay. There are thousands of three-by-five file cards, some well-worn wooden filing cabinets, telephones and donated office space. When the Exchange moved to new quarters recently, the entire "institution" made the trip in a Volkswagen. An initial $25 grant from a Northwestern dormitory lasted for the first six months, but success has led to a full-time paid staff of four and a pressing need to lease a computer terminal for the filing system. Grants of $4,000 each from Quaker Oats Co. and DeWitt Wallace, publisher of Reader's Digest, helped sustain the Exchange in its early going, but Mr. Lewis now projects an annual budget of about $58,000.

"Even at that, our budget is nothing compared to schools that serve as many people," says Mr. Lewis. "In fact, we hope to be self-supporting at the end of three years by relying on contributions from our users." Services of the Exchange itself are free. Mr. Lewis, who made a spartan $2,000 last year while running the Exchange, would like to boost his salary to at least $11,500 a year, Mr. Detzel recently took a job in the public-affairs office of an insurance holding company here that pays him over $20,000 a year, and he says, "My job at least assures us that the Exchange will continue."

#### POWER TO THE PEOPLE?

In the meantime, both men have tried to interest Chicago companies in supporting the Exchange, a registered nonprofit state corporation. Although there have been no incidents, many ask: How do you screen out phonies and socially dangerous people? "We operate under what some may call a romantic and conservative assumption that people are responsible and can act for themselves," says Mr. Detzel. "We never give out addresses, only telephone numbers, and it's up to the individual to call and to decide if the teacher is competent." He adds: "In two years, we've found that people can be held accountable for their own education."

Mr. Lewis and Mr. Detzel say they've received calls from people in several cities asking them to set up exchanges. "Other exchanges have been tried in more than a dozen cities since this one began," says Mr. Lewis, "but most have had trouble because they try to affiliate with a university or try to perpetuate a 'power-to-the-people' ideology that turns off many in the community."

"We've been careful not to allow a certain viewpoint to pervade our catalog, and we only exclude a subject if it's illegal," says Mr. Lewis. "We don't want to create barriers to learning, only make it easier." He thinks the next step for the Exchange will be to tie libraries, community groups and corporations into their information network. The Chicago Public Library, one large life-insurance company and the city's Catholic schools have already distributed many catalogs.

## CONGRESS MUST INSIST ON FULL SUPPORT FOR HEALTH PROGRAMS

Mr. HUMPHREY. Mr. President, I wish to bring to the attention of Senators that, in hearings before the Subcommittee on Consumer Economics of the Joint Economic Committee last week, the Assistant Secretary for Health admitted that there is no new increased support in the 1974 budget for health programs.

The administration's previous claims of increased support for health care are, in fact, due mainly to three factors:

First. Expenditures will increase by about $3.1 billion. These cost increases are required by present law, and do not represent new commitments or requests.

Second. Community Mental Health Centers are scheduled to be phased out over the next 7 years, but the 1974 Budget includes enough money to cover the entire phaseout operation. There is some $600 million in the 1974 budget which will not be spent in 1974, but will be spread out over 7 years.

Third. In the reorganization of OEO, several programs were transferred to HEW. Accompanying the transfer of programs was a transfer of over $100 million to HEW. This is not new money, it is just money that has been shifted from one account to another.

All of this adds up to one thing—no new dollars for health in the 1974 budget. If we examine the authorizations to see what to expect in the future, the requested authorizations for health programs go from $4.6 billion in 1972 to $4.1 billion in 1973 and to $4.3 billion in 1975. The minimum commitment revealed by these budget requests are disturbing on their face, but if we look at the health budget in real purchasing power terms, these administration requests are shocking. Assuming that only a 5-percent rate of inflation continues, we would need to authorize $742 million more than the budget asks in 1973 and $797 million more in 1974 just to maintain the 1972 level of Federal support for HEW health programs.

Mr. President, Assistant HEW Secretary Charles Edwards displayed candor in discussing these facts before the Subcommittee on Consumer Economics. I ask unanimous consent to print in the RECORD two articles from the Washington Star News and the New York Times discussing this testimony.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Evening Star and Daily News, May 17, 1973]

### HEALTH SPENDING LID ON

(By Judith Randal)

Short of Medicare and Medicaid, over which it has no control, the Nixon administration has admitted that spending for health programs will not increase in the coming fiscal year, as it has previously claimed.

The admission was wrested from the Department of Health, Education and Welfare by Sen. Hubert Humphrey, D-Minn., at a hearing yesterday of the Senate subcommittee on consumer economics.

Humphrey conceded to Dr. Charles C. Edwards, assistant secretary for health, that spending for Medicare and Medicaid will rise.

But these costs, like those of old age and retirement benefits, are beyond administration control, Humphrey pointed out.

Thus, when health programs other than those that involve insurance benefits to the elderly, disabled and indigent are excluded, the Nixon budget would result in a decrease rather than an increase in spending for programs such as health manpower training, biomedical research and hospital modernization.

Edwards admitted that—Medicare and Medicaid apart—federal health spending planned for the coming fiscal year does not include any extra money if the Nixon budget holds firm. And he also agreed that inflation will cut into the purchasing power of available dollars.

But Edwards defended the administration's stringencies on the ground that despite the more than $80 billion a year the nation is spending on health, "the delivery of health services is no better now than it was 10 years ago and the health manpower situation is no better either. . . . We haven't developed any effective health strategy," he said, adding that HEW is trying to do so now.

Humphrey, chairman of the consumer subcommittee, applauded this goal, agreeing that the nation's health care system is "obsolete and scattered . . . and (bears) no relationships . . . to what people need."

But in his view, he added, the administration's plans are little better since they are "prepared in the catacombs or cocoons of the federal Office of Management and Budget and they don't talk to anyone" to find out what the real needs are.

Humphrey was particularly critical of administration plans to cut spending for medical, dental and nursing schools which, the schools claim, will force them to dismiss faculty, curtail programs and enrollments and, in some cases, to close.

Edwards, while sympathetic to these difficulties, said there is a real danger that medical education, as the most expensive kind of education, "will price itself out of the market." He also charged that medical schools have in some instances been guilty of "misusing and abusing" federal funds.

In this context, another HEW witness, Stuart Altman, deputy assistant secretary for health planning and evaluation, said some schools have more electron microscopes and other costly research equipment than they need and many are less than stringent in how they account for the expenditure of funds.

Humphrey also took issue with a proviso in the Nixon budget to end federal expenditure for construction or modernization of health facilities in June. While private capital for these purposes is available in some instances, he said, it is hard to obtain in inner-city neighborhoods, rural areas and small towns.

In these places, where the need for health care and health facilities is great, he said, it is not realistic to expect local resources to provide the funds. Multinational corporations, he pointed out, account for some $200 billion of the nation's annual gross national product and under current laws are most effectively taxed at the federal level, although they enjoy loopholes there, too.

"Do you want to raise the taxes (to provide health facilities and health care) on Exxon or Fred Swanson, on corporations or on Grandpa, aged 65?", Humphrey said. "That's what the economics involved in cutting these health programs are all about."

And ultimately, he added, all the weaknesses in the current health system point to the need for a comprehensive national health insurance plan. Agreeing, Edwards said the administration plans to have a plan ready to present to Congress "sometime this summer."

---

[From the New York Times, May 17, 1973]

### U.S. AIDES CONCEDE HEALTH FUND CUTS—ANGRY HUMPHREY ELICITS ADMISSIONS ON BUDGET

(By Richard D. Lyons)

WASHINGTON, May 16.—Using angry questions and fist pounding, Senator Hubert H. Humphrey wrung from top Federal officials today an admission that most national health programs would not get more funds in the next budget, despite Nixon Administration reports to the contrary.

Administration leaders have repeatedly stated that health programs are due to sizable increases in budget for the fiscal year 1974.

But after plodding through dozens of statistics in a variety of health programs in past, present and future budgets, Mr. Humphrey, a Minnesota Democrat, asked at a Congressional hearing, "so there isn't all that vast increase?"

The main witness, Dr. Charles C. Edwards, the ranking Federal health official, answered, "You're correct."

Dr. Edwards, Assistant Secretary for Health of the Department of Health, Education and Welfare, was one of 10 witnesses who testified in two days of hearings on medical costs that were held by the Consumer Economics Subcommittee of the Joint Congressional Economic Committee. Senator Humphrey is chairman of the subcommittee.

Other witnesses deplored reductions in Federal funds for medical, dental and nursing schools, increases in out-of-pocket expenses by beneficiaries of Medicare and Medicaid, elimination of hospital construction money, and a lack of national health strategy.

#### ANGER AT REDUCTIONS

Senator Humphrey's line of questioning, and frequent emotional outbursts, reflected the anger of some Congressmen of both parties in both houses over what they consider to be unnecessary reductions in the scope and funding of Federal health programs.

They are demanding at least, the restoration of funds to the same level of the 1973 budget, especially for the training of doctors and nurses and the operating of schools for that purpose.

At one point today, Senator Humphrey demanded that the Department of Health, Education and Welfare live up to an agreement made with the University of Minnesota Medical School two years ago to increase student enrollment.

Mr. Humphrey and university officials said that the department had asked the school to increase its enrollment, which the school did, becoming the nation's largest. But part of the deal involved a $12-million Federal grant to the school, which was promised, then withdrawn, according to the Senator. Now the school is unable to pay its increased expenses.

Pounding on the table for emphasis, Mr. Humphrey said, "I can't sue the Government [to get the money] but I can harass."

Department officials said they were seeking to find sources of extra funds to support Minnesota and other medical schools in serious financial trouble.

#### COLLEGE TROUBLE CITED

Dr. John A. D. Cooper, president of the Association of American Medical Colleges, told the subcommittee yesterday that a survey of member institutions had shown many in serious financial trouble because of a reduction of 15 per cent in Federal funds for next year.

This translated, he said, into a reduction in the size of entering classes at a time when the nation needs more doctors, layoffs of faculty, and a reduction of medical service programs in rural and slum areas.

Dr. Karen Davis of the Brookings Institution in Washington also testified that the Administration proposes to increase out-of-pocket costs of beneficiaries of Medicare and Medicaid, the elderly and the poor, "at a time when medical costs are rising." She estimated that out-of-pocket expenses for a person hospitalized for 30 days under Medicare would, under the proposed changes, rise from $84 to $400 if they were to go into effect.

Glenn Wilson, Associate Dean of the University of North Carolina School of Medicine, complained that "in the absence of a comprehensive national health policy this country is unlikely to restrain the costs of health care or to make quality care accessible and available in its most appropriate form to every citizen as a right."

Mr. Humphrey's line of reasoning in challenging assertions that the health budget had gone up was that increases included Medicare and Medicaid, services mandated by law, and one mental health program that is being spread over 10 years with funds appropriated in one year.

"And you haven't taken inflation into account," he said, implying that the real amount of money to be spent next year—in terms of constant dollars—would actually be less because health care costs have been rising recently at a rate of 5 per cent a year.

---

## ARMY "BUYS" HOUSE DEFENSE APPROPRIATIONS FOR NEXT 9,000 YEARS

Mr. THURMOND. Mr. President, in the May 1973, issue of the Armed Forces Journal International there appeared an article entitled, "Army 'Buys' House Defense Appropriations for Next 9,000 Years."

This article takes note of the fact that an Army study entitled WHEELS has resulted in a long range savings of $313.1 million in acquisition costs and about $57 million annually in procurement funds.

The Army is to be commended for this study and the other services should be taking similar steps in an effort to get the maximum for the defense dollar.

In this connection, I have written Defense Secretary Elliot Richardson pointing out that it is my belief costly and uncoordinated efforts are developing in the armed services in the area of medium range weapons.

Further, I have reason to believe that some ongoing research and development programs in this area are proceeding in advance of, or contrary to, effectiveness studies and formal requirements.

The Defense Department, and particularly those responsible for research and development, must be aggressive in eliminating unnecessary duplication in the area of medium range weapons as well as other defense programs.

Mr. President, I ask unanimous consent that the article on the Army WHEELS Study be published in the Record at the conclusion of these remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Army "Buys" House Defense Appropriations for Next 9,000 Years

Savings from a new procurement system for Army wheeled vehicles will pay the salaries of the 11-member House of Representatives Defense Appropriations Subcommittee for the next 9,000 years. The blunt "admission" that the Army has "bought" the subcommittee came at AFJ press time from Representative William E. Minshall (R-Ohio), third ranking Republican of the Congressional panel.

Minshall revealed a "long range savings of more than $4.5 billion" in Army wheeled vehicle life cycle costs over a 12 year period as one result, he said, of an overall review of the Army truck program begun in October of 1970 at the behest of his subcommittee. (The panel urged the Army in 1971 to buy more off-the-shelf commercial vehicles which could be modified for military use rather than "continuing the costly method of designing [most all] trucks to military specifications.")

Initial procurement savings of more than $1 billion, Minshall noted, will come in Fiscal Years 1973–1978 from a 25% cutback in the Army's wheeled fleet vehicle requirement. The cutback stems from the Army's WHEELS Study Group recommendations (December AFJ) which result, the Congressman says, from his panel's earlier "prodding."

The Army's wheeled vehicle fleet at present consists of roughly 600,000 trucks and trailers and absorbs 6% of the total Army budget in terms of acquisition and support. Between 1966 and 1971, there have been 16 major studies of how to manage this fleet more efficiently.

As a result of the WHEELS study, Department of the Army says, it will substitute about 17,223 commercial vehicles for tactical vehicles and reduce its net acquisition objective for wheeled vehicles by over 31,700 tactical wheeled vehicles and 11,349 trailers. This will save $313.1 million in acquisition costs and about $57 million annually in procurement funds.

Net result of the new "mix," according to the study, will be a shift from 317,167 tactical and 78,713 commercial vehicles (80% tactical, 20% commercial), the requirement implicit in the Army's FY 73 budget submission, to a new program of 162,016 tactical and 132,745 commercial vehicles. The latter represents a 55% tactical—45% commercial mix and a 25% reduction in overall requirements. Of the tactical requirements, moreover, 42,883 vehicles will be commercial substitutes.

The Army is now staffing a proposal to create a "single Army contact point" for all wheeled vehicle activities. The study noted that "although annually costing more than aviation or any weapons system, management of wheeled vehicles is fragmented throughout the Army staff."

## SENIOR CITIZENS MONTH

Mr. PERCY. Mr. President, May is Senior Citizens Month. All across the Nation Americans of all ages are joining together to observe this year's theme of "Older Americans in Action."

In his proclamation President Nixon took note of this theme.

He said:

> It points our attention to the basic fact that most older people are not mere onlookers in our society—nor are they society's wards. They remain vital, versatile, and highly valued contributors to the quality of American life.

We have a great resource in our senior citizens, a resource which all too often remains untapped. I believe we must continue to find ways of expanding the options available to older people to make significant contributions to the life of their community and their country.

In addition, we must continue our efforts to provide the elderly with the means of living their golden years in dignity and independence. We have made great progress in recent years, largely because of the involvement of the elderly themselves, but we have not yet reached this goal.

We are closer, this Senior Citizens Month, to providing the elderly with an adequate income under social security, but inequities remain in this system which must be eliminated.

We are closer, at long last, to appropriating funds to implement the new nutrition program for the elderly, but we face the paradoxical situation of assuring adequate nutrition to a few of the elderly through this effort while perhaps jeopardizing the nutritional status of many more by removing their eligibility for food stamps.

We are closer to the delivery of a comprehensive and coordinated set of social services to the aged because we passed and the President signed the older Americans comprehensive services amendments, but discrimination against the elderly still exists in far too many aspects of daily life.

We cannot allow the significant progress of the past several months to slow the growth of senior power. If we are to be able to point to still greater progress a year from now, then the elderly must maintain and increase their involvement in politics and government.

Mr. President, I want to take this opportunity to salute all older Americans during this, Senior Citizens Month.

## THE GENOCIDE CONVENTION—ARTICLE III

Mr. PROXMIRE. Mr. President, article III of the International Genocide Treaty has become a point of controversy in the move toward ratification. Included in that article is mandatory punishment for acts of "direct and public incitement to commit genocide."

Critics of the convention argue that such an agreement by the United States would result in an abridgment of the right to free speech, the cornerstone of the Bill of Rights. Since the days of Oliver Wendell Holmes and the "clear and present danger" doctrine, the question of incitement and unlawful expression has been heatedly debated by constitutional experts. As a result, a detailed code of legal interpretation has developed to protect both the individual and society.

The question now is whether or not American ratification of the Genocide Convention would violate that code and thus be unconstitutional. If so, then ratification would be impossible, for no treaty in conflict with the highest law in the land is permissible. But as I have mentioned on an earlier occasion, no conflict exists. For if we exchange the word "genocide" with murder, or any other crime, it becomes apparent that incitement toward criminal action is already illegal and not protected by the first amendment.

The Bill of Rights was designed to protect the individual from the whims of a changing society, but it was also constructed to protect society from the malice of individuals. The Genocide Convention's ban against incitement to commit genocide represents a necessary safeguard for society without violating the right to lawful free speech.

With this certainty and in the hope of a less violent world community, I ask the Senate to take up immediately the question of the Genocide Convention and ratify the treaty.

## EXPANSION OF FOREIGN TRADE

Mr. HATHAWAY. Mr. President, one of the critical issues facing the country at the present time is how to handle the expansion of our foreign trade. A particularly troublesome question is dealing with the severely adverse effects the growth of imports have had on certain of our industries. This problem is especially acute in my State of Maine, but is also causing serious economic dislocations in other sections of the country. Several weeks ago, I delivered a speech in Lewiston, Maine, on this subject which discussed this situation from a New England perspective. Because this issue—how to spread equitably the costs as well as the benefits of expanded foreign trade—is so important, I would ask unanimous consent that the text of this speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

### Speech by Senator William D. Hathaway, Lewiston, Maine—April 19, 1973

This afternoon I would like to briefly discuss a subject of critical importance—the subject of foreign trade, both as it relates to our national economy, and, more specifically, as it relates to the economy of Maine. Obviously, with a topic this broad, I must limit, in some way, the scope of my remarks. What I would like to do is very briefly outline the benefits which I see as accruing to our national economy from an expansion of foreign trade. Secondly, I will discuss some of the disadvantages which have been generated by the development of foreign trade over the past two decades. Finally, I hope to outline what I see as the relationship between foreign trade and the economy of Maine with some suggestions for minimizing foreign trade's negative effects on our state.

First then, why do we engage in foreign trade? What advantages does it hold for us as individuals or for our national economy? Many feel that the expansion of foreign trade which began with out reciprocal trade programs in 1934 has been one of the major contributors to the unprecedented economic expansion that has taken place throughout the world over the past twenty-five years. International trade has created the markets for the expansion of American technology into every corner of the world. This has led to the tremendous growth in the industries in this country which pay our highest wages, like automobiles, computers, and, until recently, electronics. The expansion of foreign trade has also led to lower prices for many goods for the American consumer. One of the mainsprings of our free enterprise system is competition and competition from foreign goods has in many cases led to an improvement in the quality and a lowering of the price of American made goods.

In an ideal economic system, each trading unit is operating at its maximum of efficiency and productivity—in other words, everybody would be doing that which they could do best. The meshing of these differing capabilities makes a viable economic system. A good example of this is the relationship between a lawyer and his secretary. If a lawyer is doing his own typing, he is acting inefficiently because he could make 25 dollars for every hour he puts in lawyering while he would only have to pay 5 dollars an hour for a typist. Therefore, every hour he spends typing is an economic loss to him of $20. (Anecdote here about pay of lawyers in 1953 would be appropriate). This same principal holds true in the international field—having our people in low paying jobs in direct competition with identical industries in foreign countries is inefficient and unproductive. Given the capacity of our economy, based upon our advanced state of technology, education, and business sophistication, a fixation on the retention of these weak industries turns us into a nation of lawyers doing our own typing.

This observation, I should note, points up the importance of education both academic and vocational, to our society. Not only are the beneficiaries of a good educational system better off as individuals, but they make our country a stronger competitor in the world economic system.

It is a fact that, generally speaking, workers in those industries currently being hurt by imports are among the lowest paid in our economy, while, conversely, workers in our exporting industries are among the highest paid. So doesn't it make sense, purely from the perspective of our own self-interest, to move our economy away from these low paying industries and toward those areas which provide greater return, both to the businessman and the worker?

Along this line, a related point should be made: trade must be a two-way street. If we don't buy their textiles, they aren't going to have the money to buy our computers (or lobsters). So it can be seen that foreign trade offers us significant benefits, both as individuals and as participants in a growing national economy.

Unfortunately, however, despite the contribution which lower trade barriers have made to the well-being of the nation as a whole, specific groups in our society have suffered as a result of increased foreign competition. Clearly, this is inequitable. Specific members of society should not be asked to bear the cost of measures which benefit all. Some ways must be found to achieve the benefits of expanded trade while spreading the cost among the nation as a whole. As everyone in this room is surely aware, the negative effects of foreign trade have had an abnormally severe impact upon the state of Maine. This is caused by the nature of the economy of Maine, and for that matter the New England, economy. Our economy has traditionally been based upon the manufacturing of certain consumer items such as shoes and textiles. Unfortunately, these are the very industries which have been hit hardest by the influx of low priced foreign imports. To make matters worse, in many parts of Maine, these industries are located in small towns where the entire local economy is based upon one rather shakey plant representing a generally weak industry. Add to this situation the fact that many of the high wage industries have so far avoided setting up operations in Maine, and it's easy to understand why the people of Maine hold a pretty dim view of the benefits of foreign trade.

Given this as the situation in our state, it is the obligation of those of us who are interested in Maine's future to discuss solutions to this problem both of a short and long run nature. Short term solutions to the problem can involve what has come to be known as adjustment assistance coupled with temporary restrictions on trade. The long range solution however, must involve the development of an alternative economic base in Maine which can pick up the employment slack when and if the weaker shoe and textile firms finally go under.

The theory of adjustment assistance is to provide help to those individuals and firms who are affected adversely by foreign trade. The assistance presently takes the form of extended unemployment compensation payments, moving and training payments and other such aid to the workers affected. It is generally recognized that the present adjustment assistance program has two serious administrative defects. First, it is exceedingly difficult to qualify for the assistance. Secondly, the assistance which is provided is slow in coming and is meager in amount and quality when it does arrive. Under the current law, in order to qualify for trade adjustment assistance the worker or firm must show that, first, increased imports are the major, that is the single most important, cause of domestic injury and, secondly, these increased imports are the result of a tariff concession or other trade agreement. Because of the difficulty of meeting these two requirements very little adjustment assistance has been provided over the years that this legislation has been on the books. In view of the obvious damage done by imports to many of our domestic industries, I think a more realistic approach to adjustment assistance is called for. If such an approach is not embodied in the President's trade bill, I intend to propose that workers qualify for adjustment assistance if it can be shown that the increased imports have contributed substantially to the domestic injury, even if they are not the primary cause of the difficulty.

Furthermore, I believe that the requirement that increased imports be shown as a direct result of tariff concessions or other trade agreements should be completely dropped. In addition to liberalizing this so-called "trigger" mechanism in the law, realistic amounts of money should be made available to people who qualify for this assistance. It is a cruel joke to create an adjustment assistance program which is not funded adequately enough to provide any real help to those people whose lives have been disrupted by a foreign trade policy which is of general benefit to all of us.

Adjustment assistance, as we have known it, is being phased out under the President's recent trade proposals. On the one hand, the President is asking that the qualifications be loosened up, along much the same lines I have suggested. But the President also states his intention of eliminating the program when a new national system of unemployment insurance is established. I am opposed to this development because it removes the focus of this program from those unemployed because of imports and "folds" them into a much larger, and probably less effective, system. Government action in the form of freer trade policies create very real hardships for a fairly narrow class of workers and I believe government action specifically aimed at helping those workers should be required. My experience with government programs makes me suspicious of the more generalized approach advocated by the President. I intend to fight for the reinstatement and expansion of the program, because, even with its present weaknesses, adjustment assistance does offer a vehicle for shifting the economy of a given area onto a more productive and stronger footing.

In order to perform this function, however, adjustment assistance must become a broader and more imaginative concept than it heretofore has been. As presently structured, the program has been a kind of economic band-aid offering little real hope of economic adjustment. Union leaders, in fact, scornfully refer to the program as "burial money."

My proposal is not only to ease the qualifications restrictions, as I have previously mentioned, but also to expand the concept so adjustment assistance can offer realistic help with the underlying economic problems.

What I am proposing is an entirely new program of adjustment assistance to the communities which are dependent upon firms damaged by foreign competition. This would be a concrete step toward enabling these communities to actually adjust their local economies to the losses caused by the decline of a local industry. This community adjustment assistance would be directed especially into those communities which are unusually dependent upon a single affected industry. In other words, the closing of a shoe shop in the Boston area would not have the same impact on the local economy as the closing of a shop in Skowhegan or even Augusta and the aid should be focused on those areas where the impact is the greatest. This assistance could take the form of planning, utilities construction and other types of economic development grants and long term loans which would enable the community to compete effectively for their share of new and expanding industries. This adjustment assistance to communities concept is particularly important in a state such as Maine because of the nature of the work force in the shoe and textile industry. In the first place, women make up fully ⅔'s of the work force in the shoe industry. Obviously, they are less able because of family ties to pick up and move to a new area of the country if employment falls off in a local shoe shop. Secondly, the work force in the shoe and textile industry is relatively older than workers in other parts of the national economy. These two factors taken together make for severe limitations on the mobility of workers who are being displaced by the decline in our Maine industries. I feel that adjustment assistance to communities could be a very significant departure from past governmental practice in this area and might slow the trend toward greater and greater concentrations of people in our urban areas.

It also should be of significant assistance to Maine and I intend to exert every effort to see that this concept is embodied in the trade legislation which will emerge from this Congress.

In addition to some kind of adjustment assistance, trade restrictions on imports do have some role to play in any scheme for revitalizing our state's economy. No matter what revitalization plan we come up with, its implementation will take time, and some limited form of restrictions will be necessary to provide the protection required to preserve our economy during the adjustment period.

The question with regard to trade restriction as a protection for some of our industries is whether to use tariffs or quotas. I believe that quotas in the particular case of shoes are probably the most realistic and helpful method to utilize. A tariff would have to be so high to adequately protect the shoe industry that it would, in effect, turn into a quota. Granted this, the question then becomes how to determine the size of the quota. Past proposals in this regard have simply chosen some arbitrary figure for example the amount of imports in a given year, as a base for the quotas. I feel that some more rationally based standard can be developed such as one which takes into consideration the wage levels of workers in the foreign country seeking the quota. Thus, foreign industries with wage levels closer to ours would be preferred over those which choose to blatantly exploit their workers.

Thus far I have been focusing primarily on short term goal of protecting our industries and workers. But as I mentioned previously the only long term solution is to shift the focus of our economy away from industries such as shoes which are both low paying and vulnerable to foreign competition and towards industries which will pay our people more and provide a more stable base for the economy of the state. One concrete suggestion along this line is the adjustment assistance to communities which I mentioned above. It should be mentioned in this context that the Economic Development Administration, which is being phased out by President Nixon, set out to perform a very similar kind of task. Without going into detail about the weakness of EDA, I think it can be generalized that its primary problem was trying to do too much with too little like so many programs of this type, what should have been a highly intensive program focused on limited areas became through the push and pull of budgetary politics a shotgun type program which really didn't provide the concentration on an area necessary to do something about real problems of economic development. My suggestion for community adjustment assistance is a kind of refocusing of the EDA concept on those areas which have industries adversely affected by foreign competition.

Beyond this suggestion there are several possibilities which bear investigation. I should warn you however that this is a major area of study and I am finding that it is one in which there are very few clear and authoritative answers. With this in mind, let me outline several of the alternatives which I am studying and which I hope you will be willing to discuss with me at the conclusion of my remarks.

Basically, it seems logical that we should be looking into some methods of encouraging the expansion of our national economy into areas which have theretofore been out of the economic main stream. I should emphasize here that I am not advocating stealing an industry from another area of the country, but merely trying to divert the expansion, which amounts to about 6% of our GNP a year, into areas such as northern New England. It should be noted that what I am suggesting does not in any way necessarily imply environmental degradation of our state. What I am talking about is simply replacing present low paying industries with ones which pay more and provide a more stable local base. We don't need more people—simply better jobs for the people we have.

Some of the possibilities for encouraging this development include, first, a policy of the Federal Reserve Bank which would provide capital at lower cost in areas of economic weakness then in other areas of the country. This recognizes the fact that one of the basic problems in any underdeveloped area, whether it is Maine or Nicaragua, is a lack of capital. Since the monetary policies of the Federal Reserve system affect in significant ways the supply of this precious commodity, it seems logical that these powers could be exercised in such a way so as to increase the availability of capital in certain specific areas which are lagging behind national patterns of economic growth. I should add parenthetically at this point and all of the suggestions which I mention are in use in some form or another in other areas of the world. Most of the European countries have some kind of programs for encouraging industrial sites in economically weak sections of their countries.

Another possibility is the use of anti-trust policy in a way so as to offer a high incentive to the major American corporations to establish branch facilities in areas of economic weakness, such as Maine.

Another possibility along this line, but one which I do not have much enthusiasm for, is the use of tax policy to encourage industrial location in under-developed areas. If we decide to go this route, I would prefer a system of outright grants rather than the kind of hidden subsidies that are created by so-called tax incentives. Finally, we might consider some variation on the Scandinavian permit system where corporations are only allowed to build new facilities in certain areas of the country. This might seem the most extreme possibility, but might also offer the best long term hope of creating an equitably distributed economic system. This result would also have the advantage of halting the tendency towards the concentration of our population which has detrimental side effects both in terms of the human cost of overpopulation of certain areas and possible strategic disadvantages of having our economy overly vulnerable to attack by a foreign enemy.

This is by no means an exhaustive list, but should provide us with some food for thought. Of course, there are other avenues which must be pursued when discussing the economic development of an area such as Maine. Our transportation facilities are of critical importance as well as the training of our people. Fundamentally, however, it seems to me that in order to hold our people at home and provide them with a decent standard of living we must find some way to bring new and higher paying jobs into our state.

In the last analysis, what we are talking about is the preservation of non-urban America. Unless serious thought is given to this problem—which is the obvious result of continuous economic concentration, our people will be forced by economic necessity to move to the great urban and suburban areas of the nation. Foreign trade, and the problems it raises in Maine is only one aspect of this larger question. Perhaps it is futile to fight what appears to be the tide of economic history; but I cannot accept the alternative of standing by and watching our towns and small cities—and, in fact, our rural states, such as Maine, turn into wastelands.

Mr. HATHAWAY. Mr. President, I have prepared legislation which would amend the President's trade bill along the lines suggested in this speech. Although the trade legislation may not be before this body for some weeks, I would like to insert my proposals in the RECORD at this point as they would appear in the context of the relevant sections of the President's bill. Existing provisions in the President's bill appear in italic. I earnestly invite the attention and comments of my colleagues to these proposals, and ask unanimous consent that the text of these amendments be printed at this point in the RECORD.

There being no objection, the proposed amendments were ordered to be printed in the RECORD, as follows:

*Sec. 202. Presidential Action After Investigations.—(a) After receiving a report from the Tariff Commission containing an affirmative finding that increased imports have been the primary cause of serious injury or threat thereof under section 201(d) with respect to an industry, the President shall—*

*(1) provide import relief for such industry in accordance with section 203; and*

*(2) direct the Secretary of Labor to give expeditious consideration to petitions for adjustment assistance for workers in the industry concerned.*

(b) If the Tariff Commission is equally divided as to its finding under section 201(b), the President shall make his determination whether to provide import relief within sixty days. If the President determines not to provide import relief, he shall immediately submit a report to the House of Representatives and to the Senate stating the considerations in which his decision was based.

*(c) The President may, within forty-five days after the date on which he receives an affirmative finding of the Tariff Commission under section 201(b) with respect to an industry, request additional information from the Tariff Commission. The Tariff Commission shall as soon as practicable but in no event more than sixty days after the date on which it receives the President's request, furnish additional information with respect to such industry in a supplemental report. For purposes of subsection (b), the date on which the President receives such supplemental report shall be treated as the date on which the President received the affirmative finding of the Tariff Commission.*

*(1) provide an increase in, or imposition of, any duty or other import restriction on the article causing or threatening to cause serious injury to such industry; or*

*(2) suspend, in whole or in part, the application of items 806.30 or 807.00 of the Tariff Schedules of the United States with respect to such article; or*

*(3) negotiate orderly marketing agreements with foreign countries limiting the export from foreign countries and the import into the United States of the article causing or threatening to cause serious injury to such industry; or*

*(4) take any combination of such actions.*

*(c) Import relief provided pursuant to subsection (a) or (b)*

SEC. 203. Import Relief.—(a) Import relief pursuant to section 202 shall include, inter alia, limitations for a period of not to exceed five years on the total quantity of such articles produced in any foreign country which may be entered during any calendar year. The quantity of such articles which may be entered from each foreign country shall be determined as follows:

(1) the quantity shall not exceed the average annual quantity of such article produced in such country and entered during the calendar years 1965 to 1969, except that (A) such quantity may be increased to the extent that the average standard of living of workers employed in manufacturing in such country has increased since the end of calendar year 1969 relative to the average standards of living of workers employed in the manufacturing in the United States. (B) Average standards of living for the purposes of this chapter shall be established by the United States Tariff Commission on an annual basis in consultations with such other governmental and non-governmental agencies as the Commission determines are necessary to make such determinations.

(b) In addition to quantity limitations, the President may provide other import relief, and shall, to the extent and for such time (not to exceed five years) that he determines necessary to prevent or remedy serious injury or the threat thereof to the industry in question and to facilitate the orderly adjustment to new competitive conditions by the industry in question—shall *become initially effective no later than sixty days after the President's determination under section 202 to provide import relief, except that the applicable period within which import relief such be initially provided shall be one hundred and eighty days if the President announces at the time of his determination to provide import relief his intention to negotiate one or more orderly marketing agreements pursuant to subsection (b)(3) of this section.*

(d) *In order to carry out an agreement concluded under subsection* (b)(3), the *President is authorized to issue regulations governing the entry or withdrawal from warehouse of articles covered by such agreement. In addition, in order to carry out one or more agreements concluded under subsection* (b) *(3) among countries accounting for a significant part of United States imports of the article covered by such agreements, the President is also authorized to issue regulations governing the entry or withdrawal from warehouse of the like articles which are the product of countries not parties to such agreements.*

(e) *(1) Wherever the President has acted pursuant to subsection* (b) *(1) or (2), he may at any time thereafter while such import relief is in effect, negotiate orderly marketing agreements with foreign countries, and may, upon the entry into force of such agreements, suspend or terminate, in whole or in part, such other actions previously taken.*

*(2) Any import relief provided pursuant to subsection* (b) *of this section (including relief provided under any orderly marketing agreement) may be suspended, terminated, or reduced by the President at any time and, unless renewed under subsection* (e) *(3), shall terminate not later than the close of the date which is five years after the effective date of the initial grant of any relief under this section.*

*(3) Any import relief provided pursuant to this section (including any orderly marketing agreements) shall be phased out during the period of import relief and, in the case of a five-year term of import relief, the first reduction of relief shall commence no later than the close of the date which is three years after the effective date of the initial grant of relief. The phasing out of an orderly marketing agreement may be accomplished through increases in the amounts of imports which may be entered during a year.*

*(4) Any import relief provided pursuant to this section (including any orderly marketing agreements) may be renewed in whole or in part by the President for one two-year period if he determines, after taking into account the advice received from the Tariff Commission under subsection (f)(2) and after taking into account the factors described in section 202(b), that such renewal is in the national interest.*

*(f)(1) So long as any import relief pursuant to this section (including any orderly marketing agreements) remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned and upon request of the President shall make reports to the President concerning such developments.*

*(2) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is nine months, and not later than the date which is six months, before the date any import relief is to terminate fully by reason of the expiration of the applicable period prescribed pursuant to subsection (e)(2), the Tariff Commission shall report to the President its findings as to the probable economic effect on such industry of such termination as well as the progress and specific efforts made by the firms in the industry concerned to adjust to import competition during the initial period of import relief.*

*(3) Advice by the Tariff Commission under subsection (f)(2) shall be given on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard.*

*(g) No investigation for the purposes of section 201 shall be made with respect to an industry which has received import relief under this section unless two years have elapsed since the expiration of import relief under subsection (e).*

### CHAPTER 3—ADJUSTMENT ASSISTANCE FOR COMMUNITIES

### Subchapter A—Petitions and determinations

SEC. 247.—PETITIONS—(a) A petition for certification of eligibility to apply for adjustment assistance may be filed with the Secretary of Commerce (hereinafter in this chapter referred to as "the Secretary") by a local governmental agency or group of such agencies. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

(b) If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than ten days after the Secretary's publication of notice under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard. The Secretary may request the Tariff Commission to hold any hearing required by this section and submit the transcript thereof and relevant information and documents to him within a specified time.

(c) A local governmental agency or group of such agencies shall be certified as eligible to apply for adjustment assistance under this chapter if the Secretary determines that a significant number or proportion of the workers employed in manufacturing within the "labor area" (as that term is defined by the Secretary of Labor) encompassing such local governmental agency or agencies have become totally or partially separated, or are threatened to become totally or partially separated, that sales or production, or both, of firms or subdivisions of firms located within said labor area have decreased absolutely, and that increases of imports of articles like or directly competitive with articles produced by such firms or subdivisions thereof located within said labor area contributed substantially to such total or partial separation, or threat thereof.

SEC. 248. DETERMINATIONS BY SECRETARY OF COMMERCE—(a) As soon as possible after the date on which a petition is filed under Sec. 247, but in any event not later than sixty days after that date, the Secretary shall determine whether the petitioning local governmental agency or agencies meets the requirements of Sec. 247 and issue a certification of eligibility to apply for assistance under this chapter. The certification shall specify the date on which the total or partial worker separation began or threatened to begin.

(b) Whenever the Secretary concludes that the Tariff Commission can aid him in reaching a determination under this section, he may request the Tariff Commission to conduct an investigation of fact relevant to such determination and to report the results within a specified time. In his request, the Secretary may state the particular kinds of data which he deems appropriate to be included.

(c) Upon reaching his determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register.

(d) Once a petition or petitions are filed, the responsibility for establishing the existence or non-existence of the qualifying circumstances necessary under this chapter shall rest with the Secretary.

### Subchapter B—Program Benefits

SEC. 249 ADJUSTMENT ASSISTANCE COUNCILS—(a) Within 60 days of the certification of a labor area under Sec. 247, the Secretary shall send representatives to said area to meet with local officials and members of the general public in order to (1) acquaint them with the provisions of this act and potential benefits available thereunder; (2) assist in the formation of an Adjustment Assistance Council under this Section; (3) and provide any other assistance that may be necessary to initiate a successful Adjustment Assistance program.

(b) Each local governmental agency within a single labor area which is found certified under Sec. 247, shall choose representatives to an Adjustment Assistance Council. Each local governmental unit shall be allocated one position on said Council for every 3,000 people or fraction over one thousand, five hundred people residing in said labor area. All local governmental agencies within said labor area shall be entitled to place representatives on such Council within ninety days of notice of the establishment of such Council being published in a newspaper of general circulation in said labor area.

(c) Such Adjustment Assistance Council shall develop and implement a redevelopment plan and coordinate local efforts under this Act intended to bring about the economic rejuvenation of its labor area.

SEC. 250.—COUNCIL STAFF. The Secretary, upon application by a duly constituted Adjustment Assistance Council, is authorized to make grants to defray not to exceed 90 per centum of such funds as are necessary to maintain professional and clerical staff of such council for a period not to exceed two years from the date of the certification of the labor area under section 247. Such professional staff shall be limited in size to one person for every fifty thousand people within said labor market area. The Secretary is authorized to make grants to defray 50 per centum of the administrative costs of said Council for three years after the expiration of the original two-year grant under this section.

SEC. 251.—TECHNICAL ASSISTANCE. The Secretary, upon application by a duly constituted Adjustment Assistance Council, is authorized to provide to said Council such technical assistance as would be helpful in alleviating or preventing conditions of excessive unemployment or underemployment in said labor area. Such assistance may include project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and developing potentialities for, economic growth in the labor area. Such assistance may be provided by the Secretary through members of his staff, through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grants-in-aid to said Adjustment Assistance Council.

SEC. 252 (a) Upon the application of any Adjustment Assistance Council, the Secretary is authorized—

(1) To make direct grants for the acquisition or development of land and improvements for public works, public service, or development facility usage, and the acquisition, construction, rehabilitation, alteration, expansion or improvement of such facilities, including related machinery and equipment, within the labor area, if he finds that—

(A) the project for which financial assistance is sought will directly or indirectly (i) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities, (ii) otherwise assist in the creation of additional long-term employment opportunities for such area, or (iii) primarily benefit the long-term unemployed and members of low-income families or otherwise substantially further the objectives of the Economic Opportunity Act of 1964;

(B) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located;

(C) the project to be undertaken will provide immediate useful work to unemployed and underemployed persons in that area.

(b) Subject to subsection (c) hereof, the amount of any direct grant under this section for any project shall not exceed 2 per centum of the cost of such project.

(c) The amount of any supplementary grant under this section for any project shall not exceed the applicable percentage established by regulations promulgated by the Secretary, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 per centum of such cost, except that in the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share.

In the case of any State or political subdivision thereof which the Secretary determines has exhausted its effective taxing and borrowing capacity, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share. Supplementary grants shall be made by the Secretary, in accordance with such regulations as he shall prescribe, by increasing the amounts of direct grants authorized under this section or by the payment of funds appropriated under this Act to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs. Notwithstanding any requirement as to the amount or sources of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under the subsection shall be used for the sole purpose of increasing the Federal contribution to specific projects in certified labor areas under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law. The term "designated Federal grant-in-aid programs," as used in this subsection, means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Secretary may, in furtherance of the purposes of this Act, designate as eligible for allocation of funds under this section. In determining the amount of any supplementary grant available to any project under this section, the Secretary shall take into consideration the relative needs of the area, the nature of the project to be assisted, and the amount of such fair user charges or other revenues as the project may reasonably be expected to generate in excess of those which would amortize the local share of initial costs and provide for its successful operation and maintenance (including depreciation).

(d) The Secretary shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures, the Secretary shall consider among other relevant factors (1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment and (2) the income levels of families and the extent of underemployment in eligible areas.

(e) Except for projects specifically authorized by Congress, no financial assistance shall be extended under this section with respect to any public service or development facility which would compete with an existing privately owned public utility rendering a service to the public at rates or charges subject to regulation by a State or Federal regulatory body, unless the State or Federal regulatory body determines that in the area to be served by the facility for which the financial assistance is to be extended there is a need for an increase in such service (taking into consideration reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through an expansion which it agrees to undertake.

Sec. 253.—Loans and Guarantees.—(a) The Secretary is authorized (1) to purchase evidences of indebtedness and to make loans (which for purposes of this section shall include participations in loans) to aid in financing any project within said labor area for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage, including the construction of new buildings, and rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings; and (2) to guarantee loans for working capital made to private borrowers by private lending institutions in connection with projects in redevelopment areas assisted under subsection (a)(1) hereof, upon application of such institution and upon such terms and conditions as the Secretary may prescribe: *Provided*, however, That no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

(b) Financial assistance under this section shall be on such terms and conditions as the Secretary determines, subject, however, to the following restrictions and limitations:

(1) Such financial assistance shall not be extended to assist establishments relocating from one area to another or to assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them: *Provided*, however, That such limitations shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(2) Such assistance shall be extended only to applicants, both private and public (including Indian tribes), which have been approved for such assistance by the Adjustment Assistance Council in the labor area in which the project is to be financed is located.

(3) The project for which financial assistance is sought must be reasonably calculated to provide more than a temporary alleviation of unemployment or underemployment within the labor area wherein it is or will be located.

(4) No loan or guarantee shall be extended hereunder unless the financial assistance applied for is not otherwise available from private lenders or from other Federal agencies on terms which in the opinion of the Secretary will permit the accomplishment of the project.

(5) The Secretary shall not make any loan without a participation unless he determines that the loan cannot be made on a participation basis.

(6) No evidence of indebtedness shall be purchased and no loans shall be made or guaranteed unless it is determined that there is reasonable assurance of repayment.

(7) No loan, including renewals or extension thereof, may be made hereunder for a period exceeding twenty-five years and no evidence of indebtedness maturing more than twenty-five years from date of purchase may be purchased hereunder: *Provided*, That the foregoing restrictions on maturities shall not apply to securities or obligations received by the Secretary as a claimant in bankruptcy or equitable reorganization or as a creditor in other proceedings attendant upon insolvency of the obligor.

(8) Loans made and evidences of indebtedness purchased under this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose.

(9) Loan Assistance shall not exceed 65 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land in facilities (including machinery and equipment), and of constructing, altering, converting, rehabilitating, or enlarging the building or buildings of the particular project, and shall, among others, be on the condition that—

(A) other funds are available in an amount which, together with the assistance provided hereunder, shall be sufficient to pay such aggregate cost;

(B) not less than 15 per centum of such aggregate cost be supplied as equity capital or as a loan repayable in no shorter period of time and at no faster an amortization rate than the Federal financial assistance extended under this section is being repaid, and if such a loan is secured, its security shall be subordinate and inferior to the lien or liens securing such Federal financial assistance: *Provided, however*, That, except in projects involving financial participation by Indian tribes, not less than 5 per centum of such aggregate cost shall be supplied by the State or any agency, instrumentality, or political subdivision thereof, or by a community or area organization which is nongovernmental in character, unless the Secretary shall determine in accordance with objective standards promulgated by regulation that all or part of such funds are not reasonably available to the project because of the economic distress of the area or for other good cause, in which case he may waive the requirement of this provision to the extent of such unavailability, and allow the funds required by this subsection to be supplied by the applicant or by such other non-Federal source as may reasonably be available to the project;

(C) to the extent the Secretary finds such action necessary to encourage financial participation in a particular project by other lenders and investors, and except as otherwise provided in subparagraph (B), any Federal financial assistance extended under this section may be repayable only after other loans made in connection with such project have been repaid in full, and the security, if any, for such Federal financial assistance may be subordinate and inferior to the lien or liens securing other loans made in connection with the same project.

SEC. 254.—AUTHORIZATION. There is hereby authorized to be appointed $200,000,000 annually for the purpose of this chapter, for the fiscal year ending June 30, 1974, and for each fiscal year thereafter through the fiscal year ending June 30, 1979.

## ESP AND HUD: THE CONTINUING CONTROVERSY

Mr. PERCY. Mr. President, my colleagues are aware of my long-standing interest in consumer protection activities in the housing field.

From time to time I have reported on the Department of Housing and Urban Development's reluctance to approve the operation of the Economic Security Program of the ESP-Fidelity Corporation.

ESP protects a homebuyer from missing up to six mortgage payments in a 3-year period due to involuntary unemployment. A builder purchases the protection for a subdivision through a one-time premium equal to one-half of the required monthly debt service payment.

HUD first indicated approval in March 1972 of the operation of this plan in connection with FHA insured properties, but reversed this position last June.

This decision was based on what I consider to be an extremely rigid and unreasonable application of regulations. I recently received a letter from Secretary Lynn of HUD stating once again the Department's rationale and I want to share it with my colleagues. I want to share, as well, portions of an analysis of ESP and the FHA and VA positions on the program written by the distinguished housing specialist of the Library of Congress, Dr. Henry B. Schechter.

Dr. Schechter's analysis, prepared originally for the Housing Subcommittee of the House Banking and Currency Committee, answers with devastating thoroughness, I believe, the arguments put forward by HUD. I draw attention, in particular, to Dr. Schechter's conclusion that "it is difficult to understand why FHA and VA should oppose ESP policies. In addition to consumer protection, it would help to lower the FHA and VA foreclosure rates."

I also want to point out that studies by the VA and the Savings & Loan League indicate that loss of income is one of the major reasons for mortgage delinquency and default.

I cannot help but question HUD's interest in the housing consumer in light of its attitude toward this program. I have introduced a bill, the Home Buyers and Homeowners Protection Act—S. 1614—which would remove the Department's grounds for objecting to programs similar to this one. Legislative remedies seem to be the only ones open to the housing consumer.

I ask unanimous consent to print in the RECORD the letter to me from Secretary Lynn and the analysis of ESP by Henry Schechter.

There being no objection, the letter and analysis were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HOUSING
AND UBRAN DEVELOPMENT,
*Washington, D.C., April 13, 1973.*
Hon. CHARLES PERCY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR PERCY: I am replying further to your letter of February 22, 1973, concerning Mr. Laurence August and his company, the Economic Security Programs Fidelity Corporation.

I am advised that a thorough review of the E.S.P. plan was made by the Appraisal and Mortgage Risk Division of this Department and that the decision concerning it was based upon the underwriting criteria used by this Department in determining the maximum insurable amount of a mortgage. That decision was not in any way a judgment on the merits of E.S.P. as an appropriate means of protecting a homeowner's income as an employee. On the contrary, it was merely a conclusion that where a builder offers a home for sale at a price which includes unemployment insurance, this Department in appraising the value of the home for the purpose of computing the maximum insurable mortgage thereon must deduct from that price that part attributable to the cost of the insurance of the unemployment insurance plan. Of course, this is because the value of the house is in no way augmented by the insurance plan.

Otherwise, the Department has no intention of encouraging or discouraging the use of this particular plan by home buyers. Presumably the plan could be purchased by a home buyer for either a lump sum single premium or by payment of installment premiums. We are merely not permitting a lump sum premium to be added on to the principal amount of an insured mortgage by including the amount of that premium in our appraisal of the value of the house.

To test the validity of our decision, Mr. August has instituted three law suits against the Department. One has been dismissed by the United States Court of Appeals for the Ninth Circuit. The other two are presently pending in the United States District Court for the Central District of California and involve a complaint for an injunction and a complaint for damages based upon an alleged breach of contract, libel and slander. We will, of course, abide by the judgment of the court in those cases.

With regard to unemployment insurance for mortgagors generally, a study was made by the Insurance Technical Advisory Group, which was organized by this Department for the purpose of implementing Section 109 of the Housing and Urban Development Act of 1968. This group included representatives from The American Life Convention, The Health Insurance Association of America, and the Life Insurance Association of America. The findings of this group were that: (1) in the cases of mortgagors confronted with the hazards of disability, unemployment or death, only a small percentage resulted in foreclosure; (2) the hazard of unemployment is a difficult one to provide for through an insurance contract; (3) there is insufficient documentation of mortgage experience to formulate the standards required with the degree of definiteness which would be essential for an insurance program; and (4) relief might be best granted on a determination being made in each case on the basis of specific needs.

I am advised that this Department is reviewing our present forbearance procedures and endeavoring to develop more effective ways of using them in helping mortgagors who are unable to make mortgage payments. In fact, this Department on January 11, 1973, issued a letter to All Approved Mortgagees instructing them that, when apprising delinquent mortgagors of the consequences of continued default in the mortgage payments, the notification should advise the mortgagor that if he had lost his job, was ill or had a temporary financial hardship, the mortgagee or this Department could aid him if he asked for such assistance.

I share your advocacy of a consumer-oriented FHA program. It was the concern for the consumer that caused reconsideration to be given to the E.S.P. plan. We strive to assure that purchasers are not obligated to pay any more for a home than is actually required.

Sincerely yours,

JAMES T. LYNN.

---

THE LIBRARY OF CONGRESS,
*Washington, D.C., October 19, 1972.*

To: Housing Subcommittee. Attn: George Gross.
From: Economics Division.
Subject: Economic Security Program—ESP Fidelity Corporation.

### THE ESP PROGRAM

The Economic Security Program is a group policy program of mortgagor unemployment insurance for debt service marketed by the ESP Fidelity Corporations. The latter sells builders the program which requires the builder to purchase policies on behalf of all new homebuyers in a subdivision. A builder pays a one-time premium equal to one-half of the required monthly debt service payments, i.e. principal, interest, taxes and insurance. The homebuyer is then entitled to benefits of up to a maximum of six full monthly debt service payments while unemployed during the first three years of ownership. Benefits become payable after 30 consecutive days of unemployment.

### FHA AND VA POSITION

The position of FHA, in which VA concurs, is stated in HUD Assistant Secretary-Commissioner Gulledge's letter of July 28, 1972 to Laurence I. August. The line of reasoning is as follows:

(1) Since a builder purchases this policy with the intent of giving it to the purchaser, of necessity the builder must take into consideration the cost of the policy in establishing the price of the home.

(2) The statute requires that the purchaser make a minimum cash down payment equal to a given percentage of the total acquisition cost of the property.

(3) Where the seller transfers to the buyer items unrelated to the real estate securing the mortgage, the current market price of the item must be deducted from the contract price of the real property to arrive at its acquisition cost.

(4) The ESP policy apparently is considered to be such an unrelated item and would be treated as a reduction in the acquisition cost.

(5) Where the resultant acquisition cost is less than the appraised value, the reduction in acquisition cost would cause a reduction in the insurable mortgage amount.

The latter effect would occur because the mortgage amount could not exceed a given percentage of either the appraised value or total acquisition cost. Generally these two figures have been so close that the reduction of the FHA acquisition cost figure, by the amount of the ESP policy premium would bring about a reduction in the insurable mortgage amount. There would be a similar effect under the VA program where the (appraised) Reasonable Value, which governs the maximum mortgage amount, would be reduced by the amount of the ESP policy premium.

Gulledge also points out that because of the prerequisite of 30 consecutive days of unemployment for benefits to become payable it is conceivable that the loan would already be in default before the homeowner becomes eligible for benefits, and it would not help the homeowner.

COMMENTS

(1) One of the elements upon which the FHA/VA position rests is that the cost of the ESP policy is added to other costs by the builder when he establishes his selling price. As pointed out on page 2 of the letter of August 7, 1972 from Mark A. Ivener to Eugene A. Gulledge, the builder can actually reduce his costs through quicker sales induced by the ESP policy, thus significantly reducing his interim financing interest costs which mount as houses remain unsold.

It should also be noted that it really should be of no concern as to how a builder arrives at his selling price. The FHA statute directs FHA to relate the loan to (a) the appraised value and (b) total acquisition cost to the buyer. The appraised value is supposed to reflect current market value, which FHA and VA presumably are competent to determine. The acquisition cost clearly includes the selling price. In neither case does FHA or VA have to, nor do they, look at component costs of the builder.

Admittedly, the ESP policy is a marketing device with a cost. Some builders absorb closing costs (as the ESP people point out), and some builders choose to spend an abnormal amount per unit for newspaper advertising. Assuming that $100 per unit for advertising is average or "normal" in an area, FHA would not claim that a builder who wants to spend $500 per unit really could have sold the house for $400 less and reduce his maximum mortgage amount accordingly.

(2) Another important element in the FHA/VA position is that the ESP policy is an item "unrelated to the real estate securing the mortgage to the buyer". This statement can be made only in a very literal sense because the policy benefits are available only to the original purchaser, and the right to such benefits cannot be transferred along with the house. The additional security of ownership retention afforded to the purchaser is a part of his property ownership status, however, and is thus related to the real estate securing the mortgage during those first three years.

(3) With respect to the FHA observation that, due to the policy prerequisite of 30 continuous days of unemployment before benefits become payable, some homeowners might already be in default by then, the Ivener letter of August 7, pages 3 and 4, contains a rebuttal. Ivener points out that, at the discretion of the lender a Certificate of Default is issued between 30 and 90 days to make up past due payments, penalties and interest. He also claimed that in virtually every case a payment would be made on the scheduled payment date following 30 days of unemployment. The certainty of such policy benefit payments prior to default would be greatly enhanced, however, if the ESP people could offer to change the unemployed days requirement from 30 to 25. It is believed that the single premium that they receive, equal to 8½ percent of maximum payable benefits (one-half month of debt service to cover up to 6 full monthly payments) might be adequate to cover the additional claim payments that would result.

(4) As a general matter, it is difficult to understand why FHA and VA should oppose ESP policies. In addition to consumer protection, it would help to lower the FHA and VA foreclosure rates.

In this connection, the Congress, in Section 109 of the Housing and Urban Development Act of 1968 authorized the Secretary of HUD to undertake the development of an insurance program to help homeowners in meeting mortgage payments in times of personal economic adversity. The Secretary was also directed to report on his actions in this respect within 6 months. It is my understanding that a report has not been submitted, except for an interim, non-substantive letter to appropriate committee chairman, describing the progress of study efforts.

HENRY B. SCHECHTER,
*Senior Specialist in Housing.*

## HOW JOB ENRICHMENT WORKS: PROOF FROM A.T. & T.

Mr. PERCY. Mr. President, Mr. Robert Ford, personnel director—Work Organization and Environmental Research at A.T. & T., is a major figure in job enrichment efforts in America. He is a pioneer in the growing movement to eliminate dumb-dumb jobs.

In an excellent article in the Harvard Business Review for January-February this year, Mr. Ford explains why job enrichment works—with examples. One of Mr. Ford's most compelling points is that job enrichment efforts both result in better satisfied employees—and citizens—and in higher productivity. In the examples, he cites, productivity has increased as much as four times.

But the most compelling point Mr. Ford makes is that employees are much more capable than most managers assume them to be. He notes that:

> We consistently erred in forming the (work) modules; we tended to "underwhelm" employees. Eventually, we learned that the worker can do more, especially as his or her experience builds.

Similarly, Mr. Ford reports that:

> Many responsibilities can be moved to lower grade levels, usually to the advantage of every job involved.

I cannot commend Mr. Ford and A.T. & T. too highly for these efforts to change the nature of work. I can only urge that such activities be broadened and intensified—at A.T. & T. and in every American enterprise.

I ask unanimous consent that the article referred to be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### JOB ENRICHMENT LESSONS FROM A. T. & T.

(By Robert N. Ford)

(NOTE.—Exhibits referred to are not printed in the RECORD.)

FOREWORD

The American Telephone & Telegraph Company is a pioneer in the enrichment of routine white-collar and blue-collar jobs to bolster employee motivation, as well as improve efficiency and productivity and reduce turnover. In this article the man responsible for initiating these programs in the company and its subsidiaries describes how the "slice" of work is redesigned into a natural functional unit, control of it is given to the employee, and he is ensured sufficient feedback to know how he is doing. The author also discusses a promising approach that goes beyond individual job enrichment—the "nesting" of related jobs.

Mr. Ford is Personnel Director—Work Organization and Environmental Research at AT&T. He has written about job enrichment in two books, *Motivation Through the Work Itself* (American Management Association, 1969) and *The Obstinate Employee* (Van Nostrand–Reinhold, scheduled for 1973 publication). In 1970 the American Society for Training and Development gave him a special award for his "substantial contribution to the training and development profession."

There is a mounting problem in the land, the concern of employed persons with their work life. Blue-collar workers are increasingly expressing unhappiness over the monotony of the production line. White-collar workers want to barter less of their life for bread. More professional groups are unionizing to fight back at somebody.

The annual reports of many companies frequently proclaim, "Our employees are our most important resource." Is this a statement of conviction or is it mere rhetoric? If it represents conviction, then I think it is only fair to conclude that many business organizations are unwittingly squandering their resources.

The enormous economic gains that sprang from the thinking of the scientific management school of the early 1900's—the time-and-motion study analysts, the creators of production lines—may have ended insofar as they depend on utilizing human beings more efficiently. Without discarding these older insights, we need to consider more recent evidence showing that the tasks themselves can be changed to give workers a feeling of accomplishment.

The growing pressure for a four day workweek is not necessarily evidence that people do not care about their work; they may be rejecting their work in the form that confronts them. To ask employees to repeat one small task all day, at higher and higher rates of speed, is no way to reduce the pressure for a shorter workweek, nor is it any longer a key to rising productivity in America. Work need not be so frequently a betrayal of one's education and ability.

From 1965 to 1968 a group of researchers at AT&T conducted 19 formal field experiment in job enrichment. The success of these studies has led to many company projects since then. From this work and the studies of others (many of them discussed previously in HBR) we have learned that the "lifesaving" portion of many jobs can be expanded. Conversely, the boring and unchallenging aspects can be reduced—not to say eliminated.

Furthermore, the "nesting" of related, already enriched jobs—a new concept—may constitute another big step toward better utilization of "our most important resource."

First in this article I shall break down the job enrichment strategy into three steps. Then I shall demonstrate what we at AT&T have been doing for seven years in organizing the work beyond enrichment of individual jobs. In the course of my discussion, I shall use no illustrations that were not clearly successful from the viewpoint of both employees and the company.

While obviously the functions described in the illustrations differ superficially from those in most other companies, they are still similar enough to production and service tasks in other organizations to permit meaningful comparison. It is important to examine the nature of the work itself, rather than the external aspects of the functions.

Moreover, in considering ways to enrich jobs, I am not talking about those elements that serve only to "maintain" employees: wages, fringe benefits, clean restrooms, a pleasant atmosphere, and so on. Any organization must meet the market in these respects or its employees will go elsewhere.

No, employees are saying more than "treat me well." They are also saying "use me well." The former is the maintenance side of the coin, the latter is the work motivation side.

ANATOMY OF ENRICHMENT

In talking about job enrichment, it is necessary to go beyond such high-level concepts as "self-actualization," "need for achievement," and "psychological growth." It is necessary to specify the steps to be taken. The strategy can be broken down into these aspects—improving work through systematic changes in (a) the module of work, (b) control of the module, and (c) the feedback signaling whether something has been accomplished. I shall discuss each of these aspects in turn.

### WORK MODULE

Through changing the work modules, Indiana Bell Telephone Company scored a striking success in job enrichment within the space of two years. In Indianapolis, 33 employees, most of them at the lowest clerical wage level, compiled all telephone directories for the state. The processing from clerk to clerk was laid out in 21 steps, many of which were merely for verification. The steps included manuscript reception, manuscript verification, keypunch, keypunch verification, ad copy reception, ad copy verification, and so on—a production line as real as any in Detroit. Each book is issued yearly to the customers named in it, and the printing schedule calls for the appearance of about one different directory per week.

In 1968, the year previous to the start of our study, 28 new hires were required to keep the clerical force at the 33-employee level. Obviously, such turnover had bad consequences. From every operating angle, management was dissatisfied.

In a workshop, the supervisors concluded that the lengthy verification routine, calling for confirmation of one's work by other clerks, was not solving the basic problem, which was employee indifference toward the tasks. Traditional "solutions" were ineffective. They included retraining, supervisor complaints to the employees, and "communicating" with them on the importance to customers of error-free listing of their names and places of business in the directories. As any employee smart enough to be hired knows, an incorrect listing will remain monumentally wrong for a whole year.

The supervisors came up with many ideas for enriching the job. The first step was to identify the most competent employees, and then ask them, one by one, if they felt they could do error-free work, so that having others check the work would be pointless. Would they check their own work if no one else did it?

Yes, they said they could do error-free work. With this simple step the module dropped from 21 slices of clerical work to 14.

Next the supervisory family decided to take a really big step. In the case of the thinner books, they asked certain employees whether they would like to "own" their own books and perform all 14 remaining steps with no verification unless they themselves arranged it with other clerks—as good stenographers do when in doubt about a difficult piece of paperwork. Now the module included every step (except keytape, a minor one).

Then the supervisors turned their attention to a thick book, the Indianapolis directory, which requires many hands and heads. They simply assigned letters of the alphabet to individuals and let them complete all 14 steps for each block of letters.

In the past, new entries to all directories had moved from clerk to clerk; now all paperwork connected with an entry belonging to a clerk stayed with that clerk. For example, the clerk prepared the daily addenda and issued them to the information or directory assistance operators. The system became so efficient that most of the clerks who handled the smaller directories had charge of more than one.

*Delimiting the module:* In an interview one of the clerks said, "It's a book of my own." That is the way they felt about the books. Although not all modules are physically so distinct, the idea for a good module is usually there. Ideally, it is a slice of work that gives an employee a "thing of my own." At AT&T I have heard good modules described with pride in various ways:

"A piece of turf" (especially a geographic responsibility).

"My real estate" (by engineers responsible for a group of central offices).

"Our cradle-to-grave modern line" (a vastly improved Western Electric switching-device production line).

"Our mission impossible team" (a framemen's team, Long Lines Department).

The trouble with so much work processing is that no one is clearly responsible for a total unit that fails. In Indianapolis, by contrast, when a name in a directory is misspelled or omitted, the clerk knows where the responsibility lies.

Delimiting the module is not usually difdifficult when the tasks are in production, or at least physically defined. It is more difficult in service tasks, such as handling a telephone call. But modules make sense here, too, if the employee has been prepared for the work so that nobody else need be involved—in other words, when it is not necessary to say to the caller, "Let me connect you with my supervisor about that, please" or "May I give you our billing department, please?"

It is not always true that any one employee can handle a complete service, but out studies show that we consistently erred in forming the module, we tended to "underwhelm" employees. Eventually we learned that the worker can do more, especially as his or her experience builds. We do not have even one example from our business where job enrichment resulted in a smaller slice of work.

In defining modules that give each employee a natural area of responsibility, we try to accumulate horizontal slices of work until we have created (or recreated) one of these three entities for him or her:

1. A customer (usually someone outside the business).

2. A client (usually someone inside the business, helping the employee serve the customer).

3. A task (in the manufactluring end of the business, for example, where, ideally, individual employees produce complete items).

Any one of these three can make a meaningful slice of work (in actuality, they are not separated; obviously, an employee can be working on a task for a customer.) Modules more difficult to differentiate are those in which the "wholeness" of the job is less clear—that is, control is not complete. They include cases where—

The employee is merely one of many engaged in providing the ultimate service or item);

The employee's customer is really the boss (or, worse yet, the boss's boss) who tells him what to do;

The job is to help someone who tells the employee what is to be done.

While jobs like these are harder to enrich, it is worth trying.

### CONTROL OF THE MODULE

As an employee gains experience, the supervisor should continue to turn over responsibility until the employee is handling the work completely. The reader may infer that supervisors are treating employees unequally. But it is not so; ultimately, they may all have the complete job if they can handle it. In the directory-compilation case cited—which was a typical assembly-line procedure, although the capital investment was low—the supervisors found that they could safely permit the employee to say when sales of advertisements in the yellow pages must stop if the ads were to reach the printer on time.

Employees of South Central Bell Telephone Company, who set their own cutoff dates for the New Orleans, Monroeville, and Shreveport phone books, consistently gave themselves less time than management had previously allowed. As a result, the sale of space in the yellow pages one year continued for three additional weeks, producing more than $100,000 in extra revenue.

But that was only one element in the total module and its control. The directory clerks talked *directly* to salesmen, to the printer, to supervisors in other departments about production problems, to service representatives, and to each other as the books moved through the production stages.

There are obvious risks on the supervisors' side as they give their jobs away, piece by piece, to selected employees. We have been through it enough to advise, "Don't worry." Be assured that supervisors who try it will say, as many in the Bell System have said, "Now, at last, I feel like a manager. Before I was merely chief clerk around here."

In other studies we have made, control has been handled by the supervisor to a person when the employee is given the authority to perform such tasks as these:

Set credit ratings for customers.

Ask for, and determine the size of, a deposit.

Cut off service for nonpayment.

Make his or her own budget, subject to negotiation.

Perform work other than that on the order sheet after negotiating it with the customer.

Reject a run or supply of material because of poor quality.

Make free use of small tools or supplies within a budget negotiated with the supervisor.

Talk to anyone at any organizational level when the employee's work is concerned.

Call directly and negotiate for outside repairmen or suppliers (within the budget) to remedy a condition handicapping the employee's performance.

### FEEDBACK

Definition of the module and control of it are futile unless the results of the employee's effort are discernible. Moreover, knowledge of the results should go directly to where it will nurture motivation—that is, to the employee. People have a great capacity for mid-flight correction when they know where they stand.

One control responsibility given to excellent employees in AT&T studies is self-monitoring; it lets them record their own "qualities and quantities." For example, one employee who had only a grade-school education was taught to keep a quality control chart in which the two identical parts of a dry-reed switch were not to vary more than .005 from an ideal dimension. She found that for some reason too many switches were failing.

She proved that the trouble occurred when one reed that was off by .005 met another reed that was off by .005. The sum, .010, was too much in the combined component and it failed. On her own initiative, she recommended and saw to it that the machine dies were changed when the reeds being stamped out started to vary by .003 from the ideal. A total variance of .006 would not be too much, she reasoned. Thus the feedback she got showed her she was doing well at her job.

This example shows all three factors at work—the module, its control, and feedback. She and two men, a die maker and a machine operator, had the complete responsibility for producing each day more than 100,000 of these tiny parts, which are not unlike two paper matches, but much smaller. How can one make a life out of this? Well, they did. The six stamping machines and expensive photometric test equipment were "theirs." A forklift truck had been dedicated to them (no waiting for someone else to bring or remove supplies). They ordered rolls of wire for stamping machines when they estimated they would need it. They would ship a roll back when they had difficulty controlling it.

Compared with workers at a plant organized along traditional lines, with batches of the reeds moving from shop to shop, these three employees were producing at a fourfold rate. Such a minigroup, where each person plays a complementary part, is radically different psychologically from the traditional group of workers, where each is doing what the others do.

(In the future, when now undreamed-of computer capacities have been reached, management must improve its techniques of feeding performance results directly to the employee responsible. And preferably it should be done *before* the boss knows about it.)

### IMPROVING THE SYSTEM

When a certain job in the Bell System is being enriched, we ask the supervisory family, "Who or what is the customer/client/task in this job?" Also, "How often can the module be improved?" And then, "How often can control or feedback be improved? Can we improve all three at once?"

These are good questions to ask in general. My comments at this stage of our knowledge must be impressionistic.

The modules of most jobs can be improved, we have concluded. Responsibilities or tasks that exist elsewhere in the shop or in some other shop or department need to be combined with the job under review. This horizontal loading is necessary until the base of the job is right. However, I have not yet seen a job whose base was too broad.

At levels higher than entrance grade, and especially in management positions, many responsibilities can be moved to lower grade levels, usually, to the advantage of every job involved. This vertical loading is especially important in mature organizations.

In the Indianapolis directory office, 21 piecemeal tasks were combined into a single, meaningful, natural task. There are counterparts in other industries, such as the assembly of an entire dashboard of an automobile by two workers.

We have evidence that two jobs—such as the telephone installer's job and the telephone repairman's job—often can make one excellent "combinationman's" job. But there are some jobs in which the work module is already a good one. One of these is the service representative, the highly trained clerk to whom a customer speaks when he wants to have a telephone installed, moved, or disconnected, or when he questions his telephone bill. This is sometimes a high-turnover job, and when a service representative quits because of work or task dissatisfaction, there goes $3,450 in training. In fact, much of the impetus for job enrichment came through efforts to reduce these costs.

In this instance the slice of work was well enough conceived; nevertheless, we obtained excellent results from the procedures of job enrichment. Improvements in the turnover situation were as great as 50%. Why? Because we could improve the control and feedback.

It should be recognized that moving the work module to a lower level is not the same as moving the control down. If the supervisor decides that a customer's account is too long overdue and tells the service representative what to do, then both the module and the control rest with the supervisor. When, under job enrichment procedures, the service representative makes the decision that a customer must be contacted, but checks it first with the supervisor, control remains in the supervisor's hands. Under full job enrichment, however, the service representative has control.

*Exhibit I* shows in schematic form the steps to be taken when improving a job. To increase control, responsibility must be obtained from higher levels. I have yet to see an instance where control is moved upward to enrich a job. It must be acknowledged, however, that not every employee is ready to handle more control. That is especially true of new employees.

Moreover, changing the control of a job is more threatening to supervisors than is changing the module. In rejecting a job enrichment proposal, one department head said to us, "When you have this thing proved 100%, let me know and we'll try it."

As far as feedback is concerned, it is usually improvable, but not until the module and control of it are in top condition. If the supervisory family cannot come up with good ways for telling the employee how he or she is doing, the problem lies almost surely in a bad module. That is, the employee's work is submerged in a total unit and he or she has no distinct customer client task. During the learning period, however, the supervisor or teacher should provide the feedback.

When supervisors use the performance of all employees as a goad to individual employees, they thwart the internalization of motivation that job enrichment strives for. An exception is the small group of mutually supporting, complementary workers, but even in this case each individual needs knowledge of his or her own results.

These generalizations cannot be said to be based on an unbiased sample of all jobs in all locations. Usually, the study or project locations were not in deep trouble, nor were they the best operating units. The units in deep trouble cannot stand still long enough to figure out what is wrong, and the top performers need no help. Therefore, the hard-nosed, scientifically trained manager can rightfully say that the jury is still out as to whether job enrichment can help in all work situations. But it has helped repeatedly and consistently on many jobs in the Bell System.

### JOB NESTING

Having established to its satisfaction that job enrichment works, management at AT&T is studying ways to go beyond the enriching of individual jobs. A technique that offers great promise is that of "nesting" several jobs to improve morale and upgrade performance.

By way of illustration I shall describe how a family of supervisors of service representatives in a unit of Southwestern Bell Telephone Company improved its service indexes, productivity, collection of overdue bills, and virtually every other index of performance. In two years they moved their Ferguson District (adjacent to St. Louis) from near the bottom to near the top in results among all districts in the St. Louis area.

Before the job enrichment effort started, the service representatives' office was laid out as it appears in *Exhibit II*. The exhibit shows their desks in the standard, in-line arrangement fronted by the desks of their supervisors, who exercised close control of the employees.

As part of the total job enrichment effort, each service rep group was given a geographical locality of its own, with a set of customers to take care of, rather than just "the next customer who calls in" from anywhere in the district. Some service reps—most of them more experienced—were detached to form a unit handling only the businesses in the district.

Then the service representatives and their business office supervisors (BOS) were moved to form a "wagon train" layout. As *Exhibit III* shows, they were gathered into a more-or-less circular shape and were no longer directly facing the desks of the business office supervisors and unit managers. (The office of the district manager was further removed too.)

Now, all was going well wtih the service representatives' job, but another function in the room was in trouble. This was the entry-level job of service order typist. These typists transmit the orders to the telephone installers and the billing and other departments. They and the service order reviewers—a higher-classification job—had been located previously in a separate room that was soundproofed and air-conditioned because the TWX machines they used were noisy and hot. When its equipment was converted to the silent, computer-operated cathode ray tubes (CRTs), the unit was moved to a corner of the service reps' room (see *Exhibit III*).

But six of the eight typists quit in a matter of months after the move. Meanwhile, the percentage of service orders typed "on time" fell below 50%, then below 40%.

The reasons given by the six typists who quit were varied, but all appeared to be rationalizations. The managers who looked at the situation, and to the $25,000 investment in the layout, could see that the feeling of physical isolation and the feeling of having no "thing" of their own were doubtless the real prime factors. As the arrangement existed, any service order typist could be called on to type an order for any service representative. On its face, this seems logical; but we have learned that an employee who belongs to everybody belongs to nobody.

An instantly acceptable idea was broached: assign certain typists to each service rep team servicing a locality. "And while we're at it," someone said, "why not move the CRTs right into the group? Let's have a wagon train with the women and kids in the middle." This was done (over the protest of the budget control officer, I should add).

The new layout appears in Exhibit IV. Three persons are located in the station in the middle of each unit. The distinction between service order typist and service order reviewer has been abolished, with the former upgraded to the scale of the latter. (Lack of space has precluded arranging the business customer unit in the same wagon-train fashion. But that unit's service order review and typing desks are close to the representatives' desks.)

Before the changes were started, processing a service request involved ten steps—and sometimes as many persons—not counting implementation of the order in the Plant Department. Now the procedure is thought of in terms of people, and only three touch a service order on its way through the office. (See *Exhibit V*.) At this writing, the Ferguson managers hope to eliminate even the service order completion clerk as a specialized position.

Has the new arrangement worked? Just before the typists moved into the wagon train, they were issuing only 27% of the orders on time. Within 30 days after the switch to assigned responsibility, 90% of the orders were going out on time. Half a year later, in one particular month, the figure even reached 100%.

These results were obtained with a 21% jump in work load—comparing a typical quarter after "nesting" with one before—being performed with a net drop of 22 worker-weeks during the quarter. On a yearly basis it is entirely reasonable to expect the elimination of 88 weeks of unnecessary work (conservatively, 1½ full-time employees.) Unneeded messenger service has been dispensed with, and one of two service order supervisor positions has been eliminated. The entire cost has been recovered already.

The service order accuracy measurement, so important in computerization, has already attained the stringent objectives set by the employees themselves, which exceeded the level supervisors would have set. Why are there fewer errors? Because now employees can lean across the area and talk to each other about a service order with a problem or handwriting that is unclear. During the course of a year this will probably eliminate the hand preparation of a thousand "query" slips, with a thousand written replies, in this one district.

And what of the human situation? When on-time order issuance was at its ebb, a supervisor suggested having a picnic for the service representatives and the typists. They did, but not a single typist showed up. Later, when the on-time order rate had climbed over 90%, I remarked, "Now's the time for another picnic." To which the supervisor replied facetiously, "Now we don't need a picnic!"

The turnover among typists for job reasons has virtually ceased. Some are asking now for the job of service representative, which is more demanding, more skilled, and better paid. Now, when the CRTs or the computer is shut down for some reason, or if the service order typist runs out of work, supervisors report that typists voluntarily help the service reps with filing and other matters. They are soaking up information about the higher-rated jobs. These occurrences did not happen when the typists were 100 feet away; then they just sat doing nothing when the work flow ceased. (Because of this two-way flow of information, incidentally, training time for the job of service representative may drop as much as 50%.)

As the state general manager remarked when the results were first reported, "This is a fantastic performance. It's not enough to enrich just one job in a situation. We must learn how to put them together."

### DIFFERENT CONFIGURATION

While the Ferguson District supervisory family was making a minigroup out of the service reps and their CRT typists, a strikingly different mini-group was in formation in the Northern Virginia Area of the Chesapeake and Potomac Telephone Company. There the family hit on the idea of funneling to selected order typists only those orders connected with a given central office, such as the Lewinsville frame. Soon the typists and the framemen—those who actually make the changes as a result of service orders—became acquainted. The typists even visited "their" framerooms. Now some questions could be quickly resolved that previously called for formal interdepartmental interrogations through supervisors.

At the end of the first eight months of 1972, these 9 CRT typists were producing service order pages at a rate one third higher than the 51 service order typists in the comparison group. The absence rate in the experimental unit was 0.6%, compared with 2.5% for the others, and the errors per 100 orders amounted to 2.9 as against 4.6 in the comparison group.

The flow of service orders is from (a) service rep to (b) service order typist to (c) the frameroom. The Ferguson District enjoyed success when it linked (a) and (b), while productivity for the Lewinsville frame improved when (b) and (c) were linked. Obviously, the next step is to link (a), (b), and (c). We are now selecting trial locations to test this larger nesting approach.

### LESSONS LEARNED

In summary fashion, at the end of seven years of effort to improve the work itself, it is fair to say that:

Enriching existing jobs pays off. To give an extreme example, consider the fact that Illinois Bell Telephone Company's directory compilation effort reduced the work force from 120 persons to 74. Enriching the job started a series of moves; it was not the only ingredient, but it was the precipitating one.

Job enrichment requires a big change in managerial style. It calls for increasing modules, moving control downward, and dreaming up new feedback ideas. There is nothing easy about a successful job enrichment effort.

The nesting or configuring of related tasks—we call it "work organization"—may be the next big step forward after the enrichment of single jobs in the proper utilization of human beings.

It seems to produce a multiplier effect rather than merely a simple sum. In the Ferguson District case the job modules were not changed; the service representatives were not asked to type their own orders on the cathode ray tubes, nor were the typists asked to take over the duties of the service representatives. The results came from enriching other aspects (control and feedback and, more important, from laying out the work area differently to facilitate interaction among responsible people.

While continuing job enrichment efforts, it is important not to neglect "maintenance" factors. In extending our work with job nesting, for example, we plan to experiment with "office landscaping," so called. The furniture, dividers, planters, and acoustical treatment, all most add to the feeling of work dedication. By this I mean we will dedicate site, equipment, and jobs to the employees, with the expectation that they will find it easier to dedicate themselves to customer/client/task. Especially in new installations, this total work environmental approach seems a good idea for experimentation. We will not be doing it merely to offset pain or boredom in work. The aim is to facilitate work.

A "pool" of employees with one job (typing pool, reproduction pool, calculating pool, and so on) is at the opposite extreme from the team or "minigroup" which I have described. A minigroup is a set of mutually supporting employees, each of whom has a meaningful module or part in meeting the needs of customer/client/task. What is "meaningful" is, like a love affair, in the eye of the beholder; at this stage, we have difficult in describing it further.

A minigroup can have several service representatives or typists; one of each is not basic to the idea. The purpose is to set up a group of employees so that a natural, mutual dependence can grow in providing a service or finishing a task. It marks the end of processing from person to person or group to group, in separate locations or departments and with many different supervisors.

The minigroup concept, however, still leaves room for specialists. In certain Scandinavian auto plants, for example, one or two specialists fabricate the entire assembly of the exhaust pollution control system or the electrical system. Eventually, a group of workers may turn out a whole engine. In the United States, Chrysler has given similar trial efforts a high priority. The idea is to fix authority at the lowest level possible.

Experience to date indicates that unions welcome the kind of effort described in our studies. Trouble can be expected, of course, if the economics of increases in productivity are not shared equitably. In the majority of cases, the economics can be handled even under existing contracts, since they usually permit establishment of new jobs and appropriate wage grades between dates of contract negotiation.

An employee who takes the entire responsibility for preparing a whole telephone directory, for example, ought to be paid more, although a new clerical rating must be established. Job enrichment is not in lieu of cash; good jobs and good maintenance are two sides of the same coin.

New technology, such as the cathode ray tube should enable us to break free of old work arrangements. When the Ferguson District service order typists were using the TWX machines, nesting their jobs was impractical because the equipment would have driven everybody to distraction. Installation of the high-technology CRTs gave the planners the opportunity to move together those employees whose modules of work were naturally related. This opportunity was at first overlooked.

Everyone accepts the obvious notion that new technology can and must eliminate dumb-dumb jobs. However, it probably creates more, rather than fewer, fragments of work. Managers should observe the new module and the work organization of the modules. This effort calls for new knowledge and skills, such as laying out work so attractively that the average employee will stay longer and work more effectively than under the previous arrangement.

Moreover, technology tends to make human beings adjuncts of machines. As we move toward computerized production of all listings in the white pages of the phone books, for example, the risk of an employee's losing "his" or "her" own directories is very great indeed. (Two AT&T companies, South Central Bell and Pacific Northwest Bell, are at this stage, and we must be certain the planned changes do not undermine jobs.) Making sure that machines remain the adjunct of human beings is a frontier problem which few managers have yet grappled with.

Managers in mature organizations are likely to have difficulty convincing another department to make pilot runs of any new kind of work organization, especially one that will cause the department to lose people, budget, or size. Individual job enrichment does not often get into interdepartmental tangles, but the nesting of jobs will almost surely create problems of autonomy. This will call for real leadership.

When the work is right, employee attitudes are right. That is the job enrichment strategy—get the work right.

---

## ARMY TO CLOSE FORT LEE SERVANT SCHOOL

Mr. PROXMIRE. Mr. President, the Army's decision to close its Fort Lee, Va., "charm school" for training enlisted men to become servants for the brass is a long-overdue step toward elimination or aristocratic privileges for high-ranking officers.

As I understand it, the Fort Lee facility will be shut down by July 13, 1973, and in the meantime no new recruits will be sent there. Those in progress of training will be allowed to continue.

This is a tribute to the good sense of the American people who have expressed outrage at the continuation of providing servants for able-bodied and well-paid officers.

The fact that there is a bill in the Senate—S. 850—to close such schools must have been a contributing factor to the Army's change of heart.

But this small action is not enough. The military servant program must be discontinued entirely. I challenge the Joint Chiefs of Staff each to release their six to eight servants as an example to the country and their fellow officers.

The practice of using military men as domestic servants in the rent-free homes of the brass must be stopped if the Army, Navy, and Air Force are to become attractive careers for new volunteers.

I intend to bring my amendment to a vote on the first suitable military bill before the Senate. This amendment would prohibit the use of enlisted men as personal servants, relieve enlisted aides of the duty of performing services for the families of general and flag officers, and cut off all funds for training enlisted aides for all services.

Mr. President, I ask unanimous consent that a recent Washington Post article by Michael Cetler be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ARMY PLANS CLOSING OF "CHARM SCHOOL"

(By Michael Getler)

The Army confirmed yesterday that it is shutting down its school at Ft. Lee, Va., where enlisted men are trained to perform a variety of personal services for officers and their families.

But Army spokesmen denied that shutting down of the "charm school" at Ft. Lee, which has been the target of much congressional criticism, was necessarily the forerunner of any major cutback in the overall $21.3-million-a-year enlisted aide program.

The school—where volunteers learn how to serve food, lay out uniforms, mix drinks and bake petti fours among other things—will close July 13. But Army spokesmen said the enlisted aide program will continue through on-the-job training.

About 60 per cent of the 1,700 enlisted aides in the military learn their chores through the on-the-job training now rather than going through the Ft. Lee School.

The Army said the school will be shut down as the result of a review which indicated the men could be adequately trained without a formal course—which was costing about $360,000 a year. But a much broader review of the whole enlisted aide program by Defense Secretary Elliot L. Richardson is still under way.

Armed services committees in Congress have been pressing the Pentagon not only to shut down the school but to find some alternatives to using GIs as domestic helpers.

A General Accounting Office report earlier this year, which touched off much of the pressure to cut back the program, revealed that some enlisted aides were also performing as dog-walkers, babysitters and as chauffeurs for officers' dependents.

The Pentagon and the military services, however, have insisted that the program is necessary to relieve high-ranking officers—and their wives, who take on considerable social obligations—of some household duties so they concentrate on their military jobs.

Former Army Secretary Robert Froehlke has said he didn't want the Army Chief of Staff going home at 1 p.m. to mow the lawn.

But Sen. William Proxmire (D-Wis.), who has been the chief challenger of the enlisted aide program, says that generals and admirals who make more than $50,000 a year in salaries and benefits can afford to hire civilians to do such tasks.

Congressional committees were informed of the school closure earlier this week, and Proxmire called the move "a long overdue step toward elimination of aristocratic privileges for high-ranking military officers."

Proxmire also said he will press for passage of a bill to end the listed aide program entirely, and he has already called for all five members of the Joint Chiefs of Staff to release their "six to eight servants (each) as an example to the country and their fellow officers."

## PREVENT CONTINUED POLLUTION OF LAKE HARTWELL RESERVOIR ON THE SAVANNAH RIVER

Mr. THURMOND. Mr. President, on March 9, 1973, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress of the United States and the President to take appropriate action to prevent continued pollution of the Lake Hartwell Reservoir on the Savannah River.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that this concurrent resolution be printed in the CONGRESSIONAL RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

### H. 1920

A concurrent resolution to memorialize the Congress of the United States and the President to take appropriate action to prevent continued pollution of the Lake Hartwell Reservoir on the Savannah River

Whereas, the federal government through the United States Corps of Army Engineers and other federal agencies created the Hartwell Dam and the Lake Hartwell Reservoir as a flood control and electric generating project; and

Whereas, the Lake Hartwell Reservoir is a beautiful and most needed recreation facility providing good fishing, attractive camping and residential sites and is enjoyed by tourists and residents of the entire State; and

Whereas, the pollution of the reservoir by the dumping of effluent and other contaminants now threatens the purity of the water in the lake and the desirability of the entire facility for recreational purposes; and

Whereas, since the Hartwell project is under the control and jurisdiction of the federal government, the government of this State is unable to control the environment of the area and needs the assistance of the United States Corps of Army Engineers, the Environmental Protection Agency and other federal agencies to prevent the further pollution of Lake Hartwell. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring: That the General Assembly hereby memorialize the Congress of the United States and the President to take appropriate action through all federal agencies concerned to prevent further pollution of the Lake Hartwell Reservoir on the Savannah River.

Be it further resolved that the General Assembly of South Carolina pledges its full support to the action herein requested and the assistance of all appropriate State agencies in the implementation thereof.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, each member of the South Carolina Congressional Delegation and the United States Corps of Army Engineers.

## SENATOR STEVENSON'S STATEMENT ON NORTH SLOPE ENERGY RESOURCES ACT OF 1973 BEFORE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. STEVENSON. Mr. President, on May 2 I appeared before the Senate Committee on Interior and Insular Affairs in support of S. 1565, the North Slope Energy Resources Act of 1973. This legislation would provide for the first time a thorough study of the trans-Canadian pipeline route for North Slope oil. Congress must be provided with complete information on both the trans-Canadian and trans-Alaskan routes before it can make a decision on the proper route to bring the Alaskan oil to the Lower 48. I ask unanimous consent that my testimony on this important subject be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY SENATOR ADLAI E. STEVENSON III

I commend you, Mr. Chairman, and this Committee for providing an opportunity for both trans-Alaska pipeline proponents and trans-Canada pipeline proponents to appear before you. What I support is an informed decision—that's all we're asking.

For the past five years, the Alyeska Oil Consortium, the state government of Alaska, and the Department of the Interior have sought to prove the economic and environmental viability of the Alaskan route.

The position of the Alaskan government and the oil companies is understandable. Profits for both might be maximized, at least initially. I don't criticize either for pursuing their self interests. That is natural and understandable.

But, to draw from a comment made by Secretary Morton: "The problem is national, not regional. All our lives are affected by potential shortages, by the threat of excessive dependence on Middle Eastern sources." The alternative has not been studied.

By the early 1980's, close to two million barrels of crude oil a day will be available for transport to the lower 48 from the Alaskan oil fields. Where will that oil be most needed? Already, prices of crude oil per barrel are 20 percent higher in the Midwest than on the West Coast, 25 percent higher in New York than in Los Angeles. The growth in the overall demand for oil in the Eastern two-thirds of the nation has approached 5 percent per year. That oil will be most needed in the Midwest and on the East Coast.

By 1980, it is projected that the demand in Petroleum Administration District V, which consists of the West Coast states and Arizona, will stand at 3.1 million barrels of crude oil per day. Without North Slope oil, 1.6 million barrels per day of this demand would be required from imported oil, with .7 million barrels (or 23 percent) of oil required from Middle Eastern sources. In the Midwest by 1980, the demand is expected to reach 6.0 million barrels per day. Without Alaskan oil, fully 4.45 million barrels would be required from imports. Of that, it is estimated that 3.05 million barrels per day would be required from Middle East imports—or 51 percent of the total Midwest oil supply. A 51 percent dependency on Mid-East oil for any region is dangerous and excessive and unnecessary.

If the Alaskan oil were to reach the Midwest directly by a trans-Canada pipeline, the region's dependence on imported oil in general would be reduced from 4.45 million barrels per day to 3.1 million barrels per day, with a reduction of Middle East oil to 1.7 million (or 28 percent) barrels per day of the total oil intake. In sum, without Alaskan oil, the West Coast in 1980 would require only 23 percent of its total oil from the Middle East—5 percent less than the Middle West would require from the Middle East with direct delivery of Alaskan oil.

Mr. Chairman, on April 12 I joined Senators Mondale and Bayh and five other colleagues in the introduction of S. 1565, the North Slope Energy Resources Act of 1973. The purpose of this legislation is to provide the Congress with an opportunity to consider the feasibility of a trans-Canada pipeline and, at the end of eleven months time, choose the most desirable route for bringing the oil out of Alaska. Initially legislation we introduced mandated a trans-Canada pipeline. We then introduced S. 1565 to preclude the Secretary of the Interior from granting any rights-of-way in preparation for the construction of a delivery system for North Slope oil pending a decision by the Congress on the choice of a route. The purpose is to give the Congress the facts on the viability of a trans-Canada pipeline so it can make a responsible decision on the delivery system.

The provisions of this bill, in brief, include:

Granting the Secretary of the Interior temporary (two-year) power to grant rights-of-way wider than the 50-foot maximum currently imposed by the Mineral Leasing Act. This power applies to all projects other than the North Slope oil and gas resources.

Authorizing and requesting the President, through the Secretary of State, to enter negotiations with the Canadian government to determine within six months the feasibility of constructing and operating a trans-Canada corridor. The Secretary of State would, in turn, submit to the Congress his findings.

Instructing the National Science Foundation to conduct a nine-month study of the economic and environmental aspects of the Canadian pipeline. This study could serve as the environmental impact statement for compliance with the National Environmental Policy Act.

At the end of eleven months the Congress, armed with a full body of knowledge on the merits of both the trans-Canada and trans-Alaska routes, would be in a position to resolve the question of which delivery system to authorize.

Mr. Chairman, there are many questions that should be fully explored. Not only does the Canadian route bring the oil to the areas of the country that need it most; there are other strong arguments for such a delivery system.

The trans-Alaska route is plagued by environmental problems. Even the Department of Interior, in its impact statement, acknowledged: "Because of the scale and nature of the project, the impact would occur on abiotic, biotic, and socioeconomic components of the human environment far beyond the relatively small part . . . of Alaska that would be occupied by the pipeline and oil field."

That admission is surpassed in seriousness by the fact that the area is earthquake-prone. The danger of oil spills, on land and on sea, is tremendous and horrifying. On Good Friday, 1964, the site of Valdez recorded an earthquake of 8.4 on the Richter Scale, the most severe earthquake ever recorded in this hemisphere.

And yet we are asked to approve a delivery system which would have its terminus and loading port at Valdez, on Prince William Sound.

The major construction cost of the TCP is for a corridor from Prudhoe Bay through the Mackenzie River Valley to Edmonton, Alberta, some 1700 miles. In Edmonton, the existent interprovincial pipeline which now carries Canadian oil to Seattle and Chicago could be expanded or "looped" from Edmonton south at a fraction of the cost which would be necessitated by a new pipeline corridor. At an estimated cost of $1.2 million per mile from Prudhoe Bay to Edmonton, plus an additional $800 million in interest, the 1700 mile route could be completed for approximately $2.9 billion. With an additional $600 million (or $450,000 per mile) for looping, the overall capital costs in 1971 dollars would approximate $3.5 billion, a figure the same as some estimates of the cost for the trans-Alaska pipeline.

When total costs are computed the TCP cost may be lower by far. Oil from the ports of entry under the TAP system would have to be transported at substantial additional cost to the oil-short interior, including the Midwest. Those costs, like all transportation costs, will add to the nation's oil bill and must be factored into the cost of the Alaskan route. The TCP could cost substantially less than TAP.

Time is another consideration. None are more concerned about delay than those in the energy-starved Midwest. The initial gloomy predictions by the Interior Department that the construction of the Canadian route would require a three-to-five year delay have been virtually eliminated by the Court's ruling against rights-of-way under the Mineral Leasing Act. The broader legal question of compliance with NEPA remains to be litigated. The case of the trans-Alaska pipeline in the Courts is far from over, unless of course the Congress is prepared to carve out a special exemption from the Act. If that were done for this project, which poses environmental hazards far greater than any other project on which an impact statement has been filed, the Act would be seriously weakened.

S. 1565 would delay the decision on the route for a mere eleven months, bringing us to early 1974—far from the 1980 estimated date when those 2 million barrels per day would be available for delivery. And during that time the requirements of NEPA could be satisfied. It is even possible that S. 1565 could shorten the time before construction begins.

The Canadian government, although its overtures have been met with a cool reception by Secretary Morton, has expressed concern about the proposed TAP and a willingness to discuss a line through Canada. Its concern about TAP stems, in the words of Canadian Secretary of State for External Affairs Mitchell Sharp, from ". . . environmental grounds. We are strongly opposed and have made the most vigorous protests against the proposition that oil tankers should supply American refineries by passing through the Straits of Juan de Fuca and other of the narrow straits. . . . These are very narrow waters, there is a lot of traffic, and if there was to be an oil spill, it would damage for years and years to come the most beautiful part of the North American continent."

The argument has been made by the Department of the Interior that no applications to build an oil pipeline through Canada have been submitted. Secretary Sharp said, "If the oil companies concerned want to apply to build a pipeline through Canada, Canada is prepared to hear and to listen." Donald McDonald, Canadian Minister of Energy, Mines, and Resources, reenforced the position of Secretary Sharp, stating, "If the Americans came back and said to us, we've had second thoughts on the TAPs, we would like to take you up on your willingness to entertain an application about the oil line through the MacKenzie route, I think the interests of the West Coast (of Canada) would dictate that the government of Canada should enable that kind of application to go ahead."

Mr. Chairman, if the oil companies are mandated by this Congress to use a route through Canada, they will find a way to bring that oil to the lower 48. They are not known for abandoning vast oil reserves in the face of what they might consider to be an inconvenience or a temporary setback in their accustomed rates of return.

Before anyone ascribes a position or motives to the Canadians, let us talk with the Canadian government through the Secretary of State. Let us hear them out on the questions of ownership and financing of the Canadian sector of a trans-Canadian corridor. It is entirely possible that the Canadian route would prove to be economically preferable, environmentally preferable and also strategically preferable to a route subject to interdiction on sea and on land.

This issue is where it belongs, in the Congress. I am hopeful the Congress will permit itself a full consideration of the options. Otherwise it could, in the words of one newspaper, negate the "essence of the democratic process. And that process is a treasure that outweighs all the oil in Alaska."

---

## HOW THE POW'S FOUGHT BACK

Mr. BUCKLEY. Mr. President, U.S. News & World Report, May 14, 1973, contains an interview with Lieut. Comdr. John S. McCain III. Commander McCain, son of Adm. John S. McCain, was a prisoner of the North Vietnamese for 5½ years. His interview is a remarkable story of courage, patriotism and endurance. It also documents the inhuman treatment of American prisoners by the North Vietnamese.

Commander McCain praised President Nixon for the courageous decisions which helped to bring American prisoners home. Speaking of the mining, the blockade and the bombing in December of 1972, Commander McCain writes:

> I know it was very, very difficult for him to do that, but that was the thing that ended the war.

I think words like that from a man like Commander McCain are the highest possible tribute to President Nixon's handling of the Vietnam war. These words—indeed, the entire interview—remind all of us of the leadership demonstrated by President Nixon in getting our prisoners home.

I now ask unanimous consent that the entire interview with Commander McCain be printed in the RECORD:

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

### HOW THE POW'S FOUGHT BACK

(By John S. McCain III, lieutenant commander, U.S. Navy)

Of the many personal accounts coming to light about the almost unbelievably cruel treatment accorded American prisoners of war in Vietnam, none is more dramatic than that of Lieut. Commander John S. McCain III—Navy flier, son of the admiral who commanded the war in the Pacific, and a prisoner who came in for "special attention" during 5½ years of captivity in North Vietnam.

Now that all acknowledged prisoners are back and a self-imposed seal of silence is off, Commander McCain is free to answer the questions many Americans have asked:

What was it really like? How prolonged were the tortures and brutality? How did the captured U.S. airmen bear up under the mistreatment—and years spent in solitary? How did they preserve their sanity? Did visiting "peace groups' really add to their troubles? How can this country's military men be conditioned to face such treatment in the future without crumbling?

Here, in his own words, based on almost total recall, is Commander McCain's narrative of 5½ years in the hands of the North Vietnamese.

The date was Oct. 26, 1967. I was on my 23rd mission, flying right over the heart of Hanoi in a dive at about 4,500 feet, when a Russian missile the size of a telephone pole came up—the sky was full of them—and blew the right wing off my Skyhawk dive bomber. It went into an inverted, almost straight-down spin.

I pulled the ejection handle, and was knocked unconscious by the force of the ejection—the air speed was about 500 knots. I didn't realize it at the moment, but I had broken my right leg around the knee, my right arm in three places, and my left arm. I regained consciousness just before I landed by parachute in a lake right in the center of Hanoi, one they called the Western Lake. My helmet and my oxygen mask had been blown off.

I hit the water and sank to the bottom. I think the lake is about 15 deep feet, maybe 20. I kicked off the bottom. I did not feel any pain at the time, and was able to rise to the surface. I took a breath of air and started sinking again. Of course, I was wearing 50 pounds, at least, of equipment and gear. I went down and managed to kick up to the surface once more. I couldn't understand why I couldn't use my right leg or my arm. I was in a dazed condition. I went up to the top again and sank back down. This time I couldn't get back to the surface. I was wearing an inflatable life-preserver-type thing that looked like water wings. I reached down with my mouth and got the toggle between my teeth and inflated the preserver and finally floated to the top.

Some North Vietnamese swam out and pulled me to the side of the lake and immediately started stripping me, which is their standard procedure. Of course, this being in the center of town, a huge crowd of people gathered, and they were all hollering and screaming and cursing and spitting and kicking at me.

When they had most of my clothes off, I felt a twinge in my right knee. I sat up and looked at it, and my right foot was resting next to my left knee, just in a 90-degree position. I said, "My God—my leg!" That seemed to enrage them—I don't know why. One of them slammed a rifle butt down on my shoulder, and smashed it pretty badly. Another stuck a bayonet in my foot. The mob was really getting up-tight.

About this time, a guy came up and started yelling at the crowd to leave me alone. A woman came over and propped me up and held a cup of tea to my lips, and some photographers took some pictures. This quieted the crowd down quite a bit. Pretty soon, they put me on a stretcher, lifted it onto a truck, and took me to Hanoi's main prison. I was taken into a cell and put on the floor. I was still on the stretcher, dressed only in my skivvies, with a blanket over me.

For the next three or four days, I lapsed from consciousness to unconsciousness. During this time, I was taken out to interrogation—which we called a "quiz"—several times. That's when I was hit with all sorts of war-criminal charges. This started on the first day. I refused to give them anything except my name, rank, serial number and date of birth. They beat me around a little bit. I was in such bad shape that when they hit me it would knock me unconscious. They kept saying, "You will not receive any medical treatment until you talk."

I didn't believe this. I thought that if I just held out, that they'd take me to the hospital. I was fed small amounts of food by the guard and also allowed to drink some water. I was able to hold the water down, but I kept vomiting the food.

They wanted military rather than political information at this time. Every time they asked me something, I'd just give my name, rank and serial number and date of birth.

I think it was on the fourth day that two guards came in, instead of one. One of them pulled back the blanket to show the other guard my injury. I looked at my knee. It was about the size, shape and color of a football. I remembered that when I was a flying instructor a fellow had ejected from his plane and broken his thigh. He had gone into shock, the blood had pooled in his leg, and he died, which came as quite a surprise to us—a man dying of a broken leg. Then I realized that a very similar thing was happening to me.

When I saw it, I said to the guard, "O.K., get the officer." An officer came in after a few minutes. It was the man that we came to know very well as "The Bug." He was a psychotic torturer, one of the worst fiends that we had to deal with. I said, "O.K., I'll give you military information if you will take me to the hospital." He left and came back with a doctor, a guy that we called "Zorba," who was completely incompetent. He squatted down, took my pulse. He did not speak English, but shook his head and jabbered to "The Bug." I asked, "Are you going to take me to the hospital?" "The Bug" replied, "It's too late." I said, "If you take me to the hospital, I'll get well."

"Zorba" took my pulse again, and repeated, "It's too late." They got up and left, and I lapsed into unconsciousness.

Sometime later, "The Bug" came rushing into the room, shouting, "Your father is a big admiral; now we take you to the hospital."

I tell the story to make this point: There were hardly any amputees among the prisoners who came back because the North Vietnamese just would not give medical treatment to someone who was badly injured—they weren't going to waste their time. For one thing, in the transition from the kind of life we lead in America to the filth and dirt and infection, it would be very difficult for a guy to live anyway. In fact, my treatment in the hospital almost killed me.

I woke up a couple of times in the next three or four days. Plasma and blood were being put into me. I became fairly lucid. I was in a room which was not particularly small—about 15 by 15 feet—but it was filthy dirty and at a lower level, so that every time it rained, there'd be about a half inch to an inch of water on the floor. I was not washed once while I was in the hospital. I almost never saw a doctor or a nurse. Doctors came in a couple of times to look at me. They spoke French, not English.

For a guard, I was assigned a 16-year-old kid—right out of the rice fields. His favorite pastime was to sit by my bed and read a book that had a picture in it of an old man with a rifle in his hand sitting on a fuselage of an F-105 which had been shot down. He would point to himself, and slap me and hit me. He had a lot of fun that way. He fed me because both my arms were broken. He would come in with a cup that had noodles and some gristle in it, and fill a spoon and put it in my mouth. The gristle was very hard to chew. I'd get my mouth full after three or four spoonfuls, and I'd be chewing away on it. I couldn't take any more in my mouth, so he'd just eat the rest himself. I was getting about three or four spoonfuls of food twice a day. It got so that I didn't give a damn—even though I tried as hard as I could to get enough to eat.

After I had been there about 10 days, a "gook"—which is what we called the North Vietnamese—came in one morning. This man spoke English very well. He asked me how I was, and said, "We have a Frenchman who is here in Hanoi visiting, and he would like to take a message back to your family." Being a little naive at the time—you get smarter as you go along with these people—I figured this wasn't a bad deal at all, if this guy would come to see me and go back and tell my family that I was alive.

I didn't know at the time that my name had been released in a rather big propaganda splash by the North Vietnamese, and that they were very happy to have captured me. They told a number of my friends when I was captured, "We have the crown prince," which was somewhat amusing to me.

### "IT LOOKED TO MANY AS IF I HAD BEEN DRUGGED"

They told me that the Frenchman would visit me that evening. About noon, I was put in a rolling stretcher and taken to a treatment room where they tried to put a cast on my right arm. They had great difficulty putting the bones together, because my arm was broken in three places and there were two floating bones. I watched the guy try to manipulate it for about an hour and a half trying to get all the bones lined up. This was without benefit of Novocain. It was an extremely painful experience, and I passed out a number of times. He finally just gave up and slapped a chest cast on me. This experience was very fatiguing, and was the reason why later, when some TV film was taken, it looked to many people as if I had been drugged.

When this was over, they took me into a big room with a nice white bed. I thought, "Boy, things are really looking up." My guard said, "Now you're going to be in your new room."

About an hour later in came a guy called "The Cat." I found out later that he was the man who up until late 1969 was in charge of all the POW camps in Hanoi. He was a rather dapper sort, one of the petty intelligentsia that run North Vietnam. He was from the political bureau of the Vietnamese Workers Party.

The first thing he did was show me Col. John Flynn's identification card—now Gen. John Flynn—who was our senior officer. He was shot down the same day I was. "The Cat" said—through an interpreter, as he was not speaking English at this time—"The French television man is coming in." I said, "Well, I don't think I want to be filmed," whereupon, he announced, "You need two operations, and if you don't talk to him, then we will take your chest cast off and you won't get any operation." He said, "You will say that you're grateful to the Vietnamese people, and that you're sorry for your crimes." I told him I wouldn't do that.

Finally, the Frenchman came in, a man named Chalais—a Communist, as I found out later—with two photographers. He asked me about my treatment and I told him it was satisfactory. "The Cat" and "Chihuahua," another interrogrator, were in the background telling me to say that I was grateful for lenient and humane treatment. I refused, and when they pressed me, Chalais said, "I think what he told me is sufficient."

Then he asked if I had a message for my family. I told him to assure my wife and others of my family that I was getting well and that I loved them. Again, in the background, "The Cat" insisted that I add something about hoping that the war would be over soon so that I could go home. Chalais shut him up very firmly by saying that he was satisfied with my answer. He helped me out of a difficult spot.

Chalais was from Paris. My wife later went to see him and he gave her a copy of the film, which was shown on CBS television in the U.S."

As soon as he left, they put me on the cart and took me back to my old dirty room.

After that, many visitors came to talk to me. Not all of it was for interrogation. Once a famous North Vietnamese writer—an old man with a Ho Chi Minh beard—came to my room, wanting to know all about Ernest Hemingway. I hold him that Ernest Hemingway was violent anti-Communist. It gave him something to think about.

Others came in to find out about life in the United States. They figured because my father had such high military rank that I was of the royalty or the governing circle. They have no idea of the way our democracy functions.

One of the men who came to see me, whose picture I recognized later, was Gen. Vo Niguyen Giap, the hero if Dienbienphu. He came to see what I looked like, saying nothing. He is the Minister of Defense, and also on North Vietam's ruling Central Committee.

After about two weeks, I was given an operation on my leg which was filmed. They never did anything for by broken left arm. It healed by itself. They said I needed two operations on my leg, but because I had a "bad attitude" they wouldn't give me another one. What kind of job they did on my leg, I do not know. Now that I'm back, an orthopedic surgeon is going to cut in and see. He has already told me that they made the incision wrong and cut all the ligaments on one side.

I was in the hospital about six weeks, then was taken to a camp in Hanoi that we called "The Plantation." This was in late December, 1967. I was put in a cell with two other men, George Day and Norris Overly, both Air Force majors. I was on a stretcher, my leg was stiff and I was still in a chest cast that I kept for about two months. I was down to about 100 pounds from my normal weight of 155.

I was told later on by Major Day that they didn't expect me to live a week. I was unable to sit up. I was sleeping about 18 hours, 20 hours a day. They had to do everything for me. They were allowed to get a bucket of water and wash me off occasionally. They fed me and took fine care of me, and I recovered very rapidly.

We moved to another room just after Christmas. In early February, 1968, Overly was taken out of our room and released, along with David Matheny and John Black. They were the first three POW's to be released by the North Vietnamese. I understand they had instructions, once home, to say nothing about treatment, so as not to jeopardize those of us still in captivity.

That left Day and me alone together. He was rather bunged up himself—a bad right arm, which he still has. He had escaped after he had been captured down South and was shot when they recaptured him. As soon as I was able to walk, which was in March of 1968, Day was moved out.

I remained in solitary confinement from that time on for more than two years. I was not allowed to see or talk to or communicate with any of my fellow prisoners. My room was fairly decent-sized—I'd say it was about 10 by 10. The door was solid. There were no windows. The only ventilation came from two small holes at the top in the ceiling, about 6 inches by 4 inches. The roof was tin and it got hot as hell in there. The room was kind of dim—night and day—but they always kept on a small light bulb, so they could observe me. I was in that place for two years.

### COMMUNICATION WAS VITAL FOR SURVIVAL

As far as this business of solitary confinement goes—the most important thing for survival is communication with someone, even if it's only a wave or a wink, a tap on the wall, or to have a guy put his thumb up. It makes all the difference.

It's vital to keep your mind occupied, and we all worked on that. Some guys were interested in mathematics, so they worked out complex formulas in their heads—we were never allowed to have writing materials. Others would build a whole house, from basement on up. I have more of a philosophical bent. I had read a lot of history. I spent days on end going back over those history books in my mind, figuring out where this country or that country went wrong, what the U. S. should do in the area of foreign affairs. I thought a lot about the meaning of life.

It was easy to lapse into fantasies. I used to write books and plays in my mind, but I doubt that any of them would have been above the level of the cheapest dime novel.

People have asked me how we could remember detailed things like the tap code, numbers, names, all sorts of things. The fact is, when you don't have anything else to think about, no outside distractions, it's easy. Since I've been back, it's very hard for me to remember simple things, like the name of someone I've just met.

During one period while I was in solitary, I memorized the names of all 335 of the men who were then prisoners of war in North Vietnam. I can still remember them.

One thing you have to fight is worry. It's easy to get uptight about your physical condition. One time I had a hell of a hemorrhoid and I stewed about it for about three days. Finally, I said, "Look, McCain, you've never known of a single guy who died of a hemorrhoid." So I just ignored it as best I could, and after a few months it went away.

The story of Ernie Brace illustrates how vital communication was to us. While I was in the prison we called "The Plantation" in October, 1968, there was a room behind me. I heard some noise in there so I started tapping on the wall. Our call-up sign was the old "shave and a haircut," and then the other guy would come back with the two taps, "six bits."

For two weeks I got no answer, but finally, back came the two taps. I started tapping out the alphabet—one tap for "a," two for "b," and so on. Then I said, "Put your ear to the wall." I finally got him up on the wall and by putting my cup against it, I could talk through it and make him hear me. I gave him the tap code and other information. He gave me his name—Ernie Brace. About that time, the guard came around and I told Ernie, "O.K., I'll call you tomorrow."

It took me several days to get him back up on the wall again. When I finally did, all he could say was "I'm Ernie Brace," and then he'd start sobbing. After about two days he was able to control his emotions, and within a week this guy was tapping and communicating and dropping notes, and from then on he did a truly outstanding job.

Ernie was a civilian pilot who was shot down over Laos. He had just come from 3½ years' living in a bamboo cage in the jungle with his feet in stocks, and an iron collar around his neck with a rope tied to it. He had nearly lost use of his legs. He escaped three times, and after the third time he was buried in the ground up to his neck.

In those days—still in 1968—we were allowed to bathe every other day, supposedly. But in this camp they had a water problem, and sometimes we'd go for two or three weeks, a month without a bath. I had a real rat for a turnkey who usually would take me out last. The bath was a sort of a stall-like affair that had a concrete tub. After everyone else had bathed, there usually was no water left. So I'd stand there for my allotted five minutes and then he'd take me back to my room.

For toilet facilities, I had a bucket with a lid that didn't fit. It was emptied daily; they'd have somebody else carry it, because I walked so badly.

From the time that Overly and Day left me—Overly left in February of 1968, Day left in March—my treatment was basically good. I would get caught communicating, talking to guys through the wall, tapping—that kind of stuff, and they'd just say, "Tsk, tsk; no, no." Really, I thought things were not too bad.

Then, about June 15, 1968, I was taken up one night to the interrogation room. "The Cat" and another man that we called "The Rabbit" were there. "The Rabbit" spoke very good English.

"The Cat" was the commander of all the camps at that time. He was making believe he didn't speak English, although it was obvious to me, after some conversation, that he did, because he was asking questions or talking before "The Rabbit" translated what I had said.

The Oriental, as you may know, likes to beat around the bush quite a bit. The first night we sat there and "The Cat" talked to me for about two hours. I didn't know what he was driving at. He told me that he had run the French POW camps in the early 1950s and that he had released a couple of guys, and that he had seen them just recently and they had thanked him for his kindness. He said that Overly had gone home "with honor."

### THEY TOLD ME I'D NEVER GO HOME

I really didn't know what to think, because I had been having these other interrogations in which I had refused to co-operate. It was not hard because they were not torturing me at this time. They just told me I'd never go home and I was going to be tried as a war criminal. That was their constant theme for many months.

Suddenly "The Cat" said to me, "Do you want to go home?"

I was astonished, and I tell you frankly that I said that I would have to think about it. I went to my room, and I thought about it for a long time. At this time I did not have communication with the camp senior ranking officer, so I could get no advice. I was worried whether I could stay alive or not, because I was in rather bad condition. I had been hit with a severe case of dysentery, which kept on for about a year and a half. I was losing weight again.

But I knew that the Code of Conduct says, "You will not accept parole or amnesty," and that "you will not accept special favors." For somebody to go home earlier is a special favor. There's no other way you can cut it.

I went back to him three nights later. He asked me again, "Do you want to go home?" I told him "No." He wanted to know why, and I told him the reason. I said that Alvarez [first American captured] should go first, then enlisted men and that kind of stuff.

"The Cat" told me that President Lyndon Johnson had ordered me home. He handed me a letter from my wife, in which she had said, "I wished that you had been one of those three who got to come home." Of course, she had no way to understand the ramifications of this. "The Cat" said that the doctors had told him that I could not live unless I got medical treatment in the United States.

We went through this routine and still I told him "No." Three nights later we went through it all over again. On the morning of the Fourth of July, 1968, which happened to be the same day that my father took over as commander in chief of U.S. Forces in the Pacific, I was led into another quiz room.

"The Rabbit" and "The Cat" were sitting there. I walked in and sat down, and "The Rabbit" said, "Our senior officer wants to know your final answer."

"My final answer is the same. It's 'No.'"

"That is your final answer?"

"That is my final answer."

With this "The Cat," who was sitting there with a pile of papers in front of him and a pen in his hand, broke the pen in two. Ink spurted all over. He stood up, knocked the chair over behind him, and said, "They taught you too well. They taught you too well"—in perfect English, I might add. He turned, went out and slammed the door, leaving "The Rabbit" and me sitting there. "The Rabbit" said, "Now, McCain, it will be very bad for you. Go back to your room."

What they wanted, of course, was to send me home at the same time that my father took over as commander in chief in the Pacific. This would have made them look very humane in releasing the injured son of a top U.S. officer. It would also have given them a great lever against my fellow prisoners, because the North Vietnamese were always putting this "class" business on us. They could have said to the others, "Look you poor devils, the son of the man who is running the war has gone home and left you here. No one cares about you ordinary fellows." I was determined at all times to prevent any exploitation of my father and my family.

There was another consideration for me. Even though I was told I would not have to sign any statements or confessions before I went home, I didn't believe them. They would have got me right up to that airplane and said, "Now just sign this little statement." At that point, I doubt that I could have resisted, even though I felt very strong at the time.

But the primary thing I considered was that I had no right to go ahead of men like Alvarez, who had been there three years before I "got killed"—that's what we used to say instead of "before I got shot down," because in a way becoming a prisoner in North Vietnam was like being killed.

About a month and a half later, when the three men who were selected for release had reached America, I was set up for some very severe treatment which lasted for the next year and a half.

One night the guards came to my room and said, "The camp commander wants to see you." This man was a particularly idiotic individual. We called him "Slopehead."

One thing I should mention here: The camps were set up very similar to their Army. They had a camp commander, who was a military man, basically in charge of the maintenance of the camp, the food, etc. Then they had what they called a staff officer—

actually a political officer—who was in charge of the interrogations, and provided the propaganda heard on the radio.

We also had a guy in our camp whom we named "The Soft-Soap Fairy." He was from an important family in North Vietnam. He wore a fancy uniform and was a real sharp cookie, with a dominant position in this camp. "The Soft-Soap Fairy," who was somewhat effeminate, was the nice guy, and the camp commander—"Slopehead"—was the bad guy. "Old "Soft-Soap" would always come in whenever anything went wrong and say, "Oh, I didn't know they did this to you. All you had to do was co-operate and everything would have been O.K."

To get back to the story: They took me out of my room to "Slopehead," who said, "You have violated all the camp regulations. You're a black criminal. You must confess your crimes." I said that I wouldn't do that, and he asked, "Why are you so disrespectful of guards?" I answered, "Because the guards treat me like an animal."

When I said that, the guards, who were all in the room—about 10 of them—really laid into me. They bounced me from pillar to post kicking and laughing and scratching. After a few hours of that, ropes were put on me and I sat that night bound with ropes. Then I was taken to a small room. For punishment they would almost always take you to another room where you didn't have a mosquito net or a bed or any clothes. For the next four days, I was beaten every two to three hours by different guards. My left arm was broken again and my ribs were cracked.

They wanted a statement saying that I was sorry for the crimes that I had committed against North Vietnamese people and that I was grateful for the treatment that I had received from them. This was the paradox—so many guys were so mistreated to get them to say they were grateful. But this is the Communist way.

I held out for four days. Finally, I reached the lowest point of my 5½ years in North Vietnam. I was at the point of suicide, because I saw that I was reaching the end of my rope.

I said, O.K., I'll write for them.

They took me up into one of the interrogation rooms, and for the next 12 hours we wrote and rewrote. The North Vietnamese interrogator, who was pretty stupid, wrote the final confession, and I signed it. It was in their language, and spoke about black crimes, and other generalities. It was unacceptable to them. But I felt just terrible about it. I kept saying to myself, "Oh, God, I really didn't have any choice." I had learned what we all learned over there: Every man has his breaking point. I had reached mine.

Then the "gooks" made a very serious mistake, because they let me go back and rest for a couple of weeks. They usually didn't do that with guys when they had them really busted. I think it concerned them that my arm was broken, and they had messed up my leg. I had been reduced to an animal during this period of beating and torture. My arm was so painful I couldn't get up off the floor. With the dysentery, it was a very unpleasant time.

Thank God they let me rest for a couple of weeks. Then they called me up again and wanted something else. I don't remember what it was now—it was some kind of statement. This time I was able to resist. I was able to carry on. They couldn't "bust" me again.

### PRAYER: I WAS SUSTAINED IN TIMES OF TRIAL

I was finding that prayer helped. It wasn't a question of asking for superhuman strength or for God to strike the North Vietnamese dead. It was asking for moral and physical courage, for guidance and wisdom to do the right thing. I asked for comfort when I was in pain, and sometimes I received relief. I was sustained in many times of trial.

When the pressure was on, you seemed to go one way or the other. Either it was easier for them to break you the next time, or it was harder. In other words, if you are going to make it, you get tougher as time goes by. Part of it is just a transition from our way of life to that way of life. But you get to hate them so bad that it gives you strength.

Now I don't hate them any more—not these particular guys. I hate and despise the leaders. Some guards would just come in and do their job. When they were told to beat you they would come in and do it. Some seemed to get a big bang out of it. A lot of them were homosexual, although never toward us. Some, who were pretty damned sadistic, seemed to get a big thrill out of the beatings.

From that time on it was one round of rough treatment followed by another. Sometimes I got it three or four times a week. Sometimes I'd be off the hook for a few weeks. A lot of it was my own doing, because they realized far better than we did at first the value of communicating with our fellow Americans. When they caught us communicating, they'd take severe reprisals. I was caught a lot of times. One reason was because I'm not too smart, and the other reason was because I lived alone. If you live with somebody else you have somebody helping you out, helping you survive.

But I was never going to stop. Communication with your fellow prisoners was of the utmost value—the difference between being able to resist and not being able to resist. You may get some argument from other prisoners on that. A lot depends on the individual. Some men are much more self-sufficient than others.

Communication primarily served to keep up morale. We would risk getting beat up just to tell a man that one of his friends had gotten a letter from home. But it was also valuable to establish a chain of command in our camps, so our senior officers could give us advice and guidance.

So this was a period of repeated, severe treatment. It lasted until around October of '69. They wanted me to see delegations. There were antiwar groups coming into Hanoi, a lot of foreigners—Cubans, Russians. I don't think we had too many American "peaceniks" that early, although within the next year it got much greater. I refused to see any of them. The propaganda value to them would have been too great, with my dad as commander in the Pacific.

David Dellinger came over. Tom Hayden came over. Three groups of released prisoners, in fact, were let out in custody of the "peace groups." The first ones released went home with one of the Berrigan brothers. The next peace group was a whole crew. One of them was James Johnson, one of the Fort Hood Three. The wife of the "Ramparts" magazine editor and Rennie Davis were along. Altogether, I think about eight or nine of them were in that outfit. Then a third group followed.

The North Vietnamese wanted me to meet with all of them, but I was able to avoid it. A lot of times you couldn't face them down, so you had to try to get around them. "Face" is a big thing with these people, you know, and if you could get around them so that they could save face, then it was a lot easier.

For example, they would beat the hell out of me and say I was going to see a delegation. I'd respond that, O.K., I'd see a delegation, but I would not say anything against my country and I would not say anything about my treatment, and if asked, I'd tell them the truth about the condition I was kept under. They went back and conferred on that, and then would say, "You have agreed to see a delegation, so we will take you." But they never took me, you see.

One time, they wanted me to write a message to my fellow prisoners at Christmas. I wrote down:

"To my friends in the camp who I have not been allowed to see or speak to, I hope that your families are well and happy, and I hope that you will be able to write and receive letters in accordance with the Geneva Convention of 1949 which has not been allowed to you by our captors. And may God bless you."

They took it but, of course, it was never published. In other words, sometimes it was better to write something that was laudatory to your Government or against them than say, "I won't write at all"—because a lot of times it had to go up through channels, and sometimes you could buy time this way.

### HOW DICK STRATTON WAS "REALLY WRUNG OUT"

At this point I want to tell you the story of Capt. Dick Stratton. He was shot down in May of 1967, when the American peace groups were claiming that the United States was bombing Hanoi. We were not at that time.

Dick was shot down well outside of Hanoi, but they wanted a confession at the time an American reporter was over there. That was in the spring and summer of '67—remember those stories that came back, very sensational stories about the American bomb damage?

"The Rabbit" and the others worked on Dick Stratton very hard. He's got huge rope scars on his arms where they were infected. They really wrung him out, because they were going to get a confession that he had bombed Hanoi—this was to be living proof. They also peeled his thumbnails back and burned him with cigarettes.

Dick reached the point where he couldn't say "No." But when they got him to the press conference, he pulled this bowing act on them—be bowed 90 degrees in this direction, he bowed 90 degrees in that direction—four quadrants. This was not too wild to the "gooks," because they're used to the bowing thing. But any American who sees a picture of another American bowing to the waist every turn for 90 degrees knows that there's something wrong with the guy, that something has happened to him. That's why Dick did what he did. After that they continued to keep pressure on him to say he wasn't tortured. They tortured him to say that he wasn't tortured. It gets to be a bad merry-go-round to be on.

Dick made some very strong statements at his press conference here in the States a few weeks ago. He said he wanted the North Vietnamese charged with war crimes. He's a fine man. He and I were at "The Plantation" together for a long time, and he did a very fine job there. He's an outstanding naval officer, a very dedicated American, and a deeply religious man.

I think a great deal of Dick Stratton. He just was very, very unfortunate in getting the worst that the "gooks" could dish out.

We had a particularly bad spring and summer in 1969 because there had been an escape at one of the other camps. Our guys carried out a well-prepared plan but were caught. They were Ed Atterberry and John Dramesi. Atterberry was beaten to death after the escape.

There's no question about it: Dramesi saw Atterberry taken into a room and heard the beating start. Atterberry never came out. Dramesi, if he wasn't such a tough cookie, would probably have been killed, too. He's probably one of the toughest guys I've ever met—from south Philly. His old man was a pro boxer, and he was a wrestler in college.

The reprisals took place all through the other camps. They started torturing us for our escape plans. The food got worse. The room inspections became very severe. You couldn't have anything in your room—nothing. For example, they used to give us, once in a while, a little vial of iodine because many of us had boils. Now they wouldn't let us have it because Dramesi and Atterberry had used iodine to darken their skin before they tried to escape, so they would look like Vietnamese.

That summer, from May to about September at our camp, twice a day for six days a week, all we had was pumpkin soup and bread. That's a pretty rough diet—first, because you get awfully damn tired of pumpkin soup, but also because it doesn't have any real nutritional value. The only thing that could keep any weight on you was the bread, which was full of lumps of soggy flour.

On Sunday we got what we called sweet bean soup. They would take some small beans and throw them in a pot with a lot of sugar and cook it up, with no meat whatsoever. A lot of us became thin and emaciated.

I had the singular misfortune to get caught communicating four times in the month of May of 1969. They had a punishment room right across the courtyard from my cell, and I ended up spending a lot of time over there.

It was also in May, 1969, that they wanted me to write—as I remember—a letter to U.S. pilots who were flying over North Vietnam asking them not to do it. I was being forced to stand up continuously—sometimes they'd make you stand up or sit on a stool for a long period of time. I'd stood up for a couple of days, with a respite only because one of the guards—the only real human being that I ever met over there—let me lie down for a couple of hours while he was on watch the middle of one night.

One of the strategies we worked out was not to let them make you break yourself. If you get tired of standing, just sit down—make them force you up. So I sat down, and this little guard who was a particularly hateful man came in and jumped up and down on my knee. After this I had to go back on a crutch for the next year and a half.

That was a long, difficult summer. Then suddenly, in October, 1969, there were drastic changes around the camp. The torture stopped. "The Soft-Soap Fairy" came to my room one day and told me that I would get a roommate. The food improved greatly and we started getting extra rations. The guards seemed almost friendly. For example, I had a turnkey who used to just bash me around for drill. The door would open—and he'd come in and start slugging me. They stopped that kind of thing. I attribute all this directly to the propaganda effort that was directed by the Administration and the people in the United States in 1969.

My younger brother, Joe, was very active in the National League of Families of American Prisoners of War and Missing in Action in Southeast Asia. That was the umbrella for all the POW family groups. So he has filled me in on why the North Vietnamese attitude toward the American prisoners changed, and given me this information:

As the bombing of the North picked up in 1965, 1966, Hanoi made its first propaganda display by parading beaten, subjugated American pilots through the streets. To their surpise, the press reaction around the world was generally negative.

Next, the North Vietnamese tried the tactic of forcing Cdr. Dick Stratton to appear and apologize for war crimes. But he had obviously been mistreated, and was doing this only under extreme duress. That backfired, too. They followed this by releasing two groups of three POW's in February and October, 1968. These men had been there less than six months and had suffered no significant weight loss and were in pretty good shape.

Until the Nixon Administration came to office in 1969, the Government back home had taken the attitude: "Don't talk about the prisoner-of-war situation lest you hurt the Americans still over there." Secretary of Defense Melvin Laird, early in 1969, went over to the peace talks with the North Vietnamese and Viet Cong in Paris. [Talks had begun under President Johnson late in 1968.] Laird took pictures of severely beaten men, such as Frishman, Stratton, Hegdahl—all of whom had suffered extreme weight loss. He got the photos through foreign news services. He told the North Vietnamese: "The Geneva Convention says that you shall release all sick wounded prisoners. These men are sick and wounded. Why aren't they released?"

In August, 1969, Hanoi let Frishman come home. He had no elbow—just a limp rubbery arm—and he had lost 65 pounds. Hegdahl came out and had lost 75 pounds. Also released was Wes Rumbull, who was in a body cast because of a broken back.

Frishman was allowed to hold a press conference and spilled out the details of torture and maltreatment. Headlines appeared all over the world, and from then on, starting in the fall of 1969, the treatment began to improve. We think this was directly attributable to the fact that Frishman was living proof of the mistreatment of Americans.

I'm proud of the part Joe and my wife, Carol, played here at home. The temptation for the wives, as the year went by, was to say, "God, I want them home under any circumstances." When Carol was pressed to take this line, her answer was, "just to get him home is not enough for me, and it's not enough for John—I want him to come home standing up."

I received very few letters from Carol. I got three in the first four months after I was shot down. The "gooks" let me have only one during the last four years I was there. I received my first package in May of 1969. After that, they let me have approximately one a year.

The reason I got so little mail was that Carol insisted on using the channels provided by the Geneva Convention for treatment of prisoners of war. She refused to send things through the Committee for Liaison with Families run by the antiwar group.

This brings me to something that I want to discuss in more detail.

As you may know, back in 1954, the North Vietnamese had a big hand in toppling the French Government in Paris because the French voters had no more stomach for the Vietnam war their Government was waging at the time. That was the way the North Vietnamese won in 1954—they didn't win in Vietnam.

The French agreed to pull out of Indo-China with no questions asked when they signed the agreement. As a result, they got back just one third of their POW's.

I'm convinced that Hanoi hoped to win in our case by undermining morale among the people at home in America. They had to marshal world opinion on their side. I remember in 1968 or '69 [North Vietnam Premier] Pham Van Dong's speech to the National Assembly, because we were blasted with these things on the loud-speakers. The title of his address was, "The Whole World Supports Us," not, "We Have Defeated the U.S. Aggressors," or anything like that.

In 1969, after the three guys who were released went back to the U.S. and told about the brutality in the POW camps, President Nixon gave the green light to publicizing this fact. It brought a drastic change in our treatment. And I thank God for it, because if it hadn't been for that a lot of us would never have returned.

Just one small example of the way things improved: Over my door were some bars, covered by a wooden board to keep me from seeing out, and to block ventilation. One night, around the end of September, 1969, "Slopehead," the camp commander himself, came around and pulled this thing off, so that I could have some ventilation. I couldn't believe it. Every night from then on they pulled that transom so I could get some ventilation. We started bathing more often. It was all very amazing.

In December of 1969 I was moved from "The Pentagon" over to "Las Vegas," "Las Vegas" was a small area of Hoala Prison which was built by the French in 1945. It was known as the "Hanoi Hilton" to Americans. "Heartbreak Hotel" is also there—that's the first place that people were usually taken for their initial interrogation and then funneled out to other camps.

This whole prison is an area of about two city blocks. At "Las Vegas," I was put in a small building of just three rooms called the ""Gold Nugget." We named the buildings after the hotels in Vegas—there was the "Thunderbird," "Stardust," "Riviera," "Gold Nugget" and the "Desert Inn."

I was moved into the "Gold Nugget" and immediately I was able to establish communications with the men around the camp, because the bath area was right out my window, and I could see through cracks in the doors of the bath and we would communicate that way. I stayed in that one, in solitary confinement, until March of 1970.

There was pressure to see American antiwar delegations, which seemed to increase as the time went on. But there wasn't any torture. In January of 1970, I was taken to a quiz with "The Cat." He told me that he wanted me to see a foreign guest. I told him what I had always told him before: that I would see the visitor, but I would not say anything against my country, and if I was asked about my treatment I would tell them how harsh it was. Much to my shock and surprise he said, "Fine, you don't have to say anything." I told him I'd have to think about it. I went back to my room and I asked the senior American officer in our area what his opinion was, and he said he thought that I should go ahead.

So I went to see this visitor who said he was from Spain, but who I later heard was from Cuba. He never asked me any questions about controversial subjects or my treatment or my feelings about the war. I told him I had no remorse about what I did, and that I would do it over again if the same opportunity presented itself. That seemed to make him angry, because he was a sympathizer of the North Vietnamese.

At the time this happened, a photographer came in and took a couple of pictures. I had told "The Cat" that I didn't want any such publicity. So when I came back—the interview lasted about 15, 20 minutes—I told him I wasn't going to see another visitor because he had broken his word. Also at that time Capt. Jeremiah Denton, who was running our camp at that time, established a policy that we should not see any delegations.

In March, I got a roommate, Col. John Finley, Air Force. He and I lived together for approximately two months. A month after he moved in, "The Cat" told me I was going to see another delegation. I refused and was forced to sit on a stool in the "Heartbreak" courtyard area for three days and nights. Then I was sent back to my room.

The pressure continued on us to see antiwar delegations. By early in June I was moved away from Colonel Finley to a room that they called "Calcutta," about 50 yards away from the nearest prisoners. It was 6 feet by 2 feet with no ventilation in it, and it was very, very hot. During the summer I suffered from heat prostration a couple or three times, and dysentery. I was very ill. Washing facilities were nonexistent. My food was cut down to about half rations. Sometimes I'd go for a day or so without eating.

All during this time I was taken out to interrogation and pressured to see the antiwar people. I refused.

Finally I moved in September to another room which was back in the camp but separated from everything else. That was what we called "the Riviera." I stayed in there until December, 1970. I had good communications, because there was a door facing the outside and a kind of louvered window above it. I used to stand up on my bucket and was able to take my toothbrush and flash the code to other prisoners, and they would flash back to me.

In December I moved into "Thunderbird," one of the big buildings with about 15 rooms in it. The communication here was very good. We would tap between rooms. I learned a lot about acoustics. You can tap—if you get the right spot on the wall—and hear a guy four or five rooms away.

Late in December, 1970—about the twentieth, I guess—I was allowed to go out during the day with four other men. On Christmas night we were taken out of our room and moved into the "Camp Unity" area, which was another part of Hoala. We had a big room, where there were about 45 of us, mostly from "Vegas."

There were seven large rooms, usually with a concrete pedestal in the center, where we slept with 45 or 50 guys in each room. We had a total of 335 prisoners at that time. There were four or five guys who were not in good shape that they kept separated from us. The Colonels Flynn, Wynn, Bean and Caddis also were kept separate. They did not move in with us at that time.

Our "den mother" was "The Bug" again, much to our displeasure. He made life very difficult for us. He wouldn't let us have meetings of more than three people at one time. They were afraid we were going to set up political indoctrination. They wouldn't let us have church service. "The Bug" would not recognize our senior officer's rank. This is one thing that they did right up until the end, till the day we left. If they had worked through our seniors, they would have gotten co-operation out of us. This was a big source of irritation all the time.

In March of 1971 the senior officers decided that we would have a showdown over church. This was an important issue for us. It also was a good one to fight them on. We went ahead and held church. The men that were conducting the service were taken out of the room immediately. We began to sing hymns in loud voices and "The Star-Spangled Banner."

The "gooks" thought it was a riot situation. They brought in the ropes and were practicing judo holds and that kind of stuff. After about a week or two they started taking the senior officers out of our room and putting them over in another building.

Later in March they came in and took three or four of us out of every one of the seven rooms until they got 36 of us out. We were put in a camp we called "Skid Row," a punishment camp. We stayed there from March until August, when we came back for about four weeks because of flooding conditions around Hanoi, and then we went back out again until November.

They didn't treat us badly there. The guards had permission to knock us around if we were unruly. However, they did not have permission to start torturing us for propaganda statements. The rooms were very small, about 6 feet by 4 feet, and we were in solitary again. The most unpleasant thing about it was thinking of all our friends living in a big room together. But compared with '69 and before, it was a piece of cake.

The great advantage to living in a big room is that way only a couple or three guys out of the group have to deal with the "gooks." When you're living by yourself, then you've got to deal with them all the time. You always have some fight with them. Maybe you're allowed 15 minutes to bathe, and the "gook" will say in five minutes you've got to go back. So you have an argument with him, and he locks you in your room so you don't get to bathe for a week. But when you're in a big room with others, you can stay out of contact with them and it's a lot more pleasant.

All through this period, the "gooks" were bombarding us with antiwar quotes from people in high places back in Washington. This was the most effective propaganda they had to use against us—speeches and statements by men who were generally respected in the United States.

They used Senator Fulbright a great deal, and Senator Brooke. Ted Kennedy was quoted again and again, as was Averell Harriman. Clark Clifford was another favorite, right after he had been Secretary of Defense under President Johnson.

When Ramsey Clark came over they thought that was a great coup for their cause.

The big furor over release of the Pentagon papers was a tremendous boost for Hanoi. It was advanced as proof of the "black imperialist schemes" that they had been talking about all those years.

In November of 1971 we came back from "Skid Row," and they put us in one of the big rooms again in the main Hoala Prison area. This was "Camp Unity." From that time on we pretty much stayed as a group with some other people who were brought in later. We ended up with about 40 men in there.

In May, 1972, when the U.S. bombing started again in earnest, they moved almost all the junior officers up to a camp near the China border, leaving the senior officers and our group behind. That was when President Nixon announced the resumption of the bombing of North Vietnam and the mining of the ports.

"Dogpatch" was the name of the camp near the border. I think they were afraid that Hanoi would be hit, and with all of us together in one camp one bomb could have wiped us out. At this time, the "gooks" got a little bit rougher. They once took a guy out of our room and beat him up very badly. This man had made a flag on the back of another man's shirt. He was a fine young man by the name of Mike Christian. They just pounded the hell out of him right outside of our room and then carried him a few feet and then pounded him again and pounded him all the way across the courtyard, busted one of his eardrums and busted his ribs. It was to be a lesson for us all.

### I WAS DOWN TO 105 POUNDS

Aside from bad situations now and then, 1971 and 1972 was a sort of coasting period. The reason why you see our men in such good condition today is that the food and everything generally improved. For example, in late '69 I was down to 105, 110 pounds, boils all over me, suffering dysentery. We started getting packages with vitamins in them—about one package a year. We were able to exercise quite a bit in our rooms and managed to get back in a lot better health.

My health has improved radically. In fact, I think I'm in better physical shape than I was when I got shot down. I can do 45 push-ups and a couple hundred sit-ups. Another beautiful thing about exercise: It makes you tired and you can sleep, and when you're asleep you're not there, you know. I used to try to exercise all the time.

Finally came the day I'll never forget—the eighteenth of December, 1972. The whole place exploded when the Christmas bombing ordered by President Nixon began. They hit Hanoi right off the bat.

It was the most spectacular show I'll ever see. By then we had large windows in our rooms. These had been covered with bamboo mats, but in October, 1972, they took them down. We had about a 120-degree view of the sky, and, of course, at night you can see all the flashes. The bombs were dropping so close that the building would shake. The SAM's [surface-to-air missiles] were flying all over and the sirens were whining—it was really a wild scene. When a B–52 would get hit—they're up at more than 30,000 feet—it would light up the whole sky. There would be a red glow that almost made it like daylight, and it would last for a long time, because they'd fall a long way.

We knew at that time that unless something very forceful was done that we were never going to get out of there. We had sat there for 3½ years with no bombing going on—November of '68 to May of '72. We were fully aware that the only way that we were ever going to get out was for our Government to turn the screws on Hanoi.

So we were very happy. We were cheering and hollering. The "gooks" didn't like that at all, but we didn't give a damn about that. It was obvious to us that negotiation was not going to settle the problem. The only reason why the North Vietnamese began negotiating in October, 1972, was because they could read the polls as well as you and I can, and they knew that Nixon was going to have an overwhelming victory in his re-election bid. So they wanted to negotiate a cease-fire before the elections.

### I ADMIRE PRESIDENT NIXON'S COURAGE

I admire President Nixon's courage. There may be criticism of him in certain areas—Watergate, for example. But he had to take the most unpopular decisions that I could imagine—the mining, the blockade, the bombing. I know it was very, very difficult for him to do that, but that was the thing that ended the war. I think the reason he understood this is that he has a long background in dealing with these people. He knows how to use the carrot and the stick. Obviously, his trip to China and the Strategic Arms Limitation Treaty with Russia were based on the fact that we're stronger than the Communists, so they were willing to negotiate. Force is what they understand. And that's why it is difficult for me to understand now, when everybody knows that the bombing finally got a cease-fire agreement, why people are still criticizing his foreign policy—for example, the bombing in Cambodia.

Right after the Communist *Tet* offensive in 1968, the North Vietnamese were riding high. They knew President Johnson was going to stop the bombing before the 1968 elections. "The Soft-Soap Fairy" told me a month before those elections that Johnson was going to stop the bombing.

In May of 1968 I was interviewed by two North Vietnamese generals at separate times. Both of them said to me, in almost these words:

"After we liberate South Vietnam we're going to liberate Cambodia. And after Cambodia we're going to liberate Laos, and after we liberate Laos we're going to liberate Thailand. And after we liberate Thailand we're going to liberate Malaysia, and then Burma. We're going to liberate all of Southeast Asia."

### NORTH VIETNAMESE BELIEVE DOMINO THEORY

They left no doubt in my mind that it was not a question of South Vietnam alone. Some people's favorite game is to refute the "domino theory," but the North Vietnamese themselves never tried to refute it. They believe it. Ho Chi Minh said many, many times, "We are proud to be in the front line of armed struggle between the socialist camp and the U.S. imperialist aggressors." Now, this doesn't mean fighting for nationalism. It doesn't mean fighting for an independent South Vietnam. It means what he said. This is what Communism is all about—armed struggle to overthrow the capitalist countries.

I read a lot of their history. They gave us propaganda books. I learned that Ho Chi Minh was a Stalinist. When Khrushchev denounced Stalin in the late 1950s, Ho Chi Minh did not go along with it. He was not a "peaceful coexistence" Communist.

At this particular juncture, after *Tet* in 1968, they thought they had the war won. They had gotten General Westmoreland [commander of U.S. forces in South Vietnam] fired. They were convinced that they had wrecked Johnson's chances for re-election. And they thought that they had the majority of the American people on their side. That's why these guys were speaking very freely as to what their ambitions were. They were speaking prematurely, because they just misjudged the caliber of President Nixon.

To go back to the December bombing: Initially, the North Vietnamese had a hell of a lot of SAM's on hand. I soon saw a lessening in the SAM activities, meaning they may have used them up. Also, the B–52 bombings, which were mainly right around Hanoi in the first few days, spread out away from the city because, I think, they destroyed all the military targets around Hanoi.

I don't know the number of B–52 crewmen shot down then, because they only took the injured Americans to our camp. The attitude of our men was good. I talked to them the day before we moved out, preparing to go home, when they knew the agreements were going to be signed. I asked one young pilot—class of '70 at West Point—"How did your outfit feel when you were told that the B–52s were going to bomb Hanoi?" He said, "Our morale skyrocketed."

I have heard there was one B–52 pilot who refused to fly the missions during the Christmas bombing. You always run into that kind. When the going gets tough, they find out their conscience is bothering them. I want to say this to anybody in the military: If you don't know what your country is doing, find out. And if you find you don't like what your country is doing, get out before the chips are down.

Once you become a prisoner of war, then you do not have the right to dissent, because what you do will be harming your country. You are no longer speaking as an individual, you are speaking as a member of the armed forces of the United States, and you owe loyalty to the Commander in Chief, not to your own conscience. Some of my fellow prisoners sang a different tune, but they were a very small minority. I ask myself if they should be prosecuted, and I don't find that easy to answer. It might destroy the very fine image that the great majority of us have brought back from that hellhole. Remember, a handful of turncoats after the Korean War made a great majority of Americans think that most of the POW's in that conflict were traitors.

If these men are tried, it should not be because they took an antiwar stance, but because they collaborated with the Vietnamese to an extent, and that was harmful to the other American POW's. And there is this to consider: America will have other wars to fight until the Communists give up their doctrine of violent overthrow of our way of life. These men should bear some censure so that in future wars there won't be a precedent for conduct that hurts this country.

By late January of this year, we knew the end of the war was near. I was moved then to the "Plantation." We were put together in groups by the period when we were shot down. They were getting us ready to return by groups.

By the way—a very interesting thing—after I got back, Henry Kissinger told me that when he was in Hanoi to sign the final agreements, the North Vietnamese offered him one man that he could take back to Washington with him, and that was me. He, of course, refused, and I thanked him very much for that, because I did not want to go out of order. Most guys were betting that I'd be the last guy out—but you never can fathom the "gooks."

It was January 20 when we were moved to the "Plantation." From then on it was very easy—they hardly bothered us. We were allowed out all day in the courtyard, But, typical of them, we had real bad food for about two weeks before we left. Then they gave us a great big meal the night before we went home.

There was no special ceremony when we left the camp. The International Control Commission came in and were permitted to look around the camp. There were a lot of photographers around, but nothing formal. Then we got on the buses and went to Gia Lam Airport. My old friend "The Rabbit" was there. He stood out front and said to us, "When I read your name off, you get on the plane and go home."

That was March 15. Up to that moment, I wouldn't allow myself more than a feeling of cautious hope. We had been peaked up so many times before that I had decided that I wouldn't get excited until I shook hands with an American in uniform. That happened at Gia Lam, and then I knew it was over. There is no way I can describe how I felt as I walked toward that U.S. Air Force plane.

Now that I'm back, I find a lot of handwringing about this country. I don't buy that. I think America today is a better country than the one I left nearly six years ago.

The North Vietnamese gave us very little except bad news about the U.S. We didn't find out about the first successful moon shot [in 1969] until it was mentioned in a speech by George McGovern saying that Nixon could put a man on the moon, but he couldn't put an end to the Vietnam war.

They bombarded us with the news of Martin Luther King's death and the riots that followed. Information like that poured continuously out of the loud-speakers.

I think America is a better country now because we have been through a sort of purging process, a re-evaluation of ourselves. Now I see more of an appreciation of our way of life. There is more patriotism. The flag is all over the place. I hear new values being stressed—the concern for environment is a case in point.

I've received scores of letters from young people, and many of them sent me POW bracelets with my name on it, which they had been wearing. Some were not too sure about the war, but they are strongly patriotic, their values are good, and I think we will find that they are going to grow up to be better Americans than many of us.

This outpouring on behalf of us who were prisoners of war is staggering, and a little embarrassing because basically we feel that we are just average American Navy, Marine and Air Force pilots who got shot down. Anybody else in our place would have performed just as well.

My own plans for the future are to remain in the Navy, if I am able to return to flying status. That depends upon whether the corrective surgery on my arms and my leg is successful. If I have to leave the Navy, I hope to serve the Government in some capacity, preferably in Foreign Service for the State Department.

I had a lot of time to think over there, and came to the conclusion that one of the most important things in life—along with a man's family—is to make some contribution to his country.

---

## U.S. FISHING INDUSTRY

Mr. KENNEDY. Mr. President, on February 6, I introduced six bills and a resolution designed to assist the fishing industry to revitalize itself. As I pointed out at that time, if this Congress does not act to provide Federal assistance for the industry, it will be too late. The resolution which I introduced urges that the U.S. position for the Law of the Sea Conference be adopted immediately to reduce the foreign fishing effort off our coasts.

Once again I urge that Congress act quickly to help this stricken industry. I ask unanimous consent to print in the RECORD an article that appeared in the Washington Post yesterday which sums up the sense of urgency that the fishermen of Massachusetts share—"Most fishermen are talking about lasting 2 or 3 years."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### U.S. FISHERMEN CAUGHT IN THE NETS OF FOREIGN FLEETS

(By Daniel Q. Haney)

GLOUCESTER, MASS.—American fishermen who live off the waters of the North Atlantic say their livelihood may be dead within a few years, the victim of foreign competition.

Haddock, the lifeblood of Boston fishermen, have been all but wiped out by foreign fleets which fish outside the 12-mile international limit. And many other commercial species, including flounder, perch and herring, have been dangerously depleted in the once-rich waters stretching from Cape Hatteras, N.C., to Maine.

Unless the federal government persuades foreigners to take less fish or seizes control of the fishing off its shores, industry people say commercial fishing will cease in the North Atlantic, possibly within three years.

"The foreign fleets are raping our waters," says Jack Donegan, president of a local of the Seafood Workers Union.

"If we don't move by next year, three years from now we're going to be kissing the industry goodbye," Donegan said. "Everyone is saying the same thing—management, labor, scientists and government. We're all in the same boat."

"It's inevitable," said Commissioner Frank Grice of the Massachusetts Division of Marine Fisheries. He predicted that other species will follow the way haddock are headed and become commercially extinct.

"It only take a couple of years of really concentrated effort to do the job," Grice said.

Solutions advanced by state officials and industry spokesmen center on having the federal government extend the international boundary to 200 miles from the coast. If the government won't do that, the local officials want to see at least an American takeover of the supervision and control of North Atlantic fishing.

Neither proposal is likely to win much support in Washington, where officials point to the obvious diplomatic problems such actions would create.

"We anticipate problems with any fishing stock out there—anything that's abundant enough to be economically feasible," Grice said. "They will eventually be exploited."

American fishermen are bitter and blunt about seeing foreigners take over coastal water that 15 years ago were theirs alone.

Congress should have declared control of the East Coast fishing banks 10 years ago, said Tom Powers, mate of the Mary and Joseph, a fishing boat out of Boston. "Fishing is just about done here," said Powers, a 43-year veteran of the seas. "Uncle Sam has tried to be Santa Claus for the world."

Last month, 312 foreign vessels, 190 of them Soviet plied the North Atlantic coast, the National Marine Fisheries Service reports.

The foreign ships fly the flags of about 17 nations. While Americans fish with small trawelers which are no more than 130 feet long, the government-supported Europeans work with fleets of large trawlers that weed their catches to 600-foot factory ships.

"It isn't going to be a very nice situation for Americans as long as they are fishing like that," said Russel T. Norris, regional director of the fisheries service. "It's not a bright future."

The Russians arrived off American shores in 1960, when their vastly expanded fishing fleets moved down from Newfoundland's Grand Banks. They were followed by Europeans and Canadians, most of them in search of herring, fantastically plentiful in the area and virtually untouched by Americans.

In the past 10 years, the herring have been reduced 90 per cent.

The Europeans, with their superior equipment and large processing ships, use a method called pulse fishing.

When an exploratory vessel discovers a school of fish, dozens of trawlers descend on it and fish until it is gone, dumping their catches in the processing ships for quick handling.

Using this method, Soviet fishermen took 180,000 tons of haddock in an 18-month period in 1965 and 1966. Before the Soviets moved in, Boston fishermen were landing about 50,000 tons of haddock a year. This year's domestic catch is expected to be less than 6,000 tons, and the species is considered nearly commercially extinct.

As the fish decline, so does the domestic fishing fleet. Ten years ago, 64 trawlers worked out of Boston. Now there are 29.

The problem has not been lack of demand. "The fish supply has been so overfished by foreign nations that we don't have enough to sell," said Hugh O'Rourke, executive secretary of the Boston Fisheries Association.

"If we had enough, business would be fantastic," O'Rourke said.

"It's like a farmer who has planted the same field for years, and all of a sudden, some other guy comes in and takes over most of the farm," he said.

Spokesmen for the National Marine Fisheries Service say they are depending on private negotiations and controls imposed by the International Commission for the Northwest Atlantic Fisheries to slow fishing so the grounds will be saved.

But industry and state government have little hope for success.

Most members of the 16-nation international commission "are more motivated by fear of the coastal nations (United States and Canada) taking over jurisdiction than by conservation," said Grice. "Their primary interest is to be able to exploit the stocks.

Spencer Apollonio, commissioner of Maine's Department of Sea and Shore Fisheries, said, "The fish species, one way or another, will survive. The question is whether the fishing industry can survive. Most fishermen are talking about lasting two or three years."

Mr. KENNEDY. Mr. President, over the weekend two Japanese fishing vessels were found by the U.S. Coast Guard to have 1,400 lobster pots off the coast of Massachusetts. I ask to insert in the RECORD a copy of my telegram to Ambassador McKernan this morning.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TELEGRAM

Ambassador DONALD D. MCKERNAN,
*Special Assistant to the Secretary,*
*Department of State,*
*Washington, D.C.*

My office has received reports this morning from fishermen in New Bedford that Coast Guard patrols found two Japanese fishing vessels fishing for lobster and crab off New Bedford over the weekend. Their reports indicate that these vessels had at least 1400 lobster pots out. In view of the dwindling lobster catch for American fishermen and in light of your statement last week that there was only "incidental" foreign fishing for lobster off the New England coast, I urge that your office investigate this report immediately and provide some assurances to the fishermen of Massachusetts that such activity will not occur again. Thank you for your personal attention to this matter of grave concern to the fishermen of New England.

## WORDS OF WISDOM

Mr. THURMOND. Mr. President, we live in a society where events occur so rapidly and with so great abandon that our capacity to sort out their true significance is often inadequate. We are inundated with a constant barrage of information—much of which is unpalatable to our sense of honesty and responsibility.

It is sometimes easy to lose perspective as we attempt to disseminate this information. I am sure most of us have, at one time or another, thrown up our hands in disgust.

WSPA Radio and Television in Spartanburg, S.C., recently carried an editorial on this subject and, with great insight, noted that some things remain constant throughout life.

In this regard, I ask unanimous consent that the editorial entitled "Words of Wisdom," which was broadcast May 4, and May 7, on WSPA Radio and Television be printed in the CONGRESSIONAL RECORD at the end of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WORDS OF WISDOM

This is another slow pitch or change of pace editorial.

If we believe the day to day reports of the teletype machines, we are living in an age of violence, an age of cynicism, an age of doubt, an age when man's trust in the eternal verities such as honor, integrity, courage and even love are beggars in the streets.

And yet, we are persuaded, it is not so. The eternal verities are still with us. They are still powerful in our lives.

For our story in illustration we tell of an incident in a sermon by one of our favorite preachers some time ago.

A generation or so ago a medical missionary to China spent most of his life building a small hospital in one of the Chinese provinces. There he ministered to the sick and the needy and did much good. But then civil war broke out and in the fighting the hospital was destroyed. Later, the medical missionary died. It seemed that all he had done had come to naught.

Then one day years later a friend of the missionary passed through the province and went by the site of the destroyed hospital. To his surprise, there was a new hospital, ministering to the sick and the needy. And on the grounds in front was a small monument to the former medical missionary. Beneath his name and the dates of his birth and death were carved these words:

"The winds of hate and the storms of war could not root out the seeds that love had planted. Verily some things endure."

WSPA repeats these words for we too are sometimes a little shaken. These words give us something to hold to, a sort of life preserver, as it were, as we try to stay afloat in the sea of doubt and lack of faith in the eternal verities that we find ourselves in today.

Here they are again: "The winds of hate and the storms of war could not root out the seeds that love had planted. Verily some things endure."

## HEARINGS ON SOCIAL SERVICES

Mr. MONDALE. Mr. President, the Senate Finance Committee, under the leadership of Senator LONG, has conducted hearings during the past 2 weeks on the proposed social services regulations generally, including many of the proposals in S. 1220, the bill I introduced with 43 cosponsors.

These hearings have been extremely useful and very encouraging. The testimony we have heard proves beyond a doubt that the revisions HEW has suggested in the proposed regulations are simply not enough. The new regulations do contain some much needed concessions in areas including privately contributed funds and the reinstatement of the Federal interagency day care standards. But as the committee questioning of Secretary Weinberger last week demonstrated, serious problems remain in areas such as the severe restriction on eligibility for services and limitations on the kinds of services that would be fundable.

These revised regulations retain the administration's proposal to apply—for the first time in the history of the social services program—the assets test which is now applied to recipients of cash assistance under welfare. In Alabama, for example, this would mean that a family would not be eligible for social services if the value of their home exceeded $2,500. In my own State of Minnesota, a family would not be eligible for services if they had personal property—including a car—which totaled more than $500. In short, this assets test would make the revised income eligibility levels meaningless. No potential or past recipients could be served unless they impoverished themselves to the point that they could qualify under the welfare assets test.

In addition, the committee questioning revealed that these regulations contained a "notch" that encourages people to stay on welfare rather than leave it. In every State of the Union, for example, there are income levels at which welfare recipients would qualify for free services, while families with the exact same income who are not receiving welfare would be denied services. This is precisely the kind of upside down incentive we have been trying to get rid of in our programs. It would be a tragic mistake to make our social service programs into another "notch."

A great deal of excellent testimony has been presented by other witnesses appearing this week. Among the most useful testimony was some presented by a panel of representatives from five States. These representatives included Rudy Perpich, our outstanding Lieutenant Governor of Minnesota; Dr. Roger B. Bost, director of the department of social and rehabilitative services of Arkansas; Mr. Fred Friend, commissioner of public welfare, Tennessee; Senator Kennith Myers, of Florida, and Representative Richard Hodes of Florida; and James Jarkham, deputy director of the department of human resources in Georgia.

In response to questioning, each of these gentlemen indicated that HEW's revised regulations mean their States would be able to spend only about 50 percent of the funds they are allotted under $2.5 billion ceiling which was placed on this program last fall. This kind of cutback cannot be permitted. The Congress intended these funds to be spent, and this kind of impoundment by redtape cannot be tolerated.

Because they made many other excellent comments and suggestions, I ask unanimous consent to print a copy of each of their statements at the close of my remarks.

Although considerations of space do not permit me to insert all of the testimony which has been presented, I would also ask unanimous consent that the thoughtful statements by Congresswoman BELLA ABZUG, Congresswoman SHIRLEY CHISHOLM, and Mr. Jule Sugarman, administrator of the human resources administration in New York City, be printed at the end of my remarks.

Mr. President, I am very encouraged by what appears to be the feeling on the part of most of the members of the committee who have been attending these hearings that HEW's revised regulations are still much too regressive. I am especially encouraged by statements that Chairman LONG has made indicating that it is his belief that the entire $2.5 billion authorized for this program should be spent and that States should have the discretion necessary for them to spend these funds on programs they deem necessary.

I want to indicate my strong support for this position. I intend to continue doing everything I can to assure that these vitally needed social services will not be crippled by the restrictive regulations the administration has proposed.

There being no objection, the statements were ordered to be printed in the Record, as follows:

### Statement of the Honorable Rudy Perpich, Lieutenant Governor of the State of Minnesota

Mr. Chairman, members of the committee: I appear here this morning on behalf of the State of Minnesota, to lodge a strenuous protest against the new social services regulations issued by the Department of Health, Education and Welfare on May 1, of this year.

It is my judgment that the following remarks will reflect the concern not only of the State of Minnesota, but also the concern of all states committed to providing their citizens with a high-quality level of social services.

I am certain that the testimony of the other States represented here this morning—Florida, Georgia, Tennessee, and Arkansas—will bear witness to that fact.

We admit that the new HEW regulations represent an improvement over the proposed regulations outlined earlier this year. But this is a rather meager consolation. The concessions made by Secretary Weinberger merely rescind the most obvious inequities of his earlier proposal. Many more and serious inequities remain. The fact is that these new regulations pose a lethal threat to the orderly and effective delivery of social services.

Last October, the Congress imposed a ceiling of $2.5 billion on social services expenditures. Under that ceiling, Minnesota was entitled to about $46 million per year in social services funds. At best, this appropriation would have been sufficient to assure reasonable continuation of our social services programs.

To conform with the new situation, Minnesota prepared itself to keep its social service planning and operation in line with the $46 million expectation.

But suddenly we find that because of the new HEW regulations, there is every likelihood that the use of appropriated Federal money to Minnesota will be limited to a mere $21 million in fiscal 1974.

This new figure represents a decrease of over 54 percent.

We believe that clear congressional intent under P.L. 92–512 allocated to Minnesota this $46 million. But now we discover that we are going to be short changed by nearly $25 million.

This money is being withheld simply because of these new regulations.

Congress appropriated funds under the auspices of regulations in effect during 1972. But once this money was appropriated, HEW decided to change its rules in the middle of the game and has told us that we can no longer spend money for purposes that were previously legitimate.

The present administration has devised many means of circumventing congressional policy when it comes to spending money on vital domestic programs. Now they have a new technique—reliance on regulations so restrictive that programs approved by Congress are placed in mortal danger.

The rash of impoundments present an open and obvious challenge to congressional authority.

But I submit that what we have here is a back-door approach, the effects of which are as damaging as impoundment and much more sinister.

If the Congress permits the administration, in this instance, to get away with issuing regulations so restrictive that it is impossible for states and localities to spend appropriated monies, then I submit, the authority of Congress to decide national policy and set spending priorities has been seriously impaired.

And if the administration is permitted to get by with this kind of behavior now, a precedent will have been set which will be followed quickly with similar restrictive regulations in other areas of Federal-State cooperation.

We believe that the new social service regulations are a test case to determine just how far the executive can go in pursuing its policy of side-stepping the intent of the Congress.

The administration has now unveiled a new plan of operation. We can only hope that Congress accepts the challenge by HEW to rescind its regulations in favor of the previous guidelines.

No one disputes the department's right to establish reasonable procedures to insure that Federal monies are spent wisely and efficiently; we do dispute their right to destroy many valuable and necessary programs by refusing to allow in 1973 what was intended by Congress in 1972.

The gentlemen representing Florida, Georgia, Arkansas, and Tennessee here this morning, will undoubtedly outline the specific effects of the new regulations on their respective social service programs.

Very briefly, I shall outline the impact of these new regulations on Minnesota's very substantial and thus far effective social services programs.

In the first place, the new and restrictive eligibility requirements for previous and potential public assistance recipients strike at the very heart of Minnesota's social service philosophy.

Minnesota does not have an unusually high public assistance case load.

In part this is because we have committed valuable resources to insure that those who have escaped the clutches of the welfare cycle can be free of it permanently.

We believe that it is better to spend a few dollars for needed purposes and programs before an individual falls into the welfare trap. Dollars spent at that point reduce the chances that we will have to spend many, many more dollars sustaining the needs of an individual who ends up on welfare because there were no programs to help him or her make it on their own.

Our people do not like welfare. They are energetic and self-reliant. But economic, mental, and physical hardship are a fact of life in Minnesota, as elsewhere.

We have, therefore, done what is necessary to mitigate these forces to prevent them from destroying an individual's capacity to get and keep a job.

Thousands of people are a step away from welfare in Minnesota. They are trying desperately to keep their head above water before suffering the pain and sorrow that goes with accepting public assistance. For this reason, we are trying to follow a social policy designed to keep these people from going under. If they are a step away from the welfare rolls, we are going to try and insure that they don't have to take that final step.

Apparently, the HEW is oblivious to this kind of positive, preventive thinking.

The new regulations now make it virtually impossible to sustain programs delivering preventive social medicine. We will now be forced to wait until the social disease of poverty has ravaged the patient before administering the medicine. And by that time, the medicine can only keep the patient alive, it won't help him or her conquer the disease.

The new regulations threaten our entire preventive apparatus. We cannot any longer develop the programs that can keep our people off the welfare rolls.

Little or no Federal funds can be used for the direct treatment of alcoholism and drug abuse—a prime cause of joblessness.

Little or no funds from social services appropriations can be used for community based services to the mentally ill, or for treatment of emotional problems of young people through private treatment centers or specialized foster homes.

Minnesota has been a pioneer in the effort to provide community treatment centers for the emotionally and mentally disturbed. We learned long ago that the days of the large institution were numbered and that enlightened practice dictated that confining these unfortunate people to the institutional environment was both inhumane and counter productive. Unfortunately, the HEW leadership hasn't yet heard about the new techniques.

We can no longer use Federal service funds for any kind of information and referral services unless they relate directly to employment; the same is true for legal services, and for medical, social, and psychiatric diagnostic services.

Most distressing of all, perhaps, is the news that we cannot use Federal funds to provide services to potential recipients unless they have used cash resources down to the public assistance level.

This restriction is a blow to our many senior citizens who live just beyond the public assistance level. And, in the same vein we can no longer use Federal funds to provide services to potential recipients unless it can be established that they will be on public assistance within six months.

Even the most hardened case worker or welfare administrator, except those in HEW, will tell you that this provision is too restrictive to head off the need for public assistance.

Minnesota understands the need for thorough watch-dog procedures to insure that Federal social service money is spent to serve only those that require the services. As a matter of fact we are spending millions of dollars to modernize our entire welfare and social service quality control apparatus.

Yet, the new HEW rules imply that the States are virtually giving Federal social service money away on the streets to any and all comers.

This is nonsense. Our people pay a heavy tax burden. They also demand a high level of service for their tax dollars. The State of Minnesota has invested considerable money in developing social service programing, with the emphasis on preventative social medicine. In a matter of months we shall begin to complete a major change in our entire social and human service delivery service program.

Given these factors, we deeply resent the implication contained in the regulations that we have been wasting Federal money because of the scope of our programs.

Let me say finally, that Minnesota has taken considerable initiative in providing high quality social services.

In doing so we have spent many State dollars as well as Federal dollars. During the 1967–69 biennium, for example, Minnesota's general revenue budget was barely one billion dollars per year. But for the 1973–75 biennium we will be spending nearly $3.5 billion, the lion's share of which will be going to finance education and social services.

By the same token, during the past decade the Federal Government has enacted five tax cuts exclusive of the regressive social security tax. But in Minnesota we have found it necessary to enact five tax increases during the past 10 years. This represents vigorous State effort which is supposed to be a pillar of the "new federalism" valued so highly by the President.

We find it curious that the administration ignores such State initiative and effort by refusing to honor more than half of the Federal financial commitment in the area of human and social services.

This is why, Mr. Chairman, we are asking the Congress to intervene in this matter as quickly as possible, before the Department of Health, Education, and Welfare dismantles in a few short months what has taken years to build.

State and local government are on the front line in the battle to keep our citizens off the public assistance rolls. It has taken us a long time to learn and understand the old saying: "A penny's worth of prevention is worth more than a dollar cure."

The HEW leadership does not seem to have learned this yet. Because if they had, they would realize that the previous guidelines fit the needs of social service programming far better than the lethal guidelines and regulations handed down to us on May 1, 1973.

### COMMENTARY ON THE NEW SOCIAL SERVICE REGULATIONS FOR THE ADMINISTRATION OF SOCIAL SERVICE PROGRAMS UNDER TITLES IV-A AND XVI OF THE SOCIAL SECURITY ACT AND THEIR IMPACT ON THE PEOPLE OF GEORGIA

The Social Service Regulations, as published on May 1, upon first reading, appear to give considerable relief for some of the provisions in the proposed federal regulations that provoked such nationwide concern and criticism. Upon careful reading and after receiving interpretation from the Regional HEW staff following their briefing on the application of these regulations, we find that very little relief to states is provided by the final regulations.

Georgia has not had time to analyze in depth the impact of these regulations, but at this time it appears that under these regulations we will not be able to serve the following:

1. 1,833 children of welfare mothers who are in day care centers at the present time. These children are being served now because their mothers or caretakers are not competent to meet their developmental needs. The group learning experience in day care, we believe, can do much to break the "welfare cycle." Under the new regulations we can send into the home a child development worker or a homemaker to help the mother learn how to provide better for the children and to meet their developmental needs. We cannot, however, place these same children in a group day care center because the mother is not incapacitated according to Georgia's AFDC requirements.

We cannot provide day care for a child like the little 5½-year-old boy in Alma, Georgia, who receives AFDC and who lives with his grandmother and 14-year-old sister who has an infant daughter. When he was first brought to the day care center, he was described by the community worker as being much like a wild rabbit. In fact, the first day when he went out to play he ran away. After a period of weeks in the day care center this youngster had learned to adjust to the day care environment almost as well as the other children. Without this kind of care, this child would never have made it in public school.

2. Two children, ages 6 and 8, whose father neglects them and abuses them and their mother regularly when he gets drunk on week-ends. We cannot provide protective services and supervision to improve the care given these children even though his annual income is only $2,400 per year. If placement is needed to protect the children, we cannot use social service funds to provide placement services and supervision of the placement because foster care services are not related to self-support. Even if the father weren't employed, we could not provide services since Georgia does not have financial assistance for unemployed fathers.

Foster care cannot be provided to any children, regardless of financial status, if they are not recipients of financial assistance.

3. A woman, age 83, who receives a small Social Security income and lives with her son, age 66, who is disabled and receives just enough benefits so that he and his mother are not eligible for Old Age Assistance. With homemaker home/health aide service three hours daily, five days per week, we have been able to maintain this woman and her son in the home at a cost of $219.60 per month. Without this service, both these individuals will have to go to a nursing home at a combined cost to the taxpayer of $630 per month plus about $200 additional from their own resources. Under the new regulations, we cannot provide homemaker/home health service to these elderly and disabled persons.

#### REGULATIONS CONCERNING ELIGIBILITY OF PERSONS THAT CAN BE SERVED AS POTENTIAL RECIPIENTS

The eligibility requirements as provided under Section 221.6(c)(3) provide for a very complex and inequitable income standard for determining who can be served in the several states. The regulations concerning eligibility as potential recipients results in an income eligibility for a family of four ranging from $1,746 in Alabama and $1,944 in Louisiana to $6,498 in Michigan and $7,200 in Alaska. The income eligibility requirements are not related to any sort of poverty standard that can be consistently applied throughout the country. As an example of the inequity in those individuals who are eligible for social services through the use of federal funds, a family of four in Louisiana earning $2,000 would not be eligible when in Mississippi, a state with a lower average family income and smaller financial assistance payments, a family earning no more than $4,986 will be eligible for social services.

The payment standard, as stated in the regulations, is clearly discriminatory and, in our judgment, unconstitutional. The Department of Health, Education and Welfare should develop an economic standard for the nation as a whole rather than the hodgepodge discriminatory method that is provided for in the new regulations.

#### *Eligibility costly and time consuming*

The process of determining eligibility of families and children for services as potential recipients under the new regulations is almost as expensive and will take about as much manpower per case as determining eligibility for family assistance through the AFDC program. Georgia is now having difficulty completing the eligibility determinations in AFDC applications within 30 days already, and this eligibility process for services will be almost as time consuming. Furthermore, our social service staff are complaining that we are making clerks out of them when they are interested in providing services to people.

Georgia strongly recommends that HEW develop a national income standard that families in all states must meet in order to be eligible for social services as potential recipients. Providing that states can accept the statement of the individuals concerning income should be sufficient to determine eligibility for services. Following the procedures currently outlined by HEW will require a great share of the manpower now available for social services and will take away scarce resources that could be used for providing needed services.

#### *Services to mentally retarded*

We are pleased that Section 221.6 grandfathers in all services to mentally retarded to those being served on June 30, 1973, through December 31, 1973. There is every indication that on January 1, 1974, the current regulations for social services will also be applied to the mentally retarded. HEW has already made it clear to the states that those mentally retarded individuals needing services on or after July 1, must see the new regulations as all other service programs must do. This means that those mentally retarded needing and requesting services on and after July 1, will be treated quite differently from those who are being served prior to that time.

For example, Jim and Mary Brown have two children—one of which is retarded. Jim's salary is $8,000 which makes him eligible under current regulations for MR services through December 31. The retarded daughter can continue to receive free service in a day care and training center for retarded through December 31 of this year. His neighbor three houses down the street who decides to enroll his mentally retarded son in the same center on July 2, must pay the full cost of care, $2,500 per year, even though his salary is $1,000 less than Jim's. In fact, under the proposed regulations, if Jim's neighbor earns as little as $5,000 per year he would have to pay the full cost of care for his mentally retarded son.

Secretary Weinberger indicated in his testimony to the Committee on May 8, that the regulations would fully carry out the intent of Congress that the six exempted program areas and services would be available to persons other than welfare recipients. Section 221.8 of the regulations, concerning program control and coordination, by omission limits the use of social service funds for foster care to welfare recipients. HEW staff have been emphatically informed by the Washington staff that only those services with a self-support goal will be made available to potential recipients. In other words, states are not allowed to provide to potential recipients protective services including foster care for poor children who are neglected, abused or exploited, or to disabled or elderly persons who may be in physically dangerous living situations or lacking necessary medical care.

The prohibition on the use of social service monies for services that are directed toward self care of individuals will not make it possible for states to use federal funds to work out community-based living plans to get elderly and disabled persons out of institutions and into foster homes, nursing homes, or intermediate care facilities.

Section 221.9(a)(5) of the regulations has the practical effect of preventing states, like Georgia, with a statewide WIN Program, from using federal social service funds for self-support services. At the present time, states are using a considerable amount of their social service funding at a 75–25 match to provide services related to self support prior to the welfare recipient entering into the Work Incentive Program, as provided under the Talmadge Amendments. In some communities, social service staff have found employment for more welfare applicants than Employment Security staff.

Section 221.5 in the new regulations adds legal services to families and adults. Then in the section on definitions of services, legal services are limited to those related to obtaining or retaining employment. Georgia has provided, in close cooperation with the Georgia State Bar, legal services to welfare recipients to assist them with income problems. Through Georgia Indigents Legal Services (GILC) we are helping welfare clients better utilize their limited resources. Under the new regulations, we can no longer do this.

In summary, the final regulations as published by the Department of Health, Education and Welfare are clearly designed to limit expenditures of federal funds already allocated to states by Congress for these purposes. They do not help states provide those support services that will enable persons likely to become welfare recipients to work toward self support and self care. The administrative cost in implementing the new regulations will greatly increase the cost of social services when these limited funds could better be used for direct services to those in need. Congress has acted decisively in placing fiscal controls on the expenditure of social service funds and if these funds were allocated according to the actions of Congress to the several states, with broad general guidelines, the states could set their own priorities and spend a larger proportion of the federal and state funds in direct service delivery, rather than in administrative costs.

HERSCHEL SAUCIER,
*Director, Division of Community Services, Georgia Department of Human Resources.*

COMMENTS ON SOCIAL SERVICES REGULATIONS

(By Roger B. Bost, M.D. Director, Department of Social and Rehabilitative Services, State of Arkansas)

Social Services Regulations released April 26 by Secretary of H.E.W., Caspar Weinberger, are less restrictive than the earlier version, but significantly tighter than those now in effect.

Arkansas' allotment under the $2.5 billion ceiling established by the Congress for Social Services is $23.7 million. Preliminary estimates indicate that the new regulations for Social Services will restrict our optimum utilization to no more than half that amount. This is due primarily to the requirement that 90% of a state's expenditures of federal funds for social services must go for services to current welfare recipients (except for the five "exempted" categories of M.R., day care, family planning, foster care and alcoholism—drug addiction). Even in the exempted categories, the tight restrictions on foster care alcoholism and drug addiction will very effectively prohibit significant support to these critically needed services in Arkansas. In particular, Section 221.9 (b), (8) in conflict with P.L. 92–512, the Revenue Sharing Act, which specifically provides for "services to a child who is under foster care in a foster family home or in a child care institution" as an exempted category. The Regulations omit services to a child in a foster home or foster care institution.

The 90% requirement applying to all other unexempted categories of service (e.g. Mental Health Services, services to youthful offenders and juvenile delinquents, to the aged, physically handicapped, etc., etc.) will limit federal support to services to 8% of this state's total population, i.e. those on public assistance. To imply, as has Secretary Weinberger, that these are the only people in real need, and that the remaining 92% "can afford to pay for them" is manifestly wrong and most assuredly demonstrates the Naitonal Administration's lack of awareness of the critical needs which states and local communities face each day.

The goals of "self-sufficiency and self-support" are worthy and appropriate, however, targeting 90% of federal expenditures to those presently on public assistance largely ignores the critical importance of and potential in *preventing* public dependency, and aiding states and communities in providing alternatives to institutionalization, a form of public dependency (e.g., nursing home and mental hospital care; juvenile training school commitment; etc.). Such programs, particularly for the elderly and disabled with marginal incomes, have high human and cost benefits, but are precluded by the new Regulations which deal only with those eligible for public assistance.

The new Regulations also largely deny support for services within institutions to help individuals of marginal eligibility to return to their homes and communities. Also largely lacking is support for the continuing services required to maintain the independent status of many who have been brought off welfare assistance or out of institutions.

If the aim of the federal government is to decrease the incidence of dependency in this country, then it should provide assistance to state and community programs which are designed not only to *cure* the problem in those who have it, but also to *prevent* its development in those most susceptible to it. The new Regulations, with a few categorical exceptions, will largely nullify the preventive approach, despite its greater potential for effectiveness.

The compelling needs of the unfortunate, whether they be physically or mentally handicapped, deprived, or just poor are appreciated first and foremost by the afflicted individuals and their families. Yet, because these individuals cannot be hidden away, nor their problems eradicated, society ultimately suffers and pays a price if their needs go unmet. In a rural state such as Arkansas, the unfortunate effect of the new Legislation and Regulations will be that too many families will be unable to pay for long term private attention, and too few will be lucky enough to live in areas where community sponsored services are available at cost they can afford.

The family is initially and basically responsible, but in due time society is held accountable and shares not only in the benefits from proper care at the proper time, but, contrariwise, in the ill-effects and the costs of neglect. Thus, serving the unfortunate is not only a private, family responsibility, it is a continuing community problem and a public obligation.

The obligation of the public does not cease at the level of public dependency or welfare. The costs and the extended duration of the needs are often as impossible for middle and low-middle income families to afford as for those on welfare.

The responsibility of the public is no greater for the mentally retarded than for the mentally ill, the aged, the juvenile delinquent or the drug abuser; nor is there justification for limiting public support to child day care services to enable caretaker relatives to work or train, and to declare ineligible those children whose only qualification is that they are victims of deprivation and whose needs for enrichment are critical and essential to their normal development.

Under present Legislation and Regulations, the needs of those in the unexempted categories above the welfare level will not be met by the private sector. Only through partial support of public funds combined with sliding scale fees above welfare for *all* the major types of service and categories of need will equitable and comprehensive benefits be achieved.

Is partial public dependency for services of families above the welfare level limited to the exempted services of day care and family planning, and to the exempted categories of mental retardation, alcoholism, drug addiction and the foster child? If there are other categories of need among public assistance recipients as recognized by the Social Services Amendments and, if there are needs for declining assistance above the level of welfare, as provided by the exemptions, then surely the same needs exist and the same public responsibilities apply among families above welfare with equally serious problems in the unexempted categories. Prolonged mental illness or the presence of a severely handicapped member eventually creates a form of public dependency in most families of less than average income.

In P.L. 92–512, the Congress allocated $2.5 billion to the states for support of social services. Within this ceiling, or even a lower one if that is the desire of Congress, the states should be given the ability to utilize the funds allotted. New Legislation should be enacted and Regulations promulgated to: (1) Eliminate the 90–10 limitation, (2) Provide broad definitions of those to be served and allowable services, (3) Provide 75% federal matching for services to public assistance recipients and to those with family incomes up to 150 percent of a state's welfare payment standard, but taking into account income disregard for welfare recipients with sliding fees for families whose incomes are between 150 and 233⅓ percent of the states welfare payment standard.

These legislative and administrative actions would vest in the states the discretion to identify human service needs and to establish programs designed to meet those needs. As President Nixon said in his message to the Congress on March 1:

"Rather than stifling initiative by trying to direct everything from Washington, Federal efforts should encourage State and local governments to make those decisions and supply those services for which their closeness to the people best qualifies them. In addition, the Federal Government should seek means of encouraging the private sector to address social problems, thereby utilizing the market mechanism to marshall resources behind clearly stated national objectives."

TESTIMONY PRESENTED BY FRED FRIEND, COMMISSIONER OF PUBLIC WELFARE IN TENNESSEE

Mr. Chairman, Members of the Committee, I am most grateful for the opportunity to be able to appear before you and testify for Governor Dunn about an issue which is of vital interest to Tennessee as well as to the nation at large. Governor Dunn is most concerned about the way the Department of Health, Education and Welfare is handling the social service programs.

Governor Dunn supports the President in his present intention to limit federal expenditures generally and understands that limitations upon expenditures in the area of social services and welfare programs must be a part of the overall limitation. He is also completely in agreement with the principle that strict accountability for the cost-effective use of social service funds must be demanded at all levels of involvement.

The State of Tennessee is willing and able to assume the role of primary decision-making in the areas of social service programs, and we sincerely feel that the state agency is the optimum vehicle for planning, implementing, monitoring, and evaluating programs designed to develop human resources and to meet human needs. It is Governor Dunn's personal conviction that, in order to realize to the fullest possible extent the President's desire for a "New Federalism" and to render the maximum in services to the citizens of the nation, a program of special revenue sharing for social services and welfare programs should be designed and implemented as rapidly as possible. Being thus permitted the maximum flexibility in the design and operation of social service programs, the several states then should stand fully accountable for the success of these programs in removing those barriers which prevent families, children, the aged, the blind, and the disabled from attaining the greatest amount of self-sufficiency and/or self-support of which they are capable. It is entirely reasonable to expect that the continuation of such a funding arrangement would be contingent upon the ability of the states to achieve significant, meaningful and measurable results, in harmony with the general provisions of the special revenue sharing program enacted for these purposes.

As you are probably aware, Tennessee has used the "cost-effectiveness" approach in the provision of these services over the period of their existence. During the early debate, we supported the Congressional efforts to place a ceiling on the expenditures of social service funds. One major reason for this action on our part was to obtain a more equitable distribution of these funds among the states. However, with the issuance of the new regulations, we have found that we are being substantially short-changed in what we anticipated to gain from the imposition of the ceiling. It is apparent from the wording and the interpretation of the regulations that the Department of Health, Education and Welfare is substantially reducing the amount of money that is expended for social service programs. It is interesting to note that in the colloquy in both the House and the Senate, in discussing the imposition of the ceiling and the amendment to the revenue sharing act concerning social services, the obvious intent was that a ceiling be imposed but that the states be allowed the continued flexibility in developing programs to provide needed social services.

Let us make clear at the outset that we are not questioning the intent of Congress that services should be primarily for the most needy. What we do question is the fact that in issuing the regulations the Department of Health, Education and Welfare has gone beyond the intent of Congress, and they have, in fact, severely limited the kinds of services which can be provided to both welfare recipients and potential welfare recipients. In addition, it would be my estimate that by reducing the flexibility of the states to provide varying kinds of social services, the Department of Health, Education and Welfare is, in fact, working at cross purposes.

The new regulations have eliminated the bulk of those services which would enable individuals to improve themselves so that they would not have to depend upon public welfare for their existence. The major advantage of the old regulations was the fact that they provided needed flexibility to the states to be able to develop new and innovative programs which could, in fact, begin to reduce the welfare rolls. The new regulations will not only reduce the number of people eligible to receive these services, but will, in fact, do away with many worthwhile programs.

On this point, if I may, I would like to quote a statement of Representative Mills of Arkansas in discussing on the House floor the amendment to the revenue sharing act concerning social services. Mr. Mills stated:

"Let me get the record straight, if I may. We have not changed the definition of 'social services' that are available for those who are recipients of or applicants for welfare."

I think that in the colloquy on both the Senate and the House floors in discussing the amendment this was the intent of Congress. To illustrate further how the new regulations are contrary to the intent of Congress, let me provide you with some specific examples.

First, let me speak to the income standards. As you know, the regulations provide for eligibility to be determined by income, income being defined as 150% of the state's payment standard. In Tennessee we would have no argument with this provision if it were, in fact, 150% of net income; however, as the regulations are being interpreted, this will not be the case. The rule being applied by the Department of Health, Education and Welfare is that applicants for social services must be adjudged in the same manner as applicants for welfare grants. Allow me to give you two specific examples of how this rule will affect Tennessee.

First, a family of four with an income of $300 per month will be eligible for services provided that their other resources, such as, the value of an automobile, do not exceed $1,000, or they do not have insurance of the cash value of above $600. For another example let me cite a family of four with a retarded child in need of day care and an income of $500 per month. They would appear to be eligible for day care provided they pay a fee based on a scale set by the Department of Public Welfare. However, when it is determined that this family has an automobile valued at $800 and $300 in savings, then the family becomes ineligible for day care services for the retarded child.

It is obvious from these examples that the net result of this interpretation will mean that many people who are barely above receiving welfare grants will not be able to receive social services. I do not think that it was the intent of Congress to subject the working poor to the same eligibility standard as those people who are applying for welfare grants. Further, by requiring that assets be considered in determining eligibility for social services, the result will be the elimination of the "potential" category in Tennessee.

The imposition of this rule will force many families to make the difficult choice of either going on the welfare roll or denying their children much needed services. I would also point out that in many cases if a child is denied these needed services, we are assuring his becoming a recipient when he reaches adulthood.

It is obvious in this case that the regulations are, in fact, contradictory to the intent of Congress. Congress has long held that these programs should be used to enable people to be graduated off the welfare rolls. This interpretation will mean that before a person who is presently off the welfare rolls can become eligible for services, he must first place himself upon those rolls.

Now, if I may, I would like to illustrate to you some of the kinds of services and the effects of these services that Tennessee has been providing in the past which under the new regulations will no longer be available to those needy persons. In Tennessee, as in many other states, we have attempted to break the poverty cycle and particularly the welfare cycle through the use of day care programs. We have observed, as I am sure you have, that parents who are long-term recipients of welfare have tended to have children and grandchildren who also become welfare recipients. Day care programs which we have developed in Tennessee under the old social service regulations were designed to strike at the very heart of this problem.

We were attempting and succeeding in breaking this vicious cycle by giving children from very poor environments day care which would enable them to be better able to compete both in school and in society at large. An additional benefit was that the parents of these children were also enabled to begin to be better able to provide for themselves. The use of these day care programs enabled us in Tennessee to keep many families intact which would have otherwise been destroyed because of the internal tensions within the family unit. In many cases, day care was provided so that the parent could receive other services provided through the social service program. Day care was one of the programs to allow the mother to begin to seek training or to receive treatment for various problems such as alcoholism, family planning clinics or mental health and educational services to enable the mother to cope with her family. All of these services except those related to work and training are being eliminated under the new regulations. This is a step backward from the resolution of the problem.

Another exempted service which has been severely restricted by the new regulations is the alcohol and drug services. In Tennessee, where it was determined that treatment for alcoholism or drug addiction was necessary to the rehabilitation of an individual and where this service was not otherwise available, we have provided educational services, half-way houses, nonresidential treatment centers, and residential treatment services for individuals. The new regulations go beyond prohibiting services. They, in fact, prohibit us from providing any kinds of services to people who are not in active treatment programs.

In Tennessee, as in many other states, there is without a doubt a greater demand for services of this kind than there is a supply of such services; and as is true in all cases, when the demand exceeds the supply, the the case you can readily see that the poor price of the service increases. This being and, in particular, the welfare recipients are going to be excluded from these kinds of necessary services. The poor, the near poor and the welfare recipients are very susceptible to drug problems. The new regulations will prevent us from being able to provide any educational services to these people to prevent them from being subjected to the problems which accompany alcoholism and drug addiction. Here again you can see that the effect of the interpretation of the regulations is going to be a step backward and will, in fact, ultimately begin to increase the welfare rolls.

Another area of restriction is in the exempted category for mentally retarded. In Tennessee we had developed, or were in the process of developing, programs for the training of the mentally retarded adults to begin to move them away from institutionalization and toward self-sufficiency. We were using half-way houses to assist in moving people out of institutions into their local communities. In an effort to prevent further increases in the welfare rolls, we had developed outreach programs to identify mentally retarded individuals and had provided information referral services to enable them to begin to receive the necessary training and education to enable them to become more self-sufficient. In this area is one of the most obvious negative approaches taken by the regulations. Here the regulations imply that the only reason for providing services to mentally retarded is so that they may become self-supporting.

When you think of this, it is obviously a contradiction in terms of expecting an individual who is severely handicapped to become fully self-supporting. This becomes even more ridiculous when you consider that it also applies to children. You can readily see what these regulations have done is completely exclude any potential welfare recipients who are mentally retarded from receiving services. This is most curious when Congress itself established mental retardation as an area of priority concern.

Another category which has been eliminated is in the area of mental health. All services which were previously provided in the area of mental health are now prohibited by regulation. Without these services it is obvious that there are many individuals, both current and potential recipients of welfare, who will not be able to maintain their self-sufficiency much less obtain self-support. There is also a long range danger which is not considered in these regulations, and that is the lack of available services to children. Similarly, while it might be noted that health services as well as mental health services are excluded, in fact the regulations go far beyond this saying that screening and diagnostic services for potential recipients for social services are not eligible expenditures. This results in the situation of the welfare recipient's having to pay for his own diagnosis before he can become eligible for a service.

There are two other exempted categories that I have not yet spoken to. These are family planning and foster care. These two priority concerns are directly affected by the goals of self-support and self-sufficiency.

It is obvious from the wording of the goals for self-support and self-sufficiency that they are properly applicable neither to children who need foster care nor to individuals in family planning services. A child who needs foster care may well be from a family which does not meet the goal of self-support or self-sufficiency; however, to prevent this child from becoming an ultimate recipient of welfare, it will be necessary that he receive foster care services. This is also true in the case of family planning services as many individuals most needing this service would and could never become self-supporting. It goes without questioning that the lack of family planning practices among low income families is a primary contributing factor to dependency. We are well aware of the tremendous number of families currently on the welfare rolls because of the many problems created by large family size, many of whom can never expect to move into self-supporting society without family planning services.

In closing, allow me to restate the major impact of the new regulations.

First, the regulations will prevent the expenditure of monies duly authorized by the Congress, with proper limitations already created in legislation.

Second, many valuable and even necessary programs and services are prohibited.

Third, programs in the areas of priority concern identified by Congress have been severely restricted.

Fourth, except in the area of self-support, the regulation prohibits any services for potential recipients.

We agree with both the President and Congress that the states should be held accountable to insure the proper expenditure of these funds. This can be done, however, without eliminating productive services for those most in need.

I respectfully submit for your consideration the concept of social service revenue sharing. This would provide the states with the necessary flexibility to meet their varying problems, while at the same time providing Congress the capability to determine the cost effectiveness of the programs. Congress has identified five areas of priority concern which Tennessee and the other states have developed and implemented programs to correct. The new regulations will effectively prevent the implementation of these programs by virtually eliminating the potential category through the "assets test" and an unduly restrictive self-support goal. Without the opportunity to serve potential recipients we will lose the capability to control the future size of the welfare rolls.

---

STATEMENT OF DR. RICHARD S. HODES

As a member of a state legislature, I feel that the legislature I represent accepts the same goals and concepts that Congress had in the passage of both the Social Security Act and the Revenue Sharing Act. We must be certain as public officers that the funds available for social services through legislation be directed as nearly as possible toward what is the original and primary goal of social services funding—the reduction of welfare assistance rolls.

I am concerned that the Department of Health, Education, and Welfare, and perhaps Congress in their zeal to direct these funds toward the agreed goals of cutting welfare rolls, may now have excessively limited certain services that are in fact very effective in accomplishing decreases in welfare utilization.

The latest Rules and Regulations promulgated by the Department of Health, Education, and Welfare seem to consider only two of many effective avenues available. The two are rather obviously worthwhile. One is the provision of Day Care which permits AFDS mothers to be trained for and seek productive employment or to keep an employed single parent of dependent children from having to seek public assistance so she can stay home with her children. However, even this latter program is severely limited in the Regulations by the assets and income level limitations.

The second recognized effort by the Department of Health, Education, and Welfare is that of family planning which brings to low income families the services necessary to help them limit the size of their families and reduce their potential for dependency. This program is also limited by the assets and income limitations.

Apparently unrecognized by the framers of the Health, Education, and Welfare Rules and Regulations, but nevertheless recognized by Congress in the Revenue Sharing Act, are services relating to alcoholism, drug abuse and mental retardation.

One of the areas of service made available to low income families in the Revenue Sharing Act is drug abuse treatment. The drug abuser with appropriate treatment can be rehabilitated if given an adequate opportunity for treatment. The untreated drug abuser with minimal education and a low income background is a prime candidate for welfare dependency. These services should be restored in the Rules and Regulations as contemplated in the Act. Specifically, the elimination of medical services as an integral part of diagnosis and evaluation severely limits this program.

The Revenue Sharing Act itself ignores or tended to ignore two major disabilities that encourage dependency and can be handled successfully with adequaate community based remediation services.

Deficiencies in mental health in the low income family, if dealt with in the earliest stages at the community level, offer significant prognosis for success and potential for eliminating the need for public assistance. Low income families whose members are victimized by psychiatric disease will become welfare dependent unless early treatment is instituted. This is particularly true if the victim is the family wage earner.

The rehabilitation of the low income youthful offender has been one of the most seriously impaired programs by the Health, Education, and Welfare interpretation of the Revenue Sharing Act.

The juvenile from a low income family who is unnecessarily institutionalized because of deficient community counseling and supervision and unavailability of specialized work training programs is a prime causative factor for an expanding welfare roll and the law enforcement crisis. As we each know, the middle and upper income youth is rarely declared "delinquent" and placed in a state juvenile facility because his parents can afford to provide him counseling and special schooling if necessary.

Community juvenile programs must be sophisticated enough to include a combination of counseling, foster care, education and drug abuse treatment. This group of individuals is an absolute source of welfare recipients. Failure to recognize the importance of community juvenile rehabilitation and counseling programs results in a repeated pattern of offenses or anti-social behaviour that creates a pool of individuals destined for future dependency.

Your staff and constituents have mentioned the adverse effect these Regulations have had on day care, legal services, family planning, retardation, work training, drug abuse and alcoholic programs. Florida is also concerned about mental health and potential juvenile delinquents. Each state has its own particular set of problems and priorities and there should be sufficient flexibility in the law and Regulations to allow states to program social service funds in accord with the particular needs of its citizens.

You have heard testimony to the effect that whatever services have been eliminated by the Regulations can be provided under some other federal act presently in effect or to be proposed. As a physician and state legislator, I am personally familiar with the Vocational Rehabilitation, Mental Health, Retardation, Alcoholic and Drug Abuse Programs funded with federal and state funds. Most of these services are inherently middle class welfare programs.

As a member of the legislative Appropriations Committee, I can tell you that the importance of flexible Social Security Act service funding is that it "forces" us to provide a minimum level service program to low income citizens who do not have the voice in government necessary to provide them needed services. At the same time, these services are cost effective in that they are designed to promote self-sufficiency and avoid welfare dependency. I might add that for the first time in Florida's history, the welfare rolls have declined over the last year.

Until recently, social service funding has been flexible enough to allow each state to develop its programs in accord with its own needs and priorities. This flexibility is even more justifiable when Congress has imposed a ceiling on the funding available for each state.

You have heard from the Department of Health, Education and Welfare that states have acted irresponsibly in expending social service funds. Unfortunately, I'm afraid that the charge of irresponsibility may, in part, be based upon the personal experience of many of the present HEW officials who were previously in charge of various social service programs in other states.

In Florida's case, we developed a detailed program budgeted plan for the entire state which was approved by HEW. We emphasized programs for alcoholics, drug abusers, aged, retarded, mentally ill, blind, and juvenile delinquents. Our standard for potential was 133⅓ percent of the Lower Living Standard for the Representative Florida Metropolitan Area as determined by the Department of Labor Bureau of Labor Statistics. We justified the level based upon a detailed analysis of the costs of services showing that the costs were such that a person would be forced into depending on state aid. (Attached is our analysis under Attachment A.)

The Bureau of Labor Statistics standard enabled us to avoid the problems caused by asset limitations and income disregard requirements. At the same time, it focused our programs on the poor and facilitated a simplified eligibility determination. We would recommend that HEW consider a similar basis for defining "potential".

I would also like to point out that we provided HEW with a projection of the impact of our social service programs. In the case of services to delinquent children, we projected that the utilization of social service funds, combined with *increased* state funds would result in a decrease in the number of children institutionalized and increase substantially the number of children provided services in the community.

In Attachment B you will see our original projection made in 1971 compared with our performance since that date.

Finally, Mr. Chairman I would like to bring to your attention something that concerns me very much. Last Wednesday, following Mr. Weinberger's Tuesday Testimony before your Committee, the HEW Regional Office held a briefing on the new Regulations for all south-eastern states. It has been reported by Florida staff people who attended both your hearing and the regional briefing, that there exists some serious inconsistencies in what HEW is saying to you and what they are saying to the states. Hopefully, these inconsistencies are unintentional.

To be specific, last Tuesday, Mr. Weinberger said that there was no attempt to restrict the potential category. At the regional briefing states were *emphatically* told that the potential category was severely restricted and that practically all emphasis would be on the actual welfare recipient.

More importantly, particularly to me as a state legislator, is the interpretation of the "maintenance of effort" requirement. In response to a question from Senator Roth last Tuesday, HEW stated that maintenance of effort would be determined from the "overall expenditure level of the agency", "not by specific program". In Wednesday's meeting, the states were told that Washington HEW had instructed that maintenance of effort would be determined by each separate program. In a state with a detailed program budget, such a requirement would severely limit program flexibility and continuity.

In conclusion, let me again express my concern that we in government have the responsibility to attack the growing problem of welfare dependency. In carrying out this responsibility, we should not preclude the cost/effectiveness of providing services which could avoid potential dependency. I strongly recommend that if HEW does not revise the Regulations to allow more state flexibility that you develop the legislation necessary to insure that innovative social service programs can be developed in accord with the needs of each state.

### ATTACHMENT A

### *State of Florida, Division of Family Services, proposed income standard for title IV-A services to severely disabled client groups*

Children and families with problems of alcoholism, drug abuse; retardation or emotional disabilities require substantial financial resources to remain independent of public assistance. The nature of these disabilities requires expensive treatment and care which can rapidly deplete a family's resources to the point where they require public financial aid.

In recognition of the high cost of providing social services and treatment for severe disabilities, the Department of Health and Rehabilitative Services proposes that the Title IV-A eligibility income criteria for such service be based upon the representative Florida metropolitan area low living standard costs plus 33⅓% as determined by the U.S. Department of Labor, Bureau of Labor Statistics.

The following tables indicate the financial burden placed upon a family with one of the above disabilities and on income not exceeding the above standard.

AVERAGE PER PATIENT COST OF SERVICES REQUIRED FOR THE RETARDED

| Service | Cost/unit (per day) | Monthly cost | Percent of monthly income[1] |
|---|---|---|---|
| Residential care | $14.52 | $435.60 | 60 |
| Nonresidential costs above normal expenses:[2] | | | |
| Day care or | 6.85 | 205.50 | 28 |
| Domestic help[3] | 10.96 | 328.80 | 45 |
| Extra medical[4] | 1.37 | 41.10 | 6 |
| Saving to provide for estate | 7.95 | 238.50 | 33 |
| Dental care | .41 | 12.30 | 2 |
| Respite/summer camp | .33 | 9.90 | 1 |
| Travel and transportation | 1.37 | 41.10 | 6 |

[1] Family of four (4) earning $8,747 annually.

[2] In addition to costs listed, family units containing a retarded individual usually have higher insurance premiums, cosmetic operations, parental counseling, etc.

[3] Mothers of retarded children usually must work because of extra expenses involved and the need to get away from 24 hour supervision.

[4] This does not include visual, auditory or physical appliances.

AVERAGE PER PATIENT COST OF SERVICES TO CHILDREN WITH BEHAVIORAL DISABILITIES

| Services | Cost/unit (per day) | Monthly cost | Percent of monthly income[1] |
|---|---|---|---|
| Small group treatment homes | $25 | $750 | 103 |
| Halfway house and start centers | 15 | 450 | 62 |
| Intensive training: Centers and forestry camps | 24 | 720 | 98 |
| Intensive counseling services | 2 | 60 | 8 |

[1] Family of four (4) earning $8,747 annually.

AVERAGE PER PATIENT COST FOR DRUG ABUSE TREATMENT

| Service | Cost/unit (per day) | Monthly cost | Percent of monthly income[1] |
|---|---|---|---|
| Intensive treatment (residential) | $12 | $360 | 50 |
| Intensive treatment (day care or outpatient) | 8 | 240 | 33 |
| Treatment plan with support services | 40 | 160 | 22 |

[1] Family of four (4) earning $8,747 annually.

AVERAGE PER PATIENT COST FOR PRIVATE MENTAL HEALTH TREATMENT

| Service | Cost/unit (per day) | Monthly cost | Percent of monthly income[1] |
|---|---|---|---|
| Residential treatment | $80 | $2,400 | 328 |
| Outpatient psychiatric treatment | [2] 7 | 210 | 29 |

[1] Family of four (4) earning $8,747 annually.

[2] Based on a 1-hour visit per week.

INCOME LEVELS FOR DETERMINING ELIGIBILITY FOR SERVICES UNDER TITLE IV-A

| Family size | 1 | 2 | 3 |
|---|---|---|---|
| 1 | $1,322 | $1,983 | $4,328 |
| 2 | 1,721 | 2,581 | 5,635 |
| 3 | 2,315 | 3,472 | 7,580 |
| 4 | 2,671 | 4,007 | 8,747 |

1. Division of Family Services income standards.
2. Division of Family Services income standards plus 50 percent.
3. Representative Florida metropolitan area annual low living standard costs plus 33⅓% percent as determined by U.S. Department of Labor, Bureau of Labor Statistics, "Guide to Living Costs, Spring 1970."

### TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG

Mr. Chairman, I would like to thank you and the Committee for giving me the opportunity to testify on the new social service regulations issued by the Department of Health, Education, and Welfare.

This has been an issue of deep concern to me, one that I have actively pursued since I received an advance copy of the first version of these regulations, before they were issued in February.

Even a cursory analysis of that first version showed them to be most punitive in effect and at variance with the philosophy of Congress. The major goal appeared to be an immediate cutting of money costs, no matter what the cost in human deprivation or the real longterm cost to society of salvaging individuals or families robbed of the hope of becoming self-sufficient.

I protested vigorously at that time and continued to raise objections to the regulations in meetings with HEW Secretary Caspar Weinberger and other members of Congress, in letters and in co-sponsorship of legislation. Together with child care organizations and women's groups, I sponsored Working Mother's Day protests on April 10 to point up the fact that the new regulations would drive out of child care programs working mothers with even modest incomes, forcing many of them to go on welfare to qualify for care for their children.

More than 200,000 letters and telegrams protesting the regulations were sent to HEW from all parts of the country. The so-called final version of the new regulations, issued by Mr. Weinberger May 1, meets some of the objections raised in the first go-round. More careful analysis makes it clear, however, that there are still some very real and serious objections to the regulations, and I strongly urge that they be further revised.

Mr. Chairman, I understand that in a colloquy with you last week Secretary Weinberger raised some possibility of changes in the new regulations. I believe it is essential that the door not be closed on further necessary changes before these regulations are put into effect. There are various "catch-22's," loopholes, and disregard for quality standards in the regulations that require correction, and I am very grateful to this committee for conducting hearings that make it possible to spotlight these deficiencies.

I will address myself to some of the specific problems in a moment, but first I would like to comment on the overall implications and results of these administrative regulations.

When social services were first added to social security legislation, it was done because Congress realized that just giving money to an individual or family in need was not enough. Without back-up services, the problems that forced people onto welfare would not go away nor would more people receive the preventative help that would keep them from entering the welfare system. With these remedial goals in mind, Congress passed the public welfare amendments that established the 75% federal match.

The definition and nature of social services was left to be determined by the states and the Department of Health, Education and Welfare. It was under this program, and the 1967 amendments thereto, that some of the most innovative and creative programs were developed—programs that had the object of helping people get off public assistance and keeping off others, who were not yet receiving cash grants, by enabling them to be self-supporting.

And yet now, in an Administration that pays lip service to the "new federalism" and professes reverence for the "work ethic," we have a set of regulations that places undo authority at the federal level, penalizes the working poor and lower middle class, and in some cases provides incentives to stay on welfare and not become self-supporting.

Now for the specific problems in the regulations. Both the February and May versions include a new requirement that eligibility for services be linked to the various states' resource test for assets. I know that this question was raised with Secretary Weinberger and I think it is important that you know the situation in my state.

In New York State (under the resource test for welfare assistance) an individual can have absolutely no bank accounts, either checking or savings, no insurance with a face value of more than $500, and no personal effects not essential to running the home or related to work.

This means that an individual cannot open a savings account, cannot join the payroll savings plan for U.S. bonds, and cannot even join a Christmas Club.

Let's think of what this means to a working woman who needs a job to support her family and can only work if her child is cared for in a subsidized center. She may work for a company that provides a life insurance policy of $1,000 or more as a standard benefit. What is she supposed to do? Quit her job and look for one that doesn't provide any benefits? If she is thrifty enough to save a few dollars or requires the convenience of a checking account to pay her rent and utility bills, should she be penalized by being deprived of child care facilities so that she can no longer work at all?

If this isn't a "catch 22" in the new regulations, I would like to know what is.

It certainly undercuts the easing of income eligibility requirements for child care services in the May 1 regulations, which were welcomed by us as recognition by Mr. Weinberger that the draft regulations were discriminatory against working women.

While there have been some improvements in the sections dealing with child care in these regulations, there are still enough loopholes and oversights to warrant HEW's changing them, with time for public comment, before they become effective.

In addition to the resource test or liquid assets test, the regulations no longer require that in-home child care must meet standards recommended by the Child Welfare League and the National Council for Homemaker Services. No longer is there a requirement that the care must be suited to the individual child and the parent or guardian involved in the selection of the care. No longer is there any mention of the necessity of progress in developing varied child care sources so that there can be a choice for the parents. And significantly, although the new regulations say that facilities must meet standards as outlined by HEW, there is no direct mention of the federal interagency day care standards. These standards are clearly set forth in the report accompanying the OEO amendments in 1972 as Congressional intent.

Another issue raised last week and one that I would like to reiterate is the problem of income disregard. A public assistance recipient is allowed to deduct certain work-related expenses, such as social security and union dues, whereas the worker who is struggling to be economically independent, who is holding a job and not receiving cash grants, is not allowed to deduct these expenses. Thus, we have another example of a regulation that makes it more advantageous for an individual to receive a cash grant than to work and try to be self-supporting.

One of the most serious deficiencies in these new regulations is the question of program eligibility. The states are told that they must make available at least one of the services mentioned under the Adult Services Program. The regulations thus place the states in a dilemma. In one situation the states, in an effort either to meet their spending ceiling or in an effort to reduce programs, may make only one of the listed services available to appropriate applicants. For example, a state may then specify that it will only offer protective services, but not health related services, or homemaker services, or transportation services, regardless of the specific need of the individual applicant.

On the other hand, the state may allow all of the services that were previously mandated but because of the funding ceiling the agencies may be forced to compete with each other for dwindling funds. I am afraid that these regulations will lead many administrators to say, as King Solomon did, "Cut the living child in half, giving half to one and half to the other." The solution here is to provide sufficient funds to continue the services.

The program definitions also create problems that I would like to illustrate. In New York State we have a program called the Welfare Education Plan. This program has been funded since 1962 with Title IV–A money and in New York City is administered by the Board of Education. Under the new regulations this program would be shut down because it costs money. Yet it has an 11-year record of success. The program works with public assistance recipients over 18 who have less than an 8th grade equivalency education or have English language deficiencies. They are taught English, helped to get high school equivalency diplomas and placed in jobs, job training programs or in schools for more advanced work skills or education.

Some of those who have benefited from this program came by my office last week and explained how as of July 1st, 7,000 people will be shut out of a program that has success stories like these:

These are the words of Monserrate Velez, who came to New York from Puerto Rico in 1961. "A few years later," she told me, "I was in a wheelchair, a total invalid with two small children. I had no hope at all for my future.

"I came to the Welfare Education Plan in January, 1969," she continued. "School became the only bright spot in my life. My teachers' friendship and encouragement helped my self-confidence. I passed the eighth grade test and then the high school test. Now I am at the Interboro Business Institute preparing to be a bilingual secretary. I can hardly wait to get a job so I can get off welfare. I am even learning to walk again."

I know that last week Senator Mondale described a similar program in Minnesota. These are the programs that are filling the gaps between agencies and services, that provide people with the hope of dignity and self-help. We must not let them fall by the boards. I am also certain that as you continue these hearings and take the testimony of the governors and their representatives you will hear more stories like that of Monserrate Velez.

There is another point I would like to make in response to Secretary Weinberger's testimony of May 8. It has to do with the question of the $2.5 billion ceiling on federal spending for social services. Secretary Weinberger was quite clear in saying that if each State spent the full amount of the money it was eligible to spend, HEW would certainly authorize full reimbursement. Yet, at the same time, he indicated that under the new regulations the estimates for total spending are only $1.8 billion, $700 million below the ceiling authorized by Congress.

If there are states that will not be able to send their full allotment, then we should have a reallocation formula to allow the additional money to go to states with programs in need of these funds. Another recommendation I would urge is enactment of my measure, H.R. 245, which would exempt child care from $2.5 billion ceiling. This would enable us to continue obviously useful child care programs, but not cut the expense of the other needed services.

There are many other areas of concern to me in these regulations that I will touch on briefly.

We need a clearly defined fair hearing process. Under the regulations there are no advisory committees for any group of services other than child care, and child care advisory committees are recognized only at the state level and include no parent participants.

There is also the problem within the regulations that the states may have to wait even longer for guidelines to be issued implementing these regulations. These guidelines, which may or may not come out before July 1, will have as much effect as the regulations themselves but are not subject to the review process of public comment that was so useful in changing the first draft of these regulations. I believe it is important that the guidelines be made public as soon as possible and that, like the regulations, they be subject to further change.

In conclusion, Mr. Chairman, the original intent of Congress was to provide services that would strengthen family life, foster child development, help people to support themselves, and aid, with dignity, those who cannot. This should remain our goal and no administrative regulations should be allowed to subvert our purpose.

---

## Testimony of the Honorable Shirley Chisholm

### NEW SOCIAL SERVICES REGULATIONS

Mr. Chairman, I want to thank you and the other members of this Committee for allowing me to testify today. As one who represents a constituency which is profoundly affected by these regulations, I am very concerned about the impact of the proposed changes upon their lives. As a former day care teacher, director, and consultant with 19 years of experience in the field, I am critical of the impact upon the quality of our Social Services programs. And finally as a Legislator, I am outraged at the attempt by H.E.W. bureaucrats to usurp the powers of Congress by writing regulations which both exceed and thwart the will and intent of Congress.

On this last point I would like to note that in conversations with both members of my staff and with constituents, H.E.W. personnel have indicated that they plan to implement them *as is* on July 1st. I'm not sure what H.E.W. thinks the purpose of these hearings is, but perhaps the Senate Finance Committee should make a point of the fact that you are not sitting here listening to testimony for your health, and that you do believe that there ought to be further revisions before the guidelines are implemented.

In their defense of the guidelines proposed in February and the revisions made in May, H.E.W. has said that they are attempting "to target on those with the greatest need." Unfortunately, their definition of "those with the greatest need" seems to be *current* welfare recipients.

It is true that the Congress indicated that the bulk of the Social Services monies (90%) should go to current recipients, but they also specifically and consciously exempted certain kinds of programs—foster care, drug and alcohol abuse, day care, family planning, and programs for the retarded—from the 90–10 rule. The effect of the proposed income formula and the proposed 3 month/6 month definitions of eligibility is to deny help to past and potential recipients and to invalidate and negate the intent of the exemptions mandated by Congress.

By focusing only on current welfare recipients, H.E.W. is establishing a disincentive to work and is ignoring the very real needs of the working poor. It should be pointed out that:

According to the 1970 Census, there are still some 25.5 million poor in the nation;

Only 21.5% of these families are on welfare;

Over 40% of these poverty families are headed by women;

Over 50% of all poor Black families are headed by women;

The number of female headed families is growing. In 1960 25% of all marriages ended in divorce or annulment. By 1970 the figure was up to 35%;

Among women as heads of households, 215,000 worked sometime during the year, but fewer than 10% worked full time year around. It is mainly their duties at home that kept them out of work;

Of those who worked, over half are employed as service workers or maids. And more than half of the women who headed families worked as maids in 1970, and this is a group whose average income was under the federal poverty line. (The median income for domestics is $1,800.);

Among married women in 1970, 8 million earned between $4,000 and $7,000, and two-thirds of them were married to men who earned less than $10,000;

The median income—all males, $6,429;

The median income—minority males, $3,891;

The median income—all females, $2,132; and

The median income—minority females, $1,084.

The working poor need help just as badly as those currently on the welfare rolls and are in many respects most deserving of our help because they are doing their level best not to become dependent upon public assistance. Ironically, this was precisely the central point of the Administration's Family Assistance proposal.

I would like at this moment to deal with several technical points with regard to the income formula. The problem with the original proposal of 133⅓% was not only that it was inadequate but also that it was inequitable. The inequities remain despite the fact that the formula has been raised to 150%. In fact the formula merely compounds the inequities.

For example, if you live in Alabama, you lose your eligibility for free child care if your income exceeds $1,746, but in Connecticut, you remain eligible for free child care with an income of $6,084. Even allowing for cost of living variables this formula discriminates against those living in our poorer—which tend to be our Southern—States.

Free Services ought to be available for low income families no matter what States they reside in. In fact the legislative history of the Day Care and Child Development bill makes it clear that Congress believes this is just and right. In the Senate version of the Day Care bill, Congress approved free Child Care Services up to the Bureau of Labor Statistics Lower Living Standard Budget, which at that time was $6,900. On the House side, the Erlenborn substitute provided for free Services up to $4,320.

Under the proposed 150% formula, 21 States would not provide free Services at the level suggested in the Erlenborn amendment. As is indicated in the attached table,[1] the Payment Standard is not even equal to the Needs Standard established by 20 of the States (24 States, if the states marked * * are counted). Additionally in 18 of the States, the Payment Level—or the actual amount of the stipend the recipient receives—is lower than the Payment Standard.

It would be far more equitable if the formula were based not on the Payment Standard but upon the Needs Standard. At the very least there ought to be an income floor for free Services to protect those residing in our poorer States.

Another area in which I believe it would be useful for this Committee to spell out some recommendations is with respect to income disregards. The proposed regulations do not specify whether the income limits are to be applied to gross income or to net income after deducting work expenses, but replies of H.E.W. officials to questions in this area seem to indicate that the Administration is leaning toward the use of gross income figures.

As is the case with the income formula itself, this approach will create inequities. First there is the amount taken out in Social Security taxes. Secondly, some States have a State income tax while others do not. Rents are exorbitant in a city such as New York because of the terrible shortage of housing, while in a suburb this might be less of a problem. In rural areas transportation is absolutely essential because of the distances involved. Allowances for deductions for transportation costs would be a necessity for a person who does not own or have access to a car. In some instances union membership is a prerequisite for employment; in others special clothing is required.

In all of the above situations, the citizen has virtually no control over these expenditures. They are really automatic and cannot be regarded as disposable income. There will also be considerable variation in the above costs according to one's place of residence. For these reasons it would be both inequitable and unfair to use a gross income figure in assessing the eligibility for Services.

While we are on the subject of finances, I think it important for the Committee to secure from H.E.W. some clearer definition of the expected administrative costs which the new monitoring system will entail. The rechecking of individual eligibility for Services every 6 months is going to increase overhead costs, but H.E.W. has indicated that they will not reimburse the States for this increased expense. While one can understand that careful monitoring is necessary to ensure that public monies are correctly spent, it must also be remembered that enforcement mechanisms cost money.

Which brings us to the next point. Under the new regulations, the reimbursement of the cost of enforcing existing State and Federal Day Care Regulations would not be allowed. As one who has spent years in the field, I am deeply concerned about the impact of this proposed change upon the quality of our child care programs. Without frequent inspection and aggressive enforcement, abuses will rapidly mount. We have all seen how many of our facilities for the mentally retarded and mentally disturbed have been turned into snake pits. The same could quickly happen to our child care programs if the States should come up with the funds for enforcement themselves, but the reality of the situation is that with the tremendous pressure for the expansion of services enforcement will have a low budget priority at the local level.

The quality of our programs is threatened in another way by the new guidelines which drop the old requirement for an AFDC Advisory Committee, the required recipient participation in the Advisory Committee on Day Care Services, and the lack of a mandated fair hearing procedure.

As a professional in the field myself, I believe strongly in the role of specialists, but I also believe that parents can make equally important contributions. Having heard nearly every member of this Congress make a speech criticizing bureaucrats and advocating the importance of input, participation and control at the local level, I believe there is strong support for reinstating and reaffirming recipient participation as outlined in the existing regulations.

Before we leave the subject of Day Care, I would like to make one final comment. Under the proposed regulations, H.E.W. has proposed that recipients of Services would pay for Services on a sliding fee schedule between 150% and 233%. When H.E.W. in a similar situation established a fee schedule for the Head Start program, the fees were so high that it was like sending your child to private school.

I would like to suggest that you recommend that H.E.W. consider the fee schedules devised by the House-Senate Conferees when we were considering the Day Care and Child Development Bill. The Fee Schedule had bipartisan support and although it would have to be revised to take into account the increase in the BLS Standard (Bureau of Labor Statistics Lower Living Standard budget for an urban family of four), it provides a useful indication of Congress' view of an appropriate fee schedule. It allowed free child care for any family earning up to $4,320. Families earning from $4,320 to $5,916 would pay 10% of the increase over $4,320 or $159 plus 15% of the increase over $5,916. At the $6,960 level, the cost would be $317 and the Secretary of H.E.W. would set the fees above that income level. (See page 18, Section 516 (8) (A) and (B) Conference Report 92-682 Economic Opportunity Amendments of 1971, U.S. House of Representatives, November 29, 1971.)

Although I have concentrated my remarks upon the impact the new regulations would have upon Child Care programs, there are others as deeply affected.

One of the most serious effects is on the education programs which are now currently funded by Title IV-A funds. Not only would federal funds be disallowed for the few college programs which have been established to help welfare recipients to become independent wage earners, they would also eliminate education programs at the secondary level.

In New York City our Welfare Education Plan, which is run with Title IV-A money by the Board of Education, has some 7,200 students currently acquiring 8th Grade and High School equivalency certificates, as well as learning English as a second language, Job Orientation and Referral, preparation for Civil Service exams, Consumer Education, Health Education, and Family Planning. They have been advised that under the new regulations, they would not be eligible for Title IV-A funds. All of the people in the program are welfare recipients. And without this education they could not even qualify for entry into the WIN program.

Some basic education is necessary for even the most unskilled job, and today's job market frequently calls for much more in the way of education and training, so to shut down this kind of education program is just foolish and totally contradictory to the intent of the Social Services legislation which is to help people get off and stay off public assistance.

For those of you who are interested in further details about the New York Welfare Education Plan, written testimony is being submitted to the Committee by the Project Director James N. Warren.

I realize that these hearings today are focusing on the H.E.W. Regulations, but in closing I hope this Committee might consider some amendments to the Social Service Legislation at some future date.

First, I hope that Chairman Long will again introduce his amendment to exempt Child Care and Family Planning from the Social Services Ceiling. These programs are clearly related to the ability of welfare mothers to remove themselves from the welfare rolls. We ought to be encouraging States to expand Child Care and Family Planning Services, and removal of the ceiling would accomplish this.

Secondly, I would hope that Congress would add at least two additional exemptions to the five existing exemptions from the 90-10 Rule. I believe that the handicapped ought to be equally as eligible for exemptions as the retarded because their problems are so similar. For the retarded and handicapped, the need for Services is not related so much to their income as to their disability.

The addition of Senior Citizens to the exemption list would be helpful because it would enhance the continued expansion of ambulatory care services for the elderly which in the long run is less costly to the public as well as the person being assisted.

---

[1] The table utilized H.E.W. statistics and was prepared with the assistance of the Washington Research Project.

SOCIAL SERVICES TABLES

| State (for an AFDC family of 4) | Annual payment standard | Payment level July 1972 figures | Needs standard July 1972 figures | 150 percent | 233⅓ percent |
|---|---|---|---|---|---|
| Alabama | $1,164 | $1,164 | $2,760 | $1,746 | $2,716 |
| Alaska | 4,800 | 4,500 | 4,800 | 7,200 | 11,200 |
| Arizona | 3,384 | 2,208 | 3,384 | 5,070 | 7,896 |
| Arkansas | 2,748 | 1,332 | (1) | 4,122 | 6,412 |
| California | [2] 3,768 | 3,360 | (1) | 5,682 | 8,792 |
| Colorado | 2,904 | 2,904 | 2,904 | 4,356 | 6,776 |
| Connecticut | 4,056 | 4,056 | 4,056 | 6,084 | 9,464 |
| Delaware | 3,444 | 1,824 | 3,444 | 5,167 | 8,039 |
| District of Columbia | $2,868 | $2,868 | $3,816 | $4,382 | $6,692 |
| Florida | 2,676 | 1,728 | 2,676 | 4,014 | 6,244 |
| Georgia | 2,724 | 1,788 | 2,724 | 4,086 | 6,356 |
| Hawaii | 4,008 | 4,008 | 4,008 | 6,012 | 9,352 |
| Idaho | 3,384 | 3,384 | 3,768 | 5,076 | 7,896 |
| Illinois | 3,264 | 3,264 | 3,264 | 4,896 | 7,616 |
| Indiana | 4,356 | 2,460 | 4,356 | 6,534 | 10,164 |
| Iowa [3] | 3,600 | 2,916 | (1) | 5,400 | 8,400 |

**Footnotes at end of table.**

SOCIAL SERVICES TABLES—Continued

| State (for an AFDC family of 4) | Annual payment standard | Payment level July 1972 figures | Needs standard July 1972 figures | 150 percent | 233½ percent |
|---|---|---|---|---|---|
| Kansas | $3,864 | $3,864 | $4,116 | $5,796 | $9,016 |
| Kentucky[3] | 2,808 | 2,052 | 2,808 | 4,212 | 6,552 |
| Louisiana | 1,296 | 1,296 | 2,316 | 1,944 | 3,024 |
| Maine | 4,188 | 2,016 | 4,188 | 6,282 | 9,772 |
| Maryland | 2,400 | 2,400 | 3,732 | 3,600 | 5,600 |
| Massachusetts | 4,188 | 4,188 | 4,188 | 6,262 | 9,772 |
| Michigan | 4,332 | 4,332 | 4,332 | 6,498 | 10,108 |
| Minnesota | 4,068 | 4,068 | 4,068 | 6,102 | 9,492 |
| Mississippi | 3,324 | 720 | 3,324 | 4,986 | 7,756 |
| Missouri | 3,636 | 1,560 | 3,636 | 5,454 | 8,484 |
| Montana | 2,472 | 2,472 | 2,700 | 3,708 | 5,766 |
| Nebraska [3] | 3,684 | 2,712 | 3,684 | 5,526 | 8,596 |
| Nevada | 2,112 | 2,112 | 3,846 | 3,168 | 4,928 |
| New Hampshire | 3,528 | 3,528 | 3,528 | 5,292 | 8,232 |
| New Jersey | 3,888 | 3,888 | 3,888 | 5,832 | 9,072 |
| New Mexico | 2,436 | 2,148 | 2,436 | 3,654 | 5,684 |
| New York [3] | 4,032 | 3,756 | 4,032 | 6,048 | 9,406 |
| North Carolina | 1,906 | 1,906 | 2,208 | 2,859 | 4,447 |
| North Dakota | 3,600 | 3,600 | 3,600 | 5,400 | 8,400 |
| Ohio | 2,400 | 2,400 | 3,096 | 3,600 | 5,600 |
| Oklahoma | $2,268 | $2,268 | $2,664 | $3,402 | $5,292 |
| Oregon | 3,204 | 3,204 | 3,996 | 4,006 | 7,476 |
| Pennsylvania | 3,756 | 3,756 | 3,756 | 5,634 | 8,764 |
| Rhode Island | 3,156 | 3,156 | 3,156 | 4,734 | 7,364 |
| South Carolina | 2,496 | 1,248 | 2,496 | 3,744 | 5,824 |
| South Dakota | 3,420 | 3,420 | 3,600 | 5,130 | 7,980 |
| Tennessee | 2,604 | 1,584 | 2,604 | 3,906 | 6,076 |
| Texas | 1,776 | 1,776 | 2,364 | 2,664 | 4,144 |
| Utah | 2,820 | 2,820 | 3,864 | 4,230 | 6,580 |
| Vermont | 4,020 | 4,020 | 4,020 | 6,030 | 9,380 |
| Virginia | 3,132 | 3,132 | 3,348 | 4,698 | 7,308 |
| Washington | 3,528 | 3,528 | 3,672 | 5,292 | 8,232 |
| West Virginia [4] | 1,656 | 1,656 | 3,180 | 2,484 | 5,796 |
| Wisconsin | 3,624 | 3,624 | 3,744 | 5,436 | 8,456 |
| Wyoming | 3,120 | 3,120 | 3,396 | 4,680 | 7,279 |
| American Samoa | | | | | |
| Guam | | | | | |
| Puerto Rico | 1,584 | | | 3,276 | 3,696 |
| Trust Territory | | | | | |
| Virgin Islands | 1,992 | | | 2,988 | 4,648 |

---

[1] Figure is probably the same as the payment standard,

[2] There was some question as to whether or not this is the accurate figure for the payment standard.

[3] In these instances in the States of Iowa, Kentucky, Nebraska, and New York there seems to be a question as to the accuracy of the HEW payment standard figures. Iowa's standard is 81 percent of need which would be $2,916, Kentucky's is 73,1 percent of need which would put it at $2,052, Nebraska's would be $3,348 and New York's at 90 percent of need would be $3,629.

[4] 1971 data.

---

## Summary of the Principal Points of Testimony Presented by Jule M. Sugarman, Administrator, Human Resources Administration, Before the Committee on Finance, U.S. Senate

1. Despite Secretary Weinberger's contention that the final regulations governing social services under Titles I, IV, X, XIV, and XVI of the Social Security Act will enable families to get off welfare rolls and onto job rolls, my assessment of impact of the regulations is that they are designed to achieve the opposite result.

2. The single thrust of the regulations, as promulgated, is geared to short range budgetary savings. The net effect of this maneuver will mean that the $2.5 billion authorized by Congress under P.L. 92-512 (General Revenue Sharing) can not be utilized by the States.

3. By mandating that persons eligible for services, including day care for children, meet the same resource requirements as persons eligible for financial assistance, the regulations will force near poor working families to liquidate all assets to qualify for services in New York State or else be dishonest and lie about assets in order to be eligible for services. In New York State a family with $10.00 in the bank, is now ineligible for any service funded under Titles I, IV, X, XIV, and XVI. In view of this, I recommend that HEW's policy on assets be revised so as to allow potential recipients for services to maintain limited assets, e.g. $2,000 for a family of four.

4. The Congressional mandate that 90% of services to the aged be provided to *current* welfare recipients places a horrendous restriction on the bulk of New York City's poor aged population who will no longer be eligible for federally sponsored services such as hot meals and recreation in senior citizen centers. Of the 200,000 elderly citizens below the poverty level in New York City, less that 40% are current public assistance recipients. Although apparently eligible for financial assistance, our experience has shown that our poor aged population who emigrated from Europe and helped build our great country, are too proud to apply for welfare. By disallowing their participation in senior citizen centers, we are unjustly burdening the remaining days of our poor senior citizens who have secured relief from isolation and despair in our centers and in many instances were provided with the single hot meal of the day.

5. Congressional action is our only redress and hope. Congress must move to limit the authority of the Secretary of HEW to impose by regulation additional restrictions upon the viability and use of federal funds authorized for social services under the public assistance programs established by the Social Security Act.

I am suggesting legislation which at the least would provide for the following:

A. The authority of any State to define the categories of classes of individuals who are eligible to receive social services;

B. The authority of any State to include as social services, comprehensive services for children, the elderly and disabled (including such programs for mentally retarded children and adults);

C. The authority of any State to submit a plan to the Secretary of HEW which will specify the procedure for redetermination of eligibility within a time frame not to exceed six months following July 1, 1973;

D. The authority of any State to submit for consideration to the Secretary of HEW a plan for group eligibility determination if such a request is based on valid program considerations;

E. The responsibility of HEW to provide de-facto substantive technical assistance to all States to promote and insure sound and efficient systems of accountability and program delivery so that social service expenditures are geared to removal from welfare rolls and maintenance on job rolls in AFDC categories and maintenance in the community instead of institutions in the DAB categories.

---

## Testimony of Jule M. Sugarman, Administrator, Human Resources Administration, City of New York, Before the Committee on Finance, U.S. Senate

Mr. Chairman and Members of the Committee: It is with great concern that I address you today. As you know on May 1, 1973, the Secretary of Health, Education, and Welfare had published in the Federal Register the final regulations governing social services under Titles I, IV, X, XIV and XVI of the Social Security Act.

In announcing the publication, Secretary Weinberger referred to the fact that these regulations governed a series of programs developed to: "get families off the welfare rolls and onto the job rolls—and keep them there". We in New York City fully subscribe to this goal. However, I regret to have to inform you that the final regulations, heralded by the Secretary, are going to accomplish just the opposite. I will fully discuss how these regulations are in effect designed to keep families on the welfare rolls and off the job rolls. In addition, they are also designed to disregard the basic needs of our aged, blind and disabled population by deemphasizing programs which could be effective in keeping that population out of costly institutional care which will now have to be covered out of the open ended funding of Title XIX of the Social Security Act.

It appears to me that the single thrust of the regulations is geared to short range budgetary savings by restricting the definition of potential eligibility. Under these regulations the ceiling authorized by Congress under Revenue Sharing would not need full appropriation. This shortsighted maneuver however, does not address itself to the fact that these regulations will substantially increase the costs of categorical assistance and Medicaid payments. Obviously the action of the Secretary is fully in line with the President's proposed budget which, under the guise of inefficiency and inefficacy, seriously deemphasized domestic social programs legislated by Congress.

A total of 208,515 comments were received by HEW after publication of the proposed regulations. This is an unprecedented and unequaled number of comments on proposed regulatory material. I submit that the resulting changes in the regulations represent only a token gesture on the part of the Federal Government.

The amendment of the income definition for potential recipients offers little improvement since the resulting figure is only 78.5% of the Labor Department's minimum adequate level of $7,578 for a family of four in New York City. Raising the income level for the potentially eligible from 133⅓% to 150% of a State's financial assistance payment standard in the categories of Aid to Dependent Children, and Disabled, Aged and Blind, or from $5,376 to $6,048 for a family of four in New York City, will mean approximately 50% instead of 43% of our current categorically related service caseload can receive federal reimbursement.

The raise in income eligibility for child day care up to 233⅓% of the State's financial assistance standard is somewhat better. However, both the 150% and 233⅓% standards are essentially meaningless because they continue to be coupled with a requirement that the families: "Do not have resources that exceed permissible levels for such financial assistance under the State Plan. . . ." In New York State the State Plan specifies that an applicant to be eligible for financial assistance *can not have any assets*, with the possible exception of a burial reserve fund permitted to those who are seriously ill. $10.00 in the bank will disqualify a family from any service whatsoever. How can we argue that the family should prudently manage their affairs if the result is to disqualify them from all service? I think what HEW is doing is creating a self-fulfilling prophecy that welfare recipients will cheat. The availability of child care to a working mother or the importance of a meals-on-wheels program to an older person is just too great for them to resist the temptation. These are neither dishonorable nor dishonest people. They are people who are trying to be decent citizens, but who because of the arbitrariness of government regulations cannot be so.

Consider the case of "Mrs. John Smith" and her two children aged 4 and 8. A widow of a U.S. Marine killed in the Vietnam combat, she and her children receive $2,868 per year in widow's benefits. To supplement her income, Mrs. Smith works in a department store earning $4,144 per annum, giving her a combined yearly income of $7,012. Mrs. Smith received insurance monies when her husband was killed, and this she carefully invested in U.S. Savings Bonds for her children's future education. Only $2,000 of those bonds remain. She is able to work only because she could obtain federally supported day care for her children.

Under the new regulations, as a resident of New York State, Mrs. Smith is no longer eligible for federally supported day care because she has invested in her children's educational future! Mrs. Smith now faces the decision of liquidating her bonds in order to meet eligibility requirements, lying about the bonds, or paying the full cost of day care which amounts to $4,225 per year leaving a bare $2,787 per year, or approximately $53.00 per week on which her family would have to pay for food, clothing, housing, medical care, and all other expenses.

Mrs. Smith's other possible alternative would be to make a "private" arrangement for child day care at a fee she could afford. That means that she would have to take a chance on the type of care that her children would get. A chance that may mean that her children could be abused and neglected, a chance no mother should be forced to take.

If Mrs. Smith removes her children from day care, quits her job, cashes in her bonds and applies for supplemental public assistance, she and her family then become eligible for Medicaid coverage, Food Stamps, and other necessary services in addition to her AFDC grant. She would cease paying City, State, and Federal taxes and would join those who are on the welfare rolls and those whom the Secretary of HEW is trying to get back to work.

Some have suggested a solution to this might be to have states change their assets definitions for public assistance applicants. That solution, however, has two basic problems: It is extremely doubtful that any state would be sympathetic to broadening eligibility for assistance and it is certain that broadening eligibility on the part of New York State for the federal categories of assistance would spur an increase in welfare rolls and swell the fiscal burden for the City, the State and the Federal governments.

We recommend that HEW's policy on assets be revised to state that the limitation on assets for services shall, in no case, be less than the level of public assistance to which a welfare-eligible family or individual would be entitled over a six-month period (exclusive of any burial expenses). For example, a senior citizen in New York would then be permitted to have assets of roughly $1,000 in New York City; a family of four approximately $2,000.

How ironic, that the current Administration with its thrust to return power to the States and deemphasize centralize "red tape" has published regulations which deny the right to States to establish income eligibility criteria for federally reimbursed services by insisting that these be tied to plans which the States have filed with HEW for assistance payments eligibility. Our examination of the Social Security Act does not indicate that the definition of a potential recipient has to be developed within the context of the State plan which defines eligibility for categorical financial assistance.

Although we welcome the changes made from the proposed regulations in the areas of inclusion of mentally retarded in child day care services, use of donated funds, placing redetermination of eligibility at six months instead of three months, reimbursement of foster care services provided to voluntarily placed eligible children, inclusion of Federal participation in cost of medical examination required for admission to child care facilities when not available under Medicaid, and provision of information and referral for employment purposes without regard to eligibility, we deplore the half way measure of grand-fathering in of the mentally retarded for services. In effect the Secretary has conceded to consider as eligible, under previous criteria, all of the mentally retarded who qualify up to December 31, 1973.

In New York City that means that after December of 1973, as in day care for children, parents needing services for a retarded child can obtain them with Federal reimbursement only if they are willing to exhaust all of their assets. As in day care, this is an unreasonable and deleterious constraint which ultimately will be more costly both socially and fiscally as more retardates are pushed into institutional settings.

There is a basic inconsistency in these regulations. Although they define redetermination of eligibility as mandatory every six months, they specify redetermination of eligibility for services of the current service caseload within three months of July 1, 1973. This means that in New York City alone we would have to reexamine 299,000 cases which, when calculated on the average time of 45 minutes per case to redetermine financial eligibility and reexamine the case plan, would mean an additional cost of $1.8 million, and a virtual cessation of service delivery as we concentrate staff resources on the redetermination effort.

In preparation for this testimony, I have reviewed the Congressional Record of Thursday, October 12, 1972 and Friday, October 13, 1972. I have also reread the Conference Report No. 92–1450 which accompanied H.R. 14370 (State Local Fiscal Assistance Act of 1972). I have also reviewed Senate Report No. 92–1050 (Part 1), prepared by the United States Senate Committee on Finance in relation to the Revenue Sharing Act of 1972. None of these documents suggest any legislative intent to alter substantively the authority of each State to request what that State considers an equitable, efficient and effective definition of eligibility for services. Nowhere is there the suggestion that group eligibility should be eliminated. The thrust of the legislative intent appears to be to provide a fiscal limit to explosion of cost and to tighten program review to assure regulatory compliance and local maintenance of effort.

I unequivocally state that HEW has gone beyond legislative intent. I further submit that the Department has abrogated its leadership by failing to require that basic services be provided to the disabled, aged and blind. This is especially grievious since on January 1, 1974 the Social Security Administration will take over assistance payments in those categories and the States will have responsibility solely for services. Since the depression this country has looked to Washington for leadership in social services. Through the Administrations of Roosevelt, Truman, Eisenhower, Kennedy and Johnson, we have had it to a greater or lesser degree. Now we have nowhere to look as the current Administration concerns itself with immediate budgetary gains and fails to look at the ultimate predictable impact.

As a last point let me raise the issue of services to the aged. Here the problem is more directly related to Congressional action which specified that 90% of services to the aged must be provided to *current* welfare recipients. In New York City we serve the bulk of our ambulatory aged in day care centers for senior citizens. There we provide a program that offers a sense of belonging, social support and counseling, and at least one hot meal a day. The elderly who attend are proud and self-supporting to the greatest possible degree. They live the best they can on social security and small pension benefits and although eligible for welfare assistance often refuse to apply. These are people who have worked all their lives, paid taxes and helped build our country. Many of these are the Irish, the Poles, the Jews, the Italians, the Germans and other Europeans who came here to toil and to escape tyranny. There are over 200,000 of these elderly in New York City whose income does not exceed the poverty level of $1,757 for a single person per year or $2,215 for a couple. Of the 200,000 less than 40% are current public assistance recipients. These people will cease to use our services if they have to pass the means test mandated in the regulations. Some of them will, and indeed do, starve rather than disclose how poor they are. The elimination of group eligibilty means that we cannot serve them if we insist on federal participation, or we can serve them and not claim any federal participation. Rather than not serve that population we have decided on the latter.

Gentlemen, the only redress lies in Congressional action. Congress must move to limit the authority of the Secretary of Health, Education, and Welfare to impose by regulation certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act.

I am suggesting legislation which at the least would provide for the following:

1. The authority of any State to define the categories of classes of individuals who are eligible to receive social services;
2. The authority of any State to include as social services comprehensive services for children, the elderly and disabled (including such programs for mentally retarded children and adults);
3. The authority of any State to submit a plan to the Secretary of HEW which will specify the procedure for redetermination of eligibility within a time frame not to exceed six months following July 1, 1973;
4. The authority of any State to submit for consideration to the Secretary of HEW a plan for group eligibility determination if such a request is based on valid program considerations;
5. The responsibility of HEW to provide de-facto substantive technical assistance to all States to promote and insure sound and efficient systems of accountability and program delivery so that social service expenditures are geared to removal from welfare rolls and maintenance on job rolls in AFDC categories and maintenance in the community instead of institutions in the DAB categories.

Thank you gentlemen for this opportunity to speak. I and those on whose behalf I appear here can do nothing else. We leave it in your hands.

## CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER** (Mr. NUNN). Is there further morning business? If not, morning business is concluded.

## EXECUTIVE SESSION

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to executive business, for the consideration of the nomination of William L. Springer, of Illinois, to be a member of the Federal Power Commission.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, it was my previous understanding that the Senate would probably not get to a discussion of the nomination of Mr. Springer until about 1:15 or 1:30 p.m. today.

Proceeding on that assumption, I have suggested to the distinguished Senator from Arkansas (Mr. FULBRIGHT) that he could take some time at this point for the delivery of a speech which is not germane, of course, to this nomination. He has come to the floor on the strength of my assurance and I, therefore, ask unanimous consent, having discussed it with the distinguished Senator from New Hampshire (Mr. COTTON) that——

Mr. COTTON. Mr. President, may I interject here to say that I am very glad to have the distinguished Senator from Arkansas (Mr. FULBRIGHT) go right ahead with his speech. We have other Senators coming, who may want to be here, and I am, therefore, more than happy to have the Senator speak now.

Mr. ROBERT C. BYRD. I thank the distinguished Senator. He is most accommodating, and cooperative, as he always is.

Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas (Mr. FULBRIGHT) may be permitted to proceed out of order at this time, as in legislative session, for not to exceed 25 minutes.

Mr. COTTON. Mr. President, will the Senator yield me ½ minute?

Mr. FULBRIGHT. Certainly.

The PRESIDING OFFICER. Is the Senator from New Hampshire objecting?

Mr. COTTON. No, no.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. COTTON. Mr. President, I should just like to ask unanimous consent that, when we get to consideration of the Springer nomination, the minority counsel of the Commerce Committee, Arthur Pankopf, be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

## OIL AND THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, underlying much of the current anxiety over the energy problem is the apprehension that an increasing American reliance on the Arab oil-producing States must lead inevitably to the erosion of our commitment to the State of Israel. Corollary to that is a widespread prejudice against Arabs as volatile people who might at any time turn off the oil spigot to punish us for our support of Israel. And in back of the Arabs, it is feared, are the Russians, waiting to pounce at the moment of opportunity upon the Western "jugular" in the Persian Gulf.

We are confronted therefore, with three sets of relationships, all involving the legitimate interests of the United States—our relations with Israel, with the Arab States, and with the Soviet Union. The question is whether and how these three sets of relationships, with all the conflicts they entail, can nonetheless be balanced in a manner consistent with our overall national interests. I believe that they can.

As matters stand, many Arabs, stirred by the unhappy and ever more desperate Palestinians, are becoming increasingly embittered toward the United States: Witness the accusations—almost certainly unfounded but not implausible from the Arab standpoint—of American collusion in the recent Israeli commando raid in Beirut. The Egyptian Government in particular is known to feel that it has been responsive to moves toward peace, particularly those advanced in 1971 by the United Nations mediator, Dr. Jarring, and that the United States, instead of responding to Egypt's concessions, has actually encouraged Israel in her intransigence by providing a steady and generous supply of arms and money. The question for our foreign policy is whether Arab hostility to the United States is inevitable, the result of a genuine conflict of interests, or the result of an American policy which is faulty and unbalanced in terms of our own national interests.

The issue turns on what exactly our interests are in the Middle East. We have a strong emotional interest in Israel and, as I said in a speech in 1970, I accept the validity of that interest and would go so far as to base a military commitment upon it. But we have other interests in the Middle East as well: An economic interest in Arab oil, at least for the next decade or so, and a strategic interest in the avoidance of conflict with the Soviet Union, both of which interests are undercut by our present policy. All of our interests, on the other hand—emotional, economic, and strategic—could be served by a policy of bringing about a political settlement of the Arab-Israeli dispute, if necessary by providing strong incentives for a settlement.

The Arabs, I suspect, would welcome an "imposed" solution, although they do not say so, and the Israelis could learn to live with one if it were a solution which made fair and reasonable provision for their security. As I have said before, I would support an American bilateral treaty of guarantee with Israel on two conditions: First, that such a treaty was accompanied by an identical multilateral one by the great powers acting through the United Nations, although the American guarantee could apply even if the United Nations one should fail; second, that Israel withdraw from most, though not necessarily all, of the territories occupied in 1967, as called for in Security Council Resolution 242 of November 1967, and as called for by the apparently moribund Rogers plan. Given a determination to settle, variations of the Rogers proposal more acceptable to Israel—and to Egypt—might well be developed.

While providing firm treaty guarantees to Israel, the United Nations—including the United States—could not in fairness do any less for the Arab States. All the States of the region are entitled to guarantees of their borders, and the provision of such guarantees would be in keeping with the long-declared though not the actual policy of the United States. The unanimously adopted Security Council Resolution of November 1967 emphasized the "inadmissibility of the acquisition of territory by war" and also affirmed the "necessity" for "guaranteeing the territorial inviolability and political independence of every State in the area." Going back even to 1950, the United States joined with Britain and France in a Tripartite Declaration of their "unalterable opposition to the use of force or threat of force between any of the States in that area." The declaration went on to assert that if either Israel or the Arab States were found to be preparing to violate frontiers or armistice lines, the three governments would "immediately take action, both within and outside the United Nations, to prevent such violation." As an executive agreement, the 1950 declaration cannot be considered binding under the U.S. Constitution, and it has in fact been ignored by our policymakers for other reasons. Its principle, however, remains valid. I, therefore, recommend that in conjunction with a general settlement of the Middle East conflict—including the critical question of the Palestinians—the great powers, including the United States, and working through the United Nations, provide binding treaty guarantees to uphold and implement the principles spelled out in the 1950 declaration and in the Security Council Resolution of 1967.

How can a general settlement be brought about? The history of attempted mediation between Israel and the Arab States, by Dr. Jarring and others, provides little basis for hope that there can be any resolution which is not imposed by outsiders. Modern liberal thinking quite naturally is biased in the direction of voluntarism, but the obvious preferability of free choice should not blind us to the fact that it is not always feasible, nor to the fact that imposed solutions have been known to be successful. The 19th century Concert of Europe imposed many solutions which turned out to be viable, and sometimes equitable as well, such as the separation of Belgium from Holland in the 1830's. The Treaty of Versailles, I have always thought, was a reasonably fair settlement, at least in its territorial terms, which failed not because it was imposed in 1919 but because it was not subsequently enforced. The United Nations Charter has a formalized and codified procedure for peace enforcement, which is to say, for solutions imposed by the Security Council, and every member of the organization, by its own freely given consent, is bound—by article 25—"to accept and carry out the decisions of the Security Council." The great advance of the charter over the old Concert of Europe is that it would carry the process of peace enforcement beyond raw force exercised by the great powers to a semblance of international action through due process of law. In this respect, an imposed solution in the Middle East would represent an advance in the tortuous process of civilizing international relations. Obviously, a United Nations-imposed solution must be considered a last resort, but as a last resort, I believe that it should be considered, perhaps after a period of, say, 6 months, in which the two sides would be given one last chance to settle on their own.

Neither a voluntary nor an imposed solution is likely to come about in the foreseeable future, owing primarily to the refusal of the U.S. administration, backed by heavy congressional majorities, to modify its commitment to the present policy of Israel. The likelihood, therefore, is for a continuation for the time being of the status quo, which I am fairly certain all parties will come in time to regret. The Arab States, including those which are now conservative, are likely to be radicalized as their grievances fester. Israel, already a garrison state, faces the prospect of mounting terrorism, which no amount of counter-terrorism is likely to suppress or even to stem. The industrial countries, especially the United States, may expect mounting threats to their rapidly increasing oil requirements by radicalized Arab regimes. We may come, therefore, full circle, to the fulfillment of those very apprehensions of a grave threat to our oil supply of which we have lately been hearing so much. The question is whether the crisis can still be avoided, whether the prophecy, is fulfilled, will have been a self-fulfilling one.

In this destabilized political situation the energy crisis continues to grow. With no spare productive capacity of its own, the United States must rely increasingly on oil imports from the Arab Middle East, where at least 300 billion of the 500 billion barrels of proven world oil reserves are located. We can, of course, seek to avoid reliance on Arab oil by spending billions on a crash program for the development of alternate energy sources—energy from nuclear fission and fusion, oil extracted from shale, gas extracted from coal, and solar and thermal energy. In the long term we are going to have to develop these energy sources anyway, since the world's supply of oil is limited. By the end of this century even the vast reserves of the Middle East will be depleted, and oil will probably have lost its predominance as a fuel. The question now is not whether we need to develop alternate sources—we surely do—but whether we need to do so on a crash basis, at extravagant cost, and whether we need to write off the oil of the Arab States prematurely, for extraneous political reasons.

At present, there is virtually no danger of a general boycott, especially on the part of Saudi Arabia, by far the largest producer with by far the largest reserves of any country. But even King Faisal, who hates and fears communism, and who still regards the United States as his kingdom's friend and mainstay, repeatedly warns that the pro-Israeli policy of the United States will eventually bring disaster to America's friends in an increasingly radicalized Arab world. In this respect there is some accuracy in the prognosis of collapse and revolution in the oil-producing countries of the Arab world. The question is whether it is not our own policies which are driving America's Arab friends toward radicalization and revolution. And even if our policies do not lead to upheaval in the oil-producing states, they could well lead to a selective boycott of the United States, coupled with the establishment of exclusive political and business arrangements with Europe and Japan.

There is another, more ominous possible scenario for the years just ahead. Recognizing that even a crash program for the development of alternate energy sources is likely to require so great a leadtime as to leave us heavily dependent for a decade or more on large oil imports, our present policymakers and policy-influencers may come to the conclusion that military action is required to secure the oil resources of the Middle East, to secure our exposed "jugular." One detects something less than advocacy but more than simple apprehension in warnings that the great wealth now accruing to the oil-producing states of the Persian Gulf may somehow pass into the hands of stronger powers.

There is no question of our ability forcibly to take over the oil-producing states of the Middle East. They are militarily insignificant, constituting what the geopoliticans used to call a "power vacuum." We might not even have to do it ourselves, with militarily potent surrogates available in the region. The Shah of Iran is known to aspire to a "protecting" role for the Gulf region. A visiting Israeli scholar professes apprehension that his government may move to "solve" the energy problems for the United States by taking over Kuwait, there being no force in the desert between Israel and the Persian Gulf capable of resisting the Israeli Army. There have also been ominous talks—one assumes unfounded—of a possible Israeli strikes against Libya comparable to the recent reprehensible raid in Beirut.

I am expressing apprehensions: I am most definitely not making predictions. I would like nothing better than to have them denied and repudiated by all concerned. In the meantime, I take the liberty of advising the Arab States not to underestimate the power and determination of the forces which may coalesce against them.

The Arabs themselves bear a share of the responsibility both for the energy crisis and for the political impasse with Israel. As to the former, the OPEC countries would be wise to show restraint in continuing to push up the price of oil, and would also be wise to reassure the oil-consuming countries against the danger of boycott. The Saudi Arabian Minister of Petroleum Affairs, Ahmed Zaki Al-Yamani, is reported to have said:

> We are in a position to dictate prices, and we are going to be very rich.

Saudi Arabia is indeed going to be rich, but the Persian Gulf countries would be well-advised not to press too hard and to treat their oil wealth as a kind of global trust, if for no other reason than for their own protection. The meat of the gazelle may be succulent indeed, but the wise gazelle does not boast of it to lions.

In the political field, the Arab States would benefit from the healthy dose of realism. The concessions they have offered to Israel—recognition of her right to exist and access to international waterways—might have been gratefully received before the 1967 war, but are not acceptable now, either to the Israelis or to their formidable backer and ally. A little less concern with justice and rather more with reality would serve the Arabs well at this juncture of their affairs. They have lost a war, and we have not yet reached that level of civilized behavior in international affairs at which nations can expect to escape without cost from military defeat. The Arabs must recognize not only their own limitations but those as well of their friends abroad, including the small minority in the U.S. Congress who, as matters now stand, would be as powerless politically to prevent coercive action against the Arab States as the Arabs are militarily to resist it.

Events need not come to so drastic a denouement. The OPEC countries thus far have been reasonably moderate and responsible, and there remains in the Arab world, despite everything, a remarkable reservoir of good will toward the United States. But as the mounting desperation of the Palestinians shows, that reservoir is fast being drained. To the Arabs, the United States seems not only hostile but gratuitously and irrationally so. In terms of our own national interests, I am bound to agree. In the service of a profound emotional commitment to Israel, we have all but kicked over the traces on our other interests in the Middle East—an economic interest in oil, a strategic interest in peace, and a perfectly ordinary human interest in the friendship of peoples who, whatever their quarrel with Israel, have never done anything to harm the United States.

Mr. President, on May 30 and 31, the Committee on Foreign Relations will initiate hearings on the implications of the energy problem for our foreign relations. We expect at that time to hear testimony by both academic and Government witnesses. The details of these hearings will be announced in the near future.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Bernard Weinraub, published in the New York Times of May 20, 1973, which has come to my attention since preparing the statement. It gives background as to one of the significant developments now taking place in one of the countries on the Persian Gulf.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### UNITED STATES QUIETLY SENDING TROOPS TO AID IN IRAN

(By Bernard Weinraub)

TEHERAN, IRAN, May 17—The United States, cultivating strategic ties in Iran, has begun a quiet influx of military personnel in this pivotal nation.

By the summer, nearly 600 servicemen and their families are expected to arrive here in connection with a $2-billion United States-Iranian arms agreement signed in the last year. It was believed to be one of the biggest arms agreements ever arranged by the United States Defense Department.

At least 300 civilian personnel are also due here, largely to train Iranian pilots and mechanics in the use and repair of helicopters.

In addition, there are now about 500—and possibly more—soldiers, sailors and marines here. This includes about 250 servicemen attached to the official military assistance group aiding the Iranian Army.

The others, considered in a support position for the military mission, are working at the army post office, handling cargo from arriving Air Force planes and serving in maintenance jobs.

The over-all number of American military personnel here, which is expected to total more than 1,100, makes it one of the largest armed forces assistance missions in Asia. The mission's scope is emphasized by the presence of three American generals based here to work with the Iranian Army.

### "FIELD ADVISORY TEAMS"

The chief of the United States Army mission to the Iranian armed forces is Maj. Gen. Ellis W. Williamson, who meeets periodically with senior Iranian officers as well as Shah Mohammed Riza Pahlevi. The chiefs of the Air Force and Army sections are Brig. Gens. Walter Druen Jr. and Brig. Gen. Leo E. Soucek.

Although the United States mission operates under some secrecy, it is known to be divided into a series of "field advisory teams" that advise the Iranian infantry outside Teheran, the capital, as well as the navy in the Khurramshahr and Abadan area near the Persian Gulf.

Another team, called the gendarmerie mission, advises the rural police force, which is responsible for about 80 percent of the country.

The American commitment and interest here is made plain by the unusually large embassy staff—some officials say that it is now larger than the embassy in New Delhi—and President Nixon's appointment three months ago of Richard Helms, former Director of Central Intelligence, as Ambassador.

### IMPORTANT TO THE UNITED STATES

Officials at the embassy, in a pleasant, leafy quarter near downtown Teheran, make it clear that Iran has emerged as the bulwark of American support in a crucial, turbulent area. Iran's importance to the United States is twofold.

First, Iran is the second largest oil producer in the Persian Gulf, after Saudi Arabia, yielding about 5.8 million barrels a day. At present the gulf provides 10 per cent of America's oil. Within seven years, officials say, about 25 per cent of the oil for the United States will be shipped from the gulf.

Second, Iran is strategically crucial, bounded by the Soviet Union and the Caspian Sea in the north, Turkey and Iraq in the west, Afghanistan and Pakistan in the east, and the Persian Gulf in the south.

"Just look at that," said an embassy official, pointing to the wall map in his office. "There's not too much going for us in this part of the world except Iran. It's an area of tremendous strategic significance, and happily our interests coincide."

The Shah's decision to order $2-billion in military equipment from the United States clearly delighted the Americans here, who say that the British, Germans, French and Russians were competing for some of the defense contracts.

### MILITARY KNOWLEDGE PRAISED

"He wants the latest stuff and he thinks the United States has got the best," said one knowledgeable source. "Whether he needs it or not is his decision. His military knowledge is extraordinary and he knows what he wants."

The $2-billion in contracts, to be spread over five years, includes more than 700 helicopters and, as one official put it, "most everything short of atomic weapons."

It is unclear why the Shah is spending huge sums to build up his armed forces, especially in view of Iran's pressing social problems.

Officials here give numerous reasons: for defense measures; the Shah's strong wish to serve as the dominant power in the Persian Gulf; persistent fears of the hostile regime in neighboring Iraq; rumors that the Soviet Union is encouraging Iraqi and Pakistani tribesmen to spur unrest in Iran, and fears that the Arab guerrilla movement will spill over into Iran, which seeks to maintain quiet ties to Israel.

Moreover, the Shah has indicated that as long as Iran remains powerful—and builds up her defenses—other nations will maintain a wary distance and respect his strength.

Most of the 600 United States servicemen are expected to arrive in July and August to start training the army in the new weapons. Officials here say that the Shah has agreed to pay the cost of the American enlisted men and officers as part of the recent defense agreements.

The Americans "should be out of here in a few years," said one senior official. "That's the theory at least."

Although figures are uncertain, Iran's regular forces are said to total 180,000. Nearly 11,000 officers and enlisted men have received military training in the United States.

## THE MIDDLE EAST AND THE ENERGY CRISIS

Mr. JACKSON. Mr. President, with the deepening dependence of the United States on imported petroleum has come an increasing awareness of the risks to our national security and the stability of our national economy. In the short space of 3 years we have seen the press coverage of the energy crisis move from the obituary page to the financial page to headlines on the front page. The closing of gas stations around the country, the prospect of severe summer shortages, and the readying of plans to ration gasoline on a nationwide basis have brought home to the American people the sense of a problem without an easy solution.

It was, I suppose, inevitable, therefore, that we would begin to hear the argument advanced that the solution to our energy problems—and they are many and complex—lies in imposing on the Arab-Israeli dispute a "settlement" that would make more precarious the situation of our friends in order to court and appease those Arab nations for whom blackmail and sanctuary for terrorists serve as foreign policy. Senator FULBRIGHT's conclusion that we must, in order to assure an adequate supply of energy, deliver the future stability of the Middle East into the hands of the Security Council of the United Nations is, in my view, based on a dangerously oversimplified appreciation of both the nature of our energy deficiency and of the politics of the Middle East and the Persian Gulf, to say nothing of a most fanciful view of the power of the United Nations. When this view—which was properly laid to rest with the demise of the "Rogers plan" 2 years ago—is combined with a refusal to accept the urgency of developing alternative sources of energy as rapidly as possible—we have not only the proverbial ostrich, but a very confused one.

I, for one, believe that we must leave to the parties themselves the task of finding a solution to the Arab-Israeli dispute; and the crucial first step toward that objective is for the Arab States to agree to direct negotiations with Israel. The effort to exhume the Rogers plan, along with the implication that it might be imposed on Israel, can only encourage Egypt to continue its refusal to begin peace negotiations. It should not—and I am confident it will not—be taken seriously.

The principal problem with Senator FULBRIGHT's analysis of our energy problem is its principal assumption: That the threat to the continued delivery of Middle Eastern oil arises from our support for Israel.

The fact is, of course, that the principal threat to the oil producing countries of the Middle East and Persian Gulf is not Israel but, rather, the have-not Arab States: Iraq, Syria, Egypt, and Yemen. These Arab States, impoverished as they are and plagued by the most severe developmental problems, view the great riches of the oil-producing states as a potential solution to their economic development problems.

I would remind the chairman of the Foreign Relations Committee that it is not Israel—as he suggests—that threatens Kuwait—but Iraq which was, as late as last week, engaged in military activity that may have as its objective the eventual control of that oil rich sheikhdom. It is not Israel that threatens Saudi Arabia—but Yemen to the south, Soviet-supported Iraq and Syria to the north, and Egypt to the west. It is not Israel that is in Oman, but rather the stability of Oman is threatened by a smouldering insurgency backed by the Communist Chinese.

I believe that a strong Israel, like a strong Iran, is vital to America's interests in the Middle East and the Persian Gulf. But I think it important to add that America would face problems in the energy area even if Israel did not exist. After all, the Middle East today is a region of great internal instabilities, rapid political upheavals and chronic conflict and tension. One day the Soviets are in Egypt in force and the next day they are almost out. Governments come and go in Syria; Hussein's Jordan is under constant attack; the Sudan has engaged in a genocidal war against its black population; Yemen is torn by civil war only momentarily resolved; the Saudis fear everyone; Kuwait wonders whether she can long survive as an independent entity and Iraq and Iran wonder who will inherit Kuwait's vast oil reserves if she does not. Libya today is ruled by a highly unpredictable regime holding billions of dollars in U.S. currency, ample supplies of which go to finance terrorist activity around the world. Mr. President, alongside this mere sketch of the instability that is everywhere in the Middle East our support for the state of Israel pales into insignificance as a source of uncertainty in the future delivery of Arab oil to the United States.

Mr. President, such stability as now obtains in the Middle East is, in my view, largely the result of the strength and Western orientation of Israel on the Mediterranean and Iran on the Persian

Gulf. These two countries, reliable friends of the United States, together with Saudi Arabia, have served to inhibit and contain those irresponsible and radical elements in certain Arab States—such as Syria, Libya, Lebanon, and Iraq—who, were they free to do so, would pose a grave threat indeed to our principal sources of petroleum in the Persian Gulf. Among the many anomolies of the Middle East must surely be counted the extent to which Saudi Arabia and the sheikhdoms—from which, along with Iran, most of our imported oil will flow in the years ahead—will depend for regional stability on the ability of Israel to help provide an environment in which moderate regimes in Lebanon and Jordan can survive and in which Syria can be contained. Iran, without whose protective weight Kuwait would almost certainly fall to Iraq, plays a similar and even more direct role in the gulf itself.

Last November I traveled to Israel, Iran, and Saudi Arabia. In numerous discussions with leaders of these three countries I was repeatedly impressed with the remarkable extent to which their separate fates are associated—with the extent to which they constitute a sometimes ironic, even paradoxical bloc of nations whose security, so important to the United States, unites them in a set of common interests. In the case of the relationship between Israel and Iran there exists a quiet, cooperative relationship that reflects a common concern with and an effort to contain the forces of instability in the region. The relationship among Israel, Iran, and Saudi Arabia is more complex and, here especially, surface impressions can be misleading. While neither Israelis nor Saudis are in a position to acknowledge the degree to which they have interests in common, the many issues on which they have a shared perspective—despite those on which they differ—have about them a compelling logic that would lead an outside observer to that very conclusion. It is perhaps worth noting that the tapline that carries great quantities of Saudi oil to Western users passes through Israeli-held Golan Heights and, over that portion of its length, it has never been successfully sabotaged. Moreover, the Saudis, whose enormous wealth makes them a target for any number of forces, would not last long without a stable Jordan, a more or less calm Egypt, and a contained Syria and Iraq. The Saudis understand this very well and they also understand—better than many Americans who take their protective rhetoric at face value—that Israel and Iran play a vital stabilizing role with respect to the foreign relations of these countries.

It is in this context, Mr. President, that I could not allow to pass without comment the most unfortunate suggestion of the chairman of the Foreign Relations Committee that Iran and Israel might, in the years just ahead serve as militarily potent surrogates acting militarily to secure the oil resources of the Middle East. Arab apprehensions are even now a major source of instability in the Middle East. For the chairman of the Foreign Relations Committee to hint that the Arab States "may somehow pass into the hands" of America's Middle Eastern allies, acting as our surrogates, is utterly irresponsible. I am amazed that Senator FULBRIGHT would describe fantastic Arab accusations of American collusion in the recent Israeli commando raid in Beirut as "almost certainly unfounded," and would lend credence to the eccentric "apprehensions" of an unnamed Israeli scholar by repeating his view that Israel may invade Kuwait.

Mr. President, the chairman of the Foreign Relations Committee believes that we would not need to develop alternative sources of energy on a crash basis if we did not "write off the oil of the Arab States prematurely, for extraneous political reasons." His remarks today leave us in no doubt as to what these "extraneous political reasons" are: They are, in Senator FULBRIGHT's view, our support for a strong and free and independent Israel.

But even if Israel did not exist, even if the oil of the Middle East were guaranteed to be available to the United States, and even if we had some kind of insurance against upheavals that could interrupt the flow of Middle Eastern and gulf oil, it would be irresponsible to temporize the need to develop alternative sources of energy on a crash basis and to continue to sit idly by as our dependence on imported oil continues to increase.

First, the United States, with 6 percent of the world's population, presently uses over one-third of the world's energy and 47 percent of the world's raw materials. The growing need of the underdeveloped nations for a fair share of this finite resource to assist in their development and to improve their quality of life argues strongly for a vigorous energy research and development program which will benefit all people and all nations.

Second, oil is a depletable resource. This must be recognized before we adopt a policy of postponing or downplaying energy research and development while the United States, Europe and Japan drain the huge, but limited, oil reserves of the Persian Gulf. The most important future uses of petroleum may not be for energy purposes. The use of oil as a chemical feedstock or as a raw material base from which to manufacture food must also be considered.

Third, without the restraint and the price ceiling on the cost of Middle East oil which would result from our having alternative energy sources, we will almost certainly face rapidly increasing prices on crude oil that could, in a short time, lead to gasoline prices on the order of a dollar a gallon. We will also see the dollar holdings of a few Arab States, unable to absorb the vast quantities of capital that are accruing from their oil exports, reach proportions that could enable them to affect, perhaps in some cases even control, international economic conditions. By failing to act now to develop alternative sources of energy we are prolonging the period during which the availability of imported oil, the terms on which we obtain it if available, and the price we pay for it can be dictated by whoever at that point in time happens to be in control of a handful of Persian Gulf nations. We have already waited far too long to increase our options and to make a determined start on alleviating this increasingly critical situation.

Mr. President, the Senator from Arkansas has once again contrasted America's "emotional" interest in Israel with what he considers to be our "economic" interests in the Arab States of the Middle East. On the contrary, I believe that our economic and political and strategic interests are supported—and not "undercut"—by our close and cooperative relationship with Israel. But I wish also to say that I am proud that the American people recognize in Israel the kind of friend and ally that democratic nations everywhere must surely be drawn to. And if that injects a note of "emotion" into our foreign policy, it is one that represents the best in our traditional commitment to individual freedom.

## QUORUM CALL

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOMINATION OF WILLIAM L. SPRINGER

The PRESIDING OFFICER. The Senate will now resume the consideration of the nomination of William L. Springer to be a member of the Federal Power Commission.

The clerk will state the nomination.

The legislative clerk read the nomination of William L. Springer, of Illinois, to be a member of the Federal Power Commission.

The Senate continued to consider the nomination.

Mr. PERCY. Mr. President, I ask unanimous consent that during the consideration of the nomination of Mr. Springer, Mr. Irish McRae be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I understand we are under controlled time. Is that correct?

The PRESIDING OFFICER. Debate on this nomination will be limited to 2 hours, to be equally divided between and controlled by the Senator from Utah and the Senator from New Hampshire, after which there will be a yea-and-nay vote.

Mr. MOSS. I thank the chair.

Mr. President, I ask unanimous consent that Henry Lippek and Edward Merlis, of the Commerce Committee staff, have the privilege of the floor during the debate and vote on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. COTTON. Mr. President, I have already asked permission for Mr. Arthur

Pankopf have the privilege of the floor. I make the same request for Mr. Malcolm Sterrett of the committee staff to remain on the floor during consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, today, we have before us a matter of great importance to the American people. For in the proceedings which we now commence concerning the question, "Does the Senate consent to the nomination of William L. Springer to be a member of the Federal Power Commission?" We have at stake the very fundamental question: Shall the Senate effectively discharge its duly constituted responsibility?

The Federal Power Commission has sunk to a low point today. Its current failure to balance its considerations is derogation of its authority. It is not the function of the FPC to aid producers, pipelines, and utilities to maximize profits. Rather, it is the function of the Federal Power Commission to fulfill the mission of the Federal Power Act and the Natural Gas Act. In that responsibility, the Commission is charged with evaluating the requests of the industries against the public interest.

William L. Springer is an able man. He has served his constituents well in 22 years in the House of Representatives. And no one can question his integrity and honesty. But William L. Springer in his 22 years as a Member of the House of Representatives has continually voted to remove the Federal Power Commission's power to regulate gas prices at the wellhead, in favor of private power companies and opposing public power interests, and against environmental and consumer legislation.

In view of this record, one might say that Mr. Springer can ably represent the industries which appear before the Federal Power Commission. But it is not the role of the FPC or the Commissioners to each represent a given constituency. And, even if it were, the Commission already has three members whose orientation reflects the very industries which it is called upon to regulate. It would seem that the President could find, out of the thousands of qualified Americans, a nominee whose background indicates an impartial or consumer orientation.

The Federal Power Commission was established with a strong statutory mandate in environmental and consumer protection. It regulates the wholesale price of electricity and natural gas and the construction of non-Federal hydroelectric projects and natural gas facilities. It has jurisdiction over industries whose gross revenues exceed $30 billion per year. The FPC is an important agency. It must meet the challenge of assuring adequate supplies of energy while protecting the environment and maintaining utility prices at the lowest reasonable levels. Mr. Springer, who has been very candid in his views, has demonstrated that he would side with the industries to be regulated.

In discussing Federal Power Commission's responsibility, President Franklin D. Roosevelt stated:

> The regulating Commission, my friends, must be a tribune of the people, putting its engineering, its accounting and its legal resources into the breech for the purpose of getting the facts and doing justice to both the consumers and investors in public utilities. This means, when the duty is properly exercised, positive and active protections of the people against private greed.

The Federal Power Commission's jurisdiction was expanded in 1938 with the passage of the Natural Gas Act, conferring jurisdiction upon the Commission over the transportation of natural gas in interstate commerce and the sale in interstate commerce of natural gas for resale for ultimate public consumption. In numerous decisions, the Supreme Court has declared that the purpose of the Natural Gas Act is "to afford consumers a complete, permanent, and effective bond of protection from excessive rates and charges."[1]

The Court further stated in another case that "protection of consumers' exploitation at the hands of natural gas companies was the primary aim of the Natural Gas Act."[2]

Thus, the very fundamental regulatory responsibility of the Federal Power Commission; its very existence is based upon the serious marketing imperfections which preclude reliance upon the operation of the marketplace to protect the ultimate consumer from unreasonable rates. The Commission was established as a conservation and consumer protection agency with a strong statutory mandate in both areas. These functions continue to be of paramount importance today.

The Federal Power Commission must meet the challenge of assuring adequate supplies of energy, protecting the environment, and keeping utility prices at the lowest reasonable level. To achieve these goals the independent regulatory agency, like the Congress, must have balanced representation of many viewpoints. Such a body needs to reflect the diversity of opinion that cuts across the spectrum of viewpoints in the United States. But where Mr. Springer was one of 435 Members of the House of Representatives and was representative of his constituency, he would be one of five Commissioners of the FPC. And even if Mr. Springer reflected the viewpoint of one-fifth of the American people, he still should not serve on the Federal Power Commission for that the identical viewpoint is already espoused by the three existing members. Thus, should Mr. Springer be confirmed, four-fifths of the Federal Power Commission would reflect an opinion which is held by a very narrow special interest group, the industries regulated by the FPC.

Congress has vested in regulatory commissions the powers necessary to carry out broad statutory mandates. But congressional statements of policy are understandably general, leaving to Commissions the task of making specific policy to implement those objectives. Thus, the membership of the independent regulatory Commission is extremely important to carry out the congressional intent.

The Federal Power Commission is currently made up of the following three Commissioners:

First. John N. Nassikas—Chairman Nassikas' professional background includes service as assistant attorney general of the State of New Hampshire from 1950–53 where he concentrated on public utility cases before the State Public Utility Commission in the New Hampshire State Supreme Court. From 1953–69, Mr. Nassikas was a senior and managing partner of the law firm of Wiggin, Nourie, Sundine, Nassikas & Pingry. Mr. Nassikas became best known as a lawyer for insurance, banking, and utility companies.

Within 2 months after he became chairman of the Federal Power Commission, the Wall Street Journal—certainly not a bastion of radical commentary—was commenting on Nassikas' "friendliness" toward the industry. Forbes magazine, in its November 1, 1969, issue stated "too good to last? It is hard to see how the troubled natural gas industry could have a regulator more to its taste than the new Chairman of the Federal Power Commission—he—sometimes sounds more like a natural gas executive expounding about how the FPC should regulate his industry than a man burdened with the actual responsibility of regulation."

And lest someone should comment that this was 3½ years ago, in the January 17, 1972, of the Nation, there appears the following statement:

> Aside from the impressive rate increases, he has maneuvered through the FPC a dazzling array of other proindustry rulings: for giving nearly $400 million in overcharges; granting (for the first time in history) price increases for "old gas—gas that it is already flowing and whose production costs have already been written into the price contract—which is about the same as if General Motors were allowed to go back and raise the price of your car after you have been paying on it for a year.
>
> Most significant of all, for the first time in history, the FPC has given rate increases not merely on the basis of cost of producing gas but as a matter of incentive. These are profits designed to encourage the industry to sell more of its product. When dealing in a necessary fuel, the potential for industrial blackmail obviously exists; and it is always possible that incentive pricing is no more than the payment of blackmail.

Senator COTTON stated at the March 19, 1973, hearing on the current nominee that—

> Now they are all coming to my office and saying, "he (Chairman Nassikas), is too industry oriented."

Second. Commissioner Rush Moody is a Democrat appointed by President Nixon. Newspaper accounts reported that spokesmen for certain Texas oil and utility interests first sounded out Moody's law partner, Tom Sealy about accepting the appointment. Later Sealy received another inquiry from Hugh and William Liedke, chairman and president respectively of Penzoil United. This is a multibillion dollar conglomerate which owns among other things, United Gas Pipeline. It is regulated by the FPC. The Liedke's, therefore, were very interested in the composition of the Commission. Sealy not only was a personal friend, but his law firm also handled legal work for Penzoil. He decided, however, that he did not want to go to Washington and suggested his law partner for the FPC vacancy. The Liedke's immediately began pulling strings inside the White House to get Moody appointed. Not surprisingly, since his appointment, Rush Moody has repeatedly stated in opinions and speeches that he doesn't favor FPC regulation of natural gas prices at the wellhead.

---

[1] Atlantic Refining Co., vs P.S.C. of New York, 360 US 378 (1959).

[2] F.P.C. vs Hope National Gas Co., 320 US 591 (1944).

Third. Commissioner Albert B. Brook's views on the FPC generally parallel those of Commissioner Rush Moody.

At the hearings on the nominees, Congressmen GEORGE BROWN and CHARLES VANIK, of Ohio, both spoke in opposition to Congressman Springer. Additionally, Attorney Morton L. Simon and Erma Angevine, executive director of the Consumer Federation of America, agreed that the current Federal Power Commission is completely industry oriented. As Mr. Simon summarized in his testimony:

> The present Commission lacks even one vigorous consumer member . . . the Commission usually without the consent and frequently over the opposition of consumer representatives, has in recent years adopted the basic views of the ever higher prices urged by the regulated industry.

The witnesses indicated that the present Commissioners have made unmistakenly clear their beliefs that regulation of natural gas producers is undesirable and that regulation of pipelines should be liberalized so generously as to be nonregulation.

The effects have been imminently predictable—in a period over a little over 3 years the prices of interstate sales of gas have increased over 20 percent, or approximately $500 million per year. And pipeline rates have increased in the past 3 years at an approximate rate of $1.2 billion per year. In addition, the current Commission has shown an excessive hostility against the enforcement of antitrust laws and has opposed Justice Department enforcement of them.

Recently, the FPC allowed the Champlin Petroleum Co. to increase its rates of flowing gas sold to Mountain Fuel Supply in the Church Buttes area from 15 to 40 cents per million cubic feet.

This involves $987,500 per year in direct additional costs to Utah consumers. Through a gobbledygook construction of the Natural Gas Act, the FPC has permitted the producer, Champlin Petroleum Co., to increase rates by 267 percent on the price of flowing gas.

In justifying this untenable and inexcusable price increase, the Commission has arbitrarily and capriciously thrown aside reason, torn asunder the Natural Gas Act, and abrogated its responsibility.

As I indicated before, this kind of rate increase on the price of flowing gas is the same as an automobile dealer coming back to you 1 year after purchasing a car and demanding a 267-percent increase on your monthly payments.

The Commission contends that the 267-percent increase would raise the price to the "fair market value." Once again, I suggest that the public does not customarily pay greater prices on a time payment when the sales price of the item increases years after the original contract was signed.

Additionally, this assertion that the new price would be a "fair market value" price is absurd. For Mountain Fuel Supply Co. has available to it new gas in the same area which can be purchased at 50 percent the rate permitted by the FPC on the flowing gas. In other words, a new gas contract would be only a 25-percent increase, yet the old gas price has been allowed by the Commission to rise by 267 percent.

Past Federal Power Commissions have addressed the fundamental issue of whether or not there is adequate competition in the marketplace. The current Commission, evidently, does not care about competition.

This lack of competition, which the previous Commissions attempted to stifle, has been fostered by the current Commission. And the confirmation of William L. Springer to the Federal Power Commission will continue to foster this failure of enforcement.

Mr. President, during his 22 years in the House of Representatives, Mr. Springer supported removing from the Federal Power Commission the power to regulate the wellhead price of natural gas. He consistently voted to prefer the interest of private power companies to the interest of public power companies to the ultimate detriment of the energy consumer. The League of Conservation Voters, in its evaluation of Mr. Springer's environmental record in 1970, gave him a zero rating. The same organization in 1972 credited him with only 24 points out of 100 on the basis of those issues on which he voted during the 92d Congress. Senator TUNNEY, who knew Congressman Springer well when they both served in the House of Representatives has stated:

> I am opposing the nomination of Congressman Springer. Though Congressman Springer is clearly a man of ability, his 22 years in the Congress raises a serious question in my mind as to whether he could satisfactorily represent the interest of the consumer and the environment.

Congressman GEORGE E. BROWN has expressed his opposition to Mr. Springer. Congressman CHARLES VANIK has expressed his opposition to Mr. Springer as a member of the Federal Power Commission.

A primary purpose of the Federal Power Commission is to protect the consumer against exploitation. To perform this mission, the FPC needs at least one strong consumer spokesman. Chairman WARREN G. MAGNUSON stated last week in a newspaper interview that the nomination would leave the consumer interest totally unrepresented on the FPC. More importantly, our distinguished chairman suggested that there should be a 3-to-2 split between "the big boys and the consumer." The big boys already have their three; let us give the public a chance. The industry orientation of the Federal Power Commissioners would be further solidified with the confirmation of the nomination of William Springer.

Mr. President, it is urgent and critical that the Congress reject the nomination of William L. Springer to be a member of the Federal Power Commission. I intend to vote against his confirmation.

Mr. COTTON. Mr. President, I yield myself such time as may be necessary on this point.

I have listened with some degree of amazement to some of the statements made by my good friend and long-time colleague on the Committee on Commerce, the distinguished Senator from Utah (Mr. MOSS).

The nominee, Mr. William Springer, is a practicing attorney by profession from the State of Illinois. He served as county judge in Champaign County, Ill., before being elected to Congress. He has been awarded honorary doctor of laws degrees from Millikin University in 1953; from Lincoln College in 1966; and from De Pauw University in 1972.

He was first elected to the 82d Congress, and in all, he was elected to eleven consecutive terms, serving 22 years in the Congress of the United States.

During 20 of those 22 years, he served on the Committee on Interstate and Foreign Commerce in the House of Representatives, which is the sister committee of the Committee on Commerce of the Senate, on which I am proud to serve as the senior Republican Member.

During the last 8 years, Mr. Springer served as the ranking minority member of the House Committee on Interstate and Foreign Commerce.

Mr. President, the 22d District of Illinois which Mr. Springer represented had a population in 1970 which exceed 450,000 people, all of whom are "consumers."

An examination of Mr. Springer's district shows that it runs about 58 percent blue-collar and 42 percent white-collar.

Two universities are located in his district. One is the University of Illinois. It is one of the largest educational institutions in Illinois with several campuses. It is estimated that the campus located in Representative Springer's district had a student population of around 35,000 and a correspondingly large faculty.

As I stated earlier, all the people in former Congressman Springer's district are consumers. But, you also will note, Mr. President, that many of the people in his district were blue-collar—labor—consumers. Furthermore, with the two universities—the University of Illinois and Millikin University—he had large academic communities as part of his district. Such academic communities are usually thoroughly alert—I do not say they are necessarily extremely liberal—to the interests of the people and of the consumers.

In all but 1 of his last 10 elections, former Congressman Springer received approximately 60 percent or better of the votes cast in his district. The single exception was in 1964 during the so-called "Johnson landslide," in which he received 53 percent of the votes.

The following is a table showing the percentage of the votes former Congressman Springer received in the large and populous district which he represented in his last 10 elections, after which he retired of his own desire:

| | *Percentage of vote* |
|---|---|
| 83d Congress | 63.0 |
| 84th Congress | 62.0 |
| 85th Congress | 62.3 |
| 86th Congress | 60.5 |
| 87th Congress | 61.4 |

| | |
|---|---|
| 88th Congress | 59.7 |
| 89th Congress | 53.0 |
| 90th Congress | 65.2 |
| 91st Congress | 64.3 |
| 92d Congress | 60.9 |

During the 8 years that he was senior Republican member of the full Committee on Interstate and Foreign Commerce, we on the Senate Commerce Committee frequently were in conference with he and his fellow House committee members. Therefore, I, as the ranking minority member of our Commerce Committee, through the years came to know him well. I doubt if even the three members out of the 18 of our committee who have registered dissenting views on his pending nomination, including my good friend from Utah (Mr. MOSS), would for one single moment question Mr. Springer's complete integrity and complete desire to be fair.

When we come to talk about his being not sufficiently "consumer-minded" to suit the high standards that my respected colleagues appear to demand, let me invite their attention to one or two things.

The Senator from Utah (Mr. MOSS) has just talked about the distinguished chairman of our committee, the Senator from Washington (Mr. MAGNUSON), and his apprehension about having a balanced Federal Power Commission, that it should be at least 3 to 2 weighted towards the consumer, according to what I understood the Senator from Utah (Mr. MOSS) to say.

Let me invite attention to the fact that on Thursday, May 17, Senator MAGNUSON announced that he would not be able to be in attendance on Monday, May 21, during consideration of Mr. Springer's nomination for family reasons, and then he noted the following—and this is the chairman of the Senate Committee on Commerce:

> I desire to announce publicly now, as chairman of the Committee on Commerce and the one who held hearings, that I wish to be recorded in favor of Mr. Springer's nomination.

Whatever the apprehensions of the distinguished chairman of the Commerce Committee about the general composition of the Federal Power Commission, he certainly endorses in clear and clean-cut language his support of Mr. Springer. Senator MAGNUSON said, in the course of colloquy in the committee, within my hearing, and on many occasions in committees of conference, where he had occasion to argue with Mr. Springer on various points, that he respected his ability, his integrity, his fairness and that he considered him entirely competent and fit to serve on the Federal Power Commission.

The Honorable HARLEY O. STAGGERS, a Democrat and chairman of the House Committee on Interstate and Foreign Commerce, who represents the Second District in West Virginia, appeared at the committee hearing on Mr. Springer's nomination, on March 19. He took pains to come over and appear before us in person. Chairman STAGGERS spoke in support of Mr. Springer's nomination to the Federal Power Commission in the following manner—and this is Chairman STAGGERS of the House committee who served for many years with former Congressman Springer:

> There are few men you can just wholeheartedly endorse as being men of true worth and men who have the Nation's business at heart and their fellow man. I can wholeheartedly endorse Bill Springer as being this type of man.

Then continues Mr. STAGGERS, chairman of the House Committee on Interstate and Foreign Commerce, himself the author of much progressive consumer legislation:

> Many pieces of legislation, great landmark pieces of legislation, would not be on the books of this Nation today if it had not been for the help and cooperation of Bill Springer. * * *
>
> I am happy to add my few words to those already said and the others I know that will be coming. I know Bill would do his very best to do a good job for America on the FPC, and he will do it without partisanship.
>
> Bill Springer served that way on the House Interstate and Foreign Commerce Committee. What was good for America was what he wanted to do.
>
> So you can gather that I wholeheartedly endorse Bill for the position. * * *

In the following colloquy, I asked this question of Chairman STAGGERS:

> Senator COTTON. I only have two questions. You yourself, Mr. Chairman, enjoy an enviable reputation for your fairness to not only the business, but your solicitude for the consumer. Do you feel that Judge Springer would also have that same solicitude—fairness for all and solicitude for the consumer?
>
> Mr. STAGGERS. If he did not, he would have to change dramatically from the 22 years I have known him, because that has been his record for those 22 years.

When we speak of his record, to hear the remarks of the opposition, one would think that he had a record of servitude to business and antagonism to the consumer. Here is some of the specific consumer legislation supported by Mr. Springer. He collaborated on many of these bills and cosponsored some of them.

One, the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89–563.

Two, Cigarette Labeling and Advertising Act, for which the Senator from Utah (Mr. Moss) labored long and hard and deserves great credit. Bill Springer was with him on it in the House. That is Public Law 89–92.

Three, the Fair Packaging and Labeling Act, Public Law 89–755.

Four, the Radiation Control for Health and Safety Act of 1968, Public Law 90–602.

Five, the National Commission on Product Safety, Public Law 90–146.

Six, to authorize a DOT study of motor vehicle accidents, Public Law 90–313.

Seven, Flammable Fabrics Act amendments, Public Law 90–189.

Eight, Child Protection and Toy Safety Act of 1969, Public Law 91–113.

Nine, National Commission on Product Safety extension, Public Law 91–51.

Ten, the Cigarette Labeling and Advertising Act—the second Act—Public Law 91–222.

Eleven, traffic safety authorization, Public Law 91–265.

Twelve, poison prevention packaging, Public Law 91–601.

Thirteen, auto damage repairability, Public Law 92–513.

Fourteen, flammable fabrics (1-year extension), Public Law 92–542.

Fifteen, traffic safety authorization, Public Law 92–548.

Sixteen, Consumer Product Safety Act, Public Law 92–573, and

Seventeen, Noise Control Act, Public Law 93–574.

Mr. President, it has been a long time since I have heard spirited opposition to a colleague with whom we have served being appointed to a commission—not because we have a particular esprit de corps of stick-together because we have served in Congress, but because we know the men with whom we have served. Certainly, we know the men with whom we serve in this body; and even though some of us have been out of the House many years, we certainly know the members of our sister committees in that body.

I am frank to say that I never expected, knowing Bill Springer as I know him, that there would be any opposition to his nomination. In my opinion, one need only look him in the eye and listen to his voice to recognize his complete sincerity and dedication.

In addition to what Chairman STAGGERS said, the Honorable JOHN D. DINGELL, the well-known and very able Democratic Representative from the 16th District of Michigan, the fifth-ranking Democrat on the full House Committee on Interstate and Foreign Commerce, and chairman of the Subcommittee on Fisheries and Wildlife Conservation and Environment of the Committee on Merchant Marine and Fisheries, also took pains to appear in person before our committee when we had the hearings on Mr. Springer's nomination. This, in part, is what he said:

> Mr. Chairman, I have served in the House of Representatives with William Springer for 17 years. He is a man of integrity, a man of genuine ability, a man of real concern and dedication to the public interest. I recommend him for the position for which he has been nominated without reservation or hesitation.

Congressman DINGELL is, I believe, a well-known and highly respected progressive Democrat in the House of Representatives. I think that is a just description.

Mr. DINGELL continued as follows:

> In the Committee on Interstate and Foreign Commerce, on which he and I have served for over 16 years, he always demonstrated a rare degree of ability, a high level of courage, and as I have indicated, a real concern for the public interest. He and I have had many differences over the years on matters of philosophy and when he is confirmed—and I do not say were he to be confirmed—but when he is confirmed, I am satisfied that he and I will continue to have differences, but the differences we will have will not relate to whether or not he is trying to serve the public interest.
>
> His acts will be honest, sincere acts, based upon the best judgment he can make. He is able and, as I have indicated, he is honest. I am satisfied that the FPC will be well served by his membership and that he will add a measure of responsibility and good orientation to that agency. * * *

In addition, the Honorable PAUL A. ROGERS, the Democratic Representative from the Ninth Congressional District of Florida, the sixth-ranking Democrat on the Committee on Interstate and Foreign Commerce in the House, and chairman of its Subcommittee on Public Health and Environment, testified in person as follows.

> It is a pleasure to be here to urge the confirmation of William Springer.
>
> I think it is a very fortunate appointment, and I would certainly support him wholeheartedly, and I think by far the vast majority of the Members of the House, having known Bill Springer for 22 years of service in that body, in which he sat on the Interstate and Foreign Commerce Committee, as I am sure most of you are well aware, we found there that he was a man of great knowledge, had an ability to immediately evaluate things and get to the point of the crucial issues of the day.
>
> But I think perhaps the most important thing, and I think this committee would be concerned with it, is not only his ability but his integrity, and I know of no one who has ever questioned the integrity of Bill Springer. I consider him to be an outstanding appointee, and I would certainly urge this committee to give its confirmation and recommendation to the Senate for his position as an FPC Commissioner.

Also, Mr. President, by respective letters dated May 18 to Senator MAGNUSON, chairman of our Committee on Commerce, the nomination of Mr. Springer to the Federal Power Commission was endorsed by Congressman JAMES·HARVEY and Congressman JOE SKUBITZ. I further understand these and several other letters supporting Mr. Spinger's nomination may be offered in for the record at a later point.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. SCOTT of Virginia. I thank the Senator for yielding. I apologize for interrupting the distinguished Senator, but I have to go to a meeting of the Committee on Armed Services.

Mr. President, I have known Bill Springer for some time, and served with him in the House for three terms. He was the ranking Republican member on the Interstate and Foreign Commerce Committee during that time and we became well acquainted. I do not believe there was a fairer man serving in Congress during this period of time, than Bill Springer. In my opinion he is entirely competent. I believe he will be fair and impartial in the administration of his duties as a member of the Federal Power Commission. I endorse and recommend him wholeheartedly to my colleagues in the Senate. I hope his nomination will be overwhelmingly confirmed.

I thank the Senator for yielding.

Mr. COTTON. I thank the Senator for his remarks. He knows whereof he speaks, having served with Mr. Springer.

Now, Mr. President, I hasten to finish.

Senators HART, MOSS, and TUNNEY in separate views have expressed opposition to Mr. Springer's nomination but even these opponents have acknowledged that—

> It may indeed seem unfair to "blow the whistle" on these two men, when so many with similar backgrounds have been approved. * * *

In connection with "blowing the whistle," or more appropriately, suddenly altering the criteria by which the Senate is to pass judgment upon the qualification of nominees, I cannot resist a personal word.

Perhaps the test is going to be changed. But, in all of my 19 years in the Senate, where we vote on confirmations, it has been my understanding all through these years—and I know it has been the understanding of many if not most of my colleagues—that when a President of the United States sends to the Senate a nomination for consideration and confirmation by the Senate, the Senate does not accept or reject that nominee on the basis of whether Members of the Senate agree with the particular philosophy of that nominee. In my years in the Senate, Mr. President, I have voted for the confirmation of every nomination to the Supreme Court. And, up until Mr. Nixon became President, these were the men for whom I voted: John M. Harlan, William J. Brennan, Jr., Potter Stewart, Byron R. White, Arthur J. Goldberg, Abe Fortas, and Thurgood Marshall.

Justice Potter Stewart might be considered as something of a conservative.

I do take pleasure in saying that Justice Byron R. White has happily surprised me. I thought he would be very liberal. But I think he has been one of the fairest and best balanced justices we have had on the bench.

But I did cast my vote—with the possible exception of Justice Potter Stewart—convinced that every one of these men represented a political philosophy that was not in keeping with mine. Certainly, if I had been President, I probably would not have nominated them. They were nominated by President Johnson and his predecessors. I felt it was up to me to examine their competency and their integrity. And, there my duty and privilege stopped.

I think it would be a rather sad day if we inaugurated the custom suggested—at least hinted at—by my good friend from Utah (Mr. MOSS) of starting, not necessarily a party division, one of trying to balance the philosophy of the members of such regulatory commissions.

I cannot resist calling attention to the fact that the Senator from Utah (Mr. MOSS) quoted me in regard to the Chairman of the Federal Power Commission, the Honorable John Nassikas, whom I have known for many, many years as one of the leading lawyers from my own State of New Hampshire.

The Senator from Utah (Mr. MOSS), I believe, quoted me as saying that "He was confirmed, and now, everyone is coming to my office and saying he is too industry-oriented." But, in doing so, it was taken out of context.

What I said was as follows:

> Senator COTTON. On that point I would like to comment on the question of when a man goes on a commission, whether he is going to be swayed by his previous legal connections, and those whom he has represented in private practice.
>
> In particular, I am hearing the Chairman of the Federal Power Commission being criticized greatly for being industry oriented. I feel very strongly that this is not true. I know the man. I know that his great concern is the energy crisis. But, if you are going to pick a man on the basis of his previous experience, then Chairman Nassikas, who comes from my State, and whom I have known for many years throughout his entire experience before he was appointed, was anti-industry.
>
> As assistant attorney general of the State of New Hampshire, Chairman Nassikas fought the utilities when they sought to increase prices. Later, he was designated by the Governor as special counsel to represent the State in opposing the utilities in the State. As a result, when his name was up for confirmation, I found people coming to my office connected with utilities and with others in the industry, who were very apprehensive about him.
>
> He was confirmed, and now, everyone is coming to my office and saying he is too industry-oriented.

Thus, after his confirmation, there were those who claimed that he was too industry-minded. That goes to show that we cannot judge a man by his previous experience, in regard to his clients, or in regard to the question as to whether he is related to a judicial or a quasi-judicial position.

Now, two other Democratic Congressmen did appear before the Committee on Commerce on March 19 to testify on the nomination of Mr. Springer and of Mr. Morris, of California, to be members of the Federal Power Commission.

The first was Representative GEORGE E. BROWN, JR., of the 29th District of California, who testified in opposition to both Mr. Springer and Mr. Morris. He serves at present on the Committee on Agriculture and the Committee on Science and Astronautics, not the Committee on Interstate and Foreign Commerce on which Mr. Springer served.

The second was Congressman CHARLES A. VANIK, a Democrat representing the 22d District of Ohio, who, since the 84th Congress has served 10 consecutive terms and now serves on the House Committee on Ways and Means.

Mr. VANIK was referred to in the separate views of 3 of the 18 members of the Commerce Committee who wrote those views as being opposed to Mr. Springer's nomination. Perhaps he is. But, from his testimony, I would not gather that he testified in heated opposition, based upon the following exchange with Senator TUNNEY:

> Senator TUNNEY. Thank you, Mr. Chairman.
>
> As I understand your testimony, Congressman, you are opposing both nominees?
>
> Mr. VANIK. No. My statement is primarily directed to Mr. Morris. I cannot tell this committee anything about my colleague, Mr. Springer, which they do not know—his work is on the record. I have disagreed with him on many of his legislative positions, but we have a 22-year track record on Mr. Springer in the Congress, and I think it is an entirely different situation.
>
> Senator TUNNEY. I see. So you are——
>
> Mr. VANIK. A consumer-oriented appointment is needed. *I am not opposing Mr. Springer, but I am opposing the appointment of Mr. Morris.*" (Emphasis supplied)

Now, I have already covered Mr. Springer's distinguished legislative record. Let me close by covering one more point, and I will give my friend from Illinois (Mr. PERCY) a chance to speak.

The only vote of any consequence which the opponents of Mr. Springer are raising today has to do with his vote of July 28, 1955.

It was inferred or at least insinuated by the Senator from Utah (Mr. Moss) that there were other votes on this same issue. I have not personally been able to find any. The only vote I have knowledge of was on July 28, 1955, on H.R. 6645 of the 84th Congress, with reference to deregulation of gas at the wellhead.

Now, does this mean that anyone who casts a vote for deregulation today would be unfit to sit on the Federal Power Commission?

Let us see whom Mr. Springer was in company with on that vote. His vote was identical with that of the then Speaker of the House, the late Sam Rayburn, the distinguished present Speaker of the House, Mr. ALBERT; the late, great majority leader of the House, Hale Boggs; and when the Senate voted on February 6, 1956, the present distinguished majority leader in the Senate, Senator MANSFIELD, when he had first entered the Senate; the dean of the Senate, Senator Hayden; and two of the great Senators from Arkansas—the distinguished present chairman of the Senate Appropriations Committee, Senator McCLELLAN, and the great chairman of the Committee on Foreign Relations, Senator FULBRIGHT. Incidentally, the bill was called the "Harris-Fulbright bill."

Is the distinguished former Congressman from Illinois, Mr. Springer, whose vote was the same as all of these present leaders of the House and Senate, thereby unfit to be a member of the Federal Power Commission, or subject to the allegation that he "sold out" to the oil and gas interests?

It would appear to me that Mr. Springer was in distinguished company when he cast his vote on that bill. It is exceedingly dangerous to attack a man because of a vote which was over 15 years ago. I would assume that everybody would vote his convictions on such a matter. I am sure that Mr. Springer, as well as all of the other distinguished members I have mentioned, cast their votes on their conscience and certainly should not now be attacked as serving any particular interests. They merely believed on the date which they cast their vote that they were right. I doubt whether any Senator here today can say that those votes were made on other than the basis of the evidence at hand, and what they believed to be the best interest of their country.

Mr. President, I regret the time that I have taken, but this is an important matter. It is a matter on which I started by saying, and which I will end by saying, is rather shocking to me. When one has served year after year, and has sat in conferences between the House and the Senate for many years with a man whose very personality radiates sincerity and dedication—I do not maintain he is always right, but I maintain he is one of the most conscientious legislators that I have been privileged to know in all my years in the Congress—without casting any doubt on their sincerity, I am shocked that three out of the eighteen members of our Commerce Committee saw fit to oppose Bill Springer's nomination. I think he is honest. I think he is fair. I know that as a Federal Power Commissioner he will use his influence and his vote, for what he honestly considers to be in the best interests of all our people.

I yield to the Senator from Illinois.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has until 2:56.

Mr. COTTON. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, if there are no more speakers on this side, I would like to ask that I be yielded the remainder of the time, unless there are concluding comments to be made by the Senator from New Hampshire.

Mr. COTTON. I do not have any. The other side may have some time to yield to the Senator.

Mr. PERCY. I think the remaining time is quite adequate for my purposes.

Mr. President, I have listened to the words of my distinguished colleague from New Hampshire. I am pleased that the distinguished Senator from Utah and the distinguished Senator from Michigan are on the floor. I feel that they have performed through the years a tremendous service to the consumer. There are no two Senators who have, with greater diligence, pursued the interests of the American consumer and looked to the public interest in what they have done in their work; and I think they would also recognize that, as one of the three principal authors of the consumer protection agency, I have long taken the position that the reason that we needed such an agency is that many times regulatory bodies and regulatory agencies are established and industry will move in to try to get their man on that agency.

There will be others on those bodies who, by the very nature of the pattern of the voting in which they may have engaged or the interests they have been looking at, are far more interested in protecting the position of the producer than that of the consumer.

In fact, I had been in business a quarter of a century, and I always maintained, as a businessman, that we were not a producer economy and we should not seek to solve our problems by something which makes life easier for the producer; that we were a consumer economy. And that is why through the years I came to the Congress and appeared before the Finance Committee of the Senate and the Ways and Means Committee of the House for two decades testifying against my own industry many times when they tried to get protective legislation, legislation not designed to protect consumers at all, but to make life easier for those of us who produced goods.

So, I speak with considerable feeling about appointments to regulatory bodies. I view with grave suspicion anyone who goes on such bodies to represent, not the consumer interests, but the public interest.

For that reason I have been a strong opponent of such nominations because I do not feel on the whole that some of the regulatory bodies protect the interests of the consumers as they should be protected. Second, I have no great reverence for appointments sent down by the White House. I respect the fact that they have done the best job they could. However, I know that those appointments are made by human beings and that sometimes they make mistakes.

I have had to cast some very strong, but sometimes difficult, votes against nominations sent down from the White House, including Supreme Court appointments and other appointments.

I look upon that duty as quite important. We are a separate branch of the Government, and we have a coequal responsibility for sharing responsibility on all of these appointments.

So my pattern of voting negatively on such appointments as Carswell in the past has been enough to establish the fact that I do not try to rubberstamp the appointments. I have looked upon this as a duty to act responsibly and not as a mandate to rubberstamp whatever appointments are sent down by the White House.

The very fact that I authored a bill to require certain officers to be confirmed by the Senate, which bill has been vetoed and will be coming up for a vote on overriding the veto, stresses the fact that I believe our confirmation authority is very important.

The Senator from Illinois has taken a position against certain appointments sent down from the State of Illinois. I have done everything I could to ward off appointments that I have had to vote against on the floor of the Senate when I did not agree with those appointments.

However, with respect to the present nomination, I not only would have done nothing to stop it, but I would have done everything to encourage it. I feel that the Senator from Illinois can speak with some personal knowledge because I have known Mr. William Springer, who has been a Member of the Congress for 22 years, for several decades. I believe that my personal relationship with Mr. Springer goes back farther than my relationship with any other Member of the Congress from the Illinois congressional delegation.

It is for that reason that I speak on behalf of his nomination this afternoon. I believe that he will be a good member of the Federal Power Commission. I believe that we have to have to have on that Commission at this particular time in our country men of great competence, men of knowledge and experience in the field of energy. We are going to have some of the most difficult problems in this field down the line, problems that we will have to solve. There will be many more problems than there will be in any other field I know of. I feel that to have a man of experience and competence acting in that capacity on this Commission is extremely important.

Mr. President, we also need men of integrity. And no one has impugned the integrity of Mr. Springer that I know of. Mr. Springer is a man of the utmost integrity, and the integrity with which he has served a vital congressional district in the State of Illinois for 22 years is

**evidence of the fact that his constituents in one of the most diverse communities in Illinois—rich in farming, rich in industry, and one of the largest communities in education in the State—believed in his integrity. We have a great State university at Champaign—Urbana. We have a great university in Decatur, Millikin University, in the southern part of his district. This indicates the broad-based support for Bill Springer that exists in his congressional district and has existed over the years in that congressional district.**

The fact that Bill Springer underwent the scrutiny that every Congressman must undergo would be indicated by the mandate he has received year after year after year. He has served the best interests of his constituents for a long, long period of time.

He has been a valued colleague from the State of Illinois. The Senator from Illinois has frequently gone to Mr. Springer for advice and counsel in the fields in which he is an expert. And I have always felt him to be a man of the utmost professionalism and integrity. He has exhibited these qualities in the 22 years of service in the House of Representative.

Prior to coming to the House of Representatives, Bill Springer was a distinguished attorney in Illinois. He served as a county judge in Champaign County, Ill., in 1945. He served honorably in that position until his election to the U.S. Congress in January 1951.

The very fact that he has won the respect of Members of the House of Representatives with whom he has served is borne out by communications which I will later ask unanimous consent to have put in the Record.

From August 1964 until his retirement last year, Bill Springer was the ranking Republican member of the Interstate and Foreign Commerce Committee. In that position, he became a leading congressional expert in the field of transportation, energy resources, health, and many other areas. His name has been associated with many major pieces of legislation, and the respect which both the Members of Congress and his constituents have for him is demonstrated quite clearly by the fact that the Congress has named the lake formed by the Oakley Dam in Illinois after him. Springer Lake will always be a reminder to all those who visit it of the service and dedication of Bill Springer.

Mr. President, at this time, I ask unanimous consent to have printed in the Record a number of letters which have been written by some of Bill Springer's House colleagues who highly recommend his nomination as a member of the FPC.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Congress of the United States,
House of Representatives,
*Washington, D.C.*

Hon. Warren Magnuson,
*Chairman, Commerce Committee, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: As you may know, during the past week one of our colleagues on the House side distributed a letter which amounted to an attack on our former House colleague, William L. Springer, who is currently a nominee for a seat on the Federal Power Commission.

Everyone who has bothered to listen to debate and explanation of complex legislation over the past few years is aware that the gentleman from Illinois, Mr. Springer, was definitely one of the most able and fair-minded members in the entire House of Representatives. For one of our colleagues to suggest that Mr. Springer would not be bound by fairness, wisdom and integrity over and above any other consideration is to us totally incomprehensible.

Anyone who has worked on the committee or in the Congress with Mr. Springer through the years knows that he is the kind of person needed to help overcome the difficult energy problems which we face today. For this reason we want to assure you of our strong support of Bill Springer for the Federal Power Commission.

Dan Kuykendall, Tom Railsback,* John Y. McCollister, Clarence J. Brown, Samuel L. Devine, Ancher Nelsen, James Harvey, Tim Lee Carter, Richard G. Shoup, Bill Frenzel, James F. Hastings, G. V. Montgomery, Norman F. Lent, James T. Broyhill, Barry M. Goldwater, Jr.

* This signature was affixed by a Member of Congressman Railsback's staff in the Congressman's absence. The Congressman previously expressed an interest in supporting Congressman Springer's nomination but did not personally have the opportunity to see this letter.

---

Congress of the United States,
House of Representatives,
*Washington, D.C. May 17, 1973.*

The Honorable Warren Magnuson,
*Chairman, Senate Commerce Committee, Old Senate Office Building, Washington, D.C.*

Dear Mr. Chairman: It is my understanding that the Senate is planning to consider the nomination on Monday, May 21, of my former colleague from Illinois, William L. Springer, as a member of the Federal Power Commission.

During my entire period of more than ten years of service in the Congress, I have been intimately acquainted on a personal basis, as well as in an official capacity with Bill Springer.

Congressman Springer brought to his work in the House of Representatives his valuable talents as a conscientious and skillful attorney. In his service on the House Interstate and Foreign Commerce Committee, where he served more recently as a ranking minority Member, he demonstrated a talent for getting at the basic truth of important legislative issues and elaborating upon them in a most effective and constructive manner in the Committee, and in his presentations on the Floor of the House of Representatives.

I should add that with very few exceptions, Congressman Springer presented legislative issues in a thoroughly bi-partisan manner. This was especially important when the House was dealing with issues relative to human health and safety, as well as subjects of communcations, and similar far-reaching public issues which, of course, are quite distinct from partisan considerations.

From the standpoint of individual excellence of ability, integrity and temperament, there is certainly no person whom I would deem better qualified for service on the Federal Power Commission. I hope indeed that the Senate will favorably consider Congressman Springer's nomination when it is brought to the Floor next Monday.

Sincerely yours,
Robert McClory,
*Member of Congress.*

---

Washington, D.C.
*May 17, 1973.*

Hon. Charles H. Percy,
*Dirksen Office Building,*
*Washington, D.C.*

Dear Chuck: I have noted that the Senate on Monday will consider the nomination of William L. Springer to be a member of the Federal Power Commission.

Having known Bill Springer a relatively short time, while you had the privilege of serving with him for many years in the Illinois Congressional delegation, I would not ordinarily presume to write to you on the matter of his confirmation.

However, one of my House colleagues, Representative George E. Brown, Jr., has circulated a letter asking other Members to join him in requesting the Senate Commerce Committee to reconsider and reject Bill's nomination. I was pleased to learn that despite this plea the nomination has since been reported favorably by the Chairman of the Committee, Senator Magnuson.

Bill's 22 years of service in the House of Representatives, capped by his able minority leadership of the Committee on Interstate and Foreign Commerce over a period of more than eight years, reflected credit on our party and our State of Illinois.

I hope that you will not only vote to confirm Bill's nomination but also will speak and work in his behalf.

I cannot believe that very many House Members associated themselves with Congressman Brown's effort. If the Constitution allowed the House to participate in the confirmation process, I am convinced that Bill would be confirmed by overwhelming majorities on both sides of the aisle.

Nevertheless, I felt compelled by the circumstance of Congressman Brown's letter to put myself on record with both you and Senator Stevenson in full support of the President's nomination of Bill Springer. He was a great Congressman and will be a great commissioner of the Federal Power Commission.

Sincerely,
George M. O'Brien,
*Member of Congress.*

---

Congress of the United States,
House of Representatives,
*Washington, D.C., May 21, 1973.*

Hon. Warren G. Magnuson,
*Chairman, Senate Commerce Committee,*
*U.S. Senate,*
*Washington, D.C.*

Dear Mr. Chairman: I urge Senate confirmation of former Congressman William L. Springer's appointment to the Federal Power Commission. I have known and worked with Bill Springer during all of the 16 years that I have served on the House Interstate and Foreign Commerce Committee. He has been an able Congressman whose advice and leadership have meant much to me during that period of time. He is an outstanding American and I know nothing derogatory about him. I believe sincerely that Bill can be trusted in any position of responsibility in which he may be placed. He has served honorably and with dedication in the United States Congress, and I am certain that he would continue that same level of service as a Member of the Feedral Power Commission.

Sincerely,
John Jarman,
*Member of Congress.*

---

Congress of the United States,
House of Representatives,
*Washington, D.C., May 18, 1973.*

Dear Mr. Chairman: The Commerce Committee is about to make an important decision on a nomination to the Federal Power Commission. I feel that I would be remiss in my concern for sound government and effective and decent administration if I did not take this opportunity to endorse without reservation the nomination of my erstwhile colleague, William Springer of Illinois.

Mr. Springer was, as I am sure you know, the ranking minority member of the House Committee on Interstate and Foreign Commerce, on which I have the honor to serve. In that sense, he was my "leader" on the Committee. It should be emphasized, I believe, that in that capacity his decisions on legislative matters were never taken on a political partisan basis. Our decisions, through that leadership, were uniformly made on a merit basis, i.e., what was good for the people.

This point is underlined, if I may so suggest, by the testimony offered in his behalf to your Committees by three Democratic stalwarts of our Committee—Chairman Harley Staggers and Messrs. John Dingell and Paul Rogers. Mr. Springer was a conscientious, active and hard-working member of our Commerce Committee and I have no doubt that he will be the same kind of competent FPC Commissioner. His character and integrity are unimpeachable.

I trust you and your colleagues will consider this letter in the spirit that it is written—an effort to secure able and devoted public servants on our independent agencies whose background and training and experience insures that they will not forget that the agency on which they serve is truly an independent arm of Congress.

Respectfully and Sincerely,

JOE SKUBITZ.

---

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., May 18, 1973.*

The Honorable WARREN G. MAGNUSON,
*Chairman, Senate Commerce Committee,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: I want to strongly recommend the nomination of Bill Springer to the Federal Power Commission. He will make one of the most able Commissioners on the FPC.

Bill Springer has been a colleague of mine since my first term in Congress. He served with me on the House Commerce Committee where he worked closely with the majority leadership as the ranking minority member of the Committee.

It was in this capacity that he earned his reputation as a hard working, effective leader. He had the ability to view each issue with an open mind and make decisions only after the most serious and careful analysis. Whether it was on the Floor or in sub-committee or in committee, the influences of his leadership were felt. Putting aside partisan feeling as the ranking minority member, he was able to work effectively with the Chairman of the Interstate and Foreign Commerce Committee, Congressman Harley Staggers.

I understand that Mr. Staggers as well as Congressman Paul Rodgers and John Dingell have all expressed their support for the nomination of Bill Springer before your committee. It is recommendations such as these that give the best indication of the bipartisan-across-the-political-spectrum support for the confirmation of Bill Springer.

I urge your committee, Mr. Chairman, to confirm William L. Springer on the basis of his faithful and meritorious service to this country in the United States House of Representatives and with the knowledge that his attributes will enhance the effectiveness and the stature of the Federal Power Commission.

Yours sincerely,

JAMES M. COLLINS,
*Member of Congress.*

Mr. PERCY. Mr. President, some questions have been raised about this nomination centered around the lack of a definite consumer representative on the FPC. Though no one has questioned the integrity or the ability of Bill Springer, opposition has been heard because some do not consider him a consumer representative. First of all, Mr. President, let me state that I yield to no one in my advocacy of consumer interests in the Senate. I have fought many long battles on the floor of the Senate and in committee—along with my colleagues, the Senator from Michigan, the Senator from Utah, the Senator from New York, and the Senator from Connecticut—to give the consumer representative in the Federal Government.

I know of some of the opposition we have had to the Consumer Protection Agency bill. I know what it is to be frustrated in our efforts to have the consumer interests paramount. However, I will not be deterred from carrying on this fight for the consumer in the future. Nor do I feel that the confirmation of the nomination of Bill Springer will in any way impede our progress in carrying out the consumer and public interest.

I am confident that Bill Springer will fairly and fully represent the interests of the consumers on the Federal Power Commission, as well as the public interest.

I have personally discussed this matter with him, and I have received his assurance that he would always keep the interest of the consumer paramount.

Mr. President, I would like to read a statement that Mr. Springer has given to me in this respect. Mr. Springer said:

> I have, in my 22 years in the House, served the "public interest." On the Federal Power Commission my duty will be to serve the "public interest and only the public interest." The courts have interpreted the "public interest" to include all parties to any matter before the Commission—including all consumers—and there are often more than one class of consumers. The purpose of the enactment of the FPC was to be sure that the consumer received gas or electric service at the lowest possible cost consistent with an adequate supply. There is no one except the Commission who can protect the consumer—that is the Commission's job—and as a Commissioner I expect to carry out that duty fully and fairly under the provisions of the law and the court decisions pursuant thereto.

Mr. President, I have discussed with Mr. Springer my own deep concern about regulatory agencies that too frequently become representatives of the industry they are supposed to regulate. I could enumerate the number of instances in which this has happened.

Mr. Springer is well aware of my deep concern in this regard, and I have his absolute guarantee and assurance that his appointment would be consistent with protecting the public interest against whatever vested interests there may be, or special or private interests that would not be consistent with the general welfare and good.

There is no question that the FPC needs men and women who will have as their first concern the interest of the consumer. Perhaps the President could have nominated a person whose identification with consumer affairs was more well known. Certainly there is a need for such individuals to serve on all of our regulatory agencies. However, the Congress has given to the President the responsibility to nominate those individuals he believes best suited to serve on the Federal Power Commission. Exercising that function, the President has nominated William Springer. Even those who oppose the nomination have acknowledged his integrity.

The chairman of the Commerce Committee, Senator MAGNUSON, has stated that:

> The President has the right to select nominees to regulatory agencies of his own choosing so long as there is no evidence of unfitness, moral flaws, or conflicts of interests.

Bill Springer is not disqualified for any of these reasons. In fact, no one doubts that he is indeed qualified to serve as a member of the FPC. The only question that has been raised is that it might have been better if the President had nominated someone else. But the fact remains that the President has nominated Bill Springer, not someone else. He is qualified and he is supported by those who know him best, his colleagues in the Congress. I am pleased to be able to speak on behalf of Bill Springer's nomination, and I urge my colleagues to vote to confirm his nomination as a member of the Federal Power Commission.

Before closing, Mr. President, I would like to take up just one negative point that has been mentioned in connection with a vote cast by Mr. Springer in 1956 on the amendments to the National Gas Act. The President vetoed the bill after Senator CASE of South Dakota stated that there had been a major private interest offer made to him. That was a reprehensive and contemptible action which Senator CASE promptly and properly brought before the public and the Congress of the United States; but I feel that to go back to one vote by one individual 15 years ago and say that is a basis for rejecting his nomination today would be grossly unfair—an unfairness that I feel certain none of my colleagues would wish to participate in.

I believe it should be noted that the vote cast by Mr. Springer in that case—and I am not taking any position on the bill itself or its merits, because I was not in Congress at the time and did not have the opportunity to debate it—but I take particular note of the fact that the distinguished Speaker of the House of Representatives, Mr. ALBERT, voted exactly as Mr. Springer did. The late great majority leader of the House, Hale Boggs, and the present distinguished majority leader of the Senate (Mr. MANSFIELD), when he first entered the Senate, apparently voted identically. The dean of the Senate, Mr. Hayden, cast his vote the same way, and the chairman of our Foreign Relations Committee, Senator FULBRIGHT, voted identically.

The bill was called the Harris-Fulbright bill. The distinguished former Representative from Illinois was in company with all of these present leaders in the House of Representatives and the Senate, and an unusual procedure, as I recall, was followed where the Speaker of the House of Representatives, Mr. Rayburn, took the floor to speak in behalf of the bill and then cast his vote in favor of the bill, as Mr. Springer did.

Whether he cast his vote rightly or wrongly, Mr. Springer was in such distinguished company when he did cast that vote that I feel Mr. Springer can stand on that record, as he has stood on his record for 20 years, without apology or concern to anyone.

It is therefore with great pleasure that I support this nomination, and I do so based on two decades of knowledge of the distinguished nominee, and my feelings that in the commitments he has personally given to the Senator from Illinois, that I have read into the Record, and that he has given to me verbally as well, he not only will be a very distinguished member of this Commission at a very crucial time in the energy crisis we face in this country, but will serve the public interest, by which we mean the interest of the consumers, and will not be there as just simply a representative of the producer.

Mr. President, I yield back the remainder of my time.

Mr. MOSS. Mr. President, I yield the Senator from Michigan such time as he may require.

Mr. HART. Mr. President, I shall be very brief. The statements that were filed by the several Senators who are opposing this nomination when it came out of the committee reflect basically the concern which I continue to share, and which I hope will be reflected in the vote soon to occur.

Perhaps the only additional point I should make, having listened to the debate, is that, as in so many areas, Congress and more specifically the Senate is subject to criticism for a loss of sight, over the years, as to the purpose for which we established these commissions.

The commissions, if I may risk oversimplification, are ours. We have concluded that certain regulatory activities have gotten to a point where, on a day-to-day basis, Congress itself is inept and ill-equipped to make decisions. So we create a commission, and in this case we called it the Power Commission. In substance, we say to them, "Gentlemen" or "Ladies and gentlemen, you do for us what we like to think we would do if we had your skill and the time to give attention to the problems that confront you."

Somehow or other, with the passage of time, we have come to think of these things as, yes, quasilegislative, but also quasiexecutive and quasijudicial. Somewhere in the course of time there has been a slippage, and we tend now to look upon nominations to these commissions as we would look upon most Executive nominations.

As the Senator from Illinois said, is the man honest? Mr. Springer, we all know, is eminently honest. Does he have a conflict of interest? Not as far as I know. Is he intelligent? Clearly, yes.

"Let us confirm him, then. Do not inquire"—this theory would have it—"as to his philosophy."

To what extent will he in fact play the role that the Senate and Congress would play if we had not set up this independent agency? It is to this point that I would invite our attention. I think we do not have to claim that these agencies are exclusively accountable to Congress in order to claim that Congress should treat the appointment of these members as different from appointments to the President's Cabinet. We do not have to claim they are exclusively our agency out there. But I suggest it would be very difficult to argue that they were playing other than a principal role in discharging legislative action and decision.

There is a quality of the Executive about it, because they then undertake to apply the rules—which is another way of saying the laws—that they have been authorized to write. And there is a degree of the judicial and quasijudicial, in that some of them undertake to sit in judgment as to whether or not economic units subject to the regulations have complied with the rules that they have written. More than anything else, we are talking now about the staffing of one of our auxiliaries—one of Congress auxiliaries.

The Senator from New Hampshire is completely right that it is unfortunate some of us have finally reached the conclusion we should begin to regain the kind of control, if you will, that initially Congress intended to retain when it set up these separate legislative agencies in the first place. It is regrettable that a man so well and so favorably known to many of us, a man of great integrity, happens to be one of the first two nominees to come along after some of us have decided we should do more than inquire whether a nominee is just honest, intelligent, and has no conflict of interest.

I would hope, Mr. President, that whatever the outcome of this vote may be, it will mark the beginning of a new day; namely, one where we will find the Senate looking at the agencies and seeing in them what our predecessors intended to create when they established them—our arm, our agent, and how representative and how composite are they in their philosophies.

This suggestion I would urge be adopted in our consideration, from this day forward, of nominees to all the agencies.

Mr. President, it is with reluctance that I have concluded I must vote to oppose the confirmation of Mr. William L. Springer to be a member of the Federal Power Commission.

Originally the regulatory functions of the Federal Power Commission and the other independent regulatory agencies were performed by Congress. Because such regulation was complex and required a high degree of expertise, Congress performed these functions inadequately. Congress then delegated the performance of these specialized duties to newly created independent regulatory commissions. In carrying out such duties these agencies perform quasi-legislative functions.

But in order to perform their functions properly, the independent regulatory agencies, like the Congress, must have balanced representation of many viewpoints. Such bodies need a diversity of opinion that cuts across the spectrum of viewpoints in America. Several witnesses at the confirmation hearings for these nominees testified that the present Federal Power Commission lacks even one vigorous proconsumer member. Perhaps as a consequence, the Commission, usually without dissent and frequently over the opposition of consumer representatives, has in recent years adopted the basic views and the ever-higher prices urged by the regulated industries.

The Federal Power Commission was established in 1920 with a strong statutory mandate in environmental and consumer protection. It regulates the wholesale price of electricity and natural gas and the construction of non-Federal hydroelectric projects and natural gas facilities. As the Senator from Utah has noted, it has jurisdiction over industries whose gross revenues exceed $30 billion per year. In light of the environmental and energy difficulties facing the Nation today, the functions of the Federal Power Commission are of paramount importance. It must meet the challenge of assuring adequate supplies of energy while protecting the environment and maintaining utility prices at the lowest reasonable level.

Thus, the role of the Federal Power Commission is a very demanding one. The public is legitimately skeptical toward regulatory agencies whose important positions are assumed in the hands of persons from the industries to be regulated or by persons who have a past record that is not generally consumer oriented. Since the primary purpose of the Federal Power Commission is to protect the consumer, to perform this mission the FPC needs strong consumer spokesmen. The nominee does not appear to fulfill this role.

At committee hearings Chairman Staggers of the House Interstate and Foreign Commerce Committee and Congressmen Paul Rogers and John Dingell endorsed former Congressman Springer's nomination. On the other hand, four witnesses opposed Mr. Springer's nomination, including Congressman George E. Brown, who extensively analyzed the voting record of Congressman Springer. During his 22 years in the House, Mr. Springer supported removing from the FPC the power to regulate the wellhead price of natural gas. He consistently voted to prefer the interest of private power companies to the interest of public power companies to the ultimate detriment of the energy consumer. The League of Conservation Voters in its evaluation of Mr. Springer's environmental record in 1970 have given him a zero rating. The same organization in 1972 credited him with only 24 points out of a possible 100 on the basis of environmental issues on which he voted during the 92d Congress.

It may indeed seem unfair to "blow the whistle" on two nominees to the FPC, when so many with similar backgrounds have been approved. But at some time the line must be drawn. In my view the time has come for Congress to scrutinize carefully regulatory commission nominations and reassert its duty to advise the President.

Mr. Springer is an able man whose integrity is clear, but a man with an industry orientation. In the midst of an energy and environmental crisis, it would be more appropriate for the President to appoint at least two FPC Commissioners out of five whose background indicates an impartial or consumer orientation.

Mr. MOSS. Mr. President, I intend to yield back the remainder of my time. I think what has been said illustrates the point that has to be made. As the Senator from Illinois reiterated several times, we are working into a period of time when the delivery of energy is of primary importance in this country and, consequently, the consumer at the other end of the line, who pays for all of the energy, is our greatest concern.

What has been said by my colleague from Michigan and others who have expressed their concern here today is that the Federal Power Commission will become totally populated by industry representatives and, therefore, will become unbalanced at a time when it should be at its greatest strength.

That is the sole basis on which I have risen to oppose the confirmation of Mr. Springer. I believe that was made eminently clear by others who have spoken here today and who have joined in dissenting heretofore.

Mr. President, the chairman of the Commerce Committee, Senator Magnuson, who could not be present today, requested that the following letters be printed in the Record of the Senate's consideration of the nomination of William L. Springer to be a Federal Power Commissioner.

Mr. President, I ask unanimous consent that these letters be printed in the Record, as well as an informative statement of recent developments at the Federal Power Commission which is relevant to this discussion.

There being no objection, the material was ordered to be printed in the Record, as follows:

House of Representatives,
*Washington, D.C., May 14, 1973.*

Hon. Warren G. Magnuson,
*Chairman, Senate Commerce Committee, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: I am writing to express my strong support for the nomination of my colleague, William L. Springer, for a position of membership with the Federal Power Commission.

Bill Springer has an outstanding record of knowledge and expertise in this area and this, coupled with an honest nature and an impartial outlook, makes him ideally suited for this position of trust and responsibility.

I respectfully urge your committee to approve the nomination of this able individual at the earliest possible date. His selection to this important post will prove a credit to the judgment of your honorable committee and to the House where he has so ably served.

Sincerely,

Roger H. Zion,
*Member of Congress.*

---

House of Representatives,
*Washington, D.C., May 17, 1973.*

Hon. Warren Magnuson,
*Chairman, Senate Commerce Committee, Old Senate Office Building, Washington, D.C.*

Dear Mr. Chairman: It is my understanding that the Senate is planning to consider the nomination on Monday, May 21, of my former colleague from Illinois. William L. Springer, as a member of the Federal Power Commission.

During my entire period of more than ten years of service in the Congress, I have been intimately acquainted on a personal basis, as well as in an official capacity with Bill Springer.

Congressman Springer brought to his work in the House of Representatives his valuable talents as a conscientious and skillful attorney. In his service on the House Interstate and Foreign Commerce Committtee, where he served more recently as a ranking minority Member, he demonstrated a talent for getting at the basic truth of important legislative issues and elaborating upon them in a most effective and constructive manner in the Committee, and in his presentations on the Floor of the House of Representatives.

I should add that with very few exceptions, Congressman Springer presented legislative issues in a thoroughly bi-partisan manner. This was especially important when the House was dealing with issues relative to human health and safety, as well as subjects of communications, and similar far-reaching public issues which, of course, are quite distinct from partisan considerations.

From the standpoint of individual excellence of ability, integrity and temperament, there is certainly no person whom I would deem better qualified for service on the Federal Power Commission. I hope indeed that the Senate will favorably consider Congressman Springer's nomination when it is brought to the Floor next Monday.

Sincerely yours,

Robert McClory,
*Member of Congress.*

---

House of Representatives,
*Washington, D.C., May 18, 1973.*

Hon. Warren G. Magnuson,
*Chairman, Senate Commerce Committee, New Senate Office Building, Washington, D.C.*

Dear Mr. Chairman: I am delighted to have this opportunity to present my wholehearted and fullest endorsement and recommendation in behalf of my former colleague and distinguished ranking minority member of the House Committee on Interstate and Foreign Commerce, the Honorable William L. Springer. In a word, he is an exceptional nominee for appointment to the Federal Power Commission now under consideration by the Senate Commerce Committee.

As one who has served with Bill Springer for 12 years in the United States House of Representatives and for over eight years on the Interstate and Foreign Commerce Committee, I know of no finer gentleman or a more capable one.

I think the stature and esteem held by so many of his former colleagues is best illustrated by the warm and strong support of his nomination to the Commission by personal testimony of his former Democrat members of the Interstate and Foreign Commerce Committee, Chairman Harley O. Staggers, Congressman Paul G. Rogers and Congresman John D. Dingel. I am honored to join with them in presenting the highest possible recommendation in Bill Springer's behalf.

I hope that you will see fit to include this special communication as part of the hearings of the Senate Commerce Committee on the nomination of Bill Springer to the Federal Power Commission. Thank you.

Sincerely,

James Harvey,
*Member of Congress.*

---

House of Representatives,
*Washington, D.C., May 18, 1973.*

Hon. Warren G. Magnuson,
*Chairman, Senate Committee on Commerce, Washington, D.C.*

Dear Mr. Chairman: The Commerce Committee is about to make an important decision on a nomination to the Federal Power Commission. I feel that I would be remiss in my concern for sound government and effective and decent administration if I did not take this opportunity to endorse without reservation the nomination of my erstwhile colleague William Springer of Illinois.

Mr. Springer was, as I am sure you know, the ranking minority member of the House Committee on Interstate and Foreign Commerce, on which I have the honor to serve. In that sense, he was my "leader" on the Committee. It should be emphasized, I believe, that in that capacity his decisions on legislative matters were never taken on a political partisan basis. Our decisions, through that leadership, were uniformly made on a merit basis, i.e., what was good for the people.

This point is underlined, if I may so suggest, by the testimony offered in his behalf to your Committees by three Democratic stalwarts of our Committee—Chairman Harley Staggers and Messrs. John Dingell and Paul Rogers. Mr. Springer was a conscientious, active and hard-working member of our Commerce Committee and I have no doubt that he will be the same kind of competent FPC Commissioner. His character and integrity are unimpeachable.

I trust you and your colleagues will consider this letter in the spirit that it is written—an effort to secure able and devoted public servants on our independent agencies whose background and training and experience insures that they will not forget that the agency on which they serve is truly an independent arm of Congress.

Respectfully and Sincerely,

Joe Skubitz.

---

### Federal Power Commission Developments

(By Frank Frisk, Jr.)

In a panel session devoted to power supply matters it is difficult to choose the areas of Federal Power Commission activity which have the greatest impact on municipally-owned electric utilities. Power supply is really a question of making a choice. As far as FPC is concerned, by the time you are involved in a typical rate case it usually means the choice was made to purchase at wholesale from a private power company, instead of self-generation or a purchase from utilities which are not under Commission jurisdiction.

I would not like to spend the time today discussing rate matters alone. In many instances, struggling through a rate proceeding means the purchasing utility has no alternative. On the other hand, there are many current rate cases in which the question of alternatives has been pursued by publicly-owned utilities with some success at FPC.

The Commission's doorstep is presently loaded with power supply orphans. These are issues and legal rights which have found shelter at the Atomic Energy Commission under prelicensing antitrust review, and to some extent in the courts under the antitrust laws, as well as in proceedings before the Securities and Exchange Commission under the Public Utility Holding Company Act.

But, the legal historian a century from now is going to look in disbelief at the Federal Power Act and wonder why many power supply solutions available at the Commission have been so slow in arriving. Just consider what Congress provided in Section 202 (a) of the Act:

"For the purpose of assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources, the Commission is empowered and directed to divide the country into regional districts for the voluntary interconnection and coordination of facilities for the generation, transmission, and sale of electric energy . . . It shall be the duty of the Commission to promote and encourage such interconnection and coordination."

This essentially voluntary mandate was supplemented by the involuntary interconnection provisions of Section 202. Yet, it has not been the Federal Power Act that has been giving the consumers of publicly-owned utilities an "abundant" supply of power at a fair price in recent years—it has been the Sherman Antitrust Act. That 1890 statute, and the principles of fair competition it embodies, is perhaps the most important legal tool available to publicly-owned electric utilities in 1973, and they have been raising it in many forums. Granted, there have been some successes at the FPC, as those few publicly-owned utilities which received rate decreases or an interconnection can confirm. But, we have a long way to go before the hopeful mandate of the Federal Power Act is a reality.

What about the future of the Federal Power Commission? Consider the words of Senator Warren G. Magnuson, chairman of the Senate Commerce Committee, as he commented on the recent nomination of Mr. Robert H. Morris to sit on the Commission:

"There have been dark periods in the history of FPC, and today again it has apparently adopted the views of the industries it was designed to regulate. It is not the function of the FPC to aid gas producers, pipelines and electric utilities to maximize profits regardless of costs to the consumer."

Dr. Morris, a San Francisco attorney, who spent fifteen years representing Standard Oil Company, brought dissenting views from Senators Hart of Michigan, Moss of Utah, and Hollings of South Carolina. Senators Hart, Moss, and Tunney of California also opposed the nomination of William L. Springer, a former congressman from Illinois, who according to committee witnesses, cast votes in favor of private utility positions, voted to remove FPC's power to regulate wellhead gas prices, and was against consumer legislation.

Publicly-owned utilities can only hope these nominees, if approved by the full Senate, will look to the future, not the past, and address the problems before the Commission with the consumer in mind.

### RATE PROCEEDINGS

The biggest immediate consumer problem before the Commission is rates. In the last quarter of 1972 there were 660 new rate filings and changes pending, compared to 380 pending just three months earlier. In that quarter, FPC accepted for filing $35,872 in rate reductions, and $3,535,462 in rate increases. The proposed increases pending totaled $139,736,321, of which $134,272,959 had been suspended.

Not too long ago a slight increase in rates would raise the issue of just how much money should be expended in putting on a rate case at the Commission. With the magnitude of increases being what they are today, that question is easy to answer—hire the best lawyer and rate consultant you can find and fight. But how?

Consider the case of three cities in California (Anaheim, Banning and Riverside) which received a notice in March, 1971 of a $2 million annual wholesale rate increase. This could have been considered a "garden variety" rate case; but, these three cities looked at it in a much different perspective. They were all-requirements customers who decided to fight for power supply choices, and they attacked the filing both on its merits and on the theory that the contracts the Commission was asked to approve were but part of an attempt by the company to monopolize generation and transmission in violation of the antitrust laws and the Federal Power Act.

Anaheim, Banning, and Riverside exercised their "discovery" rights and searched the company files for evidence in support of their antitrust allegations. What they found is not known. What they settled the case for is well-known.[1]

220 kv transmission service, instead of 66 kv and lower.

A high voltage discount operable until November, 1977.

No new all-requirements rate filings until June, 1973, which they may oppose.

Combined dispatch of power, sharing of reserves, transmission service, purchase and sale of capacity or energy or other supplemental services as part of integrated operation between the cities and the company.

Partial requirements services.

Transmission service (220 kv) for power sources of the company or others.

Participation in new generating units.

Wheeling of lay-off power from the Navajo Project.

For starters, that is not too bad. But, in addition, they received the sum of $3,125,000 cash. Overall, the effect was a rate decrease for these three cities.

More importantly, they broke out of the all-requirements box and established full utility recognition for themselves. Imaginative—yes; Courageous—yes; Essential—yes; Trend-setting—no, as far as this Federal Power Commission seems to indicate.

Not too long ago a prominent politician remarked: "Watch what we do, not what we say." In a recent rate case involving the wholesale customers of Duke Power Company, the Commission stated: ". . . we are committed to the elimination of anticompetitive tariff provisions."[2] That bit of public relations was found in response to a petition for rehearing in the *Duke* case. What the FPC did was to turn aside the allegations of the municipal customers to the effect that (1) Duke's rates imposed an anticompetitive "price squeeze" on the wholesale customers, (2) Duke has engaged in activities in violation of the antitrust laws, and (3) Duke's rates should be set on an incremental basis, instead of fully allocated costs.[3]

From a ratemaking standpoint, the Commission in *Duke* virtually ignored the evidence presented and examined during hearings on the rate filing, all of which related to a 1969 test year. Instead, it adopted a "trending" policy to justify the increase. Form I filings made by the company after the proposed rates were filed, which were never subjected to scrutiny in the hearings, were the basis for this gift to the Duke Power Co.

At this time, however, the gift is on appeal, and the eventual outcome may also have an effect on the fate of rulemaking R–463, the ultimate bequest from a regulatory body which has ceased to function.

R–463 was issued by the Commission on December 14, 1972—just four days before *Duke* was decided. If adopted, it would turn FPC ratemaking upside down by adopting estimated future costs as the basis for setting reasonable rates—not actual costs, not costs which are known and measurable in the future, but estimated costs. We can't predict the future rate of inflation. We can't predict the future rate of economic growth. We can't even predict future population changes. But, according to the FPC, we can predict future costs to be incurred by private power companies.

APPA didn't think it could. An unprecedented number of Senators and Representatives let the FPC know they didn't think it was possible either.

APPA's comments to the Commission gave the reasons why this rulemaking will not stand the test of sound regulation:

There is no consensus of opinion on what methods could or should be used in forecasting a future "test period."

No attempt was made to set any standards for future cost predictions.

Even standard economic indices, such as the Bureau of Labor Statistic's Consumer Price Index and the Wholesale Price Index, from an historical point of view, do not correspond with cost changes experienced by electric utilities.

Every incentive is given to a filing private company to make the future estimated costs as high as possible; then, to preserve the validity of the estimates, self-fulfilling prophecies will insure that the necessary costs are incurred.

If the *Duke* case is the guideline, every Form I filing by the 210 Class A & B private companies could give rise to a rate contest—the FPC docket would be a procedural morass.

These objections are only the highlights. There are many more, including the most basic issue of all: Does the Federal Power Commission have the legal authority to depart from actual-cost related ratemaking in favor of anticonsumer crystal-ball-gazing. I doubt it, and I hope the Commission will abandon the proposed rulemaking in R–463.

However, not all is lost at FPC. For example, in November of 1972, twenty municipal systems and their supplier, Ohio Edison Company, announced a rate settlement of $742,000, instead of the proposed $1,140,000. By itself, no big deal; but, they also agreed with the company to study the feasibility of entering into joint ownership of generating facilities. That is a big deal; particularly in Ohio, where municipal systems have worked for decades to secure cooperation and power supply alternatives.

### INTERCONNECTIONS

Interconnection, that mystical concept of electrical survival, reliability, and low-cost power, is the subject of several proceedings before FPC. Let me just report on two cases in which some action has recently occurred.

Elbow Lake, the small village in Minnesota which started, in many ways, the current interest in the antitrust laws because of the *Otter Tail* case,[4] is also involved in an interconnection case. It secured FPC approval for both a temporary and permanent interconnection with Otter Tail in which the Commission ordered the company to give a credit to the village of "one-twelfth of the annual interest plus principal costs of Elbow Lake's generating plant. . . ."

However, Otter Tail marched up to the U.S. Court of Appeals for Eighth Circuit, and was successful in pursuading the court that the credit allowed violated Section 202(b) of the Federal Power Act, which provides that FPC "shall have no authority to compel the enlargement of generating facilities. . . ."[5] If allowed to stand, the court reasoned, it "forces Otter Tail, in substance, to purchase the Elbow Lake generating plant. . . ." The *Gainesville*[6] case was distinguished because service there was to be provided on an "as available" basis.

The City of Cleveland, Ohio was recently denied its requested interconnection by the Commission.[7] Cleveland asked for a synchronous 69 kv interconnection with Cleveland Electric Illuminating. Sorry, said the FPC, and instead it ordered the establishment of a permanent synchronous interconnection at 138 kv. Dismissing the petition for rehearing, the Commision again denied the requests of the city, and stated that unless the terms of its earlier order were agreed to within 15 days, the interconnection order would become inoperative.[8] Antitrust matters were also brushed aside.

### POOLING

FPC talks a lot about pooling. Now, it has the opportunity to do something about pooling. The docket of the Commission has several cases on it which involve the question of exclusion of municipal systems from pooling arrangements. There are two of these cases in which FPC may have to borrow some language from the press releases it issues to define what a power pool in the public interest is supposed to be.

Over 90 municipal systems and rural electric cooperatives in the Midwest and municipal systems in New England have put the pooling question before the Commission.

---

Footnotes at end of article.

Exclusion is an issue in both the Mid-Continent Area Power Pool (MAPP), which was formed by private companies in an eight-state area of the Midwest, and NEPOOL, an arrangement put together by private companies in New England. Because the parties in the NEPOOL proceeding are in the process of settling their differences, I will not dwell on that proceding, which started in 1971.[9]

The MAPP case, however, raises very similar issues.[10] Among their objections to the proposed pool, the intervenors allege the following:

All but large utilities are precluded from participating.

Provisions of the agreement, such as restricting membership to systems having an interconnection of 115 kv or more with two or more utilities, are in violation of the antitrust laws.

Activities of the private companies involved, of which the MAPP agreement is an example, including acquisition of publicly-owned utilities, and refusals to deal, are in violation of the antitrust laws.

Related to these antitrust objections is the other allegation of the MAPP intervenors, in which they state that the terms of the pool do not operate in the public interest because of the restrictions on the flow of power within the agreement, and the lack of a coordinated plan for the building of generation and transmission facilities. To the best of my knowledge, this is the first time FPC has been asked to deal with this issue.

The MAPP intervenors have also questioned the legality of the participation of the U.S. Bureau of Reclamation in the pool, saying that this participation is in violation of federal laws giving preference in the sale of power from federal projects to public bodies and rural electric cooperatives.

### UNILATERAL RATE CHANGES

For reasons unknown, it just takes time for this FPC to realize that U. S. Supreme Court decisions are binding on it. In 1956, the Court set forth the so-called *Sierra-Mobile*[11] doctrine, which prohibits the Commission from approving unilateral rate changes by jurisdictional utilities when they are under a contractual obligation to provide power at the agreed rate for a term certain. Today, when FPC faces a *Sierra-Mobile* issue, and there are many cases in which it has been raised, it expresses disgust with the Supreme Court decisions, and then either upholds or turns down the filing based on analysis of the terms of the contract. All in all, a very unenthusiastic approach in the light of a rather clear body of law.

This critical attitude toward *Sierra-Mobile* may have to be abandoned by the Commission. Pending in the U.S. Court of Appeals for the District of Columbia is a case which will probably shed some light on the current state of the doctrine. That case involves the Indiana & Michigan Power Company, and was argued last month.

In that case, the wholesale contract refers to rates set in a tariff filed with the Indiana Public Service Commission as the level of payment to be made by wholesale customers. These customers argue that the only permissible rate increases which may be made are those allowed in the contract; as long as the tariff referred to in the contract is in effect, and it is, FPC may not approve a rate change under the *Sierra-Mobile* doctrine. If the rate is "so low as to affect the public interest" the company's relief may be found in Section 206 of the Federal Power Act, where the Commission can raise the rates unilaterally.

### PRICE SQUEEZES

One area which is receiving a good deal of attention at FPC is the so-called "price squeeze" placed on wholesale purchasers by their suppliers. This issue arises when the selling company sets rates at a level whereby the purchaser cannot compete with the supplier's own industrial or commercial rates, and has been attacked by municipal electric systems on antitrust grounds and under the Federal Power Act.

What has spurred the new interest in the price squeeze issue is an initial decision issued on November 29, 1972 by an Administrative Law Judge, wherein it was held that the Commonwealth Edison Company was discriminating between its municipal wholesale customers and industrial customers when the wholesale rate was higher than the industrial rate.[13] The ruling allowed refunds to the municipal customers for a 314-day period during which the "price squeeze" was in effect; after that period the company raised its rates to the industrial customers to a level higher than those charged the municipal wholesale customers.

### ANTITRUST AND FPC

The current inconsistent attitude of the FPC toward antitrust issues was demonstrated very clearly last fall on the day the *Otter Tail* case was argued before the U.S. Supreme Court. The first case heard by the Court that morning was *Otter Tail;* and, the Commission argued that Congress gave it the primary authority to consider anticompetitive matters under its general regulatory authority, to which the courts should defer. The second case heard that morning was an appeal by municipal systems in Louisiana (Lafayette and Plaquemine) from a decision by FPC in which it was determined by the Commission that it did not have to examine antitrust allegations when it was approving the issuance of securities under Section 204 of the Federal Power Act.[14] Thus, in one morning before the U.S. Supreme Court the Federal Power Commission took the position it should have primary jurisdiction over antitrust matters; but, in the case of Section 204, when the issue was placed squarely before the Commission, it begged off.

This inconsistency is further compounded when the Chairman of the Commission states:

"The capital intensive requirements, management responsibilities, need for new and expended facilities and accelerated search for gas supplies require a re-examination of the regulatory process in relation to the antitrust laws. The present dichotomy between antitrust enforcement as a method of regulating the gas and electric industries subject to this Commission's regulation may be counterproductive as a method of serving the public interest. I have advocated a searching re-examination of antitrust jurisdiction applicable to the electric and gas industries. We should consider at the 93rd Congress the extent to which plenary jurisdiction should be conferred upon the Federal Power Commission to resolve antitrust issues concerning jurisdictional gas and electric utilities."[15]

While the industry and the Commission issue releases and give speeches concerning matters of reliability, planning, cooperation, and regional pooling, the fact remains that in many parts of the nation the large private utilities are engaging in exclusionary and monopolistic practices which are designed to choke off competition from the consumer-owned segment of the industry. It is also a fact that the participation gains made by small utilities within the last few years have been a direct result of the antitrust laws.

*Otter Tail* represents only the tip of the iceberg. I frequently hear reports from municipal utility officials and their attorneys who find that they are able to negotiate better power supply arrangements, and rid themselves of restrictive contractual provisions because of antitrust activities which are extant in the industry. And the new Atomic Energy Commission antitrust review procedure has also brought an end to many monopolistic practices which, in some cases, had existed for decades.

All of this activity in the antitrust area can benefit only one person—the ultimate consumer. The antitrust laws are making fact out of the press release fictions which too many people in the industry were beginning to believe. Gains made by municipal systems are not an attempt to "restructure" or "nationalize" the industry—these gains only assure the existence of a pluralistic electric industry where each utility, not just a few private companies, has the opportunity to gain access to power supply alternatives and take its rightful competitive place.

Unfortunately, FPC has not yet addressed the antitrust issues placed before it in a meaningful manner.[16] If, as the Chairman suggests, plenary jurisdiction were granted by the Congress to FPC to resolve antitrust issues, taking the courts out of the picture, the record so far does not indicate that smaller excluded utilities would achieve very much.

Ironically, while the Commission plays shadow games with the antitrust laws it is supposed to look at in performing its regulatory functions, it has clear jurisdiction to remedy exclusions or anticompetitive behavior in a large portion of what one attorney at the Department of Justice has labeled the "third market" in power supply.[17] This market is distinguished from the retail market and the firm wholesale supply market in that it includes "transactions in emergency or standby power, for spinning reserve, for economy energy, for transmission services or wheeling, for unit power or deficiency power, or even for opportunities to engage in joint venture with others to install large size base load generating units . . ." The "third market" has already received considerable attention under the Atomic Energy Commission's antitrust review procedures, and one can only hope that a little bit of AEC rubs off on FPC.

### FOOTNOTES

[1] FPC Opinion No. 654, March 19, 1973.

[2] FPC Opinion No. 641–A, February 16, 1973.

[3] FPC Opinion No. 641, December 18, 1972.

[4] *Otter Tail Power Co.* v. *United States,* 41 U.S.L.W. 4292 (No. 71–991, February 22, 1973).

[5] *Otter Tail Power Co.* v. *FPC,* — F.2d — (CA8 February 21, 1973).

[6] *Gainesville Utilities Dept.* v. *Florida Power Co.,* 402 U.S. 515 (1971).

[7] FPC Opinion No. 644, January 11, 1973.

[8] FPC Opinion No. 644–A, March 9, 1973.

[9] FPC Docket No. E–7690.

[10] FPC Docket No. E–7734.

[11] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.,* 350 U.S. 332 (1956); *Sierra Pacific Power Co.* v. *FPC,* 350 U.S. 348 (1956).

[12] Consolidated case numbers: 72–1963, 72–2035, 72–2168.

[13] Commonwealth Edison Company, et al., Docket No. E–7579: also, see Consumers Power Company, Docket No. E–7803, and FPC Orders of November 27, 1972 and January 26, 1973, Pacific Gas & Electric Co. (Appeal pending before U.S. Court of Appeals for the District of Columbia, No. 73–1246.)

[14] *Gulf States Utilities Co.* v. *FPC,* Supreme Court of the United States, No. 71–1178, Oct.

[15] Remarks of John N. Nassikas, Chairman, Federal Power Commission. 28th Annual Meeting of Independent Natural Gas Association, Dorado Beach, Puerto Rico, October 24, 1972.

[16] See, for example, FPC Order "Accepting for Filing . . . Denying the Petition to Reject," Toledo Edison Co., February 28, 1973. Also, FPC Orders of November 27, 1972, and January 26, 1973. Pacific Gas & Electric Co. (Appeal pending before U.S. Court of Appeals for the District of Columbia, No. 73–1246).

[17] "Antitrust Review Under Section 105(c) and the 'Third Market' for Electric Power,"

**remarks of Wallace E. Brand, Attorney, Antitrust Division, Department of Justice, 1973 Annual Meeting of the National Rural Electric Cooperative Assn., Dallas, Texas, February 26, 1973.**

---

GULF STATES UTILITIES CO. *v.* FEDERAL POWER COMMISSION ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

(No. 71-1178. Argued December 5, 1972—Decided May 14, 1973)

Following petitioner's application under § 204 of the Federal Power Act to respondent Federal Power Commission (FPC) for authorization of a bond issue, two intervening cities opposed the authorization on the ground that the proceeds of the bond issue would be used to finance or refinance certain anticompetitive activities in violation of the antitrust laws, the Federal Power Act, and the Public Utility Holding Company Act of 1935. Section 204(a) empowers the FPC to authorize a security issue only if the issue is found to be for some lawful purpose and compatible with the public interest. The FPC granted the cities' petition to intervene, denied their request for a hearing, and authorized the bond issue, holding that the cities' allegations were irrelevant to a requested authorization of securities under § 204. The Court of Appeals remanded the case for consideration of the cities' claim, holding that, in line with the reasoning in *Denver & R. G. W. R. Co.* v. *United States*, 387 U.S. 485, the FPC should have considered the alleged competitive consequences of the bond issue in the § 204 proceeding. *Held*:

1. The FPC, as a general rule, must consider the anticompetitive consequences of a security issue under § 204. Pp. 8–14.

(a) The Federal Power Act did not render antitrust policy irrelevant to the FPC's regulation of the electric power industry. Pp. 9–11.

(b) The fact that the FPC has broad authority under other provisions of the Act to determine whether a public utility's conduct is in the public interest does not mean that the same standard is not equally germane under § 204. Pp. 11–12.

(c) Consideration of antitrust policies in the context of § 204 provides a first line of defense against anticompetitive practices that might later become the subject of an antitrust proceeding. P. 12.

(d) The FPC, like the Interstate Commerce Commission, has broad regulatory authority, which includes responsibility for considering antitrust policy in discharging its statutory obligations. Cf. *Denver & R. G. W. R. Co.* v. *United States, supra*. Pp. 12–14.

2. Though the FPC is not necessarily required to hold a hearing or make a full investigation in all cases, its summary disposition of proffered objections to the security issue requires strict scrutiny by a reviewing court in light of the Commission's obligations to protect the public interest and enforce the antitrust laws. Pp. 14–15.

3. Unexplained summary administrative action is incompatible with the requirements of § 204 and precludes appropriate judicial review. Pp. 15–16.

147 U.S. App. D.C. 98, 454 F. 2d 941, affirmed.

BLACKMUN, J., delivered the opinion of the Court, in which BURGER, C. J., and DOUGLAS, BRENNAN, WHITE, and MARSHALL, JJ., joined. POWELL, J., filed a dissenting opinion in which STEWART and REHNQUIST, JJ., joined.

Mr. MOSS. Mr. President, I am ready to yield back the remainder of my time. I do not know whether any time remains to the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. DOMENICI). One minute remains to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I understand I have 1 minute remaining. I shall use only one-half minute to emphasize one thing which has not yet been brought out.

It has been stated repeatedly by both sides in the discussion this afternoon that former Representative Springer is honest, fair, and of the highest integrity and sincerity.

One point has not been mentioned, and that is that of all the men I have known in Congress, he has been one of the hardest working Members it has been my privilege to know. He does his homework and he does it for himself.

I do not know whether Mr. Springer has any desire to remain for a long time on the Commission, but I think that we are lucky to get such a man who is willing, during this energy crisis, to work hard to solve it. He is a man that we know has the necessary experience and he is a man we know will work hard for a solution to our present energy crisis.

### AGAINST THE NOMINATION OF WILLIAM SPRINGER TO THE FPC

Mr. PROXMIRE. Mr. President, the Federal Power Commission was established as a conservation and consumer protection agency. It has strong quasi-legislative powers in regulating public utilities. It must exercise this power in the public interest. This means that the FPC must do its best to assure adequate supplies of energy, must protect the environment, and must keep utility prices at the lowest reasonable level.

How can we insure that five men—five men who are appointed and not necessarily responsive to public opinion—will keep the public interest at heart as they perform their duties on the Federal Power Commission?

The best way is to scrutinize carefully the nominees for these positions and make sure that the Federal Power Commission has members who are sympathetic to public needs as well as the needs of the power industry. In the recent past, the commission has compiled a proindustry record. It is time now that the Commission demonstrate some sensitivity to the interests of consumers and the environment.

What is the background and orientation of the current Commissioners? The Chairman, John N. Nassikas, is a lawyer by background who has a distinguished career in representing insurance, banking, and utility companies. His friendliness toward the utility industries under his jurisdiction has been noted by the Wall Street Journal, Forbes magazine, and the Nation. Under his chairmanship, the FPC has produced a large number of strongly proindustry rulings.

The other two commissioners, Albert Brooke and Rush Moody, hold similar views.

Under the present commission, in the last 3 years the prices for interstate sales of gas have increased more than 20 percent, or approximately $500 million per year. And pipeline rates have increased at an approximate rate of $1.2 billion per year over the same period.

Mr. President, it is clear that the orientation of these three commissioners is proindustry, and consumer interests have taken a back seat. Greater balance is needed on the commission. The FPC should represent consumer and environmental interests, and it is time that we have some strong advocates of these interests on the FPC.

William Springer, the nominee we are currently considering, spent 22 years in the House of Representatives. As early as 1955, he voted to remove from the FPC the power to regulate the wellhead price of natural gas. He evidently does not believe in any type of regulation in this area at all, a position I believe is untenable.

Mr. Springer has also consistently sided with private power companies and against the interests of public power companies. In Congress he voted to prohibit public construction of transmission lines to carry publicly produced power. He voted against the Tennessee Valley Authority. He voted to let private power companies exploit the enormous Federal investment in atomic power for their own benefit. He voted against an efficient plan to produce electricity in the Northwest and in New England. These votes have all been favorable to private utility interests. We must weigh this record against public power, keeping in mind that the FPC will make crucial decisions in the next few years on preserving public power capacity.

The Federal Power Commission also has a responsibility to preserve our environment. But Mr. Springer's record in this area is also poor. In 1970, the League of Conservation Voters gave Mr. Springer a zero rating. In 1972 he got a rating of 24 out of 100.

A more complete analysis of Mr. Springer's performance in the House regarding these issues was made by Representative GEORGE E. BROWN of California at confirmation hearings. I ask unanimous consent that the transcript of a portion of his statement be included at the end of my remarks.

Mr. President, Mr. Springer's past record underscores the fact that he will not bring to the FPC the type of balance that I believe is essential if consumer and environmental interests are to receive the protection they deserve.

Mr. President, I will vote in opposition to Mr. William Springer for the Federal Power Commission. And I would urge my colleages to take a close look at his past record before voting on this appointment.

There being no objection, the excerpt from the hearings was ordered to be printed in the RECORD, as follows:

Congressman GEORGE E. BROWN. Turning now to the Honorable William L. Springer, a former colleague of mine in the House of Representatives, I must, in light of his public record regretfully oppose his nomination.

As early as 1955, Mr. Springer in voting on H.R. 6645, supported removing from the FPC the power to regulate the wellhead price of natural gas. This, among other positions, demonstrates that Mr. Springer will not only be less than enthusiastic in supporting cost-based price regulation of wellhead gas; he evidently does not believe in any type of regulation at all. This is an incredible position for an FPC Commissioner to hold.

A further examination of the record indicates that Mr. Springer prefers the interests of private power companies to the interests of public power companies, again to the ultimate detriment of the energy consumer.

Only four months after he had taken office, May 2, 1951, Mr. Springer voted to prohibit the public construction of transmission lines to carry publicly produced power, so as to allow private companies to carry the power and in effect make local public utilities captive to the transmission prices or private electric monopolies.

Similarly, when the Tennessee Valley Authority, which produces public power, has been the issue, Mr. Springer has sided with the private power companies who have no love for TVA. On August 7, 1957, on a key vote to cut TVA appropriations, Mr. Springer voted yes. On May 7, 1959, Mr. Springer voted to kill a bill authorizing TVA to sell revenue bonds to finance expansion and improvement of facilities.

In the 1950s, Congress was considering whether the enormous federal investment in atomic power would be used mainly for the public benefit or largely turned over to private companies to be exploited for their own benefit. Each time the issue came to a vote, Mr. Springer sides with the private power interests. This includes the following three votes:

1. A vote on July 26, 1954, on amendments to the Atomic Energy Act which would permit the private development of atomic power in such a way as to encourage the development of monopolies.

2. A vote on July 24, 1956, to kill recommendations by the Joint Committee on Atomic Energy to construct reactors to serve as demonstrators for peacetime uses of atomic power.

3. A vote on August 9, 1957, to eliminate from AEC appropriations, funds for construction of a uranium reactor and plant to study possible peaceful uses of atomic energy.

Somewhat more recently than these votes are a series of votes on an issue I am sure you, Mr. Chairman, will recall only too well. During the period of 1961 to 1964, Congress acted on a number of measures affecting the availability of public power in the Northwest. At issue was the energy being produced by the Hanford, Washington dual purpose plutonium reactor. Inexpensive by-product steam from the reactor could have been used to run turbines to generate electricity for that part of the country. On August 8, 1961, a key vote was taken on whether to authorize $95 million to build an electric power plant to use this energy. Mr. Springer voted against it.

Slightly more than a year later, on August 29, 1962, there was a less ambitious plan before the House whereby the AEC would sell its steam to the Washington Public Power supply system rather than produce electricity itself. Mr. Springer voted against allowing even 50 percent of the power to go to the public system.

Finally, on August 18, 1964, in a key vote to guarantee electric consumers in the Northwest first call on electrical energy generated at federal hydroelectric plants in the region, Mr. Springer voted no.

The Chairman. I would say Congressman, the last part of your testimony, the Chairman is pretty familiar with that.

Mr. Brown. All right. I will be glad to skip over that, Mr. Chairman.

The Chairman. You briefed it well. No, no, do not skip it.

Senator Tunney. I am not as familiar as the Chairman is.

Mr. Brown. I knew the Chairman would be familiar.

The Chairman. I only meant that I was familiar with the last portion that he read.

Mr. Brown. Let me hurry through this, Mr. Chairman.

The New England region was the scene of another conflict between public power and private power interests. The Dickey-Lincoln public power project in Maine was designed to provide cheaper power for the New England area. The private power interests sought to have the project deleted from the Rivers and Harbors Bill in 1965 and to have its planning funds cut in 1968.

After missing the first vote in 1965, Mr. Springer voted in favor of cutting the funds on June 19, 1968.

Senator Cotton. May I say that I am very familiar with that case, too.

Mr. Brown. I am sure you are, Senator Cotton.

There is nothing wrong with Mr. Springer's votes in these matters. In many cases, they were shared by a large part of the House, maybe a majority, but I am bringing them out for the record as they bear upon his role as an FPC Commissioner.

This committee must weigh Mr. Springer's record against public power, in light of the crucial decisions that the FPC will be making in the next several years to preserve public power.

For example, the FPC must decide whether or not to "accommodate" municipal and cooperative power systems into vitally needed power pools which are currently dominated by the private power companies. These private interests are vigorously opposing such an accommodation. If the private power companies have their way on this issue, the small public system could be frozen out of power pools and be forced to sell or merge with private companies due to a lack of access to supply during peak power demand periods. This, in my judgment, would be tragic for the cause of cheap public power.

So far, Mr. Chairman, I have touched on the natural gas and electric power responsibilities of the FPC and Mr. Springer's attitudes toward those responsibilities. However, a substantial part of the FPC's authority is in the environmental field. The Commission has authority for licensing and determining the location of hydroelectric plants. It is responsible for protecting the environment when it comes to the construction of hydroelectric projects and of natural gas transmission lines. In addition, the FPC's regulations have been revised to implement the National Environmental Policy Act of 1969 and court decisions have ordered it to consider a project's environmental impact.

Given these responsibilities, the committee should examine Mr. Springer's record in protecting the environment:

The League of Conservation Voters in its evaluation of his environmental record in 1970 gave him a zero. The same organization in 1972 credited him with only 24 points out of a possible 100 on the basis of environmental issues on which he voted during the 92d Congress. As arbitrary and sometimes misleading as any such voting indexes may be, they, nevertheless, serve as an indicator of what Mr. Springer's priorities are.

To a certain extent the preoccupation with environmental issues is of relatively recent origin. Some environmental issues, however, have been of continuing concern over the years to a great many groups.

On two occasions, the Labor Movement, for example, has pointed out Mr. Springer's failure to support strong anti-water-pollution efforts. If, in 1960, Mr. Springer and 11 other members of the House had joined to override President Eisenhower's veto, there would have been federal contributions of $90 million a year for ten years to aid communities in their programs to combat water pollution. With the defeat of this program, the problem has worsened and the costs of remedying it have gone up.

Again, in 1972, the AFL–CIO took note of an important vote on an amendment to the 1970 Federal Water Pollution Control Act. It would have dealt with the practice of employers threatening workers and unions with massive job lay-offs unless they aligned with the company in publicly opposing the issuance of a pollution abatement order. The amendment allowed the workers or their union to obtain from the Environmental Protection Agency a public investigation to substantiate these job-loss claims by the employers. Mr. Springer voted against that amendment.

In summary, Mr. Chairman, I am shocked at these nominations. The President, in the midst of an energy and environmental crisis has nominated to the Federal Power Commission two individuals who have been longtime advocates of the energy industry.

What incentive will these men have to encourage, if not force the energy companies to use some of their tremendous profits to clean up the air and the water they are responsible for polluting?

What concern have these men demonstrated for the interests of the small individual consumer they will be sworn to protect, if they are confirmed?

The current FPC Commissioners have demonstrated in a variety of decisions, their industry orientation: If these nominees are confirmed, that orientation will be solidified in concrete.

Surely this committee can ask, if not demand, that the President appoint at least two FPC Commissioners out of five, whose backgrounds indicate an impartial or consumer orientation. That would at least give the poor consumer a fighting chance.

Thank you, Mr. Chairman.

Mr. STEVENSON. Mr. President, it is with regret that I announce my intention to vote today against the nomination of William Springer to the Federal Power Commission.

My regret stems from the fact that William Springer is a man of character and integrity. As a Congressman, he served his district in my own State of Illinois well for 11 terms—22 distinguished years.

But the issue today is not William Springer. The issue is the philosophy of the appointees who serve on the Federal Power Commission and, more broadly, it is the attitude of Congress to the regulatory agencies and to President Nixon's own philosophy of appointments to them.

The Federal Power Commission was established in 1920 with a strong statutory mandate in environmental and consumer matters. Upon the passage of the Natural Gas Act in the 1930's, its jurisdiction came to include regulating the wholesale price of electricity and natural gas and the construction of non-Federal hydroelectric projects and natural gas facilities.

President Franklin Roosevelt spoke of the charge to the FPC:

> The regulating Commission, my friends, must be a tribune of the people, putting its engineering, its accounting and its legal resources into the breach for the purpose of getting the facts and doing justice to both the consumers and investors in public utilities. This means, when the duty is properly exercised, positive and active protection of the people against private greed.

This charge must hold true today. The FPC has jurisdiction over industries whose gross revenues exceed $30 billion per year. It is estimated that a 1 cent per MCF increase in the cost of natural gas at the wellhead would cost the consumer $1 billion.

There is widespread evidence that the historic conditions which led to the passage of the Natural Gas Act and the regulation of the natural gas industry are still prevalent. In a recent case the FPC staff stated that the natural gas industry "is not structured so as to render competition workable." In that case—really three similar cases—certain oil companies—Belco, Tenneco, and Texaco—are seeking to have the 26 cents per MCF price raised to 45 cents per MCF. If the 45-cent rate is approved, in the case of Tenneco this would result in a return to Tenneco of 27.5 percent on its total investment and a return on its equity of an amazing 48 percent.

It is, therefore, disturbing when the Commissioner of the FPC and other Commissioners espouse the philosophy of deregulating natural gas. Perhaps in the broader context of the energy crisis there may be need to do so, but this decision should be up to Congress to work out in a deliberative manner.

President Nixon opposes the present law on natural gas regulation and seeks to change it. In the meantime he has already appointed three Commissioners who share his philosophy. That is his prerogative, and Congress advised and consented to those nominations.

But now he seeks to "pack" the Commission with members who agree with his philosophy. Former Congressman Springer's record on this and other consumer issues has consistently been on the side of industry. As early as 1955 Congressman Springer voted for deregulation.

I hope the Senate will not give it consent to this nominee. As Senators HART and Moss put it in their separate views:

> It may indeed seem unfair to "blow the whistle" on these two men, when so many with similar backgrounds have been approved. But at some time the line must be drawn. Congress should carefully scrutinize regulatory commission nominations and reassert its duty to advise the President.

It is well to recall that such agencies as the Federal Power Commission, the Federal Communications Commission, the Interstate Commerce Commission, and other such "independent" regulatory agencies are set up to do work which once was done by Congress—rulemaking and regulation. But in certain chosen instances this regulation was so complex and required such expertise that Congress performed its function inadequately. Congress thus delegated the performance of these specialized duties to newly created independent regulatory commissions, and in carrying out their duties these agencies perform quasi-legislative functions.

Like Congress, these agencies should have the balanced representation of many viewpoints. Any President will try to name to the agencies men and women with his broad points of view. But Congress has a duty to "advise and consent." And the Nixon administration has gone further to pack the regulatory bodies than any administration since the ICC was established in 1887. Of the 38 positions on the six major regulatory bodies, Mr. Nixon has already filled 28, including chairmen for all six. There has been no diversity among Mr. Nixon's appointees. They are almost without exception people with a big business viewpoint. Virtually none can be said to be an "independent" in that word's best sense, or an advocate of the consumer's point of view. I am not saying that every appointee should be such a person, but it would certainly be helpful to have one or two on each major agency—at least to have the consumers point of view represented.

The trend would continue with this appointment if it is confirmed. There would be yet another member of the Commission who holds a philosophy which can be broadly gaged as pro-industry and anti-consumer.

It is possible that despite Mr. Springer's voting record in Congress he would turn out to serve the consumer's interest well. But as Senator MAGNUSON has pointed out, the chances of this happening "are the exception."

I can only reiterate my deep regret at having to vote against Bill Springer. But "the line must be drawn." I must vote against a nominee who gives every indication of upholding industry's interests over the consumer's interests. I shall therefore vote against Mr. Springer and in the future I expect to vote against similar nominations by Mr. Nixon, unless there are strong reasons to do otherwise.

I ask unanimous consent that an article by John Herbers, "Nixon's Imprint is Deep at Regulatory Agencies" appear in the RECORD at this point. This article appeared in the New York Times on May 6.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### NIXON'S IMPRINT IS DEEP AT REGULATORY AGENCIES

(By John Herbers)

WASHINGTON, May 5.—After little more than four years in office, the Nixon Administration, through the use of appointments and other means, has turned the independent regulatory agencies into bastions of Nixon Republicanism.

They are run by members and commissioners who generally share the President's philosophy for less interference with business and industry. And they have less diversity than existed in the past, with academics, liberals and consumer activists in short supply.

It has been traditional for Presidents to shape the agencies in accordance with their own goals and political ideas. But the Nixon White House, in the view of a wide range of authorities interviewed during the last few weeks, has gone further in this regard than other recent administrations.

Indicative is President Nixon's appointment last March 12 of Lee R. West, a little-known state district judge of Ada, Okla., to the Civil Aeronautics Board and the controversy it set off.

The Senate Commerce Committee is holding up Mr. West's confirmation because committee leaders wanted the post to go to Robert T. Murphy, a consumer-oriented board member whose 12-year term has been marked by votes for more airline competition and against mergers and who was a candidate for reappointment.

#### A CORPORATE CONSTITUENT

Instead, the White House chose Mr. West, whose name had been submitted by Senator Henry R. Bellmon, Republican of Oklahoma, with the support of House Speaker Carl Albert, a Democrat, also of Oklahoma.

The two Oklahomans share as a corporate constituent American Airlines, which was disappointed at the board's refusal last year to grant a merger between American and Western airlines. American officials have said publicly they want Mr. Murphy replaced.

Yet so strong is the tradition of giving the President a free hand in regulatory appointments, Senators say, that it is probably only a matter of time before the committee yields and Mr. West takes his seat on the five-member board. Mr. Murphy, whose term expired Jan. 1, is serving in the interim.

With the expected departure of Mr. Murphy and of Federal Communications Commission member Nicholas Johnson, whose term runs out in June, Nixon appointees will so predominate on the major regulatory agencies that the stinging dissents that have come from holdovers from previous administrations are expected to be a thing of the past.

#### ARMS OF CONGRESS

The boards and commissions were originally set up as arms of Congress to regulate and formulate policy in broad areas of trade, transportation and communications. To make them as independent as possible, Congress provided that the members have staggered terms and that they represent both political parties.

However, the agencies rarely have been independent of either Congress or the White House, and some students of government do not think they should be. In recent years, under both Democratic and Republican administrations, there has been more control of the agencies by the President, or more often by his assistants. The agencies are not ordinarily a matter of high Presidential priority.

Kenneth C. Davis, a professor of administrative law at the University of Chicago, who advised President Kennedy on his regulatory appointments, maintains that there is not a great deal of difference between the regulatory bodies, which are supposed to be independent, and the administrative agencies and departments, which are run by the President.

"Congress still prefers independence and the President still prefers to have subordinates," he said in a telephone interview. "The reality is not that different. The difference is much less than people expect."

#### INFLUENCE HELD INCREASING

The staggered terms rarely work to prevent a President from gaining control due to frequent resignations that arise from various pressures and the tradition that the chairmen serve at the pleasure of the President. Of 38 positions on six major regulatory bodies—the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission and the Securities and Exchange Commission—President Nixon, after a little more than four years in office, has filled 28, including reappointments and those not yet confirmed. He has named the chairmen of all six.

According to Congressional testimony and a number of officials and regulatory experts interviewed over the last few weeks, Presidential influence has increased in some areas under Mr. Nixon.

His appointments have represented less of an ideological mix than those of previous Presidents. For example, he appointed Alfred T. MacFarland, a Tennessee lawyer, as a Democrat to the Interstate Commerce Commission under the requirement that no more than a bare majority of members be of the same party.

The Senate Commerce Commission balked at the appointment, contending that, even though Mr. MacFarland might be known as a Democrat back in Tennessee, he had a long record of supporting Republican candidates. The White House then had Mr. MacFarland change his registration to independent and resubmitted the nomination.

"We could do nothing but confirm him," said Senator Frank E. Moss, Democrat of Utah. "I don't like it, but I couldn't help but have some admiration for the bold way they did it."

Budgetary control over the agencies by the Executive branch, which has existed for a number of years, has increased under the Nixon Administration, according to testimony taken last year by the Senate Subcommittee on Intergovernmental Relations of the Committee on Government Operations.

### INCLUDED IN PERSONNEL CUTS

The Office of Management and Budget, a White House agency, has included some of the regulatory agencies in Administration-wide expenditure and personnel cuts ordered by the President. This, according to Senator Edward J. Gurney, Republican of Florida—who is an Administration supporter—was "sort of new and far-reaching authority that either did not exist or was not used before."

Some of the regulatory members said some investigations of utility rates and other research were curtailed in the process. The Federal Trade Commission lost 72 staff members.

Administration spokesmen have denied any intent to curtail the agencies and say the budgetary claims fall within authority that Congress itself granted the Executive branch. They contend that legislation proposed by Senator Lee Metcalf, Democrat of Montana, to have the budget requests of the agencies go directly to Congress, rather than through the Budget office, would subject the agencies to even more abuse.

The performance of the agencies under the Nixon White House has been mixed, according to a consensus of authorities:

The Securities and Exchange Commission, under former Chairman William J. Casey, instituted reforms and expanded its staff and activities, with Budget office approval, to cope with the crisis in the securities industry. The new chairman, G. Bradford Cook, has indicated he will continue in the same tradition.

The Federal Trade Commission was revitalized under former Chairman Miles W. Kirkpatrick and took a number of pro-consumer actions, including an expansion of antitrust policy. Following his resignations earlier this year, he was replaced by a White House aide, Lewis A. Engman, who has said he will run the agency independent of the White House.

The Federal Power Commission has not had a strong consumer-oriented member since Lee C. White resigned as chairman a few months after President Nixon took office in 1969. Some Senators, charging that President Nixon is breaking a strong tradition for having at least one such member, are objecting to his two latest appointments, Robert H. Morris and William L. Springer, on the ground that they are industry-oriented. The Senate Commerce Committee has cleared the appointments for a Senate vote, with Senators Moss and Philip A. Hart, Democrat of Michigan, among others, filing dissents. The chairman, Senator Warren G. Magnuson, of Washington, has prepared a statement agreeing with the dissent.

The Federal Communications Commission has become more compatible with the nation's broadcasters, who favor less Government control, since it came under Republican control and has been headed by Dean Burch, the conservative lawyer who was chairman of the Republican National Committee in 1964. More important, it has been overshadowed by the emergence of the White House Office of Telecommunications Policy which has moved aggressively in areas once dominated by the commission—in policy effecting the renewal of broadcast licenses, for example.

Although the regulatory bodies have long been a subject of controversy and there are many points of view on how they should operate, some experts say their performance at this time is particularly important.

"This is a time of inflation and the requests for rate increases are more frequent," said Lee White, whom President Johnson appointed to the power commission. "When I was in office and the economy was more stable it was relatively easy to decide who was entitled to more revenue and who was not."

Further, some of the regulated industries are undergoing drastic changes that are of wide public interest—the emergence of cable television and the power shortage, for example.

There is some ambiguity in the White House about what the Administration is seeking to accomplish with the regulatory bodies. Last summer, President Nixon had an off-the-record meeting with a group of broadcasters. Stanley E. Cohen, writing in "Advertising Age," said the broadcasters came away "eager to talk."

"By their account, Nixon is annoyed by regulatory agencies staffed with young lawyers who are trying to challenge the system," Mr. Cohen wrote. "He is frustrated because some of his appointments go wrong. He can appoint people like F.T.C. Chairman Miles Kirkpatrick, but he can't do anything about them after they are in their jobs."

When the White House announced Mr. Kirkpatrick's resignation on Jan. 1, Gerald L. Warren, deputy White House press secretary, said he could not say that the President accepted the resignation with regret. Mr. Kirkpatrick, however, received a letter from the President saying the resignation was accepted with "deep regret." Mr. Warren apologized, said his error was an oversight, and the resignation was totally voluntary.

### SCREENING IS DISCERNED

Others in the White House indicated that Mr. Warren's first statement more accurately reflected the feeling of a fair number of officials in the Administration.

The President's recent appointments appear to have been screened to reflect Mr. Nixon's belief that Americans are better served when business is not put under strict restraints.

Congress recently created the Consumer Product Safety Commission with a mandate that could make it one of the most powerful and independent of the regulatory agencies. It will submit its budget directly to Congress, bypassing the Office of Management and Budget, and it has authority to impose strong product-safety rules on industry, with fines and criminal penalties to back them up.

As chairman of the five-member commission, President Nixon chose Richard O. Simpson, a 43-year-old California businessman who has been serving as assistant secretary of commerce for science and technology. His appointment had been applauded by industry officials.

A desire for "balance" on the Federal Power Commission has prompted the Consumer Federation of America and seven other consumer groups to oppose President Nixon's two recent appointments to that agency. One, Robert Morris, a San Francisco lawyer, has long represented Standard Oil Company of California, a major gas producer subject to commission regulation. The other, William Springer of Illinois, served for 22 years in the House of Representatives, where his votes over the years were said to have favored the power industry.

The ability of the President to work his will on appointments is not absolute. Congress still has influence, though it has been diminishing. An example is the manner in which a black, Benjamin L. Hooks of Memphis, was appointed to the Federal Communications Commission.

### RIGHTS GROUPS' PRESSURE

According to several sources, civil rights organizations had been petitioning Senator John O. Pastore, Democrat of Rhode Island and chairman of the subcommittee on communications, to promote the appointment of a black to the seven-member agency. Senator Pastore let it be known that he would get difficult about confirmations unless a black were appointed.

The Administration picked Mr. Hooks, whose name had been submitted by Senator Howard H. Baker, Republican of Tennessee, over several other black candidates.

There has been considerable consultation between the regular agencies and the White House on policy matters. Former commission members who served in prior administrations say that while this has increased, it is often essential if coherent policies are to be pursued by the Government. One criticism, however, is that White House offices with vast resources for research and analysis have so grown in recent years that the regulatory bodies do not have the means of challenging White House findings.

"At times," said Nicholas Johnson, who was appointed to the communications commission in 1966, "we do not have the means of even asking the right questions."

"It is the Executive Branch that sets policy on cable television," Mr. Johnson said: "It is the Executive branch to which the Congress turns for recommendations on funding of public broadcasting. When there is no executive recommendation, public broadcasting remains in limbo and subject to political control. It is the Executive branch to which Congress turns for recommendations on the structure of the international common carrier industry. It is the Executive branch, not the F.C.C., that is proposing radical revisions in the communications act regarding license renewal."

On another level, the White House has conducted a public campaign outside F.C.C. involvement, to effect its policies on broadcasting. The most recent example involves the Administration efforts to reduce public affairs programming on public television. Patrick J. Buchanan, special consultant to the President, explained how it works on the American Broadcasting Company's Dick Cavett show March 22.

"Last year," he said, "the Administration proposed an increase for public educational television from $35- to $45-million. It got down on Capitol Hill and the fellows in public television went to work and they increased that up to $165-million, for two years. Now, when that came down to the White House, we took a look at that, I did personally, I had a hand in drafting the veto message.

"And if you look at public television, you find you've got Sander Vanocer and Robin MacNeill, the first of whom, Sander Vanocer, is a notorious Kennedy psychopath, in my judgment, and Robin MacNeill, who is anti-administration. You have Elizabeth Drew—she personally is definitely not pro-Administration, I would say anti-Administration. 'Washington Week in Review' is unbalanced against us, and you have Bill Moyers, which is unbalanced against the Administration.

"And then for a fig leaf, William Buckley's program. So they sent down there a $165-million package, voted 82-to-1, out of the Senate, thinking that Richard Nixon would therefore have to sign it, he couldn't possibly have the courage to veto something like that. And Mr. Nixon, I'm delighted to say, hit the ball about 450 feet down the right field foul line, right into the stands, and now you've got a different situation in public television. You've got a new board on the Corporation for Public Broadcasting [the Government organization that runs the network], you've got a new awareness that people are concerned about balance. And all this Administration has ever asked on that, or on network television frankly, is a fair shake."

All the programs Mr. Buchanan mentioned, except Black Journal, have been canceled. White House aides have been intensively lobbying corporation board members on policy matters. And Mr. Nixon's appointee as corporation chairman, former Representative Thomas B. Curtis, has resigned charging interference by the White House.

Mr. KENNEDY. Mr. President, for many years Bill Springer was the ranking minority member of the House committee on Interstate and Foreign Commerce. That committee is the one which deals with virtually all of the legislation which has to do with the organization and delivery of health care. As the ranking minority member of that committee, Mr. Springer was an ex officio member of its Health Subcommittee. As such, I had the opportunity, as chairman of the Senate Health Subcommittee, to work with him in conference between the House and the Senate on health legislation. It was my judgment that he served in that capacity with high competence and distinction.

Nevertheless, the issues confronting the Federal Power Commission involve a wholly different range of considerations.

In these days of soaring prices and increasing scarcity of natural resources there must be some representation on the FPC of the consumers' interests. The Presidential appointments over the past 4 years do not fulfill these requirements and unfortunately the past record of Mr. Springer reflects an industry orientation, not consistent with those interests. I thus cannot support this nomination.

Mr. COTTON. Mr. President, I yield back the remainder of my time.

Mr. MOSS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now expired.

The question is, Shall the Senate advise and consent to the nomination of William L. Springer, of Illinois, to be a member of the Federal Power Commission?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Iowa (Mr. CLARK), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Iowa (Mr. CLARK).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Iowa would vote "nay."

I further announce that, if present and voting, the Senator from South Carolina (Mr. HOLLINGS) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. JAVITS) is absent because of death in the family.

The Senator from Arizona (Mr. FANNIN) and the Senator from North Carolina (Mr. HELMS) are absent on official business.

The Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Idaho (Mr. MCCLURE), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

The result was announced—yeas 65, nays 12, as follows:

[No. 148 Ex.]

YEAS—65

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cotton
Curtis
Dole
Domenici
Eastland
Ervin
Fulbright
Griffin
Gurney
Hansen
Hartke
Hathaway
Hruska
Hughes
Humphrey
Jackson
Johnston
Long
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nunn
Pastore
Pearson
Pell
Percy
Randolph
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—12

Biden
Church
Cranston
Hart
Haskell
Kennedy
Moss
Nelson
Proxmire
Ribicoff
Stevenson
Tunney

NOT VOTING—23

Abourezk
Clark
Cook
Dominick
Eagleton
Fannin
Fong
Goldwater
Gravel
Hatfield
Helms
Hollings
Huddleston
Inouye
Javits
Magnuson
McClure
McGee
McGovern
Packwood
Saxbe
Stennis
Williams

So the nomination was confirmed.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

## ADDITIONAL APPROPRIATIONS FOR PEACE CORPS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 154, H.R. 5293.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was stated by title as follows:

A bill (H.R. 5293) authorizing additional appropriations for the Peace Corps.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with amendments on page 1, line 7, after "$77,001,000," strike out "and for the fiscal year 1975 not to exceed $80,000,000 to carry out the purposes of this Act"; and, after line 8, insert the following new sections:

SEC. 2. Section 10(d) of the Peace Corps Act (22 U.S.C. 2509(d)) is amended by inserting immediately after "other than", the following: "Section 3709 of the Revised Statutes of the United States, as amended, section 302 of the Federal Property and Administrative Services Act of 1949, and".

SEC. 3. (a) Not to exceed 25 per centum of all appropriations made for each fiscal year to carry out the Peace Corps Act shall be available for administrative expenses (including compensation of officers and employees).

(b) The report required under section 11 of the Peace Corps Act shall include information concerning all administrative expenses (including such compensation) incurred in carrying out such Act for such fiscal year.

(c) Subsection (a) and (b) of this section are effective beginning with fiscal year 1975.

SEC. 4. (a) Any Foreign Service staff officer or employee, or any Foreign Service Reserve officer, performing duties with respect to the agencywide support program of ACTION shall spend substantially all of his hours of work in performing such duties on matters relating to the administration of the Peace Corps Act.

(b) The percentage of all officers and employees of ACTION in any fiscal year performing duties with respect to the agencywide support program, who are Foreign Service staff officers and employees and Foreign Service Reserve officers, shall not exceed that percentage which is equivalent to that percentage used to determine the Peace Corps' share of the agencywide support costs.

The PRESIDING OFFICER. There is a ,time limitation on the bill.

## ORDER OF BUSINESS

Mr. MANSFIELD addressed the Chair.

Mr. COTTON. Mr. President, may we have order? We would like to hear what the Senator has to say.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I ask that the time I use, and it will be brief, not be charged on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT TO CONSIDER PRESIDENT'S VETO OF S. 518 TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, I would like to seek its concurrence in setting apart the hours of 4 p.m. to 5 p.m. tomorrow afternoon, the time to be equally divided between the distinguished Senator from North Carolina (Mr. ER-

VIN) and our equally distinguished Republican leader, the senior Senator from Pennsylvania (Mr. SCOTT), the time to be taken up in consideration of the President's veto of the bill seeking to create some control over the Office of Management and Budget, and that the vote on the veto occur at the hour of 5 p.m.

Mr. SCOTT of Pennsylvania. Mr. President, will the majority leader yield?

Mr. MANSFIELD. Surely.

Mr. SCOTT of Pennsylvania. Mr. President, I have no objection; I am satisfied. I would define the bill differently, as a bill to unconstitutionally abolish an office and immediately reinstate it, but aside from our variance in defining the meaning of the bill we have no objection to the time.

Mr. MANSFIELD. I appreciate the cooperation that is always forthcoming from the distinguished Republican leader.

It is understood that if the Senate agrees, the vote on the President's veto of S. 518 will occur at 5 p.m. tomorrow. It will be a rollcall vote. In the hour previous to 5 o'clock, the time will be equally divided between the Senator from North Carolina (Mr. ERVIN) and the Senator from Pennsylvania (Mr. SCOTT).

The PRESIDING OFFICER. Without objection, it is so ordered.

---

## REMARKS OF SENATOR MANSFIELD AT THE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD some remarks that I made at the Democratic Conference today, as well as some addendum.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### REMARKS OF SENATOR MIKE MANSFIELD AT THE DEMOCRATIC CONFERENCE

This Conference meets today at a critical time. A cloud hangs over the nation. It is Watergate and larger than Watergate. To be sure, the common crime with such uncommon implications that transpired on the night of June 17, 1972 has shaken the nation. Yet Watergate does not reveal the full dimensions of the nation's plight. We confront, too, an unabated rate of inflation of 6.6 percent, even as profits have risen an extraordinary 11 percent. We confront a worldwide retreat from our currency which has run the price of gold up to $128 an ounce. We confront a severe drop in values on the stock market. We confront an incipient fuel shortage. Taken together, these are flashes of warning indicating an economy seriously out of kilter. The political disaster of Watergate has coupled with a shaken economy to create a dual crisis—a crisis of conscience and a crisis of confidence. Devastating things have happened to the central institutions of this nation. The trust of the people in government is deeply disturbed and furious storms are gathering.

Yet, storms have surged before and the nation has lived through them. Always, we have found in the sources of duly constituted authority, a place of firmness in the face of storms. Always, there has emerged a sure grip with which to maintain our hold on political stability. The continuity of free government in the United States is unbroken for two centuries.

Where in this present crisis are the people turning for assurance as to the present and future? It seems to me that the people are tending to look to the Congress. It is as though the anxieties of the nation have sought relief on Capitol Hill. In effect, we are in the midst of a shifting balance of trust in government. Let us not, either House or Senate, delude ourselves as to the significance of this shift. Let us not pat ourselves on the back. In the circumstances, the trust which is being reposed in us is, in large part, a turning away from the Executive Branch rather than a repairing to the Congress. Still, the growing trust in this institution, in my judgment, has a positive side. It is not without some reason.

It is in this connection that I would like to review the work of the Democratic Majority and its Policy Committee during these opening months of the 93d Congress. Let me begin by a reference to the special Senate committee on the Watergate affair. It was the Senate Majority Conference, responding to the Leadership statement of January 3d, which took the initiative in this matter. This Conference pressed Senator Ervin to establish the Committee and to head the inquiry. The wisdom of the initiative is now already apparent.

In the first public segment of the inquiry during this past week, the nation has witnessed the exercising of the Senate's investigatory function at its very best. Under the exceptional legal and parliamentary leadership of Senator Ervin, the Democratic members of the Committee have worked in complete harmony with the Minority members led by Senator Baker. These hearings have begun in a manner which reflects the highest credit on the Senate. They act to strengthen the confidence of the people in the Congress. If there is a keynote to the Ervin inquiry, it is one of scrupulous fairness, impartiality and nonpartisanship. The Committee will be some time in dealing with the facts and implications of Watergate.

Beyond Watergate, there are other questions growing out of the 1972 election campaign, the bogus letters, for example, which affected Senators Muskie, Humphrey and Jackson in the Florida Primary, which must and will be examined in full. That there was an indictment in Florida in this connection in no way lessens the need for the Ervin Commtitee inquiry. In the same way, the naming of a special prosecutor by the Attorney General designate in no way alters the mission of the Ervin Committee with regard to Watergate. In so saying, I do not intend any reflection whatsoever on Mr. Cox whom I know and esteem. The fact is that regardless of the mission of the special prosecutor, the Committee has a prior legislative function. On behalf of the Senate and the nation, the Committee should and, I am confident, will pursue all aspects of this matter of insidious campaign practices until the shadows in the 1972 election campaign are fully explored. Only in that way will they be lifted. Only then will we know how we may strengthen a free and open electoral process as the fundamental element of our political system.

In addition to establishing the Watergate inquiry, this Majority Conference and its Policy Committee delineated a number of other goals at the beginning of the session. By endorsement of the Leadership statement on January 3, the Conference recommended, in effect, a Majority program for the Senate. I can report to you that the record which has been made pursuant to that program is very satisfactory at this point.

We began this Congress facing two far-reaching issues—the termination of the war in Viet Nam and the budget issue which involves, essentially, the questions of spending priorities, ceilings, and impoundments. Inherent in both of these issues—Viet Nam and the budget—are basic Constitutional questions having to do with the role of the Legislative Branch as a co-equal of the Presidency.

The Senate Majority Conference elected to stand, on January 3rd, on the grounds that the results of the November election meant that the people of the nation chose to be governed not by one party alone or by one branch of government alone. Rather, the people wished a constructive opposition in the Congress to the overwhelming power of the re-elected Administration.

To be sure, not many in the Executive Branch read the election results in that fashion. The tendency at that time was to ridicule the capacity and inclination of the Congress to serve as a constructive counterfoil to the Presidency. Indeed, there was much despair even in the Congress over the competence of this body to function in the role of organized opposition. Extreme assertions were made by Administration spokesmen and permanent officials of the Executive Branch as to the reach of the mandate of the Presidency.

It seems to me, a more balanced and sober view of the role of the Congress is now beginning to prevail. Some contend that Watergate has had much to do with the change and I would not dispute the likelihood. However, the record of leadership which has been provided by this Conference and its Policy Committee will bear out that the change is deeper than Watergate. The fact is that this Conference has known where we had to go from the outset and we have organized the effort to get there by working closely together as a Majority in a relationship of comity with the Senate minority and in understanding with the House Leadership.

The two basic issues—Viet Nam and the budget—which faced us five months ago, face us still but in modified fashion. The signs of a righting balance both of responsibility and authority are beginning to appear as between the Executive and the Legislative Branches in questions of war and peace. A cease-fire has been established in Viet Nam. The POW's from the Vietnamese war are back home. If we can end, now, any insidious tendencies to reinvolve this nation in Indochina by the back door of Cambodia and by Executive fiat, what we set on January 3d as a goal of this Conference will have been realized at last.

That goal would have been reached with the proclamation of a cease-fire in Viet Nam. But I do not regard it as met because it embraced by implication not only the war in Viet Nam but the conflicts in Cambodia and Laos. So it is heartening to see Senators of both parties unified now, as never before, to stop this empty policy of violence in Cambodia—a pitiful country where we have neither national interest nor national commitment nor national purpose. It is heartening, too, to see the House of Representatives under the distinguished leadership of Speaker Albert reject the attempt of the Executive Branch to obtain oblique Congressional approval of its unilateral policy of bombing Cambodia by way of an appropriations measure.

In my judgment, the Congress now stands fast against the prolongation of the war anywhere in Indochina in any way, shape or form. The Administration is wholly on its own in this matter and it stands on the most dubious Constitutional grounds. I urge the President, therefore, most respectfully to read the signs in Congress for what they are—a reflection of national sentiment for a complete termination of our military role in Indochina. I urge the President, most respectfully, to act now to merge this clear and unmistakable intent as expressed through Congress into his policies for peace by ending all U.S. hostilities everywhere in Indochina forthwith.

I would also like to mention, too, in connection with the restoration of the balance between the branches, the War Powers bill which both the Senate and House passed last year but which did not clear the House-Senate conference. This measure is of particular importance and has already been ordered reported out of Committee. It is my intention to bring the issue up at the next regular House-Senate leadership meeting in the hope that we may enact legislation which will more clearly define, in questions of military action, the reciprocal powers of the Congress and the President. Again, I would urge the President to work in concert with the Congress, recognizing with us that the engagement of the Armed Forces of the United States inevitably becomes a matter of such gravity as to compel the joint judgment of an elected President and an elected Congress if it is to have a durable underpinning of national support.

The other great issue which faced us on January 3d concerned the control of expenditures by the Federal government. At the outset, the Congress was made the butt of catch phrases, humorous anecdotes and one-liners ridiculing the inclination, not to speak of the capacity, of Congress to come to grips with government expenditures. Congress was portrayed to one and all by the techniques of the ad man as a bunch of irresponsible spenders. To underscore the point, the Administration even went to the length of putting together a propaganda kit of speech materials on how to ridicule Congress—at government expense to be sure. Due to the efforts of Senator Humphrey and Muskie, distribution and use of this political propaganda was ruled illegal and a lawsuit is now pending to stop its use.

The Administration also proposed a ceiling of $268 billion on federal spending, charging Congress with the inability to do so. The Senate, however, has already twice voted for a ceiling no higher than or less than suggested by the Administration for fiscal year 1974.

The Joint Study Committee on Budget Control has now issued its report recommending procedures for budget control in future years. For the current year, the Chairman of the Appropriations Committee (Senator McClellan) with the full support of the Leadership has developed a formula which will, again, as in the past bring about substantial cuts in the level of expenditures proposed by the Executive Branch and total appropriations will be less than the ceiling proposed by the President.

The formula takes into consideration a Leadership resolution adopted almost unanimously by this Conference. The resolution, it will be recalled, called for a reduction of archaic and excessive military exenditures abroad as a means of reducing federal outlays. In that fashion, the budget can be balanced, even as substantial sums will be made available for urgent domestic needs—needs which the Administration has consistently ignored. In my judgment, this approach is not only "well-meaning," as it has been called, but it is absolutely essential. Unless we strengthen confidence in our currency abroad and unless we strengthen the social and economic infrastructure of the nation, our military strength will rest on a hill of crumbling sand. No matter how many American soldiers are posted abroad, no matter how many bases are manned, neither our "negotiating position" nor our national security will be enhanced one iota. Those who wish us well and those who wish us ill, know it. It is about time we realized this simple reality ourselves.

Another aspect of the budget question involves the impoundment by the Executive Branch of funds for a great many programs. The courts have already ruled against the withholding of $6 billion for environmental facilities by the Executive Branch. As a result other impoundments appear to be on very shaky legal grounds. Once again, most respectfully, I would urge the Administration to desist from its demands for overwhelming power and join with the Congress in the search for a balance between the Branches. It is to be hoped that legislation will become law soon, not over a veto, but by signature of the President.

Of special importance—electoral reform was cited in January for action in the January 3d statement of goals of the Majority Conference. This matter, as it relates to public campaign financing, was discussed at some length at our last meeting at which a resolution offered by Senator Abourezk and enlarged in Conference was adopted. In accepting that resolution, the Conference went on record as favoring legislation embodying the concept of public financing for campaigns and at an end to the corrupting influence of large private contributions. It is noteworthy that a few days later, the Administration proposed a 17-member bipartisan election reform commission to study campaign reform. That is all to the good but I would hope that the regular committees of jurisdiction in the Congress would proceed in their own fashion to consider, thoroughly, proposals in regard to ceilings on contributions and public financing. Our objective must be to encourage broad popular participation in the political process even as we move to shut off the channels of insidious influence.

With regard to the other legislation which was given priority by the Conference at the outset of the session, the Senate has repassed all but one of the major bills contained in the first category—the twelve measures which the President pocket vetoed last year. The second category of priority included bills passed in the Senate or House but which failed to get completely through the Congress. Of these, we have passed the anti-aircraft hijacking bill, federal aid, highway act, victims of crime act, and the health maintenance organizations bill. It is my understanding that committee action is complete or nearing completion on several more of these measures from the last Congress. Those already reported out of committee or soon to be reported out include pension reform, consumer products warranties, land use planning, war powers, and strip mining controls bills. I want to thank the Committee Chairmen for their cooperation in expediting the clearance of this legislation. The Chairmen have done a great deal to move the program as set forth by the Majority Conference at the beginning of the session.

Before closing, I would note that of the 20 goals established by the January 3d statement, we have acted formally and specifically by resolution of this Conference on all but three. Two of these three deal with reorganizing or cutting down the size of the federal bureaucracy. At this point, there appears to be an almost daily winnowing at the top in several agencies without any direct help from the Congress. There is still a need, however, to develop a constructive policy which will bring about substantial reductions of excessive personnel in many agencies not by ruthless mass firings or politically motivated dismissals but by sensible consolidations which can be brought about with maximum consideration of individuals by enlightened orderly programs of reassignment, and enlightened policies of retirement, along with restrained new hirings.

I submit at this point a list of the formal resolutions which have been adopted by the Conference and Policy Committee and another on the objectives of the Democratic Conference as adopted on January 3 for inclusion in the record.

During the next few months, it is apparent that Congress will be operating in an atmosphere supercharged with the shocking revelations of the Watergate affair. However, the regular business of the Senate will continue in legislative committees and on the floor of the Senate. That business cannot and will not be neglected. The stability of the nation requires our continuing attention to routine and ordinary matters, now, perhaps, more than ever.

I want to say that I have never felt greater personal fulfillment in the work of the Senate and the Senate Majority than I do at this critical time. The demeanor of the Senate and the sober restraint of the Majority reflect great credit on the institution and on this Conference and the character of the membership of both. It seems to me the circumstances have demanded a special degree of steadfastness, restraint and dedication from the Senate and Senators of both parties are delivering it. We owe that comportment to the people of the nation. They are counting on us. We must do what it is possible for the Senate to do to renew public confidence in the federal government. We cannot and we will not fail.

---

### Senate Objectives as Outlined in the State of the Senate Speech by the Majority Leader, January 3, 1973

1. Reinforcement of Constitution's checks and balances and reassertion of legislative role. Resolutions Nos. 2, 4, 6, 10, 11, 12, and 15.
2. End of war in Indochina (no sine die adjournment). Resolution No. 15 on Cambodia.
3. Cooperation with House. Resolution No. 15 on Cambodia.
4. Coordination with Democratic Governor. Resolution No. 8 on Energy Crisis.
5. Spending Ceiling set by Congress. Resolutions Nos. 6 and 12.
6. Computerization and Access to material in Budget. Resolution No. 10.
7. Clarification of the Impoundment of Funds practice. Resolution No. 12 on spending ceiling.
8. Reduction of Defense Spending. Resolution No. 11 on Military Expenditures Abroad.
9. Closing of Overseas Bases. Resolution No. 11 and Pastore Resolution No. 13.
10. Cutting of the size of the Federal Bureaucracy. Resolution advanced in Policy Committee but never agreed to.
11. Reorganization of the Federal Government.
12. Quick Disposal of Priority Legislation, including 1973 vetoes. Resolution No. 1.
13. Need for Health Insurance and Welfare Reform.
14. Reform of Campaign Financing law. Resolutions Nos. 9 & 16.
15. Investigation of Watergate Bugging and other Practices. Resolution No. 16. Conference endorsement of Ervin committee.
16. End of FBI Dossiers on Congressmen. See item No. 15.
17. Insurance of Freedom of Speech for the Press. Resolutions Nos. 5 & 7.
18. Reform of Senate Rules, including seniority. Resolution No 3. Stevenson Ad Hoc Cte on Senate Procedures and Practices.
19. Policy Committee to Delineate Party Positions Policy Cte agreed to 13 resolutions. Conference agreed to 13 Policy resolutions with some modifications. Conference agreed to 3 other resolutions not from Policy Cte.
20. Clarification of the uses of Executive Privilege. Resolutions Nos. 2 and 4.

---

### Resolutions Passed by Senate Democratic Policy Committee and or Democratic Conference, 1973

1. Resolution on Priorities in Considering Legislation.
2. Resolution on Refusal of Cabinet and Other Officials to Testify Before Senate Committees.
3. Resolution on Open Hearings.
4. Resolution on Executive Privilege.
5. Resolution on Media Programming, Planning, and News Reporting.

6. Tunney Resolution Urging Budget Committee to set a Spending Ceiling.
7. Resolution on Freedom of the Press and Revealing Sources.
8. Resolution on the Energy Crisis.
9. Resolution on Campaign Expenditures Ceiling.
10. Resolution on Congressional Access to Data on the Federal Budget and Other Fiscal Information.
11. Resolution on Reduction of Military Expenditures Abroad.
12. Resolution on Spending Ceiling.
13. Pastore Resolution on Closing of Foreign and Domestic Military Bases.
14. Kennedy Resolution on Assistance to Those Affected by Base Closings.
15. Resolution on Cambodia.
16. Resolution on Public Financing of Federal Elections.

LEGISLATION LEFT OVER FROM 92D CONGRESS

Pocket vetoed: (1972) (Items with asterisks have passed the Senate 1973).

Environmental Data Central—Has not been introduced this year.

*Vocational Rehabilitation—Passed Senate 2-28-73.

* Veterans Medical Care—Passed Senate 3-6-73.

* National Cemeteries—Passed Senate 3-6-73.

U.S. Marshals—S. 1123 is pending in committee, nothing scheduled.

National Institute on Aging—Committee order reported 5-18-73.

* Older Americans Act (H.R. 15657) Public Law 93-29.

* Public Works and Economic Development—P/H 3-15-73; Passed S 5-8-73.

Labor-HEW Appropriations.

Mining and Minerals Policy Amendments (S. 236) Pending, no action.

* Airport and Airway Development Act—Passed S 2-5-73; Passed H 5-2-73.

* Rivers and Harbors, Flood Control. Passed Senate 2-1-73.

Held in conference: (1972).

War Powers Act—Hearings held; Committee has ordered it reported.

* Anti-Hijacking—Passed Senate 2-22-73.

* Highway Fund—Passed Senate 3-15-73; Passed H. amended 4-19-73.

Minimum Wage—Pending in committee.

Passed Senate: (1972):

Compromise Housing — Administration won't introduce their version until mid September.

* Health Maintenance Organizations—Passed Senate 5-15-73.

* Victims of Crime—Passed Senate 4-3-73.

Land Use Policy—Mark up now.

Fair Credit Billing—Hearing on 5/24.

Consumer Product Warranties—Reported on 5/14.

Passed House only: (1972).

Strip Mining Controls—Executive mark up on 5/22.

Consumer Protection Agency—Held hearings; more scheduled.

Reported to Senate floor: (1972).

Pension Reform—On calendar.

No Fault Insurance—Hearing.

Strip Mining Controls—Executive mark up on 5/22.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time being charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL APPROPRIATIONS FOR PEACE CORPS

The Senate continued with the consideration of the bill (H.R. 5293) authorizing additional appropriations for the Peace Corps.

Mr. FULBRIGHT. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 5293, authorizing additional appropriations for the Peace Corps.

Mr. FULBRIGHT. Mr. President, the primary purpose of this bill is to authorize an appropriation of $77,001,000 to finance the operations of the Peace Corps during fiscal year 1974.

I ask unanimous consent that a table showing the highlights of the Peace Corps program for fiscal 1974 and a comparable estimate for 1973, and the actual figures for 1972 be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PEACE CORPS PROGRAM HIGHLIGHTS

[Dollar amounts in thousands]

| | Fiscal year 1972 Actual [1] | Fiscal year 1973 estimate [2] | Fiscal year 1974 estimate |
|---|---|---|---|
| I. Funds: | | | |
| A. Training: | | | |
| 1. Direct training | $9,565 | $11,114 | $12,730 |
| 2. Trainee travel | 425 | 523 | 582 |
| 3. Intern programs | 676 | 517 | 316 |
| 4. PRIST | 464 | 989 | 1,232 |
| Subtotal | 11,130 | 13,143 | 14,860 |
| B. Volunteer costs: | | | |
| 1. International travel | 5,679 | 6,370 | 6,726 |
| 2. Allowances | 11,863 | 14,427 | 12,643 |
| 3. Other volunteer support | 4,633 | 5,274 | 3,468 |
| 4. Dependent support | 1,157 | 682 | 333 |
| 5. Readjustment allowance | 7,595 | 7,663 | 6,856 |
| Subtotal | 30,927 | 34,416 | 30,026 |
| C. Peace Corps program support: | | | |
| 1. Staff | 16,307 | 15,858 | 14,909 |
| 2. Shared Administrative support | 3,600 | 4,017 | 4,200 |
| 3. Multilateral grants | 100 | 350 | 350 |
| Subtotal | 20,007 | 20,225 | 19,459 |
| D. Peace corps share of agencywide support | 12,973 | 13,058 | 12,656 |
| Total funds | 75,037 | 80,842 | 77,001 |
| II. Volunteers and trainees: | | | |
| A. On-board strengths at end of calendar year (December 31) | | | |
| 1. Latin American | 1,894 | 2,200 | 2,220 |
| 2. North Africa, Near East, Asia and Pacific | 2,625 | 2,829 | 2,887 |
| 3. Africa | 2,274 | 2,234 | 2,273 |
| Total | 6,793 | 7,263 | 7,380 |
| B. End strengths at end of Program year (June 30): | | | |
| 1. Trainee | $538 | $1,669 | $1,291 |
| 2. Volunteer | 6,356 | 5,824 | 5,974 |
| Total | 6,894 | 7,493 | 7,265 |
| III. Number of host countries | 56 | 58 | 62 |
| IV. Average cost per volunteer | $10,165 | $9,815 | $9,675 |

[1] Includes $2,600,000 allocation from agency for international development.

[2] Excludes $158,000 transferred to General Services Administration.

Mr. FULBRIGHT. Mr. President, I understand that action on the bill has been cleared with the minority party.

However, I would like to make a few comments on the Peace Corps program. It has been underway more than 10 years and is now a part of ACTION. I personally think that if the Peace Corps is to be continued, it should become a part of the regular AID program. We discussed this matter in the committee, and the committee thought otherwise. I have a feeling that because of our very serious fiscal difficulties, this is one of the programs that might be trimmed.

This program was born during the cold war, one might say, actually during the election in 1960. As I recall it, the then candidate from Massachusetts and later President of the United States, President Kennedy, offered it not only to assist foreign countries, but also as an inspiration to assist the young people of this country to go abroad and become acquainted with people of foreign countries. The idea was popular at the time and I supported it. However, many things have changed since then.

I now feel that, along with many other things that had their origins in those days, we could well consolidate and reduce some of these programs. I personally would prefer it to be consolidated with the AID program. This program has now largely developed into a technical assistance program that is not unlike the technical assistance related to foreign aid. They no longer recruit enthusiastic young men to carry on the American spirit. It is now largely carried out through technicians who convey modern techniques to foreign areas of the world.

There is nothing wrong with that, Mr. President. However, I personally feel that the demand has grown so great that it is beyond our own resources here at home, and it could be cut back and merged with a very similar program that we know of as technical assistance in the aid program.

Nevertheless I do not wish at this late date, particularly in view of the committee action, to offer an amendment to change the bill.

I am ready for a vote, Mr. President, and I ask unanimous consent that a further explanation of the bill be printed at this point in the RECORD.

There being no objection, the following was ordered to be printed in the RECORD:

EXPLANATION OF THE BILL

The original administration proposal called for a 2-year authorization of $77 million for fiscal year 1974 and an "open-ended" request for fiscal year 1975. Both the House, as a whole, and the Senate Foreign Relations Committee rejected the "open-ended" portion of this request on the basis that it would be an "unwarranted derogation of Congress' legislative authority."

The Committee also deleted a House amendment which would have granted the Peace Corps an authorization of $80 million for FY 1975. In rejecting the agency's request for a two-year authorization, the Committee expressed its concern about the Peace Corps' present procurement practices, and its inordinate share of the costs and staffing of the agency-wide support programs. In view of its intention to maintain a continuing review of these issues, and in order to facilitate its legislative oversight responsibilities, the Committee concluded that it would be inappropriate at this time to grant the Peace Corps more than a one-year authorization. Thus the Committee recommends that the Senate continue the Peace Corps, as it has throughout the agency's 12-year history, on an annual authorization.

Other Committee amendments are designed to: (1) place the Peace Corps under federal procurement law; (2) restrict the use of foreign service personnel within ACTION's agency-wide support programs; and (3) limit the overall administrative expenses of the Peace Corps to 25 percent.

### PEACE CORPS PROCUREMENT POLICY

Congress, in 41 U.S.C. §§ 5 and 252, has established formal advertising as the preferred method of procuring supplies and services for all civilian agencies of the government. At the present time, only the Peace Corps and AID have statutory authority to waive the procurement policy contained in these sections of the Federal Code.

During the past year, at the request of the distinguished senior Senator from Vermont, Senator Aiken, the Committee undertook an investigation of various complaints concerning the Peace Corps procurement practices. This inquiry revealed that the Peace Corps' contracting policy had indeed discriminated against certain proven and reputable training institutions. As a direct result of Senator Aiken's efforts to look into these matters, the Peace Corps has recently taken certain steps to revise its competitive bid process to make it a more equitable procedure.

However, the Committee concluded that a further remedy was needed to guard against the continued abuse by the Peace Corps contracting system. Therefore, the Committee adopted an amendment which would place the Peace Corps under the Federal Property and Administrative Services Act. This amendment while bringing Peace Corps contracting policy in line with other federal agencies would still provide the Corps with the necessary flexibility to procure services and supplies abroad. The Committee recommends that the Senate agree to this amendment in order to insure that the Peace Corps will adopt a more equitable contracting procedure.

### LIMITATION ON THE USES OF FOREIGN SERVICE PERSONNEL WITHIN THE AGENCY-WIDE SUPPORT PROGRAMS

ACTION, upon its formation on July 1, 1971, was given the authority to hire foreign service employees to operate the Peace Corps programs. In addition, ACTION received authority to hire general schedule personnel to operate its domestic volunteer programs.

There are three functional operating areas within ACTION; International Operations, Domestic Operations, and Support Programs. International Operations administers the Peace Corps and is staffed with foreign service employees. Domestic Operations administers the domestic programs and is staffed by general schedule personnel. The Office of Support Programs, which provides common services to both international and domestic programs, has been staffed primarily by prior Peace Corps employees with foreign service appointments.

During the hearings on this bill, excerpts from a recent GAO study were inserted into the record to point out that various offices in the agency-wide support programs, while being supported at a rate of 66 percent by Peace Corps appropriations, were performing very little work on Peace Corps operations. The following is a quote from that study:

"We distributed questionnaires to 26 foreign service and general schedule employees assigned to the Office of Policy and Program Development to determine if employees within foreign service appointments were working on Peace Corps related assignments. Although 23 of these employees stated they were spending less than 26 percent of their time performing Peace Corps work, we found 22 of them held foreign service appointments authorized under the Peace Corps Act."
[GAO study B172768—January 12, 1973]

Subsequently, ACTION has indicated that it is now taking steps to convert foreign service appointments within the Support Programs to general schedule appointments. However, during the consideration of this bill, the Committee expressed concern about the continued use of foreign service personnel and Peace Corps funds for primarily domestic programs. The Committee adopted an amendment which is designed to accomplish the following objectives:

(1) require all foreign service employees of ACTION working within the offices designated as combined support operations to spend a substantial portion of their working time on strictly Peace Corps functions; and,

(2) limit the number of foreign service employees that may work in the combined support programs to a figure equal to the ratio used to establish the Peace Corps share of the combined support costs. In other words, if the Peace Corps share of the combined support costs is 60 percent, no more than 60 percent of the employees in the combined support programs can be foreign service appointments.

In order to protect the integrity of the Peace Corps program the Committee urges the Senate to adopt this amendment.

### LIMITATION ON ADMINISTRATIVE EXPENSES

Throughout the years, the Committee reports have urged the Peace Corps to keep its total administrative costs below an amount representing 30 percent of its total appropriation. The FY 1974 authorization request has allocated approximately 41 percent of the total Peace Corps budget to administrative costs. This figure includes the Peace Corps share of the agency-wide support costs and represents approximately $31.7 million out of the $77 million requested.

In view of these inflated administrative costs, the Committee adopted an amendment which would limit the Peace Corps overall administrative costs to 25 percent of its total appropriations. This amendment would not go into effect until FY 1975. The Committee believes that this will allow the Peace Corps adequate time to make the appropriate adjustments in its annual budget request. In addition to this limitation, the amendment requires the agency to include in its yearly report a section listing all of the Peace Corps administrative costs.

Mr. AIKEN. Mr. President, the pending matter is a good bill. I am inclined to agree with my chairman that it has developed into a form of foreign aid and perhaps should be incorporated in the economics aid program in the future. However, in the meantime, I think that the bill which is now pending before the Senate is as good as we can do and that it would be wise to take the bill just as it is this year.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time on the bill.

Mr. AIKEN. Mr. President, I yield back the remainder of my time on the bill.

The PRESIDING OFFICER. All time having been yielded back, the question is, shall the bill pass (putting the question)?

The bill (H.R. 5293) was passed.

The title was amended, so as to read: "An act to authorize additional appropriations to carry out the Peace Corps Act, and for other purposes."

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. AIKEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist on its amendments to H.R. 5293 and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Fulbright, Mr. Sparkman, Mr. Church, Mr. McGovern, Mr. Aiken, Mr. Case, and Mr. Javits conferees on the part of the Senate.

## AUTHORIZATION OF ADDITIONAL APPROPRIATIONS UNDER FOREIGN SERVICE BUILDINGS ACT

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5610.

The PRESIDING OFFICER (Mr. Domenici). The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 5610) to amend the Foreign Service Buildings Act of 1926, to authorize additional appropriations, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments on page 2, line 6, after the word "Africa", strike out "not to exceed $2,190,000, of which"; in line 7, after "$590,000", strike out "may be appropriated"; in line 9, after the word "Republics", strike out "not to exceed $375,000, of which"; at the beginning of line 11, strike out "may be appropriated"; in line 12, after the word "Europe", strike out "not to exceed $4,780,000, of which"; in line 13, after "$160,000", strike out "may be appropriated"; in line 15, after the words "East Asia", strike out "not to exceed $2,585,000, of which"; in line 16, after "$985,000", strike out "may be appropriated"; at the beginning of line 19, strike out "not to exceed $3,518,000, of which"; in line 20, after "$2,218,000", strike out "may be appropriated"; after line 21, strike out:

> "(F) for facilities for the United States Information Agency, not to exceed $45,000 for use beginning in the fiscal year 1975;

At the beginning of line 25, strike out "(G)" and insert "(F)"; on page 3, at the beginning of line 4, strike out "Act for fiscal years 1974 and 1975, $45,800,000, of which" and insert "Act"; in line 5, after "$21,700,000", strike out "may be appropriated"; in line 17, after the word "State", insert "for fiscal year 1974"; and, in line 20, after the word "law", insert a comma and "and for other nondiscretionary costs.".

The PRESIDING OFFICER. Under the previous order, there is a time limitation on this bill. Who yields time?

Mr. FULBRIGHT. I yield myself such time as I may require.

Mr. President, the purpose of this bill is to authorize $26,211,000 for fiscal year 1974 for the foreign buildings program administered by the Department of State. Of this amount, a total of $4,511,000 is for new construction, acquisition and development, and $21,700,000 is for operations.

### BACKGROUND

Since enactment of the Foreign Service Buildings Act of 1926, the United States has acquired more than 1,600 properties, with a total gross area of almost 17 million square feet and 3,100 housing units in 233 cities abroad. This investment is capitalized at $310 million, but the current market value is estimated to greatly exceed that amount. Funds for carrying the program forward have been authorized from time to time. The last replenishment of the capital account was in fiscal year 1966, when an appropriation of $28,025,000 was authorized; operating funds have in recent years been authorized on a 2-year basis.

On February 23, 1973, the State Department submitted a request for a 2-year authorization of appropriations for both capital and operations funds for the Foreign Service buildings program, totaling $59,611,000, and for the following amendments to the basic statute: First, repeal of the 10-percent ceiling on transfers between geographic areas, and second, authorization of additional appropriations for nondiscretionary costs, such as was contained in the Foreign Relations Authorization Act of 1972. The draft bill was introduced as S. 1171 by Senator FULBRIGHT—by request—and deferred to the Committee on Foreign Relations on March 12.

On March 29, 1973, H.R. 5610, sponsored by Representative HAYS, was similarly referred to the Committee on Foreign Relations. As passed by the House, H.R. 5610 allocated the request for construction, acquisition and development by the geographic areas, according to the Department of State presentation as in the past. The House-passed bill also retained the ceiling on transferability of 10 percent and limited the authorization of appropriations for nondiscretionary costs to such amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Mr. President, I ask unanimous consent that the portion of the committee report beginning with "Committee action" on page 2 down to "changes in existing law" on page 7 be printed in the RECORD.

There being no objection, the excerpt from the committee report (No. 93–162) was ordered to be printed in the RECORD, as follows:

### COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on H.R. 5610 in connection with the State Department authorization bill on April 4 at which time Mr. Earnest J. Warlow, Director, Office of Foreign Buildings Operations, Department of State, testified.

In executive session, on May 16, by a voice vote, H.R. 5610 was ordered reported favorably to the Senate with the amendments which are described in the following section.

### PROVISIONS OF THE BILL

The Foreign Service Buildings Fund is divided into 2 accounts: (1) the capital account which finances construction, acquisition, longterm leases, and major alterations of buildings: and (2) the operations account which provides funds for improvements to existing properties, recurring leasehold payments, the maintenance, repair, and operations of buildings, acquisition of furniture, furnishings and equipment for buildings, supervision of construction and administration.

For the capital account, the bill authorizes the appropriation of $4,511,000, broken down by area and special foreign currency program as follows:

| Geographic area | Fiscal year 1974<br>Regular program | Special foreign currency program | Combined total |
|---|---|---|---|
| African affairs | $230,000 | $360,000 | $590,000 |
| Inter-American affairs (Latin America) | 240,000 | | 240,000 |
| East Asian and Pacific affairs | 985,000 | | 985,000 |
| European affairs | 160,000 | | 160,000 |
| Near Eastern and South Asian affairs | 85,000 | 2,133,000 | 2,218,000 |
| U.S. Information Agency | | | |
| Attachés | 233,000 | 85,000 | 318,000 |
| Total | 1,933,000 | 2,578,000 | 4,511,000 |

In addition the Department of State had requested a total of $13,811,000 for the fiscal year 1975, which was also broken down by geographic areas in the House bill. As in the case of other authorizing legislation in the foreign relations field, the Committee on Foreign Relations has amended the bill to provide for a one-year authorization only. In doing so, it noted that of the funds requested for FY 1975, $1,600,000 was earmarked for a new embassy office building at Taipei, Republic of China. The Committee believes it would have been premature in any event to authorize funds for this purpose and expects the Department of State to reconsider this proposal before the fiscal year 1975 program is resubmitted in 1974.

For the operations account for FY 1974, the Department of State requested, and the Committee approved, $21,700,000. Again the Committee limited the authorization to one fiscal year and eliminated the $24,100,000 requested for fiscal year 1975 for this purpose.

Further detail from the State Department's presentation follows:

### ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

The objective of the Foreign Service Building program is to construct or obtain by purchase or long-term lease, appropriate and efficient office space for the Foreign Service and other agencies of the United States Government abroad, and living quarters for American staff at diplomatic and consular posts where housing problems exist.

10-YEAR HISTORY

| Year | Domestic | Positions overseas<br>Americans | Locals | Totals | Amount |
|---|---|---|---|---|---|
| 1965 | 71 | 16 | 27 | 114 | $18,125,000 |
| 1966 | 71 | 16 | 27 | 114 | 19,125,000 |
| 1967 | 71 | 16 | 23 | 110 | 15,500,000 |
| 1968 | 71 | 16 | 23 | 110 | 13,350,000 |
| 1969 | 71 | 16 | 20 | 107 | 12,500,000 |
| 1970 | 62 | 13 | 19 | 94 | 13,335,110 |
| 1971 | 62 | 13 | 19 | 94 | 14,300,000 |
| 1972 | 59 | 11 | 19 | 89 | 18,750,000 |
| 1973 | 59 | 11 | 19 | 89 | 27,000,000 |
| 1974 (estimate) | 59 | 15 | 25 | 99 | 21,173,000 |

BUDGET SUMMARY

| | |
|---|---|
| Appropriation, 1973 | $27,000,000 |
| Estimate, 1974 | 21,173,000 |
| Decrease | −5,827,000 |

| Program by activities | 1973 | 1974 | Increase or decrease |
|---|---|---|---|
| Acquisition, development, and construction: | | | |
| Africa | $1,345,000 | $2,380,000 | +$1,035,000 |
| American Republics | 3,736,000 | 1,780,000 | −1,956,000 |
| East Asia and Pacific Affairs | 9,405,000 | 1,768,000 | −7,637,000 |
| Europe | 1,567,000 | 1,835,000 | +268,000 |
| Near East and South Asia | 3,759,000 | 690,000 | −3,069,000 |
| Total | 19,812,000 | 8,453,000 | −11,359,000 |
| Operations: | | | |
| Minor improvements | $589,000 | $793,000 | +$203,000 |
| Leasehold payments | 706,000 | 1,016,000 | +310,000 |
| Operation of buildings | 7,023,000 | 8,000,000 | +977,000 |
| Maintenance and repair of buildings | 4,196,000 | 4,907,000 | +711,000 |
| Furnishings and equipment: | | | |
| Newly acquired or constructed projects | 350,000 | 450,000 | +100,000 |
| Additions, replacements, and repairs | 1,521,000 | 1,700,000 | +179,000 |

| Program by activities | 1973 | 1974 | Increase or decrease |
|---|---|---|---|
| Project supervision | $700,000 | $825,000 | +$125,000 |
| Administration | 1,513,000 | 1,550,000 | +37,000 |
| Total | 16,598,000 | 19,240,000 | +2,642,000 |
| Total obligations | 36,410,000 | 27,693,000 | −8,717,000 |
| Deduct: | | | |
| Unobligated balance brought forward | −$7,326,000 | −$2,125,000 | +$5,201,000 |
| Anticipated proceeds of sale of real property and miscellaneous receipts | −4,209,000 | −4,395,000 | −186,000 |
| Add unobligated balance carried forward | +2,125,000 | | −2,125,000 |
| Appropriation or estimate | 27,000,000 | 21,173,000 | −5,827,000 |

### HIGHLIGHTS OF BUDGET CHANGES

The major increases and decreases by activity are as follows:

*Acquisition, development and construction −$11,359,000:* This program is funded by a combination of appropriated funds, unobligated funds carried over from the preceding fiscal year, and funds derived from the sale of excess properties abroad.

*Africa +$1,035,000:* This net increase will provide for initiating construction of an office building in Nairobi, Kenya ($2,000,000) and acquiring residential properties in Lusaka, Zambia; Fort Lamy, Chad; and Abidjan, Ivory Coast.

*American Republics −$1,956,000:* Funds are programmed for use in Latin America to provide for a new office building in Georgetown, Guyana, an office annex in Panama City, Panama, and acquiring residential properties in Nassau, Bahamas and Tegucigalpa, Honduras.

*East Asia and Pacific Affairs −$7,637,000:* Funds are programmed to construct a new office building in Wellington, New Zealand and remodel and improve the office buildings in Seoul, Korea and Bangkok, Thailand.

*Europe +$268,000:* This net increase includes carryover funds of $700,000 to provide dollar support costs for construction of an office building in Belgrade, Yugoslavia (the balance of construction costs, $2,950,000, is included in the fiscal year 1974 Special Foreign Currency program). Funds are also being programmed for construction of principal officers' residences in Hamburg, Germany and Budapest, Hungary and acquiring certain long-term lease properties in Leningrad, USSR.

*Near East and South −$3,069,000:* Included in the $690,000 programmed is the construction of nine staff houses and Marine Guard Quarters in Jidda, Saudi Arabia.

*Operations +$2,642,000:* This increase is to provide for such mandatory costs as salary and related expenses, increased rents, and overseas wage and price increases ($1,268,000), the removal of several countries formerly funded from the Special Foreign Currency Appropriation ($1,090,000), and additional requirements for minor improvements ($72,000); new furnishings, furniture, and equipment ($100,000); and ten additional positions for project supervision ($112,000).

### ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

This appropriation provides for the use of excess foreign currencies in the Foreign Buildings program, pursuant to the authority contained in section 104(b)(4) of P.L. 480, as amended, and thereby reducing U.S. dollar expenditures.

#### 10-YEAR HISTORY

| | *Amount* |
|---|---|
| 1965 | $5,500,000 |
| 1966 | 6,500,000 |
| 1967 | 6,250,000 |
| 1968 | 5,025,000 |
| 1969 | 3,050,000 |
| 1970 | 2,186,000 |
| 1971 | 6,500,000 |
| 1972 | 6,850,000 |
| 1973 | 6,485,000 |
| 1974 | 5,038,000 |

#### BUDGET SUMMARY

| | |
|---|---|
| Appropriation, 1973 | 6,485,000 |
| Estimate, 1974 | 5,038,000 |
| Decrease | 1,447,000 |

| Program by activities | 1973 | 1974 | Increase or decrease |
|---|---|---|---|
| Acquisition, development, and construction: | | | |
| Africa | $416,000 | $360,000 | −$56,000 |
| Europe | 310,000 | 3,035,000 | +2,725,000 |
| Near East and South Asia | 2,087,000 | 2,133,000 | +46,000 |
| Total | 2,813,000 | 5,528,000 | +2,715,000 |
| Operations: | | | |
| Minor improvements | 103,000 | 115,000 | +12,000 |
| Leasehold payments | 12,000 | 17,000 | +5,000 |
| Operation of buildings | 1,225,000 | 1,006,000 | −219,000 |
| Maintenance and repair of buildings | 850,000 | 642,000 | −208,000 |
| Furniture, furnishings, and equipment: | | | |
| New projects | $280,000 | $430,000 | +$150,000 |
| Additional replacements and repairs | 360,000 | 200,000 | −360,000 |
| Project supervision | 70,000 | 50,000 | −20,000 |
| Total | 2,900,000 | 2,460,000 | −440,000 |
| Total obligations | 5,713,000 | 7,988,000 | +2,275,000 |
| Deduct unobligated balance brought forward | −2,178,000 | −2,950,000 | −772,000 |
| Add unobligated balance carried forward | +2,950,000 | | −2,950,000 |
| Appropriation or estimate | 6,485,000 | 5,038,000 | −1,447,000 |

Note: The differences between the amounts shown in the bill and the amounts on these tables is accounted for by the combining of dollar and foreign currency accounts and the inclusion of the fiscal year 1975 authorization in the bill.

### HIGHLIGHTS OF BUDGET CHANGES

*Acquisition, Development and Construction +$2,715,000 Africa —$56,000:* Funds programmed for fiscal year 1974 will provide for acquisition of six staff houses in Tunis, Tunisia.

*Europe +$2,725,000:* The carryover of funds into fiscal year 1974 will provide for the construction of an office building in Belgrade, Yugoslavia and acquisition of a Naval Attaché residence in Warsaw, Poland.

*Near East and South Asia +$46,000:* Included is the purchase of an office building site in Bombay, India, and construction in New Delhi of 12 staff houses and 12 senior officer residences.

*Operations −$440,000:* This decrease reflects the removal of Israeli and Yugoslavian currencies from Treasury's excess currency availability. A decrease of $627,000 for these countries is offset by program increases of $187,000 which include overseas wage and price ($117,000) and other program requirements ($70,000).

### ESTIMATED COSTS

Beyond the State Department's request for an authorization of $26,211,000 for FY 1974 and $33,400,000 for FY 1975, the Committee was furnished no future program projections. Assuming, however, that future costs of the Foreign Buildings program continue at the level anticipated for FY 1975, the estimated costs of this program for the five-year period beginning with FY 1974 will approximate $160,000,000.

As previously noted, H.R. 5610 contains an undated provision authorizing transferability not to exceed 10% between geographic areas, which the Executive Branch wanted eliminated. The Committee on Foreign Relations concurs in the House action on this matter.

Lastly, the bill as reported by the Committee on Foreign Relations authorizes additional or supplemental appropriations for non-discretionary costs such as increases in salary, pay, retirement, or other employees benefits authorized by law and other non-discretionary costs, such as those resulting from exchange rate realignments. Identical language was included in the Foreign Relations Authorization Act of 1972 and is being included in the Department of State and the USIA authorizing legislation.

### COMMITTEE COMMENTS

While the Committee approves the amounts requested by the Department of State for this program it does so with a word of caution. The Committee is in complete accord with the policy of showing a lowered profile abroad. This applies as well to where and how our foreign service community lives overseas. Separate entertainment, recreational, and supply facilities may have been justified during the shortage years immediately following World War II and may be still justified in true hardship areas where ordinary commercial commodities may not be available in the local market. The Committee is requesting from the State Department information on such special facilities with a view to determining next year where these might be eliminated. In the meantime the Committee expects the Foreign Service Buildings program to be so administered as to avoid in every way the building of ghettoes or compounds, either vertical or horizontal, and to encourage our personnel overseas to live among other nationals and become part of the local scene.

It appears to be clear that this program has been of benefit to the United States and should be continued, especially in these days as a hedge against spiraling inflation in many parts of the world which is severely affecting rentals. It is equally clear that what the United States already possesses must be properly maintained.

In conclusion, therefore, the Committee recommends that the Senate pass H.R. 5610 with the Committee amendments.

**Mr. AIKEN.** Mr. President, to the best of my recollection, the bill as written came out of the Committee on Foreign Relations without dissent; is that correct?

**Mr. FULBRIGHT.** That is correct.

Mr. AIKEN. I see no reason why it should not be approved by voice vote.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 5610) was read the third time.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. FULBRIGHT. I yield back the raminder of my time.

Mr. AIKEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H.R. 5610) was passed.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. Fulbright, Mr. Sparkman, Mr. Church, Mr. Aiken, and Mr. Case conferees on the part of the Senate.

### STRUCTURE AND REGULATION OF FINANCIAL INSTITUTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 141, S. 1798, for the purpose of making it the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1798) to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, to amend certain laws relating to federally insured financial institutions.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time agreement on this bill not be effective until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, no further rollcall votes are anticipated today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the Senator from Michigan (Mr. Griffin) be recognized for 15 minutes, to be followed by the Senator from West Virginia (Mr. Robert C. Byrd) for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND LAYING BEFORE THE SENATE S. 1798, THE UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for recognition of Senators tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate S. 1798, the then unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, the following Senators, each for not to exceed 15 minutes, will be recognized and in the order stated:

Mr. Griffin.

Mr. Robert C. Byrd.

At the conclusion of orders for the recognition of Senators Griffin and Robert C. Byrd, there will then be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will proceed to the consideration of the unfinished business, S. 1798, a bill to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, to amend certain laws relating to federally insured financial institutions.

There is a time limitation on the bill and on amendments. Yea and nay votes can be expected.

At the hour of 4 o'clock p.m. tomorrow, under the order previously entered by the distinguished majority leader, the Senate will proceed to the consideration of the motion to override the presidential veto of S. 518, to provide that the Office of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

A yea-and-nay vote is mandatory under the Constitution and that yea and nay vote will occur at 5 o'clock p.m. tomorrow.

### ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to, and at 4:05 p.m., the Senate adjourned until tomorrow, Tuesday, May 22, 1973, at 12 o'clock noon.

### NOMINATION

Executive nomination received by the Senate May 21, 1973:

#### U.S. Navy

Adm. William F. Bringle, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

### CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 1973:

#### Federal Power Commission

William L. Springer, of Illinois, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1977.

#### Department of the Interior

James T. Clarke, of Michigan, to be an Assistant Secretary of the Interior.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify be-

**fore any duly constituted committee of the Senate.)**

IN THE AIR FORCE

**The following officer, under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:**

*To be lieutenant general*

**Maj. Gen. Daniel James, Jr. [redacted] FR (major general, Regular Air Force) U.S. Air Force.**

**The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:**

*To be lieutenant general*

**Lt. Gen. Otto J. Glasser [redacted] FR (major general, Regular Air Force) U.S. Air Force.**

**The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:**

*To be lieutenant general*

**Maj. Gen. William J. Evans, [redacted] FR (major general, Regular Air Force) U.S. Air Force.**

IN THE ARMY

**The following-named officers, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:**

*To be general*

**Lt. Gen. William Eugene DePuy, [redacted] (Army of the United States), major general, U.S. Army.**

*To be lieutenant general*

**Maj. Gen. Donn Royce Pepke, [redacted] (Army of the United States), brigadier general, U.S. Army.**

**Maj. Gen. Orwin Clark Talbott, [redacted] U.S. Army.**

**The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:**

*To be general*

**Gen. Frank Thomas Mildren, [redacted], Army of the United States (major general, U.S. Army).**

**The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:**

*To be general*

**Lt. Gen. Melvin Zais, [redacted], Army of the United States (major general, U.S. Army).**

IN THE NAVY

**Rear Adm. Merton D. Van Orden, U.S. Navy, to be Chief of Naval Research in the Department of the Navy for a term of 3 years in accordance with title 10, United States Code, section 5150.**

**Vice Adm. John V. Smith, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.**

IN THE MARINE CORPS

**First Lt. William D. Rusinak, U.S. Marine Corps for appointment to the grade of captain.**

IN THE AIR FORCE

**Air Force nominations beginning Robert E. Abraham, to be second lieutenant, and ending John J. Zielinski, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 1973.**

**Air Force nominations beginning Leroy A. Aafedt, to be lieutenant colonel, and ending Clarence B. Wingert, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 1973.**

IN THE ARMY

**Army nominations beginning Wilmott Abbuhl, to be lieutenant colonel, and ending Hershel B. Webb, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 1973.**

IN THE NAVY

**Navy nominations beginning William Acosta, to be captain, and ending Benedetto R. Lobalbo, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on May 1, 1973.**

IN THE MARINE CORPS

**Marine Corps nominations beginning Dan C. Alexander, to be colonel, and ending Billy M. Mitchell, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 1973.**

---

# HOUSE OF REPRESENTATIVES—*Monday, May 21, 1973*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

*Not by might, nor by power, but by My spirit, says the Lord.*—Zechariah 4: 6.

We are thankful, our Father, for Thy guiding spirit in the life of our Nation. We pray for Thy guidance for our leaders now. The burden of our world is great and our hands are small. We are trusting Thee to strengthen the hands and direct the wills of those who serve in this House and all of our leaders.

We confess our confusion and pray that you will help us to see clearly. Give us ability to distinguish between true and false claims and the courage to accept and do the right.

In Thy name we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6077. An act to permit immediate retirement of certain Federal employees.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 355. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to promote traffic safety by providing that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner, and for other purposes.

S. 1672. An act to amend the Small Business Act; and

S.J. Res. 114. Joint resolution to authorize and request the President to proclaim the week of May 20–26, 1973, as "Digestive Disease Week."

## RESIGNATIONS AND APPOINTMENTS AS MEMBERS OF THE U.S. DELEGATION, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following resignations as members of the U.S. Delegation, Mexico-United States Interparliamentary Group:

MAY 14, 1973.

Hon. CARL ALBERT,
*Speaker of the House,*
*Washington, D.C.*

DEAR MR. SPEAKER: It is with deep regret that due to important business in Arizona, I must inform you that I will be unable to participate in the Mexico-U.S. Interparliamentary Conference.

Because of the above, I hereby resign as a delegate to the Mexico-U.S. Interparliamentary Group.

Sincerely,

SAM STEIGER.

MAY 15, 1973.

Hon. CARL ALBERT,
*Speaker, House of Representatives.*

DEAR MR. SPEAKER: In view of my inability to participate in the United States-Mexico Interparliamentary meeting in Mexico from May 24–29, I wish to notify you of my resignation of the appointment to the Interparliamentary Group under PL 86–420.

Sincerely,

ROBERT H. STEELE.

The SPEAKER. Without objection, the resignations are accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–420, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the gentleman from Ohio, Mr. BROWN, and the gentleman from Florida, Mr. BURKE, to fill the existing vacancies thereon.

## PERSONAL EXPLANATION

Mr. MARTIN of Nebraska. Mr. Speaker, on rollcall No. 132, I am incorrectly recorded as voting "aye." I was present and voted "no."

## MANDATORY RETIREMENT FOR MEMBERS OF CONGRESS

(Mr. MARTIN of Nebraska asked and was given permission to address the House for 1 minute, to revise, and extend his remarks and include extraneous matter.)

Mr. MARTIN of Nebraska. Mr. Speaker, I am today introducing a joint resolution proposing an amendment to the

Constitution to provide that no individual may be seated as a Representative or as a Senator after attaining the age of 68.

Retirement is required of civil service employees and also of the military at a certain age. Private industry also follows this same line of action and requires its executives to retire at a certain age. I feel that this rule should also be applied to Members of Congress.

As of the beginning of the 93d Congress, there were more than 30 House Members age 68 or over, and 18 in the other body.

My joint resolution provides that no individual may begin a term of office as a Representative or a Senator who has attained the age of 68. Since House Members have 2-year terms, this means that someone who was seated at age 67 would then fill out his term and actually retire at age 69. A Member of the Senate could be seated through the age of 67, and with a 6-year term, would then be retiring at age 73.

There is a great deal of sentiment for approval throughout the country of mandatory retirement for Members of Congress, and I see no reason why it should not apply to us, as well as others engaged in different areas of work. The Constitution now provides minimum ages of 25 years and 30 years for Members of the House and Senate, respectively, and I believe the time has come to set a maximum constitutional age for Members of Congress.

## WATERGATE PUBLICITY

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, you can hardly find out what is going on in Washington because the media generally devotes 90 percent of its attention to "Watergate."

Martin Petree, newscaster for WMNI radio in Columbus, Ohio, made a commentary about the newsgathering profession on May 15, which is worth reading:

> WMNI RADIO COMMENTARY, MAY 15, 1973
>
> I don't know about you, but I'm getting rather sick of hearing about Watergate. From the cries of anguish coming forth from the ultra-liberal elements within the news gathering profession, one gets the misguided conception that the bugging of the democratic headquarters is equaled by very few events in the history of man.
>
> The real thing that "bugs" me, if you will permit the pun, is the fact that most of those doing the loudest screaming nowadays, are the same one's who remained deathly silent during the 1960 election when numerous vote frauds in Illinois and Texas literally stole the presidential election from Richard Nixon. Where were these great champions of the left who are in such "hot" pursuit of truth today? Where were they when Barry Goldwater in 1964, was being sliced to ribbons by ridiculous charges and out-and-out propaganda and distortions. I'll tell you exactly where they were. They were right in the front line making sure their written and spoken words did their share to discredit the Arizona senator in his bid for the presidency.
>
> There was a time in this country that journalists prided themselves in the knowledge that their profession dealt in fact, rather than rumor, hints, innuendo, and distortions. Any newsman worth his "salt" would check and double-check his sources, but today, I must confess, there are those among us who rush into print or jam the airwaves with nothing but common gossip. They do it with a purpose. . . . to damage the person who happens to be the target of their attack. In short, the muckrakers are having a "ball". They are damaging the reputations of people without ever bothering to make certain of their facts. It's enough to make an honest journalist seek another profession.

## CONSENT CALENDAR

The SPEAKER. This is a Consent Calendar day. The Clerk will call the bill on the Consent Calendar.

## AUTHORIZING MILITARY MEDICAL HELICOPTER SERVICES TO CIVILIANS IN EMERGENCIES

The Clerk called the bill (H.R. 7139) authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians, and limiting Government individual liability incident to providing such servces, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object—I would like to ask the gentleman from Arkansas (Mr. ALEXANDER) if this applies as well, and is permissible in the use of Air National Guard helicopters?

Mr. ALEXANDER. Mr. Speaker, I should like to ask the gentleman to yield to the gentleman from Alabama (Mr. DICKINSON) for an answer to that question.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I would like to reply to the gentleman's question.

This, as the gentleman knows, is a bill to allow the use of military helicopters for accident victims growing out of automobile crashes.

In answer to the gentleman's question, the answer is: "Yes." This bill is permissive only. It allows the Secretary of Defense to institute these programs wherever there are military installations and equipment available, as well as military personnel, without having to transfer them to some other place, if the Secretary of Defense sees fit, and if the military unit, whether it be National Guard or whatever it may be, desires to engage in this, he may do so.

Mr. Speaker, the bill (H.R. 7139) provides the Secretary of Defense the authority to utilize, within specific parameters, the personnel and resources of the Department of Defense in order to provide emergency medical helicopter transportation to civilians.

As the Members of the House may recall, legislation on this general subject was considered last year and passed the House and Senate but failed to be enacted due to the inability to report out of conference with the Senate prior to the end of the 92d Congress.

The bill which is presently before the House would authorize the continuation of a service which has been demonstrated in a pilot program since July of 1970. At that time the Secretary of Defense entered into agreements with the Departments of Transportation and HEW to test the feasibility of using military medical emergency helicopters, with specially trained miltary medical personnel aboard, to support localities in the vicinity of certain military bases in handling time-factored emergency transportation. Under the acronym MAST—military assistance to safety and traffic—pilot programs were established at five sites in Texas, Colorado, Washington, Idaho, and Arizona. These particular sites housed adequate numbers of medical evacuation helicopters, qualified pilots and experienced medical and paramedical personnel to support this test program.

As many members are aware, the program has been a great success. As of April 29, 1973 a total of almost 2,000 missions had been flown, providing assistance to some 2,185 patients. There is no doubt in my mind that this assistance meant the difference between life and death for many of these patients.

In H.R. 7139, there are several limitations established under which the expansion of this test into a continuing emergency assistance program can be effected. These limitations differ somewhat from the language of previously considered bills and are as follows:

First, H.R. 7139 places responsibility for emergency medical transportation programs in the Secretary of Defense rather than in the service Secretaries. While the Secretary of Defense would in all probability designate the service Secretaries to make decisions of this sort, it is the practice of the Armed Services Committee to provide authority to the Defense Secretary in matters in which all services may be involved. Such a procedure recognizes the proper chain of command and ensures uniformity of policy and practice among the services.

Second, assistance of the type prescribed may only be provided in areas where the appropriate military medical resources are regularly assigned.

Third, the reassignment of military units from one location to another for the purpose of providing this support is prohibited.

Fourth, the provision of assistance is not permitted to cause any increased costs for the Department of Defense.

Fifth, the personal liability question is specifically delineated. In this regard, after the chairman had been in contact with Chairman RODINO of the Judiciary Committee and determined that a jurisdictional question existed with respect to governmental liability, the offending portion of my bill was stricken. Governmental liability remains under the provisions of the Federal Torts Claims Act; and

Sixth, the bill, as amended, also clarifies the point that authorized military medical emergency transportation is restricted to helicopter services.

It must be recognized that the primary mission of the Department of Defense is national security. There is, therefore, a certain reluctance to involve military personnel and resources in such a way as to cause a possible degradation of the services' ability to perform its primary mission. With the limitations recommended by the Armed Services Committee, we feel that both the local communities and the armed services can benefit from this program. It does, after all, provide an opportunity for real-life practice of the skills these military personnel are trained in, while making a significant contribution to the efforts to save the lives of injured Americans.

The report which accompanies this bill, House Report 93-172, adequately explains the amendments proposed by the House Armed Services Committee. As I have indicated, the amendments limit the scope of the emergency transportation in question to helicopter service and insure that the liability of the Federal Government under the provisions of the Federal Torts Claims Act is retained.

In summary, Mr. Speaker, the Committee on Armed Services recommends passage of this bill.

I trust that my colleagues will avail themselves of this opportunity to share in this worthwhile effort by voting for passage of H.R. 7139.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his answer.

I asked the question to show intent in the RECORD with respect to this legislation. I would hope that Air National Guard helicopters, all things being equal, could be used for this purpose, and I thank the gentleman for his explanation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read bill as follows:

H.R. 7139

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 157 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 2635. Medical emergency transportation assistance and limitation of individual liability

"(a) The Secretary of Defense is authorized to assist the Department of Health, Education, and Welfare and the Department of Transportation in providing medical emergency transportation services to civilians. Any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Secretary of Defense deems appropriate and shall be subject to the following specific limitations:

"(1) Assistance may be provided only in areas where military units able to provide such assistance are regularly assigned, and military units shall not be transferred from one area to another for the purpose of providing such assistance.

"(2) Assistance may be provided only to the extent that it does not interfere with the performance of the military mission.

"(3) The provision of assistance shall not cause any increase in funds required for the operation of the Department of Defense.

"(b) No individual (or his estate) who is authorized by the Department of Defense to perform services under a program established pursuant to subsection (a), and who is acting within the scope of his duties, shall be liable for injury to, or loss of property or personal injury or death which may be caused incident to providing such services."

(b) The table of sections at the beginning of chapter 157 of title 10, United States Code, is amended by adding at the end thereof the following new item:

"2635. Medical emergency transportation assistance and limitation on individual liability.".

Sec. 2. Section 2680 of title 28, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(o) Any claim arising from activities authorized by section 2635 of title 10, United States Code.".

With the following committee amendments:

On page 1, line 6: Insert the word "helicopter" before the word "transportation".

On page 2, line 3: Insert the word "helicopter" before the word "transportation".

On page 3, between lines 2 and 3: Insert the word "helicopter" before the word "transportation".

On page 3, lines 3-7: Strike section 2.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency helicopter transportation services to civilians, and limiting individual liability incident to providing such services, and for other purposes."

A motion to reconsider was laid on the table.

## AMENDING THE MICRONESIAN CLAIMS ACT OF 1971

Mr. FRASER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6628) to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act, as amended.

The Clerk read as follows:

H.R. 6628

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 101(b) of the Micronesian Claims Act of 1971 (50 App. U.S.C. 2019(b)) is amended to read as follows:

"(b) A 'Micronesian inhabitant of the Trust Territory of the Pacific Islands' is defined for the purposes of this Act as a person who—

"(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen of the Trust Territory of the Pacific Islands, or is a citizen of the United States, as the date of filing a claim; or

"(2) if then living, would have been eligible to become a citizen o. the Trust Territory of the Pacific Islands on July 18, 1974; or

"(3) is the sucessor, heir, or assignee of a person eligible under paragraph (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands, or of the United States, as of the date of filing a claim.".

Sec. 2. The fifth sentence of section 104(a) of the Micronesian Claims Act of 1971 (50 App. U.S.C. 2019c(a)) is amended to read as follows: "As claims are adjudicated, the Commission shall certify them to the Secretary for payment in such manner as he may direct."

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill H.R. 6628, amending the Micronesian Claim Act of 1971.

As the Members will recall, Congress, at the request of the executive branch, considered and enacted the Micronesian Claims Act of 1971. The purpose of that act is to compensate the people of the Trust Territory of the Pacific Islands, commonly referred to as Micronesia, for damages incurred during the hostilities of World War II and for noncombat damages after the islands were secured but prior to July 1, 1951.

The act provided U.S. contribution of $5 million to the Micronesian claims fund for war damage claims. This amount was stipulated in an executive agrement concluded with Japan in 1969 in which the Japanese Government agreed to contribute an equivalent sum in goods and services.

In addition, the act provides $20 million for payment of claims arising from damages incurred by Micronesian citizens in the postwar period, until July 1951.

Including the $5 million generated by the Japanese contribution, the total amount in the Micronesian claims fund is $30 million.

The act, in its present form, provides that only Micronesian citizens are eligible to file for claims. No allowance is made for benefits under the claims program for Micronesians who have left the trust territory and have taken up permanent residency elsewhere such as Guam and Hawaii where they have become U.S. citizens.

H.R. 6628 rectifies this inequity by amending the Micronesian Claims Act to include the following classes of persons among those eligible for benefits under the claims program:

One. Persons who were citizens of the trust territory on July 18, 1947, but are now U.S. citizens; and.

Two. U.S. citizens who are successors, heirs, or assignees or persons otherwise eligible.

These individuals were not deliberately excluded under the 1971 act and, in the name of fairness and equity, should be included among those eligible under the claims program.

Mr. Speaker, the inclusion of these individuals, estimated to number not more than 100, will not require further authorization or appropriation of funds. The ceiling on the Micronesian Claims Act will remain at $25 million.

In addition to enlarging the class of persons eligible for claims payments, H.R. 6628 gives the Secretary of the Interior the flexibility to make partial payments prior to final adjudication of all claims and their certification by the Foreign Claims Settlement Commission. The Department of the Interior suggested this amendment in order to prevent a 3 to 4 year delay in the payment of claims, and to prevent an inflationary effect on Micronesia which could occur if all payments were made at once.

In approving this change, the committee did not intend to raise the statutory ceiling on amounts that can be appropriated for the Micronesian claims fund. Neither did the committee intend to shortchange any of the claimants by allowing funds to be disbursed before final adjudication of all claims. The principal that the amount appropriated must be equitably prorated among all claimants must not be violated. The proposed change in H.R. 6628 will merely provide some flexibility in the administration of this particular program without changing in any way its scope or the intent of Congress in approving the program.

In summary, Mr. Speaker, H.R. 6628 makes the Micronesian claims program more equitable and provides the administering authority with needed flexibility to make partial payments on individually adjudicated and certified claims. I urge the House to support its passage.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support passage of H.R. 6628. This legislation, which amends the Micronesian Claims Act of 1971, would include two classes of persons who were overlooked in the 1971 act. This bill would make eligible for benefits: First, citizens of the trust territory on July 18, 1947, who are now U.S. citizens, and second, U.S. citizens who are the successors, heirs, or assignees of persons otherwise eligible.

When the House passed the 1971 act, it did not deliberately exclude these people. It is only fair that they be included through this legislation.

I would like to point out that passage of H.R. 6628 will not result in additional cost to the United States. The funds available are limited to the $25 million already authorized by the Congress.

Mr. Speaker, I opposed the original Micronesian war claims bill for the reason that it provided the United States would put up $25 million in cash, whereas the Japanese are permitted to provide goods and services in payment as a form of reparations to the Micronesians.

In the first place, I think the Japanese ought to have paid all of the war damages and U.S. taxpayers should not have been compelled to put up $25 million in cash or any other amount.

That authorization is a fact of law now, and this bill provides equitable treatment, in my opinion, for natives who since became citizens of the United States. If claims are to be paid, these persons having been in the islands at that time, are entitled to their share of the payments.

Mr. Speaker. I support this legislation, and I have no further requests for time.

Mr. WON PAT. Mr. Speaker, I rise today in support of H.R. 6628, an amendment to the Micronesian War Claims Act of 1971. The measure which is now before the House would correct an inequity in the present law which does not permit Micronesians who now reside outside of the U.S. trust territory to file claims with the United States for war-related damages. Under the present law, only Micronesians who still reside in the trust territory are eligible to claim some of the $30 million which has been made available by the United States and Japan to pay the Micronesians who suffered grave damage to their homes and serious physical injuries during the hostilities in World War II.

When the original Micronesian War Claims Act was enacted several years ago, it was not the intention of Congress to deny any rightful claimant the ability to file for payments simply because he or she had moved out of the trust territory. A great many Micronesians from the trust territory now live in Guam, Hawaii, or on the U.S. west coast. These people are certainly as entitled to their share of the war claims settlement as those Micronesians still in the trust territory.

The Micronesian War Claims Act is a landmark in American legislative history, for it offers just compensation for the damages and suffering they incurred to a people who were merely observers of a horrible battle. One would scan the history books in vain looking for a precedent to such generosity on the part of a victorious nation. The United States could have forgotten the issue and let the Micronesian people recover without our help. But, we did not. And it is this tradition of understanding and willingness to help those whom we have hurt which puts the United States in the proud position she now holds among the nations.

Accordingly, Mr. Speaker, I urge my fellow Members of the House and our colleagues in the Senate to support this worthy measure and to let the business of compensating those who unjustly suffered continue.

The SPEAKER pro tempore (Mr. McFall). The question is on the motion offered by the gentleman from Minnesota that the House suspend the rules and pass the bill H.R. 6628, as amended.

The question was taken; and (two-thirds, having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

---

## GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

---

## TEMPORARY EXTENSION OF CERTAIN HOUSING AND URBAN DEVELOPMENT LAWS AND AUTHORITIES

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 512) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes, as amended.

The Clerk read as follows:

### H.J. Res. 512

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

### EXTENSION OF FHA INSURANCE PROGRAMS

Section 1. (a) Section 2(a) of the National Housing Act is amended by striking out "June 30, 1973" in the first sentence and inserting in lieu thereof "June 30, 1974".

(b) Section 217 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(c) Section 221(f) of such Act is amended by striking out "June 30, 1973" in the fifth sentence and inserting in lieu thereof "June 30, 1974".

(d) Section 235(m) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(e) Section 236(n) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(f) Section 809(f) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "June 30, 1974".

(g) Section 810(k) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "June 30, 1974".

(h) Section 1002(a) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "June 30, 1974".

(i) Section 1101(a) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "June 30, 1974".

### FLEXIBLE INTEREST RATE AUTHORITY

Sec. 2. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

### TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO GNMA

Sec. 3. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Food Insurance Act of 1968, and for other purposes", approved December 22, 1971, as amended, is amended by striking out "June 30, 1973" and inserting in lieu there of "June 30, 1974".

### URBAN RENEWAL AUTHORIZATION

Sec. 4. The first sentence of section 103(b) of the Housing Act of 1949 is amended by striking out "and by $250,000,000 on July 1, 1972" and inserting in lieu thereof "by $250,000,000 on July 1, 1972, and by such additional sums on and after July 1, 1973, as may be necessary to make grants under this title up to the amounts approved in Acts making appropriations for the fiscal year ending June 30, 1974".

### MODEL CITIES AUTHORIZATION

Sec. 5. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting after the first sentence the following new sentence: "In addition, there are authorized to be appropriated for such purpose such sums as may be necessary for the fiscal year ending June 30, 1974.".

(b) Section 111(c) of such Act is amended by striking out "September 30, 1972" and inserting in lieu thereof "July 1, 1974".

### OPEN-SPACE LAND AUTHORIZATION

SEC. 6. The first sentence of section 708 of the Housing Act of 1961 is amended by inserting before the period at the end thereof the following: ", plus such additional sums as may be necessary for such purposes for the fiscal year beginning July 1, 1973."

### NEIGHBORHOOD FACILITY GRANT AUTHORIZATION

SEC. 7. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "In addition, there are authorized to be appropriated for the fiscal year commencing July 1, 1973, such sums as may be necessary for grants under section 703.".

(b) Section 708(b) of such Act is amended by striking out "September 30, 1972" and inserting in lieu thereof "June 30, 1974".

### WAIVER OF CERTAIN REQUIREMENTS APPLICABLE TO GRANTS FOR BASIC WATER AND SEWER FACILITIES

SEC. 8. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "September 30, 1972" and inserting in lieu thereof "June 30, 1974".

### REHABILITATION LOAN AUTHORIZATION

SEC. 9. Section 312(h) of the Housing Act of 1964 is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

### COMPREHENSIVE PLANNING AUTHORIZATION

SEC. 10. Section 701(b) of the Housing Act of 1954 is amended by inserting after the fifth sentence the following new sentence: "In addition, there is authorized to be appropriated for such purposes not to exceed $110,000,000 for the fiscal year commencing July 1, 1973."

### NEW COMMUNITY DEVELOPMENT

SEC. 11. Section 713(e) of the Housing and Urban Development Act of 1970 is amended bv inserting before the period at the end thereof the following: ", which amount shall be increased by $195,500,000 on July 1, 1973".

### RURAL HOUSING AUTHORIZATIONS

SEC. 12. (a) Section 513 of the Housing Act of 1949 is amended by striking out "October 1, 1973" each place it appears and inserting in lieu thereof "June 30, 1974".

(b) Section 515(b)(5) of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "June 30, 1974".

(c) Section 517(a)(1) of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "June 30, 1974".

(d) Section 523(f) of such Act is amended by striking out "1973" each place it appears and inserting in lieu thereof "1974".

The SPEAKER pro tempore. Is a second demanded?

Mr. J. WILLIAM STANTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 512 would provide necessary extensions and authorizations for certain HUD and Farmers Home Administration programs. This is a noncontroversial bill, having been reported out of the Committee on Banking and Currency by a 24 to 2 vote.

House Joint Resolution 512 would extend for 1 year to June 30, 1974, the various insuring authorities of the Federal Housing Administration. These authorities are scheduled to expire on June 30, 1973. Extension of these programs for 1 year will enable the President to reactivate these programs during fiscal year 1974 in the event that housing starts began to fall off sharply due to the rising cost of mortgage credit.

This resolution would also extend for 1 year the authority of the Secretary of HUD to set maximum interest rates for the FHA insurance programs and the VA-guaranteed loans at rates the finds necessary to meet the mortgage market.

This resolution also provides for open-end authorizations for fiscal year 1974 for four community development programs—urban renewal, model cities, open space, and neighborhood facilities—which may need additional funds during the fiscal year 1974 transition period. It would also provide specific authorization of $110 million for comprehensive planning and $195 million for additional new community guarantees, both of which are needed to meet the administration's budget program for fiscal year 1974. Enactment of open-end authorizations for these community development programs is necessary to meet the special circumstances involved in phasing out existing HUD community development programs and preparing communities for the proposed new community development program to begin in fiscal year 1975.

The administration has asked for no new funding for fiscal year 1974 for these urban development programs which are expected to become part of a consolidated community development program on July 1, 1974. A number of cities are experiencing very serious transition problems; many are being forced to cut back on their ongoing program activities or completely postponing planned activities. Open-end authorizations contained in the joint resolution would enable the Appropriations Committee to provide the proper level of funding for cities facing severe transition problems.

Mr. Speaker, I urge that the House quickly act on this resolution. It is my understanding that the Senate is expected to act very quickly on this resolution. I would urge the House to act quickly and favorably on this resolution.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. Speaker, the joint resolution before the House today—House Joint Resolution 512—would provide necessary extensions and authorizations for certain HUD and Farmers House Administration programs. It is noncontroversial, having been unanimously reported by the Housing Subcommittee, and reported 24 to 2 by the Banking and Currency Committee.

In addition to the 1-year extensions of FHA and Farmers Home authorities, the resolution contains the following authorizations:

First open-end authorizations—that is, such sums as may be necessary—for fiscal year 1974 for four community development programs—urban renewal, model cities, open space, and neighborhood facilities—which may need additional funds during the fiscal year 1974 transition period; and

Second, specific authorizations of $110 million for comprehensive planning and $195 million for additional new community guarantees, both of which are needed to meet the administration's budget program for fiscal year 1974.

These authorizations are necessary to permit action by the Appropriations Committee on the HUD fiscal year 1974 budget. I understand that the Appropriations Committee plans to mark up the HUD appropriations bill very shortly, but only if there is reasonable assurance that necessary authorizations will be enacted by the Congress.

The open end authorizations for certain community development programs attempt to meet a special circumstance that exists this year.

As Members know, the administration has asked for no funding for fiscal year 1974 for these programs, which are expected to become part of a consolidated community development program on July 1, 1974. As a result, many cities are experiencing very serious transition problems, either being forced to cut back on ongoing activities or postponing planned activities. The open end authorizations contained in the joint resolution would enable the Appropriations Committee to provide the proper level of funding for cities facing severe transition problems.

I urge House passage of the resolution. Since the Senate is expected to act on this resolution very quickly, the Congress will have done all it can to make certain adequate funds are provided to our cities.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the proposed legislation now before us originally came out of the Housing Subcommittee of the Committee on Banking and Currency, and it was decided, and I think wisely so, within the Housing Subcommittee, that we should bring this matter to the floor and to the attention of the Members at this time, and that we should do so by a simple extension. I believe that the chairman of the full committee, the gentleman from Texas (Mr. PATMAN) had adequately explained the proposed legislation, which is a simple extension of the Federal Housing Administration insurance program for 1 year, and also an extension of the flexible interest rate authority.

We had some discussion in the committee about amendments that perhaps could or could not be added, but it was decided that the chairman of the Housing Subcommittee of the Committee on Banking and Currency would bring in a simple extension at this time.

This proposed legislation has the full support of the members of the minority on the Housing Subcommittee of the Committee on Banking and Currency.

At this time, Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

**Mr. FISH.** Mr. Speaker, today we consider House Joint Resolution 512, legislation continuing the authority of the Department of Housing and Urban Development to insure loans and mortgages, and operate other key community development programs.

The enactment of this extension bill is an administrative necessity. It continues the various authorities of the FHA; provides "open ended" authorizations during fiscal year 1974 for model cities, urban renewal, open space land, and neighborhood facilities; authorizes an additional $110 million for 701 planning grants; and extends the life of the rehabilitation loan program.

Significantly, this measure also includes a provision extending both the section 235—homeownership—and section 236—rental assistance—programs. These are the Federal housing subsidy programs which were operationally "frozen" by the presidentially declared moratorium of last January. This legislation will, at least, allow the administration the flexibility to reinstate these programs during fiscal year 1974.

From the beginning, I had serious reservations over the scope of the moratorium. Admittedly, there were problems with the subsidized housing programs in many parts of the country. But there were also some genuine successes. It was an unfortunate policy decision to shut off funds across the board, with housing starts so critical to the well-being of our economy.

The severe impact of the housing moratorium was brought home most dramatically when representatives of the Builders Institute of Westchester & Putnum Counties, Inc., recently visited with me in Washington. They stressed, for example, that in Westchester County, N.Y., approximately 50 percent of the housing starts were reliant on the Federal subsidy programs.

HUD officials have indicated that they hope to have a comprehensive housing proposal before Congress by this September. But, in the meantime, I would like to see the selective utilization of both section 235 and 236, so as to maintain the viability of the housing industry. Section 1 of House Joint Resolution 512 would permit this to occur and I urge my colleagues to support it.

Mr. FRENZEL. Mr. Speaker, House Joint Resolution 512 is legislation of enormous importance and urgency. It should be promptly passed so that critical provisions of the National Housing Act are extended for 1 year beyond June 30, 1973. These authorities simply cannot be allowed to expire on July 1 of this year.

House Joint Resolution 512 is no substitute for a comprehensive housing act. It is simply the best that can be done under existing limitations. Most Members of this body are aware that the Housing Act of 1972, similar to the Senate-passed version, died in the Rules Committee last October.

The failure of that bill was a great misfortune, but certainly the Banking and Currency Committee, rather than the Rules Committee, must take the major share of the blame for its failure. A bill of that complexity should have been put before the Congress long before the waning hours of the 1972 session.

By passing House Joint Resolution 512 this Congress has the opportunity of extending vital sections of the Housing Act—in effect keeping the most important programs alive—and at the same time giving itself a mandate to produce a careful and comprehensive new housing act either this year or early next year. Under House Joint Resolution 512, FHA insurance programs, urban renewal programs, model cities authorizations, open space programs, neighborhood facilities grants, and rehabilitation loan programs will be extended for 1 year. This is the very least that we can do.

However, authorizations available for spending in the field of housing alone will be able to carry a substantial housing program through fiscal 1974. At this time, funds—variously described as impounded, deferred or as yet unallocated—are available for housing programs as follows: $221 million for the 235 single-family program; $171 million for the 236 multiple program; and about $38 million for rent supplement programs. This total of about $430 million can be used in fiscal 1974 and is an amount approximately equal to maximum expenditures in any fiscal year to date.

Therefore, these amounts, should be authorized by the passage of House Joint Resolution 152, and maximum pursuasion should be exerted on HUD and the Office of Management and Budget to see that these moneys are directed into actual, important housing programs.

In my suburban district much work has been done over the last decade to pursuade suburban local governments and HRA's to begin publicly assisted housing programs. Over this period of time local authorities and local people have become convinced that the programs are good ones for their own communities. Only the last few years have they begun to make applications for programs such as senior citizen housing, low-incoming housing and the like. Perhaps not all of these programs are worthwhile, and certainly not all of them should be funded, but it would be a disaster for the country if all of these programs were to be terminated by the failure of House Joint Resolution 512. In my metropolitan area, the suburban governments are ready to help provide the services which previously had been thought unnecessary. Although the intention of the local governments is to take care of its own citizenry where definite needs exist, part of the effect of these programs will be an economic integration, or at least a reversal of present housing trends which tend to isolate the aged and the poor from the suburban areas.

Mr. Speaker, I urge the speedy passage of House Joint Resolution 512. Along with that request, I urge the Department of HUD and the Office of OMB to make these funds available for worthwhile housing projects properly endorsed by local governments. Finally, I strongly urge the committee itself and the Department of HUD to collaborate on a comprehensive new housing program to be completed by Congress not later than early next year. The time is ideal for the structuring of a manageable program that offers maximum attractiveness and effectiveness for our local governments and for the needs of our people.

Mr. PICKLE. Mr. Speaker, I rise in support of House Joint Resolution 512.

Although I support the extensions for the various programs listed in this resolution. I want to address myself briefly to the main problem that I feel that this legislation attempts to solve.

This is the problem of local areas being placed in limbo because of the President's new proposals for community development.

The administration's proposals obviously have not been enacted by Congress. Whether or not Congress enacts these proposals remains to be seen.

In the meantime, the Department of Housing and Urban Development has sent the word down to the local levels to start dismantling.

Mr. Speaker, it is not right to have the Model Cities agencies dismantled when no one knows what will take their place, if anything. Mr. Speaker, it is not right to have housing projects stopped in midstream while people wait to see how they will fare under new legislation.

It is easy for us in Washington to debate the great issues of the day, take our time, and to give long speeches about the struggle between the executive and legislative branches.

But what about the citizens living in the urban renewal area who were promised 4 years ago that their areas would be renewed. But now they are told there is no program for them, and they are to sit tight for something that may develop.

To have people think that the area would be renewed, to think that new water and sewer lines would be laid, to think that new housing projects would go up, and then have the Federal Government break its word does more to alienate the average citizen from his government than anything else.

By giving these programs interim authorization, so that the Appropriations Committee can make the nominal commitments in money to finish the jobs started, the Banking and Currency Committee has taken a positive step to helping relieve the uncertainty in local areas.

Mr. Speaker, I urge passage of House Joint Resolution 512.

Mrs. GRASSO. Mr. Speaker, passage of House Joint Resolution 512, a bill to extend certain programs now administered by the U.S. Department of Housing and Urban Development, is necessary if we are to avoid a gap in the funding authority for housing and urban development programs.

The administration has indicated that it intends to include some of these programs—such has model cities, urban renewal, open space, water and sewer grants, rehabilitation loans, and neighborhood facilities—in its special revenue-sharing package referred to as the Better Communities Act.

Unless action is taken to extend the authorization of these programs, however, a timelag will develop between the termination of the authorization for these programs and the proposed starting date of the special revenue-sharing plan.

Authorization for some of these programs will expire June 30 if no action is taken to extend it. Other programs are in danger of losing their authorization in the fall. However, the revenue-sharing plan, as proposed by the administration, would not start until July 1, 1974.

The resulting gap, amounting to a year in the case of most programs, would place an unwarranted burden on communities in need of housing and development funding. This gap is especially unfair when one recalls the current status of such funding.

Last January, the administration imposed a freeze on most HUD programs. Therefore, many projects which normally would have been funded months ago and would now be well along in construction, remain, instead, well worn application forms in agency offices.

If this legislation is not passed today—if our communities are forced to wait until 1974 to turn plans for housing, sewers, and other vital projects into reality—our towns and cities will fall still further behind in helping to solve community problems and build a better life for their citizens.

In my district, applications have been prepared for the funding of several needed projects under programs listed in this bill.

Mr. Speaker, it seems that the administration is failing to realize that these programs have been helping to build better communities for years. Allowing their authorizations to terminate, then, would indicate a lack of concern on the part of the Federal Government for the problems confronting the Nation's towns and cities.

In addition, let us not forget that these programs were designed and approved by Congress, and thus it is Congress who should decide their fate.

Consequently, I strongly support the extension of these programs, and I urge my colleagues in the House to do the same by voting for House Joint Resolution 512.

Passage of the legislation before us today is essential for the future health and welfare of our Nation.

Mr. TIERNAN. Mr. Speaker, I would like to take this opportunity to state my dissatisfaction with House Joint Resolution 512, which temporarily extends certain housing and urban development laws and authorities, even though, as I will indicate, it probably represents the "least bad" solution under present circumstances.

This proposal, if enacted, would simply extend the sections 235 and 236 subsidized housing programs for 1 year without the provision of any additional contract authority.

In the area of community development, the resolution simply authorizes "such additional sums as shall be necessary." The committee report makes the following statement regarding this amorphous grant of spending authority:

> Enactment of "open end" authorizations for these community development programs is necessary to meet the special circumstances involved in phasing out existing HUD community development programs and preparing communities for the proposed new community development program to begin in fiscal year 1975.

Thus, in one fell swoop, the committee treats the passage of the so-called Better Communities Act as a foregone conclusion and takes steps to implement it, acquiesces in the administration's extralegal termination and suspension of congressionally mandated programs, and transforms the Housing and Urban Development Act of 1968 into a hollow mockery of its former self.

At stake in this decision is the status of Congress as a coequal branch of Government. The fact is that the administration has terminated or suspended programs mandated by Congress in a manner which is at best extralegal. Congress, which is given the appropriation power by the Constitution, was not even consulted, but was instead presented with a fait accompli. The Committee on Banking and Currency, in its committee report accompanying House Joint Resolution 512, nods weakly to this usurpation of our power and permits it to continue.

The language of that report would seem to indicate that the committee accepts the Better Communities Act and envisions is early passage. I sincerely hope that the committee will not do so without careful consideration of those factors which made the categorical programs less than completely satisfactory. In the testimony that I have heard as a member of the Appropriations Subcommittee on Housing and Urban Development, it is by no means clear that the failures were due to program rather than administrative inadequacies.

In my view, the people's faith in representative government is also at stake. In 1968 Congress committed itself to the construction of 6 million subsidized housing units in the next decade in order to achieve its commitment to "a decent home and suitable living environment for every American family." In 1970 President Nixon reaffirmed this goal and said that it was "consistent with other urgent claims on our productive resources."

A few short years later President Nixon has abandoned this committment and a similar one to community development. Is it any wonder that the American people are cynical and mistrustful of the pronouncements of their representative Government?

Nevertheless, under present circumstances, I recognize that the committee probably made the wisest choice. Secretary Lynn has stated categorically that he will not spend any funds authorized by Congress in excess of the administration's request. Consequently, the undesirable features of the resolution are forced on the committee and the Congress by an administration which has no respect for law or constitutional separation of powers. Additional funds would be placed in reserve by the OMB and would consequently only give wider rein to this administration's proclivity to reprogram funds in the face of congressional priorities.

In my opinion, the principal conclusion to be drawn from this experience is that of the necessity for prompt approval of anti-impoundment legislation. In the interim, as the Committee on Banking and Currency recognizes, grants of additional contract authority would be unwise.

Mr. BINGHAM. Mr. Speaker, I shall vote for the passage of House Joint Resolution 512 in order to provide a temporary extension of the Federal housing laws. Included in the resolution are the section 235 and section 236 programs, the subsidies from which have proved invaluable in the past in providing quality housing to middle-class and lower middle-class families. Urban renewal, Model Cities, Open Space, and Neighborhood Facilities are all within the scope of the bill.

However, Mr. Speaker, I must emphasize that this legislation will be worthless if the administration maintains its current moratorium on expenditures for Federal housing programs. On January 8, 1973, the administration announced an indefinite freeze on new commitments for Federal housing subsidies, and this action is having serious adverse effects in our urban areas across the country. The rebuilding and rehabilitation of our big cities has been cynically brought to a halt by an administration which appears oblivious to the pressing need for quality housing which is felt by millions of Americans.

When urban dwellers seek to provide themselves with decent housing by obtaining Federal subsidization for rehabilitation of their homes or for venturing into home ownership, they find that the funds which Congress intended for these purposes have been impounded by the executive branch. I hope that today's action by the House will be a crystal-clear indication to the President that we want full expenditure of all the funds which we appropriate for Federal housing programs.

Some time back, the administration announced, "watch what we do, not what we say." Perhaps Congress and the American people should have heeded that warning far more seriously, for what the administration did once all of last November's votes were counted bears little resemblance to what the administration had to say before the election. Indeed, watching what the administration has done within the past few months has proven to be a shattering experience.

Mr. J. WILLIAM STANTON. Mr. Speaker, I have no further requests for time.

Mr. PATMAN. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN), that the House suspend the rules and pass the joint resolution (H.J. Res. 512), as amended.

The question was taken.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 1, answered "present" 1, not voting 74, as follows:

[Roll No. 149]

YEAS—357

Abdnor
Abzug
Adams
Addabbo
Alexander
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bennett
Bergland
Biester
Bingham
Blackburn
Boggs
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins
Conable
Conlan
Conyers
Corman
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Giaimo
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Latta
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Hanrahan

ANSWERED "PRESENT"—1

Gibbons

NOT VOTING—74

Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Archer
Arends
Ashbrook
Badillo
Bell
Bevill
Biaggi
Blatnik
Boland
Brasco
Burke, Calif.
Carter
Chisholm
Clawson, Del
Collier
Conte
Cotter
Davis, S.C.
Dorn
Edwards, Calif.
Erlenborn
Findley
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Froehlich
Gaydos
Gettys
Goldwater
Hanna
Hawkins
Huber
Keating
King
Landrum
Leggett
Lehman
Litton
McKinney
Maraziti
Matsunaga
Milford
Mills, Ark.
Mills, Md.
Mollohan
Moorhead, Pa.
Nelsen
O'Neill
Owens
Peyser
Pritchard
Quillen
Railsback
Reid
Riegle
Rooney, N.Y.
Rooney, Pa.
Ryan
Sandman
Sikes
Steiger, Wis.
Stratton
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Thornton
Waldie
Ware
Wilson, Charles H., Calif.
Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Mills of Arkansas.

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. O'Neill with Mr. Arends.

Mr. Bevill with Mr. Mills of Maryland.

Mr. Blatnik with Mr. Findley.

Mr. Boland with Mr. Conte.

Ms. Chisholm with Mr. Edwards of California.

Mr. Cotter with Mr. Ashbrook.

Mr. Leggett with Mr. Bell.

Mr. Foley with Mr. Keating.

Mr. Gaydos with Mr. Ware.

Mr. Reid with Mr. McKinney.

Mr. Stratton with Mr. Quillen.

Mr. Teague of Texas with Mr. Archer.

Mr. Thornton with Mr. Erlenborn.

Mr. Young of Georgia with Mr. Riegle.

Mr. Waldie with Mr. Railsback.

Mr. Matsunaga with Mr. Anderson of Illinois.

Mr. Moorhead of Pennsylvania with Mr. Frelinghuysen.

Mr. Mollohan with Mr. Carter.

Mr. Litton with Mr. Andrews of North Carolina.

Mr. Fraser with Mr. Nelsen.

Mr. Gettys with Mr. Froehlich.

Mr. Hanna with Mr. Del Clawson.

Mr. Landrum with Mr. Huber.

Mr. Brasco with Mr. King.

Mr. Anderson of California with Mr. Goldwater.

Mr. Lehman with Mr. Dorn.

Mr. Hawkins with Mr. Owens.

Mr. Milford with Mr. Sandman.

Mr. Sikes with Mr. Pritchard.

Mr. Charles H. Wilson of California with Mr. Peyser.

Mr. Ryan with Mr. Collier.

Mr. Badillo with Mr. Maraziti.

Mr. Biaggi with Mr. Davis of South Carolina.

Mrs. Burke of California with Mr. Steiger of Wisconsin.

Mr. Taylor of Missouri with Mr. Ware.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

---

## GENERAL LEAVE

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the RECORD on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

---

## AMENDING SECTION 8 OF THE PUBLIC BUILDINGS ACT OF 1959

Mr. GRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6330) to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia, as amended.

The Clerk read as follows:

H.R. 6330

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8 of the Public Buildings Act of 1959 (40 U.S.C. 607) is amended by adding at the end thereof the following new subsections:

"(d) Notwithstanding the District of Columbia Stadium Act of 1957 or any other provision of law, the Armory Board (hereafter in this section referred to as the 'Board'), created by the Act of June 4, 1948 (D.C. Code, sec. 2–1702), is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musical concerts, and other events, and to increase the seating capacity of such stadium by an additional 8,000 seats, at a cost not to exceed $1,500,000. Notwithstanding such Act of 1957, or any other provision of law, the Board is further authorized to borrow such sums as may be necessary to provide for the additional seating authorized by this subsection in accordance with the following terms and conditions:

"(1) in the case of revenue from professional football, 50 per centum of the revenue attributable to the additional seats authorized by this subsection shall be used solely for the purpose of repaying the sums borrowed for such seats;

"(2) no part of any revenues derived from such additional seats shall be paid to the National Football League or to any team within such league other than the team doing business under the trade name of the Washington Redskins, or its successors, until all sums borrowed for such additional seats have been repaid;

"(3) except as provided in paragraphs (1) and (2), all revenues attributable to such additional seats shall be subject to section 6 of such Act of 1957.".

The SPEAKER pro tempore. Is a second demanded?

Mr. HARSHA. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6330 should please every Member of the House. It permits the Armory Board of the District of Columbia to enlarge R.F.K. Stadium by 8,000 additional seats without costing the taxpayers 1 cent. The additional seats will mean approximately $1 million in additional revenue per year with 6 percent going to the District of Columbia government for taxes and other revenues going to the Armory Board for their expenses. The 8,000 additional seats will be utilized by ardent fans of the Redskins football team who have been precluded from purchasing a season ticket or attending a game.

Mr. Speaker, the average seating capacity of stadiums around the country is 60,000 seats. R.F.K. Stadium now has a total capacity of only 53,041. The $1½ million to be financed privately will increase the total capacity to 61,039. In our report accompaning the bill we set down guidelines for the Redskins management to provide 1,000 additional seats per game to people who cannot afford or are unable to purchase season tickets. This means in 10 games there will be 10,000 individual seats sold to nonseason ticketholders.

Mr. Speaker, in conclusion, let me say that this legislation is an all-American bill designed to help sports enthusiasts, improve the size of our Nation's Capital sports stadium, provide additional revenues badly needed in the District of Columbia and using the American tradition of letting people who use the stadium pay for it instead of saddling taxpayers throughout the country.

Mr. HARSHA. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, if memory serves, when the Congress first authorized the construction of the District of Columbia Stadium in 1955–56, this body was told it would cost about $5 to $6 million. Mr. Speaker, it ended up costing around $20,100,000. This follows the pattern of our grandiose building projects here in the District of Columbia.

Still worse, though, is the fact that not one dime of the principal has ever been paid off—not one bond has ever been retired. In only 2 years in the history of this project has any part of the interest been paid out of the revenues of the stadium; and that was in 1960 and 1961 when a portion was paid.

Mr. Speaker, the fiscal year 1973 District of Columbia appropriations bill contained a figure of $848,432 to pay the interest on this indebtedness. This included an additional short-term loan from the Treasury of $16,832 for an additional interest payment.

Though not yet printed, it is my understanding that the fiscal year 1974 District of Columbia appropriations bill contains a request for $831,600 for the same purposes—that is payment of the interest on the stadium debt; a debt which has never been touched by stadium revenues.

Mr. Speaker, the bill under consideration here today would authorize the borrowing of some $1,500,000 by the Stadium Board for construction of 8,000 new seats at the stadium.

Even if it turns out to cost only this amount—and that is problematical at best—is there any reason to believe that these seats will be paid for out of revenues any more than the 50-some-odd-thousand seats already out there have?

Mr. Speaker, I submit that we are witnessing still another exhorbitant request in the long and painful litany of requests which this inflated stadium has engendered.

I ask my colleagues not to go along with this again—not to go along with what is apparently a bottomless pit of interest payments which yearly have to be made up at a cost of well over three-quarters of a million dollars in taxpayers' money through the vehicle of the District of Columbia appropriations bill.

Let us vote this one down.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. If I have any time left, yes, I yield to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, I thank the gentleman for yielding.

The gentleman made a very eloquent statement which proves why we need this bill, because he knows the revenues have not been sufficient to pay the costs of operation at R.F.K. We are having a deficit that my taxpayers and his taxpayers have been faced with every year, almost a million dollars. The bill is designed to increase revenues and to provide facilities for people who want to see the Redskin games.

Mr. SNYDER. Mr. Speaker, 50,000 seats will not pay for themselves; the additional seats will not pay for themselves.

The SPEAKER pro tempore. The time of the gentleman from Kentucky (Mr. SNYDER) has expired.

Mr. GRAY. Mr. Speaker, I yield 1 additional minute to the gentleman from Kentucky (Mr. SNYDER).

Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, the gentleman from Kentucky says if we cannot completely erase the deficit, then do not do anything. We do not subscribe to that theory. We want to do what we can.

Mr. SNYDER. Whatever money the Armory Board does not have for debt or interest comes out of the taxpayers' pockets in your district and in my district in the appropriation bill for the District of Columbia year after year.

Mr. GRAY. Mr. Speaker, will the gentleman yield further to me?

Mr. SNYDER. Yes, I yield to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, we have now on the waiting list a sufficient number of people to purchase the tickets to pay back the entire million and a half dollars in advance, if the Redskins want to sell them that far in advance.

Mr. SNYDER. We have people on the waiting list to pay for the 50,000 seats already there, but it is still not sufficient to pay one cent on the debt or interest.

Mr. GRAY. We have 50,000 people wanting to buy tickets for these 8,000 seats, I am sure the gentleman knows that.

Mr. SNYDER. Mr. Speaker, there is a waiting list of people, this I admit, but they are not paying their own way.

Mr. GRAY. The Redskins last year paid the Armory Board more than one-half million dollars. This bill will increase that amount.

The SPEAKER pro tempore. The time of the gentleman from Kentucky (Mr. SNYDER) has expired.

Mr. GRAY. Mr. Speaker, I yield 1 additional minute to the gentleman from Kentucky (Mr. SNYDER).

Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Speaker, the problem is that there are only 10 days per year when we have Redskin games, and we have 355 days out of the year when the stadium is not utilized. This is the problem causing the deficit: underutilization.

Mr. SNYDER. That is right, we have seats, 53,000 seats which are only being used a few days per year, and now we will have 61,000 seats vacant 355 days per year.

Mr. GRAY. Mr. Speaker, if the gentleman will yield further, the 8,000 additional seats will bring back several times what they are going to cost. What we are trying to do is to provide additional generators for revenue.

Mr. SNYDER. If the 8,000 additional seats will do it, why are the 53,000 not doing it?

Mr. GRAY. They will help do it. We must also find other uses. But we must do something if we are to meet the gentleman's objections.

Mr. SNYDER. Why are not the bonds or any of the interest being paid?

Mr. GRAY. If the Redskins were not playing out there, the deficit would be one-half million more—thank God for the Redskins.

Mr. SNYDER. There is no interest paid at all. The deficit is 100 percent of the debt and interest now.

Mr. HARSHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6330, a bill to authorize the District of Columbia Armory Board to enter into contracts to construct an additional 8,000 seats in Robert F. Kennedy Stadium.

This bill is unique in that everybody gains—the public will have a greater opportunity to see the Redskins in action; the stadium will generate additional revenues, thus helping to retire the debt on the stadium; this bill will not cost the Federal Government a dime in appropriations; and, the construction of these seats will not interfere with baseball if it were to return to Washington.

R. F. K. Stadium is one of the smallest stadiums housing a National Football

League team. As we all know, a Redskins' ticket is a scarce commodity. Last season, all home games were sellouts and many thousands are on the waiting list for these precious tickets. H.R. 6330 will allow an additional 8,000 seats for the stadium, bringing the total seating capacity to over 60,000, more in line with other stadiums in use by National Football League teams. Additional attendance brought about by these seats will not adversely affect current parking facilities.

The construction of the original stadium structure was financed through the sale of bonds, totalling approximately $20 million. But, with the exit of the professional baseball team, the revenue generated by public events in this stadium was diminished drastically. Total events in the stadium dropped from 93 in 1971 to 21 in 1972. Today, even the interest payment on these bonds cannot be met by the Armory Board, and must be paid for by the District of Columbia.

Revenue from these additional seats will total some $741,000 per regular football season, one-half of which would go for the repayment of the $1.5 million loans for construction of these seats until that loan is repaid, and the remainder paid in accordance with the Redskins' management agreements with the Armory Board. Once this obligation has been met, revenue from these additional seats will be allocated in accordance with current agreements among the visiting teams, the National Football League and the Armory Board. The sooner these seats are available, the faster this additional revenue will go toward interest payment and bond retirement. I realize that the stadium should and must be used for events other than the 10 Redskins games and other special events. But, the additional seats is a step in the right direction to making R. F. K. Stadium financially sound.

This bill will not obligate the Federal Government to provide any additional funds. It merely authorizes the Armory Board to borrow up to $1.5 million for the construction of these seats and enter into agreements for such construction. During consideration of this legislation in committee, our distinguished subcommittee chairman stated that there are three entrepreneurs who are willing to loan the Armory Board this money at no more than the prime interest rate. This legislative action is necessary because the stadium sits on Federal land and current seating is restricted by statute. The Redskins football team is a tenant of this facility and could not legally add these seats on its own.

Of the total new seats to be added, about 1,000 will be permanent mezzanine-level seats and will be in place for the 1973 football season. The remaining 7,000 will be removable grandstand seats and will be in place for the following season. I emphasize that the 7,000 seats will be removable, and in no way will restrict major league baseball or any baseball from being played in R. F. K. Stadium.

This piece of legislation is needed, it is timely, and everyone will benefit. The city of Washington is proud of the Redskins. Let us show our faith in this superior football team, and the city of Washington by acting favorably on this bill.

Mr. HARSHA. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS.)

Mr. GROSS. Mr. Speaker, I was very much intrigued to hear the gentleman from Illinois (Mr. GRAY) assure the House once again that here is something that will not cost the taxpayers of Iowa or Illinois a single dime. This is in the great American tradition, he says. Let me tell you that you had better take that with more than just the proverbial grain of salt, because the gentleman has made that statement before and only to our sorrow did we find that the taxpayers of the country got socked for a lot of money to pay into some of the ventures he has proposed.

Mr. GRAY. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois briefly.

Mr. GRAY. I thank my friend for yielding.

First of all, as the gentleman knows, I have never handled a single piece of legislation on the R. F. K. Stadium. It was the gentleman from Iowa primarily who caused us to bring out this kind of a bill, because, as the gentleman will recall, he has been on the floor year after year and rightly so pointing out that we have a large deficit at R. F. K. and not one cent has been paid to retire the bonds in the past years.

Mr. GROSS. I have the idea. Please do not take all my time because I have another question or two I would like to ask. I get the idea of what the gentleman is trying to say.

Mr. GRAY. I am bragging on my friend from Iowa. He is one of those responsible for this Redskin revenue generating bill.

Mr. GROSS. And I could not care less if that stadium would fall down.

And from the way it was built it is likely to do that at any time, in fact I think it is more likely to fall down than the west front of the Capitol.

But, Mr. Speaker, let me go on with this subject matter.

The gentleman in his bill says that—

> is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musical concerts, and other events. . . .

Mr. Speaker, if this bill was amendable I would offer to help the gentleman from Illinois to the best of my ability, and then vote against it, by submitting an amendment which would include operas, bullfights, chariot races, dog races, dog shows, cat shows, horse shows, tobacco auctions, religious and political rallies, and open-air sessions of the Congress, or any committee thereof.

As I say, I would like to help the gentleman, but the gentleman did not leave me that opportunity since the bill is brought up under a procedure that prohibits amendments from the floor.

Let me ask the gentleman from Illinois a serious question, and that is why the 40 percent to be paid each year, was not fixed at 100 percent?

Mr. GRAY. Mr. Speaker, would the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I thank my friend, the gentleman from Iowa, for yielding to me, and I would state to the gentleman from Iowa that the bill has been amended, that is one of the amendments that has been offered in the motion that we suspend the rules and move for the passage of the bill H.R. 6330, as amended, and that changes that figure from 40 to 50 percent.

Mr. GROSS. Why not 100 percent?

Mr. GRAY. We cannot. Six percent of the overall revenues go to the District of Columbia for taxes. This will generate about $50,000 a year for the District of Columbia government, and this means therefore that the Federal payment should be less.

Second, the Armory Board charges 12 percent for the use of the stadium——

Mr. GROSS. I will tell the gentleman from Illinois that the revenues from this operation should not be going to the District of Columbia as such but to the payment of the $20 million in defaulted or virtually defaulted bonds.

Mr. GRAY. This will help do that. If we do not pass the bill we will be in the same rut.

Mr. GROSS. So as to help pay for the losses on this white elephant, that is where the money had better be going.

Let me ask the gentleman this question: What if the Armory Board defaults on this deal, then who pays?

Mr. GRAY. If the gentleman from Iowa yield further, that is the same point the gentleman from Kentucky (Mr. SNYDER) made, and again I point out to the gentleman that only the revenues from the sale of the tickets is pledged, no full faith and credit of the Armory Board, the District of Columbia government, or the Federal Government.

Mr. GROSS. But who will pay for this if that revenue is not raised to pay for these extra seats? Who will then pick up that bill?

Mr. GRAY. If the gentleman will yield further, the answer is that no one will, if the tickets are not sold on time the armory board will merely stretch out the time of repayment until the lender gets all his money.

Mr. GROSS. The gentleman from Illinois will not do as he has in the past with certain enterprises around here—come back and ask the Congress for more money?

Mr. GRAY. Will the gentleman from Iowa yield further?

Mr. GROSS. Yes, I yield further to the gentleman from Illinois.

Mr. GRAY. The gentleman from Iowa knows that in my position as chairman of the Subcommittee on Public Buildings and Grounds that I am merely carrying out the will of the committee. The gentleman from Iowa leaves the impression that I am here asking all of our colleagues to dig down in their pockets for these projects, such as the project for the building of the National Visitors Center, and in that case we tried to not have any of the costs charged to the taxpayers although it will be for their use. We wanted private enterprise to do the job and it was kicked around for over 5 years, and then finally the Penn Central Railroad went into bankruptcy, so we have had to find other ways to finance the project. But I assure the gentleman from Iowa that the gentleman from Illinois is merely trying to build up our Nation's Capital.

Mr. GROSS. I will tell the gentleman from Illinois who will then pay for this. It will be the taxpayers of this country who will pay for it.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. GRAY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to make it perfectly clear that we have tried in this bill to bring in additional revenues to do what the gentleman from Iowa (Mr. GROSS) and the gentleman from Kentucky (Mr. SNYDER) want done. They want to help bail out that white elephant over which most Members of this body had nothing to do with unless they were here in 1957, and voted for the original Stadium Act. It is costing the taxpayers of my State, which is the fourth largest tax-paying State in the Nation and the other States over $1 million a year deficit.

Here is a situation where people are clamoring for tickets to attend the Redskins football games, and they cannot buy them. Through this bill we allow them to pay for this expansion, and then after about 7 years when all of the money is paid back, the District of Columbia, the Federal Government, and the Armory Board and the Redskins will share these revenues to help bail out our taxpayers.

I do not know of a more feasible plan than taking a facility that needs to be utilized and utilizing it, and letting the people who use it pay for it. That is the American tradition.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I was unfortunate enough to be here when that bill went through. If the gentleman will read the RECORD back in the day when the stadium was authorized, we were told by certain gentlemen in this House that it would not cost the American taxpayer one single dime.

Mr. GRAY. I know exactly to whom the gentleman has reference. He is now a fine Federal judge down in Arkansas, but I repeat what I said earlier, the bill did not come out of our Committee on Public Works. We are trying to correct a serious problem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRAY. I yield myself 1 additional minute.

The fact remains that we must find additional uses for the stadium, and I certainly feel that we can bring in additional uses such as motorcycle racing and some of the other things the gentleman from Iowa talked about a moment ago. But this is the beginning of utilizing the stadium for more than it is being used now, and I think it is a good start and a good bill. I certainly know that the 8,000 additional seats will be sold and the money paid back without asking the taxpayers for a dime.

Mr. HARSHA. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 6330, to amend the Public Buildings Act of 1959, relating to the District of Columbia, to authorize the District of Columbia Armory Board to increase the seating capacity of the Robert F. Kennedy Stadium by an additional 8,000 seats.

As an enthusiastic Redskin fan and as a practical businessman I urge my colleagues to support this legislation. I doubt that a single Member of this House would deny that he could use tickets to Redskin games whenever they are played at home were they available to him. The fact that they are not and have not been available for years is well known among our colleagues and among all sports fans who reside in or near Washington, D.C., either permanently or temporarily.

When Robert F. Kennedy Stadium was completed in 1961, it contained 49,219 seats. It was sold out almost as soon as the tickets went on sale. By combing the stadium from end to end, the Skins managed to find space for 2,212 additional seats which they put in place at their own expense. Then, in 1971, they installed temporary open deck bleacher seats, bringing the total capacity to 53,041, all sold immediately upon completion.

More than 7,500 people are now on a waiting list for Redskin tickets, and as many more would probably join them if they felt the possibility of obtaining tickets was not hopelessly remote.

With the attrition rate of less than 1 percent, it is unlikely that most of those now waiting, some as many as 10 years, will ever obtain tickets unless the stadium capacity is enlarged. And the additional income these seatholders would bring to both the Armory Board and the Redskins is lost year after year because the stadium capacity prohibits their attendance at home games.

Despite the fact that the Redskins led the National Football Conference and had every seat sold for every game their gate receipts for home games for the 1972 home season were only $366,362, lower than the average for the Eastern Division, for the entire NFC, the AFC, and the overall National Football League.

The Redskins are now paying the Armory Board rental on 53,041 seats at a rate of 12 percent of the net ticket cost per game. Last year they paid the Board about $580,000 for 12 games. Under provisions of H.R. 6330, instead of paying at the 12-percent rate for the new seats, 50 percent of the revenue from the additional seats would be applied to repaying the $1.5 million needed to build them until the loan is repaid.

Approximately 6,150 new seats will sell for $9 a ticket, net cost after taxes $8.64; another 1,500 seats will sell for $8, netting $7.68; and 650 will be $15 seats netting $14.40. Forty percent of the income from these seats should amount to approximately $35,000 per game, or a total of $350,000 per year, all to be applied to repaying the Armory Board loan.

Other additional income should come from increase sales by concessions. Sales from concessions average about 90 cents per person. So sales from concessioners to the occupants of the additional seats during the course of three preseason and regular season games should bring the Armory Board about $72,000 in additional income each year, and parking 20,000 new cars a year at $2 a car could yield an additional $40,000.

Once the loan is repaid, as it should be within 10 years, the Armory Board will own a stadium with capacity for football of 61,039, and will realize an additional annual rental income for the new seats of approximately $82,855, under the current rental arrangement between the Redskins and the Board.

The growing popularity of professional football and the tremendous popularity of the Washington Redskins has far outstripped the capacity of Kennedy Stadium to house their fans, Mr. Speaker. Unless we act to remedy the situation, one of the top, if not the very top team in the Nation will have to continue to play in one of the smallest stadiums in professional football, with only 6 of the 26 league teams now playing in stadiums of comparable size. It makes no sense that the Nation's Capital does not do better for its championship team.

The architect who prepared the new seat plans has assured the Armory Board that the planned changes will not affect the baseball field in any manner. The capacity for baseball will be decreased by 774, not enough to make a bit of difference to the new team we hope to have in Washington soon.

I understand the rearrangement of seats now planned will actually increase the number of good seats for baseball. We can hope that this will be an added inducement for a good baseball team to give Washington another chance to show we will support baseball.

It is also hoped that with enactment of H.R. 6330 we can encourage the Armory Board to invite many other sporting events, rodeos, musical concerts and the like to use our often vacant stadium. The added capacity can also serve as an inducement to major college teams to play frequently in the Nation's Capital. It would seem to me that Washington would be an ideal place for the service teams to play the Army-Navy, Army-Air Force, and Navy-Air Force games as well.

Mr. Speaker, I am both a cosponsor and enthusiastic supporter of H.R. 6330. I believe it is a good bill that would not only benefit thousands of Redskins fans, but would also represent a big step toward relieving the District of Columbia Armory Board of some of its chronic financial troubles. The first Redskin preseason game is scheduled for August 3, so time is of the essence. I sincerely hope that the House will act favorably on H.R. 6330 today.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I understood the gentleman to say the football team pays $75,000 to $80,000 a year.

Mr. BROYHILL of Virginia. Approximately $40,000 to $45,000 per game, which resulted in about $500,000 rent last year.

Mr. SNYDER. That is in excess of 50,000 seats for which that amount is paid.

Mr. BROYHILL of Virginia. With approximately 53,000 seats.

Mr. SNYDER. Then how can we figure we will get $400,000 out of the additional 8,000 seats. There is no way.

Mr. BROYHILL of Virginia. It is elementary mathematics. The Redskins pay 12 percent. It is 12 percent of gross receipts on what is now about 53,000 seats. This bill provides for 50 percent of the receipts on the additional 8,000 seats, and many of those will be in the mezzanine, so it will result in $350,000 to $400,000 per year.

Mr. SNYDER. The money that is derived from this good deal we have with the football team, if it is such a good deal, how come there has never been a penny to pay on the interest, much less on the principal?

Mr. BROYHILL of Virginia. This is not the fault of the football team. They have been paying their full share. If we had a baseball team which would be using the stadium, we would have more revenue.

Mr. SNYDER. Does it not prove the operating costs have exceeded the revenues?

Mr. GRAY. Mr. Speaker, I yield myself an additional 2 minutes.

Mr. Speaker, I want to make one more point. It is estimated that the additional 8,000 seats at the Robert F. Kennedy Stadium will bring in to the Armory Board more than $70,000 additional revenue just from the concessions alone.

Mr. Speaker, the alternative to this bill is to continue with the $1 million a year deficit and no money being paid on the $19 million outstanding bonds, which are almost due. This is the only hope we have of getting additional revenue at the present time.

I want to reiterate that all we are pledging in this bill is the revenue from the sale of the tickets to pay back the entrepreneurs who will loan the $1.5 million.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Maryland

Mr. GUDE. Mr. Speaker, I thank the gentleman from Illinois for yielding and commend him for his hard work and diligence on behalf of this legislation. The gentleman has made a persuasive argument that this is a good package. I urge adoption of this legislation.

Eight thousand additional seats at R. F. K. Stadium would cost the taxpayer not a cent while providing revenues to the District of Columbia and the Armory Board. Furthermore, the patient but frustrated Washington Redskin fans would have more of an opportunity to attend the games. I was particularly pleased to note that 1,000 of the seats would be reserved for nonseason ticketholders.

The additional seats will help to increase the capacity of the stadium for football games. The fact that the stadium does not have as large a capacity as other NFL facilities has been a financial problem.

Certainly, the Redskins have been a boon to the civic pride and vitality of the D.C. area. I urge my colleagues to support this proposal which would allow additional seats. The public demand for tickets guarantees the success of this expansion plan.

Mr. GRAY. Mr. Speaker, I thank my friend, the gentleman from Maryland, for his comments.

Also in closing I would like to thank the distinguished gentleman from Michigan (Mr. Diggs), the chairman of the District of Columbia Committee, and his staff who have been very helpful in finding additional uses for the R. F. K. Stadium.

Mr. HARSHA. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. Hogan).

Mr. HOGAN. Mr. Speaker, I shall not replow the ground which has already been covered by previous speakers. This seems to be a good business proposition, as previous speakers have indicated, and the fact that it is something to help my constituents makes it even better.

Mr. Speaker, there is a long waiting list for season tickets for the Redskins games. The tickets are highly valued by those lucky enough to have them and are passed on from generation to generation.

The fact that the Redskins are the best team in football and have the smallest stadium is a situation which should be remedied. The remedy is to allow more people to go to the games and have this additional money used to help retire the debt on the stadium.

Mr. Speaker, there is one other point I would like to make in relation to the Redskins and the Congress responsibilities in connection with the stadium. No one has referred to the civic pride which the Redskins have brought to the Nation's Capital, a city which desperately needed it.

Mr. Speaker, I wish all the Members of this body could have seen the feeling in this town, where race relations have sometimes been a problem, to see black and white football players cooperating and playing together on the field and then achieving and sharing the great success that the Redskins enjoyed last season. This had tremendous effect on the community itself and the civic pride which went with winning the championship after so many lean years was beautiful to see.

Mr. Speaker, aside from the enjoyment which we all receive from seeing professional football, there is this additional benefit from having the Redskins, a winning team, in the Nation's Capital.

Mr. Speaker, I think Congress has a responsibility to do what we can to help put the team on a more economically sound basis, particularly when we have a situation before us today which is not going to cost the taxpayers of the United States or the District of Columbia any money.

Mr. FREY. Mr. Speaker, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Florida (Mr. Frey).

Mr. FREY. Mr. Speaker, who won the Super Bowl?

Mr. HOGAN. I yield back the balance of my time, Mr. Speaker.

Mr. HARSHA. Mr. Speaker, if we are going to pay off this debt of the stadium, we have to have more attendance, more seating capacity. That is all this legislation does, is to provide additional seating capacity without obligating the Federal Government. It gives us an opportunity to raise attendance to try to pay off this debt.

Mr. Speaker, I urge the adoption of the legislation.

Mr. GRAY. Mr. Speaker, I wish to commend the very distinguished minority member of the Committee on Public Works, Mr. Harsha and also Mr. Grover, of New York, the minority member on the subcommittee, for their bipartisan interest and support of this bill.

Mr. PICKLE. Mr. Speaker, I would like to raise a point which has long been a question mark in the minds of many residents of the Washington metropolitan area. It concerns the disposition of season tickets which are returned to the Redskins because the owners are deceased, move from the city, or do not renew their seats for some other reason.

In a city in which the stadium is owned publicly, it is most unusual that there is no public accounting of the seats which are returned annually to the Redskins for disposition. At present, there are over 8,000 people on the waiting list for tickets. According to the Redskin ticket office, the number of tickets which go to the waiting list have been in the range of 25 to 50.

It strains the imagination to contemplate that the Redskins have only 25 or 50 new tickets to reassign each year. I would like to suggest that the Redskins voluntarily provide a public accounting of the tickets turned in and their disposition each year to dispel any suspicion that there is a black market or whatever we call it, operation in these highly valuable seats.

This action on the part of the team owners would go far to maintain the trust which the public invests in this fine athletic club and its stockholders.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. Gray) that the House suspend the rules and pass the bill H.R. 6330, as amended.

The question was taken.

Mr. SNYDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 98, present 1, not voting 64, as follows:

[Roll No. 150]

YEAS—270

Abdnor
Abzug
Adams
Addabbo
Alexander
Andrews, N. Dak.
Annunzio
Arends
Aspin
Bafalis
Baker
Barrett
Bergland
Bingham
Blatnik
Boggs
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burton
Butler

Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chappell
Clark
Clausen, Don H.
Cleveland
Cochran
Conyers
Corman
Coughlin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Delaney
Dellums
Dent
Derwinski
Diggs
Donohue
Dorn
Downing
Drinan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frey
Fulton
Fuqua
Giaimo
Gilman
Ginn
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Helstoski
Henderson
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kluczynski
Koch
Kyros
Leggett
Lehman
Long, La.
Lott
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Mills, Md.
Minish
Mink
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
O'Brien
O'Hara
Parris
Passman
Patman
Patten
Pepper
Perkins
Pickle
Podell
Preyer
Price, Ill.
Pritchard
Quie
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Schneebeli
Seiberling
Shipley
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NAYS—98

Beard
Bennett
Biester
Blackburn
Bray
Brinkley
Broomfield
Brown, Ohio
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Chamberlain
Clancy
Cohen
Collier
Collins
Conable
Conlan
Crane
Cronin
de la Garza
Dellenback
Denholm
Dennis
Devine
Dickinson
Dingell
Dulski
Duncan
Findley
Flynt
Frenzel
Gibbons
Goldwater
Goodling
Grasso
Gross
Haley
Hechler, W. Va.
Heinz
Hicks
Hillis
Hosmer
Hudnut
Hungate
Hunt
Hutchinson
Johnson, Colo.
Kastenmeier
Kazen
Kemp
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Lent
Long, Md.
Lujan
Mayne
Mazzoli
Michel
Miller
Minshall, Ohio
Moorhead, Calif.
Moss
Myers
Natcher
Nichols
Obey
Pettis
Pike
Poage
Powell, Ohio
Price, Tex.
Rarick
Rousselot
Roy
Runnels
Scherle
Schroeder
Sebelius
Shoup
Smith, N.Y.
Snyder
Steelman
Steiger, Ariz.
Talcott
Thone
Towell, Nev.
Veysey
Wilson, Charles, Tex.
Winn
Wolff
Yates
Young, Fla.
Zwach

PRESENT—1

Armstrong

NOT VOTING—64

Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Archer
Ashbrook
Ashley
Badillo
Bell
Bevill
Biaggi
Boland
Brasco
Carter
Chisholm
Clawson, Del
Clay
Conte
Cotter
Danielson
Davis, S.C.
Davis, Wis.
Edwards, Calif.
Erlenborn
Ford, Gerald R.
Frelinghuysen
Froehlich
Gaydos
Gettys
Gubser
Hanna
Hawkins
Huber
Keating
King
Litton
Mann
Maraziti
Mathis, Ga.
Milford
Mills, Ark.
Mitchell, Md.
Mollohan
Moorhead, Pa.
O'Neill
Owens
Peyser
Quillen
Railsback
Reid
Riegle
Rooney, N.Y.
Rooney, Pa.
Ryan
Sandman
Sikes
Steiger, Wis.
Stokes
Taylor, Mo.
Teague, Tex.
Thornton
Waldie
Ware
Wilson, Charles H., Calif.
Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Gaydos.

Mr. Moorhead of Pennsylvania with Mr. Steiger of Wisconsin.

Mr. Brasco with Mr. Sandman.

Mr. O'Neill with Mr. Gerald R. Ford.

Mr. Charles H. Wilson with Mr. Del Clawson.

Mr. Thornton with Mr. Archer.

Mr. Teague of Texas with Mr. Huber.

Mr. Ashley with Mr. Anderson of Illinois.

Mr. Bevill with Mr. Davis of Wisconsin.

Mr. Davis of South Carolina with Mr. Ashbrook.

Mr. Edwards of California with Mr. Owens.

Mr. Cotter with Mr. Conte.

Mr. Gettys with Mr. Keating.

Ms. Chisholm with Mr. Waldie.

Mr. Hawkins with Mr. Gubser.

Mr. Mann with Mr. Mills of Arkansas.

Mr. Clay with Mr. Badillo.

Mr. Litton with Mr. Ware.

Mr. Mitchell of Maryland with Mr. Danielson.

Mr. Hanna with Mr. Taylor of Missouri.

Mr. Mollohan with Mr. Erlenborn.

Mr. Reid with Mr. Frelinghuysen.

Mr. Rooney of Pennsylvania with Mr. Maraziti.

Mr. Sikes with Mr. Peyser.

Mr. Stokes with Mr. Biaggi.

Mr. Ryan with Mr. King.

Mr. Mathis of Georgia with Mr. Carter.

Mr. Young of Georgia with Mr. Riegle.

Mr. Anderson of California with Mr. Bell.

Mr. Boland with Mr. Railsback.

Mr. Milford with Mr. Froehlich.

Mr. Andrews of North Carolina with Mr. Quillen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

## WATERGATE—A TIME OF RENEWAL AND RECONCILIATION

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, I had the privilege of being in Arizona on Saturday, on which day our distinguished colleague (Mr. UDALL) received an honorary degree of doctor of laws at the commencement exercises of the University of Arizona.

The principal speaker at the exercises was Norman Cousins, editor of World magazine, who made some remarks that I think we all deserve to hear. Mr. Cousins pointed out that Americans should not be disillusioned by the Watergate affair because the scandal proves that the Nation is capable of being renewed, revitalized and regenerated.

He said that the incident should "reassure, awaken and renew" us because it shows the "ultimate power in the United States belongs not to the President but to the people."

Mr. Cousins observed that "the American system of government is vindicated today as never before," and that "it has been able to stand up to perversion of the law at the highest levels."

He also pointed out that the authors of the U.S. Constitution knew that man is "flawed," so they "might be disgusted, but they would not be disillusioned or dismayed" at the use by the government of "thugs" or "Gestapo tactics." "A vast cleansing process is at work in America today," he said.

Last night I read in the latest issue of the New Yorker magazine, a brilliant comment about the Watergate affair, which concluded in a vein similar to Norman Cousins, that far from dividing the country, the Watergate crisis is making it possible to end the "manufactured discord" that emanated from the White House and to renew the power and dignity of the Congress, the Presidency, the courts and the other free institutions that have served us well for almost 200 years. As the article says:

> The rule of fear has been broken. We may be exhausted, but we are free.

The article from the New Yorker follows:

### The Talk of the Town

#### NOTES AND COMMENT

As the days pass, it becomes clear that the Watergate affair is bringing about a sweeping transformation of American politics. Never before has an upheaval of this magnitude come upon us so swiftly. One week, a political commentator was wondering whether Watergate might not turn out to be a "political plus" for the President. Two weeks later, he was wondering whether it might not force the President's resignation or impeachment. Only a month ago, the executive branch of the government seemed poised to take full control of our nation's affairs. The opposition had been surrounded and penned in, and was being disarmed: Congress had been shouldered aside, a few more appointments to the Supreme Court promised to bring the Court into line; the President and his public-relations advisers had preempted the major channels of public discourse, so that while other voices were still free to speak they could not make themselves heard. The executive had lowered a curtain of secrecy around itself. And, although the public still did not quite believe it, the men in the White House had deeply compromised the electoral system. Their well-made plans of self-aggrandizement and usurpation were unfolding smoothly in every area. Then, in an instant, the advancing executive machine went entirely to pieces, as though someone had touched a secret spring at its back. There had been no bold campaign by an opposition camp; there had been almost no speeches, and not one demonstration. Rather, a few intrepid investigators had uncovered a few facts, and the incredible collapse began.

Where a moment earlier the men of the executive had been spreading out unchecked across a clear field of action, now a whole jungle of prohibitions and laws had sprung up around them. In a flash, all their strengths had turned to weaknesses; the dynamics of self-aggrandizement had been converted into a dynamics of self-destruction. The telephone calls to powerful friends that had once protected them now increased their jeopardy. The coverups that had kept the investigators at bay now led the investigators in deeper. All the moves designed to strengthen the White House position were now expediting its undoing. Each well-laid plan emerged as a damning conspiracy, and the better coordinated it had been, the easier the investigators now found it to follow the links from one conspirator to another. The group's cohesion had been perhaps its greatest strength, and as soon as one man deserted, suspicion seeped into every relationship and they all began to desert. A frightful metamorphosis had taken place, as though a curse had been laid on the whole group overnight. Where once silence had been so efficiently preserved, there were dozens of voices broadcasting not only the damaging truth but also any rumors or lies that might help each person save his own skin by putting his former colleagues in peril. Where once fanatical loyalty had been the rule, there was betrayal in equal measure.

The ruthlessness that these men had directed outward was redirected toward one another. Each man became both the blackmailer of his old friends and the victim of blackmail by them. The same momentum that had carried these men to the pinnacle of their power was now carrying them back down to their ruin. Even the weapons they had used in the open were blowing up in their hands; in a striking parallel to the "black propaganda" they had been so fond of (propaganda with which they attempted to discredit their foes by making them appear to have uttered damaging statements), their own techniques of vituperations against the Congress and the press rebounded to their disadvantage in the changed atmosphere. And even the arguments by which their supporters had attempted to shore up the President's position turned against him; the supporters had hinted broadly that we should not press too hard for the truth, because we could not afford to have a crippled President in the White House, but when a good part of the truth had come out, and the President *had* been crippled, the argument that we could not afford to have a crippled President in the White House weighed in on the side of his stepping down. Once the fact finders had brought out their facts, the opposition had only to stand on the sidelines and watch what the executive branch of the government would do. A few people moved quietly in the direction of the truth, and the great bully overthrew himself.

It could not have happened five years ago. In those days, the fate of an Administration in such a case would certainly have been decided along the old, "polarized" lines. The liberal Democrats would have been in the vanguard of a full-scale assault on the President. At their backs would have been "the kids," in armies of millions in the streets. Republicans and conservative Democrats, fearful of weakening a President in wartime, would have rallied to the Commander-in-Chief, and at their backs would have been the military and the police. The United States would have been lucky to emerge from the ensuing strife as a Constitutional republic. But the kids have stayed out of these recent events altogether. Having checked the progress of an unjust war, they have retired to their campuses and left the new job to elder dragon-slayers—men like Senator Sam Ervin, Senater Barry Goldwater, and Judge John J. Sirica. Their weapon has been an intimate knowledge of our Constitutional system—not a strong point with the kids, and, for that matter, not a strong point with the men of the present Administration. And once the underbrush had been cleared away by the inquiries it was not the liberal Democrats but the conservative Republicans who became the chief advocates of a full showdown. It was good ethics for the Republicans to do this, and also good politics. Republicans have no wish to be married to Watergate in the public mind for the next thirty years.

We were warned when the revelations began that if they were to implicate the President directly and thereby force us to take steps to remove him from office, the country might bog down in "mutual recriminations." A few years ago, such a warning would have made sense. But in recent weeks what has materialized before our eyes, far from being scenes of mutual recrimination, has been a succession of undreamed-of reconciliations. We have seen the President's press secretary, Ronald Ziegler, apologize to the Washington *Post*. We have seen Barry Goldwater join with liberal Democrats to call for an independent prosecutor. We have even seen President Nixon congratulate the men of the press and the judiciary (though not of the Congress) who set the stage for his present troubles. Watergate has brought us together. The deeper truth, though, is that we simply are no longer the divided nation we once were. What is there to divide us? For the public, the war is over. (One solemnly trusts that soon it will also be over in fact.) The rigid mind-sets that embittered ordinary people against each other have dissolved. The discord of the nineteen-sixties ended several years ago, and now the manufactured discord of Administration propaganda and provocation has been ended. To be sure, the scene around us is not one to gladden the heart. The neglected work of a decade that was half turbulence and half torpor has piled up on the doorstep of the public: a public that may lately have been undivided but has also been dead to the world—a public lost, for the moment, to public affairs. Now, though, a prevailing atmosphere of compulsion has been lifted from the country. The Congress is getting up off its hands and knees and onto its feet. (Its first job will be to put an end to the bombing in Cambodia and Laos.) The men on television are blinking awake; their frozen "objective" expressions are giving way to smiles and frowns. According to the latest polls, the public has begun to stir. The rule of fear has been broken. We may be exhausted, but we are free.

## A NEW DIRECTOR FOR THE FBI

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, I have been gravely concerned, as have other Members of Congress and the American public, that more than a year has elapsed since the death of J. Edgar Hoover, and no person has yet become the permanent Director of the FBI. Our experience thus far with Acting Directors has been most unsatisfactory; the standing of that great organization has suffered, its worldwide reputation has been blemished and the status of the FBI as the standard of the world for excellence in investigation has been diminished.

As a former special agent of the FBI, and as a member of the Society of Former Agents of the Federal Bureau of Investigation, I am especially concerned. The time has long since come and gone for the President to select an outstanding person to head the organization. Contrary to the opinion apparently held by a few that the FBI is the personal and private investigatory arm of the President, the FBI belongs to all the people of the United States.

At a meeting held in Cincinnati on April 28, 1973, the board of directors of the Society of Former Agents of the Federal Bureau of Investigation unanimously adopted a resolution calling upon the President to take immediate steps to select, as the permanent Director of the FBI, a person representing the highest traditions of the FBI, with the qualities of integrity, loyalty, high moral fiber, leadership, and freedom from partisan involvement which have long been the hallmark of the FBI. The text of the resolution is as follows:

### Resolution

Whereas the Society of Former Agents of the Federal Bureau of Investigation Inc. is composed of a membership of selected former Special Agents of the Federal Bureau of Investigation in excess of 5,700,

Which membership has contributed to the FBI's prestige, stability, respect and reputation for integrity and dedication to public service and

Which membership has helped earn for the FBI its exemplary national and world wide reputation, and

Whereas the prestige and accomplishments of the Federal Bureau of Investigation were gained through firm, forceful, fair and politically impartial leadership, and

Whereas the Federal Bureau of Investigation has been without a permanent Director for the past year and the continued absence of a permanent Director is not in the best interests of this nation,

Now therefore be it resolved by unanimous vote of the Board of Directors of the Society of Former Special Agents of the Federal Bureau of Investigation Inc. in meeting assembled April 28, 1973 at Cincinnati, Ohio that the President of the United States and the

Senate of the United States Congress take immediate steps to select a permanent Director of the Federal Bureau of Investigation and

Be it further resolved that such Director should be a person representing the highest traditions of the Service including qualities of integrity, loyalty, moral fibre, leadership and freedom from partisan involvement, and

Be it further resolved that the Society of Former Special Agents of the Federal Bureau of Investigation Inc. is prepared to offer its services and assistance in achieving this objective, and places itself at the call and request of the President of the United States and the United States Senate—all for the best interests of our country.

## REFUSAL TO FURNISH INFORMATION TO SUBCOMMITTEE REQUIRES AN EXPLANATION

(Mr. EILBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EILBERG. Mr. Speaker, on May 10 I informed the House that the Department of Labor had refused to supply subcommittee No. 1, immigration and nationality, of the Committee on the Judiciary, with information it needs to write new legislation to govern immigration from the Western Hemisphere.

At that time I stated that the Department's original response to the committee's invitation that it send a representative to testify was that it needed more time to prepare its statement so the committee delayed its hearing on this matter for 3 weeks.

When that time limit had almost expired, the committee was informed that the Department would not send a witness to testify because it was the Secretary of Labor's opinion that the committee had gotten all of the information it needs from other witnesses. We had previously heard from representatives of the Justice and State Departments.

I have since learned that the Labor Department's decision was based on advice from officials of the Office of Management and Budget.

There is no plausible reason for the Labor Department's decision. Certainly national security is not involved in the setting of preferences for immigration from the Western Hemisphere or establishing rules for the issuance of temporary work permits for residents of Western Hemisphere countries.

I am also at a loss to understand why the Office of Management and Budget has advised the Secretary of Labor not to permit his assistants to testify before my subcommittee unless its Director, Roy Ash, has been ordered by the White House to enforce the administration's policy of noncooperation with Congress.

The decision not to comply with the subcommittee's request is obstructing our effort to produce meaningful legislation.

We will be holding another hearing on this subject on June 6. I believe that at that time it will be incumbent upon the Director of the Office of Management and Budget and the Secretary of Labor to explain their actions.

## A SOLUTION TO THE WAR POWERS CRISIS

(Mr. REGULA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. REGULA. Mr. Speaker, I am today introducing a bill which, after very careful study, I have determined is the best solution to what many have termed the "war powers crisis" now plaguing the executive and legislative branches of our Government. The Founding Fathers attempted to avoid a centralization of power in any one branch of Government dividing the warmaking powers between Congress and the President. It appears that the power to make war as opposed to declare war has gradually centralized in the executive branch of our Government. The central purpose of my bill is to reaffirm and clarify what I believe was the intent of the Founding Fathers—that Congress and Congress alone has the power to declare war and that phrase in the Constitution encompasses the shared power "to make war."

I have studied the various bills introduced by my colleagues in the House and bills introduced in the other body and have frankly drawn upon the thoughts of several of my colleagues. Essentially, my bill is identical to Mr. DENNIS' bill with the very important exception that my bill includes in it a section delineating procedures whereby legislation to authorize the making of war or the terminating of actions begun can be moved through the Congress expeditiously.

In brief, my bill leaves it to the elected Executive of our country, the President, to determine when an emergency exists and is of such a nature that would justify the employment of the military forces of the United States at any place outside of the United States, its territories, and possessions. Absent a declaration of war by the Congress or a military attack upon the United States, its territories or possessions, the Armed Forces of the United States could not be committed to combat or introduced in any situation where combat would be imminent or likely without prior notice to and specific prior authority by the Congress.

Whenever, absent a declaration of war, or a military attack upon the United States, the President did determine when an emergency existed and did commit Armed Forces of the United States to combat, the President would be required to report such action to the Congress in writing within a 24-hour period. In the event the Congress were not in session, the President would be required to convene the Congress in an extraordinary session to receive such a report. Congress would be required to act, either approving or disapproving the President's action within 90 days after receipt of the President's report. If the Congress acted in approval of the President's action, the President nevertheless would be required to report back to the Congress at intervals of not more than 6 months detailing the progress of the hostilities involved. Within 30 days from each such report, the Congress would be required to affirm or disapprove of the President's action. If, however, the Congress disapproved of the President's action and required the discontinuance of the hostilities then those forces which had been deployed would have to be withdrawn as expeditiously as possible, but with due regard to the safety of the forces deployed and the necessary defense of the country. In all cases, should Congress fail to act, either in approval or disapproval of the action of the President within the time specified, such failure would be deemed to be approval and confirmation of the President's action. As I have stated, my bill also contains procedures whereby action by both Houses of Congress either in approval or disapproval of the President's action could be moved through the Congress in expeditious fashion.

I think a bit of history is important in explaining why I believe this bill is necessary and is the proper method of dealing with the war powers crisis.

I therefore revise and extend my remarks by inserting at this point in the RECORD the research results of a student, Mr. Ken Krantz, from Wooster College, which is in my congressional district, who spent a semester here in Washington working in my office while participating in the Wooster College Washington program:

### RESEARCH RESULTS OF MR. KEN KRANTZ

The original draft of the Constitution vested in Congress the power "to make war." It was objected that a body as large as the proposed U.S. Congress would be unable to make the day-to-day tactical decisions necessary in time of war with the necessary efficiency. A proposal was made to vest the war-making power in the Senate, the smaller body and, by virtue of its treaty-ratification power, the body more concerned with foreign affairs. Finally, the present language was adopted. Citing the need for swift action to, in Madison's words, "repel sudden attacks," the Convention made the President Commander-in-Chief of the Army and Navy. The powers of Congress, meanwhile were changed by an amendment offered by Madison and Gerry, striking the words "to make war" in favor of "to declare war." It should be noted that taking the broad power "to make war" from the Congress did not indicate any desire on the part of the Framers to give it to the President. When an amendment to do exactly that was offered, Gerry described the proposal as one he "never expected to hear in a republic" and it failed to get the support of any other delegate. Significantly, the original wording "to make war" is not to be found anywhere in the present language of the Constitution. This broad power is thus not made the exclusive province of either Congress or President, but divided between them, as part of the general separation of powers idea. What bias there was, was clearly in favor of the legislative branch. Even Hamilton, one of the early Republic's staunchest supporters of a strong executive in other areas, had this to say about the war power, in *The Federalist*, No. 69:

"The President is to be commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than supreme command and direction of the military and naval forces, as first general and admiral of the confederacy, while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies, all which, by the Constitution under consideration, would appertain to the legislature."

This statement reflects the prevailing view of the generation of American statesmen directly familiar with the writing of the Constitution. Their view, and that which prevailed through the nineteenth century was that the President was to have tactical command, as "first general and admiral," over forces committed to action by Congress. That the power was not dependent on a formal declaration of war was established in the new nation's first foreign war, the Naval War of 1798 with France. This precedent-setting conflict was, like most of those which were to follow, undeclared. It was not, however, unauthorized by Congress. Hamilton again showed what was, for him, an unusual regard for the prerogatives of Congress when he advised President Adams that "in so delicate a case, in one which involves so important a consequence as that of war, my opinion is that *no doubtful authority ought to be exercised by the President* (emphasis added)." Adams, taking Hamilton's advice, waited for Congress to act rather than moving unilaterally on the "doubtful authority" of his powers as Commander in Chief. Congressional action was forthcoming, establishing the Navy Department abrogating treaties and consular conventions with France, and authorizing the seizure of armed French vessels on the high seas.

This conflict brought, early in our Constitutional history, the issue of undeclared war, which is not dealt with in the explicit provisions of the Constitution. The Supreme Court dealt with the issue in a series of cases growing out of this war. In the 1800 case of *Bas.* v. *Tingey* the Court ruled that the seizure of a French vessel pursuant to the acts of Congress noted above was legal despite the claim by the owner of the ship that France and the United States were not officially at war. The Court distinguished between what it called "solemn" and "imperfect," i.e. declared and undeclared, wars. Imperfect wars, however, were for Congress to authorize, as it had in the French war. This point was driven home in subsequent prize cases arising from the war. Speaking for the Court in *Talbot* v. *Seeman*, Chief Justice Marshall noted that "the whole power of war being, by the Constitution of the United States, vested in Congress, the action of that body can alone be resorted to as guides in this inquiry." Finally, in the 1804 case of *Little* v. *Barreme*, the Court dealt with a conflict between the war powers of the President and Congress. The authorization noted above had included authority for the President to instruct the Navy to seize American vessels sailing to French ports. The President ordered the seizure of vessels "bound to or from French ports." The court ruled that the seizure of an outward bound ship pursuant to such orders was illegal, since such authority was not included in Congress' authorizing legislation. Thus, the Supreme Court determined that an Act of Congress under its war-declaring power was superior to the actions of the President pursuant to his power as Commander in Chief. It should be clear from these precedents that the judicially-determined legality of undeclared war, far from being the broad grant of authority to the President which it is sometimes claimed to be, is in fact an enlargement of Congress' power to declare war, from which it is inferred.

Unlike the French conflict, in which war was never formally declared by either belligerent, in the First Barbary War of 1801–1805, war was declared on, but not by, the United States. Although a state of war was thus initiated without the volition of the United States and Congressional action arguably rendered unnecessary, Jefferson felt he could authorize only defensive actions until Congress acted to authorize a counterattack. In one extreme case, an American vessel under attack fought back only until its attacker was sufficiently disabled to prevent further hostilities, and then let ship and crew escape rather than press its advantage. In requesting Congressional authorization for offensive action, which authorization was forthcoming, Jefferson acknowledged that "this important function (has been) confided by the Constitution to the Legislature exclusively."

Until the Vietnam conflict took away that dubious distinction, the Mexican War of 1846–48 was the most unpopular war in American history. It was formally declared, although under extremely questionable circumstances. President Polk, under his own authority, ordered troops into the region between the Nueces and Rio Grande rivers, disputed area claimed by both the United States and Mexico. Forces of the two countries exchanged hostilities and Polk asked Congress to acknowledge the existences of a state of war between the United States and Mexico. This was done, but opposition to the war was widespread, in Congress and throughout the nation.

After the war the House actually agreed to what amounted to a censure resolution against the President. In the course of voting a resolution of thanks to General Winfield Scott, the House accepted an amendment stating that the war Scott had won had been "unnecessarily and unconstitutionally" begun by the President. Among the Congressmen supporting the amendment were former President John Quincy Adams and future President Abraham Lincoln. The latter, commenting on the course of events by which Polk had involved the nation in war, said:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion . . . and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose. . .

"The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us."

Lincoln himself, as Commander in Chief, called for 75,000 volunteers to suppress the 1861 rebellion and ordered a blockade of Southern ports. Lincoln acknowledged that these actions, taken while Congress was out of session, were extra-Constitutional and justified only by the extremity of the emergency. Their applicability to the present debate over war powers is limited by the fact that that debate centers around foreign war, not the very different issue of domestic insurrection.

The next major foreign military engagement was the Spanish-American War of 1898, fully declared. The new century began with an engagement of less clear-cut Constitutional status. The 1900 Boxer War took place while Congress was out of session and thus had no official legislative sanction, although there was little protest when Congress reconvened. President McKinley ordered 5,000 troops to China as part of an international force to relieve the beleaguered Peking foreign delegation. Such missions of rescue have provided the rationales for a great many of the scores of overseas troop deployments in our history, but never on such a scale. The international force ended up waging a *de facto* war on the Chinese government, and an indemnity, in which the United States shared, was imposed on that government.

Since the turn of the century the United States has been engaged, in addition to the two fully declared World Wars, in a great many unilateral Presidential actions overseas, of which the most prominent have been the Korean and Vietnam Wars. President Truman committed troops to Korea pursuant to a call by the U.N. Security Council for member nations to assist South Korea against the invasion by the Communist North. This was done in accordance with Article 43 of the United Nations Charter, which provides for member nations to make available to the Security Council "on its call and in accordance with a special agreement or agreements" military resources, including troops. The Charter has the status, in U.S. internal law, of a treaty, and was duly ratified as such by the Senate. American participation in the U.N. was additionally dealt with in the 1945 United Nations Participation Act, Section 6 of which provides that, while the President may supply troops to the Security Council in accord with the "agreement or agreements" noted in the passage of the Charter noted above, the "agreements" themselves must, unlike treaties, be approved by majorities of both House of Congress.

This was not done in the case of Korea (and, in fact, no such agreements have ever been entered into between the United States and the Security Council). President Truman, in other words, ignored the "agreements" provision of Article 43 of the Charter and Article 6 of the Participation Act, and thus bypassed the role of Congress spelled out in the Act, making his action, although arguably necessitated by the urgency of the situation, of dubious legality.

There have been, generally, three different sources of authority claimed for the pursuit of hostilities in Vietnam. These are, in the order in which they will be dealt with here, the Southeast Asia Collective Defense Treaty, the Gulf of Tonkin Resolution, and the President's powers as Commander in Chief.

1. The SEATO Treaty provides that—

"Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes."

Attached to the Treaty is a Protocol in which the parties to SEATO unanimously designate "the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Viet Nam" for purposes of the above provision. Thus, by ratification of the SEATO Treaty, the United States recognizes an attack on South Viet Nam as a danger to its own security. The Treaty does not, however, automatically commit the United States to hostilities. The phrase "in accordance with its constitutional processes" makes explicit the right of each party to allow its domestic law with regard to armed hostilities to take effect. The SEATO Treaty, in short, is not self-executing (nor, according to a State Department document drawn up at the request of Senator Robert Taft, is any other treaty to which the United States is currently a party). Prior authorization of hostilities by treaty, rather than Act of Congress, bypasses the role of the House, which is not involved in treaty-making, in the war-making process. For this reason the "constitutional processes" clause found in current defense treaties is interpreted as requiring action by both Houses.

2. The authority missing from the SEATO Treaty was allegedly supplied by the 1964 Southeast Asia (more commonly known as Tonkin Gulf) Resolution. This resolution was regarded by the Johnson Administration

as, in the words of Assistant Secretary of State Nicholas Katzenbach, "the functional equivalent of a declaration of war."

Such an interpretation, although fiercely resisted by many Members of Congress, is not without merit. It is clear from nearly 200 years of Constitutional history that an Act of Congress, even if it does not formally declare a state of war, can indeed be "the functional equivalent" of such a declaration. The Resolution states that "Congress approves and supports the determination of the President, as Commander in Chief, to take *all necessary measures* to repel an armed attack against the forces of the United States and *to prevent further aggression*." "The United States is." according to another section, "prepared, as the President determines, to take all necessary steps, *including the use of armed force*, to assist any protocol or member state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

It is claimed that Congress was fooled into giving the President a blank check in Indochina and, while it is probably true that no Member dreamed of the sort of military commitment that was to result, it is also true that the reference to "use of armed force" was there for anyone to read. If Congress was deceived, it was because it allowed itself to be. Note, as an example of this, the following floor exchange between Senators Fulbright and Cooper:

"Mr. Cooper. Does the Senator consider that in enacting this resolution we are satisfying that requirement [i.e. the 'constitutional processes' provision] of Article IV of the Southeast Asia Collective Defense Treaty? In other words, *are we now giving the President advance authority to take whatever action he may deem necessary* respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?

"Mr. Fulbright. *I think that is correct.*

"Mr. Cooper. Then, looking ahead, if the President decided that it was necessary to use such force *as could lead into war, we will give that authority by this resolution?*

"Mr. Fulbright. *That is the way I would interpret it.*"

Section 3 of the Resolution provided that it could be terminated by the President on his determination "that the peace and security of the area is reasonably assured," or by concurrent resolution of both Houses of Congress. Neither of these courses was followed in the repeal, which was effected by an amendment proposed by Senator Robert Dole to the Foreign Military Sales Act which was signed by the President on January 12, 1971.

3. For the more than two years between the repeal of the Gulf of Tonkin Resolution and the Vietnam cease-fire, the only authority claimed for pursuit of hostilities has been an inherent power of the President as Commander in Chief. Since assuming office, President Nixon gradually withdrew the troops that had been placed in Vietnam by his predecessor. The Administration claim was that, as Commander in Chief, the President has the right to protect the troops which remained while the wtihdrawal was going on. This is the only authority claimed and, since the repeal of the Tonkin Gulf Resolution, the only authority the President has had. It would be perfectly legitimate if covering a retreat, the only thing the President claimed authority to do, were the only thing he were doing. Throughout the war, however, he repeatedly rejected this very policy. To compound the paradox, the President, even while claiming authority for no goal other than safe withdrawal of American troops, announced another goal, variously described as peace with honor, the right kind of peace, and Vietnamization. Devoid of rhetorical flourishes, this amounts to insuring the peace and security of the SEATO area, authority for which goal was given by Section 2 of the Tonkin Gulf Resolution. Without commenting on the desirability of that goal, it clearly has nothing to do with the purely tactical issue of protecting withdrawing troops. As Senator Sam Ervin said in opposing the repeal amendment, "the President of the United States has no power whatsoever to act as Commander in Chief in that part of the world with the exception of withdrawing the troops, if this repeal carries. It is true that he might have the inherent power to protect them as they wtihdraw. Manifestly, *his power would extend no further than that.*"

This reasoning was not widely accepted and, indeed, repeal of the Tonkin Gulf Resolution had no noticeable effect whatever on American policy in Vietnam. The President continued gradual withdrawal and the pursuit of certain policy goals (to repeat, the desirability or undesirability of those goals is not at issue here, exactly as before. If the presence or absence of Congressional authorization has no effect on the existence or conduct of hostilities, the logical inference is that Congressional authorization is unnecessary, and at best redundant. This is a far cry from the days when the "whole powers of war" were regarded as being vested in Congress and it should be evident from even this extremely brief review that this doctrine of inherent powers is at a variance with traditional Constitutional interpretation. If the President's authority to wage war is unaffected by any consideration of whether or not Congress has authorized it then, in Lincoln's words, "Study to see if you can fix any limit to his power."

---

## HOW TO HOODWINK CONGRESS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, it has been almost a year since the loudly ballyhooed "TRANSPO '72" exposition folded its tents at Dulles International Airport, but the memory lingers on.

It may be recalled by some around here that this monumental boondoggle started back in the 91st Congress when the TRANSPO promoters told us the exposition would cost $750,000.

Then they came back and said to us that their exposition would actually cost $5 million. I recall that I remarked on December 6, 1971, when the $5 million authorization bill was before the House, that somebody in the bureaucracy had a real T-bone steak appetite.

Of course, the Congress rolled over and played dead for the Department of Transportation, which put on this colossal mess.

But what the Congress did not know was that the TRANSPO promoters were actually engaged in writing a textbook on how to deceive the Congress.

In March of 1972, and because I detected an unsavory smell coming from the Transportation Department in connection with TRANSPO, I asked the Comptroller General of the United States to undertake an investigation of certain aspects of it.

I have today received his report and in it you will find a blueprint on how to hoodwink not only the Congress but the American people.

The General Accounting Office states that whereas the Department of Transportation told Congress that TRANSPO would cost about $8.78 million, it has already cost over $20 million and is likely to cost an additional $1.5 million before the books are closed.

In my request to the GAO I noted that inattention to the project within the Transportation Department, and the crash basis on which TRANSPO planning finally got underway, might well lead to waste and violation of Government procurement regulations.

The GAO fully corroborates my fears.

The TRANSPO bureaucrats awarded contracts for almost $9.5 million worth of goods and services and the GAO states that:

> Competition for most procurements we reviewed was restricted or nonexistent or that procurement procedures and practices did not adequately insure that fair and reasonable prices had been obtained.

It was discovered that TRANSPO officials permitted an "unreasonably short time" for preparing and submitting bids. The need for goods and services was not published in the Commerce Business Daily, where industry customarily learns of Government contracting opportunities. Additionally, TRANSPO officials contacted "only a small group of contractors," thus severely limiting competition.

The GAO report discusses three illustrative cases in which TRANSPO officials spent far more money than was necessary because they had simply goofed around for months instead of taking timely procurement action, or because they simply did not know anything about Government procurement.

For example, in trying to award a contract for a business center building, TRANSPO bureaucrats, having first failed to take timely action, finally awarded the contract to a marginal joint venture which the bureaucrats know was marginal.

The building blew down a month before the exposition was scheduled to open, the contractor defaulted, and another firm was hired to clear away the wreckage and install prefabricated units on the destroyed building's foundation.

Having waited until the last minute, TRANSPO officials asked bids for fencing it estimated would cost $82,000. It received two bids, the lowest of which was $170,000. The officials accepted the low bid "because of time limitations."

The total lack of concern for the public's money that obviously pervaded this project is illustrated by one TRANSPO official's comment to the GAO that "if time had been taken to obtain contractors' cost or pricing data and make detailed cost analyses, TRANSPO would not have opened on time."

The General Accounting Office report also details the muddled manner in which the Department of Transportation went about organizing this exposition. Only 9 months before TRANSPO was to open, internal memorandums complained of such problems as lack of staff.

> We frequently encounter delays or outright refusals for staff assistance we request from (the Department) and operating administrations, with disastrous results to deadlines which cannot sustain further slippage.

TRANSPO officials planned on siphoning money and personnel from other Federal departments and agencies to pay for the cost of the exposition, but they carefully refrained from telling the Congress of their plans.

It is interesting to note—again from internal memorandums—that the rest of the Federal Government simply was not interested in TRANSPO until a great deal of arm twisting was done.

For example, a memorandum of February 28, 1971, states that:

> We continue to be hampered in our overall operations by the apparent lack of understanding by operating administrations and offices outside FAA (Federal Aviation Administration) that the exposition is a Department-wide undertaking and as such, necessitates their contributing on a nonreimbursable basis certain in-house support and resources required to properly develop and stage the exposition.

In September of 1971 the managing director of TRANSPO complained that "our major problem is really that few Federal agencies realize the significance of TRANSPO, or seem to be willing to participate even as exhibitors."

Another memorandum that same month states that:

> In too many areas, our request (to other federal agencies' are treated as matters of annoyance, rather than matters of high priority.

Then came the arm twisting and the GAO states that TRANSPO ultimately received total Federal support in excess of that initially reported to the Congress in November of 1971 when TRANSPO officials were seeking more money.

To illustrate just how many arms were twisted, the GAO provides a list of the Federal agencies that contributed money or manpower to TRANSPO. It is too long to use here in its entirety but it includes such outfits as the Departments of Health, Education and Welfare; Agriculture, State, Commerce, Justice and Treasury.

Also included is the Coast Guard, U.S. Travel Service, Smithsonian Institution, and the government of the District of Columbia.

Their "contributions" were made under a bewildering variety of laws and Executive orders of the President.

Where these various Federal agencies got the excess money I will leave to you. It is obvious to me, however, that they were over-funded by Congress in the first place.

It will be remembered that much of the excuse for this exposition centered around glowing promises that the sales it would generate would all but eliminate our balance-of-payments problem.

Well, the GAO had a word to say about this, also.

It says that the Transportation Department has not determined the economic impact of TRANSPO but it did what bureaucrats favor above all other actions—it hired a consulting firm to find out.

The consultant sent out a survey to some exhibitors which the GAO said was virtually meaningless because "its timing, and the methodology are not good bases for estimating the potential for sales. Exhibitors were invited to reply anonymously, and they did so; thus, there was no way to determine whether the replies used were from exhibitors who sufficiently represented all exhibitors."

The consultant said his survey showed a potential for $82 million in sales. By projection, he estimated TRANSPO would generate a total of $178.2 million in sales for U.S. firms.

But when the GAO questioned the consultant, he "was unable to reconstruct the makeup of the $82 million in reported potential sales or to fully identify which replies to—his survey—were used."

In other words, the consultant could just as well have pulled his potential sales figures out of thin air.

Mr. Speaker, as I said in the beginning, this TRANSPO project—as shown by the General Accounting Office—is a master blueprint in how to hoodwink the Congress.

I have heard rumblings from the empire builders down in the Department of Transportation that another TRANSPO would be a nice thing to have. I sincerely hope the Members of this House will bear the last one in mind when these bureaucrats come marching up the Hill with their hands out.

---

## SUMMER NEIGHBORHOOD YOUTH CORPS PROGRAM

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, I take this time to discuss a matter of critical importance, because I do not know of anything that is more important than keeping our youngsters in school. Last year the Congress saw to it that 753,000 young men and women were employed in the summer Neighborhood Youth Corps programs. Since then however, we have had to suffer through the administration's confusing double talk and budgetary girations regarding these programs for the coming summer.

Mr. Speaker, there is no confusion at the local level. The administration's maneuvering is coming across in congressional districts across the Nation in clear and unambiguous terms. It is simply this—there will be no jobs available for thousands and thousands of young people this summer.

I am talking about ambitious hardworking young boys and girls for whom a summer job is of vital importance. For many in my congressional district and I am sure elsewhere, having a summer job may very well be the difference between forced to drop out of school and continuing in school.

A report from one of the largest county school systems in my district indicates 10 to 20 percent of those who should be participating in the summer employment program may drop out of school if they have no summer employment. In another large county school system in my district, 340 young boys and girls were employed last year in the summer program. Under the administration's scheme of funding, they will be lucky if they have 10 or 15 employment opportunities this summer.

Mr. Speaker, we have already appropriated $239,000,000 for the summer program. However, the budget submission in January asked that these appropriated funds be rescinded. The House has rejected that request. The chairman of the Appropriations Committee stated at that time:

> It is our definite intent that there should be a summer youth program just as there was last summer.

I concur fully with Chairman Mahon's statement and I urge every Member of this House to join in a concerted effort to see to it that these appropriated funds are spent for the purposes intended by the Congress.

At the same time, we must recognize that this amount is far less than what is needed. It is almost $100,000,000 less than the amount available last summer and it will be far short of what we know to be the national need. An extensive survey shows that more than a million job opportunities will be needed for the summer, aproximately double of what could be provided with the amount already appropriated.

I understand, Mr. Speaker, that an effort will be made in the other body to add moneys to the second supplemental appropriations bill specifically for the summer program. I applaud this effort and, if it is successful, I urge the House to concur.

I believe the matter to be of such critical importance, Mr. Speaker, that I urge also that we take the initiative here in the House. We have had an urgent supplemental bill to provide funds for veterans' programs and to provide funds for student assistance programs for needy college students.

The school year is drawing to a close and today and tomorrow, this week and next week, young people will be looking for employment opportunities. The urgency of this matter cannot be exaggerated, and I believe we must move as rapidly as possible to see to it that there is an adequate program available.

---

## LE CABINET—C'EST MOI

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, did Secretary of Defense Richardson declare that we shall continue bombing Cambodia regardless of what action the House of Representatives takes on transfer of funds?

Has he obtained the legal opinion of the Attorney General-designate Richardson on the legality and constitutionality of such action? Perhaps Attorney General-designate Richardson will base his opinion on comments by Secretary of Defense Richardson—resulting from earlier remarks of Under Secretary of State Richardson—in a conversation with Secretary of Health, Education, and Welfare Richardson.

Le Cabinet—C'est Moi.

## HON. JEANNETTE RANKIN

(Ms. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ABZUG. Mr. Speaker, I wish to pay tribute today to one of the great ladies of the peace movement and the women's movement. Jeannette Rankin, who died last Friday at the age of 92, was the first woman ever elected to the U.S. Congress. In the early 1900's she was a leader in the suffragist movement and later became field secretary of the National American Women's Suffrage Association. She established a precedent by addressing the Montana State Legislature on the subject. Two years later, Montana passed a suffrage law—6 years before the constitutional amendment gave women the vote. Ms. Rankin said she ran for Congress to repay, and to represent, the women who had worked for suffrage.

She then became an outspoken critic of current election procedures, urging greater diversity among candidates. She said:

> Now we have a choice between a white male Republican and a white male Democrat.

All her life she worked to make the Congress more truly representative.

She will also be remembered as the only Representative who voted against the Nation's entry into both World Wars I and II. Whether or not one agrees, one must respect the consistence of her lifelong conviction that violence has never solved human disagreements.

In 1968, when she was 88 years old, Ms. Rankin led the Jeannette Rankin Brigade in a massive march of women to Capitol Hill, protesting the war in Vietnam. She said:

> The people aren't really for war, they just go along, but war is evil and there is always an alternative.

Throughout her life she continued to work for that alternative, writing letters, making speeches, organizing citizens to work against war and discrimination. She has been a source of strength and inspiration to all of us and she will be sorely missed.

I am planning to introduce a resolution asking that the Postal Service issue a Jeannette Rankin stamp, to commemorate her long and useful life.

---

## THE OMB BILL VETO: MORE SECRECY AND COVER-UP, OR PUBLIC BUSINESS CONDUCTED PUBLICLY?

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, on the opening day of this session of Congress, I introduced H.R. 204, to require Senate confirmation of the Director of the Office of Management and Budget.

There was abundant reason for enacting the measure on that date.

Happenings since have made it mandatory.

Congress is now confronted with President Nixon's veto of such a bill.

In view of the current events, his veto is shockingly inappropriate and wrong; wrong for the President, wrong for Congress to accept, and wrong for our country.

With continuing daily developments causing public distrust of the President's staff, with two former Cabinet members under indictment, and with widespread distrust of the President's judgment in personal matters, it is mandatory to restore the people's confidence in government by conducting public affairs openly, and for the Senate to examine major appointments to reassure the people of this Nation that we are getting good men in high positions. That is always the best course. It is absolutely imperative right now.

In the case of Mr. Roy L. Ash, the present Director of the Office of Management and Budget, the necessity for open hearings and Senate confirmation is heightened because serious questions have been raised as to the disposition of his stock in Litton Industries, which he formerly headed, and as to his attitude toward Litton's huge excess cost claims against the Navy Department.

For Mr. Ash's benefit, as well as the public, he deserves the opportunity to lay out publicly his relationship to Litton, his ability to be completely objective in relation to matters that concern the company, and to answer all other normal inquiries that high Government officials should be asked before gaining Senate confirmation.

The President's veto of the bill requiring this in the case of Mr. Ash, probably unfairly, raises a question and casts a shadow over his qualifications for the job and why he should be exempted from the usual confirmation procedure. It must be assumed that Mr. Ash would successfully pass the Senate screening, and thereby lay to rest publicly any possible doubts about his fitness for the position, creating public confidence that a completely acceptable and competent individual is taking this high post.

The President, perhaps without sufficient consideration of the public's right to know, or sensitivity about public confidence in government, has, by his veto, advocated a denial of public examination through Senate hearings on Mr. Ash, his continuing interest in his former company, Litton Industries, and his attitudes toward their huge claims against the Defense Department.

The President has made a mistake which should not be compounded by sustaining his veto. Congress will serve him well by overriding the veto and getting government back out in the open.

At the time I introduced H.R. 204, Watergate was considerably less of a scandal. Top Presidential assistants had not resigned under fire. Two former Cabinet members had not been indicted.

I introduced the bill because I felt that it was Congress' constitutional right and obligation to pass on any appointee to such a high office, particularly if its Director was to be endowed with the authority to abbreviate, modify, or even terminate programs which Congress had approved and directed.

The second part of section 2 of article 2 of the Constitution of the United States, dealing with the Presidency, reads:

> He (the President) shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Part 3 of section 2, article 2 of the Constitution provides for the President to fill vacancies during a recess of the Senate.

It is clear that the Constitution expects Congress to examine and approve the appointment of the major Officers of the Government and that has been the practice throughout our history. It is a responsibility of Congress—not just one of its powers—to advise and consent on the appointments of major Government officials.

Congress did not require confirmation of the Director back when the Budget Bureau was first established because it was assured that this was only going to be a bookkeeping agency which would, in addition, prescribe efficient bookkeeping and office management practices but would have absolutely nothing to do with policymaking.

Congress was then warned that the Bureau might one day come between Cabinet members and the President, arrogating policymaking powers, but this was denied.

As we all know, the Office of Management and Budget has done exactly what was predicted. Even Cabinet members must go to it to get funds to carry out congressional directives. It has become the agency which impounds moneys, abbreviates and terminates long-established Government programs, even telling members of Congress at times what policy is going to be.

I have a rather typical letter from OMB Director Caspar Weinberger, laying out Government policy to me without any ifs, ands or buts. I had written Mr. Weinberger about release of water and sewer grant funds for one of my cities.

Mr. Weinberger's letter back advised me:

> The provision of water and sewer services has always been regarded as strictly local government responsibility—just like fire protection. In fact, prior to 1966, localities provided these facilities entirely on their own, as a matter of course.

He also advised me:

> The water and sewer program has been terminated, effective January 5, 1973, and no further commitments will be made by HUD.

Thus spake Caspar Weinberger, Director of the Office of Management and Budget, in January 1973, pronouncing policy and telling a Member of Congress what would and what would not be done by the Government. He did not say the President had ordered the water and sewer program terminated. He wrote as

Director of the Office of Management and Budget, telling a Member of Congress what Government policy was.

I wrote back and inquired of Mr. Roy Ash, who succeeded Weinberger on February 2:

> Am I to interpret from this very positively phrased letter that Congress has nothing to say about this?

Mr. Ash was somewhat less high and mighty about the subject in his reply, and it might develop in Senate hearings that he has a better grasp of the basis and extent of his power and authorities than Mr. Weinberger appeared to have.

Certainly that should be determined.

In all events, it is apparent that the President has delegated a high degree of policymaking to the Director of OMB, just as Presidential powers are delegated to Cabinet members, and the Director obviously should be confirmed as the Constitution intends.

It is hard for me to conceive of any Member of either the House or Senate voting against conducting public business out in the open at any time.

It is far less conceivable that any Member would cast such a vote during this crisis of confidence in Government to protect a man whose qualifications, rightly, or wrongly, have been questioned.

A vote to sustain President Nixon's veto will be another waiver of the responsibility of Congress to assure the open conduct of public business and prevent cover-up at a moment when the very worst aspects of cover-up dominate our people's minds.

It will be a vote against Congress accepting its responsibilities even in a crisis period.

Our form of government is on trial.

Are we going to make the checks and balances work or let the Executive, in the face of the worst scandal in our history, exercise completely unchecked power.

---

## THE UNITED STATES IN SPACE—INTERNATIONAL COOPERATION AND ACHIEVEMENTS

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, in a few days Congress will be asked to consider the NASA authorization bill for fiscal year 1974. The information I am presenting today represents the fourth article in a series of six which will discuss the United States in space. It is my sincere hope this background I am providing will offer my colleagues a fuller understanding of this country's commitment to space—a commitment leading to a better tomorrow.

Today I want to talk about the field of international achievements and international cooperation—two areas in which our space program has had a highly beneficial impact.

I believe most of my colleagues are aware that the National Aeronautics and Space Administration's international activities are based on the National Aeronautics and Space Act of 1958 which provides that U.S. space activities be conducted so that they contribute materially to cooperation with other nations and groups of nations. NASA's record over the past 15 years in meeting this objective has been nothing less than spectacular.

NASA has entered into more than 500 agreements for international space projects; orbited foreign satellites; flown foreign experiments on its spacecraft; participated in more than 800 cooperative scientific rocket soundings from sites in all quarters of the world; and involved more than 340 experimenters from 20 foreign nations in the analysis of lunar surface samples.

One way to convey an impression of the variety and substance of NASA's international space activities is to briefly review their place in the agency's program during the last calendar year. Of the 19 spacecraft NASA put into orbit in 1972, all but three had some significant international aspect and only one lacked any international envolvement. The missions of these satellites ranged from purely scientific to purely commercial.

Aeros, for example, was a German-contributed satellite designed to investigate the sun's influence on the upper atmosphere.

Telsat–A, a Canadian domestic communications satellite, is an example of a purely commercial satellite launched last year.

As a specific outgrowth of international space cooperation, consider the following activities. Today data from U.S. weather satellites is provided daily to 70 countries around the world. In another field, major satellite ground stations in a dozen countries have participated in the experimental testing of communication satellites. Earlier work in this area was the forerunner to our present 83 nation Intelsat commercial communication satellite network. And, just as significantly, foreign nationals participate extensively in the operation of NASA's overseas tracking and data acquisition facilities.

In terms of NASA's second major field of endeavor, aeronautics, cooperative aeronautic projects have been carried out with the Canadian, German, and British agencies. This work has contributed importantly to the development and testing of a variety of new and advanced V/STOL aircraft.

From this brief highlight we can appreciate the number and diversity of international projects and agreements to which NASA has been a party. But I also wish to make abundantly clear the benefits both the United States and our cooperating partners have derived from these international efforts.

The results of this work can be evaluated and measured in a number of ways. To me, one of the most exciting aspects of our international programs is that of the cost savings.

Telsat–A which I mentioned earlier was one of six satellites launched by NASA for international organizations or foreign governments on a reimbursable basis.

In these cases NASA launches the spacecraft into orbit for a fee covering our costs and overhead. The majority of the launchings in 1972, however, involved international participation on a fully cooperative basis; that is, with no reimbursement by either side to the other.

Germany's Aeros satellite, launched last December, is an excellent example of this type of cooperation.

Aeros was proposed, designed, built, and instrumented by Germany at its own expense. In consideration of the satellite's contribution to our program objectives, NASA contributed the launch vehicle. Thus, we received a cost-free satellite—valued at about $30 million—and Germany received a cost-free launch—valued at $4 million.

Nimbus E, OAO–3, and Pioneer 10 are just three of the many satellites launched last year on which experiments designed by other nations were flown by us with no reimbursement from either side.

In the Nimbus case, for example, an instrument was contributed by Great Britain which makes it possible to collect temperature profiles down through the atmosphere on a global basis. The instrument represents an extremely important advance in weather research and yet it was contributed by the British at no cost to us.

Cooperation of a different sort is provided by Brazil, India, and Norway. These countries are responsible for the extensive range support required for sounding rocket projects.

Naturally there are also profound scientific benefits in this field of international cooperation. Over the past few years, NASA has witnessed an amazing increase in the mission sophistication of foreign countries requesting "payload space" on NASA experimental flights.

This is a direct result of the foreign experimenters being required to compete with one another in flying their instruments on NASA satellites. Furthermore, we are now seeing an era in which the foreign experiments flown are providing wholly new data.

When other countries first joined with NASA to gain launch support, many of the missions were duplicative or of questionable value. More and more, however, experiments such as being flown on the German Aeros satellite or on the three European Space Research Organization—ESRO—scientific satellites which we launched last year represent real advances in scientific experimentation.

A very recent example of this Nation's international space cooperation program is the work of the foreign scientific and technical community under NASA's post-Apollo project—the space shuttle.

First, NASA undertook a major international indoctrination program to determine the interest of countries around the world in participating with NASA in this project. The countries of Western Europe, as well as Canada, Japan, and Australia thus became prime participants in NASA's management reviews to gain the planning information necessary for a decision on committing funds.

As it now stands, a number of ESRO member states have indicated their intentions of financing the development of the space shuttle's sortie laboratory module, or spacelab as the Europeans call it.

It has been estimated that the sortie

module will cost between $250 and $300 million, to be funded by the participating ESRO states in return for flight space aboard the shuttle and for other considerations.

European participation in the shuttle program will have a major economic impact on both the European and the U.S. space programs. The sortie module will be developed at no cost to us, and Europe, with ready access to a launching system, may be able to defer its costly launcher development program.

It is also significant to comment upon the particular fields of space study which have been chosen by our international partners.

Similar to the emphasis we have seen by NASA in applications programs, much of the international activity has also been focused on this area. As I discussed in a previous article, one of the most far-reaching application ventures is with India.

In 1974, NASA will make available the ATS–F experimental satellite to India to conduct an experiment in instructional TV broadcasting to some 5,000 remote Indian villages. Moreover, through our earlier work with this nation, India will assume total responsibility for the construction of ground transmitters, the design and production of augmented TV receivers, the planning of instructional programs, and the complete logistics required to implement and support all elements of the system.

I have also previously discussed NASA's first earth resources technology satellite—ERTS–1—but that discussion largely ignored the satellite's vast international implications.

As I see them, the international implications are twofold:

First, the satellite's mission is to gather experimental data which may lead to a system for managing the world's resources on a global scale.

Second, 105 of the 320 experiments onboard ERTS were contributed by scientists from 36 nations.

I am very pleased and encouraged both by the early reports of ERTS's success and by the large number of foreign nations participating in the project.

More than any other space project, ERTS has given me confidence that NASA will achieve its goal to make space a place where men of all nations can work together to improve conditions here on earth.

And what is most important about ERTS is that it is gathering data to help solve some of the world's most pressing problems. Among other things, ERTS's sensors are identifying land areas most appropriate for agricultural development, geological formations indicative of mineral and oil deposits, diseased crops and forests, and sources of air and water pollution.

ERTS's sensors know no national boundries; the technology is available to any nation that wants to use it.

In still other applications areas, NASA is presently reviewing a proposal to launch a French synchronous meteorological satellite as a joint contribution to the international global research program.

Perhaps of more immediate interest is work being done by NASA in bringing together the world's major commercial air carriers to consider implementation of a global air traffic control and navigational satellite system.

Establishment of such a system will not only bring greater economies in operation to the carriers, but offer the elements of greater safety and convenience to the individual air traveler.

Finally, one of the major contributions to international peace and understanding is the United States-Soviet Apollo-Soyuz test project—ASTP—to take place in mid-1975.

ASTP will test the rendezvous and crew transfer capabilities of the United States and Soviet manned spacecraft, but the real meaning of the project goes far beyond the mission objectives. Besides helping to relax East-West political tensions, a successful mission will pave the way to future joint activities which should help both countries gain more in space than they would from separate programs.

ASTP has its origins in the long standing NASA effort to engage the Soviets in a meaningful discussion of the possibilities for cooperative space projects.

ASTP is the most important project agreed upon, but a number of other agreements have been reached which have helped establish a good working relationship and have saved both countries a considerable amount of duplicative effort.

For instance, we have exchanged detailed physiological data from the Soyuz-Salyut and Apollo programs, as well as data from the 1971 United States and Soviet missions to Mars. We have also exchanged lunar samples and continue to work on a common system of lunar coordinates.

In the area of space applications, we have exchanged meteorological data from meridional sounding rocket networks in the Eastern and Western Hemispheres, and have conducted a joint program of microwave measurement of surface phenomena in the Bering Sea.

In summary, when the United States investigated the possibility of space agreements with the Soviet Union in the early 1960's the effort produced only a modest exchange of weather pictures.

With Russia demonstrating an increasingly impressive capability in space and building confidence in her program, the hope is greater than ever that fruitful cooperative efforts between the Soviet Union and this country will continue.

It is vitally important for this Congress to recognize that NASA has established, through its international programs of the sixties a broad base of institutions, facilities, competence, and patterns of cooperation from which it can move forward in the future. NASA is engaged in major new efforts to increase international cooperation in the seventies by extending its activities with the other nations of the world, to include participation in the development and use of the space shuttle and in the experimental development of new applications of space technology.

The NASA objective is also to bring about a greater sharing of both the costs and the benefits of the exploration and utilization of space and to seek new paths of cooperation with the Soviet Union.

Progress as in all matters involving international agreement, will take time, but the next few years should see major advances in international space cooperation far beyond the substantial achievements of the 1960's.

Perhaps through such cooperation and collaboration, a greater common understanding can be achieved that will enable us to solve pressing political, as well as technological, problems.

---

## CUBAN INDEPENDENCE DAY

The SPEAKER pro tempore. (Mr. MCKAY). Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 30 minutes.

Mr. FASCELL. Mr. Speaker, yesterday, May 20 marked the 71st anniversary of the Republic of Cuba's independence. I believe that it is appropriate that we take this time today to commemorate that historic achievement of the Cuban people and to express our hope that soon they will again be a free and independent nation.

Cuba's first independence day, May 20, 1902, must have been a joyous occasion indeed for it marked the end of a decade of a long protracted and often bloody struggle for freedom. The fact that the effort eventually succeeded in the face of strong Spanish opposition was a credit not just to such brilliant patriotic leaders of the revolution as Maximo Gomez, Antonio Maceo and Jose Marti but above all to the Cuban people themselves whose perseverance in the cause of freedom was a source of inspiration to many in this country and around the world. For our part, we in the United States can be justly proud of the support we gave to the Cuban people in their hour of need.

Today our celebration of Cuba's independence is muted by the realization that the lamp of liberty no longer burns on the island. It has been snuffed out by Fidel Castro. a leader who came in the name of freedom and justice, but who betrayed those ideals and his nation's heritage once he assumed power. But while our commemoration is a quiet one it is not a hopeless one for the very qualities of dedication to democratic ideals and of perseverance in the face of overwhelming obstacles which produced the first Cuban independence day give us hope that eventually liberty will again become the birthright of every Cuban.

In recent months there has been increasing discussion of the need for a review of this country's policy toward Cuba. While I respect those whose views differ from my own, I want to take this opportunity to reiterate my own opposition to any basic change in our policy toward Cuba at this time. Fidel Castro continues to support subversion in this hemisphere not just with rhetoric but with deeds. He continues to pursue an unremitting policy of hostility toward the United States, a policy often characterized by crude vilification of this country and its leaders. In short, Castro seems to have absolutely no desire whatsoever for better relations with the United States but chooses instead to ever more closely ally himself with the Soviet Union without regard to the long term implications of Cuba's growing dependence on a nation alien in tradition to Cuba and without any long term need to support such a distant and costly client.

Mr. Speaker, while I do not support any basic change in our Cuban policy, I do not believe that our policy must remain static in the face of unrelenting hostility from Cuba. The world changes and, in so far as possible, the United States and Cuba must continue to adjust to it in our limited relations with one another. In the past, for example, I supported the agreement with Cuba that, until recently, allowed tens of thousands of Cuban refugees to come to the United States and I supported the recent agreement to deter aircraft hijackings. Today I would like to propose that the United States and Cuba explore one further modification in our relations to allow visits by Cubans living in the United States to their families and friends in Cuba and, if agreeable to Cuba, to allow similar visits to the United States. As part of such discussions, the United States might also consider modifying its policy toward attendance by Cuban representatives at technical conferences in the United States, particularly in areas of humanitarian concern such as medicine.

Relations between governments must be based on each nation's perception of how its own interests will best be served. Often such perceptions lead to policies of mutual hostility and frigidity but there is no reason why such national policies must impinge with unnecessary harshness and cruelty on the individual ties of blood and affection which are at the heart of the human experience. East and West Germany have been able to allow Berliners to renew their familial ties and I believe that the United States should initiate steps to allow its Cuban residents to continue on a personal basis their family relationships.

Mr. Speaker, while I am not optimistic that Cuba will soon rejoin the ranks of the free nations of this hemisphere, the recollection of the 1902 triumph of human dignity and liberty in Cuba gives us all hope that in the not too distant future we in this Chamber will be able to pause some May 20 and extend greetings to the citizens of a free and truly independent Cuban nation.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to my distinguished colleague, the gentleman from Florida.

Mr. ROGERS. I thank the gentleman for yielding. I want to commend the gentleman and join with him in his statement commemorating the 71st anniversary of the independence of the Republic of Cuba.

Mr. Speaker, it is with a sense of sadness and irony that we take this time today to commemorate the 71st anniversary of the independence of the Republic of Cuba. It is the thousands of refugees living in this country who can truly celebrate this independence day, while with great sadness 8.2 million countrymen must remain behind, in truth captives in their own land.

And it is with a sense of irony that we commemorate the independence of a once proud country, which is now ruled at the whim of the strictest of dictators, and which has become economically and politically dependent on the most aggressive and powerful of totalitarian systems, the Soviet Union.

But I would submit, Mr. Speaker, that the proud spirit which enabled the achievement of independent rule in Cuba after decades of struggle, and which pervaded 50 years of independence before Castro, is still very much alive in the hearts of millions of Cubans. It is this spirit of fierce independence which drives the victims of Castro's rule to take to tiny boats and rafts in the middle of the night on the perilous 90-mile journey across the Straits of Florida. And I would suggest to anyone skeptical of this spirit that they visit Key West, and examine the frail crafts which have served as these people's vehicles to freedom.

As we take this time today to stop and mark the anniversary of Cuba's independence, I look forward to the day when this spirit of independence and pride as a people will once again prevail in a free and prosperous Cuba.

Mr. FASCELL. I want to thank my colleague, the gentleman from Florida, for his remarks and for joining in this commemoration of Cuban Independence Day. The gentleman has long been a close and knowledgeable friend of the Cuban people and he has always been in the forefront of those in the Congress kowledgeable about Cuba in particular and Latin American affairs in general. I think it is fair to say that both of us from Florida are very close to the matter not only because of geography but also because of the tremendous influx of Latins, Cubans and others, who have become such an important part of our communities.

Mr. ROGERS. I concur with the gentleman from Florida. They certainly have been hard-working and industrious people and have made a real contribution.

I want to say also that the gentleman has exerted leadership in this area and in this particular work in the Foreign Affairs Committee. I think it has been a real credit to the House to have someone of the gentleman's caliber to help us formulate policies and help bring about the independence of Cuba. I join the gentleman in his comments and associate myself with his work.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. The two gentlemen from Florida who have been discussing this matter are recognized as the two leading experts in this Congress in the matter of Cuban independence and Cuba. We, in Louisiana, have also felt and have seen in many areas of our every day industrial and commercial life the contributions these people have made who have come, usually by way of Florida, into Louisiana. The contributions they have made have been helpful to our economy and to our culture in Louisiana.

I am not nearly as knowledgeable on this subject as the two gentlemen from Florida, and I wonder if they could give us the benefit of their thinking about what the situation really does look like now. Do we see a movement getting started or do we see perhaps a little movement of the leadership and present administration in Cuba toward a closer relationship with the United States?

Mr. FASCELL. I will tell the distinguished gentleman from Louisiana I appreciate his asking the question at this time. It is an important and valid one. As far as we can detect, both from our own information and from what is coming to us by radio and press from Cuba itself, there is absolutely no disposition on the part of the present administration of Cuba and its leaders at this time to do anything with respect to a change in posture toward the United States. This seems especially true as far as the very important substantive matter of Cuba's support for subversion in the hemisphere. That is at the root of the problem.

Mr. LONG of Louisiana. If the gentleman will yield further, those of us who follow this on a peripheral basis rather than a day to day basis, as the man in the well, the gentleman from Florida and the other gentleman from Florida do, I think have noticed two things that perhaps would lead us to believe some progress is being made in this regard. One is I have seen recently in national publications articles that were favorable toward the economic progress that Cuba is making and the economic plight of individual Cubans as distinguished from what their situation was prior to the present regime taking over, which sort of surprised me.

The second is the fact that the willingness of the Cuban administration, the Cuban Government, to at least discuss, perhaps through a third party, but discuss with the United States the matter of air hijacking and the returning of hijackers. Will the gentleman be good enough to comment upon these?

Mr. FASCELL. Mr. Speaker, let me take hijacking first. I would have to agree with the gentleman from Louisiana that those of us who are all involved and concerned about hijacking as such and other terrorism around the world, welcome that agreement with Cuba. It is a clear example of how two adversaries or two governments hostile to each other on a whole range of subjects, can find agreement because it is in their mutual national interests to do something about a subject such as hijacking.

Mr. Speaker, I think that that is definitely a plus. It is in that same vein, for example, that I suggest we might go on and continue in a humanitarian way by allowing families to visit each other because of the heartlessness that is involved there. I think it is a matter which we ought to reconsider.

Mr. Speaker, on the other subject, let me say to the gentleman from Louisiana that there is considerable dispute about the economic benefits which have resulted from the totalitarian political system in Cuba. The best judgment I can make after reading the contrasting views on this subject, and trying to be as objective as possible, is that economically the Cuban political system has been an outright failure.

They have achieved some of their objectives in the sense that they have run gringo, or North American, investment and political and economic power out of the island. If that is a plus, they have been successful. The only thing is that they have done it at the price of imposing upon themselves another totalitarian system, namely, the Russian system and substituted for their ties with the United States an even heavier reliance on the Soviet Union.

As far as individual benefits for the campesino are concerned, that is the clear test. I doubt that this man is really any better off except in rhetoric and some ideology. He is still standing in line and not getting the benefits. He still does not get what he has to have for a day's work.

Besides that, Mr. Speaker, all of his freedoms have been curtailed. He has a block leader in every block who reports on every single family. It is a horrible price to pay, and I doubt if the economic benefit is anywhere near worth paying that kind of price.

Mr. LONG of Louisiana. Mr. Speaker, I thank the gentleman.

Mr. ALBERT. Mr. Speaker, I am pleased to join with the distinguished gentleman from Florida and our other colleagues in commemorating the anniversary of the independence of the Republic of Cuba. Cuba's independence was not achieved without tremendous struggle, enormous sacrifices, and extreme dedication to the principle of freedom.

The United States was deeply involved in the Cuban quest for independence, and it is fitting that we in the House today recall this great event in history. After the Spanish-American War, the United States took on the responsibility for helping to rebuild a land and people ravaged by war. At that time the fields were without crops; the houses and buildings were in ruin; the courts and local police were not functioning; and bandits ran wild. The army, tired from war, was ragged and disorganized, and not able to take control.

Our country furnished food and clothing to thousands of men, women, and children. We helped reorganize the government. We helped cultivate the fields. We helped build new roads, bridges, houses, hospitals, and schools. We helped restore order. We did these things because we knew that freedom in any country is a delicate thing to protect, but should have a chance to grow.

On this anniversary of Cuban independence, we in the House and in the country must take the time to remember those brave patriots of Cuba who fought so gallantly for freedom. It is our hope that the people of Cuba will again enjoy that freedom which we all cherish and I have faith that her people can and will endure until that time.

Mr. FREY. Mr. Speaker, once again, what should be a day of rejoicing in the free world—Cuban Independence Day—is quite the contrary.

Again, the recognition of this day is clouded with the realization that Cuba is no longer the free land it became 71 years ago.

Instead, we find that the island country which gained its independence on May 20, 1902, is laboring under a dictator, its government is Communist, and the life of its people is anything but free.

Instead of the free and prospering country it was established to be, our neighbor 90 miles away is a satellite of the Communist world.

The situation is even more depressing when we remember how bravely these people fought for their independence in a revolution led by Jose Marti, the apostle of Cuban independence.

Marti, as is typical of the Cuban community desperately desired a life with freedom of choice, but his efforts to attain that freedom resulted in imprisonment and exile.

During his exile Marti studied law and endeavored to educate others about the oppression in his beloved Cuba.

Marti returned to Cuba a short time later but was once again banished for his outspoken criticism of oppression on the island.

This time Marti went to America where he taught in a private school and worked as a bookkeeper, secretary, and as a translator for a pubilshing house.

Marti returned once again to Cuba a few years later and in 1892 founded the Cuban Revolutionary Party and drafted a constitution for the Cuban republic.

His efforts paid off after the revolution of 1895 and in 1902 Marti and his followers finally won the independence for which they had so bravely fought.

The spirit of Jose Marti is still very much alive in Cuba and the United States.

But today, unlike 1895, there is no room for another Marti although the oppression which exists today is perhaps worse than it was in 1895.

The family unit has been destroyed and the Communist dictator allows no dissent.

The Cuban people can only hope and pray that there is a brighter future ahead.

Our industrious neighbors are, indeed, trapped in a web of communism and oppression which has destroyed their country's economic growth and stability and halted the efforts of Cubans to decide for themselves through free and open elections what kind of government will serve them.

In the face of such a depressing situation we must remember, however, that Cuba's past is a glorious one, its people an industrious people and we must continue to look forward to the day when Cuba will be freed and the country returned to its place as an independent nation of the free world.

Mr. PEPPER. Mr. Speaker, I wish to commend my distinguished colleague from Florida (Mr. FASCELL) for arranging this special order in observance of the historic achievement of independence by the people of Cuba.

We can all be proud that the United States participated in the Cuban struggle for independence from the tyranny of Spanish colonial rule. From the very beginning of our history as a democratic nation we have recognized a special affinity for Cuba and the Cuban people. We have had this identity since the early days when our leaders saw the strategic importance of Cuba and proposed annexation to the present time when we still appreciate the island's strategic importance but acknowledge the right of the Cuban people to full self determination.

Regrettably that right of self-determination has been aborted by the imposition of another alien tyranny and we cannot be at ease in this hemisphere until Castro's Communist regime and his Soviet mentors have been driven from Cuba.

I have repeatedly pointed out here the developing Soviet military and naval presence in and around the island of Cuba. I have also called repeatedly for a strong assertion by the Congress and by our Government of our support for the reestablishment in Cuba of a democratic regime reflecting the aspirations of the freedom-loving people of that lovely island.

I am vigorously opposed to suggestions that we "normalize" relations with the present regime in Cuba. While I realize that we may be required to deal with that regime on occasion—as we have done in connection with the Cuban airlift and in the recently negotiated agreement on hijacking—I feel we should be vigilant in avoiding any action or agreement which would imply recognition or acceptance of this antidemocratic regime in Cuba.

I have been especially concerned that the antihijacking agreement not be interpreted as a first step toward recognition of the Castro regime and that it not be taken as a repudiation of the support we have given in the past to the aspirations of Cuban patriots for eventual liberation of their homeland.

It would be highly improper, I feel, to consider the flight of freedom-loving Cubans from their martyred island in the same light as the criminal hijacking of an airplane in the United States. We should not label everyone who seizes a vessel or aircraft as a common criminal, while the Castro regime continues to suppress normal freedom of movement, including the right to emigrate or seek exile.

I also will strongly oppose any interpretation of the antihijacking agreement which would seek to ban the anti-Castro activities of Cuban exiles. It is not a common criminal conspiracy to join with other patriots to seek to free one's country from an alien tyranny, and we should not equate legitimate exile activity with the kind of criminal conspiracy which results in a hijacking.

I believe the people of Cuba will once again know the joy and sweetness of freedom and true national independence. I hope this celebration of Cuban Independence Day will rekindle the patriotic fires and fervor of all those who love Cuba and bring a restoration of freedom and liberty to this gem of the Caribbean.

Let us hope and pray that the time is not far distant when all the hopes and dreams of freedom-loving people will be realized.

## GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## AN END TO FARM SUBSIDIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CRONIN) is recognized for 5 minutes.

Mr. CRONIN. Mr. Speaker, during fiscal year 1972 the Federal Government paid more than $4 billion in price supports and farm subsidies. Ironically, the small, struggling farmers are not receiving much of these payments. Instead, the rich corporate farms are getting richer and the price of food continues to rise.

Although originally intended to help the small farmer, farm subsidy programs are based on production rather than income. Therefore, the more a farm produces, the larger the subsidy it receives. As a result, the bulk of the subsidies go to the farmers with the highest income. This amounts to welfare for the wealthy.

It takes a lot of imagination to classify some of the 1972 recipients as farmers. Huge subsidies were doled out to State prison farms, a bowling alley, a railroad, colleges and universities, a State mental hospital, and large national corporations.

While the Federal Government was paying more than $4 billion for these programs last year, the American consumer was paying another $4.5 billion in higher food prices. Estimates show that "farm prices in recent years would have been as much as 15 percent lower had these programs not been in existence."

Abuses are widespread, and the programs are wasteful, expensive, and inflationary. This abuse to the taxpayer and consumer must end. Therefore, I am today introducing legislation to eliminate the farm subsidy program, and I urge its swift enactment.

## ELIMINATING A DOUBLE SUBSIDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, in 1968, the Congress passed section 235 of the National Housing Act. This section authorized the Federal Government to subsidize the interest payments on homes purchased by low-income families. The Government, under the program, can subsidize interest down to 1 percent depending upon the income of the recipient. This subsidy payment is made by HUD directly to the lender.

The Internal Revenue Service has ruled that even though the interest payments on 235 homes are being paid by the Federal Government, the taxpayer—235 homeowners—has the right to take the interest payments, including the portion paid by the Government, as a deduction on his Federal income tax. The net effect of this ruling has been to give this homeowner a double subsidy.

I am today introducing legislation which would prohibit the taxpayer who lives in a 235 home to take the portion of his interest payments made by the Government as a deduction on his Federal income tax.

As a member of the House Banking and Currency Committee, I can state that when the committee reported this bill to the House floor it never was envisioned that this type of deduction would ever be allowed. In fact, an amendment similar to the bill adopted to the Housing and Urban Development Act of 1972. At that time, the Committee reaffirmed its position that interest payments paid by the Government should not be used as a deduction on the taxpayer's income tax.

I believe that my bill will correct this misinterpretation of congressional intent by the Internal Revenue Service and urge its early enactment.

## THE MEANING OF WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, on May 13, 1973, our distinguished colleague, the gentleman from Indiana, the Honorable JOHN BRADEMAS, was awarded an honorary doctor of laws degree by Marian College, Indianapolis, Ind.

The degree was awarded in recognition of Congressman BRADEMAS' outstanding leadership in the field of education.

Mr. Speaker, Congressman BRADEMAS, who serves as chief deputy majority whip of the House, also delivered the commencement address on this occasion and I insert at this point in the RECORD the text of his thoughtful analysis on "The Meaning of Watergate":

### THE MEANING OF WATERGATE—THE MOST SCANDALOUS PATTERN OF CORRUPTION IN AMERICAN HISTORY

What the Watergate is coming to mean is the most scandalous pattern of corruption in American history.

The revelations of recent days have touched two attorneys general, one just indicted, an acting director of the FBI, the two top ranking members of the White House staff, a former cabinet officer, also just indicted, numerous subcabinet officials, and a high former official of the CIA, now Commandant of the U.S. Marine Corps.

And according to the Gallup Poll, fifty percent of the American people believe President Nixon himself participated in a coverup of Watergate.

Now the meaning of Watergate is not so much the corruption of money in politics—bribes and payoffs—although there appears to be some evidence of them as well.

What Watergate means is that the closest associates and supporters of President Nixon resorted to spies and the apparatus of espionage in a campaign for the highest office of the land. They violated the law in handling millions of dollars for the Nixon Reelection Committee . . . And high officials of an Administration that promised the nation "law and order" committed crimes and broke laws in the effort to reelect the President.

So Watergate means something brand new in American political history, something never before seen: a calculated attempt, involving the White House itself, to undermine the legitimate processes of our constitutional system of government.

This is no partisan matter. Senators Goldwater of Arizona and Percy of Illinois have led Republicans in Congress in condemning the tactics of Watergate. They have insisted, rightly, that a special prosecutor, totally independent of the Nixon Administration, be named to direct a full investigation of the Watergate affair.

And Democrats can take no partisan joy in what has happened. For by what President Nixon's closest associates have done, the Presidency has been demeaned, the nation's security weakened and the profession of politics stained.

It will not be easy to bind up the wounds those responsible for Watergate have inflicted on our country. But the process of healing cannot even begin until the American people have all the facts, know all the truth, about this grave assault on the free political institutions of our land.

But while the inquiry into the facts goes ahead—through Senator Ervin's Select Committee hearings and grand jury proceedings, I believe we all ought to take some lessons from Watergate.

For Watergate should drive us back to a consideration of first principles about our nation and especially about our system of government. Watergate compels us to ask the question: What is the purpose of politics in a free society?

For those engaged in or associated with the events taken collectively under the symbol of Watergate, the purpose of politics is clear. It is to win and retain power, by any means, and the question of the principles on the basis of which the power once gained is to be used are at best secondary and at worst nonexistent.

And I believe it is this almost total lack of any moral or ethical convictions about the purpose to which the awesome power of the government of the United States should be put that explains why the persons associated with Watergate—and this means the highest officials in our land—did what they did.

Having no commitment other than the retention of power, they felt few inhibitions on how they used power.

In short, they had no sense of the moral basis of politics in a free society.

For there is a central purpose to politics and that purpose, in my view, is the pursuit of justice.

Now in my view, it is justice that is the link between the practice of politics in a democracy and the law of love which is the essence of the Christian faith.

### THE CHRISTIAN FAITH AND POLITICAL RESPONSIBILITY

Because we meet today in a time of crisis for our country and its institutions and because we meet as members of a Christian community, I think it appropriate that I talk to you today about the relationship between the Christian faith aid political responsibility.

Most of us can give at least tacit assent to the proposition that every citizen in a democracy has some obligation to participate in politics.

But why should we as Christians be concerned about politics? Is there a religious responsibility incumbent upon Christians for action in the political world?

Some say no, that the Christian as an individual and the Christian church as an institution must stand aside from the hurly-burly of politics. Separation of church and state, they argue, is the same as separation of politics and religion.

I strongly disagree with this contention. Moreover, I often find it a thinly disguised argument for maintaining the status quo. I am profoundly afraid of preachers who never preach on anything but how to find personal happiness.

The theme of the great World Conference of Christian Youth in Oslo some years ago was "Jesus Christ: Lord of All Life". This means that our religious faith must touch every dimension of man's existence—social, economic and political as well as private and individual.

If this is true, we must then have a specifically Christian perspective on responsibility for action in the political order. Surely one of the reasons Christians have such a difficult time coming to grips with politics is that they lack a perspective which is intellectually honest, theologically consistent, and realistic in the world.

Some Christians suggest—in a kind of sentimental, utopian way—that if only all men were to become Christians, we would be able to resolve the many social and political problems that afflict mankind. But even if we were all Christians, there would still be Republicans and Democrats, business and labor, black and white. We still would have problems, for there still would be conflicts of geography, of interest, of viewpoints.

The core of the dilemma, as I view it, is that many Christians do not understand how they can relate the law of love to the world of politics.

On the one hand, they see Christian love, *agape*, represented by Christ on the cross—utterly self-sacrificing, self-giving, other-regarding love. On the other hand, they see the calculating world of politics, where "accommodation", "negotiation" and "compromise" are the words we characteristically use to describe what happens, for example, in a Congress composed of 435 Representatives and 100 Senators, working with or against one President—not to mention the other participants in the governmental process. And these, of course, are exactly the words we ought to use if we want to get something done.

But many Christians view these seemingly irreconcilable realms of religion and politics—of the selfless Christ on the cross and the horse-trading Congressman—and conclude that there can be no link, that the two worlds can have nothing to do with each other.

Arthur E. Walmsley, an Episcopal Church leader, has written that Christians, aware of the extraordinary complexity of the modern age, look with nostalgia to a simpler era when men and women made most of their important decisions face to face, and felt a sense of personal choice and personal accountability.

But we live in a time when men's lives are determined in large measure by corporations, by government, by unions, rather than by their next door neighbors or the family who lives down the road a piece.

What, then, has the law of love—of utterly un-self-regarding love—to say to such a world, to a President or a Congressman?

Does it say to withdraw? Does it say we must reject making decisions about the use of power in such a world? My answer is "No". My answer is that there is a link between the law of love and the practice of politics, a concept. which relates the two.

### THE CONCEPT OF JUSTICE

And thus we come round to the idea of justice, as I earlier suggested.

The concept of justice varies in human history, but at the very least justice means guaranteeing to every person his due, assuring that he gets what is coming to him—what he is entitled to as a human being.

Justice, of course, is not the same as love. Love does not count or reckon, but justice does. Justice must be calculating. It is not love, therefore, but justice that should be the immediate objective of political action.

For the very stuff of politics is the balance of rights and responsibilities of competing groups.

As Walmsley says: "Justice . . . is not a crude approximation of love but the means by which the Christian cooperates with the will of God precisely in the midst of life."

As the theologian Reinhold Niebuhr put it, "Justice is the instrument of love."

And as the late Archbishop of Canterbury, William Temple, said "Associations cannot love one another; a trade union cannot love an employers' federation, nor can one national state love another. The members of one may love the members of the other so far as opportunities of intercourse allow. That will help in negotiations; but it will not solve the problems of the relationships between the two groups. Consequently, the relevance of Christianity in these spheres is quite different from what many Christians suppose it to be. Christian charity manifests itself in the temporal order as a supernatural discernment of, and adhesion to justice in relation to the equilibrium of power."

It is the conviction that Christians must seek justice in society and the world that undergirds the famous encyclical, *Mater et Magistra,* of Pope John XXIII.

It was justice that Martin Luther King had in mind when he used to say, "I'm not asking for a law to make the white man love me, just a law to restrain him from lynching me."

Is love then irrelevant to political action? No. On the contrary, it is our love for our fellow man—commanded us by Christ—that generates in us a concern that our fellow human beings be treated justly, Love is the force that motivates our commitment to justice.

So we have in the concept of justice, I believe, a link that binds together the worlds of Christian faith and political action—and does so in an intellectually honest, theologically consistent and realistic way.

### THE FOUNDING FATHERS AND HUMAN NATURE

There is another reason which imposes upon Christians a religious responsibility to strive for justice among men.

It is that we tend to put ourselves, rather than God at the center of life.

This is not to say that human beings are evil, through and through, but rather that, as Niebuhr says: Men are good enough to make democracy work. Men are bad enough to make democracy necessary.

This is a skeptical, rather than a cynical, view of human nature.

And the events of Watergate—where men of arrogance pretended to play God and committed the ultimate sin of pride—must surely remind us why the Founding Fathers wrote into the fabric of our American Constitution a system of checks and balances. The Founding Fathers understood human nature; they believed in original sin.

For we do elect Members of Congress and entrust them with certain powers, but for only two years. And even Senators of the United States are required to have their credentials reviewed every six years. The President has the veto power, but he can be overridden.

Men are good enough to make democracy work but bad enough to make democracy—with all its checks and limitations on the rulers—necessary.

It is this propensity of men to injustice—to unwarranted self-seeking—that it is a chief purpose of political action to curb and channel while at the same time promoting a wider degree of justice, a fair share for all persons.

### PRESIDENT NIXON AND THE ASSAULT ON CONGRESS

Yet—to return to where we are in America today—for a Constitutional structure rooted in a division of powers to function effectively, there must be a considerable degree of comity among the powers, each with respect to the other. And it is this lack of comity on the part of the President and his associates with respect particularly to Congress that has in large measure imposed such a strain on the system. I think the columnist David Broder, who last week received the Pulitzer prize for political analysis, but it well when he said, before Watergate, of President Nixon's efforts to weaken the role of Congress in our system:

"Even if the President 'wins' such a struggle, his real purposes lose. One-man government in this country is not just unconstitutional; it's impossible. The kind of policy shift the President is seeking literally cannot work without the understanding and cooperation of Congress, the bureaucracy, state and local officials and the public."

For, until the most damaging Watergate disclosures forced him to modify his stand, the President was asserting the most sweeping interpretation of executive privilege, contending that neither present nor past White House aides could be compelled to testify before Congress, nor, according to Attorney General Kleindienst, any employee at all of the Executive Branch. And it was this President, while mounting a vigorous attack on the news media, whose closest supporters were flaunting the laws on campaign contributions and engaging in political espionage.

For those who take the nation's liberties seriously, these are not matters to be taken lightly.

For the issues of political espionage, as represented by Watergate, and of apparently widespread resort to illegal campaign financing, are both daggers that drive at the heart of free government.

As one who has ten times been a candidate for Congress and who has served as an assistant in a Presidential campaign, I must tell you, in response to those who say of the resort to wiretapping of one's opponents, 'They all do it,' that they don't all do it.

President Nixon's associates and supporters have, with the panoply of their illegal and underhand activities, undermined the very existence of free political institutions.

As to the Administration's assault on the communications media, may I say that we have always had battles between politicians and the press. And may we always have them.

But so broad in scale has been the effort of the Administration to intimidate the Nation's newspapers and television stations that one may legitimately express alarm.

It was not a Democratic politician but Walter Cronkite who said, again before Watergate, "that this Administration, through what I believe to be a considered and concerted campaign, has managed to politicize the issue of the press versus the Administration."

Cronkite added, "We have now come to that dangerous state . . . with the press in a position that to defend the right of the people to know—that is, to defend freedom of speech and press—is to now somehow or other be anti-Administration."

### THE REDRESS OF THE IMBALANCE OF POWER BEGINS

In the light of these actions of the Administration, and of other actions with which you are so familiar I need not repeat them here, I believe it not too much to say that had the shocking range of activities summed up in the word "Watergate" not become known, the American democracy might not have long endured. For there were other strains that were also being imposed in it by the Administration. I here cite but two: the executive impoundment of funds duly appropriated by Congress, a usurpation of legislative authority; and the aggrandizement of the warmaking power, making war without Congressional approval.

But each day's disclosures of the extent of involvement of the Administration in the ugliness of Watergate have brought a lessening of Mr. Nixon's authority to continue this pattern and a reassertion of Congressional prerogatives. As the New York Times said yesterday, "The White House is slipping and Congress is rising as the balance of power in Washington is being altered perceptibly by the Watergate conspiracy."

Only last week, for example, the Senate passed legislation forbidding the President to impound appropriated funds.

Just last week, too, in an historic vote, the House broke with the Administration's Indo-China policy as a coalition of Republicans and Democrats told President Nixon to stop bombing Cambodia.

And a Federal district court last week ruled against the Administration's assertion of the right to impound, by directing the Environmental Protection Agency to release 6 billion dollars President Nixon had withheld for cleaning up our nation's waters.

Judge Matthew Byrnes' dismissal this week of the case against Daniel Ellsberg in the Pentagon Papers trial was based on sharp criticism of the actions of the Executive Branch of the government in resorting to wiretapping and other wrongful activities, including burglary authorized by high White House officials.

And of course the very reporting of Watergate for which the Washington Post won its Pulitzer Prize attests both to the vigor of at least a few of our newspapers, and to the crucial need for a free press in order to keep our nation free.

### WATERGATE: SUMMONS TO RETURN TO THE CONSTITUTION

So Watergate is a summons to us all to return to a central idea of our Founding Fathers, a separation of powers Constitution, and to demand that those we elect to represent us obey it. For the Founding Fathers did not trust a monopoly of power. If you did not before understand why, Watergate should surely serve to tell you.

I said earlier that for the people who became involved in Watergate the purpose of politics is to obtain and retain power, period, with no sense of the purposes to which the power should be put.

Knowing that about them, we should not be surprised that these same people would pursue policies here in our own country that seem devoid of a sense of justice.

**For the task of a politician is, I have argued, to seek, in the given circumstances, with all the skill and imagination he can muster, the greatest measure of justice for all concerned.**

And Christians surely have a particular responsibility to seek justice for the disinherited, the weak, the vulnerable. As John C. Bennett of Union Theological Seminary once remarked, "Christ himself concentrated on the people of greatest need, the people whom respectable society neglected or despised."

Yet the present Administration in Washington has twice vetoed bills to help the handicapped, vetoed others to help the elderly and young children, sought to destroy the Federal agency charged with fighting poverty—one could go on and on.

And here my mind turns back to that first, booming chapter of the prophet Isaiah, who warned, in tones written as if for today:

"Hear the word of the Lord, ye rulers of Sodom; give ear unto the law of our God, ye people of Gomorrah.

"To what purpose is the multitude of your sacrifices unto me? Saith the Lord: I am full of the burnt offerings of rams, and the fat of fed beasts; and I delight not in the blood of bullocks, or of lambs, or of he goats.

"When ye come to appear before me, who hath required this at your hand, to tread my courts.

"Bring no more vain oblations; incense is an abomination unto me; the new moons and sabbaths, the calling of assemblies, I cannot away with iniquity, even the solemn meeting.

"Your new moons and your appointed feasts my soul hateth; they are a trouble unto me; I am weary to bear them.

"And when ye spread forth your hands, I will hide mine eyes from you; yea, when ye make many prayers, I will not hear: your hands are full of blood.

"Wash you, make you clean; put away the evil of your doings from before mine eyes; cease to do evil;

"Learn to do well; seek judgment, relieve the oppressed, judge the fatherless, plead for the widow."

### THE MEANING OF WATERGATE IS TWOFOLD

So the meaning, for me, of Watergate is twofold: first, that we must vigorously protect and defend, not alone in words but in deeds, the Constitution of the United States and the liberties of the American people.

For Watergate means more, much more, than men in high places breaking laws and committing crimes. It means a direct attack on the established processes of the American constitutional system.

And the second meaning of Watergate is that politics in a free society must have a purpose beyond the achievement of power—a moral purpose—and that purpose is justice.

Now I have said that Christians have a religious responsibility, motivated by love, to seek justice for their fellow men. I conclude therefore that if the Church of Christ is to say anything to men and women today, it must speak to them not only in their individual and family capacities but also to the social, economic and political dimensions of their lives.

And this means that Christians must be concerned about the political life of their country.

Watergate, a name, to paraphrase President Franklin D. Roosevelt after Pearl Harbor, that will live in infamy, should compel all Americans, Christians and non-Christians alike, to rededicate themselves to the task of building a truly free and just society.

And as I close these remarks to you today, I think of the words with which, on January 9, 1961, the then President-elect of the United States addressed the legislature of the Commonwealth of Massachusetts, shortly before his inauguration.

Said President-elect John F. Kennedy:

". . . I have been guided by the standard of John Winthrop set before his shipmates on the Flagship Arabella 331 years ago, as they, too, faced the task of building a new government on a perilous frontier.

"'We must always consider,' he said, 'that we shall be as a city upon a hill—the eyes of all people are truly upon us.'

"Today the eyes of all people are truly upon us—and our governments, in every branch, at every level, national, state and local, must be as a city upon a hill—constructed and inhabited by men aware of their great trust and their great responsibilities."

Let us now all resolve to build our nation as a city upon a hill.

---

## THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, yesterday's New York Times carried an advertisement suggesting that President Nixon should demand impeachment if he really wants to be cleared of any suspicion of wrongdoing in office. The item quite properly points out that—

> A bill of impeachment is not a verdict. It is a proceeding for bringing a public official before the proper tribunal in order to question his conduct in public office. It does not mean dismissal from office.

The sponsoring committee, the Citizens Committee for Constitutional Government, suggests that an investigation into Mr. Nixon's conduct in office should consider not only the Watergate scandal, but also Presidential behavior with respect to "Executive privilege," U.S. military activity in and over Cambodia, impounding of duly appropriated funds, and the Ellsberg-Russo case.

The advertisement constitutes a reasoned and thoughtful statement of the situation and a possible avenue of action, and I include its full text at the conclusion of my remarks:

### IF PRESIDENT NIXON WANTS TO BE CLEARED, HE SHOULD DEMAND IMPEACHMENT

It has been claimed by some that impeachment of a President is an attack on the Presidency, and on our institutions.

Nothing could be further from the truth.

Impeachment is a remedy expressly provided for in the Constitution, thanks to the wisdom of our Founding Fathers.

It has been said that if the Watergate Scandal had occurred in England, France, Italy, or under any other parliamentary government, that government would have changed hands immediately, before any indictments could be handed down.

Our system is more resilient.

It provides that if a President is suspected of wrongdoing, the House of Representatives can investigate whether there seems to be any truth to the charges.

That is called impeachment.

A bill of impeachment is not a verdict. It is a proceeding for bringing a public official before the proper tribunal in order to question his conduct in public office. It does not mean dismissal from office. That would follow if misconduct is proved.

If President Nixon is not completely cleared of implication in the Watergate Scandal, his administration will be irreparably damaged for the next three and a half years of his remaining term.

The Republican Party, and therefore our two-party system, will be seriously hurt.

And our national honor will be under a cloud.

President Nixon can clear himself, his party, and his country by demanding a full investigation from the House of Representatives.

In a word, impeachment.

What questions would be examined in this impeachment proceeding?

1. Did President Nixon have anything to do with the 1972 election frauds or the crimes committed at the Watergate, or their cover-up? (Senator Goldwater said that if Mr. Nixon had been "dishonest about this, then I think the impeachment would certainly come.")

2. Is President Nixon's position on "executive privilege" an abuse of Presidential power? (Richard Kleindienst, President Nixon's former Attorney General, stated: 'If the Congress doesn't agree with the President on executive privilege, it can impeach him.")

3. Is President Nixon impeachable for waging a war in Cambodia without congressional authority? (The Court of Appeals for the District of Columbia has stated that Congress has a duty to consider whether the President should be impeached for waging an illegal war.)

4. Has the President committed an abuse of Presidential power by impounding funds voted by the Congress? (Recent court decisions have held that the President lacks the Constitutional authority to so act.)

5. Has President Nixon improperly interfered with due process in the Ellsberg-Pentagon Papers trial?

If the House draws up a Bill of Impeachment, listing the charges, and if after investigation it clears the President, he is then exonerated.

If the House acting as a Grand Jury finds (by majority vote) merit in the charges, they would send an indictment to the Senate for trial. The Senate acting as a court of impeachment would then decide whether the President is innocent or guilty. A two-thirds vote would be necessary for conviction and removal from office. The Chief Justice of the Supreme Court presides over the Senate in Presidential impeachments.

If the Senate then found him innocent, he would be exonerated.

In this system, an innocent man has nothing to fear.

If the President is innocent, his Administration, his party, and the Presidency will be the stronger for it.

And if he were found guilty, he would be removed from office, and our government, with its ingenious Constitutional system of separation of powers and checks-and-balances among the Executive Branch, the Legislative Branch, and the Judicial Branch would emerge stronger than it is right now.

The point is that impeachment is not a process designed to tear the fabric of our society.

It is a process designed to protect that fabric, and to preserve our system of government from the consequences of human frailty.

The Presidency of the United States is much bigger than any President.

And it is the Presidency which must be protected.

## PRECLUDING FUTURE "WATERGATES"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, for the information of our colleagues in this Chamber, I thought it might be helpful to elaborate publicly on some brief conversations I have had with you and other Members, relative to legislation I intend to introduce—as soon as it can be drafted—which might roughly be described as having the purpose of precluding future "Watergates."

First of all, Mr. Speaker, I would like to reiterate my belief that the people are looking to Congress for leadership. The President has lost credibility in this area, for obvious reasons, and I have no doubt that his proposal for a "study commission" is widely regarded as a stall and a smokescreen. We do not need any more "studies." For legislative purposes, we already know the facts—and have known them for a long time. The central fact is the problem of money in political campaigns. What we need—now, not next year or later—is a plan that will convince the public we mean to come to grips with this problem.

Basically, I will be making two proposals. The first is that we establish a new, air-tight governmental mechanism to draw campaign contributions out of subterranean channels, forcing the flow of cash to the surface, where the press and public can observe it. The second is that we build into this mechanism a capability for strict enforcement of our new rules—in fact, not only a capability but also a virtual certainty that the rules will be enforced because those being policed—the President and Congress—will not be policing themselves, as they are now—but only in theory—doing. I would like to add at this point that both of my proposals, as I now see them, could be enacted directly by Congress without resort to constitutional amendments.

I will propose that Congress establish a new governmental agency—a special depository, perhaps known as the "political campaign bank," that will take custody of all funds used to finance campaigns for the Presidency, the House and the Senate. It would work this way:

Candidates for Federal office would be required to establish accounts at the bank. The candidates and committees making them then would be barred from receiving campaign contributions directly. Instead, the contributors would have to pay whatever they decide to give into the candidate's account at the bank. The candidate in turn would be free, as he is now, to spend these campaign funds as he sees fit, but he would never lay his hands on the money. The funds would be released by the bank only when the candidate authorized it—in writing—to pay his campaign bills for him. He would not be billed himself—the bank would be billed.

For example, the candidate would solicit contributions and then decide to use some of this money to buy, say, a half hour on television. The bank would receive the contributions and then, on being presented with the bill and the candidate's authorization to pay it, would send its own check to the broadcasting station. In this way, a record would be published for examination by the press and public. The transactions would be reported as they occur. Under this system, it would be illegal for anyone running for Federal office, or for his agents, to receive or spend any campaign contributions without having the exchange of money recorded and cleared through the bank.

In addition organizations and groups supporting a candidate or candidates would have to open accounts of their own at the bank. Such organizations would be the Democratic and Republican National Committees, the Democratic and Republican Congressional Campaign Committees and so forth. Each would have its own account and operate under the same restrictions as the candidate himself. How these groups apportion their funds among the candidates they support would become a matter of public record. Campaign accounts would be opened, too, by special-interest groups for that portion of their budgets allocated to electioneering. For example, campaign kitties established by lobbying organizations would have to be deposited in the bank, with a listing of all contributors to the kitty. Then the lobbying executives would direct the bank to pay out one sum to candidate A, a second sum to candidate B and so forth.

I will propose, too, as I have said, a mechanism for strict enforcement of these regulations. Because I am considering several alternatives at this time, I will not detail in this memorandum my views on this aspect of the problem. However, pending consultations with the Office of Legislative Counsel, I do want to emphasize that this new system will not work unless we make it work—by showing that we mean business. This means, necessarily, that we must no longer rely on our own employees—the Clerk of the House and the Secretary of the Senate—to review our compliance with the new rules. Obviously, there is an inherent conflict of interest in this regard for the Clerk and the Secretary, both of whom serve the public and yet owe their tenure to us.

I would add that the Comptroller General falls into the same category, since his General Accounting Office is a creature of Congress—and therefore we should no longer rely on him, either. Furthermore, we cannot depend on the Attorney General—a Presidential appointee—to prosecute the President or his campaign officials if and when they violate the law. What I have in mind, then, is an agency to take charge of the bank that would have an arm's-length relationship with the executive and legislative branches—and yet one that would not be so isolated from the centers of power in government as to lack clout and visibility. On this point, as soon as some questions are resolved, I will again be communicating with House Members.

Mr. Speaker, I would appreciate your keeping these proposals in mind as you and other Members consider what Congress ought to be doing about the Watergate scandal.

## RUMANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HELSTOSKI) is recognized for 5 minutes.

Mr. HELSTOSKI. Mr. Speaker, on the 10th of May, Rumanians everywhere in the free world observed the national holiday of the Rumanian people, recalling the achievements of the nation's independence and the founding of the Kingdom of Rumania.

Since, in the homeland, the traditional observance of the holiday has been suppressed by the Communist regime—with the obvious intent of weakening the people's will for freedom—our commemorations have the added meaning of protest against the country's enslavement, expression of hope in its liberation, besides keeping alive sacred tradition.

The 10th of May is the national holiday of the Rumanian people, celebrating three great events in its history.

On May 10, 1866, Charles, Prince of Hollenzollern-Sigmaringen, an offspring of the southern and Catholic branch of the Prussian royal family, was proclaimed in Bucharest Prince of Rumania, and thus founded the Rumanian dynasty. It was the successful outcome of the nation's long struggle to acquire the right of electing as its sovereign a member of one of the western non-neighboring reigning families in order to put an end to the strifes and rivalries among native candidates to the throne. This ardent wish, though officially expressed as far back as 1857 by the Moldavian and Wallachian Assemblies—the "ad-hoc Divans"—convened as a result of the Paris Treaty of 1856, was nevertheless opposed by the Russian and Austrian empires, equally disquieted by the growth in power and prestige of the young bordering nation they both secretly hoped to absorb some day. It was due to unrelenting efforts made and wise steps taken by Rumanian patriots, and also to the constant diplomatic assistance of Napoleon III, Emperor of the French—to whom Prince Charles was related through the Beauharnais and Murat families—that all political obstacles were gradually removed and what was to be the prosperous and glorious reign of Charles I could be inaugurated on May 10, 1866.

Eleven years later, on May 10, 1877, during the turmoil of the Russo-Turkish War, the principality of Rumania, until then nominally a vassal of the Sultan, proclaimed her independence by severing the old and outdated bonds that linked her with the Ottoman Empire. This independence had to be fought out on the battlefields south of the Danube, where the young Rumanian Army, as an ally of Russia, played a noteworthy part in the defeat of the Turkish forces. The Congress of Berlin of 1878 confirmed Rumania's independence and conferred Europe's official recognition, a bright page in the country's dreary history though marred, unfortunately, by the loss of Bessarabia, cynically wrenched by Czar Alexander II and his government from the ally who helped them obtain victory over the Turks.

Another 4 years elapsed after the Rumanian people had proclaimed their independence and a further step was taken as they decided to raise their country to the rank of a kingdom. On May 10, 1881, Charles I was crowned, by the will of his people, King of Rumania. A prosperous era, which lasted over six decades, opened on that day for the nation. Its apex was attained when national unity within the historic boundaries was reached after World War I. The socially progressive country had now become a factor of peace and equilibrium in the Southeast of Europe.

During all these years and up to the present time, Rumanians have cherished and revered the 10th of May as their national holiday, the anniversary of happy and glorious events in their history, in which achievements of monarchy and people were interwoven. It remains the symbol of their permanency and perseverance through woes and hardships to reach the ultimate end of freedom and well-being.

The ruthless foreign rule which now oppresses the Rumanian nation has not been able to uproot the people's attachment to the traditional celebration of the 10th of May. In order to try and alter at least its significance, official celebrations were shifted from the 10th to the 9th of May, anniversary of the Soviet victory. But, even though flags are now hoisted on May 9th, Rumanians in their captive homeland celebrate in their hearts on the following day, awaiting with faith and courage of new times, when freedom shall be restored to them.

## CONGRESSMAN RODINO URGES CONGRESSIONAL REFORM

(Mr. KASTENMEIER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, on May 10, our colleague, PETER RODINO, chairman of the House Committee on the Judiciary, testifying before the Select Committee on Committees, noted the growing public dissatisfaction with the Congress, proposed that the congressional committees be realigned in accordance with the overriding national concerns, and urged that all committee processes must be opened up.

As a member of the House Judiciary Committee, I have been gratified by the fact that Chairman RODINO has been vigorous in his efforts to open all Judiciary Committee meetings to public scrutiny. Furthermore, he has taken additional steps to promote further progressive reforms within our committee. Chairman RODINO has appointed a special ad hoc subcommittee to undertake a comprehensive evaluation of the full committee's internal structure and to study the full committee's entire jurisdictional structure with the ultimate goal of making recommendations as to how the overall committee workload might best be distributed among the subcommittees. Chairman RODINO named me to head the special ad hoc subcommittee, and in selecting members of this group, he demonstrated his particular concern with the need to assure effective participation by newer and younger committee members by appointing junior members of the full committee who, despite their lack of seniority have, in Chairman RODINO's words, "the advantages of a new and fresh vision."

Mr. Speaker, I strongly recommend that all Members take the time to read Congressman RODINO's remarks before the Select Committee on Committees:

STATEMENT OF PETER W. RODINO, JR., CHAIRMAN OF THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, BEFORE SELECT COMMITTEE ON COMMITTEES, THURSDAY, MAY 10, 1973

Mr. Chairman, it is a pleasure for me to appear here today before the distinguished members of the Select Committee to Study House Rules X and XI. As you know, I strongly supported the creation of this committee and I strongly support its work. When the House was debating its creation, I took the floor to describe the then just potential Select Committee as "a major step forward in our efforts to breathe a new and vigorous life into the organization of the Congress." I remain equally so convinced today.

I think the overwhelming majority by which the resolution creating the Select Committee was passed amply attests to the fact that many of our colleagues share my convictions about the importance of your work. And I think the rising public discontent with our governmental institutions—Congress prominently among them—attests to the felt need by the general population for a reinvigoration of the Congressional structure.

I think it safe to say that both our own internal concern, and that of the public, is well-placed. Democracy is a fragile institution, and those elements—the executive, the legislative, and the judicial—which combine to maintain it have the enormous responsibility of recognizing that fragility and respecting it, always mindful that the underlying tenet of democratic government is the finest to which a nation can aspire. Increasingly in this century, however, that responsibility has been unsuccessfully met by the Congress, which has been aptly described as "the keystone in the governmental arch." [1]

I want to make clear that I intend no injection of partisanship here. The conflicts between the executive and the legislative branches which are so much before us these days are no doubt in part due to the White House being occupied by an executive of a party other than that which possesses a majority in both houses of the Congress. But more important for the long term are those conflicts which are the result of competing institutions—one vested with the obligation to legislate and to oversee, the other lodged with the responsibility of executing the laws of the land. Unless each branch of government effectively and responsibility fulfills its constitutional obligations—and obviously conflict is a necessary component of this process—the public weal is ill served.

I would venture to say that the Congress—the legislative arm of our democracy—has not performed without significant failings. I would venture to say also that these failings are becoming more apparent, and exacerbated, in recent years. As one recent student of Congress has observed:

"[T]he Congress has abandoned much of its earlier power, has all too often been the mere attender to legislative details while the President exercises nearly the whole of national leadership, and has displayed an unhealthy inability—or, more accurately, unwillingness—to organize and function as a contemporary institution of government." [2]

Confronted with an executive branch exceeding 2 million individuals, we have a staff miniscule by comparison. Confronted with a national population exceeding 200,000,000 individuals, we must cope with innumerable problems ranging from the difficulty of an elderly citizen in receiving his Social Security check to issues of profound national import. Confronted with a society characterized by increasingly complex interrelationships and technology, we are, in the main, generalists.

These conditions in part explain, if they do not justify, the posture in which we find ourselves. We have become supplicants to the executive, awaiting its decisions and its dispositions. For example, we call upon the Administration to submit tax reform legislation. Yet the Congress is the legislative body, and it is only in this century that we have increasingly surrendered our legislative initiative, which used to account for the Congress, not the executive, drafting and preparing legislative proposals. We question the aggrandizement of power by the executive, yet we turn over to it authority to set wage and price controls, couching guidelines in only the most general of terms and in effect mandating the executive to govern the economy free of legislative restraint and constraint.

I do not happily make these observations. I certainly intend no personal criticism. What I am concerned about is the decay of this institution in which we serve. We cannot seek responsibility unless we can bear its burdens, and in too many cases that does not seem to be feasible.

Compounding these difficulties, some of which perhaps just cannot be resolved by a legislative body of 435 members attempting to cope with our present-day society, is our poor preparation for even essaying such an attempt.

We have devised a committee structure, and that is proper and even essential. As two students of the Congress have written. "Through its extensive committee specialization the House of Representatives at its best performs as a persistent and often bothersome accountant for the activities of governmental agencies." [3] We must be able to devote particularized attention to issues, and committees enable this. We must be able to develop expertise among members, and service on committees enables this.

---

[1] CED—Making Congress More Effective.

[2] Hopkins, 47 Notre Dame Lawyer 442, 443–4 (1972).

[3] Bibby, p. 29.

But we must also have a committee structure which enhances the advantages of such an approach. In some respects, at least, we do not. For example, in a nation wherein almost 80% of the populace lives in urban areas, we have no single committee devoted to urban problems. Rather, those problems peculiar to urban areas—or at least most pronounced in urban areas—are scattered throughout the House committees, with housing in one committee, waste treatment in another, health care delivery in another.

Now I do not mean to unequivocally condemn this situation. I think there is welcome utility in having a certain fertility of views and insights, and having a structure which allows for the contributions of several committees, and the members thereof, does encourage this fertility. Moreover, I don't know that any problem in our cities can be discretely isolated from its analogue in rural areas, thereby warranting labeling a given issue as "urban." But I do know that Congress, well aware of the crisis in our cities, has concerted, identifiable entity attempts to cope with this crisis.

There is another aspect to this issue, and one with which I am particularly familiar as Chairman of the Committee on the Judiciary. This is the problem of overlapping jurisdictions. For example, the Committee which I am privileged to Chair has jurisdiction as to corrections. Yet, jurisdiction as to employment of offenders in prison is lodged with the Education and Labor Committee; jurisdiction as to Social Security coverage of these offenders working in prison resides in the Ways and Means Committee; and jurisdiction as to the use of excess food commodities for contribution to prisons is reposed in the Agriculture Committee.

Perhaps an even more egregious situation exists with regard to the issue of drugs. The Committee on the Judiciary has jurisdiction in this area. But so too does the Committee on Interstate and Foreign Commerce, the Ways and Means Committee, and the Education and Labor Committee. Now, the President has proposed aligning the drug endeavors of the executive branch in one agency—the Department of Justice—and as to this agency, the Judiciary Committee has oversight jurisdiction. This even further confuses the House's posture vis-a-vis this issue, and I must confess that I, for one, am most concerned about the at least seemingly diffuse structural manner by which the House is dealing with what I consider a most serious issue for All Americans.

Still another example of this dispersal of jurisdiction exists with regard to the Administrative Procedure Act, an exceedingly important body of law which sets the parameters of how the executive deals with the public and with the Congress. This legislation was originally brought to the Floor of the House more than 25 years ago by the House Judiciary Committee. Yet today, legislation to substantively change this Act may be referred either to the Judiciary Committee or the Government Operations Committee.

These are just a few examples of jurisdictional confusion, and I am sure that the distinguished members of this Committee are far more aware than I of the magnitude of this problem. Nevertheless, even knowing of your appreciation of this problem, I want to make clear that I consider it a most serious one and one which must be addressed and resolved. The assessment made by the Committee for Economic Development in its 1970 statement, entitled "Making Congress More Effective," very cogently sums up this situation:

"Too many committees and subcommittees fragment broad policy issues into bits and pieces of legislation. There is inadequate communication between separate, independent power centers. The coordination essential to consistent and coherent decision making is lacking. Review of agency performance is badly subdivided and variable in quality, often focused upon trivia while neglecting evaluative inquiries into over-all achievement. Continuous feedback review of agency progress on approved projects and ongoing programs is the exception rather than the rule."

A third component of the House's difficulty in coping with the responsibilities placed upon us lies in our inability to obtain all of the information which we need to act wisely. This situation has several facets. First, we must rely upon the executive for most of the information which we receive. Yet, often this means that the Congress, which has a responsibility to monitor the executive, can become its plant cohort. Knowledge is power, and he who controls the input of knowledge will inevitably control the exercise of power. Of course, a resistant executive will exacerbate this situation, but we cannot merely shuffle all the blame off to the executive branch. The basic problem lies in our having to seek the beneficence of the executive branch by the bestowal of information, not in the reluctance of the executive to inform us.

A second facet lies in the inability to utilize effectively the information we do have. In part, this stems from inadequate staff—both in terms of numbers, and sometimes in terms of ability. In part, it stems from a given Member serving on numerous subcommittees, if not different committees. Given a finite amount of time, there is no way to attend three subcommittee meetings all scheduled at one time, nor to absorb the information necessary to act with full knowledge in each of these subcommittees.

I know that computerization is a popular topic, and I support the efforts of the House to introduce modern technological advances in information gathering and disseminating. But I would caution that the ultimate issue is one of digesting information, and that requires time—something beyond the reach of computers to provide us.

A third facet of the information absorption problem lies in the fragmented approach which we take. Each us, as a committee member, concentrates on these aspects of government and society which lie within the jurisdiction of our committee. While this concentration has obvious merits, it also, I fear, has the result of sometime obscuring the forest by surrounding us with a lot of trees. Someone must put all the separate pieces together, and I fear that the Congress has failed to effectively achieve such a synthesis.

I mentioned the problem of staff earlier, as one component of the information issue, and I want to focus on this for a moment. By and large, I would say that Congressional staffs are capable. Often, they are invaluable to us. But, there is a certain paradox in the way we go about things. I would suggest that there is inherent in most people a need for recognition and appreciation. And certainly, the more able the individual, the more deserved is such recognition. Yet, by the nature of things, Congressional staff are nameless individuals, the alter egos, so to speak, of the Members for whom they work. Consequently, often those who are most able also are most likely to leave Congressional service most quickly, for they do not in fact receive recognition. Nor do they have the power to effect events, save through persuading their employer to act as they, had they the power, would act. Finally, they do not even have security, since they can be fired at a Member's whim.

I think this is a serious situation. I am not sure that there are solutions, but I do know that the departure of able staff is a constant in the Congress, and this constant contributes to diminishing our institutional effectiveness.

Finally, there is the matter of procedural reform. One of the most readily identifiable defects of the House has been its tendency towards secrecy. The attitude, whether consciously felt or just developed through the accretion of tradition, seems to have been that what the public does not know cannot hurt us. I think it imperative that the committee process be opened up to public scurtiny and public awareness.

I think, also, that there is a sometimes unremarked, but important, aspect to this process of openness—one which hopefully will be more or less a fall-out from open meetings and publicly disclosed votes. This is the accomplishment of public education. In certain respects, there is little that we can do about heightening public awareness. Our body consists of 438 Members; the Senate has only 100. Our constituents now approach the 500,000 mark; Senators represent entire States; and the President has a national constituency. Thus, the focusing of public attention on our doings—largely a role fulfilled by coverage by the media—is a difficult enterprise. I think the result is unfortunate, because there is nothing like the invigorating air of public scrutiny to encourage responsible action. While there is little we can do directly to generate that media coverage which will open the doors to this public concern, hopefully by opening our own doors, the media, and thereby the public, will be encouraged to enter.

In one thing, at any rate, I can be content. The litany of woes which I have recited is no arcane incantation, privately devised and only personally perceived. The very existence of your Committee is concrete testimony to the fact that we all, to a greater or lesser extent, share a deep concern about this institution, the Congress, which we inhabit and which we help to shape. The major burden is, at least formally, upon your shoulders to respond to that concern, but I would say that I have confidence that the burden will be met.

Of course, each of us bears responsibility, as well, for fashioning a better institution. And I would venture that those of us who are honored to be chairmen of committees of the House have a somewhat greater share in this, for by the nature of things, we have the obligation to encourage our colleagues to join in making the committee structure—the base of the Congressional system—vital and meaningful.

In my own Committee, I have had the privilege of helping to bring about changes which I think the present circumstances compel and which should be welcomed. For example, I encouraged and supported the establishment in our rules of a provision to conduct all Committee meetings—whether of the full Committee or subcommitee, whether hearings or mark-up sessions—in public. In light of what I said earlier, I should think my concern for this positive step forward would be apparent.

In addition, as Chairman of the Judiciary Committee, I feel a deep sense of personal responsibility to do everything in my power to bring about, within the Committee itself, a comprehensive evaluation of our own internal structure. Ultimately, if a meaningful change is to be brought about in the workings of the entire Congress, it is essential that each of us as individual Members must seek improvements in the manner in which we are able to contribute to the work of our Committees.

To encourage and facilitate this type of important self-appraisal within our Committee, I have appointed a Special Ad Hoc Subcommittee of the Majority party to undertake a study of the Committee's entire jurisdictional structure and to make recommendations as to how our overall workload might best be distributed among our own

Subcommittees. Representative Robert W. Kastenmeier, who is accompanying me today, was appointed by me as Chairman of this group. The group also includes Representatives James R. Mann, Barbara Jordan, Elizabeth Holtzman, and Wayne Owens.

In selecting this group I have been especially concerned with the need to assure effective participation by the newer and younger Members of Congress who, despite their lack of seniority, have the advantages of a new and fresh vision.

Subsequently, the ranking Minority Member of the House Judiciary Committee, my distinguished Colleague, the Honorable Edward Hutchinson of Michigan, designated three Republican Members to work closely with the Subcommittee: Representatives Robert McClory, Trent Lott and Harold V. Froehlich.

This Subcommittee was worked diligently and has issued a draft report which the full Democratic Caucus of our Committee will soon consider. I, for one, am deeply impressed by the wisdom embodied in the Subcommittee's recommendations. I am hopeful that with some modifications which we are now considering we can use the report in this Congress to begin an orderly reorganization in this Congress.

Mr. Chairman, I believe that the report of the Kastenmeier Subcommittee will be of interest to your Committee and I would like to submit it for your consideration. In addition, I will also be very pleased to keep this Committee abreast of the organizational changes which we are continuing to bring about in the Judiciary Committee.

In discussing changes which have already been brought about in the Judiciary Committee, I would like also to mention the matter of Minority staff. Because I am convinced of the need for expert and adequate staff, I have strongly supported the Minority's staffing needs, and they have in this Congress already hired 4 additional professionals. In fact, the ratio of Minority professional staff to Majority is now in excess of 1 to 2.

Another effort which I think will contribute to a better committee operation is the sharing of significant work, so that no one subcommittee is overloaded with too much work, and so that no one subcommittee is characterized by such mundane matters as to discourage the interest and efforts of the members thereof. I think this approach will generate a heightened interest and concern by Committee members, thereby inevitably producing a better work product.

I do not mean to be presumptuous in outlining some of the reforms undertaken in our Committee. I realize that different times call for different approaches, and that different Committees may require differing operations. But I do think we are moving—and quite quickly, in fact—in the direction of openness, competence, and responsibility, which are the basic premises for the Congress as a whole.

As I said earlier, the major burden is upon your distinguished Committee to cope with the House as an institution. Certainly, the particularized expertise which you will bring to this effort will have a telling effect on what steps the House takes. However, there are some suggestions which I would like to offer, with the confidence that in the context of your extensive deliberations, these will be given due consideration.

First, I would suggest that Committees should be more rationally structured, with overlapping jurisdictions resolved where thfs is possible. I think this would contribute to a more responsive Congress, and that it would enable the public and the Congress to better perceive what in fact is being done with regard to a given issue.

Second, I think consideration should be given to committee alignments in accordance with mutually agreed overriding national concerns—such as urban problems, civil and criminal justice, and the environment. Of course, to a considerable extent, this is already the case. Perhaps, just the mere renaming of committees would adequately reflect a Congressional concern which has already been articulated by virtue of what these committees already do.

Third, I would suggest consideration of a Congressional civil service, much like the civil service which exists in the federal government. Congressional employees are entitled to job security. Moreover, they should be governed by anti-discrimination provisions, much as federal employees already are. I think that these steps could perhaps enhance the stature of Congressional service, thereby attracting and, more importantly, retaining qualified personnel.

Fourth, we must improve our information gathering and digesting resources. As I adverted to earlier, I do not think computerization is the sole answer, but I do think that it can help.

Fifth, I think consideration should be given to enabling members to move from committee to committee without sacrificing seniority. Thereby, a member perhaps better suited for one committee than another would not have a disincentive to remove himself from the committee where he is somewhat misplaced. In addition, consideration should be given to the number of committees on which a member may serve. Perhaps service on more than one committee does not in fact work well.

Sixth, I think the committee processes must be opened up. We have been making significant steps in this direction, and I wholeheartedly support them.

I do not claim to have ultimate answers. The problems which I have been discussing, and with which you are dealing daily on this Committee, have been considered for many years by experts, both within the Congress and outside of it. Were a perfect solution available, I think it would have been heard from by now. But we can do better; we can improve. I think it is incumbent upon us to do so. The times allow for no less, nor should our consciences.

## NEW PRESIDENTIAL ELECTIONS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, on May 8 I proposed that new Presidential elections called by Congress would be the most constructive solution to the Watergate affair. I pointed out that an impeachment effort would not only be time consuming, but more importantly, would further depress public confidence in government, rather than restore it.

The full nightmare that could develop from impeachment proceedings is vividly described in an article by columnist Stewart Alsop which appeared in the latest issue of Newsweek and was reprinted in the May 20, 1973, issue of the Washington Post. I submit the text of that article for the RECORD following my remarks.

Mr. Speaker, an amendment to the Constitution would presumably be required for Congress to call new Presidential elections, as I have recommended. One might assume that the time required to ratify a constitutional amendment would make this proposal impractical as a response to Watergate. I want to point out, however, that the most recent amendment to the Constitution—voting rights for 18-year-olds—took only 4 months to ratify. The average ratification time for the last four amendments to the Constitution was 15 months.

This illustrates that the constitutional amendment process can be expeditious when the Congress and the public are faced with a pressing problem and generally agree upon a solution.

Certainly the months that might be required to ratify a constitutional amendment to enable the Congress to call new Presidential elections would be preferable to as many or more months of impeachment proceedings. Whereas, as Mr. Alsop notes, impeachment proceedings would shackle and debilitate the executive branch, new elections—or even the propect of new elections—in which the incumbent President and Vice President could run if they so chose, would tend to revive public confidence in our democratic system and, in the end, would create a new mandate for executive leadership.

My proposal for new Presidential elections is spelled out in a resolution, House Joint Resolution 547, which would amend the Constitution to permit the Congress by statute to call for new Presidential elections whenever, in its judgment, "the President has lost the confidence of the people to so great an extent that he can no longer effectively perform his responsibilities."

In view of the considerable interest this proposal has generated, I am circulating it for cosponsorship in the House, and will reintroduce it with cosponsors on or about May 29, 1973. I am hopeful that hearings on this proposal will be held without delay by the appropriate subcommittee of the Judiciary Committee.

The Stewart Alsop article to which I referred, entitled "Presidency: Acceptable on What Terms?", follows:

### PRESIDENCY: ACCEPTABLE ON WHAT TERMS?

(By Stewart Alsop)

For those who enjoy imagining nightmares (and there are a good many of us), here is one to chill the blood:

All the spring and summer of 1973, and still deep into the autumn, the headlines and the television news shows are dominated by the Watergate affair. The affair becomes a three-ring circus, the main rings being the Sam Ervin show in the Senate, the investigations of the "special prosecutor" and the trials of those indicted by the grand jury. There are also plenty of sideshows, and new and sensational charges and countercharges appear almost daily.

As the complex, tedious, nauseating, fascinating and seemingly endless story unfolds, the President's standing in the polls and his prestige at home and abroad sink inexorably. Circumstantial evidence tends to involve the President directly in the scandal, and so does the testimony of men trying desperately to save their own skins. More and more people come to believe that the President himself was responsible both for the original intelligence and political-sabotage operation and for the attempt to cover it up. By autumn, the people who so believe constitute a decisive majority.

By autumn, what was only whispered in the spring is being advocated openly—impeachment. In late autumn, a move to impeach President Nixon for compounding a felony and for other high crimes and misdemeanors is made in the House. After bitter debate, the impeachment motion passes by a slim majority.

The scene now moves to the Senate. In accordance with the Constitution, it is transformed into a court, presided over by Chief Justice Warren Burger, to sit in judgment over the President. Again the debate is bitter, and this time prolonged. The trial vote is for conviction, by a majority--but a majority short of the necessary two-thirds. Richard M. Nixon is still President of the United States.

That is the nightmare, and for those who understand its meaning, it is about as nightmarish as it could be. Consider the past. In 1868, President Andrew Johnson was impeached, ostensibly for removing Secretary of War Edwin Stanton from office against the express wishes of Congress, in fact for attempting to follow President Lincoln's policy of reconciliation toward the South. The impeachment failed of conviction by one vote, and Johnson remained in office until the end of his term.

The era that followed is, except for the Civil War itself, the most tragic in American history. In the South, "Reconstruction" replaced reconciliation, the southern states were treated as occupied enemy territory, and the Carpetbaggers, the Scalawags and the Ku Kluxers flourished. In the North, the robber barons rode high, and money corruption reached into the White House itself.

But at least when Andrew Johnson was impeached, he had only a few months left in office. Richard Nixon's terms runs until noon, Jan. 20, 1977. At least when Andrew Johnson was impeached, the United States was a minor power, not much involved in the affairs of the world, protected by its oceanic moats. At least when Andrew Johnson was impeached, there were no intercontinental missiles, and no nuclear warheads.

These differences suggest why the notion of the impeachment of Richard Nixon is so nightmarish a nightmare. They also suggest why the odds still favor, not impeachment, but some other outcome—perhaps vindication for the President, perhaps an uncomfortable standoff, perhaps some now unforeseeable outcome agreed upon in advance.

For the nightmare is hardly less than a prescription for the decapitation of the United States, at a time of great danger. A President Nixon who had been impeached, and whose impeachment had failed of conviction by a narrow margin, would be no real President at all. He would be a powerless figurehead, robbed of all power to lead, left only the power to obstruct. And the impeachment and the Senate trial would leave this country divided more bitterly than at any time since the impeachment of Andrew Johnson failed by a single vote.

Given the scenario outlined above, what other outcome might be possible? In considering that question, it is worth recalling the story of the first few days after the hair's-breadth defeat of Richard Nixon by John F. Kennedy in 1960.

The election was on Tuesday, Nov. 8. After he had conceded to Kennedy, Nixon flew from California to Washington, and then to Key Biscayne, with Mrs. Nixon and a little band of hardcore Nixonites—secretary Rose Mary Woods, Robert Finch, Herb Kline, Don Hughes, one or two others.

In Key Biscayne, he got a number of telephone calls from major supporters urging him to contest the election, on the ground that it had been stolen. More important, he got word from J. Edgar Hoover, an old ally that the FBI had proof of massive vote stealing in Illinois, Texas and elsewhere.

According to his book "Six Crises," Nixon did not make the final decision not to contest the election until some days later, when he had returned to Washington. But one of those who was with him at Key Biscayne remembers his first, instinctive reaction. He might win the presidency by demanding a recount, he said, but only at the price of chaos and bitterness, and "I would not want the presidency on those terms."

A few days later, he met with President-elect Kennedy and promised to lead "the loyal opposition."

There are those—and in this respect the lady liberals seem especially venemous—who are quite convinced that Richard M. Nixon is not a human being at all, but the foul fiend himself, in vaguely human form. Such people will automatically dismiss the above episode as untrue, or if true, the outcome of a cold calculation of Nixon's self-interest. And yet it is possible that, in the situation that then confronted him, Nixon considered first the good of the country. It is possible that, in the situation that may soon confront him, he will again put that consideration first.

For the present, nothing is more certain than that the President is determined to fight for the presidency, and for all the prestige and authority that go with the office, with everything he has. As he once remarked to this writer, "When I am attacked, my instinct is to strike back." He will strike back as hard as he knows how.

But suppose it becomes inescapably clear that the fight is lost, that he can hold the presidency only as a discredited figurehead. In that case, it does not seem inconceivable that he might decide, as he decided once before, that "I would not want the presidency on those terms."

## WESTMINSTER COLLEGE CITATION FOR HON. STUART SYMINGTON

(Mr. HUNGATE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I would like to bring to the attention of my colleagues the address by Missouri's distinguished senior Senator, STUART SYMINGTON, at the Westminster College convocation in Fulton, Mo., on the occasion of his receiving an honorary doctor of political science degree.

I would also like to include the stirring introduction given the Senator by Dr. Franc L. McCluer, a great leader in the field of education. Dr. McCluer was president of Westminster College when Sir Winston Churchill gave his famous "Iron Curtain" address at the campus on March 5, 1946.

The introductory remarks and address follow:

### WESTMINSTER COLLEGE CITATION FOR THE HONORABLE STUART SYMINGTON, UPON THE OCCASION OF CONFERRING THE DEGREE OF DOCTOR OF POLITICAL SCIENCE, MAY 3, 1973

(By Dr. Franc L. McCluer, faculty member of Westminster College 1918–33, president of Westminster College 1933–47, life trustee of the college)

Mr. President, it is my privilege to present to you one of America's greatest citizens. Since the days of his youth in 1918 when he enlisted in the United States Army and became one of the youngest men to win a commission as lieutenant, he has been the master of the tasks and responsibilities given him. As president of Emerson Electric Company of St. Louis, in the six administrative posts to which he was called by President Harry Truman, and since 1952 as United States Senator from Missouri, his leadership has won for him the confidence and admiration of the American people.

It is of value to us in this academic community to remind ourselves that he was the son of a Professor of Languages in an environment such as our own. It is also good to remember that he lent enthusiastic support to the funding and establishing at Westminster of both the Harry S Truman Chair of American History and the Winston Churchill Memorial and Library.

But the honor we shall give him is not a "thank you" for a friendship of which we are proud. It is a salute to a great man for the use to which he has devoted his extraordinary abilities in the warmth of his family fireside, in the challenge of the business community, and in the call of a political career. We direct attention to a gentleman of humanitarian impulse, of diplomatic savoir faire, of legislative wisdom, and of administrative genius. He is a happy warrior whose great gifts of mind and spirit, whose deep and genuine faith in democratic institutions, and whose splendid personal integrity have led him to give this nation a service that cannot be measured.

President Davidson, I have the pleasure and the high honor of presenting for the Degree of Doctor of Political Science, at your hand, my friend, Stuart Symington.

### WINSTON CHURCHILL—MAN OF VISION

(Address by Senator STUART SYMINGTON, Democrat of Missouri, Westminster College convocation Fulton, Mo., Saturday, May 5, 1973)

It is a privilege indeed to be with you here today. Thanks very much for asking me; and for the honor you are bestowing on me today.

When speaking at Georgetown University some years ago at his son's graduation, my friend Bob Hope referred to the challenges all undergraduates face when they go out into the world. His advice was—"don't go."

That was in jest; but the challenges are there, and often the road is both long and steep. Nevertheless the men and women of America have made this the greatest of all countries by first facing, and then overcoming, those challenges during the some 197 years of our nation's existence.

So it has been, and so, the Almighty willing, it will be.

And speaking of challenges, let me talk briefly this afternoon about a man who, as the result of one address here at Westminster, made even more famous overnight this outstanding center of learning in the heart of Missouri.

Westminster in turn increased his international reputation for accurate prophecy, because on this campus March 5, 1946, fifteen years before the infamous construction of the "Berlin Wall," Sir Winston Churchill first used the phrase "Iron Curtain" when he asserted that such a curtain had descended across the continent of Europe.

The phrase immediately became world famous; and its recognition, representing both actual and potential danger, contained the thought that had much if not most to do with the development of the foreign policy of this country for some twenty-five years. Mr. Churchill, whom Westminster honored as he honored Westminster, was ahead of his time.

In a talk made at Baylor University in 1950 I mentioned the fact that, despite the warnings of this statesman about the rapid rise to power of Adolph Hitler, the British were still extraordinarily complacent when I visited them in 1937. At that time the press stressed their fondness for horse racing, recording the results of each race in some detail; and whereas Prime Minister Baldwin was without question the most popular Britisher, Mr. Churchill, out of office and out of power, was possibly the most unpopular.

How things can change in just four years. When I returned as a representative of this Government in early 1941 during the Mattle of Britain and the blitz, the British were eating their horses instead of racing them, Mr. Baldwin's house had to be guarded by the police from stoning by angry citizens who felt they had been misled, even betrayed; and Mr. Churchill was far and away the most popular man of his time.

During those terrible nights of bombing, all free men were reassured by the words of Mr. Churchill in the House of Commons on June 4, 1940. These words were placed below his picture in every underground shelter, every street level pub, every place where people gathered all over England:

"We shall defend our island, whatever the cost may be, we shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and on the streets, we shall fight in the hills; we shall never surrender."

And they never did. For one year, until Hitler made his greatest military mistake—attacking Russia in June 1941—under the leadership of this great man, the people of that little island, all by themselves, carried on the fight for freedom.

When that number one Missourian, President Harry S. Truman, was listening to Churchill's address here at Westminster, he must have been thinking of the tragedy of the latter's rejection by his countrymen the previous year. Sir Winston and his government were turned out in the middle of the Potsdam conference at the very time he and Mr. Truman were discussing the world's future with Marshal Stalin.

On his trip to this country which included his visit to Fulton, Mr. Churchill also visited the Pentagon, where I was then Assistant Secretary of War; and one day my Chief, Secretary of War Patterson, told his assistants and the Service Chiefs to be in his office at five o'clock.

We came in, there was Sir Winston, leaning against the Secretary's desk; and how well I remember his observing at that time that the people who believed the atomic bomb was the greatest miracle of World War II were wrong. The greatest miracle he said was that, after what the United States had done to its military establishment between the two World Wars, the hard core remaining—Marshall, Eisenhower, King, MacArthur, Arnold—nevertheless was so well trained and basically able that in the three years after Pearl Harbor these same men and their assistants built the most powerful fighting force the world had ever known.

On that same to be remembered afternoon Mr. Churchill also quoted a poem, and asked that we be sure to remember it in future years.

"In war, God is adored and the soldier
knighted.
In peace, God is forgotten and the soldier
slighted."

The next time I saw "this great world citizen," as President Truman termed him in his introduction here at Westminster, was in London eight years later, in February 1954.

By that time nuclear weapons had come into the defense picture and Sir Winston, again Britain's Prime Minister, sent word to me through his Foreign Secretary, Sir Anthony Eden, that the "PM" as Sir Anthony called him, wanted to talk about this new force and its impact on future defense planning.

We did so talk later that afternoon; and again his prophetic vision surfaced. Sir Winston was worried about the relatively exposed position of Great Britain, especially from the sea. He had heard that back in 1948, when Secretary of our Air Force, I had suggested President Truman send the then General Eisenhower to see Marshal Stalin and request—demand if you like—that the latter open up his country to the inspection of Soviet nuclear activities, at the same time assuring Stalin that we would open up our country to him in similar fashion.

Mr. Churchill said, "Barney Baruch told me of your suggestion. I too recommended a showdown in 1948. Did you know?"

I didn't, so he gave me a book which contained his 1948 speeches, and he marked one talk made in September of that year, at Llandudno, Wales.

In that speech Sir Winston said: "The question is asked: what will happen when they get the atomic bomb themselves and have accumulated a large store? You can judge for yourselves what will happen then by what is happening now. If these things are done in the green wood, what will be done in the dry * * * We ought to bring matters to a head and make a final settlement * * * The Western Nations will be far more likely to reach a lasting settlement, without bloodshed, if they formulate their just demands while they alone have the atomic power."

At the time of our meeting in 1954, however, Mr. Churchill's thinking had changed; and in another display of extraordinary vision be stated, "If I made the talk that perhaps I should make tonight I would terrify every man and woman on this island. All of our land is very close to the sea, and we would have little warning indeed of any nuclear attack from the sea."

At the close of this visit, knowing the United States was racing ahead with the development of nuclear weapons, he said, "Don't forget. Think of us all."

And surely this we have.

Soon the other super power also became strong in the new weapons; and thereupon Sir Winston coined another famous phrase to illustrate our position against the Soviet Union, namely "balance of terror." This position was also described by a great nuclear scientist as "two scorpions in a bottle."

Today Mr. Churchill's apprehensions have been completely verified. Since that talk in 1954 we have seen the development of the intercontinental ballistic missile—the ICBM's, many in fields in Missouri a few miles from here; and also submarine launched nuclear missiles, apparently Mr. Churchill's primary apprehension.

Any interested and knowledgeable person now knows that his concept of a balance of terror was a reality; knows too that today the only true deterrent to nuclear war is certainty on our part that, if attacked, we can destroy the aggressor; also certainty that our capacity to do so is well known by any possible aggressor.

There is the only remaining true balance of power. No doubt you have noted that our own nuclear policy has gone from one of superiority, to parity, to sufficiency; i.e., certainty on our part that any nation which attacked us would be committing suicide.

Today we are strong indeed. As illustration, during World War II everything the United States dropped in the bombing of both Europe and the Far East, everything during the entire war, totalled just over two million tons of TNT.

Today the TNT equivalent of weapons in our nuclear arsenal amounts to many billions of tons.

In other words, all the force utilized from the air to help America fight and win World War II was but a small fraction of one percent of the force we have today to resist aggression.

As Mr. Churchill pointed out over nineteen years ago, this position is no longer unique. Each spring we are told by our Defense Department that the nuclear strength of the Soviets is now at least equal if not superior to ours.

What all this connotes is known by the general term "Arms Race," which is by far the most expensive race in world history, one which could well wreck the economy of this nation.

Let me illustrate that assertion by quoting from an article written last summer by a famous Missourian who was here in Westminster as a military aid to President Truman on the day of the famous speech, and who later became Secretary of Defense—Clark Clifford of Saint Louis. In this article last July 2 Mr. Clifford said:

"In the last ten years, from the fiscal year 1963 through 1972, the Federal Government has collected a total of $681 billion in individual income taxes. In the same ten-year period, by startling coincidence, the Federal Government has paid out for defense expenditures the sum of $680 billion."

Such expenditure just cannot go on, for two obvious reasons. First, it is becoming increasingly clear what the size of these vast expenditures is currently doing to our weakening economy.

Second is the problem of the number of scorpions in the bottle, a number that can only continue to grow in the years to come. We already know that, relatively soon, there will be another super power.

This being the case, and confident of the deterrent sting in our nuclear weapons, it is becoming increasingly clear that we must pursue another road as against the arms race—and the best road leading towards a just and lasting peace would appear to lie in the second round of SALT talks. The United States already has a treaty with the Soviet Union on defensive nuclear weapons; and also a 5-year agreement with that country on offensive weapons. The latter we hope the SALT II negotiations will develop into a treaty.

Already the Soviet Union and ourselves are working out together agreements in various fields: peaceful cooperation in science, in health, space, oceanography, problems incident to the environment, etc. Surely we can and should work together to prevent a war that in all probability would destroy civilization as we know it.

The philosopher William James spoke with wisdom of the need for a moral equivalent of war. With that in mind, let us strive to make this search for peace an heroic search. Let us, you and I, join together to that end, in the hope we can assure a better world, for ourselves and for our children.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KEATING (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business.

Mr. ANDREWS of North Carolina (at the request of Mr. MCFALL), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PERKINS, for 30 minutes, on May 22, 1973, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mrs. HOLT) and to revise and extend their remarks and include extraneous matter:)

Mr. ROUSSELOT, for 60 minutes, on May 22.

Mr. KEMP, for 15 minutes, today.

Mr. CRONIN, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

(The following Members (at the request of Mr. LONG of Louisiana) to revise and extend their remarks and include extraneous material:)

Mr. O'NEILL, for 10 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BRADEMAS, for 10 minutes, today.

Mr. JAMES V. STANTON, for 15 minutes, today.

Mr. HELSTOSKI, for 5 minutes, today.

Mr. BRADEMAS, for 60 minutes, May 31.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KASTENMEIER and to include extraneous matter.

Mr. KASTENMEIER and to include extraneous matter, notwithstanding the fact that it exceeds 2¼ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $382.50.

(The following Members (at the request of Mrs. HOLT) and to include extraneous material:)

Mr. ZWACH.

Mr. FREY in two instances.

Mr. ASHBROOK in three instances.

Mr. HOSMER in three instances.

Mr. KEMP in three instances.

Mr. MCCLORY in two instances.

Mr. BELL.

Mr. RONCALLO of New York.

Mr. DERWINSKI in three instances.

Mr. CRANE in five instances.

Mr. WYMAN in two instances.

Mr. CRONIN.

Mr. DU PONT in two instances.

Mr. WALSH.

Mr. VEYSEY in three instances.

Mr. SARASIN.

Mr. HOGAN in three instances.

Mr. BROWN of Michigan.

(The following Members (at the request of Mr. LONG of Louisiana) and to include extraneous material:)

Mr. CHARLES H. WILSON of California.

Mr. MOLLOHAN in two instances.

Mr. BOWEN.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. ROSENTHAL in 10 instances.

Mrs. SCHROEDER in two instances.

Mr. KARTH in two instances.

Mr. BINGHAM in three instances.

Mr. MEZVINSKY.

Mr. OWENS.

Mr. EVINS of Tennessee in two instances.

Mr. DAN DANIEL.

Mr. BLATNIK.

Mr. WOLFF in three instances.

Mr. HENDERSON.

Mr. STOKES.

Mr. BRINKLEY.

Mr. BOLLING.

Mr. RODINO.

Mr. CULVER in six instances.

Mr. BROWN of California.

Mr. MAHON in two instances.

Mr. ROGERS in five instances.

Mr. ICHORD.

## SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills of the Senate of the following titles and a joint resolution were taken from the Speaker's table and, under the rule, referred as follows:

S. 355. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to promote traffic safety by providing that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1672. An act to amend the Small Business Act; to the Committee on Banking and Currency.

S.J. Res. 114. Joint resolution to authorize and request the President to proclaim the week of May 20–26, 1973, as "Digestive Disease Week"; to the Committee on the Judiciary.

## ADJOURNMENT

Mr. LONG of Louisiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 22, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

924. A letter from the Secretary of Defense, transmitting a report on disbursements from the appropriation for "Contingencies, Defense" during the quarter ended March 31, 1973, pursuant to Public Law 92–570; to the Committee on Appropriations.

925. A letter from the General Counsel of the Department of Defense, transmitting two drafts of proposed legislation (1) to amend section 715 of the Department of Defense Appropriation Act, 1973, to extend until December 31, 1973, the date after which members in the rank of colonel or equivalent or above (O–6) in noncombat assignment are no longer entitled to the flight pay prescribed under section 301 of title 37, United States Code; and (2) to amend section 301 of title 37, United States Code, relating to incentive pay, to attract and retain volunteers for aviation crewmember duties, and for other purposes; to the Committee on Armed Services.

926. A letter from the Acting Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine ex-U.S.S. *Marlin* (ex SST 2) to the Greater Omaha Military Historical Society, Omaha, Nebr., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

927. A letter from the President and Chairman Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945, as amended, to extend for 4 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's loan, guarantee and insurance authority, to clarify its authority to maintain fractional reserves for insurance and guarantees, and to amend the National Bank Act to exclude from the limitations on outstanding indebtedness of national banks liabilities incurred in borrowing from the Bank, and for other purposes; to the Committee on Banking and Currency.

928. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to foster and promote the establishment, preservation and strengthening of minority business enterprise; to the Committee on Education and Labor.

929. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a copy of an international agreement, other than a treaty, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

930. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Physics International Co., San Leandro, Calif., for a research project entitled "REAM Tests to Extend the Hope Valley Tunnel and to Demonstrate Muzzle Blast Suppression Techniques," pursuant to Public Law 89–672; to the Commission on Interior and Insular Affairs.

931. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Rapidex, Inc., Boxford, Mass., for a research project entitled "Wedge Longwall Cutterhead Development," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

932. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Arthur D. Little, Inc., Cambridge, Mass., for a research project entitled "High Working Level Alarm," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

933. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Foster-Miller Associates, Inc., Waltham, Mass., for a research project entitled "Fabricate and Test a Conical Boring Device", pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

934. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with MSA Research Corp., Evans City, Pa., for a research project entitled "Improved Dust Control at Chutes, Dumps, Transfer Points, and Crushers in Noncoal Mining Operations," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

935. A letter from the Secretary of Health, Education, and Welfare, transmitting the 2d Annual Progress Report on the 5-Year Plan for Family Planning Services and Population Research, pursuant to Public Law 91–572; to the Committee on Interstate and Foreign Commerce.

936. A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards of Air Commerce; to the Committee on Interstate and Foreign Commerce.

937. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of March 31, 1973, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

938. A letter from the Chief Justice of the United States, transmitting the proceedings of the meeting of the Judicial Conference held April 5 and 6, 1973 (H. Doc. No. 93–103); to the Committee on the Judiciary and ordered to be printed.

939. A letter from the Chairman, U.S. Water Resources Council, transmitting the annual report on the Council's preparation of level B plans under the Water Resources Planning Act for river basins, pursuant to section 209(b) of Public Law 92–500; to the Committee on Public Works.

### RECEIVED FROM THE COMPTROLLER GENERAL

940. A letter from the Comptroller General of the United States, transmitting a report of the audit of payments from the special bank account to the Lockheed Aircraft Corp., for the C–5A aircraft program, covering the quarter ended March 31, 1973; to the Committee on Armed Services.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 404. Resolution authorizing the U.S. Capitol Historical Society to photograph the House of Representatives during one of its sessions; (Rept. No. 93–215). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY (by request):

H.R. 7934. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. DENT (for himself, Mr. Perkins and Mr. Burton):

H.R. 7935. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. ABDNOR:

H.R. 7936. A bill to declare that certain federally owned land is held by the United States in trust for the United Sioux Tribes of South Dakota Development Corporation; to the Committee on Interior and Insular Affairs.

H.R. 7937. A bill to repeal the recently added limitation on Federal payments to States for skilled nursing home and intermediate care facility services under the medicaid program; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 7938. A bill to amend title 5, United States Code, to include as creditable service under the civil service retirement system certain additional service performed on a temporary or indefinite basis by employees in regular positions covered by such system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN:

H.R. 7939. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such mortgagor; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself and Mr. Danielson):

H.R. 7940. A bill to authorize and direct the Administrator of General Services to acquire leasehold interests in certain land located in Los Angeles, Calif., in order to provide parking for persons who have business in the U.S. Federal courthouse and for Federal employees working in the courthouse; to the Committee on Public Works.

By Mr. BROYHILL of Virginia:

H.R. 7941. A bill to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

H.R. 7492. A bill to provide for medals of recognition for all police and firemen in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CRONIN:

H.R. 7943. A bill to discontinue price support programs for agricultural commodities beginning with the 1974 crops of such commodities; to the Committee on Agriculture.

H.R. 7944. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. de la GARZA:

H.R. 7945. A bill to authorize financial assistance for service, employment, and redevelopment (SER) centers; to the Committee on Education and Labor.

H.R. 7946. A bill to provide that, after January 1, 1973, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the 11th of November of each year; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Eckhardt, Mr. Moss, Mr. William D. Ford, Mr. Badillo, Mr. Nix, Mr. Hechler of West Virginia, Mr. Won Pat, Mr. Lent, Mr. Eilberg, Mr. Dulski, Mr. Yatron, Mr. Podell, Mr. Roybal, Mr. Bingham, Mr. Yates, Mrs. Schroeder, and Mr. Rosenthal):

H.R. 7947. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Eckhardt, Mr. Helstoski, Mr. Stark, Mr. Wolff, Mr. Sarbanes, Mr. Drinan, Mr. Riegle, Mr. Moakley, Mr. Metcalfe, Mr. Edwards of California, Ms. Abzug, Mr. Bell, Mr. Harrington, Mrs. Chisholm, Mr. Teirnan, and Mr. Fauntroy):

H.R. 7948. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. DOMINICK V. DANIELS (for himself and Mr. Perkins):

H.R. 7949. A bill to extend the Emergency Employment Act of 1971 for an additional year; to the Committee on Education and Labor.

H.R. 7950. A bill to extend for an additional year the Manpower Development and Training Act of 1962, and for other purposes; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 7951. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. FOUNTAIN:

H.R. 7952. A bill to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to render emergency assistance in certain circumstances; to the Committee on Government Operations.

By Mr. GAYDOS:

H.R. 7953. A bill to require that publications of statistics relating to the value of articles imported into the United States include the charges, costs, and expenses incurred in bringing such articles to the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HASTINGS:

H.R. 7954. A bill to direct the Secretary of Agriculture to release on behalf of the U.S. conditions in a deed conveying certain lands to the State of New York and to provide for the conveyance of certain interests in such lands so as to permit such State, subject to certain conditions, to sell such land; to the Committee on Agriculture.

By Mr. HOWARD:

H.R. 7955. A bill to amend title 18 of the United States Code to prohibit the sale or purchase for slaughter of pregnant mares and mares with foals; to the Committee on the Judiciary.

By Mr. LEHMAN:

H.R. 7956. A bill to amend the Age Discrimination in Employment Act of 1967 to increase coverage under that act, and for other purposes; to the Committee on Education and Labor.

H.R. 7957. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes; to the Committee on Ways and Means.

H.R. 7958. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mr. McSPADDEN:

H.R. 7959. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Indians in Indian Claims Commission docket No. 275, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7960. A bill to provide for the disposition of funds appropriated to pay judgments to the Creek Nation of Oklahoma in Indian Claims Commission docket Nos. 167 and 273, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7961. A bill to require reimbursement of road construction costs at water resources development projects under the jurisdiction of the Secretary of the Army, and for other purposes; to the Committee on Public Works.

By Mr. MELCHER:

H.R. 7962. A bill to repeal certain provisions, which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program; to the Committee on Agriculture.

H.R. 7963. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Ms. Abzug, Mrs. Chisholm, Mr. Dellums, Mr. de Lugo, Mr. Forsythe, Mr. Gonzalez, Mrs. Grasso, Mr. Hawkins, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moss, Mr. Nix, Mr. Podell, Mr. Whitehurst, Mr. Charles H. Wilson of California, and Mr. Young of Alaska):

H.R. 7964. A bill to prohibit discrimination against locally recruited personnel in the granting of overseas differentials and allowances, equalize the compensation of overseas teachers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'BRIEN:

H.R. 7965. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. PERKINS:

H.R. 7966. A bill to amend the Food Stamp Act of 1964 to allow disabled adult members of eligible households to use coupons issued to them to purchase meals prepared for and delivered to them; to the Committee on Agriculture.

By Mr. REGULA:

H.R. 7967. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress of the United States or of a military attack upon the United States; to the Committee on Foreign Affairs.

By Mr. REUSS:

H.R. 7968. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. RHODES:

H.R. 7969. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON of New York:

H.R. 7970. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National

Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 7971. A bill to limit the authority of the Secretary of Health, Education, and Welfare to impose, by regulations, certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 7972. A bill to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1974, and to establish a procedure for executing such limitation; to the Committee on Rules.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Eckhardt, Mr. Carey of New York, Mr. Edwards of California, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Howard, Mr. Matsunaga, Mr. Moss, Mr. Nix, Mr. Preyer, Mr. Podell, Mr. Rosenthal, Mr. Roybal, Mr. Symington, Mr. Tiernan, Mr. Charles H. Wilson of California, Mr. Won Pat, and Mr. Yatron):

H.R. 7973. A bill to amend the Interstate Commerce Act to provide improved enforcement of motor carrier safety regulations; to protect motor carrier employees against discrimination for reporting violations of such regulations; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY (for himself, Mr. Rogers, Mr. Kyros, Mr. Preyer. Mr. Symington, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 7974. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI:

H.R. 7975. A bill to allow individuals a limited carryback of capital losses sustained upon the sale of securities received in certain taxable exchanges; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 7976. A bill to amend the act of August 31, 1965, commemorating certain historical events in the State of Kansas; to the Committee on Interior and Insular Affairs.

By Mr. STEED:

H.R. 7977. A bill for the relief of persons who suffered damages as a result of the sonic boom tests over Oklahoma City, Okla., in 1964, to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 7978. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe, of the Hualapai Reservation, Ariz., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TOWELL of Nevada:

H.R. 7979. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Northern Paiute Nation by the Indian Claims Commission in docker No. 87, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Ms. Abzug, Mr. Badillo, Mr. Bergland, Mr. Boland, Mr. Brown of California, Mr. Davis of Georgia, Mr. Eckhardt, Mr. Edwards of California, Mr. Fascell, Mr. Gibbons, Mr. Gunter, Mr. Hamilton, Mr. Johnson of California, Mr. Leggett, and Mr. Mazzoli):

H.R. 7980. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. UDALL (for himself, Mr. Meeds, Mr. Metcalfe, Mr. Minish, Mr. Moakley, Mr. Owens, Mr. Podell, Mr. Preyer, Mr. Rees, Mr. Rosenthal, Mr. Roush, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. Tiernan, and Mr. Won Pat):

H.R. 7981. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. VEYSEY:

H.R. 7982. A bill to provide reduced retirement benefits for Members of Congress who remain in office after attaining 70 years of age; to the Committee on Post Office and Civil Service.

By Mr. WALDIE:

H.R. 7983. A bill to authorize the establishment of the Pupfish National Wildlife Refuge of the States of California and Nevada, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WALDIE (for himself, Mr. Koch, Mr. McCloskey, Mr. Ryan, Mr. Brown of California, Mr. Hawkins, Mr. Stark, Mr. Leggett, Mr. Edwards of California, Mr. Roybal, Mr. Rees, Mr. Corman, Mr. Price of Illinois, Mr. Podell, Mrs. Burke of California, Mr. Conyers, Mrs. Chisholm, Mr. Mitchell of Maryland, Mr. Melcher, Mr. Won Pat, Mr. Rosenthal, Mr. Fauntroy, Mr. Badillo, and Mr. James V. Stanton):

H.R. 7984. A bill to insure the free flow of information and news to the public; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 7985. A bill to provide for the management, protection, development, and sale of the national resource lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7986. A bill to establish a national policy encouraging States to develop and implement land use programs; to the Committee on Interior and Insular Affairs.

By Mr. GAYDOS:

H.J. Res. 561. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.J. Res. 562. Joint resolution to establish a nonpartisan commission on political campaign reform; to the Committee on House Administration.

By Mr. KEMP:

H.J. Res. 563. Joint resolution asking the President of the United States to declare Sunday, June 3, 1973, MIA Awareness Day to pay tribute to members of the Armed Forces who are missing in action in Indochina; to the Committee on the Judiciary.

By Mr. MARTIN of Nebraska:

H.J. Res. 564. Joint resolution proposing an amendment to the Constitution of the United States to provide that no individual may be seated as a Representative or as a Senator after attaining the age of 68; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. Roy, and Mr. Carter):

H.J. Res. 565. Joint resolution to authorize and request the President to proclaim the week of May 20–26, 1973, as "Digestive Disease Week"; to the Committee on the Judiciary.

By Mr. GRAY:

H. Res. 398. Resolution providing for promotions to positions of a supervisory capacity on the U.S. Capitol Police Force authorized for duty under the House of Representatives, to reduce by 15 positions the total number of positions on such force under the House, and for other purposes; to the Committee on House Administration.

By Mr. McFALL (for himself and Mr. Arends):

H. Res. 399. Resolution authorizing the U.S. Capitol Historical Society to photograph the House of Representatives during one of its sessions; to the Committee on Rules.

By Mr. SISK (for himself, Ms. Abzug, Mr. Badillo, Mr. Bell, Mr. Bergland, Mr. Biaggi, Mr. Breaux, Mrs. Burke of California, Mrs. Chisholm, Mr. Corman, Mr. Coughlin, Mr. Danielson, Mr. de Lugo, Mr. Denholm, Mr. Derwinski, Mr. Diggs, Mr. Drinan, Mr. Eilberg, Mr. Fraser, Mr. Frenzel, Mr. Gilman, Mrs. Green of Oregon, Mr. Gude, Mr. Harrington, and Mr. Hechler of West Virginia):

H. Res. 400. Resolution relating to the employment of student congressional interns in the House of Representatives; to the Committee on House Administration.

By Mr. SISK (for himself, Mr. Kemp, Mr. Ketchum, Mr. Leggett, Mr. McEwen, Mr. Madigan, Mr. Mann, Mr. Matsunaga, Mr. Meeds, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moss, Mr. Murphy of New York, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Railsback, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, and Mr. Ruppe):

H. Res. 401. Resolution relating to the employment of student congressional interns in the House of Representatives; to the Committee on House Administration.

By Mr. SISK (for himself, Mr. Stark, Mr. Stuckey, Mr. Studds, Mr. Tiernan, Mr. Waldie, and Mr. Won Pat):

H. Res. 402. Resolution relating to the employment of student congressional interns in the House of Representatives; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself, Mr. Ketchum, Mr. Gunter, Mr. Derwinski, Mr. Cochran, Mr. Gude, Mr. Won Pat, Mr. Whitehurst, Mr. Huber, Mr. Frenzel, Mr. Froehlich, Mr. Shoup, Mr. Harrington, Mr. Duncan, Mrs. Grasso, Mr. Moakley, Mr. Riegle, Mr. Parris, and Mr. Cleveland):

H. Res. 403. Resolution requesting the President to enter into negotiations with major oil importing countries to establish an international organization of oil importing countries and to establish common practices and policies affecting oil pricing, importation, and consumption; to the Committee on Foreign Affairs.

By Mr. MADDEN:

H. Res. 404. Resolution authorizing the U.S. Capitol Historical Society to photograph the House of Representatives during one of its sessions; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

207. By the SPEAKER: A memorial of the Legislature of the State of Nevada, relative to allowing Nevada to obtain surplus military equipment for use in vocational education programs; to the Committee on Armed Services.

208. Also, memorial of the Legislature of the State of Nevada, relative to the repeal of certain parts of the 1934 Gold Reserve Act; to the Committee on Banking and Currency.

209. Also, memorial of the Legislature of the State of Nevada, relative to restricting States from withholding income tax of nonresidents; to the Committee on Interstate and Foreign Commerce.

210. Also, memorial of the Legislature of the State of Utah, requesting the Congress to pass legislation to return to the States a por-

tion of the Federal user charges flowing into the aviation trust fund; to the Committee on Interstate and Foreign Commerce.

211. Also, memorial of the Legislature of the State of Nevada, relative to observing Veterans' Day on November 11; to the Committee on the Judiciary.

212. Also, memorial of the Legislature of the State of Nevada, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States to prohibit the assignment of students to particular public schools on account of race, religion, color or national origin; to the Committee on the Judiciary.

213. Also, memorial of the Legislature of the State of Oklahoma, requesting the Congress to propose an amendment to the Constitution of the United States authorizing Congress to provide for selection and terms of certain Federal judges; to the Committee on the Judiciary.

214. Also, memorial of the Legislature of the State of California, relative to the U.S. mail; to the Committee on Post Office and Civil Service.

215. Also, memorial of the Legislature of the State of Nevada, relative to nursing homes for veterans; to the Committee on Veterans' Affairs.

216. Also, memorial of the Legislature of the State of Oklahoma, relative to adequate hospital, domiciliary, and clinical medical services for veterans; to the Committee on Veterans' Affairs.

217. Also, memorial of the Legislature of the State of Minnesota, relative to providing that industries may not move operations to escape environmental protection legislation; to the Committee on Ways and Means.

218. Also, memorial of the Legislature of the State of Nevada, relative to recycling metals and other materials; to the Committee on Ways and Means.

219. Also, memorial of the Legislature of the State of Nevada, relative to repealing Federal taxes on certain forms of wagering; to the Committee on Ways and Means.

220. Also, memorial of the Legislature of the State of Nevada, relative to casino dealers' tip income; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 7987. A bill for the relief of Jose Ramon Morales and his wife, Joyce; to the Committee on the Judiciary.

By Mr. CULVER:

H.R. 7988. A bill for the relief of Rosalina B. Schmidt; to the Committee on the Judiciary.

By Mr. McSPADDEN:

H.R. 7989. A bill for the relief of Jim A. Egan and Violet A. Egan; to the Committee on the Judiciary.

H.R. 7990. A bill for the relief of Denise Newell; to the Committee on the Judiciary.

H.R. 7991. A bill for the relief of Harold J. Walker and Edna C. Walker; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

217. By the SPEAKER: Petition of the county legislature, Suffolk County, N.Y., relative to restoration of the operating budget of the Brookhaven National Laboratories Associated University, Inc.; to the Committee on Appropriations.

218. Also, petition of Edward R. Garcia, Warren, Mich., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## A TRIBUTE TO BEN MARGINES

### HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. BELL. Mr. Speaker, I would like to take this occasion to commend Mr. Ben Margines for his many years of outstanding service and leadership in religious, community, and political affairs in Los Angeles.

Ben Margines was born in Poland, emigrated to British occupied Palestine in 1934—where he served in the underground—and then emigrated from Israel to the United States, with his wife and son, in January 1961. He became a citizen of the United States in 1965.

Mr. Margines has been deeply involved in senior citizen activities, including the Senior Citizens Leadership Training program of the Los Angeles County Department of Parks and Recreation. He was commended by California Attorney General Evelle Younger for his participation in consumer protection programs for senior citizens and is currently serving as Treasurer of the Attorney General's Senior Citizen Consumer Committee. He is a member of the National Senior Citizens Club of Los Angeles County, Special Vice President for Senior Citizen Affairs of the West Hollywood Community Coordinating Council, has been active in the Wilshire Community Coordinating Council's senior citizen program, and is working with the Los Angeles Police Department in community crime prevention meetings for senior citizens.

Mr. Margines has provided significant leadership in the Jewish community. He has been a leader in the American Jewish Congress, is a past board member of the American Congress of Former Polish Jews, and is a member of the executive committee of the Jewish National Fund. He has had a long-standing interest in opera, has performed for Israeli troops, and is a member of the Troopers and of the Opera Reading Club of Hollywood.

As a deputy Registrar of Voters in Los Angeles County, Mr. Margines has registered thousands of voters over the last 8 years—4,250 voters were registered by him in 1972 alone. His consuming interest in his adopted country has also manifested itself in assistance provided to immigrants in obtaining citizenship. As voluntary secretary of the Fairfax Adult School for citizenship classes, he has participated in, and been an honored guest at, the biennial "Salute to New Americans" for new citizens in the city and county of Los Angeles over the last 8 years and can be justly proud of his personal contribution to the realization of this goal for many.

There have been a number of political candidates both locally and nationally whose campaigns have benefited from the contributed talents of Ben Margines. His interest and his activities in this field have been directed to candidates in both major political parties. This typifies his dedication to the all-important goal of electing to public offices those individuals he feels will best represent all citizens of this country.

Mr. Speaker, Ben Margines is a humanitarian of the highest order and I consider it a privilege to call him my friend.

## SECURITIES LEGISLATION

### HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

*Monday, May 21, 1973*

Mr. BROOKE. Mr. President, this session of Congress may see the introduction of more securities legislation than at any time since the 1930's. Committees of both Houses of Congress have recently finished detailed reports offering a long list of legislative recommendations on the most important economic and regulatory problems facing the industry. In fact, consideration of this legislation is already underway.

I anticipate that every investor and every securities firm, no matter how large or small, will be touched in some way by the changes brought about by this legislation. Accordingly, I want to take this opportunity to note the efforts of one segment of the brokerage community—the independent broker-dealers—to bring their views on this important legislation to the attention of the Congress. They are just as concerned about and as knowledgeable on the effects of this legislation on the individual investor as are the industry's giants.

Perhaps the role of these firms in this Nation's delicate capital formation process is not as well known as it should be. The independent broker-dealers are firms engaged in the securities business, who, by virtue of their size, fall into the category of small businessmen. They face all the problems of any small businessman and a number of problems that others do not face as well.

Recently, a group of these small firms presented their views on some of the difficulties of the day-to-day business for a small brokerage firm to a joint meeting of the Senate and House Select Committees on Small Business. In addition, Mr. Raymond W. Cocchi has also written to Chairman BIBLE of the Senate Select Committee on Small Business detailing some of the many problems faced by small broker-dealers, and I want to include his letter in the RECORD. Mr. Cocchi has important things to say about the future of securities regulation and its effect on the small businessman.

Mr. President, I ask unanimous consent that Mr. Cocchi's letter to Senator Bible be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record as follows:

January 4, 1973.

Hon. Alan Bible,
*Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: In response to your letter of December 18, 1972, I am pleased to transmit our reaction regarding the SEC's December 27, 1971 presentation mentioned in the Securities Subsection of the 22nd Annual Report of the Select Committee on Small Business, United States Senate.

As you know, my letter of June 9, 1971 brought to your attention our increasing concern that small businessmen in the securities industry are being overlooked and forgotten in the various proceedings going on in other committees of Congress and before the Securities and Exchange Commission. It pointed out statements made by the chairman of our nation's largest brokerage firm, calling for a speed-up of the process of survival of those most fit. It pointed out our nation's strong tradition of fostering small business as evidenced by the Small Business Administration, the Robinson-Patman Act, the Sherman Act, the Clayton Act, the McGuire Fair Trade Act, the Small Business Investment Company Act, and numerous other Congressional safeguards established for small business. It pointed out that three-fourths of the NASD's 4,470 member firms fall in the category of small business. We asked your Committee to undertake hearings in these areas to develop a record which might be the basis for either regulatory or legislative provisions which would protect the more than 3,000 small businessmen in the securities industry.

Our delay responding bears explanation. The explanation could best be put by quoting SEC Chairman Casey in his February, 1972 transmittal to the Congress of the SEC's "Study of Unsafe and Unsound Practices". He appropriately stated:

"The problem faced by those responsible can perhaps best be appreciated by going to Tolstoy's War and Peace. Of Kutuzov, the Russian commander facing Napoleon before Moscow, Tolstoy wrote:

" 'The commander-in-chief is always in the midst of a series of shifting events and so he never can at any moment consider the whole import of an event that is occuring. Moment by moment the event is imperceptibly shaping itself, and at every moment of this continuous, uninterrupted shaping of events the commander-in-chief is in the midst of a most complex play of intrigues, worries, contingencies, authorities, projects, counsels, threats and deceptions, and is continually obliged to reply to innumerable questions addressed to him, which constantly conflict with one another.

'. . . (A) commander-in-chief, especially at a difficult moment, has always before him not one proposal but dozens simultaneously. And all these proposals, based on strategies and tactics, contradict one another. A commander-in-chief's business, it would seem, is simply to choose one of these projects. But even that he cannot do. Events and time do not wait.

'An order (to retreat) must be given to (the adjutant) at once, that instant. And the order to retreat carries us past the turn to the Kaluga road. And after the adjutant comes the commissary-general asking where the stores are to be taken and the chief of the hospitals asks where the wounded are to go, and a courier from Petersburg brings a letter from the sovereign which does not admit of the possibility of abandoning Moscow, and the commander-in-chief's rival, the man who is undermining him (and there are always not merely one but several such), presents a new project diametrically opposed to that of turning to the Kaluga road, and the commander-in-chief himself needs sleep and refreshment to maintain his energy, and a respectable general who has been overlooked in the distribution of rewards comes to complain, and the inhabitants in the district pray to be defended, and an officer sent to inspect the locality comes in and gives a report quite contrary to what was said by the officer previously sent . . .' "

In the SEC's December 27, 1971 presentation Mr. Loomis points out the events leading to an industry crisis which eventually led to the creation by the Congress of the Securities Investor Protection Corporation. It is at this point that a fundamental difference of opinion develops between small securities firms and The Securities Exchange Commission. The SEC has told us time and again that they are only carrying out the mandate for reform called for by the Congress upon the passage of the Securities Investor Protection Act. It is our view that the SEC has over-reacted and an "over-kill" situation has occurred.

Small businessmen in the securities industry have been inundated with new, highly restrictive, complicated, and nearly incomprehensible rules and regulations. New requirements calling for daily, weekly, and monthly complicated mathematical computations, coupled with monthly, quarterly and annual newly-developed forms, have placed an unimaginable strain on small businessmen. New interpretations of long-standing industry rules and regulations, coupled with many administrative and legislative proposals now pending, will cause the demise of more small businesses.

Worse, yet, thousands, maybe even millions, of our nation's thirty million investors have become "orphaned" due to the fewer number of securities firms now in existence. Most of the firms remaining no longer can profitably serve small public investors.

At times the regulators seem to suffer to some extent from a bad case of tunnel vision—all they can see is so-called "investor protection" in terms of their own regulatory responsibilities but fail adequately to take into account the very serious situation of depriving small public investors access to the market place.

Historically, independent broker/dealers have engaged in the distribution of securities to individual small investors. Many provide regional and local securities facilities by maintaining primary or branch office locations in areas throughout the country where there are not branch offices of large broad-based New York City firms. Many participate in underwritings managed by other firms; many retail listed securities; many retail unlisted securities; many retail mutual fund shares; many maintain markets in active and inactive local securities; and many raise capital for new or small businesses.

To keep pace with rising overhead costs and the threat of lower commission rates many of our members are turning to new sources of income, most of which, however, tend to exclude individual investors from participating. They have developed expertise in originating underwritings. New and unseasoned issues, however, are not normally considered suitable for the small, unsophisticated and less affluent individual investor. They have developed professional skills in the distribution of tax shelter programs. These programs, too, are often considered unsuitable for the lower tax bracketed individual investor. Out of frustration, some have sought the unregulated havens of private placements, exempt transactions, unregulated commodities and options, and many other financial areas where the potential buyer by necessity must be highly sophisticated and affluent.

In a free enterprise society, independent broker/dealers are no different from anyone else. They tend to spend the precious hours, days, weeks and months of their earning lifetimes doing those things which are more productive and bring the highest return pound for pound for the effort expended. The small investor, however, is suffering.

Mr. Loomis pointed out the need for a strengthened basic capital structure of the brokerage industry and referred to the then pending proposed amendment to Rule 15c3–1 which, if adopted, would meaningfully increase the capital requirements of broker/dealers.

That Rule was adopted and put into effect many months ago, with a resultant capital increase of 400% required of general securities firms. Coupled with the requirements of Rule 17a–11, for practical purposes, it effectively brought the increase to 500%.

On December 5, 1972, in Release #9891, the SEC set forth a 32-page "Notice of Proposal to Amend Rule 15c3–1", which proposes to substantially revise the net capital requirements of securities firms.

This proposal comes at a time when the securities industry is attempting to interpret Rule 15c3–3, considered to be the most far-reaching and highly-complicated requirement ever to hit the securities industry, which takes effect on January 15, 1973.

Referring back to Chairman Casey's remarks in the SEC's "Study of Unsafe and Unsound Practices". he said.

"In developing and evaluating protective measures, we have been mindful that we are dealing with a moving situation. Some forms of protection useful now may become unnecessary as others are developed. For example, the Net Capital Rule (15c3–1) is and has from the beginning been primary protection against financial irresponsibility of brokers. When the proposed rules for segregating customers' cash balances and establishing reserves for unsegregated securities have been fully implemented (15c3–3) and have proven their ability to protect customers' funds, the net capital rule may become less important."

In other words, if the SEC has already meaningfully increased net capital requirements and has already adopted measures for the protection of customers' cash and securities, why then should there be a major overhaul of net capital requirements at this time without allowing reasonable time to determine whether there is a need for a further strengthening of the Net Capital Rule or whether there is a need for any Net Capital Rule at all.

Mr. Loomis further pointed out the Commission's non-objections to the Exchange's new rate proposal conditioned on the Exchange providing for a 40% discount from non-member rates for brokers who are non-members of the Exchange and have heretofore not had economic access to it. We are grateful to the Commission for its thoughtfulness in taking into account the interests of non-Exchange members.

I wish to point out, however, that on April 27, 1968 under SEC, Justice Department, and Congressional pressure the New York Stock Exchange Board of Governors reversed its policy and decided to:

1. recommend to its members the abolition of "customer directed give-ups"—until that date they had strongly argued for the continuance of such practices.

2. institute volume discounts and commission rates for large institutional type orders.

3. provide limited economic access to the Exchange for non-member broker/dealers.

**Item one, referred to above, by itself would deprive non-member broker/dealers of substantial income. Item two would result in little or no impact on smaller non-Exchange members. Item three, however, coupled with Item one would tend to lessen to a great ex-**

tent the loss of income non-Exchange members would suffer.

Under continuing pressure by the above-mentioned agencies:

1. "customer directed give-ups" became unlawful on December 5, 1968.

2. volume discounts were instituted on December 5, 1968.

3. non-member access, apparently of much lesser significance to the SEC, Justice Department, and the Congress, was allowed to be "studied" by the Exchange and was not instituted until March, 1972—nearly three and one-half years later!

These statements, in response to the SEC's December 27, 1971 presentation, are made in a spirit of cooperation and are not intended to be overly critical of the SEC. We feel it our responsibility, however, to make known just as candidly and straightforward a fashion as possible, some of the frustrations and problems of small securities firms as we see them.

We were encouraged when the "Securities Study Group of the Federal Bar Association Small Business Committee" in its recently-completed study entitled, "Fundamental Problems of Small Initial Securities Offerings", concluded in part:

". . ., the Committee requests that the Securities and Exchange Commission carefully consider the role regional investment firms play in financing small businesses. As indicated earlier, national banking firms are most reluctant to concern themselves with this sector or our economy. Therefore, any action which weakens the regional firms' network impairs the ability of small business to raise capital."

We were further encouraged when William McChesney Martin, in his highly publicized report to the New York Stock Exchange Board of Governors, saw fit to conclude:

"The role of the small brokerage firm, should not be overlooked. It has contributed to the health and strength of the economy, by raising capital to finance new ventures, and by serving the needs of small investors scattered across the nation. In short, by broadening economic opportunity. In the course of the many changes, which will inevitably take place in the securities industry, care should be taken not to cause the elimination of efficient, small firms."

Mr. Loomis, himself, states in his letter:

"We realize that these small independent business entities make a vital contribution to our national economy and, in so far as possible, we seek to assist and encourage them".

Whatever the real intent of those who regulate our industry, it seems at times that they are determined to drive all but the large out of the securities business.

The head of an IBDTA San Francisco investment firm, who until recently held a high position in the National Association of Securities Dealers, stated in a recent speech:

"Nobody can deny that the securities industry requires regulation to insure solvency, honesty and fair treatment of the investing public. Additionally, a primary purpose of regulation is to strengthen the industry's economic function. The critical dilemma is how to keep the hand that helps and protects from strangling us in the process."

The Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce House of Representatives will hold hearings in the 93rd Congress on its "Legislative Recommendations of Proposed Securities Act Amendments of 1973". These hearings could do much to solve some of the above-mentioned problems we are experiencing, such as establishing Uniform Reporting Requirements. Other aspects of the Proposal, however, call for greater industry financial and operational responsibilities—more than those already adopted by the SEC to date.

On February 12, 1973 the SEC will commence public hearings on its recently-completed study of the "potential economic impact of the repeal of Section 22(d) of the Investment Company Act of 1940". Our members are deeply disturbed with certain statements made by SEC Chariman Casey in his letter transmitting the study to Senator John Sparkman, Chariman of the Committee on Banking, Housing and Urban Affairs, a copy of which is attached. Of particular concern, on pages four and five of his letter he states:

"The impact of the cost-saving that investors would realize from the repeal of Section 22(d) would fall almost entirely on the independent broker/dealers who made three-fourths of all load fund sales in 1970 and who during that year derived gross revenues of $150 million from this source."

He describes a group of broker dealer firms whose business consists almost entirely of selling mutual fund shares and who represent about 13% of the broker dealer community. He goes on to say, in reference to this group:

"It should be noted that the mutual fund industry is far more important to these firms than they are to it".

With all respect due to Chairman Casey, I leave the track and must say that this statement seems to be inconsistent with the broad national policy established by our federal government to protect small business. It would seem to me that the SEC has no authority, within the broad policy goal of Congress, to simply write off a portion of the small business segment of the securities industry.

We are desperately in need of your help and I hope this response to the SEC presentation and some of the current matters raised in this letter will be of help. I am looking forward to arranging the oral presentation by our small business liaison committee and have, as of this date, taken steps in that regard in accordance with the thoughtful suggestion contained in your December 18, 1972 letter.

Your interest and concern is very much appreciated.

Sincerely,

RAYMOND W. COCCHI,
*President, IBDTA.*

---

## THE PROBE MUST GO ON

## HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. MOLLOHAN. Mr. Speaker, one of the most effective and thoughtful journalists in this country, Harry Hamm, editor of the Wheeling, W. Va., News-Register, has summarized the case for full disclosure of the Watergate scandal and related events more succinctly and more clearly than any other editorial that has come to my attention. This article, which is quoted below, merits the attention of my congressional colleagues, regardless of their political persuasions.

### THE PROBE MUST GO ON!

Now come those who would have the press suddenly cease and desist in its reporting and commentary on Watergate. It has been suggested that the office of the Presidency will be harmed if the sordid revelations aren't soon spiked. President Nixon himself has said it is time to go back to business as usual.

Surely the President knows that this is not possible until the whole truth is known. This is no minor political scandal involving a lowly public official caught with his hand in the till. Even now it is clear that Watergate represents a profound abuse of presidential power. That is what should concern the American people.

A congressional inquiry into the Watergate matter will open this week and hopefully with the full cooperation of the White House. If there is any hedging under the lame excuse of "executive privilege" President Nixon's claim of no personal involvement will be further damaged and possibly beyond repair.

Let us reject here and now the notion that the institution of the presidency is under attack in the Watergate case. It is the conduct of the presidency that is in question. Regardless of whether President Nixon had any personal ties with Watergate or in efforts to cover up, it was the President who personally built the apparatus around him which now stands accused of gross misconduct and evil deeds.

There is mounting evidence that the closest associates and political advisers of President Nixon did plan the bugging of the Watergate offices of the Democrat Party as well as other illicit acts of political espionage.

Add to this the indictment now of two former members of the Administration's Cabinet, including the man who headed the President's re-election campaign until two weeks after the Watergate break-in, and the campaign's chief fund raiser. They were charged with conspiring to arrange a secret $200,000 contribution to the election effort. And tied to this same dealing is the President's brother and President's personal attorney, accused of pressuring shady businessmen and organized pressure groups for large sums of money, preferably in cash.

Startled we are when it is learned that the President ordered John Ehrlichman to conduct a secret White House investigation of Daniel Ellsberg—independent of the Justice Department.

And then it is disclosed that the secret investigation carried out by two Watergate felons resulted in the burglary of the files of Mr. Ellsberg's psychiatrist.

But that is not all! We are told that John Ehrlichman last month summoned the judge in the Ellsberg case to the Western White House to tell him he was being considered for a high position. During the visit it is said the judge talked to President Nixon. As for the job offer, we are told it was the directorship of the FBI, one of the most coveted posts in our country.

How can anyone condone such conduct? How can anyone argue that the American people have no right to know of these shocking events?

We agree there must be no "whitewash" at the White House.

Only the whole truth will suffice, aired in public to all the people, not in statements made behind closed doors to grand juries or special investigators, where we cannot hear for ourselves what the facts are. Failure to come forward now will only further erode the people's confidence in the office of the Presidency.

And let it be a sober reminder to all that this game of politics is no game at all. It is the central thread in the achievements and failures of man. And how we weave that thread might well determine whether we'll survive as a free nation dedicated to individual liberty and devoted to the pursuit of happiness for all people and not only for a "palace guard" of political strongarm experts.

---

## RETIREMENT OF JIM FARLEY

## HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

*Monday, May 21, 1973*

Mr. TALMADGE. Mr. President, a friend of the Senate and of many members of this body, Mr. James A. Farley, recently retired as chairman of the board of the Coca-Cola Export Corp. and was appointed honorary chairman in which capacity he will continue his distinguished service to the company.

Jim Farley, onetime national chairman of the Democratic Party, Postmaster General, and adviser to President Franklin D. Roosevelt, has devoted his life and talents to outstanding public service, and I congratulate him on his retirement and I wish him every future success and happiness in his new position.

There appeared in the Atlanta Journal-Constitution of Sunday, May 13, a very fine editorial saluting Jim Farley, and I ask unanimous consent that this editorial be printed in the Extensions of Remarks.

There being no objections, the editorial was ordered to be printed as follows:

### Mr. Farley Retires

James A. Farley is one of the distinguished figures of recent American history.

He was a mentor of Franklin D. Roosevelt. He had as much or more to do with making Mr. Roosevelt president as Mr. Roosevelt himself.

President Roosevelt discarded Mr. Farley when he ran for his third term. It was an act of ingratitude which Mr. Farley took like the gentleman he is.

What Mr. Roosevelt lost, American business gained. Mr. Farley went with Coca-Cola Export when Coca-Cola was as rare abroad as are dukes and duchesses here. The success of Coke's export program is too successful to need retelling.

Now Mr. Farley has retired as chairman of the Export Corporation and become its honorary chairman, an appropriate title for a man whose career has been marked by honor.

His has been a fine career in public life and private business and one which has won him the friendship and respect of much of the world.

## AGAINST THE VITAMIN BILL—NEW YORK TIMES TAKEN TO TASK FOR EDITORIALIZING IN NEWS COLUMNS

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. HOSMER. Mr. Speaker, the following letter from a certified social worker and psychotherapist in New York City speaks for itself:

New York, N.Y.,
*May 14, 1973.*

Dear Congressman Hosmer: I read today in the New York Times a highly slanted article by Richard Lyons covering legislation to block the final FDA order which pertains to vitamins, minerals and other supplements.

Mr. Lyons attempts to portray supporters of your bill as faddists and crackpots. He fails to inform his readers that many experts in nutrition have been critical of the FDA order. He also fails to inform his readers that the FDA order would ban completely a number of harmless food supplements other than vitamins and minerals.

I am a practicing psychotherapist specializing in problems of drug abuse and addiction. I am currently working for a private agency whose clientele consists exclusively of people who have problems with drugs. More than half of our patients are heroin addicts.

About two years ago I decided to interest my patients in nutrition. Some of them resisted my efforts, others gave it a try. Roughly 60% of my patients changed their way of eating. In addition to abandoning "junk foods" the majority of my patients learned how to balance their diets. They also learned how to intelligently take vitamins, minerals and other supplements. In a few instances remarkable positive results were achieved in a very short period of time.

When people stop using heroin or barbiturates or amphetamines after long time usage, they often suffer from depression and/or anxiety, have insomnia and generaly do not feel capable of coping with life tasks such as working at a job. They are capable however of changing their eating habits when it is stressed to them that this is an important priority. After a relatively short period of time they feel better and look better. It is an important ego boost for them when they realize that they are responsible for the improvement in their well-being.

Without going into lengthy details, I would like to state categorically that if the FDA order is permitted to stand, this kind of rehabilitation will be impossible in the future. I have a number of patents who are too poor to seek a doctor for prescriptions for vitamins, minerals and other supplements. Other patients have difficulty swallowing pills and could not take many pills of low potency. (I consider some of the maximum RDA's proposed by the FDA to be of low potency*). Those on welfare would have difficulty filling medicaid prescriptions since many drug stores in New York City refuse to accept medicaid prescriptions for vitamins.

I hope that your efforts in passing H.R. 643 will meet with success.

Cordially,

David Wolynski.

P.S. Do you mind if I send a copy of this letter to other Members of Congress?

## FROEHLKE'S DEPARTURE FROM OFFICE AS SECRETARY OF THE ARMY

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Monday, May 21, 1973*

Mr. THURMOND. Mr. President, it is with sincere regret that I speak on the occasion of Mr. Robert Froehlke's departure from office as Secretary of the Army.

Mr. Froehlke has seen the Army move through some difficult times. He expertly supervised the departure from Vietnam. He was responsible for returning from Vietnam millions of dollars worth of equipment needed by our Armed Forces at home and elsewhere in the world. He also vigorously and successfully supported programs which recruited and promoted outstanding military and civilian personnel that form the hard-hitting management team running the Army today.

In addition, he developed clearer lines of policy and fiscal control over the Department's intelligence resources, which had the added benefit of improving communications among all Defense Department intelligence agencies. Success with programs—programs which saved the taxpayers money, which rationalized procedures, and conserved manpower resources—are only a part of Bob Froehlke's success as Secretary of the Army.

Mr. President, he did more than put imaginative programs into operation in the department he headed. There is no doubt that he also breathed a new spirit into it as well. Because of that spirit of concern for people and their job satisfaction at every level of the Army—particularly the unit level—the Army of today has a renewed pride and sense of mission. Very importantly, it has gained greater respect from the American people.

Mr. Froehlke will have this Nation's respect for his great service to America and to the Army during these trying times of need. This Nation needs more Robert Froehlkes. As long as we are able to place such men in positions of responsibility in our Defense Department, this Nation will be safe and democracy will endure.

Mr. President, upon the departure of Secretary Froehlke, he delivered some heart-warming remarks at a farewell ceremony at Fort Myer, Va., on May 10, 1973, which reflect the deep and human feelings of a great leader. I ask unanimous consent for his speech to be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

### Remarks by Secretary of the Army Robert F. Froehlke

It is customary to remark that one leaves with "Mixed Feelings."

Let me omit what is expected and say the unexpected. The reason is not that I just want to come up with something new. I simply feel a man should take a more positive approach than that of his soul nicely split in the middle, which anyway, sounds for my normal taste a little bit too much like schizophrenia.

We should not coddle ourselves by indulging in those ever quoted Mixed Feelings. A man has his assigned task. He does it to the best of his ability and with a genuine, perhaps even zestful eagerness. Then he comes to the end of the time allotted him for that particular task, that particular mission. And he leaves. Still deeply interested in what had been his work, still feeling close to those who became his friends in a common endeavor, he passes on to meet new problems, new joys—or miseries—and a new style of life. Another page is being turned over.

Those who have dealt with me over the years know that this attitude is not cold or heartless, it is merely a reflection of a life-affirming view which I might have inscribed on a plaque somewhere, someday in my home somewhere: "No regrets, please. Life goes on colorful, rich, vibrant."

It is also customary for him who departs to express in a few well polished phrases what he thinks, "in all humility," he has accomplished and how much, nevertheless, still remains to be done by his successors. I do not believe it behooves a man—even with that nice saving qualifier "in all humility"—to speak of his own achievements. History and our peers will judge what each of us has really accomplished. Let not the individual himself try to assume the role of arbiter. He is too close to himself to be objective. How painful for his listeners to hear him embarrassingly strive to hold the "appropriate" medium line between self-congratulating pride and self-doubting modesty, And yet, I am sufficiently human to take great satisfaction in what I perceive the Army has accomplished during my tenure.

---

*I refer particularly to vitamin C.

Am I, then, to express no thoughts, no feeling at this moment of depatrure? That would be more than wrong, it would be inhuman: It would leave all of us here assembled with a sense of emptiness, and ill at ease. Moreover, it would be entirely against my own inner grain, my belief—my credo, I might say—that in this modern, technological, bureaucratic age men are in more dire need than ever before to communicate, truly communicate, with one another.

And this, friends, is really the issue I have at heart while taking my leave from you and from that great, but also big, institution: The United States Army. Yes, big too, and therein lies a problem. It has been my observation that in all large organizations—civilian or military, secular or clerical—depersonalization is the most serious and most pervasive single threat to the effectiveness of the whole body and to the sustained performance of its members. Have we not all seen individuals, soldiers as well as civilians, turn from eager, enthusiastic, courageous men and achievers into dehydrated bureaucrats? Do not let us accept the myth that this is an unavoidable consequence of numerical growth itself, that there is no room for warm-blooded strong personalities and for human relations within the big green machine. Let us, for Heaven's sake, not end up by equating efficiency and excellence with Systems Analysis.

My whole life has been so definitely wedded to practical affairs that I can hardly be considered a dreamer walking in the clouds. Yet, I venture to state that one can move from de-personalization to repersonalization. And while there is no glib psychological cookbook or Manual on Leadership which can provide a mechanical procedure, or concocted recipe there are a few very simple ways:

First: The higher a man is placed in the organizational totem pole, the greater an effort he must make to take a personal as distinguished from a merely professional interest in the ideas, the ideals, the inner being of those serving under him.

Second: Let those in positions of Command be untiring talent scouts. I guarantee you that very astonishing finds will be made if you are forever on the lookout for the man who might be a born planner, a born logistician, a born inspirer of others in combat or in peace. Only, I beg, do not ever commit the error of trying to make an excellent piano player into a violinist or vice versa. Even the most gifted among us are endowed only in some fields, and in this complex age it is most necessary to form a very precise judgment of who is good at what, and, above all else, who is a man of rocklike character able to stand through a crisis and who is but a clever theoretician unable to act. We do have the talents; let us unceasingly search for them. The Department of the Army is not a computerized machine, composed of what is technically referred to as "Personnel," but a dynamic body of soldiers and civilians, men and women, real live warm human beings. Let us not only take care of their material needs but let us make a vow to keep their hearts and souls alive today, tomorrow and forever more.

History teaches that even the great and peaceful Democracies may fall on hard times of terrible and terrifying crises. Should such times ever arrive—and there is none among us who cannot see that we live in a dangerous and explosive World—the supreme civilian authorities of this our nation must be able to call on and count on its Armed Forces as a means of last resort.

While I pray that the call to arms will never actually come. I also pray, trust and believe that, should it come, this Army of ours will be quietly ready in body and spirit.

Nancy and I leave you with perhaps a tear in our eye, but definitely sincere and hearty smiles on our faces. We refuse to think that we are leaving good friends. Rather, we thank the good Lord that we have had this opportunity during this completed chapter of our lives to make many new friends.

---

## THE PLIGHT OF THE JEWISH PEOPLE IN THE SOVIET UNION

### HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. DU PONT. Mr. Speaker, I have had occasion to work with the Delaware Committee on Soviet Jewry in connection with the plight of the Jewish people in the Soviet Union. While engaged in this effort, a letter came to my attention that had been smuggled out of the Soviet Union. Since it outlines in significant and woeful detail the problems associated with being a member of a minority group within the U.S.S.R., I insert it in the RECORD so that it will be brought to the attention of my colleagues:

Moscow, U.S.S.R.,
*April 14, 1973.*

MY DEAR SHEILA AND IRA: We're very glad for your concern. We are very touched and grateful for everything you did for us. American Jews are the right people. American Jews are our only hope and pride. And we understood it very well when we met you.

Human imagination is limited. When one is refused an exit visa one does not return to one's former life but to an existence so strange that it is very difficult to visualize from outside. The circumstances which condition the way of life the peculiar ghetto of "refusants" are created not so much by the official authorities as by ordinary people and begin long before the application for visa. It begins with one's family (sic) and continues with one's colleagues, one's neighbours, the house-manager, the yard-keeper, shop assistants and passers-by. All the petty spites and envies which had long slumbered in the souls of these ordinary representatives of mankind don't have to be concealed any more. They get to be things to be proud of, being directed against one who has sold himself to foreign imperialists.

Such eminently desirable things as one's neighbour's job, his apartment, his scientific ideas are suddenly felt to be within one's grasp when the neighbour applies for a visa. And the desire for them which had always been felt as somehow unheroic acquires now a special political coloring and is not sanctified as part of the fight against the awful meance of Zionism. A clerk ousting his colleague by intrigue, or a hoodlum assaulting a Jew in the street—become brave fighters in the ideological war against a person who, after all, has not done any wrong by official standards. (sic) He is just reuniting with his relatives—officially, there is no other kind of emigration.

For all that the applicant can be sure that not one of his persecutors really believes what they tell him about the terrors at the capitalist hell. Being people with a well-developed appetite for material goods, they really envy him as one who may get a chance to enjoy the legendary opulence of foreign parts. It is this feeling together with their hidden annoyance at their own faint-heartedness (in front of any authority, in front of any sort of official or unofficial superiors, tremulous obedience all their wishes, expressed, hinted or guessed—it is envy they feel), that serves to make their indignation at the right of people over-stepping all the sacred boundaries that serves to make their indignation so intense.

Let us take a look at the holy of holies of the Soviet Society, the so called collective. This word designates any group of people gathered (usually involuntarily together) and passing together for any purpose for some part of their time. Common flat with one toilet for several families is a collective as is an office or a hockey team. From a kinder-garten to the Politbureau—the country consists of collectives.

One of the deadly sins often imputed to this person that is "setting himself above the collective" while a collective usually has no autonomy and no definite sphere of competence, it is held to be responsible for the behavior of its members. When a person commits the atrocious act of applying for a visa the collective does not have to wait for directives from above. As often as not after expressing its indignation, it suggests some form of reprisals and then asks for permission to carry them out. In such cases there is always something to gain as well as to fear. The renegade's room, his job, the work he had done—all these are to be divided. So, the reaction of the collective is a loud concert of mixed fear, envy and greed all posing as patriotic zeal. The unusually decent people distinguish themselves by being silent. If they are Jewish or half-Jewish, this is really bold of them since the question "who's the next" has been formed already in everyone's mind.

In Spring, 1972, a book on tissue transplantation was accepted for publication. It was the result of several years' work Dr. Edward Shifrin, a surgeon, 31 years old. Out of the 5 chapters of the book 4 have been written by Shifrin and the remaining one by his collaborator. Two other and high ranking names had to be included for the book to be published, and so it had four names on its title-page. The agreement on the publication of the book was signed on March 10, 1972. On April the 4, Shifrin applied for a visa. On April the 20th the two nominal and high-ranking co-authors told the publishing house that having obtained new data which is to change some fundamental concepts of the book they want to cancel the agreement. And canceled it was, although such data in such a field the venerable authors could hardly obtain in a month, even if they had had the time to read the book. As a matter of fact, they had not. What had Shifrin's colleagues to say on that? The collective of scientists of the Transplantation Institute was unanimously outraged by the shameless behaviour of Edward Shifrin who had "forgot what motherland means". Now when the book appears there will be one name less on the title-page.

One more example. The name of scriptwriter Veniamin Gorokhov has been erased from captions of his film when his desire to leave the country became known. (Just in case the producer's name was also erased. He had never shown any intention to leave, but his name was Galanter and sounded suspicious). Needless to say that the collective of the Union of Cinema Workers unanimously denounced Gorokhov and suggested his expulsion from the Union. What do they hope to gain? Well, cinema workers are besides in the "ideology front" and special zeal is a great asset to their careers. Gorokhov is an able man, his work had received some prizes abroad, and that is rather like setting himself the collective.

By these cases I have tried to exemplify the moral climate to which one has to return when refused a visa. (I don't mention about their difficulties). This may explain to you, dear Ira and Sheila, why the refusants, who are people of very different backgrounds, tastes and views hold so close together. It may also explain why a person thinks not twice but many times before applying. But in some cases, it may explain why he applies at all.

Dear Ira and Sheila, you may use my letter in every possible way. This letter is written without censorship. You can send over every correspondence for me using this channel. My address will be written on the envelope you receive. This is a very safe and tested channel. I have finished my monograph (a big book) "Two-phase flows in chemical engineering". I am going to publish it abroad. It is my only hope to gain money in my very straitened circumstances. My pension is the very way to send myself and my family to the grave. Nevertheless I understand things very well and look danger in the face. In my status there is nothing to lose. American Jews always made "noise" about Russian Jews. It is very, very important for us! My writings will support this situation. Thanks to the fact that Americans struggle for us I can write you this letter. The authorities have now prepared a "nice" place in prison for me but they couldn't realize their "Good intention"—the international Jewish movement is a rock against it, every anti-Semite enterprise will smash to smithereens.

Once more, I am much obliged for your concern, dear Ira and Sheila!

With love

your DAVID AZBEL.

## WHAT ABOUT THE MIA'S

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. LANDGREBE. Mr. Speaker, now that the initial jubilation over the return of our prisoners of war from Vietnam has subsided, I feel compelled to comment that for the families of over 1,300 who served in the war in Vietnam there is yet no jubilation, no peace of mind, and no answer to their questions of "Where are our loved ones?"

I speak, of course, of the families of those who were officially listed as missing in action. My concern for these brave Americans was heightened by a recent letter from one of my constituents. I believe her letter can jar us all back to the reality of war and the job that remains unfinished.

I call on my colleagues and all Americans to remember the missing in action, and I caution those who worked so hard for the release of the POW's not to be satisfied with the job they have done until all MIA's are also accounted for—because for the families of these men, the war goes on and there is not yet complete "peace with honor."

I submit the letter for the RECORD:

CHESTERTON, IND.

DEAR SIR: I have but one urgent request to make of you at this time. Please do not forget our over-3,000 men still "missing-in-action." The knowledge of what has happened to these men should top every other priority. Are they dead? Is there a glimmer of a chance that even a few have survived? Where are they? I urge you to speak out on their behalf and for the sake of their waiting families. Please do not let the Watergate affair—tragic as it is—overshadow these Americans lost in behalf of their country.

Help them please. Thank you.

Sincerely,

JUDITH M. RAY.

## REVISED SOCIAL SERVICES REGULATIONS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. EILBERG. Mr. Speaker, last Friday I presented remarks to the Senate Committee on Finance, which has been holding hearings on the Department of Health, Education, and Welfare's recently revised Social Services Regulations. I include this statement to be inserted in the RECORD.

NEW SOCIAL SERVICE REGULATIONS SHOULD BE REJECTED

(Statement by Congressman JOSHUA EILBERG)

Mr. Chairman, I appreciate this opportunity to express my concern over an opposition to the final social service regulations which govern the social service programs under the Social Security Act.

The new regulations were first proposed on February 16, 1973. The people immediately voiced their disapproval of the proposed changes. HEW received over 208,000 letters of protest and Congressional offices—my own included—were visited by hundreds of people who were to be tragically affected by the new rules.

As a result, legislation was introduced in both houses of Congress to prevent the implementation of the new regulations. After it became obvious that these regulations were not only unacceptable but a misrepresentation of the legislative mandate for social services set forth in the Social Security Act, the Administration went back to the drawing board. The result appeared on May 1, 1973 with the issuance of the final draft of the social service regulations.

The revised regulations do contain modifications which reflect some awareness of the objections to the original proposal, but in most instances they still create more problems than they solve.

In some vital areas, however, no relief from the misguided meat-axe of those who are butchering our social service programs is proposed at all. A case in point is the Community Legal Services program. It is estimated that over 40,000 Pennsylvanians were assisted in various actions this past year through the efforts of 107 young attorneys working in this project. Community Legal Service's vital importance is more fully appreciated when it is kept in mind that it has been the means for many of the disadvantaged in American society to be shown that there is something in the system for them. We have let the poor, the elderly, and the minorities know that justice can be a reality and not merely a pious sounding abstraction. To eliminate this new hope would be tragic.

I am inserting at this point in my statement, Mr. Chairman, a letter I have received from an old friend who is the current Chancellor of the Philadelphia Bar Association. He forcefully describes the community wide benefit accruing from the work of the Community Legal Services program in my native city. I commend Mr. Bongiovanni's comments to the members of the Committee and echo his call that this fine program be maintained:

PHILADELPHIA BAR ASSOCIATION,
*Philadelphia, Pa., May 14, 1973.*

Hon. JOSHUA EILBERG,
*House of Representatives,*
*Washington, D.C.*

DEAR JOSH: The new social service regulations promulgated by the U.S. Department of Health, Education and Welfare really emasculate our Community Legal Services, Inc. by severely limiting permissible legal services to "service in solving legal problems of eligible individuals to the extent necessary to obtain or retain employment." We need help to have these regulations changed immediately.

As you and I are well aware, we are fighting for survival in the cities and the survival of the cities is threatened by many of the disadvantaged who feel, sometimes with justification, that our institutions do not provide any means to redress their grievances. As a result of a good deal of missionary work, we are beginning to persuade some of these people that our institutions do provide the means to redress their grievances and we do this by indeed providing the means. The means are C.L.S. which is only possible due to the generous financial support of the federal and state government and, more importantly, the selfless dedication of so many of our younger lawyers who have been working in this program, not only with zeal but with real skill. The new regulations bring down an iron curtain on the whole thing.

This comes at a time when the main source of funding for legal services through the Office of Economic Opportunity is gravely threatened with extinction. The uncertainty surrounding the future of legal services and the administrative hassles which the Office of Legal Services in O.E.O. are thrusting on programs in the field, caused the effective continuation of C.L.S. in Philadelphia to be in immediate jeopardy.

We need your help now.

Sincerely,

JOSEPH N. BONGIOVANNI, JR.

In the case of eligibility for day-care center services, the people who need this type of help, perhaps more than any other group will be deprived of its services.

In my district, in Northeast Philadelphia, there are a large number of families in which both parents work. Many of these families have young children who must be cared for during the day, but the parents cannot afford to send them to private day-care centers or to nursery schools.

Up to now, these parents have placed their children in Federally funded day-care centers. This situation is perfectly proper, both for the parents and the government. Both parents hold jobs and they pay taxes. They do not act as a drain on the community, they contribute to it. In return, the government plays its proper role by supplying them with a necessary service.

However, the new regulations will force many of these people, perhaps thousands in Philadelphia alone, to take their children out of the day-care centers. The result will be that one parent will have to stop working and the family's income will be lowered by a drastic amount.

The regulations limit free day care to the children of families with an income which is no higher than 150 percent of the state's assistance payment standard. They also provide for a sliding schedule of fees up to 233⅓ percent of that standard. In Pennsylvania these rules will limit free day-care service to families with an annual income of no more than $5,634 and the sliding fee basis for a family of four with an income of up to $8,764 a year.

According to Pennsylvania State Department of Welfare, the average cost of maintaining a child in many day-care centers in Philadelphia exceeds $2,000 a year.

This income restriction, as bad as it is, has even been carried to a further extreme. The new regulations include not only income, but income resources. In other words whatever is in the family's bank account must be added to the gross income along with the value of savings bonds. Even the value of a piece of inherited jewelry or the wife's engagement ring must be included in the total of a family's income. (If the Administration was as diligent in collecting taxes from the giant corporations which seem to be living on welfare, it would not even have to try to foist these incredible rules on people which need its help.)

As you can see, a family of four with a combined annual income of $8,764 would be ruined if it had to pay for even half of the cost of maintaining one or two children in a day-care center.

This situation is even worse for the parents of mentally retarded children who have been receiving help at Federally funded centers. While the new regulations will permit them to keep their children in the centers under the old guidelines until the end of the year, they will then have to meet the new income regulations or take the youngsters out of the programs. New applicants will have to meet the new guidelines right away.

I am sure there is no need to describe what this policy will do to families in the middle and low income brackets.

In some cases these people will be induecd to go on welfare in order to get the necessary care for their children.

(It has always been my understanding that it is the Administration's policy to encourage people to work whenever possible, not to force them to give up jobs.)

There are several other aspects of the final regulations which need our immediate attention. The first has to do with recipient participation in the social service system. The old regulations called for recipient participation in the State Advisory Committee on Day Care. The recipients or their representatives were to compose at least one third of the Advisory Committee membership. The new regulations eliminate the requirement of recipient participation. In addition, there are no provisions for parent participation in the choice of day-care services for the child or determination of the adequacy of such services.

This seems to be contrary to what the Administration believed in 1972. In President Nixon's State of the Union Address he said, "Today it often seems that our service programs are unresponsive to the recipients needs." If in theory the Administration believes this, how can elimination of recipient participation be justified within that framework? How can we not act to rectify this situation?

Another provision of the regulations which needs to be examined is the eligibility definitions of past and potential recipients. A past recipient under the final regulations is an applicant for or recipient of financial assistance within the previous three months. There was a two year permissible span under the old regulations. The final regulations concerning potential recipients would cut the time period within which an individual may become eligible for welfare from five years to six months. The regulations would also eliminate group eligibility which allows services to be provided to those in low income neighborhoods. These provisions not only discriminate against working people but cumulatively defeat the purpose of social services. We do not want to force people on welfare; we want to encourage people to work. They cannot do this alone; they need supportive services to help them get on their feet and stay there.

We cannot allow the Administration to continue this assault on the living standards and goals of working people. We cannot allow the Administration to talk about getting people off the welfare roles and putting them to work while it forces them to do just the opposite.

Very early in President's Nixon's first term, the then Attorney General John Mitchell told the press, "Don't listen to what we say. Watch what we do."

Well, now that we see what the Administration is doing, we must realize that we are facing a crisis. Services now provided to the people from other sources such as the Office of Economic Opportunity and Model Cities are also on the verge of elimination at a time when they are needed more than ever before.

I am urging this committee and all of Congress to play a constructive role in guaranteeing the American people the services they need to live happy and productive lives.

We have the resources to see this through. What we need is a united, dedicated effort on the part of Congress and the American people to ensure this goal.

I thank you for allowing me to testify here today.

---

## ABORTION AND THE COURT

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. HOGAN. Mr. Speaker, one of the myths prevalent in the country today is that only Catholics are concerned about abortion and all of its evil implications. This illusion did not arise by chance, but is the result of a conscious strategy and constant propaganda by the small number of persons who set out to impose their misguided views on abortion on America, and singled out the Catholic Church for vitriolic attacks as a plan to divide and conquer. Appealing to prejudice against the Catholic Church, the constant barrage of propaganda has, according to a recent article in the Washington Monthly, played a significant role in influencing members of the Supreme Court in their recent abortion decision.

Not only does this proabortion tactic demean Catholics by implying that they do not have a right to participate in public issues, but it degrades Protestant and Jewish citizens who deeply respect human life and resent the allegations that they are not concerned with the evils of abortion. One important Protestant magazine which adamantly disputes the proabortionists' distorted view of Protestant opposition to abortion is Christianity Today. The recent Supreme Court abortion decision was described by the editor-publisher Mr. Harold Lindell as follows:

> It gives further evidence of our departure from Hebrew-Christian tradition and the almost complete secularization of national life.

I urge my colleagues to read the following editorial appearing in the February 16, 1973, issue of Christianity Today, volume XVII, No. 10, pages 32–33:

### ABORTION AND THE COURT

Writing to Christians in Rome about the spiritual condition of the pagan world, Paul diagnosed it in this way: "Although they know God, they did not honor him as God or give thanks to him, but they became futile in their thinking, and their senseless minds were darkened. Claiming to be wise, they became fools. . . . Since they did not see fit to acknowledge God, God gave them up to a base mind and to improper conduct" (Rom. 1:21, 22, 28). Not only the thinking but often the laws of men, and even the decisions of religious councils, can conflict with the laws of God. That is why Peter and John, called before the Sanhedrin, declared that they must obey God rather than men (Acts 4:19).

In a sweeping decision January 22, the United States Supreme Court overthrew the abortion statutes of Texas, indeed, of all the states that protect the right of an unborn infant to life before, at the earliest, the seventh month of pregnancy. The Court explicitly allows states to create some safeguards for unborn infants regarded as "viable," but in view of the present decision, it appears doubtful that unborn infants now enjoy any protection prior to the instant of birth anywhere in the United States. Until new state laws acceptable to the Courts are passed—at best a long-drawn out process—it would appear impossible to punish abortions performed at any stage.

This decision runs counter not merely to the moral teachings of Christianity through the ages but also to the moral sense of the American people, as expressed in the now vacated abortion laws of almost all states, including 1972 laws in Massachusetts, New York, and Pennsylvania, and recently clearly reaffirmed by statewide referendums in two states (Michigan and North Dakota). We would not normally expect the Court to consider the teachings of Christianity and paganism before rendering a decision on the *constitutionality* of a law, but in this case it has chosen to do so, and the results are enlightening: it has clearly decided for paganism, and against Christianity, and this in disregard even of democratic sentiment, which in this case appears to follow Christian tradition and to reject permissive abortion legislation.

The Court notes that "ancient religion" did not bar abortion (*Roe et al.* v. *Wade*, No. 70–18 [1973], VI, 1); by "ancient religion," it clearly means paganism, since Judaism and Christianity *did* bar abortion). It rejects the "apparent rigidity" of the Hippocratic Oath ("I will give no deadly medicine to anyone if asked, nor suggest any such counsel; and in like manner I will not give to a woman a pessary to produce abortion") on the grounds that it did not really represent the consensus of pagan thinking, though pagan in origin, but owed its universal acceptance to popularity resulting from "the emerging teachings of Christianity" (*ibid.*, VI, 2). To these, the High Court unambiguously prefers "ancient religion," that is, the common paganism of the pre-Christian Roman Empire. Against the official teaching of the Roman Catholic Church that the "life begins at conception" (curious language on the part of the Court, for no one denies that the fetus is human, or that it is alive: the Court apparently means *personal* life), the Court presents "new embryological data that purport to indicate that conception is a 'process' over time, rather than an event, and . . . new medical techniques such as menstrual extractions, the 'morning-after' pill, implantation of embryos, artificial insemination, and artificial wombs" (*ibid.*, IX, B). It is hard to understand how the contention that conception is a "process" of at most a few days' duration is relevant to the possible rights of the fetus at three or six months, and even harder to comprehend the logic that holds that "new medical techniques" for destroying or preserving the embryo "pose problems" for the view that it was alive before being subjected to those techniques.

Pleading "the established medical fact" that "until the end of the first trimester, mortality in abortion [of course the reference is to *maternal* mortality—fetal mortality is 100 per cent] is less than that in normal child-birth [nine maternal deaths per 100,000 abortions vs. twenty-five per 100,000 live births, a differential of 0.016 per cent, of course not counting the 100,000 fetal mortalities]" (*ibid.*, X), the Court decreed that a state may not regulate abortion at all during the first three months, and during the second, only to protect the health of the mother. After "viability," defined as "about six months," when the fetus "presumably has the capability of meaningful life outside the mother's womb," then, "if the State is interested in protecting fetal life . . . it may go *so far* [emphasis added: since abortion is 100 per cent fatal to the fetus, it is hard to see the value of "protection" that goes less far] as to proscribe abortion during that period, except when it is necessary to presrve the life or health of the mother" (*ibid.*). Since health is explicitly defined to include "mental health," a very flexible concept, this concession to the protection of the fetus from seven to nine months will, in practice, mean little.

The Court based its abortion decision on the right of privacy, and that without empirical or logical justification. "This right of privacy . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy," Justice Blackmun wrote in delivering the opinion of the Court. But the right of privacy is not absolute, and, much more important, no abortion decision can ever be by any stretch of the imagination a purely private matter. The fetus, if not a full-fledged human being, is at least a being owing his existence as much to father as to mother, and is therefore an individual distinct from both. Curiously, fathers are scarcely mentioned in the fifty-one-page majority opinion! The decision would appear to contradict itself when it insists that the "private" abortion decision must be made in conjunction with a physician and/or in line with some kind of medical judgment.

In his concurring opinion, Chief Justice Burger fatuously comments, "I do not read the Court's holding today as having the sweeping consequences attributed to it by the dissenting justices [White and Rehnquist]." The New York state tally stood in 1971 at a ratio of 927 abortions for 1,000 live births; now that abortion has become allowable nationwide, the ratio will presumably change, but the experience of nations with easy abortion suggests that it may very well remain as high as one abortion for every two live births, or even higher. What would the Chief Justice consider sweeping? Mandatory abortion for all those falling into a certain class? Infanticide? Mass extermination of undesirables? Make no mistake: the logic of the high court could be used with like—in some cases with greater—force to justify infanticide for unwanted or undesirable infants; the expression, "capability of meaningful life" could cover a multitude of evils and will, unless this development is stopped now.

In his dissent, Justice White sums up the situation and the Court's action:

"The common claim before us is that for any one of such reasons he cites convenience, family planning, economics, dislike of children, the embarrassment of illegitimacy, and others], or for no reason at all, and without asserting or claiming any threat to life or health, any woman is entitled to an abortion at her request if she is able to find a medical doctor willing to undertake the procedure. The Court for the most part sustains this position: during the period prior to the time the fetus becomes viable, the Constitution of the United States values the convenience, whim or caprice of the putative mother more than the life or potential life of the fetus. . . ."

In arriving at this position, the majority of the Supreme Court has explicitly rejected Christian moral teaching and approved the attitude of what it calls "ancient religion" and the standards of pagan Greek and Roman law, which, as the Court notes in self-justification, afforded little protection to the unborn" (*ibid.*, VI, 1). It is not necessary to read between the lines for the spiritual significance of this decision, for the Court has made it crystal clear.

In view of this, Justice Rehnquist's dissenting observation that the Court is engaging in "judicial legislation" may seem almost insignificant. Nevertheless, we must ask what remains of the democratic process and the principle of local initiative when not only long-standing older laws but the most recent state laws and even the will of the people expressed in state-wide referendums are swept from the board in a single Court ruling, when the people and their representatives are prohibited forever—or at least until the Constitution is amended—from implementing a higher regard for the life of the unborn than that exhibited by seven supreme judges.

Having previously seen fit to ban the formal, admittedly superficial, and possibly hypocritical acknowledgment of God that used to take place in public-school prayers and Bible readings, the Court has now repudiated the Old Testament's standards on capital punishment as cruel and without utility, and has rejected the almost universal consensus of Christian moral teachers through the centuries on abortion. Its latest decision reveals a callous utilitarianism about children in the womb that harmonizes little with the extreme delicacy of its conscience regarding the imposition of capital punishment.

Christians can be grateful that the court has not yet made the "right" to abortion an obligation. It is still possible for us to consult the will of God in this matter rather than the laws of the state. The present decision makes it abundantly clear that we are obliged to seek his will and not to be guided only by public law. We should recognize the accumulating evidence that public policy is beginning to display what Paul called "a base mind and improper conduct," and for similar reasons. Will the time come when this nation "under God" is distinguishable from those that are aggressively atheistic only by our currently greater material affluence? Christians should accustom themselves to the thought that the American state no longer supports, in any meaningful sense, the laws of God, and prepare themselves spiritually for the prospect that it may one day formally repudiate them and turn against those who seek to live by them.

---

## VINCENT J. BURKE: A REPORTER'S REPORTER

### HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. CHARLES H. WILSON of California. Mr. Speaker, the Washington press corps lost a talented colleague and a good friend with the death May 14 of Los Angeles Times newsman, Vincent J. Burke.

Mr. Burke, a senior member of the Los Angeles Times Washington bureau and the former head of its Moscow bureau, was a "reporter's reporter." He possessed that elusive news sense which meant that he could ferret out what was really important and what most interested the reading public. And, to the credit of his profession, his dispatches were written with clarity as well as depth.

A native of Chicago, Vince Burke attained a BA in history from the University of Chicago; and, after a brief stint with United Press, joined the Army Air Corps in World War II as a public relations officer.

After the Army, United Press sent Mr. Burke to Washington to cover the Agriculture and State Departments and later the House of Representatives where he gained recognition as an expert in tax legislation. The Los Angeles Times, knowing of his fine reputation as a tax authority, one of the most complex of legislative issues, lured him to its Washington bureau in 1963; and, during the last 10 years, he further distinguished himself as the most informed newsman in Washington on urban affairs and social welfare legislation.

In fact, the Department of Health, Education, and Welfare often called Vincent Burke for information on this subject; and, at the time of his death, he and Vee, his devoted wife of 31 years, were working on a book about proposals for a guaranteed income for the aged.

Vincent Burke's unquenchable curiosity and diligence have been passed down to his children, three of whom are holding college scholarships while the fourth, Barbara, begins a newspaper career of her own. My deepest sympathies go out to these fine children and to Vince's exceptional wife, Vee, in their great loss.

Perhaps one of the best summations of what Vincent J. Burke meant to his friends and his profession was written by his Los Angeles Times colleague Tom Foley who said:

> Vince was not flashy. But a native intellectual curiosity made him a digging reporter who not only covered a subject but smothered it.

---

## OEO OVERHEAD TOO HIGH

### HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. CRONIN. Mr. Speaker, it is most interesting to me that while much publicity has been given to the restructuring of OEO and much opposition has come from OEO employees, very little has been said by the poor.

Since the restructuring of OEO will eliminate many bureaucratic jobs, one can understand that the employees are fighting for their jobs. During all their rhetoric, however, all they talk about is their jobs. Rarely are the programs ever mentioned. Is this perhaps because the programs are not too terribly successful?

When one really thinks about OEO and studies the amount of good OEO has done for the amount of tax dollars spent, one realizes that many of the programs cannot be defended.

The conclusion, therefore, is that employees who have brought legal action against OEO to protect their jobs are simply using poverty to maintain job security.

I include the following editorial from the New Bedford, Mass., Standard Times in the RECORD:

#### "OVERHEAD" IN OEO

The acting director of the Office of Economic Opportunity, Howard J. Phillips, says most OEO spending is for administrative and personnel expenses.

Defending the Nixon administration's plan for cutting and reassigning OEO operations. Phillips estimates that among the nearly 900 Community Action Programs under OEO an average 85 per cent of the allotted funds is expended in salaries and overhead.

Assuming that as director Phillips knows whereof he speaks, it is not surprising that, so far, the most militant opposition to the administration's plans has come from within the OEO bureaucracy.

Court challenges are being filed in U.S. District Courts in Washington, Chicago, and the plaintiffs turn out to be, in the first instance, the union representing headquarters employes of OEO, and in the second, the National Council of OEO Locals, which represents the union's field units.

These suits do not allege deprivation of those whom the antipoverty programs are supposed to benefit. The litigation alleges that OEO employes are being hurt, that they are being "coerced" and "terrorized" into giving up their jobs. OEO employes are complaining their desks and typewriters are being removed and that they are being reassigned, involuntarily, to other agencies.

While one may sympathize with those uprooted by the administration's consolidation and economy project, there is, also, cause for wondering in this upheaval whether the griping does not suggest that the administration's diagnosis is correct—much of the antipoverty effort has lost its direction and has become a self-perpetuating bureaucracy.

Next year's budget allocates almost twice as much for human resources as when Mr. Nixon came to the White House. It calls for spending $268 billion over-all, which is hardly chicken feed, and the proportions between spending for defense and human resources have been reversed in the four years. It was one-half for defense in 1969, one-third for human resources. Now it is the opposite.

Significant, too, is the fact that of the 4,250 full-time permanent positions in the Executive Office of the President, 1,935 are assigned to the OEO staff, nearly as much as for the other 17 departments in the office, including the White House. The administration's plan calls for abolishing-transferring every OEO position.

Little wonder, it would seem, that such a small percent of Community Action Program spending actually reaches the objectives. If the administration's plan can improve the odds, it should be welcomed.

---

## AUBURN PRISON OFFERS COLLEGE COURSES FOR INMATES

## HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. WALSH. Mr. Speaker, I would like to call to the attention of my colleagues an article appearing in the May 1, 1973, edition of the Auburn, N.Y. Citizen-Advertiser.

The article details a program of seven college-level courses taught by volunteer professors and students from Cornell University to inmates at the Auburn correctional facility. Prison Superintendent Robert Henderson says he believes Auburn is the only prison in New York State offering such a program.

The courses were the idea of Richard Mitchell, a doctoral candidate in educational administration in Cornell. I would like to commend Mr. Mitchell and Superintendent Henderson for this fine program and their attempts to rehabilitate the inmates at Auburn.

In the wake of the uprising at Attica prison in September of 1971 and the resulting cries for prison reform, Superintendent Henderson and Mr. Mitchell and the students and professors working the program, should be recognized and congratulated for not just talking about prison reform, but for doing something positive about it.

I include the newspaper article about the program:

### TWENTY-FIVE CORNELL VOLUNTEERS TEACH SEVEN COURSES TO 200 INMATES

Auburn Correctional Facility, site of the first electrocution in the world in 1890, has a more positive distinction that is not noted on a small historical marker set just outside the locked main gate: The prison now offers college-level courses to selected inmates in an experimental, volunteer program.

Auburn prison Superintendent Robert Henderson believes his prison is the only facility in New York offering seven college-level courses. He said he is proud of the distinction, which is dependent upon volunteer professors and students from Cornell University and Auburn Community College.

The Cornell volunteers, some 25 this semester, teach freshman English, economics, biology, sociology, history, mathematics and philosophy of education four nights a week to about 200 inmates of the Auburn facility, an all-male, maximum security prison.

The college-level prison program is the brainchild of Richard Mitchell, a doctoral candidate in educational administration at Cornell, who saw a "glaring need" for educational opportunity in the prison a year ago while working on a manual for correctional officers.

Mitchell took his idea to Henderson and "worked out a program in about a week." He found five undergraduate students willing to go up to Auburn, about one hour's drive from Cornell, to teach three subjects: economics, mathematics and history.

Although Henderson was "enthusiastic," Mitchell found himself at the beginning of "an uphill battle" with the state and state prison bureaucracy to provide for adequate instruction. Mitchell cited, in particular, delays in receipt of books and materials ordered from the State for inmates and problems with regulations placing a limit on overtime for correctional officers, consequently limiting the length of class periods.

"The college-level program deals with only about 15 per cent of the prison population," Mitchell said. "Approximately 85 per cent of the inmates read at a fifth grade level. The biggest problem is illiteracy. But if an inmate has achieved a diploma or high school equivalency within the prison, he has no educational program after that. Our goal was to introduce a high calibre, effectively run educational program to upgrade the entire educational system."

Approximately 600 of Auburn's 1,500 inmates are enrolled in a kindergarten through 12th grade prison school taught by State Civil Service teachers in day or evening classes. Inmates receive 25 cents a day for being students at the primary or secondary level. The highest-paying prison jobs, said Henderson, pay about 80 cents an hour for skilled cabinet makers working five and a half hours a day, five days a week.

College-level students receive no monetary remuneration, he said.

But the most important long-term remuneration for the inmates, in Mitchell's mind, is that student inmates may receive a State University of New York transcript through Auburn Community College in four subjects as of January, 1973. Inmates enrolled in subjects not taught by Cornell volunteers in conjunction with Auburn Community College faculty may take a standardized College Level Examination Program (CLEP) test developed by the Educational Testing Service.

"A person leaving prison has few options," Mitchell said. "But as a student in a State University college-level course, a former inmate doesn't have to go through an admissions process to enter the State system and hopefully he would be able to move directly into an educational program upon release from prison."

Mitchell thinks correctional facilities must establish programs to increase the inmates "economic and social options" upon release. "Education is not the panacea but it does provide one more alternative for these guys and that's what we're concerned with doing," he said.

"Education has a low priority in the economy of the State right now," Mitchell said. "Wardens often cannot initiate educational programs because of lack of funds." Henderson concurred, noting the prison's college-level program was dependent upon volunteer teachers from Cornell and Auburn.

"What we need," said Mitchell, "is an institution to make even a minimal commitment to coordinate existing prison programs." He cited, as existing programs, a group of Cornell law students working on a "literacy based on law" educational reading program with Auburn prisoners. Other law students provide legal counsel to the inmates.

"I get students calling me all the time wanting to volunteer for field work in nearby prisons such as Auburn and the Elmira Correctional Facility and Reception Center," he said, "but I can't help them coordinate their efforts. The wardens at both institutions are ready to accept aid if we can organize a clearing house to coordinate volunteers in education, architecture, libraries, law and other fields who have expertise to bring to bear on these nineteenth century bastilles."

The State currently supplies only transportation for the volunteers between Cornell and Auburn, as well as books and supplies for instruction.

What motivates a teaching volunteer? Mitchell characterizes them, as "academically serious and socially committed. They have their heads together and they are teaching because they see a legitimate need. Prison reform is also a very sexy issue right now."

John Dennis, a January graduate from Cornell now teaching economics, became interested in prisons while considering resisting the draft.

Norris (Hap) Clark volunteered to teach English after attending a Black Graduate Student Association meeting at Cornell and learning inmates were predominantly black and Puerto Rican.

Both Clark and Dennis feel teaching at Auburn is meaningful. Said Dennis: "Personally, I feel a prison is the most meaningful place to teach. I prefer teaching in places that need development rather than go where the dollar is.

"The inmates resent 'do-gooders' or 'bleeding-heart liberals'," he added. "I found the inmates acutely perceptive, very 'people conscious,' and disillusioned with the possibility of getting any breaks while in prison. I learned not to promise things I couldn't deliver."

Thomas Vawter, a doctoral candidate in ecology and evolutionary biology, teaches a one-year freshman biology course with another Cornell graduate student and a member of the Auburn Community College faculty. He tries to relate biology to human rather than academic models, using, for example, sickle-cell anemia to illustrate problems of genetics.

As a teacher, he finds inmates "generally more aware of what's happening in the world than Cornell freshmen" and much more diverse in terms of preparation and personal background. "If given a chance," he said, "some inmates would compare favorably with Cornell's brightest undergraduates."

The Cornell teaching volunteers frequently found working within the numerous regulations and policies governing prison life difficult. Problems cited included discontinuity caused by a heavy turn-over within the class due to continual influx and departure of inmates from the prison, absenteeism due to illness or to "keep-lock," referring to a period of time during which an inmate is not released from his cell because of prison infractions, the failure of books and other materials ordered from the State to arrive on time and difficulties in finding time to give inmates individual help before or after class.

"Some inmates still don't have textbooks," said Vawter of his biology students in their second semester. "Although interest is high, these problems over and over tend to erode interest and to discourage the inmates."

Other major teaching problems center in making the curriculum relevant to the inmates, some 70 per cent of whom are black or Puerto Rican, while simultaneously conveying the principles of a traditional academic discipline.

Clark, teaching freshman English with Chestyn Everett, assistant professor of black theater arts, modified the College Proficiency Examination syllabus to include more work by black authors and poets. Class discussion of Ralph Ellison's "Invisible Man," for example, was substituted for Emily Bronte's "Wuthering Heights," which remained required reading.

"We found," said Clark, "that most of the inmates preferred materials by blacks or on blacks. This makes it twice as difficult to generate interest in other literature, although we had good discussions on 'The Great Gatsby,' on Orwell's essays and some of James Joyce's short stories."

"Getting off the material is easy and can create ill-feeling between the inmates who want to 'rap' and those who want to cover the material," said Vawter. Most teachers resolve the problem by asking the inmates to hold unrelated questions to open discussion at the end of class.

"These guys get little intellectual stimulation and so they jump into it with both feet . . . they are not used to pigeon-holing or categorizing their knowledge and consequently may jump from biology to sociology," he said.

The inmates' reasons for taking college-level courses vary considerably.

Clark said that "aspirations of continuing their education for credit, wanting to get out of the confines of their cell for a few hours, or wanting to learn how to criticize and appreciate literature" motivated his freshmen English students.

Inmates in economics, Dennis felt, wanted "to gain a practical understanding of interest rates and banking and insurance procedures. They also wanted to analyze Third World economic development, the role of U.S. corporate investment in those nations and the causes of unemployment in the ghetto."

The possibility of early parole may also be a factor for some inmates. Others have specific career goals: A young black inmate, imprisoned for homicide nearly 10 years ago when he was 16 years old, would like to teach music if paroled, sometime after 1977. He completed high school while in prison and is now enrolled in a philosophy of education course taught by Richard N. Boyd, an associate professor of philosophy at Cornell.

Several inmates studying biology work in the prison hospital and indicated an interest in becoming nurses, Vawter said, while others were concerned about biology's application to problems of the ghetto in areas such as nutrition and eugenics.

The actual class lasts somewhat over an hour out of a two-hour period. Correctional officers escort the inmates from their five-tier cell blocks to the school building. The process, by cell-block, is reversed at the end of class. If not released for night school, most inmates remain locked in their cells from 5:15 p.m. to 7:20 a.m. the following morning.

When Mitchell completes his doctoral dissertation, the college-level program utilizing Cornell volunteers will probably discontinue. Henderson makes it clear that the program depends upon volunteers and that, as of the present time, New York has limited its support to covering transportation costs of volunteers and in agreeing to supply books and materials.

None of the current Cornell volunteers are trained in administration or prison education and for this reason Vawter felt none would assume Mitchell's role as volunteer administrator.

"Unless we get institutional backing to keep this thing going, it's going to die at the end of the semester," Mitchell said.

---

## BUFFALO CHAPLAIN SEEKS END OF CURRENT PRISON SYSTEM

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. DULSKI. Mr. Speaker, the Roman Catholic chaplain for the Erie County, N.Y., Penitentiary, has spoken from the heart on the conditions facing those serving prison sentences.

The occasion was the 43d annual communion breakfast of the Buffalo Police Department with some 400 Buffalo policemen and guests in attendance.

The speaker was Rev. Walter L. Tomiak and the dignitaries included: Most Rev. Edward D. Head, new bishop of the Buffalo diocese, Mayor Stanley M. Makowski, Erie County Sheriff Michael A. Amico, Police Commissioner Thomas R. Blair and the latter's predecessor, Frank N. Felicetta.

Father Tomiak called for an end to the penitentiary as it now exists. He pleaded for help in ministering to those who need and want help.

He said his own expertise is inadequate to deal with the many individual problems; that experts in the field should be made available, such as a psychologist, a psychiatrist, a psychoanalyst, or a therapist.

The priest said that effective work is being done with alcoholics and drug addicts, but added:

> When it comes to other areas of deviant behavior, nothing is being done.

Mr. Speaker, Father Tomiak's remarks were both timely and impressive. They deserve wide attention and consideration. He deals sympathetically and realistically with a serious situation. I include his text as part of my remarks:

ADDRESS BY REV. WALTER L. TOMIAK AT BUFFALO POLICE DEPARTMENT'S COMMUNION BREAKFAST, BUFFALO, N.Y., MAY 13, 1973

As I walked through the corridor of the penitentiary, I was alerted by some of my "clients" that they saw the newspapers announcing my acceptance in speaking before the notables in the community's law enforcement body. One of them shouted out, "Tell it like it is, Father". This is what I intend to do.

There must be a reassessment and re-evaluation of the whole penal system. The penitentiary, as it is now, is a phenomenon of the past and has to be ended. No one enters the penitentiary as a penitent to do penance. If anything, this human personality has a problem.

These unique individuals need help, but, instead are thrown into this dimension of incarceration and forgotten by the whole of society. I consider these social rejects. Regardless of the deviation and perversion, they are human beings and should be treated as such, especially when they ask for help.

I concede that hard-core criminals will have to be contained in such an environment, but, in God's name, I don't understand how we can put anybody into a penitentiary. When a homosexual addresses me, I realize that I have a human being beset with a problem. When a psychotic approaches me for help, I have to explain to him what my role is.

First, it is made clear that I am a priest and a chaplain. Here I can service him in matters spiritual. Next, my role as counselor may be effective in moral matters. However, I cannot help him in deep psychological troubles for I am not a psychologist, a psychiatrist, a psychoanalyst, or a therapist.

NOT MY PROVINCE

That is not my province and my expertise is not in that field. There is always that possibility of triggering off a series of traumatic events over which there is no control. In all truth, we are dealing with a "sick" man. My skills and techniques are woefully inadequate.

Even so, I sit on my butt and listen—listen—listen. Occasionally I interrupt the almost one-sided dialogue with a reminder of just what my role is. Just who do I turn to?! They say we have psychologists working in penitentiaries. There may be, but I haven't seen one. I can't understand how we permit such a thing to happen in our society.

To all intent and purpose, society is doing something for the alcoholics. Programs for the "alkies" and half-way houses indicate that steps are being taken in that direction. The traffic of alcoholics is not as pronounced as it was years ago. Then there is the thrust made into the problem of drug addiction. Addiction centers serve a vital and desperate need, but, when it comes to other areas of deviant behavior, nothing is being done.

When I see a youngster come in who can't keep his cotton pickin' hands off a car and then is exposed to X number of days to the perversion in the penitentiary, I can't appreciate what is going on outside. How does such a youngster return to society after such an exposure and such an ordeal?

MUST BE A CHANGE

I implore the legislators to look hard and realistically on some of the laws that need updating. Perhaps in the light of research and past experience, new laws should be enacted to keep pace with the change in society.

There must be a change—there must be a reformation with emphasis on rehabilitation. To those involved in the field of correction; think in terms of "satellite" schools or even campuses. Set your sights on the team approach.

Can you visualize a battery of services offered by professionals representing the best that academia can offer? Truly this is a learning process. The best of education should be available. This concept is exciting and the *potential* unlimited. I am aware that there are sporadic experimentations, but they are more of the exception rather than the rule.

Our correctional officers are in a bind. They are asked to perform a dual role. On the one hand, they are expected to deal with the penal and punitive aspects of imprisonment. On the other, they are expected to be clinically, therapeutically and rehabilitatively oriented; this they are not yet able to do.

This is where there is need of team approaches with involvement on the part of agencies particularly geared to meet the needs of those incarcerated. There is need for social services, for rehabilitation, for therapies, for medicine, for LOVE. Staff conferences involving administration and all disciplines representing education, rehabilitation, the therapeutic, the spiritual and reflective.

The day when I, as a chaplain, can sit down at such a meeting and take part in meaningful analyses of the problems of the past, the needs of the present, and possible successes in the future; that will be the day ushering in fresh air of hope.

#### ALL HUMAN BEINGS

We are confronted with changes all around us. Even the Church is affected. The day when I, as celebrant of the Mass, turned away from the wall and faced my congregation, with arms outstretched, I, for the first time saw my "social rejects".

As I looked beyond them I realized that all this before me was an extension of a community, a city, a county, a society. When I blessed them I realized that these were unique persons, human beings, men and women, teenagers, with various degrees of sensitivity, creativity, despite the deviant patterns.

I'm positive that the Bishop as he faces his people experiences an even more panoramic perspective. I would like to see the day when our Bishop will come into our penitentiary, and see the people there. I would like to see the day when pastors and associates will visit our dimension even though it is beyond parochial boundaries.

I would like to see the day when nuns particularly will visit the distaff side of social rejection and look at the problem from a woman's point of view. I would like to see the day when volunteers will be able to make a meaningful thrust in this area of misery and ostracism.

I am not only thinking of the people who are dying physically in this dimension, but, also of those who are languishing morally, mentally, and spiritually. I feel that I must be articulate and vocal. I am a priest and I love these people—these people are images and likenesses of Almighty God.

Thank you for flushing me out, I am delighted to be able to speak out about this crucial problem to at least one segment of the population.

---

## FIVE NORTH MASSAPEQUA FIREMEN HONORED

### HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. RONCALLO of New York. Mr. Speaker, on May 19 five young men from the North Massapequa Fire District were honored for an act of heroism and I would like to read the Merit Award as it was presented to them:

#### Merit Award

To all concerned: Be it known, that on the night of May 19, 1972 while passing a burning residence located at 1170 Hicksville Road in the District of N. Massapequa, firemen Vincent Kehoe, Gerard Kelly, Joseph McGroarty, John Ferro, and Gary Pysock turned in the alarm and forcibly entered the building, awakening the occupants, and leading them to safety, thereby saving their lives.

The board of fire commissioners, of the N. Massapequa Fire District, presents you with this merit award, in recognition of your outstanding service given to this community, above and beyond the call of duty.

Presented this 19th day of May 1973 by the N. Massapequa Board of Fire Commissioners.

---

## THREAT TO A FREE SOCIETY

### HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. KASTENMEIER. Mr. Speaker, on June 8, 1968, I was 1 of 17 House Members who voted against the Omnibus Crime Control and Safe Streets Act. What started out as a highly meritorious bill to give Federal assistance to State and local law enforcement agencies to deal with the alarming increase in crime became an abomination, and it represents one of the most serious attacks in our Nation's history against individual privacy.

Title III of this act allows the President to use such measures as he deems necessary to protect national security, and this has resulted in the extensive use of wiretapping and electronic eavesdropping. At the time of House passage of this act, I warned, on the House floor—

> What we are asked to do today by title III is to authorize a wholesale invasion of privacy of citizens across the country.

Much to my anguish, the Nixon administration has used wiretapping, under the guise of protecting national security, to such an extent that freedom of speech and the full and open exchange of ideas are now being intimidated. The recent activities carried on by the White House in the name of national security illustrate the effect on society of the repressive, negative, and harmful aspects of licensing wholesale evesdropping by the State.

Justice Brandeis said that each individual's right to privacy was "the most comprehensive of rights, and the right most valued by civilized men." A system of wire and electronic surveillance strikes at the very heart of a democratic society by creating suspicion and distrust, and limits the freedom to discuss and exchange ideas.

Mr. Speaker, in this respect, I would like to call to the attention of my colleagues an editorial which appeared in the New York Times on May 18, 1973:

#### Web of Suspicion

White House acknowledgment that the President ordered wiretaps on thirteen National Security Council aides and four newsmen—reportedly at the personal instigation of Henry A. Kissinger in some cases—offers further dismaying evidence of the degree to which individual liberties and the integrity of the executive branch itself have been compromised under the climate of self-righteousness, secrecy and suspicion in which the Nixon Administration has operated.

The Justice Department asserts that the taps were permissible under the Constitution and the Omnibus Crime Control and Safe Streets Act of 1968, which declares that nothing in the act "shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States or to protect national security information against foreign intelligence activities."

Legal authorities differ over the powers ascribed to the President in the act, especially when invoked against American citizens. Last June the Supreme Court ruled illegal the Federal Government's use of wiretapping and electronic surveillance to monitor domestic radicals without first obtaining judicial warrants. The Court declared that "Fourth Amendment freedoms cannot properly be guaranteed if domestic surveillance may be conducted solely within the discretion of the executive branch."

Even if the Fourth Amendment safeguards do not apply to the Government aides and newsmen involved—which is difficult to believe—no evidence has been presented so far that would indicate that the leaks which prompted surveillance constituted a serious threat to national security. The wiretaps were first ordered in response to a report by William Beecher in this newspaper that American B-52 bombers had raided Communist supply dumps and base camps inside Cambodia, without protest from the Cambodian Government.

That was hardly news to the Communists, or to the Cambodians. It was information to which the American people were entitled, even if it may have caused some embarrassment in Phnom Penh—not enough, incidentally, to prevent the Cambodian Government from resuming relations with Washington the following month.

As has so often proved the case with this and previous Administrations, the secrecy that the White House sought to impose through highly dubious means seems to have been aimed more at preserving its own interests than the national interest. As one White House source has put it, "There wasn't one member of the staff who was disloyal to the country. But they were disloyal to Kissinger, and they were giving him problems."

There are certainly times when officials who cannot go along with official policy should quit or be fired. No organization can countenance the systematic disclosure of its confidences. But neither can it afford to become so obsessed with secrecy that it breaks faith with its own people, resorting to internal espionage in the absence of the most compelling danger to the national security.

The Administration has apparently become ensnared in the web of its own suspicions.

---

## EDA EXTENSION TO BE CONSIDERED UNDER SUSPENSION (H.R. 2246)

### HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. BLATNIK. Mr. Speaker, an amendment to the Senate amendment of H.R. 2246 is to be considered under suspension of the rules on Tuesday, May 22. This bill extends the Public Works and Economic Development Act of 1965 for an additional year through fiscal year 1974.

To help Members better understand the bill and the amendment that will be considered under suspension tomorrow, I am submitting for the RECORD a section-by-section comparison of the bill as passed by the House and the Senate, as well as a table that compares funding authorizations. The table shows funding as authorized under current law; as passed by the House; as passed by the Senate; as actually appropriated for fiscal year 1973; and as contained in the proposed compromise amendment.

The House considered and passed H.R. 2246 on March 15 by a vote of 278–108. That bill authorized a total of $1,222.5 million for programs under the act, such as public facility grants and supplemental grants, business development loans, technical assistance, and the title V Regional Commission programs.

On May 8, the Senate took up the House bill, amended and passed it by a vote of 81–16, substantially reducing the total amount authorized by the bill to $362.5 million. Two other amendments, not contained in the House bill, require studies and reports to Congress by the administration.

The purpose of bringing this bill under suspension is to compromise the differences in funding authorized by the House bill and the Senate amendment. The House amendment being offered to the Senate amendment will reduce the authorizations in the bill to $495 million—a more than 60 percent reduction from the original House bill.

It is imperative that we pass H.R. 2246 to continue these proven successful programs that assist areas in economic distress. National unemployment continues at the 4.5 million level. Areas affected by the flooding of the Mississippi need economic assistance, and communities affected by the recent closing of military installations need economic rehabilitation.

We can best assure that our much needed economic development efforts continue without interruption by passing this measure immediately.

The comparison and chart follow:

COMPARISON OF H.R. 2246 AS PASSED BY THE HOUSE ON MARCH 15, 1973 WITH THE AMENDED BILL PASSED BY THE SENATE ON MAY 8, 1973

| HOUSE<br>*Section of bill* | SENATE<br>*Section of bill* |
|---|---|
| **1. Amends Title I (Public Facility Grants and Supplemental Grants) by amending Sec. 105 of Act to authorize $800 million for fiscal year ending June 30, 1974 to carry out title.** | **1. Same, except authorizes $200 million for fiscal year ending June 30, 1974 to carry out title.** |
| **2. Amends Title II (Public Facility Loans and Financial Assistance for Business Development) by amending Sec. 201(c) to authorize $170 million for fiscal year ending June 30, 1974 to carry out title.** | **2. Same, except authorizes $50 million for fiscal year ending June 30, 1974 to carry out title.** |
| **3. Amends Title III (Technical Assistance, Research, and Information)** | **3.** |
| **No provision.** | **(a) Amends Section 301(b) to permit the Secretary to pay up to 100% of administrative expenses of an Indian tribe.** |
| **Amends Sec. 302 to authorize $50 million for fiscal year ending June 30, 1974 to carry out title.** | **(b) Same, except authorizes $25 million for fiscal year ending June 30, 1974 to carry out title.** |
| **4. Amends Title IV (Area and District Eligibility by amending Sec. 403(g) to authorize $50 million for fiscal year ending June 30, 1974 to carry out title.** | **4. Same, except authorizes $12.5 million for fiscal year ending June 30, 1974 to carry out title.** |
| **5. Amends Title V (Regional Action Planning Commissions) by amending Sec. 509(d) to authorize $152.5 million for fiscal year ending June 30, 1974 to carry out title.** | **5. Same, except authorizes $75 million for fiscal year ending June 30, 1974 to carry out title.** |
| **6. Amends Sec. 2 of the Act of July 6, 1970 (PL 90–304) to reinstate a moratorium on re-designation of "redevelopment areas" to June 30, 1974.** | **6. Same.** |
| **No provision.** | **7. Requires a report to Congress within 30 days after enactment from the "Interagency Economic Adjustment Committee" listing details of utilizing unused defense property and other efforts to assist each community with plans for its economic development.** |
| **No provision.** | **8. Requires the President to instruct the Secretary of Commerce and OMB to examine past and current Federal efforts to secure balanced national economic development and to submit proposal to Congress within six months for restructuring Federal economic programs into coordinated plan for assistance.** |
| **Total funds authorized, $1,222.5 million.** | **Total funds authorized, $362.5 million.** |

H.R. 2246 TO EXTEND THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT THROUGH FISCAL YEAR 1974

[In millions of dollars]

| | Current authorization in act | Bill as passed by House | Bill as passed by Senate | Proposed amendment to compromise authorizations | Actual 1973 appropriation |
|---|---|---|---|---|---|
| Title I: Public Facility Grants | 800.0 | 800.0 | 200.0 | 260 | 166.5 |
| Title II: Business Development | 170.0 | 170.0 | 50.0 | 55 | 53.5 |
| Title III: Technical Assistance | 50.0 | 50.0 | 25.0 | 35 | 31.5 |
| Title IV: Growth Centers | 50.0 | 50.0 | 12.5 | 50 | 50.0 |
| Title V: Regional Commissions | 152.5 | 152.5 | 75.0 | 95 | 41.7 |
| Total | 1,222.5 | 1,222.5 | 362.5 | 495 | 343.2 |

## HON. JACK BRINKLEY REPORTS FROM WASHINGTON

---

## HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. BRINKLEY. Mr. Speaker, I submit herewith for the information of our colleagues my June newsletter which will soon be mailed to the constituents of Georgia's Third Congressional District, which I am privileged to represent.

The newsletter reads as follows:

### U.S. CONGRESSMAN JACK BRINKLEY REPORTS FROM WASHINGTON

### SUPPORT—BUT DISAGREEMENT

The President of the United States deserves the support and understanding of the American people during these trying times. I have absolute, unqualified confidence in the good character and personal integrity of President Nixon. With respect to Watergate, I pledge to the people of the Third Congressional District of Georgia to stand with the President without qualification or reservation.

### THE BUDGET—A MATTER OF PRIORITIES

Labels can be so misleading. The President's full employment budget is a *deficit* budget. And his vetoes are not necessarily a matter of spending but a *matter of priorities*. Examples of misplaced priorities are the Vocational Rehabilitation Act veto and the Water-Sewer Bill veto.

The presumption of a tax increase if we do not support the President right down the line, is illogical. The real issue is *which* programs should be funded.

Some people in the Administration still have the Marshall Plan mentality on priorities. There's no justification for spending $2,740,000,000.00 *annually* for a 221,000 troop level in Germany. That grossly expensive policy is a policy of the past and is a clear example of outdated strategy.

The President has said that we must be strong militarily and we must be strong economically. I wholeheartedly agree, and believe that we can better achieve both with qualitative emplacement overseas rather than quantitative.

### AID TO NORTH VIETNAM—FOREIGN AID REQUEST LATER?

Excerpts from a message to Congress on May 2, 1973, by the President on the Foreign Assistance Act of 1973:

". . . My present request does not include any assistance for North Vietnam. It is my hope that all parties will soon adhere fully to the Paris agreements. If and when that occurs, I believe that American assistance for reconstruction and development of both South and North Vietnam would represent a sound investment in confirming the peace.

"Representatives of the United States have recently been holding discussions with representatives of the Government of North Vietnam to assess economic conditions there and to consider possible forms of United States economic assistance. This assessment has now been suspended, pending clarification of North Vietnam's intentions regarding implementation of the cease-fire. Once Hanoi abandons its military efforts and the assessment is complete, the question of aid to North Vietnam will receive my personal review and will be a subject for Congressional approval."

No, Mr. President. Not even later when emotions have subsided and memory has dimmed the cruelty and torture and deprivation inflicted upon our men.

Alternatively, why not consider giving attention to the Gold Star Wives Charter NOW? Or, lend Administration support to the bill which would authorize Federal indemnity to our firemen and law enforcement officers killed in the line of duty.

### THE VETOES—ANOTHER VIEW

Excerpts taken from the remarks of U.S. Rep. W. R. Poage of Texas, the Chairman of the House Agriculture Committee, made on the floor of the House of Representatives on April 10, 1973, during debate on a proposal to override the President's veto of the rural water and sewer grant program:

"Mr. POAGE. . . . the President begins by saying that he asks one simple question: 'Would this program justify an increase in taxes in order to pay for it?'

"Now this sounds like a noble yardstick, but . . . did the President use this same yardstick when he officially promised several billion of our tax dollars presumably to build water and sewer and other systems in North Vietnam? Did he use this yardstick when he asked and received tax money to purchase 17 new helicopters at a cost of $37 million to replace an existing fleet of 18-month-old copters for his White House staff?

"And let us look at the budget he sent us in January. He asked for $169 million for the Bureau of Sport Fisheries. Will that not require tax money?

"This same budget asks for $153 million for the arts and humanities—an increase of about 80 percent. I have no criticism of either sport fishing or of the arts. I believe that they both contribute to the quality of American life. But I want to suggest that a Federal dollar used for sport fishing or for the arts has exactly the same effect on the need for taxes as a dollar spent on rural sewer systems. The President simply claims the right to determine priorities. This has nothing to do with the total of expenditures."

### AN OPEN LETTER TO THE PRESIDENT—APRIL 6, 1973

The Honorable RICHARD M. NIXON,
*President of the United States, The White House, Washington, D.C.*

DEAR MR. PRESIDENT: In today's *Washington Post* there was mention of a potential twenty-five percent pay raise recommendation for certain governmental officials, including Members of Congress. I wish to register my opposition to this as our situation is so widely misunderstood already. For those of us who are not wealthy, as a matter of fact, consideration might be given by the Pay Board to a reduction in salary and in lieu thereof providing a housing allowance which would cover the often exorbitant cost of lodging in the capital area.

Respectfully,

JACK BRINKLEY,
*Member of Congress.*

### A HISTORY LESSON

Once upon a time, there were two great powers who were always opposing each other. One was sophisticated, advanced, educated, shrewd in business, and very wealthy. Its opponents were crude, pragmatic, and very warlike. The wise men in the enlightened, sophisticated country came up with the brilliant idea that if they destroyed their arms and armories, declared themselves for peace, and renounced war, no one would want to bother them. If they proved that they were no threat, then those across the sea would feel safe, would no longer have fear, and everyone could settle down to trading. Without military expenditures, things could be done. Prosperity would boom without the load of military spending. So they did it.

But, unhappily, those on the other side didn't play the game right. They decided that, now that they had the chance, they might as well make sure that the enlightened country wouldn't change their minds, and then they wouldn't have to worry at all.

So Rome destroyed Carthage.

---

## HON. GEORGE BROWN REPORTS 1972 INCOME, CURRENT NET WORTH

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. BROWN of California. Mr. Speaker, in accordance with my practice for the past several years, I am reporting herewith my income for last year and current net worth for the benefit of any who may be interested.

For 1972 my total income was approximately $2,500.

My net worth is approximately $33,000 and consists of my equity in a Washington area home and furnishings—$15,000—an equity interest in several lots in California's 29th Congressional District, which I represented for 8 years—another $15,000—and a loan of dubious collectibility to my campaign committee—$18,000. I also own one share of General Motors stock, worth less than $100, but which makes me feel like a capitalist. I owe about $15,000 on notes, aside from the mortgages on my house and lots. My equity in retirement systems is not included in the above. My equity in a 1973 Pontiac is about zero.

My wife had no income last year and owns no separate property.

Mr. Speaker, as you know, the only financial disclosure required of Members of the House of Representatives is the form which we submit to the House Committee on Standards of Official Conduct, a form which provides for only a very limited disclosure. A reporter for Gannett News Service, after examining this form and noting that it showed no income in the categories referred to in the form, asked me how I managed to support myself last year. I allowed this reporter, John Simonds, to examine copies of my income tax forms for the past few years so that he could determine this for himself, and I would like to insert in the RECORD at this point the article which he wrote based on his examination of these documents, his discussions with members of my staff, and whatever other research he engaged in.

The article, as printed in the San Bernardino Sun-Telegram on May 13, follows:

### REPRESENTATIVE BROWN'S EARNINGS PLACE HIM BELOW "POVERTY LINE"

(By John E. Simonds)

WASHINGTON.—Rep. George E. Brown, Jr., D-Colton, has made public a 1972 federal income tax return that shows his earnings last year placed him below what is usually considered the poverty level.

Brown, who returned to the House this year following a two-year hiatus resulting from his unsuccessful 1970 try for the U.S. Senate, reported that his income was $2,521 last year, a figure so low he did not have to pay any taxes.

The joint return that Brown and his wife, Rowena, filed listed his wages at $166 with $1,750 coming from "consulting fees" and $604 from interest. A part of that interest was $500 paid to him by Rep. Glenn Anderson, D-Calif., who bought Brown's home on Capitol Hill two years ago and is paying off part of the mortgage to Brown.

John Longville, Brown's press aide, said the Congressman sold some property in East Los Angeles for $15,000, which did not result in a profit, and cashed in some other holdings to make ends meet last year. The form 1040 did not show these liquidations since they did not net Brown a profit. The Browns have four children.

Brown volunteered to make his income tax form public in response to a question about the outside income form he and other House members were required to submit by April 30 to the House Committee on Standards of Official Conduct. Brown's form listed no sources of income, investments or speaker's fees during 1972, raising a question about how he supported himself last year.

Brown has been an advocate of full public disclosure of members' personal and political finances and has urged other colleagues to open their books to the public.

Rep. Jerry L. Pettis, R-Calif., submitted a form to the ethics committee that included little information about his outside earnings. He listed a speaking fee from the American Medical Association, but did not say how much it was. The rules only require a listing of such "honoraria" that total $300 or more, but the amount itself does not have to be listed.

Rep. Victor V. Veysey, R-Calif., listed stock holdings in the Japan Fund, Security Pacific National Bank, Dun & Bradstreet, Ingersoll Rand, Irving Trust Co. of New York, Chemical Fund, Atlantic Refining Co., American Express and National General Corp. Veysey also listed his proprietorship in the Victor V. Veysey Ranch. He said he collected an honorarium from the California Beet Growers, but did not say how much.

Longville said the congressman had about $100,000 when he came to Congress and only $50,000 when he left after losing out in the 1970 Senate primary. Until winning election last year from his new district, Brown was driving a 1965 Impala that frequently broke down during his campaign.

## OVERVIEW OF PETROLEUM SUPPLY SITUATION

---

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. ZWACH. Mr. Speaker, the House Committee on Agriculture has been holding hearings at which witnesses have been testifying on the growing fuel demands and the effects of the shortage on farmers.

Too few people realize the serious consequences that might arise in our food production chain if adequate supplies of fuel are not available.

To bring this problem to the attention of my colleagues, I insert in the RECORD the testimony of Stephen A. Wakefield, Assistant Secretary of the Interior and member of the Oil Policy Committee:

STATEMENT OF STEPHEN A. WAKEFIELD BEFORE THE HOUSE AGRICULTURE COMMITTEE, MAY 17, 1973

Mr. Chairman, I appreciate the opportunity to appear before you today to discuss the current energy supply situation in the United States and its impact upon the agricultural sector of the economy.

I would like to confine my prepared remarks to a brief overview of the current situation regarding petroleum, natural gas and LPG, the significance of this situation to agriculture, and some of the actions we have taken to alleviate the situation.

### OVERVIEW OF PETROLEUM SUPPLY SITUATION

Petroleum demand in the United States has grown rapidly over the past several years. At the same time refining capacity in this country has been expanded relatively slowly, such that we are now faced with the situation that domestic refining capacity is not adequate to meet domestic demands. The reasons for this condition are complex, and I will not try to address them in detail here. The focus of our discussion here today is more concerned with the evaluation of the impact of the current situation and attention to the means by which we might avoid serious consequences.

In this environment, product supplies will be very tight. Our projections show that for 1973 a shortage of perhaps one to two percent of demand in gasoline supplies is a probable occurrence this summer. Of course, these projections are based on a number of assumptions, including refinery operating rates, crude availability, import volumes, and other factors. We think our projections are based on the most probable operations in the industry over the next year. We have, however, tested our estimates for possible deviations from our assumptions, and if several unlikely but possible contingencies should occur, we may face shortages as high as four or five percent of demand this summer. I might add, also, that there is at least some probability that shortages might be avoided altogether, if we are lucky.

As you are aware, the petroleum markets in the U.S. are not monolithic. There are distribution problems within the industry, due both to physical factors, such as the location of pipelines and water access, and to economic factors, relating to the size and degree of integration of companies from wellhead to market and other factors. In this system, we cannot expect that a one to two percent shortage of product will appear simultaneously and evenly spread across all geographic locations and product markets. There will be areas of the country which will perhaps escape the consequences of a shortage altogether, and other areas in which the shortage might be acute. It is precisely this problem that the allocation program, which Mr. Ligon will touch on later, seeks to reduce.

Because of the relatively limited flexibility of supply and the significant role of small, independent companies in the area, the Midwest United States is the area of principal concern for this summer, this area of the country which will most likely be faced with the more significant problems of product supply. Our mutual concern, Mr. Chairman, is magnified due to the concentration of agricultural interests in the Midwest area, and the potential consequences for the Nation if supplies should be critically short in this region.

### NATURAL GAS AND LPG

Both natural gas and LPG supplies are expected to be extremely tight this year. Natural gas shortages have been experienced over the past few years, and are in large part responsible for the marked increase in distillate fuel oil consumption. For both these products, the critical period for potential shortages will probably be in the winter during the period of peak seasonal demand. As I previously stated, the overall situation regarding heating fuels next winter will be highly dependent upon our experience this summer, and the ability of the industry to build adequate stocks of distillate fuels in preparation for the winter. Currently, stocks of distillates are above normal for this period of the year, and if current refinery performance is sustained over the summer (including a high level of imports), we anticipate that the potential for winter supply problems will be materially reduced.

Natural gas and LPG both have an impact on agricultural interests which is slightly different from the normal use of these products for heating. I will discuss the agricultural factors of the supply situation in a few minutes.

### IMPACT OF CURRENT SUPPLY SITUATION ON AGRICULTURE

Agricultural demand for gasoline and diesel fuel this summer are of prime concern. Based on projections made by the Department of Agriculture, we estimate that in the Midwest area (PAD District II) agricultural gasoline demands will be about 225 MB/D, or about nine percent of the total Midwest demand, during the period April through September. This, of course, represents the peak season for both agricultural and total consumption of gasoline. During the same period, April through September, agricultural diesel fuel requirements are projected to be about 86 MB/D, or some fourteen percent of total distillates demand in PAD II. The consumption of diesel (or distillates) by the agricultural sector, however, is contra-seasonal to the demand pattern for total distillates in the Midwest, in that agricultural diesel consumption peaks in summer, rather than winter.

Our projections for the Midwest, although much less precise than projections for the total U.S., indicate that gasoline supplies overall will be extremely tight but adequate during the second quarter. This, again, assumes high levels of refinery operation, crude availability and imports for all areas of the country, including PAD II. In the third quarter, however, we anticipate that shortages may appear, even at maximum levels of refinery operation.

I might add at this point that our projections for gasoline are highly dependent on the import levels of both gasoline and distillates. Distillate imports, particularly, through the first four months of 1973 have averaged about 400 MB/D, well above last year's levels. This performance is due in large part to the absence of quantitative import restrictions on distillates throughout this year. As the new import regulations take effect, in which both gasoline and distillates are allowed to be imported in unlimited quantity, we would expect that gasoline imports will show a similar upward trend. If the current performance as regards imports of distillates can be sustained, the industry will be able to devote more capacity to the production of gasoline during the second quarter, relieving this supply problem somewhat without damaging our distillate supply position for heating next winter.

As a general summary of the Midwest/agricultural situation, we see the prospect of gasoline shortages as a real possibility, probably in the third quarter of the year, and in terms of total demand, of a relatively small magnitude. Diesel fuel supplies for agricultural consumption would not appear to be a problem, particularly because of the current good stock situation in distillates and the contra-seasonal nature of the agricultural demand pattern.

The Federal Power Commission, because of the serious gas shortage being experienced by gas pipelines serving the interstate market, has established nine categories respecting the use of gas. The second category, after meeting the requirements of residential, small commercial consumers, is the large commercial requirements and firm industrial requirements for plant protection, feedstock and process needs. Feedstock gas is defined by the FPC as "gas used for its chemical properties of natural gas as a raw material in creating an end product."

Natural gas is used as a feedstock in the manufacture of ammonia, destined primarily for fertilizers. This consumption amounts to about 500 billion cubic feet annually or about 2.2 percent of our total annual consumption of natural gas.

Based on this definition, it appears that the use of natural gas for the manufacture of ammonia is one of the top categories in the allocation of available supplies of gas.

Propane, 70 percent of which comes from the production of natural gas, is used for crop drying. In 1971, it is estimated that some five million barrels or about two percent of our total consumption of propane was used for this purpose.

This year's supply of fertilizer is not likely to be adversely affected by the natural gas supply situation, as the total consumption of natural gas in the summer is low and summer shortages for this category of use are not likely. Propane requirements for crop drying, on the other hand, dovetail into the peak demand season for heating fuels. In a normal winter situation, crop drying should be complete before cold weather occurs, which implies that propane for crop drying may be adequate. If, however, we experience a cold early winter similar to our experience of late 1972, we may expect some problems. Again, much depends on the overall availability of heating fuels, including distillates, and based on current stock levels and operations we have some encouragement that problems similar to last year's can be avoided.

### WHAT CAN BE DONE TO AVOID SERIOUS CONSEQUENCES OF A SHORTAGE?

We have already taken several steps intended to alleviate or eliminate the prospects of shortage this summer and next winter. As I mentioned, the recent import program changes will encourage higher product imports, and additionally, the implementation of license fees for crude imports above 1973 quota levels will provide a measure of value to the import "tickets" now held by independent refiners and, consequently, some leverage for obtaining crude supplies. We have also granted the Oil Import Appeals Board virtually unlimited quantities of license fee-free quota for independents faced with unusual hardship. We have further taken steps to distribute Federally-owned crude oil preferentially to small refiners in an effort to ease crude supply problems.

The U.S.G.S. estimates current quantities of royalty oil accruing from all Federal lands amounts to about 225,000 B/D (Elk Hills NPR #1 not included), of this total amount, approximately 64,000 B/D are onshore and the remaining 160,000 B/D are offshore. Of the offshore total, 48,300 B/D are on Section 6 leases and are not available for distribution. Ten thousand B/D are produced off the California OCS and are fully committed leaving about 100,000 B/D available from the Gulf of Mexico OCS. Since January 29, 1973, some 30,000 B/D have been granted to applicants. Thirty-five applications have been made for a total of 172,243 B/D. This amount minus what has been granted totals 142,000 B/D or twice the amount remaining of the available supply.

By regulation (30 CFR part 225A), the Secretary of the Interior has decided to give preference in royalty oil disposal to small refiners as determined under the rules of the Small Business Administration, except when special circumstances warrant other actions. In line with these regulations sales contracts have been made with Good Hope Industries, La Jet, Inc., Indiana Farm Bureau Coop. Assoc., Inc., Howell Corporation and Rock Island Refining Corp., and approval has been granted to Gladieux Refinery Co. and Alabama Refining Company, Inc. These data are current through May 11, 1973, based on the latest report by the U.S. Geological Survey.

Our current efforts are directed into two areas: fuel conservation and product allocation. As for fuel conservation, I cannot emphasize enough the impact that fuel and energy conservation practices could have on the current situation. Even a moderate attempt by a percentage of the consumers to conserve fuels could reduce demands by an amount sufficient to erase the entire projected shortage. In the Department of the Interior, we have just established an Office of Energy Conservation which is now actively coordinating the efforts of several Government agencies in rapidly developing a program of Government, industry and public conservation which could be implemented very shortly. If successful, this program could have major impact this summer. Such a program will be a necessity in the years ahead, if we are to avoid repeated shortages until we can develop domestic resources, under the President's energy policies, sufficient to offset our rapidly growing demands.

A major part of our current effort is also devoted to administration of a product allocation program, the authority for which was granted by the Eagleton amendment to the Economic Stabilization Act. I would like to defer discussion of the allocation program to Mr. Ligon, appearing before you as a representative of the Oil Policy Committee.

---

## A GREEN THUMB MAKES DOLLARS AS WELL AS SENSE

## HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. PICKLE. Mr. Speaker, those of us who might be referred to as garden freaks—in the jargon of young people—have been given a new legitimacy. The high cost of food at the supermarket, has given rise to thought on the great values found inside a 25-cent package of seed.

The details of this revelation are in the May 17, 1973, issue of the Christian Science Monitor which includes an informative article on the delights of horticulture without a garden plot. In these days of unfolding coverups, it is encouraging to see something that does not involve a plot.

So that my colleagues and their constituents may reap the benefits of a green thumb, I am enclosing a copy of the article to be inserted in the RECORD:

### WILL 25 CENTS BUY YOU A SUMMER OF CARROTS?

(By Phyllis Hanes)

With food prices high and still climbing, one of the best investments a family can make is a 25-cent package of vegetable seeds. One packet of carrot seeds will grow enough to feed a family of four all summer long. And although there are other reasons for gardening, such as freshness, flavor, and freedom from pesticides, the strongest incentive right now is the price of food.

During the '40's vegetable plots were called Victory Gardens, and then in the '60's everyone was into organic gardening. Now we have the Economy or Inflation Plot. But whatever you call it, the small family vegetable patch is sprouting up all over, especially in urban areas.

Families with plenty of land have no problems, but these are rare. Those with no space, however, are resorting to the old American custom of make-do.

#### ANY PLACE WILL DO

There are gardens on the garage roof, under the breezeway, around the swings and hanging from the eaves as well as in pots and window boxes.

The idea that vegetables must be planted in tidy rows is no longer essential. Precise, geometric beds are a thing of the past. It's even possible to grow vegetables without a garden, according to some of the new experts. There are books and brochures and radio programs to tell you how.

The main thing that is different is that there's no need to have the vegetable garden as one unit, anymore. Fine, if you have a sizable spot. But if not, narrow strips and patches of ground can be put to use easily.

"A vegetable garden doesn't have to be a square patch or a round circle in order to produce," says Jerry Baker, one of the new breed of garden teachers. "Mix the vegetables in with the flowers—they'll love it.

"Plants are like people. They're marvelous mixers," he said one day this spring, when he dropped into the office to chat.

"Tuck your radishes in under the evergreen shrubs. I do," he said. "A few bush beans or beets will enjoy growing in a row along the driveway. And carrots look great with their green fernery as a border for zinnias or bachelor buttons."

#### AFFECTION EMPHASIZED

Mr. Baker has both radio and television shows on gardening. He's recently formed a research organization called the American Gardening Institute, and he's written a series of books called the "Make Friends Series" (Simon & Shuster, $1.95). They are concerned with making friends with roses, and with your vegetable garden, lawn, annuals, fruit trees, evergreens, and garden covers.

Plants need affection as much as they need attention, according to Mr. Baker's theory. He has a rule of thumb that guarantees a green thumb which says a gardener must have "pride, persistence, and patience."

Another believer in planting food in every available nook and cranny is television actor Glenn Ford who grows fruits and berries around his swimming pool and has his front lawn covered with strawberry plants.

Space is the big problem for most city dwellers and "minigardens" have been the subject of countless books and articles. Perhaps the most popular one is a free brochure put out by the U.S. Department of Agriculture called "Minigardens for Vegetables, Home and Garden Bulletin No. 163." It's available by writing to the Department of Agriculture, Office of Information, Washington, D.C. 20250.

Other books and magazine articles tell how to feed a family of four all summer on gardens of a certain size. They also show diagrams and directions for making boxes, planting tubs, old wooden barrels, and other containers, in which midget vegetables can be grown.

#### MIDGET SEEDS AVAILABLE

Most all seed catalogs showed a generous number of seeds for midget vegetables this year. Available are midget watermelons to better fit your refrigerator, midget corn on the cob, dwarf modern cabbage, Tiny Tim tomatoes, Tom Thumb lettuce, and midget cucumbers, to name a few.

Another way to reap big harvests from small space is to plant climbing vegetables such as cucumber, squash, and melons, so they'll grow vertically instead of horizontally.

They will climb up a fence or trellis, home-made step-ladder or maypole, using considerably less space than if they grew along the ground in the usual manner.

They also will climb just as happily up the side of your garage, over your breezeway or on an old rose trellis or arbor, if these are the only areas you can find for the purpose.

A large seed company, Northrup King, has figured out that one 25-cent package of cucumber seeds will supply you with at least 50 cucumbers. This means a saving of $4.75, figuring that you might buy them in the supermarket at 10 cents each.

Cucumbers also can be grown in a barrel to save space, that is, if you can find enough soil to fill it.

You'll need more than the edge of a walkway, however, if you want to grow sweet corn—a vegetable that many gardeners believe justifies any amount of juggling or lawn grabbing for the pleasure of eating it freshly cut.

A single row won't pollinate well, so room is needed to make it worthwhile. There are several midget types, however, and many gardeners think it's well worth the cost of one pack, to have just a couple of good batches of corn straight from the garden.

#### MANY GADGETS ON SALE

Of course there's no limit to what a new gardener can spend if he gets "hooked" on some of the new gadgets and gimmicks. Expensive tools and tractors will soon eat up the big savings from that 25-cent package of seeds.

There are new and fancy gimmicks galore from Gro-lamps for tender seeds, to compressed pellets that expand in water, peat pots that can be planted along with the seedling, seed tapes that make sure you sow the seeds evenly spaced, and little sticks, each impregnated with a seed, that need only be struck into the good earth,.

There also are soil substitutes and synthetic soils that are clean, easy to use, and are free of weeds and harmful organisms. A big advantage of these soils too, is that they are lightweight; easy to use in tubs or boxes that might need to be moved to follow limited sunlight.

Plans and designs for some new gardens look more like a wood-working course than a back-to-nature project. But never mind, they produce.

Some books show how to build seed beds raised to chair height so that weeding can be managed without any bending. Others have directions for wooden, tiered planters for easy puttering or pollinating. These are helpful in a more practical way if the gardener's backyard is full of tree roots or rocky soil, but has plenty of sun. He can import soil and plant in the tiered arrangement.

### BOXES GO VEGETARIAN

Movable pots, wooden, and plastic window boxes and containers are not new to city terrace gardens, patios, and penthouse planters, but many formerly used for flowers now are extensively vegetarian.

Swapping seeds is another aspect of the new economy garden game. Although old-timers have always known how to give a slip or two of their favorite hydrangeas or a few iris to neighbors and relatives, seed swapping has a practical intent.

It's the result of a year's experience for some gardeners who found out at their first harvesttime that not only did they have more tomatoes ripe at the same time than they could use. But all their friends and neighbors also had plently of the ripe fruit.

Small families and a loner can't possibly consume an 18-foot row of lettuce if plants mature all at one time, either.

The answer is to sow fewer seeds and swap the leftover ruby lettuce, for instance, for a half pack of zucchini squash or turnip.

The secret among horticulturists, is successive sowing, which assures a continuous supply of a vegetable, while it is in its prime.

Some small gardens I've seen are used for a mass planting of just one favorite vegetable—or one that grows easily in that particular soil. The seed, such as carrot seed, is sown broadcast over prepared ground, then sprinkled with peat moss or vermiculite, and watered.

### UNUSUAL VARIETIES SOUGHT

The seeds start sprouting just like grass. what happens when weeds come is another problem, but the method is successful with some. A garden of nothing but lettuce or salad vegetables, is another favorite, and some people are happy with just a patch of herbs.

Gourmet gardeners, who often have some garden experience, are ready to try new and exotic varieties, and are an offshoot of the organic group. They're interested not only in absolute, untainted freshness, but also in unusual varieties such as shallots, flageolet beans, lovage, or snow peas, that they can't find in local stores.

This is risky planting for the amateur, but it's exciting. Nothing gives the grower a greater feeling of independence than learning he's under no obligation to take the word of a neighbor who insists that Big Boy tomatoes or Golden Bantam corn are the best.

The fun of gardening for the gourmet is in being able to recognize the subtle differences in varieties of the same vegetable and in discovering them for himself.

Then there are the tomato lovers, who, even though space is limited always try a few new varieties each year, checking the early spring seed books and comparing the length of the long-maturing Beefsteaks (96 days), and Ponderosas (95 days), with the quicker growing Earliana (66 days), and the Fireball tomato (60 days).

Another gourmet gardener might show you his plot with 20 or more varieties of beans—from Montezuma red beans, the same bean grown by Indians when Cortez discovered Mexico, found in tombs 3,000 years old—to soy beans, fava beans, limas, and Kentucky Wonders.

### ALL SORTS OF CARROTS

A gardener also might be comparing the Chantenay and Danvers carrots from the supermarket with his home-grown French ones called "touchon" or the tiny Dutch carrots called "sucram" which means sweet.

United States seed companies have rapidly become more diversified in the numbers of varieties of seeds they carry. A few years ago the big concern was with mass market selling. You got your seeds from hardware and grocery store seed racks.

Today it's different. Although I sent to France and England this year for catalogs with special items such as the flageolet bean, mini marrows and Oriental vegetables, I discovered later they were available from several U.S. companies.

Nichols Garden Nursery, Albany, Ore.; Harry Saier of Dimondale, Mich., Burpee's and a few others make a point of importing European and Oriental varieties that will grow here.

Once you start getting the handsome brochures from companies such as Thompson & Morgan in England and Georges Delbard in France, you'll find yourself eyeing every vacant lot you pass with an eye to expanding your garden plot one way or another next year.

Last year there was another boom in community gardens which is still increasing today. In Appleton, Wis., a priest rented seven acres from a farmer and got people together to buy seeds in bulk and rent plots for only $5 a year.

### STUDENTS COOPERATE

And students at Pennsylvania State University paid $3.25 for the summer for 20 by 30 foot plots on which to grow vegetables in an effort to "return to the soil" and save money.

Boston's Fenway Community Gardens, started during World War II as Victory Gardens, are going full steam today with about 500, 15 by 30 plots, some with gardeners at the same plot for 20 years.

Although four or five hours a week is adequate to maintain a garden the size of the Fenway plots, most of these gardeners spend twice as much time puttering and perfecting their plants.

But no garden groups or even the new experts will object to exploding the myth of the green-thumb magic.

Gardening means physical work, with a peasant's tools. And there are some people who have an aversion to this kind of labor. Gardening, even to save money, is not for them.

But for people with enthusiasm for getting close to the land, it's pleasant, relaxing, and it will help you enjoy very good savings on the food budget this summer and fall.

## SAVE THE PUPFISH

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. WALDIE. Mr. Speaker, the Ash Meadows area in the State of California and Nevada has been the home of the several species of pupfish for 20,000 years. During this time, the pupfish have adapted from the coldwater, postglacial lakes which covered the Western United States following the last Ice Age to a totally different and inhospitable environment, which is typified by Devils Hole—where the water is high in mineral content, low in oxygen, and 92 degrees in temperature.

Yet the pumping of water by a local ranching operation has caused the water level in Devils Hole to drop to a dangerously low level. The desert pupfish may not survive another year unless steps are taken to preserve their unique habitat.

Saving the remaining species and subspecies of this endangered fish, along with the protection of their habitat, is of importance not only for the maintenance of nature's diversity, but because of their tremendous value for studies of genetic evolution. Already man's needless indifference has permitted the extinction of several subspecies; and the two which live in the Ash Meadows area are on the brink of extinction.

In addition to the unique desert pupfish found in the Ash Meadows area, botanical research conducted by Dr. Janice C. Beatley of the Laboratory of Nuclear Medicine and Radiation Biology of the University of California at Los Angeles, assistant professor of botany; James L. Reveal, of the University of Maryland; and others, have revealed unique species of plants growing in the Ash Meadows area—plants that are found in no other place in the world.

Some of these plants were restricted by evolution to this single area; most of them are entirely different from plants in surrounding areas of Nevada and California. Also some rare species of snails have been located in the Ash Meadows area.

Therefore, Mr. Speaker, I today introduce a bill to establish the Pupfish National Wildlife Refuge. This bill would not rescue the desert pupfish from extinction, but those unique species of plants and snails would also be preserved. As Professor Reveal states:

> We are fighting time. No advanced technology will ever replace an extinct species.

The text of the bill follows:

A bill to authorize the establishment of the Pupfish National Wildlife Refuge of the States of California and Nevada, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve and protect several species of desert pupfish, and to interpret their evolution in areas of their natural environment, for the benefit and education of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Pupfish National Wildlife Refuge (hereinafter referred to as the "Refuge") in the States of California and Nevada. The boundaries of the Refuge shall be as generally depicted on the map entitled "Pupfish National Wildlife Refuge" and dated May 1972, which shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife in the Department of the Interior.

SEC. 2. The Secretary is authorized to enter into contracts to acquire lands, waters, and interests therein, within the boundary of the Refuge, by donation, purchase with donated or appropriated funds, or exchange. Lands, waters, and interests therein owned by the State of California or Nevada, or any political subdivision thereof, may be acquired only with the consent of such owner. Lands acquired by the Secretary within the boundaries of the Refuge may be withdrawn from all forms of entry for administration as part of the Refuge. When the Secretary determines that lands, waters, or interests therein have been acquired sufficient to constitute an efficiently administrable unit for the purposes of this Act, he shall establish the Refuge by publication of notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the lands, waters, or interests therein within the boundaries of the Refuge as a unit of the National Wildlife System. In accordance with the provisions of this Act, the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd–668ee), and the Endangered Species Act of 1969 (16 U.S.C. 668aa, 668cc–6), except that the monetary limitation in the Endangered Species Act of 1969, relating to appropriations for land access from the Land and Water Conservation Fund shall not apply to acquisitions of land under this Act.

SEC. 3. Effective upon establishment of the Refuge, the Devils Hole portion of the Death Valley National Monument which was added to the Death Valley National Monument by proclamation numbered 2961 of January 17, 1952, is abolished as such, and the lands, waters, and interests therein are made a part of the Refuge established under this Act. Any funds available for the Devils Hole portion of the Death Valley National Monument shall be available for the purposes of the Refuge.

---

## "FREE PRESS"—PEKING STYLE

## HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. ICHORD. Mr. Speaker, when President Nixon made his historic journey to Communist China last year he cautioned that detente between Washington and Peking would be a delicate matter for a long time to come because our respective political systems are so diametrically opposed.

However, in the euphoria that accompanied that event and in the great volume of reportage that has come out of Red China ever since, there is a tendency to forget or just ignore the most fundamental difference between our respective societies: Ours is free and theirs is not.

In recent months, we have been told over and over that Mao Tse-tung's regime has made great strides in seeking to overcome China's historic legacy of disease, hunger, plagues, and floods. Only rarely is it made clear that the accomplishments claimed by Peking and hailed by so many of our newsmen are at the total expense of all individual freedom and that whatever has been achieved on the China mainland since the Communists grabbed power in 1949, results from one of the most ruthless tyrannies in the history of mankind.

Just how frail the threads of detente are when dealing with Communist dictatorships is pointed up in microcosm by an experience the New York Times management has just reported. The Times has sent more reporters to Red China than any other journal in the United States. It has been eminently fair in its editorials regarding Red China over the years. It has long sought to open a full-time bureau in Peking.

But, it seems, the Times has made an egregious error in the eyes of Peking's masters. It has accepted and printed advertising both from the free Republic of China in Taiwan and from Americans of Chinese origin who are hostile to the Chinese Communists.

Peking's emissaries have advised the Times it must cease and desist from allowing its advertising pages to be used by those who are critical of Communist China. Not only do Mao's representatives seek to stifle a newspapers' obligation to press freedom. They also threaten reprisal. When the Times rejected the Peking demand, the Chinese Communists made it indelibly clear that they would not permit a Times bureau in Peking until and unless the Times abandoned its free press concept and refused to publish any more political advertising which offended the sensibilities of the so-called People's Republic on the China mainland.

Of course, we have already seen a prime example of how Red China seeks to curtail press freedom. Shortly after they were admitted to the United Nations the Peking Government forced—blackmailed is a more appropriate word—Secretary General U Thant and his successor Kurt Waldheim to exclude two highly respected reporters from the Republic of China from further accreditation as U.N. correspondents.

I am happy to say that the Times opposed that abuse of press freedom by the Red Chinese in the U.N. as vigorously as they are now opposing Peking's latest totalitarian efforts to crush the Times' freedom to publish any and all opinion. Incidentally, the Times points out that it had accepted the advertising of North Korea and other Communist countries but his made no impression on the Communist Chinese.

Much as Peking publicly insists it does not interfere with the internal affairs of other countries, the fact of the matter is they cannot resist doing so. What could be better evidence of this than trying to destroy the American principles of press freedom and freedom of expression?

For the benefit of those of my colleagues who may have missed seeing the Times account of this sordid affair, I insert it at his point in the RECORD:

[An editorial from the New York Times, May 17, 1973]

### THE CHINESE PROTEST

Over the years there have been recurrent objections from widely diverse groups, and individuals to particular advertisements appearing in this newspaper. Yesterday the Government of the Chinese People's Republic protested—not for the first time—against the appearance in The Times of political advertisements placed by anti-Communist Chinese residents in this country and in Taiwan.

As long ago as Dec. 28, 1961, an editorial in The Times stated our basic position on freedom of advertising: "The Times believes that in furtherance of the objectives of the First Amendment of the Constitution, it should keep its advertising columns open to all points of view. . . . The political and other opinion of the New York Times—that is, our editorial policies—are expressed daily and exclusively in the editorial columns of this page. . . . Our policy with respect to political advertising is to keep our columns open to those who wish to express a particular point of view, no matter how widely divergent it may be from our own."

This position has been reiterated a number of times since then and remains unchanged. Thus almost four years ago, on Aug. 29, 1969, we stated:

"We at The New York Times have always felt an obligation to keep our advertising columns open to all comers, refusing ads only on the grounds of fraud or deception, vulgarity or obscenity and incitement to lawbreaking or to racial or religious hatred."

It goes without saying that we will maintain this policy in the future as in the past.

---

## COMMUNITY COLLEGES: EDUCATIONAL SMORGASBORDS WITH A LOCAL FLAVOR

## HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. ALEXANDER. Mr. Speaker, education at all levels has always been a concern of mine even long before I came to the Congress. As we move into our last quarter of the 20th century, it is not hard to see that our rapidly changing society has much different education needs than the society of the first half of this century.

Vocational education and training programs as well as adult education programs have encouraged many people to stay in the "system" gaining valuable skills which enable them to find work at a much higher level of income than would have normally been open to them, and at the same time contribute much to their community.

Community colleges in the past were often looked upon as a 2-year institution where you could go for your first 2 years of college. How this has changed. Community colleges are now offering one of the most valuable educational experiences available. Through skillful counseling, these schools in 2 years attempt to guide and direct students to their final goals, whether it be on to a 4-year institution, to a vocational technical school for final training in a skill such as medical technology. These community colleges are also reaching out to encompass older members of the community and offering cultural and artistic benefit as well as the expected academic routine.

At this point I would like to share with you an article by Kenneth G. Gehret, the education editor of the Christian Science Monitor. I believe it has much to say about the future of these institutions:

[From the Christian Science Monitor, Apr. 14, 1973]

### COMMUNITY COLLEGES

(By Kenneth G. Gehret)

"We're like a smorgasbord. We say, 'Come in, sample our dishes. Take what you want as often as you want.' "

John S. Owens, vice-chancellor of the Coast Community College District, Costa Mesa, Calif., was describing the role of community colleges in general and of the two campuses in his district in particular.

"It isn't that way in the four-year colleges," he continued. "There a waiter gives you a menu. You must choose from the list of dishes, and at the bottom is the notation, 'no substitutes.' "

Mr. Owens probably realized that his metaphor was overdrawn. Options are not so broad as depicted in the burgeoning two-year institutions nor so narrow in the four-year ones.

Still, there can be do doubt that community colleges and "regular colleges" (state or private) are worlds apart. True, most community colleges include among their offerings academic programs that prepare students for transfer into the junior year of four-year colleges, en route to the bachelor's degree.

But the community college is much more. It is indeed a phenomenon all its own. It is not a copy of the lower division of the four-year college. The "community" in its title suggests its place and mission much better than did the earlier designation of "junior college," though some publicly supported two-year colleges still bear the name. Its roots are in the community, its students come from the local area, its sense of purpose is strongly community oriented.

And its attitude is democratic, rather than elitist.

### AN OPEN-ADMISSION POLICY

Typically, the community college boasts an open-admissions policy. All high-school graduates in its district are welcome; grades make no difference. (Where applicants outnumber available places, students with the poorest records may not be accepted.) In fact, some community colleges admit dropouts, preparing them to take high-school equivalency exams.

Charges are nominal, with costs covered largely by public funds.

For all the publicity given black admissions at four-year colleges and universities, the fact remains that it is the two-year institutions that are offering the largest number of blacks, Puerto Ricans, Mexican-Americans, and other minorities ready access to higher education. Community colleges are minorities' prime educational route to upward social and economic mobility.

To say this is not to disparage the efforts of other institutions of higher learning. Many of them are doing an excellent job within their resources. And since community colleges can award only the associate of arts degree, other colleges and universities (public or private) have the responsibility for providing advanced training for minority-group members desiring it.

Community colleges are essentially student centered. They meet community residents at least half way. This is often true in terms of hours; afternoon, evening, and Saturday classes are common. And courses are added according to individual interest and community need.

If a local plant shuts down, the college usually is in a strong position to retrain laid-off workers in line with the job market. Similarly, expanding production or service industries often depend on the college to provide employees who have entry-level skills.

Workers who want to move ahead on the job or prepare for a different kind of work frequently enroll in evening courses.

Community-college officials often speak of "meeting the needs of people where they are." This extends beyond the job ladder or progress toward a degree. It includes satisfying cultural and artistic tastes, and acquiring or developing skills for personal enjoyment.

### LIEFTIME OF LEARNING

These needs vary according to age level and type of community. The comprehensive community college is prepared to deal with the recent high-school graduate, the employed or unemployed worker, and the senior citizen. It also may take courses directly to inmates in prison and to mothers on welfare.

This is hardly a description of the lower half of a four-year college. It is, rather, a picture of a community institution of dynamic vitality and tremendous potential. Its concern is increasingly with the needs of the local area.

The community college stands in the very center of the emerging concept of a lifetime of learning, in which people drop in and drop out of studies as their needs and interests change and their horizons expand.

The thrust evident in the community-college movement is part realization, part potential. Development of the institution in this form dates only from the early 1960's. Learning how to respond to individual needs and community concerns takes time. There are formidable obstacles in the way.

"The community colleges have a tremendously complicated educational task," said Dr. Edmund J. Gleazer Jr., president of the American Association of Community and Junior Colleges, in an interview. "This is because of the great variety of students attracted and the commitment of the institutions to meet them where they are."

A diversity of students means a diversity of expectations. Adjusting courses and services to different needs is obviously a major challenge to the institutions, Dr. Gleazer points out.

Often, too, the individual expectations are unrealistic. The student may be pursuing the wrong goal. He may be heading for a career in business management when aptitude tests indicate a more suitable goal would be in electronics.

Counseling in the community college is essential in such individual instances as well as in those largely of a group nature. Minorities tend to shun technology training in favor of the academic track. The pull toward the BA degree is strong with them. Vocational education has a stigma from high-school days when voc-ed was considered "punitive." Those who could not make it in the academic track were shunted into manual training.

Yet for many, technologies (with the option of going on later from, say, medical lab technician to physician) are the realizable goal more students should pursue in the two-year college.

"We should be boosting budgets on counseling," Dr. Gleazer emphasizes. "If budgets tighten up, these kinds of services might go by the board, or at least be cut down. The colleges should recognize that counselors are different from faculty and that they should operate as a team of specialists, concentrating together on the 'patient.'"

Students often do not seek out counselors, Dr. Gleazer acknowledges, perhaps because they are few in number relative to the total student body. The team approach might make counseling more appealing, the executive director of AACJC believes.

### "OPEN DOOR" DEBATED

The open-door policy of most community colleges has been the subject of debate in education circles. "How can you keep standards high if students who are inadequately prepared make up a large portion of each class?" critics ask.

Here is where the argument of democracy in education confronts the elitest contention.

"A student who has been deprived of an adequate education because of general school conditions or difficulty with the English languages does not necessarily lack the intelligence and ability to handle college-level work," open-access proponents assert.

"With skilled counseling and tutoring, many will make it through the community college. Others won't. But how can we know one group from the other until we give them a chance? And can society afford to neglect the ones who can make it?"

The entering class in one community college included 92 percent of students whose high-school grades were under 70 percent and who had severe problems in reading or other basic skills. Most of these students were blacks or Spanish-speaking. Special assistance helped pull many through. (See article on Hostos Community College in this section.)

Still, it is true that a large number of first-year students drop out. Orange Coast College (predominantly native white Americans) puts the figure at 38 percent. But what does the figure mean? Did that many fail?

### REASONS DIFFER

The answer clearly is no. Many did not intend to go beyond one year, at least not immediately. Some had the current need satisfied and went to work. Or felt compelled to take a job for financial reasons. Others transferred to another institution. No doubt a number would come back when it suited their purpose.

Quite likely, the fact that the typical student at Orange Coast is 26 years of age (often with a family) has a bearing on how long he stays at a stretch.

What happens to academic standards under these circumstances?

They are going up, Dr. Gleazer affirms: "Community colleges are increasingly attractive to students who might otherwise have gone to the university. This attests to the higher levels of academic achievement there."

Building on progress to date, Dr. Gleazer would have community colleges accept an even bigger role in the community. He sees a need "to identify the educational component in welfare, correctional institutions, etc. Then let the community colleges tackle it."

His expectation is that, through helping to correct these social problems, the colleges will not only assist the people directly involved, but save the community considerable money as well.

### MORE CHANNELS SOUGHT

Yet he knows that the colleges "can't go it alone. We need to find ways to relate as effectively as we can to other institutions and agencies for the total job to be done."

Dr. Gleazer views the two-year college as in a strong position to perform another community function, that of serving as an occupational counseling and placement service. This should not be restricted to enrolled students, he points out. He means it as a service available to anyone. The colleges are already doing as much for students, hence broadening out to other adults seems feasible to the educator-executive.

Community colleges are fulfilling another essential function for enrolled youth, Dr. Gleazer is convinced:

"Students coming out of high school are often undecided about a career. They are not pressed to make a decision in the community colleges. The colleges serve the need for 'passage,' movement out of the educational system to adulthood."

There are, however, at least two major questions to be resolved before most community colleges can plot their course most effectively, according to the college-association executive: settling matters of funding and deciding the division of authority between community and state.

The two questions overlap.

Until recently, the pattern in most states has been local autonomy on most matters, with funding divided between the district and the state. In California, for example, local taxes levied specifically for the community college are supplemented by money from the state based on daily average attendance.

Dr. Gleazer and other observers see a trend toward greater state financing partly as a result of the so-called Serrano decision.

This 1971 ruling by the California Supreme Court declared that the inequalities in public-school education between a wealthy district and a much poorer one were discriminatory. Because of this decision, many states across the U.S. have been studying the possibilities of the state's assuming a larger share of public-school funding to reduce the inequalities that exist from district to district. Now the U.S. Supreme Court has cut across this trend with a ruling that implies property taxes are constitutionally acceptable as a way to finance schools.

Although the Serrano case did not deal directly with community colleges, the assumption is that the same principle, if it still is viable, would apply. Washington is one state that already underwrites the full cost of its two-year colleges.

### WHO'S ACCOUNTABLE?

Another reason for increased state involvement is "accountability."

Dr. Gleazer puts it this way: "How can you justify duplication [of programs within the area]? Someone must identify educational needs and see that they're met. This policy direction is more and more being established at the state level."

Bucking this trend is the desire of communities for a large measure of control over decisions affecting the institution. This is developing into an area of conflict between communities and the state.

"I'm pretty well committed to some kind of local involvement though patterns will differ," the education executive says.

Dr. Gleazer spent last year visiting two-year colleges in 20 states and analyzing developments to date. The resulting book, "Project Focus," was recently released by McGraw-Hill.

Against this background, Dr. Gleazer is convinced that, whatever problems face the community colleges, they will continue their robust growth and develop into one of the most remarkable features of the education scene during the final decades of the 20th century.

---

## FAMILY HEALTH VERSUS FAMILY PLANNING

## HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

**Mr. ZABLOCKI.** Mr. Speaker, the March 31, 1973, issue of the prestigious British medical journal, Lancet, carried an important article by two faculty members at the Tulane University School of Public Health and Tropical Medicine entitled "Family Health Versus Family Planning."

Written by Drs. Lawrence J. Casazza and Cicely D. Williams, the article asserts that family planning programs and nutrition supplement programs have seen little success in areas where total family health needs are not met in their simplest terms. The authors conclude: "A comprehensive approach is necessary."

Their findings are similar to those made recently by a staff survey team of the Committee on Foreign Affairs. Their report, U.S. Aid to Population Family Planning in Asia, recommended that the United States should broaden its approach to the worldwide population problem by linking family planning, health and nutrition in a coordinated program of assistance.

The committee staff report also suggested that title X of the Foreign Assistance Act be revised to permit a coordinated program of family planning, health and nutrition through U.S. aid.

It is my hope that these suggestions will be seriously considered during congressional consideration of the Foreign Assistance Act. Because the Lancet bears directly on this issue, I urge the attention of my colleagues to it:

### FAMILY HEALTH VERSUS FAMILY PLANNING

(By Lawrence J. Casazza and Ciceely D. Williams)

### *Summary*

The Ministries of Health for countries througout the world are struggling for effective programmes to alleviate the mounting population crush with its staggering health needs. The family-planning efforts as well as nutrition supplementation programmes have seen little success in areas where total family health needs are not met in their simplest terms. A comprehensive approach is required.

### INTRODUCTION

The whole purpose of medical care is to ensure that people have enough professional supervision to supply sound health advice, to identify those at risk, and to provide treatment, curative and preventive, according to need.

For the masses living in developing countries and low-income neighbourhoods in developed countries the medical services fall regrettably short of fulfilling this purpose. Indeed, the World Health Organisation's declaration of the right of everyone to health sounds hollow when one surveys the gap between medical needs and services in most rapidly urbanising centres of South America, South-East Asia, and Africa.

Most people reading this belong to the privileged or to the relatively privileged sections of society. In them, most of the preventable or treatable diseases have been prevented or treated. They know full well after some deliberate reflection that this health, happiness, and comfort depend on the physical, mental, and social conditions of their homes more than on the proximity of a hospital with a cobalt unit or an organ-transplant expert or a family-planning clinic.

Medical care, for masses or individuals, depends first on the establishment of law and order. War refugees endure physical and mental anguish despite any advances in medical care the present technology can offer. On the other hand, totalitarian countries have succeeded in establishing some of the simplest and most effective programmes for health improvement. The Peoples' Republic of China has, indeed, revolutionised health care for the peasant population. This statement is made in a non-partisan light and only points out the prerequisite of a stable Government to get on with the job of providing health services.

Among the underprivileged, medical care is lamentably episodic. They may have access to emergency medical care, but follow-up is often inadequate and readmissions are frequent. They may also have some supervision in health centres, especially for routine immunisations and supplementary feeding. But in the world as a whole there is a large proportion of the most vulnerable who have no access to medical care either preventive, curative, or supervisory. Furthermore, this same segment is reproducing at a rate almost double that of the more privileged.

### HEALTH PLANNING

With this broad statement of the problem, it follows that doctors and Government officials are pressed to formulate programmes to alleviate the situation. To make a start, planners set out to review the available health statistics only to find that they are absent or unreliable in most of the developing areas. Even in the "overdeveloped" countries the situation is not clear. Wegman summarised the situation when he stated that little more in the way of analysis can be done, beyond a study by colour, of U.S. infant-mortality statistics. Such a comparison is of little benefit to health planners, since the causes of these differentials between "white" and "all others" are not identified.[1]

In almost every country in the world a high birth-rate is associated with a low standard of child health care (see table). It is reasonable then to see why planners seize upon population control as a panacea. Yet mere reduction in population size does not automatically improve conditions. The Netherlands is one of the most densely populated areas in the world, but is neither unhealthy, uneducated, nor dependent. Conversely, Saudi Arabia and Ethiopia with their sparse populations are remarkably backward. Family-planning education and services are undeniably a component of a health programme, but overemphasis of this one component at the expense of the nutritional and maternal and child-health needs of the family cannot produce higher standards of living, education, or responsibility.

SELECTED RATES BY COUNTRY FOR CRUDE BIRTH RATES, INFANT MORTALITY, AND PERCENT OF TOTAL DEATHS UNDER 5 YEARS

| Country | Birth rate [1] | Infant mortality rate [1] | Deaths | | |
|---|---|---|---|---|---|
| | | | <5 year [2] | Total [2] | Percent <5 year |
| Algeria | 40.9 | 86.3 | 67,420 | 116,375 | 57.9 |
| Egypt | 34.9 | 119.0 | 266,215 | 449,375 | 59.2 |
| Guatemala | 39.0 | 88.4 | 38,655 | 74,830 | 51.7 |
| Israel | 26.8 | 22.9 | 2,025 | 16,527 | 12.3 |
| Hong Kong | 19.0 | 18.5 | 3,265 | 18,677 | 17.5 |
| Canada | 17.0 | 18.8 | 10,723 | 149,863 | 7.2 |
| United States | 17.3 | 19.2 | 100,605 | 1,863,149 | 5.4 |
| Sweden | 14.1 | 11.7 | 1,849 | 78,440 | 2.4 |

[1] United Nations Population and Vital Statistics Report series A, vol. XXIV, No. 3, 1971. Refer to 1970 or 1971 except for Algeria (1968 for birth rate and 1965 for infant mortality) and Egypt (1969 for infant mortality).

[2] United Nations Demographic Yearbook, 19th issue, 1967.

In rural Indian villages, women who lost children when their families were small showed a higher subsequent birth-rate.[2] For a balanced health programme consumer cooperation is needed. Untold millions of dollars have been spent on "crash programmes" and "mass impact" eradication projects which ignore the significance of domestic trivia in the maintenance of health and wellbeing. An example is a successful antitetanus vaccination scheme for mothers in Haiti where neonatal tetanus was practically eradicated, but where many infants slowly died of malnutrition and infection over the next two years of life.[3]

The same criticism can be levelled at the specialty of "tropical medicine", which emphasises traditionally communicable disease and parasitology. It has contributed to reducing mortality-rates in developing countries. But little attention is devoted to diseases of children in the tropics, where 50% of the deaths occur in children under 15 years and over 45% under the age of 5.[4] How difficult it is to persuade those fostered in the European and North American tradition to accept and practise an essentially reasonable, simplified concept of maternal and child health services.[5]

### FAMILY PLANNING

Gopalan and Nadamuni Naidu[6] have called for the integration of nutrition programmes with family-planning services in order to decrease pregnancy wastage and infant and child mortality. However, Chen,[7] in response to this suggestion, wrote that while such a concept "seems to make good common sense, . . . there is a real lack of scientific data" to support it. Similarly, Wolfers[8] cited Singapore as an example of a successful family-planning programme reducing the birth rate from 50 per 1000 in 1950 to 21 per 1000 in 1970 without mentioning the existence of nutrition, paediatric, and obstetric services. From before the Japanese occupation in 1942 these services were supervising and treating over 70% of the mothers and children in the island, with the other 30% nearly all attending private doctors. Birth and death registrations have been practically complete since 1934. After 1945, these services were quickly re-established to provide comprehensive, continuing care in homes, health centres, and hospitals. Under

---

Footnotes at end of article.

these conditions it was not difficult to get family-planning services accepted. Most clients were those referred by the health nurses of the Singapore Health Department.[9] A similar development emerged in Hong Kong.[10] In addition, a reduction in birth-rate can be seen for Malta and Italy accompanying a reduction in child mortality in the absence of any campaign for family planning.[11]

On the other hand, in Seoul, South Korea, where family planning has been offered as a solitary aim, it is reported that three to five abandoned babies are picked up daily.[12] If women and children lack elementary medical care, repeated offers of an intrauterine device do nothing to encourage cooperation or parental responsibility.

### ROLE OF NUTRITION PROGRAMMES

Just a few years ago most of us would have been shocked to learn that two-thirds of the world's children are significantly undernourished.[13] Continued breakdown of traditional breast-feeding practices by urbanising, working mothers together with blunting of the anticipated increased food production during the past two years of the "green revolution" give little hope for downward adjustment of this estimate.[14] Yet one of the scientific triumphs of the 20th century is the progress and development of our knowledge of nutrition. The task now is to transmit this knowledge in a meaningful message to those identified as poorly nourished to ensure utilisation of all available foods rather than dependence on supplementary programmes.

Massive food distribution may be a lifesaving measure in catastrophic situations, but results from long-term programmes are disappointing. The food earmarked for the malnourished children frequently is sold because it is foreign to the usual diet or poorly distributed in the family, so that the index child receives only a token share. The frustration secondary to failure has led some to a blind faith in the results to be expected from family-planning projects. How surprised they are when the target population is offended and refuses to participate. The Demographic Conference in Accra in December, 1971, repeatedly stressed that family planning should be viewed in terms of the health and welfare of the individual and the family.[15]

The relationship between the nutritional status and resistance to infection has been recognised for centuries. It is no coincidence that Famine and Pestilence ride two of the four horses in the Apocalypse. Research on the immune response has demonstrated that the nutritional variable is significant in maintaining the integrity of this dynamically developing mechanism in newborn animals and humans.[16-18] For the first time the synergistic effect of infection and malnutrition can be explained in part by breakdown in the host's defense mechanisms. Thus we see the imperative for effective nutrition programmes in any attempt to improve child health and intercept the cycle of disease, malnutrition, morbidity and death.

The nutrition programmes first and foremost should be diagnostic, therapeutic, and educational, not give-away. To start with, the local attitudes about nutrition must be known, and, where cases of malnutrition and failure to thrive are identified, the causes of this must be learned. Although economic restrictions on the family are a major factor in most cases, the encouragement of breast-feeding, improved hygienic preparation of foods, and avoidance of irritating, highly spiced adult food in infants' and children's diets would go far to improve the nutritional status. It is the responsibility of the medical community to bring new educational approaches to this area that has seen much rhetoric but little progress.

### CONCLUSION

All too often, plans to meet the health needs of millions of people living in poverty are made by the more privileged members of society who by virtue of their role as planners are far removed from field conditions. Decisions are made for allocation of funds to programmes that fragment the health needs of the family. It becomes the burden of the already stressed family to "integrate" these services. This is asking too much of almost any family regardless of financial status. Health and contentment depend on the physical, mental, and social conditions of the home. Comprehensive services alone can begin to identify the special problems and risks in the homes and to meet the priorities of the families. Supplementary feeding programmes for children disregarding the other family members, obstetric services that only provide for hospital deliveries without follow-up of the high-risk infants, and well-baby programmes serving only infants or preschool children without continued school health programmes, are as near-sighted as family-planning programmes seeking acceptors without considering the total family health needs. For those health planners looking for scientific data before advocating this comprehensive policy on a national level need only look to their own families for proof.

### FOOTNOTES

[1] Wegman, M. E. *Pediatrics,* 1972, 50, 956.

[2] Rhode, J. E. *Lancet,* 1972, ii, 705.

[3] Driskill, L. Personal communication, 1972.

[4] Health Conditions in the Americas, Pan American Health Organization Report, Washington, D.C., 1969.

[5] Williams, C. D. *Lancet,* 1964, i, 345.

[6] Gopalan, C., Nadamuni Naidu, A. *ibid.* 1972, ii, 1077.

[7] Chen, L. C. *ibid.* 1973, i, 47.

[8] Wolfers, D. *Am. F. publ. Hlth,* 1970, 60, 2354.

[9] Singapore FPA Report, 1964.

[10] Annual Report of Medical and Health Department of Hong Kong, 1971.

[11] Williams, C. D. *Trans. R. Soc. trop. Med. Hyg.* 1966, 60, 23.

[12] Harris, R. Personal communication, 1972.

[13] Graham, G. G. *Am. F. clin. Nutr.* 1972, 25, 1184.

[14] FAO 1972 Report. Rome.

[15] *I.P.P.F. News,* no. 215, February, 1972.

[16] Lopez, V., Davis, S. D., Smith, N. *Pediat. Res.* 1972, 6, 779.

[17] Grace, H. J., Armstrong, D. *S. Afr. med. F.* 1972, 46, 402.

[18] Smythe, P. M. Schonland, M., Brereton-Stiles, G. G., Coovadia, H. M., Grace, H. J., Loening, W. E. K., Mafoyane, A., Parent, M. A., Vos, G. H. *Lancet,* 1971, ii, 939.

---

## TVA SHOULD MAINTAIN LOW-COST POWER YARDSTICK

## HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, recently the Subcommittee on Public Works Appropriations, which I am honored to serve as chairman, conducted extensive hearings into recent power rate increases by Tennessee Valley Authority.

In this connection the Elk Valley Times and Observer of Fayettville, Tenn., recently published an excellent editorial concerning these hearings, and pointing out the importance of TVA maintaining its traditional role as a low-cost power yardstick.

Because of the interest of my colleagues and the American people in this most important matter, I place the editorial in the Record:

### Restore "Yardstick" Role

Complaints by Rep. Joe L. Evins about Tennessee Valley Authority's steep rate increases in the past few years have been widely aired throughout the valley and the nation. Altogether, they constitute some serious questions about TVA's practices and their effect on the valley.

Perhaps one remark made by the Fourth District congressman sums up a major problem, the TVA's power "yardstick."

"You are fast closing the gap," Rep. Evins said after TVA Chairman Aubrey J. Wagner said TVA customers are still paying about 40 percent less than the national average.

The gap indeed is being closed in many ways, according to Rep. Evins. Industry spokesmen testified before the House Public Works Appropriations Subcommittee that their costs for power from the TVA are now on a par or even higher than those of other industrial customers elsewhere in the nation, even though residential rates may be lower. The subcommittee staff, Rep. Evins said, calculates that all of TVA's rate hikes since July 1967 represent an effective increase of 70 percent over that period of time.

In a statement last Thursday, Revere Copper and Brass Co. blamed what it called uncertainty of TVA's long-term power rate structure for holding up expansion of its north Alabama plant to a full employment capacity of 2,500. And this comes from an industry which TVA has frequently cited as a No. 1 example of the industrial potential of its service area.

Another serious gap between promise and performance was turned up in the hearings. House investigators said TVA told power distributors' representatives last year that a $3 million deficit was imminent for July through September, first three months of the 1972–73 fiscal year. On the basis of this information, the distributors agreed that a revenue hike was needed. What they weren't told later, the House probers said, was that TVA actually wound up with a $7.9 million profit for that three-month period. In what must be one of the most understated comments of the year, the report said: "We do not know what reaction of the distributors would have been if they had been advised that TVA's actual costs were less than had been estimated."

Rep. Evins summed up some of other serious matters. He told of an $83 million depreciation on power operations, which he said exceeds the depreciation percentage of the Consolidated Edison Co. in New York, the nation's largest power company, and which raises a question as to whether the charge for that purpose is more than it should be. He also has told of operating costs for TVA steam plants that apparently are out of line with those of private utilities and of similar discrepancies in the area of salaries. He said more than 200 TVA employees are making more than $25,000 a year, and that this number exceeds the total of the nation's largest utility. To be fair to TVA, however, it should be pointed out that many of its top echelon personnel are engaged in activities which are in many fields other than power.

The congressman also pointed out that TVA does not hold adversary hearings before implementing a rate-increase, nor does it file its proposals with the Federal Power Commission.

Other power agencies are required to hold such hearings, Rep. Evins said, adding: "Why should TVA not have adversary proceedings with respect to proposed rate increases in the public interest?"

As TVA officials pointed out at the hearings, the authority is not immune from the general picture of rising costs of fuels, interest and environmental protection measures. It says further that its costs per kilowatt hour in such areas as operating expenses, transmission and distribution, depreciation, and production and marketing remain measurably lower than those for all private utilities. Yet it has not responded directly to many of the criticisms aired by Rep. Evins, such as the one that TVA's rates have gone up 70 percent while those of the private utilities have risen 12 percent for the same period when all were experiencing similar hikes in costs.

The biggest gap, it seems, is a growing one between TVA's early performance which adhered to the promise inherent in the agency's creation, and its recent record. It started as a pioneering agency filled with enthusiasm and innovation, It appears at times that TVA nowadays has aged into a more normal bureaucracy, one that has to be prodded to initiate action, although there remains large vestiges of the historical role and functions which brought the authority international prestige.

From an agency that was to give the nation accurate data on the cost of power production through its "yardstick" function, TVA has become—if revelations before the Evins subcommittee have any accuracy at all—an agency that almost has given up its job as a demonstration power producer, and is now a power producing and marketing agency that takes the position that it is at the mercy of factors in the marketplace and, from figures presented by Rep. Evins, having less success than private utilities in coping with these problems.

With Rep. Evins, we reiterate our support for TVA's record, not only in transforming the life of the Tennessee Valley through providing cheap electric power, but also through its contributions in the fields of agriculture, reforestation, Townlift programs, flood control, industrial development recreation and new communities.

But we also share Rep. Evins' concern that escalating power rate increases could quite easily undermine the balanced work of industrial development and conservation of the Tennessee Valley and could damage the economy of this area.

In its 40th anniversary year, we think it appropriate that TVA—its directors, top staff members and employes—take these criticisms seriously from its neighbors in the region it serves and work to retain the confidence of the people and its role as an innovative, yardstick agency that continues to show the way in power production and all the allied facets of regional development.

## FUEL CRISES

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. ASPIN. Mr. Speaker, while thousands of homes, schools, and factories were running short on fuel oil last winter, the giant U.S. oil companies exported more than 200,000 barrels of fuel oil during the months of December and January. In Februray another 133,000 barrels of gasoline were shipped abroad.

This action by the oil companies is an unbelievable disservice to the American people. No gasoline or fuel oil should be exported while the United States faces such a serious shortage.

During this period we were in the middle of the fuel oil crisis and by February the major oil firms knew that gasoline supplies would be tight—yet they went ahead and shipped out products overseas.

The largest shipments of both fuel oil and gasoline went to Mexico.

Mr. Speaker, I have begun today drawing up legislation that will restrict free export of all petroleum products. In addition, I have asked the Federal Trade Commission and Treasury Under Secretary William Simons to investigate this new and very suspicious oil deal.

This oil deal clearly merits investigation to determine whether the oil companies acted in the public interest by exporting such large quantities of fuel and gasoline. While clearly these exports could not have solved the entire shortage, it is very curious that the major oil companies were exporting products while at the same time screaming about shortages.

I am calling upon the major oil companies today to voluntarily halt all exports of gasoline and fuel oil. But eventually Congress should pass legislaton to restrict overseas petroleum shipments.

## A HERO IS HOME

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. GAYDOS. Mr. Speaker, the people of the 20th Congressional District of Pennsylvania have given a hero's welcome home to Capt. Mark Ruhling, who spent nearly 4½ years as a prisoner of war in North Vietnam.

Captain Ruhling, a resident of Bethel Park, was shot down over North Vietnam on November 23, 1968, while flying his 84th combat mission for the U.S. Air Force. For the first year of his imprisonment his fate was not known. Hanoi refused to acknowledge his capture and Captain Ruhling was carried as "Missing in Action" on the U.S. casualty reports.

It was not until November 26, 1969, that Hanoi released a list of POW's and ended the agony of uncertainty which tortured his wife, Patricia, and their two sons, Christopher and Brian. At last they knew their husband and father was alive. Subsequently, Mrs. Ruhling became nationally known as an active leader in the campaign to make America remember her prisoners of war. All of us, I know, recall the ID bracelets, each bearing the name of a POW. Thousands of Americans wore them and were linked in a common cause.

On March 14, 1973, Captain Ruhling was released by North Vietnam and came home to a joyous welcome. Since then, he has been guest of honor at many testimonials held by his friends, neighbors and countrymen, anxious to express their admiration, appreciation, and respect to the man who sacrificed and endured so much in their behalf.

I was privileged to attend such a testimonial recently. It was arranged by the officers and members of two veterans' organizations in Captain Ruhling's community—the Bethel Park American Legion Post 70 and Veterans of Foreign Wars Post 4532. I was greatly impressed by the tribute paid Captain Ruhling by Robert Coughlin, western vice commander of the American Legion; Judge Albert Folk of the Court of Common Pleas; Pennsylvania Senator WAYNE EWING; Bethel Park Councilman Donald Harrison, and Mayor Peter Page; Commander James Couch of Legion Post 70; and Commander George Naymick and Adjutant Harold Connell of VFW Post 4532.

Mr. Speaker, as Captain Ruhling's representative in the Congress of the United States I considered it a great honor to formally extend to him the thanks of a grateful Nation and to wish him the very best in years to come. No man deserves it more.

## NEED FOR A NATIONAL EDUCATION POLICY

## HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. HENDERSON. Mr. Speaker, Dr. W. Dallas Herring, chairman of the North Carolina State Board of Education, recently made a speech to a Community College Conference in Raleigh, N.C., which I consider of such import and significance with regard to the Federal Government's involvement in education, that it should be shared with all of our colleagues and our Nation. I, therefore, include excerpts from the speech and will provide a copy of Dr. Herring's full statement for anyone who requests the same:

### CITIZEN INPUT NEEDED: AMERICAN EDUCATION DRIFTS ALONG WITHOUT A NATIONAL POLICY

(By Dr. W. Dallas Herring)

(NOTE.—These remarks are excerpted from a May 15 speech by Herring to a Community College Conference in Raleigh. Herring is chairman of the State Board of Education.)

There simply is no consistent national policy in education. We do not have such a policy, because we do not have the means in our government for achieving it. What we have instead is a very large contingent of professional educators in the U.S. Office of Education, whose administrative superiors come and go almost as regularly as the political winds shift.

The agency is a part of the president's administration, which sometimes undertakes a kind of policy-making activity, but it seems obvious that the president himself, whoever he may be, cannot devote the time and thought that is necessary to the development of a comprehensive and consistent national policy in education. He has too many other pressing duties. He can hardly do more than hit the high places in educational policy as time and circumstance permit.

The Congress also has a long history of concern with policy in education. Some of it we may commend and some of it obviously has not been articulated with sound and consistent policy goals. It is too much to expect that the Congress would be able to originate, adopt and enforce such a policy in education. It has too many other duties which necessarily distract attention and otherwise interfere with the function.

I do not quite understand why there should be such a glaring oversight in the way our government is organized, unless it is because those who planned its organization believe that education would always remain a local concern. It is still a local concern, but it has long since become a matter of urgent state concern also, especially in North Carolina, which was the first state to establish and fund a statewide system of public schools and which more recently has taken the logical second step in creating a unified system of community college education.

In every state the means for citizen involvement in the development of educational policy making exist as a matter of law. Education has been the beneficiary of that arrangement and no one has suggested that it is not here to stay, because it has proved itself to be an effective instrument.

But education is also a matter of urgent national concern. It is too essential to the nation's well being in these critical times to be ignored by our national government. Given the way our economy is organized and the way in which tax policy has developed in the country, involvement of the federal government in education seems inescapable. It is very much involved without adequate means for developing a consistent national policy in education has proved to be a dangerous condition for education.

It may become a national disaster, if something is done about it. Those citizens who are interested in the safety of the country have, I think, every right to be concerned. They do not have the means for doing much about it and that, too, should concern them. It should be the first item on the agenda.

It would take more time and space than I have to catalog the critical evidence we have of this failure in the structure of our national government. Moreover, I do not wish to detract from the main point I am trying to make to you by going into a detailed account of the inequities, the inconsistencies and the glaring oversights of our present national educational policy.

It is frail and piecemeal at best. It is a tragic complexity of intensive concern, on the one hand, with educational minutiae and extensive indifference, on the other hand, to the quality of education, as well as its availability to millions of students all over the country. At its worst, it is made up of indecision and delay.

I do not blame anyone in particular for this condition. I think we are all to blame, because we have not learned from our experience with education in the states and localities that what has worked well there can work also in Washington.

It may not detract too much from this central idea to list a few conditions which ought not to exist and which certainly can be corrected if and when we create the means for developing a consistent national policy in education:

1. All across the country thousands of teachers and paraprofessionals do not know whether they will be employed in education any longer, because there is no commitment of funds with which to pay them. This is tragic enough for them, but what is to become of the programs and services they have been engaged in? Were they not needed in the first place?

2. There has been no final appropriation for public education this year and we are not likely to have one until long after the year closes. There is no real assurance that programs which the government has funded since 1917 will be funded any longer. All that we have had is a series of stop-gap "continuing resolutions."

3. Instead of intelligently planned policies derived from the experiences and insight of many people in education, we have had a series of slogans (of which "career education" is the most recent example). They are not defined. They are simply designed to trigger a wave of action and reaction across the country. How can we expect that anything but confusion and frustration should come of this? Slogans are not an adequate substitute for policy, no matter how good one's intentions may be or how much good may actually be suggested in the idea expressed by the slogan.

4. When the government has authorized serious studies by competent people, they are often at odds with existing policy and they seem to me often to contribute more to the confusion than to its resolution. The recently published report entitled "Work in America" is a case in point. It blandly asserts, "Vocational education in the high schools has failed to give students useful skills or place them in satisfying jobs." Is it too much to ask for proof of this before the axe is given to a federal program which has had such a long and generally successful experience?

In spite of official ignorance in Washington of what is undoubtedly the most significant national development in public education since high schools became available everywhere, the community college movement is very much alive and it is in very great need of a consistent national policy about it. For if we do not have a consistent policy about it, we certainly have and will continue to have federal legislation affecting community colleges and technical institutes—piecemeal policy, made in a vacuum of indifference, ignorance and unconcern. The country cannot afford the luxury of such leadership.

What are we to do about this kind of inepitude? The answer seems simple enough to me. We already have it. We have tried it in every school district and nearly every community college in America. We have tried it successfully in every state government in the union. It is perhaps America's most singular contribution to the governor of education.

It is uniquely American and practical. It opens the door to citizen involvement in educational policy making and it keeps it open permanently. It is the principal vehicle which citizens may use, and which they do use everywhere except Washington, to see to the sanity and the safety of American education.

What the country urgently needs is a representative national board of education with full authority over the U.S. Office of Education and the power to propose to the President and the Congress a consistent national policy in education. It should function in the way that boards of education function elsewhere and, therefore, I do not need to define its role any further.

Until we make up our minds to establish such a board, and in that way open the door to lay involvement in the development of policy, confusion and indecision will persist and the safety of the country will be at stake.

But children do not wait. While we debate and delay and do not decide, they grow up to take their places in a society for whose imperfections we are responsible. Too often they grow up unprepared, even though we had the opportunity to prepare them and did not really do our best.

I do not know about you, but I do not want that on my conscience any longer.

## MEMORIAL DAY, VETERANS DAY BILL

### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. DE LA GARZA. Mr. Speaker, two of our national holidays are dedicated to Americans who have served in the military forces of our country.

Memorial Day pays tribute to those who gave their lives in such service. Veterans Day honors all men and women who have donned uniforms in defense of the United States of America.

It is my earnest belief that each of these—Memorial Day and Veterans Day—should be a time certain on each year's calendar. I do not think it is at all fitting for these days to be designated, as they now are, as "the last Monday" in May and November. Such a vague and almost anonymous designation is not worthy of our Nation.

I propose, and I have introduced a bill to this effect, that May 30 of each year shall be named as Memorial Day and November 11 of each year as Veterans Day.

These are the dates on which we observed these deeply meaningful holidays in the past. We should return to that custom and I hope we will. Our veterans of military service, those still living—many of them only recently returned from the war in Vietnam—and those no longer on Earth, are deserving of more than cursory honor. Memorial Day and Veterans Day should be occasions for showing that we remember and we care—days of rededication by Americans to the ideals which built our Republic and which we have fought to maintain.

## WESTERN INTERSTATE NUCLEAR BOARD SUPPORTS TRANS-ALASKA PIPELINE

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. HOSMER. Mr. Speaker, for the good reasons it states therein the Western Interstate Nuclear Board on May 1 passed a resolution calling for construction of the trans-Alaska pipeline without further delay. The resolution follows:

RESOLUTION NO. 1 PASSED BY WESTERN INTERSTATE NUCLEAR BOARD, May 1, 1973

Whereas, the Western Interstate Nuclear Board is concerned about the best uses of this country's natural resources in the overall solution to the energy problems; and

Whereas, the balanced use of all forms of energy will be required to meet our future needs; and

Whereas, the use of domestically produced petroleum will continue to be of prime importance; and

Whereas, the Western Interstate Nuclear Board has confidence in the State of Alaska, working with duly authorized Federal officials, to conduct her own affairs with due regard for protection of the ecology and the environment; and

Whereas, the Trans-Alaska Pipeline can make an important contribution to the solution of our nation's energy problems;

Therefore, be it resolved, that the Western Interstate Nuclear Board hereby urges and encourages the prompt, environmentally sound construction of the Trans-Alaska Pipeline as proposed by the Department of Interior and the State of Alaska.

Furthermore, The Western Interstate Nuclear Board urges its respective Member States, Congressional delegations to give prompt, affirmative consideration to legislation to permit this project to commence.

## CONNECTICUT'S FURLOUGH PROGRAM

---

## HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. SARASIN. Mr. Speaker, I rise at this time to point out for my colleague's information, the paper I have received from Dr. Anthony M. Scacco of Waterbury, one of the towns of my district.

As the transcript points out, Connecticut's program of furlough for prisoners is one of the most advanced and progressive approaches to prisoner rehabilitation in the country.

Allowing an inmate to leave the prison for the purposes of contacting prospective employers and find suitable residence upon release, is an effective way of reducing the rate of recidivism.

The text of Dr. Scacco's report follows:

Connecticut's furlough program was initiated in December of 1969. Since that time over six-thousand inmates, including women,[1] have been released to the community on leave. In only one major instance [2] did the program suffer as a result of the actions of one inmate.

Connecticut law, 18-101A, was amended to allow for this new rehabilitative endeavor. Originally, only those men within sixty days of completing their sentence could apply for furlough status. Recently, regulations were changed, with the result that no mandatory time must be served before an inmate could apply for a furlough. Of course it requires a reasonable amount of time for any institutional staff to become acquainted with the needs of the offender. Therefore, there is little possibility that any convicted person would find himself confined on a Monday and eligible for a furlough on Tuesday. Good judgment and timing as well as faith in the intentions of the men being released, are the keys to the furlough program.

### METHOD

From the beginning of the program, all inmates, even those convicted of murder, could apply for furlough privileges. There is one exception however, and that is, those convicted of any aggressive sexual act [3] may apply but normally their request is not granted. This author feels that the authorities believe that they cannot take the risk of having an inmate convicted of this type of crime on leave because a violation of a furlough, especially due to a sexual act, could seriously jeopardize the entire program.

### PROCESSING

Each correctional institution has its own furlough committee and established guide lines for reviewing requests. The committee includes the counselor, correctional officers, teachers and other professionals within the institution. The responsibility for making this request lies with the inmate himself. Many of the men and women feel that they need time to arrange for a sponsor and other responsibilities incurred in such a request and this acts as a "buffer" to "quickie" furlough applications. The inmate makes his intentions known to his counselor, work supervisor and even a correctional officer. Once the request is made, the counselor begins the processing procedures. However, as the deputy commissioner of Community Services pointed out, the application request must be considered by the counselor before it takes its next step toward completion. The request is then considered by the furlough committee who in turn sends it to the superintendent of the institution. Upon his approval the form is then forwarded to the central office of the department, where the deputy commissioner of corrections must personally review and sign the request which then makes the furlough official.

### FURLOUGH PLANS

The inmate must clearly state his reasons for requesting leave. These reasons appear on the Inmate Furlough Application which ultimately serves as the general guide for the granting institution as well as the central office. The reasons for requesting a furlough are:[4]

1. To contact a prospective employer.
2. To secure suitable residence for use upon release.
3. To obtain medical services not otherwise available.
4. To participate in training programs in the community.
5. To visit with a critically ill member of the family.
6. To visit with wife and family.
7. Other reasons consistent with the rehabilitation of inmate.

Number six is the most general reason and also includes the wishes of young men confined at the Cheshire facility whose ages range between sixteen and twenty-one. One counselor at this institution stated that "the furlough mechanism's contribution is helping to make life normal even for these youthful offenders who are confined." This author assumes that the reference to normal is that having to do with normal sexual desires held by these young men, who are not married, but often check number six as their reason for requesting leave.

TABLE 1.—FURLOUGHS, BY INSTITUTION, DURING THE PERIOD MAR. 1, 1971, TO FEB. 7, 1972

| | February | March [1] | April | May [1] | June | July | August | September | October | November [1] | December [1] | January | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Bridgeport | 16 | 28 | 9 | 22 | 14 | 20 | 12 | 28 | 21 | 25 | 34 | 2 | 231 |
| 2. Brooklyn | 4 | 12 | 7 | 16 | 12 | 13 | 22 | 17 | 20 | 24 | 37 | 4 | 188 |
| 3. Cheshire | 13 | 45 | 39 | 33 | 43 | 44 | 40 | 23 | 32 | 48 | 50 | 8 | 418 |
| 4. Enfield | 13 | 44 | 39 | 50 | 32 | 45 | 28 | 37 | 24 | 17 | 17 | 5 | 351 |
| 5. Hartford | 22 | 48 | 42 | 36 | 33 | 28 | 27 | 42 | 27 | 10 | 21 | 23 | 359 |
| 6. Litchfield | 3 | 8 | 0 | 14 | 8 | 14 | 12 | 11 | 15 | 17 | 35 | 0 | 137 |
| 7. Montville | 4 | 12 | 11 | 5 | 11 | 11 | 10 | 10 | 6 | 39 | 70 | 2 | 191 |
| 8. New Haven | 7 | 10 | 7 | 7 | 7 | 9 | 7 | 16 | 2 | 52 | 57 | 0 | 181 |
| 9. Niantic | 28 | 45 | 20 | 33 | 27 | 26 | 23 | 24 | 28 | 20 | 83 | 23 | 380 |
| 10. Portland | 2 | 5 | 1 | 0 | 1 | 2 | 2 | 0 | 4 | 10 | 5 | 4 | 36 |
| 11. ROC Center | 26 | 45 | 31 | 27 | 28 | 32 | 38 | 55 | 42 | 45 | 41 | 24 | 434 |
| 12. Somers | 6 | 1 | 11 | 11 | 1 | 7 | 4 | 11 | 2 | 17 | 14 | 10 | 95 |
| 13. Enfield at CVH and Cedarcrest | 1 | 2 | 0 | 0 | 0 | 1 | 2 | 1 | 0 | 1 | 0 | 2 | 10 |
| Sum total | | | | | | | | | | | | | 2,993 |

[1] Totals are greater during these months since they represent the holidays of: Easter, Memorial Day, Thanksgiving, and Christmas.

[2] State hospitals treating inmates from which furloughs can be granted.

### SOME DIFFICULTIES ENCOUNTERED DURING THREE DAY FURLOUGHS

Table one clearly indicates that 2,993 furloughs were granted during the period of March 1, 1971 to February 7, 1972. The first twelve entries are correctional facilities, whereas the last are State hospitals where inmates are receiving treatment and from which furlough applications can be initiated. Table two [5] shows the approximate number of violations during this period and the type of violation.

*Table 2*

| Type of trouble: | |
|---|---|
| No known trouble (total furloughs, 2,993) | none |
| Arrested | 11 |
| Returned late | 15 |
| Returned late under influence of drugs | 2 |
| Returned late under influence of liquor | 9 |
| Turned self in late | 2 |
| Escaped | 7 |
| Died (O.D. drugs) | 1 |
| Total incidents | 47 |

Footnotes at end of article.

It is evident that the greatest difficulty was returning to the institution on time. The usual disciplinary action for violation of furlough privileges is loss of good time, which not only makes the sentence longer, but also affects his chance for future furloughs. It should be noted that among those who returned late, many called ahead to inform the institution of their condition and some even turned themselves in to local correctional institutions because they knew they could not return to the particular institution where they were confined, on time. Considering the large number of furloughs that were completed without incident, the program for the period stated, can be considered a success. Many of the furlough plans were accomplished, according to counselors at the institutions, and no severe legal incidents were noted in the table of violations.

Each inmate knows what constitutes a violation of his contract which is due in large part to the specific listings on the contract itself. The inmates agrees that:

1. He must not use alcoholic beverages or use any form of narcotics, nor be in the presence of others engaged in such activities.
2. He must obey all laws and must not be in the presence of others who are breaking a law or who have prior felony records.
3. He cannot leave the town where the person he is visiting resides.
4. Wilful failure to return to the institution in the prescribed time, or failure to remain in the geographical limits of the furlough will be considered an escape.
5. By accepting the furlough, the inmate agrees to a blood or urine test upon his return if so requested by the institutional authorities.[6]

### EVALUATING THE PROGRAM

According to the deputy commissioner of corrections "it is difficult to distinguish any one particular gain made by each inmate as a result of the furlough program." He believed that those in corrections, in Connecticut, "felt that the program was part of the total rehabilitative effort" being directed toward offenders. "In one instance" he said, "it might save a marriage. In another it can serve as a testing period for an inmate about to complete his sentence and re-enter society."

When asked about the obvious dangers in such a program, the deputy commissioner stated that "no one can minimize any negative incidents that occur as a result of an inmate being given furlough privileges. Each problem upsets us because we are concerned both for the public safety and welfare as well as the good of the individual on furlough." He went on to say that he felt that the program was a major step in correctional endeavors in general. Also, he emphasized the importance of confidence, caution, and screening as well as having faith in the men granted furlough status.

### THE FUTURE OF CONNECTICUT'S FURLOUGH PROGRAM

The future of the program is always based on its present status within the community. Each successfully completed furlough is a reason to grant another, while any failures always endanger the continuance of the program. The deputy commissioner noted that the inmates believe it to be unquestionably a good program and know the repercussions that their behavior can have not only on their future furlough requests, but on the program itself. Some of the men have had as many as fifteen or sixteeen furloughs before their release date and used this time in a most constructive manner. The department also noted that the failure rate (see table two) in the furlough program was a mere 1%.

The men in community release programs work at a normal job in the community during the day and return to the institution in the evening. This is the most "wide open" program next to educational release where the men are free to attend local schools and colleges and return to the institution in the evening. Often men in these two categories receive furloughs on the weekend and spend time with their families.

Connecticut remains keenly aware of other states that have not been so fortunate in their furlough programs.[7] However, as long as the community and the inmate continue to benefit from the program, the department intends to continue and upgrade the program.

### CONCLUSION EPILOGUE

The result of institutionalization is often considered to deny:

"autonomy, degradate dignity, impairs or destroys self reliance, inculcates authoritarian values, minimizes the likelihood of beneficial interaction with ones peers, fractures families, destroys the family's economic stability, and prejudices the prisoners future prospects for any improvement in his economic and social status." [8]

This quotation may have been a perfect description of institutions of the past, but not of the present, especially relating to the efforts in Connecticut Corrections. It is about time that those in the field of Corrections let it be known, and known emphatically, that we are not keepers. This program has faith in the inmates an faith in the people—a faith that something positive can be done to affect a man or a woman's life in a beneficial way. Therefore, the derision which implies that all correctional facilities are ineffectual, needs to be abated in this instance; for there is a State that has a working program designed to give responsible offenders freedom to leave the institution on a furlough which ultimately is a benefit to them and the community.

By granting furloughs, educational leave, and work release programs, the department is affirming the autonomy of the individual, his dignity, and is working to get him back into the community with responsive family and friends. It may not be the final answer to re-integration of the former offender into a normal life, but it is a most significant step forward by a profession that often gets the negative end of the "stick".

### FOOTNOTES

[1] Women are also granted furloughs. The women's correctional center at Niantic granted over 380 furloughs in 1972.

[2] One male inmate who had successfully completed several furloughs, committed a felony in March of 1973. While on furlough he robbed a motor-inn and was consequently captured and returned to confinement. State officials and the community apparently viewed this one incident as the chance undertaken in such a program.

[3] Aggressive sexual acts are those of forcible rape, child napping and child molestation.

[4] Furlough application, Department of Corrections, State of Connecticut, Directive 7,6. Cor-63, revised 17/71.

[5] Furlough application, Department of Corrections, State of Connecticut, Directive 7,6. Cor-63, revised 17 71.

[6] Furlough application, Department of Corrections, State of Connecticut, Directive 7,6. Cor-63, revised 17 71.

[7] Officials in Massachusetts have filed bills with the intent of barred furloughs for any inmate sentenced for a crime of violence. Since many are convicted on this charge alone, many inmates will be ineligible for furlough programs should such a bill become law. (Boston Sunday Globe, April 8, 1973, p. 1.) California has taken similar steps to also limit furlough privileges.

[8] Kenneth Polk and Walter S. Schafer, "The Changing Concept of Education," in *"School and Delinquency,"* Prentice Hall, Englewood Cliffs, New Jersey, 1972.

---

## RAILROAD RETIREMENT BENEFITS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. EILBERG. Mr. Speaker, as chairman of the Judiciary Subcommittee on Immigration and Nationality, I will be attending an executive committee session of the Intergovernmental Committee for European Migration—ICEM—from Tuesday through Thursday, May 22 to 24 of this week.

Since this meeting is of the utmost importance regarding matters within jurisdiction of the Immigration Subcommittee, I regret that I will be prevented from casting a favorable vote for H.R. 7200. This measure, which would extend the temporary increase in railroad retirement benefits approved by Congress last year, is vitally needed by a large segment of Americans on fixed incomes and has my very strong support.

Finally, I wish to add that I look forward to a time, hopefully in the near future, when legislation will be forthcoming from our fine Committee on Interstate and Foreign Commerce which will place our railway retirement system on a firm financial basis. The Congress must be about the business of assuring the railroad retiree and his dependents of a secure and equitable income following his years of service to the public. Chairman STAGGERS and his committee will have my firm support in their efforts to meet the long range needs in this area.

---

## THE TRIAL OF RICHARD NIXON

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Ms. ABZUG. Mr. Speaker, this afternoon's New York Post contains a column by Max Lerner entitled "The Trial of Richard Nixon." In it, Lerner notes that—

> As the vast TV and radio audience follows the Watergate testimony, . . . President Nixon is on trial.

The President may well be innocent. It is possible that he did not have advance knowledge of the Watergate break-in, and that he neither participated in nor knew of the coverup which followed it. But so long as he tries to forbid those in the know from testifying as to their conversations with him, doubt will persist in the minds of most Americans.

It falls to the House of Representatives, in pursuance of its power and responsibility under our Constitution, to fully investigate the conduct of any Federal officials who may have been involved and, if necessary, to discipline them.

The text of Mr. Lerner's column follows:

### THE TRIAL OF RICHARD NIXON

(By Max Lerner)

WASHINGTON.—No, not a formal trial, nor yet an impeachment trial, but a trial nonetheless. For what is happening, as the vast TV and radio audience follows the Watergate testimony, is that President Nixon is on trial. He is on trial for whatever knowledge or collusion he may have had involving the whole undercover and coverup operation, of which Watergate was only the visible iceberg tip.

In effect the people are sitting in judgment on him, and will continue to sit in judgment as long as the hearings last and the pieces of the jigsaw puzzle continue to come together.

Washington is a poor place to tap the opinion currents. While it is the great fountainhead of new evidence, and streams of reports and counter-reports come gushing from it, Washington is in its own way too isolated from the American crossroads. It is a city of insiders, with a hothouse atmosphere, a city of government people and media people, but not the rest of the people.

But everywhere else in the country the feeling is clear without being bitter or partisan. There is hardly a man on the street who believes the President is telling the whole truth. Most people think he knew of the coverup but not of the original operation. Many think he knew both. Very few believe he was an innocent, wrapped in a cocoon of high-level policy decisions, guarded by a protective staff from the facts of the undercover operations.

If the evidence at the Senate hearings stands up, it is damning. It suggests strongly that while the President probably didn't know of the specific Watergate operation, he could not have been ignorant of the larger underground campaign, planned and pursued covertly, with secret funds. It more than suggests that he knew about the coverup effort, engineered by his top assistants, including the offer of clemency later for the silence of the convicted men.

Hence, as the President's trial proceeds in the court of public opinion, more and more people will conclude that he is lying. If so, what then?

At this point opinion divides sharply. Some feel that if he has lost credibility he should resign, or that if he has been involved in impeachable crimes he should be impeached. Others feel pretty cynically that all Administrations get involved in lying—a point that David Wise makes in his new book. "The Politics of Lying." Still others say quite soberly that there must be a measure of undercover operations and a measure of withholding the truth in every government, that otherwise governments can't function.

Without getting high and mightly and holier-than-thou about it, I can't agree. True, in dealing with foreign governments, historians recognize that kings, presidents and prime ministers have often lied for what is called "reasons of state." But no reason of state can explain or condone lying to the people, who have elected a leader inside a democracy.

This isn't a question of virtue and vice, but of what makes a democratic society work. Very few—if any—of those who are sitting in judgment on the President are angels. If men were angels, as James Madison used to insist, you wouldn't need either government or law. This applies all the way down the line, from the very human Senators sitting in that august tribunal of inquiry down to the lowliest sinner on a bar stool, watching the hearings on TV.

There is a working margin of lying in most lives and most governments. But there is a limit to the lies a people in a democracy will tolerate. America is today in the most serious crisis of credibility in the history of the Presidency. In such a crisis it becomes crucial to expect that the President will tell the truth. Otherwise he is doomed to conduct at best a limping government and at worst a paralyzed one.

Given what we know of the President's personality, he is likely to stick to his denials as long as he can, and try to "tough it out." But this would be unwise. Democracies usually get along with a saving sense of the frailties of the human animal. But in moments of showdown, when everything depends on a two-way dialogue of candor, a leader's lie of the soul is bound to do irreparable harm to the whole society.

President Nixon had a chance to level with the people right after Watergate, and he had a second chance right after the elections. He took neither. He has a third and final chance now to say what actually happened, and entrust himself to the people. If he doesn't seize it at the last moment of truth, history and the people are likely to be rough with him.

## A WORD OF PRAISE FOR POSTAL SERVICE

### HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. MOLLOHAN. Mr. Speaker, in recent months the U.S. Postal Service has come under much public and congressional criticism and has been charged with providing insufficiently prompt service. There is, no doubt, some truth to these statements of concern, but at the same time the Postal Service is making a concerted effort to improve and expedite service. These efforts have not gone unnoticed in my district, according to a complimentary article that appeared in one of the leading newspapers in West Virginia, the April 25, 1973, edition of the Wheeling News-Register. I commend this article to the attention of my colleagues:

#### Log of the Roving Reporters

The much maligned United States Postal Service must be doing something right.

A Wheeling man called a government office in Charleston Monday at 2:30 p.m., requesting a certain piece of information. Very much to the man's surprise and to the amazement of all his friends, the information arrived at 10 a.m. Tuesday.

In a time when people are grateful for miracles of even the smallest dimensions, that has to rate as a heartwarming experience.

## ONE MAN'S LOVE FOR LIFE

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. HOGAN. Mr. Speaker, on January 22, the Supreme Court expressed its gross disregard for human life by legalizing abortion. I subsequently announced my protest of this decision by proposing a constitutional amendment which would guarantee the right to life to all unborn children.

Many concerned individuals share my concern over this inhumane action. One of them is featured in the following article written by Leonard Lueras in the April 1973 issue of Columbia magazine.

Mr. Robert J. Pearson, a resident of Maui, Hawaii, has been actively involved in the protection of the unborn. He has converted his house into a counseling center for pregnant women who are contemplating a possible abortion. The results have been most heartening and I would like to submit the article for the benefit of my colleagues.

#### One Man's Love for Life

"We live in a happy and hapai house. We're all happy and hapai. However you want to say it."

Mary was on her back, doing criss-cross leg and stomach exercises on the front lawn. A gekko clucked in a palm and turquoise she said. "Yup . . . one, two . . . happy and huffed through her daily muscle-toning routine.

Although she is from the mainland ("Texas," she said), Mary is fond of using the word *hapai* (ha-pie), Hawaiian for pregnant. "It sounds more fun than pregnant," waves splashed on a nearby beach as she hapai . . . hapai and happy."

"The last time I got hapai," she said, "I drove to Mexico for an abortion. I went to Matamoros on the Texas border. It cost $250. The doctor gave me gas for pain and the only thing I had for presurgery preparation was soap and water. He just gave me gas and went in—with forceps and clamps—on an examination table.

"Then I got up and drove myself home—all the way to Houston."

Mary was 25 then. Now she's 31 and pregnant again. But this time she wants her baby to live so she's waiting patiently through a normal pregnancy cycle.

A month earlier, before her conceived baby began kicking noticeably, she had been in Honolulu scheduling her second abortion. The operations are legal in Hawaii and she would have become one of more than 10,000 island women who have received "elective" abortions in doctor's offics and hospitals here since the liberalized Hawaii abortion law—the first in the United States—was passed by the state legislature on March 11, 1970.

Mary was planning the abortion ("The doctor said: 'You'll be high the whole time.' "), but along came Robert J. Pearson, a building contractor from the neighboring island of Maui.

Pearson, 42, formerly of Algonac, Mich., had a talk with her and ventually persuaded Mary to preserve her unborn baby's life.

He offered her much more than words. Pearson booked Mary on a flight from Oohu to Maui, where Pearson's wife Kathleen, met Mary and took her to the Pearson home, a rambling, five-bedroom house on a four-and-one-half acre plantation adjoining the beach at Sprecklesville. There Mary found herself with some 10 other "sisters," all of them in different stages of pregnancy.

At the Pearson home, supported by the nonprofit Pearson Foundation, Inc., Mary and her baby will live out her last five months of pregnancy—all expenses paid.

"It's an unreal deal, unreal," was all Mary could say about the situation the Pearsons created for her and other women in similar predicaments.

Pearson, who converted to Catholicism while in his mid 20s, was the leader of an unsuccessful fight in 1970 against the repeal of Hawaii's 101-year-old abortion law. When state legislators began to consider making abortion legal, Pearson mounted a statewide protest against the move.

By February 1970, a month before abortion became legal in the islands, Pearson claimed to have spent more than $7,000 of his own money fighting the new law. "I don't care if I have to sell my house," he said at that time: "I feel strongly and so does my wife."

The Pearsons continued their "pro-life" campaign but their efforts, which included full-page antiabortion advertisements in both of Honolulu's daily newspapers, apparently had little effect on the general public. Repeal of the abortion law passed unanimously and set a precedent for similar laws later passed in New York and other states.

At one time during his campaign Pearson and Bishop John J. Scanlan of Honolulu rallied some 1,000 demonstrators for an anti-abortion protest in the central courtyard of Hawaii's new state capitol.

"All of us are here because we believe in human life and we believe that the law should protect human life," Bishop Scanlan said. "There can be no question about it, the fetus has human life. This is known more clearly than ever before because of the progress of medical science." Pearson and the bishop then led fellow demonstrators in prayer—prayers which went unheeded by the state's legislators.

Last-ditch stands by Pearson included the collecting of some 8,000 letters signed by Maui residents who objected to the abortion law's repeal. He personally delivered the letters to the entrance of the state senate chambers in Honolulu.

In March, shortly before the law was repealed, Pearson announced plans to set up a home on Maui for expectant mothers who might be considering abortions. Pearson said he wanted to give women who are planning abortions a chance "to come to the beautiful island of Maui to think it over. No questions asked," he promised.

Pearson said if the state's abortion bill became law, pregnant women in Hawaii would be offered free trips to Maui, free room and board, free prenatal care and payments to replace the money they might lose from their jobs by coming to Maui.

"I just want to let women know that they have alternatives to abortion," he affirmed. He said he even would be willing to help women who are waiting out the three-months' residency clause which requires an out-of-state resident to live in Hawaii that long before she legally can have an abortion.

"If they decide to have the abortion after staying here with us, then there is nothing we can do. I just hope the girls will realize this is not a hoax and that we are trying earnestly to help them," Pearson said.

By May 1970, two months after the abortion law was repealed, seven women had availed themselves of the Pearsons' offer. All decided against abortion and Pearson arranged to pay for their medical expenses.

The seven—six of them unmarried—included three girls from California and one each from Colorado, North Carolina, Indiana and Georgia. "They are normal, everyday people and some of them were very upset," Pearson said. "They needed counseling but psychiatrists were not necessary. They just needed someone to show love and concern for them."

Since then word has spread in Hawaii and on the mainland about Pearson's free *hapai* home. He estimates that more than 120 pregnant women (some of them married) have stayed at his home for varying periods of time. Only twice, he said, have girls decided to go ahead with an abortion after visiting his home and "thinking it over."

"One of the girls was with us for only two days," Pearson recalled. "She was on drugs and unfortunately we couldn't relate to her. She went back to Honolulu under the pretense of going home, but her mother and father wouldn't let her back in the house unless she had the abortion. So she had the abortion." The other girl decided that to abort her unborn baby was her best alternative.

"But other than that," Pearson said, "all of the girls have given birth and either placed the child out for adoption or have kept the baby themselves."

What is the ratio of babies offered for adoption to babies kept?

"I would say about 30% of the girls have kept their babies and the others have given them for adoption. The Catholic Social Service and the Department of Social Services handle the adoptions. We do not," Pearson said.

At last report there were 11 girls living in the five-bedroom, seven-bath home which is designed, dormitory-style, to accommodate 20. One girl was of Filipino descent, another Samoan and another was from a wealthy San Francisco Bay family. Most were Honolulu-area schoolgirls.

"This place has no name," said a pretty girl from Oahu's north shore. "It's just Pearson' home. It's not like an institution. We just live in his home with him and his family."

The same girl, 18 and just out of high school, said the Pearsons (who have five children of their own) give the expecting girls "more freedom than I ever knew at home." An extra car is available for running errands "or driving to a movie or some other fun," she said. There is no regimentation, such as wake-up or lights-out hours rules. "Like last night three of us felt like having a drink, so we went out to have a drink," said a girl from Seattle.

For recreation there is always the beach, but sewing and painting facilities plus occasional classes in arts and crafts also are available. "There's a Maryknoll nun who teaches Bible study to girls who are interested, and another nun (both from nearby St. Anthony's church and high school) who has been teaching us how to crochet," said one girl. Academic arrangements also have been made with local private and public schools to provide tutoring and credit examinations for girls who do not want to get behind in their studies during pregnancy.

Each girl prepares her own breakfast and lunch, but the evening meal is a communal one in which the women who are able to cook ("some of us aren't because we're ready to give birth any minute") try out their favorite recipes on each other. "We go shopping on Monday to pick up the food for the week's meals," said Yydia, a pretty Filipino girl. She said they even buy special foods the girls may crave during pregnancy. "There always are cartons of ice cream around; also pickles and lots of bananas," she said half-facetiously.

"One girl," Lydia said, "is into health foods, so Mrs. Pearson goes out and brings her wheat germ or whatever she wants."

Pearson's *hapai* houseguests range in age from 14 to 36, so he's bound to have occasional peacekeeping problems.

"Occasionally we'll have girls with personality clashes, girls who can't get along, but we haven't had any conflicts that couldn't be worked out," Pearson related. "We try to run the home with a lot of love and concern for one another. Generally this feeling gets through to the girls staying here."

Pearson said that when they first arrive at the home, some of the girls are full of "I can't be getting something for nothing" suspicions.

"Some girls are very defensive in the beginning. They feel that you don't get anything for nothing today and, if you do, someone wants something. But we're fortunate because the girls stay with us for a long time, usually several months, and we're able to break through this defensive barrier and help them realize that we are concerned for them as well as for the life of their baby.

"Then they can start to relax and look at life a little differently."

Another advantage of Pearson's home is that it groups together girls with a common problem—or cause. The girls have impromptu rap sessions nightly. They comfort each other, do their prebirth exercises together and learn about birth from the expectant women ahead of them. When a "due" young mother begins to experience birth contractions, they get excited together and see her off to Maui Memorial Hospital (a 10-minute drive away).

"I'm looking forward to having my baby," said Candy, a junior at the University of Hawaii. "My baby's father is married, but I still love him. And I love his—our—baby just as much.

"The main reason I came here was pressure from my family to get an abortion a year ago and I didn't feel right about my first one. I didn't want to kill my baby but my parents hassled me till I did. 'What will the neighbors say?' they would tell me. And besides, everybody in Honolulu is so proabortion anyway. You go to the doctor and he says: 'Well, you better have an abortion.'

"I've done enough studying about the unborn child since my last abortion to realize it is indeed a living thing. The heart is beating after six weeks and they won't even do an abortion until about seven weeks. I don't want to kill my baby. It's as simple as that."

One girl at the house said she began arguing with Pearson about her decision to go ahead with an abortion. Instead of arguing back, she said, Pearson reached into his briefcase and took out a laboratory specimen bottle. Inside was the pickled body of an aborted fetus. "Do you deny this was a living being?" he asked the girl, explaining that the male fetus in the clear jar was "killed" at age 14 weeks.

"You can see everything—nails, nose, eyes. You can tell it's a baby boy. And he carries it around in his briefcase," the girl said. Pearson also carries around scientific photographs of the operative results of abortions—photos, he says, which show "the reality of abortion."

Pearson is so disturbed by the casual attitude of the general public that he has proposed the founding of a special cemetery on Maui to receive aborted human fetuses.

"Obviously," Pearson said, "if your mother had terminated your life one hour after you were conceived you wouldn't be sitting here and listening to me now. I believe that you have to be either ignorant, a liar or a fool to believe your life didn't start at conception and not two months or three months afterward."

Pearson has an incredible job ahead (his foundation has reached only 120 of more than 10,000 women who have opted for Hawaii abortion, but he already is thinking and planning on a grandiose scale. In the works are plans to build a new, 25-bedroom home which will accommodate 100 women, five times more than he is able to care for now.

The home, to be constructed on 17,000 sq. ft. of beachfront church property at Kihei, Maui, will cost the Pearson Foundation approximately $325,000. The land, he said, has been provided "at a very nominal cost" by Bishop Scanlan. Other monies for the project will be raised through private donations which Pearson regularly solicits at speaking engagements on all of Hawaii's populated islands.

"I think that someday we're going to be able to give protection back to the unborn," he says confidently.

"Lots of people I talk to say: 'You're against abortion. You must be a Catholic.' But when I was in Salt Lake City, everyone said: 'You must be a Mormon if you're against abortion.'

"It's a shame that the abortion fight is being pegged as Catholic, Mormon or anything. Although I am glad to hear that many Catholics are standing up for what they believe in, to me it's definitely not a matter of religion.

"It's simply a matter of human respect for another human being."

---

## HOUSE ACTED WISELY AGAINST CAMBODIAN BOMBING

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. McCLORY. Mr. Speaker, the votes last week on the second supplemental appropriation bill included expressions of opposition by this body to continued bombing by U.S. planes in Cambodia.

In reaching my own position against the transfer or use of any such funds for U.S. air raids over Cambodia, I reflected what I believe to be a sound position for this administration and for the Pentagon to adopt.

I have been impressed by the support indicated by my constituents—including a thoughtful and persuasive editorial in the Monday, May 14, issue of the News Sun, Lake County, Ill., only daily newspaper—and a journal having a wide circulation and influence in my congressional district.

Mr. Speaker, I am attaching this editorial for the attention of my colleagues:

BLIND ACCEPTANCE OF CAMBODIAN BOMBING PLAN IS UNTHINKABLE

The U.S. House of Representatives has rightly voted against new defense appropriations to continue the bombing in Cambodia and success of the move was hinged on the defection of 35 Republican representatives, including our own Robert McClory, from the administration position.

The vote came on an amendment to a $2.85 billion bill for supplementary appropriations for the Defense Department and other government agencies to provide additional funds for ongoing programs until the beginning of the new fiscal year July 1.

The vote was a direct rebuff to President

Nixon and Secretary of State William P. Rogers who made an impassioned plea before Congress to hold off its attacks on Cambodia bombing policy until after new Paris talks between Henry Kissinger and Le Duc Tho.

And the vote also was a blow to Defense Secretary Elliot L. Richardson, who only the day before House action had told Congress that to vote for the fund transfers so the bombing could continue would be "a vote at least to acquiesce in that activity."

Acquiescence, however, is not what the people of the country want, and the 219 House members who voted for the amendment rightly recognized that fact.

The Administration has yet to justify in any clear way the public can understand the continued involvement in and bombing of Cambodia. We get the same old line about helping a people defend themselves, guaranteeing the right to free choice, and stopping Communist aggression. But this line lies in direct conflict with the feelings of the American public who have had enough of war, enough of police actions, enough of death.

There was no reason for the House to blindly approve expenditure of more funds for bombing Cambodia. Until the Administration can come up with a logical explanation of what it is doing in Cambodia—and why—in terms that will engender support of the people, we encourage members of Congress to continue opposition to such plans.

Richardson has served notice the administration will find the funds to continue the bombing no matter what the House or Senate do. We hope the House action Thursday served notice on him and others in the administration that the people who have to foot the bill won't stand for it.

## UNITED STATES HOSTS SOVIET COMMUNIST DIGNITARY

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. RARICK. Mr. Speaker, every effort is being made in Washington, D.C., to prepare for the June 18–26 visit of Leonid Brezhnev, Secretary General of the Soviet Communist Party.

Already, an advance party of 35 Russian Communists are in the United States to handle public relations and security for the upcoming visit. As the host country, the taxpayers of the United States are to foot the bill, estimated at about $250,000. It is not certain if this includes the usual gift exchange. During the President's 1972 visit to Moscow, he gave Brezhnev a 1972 Cadiallac and presented the Soviet President and Premier rifles with special telescopic sights and appropriate ammunition. Perhaps the visiting Soviet may present Nixon with a Soviet tank to protect himself from the Watergate snipers.

I include the following newsclipping:

[From the Washington Post, May 19, 1973]

THIRTY-FIVE SOVIET OFFICIALS IN DISTRICT OF COLUMBIA TO PREPARE BREZHNEV VISIT

(By Dusko Doder)

An advance party of 35 Soviet officials arrived here this week to prepare for the visit to the United States next month of Leonid Brezhnev, the Soviet Communist party leader.

The group, headed by Yuri N. Cherniyakov, general secretary of the Soviet Foreign Ministry, arrived at Andrews Air Force Base aboard a special Aeroflot Ilyuchin-62 jetliner Tuesday night. It includes officials dealing with the problems of security, communications, press, civil aviation, medical and food services.

While Brezhnev is expected to spend most of his time here, or at Camp David, Md., he will also visit President Nixon's summer home at San Clemente, Calif. No agreement was reached on other possible stops during Brezhnev's trip here from June 18 to 26. San Francisco, New York and Detroit were mentioned as possibilities, according to officials.

Soviet and American officials working on Brezhnev's itinerary are expected to fly to San Clemente today. The Soviet advance party is expected to return to Moscow late next week.

According to U.S. officials, preparations for the Brezhnev visit are going smoothly. The cost of the visit is estimated at about $250,000 and will be paid by the U.S. Government. The Soviet government bore all the costs incurred during Mr. Nixon's visit to Moscow a year ago.

Well-placed administration sources said the arrival of the advance party was delayed by several days. These sources also disclosed that Soviet diplomats in the United States conducted an intensive effort earlier this month to assess the possible impact of the Watergate scandals on Mr. Nixon's domestic position.

This effort, which included numerous conversations with U.S. officials, journalists and public figures, coincided with the visit to Moscow of Henry A. Kissinger, Mr. Nixon's national security adviser. The Brezhnev visit was announced last Saturday, following Kissinger's return to Washington, an indication that the Russians believe the President will be able to ride out the storm created by Watergate.

Brezhnev will be the second Soviet leader to make an official visit to the United States. His predecessor, Nikita Khrushchev, made a trip around the United States in 1959. Khrushchev attended the United Nations General Assembly in 1960 and Premier Alexei Kosygin came to the U.N. in 1967 and while here met with President Johnson in Glassboro, N.J.

## SENIOR CITIZENS MONTH

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. LEHMAN. Mr. Speaker, today I am introducing three bills, two of which are aimed primarily at our older citizens. As this is Senior Citizens Month, legislation to aid our elderly seems particularly appropriate.

The first bill I am introducing would authorize an experimental program under the Social Security Act to provide for the care of elderly persons in their own homes.

Specifically, the bill authorizes the Secretary of Health, Education, and Welfare to establish an experimental program of subsidization of families who agree to care for their dependents who are 65 or older, and who would otherwise require the services of a skilled nursing home because of either physical or mental handicaps.

There are presently over 20 million older Americans. Of these, it is estimated that approximately one-fifth are in need of some protective services. Some 900,000 of those in need reside in nursing homes and the like, while 111,000 are in mental institutions.

The remaining three-quarters of our needy elderly, or about 3 million persons, reside in the community. Often isolated in homes and apartments, they are unable to take care of themselves totally.

In 1971, at the White House Conference on Aging, it was recommended that "supplementary resources are needed to be allocated to means of financing alternate care," and that "efforts should be made at Federal, State, and local levels to develop options to institutional care." My bill recognizes both recommendations.

It is not always possible for an elderly person to remain independent, regardless of what kinds of social services that person may be eligible for and receiving—14.6 percent of the people over age 65 are unable to carry on their major activities—working and keeping house.

Ralph Nader reports that about 25 percent of the elderly in this country live alone or with nonrelatives. In his report, "Old Age: The Last Segregation," it was stated:

> The practical alternatives for an aged person in need of limited care are a paltry three: hospitalization, institutionalization in a nursing home, or life with young, more capable relatives. Life at home is impossible.

Unfortunately, the cost of a nursing home or other intermediate care facility is too often beyond the reach of our elderly; $600 a month is far from an unusual price, and for too many of our senior citizens, paying that price would be impossible.

Intermediate care can be provided to elderly persons through medicare, if they are receiving public assistance. However, only one in ten persons over the age of 65 receives public assistance, more than half of these as supplementation of inadequate social security benefits.

Also significant is a statement made by an Ohio housing authority official in regard to nursing homes:

> The thought of the nursing home spells the end of the road. When this decision is made many people lose their incentive to live.

My bill would provide care for the elderly, by encouraging their younger relatives to take on some of the responsibility. Living with their children or grandchildren would solve at least two problems of our older Americans: assistance with the many everyday tasks that become so difficult with age, and helping to rid the older person of the loneliness that so often accompanies growing older.

The text of my bill follows:

H.R. 7957

A bill to authorize an experimental program to provide for care for elderly individuals in their own homes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Title XI of the Social Security Act is amended by inserting after section 1120 the following new section: "Authorization of Experimental Program to Provide In-Home Care for Elderly Individuals.

"SEC. 1121. (a) The Secretary is authorized to establish an experimental program of subsidization of families who agree to care for their dependents who are 65 years of age or older and who would otherwise require, because of physical or mental infirmities, the services of a skilled nursing home, in their own homes. Such subsidies may be made directly, in the form of grants, to families who are determined, in accordance with regulations prescribed by the Secretary, to be eligible for assistance under this program. For purposes of this section, a family shall be considered as caring for a dependent in the family's own home if it is caring for such dependent in its principal place of residence, regardless of whether or not such family or any member thereof is the legal owner of tenant of record.

"(b) Any grant under this section shall be made on such terms and conditions, and payments thereunder shall be made in advance or by way of reimbursement and in such installments, as the Secretary may determine to be appropriate to carry out the purposes of this section and protect the financial interests of the United States.

"(c) Any grant under this section shall be made only upon application therefor, submitted in such form and containing such information and assurances as the Secretary may by regulation require."

Sec. 2. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, such sums as may be necessary to carry out the provisions of this Act.

The second bill I am introducing today would amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income. Similar legislation has been introduced on the Senate side by Mr. Ribicoff.

The bill would serve to narrow the gap between the increased level of social security benefits, and the base for the retirement income credit. It is designed to benefit those people who receive retirement income from sources other than social security and railroad retirement, such as the pensions of former public employees.

I would like to point out that the current inequity in the law was brought to my attention by the Hallandale Senior Citizens, Inc.

What the bill does is increase the maximum amount of retirement income for credit computation to $2,500 in the case of a single individual, $2,500 in the case of a joint return where only one spouse is eligible for the credit, $3,750 in the case of a joint return where both spouses are eligible, and $1,875 in the case of a married individual filing a separate return.

As pointed out by the Hallandale Senior Citizens group, if the present base is to be of benefit to our elderly, it must be revised to take into account the increase in the cost of living and equalized with the maximum primary benefit under social security.

The text of the bill follows:

### H.R. 7958

A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That—

"Sec. 37. Credit for the Elderly.

"(a) General Rule.—In the case of an individual—

"(1) who has attained the age of 65 before the close of the taxable year, or

"(2) who has not attained the age of 65 before the close of the taxable year but who has public retirement system pension income for the taxable year,

there shall be allowed as a credit against tax imposed by this chapter for the taxable year an amount equal to 15 percent of such individual's section 37 amount for such taxable year.

"(b) Section 37 Amount.—For purposes of subsection (a)—

"(1) In general.—An individual's section 37 amount for the taxable year is the applicable initial amount determined under paragraph (2), reduced as provided in paragraph (3).

"(2) Initial amount.—The initial amount is—

"(A) $2,500 in the case of a single individual,

"(B) $2,500 in the case of a joint return where only one spouse is eligible for the credit under this section,

"(C) $3,750 in the case of a joint return where both spouses are eligible for the credit under this section, or

"(D) $1,875 in the case of a married individual filing a separate return.

"(3) Reduction.—Except as provided in paragraphs (4) and (5)(B), the reduction under this paragraph in the case of any individual is—

"(A) any amount received by such individual as a pension or annuity—

"(i) under ttile II of the Social Security Act,

"(ii) under the Railroad Retirement Act of 1935 or 1937, or

"(iii) otherwise excluded from gross income, plus

"(B) in the case of any individual who has not attained age 72 before the close of the taxable year—

"(i) except as provided in clause (ii), one-half the amount of earned income received by such individual in the taxable year in excess of $2,000, or

"(ii) if such individual has not attained age 62 before the close of the taxable year, and if such individual (or his spouse under age 62) is eligible for a credit by reason of subsection (a)(2), any amount of earned income in excess of $1,000 received by such individual in the taxable year.

"(4) Special rules for determining the reduction provided in paragraph (3).—

"(A) Joint returns.—In the case of a joint return, the reduction under paragraph (3) shall be the aggregate of the amounts resulting from applying paragraph (3) separately to each spouse.

"(B) Separate returns of married individuals.—In the case of a separate return of a married individual, paragraph (3)(B)(i) shall be applied by substituting '$1,000' for '$2,000', and paragraph (3)(B)(ii) shall be applied by substituting '$500' for '$1,000'.

"(C) No reduction for certain amounts excluded from gross income.—No reduction shall be made under paragraph (3)(A) for any amount excluded from gross income under section 72 (relating to annuities), 101 (relating to life insurance proceeds), 104 (relating to compensation for injuries or sickness), 105 (relating to amounts received under accident and health plans), 402 (relating to taxability of beneficiary of employees' trust), or 403 (relating to taxation of employee annuities).

"(5) Special rules for individuals eligible under subsection (a)(2).

"(A) Except as provided in subparagraph (B), the section 37 amount of an individual who is eligible for a credit by reason of subsection (a)(2) shall not exceed such individual's public retirement system pension income for the taxable year.

"(B) In the case of a joint return where one spouse is eligible by reason of subsection (a)(1) and the other spouse is eligible by reason of subsection (a)(2), subparagraph (A) shall not apply but there shall be an additional reduction under paragraph (3) in an amount equal to the excess (if any) of $1,250 over the amount of the public retirement system pension income of the spouse who is eligible by reason of subsection (a)(2).

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Earned income.—The term 'earned income' has the meaning assigned to such term in section 911(b), except that such term does not include any amount received as a pension or annuity. The determination of whether earned income is the earned income of the husband or the earned income of the wife shall be made without regard to community property laws.

"(2) Marital status.—Marital status shall be determined under section 153.

"(3) Joint return.—The term 'joint return' means the joint return of a husband and wife made under section 6013.

"(4) Public retirement system income.—An individual's public retirement system pension income for the taxable year is his income from pensions and annuities under a public retirement system for personal services performed by him or his spouse, to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year. The amount of such income taken into account with respect to any individual for any taxable year shall not exceed $2,500. For purposes of this paragraph, the term 'public retirement system' means a pension, annuity, retirement, or similar fund or system established by the United States, a State, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia.

"(d) Nonresident Alien Ineligible for Credit.—No credit shall be allowed under this section to any nonresident alien."

### Technical Amendments

(b)(1) Section 904 of the Internal Revenue Code of 1954 (relating to limitation on foreign tax credit) is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection.

"(g) Coordination With Credit for the Elderly.—In the case of an individual, for purposes of subsection (a) the tax against which the credit is taken is such tax reduced by the amount of the credit (if any) for the taxable year allowable under section 37 (relating to credit for the elderly)."

(2) Section 6014(a) of such Code (relating to tax not computed by taxpayer) is amended by striking out the last sentence thereof.

(3) Section 6014(b) of such Code is amended—

(A) by striking out paragraph (4),

(B) by redesignating paragraph (5) as paragraph (4), and

(C) by inserting "or" at the end of paragraph (3).

(4) Sections 46(a)(3)(C), 56(a)(2)(A)(ii), and 56(c)(1)(B) of such Code are each amended by striking out "retirement income" and inserting in lieu thereof "credit for the elderly".

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the item relating to section 37 and inserting in lieu thereof the following:

"Sec. 37. Credit for the elderly."

### Effective Date

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1972.

The third bill I am introducing today addresses itself to those people who will become senior citizens in the near future—those people between the ages of 40 and 64.

In 1967, the Congress enacted the Age Discrimination in Employment Act, which was designed to protect the job security of those people in that age bracket, as well as to insure that older persons seeking employment would not be discriminated against because of age.

At the time the law was enacted, several limitations were placed on its applicability. Firms employing fewer than 25 persons were exempted, as were all public employees.

The bill I am introducing today would lower to 20 the number of employees which an employer must have to be exempt from the provisions of the act, and would extend the protection of the law to employees of Federal, State, and local governments.

Second, my bill would increase the authorization for enforcement of the act from $3 million to $5 million.

Since 1967, job bias on account of age has hardly diminished. About one out of three firms investigated last year by the Secretary of Labor were found to be in violation of the act. From fiscal year 1971 to fiscal year 1972, instances of refusals to hire because of age alone increased from 683 to 818. There were 339 situations in which mature workers were failed to be promoted. This was close to a 28 percent increase from the previous year.

It is also significant to note that in 1972, a little over one-third of the unemployed were heads of households.

Today 875,000 persons over the age of 45 are out of a job. That is a 45 percent increase over the past 4 years. Again, it is significant to note that those between the ages of 55 and 64 have been out of work the longest, an average of 4 to 5 months.

Discrimination because of age poses a particular hardship for those in their later working years. Persons in that age bracket are perhaps entering those years of greatest expense, with children beginning to attend college and saving for retirement at the same time.

It is unfortunate that some employers in the past have discounted persons because of graying hair, and associated age with slowing down and inefficiency. Being shelved after reaching 40 years of age can have severely deleterious effects on a person's confidence. This loss of confidence can create an unwillingness to reenter the work force, regardless of how necessary the income is or however well qualified a person may be.

In the years between enactment of the law and now, there have been less than 120 suits filed. Some 6,800 investigations were conducted in fiscal year 1971, and there was a 14 percent increase in violations uncovered.

Yet in fiscal year 1972, there were only 69 Labor Department positions specifically budgeted for implementing the law.

It is for this reason that the bill provides for an increase in funding authorization. In order to provide protection to the estimated 20 million persons now covered by the act, and those additional persons whom my bill proposed to be covered, additional funding is a necessity.

The text of my bill follows:

H.R. 7956

A bill to amend the Age Discrimination in Employment Act of 1967 to increase coverage under that Act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Age Discrimination in Employment Amendments of 1973".

SEC. 2. (a) The first sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630(b)) is amended by striking out "twenty-five" and inserting in lieu thereof "twenty".

(b)(1) The second sentence of section 11 (b) of such Act is amended to read as follows: "The term also means (1) any agent of such a person; and (2) a State or political subdivision of a State and any agency or instrumentality of a State or political subdivision of a State, but such term does not include the United States, or a corporation wholly owned by the Government of the United States.".

(2) Section 11(c) of such Act is amended by striking out "or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance".

SEC. 3. Section 16 of the Age Discrimination in Employment Act of 1967 is amended by striking "$3,000,000" and inserting in lieu thereof "$5,000,000".

SEC. 4. (a) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively, and by adding immediately after section 14 the following new section:

"NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 15. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, of the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least an annual basis) progress reports from each such department, agency, or unit; and

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken or any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Procedures under this section shall become effective ninety days after enactment.

"(f) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law."

---

## CARPOOLING AND BUSPOOLING ARE ANSWERS TO SOME TRANSIT PROBLEMS

## HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. HOSMER. Mr. Speaker, despite the recent vote in the House against diversion of highway trust funds, I understand that our conferees have agreed with the other body's position to some extent and that the conference report on this issue will provide for some sort of diversion.

I oppose it because the sums involved in the diversion are inadequate to do much of anything at all in an effective way to improve the transportation of people in urban areas on a mass basis by bus or rail. Yet, they are sufficient in magnitude to appreciably deteriorate the transportation of people in these areas by automobile.

The problem we are approaching is a big and expensive one. We will not solve it by shuffling a limited amount of funds around, then putting our thumbs in our mouths, pulling out a plum and saying what good boys we are.

In southern California, and to a growing extent in other urban areas of the Nation, movement of people within metropolitan areas has increasingly become the exclusive province of the private automobile. Air pollution problems and gasoline shortages are focusing attention on the need for improvements in the present means by which this movement of people is accomplished.

Considerable support has built up for the idea of rapid mass transit by bus or rail as a seemingly attractive alternative to the private automobile. It is claimed that mass transit will be quick, cheap, and clean. However, when one examines existing mass transit systems, such as those in New York City and Chicago, in practice they are found to be slow, expensive, and dirty. Of course, a completely modern system, newly installed, would incorporate improvements over existing ones, but it is by no means certain how many improvements. Certainly, none at all could be expected in the areas of capital costs or operation and maintenance expenses.

Moreover, implemention of a bus system would require a minimum of 5 years leadtime and construction of a rail system at least 10 years. Traffic congestion and air pollution must be dealt with effectively long before that. In any event, to assume that several billion dollars could be raised to invest in a mass transit system or, that once built, it could operate at less than prohibitive cost is quite risky.

It is even risky to assume that it would ever be possible for mass transit to serve the needs of people in any substantial way at all. This is because so many of the Nation's urban areas, due to the relative cheapness and convenience of automobiles, have developed in such a sprawling way as to defy application of mass transit techniques in any meaningful way to a majority of the population. And, even if somehow it could be applied for moving people from their homes to work and back, the system probably would be inadequate to serve individual personal needs. How many of us live where we could possibly get from our homes to the theater and back after an evenings entertainment on any mass transit system that anyone has suggested? Or to a friend's house on the other side of town? Or to the doctor's office with a sick baby?

The futility of the mass transit approach utilizing busses or rails is apparent if one considers the situation in the Los Angeles metropolitan area and environs where 10 million people live.

Let us assume that 3 million of these people work or otherwise commute on a daily basis. Utilizing round numbered estimates it can be said that only 10 percent of these both live and work at locations permitting a one-way trip to be made in less than 60 minutes other than by automobile. Thus, about 300,000 persons in the southland are presently accommodated by today's sidewalks and public transit. In fact, census figures indicate about half of them can and do walk to work and about half go by bus.

This latter half live close enough to point A where they get on the bus and work close enough to point B where they leave the bus so that their trip from home to work and back again takes an hour or less each way. For another 10 percent the trip requires 1 hour and 15 minutes or less. But for 80 percent of the Southland's commuters, 2,400,000 people, public transportation, if not utterly impossible, would consume more than 2½ hours of each 24 hour day just getting to and from work. Most people will not accept it. It is just too time-consuming and inconvenient. So they ride in automobiles and 80 percent of them average less than 45 minutes from home to work—less than 1½ hours commuting time per day.

If one assumes that, including waiting time, an average mass transit trip in the Southland from point A to point B even on a brand new system will require 45 minutes, that leaves only a total of 30 additional minutes within which one must be able to get from home to point A and from point B to work if his two-way trip is to take less than the unacceptable 2½ hours. The geographic realities in southern California and most other urban areas are such that even a very extensive, and thus very expensive, mass transit system will not radically increase the number of commuters whose daily round trip can be made in less than 2½ hours. At best, possibly 1 million of the Southland's 3 million commuters might be induced to move by means other than the automobile. This would be but 700,000 more people using mass transit than use it now, and it would cost $3 to $5 billion just to build the system. Thereafter, estimates from the Highway Users Federation tell us that the daily cost of the commuter's trip will average $3.04 per day if by bus or $4.78 by rail. Costs this high would be vigorously resisted by commuters and the system would need heavy public subsidies to stay in operation.

There is a way, however, for mass movement of people in urban areas which actually can be quick, clean and cheap as well as convenient. Moreover, it can be put into effect in months rather than years, with only a modest capital investment. It will substantially reduce present commuting costs, eliminate air pollution, and cut gasoline demand by appreciable amounts.

All this can be done by such a mundane thing as car pooling.

Today the Southland's 2.4 million commuters via automobile drive 2 million cars between home and work. The average automobile carries only 1.2 persons. Doubling that average to 2.4 persons would get 1 million cars off the road, cut commuters' gasoline consumption in half, slash air pollution by 50 percent and cut commuting costs to $1 or less per day per person.

And, there is every evidence that accomplishing all this, and doing it quickly, will not even prove very difficult.

Not long ago Burroughs Corp. in Pasadena and Operation Oxygen, a local environmental organization, established a car pool program to assist in the abatement of air pollution and traffic congestion. Backed by top management at Burroughs, the program was well received by employees. As a result of the car pool program, the parking demand there was reduced by 35 percent from 659 to 427 cars.

The Burroughs 54-percent increase in average automobile occupancy from 1.2 to 1.85 per car was achieved just by discovering for people who might be convenient carpool mates. There are additional incentives for pooling, such as small subsidies and preferential parking for drivers, and many others which undoubtedly could boost that figure to 100 percent and more almost everywhere. In Poland, for instance, drivers are given national lottery tickets in exchange for special hitchhiking chits purchased from the government by riders, and the cost of the chits includes automobile accident insurance.

The plan works as well for busses as it does for automobiles and results are even more dramatic. We have been talking in terms of three people who live near each other and work near each other using just one automobile. Whenever computers can locate 50 to 70 such people, bus pooling will achieve even more dramatic results than carpooling.

Techniques for successful car and bus pools are detailed in the Federal Highway Administration's publication, "Carpool and Buspool Matching Guide," published February 1973. What is needed, however, is more than just voluntary action by individuals and industrial organizations. Successful pooling requires more than just initial matching. Data processing must be kept current by continuous service; incentives and public information needs also must be carried forward on a steady basis. A plan should be established, financed, and run publicly by some governmental unit whose jurisdiction spans city lines and encompasses an entire urban area. Perhaps something like the air pollution control district would be a logical authority.

I strongly urge responsible public officials and concerned citizens at the level of State government and below to pick up this car/bus pool ball and run with it. Everybody is asking: What can we do to clean up pollution and eliminate traffic congestion? Well, pooling is an answer and it is something appropriately accomplished at the local, not the Federal level.

I hope the U.S. press will do all it can to make the idea widely known and accepted. After Watergate all of us need to do something constructive for our country.

---

## JOSEPH A. CALIFANO, JR. DISCUSSES THE RESIGNATION OPTION OPEN TO THE PRESIDENT

### HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. REUSS. Mr. Speaker, a thoughtful address on the problem confronting the President and the Nation was made on May 17 by Joseph A. Califano, Jr., the distinguished Washington attorney, to the National Capitol Chapter of the American Society for Public Administration at the George Washington University Club Ballroom. The text of Mr. Califano's address follows:

RICHARD NIXON: THE RESIGNATION OPTION

These are hard times for these United States and the people who live in them. We have moved light years beyond Lord Acton's adage; for history has subpoenaed us to bear witness to the fact that the mere concentration of power in our democracy creates a lust for more that corrupts with a vengeance usually reserved for the angry God of the

Old Testament. What are capsulized as "Watergate developments" in front page boxes in our major newspapers record the splash of the ugly venom of corruption over our democratic system.

The American people awake each morning much like the ancient Romans must have in schizophrenic anticipation of the bouts between the lions and the Christians: torn between the excitement of the circus of corruption with so much action in all three rings and the sinking recognition that offers silent prayer for some hope that it will all end without any "documentary evidence or hard proof" that President Richard M. Nixon himself directed the political sabotage and espionage or the criminal coverup so crudely (but effectively) pursued for so many months.

This sense of excitement at bizarre corruption in conflict with hope for the best for the President has set a stage of emotional confusion on which the players act their parts in this national tragedy. The press frenetically competes to be first to reveal the next scandal. Grand juries investigate in Washington, Florida, Texas, California and New York—and there may be others we do not yet know about. As a dozen or so White House aides and at least two cabinet officers become concerned that they might go to prison, each moves to protect his own flank. As more and more government departments and agencies are involved, more and more Congressional committees move to investigate. The White House staff is a shambles and the court calendars fill up with civil and criminal cases arising out of these sordid events. As Samuel Beckett said, "One does not have to look for distress; it is screaming at you."

At the center of this confusion are President Richard M. Nixon, and the office he holds—the most powerful office in the free world, the Chief Executive Office of our own nation and the Office of the Commander-in-Chief of our Armed Forces.

It is essential to step back from the splatter of headlines and scandal and look at the Office and the man who occupies it in the cold steel of national interest. Only with that cold steel can we cut through the confusion that has developed between the Office and the man, between standards of public morality and private morality and between the burden of proof that is a condition precedent to criminal conviction or impeachment and the burden of persuasion sufficient to convince the man that the national interest requires his resignation from office.

The first step in any analysis of the option of resignation is to separate the Office of the Presidency from the person of the President. In very different ways, this is as difficult for anyone who has been involved in bureaucratic Washington as deeply as you and I have as it is for the 200 million Americans who live and work outside a Capital city dominated by national politics. We in Washington tend to view the Office of the Presidency very much through the glasses of the man who occupies it because we are aware of how differently the Office is sculptured in the hands of a conservatively passive Eisenhower than by the hands of a liberally aggressive Johnson. At a much less sophisticated level, the average American identifies the Office and the man as one; for in psychological perception and publicly received image the Presidential shield takes on the shape of the man who holds it.

The recovery of national decency and integrity is too expensive in these times to permit the luxury of confusing psychological and programmatic identification with political and constitutional reality. The distinction between the Office and the man who occupies it for a few moments in history is essential, not only in civic and constitutional theory, but also in the reality of survival for a decent democratic system in these United States.

Whether we believe that Richard Nixon should resign or remain in office, we must examine that question in terms of the long run of our Republic and not in terms of the final forty-three months of one man's active political career. To confuse the man and the Office is to perpetuate the confusions which permeate the sordid, who-dun-it excitement of the Watergate affair: the confusion between end and means; the confusion between the CIA and an intelligence arm of a domestic political machine; the confused vision that reads the leftward trend of Democratic Party politics in 1972 as communist subversion or tough investigatory reporters as a danger to legitimately established institutions.

Confusing the person of the President with the Office of the Presidency is a dangerous reflection of the elitist attitudes that led many in the Democratic left to believe they had the only answers in 1972, just as their brothers and sisters on the Republican right annointed Goldwater as a Messiah in 1964. Unquestionably, the same sort of elitist philosophy brought so many of the President's men to the end-justifies-the-means conviction that only Richard M. Nixon could save America from continued moral and political decline in the 1970's. These men confused the Office and the man, identified them as inseparable and acted in ruthless accord with their confused perception.

By contrast, our founding fathers were very much aware of the difference between the man and the Office. For elitist political theory was the rationale of family-blood monarchy and dictatorship that led them to renounce their European citizenship and sail the perilous seas in search of a new nation. Because of their bitter experience and concern with that kind of government, our founding fathers developed a Constitution very much based on a system of law that takes into full account the fallible, human nature of the few who, from time to time, have been entrusted with governing the many; a Constitution quite deliberately designed to protect the body politic from the bad man in the good office and to distribute power in healthy conflict for the good of the people. By providing clear lines of succession, and by setting forth procedures for the impeachment of a felonious federal judge, cabinet official or president, and by limiting terms of office for elected officials, the founding fathers recognized that human history was plagued by death, corruption and excessive concentrations of power. They drafted a Constitution designed as much to protect the Office from the man as it is to give the man who holds the Office the authority he needs to serve the people.

The second distinction that must be made in analyzing the resignation option is the difference between public and private morality. John Courtney Murray, the great American Jesuit philosopher, wrote that one of the most dangerous misconceptions of the modern world is the idea that the same standards that govern individual morality should also govern national morality. The American citizen, as an individual, is steeped in private morality. He learns it from his parents, from his schools, from his church. Private morality is essentially what is right or wrong for an individual, as an individual, to do at any given time under any given set of circumstances.

Public morality is little taught in our schools, rarely preached in our churches and within the personal experience of only one or two percent of our population. Thus, for one man to kill another may be murder; to do so in war may be justifiable and publicly moral. For one man to steal from another for personal gain is privately immoral and perhaps publicly punishable as a crime. For one nation to steal the secrets of another nation is legitimate within current standards of public international morality. I know John Connally, for example, and I do not believe that John Connally would use his public office as a White House aide to enhance his private law practice; but it offends minimal standards of public morality to represent at the same time the President in the White House and a major corporation in the grand jury room.

This distinction between private and public morality is of major importance in a President's decision whether to resign. For if the paramount consideration is personal morality, the decision could be quite different than if the paramount consideration is public morality. Negligence, bad judgment in making appointments, lack of specific knowledge, refusal to face tough facts—presence of any or even all of these factors would still permit a conclusion that a man did not commit a personal wrong sufficient to require his resignation from office. But the presence of these same factors might very well justify resignation because of the offense they give to any reasonable standard of public morality. And no acid erodes the public respect essential for political leadership in a democracy more rapidly than public immorality.

Throughout this sordid affair, there has been a disturbing failure of many individuals involved to evidence any sense of public morality. John Ehrlichman casually dismisses the burglarization of Ellsberg's psychiatrist's office with a "don't-do-it-again" admonition to the burglars on his own White House staff, apparently confusing his public obligation with his sense of private innocence because he did not personally steal the psychiatric reports. Patrick Gray can equivocate in statements to the press, campaign while Acting FBI Director for the Republican Presidential Candidate and destroy "politically dynamite" documents, but his Catholic upbringing and schooling did not permit him to lie under oath because that involves personal morality and perhaps serious sin. The Haldeman and Ehrlichman letters of resignation pay lip service to public morality, but protest their private morality as though that were the ultimate standard by which their exercise of the public trust should be judged.

This brings us to the third element of confusion that runs through this tragic chapter of national history: the failure to recognize the distinction between the standards of proof required to protect a man's freedom against imprisonment and an official's rights against forceable removal from office, on the one hand, and the standard by which he should make a decision whether to resign from office, on the other. Whatever you or I may believe about Haldeman, Ehrlichman, Dean, Stans and Mitchell, before they can be sent to jail, a jury of twelve men and women must be convinced beyond a reasonable doubt that they are guilty of criminal activity. Similarly, before a cabinet officer, judge or President can be involuntarily removed from office, the House and the Senate must be satisfied that a severe burden of proof has been met and the Senate must vote to impeach not simply by a majority of its membership, but by an overwhelming "two-thirds of the members present."

But these standards for criminal conviction and impeachment are quite different than those a man should apply in determining whether he should continue to sit on a court, or hold a Cabinet post or occupy the White House. Thus, more than a dozen federal officials have resigned professing their personal innocence of criminal acts, but recognizing, at least rhetorically, their inability to fulfill their public trust. In this context, a man sitting in the Oval Office should impose upon himself significantly different standards in determining whether he should resign, than the Congress should impose prior to impeachment or a jury must find prior to criminal conviction. Indeed, the higher the office, the higher the standard of conduct its occupant should demand of himself.

The three factors I have mentioned—the distinction between the Office of the Presidency and the man who holds it at any given time, the distinction between public and private morality and the different standards for criminal conviction or impeachment and resignation from office—should shape the context in which the President and the American people face this central question: is Richard Nixon capable of governing this nation at home and abroad at a very difficult and dangerous time in our history. More than most other Americans you should be acutely aware of the subtle difficulties of Presidential government: effective control over the Executive Branch, fruitful relationships with the other branches of government and foreign nations, and political leadership of the American people.

Under the best of landslide election circumstances, it is extraordinarily difficult to assume effective policy direction and control over the 2.5 million civilian employees and 2.2 million military men and women in the Executive Branch. But the practical problems of governing in today's climate are almost beyond belief. The questions are brutally tough, but they must be asked. Suppose, for example, that a White House aide who worked for Messrs. Ehrlichman, Haldeman or Dean called your department and asked that something be done. Except for the most routine request, would you accept it on the faith and trust essential for a working relationship between the White House staff and the Executive Branch of the government? If you were Secretary of Transportation, how would you handle a White House staff personnel recommendation after Egil Krough had been sent to you as Undersecretary? And what will the reaction of most other departments be after Odle was sent to Agriculture, Magruder to Commerce and Caulfield to Treasury? A cabinet officer or department head would be derelict in his duty to the public if he did not greet such recommendations with the most cautious skepticism.

If you were in the FBI, the CIA or the State Department, would you honor a White House staff request that someone be investigated because he might be a subversive, a request to undertake a clandestine operation, or a request to open up all your top secret cables on U.S. intervention in the Dominician Republic? These might be legitimate requests, important to our national security. But, would you promptly honor them simply because they were not coming from Haldeman, Dean, Ehrlichman or Colson, or would you be suspicious so long as Richard Nixon was the President? For no matter the staff member who makes the request, it comes in one man's name—as it must, since all power of White House aides is derivative from the only man they report to, the President.

Perhaps the major element of effective policy direction of the Executive Branch is the people a President attracts to government service. With forty-three months remaining to be served, the President must ask himself what kind of people he will be able to attract to fill key government posts. There are between forty and fifty high policy level appointments, including Assistant Secretaries and above which are vacant. These, as you in this room well know, are the journeymen of national policy in our nation; the men in these posts are critical to the intelligent development of that policy and they carry the burden of assuring its implementation. Can the President attract bright young lawyers, analysts and economists from the best law firms, universities, and major corporations to join this Administration and serve in it? It is fair to assume that Mr. Nixon is as aware as the rest of Washington of the importance of bringing new blood into the White House and into the top cabinet posts of his Administration. Yet what we have seen in the shuffles of the last ten days more nearly resembles a desperate game of musical chairs with the same old people dancing as best they can to a cacaphonic chorus of corruption.

The government of our nation should not be directed by second-rate people or "acting" department heads and "acting" assistant secretaries for three-and-one-half years. Patrick Gray is a tragic personal example of what can happen with an "acting" appointee who yearns for permament status. We simply cannot afford any more Grays.

Presidential relations with the Congress are delicate under the best of circumstances. After the loss of Democratic seats in the mid-term House elections in 1966, the surviving Democratic majority came to appreciate that a vote for the Great Society did not necessarily provide an insurance policy for re-election. We on the White House staff came to realize that it was markedly tougher to persuade Congressmen to go along with our legislative proposals. Yet that seems a small difficulty when we try to appreciate the problems that those who work in this Administration will face when they seek to convince a Congressman that a vote should be cast in favor of their President's proposed program. Dealing with the Democratic majority may well be less difficult than trying to persuade Republican Congressmen who are seeking as many ways as possible to separate themselves from the Watergate White House for their own political survival.

Take foreign trade as an example. It probably makes eminent good sense to give the President a great deal of discretion in foreign trade negotiations so he has the flexibility to bargain swiftly and shrewdly in our national interest. But will Congress give this President that kind of authority, when it inherently carries the power to make and break corporations and individual millionaires each day? And whatever the merits of Cambodian bombing, it is naive not to recognize that the solid House, and unanimous Senate Appropriations Committee votes against it came in the wake of the Watergate scandal.

In foreign affairs, the difficulty of governing will also be attended by special problems. A Breznev must recognize the increased importance of concluding major detente agreements with the Soviet Union to an Administration wracked by scandal than to an Administration riding high on a landslide election victory. If the President went on television tomorrow night to proclaim a major new crisis in the Middle East or Southeast Asia, would the American people or the press take him at his word? Or, would there be instant analysis and newspaper columns about how such a crisis eases his Watergate problems or the historical fact that popular support for a President increases in time of foreign crises? The real danger is that the President might not be manufacturing or exaggerating such a crisis—in which event, failure to believe him would indeed be a tragedy for our nation.

Mr. Nixon must also face the hard fact of the relationship that a Justice Department under his control will have with the Federal judiciary. Elliot Richardson's present problems with the Senate Judiciary Committee provide preview of this problem: many Senators and the President of the American Bar Association are on record for a special prosecutor totally independent of Mr. Richardson because of his prior associations with the Administration. The stretching of the anti-bugging statute to cover newspapermen and White House staff and the instigation by his own staff of clandestine operations against an American citizen with the Justice Department's knowledge raise the most serious questions of credibility for U.S. Attorneys across this nation. Not only did the Justice Department delay revealing these activities to Judge Matthew Byrne in the Ellsberg case, but the Department indicated that files related to the wire-tapping of Ellsberg and others had been destroyed. It was not until the case was dismissed that Acting FBI Director Ruckelshaus obtained those files from the safe of John Ehrlichman.

Finally, major interests in American society respond not to Presidential orders, but to Presidential political and moral leadership. Perhaps the most significant groups at the present time are big business and big labor.

The restraint essential to pursue what Mr. Nixon's chief economic advisers perceive as the best economic policy for our nation can only be achieved by the ability of the President to persuade the big corporations, the major banks and the large unions to go with his leadership. What is the reaction likely to be of a businessman or labor leader when Mr. Nixon asks them not to raise their price another penny or their wage increase another percent? The nose dive of the stock market, the rocketing price of gold and the decline of the dollar provide grim testimony to the special problems now attendant on conducting a coherent and sound economic policy.

The point is not to convict or impeach Mr. Nixon without a trial. Nor is this an attempt to present the case for resignation. The point is, however, to help bring to the public dialogue some sense of the standards that should govern a decision to remain or resign.

This is a distinctly public decision on which our nation and our President should hear and consider thoughtful debate. The leprosy of Watergate abounds with personal tragedies; many of us have close friends who are or may yet be infected by it. It is, for Mr. Nixon, the greatest personal tragedy of his long career in public life. But most important, the tragedy is America's.

And Americans must not ignore or sweep under the rug the resignation option of their President. Robert Louis Stevenson tells us that "The cruelest lies are often told in silence." To silence public debate on this issue is contrary to the way our entire system is poised to achieve political truth. It is difficult for any American citizen to raise this issue because belief in the President is so deeply ingrained in our lives. It is undoubtedly even more difficult for a man as private and remote as Mr. Nixon seems to be to ask himself these questions or to tolerate a debate on the issue whether he should resign or remain. But this is no time for Mr. Nixon "to gut it out" alone. For it is our nation's guts that must be protected now, not his.

There was a time in the history of the world when the Duke of Windsor abdicated because he did not think he could govern England and marry the woman he loved. That seems like a quaint fairy tale compared to our national dilemma.

There was a time, just five years ago, when Lyndon Johnson withdrew as a Presidential candidate because he considered his credibility on peace in Southeast Asia and domestic economic problems more important to the nation than his personal Presidency.

Perhaps it is a measure of these times that Mr. Nixon seems not to have considered his option to resign in favor of the country. If so, he may end up as the Nero of the 1970's, fiddling with personnel shakeups and legal maneuvers, while Washington burns out as the leader of a free people and the free world.

## DOUBLE STANDARD

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. DERWINSKI. Mr. Speaker, the column by Bob Wiedrich of the Chicago Tribune, which I am inserting into the Record at this point, basically deals with issues and personalities in the Chicago area. However, the point Mr. Wiedrich effectively makes concerns the double standard employed by certain radical spokesmen which has a certain practical application to issues which arise here in Washington.

The article follows:

[From the Chicago Tribune, May 16, 1973]

### Double Standards in Confrontations

(By Bob Wiedrich)

The vocal anti-Establishment forces in Chicago don't often practice what they preach.

In fact, they sometimes act very much like the demagogic parent who declares to his kids, "Don't do as I do. Do as I say!"

Two recent incidents at City Hall are illustrative of that kind of behavior—the chaotic City Council meeting last week and the equally chaotic invasion of Mayor Daley's office Monday by the Citizen's Action Program.

Both were prime example of the politics of confrontation. Neither accomplished a thing except disruption.

On the one hand, a minority of seven aldermen managed to demonstrate their ability to throw a council meeting up for grabs by shouting and yelling and carrying on like a bunch of nincompoops.

But their uproarious conduct proved nothing else, except perhaps a first-hand exercise in the deterioration of the governmental process for a group of school children in the galleries.

It may even have reminded some of the youngsters of their own temper tantrums when they were still in diapers.

The Citizens' Action Program caper was something else, bordering on hypocrisy.

First, a band of 90 boisterous C. A. P. members stormed into Daley's outer office demanding to see the chief administrator of the nation's second largest city without an appointment. Presumably, Daley was expected to drop everything to entertain their whim of the moment.

Led by the Rev. Leonard Dubi, a Roman Catholic priest who is no novitiate at the art of honking and hollering face to face with Mayor Daley, the group demanded Daley sign a pledge he owns no land in the path of the proposed Crosstown Expressway.

Then, after finally getting to see Daley in a stormy two-minute confrontation, six representatives of the group spilled into Daley's outer office again to tell reporters he had rejected their demand.

They also produced as purported evidence of his denunciation of their efforts a tape recorder they admitted had been smuggled into his conference room by one of the C. A. P. women. Unfortunately for them, their attempt at political espionage failed. The recorder didn't record.

Now, keep in mind, this is the same crew that denounced the Watergate electronic bugging of Democratic national headquarters. In their tirade to reporters, they even likened the Daley administration to the Watergate scandal.

Yet, this group didn't hesitate to engage in the same electronic bugging they were denouncing. Really, it's a small point. We understand neither Daley nor his staff were aware the exchange was being recorded. And, we suspect, they could have cared less.

But attempting to clandestinely reduce the confrontation to tape was electronic bugging—no two ways about it.

That's why the invasion of Daley's office smacked so of hypocrisy, that plus the demand Daley sign a piece of paper that legally was meaningless.

Father Dubi's stunt was strictly an attempt to gain a propaganda advantage by furnishing grist for the TV cameras. It was an impolitic, impolite transgression on a busy man's time to demand that he play a role in a charade.

In short, it was a cheap trick on a man who is entitled to the dignity of his office. After all, a vast majority of the citizens of Chicago did elect Daley mayor for an unprecedented five terms.

The incident smacked of the tactics pioneered by Paul Booth, an early C. A. P. co-chairman, who helped found the radical Students for a Democratic Society, thereby bestowing upon the United States a decade of violent confrontation and bloody rioting.

That kind of duplicity stinks. If Father Dubi and his followers have something to say, let them declare it in a free forum. Forget the infantile games.

The same goes for the seven aldermen who did their best to disrupt the City Council with petulant behavior. Both they and C. A. P. are guilty of practicing a double standard of conduct. They want to be heard but the voice of the majority must shut up. Protest in an atmosphere of rational debate and calm deliberation is apparently not their bag.

There are established methods for insuring responsiveness by government. One is the elective process, which has survived nearly 200 years of American democracy. It does work.

If you don't like an elected official, throw the rascal out the next time around. That's what makes government work, not irrational screaming and yelling.

---

## MALCOLM X REMEMBERED

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. RANGEL. Mr. Speaker—

Let All the Enemies
Of The Persecuted
Blacks Tremble . . .
I Am In Earnest . . .
I Will Not Retreat A
Single Inch . . . And
I Will Be Heard

These are the words of El Hajj Malik El Shabazz, known to most of this Nation as Malcolm X. In remembrance of Malcolm, on what would have been his 48th birthday—May 19—I now submit excerpts from the speeches and writing of this great black American:

### REVOLUTION

We are living in an era of revolution, and the revolt of the American Negro is part of the rebellion against the oppression and colonialism which has characterized his era.

It is incorrect to classify the revolt of the Negro as simply a racial conflict of black against white, or as a purely American problem. Rather, we are today seeing a global rebellion of the oppressed against the oppressor, the exploited against the exploiter.

The Negro revolution is not racial revolt. We are interested in practicing brotherhood with anyone really interested in living according to it. But the white man has long preached an empty doctrine of brotherhood which means little more than a passive acceptance of his fate by the Negro.

(The Western Industrial nations have been) deliberately subjugating the Negro for economic reasons. These international criminals raped the African continent to feed their factories, and are themselves responsible for the low standards of living prevalent throughout Africa.

One thing I am determined to do, is to make America practice what it preaches.

The time has come for the American Negro to fight back in self-defense whenever and wherever he is being unjustly attacked.

### AN EXTREMIST

Yes, I'm an extremist. The Black race here in North America is in extremely bad condition. You show me a Black man who isn't an extremist and I'll show you one that needs psychiatric attention.

### EDUCATION

Education is our passport to the future, for tomorrow belongs to the people who prepare for it today.

### FREEDOM

You get your freedom by letting your enemy know that you'll do anything to get your freedom; then you'll get it.

### CITIZENS

They tell us that we are all citizens, that we were born in this country. Well, a cat can have kittens in an oven but that doesn't make them biscuits! The Black man in America can never be called an American until he is enjoying what America is offering to everybody else . . . Black people here in America today are called "second class citizens" . . . you are either a citizen or you are not a citizen. No country has citizenship by degrees.

### UNEMPLOYMENT AND POVERTY

Unemployment and poverty has forced many of our people into this life of crime. As we pointed out a couple of weeks ago, the real criminal is in City Hall downtown, the real criminal is in the State House at Albany the real criminal is in the White House in Washington, D.C., the real criminal is the white man who poses as a liberal, the political hypocrite and it is these legal crooks posing as our friends forcing us into a life of crime and then using us to spread the white man's evils and vices among our people.

### BLACK PHILOSOPHY

This racial dilemma poses a serious problem for white America, civil war between white people on the one hand and a race war between the entire dark world is watching, waiting to see what the American government will do to solve this problem once and for all. We must have a permanent solution, a temporary solution won't do.

### MY CREDENTIALS

I do not pretend to be a divine man, but I do believe in divine guidance, divine power, and in the fulfillment of divine prophecy. I am not educated, nor am I an expert in any particular field—but I am sincere, and my sincerity are my credentials.

### FORGIVE AND FORGET

I'm not out to fight other Negro leaders or organizations. We must find a common approach, a common solution, to a common problem. As of this minute, I've forgotten everything bad that the other leaders have said about me, and I pray they can also forget the many bad things I've said about them.

### SELF-DEFENSE

We should be peaceful, law abiding—but the time has come for the American Negro to fight back in self-defense whenever and he is being unjustly and unlawfully attacked.

If the government thinks I am wrong for saying this, then let the government start doing its job.

### THE UNENDING HURT

The problem facing our people here in America is bigger than all other personal or organizational differences. Therefore, as leaders, we must stop worrying about the threat that we seem to think we pose to each other's personal prestige, and concentrate our united efforts toward solving the unending hurt that is being done daily to our people here in America.

### ACCENT ON YOUTH

Our accent will be upon youth; we need new ideas, new methods, new approaches. We will call upon young students of political science throughout the nation to help us. We will encourage these young students to launch their own independent study, and then give us their analysis and their suggestions.

### ARE DEMONSTRATIONS JUSTIFIED?

So, again I ask, where will all these demonstrations end and who dares to say that our people are not justified by demonstrating their resentment over the injustice and mistreatment that our people have suffered these 400 years at the hands of this cruel, inhuman American white man. We have nothing to lose but our chains. We have nothing to lose but the hell we experience every day living here in these rat-filled slums, and as I mentioned at our rally a couple of weeks ago, the worst housing conditions in every city of America always exist in the so-called Negro community, yet the white liberals who own these run down houses force us to pay the highest rent, and that's who owns these houses, the white liberals, yo white friends, yo white benefactor, yo white buddy who joins yo integrated organizations, that's the white man who's yo landlord, that's the white man who is milking you and robbing you and exploiting you, that blue-eyed thing who walks around here in Harlem collecting rent, trying to pat you on the back and tell you how much progress you are making when you're catching more hell today than your grandfather caught a hundred years ago. (applause)

### UNITED BLACK FRONT

If capitalistic Kennedy and communistic Krushchev can find something in common on which to form a united white front despite their tremendous theological differences, then it's time for the so-called Negro leaders to submerge all our trivial, minor differences in order to figure a common solution to a common problem posed by a common enemy to our people—by forming a united black front.

If the American government which is a white government and the Russian government which is a white government can get together and form a united white front—then it is time for you and me, time for us to forget our little differences and in some way try to find how we can form a united black front. When you see the white man forming a united white front, he's forming that front against a common enemy, an enemy that's common enemy to them, and that enemy is not considered by them as white.

---

## Eulogy to Malcolm X

The following is the eulogy delivered by actor-director-writer Ossie Davis at the funeral of Malcolm X.

### EL HAJJ MALIK EL SHABAZZ

Here—at this final hour, in this quiet place Harlem has come to bid a fond farewell to one of its brightest hopes—extinguished now, and gone from us forever.

For Harlem is where he worked and where he struggled and fought—his home of homes, where his heart was, and where his people are—and it is therefore most fitting that we meet once again—in Harlem—to share these last moments with him.

For Harlem has ever been gracious to those who have loved her, have fought for her, and have defended her honor even to the death. It is not in the memory of man that this beleaguered, unfortunate but nonetheless proud community has found a braver, more gallant young champion than this Afro-American who lies before us—unconquered still.

I saw the word again, as he would want me to: Afro-American—Afro-American Malcolm, who was a master, was most meticulous in his use of words. Nobody knew better than he the power words have over the minds of men. Malcolm had stopped being a "Negro" years ago. It had become too small, too puny, to weak a word for him. Malcolm was bigger than that. Malcolm had become an Afro-American and he wanted—so desperately—that we, that all his people would become Afro-Americans too.

There are those who will consider it their duty, as friends of the Negro people, to tell us to revile him, to flee, even from the presence of his memory, to save ourselves by writing him out of the history of our tubulent times.

Many will ask what Harlem finds to honor in this stormy, controversial and bold young captain—and we will smile.

Many will say turn away! away from this man, for he is not a man but a demon, a monster, a subverter and an enemy of the black man—and we will smile.

They will say that he is of hate—a fanatic, a racist—who can only bring evil to the cause for which you struggle!

And we will answer and say unto them: Did you ever talk to Brother Malcolm? Did you ever touch him, or have him smile at you? Did you ever really listen to him? Did he ever do a mean thing? Was he ever himself associated with violence or any public disturbance? For if you did you would know him. And if you knew him you would know why we must honor him: Malcolm was our manhood, our living, black manhood! This was his meaning to his people. And, in honoring him, we honor the best in ourselves.

Last year, from Africa, he wrote these words to a friend: "My journey" he says, "is almost ended, and I have a much broader scope than when I started out, which I believe will add new life and dimension to our struggle for freedom and honor, and dignity in the States. I'm writing these things so that you will know for a fact that tremendous sympathy and support we have among the African States for our Human Rights struggle. The main thing is that we keep a United Front wherein—our most valuable time and energy will not be wasted fighting each other."

However much we may have differed with him—or with each other about him and his value as a man, let his going from us serve only to bring us together, now. Consigning these mortal remains to earth, the common mother of all, secure in the knowledge that what we place in the ground is no more now a man—but a seed—which after the winter of our discontent—will come forth again to meet us. And we will know him then for what he was and is—a Prince—our own black shining Prince!—who didn't hesitate to die, because he loved us so.

### FINAL WORDS

Malcolm said he believed that the white man "will make use of me dead, as he has made use of me alive, as a convenient symbol of 'hatred'—and that will help him to escape facing the truth that all I have been doing is holding up a mirror to reflect, to show the history of unspeakable crimes that his race has committed against my race."

"*As-Alaikum-Salaam.*" "Peace also unto you."—Malcolm X 1925–1965

---

## THE ADMINISTRATION FAILS VETERANS

---

## HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues two comments from media in my district on problems of concern to us all. The first, from WOR–TV in New York, involves the failure and shortsightedness on the part of the administration in its policies toward Vietnam Veterans. The administration, despite its overblown rhetoric, has failed to meet the many needs of the thousands of men, not only in New York City, but all over our country, who gave so much time and dedication and service to our Nation. The WOR editorial is eloquent in pointing that out.

The second item, an editorial from the Long Island Police News, refers to a more localized problem, but one that certainly has national implications. I am referring to the announced closing of the St. Albans Naval Hospital in Queens. That hospital, a modern, efficient facility, is capable of alleviating the suffering of thousands of our Veterans and active service personnel, but in the name of false economy the Defense Department is seeking to halt its operation. That approach is neither sound nor humane. The only answer is an immediate transfer of the hospital to the jurisdiction of the Veterans' Administration.

The two editorials are printed below:

### WOR TV Editorial—April 19, 1973

Despite claims by the President, the federal government's response to the needs of Viet Nam veterans has been insensitive and inadequate.

The freezing of funds under the Federal Emergency Employment Act has had a disastrous effect on opportunities for veterans. More than fifteen percent of the one quarter million veterans in the New York City area are unemployed. More than seventy-five hundred of them are on public assistance.

Present educational benefits fall far short of those offered veterans of earlier wars. Last year, Congress appropriated twenty-five million dollars to help colleges provide programs for returning veterans. The Administration has now impounded those funds.

The problem of drug abuse has affected countless veterans at all levels of the military. Those accused of drug use are denied honorable discharges, and so the Veterans' Administration turns away those who need drug rehabilitation the most.

Clearly, there is a need for emergency action on behalf of our returned veterans. Veterans programs should be exempt from the budget cutbacks proposed by the President. Impounded funds for veterans educational programs should be released immediately. And the burden of meeting our veterans' needs should certainly not be left to the states and cities, as might well happen under present revenue sharing formulas.

As we said in an earlier editorial, failure to meet the legitimate needs of our veterans, suggests that the system they were sent to defend, really doesn't give a damn.

---

[From the Long Island Police News, Apr. 19, 1973]

### VA Should Make a Move

There are too many Veterans out here on Long Island, particularly paraplegic and quadraplegics, who must go trucking into the Bronx and Manhattan, for out-patient treatment. This newspaper strongly urges all Veteran's Organizations; American Legion, Veterans of Foreign Wars. Disabled American Veterans, Navy League, Marine Corps League, to name just a few of many, to have their responsible elected County and State Commanders and Commandants exert every pressure possible to help turn the United States Naval Hospital, St. Albans, Queens, into a Veteran's Hospital.

The help that it will provide for our wounded and disabled personnel is academic. It would also create jobs—and if the move is to be considered in the realm of economics it will save millions of dollars that would otherwise be used for presently contemplated "New" . . . slap some paint on it, staff it, and let's open the doors to thousands of Veterans who now must rely on friends, neighbors and loved ones who must now travel to under-staffed and over-crowded Veteran's Hospitals located in the city proper.

Most of these "Joes" did not hesitate to travel 10,000 miles when their country called, and there is no necessity in this day and age, for their mothers and fathers, wives and sweethearts to have to place their wheel chairs in the trunks of cars, and be required to go to the Bronx for treatment and annual check-ups.

Now is not the time for talk, but for action. Instead of waiting for the regular monthly meeting dates, of all Veteran's Posts and Detachments, emergency meetings of all Veteran's groups should be called immediately, to, "hit the beach" hard and fast and initiate demands to elected officials and the Veteran's Administration.

## FDA LEAVES MANY QUESTIONS UNANSWERED

## HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. OWENS. Mr. Speaker, the proposed regulations recently publicized by the FDA in the Federal Register have caused a large number of my constituents a good deal of concern. I have spent time trying to search out the merits and shortcomings of these regulations. I wrote a letter to then Commissioner Edwards requesting clarification of these proposed Federal regulations, and received a response from him which was not fully satisfactory. For the benefit of my colleagues, I am inserting copies of both letters in the RECORD:

MARCH 13, 1973.

Hon. CHARLES C. EDWARDS,
*Commissioner of Food and Drugs,*
*Rockville, Md.*

DEAR COMMISSIONER EDWARDS: The publication on January 19, 1973 in the Federal Register of the final order regulating vitamins and mineral supplements is, to me, unclear and complicated. I would like, in detail, your general comments on this order and specific answer to the following questions:

(1) Will the regulations bar many health food suppliers from the market because of the suppliers inability to comply? Could the regulations be construed to do this? Please be specific as to your interpretation of the regulations in each case.

(2) What is the reasoning for calling certain vitamins (above 150 percent of R.D.A.) drugs? Why should people not be allowed to take, without a prescription, as much of a vitamin as they wish? Please respond with regard to vitamins other than A and D to be regulated when such substances as alcohol, tobacco, aspirin, etc., which are demonstrably harmful in easily obtainable quantities, are not?

(3) It appears that the regulations prohibit possible true claims, for example, that storage or cooling of foods may result in a deficient diet. If such claims are in fact true, and if such claims would be prohibited, what is your reasoning in prohibiting them?

(4) It appears arbitrary to prohibit a combination of rutin and other bioflavonoids with vitamin C. Would you explain this reasoning? Are such combinations prohibited only if nutritional claims are made?

(5) How are these regulations to be enforced? Do you foresee a black market in prohibited drugs?

(6) Does the F.D.A. plan to change these regulations when new data is obtained as for example in the true claims aspect of the regulations?

I look forward to getting your response in the near future.

Sincerely,

WAYNE OWENS.

---

FOOD AND DRUG ADMINISTRATION,
*Rockville, Md., April 25, 1973.*

Hon. WAYNE OWENS,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. OWENS: Dr. Edwards has asked me to reply to your request of March 13, 1973, for answers to specific questions concerning our new regulations relating to vitamin and mineral supplements. Our answers will be in the order in which you have stated your questions.

(1) We see no reason why "health food suppliers" would be barred from selling products which are properly formulated and labeled to meet the regulations. The ultimate deadline setup is December 31, 1974, which would appear to give firms ample opportunity to make whatever revisions are necessary.

(2) Your second question relates to the basis for classifying vitamines and minerals as drugs rather than foods. The levels or potencies for the vitamins and minerals which are set forth in the standards for dietary supplements are based on the Recommended Dietary Allowances established by the Food and Nutrition Board of the National Academy of Sciences—National Research Council. Details of how these quantities were determined and the scientific literature on which the Committee based their conclusions, can be found in *Recommended Dietary Allowances,* Seventh Edition, 1968, Publication 1694, Library of Congress Catalogue Card Number 63-65472. The Academy's report describes these RDA's as: "Designed for the maintenance of good nutrition of practically all healthy people in the U.S.A." and "The allowance levels are intended to cover individual variations among most normal persons as they live in the United States under usual environmental stresses. The recommended allowances can be attained with a variety of common foods, providing other nutrients for which human requirements have been less well defined."

Expert testimony during the two years of public hearings on these regulations showed without doubt, that the Recommended Dietary Allowances were adequate and sufficient for all normal food uses. Our regulations provide an additional amount of leeway by setting the maximum or ceiling potencies for vitamin and mineral supplements at 150 percent of the recommended daily allowance for practically all of the specified nutrients. Potencies of vitamins and or minerals above the maximum dietary supplement levels clearly exceed any recognized *nutritional* need and are useful only for drug or therapeutic purposes.

In view of this fact, it would be false and misleading to represent these high potency items to the public as dietary supplements. When the regulations become effective, high potency products currently being sold as dietary supplements, will continue to be available, but as over-the-counter (nonprescription) drugs pending review by a panel composed of outside experts in various fields. This review is part of a study of all over-the-counter drug preparations being conducted on a category-by-category basis. For a discussion of this review, we refer you to the second full paragraph in the right-hand column on page 2157 of the enclosed *Federal Register* reprint. The contention that all vitamins and minerals exceeding the upper limits of the standards will require a prescription is absolutely incorrect.

The potencies of aspirin products available without prescription are restricted and the labeling of these products must bear specific directions for safe use. In addition, we have issued regulations requiring child-proof containers to be used in the packaging of such items. However, we have no more control over the number of bottles of aspirin a person purchases and consumes than we have over the number of bottles of a dietary supplement a person purchases and consumes.

As you know, the production and marketing of alcoholic beverages are subject to the strict provisions of the Alcohol Administration Act which is administered by the Bureau of Alcohol, Tobacco, and Firearms of the Treasury Department. Neither that agency nor the Food and Drug Administration has any control over the amount of alcohol a person buys and consumes. While our laws do regulate the production and marketing of dietary supplements, we have no control over the number of dietary supplements a person buys and consumes.

The laws administered by the Department provide no authority for the restriction of the sale of tobacco products offered strictly for smoking pleasure. However, through numerous public announcements, the Department has attempted to inform the consumer about the potential dangers of smoking.

(3) Findings of Fact Numbers 39, 40, and 41 on page 2147 of the *Federal Register* of January 19, 1973, taken from the testimony of qualified experts, state that the loss of nutrients from the ordinary effects of cooking, processing, transportation, and storage have not significantly impaired the nutritional qualities of food in the United States and "There is no need or scientific justification for recommending, for example, the routine use of dietary supplements of vitamins and minerals to offset losses that occur as a result of these processes." Further, "It is reasonable to prohibit representation or suggestions in labeling * * * of foods offered for special dietary use based on vitamin and mineral qualities, that imply that a dietary deficiency of vitamins or minerals exists or is threatened in the United States by virtue of loss of nutrients which occur from processing, transportation, storage, and cooking."

(4) Finding of Fact Number 3 states, "Many dietary supplements include named ingredients which are of no value as supplements to the human diet. However, many consumers will purchase such products with long lists of ingredients, believing them to be of better value than products with a lesser number of ingredients. Such consumers believe that if an ingredient is listed, it must significantly contribute to the value of the product as a dietary supplement." Finding of Fact Number 4 further states, "It is scientifically inaccurate to list a dietary property of a food for special dietary use that is of no significance in human nutrition, and listing of dietary properties should be limited to ingredients of significant value and need in human nutrition."

The prohibition against combining ingredients of no nutritional value in a dietary supplement (such as rutin) with ingredients of recognized nutritional value is necessary to prevent consumer deception. This approach has been upheld in the courts as reasonable and, indeed, required by law, since these ingredients "* * * would not have been listed on the label (or included in the product) except for the purpose of attempting to persuade a purchaser that the product is of more value as a dietary supplement by reason thereof than a product which does not contain some or all of these inconsequential ingredients." *United States* v. *Nuclomin,* No. 71C585 (2) (E.D. Mo.).

Nevertheless, we feel there is no reason why rutin, other bioflavonoids, and similar substances having no value as dietary supplements, cannot be sold as foods as long as they are not sold in a manner which represents, suggests, or implies they are of therapeutic or nutritional value.

(5) The new regulations are expected to be enforced in a manner consistent with the seizure and penalty provisions of the Federal Food, Drug, and Cosmetic Act. Since vitamin and/or mineral products will be available either as properly formulated and labeled dietary supplements, as drugs, or as ordinary foods, we see no reason why any of these products would be black marketed.

(6) In answer to your last question, the law provides for the changing of regulations when new and valid information supports such change. This may be proposed by the Commissioner on his own initiative and under the authority delegated to him by the Secretary or by any interested person in accordance with the procedures set forth in 21 CFR 2 and in the form found in 21 CFR 2.65.

If we can be of further assistance, please let us know.

Sincerely yours,

GERALD F. MEYER,
*Director,*
*Office of Legislative Services.*

In his letter to me the Commissioner has left many questions unanswered. The regulations appear to be arbitrary and quite vague. The FDA has failed to justify such tight control over these substances not yet proven harmful for human consumption.

These proposed regulations tend to suppress the freedom of individuals to supplement their diet with safe foods. After evaluation of these facts, and the letter I received in return from FDA, I feel the best course for me to take would be to cosponsor H.R. 643. This bill, sponsored by Representative HOSMER, clearly defines food and food supplements. I would, however, be in favor of a labeling procedure whereby consumers are made aware that these products may not be helpful to their diet. I believe that people should be free to take these products until they are proven harmful and for these reasons I support Representative HOSMER's bill.

## PROHIBIT FOOD STAMPS FOR STRIKERS

## HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. PRICE of Texas. Mr. Speaker, I rise today in support of H.R. 7798, a bill introduced by Mr. DICKINSON on Tuesday, May 15, which I agreed to cosponsor. This legislation is intended to exclude from coverage of the Food Stamp Act of 1964 every household with a member out on strike.

Mr. Speaker, I can hardly hope to improve upon or add to the impressive array of arguments in support of this bill which have already been voiced by various Members of this body. I endorse these arguments as do the large majority of my constituents, and, I believe, most of the American people as well.

Although there are many reasons why the distribution of food stamps to strikers is contrary to the public welfare, the basic objection to such distribution—a practice of recent vintage but growing rapidly—is that it upsets the balance in collective-bargaining relationships between labor and management. It strengthens the union's position, and in so doing tends to produce higher wage settlements than would otherwise be the case, and consequently, results in higher prices to the general consuming public—all this at the expense of the general taxpayer, who is paying for the food stamp program. When negotiations fail and a strike is called, the Government should remain strictly neutral. Lending economic aid to either side is not just unfair; it is an open invitation to labor to take the strike route instead of making an effort to settle peacefully.

A neutral Government stance in industrial disputes is one of the cornerstones of Federal labor law. The importance of such neutrality was stressed very recently by President Nixon, not in connection with food stamps, but in another context. In his April 12, 1973, message to the Congress on revising the Federal unemployment insurance system, the President stated that—

> We must . . . insist on strong safeguards to preserve the neutrality of the unemployment insurance system in industrial disputes. The unemployment tax which an employer is required to pay was never intended to supplement strike funds of those engaged in a dispute with the same employer . . . I therefore propose that the Federal Unemployment Tax Act be amended to prohibit . . . the payments of unemployment insurance benefits to strikers.

Although the Presidential recommendation dealt with unemployment insurance and not the food stamp program, the principle of governmental neutrality is the same in both cases.

Leo Perlis, community services director for the AFL–CIO, has stated that public aid has become a much more important source of strike support than union strike funds. The principal aid programs to which he was referring are three: The food stamp program, aid to families with dependent children, and the unemployment compensation system. Mr. Perlis' statement may come as a surprise to most Americans as they may have been under the impression that financial support of strikers is the responsibility of the strikers themselves and of their unions, not of the Federal Treasury.

One ironic point is that organized labor in this country has always been a stalwart defender of free collective bargaining without government intervention. As an example of this laissez-faire attitude, American unions unanimously oppose compulsory arbitration for labor-management dispute settlement, even in cases where work stoppages may precipitate national emergencies. The reasoning of the unions is that such governmental interference would destroy the delicate balance of free collective bargaining between the only two principals who, they say, should be involved—labor and management. Yet, when the collective diplomacy fails and war is declared—that is, when a strike begins—organized labor is no longer opposed to governmental interference. On the contrary, at that moment they actively seek it and many workers go directly from the strike vote to the welfare office to sign up for food stamps and other benefits.

Organized labor wants it both ways—they want the Government to stay out of it when things are going labor's way, but they want Government help at the first sign that labor is in trouble. The desire to eat one's cake and still have it may well be a human failing with which we can all identify, but that is why we have laws and lawmakers—to protect the general public against the inequities which would otherwise arise from the unchecked expression of such human failing.

The food stamp program has grown tremendously in very recent years as a welfare benefit to strikers. This was amply documented in the statements made on the floor of this House last week, on May 15. As food stamp distribution to strikers has been rapidly expanding, the general public has become increasingly aware of the danger and increasingly alarmed and congressional concern has mounted.

Twice during the 92d Congress efforts were made to deny food stamps for strikers; both times the efforts were defeated. In June 1971, an amendment to the fiscal 1972 agricultural appropriations bill which would have denied food stamps for strikers was turned back by a 172 to 225 rollcall vote. Again in June 1972 a similar amendment, this one attached to the fiscal 1973 agricultural appropriations bill, was defeated, by a 180 to 199 vote.

I believe that the facts, as they become better known to the public and to the Congress, will cause a reversal of these votes, and that the Food Stamp Act will be amended. I hope that this will happen in the 93d Congress.

The Food Stamp Act of 1964, as amended in 1971, is intended to "permit low-income households to purchase a nutritionally adequate diet through normal channels of trade." It is not intended to subsidize strikes. That is the basic issue, all the rest is commentary.

## NO ABANDONMENT OF CHINA

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. ASHBROOK. Mr. Speaker, some in the media and even some of our colleagues on the other side of the Capitol have been advocating courses of action which would result in the abondonment of the Republic of China. There have been calls for total withdrawal of all American forces and military aid to the Republic of China, reexamination of the U.S.-ROC Mutual Defense Treaty, and repeal of the Formosa Resolution. Numerous newspaper articles have pushed the theme that the Free Chinese will eventually become part of Communist China. These same articles proclaim that perhaps Taiwan and the other Free Chinese islands—including the Pescadores, Quemoy, and Matsu—may be given some type of semi-autonomous status under the Communist rule. Of course, there is never mentioned any other region under Communist control that enjoys such status in more than name only. And with good reason no such mention is made—because in reality there are no such autonomous regions.

However, there is also another point to be raised in this regard. The promulgation of Free Chinese absorption by the mainland theories serve to undercut American support of the Free Chinese. The view becomes, "Why should we support Free China if they are only going to join the Communist Chinese in the next 5 to 10 years." And if absorption by the mainland is the desire of the Free Chinese there would be good reason for the acceptance of such view. But there is no such desire on the part of the Free Chinese. In the words of the ROC's Premier Chaing Ching-Kuo:

> Let me give you my word of honor that we will never enter into any negotiations with the Chinese Communists. Our decision in this respect is not based on political dispute or personal grudges. It is a matter of life or death.

The Free Chinese make themselves clear as the above quotation shows. They are not interested in becoming part of the "Mainland." They are interested in their own further development as a free country, to improve their citizens' lives and to serve as a successful example for other developing countries.

Let us not be deluded by those who, under various guises, are arguing for abandoning Free China in return for promised closer relations with Communist China. Such a delusion would be tragic indeed. The exchange of Free China for Red China would be no bargain. Relations between free nations should not be compromised by faint hopes of gain with totalitarian states.

There is widespread agreement that the progress of Free China is phenomenal. One can only speculate on what the progress of the whole mainland would have been by now if it too were free. I support our friends, the Free Chinese, and urge our Government to do nothing which would compromise their continuing free existence.

## TAX RELIEF FOR THE ELDERLY

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. KEMP. Mr. Speaker, Mr. Gordon C. Baker, a distinguished senior citizen leader and a good friend of mine, recently wrote an article which I feel deserves the attention of my colleagues.

His article points out an inequity in existing social security law. Our older citizens over 65 who are either forced to continue working to supplement social security benefits—or who do not wish to retire—are being penalized by a requirement to continue paying social security taxes on earned income.

Again this year, I have introduced legislation which would amend the Internal Revenue Code and provide a full exemption to those individuals who have attained age 65, and I would like to take this opportunity to publicly thank Gordon Baker for his support of this measure and his determined efforts over the past few years to have it enacted into law.

The article follows:

TAX RELIEF FOR THE ELDERLY

How many people realize that people over age 65 still have to pay Social Security tax on any earned income whether or not they are being paid Social Security? When this question has been put to groups of people, not one in a hundred is aware of this injustice unless they happen to be an employer of such people or are self-employed themselves.

Without attempting to be actuarially precise, there are some 200 million people in the United States of which 13% are alleged to be age 65 or more. Of this 13%, it is reasonable to suppose that 6%–7% are adequate retired executive types who don't pretend to work. Of the remaining 6%–7%, it is also reasonable to assume that half or more are physically incapable of work.

This leaves say 3% who either have to supplement Social Security, small pensions, and other savings to keep body and soul together or are professional types whose continued activity is a positive asset to society, the economy of the community and country, and themselves.

Most of said 3% have paid into Social Security since its inception over thirty-five years ago and now not only cannot draw on it but have to continue paying taxes for it while, every month they live, they diminish the Federal Government's liability to provide what has been bought and paid for only because they refuse to vegetate in an economic sense, cannot afford to do so, or still have valuable skills or services to provide.

It is reasonable to assume that such an injustice crept into the original law incognito but any administration that allows it to continue is guilty of nothing less than financial rape of its senior citizens.

Two Bills were introduced in the 91st Congress to correct this injustice by Hon. John W. Byrnes of Wisconsin and Hon. Barber B. Conable of New York but both died in the Ways and Means Committee. In the 92nd Congress, both gentlemen submitted similar bills and were joined by Hon. Jack F. Kemp of New York and those suffered the same fate. In the 93rd Congress, Mr. Kemp has already introduced No. HR–3444.

Possibly, the Hon. Mr. Byrnes said it all in the fewest words when he stated, "Present law makes the working oldster a two-time loser; under the law, a person working past 65 has his Social Security benefits reduced or eliminated and also pays the tax".

The present law literally persecutes all classes of the working elderly who are, in reality, a small minority actually being "penalty-taxed" by the huge majority. The problem is totally non-partisan, non-regional, and non-sensical in view of the fact that every month an oldster lives, he or she diminishes a government responsibility that has already been paid for and thus constitutes a "penalty" for either living too long or remaining useful. It affects the part-time janitor of the crossroads country church, the charwoman, the farmer, the small businessman, or the professional.

This is not a matter of concern only to the present oldsters because the only way the younger and middle-aged can avoid a similar fate is to die off or get this obnoxious law changed. Write your own Congressmen and Senators!

The present law is not only unfair—it is downright dishonest.

## OFFSHORE OIL DRILLING IN THE ATLANTIC—A REASONED DISCUSSION

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. LENT. Mr. Speaker, because of my continuing concern with the prospect of opening up the Atlantic Ocean for offshore oil drilling and because there is much current discussion about an energy crisis, it is gratifying to occasionally come across voices of reason on these subjects.

Although we have differed in the past on some issues, Newsday, Long Island's most widely read daily newspaper, recently, May 20, 1973, offered an excellent editorial discussing the prospect of offshore drilling in the Atlantic and the alternatives thereto.

I found it a sensible, forward-looking comment on the problems the people of the entire Atlantic coast might soon face if confronted with the question of "to drill or not to drill."

Because I have been attempting to make many of the same points with our colleagues here in the Congress, Mr. Speaker, I would like to enter the Newsday editorial here in the hope that other Members equally concerned will find it enlightening and informative:

POWER FOR THE FUTURE (VI): OFFSHORE OIL RESERVES

For Long Islanders, the energy shortage is no longer an esoteric national problem. Our geography makes it a critical local problem, one that goes far beyond the occasional closing of a few gas stations.

The seabed off the coast of Long Island is a gently sloping series of sedimentary layers like those that yielded important oil and natural gas discoveries off Louisiana and Texas. Those offshore fields are now supplying more than 10 per cent of all domestic oil production, and the U.S. Geological Survey thinks the waters off the East Coast could easily match that output.

The oil industry obviously thinks so too. It will spend $1,000,000 this summer to explore the geology of Baltimore Canyon, a 22,500-square-mile area that begins about 50 miles south of Long Island. Georges Bank, about 150 miles east of Montauk, is also considered a top-priority area. If the Supreme Court rules that the federal government has jurisdiction over Atlantic coastal waters, the Interior Department will soon begin to sell offshore oil leases. The areas off Long Island will be among the first to go on the block.

They will not lack for bidders. The economics of drilling for oil only 40 or 50 miles away from major northeastern metropolitan areas are enough to make any oilman's mouth water. A relatively inexpensive pipeline from Baltimore Canyon could supply refineries in the very heart of the world's most lucrative gasoline market. In contrast, it will cost more than $2 billion to build an 800-mile-long pipeline to service the Alaskan oil fields.

With the Interior Department already on its side, the oil industry has moved into Phase II of its campaign to win access to the black gold off the Atlantic Coast. One can hardly pick up a paper or turn on a television set without being told that offshore oil could alleviate the energy "crisis"; that 14,000 offshore wells have already been driven with only three major accidents; that the drill platforms would be invisible from land because most offshore oil is located "30 to 300" miles off the coast.

All of this is true, but it isn't the whole truth. The oil companies have indeed sunk 14,000 offshore wells—starting as far back as 1938—but most are located in shallow, protected waters in the Gulf of Mexico and the Santa Barbara Channel, and even so both areas have suffered major oil spills. The full truth is that the industry has never attempted large-scale drilling in deep, open waters so close to major population centers.

It's also true that the Atlantic oil fields that seem to offer the best potential are located from 30 to 300 miles offshore. But the whole truth is that the industry does not now possess the technology to drill 300 miles out in the Atlantic. The closer-in sedimentary fields would be exploited first, and that would greatly increase the chances of shoreline damage.

And it's true that a derrick located 20 miles at sea would not be visible from land. But the support facilities needed to service off-shore wells would most certainly be visible. How many land-based terminals and refineries would be needed? Where would they be located? Is a deep ocean pipeline system a foolproof transportation system? Would tankers be needed?

The biggest unanswered question of all is whether offshore drilling is really necessary. According to the oil industry's own estimates, it could take 10 years or more to locate the oil, drill the wells, lay the pipelines and build the terminals and refineries needed to exploit the offshore fields. By that time the nation should be well on the way to developing alternate energy sources, and hopefully an alternate automobile engine. It is even possible that sharply higher prices for all types of energy will induce the public to conserve it.

The energy shortage is real, and this series of editorials has pointed out many steps that must be taken to assure a continuing supply of energy. But this is a shortage, not a crisis. And it makes no sense to attempt to alleviate it by creating an environmental crisis offshore.

---

## A CALL FOR RESPONSIBILITY IN NEWS COVERAGE

## HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. LANDGREBE. Mr. Speaker, I wish to call to the attention of my colleagues in the House an address given by the gentlelady, formerly from Connecticut, who served in this body, the Honorable Clare Boothe Luce who appeared before the American Society of Newspaper Editors in Washington, D.C. on May 3, 1973.

I think it unfortunate that this excellent address by Mrs. Luce did not receive broader publicity. This address is of particular significance, inasmuch as it contains a certain objectivity which those of us either serving in the Congress or living in this highly political Nation's Capital cannot achieve. It is a statement of a woman who stands high in the ranks of the Members of the fourth estate—her husband, Henry Luce, recently deceased, having headed Time magazine for some considerable period of time, and Mrs. Luce herself having been a significant contributor to the literature of this country and her articles are still read with a great deal of care by those who value informed and knowledgeable comment.

It is also significant to me that the Honorable Clare Boothe Luce's statement, which is thoughtful, objective and balanced, free of hearsay and innuendo, appeared if at all in our Nation's newspapers in brief references found only on the society pages. On the other hand, the charges and countercharges, to a large extent political and to some extent partisan in nature appear consistently on the front pages of all the Nation's newspapers.

I would urge the press, as does Mrs. Luce, at this critical time to be at its responsible best. The Nation's press cannot, it seems to me, on the one hand print articles by those who have political axes to grind who call for the highest standard of moral standards and unquestioned leadership from the President, and who at the same time, as Mrs. Luce states it, fail to move the political dialog to a higher and safer ground for America.

I would ask, as Mrs. Luce asks without answering—will the Nation's press help to lead America out of this painful hour it is experiencing, or will it with the awesome power it has, misuse that power by adding to mistrust and suspicion and give added currency and distribution to the voices of those opponents of the President who see this as an opportunity for vindication of their harsh judgments of President Nixon's earlier decisions on the war, balanced budgets, et cetera?

I trust that all of us will call upon the press to act responsibly during this period. I include the Honorable Clare Boothe Luce's address challenging the Nation's press to meet this call to responsibility in its entirety:

### The Honorable Clare Boothe Luce—Address Before the American Society of Newspaper Editors, Shoreham Hotel, Washington, D.C., May 3, 1973—12 Noon

When John Knight wrote to me in Hawaii asking me to talk to you, I chose as my subject, the condition of the 4th estate. I have, in these past years, given a lot of thought to this subject. It is very dear to my heart for all that I have done fruitfully in my time, all that has been interesting in my life, all that has assured my fortune. I owe to the circumstance of having been a great editor's wife, and of having lived and worked among you for forty years. Now I thought I had a few provocative thoughts to present. But like so many provocative thoughts I have had in the past, they have wound up in Harry Luce's waste basket. And last night I seemed to hear him saying, "Look dear, you've got to do it, as a journalist, a Republican, and as my wife: You've got to talk about Watergate."

What is the most obvious and unassailable fact about Watergate? It is, is it not, that the press, acting in its traditional role of the watch dog of the Republic—and in obedience to its historic instinct for the presidential jugular—has drawn a fearsome amount of blood from the President, and in terms of official accountability, may have destroyed the efficacy of the presidency.

The story of Watergate is not ended. But its inglorious beginnings give little hope for any but an inglorious ending. The caper will remain a catastrophe. Burglaries have been exposed, a great deal of money—or maybe not so much at the going rate of inflation—has been circulated through dubious political channels. The power of the White House, and, it would seem, of the Federal law agencies themselves, have been manipulated to keep these happenings from seeing the light of day. The criminal law seems to have been breached by men who knew the law and were sworn to uphold it. Politics, as we all know too well, can be a dirty business. But dirt becomes stygian in its blackness against the background of the White House.

Few among us can possibly excuse these happenings. And though it grieves many of us to see proud heads roll, we certainly cannot cry martyrdom with any conviction. Washington is a political city. Here bloodshedding and human sacrifices are ritual. We can hope that the blood lust will find in Watergate, a partial appeasement. I do not wish to suggest that all the watchdogs of the press are joyfully licking their chops of the rich blood that they have drawn. To many the taste is exceedingly bitter. A job that just had to be done. But to some it is passingly sweet. To these, the President's journalistic political opponents, the embarrassment, the shame that now envelops the administration is being taken as kind of overall vindication of all they have stood for in their long running war with the President.

It is, indeed, a vindication of their single minded, journalistic pursuit of a story—a triumph of investigative reporting. The measure of their triumph is that Mr. Nixon has been finally forced by their zeal to accept the entire responsibility for what has happened and may yet happen to the characters so far involved. But I raise the question: Has Watergate, as some of the President's journalistic opponents seem to feel, vindicated the entire case against him—his conduct of the Vietnam war, and the cease fire negotiations, his challenge of their right to publish the Pentagon papers that Ellsberg burgled; his counter-attack against their advocacy journalism in the reporting of anti-war movements and civil rights disturbances, his championship of "law and order," and so on and so on, all the way back to Checkers, Alger Hiss, and Helen Gahagan Douglas.

I do not dispute, if only as the widow of a famous journalist who was no stranger himself to advocacy journalism, the sincerity of those who believe that Watergate raises the legitimate question of the President's judgment of men, and to the extent this judgment has proved poor it is bound to weaken the country's faith in his leadership. But does this mean that his policies have in one fell stroke, been proven as wrong as his judgment of the men that he trusted?

What now do you say about Mr. Nixon's extraordinary victory last November? That victory may not have signified unequivocal approval of the AMN. But it was an unmistakeable rejection of what his opponent, and his supporters stood for.

Are the policies and decisions that overwhelmingly re-elected the President to be retroactively discredited because too many of his staff seem to have been involved in discreditable actions? By what logic does Watergate prove for example, that Americans should now accept the solutions to our domestic and foreign problems offered by the President's opponent last November?

This question will have to be answered by the entire press if confusion is not to paralyze the entire government.

I have another. Is it not also, perhaps, the task of a responsible press to try to explain to the American people what may have motivated the men who were involved in such an unbelievably clumsy, incredibly stupid, and altogether counter-productive and immoral Watergate enterprise?

The only explanation that seems to make sense to me—though you may have a better one—lies in the wide spread climate of mutual suspicion and mistrust. Yes, even of hatred that began to pervade American politics over the conduct of the Vietnam War. By the spring and summer of 1972 each side had come to believe that the other side was being led by fanatics. One side believed that the other was committed to a never ending ruinous war. The other believed that it had to deal with men committed to a ruinous peace, and the radicalizing of American society. On the evidence, the demons of suspicion that drove Ellsberg and Russo to burglary were the same demons that took possession of Watergate burglaries. I hold no brief for either bunch of burglars, or for those who seek to condone their crimes because they sympathize with the politics of the criminals. And I venture to suggest that neither do the American people. Nevertheless, we should seek to understand that their motivations which were politically inspired and not criminally inspired. And then we can condemn, in toto, the folly of political fanaticism.

Can a responsible press hold that in Ellsberg's betrayal of his oath of secrecy, and his theft of secret Goverment documents his political ends justified the means, while in the Watergate affair the same ends are *unjustified?* Must not McCarthyism be stomped out wherever it appears in our political life—above all in our newspapers? If we fail to do so, the mistrust and suspicion that have divided us over the long Vietnam war and its tragic failure, will go on endlessly and it will become impossible for either side to govern the country.

If a President whose actions have carried a majority of the people with him is now so crippled he cannot rule, how then shall we avoid a disaster that must encompass not only the President but each and every one of us?

Consider that while we are in the midst of a material prosperity unmatched on the face of the earth, and while for the first time in ten years we are not involved in a serious ground war, we are nevertheless slipping fast into a second class nation status, and at home we face agonizing domestic problems which if not dealt with firmly can wreck our economy.

Mr. Kissinger in a talk before the newspaper publishers last week in New York spoke of the need, in this hour of doubt and dismay, to keep that which is enduring in our political policies ahead of that which is ephemeral. The Economist of London finds "some nobility" in that counsel. Permit me to put it in somewhat less noble language. Is the pleasure of soaking the captain worth the price of sinking the ship? The press, at its responsible best, must handle this delicate and painful question in the best interests of the Nation. It must move the political dialogue to a higher and safer ground for America.

The power of the press, as Watergate showed is awesome. Few and far between are those who do not fear it. Don't think for a single second that behind this stand my knees haven't been knocking but I know that if the press has the power to hurt, even to ruin, it has also the power to heal and restore. What Watergate may have made impossible for the President to do—the press must now do—bring us together. Considering what is at stake not just for Mr. Nixon but for all Americans will the press help to lead us out of this painful and dangerous hour? I leave the question unanswered.

The power of the press is all but absolute. It can be held responsible by no person, no institution and to no party. It is indeed a free press accountable only to its collective conscience. But such is its conscience, throughout most of its history, that it has made itself voluntarily accountable to the American people.

---

## PROJECT PRAYER

## HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. BROWN of Michigan. Mr. Speaker, the board of advisors of Project Prayer recently honored and commended one of my constituents for his significant and substantial contributions to God and country.

This constituent, George C. McKay of Battle Creek, Mich., is a highly esteemed and regarded friend and acquaintance of mine who is most deserving of such recognition.

Mr. Speaker, I congratulate and thank Mr. McKay for his many contributions to his community and to his fellow man and commend the board of advisors of Project Prayer for its selection of Mr. McKay as one to be so honored. The text of the commendation follows:

### PROJECT PRAYER COMMENDATION FOR GEORGE C. MCKAY

George C. McKay, for the past 93 years has lived a life few persons can match and many would envy.

To this day, George C. McKay follows his life's work and pleasures—most often one and the same—which have taken him to the pinnacle of success in business and for humanity.

Each day Mr. McKay goes to his office in the Security National Bank in Battle Creek, Michigan where he has actively served as Chairman of the Board for 36 years. There he keeps close touch with his employees, friends and customers.

George C. McKay has often proven his belief in the adage "The Lord helps those who help themselves." With only a tenth grade education, George C. McKay helped himself by going the extra steps necessary to attain the highest in whatever he chose to do. After reaching a top level position with the Kellogg Company he resigned in 1936 because of a belief that his talents were not being fully utilized and both he and the Company were therefore being short-changed.

He put those talents and abilities to work as he simultaneously learned the banking business and attained financial stability and control of the bank to back up his management control. He will soon complete his 37th year with the bank as its Board Chairman.

George C. McKay has proven to be a man of many talents: businessman, humanitarian, poet, sportsman and philosopher, to name a few. All based on his sense of fair play and love of God and people.

George C. McKay has consistently supported Project Prayer as a member of the National Advisory Board. Project Prayer exists for one reason only . . . to bring about the restoration of the right to say a voluntary prayer in our schools and other public buildings. His counsel has been sought and used in this effort.

Mr. McKay has written a set of rules which have governed his life and could well serve others as they seek the most from life. He has aptly titled these rules "A Way to Live" and Project Prayer highly commends them.

Project Prayer salutes George C. McKay for his shining examples of how to succeed in every way under our American system and includes these rules in this commendation for distribution to our supporters throughout the Nation.

### A WAY TO LIVE

If you wish to live while here on earth in peace and happiness, the following rules will assist you in doing so:

1. Make friends, never lose one, as you go down life's highway. Friendship bought with friendship lives forever and a day.
2. Always believe in God.
3. Love and honor thy father and thy mother.
4. Be honest, not only that you will not steal, but be honest in whatever you do or say.
5. Treat your neighbor with the same respect that you expect him to treat you.
6. Do not expect to have something that your neighbor has, but be willing to work and earn sufficient money to buy something similar.
7. Do not abuse the body by smoking or drinking or by using drugs.
8. Do not swear or cuss which will also hinder your success in life.
9. Never do anything to injure your neighbor either by lying or assaulting.
10. Never destroy the virtue of one another.

With the greatest respect for George C. McKay, the man . . . and George C. McKay, the example. . . . The Board of Advisors of Project Prayer, on behalf of its three and one half million supporters, does hereby honor and commend his giant contributions to God and country.

Presented this 10th day of May in the year of our Lord 1973.

SAMUEL M. CAVNAR,
*General Chairman.*

---

## LIBRARY SERVICES AND CONSTRUCTION ACT

## HON. EDWARD MEZVINSKY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. MEZVINSKY. Mr. Speaker, the President's proposed budget eliminates all funding for the Library Services and Construction Act.

Today, I would like to insert in the RECORD a series of letters from some of my younger constituents who believe, as I do, that Congress should act to assure full funding for LSCA.

The letters came to me from a class of fourth grade students who attend school in Keystone, Iowa. These young people enjoy reading and realize the threat to both their entertainment and education if LSCA funds are terminated.

When Congress enacted LSCA in 1956, its purpose was to provide Federal grants to the States to assist them in the establishment, extension, and improvement of public library services. In Iowa, LSCA funds have been used outstandingly to provide services to our libraries which local communities could not have considered had it meant an additional burden on property taxpayers.

Iowa organized seven regional cooperative library systems throughout the State with a computerized system which provides all citizens easy access to nearly all books in their region.

I believe my colleagues can understand the great benefit and value of such a system, especially to our citizens who live in small towns and rural areas. Without LSCA aid, the availability of books could be severely limited.

The Seven Rivers library system is the regional cooperative which serves the students whose letters I commend to your attention.

Few of us would disagree with the importance of young Roberto Glime's belief that "little boys and girls need books so when they get older they can read better."

I personally agree with Diane Daniels who says:

> If you cut off these funds there won't be as many books for us to read and the money is for a good cause.

In addition to requesting that these letters be reprinted in the RECORD, I ask my colleagues to join with me in responding in the affirmative to Jeffrey Reiss' plea:

> So could you tell the President to stop the cutback for your library and ours.

The letters follow:

KEYSTONE, IOWA.

DEAR CONGRESSMAN MEZVINSKY: We are very much concerned about the proposed cutbacks in federal spending. I am joining many others in appealing to you to do what you can to prevent this.

We are especially concerned about the funds for the Seven Rivers Library System. Several towns in our district depend a great deal upon its services.

My fourth grade pupils have tried to express to you, as best they could, their interest and concern.

We will appreciate your serious consideration of this matter.

Yours respectfully,

Mrs. LEORA SAUERTEIG,
*4th Grade Language Arts and Social Studies.*

---

Please help save the small town libraries. My name is Jodi Lynn Demmel. I live in Van Horne, Iowa. But I go to school in Keystone, Iowa. I use the Van Horne library a lot and like it very much. Right now the library in Van Horne is getting books from the Seven Rivers Library System. And other towns use this system also. They all need help! I love to read and I have a little sister named Leanne who is in second grade. (I am in fourth grade.) My sister likes to read also. As I say once more. Help the libraries in smaller towns for the children and adults! Please!

Yours respectfully,

JODI LYNN DEMMEL.

---

I like to read books from the library. We have a lot of Seven Rivers Library System books. I go to school in Keystone, but I go to the library in Van Horne where I live. Will you please help save the money cut back? We want to help but there isn't much we 10 year olds can do. Please help.

Yours respectfully,

CHRISTY GEATER.

---

Please don't cut money for library. I use our library sometimes and I need it very much. We won't get very many books. We get our book from Seven Rivers Library. And we need the money.

Yours respectfully,

MARK JENSEN.

---

I live in the country by Keystone. Keystone may be a little town but we have a nice library. I like going there a lot.

I have two sisters that like it very much.

I like the Seven River Library Systems books very much.

I also go to Van Horne and get books there.

The librarian in Keystone is very nice. She is a good friend of mine. Her name is Mrs. King. Mrs. King also helps at our school library. Please help save our town library.

I like all kinds of book. Mostly Mysteries. Every one should have one book of their own.

Yours respectfully,

SUZANNE HOLST.

---

I like our library in Keystone.

I think that little boys and girls need books so when they get older they can read better.

I'm in 4th grade and I like to read books too. So this is why I want to keep the public libraries.

Yours respectfully,

ROBERTO GLIME.

---

I hope you can help spot the cutbacks in money for the Libraries. Because I love to Read!!!

Yours respectfully,

GREG NASO.

---

I go to school in Keystone. I like to read. I go to the Library in Van Horne sometimes. Do you like to read?

Yours truly,

DARLA DUNCALF.

---

I live by Van Horne but I do not use the library but I want your help. We are running out of money for the public library. We need the money to buy books from the seven rivers library system. So could you tell the President to stop the cutback for your library and ours.

Yours respectfully,

JEFFERY REISS.

---

I use the books that come from Seven Rivers Library System and they are very good to read. But with the cutback we can not get the books from Seven Rivers Library System so I am asking you to help by save some money for all the schools Library.

Yours respectfully,

GARY BRAKSIEK.

---

I live in Van Horne, Iowa.

I like the Library. I go to the Library. I read the Books. But if there is cutback I will not have mine Books.

Yours respectfully,

JOHN TAPPMEYER,

---

I live by Keystone and I don't go to the library but I am going to go to some day and would like to see lots of books and see new and better ones. Please help this Library for all people.

Yours respectfully,

CRAIG VEST.

---

I live in Keystone and I go to the library as much as I can and I like to read.

So try not to close up the System.

Yours respectfully,

JOHN BRADY.

---

I like to read a lot I get books from both libraries the library at school and the one uptown. Check out a book at least once a week.

Yours respectfully,

LYNN LAFLERI.

---

I like to read. I get books from the library at Van Horne.

Yours respectfully,

DANNY LINNABERY.

---

We have a library in Keystone, Van Horne and other centers. I like to use the library very much. We get books, records, films from Seven Rivers Library System. There is a cutback in the money then we don't get books etc. . . .

Yours respectfully,

JEFF PARR.

I hope there is enough money for the libraries in the towns and cities.

Yours respectfully,

DAVID SCHULTZE.

---

Please help our libraries problem in Van Horne, Keystone and other towns as well. I go to the Van Horne library that is the town I live in. Please do what you can to help us.

Yours respectfully,

MICHAEL HANKEN.

---

Please help our library. I go to Keystone library and I like the book in Keystone library. And you can help I hope. And I live in Keystone too and help the Seven Rivers to seen as books and rounds and tapes and film. And I like the books and rounds and tapes.

Yours respectfully,

ANGE STEINFORD.

I go to the Keystone Center, and I use the Keystone Library. Please do what you can to help. Because I like to read. And so do other kids, and littler kids would like to use it too. So please try to stop it. So we can get more books from the Seven Rivers Library System. So we can have a bigger place to get books and more books to read.

Yours respectfully,

LORI ENGELKING.

---

Please do not cut off the funds for the Seven Rivers Library System because the library in this town gets books from the Seven River Library System. If you cut off these funds there won't be as many books for us to read and the money is for a good cause.

Yours respectfully,

DIANE DANIELS.

---

I use a library in Van Horne. I live in the country by Van Horne.

Sometimes I get the Seven Rivers books. I like the Seven Rivers books very much and I would like to read more of them. I want you to stop the Congress in not sending more books to our library and other small libraries in our community.

Yours respectfully,

DOUG KELLY.

---

I go to the library in Van Horne where I live a lot. I really enjoy the books from the Seven Rivers Library System. In Van Horne and the places around it have a lot of books from the Seven Rivers Library System. I like the books from it and read them very often.

So please try to save it so that everybody can enjoy the books longer. I hope you can.

Yours respectfully,

ADAM DAVIS.

---

We have a library in Keystone and Van Horne and I use them a lot.

The library gets books from Seven Rivers Library System but we can't get them unless we keep getting money.

My name is Doug Junge and I hope you consider helping us.

Yours respectfully,

DOUG JUNGE.

---

I am from Elberon, Iowa and I use the Keystone Library and the books come from Seven Rivers Library System. We want you to help us so the funds are not cut in the Library at Keystone.

Yours respectfully,

SUSAN DVORAK.

---

I go to the library in Van Horne, Iowa. There are a lot of good books there. The books there are very good to read. One of them is called Black Jack.

Yours respectfully,

DAVID WIESE.

I have been using the library for quite some time. I would like to keep receiving books from Seven Rivers Library System. And I would be grateful if you could help us keep receiving the books from Seven Rivers Library System.

Yours respectfully,

BILL BOIES.

I go to Van Horne Library and Keystone Library too. We have 6 boys and 3 girls, 2 moms and 2 dads.

Your reasonable friend,

DAVID DOWES.

Mr. Mezvinsky, I go to school at Keystone but I live in Van Horne, Iowa.

I'm writing because I like to read the books we get. And I would like it if we could still get books from the Seven Rivers Library System.

Yours respectfully,

DEBBIE O'GRADY.

I got to school in Keystone and I like to go to read and I like to go to the library. I hope you help us save our library. I hope that we will still get books from the Seven Rivers Library System.

Yours respectfully,

DARLA VITEK.

How are you? I use the library at Keystone and I got a book Saturday there and I like the library very much. I go to Benn. Comm. school and I like the school library very much too. Seven Rivers Library System gives us books, tapes, records, and tape recorder. I hope they won't take the money away so we couldn't have books and things. Please help.

Yours respectfully,

JEAN HARTY.

I go to school in Keystone and I like to read books and I would like to keep going as we were. I would not like the library to not have nice things.

Yours respectfully,

BROOKE DUAKER.

I live in Keystone, I like to read do you? I like to go to the library so could you keep the help for the books high.

Yours respectfully,

CRYSTAL KUCH.

I live in Van Horne.

I like to read. I'm in fourth grade. I do not want them to lose the money coming from Seven Rivers Library System.

Yours respectfully,

JEFF ENGLAND.

I sometimes go to the library. And I like to read, the libraries all have good books. Even though I don't live in a town where there is a library I can come to Keystone, Iowa. And so please don't cut down on the money.

Yours respectfully,

DENISE DVORAK.

I live at Van Horne, Iowa, but I go to school at Keystone. I like to read so could you help that we can keep on getting books and not cut off the money so we can get more books from Seven Rivers Library System. If you can help, thank you.

Yours respectfully,

RICK BURRELL.

I go to Van Horne to the library for my books I read and I do not want to stop getting the books because I sometimes like reading.

Yours respectfully,

DALE A. WERNING.

I live 8 miles from Keystone. I like to read a lot. I wish that we can keep getting books from the Seven Rivers Library System. I would appreciate that very much.

Yours respectfully,

MATT PICKART.

I like to read and go to the Library. The books are good, too. I wish it could keep on going this way.

Yours respectfully,

LAURIE GARBERS.

I hope that you can do something about the problem with Seven Rivers Library System.

Yours respectfully,

TODD STAUFFER.

I go to school at Keystone. I like to go to the Library at Van Horne, Iowa. I read ten books three weeks.

Yours respectfully,

RONNIE JAY DAWES.

Would you please send more books for the kids so they can read? I go to the Library in Van Horne. I go to school in Keystone. I go to the Library in Keystone. Does Keystone and Van Horne get the Seven Rivers? How come if the books are overdue how come we have to pay for them? Our Keystone Library is little because it does not have many books. I live in Van Horne. I have three sisters and two brothers and a cat he is black and his name is Mouse.

Yours respectfully,

CONNIE HAACK.

## COSTLY DEFENSE SYSTEM

## HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. KARTH. Mr. Speaker, in this day of rising budget deficits it is little wonder that citizens are calling for economy in Government. Yet Congress has been presented a Defense Department budget that is a substantial increase over last year's, raising the question whether peace is to be more expensive than war. The point in debating the defense budget seems to me to be a matter of more defense for the dollars than more dollars for defense. We have seen in some of our social programs that throwing money at a problem does not necessarily solve it. Likewise, throwing more money into the Pentagon does not necessarily mean we have a stronger defense structure.

As we continue to struggle in Congress with this issue that is central to our survival, I commend to our colleagues a recent analysis of rising defense costs published in the St. Paul Dispatch. This analysis clearly shows some of the past fallacies in our hardware procurement and strongly suggests that a stronger defense structure will come about not only through spending money, but changing the system:

### COSTLY DEFENSE SYSTEM

Members of Congress who are serious about finding ways to cut the nation's defense budget without weakening the nation's defense should devote some study to the causes of the unbelievable rise in the unit costs of our military hardware.

For example, the Navy's new supersonic, carrier-based interceptor, the F–14 Tomcat, will cost at least $13 million per airplane. The F–4 Phantom, which the Tomcat will replace, sells for $4 million. The planes are similiar in performance characteristics.

Last year Congress gave up on the Army's new main battle tank, the MBT–70 prototype, when estimated production costs went above $1 million each. The tank it was to replace, the Mark 60, still is being purchased for $343,000.

Estimates for the Navy's new Spruance class destroyers now exceed $100 million a ship. Just four years ago the Navy estimated that a Spruance class ship would cost $60 million. The last destroyers delivered to the fleet in the mid-1960's cost less than $40 million each.

There seems to be more than simple inflation at work here. If it were merely a matter of increased costs of steel and labor, other manufactured products, such as automobiles, would have taken similar leaps in price. We all know that even though auto prices have increased, they have not gone up in nearly so dramatic a manner.

The prime suspect should be the systems concept of doing business. Ever since this method of dealing with defense contractors was embraced by the Defense Department in the early '60s, weapons costs have been soaring.

The systems concept came into being because much of our defense hardware became so complex that the items required for maintenance and support of a weapon exceeded the cost, size and manpower needs of the weapon itself. The discovery of highspeed digital computers which can perform fantastic feats of data gathering have combined with a human penchant for details to create an enormous mountain of paper work for every defense project.

Where large weapons systems once were broken into components, with contracting done separately and simply, contracts now have been broadened to give total responsibility for a weapons system to a single contractor, who must use the magic words of systems management (such as "life cycle costing" and "maintainability reliability") and submit reams of computer read-outs to the Pentagon to get them. There have been instances of contract proposals weighing more than a ton. As one weapons expert said, "The process of management had become more important than the product such management was being asked to yield."

This is the approach that produced the Lockheed C–5 fiasco and is being implemented in the Spruance class destroyer building program.

One of the major weaknesses in the systems approach is that it seems to encourage overstaffing of management at every level. Thomas P. Cheatham Jr., senior vice president of Grumman Corp., which is building the F–14, once wrote in a report to the Defense Science Board:

"The country is too fat at its management and administration levels. Less and less is going into the direct and tangible good—and more and more into the planning, officialdom and rain-dance operations. In a single expression, our overhead is too high."

Another problem with the systems approach is that it replaces mutual trust and confidence with stacks of meaningless paperwork. An example: The manufacturer of an oil pressure gauge used on the Boeing 747 airliner offered Grumman the same instrument for the F–14. The company described the gauge, but systems management demanded more detail. Consultants were hired to prepare elaborate documentation and the final proposal was nine inches thick.

As a result, the Navy got the same gauge as Boeing, but paid 67 per cent more than the commercial price—plus whatever Grumman charged for its systems management.

There seems to be considerable potential for saving defense money without giving up needed weapons if Congress and the Administration are willing to explore the weaknesses of the systems concept. Too much paper and too many people mean too much money for too little results.

## CYNICAL TRICKS INSTEAD OF JOBS—THE NIXON PROGRAM

---

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. BROWN of California. Mr. Speaker, the major issue in my campaign for election last year was the serious unemployment problem we have been facing for the past 4 years. I promised the citizens of the 38th Congressional District that I would fight to solve that problem, and I have been making every effort to do so. You, of course, are familiar with the various legislation which I—and many of our colleagues—have sponsored this year as part of our efforts to improve the situation. And I know that you are familiar with some of the other activities which I have engaged in to alleviate the unemployment problem in my district.

But every once in a while, Mr. Speaker, when I see another example of how much easier it is for Richard Nixon to make the situation worse than it is for us to make it better, I must admit to getting a little bit frustrated. It is very difficult for me to understand why Richard Nixon would rather see people on welfare than doing productive work, but that appears to be his policy, as demonstrated time and again during the last few months.

Gus Tyler, assistant president of the Ladies' Garment Workers, wrote an interesting column related to this situation recently. The column appeared in the May 12 issue of the AFL–CIO News, and I would like to share it with our colleagues at this time:

### REVENUE SHARING PLANS BASED ON POLITICS OF DIVIDE AND RULE

(By Gus Tyler)

To help "cool" the cities that were burning in hot riot a few years ago, the federal government has been pouring funds into urban areas for summer youth employment programs. This year, fearing that President Nixon's budget cuts would mean the end of federally financed summer jobs, many cities and private agencies pleaded with the White House for youth employment funds. The President's response late in March came as a pleasant surprise. He announced that this year he would make $424 million available—about $3 million more than last year.

"The outlook for young people this summer is encouraging in many ways," he announced. Mayors across America breathed easier—until they looked at the fine print.

Most of the money for the summer youth program—$300 million of it—will not be new money but old money already appropriated for Emergency Employment Assistance Act that provides for year-round public service employment for adults. If the youth want the money they will have to take it away from the "old man." The decision as to who gets the funds will be made by each city. The federal government has washed its hands of the dirty business.

Republican Sen. Jacob Javits howled his protest: "This is more than impoundment, it is impoundment and breach of promise. Cities are left with the Hobson's choice of firing the father in order to hire the son."

The "breach of promise" refers to the promise made to the mayors of America in 1971 that revenue sharing would not mean the end of any ongoing programs: sharing would mean more funds—over and above what the cities were getting for a variety of programs, such as summer youth employment.

On this "promise,' the mayors pushed for revenue sharing. But, as the Wall Street Journal put it: "Right now at least, revenue sharing is promising little revenue and less sharing." Milwaukee Mayor Henry W. Maier says flatly: "The President is breaking the promise he made us at the White House."

The mayors, however, are not just angry about broken promises, they are fearful about the coming civil war in the cities. The conflict of sons versus fathers over funds will turn city halls into a battleground.

What is true of the summer youth program is true of dozens—actually hundreds—of other programs. Revenue sharing is being used as a way of wiping out many vital programs directly and still other programs indirectly. Lump sums are given to the cities in place of categorical aids earmarked for clearly defined programs. If any deprived group comes to Washington to find out what happened to some program, it will be told: "Go fight City Hall. We gave them money. It's up to you to get it out of them."

As a political ploy, it's a pip. It takes the heat off the President and puts it on the mayor. If he can't come up with the needed funds, he—not Nixon—is to blame. If he puts up the tax—which he will have to do—to get the vital funds, he will have to take the gaff—not the President.

Meanwhile, in the cities, things will heat up. The various "tribes" that make up our uptight towns will be on the war path. They will all be demanding their share of a dwindling federal appropriation. Black neighborhoods will be pitted against white, sons against fathers, working mothers against those on welfare, ecologists against educators, the poor against the near poor, the mentally ill against the physically handicapped.

The Romans had a phrase for the kind of politics hidden in the present revenue sharing: *divide et impera*. Divide and Rule. So long as you can keep the little people busy scratching one another's eyes out, they will be too blind to see what the big boys are up to.

Mr. Speaker, I hope that some of the people most responsible for some of these policies are among the casualties of the Watergate scandal. But I am afraid that most of the responsibility lies with Richard Nixon himself. And since I do not expect Nixon to change his stripes, I can only hope that the Congress will display more spunk and independence toward future abuses of the executive branch than I have seen displayed here so far this year. This Nation can take a lot of steps backward in the remaining 3½ years of Nixon's term, if the Congress is willing to let us slide back.

---

## THE PASSING OF FORMER REPRESENTATIVE JEANNETTE RANKIN

---

## HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. KOCH. Mr. Speaker, Jeannette Rankin was one of the Members of Congress who made a mark for herself. Her accomplishments are outlined in the obituary which appeared in the New York Times of May 20. With the thought that it would be of interest to my colleagues, I am appending that obituary:

### EX-REPRESENTATIVE JEANNETTE RANKIN DIES; FIRST WOMAN IN CONGRESS, 92—SUFFRAGIST LEADER WAS ONLY MEMBER VOTING AGAINST U.S. ENTRY TO BOTH WORLD WARS

(By Robert D. McFadden)

Jeannette Rankin, the first woman to serve in the United States Congress and the only Representative who voted against the nation's entry into World Wars I and II, died Friday night at her apartment in Carmel, Calif. She was 92 years old.

Miss Rankin, a lifelong pacifist and one of the country's earliest women's suffragists, served only two terms in the House of Representatives, 1917 to 1919 and 1941 to 1943. But in both those terms, by an odd turn of history, the United States decided to go to war.

Her dissenting votes were consistent with her lifelong belief that violence cannot solve human disagreements.

Miss Rankin also introduced the first bill to grant women citizenship independent of their husbands, and authorized the first bill for Government-sponsored instruction of hygiene in maternity and infancy.

A Republican from Missoula, Mont., she ran her campaigns on a peace platform. After leaving the Congress, she devoted her widely admired energy to peace organizations and women's activist groups.

#### A LONG ACTIVE LIFE

Until her health began failing seriously last year, Miss Rankin's only concession to age was a cane and a slight weariness at seeing the ideas she had been advocating for seven decades treated as if they were still radically new.

There were no consciousness-raising groups to liberate Jeannette Rankin in 1916, when, as the United States moved toward war with the Central Powers, the small, trim woman from Missoula undertook her successful Congressional campaign.

"I knew the women would stand behind me," she said when told she had won. "I am deeply conscious of the responsibility. I will not only represent the women of Montana, but also the women of the country, and I have plenty of work cut out for me."

Miss Rankin took her seat in the House on April 2, 1916. Four days later, in the predawn hours of April 6, after months of mounting pressure, she told her colleagues in a moment of high drama: "I want to stand behind my country, but I cannot vote for war."

She then cast her dissenting vote. The final House vote to declare was 373 to 50. Hers was an unpopular stand, and she became the target of many barbs. But she contended afterward: "I'd go through much worse treatment. If you know a certain thing is right, you can't change it."

After her first term, Miss Rankin sought but lost the Montana Republican nomination for the Senate, and for more than two decades devoted herself to peace organizations, particularly the National Conference for the Prevention of War.

"Prepare to the limit for defense; keep our men out of Europe," was her slogan in 1940 for her second successful race for the House. Many years later, she said: "The women elected me because they remembered that I'd been against our entering World War I."

Despite Pearl Harbor, the pleadings for unanimity by Everett McKinley Dirksen, then a member of the House, and the eloquence of President Franklin D. Roosevelt in his Dec. 8, 1941, address to Congress, Miss Rankin cast the only dissent in the 338 to 1 House vote on the Declaration of War against Japan.

"I voted against it because it was war," she said afterward.

In recent years, Miss Rankin who never married, continued to march and make speeches for the causes in which she believed.

### DENOUNCED VIETNAM WAR

She led the Jeannette Rankin Brigade in a massive march on Capitol Hill in Washington in 1968 to protest the war in Vietnam, which she denounced as a "ruthless slaughter."

The following year she participated in moratorium marches in Georgia and South Carolina. She continued, too, to write letters and to make phone calls and visits to members of Congress, urging an end to United States involvement in Indochina.

In an interview several years ago, Miss Rankin called the Vietnam war "stupid and cruel," and put the blame on "stupid leaders" and a "military bureaucracy." She added: "The people really aren't for war. They just go along, but war is evil, and there is always an alternative."

At the polls, she said, people are given a "choice of evils, not ideas."

As for women, for whose rights she labored a lifetime, Miss Rankin said: "They've been worms. They let their sons go off to war because they're afraid their husband will lose their jobs in industry if they protest."

Jeanette Rankin was born on June 11, 1880, on a ranch near Missoula, the oldest of seven children of John and Olive Rankin. Her father was a rancher and building contractor, and her mother was a native of New Hampshire who had gone West to be a schoolteacher.

Miss Rankin graduated from the University of Montana in 1902 and went into social work, which took her to New York City. Here, she joined the suffrage movement and lived in the Suffrage League house on East 86th Street. In 1908–09, she was a student at the School of Philanthropy here, then did social work in Seattle for a year, before turning increasingly to the women's movement.

She later became field secretary of the National American Women's Suffrage Association and chairman of the Montana State Suffrage committee. In 1912, she took the suffrage fight home to Montana, addressing the State Legislature—a precedent for a woman—on the subject.

Two years later, Montana passed a suffrage law. This was six years before that right became a Constitutional Amendment. Miss Rankin later said she first ran for Congress "to repay the women of Montana who had worked for suffrage."

Miss Rankin long advocated electoral reforms, with a view to greater diversity among candidates. "Now," she said, "we have a choice between a white male Republican and a white male Democrat." And, with equal vigor, she urged unilateral disarmament, contending: "If we disarmed, we'd be the safest country in the world."

---

## WATERGATE REVEALS GAMY ELECTION MONEY

## HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. ASHLEY. Mr. Speaker, the Watergate scandal has helped bare the powerful and adverse affect of big money on our political process and raised serious questions about the viability of our present system of financing election campaigns.

We have found out that during the course of the 1972 Presidential campaign people who did not want the public to know they were giving money to a particular candidate found secret ways of giving that money, often with the illegal complicity of the candidate's campaign committee. We have discovered how that secret money was used for illegal bugging, burglary, and political sabotage. And we have seen how that money—as well as openly given large contributions—have resulted in governmental favors: Ambassadorships, a Federal Power Commission devoid of consumer representation, and tax breaks, subsidies, and beneficent antitrust rulings for the wealthy contributors of the campaign funds.

In a recent Washington Post article, Morton Mintz traces these recent revelations and raises the question of whether our present system of financing elections is capable of eliminating these corrupting influences. I know we are all considering this question and so I commend Mr. Mintz' article to your attention as most useful background on this matter:

### WATERGATE REVEALS GAMY ELECTION MONEY

(By Morton Mintz)

The Watergate scandal has bared the green underbelly of election-campaign financing: laundered money, secret money, stashed money, political switch-hitter's money.

Exposures of the origins of large chunks of money has beeen accompanied not only by exposures of the destinations—including bugging, burglary and political sabogate—but also of additional gamy aspects of fund raising:

Foreigners' money, tax-free money, money followed by assorted governmental favors—ambassadorships, a Federal Power Commission barren of consumer representation, tax breaks, subsidies, beneficent antitrust rulings.

These disclosures, coupled with the indictments of a former attorney general and a former commerce secretary in connection with a $200,000 campaign gift, have raised anew the ancient question of whether the American government is or appears to be for sale.

In the present heated atmosphere it is no wonder that, only 13 months after the effective date of the first major election financing reforms since 1925, a sudden sense of urgency about the need for further reforms pervades Capitol Hill.

Should Congress legislate more reforms, such as stripping enforcement power from the Justice Department and giving it to an independent elections commission? Only last Wednesday the Senate Democratic Caucus unanimously adopted a resolution to accomplish this, and a bill to the same effect was previously introduced by Minority Leader Hugh Scott.

Has the time come to grant outright federal subsidies to lessen or remove the dependence of candidates on private donors? Presidents starting with Theodore Roosevelt have urged this, without anyone paying much heed, but now the Senate Democratic Caucus has endorsed the idea, in the same unanimous resolution.

The political fund raising practices in controversy are illustrated below, many with cases originating before a new disclosure law, the Federal Elections Campaign Act, became effective on April 7, 1972.

Until that date, President Nixon's campaign organization contends, it was not required to disclose contributors—a contention Common Cause is challenging in the courts. Sen. George S. McGovern disclosed his contributors months before he won the Democratic presidential nomination.

### LAUNDERED MONEY

Early in 1972, Robert H. Allen, chairman of the Texas Finance Committee to Re-elect the President and president of the Gulf Resources & Chemical Co. of Houston, either contributed $100,000, or raised it in Texas or over a wider area of the Southwest.

By phone on April 3, the money was transferred from Houston into the bank account in Mexico City of an inactive subsidiary of the coal and silver mining firm. Shortly, a Mexican lawyer for the company withdrew $89,000 in four bank drafts and, apparently, $11,000 in $100 bills. On April 5 a courier delivered the checks and the cash in Houston to executives of Pennzoil United Co. Its president, William C. Liedtke, Jr., raised funds for the Nixon campaign in the Southwest.

Later on April 5, a Pennzoil plane ferried a suitcase containing the $100,000 plus an additional $600,000 in anonymous contributions—cash, securities, a few checks—to Washington. The same night, Pennzoil lobbyist Roy Winchester delivered the money to the Finance Committee to Re-elect the President at 171 Pennsylvania Ave. NW.

G. Gordon Liddy, then counsel to the Finance Committee to Re-elect the President, next routed the $89,000 in checks into the bank account in Miami of Bernard L. Barker. Later, Barker and four other men broke into the Watergate headquarters of the Democratice National Committee. All five subsequently were arrested and pleaded guilty. Liddy was convicted.

In early January, the Justice Department told Rep. Wright Patman (D-Tex.) that it was making a criminal investigation. Two weeks after this became known, Gulf Resources executive Allen requested and got a refund of the $100,000. He claims to have given it personally and not to have made an illegal donation of corporate funds.

Last Thursday, The Washington Star-News reported that a federal grant jury in Houston had that day opened an investigation. Allen and Pennzoil's Liedtke and Winchester were among those called to testify.

### SECRET MONEY

Hugh W. Sloan, treasurer of the Finance Committee, swore last October that Nixon fund-raisers gathered in "somewhere between $1 million and $2 million" in cash from unidentified sources and destroyed the records of the gifts before April 7, 1972, the date the new federal campaign financing law became effective. During the same period, Herbert W. Kalmbach, Mr. Nixon's personal attorney and then his leading fund solicitor, destroyed his personal campaign-financing records, a close associate of Kalmbach said recently.

One of the secret contributors was later disclosed to have been Robert L. Vesco, former board chairman of Investors Overseas Services, Ltd. The Securities and Exchange Commission, in a civil suit last November, accused him and 41 corporate and individual defendants of having looted four IOS-controlled mutual funds of $224 million.

Vesco contributed $200,000—the largest single cash contribution the Finance Committee got—three days after the Federal Elections Campaign Act took effect.

A Vesco associate and the committee's top fund-raiser in New Jersey, Harry L. Sears, delivered a suitcase containing the money—2,000 $100 bills—to former Commerce Secretary Maurice H. Stans, along with a message: Vesco wanted help on the SEC investigation.

The government now says that two hours later—at 1 p.m. on April 10—Sears met with then Attorney General John N. Mitchell to tell him the cash had been delivered. At 4 p.m., at a meeting Mitchell arranged, Sears conferred with then SEC chairman William J. Casey and his successor, G. Bradford Cook. More such meetings followed. The SEC complaint, when filed in November, made no mention of the $200,000.

On May 2, the Justice Department filed a criminal information against the committee—but not against Stans—for having concealed the Vesco contribution from Congress' General Accounting Office. The committee has pleaded innocent.

Last Thursday, a federal grand jury in New York indicted Mitchell, Stans, Vesco and Sears for having obstructed justice in their dealings with the SEC and the GAO. The former Cabinet members, who denied the charges, also were indicted for having lied to the grand jury.

### STASHED MONEY

Between . . . $350,000 and $700,000 or more was kept at any one time in a safe in the Finance Committee office of former Commerce Secretary Stans. Included were the Vesco and Allen contributions. Some $235,000 was paid out to Watergate conspirator Liddy.

The Washington Post has reported that those controlling the money in the safe in addition to Stans, were Kalmbach, Mitchell, then White House chief of staff H. R. Haldeman and former White House special assistant Jeb Stuart Magruder.

Before the law took effect, $350,000 reportedly was transferred out of Stans' safe to a safe in the White House on Haldeman's orders.

In Newport Beach, Calif., meanwhile, Kalmbach kept up to $500,000 in campaign funds in an account in a Bank of America branch. At least $30,000 reportedly was paid to Donald H. Segretti to conduct political sabotage.

Segretti was indicted on May 4 on charges that he fabricated and distributed a letter designed to damage three Democratic presidential candidates in the Florida primary.

### SWITCH-HITTERS MONEY

Early last year Sen. Hubert H. Humphrey (D-Minn.) disclosed the leading contributors to his campaign for the presidential nomination. First on the list was Dwayne O. Andreas, a Minneapolis investor and soybean tycoon down for $75,000 (a brother, Lowell W., was listed for an additional $25,000).

However, Dwayne Andreas in early April, 1972, contributed $25,000 to the Nixon campaign which, along with the $89,000 laundered in Mexico, went into the pre-Watergate Miami bank account of Bernard Barker.

Andreas and the man to whom he gave the $25,000, Kenneth H. Dahlberg, President Nixon's Midwest finance chief, were members of a group that applied to the comptroller of the currency for a federal bank charter soon after the contribution was made. Of 424 such applications submitted since 1966, only 12 received swifter approval than the Andreas-Dahlberg proposal.

After the election financing law took effect, Andreas gave the Nixon campaign an additional $114,000, of which almost $40,000 was not disclosed until after the November election.

Other leading political switch-hitters:

Walter T. Duncan, an elusive Texas financier who gave the Nixon campaign a $305,000 i.o.u., later cancelled, after giving Humphrey $257,000.

Meshulam Riklis, head of the conglomerate Rapid American Corp., also a former leading Humphrey contributor, who gave the President an estimated $150,000, much of it after the expiration of the final pre-election reporting period.

Edward J. Daly, chairman of World Airways, gave $51,000 to Humphrey, followed with about $100,000 to Nixon and then was listed for $2,000 to McGovern.

John L. Loeb, an investor reported by the General Accounting Office to have given $48,000 to Humphrey in the names of others although the election law requires the true donors to be identified. He later gave $42,000 to Mr. Nixon. The Justice Department has taken no action, although the GAO reported the apparent violation 11 months ago.

### FOREIGNERS' MONEY

The McGovern as well as the Nixon campaign received sizeable sums from foreign nationals. The largest known contribution from such a source, about $220,000 went to the Democratic presidential candidate from Alejandro Zafferoni, a Uruguyan citizen but a California resident who is president of the Alaza Corp. in Palo Alto, Calif. He is the developer of a synthetic hormone for contraception.

Two of the President's contributors are the subject of inquiries by the GAO to the Justice Department because they have ties to foreign corporations.

One is Frank McMahon, a multi-millionaire Canadian oil man who contributed in excess of $80,000 to the Nixon campaign after Oct. 26, the final day of the last pre-election reporting period. He maintains homes in Vancouver, New York and Palm Beach.

The other contributor, Greek oil man Nikos Vardinoyannis, says he contributed $15,000 to Mr. Nixon in January, 1972, a few days after disclosure that the U.S. Sixth Fleet would be based in Athens.

The Navy awarded a fuel oil contract for the Sixth Fleet to Motor Oil Hellas, the oil man's family firm, on Sept. 25, although the Greek press did not announce the contract until Nov. 2. On Nov. 10, according to reports filed by the Nixon organization, Vardinoyannis gave an additional $10,000. He denies any connection between his contributions and the contract award.

Howard Hughes, a $100,000 contributor, used to play an unusual variation on the foreign theme, according to Noah Dietrich, who was the elusive billionaire's chief executive officer for 32 years, until 1957.

Dietrich, in his 1972 book, "Howard: The Amazing Mr. Hughes," and in an interview, said that in the 1940s and 1950s Hughes laundered hundreds of thousands of dollars a year in bipartisan political contributions through a Canadian firm set up solely for that purpose.

Dietrich said that lawyer Frank P. Waters, then counsel to Hughes and his wholly owned Hughes Tool Co., was the primary conduit for distributing the laundered money to American candidates at all political levels. Waters, reached in Los Angeles, refused to comment.

### TAX-FREE MONEY

The tax laws permit a person to give up to $3,000 in a year to a single recipient without owing federal gift taxes.

But the Internal Revenue Service, with an extraordinary ruling, made it possible for a fat-cat political contributor to give hundreds of thousands of dollars to a single recipient—a candidate—and yet avoid gift taxes. The ruling did this by the simple device of treating multiple paper committees for the same candidate as if they were truly independent entities.

If the gift was in the form of stock that had appreciated in value rather than in the form of cash or checks, capital gains taxes also were avoided—not only by the donor, but by the recipient as well.

As a practical matter, the avoidance of gift and capital gains taxation amounted to a legalized subsidy from the public treasury even if it was not so labeled.

Moreover, the formation of literally hundreds of Nixon and McGovern committees for no purpose but to avoid gift taxes frustrated the timely disclosure of campaign financing—the primary stated purpose of the new election law—by burying the law's administrators and newsmen under mountains of paper.

Although the Democrats benefitted from tax-free gifts, the Republicans were far and away the principal beneficiaries. Some examples:

W. Clement Stone, the Chicago insurance tycoon, who gave Mr. Nixon $2.1 million before April 7, 1972, (and has said he gave him $2 million for his 1968 campaign).

Richard Mellon Scaife, heir to the Mellon fortune (Gulf Oil, banking, aluminum), $1 million, also before the effective date of the new law.

Milledge A. Hart III, president, and Thomas J. Marquez, vice president, of Electronic Data Systems Corp., a Dallas firm whose chairman is multi-millionaire H. Ross Perot.

Together, Hart and Marquez gave stock in the firm valued, when the Nixon organization sold it, at $224,000. Each share, for which the donor had paid about 20 cents, skyrocketed by the time of sale to as much as $60, congressional sources say.

The House Intergovernmental Relations Subcommittee, in hearings in 1971 on the firm's contracts to process Medicare and Medicaid claims filed by Blue Shield groups, heard testimony that Electronic Data had made profits of an estimated 100 per cent—that it, its profits equaled its costs.

Witnesses testified that the firm, which needed approval from the Department of Health, Education, and Welfare for the contracts, valued at about $100 million, had violated federal regulations, including those requiring competitive bidding and access to company records. Perot, who made a much publicized effort to aid American prisoners of war in North Vietnam, has denied there were any violations.

### LATE REPORTED MONEY

Between Oct. 26, the final day of the pre-election reporting period, and election day, Nov. 7, the Nixon organization received contributions exceeding $1 million. Each of the gifts involved at least $5,000. The law requires a committee receiving such a gift to report it within 48 hours, but the President's organization reported none until Jan. 31—almost two months after the election. This violated "the spirit" and "clearly the intent" of the law, the GAO said.

One contribution of $100,000 came from a political committee of the Seafarers International Union, AFL–CIO, on election eve after being borrowed from a New York City bank a short time before. Several weeks earlier, the Justice Department had dismissed a prosecution of the union begun under the old campaign financing law, the Corrupt Practices Act of 1925.

The larger issue raised by practices such as late reporting of contributions to a President's campaign organization is whether that President's Justice Department will prosecute them. In this case, a senior GAO official admitted to a reporter, his agency did not recommended prosecution because of despair, based on past experience, that anything would come of it.

His concern was consistent with the affirmative record of the White House in keeping contributors happy.

### AMBASSADORS

Take ambassadorships. American embassies the world over are presided over by men and women distinguished by their wealth and largess but not always by their credentials.

In London, there is Walter H. Annenberg, the former Philadelphia media magnate and principal stockholder in the Penn Central. He is listed for a $254,000 donation.

In Luxembourg there is Ruth L. Farkas, sociologist wife of the founder of the Alexander's department store chain in New York; she gave $100,000 before the election and $200,000 afterward. All $300,000 was given before President Nixon nominated her.

In El Salvador there is Henry Catto, $25,000; in Trinidad, Anthony D. Marshall, $48,500; in Austria, John P. Hunes, $100,000; in Jamaica, Vincent P. de Roulet, $29,000, plus $86,000 from his wife's parents, Charles S. and Joan Whitney Payson.

In Paris there is John N. Irwin II, down for $50,000 in the partial list of contributions obtained by Common Cause for the period preceding April 7, 1972. A former under secretary of state, Irwin is also the brother-in-law of the previous ambassador, Arthur K. Watson, who in the same list is down for $300,000.

Watson came from and is now a director of International Business Machines, where the chairman of the executive committee is Thomas J. Watson Jr., his brother, Thomas Watson, a lifelong Democrat, joined Democrats for Nixon as a vice chairman. Then as now, one of the largest anti-monopoly suits ever filed by the Justice Department was pending against IBM.

### ECONOMIC POWER

Possibly more than any other regulatory agency, the Federal Power Commission has come to symbolize the process by which the economic power of large contributors translates into government actions and policies virtually indistinguishable from their own.

To take an outstanding specific example, the oil and natural gas industry wants the prices of new natural gas at the well-head to be set by the buyers and sellers, rather than being under ceilings based on actual costs. So do the President, the three men he has put on the FPC and the two men he has nominated to be commissioners.

To be sure, everyone involved may honestly believe that an end to ceiling prices is the best approach to assuring an adequate supply of gas at acceptable prices.

But some who would be only skeptical toward such a proposition are pushed to ward cynicism by considerations such as these:

The esitmated cost to consumers of deregulation of new natural gas will be at least $750 billion, over the varying but lengthy time periods it will take to exhaust known supplies.

Contributors with financial stakes in the industry gave millions of dollars to the Nixon campaign.

While all of Mr. Nixon's appointees to the FPC have sided with the industry on deregulation, the commission staff recently disagreed on the ground that the industry is monopolistic and, consequently, will charge prices un-checked by competitive forces. In a current case, the commission over staff opposition, is expected to approve gas prices that will yield one company, Tenneco, 48 per cent on equity.

A case in point concerns Pennzoil United, which owns United Gas Pipeline, a firm regulated by the FPC. As was noted, Pennzoil president William Liedtke helped to raise most of $700,000 in contributions that was flown to Washington in a company plane two days before the disclosure law took effect.

Liedtke also sounded out a former commissioner, Rush Moody Jr., before Mr. Nixon appointed him to the FPC, Sen. Frank E. Moss (D-Utah) has said. Gordon Gooch, former general counsel of the commission, came from a Texas law firm whose senior partner was Pennzoil's general counsel. On resigning from the FPC last year Gooch became a Nixon fund-raiser.

Leaving aside broad questions of equitable taxation and distribution of income and wealth, controversial tax breaks, subsidies and antitrust rulings have been prominent in the Nixon era.

For more than 40 years, bipartisan support maintained the oil depletion allowance, a vastly lucrative tax break for a small number of people, at 27½ per cent. Congress finally did cut it to 22½ per cent—but only over Mr. Nixon's opposition.

For more than three years, the President rejected a recommendation of his own Cabinet task force that the mandatory oil import quota system—mostly benefitting the major oil companies—be abandoned in favor of a tariff. The quota's cost to consumers was at least $5 billion annually—5 cents on each gallon of gasoline and 4 cents on each gallon on household heating oil.

The Agriculture Department, in the spring of 1971, rejected a request from dairy producers to raise milk price supports. However, the administration changed its minds and raised the price supports several days after a group of dairy co-op leaders met with Mr. Nixon. At the same time, the co-ops started to make contributions to the Nixon campaign which now total $422,500.

International Telephone and Telegraph, which pledged up to $400,000 to finance the 1972 Republican National Convention, wanted to preserve its merger with the $2 billion Hartford Fire Insurance Co. The then antitrust chief in the Justice Department, Richard W. McLaren, was opposed. A mass of government and ITT papers shows that numerous top aides to the President—including Attorney General Mitchell and Commerce Secretary Stans—helped ITT. The dispute ended with a settlement that preserved the merger.

### AN OLD TAINT

Tainted political campaign financing has long been a fact of American life.

"From the Civil War on, the great corporations and those who amassed fortunes from American industry paid a major share of campaign costs." Herbert E. Alexander, an expert on campaign financing, told a Senate hearing last March.

"It was accepted that businessmen should support the political party which most clearly favored their interests."

In the campaigns of the late 19th century the genius of fund-raising was the GOP's Mark Hanna. "In 1888, he raised more money than the Republican National Committee could spend," said Alexander, who is executive director of the Citizens' Research Foundation.

In 1896, helping to elect William McKinley, Hanna determined the contributions of business "by ability to pay," Alexander said. "Banks were assessed at one-quarter of 1 percent of their capital."

Last year, Maurice Stans similarly was urging big contributors to donate at least 1 per cent of their gross income. "That's a low price to pay every four years to ensure that the Executive branch of government is in the right hands," he told an interviewer.

But there can be no universal imputation of venal intent. Look at the enormous gap that separates, say, billionaire Howard Hughes from Clement Stone, who has given Mr. Nixon at least $4.1 million for new presidential campaigns.

Hughes' biographer, Noah Dietrich, wrote of his former boss, "He cared nothing about candidates or issues—unless they had some effect on Howard Hughes—'Everybody has a price,' he always said. And he was willing to offer that price. . . ."

Stone, in contrast, cares so much about Mr. Nixon that he idolizes him. Reacting breezily to the Watergate scandal, Stone said, "Mr. Nixon has PMA (Positive Mental Attitude) and therefore . . . will do the right thing because it is the right thing to do."

The $4.1 million Stone gave to Mr. Nixon represented no sacrifice at all, so great is his wealth. When he began his massive money infusions he had no way of knowing that legislation seriously affecting his health and life insurance enterprises might become a serious possibility. That possbility happens to exist now; and few would question that Stone, if he wanted to, could have easy access to White House ears on the subject, however pure his motive and positive his attitude.

But why, former Sen. Albert Gore (D-Tenn.) asked on the Senate floor six years ago, "should we perpetuate a system that would permit one man, because of the size of his pocketbook, to offset the ballot of 1,000 ordinary citizens; or one industry, or one interest, because of its vast holdings and resources, to usurp the public will? This is a threat to our democratic processes. This is a threat to free government."

---

## A TRUST THAT WAS BROKEN

## HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. BOLLING. Mr. Speaker, Ms. Meg Greenfield, deputy editorial page editor of the Washington Post, raises very serious questions in her analysis of the Watergate affair leading to her conclusion that there is no substitute for decency. Her article which appeared on the Post's editorial page of May 18 follows:

### A TRUST THAT WAS BROKEN

(By Meg Greenfield)

I keep returning to that part of the President's April 30 address that dealt with means and ends. It seems to me to hold the key to our present confusion. We should not fall into the "trap," Mr. Nixon said, "of letting the end, however great that end is, justify the means." Now, this is a sentiment which practically everybody applauds and practically nobody believes. And the fact is that stated in this familiar, absolute way, it is not worth believing because it bears no relationship whatever to the way we must organize our affairs as individuals and as a democratic society. How many times has Mr. Nixon himself told us that the desirable end (peace with honor) justified the undesirable means (carpet-bombing) in Vietnam? How many times has he insisted that the goal of maintaining civil order through the deterrence of crime justifies capital punishment—the taking of human life by the state?

The point is not that the President somehow stands guilty of violating a precept by which other people live. (It was, after all, Mr. Nixon's most passionate anti-war critics who justified all manner of violence and destruction in the name of protesting and—they believed—ending the Vietnam war.) The point is that the political and social organization of a country of 200 million people—the definition and achievement of those objectives considered to represent the common good—necessarily involves a continuous weighing of ends versus means, a kind of perpetual cost-benefit analysis that is the essence of our political discourse. We curtail some freedoms to achieve order. We take some risks with order when we agree that such risks are justified by the need to maintain certain personal freedoms. We authorize our officials to engage in a certain amount of coercion to protect the society at large, and we also authorize them to conduct much of our business in secret (from us) because we believe the maintenance of our national security requires it and thus justifies our doing so. Our principles are rarely in conflict—but the means of fulfilling them almost always are.

Very few people needed to be reminded by Mr. Nixon in his April Watergate address that the ends do not justify the means when we are talking about men in positions of great power behaving like common criminals to achieve their political ends; a schoolchild knows as much. But many people—Mr. Nixon evidently among them—seem to need some reminding of the more complicated relationship between means and ends that lies at the heart of the democratic condition. For our statute books and our administrative regulations and our judicial opinions faithfully reflect all the compromises and accommodations we have felt obliged to make. In consequence, they bestow grants of authority on our officials that in an ideal abstract world, free of competing needs, we would not make. And because of this, those laws presuppose good faith on the part of those who exercise the authority.

To take a case: if we did not believe that the end justifies the means in certain circumstances, we would not have a Central Intelligence Agency at all. But for national security reasons we clearly consider overriding, we do have such an agency and we have empowered the people who direct it to spend our money in amounts we don't even know for activities of which we are kept ignorant—activities which we do know, however, include a certain amount of violence and a certain amount of subterfuge. Surely, the supposition of a democratic nation conferring such powers on its elected leaders and the men those leaders appoint, is that this trust will be taken seriously and responsibly—that it will not be misused. The same set of assumptions prevails in the case of the FBI, which we have given enormous license to act in coercive and secret ways for the protection of the society as a whole. And it also underlies our grant of authority to the government to conduct its cable traffic—which is to say our foreign affairs—by classified communication. The list doesn't end there. It only begins.

It seems to me that it is in this particularly vulnerable area of the law, in this area where the public is necessarily most helpless and most trusting, that the great betrayals have occurred. We all have talked till hell wouldn't have it about the inroads the Watergate scandals have made on public confidence in the system or public faith in the political process. I think the terms need a little refinement. Anyone who has moved around the country at all knows that most of the people you meet share the views of Will Rogers and/or Mr. Dooley when it comes to reverence for politicians and the political system. But people do not expect that the most delicate, dangerous and precious powers they have yielded up to their officials will be abused. A White House employee being given access to classified State Department cables so that he could try to forge a few implicating President Kennedy in an act of murder? A White House effort to cover up acts of political corruption by involving the CIA in the corruption and getting its officials falsely to claim that national security was at stake in order to quash the investigation? Public lies from those who preside over our system of criminal justice and are privy to its well-guarded secrets? A director of the FBI burning evidence in a criminal case?

L. Patrick Gray III, a victim/perpetrator of the Watergate scandals himself and the man who burned the evidence (which he had first hidden in his closet), spoke wistfully and unpersuasively at one point during his confirmation hearings of a "presumption of regularity" he, of necessity, made in his dealings with the White House. That is in fact a presumption everybody made—and everybody was wrong. For what we now know about these men is that they willfully and cynically violated the few things that really matter, that there was no public trust too important or too fragile to be mindlessly abused by them.

If you read the meaning of the Watergate disgrace this way, it suggests certain limitations on what can be done to prevent a repetition of these affairs. The point is best illustrated by Mr. Nixon's own insistence, for example, on a whole new system of reformed campaign finance and expenditure laws. We surely need them. But to concentrate on this need should not be to ignore a central fact of what has already happened: we had a collection of laws on the books for 1972 and the President's agents and colleagues are charged with having broken them repeatedly. Should we have a law against red wigs? A law compelling search of all suitcases for $100 bills? A law obliging audited reports of all conversations between campaign officials and prospective campaign contributors? The point is not frivolous. It is that there are certain limits to what we can expect the written laws to do for us and certain dangers in trying to write laws that will cover and control every possible aspect of human malfeasance. Such laws can fail of their purpose and suppress much of the nation's political freedom and vitality in the process.

Which brings us back to ends and means. For what people must now decide is how much they wish to pay in for measures that will reduce the chance of these things happening again. They should do so in full knowledge of the particular nature of the betrayal that occurred, however, and of the limits of the law as a remedy. That seems to me the lesson of Watergate: There are plenty of things you can legislate. But there is no substitute for decency.

---

## AGRICULTURE PRODUCTS OVERLOOKED AS A SOURCE OF FUEL

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. RARICK. Mr. Speaker, the energy crisis crowd continue to beat the drums of shortage. Dozens of "easy" solutions are being suggested to test public reaction. However, to date all proposed solutions, both immediate and long range, relate only to increased petroleum sources.

Already we hear recommendations to force our people to live and perform within our present petroleum energy supply. Suggestions that automobiles be limited to a 50-m.p.h. speed limit, that the proposed Alaskan pipeline, and increased oil imports from the Middle East or expensive long-range oil developments in the Soviet Union and off the coast of China are put forth as our only alternatives.

Silence prevails as to any alternative sources of fuel, however. An early American source of energy was wood, but with forest products now also approaching a critical state, wood is a doubtful alternative.

Our coal resources are said to be sufficient to supply the energy for hundreds of years, yet coal is seldom mentioned as one of the alternatives to prevent the restrictive effects of an energy shortage.

One of the greatest potential sources of fuel seldom discussed is that of farm products. Food is energy. Corn, wheat, barley, rice, sugarcane and beets, potatoes, and even peanuts can be used to produce alcohol which is an energy source as well as a usable fuel. Over the years the American farmer has been curtailed in production and in the past had been paid not to utilize his full food-producing acreage.

Considering the tremendous productive capability of our farmers, the agricultural sector could certainly be called upon to substantially contribute to solving any energy shortage as well as meeting our future fuel needs.

While experts agree that farm products can be utilized as fuel sources, the usual response is that the investment in conversion and production is not economically feasible.

But these same petro-authorities are silent as to the billions of dollars proposed to be invested, and the uncertainty of success in supplementing our domestic production by foreign oil pipedreams.

Few Americans are ready or willing to confine their present activities, or turn the clock of our civilization backward.

U.S. agriculture poses a viable source for future fuel needs—an American source and under American controls.

---

## REAR ADM. DRAPER KAUFFMAN ENDS DISTINGUISHED NAVY CAREER

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. McCLORY. Mr. Speaker, the change of command ceremonies at which I will be in attendance at Great Lakes Naval Training Center on Saturday, May 26, 1973, means that my friend, Rear Adm. Draper Laurence Kauffman, will be relieved of his command as Commandant of the 9th Naval District for the U.S. Navy—and will be retiring from his long and distinguished career as an officer of the U.S. Navy.

Mr. Speaker, Admiral Kauffman's military service began with his education at the U.S. Naval Academy, from which he was graduated in 1933. In 1940 he joined the American Volunteer Ambulance Corps with the French Army and was captured by the German Army. He was awarded the French Croix de Guerre with Star for valorous service in the Ambulance Corps. Still later, Admiral Kauffman served with the British Royal Navy, where he developed a technique and expertise in bomb and mine disposal, a service which became particularly valuable to the U.S. Forces following the Japanese attack on Pearl Harbor.

In connection with his return to service with the U.S. Navy, Admiral Kauffman disassembled an unexploded Japanese bomb, risking his life in the process, and performing with such skill and courage that the individual parts of the Japanese bomb were retained for analysis and study by our U.S. Forces. Later, he became well-known for organizing and commanding the underwater demolition teams of the U.S. Navy, a vital service which saved countless American lives in various island landings in the Pacific engagements against the Japanese. In this connection, Admiral Kauffman, as a Navy officer was involved in individual operations in which the men under his command detected and removed mines and bombs in offshore waters enabling subsequent successful landings and attacks against enemy installations.

Mr. Speaker, in all of his illustrious career in the Navy, Adm. Draper Kauffman served with great skill and courage without regard to his personal safety—and always in behalf of protecting the lives and safety of his men, and defending our national security.

Mr. Speaker, in his later service as Commander-in-Chief Pacific Representative in the Philippines, Admiral Kauffman participated as Operational Control Authority in developing an aggressive community relations program, contributing immensely to the image of the United States in that critical area.

Mr. Speaker, this brings me to the point of my personal contact with Admiral Kauffman and his attractive wife, Peggy, when Rear Adm. Draper Kauffman was designated as Commandant of the 9th Naval District, and as Commander of Great Lakes Naval Training Center in 1970.

Mr. Speaker, I have witnessed firsthand the generous and compassionate attitudes displayed by this great leader of the modern Navy. Admiral Kauffman has endeared himself to his fellow officers and men, and even more markedly to the citizens and citizen leaders of the area which the 9th Naval District serves. If there were any earlier misconceptions indicating that Naval officers are an aloof or impersonal cadre, Admiral Kauffman and the policies which he has pursued during the past 3 years at Great Lakes Naval Training Center, and in other areas throughout the 9th Naval District should dispel any such misconceptions.

Mr. Speaker, in addition to the extraordinary service rendered by Rear Adm. Draper Kauffman in behalf of the overall missions of the Navy, he established an enviable record of fairness and equity to all naval personnel without regard to rank, color, race or creed, and in promoting high morale among the men and officers of the Navy under his command. In addition to his numerous contacts with community and civic leaders, including the Great Lakes unit of the Navy League, Admiral Kauffman performed outstandingly in behalf of substantial community and public relations.

Mr. Speaker, I would like to add a special commendation to Peggy Kauffman, wife of Rear Adm. Draper Kauffman, who in her special leadership and interest in behalf of the environment, sparked the organization of an environmental center, which developed into a major influence in behalf of cleaner air and water in this great area of the Midwest, resulting in a clearinghouse of environmental activities, and educational program from which many thousands of persons, both in the Navy and in civilian life have benefited, in a large-scale recycling activity of paper, glass and metal—and in many other ways.

Mr. Speaker, having reviewed the distinguished career of Admiral Kauffman, I cannot help but feel that his greatest contribution to the Navy and to the Nation has been during his final duty as Commandant of the 9th Naval District, and as commander of the Great Lakes Naval Training Center. To Admiral and Mrs. Kauffman, I extend a heartfelt and sincere "well done," in behalf of my wife, Doris, and myself, who count Admiral and Mrs. Kauffman as our personal friends. In behalf of my constituents throughout the 13th Congressional District of Illinois, I extend appreciation and congratulations for his dedicated service to the Navy and to the Nation—and best wishes for good health and happiness, as well as a future career of active and useful service.

---

## ABORTION—DEATH BEFORE BIRTH

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. HOGAN. Mr. Speaker, The Supreme Court's recent abortion decision states that it is only a theory that the child is alive prior to birth and that the States are not free to adopt this theory. To hold today that it is only a theory that human life exists before birth is as unscientific as to hold that it is only a theory that the world is not flat. Recent electrocardiographic studies in a New York hospital show that it takes 45–120 minutes for the unborn child's heart to stop beating after it has been burned by the toxic solution used in the saline method of abortion.

Equally fallacious is the Supreme Court's minimalization of the medical hazards of abortion to the mother. The net result of the Supreme Court's abortion decision will mean the deaths of millions of unborn babies each year and the physical and physchological maiming of millions of women who will suffer the natural consequences of the unnatural act of abortion.

One of the most tireless defenders of human life who has devoted thousands of hours and his personal funds to the cause is Dr. Joseph R. Stanton, M.D., F.A.C.P., Associate Clinical Professor Medicine, Tufts Medical School. The following commentary, "Abortion—Death Before Birth," was written by Dr. Stanton.

The article follows:

### ABORTION—DEATH BEFORE BIRTH

(By Joseph R. Stanton, M.D., F.A.C.P.)

The magnificent Life Magazine Series "Life Before Birth" with the pictures of the human embryo and fetus by Lennart Nilsson began with the following statement, "The Birth of a Human Life Really Occurs at the Moment the Mother's Egg Cell Is Fertilized by One of the Father's Sperm Cells."

Abortion attempts to destroy the life that begins with conception. It usually but not always results in the death of the growing child within the womb. After the first six months of liberalized abortion in New York City, the Health Department reported "eleven live births after abortion procedure, all infants died within the next day or so. Two living infants were discharged from hospitals" having to be classified as live births rather than as abortions.

During the first 12 weeks of life, abortion is carried out by either (A) D&C or (B) Suction Curettage. After twelve weeks, the fetus is too large to be removed by (A) or (B), so abortion is attempted by (C) Saline Injection, and if this is not effective, (D) Hysterotomy is carried out.

No method of abortion is carried out in any significant number of cases without hazard to the mother. A recent paper from England makes the following statement: "The morbidity and fatal potential of criminal abortion is widely accepted while at the same time the public is misled into believing that legal abortion is a trivial incident, even a lunch hour procedure which can be used as a mere extension of contraceptive practice. There has been almost a conspiracy of silence regarding risks."

Listed as immediate complications are:

1. The birth of a living child.
2. Cervical lacerations—4.2%.
3. Uterine perforations—1.7%.
4. Fever—15%.
5. Peritonitis—1.2%.
6. Retained products of conception requiring D&C—5%.
7. Septicemia—0.37%.
8. Endometritis—2.5%.
9. Urinary tract infection.
10. Pulmonary embolism.
11. Amniotic fluid embolism.
12. Hemorrhage greater than 500cc. in 9–17% of abortions done by various methods.

Later, additional complications are depressive reactions, subsequent sterility, subsequent abnormalities of placental implantation and a predisposition to premature labor in future pregnancies. A paper from Czechoslovakia states: "We find the immediate acute inflammatory complications in about 5% of cases—permanent complications in 20–30% of all women who had pregnancy interruptions."

It is believed that this presentation shows abortion for what it is—a negative and destructive approach to life and one of its problems. Those who have portrayed abortion as safe, easy, and almost without psychic trauma have not spoken from the facts. The current efforts of the American drug industry now spending millions of dollars to perfect the prostaglandins so that abortions may be made microscopic should be no less objectionable than the destruction of life at 8 weeks or 12 weeks or 24 weeks—before or after birth. Each one of us began life as a single cell and that biological process has continued without interruption to the moment this line is read. Abortion interrupts, despoils and destroys human life.

#### A. D&C OR DILATION AND CURETTAGE

A brief history is taken, the blood typed and a consent form signed by the patient. The patient is premedicated and an intravenous is started. Anesthesia, either regional or intravenous pentothal is induced. The operative area is cleansed with antiseptics, a retractor is inserted and the mouth of the womb or cervix is grasped with a tenaculum or clamp. A sound or calibrated measure is inserted to measure the depth of the womb. The mouth of the womb is then dilated—"The amount of dilation will depend on the size of the products of conception." A sharp curette—like a long spoon with sharp serrated edges is introduced and the interior of the womb methodically scrapped. "Often little tissue comes away at first but the products of conception are loosened and the ovum forceps is used to remove them." An oxytocic is then given to shrink down the uterus and lessen bleeding. The patient is watched until recovery from anesthesia occurs and then sent back to her room. The pathetic pulp in the photos above, what were once fragile, living objects of simple innocence and complex wonder, are consigned to furnace or sewer . . . unwanted, undefended, unknown. What greater sacrifice could the innocent unborn but to lay down their lives for their mothers' convenience.

#### B. SUCTION CURETTAGE

Preoperative medication and preparation the same as for D&C. Anesthesia is induced usually with intravenous pentothal. A speculum is inserted in the vagina. The cervix (mouth of the womb, ed.) is grasped with a tenaculum. Pitressin, to cause the womb to contract—is injected. The cervix is forcibly dilated. The suction curette, a tube, is inserted into the uterus, the suction turned on, preset at 70 mm Hg. negative pressure. The curette is worked in and out rotating it slowly. "Because the curette and tubing are transparent, the site of implantation can be ascertained from the amount of tissue withdrawn from different areas of the uterus. . . . The procedure is completed by concentrating in the area from which the bulk is obtained." The end point of the procedure is reached when no further tissue is obtained by suction. The embryonic parts, broken and crushed are caught in a tissue trap attached to the machine. A physician long accustomed to witnessing suffering and death has said of suction curettage, that in all his life he has known no more horrible sight or sound than that produced as the little human parts thud into and are caught by the tissue trap.

#### C. SALINE INJECTION

After twelve weeks, the fetus is so large that D&C and Suction Curettage are too dangerous to the mother. At twelve weeks, there is not enough amniotic fluid in the sac in which the little aquanaut lives and moves to do amniocentisis safely. Usually the physician waits until the unborn child has grown to 16 weeks size. Life Magazine states that it is now 5½ inches long and, "quite recognizable now as a human baby." After the patient has emptied her bladder, the abdomen is then prepared with antiseptics. The skin and subcutaneous tissues are injected with a local anesthetic. A long 18 inch gauge needle is inserted through the abdominal wall and the wall of the uterus into the amniotic sac of fluid surrounding the fetus. Four to five ounces of fluid are withdrawn and 5–7 ounces of toxic salt solution 20% saline (more than 23 times the concentration of salt solution that is used for intravenous therapy normally—ed.) is injected. The patient is then given oxytocics to contract the uterus and often also an antibiotic. After the toxic solution is injected, electrocardiographic studies in a New York hospital show that it takes 45 to 120 minutes for the unborn child's heart to stop. When the child dies or the uterus is sufficiently irritated, after a latent period of hours—labor begins and the dead child is born 24 to 28 hours later. A New York physician who does saline abortions has said of this procedure, "I hate to do saline injections—when you inject the saline you see an increase of fetal movements—it's horrible." That increase of fetal movements occurs as the unborn child struggles in his or her death throes.

### D. HYSTEROTOMY

If Saline injection is ineffective or cannot be completed because of technical difficulty or reaction, abortion is accomplished by Hysterotomy. Hysterotomy has been called the "miniature Caesarean section". The patient is prepared and anesthetized, the abdomen and womb are opened. The fetus is lifted out. The cord is clamped. The fetus struggles for a moment and dies. This is obviously unpalatable, particularly to nurses, so much so that Kaye states "The large fetuses aborted at greater than 22 weeks gestation become abhorrent to the nursing staff. This necessitated the change in policy limiting abortion up to the 20th week." Hysterotomy or Caesarean section has a long and honored history in medicine, often saving the life of the mother and the child. When deliberately used to abort, it destroys the life of the child. Occasionally, at least, it also leads to the loss of the life of the mother.

### TERMS AND DERIVATIONS

Abortion—Latin Ab-orior, orire, ortus sum—the one kept from arising.

Embryo—Latin Embryon—the offspring before its birth.

Fetus—Latin Foetus—the young one.

"Products of Conception"—the abortionists' term for the embroyo or fetus.

Termination of Pregnancy—abortionists' term for the act of abortion.

### BIBLIOGRAPHY

1. "Life Before Birth", Life Magazine, April 30, 1965.

2. Fuchs, F., Modern Treatment, p. 206, February, 1971.

3. American Heritage Dictionary.

4. Whites, Latin-English Dictionary.

5. B. E. Marbury, M.D., "Anesthesia in Abortion", Clinical Obstetrics and Gynecology, vol. 14, pps. 81–84, 1971.

6. G. Shaefer, M.D., "Technique of Dilatation and Curettage for Abortion", Clinical Obstetrics and Gynecology, vol. 14, pps. 85–98, 1971.

7. B. N. Nathanson, M.D., "Suction Curettage for Early Abortion Experience with 645 Cases," Modern Treatment, vol. 8, pps. 64–71, Feb. 1971.

8. J. M. MacKenzie, M.D., A. Roufa, M.D., and H. M. M. Tovell, M.D., "Midtrimester Abortion: Clinical Experience with Amniocentesis and Hypertonic Instillation on 400 Patients", Modern Treatment, vol. 8, pps. 72–88, February, 1971.

9. T. D. Kerenyi, M.D., "Outpatient Intra-amniotic Injection of Hypertonic Saline", Clinical Obstetrics and Gynecology, vol. 14, pps. 124–140, March, 1971.

10. S. Edmiston, "A Report on the Abortion Capital of the Country", New York Times Magazine, April 11, 1971.

11. R. E. Kaye, "Procedures for Abortion at the New York Lying-In Hospital", Modern Treatment, vol. 8 pps. 101–113, February, 1971.

12. V. Bonney, A Textbook of Gynecologic Surgery, 6th edition, Carroll, London.

13. H. Stallworthy, A. S. Moolgaoker, and J. J. Walsh, "Legal Abortion: A Critical Assessment of Its Risks", Lancet, December 4, 1971, pps. 1245–1249.

14. A. Kotasek, Int'l. J. of Gyn. and Obs., vol. 9, pps. 118–119, 1971.

---

## HEATING OIL SHORTAGE

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Ms. ABZUG. Mr. Speaker, today's New York Times carries an article noting that Mr. Nixon's Oil Policy Committee "has informally suggested to the States that they temporarily relax air-pollution controls on sulfur emissions." The alleged reason for this suggestion is that we are facing a serious shortage of oil which can be used for home heating, a shortage so extreme as to require "evacuation of people from cold homes to central refuges in which they would be kept warm."

There may well be such a shortage—though I have my doubts about whether it is a real or an artificial shortage. I wonder, though, why Mr. Nixon would resort to dirtier air, or to cold homes next winter instead of some gas rationing between now and then. The article makes the astounding comment that the President's advisers "are deeply opposed to rationing on the ground that the problem is not grave enough to warrant so drastic a remedy."

Presumably, they would not even consider cutting down on fuel for such essential activities as motor boating, snowmobiling, and private airplane flying. Could it be because—

> Relaxation of the [pollution] standards would benefit major oil companies such as Exxon, Shell, Texaco and Amerada-Hess by enabling them to refine in the Caribbean and sell more high-sulphur crude oil.

I—and I hope, the press and public, too—shall keep a close watch on how Mr. Nixon deals with this situation. It will not do for him to slay pollution control on the altar of the energy crisis.

The full text of the article follows:

### OFFICIALS SAY HEATING OIL SHORTAGE COULD BE SEVERE

(By Edward Cowan)

WASHINGTON.—Beyond the threat of a summer gasoline shortage, which is preoccupying Government energy planners, the oil industry and motorists, looms the prospect of a shortage of home heating oil next winter that could be worse than the one last winter.

To reduce the severity of a heating fuel shortage, the Nixon Administration's Oil Policy Committee has informally suggested to the states that they temporarily relax air-pollution controls on sulphur emissions. However, the Environmental Protection Agency has not endorsed the suggestion, and what the states will do is unclear.

Administration officials and industry executives have acknowledged that a shortage is likely. It could be bad enough, officials have said privately, to require evacuation of people from cold homes to central refuges in which they would be kept warm.

### GENERAL ENERGY SHORTAGE

The scarcity of petroleum products is part of a larger shortage of energy generally. The causes are multiple—high consumption, the Federal oil import restrictions that were dropped on May 1, low natural gas prices, delays in construction of nuclear reactors for power plants, environmental bars to burning high-sulphur coal and oil, production rationing in foreign oil countries, and transportation bottlenecks.

The extent of a shortage will depend on how cold it is, Government policy actions, the ability of refineries to produce steadily at capacity and supplies of crude oil. Refineries convert crude oil to motor fuel, heating oil, jet fuel and other products.

The Government could take a long step toward moderating or averting any shortage of heating oil by imposing mandatory gasoline rationing this summer. Reduced gasoline consumption would release some crude oil for conversion to heating oil instead of motor fuel.

However, President Nixon's most senior advisers are deeply opposed to rationing on the ground that the problem is not grave enough to warrant so drastic a remedy. Officials say rationing would require creation of a new bureaucracy and would ensnarl the Government in the complicated business of determining classes of motorists and how much gasoline each should be allowed per week or month.

The temporary modification or suspension of sulphur emission standards for electric utilities suggested by the policy committee would let the utilities burn heavy fuel oil whose sulphur content has not been reduced by the blending of lighter home-heating oil, which contains less sulphur. This would make more heating oil available for the residential market.

John H. Lichtblau, executive director of the Petroleum Industry Research Foundation, said that relaxation of sulphur emission standards would also lead to an increase in the availability of other petroleum products.

Mr. Lichtblau said in a telephone interview from his New York office that European refineries would process more high-sulphur crude oil from the Middle East if they could export to the United States not only gasoline but also "the bottom of the barrel," the high-sulphur residual fuel oil burned by utilities and big apartment houses.

Mr. Lichtblau, whose organization is financed by large and small oil companies, acknowledged that relaxation of the standards would benefit major oil companies such as Exxon, Shell, Texaco and Amerada-Hess by enabling them to refine in the Caribbean and sell more high-sulphur crude oil. He noted that Venezuela has idle crude producing capacity.

Also in favor of the relaxation is the Independent Fuel Terminal Operators Association, which represents East Coast wholesalers of heating oil. "If they don't relax the sulphur standards, the utilities are going to blend or burn a tremendous amount of heating oil," said John H. Zentay, the association's Washington Representative.

On the other hand, John D. Simpson, a deputy environmental protection administrator in New York City, rejected relaxation as "disastrous for urban areas like New York where we're having trouble with sulpnur dioxide emissions."

Mr. Simpson said in a telephone interview that his agency had found that apartment-house oil burners could be "tuned" to increase combustion efficiency to more than 80 per cent from 50 to 60 per cent. He also reported that the agency was encouraging Consolidated Edison to buy more power from other utilities so that it could reduce its use of heating oil as fuel for barge-mounted supplemental generators.

### OUTLOOK UNCERTAIN

States and cities are unlikely to relax sulphur standards without the blessing of the Environmental Protection Agency. Its director of policy analysis for air and water programs, Michael O. Lerner, said, "We haven't been going along with it not because we don't think it's a problem but because we want to see the whole range of possibilities."

Mr. Lerner said that the agency wanted a detailed forecast of the over-all supply picture, including estimated volumes of heating oil that could be released by relaxation of the sulphur standards.

With gasoline rationing excluded, the outlook for heating-oil supplies for next winter is highly uncertain, and experts forecasts differ. But testimony to Congress and private comments by Administration officials and add up to the following outlook:

If next winter is colder than normal, if a fire or hurricane or other event causes a prolonged disruption of production at one or more large refineries, if demand rises more than anticipated—perhaps because of hoarding due to fears of scarcity—or if anything else goes wrong, the shortage could run as high as 5 per cent.

A shortage of that magnitude would pinch supplies of diesel fuel for trucks, trains and barges, causing disruption of freight deliveries, including delivery of oil and gasoline.

"It would be even more serious than a gasoline shortage," one oil economist said. "People would go cold. Like in a flood, you would have to gather people up in public places and keep them warm."

---

## CHEMICAL WARFARE—I

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. RANGEL. Mr. Speaker, most Americans believed that the cessation of chemical warfare operations came in 1970, when the United States terminated such actions in Southeast Asia.

However, alarming reports of chemical aggression are coming from Southern Africa, with increasing intensity and frequency. I now submit a report of this development, prepared by the Washington office on Africa:

### WASHINGTON OFFICE ON AFRICA REPORT

Members of liberation groups in Angola and Mozambique have accused the Portuguese of using herbicides since 1970 in their colonial warfare. MPLA has reported that increased quantities have been sprayed on food crops in recent months of 1972.

The Portuguese are allegedly spraying food crops, especially cassave, to discourage support for liberation forces by starving those who might supply guerrillas. *Times of Zambia* of August 23, 1972 reported that about 1,300 Angolans have been forced across the border into Zambia to receive food after intensive destruction of their crops.

Herbicides may bring death to young children and unborn babies (*Times of Zambia*, October 28, 1972). The effects of chemical defoliants on animals and on the environment are still little known, but must be presumed to be very dangerous.

The United States has been selling herbicides to Portugal since 1965. The types of herbicides which Portugal has received are considered by the U.S. Government to be for mainly civilian use. However, the Government recently removed several herbicides from the list of commodities considered to have either civilian or military uses and put them on a list of commodities for civilian use.

The quantity of sales to Portugal (including those shipments listed as destined for Angola and Mozambique) increased sharply between 1969 and 1970, when Portuguese use of herbicides for destruction of food crops allegedly began. The amount decreased from 1970 to 1971 and then increased again during the first half of 1972. The quantity of herbicides sold to Portugal from January through July, 1972 is larger than the amount sold during any previous entire year:

1969: Herbicides, NEC,, 22,050 lbs., $57,330, and Herbicidal Preparations, 23,590 lbs., $22,210.

1970: Herb., NEC, 88,200 lbs., $229,320, and Herb. Preparations, 17,125 lbs., $28,205.

1971: Herb. Preparations, 109,297 lbs., $202,195.

1972 (January-July): Herb. NEC, 18,203 lbs., $9,664, and Herb. Preparations, 239,268 lbs., $234,696.

Source. Department of Commerce Foreign Trade journal 410—"U.S. Exports: Schedule B Commodity by Country")

The United States has also sold herbicides to South Africa, including those containing 2,4-D and 2,4,5-T which were used in Vietnam and which are classified by the United States government as munitions. These sales in particular should be challenged as violations of the arms embargo against South Africa adopted by the United Nations in August, 1963 and agreed to by the United States.

Furthermore, information appeared in *The Sunday Times* of July 9, 1972 that South African planes have been used to spray herbicides and that some herbicides used over Angola and Mozambique come from South Africa. It is therefore important that the United States discontinue sales of all herbicides that can be used for military purposes not only to Portugal but also to South Africa.

All amounts have decreased in the first half of 1972: some of this may be due to age of some of the amount purchased in 1971 for use in 1972. It should also be noted that, even though sales have decreased from 1971 to the first half of 1972, the quantities sold to South Africa are still relatively large in comparison with amounts sold to other countries:

1969

(1) 644,087 lbs., $155,707.
(2) 347,237 lbs., $832,847.
(3) 1,738,740 lbs., $994,944.
(4) (Previously included in 2.)

1970

(1) 426,680 lbs., $83,815.
(2) 407,223 lbs., $1,007,863.
(3) 2,812,205 lbs., $1,499,454.

1971

(1) 843,499 lbs., $354,418.
(2) 472,480 lbs., $1,277,011.
(3) 3,977,266 lbs., $1,992,467.

1972—JANUARY-JULY

(1) 657,010 lbs., $137,302.
(2) 26,826 lbs., $7,528.
(3) 572,594 lbs., $512,757.
(4) 23,220 lbs., $4,644.

(1) Herbicides 2,4-D amd 2,4,5-T.

(2) Herbicides, NEC, including various forms of herbicides.

(3) Herbicidal Preparations, including mostly weedkills (two of the products listed apparently contain 2,4-D and 2,4,5-T however).

(4) Herbicides of Pentachlorophenate and of Mercury.

The United Nations Special Committee on Colonization, on April 20, 1972, "strongly condemned . . . the use of chemical substances, such as herbicides and defoliants" by the Portuguese in Angola, and may take an active role in attempts to end Portugal's military use of herbicides. A challenge can be brought against the United States in relation to the required assurance from Portugal that any military equipment provided by the U.S. Government will be restricted to use in NATO areas. The Government can also be challenged because it has not adhered to the arms embargo against South Africa for its sale of herbicides to that country. Continued sales of herbicides to Portugal and South Africa will implicate the United States further in its support of and collaboration with the white regimes of Southern Africa.

I am sure that my colleagues in Congress will agree that this is an alarming and most disturbing development.

In a letter to President Nixon, I stated my views on this matter:

DEAR MR. PRESIDENT: It has recently come to my attention that the excessive amount of chemical herbicides that the United States government sells to Portugal and the Republic of South Africa is being used to continue and intensify the colonial warfare in the Portuguese colonies of Angola and Mozambique.

During the first six months of 1972, 1,537,221 pounds of herbicides were sold to the racist regimes in Portugal and South Africa. Though we have been peddling herbicides to these two governments since 1965, the terrifying use of these substances to defoliate broad areas and destroy their ability to support their indigenous populations has only recently come to light.

It appears that Portuguese and South African airplanes are perpetrating a massive spraying of food crops, particularly cassava, to stifle support for the liberation movement among African farmers and peasants in Angola and Mozambique. On August 23, 1972 the Times of Zambia reported that approximately 1,300 Angolans had fled across the border into Zambia seeking food after the poisonous destruction of their crops.

The deadly herbicides which are being used can, in addition to destroying crops, bring death to young children and unborn babies. Massive aerial spraying of these herbicides unleashes massive destruction upon the environment, as proven by what we have done to the land of Vietnam through our own misguided use of these herbicides as a weapon of war.

Portugal has assured us that any military equipment supplied by our government will be used only in North Atlantic Treaty Organizations (NATO) areas. Angola and Mozambique are not members of NATO, yet these herbicides, certain types of which have been declared to be munitions under international law, are being used against the native populations of these countries by the Lisbon regime.

The United States is in violation of the 1963 United Nations embargo of military supplies and munitions to South Africa by making herbicides available to this apartheid nation.

Clearly, the survival of our American economy does not hinge on our herbicide sales to Portugal and South Africa. I call upon you to order the immediate cessation of all sales of chemical herbicides to Portugal and South Africa. The savage genocide being conducted by these two nations with the aid of technology provided by the United States must stop.

Very truly yours,
**Charles B. Rangel,**
*Member of Congress.*

Letters and expressions of outrage will not end U.S. involvement in this affair. I will soon introduce two pieces of legislation in the House of Representatives designed to do so.

The Herbicide Export Control Act of 1973 will halt all exportation of herbicides with little agricultural value, but much destructive potential.

The Chemical Warfare Prevention Act of 1973 will ban the exportation of all herbicides to South Africa and Portugal.

I welcome the cosponsorship of my colleagues in the House on these proposals.

## SOKOL MILWAUKEE CELEBRATES ITS 105TH ANNIVERSARY

## HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. REUSS. Mr. Speaker, on Saturday, May 19, 1973, the Sokol Milwaukee celebrated its 105th anniversary with a banquet and dance at the Milwaukee Inn Ballroom. Founded in 1868, the Sokol Milwaukee has truly lived up to its goal of physical fitness through gymnastics.

A large and enthusiastic audience took part in the celebration. A principal address was given by Joseph F. Drnec, of Illinois, president of the Central District of the American Sokol Organization. Excerpts from Mr. Drnec's address follow:

### Excerpts From Mr. Drnec's Address

Brother Chairman, distinguished guests, sisters and brothers and Sokol friends: All of us present should feel honored and privileged to participate in this 105th birthday of Sokol Milwaukee. To you Sokol Milwaukee our sincere thanks for your continued efforts in perpetuating Sokol.

Sokol ideals are now in their second century here in this great country of ours. Those of us witnessing the many examples of training produced in our Sokol gym units throughout the American Sokol organization should and must fill our hearts with justifiable pride that we are a part of this great movement.

The future of Sokol belongs to our Sokol youth boys and girls, young women and men attending gym classes and participating in competitions and exhibitions. This training reflects on better and more responsible citizenship for a better America.

Toady we salute Sokol Milwaukee who for 105 years have been carrying on these Sokol teachings right here in your beautiful city. We all hope that Sokol ideas will continue building a better world in peace and happiness for all people of the world.

Normally your public exhibition is the year's climax, but this year it is an anticlimax, for we will hold our 13th National Slet in Chicagoland June 21 to 24. I invite all of you to the slet to compete or view the efforts of Sokols from the entire country and Canada, also to attend the slet banquet on Thursday June 21st at the Lexington House in Hickory Hills, Illinois and the great manifestation of physical fitness on Sunday afternoon 2:00 p.m. at the Morton West stadium in Berwyn, Illinois.

The program of the 105th anniversary banquet and dance follows:

### PROGRAM

Salute to American Flag.

National Anthems, Anthony Kopecky.

Welcome Address, Fred Stankovsky, M.C.

Address, Rudy Richter, President, Sokol Milkwaukee.

Address, Lillian Funk, President, Sokolice Milwaukee.

Piano Selection, Scott Brahm.

Address Joseph Drnec, President, Central District,

Song Selections, Anthony Kopecky, accompanied by Scott Brahm.

Address, George Basta, Treasurer, American Sokol Organizations.

Piano Selection, Scott Brahm.

Address, Honorable Henry Reuss, Congressman, 5th District.

Song Selections, Anthony Kopecky, accompanied by Scott Brahm.

Closing Address, Fred Stankovsky, M.C.

## WMAQ-TV EDITORIALS

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. DERWINSKI. Mr. Speaker, WMAQ-TV, Chicago, which is known for its very spirited and penetrating editorial policies under its editorial director, Mr. Dillon Smith, broadcast two editorials on May 11 and 12 which dealt with the subject of judicial processes in Cook County, Ill., and the relatively few criminal offenders who are brought to justice. The editorials speak for themselves, and I direct them to the attention of the Members who are genuinely interested in the rights of the victims as well as the perpetrators of crimes:

### Editorial, May 11

Today we want to talk about something called the "shrinkage of crime." What it means simply is that a lot of crimes are being committed in this area and very few people are being sent to prison.

In Cook County last year, more than 400,000 serious crimes were reported to police. Only 1,760 persons were sent to prison.

It is alarming to discover that only one person is imprisoned for every 230 crimes reported in this area. Obviously our system of criminal justice is not doing its job when so few criminals are apprehended, convicted and sentenced.

Let's use one category of serious crime as an example—armed robbery. Nearly 19,000 armed robberies were reported to police last year, yet only 319 persons were sent to jail for armed robbery.

Here's how 19,000 shrunk to 319. Thirty-six per cent of the reported armed robberies were quickly discounted by police for one reason or another. They were recorded as "unfounded"—so, officially, they never happened. This is sometimes called "killing crime with a pencil" and if a lot of reported crimes end up in the wastebasket, it can give the impression that a police commander is doing a good job of controlling crime in his district.

Only 18 per cent of the reported armed robberies resulted in anyone being arrested. What is worse is that there were indictments in only four per cent of reported armed robberies.

This indicates several problems: improper arrests, a failure of police to obtain enough evidence to get indictments, a willingness of prosecutors to reduce serious charges to minor charges. If a charge of armed robbery is reduced to simple assault or burglary in return for a guilty plea, the prosecutor can count that as a conviction, but it can allow the offender to go free on probation.

And at the bottom line, only 1.7 per cent of reported armed robberies end up with someone going to prison, one out of 4,060 cases.

We have more serious crime in the Chicago area this year than we had last year. But persons accused of crime are not being brought to trial. For comparison, seven times the number of persons are brought to trial in Los Angeles as there are here.

When police officials doctor the statistics, when prosecutors reduce serious crimes to misdemeanors, they are taking the easy way out. Our system of criminal justice is not working, and it cannot work when elements within that system are not functioning properly.

Frankly, criminals will have the odds on their side until police and prosecutors do a better job of apprehending criminals, getting the evidence and prosecuting them for serious crimes.

Of course, judges have an important role to play in this process, and we'll talk about that in our next editorial.

### Editoral, May 12

If a person who was indicated a year ago for armed robbery has not yet been brought to trial, if his case has been delayed a dozen times, whose fault is that? The answer, we believe, is that it's the judges' fault.

Our system of criminal justice in Cook County moves excruciatingly slow. Many of our judges seem to forget that the United States Constitution guarantees a defendant the "right to a speedy trial." Justice is certainly not a speedy process here.

In 1972, for example, 735 persons were indicted for armed robbery in Cook County. Now, in May of 1973, only 223 of those cases have been completed while 512 of them are still pending, many of them well over a year old.

This is largely the fault of judges. Once a case is assigned to a judge, it is his responsibility to move it along and make sure it is adjudicated within a reasonable amount of time.

But, in fact, judges are letting cases drag on and on. Here's a statistic that might astound you: Cook County judges grant an average of 12 continuances in every armed robbery case.

Of course, there are valid reasons for postponing a trial. But anyone who accepts the axiom that "justice delayed is justice denied" has got to conclude that 12 continuances per armed robbery case is inexcusable.

Some judges believe that these delays help to avoid trials by encouraging deals between lawyers whereby defendants plead guilty to lesser charges and get a lighter sentence. But when a felony charge is knocked down to a misdemeanor, the guilty person gets off with probation or a few days in the County Jail.

Long delays also decrease the chance that a guilty person will be convicted if he ever is tried. Evidence is lost. Memories grow dim. Witnesses quit showing up in court, or they move away or they die.

It is time for our judges to change this pattern of procrastination. They must start demanding that lawyers show up in court ready for trial. They should establish some rules to specify acceptable reasons for granting continuances and to put a limit on the number of times that any one case will be delayed. If judges drove their cars the way they run their courtrooms, many of them would get tickets for obstructing traffic.

## DELAWARE GENERAL ASSEMBLY SUPPORTS DU PONT LEGISLATION CONCERNING THE ENERGY PROBLEM

---

### HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. DU PONT. Mr. Speaker, some months ago, I introduced H.R. 2920, to provide for a national energy council to coordinate our country's efforts to insure adequate energy supplies.

I was pleased to learn recently that the Delaware Legislature supports my legislation. I insert in the RECORD House Joint Resolution 2, passed by the Delaware General Assembly:

HOUSE JOINT RESOLUTION NO. 2

An act memorializing the Delaware Congressional Delegation to support House Resolution 2920 sponsored by Representative P. S. du Pont IV, dealing with the coordination of agencies, departments, and environmental factors concerned with the energy problem

Whereas, the joint committees of Public Safety and Community Affairs and Economic Development have studied the question of whether an immediate fuel crisis exists in Delaware; and

Whereas, hearings were held on January 18th and 24th in Dover and a meeting conducted with Getty Oil Company representatives on February 5th; and

Whereas, the committees have determined that there is no immediate fuel crisis and that the health and public safety of the citizens of Delaware will not be adversely affected; and

Whereas, it was pointed out that the reason there is not an immediate fuel crisis is due in part to the unusually mild winter on the east coast and the easing of the grain drying situation in the midwest; and

Whereas, it was concluded that Delaware and the United States do have a *potential* future energy crisis and steps must be taken now to cope with this possibility; and

Whereas, over the past ten years energy needs have been growing at an accelerated rate and demands for modern conveniences and the impact of environmental controls have combined to increase energy consumption; and

Whereas, many diverse opinions were expressed as to the cause of the potential energy crisis; and

Whereas, these explanations included the facts that government ceilings have been placed on the price of natural gas, diminishing the number of exploration wells in the country; the cost of drilling has increased and the incentive for exploration has disappeared; and that oil companies have run their plants to meet increasing gasoline needs; and

Whereas, it was revealed that is estimated that the United States has enough on-shore oil for the next ten years, natural gas for eleven years, shale oil for 35 years to 120 years and coal for the next 500 years.

Now, therefore:

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein, that the Delaware Congressional Delegation support Representative P. S. du Pont, IV's House Resolution 2920 which coordinates efforts at the Federal level, bringing together all agencies, departments and environmental factors into one strong unit, creating, in the Executive Office of the President, a Council on Energy.

Be it further resolved that a copy of this resolution be forwarded to the forty-nine state legislatures for their urgent consideration and support in an attempt to focus national attention on this potential fuel crisis.

Be it further resolved that copies of this resolution be sent to Senator William V. Roth, Senator Joseph R. Biden, Jr. and Rep. Pierre S. du Pont, IV, and that this resolution be incorporated into the Congressional Record.

---

# SENATE—*Tuesday, May 22, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. FLOYD K. HASKELL, a Senator from the State of Colorado.

## PRAYER

The Reverend Monsignor E. Robert Arthur, pastor, St. Patrick's Catholic Church, Washington, D.C., offered the following prayer:

God our Father: In You we live and move and have our being. Look with favor upon our Nation and its people. Show the light of Your truth to all who live in this favored land that we may be guided back to the path of justice from which we sometimes wander. Grant us the grace to love Your commandments. Make us see that our dedication to national ideals can find fulfillment only if we are no less dedicated to Your kingdom of justice, love, and peace.

Help, O Lord, with your gifts of knowledge, wisdom, and fortitude the Members of the Senate of the United States. The responsibility which they exercise in the service of their fellow citizens is not light. Give them, we pray You, a share of Your strength. Let their deliberations and their acts always be sanctified in the observance of Your law.

The kingdom, the power and the glory, O Lord, be ever Yours. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 22, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. FLOYD K. HASKELL, a Senator from the State of Colorado, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. HASKELL thereupon took the chair as Acting President pro tempore.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 86–420, the Speaker had appointed Mr. BROWN of Ohio and Mr. BURKE of Florida as members of the U.S. delegation of the Mexico-United States Interparliamentary Group, vice Mr. STEIGER of Arizona and Mr. STEELE, excused.

The message announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 6330. An act to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia;

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act;

H.R. 7139. An act authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency helicopter transportation services to civilians, and limiting individual liability incident to providing such services, and for other purposes; and

H.J. Res. 512. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes.

## HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 6330. An act to amend section 8 of the Public Buildings Act of 1959, relating to the District of Columbia; to the Committee on the District of Columbia.

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act; to the Committee on Interior and Insular Affairs.

H.R. 7139. An act authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency helicopter transportation services to civilians, and limiting individual liability incident to providing such services, and for other purposes; to the Committee on Armed Services.

H.J. Res. 512. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 21, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 157, 158, and 160.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES

The Senate proceeded to consider the bill (S. 1201) to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 7, after the word "appropriated", strike out "such sums as may be necessary to carry out the provisions of this title" and insert "not more than $15,000,000 annually for fiscal year 1974 and for each of the two succeeding fiscal years to carry out the provisions of this title"; on page 2, line 4, after the word "appropriated", strike out "such sums as may be necessary for the purposes of this section" and insert "not more than $100,000 annually for fiscal year 1974 and for each of the two succeeding fiscal years for the purposes of this section "; and, after line 7, insert:

(c) Section 201 is amended by inserting the following new subsection:

"(g) The Council shall continue in existence until December 31, 1985."

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of October 15, 1966 (80 Stat. 915; 16 U.S.C. 470), as amended, is further amended as follows:

(a) Section 108 is amended by deleting the first sentence and inserting in lieu thereof the following: "There is authorized to be appropriated not more than $15,000,000 annually for fiscal year 1974 and for each of the two succeeding fiscal years to carry out the provisions of this title."

(b) Subsection (c) of section 206 is amended to read: "There is authorized to be appropriated not more than $100,000 annually for fiscal year 1974 and for each of the two succeeding fiscal years for the purposes of this section."

(c) Section 201 is amended by inserting the following new subsection:

"(g) The Council shall continue in existence until December 31, 1985".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The Senate proceeded to consider the bill (S. 1385) to amend section 2 of this act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended y deleting "for each for the fiscal years 1971, 1972, and 1973, $60,000,000" and inserting in lieu thereof "for fiscal year 1974, $60,000,000".

SEC. 2. The Act of June 30, 1954, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 4. (a) The government comptroller for Guam appointed pursuant to the provisions of section 9–A of the Organic Act of Guam shall, in addition to the duties imposed on him by such Act, carry out, on and after the date of the enactment of this section, the duties set forth in this section with respect to the government of the Trust Territory of the Pacific Islands. In carrying out such duties, the comptroller shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Trust Territory of the Pacific Islands. The salary and expenses of the comptroller's office shall, notwithstanding the provisions of subsection (a) of section 9–A of the Organic Act of Guam, be apportioned equitably by the Secretary of the Interior between Guam and the Trust Territory of the Pacific Islands from funds available to Guam and the trust territory.

"(b) The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of the Trust Territory of the Pacific Islands and of funds derived from bond issues; and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Trust Territory of the Pacific Islands including those pertaining to trust funds held by such government.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the High Commissioner of the Trust Territory of the Pacific Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Trust Territory of the Pacific Islands, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of such government are properly accounted for and audited.

"(d) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the High Commissioner, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(e) If the High Commissioner does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the High Commissioner, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

"(f) The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

"(g) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the High Commissioner and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

"(h) The government comptroller shall make such other reports as may be required by the High Commissioner, the Comptroller General of the United States, or the Secretary of the Interior.

"(i) The office and activities of the government comptroller pursuant to this section shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the High Commissioner, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives.

"(j) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## INDIAN JUDGMENT FUNDS DISTRIBUTION ACT OF 1973

The Senate proceeded to consider the bill (S. 1016) to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 2, after the word "are", strike out "cumbersome and—

"(1) infringe upon the full and free development of the unique relationship between the Indian people and the Federal Government;

"(2) inhibit democratic and effective expression of the desires and needs of the Indian people;

"(3) limit the opportunity for Indian people to participate in and exercise effective control over decisions which determine their economic, social, and cultural well-being; and

"(4) reduce the time available to, and limit the ability of, Congress to effectively investigate and legislate in the areas of substantive Indian policy." and insert "cumbersome, and infringe upon the full and free development of the unique relationship between the Indian people and the Federal Government; and reduce the time available to, and limit the ability of, Congress to effectively investigate and legislate in the areas of substantive Indian policy."; on page 3, line 16, after the word "of", strike out "Indian" and insert "Indians, Indian"; in line 22, after "(a)", strike out "Within" and insert "Unless a request for an extension of time (i) is deemed necessary and is submitted by the Secretary or (ii) is made to the Secretary by the Indian tribe, band, group, pueblo, or community, which request shall be submitted to Congress by the Secretary within"; on page 4, line 7, after the word "the", strike out "Indian" and insert "Indians and Indian"; in line 8, after the word "community", strike out "in whose favor such judgment is rendered and such funds appropriated" and insert "which has been determined by the Secretary to be the present-day beneficiary or beneficiaries of the subject award and are entitled to participate in the distribution of the appropriated funds"; on page 5, line 10, after the word "those", insert "entities and"; in line 15, after the word "any", insert "affected"; in line 16, after the word "community", strike out "in whose favor the Indian judgment is rendered,"; in line 21, after the word "community", strike out "and any individual"; on page 7, line 2, and after the word "equal", strike out "protection: *Provided,* That this clause shall not be deemed to authorize the Secretary to either add persons to or remove persons from those who are clearly designated as recipients of such funds in the pertinent Indian judgment or appropriation Act;" and insert "protection;"; at the beginning of line 13, insert "afected"; at the beginning of line 14, strike out "in whose favor the judgement is rendered"; in line 20, after the word "calendar", strike out "days, exclusive of days when Congress is adjourned or in recess," and insert "days"; in line 22, after the word "plan", strike out "to" and insert "by"; on page 9, line 8, after the word "all", insert "entitles and"; in line 20, after "4", strike out "(c)" and insert "(d)"; in the same line, after the word "significant", strike out "portion of the net distributable funds" and insert "portion"; in line 24, after the word "or", strike out "community, or unless otherwise provided for in the pertinent judgment or appropriation Act" and insert "community"; and, on page 10, after line 2, insert a new section, as follows:

SEC. 9. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and per capita payments less than $1,000 shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act.

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Indian Judgment Funds Distribution Act of 1973".

### STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress declares that a new method of distributing funds of Indian judgments must be established as the existing procedures for developing, approving, and enacting a distribution plan for each Indian judgment are cumbersome, and infringe upon the full and free development of the unique relationship between the Indian people and the Federal Government; and reduce the time available to, and limit the ability of, Congress to effectively investigate and legislate in the areas of substantive Indian policy.

(b) It is the purpose of this Act to declare a policy for the distribution of judgment funds to Indians; to delegate certain ministerial functions to, and establish specific guidelines and standards to be followed by, the Secretary of the Interior in the development of plans for the distribution of such funds; to provide maximum participation to Indian tribes, bands, groups, pueblos, or communities in determining the uses to be made of such funds; to protect the interests of any groups and individuals who are in a minority position but who are also entitled to receive such funds; to enhance the educational, social, and economic opportunities available to the Indian people; and to enable the committees of the Congress to dedicate the time and resources of their members more fully to substantive policy issues associated with the historic relationship between the Indian people and the United States Government and to the improvement of this relationship.

### INDIAN JUDGMENTS

SEC. 3. Notwithstanding any other provision of law, from and after the date of enactment of this Act, all distributions of funds appropriated by the Congress to pay in favor of Indians, Indian tribes, bands, groups, pueblos, or communities judgments of the Indian Claims Commission and of the Court of Claims (hereinafter referred to as "Indian judgments" or "Indian judgment") shall be made pursuant to the provisions of this Act.

### PLAN FOR DISTRIBUTION OF FUNDS OF INDIAN JUDGMENTS

SEC. 4. (a) Unless a request for an extension of time (i) is deemed necessary and is submitted by the Secretary or (ii) is made to the Secretary by the Indian tribe, band, group, pueblo, or community, which request shall be submitted to Congress by the Secretary within six months after the date of the appropriation of funds by the Congress to pay each Indian judgment, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall prepare and submit to the Congress a recommended plan for the distribution of such funds (hereinafter referred to as a "plan") to the Indians and Indian tribe, band, group, pueblo, or community which has been determined by the Secretary to be the present-day beneficiary or beneficiaries of the subject award and are entitled to participate in the distribution of the appropriated funds. The Secretary shall also submit to the Congress with such plan—

(1) copies of the transcripts of hearings held by him concerning the Indian judgment pursuant to clause (2) of subsection (c) and all other papers and documents considered by him in the preparation of such plan, including any resolution, communication, or suggested distribution plan of the pertinent Indian tribe, band, group, pueblo, or community submitted pursuant to clause (1) of subsection (c); and

(2) a statement of the extent to which such plan reflects the desires of the tribe, band, group, pueblo, community, or individuals who are entitled to such funds, which statement shall specify the alternatives, if any, proposed by such tribe, band, group, pueblo, community, or individuals in lieu of such plan, together with an indication of the degree of support among the interested parties for each such alternative.

(b) The plan shall be prepared by the Secretary pursuant to the provisions of subsections (c) and (d) of this section and such rules and regulations as the Secretary may prescribe in accordance with section 7 of this Act.

(c) The Secretary shall prepare a plan which shall best serve the interests of all those entities and individuals entitled to receive the funds of each Indian judgment. Prior to final preparation of the plan, the Secretary shall—

(1) receive and consider any resolution or communication, together with any suggested distribution plan, which any affected Indian tribe, band, group, pueblo, or community may wish to submit to him; and

(2) hold a hearing or hearings of record, after appropriate public notice, to obtain the testimony of leaders and members of the Indian tribe, band, group, pueblo, or community who may receive any portion, or be affected by the distribution, of such funds. Such hearing or hearings shall be held in the area or areas in which such Indian tribe, band, group, pueblo, or community resides and at a time or times which shall best serve the convenience of eligible members thereof;

(d) In preparing a plan for the distribution of the funds of each Indian judgment, the Secretary shall, among other things, be assured that—

(1) legal, financial, and other expertise of the Department of the Interior has been made fully available in an advisory capacity to the Indian tribe, band, group, pueblo, or community which is entitled to such funds to assist it to develop and communicate to the Secretary pursuant to subsection (c) its own suggested plan for the distribution and use of such funds;

(2) the needs and desires of any groups or individuals who are in a minority position but who are also entitled to receive such funds have been fully considered;

(3) the interests of minors and others legally incompetent who are entitled to receive any portion of such funds and such portions as are subsequently distributed to them are and will be protected and preserved;

(4) the constitution, bylaws, rules, or procedures of such Indian tribe, band, group, pueblo, or community which relate to enrollment, eligibility to share in the distribution of such funds, and decisionmaking concerning the distribution of such funds accord with the principles of due process and equal *protection;*

(5) a significant portion, as defined in section 8 of this Act, of the net distributable funds shall be set aside and programed to serve common tribal, band, group, pueblo, or community needs, educational requirements, and such other purposes as the circumstances of the *affected* Indian tribe, band, group, pueblo, or community may justify; and

(6) methods exist and will be employed to insure the proper performance of the plan once it becomes effective pursuant to section 5 of this Act.

### CONGRESSIONAL REVIEW

SEC. 5. (a) Congress shall have sixty calendar days from the date of submission of a plan by the Secretary in order to review such plan.

(b) Such plan shall become effective and the distribution of Indian judgment funds provided for by such plan shall be made by the Secretary upon the expiration of such sixty-day period.

(c) The full sixty-day period, or any portion thereof, may be waived by committee resolutions of the Committees on Interior and Insular Affairs of both the Senate and the House of Representatives. Such plan shall become effective and the distribution of such funds shall be made upon the effective date of the wiaver of the committees of the Congress.

(d) Such plan shall not become effective and no distribution of such funds shall be made if, within such sixty-day period, a committee resolution disapproving such plan is passed by either House of Congress.

(e) Within thirty calendar days of the date of passage of a committee resolution disapproving a plan, the Secretary shall propose legislation embodying such plan, together with whatever changes the Secretary deems appropriate.

### PROCEDURES IN ABSENCE OF A PLAN

SEC. 6. Whenever the Secretary determines that circumstances do not permit the preparation of a plan for the distribution of funds of an Indian judgment which shall meet the policies or purposes of this Act or the requirements of section 4 or whenever he shall determine that a plan for the distribution of such funds reflects a new policy or purpose not contemplated by this Act, he shall submit to the Congress his recommendations, either in the form of a report or of proposed legislation, to effect the distribution of such funds.

### RULES AND REGULATIONS

SEC. 7. (a) The Secretary shall promulgate rules and regulations to implement this Act no later than six months from the date of enactment of this Act. Among other things, such rules and regulations shall provide for adequate notice to all *entities and* persons who may receive funds under any Indian judgment of all relevant procedures pursuant to this Act concerning any such judgment.

(b) No later than sixty days prior to the promulgation of such rules and regulations the Secretary shall publish the proposed rules and regulations in the Federal Register.

(c) No later than thirty days prior to the promulgation of such rules and regulations, the Secretary shall provide, with adequate public notice, the opportunity for hearings on the proposed rules and regulations, once published, to all interested parties.

SEC. 8. For the purposes of clause (5) of subsection 4(d), "significant portion" means a portion of the net distributable funds of an Indian judgment which shall be no less than 20 per centum unless otherwise warranted by the particular circumstances of the pertinent Indian tribe, band, group, pueblo, or community.

SEC. 9. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and per capita payments less than $1,000 shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LEGAL SERVICES

**Mr. MANSFIELD.** Mr. President, last week, the administration submitted its message and draft bill on the so-called legal services issue. Prior to its submission the leadership had been advised—that is, the Democratic leadership—that a jurisdictional issue over the reference of the message may arise. It should be noted that the Senate Committee on Labor and Public Welfare has traditionally and consistently considered the question of legal services assistance for the poor since the inception of such a program.

Accordingly I instructed the policy committee staff to admonish the Senate Parliamentarian to retain this message at the desk pending the resolution of the possible jurisdictional problem.

It is my understanding that such a request was made but that the message was referred, not to the Committee on Labor and Public Welfare, but to the Committee on the Judiciary. I would note that after the reference, the policy committee staff was advised of the action taken—given the reason apparently that a legal services amendment had been introduced and sent to the Committee on Labor and Public Welfare. In my judgment the reference of the amendment did not resolve the jurisdictional question about the message and action should not have been undertaken without initial clearance through me or through the majority policy committee. I would stress that after-the-fact advice does not fall in this category.

It is against these facts that I ask unanimous consent that the Committee on the Judiciary be discharged from the message involving legal services and that the referral be vacated and instead that it be referred to the Labor Committee to preserve its jurisdictional integrity on the issue of legal services to the poor.

**Mr. GRIFFIN.** Mr. President, I reserve the right to object. I can understand the feelings and the dilemma of the distinguished majority leader, in view of his statements and understandings. On the other hand, I must say, representing the leadership on this side, that I had no prior knowledge or notice of the understanding.

I will say as a Senator who has served on the Committee on the Judiciary, and who is familiar generally with the legislation having to do with legal representation in the courts, that it seems altogether appropriate that such legislation would be considered by the Judiciary Committee, if not exclusively, then at least in addition to such consideration as might be given by the Committee on Labor and Public Welfare.

I might ask the distinguished majority leader if the request he is now making has been cleared with the ranking minority member of the Judiciary Committee or the chairman of the Judiciary Committee. I would feel constrained to object, at least temporarily, unless we did have consultation with those particular Senators.

**Mr. MANSFIELD.** I appreciate the remarks of the distinguished acting minority leader, but may I point out that one of the few prerogatives given to the majority leader is the one which he exercises at the request of Senators on either side of the aisle that messages or legislation be held at the desk pending settlement of the request involved. Such a request was made. The majority leader feels that he has kept his word. He is embarrassed by what has developed.

I would change my unanimous-consent request that the matter be rereferred from the Judiciary Committee and that it lie at the desk until the question is settled, and with the hope, furthermore, that once the request is made by a member of the policy committee or by the minority or majority leader, the desk would observe the request.

**Mr. GRIFFIN.** I would certainly say that that would be an agreeable unanimous-consent request: that the bill now go back to the desk and stay there until the question of jurisdiction is resolved. If the majority leader wishes to amend his unanimous consent in this respect, I would not object.

**Mr. MANSFIELD.** That is a fair solution. I make that request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**Mr. MANSFIELD.** I thank the Chair and the activing Republican leader.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**Mr. MANSFIELD.** Mr. President, I yield whatever part of my 5 minutes the distinguished Senator from Texas desires.

**Mr. TOWER.** I thank the distinguished Senator.

## PRIVILEGE OF THE FLOOR

**Mr. TOWER.** Mr. President, I ask unanimous consent that during the consideration of S. 1798 and all amendments thereto, Michael Burns, the minority counsel for the Committee on Banking, Housing and Urban Affairs, and Joan Baldwin, a member of the staff of the Republican Policy Committee, be allowed to be present on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

**Mr. TOWER.** Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**Mr. MANSFIELD.** Mr. President, what is the situation at the present time?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that there be a quorum call and that the time be taken out of the time of the assistant majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**Mr. MANSFIELD.** Mr. President, in the absence of the distinguished assistant majority leader, I yield myself 1 minute

The ACTING PRESIDENT pro tempore. The Senator is recognized.

---

## PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 156, S. 514.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 514) to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MOSS. Mr. President, I rise to ask passage of S. 514, my bill which would provide for the protection and recovery of scientific, prehistorical, historical, and archeological data which might be affected through alteration of the terrain by any Federal or federally assisted activity or program.

The bill, which is cosponsored by 45 Members of the Senate, and which was unanimously reported by the Senate Interior and Insular Affairs Committee, is identical to S. 1245 which was passed by the Senate in the 92d Congress, but which died in the House. I am hopeful that the House will take final action on this measure in this Congress. By passing it this early in the session and referring it to the House, the Senate will give the other body ample time to consider it and get it through.

I hope, however, the House will move quickly. The Nation faces an archeological resource crisis. The land is being altered, and our archeological data is being destroyed at an alarming rate. We must assure that enough of the past is preserved to enable archeologists of the future to make adequate interpretations of it. This bill presents one last opportunity to meet this objective in an adequate way. It is, therefore, essentially a conservation measure.

Preserving the past through archeological data is, of course, not a Federal problem alone. The archeological profession, and the Federal, State, and private agencies through which they operate, must all develop approaches to protecting our archeological resources. But the Federal Government is in a preeminent position to take action, and this bill will assure that it does. Without it, a majority of our archeological sites will be damaged or destroyed within the next 25 years.

The bill has the strong support of the Society for American Archeology, the Committee for the Recovery of Archeological Remains, and of many other private and State archeological groups and individuals. It is the logical next step.

The National Park Service has maintained for more than 20 years a program of cooperative agreements with State and local institutions for recovery of archeological data about to be lost through flooding behind dams. The 1960 act—Public Law 86-523—required Federal agencies building dams or licensing the construction of dams to notify the Secretary of the Interior of such intentions and formalized the ongoing reservoir archeological salvage program.

Unfortunately, there has never been any provision for the recovery of archeological and historical data being lost as a result of Federal programs, other than dam construction. These losses far surpass those resulting from the building of dams.

This bill amends the 1960 act to extend coverage to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause the loss of scientific, prehistorical, historical or archeological data. The program would be administered by the Secretary of the Interior, and financed through the transfer to the Secretary, by the Federal agency whose program is causing damage or destruction to archeological data, of not more than 1 percent of the program funds as a nonreimbursable item. These funds will be used to protect or recover such data prior to its loss.

On a program basis, the National Park Service spends approximately $1.2 million annually for salvage work on reservoir projects alone under the 1960 law. With the construction activities of other agencies included in the program, it is expected that the amount needed for this program would increase to about $6.5 million within 5 years.

Enactment of the bill would enable archeologists to select the sites upon which to concentrate their efforts on the basis of scientific need, rather than being restricted to sites which are being destroyed by dam construction or reservoir flooding. In the past much extremely valuable scientific data has been lost because there were no funds or personnel to be used at the critical time. By authorizing the transfer of the necessary funds from the program which threatens destruction at the time of the threat, it would be possible to tie in directly and immediately archeological skills and funds when they are needed.

Under the bill the responsibility for initiating action rests with the archeologists and the Federal agencies involved would not be burdened with unnecessary administrative problems or expense.

Mr. President, I ask that the bill (S. 514) be passed.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 514

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam", approved June 27, 1960 (74 Stat. 220), is amended to read as follows: "That it is the purpose of this Act to further the policy set forth in the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (16 U.S.C. 461–467), and the Act entitled 'An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes', approved October 15, 1966 (80 Stat. 915), by specifically providing for the preservation of scientific, prehistorical, historical, and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of any Federal, federally assisted, or federally licensed activity or program.

"SEC. 2. Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam it shall give written notice to the Secretary of the Interior (hereinafter referred to as the 'Secretary') setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence that scientific, prehistorical, historical, or archeological data exist or may be present in the proposed reservoir area.

"SEC. 3. (a) Whenever any Federal agency finds, or is made aware by an appropriate historical or archeological authority, that its operation in connection with any Federal, federally assisted, or federally licensed project, activity, or program adversely affects or may adversely affect significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency (1) may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or (2) may, with funds appropriated for such project, program, or activity, undertake the activities referred to in clause (1). Copies of reports of any investigations made pursuant to clause (2) shall be made available to the Secretary.

"(b) The Secretary, upon notification by any such agency or by any other Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or acheological data is or may be adversely affected by any Federal, federally assisted, or federally licensed project, activity, or program, shall, if he determines that such data is being or may be adversely affected, and after reasonable notice to the agency responsible for such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being but should be recovered and preserved in the public interest. The Secretary shall initiate action within sixty days of notification to him by an agency pursuant to subsection (a), and within such time as may be agreed upon with the head of the responsible agency in all other cases. The responsible agency upon request of the Secretary is hereby authorized to assist the Secretary and to transfer to the Secretary such funds as may be necessary, in an amount not to exceed 1 per centum of the total amount appropriated for such project, activity, or program, to enable the Secretary to conduct such survey or other investigation and recover and preserve such data (including analysis and publication) or, in the case of small projects which cause extensive scientific, prehistoric, historical, or archeological damage, such larger amount as may be mutually agreed upon by the Secretary and the responsible Federal agency as being necessary to effect adequate protection and recovery: *Provided*, That the costs of such survey, recovery, analysis, and publication shall be considered nonreimbursable project costs.

"(c) The Secretary shall keep the responsible agency notified at all times of the progress of any survey or other investigation made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

"(d) A survey or other investigation similar to that provided for by subsection (a) or (b) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam, project, activity, or program which has been heretofore authorized by any agency of the United States, by any private person or corporation holding a license issued by any such agency, or by Federal law.

"(e) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

"Sec. 4. In the administration of this Act, the Secretary may—

"(1) accept and utilize funds transferred to him by any Federal agency pursuant to this Act;

"(2) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual;

"(3) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code; and

"(4) accept and utilize funds made available for salvage archeological purposes by any private person or corporation.

"Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

## QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to the time of the distinguished Senator from West Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield myself such time as I may desire, on the time of the distinguished assistant majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is ordered.

## PRIVILEGE OF THE FLOOR FOR TWO EMPLOYEES OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

Mr. MANSFIELD. Mr. President, on March 22 unanimous consent was granted for access to the Senate floor to two employees of the Joint Committee on Congressional Operations to study the feasibility of producing a daily summary of chamber proceedings. The staff was not prepared to proceed at that time. Therefore, I ask unanimous consent that two employees of the Joint Committee on Congressional Operations be permitted access to the floor of the Senate for a 3-week period beginning immediately following the Memorial Day recess for the study.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MONTANA FIRM MAKES MEDALS FOR THE NATION

Mr. MANSFIELD. Mr. President, in the Rocky Mountain Informer, published at Kalispell in the Flathead country of western Montana, is a most interesting article on Roche Jaune, Inc.: "Making Medals for the Nation." It is a new national industry. I had the opportunity to meet with the officials connected with this organization some months ago, when they were bidding for the contract to create silver and bronze medals to commemorate the 100th anniversary of Yellowstone National Park and the park system as such.

They have done a remarkably effective job. Incidentally, they were successful, and, coming from the Flathead country, they had to be good to be successful in competition with the Eastern silversmiths. They have fulfilled all our expectations and that of the National Park Service. They have expanded their activities. They have a sizable investment in the Flathead country.

I ask unanimous consent that this story, covering the beginnings and the doings as well as the work of this new Montana concern, which is contained in the Rocky Mountain Informer under the date of May 5, be incorporated at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Roche Jaune, Inc.: Making Medals for the Nation

For several years, a Kalispell man named Frank Hagel worked in the advertising field in Detroit as an illustrator—where graphic arts is a glut on the market. A few years ago, he decided to cut his ties to that world and return to Kalispell to pursue his real interest—art.

His success story is legend even in the Flathead, where there probably are more Western artists per capita than anywhere else in the world. But his real success came fairly recently. He was selected as the sculptor for the National Park Centennial medals, which are produced by a local company—Roche Jaune, Inc.—that has a success story of its own.

Hagel, the son of Kalispell tanner Fred Hagel and Winona, lives on an isolated chunk of ground near the Flathead River with his wife, Rita, and three children. There, he produced the 36 medals which are being marketed around the nation, an issue of more than fifty thousand medallions in silver alone. Each one of them commemorates a national park.

The medals, which are marketed in both silver ($14.75) and bronze ($3.95), are on sale in every national park in the country this year. It represents an investment of $500,000 on the part of the 15 Montanans who are stockholders in the company. The gross since incorporation could reach as high as $1 million, and there is a 10-year contract period for the medals to be marketed.

Handling the nuts and bolts of the business is Robert Empie, one of the originators of the idea and now vice president in charge of operations. He works closely with Hagel, who spent most of last year working on the medal designs and sculpting.

Roche Jaune, Inc., started in February of 1970 when Empie and David "Moose" Miller were—as Empie puts it—"sitting around trying to figure out ways to make money."

They knew that the National Park Service Centennial was coming up in 1972 and that Yellowstone National Park's beginning in 1872 was where it started.

They sensed that visitors to the National Parks, some 55 million annually, wanted something lasting as a souvenir of their visit.

"We knew that the quality of merchandise left a lot to be desired," Empie said recently as he prepared a half-million printed cards to promote the medals. "You go into these beautiful areas and all you can buy are stuffed teddy bears, some kind of a rubber animal, or a T-shirt. That's where we started, and our research led to the medals and the 100th anniversary thing."

That first month, Empie, Miller, and Al Chandler took the matter to the National Park Service, working through Sen. Mike Mansfield and the rest of Montana's congressional delegation.

"Our approach was that historically, Montanans were responsible for development of the national park system, particularly Yellowstone," Empie said. "We reasoned with them that it was only fitting that Montanans be involved in the Centennial in this way."

The group struck two medals, neither officially sanctioned, to promote their plans. One was of John Colter, credited with being the first white man to visit what now is Yellowstone National Park. He left the Lewis and Clark Expedition when he heard tales of the phenomena which existed there.

The other was of George Catlin, a New York attorney who ditched his practice and spent his time painting Indians in their natural environment and proposed the establishment of a national park in the West. He died in 1872, the year the park was established.

Initially, there were 1,000 medals struck in silver of each one, and another 5,000 in bronze. All sold in 12 months.

Interest then gained in the Centennial—the Park Service suddenly realized there was something to be done. Roche Jaune, Inc., was ready and no one else really was. In April, 1971, a National Park Service committee met with the Kalispell group and said they wanted a complete series of medals—36 in all, one for each park.

"It was kind of like a dog chasing a car," said Empie. "The question becomes what in the hell do you do with it when you catch it?"

They signed the contract in August, six months before the initial order was due. Yellowstone's medal came on time, then seven others by the end of the summer. The remainder were to be done by the first of March, this year. The group had them on the last day of February.

'We sold stock in the company, and now have 15 stockholders," said Empie. "The four of us who were intially involved received stock for the work we had done in the first phases."

Since then, the National Park Service has added two more parks—Capital Reef and the Arches in Utah. Both will be added to the medallion offerings.

Initial advertising on the project has come to $175,000 so far, with ads going to National Geographic, Sunset, the National Observer, and the Sierra Club publication, the Christian Science Monitor, Wall Street Journal, various numismatic publications (for coin collectors).

Each medal will have 15,000 in the silver series, along with perhaps five times that in bronze. They will be sold inside the parks through the official sanction of the National Park Service; Empie now is working with concessionaires around the nation to establish sales and promotional details.

"We've found that the further away from the parks you get, the more the interest drops," said Empie. "People want a lasting momento of their visit to the park, and this fills the bill.

"The important thing about this is that there is a lot more involved than the 38 national parks," he continued. "The National Park Service administers 300 different areas in the country; national battlefields, historic sites, everything. These will be future potential for medals, since we have a 10-year contract with the Park Foundation."

For instance, he said, the centennial for Custer's Massacre in 1976, and plans are underway right now for medals for the event. Roche Jaune, Inc., will be working on them, as well as others.

"It's been a lot of fun, working with something like this on a national scale," said Empie, who operated an advertising agency and local tourist stops with Chandler before leaving that for full-time work with Roche Jaune, Inc. Chandler still operates the tourist stops.

Doing the medals from Hagel's design is the Medallic Art Co. of Danbury, Conn., said to be the world's leading art medal firm. It has done many Presidential Inaugural medals and most of the territorial centennial medals for the past few decades.

Handouts promoting the medals are going to five different parks in the nation now on a test basis: Glacier, Yellowstone, Shenandoah, Yosemite, and Grand Canyon. If that works—and Empie is sure it will—another 15 million promotional pieces will be prepared for national coverage—at the Washington Monument, Statue of Liberty, in the Everglades, and so forth:

After that, who knows?

"Tanzaniya has expressed interest in medals for their national parks," said Empie "Maybe we'll look into that."

President of Roche Jaune, Inc., is L. R. Ostrom, a retired businessman, Francis Bitney, a local businessman and developer, is chairman of the board.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, again I suggest the absence of a quorum, with the time taken out of the allocation to the distinguished assistant majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on May 18, 1973, the President had approved and signed the act (S. 1379) to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Haskell) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Haskell) laid before the Senate the following letters, which were referred as indicated:

### Report on Disbursements, Secretary of Defense

A letter from the Secretary of Defense, reporting, pursuant to law, on disbursements by that Department, for the quarter ended March 31, 1973. Referred to the Committee on Appropriations.

### Proposed Legislation by Department of Defense

A letter from the General Counsel of the Department of Defense, transmitting drafts of two proposed bills (1) to amend section 715 of the Department of Defense Appropriation Act, 1973, to extend until December 31, 1973, the date after which members in the rank of colonel or equivalent or above (O-6) in noncombat assignments are no longer entitled to the flight pay prescribed under section 301 of title 37, United States Code; and (2) to amend section 301 of title 37, United States Code, relating to incentive pay, to attract and retain volunteers for aviation crewmember duties, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

### Report of Securities Investor Protection Corporation

A letter from the Senior Commissioner, Securities and Exchange Commission, transmitting, pursuant to law, a report of the Securities Investor Protection Corporation, for the year 1972 (with accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

### Proposed Legislation From Export-Import Bank of the United States

A letter from the President and Chairman Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945, as amended, to extend for four years the period within which the Bank is authorized to exercise its functions, to increase the Bank's loan, guarantee and insurance authority, to clarify its authority to maintain fractional reserves for insurance and guarantees, and to amend the National Bank Act to exclude from the limitations on outstanding indebtedness of national banks liabilities incurred in borrowing from the Bank, and for other purposes (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

### Report of National Railroad Passenger Corporation

A letter from the Vice President, Public and Government Affairs, National Railroad Passenger Corporation (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of January, 1973 (with an accompanying report). Referred to the Committee on Commerce.

### Proposed Legislation From the Secretary of Transportation

A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards to Air Commerce (with an accompanying paper). Referred to the Committee on Commerce.

### Proposed Legislation From the Government of the District of Columbia

A letter from the Mayor-Commissioner, Government of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Stadium Act of 1957 to provide for a sharing of the financial obligations of such stadium, and for other purposes (with an accompanying paper). Referred to the Committee on the District of Columbia.

### International Agreements Entered Into by the United States

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements entered into by the United States with the Kingdom of Saudi Arabia, the Republic of Korea, and Germany (with accompanying papers). Referred to the Committee on Foreign Relations.

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements entered into by the United States with Saudi Arabia (with accompanying papers). Referred to the Committee on Foreign Relations.

### Proposed Legislation From Department of State

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to enable the United States to contribute its share of the expenses of the International Commission of Control and Supervision as provided in Article 14 of the Protocol concerning the said Commission to the Agreement on Ending the War and Restoring Peace in Vietnam (with an accompanying paper). Referred to the Committee on Foreign Relations.

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes (with an accompanying paper). Referred to the Committee on Foreign Relations.

### Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Payments From Special Bank Account to Lockheed Aircraft Corporation for the C-5A Aircraft Program During the Quarter Ended March 31, 1973", Department of Defense, dated May 17, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

### Proposed Legislation From Office of Management and Budget

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the Executive Branch of the Government, and for other purposes (with an accompanying paper). Referred to the Committee on Government Operations.

### Proceedings of Meeting of the Judicial Conference

A letter from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the proceedings of the meeting of the Judicial Conference held in Washington, D.C., on April 5 and 6, 1973 (with an accompanying document). Referred to the Committee on the Judiciary.

### Proposed Legislation From Department of State

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (with accompanying papers). Referred to the Committee on the Judiciary.

### Progress Report on the 5-Year Plan for Family Planning Services and Population Research

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the second annual progress report on the Five-Year Plan for Family Planning Services and Population Research (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

### Report of U.S. Water Resources Council

A letter from the Chairman, United States Water Resources Council, transmitting, pursuant to law, a report of that Council (with an accompanying report). Referred to the Committee on Public Works.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Haskell):

A resolution adopted by the County Legislature of Suffolk County, N.Y., praying for the restoration of certain funds. Referred to the Committee on Appropriations.

A report, in the nature of a petition, from the National Society of Professional Engineers, relating to the west central front of the United States Capitol. Ordered to lie on the table.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

S. 1317. A bill to authorize appropriations for the United States Information Agency (Rept. No. 93-168).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 1384. A bill to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon National Recreation Area, in the States of Arizona and Utah, and for other purposes (Rept. No. 93-169).

By Mr. PASTORE, from the Committee on Commerce, with amendments:

S. 372. A bill to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to presidential and vice presidential candidates and to amend the Campaign Communications Reform Act to provide a further limitation on expenditures in election campaigns for Federal elective office (Rept. No. 93-170). Under authority of the order of the Senate of January 23, 1973, the bill was referred to the Committee on Rules and Administration, to report no later than 30 days.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

William J. Deachman III, of New Hampshire, to be U.S. attorney for the District of New Hampshire;

Louis O. Aleksich, of Montana, to be U.S. marshal for the District of Montana;

Allen L. Donielson, of Iowa, to be U.S. attorney for the South District of Iowa;

V. DeVoe Heaton, of Nevada, to be U.S. attorney for the District of Nevada;

Benjamin F. Holman, of the District of Columbia, to be Director, Community Relations Service;

James L. Treece, of Colorado, to be U.S. attorney for the District of Colorado; and

Paul J. Curran, of New York, to be U.S. attorney for the Southern District of New York.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GOLDWATER (for himself and Mr. Fannin):

S. 1860. A bill to deem certain disabilities incurred pursuant to State National Guard service during World War I to be service-connected for purposes of chapter 11 of title 38, United States Code (relating to compensation for service-connected disabilities), and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. WILLIAMS (for himself and Mr. Javits):

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.20 an hour, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. SAXBE (for himself and Mr. Taft):

S. 1862. A bill to provide for the establishment of the Cuyahoga Valley National Historical Park and Recreation Area. Referred to the Committee on Interior and Insular Affairs.

By Mr. HASKELL (for himself and Mr. Dominick):

S. 1863. A bill to designate the Weminuche Wilderness, Rio Grande and San Juan National Forests, in the State of Colorado; and

S. 1864. A bill to designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON (for himself and Mr. Bartlett, Mr. Cannon, Mr. Dole, Mr. Gurney, Mr. Haskell, Mr. Jackson, Mr. Mansfield, Mr. McGee, Mr. Metcalf, and Mr. Moss):

S. 1865. A bill to amend the National Environmental Policy Act of 1969 in order to encourage the establishment of, and to assist, State and regional environmental centers. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK:

S. 1866. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HATHAWAY:

S. 1867. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of such Act, and for other purposes. Referred to the Committees on Labor and Public Welfare, Commerce, and Finance, by unanimous consent.

By Mr. HUMPHREY (for himself, Mr. McGee, Mr. Kennedy, Mr. Case, Mr. Javits, Mr. Brooke, Mr. Abourezk, Mr. Bayh, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Mathias, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Stevenson, Mr. Tunney, and Mr. Williams):

S. 1868. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community. Referred to the Committee on Foreign Relations, by unanimous consent.

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 1869. A bill to amend the Act of October 27, 1965, to change the procedure prescribed for local interests for making local contributions for the cost of the work and to amend the responsibility for operation and maintenance of the navigation structures required for the project for hurricane-flood protection on Lake Pontchartrain, La. Referred to the Committee on Public Works.

By Mr. BEALL:

S. 1870. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcasting station shall be issued for a term of not to exceed 5 years. Referred to the Committee on Commerce.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS (for himself and Mr. JAVITS):

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.20 an hour, and for other purposes. Referred to the Committee on Labor and Public Welfare.

### MINIMUM WAGE BILL

Mr. WILLIAMS. Mr. President, today I am introducing legislation to increase the Federal minimum wage and to expand coverage of workers under the Fair Labor Standards Act. The bill I am introducing is substantially similar to the one which passed this body last year.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

Mr. President, I will be brief. The bill passed by the Senate last year was a good bill, it was a responsible bill. It would have enabled workers who toil at the minimum wage to secure for themselves and their families a minimum level of decency. But, almost a year has passed now since the Senate acted last year. The cost of living is spiralling upward at an even faster rate than it was last year. It is imperative that Congress act and that it act with dispatch.

Because of this need for prompt action, I have consciously chosen to recommend to the Senate, through this bill, the same action it approved by a vote for 65 to 27 last year.

Under this bill, workers covered by the 1966 amendments to the Fair Labor Standards Act or by these amendments—including agricultural workers—will get the same increases as provided by the Senate-passed bill last year. Of course, those increases will come 1 year later by virtue of the failure to enact the legislation last year.

For the bulk of the workers covered by the Fair Labor Standards Act—that is, those covered prior to the 1966 amendments—although the first increase to $2 an hour will be delayed by last year's inaction, the second increase to $2.20 will come at the same time as proposed in Senator PERCY's amendment, adopted on the floor of the Senate last year.

Specifically, if the Congress were to act before the August recess, workers covered prior to 1966 will get $2 an hour beginning October 1973—all dates are approximate—and $2.20 an hour beginning October, 1974. Workers—other than agricultural workers—covered by the 1966 amendments of this bill, will get $1.85 an hour in October 1973; $2 an hour in October 1974, and $2.20 an hour in October 1975. Agricultural workers will get $1.60 an hour in October 1973; $1.80 an hour in October 1974; $2 an hour in October 1975; and $2.20 an hour in October 1976.

Mr. President, I will not burden the Senate at this time with a lengthy statement. Rather, I ask unanimous consent to have placed in the RECORD, at the conclusion of my remarks, a comparison of this bill with the current law, the bill passed by the Senate last year and the bills introduced by the chairman and ranking minority members of the General Labor Subcommittee on the House Committee on Education and Labor, and a section-by-section analysis of last year's Senate bill and this bill.

Mr. President, we all recognize that a minimum wage increase is long overdue. I hope that we can act on this measure with dispatch.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

### S. 1861

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Fair Labor Standards Amendments of 1973".

### DEFINITIONS AND APPLICABILITY TO PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 2. (a) Section 3(d) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee, including the United States and any State or political subdivision of a State, but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

(b) Section 3(e) of such Act is amended to read as follows:

"(e) 'Employee' means any individual employed by an employer, including any individual employed in domestic service (other than a babysitter), and in the case of any individual employed by the United States means any individual employed (1) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (2) in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (3) in the United States Postal Service and the Postal Rate Commission, (4) in those units of the government of the District of Columbia having positions in the competitive service, (5) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (6) in the Library of Congress, and in the case of any individual employed by any State or a political subdivision of any State means any employee holding a position comparable to one of the positions enumerated for individuals employed by the United States, except that such term shall not, for the purposes of section 3(u) include any individual employed by an employer engaged in agriculture if such individual is the parent, spouse, child, or other member of the employer's immediate family.".

(c) Section 3(h) of such Act is amended to read as follows:

"(h) 'Industry' means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.".

(d) the last sentence of section 3(m) is amended to read as follows: "In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that the amount of the increase on account of tips determined by the employer may not exceed the value of tips actually received by the employee. The previous sentence shall not apply unless (1) the employer has informed each of his tipped employees of the provisions of this section, and (2) all tips received by any such employees have been retained by such tipped employees."

(e)(1) The first sentence of section 3(r) of such Act is amended by inserting after the word "whether", the words "public or private or conducted for profit or not for profit, or whether".

(2) The second sentence of such subsection is amended to read as follows: "For purposes of this subsection, the activities performed by any person or persons in connection with the activities of the Government of the United States or of any State or political subdivision of any State shall be deemed to be activities performed for a business purpose.".

(f)(1) The first sentence of section 3(s) of such Act is amended (A) by inserting after the words "means an enterprise", the parenthetical clause "(whether public or private or operated for profit or not for profit and including activities of the Govenment of the United States or of any State or political subdivision of any State)", (B) by striking the word "employees" the first two times it appears in such sentence, and inserting in lieu thereof the words "any employee".

(2) The last sentence of section 3(s) of such Act is amended to read as follows: "Any establishment which has as its only regular employee the owner thereof or the parent, spouse, child, or other member of the immediate family of such owner shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise.".

(g) Section 5 of such Act is amended by adding at the end thereof the following new subsections:

"(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee in Puerto Rico or the Virgin Islands employed (1) by an establishment which is a hotel, motel, or restaurant, (2) by any other retail or service establishment if such employee is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees or to members or guests or members of clubs, or (3) by any employer which is a State or a political subdivision of any State. The minimum wage rate of such an employee shall be determined in accordance with sections 6 (a) or (b), 13, and 14 of this Act.

"(f) The provisions of this section and section 8 shall not operate to permit a wage order rate lower than that which would result under the provisions of section 6(c).".

### MINIMUM WAGES

SEC. 3. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(1)(A) not less than $2.00 an hour during the first year from the effective date of the

Fair Labor Standards Amendments of 1973, and

"(B) not less than $2.20 an hour thereafter."

(b) Section 6(a)(5) of such Act is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than $1.60 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973, not less than $1.80 an hour during the second year from such date, not less than $2.00 an hour during the third year from such date, and not less than $2.20 an hour thereafter."

(c) Section 6(b) of such Act is amended—

(1) by inserting after the words "Fair Labor Standards Amendments of 1966,", the words "or the Fair Labor Standards Amendments of 1973,";

(2) by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

"(1) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973;

"(2) not less than $2.00 an hour during the second year from such date; and

"(3) not less than $2.20 an hour thereafter.".

(d) Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) In the case of any such employee who is covered by such a wage order to whom the rate or rates prescribed by subsection (a) or (b) would otherwise apply the following rates shall apply:

"(A) During the first year from the effective date of the Fair Labor Standards Amendments of 1973, for any employee whose highest rate is less than $0.80 an hour, such rate shall not be less than $1.00 an hour.

"(B) During the first year from the effective date of the Fair Labor Standards Amendments of 1973, for any employee whose highest rate is $0.80 an hour or more, such rate shall be the highest rate or rates in effect on or before such date under any wage order covering such employee, increased by $0.20.

"(C) During the second year from the effective date of the Fair Labor Standards Amendments of 1973, and in each year thereafter, the highest rate or rates (including any increase prescribed by this paragraph) in effect on or before such date, under any wage order covering such employee, increased by $0.20 in each such year.

"(D) Whenever the rates prescribed by subparagraph (C) would otherwise equal or exceed the rates prescribed in section 6(a), the provisions of such section shall apply thereafter.

"(3)(A) In the case of any such employee to whom this subsection was made applicable by the Fair Labor Standards Amendments of 1973, the Secretary shall, as soon as practicable after the date of enactment of such amendments, appoint a special industry committee in accordance with section 5. Such industry committee shall recommend a minimum wage rate of $1.60, unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years, in the record which establishes that the industry, or a predominant portion thereof, is unable to pay that wage. In no event shall any industry committee recommend a minimum wage rate less than the rate prescribed in paragraph 2(A) of this subsection. Any rate recommended by the special industry committee within sixty days after the effective date of the Fair Labor Standards Amendments of 1973 shall be effective with respect to such employee upon the effective date of the wage order issued pursuant to such recommendation, but not before sixty days after the effective date of the Fair Labor Standards Amendments of 1973.

"(B) Upon the issuance of the wage order required by subparagraph (A) of this paragraph, the provisions of paragraph (2) shall apply.

"(4) In the case of any employee employed in agriculture who is covered by a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5 and whose hourly wage is increased above the wage rate prescribed by such wage order by a subsidy (or income supplement) paid, in whole or in part, by the government of Puerto Rico, the following rates shall apply:

"(A) The rate or rates applicable under the most recent such wage order issued by the Secretary, increased by (i) the amount by which such employee's hourly wage is increased above such rate or rates by the subsidy (or other income supplement), and (ii) $0.20.

"(B) Beginning one year after the effective date of the Fair Labor Standards Amendments of 1973, the provisions of subparagraphs 2(C) and 2(D) of this subsection shall apply.".

(e) Section 6(e) is amended to read as follows:

"(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357), as amended, or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in subsection (b) of this section.".

(f) Section 6 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Every employer who in any workweek employs any employee in domestic service in a household shall pay such employee wages at a rate not less than the wage rate in effect under subsection (b) of this section, unless such employee's compensation for such service would not, as determined by the Secretary, constitute 'wages' under section 209 of the Social Security Act.".

### MAXIMUM HOURS

SEC. 4. (a) Section 7 of the Fair Labor Standards Act of 1938, as amended, is amended by striking out subsections (a), (e), and (d) and inserting in lieu thereof the following new subsection (a):

"(a) No employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.".

(b)(1) Subsections (e), (f), (g), (h), (i), and (j) of section 7 of such Act, are redesignated as subsections (c), (d), (e), (f), (g), and (h), respectively.

(2) Subsection (e) (as redesignated by paragraph (1)) of section 7 of such Act is amended by striking out "(e)" in the text of such subsection (e) and inserting in lieu thereof "(c)".

(3) Subsection (f) (as redesignated by paragraph (1)) of section 7 of such Act is amended by striking out "(e)" in the text of such subsection (f) and inserting in lieu thereof "(c)".

(c) Section 7 of such Act is amended by adding at the end thereof the following new subsections:

"(i) No State or political subdivision of a State shall be deemed to have violated subsection (a) with regard to any employee engaged in fire protection or law enforcement activities (including security personnel in correctional institutions) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of twenty-eight consecutive days is accepted in lieu of the workweek of seven consecutive days for purposes of overtime computation and if the employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed for his employment in excess of—

"(1) one hundred and ninety-two hours in each such twenty-eight-day period during the first year from the effective date of the Fair Labor Standards Amendments of 1973;

"(2) one hundred and eighty-four hours in each such twenty-eight-day period during the second year from such date;

"(3) one hundred and seventy-six hours in each such twenty-eight-day period during the third year from such date;

"(4) one hundred and sixty-eight hours in each such twenty-eight-day period during the fourth year from such date; and

"(5) one hundred and sixty hours in each such twenty-eight-day period thereafter.

"(j) In the case of an employee of an employer engaged in the business of operating a street, suburban or interurban electric railway, or local trolley, or motorbus carrier (regardless of whether or not such railway or carrier is public or private or operated for profit or not for profit) in determining the hours of employment of such an employee to which the rate prescribed by subsection (a) applies there shall be excluded the hours such employee was employed in charter activities by such employer if (1) the employee's employment in such activities was pursuant to an agreement or understanding with his employer arrived at before engaging in such employment, and (2) if employment in such activities is not part of such employee's regular employment.

### PROOF OF AGE REQUIREMENT

SEC. 5. Section 12 of the Fair Labor Standards Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"(d) In order to carry out the objectives of this section, the Secretary may by regulation require employers to obtain from any employee proof of age."

### EXEMPTIONS

SEC. 6. (a)(1) Section 13(a)(1) of such Act is amended by striking out everything after the words "Administrative Procedure Act" and before "; or".

(2) Section 13(a)(2) of such Act is amended to read as follows:

"(2) any employee employed by any retail or service establishment (except an establishment or employee engaged in laundering, cleaning, or repairing clothing or fabrics or an establishment engaged in the operation of a hospital, institution, or school described in section 3(s)(4)), if more than 50 per centum of such establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located, and such establishment is not in an enterprise described in section 3(s). A retail or service establishment means an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or".

(3) Sections 13(a)(4), and 13(a)(11) of such Act, relating to employees employed by retail and service establishments, are hereby repealed.

(4) Section 13(a)(6) of such Act, relating to employees employed in agriculture, is amended (A) by striking out clause (C) thereof, (B) by striking out in clause (D) thereof "(other than an employee described in clause (C) of this subsection)", and (C) by redesignating clauses (D) and (E) thereof as clauses (C) and (D), respectively.

(5) Section 13(a)(9) of such Act, relating to employees employed by motion picture theater establishments, is hereby repealed.

(6) Section 13(a)(13) of such Act, relating to employees of logging and sawmill operations, is hereby repealed.

(7) Section 13(a)(14) of such Act, relating to agricultural employees, engaged in the harvesting and processing of shade-grown tobacco, is hereby repealed.

(8) Sections 13(a)(5), 13(a)(6), 13(a)(7), 13(a)(8), 13(a)10), and 13(a)(12) are redesignated as sections 13(a)(4), 13(a)(5), 13(a)(6), 13(a)(7), 13(a)(8), and 13(a)(9), respectively.

(9) Section 13(a)(9) (as redesignated by the preceding paragraph) is amended by striking out the semicolon and the word "or" and inserting in lieu thereof a period.

(b)(1) Section 13(b)(2) of such Act, relating to railroad and pipeline employees, is amended by inserting the words "engaged in the operation of a common carrier by rail and" following the word "employer".

(2) Section 13(b)(4) of such Act, relating to fish and seafood processing employees, is hereby repealed.

(3)(A) Effective sixty days after the date of enactment of the Fair Labor Standards Amendments of 1973, section 13(b)(7) of such Act, relating to employees of street, suburban or interurban electric railways, or local trolley or motorbus carriers, is amended by striking out ", if the rates and services of such railway or carrier are subject to regulation by a State or local agency" and inserting in lieu thereof the following: "(regardless of whether or not such railway or carrier is public or private or operated for profit or not for profit), and if such employee receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed".

(B) Effective one year after such date, such paragraph is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(C) Effective two years after such date, such paragraph is repealed.

(4) Section, 13(b)(8) of such Act, relating to employees employed by hotels, motels, restaurants, or nursing homes, is amended to read as follows:

"(8)(A) any employee who is employed by an establishment which is a hotel, motel, or restaurant and receives compensation at a rate not less than one and one-half times the regular rate at which he is employed for his employment in excess of (i) forty-eight hours in any workweek during the first year from the effective date of the Fair Labor Standards Amendments of 1973, and (ii) forty-six hours in any workweek thereafter; or (B) any employee who is employed by an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises, and receives compensation at a rate not less than one and one-half times the regular rate at which he is employed for his employment in excess of (i) forty-eight hours in any workweek during the first year from the effective date of the Fair Labor Standards Amendments of 1973, (ii) forty-six hours in any workweek during the second year from the effective date of the Fair Labor Standards Amendments of 1973, and (iii) forty-four hours in any workweek thereafter; or"

(5) Section 13(b)(10) of such Act, relating to employees employed as salesmen, partsmen, or mechanics by automobile, trailer, truck, farm implement, or aircraft dealers, is amended to read as follows:

"(10) any salesman, partsman, or mechanic primarily engaged in selling or servicing farm implements or any salesman primarily engaged in selling automobiles, trailers, or trucks if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers; or".

(6) Section 13(b)(15) of such Act is amended to read as follows:

"(15) any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup; or".

(7)(A) Effective sixty days after the date of enactment of the Fair Labor Standards Amendments of 1973, section 13(b)(18) of such Act, relating to employees of catering establishments, is amended by inserting immediately before the semicolon the following: "and receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed".

(B) Effective one year after such date such paragraph is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(C) Effective two years after such date such paragraph is repealed.

(8)(A) Effective one year after the effective date of the Fair Labor Standards Amendments of 1973, section 13(b)(19) of such Act, relating to employees of bowling establishments, is amended by striking out "forty-eight hours" and inserting in lieu thereof forty-four hours".

(B) Effective one year after such date such paragraph is repealed.

(9) Sections 13(b)(5), 13(b)(6), 13(b)(7), 13(b)(8), 13(b)(9), 13(b)(10), 13(b)(11), 13(b)(12), 13(b)(13), 13(b)(14), 13(b)(15), 13(b)(16), 13(b)(17), 13(b)(18), and 13(b)(19), are redesignated as sections 13(b)(4), 13(b)(5), 13(b)(6), 13(b)(7), 13(b)(8), 13(b)(9), 13(b)(10), 13(b)(11), 13(b)(12), 13(b)(13), 13(b)(14), 13(b)(15), 13(b)(16), 13(b)(17), and 13(b)(18), respectively.

(10) Section 13(b)(18) (as redesignated by the preceding paragraph) is amended by striking out the period and inserting in lieu thereof a semicolon and the word "or".

(11) Section 13(b) of such Act is amended by adding at the end thereof the following new paragraph:

"(19) any employee who in any workweek is employed in domestic service in a household; or

"(20) any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other tansportation terminal, if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight."

(c) Section 13(c)(1) of such Act is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

"(B) is fourteen years of age or older, or

"(C) is twelve years of age or older, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or person standing in place of his parent is employed on the same farm."

### LEARNERS, APPRENTICES, STUDENTS, AND HANDICAPPED WORKERS

SEC. 7. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended (1) by inserting following the word "establishments" each time it appears, the words "or educational institutions" and by inserting following the word "establishment" each time it appears, the words "or educational institution", (2) by inserting following the words "Fair Labor Standard Amendments of 1966,", the words "and the Fair Labor Standards Amendments of 1973", and (3) by inserting, following the words "prior to such", the word "applicable".

### PENALTIES

SEC. 8. The first two sentences of section 16(c) of the Fair Labor Standards Act of 1938, as amended, are amended to read as follows:

"The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages."

### CIVIL PENALTY FOR CERTAIN CHILD LABOR VIOLATIONS

SEC. 9. Section 16 of the Fair Labor Standards Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"(e) Any person who violates the provisions of section 12, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined may be deducted from any sums owing by the United States to the person charged."

### RELATION TO OTHER LAWS

SEC. 10. Section 18(b) of the Fair Labor Standards Act of 1938, as amended, is amended (1) by striking out "6(a)(1)" and inserting in lieu thereof "6(a)", and (2) by striking out "7(a)(1)" and inserting in lieu thereof "7(a)."

### CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 11. (a) Section 12(a)(2) of the Emergency Employment Act of 1971 (42 U.S.C. 4871) is amended by striking out "section 6 (a)(1)" and inserting in lieu thereof "section 6".

(b) Section 9 of the Act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936 (41 U.S.C. 43) is amended by inserting immediately before the period at the end thereof the following: "or to certain transportation employees of private carriers of property by motor vehicle, as that term is defined in section 203(a)(17) and limited under section 203(c) of part II of the Interstate Commerce Act, where such employees are subject to regulation as to qualifications and hours of service pursuant to section 6(e)(6)(C) and 6(f)(2)(A) of the Department of Transportation Act of 1966".

### NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

SEC. 12. (a) (1) The second sentence of section 11 (b) of the Age Discrimination in Employment Act of 1967 is amended to read as follows: "The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State, but such term does not include the United States, or a corporation wholly owned by the Government of the United States."

(2) Section 11(c) of such Act is amended by striking out ", or an agency of a State or political subdivision of a State, except that such term shall include the United States

Employment Service and the system of State and local employment services receiving Federal assistance".

(b) (1) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively.

(2) The Age Discrimination in Employment Act of 1967 is further amended by adding immediately after section 14 the following new section:

### "NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT"

"SEC. 15. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named herein as propospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law.".

### EFFECTIVE DATE

SEC. 13. This Act shall become effective upon the expiration of sixty days after the date of its enactment.

### SECTION-BY-SECTION ANALYSIS

SECTION 1. The popular name of this bill is the "Fair Labor Standards Amendments of 1973."

SEC. 2. Amends sections 3(d) and 3(c) of the Fair Labor Standards Act of 1938, as amended, to include under the definitions of "employer" and "employee" the United States and any State or political subdivision of a State. This will expand the coverage of the existing law to include agencies and activities of the United States (except the armed forces and certain employees not in the competitive service), and to similar employees in the States and their political subdivisions, not just hospitals, nursing homes, schools, and local transit as at present.

Amends section 3(e) to also include under the definition of "employee" any individual employed in domestic service, except babysitters. This amendment would add to coverage an estimated 1.2 million workers. In addition, section 3(e) is amended to include local seasonal hand harvest laborers in the man-day count for agricultural coverage and to define those government employees covered by the bill.

Amends section 3(h) to add the words "or other activity" to the definition of the word "Industry."

Amends section 3(m) to require that tipped employees retain all tips but not necessarily retained. At present, employers may include the value of tips actually received if employer is to utilize the 50 percent "tip-credit," in determining wages to be paid.

Amends section 3(r) to include under "enterprise" the activities of the United States Government or any State or political subdivision thereof. This amendment will broaden the effect of retaining the current coverage for schools and hospitals, whether operated for profit or not for profit, and for regulated public and private local transit whether operated for profit or not for profit.

Amends sections 5 and 8 by bringing under the mainland minimum wage the employees of hotels, motels, and restaurants in Puerto Rico and the Virgin Islands. At present these workers are covered by wage rates determined by specially convened industry committees. Also covered at the mainland minimum are employees of governmental units in Puerto Rico and the Virgin Islands. Section 5 is also amended to prohibit an industry committee from reducing the wage rate below the statutory minimum.

SEC. 3. Amends section 6(a) to establish, for employees in activities covered by the Act prior to the 1966 amendments, an hourly minimum of $2.00 during the first year from the effective date of the 1973 amendments, and $2.20 thereafter.

Amends section 6(a) to establish, for employees in agriculture, an hourly minimum of $1.60 during the first year from the effective date of the 1973 amendments, $1.80 during the second year from the effective date of the 1973 amendments, $2.00 during the third year from the effective date of the 1973 amendments, and $2.20 thereafter.

Amends section 6(a) to establish, for employees newly covered by the 1966 amendments and by the 1973 amendments, an hourly minimum of $1.80 during the first year from the effective date of the 1973 amendments, $2.00 during the second year from the effective date of the 1973 amendments, and $2.20 thereafter.

Amends section 6(c) to require that covered employees in Puerto Rico and the Virgin Islands making less than $0.80 per hour under the most recent wage order be paid not less than $1.00 sixty days after enactment. Thereafter, their wages are increased by $0.20 per hour each year until parity is achieved with the mainland minimum. Employees over $0.80 per hour are raised $0.20 per hour each year after enactment until parity is achieved. Each year, special industry committees may increase the $0.20 per hour raise, but they may not lower it. Provision is also made for newly covered employees.

Amends section 6(e) to eliminate clauses excluding certain linen supply establishments from full coverage.

SEC. 4. Amends section 7 to eliminate certain provisions which provide partial overtime exemptions, particularly in agricultural processing industries, and makes other conforming amendments.

Amends section 7 to provide for overtime averaging over a twenty-eight day period and a phase down from 48 to 40 hours per week without time-and-a-half penalty for state and local government employees engaged in fire protection and law enforcement activities, including security personnel in correctional institutions.

Amends section 7 to exempt voluntary charter activities from hours worked in local transit for purposes of calculating overtime.

SEC. 5. Amends section 12 to permit the Secretary to require employers to obtain proof of age from any employee in order to carry out the objectives of the child labor provisions of the Act.

SEC. 6(a). Retains minimum wage and overtime exemptions permitted by section 13 (a) as follows:

13(a)(1) which describes any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman, but repeals the 40 percent tolerance for non-exempt activities;

13(a)(3) employees of seasonal amusement and recreational establishments;

13(a)(5) employees engaged in certain seafood harvesting and processing;

13(a)(6) employees in agriculture if employer uses 500 or fewer man days of hired labor during a peak quarter, but the provision exempting local seasonal hand harvest laborers regardless of the size of the farm on which they work is repealed;

13(a)(7) certain learners, apprentices, students, or handicapped workers;

13(a)(8) employees of small newspapers;

13(a)(10) switchboard employees of small telephone companies; and

13(a)(12) seamen on other than an American vessel.

Repeals minimum wage and overtime exemptions permitted by section 13(a) as follows:

13(a)(4) and (11) employees in certain retailing and service establishments;

13(a)(9) employees of motion picture theaters;

13(a)(14) agriculture employees engaged in growing and harvesting shade-grown tobacco.

Repeals section 13(a) (13) by removing minimum wage exemption for logging employees and retaining overtime exemption in new paragraph of section 13(b).

Amends section 13(a)(2) by eliminating the special dollar volume establishment test for retail and service enterprises. This amendment has the effect of covering most chain store operations not now covered.

Sec. (b). 6 Retains overtime exemptions permitted by section 13(b) as follows:

13(b)(1) employees for whom the Secretary of Transportation may establish qualifications and maximum hours of service;

13(b)(2) employees of railroads;

13(b)(3) employees of air carriers,

13(b)(5) outside buyers of dairy products;

13(b)(6) seamen;

13(b)(9) certain employees of small radio or television stations;

13(b)(10) employees employed as salesman by motor vehicle dealers, or as salesmen, partsmen or mechanics by farm implement dealers;

13(b)(11) local drivers and drivers' helpers;

13(b)(12) certain agricultural employees;

13(b)(13) employees engaged in livestock auction operations;

13(b)(14) employees of country elevators;

13(b)(16) employees engaged in transportation of fruits and vegetables; and

13(b)(17) taxicab drivers.

Repeals overtime exemptions permitted by section 13(b) as follows:

13(b)(2) employees of oil pipelines;

13(b)(4) employees of certain fish and aquatic forms of food processors;

13(b)(10) employees employed as partsmen or mechanics by motor vehicle dealers, or as salesmen, partsmen or mechanics by aircraft dealers;

13(b)(15) employees engaged in ginning of cotton, sugar beet or sugar cane processing, but the exemption for employees engaged in the processing of maple sap into syrup is retained;

Overtime standards for certain employees are improved in stages as follows:

13(b)(8) employees of nursing homes must be paid time-and-a-half after 48 hours first year (as in present law), after 46 hours second year, and after 44 hours thereafter;

13(b)(8) employees of hotels, motels, and restaurants must be paid time-and-a-half after 48 hours first year, and after 46 hours thereafter.

Overtime standards for certain employees are repealed in stages as follows:

13(b)(7) employees of street, suburban or interurban electric railways, or local trolley or motor bus carriers must be paid time-and-a-half after 48 hours first year, 44 hours second year, and the exemption is repealed thereafter (all hours exclusive of voluntary charter time);

13(b)(18) and 13(b)(19) employees of food service and catering establishments and bowling establishments must be paid time-and-a-half after 48 hours first year, 44 hours second year, and the exemptions are repealed thereafter.

Amends section 13(b) to provide new overtime exemptions for the following employees:

Domestic service employees.

SEC. 6(c). Amends the provisions relating to child labor in agriculture to prohibit certain employment outside of schools hours, principally for all children under the age of twelve, except on a farm owned or operated by a parent.

SEC. 7. Amends section 14(b) to prevent unwarranted displacement of full-time employees by student workers in retail and service establishments that are brought within the coverage of the FLSA by these amendments and to provide for student certificates for educational institutions.

SEC. 8. Amends section 16(c) to allow the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring a written request from an employee. In addition, this amendment would allow the Secretary to bring such actions even though the suit might involve issues of law that have not been finally settled by the courts.

SEC. 9. Amends section 16 to provide for a civil penalty of up to $1000 for violation of the provisions of section 12, relating to child labor.

SEC. 10. Amends section 18(b) to conform with new amendments.

SEC. 11. Provides conforming amendments to other laws.

SEC. 12. Amends age discrimination in Employment Act of 1967 to cover employees of Federal, State, and local governments.

SEC. 13. Provides that the Fair Labor Standards Amendments of 1972 become effective 60 days after date of enactment.

## PROPOSED FAIR LABOR STANDARDS AMENDMENTS OF 1973, 93D CONGRESS

[Comparison of principal provisions of S.—(identical, except as specifically noted to S. 1861 as passed by the Senate) with present law, H.R. 4757 and H.R. 2831]

### I. MINIMUM HOURLY WAGE FOR MAINLAND EMPLOYEES

| Present law | S.—(identical except as specifically noted to S. 1861, as passed (92d Cong.)) (Mr. Williams) | H.R. 4757 (Mr. Dent) | H.R. 2831 (Mr. Erlenborn) |
|---|---|---|---|
| (a) Nonagricultural workers: | | | |
| (1) Covered prior to 1966 amendments, $1.60. | $2 during 1st year; and $2.20 thereafter (also includes Federal employees covered by 1966 amendments). | $2 during 1st year; $2.20 thereafter (also includes Federal employees covered by the 1966 amendments and Federal employees at certain hospitals, institutions or schools). | $1.80 during 1st year; $2 during 2d year; $2.10 thereafter. |
| (2) Covered by the 1966 amendments, $1.60. | $1.80 during 1st year; $2 during 2d year: $2.20 thereafter (also includes employees covered by the 1973 amendments). | $1.80 during 1st year; $2 during 2d year; $2.20 thereafter (also includes employees covered by the 1973 amendments). | $1.70 during 1st year; $1.80 during 2d year; $2 during 3d year; $2.10 thereafter. |
| (b) Agricultural workers, $1.30 | $1.60 during 1st year; $1.80 during 2d year; $2 during 3rd year; $2.20 thereafter. | $1.50 during 1st year; $1.70 during 2d year; $1.90 thereafter. | $1.50 during 1st year; $1.70 during 2d year; $1.80 thereafter. |

### II. OVERTIME PAY REQUIREMENTS

| | | | |
|---|---|---|---|
| 1½ times the regular rate for hours over 40 in any work week. | No change from present law | No change from present law | No change from present law. |

### III. MINIMUM HOURLY WAGE FOR EMPLOYEES IN PUERTO RICO AND VIRGIN ISLANDS

| | | | |
|---|---|---|---|
| Determined by special industry committees, but not over $1.60. | Employees making less than $0.80 per hour under most recent wage order, raised to $1 during the 1st year from the effective date. Thereafter, their pay is increased by $0.20 per hour each year until parity is achieved.<br>Employees over $0.80 per hour are raised $0.20 per hour each year on the effective date of the 1972 amendments and $0.20 until parity is achieved.<br>Employees newly covered by the 1972 amendments will have minimums set (but not below $1 per hour) by newly appointed special industry committees. Upon the setting of such minimums, the raises for previously covered employees go into effect.<br>Each year, special industry committees may increase the $0.20 per hour raise, but they may not lower it.<br>Certain motel, hotel, restaurant, food service, and government employees are brought up to mainland minimums on the effective date of the amendments.<br>Subsidized agricultural employees will have their increases applied to their wage rates as increased by the subsidy. | For hotel, motel, restaurant, food service, conglomerate, Federal employees and employees of the government of the Virgin Islands, minimum wages the same as those for counterpart mainland employees.<br>For other employees presently covered by a wage order, percentage increases, as follows:<br>For nonagricultural employees covered before 1966 amendments, 25-percent increased during 1st year and 12.5-percent increase during 2d year,<br>For nonagricultural employees covered by 1966 amendments, 3 12.5-percent increases effective in each of the first 3 years,<br>For agricultural employees, 3 15.4-percent increases effective in each of the first 3 years (subsidized agricultural employees will have their increases applied to their wage rates as increased by the subsidy).<br>Such increases may be reviewed by industry committees appointed by the Secretary of Labor.<br>Provides for special industry committees to recommend minimum rates for employees covered by 1973 amendments.<br>Requires all industry committees to recommend the minimum rates applicable to counterpart mainland employees, except where substantial documentary evidence demonstrates inability to pay. | For nonagricultural employees covered prior to 1966 amendments, 2 12.5-percent increases, the 1st effective 60 days from effective date of the 1973 amendments or 1 year from the most recent wage order, the 2d effective 1 year later and 1 6.25-percent increase effective 1 year later.<br>For nonagricultural employees covered by the 1966 amendments, 2 6.25-percent increases, the 1st effective 60 days from effective date of the 1973 amendments or 1 year from the most recent wage order, the 2d effective 1 year later, a 12.5-percent increase effective 1 year later and a 6.25 increase effective 1 year later.<br>For agricultural employees 2, 15.4-percent increases and 1 7.7-percent increase with effective dates calculated the same way as for nonagricultural employees covered prior to 1966 amendments (Subsidized agricultural employees will have the percentage increase applied to their basic wage rate which will then be increased by the subsidy).<br>Notwithstanding any other provisions, no minimum rate shall be less than 60 percent of the minimum applicable to counterpart mainland employees. |

[Comparison of principal provisions of S.—(identical except as specifically noted to S. 1861 as passed by the Senate) with present law, H.R. 4757 and H.R. 2831]

| Present law | S.—(identical except as specifically noted to S. 1861, as passed (92d Cong.)) (Mr. Williams) | H.R. 4757 (Mr. Dent) | H.R. 2831 (Mr. Erlenborn) |
|---|---|---|---|
| (a) Government employees:<br>Limited coverage of some government employees (Federal wage board workers, government employees in State and local government operated schools, nursing institutions, hospitals, Federal hospitals not covered.) | Coverage for all Federal, State, and local government employees, except persons serving in the armed services and certain persons not in the competitive service.<br>With regard to overtime, a special provision for a mutually agreed to 28-day work period is made for averaging overtime hours for State and local law enforcement (including security personnel in correctional institutions) and fire protection employees. Scales down the nonovertime work period during a 28-day work cycle from 192 hours to 160 hours over 4 years. | Coverage for all Federal, State and local government employees (such State and local government employees engaged in fire protection or law enforcement activities are exempt from overtime provisions). | No change from present law. |
| (b) Domestic service employees:<br>No coverage | Coverage for minimum wage only included for domestic service employees, except babysitters. | Coverage for minimum wage and overtime for domestic service employees, except for such employees residing in their employers' households. | Do. |
| (c) Retail and service employees:<br>No coverage if annual gross sales volume is below $250,000 (except for specifically listed establishments in "Enterprise" definition; laundering, cleaning, or repairing clothes or fabrics). | Coverage of retail and service establishment employees working in all stores in a large chain. | No change from present law | Do. |
| (d) Agricultural workers:<br>No coverage unless the employer used more than 500 man-days of agricultural labor during peak quarter in the past calendar year. Local seasonal hand harvest laborers not counted for purposes of man-day test and excluded from minimum wage. | Minimum wage coverage expanded to include local seasonal hand harvest laborers. These are also included for purposes of calculating number of man-days of labor used by a farm.<br>500 man-day test retained for purposes of determining which farms are covered. | Do. | Do. |
| Parents, spouse, child or other member of employer's immediate family are not covered employees in agriculture. | No change from present law | | |

## V. EXEMPTIONS

| Present law | S.—(identical except as specifically noted to S. 1861, as passed (92d Cong.)) (Mr. Williams) | H.R. 4757 (Mr. Dent) | H.R. 2831 (Mr. Erlenborn) |
|---|---|---|---|
| (a) Minimum wage and overtime exemptions:<br>Specified employment exempt from minimum wage and overtime requirements. Includes an establishment which has as its only regular employees the owner, or parent, spouse, child, or other member of the owner's immediate family. | Minimum wage and overtime exemption repealed for: Motion picture theater employees; Shade grown tobacco employees engaged in processing such tobacco; certain telegraph agency employees; certain employees of retail-manufacturing establishments.<br>Minimum wage exemption only repealed for: Logging and sawmill employees. | Minimum wage and overtime exemption repealed for employees of conglomerates.<br>Minimum wage and overtime exemption extended to resident house parents (husband and wife) of orphans residing in private nonprofit educational institutions, if couple earns at least $10,000 per year in salary from such employment. | Retains present exemptions and extends minimum wage and overtime exemptions to:<br>Employees delivering shopping news including shopping guides, handbills, or other types of advertising material.<br>Resident house parents (husband and wife) of orphans residing in private nonprofit educational institutions, if couple earns at least $10,000 per year in salary from such employment |
| (b) Overtime exemptions only:<br>Specified employment exempt from overtime requirements only. | Overtime exemption repealed for: Agricultural, processing, seafood processing, oil pipeline, cotton ginning, and sugarcane and sugar beet processing employees, partsmen and mechanics in auto, truck, and trailer dealerships, and all employees in aircraft dealerships.<br>Other overtime exemptions modified as follows:<br>Local transit employees: 48 hours 1st year; 44 hours 2d year; 40 hours thereafter.<br>Provides for an exemption for voluntary work performed by employees of a local transit company in nonregular charter activities which are covered by prior agreements.<br>Hotel, motel, and restaurant employees: 48 hours 1st year; 46 hours thereafter.<br>Nursing home employees: 48 hours 1st year; 46 hours 2d year; 44 hours thereafter.<br>Catering and food service employees: 48 hours 1st year; 44 hours 2d year; 40 hours thereafter.<br>Bowling employees: 48 hours retained for 1st year; 44 hours 2d year; 40 hours thereafter,<br>Creates new overtime exemptions for: Domestic service employees. [1] | Repeals overtime exemptions for agricultural processing employees, in stages to 40 hours per week in 3d year—<br>for local transit employees in stages as follows: 48 hours 1st year; 44 hours 2d year; 40 hours thereafter (provides for an exemption for voluntary work performed by employees of a local transit company in nonregular charter activities which are covered by prior agreements);<br>for sugar processing employees;<br>for maids and custodial employees of hotels and motels.<br>Modifies current exemption for nursing home employees by requiring overtime pay for hours in excess of 80 in a 2-week period.<br>Treats laundering and drycleaning establishments as service establishments as they involve the employment of outside salesmen or commission employees.<br>Adds an overtime exemption for newly covered State and local government employees engaged in fire protection or law enforcement activities. | Retains present exemptions and extends partial overtime exemption to certain retail and service employees. |

---

[1] S. 1861, as passed, provided for an exemption for resident employees in certain apartment buildings, and resident house parents in orphan homes.

## VI. MISCELLANEOUS PROVISIONS

| Present law | S.—(identical except as specifically noted to S. 1861, as passed (92d Cong.)) (Mr. Williams) | H.R. 4757 (Mr. Dent) | H.R. 2831 (Mr. Erlenborn) |
|---|---|---|---|
| (a) Tips:<br>Value of the tips may be included in determining wages to meet the minimum rate up to 50 percent of the minimum rate. | Tip credit to meet the minimum rate retained at 50 percent of the minimum rate. The employer must inform each of his tipped employees of the provisions of the law regarding tipping. All tips received must be retained by such tipped employees. | No change from present law | No change from present law. |
| (b) Child Labor:<br>16 years for most covered employment including agricultural workers during school hours or in occupations in hazardous agricultural work,<br>No minimum age for children in nonhazardous agricultural work outside of school hours.<br>18 years for hazardous nonagricultural work.<br>14 years for specified employment outside school hours in nonmanufacturing and nonmining work for limited hours under specified work conditions. | Under 12, may not work in agriculture except on farms owned or operated by the parent.<br>Between 12 and 14, may work on a farm only with consent of the parent.<br>Between 12 and 16, may work in agriculture only during hours when school is not in session.<br>Provides for a civil penalty of up to $1,000 for any violation of child labor provisions of the Fair Labor Standards Act.<br>Authorizes the Secretary of Labor to issue regulations requiring employers to obtain proof of age from any employee. | Do. | Provides a child labor exemption for employees delivering shopping news and advertising material. |

PROPOSED FAIR LABOR STANDARDS AMENDMENTS OF 1973, 93D CONGRESS—Continued

| Present law | S.—(identical except as specifically noted to S. 1861, as passed (92d Cong.) (Mr. Williams) | H.R. 4757 (Mr. Dent) | H.R. 2831 (Mr. Erlenborn) |
|---|---|---|---|
| (c) Youth employment:<br>Provides for wage rates no less than 85 percent of the statutory minimums for:<br>(a) Full-time students working part-time in retail or service establishments and agriculture.<br>(b) Student-learners in vocational training programs.<br>(c) Student workers receiving instructions in educational institutions and employed part-time in shops owned by the institutions.<br>Student certificates are issued by the Secretary of Labor. | Retains present provisions of the Fair Labor Standards Act. Expands student certificate program to include students employed part-time by educational institutions and those employed full-time during school vacations by such institutions. | Provides for employment of full-time students (except in hazardous occupations) at wage rates not less than 85 percent of applicable minimum or $1.60 an hour ($1.30 an hour in agriculture), whichever is higher, pursuant to special certificates issued by the Secretary of Labor, for not more than 20 hours in any workweek except during vacation periods. | Provides for employment of youths under 18 (for not more than 180 days) and full-time students at wage rates not less than 80 percent of the applicable minimum or $1.60 per hour ($1.30 per hour in agriculture), whichever is higher. Such employment must be in accordance with applicable child labor laws and subject to standards set by the Secretary of Labor to ensure that employment does not create a substantial probability of reducing the full-time employment opportunities of other workers. |
| (d) Employment of illegal aliens:<br>No provision in present law | No change from present law[1] | Provides for a criminal penalty for employers who knowingly employ aliens in violation of criminal laws. | No change from present law. |
| (e) Liquidated damages:<br>Makes employers in violation of the Fair Labor Standards Act liable to affected employees in an amount equal to unpaid minimum wages plus an additional equal amount in liquidated damages unless the suit involves issues not finally settled by the courts. The Secretary of Labor may bring suit for back pay upon written request of the employee. | Allows the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring written request of the employee and even though the suit might involve issues not finally settled by the courts. | No change from present law | Do. |
| (f) Canal Zone workers:<br>Covered under the Fair Labor Standards Act. | No change from present law[2] | do | Higher minimum hourly wage rates established by this amendment shall not apply to Canal Zone employees. |
| g) Age discrimination in Government employment:<br>No coverage | Extends coverage of the Age Discrimination in Employment Act of 1967 to Federal, State, and local government employees. Gives the Federal Civil Service Commission enforcement power over discrimination for Federal employees. | do | Do. |
| (h) Public service employment agencies (no provisions in present law). | No change from present laws | Prohibits public employment service agencies from placing an individual with an employer who would pay such individual less than the minimum wage rate applicable under the law. | No change from present law. |

[1] S. 1861, as passed, provided for a criminal penalty for employers who knowingly employ aliens in violation of immigration laws.

[2] S. 1861, as passed, provided that the amendments would not be applicable to the Canal Zone and that the minimum rate in the Canal Zone would be $1.70 after the 1st year.

### VII. EFFECTIVE DATE

| | | | |
|---|---|---|---|
| | 60 days after date of enactment | 30 days after date of enactment | 1st day of 2d full month after date of enactment. |

Mr. GRIFFIN. Mr. President, on behalf of Mr. JAVITS, I ask unanimous consent that a statement by the Senator from New York (Mr. JAVITS) be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR JAVITS

I am extremely pleased to join Senator Williams in introducing a minimum wage bill, which basically follows the bill passed by the Senate last year. I regard this as a top priority bill for consideration by the Labor and Public Welfare Committee. The last minimum wage increase was enacted in 1966 and because of our failure to act until now, millions of American workers are being paid minimum wages which will not even provide a standard of living above the poverty level as defined by the United States Government. Just to keep up with increases in the cost of living since the last time the minimum wage was increased would require a present minimum wage of $2.20 per hour. Today's bill does not go so far, so fast; rather it provides an immediate raise to $2 and a further increase to $2.20 one year after the effective date.

I recognize that the Administration has called for a graduated increase in the minimum wage going up to $2.30 in 1976. This bill does not provide any further increases above $2.20, but this is certainly one issue which I know the Committee will explore very thoroughly. In addition, I hope the Committee will also give close attention to the possibility of expanding coverage of the act to include more employees of small retail and service enterprises. Last year, the bill reported out by the Committee would have phased in expanded coverage in this area, but that part of the bill was deleted on the Senate floor in the desire to forge a broad consensus in the Senate on the bill. In this latter connection, I note that this bill does expand coverage to include state and local government employees and domestics.

I completely support such expanded coverage, but I also strongly believe that if we are to extend coverage to housewives employing domestics, we should also extend it to business concerns, no matter how small.

---

By Mr. SAXBE (for himself and Mr. TAFT):

S. 1862. A bill to provide for the establishment of the Cuyahoga Valley National Historical Park and Recreation Area. Referred to the Committee on Interior and Insular Affairs.

CUYAHOGA VALLEY NATIONAL HISTORICAL PARK AND RECREATION AREA

Mr. SAXBE. Mr. President, one of the most important and practical things that can be done to improve the quality of urban life at this time is to set aside open areas in or near cities for recreation. It is in this spirit that my colleague from Ohio, Senator TAFT, and I introduce a bill to provide for the creation of the Cuyahoga Valley National Historical Park and Recreation Area.

The bill would establish a 15,000-acre urban park and recreation area in the center of one of the Nation's most populous and industrialized centers. The new park would be near and serve the Cleveland, Akron, and Canton, Ohio, metropolitan adeas. Some 4 million people already live within a short drive of the proposed park area. The valley is the last remaining open space between Cleveland and Akron and is still untouched by urban development. Its potential for recreation has long been recognized by local and State officials. Preservation of the valley is the No. 1 recreation priority of both the Ohio Department of Natural Resources and the Cleveland and Akron Metropolitan Park Districts. Both have appropriated funds to acquire significant land in the valley. However, it is important that this land be purchased and reserved immediately or the pressures of development may make it impossible in the near future.

Federal funding is imperative to do this job.

The bill has broad support across the State. When it was first introduced in the last Congress, 13 members of the Ohio delegation were cosponsors, as well as members from neighboring States. Since then, the National Park Service has conducted an intensive study of the valley and has prepared a favorable draft recommending inclusion of it in the Federal park system.

Ohio is the sixth largest State in the Nation in population and one of the most highly urbanized, yet it has not Federal parks or recreation areas. The Cuyahoga Valley represents the last chance to meet the recreation needs of this heavily populated and growing region. Creation of the Cuyahoga Valley Park would indeed be one step closer to fulfilling our national goal of "putting parks where the people are."

---

By Mr. HASKELL (for himself and Mr. DOMINICK):

S. 1863. A bill to designate the Weminuche Wilderness, Rio Grande and San Juan National Forests, in the State of Colorado; and

S. 1864. A bill to designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

Mr. HASKELL. Mr. President, I take great pleasure in joining with my colleague the senior Senator from the State of Colorado (Mr. DOMINICK) in introducing two pieces of legislation to designate areas in Colorado as part of the National Wilderness Preservation System.

The first bill is a proposal to designate an area within the Rio Grande and San Juan National Forests as the Weminuche Wilderness. The second would set aside land within the Arapahoe and White River National Forests as the Eagles Nest Wilderness.

Senator DOMINICK and I both agree that these two areas deserve the protection of wilderness area designation.

The proposed Weminuche Wilderness is approximately 25 miles northeast of Durango, Colo., and 40 miles west of Monte Vista. The resources of the area are excellent for hunting, fishing, camping, hiking, and backpacking. The area is inhabited by elk, deer, black bear, bighorn sheep, coyote, bobcat, mountain lion, and smaller mammals and birds. In short it embodies all of the characteristics of a wilderness. Evidence of man's intrusion into the area is limited. The Weminuche Indian was the land's first human trespasser and modern day Coloradans follow the same trails the Indians used when trapping game.

The Eagle's Nest Wilderness location is even more accessible to a large portion of the State's population for a wilderness experience. It is approximately 60 miles west of Denver and 50 miles east of Glenwood Springs, Colo. Its location in one of the more rugged mountain ranges in Colorado makes it especially attractive to wilderness enthusiasts who enjoy particularly difficult mountain climbing activities. In the Gore Range there are 17 peaks over 13,000 feet and 33 over 12,000 feet—50 peaks over 2 miles high. The area is littered with lakes and streams, many of which are so remote they have not even been named.

Both Senator DOMINICK and I are enthusiastic supporters of protecting the area. My colleague is at home in Colorado and will be making a statement about the two bills upon his return.

Both the Forest Service and various wilderness advocates favor the designation of these two areas. There is some dispute over the size of the areas which should be designated. I hope that this dispute will be adequately aired in public hearings on the two bills so that we can proceed to protect these two sites in a way which will be best for all concerned.

I ask unanimous consent that the text of the two bills be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1863

A bill to designate the Weminuche Wilderness, Rio Grande and San Juan National Forests, in the State of Colorado

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(b)), the area classified as the San Juan and Upper Rio Grande Primitive Areas, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Weminuche Wilderness—Proposed," dated May, 1973, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Weminuche Wilderness within and as part of the Rio Grande and San Juan National Forests comprising an area of approximately four hundred twenty-two thousand, eight hundred forty-two acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and and a legal description of the Weminuche Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Weminuche Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the San Juan and Upper Rio Grande Primitive Areas is hereby abolished.

---

S. 1864

A bill to designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(b)), the area classified as the Gore Range-Eagles Nest Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Eagles Nest Wilderness—Proposed," dated May, 1973, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Eagles Nest Wilderness within and as part of the Arapaho and White River National Forests comprising an area of approximately 125,000 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Eagles Nest Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Eagles Nest Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Gore Range-Eagles Nest Primitive Area is hereby abolished.

---

By Mr. BELLMON (for himself and Mr. BARTLETT, Mr. CANNON, Mr. DOLE, Mr. GURNEY, Mr. HASKELL, Mr. JACKSON, Mr. MANSFIELD, Mr. MCGEE, Mr. METCALF, and Mr. MOSS):

S. 1865. A bill to amend the National Environmental Policy Act of 1969 in order to encourage the establishment of, and to assist, State and regional environmental centers. Referred to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, I am introducing the Environmental Centers Act of 1973, a bill to authorize the establishment of centers for environmental research, education, data collection, and data analysis within the several States and regions of the Nation pursuant to the goals and policies of the National Environmental Policy Act of 1969. I ask that the bill be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, the Environmental Centers Act of 1973 is virtually identical to S. 681, which was passed by the Senate in the 92d Congress. It is also identical to title II of H.R. 56, which was enacted by the House and Senate last year, only to suffer a pocket veto by the President. The bill is being reintroduced, because I remain convinced there is great need for the legislation, perhaps greater today than ever before.

Our rapidly growing population coupled with the high rate of economic growth, which makes possible our high standard of living, places increasing demands upon the environment. The hope of the future lies in our ability to understand the potential consequences of our actions, to utilize our knowledge to repair the damage already done, and to prevent further deterioration of the environment.

Almost daily we are faced with seemingly conflicting national needs. How do we assure the Nation an adequate supply of energy without further pollution of the rivers and oceans? How do we provide for safe and economical transportation without further degradation of air quality? How do we provide adequate housing for a growing population without needless loss of the diminishing open spaces?

The hope of the future rests squarely on our ability to find the means to sustain a healthy level of economic growth without impairment to the quality of our lives and our surroundings.

Congress has reacted to growing environmental awareness with the passage of a wide range of environmental legislation. Through these actions Congress has expressed its determination to put a stop to pollution and other forms of environmental degradation. Unfortunately, government has not yet backed up its determintaion with adequate funding, and has not yet provided the means to gather the necessary data, or to develop the necessary technological and monitoring capabilities to carry out its good intentions.

Congress has told the States, counties, and cities of the Nation they must meet rigorous standards of pollution control and environmental planning. But Congress has so far failed to provide these political entities with the means to research, understand, and solve their existing problems, or to prevent future recurrence.

Mr. President, the bill I am introducing is intended to provide us with both the data and the technological expertise needed to restore and maintain the quality of the environment through a series of environmental research centers. These centers will give to the States the assistance they need in solving their own local and State problems, and they will put to work great reservoirs of knowledge to solve the complex questions relating to economic growth and environmental quality.

Nearly 3 years ago, the Environmental Studies Board of the National Academy of Sciences and National Academy of Engineering published the findings of a special study group. This report is entitled "Institutions for Effective Management of the Environment." One of the major recommendations resulting from the study called for the establishment of environmental laboratories to carry out basic, applied and mission-oriented research programs, essential to the restoration and preservation of the environment.

Many Government agencies concerned with environmental matters conduct a variety of research programs, but with very special, limited aims and with almost no coordination among researchers. There is no Federal facility, and probably none outside the Government, which conducts broad spectrum, interdisciplinary research on the environment as a whole. Each agency studies its own particular problem or area of interest.

It was the finding of the Environmental Studies Board that all research efforts now going on at the Federal level are inadequate from an ecological point of view.

If Congress is to succeed in its dedication to restore and maintain a quality environment, we must provide the vehicle and the financing necessary for treating the environment as a total system, for thoroughly understanding our environment and the probable results of our environmental related actions, for developing reasonable and rational environmental standards, and for finding solutions to the complex questions for which we now have no answers.

The Environmental Centers Act will serve these purposes. It provides for the establishment of a qualified environmental center at an educational institution in each State; or at the option of the participating States, establishment of a regional center to serve a group of States. Second, it provides that each center shall combine and coordinate the interdisciplinary and interinstitutional research capabilities within its area and arrange for the conduct of competent research.

Public and private education and research institutions in all parts of the Nation collectively represent a substantial capability in the environmental sciences. The individual specialists within each institution are presently conducting significant research. But it is generally limited to narrow confines and there is little or no coordination of the various efforts and little means of consolidation or transfer of information.

This legislation will, for the first time, provide the means of marshaling the greatest talents and expertise available in every section of the Nation in the search for a quality existence. Each environmental center will be charged with the responsibility of seeking out the most knowledgeable persons in the public or private sector to form interdisciplinary teams and to create interinstitutional arrangements necessary for understanding, monitoring, and treating the total environment.

Each center will be able to direct and coordinate independent efforts; and will be able to bring together State and regional capabilities to solve problems peculiar to that region. Additionally, the State and regional organization structure will place the talents and expertise "on location" where environmental changes can be directly monitored and observed, and where informed, positive action can be initiated locally or regionally to enhance environmental conditions.

The Environmental Centers Act is patterned after the Hatch Act of March 2, 1887, Public Law 84–352, relating to the appropriation of Federal funds for State agriculture experiment stations, and the Water Resources Act of 1964, Public Law 88–379, relating to appropriation of Federal funds for State Water Resources Research Institutes. It provides that maximum responsibility be given to State environmental centers, and yet permits reasonable and responsible supervision by the Federal Government over expenditures of public moneys.

The establishment of agricultural experiment stations was a bold and forward looking program to improve capabilities to feed and clothe a nation. These joint State-Federal institutions have played a vital and highly successful role in making our Nation the best and most economically fed in the world. The same type of bold and progressive program is needed today to improve our capabilities to restore and enhance our national quality of life. I believe this can best be accomplished through a series of environmental research centers, managed on a Federal-State cooperative basis and operated with the greatest possible degree of independence.

The Federal role in environmental centers will be largely limited to coordination of effort and assistance in financing. Each center would be entitled to approximately one-half million dollars a year in Federal assistance provided the State met matching fund requirements. The decisions on how to spend the money would be largely based on needs and priorities of the States.

As clearly pointed out in the annual report of the Council on Environmental Quality, "the pressing need for tomorrow is to know more than we do today." This bill provides the means by which this environmental information gap may be filled.

The Congress, as well as State legislatures and other governmental bodies, is handicapped because we lack comprehensive, well organized scientific data about how natural forces work on our environment. We lack the devices to measure either improvement or deterioration in the environment. We lack the knowledge of the interrelationship of separate pollution problems. These deficiencies handicap our efforts to devise strategies for control of pollution.

This Nation is in desparate need of a foundation of information on the current and continuing status of the environment, on changes and trends in its condition, and on what those changes mean to man. Without such information we can only react to environmental problems after they become serious. The Nation needs a means to systematically and continuously accumulate the knowledge needed to develop long-term programs for environmental enhancement.

Passage of this bill will enable government at all levels to know when and where action is needed. The essential mechanism to develop this information is comprehensive nationwide environmental monitoring, collection, analysis, and effective use of the information. The Council on Environmental Quality considers development of this type information program a major national objective. But the Council further points out that even after the system for collecting and analyzing data is developed, we still must have additional knowledge to enable us to understand and interpret the data we get. Much more research is needed on how environmental systems operate—on how the environment affects man. Augmenting this type of research must take a high national priority. The Environmental Centers Act provides the means.

Mr. President, the National Environmental Policy Act clearly stresses the necessity of approaching environmental problems as a totality.

Passage of this legislation will meet that need. Moreover, it does so in the most effective manner by focusing the best available resources and expertise in every corner of the land on environmental concerns. It marshals both private and public resources and involves Americans at all levels of life in striving toward enhancement of our national quality of life.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1865

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) is amended by adding at the end thereof the following new title:

### "TITLE III

#### "SHORT TITLE

"SEC. 301. This title may be cited as the 'Environmental Centers Act of 1973'.

#### "POLICY AND PURPOSES

"SEC. 302. (a) It is the policy of the Congress to support basic and applied research, planning, management, education, and other activities necessary to maintain and improve the quality of the environment through the establishment of environmental centers, in cooperation with and among the States, and thereby to achieve a more adequate program of environmental protection and improvement within the States, regions, and Nation pursuant to the policies and goals established in titles I and II of this Act. It is hereby recognized that research, planning, management, and education in environmental subjects are necessary to establish an environmental balance in local, State, and regional areas to assure the Nation of an adequate environment.

"(b) The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of basic and applied research, investigations, and experiments relating to the environment; to provide for concentrated study of environmental problems of particular importance to the several States; to provide for the widest dissemination of environmental information; to assist in the training of professionals in fields related to the protection and improvement of the Nation's environment; to provide for coordination thereof; and to authorize and direct the Administrator to cooperate with the several States for the purpose of encouraging and assisting them in carrying out the comprehensive environmental programs described above having due regard to the varying conditions and needs of the respective States.

#### "DEFINITIONS

"SEC. 303. As used in this title—

"(1) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) The term 'educational institution' means a public or private institution of higher education, or a consortium of public or private, or public and private institutions of higher education.

"(3) The term 'environmental center' means a State environmental center or regional environmental center established pursuant to this title.

"(4) The term 'other research facilities' means the research facilities of (A) any educational institution in which a State environmental center is not located and which does not directly participate in a regional environmental center, (B) public or private foundations and other institutions, and (C) private industry.

"(5) The term 'regional environmental center' means an organization which, on an interstate basis, carries out research, training, information dissemination, and other functions described in section 306 of this title related to the protection and improvement of the environment.

"(6) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(7) The term 'State environmental center' means an organization which, on a statewide basis, carries out and coordinates research, training, information dissemination, and other functions described in section 306 of this Act related to the protection and improvement of the environment.

#### "DESIGNATION AND APPROVAL OF ENVIRONMENTAL CENTERS

"SEC. 304. (a) The Administrator may provide financial assistance under this title for the purpose of enabling any State, if such State does not participate in a regional environmental center receiving funds under this title, to establish and operate one State environmental center if—

"(1) such State environmental center is, or will be—

"(A) located at an educational institution within the State; and

"(B) administered by such educational institution;

"(2) such educational institution is designated by the Governor of the State; and

"(3) the Administrator determines that such State environmental center—

"(A) meets, or will meet, the requirements set forth in section 305 of this title; and

"(B) has, or will have, the capability to carry out the functions set forth in section 206 of this title.

"(b) The Administrator may provide financial assistance under this title for the purpose of enabling two or more States, if none of such States has a State environmental center assisted under this title, to establish and operate a regional environmental center if—

"(1) such regional environmental center is, or will be—

"(A) located at an education institution within one of such States or in educational institutions within two or more of such States if such institutions agree to operate jointly as the regional environmental center; and

"(B) administered by such educational institution or institutions;

"(2) such educational institution in each State is designated by the Governor of the State to participate in the regional environmental center; and

"(3) the Administrator determines that such regional environmental center—

"(A) meets, or will meet, the requirements set forth in section 305 of this title; and

"(B) has, or will have, the capability to carry out the functions set forth in section 306 of this title.

"(c) Each Governor, in designating an educational institution to be a State environmental center or to participate in a regional environmental center, shall take into account those institutions of higher education in the State which, at that time, are carrying out environmentally related research and education programs.

#### "ELIGIBILITY REQUIREMENTS FOR ENVIRONMENTAL CENTERS

"SEC. 305. Each State or regional environmental center shall—

"(1) be organized and operated so as to coordinate, support, augment, and implement programs contributing to the protection and improvement of the local, State, regional, and national environment;

"(2) have (A) a chief administrative officer, and (B) a treasurer who shall carry out the duties specified in section 311 of this title, each of whom shall be appointed by the chief executive officer of the educational institution concerned, in the case of a State environmental center, or jointly approved and appointed by the chief executive officers of the educational institutions concerned, in the case of a regional environmental center.

"(3) have a nucleus of administrative, professional, scientific, technical, and other personnel capable of planning, coordinating, and directing interdisciplinary programs related to the protection and improvement of the local, State, regional, and national environment;

"(4) be authorized to employ personnel to carry out appropriate research, planning, management, and education programs;

"(5) be authorized to make contracts and other financial arrangements necessary to implement section 306(b) of this title; and

"(6) make available to the public all data, publications, studies, reports, and other information which result from its programs and activities, except information relating to matters described in section 552(b)(4) of title 5, United States Code.

#### "FUNCTIONS OF ENVIRONMENTAL CENTERS

"SEC. 306. (a) Each State and regional environmental center shall be responsible for the following functions—

"(1) the planning and implementing of research, investigations, and experiments relating to the study and resolution of environmental pollution, natural resource management, and other local, State, and regional environmental problems and opportunities;

"(2) the training of environmental professionals through such research, investigations, and experiments, which training may include, but is not limited to, biological, ecological, geographic, geological, engineering, economic, legal, energy resource, natural resource and land use planning, social, recreational, and other aspects of environmental problems;

"(3) the establishment, operation, and maintenance of a comprehensive environmental education program directed at the widest possible segment of the population, which program may include, but is not limited to, public school curriculums development, undergraduate degree programs, graduate programs, nondegree college level course work, professional training, short courses, workshops, and other educational activities directed toward professional training and general education;

"(4) the widest possible discrimination of useful and practical information on subjects relating to the protection and enhancement of the Nation's environment and the establishment and maintenance of a reference service to facilitate the rapid identification, acquisition, retrieval, dissemination, and use of such information; and

"(5) the coordination of effort in the several areas required to achieve the purposes and objectives of this title; and

"(6) the submission, on or before September one of each year, of a comprehensive report of its program and activities during the immediately preceding fiscal year to the Governors concerned, and the Administrator, and the Environmental Center Research Coordination Board established under section 309 of this title.

"(b)(1) Each State and regional environmental center is encouraged to contract with other regional environmental centers and with other research facilities for the carrying out of any function listed in subsection (a) of this section in order to achieve the most efficient and effective use of institutional, financial, and human resources.

"(2) Each State and regional environmental center may also make grants, contracts, and cooperative agreements on fund matching or other arrangements with—

"(A) other environmental centers, research facilities, and individuals the training, experience, and qualifications of which or whom are, in the judgment of the chief administrative officer of the environmental center, adequate for the conduct of specific projects to further the purposes of this title, and

"(B) local, State, and Federal agencies to undertake research, investigations, and experiments concerning any aspects of environmental problems related to the mission of the environmental center and the purposes of this title.

"(c) In the carrying out of the functions described in subsection (a) (3) and (4) of this section, the services of private enterprise firms active in the fields of information, publishing, multimedia materials, educational materials, and broadcasting are to be utilized whenever feasible so as to avoid creating government competition with private enterprise and to achieve the most efficient use of public funds invested in the fulfilling of the purposes of this title.

### "AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS

"SEC. 307. (a) There is authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1974; $9,800,000 for the fiscal year ending June 30, 1975; and $14,000,000 for the fiscal year ending June 30, 1976. The sums authorized for appropriation pursuant to this subsection shall be disbursed in equal shares to the environmental centers by the Administrator, except that each regional environmental center shall receive the number of shares equal to the number of States participating in such regional environmental center.

"(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated $10,000,000 for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, which shall be allocated by the Administrator, after consultation with the Environmental Centers Research Coordination Board, to the environmental centers on the following basis: one-fourth based on population using the most current decennial census; one-fourth based on the amount of each State's total land area; and one-half based on the assessment of the Administrator with respect to (1) the nature and relative severity of the environmental problems among the areas served by the several State and regional environmental centers, and (2) the ability and willingness of each center to address itself to such problems within its respective area; except that sums allocated under this subsection shall be made available only to those State and regional environmental centers for which the States concerned provide $1 for each $2 provided under this subsection.

"(c) In addition to the sums authorized to be appropriated under subsections (a) and (b) of this section, there is authorized to be appropriated for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, such sums as may be necessary to provide to each regional environmental center during each of such fiscal years an amount of money equal to 10 per centum of the funds which will be disbursed and allocated to such center during that fiscal year by the Administrator under such subsections (a) and (b).

"(d) Not less than 25 per centum of any sums allocated to an environmental center shall be expended only in support of work planned and conducted on interstate or regional programs.

### "AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION

"SEC. 308. There is authorized to be appropriated $1,000,000 for each of the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, to be used by the Administrator solely for the administration of this title and to carry out the purposes of section 309 of this title.

### "ENVIRONMENTAL CENTERS RESEARCH COORDINATION BOARD

"SEC. 309. (a) There is established the Environmental Centers Research Coordination Board (hereinafter referred to in this section as the 'Board'), for the purposes of assisting the Administrator with program development and operation, consisting of the following nine members—

"(1) a Chairman, who shall be the Administrator;

"(2) one representative each from (A) the Council on Environmental Quality; (B) the National Science Foundation; (C) and the Smithsonian Institution.

"(3) five members, appointed by the Administrator, who shall be appointed on the basis of their ability to represent the views of (A) private industry; (B) not-for-profit organizations the primary objectives of which are for the purposes of improving environmental quality; (C) the public academic community; (D) the private academic community; and (E) the general public.

"(b) The Chairman of the Board may designate one of the members of the Board as Acting Chairman to act during his absence.

"(c) The Board shall undertake a continuing review of the programs and activities of all State and regional environmental centers assisted under this title and make such recommendations as it deems appropriate to the Administrator and the Governors concerned with respect to the improvement of the programs and activities of the several centers. The Board shall, in conducting its review, give particular attention to finding any unnecessary duplication of programs and activities among the several environmental centers and shall include in its recommendations suggestions for minimizing such duplications. The Board shall also coordinate its activities under this section with all appropriate Federal agencies and may coordinate such activities with such State and local agencies and private individuals, institutions, and firms as it deems appropriate.

"(d) Selection of Board members pursuant to subsection (a) (2) of this section shall be made by heads of the respective entities after consultation with the Administrator.

"(e) The Board shall meet at least four times each year. The members of the Board who are not regular full-time officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and, while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons intermittently employed in Government service.

### "ENVIRONMENTAL CENTER ADVISORY BOARDS

"SEC. 310. (a) The Governor of each State having a State environmental center assisted under this title, and the Governors of the States participating in each regional environmental center assisted under this title, shall appoint, after consultation with the chief administrative officer of the environmental center concerned, an advisory board which shall—

"(1) advise such environmental center with respect to the activities and programs conducted by the center and the coordination of such activities and programs with the activities and programs of Federal, State, and local governments, of other educational institutions (whether or not directly participating in an environmental center assisted under this title), and of private industry related to the protection and enhancement of the quality of the environment; and

"(2) make such recommendations as it deems appropriate regarding—

"(A) the implementation and improvement of the research, investigations, experiments, training, environmental education program, information dissemination, and other activities and programs undertaken by the environmental center, and

"(B) new activities and programs which the environmental center should undertake or support.

All recommendations made by an advisory board pursuant to clause (2) of this subsection shall be promptly transmitted to the Governor or Governors concerned, the chief administrative officer of the environmental center, the chief executive officer of each educational institution in which the environmental center is located, and the Administrator.

"(b) (1) Each advisory board appointed pursuant to this section shall have not to exceed fifteen members consisting of representatives of—

"(A) the agencies of the State concerned which administer laws relating to environmental protection or enhancement;

"(B) the educational institution or institutions in which the environmental center is located;

"(C) the business and industrial community; and

"(D) not-for-profit organizations the primary objective of which is the improvement of environmental quality and other public interest groups.

The chief administrative officer of the environmental center shall be an ex officio member of the advisory board. Each advisory board shall elect a chairman from among its appointed members.

"(2) The term of office of each member appointed to any advisory board shall be for three years; except that of the members initially appointed to any advisory board, the term of office of one-third of the membership shall be for one year, the term of office of one-third of the membership shall be for two years, and the term of office of the remaining members shall be for three years.

"(c) Any recommendations made by an advisory board pursuant to subsection (a) (2) of this section shall be responded to, in writing, by the chief administrative officer of the environmental center within one hundred and twenty days after such recommendations are made. In any case in which any such recommendation is not followed or adopted by the chief administrative officer, such officer, in his response, shall state, in detail, the reason why the recommendation was not, or will not be, followed or adopted.

"(d) All recommendations made by an advisory board pursuant to subsection (a) (2) of this section, and all responses by the chief administrative officer thereto, shall be matters of public record and shall be available to the public at all reasonable times.

"(e) Each advisory board appointed pursuant to this section shall meet not less than once each year.

"(f) Funds provided under section 307 of this title may be used to pay the travel and such other related costs as shall be authorized by the chief administrative officer of the environmental center which are incurred by the members of each advisory board incident to their attendance at meetings of the advisory board; except that the amount of travel and related costs paid under this subsection to any member of an advisory board with respect to his attendance at any meeting of the advisory board may not exceed the amount which would be payable to such member if the law relating to travel expenses for persons intermittently employed in Government service applied to such member.

### "MISCELLANEOUS

"SEC. 311. (a) Sums made available for allotment to the environmental centers under this title shall be paid at such time and in such amounts during each fiscal year as determined. Each treasurer appointed pursuant to section 305(2) of this title shall receive and account for all funds paid to the environmental center under the provisions of the title and shall transmit, with the approval of the chief administrative officer of the environmental center, to the Administrator on or before the first day of September of each year, a detailed statement of the amount received under provisions of this title during the preceding fiscal year and its disbursement, on schedules prescribed by the Administrator. If any of the moneys received by the authorized receiving officer of the environmental center under the provisions of this title shall be found by the Administrator to have been improperly diminished, lost, or misapplied, it shall be replaced by the environmental center concerned and until so replaced no subsequent appropriations shall be allotted or paid pursuant to this title to that environmental center.

"(b) Moneys appropriated under this title, in addition to being available for expenses for research, investigations, experiments, education, and training conducted under authority of this title, shall also be available for printing and publishing of the results thereof.

"(c) Any environmental center which receives assistance under this title shall make available to the Administrator and the Comptroller General of the United States, or any of their authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such environmental center under this title.

### "DUTIES OF ADMINISTRATOR

"SEC. 312. (a) The Administrator shall—

"(1) prescribe such rules and regulations as may be necessary to carry out the provisions and purposes of this title;

"(2) indicate the environmental centers from time to time such areas of research and investigation as to him seem most important, and encourage (specifically through the development of (A) interdisciplinary teams within each environmental center, which teams may be composed of competent persons from the environmental center, other educational institutions and research facilities, and private industry, and (B) interinstitutional arrangements among such educational institutions, private industry, and governmental agencies at all levels) and assist in the establishment and maintenance of cooperation among the several environmental centers;

"(3) report on or before January 1 of each year to the President and to Congress regarding the receipts and expenditures and work of all State and regional environmental centers assisted under the provisions of this title and also whether any portion of the appropriations available for allotment to any environmental center has been withheld, and, if so, the reason therefor; and

"(4) undertake a continuing survey, and report thereon to Congress on or before January 1 of each year, with respect to—

"(A) the interrelationship between the types of programs required to be implemented, and implemented, by environmental centers assisted under this title; and

"(B) ways in which the system provided for in this Act for improving the Nation's environment may be integrated with other environmentally related Federal programs. The Administrator shall include in any report required under this paragraph any recommendations he deems appropriate to achieve the purposes of this title."

---

By Mr. BURDICK:

S. 1866. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. BURDICK. Mr. President, today I am introducing for appropriate reference a bill designed to bring equitable treatment to thousands of Federal retirees, dependents, and survivors who are now facing a day-to-day struggle for existence. The legislation would raise the civil service retirement minimum payment to the minimum floor one would receive if he were covered under the Social Security Act. This minimum would apply to retired employees, to surviving widows and widowers and to dependents. However, those receiving social security would be excluded from the bill. The main purpose of this legislation is to remedy that class of dedicated retirees who receive their civil service retirement check and are not covered by social security. Also, the bill would automatically trigger an increase in the civil service annuity floor whenever the social security minimum changes.

Second, my bill would grant an across-the-board increase of $20 to all annuitants retiring prior to October 1, 1969. That was the date of enactment of the high three average annuity computation formula instead of the high five, which has resulted in higher annuities for those retiring after October 1, 1969. This would be a small gesture to a group financially distressed.

There have been other bills introduced by my colleagues which in one way or another will make everyday life much easier for senior citizens who qualify for civil service annuities. Last year my Subcommittee on Compensation and Employment Benefits held hearings on similar bills. It is my intention that we will do the same thing this year, but hopefully we will go one step further and have a bill enacted into law.

---

By Mr. HATHAWAY:

S. 1867. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of such Act, and for other purposes. Referred to the Committees on Labor and Public Welfare, Commerce, and Finance, by unanimous consent.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the bill I am now introducing be referred to the Committee on Labor and Public Welfare for consideration of titles I and III, to the Committee on Commerce for consideration of titles II and III, and to the Committee on Finance for the consideration of such matters as are within its jurisdiction.

Mr. TOWER. Mr. President, has the Senator's request been cleared with the leadership?

Mr. HATHAWAY. Yes; it has been cleared by the leadership, as well as with the leadership of each of the committees involved, on both sides of the aisle.

Mr. TOWER. I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATHAWAY. Mr. President, I further ask unanimous consent that when the bill has been reported to the Senate by one of the foregoing committees, each of the other named committees will file its report no more than 10 calendar days thereafter, not including Saturday or Sunday, and that in the event either or both such reports are not filed prior to the expiration of the stated period, the bill will at that time be placed on the Senate Calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATHAWAY. Mr. President, in addition, I ask unanimous consent that when H.R. 7200, the railroad retirement measure now under consideration in the House of Representatives, comes over to the Senate it will be referred in the same manner and under the same conditions as the bill I am now introducing.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

### RAILROAD RETIREMENT BILL

Mr. HATHAWAY. Mr. President, I am today introducing a bill which I hope will be a positive step toward putting the railroad retirement system on a sound financial basis. The bill substantially carries out the terms of an agreement reached through nationwide collective bargaining between representatives of most major railroads in the United States and unions representing their employees. In many respects, the bill is identical with H.R. 7200, the railroad retirement bill reported out by the House Commerce Committee, which is due for consideration in that body today. But there are differences between the two bills, and it is to those differences that I would like to address my remarks today.

At this point, I ask unanimous consent that a section-by-section analysis of my bill be printed in the RECORD.

(Title II of the bill, which deals with expedited rate increase consideration by the Interstate Commerce Commission when such increases are based on cost increases incurred by the carriers under this bill, is outside the jurisdiction of my subcommittee. Consideration of this section of the bill will be handled by the Committee on Commerce.)

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

## SECTION-BY-SECTION ANALYSIS OF SENATOR HATHAWAY'S RAILROAD RETIREMENT BILL—S. 1867

### A DESCRIPTION OF THE PROVISIONS

S. 1867 is divided into three titles; title I of the bill contains provisions which would amend the Railroad Retirement Act, title II would amend the Interstate Commerce Act, and title III contains a separability provision. Title I of the bill is further divided into three parts, only two of which are substantive; part A contains provisions which would be in effect until the end of 1974, while part B contains provisions which would become effective after 1974.

### TITLE I—RAILROAD RETIREMENT ACT AMENDMENTS

### PART A—TEMPORARY PROVISIONS

### *Early retirement for men*

*Section 101*—Would permit men to retire on full railroad annuities at age 60 provided that they had at least 30 years of railroad employment. Under the present law, men who retire between ages 60 and 65 receive reduced annuities, while women of the same age who have at least 30 years of railroad employment are paid full annuities. The provision would become effective on July 1, 1973, and cease to apply after December 1973.

The section is identical to a provision in House-reported H.R. 7200, except that under the House bill the provision would continue in effect after 1974.

### *Change in railroad retirement tax rates*

*Section 102*—Would reduce railroad retirement taxes paid by employees by 4.75 percent, from 10.6 percent of wages to 5.85 percent (the rate paid by employees under the social security program). Employer taxes would be increased by an identical 4.75 percent of wages, from 10.6 percent to 15.75 percent. The new tax rates would be effective generally for wages paid after September 1973 and before January 1975.

The section is identical to a provision in House-reported H.R. 7200, except that under the House bill the new rates would continue to apply after 1974.

### *Extension of temporary increases in annuities*

*Section 103*—Would extend until December 31, 1974, the 15 percent increase in annuities which became effective in 1970, the 10 percent increase in annuities which became effective in 1971, and the 20 percent increase in annuities which became effective in 1972.

The section is identical to a provision in House-reported H.R. 7200.

### *Increases in railroad annuities when social security benefits are increased*

*Sections 104, 105 and 106*—Would provide automatic increases in railroad annuities if social security benefits are increased after June 1973 and before January 1975. If social security benefits are increased in this period, the increase in individual annuities would be the same dollar amount that would have been provided had the individual been receiving a social security benefit based on similar earnings covered under social security.

The section is identical to a provision in House-reported H.R. 7200.

### *Labor-Management Committee*

*Section 107*—Calls on representatives of employees and retirees and representatives of railroad employers to create a joint committee to recommend changes in the railroad retirement program which will assure the long-range actuarial soundness of the program. The committee would notify Congress within 30 days after the bill is enacted of the names and positions of the members of the committee. In preparing its report, the committee would meet at least once a month, keep formal minutes of each meeting, and furnish Congress with interim progress reports. The interim reports would be submitted on September 1, 1973, November 1, 1973, and January 1, 1974. The final report would be submitted to Congress no later than March 1, 1974. The recommendations for restructuring the railroad retirement program should take into account the recommendations of the Commission on Railroad Retirement and that the recommendations should be specific and in a form suitable for legislative action.

The section is a revision of a provision in House-reported H.R. 7200.

### *Effective dates*

*Section 108*—Would provide the effective dates shown above for each of the other sections in this part. Included in the section is an exception for certain railroads and dock companies from the change in tax rates provided under section 102 of the bill. Under the exception, the new tax rates would not apply to the so-called "Steel Roads" until the earliest of (a) the expiration of their current labor contracts, (b) the contracts are renegotiated or (c) they agree to pay taxes at the new rates. This exception is identical to a provision in House-reported H.R. 7200.

### PART B—PERMANENT PROVISIONS

### *Early Retirement and Benefit Rates*

*Section 120*—Would provide that the temporary early retirement provision for men authorized by section 101 of the bill would become permanent on January 1, 1975. The temporary benefit increases of 15, 10 and 20 percent which section 103 of the bill authorizes through December 31, 1974, would also become permanent on January 1, 1975.

There is no similar provision in House-reported H.R. 7200.

### *Tax Rate Increases*

Section 121—Would provide for increases in employee and employer railroad retirement taxes starting January 1, 1975. Under the bill, employee taxes would rise from 5.85 percent of wages to 9.6 percent, and employer taxes would rise from 15.75 percent of wages to 19.5 percent. It is estimated that these rates would finance the program on a sound actuarial basis over the long-run future.

There is no similar provision in House-reported H.R. 7200.

### PART C—MISCELLANEOUS

Section 130—Would provide a short title "Railroad Retirement Amendments of 1973" for title I of the bill.

### TITLE II—INTERSTATE COMMERCE ACT AMENDMENTS

Title II of the bill provides for expedited consideration of railroad rate increases requests prompted by increases in expenses related to certain sections of the Railroad Retirement Amendments in Title I. Section 201(a) directs the Commission by rule to prescribe the form and content of a petition for such rate increase. Thus the Commission would be able to obtain from the railroads at the time of the petition necessary information in useable form. Section 201(b) requires the Commission to act upon any petition for a rate increase based upon the retirement fund increases within 60 days of the receipt of such petition.

### TITLE III—SEPARABILITY

Section 301—Would provide that should any part of the bill be held invalid, the remainder of the bill would not be affected.

An identical provision is contained in House-reported H.R. 7200.

Mr. HATHAWAY. Mr. President, the first important feature to note is that this bill, like H.R. 7200, calls for the extension of the temporary benefit increases granted by the Congress over the last 3 years. The present annuitants are concerned, and rightly so, that these increases not lapse on June 30 of this year, as they would under present law.

The second important point is that the bill carries out all the provisions of the recent industrywide contract. Although there are differences between my bill and H.R. 7200, these differences in no material way affect the terms of that contract, as I understand it.

The changes I am proposing in H.R. 7200 are, basically, twofold: First, clear-cut and substantial pressure is put on the parties directly involved in this matter—that is, the representatives of the railroads and the representatives of the affected unions—to consider in earnest the problems of the Railroad Retirement system and propose, within a reasonable time, a detailed legislative solution which is mutually acceptable to both sides. Second, my bill provides a solution to the problem, effective January 1, 1975, if the parties are unable to suggest a better alternative.

The problem with the system, as everyone knows by now, is money. Because of the decline in railroad employment, there are now more people drawing annuities than are working for the railroads. The payments into the fund have not and do not take account of this situation with the result that the Railroad Retirement fund is being depleted at the rate of almost $500 million a year. Current estimates are that, without a funding increase, the system will be broke by some time in the mid-1980s. The disastrous results of this, for all those drawing annuities at that point and all those still working for the railroads expecting their annuities, are obvious. The pressure for public funding of the system will be tremendous. If this is to be avoided, the Congress must act decisively now, while there is still time to give all the alternatives due consideration. Thus, the provisions of my bill.

Representatives of the railroad industries and railroad unions have testified to their intention and ability to work out this problem between themselves within a year. I have confidence that they can. But I also feel that we in the Congress have a responsibility to present and future retirees, as well as the American taxpayers, to see that the parties get on with it.

As to the length of time allotted for these negotiations, I am proposing shortening it from 1 year to 9 months—or 10 months if they start now—for a very practical reason. I want the Congress to have the opportunity to examine the proposals of the parties in a calm and unhurried atmosphere. My experience indicates that the late summer and fall of 1974—or any other even numbered year—will not be conducive to such deliberate consideration. Additionally, the various reporting provisions in the bill are clearly intended to provide assurance to the Congress that the parties are, in fact, at work on the problem.

Finally, my bill adds a new tax provision, which would apportion the payroll tax necessary to make the fund actuarially sound equally between employees and the industry, effective January 1, 1975. This is, admittedly, a rough solution to the problem, but it is a solution nonetheless, and it puts the parties on notice that this is their last chance to design their own solution. If the parties want to eliminate the burden on the fund created by so-called "dual beneficiaries," fine. If they feel that a case can be made for public assumption of some part of the deficit, then let them come to Congress and make their case. But let them do it by next March, not at some indefinite time in the future.

My feeling is that Congress should not be in the railroad retirement business at all and that some type of social-security-private supplemental system should be worked out. But for the present, we are involved in railroad retirement and are, in a sense, the fiduciaries of the system. To participate, with the parties, in the raiding of the fund is a breach of this responsibility, and could, ironically, become a principal argument for an eventual public bailout of the system.

I hope that the provisions of this bill

are not taken as a reflection upon the parties involved in this problem. I have met with many of the individuals concerned during my investigation of the situation and have been impressed by their cooperativeness and sincere dedication to finding a viable solution. But I realize that the negotiations mandated both under my bill and H.R. 7200 will be difficult and there will be situations where concessions will have to be made by both sides, concessions which may not be very palatable to the respective constituencies involved. So my bill is directed as much to these constituencies—to the railroads and their individual employees—as much as to their representatives, to put them on notice that Congress has put its foot down and that some sacrifices will be necessary.

Hearings by the Subcommittee on Railroad Retirement on this bill and H.R. 7200 will be held on May 30 and 31. I am hopeful that the subcommittee will be able to report a bill shortly thereafter which will begin the end of the railroad retirement problem.

Needless to say, the counsel and comments of my colleagues are earnestly sought in connection with this matter. I now request unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1867

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—RAILROAD RETIREMENT ACT AMENDMENTS

### PART A—TEMPORARY PROVISIONS

SEC. 101. Section 2(a) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "Women" in paragraph (2) and inserting in lieu thereof "individuals";

(2) by striking out "Men who will have attained the age of sixty and will have completed thirty years of service, or individuals" in paragraph 3 and inserting in lieu thereof "Individuals"; and

(3) by striking out "such men or" in paragraph 3 thereof.

SEC. 102. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to the rate of the tax imposed with respect to wages by section 3101(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3101(b) of such Code of so much of the compensation paid to such employee for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(b) Section 3202(a) of such Code is amended—

(1) by striking out "1965" wherever it appears in the second sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the second sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the second sentence thereof.

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to 9.5 percent plus the sum of the rates of tax imposed with respect to wages by sections 3101(a), 3101(b), 3111(a), and 3111(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee representative for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act) is amended by striking out "In addition to other taxes" and all that follows to "except that" and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 9.5 percent of so much of the compensation paid by such employer for services rendered to him after September 30, 1973, as is, with respect to any employee for any calendar month, not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973;".

(e) Section 3221(a) of such Code, as amended by section 102(d) of this Act is further amended—

(1) by striking out "1965" wherever it appears in the first sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the first sentence thereof; and

(3 by striking out ", whichever is greater," wherever it appears in the first sentence thereof.

(f) Section 3221(b) of such Code is amended by striking out all that appears therein and inserting in lieu thereof the following;

"The rate of tax imposed by subsection (a) shall be increased, with respect to compensation paid for services rendered after September 30, 1973, by the rate of tax imposed with respect to wages by section 3111(a) of the Internal Revenue Code of 194 plus the rate imposed by section 3111(b) of such Code."

SEC. 103. (a) Section 6 of Public Law 91–377, as amended by section 8(c) of Public Law 92–46, is further amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(b) Section 8(b) of Public Law 92–46 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(c) Section 5(b) of Public Law 92–460 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

SEC. 104. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(6) If title II of the Social Security is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased in an amount equal to the difference between (i) the amount (before any reduction on account of age) which would be payable to such individual under the then current law if his or her annuity were computed under the first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such total amount' contained therein; and (ii) the amount (before any reduction on account of age) which would have been payable to such individual under the law as in effect prior to July 1, 1973, if his or her annuity had been computed under such first proviso of section 3 (e) of this Act, without regard to the words 'plus 10 per centum of such total amount' contained therein (assuming for this purpose that the eligibility conditions and the proportions of the primary insurance amounts payable under the then current Social Security Act had been in effect prior to July 1, 1973): *Provided, however,* That in computing such amount, only the social security benefits which would have been payable to the individual whose annuity is being computed under this Act shall be taken into account: *Provided further,* That if an annuity accrues to an individual for a part of a month the added amount payable for such part of a month under this section shall be one-thirtieth of the added amount payable under this section for an entire month, multiplied by the number of days in such part of a month. If wages or compensation prior to 1951 are used in making any computation required by this paragraph, the Railroad Retirement Board shall have the authority to approximate the primary insurance amount to be utilized in making such computation. In making any computation required by this paragraph, any benefit to which an individual may be entitled under title II of the Social Security Act shall be disregarded. For purposes of this paragraph, individuals entitled to an annuity under section 2(a)(2) of this Act shall be deemed to be age 65, and individuals entitled to an annuity under section 2(a)(3) of this Act who have not attained age 62 shall be deemed to be age 62. Individuals entitled to annuities under section 2(a)(4) or 2(a)(5) of this Act for whom no disability freeze has been granted shall be treated in the same manner for purposes of this paragraph, individuals entitled to annuities under section 2(a)(4) or 2(a)(5) for whom a disability freeze has been granted. In the case of an individual who is entitled to an annuity under this Act but whose annuity is based on insufficient quarters of coverage to have a benefit computed, either actually or potentially, under the first proviso of section 3(e) of this Act, the average monthly wage to be used in determining the amount to be added to the annuity of such individual shall be equal to the average monthly compensation or the average monthly earnings, whichever is applicable, used to enter the table in section 3 (a)(2) of such Act for purposes of computing other portions of such individual's annuity."

(b) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "section 3(a) (3), (4), or (5) of this Act" and inserting in lieu thereof "section 3(a) (3), (4), (5), or (6) of this Act";

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3. The preceding sentence and the other provisions of this subsection shall not operate to increase the annuity of a spouse (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding three paragraphs."

(c) Section 2(1) of the Railroad Retirement Act of 1937 is amended by striking out "the last paragraph plus the two preceding paragraphs" and inserting in lieu thereof "the last paragraph plus the three preceding paragraphs".

(d) Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new subsection:

"(q) A survivor's annuity computed under the preceding provisions of this section shall be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3: *Provided, however,* That in computing such an amount for an individual entitled to an annuity under subsection 5(a)(2), the 90.75 per centum figure appearing in the third paragraph of section 3(e) of this Act shall be deemed to be 82.5 per centum."

Sec. 105. If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the pension of each individual under section 6 of the Railroad Retirement Act of 1937 and the annuity of each individual under the Railroad Retirement Act of 1935 shall be increased in an amount determined by the method of computing increases set forth in subsection (a) of section 104 of this Act, deeming for this purpose the average monthly earnings (in the case of a pension) or the average monthly compensation (in the case of an annuity under the Railroad Retirement Act of 1935) which would be used to compute the basic amount if the individual were to die to be the average monthly wage.

Sec. 106. All recertifications required by reason of the amendments made by sections 104 and 105 of this Act shall be made by the Railroad Retirement Board without application therefor.

Sec. 107. (a) For the purpose of preparing and submitting the report provided for in subsection (c), it shall be the duty and responsibility of representatives of employees and retirees to designate (within the 30-day period commencing on the date of enactment of this Act) and notify the Congress of the identity (by name and position) of the labor members, and of representatives of carriers to designate (within such 30-day period) and notify the Congress of the identity (by name and position) of the management members, who shall compose the group authorized to prepare, in their behalf, the report provided for in subsection (c).

(b) The group so authorized to prepare the report provided for in subsection (c) shall—

(1) hold such meetings (which shall not be less often than once each month) as may be necessary to assure that such report will be submitted within the time provided, and contain the material prescribed under, subsection (c), and keep formal minutes of each meeting held by such group; and

(2) submit to the Congress, on September 1, 1973, November 1, 1973, and January 1, 1974, interim reports as to the progress being made toward completion of the report provided for in subsection (c); except that no such interim report shall be submitted after the submission of the report provided for in subsection (c).

(c)(1) Not later than March 1, 1974, representatives of employees and retirees and representatives of carriers, acting through the group designated by them pursuant to subsection (a), shall submit to the Congress a report containing their joint recommendations for restructuring the railroad retirement system in a manner which will assure the long-term actuarial soundness of such system, which recommendations shall take into account the specific recommendations of the Commission on Railroad Retirement.

(2) The joint recommendations contained in such report shall be specific and shall be presented in the form of a draft of a bill suitable for introduction in the Congress.

(3) There shall be included in the report a copy of the minutes of each meeting held by the group designated pursuant to subsection (a).

Sec. 108. (a) The amendments made by section 101 of this Act shall become effective on July 1, 1974: *Provided, however,* That those amendments shall not apply to individuals whose annuities began to accrue prior to that date. The amendments made by such section 101 shall cease to apply as of the close of December 31, 1974.

(b) The amendments made by section 102 of this Act shall become effective on October 1, 1973, and shall apply only with respect to compensation paid for services rendered on or after that date: *Provided, however,* That such amendments shall not be applicable to any dock company or common carrier railroad with respect to those of its employees covered as of October 1, 1973, by a private supplemental pension plan established through collective bargaining, where a moratorium in an agreement made on or before March 8, 1973, is applicable to changes in rates of pay contained in the current collective-bargaining agreement covering such employees, until the earlier of (1) the date as of which such moratorium expires, or (2) the date as of which such dock company or common carrier railroad agrees through collective bargaining to make the provisions of such amendments applicable.

(c) The amendments made by sections 103, 104, 105, 106, and 107 of this Act shall be effective on the enactment date of this Act: *Provided, however,* That any increases in annuities or pensions resulting from the provisions of sections 104 and 105 of this Act shall be effective on the same date or dates as the benefit increases under title II of the Social Security Act which gave rise to such annuity or pension increases are effective.

### Part B—Permanent Provisions

Sec. 120. (a) Effective January 1, 1975, section 108(a) of this Act is amended by striking out the second sentence thereof.

(b) Effective January 1, 1975, section 6 of Public Law 91–377 (as amended) is hereby repealed.

(c) Effective January 1, 1975, section 8(b) of Public Law 92–46 (as amended) is hereby repealed.

(d) Effective January 1, 1975, section 5(b) of Public Law 92–460 (as amended) is hereby repealed.

Sec. 121. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act), as amended by section 102(a) of this Act, is further amended to read as follows:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to 3.75 percent plus the sum of the rates of tax imposed with respect to wages by sections 3101(a) and 3101(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee for services rendered by him after December 31, 1974, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after December 31, 1974."

(b) Section 3202(a) of such Code is amended by striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974."

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act), as amended by section 102(c) of this Act, is further amended—

(1) by striking out "9.5 percent" and inserting in lieu thereof "17.0 percent", and

(2) by striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974".

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act), as amended by section 102(d) of this Act, is further amended by—

(1) striking out "9.5 percent" and inserting in lieu thereof "13.25 percent", and

(2) striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974".

(e) The amendments made by the preceding provisions of this section shall become effective January 1, 1975, and shall apply only with respect to compensation paid for services rendered on or after that date.

### Part C—Miscellaneous

Sec. 130. This title may be cited as the "Railroad Retirement Amendments of 1973".

## TITLE II—INTERSTATE COMMERCE ACT AMENDMENTS

Sec. 201. Section 15a of the Interstate Commerce Act (49 U.S.C. 15a) is amended by adding at the end thereof the following new subsection:

"(4)(a) The Commission shall by rule establish within 90 days after the date of enactment of this Act requirements for petitions for adjustment of interstate and intrastate rates of common carrier by railroad based upon increases in expenses of such carriers pursuant to section 102 of the Railroad Retirement Amendments of 1973. Such requirements established pursuant to section 553 of title 5, United States Code shall be designed to facilitate fair and expeditious action on any such petition as required in paragraph (b) of this subsection by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

"(b)(1) The Commission shall, within sixty days of the filing of a verified petition by any carrier or group of carriers in accordance with rules promulgated under paragraph (a) of this subsection, act upon said petition.

(2) Prior to action upon any provision in a verified petition which relates to intrastate rates, the Commission shall request from any State authority having jurisdiction over any such rates within ten days from the filing of such petition, a recommendation as to the action the Commission should take. The Commission shall give due regard to any such recommendation received within forty-five days from the date of request.

Sec. 202. This title may be cited as the "Railroad Rate Adjustment Act of 1973".

## TITLE III—SEPARABILITY

Sec. 301. If any provision of this Act or the application thereof to any person or circumstances should be held invalid, the remainder of such Act or the application of such provision to other persons or circumstances shall not be affected thereby.

---

By Mr. HUMPHREY (for himself, Mr. McGee, Mr. Kennedy, Mr. Case, Mr. Javits, Mr. Brooke, Mr. Abourezk, Mr. Bayh, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Mathias, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Stevenson, Mr. Tunney, and Mr. Williams):

S. 1868. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community. Referred to the Committee on Foreign Relations, by unanimous consent.

Mr. HUMPHREY. Mr. President, I am today introducing for appropriate reference a bill to end the violation by the United States of international sanctions against Rhodesia. Joining me in this important effort as principal cosponsors are Senators McGee, Kennedy, Case, Javits, and Brooke. An additional 18 Senators have also agreed to cosponsor this legislation because they believe that the time has come for the United States to correct its violation of international law.

Mr. President, I ask unanimous consent that the text of this bill, along with the complete list of cosponsors, be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1868

A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "Section 10 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98–98h) shall not apply to prohibitions or regulations established under the authority of this section."

LIST OF COSPONSORS

Mr. HUMPHREY (for himself, Mr. McGee, Mr. Kennedy, Mr. Case, Mr. Javits, Mr. Brooke, Mr. Abourezk, Mr. Bayh, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Mathias, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Stevenson, Mr. Tunney, and Mr. Williams introduced the bill; which was read twice and referred to the Committee on Foreign Relations.

Mr. HUMPHREY. Mr. President, at the outset I would like to state that I have inherited the leadership in this critical endeavor from Senator Gale McGee. I have recently assumed chairmanship of the African Affairs Subcommittee of the Foreign Relations Committee. It was while he was chairman of this same subcommittee that Senator McGee worked so diligently on this matter. Without his past leadership, it would not be possible to launch a new effort today to bring the United States back into compliance with United Nations sanctions against Rhodesia.

I also want to inform my colleagues that Members of the House of Representatives led by Congressmen Fraser and Diggs are today launching a similar effort. I am confident that with all of us working together and with the help of many outside groups and organizations we will be successful.

The United States strongly supported the imposition of sanctions against Rhodesia in 1967. In January of that year, President Johnson issued Executive Order No. 11322 implementing the mandatory sanctions resolution in the United States. He did this under the authority of the United Nations Participation Act of 1945 as amended.

On October 6, 1971, the Senate voted to import "strategic materials" from Rhodesia by a vote of 44 to 38. On January 1, 1972, the United States became the only nation in the world to formally violate U.N. sanctions.

In allowing imports from Rhodesia, we have sacrificed basic principles of U.S. foreign policy for the dubious short-term objective of diversifying our sources of "strategic materials."

One principle sacrificed was the defense of human rights and self-determination. This is one of the keystones of American foreign policy. While other nations only speak of these ideals, we hold that they are the foundation of legitimate government.

Yet when the world community has taken a strong stand in support of human rights and self-determination, the United States has turned out to be not the international leader but a nation only paying lipservice to international political agreements which it originally endorsed.

In Rhodesia today, 95 percent of the people have no voice in their government. Sanctions were imposed to let Ian Smith know that his nation would not be recognized as a member of the world community until these people had a share in determining how they were governed.

White supremacy in Rhodesia was selected by the international community as a particularly intolerable form of oppression for good reason. The many nations that have thrown off the yoke of colonial domination and proven their ability to govern themselves see Rhodesia as an offensive anachronism. They feel a deep sympathy and concern for the plight of their brothers who still live under racial domination.

It will be argued that other nations are violating sanctions, are betraying the cause of human rights and self-determination. Some people will say that the United States in importing only chrome and nickel is no worse than most and better than many. Some 70 items can be imported under wording of section 503 of the Military Procurement Act of 1972. However, I would argue that the United States has a unique responsibility to uphold the world position on this issue—and a unique vested interest in doing so.

In power, in prestige, in influence, we are not just one among many nations. We are the leading Western power. Many developing nations question whether the West has really given up white supremacy. They want proof that we are serious about replacing colonialism with real self-determination. They have to be assured that we do not want to substitute economic exploitation for political domination.

We have a constantly growing interest in keeping the trust of these nations. We will want more and more in the future to work with them as equal partners in the development of their vast natural and human resources. We will want to help build their industries. We will want to supply their markets.

These countries carefully watch our behavior in relations with the developing nations. To us, issues like racial oppression in Rhodesia may be peripheral. To them, they are indicators of how serious the United States—and the West as a whole—are in our claim that we will respect and support self-determination throughout the world.

Ian Smith also watches the United States as a powerful force in the making of world opinion. When Congress opened a crack in the wall of legal economic sanctions, we gave him great cause for hope. We showed that we were not serious enough about self-determination to uphold sanctions; perhaps, if he just held out long enough, we would grow tired of the sanctions game completely, and much of the rest of the world would follow.

It was also significant that, unlike the nations which upheld sanctions legally and carried on covert trade, the United States made it part of our law to violate sanctions. As one observer put it, "Outside of South Africa and Portugal, the United States is the only friend white Rhodesia has." We must recognize that our friendship carries great political weight. And we must choose our friends more carefully.

Our role as a great Western power is not the only reason we must take the leadership in this international defense of human rights. We are also one of the world's largest multiracial states. There are more people of African descent living in the United States than any other country in the world outside Nigeria. Our struggle to assure equality of opportunity, to make good our commitment to human rights, is not over. But we realize it must be made, that all races will benefit when it is finally won.

An increasingly interdependent multiracial world looks to us as a test case to see whether the races can live and work together as equals. Whenever our commitment to racial equality sags, at home or abroad, those who are committed to interracial cooperation feel the blow. And those who are committed to apartheid feel their case is strengthened—the races will forever remain unequal and apart.

We have sacrificed a second basic principle in breaking sanctions: Our commitment to the nonviolent resolution of conflict. In the post-Vietnam world, we are determined to identify areas of potential major power conflict before they become battlegrounds. We are committed to seeing crises resolved at the conference table rather than in long and tragic wars. We believe that all the nations of the world, despite ideological differences, must work together toward this end.

Assistant Secretary of State for African Affairs David Newsom has stated:

> With regard to Rhodesia, the U.S. Government has sought to support U.N. economic sanctions as an alternative to a violent solution and as a form of pressure on the Ian Smith regime to negotiate a new basis for independence.

Rhodesia is an area of potential major conflict, closer now to open and protracted warfare than it was when sanctions were imposed—or when the United States decided to break them. In the past several months, an increasing number of whites have been killed by liberation movements; and increasing numbers of blacks have been killed by government troops. Rhodesians and Zambians have been killed by land mine explosions along both sides of the mutual border.

The Ian Smith regime has used increasingly repressive measures against the African population. These measures have made open, nonviolent activity almost impossible for the Africans. At the same time, they have made the present government more intolerable.

The government has instituted South African-type "pass laws," requiring every African over 16 to carry identification documents at all times and not to leave assigned areas without permission.

"Vagrancy" laws prohibit Africans from going to the cities to look for jobs at a time when unemployment has risen by hundreds of thousands.

Public meetings cannot be held in African areas without special permission.

The independence of mission-run schools has been undermined by the requirement that non-African personnel must have government permission to be in tribal areas, and schools must be registered with the government to teach Africans.

The Secretary of Internal Affairs may ban anyone from tribal areas—and has banned Bishop Muzorewa, head of the African National Council.

Provincial Commissioners have ordered the forfeiture of goods and imprisoned members of communities suspected of endangering security without trial or evidence.

Businesses, mills, schools, and hospitals have been arbitrarily closed by the government.

These measures bring Rhodesia very close to the situation in South Africa, where there is no freedom, only government-imposed "order." Alan Paton recently wrote of this situation:

> The tendency to deny the existence of social injustices and to extol the virtues of government is a distinguishing mark of the authoritarian personality; it leads its possessor to the disastrous belief that peace can be maintained by force, that law is the equivalent of justice and that order is to be preferred above freedom . . . The truth is that order and freedom are not separable; they are aspects of something much more fundamental, and that is life.

Faced with increasingly unjust laws and increasing limits on their freedom, the African population is bound to turn to violence as the only means left open to them to attain liberty and justice.

If Rhodesia does become the scene of violent race conflict, there is little hope that that violence will be contained. Already Zambian civilians have been killed by Rhodesian land mines. South African soldiers, in Rhodesia to help maintain order, have been killed by liberation movement mines. Many African and non-African nations are giving military support to the liberation movements. South Africa is giving military support to Rhodesia. At an embryonic stage, this is not an isolated conflict. If it grows, it has the potential of directly involving the rest of Africa and much of the rest of the world.

There is still hope that this crisis will be resolved through peaceful negotiations. There has never been more pressure on the white regime to reach a settlement with African leaders. The British Government recently announced that it would not negotiate a recognition of Rhodesian independence until after there was, according to Mr. Heath, "an agreement between the races in Rhodesia on the basis for a settlement."

Due to the closing of the Zambian border, foreign exchange reserves are lower than ever. The shortage of currency for the purchase of manufacturing imports has hurt Rhodesia's industry. The worst drought in living memory has hurt her agricultural production.

The Africans, once viewed by whites as apolitical, tribal peoples, have made clear their political commitments. In January 1972, the British Peace Commission went to Rhodesia to test African opinion on a constitution that would legitimize white rule. For 2 months, it became legal to express political opinions that had been kept underground. The constitution was discussed in African homes throughout the country. Wherever the commission went, African protest meetings were held; and the proposal was rejected by the British Government on the grounds that it was against the interests of the majority of the population.

Out of this reawakening of political participation grew a new African party. This new party, the ANC, has broad support among the people and is pressuring the white regime to negotiate a settlement which will assure eventual majority rule and human rights.

Africans have also expressed their political commitments by housing and feeding freedom fighters, at great risk to themselves. This support for liberation movements by the population and the recent increase in violence is another factor pressuring the whites to reach an agreement.

But, as we know too well, violence alone does not bring early negotiations. I believe that the United States restoring sanctions—and backing the U.N. efforts to enforce more strictly existing sanctions—could at this crucial time tip the scales in favor of a peaceful settlement.

Our breaking sanctions has put us on the wrong side of this conflict. In the eyes of the rest of the world, it has put us on the side of white supremacy. This side is bound to lose in the long run. And our accepting it is bound to lose us the trust of not only the future leaders of Rhodesia, but of the entire third world. It has also put us on the side of violence rather than peace. For the knowledge that the greatest Western power has given an inch and might in the future give a mile encourages the whites to continue their struggle.

The Rhodesian chrome amendment has not accomplished what its proponents claimed it would.

It has not contributed to national security. Advocates of chrome imports from Rhodesia expressed concern over the percentage of U.S. chrome imports coming from the Soviet Union—about 58 percent. They said that this represented a dangerous dependence on a Communist power for a strategic material. In 1972, after the breaking of sanctions, Russia's share of the market for chrome was the same as it had been before—about 58 percent. Only our chrome imports from Turkey, which is an ally, have decreased as a result of this "diversification" of our sources of a strategic material.

It was also assumed that our importing chrome from the Soviet Union put us in danger of running short of chrome in a crisis. Yet the Office of Emergency Preparedness felt we had an overabundance of chrome stockpiled to meet any conceivable emergency. Before the Rhodesian chrome amendment was passed, they had asked that 1.3 million tons of chrome be released from the stockpiles. This release was passed by the Senate shortly after the Rhodesian chrome amendment. There is still an overabundance of chrome in our stockpiles. The new Stockpile Disposal Act of 1973 calls for the sale of 4,662,800 tons of chromite and 766,100 tons of ferrochrome.

At a time when we are expanding commercial relations with the Soviet Union on all fronts, this fear of trading with the Russians is an anachronism. The argument itself seems like an effort to turn back the clock to Cold War isolation.

The import of chrome from Rhodesia was also supposed to save American jobs. This argument was used without the blessing of the labor unions. However, they are among the oldest and most vocal opponents of Southern African white supremacy. As I. W. Abel, president of the United Steelworkers, stated:

> The price of human dignity should not be measured in terms of the cost of chromite in the United States market.

Rhodesian chrome advocates assumed that the "price of human dignity" would be the loss of American jobs in the specialty steel industry if we did not find a lower-cost source of chrome. The steelworkers themselves countered this with the argument that it was the import of specialty steels, not that of Russian chrome, that was endangering American jobs. They added that the voluntary restrictions on the export of chrome to the United States from Japan and Western Europe had somewhat eased this situation.

It appears that the import of Rhodesian chrome may, indeed, have cost Americans jobs. American ferrochrome producers are being forced out of business by foreign competition. Much of that competition comes from Southern

Africa—Rhodesian and South African-processed Rhodesian chrome. Largely because of imports from these areas—accounting for 25 percent of the U.S. domestic market—total imports of ferrochrome have risen to 40 percent of the domestic market, from 17 percent only 2 years ago. Ironically, the first plant that closed as a result of this competition was the same plant that received the first shipment of chrome from Rhodesia—the plant in Steubenville, Ohio. Another plant in Brilliant, Ohio is closing. This has resulted in the loss of 758 American jobs so far. And the entire U.S. ferroalloy industry is being threatened, in large part due to the slave labor practices in Rhodesia and South Africa.

Thus, the import of chrome from Rhodesia has seriously hurt our position on two key long-term objectives of international relations—the support of human rights and self-determination and the peaceful resolution of conflicts. It has not achieved any of the short-term goals for which these principles were sacrificed.

To once again become an international leader in the struggle for human rights and self-determination.

To keep the faith of the developing countries of the world.

To stand by our ally, Great Britain, in her effort to undo the injustices of her empire.

To make credible our assertions that the United States stands for freedom and equality.

To prove that we are willing to join with other nations of the world to assure peaceful resolutions of conflicts.

We must restore full sanctions against Rhodesia.

Mr. President, I ask unanimous consent to have referred to the Committee on Foreign Relations the bill to amend the United Nations Participation Act of 1945 regarding the importation of Rhodesian chrome.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 1869. A bill to amend the act of October 27, 1965, to change the procedure prescribed for local interests for making local contributions for the cost of the work and to amend the responsibility for operation and maintenance of the navigation structures required for the project for hurricane-flood protection on Lake Pontchartrain, La. Referred to the Committee on Public Works.

Mr. LONG. Mr. President, I am introducing a bill that will assist local assuring interests in paying their part toward the construction of needed projects for flood control and river and harbors matters. In this particular case, the work involved is hurricane protection.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, the bill will be received and appropriately referred.

Mr. LONG. Mr. President, the parishes of St. Charles, Jefferson, Orleans, and St. Bernard are still suffering the effects of two disastrous hurricanes in the last decade. A lot was done by the Federal Government in connection with the two hurricanes, such as authorizing disaster loans at reasonable interest rates on repairing homes and businesses and granting forgiveness of a portion of that loan. We have also made some progress in providing insurance against this type of disaster and hope that we can make such insurance more and more available at reasonable prices for the people who live in the areas most susceptible to hurricanes and the attendant tidal waves.

One big item needs to be done which is underway at this time. This item is actually providing protection against future hurricanes and preventing the damage from happening. I have always felt that Federal money spent in protective work of this nature is far better than Federal money spent in repairing damages because the area was not suitably protected.

The four parishes to which I made reference will be adequately protected in time by the hurricane plan entitled, "Lake Pontchartrain and Vicinity." The Corps of Engineers is proceeding as rapidly as possible with this project operating on the basis that every year brings a new possibility of a hurricane. It seems that in recent years these visitations are more frequent and in greater intensity. The Congress has been doing all it could to provide the necessary funds to meet the full capabilities of the Corps of Engineers, but we have run another problem.

When the Lake Pontchartrain project was approved the law provided that local interest—represented by the levee districts of the affected parishes—would bear 30 percent of the first cost of the project, and furnish necessary real estate rights of way and relocations.

Local interests are willing to meet these terms and pay their part for the construction of the project but they need more time to do so. The length of time involved in the project actually becoming a reality has seen a greater increase in construction costs until the local authorities feel that they do not have the capability to provide their part of the money as soon as the law requires. It has always been the policy that these funds would be provided as the project is constructed.

This bill which is cosponsored by my colleague, Senator J. BENNETT JOHNSTON, proposed that the local contribution during the period of construction be reduced to one-third during the construction period and the remaining two-third's be paid to the Federal Government in the years following completion of construction at the same rate contributions were paid during construction.

Mr. President, this bill merely gives the local assuring interests more time to raise the necessary funds to pay their part of the contributions required by the law. I feel this is reasonable and I feel that it is good business. Certainly we would not want to face the possibility of the work being held up due to the absence of the local contributions at the same time that we are faced with the threat of another hurricane.

## ORDER FOR STAR PRINT OF S. 854

Mr. STEVENSON. Mr. President, I ask unanimous consent that a star print be ordered for S. 854, a bill to improve planning and management processes in States, regions, and localities.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 125

At the request of Mr. INOUYE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 125, to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

### S. 287

At the request of Mr. SCOTT of Virginia, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 287, to clarify the jurisdiction of certain Federal courts with respect to public schools and to confer such jurisdiction upon certain other courts.

### S. 423

At the request of Mr. RIBICOFF, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 423, a bill to establish a Department of Health.

### S. 1082

At the request of Mr. WEICKEFR, for the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. McINTYRE), and the Senator from Connecticut (Mr. RIBICOFF) were added as sponsors of S. 1082, "The Bread Tax Repeal Act of 1973."

### S. 1218

At the request of Mr. GRAVEL, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1218, to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

### S. 1527

At the request of Mr. WEICKER, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. HUGHES) and the Senator from Washington (Mr. MAGNUSON) were added as cosponsors of S. 1527, "The Lobster Conservation and Control Act of 1973."

### S. 1625

At the request of Mr. TAFT, the Senator from Iowa (Mr. CLARK), the Senator from Tennessee (Mr. BROCK), the Senator from Indiana (Mr. HARTKE), and the Senator from Virginia (Mr. SCOTT) were added as cosponsors of S. 1625, to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws.

### S. 1637

At the request of Mr. BAYH, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 1637, to discourage the use of painful devices in the trapping of animals and birds.

### S. 1730

At the request of Mr. Ribicoff, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 1730 to amend the Public Health Service Act to provide physician's services in physician-shortage areas through the establishment of a physicians' community service program.

### SENATE JOINT RESOLUTION 84

At the request of Mr. Schweiker, the the Senator from Wyoming (Mr. Hansen), and the Senator from Alaska (Mr. Gravel) were added as cosponsors of Senate Joint Resolution 84, the school prayer amendment.

## FURNISHING OF DEFENSE ARTICLES AND SERVICES TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS—AMENDMENTS

### AMENDMENT NO. 144

(Ordered to be printed, and referred to the Committee on Foreign Relations.)

Mr. HATHAWAY submitted amendments, intended to be proposed by him, to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

## ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. JACKSON. Mr. President, I want to announce to the Members of Congress, the Indian people, and the general public two hearings before the Subcommittee on Indian Affairs on legislation that is important to the Indian community.

On May 31, 1973, the subcommittee will consider S. 1013, credit and financing for Indian economic development; S. 1015, Indian business development program; and S. 1341, financing and economic development for Indian organizations. These measures hold potential for providing new sources of credit and financing to Indian tribal groups and individual Indians to assist them in economic development and establishment of various business enterprises in the Indian community. The three bills are variations of the President's Indian legislative package.

On June 1 and 4, 1973, the subcommittee will consider S. 1017, the Indian Self-determination and Educational Reform Act of 1973; S. 1340, detail of civil service employees to tribal groups; S. 1342, Johnson-O'Malley contracts and detail of commissioned officers to tribal groups; and S. 1343, Indian takeover of Federal programs. The first of these four measures provides a liberalized contracting authority to permit Indian tribal groups to assume control and management of designated Federal Indian service programs; and, in addition, the measure authorizes new programs and funds to enhance educational opportunities for Indian youth and adults. This measure was introduced in the Senate by myself and the distinguished chairman of the Subcommittee on Indian Affairs, Senator James Abourezk. The latter three bills are administration proposals related to self-determination and Indian assumption of control of Federal Indian service programs.

The hearings for each of the 3 days will commence at 9 a.m. in room 3110 of the Dirksen Office Building.

## NOTICE OF HEARINGS ON PENSION LEGISLATION

Mr. NELSON. Mr. President, the Finance Subcommittee on Private Pension Plans, will hold 2 days of panel discussions on May 31 and June 4 on selected issues of pension legislation. The panel discussions are designed to present a full and objective review of the pertinent legislative issues involving qualified pension plans and the tax treatment for retirement savings. The panelists, who are recognized experts in the pension plan area, will present a variety of viewpoints in regard to these issues.

The session will begin at 10 a.m. on both May 31 and June 4 in room 2221 Dirksen Senate Office Building. The participants in these panel discussions include only those persons who have been specially invited by the subcommittee, but the hearing room will be open for anyone who may wish to attend.

Following is a list of the panelists and the subjects to be covered on the particular days.

### MAY 31

This panel will consider first the question of whether it is better for the vesting, funding and any other similar provisions to be enforced by the Department of Labor, as proposed by S. 4. or whether it would be better for them to be enforced through the Treasury Department, as provided by Senator Bentsen's bill (S. 1179) and Senator Curtis' bill—S. 1631, the administration proposal. In addition, the administration proposal contains certain provisions relating to limitations with respect to self employed plans and also makes allowances for those covered by pension plans to provide some coverage on their own behalf. The second question will be: Should limitations on benefits and contributions be provided for self-employed plans, should they also be provided for professional corporations and closely held corporations, and possibly also for large company plans as well, and if limitations are to be provided, what should they be?

The panelists will be:

Paul Berger: Is a member of the Washington, D.C., law firm of Arnold and Porter. He has been involved in the tax aspects of health, welfare and pension plans, particularly those established under collective-bargaining agreements. He serves as special tax counsel for the AFL–CIO.

Daniel Halperin: Professor of law at the University of Pennsylvania Law School, teaches courses on taxation and tax policy. He is a consultant to the Treasury Department, and also lectures extensively at tax institutes. From 1969–1970 was deputy tax legislative counsel to the Treasury Department.

Converse Murdoch: Is president of the Wilmington, Del., law firm of Murdoch, Longobardi, Schwartz, and Walsh. He is a former special attorney for the Interpretive Division, Office of Chief Counsel at the Bureau of Internal Revenue; former special assistant to the Chief Counsel, Bureau of Internal Revenue; former member of the legal advisory staff of the Treasury Department. Since 1954, he has been in private practice and is a tax specialist.

John Nolan: Is a partner in the Washington, D.C., law firm of Miller and Chevalier. He is a former Deputy Assistant Secretary of Treasury for Tax Policy, and was responsible for developing the administration's legislative program for pensions. As an attorney in private practice, he does extensive work in the area of pensions and profit sharing.

Carroll Savage: Is a partner in the Washington, D.C., law firm of Ivins, Phillips and Barker, specializing in tax and employee benefits.

Harold T. Swartz: Member of the staff of the Washington, D.C., accounting firm of Coopers and Lybrand. He is a retired Assistant Commissioner, technical, of the Internal Revenue Service, in charge of issuing rulings and technical advice in the area of pension and profit-sharing plans. He is the author of several articles on corporate taxes, tax aspects of pension plans and ruling procedures. He is a former Assistant Deputy Commissioner and Director of Tax Rulings Division, and former Acting Commissioner and Acting Deputy Commissioner of the Internal Revenue Service.

### JUNE 4

This panel will discuss the vesting and funding provisions in S. 4, S. 1179, and S. 1631, and the provisions in some of those bills for termination insurance, portability, and fiduciary standards.

The panelists are:

Merton Bernstein: Is a professor of law at Ohio State University Law School. He was counsel to the Labor Subcommittee and Subcommittee on Railroad Retirement. He is a member of the American Pension Conference and the American Risk and Insurance Association. He is the author of "The Future of Private Pensions" which received Elizar Wright Award for "the most significant contribution to the literature of insurance" in 1965.

Herman Biegel: Is a partner in the Washington, D.C., law firm of Lee, Toomey and Kent, and formerly with the Chief Counsel's Office of the Internal Revenue Service. He has been in private practice of law since 1937 and a member of the Pension Research Council, Wharton School of Finance. He is legal counsel to the Profit Sharing Council of America.

Edwin S. Cohen: Is a counsel to the Washington, D.C., law firm of Covington and Burling. He is also Joseph M. Hartfield professor of law at the University of Virginia. He was recently Under Secretary for Taxation for the U.S. Treasury Department.

Frank Cummings: Is a partner in the Washington, D.C., law firm of Gall, Lane, Powell and Kilcullen, and a lecturer at Columbia Law School, Columbia University, New York City. He was formerly minority general counsel of the Senate

Labor and Public Welfare Committee. He is also a public member of the U.S. Labor Department's Advisory Council on Employee Welfare and Pension Benefit Plans.

Leonard Lesser: Is presently general counsel of the Center for Community Change in Washington, D.C. Formerly general counsel and director of social security activities, industrial union department, AFL–CIO, and legal counsel to the social security department of the United Auto Workers.

## ADDITIONAL STATEMENTS

## PITFALLS OF HEARSAY

Mr. SCOTT of Pennsylvania. Mr. President, hearsay, its use and its validity, has become a matter of increasing importance as the Senate Watergate hearings progress. The Saturday evening editorial in the Evening Star-News puts all the discussion of hearsay in perspective. I offer this editorial for the interest of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### PITFALLS OF HEARSAY

Senator Ervin and his Senate select committee are showing only elementary prudence and fairness in warning that guilt cannot be established by hearsay. There are other things that should not be accepted on hearsay, too—such as orders or instructions allegedly from the President of the United States. The nation would have been spared much of its current agony if all Administration officials had shown similar prudence.

A common thread in the internal espionage disclosures lumped together under the name "Watergate" is that supposedly responsible persons acted close to the edge of the law—or even across it—just because of telephone calls from White House functionaries who claimed to be acting for the President. Not only were James W. McCord and the other Watergate participants prodded into action on the hearsay that the President or Attorney General sought their cooperation. It is more ominous that senior public servants holding offices of high trust in different Government departments were ready to act on hearing the simple words "The President wants. . . ."

The press and the public are rightly cautioned to treat hearsay disclosure with the utmost caution. It is ironic that some of those now protected by this reserve were perfectly willing to use the impact of hearsay for their own convenience on earlier regrettable occasions.

## AFL–CIO SUPPORT FOR TRANS-ALASKA PIPELINE

Mr. GRAVEL. Mr. President, during the last century organized labor has been the moving force in insuring and protecting the welfare of the American laboring man, and a powerful exponent of the interests of this Nation. The interests of the citizen and the Nation are inseparable, and the labor movement has done more to make this Nation great than any other single movement.

It is not surprising, therefore, that the AFL–CIO Executive Council has issued a statement on May 9, 1973, in support of construction of the trans-Alaska pipeline. The council lists the major concerns—the Nation's energy shortage and the balance of payments problem; the interest of the Nation in building an all-American pipeline; and jobs for American workers.

I ask unanimous consent to have the AFL–CIO Executive Council's statement printed in the RECORD. The council's reasons for early construction of the trans-Alaska pipeline are compelling—and I appeal to my colleagues to consider them.

There being no objection, the statement was ordered to be printed in the RECORD. as follows:

### STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON PIPELINE

It is tragic that while the United States is facing an energy crisis, including shortages of petroleum products, one of the largest reserves of petroleum—Alaska's North Slope—remains undeveloped.

At a time when the U.S. is forced to increasingly rely on oil imports—with resultant loss in American jobs, damage to this country's balance of trade and potential threat to national security—development of Alaskan oil reserves is blocked by outdated right-of-way requirements and environmental concerns, some real and some imagined.

The fastest, most economically feasible and most secure method of transporting Alaskan oil to the burgeoning American markets is by pipeline to Valdez and by tanker to West Coast ports.

Jobs for American workers would be generated not only in building the pipeline and related plant construction, but also in maintaining it and in manning the transshipment facility at Valdez. Approximately 33 new U.S.-flag tankers would be needed to carry the oil, thus stimulating employment in U.S. shipyards and for U.S. shipboard workers.

However, the key to transshipment is construction of the Alaskan pipeline, and construction of the pipeline depends on Congressional action to give the Secretary of the Interior legal authority to grant the right-of-way.

Congressional action is also necessary to legalize many oil and gas pipelines in all regions of the country which, as a result of a recent court decision, are technically illegal. Unless legal remedy is provided, these pipelines could be enjoined and the jobs of many workers endangered.

Senator Henry M. Jackson, chairman of the Senate Interior Committee, has sponsored legislation (S. 1081) that would solve the right-of-way program while providing very tough environmental safeguards and stringent liability requirements for damages caused by the pipeline. Additionally, the bill would insure that the Alaskan oil reserves are used in America's domestic markets. We urge immediate enactment of S. 1081 to eliminate a legal obstacle to construction of the Alaskan pipeline which we wholeheartedly favor.

Enactment of the Jackson bill would leave one hurdle to construction of the pipeline—a court challenge to the environmental impact study conducted by the U.S. Department of Interior in accordance with the National Environmental Policy Act. This question now properly reverts to the courts where a decision should be rendered without delay.

Various routes through Canada to the Midwest have been proposed as alternatives to the Alaskan pipeline. But this is not an "either . . . or" question—both an Alaskan and a Canadian route will be needed. But a Canadian route is considered by experts to be at least 10 years away from construction, and time is of the essence. We believe a study of a Canadian route has merit, because the resources in the Alaskan and Canadian Arctic will eventually require two or more pipelines.

Therefore, we support the provision in S. 1081 that establishes proper procedures for negotiations with the Canadian government leading to construction of a second, later route.

We recognize that full development of Alaskan oil reserves will not solve America's larger energy crisis. The future stability of this country's economy requires immediate measures to insure America's self-sufficiency in all forms of energy.

To meet this long-range need, we support S. 1283, introduced by Senator Jackson and 27 other Senators, that would mobilize the nation's scientific and technological resources for a 10-year, $20 billion crash program to develop alternative energy sources.

If America does not solve its immediate and long-range energy needs, this country will be forced to depend largely on foreign sources with political, economic and national security hazards.

Without sufficient energy resources America will not be able to meet its economic and social goals, but if the Congress acts now it can assure Americans both a better environment and a better life for everyone.

## A BILL OF RIGHTS FOR THE HANDICAPPED

Mr. DOLE. Mr. President, not long ago, the United Cerebral Palsy Association held its annual conference here in Washington for the organizations' volunteer and professional staffs representing more than 300 State and local United Cerebral Palsy affiliates. The condition known as cerebral palsy is usually acquired at birth and the affected individual must learn to compensate for his developmental disabilities over a long period. Many cerebral palsied are able to minimize the effects of brain damage but require some form of life-long care. One goal set by United Cerebral Palsy in cooperation with government is to help the developmentally disabled find a measure of their own potential.

In connection with this goal and the conference, UCP delegates signed what I consider an important document entitled "A Bill of Rights for the Handicapped."

Were the concepts expressed in this bill of rights realized, millions of Americans could lead totally new lives—many of the same Americans who are now unable to find aprropriate jobs, adequate transportation, or suitable housing. The bill of rights reads:

### A BILL OF RIGHTS FOR THE HANDICAPPED

#### PREAMBLE

"We hold these Truths to be self-evident that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, and that among these are Life, Liberty and the Pursuit of Happiness."

The rights of the individual begin with the inherent right to be born with the capacity to grow and develop fully and to have this birthright insured by services which protect the embryonic environment and the entry of the individual into the world.

Those who are denied this birthright or who are handicapped by other causes have the right to be assured the means of achieving maximum growth and development and to enjoy the dignity, respect and opportunities accorded all men by the freedoms and privileges enumerated in the Constitution of the United States.

For the handicapped who cannot obtain the rights of first-class citizenship for themselves, society must provide, preserve and protect the means whereby these rights are assured from earliest infancy throughout life. These means form a particular "Bill of Rights for the Handicapped."

RIGHTS OF THE HANDICAPPED

The handicapped individual has the right to:

I. Prevention of Disability insofar as possible through early detection of abnormalities in infancy, immediate and continuing family guidance, and comprehensive habilitative services until maximum potential is achieved.

II. Health Services and Medical Care for the protection of his general well-being and such additional special services as are required because of his handicap.

III. Education to the fullest extent to which he is intellectually capable, provided through the regular channels of American education.

IV. Training for vocational and avocational pursuits as dictated by his talents and capabilities.

V. Work at any occupation for which he has the qualifications and preparation.

VI. An Income sufficient to maintain a lifestyle comparable to his non-handicapped peers.

VII. Live How and Where He Chooses and to enjoy residential accommodations which meet his needs if he cannot function in conventional housing.

VIII. Barrier Free Public Facilities which include buildings, mass or subsidized alternative transportation services and social, recreational and entertainment facilities.

IX. Function Independently in any way in which he is able to act on his own and to obtain the assistance he may need to assure mobility, communication and daily living activities.

X. Petition social institutions and the courts to gain such opportunities as may be enjoyed by others but denied the handicapped because of oversight, public apathy or discrimination.

UNITED CEREBRAL PALSY ASSOCIATIONS, INC.

UCPA delegates spent some of their time here on Capitol Hill talking with many of us about the problems they know on a very personal level. In many instances their own children are cerebral palsied and their experiences with them provide meaningful insights for all the handicapped, including those who have come back from Vietnam.

During one UCPA session, representatives from Senators RANDOLPH, CRANSTON, WILLIAMS, KENNEDY, STAFFORD, and TAFT's offices participated in a simulated congressional hearing, which considered many of the issues set forth in the "Handicapped Bill of Rights."

Testifying for UCPA was Mrs. Frank Church, Senator CHURCH's wife, who is a member-at-large of the UCPA Women's Committee. With her were Mr. Frances P. Connor, chairman, department of special education, Teachers College, Columbia University, New York; Ms. Sondra Diamond and Ms. Diana Kenderian, who are both handicapped and have worked with UCPA; and Mrs. Martin Eaton, a UCPA vice-president. A second session following the same thematic materials included several staff members from divisions of the Department of Health, Education, and Welfare.

Secretary Caspar W. Weinberger of Health, Education, and Welfare opened the conference during the Dr. Meyer Perlstein Memorial Session where he stressed the need for strong voluntary participation as exemplified by UCPA rather than an overreliance on governmental services.

I also had the privilege of meeting with a group of young handicapped persons who held an all-night vigil at the Lincoln Memorial. One apparent problem, of course, was their inability to visit the Lincoln Memorial in wheelchairs—a condition which could be solved with the addition of a passenger elevator in one of the Memorial's north chambers. Their stay at the Memorial was organized by Disabled In Action, a group that now includes Vietnam veterans.

I commend the work of both the United Cerebral Palsy Associations and Disabled In Action, although separate organizations, for helping the developmentally disabled find a measure of their potential.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of those who received special recognition from UCPA for their work in 1972 on behalf of the disabled, and second, a list of those organizations which joined Disabled in Action during their Washington vigil on May 3, 1973.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

Those honored by United Cerebral Palsy Associations:

*Dr. Harry M. Zimmerman*—recipient of the UCPA-Max Weinstein Award for contributions to the research and clinical aspects of cerebral palsy.

*George J. Schweizer, Jr.*, out-going national president, who served UCPA with distinction for many years.

*Colonel Dale N. Engstrom*, presidential award, for outstanding service to UCP of Chattanooga, Tenn.

*Senator Bob Dole*, governmental activities award, for his active voice on behalf of the developmentally disabled.

*Wendell J. Brown*, the Roger S. Firestone Award, for his life-long contributions to UCPA of Iowa and the national organization, where he has served as president.

*Ray Bluth*, professional bowler, who contributed his time and talent to the National Competitive Bowling Tournament for the Handicapped.

*Dr. Verda Heisler*, a child psychologist, for her contributions to the understanding and treatment of those with cerebral palsy.

Those organizations which participated in the Disabled In Action vigil:

Massachusetts Council of Organizations of the Handicapped.

National Association of the Physically Handicapped.

Epilepsy Foundation of America.

National Association of the Deaf.

Council of Organizations Serving the Deaf.

United Cerebral Palsy Associations, Inc.

Association for Children with Learning Disabilities.

National Association of Collegiate Veterans.

Spina Bifada Association of Greater New York.

Physically Handicapped Association of Dayton, Inc.

Butler County National Association of the Physically Handicapped.

Disabled In Action.

---

## AMERICAN FOLKLIFE FOUNDATION ACT

Mr. CRANSTON. Mr. President, on May 17 I cosponsored—with Senators ABOUREZK, BROCK, CASE, COOK, FULBRIGHT, PERCY, and RANDOLPH—the American Folklife Preservation Act. The bill is similar to S. 1930, which I cosponsored in the 92d Congress.

The act would establish an American Folklife Center in the Library of Congress, to promote studies, exhibitions, and performances in the field of American folklife.

I believe we need a comprehensive program of Federal assistance for the folk arts—a vibrant set of experiences and expressions that are basic to who we are, what we do, and why.

A few years ago, the Smithsonian Institution brought to Washington a Festival of American Folklife. It is now an annual event. Those that have been to the festival know it as a thing of magic, a blend of bluegrass musicians and Indian sandpainters and Ozark woodcarvers, the major arts of the common man brought together in the Nation's Capital.

The festival is made up of people, sights, and sounds seldom found at the core of a large city, and gradually disappearing from the face of America. This must not be allowed to happen.

We have done much for the arts in America, but not nearly enough. We must recognize and act to preserve and develop the full spectrum of the resources open to us.

There are musicians at home in our mountain valleys, miles from our major symphonies.

There are painters at work in American towns, a long way from the great urban galleries.

There are singers and dancers and actors, legions of them, who will never play Kennedy Center.

That is why I think the American Folklife Preservation Act is so important. It is a simple, inexpensive "home remedy" for an ailing folk tradition.

---

## SENATOR STEVENSON'S STATEMENT ON EXECUTIVE PRIVILEGE BEFORE SUBCOMMITTEES OF THE COMMITTEES ON GOVERNMENT OPERATIONS

Mr. STEVENSON. Mr. President, executive privilege is a tangled and timely subject. On April 11, I expressed some views on executive privilege before joint hearings of three subcommittees—the Separation of Powers and Administrative Practice and Procedures Subcommittees of the Committee on the Judiciary and the Subcommittee on Intergovernmental Relations of the Committee on Government Operations.

My basic conclusions about this so-called doctrine are that:

The Presidential right to "executive privilege," insofar as it exists at all, is by no means so deeply rooted in law and precedent as we have been led to believe.

Congress, in any case, has a broad power supported by the Constitution, by law and precedent, to obtain information from the Executive.

Congress should define "executive privilege," suggest when it might be used legitimately by the Executive, and provide procedural and substantive remedies should the Executive abuse the privilege.

I ask unanimous consent that my testimony be printed in the RECORD. I also ask unanimous consent that the memorandum referred to in the testimony, entitled "The Doctrine of Executive Privilege" be printed in the RECORD after my testimony.

There being no objection, the testimony and memorandum were ordered to be printed in the RECORD, as follows:

### EXECUTIVE PRIVILEGE

Statement by Senator Stevenson before the Subcommittees on Separation of Powers and Administrative Practice and Procedure, Committee on the Judiciary, and the Subcommittee on Intergovernmental Relations, Committee on Government Operations

I intend no pun when I say it is a privilege to appear before you this morning. The subject "executive privilege", tangled and timely as it is, deserves our earnest attention.

I request that an exhaustively researched memorandum on the Doctrine of Executive Privilege, prepared at my request in 1971, be inserted in the record of these hearings at an appropriate point. I hope that this memorandum—and my briefer testimony—will help to clear away the tangle of myth and outright misrepresentation which obscures the facts about the so-called Doctrine of Executive Privilege.

It is President Nixon's extraordinary reliance on the doctrine that makes the question of Executive Privilege timely.

Last March 12, the President told reporters that "there were only three occasions during the first terms of my Administration when Executive Privilege was invoked anywhere in the Executive Branch in response to a Congressional request for information."

In fact, according to the Library of Congress, the Administration in its first term invoked Executive Privilege nineteen times—and four of those claims were made by the President himself.

But President Nixon seeks not only to invoke the doctrine more often; he is bidding to expand it far beyond its former meaning. He claimed recently that not only present, but former members of his staff "shall follow the well-established precedent and decline a request for formal appearance before a Committee of the Congress."

What is this "well-established precedent"?

Is "Executive Privilege" well-established doctrine, or ill-supported dogma? Is it part of our Constitutional and legal fabric—or a phenomenon more akin to the Emperor's new clothes?

My exploration into the background of the doctrine yields up numerous facts which fly in the face of the President's claims. Let me offer the committee some of those facts, in the form of answers to three basic questions:

First, what do the Constitution and Constitutional history tell us about Executive Privilege?

In English and American colonial practice before the adoption of our Constitution, legislative bodies expected and received most if not all the information they requested. In the English experience, Parliament received what information it asked for; colonial legislatures and those of the new states under the Articles of Confederation functioned as investigative as well as legislative bodies.

They saw their investigative role as an important check on uncontrolled Executive power—the very evil which played such a large part in the desire of the colonies to break away from English domination.

When the Constitution was adopted, it said nothing explicit that would give the Executive an absolute right to withhold information from Congress. The Constitution assigned to Congress "all legislative powers". It admonished that the President should "take care that the laws be faithfully executed." Beyond that the Constitution delegated to the President only certain specific enumerated powers, which certainly did not include any power to withhold information from the Legislative.

Neither pre-Constitutional history, therefore, nor the explicit language of the Constitution, can be relied on as granting the Executive any explicit power to withhold information.

What about the implicit meaning of the Constitution—the "Separation of Powers" doctrine implied by the differing Constitutional functions of Congress and the Executive?

I would be the last to deny the validity of this doctrine—indeed, I would be among the first to assert that the Executive has for some time been treading rather heavily on the powers granted to the Congress under the Constitution.

But proponents of absolute or near-absolute "Executive Privilege" stretch the separation doctrine too far. They interpret it to mean that Congress cannot require the Executive to produce documents and information it requests. They argue, that where dispute exists, the Executive shall have wide, if not absolute, power to decide what shall be withheld and what shall be disclosed.

This is a weighty interpretation to hang on few crypti-Constitutional phrases. It is, in effect, merely a claim—a claim which has never been sustained; it finds no backing in Constitutional history or the Constitution itself; it has never been ratified by statute, nor by judicial declaration.

President Nixon and Attorney General Kleindienst are, in fact, torturing the doctrine of separation of powers into a doctrine of uncontrolled power for one branch of government—power to decide for itself what shall be disclosed and what shall be withheld. They would do well to recall the words of Madison in the 49th Federalist Paper, that none of the branches of government "can pretend to an exclusive or superior right of settling the boundaries between their respective powers."

In fact, if Constitutional history and the Constitution itself point in any direction, it is toward the right of Congress to receive information from the Executive. The Constitution obliges the President "from time to time (to) give Congress information of the State of the Union. . ." Justice Story read those phrases as a clear requirement upon the President "to lay before Congress all facts and information which may assist their deliberation. . ."

Second, if the Constitution provides no firm basis for the doctrine of executive privilege, what is its basis in judicial precedent and statute law?

The memorandum which accompanies my testimony disposes of this question in considerable—and convincing—detail.

Let us simply note that the Supreme Court has never yet been confronted with a conflict between Congress and the Executive concerning "executive privilege."

In fact, the cases most often cited to support a claim of Executive Privilege—*Boske v Comingore and U.S. ex rel. Touhy v Ragen*—do not constitute authority for the proposition that the Executive has authority—either absolute or discretionary—to withhold information from Congress. The two cases are simply not on point.

What about the various statutes relied upon by advocates of Executive Privilege such as 5 U.S.C. 22 and the Administrative Procedure Act? Not only do these statutes not vest uncontrolled discretion in the Executive to withhold information—they have nothing at all to do with the question of Executive Privilege.

In short, the legal precedents usually cited by defenders of Executive Privilege as foundations for their claims actually provide no such foundation.

Third: If the Constitution, the courts and the statutes provide no firm basis for a doctrine of executive privilege, what about the precedents of history?

Proponents of executive privilege are fond of relying upon historical precedents to support their position.

In his March 12 policy statement on Executive Privilege, for example, President Nixon proclaimed that "The doctrine of Executive Privilege is well-established. It was first invoked by President Washington, and it has been recognized and utilized by our Presidents for almost 200 years since that time. . ."

There are two main instances to which Mr. Nixon may be referring. In the first, in 1792, the House of Representatives requested information about the abortive St. Clair expedition. A Cabinet meeting was called to consider the request, and in the privacy of the meeting, according to Thomas Jefferson, who took the minutes, it was agreed that the Executive ". . . . ought to refuse those (papers) the disclosure of which would injure the public."

But the advocates of Executive Privilege who cite this incident, including the Attorney General yesterday, fail to tell the whole story. In actuality, President Washington never made any public assertion of uncontrolled discretion to withhold documents; and indeed, in the instance in question, all documents were turned over to the House, including those most damaging to the Army's reputation.

The second instance in the Washington years seems equally irrelevant. The House asked for papers relating to the Jay Treaty. Washington declined to send them on the ground that the constitutional role in the treaty-making process belonged to the Senate, not the House. In any event, he declared, the papers had already gone to the Senate.

In neither case did Washington withhold information from Congress, and in neither instance did he invoke something which could later be called "Executive Privilege."

Those who cite "history" in their argument for Executive Privilege it seems have read history rather carelessly—as carelessly as they seem to have read the Constitution, judicial decisions and the statutes.

In fact, the very phrase "Executive Privilege" is not rooted in history; it is a recent invention. Historians are hard put to find its use by any President or Attorney General prior to the Eisenhower Administration—and even within that Administration the first use of the phrase may be discerned in about 1958. It seems to be a phrase created out of whole cloth to give a semantically respectable name to the withholding of information.

In 1954 Mr. Eisenhower asserted in a letter to Congress the right flatly to prohibit all executive employees from testifying or producing documents, in the interest of "efficient and effective administration . . ." He was, to be sure, provoked by the persistent demagoguery of Senator Joe McCarthy, and we who are skeptics about Executive Privilege must face responsibly the question such demagoguery raises.

Such Executive statements, including opinions of Attorneys General, cannot be considered a basis for the validity of the doctrine; such statements constitute no more than the self-serving assertion of one's own claim in a dispute. Mr. Nixon's statement (and Mr. Kleindienst's yesterday) are but the latest in a long line of self-serving statements. They claim a great deal—but they establish nothing.

In sum, Mr. Chairman, the main body of support for Executive Privilege consists not in the law or history, but in mere claims by Presidents and their appointees that such a privilege exists. It is, in short, a doctrine created not so much by legal or judicial deliberation, as by executive wishing, conjurings and speechmaking.

All this, Mr. Chairman, leads me to two conclusions:

The Presidential right to "Executive Privilege," insofar as it exists at all, is by no means so deeply rooted in law and precedent as we have been led to believe.

Congress, in any case, has a broad power supported by the Constitution, by law and precedent, to obtain information from the Executive.

That Congressional power exists to be exercised. Like other constitutional powers, it can hardly be said to be "absolute"; certainly whatever information Congress seeks from the Executive must somehow relate to the legislative process, whether the subject be new legislation or the President's conduct as he "faithfully executes the Law." But Congress has a broad and clear power to obtain "necessary" information.

Until now there has never been an overwhelming need to define legislatively the concept of Executive Privilege. Even in the worst of previous confrontations, the Executive and the Congress have managed to accommodate their differences. In every confrontation since President Washington's time, the issue has been compromised—or one side has been persuaded to back off, perhaps under pressure of public opinion. George Washington, for example, can be said to have backed off during the investigation of the St. Clair expedition; perhaps Congress backed off during the Eisenhower years.

But the situation now is changing. Confrontations in which Executive Privilege is invoked have been growing in frequency and intensity. During the Eisenhower Administration, as we have seen, Executive Privilege was invoked no less than 34 times to withhold information. Perhaps in those instances the provocation was intense: President Eisenhower was struggling to resist assaults by a Senatorial demagogue in the Army-McCarthy hearings and their unhappy aftermath.

There were fewer invocations of the doctrine during the Kennedy and Johnson years, although President Kennedy did claim the privilege at least once. But with the first Nixon Administration there has come massive reexpansion of the use of the privilege—and now a bold effort by President Nixon to broaden its accepted meaning.

It is my judgment that these increasingly frequent and bitter confrontations over Executive Privilege make it essential that Congress act to clarify and define the doctrine.

To do so would be not only wise but Constitutionally proper, for Congress is clearly commissioned by the Constitution to "make all laws necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States. . ."

Congress can choose, as a matter of policy, to legislate on Executive Privilege—to define the doctrine more clearly, and to specify the procedures which should govern its operation.

It is high time we did so. I say that not because I seek government by confrontation—but because I seek to avoid it. If the privilege is carefully and Constitutionally defined, the confusion which now invites conflict between branches uncertain of their powers will diminish. And if the Congress by claiming its power re-establishes itself as an equal branch of the government, such disputes will more likely be resolved reasonably and amicably between equals.

In politics as in physics, nature abhors a vacuum. In the absence of a clear and precise legal definition of Executive Privilege, we may expect the President to rush in with tangled and self-serving uses of it. If we ignore our power to define the concept and its proper limits, we can only blame ourselves if the Executive acts as though the privilege has no limits.

In short, Congress should define "Executive Privilege", suggest when it might be used legitimately by the Executive, and provide procedural and substantive remedies should the Executive abuse the definition in any instance.

First of all, I would suggest that the preamble or policy section of such a bill should establish in the broadest terms Congress' power to obtain information from the Executive. Later on in the bill, narrower limits might be defined. But Congress should be wary of giving away any of its legitimate Constitutional power. The present bills on this subject do not make sufficiently clear Congress' broad power, they tend to sanctify a right to Executive Privilege, without stating clearly and forthrightly Congress' concomitant right to obtain information.

The bill should so state that, as a general policy, the Executive—to the greatest extent possible—should cooperate with Congress by giving Congress the information it seeks. Similarly, it should also express, as policy, that Congress will not meddle unnecessarily with the Executive, but will seek only information which legitimately relates to the legislative process.

Second, as in Senator Fulbright's bill and in Congressman Erlenborn's bill—and unlike Senator Ervin's resolution—no one in the Executive branch should be given a blanket exemption from appearing before Congress.

Of course, Congress must use discretion in calling White House members; certainly it must protect the Executive against the depredations of demagogues. But blanket exemptions in the law would give too much discretion to the Executive.

Third, unlike Senator Fulbright's bill (S. 828) and Senator Ervin's resolution (S.J. Res. 72), I suggest that Congress should try to define those instances in which Executive Privilege might properly be invoked.

It is not enough merely to allow the Executive to claim the privilege and then give Congress a procedural mechanism to overcome the Executive should it not agree with the President's claim. Congress—or the Judiciary—may someday have to decide whether the privilege is being properly invoked; we should provide Congress and the Judiciary with a clear standard by which to make those judgments.

I therefore would suggest that direct communications between the President and anyone in the Executive branch should be protected . . . if the matters in discussion legitimately relate to aspects of public policy. Thus, if there were questions in a Committee hearing about illegal activities by members of the Executive branch, or questions about campaign activities not related to governmental business, this information would still be obtainable by Congress—even if the information were contained in a memo to or from the President. I can think of no reason why such information, particularly information concerning possible crimes, should be kept from an investigating Congress and hence from the public.

What about other communications within the Executive branch on matters legitimately relating to public policy—communications between Administration members that do not include the President, for example? First of all, a *sine qua non* to the invocation of Executive Privilege should be that the information is protected from disclosure under other Acts such as the Freedom of Information Act or the Budget and Accounting Act. Then, where the information is so protected, the President himself should certify the "right to withhold" information in these cases. And this certification from the President should set out the President's reasons for withholding the information.

Fourth, we should include procedures for dealing with impasses over Executive Privilege:

What happens in the case of a breakdown? Suppose a Committee Chairman believes, despite a plausible and seemingly legitimate claim of Executive Privilege by the President, that his Committee simply must have the requested information if Congress is to fulfill its legislative function?

In such cases, the Committee Chairman should submit on the floor of his House of Congress, after a majority vote of his Committee, a resolution aimed at breaking the impasse. The resolution would state that it is the sense of the Senate—or House—that the information requested is essential to the conduct of the Senate's (or House's) legislative or investigative business. If the Senate (or House) should not agree with the Committee and should defeat the resolution the matter would be ended. If it should uphold the Committee, however, Congress would be acting in its clear right to obtain information as set forth in the preamble or policy section of the bill.

What happens if a witness from the Executive branch refuses to present himself to Congress when called, even after service of a Congressional subpoena? Or if the questions posed of a present witness by a Committee are answered by a claim of Executive Privilege which appears to be insufficiently related to a matter of public policy? Or what happens when, even after a full-fledged floor resolution demanding information, the witness refuses to answer on a claim of Executive Privilege? What would be Congress's remedies?

Some, including Senator Ervin and Senator Kennedy, have suggested that Congress resort to its own remedies—the contempt power; that Congress send the Sergeant-at-Arms out to place the individual in custody, arraign him, and try him—or have the Courts try him—for contempt of Congress.

This has never been done. And I would suggest that these remedies are unnecessarily contentious and possibly futile.

Instead, I would suggest that Congress enlist the Federal Courts. An order or a contempt citation from an impartial third branch would certainly lend legitimacy to the claims of Congress. And certainly no Executive is eager to disobey orders of Courts and defy what would then likely be an aroused public opinion.

I suggest that instead of starting its own contempt proceedings, the respective House of Congress could do one of two things:

(1) it could appoint its own "special prosecutor;" or,

(2) Congress might delegate, perhaps to the Chief Justice of the Supreme Court, the power to appoint a prosecutor for purposes of enforcing the law. Some authority for this course appears to reside in Article II, Section 2 of the Constitution.

If the witness still refused after the Courts ordered him to appear before Congress or to present certain information—he would then be in contempt of Court. And if the witness then dared the Supreme Court to enforce its order, then indeed we will have reached the ultimate breakdown of our government of laws—and the ultimate in lawlessness by the Executive.

We are dealing, Mr. Chairman, with eventualities which we hope will never occur. But they could occur—and the mere hope that they will not is no reason not to prepare for them. Indeed, such a procedure as I have outlined is intended to head off such eventualities.

In his testimony yesterday, Mr. Kleindienst expressed the hope that "mutual restraint" on both sides of this question is vital if we are to avoid disastrous confrontations over Executive Privilege.

I agree. But I must point out that the lack of restraint which has now inflamed the issue is not that of Congress, but of the President. He has sought to claim the privilege with unprecedented frequency and to stretch the meaning of the doctrine beyond all past understanding. He has repeatedly exceeded his own stated guidelines.

President Nixon once claimed that he would never use the privilege "as a shield to prevent embarrassing information from being made available." He would invoke it, he said, "only in those instances in which disclosure would harm the public interest."

Yet repeatedly he has used the privilege—or threatened to use it—in ways that contradict his words.

In the case of Mr. Peter Flanigan's appearance before the Judiciary Committee during the confirmation hearings of Attorney General Kleindienst;

In the dismissal of A. Ernest Fitzgerald from his position in the Pentagon;

In the refusal by the White House to disclose information about political flights of Presidential appointees at government expense;

And most recently in the refusal of the President to let his staff tell what they know about the growing Watergate scandal.

What, in each of these cases, was the purpose of evading testimony before Congress except to avoid embarrassment? Where, in these refusals to disclose information, is any overriding concern for the public interest?

Some time ago, Mr. Chairman, one of President Nixon's closest friends and cabinet officers, then Attorney General Mitchell, admonished critics of the Administration to watch, "what we do, not what we say."

Mr. Chairman, I have done so. And what I see convinces me that those who truly care about the responsible use of Executive Privilege, the public's right to know and the preservation of our form of government are at this end of Pennsylvania Avenue.

## THE DOCTRINE OF EXECUTIVE PRIVILEGE

The doctrine of executive privilege has surfaced at the height of several national controversies, either explicity or implicitly, on a number of occasions in the past months. Few people, it can easily be assumed, understand what it is. What is at issue, however, has great significance to insuring accountability of the President and the entire Executive branch to the Congress and, ultimately, to fulfilling the People's "right to know."

### A. WHAT IS THE DOCTRINE OF EXECUTIVE PRIVILEGE?

Executive privilege referred to the right of the Executive to withhold information from others. It is most frequently thought of in the context of withholding information from the Congress. The privilege has been asserted directly by the President to prevent information in the form of documents from being disclosed or on behalf of individuals within the executive branch to prevent them from testifying or being questioned. The privilege has also been asserted by other members of the executive branch on behalf of themselves or subordinates.

Executive privilege has also been referred to as executive immunity or executive secrecy, although it is not entirely clear whether the users of these other expressions have in all cases intended the same meaning as executive privilege. The evidentiary privilege of the Executive to withhold documents in judicial proceedings involving private parties should not be confused with the doctrine of executive privilege. Nevertheless, the reasons underlying the rule of evidentiary privilege may be useful in establishing the scope of executive privilege since they raise analogous (albeit perhaps of different magnitude) problems and considerations for the courts in determining whether information in the control of the Executive should be revealed to the public.

### B. WHAT ARE THE LEGAL AND HISTORICAL BASES OF EXECUTIVE PRIVILEGE?

#### *1. Constitutional bases*

The Constitution contains no explicit statement giving the Executive an absolute right to withhold information from the Congress nor giving Congress an absolute right to obtain information from the Executive. The Constitution gives to the Congress the general power to legislate, and to the President the power to ". . . take care that the Laws be faithfully executed." (Article II, section 3.) Based on this allocation of functions, proponents of executive privilege frequently argue that since the Constitution provides a system of "separation of powers," it necessarily follows that neither branch may interfere in the internal workings of the other and that therefore the Congress may not at will require the Executive to produce any and all documents and to furnish information it desires. Such proponents then conclude that the Executive has absolute discretion to determine what information and documents will be released to Congress. As we shall see, this conclusion is supported neither by the Constitution, constitutional history, statutory provisions nor judicial declarations but only by self-serving statements issuing from the Executive itself and the precedents they have established.

When the Constitution itself is silent on a matter such as this, resort must be had to constitutional history to determine what was intended. A review of English and American colonial practice prior to the adoption of the Constitution clearly indicates that legislative bodies expected and were accustomed to receiving most, if not all, the information they requested. Legislatures were regarded as holding investigative as well as law-making functions. Parliament especially considered itself entitled to information concerning any area of executive activity, notably including foreign relations, and in practice it did in fact receive what it asked for. Modeled after the English experience, colonial legislatures and those of the new states under the articles of confederation also functioned as investigative bodies, as a check on uncontrolled executive power which had in large part been responsible for the desire to break away from English control. On the basis of such history immediately preceding the Constitutional Convention in 1789, it has been persuasively argued by Professor Berger that Congress has the express power to act as the "Grand Inquest," that is, to investigate the operations of the Executive in executing the laws.

Constitutional history also reveals that the Executive, prior to the adoption of the Constitution, did *not* have the power to determine what information could be kept secret from the legislative bodies. Since the Constitution only delegated to the Executive certain specific, *enumerated* powers, which did not include the power to withhold information from the legislature, and since the Executive did not have such power prior to the adoption of the Constitution, then neither constitutional history nor the Constitution itself can be relied upon as granting the Executive the power to withhold. In fact, constitutional history might be relied upon as confirming an absolute right in Congress to information from the Executive.

The proposition that the Congress has a right to receive information from the Executive finds expression in the Constitutional obligation of the President ". . . from time to time (to) give to the Congress Information of the State of the Union . . ." (Article II, section 3). Of course, the key question is how much information does this provision entitle the Congress to receive. It has been argued that the President's annual state of the union message fulfills this constitutional obligation. However, some commentators, including Mr. Justice Story, believe otherwise. Justice Story, for example, read that part of the Constitution to require the President ". . . to lay before Congress all facts and information which may assist their deliberation, . . ." Professor Berger also argues in favor of a broad interpretation of this requirement as at least a reasonable and necessary part of Congress investigative function.

#### *2. Judicial precedents*

The United States Supreme Court has not yet been directly confronted with a conflict between Congress and the Executive concerning a denial of access to information. However, several cases are cited by advocates of both sides of the conflict as authority for their respective positions. The two cases most often cited in support of a claim of privilege are *Boske* v. *Comingore*, 177 U.S. 459 (1900), and *U.S. ex rel. Touhy* v. *Ragen*, 340 U.S. 462 (1950). These cases, in fact, do not constitute authority for the proposition that the Executive has either absolute or any discretion to withhold information from Congress. The *Boske* case held no more than that regulations promulgated by a department head pursuant to 5 U.S.C. § 22 (basically a housekeeping statute, discussed below) prohibiting employees from releasing certain types of information were a housekeeping statute, discussed below) valid because the statute on which they were based was valid. The *Touhy* case is the latest important case dealing with the question of withholding information. It holds no more than did the *Boske* case. In fact, the court explicitly stated that it was not passing on the question of what privilege the department head—in that case the Attorney General—might claim *in a judicial proceeding*; and did not even refer to Congressional proceedings. Subsequent to the *Touhy* case, the Supreme Court decided *U.S.* v. *Reynolds*, 345 U.S. 1 (1952), which held that a department head cannot conclusively assert privileges to withhold documents but rather it is for the court to determine whether the desired documents ought or ought not to be produced. These and other cases cited in support of broad executive discretion involved requests for documents in court proceedings involving private litigants. They indicate that in such proceedings, executive authority to withhold information is based on federal law, that is, 5 U.S.C. § 22, and not on the proposition urged on the Court in the *Reynolds* case of "an inherent executive power which is protected in the constitutional system of separation of power."

#### *3. Statutory authority*

Until 1958, Executive refusals to provide information to Congressmen or committees were not infrequently based on one of several statutes, usually section 22 of Title 5 U.S.C. It provided:

"The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it."

Both the *Touhy* and *Boske* cases discussed earlier hold that the statute is a housekeeping measure; that is, its purpose was to permit centralization of discretion with respect to decision making concerning requests for documents. Nevertheless, executive departments continued to rely on that statute in refusing information to Congress. The holdings of the *Touhy* and *Boske* cases do not support such a conclusion. Indeed it seems bizarre to rely on a statute passed *by Congress* as authority for denying Congress access to departmental records. There is nothing in the legislative history of that act or of any other in this field which indicates an intention on the part of Congress to yield any right in it to demand information from the departments.

In order to clarify its position, Congress added the following sentence in 1958: "This section does not authorize withholding information from the public or limiting the availability of records to the public." This amendment makes even more clear the lack of Congressional intent to promulgate a statute designed to act as a shield against inquiry. Certainly if the general public is not to be denied information on the basis of the statute, neither should be the Congress. It is difficult to avoid the conclusion that the statute has nothing to do with the question of executive privilege, let alone that it does not vest uncontrolled discretion in the Executive to withhold information. The same must be said of the Administrative Procedure Act and other statutes relied upon by advocates of executive privilege.

### *4. Historical precedents*

Proponents of a substantial right of executive privilege also rely upon historical precedents to support their position. They cite incident of executive refusals to yield information to Congress or of firm statements by Presidents, supported by opinions of Attorneys General, which purport to set forth the extent of the doctrine. These are weak bases for their position. In some instances, the statements relied on have frequently been taken out of context, either textual or historical, and consequently overemphasize the extent of the conflict at hand or the extent of the claim. For example, President Washington is usually considered to have early and clearly asserted the right of the Executive to withhold information, based on notes taken by Jefferson of a Cabinet meeting called to discuss the request of the House of Representatives for information relating to the abortive St. Clair Expedition. In those notes Jefferson indicates that it was agreed that the Executive ". . . ought to refuse those (papers) the disclosure of which would injure the public." However, it is seldom revealed by advocates of the privilege that Washington made no public assertion of uncontrolled discretion to withhold documents, and indeed, in the instance in question, all documents were turned over to the House, including those most damaging to the Army's reputation. In other instances in which the privilege has been asserted, careful research by Professor Berger has shown that peculiar circumstances were involved which weaken the validity of citing such instances as support for the doctrine.

Perhaps the most absolute assertion of the privilege made by a President was contained in a letter from Eisenhower to Congress in 1954. He asserted the right flatly to prohibit all executive employees from testifying or producing documents, in the interests of ". . . efficient and effective administration . . ." This is a long leap from the necessity to guard only the most secret or confidential papers if the public interest so required. It is necessary to recall, however, the circumstances under which Eisenhower made this assertion. Eisenhower sent this message to Congress at the height of the Army-McCarthy conflict (a topic which must be faced squarely by opponents of executive privilege in answering arguments of the possibility of abuse of uncontrolled Congressional powers of inquiry) after a long period of silence on the subject prior thereto.

Furthermore, Executive statements, including opinions of Attorneys General, cannot justifiably be considered as a basis for asserting the validity of the doctrine since they constitute no more than the self-serving statement of one's claim in a dispute. It is, of course, not surprising to find that the Department of Justice invariably supports the broadest claim of privilege asserted at any given period. The most noteworthy opinion is the Memorandum written by Attorney General Rogers during the Eisenhower Administration, a work remarkable apparently for the amount of incorrect research relied on to reach insupportable conclusions.

In recent years, the doctrine of executive privilege has been asserted sparingly. In fact, President Kennedy drastically curtailed the assertion of the privilege and issued a statement to the Executive branch to the effect that he would allow its assertion only in one instance.

President Johnson similarly announced that he would "not permit subordinates to claim executive privilege to withhold government information from the Congress" but that the claim would "continue to be made only by the President."

Although it is perhaps too early to draw a comparison, it would appear that, whereas under Kennedy and Johnson the doctrine of executive privilege may have been on the wane, it appears with Nixon to be waxing again.

In summary, there appears to be little, if any, constitutional, judicial or statutory basis for the doctrine of executive privilege. Why then has the doctrine emerged and continued to have vitality? In part, it is undoubtedly due to the fact of its continued occasional assertion by the Executive and the unwillingness of the Congress to confront the Executive by challenging such assertion. The mere assertion of the privilege, of course, does not make it legally justified. However, the more one hears a statement and the longer such statement continues to go unchallenged, the more likely is one to believe that such statement is valid. So it appears to be with executive privilege. In addition to the bare assertion of the doctrine, from time to time self-serving statements have been issued by the Executive, for example, the opinions of Attorneys General. Not surprisingly, if these statements or opinions, however ill-founded they may be, are not effectively challenged, they will inevitably lend further support to the acceptance of the doctrine and will become part of a folklore which is ultimately accepted as truth.

In part, the doctrine may also continue to have vitality by reason of its acceptance by some Congressmen as a sound doctrine. There are no doubt many Congressmen who believe that the Executive should have the right to deprive them of information and, therefore, ultimately deny the public of the "right to know." To what extent this attitude might be mixed or confused with the erroneous belief that the President *does* have this right rather than *should* have this right is, of course, impossible to say.

### C. SHOULD THERE BE A DOCTRINE OF EXECUTIVE PRIVILEGE?

Assuming that there is no legally compelling basis for the doctrine of executive privilege, nevertheless *should* there be a doctrine on grounds of policy or practical considerations and, if so, what should its scope be?

### *1. Policy considerations*

Congress has a rather clear constitutional "right to know", and it has an even clearer "need to know" much information to which only the Executive has access if Congress is to fulfill its constitutionally established responsibilities.

Unlimited or even significant executive discretion to withhold information from the Congress hinders its ability to carry out its constitutionally delegated powers, particularly those of enacting laws and controlling appropriations. Without accurate and complete information concerning the administration of the laws it has passed, Congress would be unable properly to assess their effectiveness in accomplishing the desired goals. Executive branch abuses in administration could be and in fact have been covered up—for example, the Teapot Dome scandal, discovery of which interested persons in the executive branch successfully resisted for several years. In addition, the location of power over the purse strings was deliberately placed in a branch other than that which was to spend funds, in order again to minimize abuse and indiscretion.

Congress should be fully informed of the manner of execution of the laws. It should therefore have access to information and documents in the possession of the executive, whether secret or not. The mere classification of a document as "confidential" or "classified" by some lower echelon executive official should not affect the right of Congress to be informed. Certainly the collective responsibility of Congress in running the government requires that it be informed. Therefore, the ultimate decision concerning Congressional access to information should not be vested in the executive branch.

If the Executive is entitled to withhold information from the Congress and as a result the Congress is not fully informed as to the actions and plans of the Executive, the dangers of increasing concentration of governmental power within the executive branch becomes significant. It was precisely this type of concentration which drafters of the Constitution feared and sought to prevent through the establishment of a Congress sufficiently empowered by the Constitution to check such power. Of course, history has seen the enormous growth of the executive branch, both in size and power, with little or no parallel growth in the Congress. Even within the executive branch there has occurred an extraordinary concentration of policy making within the White House staff itself. In the meantime, the Congress has assumed an increasingly less significant role in determining the destiny of this country. This trend is inevitable if Congress is denied the necessary information it needs to effectively participate in national policy-making.

One glaring consequence of this development is our present deep military and economic involvement in Southeast Asia, expanded and administered largely without giving full information to Congress, in spite of frequent demands by it to be informed in order to be able competently to exercise its power to raise and maintain an army and to declare war.

The recent revelations concerning the "Pentagon Papers" underscore the enormity of consequences to the nation of a decision which, in fact, was made by a very limited group of people who were apparently the only ones with access to the available information. The fortuitous circumstances surrounding the publication of the "Pentagon Papers" highlights the need for the Congress to have a clearly established right to such information. The access of the Congress (and ultimately that of the people) should not depend on the right of freedom of speech and of the press alone. Such rights, as the recent incident showed, can only be of value if some individual gains access to such information and is able to publish it. To ensure that the public's "right to know" and the Congress' "right to know" (which of course is even more compelling than the public's) do not depend upon such fortuities, Congress' right to obtain information from the Executive must be firmly established.

### *2. Practical Considerations*

A number of practical considerations have been raised by advocates of executive privilege to support the denial of access of the Congress to certain information. It has been argued that to make information of a "top secret" nature pertaining to military or diplomatic decisions or plans available to the Congress is tantamount to broadcasting it to the world, it being assumed that there are Congressmen more interested in promoting their careers than in promoting the national welfare. This is possible, but it is perhaps equally possible that certain employees of the executive branch also cannot be trusted with information crucial to the national security. Furthermore, practical experience in Great Britain shows that legislative bodies *are* capable of keeping secret information secret (although one does have the feeling that the British are still a little bit more civilized than we Americans). It has also been argued that permitting the Congress access to information from the executive as well as the opportunity to require members of the executive branch to give testimony and answer questions will lead to inefficiencies in the operation of the Executive. This argument, needless to say, is without much merit considering the policy considerations involved. Finally, it has been argued that members of the executive branch and its advisors will be reluctant in the future to express their views freely to the President and to put them in writing for fear of having to make these views available to the Congress and possibly the public. It would seem that any person who is reluctant to have his views bear the scrutiny of the Congress or, perhaps subsequently, the public, perhaps has not sufficiently considered and substantiated his views to justify any audience whatsoever, much less that of the President who might make a major policy decision based on such views.

### *3. Proper scope of executive privilege*

Policy considerations based upon the national security arguably justify some limitations on the public's access to information from the Executive and, conceivably, the Congress' access. The enunciation of a limitation based on such a policy consideration was attempted by certain members of the Supreme Court in the recent New York Times decision. A similar formulation is perhaps justified in imposing limitations on the public's right to information.

Whether an analogous formulation to limit Congress' right to information, albeit more limited in scope, can be justified is a difficult question. Assuming that there is some justification based on national security considerations, perhaps these can best be satisfied by imposing no limitation on the Congress' ultimate access to information, but rather, as has been suggested by some, merely limiting such access to a selected group of members of the Congress with respect to matters of "top secrecy".

Senator Fulbright's bill concerning executive privilege sets very little limitation on the Executive's power to assert the privilege. The bill grants to the President the absolute power to assert executive privilege on behalf of a member of the executive branch with the only limitation that he do so personally and in writing. This bill would prevent members of the Executive branch other than the President from asserting the privilege on their own behalf or on behalf of others and thereby would eliminate indiscriminate and frequent resort to the privilege. In practical terms, the President is apt to be reluctant to permit use of the privilege if he knows he must bear personal responsibility before Congress for such assertions. However, it would probably not reduce significantly the "chilling" effect which the threat of the President's assertion's of the privilege at any time will have on the Congress' eagerness to request information. Furthermore, this bill would merely, in effect, codify the practice of self-restraint which had been adopted at least by President Kennedy and perhaps by President Johnson and in no way would limit the absolute discretion which the President now exercises over withholding information. At the very least, the bill should seek to reduce this unfettered discretion by limiting the President's privilege to withhold only information which, to use a phrase adopted by several of the Justices in the recent New York Times case, if released would present "a direct, immediate and irreparable damage to our nation or its people." (Justice Stewart) The most serious defect of Fulbright's bill is that it would clearly establish by statute the right of executive privilege and, in so doing, would legitimate a right which, as indicated earlier, it is not at all clear the President ever had.

Perhaps the best solution of the executive privilege problem could be outlined as follows:

(a) The Executive and the Congress should be made fully aware of the fact that the doctrine of executive privilege has questionable legal bases.

(b) Such an awareness would hopefully lead to elimination of the above described "chilling" effect upon the Congress' eagerness to seek information and would reduce substantially the Executive's unwillingness to provide such information.

(c) Accordingly, both the Executive and individual members of the Congress would be inclined to be taken into each other's confidences on an informal basis and the necessary flow of information could be established.

(d) In this way, direct confrontations between the Congress and the Executive could be avoided and the necessity of "floodlighted" Congressional hearings would be reduced. The result would be a much more meaningful exchange of information than is ever likely to occur in the highly charged and less than candid atmosphere of Congressional hearings.

### APPENDIX

#### *Articles*

Bishop, "The Executive's Right of Privacy: An Unresolved Constitutional Question," 66 YALE L. J. 477 (1957).

Kramer and Marcuse, "Executive Privilege—A Study of the Period 1953–1960," (pts. 1–2), 29 GEO. WASH. L. REV. 623, 829 (1961).

Mitchell, "Government Secrecy in Theory and Practice: Rules and Regulations as an Autonomous Screen," 58 COLUM. L. REV. 199 (1958).

Schwartz, "Executive Privilege and Congressional Inquiry Power," 47 CALIF. L. REV. 3 (1959).

Wolkinson, "Demands of Congressional Committees for Executive Papers," 10 FED. B. J. 103 (1949).

Yainger, "Congressional Investigation and Executive Secrecy a Study in the Separation of Powers," 20 v. PITT L. REV. 755 (1959).

#### *Government Documents*

"Memorandum for the President from the Attorney General", [The Brownell Memorandum], 100 Cong. Rec. 6621 (1954).

"The Right of Congress to Obtain Information from the Executive and from Other Agencies of the Federal Government," Committee Print, Senate Committee on Government Operations, 84th Congress (1956).

---

## HEALTH CARE AND THE PRESIDENT'S' BUDGET

Mr. STEVENSON. Mr. President, I am distressed to note that health research, health care and health manpower development programs do not now have the high priority they had 5 years ago. This fact is clear to anyone who examines the Federal budget and sees the curtailment or severe reduction of Federal support for manpower development or other categorical programs. It becomes even more glaring when one reads the mail sent to Members of Congress each day by constituents who will be affected by the cuts proposed by President Nixon for fiscal year 1974.

The Nixon administration has pointed to a $3 billion increase in total health spending in next year's budget—as if to refute those who warn of massive cutbacks. That claim is highly misleading. What increases there will be, virtually all of them, are increases in medicare and medicaid—increases passed by Congress over the President's protests. These increases are financed out of trust funds—not general revenues.

The truth is that the administration is seeking cutbacks, not expansions, in health care, health research, and health education.

The administration asserts that its proposed changes in health programs will result in efficiency, rationality and better management across the board. I have my doubts.

If that were true, all of us certainly would welcome the idea. Surely it is true that the multiplicity of programs in the last decade brought confusion. Certainly there have been cases of mismanagement. You will find nowhere in the Congress—in either party—any champions of mismanagement and waste. But we must recognize all these claims about efficiency and rationality for what they are: Promises and pretenses.

It seems likely to me, as I survey administration proposals for program transfers, for wholesale cuts in some programs, for starvation funding of others and total wipeouts of still others, that all these changes could result in a period of major uncertainty and confusion—even chaos. Waste and inefficiency can result not only from building programs up too rapidly—but from tearing them down with too much haste. I would be more sanguine about the administration's plans in the health field if I saw more evidence of the scalpel—and less of the wrecking ball.

What is at stake, quite beyond grants and programs, is a fundamental idea that is now under attack. It is the idea that decent health care should be a right for all, and not a privilege for the few.

I am not talking about socialized medicine, or nationalizing dental care or some such utopian scheme. I am talking simply about the idea which undergirded every major piece of health legislation that has been written and enacted in recent years, an idea that grows quite naturally out of our fundamental American belief in equality of opportunity and a decent life for all.

To many of us, that seems almost a self-evident proposition—especially in a land as rich and capable as ours. Yet, among the political ideas we live by, the proposition is only a fledgling. It was first stated with true regularity and real conviction only in the past decade, when a committed President and a willing Congress started clearing away the unfinished agenda of the New Deal.

It was only in the past decade that the idea of decent health care and dental care as a right—and health education and manpower programs to guarantee that right—received solid support from President, Congress, and the Federal Government alike.

The emergence of that idea, and of Federal support for it, did not happen by coincidence—and could not. They happened because the American people accepted and believed and were willing to support that idea. I believe the American people still accept and believe in and support that idea.

But for the time being, their leaders in the White House and the Federal departments do not give that idea very high priority.

They may pay lipservice to it. They may make perfunctory, political nods in the direction of that idea. But nothing in their actions or their programs gives reason to believe that they put a very high priority on the idea of good health as a right—or on health care, health research, or health manpower development to guarantee that right.

The funds obligated for mental health training in fiscal year 1973 were approximately $99 million; the estimated obligations for fiscal year 1974 are $72.4 million. The total mental health care outlays, including expenditures for the expiring community mental health centers, was $377.1 million in fiscal year 1973, and will be $307.5 million in fiscal year 1974.

Grants for research and training at the National Institutes of Health have also been subjected to the hatchet. NIH research fellowships received $37 million in fiscal year 1973, and the 1974 estimates are $32.1 million. In NIH training programs, the cuts are more substantial—from $112.8 million in fiscal year 1973 to $99.9 million in fiscal year 1974. Funding for nursing programs is expected to drop from $115 million in fiscal year 1973 to $47 million in fiscal year 1974. Finally, I note there will be no categorical funding whatsoever for programs in allied health professions and public health training.

Mr. President, administrators of graduate schools, faculty members of health institutions and health service consumers of all ages have expressed to me their concerns about the adverse effects of these cuts.

In July 1969, President Nixon told a news conference that the Nation faced a massive crisis in health care and that unless we did something in the next 2 or 3 years, we would have a breakdown of our medical care system. Those 3 years are now over, and we can see no evidence that the President is trying to alleviate the crisis. We must investigate not only the causes and cures of diseases, but also the means for getting those cures to the people. We must not appropriate money for research without increasing the funds for training in the health professions and improving our facilities for delivery of health care.

Mr. President, the elderly are expected to bear a greater share of the costs of their hospital bills; podiatrists see their profession's Federal grants cut to a greater extent than other health professions. Many others fear the deemphasis of Federal assistance for health. Members of my staff and I have met with representatives of mental health programs, hospitals, nursing schools, medical schools and schools of public health. In their behalf, and most of all, in behalf of the sick. I deplore the President's brutal budget for fiscal year 1974.

## CAMPAIGN FINANCING REFORM

Mr. SCOTT of Pennsylvania. Mr. President, the Senate Commerce Committee has ordered reported a bill to set overall spending limits for Federal election campaigns. Attached to that bill is an amendment to create an independent Federal Elections Commission to not only monitor campaign spending, but to enforce the law as well. I am delighted that the text of this amendment substantially tracks the language of my own bill to create such a Commission, S. 1094.

WMAL Radio, here in Washington, recently endorsed this proposal. I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Campaign Financing Reform

Aroused by the Watergate scandal, Congress appears to be in a mood to enact tougher campaign spending legislation.

A host of reform bills has been introduced. We look with favor on one sponsored by Republican Senators Hugh Scott of Pennsylvania and Charles Mathias of Maryland.

It would create a blue-ribbon federal elections commission empowered to investigate, subpoena, and prosecute. It would also establish a central place where financial campaign disclosure reports could be sent, thus eliminating the present procedure whereby reports can be filed in numerous places.

No one underestimates the difficulties involved in getting campaign reforms instituted.

Indeed, before April 7, 1972, the effective date of a strict new federal law, the only related law on the books was one dating to 1925.

Susan King, of an independent citizens' group that lobbied for three years to get the 1972 reforms enacted, thinks the climate is right this year for further reforms.

She said, "It's discouraging that it takes a scandal to produce reform, but that's a healthy sign—it means the system does react to abuse."

Americans should insist that Congress tighten controls over campaign spending. In so doing, Congress can help mend the fabric of trust in government, which has been so ruthlessly torn by events surrounding Watergate.

## SENATOR STEVENS SPEAKS OUT FOR NO FAULT INSURANCE

Mr. MOSS. Mr. President, recently my able colleague Senator Ted Stevens of Alaska spoke about the merits of S. 354, the National No-Fault Motor Vehicle Act, before 750 Avis representatives at their 1973 international meeting in San Diego. Senator Stevens has long been the leading proponent on his side of the aisle of S. 354 and its predecessor in the 92d Congress; in fact it is Senator Stevens who first publicly advocated the Federal standards approach to bring about reform of the present auto insurance tort system mess. Senator Stevens' remarks before the Avis people are most worthy of our consideration as we go into the final days of no-fault hearings before the Senate Commerce Committee; I ask unanimous consent that they be printed at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Annual Avis Licensee Meeting, San Diego, Calif., April 30, 1973—Ted Stevens, U.S. Senator for Alaska

It is a pleasure to be with you and thank you for extending to me the opportunity to comment upon the very current and important issue of no-fault motor vehicle insurance. Since I am an Alaskan Senator, I hope you will not object if I also comment on the energy situation in the United States.

My cosponsorship of S. 354, the National No-Fault Motor Vehicle Insurance Act, and my co-chairmanship of the Advisory Council of the National Committee for Effective No-Fault, make it clear that I support the position that the time for enactment of sound no-fault legislation has come.

The fact that Avis, Inc. has taken a supportive position for this legislation and through its representatives in Washington, D.C. has actively worked for the passage of S. 354 is most commendable. This is further evidence of the responsible positions that Avis takes in the national business community. Bud Morrow having been at Harvard Law School when I was there, and knowing Bill McPike's service in the Eisenhower Administration, I know they are providing Avis with superior leadership, as your company moves into a stronger position in the automobile rental and leasing industry.

In March 1971, the Department of Transportation, at the direction of the congress pursuant to Public Law 90–313, published the results of its comprehensive study and investigation of the existing compensation system for auto accident losses. The perspective of the study was a national one, concerned with the nationwide system of auto accident compensation and its performance. As you may know, the study conclusions point out that the existing system of accident reparations is costly, inequitable, irrational and slow to those who have the misfortune to necessarily make use of it.

It is *costly*, returning less than fifty cents of every insurance premium dollar to injured persons. It is *inequitable*, denying recovery to two out of three accident victims. It is *irrational* in its distribution of benefits to those eligible for them, overpaying those with losses of less than $500 by an average of 4½ times actual loss while underpaying those with losses of more than $25,000 by an average ⅔ actual loss. It is *slow*, forcing the average claimant to wait 16 months for his compensation.

The tort liability insurance system compensates only those completely free from "fault" in auto accidents. Determining fault is a time-consuming process that eats up 25 cents of your auto insurance premium dollar in investigative and legal costs, and wastes an average of 17 percent of our civil court judges' time. Automobile accident cases in some jurisdictions take almost six years to come to trial. The dilemma which faced the Congress in light of the conclusions of the Department of Transportation study has resulted in S. 354, a bill which would provide the American citizen the guarantee of faster compensation for injuries incurred, more complete benefits for insurance dollars expended, and a uniformity of coverage for those who travel throughout the United States by motor vehicle.

Avis representatives know national interstate automobile travel is increasing to the point where every automobile owner and driver and passengers must be concerned with the type and amount of protection which will be provided them if they are involved in a serious automobile collision and injuries, particularly in a state other than their own. S. 354 establishes minimum federal standards for state legislation so that a motor vehicle accident victim may be adequately compensated for his injuries and not be forced to accept inadequate settlements, inconsistent state tort remedies, and unreasonable expense and delay in securing benefits for injuries incurred.

My contribution to S. 354 was the section on minimum federal standards. I believe, basically, that the states can, and will enact responsible no fault legislation when state legislators realize that we *will* act if they do not.

The intent of S. 354 is to delegate the task of insurance regulation to the individual states rather than the federal government, so that additions to these minimum standards may be tailored in the most effective way possible to the needs of the various states. By providing for this type of creative interaction between state governments and the federal government, the massive auto accident reparations problem which presently faces auto accident victims throughout the United States will be afforded a dual solution by state legislation consistent with an overall national plan to improve the safety, protection, and recovery by all motor vehicle accident victims.

There are aspects of this legislation with which I hope you are familiar. S. 354 provides for payment to accident victims by the victim's own insurance company without regard to fault for unlimited reasonable medical care and other reasonable direct remedial treatment. It provides for the reimbursement of loss of earned income up to $1000 per month to a minimum total of $25,000, and covers replacement services subject to such reasonable limits as a State might impose.

A rather controversial aspect of this legislation is the provision for the abolition of tort liability *except* in situations where an accident causes death, significant permanent injury, serious permanent disfigurement, or more than six months of complete inability of the injured person to work in an occupation. In these situations, damages for non-economic detriment, such as pain and suffering or loss of companionship, would be recoverable.

As I stated, I have consistently favored the principle that the individual states are more appropriately able to govern their affairs than the federal government, but in the area of attempting to solve the national no-fault insurance problem, state legislatures, to date, have failed to act as we in Congress felt they would.

To date 17 states have enacted some form of auto insurance legislation. Ten state legislatures, Mass., Florida, Connecticut, N.J., Michigan, New York, Kansas, Utah, Nevada, and Hawaii, have adopted no fault laws which meet, in whole or in part, all of the elements of the guidelines suggested in the Final Report of the Department of Transportation. Michigan and New York have approved effective no-fault laws which significantly respond to the needs of the seriously injured by virtue of their high medical benefit provisions. The Michigan law, subject to technical modifications, is the only one which meets all of the national standards set forth in S. 354. S. 354 is Congress' reaction to this inaction by the states.

The basic national problem of motor vehicle accident reparations relates to the fact that no-fault legislation changes a concept of liability for injuries—one we received from the common law—that the party at fault was liable for damage he caused. As we change that concept to one of no-fault with a motorist insuring his car and its occupants, we contemplate that a no-fault system will apportion the insurance proceeds now dedicated to the adjudication of fault to those who are not covered under the fault concept. The results should be less crowded courts and less burden upon the welfare and public assistance rolls because of catastrophic injuries beyond the ability of auto accident victims to finance when they were at fault.

As a former trial lawyer, I have heard the opposition of members of my profession—but I cannot support the position which holds that litigation when no one really wins is in the public interest. Where significant liability exists litigation for liability in excess of the minimum payments required would be in order under S. 354. But, our goal must be for the automotive transportation system to provide reparations to anyone injured thru its use—when that occurs, and I believe it will through responsible state action which meets federal standards, we will have arrived at a new milestone in legislative achievement.

Another national problem presently which is coming into focus is that of our dwindling supply of energy in the United States. President Nixon delivered his Message on Energy to the Congress on April 17. His Message acknowledges that America is presently facing a vitally important energy challenge which could, if present trends continue, develop into a serious energy crisis. To me the present energy crisis is critical, now and many of us in Congress feel that the United States must turn to its domestic sources of energy to preserve the security which we presently hold in the world of international affairs.

This year you will witness the beginning of our energy crisis as automobile consumers, including Avis, face gasoline shortages. The shortages you will hear about this year will occur because of a shortage in refinery capacity. No new refineries have been built in the United States in five years. It would take a long time to detail the reasons for those shortages, but basically they relate to the tax advantages involved and to the environmental delays—and in some cases—absolute opposition to refinery construction. Domestic consumption of oil is now about 16 million barrels per day. Domestic production is 11 million barrels per day. Obviously we require the importation of 5 million barrels per day and demand is doubling every seven years, but our production is not. It is becoming increasingly clear that domestic production of available oil under current policies is not able to keep pace with demands. Alaska has about half of the potential oil reserves and 60% of the potential gas deposits of the United States.

The most significant source of domestic oil which exists in the U.S. is on the North Slope of Alaska—and it could be developed in about three years. As you may know, the Trans-Alaska Pipeline System is being delayed by a suit brought by several environmental groups. In that case, the Court of Appeals in Washington, D.C. has delayed ruling upon the environmental challenges until Congress changes an old law regarding the right-of-way width for the pipeline.

Legislation to remedy this legal restriction is being considered by the Senate Interior and Insular Affairs Committee this week. Now, you may be saying, what has this to do with us—a good question.

As our nation becomes increasingly aware that we are too dependent on foreign sources of petroleum resources, it will look to domestic potential. The North Slope is but the first major deposit to be proven in Alaska. We have significant potential in 13 other sedimentary basins—most of which are at tidewater or offshore Alaska. This potential will be most readily available to American markets if the Trans-Alaska Pipeline is built now. This pipeline will deliver our North Slope oil to Valdez for transshipment to U.S. ports by U.S. super tankers. Those tankers will also be required for transportation of Alaska's future oil discoveries. Many argue that our oil should be carried through Canada by pipeline to the Midwest. If that route were used, we would not develop the super tanker fleet now that we will need for future oil deliveries. Furthermore, the gas from Alaska's North Slope *will* go through Canada to the Midwest—but, that gas cannot be developed until the oil is utilized because it is soluble gas which will be produced with the oil. In other words, North Slope gas, which the Midwest needs to maintain its industrial base, will be seriously delayed if the oil pipeline goes through Canada—at least four years delayed.

Alaska has the capability to supply oil to the Southern 48 states to prevent an unreasonable reliance on foreign sources—in time, we will look to coal gasification, oil shale, the tar sands, geothermal energy and, of course, nuclear energy to meet our increased demands. As of today, however, only one new source of energy is readily available—that is from our 49th State—my home—Alaska.

With your support of S. 354, Avis will have the opportunity to try harder because auto accident victims will not be forced out of the automobile market because they recover less than the benefits they should be receiving for their insurance premium dollar. We in Alaska, are now required to try harder to convince the rest of the United States that we know how to recover and transport our oil and gas resources without injury to our environment. In time, hopefully, we will both be Number One—you in your field—and Alaska in producing energy resources to meet America's needs.

## RETAILING AND GOVERNMENT

Mr. SCOTT of Pennsylvania. Mr. President, I have recently had called to my attention an address entitled "Retailing and Government in the Seventies," which was given earlier this month to the American Retail Federation's annual meeting here in Washington.

The speaker was Mr. Edward S. Donnell, president and chief executive officer of Montgomery Ward and a former member of the federation's board of directors. Drawing on that background, he urged retailers to adopt consumer advocacy policies so that they, as businessmen, could play an increasingly important role in helping to solve the economic, social, and political issues of our entire environment.

I believe many of my colleagues will find the approach outlined by Mr. Donnell to be of significant interest. Therefore, I ask unanimous consent to have printed in the Record excerpts from the address "Retailing and Government in the Seventies":

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

### Retailing and Government in the 1970's

(By Edward S. Donnell)

I've been asked to talk with you tonight about government and retailing in the 70's. My remarks are addressed to the interrelationships of government and retailing, first, with regard to consumerism, and second with regard to certain broader issues our society faces.

No industry is in a better position to exert the kind of responsible business leadership that is needed to cope with these issues than we are. We are a $180 billion dollar a year industry, making up 38.9% of the gross national product. We have 1,763,000 retail outlets dispersed in every city, town, and hamlet in the country and points in between.

We employ 11,400,000 people. We are closer to the people of the country than any other industry. We are tuned to their needs, wants, problems, fears, and hopes. No other group is as sensitive as we are to developments affecting broad segments of the population.

Within a matter of hours, we can get a rundown on the economics of the smallest and most remote areas of the country. Through customer contact, through computers, through telephone surveys, we can keep our finger on customer buying by the week, or by the day. Or, if we deem it necessary, by the last two hours.

As we entered the late sixties, we suddenly found people's expectations were exceeding our performance capability. The consumer bill of rights—to be informed—to be safe—to choose and to be heard—became a reality.

Most of us became fully aware that our business can only be as good as the environment in which we operate, and I mean total environment—economic, social, and political as well as physical and ecological.

With regard to consumerism and the explosion of government legislation, regulation, investigation and litigation that has hit us to date, if past is prologue, we're in trouble for the rest of the 70's.

And past is prologue and we are in trouble for the rest of the 70's. However, the quantity and quality of that trouble, and the degree to which we can convert trouble into opportunity will be largely up to us.

The April issue of Fortune indicates the depth of the problem in an article entitled "The Legal Explosion has Left Business Shell-Shocked." This article covers the geometrically exploding, often conflicting, State, county and municipal regulations we all must comply with. It also covers the resulting rapid rise in litigation that has driven legal expenses and exposures right through the ceiling.

In the Securities regulation field, lawsuits filed in the past 6 years in Federal district courts have increased 400%, reaching 2,000 in 1972 alone. During the 70's we may expect that security regulation standards will be more demanding and that legal expenses for compliance, and damages and other penalties for non-compliance will be more costly.

Lawsuits on environmental issues have doubled in the recent past to 268 cases in 1972. In our industry the International Council of Shopping Centers recently called a special session to discuss possible effects of pollution controls on future expansions.

Lawsuits on Fair Employment practices have begun to mushroom—over 1,000 in 1972 alone. Settlements with the Equal Opportunity Commission in cases charging discrimination against women and minorities has important implications for retailing in the 70's. It is a fact that labor intensive retailing has historically been one of the better providers of job opportunities, training and advancement for minorities and other disadvantaged persons. Despite this I can offer no more useful advice to anyone tonight than to make certain that our own houses are completely in order. Equal employment opportunity for *all* Americans is so vitally important to our achieving a cohesive society that we must give this matter the highest priority.

Truth in Lending legislation and regulations put us all on one fair and reasonable standard in keeping our customers accurately informed as to the terms of consumer credit.

I can only hope that those few states which have imposed credit rate ceilings below the roughly break-even monthly service charge rate of 1½% will soon realize that to drive credit rates to an uneconomic level makes it very difficult to extend credit to those who need it most. In addition, it often forces retailers to raise the cash price of some merchandise to help absorb credit costs, an increase which hurts all citizens of those States. We expect consumer credit issues will continue with us on the Federal and State level the remainder of the 70's.

Product safety is now covered in a new Federal law and the new commission and staff are a reality. Thus, greater effective emphasis will be put on product safety for the rest of the 70's.

Advertising substantiation has become a major focus of consumerism in the recent past and will be receiving even greater attention during the rest of this decade. Growing emphasis on warranties-guarantees indicates this activity also is likely to be the subject of required, fuller, more uniform disclosure in the near future.

If we can take a leaf from Europe's recent experience, perhaps the most important change we will see during the next 8 years will be the extent to which government tries to impose rising standards of clear information disclosure on product performance, product life and even product content.

How, the nature, extent and fairness to all concerned of these rising standards of consumer service is in significant part up to us. Past is prologue in this realm, too. We have learned that where we simply oppose in toto a new consumer bill or regulation our impact on its final content, its degree of reasonableness for all concerned, its degree of practicality, is usually very limited. We have also learned that where we actively participate in the digging and dialogue that must go into the creation of an effective, truly useful new law or regulation, our impact is far more constructive.

For business to always oppose whatever consumers or their representatives propose, strains the credibility of our public statements that for us the consumer always comes first. Selective, well reasoned support for certain consumer legislation proposals, even if not ideal, will do much to enhance our prospects for fair and reasonable government regulations during the rest of the 70's, as well as the prospects for eliminating altogether the need for further regulations in certain areas.

We have not only the opportunity but the legislation to demonstrate the leadership that we're capable of in the area of consumerism. All of us here tonight have been and can increasingly become consumer advocates. For 32 years in retailing I've regarded the customer as my real "boss," and I know you feel you have the same boss. Or, here in Washington, we might say the same constituency.

We are a highly competitive industry. All of us have been observing and evaluating the same trends, the same forces, in the same marketplace. Consequently, I know we agree that in this fast-moving industry, the retailer who is not a sincere practitioner of consumerism simply is not going to survive. We are the most knowledgeable and demanding customers in history. In fact all of us here tonight have had a great deal to do with educating them and raising their expectations over the years.

If you will forgive one note of American History close to home, it was, I believe, the need for consumer protection that prompted Aaron Montgomery Ward, a century ago, to break the back of "Caveat Emptor"—"Buyer Beware"—with his new promise to America's consumers—"Satisfaction Guaranteed or Your Money Back." Today, you can see consumer advocacy in action as American retailers and our suppliers expend billions of dollars in market research, product development, quality control, product safety, protective packaging, informative labeling and computerized merchandising distribution systems. We are providing the American public with the most efficient, responsible and protective marketing system in the world.

Yet, we believe it can be further improved.

Because of this belief we have supported such consumer legislation, as the Consumer Protection Agency Bill, truth-in-lending, Warranty/Guarantee, and, of course, The Uniform Consumer Credit Code which we all support.

But far more important than this is retailing's overall commitment to the protection of the rights of the consumer to be informed, to be safe, to choose and to be heard through our industry's support of the President's National Business Council for Consumer Affairs.

The Council, chaired and co-chaired by Tom Brooker, Chairman of Wards Executive Committee and Don Perkins of Jewel Tea has been the work of over 100 Chief Executive officers of the nation's leading companies. Their unstinting dedication has produced council guidelines covering these key areas—Packaging and Labeling, Product Safety, Advertising and Promotion, Guarantees and Warranties, Tire Inflation and the Consumer, Credit and Related Terms of Sale, and Consumer Complaints and Remedies.

The guidelines are tough, but we all can and should live by them because they encompass the specific consumer protection principles to which we all subscribe.

However, because voluntary guidelines can be, and sometimes are, ignored by a few companies to the detriment of all the others, there is a move afoot to recommend that the Federal Trade Commission hold public hearings on those parts of the guidelines which are suitable as substantive rules. This would be a prelude to their adoption—after all the responsible inputs have been received—as official FTC standards. Such standards will be more comprehensive, effective, and fair and reasonable to all concerned, than many government regulations currently in effect or under consideration.

Moreover, they will give the force of law to the voluntary product of thoughtful and committed business, government and consumer leaders at a time when our nation badly needs to develop a positive consensus for the benefit of all our people. We therefore support this move.

Consumerism is only one phase of the total environment that determines the overall health of our national economy and society. Let's look for a moment at some of the broader issues,

President Nixon has sent a new international trade bill to Congress. He has asked for the authority over the next five years to negotiate new trade agreements including authority to decrease or increase tariffs on a reciprocal basis with other nations. Where required to protect the U.S. national interest, U.S. tariffs can be raised. Where appropriate, U.S. tariffs can also be lowered in order to get similar tariff reductions from other nations in order to boost job-creating U.S. exports. Such reductions would be phased over a period of years.

The bill also recognizes the need to have the tools with which to cope with the problems of severe market disruption stemming from rapid increases of imports. Of special importance it recognizes the need to provide more extensive and effective adjustment assistance than heretofore to American workers when imports become a substantial cause of unemployment. It is not fair for a relatively small number of American workers to bear the cost of the substantial benefits derived by the vast majority of Americans from maintaining an open world economy. And, properly legislated and administered, adjustment assistance can be of far greater benefit to American workers than higher tariffs or more quotas.

We must do everything possible to fight inflation which particularly taxes the American worker—our customer. The President's new trade bill is aimed at helping with this vital fight by assuring that American business stays strong and vigorous. It deserves our strong support. We believe fair competition from abroad will keep us on our toes and also provide our customers with the broadest possible choice of goods from anywhere in the world—a responsibility retailing has historically carried out.

On the inflation front our role as mass

merchandisers is to provide goods and services to the public at the lowest possible cost. This we will continue to do to the best of our abilities. The fact that we are one of the most competitive sectors in the entire U.S. economy guarantees that we will not fail to do our share.

I am optimistic about the overall health of our economy through 1974 and anticipate that the retail industry will establish record sales and profits in both of these years, by providing our customers with better quality goods and services representing better values.

I would like to turn now to another environmental area that affects us. That is the matter of social concern. Retailers must do their part to help in solving the problems of the inner city, of minorities, of poverty, of unemployment, etc. Now, that's quite a big order even for retailing.

Nevertheless, retailing is in an especially good position to help. The successful retailer of the future must be as adept in helping to find solutions to these problems—as he is at providing goods and services. We in retailing obviously have neither the resources nor the talents to be the sociological fixers of the future. However, we can lend a strong helping hand. As I said earlier we are one of the best, most labor-intensive sources of employment, training and advancement for minorities and other disadvantaged persons in the country. And we constantly strive and often succeed at finding new less expensive ways of getting quality goods and services to the public—a thrust of special importance to lower income persons and families.

It is in the field of energy, however, that I feel we may have our gravest long-term problem—and retailing right now has the greatest opportunity to help cope with this growing national crisis.

The nation's demand for energy is exceeding our present resources. Although there is and will be continuing debate as to how best to cope with this crisis, there is no doubt that not only are the days of flagrant disregard for use of our energy resources gone, but that we had better begin approaching this matter on a basis not dissimilar to a war-time footing. And I am not known as an alarmist. But this time, the numbers—known to all of you—speak for themselves.

As you know, the energy problem has a direct bearing on our balances of trade. Official estimates are that the $7 billion a year we are now paying for overseas oil will rise to $25 billion by 1985 and further compound this growing problem of balance of payments deficit.

Consumption of energy is a national problem that cannot be solved by government regulation alone. Voluntary action through education and cooperation is central to any successful effort. Again, we in retailing are in an ideal position to exert the kind of leadership with manufacturers and consumers that will get the job done. I urge all of us in retailing to undertake a major effort to give more information to consumers about comparative efficiencies of various appliances in terms of energy consumption and dollar savings. It's up to the manufacturers and retailers to get the job done starting right now, before it's too late. And I repeat, the analogy to wartime is not misplaced.

We must be seen and heard more often as advocates, trying to convert into workable reality what otherwise would be impractical dreams. We should do our best to see that other businessmen, including our own suppliers, live up to their promises and take full responsibility for the consequences of their actions.

In closing, may I suggest that it is time we assumed a leadership role in helping meet the total needs of our customers. They are looking to us for more than goods and services. They want help with their economic well being, with their life styles, with wise use of the national resources that are important to future generations.

I submit to you that we can help our customers and in doing so further strengthen the competitive marketplace that is so vital to the American way of life.

Retailers thrive on challenges. I'm optimistic we will respond effectively to these problems.

---

## TAXATION WITH REPRESENTATION ANALYSES—THE PETROLEUM INDUSTRY'S TAX BURDEN

Mr. PROXMIRE. Mr. President, back in October 1971, I inserted into the Congressional Record some information on the Federal income taxes paid by the major oil companies. This information, which had been reported in the publication, U.S. Oil Week, showed that the average Federal income tax paid by these companies in 1970 was 8.7 percent of their net income. Shockingly low as this figure was, it exceeded the tax rates paid in prior years, which sometimes were as low as 4 percent.

Not surprisingly, the major oil companies were not entirely happy with the publicity given to this information concerning their taxes. In the hope of refuting the information reported by U.S. Oil Week, the American Petroleum Institute sponsored two different studies of the petroleum industry's tax burden. Imagine the dismay that must have been felt in the corporate board rooms when it was discovered that these studies sponsored by the industry itself actually confirmed the information reported in U.S. Oil Week. Indeed, the studies showed that Federal taxes as a percent of the major oil companies total net income were not 8.7 percent in 1970, but only 8.3 percent.

Undaunted by the facts, however, the American Petroleum Institute sent every Member of Congress a letter describing their studies in such a way as to give the impression that the U.S. Oil Week findings had been refuted.

Fortunately for the public interest, these various estimates of the oil industry tax burden have now been exhaustively analyzed in a compendium of economic studies published by Taxation with Representation. What do these expert studies show?

First, they show that, by the oil industry's own estimates, the Federal income taxes paid by 18 major oil companies averaged only 8.3 percent of their total net income in 1970.

Second, the studies show that in 1970 Federal income taxes averaged 14.7 percent of the U.S. domestic income of these same 18 companies. Thus, even on the domestic portion of their income, these companies paid taxes at a rate equal to only about one-third of the average rate paid by all corporations in the United States.

Third, the studies show that as part of its effort to exaggerate the tax burden of the petroleum industry, the American Petroleum Institute included such things as the 4 cents per gallon gasoline excise tax in its estimate of the $21.9 billion in "total worldwide taxes" paid by the major oil companies in 1970. The gasoline excise tax, as every consumer well knows, is a sales tax borne directly by the consumer. It has no place in a calculation of the petroleum industry's tax burden.

Fourth, these studies assemble extremely valuable information on why the petroleum industry's tax burden is so much lower than that of other industries. In 1970, the foreign tax credit accounted for a 15-percent point reduction in the oil companies tax rate and the depletion allowance for another 14.5 percentage point reduction. Thus, these two provisions alone accounted for a reduction in tax burden from the legal rate of 48 percent down to 18.5 percent. A variety of other special tax provisions—special depreciation, intangible drilling deduction, and others—further reduced the tax burden to 8.3 percent.

As these studies stress, there is no doubt that the oil industry tax burden is below that of other industries. The important question to ask is whether these costly special tax provisions are justified. To my knowledge it has never been demonstrated that either the foreign tax credit or the percentage depletion allowance are at all effective in encouraging the production of adequate domestic supplies of oil and gas.

The taxation with representation compendium is extremely valuable, because it settles the statistical question. We can now stop playing the numbers game. We know how much—or how little—the major oil companies are paying in taxes. We can now go on to discuss the more important questions of tax equity and tax efficiency. Does the oil industry pay its fair share? Is the oil industry taxed in a manner which helps produce the economic results we all desire? These are the questions which deserve debate.

I ask unanimous consent that a summary of the compendium, "the petroleum industry's tax burden," which appeared in the April issue of the taxation wtih representation newsletter be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

### Analysis Confirms Low Petroleum Industry Tax Burden Figures

Is the petroleum industry's tax burden heavy or light? What are appropriate ways to measure "tax burden"? And what difference does it make how one answers these questions?

These issues have been the subject of an extended, behind-the-scenes debate involving Senator William Proxmire (D-Wis.), *U.S. Oil Week* magazine, the accounting firm of Price Waterhouse & Company, the Petroleum Industry Research Foundation, the American Petroleum Institute, and individual members of Congress. The latest contribution to the debate is Taxation with Representation's compendium of testimony entitled "The Petroleum Industry's Tax Burden".

### ORIGIN OF THE CURRENT CONTROVERSY

The current controversy began in late 1971, when Senator Proxmire placed in the Congressional Record an article from *U.S. Oil Week* which indicated that the petroleum industry's 1970 federal tax burden was only 8.7% of "net income before tax". Senator Proxmire described these figures as "a disgrace" and asked how members of Congress could "call upon individuals to pay more in taxes when the oil companies continue to escape".

In mid-1972, the American Petroleum Institute responded to these figures by preparing some statistical studies of its own. The first of these was a compilation of tax accounting data by Price Waterhouse & Company, drafted in accordance with directions drawn up by the American Petroleum Institute. This compilation detailed the tax payments during 1970 by 18 major petroleum companies, and calculated their tax burden as 21.8%, rather than 8.7% as determined by *U.S. Oil Week*.

The second API study was done by the Petroleum Industry Research Foundation, Inc. (PIRINC). It set out to prove that the burden on the petroleum industry was actually higher in 1970 than the tax burden on U.S. business corporations generally.

The Price Waterhouse data compilation and the PIRINC statistical study were forwarded in June 1972 to each member of Congress under cover of a personal letter from Frank N. Ikard, President of the American Petroleum Institute. In his letter, Ikard condemned the figures compiled by *U.S. Oil Week* and published by Senator Proxmire. Those figures, he said were "totally misleading". He also declared that "Congress and the public are entitled to have accurate and factual information on which to make informed judgments."

In view of the important and highly technical nature of this controversy, Taxation with Representation requested several knowledgeable economists and lawyers to comment on both the *U.S. Oil Week* statistics and the American Petroleum Institute's presentations. The result is a 66 page compendium of statements containing a highly sophisticated economic analysis of the petroleum industry's contentions. Contributors include James C. Cox and Arthur W. Wright of the University of Massachusetts and Edward W. Erickson of the University of North Carolina.

The compendium makes the following major points:

Before debating the petroleum industry's tax burden it is first necessary to decide on the "measure" to be used to calculate tax burden. Among the acceptable measures are the "tax neutrality measure", used by Price Waterhouse, and the "cost effectiveness measure" used by *U.S. Oil Week*. The principal difference is that the tax neutrality measure concentrates only on domestic U.S. income, whereas the cost effectiveness measure looks at the total tax base, including both foreign and domestic income.

The American Petroleum Institute's letter to members of Congress talks nonsense when it attempts to use the Price Waterhouse figures (compiled by use of the tax neutrality measure of tax burden) to refute the *U.S. Oil Week* figures (compiled by use of the cost effectiveness measure). Professors Wright and Cox state that this is "like asserting that 'lettuce is greener than carrots are orange' ".

The PIRINC tax burden "study" is worthless and misleading. PIRINC, said Wright and Cox, is "playing a meaningless numbers game designed to persuade the unwary reader that the oil industry does not receive special tax treatment". "We conclude," they continue, "that the PIRINC pamphlet, aside from the useful raw data it presents, is of little use and some possible mischief to enlightened public discussion of the tax burden issue."

The Price Waterhouse data overstate the petroleum industry's tax payments with respect to the year 1970 by almost one third. This result is achieved by using a "cash flow basis" of accounting for 1970 taxes rather than the standard accrual basis of accounting. As a result, 1970 tax "payments" include not only taxes paid in 1970 with respect to that year, but also taxes paid in 1970 *with respect to other years*. After allowance is made for this factor, the petroleum industry's 1970 tax payments fall from $971.9 million to $654.7 million. Except for this possibly unintentional aberration, however, the Price Waterhouse data are of "high quality" and, in the words of Wright and Cox, the API has made "a signal contribution to improving the level of public discussion" by releasing that data.

The petroleum industry tax burden figure computed by *U.S. Oil Week* correlates exceedingly well with Wright and Cox's own calculations making use of a cost effectiveness measure of tax burden and the Price Waterhouse data supplied by API. The *U.S. Oil Week* figure, based on SEC data, showed a tax burden of 8.7+%. The corresponding Wright-Cox figure, based on the API's Price Waterhouse data, is 8.3%.

The most significant factors reducing the petroleum industry's tax burden are the foreign tax credit (which accounts for a 15 percentage point reduction in burden), and percentage depletion (which accounts for a further 14.5 point reduction). The intangible drilling deduction accounts for only a 2.1 point reduction in burden. Other provisions of the tax law account for the remaining difference between the industry's actual 8.3% burden (using API figures) and the nominal 48% corporate tax rate.

The witnesses' summaries of their statements follow:

James C. Cox and Arthur W. Wright, University of Massachusetts, Amherst:

Interest in the oil industry's tax burden derives from its possible relevance to public policy. Thus the tax burden issue involves three distinct questions: (1) Given some specified objectives of public policy, what is the relevant measure of tax burden? (2) Given the relevant tax burden measure, what are the actual tax burdens on oil and other industries? (3) Given the actual tax burdens, is the present tax policy (which gives rise to the actual burdens) the best policy for achieving the given policy objectives?

Failure to distinguish among these three questions can create confusion on the tax burden issue. Indeed, the primary reason for the high ratio of heat to light in the controversy over oil's tax burden is precisely a failure to distinguish between questions 2 and 3. It is frequently argued by oil industry critics that, because oil's tax burden is low relative to the average for all industries (question 2), the present special tax treatment of oil which gives rise to the low tax burden should be changed since it is not "in the public interest" (question 3). The industry implicitly accepts this logic when it counters by arguing that oil's tax burden is really not so low as the industry's critics claim. Neither side stops to ask what the "public interest" is or how oil's tax burden is related to it.

In our statement, we evaluate the contributions towards answering each of these questions made by three documents which have figured most recently in the controversy: (a) an article from *United States Oil Week* magazine, reporting data which show a very "low" tax burden on major oil companies; (b) a report by Price Waterhouse & Co. to the American Petroleum Institute containing data which show a not so "low" tax burden on major oil companies; and (c) a pamphlet published by the Petroleum Industry Research Foundation, Inc. (PIRINC), presenting data which show quite "high" tax burdens on oil corporations.

We find (a) and (b) to be helpful steps toward improved public discussion of the issue of oil's tax burden—*provided* the data they report are interpreted in a suitable public policy framework, something neither (a) nor (b) does. The third document, (c) does contain useful data, but it is otherwise merely a deliberate attempt to confuse the issue and mislead the public in a self-serving manner.

Edward W. Erickson and David N. Hyman, North Carolina State University; Robert M. Spann, Virginia Polytechnic Institute; and Stephen W. Millsaps, Appalachian State University:

There is a critical trade-off between petroleum tax policy, domestic petroleum prices and import controls. A recent report by the Petroleum Industry Research Foundation, Inc. (PIRINC), while factual and well documented, does not help in assessing this trade-off. Nor does the PIRINC study discuss the critical relation between petroleum industry taxes and petroleum industry net income. In addition, by implicitly recommending that Federal tax policy should adjust for inter-industry differences in state and local taxes, PIRINC is recommending a policy which redistributes income from citizens of states without large oil and gas industries to citizens of states with large oil and gas industries.

"Agricola" (An attorney whose employment made it awkward to submit a statement in his own name):

The American Petroleum Institute's recent letter to members of Congress is misleading in several respects. First, it includes excise taxes—which are virtually never absorbed by the manufacturer—as part of the industry's tax burden. Second, and more important, the institute's presentation contains a built-in bias in favor of showing a relatively higher direct tax burden for the firms included in the Institute's study. Finally, there is a transcription error in the Institute's presentation which results in an overstatement of its tax rates.

## DIOXIN CONTAMINATION IN VIETNAMESE FOOD CHAIN

Mr. NELSON. Mr. President, scientists have recently reported new evidence that dioxin in 2,4,5–T, a herbicide used in defoliating South Vietnam and presently in use on agriculture land in this country, has contaminated the Vietnamese food chain.

Over the years, I have argued that 2,4,5–T, which contains dioxin, the most deadly synthetic substance known to man, should be banned from any domestic use until adequate safety studies are completed. And, I have stated, bioaccumulation is an important question requiring further study.

The report of Dr. Matthew Meselson and Robert Baughman, of Harvard University to the National Institute of Environmental Health Sciences Conference, reveals the results of a recent study that suggests that dioxin in 2,4,5–T "may have accumulated to biologically significant levels in the food chain in some areas of South Vietnam exposed to herbicide spraying."

This new information seems to support findings from a preliminary USDA study of bioaccumulation of dioxin, which I discussed in a January speech to the Wisconsin Pesticide Conference in Madison, Wis.

Mr. President, I request unanimous consent to have printed in the RECORD a report by Morton Mintz of the Washington Post that "Scientists Bare Perilous Chemical in Vietnam Defoliant."

There being no objection, the report was ordered to be printed in the RECORD, as follows:

### SCIENTISTS BARE PERILOUS CHEMICAL IN VIETNAM DEFOLIANT

(By Morton Mintz)

Defoliation in South Vietnam has contaminated the food chain with a chemical that causes birth defects in animals, two Harvard University scientists have disclosed.

They said that, by using a sensitive new method, they detected the chemical in shrimp and in five species of fish taken from four widely separated sites in South Vietnam.

The chemical, dioxin, is almost unrivaled in its power to deform the offspring of animals that ingest it in even tiny amounts. Its most common effects are cleft palate and kidney defects. But studies of a possible link between defoliation and human birth deformities of any kind have been inconclusive.

Dioxin is always present as a contaminant of 2,4,5-T, a herbicide that, in turn, is an ingredient of a defoliant know as Agent Orange.

In South Vietnam between 1962 and 1970, military pilots—most Americans, but including some South Vietnamese—sprayed nearly 5 million acres with Agent Orange containing about 90 million pounds of 2,4,5-T.

In the United States, 2,4,5-T, Silvex and other herbicides contaminated by dioxin are widely used to clear brush and weeds for rice and other food crops and for cattle grazing.

The Harvard scientists, Robert Baughman, a chemist and Matthew Meselson, a geneticist, reported Tuesday in Research Triangle Park, N.C., that their new detection method finds dioxin in ratios as low as one part per trillion parts of body weight.

Using this method, Baughman and Meselson told a conference sponsored by the National Institute of Environmental Health Sciences, they examined samples of catfish, croaker, carp, sculpin, crayfish and shrimp.

They said they picked up dioxin at levels up to 814 parts per trillion (ppt). A guinea pig swallowing 600 ppt, has been shown to have only a 50-50 chance of surviving. Rats ingesting 125 to 500 ppt in daily oral doses produced offspring with deformities and intestinal hemorrhages.

These results led Meselson and Baughman to suggest that dioxin "may have accumulated to biologically significant levels in food chains in some areas of South Vietnam exposed to herbicide spraying."

Yesterday, the Environmental Protection Agency was requested to suspend domestic usage of 2,4,5-T until it sets up a monitoring program that determines "the extent, if any," of dioxin-contaminated food chains in the United States.

The request came from Harrison Wellford of Ralph Nader's Center for Study of Responsive Law and Dr. Samuel S. Epstein, a physician and environmental toxicologist at Case Western Reserve University in Cleveland, Ohio.

The EPA already has before it a petition for a suspension filed by the Environmental Defense Fund and Wellford, a pioneer campaigner for restrictions on 2,4,5–T.

Legally, a suspension would accomplish an end run around an injunction just as an injunction that has thwarted efforts to limit use of 2,4,5–T. The injunction was obtained last June by Dow Chemical Co., the leading producer, and EPA is seeking to overturn it in an appeals court.

The agency should give the court "the dramatic new data from Baughman and Meselson," Epstein and Wellford said in a letter to EPA Administrator William D. Ruckelshaus.

Turning to the question of whether dioxin could cause birth defects in humans, they pointed out that thalidomide—the sedative that caused the birth of thousands of limbless infants—was found to be 60 times more dangerous to humans than it was to mice, and 700 times more dangerous to humans than hamsters.

Dioxin, which accumulates in the body rather than being excreted, occurs at a rate of between 100,000 and 500,000 ppt, in commercial 2,4,5–T on sale today, Wellford and Epstein told Ruckelshaus.

They urged the American and South Vietnamese governments to make immediate studies among pregnant women in the areas where the fish were found—in the Dongnai and Saigon rivers and in coastal areas near Cangio village.

In addition, they asked Ruckelshaus to reject a U.S. Air Force application to register most of its remaining supply of Agent Orange for domestic use.

A rejection would block proposed sales of the defoliants to Brazil which was alleged to be "carrying out a major paramilitary campaign against native peoples in the Amazon Basin."

## MARITIME DAY IN ALASKA

Mr. GRAVEL. Mr. President, today is a very symbolic one for those of us from Alaska. The Honorable William A. Egan, Governor of the State, has proclaimed it Maritime Day to recognize the important role which the maritime industry plays in the lives of Alaskans. And, while the day itself commemorates the anniversary of the first trans-Atlantic voyage by a steamship, it acknowledges the significance which we, from the 49th State, attribute to our American Merchant Marine. Therefore, I ask unanimous consent that Governor Egan's proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION: MARITIME DAY

We in Alaska recognize that a strong American merchant marine is essential to the Nation's economic prosperity and military security.

To remind us of the important role which the merchant marine plays in our lives, the Congress in 1933 designated the anniversary of the first trans-Atlantic voyage by a steamship, the SS *Savannah*, on May 22, 1819, as National Maritime Day.

The Merchant Marine Act of 1970 is playing an important part in moving the Nation's maritime industry forward with the task of rebuilding our merchant marine fleet, improving the competitive position of our shipbuilding industry, and restoring the United States to its rightful proud position in the shipping lanes of the world.

In the 49th State we have just recently launched a new $19.5 million ocean-going ferry liner which will become the flagship of the Alaska Marine Highway System. The Alaska Marine Highway, which carries passengers, vehicles, and cargo has this year completed a decade of service. The system today extends over 2,200 miles, joining some 17 communities throughout Alaska as well as connecting the 49th State to Seattle and to British Columbia, Canada. During the past year, 200,000 passengers traveled on the 7 vessels of the fleet and nearly 50,000 vehicles were hauled. Revenue for the year approached $10 million, making the system about 66 per cent self-sustaining. When we consider what the costs would be for constructing and maintaining land highways over a similar distance, the marine highway must be rated a definite dollar-and-cents success.

As the Alaska Marine Highway continues to expand and improve service during its second decade of operation, we will continue to see increased economic benefits accruing from it to both Alaska and the Pacific Northwest. Maritime tonnage during 1972 between the two areas reached the 1 million ton mark and cargo hauled by the marine highway accounted for a substantial part of that.

Therefore, I, William A. Egan, Governor of Alaska, proclaim May 22, 1973, as Maritime Day in Alaska and urge the people of Alaska to honor our American merchant marine by displaying the flags of the United States and Alaska at their homes and other suitable places.

Dated this 7th day of May, 1973.

## THE GENOCIDE CONVENTION: CONSISTENT WITH THE TREATYMAKING POWER OF THE UNITED STATES

Mr. PROXMIRE. Mr. President, some critics of the Genocide Convention have expressed the concern that this treaty does not fall within the limitations of the treatymaking power of the United States. This argument is usually based on the decision of the Supreme Court in the case of Geofrey against Riggs, where it was stated:

> The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. . . . But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiations with a foreign country.

These limitations are not extensive, and may have been reduced further in the case of Asakuras against Seattle, when the Court held:

> The treaty-making power of the United States is not limited by any express provision of the Constitution, and, though it does not extend so far as to authorize what the Constitution forbids, it does extend to all proper subjects of negotiations between our government and other nations.

The only question, then, is whether genocide is a proper subject of negotiations between our Government and foreign powers. In this regard former Solicitor General Philip B. Perlman has said:

> That genocide is a subject appropriate for action under the treaty-making power seems to us an inescapable conclusion. The historical background of the Genocide Convention indicates the view of the representatives in international affairs of practically all the governments of the world on the appropriateness and desirability of an international agreement to outlaw the world-shocking crime of genocide. This government has shared in this view.

Mr. President, there appears to be no basis for doubt that the convention would be consistent with the treatymaking power. I urge the Senate to act without further delay to ratify the Genocide Convention.

## INSPECTION OF U.S. FOREIGN ASSISTANCE PROGRAM

Mr. INOUYE. Mr. President, in January of this year, I was privileged to lead a delegation of five distinguished members of the Senate Appropriations Committee on an inspection of the U.S. foreign assistance program in the Philippines, Indonesia, Thailand, Laos, Cambodia, Vietnam, and Taiwan.

A comprehensive and detailed 226-page classified report of the delegation's activities, observations, and recommendations was released last week. The introduction and general recommendations, however, were unclassified and I ask unanimous consent that this portion of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### INTRODUCTION

Upon my appointment as Chairman of the Senate Appropriations Committee's Subcommittee on Foreign Operations, I set out to read and study some fifty-five pounds of budget justifications, hearing documents, and supporting data which were prepared by the agencies and activities funded through the appropriation bill handled by this Subcommittee and for which the President requested $5.2 billion in fiscal year 1973 (budget estimate for fiscal year 1974, $4.2 billion).* When I completed this laborious undertaking, I was left with the feeling that I still knew little of what United States foreign assistance was about—what its goals were—or how it measured its successes or corrected its shortcomings and learned from its failures.

Neither did I gain the slightest understanding of the economic and political benefits of a continued aid program to the United States which in my opinion was an essential prerequisite for justifying continuation of the program.

As Chairman of the Subcommittee, it became my responsibility to try to understand and evaluate the foreign assistance program and its justification for continued claim on high priority tax dollars. I determined that this job could not be done to my satisfaction from Washington alone, and thereupon I proposed a series of comprehensive on-site inspection trips to the major areas receiving assistance. (My request was outlined in the following letter to Chairman John L. McClellan:)

U.S. SENATE,
*Washington, D.C., September 11, 1972.*
Hon. JOHN L. MCCLELLAN,
*U.S. Senate, Washington, D.C.*
*Chairman, Committee on Appropriations,*

DEAR MR. CHAIRMAN: It seems abundantly clear that the United States Foreign Assistance Program must be substantially overhauled and redirected if it is to make a maximum contribution to the underprivileged peoples of the world and receive the public and congressional support which it needs to exist. I am mindful of the challenge this presents to the Foreign Operations Subcommittee and to me as its Chairman. Nevertheless, I am anxious to see what can be done and pledge my best effort to report a well constructed and responsible bill next year.

I am firmly of the opinion that the basis for the success or failure of this program—past or future—is not in Washington but in the field. In this regard, I recommend that the Subcommittee undertake an on-site review of operating programs funded by the bill at the earliest practical time.

Asia is in a period of transition and turmoil unequaled in modern times, and in my opinion should be the point of our beginning. I therefore propose that the Subcommittee visit the Far East during the period of January 6 to 28, 1973. I would contemplate future on-site inspection trips to South America in August of next year, to be followed by visits to the Near East and Africa in late 1973 and early 1974. Such a schedule would permit us to cover most of the more significant programs over the next two calendar years.

I would, of course, be glad to have the benefit of your own views and suggestions as to this undertaking and if you agree with my recommendations, I would appreciate your making the necessary authorizations for travel and other arrangments.

Sincerely,
DANIEL K. INOUYE,
*Chairman, Subcommittee on Foreign Operations.*

In approving the request, Chairman McClellan called upon the Department of State and the Department of Defense to render every assistance to the mission. On polling the Committee I was gratified that four distinguished and highly respected members who shared my concerns regarding the foreign assistance program were able to set aside three weeks to accompany me on one of the most taxing and heavily scheduled overseas trips ever undertaken by a congressional committee. They were Senator Joseph M. Montoya of New Mexico, Senator Ernest F. Hollings of South Carolina, Senator Birch Bayh of Indiana, and Senator Ted Stevens of Alaska.

At the outset of this report I would like to acknowledge with appreciation the support which I received for this mission from Chairman McClellan, other members of the Committee who for various reasons were unable to accompany us, and especially my fellow travelers who undertook a most demanding and rigorous schedule involving over 21,000 miles of travel and over 62 hours of flying time. The original schedule called for official visits to nine Asian nations in a period of 21 days. The country itinerary was as follows:

### ITINERARY OF FOREIGN OPERATIONS SUBCOMMITTEE, JANUARY 6–28, 1973

(Times in local)

January 6 (Saturday): 0900, departed Washington, D.C.; 1420, arrived Honolulu.

January 7 (Sunday): 1000, departed Honolulu.

January 8 (Monday): 1500, arrived Manila.

January 11 (Thursday): 1000, departed Manila; 1220, arrived Jakarta.

January 13 (Saturday): 1000, departed Jakarta; 1300, arrived Bangkok.

January 15 (Monday): 0900, departed Bangkok; 1045, arrived Udorn; 1500, departed Udorn; 1520, arrived Vientiane.

January 16 (Tuesday): 1400, departed Vientiane; 1645, arrived Phnom Penh.

January 17 (Wednesday): 1430, departed Phnom Penh; 1530, arrived Saigon.

January 20 (Saturday): 0800, departed Saigon; 1140, arrived Hong Kong.

January 22 (Monday): 1000, departed Hong Kong; 1240, arrived Taipei.

January 24 (Wednesday): 0900, departed Taipei; 1515, arrived Seoul.

January 26 (Friday): 0900, departed Seoul; 1200, arrived Tokyo.

January 28 (Sunday): 1000, departed Tokyo; arrived Washington, D.C.

Senator Ted Stevens of Alaska, who joined the Delegation in Jakarta, was unable to participate in the visit to the Philippines because of his attendance at memorial services in Alaska for former Congressman Nick Begich of that State. Unfortunately, due to the sudden death of his brother, Senator Joseph M. Montoya left the group at Udorn, Thailand.

The untimely death of former President Lyndon B. Johnson, a dear friend and former colleague of members of the group, necessitated cutting short our trip at Taipei, Formosa, and we were thus denied the opportunity of visiting Korea and Japan as originally planned.

This report, while reflecting in large measure the views, comments and recommendations of the Delegation which visited the Far East, has been adopted by the Subcommittee on Foreign Operations and is issued as a report of the Subcommittee.

Prior to the departure of the Delegation I requested from the Administrator of the Agency for International Development a statement in justification of the United States' bilateral assistance program. This statement is attached to this report as Appendix I. A similar statement from the Department of the Treasury justifying our multilateral assistance program is attached as Appendix II.

In an effort to secure a frank and candid expression of views from United States Mission personnel, private business interests, and others with whom the Committee met, they were assured that the Committee's report would be a classified one. This report, therefore, bears an overall classification of "Secret" because of inclusion of material identified as such by executive agencies. If not otherwise identified the remainder of the material is classified as "Confidential."

DANIEL K. INOUYE,
*Chairman, Subcommittee on Foreign Operations.*

### GENERAL OBSERVATIONS AND RECOMMENDATIONS

Acting on the report of its Delegation visiting the Far East, the Senate Appropriations Subcommittee on Foreign Operations wishes to go on record with several observations and recommendations which it feels are generally applicable to all programs of United States foreign assistance. Observations and recommendations to specific countries or group of countries are contained under appropriate country headings.

(1) The Subcommittee supports the view that United States foreign assistance projects should be designed for and weighed in favor of those nations and individuals demonstrating a willingness and ability to help themselves. One measure of this commitment is the willingness to provide local support needed to make project assistance effective. In the opinion of the Committee, every effort should be made to give the recipient a stake in the success of the project by obtaining maximum local contributions. In this regard, all future presentations and reports to the Committee on individual projects should reflect the amount and type of local participation.

(2) United States foreign assistance should be responsive to humanitarian concerns and development goals. It should deal directly and visibly with problems of concern to the common man—unemployment, education, health, etc. It should be supplied in a manner which is, to the maximum extent possible, supportive of United States trade objectives and export expansion.

(3) The Committee reiterates its support for a broad extension of the cost reimbursable concept of dispensing United States foreign assistance. This concept, recently developed and tried in the Philippines with encouraging results, increases the effectiveness of the United States contributions and develops the managerial capability of the participating government.

(4) Corruption may be tolerated and even accepted in some societies, but it is not acceptable to the United States to have its foreign aid funds diverted from their intended purpose. The Committee feels that the burden of this problem rests squarely on the local host governments. They must be made to understand that failure to deal forthrightly with the problem will further erode confidence and strengthen the hand of those who would like to terminate all foreign assistance.

(5) The Committee supports the international consultative group mechanism as a device to persuade countries to follow sound

---

*It is an interesting aside to note that in the embassies and missions visited there was practically no knowledge of the views and concerns of the Senate Appropriations Committee. Only one embassy visited possessed a copy of the Committee's fiscal year 1973 report (107 pages) issued as a public document three months previously.

development policies and to serve as catalyst for increased aid contributions by other countries.

(6) The Committee reiterates its support for increasing the proportion of AID funds allocated to education, whether carried out in the United States or abroad. United States representatives to international financial organizations also should urge increased educational programs on their part.

(7) The Committee continues to be concerned even about the limited use of Agency for International Development positions as a cover for intelligence activities. It also reaffirms the position taken by the Senate twice within the past fourteen months that overseas public safety programs should be wholly funded by the governments which they serve and not by the Agency for International Development. Projects which improve public safety, but have primarily developmental or humanitarian goals, can be undertaken with regular program funds.

(8) As a matter of general policy, the Committee recommends that individuals responsible for allocating or dispensing United States assistance should be limited to a maximum of four years service in any one country or regional program in which that country is located.

(9) The conclusion of United States military involvement in Southeast Asia has freed stock of new and used excess equipment for possible adaptation to developmental uses. The Committee is concerned that eligibility priorities established for the distribution of these stocks to friendly foreign countries may be distorting the distribution and use of this equipment. This topic is addressed in further detail under appropriate country headings.

(10) The Delegation recognizes that security assistance is designed to buttress a country's efforts to deal effectively with internal as well as external threats. However, it wishes to go on record in favor of phasing out these programs and moving into developmental programs at the very earliest possible time.

(11) The issue of postwar assistance to Southeast Asia was raised by the Delegation both before its departure from Washington and at Bangkok, Vientiane, Phnom Penh and Saigon. Unfortunately, no more information was available in the field than in Washington. Only vague generalizations without definition or quantification were put forward in answer to the questions raised. Thus it is that as of this writing (April 16, 1973) the Subcommittee, and the Congress for that matter, has not received any definitive proposal or meaningful cost projections on this program which is speculated to have an overall price tag of $7.5 billion. Moreover, the Subcommittee believes it is absolutely essential that United States postwar commitment to existing governments in Southeast Asia be redefined and restated firmly and unequivocally as a condition precedent to consideration of any postwar assistance to that area.

## AN ABOMINATION—ATOM BOMBING FOR GAS IN COLORADO

Mr. GRAVEL. Mr. President, on May 17, the Atomic Energy Commission performed its second atom bombing in Colorado.

Three bombs with the combined power of about 5 Hiroshima bombs were detonated underground to fracture rock around a natural gas well about 50 miles north of Grand Junction.

This atomic "Plowshare" experiment, which is called Project Rio Blanco, is a follow-on to the 1969 Project Rulison, which was the underground explosion of a single nuclear bomb about 35 miles distant from the Rio Blanco site.

How many bombs altogether are in store for our Rocky Mountains?

### 28,000 ATOMIC BOMBS FOR THE ROCKIES?

The AEC estimates that about 300 trillion standard cubic feet—scf—of natural gas in the Rockies are potentially recoverable by nuclear stimulation between now and the year 2060. To extract it all, says an AEC paper,[1] would require about 5,600 wells each stimulated by 4 to 6 bombs, or about 28,000 atom bombs, altogether.

The AEC calls that "full field development." I call it an abomination. Rio Blanco is just the tip of a very big iceberg. Therefore, I commend my colleague from the State of Colorado, Mr. HASKELL, for opposing the detonations on May 17.

I would like to make only three points at this time about my opposition to Project Rio Blanco in Colorado, to Project Wagon Wheel in Wyoming, and to other nuclear gas-stimulation schemes.

### IS THERE A BETTER WAY?

First, nuclear technology is unnecessary to get gas. Even Rocky Mountain gas may be obtainable by the use of hydrofracturing. But there is an even simpler, gentler way to get the same amount of gas—grow it.

I am referring to the use of solar encrops which can be fermented into meergy to cultivate algae and other plant thane—which would not be radioactive.

How much land would it take to grow the equivalent of all the gas in the Rockies—300 trillion standard cubic feet?

If we assume that the Rockies might be drained over a period of 30 years instead of 80, that would be an average production rate of 10 trillion standard cubic feet of gas per year. At 1,000 B.t.u. per cubic foot, the raw energy obtained would be 10 x $10^{15}$ B.t.u. per year.

According to the NSF/NASA report, "Solar Energy as a National Resource," December 1972, the amount of land required to grow the same amount of gas—at 2 percent efficiency of solar energy conversion—would be about 1½ percent of the lower 48 States, or about 45,000 square miles of good cropland which the U.S. Department of Agriculture kept idle in 1972 as part of its set-aside and other farm subsidy programs.

If we use the AEC's 80-year figure for extracting all the gas instead of 30 years, then the land figure falls even lower—to the vicinity of about 20,000 square miles per years.

There are additional solar-energy technologies, which I have previously described in the RECORD, which also could do the job. In short, atom bombing for gas is unnecessary.

### SOONER OR LATER—POISONED WATER?

The second point is that, sooner or later, 28,000 radioactive cavities in the Rockies are probably going to contaminate water systems; even two radioactive cavities there are cause for the creeps.

After all, the Rockies are not the Nevada test site, which is located in a desert. The AEC has detonated a few hundred atom bombs at the Nevada test site since the atmospheric Test Ban Treaty of 1963, plus a few before the treaty. In other words, 10 years is about the maximum observation period for underground migration of radioactive substances which will remain dangerous for periods of 120 to 400 years and longer. About half of the Nevada cavities must be only 5 years old, or less.

There is far more theory than observation behind the AEC's claim that atom bombing will not ruin Rocky Mountain water, and the rivers it feeds. The uncertainty among experts about the speed of underground water migration has been revealed in the two Alaska bomb tests, Milrow in 1969 and Cannikin in 1971.

The AEC admits that both cavities will discharge radioactive hydrogen and other substances into the ocean. The question is, how soon?

For the Milrow test, the hydrogen estimates varied from 6 years to 100 years. For the Cannikin test, they vary from 1½ years to 125 years. These estimates are called, respectively, the "conservative" and the "probable" estimates.

According to AEC advisers just after the Milrow test, radioactive hydrogen from Milrow could reach the ocean by 1975, and continue discharging for the subsequent 66 years at levels up to 300 times the maximum permissible concentration; the source is a report written by Teledyne Isotopes for the AEC in March 1970 called "Radioactivity in Water; Project Milrow."

The point is that the very best experts money can buy are quite uncertain about the speed of underground water migration.

### THE LOW-DOSE HOAX

My third point concerns the sale and use of radioactive gas in homes and industry.

The AEC may dilute the radioactive gas with uncontaminated gas from somewhere else, so that the radiation dose per person will be low.

I say this is a disgraceful trick on the American people, and the explanation is pretty simple.

Suppose you have a well which is full of radioactive gas. If you sell it all in one city of 100,000 people, let us say the dose is very high, and every year 1,000 people die from it. Right now, this is a purely imaginary figure.

Of course, the public would not accept 1,000 deaths, but you are determined to sell the gas you "stimulated." So you take the same amount of radioactive gas, and by diluting it with uncontaminated gas, you can distribute it among 1,000,000 people in 10 cities instead of 100,000 people in one city.

Obviously the amount of radioactivity per person becomes much lower that way. On the other hand, many more people are getting exposed. The result will be as follows: instead of 1 person out of 100 dying, only 1 person out of 1,000 exposed dies—but you are still killing 1,000 humans per year to sell your gas—exactly the same number whether the gas was diluted or not.

It can be put another way. Whether two people each get 5 units of radioactivity, or five people each get 2 units, the health consequences are the same. Two times five equals 10, but so does 5 times 2. What matters is the 10 units of radioactivity reaching pepole.

---

[1] "AEC Comments on Statement by David Evans in Opposition to Project Rio Blanco," Apr. 27, 1973.

One thousand deaths per year was, I repeat, an imaginary figure. the actual figure from radioactive gas could be much lower or much higher. The figure will be determined by the amount of radioactivity which leaves the gas wells and intersects with people. The more bombs, the more radioactivity.

The only way to prevent deaths from radioactive gas is not to sell it. Dilution is a vicious hoax.

### MAKING MURDER A COST-BENEFIT MATTER

I would like to quote Dr. John W. Gofman at the University of California, Berkeley, on this subject because he clarifies the undeniable moral issue in atom bombing for gas:

> The use of gas stimulated by nuclear explosions inevitably means increasing the radiation dose to the public.
>
> It is a travesty upon rational thinking for anyone to hide behind the claim that the amount of radiation exposure will be 'small'. Particularly fraudulent is the effort to compare such ostensibly 'small' exposures with natural background radiation.
>
> All this is fraudulent because all responsible authoritative bodies, including the BEIR Committee of the National Academy of Sciences in November 1972, are on public record as stating that there is no evidence for *any* safe threshold of ionizing radiation exposure.
>
> Therefore, the so-called 'small' radiation exposure from the Rio Blanco test and from the entire Plowshare gas stimulation program will undoubtedly cause increased leukemia and cancer deaths plus deaths and deformities by gene mutation. No authority will contest this statement.
>
> I know of no Congressional authorization to either the Interior Department or the Atomic Energy Commission willfully to take action to cause the murder of *any* citizens of the United States or to any descendants of present citizens of the United States.
>
> Over and above the violation of the "consistent with public health and safety" features of the Atomic Energy Act, there is the very serious question concerning" criminal charges that should be appropriately placed against any officials of the A.E.C. and the Interior Department for willfully participating in an act of human murder.

A person would recoil if he were promised natural gas for the Nation plus his own safety, provided he would personally help strangle or electrocute just 100 innocent people per year. Unthinkable. Yet few people recoil when a bureaucrat makes a cold-blooded cost-benefit judgment requiring a comparable or much larger number of human sacrifices.

---

## INTERVIEW WITH SENATOR MONDALE

Mr. NELSON. Mr. President, the May 19 issue of the New Yorker magazine contains an interview with the senior Senator from Minnesota, Mr. MONDALE.

In the article Senator MONDALE ably articulates the need for positive and humane leadership in a wide range of domestic areas. In addition, he offers valuable insights into a number of issues ranging from the congressional-executive relationship to the role of the American family.

Mr. President, I ask unanimous consent that this interview by Elizabeth Drew be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

### A REPORTER AT LARGE—CONVERSATION WITH A SENATOR

Walter Frederick Mondale, a forty-five-year-old Democrat from Minnesota, is an increasingly important member of the United States Senate—one of the second tier of leaders (the first is made up of those whose power lies in their seniority), who define the issues and get them on the agenda, and occasionally even win acceptance of their ideas. He is a liberal in the Minnesota Democratic-Farmer-Labor tradition. A protege of Hubert Humphrey, he became Attorney General of the state at thirty-two and was appointed to fill Humphrey's Senate seat when Humphrey was elected Vice-President in 1964. Mondale was returned to the Senate in 1966, and again in 1972. Despite Mr. Nixon's overwhelming victory last year, Mondale won reelection then by fifty-seven per cent, and his efforts on behalf of Senator McGovern are credited with reducing Mr. Nixon's victory margin in Minnesota to only six percentage points. Mondale has established credentials with both the center and the left of the Democratic Party, and has a growing reputation among members of the press and others in Washington who observe, and can affect, politicians' careers. He was comanager of Humphrey's 1968 Presidential campaign. He supported the war in Vietnam longer than many of his Democratic colleagues did. He has also fought for the powerless in our society, identifying himself with such unpopular issues as welfare and busing.

I interviewed Mondale recently, in his Senate office—Room 443 of the Old Senate Office Building. The office contains the typical objects a politician accumulates: the state seal; awards; books written by colleagues and friends. The furniture is Undistinguished Government Issue. Mondale, wearing a short-sleeved shirt, sat in a corner of the only unusual piece of furniture, a pale-blue tufted Victorian sofa. Above him were large color photographs of the St. Croix River. Mondale is slim, youthful, with a touch of gray at the temples. He has prominent blue eyes, a nose that is slightly beaked, and straight, dark-blond hair cut in such a way as to avoid commitment on the length issue. He has the earnest air of a son of a Midwestern Methodist minister, which he is. But he also has a streak of wry irreverence, which has made him popular among Senate staff members. As we talked, Mondale piled the loose pillows of the sofa under his right arm, arranging and rearranging them, and occasionally pounding them for emphasis. From time to time, he put his feet on a coffee table that was in front of the sofa.

I began by asking Senator Mondale about the dilemmas of the contemporary liberal. What gave the Senator his belief that the social programs of the nineteen-sixties were really worth defending?

"Well, first of all, I have no argument with those who seek reform in these programs, and maybe even termination of some of them, because I don't argue that they're perfect and that there is not waste," he replied. "But I believe that the federal government has a fundamental role in delivering services to people who are overwhelmed by problems that they can't handle themselves: hungry children, and children who need to be educated; people who are handicapped, mentally ill, or retarded; people who have special learning difficulties; people who can't find work; old folks who can't care for themselves. And then there is a need for social programs that deal with the environment, transportation, and a whole range of human problems, in which I think the federal government has an indispensable role—leading, and helping to find national solutions. And I think many of those programs must include the provision of services, which means people, bureaucrats, delivery systems; and those programs cannot be disbanded. The President's attack has not been one of reform. It's been fundamentally one of assaulting the whole notion of the delivery of services to people who need them. As a matter of fact, there's a very disturbing notion that I find which somehow suggests that in our free society we're incapable of efficiently and effectively delivering essential services through government employees."

I asked him if he believed we were capable of doing so.

"I think there is more good going on than the President's dark appraisal of these programs suggests," he replied.

"Do you have appraisals that suggest to you that these services are getting through to the people who need them and are improving their lives?"

"It depends on the program. I could give as examples many programs where you have signs that two things have happened. First, the services of this whole range of poverty-related programs (student assistance, and so on), together with the philosophy that poor people can make it—which is what Johnson and Kennedy were saying in the sixties—have encouraged thousands and thousands of persons from disadvantaged backgrounds to believe that they can make it, and that the government and society would like to help them make it. And I think that what we learned in the sixties is that these problems are more difficult to solve than we expected, that government does not work automatically and efficiently and without waste, but that the fundamental commitment to help is a valid and essential role for this country, and I think that that's what Nixon is attacking—the notion that we can help. I think he's telling the federal government to get out of the social-reform business, and I think that that's a terrible notion."

"You said in response to my first question that you do believe these programs need some reform and some of them should be eliminated. What sorts of reforms would you propose?"

"Many. Because I think that it's in these social programs that the contemporary liberal is most vulnerable, and this is where some of us have been trying to do something for some years. I set up a pathetic little subcommittee on social-policy planning and evaluation a few years ago to try to begin, to to evaluate and plan what we're doing."

"What ever happened to that?"

"It was a pathetic little subcommittee. We had no staff, and the one thing we did do which was important was we continued to push a bill, which I was—and am—very interested in, calling for a Council of Social Advisers, which would be an institution like the Council of Economic Advisers but would concentrate on human programs. It would be required to put out an annual social report indicating how we were coming, and to try to do some pioneering in what we call social indicators, to see if we couldn't apply computer technology and data-gathering to give us a better understanding of how well we're doing. One of the things that appall me about our government programs is we just don't know how well they're doing. You can go out in the field and you can get anecdotal examples of how we're succeeding. You can talk to teachers who are thrilled with smaller classrooms or with new textbooks or with a school-lunch program, and they say it has changed their classrooms, but you can't get any data to back them up."

"Isn't that one of the points about this whole debate—you have an anecdotal syndrome that works both ways? Some people will tell you success stories, and the Secretary of Housing can talk about a public-housing project that's a calamity, and in fact there is no base of information that gives us any broad picture?"

"That's correct. That's correct. So the question, then, is what you do about evaluation and data in the face of this anarchy, and of the lack of a strategic approach to human problems, and of the lack of the data base that gives you the hot facts rather than the cold facts."

"What do you mean by 'hot facts' versus 'cold facts'?"

"Well, most of the cold facts are inputs facts. I mean, how many teachers, how many bricks in the building, how many soybeans south of Mankato. The hot facts are the output facts, like what we are feeding hungry people, whether we are educating children, what comes out of the system. This is what's missing in so many programs. We know how much money is going in; we don't know what we're getting for it. We know how much we're spending on manpower; we don't know how many are being trained and finding jobs, improving their position, and so on. That's what I tried to do in this little subcommittee, and there are several things I would suggest. First of all, I would like to see my Council of Social Advisers' annual social report—for social indicators—set up. Second, I would like to see a national social-science foundation set up to concentrate on the social-science questions in the same way the National Science Foundation concentrates on the natural-science questions. The N.S.F. claims it's doing both, but it isn't. Third, I would like to see us in the Congress be required when we pass a bill to define specifically what it is we claim we're going to accomplish. If we pass a Head Start program, how many children do we expect to reach? What do we expect those children to receive? What do we expect the result will be if this is done? How much money do we want? And then, once the bill is passed, I would like to see us set aside a percentage of the program's funds—say, one-half of one per cent—to be controlled by the committee (the Labor and Public Welfare Committee in this case), and we'd hire some of the best social scientists in the country and say, 'Now, your job is to go out in the field, evaluate these programs, test them, and prepare a report two years from now. Did we achieve those objectives? Why didn't we? Is there waste? Did we do better than we thought? Did we do less than we thought? How can we improve our program?' So that every program we passed would have built into it an independent, highly sophisticated public evaluation. In other words, so that all of us would have to face the music and no program would be sort of an unguided missile on its own. You see, right now the evaluation usually comes from agencies that have a tremendous built-in incentive to either approve it or destroy it, depending on the policy."

"But, as I understand it, there could be several problems with that, as there have been even within agencies that have tried to get honest evaluations. These things are very hard to measure. Over at the Office of Education, they're knee-deep in reports on whether or not their programs have 'worked.' But nobody really knows what the criteria for deciding that should be."

"Well, I would hope that the Council of Social Advisers would help bring us out of the anarchy that you describe."

"Also, isn't there a time-lag problem? In other words, you would want an evaluation, you say, in two years. But aren't you talking about things that you would like to see improve people's lives in ways whose effects might not show up for some time, or might not be measurable at all?"

"Yes. The time frame would, I think, depend on what you were doing. Education is a slow process, and I think one of the things we do that are unfair to educators is to expect a quick yield that's quantifiable. Second, as your question implies, we don't give much credit for things like a healthy child or a child who has been sick mentally and is now becoming healthier. So much of our data and so-called quantifiable material dismiss the human element and ask—you know—how are they doing in math? How are they doing in reading? But I still think we should insist on quantifiable data in basic skills, and so on. What bothers me today is that there is no manageable structure or approach for finding out what's going on, for leading these discussions in terms of reform in this government. John Gardner [Secretary of Health, Education, and Welfare during the Johnson Administration] said when he left that we've got a time-honored way of backing into the future.

Joe Califano [Joseph A. Califano, Jr., Special Assistant to President Johnson for Domestic Affairs], when he finished in the White House, noted how little data they had to work with on fundamental questions, like welfare reform and manpower, that we spend billions on. He said that our way of deciding questions about basic human programs more closely resembles the intuitive judgment of a tribal chief in Africa than it does modern decisionmaking techniques. And what I'm saying is that we ought to be geared up in a way that would permit us to evaluate, to understand, to reform, and to build into every program some kind of system that would help us find out what's happening. That's all."

"Isn't the results of the current debate that the liberals are busy defending what has been happening, and trying to save the programs from being cut, instead of thinking about new ways to accomplish the same purposes?"

"Yes, and partly that's our fault and partly it's the President's fault, because when he attacks the whole idea of federally assisted housing, say, we have to counterattack in a tough way. You just can't go back into your social-science laboratories and say that three years from now you're going to come up with a better delivery system because then there won't be any program at all. In other words, he's created what I think is a radical environment, where we have to fight back on political terms to create a counterforce that will prevent the dismemberment of all these programs."

"Do you reject the idea that in attacking the programs of the sixties Mr. Nixon may have been on to something: perhaps an incipient national mood that was tired—tired of federal programs, tired of taxes, tired of guidelines, tired of bureaucracies, and disappointed in the results?"

"I think he very shrewdly and cunningly exploited a sense of frustration and fatigue in American life. For nearly a decade, at least, Kennedy and Johnson and many of us were pleading with the American people to move on—more solutions, more programs. I think the public saw just an endless number of programs being passed, many of them oversold, and then they waited for the results. Many times, the programs weren't fully funded. Many times, they were maladministered, and many times it was impossible to achieve what it was claimed those programs could achieve—in the time frame, at least, that we talked about. And I also think the impression was given—which Nixon exploited very shrewdly—that part of what was being done was to make it possible for lazy people not to work, so that those who had the work ethic worked and paid their taxes for those who just would not work. I think he has exploited it and hoped to convert it into an enormous social retreat, which I think would be—well, I don't know what else to call it—immoral, because there are a lot of problems behind those statistics. And it's all right to flail the bureaucrats, but there are those poor kids out there who need help—who are handicapped, who are mentally ill, who are retarded, who desperately need help and affection—and the thousands of children out there who are poor, and hungry, and live in lousy housing, and many of whom don't have two parents. The Indian kids who never go to school with a textbook or a teacher that has any respect for them. The Chicano children who never hear a word of Spanish, or Portuguese children that no one speaks to in their language. There are a lot of problems out there. There are a lot of lonely old folks who live in housing by themselves, in poor health and with no one to care about them, and a lot of decent people who are looking for work and can't find it, and a lot of bright kids who can't afford to go on to college or to vocational school. There are a lot of disabled people who can't live on what's available to them. There are so many human problems in the midst of our wealth that need a country that cares and a government that tries. I don't think the average American is that selfish, and I think this is where the Nixon approach is going to go wrong. I think the average American is more just and more compassionate than Nixon thinks he is. I think we're going through a period of reaction from the sixties, but I think it's going to spring back. I don't think the American people want to live on a diet of selfishness, which is what is served up to them now. I think they'd rather be united and hopeful and helpful and humane than be just niggardly and selfish, and I think our time will come. It may not be right now, but I think it's going to come."

"There is also, as you know, an attack on the liberal programs from the other side, which says that the liberal approach amounts to simply tinkering with the status quo. That argument runs that if you're really talking about equality of opportunity in this country, which was one of the fundamental premises of these programs, you have to do much larger things, you have to have much greater transfers of income. It says that these programs did not really go to the heart of the matter of unequal opportunity or unequal existences in this country."

"Well, I would say two things. First, I think most Americans accept the notion that every child ought to have a chance in terms of opportunity—not in terms of result but in terms of opportunity. I think that if we abandon the notion that people have to, through their own effort, through excellence and through energy, through trying to learn, be a part of society and achieve on those terms—I think we've cheapened society. I'm too old-fashioned to abandon that notion and I think that this country must do a far better job than it's done, and spend more than it has and spend it more wisely and with more spirit and compassion, and with a fuller commitment than we ever have had, to give every child a chance, and I think that's so central that I am sickened by some who would abandon that effort. Now, second, I also believe in dealing with the problem of the unequal distribution of America's wealth, and that's why I'm interested in tax reform, and that's why I'm interested in reform of welfare programs, that's why I'm interested in public-service employment, interested in improved antitrust-law enforcement and other things that might help the average American get a better break in the distribution of the vast wealth of this country. But I do not believe in some massive program of dollar redistribution of wealth. I don't think the American people would stand for it, and I think it's folly to spend much time on it."

"You have often said that one of the problems of the programs of the sixties was that 'we authorized dreams and appropriated peanuts.' Would you, then, be willing to argue that taxes should be raised in order to do the things you think are necessary?"

"Well, I might, but there are some things that come first here, in my opinion. I think there are some very substantial revenues that can be raised in tax reform. I reported the other day—on the basis of some figures I got from the I.R.S.—that two hundred and seventy-three Americans who earned a hundred thousand dollars or more in 1971 didn't pay a dime in taxes. Two who earned more than one million dollars didn't pay a penny in taxes. Then we looked at those who paid practically nothing, and we found that some thirty-four thousand Americans in 1971 reported loophole income of a hundred and sixty-seven thousand dollars on the average and paid only four per cent tax on it.

"They took in nearly four billion dollars, and they paid something like a hundred and thirty-six million dollars in taxes. So there's several billion dollars that can be picked up by closing loopholes, or by reducing them in a way that does not hurt the business climate and that, in my opinion, would create a better sense of equity in America, because the average worker and his family think they're taking a hosing, and they've got a pretty good case. Also, I think there's still enormous waste in American government. For example, they're proposing, in effect, an increase of eight billion dollars in the defense budget this year, when we're supposed to be entering a generation of peace. We have something like two thousand bases overseas, in thirty countries. I think we're spending seventeen billion dollars this year in NATO. We just cannot continue to spill money on things in that way and have the money we need to deal with the problems of our own people. I'm not an isolationist, but I think we lack a sense of balance."

"Those are fairly familiar liberal arguments, if I may say so."

"Yes, they are, but they are still arguments. And we're not winning them."

"You have been moving into—at least by definition—a new set of issues, having to do with children and the family. Is it really a new set of issues, or is it old issues in new rhetoric? Why has your attention taken this turn?"

"Well, I sort of slipped into it. I started with problems of poverty and hunger and migrants, and the rest, and became more and more convinced that we were multilating thousands and thousands of children before they had a chance, and that if we wanted this fundamental notion of social opportunity and fairness and justice to have significance and substance, we had to deliver justice in those first few years of life. And we had to help the family do so. I helped create the Subcommittee on Children and Youth, which I now chair, and we've simply tried to look at a whole range of problems, from crib deaths to child abuse, child care, day care, the question of the mother's health during pregnancy—all those issues. And I'm becoming convinced that one of the revolutions under way, which is perhaps the most damaging thing going on in this country, is the growing pressure on and destruction of the American family. I believe, for ancient historical and biological reasons, and for psychological reasons and health reasons, that it is absolutely fundamental that a child be brought up in an atmosphere of security and love and respect, with stimulation and self-respect and all that goes with a healthy, strong family, and that children who are denied that pay the price. All of us pay the price, in a host of tragic and sometimes bizarre ways. We're starting to try to see behind some of these pathological problems, like child abuse, or the divided family, and ask what's happening about them. It's estimated, I think, that over forty per cent of mothers now work. With inflation and economic pressure, I think that percentage is going up. Is it a wise thing to require mothers to work when they have children at home? Do our tax laws encourage people who work when at least one of them ought to be home with the kids? If it's necessary that both parents be gone, are we really concentrating on adequate alternatives—decent, warm, supportive child-development centers—or are we just dumping them in cold custodial areas? What happens when a family breaks down and it leads to divorce or leads to a separated family, or where there's a family that's psychotic or so emotionally in trouble that the parents abuse their children or don't raise them properly, and so the children stop thriving and they have profound psychological problems, and all the rest? How do we deal with the necessity of strengthening the family and strengthening the ability of the family to produce those healthy, loving children that are the hope not only of our country but of the world? That, I think, is an issue that needs to be looked at."

"Is that not suggesting a range of government concern about the nature of people's lives that is unprecedented?"

"No—I do not think that the government ought to substitute for parental guidance and authority. And I think that idea is one of the reasons people shy away from this issue—because they think it smells bad. I'm very much opposed to that. But what I want to do is to have policies that strengthen the family, so that it isn't necessary that both parents work when they don't want to. Take, for example, these child-abuse cases that we're looking at. When the parents are scalding, mutilating, poisoning, dismembering an infant child, it doesn't help the situation just to say that you're strong for the family. Now, we found that in ninety per cent of the child-abuse cases the child can stay at home and the parents can be helped, and the family unit can be strengthened to everyone's benefit. That's the direction we ought to go in. Then, I think one of the questions we might ask is whether government isn't already interfering with the family and putting pressures on it that many families can't resist. Under the present welfare laws in many states, the only way the parents can take care of the family when the father is employed is to separate—the mother and the family can get help *only* if the man leaves. And that doesn't seem to me to strengthen the family. Also, I guess we're about the only Western society or modern industrial society that doesn't have some kind of children's allowance, so that during the early, formative years of the family it gets a little extra help to stay together, to help the kids until the kids are older. When we do provide day care, I think we're chiseling. We put a lot of these children in centers where there is no emotional support, no education, no stimulation. The children are just rejected for hours per day, and they must feel that. I mean, children are like flowers—you can damage them, and you can damage them permanently. Child psychiatrists will tell you that you find a serious psychological problem and often it's traceable to some things like that—things that happened in those first couple of years of life. We've got these environmental-impact studies that are great. With everything the government does, there's now supposed to first be a study that asks 'What does this do to the environment?' I think that's a good thing. I wonder if we shouldn't have a family-impact study. When we pass tax laws or welfare laws or housing laws or transportation laws, we ought to say, 'Well, what will this do to the families?' Urie Bronfenbrenner [professor of Human Development and Family Studies at Cornell University] said that it is remarkable that over the million-year history of mankind almost every society, no matter what the differences of religion and culture, ended up with the family unit. And he said that before we destroy that unit we'd better ask why they all found it essential. Wouldn't it be ironic if this nation, the wealthiest and most powerful in the world, should be the first to substantially destroy that system which mankind has always found essential?"

"You also took on the question of busing, and, when it was controversial, volunteered to head a special committee to examine the problem of how to achieve equal educational opportunity. You recently put out a report that called for 'quality integrated education' and said that busing was a misleading issue, but it's still busing that you're advocating, isn't it?"

"It is and it isn't. I'm not for busing for busing's sake."

"Well, no politician would say that he is."

"No, but I don't know of any reason he should be, either. In other words, the idea that American children, for the sake of some theory of computerized mixtures, ought to be bused to carry out some kind of balance notion never has made any sense to me, and I've said so many times. Where I draw the line is in trying to deny the court the power it needs to eliminate discrimination—and by discrimination I mean deliberate public policies that separate children on the basis of race. That, I think, is intolerable under the Constitution and intolerable from a public-policy standpoint. And that's why I have resisted attempts to limit the courts' jurisdiction to eliminate discrimination—attempts that often include a ban on busing. There are many other ways that we can work on this problem, but fighting limits on the courts is one that we must work on if we intend to eliminate discrimination. And that's been my position, and I don't know how you could say that you're against discrimination without taking that position."

"One issue that has been before us this year, in various forms, is the relative power of the Congress and the executive. Do you think the Congress is really capable, institutionally, over the long run, of acting effectively—of leading on important issues?"

"Yes. We haven't always done as well as we should, and there's much that we should do, but I think we can do it."

"Yet isn't there a streak of passivity in every legislative body?"

"Yes. I think that's correct. We're slow to anger and even slower to organize, but it may be that when we get organized, it's more definite and final. There's much that we should do to improve the way in which we act here in the Congress. I would like us to move toward some sort of arbitrary retirement age. I would like to see us eliminate seniority. I would like to see the Congress build in, under its own control, an adequate system for evaluation and planning, and the ability to tear apart a budget and start from zero and work on up to see what we can do in each of the agencies to cut out waste. I would like to see us set a spending ceiling. There are many things I think we must do here, and I think that if we did them there would be far more public respect for the Congress than we see today. But, having said that, I must say I also think that we often do better than we get credit for doing. I think the average American, with some good reason, wants to see expedition and efficiency in the Congress. I think there's a certain value to delay, and to the aging of an issue, that one perhaps appreciates only after one has been around here for a while. I think that in a democracy there's some value in allowing time for issues to be ventilated, for digging out facts, for having the debates, for having the efforts to compromise, which take time and for which the Congress is given little credit, because what people say is 'What are you producing?' Sometimes it looks as if you weren't getting anywhere, but I think in the long run the Senate, more than any other institution in America, is the forum for great public-policy debates in which the public takes a part. The Senate is the only agency I know of of which that's true. It's certainly not true of the executive. Too much of the hot stuff has been decided behind doors. It's not true in the House as much, just because of the numbers—they can't have four hundred and thirty-five people debating. But in the Senate we can debate. And, looking at the great issues of the war, the environment, the consumers' movement, civil rights, I'm proud of the kind of forum that we have had on these great issues over the years. Now, we've not accomplished all that much, but once an idea is out, once the public sees the clash, I believe that in a strange fashion the public finally gets its way and decency finally gets there. It may be a little slow in getting there, but it gets there. So I think sometimes the standard that we're judged by—efficiency, prompt action—is one that does not give us credit for an even more fundamental role that we perform."

"Do you not at times find yourself impatient with the pace, though?"

"Yes, but I must concede this as a liberal: many times I have to concede that an ornery, cantankerous conservative in the committee or on the floor asking mean questions about my beloved programs—many times he makes me face up to issues that I should face up to, and I think there's a certain validity to this business of democracy and give-and-take and listening to all sides."

"Isn't it still true, whatever happens as a result of the upheaval over Watergate, that the executive, as an institution, has inherent advantages, which a President can use to dominate the government, and which may, over the long run, make an accumulation of power in the executive branch inevitable?"

"I hope not. I think we need a coequal system. The executive will always have certain advantages, because there's only one President, and he can make almost any decision he wants to—especially if he doesn't believe in the law. Also, he can get access to television and dominate the news when he wants to. He can make television and radio practically a private communication system with the American people. We have few ways to counterattack."

"Is it possible, though, that the increasingly complicated questions and large-scale enterprises and organizations that the federal government is dealing with just do not lend themselves to parliamentary control?"

"Oh, I don't believe that for a minute. I think that control may sometimes be more difficult. Let me say this—I think Watergate, when it's all over, is going to be very encouraging in terms of the fundamental strengths of American society and its institutions. As I understand it, there was a strategy for corrupting the last election, for literally buying it and then keeping the facts from public view, so no one knew what had happened. But slowly the courts were angered, the Congress was angered, the press bestirred itself, and the truth started coming out, and I believe we can follow now with legal reforms to prevent or discourage that sort of thing in the future. We were slow getting there, but I think the fact that we did get there showed that the traditions and strengths of our institutions were greater than even the tremendous power and inside advantages of the Presidency. And I don't think for a moment that the government is bigger than democracy. You know, I've been through some fights that I've lost here, but it's interesting to see what happens. I led the fight against additional aircraft carriers. I'm not against *all* aircraft carriers, but I didn't see why we needed a new one every year, costing a billion dollars. I lost on the Senate floor. But it's an interesting thing that we've now reduced the aircraft-carrier attack-force level by three carriers; that's a thirty-billion-dollar saving over the life of those carriers. I think the public debate here in the Congress made people face up to some of the realities they didn't want to face up to. I've been leading a fight lately against the space shuttle, which I think is a horrible waste. That never won on the Senate floor, but I noticed the other day that the chairman of the Appropriations Committee said that one of the ways we can save a lot of money is by delaying that space shuttle—which may mean the end of the space shuttle. I think that sometimes things work slowly, but if you're right they work, even against enormous commercial and governmental interests on the other side."

"Have we had an example here of the axiom that where you stand depends on where you sit? When the liberals were in charge of the White House—when one of their own was in power—there were frequent complaints that the Congress was blocking things. We heard about the 'deadlock of democracy.' There were all sorts of proposals for strengthening the hand of the President at the expense of the Congress. But then the Democrats lost the White House, and the power of the Congress to block the President looked more attractive. Do you think the liberals are coming to some new conclusions about this?"

"Well, I hope that to some extent we are, but I also think that the nature of the challenge the President posed at the beginning of the year was different from anything we'd had in the past, and ought to be a warning to us. I don't think that that was just another effort on the part of the President to crowd the Congress. What the President tried to do amounted to a massive, wholesale, un-Constitutional dismantlement of our system, in an attempt to convert it into a Presidential system. I think you have to look at the domestic side differently from the foreign one. I think in foreign relations the Congress has permitted itself to forfeit its Constitutional powers and responsibilities through many different Administrations, of both political parties. I think it's going to take us thirty years to repair the damage to the foreign-relations powers—warmaking powers, treaty powers—of the Congress. And we must do so. We're beginning to do it, but it's going to be a slow show. The Administration people tried to apply the same unlimited Presidential powers domestically that they've applied to foreign relations, and that's what was new about this challenge, it seems to me."

"How seriously will the Watergate controversy affect the President's power and affect the nature of his relationship with the Congress?"

"Some people have been saying that the damage will be so great that he can't govern. I don't believe that this is true, unless it develops that the President was personally involved in or personally knew of widespread illegal acts. Even so, I think the scandal is much greater than anything else that has happened in or around the White House in our nation's history. If it would just make the President realize the strengths that come from working with the system, I think we could begin to restore government to some legal, due-process proportions; and I think the dramatic erosion of public confidence in the President and the great doubts about those who have been around him will inevitably force him to give some ground on these questions of Constitutional importance. And I think the weakening of the President politically will make him deal more realistically with other institutions, too."

"Does that mean that we have to wait for a President to get himself in trouble before politicians in the Congress will take him on?"

"Well, I think that there is what is always referred to as a 'honeymoon period,' when a President who's been newly elected or just been reelected is given a period of special deference to develop and propose legislation. And I think the length of that honeymoon depends upon how he behaves and how he uses it. In the case of Mr. Nixon, he blew one of the largest mandates in American history in about a month by his divisive, hostile, and other negative tactics and his wholesale disregard for the law. In other words, I think that you can't suspend human nature, and it's the proper thing to do, in terms of normal Western traditions of civility, to be decent to a new President, to give him a chance. I think Herblock said every new President gets a free shave, and that's what we try to do, and that's what I do."

"But there are other times, not only after elections, when there is the phenomenon of the politicians backing off because they think the President may be powerful, even if he isn't right. I can think of President Nixon's November 3, 1969, speech about Vietnam, which a lot of people up here disagreed with but were not very vocal about, for fear that the President had in fact captured public opinion—a fear that then became self-fulfilling."

"I can't deny that that's what happened. But, fortunately, the fact is that there were some here who didn't follow that strategy and spoke up and criticized it. There was clearly an effort on the part of the White House to silence dissent. They warned everybody, 'Don't criticize us or you're going to be embarrassed.' The same thing followed the Cambodian invasion. I don't think the critics of the war will ever get credit—at least, in the short run—but I think those criticisms and that debate helped end the war."

"That brings up something else I have been wanting to ask you. You supported the Vietnam war for a longer time than several of your colleagues. In 1967, you gave a very closely reasoned speech laying out what you considered to be the dilemmas, and came out on the side of supporting the war. How do you now look back on that?"

"The biggest mistake of my public career."

"How did you make it?"

"Well, several ways. First of all, I think I trusted the executive and its answers too much. I just couldn't believe that they could be that wrong. And I recall going to Vietnam myself for a week and going all over."

"What year was that?"

"It was early '66. And I came up with some questions about 'Why are they still fighting so close to Saigon if you're winning, if the people are for you?' And the leadership all had answers—the Defense Department or the State Department—and I guess if there's one thing that I learned out of all that it is that you have to trust your own judgment. You can't be sure of the accuracy, or sometimes even the honesty, of what you hear from established departments. That was one of my big mistakes. Another mistake I made was that I was applying what you might call the European analogy to Asia. It had no relationship at all, but I thought it did. Then it slowly dawned on me that there are limits to American power, limits to how we can influence what are essentially indigenous problems of another country. Finally, I saw first-hand what the war was doing to this country. It was not a pretty sight. The deaths and the injuries—permanent injuries. The costs—over a hundred billion dollars—which devastated so many human programs. But also the incredible spiritual and emotional costs. The war poisoned the public dialogue. It divided our country. It destroyed the affection of millions of Americans for their own government, and I think we'll be paying for it for the rest of my life."

"In what you were saying earlier, you painted a more positive picture than many do of the potential effectiveness of the Congress, and particularly the Senate. I'd like to ask you a little more about some of the human and realistic factors that make it difficult for senators to organize their colleagues to take action, or for the Senate in general to do very much at certain times. Each senator has his own constituency, has his own reelection to think about. Collective action is not easy. It seems that after a large effort up here it's very difficult to mount another one; people get tired, they want to go home, they're caught up in having to answer their mail and greet constituents. Are these not also factors that affect what really happens?"

"Sure, they're factors. This is a democracy. We all have to be mindful of what our own people want in our states and how they want us to spend our time. That's part of our job, and anybody who said that wasn't true would not be realistic. And sure we get tired. We don't fight every fight that we perhaps should fight, and we don't win every round that we should, because of these factors that you mentioned. And I think we can do better; I think we should do better. I think we should reorganize in some of the ways that I've suggested. More fundamentally, I think we need campaign-funding reform. I keep coming back to that. People do not realize the skyrocketing cost of campaigns and the growing temptation for compromising the public interest because of money. Now, that certainly has been exposed in an ugly way in the Watergate episode—how that money came in and how it was used and how it was falsely received and reported—but money in politics is the dark side of the political moon, and until we take full, pervasive action to solve that problem, we're going to have this continuing tawdry, tragic, dispiriting, demoralizing spectacle of public men trading public decisions for private money."

"Does this affect even those politicians who would like to be honest—who would like to feel that they are making decisions regardless of who has contributed how much?"

"It affects everybody. I think the miracle is that the system has remained as honest as it has. But the temptations are undeniable, and some people are weak. And the thing is subtle. For example, take just the access question. If you give money, you get an ear. I try very hard not to take money in amounts or from sources that would affect my course of action. But I would be less than candid if I did not say that when I've had a large contributor he gets in to see me and I talk to him. While I try very hard to listen to everyone, I must admit that this is true. We're all a part of this system, and I think maybe in subtle ways that we don't even appreciate. We tend to remember who helped us financially, and even the most honest person cannot be unmindful of that support. And I just hope that we can get out from under this system."

"How?"

"Well, this goes back nearly seventy years. Teddy Roosevelt once called for public support of federal campaigns. I think we ought to begin with the Presidency and do that right. We've seen enough, I think, to understand the corruption of money. Maybe we could have a system like the one Albert Gore talked about a few years ago, where we would estimate approximately what a campaign would cost, give a candidate an amount out of the public treasury which would pay for a decent campaign, and then prohibit any outside money—something like that."

"What makes you think, from what we've seen, that federal support of campaigns could be set up in such a way that the process itself would not be corrupted or manipulated?"

"I can't be sure about it, but I am sure that the present system isn't doing it, and we'd better try. Maybe then the public could trust the government again. People all think it's being bought off. Even my son—he's eleven years old—said to me the other day when we were talking about Watergate, 'Daddy, are the courts honest?' Eleven years old, talking that way. The American people are being served up a raunchy, smelly, nostril-filling mess, and so much of it comes from money. It wouldn't cost much to try to change that. We have a national budget of about two hundred and sixty-nine billion dollars, and we're talking about an expenditure of a few million dollars to keep the thing honest. Well, why not do it? Well, I'll tell you the reason I think we haven't done it. It's that the people who control the American system with money now don't want to, because they *know* they control the American system and they don't want to let loose. It's been such a long, deeply embedded tradition in American life that you restrain and influence government through money—and that that's part of doing business in America—that they all do it and have more or less accepted it as being the proper thing to do. Well, it isn't proper. It's wrong and it's corrupting, and I think it's getting to the point where it's shaking American confidence in the basic integrity of our free system, and someday a demagogue is going to come along and really ride that wave unless we can correct it in a way that will restore confidence in the system. And I don't think Mickey Mouse changes are going to work; I think you need a basic system of public support. You know, I saw a poll the other day that showed that, of all the occupations in this country, the politician ranked second to last in public confidence, just ahead of a used-car dealer. Well, one more month of this and we're going to be behind the used-car dealer."

"But you do think it is possible to restore faith in the governmental process and institutions?"

"It has to be done, and underneath all the current tragedy I feel better today than I have in a long time, because the institutions stood up to this mess. When you look at what Mr. Nixon's people had in mind—to sidetrack that last election and to hide what they did and to receive and spend money corruptly . . ."

"But wasn't there a failure of confidence in the institutions even before the Watergate story began to come out?"

"Yes. But what I'm saying is that four or five months ago I was really feeling depressed, on the ground that there was no hope in the courts, there was no hope in the Congress, there was really no hope in the press, and a cynical Administration could ignore the laws, could ignore and could corrupt the truth, and could get away with it. In the middle of this mess, I think what we're learning is that the strength of our institutions is great—is greater than even the President—though it takes some time, it takes some pressure for the strength to show itself, it takes a while to anger. I feel that after this whole mess we can move for the kinds of reforms we're talking about in the Congress, in the way we fund elections, in the way we prohibit who can contribute and how they can contribute. If we just look at this whole investigation when we get done with it, we can say 'Now, all right, where did the system break down?' and pass laws and establish institutions that protect it."

"Do you feel that recent events—Watergate—will accelerate the kinds of change you seek?"

"Yes, I do. I hear more talk now about the system—how it can be improved and strengthened and made more honest—than I have heard before in my entire public career. I think leaders are both hopeful and worried. It can't go on like this. It must be changed."

"Do you at least entertain a question about the long-range success of our democratic experiment?"

"Yes, because I don't think it's secure, and I think there's so much more that needs to be done. I think there are so many danger points in our system.

For example, I view these private wars that have gone on as a very dangerous thing—Cambodia, Laos. I think they've been carried on without a shred of legal support. I believe that the President's wholesale attempt to terminate programs he doesn't believe in—unless we can destroy that precedent over the next four years—will lead future Presidents to continue to press for omnipotence in the domestic field. Then we would move toward a Presidential system rather than a shared congressional system, a representative system—and that, I think, would be very dangerous. I can see that unless we deal with this money problem corruption could undermine the fundamental faith of the people in our government to the point where some demagogue could take it over in an anti-freedom and anti-politician campaign. There are many things that could happen. But I believe that we've got the wisdom and the strength to deal with these problems, and I believe that out of this mess may come some very important progress."

"Has the scope of what has been revealed in the Watergate affair suggested to you that there were greater dangers to our democracy than you had supposed—dangers hard to deal with through passing laws?"

"Greater dangers and greater strengths. It had never occurred to me that a major party would adopt and use on our own society tactics that had been developed in the C.I.A. to subject foreign governments to disruption and espionage and dirty tricks. In a sense, the invention has returned to plague the inventor, and it's very dangerous. There is much that we can do in terms of the law, and I've described some of them. I think there should be a study of the connections between our covert disruptive tactics abroad and the political process here at home. We might learn how to safeguard American society, and maybe other societies as well. But I think the fundamental decision is beyond the law. It is founded in the judgment that the American people make about our country, its institutions, and its leadership. If the final judgment is one of despair and cynicism, our nation will be fundamentally weakened. But if it's one of outrage against those who have tired to tamper with our laws, our freedom, and our Constitution—with the just powers of our institutions—and if that outrage is harnessed toward specific reforms, then it may be that out of the tragedy of Watergate can come a new level of confidence and morality in public life."

ELIZABETH DREW.

## AIR FREIGHT GROWTH IN THE PACIFIC

**Mr. INOUYE.** Mr. President, the air freight industry has assumed an importance in Hawaii and the Pacific that is perhaps unique in the world.

The Pacific is the world's greatest air freight market. While the average global growth for the past decade has been significant everywhere, the rate of increase for the Pacific basin, including the Hawaii-Mainland domestic run, has far exceeded the average.

In 1972 freight moving by air amounted to $1.5 billion in U.S. exports and $1.3 billion in imports, and the prospects for further growth in this trade are very promising. In 1973 U.S. scheduled airlines expect the first $1 billion freight revenue year in their history.

The air freight industry has been particularly significant for Hawaii. It has facilitated the export of fresh Hawaiian fruit and flowers, and other consumer products which would not have been possible only a few short years ago. During the course of the disastrous West Coast-Hawaii maritime strikes in 1972, the airlines carried thousands of tons of necessities that enabled Hawaii to survive the crisis.

On April 30, Stuart G. Tipton, chairman of the Air Transport Association of America, delivered the keynote address at the Hawaii Department of Transportation's Second Annual Pacific Air Cargo Conference in Honolulu. It was a notable speech because it emphasized both the prospects for further growth and the factors which American shippers will need to consider if our foreign markets are to be encouraged.

I ask unanimous consent that the full speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### AIR FREIGHT GROWTH IN THE PACIFIC

(Remarks of Stuart G. Tipton)

Aloha!

As we all know, this rich, meaningful word is far more than a simple greeting or farewell. It is also a term of affection.

Certainly I have a fondness and affection for these islands and this state. I welcome each opportunity that brings me here. And apparently I am not alone in this feeling.

The list of speakers who will follow me over the next three days at this Second Annual Pacific Air Cargo Conference reads like a veritable Who's Who in the air cargo industry and I am pleased to be among them.

As air cargo operations continue to grow at a rapid clip, I can report to you today that the U.S. scheduled airlines in 1973 are looking forward to the first one billion dollar freight revenue year in their history.

This billion dollar record comes about not only because we are carrying increasing volumes of traditional air freight commodities, but also because we are broadening our base by carrying new commodities—new commodities ranging from light switches to thousands of pounds of live eels.

This billion dollar revenue is from air freight alone, and does not include revenues from mail and express. Air freight produced revenues of less than $235 million only 10 years ago.

Air freight has come a long way, and quickly. Today it is a big business that must be viewed in big, positive and imaginative dimensions, as we move forward to meet increasing customer demands throughout the Pacific.

During the past decade, the U.S. scheduled airlines' air freight business, as a whole, has been growing at an average annual rate of 16.9 per cent. However, air freight over the Pacific has been moving ahead at an average annual growth rate of 31 per cent.

The Pacific presents a variety of air freight markets, including the important domestic market between Hawaii and the Mainland.

The Hawaii-Mainland market was once thought of in terms of pineapple and other fruit which tasted better to people in Chicago because air freight moved it from field to supermarket at peak quality. This is still true. But a number of other elements must be added to update the story:

Thousands of colorful Hawaiian sports shirts are exported from here by air and sold to American tourists in the Caribbean.

During the West Coast dock strikes in 1971 and 1972 air freight proved effective in moving household wares, hardware store items and other things that used to move exclusively by ocean shipping. A large part of this business has been retained.

A transport combination that sees some goods move by ship from the Orient to Hawaii and then on by air freight to the Main land, is a technique that is giving many shippers the right combination of time and economy.

This conference is replete with experts from Hawaii's own Department of Transportation, the University of Hawaii and the airlines who serve the area. I will leave to them the detailed discussions of this expanding market and proceed to assume my role as keynoter.

I think there is no real difficulty in determining what the keynote of this conference is and should be.

The Pacific is the greatest air freight market of them all.

All of the study, all of the discussion, and all of the cross-examination should be based upon the recognition of this great potential.

Let me add quickly that this statement, and the responsibility for making it come true, should not be reserved exclusively for carriers. Shippers and consignees also must be prepared to take bold, imaginative looks at their cargo movement in order to take maximum advantage of superior air freight service and thereby provide maximum customer service and profits.

I want briefly to discuss several questions all related to this theme.

(1) Why does the Pacific hold such great promise for major growth in the use of air freight?

(2) Is there efficient capacity available or on order to meet this growth?

(3) Can we of the airlines develop the strategy to sell this capacity?

(4) What are the impediments to the massive expansion of air freight and what is needed to eliminate them?

I have asked these questions in rapid-fire order. As a keynoter, setting the stage for a comprehensive discussion that will follow, I will give you a series of rapid-fire responses to these questions.

#### FIRST, MARKET POTENTIAL

Anyone who can calculate the span of distance across the Pacific, the time it takes to cover these distances by sea transportation, and the value of this time in customer service and profitability must conclude that the high speed jets, with their enormous flexibility, make the Pacific runs an ideal air freight market. In my view, not enough attention has been given even yet to the cash value of time in the movement of freight. But this is changing and in the Pacific will change more rapidly than any place else.

#### SECOND, AIRLIFT CAPACITY

The airlines have on hand and on order adequate lift capacity to meet the foreseeable growth requirements of air freight movement throughout the Pacific. While we do not yet have our dream air freight airplane, we have vastly improved equipment and a lot of it. The older jets are good airplanes and the new wide-bodied ones are even better.

If we have been overly conservative in our projections—and this is always a possibility—I can assure you that additional equipment can be had for profitable freight business. Again, I want to underscore the great flexibility of airline operations—including the flexibility of scheduling to meet new market demands.

#### THIRD, MARKETING STRATEGY

I am confident that the airlines, facing up to the challenges in the decade of the 70's and 80's will, through conferences such as this, be able to sell available and projected lift capacity on a profitable basis. I feel certain that airline freight marketing people are going to get a big lift from innovative and profit-conscious shippers and consignees who will no longer be content with time-costly movement of their goods by surface means.

#### FOURTH OVERCOMING IMPEDIMENTS TO GROWTH

Clearly, the full potential of air freight growth in the Pacific will be checked unless we are able to eliminate such impediments as trade barriers. The President has opened new vistas for trade growth by advocating the elimination of restrictive practices, and in Congress, Chairman Wilbur Mills of the House Ways and Means Committee, is leading the fight to assure fair and equitable treatment for American products and services in the world market.

In the remaining few minutes allotted a keynote speaker, let me suggest some guidelines for future air freight marketing in the Pacific.

The marketing effort must be selective, in terms of country and commodities.

The marketing must be geared to the value of the transportation service we are selling.

To be successful, the marketing will require a good climate for trade.

Again, to be successful, the marketing will require a large input of imagination on the part of airlines, shippers and consignees.

The need for selectivity in expanding our markets in the Pacific is obvious.

It would be strange, indeed, if the U.S. attempted to export wigs and double-knit fabrics to Korea. It is the other way around. Korea has become one of the world's leading producers of these two items and is exporting them to us. As Korea industrializes, however, a demand grows there for the importation of specialized equipment and industrial machinery. We are exporting these valuable goods to them, including parts that go by air, and we can sell them a great deal more of this equipment.

The odds against a U.S.-built television set in Japan would be long indeed, but not if the product were a multi-speed kitchen blender. The Japanese manufacture only a single-speed blender, yet many Japanese families want the U.S. models and are buying them in increasing numbers.

Let's emphasize the value of the service we provide—the movement of a shipment in ten hours from the shipper's door in San Francisco to the receiver's door in Honolulu, instead of seven or eight days minimum by sea. . . . The movement of a product from a plant in Los Angeles to a customer in Hong Kong in 24 hours or less, as opposed to more than two weeks by the fastest container ship.

The most advanced transportation system, however, can be stymied as a tool for export growth by tariff and non-tariff barriers to trade. That's why I urge this conference to examine the important of helping to create a good trade climate.

Let's take a look at the international trade climate as it applies to air freight over the Pacific. Last year, in this part of the world, freight moving by air accounted for a trade balance slightly in our favor. The figures: About $1.5 billion of U.S. exports by air to our Pacific trading partners and about $1.3 billion of air imports from them to the United States.

More than 50 percent of this air commerce was between the United States and Japan. This is characteristic of Pacific trade, whether moving by air or ocean vessel.

Japan, after Canada, is the biggest market for U.S. exports. We sold Japan last year about $4.9 billion worth of U.S. exports—more than 10 percent of all U.S. exports.

The United States is Japan's biggest customer for that country's exports. Japan exported $9.1 billion worth of goods to the United States last year, accounting for more than 16 per cent of total U.S. imports.

The 1972 U.S. trade deficit with Japan was more than $4 billion, the result in part of an historic network of Japanese barriers against many kinds of imports.

I am hopeful this imbalance will be corrected and I can cite at least three good reasons for my optimism.

The Japanese are sure to realize that excessive imbalance of trade creates retaliatory restriction and that, by reason of their high standard of performance, they do not need import barriers anymore.

The U.S. Commerce Department's Office of International Commercial Relations reported this month that while many of the import barriers remain, Japan, over the past four years, has been reducing some of its formal barriers to imports—mainly by relaxing some import quotas and, to a lesser extent, by relaxing tariffs, licensing and deposit requirements and by making it somewhat easier for foreign companies to maintain sales offices in Japan.

This may explain why U.S. exports by air to Japan in 1972 for the first time in many years rose at a greater percentage rate than air imports to the U.S. from Japan.

The actual volume of Japanese imports into this country by air was still greater than the air freight flow in the other direction—by about a 60 to 40 ratio; but U.S. air exports to Japan were up 34 per cent, compared with a 25 per cent increase in air imports from Japan.

My other reasons for optimism concerning reduction in Japanese import barriers stem from recent developments in the United States I referred to earlier. One is the President's recently proposed Trade Reform Act of 1973 and the other is the intense interest this bill has aroused in the Congress.

This is far too complex a piece of legislation to be covered in detail in these remarks. The important thing in the proposal for this conference is that it would give the United States more effective tools for negotiating for the lowering or removal of import barriers erected by its trading partners.

Success by the President and Congress in giving the United States more effective tools in negotiating for the removal or lowering of import barriers erected by its trading nation partners could be the biggest stimulus for international air freight in years. Given such a new opportunity, the air freight industry can be a much more effective instrument for expanding U.S. exports.

But all the trade expansion in the world will not help us or our customers if we are unable to attract a larger and larger share of this increased movement. Here enters imaginative marketing, the remaining point I urge you to concentrate on during this conference.

Imaginative marketing! How and by whom?

To answer this question let me tell you a story—a true story, a little story but a story with a big moral.

I came across the story when I found a strange looking specific commodity air freight tariff. It provided for the shipment of live eels at 57 cents per pound from Washington, D.C., to Tokyo.

Behind the tariff is a man who lives in Montross, Va., in the tidewater area where the Potomac River empties into the Chesapeake Bay and where the water teems with succulent eels. He learned that pollution had reduced the eel supply in Japan at the same time that demand for this Japanese delicacy was growing in that country.

The man in Montross was but a stone's throw from some of the finest eels in the world. He designed his own watertight container, approached a U.S. flag carrier serving both Washington and Tokyo. A deal was struck, a tariff was filed and that first year a few hundred pounds of eels made the long journey.

This year the airlines will fly some 70,000 pounds of eels from the East Coast of the United States to Tokyo.

As I told you in the beginning, it is a small story. Seventy thousand pounds of exported eels doesn't begin to compare with the more than one million dollars worth of machine tools and their replacement parts exported by air from the United States to Japan last year.

But I think the moral of the story is clear to all of us. Air freight marketers and shippers alike must join in the imaginative marketing. Both must exercise a high degree of ingenuity in finding the most opportune markets.

I urge you to emulate the man from Montross in seeking the right product for the right market. Here are a few suggestions of my own on products of growth potential for air export to the Pacific.

The Japanese are now entering a sports and leisure-time boom in which there is a growing demand for American-made equipment for skiing, bowling and camping.

Equipment and parts for generators, conventional and nuclear, is a promising area of growth in U.S. exports to many countries in the area.

Avionics and support ground equipment are also products for expanded export to Pacific markets.

Anti-pollution equipment presents one of the best of all sources of growth in exports from the U.S. to other highly developed nations. Much of this equipment is eligible for shipment by air, particularly the instruments used in detecting and measuring pollutants.

Other good prospects for air export growth in this market include material handling equipment, electronic measuring and controlling equipment and circuit-breaking devices. The latter means switches and we air ship a lot of switches to the Pacific each year—from big circuit breakers for industry costing $10,000 each to thousands of the light switches that go on the ordinary household wall.

The airlines are also exporting increasing amounts of fresh tuna fish from the U.S. East Coast to Japan. The thought of exporting fresh fish to an island nation may sound strange, but I suppose it is not much different than exporting potatoes to Germany, which the U.S. does in significant quantities. There are opportunities also for a major expansion in air shipments of other foodstuffs to the nations of the Pacific.

As one who has spent most of his working life close to the airline business, I am accustomed to covering a lot of territory rapidly and that is what I have done this morning. I have not attempted a detailed discussion of the far-ranging challenges which confront this conference, but I hope that I have stimulated your thinking as you approach them.

In conclusion, let me raise and answer a further question—What is the long-range future of air freight movement in the Pacific?

I see no reason, if carriers, shippers and consignees are as imaginative as the gentleman with the eels, why the high growth rate of recent years cannot be exceeded in the Pacific year after year after year on a profitable basis for the air freight system and its growing ranks of customers.

Aloha.

## FEDERAL SUPPORT FOR LIBRARIES

Mr. MUSKIE. Mr. President, our Nation observed National Library Week during the week of April 8–14. Normally, this week is a week of celebration of the Nation's library resources. But for those of us who view libraries as a priceless educational resource, it was a week of sorrow. The cause of this sorrow was the administration's proposal to end Federal support for public libraries.

Mr. President, I have received many letters from my constituents in Maine expressing concern about the threatened cutoff of funds under the Library Services and Construction Act, and the impact such a cutoff would have on library services and related educational facilities in Maine.

For instance, a major casualty of the administration's proposal would be the Maine State Library. The State library provides services to the handicapped and the elderly. In cooperation with New Hampshire and Vermont, it provides films to small communities which would have no other access to such materials. The library has provided a WATS telephone service to Maine high schools to give students access to a wider range of research materials. It is currently developing a centralized subject research service to upgrade educational access to those materials. And the library provides additional books and materials to underequipped school libraries. One-half of the elementary schools in Maine do not have libraries, and some 250 small towns have no libraries. The Maine State Library is servicing these communities with a bookmobile service. In addition, the State library is working on providing access to library services to the disadvantaged in cities and rural areas.

An end of Federal aid would cripple these programs. Currently, Federal funding provides 53 percent of the general budget, and 60 percent of personnel budget, of the Maine State Library. It is unlikely that State revenue sharing funds would be available if Federal funding is ended.

Mr. President, Maine's situation is not unusual. But the administration has requested no funds for 1974 grants for public library services, stating that "responsibility for this program should now be assumed by the State and local governments." It is extremely unlikely that libraries will receive the funds they deserve in the scramble of competing interests for revenue sharing money. The administration argues that funds under the Library Services and Construction Act were to serve only as "seed money" to stimulate local support for public libraries, beginning at the inception of the act and ending at the start of the fiscal year 1974. But from such seeds grow plants that must be nurtured and cared for if they are to flourish. And the Federal Government should retain that responsibility, through continued funding of the Library Services and Construction Act.

Mr. President, I ask unanimous consent that a letter from the Department of Health, Education and Welfare, outlining the administration's position, several newspaper articles, and a number of letters from my constituents in Maine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
*Washington, D.C., March 14, 1973.*

Hon. EDMUND S. MUSKIE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MUSKIE: Thank you for your letter of February 7 concerning the status of funding for the public library programs.

On March 8, the President signed H.J. Res. 345, the Continuing Resolution, which authorizes the Office of Education to continue operations through June 30, 1973. Under this authority, a total of $30,000,000 will be allotted to the States for public library services.

As you have stated in your letter, no funds were requested in fiscal year 1974 for grants for public library services. However, since the enactment of the public library program in 1956, Federal funds have provided library services for the first time to more than 17 million people, and about 87 million people have benefited through improved library services. Today, nearly every citizen is in a library service area. This is due in large measure to the increased local support for public libraries, which it is felt was stimulated by the "seed money" from the Federal Government. It is felt that responsibility for this program should now be assumed by the State and local governments.

Sincerely,

JOE G. KEEN,
*Director, Budget Division.*

---

[From the New York Times, April 30, 1973]

### DIM LIGHT ON BOOKS

Librarians are not usually known for their political activism, but on May 8 libraries across the country will dim their lights in protest against the Administration's meat ax threat to books. Under the present budget proposal, the $140 million-a-year Federal appropriation for library subsidies would be wiped out after July, 1973. Neither public libraries nor those in schools and colleges would henceforth get direct grants. Any subsequent aid would have to come out of general revenue sharing, but the vociferous claims on such funds by forces with much more political clout would leave slender hope for libraries.

It is not as if Congress' contribution to libraries had been overly generous. The Federal share of the $3.60 spent per capita for public libraries is only 15 cents, and school libraries get only $1.75 per pupil from the Government. In fact, the Administration builds its case on a contention that the amounts are so small that they can readily be placed by state and local subsidies. But this argument ignores the reality that the schools are already in desperate financial straits and many public libraries are struggling against creeping deterioration. About 40 per cent of the nation's elementary schools have no libraries at all.

Recently, during National Library Week, President Nixon saluted the librarians and underscored their importance to a well-informed nation. Now the Administration claims that the Federal library aid program has been so successful that it can safely be eliminated. Apparently, in the Administration's new budgetary vision, there are two forms of social and educational programs whose appropriations are to be cut or eliminated—those which failed and those which succeeded.

The epitaph for the libraries' killed subsidies therefore might well be: their success is their own reward. Rejecting such perverse sentiments, the librarians say that in darkening their libraries they will be "dimming the lights on the public's right to know." Theirs is a symbolic warning to the nation not to let the lights be turned out on books and knowledge.

---

[From the New York Times, May 9, 1973]

### LIBRARIES PUT OUT LIGHTS IN NATIONAL FUND PROTEST

(By George Goodman, Jr.)

At noon yesterday, the lights went out in the Hunts Point branch of the New York Public Library. In fact, lights were dimmed or turned off in libraries throughout the country, though not from a loss of power.

It was all part of a protest by the American Library Association to draw public attention to the federal government's plan to cut $148.7-million from funds for special learning programs primarily conducted for minorities and the poor.

"The cuts mean a loss of a chance for self-respect and dignity mainly for black and Spanish-speaking youth," said Lillian Lopez, coordinator for special services at Hunts Point and nine other branches in the South Bronx slums.

#### CANDLE LIT AND BLOWN OUT

Mrs. Lopez lit a candle then blew it out while visitors in the reading room sat for nearly 30 minutes in semi-darkness.

"I thought there was some kind of religious ceremony going on," said Yolanda Rodriguez, a 20-year-old biology major at Lehman College.

Miss Rodriguez came to study along with John Velez, a 21-year-old student at Bronx Community College who hopes to become a medical technician.

"There are so many community things going on here," Miss Rodriguez said, "you never know what to expect."

Films, lectures, dramatic productions, books and other materials geared primarily for Spanish-speaking youth are provided in the special project for which funds are due to expire in June of this year, library officials said.

Mrs. Lopez told a visitor yesterday how students who would otherwise have little incentive for pursuing higher professional aspirations depended on the special project.

"Sometimes it's just through a youngster making personal contact with a Puerto Rican member of our staff who is something of a model for achievement," she said, "but I also remember young people coming to me for help in finding books on Puerto Rican history that they cannot find elsewhere."

On a tour of the library's dwindling collection, Sylvia Beanson, chief librarian, described as "frustrating" the shortage of materials, which she said was becoming more critical because of cutbacks.

"When books are lost we can't afford to replace them," she said.

A tutorial program may be among the first programs affected, she added. "And through such programs we have drawn more and more youngsters here to read and check out books."

In Hawaii, where library officials intended to participate in the light-dimming protest, government officials overruled them.

The state librarian there, James Igoe, said Hawaii's system has been hit hard by a budget cut and added that 22 per cent of the jobs were currently unfilled.

The national protest was a result of letters suggesting the protest and other steps mailed by the American Library Association's Chicago headquarters several weeks ago.

---

[From the Wall Street Journal, Feb. 27, 1973]

### DO LIBRARIES NEED FEDERAL AID? WHITE HOUSE SAYS NO, BUT LIBRARIANS SAY THEY'LL SUFFER

(By John Pierson)

President Nixon's plan to stop helping libraries has spawned some dark humor in Detroit.

"Some of our money comes from traffic tickets, prostitution fines and other penalties" explains Robert Croneberger, the city's deputy library director. "If Nixon cuts off the federal money, we're thinking of urging people to 'run a red light for your public library' or 'walk the street for your public library.' "

Turning serious, Mr. Croneberger says that loss of federal dollars would force Detroit to stop buying magazines for 30 branch libraries and to close 15 storefront libraries, many of them in black neighborhoods.

Most librarians are unable to see a funny side to Mr. Nixon's budget axe. While the fight over ending federal aid to libraries involves only about $140 million—roughly 7% of what U.S. libraries spend each year—the President's plan looks to some like a threat to cut off essential operating funds and dim the lamp of book-learning. In any case, this struggle over economizing is raising many of the issues implicit in Mr. Nixon's call for a "new federalism."

The President and his people say federal aid to libraries has been so successful that it's no longer needed. Librarians and their friends in Congress say libraries' needs require that aid be increased, not abandoned.

The administration says libraries are local things, which Uncle Sam has no business paying for. Librarians say book-sharing across county and even state lines is the wave of the future and one that needs federal money.

Nixon & Co. say librarians can make up the loss of earmarked aid funds by persuading state and local officials to let them have revenue-sharing dollars. Librarians doubt they can compete with teachers, firemen, sewagetreaters and other local operative for those precious revenues Washington has promised to share with the states and towns and cities.

#### THREE PROGRAMS TO GO

Since 1965, the federal government has been helping 60,000 public and private elementary and secondary schools buy books, magazines, films and other library materials. Since 1956, the government has helped 12,000 public libraries buy books and other materials, as well as pay salaries and operating expenses and put up buildings. And since 1965, Washington has been giving 2,800 college and university libraries up to $5,000 each for books, periodicals and such as well as for training librarians and conducting research. These three programs will get the axe, if Mr. Nixon has his way.

The economy blow wouldn't come all at once, it's true. Though Mr. Nixon's budget for the fiscal year starting July 1 proposes to halt the flow of federal funds, there would be enough aid money in the pipeline for libraries to receive $73 million next year and $27 million the year after, officials say. Then zero, if the President prevails.

Mr. Nixon's obvious aim in cutting off aid to libraries—and a lot of other items—is to hold down federal spending. But apart from that, administration officials argue that the aid program, at least for public libraries, has outlived its usefulness. "It's stimulated a lot of state initiative, and we're all proud of it," says John Hughes, acting associate commissioner of education for libraries and learning resources. Due to federal dollars, says an Office of Education budget paper, "today nearly every citizen is in a library service area."

Not so, reply champions of the aid program. "Despite noteworthy progress," Germaine Krettek of the American Library Association testified last year, "an estimated 20 million Americans are still without access to public library services in their communities."

#### A CRUCIAL 2 PERCENT

"Stimulate"—Mr. Hughes' word—is an important word, librarians add. They insist that federal dollars are needed to finance the more avant-garde library projects—books by mail, bookmobiles in the ghetto, films and games for nonreaders—that cautious state or local officials are reluctant to try until they've proved their worth.

Detroit's public library gets less than 2% of its money from Uncle Sam, but according to Mr. Croneberger it's a crucial 2%. "Local money is kind of existence money," he says. "The money for any kind of experimental thing has to come from someplace else."

When it comes to college and university libraries, the administration maintains that a $5,000 grant isn't enough to help a poor college much and isn't enough to be noticed by a rich one. So, while proposing to do away with this help. Nixon planners want to double general aid to the neediest "developing" colleges. Eileen Cooke, director of the American Library Association's Washington office, replies that aid even to rich colleges has been useful, since they have been obliged to put up matching sums and to maintain their previous levels of library support.

Basically, Nixon men argue that libraries aren't something the federal government ought to be messing with. Writing in this newspaper recently, Richard Nathan, a former deputy under secretary of Health, Education and Welfare, asserted: "Libraries simply are not a national government responsibility. Books usually stay in the community for loan purposes. This is a good case of a federal program that should be turned back to the states and localities."

To librarians and their supporters, Mr. Nathan is guilty of horse-and-buggy thinking. Modern communications make it possible to send books all over the country with ease. So it's wasteful, say librarians, for every library to try to acquire every book.

"Libraries spent maybe 100 years trying to build up bigger collections," says Charles Stevens, executive director of the National Commission on Libraries and Information Service, a planning group, established by Congress in 1970. "Now library cooperation is on the verge of breaking out and doing what should have been done for the past 30 years." And federal aid is needed for this, it is argued.

Commission member Louis Lerner, who publishes suburban newspapers around Chicago, says 90% of an average library's calls are for 10% of its books. "So libraries are looking for federal money to build regional centers, which would cross state lines, to circulate that other 90% of the books," explains Mr. Lerner, a trustee of the Chicago Public Library.

### ROLE OF THE PROPERTY TAX

Congress spoke of "national goals" in setting up the commission, and Mr. Nixon himself, in signing the legislation, said libraries "are among our most precious national resources." The commission recently resolved that "national equality of access to information is as important as equality in education."

Comparing libraries to schools raises an important money question. Like schools, public libraries depend for much of their money on local property taxes. City residents are arguing in court that unequal property-tax bases mean unequal education. If the courts strike down the local property tax as a method of financing schools, libraries too may find themselves looking elsewhere for money. "If the property tax is overthrown," says Illinois library director Alphonse Trezza, "what a time for us to face a cutoff of federal funds!"

Nixon administration men maintain that revenue-sharing should provide plenty of money, if librarians will only go after it. Under general revenue-sharing, the federal government is giving the states and localities $30 billion over five years, with few strings attached. Local governments must spend their share on any of nine "priority" activities, one of which is aiding libraries. States can spend their money on anything.

Moreover, Mr. Nixon has asked Congress to replace some 30 "categorical" education programs, including aid to school libraries, with special revenue sharing for education. Schools would get $2.8 billion next year and would have broad discretion in spending it.

### OUT OF THE STACKS

The administration view is that school libraries will have a chance to compete for education revenue sharing money just as public libraries already can compete for general revenue-sharing dollars. "Libraries perhaps need to be somewhat more aggressive," says Mr. Hughes of the education office. "Discontinuing their money may add to their desire to be so." That's a polite way of saying what many Nixon men feel: Librarians have got to get out of their musty stacks and get down to city hall and fight for their funds; if libraries can't convince the people they serve that libraries are worth supporting, maybe they're not.

One influential Democrat on Capitol Hill who doesn't buy this argument is Rep. Carl Perkins of Kentucky, chairman of the House Education and Labor Committee, which authored the three library programs that the administration proposes to kill. "I deeply regret that there's no money in the budget for libraries," Rep. Perkins told a recent hearing on aid to school libraries. "I want to protect this library program, and I don't know any way to do it except through the categorical approach."

Some librarians have indeed been successful in getting their hands on revenue-sharing dollars, giving some credence to the administration's position. Trustees of Chicago's public library wrote every city alderman, explaining how library services would be cut in his ward unless the city coughed up more money. The result: $1 million in revenue-sharing funds for Chicago libraries. Detroit's public library has obtained $375,000 in revenue-sharing funds this year.

But for Detroit, this isn't quite the windfall it might seem. The city's library system has been ordered to absorb hefty municipal pay increases by laying off employes, and the $375,000 merely permitted them to keep those workers on. Detroit's librarians still insist continuation of direct federal aid is needed to finance their magazine purchases and keep their storefront branches open.

In any case, most librarians despair of doing as well as Chicago or Detroit. "Local demands are so great," says Miss Cooke of the library association. "They want more police, more fire protection and so forth. The average workingman looks at a library as a luxury . . . until he needs a particular piece of information. Then he hollers, 'Why isn't the library open?' "

Mr. Hughes of the education office thinks librarians are throwing in the towel too soon. "It's premature to say that libraries aren't going to fare effectively in the competition for those funds," he says.

In his new budget, President Nixon promises that "the power to make many major decisions and to help meet local needs will be returned to where it belongs—to state and local officials, men and women accountable to an alert citizenry, and responsive to local conditions and opinions."

But local opinion isn't always friendly toward libraries or the values they stand for, fears Mr. Lerner of Chicago. "In a sense," he says, "the federal government should regard itself as the protector of the sick, the crippled, the blind and . . . intellectual values."

---

AUGUSTA, MAINE,
*January 31, 1973.*

Hon. EDMUND S. MUSKIE,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR MR. MUSKIE: I am concerned over the rumor that President Nixon may cut off federal aid to libraries. As a librarian at the Maine State Library, I see some of the ways in which the Library Services and Construction Act (LSCA) benefits Maine. Loss of these benefits would be a serious blow to state library services.

To begin with, the LSCA supports five of the eight State Library bookmobiles which serve the numerous small communities which cannot afford their own libraries. These bookmobiles are the only contact some Maine residents have with a library.

Second, the LSCA furnishes materials such as talking books, large print books, and mechanical page turners to the physically handicapped and the elderly. Without these aids, many people in Maine would not be able to enjoy library materials.

Third, the LSCA funds the WATS line and the teletype system, both of which speed interlibrary service by putting libraries throughout the state directly in touch with the State Library.

Loss of LSCA funds would be a real setback for library services throughout the state. Please work to kep funds for libraries in the President's budget.

Sincerely,

MARY SAUNDERS.

---

BRIDGTON, MAINE,
*February 14, 1973.*

Senator EDMUND S. MUSKIE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MUSKIE: I am writing to you in regard to the rumored cancelation (LSCA) which would mean no more *Bookmobiles*. I beg of you to do all you can to keep the Bookmobile in service. My Bookmobile is the Harrison Area #7. I am an 81 year old lady with no immediate living family. I live all alone seven or 8 miles from the village of Bridgton, Maine on a country road in a farm house. Reading is my greatest pleasure and I do a lot of it.

The monthly visit of the Bookmobile is a high spot in my lonely life. I go to the Bookmobile that stops in Denmark, Maine. Besides the books I get from it, is the pleasure of seeing so many children there taking out books. The children come in by the dozens and I observe the books they take out—books on how to make things—on stamp collecting, on aeroplane construction. Many other worthwhile subjects of interest. God only knows they might turn to drugs if we took away the books. We certainly would not want to have that on our conscience.

I beg of you, Senator Muskie, to do all you can to let us keep the Bookmobiles. We have had a particularly terrific rugged winter here in this farming area of Maine. Reading is one of the things that keeps us sane when we are housed in by enormous drifts of snow. I know that I speak for many of your constituents here in Maine. Please help us.

WILHELMINA B. FARRAND.

---

SMYRNA MILLS, MAINE,
*February 14, 1973.*

Senator EDMUND S. MUSKIE,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MUSKIE: Due to the cutback in federal spending, our five *bookmobiles* in the state will no longer be in operation after June 30th. I urge you, as a senator of our grand State of Maine, to consider the importance of these bookmobiles. I can see eliminating programs that have not been successful, but bookmobiling has become a "must" for our many rural towns. Circulation has increased immensely over the past 15 years.

I have been associated with the Houlton Bookmobile for over eight years, and I can honestly say bookmobiles perform a public service of immeasurable significance. When we circulate over 60,000 books a year, it's a good indication that these traveling libraries are serving a worthwhile purpose.

I'm sure you're familiar with towns such as Danforth, Brookton, Bridgewater, Linneus, Smyrna Mills, Oakfield, Crystal, Benedicta, Sherman Station, Stacyville, Medway, Springfield, Winn, Carroll, and many others. Why deprive the people of these small rural towns a service that is so beneficial to them?

I wish you could witness the experience of driving into a school yard, and seeing children "peeking" out the windows, with big smiles all over their faces, and lips in movement, saying "Here comes the bookmobile!" It's a joy that is hard to express.

Please, I urge you again, to weigh the importance of the bookmobiles in our hundreds of Maine towns. Let's not take away something that is so vital to our people—young and old. Keep bookmobiles alive!

Very truly yours,

Mrs. William Bryant.

---

Edith A. Lombard School,
*Springfield, Maine, February 7, 1973.*

Senator Edmund Muskie,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Muskie: We are unhappy that President Nixon is planning to remove library assistance funds.

Because we do not have a library, it is not easy for us to get reading materials.

We would be very pleased if we could continue having our bookmobile.

Please help us.

Sincerely,

Dawn Thompson,
*Fifth Grade Class.*

In the manner of the "Declaration of Independence," we affix our signatures.

Carolyn Stevens, Hubert C. Aldrich, Cynthia Purinton, Scot Averill, Melanie Gordon, Holly Jacob, Gail Worster by E. W. in her absence, and Kevin Ham, Graylin Toby, Dane Glidden, Scott Seibrer.

Guy Stevens, Charles Lowell, Kelly Nute, Shelly Ham, Dawn Thompson, Phyllis Stevens, Michael Cramer, Pamela Doane, Paula Dicker, Kendall MacDonald, and Mr. Erroll Woodward, Teacher Principal.

---

February 15, 1973.

Senator E. S. Muskie,
*Senate Office Bldg.,*
*Washington, D.C.*

Dear Sir: We are a small island community (three villages) a few miles off the coast of Mt. Desert on Swans Is.

Our communities and school have been serviced by the Bookmobile Library once a month for the past few years. This service has become a very welcomed and important part of our lives especially during the long winter months.

We now understand that the funds paying for ¾ of this service through the Library Services and Construction Act may be discontinued due to new cut backs in the Federal Budget.

We urge you to do all you can to prevent this or to find some other source of funding to continue this service to such isolated communities such as we are.

Need it be brought to your attention what this would mean to our already culturally deprived community?

Sincerely,

Mrs. Marshall P. Bailey.

---

City of South Portland, Maine,
*January 24, 1973.*

Hon. Edmund S. Muskie,
*U.S. Senate,*
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Muskie: I have been very much perturbed by the fact that the FY Labor-HEW Appropriation Bill has twice been vetoed. My chief interest has been in the fate of the Library Services and Construction Act. Maine's libraries have been suffering from acute starvation for many years as documented by the *Governor's Task Force on Library Services in Maine*. The Library Services and Construction Act has provided a little badly needed nourishment since its inception in 1956. If this bill is not passed and funded Maine libraries will return to the pallid and undernourished condition of the pre-1956 era, with one difference only. People are beginning to know they are missing something.

Practically every improvement made during the last 15 years has been the result of federal funding.

If the Library Services and Construction Act is not passed the following services will be lost:

1. Bookmobile services to the 250 Maine towns that have no library.
2. State library loans of books and materials to individuals and libraries throughout the state.
3. Free cataloging services for books published within the last two years.
4. The publication "Downeast Newsletter."
5. State wide library public relations program.
6. Free films for use for library programs or for other programs in the community.
7. Talking book service to the blind.
8. Materials and mechanical aids, such as page turners, magnifier view tables, etc., for the visually and physically handicapped.
9. Advisory service to institutional libraries.
10. Special programs, such as the mobile library services to the disadvantaged residents in Portland and the service to the shut-in elderly in Lewiston.
11. Money for the construction of badly needed library buildings.
12. A telephone-teletype network which enables a library to locate any book in the state for one of their borrowers. The book is then sent to the library for the use of the said borrower.
13. Special workshops and training sessions provided by the State Library for public librarians.
14. Publishing of the *Directory of Special Subject Resources in Maine* so that borrowers may know where to locate special subject materials.
15. 53 per cent of the State Library budget and 60 per cent of their staff are funded by the Library Services and Construction Act. State library service will be drastically curtailed if no federal money is forthcoming.
16. In the Greater Portland area, libraries from eleven cities and towns have combined with the PRIME Resource Center in Portland to provide films, filmstrips, records, cassettes, tapes, graphic arts equipment, etc., to the libraries and organizations in these towns. The federal money that supported this venture came from the Library Services and Construction Act. This pilot project seems to be in danger of rapid extinction due to lack of funds.

Despite library requests, I do not know of one library that seems likely to benefit from the revenue sharing monies.

Knowing of your concern for education and libraries, I feel sure that you would be interested in our concern about the fate of the Library Services and Construction Act.

Sincerely yours,

Ann Stinson,
*Director, South Portland Public Library.*

---

## FEDERAL PENSION PLANS PROTECTION ACT OF 1973

Mr. HARTKE. Mr. President, never has the need for pension reform been greater. In 1940, only 4 million employees were covered by private pensions; in 1950, the figure more than doubled to 10 million; in 1960, over 21 million employees were covered; in 1973, over 34 million wage and salary workers rely on the private pension's promise of retirement income. By 1980, their number will have reached 42 million.

The assets controlled by these private pension funds have also grown. From a mere $2.4 billion in 1940, their funds now stands at a record $152 billion. By 1980, assets are estimated to reach $250 billion. This is the largest concentration of wealth with the least regulation in

The growth and development of the the country. private pension system in the past two decades has been substantial. Yet, regulation of the private system's scope and operation has been minimal and its effectiveness a matter of debate. The assets of private plans, constitute the only large private accumulation of funds which have escaped the imprimatur of effective Federal regulation.

Although the assets controlled by private pensions are large, they do not give a comparably large return. Only 1 out of 10 employees who enroll in a private pension plan, will receive pension benefits. As a government official put it: "If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there's enough money in the fund, and if that money has been prudently managed, you will get a pension."

In almost every instance, participants lose their benefits not because of some violation of Federal law, but rather because of the manner in which the plan is executed with respect to its contractual requirements of vesting or funding. Courts strictly interpret the plain indenture and are reluctant to apply concepts of equitable relief or to disregard the technical wording of the pension document. Thus, under present law, accumulated pension credits can be lost even when separated employees are within a few months or even days, of qualifying for retirement.

Statistics indicate that 1 in every 14 plans qualified by the Internal Revenue Service terminates. In 1971 alone, 3,335 plans folded affecting more than 125,000 workers. The Internal Revenue Service only requires that when a plan terminates, the employer must pay out all the money in the fund. But the funds generally cannot cover all of its liabilities. Many people lose all their money and there is nothing they can do about it. These statistics do not reveal the severity of the problem as they only include those employees who are participants in pension plans at the time of termination. Most employees are laid off prior to termination, during production cutbacks and other employment changes that usually go along with plan terminations.

On the average, 20,000 workers a year are affected by pension failures. The participants hit hardest by these closeouts are those between the ages of 40 and 60. This age group usually has many years of service for which they were paid little or nothing in pension benefits, and they have considerably less chance than younger persons in finding new jobs with pension coverage.

My own interest in private pension reform dates from 1964—the year in which the Studebaker plant in South Bend, Ind., closed its doors and over 8,500 employees lost their pensions because there was not enough to fund them. The company remained in existence, but various laws allowed it to escape its obligation to these employees. Those between 40 and 59 with 10 years of service got 15 percent of their promised benefits; everyone else got nothing. One 59-year-old employee who had worked for the company since he was 16 ended up with only 15 cents for every dollar of pension he thought he was earning during those years.

Since that time, I have fought for Federal termination insurance, liberal vesting rights and minimum standards for funding. Today, I submit my latest proposal dealing with these issues, "The Federal Pension Plans Protection Act of 1973."

### THE HARTKE SOLUTION

#### A. PLAN TERMINATION INSURANCE

In the first 7 months of 1972, 683 pension plans failed affecting 20,700 pension participants. My bill would protect these workers by guaranteeing to them the payment of pension obligations if a plan should fail. It establishes a Federal insurance program which would be self-financing through premiums assessed on the unfunded liabilities of all eligible pension plans. A pension plan would be eligible for this Federal insurance protection only if it met present qualifying requirements of section 401 of the Internal Revenue Code. These are the same requirements which determine the eligibility of pension funds for tax-exempt status.

The legislation provides that every eligible pension plan shall pay a uniform premium based upon the unfunded obligations of each insured fund, but in no case will this premium exceed one-half of 1 percent for each dollar of unfunded obligations. Vested benefits would be insured to a maximum of 80 percent of the highest average wage over a 5-year period or $500 monthly, whichever is less.

The Secretary of Labor, whose Department is given jurisdiction over the reinsurance program, is given general authority to set the premium rate. The program is specifically placed under the direction of the Secretary of Labor, since his department is charged historically with the protection of workers' interests and already collects detailed annual information on assets, costs, and actuarial liabilities under the Pension and Welfare Plans Disclosure Act.

It is with grave concern that I note that the administration's pension proposals contain no provisions for termination insurance.

#### B. VESTING

Vesting, or the nonforfeitable right or interest which an employee participant acquires in the pension fund, is at the heart of the current battle over pension reform. This legislation calls for an eventual 100-percent vesting after 5 years, the condition for participation is a period of service no longer than 2 years or age 25, whichever occurs later.

The Hartke vesting approach is the most liberal of all the bills presently before Congress. The Williams-Javits bill would not require full vesting until after 15 years. Senator BENTSEN's legislation would require 20 years and the administration's proposal would only begin to vest when the sum of an employee's age and the period of his active participation equaled 50 years.

My more liberal rules on vesting will open the way for more frequent job changes, increases in work satisfaction, a more mobile and a more effective labor force. We owe this to the working men and women of this country.

#### C. FUNDING

Funding refers to the accumulation of sufficient assets in a pension plan to assure the availability of funds for payment of benefits due to the employees as such obligations arise. Far too many pension plans are underfunded and when the demand exceeds what is there, benefits have to be cut.

The tragedy of Studebaker was the lack of adequate funds in their pension plan. The problem today is as pressing as it was in 1964. The Western Union Telegraph Co. had only 12 percent of its liabilities in their fund as of July 30, 1969. Uniroyal, Inc. was underfunded to the extent that its assets amounted to less than 35 percent of its liabilities. A recent United Auto Workers study of failed plans showed that 39 precent of the workers covered by these plans received no benefits at all because of the lack of adequate funding.

Under my bill, every pension plan must pay normal or current costs and amortize any unfunded liability for past service over a period not to exceed 25 years. This will put an abrupt halt to the unfair practice of unfunded pension plans.

Critics of pension reform claim that it would boost costs which would result in stifling the growth of private pension plans. This is clearly incorrect. The enormous increase in the number of plans since 1940 with a parallel increase in their worth, is indicative of their tremendous popularity. A proposal which would better guarantee that these plans will not disappoint the expectation of those they are supposed to benefit, should not materially hinder their expansion.

As I indicated above, there are over 20,000 workers yearly who are adversely affected by pension plan failures. I do not consider this to be insubstantial. I do not consider this to be minimal. I do consider it to be wrong.

My legislation will right these wrongs. Less than 3 years ago, I was impressed by the speed with which the Congress acted to protect the livelihood of those who would invest in the stock market. I am sure that the Congress will not do less for the average American worker whose future security depends upon the strength of his pension.

Mr. President, I ask unanimous consent that the text of my bill S. 1858 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1858

A BILL To establish a comprehensive employees pension plan protection system

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Pension Plans Protection Act of 1973".

#### DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "pension plan" means a private pension fund or other program under which a private employer undertakes to provide, or assist in providing, retirement benefits for the exclusive benefit of his employees or their beneficiaries. This term does not include any plan or program established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employees exclusively for his or their benefit, or for the benefit of his or their survivors;

(10) "unfunded liability" means the amount on the date when such liability is actuarially computed, by which the assets of the plan are required to be augmented to insure that the plan is and will remain fully funded;

(11) "fully funded" with respect to any pension plan means that such plan at any particular time has assets determined, by a certified actuary, to be sufficient to provide for the payment of all pension and other benefits to participants then entitled or who may become entitled under the terms of the plan to an immediate or deferred benefit in respect to service rendered by such participants;

(12) "funding" means payment or transfer of assets into a fund, and shall also include payment to an insurance carrier to secure a contractual right pursuant to an agreement with such carrier;

(13) "covered service" means that period of service performed by a participant for an employer or as a member of an employee organization which is recognized under the terms of the plan or the collective bargaining agreement for purposes of determining a participant's eligibility to receive pension benefits or for determining the amount of such benefits;

(14) "pension benefit" means the aggregate, annual, monthly, or other amounts to which a participant will become or has become entitled upon retirement or to which any other person is entitled by virtue of such participant's death;

(15) "accrued portion of normal retirement benefit" means that amount of benefit which, irrespective of whether the right to such benefit is nonforfeitable, is equal to—

(A) in the case of a money purchase plan, the total amount (including all interest held in the plan) credited to the account of a participant;

(B) in the case of a unit benefit-type pension plan, the benefit units credited to a participant; or

(C) in the case of other types of pension plans, that portion of the prospective normal retirement benefit of a participant, which under rule or regulation of the Secretary of Labor is determined to constitute the participant's accrued portion of the normal retirement benefit under the terms of the appropriate plan;

(16) "normal retirement benefit' means that benefit payable under a pension plan in the event of retirement at the normal retirement age;

(17) "administrator" means—

(A) the person specifically so designated by the terms of the pension plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is established or operated; or

(B) In the absence of such designation, (i) the employer in the case of a pension plan established or maintained by a single employer, (ii) the employee organization in the case of such plan established or maintained by an employee organization, or (iii) the association, committee, joint board of trustees, or similar group of representatives of the parties who have established or maintain such plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

## TITLE I—PLAN TERMINATION INSURANCE

#### INSURANCE PROGRAM

SEC. 101. There is hereby established in the Department of Labor a program to be known as the "Private Pension Plan Insurance Program".

### PLAN TERMINATION INSURANCE

SEC. 102. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of covered pension funds against the loss of benefits to which they are entitled under such pension fund arising from failure of the amounts contributed to such fund to provide benefits anticipated at the time such fund was established, if such failure is attributable to cessation of one or more of the operations carried on by the contributing employer in one or more facilities of such employer.

(b) The rights of beneficiaries shall be insured under the program only to the extent that such rights do not exceed—

(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 80 per centum of his average monthly wage in the five-year period for which his earnings were the greatest, or $500 per month;

(2) in the case of a right on the part of one or more dependents, or members of the family of the employee, or in the case of a right to a lump-sum survivor benefit on account of the death of any employee, an amount found by the Secretary to be reasonably related to the amount determined under clause (1).

(c) In no case shall the insurance program be liable under this section unless the pension fund has maintained insurance under the program for the three years immediately preceding the occurrence of the liability of the program.

### PREMIUM FOR PARTICIPATION IN PROGRAM

SEC. 103. (a) Each eligible pension fund may, upon application therefore, obtain insurance under the program upon payment of such annual premium as may be established by the Secretary. Premium rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded liabilities of each insured pension fund. The premium rates may be changed from year to year by the Secretary, when the Secretary determines changes to be necessary or advisable to give effect to the purposes of this Act; but in no event shall the premium rate exceed one-half of 1 percentum of each dollar of unfunded vested obligations. (b) The Secretary of Labor, in determining premium rates, and establishing formulas and standards for determining unfunded liabilities and assets of pension funds, shall consult with, and be guided by the advice of, the Advisory Council established under section 106.

(c) If the Secretary of Labor (after consulting with the Advisory Council) determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of right of all beneficiaries of insured pension funds, then the Secretary shall insure the right of beneficiaries in accordance with the following order of priorities—

First: individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension fund, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension fund;

Second: individuals who, at such time have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension fund; or, if the pension fund plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension fund, are eligible for benefits upon retirement;

Third: in addition to individuals described in the above priorities, such other individuals as the Secretary of Labor, after consulting with the Advisory Council, shall prescribe.

(d) Notwithstanding the provisions of this section, the Secretary of Labor may reduce the premium for those multi-employer plans whose ratio of assets to liabilities or whose experience justifies such a reduction.

(c) Participation in the program by a pension fund shall be terminated by the Secretary of Labor upon failure, after such reasonable period as the Secretary of Labor shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

### REVOLVING FUND

SEC. 104. (a) In carrying out his duties under this Act, the Secretary of the Treasury shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities incurred under the program shall be paid.

(b) Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average rate on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys shall be repaid by the Secretary of the Treasury from premiums paid into the revolving fund.

(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

### RECOVERY

SEC. 105. (a) Where the employer or employers contributing to the terminating plan or who terminated the plan are not insolvent (within the meaning of section 1(19) of the Bankruptcy Act), such employer or employers (or any successor in interest to such employer or employers) shall be liable to reimburse the insurance program for any insurance benefits paid by the program to the beneficiaries of such terminated plan to the extent provided in this section.

(b) An employer, determined by the Secretary of Labor to be liable for reimbursement under subsection (a), shall be liable to pay 100 per centum of the terminated plan's unfunded vested liabilities on the date of such termination. In no event however, shall the employer's liability exceed 50 per centum of the net worth of such employer.

(c) The Secretary of Labor is authorized to make arrangements with employers, liable under subsection (a), for reimbursement of insurance paid by the Secretary of Labor, including arrangements for deferred payment on such terms and for such periods as are deemed equitable and appropriate.

(d) (1) If any employer or employers liable for any amount due under subsection (a) of this section neglects or refused to pay the same demand, the amount (including interest) shall be a lien in favor of the United States upon all property and rights in property, whether real or personal, belonging to such employer or employers.

(2) The lien imposed by paragraph (1) of of this subsection shall not be valid as against a lien created under section 6321 of the Internal Revenue Code of 1954.

(3) Notice to the lien imposed by paragraph (1) of this subsection shall be filed in a manner and form prescribed by the Secretary of Labor. Such notice shall be valid notwithstanding any other provision of law regarding the form and content of a notice of lien.

(4) The Secretary of Labor shall promulgate rules and regulations with regard to the release of any lien imposed by paragraph (1) of this subsection.

### ADVISORY COUNCIL

SEC. 106. (a) There is hereby created a Federal Advisory Council for Insurance of Employee's Pension Funds (herein referred to as the "Advisory Council"), which shall consist of nine members, to be appointed by the President, by and with the advice and consent of the Senate, at least two of whom shall be representatives of labor and at least two of whom shall be representatives of employers. The President shall select, for appointment to the Council, individuals who are, by reason of training or experience, or both, familiar with and competent to deal with problems involving employees' pension funds and problems relating to the insurance of such funds. Members of the Council shall be appointed for a term of two years.

(b) Appointed members of the Council shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expense authorized by section 5703, title 5, United States Code, for persons in government service employed intermittently.

(c) It shall be the duty of the Advisory Council to consult with and advise the Secretary of Labor with respect to the administration of this title.

## TITLE II—VESTING

### REQUIREMENTS

SEC. 201. (a) A pension plan shall not be an eligible pension plan unless the Secretary of Labor certifies to the Secretary of Treasury that such plan provides that participants shall be vested in 100 per centum of the accrued portion of the normal retirement benefit of such funds attributable to covered service both before and after the effective date of this title—

(1) after 10 years service under the fund, during the first three years following the date of enactment of this title,

(2) after 8 years service under the fund, during the fourth and fifth years following the date of enactment of this title, and

(3) after 5 years service under the fund following the end of the fifth year after the date of enactment of this title.

(b) A pension plan may require as a condition of eligibility to participate, a period of service no longer than two years or age 25, whichever occurs later.

(c) Any participant covered under a plan, for the number of years required for a vested right under this section, shall be entitled to such vested right regardless of whether his years of covered service are continuous, except that a plan may provide that—

(1) three of the years required to qualify for a vested right under subsection (a) shall be continuous under standards prescribed under subsection (d),

(2) service by a participant prior to the age of twenty-five may be ignored in determining eligibility for a vested right under this section, unless such participant or an employer has contributed to the plan with respect to such service, and

(3) in the event a participant has attained a vested right equal to 100 per centum of the accrued portion of the normal retirement benefit as provided by the plan with respect to such service, and such participant has been separated permanently from coverage under the plan and subsequently returns to coverage under the same plan, such participant may be treated as a new participant for purposes of the vesting requirements without regard to his prior service.

(d) The Secretary shall prescribe standards, consistent with the purposes of this Act, governing the maximum number of working hours, days, weeks, or months, which shall constitute a year of covered service, or a break in service for purposes of this Act. In no case shall a participant's time worked in any period in which he is credited for a period of service for the purposes of this section, be credited to any other period of time unless the plan so provides.

(e) Notwithstanding any other provision of this Act, a pension plan may allow for vesting of pension benefits after a lesser period than is required by this section.

### VARIANCES—DEFERRED APPLICABILITY OF VESTING STANDARDS

SEC. 202 (a) Where, upon application to the Secretary of Labor by the plan administrator and notice to affected or interested parties, the Secretary of Labor may defer, in whole or in part, applicability of the requirements of section 201 of this title for a period not to exceed five years from the effective date of title II, upon a showing that compliance with the requirements of section 201 on the part of a plan in existence on the date of enactment of this Act would result in increasing the costs of the employer or employers contributing to the plan to such an extent that substantial economic injury would be caused to such employer or employers and to the interests of the participants or beneficiaries in the plan.

(b) For purposes of subsection (a), the term "substantial economic injury" includes, but is not limited to, a showing that (1) a substantial risk to the capability of voluntarily continuing the plan exists, (2) the plan will be unable to discharge its existing contractual obligations for benefits, (3) a substantial curtailment of pension or other benefit levels or the levels of employees' compensation would result, or (4) there will be an adverse effect on the levels of employment with respect to the work force employed by the employer or employers contributing to the plan.

(c) (1) In the case of any plan established or maintained pursuant to a collective bargaining agreement, no application for the granting of the variance provided for under subsection (a) shall be considered by the Secretary of Labor unless it is submitted by the parties to the collective bargaining agreement or their duly authorized representatives.

(2) As to any application for a variance under subsection (a) submitted by the parties to a collective bargaining agreement or their duly authorized representatives, the Secretary of Labor shall accord due weight to the experience, technical competence, and specialized knowledge of the parties with respect to the particular circumstances affecting the plan, industry, or other pertinent factors forming the basis for the application.

## TITLE III—FUNDING

### MINIMUM FUNDING REQUIREMENTS

SEC. 301. (a) In order to qualify as an eligible pension fund a pension fund must set forth the obligation of the employer or employers to contribute both in respect of the normal service cost of the plan and in respect to any initial unfunded liability. The contribution of the employer, including any contributions made by employees, shall consist of the payment into the fund of—

(1) all normal service costs; and

(2) where the plan has an initial unfunded liability, special payments consisting of no less than equal amounts sufficient to amortize such unfunded liabilities over a term not exceeding:

(A) in the case of an initial unfunded liability existing on the effective date of this title, in any plan established before that date, twenty-five years from such date;

(B) in the case of an initial unfunded liability resulting from the establishment of a pension plan, or an amendment thereto, on or after the effective date of this title, twenty-five years from the date of such establishment or amendment, except that in the event that any such amendment after the effective date of this title results in a substantial increase to any unfunded liability of the plan, as determined by the Secretary, such increase shall be regarded as a new plan for purposes of the funding schedule imposed by this subsection.

(3) special payments, where the plan has an experience deficiency consisting of no less than equal annual amounts sufficient to remove such experience deficiency over a term not exceeding five years from the date on which the experience deficiency was determined, except where the experience deficiency cannot be removed over a five-year period without the amounts required to remove such deficiency exceeding the allowable limits for a tax deduction under the Internal Revenue Code of 1954 for any particular year during which such payments must be made, the Secretary shall, consistent with the purposes of this subsection, prescribe such additional times may be necessary to remove such deficiency within allowable tax deduction limitations.

(b) Within six months after the effective date of rules promulgated by the Secretary to implement this title (but in no event more than 12 months after the effective date of this title) or within six months after the date of the establishment of a pension fund, whichever is later, the plan administrator shall submit a report of an actuary stating—

(1) the estimated cost of benefits in respect of service for the first plan year for which such plan is required to register and the formula for computing such cost in subsequent years up to the date of the following report;

(2) the initial unfunded liability, if any, for benefits under the pension plan as of the date on which the plan is required to be registered;

(3) the special payments required to remove such unfunded liability and experience deficiencies in accordance with subsection (b);

(4) the actuarial assumptions used and the basis for using such actuarial assumptions; and

(5) such other pertinent actuarial information required by the Secretary of the Treasury.

(c) The Secretary of Treasury shall establish standards and qualifications for persons responsible for performing services under this Act as actuaries and, upon application of any such person, certify whether such person meets such standards and qualifications.

(d) The administrator of a pension fund shall cause the fund to be reviewed not less than once every five years by an actuary and shall submit a report of such actuary stating—

(1) the estimated cost of benefits in respect of service in the next succeeding five-year period and the formula for computing such cost for such subsequent five-year period:

(2) the surplus or the experience deficiency in the pension plan after making allowance for the present value of all special payments required to be made in the future by the employer as determined by previous reports;

(3) the special payments which will remove any such experience deficiency over a term not exceeding five years;

(4) the actuarial assumptions used and the basis for using such actuarial assumptions; and

(5) such other pertinent actuarial information required by the Secretary of Treasury.

If any such report discloses a surplus in a pension plan, the amount of any future payments required to be made to the fund or plan may be reduced or the amount of benefits may be increased, by the amount of such surplus, subject to the provisions of the Internal Revenue Code of 1954 and regulations promulgated thereunder. The reports under this subsection shall be filed with the Secretary by the administrator as part of the annual report required by section 7 of the Welfare and Pension Plans Disclosure Act, at such time that the report under such section 7 is due with respect to the last year of such five-year period.

(d) The Secretary of Treasury may exempt any plan, in whole or in part, from the requirement that such reports be filed where the Secretary finds such filing to be unnecessary.

(e) Where an insured pension plan is funded exclusively by the purchase of individual insurance contracts which—

(1) require level annual premium payments to be paid extending not beyond the retirement age for each individual participant in the plan, and commencing with the participant's entry into the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective), and

(2) benefits provided by the plan are equal to the benefits provided under each contract, and are guaranteed by the insurance carrier to the extent premiums have been paid, such plan shall be exempt from the requirements imposed by this Act.

### MULTIEMPLOYER PLANS

SEC. 302(a) (1) Notwithstanding the requirements of Section 301 of Title III of this Act the Secretary of the Treasury shall by rule or regulation prescribe alternative funding requirements for multiemployer plans which will give reasonable assurances that the plan's benefit commitments will be met.

(2) The period of time provided to fund such multiemployer plans shall be a period which will give reasonable assurances that the plan's benefit commitments will be met and which reflects the particular circumstances affecting the plan, industry, or other pertinent factors, except that no period prescribed by the Secretary of the Treasury shall be less than thirty years.

(3) No multiemployer plan shall increase benefits beyond a level for which the contributions made to the plan would be determined to be adequate unless the contribution rate is commensurately increased.

## TITLE IV—INTERNAL REVENUE CODE AMENDMENT

### PENSION PLAN QUALIFICATION

SEC. 401. (a) Section 401(a) of the Internal Revenue Code of 1954 (relating to definition of qualified pension and other similar plans) is amended by adding at the end thereof the following new paragraph:

"(11) Notwithstanding the preceding provisions of this subsection, no pension fund which, for any taxable years is insurable under the Federal Pension Plans Protection Act of 1973, shall be a qualified pension plan under this section if such fund is not insured for such year under the program established under such Act."

(b) Section 404(a) (2) of such Code (relating to deductibility of contributions to employees' annuities) is amended by striking out "section 401(a) (9) and (10)" and inserting in lieu thereof "section 401(a) (9), (10), and (11)".

(c) The amendments made by this title shall be effective with respect to taxable years which begin not less than six months after the date of enactment of this Act.

## TITLE V—EFFECTIVE DATES

SEC. 501(a) Title I (vesting) of this Act shall become effective three years after the enactment of this Act.

(b) Titles II and III (termination insurance, and funding) of the Act shall become effective two years after the date of enactment of this Act.

---

## HEARINGS ON PRIVATE PENSION PLANS

Mr. NELSON. Mr. President, the Subcommittee on Private Pension Plans of the Senate Finance Committee is holding hearings on private pension plans. These hearings and panel discussions are designed to present a full and objective review of all the pertinent legislative issues involving pension plans and the tax treatment for retirement savings. The witnesses and panel members have been selected to include, to the extent possible, all interested parties and viewpoints.

These hearings are taking place at, I hope and believe to be, a propitious time for the enactment of substantial pension legislation. For the past several years, Members of Congress have learned about the workings of private pension plans from knowledgeable experts, from those who initiate and operate such plans, and also from individual employees who have found themselves deprived of pensions they had every right to expect on the basis of their employment. A consensus has developed, not only in Congress but by all interested parties, that certain legislated minimum standards are necessary to strengthen the private pension system.

Much of this consensus can be attributed to the hard work and leadership of the chairman of the Labor and Public Welfare Committee, Senator WILLIAMS, and his ranking minority member, Senator JAVITS. The culmination of this work, S. 4, now reported to the Senate by the Senate Labor and Public Welfare Committee, represents a thoughtful and comprehensive approach to the problems of private pension plans. As previously announced, the principles and policies of S. 4 will be among the subjects before this subcommittee along with bills introduced by two of its members, Senator CURTIS, (S. 1631), whose bill represents the thinking of the administration, and Senator BENTSEN (S. 1179). Also before the subcommittee is Senator GRIFFIN's bill, (S. 75), one of the first proposed to deal with private pension plans.

Private pension plans have experienced a dynamic growth in the last 30 years. In 1940, only 4 million employees were covered by private pensions; today about 30 million employees participate in private pension plans. Total assets of pension plans have grown from $2.4 billion in 1940 to $151.8 billion in 1973.

This rapid growth of the private pension system has been directly attributable to the favorable tax treatment of employer contributions. The current tax code includes a number of regulatory provisions affecting the tax qualifications status of pension trusts. These hearings will explore for the first time possible changes in the tax code which may be necessary to strengthen the private pension system. In addition, a number of other tax issues have been presented to the subcommittee, including, for example, tax deductions for retirement savings and the tax treatment of lump sum distributions from retirement plans.

We want to make certain that these hearings consider all viewpoints and we are interested in moving forward in the legislative process as promptly as possible so that the early consideration of these questions will be assured. It is our hope to complete consideration of pension legislation in time for Senate action prior to the August recess.

It seems to me that pension legislation should accomplish the following:

A minimum vesting standard that will assure private pension participants a retirement benefit after a reasonable period of service.

At present, only one out of every three employees participating in employer-financed pension plans has vested rights to benefits. Moreover, 58 percent of covered employees between the ages of 50 and 60, and 54 percent of covered employees 60 years of age and over, do not have vested pension rights. As a result, even employees with substantial periods of service may lose pension benefits on separation from employment. Extreme cases have been noted in which employees have lost pension rights at advanced ages as a result of being discharged shortly before they would be eligible to retire. In addition, failure to vest more rapidly is interfering with the mobility of labor, to the detriment of the economy.

A strengthened funding requirement that will assure continuing accumulation of funds to meet private pension obligations.

The available evidence suggests that many pension plans are adequately funded—but that a significant proportion of the plans have not been adequately funded. This is indicated, for example, by a survey made by the Senate Labor Subcommittee of 469 trustee-administered pension plans covering 7.1 million employees. In 1970, about one-third of the plans covering one-third of the participants reported a ratio of assets to total accrued liabilities of 50 percent or less; while 7 percent of the plans covering 8 percent of the participants reported a ratio of assets to accrued liabilities of 21 percent or less.

In general, the older plans are better funded than the newer ones. Over one-half of the plans covered by the study which were 6 years old or less had an assets-liabilities ratio of 50 percent or less, while 35 percent of the plans in existence for 17 years to 21 years had a 50-percent or more assets-liabilities ratio.

A system of plan termination insurance to protect the vested benefits of private pension participants.

Concern has also been expressed over the possible loss of pension benefits as a result of termination of pension plans. The Studebaker case, which has been widely publicized, illustrates how pension benefits can be lost as a result of termination of a plan. When Studebaker closed its South Bend, Ind., plant in 1964, the employees were separated and the pension plan was terminated. The plan provided fairly generous vested rights and the funding apparently would have been adequate had the firm remained in business and the plan continued in operation. However, at termination, the plan had not yet accumulated sufficient assets to meet all its obligations. As a result, full pension benefits were paid only to employees already retired and to employees age 60 or over with 10 years or more of service. Little or no benefits were paid to large numbers of other employees, many of whom had vested rights.

A joint study by the Treasury Department and the Department of Labor indicates that there were 683 plan terminations in the first 7 months of 1972. These terminations resulted in the loss of $20 million of benefits—present value—by 8,400 pension participants in 293 of the terminated plans. The average loss of benefits for participants amounted to $2,400.

Serious consideration of procedures to assist the transfer of pension credits among different pension plans.

Strong provisions setting fiduciary standards and eliminating conflicts of interest in the management of pension funds.

Added requirements for private pension plans to report their financial and operating status to public authorities and above all to their individual participants.

Provisions to ensure that any new pension laws or regulations are not a burdensome problem to the participants, especially the small businessmen.

New tax provisions to improve the tax treatment of retirement plans of self-employed individuals and of employees not covered by pension plans.

Finally, these desired changes in the law regarding private pension plans will not weaken or destroy the private pension system. Quite the contrary, the system has proved a most useful mechanism for meeting the retirement needs of a large part of the working population. Our task is to reinforce this function by legislating certain key minimum standards so that the system itself can serve an even broader purpose in the years ahead.

## WHAT DOES AFFIRMATIVE ACTION REALLY AFFIRM?

Mr. BUCKLEY. Mr. President, New York State is blessed with more than its share of this country's institutions of higher learning. As a result, I have received more than my share of the cries of anguish now issuing from our campuses as the tireless agents of the Department of Health, Education, and Welfare's Office for Civil Rights seek to impose "affirmative action plans" on all educational institutions hapless enough to receive funds pursuant to contracts with the Federal Government.

Now the surprising thing about these complaints is that most academics assume, as an article of faith, that the concept of federally enforced "affirmative action" to do away with discrimination in employment is a good thing—at least when directed at less enlightened folk than those who inhabit the groves of Academe. What this anguish is all about is the requirement, pursuant to the Department of Labor's "Revised Order No. 4," that each college or university that is a beneficiary of Federal contracts adopt a plan designed to achieve specific numerical goals for the employment of women and members of specified minority groups by specific dates. Failure to develop a plan agreeable to the Office of Civil Rights of the Department of

Health, Education, and Welfare results in the withholding of Federal funding.

The OCR's authority—or claim of authority—is derived, via HEW, from the Department of Labor, which in turn bases its authority on Executive Order 11246 which was signed by Lyndon Johnson in 1965 pursuant to the Civil Rights Act of 1964. Now there are those who were about at the time the Act was enacted who would dispute that it was ever intended to authorize a middle-ranking bureaucrat to exercise the power of life and death over, say, Columbia University by empowering him to withhold $30 million in Federal funds—not because Columbia had been found guilty of specific acts of discrimination, but because Columbia, after a half dozen tries and the expenditure of several tens of thousands of dollars in computer studies, had failed to come up with an affirmative action plan satisfactory to said bureaucrat.

But before I pursue this subject further, Mr. President, I would like to make a point or two by way of introduction. As the complaints I speak of have come from some of the great moralizers of our time, I simply cannot resist the temptation to indulge in a little moralizing of my own.

The first point I would like to make is that the seeds of the current controversy were planted long ago when the universities and colleges decided to embrace the idea of massive Federal aid for higher education. There were those who warned that Federal aid would eventually come with strings attached, strings that might someday be used to manipulate higher education. Those warnings were scoffed at. Yet, today, the truth of the warning against Federal encroachment in matters of higher education is all too evident. This is neither the time nor the place to lecture university officials on their lack of foresight in this matter. It only remains to say that the current sad state of events might have been avoided had university officials, who were eager for Federal funds, paid more attention to others who were skeptical of such aid. The Biblical reminder that those who sow the wind soon reap the whirlwind comes immediately to mind.

My second introductory point is related to the first. My office has been deluged with mail from educators and college and university administrators who complain about the injustices being visited upon them by the implementation of the affirmative action concept. Yet the intellectual community, which ought to have been able to foresee the direction that affirmative action would inevitably take, was cheering on the activists as they imposed their increasingly stringent guidelines on other segments of society, until more and more employers were in effect being required to discriminate against nonminority males.

It occurs to me that educational spokesmen have taken the leadership in condemning the reactionary turn that affirmative action was taking, they might have headed off their own confrontations with the zealots of the OCR. But courage, never in great supply in any establishment, seems to have been on leave of absence from the administration offices of the American campus.

It is thus with a certain wry amusement that I undertake to speak out to defend our colleges and universities against unjustified bureaucratic harassment of a kind they applauded when directed at others.

One should not, of course, judge the merits of a case by the shortcomings of its proponents. As it happens, I find the complaints made by university officials against affirmative action to have a solid basis in fact; and while I will later return to the topic of the responsibility of academics and intellectuals in this area, I would now like to address myself to this bureaucratic horror.

First, let me define more precisely what is at issue. What is the affirmative action concept about which so much has been said? Instead of offering my own definition, I will quote Mr. J. Stanley Pottinger, former Director of the Office of Civil Rights. Mr. Pottinger is, everyone concedes, the most forceful and eloquent proponent of the affirmative action concept as it applies to Academe. Here is how he describes it:

> The concept of Affirmative Action requires more than mere neutrality on race and sex. It requires the university to determine whether it has failed to recruit, employ and promote women and minorities commensurate with their availability, even if this failure cannot be traced to specific acts of discrimination by university officials. Where women and minorities are not represented on a university's rolls, despite their availability (that is, where they are "underutilized") the university has an obligation to initiate affirmative efforts to recruit and hire them. The premise of this obligation is that systemic forms of exclusion, inattention and discrimination cannot be remedied in any meaningful way, in any reasonable length of time, simply by ensuring a future benign neutrality with regard to race and sex. This would perpetuate indefinitely the grossest inequities of past discrimination. Thus there must be some form of positive action, along with a schedule for how such actions are to take place, and an honest appraisal of what the plan is likely to yield—an appraisal that the regulations call a "goal."

An official document for the Office for Civil Rights describes what such a plan must be:

> An affirmative action plan must outline the employer-contractor's old, new or additional efforts to recruit, employ and promote employees. Such a plan is required to overcome institutional forms of exclusion and discrimination and must indicate corrective goals and how and when the goals will be achieved. Thus, the guidelines explicitly require that goals and timetables be established to eliminate hiring, firing, promotion, recruiting, pay and fringe benefit discrimination.

Two points must be made concerning the above. Affirmative action, according to this OCR view, is not to be confused with "nondiscrimination," another concept embodied in Executive Order 11246. According to Mr. Pottinger:

> Nondiscrimination means the elimination of all existing discriminatory treatment of present and potential employees. University officials are required under this concept to insure that their employment policies do not, if followed as stated, operate to the detriment of any persons on grounds of race, color, religion, sex or natural origin.

The second point gets to the heart of the matter. Affirmative action "goals" are not according to the Office of Civil Rights, to be confused with "quotas." Once more a quotation from Mr. Pottinger:

> Historically, hiring quotas have been rigid numerical ceilings on the number of persons of a given racial, ethnic, religious, or sex group who could be employed by (or admitted to) an academic institution. If quotas were required or permitted by the Executive Order, they would operate as levels of employment that must be fulfilled if the university is to remain eligible for Federal contracts. . .
>
> . . . . No one in the government is making an argument that any requirements in the form of quotas—for or against a defined class—are legitimate.

Mr. President, I have quoted Mr. Pottinger at some length in order to make certain that the case for affirmative action, as it is understood by the Office of Civil Rights, is presented fairly and clearly. Although Mr. Pottinger is no longer with the Office of Civil Rights, his spirit lingers on in the current position of OCR concern-affirmative action. I think that position may be fairly summarized as follows:

Affirmative action in the employment practices of Federal contractors is required by an Executive order of the President. The responsibility for implementing and enforcing affirmative action in the field of education has been delegated by the Secretary of Labor to the Director of HEW's Office of Civil Rights. That Office does not set standards or goals or timetables, but it requires that universities do so, thereby showing good faith compliance with the requirements of the Executive order. In no way does the Office set a quota. Therefore the charges that affirmative action is a quota system and a form of reverse discrimination are unfounded. Or, in Mr. Pottinger's words:

> Every crusade must have its simplistic side—a galvanizing symbol, a bogeyman, a rallying cry. The word "quotas" serves these rhetorical purposes in the present case. Since quotas are not required or permitted by the Executive order, they are for the most part a phony issue, but very much an issue nevertheless.

I note in passing, Mr. President, that everyone appears to concede that the setting of employment quotas on the basis of sex or ethnic origin or religion cannot be condoned. In speaking for the Office of Civil Rights, Mr. Pottinger in fact suggests that anyone who raises the quota issue is either deliberately misleading the public or does not understand what the Government is requiring.

Now so far as it goes, Mr. Pottinger's point is well taken. Strictly speaking, the Government does not specifically require employment quotas to be set. But I feel it is, at the very least, disingenuous of the Office of Civil Rights to leave the matter there. It is conceivable, for example, that a given policy will result in a quota system without its being called a quota system. And that, Mr. President, is precisely what the critics of affirmative action have been stating. Leaving aside for a moment Mr. Pottinger's reference to "bogeyman"—which says more about Mr. Pottinger's attempt to understand his critics than it does of the critics themselves—what is at the heart of this matter is not—and here I agree wholeheartedly with Mr. Pottinger—a semantic problem, but a problem involving human actions and human choices, no matter what label may be pinned on them.

Mr. President, the real issue is not what we are to call what is happening in our colleges and universities because of affirmative action directives, but the fact of what is happening. What is happening, no matter what name it may be given, is wrong. It is wrong from the point of view of civil liberties; it is wrong from the point of view of academic freedom; it is wrong from the point of view of elementary justice; it is wrong in its essence and in its effects.

What is happening was described in an article that appeared in the Washington Post on March 5, 1973. I shall ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks, but for the present I wish to quote one section:

> Arguing that goals for hiring numbers of minorities and women are essentially a perversion of academic integrity, a number of professorial associations has sprung up within the last year to oppose just such measures.
>
> Probably the most prestigious is called the Committee on Academic Nondiscrimination and Integrity, led by such scholars as Sidney Hook of New York University, Paul Seabury of the University of California and Eugene Rostow of Yale Law School.
>
> "We are entering a new era of discrimination on the basis of race, creed and color," argues Seabury. "Large numbers of highly qualified scholars will pay with their careers simply because they are male and white."
>
> Miro Todorovich, a physicist on leave from City University of New York, is coordinator for the committee. In his office he maintains a file of complaints from white male scholars who contend they're being discriminated against on grounds of sex or race.
>
> "We are especially worried that a non-educational factor, a non-educational motivation will mushroom to such a large scale in the functioning of the universities, that their basic purpose will be perverted," says Todorovich.
>
> He disputes the government's contention that affirmative action as it's being applied on the nation's campuses is not a quota system but instead a definition of attainable goals.
>
> "A goal to which you attach numbers and timetables is a quota," argues Todorovich. "All of this was introduced by administrative fiat and was autocratically enforced by the Department of Health, Education and Welfare under the direction of Mr. (Stanley) Pottinger."
>
> In addition to what they contended was preferential hiring, what many of the dissidents objected to was having to open their personnel files to government investigators. This, it was argued, was unwarranted government intervention into the private preserve of the university.

Mr. President, it is inconceivable to me that the specific charges of such distinguished academics can be dismissed with the term "bogeyman." It is equally inconceivable that officials of so many universities can have missed the point of affirmative action, as OCR claims. I have seen letters written by chairmen of academic departments in major universities, the thrust of which leads me to conclude that de facto, if not de jure, the effect, if not the stated purpose, of affirmative action programs is to impose employment quotas on universities on the basis of sex and ethnic origin. What else could account for letters containing passages such as these:

> The Faculty of Arts and Sciences of Washington University desires to increase the number of Faculty members who are either *women or members of minority groups*. . . .
>
> I would greatly appreciate your drawing to my attention your Ph. D. students *who are in those categories*.
>
> All of the California State Colleges have been requested to implement a program of active recruitment of qualified faculty of minority background, especially Negro and Mexican-American.
>
> Since I am unable to determine this type of information from the resumes you have sent me, I should very much appreciate it if you could indicate which of your 1972 candidates are either Negro or Mexican-American.
>
> Your prompt response to my letter of May 12 with four candidates, *all of whom seem qualified* for our vacancy, is greatly appreciated. Since there is no indication that any of them belongs to one of the minority groups listed, I will be unable to contact them at present.
>
> Claremont Men's College has a vacancy in its economics department as a result of retirement. *We desire to appoint a Black or Chicano, preferably female.* The appointee would be asked to offer principles and theory courses as well as undergraduate or graduate seminars in his or her areas of specialization. . . .
>
> We are looking for *female economists and members of minority groups*. As you know Northwestern along with a lot of other universities are under some pressure from the Office of Economic Opportunity to hire women, Chicanos, etc. I would greatly appreciate it if you would let me know whether there are any fourth year students at UCLA that we should look at. . . .
>
> Sacramento State College is currently engaged in an Affirmative Action Program, the goal of which is to recruit, hire, and promote ethnic and women candidates until they comprise the same proportion of our faculty as they do of the general population . . .
>
> The Department of Philosophy at the University of Washington is seeking qualified women and minority candidates for faculty positions at all levels beginning Fall Quarter 1973 . . .

Mr. President, it seems to me that these letters in and of themselves demonstrate that something is drastically wrong with the idea of affirmative action. Its effect on employment practices is so apparent that any attempt to make a distinction between "goals" and "quotas" becomes a patent absurdity.

Apologists for the affirmative action system nevertheless persist in trying to make the distinction by stating, that "affirmative action goals are usually arrived at through collaboration between Government and private parties, while quotas are imposed arbitrarily upon the employer." Mr. President, may I say that this use of the word "collaboration" is an exercise in poetic license exceeding anything since Humpty Dumpty told Alice that words meant what he alone chose them to mean "neither more nor less." If what is going on now between the universities and the OCR is "collaboration," then God help them if duress is ever used. The plain fact is that universities are being bludgeoned into compliance with the OCR's notion of what constitutes an appropriate plan by the threat of withholding Federal funds. That they must assume a large share of the blame for the position in which they find themselves is besides the point. The fact is that the universities face a clear and present threat to their independence and integrity by that most fearsome of institutional forces, the bureaucrat armed with messianic fervor.

The term "Orwellian" is very often used to describe a situation in which the twisted logic of a bureaucracy shapes reality. We all recall Orwell's "1984" in which "Freedom Is Slavery" was a political slogan. And, of course, there is the immortal parody of Socialist egalitarianism in Orwell's "Animal Farm":

> All animals are equal but some animals are more equal than others.

But I think "Orwellian" is perhaps too dignified a word to use in describing what has happened through the messianic fervor of the affirmative action shock troops. There is a kind of marvelous absurdity about it all, as if Lewis Carroll and Laurel and Hardy had been called upon as consultants in the formulation of policy. Consider for a moment the current status of the word "minority" as officially defined by the U.S. Government.

As I plunged into the labrynthine world of affirmative action policies, I had occasion to read "The Higher Education Guidelines" issued by the Department of Health, Education, and Welfare through its Office for Civil Rights. On page 3 of that document we find the following:

> The *affirmative action* requirements of determining underutilization, setting goals and timetables and taking related action as detailed in Revised Order No. 4 were designed to further employment opportunity for *women* and minorities. Minorities are defined by the Department of Labor as *Negroes, Spanish-surnamed, American Indians, and Orientals* . . ."

Now it happens that the word "minority" does not appear at all in Executive Order 11246 or in the 1964 Civil Rights Act. I therefore wondered how the term came to be used as it is in the guidelines for implementation of that Executive Order. I discovered that the Office for Civil Rights relies on a document of the Department of Labor called "Revised Order No. 4" as the basis for its guidelines. An examination of "Revised Order No. 4" revealed that the word "minority" or some form of that word is used no fewer than 65 times—but is never defined. Where, then, was the basis for the particular definition of the word "minority" contained in the OCR guidelines? My office asked the question and the reply was that the Department of Labor had arrived at the definition when it was implementing what has come to be known as the "Philadelphia plan." The earliest reference I have been able to find to that particular use of the word "minority" is in an appendix to a memorandum by Arthur A. Fletcher, then Assistant Secretary of Labor for Wage and Labor Standards, which is dated June 27, 1969. The appendix states:

> For the purpose of this Notice, the term minority means Negro, Oriental, American and Spanish Surnamed American. Spanish

Surnamed American includes all persons of Mexican, Puerto Rican, Cuban or Spanish origin or ancestry.

Mr. President, allow me to summarize at this point what I have discovered. The Office for Civil Rights tells us that it is using in guidelines affecting minority employment practices a definition of the word "minority" which was first formulated by the Department of Labor. The Department of Labor used that definition in a document dealing with specific industry — construction companies — with specific problems of hiring among specific minorities. Thus, the Office for Civil Rights has transferred from one specific problem—alleged discrimination in the construction industry — to another, wholly different area—higher education—the same criteria for defining a "minority." But surely it must have been obvious that different kinds of minority groups are victims of different forms of discrimination.

This leads me to suggest that the problem of the universities in attempting to cope with the infinite variety of human beings is just beginning. To show what may lie ahead, let me quote from "Guidelines on Discrimination Because of Religion or National Origin," issued by the Department of Labor and printed in the Federal Register on Friday, January 19, 1973, which have to do with affirmative action in another area of employment. Part (b) of 60–50.1 of those guidelines reads as follows:

> Members of various religious and ethnic groups, primarily but not exclusively of Eastern, Middle, and Southern European ancestry, such as Jews, Catholics, Italians, Greeks and Slavic groups, continue to be excluded from executive, middle-management and other job levels because of discrimination based upon their religion and/or national origin. These guidelines are intended to remedy such unfair treatment.

I ask unanimous consent that the guidelines from which I have just quoted be printed in their entirety at the conclusion of my remarks.

All of this presents us with a complex problem, Mr. President. As it stands now, the Government of the United States has decreed, officially, through the Department of Labor, that while members of European minority groups and certain religions are definitely victims of discrimination in business employment, it has also decreed, through HEW's Office of Civil Rights, that when it comes to employment on a campus, they are not entitled to the same regulatory protection that is now accorded Negroes, the Spanish surnamed, American Indians and orientals. I, for one, have no doubt that in due course, the OCR will not only catch up with, but leapfrog the DOL as more and more groups seek the very real advantages of reverse discrimination that will accrue to them by virtue of membership in a class officially found to be subject to job discrimination. And so our colleges and universities will find themselves forced to punch into their computer cards more and more categories of human beings so that they may achieve the exact mix of sex, race, religion and national origin that will be required to satisfy their evermore fastidious inquisitors.

The absurdity of the exercise ought to be self-evident. But it is worse than absurd. The notion of affirmative action plans designed to achieve precise goals is inherently vicious, inherently discriminatory. It flies in the face of everything that the civil rights movement has sought to achieve—a society in which every human being is judged on his merits as a human being, a society that is truly colorblind, a society that applies a single set of standards for employment and advancement irrespective of the accident of birth. This is true whether quotas are applied to universities or businesses, or unions. The human soul does not know distinctions of race or sex or ethnic origins. To attempt to catalog human beings by such categories for purposes of employment is to insult their humanity.

That is why it is now illegal in the more enlightened States for an employer to require information as to an applicant's race or religion. And so we are treated to the serio-comic stratagems to which academic administrators in such States are driven as they attempt to satisfy the most precise requirements of the Office for Civil Rights without overtly violating State laws designed to protect civil rights.

The whole situation is ludicrous. More than that, it is wrong, wrong, wrong. It is time we started treating this nonsense for what it is: a travesty of good government and a veritable burlesque of good intentions. In this instance, however, I will not propose instant legislative relief for academe. Frankly, I take some ignoble delight in the anguish being felt by so many college and university officials now that they must reap the whirlwind they have done so much to sow.

Before I involve myself in the issue further, I would like to see a little official leadership from the academic community itself. I would like to see some of our leading colleges and universities formally and publicly denouncing the whole concept of affirmative action instead of furtively communicating their anxieties to their representatives in Congress. I would like to see some of the academic community's professional associations formally denouncing affirmative action plans not because of some special claim of academic privilege, but because the concept is inherently discriminatory.

When New York college and university administrators bring their complaints to me about the treatment they are receiving at the hands of the Office for Civil Rights, I will continue to do what I can to shield them from the more obvious abuses of bureaucratic discretion. But I will also recommend to these college and university officials that they try their hand at a little bit of self-help by going to court to seek an injunction against the implementation of the Department of Labor Revised Order No. 4 on the grounds that it contravenes the provisions of the Civil Rights Act of 1964, that it exceeds any reasonable interpretation of the purposes of and the authority granted by Executive Order 11246, and that its effect is to force discrimination in employment. It is time, in short, for the academics to stand up and be counted. If they are not willing to defend their own professional integrity, how can they expect others to work effectively on their behalf?

Mr. President, the only conclusions possible from the facts I have cited is that affirmative action affirms nothing more than the right of the Government to impose hiring standards that debase the very idea of equal opportunity. I ask unanimous consent that the following articles be printed in the RECORD at the conclusion of these remarks so that the depth and breadth of the passions now being aroused by the OCR's dictatorial ukases may be fully examined:

First. "Reverse Bias Alleged in College Hiring," The Washington Post, March 5, 1973, page A2.

Second. "HEW and the Universities," Commentary, February 1972, pages 38–44, Paul Seabury.

Third. "Semantic Evasions," Freedom At Issue, pages 12–14, July–August/1972, Sidney Hook.

Fourth. "The Numbers Racket on Campus," Alternative, March 1973, pages 11–14, Paul Seabury.

Fifth. "The Progress of a Bad Idea," Alternative, March 1973, pages 14–18, pages 28–29, Neil Howe.

Sixth. "Affirmative Action: Means and Ends," an address by Robert F. Sasseen, dean of the faculty, California State University, San Jose.

Seventh. "Quotas by any Other Name," Commentary January 1972, pages 41–45, Earl Rabb.

Eighth. "Do Justice, Justly" a statement of Dr. Stanley Dacher, executive vice president of the Queens Jewish Community Council, June 27, 1972.

Ninth. "A Critical Survey of Affirmative Action, Part II," a paper by Prof. Milo M. Todorovich.

Tenth. "How 'Equal Opportunity' Turned Into Employment Quotas," Fortune, March 1973, pages 160–168, Daniel Seligman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### REVERSE BIAS ALLEGED IN COLLEGE HIRING—BACKLASH MOUNTS FOR WOMEN AND MINORITIES

(By Bart Barnes)

"It is only honest to say that Jewish faculty view numerical goals for affirmative action as a thinly veiled revival of anti-Semitism," Columbia University President William J. McGill told a B'nai B'rith dinner early this winter.

"Jews are represented on university faculties far out of proportion with their representation in the population. Affirmative action goals or quotas or whatever one calls them . . . can only convince Jewish faculty that an effort is afoot once more to exclude them from universities and that simple excellence no longer counts in matters of university appointments."

McGill, whose university has faced as intense pressure as any in the nation to hire and promote more women and minorities, was trying to counter a strong backlash that has developed nationwide against those pressures.

Like other universities holding large government contracts, Columbia has been required within the last year to develop an affirmative action plan setting forth, department by department, its plans for adding women and minorities to its staff over the next few years.

Among male faculty members and particularly from Jewish organizations such affirmative action plans have been met with protests that the purposes of higher education would be perverted and scholarship sacrificed in the name of a racial and sexual balance.

So strong has been the dissent that high administration officials say the whole issue of affirmative action at colleges and universities will be thoroughly reviewed to see whether, in fact, it is disruptive of academic order.

In his talk to B'nai B'rith, McGill tried to convince his audience that affirmative action need not necessarily be disruptive. Applied properly, he argued, it could be simply a means of redressing grievances long overdue, assuring women and minorities their fair share of jobs and influence in academia.

McGill had some skepticism to overcome and he knew it.

At Columbia, he estimated, about half the faculty was Jewish and many of them would remember the pre-World War II days when "America's best colleges were rampant with anti-Semitism."

"Not only were there quotas limiting the admission of Jews to the best colleges and professional schools, but there was also a vicious form of the same discrimination in appointments at the faculty level."

Now, he went on, it was understandable that Jewish faculty who had once been denied access to universities because of a quota system might view efforts to recruit women and minorities as a threat to their own standing. McGill's talk to B'nai B'rith followed by some months the filing of a complaint by the organization's Anti-Defamation League that affirmative action at some colleges was creating an atmosphere of discrimination against white males.

Since 1970, more than 350 of the nation's colleges and universities have been charged with discriminating against women. To compensate for this officials of the Department of Health, Education and Welfare have threatened a cutoff of federal funds to institutions failing to make a conscious effort to recruit and promote both women and minorities.

At a time when virtually all institutions of higher education are hard pressed for money, such threats have been taken very seriously.

"No one," observed Columbia's McGill, "likes to be in a position of negotiating for his survival with Uncle Sam sitting at the other side of the table.

"Our instincts in such circumstances were to promise almost anything in order to get the government off Columbia's back".

In fact, charge the ADL and a number of academic groups organized to oppose affirmative action, most colleges and universities have been too ready to promise anything. Now, the critics contend, they are concerned mainly with hiring women and minorities as quickly as possible to make sure the government doesn't bother them any more.

"Nonsense," answers Dr. Bernice Sandler, director of the Project on the Status and Education of Women for the Association of American Colleges.

"They're upset because they have to compete against women. That's what it amounts to."

"And I wish those Jewish men who are so concerned about affirmative action would become concerned about Jewish women who have been systematically pushed out of universities. Their concern is only with Jewish men, not with Jewish women," said Dr. Sandler, who is Jewish herself.

In a letter to Health, Education and Welfare Secretary Caspar W. Weinberger last month, Dr. Sandler contended that HEW's Office of Civil Rights is giving top priority now to investigating cases of white males who complain of "reverse discrimination."

Federal officials do admit there have been instances of illegal discrimination against men at colleges within the last two years but they insist such cases stem from a misunderstanding of the law.

In one such case in the Washington area, a doctoral candidate at George Washington University won appointment to the faculty of Prince George's Community College after contending he'd originally been turned down because he was neither female nor a minority.

The doctoral candidate, W. Cooper Pittman, had taught during the 1971–73 academic year at Prince George's while studying clinical psychology at George Washington.

Last winter, his department chairman at Prince George's Community College told him he'd be a leading contender for a permanent appointment in the fall as Assistant Professor.

In the spring his departmental committee chose Pittman from among 30 applicants as the No. 1 recommendation and the appointment was subsequently approved by the dean of social sciences and the vice president for academic affairs.

Then, on Aug. 16, Pittman was notified that his appointment had been disapproved by the board of trustees.

"The disapproval in no way reflects upon your professional preparation or specific background in the area of clinical psychology," Pittman was told in a letter.

"The basis for disapproval was primarily that the position presently vacant in that department requires certain qualifications regarding the overall profile of the institution. . ."

Pittman was later informed by his department chairman that he'd have gotten the appointment had he been a woman or black. The slot Pittman had been seeking and another vacancy would be filled by women or blacks, the college president and trustees had informed the psychology department, and the department had been ordered to go out and recruit them.

Pittman subsequently took his case to the American Association of University Professors and in November he was reinstated at Prince George's.

In another incident at Pima College in Tucson, Arizona a $700 "fudge factor" was introduced to the recruiting process as a means of attracting minority or female candidates.

Under this system, as much as $700 extra in incentive pay was authorized to attract minority or women faculty to Pima.

Officials of the college discontinued the "fudge factor" in December after being informed by HEW that it was illegal.

At California's Sonoma State College, a letter advancing the candidacy of Michael Goldberg, a graduate student in Sociology at the University of California at Berkeley, for appointment to the Sonoma staff was answered:

"Mr. Goldberg has not contacted me and I fear that were he to do so we would have no more than pleasant conversation, for we are pledged to the affirmative action policy in our hiring this year."

Arguing that goals for hiring numbers of minorities and women are essentially a perversion of academic integrity, a number of professorial associations has sprung up within the last year to oppose just such measures.

Probably the most prestigious is called the Committee on Academic Nondiscrimination and Integrity, led by such scholars as Sidney Hook of New York University, Paul Seabury of the University of California and Eugene Rostow of Yale Law School.

"We are entering a new era of discrimination on the basis of race, creed and color," argues Seabury. "Large numbers of highly qualified scholars will pay with their careers simply because they are male and white."

Miro Todorovich, a physicist on leave from City University of New York, is coordinator for the committee. In his office he maintains a file of complaints from white male scholars who contend they're being discriminated against on grounds of sex or race.

"We are especially worried that a non-educational factor, a non-educational motivation will mushroom to such a large scale in the functioning of the universities, that their basic purpose will be perverted," says Todorovich.

He disputes the government's contention that affirmative action as it's being applied on the nation's campuses is not a quota system but instead a definition of attainable goals.

"A goal to which you attach numbers and timetables is a quota," argues Todorovich.

"All of this was introduced by administrative fiat and was autocratically enforced by the Department of Health, Education, and Welfare under the direction of Mr. (Stanley) Pottinger."

In addition to what they contended was preferential hiring, what many of the dissidents objected to was having to open their personnel files to government investigators. This, it was argued, was unwarranted government intervention into the private preserve of the university.

Barbara Buoncristiano, a leader of the Women's Affirmative Action Coalition at Columbia, disputes that argument.

"They didn't mind opening their files at all. What they did mind was not being able to hire the way they wanted to . . . no longer being able to pick their successor when they retire . . . no longer being able to perpetuate themselves in their departments from generation to generation."

---

### HEW AND THE UNIVERSITIES

(By Paul Seabury)

Old Howard Smith, Virginia swamp fox of the House Rules Committee, was a clever tactical fighter. When Dixiecrats in 1964 unsuccessfully tried to obstruct passage of the Civil Rights bill, Smith in a fit of inspired raillery devised a perverse stratagem. He proposed an amendment to the bill, to include women as an object of federal protection in employment, by adding sex to the other criteria of race, color, national origin, and religion as illegitimate grounds for discrimination in hiring. This tactical maneuver had far-reaching effects: calculated to rouse at least some Northern masculine ire against the whole bill, it backfired by eliciting a chivalrous rather than (as we now call it) sexistresponse: the amendment actually passed!

Smith, however, had greater things in mind for women's rights. As a fall-back strategy, they would distract federal bureaucrats from the principal object of the bill, namely, to rectify employment inequities for Negroes. In this, at least in higher education, Smith's stratagem is paying off according to expectations. The middle-range bureaucrats staffing the HEW Civil Rights office, under its Director, J. Stanley Pottinger, now scent sexism more easily than racism in the crusade to purify university hiring practices. Minority-group spokesmen grumble when this powerful feminine competitor appears, to horn in. In the dynamics of competition between race and sex for scarce places on university faculties, a new hidden crisis of higher education is brewing. As universities climb out of the rubble of campus disorders of the 1960's, best by harsh budgetary reverses, they now are required to redress national social injustices within their walls at their own expense. Compliance with demands from the federal government to do this would compel a stark remodeling of their criteria of recruitment, their ethos of professionalism, and their standards of excellence. Refusal to comply satisfactorily would risk their destruction.

The story of how this came about, and

what it portends, is a complex one, so complex that it is hard to know where to begin. It is also an unpleasant tale. Only its first chapters can be written.

### I

Let us begin the story, then, with a brief history of the Civil Rights Act of 1964. This act, in the view of its principal sponsors, purposed (among other things) to engage the force of the federal government in battle to diminish or to rectify discriminatory hiring practices in firms and institutions having or seeking contracts with the federal government. Title VII of the act expressly forbids discrimination by employers on grounds of race, color, religion, and national origin, either in the form of preferential hiring or advancement, or in the form of differential compensation. Contracting institutions deemed negligent in complying with these provisions could be deemed ineligible for such contracts, or their contracts could be suspended, terminated, or not renewed.

When Title VII was debated in the Senate, some opponents of it, asserting (in the words of a Washington Star editorial) that it was a "draftman's nightmare," voiced alarm that it might be used for discriminatory purposes, and employers might be coerced into hiring practices which might, in fact, violate the equal-protection doctrine of the Constitution, thus perversely reversing the stated purposes of the bill. In one significant interchange, this alarm, raised by Florida's Senator Smathers, was genially dismissed by Senator Humphrey, in words which bear recalling:

Mr. HUMPHREY. [T]he Senator from Florida is so convincing that when he speaks, as he does, with the ring of sincerity in his voice and heart, and says that an employee should be hired on the basis of his ability—

Mr. SMATHERS. Correct.

Mr. HUMPHREY. And that an employer should not be denied the right to hire on the basis of ability and should not take into consideration race—how right the Senator is. . . .

But the trouble is that these idealistic pleadings are not followed by some sinful mortals. There are some who do not hire solely on the basis of ability. Doors are closed; positions are closed; unions are closed to people of color. That situation does not help America. . . .

I know that the Senator from Florida desires to help America, industry and enterprise. We ought to adopt the Smathers doctrine, which is contained in Title VII. I never realized that I would hear such an appropriate description of the philosophy behind Title VII as I have heard today.

Mr. SMATHERS. Mr. President, the Senator from Minnesota has expressed my doctrine completely. . . .

The first steps in implementing the new act were based on executive orders of the President corresponding to Humphrey's Smathers Doctrine. President Johnson's Executive Order No. 11375 (1967) stated that—

"The contractor will not discriminate against any employee or applicant because of race, color, religion, sex, or national origin. The contractor *will take affirmative action* [italics added] to ensure that employees are treated during employment, without regard to their race, color, religion, sex, or national origin.

Under such plausible auspices, "affirmative action" was born, and with a huge federal endowment to guarantee its success in life. Since 1967, however, this child prodigy—like Charles Addams's famous nursery boy with the test tubes—has been experimenting with novel brews, so as to change both his appearance and his behavior. And it is curious to see how the singleminded pursuers of an ideal of equity can overrun and trample the ideal itself, while injuring innocent bystanders as well.

### II

Affirmative action was altered by a Labor Department order (based not on the Civil Rights Act but on revised presidential directives) only months after the Johnson order was announced. This order reshaped it into a weapon for discriminatory hiring practices. If the reader will bear with a further recitation of federal prose, let me introduce Order No. 4, Department of Labor:

"An affirmative-action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of these procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative-action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and thus, to increase materially the utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist."

This directive is now applicable through HEW enforcement procedures to universities by delegation of authority from the Labor Department. By late 1971, something of a brushfire, fanned by hard-working HEW compliance officers, had spread through American higher education, the cause of it being the demand that universities, as a condition of obtaining or retaining their federal contracts, establish hiring goals based upon race and sex.

### III

Universities, for a variety of singular reasons, are extremely vulnerable to this novel attack. As President McGill of Columbia remarked recently, "We are no longer in all respects an independent private university." As early as 1967, the federal government was annually disbursing contract funds to universities at the rate of three-and-a-half billion dollars a year; recently the Carnegie Commission suggested that federal contract funding be increased by 1978 to thirteen billion dollars, if universities are to meet their educational objectives. Individual institutions, notably great and distinguished ones, already are extraordinarily dependent on continuing receipt of federal support. The University of California, for instance, currently (1970–71) depends upon federal contract funds for approximately $72 million. The University of Michigan, periodically harassed by HEW threats of contract suspension, cancellation, or non-renewal, would stand to lose as much as $60 million per annum. The threat of permanent disqualification, if consummated, could wholly wreck a university's prospects for the future.

In November 1971, HEW's Office for Civil Rights announced its intent to institute proceedings for Columbia's permanent debarment—even though no charges or findings of discrimination had been made: Columbia had simply not come up with an acceptable affirmative-action program to redress inequities which had not even been found to exist. When minor officials act like Alice in Wonderland's Red Queen, using threats of decapitation for frivolous purposes; when they act as investigator, prosecutor, and judge rolled into one, there may be no cause for surprise. But one can certainly wonder how even they would dare pronounce sentence—and a sentence of death at that—even before completion of the investigatory phase. Such, however, appears to be the deadly logic of HEW procedures. As J. Stanley Pottinger, chief of HEW's office, said at a West Coast press conference recently, "We have a whale of a lot of power and we're prepared to use it if necessary." In known circumstances of its recent use, the threat resembles the deployment of MIRV missiles to apprehend a suspected embezzler.

### IV

As the federal government of the United States moves uncertainly to establish equitable racial patterns in universities and colleges, it does so with few guidelines from historical experience. The management, manipulation, and evaluation of quotas, targets, and goals for preferential hiring are certainly matters as complex as are the unusual politics which such announced policies inspire. How equitably to assuage the many group claimants for preference, context-by-context, occasion-by-occasion, and year-by-year, as these press and jostle among themselves for prior attention in preference, must now occasion some puzzlement even among HEW bureaucrats. On a recent Inspector General's tour of California, J. Stanley Pottinger found himself giving comfort to militant women at Boalt Hall Law School of the University of California; yet at Hayward State College, he was attacked by Chicanos for giving preference to blacks! Leaders of militant groups, needless to say, are less interested in the acute dilemmas posed to administrators by this adventure than in what they actually want for themselves. (When at Michigan I raised with a Women's Commission lady the question of whether an actual conflict-of-interest might exist between blacks and women, she simply dismissed the matter: that's for an administrator to figure out.) How to arrive at some distant utopian day, when "underutilization" of minorities or women has "disappeared," is as difficult to imagine as the nature of the ratios that will apply on that day.*

### V

Fifteen years ago, David Riesman in his *Constraint and Variety in American Education* pointed to certain qualities which distinctively characterized avant-garde institutions of higher learning in this country. The world of scholarship, he said, "is democratic rather than aristocratic in tone, and scholars are made, not born." A "certain universalizing quality in academic life" resulted from the existence of disciplines which can lift us out of our attachments to home and mother, to our undergraduate alma mater, too and attach us instead to the new country of Biophysics or the old of Medieval History." In America, the relative decline of ethnic and social-class snobberies and discrimination, combined with immense expansion of the colleges, drew into scholarship a great majority whose backgrounds were distinctly unscholarly. "The advancing inner frontier of science," he wrote, had for many taken the place which the Western frontier served for earlier pioneers. The loyalty which the new democratic scholar showed to his discipline signalled a kind of "non-territorial nationalism." In contrast to his European counterparts, the American scholar found few colleagues among the mass of undergraduates on the basis either of "a common culture of a common ideology in the political or eschatological sense." Paradoxically this democratization of the university (with its stress not on status but upon excellence in performance) had not begun in rank-and-file small colleges of the nation, which were exemplars of America's ethnic, religious, and cultural diversity. Rather it had come out of those innovating institutions which, in quest of excellence, either abandoned or transcended much of their discriminatory sociological parochialism. It was the denominational college, where deliberate discrimination according to sex, religion, color, and culture continued to be practiced in admissions and faculty recruitment, which made up the rear of the snake-like academic procession. The egalitarianism of excellence, a democracy of performance, was in ethos consummated by the avant-garde. Riesman labelled the disciplines of the great universities the "race-courses of the mind."

---

*When I asked an administrator at San Francisco State College what "underutilization" of minorities meant, he simply replied, "Experience will let us know."

Felix Frankfurter, who went from CCNY to Harvard Law School, was equally impressed with how the system worked. "What mattered," he wrote, "was excellence in your profession to which your father or your face was equally irrelevant. And so rich man, poor man were just irrelevant titles to the equation of human relations. The thing that mattered was what you did professionally. . . ." As he saw the merit system, the alternative to it had to be "personal likes and dislikes, or class or color, or religious partialities or antipathies. . . . These incommensurable things give too much room for personal preferences and on the whole make room for unworthy and irrelevant biases."

The greatest boost to America's universities came in the 1930's from European emigre scholars whose powerful influence (notably in the sciences and social sciences) is still felt even today. As exemplars of learning, their impact upon young and parochial American students was profound.* Thanks in part to them, by the 1950's the great American universities attained an authentic cosmopolitanism of scholarship matched by no other university system in the world. And the outward reach of American higher education toward the best the world of scholarship could offer generated an inward magnetism, attracting to itself the most qualified students who could be found to study with these newly renowned faculties.

This system of recruitment also left a myriad of American sociological categories statistically underrepresented in the highest precincts of American higher education. Today, with respect to race and ethnicity, blacks, Irish, Italians, Greeks, Poles, and all other Slavic groups (including Slovaks, Slovenes, Serbs, Czechs, and Croatians) are underrepresented. On faculties, at least, women are underrepresented. Important religious categories are underrepresented. The great Catholic universities, until recently, have stood aside from the mainstream of secular higher education; they have been enclaves of a separated scholarship. Thus few Catholics are to be found in the roster of distinguished faculties of America's great secular universities, even though Catholics comprise perhaps 30 per cent of the population. And it is interesting to note that the quest for professional excellence in some respects has militated against the achievement of group parities: among those women's colleges which had obtained by the 1950's an enviable academic status as being more than *apartheid* seminaries, one apparent "price" of scholarly excellence was the rapid infusion of male faculty.

And then, on the other hand, there are the Jews. For a long time, administrators of some of America's universities, aware of the powerful scholarly competition which Jewish students and scholars posed, and the social "inequities" which their admission or recruitment might pose, established protective quotas—the famous *numerus clausus*—to keep their number down. Yale Law School, for example, abandoned its Jewish quota for incoming students only in the 1950's. With the triumph of equal opportunity over quotas, the bastions of discrimination collapsed. It is estimated that Jews make up about 3 percent of the population. Clearly they constitute a vastly greater proportion than that on the faculties of America's greatest universities, especially in the social sciences, mathematics, and the humanities.

One could enlarge this catalogue of statistical disparities indefinitely. Yet I must also mention the political, although it is seldom touched upon. The partisan complexion of universities is a matter which HEW does not, and cannot, attend to. Still, I would point out that the faculty of my department at Berkeley, for example, very large by any standards, had to the best of my knowledge three Republicans on it a few years ago; two have since left, one by retirement and one by resignation. There is one new convert, who switched registration to vote for Senator Kuchel in the GOP primary and against Max Rafferty and found, after conversion, that he enjoyed the notoriety which his deviance produced. So, currently we have two Republicans in a department of thirty-eight. This situation is in no way unique. Yet I doubt that even Nixon's HEW crusaders for equality of results would tread into this minefield of blatant inequity. On the other hand, one wonders whether, in White House garrets, there are not some among the President's Republican equerry who take perverse pleasure in watching academic liberals, crusaders for social justice for others, how hoist by their own petard on home territory.

## VI

The ironic potentials in affirmative action might have been foreseen had American lawmakers and administrators known the results which in recent years have plagued the government of India's pursuit of a quite similar goal. Here, perhaps more clearly than in any other contemporary culture, the idea that social justice can be reached via quotas and preferences has led almost inexorably to extremes of absurdity.

Before independence, under British rule, special privileges to communities and castes were given or withheld under the British *raj* both to rectify inequities and (as in the instance of the Muslims) to punish disloyalty or reward support. Commencing in legislatures as the establishment of reserved seats for privileged groups—first for Muslims, then for Anglo-Indians, then for Indian Christians—the principle of privileged representation soon spread into other sectors of public life.

When in the early 1930's B. R. Ambedkar, leader of the Untouchables, demanded that the British establish preferential electoral quotas for them, Gandhi objected, arguing that the interests of the Untouchables would better be advanced by integrating them into society than by protecting them with preferential treatment. Gandhi believed that preference would heighten identity of caste rather than diminish it, and that it further risked creating vested-interest minorities. Yet in negotiations with the British, Ambedkar won and Gandhi lost. After independence, the government of India backtracked, abolishing preferential treatment for all groups except tribal peoples and scheduled castes (i.e., Untouchables) who were accorded certain preferences in government recruitment and in access to educational institutions, fellowships, and admissions. Such preferences, originaly instituted as temporary devices, soon became institutionalized and again they spread. So-called "backward classes" proliferated to the point where it became necessary to be designated as "backward" in order to become privileged. And, indeed, in 1964, a "Backwardness Commission" recommended in the state of Mysore that every group except two (the Brahmins and the Lingayats) be officially designated as backward!

The Indian experience clearly shows that when access to privilege is defined on ethnic-community lines, the basic issue of individual rights is evaded; new privileges arise; caste privilege sabotages the principle of equality; the polity further fragments; and the test of performance is replaced by the test of previous status. (In Kanpur, recently, the son of a wealthy Jat family applied for admission to the Indian Institute of Technology and was rejected on objective criteria; then he reapplied as a member of an ethnically-scheduled caste, and on this basis was admitted.)

## VII

To remain eligible for federal contracts under the new procedures, universities must devise package proposals, containing stated targets for preferential hiring on grounds of race and sex. HEW may reject these goals, giving the university thirty-day notice for swift rectification, even though no charges of discrimination have been brought. Innocence must either be quickly proved, or acceptable means of rectification devised. But how does one *prove* innocence?

"Hiring practices" (i.e., faculty recruitment procedures) are decentralized; they devolve chiefly upon departments. At Columbia, for instance, 77 units generate proposals for recruitment. Faculties resent (most of the time quite properly) attempts of administrators to tell them whom to hire, and whom not. Departments rarely keep records of the communications and transactions which precede the making of an employment offer, except as these records pertain to the individual finally selected. Still, the procedure is time-consuming and expensive. The Department of Economics of the San Diego campus of the University of California estimates that it costs twenty to forty man hours, plus three to five hundred dollars, to screen *one* candidate sufficiently to make an offer. Typically, dozens of candidates are reviewed in earlier stages.

Compliance data thus tend to be scanty and incomplete. "Columbia's problem," President McGill recently observed, "is that it is difficult to prove what we do because it is exceedingly difficult to develop the data base on which to show, in the depth and detail demanded [by HEW], what the University's personnel activities in fact are." Yet HEW demands such data from universities on thirty-day deadlines, with contract suspension threatened. Moreover, on its finding of discrimination (usually based on statistical, not qualitative, evidence), it may demand plans for rectification which oblige the university to commit itself to abstract preferential goals without regard to the issue of individual merit.

The best universities, which also happen to be those upon which HEW has chiefly worked its knout, habitually and commonsensically recruit from other best institutions. The top universities hire the top 5 per cent of graduate students in the top ten universities. This is the "skill pool" they rely upon. Some may now deem such practices archaic but they have definitely served to maintain quality. Just as definitely they have not served to obtain "equality of results" in terms of the proportional representation of sociological categories. Such equality assumes that faculties somehow must "represent" designated categories of people on grounds other than those of professional qualification. As Labor Department Order No. 4 states, special attention "should be given to academic, experience and skill requirements, to ensure that the requirements in themselves do not constitute inadvertent discrimination." Indeed, according to four professors at Cornell writing in the *Times* (Letters to the Editor, January 6), deans and department chairmen have been informed by that univer-

---

*It is now sometimes said, on behalf of preferential recruitment of less-qualified minority faculty, that minority students require *examples* whom "their community" can respect. Whether in practice this would, as claimed, stimulate their performance, is hard to say. The most stimulating exemplary professors I encountered as a student had quite different "socio-economic" backgrounds from mine. Many were even foreigners. It seems almost foolish to have to mention this.

sity's president that HEW policy means the "'hiring of additional minority persons and females' even if 'in many instances, it may be necessary to hire unqualified or marginally qualified people.'"

If departments abandon the practice of looking to the best pools from which they can hope to draw, then quality must in fact be jeopardized. To comply with HEW orders, every department must come up not with the *best* candidate, but with the best-qualified *woman* or *non-white* candidate. For when a male or a white candidate is actually selected or recommended, it is now incumbent on both department and university to *prove* that no qualified woman or non-white was found available. Some universities already have gone so far in emulating the federal bureaucracy as to have installed their own bureaucratic monitors, in the form of affirmative-action coordinators, to screen recommendations for faculty appointments before final action is taken.

A striking contradiction exists between HEW's insistence that faculties prove they do not discriminate and its demand for goals and timetables which require discrimination to occur. For there is no reason to suppose that equitable processes in individual cases will automatically produce results which are set in the timetables and statistical goals universities are now required to develop. If all that HEW wishes is evidence that universities are bending over backward to be fair, why should it require them to have statistical goals at all? Do they know something no one else knows, about where fairness inevitably leads?

Yet another facet of HEW's procedures goes to the very heart of faculty due process: its demand of the right of access to faculty files, when searching for evidence of discrimination. Such files have always been the most sacrosanct documents of academia, and for good reason: it has been assumed that candor in the evaluation of candidates and personnel is best guaranteed by confidentiality of comment; and that evasiveness, caution, smokescreening, and grandstanding—which would be the principal consequences of open files—would debase standards of judgment. In the past, universities have denied federal authorities—the FBI for instance—access to these files. Now HEW demands access. And it is the recent reluctance of the Berkeley campus of the University of California to render unto this agent of Caesar what was denied to the previous agents, which occasioned the HEW ultimatum of possible contract suspension: $72 million. One might imagine the faculty would be in an uproar, what with Nixon's men ransacking the inner temple. But no. In this as in other aspects of this curious story, the faculty is silent.

### VIII

"In respect of civil rights, common to all citizens, the Constitution of the United States does not, I think, permit any public authority to know the race of those entitled to be protected in the enjoyment of such rights. . . . Our Constitution is color-blind, and neither knows nor tolerates classes among citizens." This is Justice Harlan, dissenting in Plessy *v.* Ferguson in 1896, when the Supreme Court endorsed the "separate but equal" doctrine.

Some of us in the league of lost liberals are still wont to say that the Constitution is color-blind. Yet now under the watchful eye of federal functionaries, academic administrators are compelled to be as acutely sensitive as Kodachrome to the outward physical appearance of their faculty members and of proposed candidates for employment. Forms supplying such information are now fed into data-processing machines; printouts supply ethnic profiles of departments, colleges, and schools, from which compliance reports may be sent to HEW, and university affirmative-action goals are approved or rejected.[1]

All of this is done in some uneasiness of mind, to put it mildly. In many states, Harlan-like blue-laws of a recent innocent epoch still expressly prohibit employers from collecting and maintaining data on prospective employees with respect to race, religion, and national origin. The crafty practices contrived to elude the intention of such laws while at the same time complying with HEW, vary from campus to campus. At the University of Michigan, the procedure entails what is known as "self-designation"—the employee indicates on a form the race or ethnic group of which he considers himself a part.[2] These forms are collected and grouped according to job-classifications, departments, etc., and then they are burned, so as to disappear without a trace. Other universities, less anxious to cover their traces, simply file the forms separately from regular personnel files, without the names of the individuals concerned. In New York, the CUNY system resorts to a quite different practice invented and perfected by South African Boers: "visual identification." Affirmative-action coordinators are told to proceed as follows: "The affirmative-action inventory is to be done by a *visual* survey [italics in original]. There *should not be a notation of any kind* as to ethnic background in either personnel records or permanent files. This is against the law. . . . Identification of Italian Americans will be done visually and by name. . . . Please remember, however, that each individual is to be listed in only one ethnic group."

The number of categories established on behalf of affirmative action, though at present finite, already betrays accordion-like expansibility. The affirmative-action program at San Francisco State College, typical of most, is now confined to six racial groups: Negroes; Orientals; other Non-White; persons of Mexican, Central or South American ancestry ("except those who have physical characteristics of Negro, Oriental, or other Non-White races"); Native American (American Indian); and All Others, ". . . including those commonly designated as Caucasian or White." All but the last category are eligible for discriminatory preference.[3]

As the above CUNY memorandum signals, however, this last category of "those commonly designated as Caucasian or White" is a Pandora's box inside a Pandora's box. Now that the Italians have escaped from it in New York, the lid is open for others—all the many different groups now fashionably known as "ethnics"—to do likewise. A far-seeing administrator, even as under HEW's gun he hastily devises future-oriented hiring quotas ("goals") to muffle the noise of one or two squeaky wheels, might wonder how he will be able to gratify subsequent claimants on the dwindling capital of reserved quotas still at his disposal.

Yet the administrator in practice has no choice but to act on the "sufficient unto the day is the evil thereof" principle. HEW ultimata, when they come, are imperious and immediate. Thirty-day rectifications are in order. At Johns Hopkins, MIT, Columbia, Michigan, and the University of California, an acute agony arises from no such philosophical long-range speculations, but from how to put together attractive compliance reports fast enough to avoid the threatened withholding of vast funds, the closing-down of whole facilities, the dismissal of thousands of staff workers, and the irreparable damage done to important ongoing research, especially to laboratory experiments. Crocodile tears do flow, from the gimlet-eyes of HEW investigators, who observe these sufferings from distant federal offices. Even J. Stanley Pottinger recently noted, in appropriate Pentagonese, that the act of contract suspension at Berkeley, for instance, might constitute "overkill." Yet no sooner had he voiced this note of sadness than his regional compliance director recommended to Washington precisely such action.

### IX

While deans, chancellors, and personnel officials struggle with these momentous matters, faculties and graduate students with few exceptions are silent. HEW is acting in the name of social justice. Who in the prevailing campus atmosphere would openly challenge anything done in that name? Tenured faculty perhaps consult their private interests and conclude that whatever damage the storm may do to less-protected colleagues or to their job-seeking students, prudence suggests a posture of silence. Others perhaps, refusing to admit that contending interests are involved, believe that affirmative action is costfree, and that all will benefit from it in the Keynesian long run. But someone *will* pay: namely very large numbers of white males who are among those distinguishable as "best qualified" and who will be shunted aside in the frantic quest for "disadvantaged qualifiables."

The inequities implied in affirmative action, and the concealed but real costs to individuals, would probably have had less damaging effects upon such highly-skilled graduate students had they been imposed in the early 1960's. Then, the sky was the limit on the growth and the affluence of higher education. If a pie gets bigger, so may its slices enlarge; nobody *seems* to lose. Such is today not the case. The pie now shrinks. One West Coast state college, for example, last year alone lost nearly 70 budgeted faculty positions due to financial stringency. Yet this same college has just announced the boldest affirmative-action program in California higher education. "Decided educational advantages can accrue to the college," it said, "by having its faculty as well as its student body be more representative of the minority population of the area. *It is therefore expected that a substantial majority of all new faculty appointments during the immediate academic years will be from minorities, including women, until the underutilization no longer exists.*" (Italics added.) Departments which refuse to play the game will have their budgets reviewed by university officials.

It is hard to say how widely such pernicious practices have been institutionalized in other colleges and universities. But were they to be generalized across the nation, one thing is certain: either large numbers of highly-qualified scholars will pay with their careers simply because they are male and white, *or*, affirmative action will have failed in its benevolent purposes.

### X

It seems superfluous to end this chronicle of woe with mention of another heavy cost—one not so immediately visible—in the forceful administration of affirmative-action hiring goals. This is that men will be less able to know, much less sustain, the professional standards by which they and others judge and are judged. An enthusiastic affirmative-action administrator recently in argument with a skeptical college president said, "Let's face it—you and I know there are a lot of lousy programs and a lot of shoddiness around here. Why object to this?" By such logic, one bad turn deserves another. Since more and more less and less qualified students may enter universities, why bother too much about the quality of the new faculty hired to teach them? It is an interesting reflex habit of some federal bureaucrats and politicians (when confronted with objections that affirmative action might, for instance, discriminate against well- or better-qualified persons) to draw rhetorical analogies to confute their critics on this score. Told that affirmative action might actually discriminate against white males, J. Stanley Pottinger of HEW simply replied, "That is balderdash. That is the biggest crock I have ever heard. It is the kind of argument one expects to hear from a backwoods cracker farmer."

---

[1] Since HEW has divulged no reliable standards of its own, the well-intentioned administrator is like a worshiper of Baal, propitiating a god who may punish or reward, but who is silent.

[2] Self-designation is not always reliable. At Michigan, the amused or disgusted members of one of the university's maintenance crews all self-designated themselves as American Indians (bureaucratese: Native American); their supervisor was quietly asked to redesignate them accurately.

[3] One object of current discriminatory hiring practices at San Francisco State is to make the institution's non-academic personnel ethnically mirror the population of the Bay Area.

Indeed, backwoods cracker farmers *are* making this argument—though for reasons other than those Pottinger had in mind, and which have much to do with the things great universities require in order to survive in their greatness. Consider what a white third-year law student at a Southern university (self-designating himself disadvantaged but according to no currently approved norms) had to say with respect to his personal situation:

"The ability to think in the abstract is hard for a person with my cultural background and economic background. My parents were WASPS whose income barely exceeded the poverty level. My father is a Southern Baptist with a third-grade education. . . . My mother is a Southern Baptist also. . . . She can read and write but my father is illiterate."

In the public schools I attended, memorization was always emphasized. At ——— University . . . during my first eight quarters at this law school no one has emphasized the ability to think in abstract terms. . . . I do not know if this type of education is good or bad, but I do know that all your time is spent taking notes and that there is no time for thought. . . . Regardless, the course has made me acutely aware of how fortunate I am to be an American. In no other country would I have been able to complete the requirements for a J.D. degree. My cultural and economic background would have prevented it. . . . My background also prevents me from answering a test like this in the manner you desire. But if I must answer, then I will. . . .

There is another form of discrimination of which, I believe, I am a victim. As a nonmember of a minority group I feel that I . . . [am] discriminated against constantly. The same admissions standards are not applied because a certain percentage of minority students must be admitted in each class regardless of their qualifications. My test score, undergraduate record, and my family (poor white) deny me admittance to Harvard because I am white. I do not say this in bitterness, but in observation of the current status of admission practices as I perceive them. . . .

Somebody, then, has to pay, when the principle of merit is compromised or replaced by preferential ethnic and sex criteria.

Who then wins? The beneficiaries of preference? The particular institution involved? Society as a whole? One may debate the answer to each of those questions, but one thing is certain: HEW wins. It wins, as Aaron Wildavsky has pointed out, because winning can be defined by internal norms. The box-score is of its own devising. To the extent that its goals are met, and the body-count proves this, it wins. But then, where have we heard *that* before?

## HEW's Faculty "Quotas" Inspire—Semantic Evasions

(By Sidney Hook)[1]

To meet HEW pressure, colleges increasingly turn to discriminatory hiring—an "embarrassment," says Prof. Hook, which the agency tries to mask by "semantic evasions."

From one end of the country to another the affirmative action program of HEW, imposing quotas on universities and colleges under threat of cancellation of Federal funds, is continuing apace. The campaign is largely succeeding due to administrative cowardice, explicable but not excusable because of current financial stringencies and faculty indifference. Almost every mail brings to the offices of University Centers for Rational Alternatives copies of official correspondence documenting what is going on:

A letter from Claremont Men's College begins: "Dear Colleague: Claremont Men's College has a vacancy in its ——— Department as a result of retirement. We desire to appoint a black or Chicano, preferably female . . ."

A letter from Washington University, St. Louis: "The Faculty of Arts and Sciences of Washington University desires to increase the number of faculty members who are either women or members of minority groups. I would greatly appreciate your drawing to my attention your Ph.D. students who are in those categories." The writer is obviously not interested in Ph.D. students who are *not* in these categories regardless of talent.

From one of the California State Colleges: "All of the California State Colleges have been requested to implement a program of active recruitment of qualified faculty of minority background, especially Negro and Mexican-American. Since I am unable to determine this type of information from the resumes you have sent me, I should very much appreciate it if you could indicate which of your 1972 candidates are either Negro or Mexican-American." Under existing state laws in California and New York it would be illegal to provide the information requested.

The following letter was actually posted on the bulletin board of a university. "Dear Sir: The Department of Economics at Chico State College is now just entering the job market actively to recruit economists for the next academic year . . . Chico State College is also an affirmative action institution with respect to both American minority groups and women. Our doctoral requirements for faculty will be waived for candidates who qualify under the affirmative action criteria, [i.e., minority groups and women] and who are willing to continue graduate work on a part-time basis." The doctoral requirement is not waived for males who are *not* members of minority groups even when they are willing to continue graduate work on a part-time basis.

One administrator from another California State College, under date of April 24, 1972, frankly announces the goal of the Affirmative Action Program: "Dear Sir: Sacramento State College is currently engaged in an Affirmatice Action Program, the goal of which is to recruit, hire, and promote ethnic and women candidates until they comprise the same proportion of our faculty as they do of the general population."

From New Mexico a letter not so extreme as those from California: "Dear Professor: Your prompt response to my letter of May 12 with four candidates, all of whom seem qualified for our vacancy, is greatly appreciated. Since there is no indication that any of them belongs to one of the minority groups listed, I will be unable to contact them at present."

From the midwest: "Dear ———: We are looking for female ——— and members of minority groups. As you know, Northwestern along with a lot of other universities is under some pressure from the Office of Economic Opportunity to hire women, Chicanos, etc. . . ."

From a letter addressed to a highly qualified applicant by the Chairman of an English Department in New England: "Dear Mr. ———: I have received your letter regarding your candidacy here. It is quite true that we have an opening here and that I have examined your dossier. It is very impressive indeed, and I wish I could invite you to come for an interview. At present, however, the Department is interested in the appointment of a woman, so we are concentrating on interviews of this kind."

This sampling establishes beyond doubt that institutions knuckling under to the demands of HEW are not seeking *the best qualified person*, regardless of sex, race, religion or national origin, for positions as they become available. In a period when it is anticipated by experts on college enrollment and faculty needs that there will be a relative decline in available positions, when competition for them will be keener than ever before, the criteria of selection will not be personal merit alone but will reflect *group* membership largely beyond the power of individuals to alter, and for which they cannot and should not be held responsible.

### HEW LOSING THE DEBATE

Nonetheless, although HEW is winning the battle because it controls the power of the purse, before which educational principles in the best of institutions have been known to yield, it is losing the argument. It has resorted to the shabbiest evasions and sometimes to outright denial of the record in rejoinder to those of its critics who are just as much opposed to unjust discrimination on grounds of sex, race, religion or national origin as HEW professes to be—and who were active on this front long before HEW discovered the problem—but who at the same time wish to preserve academic integrity and academic freedom.

The chief rejoinder to the critics is the denial that HEW believes in "a quota system" or that the program of Affirmative Action has consequences that even remotely resemble a quota system. The sensitiveness of HEW to the charge that it is imposing a quota system is highly significant. For it recognizes that a quota system cannot be reconciled with any fair system of distributing posts and positions on the basis of personal merit. HEW is acutely uncomfortable when any of its supporters frankly acknowledges that "of course affirmative action programs aim at or result in quotas," and finds nothing objectionable in that fact. It is extremely embarrassed when its supporters boldly declare that affirmative action programs are a presently justified form of discrimination "to remedy past discrimination." (See the letter of Professor William B. Gould in the *New York Times* of April 10, 1972). HEW knows that morally its case is lost if it involves a quota system or the barbaric notion that we can atone for past injustices towards innocent victims by present injustices to innocent victims.

### NOT A QUOTA SYSTEM?

What then is the "affirmative action program" according to HEW and its spokesmen? It is not a quota system. It aims only at "goals and time tables," at "numerical targets" or "statistical target goals." Replying to my article in *Freedom At Issue* (March-April 1972) Robert E. Smith, Assistant Director for Public Affairs, Office for Civil Rights, HEW, writes:

"When you insist that HEW requires

---

[1] The author, a member of the board of Freedom House, was recently appointed to the council of the National Endowment for the Humanities.

quotas, I think you should be fair and include our disclaimer. Quotas are not required by the executive order. Goals and time tables are. Failure to meet goals does not automatically result in noncompliance; if there is evidence of good faith effort to meet goals, this is an adequate substitute for evidence that goals have been met. In no case that I know of has the Office for Civil Rights reached the point of evaluating the performance of a university in meeting its goals and time-tables. Therefore it is not accurate to imply HEW threatens to withdraw Federal money from a university for failure to meet goals. I think also that the term 'quotas' has a special (negative) meaning in the academic community and among some groups. It is comparable to 'busing' in many ways. I do not think that it sheds much light on the debate to continue to raise the spectre of 'quotas.' All of us in this office abhor quotas as they have been used in the past."

Let us examine this. What is the logical or cognitive difference between saying (1) "You are to aim at a quota of 20% redheads for your staff within two years," and (2) "You are to set as your *goal* recruitment of 20% redheads for your staff within two years."? Quotas are numerical goals. A "quota of 20%" is equivalent to "a numerical goal of 20%." The expressions are interchangeable. The cognitive meaning of neither sentence is altered if we substitute one expression for the other.

For some purposes—trade, immigration policy, rationing of scarce commodities, etc.—a quota system may be legitimate. But when we are seeking the best qualified person or persons for a position it is never *morally legitimate*, particularly when we are on record as being opposed in principle to discrimination on grounds of race, religion, sex or national origin (except when these are justifiably among the qualifications, e.g. sex for certain kinds of dancers or officers for women's detention centers, religion for service in houses of worship, etc.).

If a quota system is morally undesirable, then the effort to achieve it is likewise undesirable even if made in good faith. If numerical goals are undesirable, then the effort to achieve them is also undesirable. Spokesmen of HEW seek to absolve themselves of the guilt of seeking to impose a quota system by insisting on a distinction that makes no difference in fact or practice. "We don't demand," they plead, "that the numerical goals we set down actually be achieved. We ask only that a good faith effort be made to achieve it." How does this differ from saying, "We don't demand that the quotas actually be filled or reached, only that you honestly try."?

### RESULTS OF HEW PRESSURE

What is wrong with insisting on good faith efforts to achieve numerical goals or targets or quotas within a given time-schedule? Precisely what we observe today—a natural tendency to hire individuals not on the basis of their individual competence but on the basis of their *membership* in a minority group or as a woman.

In effect, HEW is saying to colleges and universities: Very well, you may not be able to meet the numerical goals set for you but you must prove at the very least when you award the post to someone who is not a member of a minority group or a woman that there was no qualified person available among the latter. Despite all reasonable efforts, this may prove very difficult to establish. What more natural than to close one's eye to qualifications, to compromise, to reduce standards in order to establish good faith in the quest for numerical goals or quotas?

Suppose a university sets as a numerical goal recruitment of 10% or even 5% blacks for staff in a period of three or five years. This may mean, because of the past scarcity of black faculty members, that the numerical goal of black faculty for future appointments may be 50%, particularly if not many new appointments are in the offing. Where are they to come from? For as any informed person knows there is little evidence that American universitits at present are discriminating against qualified blacks. As the Harvard University Report on Tenure puts it:

"At the present moment, the competition for professionally qualified black faculty members is so incredibly intense that Harvard and comparable institutions have been warned against raiding black colleges." (AAUP *Bulletin*, March 1972, p. 66)

If universities are expected to meet "a numerical target" or "numerical goal" from where are the qualified blacks to be recruited? From the unqualified blacks? Or if qualified women in mathematics are not available from where are they to be recruited? From unqualified women? I am confident that blacks and women who are in principle opposed to discrimination would proudly reject the policy of appointing blacks and women except on grounds of individual professional competence.

HEW, however, has actually indicated a way in which some additional appointments can be made. Revised Order #4 of the Secretary of Labor which mandates Affirmative Action Programs for federal contractors went into effect on April 4, 1972. With reference to hiring practices, it states:

"Make certain worker specifications have been validated on job-performance related criteria. (**Neither minority nor female employees should be required to possess higher qualifications than those of the lowest qualified incumbent**)."

The University of Michigan and at least nine other universities were served with this order which the National Organization of Women and other militant women's groups are stressing in making up lists of qualified women with which to confront universities.

A moment's reflection should be sufficient to bring home the fantastic character of the requirement I have italicized. It opens the door to hiring persons who cannot meet *current standards of qualification* because, forsooth, a poorly qualified incumbent was hired by some fluke or perhaps ages ago when the department was struggling for recognition. All institutions over the years have steadily upgraded the requirements of scholarship and/or teaching as prerequisites for appointment and promotion. If members of minorities and women were to cry havoc, charge discrimination and insist that they be hired or promoted because their qualifications were equal to the "lowest qualified incumbent," our colleges and universities would become havens of mediocrity. Here is proof positive that HEW is not interested in seeing that the *best qualified* person gets the position. It opts for the least qualified as sufficiently meritorious to warrant appointment.

*What the guidelines should have stressed is that current standards of qualification and promotion, whatever they are, should be applied without any discrimination.*

It remains to inquire why there are comparatively so few women on the faculties of our major universities. Is not this relative scarcity incontrovertible evidence of the discrimination against women in hiring policies? Does not the disproportion between women students and women teachers confirm the charges of the bureaucrats in HEW and their public allies?

There are two generic causes that explain the relative scarcity of women in university faculties that have little to do with discrimination which at the worst has been a peripheral phenomenon among mediocre men unsure of themselves in the presence of competent women.

(1) First has been the social stereotypes prevalent in the past that cast women in domestic roles from their earliest years, discouraged them from pursuing careers, and made marriage and the family not only their primary vocation but their exclusive one. I can verify this from my own long experience as a teacher, and from that of my colleagues. I have always encouraged the many bright, young women I have taught to pursue their studies professionally, to aim high, to combine marriage and a career. But until recently few listened to me. They were subject to strong social pressures from family, friends and the social climate to which they yielded. Hopefully this attitude is disappearing. There is always a time lag between the career of graduate students and that of faculty members. Because there are today more women in graduate schools, there will be more women on the faculties of the universities in the future. They can make it on their own without the anti-intellectual, demagogic propaganda of HEW.

(2) The second reason why there have been so relatively few women in the university, as in other major institutions, is the attitude of most men in the past. Few women can combine marriage, children, and a career without the active support and cooperation of their husbands. Ask any woman who has managed all of these commitments and obligations successfully; almost invariably she will give a large share of the credit to the cooperation of her husband. In the past most men have been loath to surrender the comforts and time required to adjust their lives to their wives' professional activity. This, too, reflects social attitudes that happily seem to be changing. Most men in the past preferred to have their wives remain at home rather than work outside the home. In some periods men considered it a disgrace for their wives to work. During the depression women had difficulty competing with men for positions because an unemployed man usually meant an entire family in distress.

That there was some discrimination against minorities and women in higher education goes without saying. But it doesn't explain the statistical distributions.

A great deal can be done in the universities to increase equality of educational opportunity so that the best man or woman gets the job. It may be that the English and Australian systems should be adopted. Institutions should be required to advertise all their academic openings so that everyone knows what is open, and what are the requirements. Like some men, some women cannot believe they have failed through no fault but their own. The academic community, however, is already sufficiently polarized without introducing purely gratuitous differences among scholars and teachers concerning race or sex. To solve their difficulties, colleges and universities need straight, honest talk—not semantic evasions.

---

### Paul Seabury: The Numbers Racket on Campus

Paul Seabury is a professor of political science at the University of California at Berkeley.

Within the last year or two, he has become widely known for his outspoken criticism of "affirmative action" in the university. His criticism is especially directed toward HEW's Office for Civil Rights (OCR) which is now requiring the vast majority of American universities to implement sweeping "affirmative action" programs under the authority of federal contract compliance law. Two articles by professor Seabury on the significance of "affirmative action" have recently appeared in Commentary: "HEW and the Universities," February 1972; and "The Idea of Merit," December 1972.

In this interview, The Alternative discusses with professor Seabury the short and long term effects of "affirmative action" quota systems as they are now being administered by American universities.

The Alternative: In your article in Commentary (February 1972) you wrote that what has distinguished the American university over the last four or five decades has been a singular insistence upon excellence in scholastic achievement. Do you think that the racial and ethnic discrimination of affirmative action seriously endangers these principles of academic excellence?

Professor Seabury: I do. The question is what the special forms of damage are. One of the great risks in this business is what I call "do-it-yourself" affirmative action which is in a sense less sanctioned by the practices and policies of HEW itself. It is very interesting, for example, that HEW never itself sets its own quotas. It requires universities to establish their own set so that they are not liable under law to be found in violation of the Civil Rights Act. Now what is happening all over the country is that a wide range of affirmative action programs are now being put together by very alarmed administrations threatened by the cutoff of federal funds and also by a combination of pressures within individual colleges which themselves want to do the very thing HEW is doing, only they want to do it even more so.

A: When we talk about academic standards of excellence, what exactly are these and how can they be measured?

S: The standards, of course, are the standards of scholarship and teaching. I have never thought that it was possible at all to establish uniform laws of excellence. What there is is a kind of internalized ethic where—in seeking out new scholars for your faculty and promoting them—one is really searching for the best one can get. The judgment of competence evolves upon a very narrow group of prudential scholars working in the field. That is the way I think it ought to be.

A: Is there any way to reconcile the idea of affirmative action quotas and these principles of academic professionalism? Is there any way to bring them together?

S: It is possible to imagine ways in which the impact of quotas could be somehow modified; that is to say, in the sense that you would agree upon a set of so-called goals which wouldn't radically require you to substitute those discriminatory categories for the categories normally used. Unfortunately, one of the strangest, current problems facing universities all over the country is the very tight budget situation; colleges are not expanding, and at this very moment of constraint you're getting this clout coming in from Washington when the slots you have open are very few. This means there is a terrible pressure upon university administrations to place top priority on hiring people in particular affirmative action categories. This means you have to exclude from consideration everybody who is disadvantaged by not being "disadvantaged."

A: Considering how deeply the motto "to each according to his ability" is rooted in American culture, and particularly in American universities, what are the social and intellectual forces pushing affirmative action? Where exactly did this demand to achieve racial equality at the expense of all other considerations come from?

S: I am not a cultural historian, but there is after all something of a *zeitgeist*, a spirit of a particular period of time, that works its way in rivulets and eddies throughout your culture, and I think this is one of our problems. If you go back for example to the 1950's, you had at that point, I think, possibly an overstress upon credentialing excellence. It was what I call the Hyman Rickover effect of the 1950s, where many ambitious universities pressed very, very hard to become the best, the greatest, and so forth. It tended to place far too much emphasis upon scholarship and research to the detriment of anything else. What we are now getting is an enormous backlash in the opposite direction. As many people have pointed out, the equality of opportunity is really not the same as the equality of results. These are two, entirely different ways of looking at equality. To have equality of opportunity does not mean that the sociological results are going to correspond to the sociological categories, and there are many reasons for this which have absolutely nothing to do with the writings of Mr. Jensen, but have a great deal to do with mysterious elements in our culture. Some particular categories of people—whether we like it or not—like to do certain things that other people don't and they happen to be good at it because they are very motivated to do it.

A: Do you believe that the legislators who originally framed the Civil Rights Act in 1964 and favored affirmative action knew that this provision would eventually lead to some sort of quota system?

S: I really don't know. I do know that the principal sponsors, men like Senator Humphrey for example, *denied* that quotas would be a consequence of this. Now, of course, the argument which is made by those who did turn in the direction of quotas is: how are you otherwise going to achieve social justice? That's the bureaucrat's approach to it, which is another thing that has struck me about HEW's affirmative action. That is the development of an immense bureaucracy in Washington to deal with these problems of compliance. I am told now that the HEW "Contract Compliance" office for higher education has in the neighborhood of 500 employees, including almost a hundred of these who negotiate with universities.

A: What makes HEW officials so determined and eager to wield their power against the universities?

S: It's a middle-ranged bureaucracy that's inspired by a moral fervor. It is interesting that Stanley Pottinger is an appointment not of Elliott Richardson but of Finch. When he came to OCR, I am sure this was a very modest kind of enterprise. But what was then attracted into it, I think, was a wide variety of compliance officers who were really coming to reform society with a messianic impulse. That isn't to say that all of them are like that, but that there are quite a large number who view their roles in negotiating with universities as that of purifying universities.

A: In your article you said that "affirmative action was altered by a Labor Department order based not on the Civil Rights Act but on revised presidential directives only months after the Johnson order was announced. This order reshaped it into a weapon for discriminatory hiring practices." When I compare the language of these two orders, I see a substantial shift in both the theory and practice of affirmative action. Who and what forces are to be blamed or praised for this shift?

S: You have to look back into the origins of this thing. The source for the orders is the Department of Labor. The language and practices that develop in HEW are imitative of those that the Labor Department is using, so that the particular procedures, the particular modes of compliance investigation and compliance are derived from the industrial sector. Now, I'm not saying in any way that one ought to have a double standard and that universities should somehow be exempt from the ordinary rules of law that apply to everybody. But it is true that there is a very sharp distinction between a brick layer's union and a faculty of the university. The differential skills in a university faculty are so vastly greater, so much more diffuse. The length and types of training involved in becoming competent are so different than those that might apply in a brick layer's union. It's easy to administer affirmative action where you are dealing with a large category of uniform types. This is one reason, I think, why the HEW people when they moved into the universities never knew what was going to hit them. They just didn't understand the university and the unique decentralized character of the thing. In the university, as basic agencies of decision are departments, but if you take an industrial firm, someone goes to a central hiring office and gets a job. That was something that a lot of the HEW people really didn't think about.

A: Could HEW adopt any better procedure? Looking at this problem from HEW's point of view, do you think they should wait for complaints or that they should investigate each case on their own?

S: My feeling is that the practices of HEW should be brought into line with the Civil Rights Act—to make it in that respect legal—and that the honest thing to do would be to investigate all individual complaints and discriminations. That would be a helluva job for a federal bureaucracy to engage in. But nevertheless, there are so many scandalous instances of pernicious reverse discrimination going on that it would be rather nice to see HEW looking into these, but I haven't seen a single shred of evidence that HEW cares at all about the victims of its own current policies. It would be an embarrassing thing for them to do.

A: Do you share the common fear that the quota system might become so absurdly extensive that it would set ratios for every imaginable racial, national, political, or geographic group—that is, set ratios for everything?

S: It's the old parade of the horribles when one imagines these nightmares. There must be a certain point that you get to where the ludicrousness of this becomes apparent. Now, I said a year ago when I began getting interested in this that the effect of HEW's policies was going to breed more oppressed groups. This indeed is what has been happening. What was begun, as I pointed out in my article, to alleviate the condition of blacks has now become a gigantic crusade for all sorts of categories. I was rather interested, for example, when Congressman Podell of New York became concerned with the problem of discrimination, that his first reaction was to demand of HEW that they also include religious groups. Instead of objecting to the categoric system, you invent some other category that can be protected. That way lies madness, of course. This is something that the government of India discovered to its great dismay in the 1950s and 1960s when they were dealing with the backward caste. The moment you set up one category of castes that are eligible for preferential treatment, everybody else wants to get on the bandwagon. There are a couple of Indian states where the thing became so ludicrous that all of the castes except one or two became officially registered as 'backward.' There is a very good book, incidentally, on the Indian experience, by Donald Smith called India as a Secular State that goes into great detail about this. Now the Indians went very far and this has had very bad consequences. Once you get these privileges, you keep them. It is like oil depletion allowances. It isn't true that you can do this as a temporary measure until you have redressed past wrongs, until you have reached some new, equitable standard, before you go back to ordinary practices. It is very hard to do this because organized groups have got their clutches on a part of the pie. They are going to fight to keep it.

A: Let's discuss some of the arguments in favor of affirmative action. Don't proponents argue that it is now recognized that certain minority groups have suffered social and legal injustices in past decades and centuries, and because of this, because blacks especially suffer from what educators call 'an inferior educational environment' in upbringing, that affirmative action requires universities to counteract this bias by waiving admission in the minority's favor? 'Making up for society's injustice,' I guess, is one way of putting it.

S: The question is, what are the agencies of altering the nature of human beings? It seems to me that there is a sharp difference between quotas and a practice that was authentically attempting to train and, in that sense, to liberate people from cultural constraints so that they could then move into the broad stream of effective national life and be treated as equals by other people. When you apply preferential treatment at a very advanced stage—here, I am thinking about academic recruitment—one establishes, in effect, double standards. It seems to me that this has a very pernicious effect—and rightly so as a number of black educators have pointed out—upon the morale of people who then begin to think that the only reason they are being hired, for example, is because of their color and not because of their intrinsic qualities. This, is a matter of extreme, private disgust among a number of black and minority scholars who have gotten where they are by virtue of their own achievements and qualities. I must say that if I were black and a scholar, I would share that disgust.

A: Let's take on the issue of quotas or preferential treatment in student admissions. What is the difference in principle between lowering the cutoff line on the SAT scores of a minority college applicant and, say, adding ten points to a veteran's score on a Civil Service Exam? Each is rendered as a counteracting of a previous condition.

S: I haven't given enough thought to this question of admissions policies except in the more grievous instances and the grossest contrivances. When you are dealing with a minor, fractional form of discrimination, I suppose an argument can be made that it is going to have some good consequences. It seems to me that the basic rule in all of this is to think about what the consequences are going to be of practicing things of this sort.

But you have to be careful that in 'weighting" your standards you aren't also getting rid of them. There is a coincidence in time between admissions quotas, the assault on standards and tests, and a very powerful anti-intellectual movement which is really basing its conception of education upon spontaneity, intuition, and a kind of rap session where the idea in the man. Edgar C. Friedenberg talks about "real" education as being shared experience and that the main object of education is to establish a sense of community among students. Of course, if you go in that particular direction, you don't really need any kind of testing at all—other than of a person's ability to relate to a group, where you all sit around and contemplate your navel and think about things and so forth. Now it is unfair to wholly interpret the question you asked in these terms, except to see that in many schools it is already happening in a very powerful way.

Most of the energy that goes into this comes from non-minority, middle-class whites. If one argues, as some do, that these standards for admission and these internalized standards for evaluation in the university are devices to trap people into the system by emphasizing standards which are so-called 'middle-class standards,' then the conclusion is that you are inveigling them into a system that they shouldn't belong to. This is the kind of phony, underclass radicalism which would prevent minority students from acquiring the very competitive skills that they need to go out and live in the world. This is a very interesting kind of a problem.

You do need tests to see how people are going to be able to perform. For example, the law school test: one may object to it on the grounds that it is somehow invidious, but it has been proved to be a very effective predictor not only of how a student is going to do in law school but also how he is going to do when he gets out of law school. If you eliminate these tests, you then get back into the question I was talking about earlier, the psychic trauma when people get thrown into an institution where they cannot float. In that case the institution might lower its criteria to make it simpler so that it won't be so painful for these people. Or you may institutionalize double standards within the student body somehow, but only as they sort of unravel the whole fabric of academic standards. Society too, if you look at it from a different perspective, has always counted on the reasonable accuracy of the credentialing practices of schools, so that when you are getting somebody from a school, what he is known to have accomplished is an indicator of whether you want him. How do you evaluate somebody who hasn't been evaluated? In the more specialized fields, you want to know whether someone does or does not know chemistry or physics, or whether he is competent enough to be admitted to an engineering school, or having gotten out, whether a firm should employ him. The issue here is our confidence in a person who is moving into a very responsible position in the real world. If you wipe out these standards, who is to know what a doctor's degree really means? Who is to say whether this surgeon is any good?

A: Do you think that the performance of minority students who are admitted on a marginal basis to the university under affirmative action can in general be accelerated up to the level of their other classmates—say, by tutoring?

S: In general, this applies to everybody. It shouldn't be looked upon as a matter of minorities alone. California, for example, was one of the pioneers in the development of the junior college system. California's master plan has a triple-tiered arrangement: junior colleges, state colleges, and the university. In some of the better junior colleges—in California there are quite a number of them—they have been doing this kind of thing for a very long time for students who aspire to go on for a full four years of university education. In fact, one theory behind this has been that you can catch the people who are late maturers and late learners, put them through the paces, and at the end of a year or two they may be able to pass into the world of the university and do very well. It has been proven time and time again in California that the academic performance of junior college kids coming into universities is just about as good as those who were admitted at the beginning. This is something, however, that is made possible by a very intense dedication to teaching in these junior colleges, and I think this could be very greatly strengthened.

A: What do you think would be the long term effects of affirmative action—of the principle of inclusion—on student admissions, where we see an increase in open admissions policies or a greater breadth of admissions.

S: I am not in principle opposed to the idea of open admission. In practice, open admissions as in the New York City system has, in the real world, various disastrous consequences. State universities in the Midwest were the ones which I believe pioneered the notion of open admissions: namely, everybody certified with a high school credential got to come in. It has always been the case that there has been a very high dropout rate in the state institutions that practice it. Now when one expands into wider areas, subsidizing children of minority families, you get more people who can then actually afford to come in, so the mass of the student invasion is infinitely greater than it was twenty or thirty years ago. In New York City you get a salary if you are a qualified minority student. You get paid to go to college. An Italian is disqualified because he is not the right color. This economic favoritism is breeding vast ethnic discontents in the student bodies of New York universities. The other side of it, of course, is that the more one subsidizes the notion of mass education, the more difficult it is to sustain the idea of higher education. It's simply no longer education if the institution becomes trampled by an extraordinary number of people who are pushed reluctantly by their parents or by other incentives into the system. It has a demoralizing effect upon everyone concerned. The dropout rate in New York is absolutely phenomenal. And quite rightly so, because there are a lot of kids who come in and really don't want to do it.

A: What do you think will be the long term effects of affirmative action on the hiring and tenure granting procedures of university departments?

S: I tend to be optimistic in the sense that I cannot imagine that these practices will be uniformly institutionalized. Having said the generalization, let me qualify it. I think that there are certain types of institutions which are going to be very badly affected, where the principles of real professionalism are being modified to the point of being sabotaged. You are going to have people coming in to tenure positions who are going to be there for an awfully long time, and if there is one thing people don't like, they don't like competition. In choosing their own successors, they will choose people who will be equally mediocre so they are not threatened. This has always been a problem in any institution of higher learning. The improvement of American colleges and universities in the thirties, forties, and fifties was accomplished over the dead bodies of mediocre people. These institutions that are now going back to mediocrity in the guise of social justice are going to have some trouble. I would think some of the very best universities like Harvard, Columbia, and so forth are not going to be endangered by this. There, the internalized sense of excellence in scholarship is very strong. But that is not the case in a large number of other places. I am thinking, especially, of a number of new, state colleges.

A: Could or should the goals of affirmative action be reached by any other means besides quotas? What exactly should be done about affirmative action?

S: You can approach that question from two directions. The first direction is how all of this might benignly affect academic hiring practices. It may be true that some university departments may have been too lax in their procedures of hiring, that they haven't cast their net broadly enough because they have been lazy—without attributing here any discriminatory motives. If an improvement may be seen in this sense, it ought to be incumbent upon departments to pay much more attention than some of them do to really going out and searching, rather than doing so routinely. That's one kind of thing. However, that isn't going to satisfy those people who are concerned about equality of results, because you might end up, for example, getting more Chinese in a mathematics department when what HEW calls for is more blacks. If you are looking for sociological equality of results, this is an entirely different matter.

The whole business occurs at a time when there is a kind of generalized assault upon the merit principle, so what we are talking about is not something that is a matter of higher education, but goes into the whole institutional life of the country. Some people begin to play games with institutions that have lost a sense of their authentic and special role. And that is not something that the university alone is afflicted by. As I said earlier, we are passing through a very strange period in American history and you never know when these things terminate, and also—this is another thing that troubles me sometimes—you don't know what the reactive backlash might be when people have had enough. The terrible risk is that we might return to practices that would make the post-Reconstruction period appear to be a paradise. This, I think, is something that some of the enthusiasts should pay attention to, because an excess of their particular virtues can breed a mighty powerful reaction. And I see some signs that this is already happening.

---

### THE PROGRESS OF A BAD IDEA

(By Neil Howe)

All of the letters reprinted in this article are authentic. Most of these were made available through the generous cooperation of the University Centers for Rational Alternatives.

Direct quotations from Stanley Pottinger are taken from (1) a speech to the National Association of College and University Attorneys (Honolulu; June 30, 1972), and (2) an article "The Drive Toward Equality" in Change (October 1972).

Graduate students, faculty members, or anyone else interested in the debate over campus "affirmative action" programs may want to write to the University Centers for Rational Alternatives, 110 West 40th Street, New York, N.Y. 10018, or subscribe to their newsletter, Measure. They can also join the Committee on Nondiscrimination (444 Park Ave. S., New York, N.Y. 10016) which has been expressly organized to combat all forms of reverse discrimination and the associated dislocation of academic integrity.

The quota system as it is now being implemented at universities—under HEW's euphemistic guise, "affirmative action"—is a spectacular failure for the civil rights movement and an awesome tragedy for the university. With matchless zeal, affirmative action is attempting to foster what is best for both, and in fact its advocates claim that the fair treatment of minorities and the well-being of academia is its only reason for existence. But as transcendentalized law or legally enforced moral crusading is wont to do, affirmative action betrays and finally defeats its own purposes. With its history of unwisely mixed idealism, enthusiasm, and governmental authority, its effect has been a familiar one: not only does it tend to destroy precisely what it tries to protect, but it totally destroys what it is most thoroughly successful in protecting.

"Affirmative action" is a quota system, and a quota system requires an institution to treat an individual not on the basis of his effectiveness or merit, but on the basis of any group characteristic, from race to age to economic background to the first letter of a last name, that is not subject to individual choice. Contrary to the age-old auspices of "equal opportunity" under which it was introduced, the net effect of the affirmative action quota system has been to popularize and institutionalize an unprecedented relationship (or lack of one) between opportunity and reward. Should present trends continue, future generations may look back on the affirmative action years, a most peculiar aftermath of the civil rights movement, as a period when our society began to discard "equality of opportunity" for what David Bell has called "equality of results" (The Public Interest, Fall 1972). According to Bell: "What is extraordinary about this change is that, without public debate, an entirely new principle of rights has been introduced into the policy. In the nature of the practice, the principle has changed from discrimination to 'representation.' Women, blacks, and Chicanos now are to be employed, as a matter of right, in proportion to their number, and the principle of professional qualification or individual achievement is subordinated to the new ascriptive principle of corporate identity."

#### A BACKGROUND

If the quota "principle" of affirmative action seems to have sprung up suddenly and surreptitiously among us, it is because the ideology of affirmative action has had years to grow without our realizing that any "principle" was involved. During the early sixties, at the zenith of the civil rights movement, "affirmative action" seemed to be nothing more than a political slogan. President Kennedy, who coined the phrase in 1961, used it as a vague exhortation—to the effect that Congress and the Executive, force states to take "affirmative action" against civil and economic injustices suffered by minorities. In 1962 and 1963, it found its way into a number of honor executive orders, but its function was always more symbolic than legal. The word "affirmative" suggested strength and moral certitude, "action" suggested vigor and perhaps a touch of crusading ardor. In short, the words were simply a rhetorical stratagem that could evoke all the grander idealism we now associate with the Kennedy era. In only one way did the early slogan prefigure the later "principle": "affirmative action," as Kennedy envisioned it, implied that the federal government should, by seizing a certain moral prerogative, override the parochial standards of slower, less activist institutions. This remains a characteristic of affirmative action today.

Early in the Johnson Administration, the idea assumed crude legal shape. Congress began to give serious attention to "affirmative action" legislation when it was proposed as part of the Civil Rights Act. As it was finally passed in 1964 the Act included no mention of "affirmative action," but legislative blueprints under that name continued to be discussed as enforcement tactics. Affirmative action, according to its advocates, would allow overall racial proportions to be used as "lawful" evidence, and thus provide federal authorities swift means of circumventing individual court cases in forcing employers to abandon discrimination.

These proposals were at least partially realized. On September 24, 1965, President Johnson signed Executive Order 11246, and affirmative action, with its unprecendeted "quota" approach to fairness in hiring, was made effective law for all institutions and corporations receiving federal funds. Newspaper editorials lauded Title VII together with affirmative action as a "law with a conscience," as civil rights transformed into "the law of the land." To the movement, the purpose of an ideology had been realized, and the goals of a crusade had become enforceable edict. Yet, despite the euphoria, the "principle" of affirmative action had still not been accepted. Everyone knew that a quota system—no matter how carefully administered—distorted the justice of fair employment at an individual level. Proponents insisted that racial proportions were only to be an indicator of possible discrimination, that individual "equal opportunity" was still their paramount goal, and that, in sum, affirmative action was only a particular means to a general end.

Ever since 1965, this distinction between means and ends has been evaporating. Once specific programs had been developed by the Department of Labor and HEW, and a wide variety of contracting institutions had succumbed, complaints were raised against the surprising stringency of affirmative action's statistical demands. Industries employing unskilled or semi-skilled workers were made to comply first. Later, federal authorities devised means of including within their executive domain higher-skilled and professional, employees. By 1969–1970, university faculties were being ordered to comply; and it was here, in appointments to highly qualified positions, that the insensitive mandate of quotas committed its most glaring injustices. From all sectors of the business, professional, and academic communities there soon arose serious and embittered criticism.

In the most recent policies of the Department of Labor and HEW, and in their response to such criticism, we are finally witnessing the emergence of what Bell has accurately identified as the "principle" of affirmative action quotas. "Affirmative action" is coming to be defended and enforced by its executors as a philosophy in its own right; not so much as a means to an end, but as an end in itself, necessary not because it best insures non-discrimination and the primacy of merit, but because it is thought overt discrimination is the only way a society can achieve true equality. Formal homage is still commonly given to "merit" and "qualification" and "excellence," but these are becoming bare vestiges of a bygone era. It is for this reason, it is because individual merit is being rescinded by group privilege, that the issue of quotas has such profound significance. The question is especially critical for the future of the universities, whose worth to our society and to civilization has been sustained—throughout history—by an almost religious insistence upon merit, equal opportunity, and the very highest levels of professional excellence.

#### WHAT IS AFFIRMATIVE ACTION?

As they wended their tortuous path from slogan to law, the words "affirmative action" attached themselves to all sorts of notions vaguely associated with civil rights. Only now have they assumed a definite, almost doctrinal shape. In general an affirmative action program has come to mean any timetable by which an institution modifies its entrance procedures and requirements so that its membership will include certain predetermined proportions (most frequently, equal to proportions in the general population) of "recognized" racial, ethnic, or sexual categories. Some institutions (e.g. churches and schools) may follow such programs voluntarily. Institutions which employ members are liable to have such a program forced on them by federal law. Private businesses, though long exempt from anything but "nondiscrimination," lately seem vulnerable to affirmative action quotas administered by the EEOC (viz. the AT&T case; May 1972) under the questionable authority of Title VII of the Civil Rights Act. In businesses holding federal contracts, such programs are enforced by the Department of Labor's Office of Contract Compliance under the aegis of Executive Order 11246. In universities holding federal contracts or grants, where affirmative action has had such extreme and notorious consequences, they are enforced by HEW and HEW's Office for Civil Rights.

From a legal standpoint, the case of the university is somewhat unique since universities are not covered by any part of the 1964 Civil Rights Act. Title VI prohibits discrimination associated with all government contracts and programs except where employment is concerned. Title VII prohibits discrimination among employers except where educational institutions are concerned. Ironically, this may have allowed affirmative action quotas to be wielded more openly against the university than against any other federal contractor, since Title VII specifically prohibits enforced quotas as a means to eliminate discrimination. Professor Paul Seabury (Commentary, Correspondence, May 1972) has concluded that the "Executive Orders in the name of Affirmative Action clearly contradict the letter and the spirit of the Civil Rights Act as well as the intentions of its sponsors. Universities are being compelled to do what the Act forbids employers to do." In June of 1972, President Nixon signed an amendment to the Civil Rights Act which now includes universities under Title VII. But this has probably come too late, judging from the most recent interpretations of Title VII, to have much effect on HEW's policies.

"Affirmative Action" as it is defined in Johnson's Executive Order—and this cannot be over-emphasized—is essentially and explicitly different from simple "Non-discrimination." The latter is defined as the requirement that "no person may be denied employment or related benefits on the grounds of . . ." etc. But "affirmative action," according to the text of the Order, is a different "concept." It "requires the employer to do more than ensure employment neutrality with regard to race, color, religion, sex, and national origin. As the phrase implies, affirmative action requires the employer to make additional efforts to recruit, employ, and promote qualified members of groups formerly excluded, even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer, (so that) employment practices will not perpetuate the status quo ante indefinitely."

Once the implication of the italicized clause is accepted, that universities cannot rid themselves of discrimination because they cannot even identify it (invisibility, alas, is the very nature of "cultural" and "institutional" discrimination), and once it is decided that discrimination must be eliminated, then an external quota system is inevitable. The original argument of the civil rights movement was that fair judgment of merit will eventually lead to proportional representation. Now, the argument has been reversed. Premises have been replaced by conclusions, means by ends. The backward reasoning of "affirmative action" is that proportional representation will somehow guarantee fair judgment of merit. This reversal is the *sine quo non* of the affirmative action "principle," and means that the rule of group representation has now superseded as a basic, institutional necessity, the rule of individual worth. Late in 1972, the Office for Civil Rights reached what may be a portentous decision: it declared it will no longer consider individual cases of discrimination (these will now go to the EEOC), but instead will concentrate only on "patterns of discrimination" (i.e., quotas). Justice *qua* individual, once the legitimate concern of civil rights activists, is no longer worthy of OCR's resources. These it will now spend diligently to ensure justice *qua* group—an effort, not many years ago considered racist.

In practice, affirmative action programs are supervised and enforced by OCR's ten regional offices in all universities receiving over $10,000 in federal funds. The programs are drawn up individually with each institution and are designed to rectify the employment practices of any academic department "having fewer minorities or women in a particular job classification than would reasonably be expected by their availability (Revised Labor Dept. Order 4)." Complete records of the current racial and sexual composition of university employees, both academic and non-academic, and specific affirmative action "timetables" and "goals" showing "planned" and "attained" progress toward an "acceptable" composition are compiled by the university administration and sent to OCR. After reviewing them, OCR can either accept or reject all or any part of the program.

The procedures alone have had their difficulties. Many university departments have found it demeaning and a breach of inviolate academic tradition that an outside organization should gain immediate access to confidential records. The University of California at Berkeley for months resisted disclosing some of the information that OCR demanded. It relented only after OCR made repetitious promises that such records would remain "secret"—and after OCR directly charged UCB with "non-compliance." State laws prohibiting employees from revealing or recording their race on institutional records (laws once thought to be "pro-civil rights") are yet another obstacle to OCR. Frequently, OCR must infer racial or ethnic origin from related data (e.g., "Spanish *surnamed* candidates"), or require members of a department to identify each other's race, or use what it calls a "visual survey."

The enforcement of any quota system is a relatively simple matter, and the enforcement of affirmative action is no exception. From the outset, OCR has a rough idea what "guidelines" it considers "acceptable." If the written affirmative action program proposed by a university is not sufficiently extensive, extreme, or specific, OCR can reject it again and again any number of times until federal officers are satisfied that the university is acting in "good faith." If the university refuses or is slow to comply with its own guidelines, or if it denies access to its departmental records, OCR may, after a formal hearing, "cause to be cancelled, terminated, or suspended, any federal contract, or any portions thereof . . ." Because most major universities are 30 to 60 percent dependent upon federal funds, they are effectively at OCR's mercy.

It is of no use to argue that federal contracts or grants may involve only one specific area of the university (usually research in the sciences). Executive Order 11246 includes the proviso that *all* employment in the contractor's institution must comply. HEW's attempts to justify affirmative action as a legitimate prerogative of federal government and executive mandate has led to a number of *faux pas*. Elliott Richardson, until recently Secretary of HEW, for instance, defended affirmative action by claiming that it is government's "vital interest" to assure "the largest possible pool of qualified manpower for its products." This led Professor Seabury to respond in *Commentary* (May 1972): "Does HEW now regard universities as federal projects? If so, how far down the road of government control have we come?"

### OCR'S "NEW SPEAK"

The Office or Civil Rights, like any bureaucracy possessing great powers and questionable motives, has difficulty explaining clearly how its programs work. "Guidelines" and "regulations," though offered in great abundance, are as deliberately vague and enigmatic as the smoke and fire of a mysterious oracle. Contradictions are replaced by confusion. "Affirmative action," according to OCR, is an "agreement between the Office for Civil Rights and the university" that departments shall "make an effort" in "sincere and good faith" to fulfill certain "goals" with respect to minority employment For the sake of clarity alone, the smoke ought to be cleared from such innocuous phraseology.

First, for the words "agreement between" ought to be substituted the words "command by" OCR. It is ludicrous to call the result of arbitration between two institutions, one of whom is invulnerable and carries life or death punitive power over the other, an "agreement." With the Supreme Court unwilling to rule on the matter and the most vocal university groups siding with OCR, university administrators can hardly regard their own compliance as voluntary. When OCR resorts to threats, universities genuinely fear for their own survival, for behind such threats are hair-trigger methods of sanction: after a thirty-day notice and without any specific charge of discrimination, HEW may begin procedures for suspension of funds. Protesting these arbitrary enforcement tactics. William J. McGill, president of Columbia University, claims that OCR is disregarding established precedents of labor regulation: "One of the greatest achievements of American law has been construction of the rules of orderly conflict between management and labor, embodied in our new classical concepts of labor law. We do not now have such formal procedures." (Life, Oct. 8, 1971)

Second, the words "make an effort" in "sincere and good faith" ought to be deleted entirely. HEW's Office for Civil Rights repeatedly emphasizes that a "good faith effort" is all that is necessary for university compliance (quite rightly, since qualified minority applicants may not be available in every instance), but just as emphatically OCR insists that "the best evidence of good faith is a good result." Stanley Pottinger, Director of OCR, offers the following ambiguous observation: "Good faith efforts remain the standard of compliance set by the Executive Order; goals remain as a barometer of good faith performance. . ." In practice, some large universities (e.g., The City University of New York and New Mexico State University) have been threatened with termination of funds even though they proved that they had done everything in their power to comply, and that OCR's hazy "guidelines" were at fault.

But what is more important, statements such as Pottinger's reveal either an appalling ignorance or a zealot's interpretation of the function of legal sanction. In theory and in ordinary practice, the purpose of law is to proscribe, regulate, and influence definable *acts* and tangible *procedures*. Pottinger is singularly intent on putting law to a quite different task: to inspiring *attitudes* of "good faith." Indeed, Pottinger seems surprised and embarrassed when asked to examine only the substantive effects of his office's "guidelines." In a June, 1972 speech, he declared: "I am convinced . . . that the spectre of lost autonomy and diminished quality among faculties is one which obscures the real objective of the law against discrimination." A law's consequences, he implies, should not be allowed to "obscure" the intentions of its maker. If—as some claim—OCR is attempting to bring about a "New Reformation" in civil rights, then Pottinger has encountered an old Calvinist dilemma: how to keep an absolute insistence on "good faith" without "good works" from degenerating into oppressive demands for "good works" with no real need for "good faith."

Third, "goals" or "guidelines" are only confusing synonyms for numerical quotas, and no one—either inside or outside HEW—has yet offered a reasonable explanation how a "goal" differs from a "quota." Professor Sidney Hook of the University Centers for Rational Alternatives has asked HEW the simplest of rhetorical questions: "What is the cognitive difference between saying (1) 'You are to aim at a quota of 20 percent redheads for your staff within two years,' and (2) 'You are to set as your goal recruitment of 20 percent redheads for your staff within two years'?" HEW's answer: "quotas" must be filled without fail, while "goals" are only an "indication of good faith"—again, law is thrown back into the phantasmic realm of spiritual purity. As the bureaucracy sees it, goals are "reasonable" and "produce results," while quotas are "rigid," "exclusive," and "compel" employers to make unwise decisions. From such loaded language we can infer only one, very simple distinction: "goals" are quotas that HEW happens to approve and support. Professor Hook has concluded that the supposed clarification is nothing more than a "semantic evasion." Stanley Pottinger resolutely affirms that the difference is not a matter of semantics. This, in sum, has been OCR's most positive statement on the issue.

But the reasoning ought to be set straight. OCR, obviously, cannot claim to represent the conscience or the inner wishes of the university. It is an outside, regulatory institution. Thus, good faith or bad faith, if the university is coerced into compliance, "goals" are quotas; if the university is not coerced in any way, "goals" are not even goals. They are nothing at all. OCR has chosen the path of coercion, in part to justify its own existence as an office that is "doing something" about civil rights, and to satisfy some groups (e.g. The Women's Equity Action League) who have already criticized the effectiveness of OCR because it has not to date terminated a university contract. On the other hand, OCR desperately wants people to understand that its role is to persuade universities to do what is right (by enlightening them with "guidelines" and "goals"), rather than to require rigid compliance (by enforcing quotas). The result is peculiar. OCR sometimes tries to convince, and sometimes makes outright threats, but it dreads the prospect of giving a simple order, of stating honestly what it in truth demands. President Spenser of Davidson College, after reams of exasperating correspondence with OCR, found he could never determine precisely what his local office wanted or under what authority it acted. He finally wrote:

"If your 'request' is in reality an order, I would appreciate your stating this in clear and unequivocal terms. If Davidson College is being ordered to report to you, I would also appreciate your citing to me that . . . law which gives HEW the authority to issue orders to any college . . ." And in still later correspondence: "Your letter does not respond to this essential question. Are you or are you not ordering Davidson College to submit the . . . report . . .? I do not believe I can state the question more clearly or directly." Reading the full text of this correspondence, one suspects that OCR, more interested in repentance than compliance, would almost prefer the manifest guilt of an obstreperous refusal to a dispassionate willingness-to-obey-if-ordered. President Spenser, incidentally, has yet to receive another answer.

### THE IDEAL QUOTA

The Office for Civil Rights never itself proposes standards for university hiring; it simply accepts or rejects whatever programs are offered by campus administrations. There are very good reasons why HEW follows such a policy. It absolves OCR of guilt, and rests the responsibility for quotas on university policy rather than on OCR's interpretation of federal law. OCR does not dare issue specific figures and face unified resistance among universities. It is easier to couch its directives in vague and indeterminate language, and then watch the radical, liberal, and conservative members of each campus fight it out among themselves. Whenever it appears to OCR that the wrong side has won at the university level, it can always use its power of veto.

For this reason, it is difficult to know just what HEW considers "reasonable" when it insists that universities hire as many minorities as "would reasonably be expected by their availability." Each regional OCR office has its own fluctuating whims and fancies. Moreover, campuses with particularly radical faculties frequently go beyond anything OCR might require. Only from their record of rejections can we extrapolate the operational principles toward which OCR is headed.

The most extreme and far-reaching of these principles is the following requirement: *that the proportions of racial and sexual categories of faculty members to the faculty as a whole be made identical—eventually—to the proportions of racial and sexual categories in the population as a whole.* Now, the speed with which HEW is forcing universities to realize this final "proportion-to-population" rule varies from campus to campus. Ultimatums are not, as yet, being issued. But there are exceptions, and in the West, regional OCR pressure seems particularly intense. Late in 1971, San Francisco State College, responding—at least in part—to OCR's persuasion, called for "an employee balance which in ethnic and male/female groups, approximates that of the general population of the Bay Area from which we recruit." Sacramento State recently sent out letters which read: "Sacramento State College is currently engaged in an Affirmative Action Program, the goal of which is to recruit, hire, and promote ethnic and women candidates until they comprise the same proportion of the faculty as they do of the general population."

More frequently, regional OCR offices are constrained to soften their approach. The "proportion-to-population" rule still applies to racial minorities, but for women, they will allow a principle somewhat less extreme: *that the proportion of women faculty members to the entire faculty be identical to the proportion of women applicants to applicants of both sexes.* The rationale for this divergent standard seems to be based on practical considerations alone. Even some OCR offices evidently thought it unfeasible to demand an across-the-board female plurality of faculty members—*in toto* and in each department—since women do in fact slightly outnumber men in the population at large. The "proportion-to-applicant" rule, because it is less extreme, is all the more strictly enforced, and many universities are being held in a quasi-probationary status until they accept it. The University of Michigan, for example, whose proposed affirmative action programs were repeatedly rejected throughout 1971 for indefinite and inadequate "numerical goals and timetables," was told by the local OCR office that it must "achieve a ratio of female employment at least equivalent to their ability as evidenced by applications for employment"—that is, to the *number* of female applicants. A timetable for this "achievement" was required immediately.

There are endless variations in OCR's standards. A department of one midwestern university was recently charged with discrimination in its Ph. D. program simply because only one minority student enrolled out of over 100 applicants. Although nineteen minority students had actually been offered positions, OCR never mentioned that fact in its report. In March 1971, a similar charge was levelled against the University of Oregon on similar grounds: that only one minority candidate *enrolled* out of several minority applicants. Faculty hiring at Brown University offers still another innovative interpretation of "good faith" employment practices. Brown administrators, after having their first program rejected, proposed in December 1970 to make the proportions of minorities in their faculty the same as the proportions of *"available members of such groups in the labor forces."* OCR accepted this plan, and a new rule—"proportion-to-labor force"—might have been born, had not OCR's regional office changed its mind one year later when it claimed that Brown's discriminatory problem was too "deep" for such a plan to work.

### THE QUESTION OF MERIT

While officials at OCR are poring over columns of statistics and debating among themselves—presumably—which group quotas shall best ensure group justice, chairmen of university departments are facing the peculiar difficulty of trying to comply with their campus' racial and sexual timetables while maintaining the academic quality of their departments. On the one hand, they want to avoid endangering the financial status of the university and incurring the wrath of the more radical students, administrators, and faculty members. On the other hand, they feel an obligation to award candidates solely on the basis of merit. The ideal solution, of course, is to find enough candidates who are both women or "minority group persons" *and* who are well-qualified (or at least not utterly unqualified). Not surprisingly, this is a solution that academic departments are now spending a great deal of time and energy pursuing. One of OCR's adamant demands is that departments make "vigorous and systematic efforts to locate and encourage the candidacy of qualified women and minorities." Such a demand was never necessary. Departmental chairman know very well this is the only way they can successfully survive the "system."

The resulting academic recruitment policies must be puzzling to candidates of any race or sex who have grown up with old-fashioned notions about civil rights and academic liberalism.

Letters on campus bulletin boards now read:

"The Department of Philosophy at the University of Washington is seeking qualified women and minority candidates for faculty positions at all levels beginning Fall Quarter 1973 . . ."

"We desire to appoint a Black or Chicano, preferably female . . ."

"Preference will be given to women and minority group candidates in filing this position if candidates of equal quality are identified."

"Dear Sir: The Department of Economics at Chico State is now just entering the job market actively to recruit economists for the next academic year . . . Chico State College is also an affirmative action institution with respect to both American minority groups and women. Our doctoral requirements for faculty will be waived for candidates who qualify under the affirmative action criteria."

Letters between departments now read:

"Dear Colleague: Claremont Men's College has a vacancy in its . . . Department as a result of retirement. We desire to appoint a black or Chicano, preferably female . . ."

"I should very much appreciate it if you could indicate which of your 1972 candidates are either Negro or Mexican American."

"Dear . . .: We are looking for female . . . and members of minority groups. As you know, Northwestern along with a lot of other universities is under some pressure . . . to hire women, Chicanos, etc. . . ."

"Your prompt response to my letter of May 12 with four candidates, all of whom seem qualified for our vacancy, is greatly appreciated. Since there is no indication that any of them belong to one of the minority groups listed, I will be unable to contact them . . ."

"I would greatly appreciate your drawing to my attention your Ph.D. students who are in those categories . . ."

With every university trying to fulfill its quota, the current competition between academic departments for minority or women candidates has reached a fever pitch of intensity. According to the simple law of supply and demand, departments must now offer a significantly higher salary to a minority candidate than to a similarly qualified nonminority candidate—if they want to keep him (or her). In most instances, departments consider this a small price to pay for a solution to the quota dilemma. Contrary to OCR's charges that black candidates are being denied placement due to discrimination, the situation has now grown so lopsided that, according to the *AAUP Bulletin* (March 1972), "Harvard and comparable institutions have been warned against raiding black colleges."

"Good works" are the only reliable measure of "good faith," and fulfilled quotas are the only certain means of satisfying OCR's demands. If a department cannot fulfill its quota with what it feels are qualified candidates, pleas to the university and to OCR that it has made superhuman efforts to recruit such candidates will rarely be of much avail. At this stage, a new category is pulled out of OCR's cryptic lexicon: the category of the "qualifiable" candidate. "Qualifiable" is a word OCR uses repeatedly in its correspondence with universities. Quite simply, it describes a group of candidates whom the department does not presently regard as qualified, but who had better be qualified soon if the department wants to prove it is "serious" about affirmative action. And once "qualifiable" candidates perforce become qualified," OCR pulls another deft, syntactical maneuver by gracelessly demanding that all departments "hire and promote *qualified* women and minorities." The language of this order particularly distresses departmental chairmen who know that to survive and excel departments must look for something quite different: namely the *most* qualified candidate of any race or sex. But "most" or "best" are adverbs rarely used by OCR in conjunction with "qualified," and even "qualified" itself has a habit of slipping away from the words "minorities and women."

"Qualification," as interpreted by the universities is an obstacle that OCR is trying to remove from the path of affirmative action. OCR has ruled, for instance, that unless the department can prove that the qualification is necessary, any qualification "which tends to discriminate according to race and sex" must be eliminated. Since almost any qualifying test that is given to different categories of the general population (categories based not only on sex or race, but on economic or educational backgrounds, or physical height or weight, or geographic location, or what have you) will yield results that are—to some degree—unequal, the very principle behind OCR's ruling has effectively jeopardized any means of judging merit. In practice, the department is guilty until proven innocent; a qualification is assumed to be prejudicial until proven valid and necessary. And proving the validity of a departmental requirement—to an OCR official who often knows nothing about scholarship or research in the field—can be a difficult task. When the chairman of the Graduate Department of Religious Studies at one Ivy League University tried to explain to OCR representatives that knowledge of Hebrew and Greek was a standard prerequisite for candidacy, he was told, with characteristic bluntness: "then end these old fashioned programs that require irrelevant languages!"

By means of a similar ploy, OCR has ruled that women or minority candidates must always be chosen over a man or nonminority candidate with "equal" qualifications. Again, this rests the onus of guilt and the burden of proof on the department if, in choosing between two candidates of proximate quality, it happens to choose the "wrong" way. Upon investigation, OCR must be substantively convinced that the nonminority candidate is indeed superior by a sizable margin.

Yet what must be considered OCR's most ingenious and extreme tactic to date, though now it is no longer used, was an interpretation of a Labor Department order which required "universities to reject male and nonminority applicants who might have better credentials than female and minority applicants so long as the latter have qualifications better than the least qualified person presently employed by a department." No order could have been better worded to ensure everlasting mediocrity. What it means is that the department—if it has just one professor far less competent than the rest—must hire only women or minority candidates until there is none available who is better qualified than that one, least common denominator. Since most departments have one or two such professors, often hired decades ago when the campus was small and money was short, academic senates protested furiously when this order was actually presented to ten universities. After Congressman Gerald Ford began publicly investigating the complaints, the order was rescinded—despite the reluctance of the OCR hierarchy.

OCR, of course, never wants it to appear that its policies are degrading "academic excellence" or violating the principles of merit or qualifications. They simply want to distort and reorient these principles so that universities can legitimately accomplish the goals of affirmative action. If possible, they will leave the ideology of merit intact. But if worst comes to worst, OCR is fully prepared to pressure the university to adopt not only a final, ideal goal (e.g. "proportion-to-population" which is met by means of a "timetable"), but specific and immediately applicable methods for reaching it. Thus, responding to OCR pressure, Northwestern tersely declared late in 1971 that it will "replace all appointments to the faculty . . . at a rate of 25 percent women and racial minorities." The State University of New York at Albany recently announced "a policy of one-to-one hiring of minorities affecting all the administrative staff." Variations of this idea of immediate quotas are now being adopted by an increasing number of universities. Pottinger has tried to deny OCR's responsibility for the most extreme cases, but in an unusually equivocal manner: "while HEW does not endorse quotas, I feel that HEW has no responsibility to object if quotas are used by universities on their own initiative."

Inevitably, letters sent from universities to male, non-minority candidates have come to include, as a matter of course, some rather awkward phraseology:

"Dear Mr. Pittman . . . This disapproval in no way reflects upon your professional preparation or specific background. . . . The basis for disapproval was primarily that the position . . . requires certain qualifications regarding the overall profile of the institution. . . ."

"Dear Mr. Larscham . . . I have examined your dossier. It is very impressive indeed, and I wish I could invite you to come for an interview. At present, however, the department is concentrating on the appointment of a woman. . . ."

"Dear Mr. — . . . all unfilled positions in the university must be filled by females or blacks. Since I have no information regarding your racial identification, it will only be possible to contact you for a position in the event you are black."

### SINFUL MORTALS

Back in 1964, in the flurry of Senate debate over Title VII of the Civil Rights Act, Senator Smathers of Florida at one point argued that federal legislation was not the correct approach, that employers should be allowed to end discrimination on their own. Senator Humphrey, choosing his words carefully, responded: "how right the senator is . . . But the trouble is that these idealistic pleadings are not followed by some sinful mortals. There are some who do not hire solely on the basis of ability. Doors are closed; positions are closed; unions are closed to people of color. That situation does not help America." Such language, of course, was typical of the "civil rights" esprit of the early sixties. But Humphrey's version is of particular interest because it expresses what was and still is a vital animus within the civil rights movement; a desire to uplift man and to presume an "idealistic" insight into his prejudices. On behalf of a reasonable principle, this crusading, the blending of morality and politics can be a boon for all of us. After all, we deserve to be chastised for "sinful" wrongdoings; we often cry out for a slogan or a law that will force our neighbors to behave in accord with widely accepted ideals. But on behalf of an unreasonable principle, the whole effort has tragic consequences. No matter how thickly they are cushioned by platitudes of goodwill, "idealistic pleadings," given the force of law, can turn into genuine repression—when no other consideration seems "idealistic" enough to refute them. And if, as Senator Humphrey suggests, we are really dealing with "sinful mortals," well, who is to say what methods are too extreme to alleviate their sorrowful condition?

The difference between the civil rights movement of the early sixties and the movement of today is not that one is any more or less a moral crusade than the other. The difference is simply this: the movement of yesteryear worked for the reasonable principle of "non-discrimination," while the vanguard of today's movement works for the unreasonable and now discriminatory principle of the "affirmative action" quota. The goal of the former is (or was) a compromise between the ideal of equality and the inherent inequality of society's demands, rewards, acquired responsibilities, and required capabilities. The goal of the latter is a self-defeating triumph of morality over politics, a triumph which tramples rudely over any competing ideal and can itself ensure only the most unideal, delusory, and superficial sort of equality, the numerical "equality of result." "Nondiscrimination," the original purpose of the Civil Rights Act and once the slogan of a host of admirable legislators and civil rights groups, is a reasonable principle because its approach is flexible in practice; because it recognizes that "equal opportunity" as a concept only has meaning when applied to particular cases of employment: because it respects other legitimate, institutional principles—excellence, efficiency, profit, to name a few; and because it need not breach the autonomous standards of decentralized, independent professions. Affirmative action quotas, on the other hand, are by nature inflexible. They can only interpret "equal opportunity" in terms of numerical results which render the very idea of "opportunity" meaningless; they abridge, to the extent that they are enforced, any other governing principle of participation; and, if they are centrally administered (which they must be if the quotas are not to contradict each other), they necessarily centralize professional standards.

It is a common tendency among reformers to judge progress toward an ideal by what they envision will be the most tangible results of such progress. This tendency, along with the disappointment, cynicism, and frustration it engenders, was the precursor of the affirmative action principle. Throughout the sixties, especially after the 1964 Civil Rights Act, it became obvious to many members of the civil rights movement that full minority participation in all areas of society could not be brought about as soon as they had hoped. Simple "non-discrimination" still did not mean that just as many minorities as non-minorities could legitimately participate in every institution. "Equal opportunity," now enforced by law, still did not guarantee "equal results"—which seem to have been, among some reformers, the envisioned ideal. The cultural barriers to instant participation were more insurmountable, more complicated, more instrinsically bound up with other, fundamental societal values than had once been imagined. Advocates of civil rights could see that the difficult but equitable progress of racial "neutrality" would reach complete fruition not in months or years, but perhaps in decades. Some grew wiser, trimmed their expectations, and accepted the inevitable inertia of cultural change. Others grew desperate, and transformed earlier civil rights' rhetoric into iron-clad principles that promised—above all else—immediate results.

Thus, "affirmative action" was born. Insofar as it contradicts any traditional or common-sense grounds for institutional participation, it is a mysterious principle. Indeed, to the uninitiated, it is esoteric. "Good faith" proof of adherence and of belief can only be within you, for, as Pottinger gently reminds us, "affirmative action . . . has a spirit as well as a letter." Insofar as it utterly rejects the values and procedures of society at large, it is an elitist and uncompromising principle. No piece of HEW literature, no advocate of affirmative action can refrain from emphasizing how this law will set an example for the less enlightened, or how it is an improvement on mere deliberation and older (i.e. racist) standards, because this law demands "action." Again, Pottinger says it best: "Clearly, when the issue comes close to home, the academic community's response should not be to refuse to participate, or even to ask whether it should participate. The response must be to seize the opportunity to translate advocacy into results with a vigor and commitment that will lead the community at large."

The American universities, OCR's affirmative action program is an overt attempt to reshape the internal standards of excellence that have sustained and nourished the academic community for nearly a thousand years. It is a hasty, fervent thoughtless attempt, brimming with tragic consequences. "Academic excellence," in spite of OCR's protestations, means exactly what it says: "excellence" as it is interpreted by the "academic" institution. To the extent that OCR is effective—for better or for worse—this ideal will necessarily lose its age-old authority. What is taking its place? Among the less radical advocates of affirmative action, who are convinced that subjective, "clubhouse," "old boy" recruitment policies are responsible for departmental discrimination, the answer appears to be less personal, and more uniform, strictly credential-based evaluation procedures. The advantages of this change, that such standards are free from individual bias and easily weighted, if need be, in a minority's favor, seem to outweigh the disadvantages: that such standards inevitably vitiate the very highest levels and less quantifiable modes of achievement. Among the more radical advocates, nothing really need replace "academic excellence." An increasingly popular justification of affirmative action, popular among those who tend to regard all standards—academic or otherwise—as culturally relative favors "proportion-to-population" quotas for no better reason than that they are at least as fair as any other method. When in doubt—so run the empty-headed strains of this line of reasoning—be democratic! To be sure, the long term effects of affirmative action in the university are intimately tied up with other current attempts to reform the philosophy and practice education.

For the civil rights movement, affirmative action is a more conspicuous failure. "Separate but equal," the discriminatory standard of the Jim Crow era, has at last found its cultural descendent in the "equal and opposite" discrimination of HEW. Due largely to the principle of affirmative action, the arguments of ten and fifteen years ago that participation should be allotted on the basis of merit alone without regard to race, creed, or color, now are derelict and abandoned, "objectivity" and "neutrality" in employment are considered naive, and the old bogeys—double or triple standards, quotas, racial inventories, etc.—are gaining a new respectability. It is an ominous reversal of an ideology. Even if we accept the notion that it is government's responsibility to readjust institutional standards so that social justice may be meted out to citizens on the basis of race or sex, how are we to determine the ideal readjustment? How does one go about passing judgment not on an individual, but on a group, or distributing rewards not according to voluntary behavior, but according to some determinist rule of tribal worth. If, as many OCR supporters would claim (though officially, HEW disavows such support), over-compensatory quotas are necessary to make up for "past injustices" to minorities, then what racial or ethnic vengeance cannot be made legitimate under the mandate of affirmative action—say, on the scale of German domestic policy in the 1930s? This is not idle speculation. There are already indications that the principle of affirmative action in the last five or ten years has helped to increase competitive animosity between different races, sexes, and ethnic groups, and has helped politicize and institutionalize the boundaries between such groups. The venerable goals of the civil rights movement, from the grand old myth of the "melting pot" to the modern-day dream of "integration," are hardly what affirmative action is all about.

---

## Affirmative Action Means and Ends

(An address by Robert F. Sasseen, Dean of the Faculty, California State University, San Jose)

The topic for today's discussion is the means and ends of affirmative action. In preparing for today's talk, I could not help but remember an experience I had a few weeks ago. I then gave a talk on affirmative action to a conference of public administrators. My purpose was to demonstrate that opposition to affirmative action can be a principled rather than a prejudiced opposition. Well, to make a long story short, my attempt was an unmitigated failure. As might have been anticipated, I was altogether misunderstood. The position I represented was understood to be grounded, not in principle, but in prejudice. I was told in no uncertain terms that I was a complete fool, thoroughly incompetent and fully illustrative of the kind of racism which affirmative action is designed to overcome. Needless to say, the experience was rather unpleasant. It prompts the question whether a white, male, Anglo-American can ever be understood if he appears less than enthusiastic about the principle of affirmative action.

However, there is a general rule of public speaking which states that misunderstanding must be viewed as the speaker's failure to make his meaning clear. Well, I will do my best, but I need your help. If my best is not good enough, let me at the outset ask your help in understanding what I will try to say. My previous audience thought I had denied the fact of discrimination and prejudice in this country. Perhaps this audience will be good enough to believe that I am not so stupid. Of course prejudice exists in this country. That is not at issue. Apparently, too, my previous audience thought that I had denied the fact of unequal opportunity in this country. Of course there is, and perhaps this audience will believe that I mean what I say. Apparently, my previous audience thought I had denied that unequal opportunity is in some respect rooted in the prejudice present in this country. Of course it is, and perhaps you will believe me when I say so. But none of that is at issue in the problem posed by affirmative action. The affirmative action issue is *not* whether there is discrimination or prejudice or unequal opportunity in this country. We know that there is. The issue is *not* whether we should strive to mitigate prejudice and to foster equal opportunity. Of course we should. But the issue posed by affirmative action is a different issue. The affirmative action issue is this: what can, what should, the Federal Government do to eliminate discrimination and to promote equal opportunity.

The advocates of affirmative action believe that their policy is a necessary or reasonable means to equal opportunity. They believe that it is a necessary or reasonable cure for the wrongs of employment discrimination. If this were really so, then you and I and every decent person must support this policy. We all wish for equal opportunity, and we are all obliged to work to eliminate prejudiced discrimination in employment. If affirmative action were a policy which could accomplish these ends, then I will support it and so should you. But the issue is whether affirmative action is such a policy. The issue is precisely whether affirmative action promotes these ends. If it does, then let us support it; if it does not, then let us change the policy as may be necessary to promote genuine equality of opportunity.

Let us then, at the outset, be perfectly candid and as clear as possible. We all believe in the end of equal opportunity. We all believe that employment discrimination on the grounds of race, color, religion, sex or national origin is a terrible wrong. And we all believe that we must make every effort to overcome this wrong. On these points, there can be no disagreement among us. If there is a disagreement, it is not about these ends. To be perfectly candid, I will say at the outset that I disagree with those who believe that affirmative action is designed to eliminate discrimination and to promote equality of opportunity. I do not think that this is so. I believe that affirmative action has as its end, not equal opportunity, but rather the proportionate employment of women and minority persons. I believe that to achieve this end of proportionate employment, affirmative action commands, not an end to discrimination, but systematic and overriding efforts by employers to hire and promote persons identified by their race, sex or national origin. And I believe that this means to the end of proportionate employment amounts in practice to nothing more or less than preferential treatment of persons on the basis of their sex, race or national origin. Believing all this, I find myself in opposition to this policy called affirmative action.

At this point, let me again ask for your help in understanding what I am trying to say. If there is a disagreement among us, let us be sure to understand what our disagreement may be. Precisely because I am for equal opportunity, I am against a governmental policy which aims to establish and enforce countrywide a system of proportionate employment. Precisely because I believe any form of discrimination based upon race or national origin is wrong, I am against this preferential employment policy. I believe that anyone who is for equal opportunity should be against a preferential policy of proportionate employment. If we disagree, our disagreement concerns the nature of affirmative action. Some may think affirmative action is an anti-discrimination policy aimed at equal opportunity. I deny it. I say affirmative action is a preferential policy aimed at proportionate employment of persons identified on the basis of their sex, race or national origin. Well, then, am I correct? Let us see, let us together examine the policy. What does it say and what does it require?

On the surface, affirmative action does not present itself as a preferential policy aimed at the proportionate employment of women and minority persons. At first glance, the policy presents itself as a prohibition of discrimination in employment. The policy originates in Executive Order 11246. This Executive Order is tied to no law; it is not even a means of implementing some law. It is a purely executive action. The Executive Order states that:

"The contractor will not discriminate against any employee or applicant for employment *because of* race, color, religion, sex or national origin. The contractor will *take affirmative action to ensure* that applicants are employed and that employees *are treated* during their employment *without regard* to their race, color, religion, sex or national origin." [1]

At this point, the policy seems to aim at equal treatment of all persons in employment.

However, HEW and the Department of Labor, who are to implement the Executive Order, understand the policy in a different way. They say that the policy has *two* parts, only one of which aims at equal treatment. HEW explains that the first part of "nondiscrimination requires the elimination of all existing discriminatory conditions, whether purposeful or inadvertent." HEW explains that this first part of the policy protects everyone. *All* persons are protected by this command to eliminate discrimination on grounds of race, sex, color, religion or national origin. But the second part of the policy—the part called affirmative action—has a different purpose. HEW explains that the second part is designed for the benefit of only *some* persons, persons identified precisely on the basis of their race, sex or national origin. HEW explains that the affirmative action part is designed "to further employment opportunity," not for all persons, but only "for women and (some) minorities"—not even for all minorities, but only for "Negroes, Spanish-surnamed, American Indians and Orientals." HEW further explains that the employer must:

"Do more than ensure employment neutrality with regard to race, color, religion, sex or national origin. As the phrase implies, affirmative action requires the employer to make additional efforts to recruit, employ and promote qualified members of groups formerly excluded even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer."

Right at the outset, then, there appears to be a difference—a crucial difference—between what the Executive Order says and what HEW commands. The Executive Order says that the contractor will take affirmative action to ensure equal treatment *without regard* to race, color, religion, sex or national origin. But HEW says that affirmative action requires, not equal treatment, but additional efforts to recruit, employ and promote some persons—persons identified by race, sex or national origin. This is a very great difference. HEW says, further, that an employer must do this even if he has not been discriminating, even if an "underutilization" of women or minorities cannot be traced to particular discriminatory actions of his own. It thus appears that affirmative action, as HEW understands it, has nothing to do with equal treatment or actual discrimination.

Now, of course, HEW denies this. HEW also denies, and repeatedly denies, that its policy of affirmative action requires employers to engage in reverse discrimination of preferential treatment. HEW insists that such practices are contrary to the Executive Order, and tries to show the compatability of its policy with the Executive Order. HEW tries to link its affirmative action with equal treatment through the concept of "underutilization." "Underutilization is defined as having fewer women or minorities in a particular job than would reasonably be expected by their availability" in the labor market. HEW explains that under the affirmative action part of the policy an employer must "determine whether women and minorities are underutilized in its employee work force and if that is the case, to develop as part of its affirmative action program specific goals and timetables designed to overcome that underutilization."

In other words, HEW requires a university to make a statistical analysis of its work force by department and job classification broken down into sex and race. The university is also required to make a similar statistical analysis of its employment market. The university is then required to compare the two analyses. The comparison is for the purpose of locating "deficiencies." The university is then obligated to establish numerical goals and to take affirmative action to overcome its statistical discrimination. The goals are statistical definitions of proper utilization in the circumstances of the university; the timetables specify the period in which this proper utilization is to be achieved. In sum, the university has a discrimination problem, and HEW asserts an authority to act if the university is statistically out of proportion with respect either to the rate or the proportion of women and minority persons recruited, employed or promoted. The university's affirmative action goals are numerical statements of the level or rate of employment necessary to bring the preferred groups into a proper proportionality.

Affirmative action thus appears in its naked aspect. These requirements of the policy may have originated in an attempt to resolve the bureaucratic problem of effectively enforcing the obligation of equal treatment. They may have originated in an attempt to resolve the legal problem of demonstrating unequal treatment. But whatever their origination, the requirements determine the nature of the policy. The aim of a policy is evident, not from the intention explicit in the origin of its requirements, but from the intention implicit in what the policy requires. The policy requires an employer to determine "underutilization," and to make systematic efforts to employ properly proportionate numbers of persons from the "underutilized" groups. Whatever the intention in their origination, these requirements have captured the policy, and give the policy its decisive character. The policy is nothing more or less than an employment policy designed to overcome the "underutilization" of persons in groups identified by race, sex or national origin. It is a preferential policy aimed at proportionate employment. It is based on the assumption that underutilization equals discrimination, that proportionate employment is equal opportunity.

This concept of underutilization is the link between the meaning of affirmative action in the Executive Order and the meaning of affirmative action in HEW's policy. The Executive Order says there must be affirmative action to eliminate discrimination, to treat all persons equally. HEW says there must be affirmative action to recruit, hire and promote, not all persons equally, but members of the preferred groups. The link between the two statements is "underutilization." Only if underutilization is the same thing as unequal treatment can affirmative action to hire underutilized persons appear to be the same thing as affirmative action to ensure the treatment of all persons equally.

Now, of course, underutilization is *not* the same thing as discrimination or unequal treatment; clearly, affirmative action to hire persons from preferred groups is *not* the same thing as affirmative action to treat all persons equally *without regard to* race, sex or national origin. But if underutilization is not the same thing as discrimination, then the command to employ more of the preferred groups is not the same thing, and may be contrary to the command to treat all persons equally. Clearly, there is a crucial difference between the Executive Order and HEW's policy.

Once more let me pause to ask your help in understanding what I am trying to say. I do not deny that present employment patterns are in some measure the result of past discrimination. What I am trying to point out is that HEW and the Executive Order say two quite different things. The Executive Order says treat all persons equally. HEW says overcome the underutilization of persons in the preferred groups. HEW tries to connect its statement with the different statement of the Executive Order by the assumption that underutilization equals discrimination. It tries to connect its orders with the Executive Order by its assumption that underutilization is the same thing as unequal treatment.

Now the Executive Order indeed forbids discrimination. But if underutilization is not the same thing as discrimination then HEW has no authority under the Executive Order to command employers to overcome underutilization. The Executive Order also commands affirmative action to ensure equal treatment. But if underutilization is not the same thing as unequal treatment, then HEW has no authority to issue commands for employers to increase the utilization of the preferred groups. Finally, if increasing the utilization of the preferred groups involves preferring some persons to other persons because of their race or sex, then not only does HEW act without authority, but it also commands precisely what the Executive Order forbids. That is the point. It means that in the command to employers to increase the utilization of persons from the preferred groups, HEW acts not only illegally, but it also acts without any legal foundation at all.

But let us suppose for a minute that when the Executive Order says "treat all persons equally" it really means "employ properly proportionate numbers of women and minority persons." Let us suppose that the Executive Order means what HEW says it does. Does this make a difference? In all candor, I believe that it makes a momentous difference. In that case, we are confronted with a constitutional crisis potentially as serious as any this nation has seen. If this purely executive order commands proportionate employment in the name of equal treatment or equal opportunity, then the President of the United States has assumed a prerogative power beyond all limitation, contrary to the Constitution, and in substance utterly subversive of the principle of equality which is the foundation of all our law and all our morality.

---

[1] This and all subsequent quotations are from the *Higher Education Guidelines, Executive Order 11246,* issued by the Office of Civil Rights, U.S. Department of Health, Education, and Welfare.

Think about it. If HEW is correct, then equal treatment or equal opportunity means proportional result. If HEW is correct, then equality does not mean equal rights, but proportionate results. And if HEW is correct, then the President of the United States, solely on his own prerogative, has the authority to declare which groups are to be included, and which persons are to be excluded in the governmentally established system of proportional employment. Think about it. Is this, in principle, any different from a presidential attempt to use the FCC to create balance in the news media; or to use his war powers to promote wild foreign adventures? Think about it. Is there any distinction in principle between the power of the President to command the proportionate employment of persons identified by their race and his power to command universities to hire persons identified by their religion, ideology or party membership? In this last example, certainly, there is no principled difference. Can you imagine a more radical or more subversive extension of executive prerogative?

But, of course, HEW is not correct. What HEW orders is not the same thing as what the Executive Order commands. Underutilization is not the same thing as discrimination. It is not even a valid indicator of such dscrimination. If it were, then numerical goals would be undisguised quotas and there would be no excuse for failure to meet them. But if underutilization after the fact of numerical goal-setting is no indicator of unequal treatment, then neither is it a valid indicator of discrimination before the fact of such goal-setting. Because it is not, no agency of the government has authority to compel employers to establish numerical goals in systematic and overriding efforts to overcome underutilization.

Now, once again, and for the last time, I must ask your help in understanding what I am trying to say. All of us wish for genuine equality of opportunity, and all of us must work to eliminate any form of discrimination or unequal treatment on grounds of race, color, religion, sex or national origin. I, no less than you—perhaps even more than some of you—care about these ends. I no less than you believe that genuine underutilization is a terrible waste and discrimination a terrible wrong. Indeed, all of us wish to see more women and minority persons employed in meaningful jobs in this land. We all wish for more on our faculty here. In all of this we agree. We all desire these ends, and all of us must work for their realization. If we disagree, the disagreement is not about these ends. If we disagree, it is because you think that affirmative action serves these ends, and I believe that it subverts these ends. I believe that affirmative action serves a quite different end. I believe that it is an altogether dangerous policy which, if successful, will result, not in genuine equality of opportunity, but in a peculiary American version of apartheid. For the negative principle that underutilization equals discrimination necessarily writes into our laws the positive principle that equal opportunity means the proportionate employment of persons identified on the basis of their race, sex or national origin. Once that principle is settled in our law, then we will never see an end to discrimination in this country. It is in itself a discriminatory principle which makes racism lawful throughout the land.

I hesitate to close, for I am mindful of my experience with that previous audience. As you may have suspected, it was not everyone who misunderstood what I said in such vocal contempt of my person. Well, then, let me conclude with a word addressed to the minority persons in this audience. A man of the cloth told me that my previous talk failed because I spoke about affirmative action instead of communicating to you my sensitivity to your problems. As a result, he said, minority persons could not trust me; and not trusting me, could not hear what I was saying.

Now I wonder about that. I wonder if it is not a subtle form of clerical paternalism which says you are all children with minds captive of your emotions. Surely that is not true. I wonder, too, if trust is a precondition for understanding. I doubt it, for I saw no distrust of the advocates of affirmative action. So I concluded that to the extent my failure was not my own fault, it must have roots in your conviction that this policy of affirmative action means real progress on the road to full equality.

It must be evident to you that I do not share this conviction. I believe that *for you especially* this policy is filled with the gravest danger. You say that this is a racist country, and that affirmative action will help put an end to that. But what makes you so sure? The racism in this country—terrible as it has been and may be—is not so terrible as it might be. Only one thing has ever kept that racism in bounds, and now keeps it bound in dark corners of our souls. That one thing is the conviction bred of our laws that all men are created equal, that racism is wrong, that race should *not* count in the competitions of life. How then is there any salvation for you or for me in a policy which declares that race should count after all? Is it for writing this principle of racism into our laws that so many have struggled and suffered and died? How shall we redeem their labors and overcome this great evil if we endorse this policy of proportional employment of persons identified by their race, sex or national origin?

---

### QUOTAS BY ANY OTHER NAME

(By Earl Raab)

In March 1971, the San Francisco School Board decided to eliminate a number of administrative positions. This meant that the people occupying those positions would have to be "deselected," the delicate term used throughout for demotion. Only 71 jobs were involved, according to one published plan, but, for technical reasons, 125 administrators were actually notified that they were in line for demotion.

The school board formally established several criteria for deselection, including "the racial and ethnic needs" of students, "special sensitivity to unique problems," competence, experience, and previous service. But the superintendent of schools and his staff in fact adopted in its "affirmative action reorganization plan," a somewhat different procedure. Following guidelines handed down by the Department of Health, Education and Welfare, the San Francisco authorities used nine categories in making their determinations: Negro/Black, Chinese, Japanese, Korean, American Indian, Filipino, Other Non-White, Spanish-Speaking/Spanish Surname, and Other White. In the words of a State Hearing Officer: ". . . strict seniority would be followed in 'deselecting' administrators who have been classified as 'Other White,' and all those administrators in the other eight designated minority groups would be exempted from such deselection process." In short, and in plain English, only whites—except for Spanish surname/Spanish-speaking whites—would be demoted. And indeed, all 125 administrators put on notice were such "Other Whites."

Many of the underlying issues in a growing number of similar contretemps around the country came to the surface here. We all know the reasons behind affirmative-action programs—that is, programs which attempt to remedy disadvantages suffered by blacks and others because of past inequities—but on what working principles are such programs to be implemented? How do these principles relate to or shift the system of American values? And, since by sociological accident Jews are so often caught in the middle of affirmative-action programs, how does the entire phenomenon affect the future of Jewish life in America?

Affirmative action became an official part of American social philosophy in the middle 1960's. The image of the shackled runner was widely used: Imagine a hundred-yard dash in which one of the two runners has his legs shackled together. He has progressed ten yards, while the unshackled runner has gone fifty yards. At that point the judges decide that the race is unfair. How do they rectify the situation? Do they merely remove the shackles and allow the race to proceed? Then they could say that "equal opportunity" now prevailed. But one of the runners would still be forty yards ahead of the other. Would it not be the better part of justice to allow the previously shackled runner to make up the forty-yard gap, or to start the race all over again? That would be affirmative action toward equality. In September 1965 President Johnson prescribed such action in employment in Executive Order 11246.

As it developed in the 1960's, affirmative action in employment took on a number of working definitions all designed to give members of historically disadvantaged groups an edge in the process of competition: (1) Seeking out qualified applicants among disadvantaged groups; (2) Giving "preferential treatment" to applicants from disadvantaged groups whose qualifications were roughly equal to those of other applicants (this is similar to the older principle of "veterans' preference," recompense for a competitive disability imposed by society in the past); (3) Eliminating cultural bias in determining the nature of relevant qualification; (4) Providing special training and apprenticeship for *qualifiable* applicants to bring them "up to the mark." There was, too, a deeper level of affirmative action involved in breaking the long-range chain of generational factors which had come to be seen as impeding the group's ability to compete—factors like family background and the conditions governing motivation in school. To affect these factors was the intent of the anti-poverty program, of the compensatory education programs, the Elementary and Secondary Education Act, and so forth.

In accord with the general principle of giving an edge to historically disadvantaged groups in the process of competition, the San Francisco school board, two years before the case of the deselected administrators broke out, had resolved "to implement a program of faculty racial and ethnic balance which more closely approximates the racial and ethnic distribution of the total school population so long as such efforts maintain or improve quality of education." Thus there had been an active attempt to find qualified nonwhite or Hispanic personnel, and to give such personnel preferential treatment in hiring and promotion. There was also a special administrative training course for minority personnel within the district, so that they would be better prepared to compete whenever vacancies occurred. No trouble arose over these policies.

However, a subtle but critical line was crossed beyond affirmative action in the case of the deselected administrators. For here it was no longer a matter of giving members of a disadvantaged group an edge in the process of competition; here it became a matter of eliminating the concept of competition altogether. It was not a matter of affirmative action toward equal opportunity, but a matter of eliminating equal opportunity altogether.

One of the marks of the free society is the ascendance of performance over ancestry—or, to put it more comprehensively, the ascendance of achieved status over ascribed status. Aristocracies and racist societies confer status on the basis of heredity. A democratic society begins with the cutting of the ancestral cord. This by itself does not yet make a humanistic society or even a properly democratic one. There is, for example, the not inconsiderable question of distributive justice in rewarding performance. But achieved versus ascribed status is *one* inexorable dividing line between a democratic and an undemocratic society. This is the aspect of democracy which represents the primacy of the individual, and of individual freedom. It has to do with the belief that an individual exists not just to serve a social function, but to stretch his unique spirit and capacities for their own sake: "the right of every man not to have but to be his best." In that sense, it could be said that a principle of ascribed equality—a kind of perverse hereditary theory—would be as insidiously destructive of the individual and of individual freedom as a principle of ascribed inequality.

Of course the laws, the rules of the game, have to be roughly the same for everyone if the system is to work ideally. This has not been the case. Further, we have come to learn how heavy the subcultural load is which each individual carries at birth. At its best, a democratic society provides institutional "catch-up" aids for individual self-realization, such as free common schools. There already is the seed-principle of affirmative action. The free common schools have not necessarily or always served that purpose. But if they are flawed in practice, the remedy is to make them conform more closely to the system of values they are meant to serve. If on the other hand we want to scrap the system, we should be clear that this is what we are doing and we should be aware of the possible consequences.

The practical consequences for the administration of justice, for example, are clearly demonstrated in the case of the deselected administrators in San Francisco. At a formal hearing, there were these exchanges between the attorney for the deselected administrators, and the representative of the school superintendent. The attorney is asking the questions:

Question: Do you know that Armenians, as well as being a minority ethnic group, have had a history of persecution and disadvantage?

Answer: No, I never studied that.

Question: Did you every hear of the persecution of the Armenians by the Turks?

Answer: Not as I recall.

Question: Did you ever hear of the disadvantage which Armenians in California suffered in Fresno and Bakersfield?

Answer: I am not aware of it.

Question: If the [demoted Armenian] respondent in this case says: "I am an Armenian and I want to be treated as a separate minority," what would you do with his case?

Answer: For the purposes of this, I would judge him to be "white" and put him in "white" because there is no specific Armenian classification. . . .

Question: Would you consider that the Jewish people were an ethnic group?

Answer: Yes.

Question: Do you believe that there is a history of persecution and disadvantage which the Jewish people have had?

Answer: I have some remote knowledge of this.

Question: Now suppose one of the respondents in this case came to you and said: I am a member of an ethnic minority, one of the Jewish people, and I believe that by reason of our historical disadvantage that we would like to be treated as a separate ethnic group, what would your reply be?

Answer: That we have no category for you as a Jew.

In short, no individual Armenian or Jew could be considered for retention in his job. In affirmative-action theory, the racial or ethnic group is used to identify those individuals who should, as a matter of historical justice, be given a compensatory edge in the competition. But the principle of historical justice is supposed to balance individual justice, not to replace it. It is one thing when the employees of a given company are white in massive disproportion and the black population in that community is massively underemployed. But if white Joe Smith and black Jim Jones are currently employed, and one must be fired, should Joe Smith be deprived of his job solely because his ancestors were white? The need for social remedy in the first situation must not be confused with the problem of individual justice in the second. Indeed, the life circumstances of Joe Smith, his parental circumstances, may have been more disadvantaged than those of Jim Jones—however large the statistical odds to the contrary.

Cardozo wrote that ". . . each case [of injustice] . . . implies two things: a wrong done and some assignable person who is wronged." In this case, "historical injustice" means that a wrong committed in the ancestral past has affected some people in the present. Since society imposed that wrong in the past, it has accepted an obligation to undo it so far as possible in the present. But there is no way to measure the exact relationship between ancestral wrong and current damage for any given individual. Affirmative action, therefore, does not represent specific acts of remedial justice, but rather a political program of social betterment. If this program entails penalizing a specific individual who is not assignable—who, that is, cannot be picked out from among his fellows as one responsible for the historical wrong that is to be righted—then he is wronged in being penalized and an injustice has been committed. As a member of society, he certainly shares the remedial responsibility of the entire society in this case, but it is unjust to burden him with more than a proportional share.

In San Francisco, the school board ended up not demoting anyone in the case of the deselected administrators. The direct assault on principles of individual justice was thus avoided. But the question of quotas remained. In the early 1960's, when the legislative battle for civil rights was being superseded by direct-action tactics, a demand for quota goals became part of confrontations on behalf of real advances in employment. There was good reason for this tactic, for it put the burden of proof on employers who would otherwise disclaim responsibility for the absence of blacks in their firms. This was especially true in certain unionized industries where the employer was saying, We'd like to do more, but the unions won't let us, and the unions were saying, We're doing our best, but it's the employers' responsibility. Stating a quota goal was often an effective way of establishing responsibility for affirmative action, and measuring results. The quota, in the sense of a fixed number, was not taken literally.

Once it begins to be taken literally, however, another critical line is crossed. Thus the Superintendent of Schools in San Francisco has recently proposed a plan whereby no more than 20 per cent of Other Whites will be hired for or promoted to administrative positions in the first year, no more than 10 percent in the second year, and no Other Whites at all in the ensuing years until ethnic and racial proportions among administrators equal the respective proportions in the school population.

Here we have a good example of the use of quotas not as a measure and instrument of affirmative action but as a way of replacing achievement with ascription by political fiat and without any reference to competitive performance. To say that the minority people to be hired will be "qualified" is to evade the issue. If they are indeed qualified or qualifiable, and affirmative action is taken, they will move at a certain pace into these positions anyway. But the inescapable assumption of the ascriptive approach, of the literal quota, is that minority people are not qualified or qualifiable, that they cannot compete even if given a competitive margin. The proposers of such a quota system are calling, then, for a social-welfare program, pure and simple, which indeed should not be performance-connected.

But should their assumption of the hopeless inferiority of minority workers be accepted? Is the minority population to believe that it is incapable of competition under any circumstances? Is the belief to be developed that performance should be abandoned on every level as a criterion, not only to accomplishment, but of a sense of accomplishment? This would involve not only a basic shift in our values as a society, but a cruel and destructive hoax on expectations.

The same shift is seen in another aspect of school life. The concept of "tracking"—of providing a special pace for those children who are academically talented or motivated—has traditionally had a built-in cultural bias. The tests used to determine talent were often skewed in favor of the white middle-class child, while talents which were not academic in the usual sense were downgraded. Affirmative action seemed indicated: abandonment of old tests, special efforts to identify talented non-white children, new attention to other talents. But there is now a distinct tendency to eliminate all tracking, all performance-grouping. The underlying premise was made clear by the demand of one NAACP chapter that all classes for the mentally retarded should reflect the racial balance of the general school population.

It should be very clear that these proposals are frustrated reactions to the fact that white school children are informally but effectively ascribed a superior status. But surely the remedy is to remove that ascription by affirmative action as swiftly as possible, not to move from ascribed inequality to ascribed equality. In either case, the individual is wiped out.

The point again is that human justice, as distinct from divine justice, must center around the treatment of assignable individuals. Divine justice has often taken the form of a class action, and Job wondered for all of us why it is not always connected to individual performance. He received no answer except that man cannot always understand the ways of God; and indeed our experience tells us that when any group of men try to impose a God-like style of political justice on human affairs, catastrophe ensues. This is why so many of us, in the continuing struggle to find a suitable human politics, are so stubborn about keeping individual performance and accountability rather than group ascription at the center of our system of values.

But do not the dangers implicit in the kind of ascriptive action taken in the case of the deselected administrators apply also to affirmative action? To the extent that affirmative action describes an active search for qualified applicants, or the bringing of tests for merit closer to occupational reality, or the training of qualifiable applicants, then the situation is not one of imposing competitive disadvantage, but of removing it. However, to the extent that affirmative action also includes the principle of "veterans' preference" for members of specified minority groups, then obviously there *is* created a competitive disadvantage for all individual members of "others" as a class. Whether it is a reasonable or unreasonable disadvantage will depend on the concrete circumstances of the given case and will under no circumstances be easy to determine.

So too with the issue of pace. It is impossible to say when affirmative action is moving "fast enough" or "too fast." Between 1968 and 1970, the proportion of defined minorities holding administrative jobs in the San Francisco school system increased from 11 per cent to 18 per cent. At that rate, the minorities made, in two years, about one-third of the progress needed for them to grow—and for whites to shrink—to proportions which parallel their proportions in the general population. (This, incidentally, was a large-city reflection of the kind of statistical progress that was being made by minorities during the latter part of the 1960's throughout the country. Between 1962 and 1967, for example, the increased proportion of blacks in white-collar jobs represented about one-fifth of the progress needed for blacks to grow—and for whites to shrink—to proportions which parallel their respective representation in the total working force.*)

Is that "satisfactory" progress? To ask that question is a bit like asking for a definition of "satisfactory taxes": the answer always lies in some shifting combination of what is needed, what is felt to be needed, and what the traffic will bear. It is that combination which will determine the shifting point at which some individual whites will be "unduly" disadvantaged, or at which blacks will be "unduly" locked into the status quo.

However satisfactory the progress made through affirmative action may or may not have been in the 1960's, it was made during a period of economic expansion. That is one key to the success of affirmative action. In a constricting economy, certain kinds of affirmative-action programs will present the risk of slipping over into ascriptive action, or of raising impossible dilemmas in balancing historical and individual justice. In some cases, certain programs may politically endanger progress that has already been made. All the theoretical talk about justice should not obscure the fact that affirmative action is a political as well as a moral exercise.

In short, there is no blueprint for determining the suitability of affirmative-action programs. But there are several strong guidelines. One is that such programs should be pushed as far as the traffic will bear at any given time. Another is that they should not do specific injustice to specific people. The third is that they should stay within a competitive, performance-related framework. Thus if the equivalent of "5 points" is given to one applicant for a job, that might be considered within the limits of a competitive edge; if the equivalent of "75 points" is given, that might be considered a means of eliminating competition altogether. Depending on the situation, if there are 100 promotions to be made, and 10 members of a disadvantaged group are chosen, that might well not be as much as the traffic will bear; if 100 are edged into promotion, it might well be more than the traffic will bear.

In the case of the deselected administrators there was a disproportionate number of Jews among those Other-White administrators who were to be demoted—because there is a disproportionate number of Jews among school administrators. Jews are *not* disproportionately represented, however, among the top administrators in private industry: around San Francisco, Jews occupy about one per cent of such positions. Only fifteen years ago, moreover, a California Department of Employment survey indicated that about a quarter of all California employers would not hire Jews for white-collar jobs, no matter how well qualified they were. If Jews are concentrated in the educational Establishment, one reason is that they have not been forcibly kept out of it by discrimination. If Jews should now be shut out of the educational Establishment, they would suffer as identifiable members of a historically disadvantaged group; and they would become other than Other-White.

Short of that, the sharpened competition provided by legitimate affirmative-action programs which follow the reasonable guidelines suggested is a fact of life which Jews will have to sustain along with other Other-Whites. Such affirmative action is an obligation of this society, and a necessary ingredient of its health, in which the Jews also have a strong self-interest. It is obvious too that the Jews must have a special interest in an expansionist American economy, especially in those public-service fields in which collisions are most likely to take place. But it is also fundamental to the security of American Jews that the wavy line in each instance between affirmative action and ascriptive action be firmly drawn. For an ascriptive society is a spiritually and politically closed society; as such it is not the kind of society in which Jews can find justice or can easily or comfortably live.

### DO JUSTICE, JUSTLY

Statement of Dr. Stanley Dacher, Executive Vice President of the Queens Jewish Community Council on behalf of:

The Queens Jewish Community Council.

The Jewish Teachers Association of New York.

The Council of Jewish Organizations in Civil Service in New York.

The Rabbinical Council of America.

Jewish Rights Organization.

National Council of Young Israel.

Association of Jewish Orthodox University Faculty.

Association of Orthodox Jewish Teachers.

Presented on June 27, 1972 before Congressmen Rosenthal, Addabbo, Celler, Dow, Eilberg, Koch, Mikva, Podell, Reid, Halpern, Yates, Scheuer, Bingham, Biaggi, Congresswoman Abzug. Also present were staff members from Senator Buckley and Congressmen Murphy, Peyser and Rooney.

#### PREFACE

The proliferation of reverse-discrimination experiences resulting from The Department of Labor's 'Guidelines' and the implementation of those guidelines by The Department of Health, Education & Welfare has created a new world of bizarre inequities. They have reached such national dimensions that require nothing short of a Congressional investigation of the lethal shortcomings in the so called 'Affirmative Action Program'.

The use of quota systems, preferential hiring and racial census in an attempt to implement 'The Affirmative Action Program' has seriously begun to disaffect large portions of the general population. The Jewish minority has a special sensitivity to this problem. It is a sensitivity sadly earned. It is all the more tragic therefore, when such ancient victims become victims again. This has become a recurring phenomenon flouting constitutional rights of individuals in an attempt to catapult the special needs of one group above another.

A climate of silence and fear has developed on this 'sensitive ethnic matter' reminiscent of the days of Joseph McCarthy. For too many public servants it has again become respectable and safe to back-off and say nothing.

Since this has become both a constitutional and moral question of serious proportions, seven Jewish organizations from the Metropolitan New York area have joined together in this collective statement. We represent a very substantial portion of the Jewish community which is deeply concerned.

Collectively we ask the government conduct an immediate review of this program and the arbitrary manner in which various local administrators have overzealously interpreted the 'guidelines'.

We offer the enclosed documented statement compiling only some of the prominent injustice brought to our attention. Sadly, there are many others. We urge you to study this document so that you may react in time before the mounting inequities become a national disgrace.

#### STATEMENT

We have come to talk to you about a dangerous trend that is taking place in our country. This trend is the attempt to use ethnic, racial and sex quotas in solving existing social problems. In an attempt to deal with past and existent discriminations against some groups, new forms of discrimination against other groups are now being suggested and practiced.

I read to you a recruitment leaflet from the Department of Judaic Studies at State University of New York at Albany—excluding male Jews from consideration for Chairman of the Department—(see Exhibit A & B).

In his advertisement for the position Professor Eckstein has used a "gimmick" which is becoming an increasing problem. He has defined the job qualifications not in terms of what the position requires but in terms of the person he wants to hire. The qualification he gives for Chairman of the Judaic Studies Department is "a Biblical scholar" coming from a certain minority group. Judaic Studies certainly includes much more than Bible studies. It includes history of Jews in the Diaspora, Talmudic studies, Rabbinical literature, Jewish philosophy, modern Jewish history, current trends in the Jewish religion, etc. In order to find a person who would be well versed in all of these fields it would probably be necessary to hire a Jew. Eckstein, obviously wants a non-Jew and since there are many non-Jewish Biblical scholars he set the job qualification at only that level. He is not at all concerned as to whether or not he is hiring the best qualified *person* for the position.

But isn't this really the same argument we hear when we are told, for example, that black students can best learn from black teachers or black supervisors? The qualifications for a good teacher or supervisor are certainly much more than the color of one's skin. This tendency to change job qualifications to make the job fit the *group* one wishes to hire is rampant in civil service, private industries and colleges.

There has also been a growing trend in colleges and universities to set aside a certain portion of their entering classes for only special applicants. These seats are open for the admission of only favored minority

---

*According to the figures used by the San Francisco School District in proposing its new "quota system" for administrators, the new 1971–72 administrative appointments, in part of a year, had increased the percentage of minority administrators by about 4 per cent. "At the present rate," said the District, if the quota system were not used, it would take "at least twelve more years" [*sic*] to reach the goal of having the percentage of minority administrators correspond to racial proportions in the school population.

groups, at standards usually set lower than normal. The regular applicants are deprived of an opportunity to compete for these places.

Take the example of Marco DeFunis Jr.

THE FACTS

Marco DeFunis, Jr. was one of 1601 persons who applied for admission to the 1971 entering class at the University of Washington Law School, a state institution. To obtain an entering class of 150 students, letters of acceptance were sent to more than 200 applicants, but not to DeFunis, who was placed on a waiting list and later sent a letter denying admission.

On the basis of validity studies conducted by the Educational Testing Service, a formula based on the past experience of the law school was developed for predicting a student's first-year average. The chairman of the admission committee would review the applications of persons with an average below 74.5 and they would be summarily denied unless he felt something in his file merited full committee discussion. However, the files of all minority applicants were considered by the full committee regardless of whether or not their average was below 74.5. Those files were assigned to a professor and to a black student for review and report to the full committee. The adminissions committee admitted 74 persons who had predicted averages below that of DeFunis whose average was 76.23. Among those 74, there were 36 minority group applicants; the others were applicants returning from military service or applicants held to deserve invitation on grounds unconnected with race.

DeFunis—who, incidentally, is Jewish—challenged the law school's admission policy by instituting an action in the Superior Court of the State of Washington against the University of Washington claiming that his constitutional rights to equal protection were violated when applicants with predicted first-year averages lower than his own were admitted because of their race, and thus preferential consideration was accorded to minority group applicants, to the detriment of DeFunis.

COURT DECISION

On September 22, 1971 Judge Lloyd Shorett of the State Superior Court rendered a decision in favor of DeFunis. He found that the law school, in order to achieve greater minority group representation, had given preference to members of minority races. He also found that "some minority students were admitted whose college grades and aptitude test scores were so low that, had they been white, their applications would have been summarily denied." He added that only one minority student out of more than 30 admitted had a predicted first-year average above DeFunis. The judge's conclusion was that DeFunis and others in his group had not been accorded the equal protection of the law guaranteed by the 14th Amendment. He relied on the U. S. Supreme Court decision in the school segregation case where it was decided that "public education must be equally available to all, regardless of race." He added that the 14th Amendment "could no longer be stretched to accommodate the need of any race," and further said, "Policies of discrimination will inevitably lead to reprisals. In my opinion, the only safe rule is to treat all races alike, and I feel that this is what is required under the equal protection clause."

The University of Washington complying with the court's order admitted DeFunis as a first year student, but appealed from the decision to the Washington State Supreme Court.

Lest you think this quota problem is a parochial Jewish concern let me read you a letter from Edward Costikyan commenting on the quota system set up by the Democratic Party for the national convention. This appeared in The New York Magazine of recent date:

THE URBAN EXCHANGE

New Politics—and Old—I used to go to state and national conventions of the Democratic Party. I used to represent my assembly district, the eighth (south) of Manhattan, in the New York County Democratic Executive Committee and the Democratic Committee of New York County in state Democratic councils. But, since the so-called McGovern guidelines, which require that the delegates to the national convention reflect the proportion of women, blacks, and younger people in the population at large, I have lost my constituencies. In those days, it did not seem so incongruous for a half-Armenian, half-Swiss Unitarian to represent a district which had few, if any, Swiss, few, if any, Armenians, and few, if any, Unitarians, let alone a county and state with only a handful of any of these exotic types.

For a WASP—a White Armenian Swiss Protestant—those were rather happy political days. I mean, nobody asked me to justify my election as district leader five times in ten years, or my election as county leader twice, in light of my sex, my age, my ancestry, or anything else. So, I happily supported all kinds of candidates like Stevenson, and Kennedy, and McCarthy, and Edward J. Dudley, and James L. Watson, and Constance Baker Motley, and Margot Gayle, and Eleanor Clark French, and Mary de Groat Reed, and lots and lots of others. No Armenians. No Swiss.

It's all changed. The Democratic National Committee has told us to forget the old-fashioned nonsense that resulted in the voters' selection of a male Armenian-Swiss amateur conductor of oratorios to represent them as a reform district leader and delegate and county leader. Now, the McGovern guidelines tell us, women must be represented by women, blacks by blacks, young by the young, and, I suppose, rich by rich, poor by the poor. And the Democratic National Committee further tells us that unless delegations mirror the color, sex, and age characteristics of the constituency, the nonconforming delegates must justify their election and explain why they are the wrong color, wrong sex, and wrong age.

This leaves us non-young, non-female, non-black, Armenian-Swiss Unitarians with something of a problem. The black men have organized, and the black women, too. The young have. The women have. And so, if we non-young, male, non-black, Armenian-Swiss Unitarians want to participate, I guess we'll have to organize, too.

Too bad. There aren't too many of us. Maybe the Democratic National Committee will give us cumulative voting so that we can be represented once every third or fourth national convention. Or maybe we can make a deal with the Greeks, or with the Albanians.

Or maybe the Democratic Party will abandon this nonsense before it has lost the allegiances of those who do not fit into the neat pigeonholes its sociologist-advisers have invented and its stunned leadership, still shaken by the convulsions that racked the party in the 1968 convention, has thoughtlessly adopted. What was wrong with the Democratic Party and its convention in 1968 will not be cured by the invoking of a quota system.

Meanwhile, it may be that we Armenian-Swiss Unitarians will have to organize so that, like the recently organized black women, we can hold together and for the first time "get something for our vote" in order to survive under the present political rules. But one wonders if it really is progress—if, instead of a triumphant expression of the New Politics, it isn't a very unsatisfactory expression of the Old.

EDWARD N. COSTIKYAN.

What happens to the electoral process and free choice in the voting booth if the results are later thrown out to satisfy quotas? It would seem as though we have now advanced enough to bypass electoral process.

Congressman Joseph Addabbo recently held hearings before his Select Committee on Small Business. Allegations were made that the Small Business Loan Administration was bypassing "non-preferred" minorities in granting loans.

The evidence is clear that we are not dealing with a narrow parochial issue but one affecting broad sectors of our national life.

The use of quotas to solve problems is illegal, illogical, unfair, devisive and unacceptable. It is unworkable and is detrimental to the rights of individuals, groups and the nation as a whole.

An example of all the things wrong with a quota system can be shown from the experiences of two New York Medical Colleges. In 1969 New York Medical College and Albert Einstein Medical College decided to admit a relatively large number of "preferred" minority students into their entering class. Unable to find enough qualified students (since "preferred" minority qualified students had no problem whatsoever in being accepted) they selected applicants who would normally be unqualified. Of the eight students selected at New York Medical College 5 could not get past the first year. Of the 14 students at Einstein Medical College 10 could not get past the first year.

It becomes apparent:

(a) these students who could not get past the first year wasted a year of their lives which could have been better spent training for some endeavor within their own capabilities.

(b) well qualified students who would have been accepted in place of these unqualified students, were denied the opportunity to become medical doctors.

(c) since medical schools do not place new students in those vacated seats during the second, third and fourth year of that class they lose tuitions to that extent.

(d) fifteen fewer doctors will be graduated from these two medical schools to tend the medical needs of the nation.

Despite this experience, the practice of imposing quotas in school admissions still exists. I cited before the DeFunis Case with the law school. In the May 1971 issue of the Journal of the American Dental Association the dean of Tufts University Dental College presents a plan in effect at Tufts, in which admittedly unqualified "preferred" minority are accepted, in a quota arrangement. This arrangement has become commonplace at many universities. (See Exhibit C—American Association of Dental Schools Application which offers special educational opportunities available to Dental Students from "special racial or ethnic backgrounds".)

Closely aligned with this general issue of quota solutions to social problems are the "Affirmative Action Programs" of the Federal government.

President Johnson in 1965 and 1967 issued executive orders 11246 and 11375 which dealt with equal opportunity employment. (See Exhibit D)

Those orders were then turned over to the Department of Labor for general enforcement and to the Department of Health, Education and Welfare for enforcement in universities and colleges.

We have no problem endorsing the philosophy President Johnson enunciated in the "Executive Order".

In fact we would look to it to end discrimination against Jews in those areas in which it still exists such as heavy industries, banks, insurance companies and the auto industry.

In essence, affirmative action connotes adding to the present supply of available and qualified applicants for employment, admission, job advancement etc., those who have been previously bypassed because of discriminatory practices. It does not mean preferential treatment, which benefits some (whether qualified or unqualified) to the exclusion of others, and it is in this delicate area that the federal administrators are creating problems.

They have the task of identifying past and existent discrimination and then solving it without further discrimination. It is far easier administratively to set up goals or quotas than to carefully and patiently enforce a "color blind", "ethnic blind" or "sex blind" solution.

Part of the problem is that the guidelines drawn up by the Department of Labor speak of "affected classes" and "minority groups" rather than of individuals as does the Presidential Order. It is very easy for this kind of language to lead to the use of "group" solutions and quotas. (See Exhibit E)

The Office of Contract Compliance within the Department of Labor and HEW has requested contracting agencies, which are receiving Federal funds, to take a census of their work ethnic grouping. From this census the Office of Contract Compliance makes a determination of which groups are underutilized. Now these numbers can mean one of many things, only one of which is discrimination. However, the administrators have taken the position that the numbers reflect discrimination and a preferential hiring solution is encouraged.

To be more specific, Mr. Joseph Leahy and Mr. William Atkinson of the New York City Office of Contract Compliance of HEW have advised me of the following: If two people apply for a position in which it has been determined that there is a minority underutilization, and both applicants are at least minimally qualified, the minority applicant will be given preference over the other applicant. This would hold true even if the "majority group" applicant were more highly qualified.

The Civil Rights Act of 1964 prohibits preferential treatment in very strong terms. Public Law 88–352, Title VII (Equal Employment Opportunity), Section 703 (j) states:

"(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number of percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area."

Although the Department of Labor Guidelines contain provisions which would prohibit preferential treatment, these sections are admittedly ignored by the administrators because they are "too difficult to enforce."

Indeed, the man in charge of this entire program for HEW, J. Stanley Pottinger, Director of the Office for Civil Rights, endorsed this same point of view at a meeting on May 18th, 1972 with delegates of six large national Jewish organizations. He stated that where quotas were voluntarily established by universities because of "excesses of zeal," he felt that it would be inappropriate for him to object. Since his offices were already under considerable criticism by those who felt the Nixon Administration "was soft on Civil Rights," any public criticism of those institutions which were increasing their efforts to overcome past discrimination, he felt, would be a further misinterpretation of the administration's intent.

Secretary of HEW Richardson, at this same meeting, when asked about quotas being established for college admissions stated that HEW had no authority over college admission practices. Under prodding, he finally agreed that HEW did have authority under the Civil Rights Act of 1964. Whether this newly discovered authority will be used remains to be seen.

The path that the administrators are following is clearly that of using or condoning the use of quotas.

HEW and Mr. Pottinger also work under the assumption that the Executive Order was issued to help only certain groups. In a letter written to Professor Sellers at Brooklyn College Mr. Pottinger states, "the affirmative action concept is designed primarily to remedy employment discrimination against minorities, such as Blacks, Puerto Ricans, Orientals, Mexicans, and women, which continue to suffer far more markedly than other minority groups from the effects of employment discrimination." This concept puts "non-preferred" minorities in a very difficult position. On the one hand in the areas in which "non-preferred" minorities have been able to advance, they will be subject to the adverse effects of a quota, and in the areas in which "non-preferred" minorities are discriminated against, nothing will be done. Put this against a background of diminished economic opportunities in general and a very ominous situation arises. We already have a brain drain of talented young Americans emigrating to Australia, Canada, and Israel because of this.

The City University of New York is presently under attack by Mr. Pottinger. Let me give you the history of the situation at CUNY. The government compliance review of CUNY was initiated after several women faculty members at Brooklyn College had charged sex discrimination in promotion. It would seem that the proper response to this would be to investigate the department or departments at Brooklyn College which were involved. Mr. Pottinger's response was quite different. He warned the City University on June 20, 1972 that it must provide certain employment information, including data on the sex and race of all staff members for the entire university or face the loss of a $13 million in government research contracts. The City University does not have personnel lists that give the employees sex, race, or national origin. It attempted to compile such a census this past academic year but the professors and students refused to comply, standing on their legal right not to divulge such information.

How this situation will end remains to be seen. Other universities including Columbia, Harvard, Cornell and Michigan have been under similar attack. Columbia finally capitulated and applicants for tenured faculty positions are now encouraged to have a letter of recommendation from a "preferred" minority scholar as part of their credentials.

Mr. Pottinger's powers were vastly increased when the President signed the Aid to Higher Education Bill. Because there will be increased Federal funds to colleges and universities, Mr. Pottinger and his staff will have more of a club to wield.

To sum up, we are in favor of affirmative action programs which follow the philosophy of President Johnson's Executive Orders. This would open up new opportunities for all, without denying opportunities for some. We are opposed to Affirmative Action Programs as outlined in Department of Labor and HEW guidelines because these set up preferred and non-preferred groups and lead to preferential treatment and quotas. This is the opposite of equal opportunity employment. We are unhappy with the taking of detailed personnel data on sex, racial and ethnic background and the uses made of these surveys.

We have tried to correct these injustices at an administrative level but have been unsuccessful. This was apparent at the meeting with Secretary Richardson and Mr. Pottinger on May 18. We now look to you in Congress for redress and help.

We would suggest that the following be done:

1. Examination of the Department of Labor guidelines for Affirmative Action Programs to determine whether the language in them encourages the use of quotas; to determine whether there is a conflict with the Civil Rights Act of 1964 in regards to preferential treatment.

2. Examination of Secretary Richardson's and Mr. Pottinger's attitude toward their responsibilities.

3. Meaningful action to prevent colleges and universities from setting up quota admission systems.

In conclusion, we therefore look to you in government to—"Do Justice, Justly". We look to you to provide all people with the proper equity—and to do so with an even hand at the expense of none. Since this matter has indeed reached national proportions, we urge a formal Congressional Hearing to explore the scope of the new reverse-discrimination phenomenon and its growing impact on the national scene.

Since this is a matter not likely to disappear by itself, we urge your prompt intervention so that the broad American social contract for all peoples can be preserved.

Dr. Stanley Dacher.

---

Dr. Michael Fishbone,
*Administrative Secretary, AJS, Brandeis University (NEJS), Waltham, Mass.*

ASSOCIATION FOR JEWISH STUDIES

Committee on Consultation and Placement.

1. Name and address of institution: State University of New York at Albany Albany, N.Y. 12222.

2. Contact: Jerome Eckstein, Judaic Studies Department, Chairman.

3. Position available and brief description of duties: The department is "searching for a Biblical scholar who is either female or a member of a minority group (Black, American Indian, Spanish Surnames or Oriental-American). If possible, we would like this person to be capable of chairing our Department—but this it not an essential requirement."

4. Rank and salary: not stated.

5. Effective date: Sept. 73.

6. Competency and preparation required: Stated in #3.

---

State University of
New York at Albany,
*Albany, N.Y., April 28, 1972.*

Mr. Geoffrey Hewitt,
*Counsel to Senator Albert B. Lewis, Legislative Office Building, Albany, N.Y.*

Dear Mr. Hewitt: Even though I have been ill now for some time, and have been at home I am dictating the following letter.

Your understanding of my intentions was absolutely correct. I was seeking all the very best qualified for the position. However, I did want to make it as strong as possible that we were an Equal Opportunity Employer and that applications from female and members of minority groups would be very welcome. Perhaps I overstressed this point in my original advertisement, but that was partly a result of some discriminatory practices that have been prevalent in many universities. I only wish to encourage in the minds of all Biblical scholars, regardless of sex, creed, religion or nationality, that they would receive an equal consideration for the position. Indeed, this advertisement brought such a severe reaction from the Association For Jewish Studies that they informed me that it would no longer run the advertisement as it was originally written. I rewrote the advertisement and submitted it to the Association For Jewish Studies, but nevertheless mentioned that we were going to consider all applications equally and our sole concern would be academic merit.

Sincerely yours,

Jerome Eckstein,
*Judaic Studies Department, Chairman.*

---

Special educational opportunities are sometimes available to dental students from special racial or ethnic backgrounds. If your background is listed below and you wish to identify yourself, please respond to this item. *You are not required to provide this information.*

---

### Executive Order 11375

### AMENDING EXECUTIVE ORDER NO. 11246, RELATING TO EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the United States Government to provide equal opportunity in Federal employment and in employment by Federal contractors on the basis of merit and without discrimination because of race, color, religion, sex or national origin.

The Congress, by enacting Title VII of the Civil Rights Act of 1964, enunciated a national policy of equal employment opportunity in private employment, without discrimination because of race, color, religion, sex or national origin.

Executive Order No. 11246 of September 24, 1965, carried forward a program of equal employment opportunity in Government employment, employment by Federal contractors and subcontractors and employment under Federally assisted construction contracts regardless of race, creed, color or national origin.

"Section 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, color, religion, sex or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice."

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

---

[From the Federal Register, Vol. 36, No. 234, December 4, 1971]

### Rules and Regulations

* * * * *

Relief for members of an "affected class" who, by virtue of past discrimination, continue to suffer the present effects of that discrimination must either be included in the contractor's affirmative action program or be embodied in a separate written "corrective action" program. An "affected class" problem must be remedied in order for a contractor to be considered in compliance. Section 60-2.2 herein pertaining to an acceptable affirmative action program is also applicable to the failure to remedy discrimination against members of an "affected class."

### Subpart B—Required Contents of Affirmative Action Programs

* * * * *

(1) In determining whether minorities are being underutilized in any job classification the contractor will consider at least all of the following factors:

(i) The minority population of the labor area surrounding the facility;

(ii) The size of the minority unemployment force in the labor area surrounding the facility;

(iii) The percentage of the minority work force as compared with the total work force in the immediate labor area;

(iv) The general availability of minorities having requisite skills in the immediate labor area;

(v) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;

(vi) The availability of promotable and transferable minorities within the contractor's organization;

(vii) The existence of training institutions capable of training persons in the requisite skills; and

(viii) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

(2) In determining whether women are being underutilized in any job classification, the contractor will consider at least all of the following factors:

---

New York City.

To the Editor of Commentary:

Here is another document to be added to "The Pottinger Papers" [Letters from Readers, May, commenting on Paul Seabury's "HEW & the Universities," February]. This is a job description sent to the placement office of the Association for Jewish Studies; its authenticity has been verified.

Seymour Singer.

---

1. *Name and address of institution:* State University of New York at Albany, N.Y., 12222
2. *Contact:* Jerome Eckstein, Judaic Studies Department, Chairman
3. *Position available and brief description of duties:* The department is searching for a Biblical scholar who is either female or a member of a minority group (Black, American Indian, Spanish Surname, or Oriental-American). If possible, we would like this person to be capable of chairing our Department—but this is not an essential requirement.
4. *Rank and salary:* not stated
5. *Effective date:* Sept. '73
6. *Competency and preparation required:* stated in No. 3.

---

University of California,
*Berkeley, Calif.*

To the Editor of Commentary:

I thought you might be interested in the following correspondence. As a matter of professional ethics, I have deleted the name of the institution and the department chairman. The problem of reverse discrimination is so widespread, I don't think one man or school should be made a whipping boy.

Richard J. Larschan,

---

January 10, 1972.

——— College,
Department of English.

Dear Mr. Larschan: I have received your letter of January 4 regarding your candidacy here.

It is quite true that we have an opening here and that I have examined your dossier. It is very impressive indeed, and I wish I could invite you to come for an interview. At present, however, our department is interested in the appointment of a woman so we are concentrating on interviews of this kind.

I appreciate very much your interest in the College, and I know that with your excellent qualifications you will find a position of your choice. Naturally, I shall keep you in mind should any changes occur.

Best wishes to you for success.

Sincerely yours,

——— ———.
*Chairman.*

---

May 21, 1972.

Ms. Bernice Sandler,
*Executive Associate and Director, Project on the Status and Education of Women, Association of American Colleges, Washington, D.C.*

Dear Ms. Sandler: Knowing your high regard for the truth (amply demonstrated—or at least proclaimed—by your letter in Commentary rebutting Paul Seabury's article), I was certain you would appreciate seeing the enclosed letter from ——— College. It was you, was it not, who wrote:

"Well-qualified males will now have to compete with well-qualified women and minorities. Hiring that is in line with the government's policy is on the basis of ability; the best-qualified person is hired regardless of sex or color or national origin, even if that person turns out to be white and male. The intent is not to give preference to any group, but to see that all groups are considered equally."

After my Acting Instructorship runs out, I should have plenty of free time to spend on making sure that the courts uphold "the intent" of which you have so eloquently spoken.

Sincerely,

Richard J. Larschan,
*Acting Instructor.*

---

To the Editor of Commentary:

Why does Elliott L. Richardson, Secretary of the Department of Health, Education, and Welfare, leave out religious heritage when he lists in his letter those things over which victims of discrimination have no control? HEW should be protecting victims of religious as well as racial and sex discrimination (1964 Civil Rights Act, Section 703), but one would never know it from the agency's actions.

Last October HEW conducted an investigation into discrimination in faculty hiring at Princeton University. Though it is well known in the university community that Princeton's English department will not hire Jewish professors, the affirmative-action plan which was developed mentioned women, blacks, and Orientals, and ignored the problem of anti-Semitism. In addition, the New York HEW has so far refused to respond to my pleas for an investigation into religious discrimination in faculty hiring at Princeton.

There is, apparently, discrimination not only in the universities but in civil-rights enforcement as well.

Arthur Cooper,
*Princeton, N.J.*

---

To the Editor of Commentary: I have recently observed the subtle, or not-so-subtle, effects of affirmative-action programs in the personnel pages of scholarly journals. For example, a recent issue of a prestigious American scientific weekly contained three classified advertisements, out of a total of 17, which boasted references to the academicians' added "qualifications": "Female Planetologist," "Minority Group Ph.D.," "Physiological Psychologist, Ph.D., Chicano."

An *equitable* meritocracy is salubrious *both* to its members and to society as a whole; discriminatory affirmative-action programs are only a stop-gap measure . . . and they will in the long run benefit no one . . .

JEFFREY GUSTAVSON,
*Cambridge, Mass.*

---

## A CTITICAL SURVEY OF AFFIRMATIVE ACTION

### PART II

### *The Revised Order of No. 4 as the generator of quotas*

Let us assume for the moment, that institutions of higher learning have been asked and had agreed to comply with the following rules:

That they publicize in the most open and even-handed way all their academic and other job openings.

That they recruit applicants from *all available* sources.

That they maintain fully nondiscriminatory hiring procedures and keep full records of interviews and the like.

That they comply with fully nondiscriminatory promotion and pay policies.

That they abolish all rules and regulations which are discriminatory with regard to pay, leave or possible fringe benefits.

Let us also assume that our Colleges and Universities:

Open up fully their respective institutions to all qualified student applicants;

Recruit their student body evenhandedly from *all* secondary schools and other possible preparatory channels;

Maintain vigorous remedial programs for entrants who wish to remove deficiencies;

Maintain comprehensive counseling and other auxiliary programs to facilitate the entry of disadvantaged students into the mainstream of academic life.

Let us further assume that there be maintained a *simple, speedy* and *effective* complaint and grievance mechanism within and without the academic institutions (lower and appellate levels) for the prompt handling of complaints involving alleged discrimination on grounds of race, sex, or creed, and

Let there be academic and mixed academic—nonacademic study groups and standing commissions to continuously investigate the employment possibilities and practices and, when necessary, recommend censure and the withholding of government funding.

This package of positive commitments, remedial measures, and monitoring bodies would constitute one of the most comprehensive antidiscrimination mechanisms yet conceived;

It would be considered fair by an overwhelming majority of the academic community;

It would be able to enlist active support of all persons of good will;

It would work; and

It would be in full accord with the letter and spirit of the Executive Order 11246. The pertinent Affirmative Action clauses of this Order read as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin." And further

"The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex, or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this Order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Order."

This proposed package, however, would *not* generate quotas and instances of reverse discrimination.

Instead of following the classical nondiscrimination approach outlined above, the Labor Department and other related agencies elected to tread new grounds.

In particular, the main pillar of the new look, the *Revised Order No. 4*, comprises a very specific and detailed set of rules which, if enforced and adhered to, lead necessarily to the establishment of quotas and the introduction into the organizational structure of our institutions of higher learning of an extensive "parallel bureaucracy" whose primary non-educational goals would keep it in constant conflicts with the primary educational tasks of the host institution. In this part of the survey (II) we study mainly the quota-generating characteristics of the said order.

In the first place, the order mandates the preparation of an Affirmative Action Compliance Program from every qualified contractor, irrespective of the actual status of its workforce:

"[It] requires that within 120 days from the commencement of a contract each prime contractor or subcontractor with 50 or more employees and a contract of $50,000 or more develop a written affirmative action compliance program for each of its establishments, and such contractors are now further required to revise existing written affirmative action programs to include the changes embodied in this order within 120 days of its publication in the Federal Register."

The aim of the order is apparently a compensation for past injustices on a *group basis:*

"Relief for members of an 'affected class' who, by virtue of past discrimination, continue to suffer the present effects of that discrimination must either be included in the contractor's affirmative action program or be embodied in a separate written 'corrective action' program. An 'affected class' problem must be remedied in order for a contractor to be considered in compliance."

The assumed shortcomings (guilt) of the institution must apparently be self-researched and admitted by the allegedly discriminating institution (defendant) itself:

". . . An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to increase materially the utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist."

From here on, the order becomes increasingly detailed and yet, at the same time, disturbingly vague. The following example may make this point clear:

"(a) . . . 'Underutilization' is defined as having fewer minorities or women in a particular job category than would reasonably be expected by their availability . . .

(1) In determining whether minorities are being underutilized in any job category, the contractor will consider at least all of the following factors:

(i) The minority population of the labor area surrounding the facility;

(ii) The size of the minority unemployment force in the labor area surrounding the facility; . . .

(iv) The general availability of minorities having requisite skills in the immediate labor area;

(v) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit; . . .

(2) In determining whether women are being underutilized in any job category, the contractor will consider at least all of the following factors:

(i) The size of the female unemployment force in the labor area surrounding the facility;

(ii) The percentage of the female work force as compared with the total work force in the immediate labor area;

(iii) The general availability of women having requisite skills in the immediate labor area;

(iv) The availability of women having requisite skills in an area in which the contractor can reasonably recruit;

(v) The availability of women seeking employment in the labor or recruitment area of the contractor; . . .

Like in many other similar instances, it is "the contractor" who is to determine the necessary *measures* by educated guesswork or by involved expensive studies. He has no guarantee that the actual numbers will have any validated meaning: the only ultimate criterion is their acceptability by government reviewers and the noncancellation of government funds.

Despite of a total lack of pilot projects which would have tested the validity of the many criteria listed in Order No. 4, the draft of the order as published in August of 1971 proceeds to demand that the College and University administrators establish goals, establish specific timetables, and initiate "corrective" measures:

"(b) Goals, timetables and affirmative action commitments must be designed to correct any identifiable deficiencies. Where deficiencies exist and where numbers of percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables separately for minorities and women. Such goals and timetables, with supporting data and the analysis thereof shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor. Where the contractor has not established a goal, his written affirmative action program must specifically analyze each of the factors listed in 'a' above and must detail his reason for a lack of a goal.

In the event it comes to the attention of the compliance agency or the Office of Federal Contract Compliance that there is a substantial disparity in the utilization of a particular minority group or men or women of a particular minority group, the compliance agency or OFCC may require separate goals and timetables for such minority group and may further require, where appropriate, such goals and timetables by sex for such group for such job categories and organizational units specified by the compliance agency or OFCC . . .

Although the final version of the Order, published in December of the same year omitted this last quoted paragraph (b), its essential content remained scattered within the other various parts of the Order and was vigorously enforced by the compliance officers of the Office of Civil Rights under Mr. Pottinger.

The results were quotas whose "good faith" promulgation led to all the malpractices and flagrant discrimination described in Part I of this Survey.

---

### How Equal Opportunity Turned Into Employment Quotas

#### SOME STRANGE THINGS HAVE BEEN HAPPENING, IN GOVERNMENT AND INDUSTRY, IN THE NAME OF "NONDISCRIMINATION"

(By Daniel Seligman)

Soon after it came into office, the Nixon Administration proposed that critics "watch what we do instead of listening to what we say." By this eminently reasonable standard, the Administration today might be judged to favor quotas in employment. The President has repeatedly assailed them; in fact, the elimination of quotas was identified in a major campaign statement as one of ten great goals for the nation in his second term. Yet during his years in office, and with some powerful encouragement from the executive branch of the U.S. Government, quotas have taken hold in several areas of American life. The controversies about them have centered on their appearance in the construction industry and on university campuses. Oddly enough, very little attention has been paid to employment quotas in large corporations.

The omission is very odd indeed, for it is in corporate employment that quotas are having their major impact on the American labor force and on relations between the races and sexes. Nowadays there are scarcely any companies among, say, the FORTUNE 500 that are not under pressure from the government to hire and promote more women and minority-group members; and many of these companies have responded to the pressure by installing what are, in effect, quota systems.

In most of the controversy over quotas, there is no real disagreement about ultimate objectives. Most educated Americans today would agree that several minorities, and women, suffer from discrimination in employment, that the discrimination is destructive and irrational, and that working to end it is a proper activity for government. Unfortunately, it is not clear what government should do—and all too clear that wise policies do not flow naturally from good intentions.

In discussions of this issue, people who don't define their terms can dither on for quite a while without getting anywhere. Let us begin, accordingly, with some definitions and distinctions. Among companies that have no intention of discriminating against women or minorities, four different postures may be discerned:

1. *Passive nondiscrimination* involves a willingness, in all decisions about hiring, promotion, and pay, to treat the races and sexes alike. However, this posture may involve a failure to recognize that the past discrimination leaves many prospective employees unaware of present opportunities.

2. *Pure affirmative action* involves a concerted effort to expand the pool of applicants so that no one is excluded because of past or present discrimination. At the point of decision, however, the company hires (or promotes) whoever seems most qualified, without regard to race or sex.

3. *Affirmative action with preferential hiring.* In this posture, the company not only ensures that it has a larger labor pool to draw from but systematically favors women and minority groups in the actual decisions about hiring. This might be thought of as a "soft" quota system, i.e., instead of establishing targets that absolutely must be met, the top officers of the company beef up employment of women and minority-group members to some unspecified extent by indicating that they want those groups given a break.

4. *Hard quotas.* No two ways about it—specific numbers or proportions of minority-group members must be hired.

Much of the current confusion about quotas—and the controversy about whether the government is imposing them—derives from a failure to differentiate among several of these postures. The officials who are administering the principal federal programs tend, of course, to bristle at any suggestion that they are imposing quotas; they have been bristling with special vigor ever since the President's campaign statements on the subject. Their formulations tend to be somewhat self-serving, however. The officials turn out, when pressed, to be denying that the government is pushing employers into posture No. 4. The real issue is No. 3, preferential hiring, which many government agencies are indeed promoting. Meanwhile, the President and a few other Administration officials concerned with equal-employment opportunity sound as though the objective of the program is to promote pure affirmative action—posture No. 2.

#### THE CONCILIATORS HAVE MUSCLES

The U.S. Government's efforts to end discrimination in employment are carried out through two major programs. One was set in motion by Title VII of the Civil Rights Act of 1964, which forbids discrimination based on race, color, religion, sex, or national origin. The act established an Equal Employment Opportunity Commission, which now has two main functions. The first is enforcement: the commission may sue in a U.S. district court, on its own behalf or for other claimants, when it believes that discrimination has taken place. The EEOC has had the power to sue only since March, 1972—previously it was limited to conciliation efforts—and has filed only about twenty-five suits in that time. Chairman William H. Brown III believes that when the commission gets warmed up it might be filing an average of five suits a week.

In practice, Brown suspects, not many of these are apt to be litigated; the right to go into court is useful to the EEOC mainly for the muscle it provides in conciliation efforts. If the EEOC did get into court, it would have to prove outright discrimination; in principle, that is, an employer might comply with Title VII simply by practicing passive nondiscrimination—posture No. 1. However, the conciliation agreements extracted from those accused of discrimination typically call for more than that. Most of the agreements negotiated thus far involve preferential hiring.

The commission's other main function is information gathering. Every enterprise with 100 or more employees must file annually with the EEOC a form detailing the number of women and members of four different minority groups employed in each of nine different job categories, from laborers to "managers and officials." The minority groups are Negroes; Americans of Mexican, Puerto Rican, Cuban, or Spanish origin; Orientals; and American Indians (who in Alaska are deemed to include Eskimos and Aleuts). With some 260,000 forms a year to process, the EEOC is having some difficulty in staying on top of the data it is collecting. "Obviously, we can't look critically at all the reports." Brown concedes. Eventually, however, he hopes to develop some computerized procedures for finding patterns of discrimination, i.e., procedures somewhat analogous to those employed by the Internal Revenue Service in deciding which tax returns to audit.

Meanwhile, the EEOC is getting a fair amount of help from people who believe they are being discriminated against. When any complaint is received at the commission, even one with no visible substance to it, an EEOC staff member pulls the file on the company in question and looks for patterns of discrimination. In fiscal 1972 more than 30,000 charges were filed.

#### SPECIAL RULES FOR CONTRACTORS

The other major federal program is based on the special obligations incurred by government contractors. This program may be traced all the way back to 1941, when President Franklin D. Roosevelt issued an executive order outlawing racial discrimination by defense contractors. Every President since Roosevelt has issued one or more orders extending the reach of the ban. It applies now to subcontractors as well as primes, to civilian as well as military purchases, and to services as well as goods. It affects every division and every subsidiary of any company with a contract worth $10,000 or more. It covers women as well as racial, religious, and ethnic minorities. And it has entailed increasingly expansive definitions of "nondiscrimination." Right now, about a quarter of a million companies, employing about a third of the U.S. labor force, are covered by the executive orders.

At the time President Nixon took office most government contractors were operating under Executive Order 11246, which had been issued by President Johnson in September, 1965. The order, as later amended by Johnson, required "affirmative action" by employers—but did not specify what this meant in practice. The Office of Federal Contract Compliance had never developed guidelines for determining whether contractors were in compliance. It was left to the Nixon Administration to make the program operational.

The Administration's first major decision about the program was to make it, in the marvelous label applied by the Labor Department, "result-oriented." Affirmative action could have been defined so that it required companies to incorporate certain procedures into their personnel policies—but did not require that any particular results follow from the procedures. The difficulty with this approach was that companies determined to discriminate might simply go through the motions while continuing to exclude women and minority-group members. "It just would have been too easy for them to make patsies of us," said Laurence Silberman, who was solicitor of the Labor Department at the time, and who participated in the formulation of the program. An alternative approach, which was the one essentially adopted, would require each company to set goals and timetables for hiring specified numbers of women and minority-group members; would allow the government to review the goals to ensure that they were sufficiently ambitious; and, if they were not met, would require the company to prove that it had at least made a "good faith effort" to meet them.

This approach was certainly calculated to produce results. The difficulty was that it also seemed likely to produce *reverse* discrimination by companies fearful of losing their contracts. The Administration recognized this problem from the beginning, and agonized over it quite a lot. "No program has given me greater problems of conscience than this one," said Silberman recently, just before leaving the Labor Department to go into private law practice in the capital. In the end, however, the Administration always came back to the view that a program that didn't achieve results would be a charade—and that the only way to ensure results was to require goals and timetables.

The rules of the new game were first set forth in January, 1970, in the Labor Department's Order No. 4, signed by then-Secretary George Shultz. At the time, it seems clear, businessmen did not pay a great deal of attention to Order No. 4. It is perhaps worth noting that the momentous changes signaled by the order had never been debated in Congress, not even during the great outpouring of civil-rights legislation in the 1960's. Anyone looking for examples of the growing autonomy of the executive branch of the federal government could do worse than focus on this quite unheralded administrative regulation.

### TRYING TO BE REASONABLE

Specifically, Order No. 4 requires that every contractor have a written affirmative-action program for every one of his establishments. Every program must include a detailed report on the company's utilization of each of the four basic minorities in each of its own job categories. (A "Revised Order No. 4," issued by Secretary of Labor J. D. Hodgson in December, 1971, called for reports on women, too.) Whenever there are job categories with fewer women or minority-group members "than would reasonably be expected by their availability," the contractor must establish goals for increasing their utilization.

Well, how does one determine the appropriate utilization rates? The order makes a great show of being helpful in this regard, listing eight criteria that contractors should consider in trying to answer the question. The first is "the minority population of the labor area surrounding the facility"; others include "the availability of minorities having requisite skills in an area in which the contractor can reasonably recruit," and "the degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities." The criteria certainly give contractors a lot to think about, but they do not, in the end, make clear what would be a reasonable utilization rate for, say, black mechanics. A contractor focusing on this matter might find himself utterly confused about the number of blacks in town who were already trained as mechanics, the number who were "trainable," the amount he was expected to spend on training, the distance he was expected to travel to recruit, etc.

In practice, contractors are encouraged to assume that they are underutilizing women and minorities and, accordingly, they have goals and timetables just about everywhere. For example, International Business Machine Corp., which has long been a model employer so far as fair-employment practices are concerned, has goals and timetables today at every one of its 400-odd establishments in the U.S.

Because the criteria are so vague, the goal-setting procedure often becomes an exercise in collective bargaining, with the outcome dependent on the respective will and resourcefulness of the company's top executives and the government's compliance officers. The government is ordinarily represented in these matters by whichever of its departments is contracting for the company's services; the OFCC does some, but not much, coordinating. On the whole, the enforcement varies considerably in both fairness and effectiveness from one company to another. Furthermore, some companies deal with several different departments; Union Carbide, for example, is monitored by the Atomic Energy Commission and the Departments of Defense, Transportation, Labor, Interior, and Agriculture.

The compliance officers themselves are career civil servants, and they seem to come in all varieties. Two quite different criticisms of them are often heard. One is that they are apt to be knee-jerk liberals, persuaded in advance that the big corporation is guilty. The other is that they have often lazily adopted the position that anything the company proposes is fine with them. Herbert Hill, the labor specialist of the National Association for the Advancement of Colored People, is prepared to regale anyone who wants to listen with tales of compliance officers who have been co-opted by corporate personnel departments. One senior official of the Labor Department who has been in a good position to observe the contract-compliance program was asked recently what he thought of these two criticisms. "They're both true," he answered, adding, after a moment's reflection, that the compliance officers also included many thoughtful and conscientious public servants.

### WHAT'S HAPPENED TO MERIT?

There is no doubt that, between them, the EEOC and the contract-compliance program have transformed the way big business in the U.S. hires people. Even allowing for those co-opted compliance officers, the government has gone a long way toward wiping out old-fashioned discrimination in the corporate universe. But it is increasingly evident that, in doing so, the government programs have undermined some other old-fashioned notions about hiring on the basis of merit.

The undermining process can be discerned in the campaigns, waged successfully by EEOC and OFCC, against certain kinds of employment standards. Employers who demand certain skills, education levels, or test-score results are presumed to be discriminating if their standards have the effect of excluding women or minority-group members. To counter this presumption, the employer must demonstrate conclusively that the skills are in fact needed for the job. If test-score results are involved, he must also demonstrate that the tests reliably predict the skills in question and, finally, that "alternative suitable . . . procedures are unavailable for his use." One argument the employer *cannot* make is that he had no discriminatory intent in establishing the requirements. Under Title VII, as administered by the EEOC, the intent is irrelevant; it is only the effect that matters—which represents a major alteration in the law of discrimination.

The altered concept became the law of the land in March, 1971, when the U.S. Supreme Court upheld the EEOC's view, and overruled a court of appeals, in *Griggs vs. Duke Power*. The company had required applicants for certain jobs to have a high-school diploma and also to score at certain levels in aptitude tests. There was no contention that Duke Power intended these standards to have a discriminatory effect, and it was agreed that they were applied impartially to blacks and whites alike. It was also agreed that the standards resulted in very few blacks being hired. The company argued that it wanted to use the standards to improve the over-all quality of its labor force; but it could not demonstrate that the standards had a direct relationship to the jobs being performed. In ruling that the standards had to be dropped, Chief Justice Warren E. Burger, who wrote the Court's opinion, upheld the EEOC's contention that Title VII "has placed on the employer the burden of showing that any given requirement must have a manifest relationship to the employment in question."

Anyone pondering the particulars of the Duke Power case would have to feel sympathy for the black workers involved. Growing up in a society that had denied them a decent education, they were unfit for many skilled jobs. When they applied to do some relatively unskilled work that they could perform, they were excluded by educational standards—which, the facts suggest, really were extraneous to the company's needs. Unfortunately, the logic of the Duke Power decision suggests that some perfectly reasonable standards are now in trouble too. Companies that have high standards and want to defend them will immediately perceive that the ground rules, which not only place the burden of proof on the employer but require coping with some formidable-looking validation procedures, are not inviting. Many will obviously conclude that it is simpler to abolish their standards than to try justifying them.

The new law presents special management problems to the numerous companies that have traditionally hired overqualified people at entry-level jobs, expecting them to compete for the better jobs. Dr. Lloyd Cooke, who monitors Union Carbide's equal-employment-opportunity program, suggested recently that most big companies like his own could no longer assume there were a lot of highly qualified people searching out their own paths to the top. "Now we must develop upward mobility models that include training along the way."

In addition to all their problems with tests and formal standards, federal contractors often face a new kind of pressure on the informal standards they may have in mind when they hire and promote people. Revised Order No. 4 specifies: "Neither minority nor female employees should be required to possess higher qualifications than those of the lowest-qualified incumbent." The logic of this rule is inexorable, and it too implies lower standards. In any organization that has a number of people working at different levels of skill and competence—a corporate engineering staff, say, or a university economics department—whoever does the hiring would ordinarily be trying to raise the average level of performance, i.e., to bring in more people at the high end of the range. If the organization must take on applicants who are at the low end or face charges of discrimination, it can only end up lowering the average.

Professor Sidney Hook, the philosopher, has assailed the possibilities of this "fantastic" requirement in universities. "It opens the door," he has written, "to hiring persons who cannot meet *current standards of qualification* because, forsooth, a poorly qualified incumbent was hired by some fluke or perhaps ages ago when the department was struggling for recognition."

### WHAT CONGRESS HAS PROSCRIBED

For reasons that are certainly understandable, neither the EEOC nor the OFCC has ever said in writing that it believed the law to require some hiring or less-qualified people. To do so would apparently conflict with some of President Nixon's animadversions against quotas. In addition, it would seem to go against the plain language of the laws in question. It is, after all, logically impossible to discriminate in favor of blacks without discriminating against some whites; thus anyone espousing preferential hiring of blacks would be bucking Section 703(a) of Title VII, in which it is deemed unlawful for an employer "to . . . classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities . . . because of such individual's race, color, religion, sex or national origin." In *Griggs*, Chief Justice Burger reaffirmed the intent of the law in plain terms: "Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed."

In pushing preferences for women and minorities, the government's lawyers and compliance officers repeatedly offer the assurance that "you never have to hire an unqualified person." Since unqualified persons are by definition unable to do the job, the assurance is perhaps less meaningful than it sounds. The real question is whether employers should have to hire women or minority-group members who are less qualified than other available workers.

The answer one gets in conversation with EEOC officials is clear enough. If hiring someone who is less qualified will help an employer to utilize women or minorities at proper levels, then he should do so. Chairman Brown was asked recently what an employer should do if he was presumed to be underutilizing women and there were two applicants for a job: a fairly well qualified woman and a man who was somewhat better qualified. "If it's just a question of 'somewhat better,' you should probably hire the woman," he replied

### THE LAWYER'S PREDICAMENT

How can the lawyers who run the federal programs justify preferences that seem to violate the intent of the basic statutes? Not all the lawyers would respond in the same way, but most of them would point to some court decisions at the appellate level that call for preferential hiring and even hard quotas. They would also note that the Supreme Court has declined to review these decisions. In one important case, for example, the Alabama state troopers were ordered by a federal judge to hire one black trooper for every white man hired until the over-all ratio was up to 25 percent black. Most of the lawyers would also agree with this formulation by William J. Kilberg, the Labor Department's associate solicitor for labor relations and civil rights: "In situations where there has been a finding of discrimination, and where no other remedy is available, temporary preferential hiring is legal and appropriate."

Kilberg himself believes strongly that preferences should be limited to these special circumstances—in which it is indeed hard to argue against them. But other government lawyers view them as natural and desirable in a wide range of circumstances. They argue, for example, that it is unnecessary to require a finding of discrimination; they contend that companies underutilizing women or minority-group members are per se guilty of discrimination and that it is appropriate, in reviewing their goals and timetables, to push for some preference. Furthermore, the EEOC tends to the view that any past discrimination justifies preferences, i.e., it often fails to consider whether other remedies are available.

Last fall H.E.W.'s Office of Civil Rights made a major, but only partially successful, effort to clarify the ground rules of the contract-compliance program. J. Stanley Pottinger, who has headed the office for most of the past three years (he recently moved over to the Justice Department), put together a volume spelling out some guidelines. At the same time, somewhat confusingly, he issued a covering statement that went beyond anything in the volume. It said, "Nothing in the affirmative-action concept requires a university to employ or promote any faculty member who is less qualified than other applicants competing for that position." That statement was, and indeed still is, the only formal declaration ever issued by any contract-compliance official ruling out a requirement for hiring less-qualified job applicants.

Many contractors who read the statement took it for granted that the same rule would apply to corporate employment. Unfortunately, anyone talking about this matter to officials of the Labor Department soon discovers that they regard university hiring problems as somewhat special. There is a view that faculties have a unique need for "excellence," but that in the business world, and especially at the blue-collar level, most jobs are such that employers suffer no real hardship when "less-qualified" people are hired.

### A MESSAGE TO JACK ANDERSON

Meanwhile, corporate executives tend to take it for granted that, in practice, reverse discrimination is what affirmative action is all about. Whoever it is at International Telephone & Telegraph Corp. that leaks internal memorandums to columnist Jack Anderson recently sent along one on this subject. In the passage that Anderson published, Senior Vice President John Hanway was proposing to another executive that thirty-four rather high-ranking jobs "lend themselves readily to being filled by affirmative-action candidates," i.e., they should be filled by women or minority-group members.

Companies' public declarations about affirmative action do not ordinarily propose so blatantly to prefer these groups, but the dynamics of the program more or less guarantee that there will be preferences. Revised Order No. 4 says, "Supervisors should be made to understand that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria."

Supervisors are indeed getting the message. At I.B.M., for example, *every manager* is told that his annual performance evaluation—on which the prospects for promotions, raises, and bonuses critically depend—includes a report on his success in meeting affirmative-action goals. A memo last July 5, from Chairman C. Peter McColough to all Xerox managers in the U.S. (it was later published by the company), warned that "a key element in each manager's over-all performance appraisal will be his progress in this important area. No manager should expect a satisfactory appraisal if he meets other objectives, but fails here." At Xerox, furthermore, the goals are very ambitious these days. Something like 40 percent of all net additions to the corporate payroll last year were minority-group members.

In principle, of course, a line manager who is not meeting his targets is allowed to argue that he has made a "good faith effort" to do so. But the burden of proof will be on the manager, who knows perfectly well that the only sure-fire way to prove good faith is to meet the targets. If he succeeds, no questions will be asked about reverse discrimination; if he fails, he will automatically stir up questions about the adequacy of his efforts and perhaps about his racial tolerance too (not to mention his bonus). Obviously, then, a manager whose goals call for hiring six black salesmen during the year, and who has hired only one by Labor Day, is feeling a lot of pressure to discriminate against white applicants in the fall. "In this company," said the president of one billion-dollar enterprise recently, "a black has a better chance of being hired than a white, frankly. When he's hired, he has a better chance of being promoted. That's the only way it can be."

### SOME KIND WORDS FOR ABILITY

The future of the "quotas issue" is hard to predict, for several reasons. One is the continuing blurriness of the Nixon Administration's intentions. For a while, last summer, these appeared to have been clarified. In August, Philip Hoffman, president of the American Jewish Committee, sent identical letters to Nixon and McGovern expressing concern about the spread of quota systems in American education and employment. Both candidates replied with letters assailing quotas. The President wrote to Hoffman: "I share your support of affirmative efforts to ensure that all Americans have an equal chance to compete for employment opportunities, and to do so on the basis of individual ability . . . With respect to these affirmative-action programs, . . . numerical goals . . . must not be allowed to be applied in such a fashion as to, in fact, result in the imposition of quotas."

This declaration was followed by a number of newspaper articles suggesting that the Administration was preparing to gut the affirmative-action program. The articles were wrong however. Before the reply to Hoffman had been drafted, a number of Administration officials—they included White House special consultant (on minorities) Leonard Garment, Silberman, and Pottinger—met to discuss the program and to consider whether the time had come to change it. Specifically, they considered whether to drop the requirement for goals and timetables. And they decided, as they had in earlier reviews, to resolve their doubts in favor of standing pat.

It seems clear that the Nixon letter to Hoffman temporarily shook up some members of the equal-opportunity bureaucracy, but it doesn't seem to have led to any major changes in the way the federal program is implemented. Many executives, including some who are vigorous supporters of the program, confess to being baffled by the contrast between the President's words and the bureaucracy's actions. General Electric's man in charge of equal-employment-opportunity programs, whose name happens to be Jim Nixon, remarked recently that he kept reading in the papers that "the other Nixon" was cutting back on affirmative action, but "around here, all we see is a continuing tightening of the noose."

Perhaps the simplest explanation of that contrast between words and actions lies in the very nature of the program. It is logically possible to have goals and timetables that don't involve preferential hiring—and that happy arrangement is what the Administration keeps saying we have now. But there are built-in pressures that keep leading back to preference: the implicit presumption that employers are "underutilizing" women and minority-group members; the further presumption that this underutilization is essentially the result of discrimination; the extraordinary requirement, quite alien to our usual notions about due process, that unmet goals call for the employer to demonstrate good faith (i.e., instead of calling for the government to prove bad faith). It seems reasonable to speculate that at some point the Administration will abandon goals and time tables, conceding that they lead in practice to preferential hiring and even quotas. Indeed, some of the program's senior officials regard the present format as temporary. Pottinger, who has spent a lot of time in recent years arguing that goals don't mean quotas, nevertheless says, "I sure hope they're not permanent."

In any case, one would have to be skeptical of the long-term future of any program with so many anomalies built into it. For a democratic society to systematically discriminate against "the majority" seems quite without precedent. To do so in the name of nondiscrimination seems mind-boggling. For humane and liberal-minded members of the society to espouse racial discrimination at all seems most remarkable.

### THE CRUELTIES OF REVERSE DISCRIMINATION

One immediate threat to the program may be discerned, meanwhile, in a number of suits against corporations and universities, alleging some form of reverse discrimination. H.E.W. now has an "ombudsman" working full-time on such complaints. It seems likely that companies engaged in preferential hiring will be hit by more such suits as the realities of their programs sink in on employees and job applicants.

But even aside from all the large litigious possibilities, there are surely going to be serious problems about morale in these companies. It is very difficult for a large corporation to discriminate in favor of any group without, to some extent, stigmatizing all members of the group who work for it. G.E.'s Nixon, who is himself black, says that talk about hiring less-qualified minority-group members makes him uneasy—that "it puts the 'less-qualified' stamp on the minorities you do hire." In companies where reverse discrimination is the rule, there will be a nagging question about the real capabilities of any black man who gets a good job or promotion. The question will occur to the white applicants who didn't get the job; it will occur to customers who deal with the black man; and, of course, it will occur to the black himself. Perhaps the cruelest aspect of reverse discrimination is that it ultimately denies minority-group members who have made it on their own the satisfaction of knowing that.

In short, businessmen who are opting for preferential hiring, or who are being pushed to it by government pressure, may be deluding themselves if they think they're taking the easy way. It seems safe to say that at some point, even if the government does not abandon its pressures for preference, more businessmen will begin resisting them. It should go without saying that the resistance will be easier, and will come with better grace, if those businessmen have otherwise made clear their opposition to any form of discrimination.

## TRANS-ALASKA PIPELINE

Mr. GRAVEL. Mr. President, on May 3, 1973, I appeared before the Senate Interior and Insular Affairs Committee in support of legislation that would, among other provisions, authorize the Secretary of the Interior to grant sufficient right-of-way width to construct the Trans-Alaska Pipeline.

While we study and discuss the national energy shortage, our situation worsens. Our balance of payments deficits continue to climb; the gasoline and fuel shortage become more precarious each day; and Alaska still has an unemployment rate more than twice the national average.

I ask unanimous consent to have printed in the RECORD my statement of May 3. Construction of the Trans-Alaska Pipeline would not resolve all our pressing national problems, but it would go a long way toward alleviating them.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY SENATOR MIKE GRAVEL

Mr. Chairman: I deeply appreciate the opportunity to appear before this Committee to urge enactment of legislation to amend Section 28 of the 1920 Mineral Leasing Act to give the Secretary of the Interior authority to grant right-of-way permits specifically for the Trans-Alaska Pipeline in excess of the existing 25-foot limit on each side of oil and gas pipelines. I also ask the Congress to declare that the Secretary of the Interior has met all requirements under the National Environmental Protection Act for the environmental impact statement on the Trans-Alaska Pipeline. Briefly, I appeal to the Committee and the Congress to remove the roadblocks so that construction of the line can get underway without further delay.

With reference to the Trans-Alaska Pipeline, we are here today because the United States Court of Appeals for the District of Columbia Circuit, on February 9, 1973, found that the Secretary of the Interior lacked the authority to grant a right-of-way permit for a width in excess of 54 feet (25 feet on each side of the line plus the width of the line). Thus, according to the Appeals Court's decision, the Congress is charged with the responsibility of amending the 1920 Mineral Leasing Act to give the Secretary of the Interior the necessary authority to grant a width in excess of the present limitation of 25 feet on each side of oil and gas pipelines.

This decision points up very clearly that with today's modern construction methods and machinery, a number of oil and gas pipelines have been constructed in violation of the 1920 Mineral Leasing Act, and could effectively block any future construction of pipelines as well as power transmission lines and other facilities. Further, there is even the threat that maintenance of existing oil and gas pipelines may have violations as well. Thus, we have come to the cross-roads. Regardless of the Trans-Alaska Pipeline issue, the 1920 Mineral Leasing Act will have to be amended. The overall issue of rights-of-way is a complex one and should be considered with deliberation. The narrower issue of a right-of-way for the Trans-Alaska Pipeline has been deliberated at great length and now calls for immediate action.

A number of days have already been consumed in both the Senate and House Interior and Insular Affairs Committees on hearings covering the overall question of rights-of-way. I wish to commend Chairman Jackson at this point, and to thank him for setting aside two days of hearings specifically for the Trans-Alaska Pipeline. I am indebted to him and value his knowledge and leadership in trying to resolve the national energy crisis.

We have had a number of experts appear before the congressional committees testifying about the national energy crisis, the balance of payments problem, and the Governor of Alaska has appeared again just yesterday, pointing out Alaska's urgent need for revenue which the pipeline would generate. There are many other benefits to be derived from construction of the Trans-Alaska Pipeline, but let us concentrate on the three major points just mentioned.

#### THE NATIONAL ENERGY CRISIS AND BALANCE-OF-PAYMENTS DEFICITS

Is the United States facing an energy crisis? Do we have a balance of payments problem? Are our problems real or imagined? If they are real—and they must be obvious to all of us—then what are we going to do about trying to resolve these problems? Talking about them won't resolve them, nor is appointing another committee to study the problems the answer. We can talk, study or stick our heads in the sand like the proverbial ostrich—but the problems will simply not go away. To the contrary—further delay in construction of the Trans-Alaska Pipeline will only erode our position as a major power. This is a blunt assessment of the situation.

The Honorable William E. Simon, Deputy Secretary of the Treasury, appeared before the Subcommittee on Public Lands of the House Committee on Interior and Insular Affairs on Monday, April 30.

Secretary Simon stated: "The United States faces serious economic and monetary problems today because of our rapidly deteriorating balance of payments. We cannot afford to permit these deficits to go on mounting unnecessarily by delaying the development of already proven domestic resources. In the past this country has enjoyed energy security because of our shut-in production potential. This potential has now disappeared. Imports are soaring and several countries have declared that they intend to use their oil as a political weapon. Can we afford to become increasingly dependent upon such countries by deliberately delaying the development of the largest find of oil in U.S. History?"

This is a question that I also pose to my colleagues. Can we afford to keep North Slope oil in the ground and continue to depend upon foreign imports.

Without citing statistics on the present balance of payments deficits, and trying to project those deficits through the next five or ten years, I think it is reasonable to assume that for each additional barrel of oil domestically produced, it will be one barrel less that we have to import. It is elementary that this will be reflected in our balance of payments.

According to figures released by the Department of the Interior, the total energy consumption doubled during the 18-year period 1950–1968. It is anticipated that we can expect this trend to continue at the rate of approximately 4.2% per year through 1985. Senator Jackson as recently as March 27th pointed out that 27% of our oil consumption was imported in 1972 and that the figure is expected to rise to 33% in 1973 and to reach 60% by the end of this decade. This means that unless we increase our domestic production we will become more and more dependent upon oil imports, the continuation of which have a high degree of uncertainty.

The news media has reported on the critical energy shortage and cited convincing examples of extreme hardship endured by communities across the Nation. The situation reached such critical proportions on February 13 that Governor Wendell R. Anderson of Minnesota asked the Office of Emergency Preparedness to declare the state a disaster area in order to get Federal help in warding off the oil shortage. Schools and factories were shut down throughout the Midwest and some sections of the East Coast. The only thing that saved us from an even worse situation encompassing more states and communities was the relatively mild winter we experienced. These are immediate effects from the energy shortage, and the situation will certainly worsen as time goes by. I do not need to remind the committee that this Nation runs on wheels which means consumption of oil and its by-products, gasoline and diesel. Alaska, for example, is almost totally dependent upon the Lower 48 States for its food. Envision, if you will, what would happen to 310,000 people of Alaska if air, marine and truck lines were severed because of lack of gasoline and diesel fuel? A strong example, perhaps, but who is to say with any degree of certainty that it cannot happen? If the energy shortage worsens, indeed, it not only could happen, it would happen! Perhaps pointing out the dependency upon trucks and railroads for transporting foods to our larger cities would serve as a better example because it is somehow closer to "home." We are then talking about millions of people—not Alaska's 310,000 citizens.

It is clearly to the advantage of the United States to increase domestic oil production at the earliest possible time. This means marketing the Prudhoe Bay reserve, and exploring Alaska's other vast potential fields.

#### ALASKA'S FINANCIAL NEEDS

On March 9 before this Committee, the Honorable William A. Egan, Governor of my State of Alaska, outlined in detail what the delay in construction of the pipeline is exacting from Alaskans. He reiterated our problems again yesterday. We need schools, vocational and manpower training, hospitals, health and community facilities, and housing. While Alaska is the largest state in the Union in terms of land mass—1/5th the size of the United States—we have the smallest population with approximately 30% of the 310,000 citizens living in small villages. There you will find people living in the most abject poverty. Our problems are compounded by distance with resulting high transportation costs; by an unfriendly climate over much of the 586,000 square miles; and seasonal employment. Alaska's unemployment rate is generally more than twice the national average in the larger cities and towns and is as high as 90% in the villages.

Revenue from the pipeline would finance programs to give all Alaskans a higher standard of living.

Revenue from the pipeline would enable the State of Alaska to meet its obligations to Alaskan Natives as provided in the Native Land Claims Settlement Act passed by the Congress in December, 1971.

Pipeline construction would mean more jobs—not only more jobs for Alaskans but also for general and pipeline construction workers from the Lower 48 States.

It took the Territory of Alaska almost 100 years—longer than any other territory—to gain statehood. We were "governed" and I use the term advisedly, by a series of Federal Government Offices/Agencies from the time of purchase in 1867 to granting of territorial status in 1912. From 1867 to statehood Alaska had a long history of systematic exploitation. The Federal Government has long been a substantial employer, but during World War II it became a major employer and we have been greatly dependent upon the Federal Government ever since.

While Alaska is the largest in size, the poorest in terms of standard of living, and the smallest in population, we have been blessed with vast mineral wealth, the extent of which staggers the imagination. We have the potential for self-sufficiency. We simply lack permission for crossing Federal lands to begin developing an infinitesimal part of our vast mineral wealth, The future development and self-sufficiency of Alaska depends upon Alaskans being able to extract and market their natural resources.

Frustration of the Trans-Alaska Pipeline program has not only brought future development of Alaska's oil and gas resources to a halt, it has also had a serious dampening effect on the development of Alaska's great mineral resources. For several years the Congress has been studying the prospect of a serious materials shortage beyond the energy crisis. Just as Alaskan fuel supplies offer a partial answer to the energy crisis, so Alaska's vast untapped materials resources can provide badly needed help in meeting many materials shortages. So long as North Slope oil development is blocked, the materials industry can have no confidence that other development in Alaska will not also be frustrated, smothered with costly delays, and skyrocketing, government imposed, investment risk. On the other hand, North Slope development in progress will not only stimulate interest in other northern resources but also provide access and the possibility of cheap power. The attack on the oil pipeline also blocks gas and other fuels and materials development.

### PROTECTION OF THE ENVIRONMENT

I realize there is great concern for the environment and I share this concern. I am, however, convinced that the many studies and engineering tests conducted during the last four years—exceeding a cost of $400 million—will insure construction with the minimum disturbance to the environments. As a matter of fact, the Trans-Alaska Pipeline will be the safest line ever constructed. The studies and tests conducted on the Trans-Alaska Pipeline have set new standards for construction of all future lines throughout the United States. While the four-year delay in construction of the Alaska Pipeline has been costly to the United States in balance of payments and a worsening energy shortage, it has—and I think most of us agree, including the oil industry—served a very useful purpose. A safer line will be constructed today than could have been constructed four years ago.

Alaskans are very concerned about their environment and we intend to see that the pipeline is built with the minimum disturbance to our environment.

Alaska's major industries—lumber, fishing, and construction—are seasonal, which, of course, means seasonal employment. Tourism is rapidly developing into another major industry. While the main influx of tourists is during the late spring and summer months, with development of ski slopes we hope to attract winter sports enthusiasts. It stands to reason that if we are to continue to attract visitors, we must preserve the State's natural beauty. We are, and we must, therefore, be continually concerned about our environment. From the esthetic viewpoint, it would be preferable to traverse paths unmarred by footprints, except one's own. However, we Alaskans are realistic. We understand that development will mean more people, and more footprints.

I went to Alaska, as many before me and many since, to get away from the overpopulated East. Alaska gives a man a new freedom and sense of purpose. This is all well and good to give expansiveness to the soul—but our children need shoes, and food, and clothes, and schools—the same as the children from the other 49 States. We like central heat, too, and running water. We can only begin to have a decent standard of living for ALL Alaskans when we are able to develop our resources.

### TRANS-ALASKA VERSUS TRANS-CANADA ROUTES

A number of winesses have come before this committee to claim that a Canadian routing for the oil pipeline is preferable to the Alaska Pipeline. These men have come in good faith, but they are ignoring a whole series of problems and constraints that would frustrate construction of an oil pipeline in Canada in the 1970's. What are these constraints? They include political, economic, logistic, nationalistic, and environmental considerations. Before we consider whether or not Canada is ready to build an oil pipeline let's see where Canada stands at the moment with regard to energy policy.

Many witnesses have come here armed with quotations from responsible Ministers of Canada that appear to favor the building of an oil pipeline down the Mackenzie Delta. Most of these quotations are quite dated. There is little doubt in my mind that eventually the Canadians will become convinced that an oil pipeline from the Delta is a good thing. Currently, however, Canada does not even have an energy policy that effectively deals with the question of Northern Resource and Pipeline Development. The Canadians, however, have been devising policy options. In a few weeks, Donald Macdonald, Canada's Energy Minister, is expected to submit energy policy options to the House of Commons.

In a recent interview with a Canadian oil industry publication, entitled Oilweek, published in Calgary, the Minister discussed four basic approaches that would be included in the government statement. These approaches are as follows: 1) Maximum energy development; 2) Optimum environmental considerations; 3) Ultimate conservation; and 4) Continuing development along current lines.

Prime Minister Trudeau has said he expects that the energy policy that will result from discussions of the above options and other studies being presented in the energy policy statement is still a year away. Such a policy must be developed in careful cooperation with the Provinces in Canada as the Federal Government does not have the power to ignore the energy policies of each of Canada's Provinces when formulating its own. This has been demonstrated forcefully in recent months when a dispute broke out between Alberta, Canada's main energy-producing Province, and Ontario, the main energy-consuming Province. Alberta has successfully denied increased gas exports from that Province to Ontario because they are not satisfied with the current wellhead price in their Province. This illustrates the ability of a single Province to frustrate national objectives.

Aside from the problem of Canada developing a coherent energy policy, it is extremely naive to assume that environmentalists and nationalists will not vigorously oppose the construction of an oil pipeline down the Mackenzie Delta. Such groups will have ample opportunity to make their views known at the hearings that must take place before any pipeline—oil or gas—is approved in Canada. There is in fact already organized resistance to even a gas pipeline from the Delta.

As you are aware, an application for a gas pipeline from the Mackenzie Delta is expected to be submitted to Canadian authorities sometime this year. This group hopes that this pipeline will be started in 1975. An oil pipeline application would be in direct competition with a gas line. It is not well understood in the United States that the size of Canadian capital markets and industry is very small in comparison with our own. It is already felt to be a significant problem in Canada to find enough Canadian capital and supplies to make the gas pipeline truly Canadian. The Canadian Government has stated on a number of occasions that any line built in Canada must maximize its Canadian content and ownership. If it is difficult to find supplies, construction men and Canadian capital to build one pipeline, how can the Canadians possibly consider building two lines at the same time down the Mackenzie Delta corridor?

In the same Oilweek article referred to earlier, Minister Donald Macdonald is quoted as saying, "If a decision was made in Washington today to go the Canadian route it would take a year to do the engineering required to present an application, then at least another year to get approval. If that came in time to begin moving material into the North during the 1975 barging season three years of construction would finish the line in 1979 at the earliest. But, of course, the calculations don't take into consideration the possibility that a gas pipeline might win approval during the same period and get underway even without Prudhoe Bay gas as originally planned. The resultant problems of financing, logistics, or even just finding enough construction labor would be immense."

In another issue of the same publicaton, Mr. W. O. Twaits, Chairman of the Board of Imperial Oil of Canada, that country's largest oil company, said that he feels it is physically and financially impossible to build two major pipelines concurrently (down the Delta). He said that sequential construction is the only means of leveling out demands on labor, equipment, logistic systems and operations.

Much has been said in the United States about the balance of payments problem that this Nation is facing. No one here so far seems to have considered the balance of payments problem that Canada would face if it undertook to build a gas and an oil pipeline at the same time. The vast import of capital that would be required to build these lines at the same time could create a severe upward pressure on the level of the Canadian dollar and hence have a serious impact on the manufacturing industries in Canada which provide a large number of Canadian jobs. Could the Canadian Government risk Canadian jobs by attempting to do too much too fast?

If an oil pipeline application were placed before the National Energy Board and the Department of Indian Affairs and Northern Development, a choice would have to be made at some stage between an oil or a gas line down the Delta. It should be pointed out that before the Government can make any decision on a pipeline application full-scale hearings are required before the above boards. Some witnesses seem to have intimated that the Canadian Government would unilaterally approve an oil pipeline without the normal hearings. This is absolutely untrue and the Canadian Government has stated so.

Since it would eventually come down to a choice in Canada between an oil and a gas line, there is little doubt that the Canadians would choose a gas line since the discoveries in Canada's North have so far been almost totally gas.

Another factor that we as politicians should not forget is the current tenuous position of the Canadian minority government. Any issue as explosive as an oil pipeline application would likely receive a cold shoulder from the policy makers at this time.

In addition to the above issues I have touched on, the same problems that I have not mentioned that have held up the Trans-

Alaska Pipeline would likely occur in Canada. These include problems of Indian settlements and environmentally safe engineering methods. We have already solved these problems for the Trans-Alaska Pipeline, I am convinced. By approving the Trans-Alaska Pipeline we will immediately enhance the possibility of a Mackenzie Delta gas pipeline. In a recent interview, again in Oilweek, Mr. William Wilder, Chairman of the Board of the Canadian Arctic Gas Study Limited made the following points:

"It would be very helpful if the Alaska Pipeline is cleared this summer to start construction next winter. The longer it is delayed, the longer the delay in finding out whether gas can be released from the North Slope. If no substantial volume is likely to be available from this source Canadian Arctic will have to depend on more reserves from the Delta to support its ultimate development." He goes on later to say, "It is important also to integrate the Canadian project with Alaska gas. Alaska gas at this stage is required to provide sufficient reserves. It will also answer to a large extent the public concern over the speed with which Canadian reserves will be used."

Remember that Canada has a restriction on gas exports, and that 30 years of Canadian requirements must be met before an application for exports can be entertained. More recently, the government has asked the National Energy Board to call a hearing to determine the level of oil exports that are consistent with the Canadian interest. As you know, up until recently oil exports from Canada were not regulated there.

The environmental spokesmen testifying here yesterday afternoon stated that Canada was willing to increase its oil exports to the United States during the construction of an oil pipeline from Prudhoe Bay. This statement is out of date and inconsistent with the conclusions reached by the National Energy Board in a recent study dealing with oil supply in that country. This study was the main factor that led to a curtailment of oil exports from Canada to the United States. It showed that Canadian oil production in Western Canada will peak within the next two years.

Although many people bandy about the possibilities of the Athabasca Tar Sands contributing significantly to oil production in Canada, currently only one small plant with an output of 40,000 barrels per day is in existence. One more plant with a capacity of 125,000 barrels per day is being planned at present. Expert witnesses in Ottawa have testified that each tar sands plant will take three years to design and construct. The plant referred to above is not expected to be in production for three to four years. Even then the 125,000 barrels per day of new capacity will do very little to alleviate oil shortages whether they be in Canada or the United States. Each tar sands plant, by the way, will cost well over one-half billion dollars.

I would also like to make some statements with reference to the Mackenzie Valley Research Limited Report submitted here yesterday. It is an excellent study pertaining to the engineering, economic, and environmental feasibility of an oil pipeline down the Mackenzie Delta corridor. Few would argue that an oil pipeline cannot be built there. However, as I tried to discuss with you today there are serious problems associated with building an oil line in Canada that are above and beyond the considerations of that report. Some of these problems are quite unique to the Canadian situation, such as the Canadian content restraint, the Canadian ownership constraint and the balance of payments problem that Canada would face if it were to attempt to build two pipelines down the Delta corridor at the same time. The third conclusion of the Summary Report presented here yesterday is the one that I consider ill-founded. How can we assume government approvals would be granted within five years let alone within the first year? I certainly agree that a second oil line from the Arctic should come down the Mackenzie Delta if that is possible. But if we do not move ahead on the Trans-Alaska Pipeline we will be setting back the timetable for initial oil deliveries for many years. We cannot afford to do this.

It has been pointed out that the Midwest is an oil deficient area. It also happens to be a severely gas deficient one. The current gas shortage is propounding the oil shortage. As more and more prospective gas customers and existing interruptable gas customers are forced to turn to oil, the oil shortage gets more serious. By approving the Trans-Alaska Pipeline we will likely be able to get earlier delivery of gas to the Midwest area from Canada and Alaska.

In conclusion, it is extremely naive of us to think that we can solve our problems by handing them over to the Canadians. Environmental issues don't die when they cross borders. Indian claims are not settled by government statements that they are willing to negotiate. Before any pipeline is built in Canada the National Energy Policy of that country must be formulated, lengthy hearings must be completed before the National Energy Board and the Department of Indian Affairs and Northern Development, and finally, the Canadian Government must give a final go-ahead.

Does this sound like a short-term delay to you?

---

## THE AMA AND PHYSICIANS' CHARGES UNDER MEDICARE

Mr. MUSKIE. Mr. President, it has come to my attention that the American Medical Association, a most sophisticated organization, has used some figures in a very unsophisticated way. In the February 1973 issue of AMA Update, the association prints some figures issued by the Social Security Administration to show that average charges by doctors were actually lower in 1971 than they were when the medicare program began—down 5.2 percent for surgical services and down 11.5 percent for outpatient medical care. The headline says, "Under Medicare, Average Doctor Bill Has Been Going Down (Not Up) SSA Data Shows."

Now, since we have all been hearing, and experiencing, the increasing costs of medical care it would indeed be remarkable to find that our perceptions and information have been all wrong—at least with regard to the medicare program. We are asked to believe that average charges for physicians' surgical services have gone down from $174 during the period July 1966 to December 1967 to $165 during January 1971 through December 1971. At the same time average charges for medical services were reduced from an average of $52 to $46.

But what do these figures really mean? A special analysis from the Social Security Administration gives us a somewhat different interpretation from the AMA, for these figures refer to the amount per bill and not per service.

The Social Security Administration states:

> Use of the "average charge per bill" is a wholly inappropriate indicator of price per unit of service. One bill submitted under the SMI program often reflects more than one service or procedure. Average charges per bill for physicians' surgical and nonsurgical services have shown a declining trend since the beginning of the program, as the articles have reported. However, all available evidence indicates that this is a result of a change in the billing patterns of physicians which has led to a more frequent submission of bills with fewer services contained on each bill.

The figures which the AMA did not use show that during the first 18 months of the program 25 million bills were processed; during 1971 the number had grown to 45 million. The reason for the drop in charges per bill stems from a reduction in the number of services per bill rather than a reduction in the charge per service.

SSA says unequivocally—

> There is no evidence that would indicate that charges have declined at any time during the program's existence.

Data from the current Medicare Survey show that average charge per service to SMI enrollees has risen from $9.47 in 1967 to $12.27 in 1971 for an average annual increase of 6.7 percent. At the same time the physicians' fees component of the Consumer Price Index has risen at the identical rate of 6.7 percent. In addition, data on "reasonable charges" in the medicare program compiled by SSA have also shown an increasing trend since the program began.

It is obvious that the per bill figure is not a reliable indicator of medical charges contrary to what the AMA would by implication have us believe, and it is also obvious that the AMA is being something less than candid in its use of these figures. I deplore this attempt to manipulate the facts concerning rising medicare charges through the misuse of social security figures. The AMA should be in the forefront of efforts to curb rising costs rather than to deny their existence.

Mr. President, I ask unanimous consent that the material from the AMA Update and the Social Security Administration, to which I have referred, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### UNDER MEDICARE, AVERAGE DOCTOR BILL HAS BEEN GOING DOWN (NOT UP) SSA DATA SHOWS

Several readers have asked us about the average charges for medical care services provided under Medicare. Usually, the questions pertain to such things as . . .

. . . What do doctors charge under the program?

. . . Is it true that doctors' bills have been "soaring" since the program began in mid-1966?

. . . And what about hospital costs?

Answers to these and kindred questions can be found in data published by the Social Security Administration, the government agency which oversees the Medicare program. (We compiled the accompanying table from SSA reports.)

Among other things, the SSA figures indicate that hospital charges had nearly doubled (up 83.0%) by the end of 1971.

On the other hand, average charges by doctors were actually lower than they were when the program began—down 5.2% for surgical services and down 11.5% for outpatient medical care.

Comparable figures for 1972 are expected to be available by mid-1973.

Under Medicare, incidentally, a doctor bill is approved for payment only if it has been determined by the insurance carrier to reflect the doctor's "customary charges" for similar services, and also the charges prevailing among other doctors in the locality for similar services.

AVERAGE CHARGES FOR MEDICAL CARE SERVICES UNDER MEDICARE

| | Hospital charges (per day) | Physicians' bills | |
|---|---|---|---|
| | | Surgical services | Medical Services |
| July 1966 to December 1967 | $47 | $174 | $52 |
| January 1968 to December 1968 | 56 | 164 | 51 |
| January 1969 to December 1969 | 64 | 163 | 51 |
| January 1970 to December 1970 | 74 | 165 | 49 |
| January 1971 to December 1971 | 86 | 165 | 46 |

### The NBC News Versus AMA Controversy

(Progress report No. 1)

No! That was the gist of NBC News' response to AMA's formal request for equal time to refute factual errors in NBC News' telecast, *What Price Health?*

"We believe that your charges and your request for 'equal' time are completely without basis," said Richard C. Wald, president of NBC News.

In response, AMA's executive vice president, Dr. E. B. Howard, called Mr. Wald's letter "unresponsive" to our request. "We cited at least 15 instances of inaccuracy in *What Price Health?* and substantiated them with specific documentation," he noted.

Dr. Howard asked NBC News to produce its documentary support for the statements AMA has challenged. "We have put ourselves on record," he said. "We ask that you do the same and let the public be the judge."

In Update for January, we spelled out AMA's objections to several of the statements made by NBC News in the broadcast. At the same time, we offered NBC News "equal space" (8 pages) to comment upon or refute our criticism.

At press time, NBC News had not yet indicated whether it plans to accept that offer. (It's still open.)

### QUOTED WITHOUT COMMENT . . .

. . . from a recent speech by William D. Ruckelshaus, Environmental Protection Agency administrator.

"A questionnaire was circulated a few years ago noting the air pollution, noise and congestion caused by the automobile, the displacement of tens of thousands of homeowners and small businessmen by highways, the destruction of natural beauty, the tens of millions of injuries and the almost 2 million deaths during this century and so forth—and people were asked, "Is it worth it?"

"Eighty-five percent responded with an enthusiastic and unqualified, Yes."

### Physicians' Charges Under Medicare

In recent weeks, stories have appeared in various publications which contend that physicians' charges to Medicare patients have declined since the program began in July 1966. Specifically, a 5.2 percent decline in charges per surgical procedure and an 11.5 percent decline in charges for other medical services were reported for the period 1966–71.[1] SSA data on average charges per bill under the Supplementary Medical Insurance (SMI) program were used to substantiate this claim.[2]

Use of the "average charge per bill" is a wholly inappropriate indicator of price per unit of service. One bill submitted under the SMI program often reflects more than one service or procedure. Average charges per bill for physicians' surgical and nonsurgical services have shown a declining trend since the beginning of the program, as the articles have reported. However, all available evidence indicates that this is a result of a change in the billing patterns of physicians which has led to a more frequent submission of bills with fewer services contained on each bill. Partial substantiation of this trend is the increase in the total number of bills reimbursed under SMI. During the first 18 months of the program (July 1966–December 1967), 25 million bills were processed; during 1971, the number had grown to 45 million. Therefore, the reason for the drop in charges per bill stems from a reduction in the number of services per bill rather than a reduction in the charge per service. In fact, data from several sources indicate that charges for physicians' services have increased since the program began.

The Current Medicare Survey (CMS) is a continuing monthly survey initiated by SSA to provide current estimates of hospital and medical services used and of charges incurred by persons covered under the program. Data from the CMS on average charge per service to SMI enrollees show that charges have risen from $9.47 in 1967 to $12.27 in 1971—an average annual increase of 6.7 percent. The physicians' fees component of the Consumer Price Index has risen at an identical average annual rate (6.7 percent) during this period. In addition, data on reasonable charges compiled by SSA have also shown an increasing trend since the Medicare program began. There is no evidence that would indicate that charges have declined at any time during the program's existence.

Finally, per capita reimbursement under SMI has increased 37 percent since the beginning of the program, rising from $73 in 1966–67 to $100 in 1971. Data from the CMS on per capita use of services show that there has been little or no increase in utilization in recent years, indicating that price rise is largely responsible for the higher benefit payments.

---

## THE ADMINISTRATION'S NATIONAL HEALTH INSURANCE PROPOSALS

Mr. KENNEDY. Mr. President, in January, when Secretary of HEW Weinberger appeared before the Labor and Public Welfare Committee with respect to his confirmation, he pledged that a national health insurance proposal would be forthcoming from the administration. In subsequent weeks, he further stated that the health insurance proposal would be the very cornerstone of administration health policy.

It is now a well-known fact that the administration itself has withdrawn its previous health insurance proposals as being woefully inadequate to meet the health needs of the American people. The megaproposal makes that evident. This valuable document provided insight into the policy formulation process as it existed in the closing days of Secretary Richardson's tenure. I am today asking unanimous consent that the full text of the Department of Health, Education, and Welfare action memorandum on national health insurance of April 16, 1973, and Secretary Weinberger's April 23 decisions on that document, be printed in the RECORD. This document summarizes the latest thinking of the administration with respect to national health insurance, which otherwise would not be available to the Senate and the public.

Mr. President, this is the material that presumably was used by Mr. Stuart Auerbach in his preparation of an excellent article which appeared in the Washington Post on Monday, May 21. In addition, I am enclosing a copy of that article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
*April 23, 1973.*

### MEMORANDUM

To Stuart H. Altman, Acting Assistant Secretary for Planning and Evaluation.
From Eugene J. Rubel, Assistant Executive Secretary (Health).
Subject National Health Insurance.

The Secretary has reviewed your action memo of April 16 and has made the following decisions:

1. Develop options D and F (page 32).

D. Combination of Federally-financed catastrophic coverage and mandated plan.

F. FEHB model.

2. Agrees in principle to terminate tax subsidies but final decision awaits NHI decisions (page 35).

3. With respect to funding favors a joint Federal-State program (page 37).

4. With respect to Medicaid favors termination of Medicaid for populations covered under NHI (page 38).

5. Favors analysis of restructuring of VA medical programs (page 40).

As indicated in your memo, please begin preparation of the detailed analysis of issues. This memo should be circulated for comment no later than May 18 and submitted to the Secretary no later than June 1.

---

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
*April 16, 1973.*

### MEMORANDUM

To The Secretary.
From Deputy Assistant Secretary for Planning and Evaluation/Health.
Subject National Health Insurance (NHI)—*Action Memorandum*

### I. INTRODUCTION

National Health Insurance has become the cornerstone of the Administration's health strategy. Last Congress, the President proposed the National Health Insurance Partnership Act (NHIPA). NHIPA has two parts:

The National Health Insurance Standards Act (NHISA), which mandates that employers offer their full-time employees a minimum level of coverage, and

The Family Health Insurance Plan (FHIP), a Federally-financed program for low income families who are not offered NHISA through an employment setting.

As you know, over the last few months HEW staffs have undertaken major efforts to reappraise and improve upon the Administration's current proposals.

This memo seeks your guidance on the fundamental approach that HEW should support and on the directions that future staff-work should take. It does not discuss in detail the issues that arise under each major option, e.g., specific issues of cost sharing, benefit package structure, method of administration. These will be presented in a subsequent decision memo for the option (or options) that you want developed further.

---

[1] *AMA Update*, American Medical Association, Vol. 3, No. 2, February 1973.

[2] The Social Security Administration publishes Medicare data on a monthly basis which provides an up-to-date account of claims entered into the system under both HI and SMI. These data are published in both "Monthly Benefit Statistics" (issued monthly) and in "Current Operating Statistics," published in the back of the *Social Security Bulletin*, also issued monthly.

The next two sections provide background on (1) the justification for NHI and (2) legislative considerations. The following section addresses the major options, which are:

A. NHIPA as introduced in the last Congress.

B. NHIPA with improvements.

C. Federally-financed catastrophic coverage, e.g., Maximum Liability Health Insurance (MLHI)

D. Combination of employer mandated coverage (similar to NHISA) plus Federally-financed catastrophic coverage

E. Employer mandated coverage plus an improved Medicaid program

F. A proposal modeled after the Federal Employees Health Benefits (FEHB) program.

The final section addresses the following major cross-cutting issues:

A. Should the medical and health insurance personal income tax deductions be changed?

B. What is the appropriate role for joint State-Federal funding of health insurance programs, including Medicaid?

C. Should Medicare be restructured?

D. Should Veterans Administration medical programs be restructured?

### II. THE JUSTIFICATION FOR NHI

The justifications commonly given for NHI are:

1. The inability of a segment of the population, particularly those who are not employed full time, to purchase private insurance at reasonable rates due to:

a. higher costs of administration. Some 50% of the premium dollar is retained—i.e., not paid as benefits—for individual coverage compared with only 10% for group coverage.

b. greater morbidity among unemployed populations.

2. The belief that society should guarantee financial access to medical care. The President's 1971 and 1972 Health Messages both called for equal access to health care.

In addition, the Administration's health strategy presupposes that it is more equitable and efficient to use financing to provide access to health care rather than supporting institutions directly to provide categorical health services.

The fundamental variables that characterize a NHI proposal include:

A method of financing (e.g., public vs. private); a definition of who is entitled to coverage (Specifically, is coverage universal and, if not, to what groups is it restricted?); a benefit package, i.e., the identification of the services that are covered and the extent of cost sharing (deductibles and coinsurance); a method of administration; and the effects on the delivery system (e.g., impact on price consciousness, features that retard or promote HMO development, reliance on State and substate health planning processes).

Most Americans have some health insurance. Among the 185 million under age 65, 75% are covered by private insurance alone, 10% are covered by public (Medicare, Medicaid, VA, CHAMPUS) programs alone, 4% are covered by both public and private insurance, and 11% have no coverage.

Among the 21 million elderly, 98% are covered under Part A (hospital services) of Medicare, and 95% are covered under Part B (physician services). Part B is available to anyone over 65 who agrees to pay the monthly premium. Also, 4 million elderly are eligible for Medicaid, which largely pays for cost sharing for low income Medicare enrollees and for services that Medicare does not cover, e.g., outpatient drugs, chronic nursing care.

The principal shortcomings of private insurance for populations that are covered are (1) its failure in many instances to protect against the catastrophic cost of major illness and (2) its bias towards hospital services. Most insurance policies have upper limits of $10,000–$25,000, and many policies are even more restrictive, e.g., cover only 30–60 days of hospitalization. Among the 147 million nonaged with private insurance, all have some hospital coverage, 98% have in-hospital physician coverage, 62% have outpatient physician coverage, 69% have outpatient drug coverage, 22% have nursing home coverage, and 10% have dental coverage.

Because coverage for hospital services is both more widespread and has lower cost sharing than for physician services, third party payments (public and private) account for 92% of hospital expenditures for hospital services and only 59% of expenditures for physician services.

All State Medicaid programs provide coverage for varying levels of hospital, physician, skilled nursing home, and laboratory and x-ray services. However, the States can take measures—e.g., through fee controls and provider restrictions—to limit the availability of these services. States may cover a wide variety of optional services including prescription drugs (approximately 46 States), dental services (32 States), eyeglasses (33 States), prosthetic devices (35 States), and care for patients over 65 in institutions for tuberculosis (28 States) or mental diseases (34 States).

Although the data are not as accurate as we would like, we do know that persons most likely to be uncovered or have marginal coverage are: low income people not eligible for Medicaid (fewer than half of the population below the poverty line have private insurance), workers, particularly part-time or temporary workers, in low-wage industries, workers in industries characterized by high turnover and transiency, and persons who retire before age 65 because they are in ill health but who do not qualify for Medicare for the Disabled.

Furthermore, low income families spend a disproportionate amount of their personal income on health services, a situation that has changed little since the advent of Medicare and Medicaid, as shown below:

| Annual family income | Medical outlays as percent of family income | |
|---|---|---|
| | 1963 | 1970 |
| $0 to $3,499 | 10.6 | 11.8 |
| $3,500 to $7,499 | 5.9 | 6.5 |
| $7,500 and over | 3.8 | 3.7 |

### III. LEGISLATIVE CONSIDERATIONS

#### *The proposals*

More than 12 distinct NHI bills were introduced during the 92nd Congress; at least that number will be introduced during the 93rd Congress. The bills fit into several broad categories. The Kennedy-Griffiths and the Javits bills would provide all Americans with Federally-financed comprehensive coverage. The benefit package in the Javits bill is modeled after Medicare but has expanded benefits. Employers could substitute approved private coverage for the Government program, and those that did so would have their health insurance payroll tax eliminated. The Kennedy bill would have the Government arrange for comprehensive coverage, principally with prepaid group practices. Of all the bills introduced, it would entail the greatest amount of Federal intervention.

The Administration's NHIPA, the Ullman bill, the Pell-Mondale bill, AMA's Medicredit (Fulton-Broyhill) proposal, and the HIAA's Health Care (Burleson-McIntyre) proposal all rely on mixed public-private financing and seek to establish minimum Federal standards for private health insurance. The first three would mandate that employers provide such coverage. The AMA and HIAA bills would instead use Federal tax incentives to encourage employers to offer the minimum benefits prescribed by the respective bills. Each bill, except for Pell-Mondale, has provisions for Federal or joint State-Federal financing of coverage for the poor.

Catastrophic health insurance bills have been introduced by Long, Hall, and Hogan/Beall. The Hogan/Beall bill would be privately financed with authority for Federal subsidies for the poor. The others would be fully Federally-financed by either general revenues or a payroll tax. All but the Long bill have cost sharing that is related to income and family size.

As of April 1, all major bills except Congressman Hall's had been reintroduced. Representative Railsback has introduced the 92nd Congress House version of NHIPA, without the Administration's regulatory amendments. In addition, we understand that Senators Brock and Ribicoff and Congressman Roy are each considering proposing legislation. Brock favors Federally-financed catastrophic coverage, and Congressman Roy is believed to favor a mixed public-private approach.

#### *Public views and interest groups*

Public witnesses at the House Ways and Means Committee hearings during the fall of 1971 displayed widely diverse attitudes. Of 159 analyzed presentations, 61 (mostly provider or practitioner spokesmen) were silent toward any particular approach. Building on pluralism was the theme of 51 witnesses, nearly half of whom represented medical interests. Full federalization was supported by 42 witnesses, nearly all of whom represented organizations favoring the Kennedy proposal. Five witnesses opposed any Federal action.

NHIPA received qualified endorsement from 12 public witnesses. Strongest support came from the National Association of Manufacturers, the U.S. Chambers of Commerce, and national Blue Cross and Blue Shield spokesmen.

Since the 92nd Congress adjourned, HEW staff have been in contact with most of the major interest groups, other than those fully committed to the Kennedy proposal. They concurred generally with NHIPA's principles but often differed on the specifics. Their concerns focused on assuring universality; placing benefits for the poor on a parity with those for the nonpoor; a clearer cost-control strategy; and a clearer delineation of Federal, State, carrier, and employer responsibilities. Secretary Richardson felt it inappropriate to develop a compromise at this time with the sponsors of bills that are philosophically consistent with NHIPA on the grounds that (1) these sponsors would eventually support the Administration to fend off greater Federal involvement as proposed by Kennedy and Javits and (2) the formation of a coalition now could strengthen the hands of the Kennedy forces.

#### *Current outlook*

While the Chairman of the Ways and Means Committee has publicly pledged to renew consideration of NHI legislation, he has also announced that tax reform and trade and pension legislation have equal or higher priority. LH expects the House Ways and Means Committee to consider national health insurance this year, but probably not before this fall. No bill is likely to be approved without some modification by the Committee. It is also likely that other House bodies (the Rogers Health Subcommittee and perhaps the Government Operations Committee and the Post Office and Civil Service Committee) will want to hold their own hearings on aspects of NHI. In the Senate, any health insurance bill leaving the Finance Committee will probably be referred to the Kennedy Health Subcommittee of the Labor and Public Welfare Committee and possibly to the Government Operations Committee.

In short, we anticipate that NHI faces a lengthy gestation process in Congress.

### IV. BASIC STRUCTURE OF NHI

This section requests your decisions on the fundamental structure that HEW should support for NHI. At this time, you may wish to narrow the range of options that HEW staff should analyze in more detail rather than making firm choices. The options presented are:

A. NHIPA as introduced in the last Congress

B. NHIPA with modifications in basic structure

C. Maximum Liability Health Insurance (MLHI)

D. Combination of employer mandated coverage and Federally-financed catastrophic coverage

E. NHISA (i.e., mandated employer-employee coverage) plus an improved Medicaid program

F. An approach modeled after the FEHB program.

### *A. NHIPA as introduced in the last Congress*

#### Description of NHIPA

*Eligibility and Financing.* NHISA would mandate that all employers offer their full-time employees and their dependents a basic package of benefits. Medicare beneficiaries, religious workers, and government employees would be exempted. In addition, pools, which would be administered by the States, would offer coverage to small-employer groups; the self-employed; and persons not otherwise coveved by NHISA, FHIP, or Medicare.

FHIP would be Federally financed and would cover low income families with children (maximum income for family of four = $5,000) provided they do not meet the NHISA employment criteria. It would replace Medicaid for the AFDC population; Medicaid would be retained for the blind, the disabled, and the aged welfare categories. It would have a premium, deductible, and cost sharing structure that would be graduated based on family income.

*Benefit Package.* The basic NHISA plan would cover hospital services; inpatient and outpatient physician services (other than those rendered by psychiatrists), including immunizations and other preventive services; a routine eye examination annually for children under 12; laboratory and x-ray services; medical supplies, except prosthetic devices, and emergency ambulance services. Hospital room and board charges would be subject to a two-day annual deductible per person and 25% coinsurance. Other charges would be subject to a $100 deductible and 25% coinsurance, except that a limited number of physician visits for children under 5 would be exempt from cost-sharing. No cost-sharing would be imposed for the current year and the next two years once an individual received $5,000 of covered services in a year. There would be a lifetime maximum limit of $50,000 on total payments per person, with a $2,000 automatic annual restoration.

FHIP would cover similar services but has annual upper limits of 30 days of hospital care and 8 ambulatory physician visits per person. FHIP (but not NHISA) would also cover (1) treatment in extended care facilities (ECFs), with three days in an ECF substituting for one day of hospital care, (2) home health services, with 7 visits substituting for one day of hospital care, and (3) family planning supplies.

*Administration.* NHISA would be privately administered under State regulation, provided the States had laws that met minimum Federal standards. The Federal Government would administer NHISA in States that did not have the requisite laws.

FHIP would be Federally administered.

*Delivery System Effects.* Major effects are as follows:

Both NHISA and FHIP provide HMO options.

The State health planning agencies would be required to give affirmative approval of major capital expenditures that would generate reimbursement under FHIP or NHISA.

PSROs would monitor the need for services and the quality of care provided.

Providers would be required publicly to disclose information concerning standard charges, hours of operation, and extent of licensure or accreditation.

*Costs.* NHISA would be financed privately, with the employer paying at least 65% of premiums the first 2½ years of the program and 75% thereafter. The employee would pay the remainder. The average annual premium cost in FY 1975 for members of large employer groups is estimated at $170 for single persons and $540 for families of two or more. The average premium cost per employee electing coverage would be $410. The cost to the employer would be roughly 12¢ per hour the first year of the program. However, economic theory argues that, in the long run, the employer share is taken from employee wages rather than from profits, except for workers who earn the minimum wage. Thus, the real incidence of the premium costs would be on the employee. The economic effect of mandating NHISA coverage on workers who earn the minimum wage would be similar to that of an increase in the minimum wage of 12¢ per hour.

Although NHISA would be privately financed, it would result in a tax loss because health insurance premiums are deductible. Our preliminary estimate is that the loss in income tax revenues at 1975 prices would be on the order of $1 billion.

FHIP would have a gross Federal cost of $3.1 billion in FY 1975 less an offset of $2.4 billion due to the termination of Medicaid for the AFDC population, yielding a net Federal cost of $0.7 billion. However, the FHIP income limits were designed in 1970 and may be unrealistically low for 1975–76, the earliest time that FHIP could become effective. The limits would exclude a significant proportion of persons who would have been eligible for Medicaid.

#### Criticisms of NHIPA

NHIPA has been criticized for its mixed public-private financing, its cost-sharing features, and its reliance on private carriers. The Kennedy forces, in particular, would have Federal financing replace the private insurance industry. In our opinion, these criticisms are not cause for concern.

A second class of criticism has considerably more validity. The most fundamental criticism is NHIPA's failure to provide universal entitlement. *Few of the 11% who now do not have any health insurance would become covered as a result of NHIPA.* FHIP would newly cover some low income male-headed families, but is more restrictive than most Medicaid programs. However, many States would supplement FHIP. The major effect of NHISA would be to broaden the scope of coverage, particularly for outpatient physician services, for those who presently have some form of private insurance. Gaps in coverage result because:

FHIP does not cover low income singles and childless couples (estimated 1975 cost to do so = $3 billion).

The proposed structure of the pools, which is central to the Administration's proposals, is unworkable in the absence of a subsidy (estimated cost of subsidy = $2 billion). Even with a subsidized pool, many persons could not afford coverage.

No provision, other than the pools, is made for the short-term or part-time worker.

Many full-time workers who change employment would be uncovered between jobs.

Because NHIPA does not achieve universal entitlement, a patchwork system of coverage would be perpetuated, and Congress would find it tempting to enact further piecemeal remedies, as evidenced by the recent inclusion in Medicare of end-stage kidney disease but not other high cost illnesses.

In addition:

The income distribution consequences would be regressive with regard to both the financing and, to a lesser extent, the benefit structure. NHISA would be financed by a fixed capitation contribution per employee. Thus, the proportion of earnings devoted to NHISA premiums would be greatest among low income workers.

The burden of cost-sharing would be regressive, since the deductible and coinsurance structure is not related to income. The cost-sharing provisions would reduce utilization among the low income population more than among those of high income. However, workers in low income industries are more likely than those in high income industries to have minimal coverage and thus would benefit most by NHISA.

On one hand, a notch exists between FHIP and NHISA because FHIP has lower deductibles and cost-sharing and broader benefits than NHISA.

On the other hand, the limitations of coverage to 8 physician visits and 30 days of hospitalization under FHIP have been criticized as being restrictive. As a result, the Administration has been accused of perpetuating different insurance systems for the poor and nonpoor.

NHISA and FHIP exclude outpatient drugs, dental care, and psychiatric services. NHISA excludes home health and ECF services as well.

Although employers must offer their employees NHISA coverage (and they may also offer competing plans), employees need not accept coverage. Consequently, society would still face the dilemma on whether to help someone who suffers a financially catastrophic illness after failing to obtain coverage.

The overall proposal is difficult for the public to understand.

As a result of HEW staffwork to improve NHIPA, it has been scrutinized more closely within HEW than the competing proposals, many of which have substantial deficiencies that have not been subject to public debate. We believe that HEW should have on hand the same level of critique of the major competing proposals, and SSA has agreed to prepare appropriate documentation.

### *B. NHIPA with structural improvements*

This section discusses potential major changes in NHIPA. We believe that you need to understand the nature of these changes to assess whether the Administration should continue to support NHIPA. Should NHIPA (or aspects thereof) be retained, we will subsequently further develop this option in the next decision memo. The issues addressed below relate to:

1. Singles and childless couples
2. Pool coverage
3. Continuity of coverage
4. Equating the FHIP and NHISA benefit packages
5. The FHIP/NHISA notch

Addressing all of these problems would increase Federal budget outlays by roughly $7 billion, less a possible offset of $1 billion if Medicaid for the disabled and blind were terminated. Additional costs would be introduced if the FHIP income limits were raised to reflect prices in 1975 rather than 1970, when the proposal was designed.

The table below shows for the under age 65 the estimated numbers of people that would be covered by various programs under the current proposals and the effects of two possible changes: (1) extending FHIP to cover singles and childless couples under age 65 and (2) subsidizing the pools:

| | *Million* |
|---|---|
| Population under age 65 in 1975 | 194.7 |
| Current Proposal: | |
| FHIP eligible* | 15.1 |
| Offered RHISA coverage by employer* | 118.1 |
| Medicare (for the disabled) | 1.7 |
| Medicaid (for the disabled and blind) | 2.2 |
| Others with coverage that meets NHISA standards | 10.9 |
| Religious and government workers exempt from NHISA | 20.3 |
| | 168.3 |
| Uncovered or having less than NHISA/FHIP coverage | 26.4 |
| Effect of improvements in UHISA: | |
| Subsidize pools | 10.9 |
| Cover low income single sand couples under FHIP | 1.5 |
| | 12.4 |
| Remaining population with no or low quality coverage | 14.0 |

* Assumes all FHIP and NHISA eligibles actually accept coverage, and thus slightly overestimates actual enrollment.

### *1. Singles and childless couples*

The Administration's current proposal would replace Medicaid for the AFDC population by FHIP, which would not cover low income singles and childless couples. However, Medicaid for the adult welfare categories (aged, blind, disabled) would be retained. Singles and childless couples were excluded for budgetary reasons and because FHIP was tied administratively and conceptually to FAP, which would be available only to families under age 65 with children. Extending FHIP to cover singles and childless couples would cost $3 billion in 1975.

The 1972 Social Security Amendments federalized the adult cash welfare program. Were FHIP to be enacted as now drafted, we would have the anomaly of: a State-Federal Medicaid program and a Federal cash program (i.e., Supplemental Security Income) for the adult categories, and a Federal health insurance program (FHIP) and a State-Federal cash program for families with children.

If FHIP and FAP were both enacted, the eligibility determination could be performed jointly. In the absence of FAP, FHIP would have to be freestanding and would require a potentially complex Federal system to administer it.

The following approaches, in addition to replacing Medicaid for the AFDC population by FHIP, would partially rectify the anomaly described above:

a. Extend FHIP to low income singles and couples under age 65 and replace Medicaid for the blind and disabled.

b. Replace Medicaid for the blind, disabled, and aged by a Federal program with eligibility tied to SSI.

c. Replace Medicaid for the aged only by a Federal program tied to SSI, since Medicaid for the aged is used principally to pay (i) premiums and cost-sharing for low income Medicare enrollees and (ii) nursing home and other custodial services.

### *2. NHISA Pools*

The President stated in his 1971 Health Message his intention to require that each State establish "special insurance pools which would offer insurance at reasonable group rates to people who did not qualify for other programs." The groups that would be eligible to join pools are (1) employees of small employers, (2) the self-employed, and (3) any one else not eligible for Medicare or FHIP. The cost of insuring individuals in these groups is higher than that for employees of large employers because the pools would incur higher administrative expenses and because there would be a greater concentration of bad risks among group (3).

The President decided to oppose any subsidies to the pool for the time being and pursue the possibility of working out changes with Congress. The only persons who would purchase pool insurance are those who could not obtain private insurance for less thus driving up the premiums that the pool would have to charge its enrollees to break even. This process of adverse selection would ultimately create an upward price spiral on pool premiums. Hence, for the pools to exist, a ceiling must be set on pool premiums and a subsidy provided to finance the difference between actual experience and the premiums.

The key issues are: whether a ceiling should be set on pool premiums and how should any resulting subsidy be financed.

*Setting a Premium Ceiling.* Two conflicting objectives are: (1) to minimize the requisite subsidy and (2) to keep the premiums low enough that as many eligible people as possible can afford coverage. If a ceiling were set at 130% of the average rates charged large employer firms, an estimated 31.5 million people would join the pools, and the requisite subsidy in 1975 would be $1.9 billion. Disabled persons and early retirees would account for 70% of total pool losses.

*Financing Pool Losses.* Possible options for financing pool losses are (1) a tax on nonpool insurance, (2) a Federal subsidy, and (3) the sharing of losses between insurers and the Federal Government.

Pool losses could be reduced by eliminating the two-year waiting period for Medicare for the Disabled. Under current law, a disabled worker eligible for Social Security must wait 5 months before he receives cash Disability Insurance payments and another 2 years before he is eligible for Medicare. Eliminating the Medicare waiting period would reduce pool losses by $.5 billion and increase Medicare costs by $1.3 billion.

*Possible Strategy.* One strategy would be to eliminate the two-year waiting period for Medicare for the Disabled and to set a ceiling on pool premiums in the 120–130% range. However, even at 130%, the family premium would be roughly $630 per year which, combined with the substantial cost sharing in NHISA, would discourage many low and middle income families from purchasing coverage.

If the Medicare waiting period were eliminated, pool losses might be financed by an assessment against nonpool health insurance. If the Medicare waiting period is not eliminated, the financial burden on private health insurance could be excessive (6–7% of all nonpool health insurance premiums), and a 50–50 split between general Federal revenues and a tax on all health insurance might be preferable.

### *3. Continuity of coverage*

NHISA now requires that employers offer the basic plan to employees who have worked 25 hours per week for 10 weeks, or 350 hours in a period of no more than 13 weeks (the "waiting period"). Thus, a steady employee who works 35 hours per week would be covered after 10 weeks, when he would have worked the requisite 350 hours. Preexisting medical condiitons, except for maternity, need not be covered for six months after the employee is first insured. An employee who has been *covered* for 13 weeks or longer and then separated from his employer is eligible for coverage for an additional 90 days (the "extension period").

These provisions potentially leave two categories of workers uncovered. The first category is the long-term employee who is temporarily unemployed between jobs. Once he is covered through his new employer, he faces two or more sets of deductibles in the same year because of his change in jobs. He also loses any credit towards the $5,000 limit on covered expenses beyond which all cost sharing is waived.

The second category is the short-term worker who does not work regularly—i.e., for periods of 26 weeks or longer—for a single employer, although he may be fully employed. At one extreme are the skilled workers (electricians, plumbers) who change employers frequently; at the other are domestics and migrant farm workers.

Both categories of workers could, of course, obtain pool coverage, assuming mechanisms for operating the pools are worked out. However, for the long-term worker to obtain coverage for a short period of time between jobs would be administratively cumbersome.

Extensive analyses on continuity issues were conducted last fall, and the consensus among HEW staff was to support the following change, which would assist the long-term worker:

a. The waiting and extension periods now in NHISA should be retained. However, the requirement that enrollee be covered for 90 days to be eligible for coverage during the 90-day extension should be deleted.

b. No pre-existing condition exclusions should be allowed.

c. Any expenses towards the deductible and the $5,000 upper limit should be portable when a worker changes jobs.

d. Any employee who has obtained NHISA coverage and then leaves employment should be able to continue his coverage as part of the employer group for three months beyond the extension period. However, the employee would pay 100% of the premium costs (at the employer group rate).

These four changes would increase premium costs by an estimated 3%.

The problems of covering the short-term worker remain. We have not as yet been able to devise an approach for this group. This is due in part to the potential inappropriateness of relying on an employer mandated plan to cover the short-term worker.

### *4. Benefit package issues*

A subsequent memo will request guidance on specific benefit package issues. A separate issue relates to disparities between FHIP and NHISA. FHIP as drafted would cover only 8 outpatient physician visits and 30 days of hospitalization annually, whereas NHISA would cover unlimited physician and hospital services. FHIP is broader than NHIS in that it covers family planning supplies and limited nursing home and home health services.

The Administration has been severely criticized for proposing limits on low-income persons in FHIP that would not exist in NHISA. Available options include:

a. retaining the current limits on hospital and physician services,

b. removing the limits entirely (FY 1975 cost=$165 million, plus roughly an additional $300 million if low income singles and childless couples are included in FHIP), and

c. removing the limits partially, e.g., 15 physician visits and unlimited hospitalization (cost=$125 million, plus $200 million if low income and childless couples are included in FHIP.)

### *5. Coverage inequities—the FHIP/NHISA notches*

NHIPA was intended to provide a smooth transition between FHIP and NHISA at all levels of earnings. In actuality, there are two distinct notch effects, which would create inequities and potential work disincentives.

*The vertical notch.* FHIP has a graduated structure of premiums, coinsurance, and deductibles based on family size and—income. Five income classes have been defined for purposes of cost sharing, with Class I (annual incomes of $0–3,000 for a family of four) including the poorest families and Class V (annual income of $4,501–5,000) the FHIP-eligible families with the highest incomes. As an enrollee moves from the maximum income level for FHIP to NHISA, he faces a substantial notch, for two reasons:

a. The deductibles for Class V of FHIP are considerably below those in NHISA.

b. FHIP, but not NHISA, covers family planning supplies, and nursing home and home health services.

*The horizontal notch.* A family that is eligible for NHISA is automatically ineligible for FHIP, even though it would qualify on the basis of income. FHIP would generally be preferred, however, because of its low premiums and cost sharing, and would be even more so if the upper limits of 8 physician visits and 30 days of hospitalization annually were liberalized. Thus, the low income person has a disincentive to accept a job where he would be covered by NHISA.

The horizontal notch can be solved by allowing a person who would qualify for FHIP except for his being eligible for NHISA coverage to elect FHIP coverage instead. Such coverage would be financed as follows: The employer would pay the Federal Government an amount equal to its share of premiums had the enrollee accepted NHISA coverage; the employee would pay a premium contribution based on his FHIP income class; and the Federal Government would in effect pay the remaining costs. The increase in Federal outlays resulting from this change would be $320 million in 1975.

### *C. Federally-financed catastrophic coverage*

#### General Description

As a way of addressing the concerns with NHIPA, HEW staff have developed the Maximum Liability Health Insurance plan as an example of Federally-financed income-related catastrophic coverage. The two basic properties of MLHI are that it:

Provides universal protection for all Americans against those health expenses that would seriously impair their financial stability, and

Is Federally financed to assure universal coverage, to minimize its complexity, and to avoid the adverse economic consequences of employer mandated coverage.

MLHI would provide universal entitlement to all Americans and would replace the current Medicare and Medicaid programs. It could, however, be limited to those under 65, in which case the portions of Medicare and Medicaid that cover aged populations would be retained. MLHI would be financed through the personal income tax system.

A comprehensive range of services would be covered including hospital, outpatient and inpatient physician, clinic, and laboratory services. Long-term care and active treatment for mental illness would also be covered, although the benefits would be strictly limited.

All but very low income families would face a high deductible plus additional coinsurance. Medical expenditures above the maximum cost sharing level would be fully insured. Although MLHI could have any of a wide variety of cost sharing structures, a sample plan has been designed that would have a deductible of up to 10% of annual income, and a maximum cost sharing (i.e., deductibles and coinsurance combined) of up to 15% of income. The deductible, coinsurance rate, and maximum cost sharing under a sample plan are displayed below for five income levels.

| Annual family income | Deductible | Coinsurance rate (percent) | Maximum cost sharing |
|---|---|---|---|
| $3,000 | 0 | 5 | $36 |
| $7,200 | $720 | | 720 |
| $11,400 | 1,140 | 25 | 1,425 |
| $20,000 | 2,000 | 50 | 3,000 |
| $50,000 | 5,000 | 50 | 7,500 |

Since the average annual medical expense for a family of four is around $1,000, roughly 30% of family units would receive benefit payments in a single year, two-thirds of whom are below the current FHIP income limit. The overall costs of MLHI can be varied by adjusting the cost sharing parameters.

Consumers could readily understand their maximum liability for out-of-pocket payments and could purchase supplementary insurance to cover the cost sharing. Thus, most functions of the private health insurance industry would be preserved.

#### MLHI Costs

The FY 1976 impact of MLHI on Federal expenditures is displayed in Table 1. The net add-on would be around $6.0 billion. There is, however, disagreement that is still being resolved as to the validity of these cost estimates. The Medicare actuary believes that MLHI would have a net cost of $5–10 billion above these estimates. The costs are highly sensitive to the cost sharing structure, which can be adjusted within limits to achieve budgetary constraints.

Total MLHI outlays are estimated at $35.2 billion, of which $19.5 billion would finance coverage for persons under age 65 with the remaining $15.7 billion covering those 65 and over. These costs, however, would be offset by $29.2 billion resulting from reductions in both existing programs and tax subsidies. These offsets would come from terminating Medicare and Medicaid ($21.5 billion), ending various categorical health service programs ($0.7 billion), and eliminating personal income tax subsidies for medical care and health insurance ($7.0 billion). The Social Security payroll tax for Part A and premium payments for Part B of Medicare would have to be terminated along with Medicare. This, however, would largely entail a shift from a more regressive payroll tax to a general tax. Personal income tax subsidies would be terminated as follows:

1. The deduction for out-of-pocket medical expenses over 3% of income would be eliminated. This deduction largely loses its justification if the Federal catastrophic plan fully reimburses nearly all medical expenses over 15% of income.

2. Employer contributions to health insurance would be taxable as personal income to the employee. Currently, the employer's share of health insurance is exempt from personal income tax.

These subsidies warrant reappraisal regardless of the NHI scheme adopted. This matter is explored further starting on page 33.

TABLE 1.—MLHI FISCAL YEAR 1976 COSTS

[In millions of dollars]

| | Universal coverage | Coverage of under age 65 only |
|---|---|---|
| MLHI outlays [1] | $35.2 | $19.5 |
| Offsets: | | |
| Termination of medicare [2] | 15.4 | [3] 2.7 |
| Termination of medicaid (Federal share only) | 6.1 | [4] 3.9 |
| Termination of categorical health services program | .7 | .7 |
| Termination of special tax subsidies on health insurance | 7.0 | 7.0 |
| Total offsets | 29.2 | 14.3 |
| Net costs | 6.0 | 5.2 |

[1] Includes costs of administration.

[2] Includes reduction in medicare outlays proposed in President's 1974 budget.

[3] Terminates medicare for the under 65 (i.e., the disabled) only.

[4] Terminates medicaid for the under 65 only.

Note: MLHI cost estimates are tentative and are currently being reviewed.

#### Criticisms of MLHI

The principal objections to income-related catastrophic coverage are that:

1. Such coverage would encourage the use of costly medical services having questionable benefits, e.g., keeping a patient alive for many weeks, although he is clearly not going to recover. It could also stimulate research, particularly by profit-making companies, in costly medical procedures.

2. Some argue that MLHI would not only stimulate cost consciousness, but would also encourage people to delay seeking early treatment.

3. Because of the income-tested cost sharing feature, the program may be difficult to administer and requires income testing over a broader range than most social programs. Also, the cost sharing structure may be difficult for some people to understand.

4. The combination of progressive financing and regressive benefits may be unacceptable to many middle and upper income persons. Furthermore, the progressive nature of MLHI would be exacerbated by eliminating insurance and medical tax deductions as proposed.

A reply is that national health insurance should remove the financial barriers to access and that the essentially ethical issues of access to costly medical care should be handled through allocation methods other than the patient's ability to pay for services. The proponents of this plan also believe that the difficulties of administration are manageable (FHIP, too, has income related cost sharing). Indeed a major motivating force behind the development of MLHI was the realization of the administrative complexities of achieving universal entitlement through changes in NHIPA.

### *D. Combination of employer mandated private insurance and federally-financed catastrophic coverage*

We have been asked (by Paul O'Neill of OMB among others) whether an NHI proposal could be devised that would achieve the universal coverage objectives of MLHI and have the mixed public-private financing characteristics of NHIPA, thus reducing the budget impact of MLHI. The option presented would combine a Federally-funded catastrophic plan (similar conceptually to MLHI) with a privately-financed mandated plan (similar to NHISA). The two plans would be structured to cover the same services and have the same upper limit—if any—on covered services, e.g., $50,000 or $250,000. The principal difference in the benefit packages would be with respect to the deductibles.

The employer mandated plan (or other private health insurance) would have primary responsibility for paying benefits with the catastrophic plan only paying for (1) a portion of the cost-sharing required under NHISA for low and moderate income families and (2) for covering persons who are exempted from obtaining NHISA coverage. The NHISA-type plan would retain the feature of the present proposal, under which no further cost-sharing would be required when the family has incurred medical expenses of $5,000. The maximum cost-sharing at this point would total approximately $1,500. Thus, the catastrophic plan (assuming a deductible equal to 15% of income) would not pay benefits to families with NHISA coverage and incomes above $10,000.

Two very similar approaches are described below. The first achieves universal *enrollment* in NHI; the second makes enrollment voluntary but achieves universal *entitlement*. The advantage of either of these schemes are that they would: achieve universal enrollment or entitlement; have minimal impact on the Federal budget; preserve a mixed public-private financing, including the functions of private insurance; keep to a minimum the number of people who would be income tested to receive payments; create a unified system for all Americans regardless of income; and obviate the need for NHISA pools.

Under the first approach, all Americans would be covered by a Federally-financed catastrophic plan, which would pay benefits only to persons (1) who cannot obtain other health insurance or (2) whose premium payments and cost sharing on their private plan exceeds some percent of income. The catastrophic plan would have income related cost sharing. Very low income families would face minimal cost sharing; higher income families would face deductibles of up to 15% of income. (If this approach is adopted, options for specific cost sharing schedules will be formulated.)

In addition, enrollment in a mandated plan, similar to NHISA, would be compulsory for all full-time employees and for self-employed and other persons with annual incomes above a specified level, e.g., $5,000. Persons covered under Medicare and individuals unable to obtain NHISA coverage at reasonable rates (perhaps 150% of the rate for a large group) would be exempted from this requirement and would automatically have catastrophic protection. Because the catastrophic plan would be secondary, only a very small proportion of persons with mandated coverage would ever receive benefit payments from the catastrophic plan. Thus, the benefits of catastrophic coverage would be restricted to persons who cannot reasonably obtain coverage privately, i.e., the poor and the sick. Most of the insurance system would remain privately financed, but universal coverage would be achieved.

The second approach is designed to continue the voluntary aspect of the present proposal. Employees could decide whether or not to accept the mandated plan, as in the current version of NHISA, but would be eligible for catastrophic coverage only if they did accept coverage. Similarly, self-employed and other individuals (with income over the specified amount) who are able to purchase NHISA coverage at reasonable rates would be required to do so as a condition for catastrophic coverage. Medicare eligibles would automatically have catastrophic protection as back-up.

As part of either approach, Medicaid would be terminated. Medicare could either be retained as is, restructured, or terminated. In addition, personal income tax deductions for health insurance (including the employer share of premiums) and for medical expenditures would be terminated. Finally, the need to provide for pools, which is perhaps the thorniest structural problem with NIHPA, would be obviated.

Some of the problems of MLHI would still be present, but in milder form because a smaller proportion of the population would be income tested. In addition, a notch would be created at the lower limit above which a self-employed or unemployed person would be required to obtain coverage ($5,000 in the example given above). Thus, a person with an income of $5,000 must obtain mandated coverage, whereas a self-employed or unemployed person with an income of $4,999 need not.

The estimated FY 1975 gross cost of either approach for the under age 65 is $13 billion less potential offsets due to terminating Medicaid of $4 billion, yielding a net cost of $9 billion. This contrasts with gross cost of $10 billion and a net cost of $7 billion for an improved NHIPA package. Importantly, this option would cover the 14 million people that would be left uncovered by an expanded NHIPA approach. Furthermore, because it would achieve universal entitlement, it would strengthen the rationale for terminating categorical health programs and the health insurance and tax deductions, discussed subsequently. As such, it could realistically be nearly self-financing. Covering the aged while terminating Medicaid for the aged and Medicare would add an additional $2 billion.

### *E. NHISA plus improved Medicaid*

The least costly alternative would be for the Administration to propose NHISA for employed populations, but not FHIP. Provisions for the pools would be deleted from NHISA. This approach could be presented as an interim measure pending the formulation of the Administration's welfare proposals. Clearly, welfare reform and NHI for low income populations need to be considered in tandem. FHIP and FAP were intended to be integrated in terms of eligibility determination, their effective tax rates, and their impact on family structure.

Medicaid for welfare and related populations (including AFDC) would be retained. Efforts would be made to improve Medicaid by requiring that the States make reasonable efforts to ensure both that necessary services are available to all eligible and that unnecessary utilization is prevented. The estimated Medicaid budget for FY 1975 is provided below:

[In millions of dollars]

| | State share | Federal share |
|---|---|---|
| AFDC | 2.0 | 2.5 |
| Blind and disabled | .9 | 1.1 |
| Aged | 1.7 | 1.7 |
| Costs of administration | .3 | .3 |
| Total | 4.9 | 5.6 |

This approach does not constitute national health insurance and would be severely criticized because it would: perpetuate differences in coverage among States, retain the current Medicaid notches, tie health insurance eligibility to welfare eligibility and thus fail to cover many low income persons, perpetuate the dual system of coverage, one for the rich and one for the poor, and continue existing conflicts between the Federal Government and the States regarding who should make the program decisions.

### *F. FEHB model (HPD proposal)*

#### General Description

This approach is a variation of a Federally-administered system. It combines mandatory coverage with underwriting by a limited number of carriers (as under the Federal Employees Health Benefits Program) and premium collection handled as an adjunct to the income tax-payroll withholding system (with the Federal Government acting in effect as collection agent for the carriers), facilitated by a "HealthCard"—a credit card system to be administered by the carriers to facilitate payment of providers, collection of cost sharing, and financing premium payments during temporary unemployment.

This plan provides universal coverage under a single system. It can subsume Medicare and Medicaid and other governmental health service subsidy programs. It would largely replace existing private health insurance but it would preserve their bill paying and a limited form of their underwriting capacity. An important feature of this plan is that all individuals or groups of individuals within the same area would pay the same premium (regionalized community rating).

*Summary of Key Features*. Key features of this program include the following:

1. *Carrier Participation*. Participation in this system would be limited to a relatively small number of "approved carriers" in any geographical region. The objective would be to have enough carriers (including HMOs) active in a region to provide effective competition, but a sufficiently restricted number to make the choices comprehensible, and to minimize marketing and administration costs.

2. *Regionalization*. The nation would be divided into health insurance regions. (Some could well be co-extensive with State boundaries.)

3. *Options*. Carriers may offer more than one plan—e.g., a "low option" and a "high option," provided that their plan includes at least a minimum acceptable level of benefits.

4. *Enrollment*. All "eligible" individuals and family units are entitled to enroll in the plan of their choice, from the carrier of their choice. "Eligibility" can be defined as we choose, and can include the entire civilian population.

5. *Premiums—Financing and Collection*. The premium rate for any option offered by any carrier will be the same for all individuals or family units selecting that carrier and option.

For the employed population premium rates would be divided between the employer and employee. The employer's contribution would be established either regionally or on a nationwide basis.

Employees initially, and concurrently with each annual reenrollment period, would execute a payroll deduction form authorizing the employer to deduct, in addition to Social Security and income tax withholding, whatever amount is required to pay the employee's portion of the premium costs for the insurance selected. On changing employment, employees would be required to continue the same health insurance selection until the following annual reenrollment period.

The self-employed and others with adequate income would be required to select a health insurance plan and participate in a comparable payment system by submitting their health insurance payments along with their declarations of estimated tax.

Low income persons (including the "working poor") would be entitled to full or partial public subsidy of their health insurance premium costs. They would file a selection of plans together with income and family size information which would provide the basis for determining the amount of premium subsidy to which they are entitled, and the amount of premium payment (if any) for which they are responsible. This process would also embody key administrative features for collecting the premium contribution either by deduction from cash assistance or Social Security cash payments, payroll deduction for the "working poor" or monthly or quarterly individual payment.

6. *Payment of Carriers*. The government, which has functioned as a premium collection agency, remits amounts so collected to the carriers in accordance with the individual and family carrier selections.

7. *Operation—"HealthCard"*. Each person enrolled under the foregoing system would receive a "HealthCard." It would identify the individual, the family unit, and the carrier and option selected. The cost sharing for which the individual enrollees are responsible under that particular option would be known only to the carrier. Thus the HealthCard system would permit the carriers to administer income-related cost sharing in a manner which would maintain a high degree of confidentiality. When seeking services, the individual would need only to present his '"HealthCard" to the provider. The provider would furnish the subscriber a record of any charge; no cash payment or complicated credit document would be necessary.

8. *Payment of Providers*. The provider would collect the entire amount due directly from the indicated carrier.

9. *Collection of Cost-Sharing*. Each subscriber would receive a monthly statement from the carrier indicating (a) the services used, (b) charges therefor, and (c) the amount of money due based on applicable cost-sharing. Unpaid bills could be subject to a regulated finance charge (e.g., 1% per month).

10. *Review and Monitoring*. The carrier would be responsible for claims review, monitoring of the levels of expenditures and applicable cost-sharing, and all necessary col-

lections. (An account separate from health care and administration expenditures would be maintained for the uncollected cost-sharing and finance charges received.)

11. *Premium Loans.* This system could also be utilized to administer loans to cover individual or family premium contributions during temporary periods of unemployment. care and administration expenditures would also lend itself to retroactive determinations of eligibility for greater premium subsidy or reduced cost sharing due to change in circumstances after enrollment.

13. *Tax Treatment.* A number of approaches to Federal income tax treatment of employer and employee expenditures under this system would be possible. One approach would be to allow employers to deduct whatever premium contribution they pay as an ordinary and necessary expense of conducting business, and to permit employees to exclude from income only the amount of that contribution attributable to the required minimum benefit level. Employees would be permitted to deduct their premium contributions attributable to the required basic coverage. Payment for higher levels of coverage would come from after-tax-dollars. Parallel treatment could be accorded health insurance purchasers who are not employees.

14. *Benefit Structure.* This system for handling enrollment, premium collection, provider payment, etc., is compatible with any benefit structure.

15. *Cost Estimates.* No cost estimates are provided because these would be determined by the benefit structure selected and by the level of subsidization selected for persons who are not economically self-sufficient.

### Major Implications

1. It will make competition much more effective because:

a. the market, price and product differences will become clearer and easier to understand;

b. the ultimate consumer—individual or family unit—will be able to make an informed choice based on price and coverage desired;

c. traditional insurance marketing techniques would be largely eliminated and the administration simplified.

Because of the administrative economies as well as the more effective competition, carriers would have both the incentive and the ability to impact the efficiency and economy of the financing and delivery of health care services. Thus, as any benefit level and level of subsidization selected, the costs should be somewhat lower than would be the case under most alternative approaches.

2. This system would eliminate the need for "pool coverage" or similar special arrangements to extend coverage to "high risk" persons.

3. This system will assure that everybody, regardless of health status or nature of employment, will have an opportunity to obtain health insurance coverage at rates substantially equivalent to the rates available to large group purchasers.

4. Use of a "HealthCard" will yield the following advantages:

a. *To Consumers.* (1) Protects the privacy of individual financial status and provides more uniform purchasing power, and (2) minimizes financial disincentives to utilization, i.e., removes requirement for cash-on-hand, and facilitates budgeting.

b. *To Providers.* (1) Assures payment of bills (eliminates "uncollectables"), and (2) improves cash flow.

c. *To Carriers.* (1) Preserves a major role under National Health Insurance, and (2) establishes a new financing/lending business.

d. *To Government.* (1) Adds to the financial stability of providers and removes pressure from them to "discriminate" based on "bad risk" (financial or medical), (2) minimizes Federal involvement by utilizing existing administrative and review capabilities of carriers, and (3) facilitates accurate monitoring of health services utilization and expenditures; this provides the basis for improved planning and resource allocation.

Opponents of this system (a group that may be expected to include commercial insurance companies, many large employers, and possibly some large unions) will object strenuously on various grounds:

1. Beneficiaries of favorable rates under the current "experience rating" system (which applies to most large group business) will object to the cost subsidization which is implicit in the proposed "community rating" system.

2. The same interests are likely to object to disruption of established nationwide fringe benefit arrangements.

3. Commercial insurance companies, in particular, will strongly resist disruption of established relationships with their major customers.

4. Many people, including the majority of financial analysts in the insurance field, seriously doubt that a competitive system can be maintained when the insurer must charge the same rate to all persons in the community who seek coverage regardless of their health status.

### Recommendations

C recommends that options D (NHISA/MLHI combination) and F (FEHB model) be further developed. They are particularly concerned that whatever NHI proposal is adopted be highly administrable, preferably using some form of modified income tax/payroll deduction mechanism to collect premiums, determine eligibility and income of beneficiaries, etc. They note that option D has the virtue of relying heavily on the private sector but may be difficult to administer. They view option F as by far the most desirable administrative arrangement but question whether the community rating method can work in the presence of competition. Furthermore, the effects on the present health insurance system may be unacceptable. Thus, options D and F should be further developed to try to find solutions to the major weaknesses of each. In their view, the basic NHIPA proposal (options A and B) has too many deficiencies to be acceptable and option E (Medicaid plus NHISA) is inequitable.

GC favors either improving NHIPA (option B) or the MLHI/NHISA combination (option D) and recommends that the Secretary not decide between these two options until further staffwork is presented. GC further says that "We have . . . consistently maintained that universal access to a means of financing health care costs is a key to assuring that adequate health care is available to every individual. The memorandum demonstrates that NHIPA will not, without substantial change, accomplish that objective. For that reason, the reintroduction of NHIPA in its present form (option A) is not a viable option. . . . It seems to me that the Secretary is in a position to reject options A and E, and I urge that he do so." GC also urges that options C (MLHI) and F (FEHB model) not receive further consideration because they are contrary to the posture of the Administration of relying on mixed public-private financing and would require drastic restructuring of the current health insurance system.

H favors option F (FEHB model) as providing the best conceptual framework for NHI and recommends that further development and consideration be given to this option. "It is the only one presented that satisfies all of the following principles: universal coverage in a unified system; mixed financing minimizing new tax dollars; administrative feasibility with preservation of the private insurance industry; consumer choice; and cost containment through carrier and provider competition." However, recognizing the degree of departure from the past Administration proposal that this approach represents, H also recommends that suggested modifications and continued refinement of NHIPA be pursued. They support option D (MLHI/NHISA combination) because it would achieve universal coverage but note that options B (improving NHIPA) and D (MLHI/NHISA combination) are conceptually similar. Therefore, H recommended that further staffwork proceed on both options.

In responding to an earlier draft of this memo, LH indicated a preference for option B and also recommends further development of option D. L has not formally responded to the current memo.

SSA favors option B (improved NHIPA) as "realistically the most acceptable alternative."

SRS favors option E (NHISA plus improved Medicaid) and believes that the major thrust of the Administration's proposals at this time should be to improve coverage for the nonpoor population, such as through NHISA. They further argue that Medicaid is superior to FHIP because it entails an effective State-Federal partnership; provides broader benefits, including covering long-term and chronic care; and, generally, has more liberal eligibility standards. As funds become more available, Medicaid could be expended to cover male-headed low income families and singles and childless couples.

P's principal objective is to achieve coverage that is nearly as universal as possible, taking Federal budget constraints into account. It prefers MLHI (option C) because it would achieve universal entitlement through a unified insurance system. However, since budget constraints may preclude MLHI, P would support option D (MLHI/NHISA combination) which would also achieve universal entitlement but would entail lower Federal outlays and failing that, option B (improved NHIPA). P recommends that, if MLHI is not selected, the choice be narrowed to options B and D and further staffwork be performed on these two options. P recommends against further consideration of options A, E, and F. The current bill (option A) is deficient. Option E would simply establish minimum standards for employed populations and does not constitute NHI. P contends that the community rating feature of option P (NEHB model) is unworkable in the absence of full Federal funding of a system franchising insurance carriers within given regions.

### Decision

A. NHIPA as drafted ———

B. NHIPA with structural improvement ———

C. MLHI (or similar Federally-financed catastrophic plan) ———

D. Combination of Federally-financed catastrophic coverage and mandated plan ———

E. NHISA plus improved Medicaid ———

F. FEHB model ———

### *V. Crosscutting issues*

This section addresses the following crosscutting issues that are relevant to whatever approach to NHI is adopted:

A. Tax subsidies for health insurance and medical expenses

B. The role of the States in financing NHI

C. The future of Medicare

D. The future of VA medical programs

In some cases, additional staffwork will be needed for the option(s) that you select.

### A. Tax Subsidies for Health Insurance and Medical Expenses

Federal tax policies provide substantial indirect subsidies for purchasing health insurance and for personal medical and dental expenditures. Health insurance premium payments made by employers are not considered to be personal income for tax purposes. although most other noncash income payments are taxable. In addition, one-half of premium payments by individuals may be taken as an itemized deduction. Finally, out-of-pocket medical expenses plus the other half of individually paid premiums in excess of 3% of income are deductible.

These tax subsidies resulted in an estimated revenue loss of $3.8 billion in 1970 as shown below:

| Health insurance premium deduction: | *Billion* |
|---|---|
| Personally-paid | $0.6 |
| Employer-paid | 1.9 |
| Direct medical and dental expenses | 1.3 |
| Total | 3.8 |

The revenue loss for 1975 is projected at $6.8 billion, thus exceeding anticipated Federal Medicaid expenditures.

The health insurance premium deduction of $2.5 billion annually more than offsets the administrative costs of insurance as shown below (1970 data):

| | *Billions* |
|---|---|
| Premium Payments | $17.2 |
| Less: Deductions for premium payments | 2.5 |
| Premiums net of deductions | 14.7 |
| Insurance benefits paid | 15.8 |

Thus, as a direct consequence of the deduction, every dollar invested in insurance returns an average more than a dollar in benefit payments, thereby encouraging the purchase of insurance when the individual should reasonably be expected to self-insure.

In addition, the deductions are highly regressive, benefiting as they do primarily higher income groups. The tabulation below shows for 1970 the mean subsidy per taxpayer resulting from these deductions as a function of annual family income. The tabulation does not include the subsidies for employer-paid premiums, but these follow a similar pattern:

| Annual family income | Subsidy for premiums | Subsidy for medical expenses |
|---|---|---|
| 5,000 to 6,000 | $5 | $14 |
| $10,000 to $11,000 | 10 | 20 |
| $15,000 to $20,000 | 18 | 30 |
| $20,000 to $25,000 | 23 | 41 |
| $25,000 to $30,000 | 31 | 70 |

These deductions may be undesirable because (1) they provide an incentive for the sale of first-dollar coverage, thus contributing to medical care price inflation and (2) the benefits accrue principally to higher income groups. Whether these undesirable features are important enough to suggest that the deductions be eliminated regardless of whether NHI is enacted is an important issue in its own right. More germane is whether the deductions should be continued if a true NHI program is enacted, since the $6.8 billion tax subsidy could be reallocated to filling in the most glaring weakness of our current health insurance system.

Recommendations

C favors terminating the income tax deductions in principle, but defers taking a final position pending basic decisions on NHI.

GC recommends that the Secretary defer decisions on this and the three other cross-cutting issues until further staffwork on NHI is completed.

H views the tax subsidy issue as significant but defers making a recommendation pending basic decisions on NHI.

LH favors terminating the insurance deduction, thus treating employer contributions to premiums as wages. They also favor terminating the medical expenditure deduction, but only for services that NHI would cover.

P recommends that the Department support terminating income tax deductions for insurance and medical expenditures as part of the Administration's proposals for NHI.

SSA and SRS have not taken positions.

Decision

Agree in principle to terminate the tax subsidies.

Concur ——— Nonconcur ———.

*B. Role of State financing in NHI*

Most of the NHI options under consideration would provide the States with varying amounts of fiscal relief depending on which components of Medicaid are terminated. Twin issues are (1) whether States should be expected to share in the costs of the publicly financed component of NHI and (2) whether Medicaid should be continued.

Since minimizing the impact of NHI on the Federal budget is a major concern, one approach is to have the publicly financed component of NHI be State administered with joint State-Federal financing. Unlike Medicaid, however, there would be a single benefit package, and the program would operate under strong Federal direction. As in Medicaid, the States would have strong incentives to control program costs if the programs were jointly funded.

The following are the disadvantages of this approach:

1. The tax burden would simply be shifted from the Federal Government to the States while leaving total public expenditures unchanged.

2. A few States may choose not to participate. (Currently, only Arizona does not participate in Medicaid.)

3. Program differences will inevitably develop as a result of variations in administrative practices among States.

Decisions regarding Medicaid are clearly related both to the basic approach to NHI that is selected and to whether the public component of that approach relies partially on State financing rather than being fully Federally funded. Although FHIP would appear to provide nearly $2 billion in fiscal relief to the States, it also fails to cover several Medicaid services, particularly drugs and long-term care. Currently, nursing home and ICF (intermediary care facility) care account for about 32% of all Medicaid expenditures, with substantial variation among States (e.g., from 1% to more than 40%). Outpatient drugs account for another 7%. The Administration's current proposals would replace Medicaid for the AFDC population by FHIP. Thus, the States would be required to bear fully the costs of long-term care for the AFDC population. However, as long as some fiscal relief is provided, few States would be likely to institute major program reductions, at least in the short run, despite their having to pay the full cost. Whether they would continue to tie eligibility to the categorical welfare program or determine eligibility on some other basis (e.g., coordinated with FHIP eligibility) is less predictable.

Possible options, which can be developed in more detail, include the following:

1. Retain the current Medicaid program, including for populations that would be covered under NHI. This approach would encourage States to maintain their full Medicaid program for services and persons not covered by NHI, but would entail substantial Federal support.

2. Terminate Medicaid for populations covered under NHI. This is the approach taken for FHIP. The major argument for this approach, other than financial, is that the appropriate Federal role in financing medical services should be determined and funded entirely by the Federal Government; the States should fully fund any additional programs they choose to establish.

3. Terminate Medicaid regardless of NHI coverage. The argument for this approach is similar to that for (2).

4. Establish a residual program for nursing home services and/or other services not covered under NHI. Medicaid would be retained in full for populations not covered under NHI. The residual program could be restricted to long-term care, where cost control is a major problem that the States may be better equipped to handle than the Federal Government.

Recommendations

Issue (1): NHI

C, H, LH, and P favor full Federal funding of NHI. However, P would prefer a jointly funded program that achieves universal entitlement to a Federal program that leaves substantial groups without coverage.

SSA defers taking a position until basic decisions are made on NHI.

Issue (2): Medicaid

C and P favor terminating Medicaid for populations covered by NHI (option 2). However, if budget pressures permit, P would favor a residual State-Federal program for long-term care and related services (option 4). C recommends consideration of options to direct State funds now used for Medicaid matching to provide long-term care for low income populations. However, this should be pursued as a separate issue from NHI.

H and LH favor a residual Medicaid program for persons who are uncovered by NHI and to covered services, particularly long-term care, that NHI does not cover (option 4 below).

SRS favors retaining a Medicaid program, including for populations that would be covered by NHI (option 1).

SSA defers taking a position.

Decision

Issue (1): NHI

1. Adopt a jont Federal-State program———
2. Maintain full Federal funding———

Issue (2): Medicaid

1. Retain the current Medicaid program, including for populations that would be covered under NHI ———

2. Terminate Medicaid for populations covered under NHI ———

3. Terminate Medicaid regardless of NHI coverage ———

4. Establish a residual program for nursing home services and/or services not covered under NHI. Retain Medicaid in full for populations not covered under NHI ———

*C. Medicare*

Although the structure of Medicare made substantial sense when the program was first designed, changes may be desirable in the context of the Administration's NHI proposals. Criticisms of Medicare include the following:

1. Its being financed largely through the payroll tax results in only a weak relation between contributions and benefits.

2. A unified approach to NHI is desirable, and differences in the benefit package between the Administration's NHI proposals should be eliminated unless they are justified on the basis of their covering different age groups.

Alternatives to the current approach include:

1. Terminating Medicare and relying on a unified NHI approach, thus not using age as a criterion for determining eligibility. One argument against this approach is that most workers have already contributed to the Social Security Trust Fund for Medicare coverage.

2. Make the Medicare benefit package the same as NHISA's. This would introduce greater cost sharing on services that Medicare currently covers and would presumably lead to a reduction in the Medicare payroll tax. At the same time, if a Federally funded catastrophic program were enacted, it would cover the elderly. Thus, the elderly would receive fewer benefits from the Medicare pro-

gram but increased benefits from the catastrophic program.

A major restructuring of Medicare would raise considerable political opposition, and the issue may not be worth addressing. At this time we are only requesting guidance on whether you want further analyses conducted.

### Recommendations

C, H. LH, and P want the Administration to develop a unified NHI plan that would subsume Medicare. Consequently, they recommend that the option of restructuring or terminating Medicare be analyzed.

SSA views the question of restructuring Medicare as superfluous since it is constantly studying ways to improve the program.

SRS has not taken a position.

### Decision

1. Do not consider restructuring Medicare in the context of the NHI staffwork———
2. Analyze options for restructuring or terminating Medicare———

### *D. Veterans Administration (VA) medical programs*

The VA operates its own system of 169 hospitals and other facilities. VA outlays for medical programs are budgeted at $2.4 billion in 1974. VA patients fall into two categories: (1) veterans with service-connected disability, and (2) low income veterans without service-connected disabilities, who receive services on a space available basis. Some 64% of hospitalized VA patients fall in the second category. When NHI becomes a reality, particularly if universal entitlement is achieved, a strong argument can be made for restricting special VA medical programs to veterans with service-connected disabilities, since other veterans would be covered under general programs. The estimated budget savings of such a change would be over $1 billion annually.

---

[From the Washington Post, May 21, 1973]

### U.S. Studies Alternates for National Health Plan

(By Stuart Auerbach)

The Nixon administration has abandoned the national health insurance plan it sent to Congress two years ago and is considering two alternatives—including one that would give every person a credit card for medical and hospital bills.

Caspar W. Weinberger, Secretary of the Department of Health, Education and Welfare, has asked his health planners to develop specifics on the two new insurance proposals by June 1.

The more likely proposal was suggested by the White House Office of Management and Budget's chief health official, Paul O'Neill. It would combine a catastrophic health insurance plan tied to income with a federal requirement of health insurance for all workers.

The government would finance catastrophic health insurance, which would cover all medical and hospital costs for the poor. Middle and upper income persons, however, would depend on a government specified level, currently unstated, of private health insurance financed by workers and employers. These policies would be comprehensive enough to cover all but the most catastrophic of illnesses. The program would cost the government an estimated $9 billion in the fiscal year to begin July 1, 1974.

"The benefits of catastrophic coverage," wrote HEW's deputy secretary for health planning, Scott Fleming, in a memo to Weinberger, "would be restricted to persons who cannot obtain coverage privately—the poor and the sick. Most of the insurance system would remain privately financed, but universal coverage would be achieved."

Under that plan. Medicaid—the federal-state program to provide health care for the poor—would be ended. So would federal income tax deductions for health insurance and medical expenses.

Through those cuts, Fleming wrote, the plan "could realistically be nearly self financing."

The other approach Weinberger asked to be developed is more controversial and less likely to win approval—especially since it would disrupt the private health insurance industry.

This plan is modeled after the federal employee health program. It would divide the country into health insurance regions with a limited number of insurance companies allowed to write policies. These policies would have to meet minimum federal standards and, as in federal employee health plans, they could offer higher-priced options.

The premiums would be collected by the government through payroll deductions the same way it withholds income taxes.

Individuals would get a "healthcard"—a credit card that would be used to charge medical and hospital bills. The insurance company would pay the doctor or the hospital, and then send a bill to the patient for the part not covered by the insurance policy.

"When seeking services," Fleming wrote, "the individual would need only to present his 'healthcard' to the provider. The provider would furnish a record of any charges; no cash payment or complicated credit document would be needed."

While the plan itself may not survive, the "healthcard" concept is likely to be a part of any administration proposal because of its simplicity, universal appeal and ease in accounting.

Although HEW aides insist that President Nixon's National Health Insurance Partnership Act submitted to Congress two years ago is not completely dead, the strong criticisms of it contained in Fleming's memo to Weinberger make it unlikely that it will be revived.

That plan called for all employers to provide a minimum standard of health insurance for all their workers, financed by employer and employee. Health insurance companies, supervised by federal or state governments, would supply the policies. The federal government would buy health insurance for members of poor families with children (but not the unmarried poor or families without children). In his memo, Fleming pointed out that there are many gaps in its coverage, coverage differs for the rich and the poor, and that everyone is not entitled to health insurance.

The administration proposals under study are less comprehensive than the cradle-to-grave national health insurance plan proposed by Sen. Edward M. Kennedy (D-Mass.) and Rep. Martha Griffiths (D-Mich.) and supported by organized labor.

Under that plan almost all health costs would be paid through the government's Social Security system and financed by increased taxes on workers and employees and from general federal revenues.

The plan would cost between $40 billion and $60 billion, but Kennedy says Americans would no longer have to pay the $83.4 billion that now goes for health care costs—one of the fastest rising components of the cost-of-living index.

---

## ECOCIDE IN INDOCHINA

Mr. NELSON. Mr. President, Dr. Arthur H. Westing, of Windham College, Vermont, has made an invaluable contribution to the world's understanding of the destructive impact of U.S. military activity on the land and people of Southeast Asia. He had conducted studies of the ecology of South Vietnam and Cambodia in connection with the Herbicide Assessment Commission of the American Association for the Advancement of Science, and he has visited the area independently with Dr. Egbert Pfeiffer. He has provided essential statistical data, scientific judgment, and—in the form of photographs and films—pictorial evidence which has brought the awful truth back to America of what he calls "Ecocide: Our Last Gift to Indochina."

Mr. President, I request unanimous consent to have his latest article appearing in the May issue of Environmental Quality magazine printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Ecocide: Our Last Gift to Indochina

(By Arthur H. Westing)

January 1973 marked the end of more than eight years of brutal assault on the ecology of Indochina, a tropical, Texas-sized region half way around the world from us. The sustained punishment received during this period by a region as large as Indochina has no precedent in military history. From early 1965 through early 1973, the land of South Vietnam and its three neighbors was subjected to the most intensive aerial bombing, massive military poison spraying, and widespread military land clearing programs ever mounted by man. Moreover, there were major continuing efforts, with undisclosed results, to modify regional weather patterns.

Thus, whether by accident or design, the Second Indochina War will go down in history as the first antienvironmental war. The following is a description of the major programs that have earned it this ignominious epithet. I make no attempt to evaluate the justification or military efficacy of these programs; I also largely avoid the issue of whether their anti-ecological effects were an intentional aspect of U.S. strategy in Indochina or merely an unfortunate side effect. Moreover, my purpose is not to chronicle the immense social disruption and human suffering associated with this seemingly endless war. It is, however, necessary to point out that the vast majority of the 45 million Indochinese are (or were) peasant farmers directly dependent upon the now partially war ravaged land. In fact, one of the saddest aspects of the war is that it has served to separate a high proportion of the indigenous population from the land.

My conclusions are based in large part on personal observations during three brief tours of the war zones of Indochina, in 1969, 1970 and 1971. I also lean upon the observations of other scientists. The numerical data presented are based almost entirely upon figures released from time to time by our Department of Defense (DoD).

#### 30 BILLION POUNDS OF BOMBS

The U.S. attempts at neutralizing a widely dispersed and elusive enemy by denying it freedom of movement in the Indochina hinterland were primarily based on long-distance bombing, shelling and rocketing. These conventional weapons of war were employed with an abandon that cannot be readily comprehended. DoD admits to a munitions expenditure during the eight-year period 1965–1972 of more than 30 billion pounds.

How can one grasp the enormity of 30 billion pounds of munitions? I have tried in various ways to translate this sum into more comprehensible terms. Basically, 30 billion pounds of munitions represents an explosive energy equivalent to 545 Hiroshima or Nagasaki bombs—one every 5½ days during the entire eight-year period. In terms of the peoples; of all Indochina, this sum represents 673 pounds per person—better than one 500-pound bomb for every man, woman, and child. Including Indochina's land, it represents 163 pounds per acre. Finally, in terms of frequency throughout this eight-year period, this sum represents 119 pounds per second.

Each of these calculations tells us something. What they should add up to is a more accurate feeling for the lavish nature of munitions expenditures by the U.S. during its overt participation in the Second Indochina War.

Although DoD has made public that just under half (49%) of the 30 billion pounds of expended munitions were aerial, the rest surface, and has given a breakdown by years, it has told us little else. However, on the basis of a series of widely scattered DoD releases compiled largely by Raphael Littauer and his colleagues at Cornell University, one can estimate that about 82% of all the U.S. munitions expenditures were in South Vietnam, 13% in Laos, 4% in North Vietnam, and 1% in Cambodia. Moreover, when these country-by-country expenditures are examined on a per-acre basis, South Vietnam stands out even more prominently.

Within South Vietnam itself, it was the Third Military Region that was hit hardest, with the First Military Region not far behind. The Third Military Region comprises the eleven provinces roughly centered around Saigon; it includes War Zones C and D and the Iron Triangle. The First Military Region is composed of the five northern provinces and contains much of the Central Highlands. Of the remaining two military regions, the Second was hit moderately hard, whereas the Fourth (coinciding with the Mekong Delta) was affected least severely. I have seen occasional scattered craters almost everywhere I have been in Indochina; in all four military regions of South Vietnam, and in southeastern and northeastern Cambodia. Large areas of intense craterization can be found in various places. In the Third Military Region, they are particularly pronounced in the provinces of Tay Ninh (War Zone C), Long Khanh (War Zone D), and Gia Dinh (Rung Sat Special War Zone). I am told that vast moonscapes have been created in Quang Tri province (in the Demilitarized Zone), in southern Laos (along the so-called Ho Chi Minh trail region), and elsewhere.

### NO HABITAT SPARED

No type of habitat seems to have been spared from craterization, including forests and swamps, fields and paddies. Indeed, the most important ecological aspect of the U.S. bombing and shelling program in Indochina—aside from its sheer enormity—was the nature of the most usual target. In my Indochinese travels I was continually impressed by the locations of the many crater fields I encountered: They almost always seemed to be in the middle of nowhere, as if the target were the land itself.

In further pursuing this ecologically disquieting matter of target location, it turned out that the vast preponderance of the U.S. munitions expenditures over the years was for harassment and interdiction, that is, for area denial. Throughout the war the U.S. had physical, on-the-ground control of only a tiny and relatively unchanging fraction of Indochina's land area. However, a continuing attempt was made to keep much of the rest inhospitable to the other side through, among other activities, repeated area bombings. This long-term and large-scale strategy of area denial was never publicized by the U.S. DoD has been consistently unwilling to release the geographic extent of the so-called free-fire zones, although it is known that during much of the war they covered a large proportion of the total land area of Indochina.

How does one approach the problem of assessing the ecological impact of an expenditure of 30 billion pounds of munitions over a period of eight years in a rural region the size of Texas? There appear to be no prior assessments to lean upon from other wars, and it has so far been impossible to do the problem justice in Indochina. On the other hand, it is not impossible to at least approximate the overall dimensions of the problem.

In the absence of DoD information regarding a breakdown of the 30 billion pounds of munitions by type, I am forced to make a number of assumptions. First, I'm assuming (on the basis of personal experience and unofficial interviews with various military personnel in Indochina) that half of all the air and ground munitions expended were of the sort that produce craters. Second, I'm arbitrarily assuming, for the purpose of simplifying my calculations, that all of this crater-producing ordnance was delivered in the form of 500-pound bombs. This second assumption results in an underestimate of the number of craters, but presumably not in their combined dimensions or impact. Third, I'm assuming that the zone of flying metal fragments, or "shrapnel" associated with each crater is 1¼ acres. Finally, on the basis of actual measurements by E. W. Pfeiffer of the University of Montana and myself, I'm assigning a value of 30 feet to the diameter of the average crater and a maximum depth of 15 feet, and thus a volume of 131 cubic yards.

### LANDSCAPE TORN AS IF BY AN ANGRY GIANT

Granting the above premises, one can make a number of first approximations regarding the environmental impact of U.S. munitions on Indochina. To begin with, we are attempting to assess the impact on the land of over 30 million crater-producing explosions. As seen from the air, Indochina's crater fields have often been likened to lunar landscapes. For a ground level impression I can quote an official military observer: ". . . the landscape (was) torn as if by an angry giant. The bombs uprooted trees and scattered them in crazy angles over the ground. The tangled jungle undergrowth was swept aside around the bomb craters. . . ."

First, let's consider the flying metal at the time of the explosion. This so-called shrapnel indiscriminately kills wildlife and punctures trees. Such trees become subject to fungal infection which in tropical Indochina usually leads to the death of the tree within several years thereafter. The 38 million acres which were saturated with flying shards at one time or another represent 20% of the land surface of Indochina, making this a potentially significant aspect of ecological debilitation.

The explosions and resulting craters destroy the thin layer of humus and topsoil, which disrupts the nutrient cycles of the affected ecosystem. However, since the combined surface area of the craters amounts to only about one-half million acres (about 0.3% of Indochina's land surface), this would become an important factor of ecological degradation only in local regions that had been subjected to intense bombardment.

Cratering exposes and to some extent scatters the infertile and highly acid subsoil. Much of the displaced soil appears to be compacted into the sides of the crater. This displacement of the soil warrants careful evaluation because of its sheer magnitude. During the eight-year period 1965–1972, U.S. bombing and shelling displaced approximately four billion cubic yards of soil, an average of 16 cubic yards per second. This awesome amount would have been sufficient to fill and refill the White House once every hour and twenty minutes throughout the entire period.

Many of the craters remain filled with water during much or all of the year. The possibility exists that evaporation from the land is accelerated and the water table thus lowered. Craterization also disrupts local drainage patterns. Moreover, the water-filled craters throughout Indochina are providing additional millions of small aquatic habitats suitable for the proliferation of mosquitoes, the vectors for a number of serious tropical disease organisms.

### IRREVERSIBLE EROSION

Craterization destroys an ecosystem in a number of other important ways. Crater fields make an area difficult to traverse for both man and beast. Exposure of soil to the elements provides the opportunity for irreversible hardening—a possibility with certain tropical soils. Soil erosion is always a serious consequence of heavy bombing or shelling in hilly terrain. This not only debilitates the cratered area, but also causes additional damage downstream.

Craters fill in very slowly via natural processes. I have observed craters in flat terrain at least four or five years old with less than three feet of soil washed into the bottom. Indeed, I have recently had described to me craters of World War II vintage on tropical islands such as Okinawa and Eniwetok that have maintained their integrity for decades.

Although any small number of craters can be filled in with relative ease, I fear that many millions of craters will simply become semi-permanent additions to the Indochinese landscape. In fact, even when the resources are available, it may not be desirable to fill in the craters, since one would have to sacrifice significantly large surrounding areas of topsoil—a fragile and thus valuable commodity in the tropics.

Consequently the countless craters may well turn out to be the least recognized though most serious long-term legacy of the Second Indochina War.

One of the most distasteful aspects of the war in the eyes of the world was the massive U.S. chemical warfare program with anti-plant agents. This widespread revulsion seemed, in fact, to contribute to the termination of the program well before the end of other overt U.S. military activities in Indochina.

Vast areas of forest were sprayed with herbicides, particularly during the four-year period, 1966–1969. This program, confined largely to South Vietnam, was meant to deny forest cover and sanctuary to the enemy—another area denial weapon. All told, more than 5 million acres were sprayed representing 12% of South Vietnam.

### POISONING FOR PEACE

The herbicidal damage to South Vietnam has been of monumental proportions. In the 3½ million acres of upland forests that were subjected to one spraying, some 10% to 30% of the overstory trees were killed. In those that were subjected to more than one spraying (an estimated additional one million acres), at least half, and sometimes all, of the trees were killed. Thus, at least 32% of South Vietnam's 14 million acres of dense upland forests were sprayed one or more times.

Ecological debilitation has been particularly severe in the multiply-sprayed areas. The soil has been depleted of its mineral nutrients through a phenomenon referred to as nutrient dumping. Nutrient dumping occurs at the time of the herbicide-caused leaf drops because tropicals soils cannot hold the abundance of nutrients being released by the rapidly decomposing amount of leaf litter. For such a tropical forest ecosystem to regain its former nutrient capital, it will take one and possibly two decades.

Where much of the overstory has been destroyed there will be an invasion of certain tenacious pioneer grasses. These can either be shrubby bamboos or the herbaceous grass, *Imperata*. In either case, the invaders (weeds) can be expected to dominate the site for several decades, preventing the natural regeneration of the hardwood species. The quality of the resulting ecosystem will be considerably reduced by the ecologically inferior and economically useless invaders.

If we now consider the coastal mangrove forest, which occupies more than a million acres, at least 25% has been chemically destroyed. For obscure *physiological* reasons even one spraying totally kils the mangroves.

Moreover, for obscure *ecological* reasons, such devastated sites are not naturally reoccupied by fresh vegetation for many years. The mangrove ecosystem, perhaps the most productive in the world, provides the breeding or nursery grounds for most offshore fish and crustaceans, and for many fresh water ones as well. The degree to which the fishery resource has been damaged by the loss of these grounds could be considerable. Mangroves also protect the shoreline from coastal erosion, acting as a buffer between land and sea. Without this buffer, the shoreline will be cut back, particularly owing to the numerous typhoons of the region.

The anti-plant agents have, of course, debilitated a significant percentage of the vegetation of South Vietnam's ecosystems. What may not be so readily apparent, however, is that they have also raised havoc with the faunal component. Quite simply, wildlife cannot survive without food and shelter. Both of these basic necessities are largely derived, directly or indirectly, from plant life. In fact, a major fraction of the animal species found in the tropics live high in the crowns of the forest trees—the most prominent victim of the herbicidal atacks.

The preceding summarizes the obvious and immediate effects of the massive and unprecedented chemical intrusion of the Vietnamese environment. What remains to be recorded are the subtle and long-term effects that will continue to manifest themselves in the years to come.

### LAND-CLEARING LUNACY

Between 1968 and 1972 the U.S. developed and put into practice a conceptually simple and straight-forward approach to denying its enemy forest cover and sanctuary: Total forest removal.

In the land-clearing program scores of giant tractors equipped with special blades ("Rome plows") were employed to literally shove away one militarily troublesome forest after another. At the height of the program more than a thousand acres a day were obliterated. All told, more than one million acres were leveled, apparently all in South Vietnam. This represents 2% of the land surface of that country. A significant portion of Rome plowing was concentrated in the Third Military Region, where it was considered to be playing an instrumental role in "securing" that region.

The ecological impact of removing virtually all the vegetation and exposing the soil on thousands of contiguous acres at a time is phenomenal. The soil immediately becomes subject to massive erosion, particularly in hilly terrain. That soil which remains in place loses a high proportion of its soluble minerals through nutrient dumping. Wildlife habitat is destroyed instantly and completely. Sooner or later the cleared region is invaded by weeds, most likely by the pernicious Imperata grass.

Here again, a means of area denial has served to convert vast tracts of Indochina into what might well be referred to as a semi-permanent green desert. I use the term "semi-permanent green desert" judiciously, because of the severe site degradation, the decreased ecosystem productivity, the enormously restricted wildlife carrying capacity, and the expectation of exceedingly slow recovery.

The use of Rome-plow-equipped tractors for the complete elimination of immense forest tracts demonstrates rather well the insensitivity of the DoD to long-term ecological concerns.

### CHEMICAL WEATHER MODIFICATION

Cloud seeding with silver iodide and other chemicals to increase rainfall, which began on a small scale in 1963, has been carried out extensively throughout Indochina by the U.S. The apparent primary purpose for this operation was to destroy roads and trails, thereby disrupting the enemy's logistics. Additional objectives included the reduction of enemy radar efficiency and the instigation of floods. One of the major emphases, beginning in 1967, was the attempt to render impassible the so-called Ho Chi Minh trail region in southern Laos.

No information has been made available by DoD on either the magnitude or the success of its Indochinese weather modification operations. However, one can assume at least partial success because the program was steadily intensified from 1967 through early 1972.

The meteorological and broader environmental impact of such weather modification, either local or regional, is essentially unknown. Yet the possibility of undesirable long-term influences cannot be ruled out. Beyond the possibility of direct toxicity to biota from the cloud-seeding agents themselves, the amplification of rainfall increases the rate of soil erosion and may trigger floods. Moreover, the rate of erosion is greatly increased on land previously disrupted by bombing, Rome plowing, etc.

Water-dependent disease carriers are, of course, aided by additional rainfall. These weather modification operations could lead to epidemics among wildlife, domestic livestock, and humans. More subtly, modification of rainfall patterns can undermine the harmony of local ecosystems by disrupting the reproductive cycle of local flora and fauna.

These weather modification operations by the U.S. provide yet another example of the casual disregard, if not contempt, by the DoD for broad ecological concerns.

### THE PRESENT AND FUTURE

To fully comprehend the impact these military operations had on Indochina is exceedingly difficult, if not impossible, at this time. First of all, there is a great diversity of ecosystems in Indochina, few of them studied to any great extent in the past. Also, the scarcity of pre-damage comparison data is a serious drawback. Secondly, DoD has released only a minimal amount of pertinent data as to the types, intensities and locations of its various operations. Third, the realities of the military situation have thus far prevented any serious, systematic, on-site examinations. Finally, there are no analogous damage studies to fall back upon. Indeed, there is simply no precedent for such massive and widespread environmental intrusion via bombs, chemicals, or tractors.

Estimates of how long it might take for substantial ecological recovery would be even more foolish to attempt at this time. Rate of recovery depends not only upon a variety of natural factors, but also upon the extent of human involvement, either positive or negative.

At this writing, it is unclear whether or not a careful and complete investigation will ever be made of the ecological effects of the Second Indochina War. DoD stands alone among our federal agencies in being exempt from having to make environmental impact statements for its activities. This may be a short-sighted policy in view of current capabilities and the ever more precarious state of the ecology of our earth.

In partial recognition of the necessity for such an ecological evaluation, in 1970 the 91st Congress instructed the National Academy of Sciences to investigate the ecological effects of the chemical warfare program with antiplant agents. And, Senator Gaylord Nelson [D-Wisc.] recently introduced Senate Bill No. 365 (since referred to the Committee on Foreign Relations) which would provide for an investigation to assess the extent of the damage done to the environments of South Vietnam, Laos, and Cambodia as the result of all of the various operations of the U.S. armed forces in those countries. Such an examination would be of great importance not only in behalf of Indochina and its hapless inhabitants, but also because it would provide a clearer picture of the consequences to be expected when a major nation wages counter-guerrilla warfare in this day and age.

It may not be too far-fetched to hope for eventual international recognition of the necessity to proscribe environmental warfare. The draft treaty by Senator Claiborne Pell [D-R.I.], submitted to the 92nd Congress last year as Senate Resolution No. 281, provides for the complete cessation of geophysical modification activity as a weapon of war. Adoption of this treaty would certainly be a step in the right direction.

Finally, I must reiterate the fundamental importance of the land in providing the natural resources upon which an agrarian society depends for its very existence. I appeal, therefore, to the community of scientists to make available as needed their expertise to the peoples of Indochina in their efforts to reconstruct their war-ravaged land.

U.S. MUNITION EXPENDITURES IN INDOCHINA—BASED ON U.S. DEPARTMENT OF DEFENSE RELEASES

[In billions of pounds]

| Year | Air munitions | Surface munitions | Total munitions |
|---|---|---|---|
| 1961 to 64 | ? | ? | ? |
| 1965 | 0.6 | ? | 0.6 |
| 1966 | 1.0 | 1.2 | 2.2 |
| 1967 | 1.9 | 2.4 | 4.3 |
| 1968 | 2.9 | 3.0 | 5.9 |
| 1969 | 2.8 | 2.8 | 5.6 |
| 1970 | 2.0 | 2.4 | 4.3 |
| 1971 | 1.5 | 1.7 | 3.2 |
| 1972 | 2.2 | 1.8 | 4.0 |
| Total | 14.8 | 15.2 | 30.0 |

MAJOR U.S. ANTIPLANT AGENTS SPRAYED IN INDOCHINA

(Based on U.S. Department of Defense Releases)

AGENT ORANGE

Composition: 1.1 mixture of 2,4-D and 2,4,5-T

Active ingredients: 8.5 lb. per gallon

Application: Undiluted at 3 gallons per acre

Major target: Forest vegetation

AGENT WHITE

Composition: 4:1 mixture of 2,4-D and picloram (Tordon)

Active ingredients: 2.5 lb. per gallon

Application: Undiluted at 3 gallons per acre

Major target: Forest vegetation

AGENT BLUE

Composition: Dimethyl arsenic (cacodylic) acid

Active ingredients: 3.1 lb. per gallon

Application: Undiluted at 3 gallons per acre

Major target: Rice and other food crops

## IMPLEMENTATION OF THE FEDERAL ADVISORY COMMITTEE ACT

Mr. PERCY. Mr. President, the implementation of the requirements of the Federal Advisory Committee Act of 1972 guaranteeing public access to advisory committee meetings, minutes and other documents not of a sensitive nature has at best seemed to be spotty. I have received a number of reports from a variety of groups that indicate that the openness provisions of the act are not being implemented in accord with the letter or spirit of the act.

Prof. William H. Rogers of the Georgetown University Law Center has called to my attention his correspondence with two agencies, the Environmental Protection Agency and the Department of the Interior, with regard to the operation of EPA's Hazardous Materials Advisory Committee, and Interior's General Technical Advisory Committee, which deals with coal research. This correspondence demonstrates the kinds of problems interested citizens have been having in using the provisions of the act. These and other complaints demonstrate the need for overview hearings by the Government Operations Committee in order to pinpoint shortcomings in agency implementation of the act's provisions.

I ask unanimous consent that the correspondence referred to be printed in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Georgetown University
Law Center,
*Washington, D.C., January 29, 1973.*

Hon. Rogers Morton,
*Secretary of the Interior, Department of the Interior, Washington, D.C.*

Dear Secretary Morton: I am distressed to report that your department is off to a slow start in coming to grips with the Federal Advisory Committee Act. As you are well aware, the Act represents the first effort by the Congress to pierce the shroud of secrecy that hides the operations of the thousands of advisory committees that participate daily in making policy for the federal government. Few are more important than the General Technical Advisory Committee, which guides the Office of Coal Research in a research effort with aims no less important than the production of clean fuels from our vast domestic coal supplies.

Curiously, it seems that the General Technical Advisory Committee held two meetings at the Department of Interior on January 16, 1973, the first at 9 a.m. behind closed doors in the offices of the Director of Coal Research, the second at 10 a.m. before the public at the regularly scheduled session. I search in vain for an exception to the open door policies of the Advisory Committee Act for meetings convened by the Director himself.

Interestingly, one of the first items on the agenda at the public session was an explanation by Mr. Francis Grumbo of the Office of the Solicitor, of the meaning and purposes of the Federal Advisory Committee Act. Mr. Grumbo properly pointed out that perhaps one day's notice in the Federal Register wasn't the type of "timely notice" Congress had in mind under § 10(a)(2) of the Act. Mr. Grumbo had more difficulty in explaining why the afternoon session of the Technical Advisory Committee also would be off the record. Not counting lunch and any post-meeting meetings, by my calculations the Committee worked for two hours on the record, and two hours off the record.

One reason for excluding the public in the afternoon was that the Committee would be talking about the President's Fiscal Year 1974 Budget. Since nobody, the Congress included, is allowed access to the Budget, that was thought to be reason enough for keeping out the public. The Committee had a need to know and got information. Once again, there is not the flimsiest of legal grounds, in the Advisory Committee Act or the Freedom of Information Act, for denying public access to this information gladly handed over to the industrial advisors.

No violation of an open door policy could be without its trade secret defense, and the Technical Advisory Committee was not. Another item on the afternoon agenda was a discussion of contracts under negotiation or planned. The contractor would have to show his secrets to the likes of Consolidation Coal Company, Kennecott Copper Corporation and the Anthracite Institute, but the public was thought to pose a competitive risk. Conceivably, even if a trade secret could be detected in these contractual discussions, the way to handle it would be a brief request of non-members to step out of the room before resuming the meeting. A blanket exclusion appears unnecessarily heavyhanded.

I should say also that the Committee members seemed not at all hostile to the idea of an open proceeding. The initiative to bar the public came from Department of Interior representatives. A discouraging start for open meetings, wouldn't you agree?

Yours very truly,
William H. Rodgers, Jr.

---

U.S. Department of the Interior,
*Washington, D.C., February 26, 1973.*

Mr. William H. Rodgers, Jr.,
*Georgetown University Law School,*
*Washington, D.C.*

Dear Mr. Rodgers: I have your letter of January 29, 1973, addressed to Secretary Morton in regard to the meeting of the General Technical Advisory Committee (GTAC). It has been referred to me for reply.

You indicate that information with respect to the President's fiscal year 1974 budget, before it was submitted to the Congress, was given to industrial advisors, and that contractor secrets may have been shown "to the likes of Consolidation Coal Company, Kennecott Copper Corporation, and the Anthracite Institute."

The members of the General Technical Advisory Committee are hired as consultants and as such are special Government employees. It is in the members' capacities as special Government employees that such information is revealed to them.

Our regulations forbid the improper use of such information, as provided in 43 CFR 20.735–33(a):

"A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph 'inside information' means information obtained under Government authority which has not become part of the body of public information."

All committee advisory members are advised of the regulation and upon entering on duty are given a booklet entitled, "Regulations Governing Responsibilities and Conduct of Employees." A copy is enclosed for your information.

Although the General Technical Advisory Committee meets three times a year, usually in Washington, there is no set meeting place. To make it easier for the members to get to the different meeting rooms where the meetings are held, the members usually first go to the Office of Coal Reesearch the morning of a meeting, arriving at different times, and then go to the actual meeting room a few minutes before the meeting. For the most recent meeting the Director formalized the practice and invited the members to his Office. You are cordially invited to also visit the Director's Office before the next Washington meeting, if you wish.

I regret that the meeting of the committee on January 16, 1973, was not as open as you would have preferred. This was the first meeting held in the Department after the new Federal Advisory Committee Act became effective on January 6, 1973. I am asking the Office of Coal Research and other elements of the Department to make every effort to reduce to a minimum the portion of any future meetings of various committees that are conducted in closed session. Possibly in many cases this can be done as you suggest, by having the nonmembers step out of the room before resuming the meeting.

Sincerely yours,
Raymond C. Coulter,
*Deputy Solicitor.*

---

U. S. Environmental
Protection Agency,
*Washington, D.C., March 16, 1973.*

Mr. William H. Rogers, Jr.
*Visiting Professor of Law, Georgetown University Law Center, Washington, D.C.*

Dear Mr. Rogers: I am writing with regard to your verbal request to Mr. Talbot of this office to read the minutes of the Hazardous Materials Advisory Committee.

Among other assignments, the Environmental Protection Agency utilizes the advice and recommendations of the Hazardous Materials Advisory Committee in carrying out review functions in the area of grants administration.

While the Agency has a policy of the fullest possible disclosure of records pursuant to the Freedom of Information Act, the Administrator has determined that certain internal memoranda, written views, and judgements of members are exempt from disclosure in the area of grants review.

Portions of the minutes of many Hazardous Materials Advisory Committee meetings fall into this exempt category. I must ask that you forward a written request for the minutes of the meeting you desire.

The Staff Office will immediately process your request in accordance with EPA regulations published in the Federal Register December 3, 1971. There will be a charge which must be borne by you.

Every effort will be made to provide the information as rapidly as possible.

Sincerely yours,
Winfred F. Malone, Ph. D.,
*Staff Science Advisor.*

---

Georgetown University Law Center,
*Washington, D.C., April 10, 1973.*

Winfred F. Malone, Ph. D.,
*Staff Science Advisor, Office of Research and Monitoring, Environmental Protection Agency, Washington, D.C.*

Dear Dr. Malone: Needless to say, I was disappointed with your letter of March 26 posing unexpected hurdles to my unexceptional request to examine the minutes of EPA's Hazardous Materials Advisory Committee.

My request, which was made perfectly clear to Mr. Talbot, was to read the complete minutes of each and every meeting of the Hazardous Materials Advisory Committee. The only exceptions to this request are the minutes of the meeting of January 22, 1973, which have previously been supplied by your office. The Committee, I understand, was established on May 21, 1971 and has met perhaps twelve to fourteen times since then. I mention this to indicate we are not talking about hundreds of meetings extending over years of time.

As for the objection that "portions" of the minutes are thought to be exempt "in the area of grants review," I suggest that steps be taken to cover what you consider to be privileged communication so that I might examine what remains. This procedure surely is to be preferred to withholding all the information.

As for the "charge" for the documents let me reiterate the suggestion that I examine the material in your offices to avoid the necessity for any duplication costs.

Finally, let me specify several other documents and work of the Committee which I would like to examine in your office:

1. The report "Policy and Guidelines for Registration of Disinfectants and Sanitizing Agents."
2. The report "Status of Toxaphene."

3. The report "Pest Control in Food Processing Plants and Other Food Handling Areas."

4. A summary report on the role of biological control.

5. A summary and status report on pesticide and pesticide container disposal.

6. A committee study of the environmental impact of the compounds hexachlorobenzene and hexacholorobutadiene.

7. A committee evaluation of the evidence of thyroid carcinogenicity of ethylene thiourea.

8. Results of a Committee assessment of the dangers of freon propellants.

9. EPA's Report on Cadmium.

10. A committee study of nitrates, nitrites and nitrosamines.

11. An overall study of herbicide uses.

12. A review of the extent and significance of phthalates and plasticizers in the environment.

13. A proposed system of integrated insect population control, to reduce use of hazardous control chemicals.

14. A report on the progress of the establishment of the National Center for Toxicological Research.

15. A critique of the office of Water Program's "Designation of Hazardous Substances" (required relative to application of the Water Quality Improvement Act).

16. The Committee's opinions on the draft proposal "Guidelines for evaluating the Safety of Pesticidal Chemicals," requested by the Office of Pesticides Programs.

17. The Committee's review and criticisms of the draft document "Pesticides in the Aquatic Environment."

18. A compilation of information resources for hazardous and related materials prepared relative to "clearinghouse" needs.

19. An outline for a proposed Supplement to the Report of the *Secretary's Commission on Pesticides and Their Relationship to Environmental Health*.

20. The Committee's assessment of the enviromental research that is conducted by the principal laboratories of the Agency.

21. The Committee's proposed approach to a ranking of relative hazards of toxic materials.

I await your response to my requests for this material. Thank you.

Yours very truly,

William H. Rodgers, Jr.

## SIR GEORG SOLTI, "THE FASTEST BATON IN THE WEST"

Mr. PERCY. Mr. President, Sir Georg Solti has been the conductor of the Chicago Symphony Orchestra since 1968. In the years since then, the orchestra has risen to a position of national preeminence. Time magazine's music critic, Mr. William Bender, rates Chicago among the country's top three orchestras, praising it as "sine qua non."

Members and admirers of the world of music are already well aware of Solti's talent and accomplishments and of the rapport he enjoys with his orchestra and audiences. And now Time Magazine has brought the magic of Solti to the attention of the Nation and world at large with its recent cover story on Chicago's remarkable maestro.

I am delighted that Solti has been so recognized and so honored, for his work with the Chicago Symphony is noteworthy indeed. Time says:

> Indeed there has not been such excitement about a marriage of conductor and orchestra in the U.S. since the golden days of the 1930s when Toscanini led the New York Philharmonic, Stokowski the Philadelphia and Koussevitzky the Boston.

I ask that the entire article on Sir Georg Solti, Chicago's spectacular conductor, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Solti and Chicago: A Musical Romance

The idealized symphonic conductor has Leonard Bernstein's flair, Herbert von Karajan's grace and Zubin Mehta's youth. But when the directors of the Chicago Symphony Orchestra cast around for a conductor to save their troubled orchestra in 1968, they threw out all the stereotypes and selected a man who looked, according to one Chicago musician, like a "tennis player or shortstop or golfer" on the podium. He was also bald and aging. Looks aside, Sir Georg Solti and the Chicago Symphony were made for each other. Together they are producing some of the world's most exciting music.

In the relatively brief span of four seasons, Solti (pronounced *Sholtee*) has brought the Chicago back to the pre-eminence of its days under Fritz Reiner (1953–1963). The Solti sound, not the sound of trouble, is the talk of the music world. Indeed there has not been such excitement about a marriage of conductor and orchestra in the U.S. since the golden days of the 1930s when Toscanini led the New York Philharmonic, Stokowski the Philadelphia and Koussevitzky the Boston. In recent years, only George Szell and the Cleveland Orchestra have approached the august virtuosity, combustible power and quartet-like intimacy that Solti has established with the Chicago Symphony. The advent of Solti in Chicago, as he himself puts it with characteristic bluntness, "was like awakening the sleeping princess." At age 60, Solti may be forgiven for depicting himself as Prince Charming for the simple reason that almost everyone agrees with him.

### HOSANNAS

Until his arrival the Chicago, heavy with German tradition, was known as a great orchestra that only rarely gave a great performance. Now it is an ensemble that Solti can (as he did two seasons ago) take into such musical bastions as Vienna, Berlin and Hamburg, and win standing ovations from the public and hosannas from the stuffiest critics. The money for that European tour was raised largely by Symphony Board Chairman Louis Sudler, as part of a campaign to publicize the board's selection of Solti. That choice was made, says Sudler, a Chicago realtor, on the basis of "just what a good businessman would do. First you get the best possible product, then you let the world know that you have the best possible product." The first dividend was a homecoming parade in 1971, arranged for the entire orchestra. It was enthusiastically promoted by Mayor Richard Daley, with Solti riding high and proud in a lead car—and not all that common in Chicago, folks actually carrying violins in their violin cases.

Then the money—lack of which had put the orchestra on a disaster alert prior to Solti's arrival—began to come in. Annual donations by individuals rose dramatically from $425,919 in 1968 to $1,607,846 last year, corporate contributions from $60,000 in 1966 to $500,000. As a result, the orchestra's endowment fund is now comfortably at a level of $7 million, and last year's deficit was a mere $74,000, lowest since the pre-crisis year of 1963. Last week, the city's music lovers were crammed excitedly into Orchestra Hall for Solti's concert performance of Act III of Wagner's *Die Götterdämmerung*.

They witnessed a true musical event. Tenor Jess Thomas died magnificently as Siegfried, and the audience could almost feel the flames as Soprano Helga Dernesch submitted herself to Brünnhilde's immolation. It was a remarkable performance, a fitting finish to Solti's successful spring stint in Chicago. If Chicagoans needed any reminder, the spirited and darkly dramatic rendition of *Götterdämmerung* demonstrated anew that there is not an opera house orchestra anywhere that can match the Chicago under Solti.

Solti's love for the orchestra, and its for him, is obvious. "It's a marvelous thing to be musically happily married," he says. "I am and I know. I'm a romantic type of musician, and this is a romantic orchestra. That is our secret: at a time when everybody is doing exactly the opposite, we are unafraid to be romantic."

Romantic for Solti means a predominance of German and Austrian music (ranging all the way from Haydn to Wagner, Mahler and Strauss), plus an orchestral tone that is big and red-blooded but not as luxuriant, say, as the Philadelphia Orchestra under Eugene Ormandy. As much as he relishes the Sequoia-like majesty of the Chicago's brass section, and its evergreen forest of strings. Solti is equally partial to the meadowed tranquillity of the woodwinds. The delicate lyricism he conjures up between oboe and English horn in the pastoral movement of Berlioz's *Symphonie Fantastique* would be welcome at a chamber music recital. Yet for all his romantic predilections, Solti expertly manipulates the arcane configurations of such moderns as Arnold Schoenberg and Elliott Carter.

Solti is an orchestra architect much in the Toscanini mold. He is not one to pause sentimentally over a favorite melody or chord. The long line is everything. Such basic tools as rhythm and dynamic shading are used to sculpt breathtaking new shapes. His phrasing is at times so tight that it often seems the music is moving more quickly than it actually is. "The things that intrigue me are how to make forms clear," he says, "how to hold a movement together, or if I am conducting opera, how to build an act or a scene." These are traits that produce masterfully cohesive performances of old masters like Wagner, or such *Angst*-prone post-romantics as Mahler and Bruckner. It was Mahler's craggy *Fifth Symphony* that gave Solti and the Chicago Symphony the first chance to demonstrate their extraordinary combined talents to New York audiences. So stunningly powerful was their 1970 performance in Carnegie Hall that the Manhattanites yelled, stomped and cheered for 20 minutes: it might have gone on all night had not Solti led the concertmaster offstage with one grateful but resolute wave.

Such ovations have become familiar to Solti throughout the U.S. and Europe. In addition to conducting the Chicago Symphony for twelve weeks this season, he devoted ten weeks to the Orchestra de Paris (he also serves as its music director). A month ago, at the 700-seat Opéra Louis XV at the Versailles Palace, he led an exquisitely wrought performance of Mozart's *Marriage of Figaro* by the Paris Opéra (he serves as that company's music adviser). In London, which he calls home these days. Solti regularly guest-conducts the London Philharmonic for a month each year.

### STARBURST

In virtually every musical capital of the world, the sight of Solti conducting is a familiar one. It is quite a spectacle: head down, baton held high, tails flying, he seems to spring from the wings. The leap to the podium is agile and sure; the bow to the audience curt, formal and, in the European tradition, from the waist, with the heels brought together in something just this side of a click. At this point, a Stokowski would spin showily and attack immediately. Not Solti. He turns thoughtfully, spreads his feet and shoots slitty glances around to make sure all is ready. Then, with a slashing, totally unexpected paroxysm involving every part of his body, he gives the downbeat. Throughout the performance, Solti's body language is dramatically explicit. The violins are brought in with huge lefthanded scoops to the floor. The trumpets are cued by the riveting spear of an arm and index finger. A starburst of fingers summons the crash of the cymbals. Moments of lyrical romance come with the left hand cradled near the heart, the right hand beating coronas of love high above. Passages of staccato brilliance are paced by chopping up and down with both arms. A furious backhand indicates a *sforzando* attack; a hand moving slowly across his mouth implores the players to give him a soft sound.

His gestures may at times seem overlarge, but they are no mere sideshow to titillate the audience. Solti is all business on the podium, his energies totally focused on the orchestra. He eschews any useless movement. A purring passage that does not have any tricky entrances usually finds Solti barely conducting at all. Says Chicago Oboeist Ray Still, "When everything is going fine, he doesn't interfere with the orchestra by going into a lot of acrobatics to make the audience think it's his struggling which is producing such fine music."

Often, though, his hours on the podium are indeed a struggle—in unexpected ways. The years of conducting with arms carried high in tension, or head held tilted back to watch his performers on operatic nights, have produced extensive muscle damage to Solti's shoulders and neck. If he sometimes does a spectacular 180° leap from the violins way off on the left to the double basses on the right, it is because he has to. "I can not move my head more than a few inches to the left or right without turning by body," he says. There are other problems too. Solti was flailing away so furiously during a recording session of *Parsifal* last year that he stabbed himself in the left hand with his baton and had to be rushed to a hospital to have the point removed.

On the podium, Solti defies a current vogue: he regularly conducts from a score. That any number of young and not-so-young conductors think they must conduct from memory, he blames on Toscanini: "Why did Toscanini conduct from memory? Because he was nearsighted. Of course, he had that fabulous memory, but that wasn't really why he never used a score. Today we have an entire generation of young conductors who think they must conduct from memory—all because Toscanini was nearsighted. It is total lunacy."

Such commonsensical candidness has endeared Solti to musicians; that endearment goes a long way toward explaining his success. Without the loyalty and respect of his musicians, no conductor can long preside over an orchestra—much less produce great music. Musicians are notoriously independent, as the old saw about the French flutist demonstrates. Ordered by a conductor to play in certain style, the musician said: "Very well, I'll play it his way at rehearsal, but just wait till the concert. After all, *mon ami*, it's my flute." With Solti, it is different. Says Orchestre de Paris Flutist Michel Debost: "I may not like his music making, but I play it the way he wants because I can't resist him." Apart from his candor, orchestras respond to Solti partly because of his personal combination of warmth and frost, partly because of his seemingly endless store of energy and intensity. "With Solti there's always this momentum going," says Jay Friedman, principal trombonist of the Chicago.

"The architecture of a piece of music always comes across. Even in very slow passages you're never standing still. I think it's because something metaphysical happens. The music he makes seems to transcend what he does physically." So much so, notes one Chicago woodwind player, that "during rehearsals Solti gets so worked up, the motion is so violent, that his navel is almost always exposed."

If Solti has a weakness it is that as a colorist he prefers primary hues to the shades in between. The delicate pastels of French impressionists like Debussy and Ravel simply seem to be beyond him. Yet one can never rule out any possibility with Solti—even his becoming a master of the tender brush stroke. The Beethoven represented by his new recording with the Chicago of the *Ninth Symphony* (London) is significantly deeper and technically nearer perfection than the Beethoven he recorded more than ten years ago with the Vienna Philharmonic. This week London issues his *Parsifal*. Serene, mystical, glowingly colored and, by the way, the slowest in stereo, it is a pantheonic accomplishment he could not have matched a decade ago.

Solti today has a depth, a broader grasp and surer hand than ever. Still intense and energetic by any standards, he nonetheless is mellower, more at ease. Birgit Nilsson, the supreme Wagnerian soprano, notes: "In his early days he was so energetic, so impulsive. He built one climax on top of another. You felt like you were going to explode. Now he knows how to relax."

No two musicians ever look at a conductor in exactly the same way. Where Friedman sees the metaphysical and Nilsson a mellower Solti, Flutist Debost sees the diabolical: "There is something of the wolf or the Hun about Solti. As he conducts, his eyes turn into cracks, his ears become pointed, and you can sort of imagine him riding a horse bareback across the steppes."

That sort of fancy is based on the knowledge that Solti is a native of Hungary, the land of Magyars. He comes from a family of bakers who had lived in the small Hungarian village of Balatönfokájar since the 16th century. His father Mores left the village in search of opportunities in the grain business and then real estate ("both with very little success," his son recalls); he set himself up in Budapest, where Gyuri (the diminutive of the Hungarian version of George) Solti was born Oct. 21, 1912.

At the age of five or six, it was discovered that Gyuri had absolute pitch. That prompted his teachers to send word home that the boy ought to have music lessons. Mores and Momma Theres scraped together enough money for an old piano, and Gyuri went at it with his typically fierce intensity. "I was—and am—a very determined little fellow," says Solti. By the time he was twelve, the prodigy was giving recitals. At 13 he enrolled in the Franz Liszt Academy, Hungary's leading college of music, where he studied with Ernst von Dohnányi and Béla Bartók. The latter would eventually become one of the century's leading composers, and Solti one of his major interpreters.

### DIRTY JOBS

As a prodigy of the piano, says Solti, "it was absolutely logical that I should become a pianist." Instead, at age 18 he went to work at the Budapest State Opera to become a conductor. Why? "I can only say that deep in your heart, if you are a sensitive person, you know what your strength is. And I knew mine was conducting."

Deep in his heart was where the conducting had to stay for some time. For much of the next decade, he worked in the opera house doing "all the dirty jobs," coaching singers, positioning scenery, accompanying the nonorchestral stage rehearsals. Solti got his first big break in Budapest on March 11, 1938, when he was allowed to conduct Mozart's *The Marriage of Figaro*. The first act went well, Solti recalls, but with the start of the second act, the singers started making mistakes while the audience grew raucously restless. To his relief Solti later learned that his conducting was not the cause; word had reached the audience that Hitler was on his way into Vienna, only 130 miles away.

A Jew, Solti fled to Switzerland in 1939 and lived out the war there, boning up on his piano, winning first prize in the Concours International at Geneva, and developing a reputation as both soloist and chamber-music player. In 1945, then 33, desperately in search of an opportunity to conduct, Solti got word that Pianist Edward Kilenyi, an American who had studied in Budapest back in the 1920s (and whom Solti had got to know then), was the music-control officer for the U.S. occupation forces in Bavaria. Solti shot off a letter to Kilenyi and ended up with the job of music director of the Munich State Opera. Though his experience was practically nonexistent for such a position, there were few other conductors around who could pass the Allies' denazification screening. As head of a major European opera house, Solti had exactly one work in his conducting repertory—the 1938 *Figaro*. No one in Munich knew that except Solti and, as he recalls now, "I took great care to conceal my rather limited repertory. It was not for several years that Munich began to discover that I was conducting everything for the first time."

By 1948 Solti was guest-conducting in Italy and Vienna. Two years later he conducted the London Philharmonic, and in 1952 he moved from Munich to become general music director of the Frankfurt Opera. He had nine good years there (44 new productions), but in terms of his international career, it was records that brought him prominence. His 1957 recording of Wagner's *Die Walküre* with Kirsten Flagstad, Set Svanholm and the Vienna Philharmonic, was so successful that it prompted English Decca (London Records in the U.S.) to engage him to embark upon the complete *Ring* cycle, a prodigious undertaking that was not completed until 1965.

### OUTRAGED

Though Solti first visited the U.S. in 1953 to conduct the San Francisco Opera, it was not until 1960 that he was offered an American orchestra. The experience was a disaster. Solti was hired by the Los Angeles Philharmonic as chief conductor, only to learn that a young conductor from India named Zubin Mehta had been chosen as his assistant—without his consent. Solti quit. Nothing against Mehta, says Solti, but a matter of principle. "If I had given in on this one point, it would never have been the same. I wasn't happy then at all, no, not a bit. But today I am grateful. Because if I'd stayed on at Los Angeles, I wouldn't have Chicago, and where would I be then?"

His humiliation was considerably soothed by his ascendancy to the directorship of England's Royal Opera at Covent Garden in 1961. Still something of a diamond in the rough, the *Generalmusikdirektor* of the Munich and Frankfurt operas had trouble adjusting to the British predilection for requesting rather than demanding. Recalls John Culshaw, producer of the Solti *Ring* cycle: "With such a bundle of energy who drives himself so hard, you either give him total loyalty or you can't stand him." Among those who could not stand him at first were the members of the chorus, outraged that he refused to meet their delegates for discussions of working conditions. The audiences were at times as difficult. They would treat Solti to an occasional heckle and boo, and one night during *Der Rosenkavalier* a cabbage plunked down on the stage with the inscription: "Solti must go."

Solti did not go. In fact, it quickly became clear that he was not quite the ogre his Germanic brusqueness suggested. The musicians soon realized his remarkable talents and total dedication. They fondly began collecting "Soltiisms" that result from his frenzied blend of Hungarian, German and English. Examples: "Dis is it as ve vould never did it." To signify that the chorus was a bit muddy: "Here we have ze svimming." Running up to compliment a stand-in singer on his performance, he cried: "Congratulations, I thought it would be twice as bad."

Under Solti, Covent Garden had its most dynamic presence since the days of Sir Thomas Beecham in the 1930s. Aside from Karajan at Vienna, no other opera house was headed by a musician of Solti's caliber. When he took over, Solti proclaimed that "I have only one desire: to make Covent Garden the best opera house in the world." By the time he left in 1971, he had almost succeeded, and there was no one to dispute his right to the knighthood bestowed by the Queen a year later, shortly after he had become a British citizen.

Throughout his tour at Covent Garden, Solti was taking on polish—largely due to his first wife Hedi whom he had met during the war in Switzerland. Hedi was formal, proper, acutely aware of class structure; once they were situated in London, she began seeing to it that Solti mingled with the right titles. Friends recall the day that Solti was to have tea in a lordly London home. Hedi had spent all day rehearsing him on the fine points of an English tea. Except, that is, for the sugar tongs: Solti squeezed them too lightly, and his sugar cube popped into the breast pocket of Covent Garden's administrator, the late Sir David Webster.

Hedi managed him, mothered him—and watched their marriage fall apart. "We were still young when we married, and we just grew in different ways," says Solti today. Whatever the reason, Solti was soon known as the possessor of a wandering eye. All the old jokes about the casting couch were dragged out. There was gossip that he gave his paramours a white fur coat—and that there was an exorbitant number of white-coated women around London.

His eye finally settled in 1964 when, at 52, he met and fell in love with Valerie Pitts, 27, a reporter sent to interview him for BBC–TV. They lived together for two years ("It was a violent affair," understates Solti) until Hedi and Valerie's husband James Sargant, a theater executive, obtained divorces in 1966. Solti and Valerie married the next year. Hedi now is married to Patrick O'Shea, a landowner in Ireland.

Hedi had begun the taming of the Magyar and Valerie now completed the process. When he was in one of his intense moods, relaxed, unassuming Valerie went her own sweet way, and that, surprisingly, unwound him. She never debunked him and, more important, never inflated him. In short, says Solti's American Manager Ann Colbert, "Valerie took him off the pedestal." The aura of happy domesticity sits well on Solti these days. He has even been known to end an evening's rehearsal early to go home and tuck his first child, Daughter Gabrielle, now 3, into bed.

Though spectacular on the podium, he is just plain Georg in real life. Where Karajan tools around in a flashy sports car, Solti drives a Volvo sedan. Where Bernstein emerges from a concert in a flowing cape, Salti strolls out in a faded turtleneck. He prefers mineral water to wine, and his daily drink is usually a Scotch just after the concert and before his late-night supper; he never eats before conducting.

Night life for him means his concert or a small meal and game of bridge with friends. He abhors the violence on American TV—but is consumed by the violence of English football. When in London he can regularly be found watching soccer on the BBC.

He also watches the stock market. That is not surprising, considering his wealth. Solti's combined earnings from concerts and recordings now probably exceed a quarter-million dollars a year. Royalties from his disks, spurred by the popularity of his *Ring* and Mahler cycles, have risen drastically in the past several years; he is comforted by the knowledge that if anything happened to him ("Look, I am 60 after all"), future royalties would certainly assure his young family a good income for at least the next 15 years. Yet signs of wealth are extremely hard to detect in his life-style. When they come, extravagances are usually a $50 clock for Gabrielle, or the $1,000 phone bill he racks up each month when on tour, partly for business but partly also to hear his daughter say "Da da."

Solti talks regularly of slowing down. He notes that Gabrielle will be five in 1975 and ready for a stable home and school life. Also, he and Valerie are expecting a second child this month. Like fatherhood, though, Solti's biggest successes have come late in life and, while mellower now, he is going as hard today as he did as a handyman at the Budapest opera 40 years ago. This week he brings the Chicago into New York for two sold-out concerts at Carnegie Hall, then on to Texas, Arizona, New Mexico and California. In July he will be back in the pit at Covent Garden conducting Bizet's *Carmen*. He will stay on in London to record Mozart's *Così fan tutte* and Puccini's *La Bohème;* then after a month's vacation he will return to Chicago for concerts, and begin recording more Beethoven symphonies. On it goes. His engagements already run into 1977. Perhaps then he will be ready to slow down, but no one is betting on it. After all, notes a friend. Toscanini is one of Solti's heroes—and he conducted until he was 87.

## REFORM OF THE FEDERAL BUDGET

Mr. PERCY. Mr. President, the Congress is presently engaged in an historic effort to achieve meaningful reform of congressional budget processes. It is an effort to produce a rational national budget which reflects the priorities of both the executive and legislative branches while maintaining the proper balance between the constitutional powers of each branch.

My colleagues on the Committee on Government Operations and I have been working to develop legislation to implement such a congressional budget process, building on the recommendations of the Joint Study Committee on Budget Control. We have had excellent bipartisan cooperation on this bill in the committee, and I would hope that this same spirit will continue when the legislation reaches the floor of the Senate.

Arthur F. Burns, the widely respected Chairman of the Board of Governors of the Federal Reserve System, recently discussed congressional budget reform in a commencement address before the School of Government and Business Administration of the George Washington University.

In his address, Chairman Burns notes that while Members of Congress can vote for or against cleaner air, better schools, or a host of other good things that Government can help to provide, they have no opportunity to vote on what total outlays should be, or whether funds for a particular purpose are needed badly enough to raise taxes or to offset reductions in other areas. Chairman Burns states:

> Yet choices of this type are far more important to the electorate as a whole than the single proposals on which Congressional voting takes place.

The thrust of his speech is that budgetary reform has become essential to the restoration of lost confidence in government, indeed even to the resurgence of our democracy.

Mr. President, I commend Arthur Burns for his speech and ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

### Reform of the Federal Budget

(Address by Arthur F. Burns)

I deeply appreciate the privilege of addressing this graduating class, for—despite the difference in our ages—I feel that we have much in common. Both you and I have spent some years in the lively atmosphere of a university. Both you and I have been concerned with problems of economics, finance, and administration. Both you and I, as residents of this fascinating city, have had the opportunity of observing at close range the understanding, selflessness, and compassion that government officials usually bring to their daily tasks; but we have also had the disquieting experience of witnessing some abuses of governmental power.

As graduates of this School of Government and Business Administration, you are embarking on your careers at a moment in history that is fortunate in numerous respects. Our nation is again at peace, the economy is again prospering, the number of good jobs is expanding rapidly, industrial strife is at a minimum, and civil order is returning to our schools and cities. By every reasonable criterion, so it would seem, you can—and should—look forward with confidence to the future of our country and its economy. And yet, if I read the nation's mood correctly, a spirit of unease and even frustration is now widespread.

There are numerous causes of the concern and scepticism with which many Americans, especially young men and women, now view the contemporary scene. But I believe that most of these causes can be captured in two broad generalizations. First, the American people have come to feel that their lives, their fortunes, and their opportunities are increasingly beyond their control, and that they are in large part being shaped for them by their government. Second, more and more Americans have also come to feel that their government lacks either the knowledge or the competence to make good on the promises that it holds out to the people.

It is this simultaneous dependence on government and diminishing confidence in government that is at the heart of the disquiet that so many Americans are experiencing. I wish I could say that this mood will pass quickly, but I cannot do so. Building confidence in social and political institutions is inevitably a long process, and it can only be accomplished if thoughtful citizens are willing to devote their minds and energy to the task.

When I was your age, the problem that particularly concerned university students was the periodic recurrence of economic depressions that wiped out business profits, caused widespread bankruptcy, and brought mass unemployment to wage-earners. This problem no longer afflicts our society on anything like its earlier scale; and we have made even more marvelous advances in conquering disease, prolonging human life, and reducing the drudgery of physical labor. We have made progress in these fields by diligent application of thought and reason—that is, by identifying each problem, diagnosing its causes, and seeking constructive solutions. It took the best effort of many thoughtful and earnest men to solve the problems that stirred social and political unrest in the past. And it will likewise require much thoughtful and earnest effort to regain the confidence in government which is so essential to our own and our country's future.

In my own profession of economics I have seen large advances in knowledge and also substantial improvements in the application of this knowledge to public policy. I can assure you that those who participated in these developments have found the experience richly rewarding. And it is precisely because you graduates may be able to contribute to the improvement of our political processes that I want to discuss with you today one of the issues that has brought us much trouble and agony in recent years—namely, the need to achieve rational control over the Federal budget.

Those who administer the affairs of government share a common problem with business executives: no private enterprise and no government can do everything at once. Both must choose among many desirable objectives, and the degree to which their efforts prove successful depends largely on their skill in concentrating available resources on those objectives that matter most. That is the very purpose of budgets. The fact that the Federal budget has in recent years gotten out of control should therefore be a matter of concern to all of us. Indeed, I believe that budgetary reform has become essential to the resurgence of our democracy.

Fortunately, political leaders of every persuasion are by now convinced that Congress must change its procedures if it is to exercise effective control over the Government's domestic and international policies. The old debate between free-spending "liberals" and tight-fisted "conservatives" is dying away. For the most part, liberals as well as conservatives realize that the level of Federal spending, and whether it is financed by taxes or by borrowing, have a powerful effect on jobs, prices, and interest rates.

In the Employment Act of 1946 Congress declared it to be the responsibility of the Federal Government to "promote maximum employment, production, and purchasing power." The authors of this legislation were well aware that a stimulative fiscal policy can be useful in taking up slack in the economy, and that a restrictive fiscal policy can help to cool an economy that is overheating. Yet, despite the prosperity that our nation has generally experienced since the enactment of that statute, budget deficits have greatly outnumbered surpluses. Experience has thus demonstrated that failure to attend properly to governmental priorities leads to excessive fiscal stimulus, and that this in turn is more apt to produce inflation than jobs.

Recognizing this fact, the Congress is now seeking a way to determine an overall limit on Federal outlays that will be rationally related both to expected revenues and to economic conditions. This is essential not only to achieve overall stabilization objectives, but also to enable Congress to play its expected role in determining national priorities. Early in this session of Congress, Senator Mansfield disclosed that all of the newly elected Senators had written to him and to Senator Scott urging reform of the budgetary process because "Congress has the obligation to set priorities . . . and present procedures do not in fact achieve that aim." Their unanimous conclusion was that the "first step toward establishing priorities has to be setting a ceiling on appropriations and expenditures;" and that unless this is done at an early stage of each session, the Congress is "not really budgeting at all."

The budget that the President recommends to Congress at the beginning of each session is the product of a systematic process aiming to establish an overall limit on outlays and to determine priorities within that limit. This process, however, has no counterpart in the Congress. Instead, Congressional decisions that determine the ultimate shape of the budget are taken by acting separately—or at times by taking no action—on a hundred or more entirely independent measures. It is only after separate votes have been taken on housing, education, defense, welfare, and whatnot that we can put the pieces together and discover what kind of a budget has emerged.

Thus, members of Congress now vote for or against cleaner air, for or against better schools, and for or against a host of other good things that Government can help to provide. But they have no opportunity to vote on what total outlays should be, or whether an appropriation for a particular purpose is needed badly enough to raise taxes or to make offsetting reductions in other appropriations. Yet choices of this type are far more important to the electorate as a whole than the single proposals on which Congressional voting takes place.

This fragmented consideration of the elements that make up the budget is largely responsible for an almost uninterrupted succession of deficits. Since 1960, we have had a deficit in every year except 1969. Some of these deficits have occurred because of efforts to use the Federal budget as a means of stimulating a lagging economy, but for the most part we have allowed deficits to happen without plan or purpose.

Both the Legislative and Executive Branches of the Government have from time to time recognized the need for reform. In 1946, for example, Congress included provisions for better budget control in the Legislative Reorganization Act but the experiment was abandoned after a brief trial. Expenditure ceilings enacted for fiscal years 1969 and 1970 again proved ineffective since they could be readily adjusted to accommodate increases in spending. These rubbery ceilings did, however, help to prepare the ground for more meaningful reform. When the President called for a rigid limit of $250 billion on outlays for fiscal 1973, both the House and the Senate accepted the expenditure ceiling. But they were unable to agree on a method for reducing the previously enacted spending authority so that the $250 billion limit could in fact be realized.

Actions subsequently taken by the President to hold outlays for fiscal 1973 to $250 billion have been criticized on the ground that impounding of funds enables the Administration to substitute its priorities for those established by the Congress. Concern over possible usurpation of Congressional prerogatives is entirely understandable. However, this controversy should not divert our attention from the broad political consensus that has already emerged on the need to limit outlays. If the Congress does the job itself, there will be no occasion in the future for the Administration to cut billions out of authorized outlays in order to achieve the overall level of spending that Congress agrees is appropriate.

Although last year's efforts to impose a legislative budget ceiling proved disappointing, they did prompt the Congress to ponder closely the need for budgetary reform and to create a Joint Study Committee on Budget Control.

This Committee has made excellent use of the brief time it has been in existence. In a recently released report, it recommends specific and practical procedures by which Congress could control the level of Federal outlays, the priorities among programs, and the size of any deficit or surplus. Bills to carry out these recommendations have now been introduced in both the House and Senate, with support from all members of the Joint Committee, as well as others in the Congress.

It would seem, therefore, that prospects for meaningful budget reform are now very good, perhaps better than at any time since the Budget and Accounting Act of 1921. I find the Joint Study Committee's recommendations most encouraging, but I also think that they need to be supplemented with systematic and frequent review of the effectiveness of Federal programs.

Traditionally, officials in charge of an established program have not been required to make a case for their entire appropriation request each year. Instead, they have had to justify only the increase they seek above last year's level. Substantial savings could undoubtedly be realized by zero-base budgeting, that is, by treating each appropriation request as if it were for a new program. Such budgeting will be difficult to achieve, not only because of opposition from those who fear that it would mean loss of benefits they now enjoy, but also because it would add heavily to the burdens of budget-making. It may be, therefore, that Congress will rely initially on procedures that ensure reappraisal of each program only every two or three years. But whatever form it takes, a method must be found for screening out programs whose costs clearly exceed their benefits, while assuring a satisfactory level of performance for programs that contribute significantly to the general welfare.

The day is past—if indeed, it ever really existed—when only the well-to-do need concern themselves with economy in government. Perhaps there was a time when those who benefited from the status quo could block social reform by inveighing against governmental spending. But today Big Government is no longer a slogan for appealing to some and frightening others. For better or worse, it has become part of our lives. And those who would use government as an instrument of reform have perhaps a larger stake in eliminating wasteful programs than those who resist change.

We have passed the point where new programs can be added to old ones and paid for by heavier borrowing. With the economy expanding vigorously, with inflation persisting stubbornly, with our balance of payments in serious trouble, with two devaluations of the dollar just behind us, we clearly cannot afford to continue large budget deficits. It is sobering to reflect that in spite of the President's determined efforts to hold down Federal spending, the budget he originally presented for this fiscal year called for outlays that exceeded estimated receipts by about $25 billion.

In principle, taxes can always be raised to pay for more public services, but the resistance to heavier taxation has become enormous. If we count outlays by all governments, State and local as well as Federal, we find an increasingly large fraction of the wealth our citizens produce being devoted to the support of government.

In 1929, total government spending came to about 10 per cent of the dollar value of our national output. Since then the figure has risen to 20 per cent in 1940, 30 per cent in 1965, and 35 per cent in 1972. I believe that most citizens feel that one-third of our national output is quite enough for the tax collector, particularly since the expansion in government outlays has not produced the kind of benefits they have a right to expect.

The key to rebuilding confidence in government is improved performance by government, and budgetary reform can move us powerfully toward this goal. Rational control of the budget by the Congress should improve our economic stabilization policies. It should facilitate judicious choice among governmental activities. It should improve evaluation of governmental performance. It should help us avoid abuses of power—whether they arise in the world of business, or labor, or government itself. And it should restore to the Congress some of the prestige that it has lost as a result of many years of neglect.

I trust that the members of this graduating class will join other citizens throughout the country to see to it that budgetary reform is carried out with the promptness and on the scale that this nation's interests require. Let us always remember that budgets are a means for promoting national objectives. For those of you who enter public service, better budgeting can offer more meaningful and rewarding careers. For all Americans, it can mean a rejuvenation of spirit as government becomes more responsive to our aspirations and more effective in fulfilling them.

---

## IMPLEMENTATION OF LEGISLATION ON THE SELECTION OF ARCHITECTS AND ENGINEERS BY FEDERAL AGENCIES

Mr. PERCY. Mr. President, on October 14, 1972, the Senate passed H.R. 12807, a bill to establish a procedure for the selection of architects and engineers by Federal agencies, of which I was principal Republican sponsor in the Senate. A central objective of mine during our consideration of the bill was that all architects and engineers have a chance to be considered for Government contracts by requiring in the bill that Government agencies advertise all of their needs for architect/engineer services. This requirement was in fact included in the bill, and shortly after it was signed into law, I requested the Comptroller General to monitor the implementation of the public advertising requirement of the bill by the Federal agencies. I am very pleased with the subsequent diligent cooperation of the Comptroller General's staff, and representatives of the GAO and the minority staff of the Government Operations Committee have consulted on agency progress several times. I expect a final report from the Comptroller General within several weeks.

In general, I am able to report that the implementation of the public advertising provision of the Act has been to date satisfactory with some problems which I hope will shortly be corrected. The Commerce Department staff has indicated a willingness to improve the format and inclusiveness of Commerce Business Daily, a major source of information about Government procurements for businesses throughout the United States. I have direct evidence that the act has already been useful to architects in a letter of April 6 from Patricia Moore, of the firm of Arthur Cotton Moore and Associates, a well-known Washington architectural firm. Mrs. Moore writes that:

> As a subscriber to Commerce Business Daily for many years, I was impressed by the speed with which the law was put in practice, and the immediate visibility that a change in operation had taken place.

This report is encouraging because it was Mrs. Moore who initially called to my attention the fact that only a relatively small number of the Government's requirements for A/E services were ever publicly advertised. My active cooperation in enacting H.R. 12807 was indeed conditioned on the requirement for public advertising that is now contained in section 902 of the act, and I will continue to work with the General Accounting Office to ensure that it is fully implemented.

I ask unanimous consent that the letter referred to above be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARTHUR COTTON MOORE ASSOCIATES,
*April 6, 1973.*
Hon. CHARLES H. PERCY,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR PERCY: I would like to not only compliment you, but thank you, for the bill and amendment requiring publication of Federal Government architectural projects. As a subscriber to Commerce Business Daily for many years, I was impressed by the speed with which the law was put in practice, and the immediate visibility that a change in operation had taken place.

Your efforts and interest mean very much to architectural firms across the country who now will at least have a chance for Government work.

Very truly yours,
PATRICIA MOORE.

---

## MEAT CEILING

Mr. BARTLETT. Mr. President, on March 29 of this year the President made a decision to impose a ceiling on certain meat prices. His decision was a difficult one because of his opposition to price controls.

I have written the President today asking him to remove the present ceiling on meat prices.

At a time when this country's farmers and ranchers were just beginning to reach the income they realized 20 years ago, it is unfair for them to be forced to absorb the increasing costs of feed and production. American farmers have produced more high quality food at a lower cost with less manpower than at any other time in our history.

Americans today are eating more meat than ever before. We are eating almost twice as much beef per person as 20 years ago—from approximately 62 pounds per capita per year in the early 1950's to approximately 117 pounds per capita in 1972.

According to Secretary of Agriculture, Earl Butz, the chief reasons for doubling our demand for beef are:

First. The rising affluence of the American consumer. This is by far the greatest single factor in increased beef consumption.

Real disposable income per person in the first quarter of 1973 is estimated to be 6.8 percent higher than the first quarter in 1972, and 4.7 percent higher than all of 1972.

Second. Substantial increases in the food stamp program. Food stamp expenditures have leaped from $250 million in fiscal year 1969 to $1.9 billion during fiscal year 1972—a 660 percent increase.

I ask unanimous consent to print the full text of that speech in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BARTLETT. Also there is an upsurge in worldwide demand for food as people around the world are becoming more affluent. We are eating more prepared, convenience food and we are eating more meals away from home.

All these factors contribute to higher food prices in general and higher meat prices in particular.

The American farmer has responded to the country's rising demand for higher quality beef. In 1972 about 65 percent of the beef produced was prime and choice—this is nearly four times more than was produced in 1952.

The American farmer has always responded to the needs and demands of the American consumer.

The present ceiling, if continued, could change all this.

Since the imposition of the ceiling price, livestock feed cost has shot up at an unprecedented rate which has sharply eroded the profitability of livestock production.

Examples are the cost of hog production which has increased 24 percent, cattle feeding 4 percent, and broilers 22 percent.

Since the price ceiling was announced, commercial slaughter of cattle and hogs has been 15 percent and 13 percent respectively under year earlier levels. Farmers and ranchers are beginning to liquidate breeding herds.

During the month of April, the number of cattle placed on feed in seven major feeding States was down 20 percent from last year at the same time. Overseas marketing of domestic cattle becomes more and more attractive to the producer. As an example, in Tokyo, the price of certain cuts of beef is more than $11 per pound.

This tends to increase rather than decrease our existing shortage.

The ceiling the President saw fit to implement last March has now become counter-productive and is working to the detriment of both the American food producers and American consumer.

EXHIBIT 1

### ANATOMY OF THE BEEF PRICE SITUATION

We've been fighting a rather extended public and private battle these last few months over food prices, meat prices specifically, and beef prices in particular. The charges and the counter-charges in the controversy sometimes have been as thick as victory claims before a primary election. I've made it quite clear where I stand on the matter.

When cattle prices in Omaha reached the level of 20 years earlier, I said—it's about time! and I meant it. After all, during the same period, farm production costs doubled and hourly wages of the Nation's labor force more than doubled.

When the Price Commission wanted to investigate beef prices, I said—go ahead! And I meant it. I know farmers and ranchers have nothing to hide. And, as the facts have been examined, the beef producer has grown in stature in the eyes of the public as the public gained a better understanding of the farmer's contribution to the economy, his magnificent performance in feeding the nation, and his burdensome problems.

Most important of all, the increased understanding of the basic soundness of the beef producer's position prevented controls from being placed on meat prices. I'm proud to have been in this fight. Shortly after the Academy Awards were presented, the Newspaper Farm Editors of America presented me with a symbolic "Wounded Steer Award" for my efforts to fight off beef price controls. And that trophy sits proudly behind my desk.

No fierce competitor can afford to stand—or sit—on his laurels, however. After a couple of month's decline in meat prices, there was a slight upward movement again in late May. The Price Commission and the cheap-food advocates are growing restless again, so I'm now back on my horse again, riding the same trail—firing the same facts—seeking public understanding of beef prices and beef production. Tonight, at this great livestock gathering, in this great cattle state, I want to set forth some hard facts and a very straightforward explanation of the reasons why beef prices have improved and what we can expect in beef prices down the road.

To begin with, let's take a look at beef prices. Beef prices are demand-dominated prices. In the short run, you just can't get any more beef—the supply is invariable because beef is so perishable. Price, then, at the moment is basically determined by consumer demand. If demand surges upward, beef prices will climb. If demand falls off, beef prices will drop.

This is in contrast with something like refrigerators which are supply-dominated. Refrigerators are made at a factory and factory prices reflect all the costs of production along the way as well as a profit for the manufacturer. Refrigerators won't spoil. They can be stored or moved from San Diego to Sacramento. If demand is off, the refrigerators are held. If demand is up, more refrigerators can be brought from the warehouses or can be built quickly. Another fact: Refrigerator prices climb each year, usually with a new model, but they seldom fall. These are hard consumer costs—they are firm—they keep moving up. Meat prices are soft consumer costs; they fluctuate; they move up and down.

So, the beef price situation is affected by this fundamental principle—*beef is a demand-dominated market.*

Farmers and ranchers have increased their beef production by a magnificent 2½ times in the last twenty years—from 8.8 billion pounds in 51 to 21.9 billion pounds in 1971. Now that's a tremendous increase. Normally, an increase of 2½ times in beef production—while the population increased by only about one-third—would tend to depress beef prices. But it has not.

Beef prices have not been depressed because this increase in production has been in response to a remarkable increase in beef demand. In fact, in the last 20 years, annual beef consumption per person in this country has doubled—from 56 pounds per person 20 years ago to 115 pounds per person today.

Several factors are responsible for doubling our demand for beef:

*The rising affluence of the American Consumer*—Rising real wages have had a marked effect upon buying habits. People want beef—and, as they have enjoyed more and more real wages, they have been buying more and more beef—and better quality beef, too. This is by far the greatest single factor in increased beef consumption.

*Substantial increases in the Food Stamp Program*—Food Stamp expenditures have leaped from $250 million in fiscal year 1969 to $1.9 billion during fiscal year 1972—a 660% increase. In April of 1972, 11.5 million people were participating in the Food Stamp Program. One of the first items purchased with added dollars in the food budget by consumers eligible for Food Stamps is meat, preferably beef.

*Widespread boosts in welfare payments*—Programs at all levels of government have vastly increased welfare payments to those on the lower end of the economic ladder. The tendency to transform added income into an improved diet is greater at lower income levels. So, a substantial portion of each welfare dollar goes for good food. In a preponderance of cases—that means an increase in meat purchases, beef wherever possible.

This is as it should be. Not only are we dedicated to eliminating hunger, we also want people to enjoy the great productive affluence of this nation.

Since beef is a demand-controlled market, it is only reasonable that the constantly increasing affluence of the American consumer, abrupt increases in Food Stamp use in the last three years, and rising welfare benefits would have a marked upward effect on beef prices. This is precisely what has happened. The supply of beef could not change quickly. The only way supply could really have increased measurably in the short run would have been to slaughter cows and heifers. And when that happens the piper really has to be paid 18 months later. Instead, prices have increased—giving signals through the market to the beef producer that increased supplies are needed. *In a nut-shell, beef prices have risen because of increased consumer demand, and this is a market signal to induce increased beef production.*

To better understand the beef supply situation, let's look at how farmers have increased beef production by 2½ times in the last 20 years, and meat imports as well:

*Increased Beef Cow Numbers*—The size of our beef cow herd has expanded over the past 20 years. The number of beef cows was about 20 million in 1952. Cow numbers now total nearly 39 million. That has been a gradual increase—but it's been a key factor in increasing beef supplies.

*Switches from Dairy to Beef Production*—In the last 20 years, the number of milk cows has dropped from 21 million to just over 14 million. Some cows once kept for dairy purposes—and entire herds in many cases—have been replaced by beef animals.

*Increased Beef Feeding*—This is by far the largest single factor in increasing our beef production. Evidence is clear—20 years ago only ⅓ of our beef was Choice grade; now 60% is Choice grade. Whereas about ⅓ of our beef was fed beef in the mid-40's, and less than half was fed beef 20 years ago, more than three-quarters of it is fed beef today.

We've got to where we feed almost anything that can hold a mouthful of feed. We used to knock some dairy bull calves in the head—now we feed them. We used to slaughter the meatier dairy calves for veal at 150 pounds—now we feed many of them to 1,000 pounds. Veal production has dropped drastically—from nearly one billion pounds in 1951 to just over a half billion pounds in 1971.

*Increased Beef Imports*—Beef and veal imports have increased even faster than our beef production—they are 3.7 times larger than 20 years ago. However, beef imports amount to only a small percentage of our total U.S. beef consumption—less than 5%.

Now, the real question is, given our sources of increasing beef supply, how do things look down the road? First of all, to get the full picture, we need to look at projected consumption trends.

Annual beef consumption per person will soon reach 120 pounds, and the projection for 1980 is 130 pounds per person. This, coupled with the projected population increase, will demand a one-fourth increase in beef tonnage in just the next eight years.

No matter how we slice it, that increased beef tonnage is going to be hard to come by. To see why, let's look closely at the potential in the various sources of increased beef supply:

*We don't have a place for very many more cows*—We can't add too many to the range where grass is already short and where the water supply is limited. In the Corn Belt, on level land where corn is king and soybeans are queen, beef cows can't really compete; the economic facts are that Corn Belt farmers can make more profit per acre raising corn and soybeans than beef calves. Some increase in cow numbers is possible in the fringe area of the Corn Belt—at the margin we say. These are usually rough areas where some years a farmer can make more money with corn and beans, and other years beef cattle would be more profitable. He will go with the one that looks like the best bet—so there is marginal potential for increasing cow numbers on the fringe of the Corn Belt. The South is the primary area where cow numbers are likely to increase.

*We have made most of the shift from dairy to beef*—Most of the marginal dairy cows have been culled and most of the marginal dairy herds have already given way to beef herds. This transformation is nearly completed.

*We have closed the greatest part of the feeding gap*—The prospects for increasing beef production through feeding really boil down to increases in efficiency. Probably we cannot achieve the increases in efficiency through feeding which we have in the last twenty years—though it is possible to make further improvements.

*Meat import supplies just aren't there*—Even without meat import quotas, it would be difficult to import more beef and nearly impossible to get the more costly high quality beef the American consumer prefers. Worldwide meat demand has escalated in relation to supply. The European Community has become an extremely competitive market for the major beef exporters—Argentina, Australia, and New Zealand. United Kingdom beef markets are taking Irish beef which might have come to us. Internal beef demand in Canada will reduce potential Canadian shipments to the U.S. And New Zealand's beef supply is down. And around the world, because of attractive prices, cattle producers are holding back cows and heifers for herd building that might otherwise have been slaughtered. It is simply a fact that a cow produces just one calf a year, and in times like these modern livestock industries save females for breeding.

So, the prospects down the road are for beef prices to be strong as long as beef demand is strong. In the long run, increased beef production will occur at the margins: 1) in those fringe areas of the Corn Belt and elsewhere as beef production is weighed against other attractive alternatives; 2) in shifts from dairy to beef production, which from now on will be limited; 3) at the feeding margin where maximum efficient feeding periods and maximum feeding efficiency have been early reached; and 4) in the international market as the growing worldwide demand for beef makes other markets an increasingly better outlet for beef export nations.

No matter which margin is approached, there must be ample inducement if beef production is going to be increased. That inducement must come in the form of beef prices—prices substantial enough to induce the Corn Belt farmer to raise cows and calves instead of corn and soybeans, prices substantial enough to make beef production more profitable than dairying, prices substantial enough to make longer feeding pay, prices substantial enough to outbid beef buyers in other parts of the world.

The chief source of increased beef production will be in this country, with the people who are now in the beef business. But it must be clearly understood that increased beef production will not be automatic. There must be profit in it. If we are going to get more beef production—it's got to be profitable enough to pull the resources involved—financing, land, labor, equipment, and management—away from other alternatives.

I'm really saying that the facts of the matter don't indicate markedly cheaper meat prices down the road. But the way to increase meat supplies is to have strong prices. That will induce gradually increased beef production.

But beef prices are not high! Every American needs to understand that fact. What has happened with meat prices happens all the time with other goods we buy. We demand better quality in a product—greater safety, more convenience, freedom from pollution. These items cost more, and when they are built in, we pay for them. This is true with services, too. We expect it. We know that if we're willing to pay more, we'll get more.

Well, it's time that every citizen faced the same cold facts in agriculture—in the food industry, especially with meat. It we want more meat—and we seem to—then we've got to pay a fair price for it if we expect the farmer to produce it. It's as simple as that.

Looking still further down the road, if we want to assure a still larger supply of good meat for the increased numbers of our children and grandchildren who are growing up, the best way to achieve that will be to put a little profit on the range and in the feed lot. In this respect, the beef industry is just like every other sector of our great American economy.

Mr. BARTLETT. A document which is most pertinent to this issue is "What's Happened to Food Prices?" published by the U.S. Department of Agriculture.

I ask unanimous consent for this document to be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

### EXHIBIT 2

## WHAT'S HAPPENED TO FOOD PRICES?

(U.S. Department of Agriculture, Office of Communication, April 1973)

In view of the present interest in food prices, I think that you will find this material particularly helpful in assessing the situation.—EARL L. BUTZ, Secretary of Agriculture.

### HOW MUCH HAVE FOOD PRICES GONE UP?

The retail price of food in February 1973 averaged 7.3 percent higher than a year earlier. The rise in prices is expected to ease off in the second half of the year.

In 1972, the prices of all food increased 4.3 percent. This includes food purchased for use in the home and the total cost of meals eaten out.

The average person spent 8.2 cents more per day for his food in 1972, compared with 1971. Of that increase, silghtly more than half (4.6 cents) was spent for meat.

The average retail price of Choice beef—the "Cadillac" of food—increased 9½ cents per pound in 1972 over 1971. Since people eat an average of 3⅓ ounces of Choice beef per day, the 1972 increase in Choice beef cost the average shopper about 2 cents more per day. Since some of this increased cost went for higher marketing costs, the average shopper paid farmers 1.3 cents per day more for Choice beef in 1972 than in 1971.

### WHY HAVE FOOD PRICES GONE UP?

There is an extremely strong demand for food. More people are working and bringing home a paycheck. Wages have gone up. The economy is booming. Real disposable income per person in the first quarter of 1973 is estimated to be 6.8 percent higher than the first quarter of 1972, and 4.7 percent higher than all of 1972.

We are eating more meat than ever before and we are bidding up the price. For example, we are eating almost twice as much beef per person as 20 years ago. We are bidding strongly for beef in our purchases at stores and in meals eaten out, yet we are inclined to think of beef prices as the yardstick for all food costs.

Beef prices are up even though supplies were up 2 percent for January through mid-March 1973 compared with 1972. Part of the reason for the rise in beef prices is that pork supplies are 4 percent smaller than last year, putting greater pressure on the beef supplies. Pork production is down as a result of low hog prices in late 1970 and 1971, causing farmers to cut back their production.

Our Food Stamp and Food Distribution programs are now helping 15 million lower-income people—more than twice as many as three years ago—so that they, too, are eating better and are adding to the demand for food. Government expenditures on these food programs increased about 13 percent in 1972 and are now three times higher than three years ago. In 1972, government expenditures on food programs amounted to $3.5 billion.

There is an upsurge in world-wide demand for food as people around the world are becoming more affluent. The volume of food eaten per person will hit a new high in the United States in 1973—up 7 percent from 10 years ago.

We are eating more prepared, convenience foods with more of the kitchen work already completed and built into the food. This saves work in the home, but costs money. The cost of this built-in service has gone up more than the cost of the food ingredients in the prepared, convenience foods.

We are eating more meals out of the home where the cost of personal food service has risen much more rapidly than the price of the food. In 1972 expenditures on meals eaten away from home rose almost 8 percent, twice the rate of increase in the price of those meals.

### WHAT ARE WE DOING ABOUT FOOD PRICES?

Price ceilings at processor, wholesaler, and retail levels have been placed on beef, veal, pork, and lamb. Wage increases in the food industry must be cleared with the Cost of Living Council. Economic controls have been retained on the mark-up of processed foods. These controls have helped hold the increase in prices of food at home, excluding red meat, to a 2.3 percent increase between August 1971 and December 1972. This was a smaller increase than for non-food consumer items; red meat prices, however, increased 11.4 percent in this period.

All quotas have been removed on meat imports. We can bid freely for the world's meat supplies, and we are the world's largest beef importers, taking nearly one-third of the world's beef exports. However, beef prices are higher most everywhere else and foreign citizens are bidding against us. Still we have increased meat imports by 38 percent in the last five years.

The Department of Agriculture has released government-owned stocks of feed grain for livestock and poultry feed to be converted into meat, milk and eggs. Soon the government will have released all, or almost all, of the feed grain that it accumulated during periods of low prices in the past.

Farm programs have been changed so that farmers will plant substantially larger acreages of wheat, feed grains, and soybeans in 1973. These crops will be converted into larger supplies of flour, meat, milk and eggs.

Export subsidies on agricultural products have been discontinued. The Department of Transportation is tackling the bottleneck in rail transportation. Import quotas have been raised on non-fat dry milk.

### FARMERS ARE RESPONDING TO THE STIMULATION OF HIGHER PRICES AND CHANGES IN FARM PROGRAMS

On March 1, 8 percent more beef cattle were on feed in the major feeding states than a year earlier. On Jan. 1, 6 percent more beef cows and 7 percent more beef heifers were in breeding herds. This means larger supplies of beef ahead.

Farmers plan to raise more pigs in the first half of this year, so pork supplies will be 4 to 6 percent higher in the second half of 1973 compared with the last half of 1972.

Broiler supplies in 1973 will be about the same as in 1972; but turkey supplies will run about 4 percent higher than a year ago.

### WHAT YOU BUY WITH YOUR FOOD MONEY

Here is what a typical household bought at the grocery store with $10 spent for farm-produced foods in 1972:

Meat, $3.22; Dairy, $1.75; Bakery and cereal goods, $1.47; Processed fruits and vegetables, .98; Fresh vegetables, .67; Fresh fruits, .45; Poultry, .39; Fats and oils, .34; Eggs, .29; and Miscellaneous foods. 44.

### DESPITE SHORT-TERM SWINGS UP OR DOWN, THE LONGER-RUN CHANGE IN THE RETAIL PRICE OF FOOD IS MUCH MORE MODERATE

Any given month can provide a dramatic but misleading shift in food prices which will moderate over the span of a year. It is unrealistic to multiply a one-month change in food prices by 12 to suggest an anticipated annual rate of change.

Retail food price changes during the last 5 years proved to be far less dramatic than if changes in a single month had been multiplied by 12 to project a possible change for the year;

CHANGE IN RETAIL FOOD PRICES

[In percent]

| Year | Actual annual change | Largest monthly increase times 12 | Largest monthly decline times 12 |
|---|---|---|---|
| 1968 | +3.6 | +9.3 | −3.4 |
| 1969 | +5.1 | +17.3 | −3.3 |
| 1970 | +5.5 | +6.3 | −6.2 |
| 1971 | +3.0 | +12.1 | −9.0 |
| 1972 | +4.3 | +19.0 | −1.0 |

### FOOD PRICES HAVE GONE UP MUCH LESS THAN SUCH THINGS AS HEALTH CARE AND SHELTER

Prices for all consumer items rose by 58 percent between 1952 and 1972; retail food went up 47 percent; housing prices climbed by 64 percent.

The price of medical care increased 123 percent during the same 20-year period, while transportation climbed 55 percent.

### THE PRICE OF FOOD HAS RISEN MUCH LESS THAN WAGES

Average wages increased so that they are nearly 2½ times higher than 20 years ago. The price of food eaten at home increased less than 40 percent; the price of food at home and away increased a total of 47 percent.

In the past 5 years, the price of food at the retail store has gone up 22 percent. Wages are up by more than a third in the past 5 years.

CHANGE IN FOOD PRICES AND WAGES

[In percent]

| | Food at home | Food away from home | All food | Hourly wages |
|---|---|---|---|---|
| 1962–72 | 34 | 54 | 37 | 64 |
| 1967–72 | 22 | 31 | 24 | 36 |
| 1952–72 | 38 | 90 | 47 | 140 |

### WHAT IF FOOD PRICES HAD GONE UP AS MUCH AS WAGES?

Average hourly wages in industry increased from $1.52 per hour in 1952 to $3.65 in 1972. If food prices had gone up at the same pace (2.4 times their 1952 level) your food bill would be much higher. Here are a few comparisons:

IF FOOD PRICES HAD GONE UP AS MUCH AS WAGES

[In cents]

| | 1952 annual average price | 1972 annual average price | 1973 February average price | Today's food prices [1] |
|---|---|---|---|---|
| White bread, 1 lb | 16 | 25 | 25 | 38 |
| Milk, quart at store | 23 | 30 | 31 | 55 |
| Round steak, 1 lb | 111 | 148 | 168 | 267 |
| Eggs, 1 doz | 67 | 52 | 69 | 161 |
| Tomatoes, 1 lb | 27 | 47 | 52 | 65 |
| Frying chicken, 1 lb | 61 | 41 | 46 | 146 |
| Hamburger, 1 lb | 63 | 74 | 84 | 151 |
| Canned peas, 1 lb | 21 | 26 | 26 | 50 |
| Potatoes, 1 lb | 8 | 9 | 11 | 19 |

[1] If the food prices had gone up as much as wages in the past years (1952–72).

Twenty years ago, the typical household spent $985 a year for farm produced foods at the supermarket. In 1972 this "market basket" of food cost $1,311—or one-third more. If food prices had risen as much as industrial wages, farm-grown food would cost the typical household $2,365 today—an extra $1,054 per year per household

WHAT IF WAGES HAD GONE UP A LITTLE AS FOOD?

If wages had gone up no faster than food prices in the last 20 years, the average industrial worker would be earning $2.23 an hour, not $3.65. This would amount to a 39 percent cut in 1972 wages.

INDUSTRIAL WAGES HAVE CONSISTENTLY OUTPACED THE RISE IN FOOD PRICES

Through the years, wages for major groups of industrial workers have advanced more rapidly than the price of food.

Here are a few examples of the increase in industrial wages compared with the increase in food prices:

CHANGE IN HOURLY EARNINGS AND FOOD PRICES

[In percent]

| | Railroad workers | Transportation equipment workers | Contract construction workers | Auto workers | Rubber workers | Food and kindred workers | Prices for all food | Prices for food at home |
|---|---|---|---|---|---|---|---|---|
| 1952-57 | 23 | 23 | 27 | 20 | 23 | 28 | 1 | −1 |
| 1957-62 | 20 | 22 | 22 | 22 | 16 | 21 | 6 | 4 |
| 1962-67 | 19 | 18 | 24 | 19 | 12 | 18 | 11 | 10 |
| 1967-72 | 52 | 38 | 47 | 44 | 31 | 36 | 24 | 22 |
| 1952-72 | 169 | 143 | 185 | 149 | 111 | 150 | 47 | 38 |

DESPITE THE RISE IN PRICES, FOOD TAKES A SMALLER SHARE OF THE AVERAGE INCOME

We spent an average of $596 per person on food in 1972, 1.71 times the amount twenty years earlier. But our after-tax incomes are 2.51 times greater.

Thus, the food bill, which took 23 percent of the average after-tax disposable income in 1952, took 15.7 percent of the after-tax disposable income in 1972 and is expected to take an even smaller part of after-tax income in 1973.

PER CAPITA INCOME AND SPENDING FOR FOOD

| | Before-tax income per person | After-tax income per person | Spent for food per person | Food as percent of before-tax income | Food as percent of after-tax income |
|---|---|---|---|---|---|
| 1952 | $1,736 | $1,518 | $348 | 20.0 | 23.0 |
| 1957 | 2,050 | 1,801 | 373 | 18.2 | 20.7 |
| 1962 | 2,373 | 2,064 | 398 | 16.8 | 19.3 |
| 1967 | 3,167 | 2,749 | 473 | 14.9 | 17.2 |
| 1970 | 3,935 | 3,366 | 557 | 14.2 | 16.6 |
| 1971 | 4,160 | 3,595 | 566 | 13.6 | 15.8 |
| 1972 | 4,482 | 3,807 | 596 | 13.3 | 15.7 |

AFTER PAYING FOR OUR FOOD WE HAVE MORE MONEY TO SPEND ON OTHER THINGS

Since the portion of our total income spent for food today is smaller than it was 20 years ago, there is an extra $2,041 per person to spend today on all other goods and services we want.

THE MONEY LEFT OVER PER PERSON AFTER FOOD AND TAXES

| | 1952 | 1972 | Percent change |
|---|---|---|---|
| Total income before direct Federal, State, and local taxes | 1,736 | 4,482 | 158 |
| Direct Federal, State, and local taxes | 218 | 675 | 210 |
| Disposable income (after tax) | 1,518 | 3,807 | 151 |
| Cost of food | 348 | 596 | 71 |
| Discretionary income (after food and taxes) | 1,170 | 3,211 | 174 |

The cost of food rose 71 percent in the 20 year period, while food prices rose only 47 percent, a difference which works out to $84 per person. Part of the difference is the result of increased consumption and the rest is largely the result of the shift to more expensive foods such as higher priced cuts of meat and more convenience products.

THE FOOD WE EAT AT HOME TAKES AN EVEN SMALLER PART OF OUR INCOME

15.7 percent of the average after-tax pay went for food at home and away from home in 1972, but only 12.3 percent of after-tax income was spent to buy food at the supermarket for home use.

Farmers receive only 4.9 percent of the average person's after-tax income to produce that person's food supply.

THE LARGER THE INCOME, THE SMALLER THE SHARE TAKEN BY FOOD

One study shows that families with annual incomes of $15,000 and over spend about 12 percent of their after-tax incomes for food.

Families with incomes below $3,000 may spend more than 50 percent of their after-tax incomes on their food needs; however they can get food assistance.

ALTHOUGH WE SPEND LESS OF OUR INCOMES FOR FOOD, WE ARE SPENDING MORE FOR SUCH THINGS AS HOUSING, FURNITURE, MEDICAL SERVICES, AND DURABLE GOODS

Out of every $100 of after-tax income, the average person spends:

| | 1952 | 1972 | Percent change |
|---|---|---|---|
| Medical care | $4.00 | $5.90 | 48 |
| Other services | 8.00 | 10.80 | 35 |
| Automobiles, transportation, gas and oil | 10.60 | 12.50 | 18 |
| Housing, furniture, household operations | 21.80 | 24.90 | 14 |
| All other | 6.70 | 7.00 | 4 |
| Other nondurable goods | 9.10 | 8.50 | −7 |
| Personal savings | 7.60 | 6.90 | −9 |
| Clothing, shoes | 9.20 | 7.80 | −15 |
| All food | 23.00 | 15.70 | −32 |
| Total | 100.00 | 100.00 | |

THE AMOUNT OF MONEY WE SPEND ON FOOD INCLUDES THE COST OF EATING OUT

In 1952, the nation spent $11.6 billion on eating out at restaurants, lunch counters, and at other away-from-home eating places. That is an average of $74 per person.

By 1972 we were spending nearly $27 billion on food away from home. An average of $128 per person, a 73 percent increase.

[In billions]

| | Total spent for food | Spent for food away from home | Spent for food at home |
|---|---|---|---|
| 1952 | $54.7 | $11.6 | $43.1 |
| 1962 | 74.4 | 14.1 | 60.3 |
| 1972 | 124.6 | 26.8 | 97.8 |

The total amount spent for food away from home increased 131 percent between 1952 and 1972; money spent for food at home increased 127 percent.

WE ARE EATING MORE BEEF AND WE ARE EATING MORE OF THE BEST QUALITY

The farmer is working hard to give us what we want. Between 1952 and 1972 he increased his production of all beef 2.3 times.

In 1972 about 65 percent of the beef he produced was Prime and Choice, the two top grades. He produced nearly 4 times more Prime and Choice beef than he did in 1952.

WE AREN'T THE ONLY ONES WHO LIKE BEEF

People over much of the world are eating more beef, and most are paying higher prices for it; higher than in the United States. Not only are beef prices in other countries higher than here, but they have gone up faster in most other countries.

*Beef prices in other countries*

Retail meat prices in selected cities in mid-March, in dollar equivalent.

City, cut of beef, and price per pound

Washington, D.C., Sirloin steak, $1.69.
London, England, Sirloin steak, $1.88.
Bonn, Germany, Roast Beef, $2.08.
Paris, France, Top round, $2.57.
Rome, Italy, Sirloin steak, $2.79.
Tokyo, Japan, Beef loin, $11.90.

Because of differences in cuts and quality, prices are not strictly comparable.

WHEN YOU SPEND A DOLLAR FOR FARM-PRODUCED FOOD, HOW MUCH OF IT DO FARMERS GET?

In 1972 farmers received an average of 40 cents of the dollar you spend for farm-produced foods at the store. Farmers get less for some products, more for others. Here is the farmer's share of the dollar you spent for some representative foods at the retail food store in 1972:

*Farmer's share of retail dollar spent for food*

[In cents]

| | |
|---|---|
| Canned corn | 11 |
| White bread | 15 |
| Frozen peas | 16 |
| Canned peaches | 19 |
| Potatoes | 27 |
| Lettuce | 34 |
| All food | 40 |
| Dried beans | 43 |
| Frying chicken | 49 |
| Milk in stores | 51 |
| Eggs | 57 |
| Choice beef | 64 |

THE PRICE THAT YOU PAY FOR FOOD HAS INCREASED FASTER THAN THE FARMER'S SHARE

*The retail cost* of a "market basket" of food—indicative of what the typical household spends at the store for its year's supply of U.S. farm-produced foods—was $1,311 in 1972. The same amount of food cost $985 in 1952—an increase in 20 years of 33 percent.

*The farmer's share* of the money spent for this typical "market basket" of farm-produced foods rose from $463 in 1952 to $521 in 1972, an increase in 20 years of 13 percent.

*The processing and marketing spread* between the farm cost and the retail cost of the "market basket" was $522 in 1952. This went up to $790 in 1972, an increase in 20 years of 51 percent.

MARKET BASKET OF U.S. FARM-PRODUCED FOODS

| | Dollars | | Percent change 1952–72 |
|---|---|---|---|
| | 1952 | 1972 | |
| Retail cost | $985 | $1, 311 | 33 |
| Farm-to-retail spread | 522 | 790 | 51 |
| Farm share | 463 | 521 | 13 |

### FLUCTUATING FARM PRICES

The prices that the farmer receives for his products fluctuate widely. When his prices go up—they usually come down later. The prices of most everything else tend to stay up.

Farm prices fluctuate widely, due to forces largely beyond the individual farmer's control: Weather, yields, pests, total plantings, feed supplies, foreign trade—all can have a rather sudden and substantial impact on farmers' prices. Often these changes bring farm prices down as suddenly as they go up. Since 1952, average farm prices have declined or remained unchanged in 10 of the 20 years. Overall, farm prices have increased a total of 12 percent in those 20 years.

Unlike farm prices, the prices for industrial commodities usually stay up, once they go up. Between 1952 and 1972 wholesale prices for industrial commodities increased in 16 of the 20 years—for a total increase of 40 percent. Therefore, wholesale industrial prices increased 3.3 times more than farm prices between 1952 and 1972.

The overall cost of services are even more inclined to go up and stay up. In the last 20 years service costs have increased every year. The total increase between 1952 and 1972 is 107 percent.

| | Number of years prices increased | Number of years prices unchanged or decreased | 1952–72 increase in prices (percent) |
|---|---|---|---|
| 1952–72: | | | |
| Farm prices | 10 | 10 | 12 |
| Industrial prices | 16 | 4 | 40 |
| Service charges | 20 | 0 | 107 |

### FARM PRICES OFTEN CHANGE SHARPLY FROM ONE YEAR TO ANOTHER

Broiler prices advanced 7 percent in 1969—then retreated 11 percent in 1970.

The farm price of eggs went up 18 percent in 1969—but by 1971, they had dropped 17 percent.

Average farm corn prices increased 16 percent in 1970—then fell 19 percent in 1971.

Average farm hog prices rose 20 percent in 1969, increased another 2 percent in 1970—then dropped 21 percent in 1971.

### SHORT-TERM CHANGES IN FARM PRICES EVEN MORE DRAMATIC

In 1972, for example, farmers' cattle prices dropped from $38.62 per hundredweight on July 11 to $34.00 on August 23—a 20 percent drop in 6 weeks.

In 1972 the farm prices of eggs dropped even faster, going from 41 cents a dozen on September 19, 1972 to 31.50 cents on October 11, 1972—a 23 percent drop in just one month.

Broiler prices slid from 31.57 cents a pound on July 10, 1972 to 27.00 cents on August 4, 1972—a fall of 14 percent.

Produce items also have sharp ups and downs. For instance, the farm price of iceberg lettuce dropped from $5.00 a carton on January 12, 1973 to $2.50 a carton on January 18—a 50 percent drop in just one week.

### OVER THE LONG RUN DECLINES LARGELY OFFSET THE GAINS IN FARM PRICES—SOMETIMES THEY CANCEL THEM OUT ALTOGETHER

The man who produces the Choice grade of beef that Americans enjoy saw the price he receives for his beef cattle rise only 9 percent in the 20 years between 1952 and 1972.

Farm prices for frying chicken dropped one half during those 20 years—from about 29 cents per pound in 1952 down to 14 cents by the end of 1972.

The farm price for eggs fell almost as much, dropping from about 42 cents per dozen in 1952 to 29 cents in 1972—a 31 percent decline.

### CHANGES IN FARM PRICES SHOW UP IN THE SUPERMARKET, BUT NOT SO SUDDENLY, NOR ALWAYS IN THE SAME DIRECTION

In 1953 average farm prices dropped 12 percent for the year, while your food prices declined only 1.5 percent.

In 1957 farm prices dropped 4.8 percent while food prices climbed 3.3 percent.

Farm prices dropped 4.8 percent in 1967 though your food prices increased 1 percent.

And in 1971, while farm prices were up 1.8 percent your food prices increased 3.0 percent.

The price of a food such as bread—where the cost of processing is much higher than the cost of the farm products in the loaf—tends to rise more steadily, much as nonfood products.

AVERAGE ANNUAL RETAIL STORE PRICES FOR SELECTED FOODS

[In cents]

| | 1952 | 1957 | 1962 | 1967 | 1970 | 1971 | 1972 |
|---|---|---|---|---|---|---|---|
| White bread, 1 lb | 16.0 | 18.8 | 20.4 | 22.2 | 24.3 | 25.0 | 24.7 |
| Hamburger, 1 lb | 63.3 | 42.0 | 52.1 | 54.6 | 66.2 | 68.1 | 74.4 |
| Milk, ½ gal | 42.1 | 44.5 | 47.4 | 51.6 | 57.4 | 58.9 | 59.8 |
| Eggs, 1 doz., large | 67.3 | 57.1 | 53.5 | 49.2 | 61.2 | 52.8 | 52.4 |
| Apples, 1 lb | 13.4 | 16.8 | 16.8 | 20.5 | 21.8 | 23.4 | 24.6 |
| Frozen orange juice, 6 oz | 18.8 | 18.1 | 20.5 | 18.3 | 22.5 | 23.4 | 25.0 |

### FARMERS ARE ONLY NOW RECOVERING FROM YEARS OF LOW FARM PRICES, THOUGH EXPENSES HAVE BEEN CLIMBING STEADILY

Farm prices in 1972 were up 26 percent over 1967, but were only 12 percent higher than in 1952. As pointed out earlier, farm prices either declined or remained static in 10 of the last 20 years.

While farmers were experiencing static or declining farm prices, expenses were rising steadily.

Farmers are paying 2.4 times higher wages for help than 20 years ago.

Farm machinery price levels are nearly double what they were 20 years ago (1.96 times higher).

The level of all prices that farmers pay has gone up 51 percent from 20 years ago, and farmers' total production costs more than doubled (2.1 times more.)

Farm real estate taxes are 3.7 times higher per acre than 20 years ago.

Farmers are less able to pass along their costs than other major economic groups. Farmers are not protected by franchises, patents, licenses, or by seniority. They do not enjoy industry-wide contracts, nor escalator clauses nor the economic ability to force higher prices and hold them. They deal largely in perishable products that must be sold when ready.

### THE INVESTMENT IN FARMING IS MUCH HIGHER TODAY

Farm investment in land, buildings, livestock, and equipment has doubled in 20 years, rising from $167 billion in 1952 to $339 billion on Jan. 1, 1972.

This plant's resources must be conserved and the growing investment needs must be supplied from farm net income, which has increased about a third since 1952.

Farm debts are nearly 4.5 times larger than 20 years ago. The amount of debt owed by farmers has risen from $14.7 billion in 1952 to $66.9 billion in 1972.

### MEANTIME, FARM PRODUCTIVITY IS AN EXAMPLE TO THE NATION

Output per man hour on farms is 3.1 times higher than 20 years ago. In manufacturing industries, output per man hour is 1.7 times as great as 20 years ago. Thus output per man hour on farms is increasing nearly twice as fast as in industry—an unmatched record for efficiency.

In 1952, one farm worker supplied 16 people with food. Now he produces enough for 51 people, or three times as many as 20 years ago. This is unmatched anywhere else in the world, or ever before in history.

In 1952 one person out of 7 was living on a farm, producing agricultural products. Now one person in 22 lives on a farm. This has released people to produce other wealth and services and is primarily responsible for the unequaled affluence of the nation.

### BEEF PRODUCTION IS A GOOD EXAMPLE OF HOW FARMERS HAVE RESPONDED

A good sign of the nation's increasing affluence is the amount of beef people eat. In 1952 we were consuming 62 pounds of beef per person. That was 32 percent higher than 20 years earlier in 1932.

Since 1952, incomes have climbed rapidly—and so has our beef consumption. In 1972 we ate 116 pounds of beef per person—87 percent more per person than 20 years ago.

Farmers had to produce that beef before people could eat it.

BEEF CONSUMPTION PER PERSON

| | Pounds | Percent change |
|---|---|---|
| 1932 | 47 | |
| 1952 | 62 | |
| 1972 | 116 | 32 |
| 1932–52 | | 87 |
| 1952–72 | | |

### WHILE THE FARMER IS PRODUCING MORE FOOD—FOR LESS OF OUR INCOMES—HE IN TURN IS NOT SHARING FULLY IN THE BENEFITS OF HIS OWN PRODUCTIVITY

In the most recent 10-year period farmers have averaged only a 3.9 percent return on the equity of their capital investment in farming.

In terms of disposable income, the average income of farm people still lags 17 percent behind the average income of nonfarm people. And nearly half of the income of farm people comes from off-farm sources. If farmers had to rely solely on income from farming, the average income of farm people would be only 47 percent of the average income of nonfarm people.

### THE FARMER'S PRODUCTION EFFICIENCY AND LOW RETURNS IN THE 1950'S AND 1960'S HAVE BEEN A MAJOR FACTOR IN KEEPING THE COST OF LIVING FOR CONSUMERS FROM RISING FASTER

Farm food has been plentiful—often in surplus—and the price of farm-raised food has gone up more slowly than other prices over the years.

In the 1950's, the after-tax income of farm people averaged only 54 percent as much as the average for nonfarm people. In the 1960's, the after-tax income of farm people averaged only 67 percent as much as the nonfarm average.

Between 1950 and 1960, farm prices actually declined 7.8 percent, while food prices rose 18 percent and the cost of living increased 23 percent. Between 1960 and 1970, farm prices rose 17.0 percent, but food prices went up by 30.6 percent, and the cost of living increased 31 percent.

The present period that we are in is acting much like the Korean War inflationary period 20 years ago. Between 1950 and 1952, farm prices climbed 10.8 percent and retail food prices climbed 13.2 percent. Between 1970 and 1972, farm prices climbed 14.6 percent and retail food prices climbed 7.5 percent. The Korean War inflation cooled off in 1953 and it was 20 years before farm prices regained their 1952 level.

---

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

---

## STRUCTURE AND REGULATION OF FINANCIAL INSTITUTIONS

The ACTING PRESIDENT pro tempore (Mr. HASKELL). Under the previous order, the Senate will resume the consideration of the unfinished business, S. 1798, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 1798) to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, to amend certain laws relating to federally insured financial institutions.

The ACTING PRESIDENT pro tempore. Debate on this bill is under a time limitation. The time on each amendment in the first degree is limited to 1 hour, time on each amendment in the second degree, debatable motion, or appeal, is limited to 30 minutes, and time on the bill is limited to 2 hours.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time not taken from either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### PRIVILEGE OF THE FLOOR

Mr. BROCK. I ask unanimous consent with respect to the consideration of S. 1798, that the following staff members be permitted to remain on the floor: Dudley O'Neal, T. J. Oden, Tony Wood, Tony Cluff, Tommy Brooks, Ken McLean, Pat Abshire, Carolyn Jordan, Hal Wolman, Ed Kemp, and Rod Solomon.

The ACTING PRESIDENT pro tempore (Mr. HASKELL). Without objection, it is so ordered.

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. BROCK. I ask unanimous consent that the time not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, has the bill been called up?

The PRESIDING OFFICER. The bill is now before the Senate.

Mr. SPARKMAN. It is the pending business?

The PRESIDING OFFICER. That is correct.

Mr. SPARKMAN. Mr. President, this bill, S. 1798, is a comprehensive bill dealing with the structure and regulation of financial institutions. It was reported out of the Committee on Banking, Housing and Urban Affairs after very careful consideration. It contains a number of sections dealing with various matters affecting our financial institutions.

Section 1 of the bill relates to the extension of the flexible interest rate authority, the so-called regulation Q rate ceiling. This is the authority granted to the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to regulate in a flexible manner the interest rates or dividends payable by insured banks on time and savings deposits and by members of the Federal Home Loan Bank System on deposits, shares, or withdrawable accounts. This flexible rate control was first enacted by Congress in September 1966. On five different occasions Congress has extended this provision for varying and consecutive periods of time, and unless further extended, it will expire on May 31, 1973.

The original basis for enacting this provision was a finding by the Congress that interest rate competition was putting an enormous upward pressure on savings rates paid by thrift institutions beyond their ability to pay such rates. Through this rate control authority, the Federal bank regulatory agencies have established interest rate differentials between commercial banks and competing thrift institutions. The committee in this bill recommends a 1-year extension of this authority until May 31, 1974.

During the committee's examination of this matter, testimony was received regarding a new banking service presently being offered to customers of mutual savings banks in Massachusetts and New Hampshire. These new accounts are referred to as NOW—negotiable order of withdrawal—accounts. Under this new device a depositor may remove funds from a savings account through the use of a negotiable order of withdrawal. At the present time NOW accounts are being offered only by State-chartered mutual savings banks in Massachusetts and New Hampshire and there are approximately 45,000 people having such accounts. To put this in perspective, as of March 1, 1973, 56 out of the 167 State-chartered mutual savings banks in Massachusetts were offering NOW accounts and the funds in those accounts represented three-fourths of 1 percent of total mutual savings deposits in Massachusetts with balances of slightly more than $1,900 per account. As of the same date, 11 out of the 30 State-chartered mutual savings banks in New Hampshire were also offering NOW accounts with deposits representing one-seventh of 1 percent of total saving deposits and the average balance in those accounts was $550.

The committee received testimony from commercial banks and savings and loan associations indicating concern that, if NOW accounts were allowed to continue, serious competitive disruptions and inequities would occur. We also received testimony from the FDIC, the Treasury Department, Federal Reserve Board, and the Federal Home Loan Bank Board which indicated that at this time there was not sufficient evidence of disintermediation to warrant the prohibition of NOW accounts. The committee carefully considered this matter and included in this section of the bill a provision giving the FDIC the authority over the rate of interest paid on NOW accounts. While this action does not limit the continuation and possible expansion of NOW accounts, it does provide the FDIC with clear authority to cover all federally insured and noninsured banks throughout the country that presently offer such services or are commenced by other financial institutions in the future. The committee in its report instructed the FDIC to monitor closely the effect that NOW accounts have on competition among various financial institutions and to move sufficiently to take correctible action if warranted.

Section 2 of the bill would amend the National Housing Act to prohibit the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporations until December 31, 1974, from approving conversions from mutual to stock form by savings and loan associations the accounts of which are insured or would become insured by the corporation. By administrative action the Board has maintained a moratorium on such conversion since December 5, 1963. In general, this amendment would impose moratorium by statute. In April 1971, the Federal Home Loan Bank Board recommended legislation which would authorize Federal stock associations either by de novo chartering or by conversion from existing mutual associations. Following hearings on this recommendation, the committee concluded that the procedure for effecting conversions needed to be spelled out in greater detail in the legislation. The Board has been working on revised legislation, but it has not yet submitted any recommendation to the Congress. Hopefully, this will be submitted promptly.

Along with the preparation of this legislation, the Board has been moving toward termination of its administrative moratorium. Under existing law a mutual to stock conversion can occur only as the resulting association is chartered under

State law. Thus, as the Board's moratorium is terminated and if a large number of associations choose to convert, the federal system would be diminished and it would be difficult to deny Federal associations the right to convert to Federal stock associations. This temporary moratorium provided in this section is desirable in order to protect the federal system to prevent any irreversible precedent from being established so that the Congress will have a free hand in considering the Board's revised legislation.

Section 3 of the bill would authorize Federal savings and loan associations and national banks to invest in State housing corporations incorporated in the State in which the savings and loan or bank is located. Such corporations would be established for the limited purpose of providing housing and incidental services particularly for low- and moderate-income families. This provision would encourage the Nation's financial institutions to invest more actively in low- and moderate-income housing. This provision will also give an opportunity for more extensive cooperation between State housing agencies and financial institutions.

Section 4 of the bill would amend section 404 of the National Housing Act to establish a new procedure for payment by insured savings and loan associations of premiums to the reserve fund of the Federal Savings and Loan Insurance Corporation. Basically this section would eliminate the prepayment of additional payments and restructure the regular insurance premium payment system to eliminate wide fluctuations in the flow of premiums into the reserve fund and to provide for a more orderly payment system.

Section 5 of the bill would direct the Advisory Commission on Intergovernmental Relations to make a study of all pertinent matters relating to the application of State "doing business" taxes on out.of State depositories. The Commission is directed to report to the Congress its suggestions and recommendations for legislation by December 31, 1974. This amendment would impose a moratorium until December 31, 1975, on taxation on interstate transactions. During this moratorium States would be permitted to impose with one additional tax, the restricted list of taxes which a State was permitted to impose on any insured depository not having its principal office within such State under the so-called temporary amendment found in Public Law 91-156. This temporary amendment expired December 31, 1972. The additional tax pertains to payroll taxes based on persons employed in such jurisdiction.

Taxation of the transactions of out-of-State depositories raises a number of difficult legal questions as well as operating and administrative problems. The committee believes that the Advisory Commission on Intergovernmental Relations is eminently qualified to assume this task and to furnish to the Congress its recommendations regarding this very important matter.

Mr. President, I hope that the Senate will approve this bill.

Mr. PROXMIRE. Mr. President, I have an amendment at the desk that I would like to offer——

Mr. SPARKMAN. Mr. President, is the time fixed on this bill?

The PRESIDING OFFICER. The time is 2 hours on the bill.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. PROXMIRE. Is there a time limitation on the bill?

The PRESIDING OFFICER. There is a 2-hour time limitation on the bill.

Mr. PROXMIRE. Then I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, the Senator from Tennessee (Mr. BROCK), I believe, is in control of the time on the minority side.

Mr. BROCK. Mr. President, for the purpose of discussion, I suggest the absence of a quorum, and ask unanimous consent that the time be charged to neither side.

Mr. SPARKMAN. I wonder whether we could not agree that the Senator have half the time and I have the other half.

Mr. BROCK. Mr. President, I withdraw the unanimous-consent request, and suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BROCK. To be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

## LEAVE OF ABSENCE

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may absent myself from the Senate from the beginning of the recess until June 4, 1973, for the purpose of representing the President at the Paris Air Show.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

## STRUCTURE AND REGULATION OF FINANCIAL INSTITUTIONS

The Senate continued with the consideration of the bill (S. 1798) to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, to amend certain laws relating to federally insured financial institutions.

Mr. SPARKMAN. Mr. President, the Senator from Utah has an amendment to offer.

Mr. MOSS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 2, beginning with comma on line 20, strike out all through the comma on line 22.

On page 2, line 24, immediately before the period, insert a comma and add the following: "or to approve conversions from the Federal mutual to the stock form of organization pursuant to § 5(i) of the Home Owners Loan Act of 1933, as amended, if an application was filed with the Federal Home Loan Bank Board on or after July 26, 1972 and prior to September 22, 1972."

Mr. MOSS. Mr. President, I ask unanimous consent that the Senator from Utah (Mr. BENNETT) and the Senator from Montana (Mr. METCALF) be shown as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, section 2 of S. 1798, the Interest Rate Control Act, would prohibit—until December 31, 1974—the Federal Home Loan Bank Board from approving conversions by mutual savings and loan associations into capital stock companies. This prohibition would preclude "approval of any application for such conversion pending on the date of enactment."

The amendment I am proposing would permit one type of exception to this moratorium. Under this exception, the Bank Board would be allowed to consider and act upon those applications for conversion that are currently pending. This amendment would not grant approval to such applications—in fact, any application might well be rejected if the Board finds that the conversion plan is not in the interest of the shareholders or in the public interest. The amendment would only allow the Board to complete consideration of the applications now before it. According to the Board, there are five such applications that are now pending.

If this amendment is accepted, the main purpose of the moratorium on conversions would remain intact. For some time, the Federal guidelines on conversions have been, at best, murky and, at worst, contradictory. The moratorium will enable Congress to make a careful study of this tangled area with a view toward some definitive action. But even though the proposed moratorium makes very good sense for all new applications for conversion, it would be highly unfair to include in the moratorium those associations that have already submitted applications.

On July 26, 1972, the Federal Home Loan Bank Board announced that it would accept applications from mutual companies that wished to convert to capital stock companies. A number of savings and loan associations did so and have already spent considerable sums in applying for conversion. It would be extremely unfair for Congress now to foreclose the possibility of final determination for those associations. One association in Utah, for example, has spent almost $200,000 in the past 9 months preparing a plan for conversion. Certainly this firm, as well as the others that now have applications pending are entitled to a full hearing and full consideration.

In the interests of equity, acts of Congress often contain "grandfather clauses" to preserve the rights of those who have relied upon a set of circumstances that will be changed by the new law. Our proposal is such a clause for the sake of equity. The associations that applied for conversion after the announcement last July did so in good faith, and had every reason to believe that their applications would receive a full and fair consideration. The following set of facts strongly supports the claim of good faith.

First, in filing applications, the associations acted under congressional mandate authorizing conversions. Section 5(i) of the Home Owners Act of 1933 as amended in 1948 reads as follows:

> In addition to the foregoing provision for conversion upon a vote of the members only *any association* chartered as a Federal savings and loan association . . . *may convert itself* into a State institution upon an equitable basis, subject to approval, by regulations or otherwise, by the Home Loan Bank Board and by the Federal Savings and Loan Insurance Corporation; (Emphasis added.)

Second, until December 1963, it was clearly the policy of the Home Loan Bank Board to accept conversions. Between 1945 and 1963, there were 58 conversions of insured savings and loan associations to capital stock companies.

Third, despite an administrative moratorium on conversions beginning on December 5, 1963, the Board approved the conversion of San Francisco's Citizens' Federal Savings on February 2, 1972. This was a clear indication that the administrative moratorium—which possibly was illegal in the first place—was no longer in effect.

Finally, on July 26, 1972, the Bank Board announced that it would accept applications for conversion. Less than 2 months later, however, the Board flip-flopped back to its old position, and announced that it would be accepting no more applications. Unfortunately, five firms had taken the July 26 announcement in good faith and had begun conversion proceedings. Clearly, the associations that applied during this period are entitled to have their applications fully processed and decided. They should not be penalized for a series of confusing and contradictory actions by the Federal Home Loan Bank Board.

Mr. President, I wish to emphasize that this amendment would only permit consideration of pending applications. And consideration is certainly not tantamount to approval. In fact, it is conceivable that none of the applications will be approved. We would not expect the Board to approve of any conversion that is contrary to the public interest. The purpose of the amendment is simply to insure completion of a process that began in good faith and full legality, and in accordance with announced administrative policy.

I hope that this amendment will be adopted. I would hope that the manager of the bill could accept the amendment and that it could be made part of the pending bill.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MOSS. Mr. President, I will be glad to yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, let me say that I understand the problem fully. Under the bill we continued the moratorium until December 31, 1974. Had we been able to work out language with reference to this peculiar situation in Utah and with reference to some five or six other savings and loan associations, we would have been glad to do so. However, we have decided—at least I have decided, and I hope that the Senator from Texas (Mr. TOWER) goes along with me——

Mr. TOWER. Mr. President, I always go along with my chairman.

Mr. SPARKMAN. Mr. President, I appreciate that. The Senator from Wisconsin (Mr. PROXMIRE) is prepared to offer an amendment which we will certainly be glad to accept. That amendment would cut the moratorium time down to December 31 this year.

I received a call this morning from the Chairman of the Federal Home Loan Bank Board, Mr. Kamp. He told me that if we set a moratorium date of December 31, 1973, instead of 1974 as we have, we would not have to worry about this situation. He said that that would take care of the whole thing. I have absolute faith in his statement, and I think that we can safely rely upon it.

I hope that the Senate will agree to go along with that, because Mr. Kamp has assured me that there will be nothing done that will harm the Utah situation or any of the other situations.

Mr. MOSS. Mr. President, does that mean that there will continue to be a moratorium for the remainder of this year?

Mr. SPARKMAN. Up to December 31, 1973; that is correct.

Mr. MOSS. Would there be nothing done by the Board in the interim in reference to considering applications?

Mr. SPARKMAN. I do not know. I will not say that they could not consider them. In fact, they placed on the moratorium for the purpose of giving them time to study the matter. He did not tell me that they could not complete the study before December 31, 1973. I did not ask him and I do not know. However, I on my own account assumed that they will not finish it by December 31, 1973.

Mr. MOSS. It would be the opinion then of the Senator from Alabama that immediately after the moratorium ceased and after the study in the interim, if things were found to be regular, it would be issued very shortly after then?

Mr. SPARKMAN. If the moratorium should be lifted and they proceed with the program of conversion, it would seem to me that it would move pretty fast. However, I do not run those things.

Mr. MOSS. I understand. However, the thing that concerns me is that this company, having received assurances, has proceeded in good faith. And the time limit was legal. In fact, they really were invited to proceed. They proceeded with a lot of actions, including the printing of letters and sending them to all depositors and getting replies back. They spent pretty close to $200,000 to bring this matter back to when a freeze was placed on it.

Mr. SPARKMAN. Mr. President, I realize the position of the Senator from Utah, and I am in sympathy with it. I wanted to be assured myself. I did not call Mr. Kamp. He called me, and he told me that if we would change the date to December 31, 1973, we need not be concerned about this. I believe strongly that the situation will be satisfactory.

Mr. MOSS. Mr. President, of course I have had no time to consult with the people who are immediately concerned. If I could feel assured that this will give them some real opportunity to complete their conversions in a reasonable period of time, I am sure they would be in agreement.

Mr. SPARKMAN. Of course, none of us can know what the final decision of the board is going to be.

Mr. MOSS. The Senator is correct.

Mr. SPARKMAN. However, Mr. Kamp told me that the thing they were working on primarily was the setting up of their conversion plans. That is what I understood him to say.

I would gather that they are rather confident that they are going to set up a conversion program. And if that is done, I would say that just as soon as the ban is lifted, they will be ready to proceed.

Mr. MOSS. Am I correct in understanding that the Board itself has a sort of administrative moratorium, and that this now is going to be a legislative moratorium up until the 31st of December of this year?

Mr. SPARKMAN. That is correct.

Mr. MOSS. I therefore would understand that the lawsuit was about whether or not an administrative moratorium was a proper means of holding up the action.

Mr. SPARKMAN. I do not think we can control the lawsuit.

Mr. MOSS. No, I am sure we cannot control it.

Mr. SPARKMAN. That is in court, and they would control it.

Mr. MOSS. I am just trying to determine what the purpose is.

Mr. SPARKMAN. I assure the Senator there would be no problem if we change the date to December 31, 1973, and I would assure the Senator also—and this is as far as I can go—that if it does not work out completely satisfactorily, I should be very glad to line right up with him.

Mr. MOSS. On the assurance of the

chairman that this suggests at least a tentative solution, I would be willing to withdraw the amendment for now, to see whether the other amendment is offered and accepted.

Mr. SPARKMAN. Yes.

Mr. MOSS. And if so, then I would have to accept that.

Mr. President, I yield to my colleague from Utah.

Mr. BENNETT. Mr. President, I just want to take 1 minute to associate myself with my junior colleague, and to express my appreciation to the Senator from Wisconsin for suggesting a way out of this impasse. The situation was difficult within the committee. There was an area of misunderstanding as to what the committee had really done, and I think under all the circumstances this may be the simplest way to solve the problem, because, as I understand it, after January 1 of next year the suit could continue to establish whether or not this is a lawful moratorium.

While I am not a lawyer, and do not know all the intricacies of the situation, I imagine that it might take the rest of the year to hear the suit and bring us to the same point at which we might arrive by this means.

Mr. SPARKMAN. Let me say this: I am a lawyer. I do not claim to have any particular prowess in law; it has been a great many years—36 years—since I practiced law. But I am aware of the opinion that we cannot do anything about the oourt, anything that would limit its powers at all. I am not sure whether the Senator was here when I made this statement: Mr. Kamp, the acting chairman——

Mr. BENNETT. Yes, I heard the Senator's statement.

Mr. SPARKMAN. He says that if we accept the December 31, 1973, cutoff date, that would cure the whole thing.

Mr. BENNETT. I imagine that the court in Utah would also suspend hearing this case until December 31.

Mr. SPARKMAN. Of course, that would be up to the judge.

Mr. BENNETT. Yes.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I would like to associate myself with the position expressed by the chairman. I think the most orderly way to proceed on this matter is to accept the amendment that is to be offered by the Senator from Wisconsin, and I would like to suggest further to my colleagues from Utah that should that proposal not be passed, I would certainly take the same position they have taken; but I have no fear that we cannot act favorably on the amendment of the Senator from Wisconsin.

Mr. SPARKMAN. I think so, too.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield such time as he may require to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I had prepared an amendment quite similar to that of the Senator from Utah. I discussed the matter with the distinguished chairman, and he pointed out quite readily that while the amendment might solve the problems of Arizona, Utah, a little bit of Texas, and a part of Nevada, it would result in unfairness generally across the board.

I am aware of Mr. Kamp's statement. My people in Arizona savings and loan associations, too, are perfectly willing to have that date changed, and it will make them extremely happy, because they know they can live with it.

I shall not offer my amendment, and I have asked the Senator from Wisconsin if he would include my name on his amendment when he offers it, but just to give an idea of what we have as a problem out there, we have the fastest growing building area in the United States. The First Federal Savings & Loan Association in Phoenix has $270 million of mortgages going into housing this year alone. They must expand in order to lend more, or cut down on their housing lending.

The Tucson Federal Savings & Loan Association is in the same situation. It will have to cut down on housing lending unless it can get extensions to its net worth. To do that, both associations must convert to capital stock associations. They have started to do that, as have the organizations in Utah, but they tell me that moving the date up to the end of this year is close enough so that they feel justice will be done, and they can move.

I thank the chairman for his fairness and courtesy in pointing out the deficiencies an amendment such as mine might create, and I am grateful to the Senator from Wisconsin for, as the Senator from Texas said, giving us an out.

Mr. SPARKMAN. I thank the Senator from Arizona.

Mr. MOSS. Mr. President, may I ask the chairman one more question?

Mr. SPARKMAN. Yes.

Mr. MOSS. Does the committee anticipate acting on changes in the terms of conversion? Is that a part of a study going on?

Mr. SPARKMAN. Well, that is within the Board, and we are not legislating on that. But we are cutting off the moratorium as of December 31, 1973, if the amendment of the Senator from Wisconsin is agreed to.

Mr. MOSS. Very well. With that understanding, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SPARKMAN. Mr. President, I would like my name to be added as a cosponsor of the Proxmire amendment.

Mr. TOWER. I should like mine added as well.

Mr. MOSS. Mr. President, will the Senator place my name on it as well?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 15, strike "December 31, 1974" and insert in lieu thereof: "December 31, 1973".

Mr. PROXMIRE. Mr. President, this amendment has already beeen discussed. All it would do is change the date from December 31, 1974, to December 31, 1973, for the expiration of the moratorium on conversions.

Mr. President, I am opposed to the Moss-Bennett amendment and if it is defeated, I intend to offer a substitute. The effect of the Moss-Bennett amendment would authorize the Home Loan Bank Board to approve up to five conversions of mutual savings and loan associations to stock associations prior to the expiration of the moratorium on such conversions which occurs on December 31, 1974. My amendment would simply move the expiration date of the moratorium up to December 31, 1973.

I believe there is much merit to the argument that associations which have submitted conversion applications in good faith are entitled to a decision on the merits on their applications. However I also feel that the conversion issue raises important questions of public policy which should be decided by the Congress. I do not believe we should permit any conversions to take place until Congress has formally decided that conversions are in the public interest and that appropriate safeguards are in place to protect the interests of depositors.

If we permit a limited number of conversions to take place prior to a final congressional determination of the issue we involve ourselves in two needless difficulties:

First, we would create a precedent which makes it difficult for the Congress to exercise an independent judgment on the desirability of extending the privilege to the entire savngs and loan industry; and

Second, we run the risk of conferring a special privilege on a few associations which could be denied to all other associations if Congress ultimately concludes that conversions are not in the public interest. There are many associations which would like to convert to stock associations if ultimately permitted, including one prominent association in my own State. It would not be fair to single out a few associations which would be permitted to convert while the possibility exists that similar privileges would be denied to the rest of the industry.

Mr. President, I have formed no final opinion on the desirability of savings and loan stock conversions. I have listened to many good arguments on both sides of the issue. But whatever decision is reached, I feel strongly that Congress should make it. At the same time, I believe we have a responsibility to the associations which want to convert and have prepared plans for converting. They are entitled to a prompt decision from the Congress as to whether conversions will be permitted or whether they will be prohibited. It is unfair to keep the industry guessing as to what Congress will ultimately decide.

The Senator from Arizona, I think, put it very well when he said that it is not fair to proceed with a proposal that would simply make it possible for a very few associations to convert. Many associations would like to convert, including one very prominent one in Wisconsin—and I am sure there are others in many other States.

For these reasons, I have offered an amendment to move the expiration of the moratorium on conversions from December 31, 1974, to December 31, 1973. This will demonstrate to those associations affected by the moratorium that Congress is proceeding to a prompt decision on the issue. These associations are entitled to an up or down vote from Congress on the question of stock conversions. It is not my purpose to delay or postpone a congressional decision on the matter.

It is my understanding that the Home Loan Bank Board can supply the committee with draft legislation authorizing Federal associations to convert to Federal stock associations in the very near future. The committee's action on this legislation should serve as a precedent for conversions into State stock associations as well. Thus, one way or the other, the issue can be decided for the entire industry.

Mr. President, the Federal Home Loan Bank Board is in strong opposition to the amendment offered by the two Senators from Utah. The Board feels that if Congress establishes a moratorium in order to gain time to consider the conversion issue, the moratorium should apply to all associations without exceptions. Let me quote briefly from the testimony of Carl O. Kamp, Acting Chairman of the Bank Board before the House Banking Committee yesterday:

> The Board is strongly of the view that any temporary statutory moratorium should be uniformly applied. There should be no special deals for individual associations. If there is adequate justification for a temporary moratorium, that justification must hold true for everybody. I don't see how it is possible to select the associations which are excepted without being unfair to the associations which are not excepted.

Mr. President, the matter could not be put more succinctly. It is a matter of simple fairness. If we establish a moratorium on conversions, it should apply to everyone. There should be no special deals. The amendment offered by the two Senators from Utah amounts to a special deal for a maximum of five and probably only one association. In view of the strong position taken by the Home Loan Bank Board, I hope the two distinguished Senators from Utah will support my amendment.

This amendment is to give Congress time to act. This is something that has not been decided, and it would be unfortunate if we permitted a few associations to come in under the gun, and then Congress decided not to permit stock associations.

So, to permit a fair resolution of the situation, it seems to me that this provision, which would move the date of conversion back to December 31, 1973, does help us solve our problem.

Mr. TOWER. Mr. President, on behalf of the minority, I am prepared to accept the amendment.

Mr. SPARKMAN. So am I.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. And I yield back the remainder of mine.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum, the time to be charged equally between the two sides on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. BROCK. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BROCK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 2, after line 9, insert a new section as follows:

PROHIBITION ON CERTAIN ACTIVITIES BY DEPOSITORY INSTITUTIONS

SEC. 2. (a) No depository institution shall allow the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties, except that such withdrawals may be made in the States of Massachusetts and New Hampshire.

(b) For purposes of this section, the term "depository institution" means—

(1) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

(2) any State bank as defined in section 3 of the Federal Deposit Insurance Act;

(3) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(4) any savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(5) any insured institution as defined in section 401 of the National Housing Act;

(6) any building and loan assoication or savings and loan association organized and operated according to the laws of the State in which it is chartered or organized; and, for purposes of this paragraph, the term "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(7) any Federal credit union as defined in section 101 of the Federal Credit Union Act; and

(8) any State credit union as defined in section 101 of the Federal Credit Union Act.

(c) Any depository institution which violates this section shall be fined $1,000 for each violation.

(d) This section expires on the same date as in prescribed in section 7 of the Act of September 21, 1966 (Public Law 89–597; 80 Stat. 823), as amended.

On page 2, line 12, strike out "SEC. 2." and insert "SEC. 3.".

On page 3, line 7, strike out "SEC. 3." and insert "SEC. 4.".

On page 6, line 10, strike out "SEC. 4." and insert "SEC. 5.".

On page 13, line 16, strike out "SEC. 5." and insert "SEC. 6.".

Mr. BROCK. Mr. President, the amendment to S. 1738 which I am offering has as its purpose the confining to the States of Massachusetts and New Hampshire a practice under which mutual savings banks in those States are offering the public an interest return on checking accounts—NOW accounts—to the competitive disadvantage of commercial banks, cooperative banks, and savings and loan associations. This amendment would prevent any further unregulated proliferation of what is in fact the payment of interest on checking accounts.

This practice was characterized by Federal Reserve Board Governor Mitchell—speaking at the committee hearings for the Board—as "intolerable." Governor Mitchell stated that:

> The Board shares the concern of those who feel that the developments in New England have occurred without the needed guidance from Congress to insure competitive equality.

This practice should be limited until the Congress can examine the competitive situation, and the more basic question of whether, or the extent to which, existing law and regulation should be modified to permit the payment of interest on checking accounts. This practice has been outlawed since the passage of the Glass-Steagall Act in 1933—following the undesirable consequences of such payment of interest during the years leading to the great financial crisis of the early 1930's. Although the Federal Reserve Board recommended that Congress consider legislation to permit all financial intermediaries to offer interest payments on a type of checking account characterized as a "family account," the Board stated clearly that the granting of such powers should be accompanied by the imposition of comparable responsibilities and regulatory responsibilities upon the competing institutions. Our committee has not yet considered fully these recommendations of the Board.

By failing to confine the NOW account practice to the two States of New Hampshire and Massachusetts, S. 1798 leaves the door open for the practice to spread to other States. There are indications that similar moves may be made by mutual savings banks in Pennsylvania, New York, Connecticut, Vermont, and other States where mutual savings banks are chartered under State law. The spreading of what Governor Mitchell called an "intolerable" competitive situation should be stopped until the Congress can examine fully all the questions involved in granting comparable powers and imposing comparable responsibilities and burdens upon competing financial intermediaries.

Mr. President, let me add further that in the House of Representatives, the Banking Committee voted out a bill which was seriously challenged on the floor of the House. They debated whether any NOW accounts should be allowed in this country until a complete review under the Hunt Commission report could be made of our financial institutions. The House voted 264 to 98 to prohibit NOW accounts in their entirety and to eliminate them even from the States which have them now.

I honestly believe that is excessive action because there is logic in the Federal system and there is logic in the duality of a banking institution with the opportunity that duality and that competitive situation allows us in terms of testing the new concepts.

My amendment would allow the test to continue but in a specifically delineated area—that is only in those two States where they now exist.

I am afraid that if the amendment does not pass, we run the rather sizable risk that the accounts will streamroll across the States to the point where we have allowed, by our nonaction, a fundamental shift of the balances in our financial structure. That is dangerous. It is dangerous in terms of the small banks who with only interest rates on saving accounts lack the resources to compete with an institution that can pay interest on a checking account.

Mr. President, I would ask that this amendment, which is a reasonable compromise, receive the support of the Senate.

Mr. TOWER. Mr. President, the mutual savings banks in question operate under State charters in two of the Northeastern States, New Hampshire and Massachusetts. These States are not presently prohibited by Federal law from permitting these institutions to offer negotiable orders of withdrawal or to pay interest on them. Savings and loans cannot offer such a checking account service and commercial banks cannot pay interest on their checking accounts. So the mutual banks, in these instances, can have a distinct advantage in obtaining deposits with their NOW account powers. But in spite of this theoretically unequal advantage for mutual savings banks, the Treasury Department has indicated that the actual problem is not serious and has advocated that NOW accounts be allowed to continue for the time being, in order to gain national experience in the operation of, first, interest-bearing demand accounts and second, demand accounts in savings institutions. The committee refused to prohibit them. The committee simply voted to confer authority on the FDIC to apply regulations to interest rates on NOW accounts in noninsured institutions—in mutual savings banks—but not on their normal savings accounts, if the FDIC feels it is necessary. That power can resolve the advantage the mutual banks have over commercial banks in regard to interest paid on demand accounts. It does not resolve the basic issue of whether thrift institutions should be allowed to offer demand accounts in the first place. That will be dealt with in the Hunt Commission legislation that will come up subsequently. The Treasury Department maintains that the NOW accounts are not now a current threat to competitive equlibrium in the financial industry, and I therefore urge the Senate to support the committee position.

I therefore hope that the amendment offered by the distinguished Senator from Tennessee will be rejected.

Mr. PROXMIRE. Mr. President, will the Senator yield me 2 or 3 minutes?

Mr. SPARKMAN. I yield 3 minutes to the Senator.

Mr. PROXMIRE. Mr. President, I join the Senator from Texas in urging that this amendment not be accepted.

What the NOW account does is that it permits one to earn interest on his demand deposit. It is an innovation; it is something different; and it is shocking to many bankers. It is done, as the Senator from Texas has said, by mutual savings banks in only two States—Massachusetts and New Hampshire.

What the committee did was to provide that the Federal Deposit Insurance Corporation has the authority to regulate interest rates in this respect; so that they could provide, for example, that the NOW accounts could only pay interest of 4 percent, 3 percent, 2 percent, 1 percent, or even zero, if they felt that this was something that interfered with the solvency of the banks or if it were unfair from a competitive standpoint.

What we are doing if we adopt the Brock amendment is directly interfering with State's rights. Why should not the State of Wisconsin or the State of Oklahoma or the State of Alabama or the State of Tennessee have the right, if it wished to do so, to permit this?

The bankers are not inarticulate. They are not bashful, if they want to make their view known to the State legislatures.

Furthermore, the committee did vote 14 to 2 against this amendment when it was offered in committee.

What convinced me, especially, is that although we have had NOW accounts in Massachusetts for some time, there is no record of abuse. The bankers who appeared from Massachusetts were unable to show that there was any adverse competitive effect.

Certainly, we ought to permit this kind of innovation. It may not be practical; it may not work out. But why not permit it to be tried by other States, if they wish, when it is something new that could be useful, advantageous, and convenient for tens of millions of savers in our country?

So I hope the Brock amendment is not accepted.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Massachusetts such time as he requires.

Mr. BROOKE. Mr. President, the bill before the Senate today offers the continuation of NOW accounts, a new and somewhat controversial approach to savings account withdrawals. In effect, these accounts permit a depositor in a mutual savings bank to remove funds from his account through the use of a negotiable order of withdrawal—thus, the acronym NOW. The Committee on Banking, Housing and Urban Affairs in its deliberations on this matter has taken action with respect to NOW accounts which recognizes and attempts to continue the potential benefits that an individual customer could receive from these accounts. This action of the committee was taken after careful deliberation and full consideration of the testimony and evidence presented at the hearing conducted by the committee's Subcommittee on Financial Institutions. However, legislation that would ban interest-paying NOW accounts entirely has already been passed by the House of Representatives. Accordingly, I believe that the Senate should be fully aware of the consumer advantages of NOW accounts as it proceeds to consider this important legislation.

### CONSUMER BENEFITS OF NOW ACCOUNTS

It would be particularly unwise for the Senate to take hasty action to limit or prohibit NOW accounts at this time, particularly, in view of the widely recognized benefits of the NOW account service for consumer-savers and prospective home mortgage borrowers. In its report on S. 1798, the committee stated that it:

> . . . recognized the potential benefits that an individual customer could receive by way of payment of interest on an account by which funds can also be withdrawn through the use of negotiable orders of withdrawal.

Consumer-savers clearly benefit from an interest-paying savings account that permits them the added convenience of making withdrawals, and transferring funds to third parties if they desire, by means of negotiable withdrawal orders.

The record shows that these income and convenience features of NOW accounts are particularly beneficial to consumers whose financial service needs are too often neglected, and who have relatively limited funds transfer needs—the young, the aged, the infirm.

It should be emphasized that NOW accounts differ from demand deposit checking accounts, not only in legal terms, but in economic terms as well.

At the end of March, for example, the average balance in NOW accounts at Massachusetts savings banks was almost $2,000, and the average number of withdrawals per account during the month was about 5—far less than the typical activity in commercial bank checking accounts, where the number of monthly checks drawn runs to about 15–20 on average.

These facts demonstrate that savers do not regard NOW accounts as substitutes for traditional checking accounts, but as complements. And they reinforce the conclusion that NOW accounts are very attractive to consumers who have only limited funds transfer requirements.

NOW accounts also have obvious benefits to prospective home mortgage borrowers. It was brought out in the committee's hearings that savings banks in Massachusetts and New Hampshire are the leading source of housing credit in their own States. Home mortgage borrowers can only benefit from an attractive financial service that will permit these institutions to attract savers' funds for mortgage lending.

The conclusion that NOW accounts may be a boon to mortgage borrowers is clearly borne out by the actual performance of savings banks in Massachusetts and New Hampshire since NOW accounts were introduced last year. For example, in Massachusetts, between the end of May 1972 and the end of March 1973, savings banks placed an amount equivalent to 70 percent of their total asset growth in mortgage loans. In the comparable May 1971–March 1972 period—when Massachusetts savings banks were not offering NOW accounts—mortgage loans accounted for a far smaller share of total asset growth—51 percent.

These state-wide trends are further substantiated by the experience of individual banks holding relatively large amounts of NOW accounts. Analysis of a sample of seven Massachusetts savings banks, which currently hold about 26 percent of NOW accounts in the State, shows that these banks channeled an amount equivalent to 74 percent of their combined asset growth into mortgages between the end of May 1972 and the end of March 1973, compared with 55 percent over the comparable May 1971–March 1972 period, when NOW accounts were not offered.

In short, the share of savings bank funds allocated to mortgages has increased in Massachusetts during the same period when banks in these States were introducing and promoting NOW accounts. It also bears particular emphasis that the administrative costs of NOW accounts are fully covered by service charges—in Massachusetts, savings banks typically charge depositors 15 cents for each NOW draft that is drawn. As a result, the costs of these accounts most emphatically are not passed on to mortgage borrowers, as some opponents of the NOW account have alleged.

In this regard, it is highly significant that interest rates on home mortgage loans in the Boston area—where the largest dollar amount of NOW accounts is concentrated—remain among the lowest in the Nation. Data published by the Federal Home Loan Bank Board reveal that the average effective conventional mortgage interest rate on newly built single family homes in the Boston area was only 7.34 percent in April 1973. This was one of the lowest rates for any of the 18 areas covered by the Board's report, and was almost three-eighths of 1 percent less than the national average rate of 7.70 percent. And the data reveal a similar pattern for mortgage rates on previously occupied homes.

Aside from the obvious fact that NOW accounts may well be in the interest of consumers, it bears emphasis that S. 1798 would reinforce the FDIC's existing powers, moreover, by giving the FDIC new authority to regulate the rate of interest that non-federally insured banks may pay on NOW accounts.

In addition, the committee's report on this legislation specifically instructed "the FDIC to monitor closely the effect that NOW accounts have on competition among the various financial institutions and to move swiftly to take corrective action if warranted."

In summary, there is absolutely no need at all for Federal legislation to inhibit an obviously beneficial consumer financial service like the NOW account. The Senate should, therefore, I believe, endorse the action taken by its Committee on Banking, Housing and Urban Affairs.

Mr. President, Massachusetts was the first State to permit NOW accounts. As has been stated by both the Senators from Texas and Wisconsin. Not only have they not had a negative effect, but they have had a positive effect as well. I think that NOW accounts have been very beneficial to the consumers of Massachusetts, particularly the elderly people, who many times are shut in, have their money in savings banks and cannot get down to the bank to draw it by use of their passbook. With a NOW account they can write out a negotiable order of withdrawal.

As has been pointed out, we have had hearings in the Committee on Banking, Housing and Urban Affairs. We have had deliberative discussions. As the Senator from Texas has said, there was a vote of 14 to 2 to, in effect, continue NOW accounts. Written into the measure is protection given to other banks by virtue of the control given to the FDIC in certain instances to see that no advantage is taken of commercial banks. The effect upon smaller commercial banks was of deep concern to the committee when it had its markup session.

It should be clear that NOW accounts have proved to be beneficial. They are relatively new so far as the Nation is concerned, with only Massachusetts and New Hampshire having NOW accounts at the present time. We do not know whether it is going to spread across the country or not, but I think the Senate should be aware of the value of NOW accounts to the consumer.

I appreciate that the Senator from Tennessee has excepted Massachusetts and New Hampshire from his amendment. He has shown an awareness and a sensitivity to the situation that exists in Massachusetts and New Hampshire.

I would, however, like to question the Senator from Tennessee about a particular point in his amendment.

I read from the definitions, paragraph 8, section (d):

> This section expires on the same date as is prescribed in section 7 of the act of September 21, 1966, Public Law 89–597.

Would the Senator from Tennessee explain what effect his amendment would have on NOW accounts in Massachusetts and in New Hampshire after that date?

Mr. BROCK. Before I respond, Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BROCK. The bill, as reported, would have a 1-year extension. The logic of that would be that we expect the Hunt Commission recommendations to come down from Treasury in legislative form, hopefully, in the next few weeks. That should give us an opportunity for a full review of all our financial institutions and the regulations that we empower over them to govern their specific activities.

Obviously, this problem must be considered in the context of the whole; and in the overall review of our financial institutions, we anticipate that the NOW accounts will be very much part of the consideration.

The House version, I should point out, had a 28-month termination point. That is something that would be resolved in conference. What I am saying is that we are trying to allow for a continuation of these two States to operate as they do today.

Mr. BROOKE. Until the expiration date as set forth in the amendment?

Mr. BROCK. Frankly, until we have reviewed the overall problem of our regulatory statutes with regard to financial institutions, which I think will come before that point.

Mr. BROOKE. In view of what has taken place in the House, as the Senator from Tennessee has correctly described it, it would seem to me that we would want as much flexibility as possible in conference with the House on this question. Frankly, I was rather surprised by the House action and the vote taken in the House on this matter.

Mr. BROCK. That has been my intent, and I think that is the way the Senator will find the amendment reads.

We have tried to design it to be as flexible and responsive as we can. I have no intention of trying to cut off the operation of these accounts in the very limited period of time which would, in effect, eliminate any operation today if we tried to do that. I think it is perfectly logical and rational to try to insure that any overall reevaluation of our financial institutions includes an adequate and thorough consideration of the NOW account problem.

Mr. BROOKE. I thank the Senator from Tennessee.

This is a very serious matter, as the Senator from Tennessee well knows, because he participated in the debate in the Committee on Banking, Housing and Urban Affairs.

He knows of the unique situation in both Massachusetts and New Hampshire, and it would be rather disastrous for all of these accounts in Massachusetts savings banks at the present time if in the conference NOW accounts were no longer possible in either of these two States. We have a considerable number of them; we have worked with them for a long period of time. I think the evidence will indicate that commercial banks, in the main, have not been injured in Massachusetts by the NOW accounts. Therefore, I am hopeful that we would be flexible in going to conference with the Senate bill.

Mr. BROCK. I have tried to accomplish that but in all honesty I do see a need for an end point that is foreseeable in the future. It would be terribly wrong for this body either by overt action or deliberate inaction to avoid this matter. We must deal with the question the NOW account raises, insofar as whether or not it does create a competitive disadvantage for a small commercial bank that is in the same area, and whether or not we, as the Government, have a right to allow that to go on without dealing with it, either by obviating the opportunity for NOW accounts or alternatively allowing commercial banks to have the same competitive opportunity.

But we cannot continue to tolerate for long a situation in which by statute there is a built-in discriminatory situation.

Mr. BROOKE. As the Senator knows, I do not think our committee wants to give mutual savings banks or any other banks a competitive advantage over the other. On the other hand, we are going to do all we can to give consumers the opportunity to get the best banking services that the consumer can get.

Mr. BROCK. May I say to the Senator from Massachusetts that he has raised one of the most pertinent points in this entire presentation. Most consumers are debtors and not creditors. If the effect of the NOW account is to raise the interest cost that all borrowers pay for consumer goods, whether it be a home, an automobile, whatever is purchased, whatever advantage he may gain in the checking account will not be meaningful to him. As a matter of fact, it seems to me the definite advantage lies with the wealthy and not the poor, because they have rather considerable sums of money that they can and do leave in a checking account to draw interest. It is rarely the poor or middle-income people who maintain a sizable balance.

Mr. BROOKE. In Massachusetts $2,000 is the average amount of money in a NOW account. I do not think it is the wealthy who are using NOW accounts. I think it is elderly people who have, in the main, small savings, and they want to get some interest on their savings and at the same time have the advantage of being able to use a check rather than having to go down to the bank with a passbook. Those are not the wealthy people who put the maximum amount of money in a savings bank in the State.

Mr. BROCK. I cannot speak for Massachusetts, but I can guarantee the Senator it is not the average family in Tennessee that is affluent enough in today's high cost of living to maintain a $2,000 balance.

Mr. BROOKE. That is above the average, but there are many senior citizens who have perhaps only several hundred dollars to put into the accounts. I did want to negate the impression that NOW accounts are being used as a device by wealthy people to save their money at high interest rates. In addition, I want to point out that it is costing about 15 cents per check, as the Senator knows, for these NOW accounts.

They are not getting any real advantage. I think this helps commercial banks, so there is some equity involved. It is not all one sided. They now can deposit and get an advantage such as a depositor who uses a commercial checking account.

Mr. BROCK. I am delighted that the Senator has raised the point. I understand what he is saying. I am not trying to debate with him the virtue of necessity or question of having NOW accounts. I am trying to point out that where we have a statutory discrimination, either present or potential, that is something that Congress has the responsibility to deal with.

Mr. BROOKE. Does not the Senator feel that the Committee on Banking, Housing and Urban Affairs dealt with the problem adequately when it provided that the FDIC would control?

Mr. BROCK. No, I honestly do not. Because there are a number of States which could go into NOW accounts under the present language of the bill without my amendment. It takes the FDIC a good deal of time to react, frankly.

Mutual banks are allowed up to a half point interest right off the top. Thus, they start with one advantage over a commercial bank. Then they pay interest on a checking account, which is prohibited by law for their competitors. That is a competitively disadvantageous situation. It is something that I think we ought to deal with, because the committee bill allows that situation to spread across the 50 States. Whether it will or not, is something else.

This is a case where we must protect the potential user. What the Senator from Utah and I are trying to say is that this situation is of sufficient importance in strengthening the control of our financial structure that we will allow the States to operate as they are operating now, so that we can have a test; but we have limited it as to two States, Massachusetts and New Hampshire. We do not allow it for the rest of the States until we know what the situation will be.

Mr. BROOKE. Did not the competition in Massachusetts and New Hampshire provide that information, at least as to what has happened in those two States?

Mr. BROCK. The Senator from Massachusetts must admit that I am not doing violence to the States of Massachusetts or New Hampshire, or to any of the others.

Mr. BROOKE. The State of Wisconsin might want to have NOW accounts, because of the benefits of such accounts, and might want them, because they have learned of the benefits Massachusetts and New Hampshire have derived from them.

Mr. BROCK. I am delighted to have two new friends in the council of State rights.

Mr. BROOKE. The Senator's argument is against State rights. I am now in the unique position of arguing for State rights.

Mr. BROCK. We have had Federal responsibility in the monetary affairs of the Nation for a long time. We have the FDIC, the Federal Home Loan Bank Board, the Federal Farm Credit Administration——.

Mr. BROOKE. They are for protection.

Mr. BROCK. The Senator is correct—for protection against the kind of problems that could confront us. To say that we are going to have a State rights monetary system at this time is to go back 200 years, or to President Andy Johnson's national bank bill. I think we have too much at stake. I think we can do this. We have too much national security for our savings accounts to want to go back to 50 individual banking systems.

Mr. BROOKE. Is it the position of the Senator from Tennessee that NOW accounts are not beneficial?

Mr. BROCK. I do not take that position at all. I am not in a position to make that judgment.

Mr. BROOKE. And it is the position of the Senator from Tennessee that the opportunity for other States other than Massachusetts and New Hampshire should not be granted?

Mr. BROCK. That is correct.

Mr. BROOKE. And it is further his position that we should wait until the date included in his amendment?

Mr. BROCK. That is right.

Mr. BROOKE. During which time what would be done? A study would be made as to what the effect would be nationally if NOW accounts are allowed in the other 48 States of the Union?

Mr. BROCK. Unless we act sooner. I would be distressed if I thought it would take 12 months, much less 24, to undertake a thorough review of our entire financial institutions, as proposed by the Hunt Commission. I certainly think it warrants intensive study by both Houses of Congress and action under the law, and that would include a full investigation of NOW accounts provided by mutual savings banks, as well as savings and loan institutions.

Mr. BROOKE. Is it the position of the Senator from Tennessee that there is sufficient flexibility in this bill as amended by his amendment so that the Senate could go to conference with the House and preserve the institution of NOW accounts in the States of Massachusetts and New Hampshire?

Mr. BROCK. Absolutely. If that were not so, I would be offering a different amendment, because I think the Senator has a right to pursue this step.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. TOWER. I am delighted to see the Senator from Massachusetts drape himself in the Confederate flag. I must say he wears it with great distinction.

Mr. BROOKE. For this issue only. I want the RECORD to show that.

Mr. TOWER. But there is a constitutional question involved, it seems to me, because in singling out two States in this way it does violence to the Constitution, if not to the letter, then to the spirit of the Constitution. Would the Senator from Massachusetts care to comment on that?

Mr. BROOKE. Yes, I certainly would. I think it must be remembered that Massachusetts thrift institutions are quite different than institutions in other States. Our banking system is quite different. We have a strong State bank regulatory agency there. It has worked. It is working well.

I think this applies to New Hampshire. I see my colleague from New Hampshire present on the floor, and I will not comment further on it as it applies to New Hampshire, but it is a unique situation which I think the Committee on Banking, Housing and Urban Affairs has, to its credit, recognized for years.

The NOW accounts originated in the Commonwealth of Massachusetts as a device which would be helpful to consumers. They have been permitted there. This question has been taken to the Supreme Judicial Court of Massachusetts and found to be constitutional and they are proceeding under the ruling of its highest court. So I do not think there is any question of constitutionality or legality.

As I understand it, what the Senator from Tennessee is trying to do by his amendment is merely to restrict other States from permitting NOW accounts, which, in the Senator's opinion, could be competitively disadvantageous to other banking institutions, primarily small banking institutions——

Mr. BROCK. And savings and loan associations.

Mr. BROOKE. And savings and loan associations, of course. I think that is what the Senator from Tennessee is attempting to do by his amendment.

Mr. BROCK. That is right.

Mr. BROOKE. This was discussed at great length in the Committee on Banking, Housing and Urban Affairs, where a somewhat different version of the Senator's amendment was defeated by a vote of 14 to 2, the only 2 voting for it being the Senators who propose the amendment now pending.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BENNETT. The Senator from Utah, who is supporting the amendment, is not going to have any time to comment on it. The Senator from Massachusetts is using the opponents' time.

Mr. TOWER. Mr. President, I yield time under the control of the manager of the bill to the Senator from Tennessee.

Mr. BROOKE. I certainly want to hear the Senator from Utah.

Mr. President, how much time is remaining?

Mr. TOWER. Mr. President, I will yield the Senator time out of the time controlled by the Senator from Alabama on the amendment.

The PRESIDING OFFICER. Twenty-one minutes remain to the opposition.

Mr. BENNETT. Mr. President, I would like the floor. I will retire until the discussion of the Senator from Massachusetts has ended. Then I would like the floor.

Mr. BROOKE. Mr. President, I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield time, in opposition to the amendment, to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, the Senator is yielding me time in opposition to the amendment. I am chairman of the Subcommittee on Financial Institutions, which held hearings on this matter for 3 days. I heard my good friend the junior Senator from Tennessee tell this assembled body he did not feel we dealt adequately with this subject. I would like to call attention to the fact that the Banking, Housing and Urban Affairs Committee, by a vote of 14 to 2, decisively defeated the very thoughts being expressed in the amendment being offered by the Senator from Tennessee. What he has offered this afternoon for the consideration of the Senate is a modified version. The primary difference between the amendment presently before the Senate and the one that was rejected by the Committee by a vote of 14 to 2 is that in the present amendment NOW accounts could continue in the States of New Hampshire and Massachusetts as long as flexible interest rate authority is continued.

The amendment considered in committee would have allowed the States of New Hampshire and Massachusetts to continue to have NOW accounts for 1 year while prohibiting these accounts in all other States.

Senator BROCK's amendment is basically the same proposal in that the bill presently before us extends flexible interest rate authority to the Federal agencies for only 1 year as is contained in section 1(a) of the legislation, S. 1798.

In considering the merits of the amendment offered by the Senator from Tennessee (Mr. BROCK) we must first concern ourselves with exactly what a NOW account is.

What are these accounts that the Senator from Massachusetts and the Senator from Tennessee and the Senator from Utah and the Senator from Texas have been discussing?

These are savings accounts. These are savings accounts which are presently being offered by the mutual savings banks in the States of New Hampshire and Massachusetts. I might say that only 18 States of this great country of ours have mutual savings banks.

Mutual savings banks are State-chartered institutions that are basically regulated by State banking authorities.

Now accounts provide a means whereby a savings account holder may withdraw funds from his account by means of negotiable orders of withdrawal; hence, the term "Now." These are separate accounts from the mutual passbook savings account, but since they are a savings account, the funds in the account are entitled to interest payments. The negotiable order of withdrawal is simply a substitute for a passbook.

As a general rule, when a savings account holder wants to withdraw funds from his account, he must personally appear at the financial institution and present his passbook in order to withdraw his savings funds. Through the use of a negotiable order of withdrawal, a savings account holder, in effect, instructs the savings institution to pay a third person out of his savings account.

This new negotiable order-of-withdrawal concept gives to the savings account holder a new convenient method of withdrawing savings account funds and also gives him the added benefit of receiving interest on the funds in his account.

During the committee's hearings on this NOW account issue, testimony was received from the Federal Reserve Board, the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, and the Department of the Treasury and not one witness representing these Federal regulatory agencies recommended prohibiting NOW accounts. In fact, the Deputy Under Secretary of the Treasury, Mr. Smith, in his testimony stated that—

> The NOW account represents a competitive break-through which many commentators of the financial community will argue is inevitable with the growing role that technology is playing in the transfer of funds process. The benefit to the smaller consumer-saver seems obvious. We do not yet have sufficient empirical evidence to judge the impact on the offering institution.

Both Mr. Smith of Treasury and FDIC Chairman Frank Wille testified that there is no need for Federal intervention against NOW accounts. Mr. Smith testified that—

> We are not convinced by the data which we have thus far seen with respect to the development of the NOW accounts in both Massachusetts and New Hampshire that there is a solid case for federal intervention at this moment. We do not see a competitive disruption of such magnitude, if indeed there is a competitive disruption at all, which would suggest that the federal government is compelled to intervene.

And Mr. Wille concluded, with regard to the situation in Massachusetts, that—

> We have no data indicating a significant competitive impact vis-a-vis commercial banks and savings and loan associations.

The proponents of this amendment have cited the views of Federal Reserve Board Gov. George W. Mitchell that NOW accounts have created an "intolerable" situation for competing types of institutions in Massachusetts and New Hampshire. Mr. Mitchell cited no evidence of an actual adverse effect, but merely speculated that the effects of NOW accounts could become serious.

In citing Mr. Mitchell's views, moreover, the proponents of this amendment have failed to emphasize the primary thrust of his testimony—that the NOW account is a useful financial innovation, and that ways should be found to permit the broader use of NOW accounts. Testifying on behalf of the Federal Reserve Board, Mr. Mitchell most emphatically did not recommend a Federal prohibition of NOW accounts.

In fact, not one of the administration or Federal or State regulatory agency witnesses at the Senate or House hearings testified in favor of Federal intervention to prohibit NOW accounts. This highly significant fact was specifically noted by the Senate Banking Committee in its report on S. 1798, and has been ignored by the proponents of this amendment.

The committee similarly concluded that Federal intervention against a consumer financial service that has been upheld as legal under State law by the highest court in Massachusetts and by the New Hampshire bank commissioner is not needed or desirable at this time. In its report on S. 1798, the committee stated that—

> The localized nature of NOW accounts convinced the Committee that at the pres-

ent time the issue is one primarily of State rather than Federal jurisdiction. The Committee concluded that in view of the fact that these accounts presently exist in only two States that a case for Federal intervention is not justified.

The proponents of this amendment have pointed to the possibility that the introduction of NOW accounts may be imminent in a number of other States, and that Federal legislation is needed to prevent the "unregulated proliferation" of NOW accounts. But they have failed to provide any proof for their assertion that institutions in other States are planning to introduce NOW accounts, or that there is legal authority for them to do so.

Aside from the obvious fact that the spread of NOW accounts may well be in the interest of consumers, the proponents of this amendment have completely ignored the fact that the Federal and State regulatory agencies, under existing law, presently have the powers needed to regulate NOW accounts.

S. 1798 would reinforce the FDIC's existing powers, moreover, by giving the FDIC new authority to regulate the rate of interest that nonfederally insured banks may pay on NOW accounts.

In addition, the Senate should note that in its report on S. 1798, the banking, Housing, and Urban Affairs Committee specifically instructed "the FDIC to monitor closely the effect that NOW accounts have on competition among the various financial institutions and to move swiftly to take corrective action if warranted."

But the real underlying issue concerning the existence of NOW accounts has not been based on whether this service benefits the consumer. The arguments against NOW accounts have been consistently based on competition among various competing financial institutions, but mainly between commercial banks and mutual savings banks.

One might ask how did these NOW accounts develop. And the answer is they developed, because of competition.

I noted, Mr. President, that in the colloquy with the distinguished Senator from Massachusetts, the Senator from Tennessee cited various advantages the savings banks would have over commercial banks. Actually, the evidence today is that any commercial bank that gives a person a checking account without any charges is rendering a service to him of about 2.5 percent in interest. That is a pretty good advantage that the commercial banks have at the outset.

In their attempt to compete with commercial banks, mutual savings banks have found it necessary to develop some type of third-party payment system. A checking account is a third-party payment system offered by commercial banks, and a NOW account is a third-party payment system offered by a mutual savings bank and presently even more sophisticated electronic third-party payment systems are being developed whereby neither cash nor checks are necessary but where each financial transaction would take place by computer.

The problem that we have before us today regarding NOW accounts is a manifestation of a much more complex and difficult problem and that is the structure and regulation of financial institutions.

No new comprehensive banking legislation has been enacted into law in approximately the last 40 years. Since the depression of the 1930's, the structure and regulation of this country's financial industry has remained basically unchanged. There has been some legislation dealing with specific problems such as, for example, bank holding companies, but as far as the basic structure and regulation of the banking industry of this country no substantial changes have been made since the reforms initiated during the 1930's.

In response to the need for updating the structure and regulation of financial institutions, President Nixon commissioned a study in 1970 to develop substantive changes in the banking industry. The report of the President's Commission on Financial Structure and Regulation was filed on December 22, 1971.

This Commission made a number of far-reaching recommendations, the goal of which was to make the various financial institutions in this country—mainly commercial banks, mutual savings banks, savings and loan associations, and credit unions—more competitive. At the present time, each of these financial institutions serve basically one identifiable group of customers and to a great extent competition is relatively limited in a number of areas. Where one institution is allowed to perform one function, other institutions are denied being able to offer that service, and so it is with third-party payment systems.

At the present time, commercial banks are basically the only institutions that offer this service. But the need to compete in today's market and the need for structural change in today's market is being clearly shown on the Senate floor today in our discussion with NOW accounts.

In examining the question of third-party payment systems, the President's Commission on Financial Structure and Regulation recommended in December of 1971, that both mutual savings banks and savings and loan associations be granted demand deposit rights or, to put it another way, that these two institutions should be able to offer checking accounts.

What we are debating today is an attempt by a number of mutual savings banks in the New England area—namely, Massachusetts and New Hampshire—to obtain what the President's Commission recommended; that is, some form of third party payment system.

The only reason why this issue is on the Senate floor today is because no action has been taken by the executive branch to implement by way of legislative proposal any of the recommendations contained in the Commission's report to the President.

For the last 17 months, our committee has been waiting for the President to submit his legislative recommendations in conjunction with the Commission's report, and this report recommended exactly what we are discussing today; that mutual savings banks be granted third party payment systems.

It is obvious that if the President does not move to implement the Commission's recommendations then Congress will have to do so on its own initiative. In exactly what we are discussing today: There can be no doubt that the issue of NOW accounts is not only the developing of a new banking innovation but is also a clear signal that the old banking rules and regulations that have served this country well for the last 40 years must be reconsidered in light of today's needs.

NOW accounts are not something in my opinion that should be prohibited but, to the contrary, are something that should be encouraged. It shows that there remains a competitive vitality in an industry that is probably regulated more than any other single industry in this country.

Congress rather than discouraging competition should be encouraging it, and this is why the Senate today should endorse the action taken by its Committee on Banking, Housing and Urban Affairs and reject this amendment.

Mr. BENNETT. Mr. President, will the Senator from Tennessee yield?

Mr. BROCK. Mr. President, I yield to the Senator from Utah.

Mr. BENNETT. Mr. President, I was surprised to hear the Senator from New Hampshire say that what we are debating today is the right of the mutual savings banks in New Hampshire and Massachusetts to pay interest on NOW accounts. They have that right, and they would have it under the amendment of the Senator from Tennessee.

What we are concerned about is whether this should be proliferated across the country before we have had a chance to face the basic problem which the action of the mutual savings banks of Massachusetts and New Hampshire have opened up.

Personally, I feel that we will end up with a system under which there will be some kind of a program for paying interest on certain types of accounts that are subject to withdrawals. However, what that system should be and how it should be organized today we really do not know.

I agree that we have waited too long for consideration of the Hunt report. I hope that we can get to it, because I think that when we consider the Hunt report, we should consider on a national basis the question of whether we should establish a kind of a family account on which the depository could pay interest.

The statement that we are being unfair to the mutual savings banks in New Hampshire and Massachusetts does not ring true, because we are preserving their right by this amendment to do what they are doing.

The Senator from New Hampshire says that only 18 States in the Union have mutual savings banks. We are saying that 32 States of the Union have no institution which may pay interest on a savings deposit and still permit it to be withdrawn by some kind of third party payment arrangement.

My interest in supporting this amendment is to confine the problem to its present area and allowing the mutual savings bankers in Massachusetts and New Hampshire to keep the freedom they now have until we get a chance to figure out the best basis on which to implement the suggestion that the Federal Reserve, the FDIC and the other regulatory agencies say is a program that should be looked at. Under the pending bill, it would be confined to mutual savings banks which the Senator says only exist in 18 States.

We are saying to the commercial banks and to the savings and loan associations that compete for the saver's dollar in 50 States that they may not match this. That is available only to an organization organized at this particular time and, as I say, it exists only in 18 States.

I think it is wiser—and that is the reason I offered a version of this amendment in the committee, even though it was defeated—to have this experiment confined where we can look at it and see the extent to which moneys are flowing out of the savings departments in the commercial banks and how the moneys are flowing out of the checking accounts in the commercial banks as a result of this particular privilege.

We are also debating a very serious principle which has concerned the banking industry since the early 1930's. That is, whether it is safe to allow banks to compete on the basis of interest paid on checking accounts and whether it is a safe situation to allow that not only by banks systems, but also by our savings and loan institutions.

The number of banks in Massachusetts and New Hampshire is very small compared to the total number of savings and loan associations across the country that are going to be affected by this situation.

If we allow NOW accounts to go across the country in the States where they are legal—and we already have a different method of calculating interest in New Hampshire than we have in Massachusetts—are we going to have dozens of different systems and programs built up?

If we do, those of us in the banking committees of Congress are going to have a very much tougher time trying to write legislation which will set up national norms and national restrictions on the proliferation of these NOW accounts.

My interest in this thing is not to kill the NOW accounts. My interest is to keep the fire under control until we can have time to determine the best way in which we can allow it to spread across the country.

Mr. McINTYRE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. I am sorry, I have not finished.

Mr. President, I believe that the amendment which Senator **Brock** has offered is a reasonable and logical measure. It would allow mutual saving banks in Massachusetts and New Hampshire to continue offering so-called NOW accounts as long as interest rate controls on desposits remain in effect.

At the present time, NOW accounts are confined to these two States. The amendment which has just been introduced would prevent it from spreading elsewhere, until Congress has at least had time to review the administration's proposals with regard to the President's Commission on Financial Structure and Regulation.

The President's Commission has recommended that the privilege of offering third party payment services, such as NOW accounts, be extended to mutual savings banks and savings and loan associations, providing that all institutions offering such services operate under the same regulatory safeguards and be subject to the same relative tax burdens. Those conditions are not presently being met in Massachusetts and New Hampshire, and the competitive balance between various institutions in those two States has been substantially altered. It threatens to be altered elsewhere if the practice is not now confined to those two States. The measure just introduced would provide Congress with the time it needs to determine what the appropriate regulatory safeguards and tax policy should be before sanctioning the extension of third party payment services by similar institutions elsewhere.

In this regard, I think that it is a logical step to link the expiration of the prohibition on NOW accounts outside the States of Massachusetts and New Hampshire with the expiration of interest rate controls on deposits. The President's Commission has recommended that these controls be phased out over time. If, after examining the commission's recommendations, Congress should extend the privilege of offering third party payment services to these institutions, it would do so only after approving the elimination of interest rate controls, as well as adopting the other many recommendations of the commission which would allow third party payment services to be extended in a way that is fair and equitable to all concerned. If, on the other hand, Congress decides that the practice should not be extended to these institutions, it will be easier to undo what has been done if the practice is now confined to the two States in which the service is presently being offered.

Let me also point out that the Senator from Massachusetts, in his individual views on this bill, said:

> Mutual savings banks currently enjoy some competitive advantages over their Federally chartered or insured competitors (e.g., the authority to sell life insurance, mutual funds, to invest in common stocks for their own account, and to offer corporate savings accounts), which have contributed to the substantial growth experienced by mutual savings banks in recent years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPARKMAN. Does the Senator wish more time?

Mr. BENNETT. Two more minutes, and I will be through.

Mr. SPARKMAN. I yield the Senator 2 minutes.

Mr. BENNETT. Mr. President, I think I have made the point. The Senator from Massachusetts goes on to say that he has tried, within Massachusetts, to correct these inequities, but he has not been successful. I do not think we should continue to support the inequities here on the floor of the Senate. I believe the logical thing to do is to confine this situation to these two States until we have had a chance to study the potential effect on the whole system of depositories and legislate new programs which, as far as I am concerned, can provide the same privilege to all depository institutions in the country. But I do not like to see this thing start up in an uncontrolled manner at the present time.

Mr. McINTYRE. Mr. President, will the Senator from Alabama yield me 1 minute?

Mr. SPARKMAN. Yes.

Mr. McINTYRE. Mr. President, in reply to the distinguished Senator from Utah, let me just say that the Banking Committee after hearings and executive sessions, felt the testimony of the administration and other knowledgeable agencies indicated that there was no great, fearsome danger involved here. There was some testimony that small commercial banks might suffer, and as a result it was the decision of the full Banking Committee that we would assign to the FDIC interest rate authority over NOW accounts, and allow these accounts to go their way in New Hampshire and Massachusetts, but that at any time they should threaten to get out of control, the Federal agency monitoring them could take appropriate actions to maintain a competitive balance.

For that reason, I feel that the position of the Committee on Banking, Housing and Urban Affairs should be upheld, and the NOW accounts permitted to continue.

Mr. BROCK. Mr. President, will the Senator from Texas yield me 3 minutes?

Mr. TOWER. I yield 3 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I think we have discussed this issue rather thoroughly, and can bring it to a close.

Let us be sure what we are voting on here. We are not voting on NOW accounts. There has been no effort since the outset to debate that question. If there had been, I think we would have seen a different kind of debate.

As the Senator from New Hampshire pointed out, we have not had a revision of the Glass-Steagall Act since it was passed. One of the planks of the Glass-Steagall Act was that we should not have payment of interest on demand deposits because of the possibility of high-risk situations. That was exactly why we got into the situation we had in 1933, with all the moratoriums that went on then.

We are not even debating the situation of banks as savings or mutual associations. What we are debating is whether discrimination allowed under Government regulation, as we have it today should be permitted to extend into other States—discrimination on the part of one institution as against all competing institutions, including savings and loan associations, and nondiscrimination. It is a choice between what the Senator from Utah and I have proposed as a fair test of a concept that deserves a fair test, or a washing of Federal hands of any responsibility in the area, and saying we are just going to allow unregulated growth.

It is a choice between the consumer, if you want to bring it down to that level, as a debtor or a creditor. Which is he? All the Senator from Utah and I have tried to say is that if we are going to explore this new concept, let us do it rationally.

Let us do it where it exists today. Let us see how it works, and let us do it within the context of an overview of our entire structure of financial institutions under the Hunt Commission report, but let us not allow growth to go unchecked to the detriment of the borrowers or potential consumers of the credit institutions of this country.

### MORE CAREFUL STUDY NEEDED ON "NOW" ACCOUNTS

Mr. HRUSKA. Mr. President, I support the Junior Senator from Tennessee (Mr. Brock) in his effort to amend S. 1798 to confine NOW or Negotiable Order of Withdrawal accounts to existing conditions in the States of Massachusetts and New Hampshire.

Congress should move with great caution at any time in initiating sweeping measures which affect the competitive situation in banking. Current business and economic conditions plainly call for special caution.

The Congress needs to study this situation further. As the junior Senator from Tennessee and the senior Senator from Utah (Mr. Bennett) have clearly stated in their additional views to the committee's report, we need to examine all the questions involved in granting comparable powers and imposing comparable responsibilities and burdens upon competing financial intermediaries.

Mr. President, a number of distinguished Nebraska bankers have expressed to me their strong well-reasoned objection to any expansion of NOW accounts to States other than Massachusetts and New Hampshire. I ask unanimous consent that their comments be included at this point in the Record:

There being no objection, the telegram and letters were ordered to be printed in the Record, as follows:

May 16, 1973.

Hon. Roman L. Hruska,
*Capitol Hill, Washington, D.C.*

I urge that you support the Brock amendment to S. 1789. This is very important.

Paul M. Hefti,
*Guardian State Bank.*

---

The Farmers National Bank of Grant,
*Grant, Nebr., May 17, 1973.*

Hon. Roman Hruska,
*U.S. Senate Office Building,*
*Washington, D.C.*

Dear Senator Hruska: Included in HR 6370 is a provision to ban NOW accounts as used by Mutual Savings Banks. This bill will be presented to the Senate in the near future.

My reasons for writing you is to enlist your support for the banishment of NOW accounts and are as follows:

1. Mutual Savings Banks are now permitted to do so on an unfair basis.

2. Mutual Savings Banks are permitted to pay a higher rate of interest on these accounts than commercial Banks are permitted to pay on Savings Accounts.

3. Mutual Savings Banks do not have the same reserve requirement as do banks.

4. Mutual Savings Banks do not have as heavy a tax burden as to banks.

5. Mutual Savings Banks do not have the same or similar regulatory requirements as do banks.

6. The NOW account is the same as paying interest on checking accounts. Banks have been prohibited by Federal law since the 1930's from doing this.

I do not mind fair competition in business but I feel that Commercial Banks are being taken advantage of by permitting the Mutual Savings Banks to pay interest on NOW accounts.

I trust that you will be able to vote with the banks on this and against the Mutual Savings Banks.

Yours very truly,

F. W. Jackman,
*Chairman and CEO.*

---

Bank of Gering,
*Gering, Nebr., May 16, 1973.*

Hon. Roman L. Hruska,
*U.S. Senator,*
*Russell Senate Office Building,*
*Washington, D.C.*

Dear Senator Hruska: Debate is expected soon on S–1789 the extension of the Interest Rate Control Act, and relating to the controversial NOW accounts.

Senator Brock will offer an amendment to this bill to prohibit the opening of NOW accounts in states other than Massachusetts and New Hampshire until the expiration of the bill in May, 1974.

In my opinion, I feel that the payment of interest on checking accounts, or any plan that resembles the payment of interest on demand deposits, is not in the best interest of the industry, I hope that you can support the Brock Amendment S–1789.

Spring has finally come to Western Nebraska—we have all the sugar beets planted and most of the corn. Looks like we have a good start, and we all hope that Mother Nature sees fit to give us another good crop year.

Kindest personal regards.

Very truly yours,

H. L. McKibbin,
*Executive Vice President.*

---

Farmers and Merchants Bank,
*Milligan, Nebr., May 8, 1973.*

Senator Roman Hruska,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Hruska: I am writing to you pertaining to current legislation on the matter of NOW accounts.

If NOW accounts were authorized it would mean that checking accounts would become interest bearing accounts which banks are prohibited from using at this time and have been since the crash of 1933.

I was in the banking business during the crash of 1933 and at that time our city correspondent banks were paying us interest on our checking accounts. It was then determined that interest bearing checking accounts were unsound and were therefore prohibited.

Now we are back to those days and we are commencing to do a lot of unsound things and this proposal is one of them.

I hope you will give this some very careful study before you vote in favor of this proposal.

Very truly yours,

J. J. Klima.

---

The Omaha National Bank,
*May 16, 1973.*

The Honorable Roman L. Hruska,
*U.S. Senator,*
*Senate Office Building,*
*Washington, D.C.*

Dear Roman: The errand of this letter is to summarize my conversation with Dave Tishendorf this morning.

Senate Bill 1789 provides for the extension of the Interest Rate Control Act to May 31, 1974. The House has already passed a similar bill, and the House version of the bill carries a rider which prohibits savings banks from establishing NOW accounts. A NOW account is a savings account on which interest is paid and on which negotiable orders of withdrawal are accepted. A negotiable order of withdrawal is essentially a check, and therefore this permits savings banks to pay interest on checking accounts. Commercial banks, of course, are not permitted to do this.

Senator Brock will introduce an amendment to S. 1789 which would be similar to the amendment already adopted by the House. We urge your support of the amendment offered by Senator Brock and the bill so amended.

We understand that the Administration is preparing a bill to carry out some of the provisions of the Hunt Commission Report. One of the main points of the Hunt Commission Report was that financial institutions offering similar services should be treated similarly. We believe in that principle and believe that savings banks should not be permitted to pay interest on accounts subject to third party transfer until banks are permitted to do likewise.

Do not hesitate to get in touch with me if I can give you any further information on this subject.

Sincerely,

Morris F. Miller, *Chairman.*

---

Ames Plaza Bank,
*Omaha, Nebr., May 10, 1973.*

The Honorable Roman Hruska,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Hruska: One of the most basic concepts of our democratic government is equality before the law with its corollary principle that free enterprise must not be destroyed by granting special competitive advantages to certain groups. Constant vigilance must be maintained to guard against any attack attempted against these principles.

Such an attack is represented by the effort of mutual savings banks to establish their N-O-W accounts (Negotiable Order of Withdrawals.) Stripped of verbiage, a N-O-W account becomes simply an interest bearing checking account.

The danger involved is the destruction of free enterprise, *by law,* in the following ways:

1. Mutual banks would be permitted to pay a higher interest rate on accounts than commercial bank savings accounts. Commercial banks in suburban and rural areas will lose substantial funds for no valid business reason and this raiding on deposits would be legalized.

2. Mutual savings banks do not share the tax load equally, with commercial banks carrying the heavier portion, nor do the mutual savings banks have the same reserve requirements as commercial banks.

3. Mutual savings banks have neither the same nor similar requirements nor regulations as do commercial banks.

4. Commercial banks couldn't even compete because by law they are prohibited from paying any interest on checking accounts, yet the granting of N-O-W accounts would enable mutual savings banks to do so.

From a practical view, payment of interest on checking accounts must necessarily be followed by charging higher interest rates to carry this new cost load.

Free competition cannot be maintained by granting special "game-rules" to one group while "ham-stringing" the competitive groups. We abhor such practice particularly at a time when the American philosophy of fairness, justice, and equality calls for strong affirmation.

We hope you will make every effort to prohibit N-O-W accounts and put all mutual savings banks under F.D.I.C. deposit rate setting authority. Your support will help maintain our democratic principles and protect your constituents.

Respectfully submitted,
Edward D. Brodkey,
*President, Ames Plaza Bank.*

---

Security State Bank,
*Oxford, Nebr., May 18, 1973.*

Senator Roman Hruska,
*U.S. Senate Building,*
*Washington, D.C.*

Dear Senator Hruska: I am writing to you concerning S. 1798, authorizing mutual savings banks to adopt and use (NOW accounts), Negotiable Orders of Withdrawal. We previously contacted our Congressman and thus in our own small way helped to produce a rejection in the House by a decisive vote of 264 to 98.

I am sure you are aware NOW accounts are interest bearing checking accounts. During House debate, NOWs were termed a dangerous and ominous trend for America's financial institutions.

I wish to express our complete opposition to this bill from myself and the other eleven banks in this state that we are involved in.

I urge you to vote against S. 1798.

Thank you for your consideration.

Very truly yours,
D. L. Holbein,
*Vice President.*

---

Johnson County Bank,
*Tecumseh, Nebr., May 18, 1973.*

Senator Roman Hruska,
*Senate Office Building,*
*Washington, D.C.*

My Dear Senator: It will be appreciated if you do not support the legislation on Now accounts which will come before you shortly.

Also, your support of HR 6370 will be appreciated.

My sixty years in banking dictates to me that these measures are not necessary. S 1798 authorizing savings banks to adopt Now accounts is not beneficial in any way to your constituency.

Very respectfully,
J. V. Johnson.

---

First National Bank,
*Wayne, Nebr., May 16, 1973.*

Senator Roman L. Hruska,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Hruska: This is to request your consideration and, hopefully, support for an amendment to S. 1789, which will be offered by Senator Brock. The effect of the Brock Amendment will be to prohibit establishment of negotiable order of withdrawal accounts in states other than Massachusetts and New Hampshire until May 31, 1974.

The N.O.W. type of account impresses me as a vehicle giving unfair competitive advantage to those financial institutions allowed to use it, in that it amounts to an interest bearing checking account. As you know, payment of interest on regular checking accounts in commercial banks is prohibited by law. While this is not an immediate problem in Nebraska, it seems likely that if the practice is allowed to continue, it will very likely spread rapidly to all states. I hope that you will agree and will find it possible to support Senator Brock's amendment.

Sincerely,
Adon Jeffrey,
*President.*

---

First National Bank,
*West Point, Nebr., May 18, 1973.*

Senator Roman L. Hruska,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Hruska: The purpose of this letter is to respectfully request that you oppose S 1798 authorizing mutual savings banks to use (NOW) Negotiable Orders of Withdrawal accounts.

Should it pass, it would violently upset the payments mechanisms that are allready realing from international payments problems, devaluation and the like. In my judgement, the payment of interest on demand deposits would create a situation akin to the 30's when bankers were paying interest on demand deposits, and in order to pay that interest were making unsound loans and investments which ultimately led to disaster! Further, Savings Banks allready have a decided competitive edge in their favored tax role, with which I know you are familiar.

I would urge you instead, to support Alternate Bill 6370 banning NOW accounts. The need is urgent.

Thanking you for your consideration, I am,

Respectfully yours,
Eldon G. Freudenburg,
*President.*

---

The 1st National Bank of York,
*York, Nebr., May 18, 1973.*

Hon. Roman Hruska,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Hruska: This letter is to request your support for HR–6370 in whatever form it reaches the Senate floor. This is the bill which would eliminate negotiable orders of withdrawal (NOW) accounts for various savings institutions.

I am sure you are aware that this legislation is necessary to eliminate the inequities that have arisen because a few of the states have permitted these accounts without taking the necessary action to fit them into the overall banking structure.

Sincerely,
M. C. Bonham, *President.*

---

Farmers State Bank,
*Douglas, Nebr., May 18, 1973.*

Hon. Roman Hruska,
*Washington, D.C.*

Dear Mr. Hruska: It has come to my attention that a bill is or shortly will be out in the Senate which is asking for "Now" bank accounts in Savings and Loan and Building and Loan Associations.

In my opinion this would be a very bad thing for the country and a hardship on Banks, we just cannot pay interest on Checking accounts and survive. The Savings Banks due to various advantages possibly can. I respectfully ask that you vote against any bills that would allow interest to be paid on checking accounts.

While I am writing I also wish to express my opinion on another matter and that is raising the limit on Time Deposit Interest.

As far as I know there is no bill in regard to this but should there be I wish to state that it would be the end of Country Banks, we cannot pay 6% and 7% like City Banks are doing and at that kind of interest it would be no time until the increased interest paid by City Banks would drain the money to the City, where it would stay the "Farmers Friend" the country bank would be out of business and the farmer out of a source of credit.

Thank you.

Yours truly,
M. W. Dunlap, *President.*

---

Richardson County Bank
and Trust Company,
*Falls City, Nebr., May 18, 1973.*

The Honorable Roman Hruska,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Hruska: The House of Representatives very recently passed legislation prohibiting NOW accounts, and I applaud this action vigorously.

I understand that amendments will be offered on the floor of the Senate to the Interest Rate Control Bill which was recently reported by the Senate Banking Committee to prohibit the opening of NOW accounts anywhere after May 15, 1973 (with a phase out period for those which were in existence on May 15, 1973). I ask your strong support of this amendment to prohibit NOW accounts at this time.

Cordially,
John H. Morehead, *President.*

P.S. As you are probably aware, the savings and loan associations are in accord with the commercial banks' stand on this matter—a refreshing contrast to the normal position of the two types of institutions, but one that should make it easier for you in this particular case.

---

Scottsbluff National Bank
and Trust Co.,
*May 18, 1973.*

The Honorable Roman Hruska,
*U.S. Senator,*
*Washington, D.C.*

Dear Roman: I wish to make my views known on the legislation on interest rate control reported by the Senate Banking Committee—particularly to an amendment which has been, or will be, introduced to prohibit NOW accounts. We, of course, hope that NOW accounts will be prohibited and the views of Senators Bennett and Brock as printed in the Senate Report are consistent with our approach to this matter.

The NOW account is similar to paying interest on a checking account—a practice that has been prohibited since the 30's. The institutions involved already enjoy advantages in reserve requirements, taxes, and regulatory matters which should be considered and until these matters are settled on a basis which is equitable for all other financial institutions, the NOW account should be prohibited.

Your consideration of this view would be appreciated.

Kindest regards.

Sincerely,
H. D. Kosman, *President.*

Mr. MUSKIE. Mr. President, the Senate Banking, Housing and Urban Affairs Committee has reported to the full Senate a bill containing a sound and judicious position on NOW accounts. The legislation they reported continues the present regulatory arrangements under which two New England States—Massachusetts and New Hampshire—have allowed mutual savings banks to offer consumers savings accounts on which negotiatable orders of withdrawal, similar to checks, can be drawn.

The NOW accounts offered in Massachusetts and New Hamphsire have evidently been welcomed by banking customers in those States as an alternative form of banking service. It offers those with little need for a full checking account the advantages of paying their bills from their savings accounts directly to a third person. This new service is especially valuable to the young, the aged, and the infirm, who might otherwise be burdened by administrative complications of handling their financial affairs from a savings account alone. Although these accounts represent no more than 1 percent of the deposits of commercial banks, and the assets of mutual savings banks, in these States, they are filling a need of many banking customers.

The position taken by the committee mandates full regulatory protection of the consumers, and of the banking industry, from the experiment of NOW accounts. The State banking authorities in Massachusetts and New Hampshire retain control of NOW accounts in their States. And the committee bill gives the FDIC authority to regulate the interest rates paid on NOW accounts.

Finally, the committee's direction to the FDIC to monitor closely the operations of NOW accounts promises to guard against any injurious effects of this experiment.

I support the position of the committee, and urge the Senate to reject the amendment of Senators BROCK and BENNETT which would prohibit this worthwhile banking service.

Mr. HUMPHREY. Mr. President, I wish to offer some observations on the amendment by the Senator from Tennessee (Mr. BROCK), which would confine to the States of Massachusetts and New Hampshire a practice under which State-chartered mutual savings banks in these States are offering the public an interest return on checking accounts, known as NOW accounts, where a depositor may remove funds from a savings account through the use of a negotiable order of withdrawal to a third party.

I am not persuaded by arguments that this recent practice will upset the competitive balance between financial institutions. I believe that adequate provision has been made in S. 1798 for monitoring the effect that NOW accounts may have on competition among the various financial institutions, through giving the Federal Deposit Insurance Corporation clear authority to cover, with respect to the rate of interest paid, all federally insured and noninsured banks throughout the country that presently offer such services or are commenced by other financial institutions in the future.

The Committee on Banking, Housing and Urban Affairs, prior to reporting the legislation before the Senate to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, rejected a similar amendment to confine the availability of NOW accounts, by a vote of 14 to 2. I concur with the committee's judgment that this matter presently is primarily one of State rather than Federal jurisdiction, and that NOW accounts offer an individual customer an important convenience in withdrawing funds from his savings account. The committee intends to examine the question of extending this type of account to all competing financial institutions, during its consideration of the President's legislative proposals, anticipated in the near future, and based upon the findings of the Commission on Financial Structure and Regulation.

In conclusion, it should be noted, first, that NOW accounts are not demand deposit accounts—an important distinction—and second, that the availability of such accounts is presently exceptionally limited, as indicated by the fact that there are mutual savings banks in only 17 States, including the State of Minnesota, which has only one savings bank.

Mr. SPARKMAN. Mr. President, I am ready to yield back the remainder of my time. I call attention to the fact that we have to finish by 4 o'clock because of a previous order.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HELMS). All remaining time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the role.

Mr. PASTORE (when his name was called). PASTORE votes "present."

Mr. GURNEY (when his name was called). I vote "present."

Mr. SCOTT of Pennsylvania (when his name was called). On this vote, I have in the name of myself and my wife, bank stock in a national bank. Although I would be inclined to vote "nay" in any event, I nevertheless feel that I should withhold my vote and should vote present. I therefore vote "present."

Mr. FULBRIGHT (when his name was called). Having shares in a commercial bank, I therefore vote "present."

Mr. PELL (when his name was called). Having an interest in a commercial bank, I vote "present."

Mr. INOUYE (after having voted in the affirmative). Having an interest in banking operations, I prefer to vote "present."

Mr. CASE (after having voted in the negative). Having an interest in banking operations, I prefer to vote "present."

Mr. BURDICK (after having voted in the affirmative). As long as I hold some stock in a commercial bank, I prefer to vote "present."

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CLARK), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. JAVITS) is absent because of death in the family.

The Senator from Arizona (Mr. FANNIN) is absent on official business.

The Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Idaho (Mr. MCCLURE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Maryland (Mr. BEALL) is detained on official business.

The result was announced—yeas 43, nays 33, as follows:

[No. 149 Leg.]

YEAS—43

Allen
Baker
Bartlett
Bayh
Bellmon
Bennett
Bentsen
Bible
Brock
Byrd, Harry F., Jr.
Cannon
Chiles
Cook
Cranston
Curtis
Dole
Domenici
Eastland
Ervin
Goldwater
Griffin
Hansen
Hartke
Helms
Hollings
Hruska
Long
Mathias
McClellan
Nunn
Pearson
Ribicoff
Roth
Saxbe
Scott, Va.
Stafford
Stevens
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NAYS—33

Aiken
Biden
Brooke
Buckley
Byrd, Robert C.
Cotton
Eagleton
Gravel
Hart
Haskell
Hatfield
Hathaway
Huddleston
Hughes
Humphrey
Jackson
Johnston
Kennedy
Mansfield
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Proxmire
Randolph
Schweiker
Sparkman
Stevenson
Symington
Tower

ANSWERED "PRESENT"—8

Burdick
Case
Fulbright
Gurney
Inouye
Pastore
Pell
Scott, Pa.

NOT VOTING—16

Abourezk
Beall
Church
Clark
Dominick
Fannin
Fong
Javits
Magnuson
McClure
McGee
McGovern
Packwood
Percy
Stennis
Williams

So Mr. BROCK's amendment was agreed to.

Mr. TOWER. Mr. President, I yield 1 minute to the Senator from Montana.

## ORDER FOR A COMMUNICATION TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent—this has been cleared all around—that upon its receipt, the communication on minority business enterprises be held at the desk until further action is agreed upon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## STRUCTURE AND REGULATION OF FINANCIAL INSTITUTIONS

The Senate continued with the consideration of the bill (S. 1798) to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, to amend certain laws relating to federally insured financial institutions.

Mr. TOWER. I yield myself such time on the bill as I may require.

Mr. President, I had considered offering an amendment here today regarding the repayment of excess premium payments into the secondary reserve of the FSLIC to the appropriate savings and loan associations, most of which are located in the rapid growth States of recent years, such as Texas and California. However, it is my understanding that the Office of Management and Budget and the Federal Home Loan Bank Board will propose a plan to retire the excess reserves over a period of time, and I will therefore withhold my proposal for this same purpose. The matter is very complex, and it is appropriate to await technically accurate legislation from the administration.

My understanding is that the administration is of the opinion that the excess funds should and will be rebated, but the question is merely as to the proper mechanics of carrying this out.

Mr. President, I yield such time on

the bill as the Senator from Wisconsin requires.

Mr. PROXMIRE. Mr. President, I believe there is considerable merit to the amendment that was to be offered by the Senator from Texas. It would provide for a cash rebate to those savings and loan associations whose balances in the secondary reserve fund are so large that they would never be phased out under the new premium plan contained in section 4 of the bill. This is because the interest received on these balances is greater than the cash premium payments required to be paid into the primary insurance fund.

Although I believe the amendment has merit, I believe it is premature. The amendment would make sense if Congress had made a decision to abolish the secondary reserve insurance fund. However, the bill reported by the committee does not abolish the secondary reserve fund. It merely stops the fund from growing. Therefore, I believe it would be premature to authorize a cash rebate to a designated group of institutions until we decide upon the ultimate fate of the secondary reserve fund.

Mr. President, we are not talking about trivial amounts. The Tower amendment would require a cash rebate of $53 million to about 300 associations. More than $37 million would go to just 55 California associations. The rebate would be paid from FSLIC insurance funds on January 1, 1976.

I am not opposed in principle to a cash rebate to these associations even though it might increase the budget deficit. Secondary reserve balances are treated as an asset on the books of savings and loan associations. In a very real sense, the money belongs to the associations although the insurance fund has first claim on it. If the secondary reserve fund is to be phased out over time, a cash rebate may be necessary to those associations with substantial balances.

The key point, however, is that there has been no decision on phasing out the secondary reserve fund. Under the bill reported by the committee, it is entirely possible for the secondary reserve fund to be as large or larger on January 1, 1976, as it is today. If this were to occur, how can we justify giving a cash rebate to 300 associations when the rest of the industry has had no reduction in their reserve balances? Why should we sign a blank check for these associations until we know what the rules of the game are?

Mr. President, the amendment is opposed by the administration. Let me quote a letter on the amendment from the Office of Management and Budget:

> The Administration is unable to support this proposed amendment. The problem of the secondary reserve balances held by the FSLIC is much too extensive and complex to be susceptible of solution by a series of partial amendments, of which this is one. We believe the necessary and desirable solution will be best achieved through carefully developed legislation which will address the entire problem, and provide for the appropriate phasing of any repayments over time. Therefore, we are in agreement with you that the proposed amendment is premature: the Board has not yet drafted legislation for an eventual abolition of the secondary reserve fund. We have indicated to the Board, however, that the development of such an item of legislation should have a high priority in the coming year.

Mr. President, I ask unanimous consent that my correspondence relative to this matter with the Office of Management and Budget be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. To summarize the arguments against the amendment—first, it is premature and could lead to serious inequities within the savings and loan industry by favoring one group of claimants on the secondary reserve fund ahead of all others; second, it is opposed by the administration; and third, it would increase the budget deficit in future years by $53 million.

In view of the strong position taken by the administration against the amendment and the likelihood of future legislation to solve the problem, I am glad the Senator from Texas has not pressed his amendment.

Exhibit 1

April 3, 1973.

Mr. Roy L. Ash,
*Director, Office of Management and Budget, Executive Office Building, Washington, D.C.*

Dear Mr. Ash: Legislation introduced by Senators Sparkman and Tower at the request of the Federal Home Loan Bank Board (S. 892) would restructure the system for making payments into the FSLIC insurance fund on the part of Federally insured savings and loan associations. This legislation would discontinue premium prepayments into the secondary reserve and permit secondary reserve balances to be credited towards payments into the primary reserve. The Committee ordered this legislation reported on April 17, and it is expected that the legislation will be considered by the Senate in the very near future.

I am attaching a copy of a proposed amendment to S. 892 which may be offered on the floor of the Senate. As I understand the effect of the amendment, it would require cash payments from the secondary reserve fund to those associations whose secondary reserve balances exceeded 1% of their deposits as of December 31, 1974. The cash payments would be made on January 1, 1976 and would be equal to the amount of secondary reserve balances in excess of 1%.

If this amendment were adopted, it would require cash payments of approximately $53 million to about 350 associations. The bulk of payments, $37 million, would go to 55 California associations.

The amendment is apparently premised on the assumption that S. 892 provides for the ultimate abolition of the secondary reserve in the FSLIC. However, in reading the legislation I find no procedures for insuring that the secondary reserve fund will in fact be phased out. According to projections supplied by the Federal Home Loan Bank Board, it is entirely possible that the secondary reserve fund can be maintained at its current level for an indefinite period of time if the Bank Board chooses to require that 70% of an association's primary premium payments be in cash, as authorized by the legislation.

If the proposed amendment to S. 892 is adopted, it could result in the anomalous situation of requiring a cash rebate to a select group of savings and loan associations, notwithstanding the fact that there has been no reduction in the aggregate level of secondary reserve balances.

For these reasons, I am concerned that the proposed amendment might be premature since the Home Loan Bank Board and the Office of Management and Budget have not yet developed a plan for the eventual abolition of the secondary reserve fund. Accordingly, I would appreciate your comments on the concern I have expressed in this letter together with your recommendations concerning the attached amendment.

With best wishes, I am

Sincerely,

William Proxmire,
*United States Senate.*

---

Office of Management ane Budget,
*Washington, May 11, 1973.*

Hon. William Proxmire,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Proxmire: Thank you for your letter with the amendment to S. 892 which may be offered on the Senate floor. Your understanding of the effect is correct: it would require cash payments from the secondary reserve fund to those associations whose secondary reserve balances exceed 1% of their deposits as of December 31, 1974. The cash payments would be made on January 1, 1976 and would be equal to the amount of secondary reserve balances in excess of 1%.

In addition, you are correct that the Administration—proposed legislation to restructure the system for making payments into the Federal Savings and Loan Insurance Corporation Fund does not include a provision for eventually abolishing the secondary reserve. The legislation, depending on the percentage premium payment to be required in cash, does provide that we can stop the secondary reserve from growing. This was one of the major considerations the Federal Home Loan Bank Board had in mind in the lengthly drafting of its legislation.

As we indicated in our letter to Acting Chairman Kamp (copy attached), the Administration is unable to support this proposed amendment. The problem of the secondary reserve balances held by the FSLIC is much too extensive and complex to be susceptible of solution by a series of partial amendments, of which this is one. We believe the necesary and desirable solution will be best achieved through carefully developed legislation which will address the entire problem, and provide for the appropriate phasing of any repayments over time.

Therefore, we are in agreement with you that the proposed amendment is premature; the Board has not yet drafted legislation for an eventual abolition of the secondary reserve fund. We have indicated to the Board, however, that the development of such an item of legislation should have a high priority in the coming year.

Accordingly, we would appreciate your not supporting this partial and premature amendment to S. 892. Thank you for the timely opportunity to provide our views on this matter.

Sincerely,

Wilford H. Rommel,
*Assistant Director for Legislative Reference.*

---

Hon. Carl O. Kapp, Jr.
*Acting Chairman, Federal Home Loan Bank Board, Washington, D.C.*

Dear Mr. Chairman: This is in response to your letter of April 11, 1973, which proposed an additional amendment to Section 404 of the National Housing Act (12 U.S.C. 1727). This amendment would be added to the amendment proposed by the Board in January 1973, as cleared by this office on January 19, 1973.

As drafted, the proposed additional amendment would add a new subsection (1) to Section 404 of the National Housing Act, and would provide for a direct repayment of a portion of the secondary reserve balancing of the Federal Savings and Loan Insurance Corporation. The repayment would be based upon a refund of that portion of an insured association's secondary reserve which exceeded one percent of the savings capital held by the insured association, and would be made on January 1, 1976.

The Administration is unable to support the proposed amendment. The problem of the secondary reserve balances held by the Federal Savings and Loan Insurance Corporation is much too extensive and complex to be susceptible of solution by a series of partial amendments, of which this is one. We believe the necessary and desirable solution will be best achieved through carefully developed legislation which will address the entire problem, and provide for the appropriate phasing over time of any repayments.

If it would be appropriate for the Board to so indicate to the Committees of the Congress involved in considering this legislation, the Administration would have no objection to the Board stating that legislation will be developed by the Board this year to deal with the entire problem of the secondary reserve balances. The Administration would also have no objection to the Board indicating that the phasing over time of such a solution would not exceed ten years.

Sincerely,

Wilfred H. Rommel,
*Assistant Director for Legislative Reference.*

Mr. TOWER. Mr. President, I yield such time on the bill as the Senator from California requires.

Mr. CRANSTON. I thank the Senator for yielding.

Mr. President, I rise in support of Senator Tower's proposed amendment which provides that the Federal Savings & Loan Insurance Corporation would have the authority to pay a small group of savings and loan associations their part of the secondary reserve above 1 percent. There are about 600 savings and loan institutions nationwide and 55 in California who have accumulated sufficiently large balances in the secondary reserve that it is unlikely their shares will be amortized within a reasonable period of time even under the revised premium payment structure.

To give an example, Atlantic Savings & Loan Association in Los Angeles, Calif. has $4,200,000 backed up in secondary reserves being held by the Federal Savings & Loan Insurance Corp. Last year the corporation paid 5.7 percent interest on those reserves, but instead of paying the interest to the savings association, it credited it to Atlantic's secondary reserve account. Atlantic has accumulated $153 million in savings which it has loaned to home buyers. The regular annual insurance premium on that $153 million is one-twelfth of 1 percent, or $130,000. The maximum that this bill will allow to be taken from the secondary reserves to apply on that annual premium is 70 percent of the $130,000, $91,000. The interest on the total of $4,200,000 that Atlantic has in the secondary reserve is $239,400, which means that the interest accrual is larger than that allowed to be applied to the regular FSLIC premium.

This means that Atlantic as well as 54 other savings and loans in California may never get their money back; that the money tied up in the secondary reserve fund will continue to grow, but not be available for housing.

It hardly seems fair or reasonable that these institutions, who paid in excessive amounts because of their high rate of growth, should be penalized for doing an aggressive job in the thrift and home-ownership market.

In addition, the Internal Revenue Service declares that the secondary reserves really belong to the savings associations; therefore, such payment cannot be deducted as a cost of doing business.

I realize that this is a very technical situation and that perhaps further study should be done in committee; however, it is an inequitable situation which the Federal Home Loan Bank Board and the Office of Management and Budget should address itself to in restructuring the premium payment system.

Mr. HARTKE. Mr. President, I call up my amendment No. 142.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 16, line 16, insert the folowing new sections:

Sec. 6. (a) For the purpose of this section—

(1) "Board" means the Board of Governors of the Federal Reserve System;

(2) "individual" means a natural person;

(3) "individual savings deposit" means (a) any deposit or account in a savings institution which consists of funds deposited to the credit of one or more individuals or in which the entire beneficial interest is held by one or more individuals, and upon which earnings are payable, or (b) shares in a savings institution which are issued for the savings of its members and upon which earnings are payable, or (c) any evidence of indebtedness issued by a savings institution to one or more individuals or in which the entire beneficial interest is held by one or more individuals, and upon which earnings are payable. Such term includes regular, notice, and time deposits, and share accounts, and any other such deposits and accounts, whether or not evidenced by an instrument;

(4) "earnings" means any amount accruing to or for the account of any individaul as compensation for the use of funds constituting an individual savings deposit. Such term includes dividends and interest on any individual savings deposit;

(5) "payable", when used with respect to a certain date or period of time, means the date on which or the period of time after which an absolute right to earnings exists, regardless of whether the earnings are actually paid;

(6) "savings institution" means any person, firm, corporation, association, or organization which in the regular course of business receives and holds or issues individual savings deposits and pays earnings thereon;

(7) any reference to this Act, to any requirement imposed under this Act, or to any provision thereof includes reference to the regulations of the Board under this Act or the provision thereof in question.

(b) Nothing in this Act applies to any transaction involving—

(1) a deposit of funds if the principal purpose of that deposit is to secure or guarantee the performance of a contract or the conditions of a contract for the sale or use of goods, services, or property;

(2) interest payable on premiums, accumulated dividends, or amounts left on deposit under an insurance contract;

(3) any obligation issued by any Federal, State, or local government, or any agency, instrumentality, or authority thereof, except that the Board shall prescribe rules and regulations to require disclosures by any agency, instrumentality, or authority of the Federal Government.

(c) Periodic percentage rate is the rate applied each period to the principal amount for that period to determine the amount of earnings for that period and may be referred to as the periodic percentage rate. If the period is less than one day, for purposes of disclosure, the period shall be construed to be either one day or the actual time interval after which earnings are payable, whichever is less, and the rate to be disclosed in lieu of the true periodic percentage rate shall be the factor used to determine the amount of earnings for a one-day period.

(d) Annual percentage rate is the periodic percentage rate multiplied by the number of periods in a calendar year of three hundred and sixty-five days for all years including leap year, and may be referred to as the annual percentage rate.

(e) Annual percentage yield is the amount of earnings which accrue in one year to a principal amount of $100 as the result of the successive applications of the periodic percentage rate at the end of each period to the sum of the principal amount plus any earnings theretofore credited and not withdrawn during that year, and may be referred to as the annual percentage yield.

(f) The Board shall prescribe regulations to carry out the purposes of this Act. These regulations shall provide for clear, concise, and uniform disclosures of information required by this Act, and many contain such classifications, adjustments, and exceptions as the Board determines are necessary or proper to effectuate the purposes of this Act. All disclosures required by this Act shall be made only in terms as defined or used in this Act, as defined or used in the Truth in Lending Act or in regulations prescribed under that Act, or as such terms are further defined by the regulations of the Board. The Board may authorize the use of tables or charts for the disclosure of information required by this Act.

(g) The Board may prescribe such other rules and regulations as it determines to be necessary or appropriate to carry out the purposes of this Act.

(h) Each savings institution shall make available in writing to any individual upon request, and at the time he initially places funds in an individual savings deposit in such savings institution, the following information with respect to individual savings deposits:

(1) The annual percentage rate;

(2) the minimum length of time a deposit must remain on deposit so that earnings are payable at that percentage rate;

(3) the annual percentage yield;

(4) the periodic percentage rate and the method used to determine the balance to which this rate will be applied;

(5) the number of times each year earnings are compounded;

(6) the dates on which earnings are payable;

(7) any charges initially or periodically made against any deposits;

(8) any terms or conditions which increase or reduce the rate of earnings payable as disclosed under item (1) or (3); and

(9) any restrictions and the amount or method of determining the amount of penalties or charges imposed on the use of funds in any deposit.

(i) Each savings institution shall disclose annually and at the time any earnings report is made to an individual in person, or by mailing to his last known address, with respect to his individual savings deposit—

(1) the amount of earnings paid;

(2) the annual percentage rate;

(3) the periodic percentage rate;

(4) the principal balance to which the periodic percentage rate was applied, and the method by which that balance was determined;

(5) any charges made against the account during the period covered for purposes of computing the payment of earnings and making the report; and

(6) any other terms or conditions which increased or reduced the earnings payable under conditions as disclosed under item (1) or (3) of subsection (a).

(j) The Board may, by regulation, authorize or publish tables of periodic factors which reflect compounding, and such other information as it determines to be necessary or appropriate in order to facilitate the individual's ability to verify the computation of earnings payable on any individual savings deposit.

(k) Not less than ten days before a saving institution adopts any change with respect to any item of information required to be disclosed under this section, that institution shall notify each individual depositor of each such change, unless such change is directed by regulatory authority.

(l) Every advertisement relating to the earnings payable on an individual savings deposit shall state in print of equal prominence the annual percentage rate and the annual percentage yield. If that rate is payable only on a deposit which meets certain minimum time or amount requirements, those requirements shall be clearly and conspicuously stated.

(m) No such advertisement, announcement, or solicitation shall—

(1) include any indication of any percentage rate or percentage yield based on a period in excess of one year or on the effect of any grace period; or

(2) make use of the term "profit" in referring to earnings payable on such deposits.

(n) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any insured credit union.

(o) For the purpose of the exercise by any agency referred to in subsection (n) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of the law specifically referred to in subsection (n), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(p) Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this Act shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(q) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

(r) Except as otherwise provided in this section, any savings institution which fails in connection with any transaction subject to this Act to disclose to any individual any information required under this Act to be disclosed to that individual is liable to that individual for the damage sustained which—

(1) shall not be less than $100 nor greater than $1,000; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(s) An institution has no liability under this section if within fifteen days after discovering an error, or upon receipt of written notice of an error and prior to the bringing of an action under this section the institution notifies the individual concerned of the error and makes whatever adjustments are appropriate and necessary.

(t) An institution may not be held liable in any action brought under this section for a violation of this Act if the institution shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(u) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

(v) Whoever willfully and knowingly (1) gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this section, or (2) otherwise fails to comply with any requirement imposed under this section shall be fined not more than $5,000.

(w) In the exercise of its functions under this section, the Board may obtain upon request the views of any other Federal or State agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of savings institutions subject to this section.

(x) This section does not annul, alter, or affect, or exempt any savings institution from complying with, the laws of any State relating to the disclosure of information in connection with individual savings deposits, except to the extent that those laws are inconsistent with the provisions of this section or regulations promulgated under this section, and then only to the extent of the inconsistency.

(y) This section does not otherwise annul, alter, or affect in any manner the meaning, scope, or applicability of the laws of any State, including, but not limited to, laws relating to the types, amounts or rates of earnings, or any element or elements of earnings, permissible under such laws in connection with individual savings deposits, nor does this section extend the applicability of those laws to any class of persons or transactions to which they would not otherwise apply.

(z) Except as specified in subsection (v), this section and the regulations promulgated under this section do not affect the validity or enforceability of any contract or obligation under State or Federal law.

Mr. HARTKE. Mr. President, the amendment I call up at this time embodies a proposal which has been before the Senate for more than 2 years. It is a proposal which is embodied in S. 1052 which I introduced earlier this year, and in S. 1848 which I introduced during the last Congress.

In brief, my amendment requires all savings institutions to disclose vital information about the earnings rates of their savings accounts to potential and existing depositors.

Americans place more than $40 billion of disposable income into savings each year. This is money saved for emergencies, for children's education, for a new home, and for many other purposes. Yet, few Americans realize the importance of the decision to place their money into a saving institution. Just as an individual shops for the best buy when purchasing a new car or a washing machine, so must he shop when opening a savings account.

Unfortunately, at the present time, the consumer does not have adequate information at his disposal before he opens an account. He is confronted by confusing claims in newspaper advertisements and a variety of technical information which is difficult to understand. According to a recent study of the American Banking Association, there may be more than 100 different methods of earnings computation in use today. They include LIFO/FIFO, low balance, day-of-deposit to day-of-withdrawal accounts, daily interest and grace days combined with the infinite possibilities of compounding which include semiannually, quarterly, daily, and continuously. While I do not suggest that the Federal Government impose uniformity in earnings calculation methods, I urge that the Congress enact legislation which will make it possible for the consumer to compare and choose the most advantageous opportunity for investing his money consistent with his needs and preferences.

Differences in earnings rates and methods of calculation are important to the average consumer. Mere differences in the method of calculating earnings can result in a monetary difference of as much as 180 percent over a 6-month period. In light of this, the consumer must have information at his command which makes it possible for him to make a rational judgment on the best institutions with which to place his funds.

One of the major sources for consumer confusion can be found in the use of such terms as "annual percentage rate" and "annual percentage yield."

The term "annual percentage rate" means the nominal annual percentage rate used to compute earnings. Use of this term assists the consumer to understand the concept of rates as applied both to savings and credit. Credit and savings are mirror images of each other. The credit consumer borrows from the savings institution; the savings institution borrows from the consumer. The use of common terminology is, therefore, logical, and desirable.

"Annual percentage yield," on the other hand, includes the resulting effect of the compounding of earnings. Whether earnings are compounded on a daily, monthly, quarterly, or semiannual basis will affect this annual percentage yield measurably.

My amendment, therefore, makes it a requirement that each savings institution disclose to potential depositors its annual percentage rate, its annual percentage yield, the minimum length of time a deposit must remain on deposit to earn the periodic percentage rate and the method used to compute the balance to which this rate will be applied, the number of times within a year that interest is earned, and the dates on which earnings are payable. Each of these disclosures involves basic information which must be made available in order for the consumer to invest his money wisely.

The amendment also requires the institutions to disclose their periodic percentage rate. It is this figure which is critical if a consumer is to understand the true potential earnings for his money. If the savings institution compounds earnings daily, then the periodic percentage rate will be a daily rate; if it compounds quarterly, the periodic rate will be a quarterly rate; and so on. Armed with this information, and with the knowledge of what earnings calculation method a savings institution uses, the consumer can make an informed choice from among several savings alternatives.

Some savings institutions make provision for grace days. Under this option, a consumer may place a deposit in the institution after the first of the month and yet that deposit will accumulate earnings as if it had been deposited on the first of the month. Other institutions impose a charge on excessive withdrawals from an account. My amendment requires that this type of information must also be disclosed to the potential depositor.

In addition to making such basic information available to the consumer who has yet to open an account, my amendment also requires that disclosures be made to existing depositors.

At the present time, the consumer has very little information at his disposal to verify bank earnings calculations. He may send in his passbook to have earnings credited to his account, but how does he know that a mechanical or human error has not been made by the savings institution? In fact, most regulatory agencies rely on consumers to verify their own accounts and do not include such verification in their routine examinations. Since consumers must bear the responsibility of verification, they must have the facts this amendment puts at their disposal.

To minimize the possibility for error and misunderstanding, my amendment requires that savings institutions make annual disclosures to their depositors of the amount of earnings payable, the annual percentage rate, and the method used to calculate the amount of interest payable.

Most depositors are unaware of which method their bank is using and are, therefore, unable to verify the amount of earnings credited to their accounts.

At this point in my statement, Mr. President, I ask unanimous consent to have printed in the RECORD two exhibits to illustrate the importance of knowing by which method a savings institution calculates earnings. The information contained in the two exhibits comes from a master's thesis done by Miss Jackie M. Pinson, of the Department of Family Economics of Kansas State University. Working under the supervision of the head of her department, Prof. Richard L. D. Morse, Miss Pinson was able to highlight the confusion confronting consumers. She developed her comparisons using the hypothetical account in exhibit A and a 6-percent annual interest rate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT A

*Balance, without interest*

| | |
|---|---|
| Jan. 1, 1970 | $1,000 |
| Deposit Jan. 10, 1970 | 2,000 |
| Total | 3,000 |
| Deposit Feb. 6, 1970 | 1,000 |
| Total | 4,000 |
| Withdrawal Mar. 5, 1970 | 1,000 |
| Total | 3,000 |
| Withdrawal Mar. 20, 1970 | 500 |
| Total | 2,500 |
| Withdrawal Mar. 30, 1970 | 500 |
| Total | 2,000 |
| Apr. 1, 1970 | 2,000 |
| July 1, 1970 | 2,000 |

Although Miss Pinson applied forty different methods of interest calculation to this hypothetical account, Exhibit B makes use of only seven of these.

EXHIBIT B

| *System* | *Yield* |
|---|---|
| Low balance: Compounded and credited semiannually | $29.75 |
| Low balance: Compounded quarterly and credited semiannually | 29.97 |
| Low balance: Compounded and credited quarterly | 44.93 |
| First in—first out applied to beginning balance: Compounded and credited quarterly | 52.44 |
| First in—first out applied to first deposits: Compounded and credited quarterly | $53.93 |
| Last in—first out: Compounded and credited quarterly | 58.44 |
| Day of deposit to day of withdrawal: Compounded and credited quarterly | 75.30 |

Mr. HARTKE. Mr. President, using these seven examples, there is a 150-percent difference in earnings over a 6-month period. While a different pattern of deposits and withdrawals could alter these findings, these two exhibits make it clear that the policies of savings institutions do differ and that these differences are quite important to the consumer.

To supplement the disclosure requirements of my amendment, basic requirements are also established for advertising. All advertisements relating to earnings payable on an individual savings deposit must state with equal prominence the annual percentage rate and the annual percentage yield as well as any minimum amount and time requirements. No advertisement will be permitted to include any indication of percentage rate or percentage yield which is based on a period in excess of 1 year or on the effect of any grace period. These requirements are in accord with existing Federal Reserve regulations.

Mr. President, the American public deserves to have all the facts needed to make a prudent choice among savings institutions. This amendment puts such information at their disposal. It is based on the premise that the best protected consumer is the best informed consumer. In no way does it tell financial institutions what they should pay or how they should pay it. They are free to compete. It merely provides that financial institutions tell in clear and meaningful language what they are doing for the consumer.

Mr. President, the substance of my amendment has been endorsed by a variety of groups who are most concerned about this problem.

The 1971 White House Conference on Aging made the following statement:

> Truth-in-savings should be required, telling consumers in standard terms the annual percentage rate, the conditions under which interest will be paid and is paid, and any limitations on interest or liquidity of funds.

The Federal Trade Commission, commenting on S. 1848, stated:

> To whatever extent consumers either lack information requisite to the making of an intelligent choice as to which savings institutions should be the depositories of their funds, or are confused as to the substance and significance of the information presently made available to them, this bill, if enacted, should substantially eliminate such consumer problems.

The Consumer Federation of America.

The National Association of Mutual Savings Banks, in a letter dated May 26, 1971, said:

> We would certainly endorse the purpose of this legislation.

The Kansas Citizens Council on Aging, in a resolution adoption on May 9, 1973, endorsed S. 1052, the Consumer Savings Disclosure Act.

The American Association of Retired Persons and the National Retired Teachers Association have also endorsed S. 1052. A letter dated May 21, 1973, stated:

> Our associations are in full support of the consumers savings disclosure legislation which you introduced on February 28th of this year. Full disclosure of the methods used in computing earnings on savings deposits would be especially helpful to older persons, many of whom rely heavily on their savings during their retirement years.

Mr. President, the comments of these groups and agencies testify to the support for the provisions of the amendment I offer today. People who place their life savings in an account deserve to know every bit of pertinent information about that account. While I am not suggesting that any savings institution attempts to mislead the public, it is clear that they fail to provide potential and existing depositors with all the information the public needs to make rational choices among various savings alternatives and to check the bank's periodic earnings calculations.

In a letter dated September 15, 1971, the Federal Deposit Insurance Corporation made the following statement:

> The Corporation, of course, favors the full disclosure to depositors of the applicable rates of interest and of the other terms and conditions governing their deposits. We believe, however, that the Corporation's Board of Directors, the board of Governors of the Federal Reserve System, and the Federal Home Loan Bank Board presently have statutory authority sufficiently broad to enable them to adopt any regulations necessary to acomplish the bill's objectives with respect to insured banks and savings and loan associations.

Mr. President, it has been almost 2 years since that letter was written, but the regulatory agencies have failed to assume the responsibility which the FDIC, in its letter of 1971, stated it already possessed.

The adoption of my amendment today will make it clear to the regulators that they not only have the power, but the responsibility as well, to see that consumer depositors have all the information about savings accounts that they need.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. PROXMIRE. Mr. President, as chairman of the Subcommittee on Consumer Credit of the Committee on Banking, Housing and Urban Affairs, I would very much appreciate the opportunity to hold hearings on this proposal, which has merit, and which is based on the principle of disclosure, which I strongly support.

The Senator referred to Professor Morris, of Kansas University, who played a part in drafting the amendment. He also played a very important part in drafting the truth-in-lending legislation, and is one of the ablest consumer advocates in the country.

So this matter should go forward, but I do think the committee should have an opportunity to hold hearings on it and get views both for and against it, and get the views of the administration, and those of the regulatory agencies, and those of the consumer groups, so we might have a record on which to act.

Would the Senator from Indiana consider withdrawing his amendment if the Senator from Wisconsin, as chairman of the Subcommittee on Consumer Credit, would commit himself to hearings on the proposal?

Mr. HARTKE. I would consider such a proposal. How soon does the Senator think the committee could really hold hearings; After all, this measure is not new, because it was introduced in the early part of 1971. Here we are almost 2 years and 2 months later and no hearings have been held. I know the committee is busy, but this is a matter of importance, and I would hope we could have assurances that we would have hearings before the August recess.

Mr. PROXMIRE. I will commit myself, as chairman of the subcommittee, to scheduling a hearing before the August recess. I think that is a fair enough request. I will be glad to commit myself to that.

Mr. HARTKE. I think there should be hearings held on it. I really do not think we should be legislating on the floor of the Senate without having had hearings on the measure. At the same time, with this long delay, I felt somewhat compelled to offer the amendment at this time.

Mr. President, on the agreement of the Senator from Wisconsin, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BELLMON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the bill, add the following new section:
>
> SEC. —. That paragraph "Seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof the following: "Notwithstanding any other provision in this paragraph, the association may purchase for its own account shares of stock issued by a corporation organized solely for the purpose of making loans to farmers and ranchers for agricultural purposes, including the breeding, raising, fattening, or marketing of livestock. However, unless the association owns at least 80 per centum of the stock of such agricultural credit corporation the amount invested by the association at any one time in the stock of such corporation shall not exceed 20 per centum of the capital stock of the association actually paid in unimpaired and 20 per centum of the unimpaired surplus of the association.

Mr. BELLMON. Mr. President, during the 92d Congress I introduced S. 3540 in an effort to improve the availability of credit to the agricultural sector of our economy. A favorable report from the Department of the Treasury was received on this legislation, but unfortunately came too late in the session for Congress to act on this bill. The amendment which I am proposing today is identical to the language of this bill. It would authorize national banks to join together in forming corporations engaged solely in providing credit to farmers and ranchers for agricultural purposes.

Under existing law and regulations, a national bank can only invest in an agricultural credit corporation if it controls a majority of the stock in such corporation. This amendment would remove that prohibition and allow any number of national banks to join together to form such corporations, with the provision that a single bank can invest no more than 20 percent of its unimpaired capital and surplus in stocks, bonds, or other obligations of the corporation.

Mr. President, low-lending limits, coupled with the accelerating size of farm units, have created the necessity for farmers and ranchers to seek credit from institutions outside of their local area. Most would prefer to do business with their local banker. Passage of this amendment would allow these local banks to combine their assets in an agricultural credit corporation and then discount loans made by the corporation with the Federal intermediate credit banks. This would allow the farmer and rancher to continue to do business with his local banker and at the same time give his local banker access to additional capital to lend.

I ask that a copy of the letter from the Treasury Department in support of S. 3540 be printed following my remarks, and urge favorable action by the Senate in order to make this new credit tool available to the agricultlural sector of our economy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> SEPTEMBER 19, 1972.
>
> Hon. JOHN SPARKMAN,
> *Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department of S. 3540, "To permit national banks to invest in agricultural credit corporations."
>
> The proposed legislation would amend section 5136 of the Revised Statutes (12 U.S.C. 24) to permit a national banking association to purchase stock of corporations organized solely for the purpose of making loans to farmers and ranchers for agricultural purposes. It would provide that unless the association owns at least 80 percent of the stock of such corporation, the amount invested by such association at any one time in the stock of such corporation shall not exceed 20 per centum of the capital stock of the association actually paid in unimpaired surplus of the association.
>
> The Department would have no objection to the proposed legislation.
>
> The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.
>
> Sincerely yours,
>
> ROY T. ENGLERT,
> *(Acting) General Counsel.*

Mr. SPARKMAN. Mr. President, I yield myself such time as I may need.

I have discussed the amendment with the able Senator from Oklahoma. As a matter of fact, as he has stated, he introduced the amendment in the form of a bill last year, late in the session. I was impressed with it at that time, but I had business in my State during most of the remaining time and was not able to hold hearings on the bill last year.

I do not fully understand the amendment, but it sounds to me as though it is a good proposal. I have assured the Senator from Oklahoma that we would hold hearings within the first 2 weeks in June, although a definite date has not been set. I am told by the Senator from Oklahoma that he does not think very much time would be required. I suggested 2 days; he suggested that the hearing might be held in 1 day. I hope that is satisfactory to the Senator from Oklahoma.

Mr. BELLMON. That is entirely satisfactory. I greatly appreciate the chairman's consideration. With that understanding, I will withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. TOWER. Mr. President, I am prepared to move that the bill be read the third time.

The PRESIDING OFFICER. Are there further amendments? If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? Do the Senators yield back their time?

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum call be divided equally between the two sides.

Mr. SPARKMAN. Mr. President, I suggest to the Senator from Washington that we shall have to surrender the floor in 20 minutes, and we may not be able to get a quorum.

Mr. JACKSON. Mr. President, I ask unanimous consent that the quorum call be limited to 10 minutes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. PASTORE (when his name was called). Mr. President, I vote "present."

Mr. SCOTT of Pennsylvania (when his name was called). As I stated before, I own national bank stocks. I therefore withhold my vote and vote "present."

Mr. INOUYE (when his name was called). Mr. President, on this matter I have some interest in a banking operation. I therefore vote "present."

Mr. BAKER (when his name was called). Mr. President, on this vote I am the owner of common stock in a national bank incorporated under the laws of America and doing business in the State of Tennessee. For that reason, I vote "present."

Mr. GURNEY (when his name was called). Mr. President, as I stated before, I own banking stocks. I therefore vote "present."

Mr. FULBRIGHT (when his name was called). On this vote, having a share in a commercial bank, I vote "present."

Mr. PELL (when his name was called). On this vote, since I share in the advantage of the bill, I vote "present."

Mr. CASE (after having voted in the affirmative). Mr. President, I vote "present."

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CLARK), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. JAVITS) is absent because of death in the family.

The Senator from Arizona (Mr. FANNIN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Idaho (Mr. MCCLURE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY), are necessarily absent.

The result was announced—yeas 76, nays 0, as follows:

[No. 150 Leg.]

YEAS—76

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Eagleton
Eastland
Ervin
Goldwater
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Jackson
Johnston
Kennedy
Long
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—0

ANSWERED "PRESENT"—8

Baker
Case
Fulbright
Gurney
Inouye
Pastore
Pell
Scott, Pa.

NOT VOTING—16

Abourezk
Church
Clark
Dominick
Fannin
Fong
Javits
Magnuson
McClure
McGee
McGovern
Packwood
Percy
Saxbe
Stennis
Williams

So the bill (S. 1798) was passed, as follows:

S. 1798

An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That

EXTENSION OF AUTHORITY FOR THE FLEXIBLE REGULATION OF INTEREST RATES OR DIVIDENDS PAYABLE BY FINANCIAL INSTITUTIONS

SECTION 1. (a) Section 7 of the Act of September 21, 1966 (Public Law 89-597; 80 Stat. 823), as amended, is further amended by striking out "1973" and inserting in lieu thereof "1974".

(b) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by striking out the period at the end of the tenth sentence and inserting in lieu thereof the following: ": *Provided,* That the authority conferred by this subsection shall apply to deposits held by any noninsured bank in any account with respect to which such bank permits withdrawals, by means of negotiable of non-negotiable orders or otherwise, in favor of any person other than the depositor or his legal representative."

PROHIBITION ON CERTAIN ACTIVITIES BY DEPOSITORY INSTITUTIONS

SEC. 2. (a) No depository institution shall allow the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties, except that such withdrawals may be made in the States of Massachusetts and New Hampshire.

(b) For purposes of this section, the term "depository institution" means—

(1) any insured bank as defined in section 3 of this Federal Deposit Insurance Act;

(2) any State bank as defined in section 3 of the Federal Deposit Insurance Act;

(3) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(4) any savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(5) any insured institution as defined in section 401 of the National Housing Act;

(6) any building and loan association or savings and loan association organized and operated according to the laws of the State in which it is chartered or organized; and, for purposes of this paragraph, the term "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(7) any Federal credit union as defined in section 101 of the Federal Credit Union Act; and

(8) any State credit union as defined in section 101 of the Federal Credit Union Act.

(c) Any depository institution which violates this section shall be fined $1,000 for each violation.

(d) This section expires on the same date as is prescribed in section 7 of the Act of September 21, 1966 (Public Law 89–597; 80 Stat. 823), as amended.

### CONVERSION OF MUTUAL SAVINGS AND LOAN ASSOCIATIONS INTO STOCK ORGANIZATIONS

SEC. 3. Section 402 of the National Housing Act (12 U.S.C. 1725) is amended by adding at the end thereof the following new subsection:

"(j) Until December 31, 1973, the Corporation shall not approve, under regulations adopted pursuant to this title or section 5 of the Home Owners' Loan Act of 1933, by order or otherwise, a conversion from the mutual to the stock form of organization involving or to involve an insured institution, including approval of any application for such conversion pending on the date of enactment of this subsection, except that this sentence shall not be deemed to limit now or hereafter the authority of the Corporation to approve conversions in supervisory cases. The Corporation may by rule, regulation, or otherwise and under such civil penalties (which shall be cumulative to any other remedies) as it may prescribe, take whatever action it deems necessary or appropriate to implement or enforce this subsection."

### AUTHORITY FOR FEDERAL SAVINGS AND LOAN INSTITUTIONS AND NATIONAL BANKS TO INVEST IN STATE HOUSING CORPORATIONS

SEC. 4. (a) The Congress finds that Federal savings and loan associations and national banks should have the authority to assist in financing the organization and operation of any State housing corporation established under the laws of the State in which the corporation will carry on its operations. It is the purpose of this section to provide a means whereby private financial institutions can assist in providing housing, particularly for families of low- or moderate-income, by purchasing stock of and investing in loans to any such State housing corporation situated in the particular State in which the Federal savings and loan association or national bank involved is located.

(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

"Subject to regulation by the Board but without regard to any other provisions of this subsection, any such association whose general reserves, surplus, and undivided profits aggregate a sum in excess of 5 per centum of its withdrawable accounts is authorized to invest in, to lend to, or to commit itself to lend to any State housing corporation incorporated in the State in which the home office of such association is situated, in the same manner and to the same extent as the statutes of such State authorize a savings and loan association organized under the laws of such State to invest in, to lend to, or commit itself to lend to such State housing corporation, but loans and loan commitments under this sentence shall be subject to appropriate limitations prescribed by the Board, and no association may make any investment, other than loans and loan commitments, under this sentence if its aggregate outstanding direct investment under this sentence, determined as prescribed by the Board, would thereupon exceed one-fourth of 1 per centum of its assets."

(c) Paragraph seventh of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, the association may purchase for its own account shares of stock issued by any State housing corporation incorporated in the State in which the association is located and may make investments in loans and commitments for loans to any such corporation: *Provided*, That in no event shall the total amount of such stock held for its own account and such investments in loans and commitments made by the association exceed at any time 5 per centum of its capital stock actually paid in and unimpaired plus 5 per centum of its unimpaired surplus fund."

(d)(1) The Federal Savings and Loan Insurance Corporation with respect to insured institutions, the Board of Governors of the Federal Reserve System with respect to State member insured banks, and the Federal Deposit Insurance Corporation with respect to State nonmember insured banks shall by appropriate rule, regulation, order, or otherwise regulate investment in State housing corporations.

(2) A State housing corporation in which financial institutions invest under the authority of this section shall make available to the appropriate Federal supervisory agency referred to in paragraph (1) such information as may be necessary to insure that investments are properly made in accordance with this section.

(e) For the purposes of this section and any Act amended by this section—

(1) The term "insured institution" has the same meaning as in section 401(a) of the National Housing Act.

(2) The terms "State member insured banks" and "State nonmember insured banks" have the same meaning as when used in the Federal Deposit Insurance Act.

(3) The term "State housing corporation" means a corporation established by a State for the limited purpose of providing housing and incidental services, particularly for families of low or moderate income.

(4) The term "State" means any State, the District of Columbia, Guam, the Commonwealth of Puerto Rico, and the Virgin Islands.

### PREMIUM PAYMENTS BY INSURED SAVINGS AND LOAN ASSOCIATIONS TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

SEC. 5. The text of section 404 of the National Housing Act (12 U.S.C. 1727) is amended to read as follows:

"SEC. 404. (a)(1) The Corporation shall establish a primary reserve which shall be the general reserve of the Corporation and a secondary reserve to which shall be credited the amounts of the prepayments made by insured institutions pursuant to former provisions of subsection (d) and the credits made pursuant to the first sentence of subsection (e).

"(2) The Corporation may accomplish the purposes and provisions of this section by rules, regulations, orders, or otherwise as it may consider necessary or appropriate.

"(b)(1) Each institution whose application for insurance is approved by the Corporation shall pay to the Corporation, in such manner as it shall prescribe, a premium for such insurance equal to one-twelfth of 1 per centum of the total amount of all accounts of the insured members of such institution. Such premium shall be paid at the time the certificate is issued by the Corporation under section 403, and thereafter annually, except that under regulations prescribed by the Corporation such premium may be paid semiannually.

"(2) If, at the close of any December 31, the primary reserve equals or exceeds 2 per centum of the total amount of all accounts of insured members of all insured institutions as of such close, no premium under paragraph (1) of this subsection shall be payable by any insured institution with respect to its premium year beginning during the year commencing on May 1 next succeeding such December 31, except that the foregoing provisions of this sentence shall not be applicable to any insured institution with respect to any of the twenty premium years beginning with the premium year commencing with the date on which such certificate is issued.

"(c) The Corporation is further authorized to assess against each insured institution additional premiums for insurance until the amount of such premiums equals the amount of all losses and expenses of the Corporation; except that the total amount so assessed in any one year against any such institution shall not exceed one-eighth of 1 per centum of the total amount of the accounts of its insured members.

"(d)(1) The Corporation shall not, on or after the date of enactment of this sentence, accept or receive further payments in the nature of prepayments of future premiums as was formerly required by this subsection (including any such payments which have accrued or are payable under such former provisions). When no insured institution has any pro rata share of the secondary reserve, other than any such share immediately payable to it, the Corporation may take such steps as it may deem appropriate to close out and discontinue the secondary reserve.

"(2) The Corporation may provide for the adjustment of payments made under former provisions of this subsection or made or to be made under subsections (b) and (c) of this section in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for the purposes of this paragraph.

"(e) The Corporation shall credit to the secondary reserve, as of the close of each calendar year a return on the outstanding balances of the secondary reserve, during such calendar year, as determined by the Corporation, at a rate equal to the average annual rate of return to the Corporation during the year ending at the close of November 30 of such calendar year, as determined by the Corporation, on the investments held by the Corporation in obligations of, or guaranteed as to principal and interest by, the United States. Except as provided in subsections (f) and (g), the secondary reserve shall be available to the Corporation only for losses of the Corporation and shall be so available only to such extent as other accounts of the Corporation which are available therefor are insufficient for such losses. No right, title, or interest of any institution in or with respect to its pro rata share of the secondary reserve shall be assignable or transferable whether by operation of law or otherwise, except to such extent as the Corporation may provide for transfer of such pro rata share in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for purposes of this sentence.

"(f) If (i) the status of an insured institution as an insured institution is terminated pursuant to any provision of section 407 or the insurance of accounts of an insured institution is otherwise terminated, (ii) a conservator, receiver, or other legal custodian is appointed for an insured institution under the circumstances and for the purpose set forth in subdivision (d) of section 401, or (iii) the Corporation makes a determination that for the purposes of this subsection an insured institution has gone into liquidation, the Corporation shall pay in cash to such institution its pro rata share of the secondary reserve, in accordance with such terms and conditions as the Corporation may prescribe, or, at the option of the Corporation, the Corporation may apply the whole or any part of the amount which would otherwise be paid in cash toward the payment of any indebtedness or obligation, whether matured or not, of such institution to the Corporation, then existing or arising before such payment in cash: *Provided*, That such payment or such application need not be made to the extent that the provisions of the exception in the last sentence of subsection (e) are applicable.

"(g) If, at the close of December 31 in any year after 1971, the aggregate of the primary reserve and the secondary reserve equals or exceeds 1¼ per centum of the total amount of all accounts of insured members of all insured institutions but the primary reserve does not equal or exceed 2 per centum of such base, each insured share of the secondary reserve shall, during the year beginning with May 1 next succeeding such close, be used, to the extent available, to discharge such institution's obligation for its premium under subsection (b) for the premium year beginning in such year, but only to the extent of such percentage, to be the same for all insured institutions and to be not less than 30 nor more than 70 per centum of such premium, as the Corporation may determine; and the use of such pro rata shares as provided in this sentence shall continue unless and until the next sentence or the last sentence of this subsection shall become operative. If, at the close of any December 31 occurring before the last sentence of this subsection shall become operative, the aggregate of the primary reserve and the secondary reserve is not at least equal to 1¼ per centum of the total amount of all accounts of insured members of all insured institutions, the use of any insured institution's pro rata share of the secondary reserve under the first sentence of this subsection shall terminate with respect to its premium under subsection (b) for the premium year beginning during the calendar year commencing on May 1 next succeeding such December 31, and such termination shall continue unless and until the first sentence of this subsection shall become operative. If, at the close of any December 31, the primary reserve equals or exceeds such 2 per centum, the Corporation shall, at such time (which shall be the same for all insured institutions and shall not be later than May 1 next succeeding such close) and in such manner as the Corporation shall determine, pay in cash to each insured institution its pro rata share of the secondary reserve.

"(h)(1) Each insured institution shall make such deposits in the Corporation as may from time to time be required by call of the Federal Home Loan Bank Board. Any such call shall be calculated by applying a specified percentage which shall be the same for all insured institutions, to the total amount of all withdrawable or repurchasable shares, investment certificates, and deposits in each insured institution. No such call shall be made unless such Board determines that the total amount of such call, plus the outstanding deposits previously made pursuant to such calls, does not exceed 1 per centum of the total amount of all withdrawable or repurchasable shares, investment certificates, and deposits in all insured institutions. For the purposes of this subsection, the total amounts hereinabove referred to shall be determined or estimated by such Board or in such manner as it may prescribe.

"(2) The Corporation shall credit as of the close of each calendar year, to each deposit outstanding at such close, a return on the outstanding balance, as determined by the Corporation, of such deposit during such calendar year, at a rate equal to the average annual rate of return, as determined by the Corporation, to the Corporation during the year ending at the close of November 30 of such calendar year, on the investments held by the Corporation in obligations of, or guaranteed as to principal and interest by, the United States.

"(3) The Corporation in its discretion may at any time repay all such deposits, or repay pro rata a portion of each of such deposits, in such manner and under such procedure as the Corporation may prescribe. Any procedure for such pro rata repayment may provide for total repayment of any deposit, if total repayment of any and all deposits of equal or smaller amount is likewise provided for.

"(4) The provisions of subsection (f) of this section and of the last sentence of subsection (e) of this section shall be applicable to deposits under this subsection, and for the purposes of this subsection the references in such subsection (f) and such last sentence to the prepayments and the pro rata shares therein mentioned shall be deemed instead to be references respectively to the deposits under this subsection and the pro rata shares of the holders thereof, and the reference in such subsection (f) to that subsection shall be deemed instead to be a reference to this subsection."

### STATE TAXATION OF FEDERAL INSURED FINANCIAL INSTITUTIONS

SEC. 6. (a) This section may be cited as the "State Taxation of Depositories Act".

(b) Recognizing that the several States should be allowed the greatest degree of autonomy in formulating their tax policies, the Congress finds that the national goals of fostering an efficient banking system and the free flow of commerce among the States will be furthered by clarifying the principles governing State taxation of interstate transactions of banks and other depositories. Application of taxes measured by income or receipts, or other "doing business" taxes, in States other than the States in which depositories have their principal offices should be deferred until such time as uniform and equitable methods are developed for determining jurisdiction to tax and for dividing the tax base among States.

(c) The legislature of a State may impose, and may authorize any political subdivision thereof to impose, the following taxes and only such taxes on any insured depository not having its principal office within such State:

(1) sales taxes and use taxes complementary thereto upon purchases, sales, and use within such jurisdiction;

(2) taxes on real property or on the occupancy of real property located within such jurisdiction;

(3) taxes (including documentary stamp taxes) on the execution, delivery, or recordation of documents within such jurisdiction;

(4) taxes on tangible personal property (not including cash or currency) located within such jurisdiction;

(5) license, registration, transfer, excise, or other fees or taxes imposed on the ownership, use, or transfer of tangible personal property located within such jurisdiction; and

(6) payroll taxes based on persons employed in such jurisdiction.

(d) For the purpose of this section—

(1) The term "insured depository" means any bank the deposits of which are insured under the Federal Deposit Insurance Act, any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, and any thrift and home financing institution which is a member of a Federal home loan bank.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e)(1) The Advisory Commission on Intergovernmental Relations shall make a study of all pertinent matters relating to the application of State "doing business" taxes on out-of-State commercial banks, mutual savings banks, and savings and loan associations. Such study shall include recommendations for legislation which will provide equitable State taxation of out-of-State commercial banks, mutual savings banks, and savings and loan associations. Such recommendations shall include, but shall not be limited to, the matter of the proper allocation, apportionment, or other division of tax bases and such other matters relating to the question of multistate taxation of commercial banks, mutual savings banks, and savings and loan associations as the Commission shall determine to be pertinent. In conducting the study, the Commission shall consult with the Secretary of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, appropriate State banking and taxing authorities, and others as needed.

(2) The Commission shall make a report to the Congress of the results of its study and recommendations not later than December 31, 1974.

(3) There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this subsection.

(f)(1) The provisions of this section shall take effect on the date of enactment of this Act.

(2) The provisions of this section shall terminate December 31, 1975.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6370, the companion bill passed by the House of Representatives.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate H.R. 6370, which was read twice by title, as follows:

An act (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator of Alabama.

There being no objection the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, I move to strike out all after the enacting clause of H.R. 6370, and insert in lieu thereof the language of S. 1798, as passed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

The bill (H.R. 6370), as amended, was passed.

Mr. SPARKMAN. Mr. President, I move that the Senate insist on its amendment and request a conference with the

House of Representatives thereon, and that the Chair be authorized to appoint the conferees on behalf of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE conferees on the part of the Senate.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the action of the Senate in passing S. 1798 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. I move that S. 1798 be indefinitely postponed.

The motion was agreed to.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLATNIK, Mr. JONES of Alabama, Mr. JOHNSON of California, Mr. HARSHA, and Mr. HAMMERSCHMIDT were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 6077) to permit immediate retirement of certain Federal employees, with an amendment, in which it requested the concurrence of the Senate.

## DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET—VETO

The PRESIDING OFFICER (Mr. HELMS). The hour of 4 o'clock p.m. having arrived, under the previous unanimous-consent agreement, the Chair lays before the Senate the President's veto message on S. 518, abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget, which the clerk will state.

The assistant legislative clerk read as follows:

A veto message on S. 518.

(The text of the President's veto message is printed at pp. 16194–16195 of the CONGRESSIONAL RECORD for May 21, 1973.)

The Senate proceeded to reconsider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that rule XII be waived and that instead of the vote occurring at 5 p.m., the vote occur at 4:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask that attachés on both sides of the aisle notify their respective Senators.

The PRESIDING OFFICER. Does the Senator desire the remaining time to be divided equally?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from North Carolina yield to me for 5 minutes?

Mr. ERVIN. I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, this body now faces one of its most severe tests on the question of whether Congress is ready, willing, and able to restore its essential status as a coequal branch of Government.

On the surface the issue before us concerns the responsibility of the Senate to confirm a Presidential nominee to an office within the Federal bureaucracy. It is the position of Director and Deputy Director of the Office of Management and Budget.

But more deeply this issue affects squarely the very nature of the balance between the executive and the legislative branches. At stake is not just the decision about who is to be in charge of just any independent agency of Government. At stake is the direction of what has grown to be perhaps the most powerful single policymaking instrument within the entire governmental establishment. At stake are the decisionmakers who, more than anyone else, determine the entire structure of national priorities. At stake is whether Congress is to have any say-so in the selection of such men.

Without again belaboring the evolutionary rise of such a superagency as OMB, I would note that its policyformulating role today far exceeds the management-consultant job set up by the Congress back in 1921 when it passed the Budget and Accounting Act.

Without fear of contradiction I feel safe in saying that the OMB Director sits today without peer as a policymaker and policyimplementer whose jurisdiction is limited only by the bounds of total American Government involvement. That the Senate has no voice in appraising the qualifications or competence of such an individual is absurd. Indeed, such a responsibility is imperative if the Senate is to be considered seriously as a part of a constitutional coequal in the framework of Government.

The Senate confirms Cabinet officers, and ministers, ambassadors, and judges and all military officers down to second lieutenant. But it has absolutely no say in who is to fill the most important executive office of all—the Director of the Office of Management and Budget.

I urge the Senate to take this step today to restore its proper status. I urge the Senate to vote to override.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Does anyone wish to speak against overriding?

Mr. PERCY. Mr. President, I would like to ask my distinguished colleague at the appropriate time to yield to me for 5 minutes.

Mr. ERVIN. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, as the ranking Republican on the Committee on Government Operations, as a cosponsor of S. 518, and as the author of a bill to require confirmation of three other major officers of the statutory White House offices, I strongly support the requirement that the Director and Deputy Director of the Office of Management and Budget be confirmed by the Senate.

Requiring confirmation of these two key officials is entirely appropriate. It is required, I believe, by the overwhelming importance of the posts in question. I do not think it violates the Constitution. And I support the bill's reversal of section 101 of Reorganization Plan No. 2 of 1970, under which all statutory duties formerly assigned to the Director of the Bureau of the Budget were assigned to the President. Under the bill, the Director will again be directly responsible for implementation of laws.

Mr. President, the arguments of merit for and against S. 518 were made thoroughly in our previous debate on passage of the bill. What most concerns me now are the broader implications of our action today.

I regret that we are now discussing this question at all. I believe the President should have signed this bill. I would have hoped that he would have taken this opportunity to embrace it, because it goes right to the heart of the crisis of confidence we now face.

After his message of April 30, the President in several ways indicated his willingness to cooperate with Congress—to open his administration to divergent views, to become responsive to congressional opinion and congressional will. His veto clashes directly with his expressions of a new era of cooperation.

The bill raises a very simple issue—does the Congress have the right to require Senate confirmation of officials it determines are of such importance as to warrant it. Congress clearly has that right.

I would go so far as to say Congress has a duty and obligation to conduct itself in accordance with the Constitution, which in article 2, section 2, clearly requires Senate confirmation of officers of the Government prepared to be appointed by the President, except for such inferior officers as Congress delegates for appointment directly by the President or department heads. Who could conceivably maintain that the Director of Management and Budget is an inferior officer? Any Cabinet officer knows that the man who occupies that post possesses far more power when it comes to the control of programs and money than perhaps any single Cabinet official.

Arguments of constitutionality seem, in this case, to be merely an effort to blur this central point.

In its amendment to S. 518 the House took care to meet the constitutional objection raised in the Senate. By abolishing, then immediately recreating, the Office of Management and Budget the bill conforms with a procedure used four times in the past.

I would like to respond directly to several arguments cited by the President in his veto message.

The President argues that because the position of Director of the Bureau of the Budget and its successor, the Office of Management and Budget have been established for over 50 years without confirmation, it should continue to be free of that requirement. In 1921, the Bureau of the Budget was established in the Treasury Department to aid the President. Since then its functions and duties have changed immeasurably. Congressman Holifield, chairman of the House Government Operations Committee, has stated that the OMB has responsibility for administering over 60 statutes. It has nearly 700 employees. It is more powerful than many Cabinet departments.

The President also argues that the bill is an effort to remove the incumbent officials, Mr. Ash and Mr. Malek. That is not its intent. S. 518 is neither political nor punitive in purpose. It is directed at the offices, not the men.

If the veto is overriden and Mr. Ash and Mr. Malek are nominated, I believe the Government Operations Committee would act with dispatch. Our distinguished chairman, Senator Ervin, has said that the Senate would confirm both men. This is not an effort to ax Mr. Ash, a man I have known for many years as a former colleague in the business community, and a man of great ability.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **PERCY**. May I have 3 minutes?

Mr. **ERVIN**. I do not believe we have any more time than that left.

Mr. President, how many minutes remain?

Mr. **PERCY**. May I have 1 additional minute?

Mr. **ERVIN**. Yes, one.

Mr. **PERCY**. Mr. President, this bill is not, as was argued in the House, an effort to politicize the OMB by making its top officers subject to confirmation. Is the Chairman, or either of the other two members of the Council of Economic Advisers "politicized" because all three must be confirmed? All told, 29 officers in the Executive Office of the President are already subject to Senate confirmation. What, conceivably, is so very special about the Director and Deputy Director of OMB that they are held above the Director of the Central Intelligence Agency, the Chairman of the Council of Economic Advisers, the Special Representative for Trade Negotiations, the Director of the Office of Economic Opportunity, the Chairman of the Council on Environmental Quality, and other important officials who are subject to confirmation?

Mr. President, I urge that we affirm the right of the Congress to require Senate confirmation of these positions of power and influence.

Mr. President, let me simply add in conclusion that this is not a case where there has been lack of communication between the executive and legislative branches. I have discussed this question at great length with Mr. Ehrlichman and directly with the President during the course of a leadership breakfast meeting at the White House. The President subsequently agreed that the Director of the Cost of Living Council should be submitted for confirmation, but he disagrees on the five other positions that have been specified in our two bills, including the one under consideration today.

I hope the Senate will override the veto.

Mr. **ERVIN**. Mr. President, I want to point out that the House amended the Senate bill to do exactly what the Senator from Michigan recommended when the original bill was before the Senate. He said:

> I believe it would be more appropriate to abolish the office of OMB for a short period of time and then reestablish it. That, it seems to me, would be a constitutional way to require appointment and reconfirmation of the incumbent OMB Director, if that is the purpose here.

So the bill which was vetoed by the President did exactly what my friend from Michigan recommended should be done.

I want to make the point that there is no property right in the office. The law on this subject is stated in American Jurisprudence, first series, section 33, which appears in volume 42 of that publication at pages 904 and 905.

I ask unanimous consent that the entire paragraph 33 be printed at this point in the body of the Record.

There being no objection, the extract was ordered to be printed in the Record, as follows:

> § 33. Modification or Abolition of Offices.—The power to create an office generally includes the power to modify or abolish it. The two powers are essentially the same. As stated above, the distinction drawn between offices of legislative creation and those created by the Constitution is one of location of power to alter or abolish. A constitutional office cannot be legislated out of existence, although a constitutional office or any other office may be abolished by constitutional provision. But where the office is of legislative creation, the legislature may, unless prohibited by the Constitution, control, modify, or abolish it whenever such course may seem necessary, expedient, or conducive to the public good. The power extends to the consolidation of offices, resulting in abolishing one and attaching its powers and duties to another. Even as to such offices, however, the circumstances may create an exception, as where the legislature makes a contract with the officer at a stipulated salary for his services during a specified period. Congress may, within constitutional limitations, abolish offices created by it, or offices in territory ceded to the United States by a foreign power.
>
> The power to abolish an office may be exercised at any time and even while the office is occupied by a duly elected or appointed incumbent, for there is no obligation on the legislature or the people to continue a useless office for the sake of the person who may be in possession thereof. By abolishing the office, the legislature does not deprive the incumbent of any constitutional rights, for he has no contractual right or property interest in the office. He accepts it with the understanding that it may be abolished at any time, and the tenure of the office is not protected by constitutional provisions which prohibit impairment of the obligation of contract. Clauses in a Constitution respecting the holding of offices in general by incumbents during their terms do not as a rule prevent the abolition of an office. Tenure of office and civil service statutes do not prevent a bona fide abolition of office.
>
> The right to delegate power to create a public office is generally denied and this is also true in respect to delegation of power to abolish an office. A county empowered by the legislature to create an office may, if unrestricted, abolish it, and the same is true of a township or of a city.

Mr. **ERVIN**. I wish to read just one part relating to the fact that Congress may abolish at any time, within constitutional limitations, offices created by it:

> By abolishing the office, the Legislature does not deprive the incumbent of any constitutional rights, for he has no contractual right or property interest in the office. He accepts it with the understanding that it may be abolished at any time, and the tenure of the office is not protected by constitutional provisions which prohibit impairment of the obligation of contract.

So there is no doubt of the constitutional power of the Congress to do what it did in this bill.

Furthermore, the distinguished Senator from Illinois has just stated this is a constitutional question. The Constitution provides expressly, in section 2 of article II, that officers of the United States shall be nominated by the President and appointed by and with the advice and consent of the Senate. The only exception to that rule is that Congress may provide for the appointment of inferior officers in some other manner.

As the distinguished Senator from Montana has so well stated, no one can contend that the office of the Director of the Office of Management and Budget, or that of the Deputy Director, are inferior offices. As a matter of fact, these officers exercise more power than any man in Government in the executive branch except the President of the United States.

They even reserve the right to provide that no regulation of any other executive department or agency can go into effect until it has been approved by it. They also have the power to say that even a Member of the House or a Senator cannot get a letter from an executive agency without the approval of the Office of Management and Budget. So it is an absurdity to say that these offices are inferior.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **GRIFFIN**. Mr. President, if the Senator wants more time, I yield him 2 minutes.

Mr. **ERVIN**. I thank the Senator.

Mr. President, I would like to say that the stake which is involved here is not who is going to be the occupants of these offices. The stake here is whether we are going to have government in the United States according to the Constitution of the United States. The Constitution of the United States says Congress cannot provide for the appointment of such officers without the advice and consent of the Senate of anyone who occupies any office except inferior offices.

If Senators believe we ought to return to constitutional government—something which has been sadly lacking in recent days—they should vote to override the veto and let Congress recapture its constitutional power to advise and consent to the appointment of men who occupy such high offices as these.

Mr. President, the Senate today is faced with the rather simple question of whether it will exercise the powers and prerogatives given it by the Constitution.

If we vote to override the President's veto of the OMB confirmation bill, and if the House of Representatives goes along with us, we will have done nothing more than exercise those powers.

The President himself, in his veto message, acknowledged that Congress has authority to abolish an office and to specify appropriate standards for Federal officers who serve in the offices that Congress chooses to create.

The sole objective of the bill that the President vetoed, S. 518, is to give the Senate an opportunity to inquire into the qualifications, background, and fitness of the men who are to fill two of the most powerful offices that Congress has chosen to create, and to advise and consent to their appointment.

It is a constitutional exercise of the power of Congress to create an office and, by the same token, to abolish an office. This is a legislative function, and the Constitution very clearly gives all legislative power to Congress.

The bill provides that the offices of Director and Deputy Director of the Office of Management and Budget would be abolished and that new offices would be immediately created which would require Senate confirmation.

Such an action is not novel. Four examples are in point:

First, Public Law 92–22 abolished the position of Assistant Secretary of the Interior for Administration, which was not subject to Senate confirmation, and created a new position of Assistant Secretary of the Interior, which is subject to Senate confirmation.

Second, Public Law 92–302 abolished the position of Assistant Secretary of the Treasury for Administration, appointed without Senate confirmation, and created an additional Assistant Secretary of the Treasury appointed with Senate confirmation.

Third, Public Law 91–469 abolished the position of Maritime Administrator and created in its place an Assistant Secretary of Commerce for Maritime Affairs, whom the statute designated as an ex officio Maritime Administrator.

Fourth, in 1954, Public Law 83–471—section 304—simultaneously abolished the position of Assistant Secretary of Commerce for Administration, an appointive position not requiring Senate confirmation, and created a new position of Assistant Secretary of Commerce requiring Senate confirmation.

In brief, Congress clearly has the constitutional authority to change the qualifications of a position in keeping with the changing times and needs of the Government.

More than 50 years ago, when the Bureau of the Budget was originally created, the Director of the Bureau was represented as the President's confidential advisor and hardly more than a clerical assistant to aide the President in the preparation of the budget.

Today it is as clear as the noonday sun in a cloudless sky that the Director and Deputy Director of OMB are men of great power in the Government. They direct a staff of almost 700 assistants, and they wield life and death powers over Federal programs.

OMB has developed into a super department with enormous authority over all of the activities of the Federal Government. Its Director has become, in effect, a Deputy President who exercises vast, vital Presidential powers.

OMB determines line by line budget limitations for each agency, including the regulatory commissions. Following authorization by the Congress of programs and activities, and the funding of such activities, the Office of Management and Budget develops impoundment actions, limiting the expenditures of funds for programs approved by law to those falling within the President's priorities, rather than those established by the Congress. By statute, the Director of OMB has authority to apportion appropriations, approve agency systems for the control of appropriated funds and establish reserves.

The Budget and Accounting Act, 1950, as amended, gave the Director important powers over agency accounting and budget systems and classifications, statistical performance and cost-information systems.

Under numerous other statutes, or by Presidential delegations, the Director of OMB has been given a vast number of additional functions. These include, but are not limited to, formulating and issuing rules and regulations relating to: First, coordination of Federal aid programs in metropolitan areas under the model cities legislation; second, the administration of grant-in-aid funds; third, special and technical services to State and local governments; fourth, formulation, evaluation, and review of Federal programs having a significant impact on area community development; fifth, policy guidelines relative to Government competition with private enterprise and the use of technical service contracts; sixth, user charges to be paid by individuals receiving special services from Government agencies; and seventh, Government employee training programs with regard to absorption of costs.

The Director of OMB also exercises control over the nature and types of questionnaires, surveys, reports, and forms which may be issued and utilized by Government agencies. In addition, together with the Chairman of the Civil Service Commission, he determines Federal pay comparability adjustments. Finally, the Director and his staff exercise oversight and control over the management of, and expenditures for, national security programs, international programs, defense expenditures, natural resources programs, and many others having a direct impact upon the economy and security of the Nation.

Mr. President, in his veto message the President referred to S. 518 as a "backdoor method of circumventing the President's power to remove" Federal executive officers. To my mind, this objection is not valid.

The intent of this bill is not to remove the incumbent Director and Deputy Director of OMB. The intent is merely to provide for Senate confirmation as a qualification and prerequisite for anyone holding these positions.

Congress has authority to establish these qualifications, and it has the authority to abolish any Federal position. If it abolishes any position, then the tenure of the incumbent necessarily is terminated. The only lifetime appointments in our Government belong to Supreme Court Justices and other Federal judges.

Mr. GRIFFIN. Mr. President, I yield myself such time as I may consume.

I am in the awkward position of controlling the time on this side.

As the Senator from North Carolina has indicated, the House did adopt the suggestion which I made when this bill was before the Senate, and which I sought unsuccessfully to sell my Senate colleagues. In the House, the bill was amended in a way I consider constitutional.

As I pointed out during the debate on the Senate bill on February 2. I believe the appointment by the President of the Director of OMB would be subject to Senate confirmation under article II of the Constitution even without the passage of such legislation. I was referring to that part of the Constitution which has already been referred to by the distinguished Senator from Illinois and the distinguished Senator from North Carolina. The precise language of the Constitution says that:

> The President shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

The Office of Director of OMB was established by law. It is not an inferior office. As I have pointed out before it seemed to me that the committee having jurisdiction could have sent a notice to the appointee asking him to appear for confirmation hearings. If he refused to appear, it would be within the province of Congress not to vote him any salary.

However, by amending the bill in the House and abolishing the office and then reestablishing it, it seems to me that Congress constitutionally was taking a step that is unassailable. While I regret to oppose the President, I find I must do so on this particular occasion—and I shall vote to override the veto.

I am willing to yield to other Senators who may care to speak.

If there are none, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **GRIFFIN.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **GRIFFIN.** Mr. President, I yield to the distinguished Senator from Virginia.

Mr. **HARRY F. BYRD,** Jr. I thank the Senator from Michigan.

Mr. President, the Bureau of the Budget was established in 1921. The reason the Director of the Bureau was not made subject to confirmation by the Senate was that the Bureau at that time was made a part of the Treasury Department. The Secretary of the Treasury, of course, was subject to confirmation.

Then in 1939 the Bureau was moved to the White House. But the fundamental change came on July 1, 1970. On that date the name was changed from the Bureau of the Budget to the Office of Management and Budget.

Its functions were expanded, and its power was immensely increased, until now if any official of the Government should be subject to confirmation, certainly the Director and Deputy Director of the Office of Management and Budget should be subject to confirmation by the Senate.

I do not want to overstate the case. But I am inclined to the view that under the situation existing today, the Director of the Office of Management and Budget probably has more power than any Cabinet official.

It has become standard operating procedure in the Government now, when committees of Congress communicate with departments of Government, that in their replies, as a last paragraph, they insert words along this line:

> The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

The point I am suggesting, Mr. President, is that this new office, created on July 1, 1970, less than 3 years ago, has become perhaps the most powerful office in the Government today. It determines the administration's position on much if not most legislation.

If that is the case, and I believe it to be the case, most certainly it seems to me that nominations for Director and Deputy Director of that office should be subject to confirmation by the Senate.

Mr. President, I shall vote to override the President's veto.

### CONGRESS MUST OVERRIDE OMB CONFIRMATION VETO

Mr. **HUMPHREY.** Mr. President, last Friday, the President of the United States vetoed legislation that would have required Senate confirmation of the Director and Deputy Director of the Office of Management and Budget.

This veto must not be allowed to stand. I have previously characterized it as an abuse of the veto power and an affront to the Congress.

Mr. President, all the Congress is asking the President to do is to submit his nominations for these high executive posts to the Senate for confirmation. That is all. These positions are extremely powerful. The Director of the Office of Management and Budget makes decisions affecting the lives of all Americans. He makes decisions on program funding levels, on regulations, on operating procedures. He makes decisions on health programs, defense, education, and transportation programs. And, he makes most of these decisions—spending billions upon billions of appropriated funds—in the utmost secrecy and without any accountability to the Congress of the United States or to the American people.

Mr. President, the Senator from Wisconsin (Mr. PROXMIRE) has raised questions regarding the fitness for this office of the present occupant of the directorship of the Office of Management and Budget. These questions have never been answered to my satisfaction. In fact, the questions have really never been explored—in the way that a confirmation hearing would explore them.

I am certain that the present occupant of the directorship would welcome the opportunity for the Senate to hold confirmation hearings on his fitness for public office.

Yet, there is another reason for the legislation—and perhaps a more crucial reason for confirmation procedures. The budget of the United States represents the priorities of a nation's leaders. It represents their thinking. It represents basic decisions over the allocation of a nation's resources.

But, the budget of the United States is presented in secret. It is prepared in secret. It is hidden from the public view.

As I said on February 5, 1973, "the budget process of the executive branch of Government makes a mockery of democracy." There is no room for citizens participation; there is no room for elected representatives.

Apparently, that is the way the Office of Management and Budget and its Director would like to continue—in secret, behind closed doors, away from the public, away from the press, away from the Congress, and away from accountability.

That is the message I receive from the President's veto, and that is the message I receive from the Office of Management and Budget in regards to legislation I have proposed that would open up the budget process.

In S. 1030, the Fiscal and Budgetary Reform Act of 1973, I proposed that the budget process be opened up, that secrecy come to an end, and that elected officials have the right to participate in the formulation of a national budget.

The Office of Management and Budget has objected. I quote now from page 2 of the letter of comments sent by OMB to the Government Operations Committee:

> The requirement to allow state and local officials to participate in the budget process and the proposal that the Executive Branch hold public hearings on budget request will further burden the already overburden budget process and will require the consumption of more time and effort.

Mr. President, all of us are concerned about paper work—needless paper work. All of us are concerned about efficiency. But, I believe that the advantages of having the budget process opened to public scrutiny and public participation outweigh any disadvantages that might make life somewhat more uncomfortable for the Office of Management and Budget.

Finally, Mr. President, perhaps if the Director of OMB had to be confirmed, he would be somewhat more responsive to the Congress, somewhat less contemptuous of the Congress, and more helpful to us, as elected officials.

If the Senate will recall, we passed legislation in October of 1972 requiring impoundment reports to be submitted to the Congress. It was over 4 months before the Office of Management and Budget saw fit to respond to that law. We had to pass special legislation to get the Office of Management and Budget to submit the required material to the Congress.

And, I also recall asking the Director of the Office of Management and Budget for detailed evaluations of the various program cuts proposed by the administration. The OMB responded but with documents that simply were unusable, incomplete, and unworthy of any executive submission to the Congress.

I am suggesting, Mr. President, that if the Director and Deputy Director were subject to confirmation, perhaps they would be more cooperative to the Congress. Perhaps they would extend themselves and consult with the Congress.

For these reasons, I urge Senators and Congressmen to unite in a bipartisan effort to override this veto, to assert congressional responsibility, and bring openness and public scrutiny to the Office of Management and Budget.

The **PRESIDING OFFICER.** Who yields time?

Mr. **GRIFFIN.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **SCOTT** of Pennsylvania. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **SCOTT** of Pennsylvania. Mr. President, I hope that the veto can be sustained.

The President in his veto message has pointed up that the constitutional principle involved in the removal is not equivocal. It is deeply rooted in our system of government. The President has the power and authority to remove, or retain, executive officers appointed by the President, as affirmed in the decision of *Myers* v. *United States*, 272 U.S. 52, 122 (1926), which held that this authority is incident to the power of appointment and is an exclusive power that cannot be infringed upon by the Congress.

As the President points out, he does not dispute congressional authority to abolish an office or to specify appropriate standards by which the officers may serve. When an office is abolished, the tenure of the incumbent in that office ends. But the power of the Congress to terminate an office cannot be used as a back-door method of circumventing the President's power to remove. With its abolition and immediate re-creation of two offices, S. 518 is a device—in effect and perhaps in intent—to accomplish congressional removal of the incumbents who lawfully hold these offices.

I think this is a very bad precedent to set. It is an attempt to get at somebody who is holding office and who has been appointed under the law as it exists. It is an attempt to change the law for that purpose, and that purpose only. The veto should be sustained.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having expired, the question now is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CLARK), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CLARK), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. JAVITS) is absent because of death in the family.

The Senator from Arizona (Mr. FANNIN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Idaho (Mr. McCLURE), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

On this vote, the Senator from Colorado (Mr. DOMINICK) and the Senator from New York (Mr. JAVITS) are paired with the Senator from Hawaii (Mr. FONG). If present and voting, the Senator from Colorado and the Senator from New York would each vote "yea" and the Senator from Hawaii would vote "nay."

The yeas and nays resulted—yeas 62, nays 22, as follows:

[No. 151 Leg.]

YEAS—62

Allen
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cranston
Eagleton
Eastland
Ervin
Fulbright
Gravel
Griffin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stevenson
Symington
Talmadge
Tunney
Weicker

NAYS—22

Aiken
Baker
Bartlett
Bellmon
Bennett
Brock
Cotton
Curtis
Dole
Domenici
Goldwater
Hansen
Helms
Hruska
Scott, Pa.
Scott, Va.
Stafford
Stevens
Taft
Thurmond
Tower
Young

NOT VOTING—16

Abourezk
Church
Clark
Dominick
Fannin
Fong
Javits
Magnuson
McClure
McGee
McGovern
Packwood
Saxbe
Sparkman
Stennis
Williams

The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 22. Two-thirds of the Senators present and voting having voted in the affirmative, the bill on reconsideration is passed, the objections of the President of the United States to the contrary notwithstanding.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes tonight.

## THE WATERGATE

Mr. SCOTT of Pennsylvania. Mr. President, the President has today issued a statement regarding Watergate. I ask unanimous consent that the text of the statement and an accompanying summary be printed at this point in the RECORD.

There being no objection, the statement and summary were ordered to be printed in the RECORD, as follows:

ACCOMPANYING STATEMENT BY THE PRESIDENT

THE WHITE HOUSE

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1) I had no prior knowledge of the Watergate operation.

2) I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.

3) At no time did I authorize any offer of Executive clemency for the Watergate defendants, nor did I know of any such offer.

4) I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.

5) At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.

6) It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.

7) I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statements, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate, and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

The purpose of this statement is threefold:

First, to set forth the facts about my own relationship to the Watergate matter.

Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere.

Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security "cover" on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled in the Watergate case.

The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior Administrations, on which the Government's records were incomplete.

Here is the background of these three security operations initiated in my Administration.

### 1969 WIRETAPS

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February, 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with long-standing precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs, and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

### THE 1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969–70 school year brought nearly 1800 campus demonstrations, and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May, 1970, FBI Director Hoover shut off his agency's liaison with the CIA altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence (General Donald V. Bennett) and the Director of the National Security Agency (Admiral Noel Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified five days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization of surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July, 1970, having earlier discontinued the FBI's liaison with CIA, Director Hoover ended the FBI's normal liasion with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December, 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

### THE SPECIAL INVESTIGATIONS UNIT

On Sunday, June 13, 1971, The New York Times pubished the first installment of what came to be known as "The Pentagon Papers." Not until a few hours before publication did any responsible Government official know that they had been stolen. Most officials did not know they existed. No senior official of the Government had read them or knew with certainty what they contained.

All the Government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the most sensitive files of the Departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published with the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have beeen severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentially was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I, at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam War, on which the Government's records were inadequate (many previous records having been removed with the change of Administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18th, 1973, when I learned that Mr. Hunt, a former member of the Special Investigations Unit at the White House, was to be questioned by the U.S. Attorney, I directed Assistant Attorney General Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters and to stay out of national security matters. Subsequently, on April 25, 1973, Attorney General Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the Ellsberg case. I concurred, and directed that the information be transmitted to Judge Byrne immediately.

### WATERGATE

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging effort to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fund raising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fund raising. Nor did I authorize any offer of Executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurances that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

(1) I had not prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal wiretaps, which I felt were necessary from a national security standpoint and, in the climate then prevailing, also necessary from a domestic security standpoint.

(3) People who had been involved in the national security operations later, without my knowledge or approval, undertook illegal activities in the political campaign of 1972.

(4) Elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved. They also led me to surmise, correctly, that since persons originally recruited for covert national security activities had participated in Watergate, an unrestricted investigation of Watergate might lead to and expose those covert national security operations.

(5) I sought to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the Attorney General and the Acting Director of the FBI.

(6) I also specifically instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the FBI would not carry its investigation into areas that might compromise these covert national security activities, or those of the CIA.

(7) At no time did I authorize or know about any offer of Executive clemency for the Watergate defendants. Neither did I know until the time of my own investigation, of any efforts to provide them with funds.

### CONCLUSION

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up and less to the reassurances.

With hindisght, several other things also become clear:

With respect to campaign practices, and also with respect to campaign finances, it should now be obvious that no campaign in history has ever been subjected to the kind of intensive and searching inquiry that has been focused on the campaign waged in my behalf in 1972.

It is clear that unethical, as well as illegal, activities took place in the course of that campaign.

None of these took place with my specific approval or knowledge. To the extent that I may in any way have contributed to the climate in which they took place, I did not intend to; to the extent that I failed to prevent them, I should have been more vigilant.

It was to help ensure against any repetition of this in the future that last week I proposed the establishment of a top-level, bipartisan, independent commission to recommend a comprehensive reform of campaign laws and practices. Given the priority I believe it deserves, such reform should be possible before the next Congressional elections in 1974.

It now appears that there were persons who may have gone beyond my directives, and sought to expand on my efforts to protect the national security operations in order to cover up any involvement they or certain others might have had in Watergate. The extent to which this is true, and who may have participated and to what degree, are questions that it would not be proper to address here. The proper forum for settling these matters is in the courts.

To the extent that I have been able to determine what probably happened in the tangled course of this affair, on the basis of my own recollections and of the conflicting accounts and evidence that I have seen, it would appear that one factor at work was that at critical points various people, each with his own perspective and his own responsibilities, saw the same situation with different eyes and heard the same words with different ears. What might have seemed insignificant to one seemed significant to another; what one who in terms of public responsibility, another saw in terms of political opportunity; and mixed through it all, I am sure, was a concern on the part of many that the Watergate scandal should not be allowed to get in the way of what the Administration sought to achieve.

The truth about Watergate should be brought out—in an orderly way, recognizing that the safeguards of judicial procedure are designed to find the truth, not to hide the truth.

With his selection of Archibald Cox—who served President Kennedy and President Johnson as Solicitor General—as the special supervisory prosecutor for matters related to the case, Attorney General-designate Richardson has demonstrated his own determination to see the truth brought out. In this effort he has my full support.

Considering the number of persons involved in this case whose testimony might be subject to a claim of Executive privilege, I recognize that a clear definition of that claim has become central to the effort to arrive at the truth.

Accordingly, Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up.

I want to emphasize that this statement is limited to my own recollections of what I said and did relating to security and to the Watergate. I have specifically avoided any attempt to explain what other parties may have said and done. My own information on those other matters is fragmentary, and to some extent contradictory. Additional information may be forthcoming of which I am unaware. It is also my understanding that the information which has been conveyed to me has also become available to those prosecuting these matters. Under such circumstances, it would be prejudicial and unfair of me to render my opinions on the activities of others; those judgments must be left to the judicial process, our best hope for achieving the just result that we all seek.

As more information is developed, I have no doubt that more questions will be raised. To the extent that I am able, I shall also seek to set forth the facts as known to me with respect to those questions.

---

## INTERIM APPORTIONMENT OF INTERSTATE AND OTHER HIGHWAY FUNDS

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 151, S. 1808, and that it be laid before the Senate and made the pending business for tomorrow.

The PRESIDING OFFICER (Mr. JOHNSTON). The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 1808, to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

---

## ORDER FOR RECOGNITION OF SENATORS GRIFFIN, RANDOLPH, AND MANSFIELD TOMORROW

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent, after the joint leaders or their designees have been recognized tomorrow, that the distinguished Senator from Michigan (Mr. GRIFFIN), the distinguished Senator from West Virginia (Mr. RANDOLPH), and the Senator from Montana now speaking, all be recognized for a period of not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that, on tomorrow, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

## VETO BY UNITED STATES AND GREAT BRITAIN IN UNITED NATIONS

**Mr. HARRY F. BYRD, JR.** Mr. President, today, the United States and Great Britain vetoed a resolution that would have extended to South Africa and Portugal the United Nations Security Council's economic sanctions against Rhodesia.

It was the fourth U.S. veto in Council history.

The other vetoes were on the questions of Rhodesia, the Middle East, and the Panama Canal.

Mr. President, this veto by the United States and Great Britain in the Security Council today is a very heartening one and a very important one. I hope it suggests that our representatives in the United Nations are now willing to show some courage and to stand up against the very foolish and unprincipled acts which have been advocated by many members of the United Nations.

I want to say on the floor of the Senate today that, in my judgment, the action taken by the Security Council, and subsequently by the President of the United States, in putting an embargo on trade with Rhodesia, is one of the most unprincipled acts ever taken by our Nation.

I applaud the action taken by our representatives today in the Security Council, where the United States and Great Britain joined to veto similar action which had been proposed for South Africa and Portugal.

We have no business attempting to dictate the internal policy of other countries of the world. From the beginning, I opposed the action taken aganst Rhodesia. I would strongly oppose any similar action that might be directed against South Africa or Portugal by the United Nations Security Council. The veto today obviates any such possibility.

## QUORUM CALL

**Mr. HARRY F. BYRD, JR.** Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

**Mr. MANSFIELD.** Mr. Presdent, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

(The remarks Senator LONG made at this point on the introduction of S. 1869, dealing with procedures prescribed in making certain local contributions are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

---

## ADJOURNMENT

**Mr. LONG.** Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and at 5:10 p.m. the Senate adjourned until tomorrow, Wednesday, May 23, 1973, at 12 noon.

---

## NOMINATIONS

Executive nominations received by the Senate May 22, 1973:

### AGENCY FOR INTERNATIONAL DEVELOPMENT

Matthew J. Harvey, of Maryland, to be an Assistant Administrator of the Agency for International Development, vice Bert M. Tollefson, Jr., resigned.

### GENERAL SERVICES ADMINISTRATION

Arthur F. Sampson, of Pennsylvania, to be Administrator of General Services, vice Robert L. Kunzig, resigned.

### FEDERAL HOME LOAN BANK BOARD

Grady Perry, Jr., of Alabama, to be a member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1977, vice Thomas Hal Clarke.

### U.S. AIR FORCE

The following officer to the grade indicated under the provisions of title 10, United States Code, chapters 839 and 841:

*To be temporary major general*

Maj. Gen. Earl O. Anderson, [redacted]FV, Air Force Reserve.

---

# HOUSE OF REPRESENTATIVES—*Tuesday, May 22, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*As we have opportunity, let us do good to all men.*—Galatians 6: 10.

Eternal Father of our spirits, in whom we find the love which casts out fear, with whom we walk in wisdom's ways, and from whom comes strength for daily tasks, lay Thy hand upon us as we pray and bless us with the peace of Thy presence and the glory of Thy goodness.

Take away from us the hatreds that hurt, the bitterness that blights, the misunderstandings that make life miserable, and the suspicions that sour our souls. By Thy grace may our hearts be united in a strong spirit of good will which will make us eager to serve our Nation and ready to make this world a better place in which men and women can learn to live together heartily, helpfully, and hopefully.

In the spirit of Christ we offer this our morning prayer. Amen.

---

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

---

## CALL OF THE HOUSE

**Mr. GROSS.** Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

**Mr. O'NEILL.** Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 151]

Anderson, Ill.
Badillo
Baker
Brooks
Brown, Mich.
Burke, Calif.
Carey, N.Y.
Carney, Ohio
Carter
Chamberlain
Chisholm
Clark
Clawson, Del
Conyers
Davis, S.C.
Diggs
Edwards, Calif.
Eilberg
Foley
Frenzel
Froehlich
Gubser
Heinz
Jarman
Keating
King
Litton
McEwen
Mills, Ark.
Mills, Md.
Minish
Murphy, N.Y.
Pritchard
Railsback
Rangel
Reid
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Sandman
Satterfield
Stokes
Taylor, Mo.
Teague, Tex.
Tiernan
Waldie
Wright

The SPEAKER. On this rollcall 386 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5610. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; and

H.R. 5293. An act authorizing additional appropriations for the Peace Corps.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5610) entitled "An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Fulbright, Mr. Sparkman, Mr. Church, Mr. Aiken, and Mr. Case to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5293) entitled "An act authorizing additional appropriations for the Peace Corps," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Fulbright, Mr. Sparkman, Mr. Church, Mr. McGovern, Mr. Aiken, Mr. Case, and Mr. Javits to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1697. An act to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California;

S. 1773. An act to amend section 7305 of title 10, United States Code, relating to the sale of vessels stricken from the Naval Vessel Register; and

S.J. Res. 112. Joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

## APPOINTMENT OF CONFEREES ON H.R. 2246, TO AMEND PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume this request was cleared with the minority.

Mr. BLATNIK. The request was cleared with the minority.

Mr. GROSS. And it is to extend for 1 year what?

Mr. BLATNIK. The Economic Development Act of 1965. It has already passed the House. It was greatly reduced by the Senate, and I can inform the gentleman from Iowa and the Members in advance, we are prepared to substantially reduce the expenditure, but we do have a strong argument of the need for continued authorization.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? The Chair hears none, and appoints the following conferees: Messrs. Blatnik, Jones of Alabama, Johnson of California, Harsha, and Hammerschmidt.

## THE IMMEDIATE RETIREMENT OF CERTAIN FEDERAL EMPLOYEES

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6077) to permit immediate retirement of certain Federal employees, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment to the text of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That section 8336(d) of title 5, United States Code, is amended to read as follows:

"(d) An employee who is separated from the service—

"(1) involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(2) voluntarily, during a period when the agency in which he is employed is undergoing a major reduction in force, as determined by the Commission, and who is serving in such geographic areas as may be designated by the Commission;

after completing 25 years of service or after becoming 50 years of age, and completing 20 years of service is entitled to a reduced annuity.".

Sec. 2. Section 3502(a)(C) of title 5, United States Code, is amended by striking out the words "who is an employee in or under the Department of Agriculture".

### MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dulski moves to concur in the Senate amendment with an amendment as follows: Strike out all of section 2 of the Senate-engrossed amendment.

The SPEAKER. The gentleman from New York is recognized.

Mr. GROSS. Mr. Speaker, I wonder if the gentleman will explain to the Members this action.

Mr. DULSKI. Mr. Speaker, the amendment that I have offered strikes out section 2 of the Senate-engrossed amendment. The provisions of the first section of the Senate amendment are retained and are the same as the provisions of the House-passed bill, with minor technical changes.

Section 2 of the Senate amendment proposed to introduce an entirely new subject relating to former Agricultural Stabilization and Conservation Service employees who are now employed in the Federal Government.

Present law provides that such former agricultural county employees may be credited with former service as agricultural county employees for reduction-in-force purposes as a Federal employee only if the employee is in or under the Department of Agriculture. Section 2 of the proposed Senate amendment provides that former service with an agricultural county committee may be credited for retention purposes for an employee of any Federal agency.

Mr. Speaker, as I stated, the House-passed bill (H.R. 6077) and the first section of the Senate-engrossed amendment are identical except for minor technical changes. The purpose of these provisions is to permit the voluntary retirement of a Federal employee who has completed 25 years of service, or who is age 50 and has completed 20 years of service, during a period while his agency is undergoing a major reduction-in-force.

These provisions are based on an official recommendation of the administration. There is no objection whatever to these provisions. The House bill was reported out of the Post Office and Civil Service Committee by a unanimous vote of the full committee, and it was acted on by unanimous vote of the subcommittee. It passed the House by unanimous consent. I know of no objection whatever to the provisions of the first section of the Senate amendment.

The authority for a Federal employee to count service that was performed as an ASCS employee for reduction-in-force purposes when employed in the Department of Agriculture, is contained in section 3 of the act of June 29, 1968 (Public Law 90-367). The report of our committee on that legislation (H. Rept. No. 1371 of the 90th Cong.) shows that the whole question of granting Federal employees the right to count former ASCS county service for Federal employee purposes was most controversial. In fact, the report of the 90th Congress contains very strong minority views.

I do not think it at all appropriate for such a controversial provision to be added to this legislation without affording our committee an opportunity to reconsider the matter after adequate hearings are held.

Mr. Speaker, as I have indicated, I know of absolutely no objection to the first section of the bill. The provisions are urgently needed in view of the pending reductions in force in the executive branch. There should be no delay in obtaining final passage of the first section of the bill.

In view of the urgent need for the enactment of the first section of the bill, it is my strong recommendation that the provisions of section 2 of the Senate amendment, relating to the ASCS employees, be eliminated completely from this legislation.

If there are any merits to extending the rights of the ASCS employees to other agencies as proposed by section 2, then I feel that the Senate would be well advised to include such provisions in separate legislation and afford us an opportunity to give full consideration to the matter.

Mr. Speaker, does that explain the matter for the gentleman?

Mr. GROSS. I thank the gentleman.

Mr. HENDERSON. Mr. Speaker, I rise in support of the action proposed by the gentleman from New York (Mr. DULSKI) which is to strike out section 2 of the Senate amendment to H.R. 6077.

Section 2 of the Senate amendment proposes to broaden the service credibility for retention purposes of former employees of agricultural county committees.

Under existing law, former service with an agricultural county committee is creditable for reduction-in-force purposes only for employees in or under the Department of Agriculture. The Senate amendment provides that such former service may be credited for retention purposes for an employee of any Federal agency.

Mr. Speaker, I want to emphasize that my opposition to section 2 of the Senate amendment should in no way be construed as opposition to the purpose of that amendment. I am opposed only to the manner in which the consideration of this subject matter is being thrust upon the Members of this body.

H.R. 6077, as passed by the House, dealt only with the subject of voluntary retirements of Federal employees during major reductions-in-force. Clearly section 2 of the Senate amendment, which pertains to an entirely different matter, is nongermane to the House bill.

The members of the House Post Office and Civil Service Committee have had no opportunity to consider the merits of broadening the scope of the service creditability provisions applicable to former county committee employees.

Furthermore, to my knowledge, the Senate committee did not even hold hearings on this subject.

In my view the Senate's action clearly violates the fundamental principles of our legislative process.

For these reasons I am opposed to section 2 of the Senate amendment, although, as I stated earlier, I am not necessarily opposed to the purpose of that amendment.

The existing provisions of law governing the creditability of former county committee service are derived from Public Law 90-367, approved June 29, 1968. The primary purpose of that law was to facilitate the employment of personnel in positions in the Department of Agriculture by removing certain impediments to the recruitment of experienced agricultural county committee employees.

It may well be, as the Senate committee report states, that present conditions now warrant extending the benefits of Public Law 90-367 to employees of all Federal agencies.

If that is the case, then our committee will be more than happy to consider a separate legislative proposal to effectuate such purpose.

However, in the absence of an opportunity to thoroughly consider the merits of such a proposal, I must oppose the Senate's action in connection with this matter.

Mr. GROSS. Mr. Speaker, I would like to point out that by its amendment to H.R. 6077 the Senate once again seeks to gain acceptance of a provision which has no relationship whatsoever to the House bill it amends. I am confident that if the amendment were offered in the House, it would be ruled nongermane.

Therefore, I agree with the chairman of the Committee on Post Office and Civil Service that the House should reject this attempt to attach an irrelevant and controversial amendment to a bill that otherwise appears certain to be enacted.

The issue of job retention rights for former county employees of the Agriculture Stabilization and Conservation Service is one that should be considered separately and on its own merit. The House has no evidence at all on which to base judgment on the Senate amendment. Therefore I suggest that the usual procedure of holding hearings and receiving agency reports should be followed before we act on the proposal.

Mr. Speaker, I also point out that H.R. 6077, as it passed the House clearly and specifically dealt with a single issue—the matter of civil service retirement during a major reduction in force of an executive agency. It is a bill proposed and supported by the administration and the burden of its failure or delay in the Congress, if such be the case, cannot be assigned to this body.

I withdraw my reservation.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the Senate amendment to the title of the bill.

The Clerk read the Senate amendment to the title of the bill, as follows:

Amend the title so as to read: "An Act to permit immediate retirement of certain Federal employees, and for other purposes."

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendment to the title of the bill (H.R. 6077).

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

## GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 6077) to permit immediate retirement of certain Federal employees.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

## PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN SPECIAL REPORTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the committee may have until midnight tonight to file certain special reports.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

## OFFICIAL PICTURES OF THE HOUSE

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 404 and ask for its immediate consideration.

The Clerk read the resolution as follows:

### H. RES. 404

*Resolved*, That at a time designated by the Speaker, the United States Capitol Historical Society shall be permitted to take official pictures of the House while in actual session for inclusion in the new edition of "We the People". The pictures shall also be available for legitimate nonprofit news and educational purposes.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make a special announcement.

Pursuant to the provisions of House Resolution 404, the Chair desires to inform Members that a picture of the Members in session will be taken at approximately 3 p.m. on tomorrow, Wednesday, May 23.

## LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that I may make a statement.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL. Mr. Speaker, I would like to announce a change in the program. The bill H.R. 77, jointly administered trust funds for legal services plans, which was scheduled to be up on Wednesday subject to a rule being granted, the rule not having been granted the item will not be called up.

The bill H.R. 7528, NASA authorization, is still on the calendar for tomorrow and will be considered.

We also will have as the first item of business tomorrow, if the Senate overrides the veto, the veto matter.

Last Thursday I advised the gentleman from Iowa that we would receive former Members of Congress on Thursday at the close of business. I am advised it was understood the former Members would be in the House from 12:30 to 1:30, so I want to apologize to the gentleman and make the correction.

On Thursday, the program will be H.R. 6912, Par Value Modification Act; and H.R. 5857, the National Visitors Center amendment.

Mr. Speaker, that is the present schedule for the week.

## INDIVIDUAL'S RIGHT TO PRIVACY

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, today we have introduced legislation that would protect the right of an American citizen to be free from the unregulated computerized collection and distribution of his personal information by the Government. It is preposterous to think that personal and private information on an American citizen could be placed in a central government computer where other parties could have access to this information. It is completely alien to the American tradition of personal liberty to have central data banks jammed with unevaluated and often erroneous personal information, information available to anyone with access to the computer. Gestapo tactics of snooping, surveillance, eavesdropping, and the compilation of dossiers have no place in a free society. Mr. Speaker, in the 92d Congress we introduced similar legislation, in February of 1971, and we believe the need for legislation has grown even more acute since that time.

Our bill would require notification of the individual that the Government holds computer records of personal information on him and would require the notification of all transfers of such information. It would strictly limit the disclosure of such informaton and require a record of all persons inspecting such personal files. Our bill would also permit the individual to force the removal of incorrect or misleading information from his computer file.

Mr. Speaker, this legislation is a necessary first step toward protecting the sacred constitutional rights of American citizens from infringement by misuse of personal information held in Government computers.

## RECEPTION OF PRISONERS OF WAR

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity to remind all of the Members of the House of the informal reception that will be held in the Rayburn Room tomorrow, Wednesday, between 1 p.m. and 2 p.m. to greet a representative group of former prisoners of war and their wives. Sponsors of the reception are Congressmen CLEMENT ZABLOCKI, BILL DICKINSON, PAUL FINDLEY, and myself.

We hope each of our colleagues will avail themselves of this opportunity to meet this representative group of POW's and help express the appreciation of a grateful Nation for the sacrifices they have made on behalf of peace and freedom. These prisoners of war are also reminders of the sacrifices made by over 2 million men and women who served in Southeast Asia.

## PERSONAL EXPLANATION

Mr. DANIELSON. Mr. Speaker, on rollcall No. 150, I am incorrectly recorded as not voting. I was present and voted "aye" by electronic device.

## MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS THE NATION COULD FACE ANOTHER LONG, HOT SUMMER

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, this Nation is going to face the prospect of another long, hot summer if President Nixon does not set up a summer job program as Congress has directed.

According to Labor Department figures, unemployment among teenagers was 15.4 percent in April—a school month. In a few weeks, schools are going to let out for the summer, adding tremendously to the numbers of teenagers who will be looking for work. We desperately need jobs for them.

Yet we seem to be no farther along than when I warned the House—2 months ago today—that President Nixon's indifference to summer job problems could have disastrous effects.

He has impounded a $239 million appropriation which Congress made for the 1973 summer job program. He said he would authorize cities to use $300 million in public employment program funds for summer jobs.

That means cities would have to fire adults to hire teenagers. But the job situation is little better for adults than for their juniors.

Unemployment among all workers is still at 5 percent. Thirty-eight major labor areas have unemployment as high as 6 percent. The entire situation requires that the Government do more—not less—to promote employment among all kinds of workers.

## VETERANS INFORMATION DAY FOR MEMBERS OF CONGRESS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I am pleased to announce that tomorrow, May 23, from 8 a.m. to 6 p.m., a Veterans Information Day for Members of Congress will be held in the House Veterans' Affairs Committee room, room 334 in the Cannon Building.

The National Committee, Jobs for Veterans, in cooperation with the other Government committees and agencies concerned with veterans, is sponsoring the event. All of us received invitations last week from our former colleague Bill Ayres who is currently serving as special assistant to the national committee's chairman, James F. Oates, Jr.

This is an excellent opportunity for Members of the House and their staff people to get the latest information on the status of our country's veterans, and to see how the laws which we have passed are taking effect. A photographer will be on hand all day, and you will have a chance to meet Vietnam-era veterans, as well as some of our recently returned prisoners of war. I am sure you will find it worth your while to stop by room 334 in the Cannon Building, during the course of the day.

## AMENDING SECTION 210 OF THE FLOOD CONTROL ACT OF 1968

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6717) to amend section 210 of the Flood Control Act of 1968, as amended.

The Clerk read as follows:

H.R. 6717

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 210 of the Flood Control Act of 1968 (Public Law 90-483) is amended to read as follows:

"SEC. 210. (a) No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army. User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervision of the facilities, and shall not be collected for day use or for access to or use of water areas, underdeveloped or lightly developed shoreland, boat launching ramps where no mechanical or hydraulic equipment is provided, roads, or visitors centers, or for access to or use of moderately developed facilities such as, but not limited to, picnic sites, playgrounds, drinking water, wayside exhibits, trails, overlook sites, scenic drives, toilet facilities, automobile parking areas, or for access to or use of areas containing one or more of such facilities. No fee may be charged for access to or use of any campground not having all of the following: flush restrooms, showers, dustproof or paved access and circulatory roads, sanitary disposal stations, visitor protection control, designated tent or trailer spaces, fireplaces, picnic tables, refuse containers, and potable water.

"(b) No provision of law enacted after the date of enactment of this section authorizing or otherwise relating to the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense, shall have any application to public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army."

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. ROBERTS) will be recognized for 20 minutes, and the gentleman from New York (Mr. GROVER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Section 210 of the Flood Control Act of 1958 prohibited the collection of entrance or admission fees at lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers. It also limited the collection of user fees to highly developed facilities requiring continuous presence of personnel for maintenance and supervision of the facilities. The purpose of section 210 was to insure that user fees were charged only where justified by the nature of the facilities and the amount of the Federal investment in them.

The so-called Golden Eagle entrance and user fee program established by the Land and Water Conservation Fund Act of 1965, and terminated as of March 30, 1970, because it was not bringing in the expected revenues, was reactivated in 1972 in a different form. The new Golden Eagle fee program, established by Public Law 92-347, provides for the charging of special recreation use fees for outdoor recreation facilities provided by any Federal agency. These fees are to be determined on the basis of the value of the capital improvements offered, the cost of the services furnished, and other pertinent factors. This law does not repeal section 210 of the 1968 Flood Control Act and is not inconsistent with it.

However, after the passage of this new act the Corps of Engineers announced a user fee program which ignored the user fee limitations contained in section 210. For example, a fee would be charged for use of a primitive campsite without even a fireplace or table.

H.R. 6717, as introduced, was written so as to make it clear that the user fee provisions of the new Golden Eagle program did not affect the provisions of section 210 of the 1970 Flood Control Act. However, it was brought to the committee's attention that the corps thought its new user fee program was permissible under the provisions of section 210 even if H.R. 6717 became law. The committee has accordingly amended the bill to state specifically what types of facilities may be subject to user fees.

H.R. 6717, as reported, states that no user fees may be charged for day use or for access to or use of water areas, undeveloped or lightly developed shoreland, simple boat launching ramps where no mechanical or hydraulic equipment is provided, roads, or visitor centers. It also prohibits the charging of fees for access to or use of moderately developed facilities such as picnic sites, playgrounds, drinking water, wayside exhibits, trails, overlook sites, scenic drives, toilet facilities and automobile parking areas. A combination of two or more moderately developed facilities in one area could not be the basis for the charging of a fee for that area.

No fee could be charged for a campground unless it has all of the features listed in the bill; namely, flush restrooms, showers, dustproofed or paved access and circulatory roads, sanitary disposal stations, visitor protection control, designated tent or trailer spaces, fireplaces, picnic tables, refuse containers, and potable water.

Subsection (b) of the reported bill is simply the text of H.R. 6717 as originally introduced. It makes it clear that the new Golden Eagle user fee program does not affect the provisions of section 210.

Mr. Speaker, last week the Senate passed and sent to the House a bill (S. 1381) which amends the Golden Eagle program to prohibit the charging of user fees for day use and lightly developed facilities at recreation areas of all Federal agencies. That bill is consistent with H.R. 6717, and the two can exist together.

Each of the bills amends a different existing law. The Senate bill amends the user fee provisions of the Land and Water Conservation Fund Act, which applies to all Federal agencies. H.R. 6717 clarifies section 210 of the 1970 Flood Control Act, which applies only to Corps of Engineers projects.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR), the chairman of the Subcommittee on National Parks and Recreation.

Mr. TAYLOR of North Carolina. Mr. Speaker, generally speaking, I believe that the Golden Eagle passport program enacted by the 92d Congress has been well received by the general public. While it appears that most Federal agencies are trying to conform to the basic objectives of the act, some problems have developed as a result of a misinterpretation of its provisions and its legislative history.

Most of the controversy which this legislation attempts to resolve involves fees charged at "mini-recreation areas" within broad areas administered by the Corps of Army Engineers. Let me begin by emphasizing that it was not intended that any admission fees should be charged at any Federal areas except designated areas of the national park system and national recreational areas created by the Congress within the national forest system. "Mini-recreation" areas administered by the corps and other agencies—which are nothing more than disguised admission fee areas—have been a source of continuing irritation to the public and the Congress.

Public Law 92-347 does not authorize any Federal agency to charge for the use of nominal facilities which all visitors might reasonably be expected to use. On the contrary, all of the legislative history indicates that fees should be charged uniformly on the basis of the facilities, equipment and services provided. Unless there is a substantial Federal investment, no special recreation use fees should be imposed.

What we attempted to do in Public Law 92-347 was to arrive at a reasonable, equitable, and relatively uniform program so that users of federally provided facilities in Oklahoma, for example, would be treated the same as users of comparable facilities in Texas, California, North Carolina, and every other State.

Sometimes it becomes difficult to determine where charges should be made, but the House report (H. Rept. 92-742) on that legislation attempted to give the agencies some guidance. It stated:

> No special charge is intended to be imposed . . . for the use of roads, trails, overlooks, visitor centers, wayside exhibits, lightly developed or back country campgrounds, or for picnic areas. Practically all visitors can be expected to use all or most of these facilities on a given visit. Admission—particularly free admission—would be meaningless if a charge is to be imposed for the use of these relatively modest facilities.

In distinguishing these general purpose facilities from the facilities for which charges should be made, the report went on to say:

> At some outdoor areas . . . there are well-developed campgrounds and other sophisticated facilities. Each agency should develop charges for these areas and facilities based on what they offer to the visitor, because they generate operating expenses or an investment of funds that would not be required to satisfy the needs of the average visitor. If, for example, an agency administers a campground and provides modern sanitary facilities, showers, electrical hookups, and other conveniences for the comfort of the visitor, then a higher rate would be justified. But if the campground is relatively rustic and offers fewer comforts and conveniences, then it should be classified at a lower rate. Where practically no services are provided and the campground is primitive, there should be no charge at all.

Mr. Speaker, I said at that time and I still believe that it is neither logical nor sound administrative policy to charge fees for the use of nominal facilities which benefit the general public even though they may provide a convenience for the user.

I do not believe, for example, that there should be a charge for the use of simple picnic areas. Not only is it petty to charge for such uses, but it tends to cause people to picnic along roadsides causing traffic congestion and litter problems. Similarly, public health benefits argue persuasively in favor of allowing free use of restrooms and access to clean drinking water. In short, if the public policy warrants free public use of particular facilities, no charge should be imposed.

Mr. Speaker, having given this background information, let me state that I had been notified that this legislation was coming to the House floor and I had hoped that the legislation would require the Corps of Engineers to comply with the provisions of existing law. Unfortunately, however, I believe that the effect of H.R. 6717 as written would be to sever the Corps of Engineers from the provisions of the Golden Eagle program, rather than require it to conform to the present law. I think that this is a mistake. If this bill is approved today, it should be amended in conference so as to provide the same test for charging of fees at developed campsites as applies to recreation areas operated by the National Park Service and the National Forest Service.

To the extent that inequities exist, I will certainly work with my colleagues in trying to resolve them, because I think that we have a reasonable and equitable fee program which is in the interest of the taxpayers, the using public, and the administering agencies. I would hope that we could work together within the existing framework rather than starting all over again.

Mr. GROVER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in strong opposition to the bill before us, H.R. 6717, which deals with the charging of user fees for recreational facilities provided at Corps of Engineers lakes and reservoirs.

The bill makes a mockery of the Land and Water Conservation Fund Act, which the Congress amended last year. The current measure destroys the uniformity recently endorsed by the Congress when it amended the Land and Water Conservation Act so as to provide for the uniform assessment of user fees for all Federal recreation facility investment, regardless of the administering agency.

Specifically, this proposal provides that no user fees may be charged in Corps of Engineer campgrounds unless the campground has all, I repeat, all, of the following facilities: flush restrooms, showers, dustproofed or paved access and circulatory roads, sanitary disposal stations, visitor protection control, designated tent or trailer spaces, fireplaces, picnic tables, refuse containers, and potable water. Moreover, these campgrounds must have continuous presence of personnel for maintenance and supervision of the facilities.

I submit that there are very few, if any, campgrounds operated by the corps which have all of these facilities and services. In effect, this bill would take the Corps of Engineers completely out of the user fee charging business. This would obviously make the corps happy, as their approach has historically been one of indifference in compliance with the fee provisions of the Land and Water Conservation Fund Act.

There are very few campgrounds in this country operated by other Federal agencies which have all of the facilities and services previously mentioned, and yet, user fees are nonetheless charged by these agencies with prices structured to reflect the degree of development and services provided. Such charges are in accord with the Land and Water Conservation Fund Act, and we assume, equitable from one agency to the other for like facilities and services.

I want to stress that it has been a long term effort of the House Committee on Interior and Insular Affairs, and the Congress as a whole, to bring all the Federal agencies together in providing a uniform approach to user fee collections. Widely differing approaches to user fees in the past have resulted in a great deal of confusion and unfairness to the public. Last year, during the 92d Congress, we felt we had finally solved this problem in amending the Land and Water Conservation Fund Act.

Now, immediately on the heels of that milestone achievement in the last Congress, we see an attempt to break up all the good that we had accomplished so that one agency can go its separate way. We are asked to sanctify the absurd proposition that Corps of Engineers facilities are, somehow, above the law of the land.

I should point out, Mr. Speaker, that the principal verbage of the bill before us provides that the corps may not charge fees for day use or for the use of minor developments such as picnic sites, playgrounds, lightly developed shorelands, scenic drives, toilet facilities, boat launching ramps devoid of mechanical or hydraulic equipment, et cetera. No one objects to such language, but it is useless.

The Land and Water Conservation Fund Act, which already guides the corps activities in this regard, is quite specific. In law and in terms of legislative history, the LWCFA says what this bill wants to repeat. Make no mistake—there is a reason for the language being in the current bill: The purpose is to beguile the unwary into believing that the corps is interested in complying with the "spirit" of the Land and Water Conservation Fund Act. Nothing could be further from the truth—the real issue is that the corps desires to be exempted from the act.

As a final note on absurdity, section 210(b) of this bill provides that no future act of Congress may change or tamper with this one. What the sponsors of the legislation are saying here is that they wish that their precious Corps of Engineers recreation facilities be forever more immune from congressional scrutiny. Utter nonsense!

Mr. Speaker, we must be perfectly clear in understanding the effects of defeating this measure. With or without this bill, no authority will exist to charge for day use of lightly developed facilities in corps-administered areas. That is not the point at issue.

At issue is whether the corps will constitute an exception to the rule—a uniform rule provided for in the amended Land and Water Conservation Fund Act—so that they can utilize a different and independent user fee charge approach from those adopted by every other Federal agency.

I submit that there is nothing in this bill (H.R. 6717) worthy of endorsement. It destroys the uniformity of user fee charges which was so painstakingly achieved last year; it smashes the public's confidence in our ability to make stick a policy that was achieved in response to a public need. Last year, we gained a toehold in controlling the public-be-damned attitude of the Corps of Engineers—we must not surrender the benefits of that monumental breakthrough on this, or any future day. I call upon my colleagues to resoundingly defeat this reckless legislation.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Speaker, I thank the gentleman for yielding, and I would ask the gentleman from Pennsylvania if I understand correctly that this proposed legislation makes it clear that the Golden Eagle does not apply to the Corps of Engineer projects, and if the gentleman from Pennsylvania believes that this is a good idea?

Mr. SAYLOR. The Golden Eagle passport constitutes an entrance fee and does not apply to the Corps of Engineers by terms of either the proposed legislation or the land and water conservation fund.

Mr. SMITH of New York. And if the gentleman will yield further, does the gentleman from Pennsylvania (Mr. SAYLOR) believe that the Corps of Engineers should not be exempted from the Golden Eagle program.

Mr. SAYLOR. I must answer the gentleman from New York this way: The Corps of Engineers should not have been exempted from the Golden Eagle passport—entrance fee—program under the Land and Water Conservation Fund Act. Nonetheless, we are talking about user fees in the proposed legislation, H.R. 6717. The corps should not be exempted from charging uniform user fees.

Mr. SMITH of New York. I thank the gentleman.

Mr. ROBERTS. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I rise in strong support of the proposed legislation, H.R. 6717. I must say that I am quite impressed with the arguments that have been raised by the very able and knowledgeable gentleman from Pennsylvania (Mr. SAYLOR). However, what we have tried to do, Mr. Speaker, is to encourage full use of recreational areas that are hardly developed at all. And if one were to extend to its ultimate conclusion the logic of charging a fee for the use of every recreational area, then we could wind up charging, for instance, a 50-cent fee for every kid who wanted to paddle a canoe on the Potomac River.

Mr. Speaker, I have seen youngsters struggle with packsacks and other gear, youngsters with very little money to spend on their camping trips, who go out to our national forests such as those in Minnesota, and the national and State parks, where some of the camping places are undeveloped. I think it would be utter nonsense to charge those youngsters a fee just to put up their little tents and their bedrolls in a camping site where there is not even a grill to cook on, or even a primitive little fireplace for their use.

Mr. Speaker, I know the woods. I have spent many years in the woods. I spent 2 full years in a Civilian Conservation Corps—CCC—camp. It is because of my outdoor experience that I am in strong support of the bill H.R. 6717. I want to commend the gentleman from Texas (Mr. ROBERTS) for the considerate manner in which he has handled this legislation, and also for the excellent support we have received from the minority members of the Water Resources Subcommittee and the full Public Works Committee.

Mr. GROVER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I believe that our chairman, Mr. ROBERTS, has clearly spelled out what the principal objective of the legislation is, but for the record I should like to state that it specifically would spell out the type of facilities where admission and/or user fees on corps projects would not be charged; and, further, it would clearly define limitations as they relate to the so-called manmade lakes that are administered by the Corps of Engineers.

As I believe most of the Members will recall, when section 210 of the Flood Control Act of 1968 was enacted, it was strongly supported by our former colleagues, Dr. Durward Hall and Congressman Edmondson from Oklahoma. It is clearly evident to those of us who were on the committee at that time that this particular problem is somewhat unique to the areas of Missouri, Oklahoma, Arkansas, and wherever there have been some corps made lakes. There are strong arguments that can be made on both sides of the question, and I have mixed emotions about this, inasmuch as I do serve on both the Committee on Interior and Insular Affairs and the Committee on Public Works.

But the one point that made an impression on me was that we on the west coast, as an example, have access to 1,000 miles or more of seashore. We have practically unlimited beach access on the west coast, and this is true of many other coastal and natural lakeshore areas of the country, for this kind of water related recreation. But, wherever there is a manmade lake in the midcontinent area, it seems as though we are restricting people if we place a user fee for access to the water recreation type of facility where no improvements are provided. Wherever they would be provided, obviously there should be some sort of user fee. For that reason and others, I support the committee's position.

Mr. GROVER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, the bill before us is designed to develop consistency in the use of charges by the Corps of Engineers at public recreation areas located at lakes and reservoirs under their jurisdiction. First, it eliminates the charge of entrance or admission fees and, second, defines very clearly when user charges may be collected by officers and employees of the United States from users of facilities in such areas.

Essentially, the basic purpose of the bill is to make sure that if an American taxpayer is charged for using these areas he receives a quid pro quo.

If I recall correctly during the hearing on the 1968 Flood Control Act it was established that the cost of collecting fees at Corps of Engineers lakes was more than the amount of fees collected—actually a "nuisance tax" which brought in no net revenues but created undue irritation for your constituents and mine.

Consequently, this bill eliminates charges for the use of undeveloped or lightly developed shoreland for the use of boat launching ramps where no mechanical or hydraulic equipment is available, the use of roads, the use of visitor centers, or for access to or use of moderately developed facilities. These last include picnic sites, playgrounds, drinking water, wayside exhibits, trails, overlook sites, scenic drives, toilet facilities, automoble parking areas, or for access to or use of areas containing one or more of such facilities. For indeed we feel that the taxpayer has already paid for the use of these facilities.

On the other hand, the use of a campground with flush restrooms, showers, dustproofed or paved access and circulatory roads, sanitary disposal stations, visitor protection control, designated tent or trailer spaces, fireplaces, picnic tables, refuse containers, and potable water, does justify the charge of a fee to the user.

There are various congressional precedents in the Flood Control Acts of 1944, 1946, 1954, 1962, and 1968 which reaffirm the principle of free access to inland public waters.

In addition, Mr. Speaker, as the Members of this body know, this comparatively simple provision of law has a long and complicated legislative history involving the Land and Water Conservation Fund Act of 1965, the Flood Control Act of August 13, 1968 (Public Law 92-347), establishing the Golden Eagle passport, and current legislation of this Congress by the other body under the jurisdiction of another committee.

In years past the Corps of Engineers, Department of Army, has assured the taxpayers when they were planning the many Federal impoundments that exist within the Third Congressional District of Arkansas that there would always be free access to water. I am sure this is true of many other areas of the country—lakes in your congressional districts affecting your constituents. This bill would prevent the Federal Government from breaking this faith placed in it by the people who supported the establishment of these impoundments.

It is our hope under this legislation to develop clearcut instructions in order to permit reasonable charges for the use of developed facilities containing the amenities described in the bill and to eliminate charges where they are not provided.

I urge the support of the Members of this House.

Mr. GROVER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, I wonder if the distinguished chairman, the gentleman from Texas (Mr. ROBERTS), would respond to two or three questions.

Mr. ROBERTS. Yes; I will be delighted to respond to the gentleman.

Mr. WYLIE. I agree with the concept of the bill as announced by the distinguished chairman, the gentleman from Minnesota (Mr. BLATNIK), and, of course, we would not want to have a Boy Scout troop charged a fee where the Boy Scouts have walked several miles with knapsacks on their back, and after having put down a pup tent have the Corps of Engineers man come along and say, "We are here to collect a fee." But it seems to me this bill is rather far reaching. What about the man who uses a boat dock and has to have rather intricate facilities available to him to put his boat into the lake?

Mr. ROBERTS. That is not covered and we would be able to charge the $5 fee they have everywhere else. Contrary to what the gentleman from Pennsylvania has said—and he made a very able statement—there will still be many Corps of Engineers places where we will charge fees. Even the administration in its letter, which it sent out, is simply saying they want to supplement it and did not amend the provisions of section 210. All in the world this bill does is restate the public law on section 210. We have had to spell it out because it is not covered adequately. They would charge the Boy Scouts, and we simply say they cannot do it and we spell it out, and we may have to spruce it up but I think this is the best road we can take.

I thank the gentleman for raising the question.

Mr. WYLIE. Is there a definition of "highly developed facilities" now in the law?

Mr. ROBERTS. In the previous section 210, no, it just said "highly developed facility" and they applied it to every single campsite even though there was not a fireplace or an outdoor toilet or anything else, but somebody said that all came under the law. The section here is not inconsistent with the Land and Water Conservation Act, despite the contention of my good friend, the gentleman from Pennsylvania.

Mr. WYLIE. Is the definition different for a "highly developed facility" which applies to recreation areas where there are lakes and reservoirs than the test where there is just a campground? The reason I ask, and maybe this colloquy will clear it up, is we use the phrase "highly developed facility" where there are lakes and reservoirs as a test to determine if a fee may be collected. On down in the bill it says:

> No fee may be charged for access to or use of any campground not having all of the following: . . .

Is that a definition for a "highly developed facility" as referred to on line 12?

Mr. ROBERTS. That is correct. In one section we are prohibiting them from just going in and having an entrance fee, and the other is saying what they have to have if they are going to collect money. I believe where we provide facilities we ought to collect money. All we are trying to do is to say it has to be in the area developed for that purpose. I believe this will not affect that at all. I agree with the gentleman's statement.

Mr. WYLIE. I think the facility will have to be very highly developed before we can ever charge a fee under this bill and then in section 13 no future Congress can modify the test.

Mr. ROBERTS. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I rise in enthusiastic support of H.R. 6717. About the only regret is that when this clean bill was reported our office was not contacted in time to become a cosponsor due to the urgency for prompt floor action. However, it was my privilege to introduce H.R. 7162 under my own name which had the same objective to amend section 210 of the Flood Control Act of 1968. Our measure was somewhat more inclusive than H.R. 6717. It simply called for the broad approach that all of the enactments passed after 1968 including the Land and Water Conservation Act of 1972 should not have any application to public recreation areas and reservoirs under the jurisdiction of the Corps of Engineers. Our H.R. 7162 is identical to subsection B. beginning at line 4 on page 3 of H.R. 6717.

Before I continue I am certain it is appropriate to commend the floor manager of this bill, the gentleman from Texas (Mr. ROBERTS), the principal sponsor of the bill, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), as well as the chairman of the House Public Works Committee, the gentleman from Minnesota (Mr. BLATNIK), and both the subcommittee that handled this measure and the full Public Works Committee. Moreover, a word of commendation is due to the gentleman from North Carolina (Mr. TAYLOR), who, as a member of the House Committee on Interior and Insular Affairs, was under considerable pressure to oppose this measure because of his association with the legislation passed in 1972 which passage made this bill necessary. In tribute to this gentleman, he acknowledged that there was merit in the proposal to establish a clear line of demarcation between national parks and national forests, on the one hand, and recreational areas and those lakes and reservoirs operated by the Corps of Engineers, on the other hand.

Very frankly, there was a considerable furor in our congressional district earlier this year. There were meetings of protest by fishermen, boaters, campers, and all other outdoorsmen. At that time, last March, I could not envision such quick relief from the onerous fees then imposed by the Corps of Engineers. Not only has the other body of Congress already passed legislation to limit these user fees by passing S. 1381, but now, today, our body of Congress in the month of May is taking steps to right a wrong well in advance of the vacation period when these recreational areas will be put to maximum use.

Our interest in this problem originated early this spring when a large group of angry sportsmen assembled at a Corps of Engineers lake just on the perimeter of our district and one night in loud and clear voices made it known that, once this new schedule of fees announced in the public register was imposed, such fees could then be increased again and again in the future.

There had been ugly rumors spread about that the corps was about to charge a $5 boat fee even to put one's own boat on these lakes. While that proved to be erroneous it took only one look at the schedule of fees imposed by the Corps of Engineers to convince even a disinterested person that the corps were trying to stretch user fees to the point of becoming access fees which should only apply to national parks and national forests. Sometime after these meetings in March, I introduced our bill to clearly separate the application of law between a Corps of Engineers lake and reservoir from the more developed recreational areas with higher Federal investments such as those found in the national park system and in our national forests.

Mr. Speaker, I am convinced that there is no logical or sensible rebuttal to the proposition that substantial user fees should be charged only where the Federal investment is substantial or large, and nowhere else.

Now, we all know the Golden Eagle passport was discontinued in 1970 and reactivated in 1972. But Public Law 92-347, which was enacted in July of 1972, certainly did not repeal section 210 of the older Public Law 90-483, passed in the 90th Congress. Section 210 clearly prohibited the collection of entrance fees. It did leave the door open for user fees but only for highly developed areas that required constant maintenance and supervision. We are debating this bill today because the Corps of Engineers this year have ignored the intent of section 210.

The legislation we are debating today and which will hopefully be enacted into law makes clear once and for all that section 210 be reinstated and that our enactment today coming after Public Law 92-347 will eliminate any possible confusion that the 1972 law will apply to the Corps of Engineers managed lakes and reservoirs.

It was so very good to hear the gentleman from North Carolina one of the subcommittee chairmen of our House Interior Committee state in the well today that in his opinion it was not the intent of the Land and Water Conservation Act, Public Law 92-347, that a brand new and burdensome schedule of daytime user fees be charged. He put into words what so many of us have been thinking, that free admission is useless and meaningless if user charges are imposed once you are in the recreation area. Oh, we will agree that if there is substantial Federal investment there has to be some sort of a charge. Examples which come to mind are developed campsite, boat launching areas equipped with hydraulic lifts, and landing areas that have been improved by concrete approaches and lighted for evening use.

While the staff of my office tell me they have received no contact from downtown, I understand that there has been a letter issued by the Corps of Engineers in opposition to H.R. 6717. That is interesting. It should also serve as a measure of proof to sustantiate what I suggested to our angry and irate constituents that use Pomme De Terre Lake in our congressional district and those who use Stockton Lake and Table Rock Lake just on the perimeter of our district. I said earlier this spring that this whole effort to impose these onerous user fees on primitive and underdeveloped areas is really a disguised effort by the Office of Management and Budget to rake in more Federal revenue. Then OMB simply ordered the Corps of Engineers to impose these fees.

In my judgment such action is no way to run a railroad. That is why I want to commend once again those who are leading this fight today to stop the imposition of these fees. They deserve the commendation of thousands of our constituents who would otherwise be paying unnecessary fees in the months ahead.

About the only opposition to this bill that I have discovered comes from those members of our Interior Committee who say that their so-called landmark effort of 1972 made all fees uniform whether national parks, national forests, or national Corps of Engineers areas. They think of that public law as a sort of milestone enactment being so good it should never be changed. There is just one word that describes this kind of argument—hogwash. That fact is that the so-called uniformity should and ought to be destroyed because there is a vast difference between a national park or national forest and a Corps of Engineers reservoir.

Mr. Speaker, it is just plain nonsense to charge our kids, Boy Scout troops, Cub Scout packs, Campfire Girls, and Girl Scouts who go out with their leaders to put down a bedroll and set around a campfire as a part of an overnight trip.

One of the strongest, and I might say irrefutable, arguments in favor of this bill is the fact that these Corps of Engineers lakes and reservoirs have been built and paid for by Federal taxes. They are different from the national parks or national forests which were not created or bought by any Federal appropriations but only improved.

Maybe some of us here today did not pay attention enough to two former Members who are not with us in the 93d Congress. I so well remember the distinguished Member from southwest Missouri, Dr. Hall, who raised questions about Public Law 92-347 when we considered it in the House last year. I so well remember also the warning from the gentleman from Oklahoma, Mr. Edmondson, who had doubts about what we were doing, but then we were all assured that there was no inconsistency between the Land and Water Conservation Act and the old Flood Control Act of 1968 with its section 210.

All that has transpired since last July is that the Office of Management and Budget has used a reluctant and unwilling Corps of Engineers to become the unpopular vehicle to try to impose some more Federal taxes under the disguise of these user fees.

Mr. Speaker, we consider this bill today under the suspension of the rules. I would have preferred that the managers of this bill would have asked for a rule so that is could have been debated and subject to amendment instead of a suspension of the rules which some of our colleagues refer to as a straightjacket procedure. But I do hope this measure passes by the necessary two-thirds in order that it will cancel out the high-handed announcement by the Corps of Engineers.

If we pass this today we can give some relief to those many families who have several children and who might have to pay as much as $25 or $30 per weekend for their recreational activities in the Corps of Engineers lakes and reservoirs. This bill will eliminate those assessments for daytime use which are really nothing but another tax.

No one will complain of a nominal fee of $1 or $2 for an overnight camping area provided it can be shown that there was substantial Federal investment developing that area. But let us have no fees for the use of a primitive campsite area that does not have a fireplace or a table. Let us let all fees stop at that point and let us eliminate all unnecessary and unwise irritations and inconvenience standing between the use by millions of Americans whose taxes have already paid for the creation of these impoundments. They should not have to pay again and again and again.

Mr. ROBERTS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I rise in support of H.R. 6717 and urge its passage for many reasons.

First, it was clearly and traditionally the intent of Congress that these recreation projects built by the Corps of Engineers would be free for use and access by the public. The public through its tax dollars has already paid for these projects once. It would be a breach of faith with the American people for Congress to go back on its commitment.

Second, the imposition of user fees is another example of penny-wise and pound-foolish Government action. I asked the Tulsa District Corps of Engineers for a study of those corps recreation areas on which user fees are now being charged. The results showed that it cost the Government more money to collect the fees than was being realized in revenues.

Third, this bill clearly does not affect the land and water conservation fund. It neither diminishes or expands it. This bill merely reaffirms the traditional congressional intent that no user fees shall be imposed on Corps of Engineers recreation areas except in those cases where the area is highly developed or requires a high degree of maintenance.

Fourth, State recreational areas in my State of Oklahoma and in many other States will be adversely affected unless we pass this legislation. By imposing user fees on corps recreation areas in Oklahoma, we most assuredly will drive hundreds of thousands of sportsmen and vacationers to Oklahoma State parks. This will cause overcrowding. Ultimately, it will cause an increase in admission and use charges at State parks.

Fifth, this bill is designed primarily to help middle-income Americans, working people, and retired persons on fixed incomes. Going to these recreation areas is the No. 1 form of entertainment for hundreds of thousands of these people.

If we can underwrite the arts and other cultural activities which entertain one segment of our society, as I think we should, then it is equally correct for our Government to provide recreational opportunities for another large segment of our society.

Finally, the issue here is whether the clear intent of Congress shall be carried out, or whether through executive action, the intent of Congress will be subverted. Congress through its language in the annual rivers and harbors bills made a pact with the American people to raise taxes and build these Corps of Engineers projects and allow these publicly built reservoir recreation areas open to public use. Today, we should live up to our commitment and pass H.R. 6717.

Mr. GROVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I would like to ask the distinguished gentleman from New York (Mr. GROVER) one or two questions. Perhaps one or more of the other Members might enter into the colloquy.

Mr. Speaker, we passed a Golden Eagle passport law within the last 6 months or so. It was my understanding at the time that this was enacted that the purpose of a Golden Eagle passport would permit the purchaser the right of access and use to all national parks, or perhaps on a broader basis.

How does that Golden Eagle passport relate to this legislation, or does it not?

Mr. GROVER. Mr. Speaker, I am going to yield to the expert in that matter, the gentleman from Pennsylvania (Mr. SAYLOR) for an explanation.

Mr. SAYLOR. Mr. Speaker, the bill passed last year to amend the Land and Water Conservation Act provides for a Golden Eagle passport for entrance or admission. It is used for the national park system administered by the Departmene of the Interior and national recreation areas administered by the Department of Agriculture. It does not name the Corps of Engineers.

Mr. GERALD R. FORD. Mr. Speaker, in other words, if one buys a Golden Eagle passport, one can use any of the Department of Interior national parks or any facilities operated by the Department of Agriculture, but not anything operated by the Corps of Engineers?

Mr. SAYLOR. The Golden Eagle passport gains him entrance to national parks and Department of Agriculture recreational areas, but he may also have to pay separate user fees there for highly developed facilities. The Golden Eagle passport is not required for entrance to Corps of Engineers areas, but user fees may be charged for highly developed facilities at corps areas.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I would like to clarify the facts relating to an individual who has a Golden Eagle passport. He will not be affected by the legislation that is before us. The Corps of Engineers itself interpreted the legislation passed by the Congress as an authorization to start to charge fees. This is the reason we are placing a limitation on it. Thus, an individual who has a Golden Eagle passport will have access to these areas with or without his passport.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, perhaps it should be stated by way of clarification that the act which we passed a year ago permits entrance fees only in certain areas operated by the National Park Service and national recreation areas operated by the Department of Agriculture. In other areas, including all areas operated by the Corps of Engineers, entrance fees are not permitted.

The Golden Eagle passport is an entrance fee, it permits entrance in recreation areas all over the Nation. Therefore, it is not needed for these areas because an entrance fee is not charged.

Mr. GERALD R. FORD. Will the gentleman yield for further clarification?

Mr. TAYLOR of North Carolina. I yield to the distinguished leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, as I understand the intent of this bill, it is to circumscribe the circumstances under which the Corps of Engineers can charge user fees; is that correct?

Mr. TAYLOR of North Carolina. I would think it would. Frankly that part of it concerns me.

In the act we passed a year ago, we provided user fees to be charged for the exclusive use of certain facilities.

This act spells out in detail the type of campsites where user fees can be charged. I fear that it goes too far in that regard.

Mr. GROVER. Mr. Speaker, I agree with the gentleman from North Carolina. I do feel the goal of the legislation is good, but the bill is going to create a condition of inequity where there are variable facilities at campsites, and it may well inhibit the Corps of Engineers from going further in constructing new sites.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I want to state to my friend from North Carolina that if I am a conferee on this matter, I, for one, will want to work with the gentleman to see if there is a possibility for coming up with a clarification to satisfy his concerns.

Mr. GROVER. Mr. Speaker, I reserve the remainder of my time.

Mr. ROBERTS. Mr. Speaker, the gentleman from Michigan made a good point. The way this is being handled now, the Corps of Engineers, even with no authority, is making charges which it has no authority to make. This is a way we could stop it.

Public Law 210 spells out that there have to be certain types of highly developed areas. The Corps went ahead and charged fees anyway, under pressure. We are just spelling out that they cannot do it.

I agree with the gentleman from California; if it is necessary to make a change we will certainly try to do it.

This is the only way we can be assured they will not be charging unauthorized fees at Corps of Engineer lakes.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Michigan.

Mr. DINGELL. I should like to begin by expressing the highest possible regard for my dear friend from Texas.

If what the gentleman from Texas and the gentleman from California say is true, why, then, do we not have this bill on the floor under a rule, so that we can debate it and amend it and correct the deficiencies, instead of having it here in a legislative straitjacket where we cannot do so.

Mr. PICKLE. Mr. Speaker, I am pleased to cosponsor a bill which helps clear up this question of fees at Corps of Engineers lakes and reservoirs.

For years, Americans have had free use of the lakes administered by the corps, but there has been a growing tendency to charge user fees at these areas.

There is no doubt that some well-developed recreational areas must charge fees in orders to meet operating expenses, but I ask that we bear in mind that most corps projects are at most moderately developed. As a general rule, no fee should be charged for access to the water itself, but only to cover maintenance costs.

I believe we should backtrack a bit and consider the primary purpose of these recreation sites around corps lakes and reservoirs, which naturally is to furnish the public a series of outdoor areas for sport and relaxation.

It is important that we note the word public in considering this bill. We must remember that our aim, and the aim of the Corps of Engineers, is to provide recreation areas that all Americans may enjoy. Now, I do not think any reasonable man would object to paying a fee at a site furnished with cabins or running water, but the same man might well balk at paying that fee for a site without a fireplace or picnic table. He knows that his tax dollars built the lake in the first place.

This bill presents a user fee plan that is reasonable. It will eliminate entirely fees for access to shorelines, water areas, boat ramps, visitor centers and other moderately developed facilities. In my own district, for example, this means that a family can spend the day on Lake Somerville without charge.

I might add that, if a charge were levied, people would very likely avoid the Corps of Engineers lake and increase the congestion on the nearby Highland Lakes. So in addition to making economic sense, this bill will encourage better distribution of boats and less crowded conditions on our lakes.

Under this legislation, fees may be charged for overnight use of campgrounds having designated tent or trailer spaces, restrooms, running water, and other facilities that demand regular maintenance and supervisory personnel.

H.R. 6717 is a good bill; one that will help clear up the question of user fees at corps lakes and reservoirs and one that will serve the best interests of the American people. I urge its passage.

Mr. SHRIVER. Mr. Speaker, I rise in support of H.R. 6717 which will help clarify and perhaps end, once and for all, the controversy over what facilities are subject to user fees at Corps of Engineers projects.

Since February of this year I have received more than 4,000 pieces of correspondence from my constituents on this matter. It has been one of the heaviest mail issues of this Congress. Initially the people were confused by the proposed Corps of Engineers regulations which were published in the Federal Register. They were angry over the limited time allowed for making their views known. Then we were able to get an extension of that time; and the corps did clarify, somewhat, the matter of what user fees would be assessed at what facilities.

However, there still is public confusion and misunderstanding over this matter. I believe that this legislation which will amend section 210 of the Flood Control Act of 1968 will be helpful in settling the controversy. This bill states specifically what types of facilities may be subject to user fees.

The bill provides that user fees at Corps of Engineers lakes and reservoirs shall be collected—

> only from users of highly developed facilities requiring continuing presences of personnel for maintenance and supervision of the facilities, and shall not be collected for day use or for access to or use of water areas, undeveloped or lightly developed shoreland, boat launching ramp where no mechanical or hydraulic equipment is provided, roads, or visitor centers, or for access to or use of moderately developed facilities such as, but not limited to, picnic sites, playgrounds, drinking water, wayside exhibits, trails, overlook sites, scenic drives, toilet facilities, automobile parking areas, or for access to or use of areas containing one or more of such facilities. No fee may be charged for access to or use of any campground not having all of the following: flush restrooms, showers, dustproofed or paved access and circulatory roads, sanitary disposal stations, visitor protection control, designated tent or trailer spaces, fireplaces, picnic tables, refuse containers and potable water.

I am concerned that the imposition of user fees, particularly in primitive and underdeveloped recreation areas, would penalize many Kansas families and senior citizens who are unable to afford the luxury of private vacation resorts.

I urge passage of this clarifying legislation.

Mr. DORN. Mr. Speaker, I am pleased to be a cosponsor of the bill now before the House which would carefully restrict the Federal Government in charging user fees at recreational facilities. Our bill will prevent Government agencies from charging user fees for day use or for access to or use of water areas and nonmechanized boat ramps at recreation areas such as Lake Hartwell and Clark Hill Lake.

As a member of the Public Works Committee I am grateful for the tremendous support we received on this legislation from citizens all over the Nation opposed to these unreasonable user charges. Our bill makes it clear that fees are to be charged only for facilities that represent a sizable Federal investment in development and maintenance. The taxpayers paid for these lakes and to charge the taxpayers for access to the water would be unbelievable.

Mr. Speaker, in our area we are fortunate to have two of the greatest manmade lakes in the Nation, at Clark Hill and at Lake Hartwell. Millions of visitors and tourists enjoy these splendid outdoor recreation areas, and our bill will guard against unreasonable user fees that might place these areas beyond the reach of some families.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 6717, as amended.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 307, nays 90, not voting 36, as follows:

[Roll No. 152]

YEAS—307

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Archer
Arends
Ashbrook
Aspin
Bafalis
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cochran
Cohen
Collins
Conable
Conlan
Corman
Cotter
Culver

Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
de la Garza
Delaney
Dent
Donohue
Dorn
Downing
Drinan
Edwards, Ala.
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Forsythe
Fountain
Fraser
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hillis
Hinshaw
Holifield
Holt
Holtzman
Horton
Howard
Huber
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Ketchum
Kluczynski
Koch
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Md.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
O'Brien
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Randall
Rangel
Rees
Regula
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roy
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—90

Andrews, N. Dak.
Armstrong
Ashley
Biester
Blackburn
Bray
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Chamberlain
Cleveland
Collier
Conte
Conyers
Coughlin
Crane
Cronin
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dingell
Dulski
Duncan
du Pont
Eckhardt
Erlenborn
Esch
Fish
Flynt
Ford, Gerald R.
Frelinghuysen
Frenzel
Froehlich
Ginn
Goldwater
Goodling
Grover
Gude
Haley
Hansen, Idaho
Harvey
Heinz
Hicks
Hogan
Hosmer
Hudnut
Hutchinson
Kastenmeier
Kuykendall
Kyros
Landgrebe
Lujan
McCloskey
Maraziti
Meeds
Minshall, Ohio
Mosher
Moss
Myers
Nelsen
Obey
O'Hara
Owens
Poage
Quillen
Rarick
Reid
Reuss
Robison, N.Y.
Roush
Roybal
Ruppe
Ruth
Saylor
Schneebeli
Smith, N.Y.
Snyder
Spence
Steiger, Ariz.
Taylor, N.C.
Udall
Vanik
Wolff
Wylie
Young, Fla.
Young, S.C.
Zwach

NOT VOTING—36

Anderson, Ill.
Andrews, N.C.
Badillo
Baker
Carey, N.Y.
Carter
Chisholm
Clawson, Del
Danielson
Davis, S.C.
Davis, Wis.
Dellums
Denholm
Diggs
Edwards, Calif.
Eilberg
Foley
Ford, William D.
Gubser
Hanna
Hébert
Keating
Kemp
King
Litton
Mills, Ark.
Murphy, N.Y.
Railsback
Rooney, N.Y.
Rooney, Pa.
Rousselot
Sandman
Taylor, Mo.
Teague, Tex.
Waldie
Whalen

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Davis of South Carolina.
Mr. Eilberg with Mr. Railsback.
Mr. Carey of New York with Mr. King.
Mr. Danielson with Mr. Del Clawson.
Mrs. Chisholm with Mr. Waldie.
Mr. Davis of Wisconsin with Mr. Baker.
Mr. Andrews of North Carolina with Mr. Carter.
Mr. Diggş with Mr. Edwards of California.
Mr. Hébert with Mr. Rousselot.
Mr. Litton with Mr. Keating.
Mr. Murphy of New York with Mr. Kemp.
Mr. Rooney of Pennsylvania with Mr. Gubser.
Mr. Teague of Texas with Mr. Anderson of Illinois.
Mr. William D. Ford with Mr. Dellums.
Mr. Mills of Arkansas with Mr. Sandman.
Mr. Denholm with Mr. Taylor of Missouri.
Mr. Hanna with Mr. Whalen.
Mr. Foley with Mr. Badillo.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## RAILROAD RETIREMENT TEMPORARY BENEFIT INCREASE EXTENSION

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 394 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 394

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rate; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, House Resolution 394 provides for 1 hour of general debate on H.R. 7200, a bill to extend the present temporary increases in railroad retirement benefits until December 31, 1974, and liberalizes retirement eligibility for certain employees.

In addition to the temporary increase extension, the bill also provides: First, male employees will be eligible for full annuities at age 60 with 30 years of service; second, railroads will assume the liability for payment of taxes otherwise payable by employees to finance the railroad retirement system to the extent such taxes exceed social security tax rates; and third, for the establishment of an expedited rate-setting procedure before the Interstate Commerce Commission to assist the railroads in meeting the costs imposed on them by the bill.

The Committee on Interstate and Foreign Commerce recognizes that the railroad retirement system is faced with financial problems. The committee believes that H.R. 7200, which also provides for recommendations to be made by July 1, 1974, by the parties for a final resolution of the problems, is the best solution at the present time.

H.R. 7200 allocates $70,000,000 for the provision liberalizing eligibility for retirement of male employees. The 18-month extension of temporary benefit increases will amount to $660,000,000 which will be drawn from the railroad retirement fund.

Mr. Speaker, enactment of H.R. 7200 will carry out the terms of an agreement between the railroads and the railroad employee unions. I urge adoption of House Resolution 394 in order that we may discuss and debate H.R. 7200.

Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, today we are considering House Resolution 394, the rule under which we will consider H.R. 7200, the railroad retirement temporary benefit increase extension. This is an open rule with 1 hour of general debate.

The purpose of H.R. 7200 is to carry out the terms of an agreement between the railroads and the railroad unions relative to the railroad retirement fund.

The railroad retirement fund is faced with financial problems, because rapidly declining levels of employment in the railroad industry in recent years have resulted in a situation where there are more people drawing out of the fund than there are people paying into the fund. If benefits are continued at the present level, and if no additional revenues are provided the railroad retirement system will be bankrupt in the mid-1980's.

Major provisions in the bill are the following: First, the bill extends present temporary increases in railroad retirement benefits enacted in 1970, 1971, and 1972 for 18 months until December 31, 1974. Second, the bill extends to male employees the same eligibility conditions for annuities now available to women employees, that is, eligibility for full annuities at age 60 with 30 years of service; third, the bill transfers to railroads the liability for payment of taxes otherwise payable by employees to finance the railroad retirement system to the extent such taxes exceed social security tax rates; fourth, the bill provides a speeded up rate setting procedure before the ICC to assist the railroads in meeting the additional costs imposed upon them by this bill; fifth, the bill provides for recommendations to be made by July 1, 1974, by the parties through collective bargaining for a final resolution of the problems involving the railroad retirement fund; and sixth, the bill provides for increasing the railroad retirement annuities any time social security benefits are increased in the period before January 1, 1975, by the same dollar amount by which they would have been increased if the employment had been under the Social Security Act.

With regard to cost, the section liberalizing retirement eligibility for men is estimated to cost the railroad retirement account $70,000,000 per year. The 18-month extension of temporary benefit increases is expected to cost the retirement fund a total of $660,000,000. The bill provides for increases in railroad retirement benefits if social security benefits are increased, but no cost estimate is possible because future social security increases are an unknown. The bill also shifts the liability for payment of part of the payroll tax from the employees to the carriers. This cost will eventually be transferred to the consumer.

Mr. Speaker, I urge the adoption of the rule.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, while I collect my thoughts on how I propose to vote on this rule and whether I shall choose to offer an amendment, I should like to point out what I think was an abuse of the privileges of this chamber.

As the last rollcall was coming to an end, I was standing in the basement—not alone, but with other Members of this body—seeking to get an elevator to the second floor so I could record my vote. The elevator kept shuttling back and forth between the second and third floors while the Members remained in the basement, and got here too late to vote. I protest. Now that the record reflects that fact, I yield back the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7200, with Mr. Green of Pennsylvania in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Devine) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I will not take very long on the bill.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding.

I take this time to ask if I am not correct in my information that at the time the full committee considered the bill in executive session, it was a closed session, but a recorded vote to close the session was not taken.

Mr. STAGGERS. That is correct.

Mr. FASCELL. I thank the gentleman for saying that.

Mr. Chairman, let me say that the present rule which makes this bill in order does not waive points of order, and an issue could have been raised with respect to the consideration of this bill, which I certainly did not want to raise, but it would have put the committee in the awkward position, had the point of order been raised on consideration of the bill, of either going back to the Rules Committee and getting a rule which waived points of order or of going back to the committee and having another vote on the bill which had been marked up.

I thank the chairman for yielding me this time to raise this issue, because I think it is important that in consideration of our bills we do not inadvertently violate the rules of the House with respect to the recorded vote on closed meetings.

Mr. STAGGERS. Mr. Chairman, as I said I will not take long on the bill.

Let me say to the House this is the first time that labor and management have sat down to work out a really complex problem, and have come to the Congress with an agreed-on solution. The legislation looks to a final resolution of the problems of the railroad retirement system. The parties have initialed an agreement which provides they will come back before next July 1 with a complete agreement as to the solution of the whole problem. They have assured the members of our committee they will do just that, and I have every reason to believe they will. This legislation puts into effect part of what was agreed upon last March.

In the first place it sets a new standard for retirement eligibility. I think it is a landmark in America because of the fact that the bill provides that men can retire at age 60 with 30 years of service without reduction in annuities. The women who work for the railroads can do this now, and some of the men have said that instead of women's lib they want men's lib, and they want to have an equal opportunity with the women to retire at this age with 30 years of service with no reduction in their annuity. Another feature of the bill is the provision that the temporary benefit increases are to be extended for 18 months until December 31, 1974. The bill also provides for transfer of tax liability of employees of 4.75 percent to the employers, and provides means to expedite the rate-setting procedure before the ICC with respect to the costs of railroad retirement taxes.

I might say some people have raised some question about the rate-making features of the bill, but point out that the railroads have always gotten these raises ultimately. It was always intended they should. The only thing this bill does is expedite the procedures so they will know where they stand and will not lose money.

It was testified before our committee that in waiting for raises to be granted, over a 5-year period, more than $1 billion was lost to the railroads. We do not think this is right. We think that when we are passing on increases in costs to the railroads, it should be done as expeditiously as possible.

Mr. Chairman, the recommendations for a final solution are to be submitted to the Congress by July 1, 1974. As I said, this has been agreed upon by both labor and management, that they will be able to submit their recommendations by that time.

It is the first time we have ever had any major piece of legislation in which the two of them have come together and worked out an agreement. We think it is the start of a new era in railroad labor relations, not only in this, but in other areas.

Mr. Chairman, I think that if matters continue as they have recently, we will not have any more railroad strike legislation before this House. They now have agreement, and a new atmosphere between management and labor, and they work together completely.

Mr. Chairman, labor came before the committee in favor of the bill; management came before the committee in favor of it; the Railroad Retirement Board was in favor of it. I do feel that the bill is a landmark piece of legislation and should be passed by the House.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HARVEY).

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. HARVEY: I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise in support of H.R. 7200 which affects approximately 1 million elderly persons, 60 percent of whom spent a major portion of their lives working on the Nation's railroads and paying into the railroad retirement fund with the expectation that their retirement years would be secured by these payments. We in the Congress have a compact with these people, and now they are looking to us to keep faith with them.

For many years, this Nation was almost totally dependent on our railroads, and on these people to operate them. It is said that transportation is the blood stream of civilization. If that is so, then at least for the first half of this century and much of the last, our railroads were the arteries of that circulatory system. The people we are concerned with here today are the same ones who were operating the railroads during those great glory days. After giving the better part of their lives in the performance of a great service to their Nation, these people deserve to live out their years in security, the kind of security this Government promised them some 36 years ago.

There is an acute urgency, however, that we pass this bill, H.R. 7200, today. I am particularly aware of it, because I have a lot of retired railroaders in my district in Pennsylvania and they started telling me about a special problem right in the beginning of the session. Back on February 8, I introduced H.R. 4301 to deal with the problem and that bill contained almost identical language to that in section 103 of this bill. The special problem is that if we do not pass this bill or a similar bill today, in a little more than 30 days, the pensions these senior citizens now are receiving will be cut in half.

I think we all are familiar with how this situation came about, but I would like to make a few points about it. Back in 1970 when it became apparent that the railroad retirement system was in need of restructuring, Congress very wisely recognized the immense complexity of such an undertaking and appointed a study commission to make recommendations. Rather than adding another patchwork of quick-fix amendments to an already over-encumbered basic act, it decided on a slower but far more careful course of action. At the same time, Congress also recognized that a cruel inflation was cutting ever more deeply into the fragile financial security of these senior citizens who had so carefully prepared—they thought—for their retirement years. And in three successive years, Congress acted reasonably and humanely in enacting those three temporary increases which now account for approximately 50 percent of the current pensions and which are about to expire.

My point is that Congress began so well. It chose the wise course; it chose the humane course. Now we are nearly to the end of the road that Congress first chose in 1970. Within another 18 months, the distinguished members of the House Committee on Interstate and Foreign Commerce, in cooperation with experts from labor, industry, and Government, will, in all probability, have completed a thorough restructuring of the railroad retirement system so that it can grow healthy again. We saw a sample of that kind of cooperation in the formulation of H.R. 7200 and I am confident that we will see a lot more of it as the process marches toward its conclusion. We need H.R. 7200 to complete that process.

I think one other point needs noting. In considering the wisdom of the people who chose to depend on the railroad retirement system for their retirement security and, therefore, the moral justification for our continuing to support it. I think it is important that we recognize that when the majority of these retirees were making that decision, the railroads were healthy and there was no reason to believe that the system would not succeed. I do not think that we can penalize these people for their failure to foresee the effects on their industry of a rapidly changing technology and culture that would one day severely debilitate their industry and jeopardize their retirement security. That is just a little bit too much to ask.

Therefore, Mr. Chairman, we must pass H.R. 7200 today. One million people, 1 million elderly people, 1 million people who worked hard all their lives and rendered a great service to this country are depending on us. I urge the adoption of this bill.

Mr. HARVEY. Mr. Chairman, the railroad retirement system is in big trouble. You have heard that cry ring through these Halls for several years. I wish I could say that if you pass the bill now before you everything will be straightened out. Unfortunately, I cannot do that. I can, however, tell you that you that H.R. 7200 is a most encouraging development.

It is not the final answer. It is not intended by anyone to be the final solution. It is still a stopgap, temporary measure. But because of the way it was developed it is not the customary patchwork we have had in the past on the railroad retirement system, but it is a step toward a final solution.

The reason for this optimistic outlook is the fact that H.R. 7200 is the embodiment of an agreement made voluntarily by labor and management. With some changes in title II it is brought to you by the Interstate and Foreign Commerce Committee with the recommendation that we accept the product of enlightened negotiations by the parties concerned with the retirement system and accept the approach this bill represents.

This bill came about, because in the course of work contract negotiations in the industry, it was suggested that railroad retirement might be an item to be considered in a settlement. Both sides quickly found that there were grounds for common understanding and agreement and it was decided to include this as part of the settlement.

The terms of the agreement reached are significant, because they point the way to a permanent solution. They remove controversial roadblocks, and provide for a mechanism for further progress.

The agreement, and this bill, carries forward the recommendations of late last year of the Commission established by Congress in 1970 to make a thorough study of the railroad retirement system. It is no wonder that the work contract negotiating committee did not proceed to all aspects of the retirement system. The aforementioned Study Commission itself found the system so complex that it had to ask for an extension to complete its report.

The Study Commission recognized that the key to the increasing problems with the railroad retirement system is the complex relationship and interplay between the railroad retirement system and social security. Consequently the Commission recommended a two-tier system for the future which would be similar to retirement programs in many other private industries.

The first tier would establish social security as the base. Since social security is becoming a universal retirement system there is no reason why railroad workers should not benefit from the strengths of the social security system. A railroad retirement system cannot emulate the social security system in degree of benefits in relation to the level of taxes. Social security is dependent upon an expected expanding work force to finance benefits. But in the railroad industry, the work force—meaning those who pay the retirement taxes—is decreasing. As a matter of fact, the ratio of workers to families receiving benefits at present is more than four times as high in the social security system as in the railroad retirement system.

The second tier recommended by the Study Commission would be a supplemental program augmenting social security, but separate from it. This is the pattern in practically all other industries in the country. The Study Commission says:

> The separation of tier two will permit it to be negotiated by labor and management in keeping with their special needs.

And, I might add, in keeping with their willingness to finance certain levels of supplemental benefits.

This bill is in line with the recommendation of the Commission that supplemental benefits should be a matter for negotiation. The bill provides for a joint labor-management committee to meet and try to work out a permanent, responsible, and satisfactory solution to the remaining problems of the railroad retirement system. The bill sets a deadline of July 1, 1974, for the joint committee to submit its mutually agreed upon recommendations to the Congress where I assure you it will receive the most careful study by the Transportation Subcommittee.

The railroad retirement system is the most complex retirement system in the country. While the Study Commission pointed the way to reform, it did not answer every question. The Commission did not, for example, exactly outline how the proposed supplemental benefits would be figured or how they should be paid for.

It seems to me appropriate to let labor and management wrestle with these problems on a give-and-take basis. They are familiar with the intricacies of the system and I believe they know now they must reach agreement on reform or Congress will.

As a practical matter, too, there simply is not enough time for your committee to complete massive work on the needed broad revision before the end of the fiscal year when the three temporary benefit increases are due to expire. It also seems to me that the committee will be better prepared to deal with the financing problem when we know what railway labor and management have been able to work out between themselves.

This bill therefore provides for extension until the end of next year of the temporary benefit increases voted by Congress in the past to keep railroad retirement in pace with comparable social security increases.

I am not unmindful of the criticism that is directed toward a further extension of the temporary benefits without providing for additional financing. I have two points to make on that subject. First of all, no one is suggesting that we terminate the temporary benefits which would reduce railroad benefits for those on the rolls by 45 percent. The second point is that, until we complete the overhaul of the system, we do not know what financing adjustments should be made, or what the breakdown between labor and management should be. Therefore, any increases at this time would have to be temporary and would further compound the confusion and inequities in the system. These temporary increases must be and will be paid for eventually; it is a question of doing the job carefully and with knowledge.

The agreement reached by railroad management and labor recognizes, first of all, the use of social security as the base for a new retirement system. Their agreement, and this bill, provided, in addition to a straight extension of present benefits, for the employee to pay into the railroad retirement fund exactly the same amount as all other workers pay into social security.

Management agreed to assume the remainder of the burden as long as it could be fairly readily recovered by prompt freight rate increases. This meant that the employee, who had been paying about 11 percent of his pay into the fund, would thereafter pay 5.8 percent which is the social security rate. The additional 4.5 percent he had been paying would be added to what management had previously been paying, and that brings management's share of the pay-in to approximately 15 percent of wages.

The added burden for management is to be handled by title II of the bill which provides for automatic freight rate increases to cover the actual cost of the change. Once an increase is announced, based solely upon the change in retirement payments, ICC must allow it to go into effect. After that, however, ICC may consider the increase in the light of all its regular procedures and principles which apply to rate increases for the protection of the public.

One major change in benefit eligibility was agreed upon. Male, but not female, employees have been required to wait until age 65 after accumulating 30 years of service before they can draw full benefits. The bill provides that this age will drop to 60 in 1974. Since the Congress may very likely complete its major overhaul of the system before then, the change is more significant as an indication of the thinking of the principals than as a certain program change.

As the bill came to the committee the freight rate increases included under title II would not only have been automatic but the powers of ICC to do anything about them would have been greatly curtailed. For example, the automatic feature would have extended to any future increase in labor cost, not just railroad retirement changes caused by this particular agreement. The committee confined the rate increase machinery to the purposes of this bill. Also the committee felt that once the increase was accomplished and the time-lag conquered, it must retain for ICC those broad powers to protect the public against shortsighted agreements imprudently entered into by the parties.

I wish I could say now that you have heard the last of railroad retirement for a long time to come. You have not. Rather, I hope that you hear of it again very soon, because the next consideration should be a bill to create a new, sound and permanently workable railroad retirement system.

H.R. 7200, meanwhile, deserves the support of the Members of the House and I recommend its passage.

Mr. HARSHA. Mr. Chairman, I would like to express my strong support of H.R. 7200 to amend the Railroad Retirement Act and the Railroad Tax Act.

Because of rapidly declining levels of employment in the railroad industry in recent years, Congress has been deeply concerned over the financial soundness of the railroad retirement fund for some time and, as a result, approved the last three increases in railroad retirement benefits on a temporary basis. These increases are scheduled to expire on June 30, and unless Congress acts before that date, many railroad retirees will lose a large portion of their retirement benefits and suffer severe financial hardship.

While the measure we are considering is in no way a panacea for the financial problems facing the railroad retirement system, it does extend the temporary increases in benefits for 18 months and will give Congress time to more thoroughly study and evaluate the recommendations of the Commission on Railroad Retirement, particularly its proposal for restructuring the railroad retirement program into a two-tier system under which railroad employees would receive a basic benefit equal to that received by social security beneficiaries and a second tier of benefits over and above the social security level.

H.R. 7200 is a result of the agreement reached between the railroads and the unions earlier this year and was negotiated as one element of a settlement of wage and rules disputes in the railroad industry until the end of 1974. This agreement, however, is specifically contingent upon the approval of the provisions contained in H.R. 7200 by the Congress.

In addition to extending the temporary benefit increases until the end of 1974, this bill provides that effective October 1973, the railroads will pick up the railroad taxes levied on railroad employees to the extent they exceed social security taxes. As the current railroad retirement tax rate is 10.6 percent on railroad employees and employers alike and only 5.85 percent under social security, this is an extremely important consideration for railroad workers. The carriers' agreement to assume this additional tax liability is dependent upon the approval by Congress of provisions contained in H.R. 7200 to establish an expedited rate-setting procedure before the Interstate Commerce Commission to assist the railroads in meeting the additional costs imposed on them by the bill.

Another provision of H.R. 7200 will benefit men employees in the railroad industry. Under present law women employees who have 30 years of service and are at least 60 years of age are able to retire without actuarial reduction in their annuities. This bill will extend this same privilege to men employees, effective for annuities first accruing after June 1974.

I deeply regret it is not possible at this time to consider a permanent arrangement for sound financing of the railroad retirement system. I do believe however, that the temporary measures set forth in this measure are essential pending the development and implementation of a long-term solution and will not jeopardize the financial soundness of the railroad retirement account. Accordingly I urge the approval of this proposal.

An important element of the agreement reached between the carriers and the unions was the provision to establish a joint standing committee to consider all of the matters relating to restructuring the railroad retirement system and to submit recommendations to the Congress for the necessary legislative changes to be made by July 1, 1974. These recommendations, in conjunction with the recommendations of the Commission on Railroad Retirement, should be most helpful to the Committee on Interstate and Foreign Commerce in evolving a permanent solution to the problems facing the railroad retirement program. In closing, I would like to strongly urge that the committee give this matter the utmost priority when the recommendations are submitted in order that a final solution can be achieved before the end of the 93d Congress. In a matter of such importance to the financial security and peace of mind of all railroad employees and retirees, it is incumbent upon all of us to try to resolve the pressing financial problems of the railroad retirement system at the earliest possible time. I shall work actively toward this end.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. HARVEY. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I should like to point out three basic points of disagreement that may or may not have troubled Members, but I know there have been questions as well as some mail about these points.

First, as the gentleman from Michigan stated, this settlement is part of a negotiated settlement. In that negotiated settlement the wage increase in dollars which was actually awarded to the railroad workers was reduced by almost exactly the amount that will be gained by the railroad workers in this legislation. So this legislation is no bonanza to the workers. In fact, they will come out just about even, so far as this versus the negotiated pay increase they normally would have gotten is concerned. I wanted to make that point first.

Second, may I remind the Members—if they wish to investigate this point they can please do so—that in all sections of the transportation industry, other than the railroads, in the collective bargaining contracts for all phases of trucklines and airlines, the pensions over and above social security are not shared in cost by the employee. General Motors, the food industry, the major companies throughout this country have programs where the employee shares in social security, yes, as he does everywhere, but in the regular pensions bargained for or paid voluntarily to management or clerical people they do not have any cost for the pensions over and above social security. So this particular agreement puts the railroad worker on the same basis as everybody else. This is no gravy train.

My last point is this: Someone is always asking, "Who is going to pay the bill?" My friends, let us not kid ourselves about who is going to pay the bill.

We can call this person a consumer, if we like. We can call him a stockbroker, if we like. Or we can call him a taxpayer, if we like. But there is not but one person who ever pays the bill for anything, and that is the same guy who is either the consumer or the stockbroker or the taxpayer. It is one person.

Surely, it goes into cost. Everything goes into cost. There is no way to make it go away. Let us quit trying to evade the question as to who pays the bill. It goes to the shipper. It goes to the consumer. This is just exactly the same as every dollar we vote on in everything we do around here.

Mr. HARVEY. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, another emergency vote comes before us again on the railroad retirement system. This time let's make a fair and equitable evaluation. This plan continues to leap from one temporary stopgap to another. Railroads always remain in consistent financial chaos. Let me sum up for you the basic provisions on this current railroad retirement plan.

First. The active workers on the railroads will have their contribution for the retirement fund reduced to 5.8 percent which cuts their payments about in half. New employees with 30 years service will now receive full retirement annually at age 60 instead of age 65.

Second. The railroads increase their contribution to the retirement fund. This means they will now be paying 15.3 percent, as an additional labor benefit and this 15.3 percent applies to their total labor payroll covered by railroad retirement.

Third. The next step is for the public to pay higher freight rates. The agreement further guarantees that these labor rate and pension increases will be passed on with freight rate increases.

Since freight costs apply to everything from food, to furniture, to building materials, it will mean a cost-of-living increase. The fact is that these increased pension costs are paid for by the public.

Here is the story. Workers have their contribution to the pension plan cut in half down to 5.8 percent. The railroads have a big increase in their portion which is raised to 15.3 percent of the total payroll. Then this increased cost is passed on to the public through increased freight rates which are approved and mandatory under this bill. So the public pays for it and inflation in America is intensified.

You heard this railroad retirement program discussed in detail last fall when we passed another temporary increase and extension. In the past 5-year period, the benefits under railroad retirement have been increased 52 percent. No more money paid in, just 52 percent paid out. The fund gathers momentum toward financial bankruptcy.

One might expect an industry to have eight people working for one person on retirement. In the railroad industry there are 604,000 active railroad employees while the pension system is paying out to 985,000 beneficiaries.

The railroad industry is known as a poor, financially depressed business. Of the 70 major industries in the United States, railroads are at the absolute bottom of the list in the return on asset investment. How can railroads afford a pension plan for their employees that has greater cash benefits than pensions received by 9 out of 10 Americans.

The railroads have asked for a permanent social security plan solution. This could be accomplished by placing every employee on social security. The excess paid in by the employee during his past working years over a normal social security payment could be computed for each employee. Then a separate annuity would be established for each annuitant based on the present surplus reserves accumulated by his past railroad retirement payments to this date.

It is not equitable to provide a special pension plan for railroaders that is not provided for other groups of workers in the country. It is not equitable to pay out the accumulated reserves to present pensioners and leave the fund completely depleted when the present active employees reach retirement age.

This is an expensive proposal. There is a cost of $660 million to cover the cost to the railroad retirement account for the past 18 months. Add to this an additional $70 million for lowering the retirement age to 60. Add another $250 million in increased freight costs. This is a total inflationary expense of $980 million.

Today the situation is chaotic. There is no fund leveling out as the deficiency grows greater. There is no safe reserve level for present employees. Let us recommit H.R. 7200 so that we can provide a firm and permanent solution that will provide stability for a railroad retirement.

Last week when I finalized a survey of the people of my district, I reviewed the question that asked what they considered the biggest issue in America today. The big issue with the solid citizen is inflation. And my constituents asked what caused it and how can we stop inflation. The answer is here in Congress. We must stop spending money, giving money, and deficit financing money. Congressional overspending money that we do not have on hand is causing inflation, and a vote for this railroad retirement bill means more inflationary impact. Let us recommit for a sounder bill.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may use in order to make an observation here.

I just want to say that I enjoyed the remarks of the gentleman from Texas (Mr. COLLINS). I know he is a very goodhearted and hard-working member of our committee.

I want to answer one or two things that he said.

There are over $5 billion either in the fund or due to it now, and the $660 million which will come out will leave it with a little below $4 billion and something still in it.

This will be worked out with management, and the gentleman from Texas, I am sure, will agree this is one of the first real agreements we have ever had between labor and management. They have come in before our committee and said "We agree this is the thing to do because it takes in many other facets besides the pension fund." They have said that they would work together and try to solve their problem, and it does take into consideration some of the wage problems involved, as the gentleman from Texas said.

Nearly every industry in America of any size has the same kind of pension plan today that the railroads are putting in. They are just catching up with General Motors, the auto workers, and the steel workers and nearly all of the food workers in the land. They are catching up now, because they have been way behind. In these other industries the worker pays into social security, and the industries pay supplemental pensions on top of the social security, which are entirely at the cost of management.

Mr. DENNIS. Will the gentleman yield?

Mr. STAGGERS. Yes. I am glad to yield.

Mr. DENNIS. I am not quite sure where I stand on this bill, on which I do not have any special expertise, but I have heard the distinguished chairman say several times that it is a landmark bill because management and labor are together, as if that were the whole answer. I am thinking a little bit about the public, and the farmer, and the purchaser, and so on. Should we not be thinking a little bit about them? It seems to me you would not have any trouble, ever, between labor and management if management always got the increased labor cost back through a law that said the public had to pay for it, which is what you are doing in this bill.

Mr. STAGGERS. I would just reply to the gentleman that there is no more money involved here than there was before. It is just that freight rate increase will come a little bit prompter. Through these years the railroads have been appealing to the Interstate Commerce Commission and getting the rate increases in 4, 5, or 6 months. They have testified before our committee that because of the delays in the last 5 years they lost $1 billion. Now all this does is make for increases in rates a little faster in that regard.

Mr. KAZEN. Will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman.

Mr. KAZEN. How does this work? In this bill will the railroads be able to go to the Interstate Commerce Commission and automatically pass on a freight increase to the people who use the railroads in this country?

Mr. STAGGERS. Only in the case where they show in the one instance where the pension plan is concerned and in no other cases. Then they have to prove their case to the Commission afterwards. If they have charged too much, then they have to give it back to the shippers, and they have to keep strict accounts.

Mr. KAZEN. What do you anticipate the railroads will be asking for?

Mr. STAGGERS. No more than they ever have in the past.

Mr. KAZEN. In terms of dollars, how much will the railroads have to put up in order to bring this fund up to snuff under the provisions of this bill?

Mr. STAGGERS. In all probability it will run about $250 million to bring it into line with what we are talking about.

Mr. KAZEN. $250 million in the next 18 months?

Mr. STAGGERS. Yes. I would say that is right.

Mr. KAZEN. So that freight rates would have to go up $215 million?

Mr. STAGGERS. They have to go that high now, I will say to my friend, the gentleman from Texas, it would be just a matter of little bit more time, that is all.

Mr. BURKE of Florida. Mr. Chairman, I rise in support of H.R. 7200. I do so because I favor extension of the present temporary increases in railroad retirement benefits enacted in 1970, 1971, and 1972 for another 18 months in the hope that in that period a permanent solution to the actuarial deficiencies of the railroad retirement system can be worked out.

However, I have some reservations about the illusory nature of the other elements of this bill which liberalizes retirement eligibility for certain employees, transfers to railroads the liability for payment of taxes otherwise payable by employees to finance the railroad retirement system to the extent such taxes exceed social security tax rates, and establishes an expedited rate-setting procedure before the Interstate Commerce Commission to assist the railroads in meeting the costs imposed on them by H.R. 7200.

This action seems untimely to me in view of the fact that the bill calls for recommendations to be made by July 1, 1974 by railroads and railway employees through collective bargaining for a final resolution of the problems involving the railroad retirement system.

Regrettably the report of the Commission on Railroad Retirement was received too late for any final restructuring of the railroad retirement system before the June 30, 1973 termination date for the temporary increases enacted by Congress in the past few years. However, I do not see much sense in making basic changes in the system at this time knowing that permanent recommendations must be made by July of next year. While I feel that the changes that are being made are desirable, they make final resolution of the actuarial deficiencies of the railroad retirement system more difficult. The problem is complex enough already.

Railroad employment has been declining steadily, and must, if railroad operation is to remain economically competitive, decline still further. Present railroad employment is 604,000, while the railroad retirement system is supporting 985,000 beneficiaries. In other words there are 1.6 people drawing benefits for each person paying taxes into the retirement fund. Additionally, of the 70 major industries in the United States, railroads are at the bottom of the list in return of investment with a return of only 1 percent.

In spite of the trouble the railroad industry faces today, there are some expenses that all ongoing industries must bear including pensions for retired workers. However, I question the merit of adding major new benefits at this time because they might jeopardize the existing benefits of retirees. In my opinion, it would be wiser to postpone reduction of employee payments into the fund to the level of social security taxes—5.8 percent—until permanent recommendations are adopted for funding railroad retirement.

However, I sympathize with the many retired railroad employees who are anxious about the uncertainty of their pension benefits. I feel we have a duty to put their minds at ease and to assure that their expectations are met with regard to the benefits promised by the railroads.

Mr. BURKE of Massachusetts. Mr. Chairman, the men and women who worked on our Nation's railroads worked to make this Nation great. They built, operated, and maintained a transportation system that unified our country. I have a great deal of respect for these hard-working individuals who dedicated their lives to keeping this Nation a dynamic one, and I would be ignoring my responsibility as a Representative if I did not urge all of my colleagues to vote in favor of H.R. 7200.

This measure extends temporary benefit increases under the Railroad Retirement Act of 10 percent, 15 percent, and 20 percent, enacted in 1970, 1971, and 1972 to December 31, 1974. It also provides that effective October 1, 1973, the railroads will pick up the railroad retirement taxes levied on railroad employees to the extent that they exceed social security taxes. H.R. 7200 will mean that as of July 1, 1974 male employees who have 30 years of service and who are 60 years of age will be able to retire without actuarial reduction in their annuities. Women, of course, already enjoy this privilege. Finally, this bill will clear the way for the establishment of a joint standing committee of carrier and organization members to work out a permanent restructuring of the Railroad Retirement Act. This will take into account the changes now enacted, sound financing of the system, and the recommendations of the Commission on Railroad Retirement.

If this bill is not passed, however, retirees will face an income loss of 51 percent. In a time of skyrocketing inflation the income loss becomes even greater. These are not wealthy people, they are people who worked hard all of their lives and who took pride in their work. Many have no other source of income at all, and to defeat this bill would be to defeat these people. I strongly urge all of my colleagues to join with me in voting for the passage of H.R. 7200.

Mr. BIAGGI. Mr. Chairman, I rise in support of H.R. 7200 to extend the temporary increases in railroad retirement payments for 1 year.

This legislation is important for several reasons. First and foremost, of course, is the aid it will continue to bring to thousands of railroad retirees who depend on their pensions for survival. If these temporary increases are allowed to lapse these individuals would suffer a more than 50 percent decrease in income.

These increases were made temporary

to allow for a full study of the railroad retirement plan. It was felt that if the study showed these increases to be detrimental to the fund, they would be rescinded. In recent years, the fund has been increasing and developing a more financially sound base. The increases can probably be made permanent in the future without any detrimental effects.

Equally important however, is the fact that this bill represents the end product of a new cooperative spirit between the railroad unions and the railroad management. This agreement was worked out through the collective bargaining process without a strike.

The bill deserves the approval of the House so that this cooperative spirit can continue during the next year in an effort to find a permanent solution to the crisis in the railroad retirement program. I am confident that a final agreement can be reached that will preserve these increases and maintain the financial soundness of the railroad retirement account. I urge all my colleagues to vote for this measure.

Mr. DONOHUE. Mr. Chairman, I earnestly hope that the House will promptly approve the legislative proposal now pending before us, H.R. 7200, railroad retirement temporary benefit increase extension.

Basically this measure equitably provides for the carrying out of an agreement recently reached between railway management and labor regarding the resolution of serious financial difficulties facing the railroad retirement fund; extends present temporary increases in benefits until December 31, 1974; authorizes additional increases if social security benefits are increased during this time period; permits male employees to retire at age 60 with full annuities upon completion of 30 years of service, the same as female employees under existing law; and it also reduces the employee tax rate to the social security rate with a compensating interest in the employer tax rate.

Mr. Chairman, I very deeply believe that this measure represents a practical first step toward finding the most complete solution to the many complex and long-range problems facing the railroad retirement system. By extending temporary increases in benefits, the measure brings the distressed railroad employees urgently needed financial help and very timely encouraging morale support. With regard to the rate increases permitted employers, the bill merely requires promptness in granting the increases to which they are entitled under present law. Mr. Chairman, despite the fact that there is still much work to be done in order to achieve a permanent solution to the problem ramifications of the railroad retirement system, a solution we all favor, I am heartened by the evidence that railroad labor and management can work together in good will toward that common sensible objective. Pending the accomplishment of that most desired objective and while moving toward it with all possible dispatch I urge the resounding adoption of this interim step in the national interest.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in support of H.R. 7200, a bill to extend the temporary annuity increase for recipients of retirement benefits under the Railroad Retirement Act.

The bill we are considering today extends benefits increased on a temporary basis in 1970, 1971, and 1972 for an additional 18 months, until December 31, 1974, liberalizes retirement eligibility for certain employees, transfers to railroad carriers the liability for payment otherwise payable by employees to finance the railroad retirement system to the extent such taxes exceed taxes paid under the Social Security System, establishes an expedited rate setting procedure before the Interstate Commerce Commission to assist the railroad in meeting the costs imposed upon them by the bill, and also provides for recommendations to be made by July 1, 1974, by the parties involved through collective bargaining for a final resolution of the problems involving the railroad retirement system.

Mr. Chairman, I think that this is a good bill and it deserves the support of all Members of this House and I urge all my friends on both sides of the aisle to join with me in support of it. I have received hundreds of letters from railroad retirement annuitants in Jersey City and in other parts of Hudson County which I represent in this body. Mr. Chairman, these good men and women need this bill to keep body and soul together. I urge all my fellow Members of this House to remember the retired railroaders. Mr. Speaker, these men and women worked hard all during their productive years. Now they need our help. Please, I beg of you not to let them down.

Mr. CULVER. Mr. Chairman, during the last decades, millions of working Americans have relied upon pension benefits to help provide a financially secure retirement. The pension program of the retired railroad worker is now being threatened by financial insolvency as a result of the rapidly decreasing number of workers. During a period in the Nation's history when the railroad played a larger role in our expanding economy, the railroad workers, now retired, made substantial contributions to the retirement system to insure themselves of a stable income at the time of their retirement.

A Commission on Railroad Retirement was directed by the last Congress to recommend changes in the present retirement system. However, while the recommendations of this Commission are being considered, temporary relief is needed. The bill being considered today, H.R. 7200, is jointly supported by representatives of railroad management and labor. It extends for 18 months the railroad retirement benefits which are scheduled to expire on June 30, 1973. During this time, a joint committee of management and labor will be established to consider a permanent structure of the Railroad Retirement Act in accordance with the recommendations of the Commission and other factors.

This bill permits the retirement of men with full annuities at age 60 following 30 years of service in the same manner as now provided women employees. It also provides for the shifting of the liability for payment of taxes from employees to the railroad companies to ease the burden caused by the increasing number of retired persons in proportion to current employees.

Mr. Chairman, this bill is a practical first step in the resolution of the complex problems facing the railroad retirement system in the future. While I support the effort to find permanent solutions to these problems, I urge adoption of this bill to provide a temporary extension of retirement benefits. Passage of this bill will help insure that after a lifetime of contributions a railroad worker's later years are enjoyed with deserved dignity and security.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—RAILROAD RETIREMENT ACT AMENDMENTS

Sec. 101. Section 2(a) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "Women" in paragraph 2 and inserting in lieu thereof "individuals";

(2) by striking out "Men who will have attained the age of sixty and will have completed thirty years of service, or individuals" in paragraph 3 and inserting in lieu thereof "Individuals"; and

(3) by striking out "such men or" in paragraph 3 thereof.

Sec. 102. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to the rate of the tax imposed with respect to wages by section 3101(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3101(b) of such Code of so much of the compensation paid to such employee for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(b) Section 3202(a) of such Code is amended—

(1) by striking out "1965" wherever it appears in the second sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the second sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the second sentence thereof.

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to 9.5 percent plus the sum of the rates of tax imposed with respect to wages by sections 3101(a), 3101(b), 3111(a), and 3111(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee representative for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act) is amended by striking out "In addition to other taxes" and all that follows to "except that" and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 9.5 percent of so much of the compensation paid by such employer for services rendered to him after September 30, 1973, as is, with respect to any employee for any calendar month, not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973;".

(e) Section 3221(a) of such Code, as amended by section 102(d) of this Act is further amended—

(1) by striking out "1965" wherever it appears in the first sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the first sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the first sentence thereof.

(f) Section 3221(b) of such Code is amended by striking out all that appears therein and inserting in lieu thereof the following:

"The rate of tax imposed by subsection (a) shall be increased with respect to compensation paid for services rendered after September 30, 1973, by the rate of tax imposed with respect to wages by section 3111 (a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3111(b) of such Code."

SEC. 103. (a) Section 6 of Public Law 91–377, as amended by section 8(c) of Public Law 92–46, is further amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(b) Section 8(b) of Public Law 92–46 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(c) Section 5(b) of Public Law 92–460 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

SEC. 104. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(6) If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased in an amount equal to the difference between (i) the amount (before any reduction on account of age) which would be payable to such individual under the then current law if his or her annuity were computed under the first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such total amount' contained therein; and (ii) the amount (before any reduction on account of age) which would have been payable to such individual under the law as in effect prior to July 1, 1973, if his or her annuity had been computed under such first proviso of section 3 (e) of this Act, without regard to the words 'plus 10 per centum of such total amount' contained therein (assuming for this purpose that the eligibility conditions and the proportions of the primary insurance amounts payable under the then current Social Security Act had been in effect prior to July 1, 1973): *Provided however*, That in computing such amount, only the social security benefits which would have been payable to the individual whose annuity is being computed under this Act shall be taken into account: *Provided further*, That if an annuity accrues to an individual for a part of a month the added amount payable for such part of a month under this section shall be one-thirtieth of the added amount payable under this section for an entire month, multiplied by the number of days in such part of a month. If wages or compensation prior to 1951 are used in making any computation required by this paragraph, the Railroad Retirement Board shall have the authority to approximate the primary insurance amount to be utilized in making such computation. In making any computation required by this paragraph, any benefit to which an individual may be entitled under title II of the Social Security Act shall be disregarded. For purposes of this paragraph, individuals entitled to an annuity under section 2(a)(2) of this Act shall be deemed to be age 65, and individuals entitled to an annuity under section 2(a)(3) of this Act who have not atttained age 62 shall be deemed to be age 62. Individuals entitled to annuities under section 2(a)(4) or 2(a)(5) of this Act for whom no disability freeze has been granted shall be treated in the same manner for purposes of this paragraph as individuals entitled to annuities under section 2(a)(4) or 2(a)(5) for whom a disability freeze has been granted. In the case of an individual who is entitled to an annuity under this Act but whose annuity is based on insufficient quarters of coverage to have a benefit computed, either actually or potentially, under the first proviso of section 3(e) of this Act, the average monthly wage to be used in determining the amount to be added to the annuity of such individual shall be equal to the average monthly compensation or the average monthly earnings, whichever is applicable, used to enter the table in section 3(a)(2) of such Act for purposes of computing other portions of such individual's annuity."

(b) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "section 3(a) (3), (4), (5), or (6) of this Act";

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3. The preceding sentence and the other provisions of this subsection shall not operate to increase the annuity of a spouse (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding three paragraphs."

(c) Section 2(i) of the Railroad Retirement Act of 1937 is amended by striking out "the last paragraph plus the two preceding paragraphs" and inserting in lieu thereof "the last paragraph plus the three preceding paragraphs".

(d) Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new subsection:

"(q) A survivor's annuity computed under the preceding provisions of this section shall be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3: *Provided, however*, That in computing such an amount for an individual entitled to an annunity under subsection 5(a)(2), the 90.75 per centum figure appearing in the third paragraph of section 3(e) of this Act shall be deemed to be 82.5 per centum."

SEC. 105. If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the pension of each individual under section 6 of the Railroad Retirement Act of 1937 and the annuity of each individual under the Railroad Retirement Act of 1935 shall be increased in an amount determined by the method of computing increases set forth in subsection (a) of section 104 of this Act, deeming for this purpose the average monthly earnings (in the case of a pension) or the average monthly compensation (in the case of an annuity under the Railroad Retirement Act of 1935) which would be used to compute the basic amount if the individual were to die to be the average monthly wage.

SEC. 106. All recertifications required by reason of the amendments made by sections 104 and 105 of this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 107. Representatives of employees and representatives of carriers shall, no later than July 1, 1974, report to the Senate Committee on Labor and Public Welfare and the House of Representatives Committee on Interstate and Foreign Commerce their joint recommendations for restructuring the railroad retirement system based upon their negotiations and taking into account the report and specific recommendations of the Commission on Railroad Retirement.

SEC. 108. (a) The amendments made by section 101 of this Act shall become effective on July 1, 1974: *Provided, however*, That those amendments shall not apply to individuals whose annuities began to accrue prior to that date.

(b) The amendments made by section 102 of this Act shall become effective on October 1, 1973, and shall apply only with respect to compensation paid for services rendered on or after that date.

(c) The amendments made by sections 103, 104, 105, 106, and 107 of this Act shall be effective on the enactment date of this Act: *Provided, however*, That any increases in annuities or pensions resulting from the provisions of sections 104 and 105 of this Act shall be effective on the same date or dates as the benefit increases under title II of the Social Security Act which gave rise to such annuity or pension increases are effective.

SEC. 109 This title may be cited as the "Railroad Retirement Amendments of 1973".

## TITLE II—INTERSTATE COMMERCE ACT AMENDMENTS

SEC. 201. Section 15a of the Interstate Commerce Act, as amended, is amended by adding at the end thereof the following new paragraph:

"(4) (a) Notwithstanding any other provision of law, the Commission shall, within thirty days of the filing of a verified petition by any carrier or group of carriers subject to this part, permit the establishment of increases in the general level of both the interstate and intrastate rates of said carrier or carriers in an amount approximately that needed to offset increases in expenses theretofore experienced or demonstrably certain to occur commencing on or before the effective date of the increased rates, as a result of the enactment of the Railroad Retirement Amendments of 1973 or as a result of any future increases in taxes under the Railroad Retirement Tax Act, as amended, or any negotiated labor costs for other employees. Such increases in rates may be made effective on not more than thirty nor less than ten days' notice to the public, notwithstanding any outstanding orders of the Commission. To the extent necessary to effectuate their establishment, rates so increased shall be relieved from the provisions of section 4 of this part and may be published in tariff supplements of the kind ordinarily authorized in general increase proceedings. Thereafter, following such hearing or hearings as it may deem necessary, the Commission shall proceed with its final determination of the matter and shall authorize the petitioning carrier or carriers to establish such increases in the general level of interstate and intrastate rates as are needed to offset increases in expenses resulting from the causes aforesaid, unless the Commission finds that such increased rate levels will result in earnings that exceed a fair return for regional, territorial, or national groupings of carriers: *Provided, however,* That no carrier or group of carriers filing a petition under this paragraph for an increase in the general level of rates shall be required to submit evidence of expense or revenue data with respect to any specific commodity or groups of commodities in support of such increase. If the increases in rates finally authorized by the Commission are less than the increases in rates initially made effective, the carrier or carriers shall upon demand, subject to such tariff provisions as the Commission shall deem sufficient, make refunds in the amount by which the initially increased rate collected exceeds the finally authorized increased rate. Nothing contained in this paragraph shall limit or otherwise affect the authority of the Commission to authorize or to permit to become effective any increase in rates other than the increases herein specified."

Sec. 202. Section 13 of the Interstate Commerce Act, as amended, is amended by adding at the end thereof the following new paragraph:

"(5) Whenever, under the provisions of paragraph (4) of section 15a of this part, the Commission permits or authorizes any increase in the general level of rates, it shall require that any carrier or group of carriers making such an increase effective shall make it effective concurrently both as to interstate rate, fares, charges, classifications, regulations or practices and those made or imposed by authority of any State; and such intrastate increases shall be deemed to have been prescribed within the meaning and under the authority of paragraph (4) of this section: *Provided, however,* That to the extent any increases in rate finally authorized by the Commission under paragraph (4) of section 15a are less than increases in rates initially made effective hereunder, the carrier or carriers shall upon demand, subject to such tariff provisions as the Commission shall deem sufficent, make refunds in the amount by which the initially increased rate collected exceeds the finally authorized increased rate."

Sec. 203. This title may be cited as the "Railroad Rate Adjustment Act of 1973".

### TITLE III—SEPARABILITY

Sec. 301. If any provision of this Act or the application thereof to any person or circumstances should be held invalid, the remainder of such Act or the application of such provision to other persons or circumstances shall not be affected thereby.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

### COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: (1) Page 8, line 5, immediately after "striking out" insert "'Section 3(a) (3), (4), or (5) of this Act' and inserting in lieu thereof".

(2) Page 10, line 20, immediately after "date" and before the period insert the following: ": *Provided, however,* That such amendments shall not be applicable to any dock company or common carrier railroad with respect to those of its employees covered as of October 1, 1973, by a private supplemental pension plan established through collective bargaining, where a moratorium in an agreement made on or before March 8, 1973, is applicable to changes in rates of pay contained in the current collective-bargaining agreement covering such employees, until the earlier of (1) the date as of which such moratorium expires, or (2) the date as of which such dock company or common carrier railroad agrees through collective bargaining to make the provisions of such amendments applicable".

(3) Page 11, line 22, insert "(a)" immediately after "(4)".

(4) Page 12, beginning in line 6, strike out "or as a result of any future increases in taxes under the Railroad Retirement Tax Act, as amended, or any negotiated labor cost increases and comparable increased costs for other employees".

(5) Page 12, beginning in line 17, strike out "Thereafter," and all that follows down through page 13, line 6, and insert in lieu thereof the following:

"(b) The Commission shall within sixty days before the date of establishment of interim rates under paragraph (4)(a) of this section commence hearings for the purpose of making the final rate determination. The Commission shall then proceed to make such final rate determinations. In making such determination, the Commission may take into account all factors appropriate to ratemaking generally under part I of this Act and shall determine such final rates under the standards and limitations applicable to ratemaking generally under part I of this Act.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments may be considered en bloc, and that they be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The committee amendments were agreed to.

### AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Eckhardt: Page 12, line 5, immediately after "as a result of" insert the following: "any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring before January 1, 1975, or as a result of."

Mr. ECKHARDT. Mr. Chairman, my amendment does nothing more than to permit the passthrough of tax increases resulting from subsequent negotiations respecting railroad retirement tax provisions. It is limited, however, to tax increases voted by Congress before January 1, 1975, and tax increases already scheduled to occur before that date. This would permit the same kind of passthrough of negotiated agreements between management and labor on the railroads in order to take care of the need to make this a solvent plan, including the present negotiations which have not been completed, and which we do not wish to discourage; the amendment is offered solely for that purpose.

Mr. GROSS. Mr. Chairman, would the gentleman yield?

Mr. ECKHARDT. Surely, I will yield to the gentleman from Iowa.

Mr. GROSS. What, specifically, does the gentleman mean by "passthrough"?

Mr. ECKHARDT. That is the expected freight rate that would take care of the agreed retirement tax changes just as we have done in this bill. It would also apply to that which might be done in these same negotiations with respect to ultimately requiring the retirement tax to be completely paid for through the rates themselves.

If this amendment is adopted, it will not give any authority for the railroads and labor to put these rates in effect, it would still be necessary to pass a subsequent bill that would provide for those increased rates, and it does not in any way authorize negotiations of higher retirement benefits; it only encourages the continued negotiations with respect to making the rates pay for the cost of the retirement plan.

Mr. GROSS. And make available to those who were negotiating the benefits that would accrue otherwise, is that a proper interpretation?

Mr. ECKHARDT. I think that would be correct.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Michigan.

Mr. HARVEY. If I understand the amendment offered by the gentleman from Texas (Mr. Eckhardt) what it would do would be to permit pending taxes of those occurring before January 1, 1975, to go through the passthrough feature; is that correct?

Mr. ECKHARDT. That is right.

Mr. HARVEY. So what we are really doing is making a slight change in the original language that was in the bill that was taken out by the Adams amendment in committee, putting that back in; is that correct?

Mr. ECKHARDT. That is exactly right, we are leaving out everything with respect to negotiated pay and working conditions.

Mr. HARVEY. That is correct.

Mr. ECKHARDT. Limiting it totally to the kind of agreement. It does not have any effect unless we pass a law approving the rate increase.

Mr. HARVEY. I want the gentleman to know that I concur with his amendment. I think it is a very good amendment.

Mr. ECKHARDT. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Green of Pennsylvania, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, pursuant to House Resolution 394, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. COLLINS

Mr. COLLINS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLINS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Collins moves to recommit the bill H.R. 7200 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. COLLINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 10, nays 393, nct voting 30, as follows:

[Roll No. 153]

YEAS—10

Abdnor
Collins
Crane
Dennis
Devine
Goldwater
Gude
Hosmer
Landgrebe
Symms

NAYS—393

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Md.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—30

Anderson, Ill.
Badillo
Blatnik
Carey, N.Y.
Carter
Clawson, Del
Davis, Wis.
Denholm
Edwards, Calif.
Eilberg
Evins, Tenn.
Ford, William D.
Keating
King
Litton
McKinney
Mills, Ark.
Mosher
Murphy, N.Y.
Railsback
Rhodes
Rooney, N.Y.
Rooney, Pa.
Sandman
Satterfield
Taylor, Mo.
Teague, Tex.
Thompson, N.J.
Vander Jagt
Waldie

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Mosher.

Mr. Blatnik with Mr. Railsback.

Mr. Carey of New York with Mr. McKinney.

Mr. Denholm with Mr. Taylor of Missouri.

Mr. Eilberg with Mr. Vander Jagt.

Mr. Evins of Tennessee with Mr. Carter.

Mr. Litton with Mr. Badillo.

Mr. Murphy of New York with Mr. King.

Mr. Teague of Texas with Mr. Anderson of Illinois.

Mr. Thompson of New Jersey with Mr. Sandman.

Mr. Mills of Arkansas with Mr. Davis of Wisconsin.

Mr. Rooney of Pennsylvania with Mr. Rhodes.

Mr. Satterfield with Mr. Keating.

Mr. Waldie with Mr. Del Clawson.

Mr. Edwards of California with Mr. William D. Ford.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 387, nays 5, not voting 41, as follows:

[Roll No. 154]

YEAS—387

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clay
Cochran
Cohen
Collier
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Fisher
Flood
Flowers

Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Md.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

### NAYS—5

Collins
Crane
Dennis
Landgrebe
Symms

### NOT VOTING—41

Anderson, Ill.
Badillo
Blatnik
Breckinridge
Carey, N.Y.
Carter
Clausen, Don H.
Clawson, Del
Cleveland
Davis, Wis.
Denholm
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Ford, William D.
Holifield
Keating
King
Kuykendall
Litton
Madden
Mills, Ark.
Murphy, N.Y.
Passman
Poage
Railsback
Rhodes
Rooney, N.Y.
Rooney, Pa.
Rousselot
Ruppe
Sandman
Satterfield
Stephens
Stuckey
Taylor, Mo.
Teague, Tex.
Vander Jagt
Waldie
Whitten

So the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Davis of Wisconsin.

Mr. Rooney of New York with Mr. Railsback.

Mr. Holifield with Mr. Del Clawson.

Mr. Madden with Mr. Anderson of Illinois.

Mr. Carey of New York with Mr. Rhodes.

Mr. Rooney of Pennsylvania with Mr. Ruppe.

Mr. Blatnik with Mr. Cleveland.

Mr. Denholm with Mr. Rousselot.

Mr. Eilberg with Mr. Sandman.

Mr. Edwards of California with Mr. Don H. Clausen.

Mr. Evins of Tennessee with Mr. Carter.

Mr. Murphy of New York with Mr. King.

Mr. Stephens with Mr. Taylor of Missouri.

Mr. Stuckey with Mr. Keating.

Mr. Evans of Colorado with Mr. Kuykendall.

Mr. Whitten with Mr. Vander Jagt.

Mr. Waldie with Mr. Badillo.

Mr. Breckinridge with Mr. William D. Ford.

Mr. Litton with Mr. Mills of Arkansas.

Mr. Passman with Mr. Satterfield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## PERSONAL EXPLANATION

Mr. STUCKEY. Mr. Speaker, I was unable to be present on the floor for the vote taken on H.R. 7200. I should like the RECORD to reflect that had I been present, I would have voted "aye" on this matter.

## OFFICE OF ECONOMIC OPPORTUNITY

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, earlier this year the Subcommittee on Equal Opportunities, of which I am chairman, held extensive hearings in Washington and other cities around the country as a result of the administration's announced intention and subsequent efforts to dismantle the Office of Economic Opportunity and eliminate the community action agencies.

The hearings demonstrated that there is strong public sentiment and support for the continuation of OEO and community action. In view of this finding coupled with the recent court decision declaring the efforts of the administration to dismantle OEO as illegal—pointing out, however, that Congress is operating under a June 30, 1973, deadline—it becomes imperative that the Congress see to it that moneys are appropriated for OEO and the community action programs for fiscal year 1974.

In his budget message, the President stated that community action agencies have had an adequate opportunity to demonstrate their value and that they have been supported long enough by Federal money. Coupled with allegations of wrongdoing from other opponents of community action programs, the administration's announced intentions and subsequent actions have caused the poor and disadvantaged to have to fight for their survival in the Federal budget against almost insurmountable odds.

This rather unjustified posture in which the CAA's find themselves comes ironically at a time when, according to the information gathered during our hearings, the community action concept enjoys the kind of broad community support and acceptance shared by many of the other federally supported urban programs. Witnesses ranging in scope from bank executives to archbishops testified as to the effectiveness of community action programs and emphasized the desperate need to see that funds continue to be made available for these programs.

To suggest that there is no longer a need for such programs is to perpetrate the cruelest of frauds on the poor and disadvantaged. And worse yet, to then proceed to eliminate the programs can only be described as an arrogant and callous treatment of the facts.

In addition to the overwhelming testimony in support of CAA's gathered from our hearings, other reports and studies seem to produce similar positive conclusions. In an OEO sponsored report entitled, "Utilization Test Survey Data for 591 CAA's," the results show that community action agencies, with relatively small amounts of seed money, have been able to bring significant additional funds and other resources to bear on local community problems. There are also reliable indications that the annual report of OEO, which, for yet undetermined reasons, has not been released to Congress, contains very positive recommendations for the continuation of OEO and the programs authorized under the Economic Opportunity Act.

While I would be the last one to even suggest that there have not been abuses in some of the community action programs and other components of OEO, I would be the first to say that the abuses and wrongdoings in no way characterize the whole of community action programs or the concept of community participation. Certainly an administration which has had serious allegations of misconduct directed at the CIA, FBI, Department of Justice, and the White House itself, would not seriously effect the elimination of an agency in the business of assisting the poor and disadvantaged because of the wrongdoings of a few.

Again, Mr. Speaker, I urge the leadership of the House to support efforts to see that OEO is funded for fiscal year 1974.

## RULES OF EVIDENCE

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, on February 5 of this year the Chief Justice of the United States sent to the Congress 77 proposed rules of evidence for use in the Federal courts. These rules were scheduled to become operative automatically on July 1, 1973.

Because of the complexity of the proposed rules and the controversial nature of some, the Congress enacted Public Law 93–12 to provide that the rules "shall have no force or effect except to the extent, and with such amendments, as they may be expressly approved by act of Congress."

Your Special Subcommittee on Reform of Federal Criminal Laws of the Committee on the Judiciary has been studying the proposed rules and I would like, at this time, to report on the progress we have made and our tentative schedule for the immediate future.

The subcommittee held 6 days of hearings, taking testimony and reports from about 50 witnesses and developing a printed record of over 500 pages.

Through today, the subcommittee has had 11 markup sessions, in which it has considered all of the rules and their many subparts, except for those relating to Hearsay Article 8 and Privileges Article 5. We expect to complete these within the next few weeks.

The subcommittee has set July 1, 1973, as its target date for completion of a tentative draft of the rules as it would propose to recommend them for congressional approval. The draft will be published in the CONGRESSIONAL RECORD and circulated for comment to the Judicial Conference of the United States, the State bar association in each of the 50 States, and individuals and organizations who have communicated their interest to the subcommittee. Of course, information copies will be submitted to the Supreme Court.

We shall invite comment over a 30-day period and will thereafter review our work product in the light of the comments received. Hopefully the subcommittee can develop its final draft in September for presentation to the full Committee on the Judiciary and, in turn, to the House.

In conclusion, I want publicly to express my appreciation to the members of the subcommittee who have diligently and with a total absence of political partisanship devoted many hours to the consideration of the very important subject matter which is before us.

## MORE AGRICULTURAL TRADE POSSIBLE

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, there are over 250 million prosperous people in the European community bound together in the Common Market. They are prosperous. They are good buyers. Their purchases can help the U.S.A. and they can become an even greater market for agricultural products from us.

That is my opinion after short stays in Brussels, talking to the Commission of the European Community, and in Strasbourg, conferring with European parliamentarians from the nine Common Market countries, followed by observation visits to Luxembourg and Paris.

At every point on every level that I touched, agriculture and the trade between Europe and the United States was of top level importance. They buy $2.5 billion from us and sell us less than $1 billion in agricultural products, leaving a balance of $1.6 billion in our favor in this area of trade. That we could use some more of.

So highly do the Europeans regard the agricultural industry in their countries that they continually stress the need to protect their farmers and preserve the social values of the farm communities. This perspective varies from country to country, depending upon the number of farms and production capabilities. France, West Germany, and Italy are most solicitous for their farmers.

In all the nine countries, the maintenance of a productive agricultural industry is regarded as a necessity to provide assurance of a stable food supply.

Agriculture is no step child industry with them as it has been until recently here in America. With food production more limited in Europe and with food prices higher than ours, the Europeans are acutely aware of the fickleness of agricultural markets during times of global stress or widespread drought over big areas of the world. To them stability of supply is a must, and they believe that assurance of a minimum supply of grains, dairy products, poultry, and meat—must, like charity, begin at home. That is the reason for their common agricultural policy.

Each year in May the nine ministers of agriculture from each country, by weighted vote—the bigger the country the more weight to their vote—hammer out an agreement on agriculture prices.

When the decisions are made, the policy and prices for the year are established.

This all still leaves plenty of opportunity for trade with the United States because they cannot grow enough crops or provide enough meat, fruit, and other foods to satisfy their growing and prosperous demand.

That is where we can come in even bigger than we are now—perhaps double the $2.5 billion figures. Here is what the Europeans want.

First, no dumping of farm commodities on world markets at cut-rate prices that would drastically injure their Common Market prices and undermine their agricultural community and its social values, as well as its assurance of a basic food supply.

Second, intead of dumping, they want international agreements on a number of basic agricultural commodities, with minimum and maximum prices to assure some stability for both their producers and consumers.

Third, they will agree to production targets to avoid surpluses beyond real world demand, accepting part of the responsibility for production management, or supply control.

Fourth, at the same time they advocate world food reserves to provide against drought, disaster, and to make the reserves available to rich and poor nations alike if their crops fail. They would also use this world reserve to assist underdeveloped countries that have not yet attained a sufficient agricultural production to provide their own food, or sufficient industrial production and sales to buy their needs at full commercial prices. The European countries are prepared to share the costs both of maintaining the reserves and of assistance to less developed nations.

The European countries are our good customers and a customer's wants, intentions, and proposals should be considered with great interest. I am deeply interested in their proposals and in working with them, for we have much to gain.

The GATT talks are the focal point. We can start by indicating our understanding of their goals and aspirations and working toward mutually advantageous proposals. From these understandings we may then find basis for broadening our agricultural trade, which is a must if we are to correct our balance of payments deficit. Agricultural trade may be our economic salvation in a world where the dollar is slipping and our economic slump contrasts with a European and a Japanese boom.

I seriously question that the approach which our administration is taking, embodied in the so-called Flanigan report, is in any way wise.

It proposes to transfer the agricultural policy goals of the present administration—the creation of a large corporate-type agriculture in America regardless of social costs in terms of the obliteration of the family farm and rural communities—to Europe as well as America.

I found the officials in Europe cognizant that the welfare of people—social values—are a responsibility of government and that they are not willing to talk about sacrificing their rural citizens, both farmers and rural townsmen.

It is my observation that there is a growing market available to us in Europe, but that we will seriously endanger it by an insistence on being the whole hog, as the Flanigan report proposes.

## FEDERAL PRIVACY ACT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, amid continuing daily developments in the Watergate case, it has now been reported that in 1970 the White House established a secret intelligence unit to collect information, for possible political use, about radical and antiwar groups. This unit was developed by the FBI and is said to have involved an elaborate system of undercover activity.

I am hopeful, now that a Special Prosecutor with independent powers has been appointed, that the full extent of the Watergate excesses will be brought to light. But I am extremely concerned now about those individual citizens whose constitutional rights to privacy may have been violated by such widespread illegal and ill-intentioned Federal surveillance tactics. The President has in effect stated that the political operations of the reelection campaign and some major FBI and CIA administrative operations were conducted without his authority. The evidence to date indicates that these operations were conducted at the least irresponsibly and for the most part illegally. It is unknown at this point how many private citizens were subjected to this surveillance, what kind of information was collected, and for what exact purposes this information was to be used.

I have long believed that the unregulated collection of data by the Government cannot help but pose a grave threat to personal privacy and individual liberty; and I am particularly anxious, especially now with the reported existence of such secret intelligence units and with the increasing evidence of irresponsible actions on the part of the current administration, that the individual have some recourse—some means of determining what sort of information might have been collected on him and some means of correcting and destroying any erroneous, misleading or irrelevant information in his file.

To meet this need for stricter Federal controls over the collection of personal data and for stricter safeguards against unwarranted access to such data, I will be reintroducing today, with a total of 57 cosponsors, my Federal Privacy Act. This legislation would do the following:

First. Require the Government agency to notify an individual that a record of information exists on him;

Second. Require the agency to notify the individual of all transfers of such information;

Third. Require that information from such records could be disclosed only with the consent of the individual or when legally required;

Fourth. Require the maintenance of a record of all persons inspecting such personal files;

Fifth. Permit an individual to inspect his records, make copies of them, and supplement them;

Sixth. Permit the individual on a proper showing to require the agency to remove erroneous or misleading information from his own file; and

Seventh. Create a Federal Board to supervise the administration of the provisions of the bill.

If this legislation were in effect now, those persons who were the subject of this undercover unit's surveillance activities would have to be notified of the existence of such a record of information on them and would have to be given an opportunity to inspect the file and correct any errors in it. They would thus be protected from the irresponsible collection and distribution of personal data to which our present unregulated system is all too vulnerable.

Exceptions to the disclosure rule would be made only in the case of records that are either expressly required by presidential order to be withheld in the interest of national security or for the purpose of pending criminal prosecutions. As a check, the President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons. These disclosure provisions would apply to files held by all agencies of the Federal Government and would cover files on organizations and corporations, as well as individuals.

In this age of the computer, it is becoming easier and easier to collect and distribute personal data. Unless Congress takes the initiative now in this field by enacting strict controls, every citizen's personal freedom and privacy will continue to be threatened by abuses of the present, unregulated system.

The legislation is supported by Members of Congress who are normally identified as conservatives and liberals. On the need to protect personal privacy the Members who have philosophical disagreements on other matters are in accord. The following 57 House Members are cosponsoring this bill:

### List of Cosponsors

Edward I. Koch, Bella Abzug, Herman Badillo, Alphonzo Bell, Frank Brasco, Charles Carney, Shirley Chisholm, Frank Clark, William Clay, John Conyers.

Robert Drinan, Hamilton Fish, Orval Hansen, Michael Harrington, William Lehman, Mike McCormack, William Mailliard, John Moakley, John Moss, Thomas O'Neill.

Claude Pepper, Jerry Pettis, Bertram Podell, Benjamin Rosenthal, William Roy, Gerry Studds, James Symington, Jerome Waldie, Lester Wolff, Antonio Borja Won Pat, Paul Sarbanes.

Bob Casey, Sam Gibbons, Stewart McKinney, Charles Rangel, George Brown, Yvonne Burke, Ron de Lugo, Wm. Jennings Bryan Dorn, Dante Fascell, Bill Frenzel.

Richard Fulton, Ella Grasso, Peter Kyros, Robert Leggett, John Melcher, Ralph Metcalfe, Robert Nix, Wayne Owens, Ogden Reid, Don Riegle.

Angelo Roncallo, Fred Rooney, Edward Roybal, Patricia Schroeder, John Seiberling, Fortney Stark, Donald Fraser.

---

## THE UNITED STATES IN SPACE—TECHNOLOGICAL BENEFITS AND ACHIEVEMENTS

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker this is the fifth in my series of speeches through which I hope to inform my colleagues on the many aspects of the national space program.

Today I want to discuss the technological benefits that have come to the American people and indeed people all over the world from 12 years of exploring space. As a preliminary factor, it must be understood that in addition to a natural and profound reaction to sputnik in 1957, the enactment of the 1958 Space Act also involved a considerable amount of faith by the Congress and our constituents that a national program of space exploration had a potential for human benefits far beyond estimation. That faith was created out of the wisdom and broad experience of witnesses who were leaders in industry, science and education. These were men many of whom were only a short time removed from the prodigious outpouring of science and technology released by the experience of World War II.

Have those benefits been realized? Are they having an effect on our daily lives? I think I can show irrefutably that they are, and, furthermore, that this is only the beginning.

I think it is accepted that, after all the glamor has been eliminated from an evaluation of the space program, the principal source of all the benefits we have achieved is simply knowledge. But it has been knowledge of vast breadth and depth, encompassing complexities of science and applied technology never before undertaken in a unified Government/civilian program in time of peace.

New knowledge has been acquired that is both tangible and intangible, perhaps with the latter the more important. We have now in hand a whole new body of information on our universe; a total look at our world, the spaceship we all live on, we never could have before; we have discovered and are trying to understand the properties of our celestial companion, the moon. As one sage put it: "The space program has enlightened the mind and ennobled the spirit of man."

That is all very well and good to know. But I am sure everyone in Congress can mentally hear the majority of our constituents saying, "That is great but I want to hear what the space program has done for me and my family, to improve my life and make me more secure." That is the crux of it. And there are answers to be given.

First, let me discuss the intangible benefits. The history of civilization has proven that any country that finds itself without great constructive national challenge will find itself at the doorstep of decay and dissolution. This is immediately evident in the course of events this Nation has experienced since its founding. The opening of this wilderness, the submission of the land to meet our people's needs, the great surge of industry and technology, all have contained the challenges that have kept the United States dynamic. The space program is also the same character—one which we have been privileged to witness and be part of. There is no question that the space program has captured the imagination and the pride of the American people by the successes it has achieved. It is an ongoing demonstration of the determination of this country to be first.

In a more immediate vein, what has the space program done on a specific basis? Our educational systems and standards are an excellent example. There is no doubt that the demands placed by NASA upon institutions of higher learning to provide new science, new applied technology, and a new view of the physical world have forced practically every scientific discipline to reach for new levels of capabilities and understanding. Such efforts have had a direct reflection back into university curriculum and scholastic achievement. They are also having an effect throughout our society in a wide scope of endeavor not related to space exploration, but upon the breadth of our economy.

Another intangible aspect has been the ability to find solutions to problems of overwhelming complexity. In the space program we saw the successful accomplishment of the near-impossible. Involved in going to the Moon, in sending spacecraft out into deep space, in placing satellites in Earth orbit was the management of 400,000 people in industrial and academic organizations, and the prudent utilization of more than 20,000 industrial firms. We operated our program in the bright glare of world attention where failure to manage properly would have become quickly apparent. And the program followed a plan that was laid down 10 years before. That management talent is available right now to attack other difficult problems such as air pollution, waste disposal, water pollution, and mass transportation.

NASA is also continuously contributing to the technological base from which the solutions to these problems must be drawn. Can we, at this moment in time, perceive what technology, what science we must have in order to solve these problems? Not really. No leadership group, whether in Government or in the private sector, has that foresight. The only course open to us, in practical terms, is to maintain the viable, progressive tempo of research and application that will continue to add to the scientific and technological inventory we have already assembled through the space program. And from the inventory we can withdraw the components of the solutions plaguing our Nation today.

Let me turn now to the tangible benefits. And they are legion. It is not at all possible to enumerate and describe much more than a sampling. I have already expanded on the benefits we and the rest of the world are receiving from the unmanned satellite programs, specifically the weather, communications, navigation, and earth resources satellites already functioning in service to the public.

Consider what NASA technology has done for the business sector. An advance that came out of research and development in astronaut couches led to the invention of an energy absorbing device. NASA waived title to the invention so that the contractor could incorporate it into a highway barrier system. This has been tested by the Bureau of Public Roads and has been installed by a number of States and localities. A major automobile company has purchased an interest in the device and is testing the invention for reducing collision damage.

Another use of NASA technology occurred when production of the large booster casings used by NASA was completed. The electromagnetic hammers designed and developed for the space program have subsequently found numerous other applications in private industry. One company is using a modified version in the production of wings for the jumbo Boeing 747 commercial transport. Another company is using it for the fabrication of the trijet L-1011 wing sections, and a third company is using the equipment for the production of fuselage and wing sections for military aircraft.

Yet another company, originally formed to take advantage of NASA's requirements for previously unavailable high-energy storage technology in electrical capacitors now realizes two-thirds of its sales in related components with less than 10 percent of its present sales activity derived from NASA.

Packard Bell Electronics developed a ceramic insulation material, PSC Durock, to withstand the extreme heat of combustion of exotic fuels. It is now being used in high-temperature applications in the civilian atomic energy program.

Fluxless aluminum soldering, an outgrowth of space research, is being marketed and used in preparation of the sandwich core of structural panels and the mass production of automobile radiators.

Labor-saving pots and pans are now coated with a plastics material developed to protect spacecraft from the extreme heat of launch and reentry.

Sealants developed for the seams of spacecraft are being used in caulking tiles. Car windshields and rear windows are being sealed with a product made from solid rocket fuel.

Railroad tankcars weighing one-half as much as steel cars are being produced from the lightweight plastics developed for NASA for use in its rockets.

Ocean vessels are able to increase cargo tonnages by using higher strength structural steels and packaging employing lightweight reinforced plastic—RP—containers.

Among the many computer systems first designed for space vehicles is Honeywell's self-adaptive autopilot, a computer that adapts automatically to compensate for varying flight conditions such as altitude, speed, and weight. This spacecraft technology, directly transferred to a light twin-engine aircraft, helps reduce the possibility of pilot error and makes small aircraft flying significantly safer.

So much for business. How about management contributions? The city of Los Angeles turned to space program management techniques to help meet the increasing demands on police, fire and ambulance services. In order to cope with the burden already imposed on their overtaxed services, city officials decided that existing procurement procedures were wholly inadequate for funding such complex systems management and engineering research. NASA organized and presented an orientation program to familiarize officials at the various levels of municipal government with the techniques it uses on proposals received. The result was that the city of Los Angeles adopted NASA techniques to meet its needs.

The medical profession has undeniably benefited from NASA research in a most dramatic fashion. A team of Grumman engineers, who were intimately involved in the life support systems aboard the Lunar Excursion Module, visited a prominent medical institute in Texas that specialized in body organ transplants. They were struck by the fact that the scant number of possible donors of hearts were often some distance from the recipients. Out of their knowledge of the technologies applied to the Apollo program they were able to devise an instrument that was transportable, and that would keep a heart alive and healthy for days while being brought to the patient who needed it. It also turned out that the instrument was very valuable in studying the processes of body organ rejection.

Another application is the use of a transducer which measures pressure differentials over the surface of small models in wind tunnels. This technology has been licensed for commercial development as a cardiac catheter in medical research. Because it is extremely small, this sensor can be inserted with a standard hypodermic needle. They will soon be used as a standard device in the National Health Institute.

Sensors originally developed to measure the heartbeat, blood pressure, and other conditions of spaceborne astronauts are being installed in hospitals to monitor patients' conditions continuously.

Along the same lines, a new electrostatic camera, developed for space vehicles, produces moving or instant pictures without any processing. This camera can focus on a patient in critical condition and can keep vital photographic records instantly available for physicians. Transducer-transmitters that relay intestinal data are currently in use, and doctors now anticipate a battery-powered television system small enough to be swallowed, which would transmit pictures from a patient's stomach.

Aids for the blind and deaf are also coming from space research. The principle of alternating panoramic fixation, used in satellite camera and lens systems, was applied to the development of new glasses with multidirectional lenses. General Data Corp., which develops another type of instrument for spacecraft use, is contributing to the restoration of hearing by surgical implantation. Eye surgery with a pinpoint of intense light from a laser has been accomplished successfully and private industry has indicated that the laser can be used in eye tumor removal, retina welding, and brain surgery.

In addition, an electronic radar system is being developed and perfected by an aerospace firm as a bionics equivalent for the blind. Many other firms are doing similar research and development. General Electric's program to utilize electricity directly from the cells of the body, in addition to research being done by other groups, is expected eventually to combine in a final human-radar mechanism for the blind, powered by the wearer's own body.

Pressurized space suits developed by General Electric Co. are helping bedridden stroke victims and invalids to be ambulatory.

Ultrafast drills, with minute ball bearings developed through space research for satellite equipment, are available to dentists for almost painless dental work.

Use of supersensitive infrared detectors is proving useful in the early detections of cancer.

The examples I have cited above can be grouped into two general fields: industrial and medical. I think it is also appropriate to recognize that the fields in which space technology spin-offs have had impact are as diversified as the nature of the benefits themselves. For example, in the field of materials, ultrathin high strength aluminum foil developed for communication satellites is used for packaging quickfreeze dried food and sensitive satellites is used for packaging sensitive pharmaceuticals. Another spinoff is aluminized plastic only one-half a thousandth of an inch thick which was created initially for superinsulation in space and is now being sold commercially for use in blankets for recreational and emergency rescue purposes. The full-size blanket can be folded into a pocket-size handkerchief.

In transportation, automotive brake cylinders are built and tested under techniques devised for testing the hydraulics system of the Saturn launch vehicle. Also, major inroads in air traffic control techniques have been developed as a result of the navigation technology developed under the lunar landing program. The new systems provide 60 times greater accuracy than previous systems in terms of plotting aircraft position.

In the field of energy and natural resources, thermal mapping and infrared photography from space have detected and plotted fires, classified vegetation, and detected crop disease, insects, and insect migration.

In addition, much of the nuclear powerplant technology to produce electrical power and make fresh water from the sea has had its origin in the space program.

In urban affairs, aerospace systems analysis techniques have been applied to permit computer simulation of major criminal justice systems to determine how well the system is functioning and what would be the impact of changes. Perhaps of greater significance in this field is the application of aerospace techniques to the new and revolutionary methods for the construction of low-cost housing.

In meteorology, the weather satellites which were first launched 13 years ago have now been replaced by new satellites containing more advanced sensors in order to provide continuous day and night coverage. In the past 2 years alone, these satellites have tracked 42 typhoons and 25 hurricanes. Since the beginning of the program, 5,498 important storm warnings have been broadcast worldwide.

With respect to the field of communications, I have already discussed the impact of satellite communications on our daily lives, but there are many other additional benefits. For instance, a battery-powered TV camera with a weight less than a pound and a size equivalent to that of a pocket transistor radio has been developed and is now being sold on the commercial market.

These benefits are indicative of the great numbers of identifiable technological spinoffs which the space program has provided throughout the past decade. And as lengthy and impressive as this brief listing has been, I have not even touched upon the expected benefits in the field of space manufacturing, agriculture and forestry, geography and geology, ecology and pollution control, water resources and marine species, and atmospheric sciences, in addition to even further benefits in the fields previously highlighted.

I could go on and on citing example after example in documenting benefits that have been or will be applied in the many disciplines I have mentioned. But the important thing to realize and to convey to the American people is that their investment in space has paid off and will continue to pay off in unexpected and far more valuable terms than can ever be anticipated. These benefits have resulted in lives saved from natural and human catastrophies, they have provided for magnificent economic gain in the public and private sectors, and they have significantly expanded the vital knowledge man needs for his survival within the framework of civilization. These benefits are dividends that promise a continuing and ever-increasing return on our space investment for the improved welfare of mankind both today and tomorrow.

---

## TRIBUTE TO THE LATE HONORABLE HALE BOGGS

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. HÉBERT) is recognized for 60 minutes.

Mr. HÉBERT. Mr. Speaker, I have asked for this hour in order that the colleagues of HALE BOGGS be given an opportunity to pay tribute to his memory.

It was 33 years ago that HALE and I stood here in this well on January 3, 1941, and took the oath of office. Since that date I have taken that same oath for 16 consecutive times. After the first term HALE was away for 4 years and then returned and served continuously until the tragedy of last year.

At the time we took the oath of office, Mr. John McCormack was the majority leader of this House, and Mr. Sam Rayburn was its Speaker. I am very pleased today that we have the presence here of former Speaker McCormack, who sits here in the House. He will be witness to the testimony of those who served with HALE.

It is also significant that LINDY BOGGS is with us as a Member of this body and even more significant that she has with her HALE's favorite grandson sitting with her on the aisle today.

As I review these many milestones and review the many, many years and landmarks of HALE's career, I remember his first entry into politics. Even prior to that, when I was city editor of the New Orleans States, HALE worked for me as the Tulane University correspondent, which is when I first came to know him. He graduated from Tulane as Phi Beta Kappa and with high honors. It was about at the time that the now so-called Louisiana scandals broke in Louisiana. HALE as a young lawyer immediately jumped into the forefront of that fight and immediately became associated with us who were attempting to put the State of Louisiana back on an even keel, which with his help we certainly did succeed in doing.

As a result of those scandals both HALE and I came to Congress. It is definitely certain that I never would have come here had it not been for the scandals, but it delayed HALE only a few years in his arrival. He was fiercely dedicated to the art of politics and he was dedicated to serving in a legislative body and particularly here in the House of Representatives.

After he had risen in the ranks here I know he refused an offer, or several offers as a matter of fact, for appointment to the Federal bench. He preferred to remain here.

His rise here was one which anybody would have expected of him. He was young, attractive, articulate, energetic, resourceful, and he had that undying ambition to climb to the top which is most laudable. His first major committee assignment was on the Banking and Currency Committee, and he remained on that committee until he returned to the Congress, and I will never forget the day he came to my office in New Orleans with a letter from WILBUR MILLS suggesting that HALE seek a vacancy on the Ways and Means Committee. It was my privilege at that time to nominate HALE in the Democratic caucus and it was my pleasure that he won.

As the years went by HALE grew in stature and influence and power within the Democratic Party ranks. He served as a yeoman in the whip organization as he grew up in the ranks. Finally he became the whip when Mr. ALBERT was majority leader and Mr. McCormack was the Speaker. When Mr. ALBERT became Speaker, HALE sought the majority leadership, and again it was my distinct privilege and pleasure to nominate HALE for the post, which of course he won. He was serving in that capacity when the tragedy of last year occurred.

Over and beyond his service here in the House, which was testimonial to his dedication, he certainly was a most loyal member of the national Democratic Party, loyal to the extent that he went beyond what in our area of the country was actually acceptable and was willing to test his belief and cast his lot and tie his star to the chariot of the Democratic Party. Our present Speaker said on many occasions that he looked upon HALE as his successor.

There is no doubt that if he were with us today, and in the future that he would have become eventually the Speaker of the House. I only wish that I would have had the opportunity at that time of again being able to nominate him.

There are the highlights of our careers. There are others who will probably speak more eloquently than I can today, but in losing HALE, I have lost a lifelong friend; I have lost a colleague with whom I had much in common; I have lost an individual with whom I was in frequent disagreement but never lost respect, one for the other.

Both of these factors, the friendship and admiration I had for HALE never diminished; it was never lost. It will always shine just as bright as that terrible day we had to give him up.

As I said, the day LINDY BOGGS took the oath of office here was a sad day and a happy day. It was a sad day because we had to admit that HALE would not be with us, but it was a happy day that LINDY would, and that she would carry on in the tradition of her most distinguished husband and coworker.

Mr. Speaker, I am sure she sits on this floor today as a successor and feels her heart warm with the eulogies which have been paid to HALE, the praises which are his due and the remembrances his colleagues would pay here today.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. Mr. Speaker, I yield such time as he may desire to Speaker ALBERT.

Mr ALBERT. Mr. Speaker, the life which I live in this House and the service which I have been fortunate enough to render has been so close to the life and service of HALE BOGGS that they could not have been the same without him.

I remember those trying days last fall not long before the election when we were trying to adjourn the House in time for Members to return to their campaigns. We were meeting until a late hour nearly every night. On one such night HALE and I stood alone back in the cloakroom drinking a cup of coffee, and HALE turned to me and said—

> Carl, I am very tired.

I know he was tired because I was tired also. But he went on to say—

> I have got to get out and catch a plane tomorrow morning at 9 o'clock to fly to Anchorage, Alaska, and make a speech for our good friend Nick Begich. I really do not feel like going, but I have to go because I told Nick I would go. But I'll be gone only over the weekend.

But before Monday arrived, I received that frightening telephone call from a member of the White House staff who called me and said that HALE and Nick were 2 hours late in a private plane on their way to Juneau. I knew I had to call LINDY, although I could hardly muster up the strength to do it. I called LINDY, and, of course, she took it with concern but with that strength of character which has always typified her life and her personality.

The family, our Members, and thousands of loyal friends and supporters, waited and prayed, as reports kept coming in, with concern but always with faith and hope. All of us kept the faith. I think we still keep the faith.

The greatest effort ever made to find a missing airplane was mounted and after a long and meticulous search, called off.

On January 4, in the serene grandeur of the St. Louis Cathedral in New Orleans I joined those who said farewell to my friend and colleague. And now I join the Louisiana delegation, headed by the distinguished gentleman from New Orleans, Mr. HÉBERT, in saying an official "goodbye" in this chamber where HALE served so long and so close to me.

It is most appropriate on this occasion that the distinguished John McCormack, former Speaker, who in so many ways was the mentor of both HALE and myself, should be here to listen to these tributes.

His presence calls to my mind so well that morning when John McCormack then the Majority Leader called me and said that he and Sam Rayburn were going to ask me to take over the responsibilities of whip, which Percy Priest had given up by reason of having been assigned to the Committee on Interstate and Foreign Commerce. I immediately decided, and told Mr. McCormack and Mr. Rayburn—

> I think we should have a strong deputy whip.

And I created the Office of Deputy Whip with their blessing. I named HALE BOGGS to that job in 1955, and we served closely together, close to Speaker Rayburn until he died, close to Speaker McCormack until he retired, and close to one another until HALE left here on that fateful journey.

I have known and served with a lot of people in my lifetime. Most of the men and women with whom I have served in this House have been men and women of great character and great ability, but HALE BOGGS was one of those who possessed extraordinary qualities.

He had a feel for this House, he had an insight into the legislative problems of this Nation that few men have had. He, of course, as ED HÉBERT has said, was very articulate, very knowledgeable, very skillful in debate. But he also had an understanding of the problems of this generation. He had a feel for the future, as few men have ever known.

I believe that HALE BOGGS took great political risks in casting votes for some of the forward looking legislation that had come to its maturity during his time, such as some of the civil rights acts. I think he showed more political courage than almost anybody I have ever known.

But that was the makeup of the man. He took calculated risks, but he took them for what he thought was a cause worthy of his own political life.

HALE was involved in some of the most complex legislation passed by the House in more than a quarter of a century. He was for many years a member of the Committee on Ways and Means, rising to become the ranking member at the time of his resignation when he became majority leader. He participated in reforms of the Internal Revenue Service, authored revenue provisions of the interstate highway program, extension of social security benefits legislation and tax reforms.

HALE BOGGS coauthored legislation creating the New Orleans Tidewater Channel.

He coauthored the Sugar Act, so important to the great port city he represented. He pioneered efforts which led to the creation of NATO and laid the groundwork for the creation of the Common Market. He was a permanent member of the Interparliamentary Union, and one of the most knowledgeable men in the Congress on foreign trade policy.

He authored legislation "expanding and defining the functions of foreign trade zones" and the Foreign Investment Act of 1959.

The Boggs-Daniels Narcotics Code was created long before drug problems were so common as they are today.

HALE was indeed an extraordinary man, and he was indeed a patriot, one who was always anxious to serve but willing to sacrifice his own political life for things in which he believed.

Mr. Speaker, it seems, in one way, long ago that HALE left us, and in another way it seems that it was only yesterday. When we reconvened this Congress, it seemed unnatural when HALE did not show up. It was an extension of those last 2 or 3 horrible days when we were suspended in time, waiting, when we had no majority leader and were trying to get this House adjourned.

Of course, we are all delighted, as I know HALE would be delighted, that the woman he loved best of all the people in the world and in whom he had perfect confidence has succeeded him. No man ever had a greater helpmate than HALE BOGGS.

Mary, Mary Frances, David and I extend our deepest sympathy to some of the finest people that God ever put upon this green earth: Lindy, Tommy, Barbara, and Cokie, HALE's grandchildren, and HALE's mother. Flowing from the service of their beloved father, grandfather, husband and son, they have a memorial in this Chamber that will never die.

Mr. HÉBERT. Mr. Speaker, I wish to convey my thanks.

As our distinguished Speaker spoke to us here today, I could not help but recall that only six Members sit in this House today who were here when HALE and I came here 33 years ago. Out of a total of 435 Members, there are only 6: 3 of them from Texas, 1 from Arkansas, 1 from Louisiana and 1 from Illinois.

Mr. Speaker, I should at this point like to yield whatever time the distinguished majority leader requires.

Mr. O'NEILL. Mr. Speaker, I am very grateful to the gentleman from Louisiana (Mr. HÉBERT), the senior Member from that State, for yielding to me.

Mr. Speaker, it is with a profound sense of sadness that I take the floor to pay tribute to my very dear friend, HALE BOGGS.

It was my very great pleasure over a period of two decades to work very closely with HALE. We were both confidants of our beloved Speaker, John W. McCormack—HALE as his whip and I as a fellow legislator from the Bay State and as a member of the House Rules Committee.

HALE and I became friends, and I learned early and distinctly that he was a man of high intelligence, deep understanding, and impeccable integrity.

He had great compassion for those who do not have the opportunity to enjoy the fruits of the American experience.

A poor boy himself, whose family moved to the Mississippi gulf coast during the depression because seafood was readily available, he understood what it meant to "have not."

He arrived at college with $35 and a scholarship in his pocket, but through a variety of jobs, he was able to work his way through to a law degree.

He never forgot the help he had gotten along the way. And when Democratic bills designed to give help to the unfortunate were on the floor, he took the lead in passing them, often closing the debate with the articulate, impassioned plea of one who "had been there."

How well we remember his booming voice, his appeal to our better side, his inspirational pleas in behalf of man's humanity toward man.

Hale Boggs had many qualities that made him valuable to us:

A man possessed of a good sense of humor. A good storyteller in the cloak room—and a good listener.

An articulate spokesman on economics, trade, the principles of the Democratic Party, health, education, housing, and the environment.

He was approachable as a leader—one you could seek out and talk to, no matter how small a problem you might have.

Hale was a practitioner of the "art of the possible," a man who was superbly endowed with the ability to reconcile differences within our pluralistic Democratic Party.

He came naturally to this role of reconciler.

A southerner, he courageously voted for liberal legislation and was truly a national Democrat.

He could do it because, above all, he was a tolerant man.

In Chicago in 1968, Hale chaired a platform that resolved all the issues that had divided our party for decades, and then presided with fairness and skill over the debate on the Vietnam plank.

He knew how to disagree without being disagreeable.

He made the House a lively and interesting place. And he gave it his own particular brand of magic.

He had an uncanny knack for feeling the mood of the House, indeed he could sense the mood of this great Nation.

He loved the challenge of a problem. His approach was a positive one and he disdained negative thinking. He would make a speech painting a gloomy picture of a problem, then say—

> Did we shirk from our duty—no, we did something about it.

The House of Representatives is a better place today for Hale Boggs having passed through it.

To Tommy and Barbara and Cokie, such a closely knit family—truly it was an inspiration not only for this Congress but for all in America who knew and loved him.

Mr. Speaker, I ask unanimous consent that I be permitted to enclose in the Record at this point, the program for the memorial mass for Hale Boggs and the remarks made there. The ceremony was truly the most inspiring that I have ever witnessed.

The SPEAKER pro tempore (Mr. Bevill). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## A Mass in Memory of Hale Boggs, Majority Leader, U.S. House of Representatives, and Congressman, Second District of Louisiana, Thursday, January 4, 1973, Cathedral of St. Louis, New Orleans, La.

### BIOGRAPHY OF HALE BOGGS

(By Gary Hymel)

Hale Boggs, the son of William Robertson Boggs and Claire Josephine Hale, entered this world February 15, 1914, in Long Beach, Mississippi. His childhood was summed up by his mother on his 58th birthday when she wrote: "I always did depend on you if I wanted something done."

After schooling in Gretna, Metairie, and Long Beach High School, he entered Tulane University where he was editor of the newspaper, Phi Beta Kappa, debater and correspondent for The Times Picayune and the New Orleans States. There he met Corinne "Lindy" Morrison Claiborne, whom he married in 1938.

They have been blessed with four children—Barbara (Mrs. Paul E. Sigmund), Thomas Hale, Jr., Corinne (Mrs. Steven V. Roberts) and William Robertson, and eight grandchildren.

He quickly moved from Tulane Alumni executive directorship to International House where he became its first executive director, then on to a successful law practice.

His natural bent was towards politics and soon he was meeting with other young people to form the Peoples League, a group which went on to instigate reforms and to change a number of elective offices, including that of the Second Congressional District which Boggs won. At 26, he was the House of Representatives' youngest member.

After wartime duty in the Navy and the Maritime Service, he was elected to the House in 1946 to stay.

He served on the Banking and Currency Committee, where he got his early appreciation for housing needs, then won a post on the powerful Ways and Means Committee. In 1955 Speaker Sam Rayburn created the post of deputy whip for Boggs, launching him on an 18-year career in the House leadership.

In 1962 he became House Majority Whip and in 1971 he was elected House Majority Leader, the highest position ever attained by a Louisiana Congressman.

He was also chairman of subcommittee on Foreign Economic Policy of the Joint House-Senate Economic Committee.

Boggs built a reputation as an articulate spokesman on economics, trade, and public works for his District. As a leader, he frequently spoke on the House floor in behalf of legislation to improve health, spoke on the House floor in behalf of legislation to improve health, housing, the environment, education and transportation in the United States.

A strong believer in equal rights and opportunity for all Americans, he spoke often for improved conditions among the poor and disadvantaged. He had a profound respect for all persons and considered his congressional office a "service" organization.

From his post in the leadership, he was adviser to Presidents John F. Kennedy and Lyndon B. Johnson and Speakers Rayburn, John W. McCormack and Carl Albert.

He was a member of the President's Commission on the Assassination of President Kennedy and the Commission on the Causes and Prevention of Violence. He was the House representative on the Democratic National Committee, parliamentarian of the 1964 Democratic National Convention and chairman of the Committee on Platform and Resolutions at the 1968 Convention.

As a Southerner who was a national leader, he achieved compromises on difficult legislation, using what he called "the art of the possible". His positive approach and his speeches and outlook reflected hope and confidence that mankind would succeed.

Columnist William S. White wrote of him "For he stood as a truly effective human bridge between many competing qualities and interests. And he served to sustain between them, a link of tolerance and, in the end, a capacity for common action. Under his leadership, divergencies of all kinds—regional, cultural, ideological, racial—remained only matters for rational discussion and disputation rather than spurting up into reasons for implacable and wasting in-fighting. He helped greatly to hold together the polyglot house of his party, as he did the House of Representatives itself."

### ST. LOUIS CATHEDRAL

(By Charles L. Dufour)

This is the most hallowed spot in New Orleans, for people have worshipped in churches here since 1727.

Adrien de Pauger designated the site for a church in 1721 when he laid out what is known as the Vieux Carré. And the first permanent church, dedicated to Louis IX, the sainted King of France, was designed by de Pauger.

Constructed in the "bricks between posts" (briqueté entre poteaux) method in cruciform shape, the Church of St. Louis, which de Pauger did not live to see completed, was dedicated by Father Raphael of the Capuchin order shortly before Christmas in 1727.

De Pauger's church continued in service until 1763, when much-needed repairs were undertaken, one of the King's warehouses serving temporarily as the parish church. Two decades later de Pauger's church was destroyed in the Good Friday fire on March 21, 1788.

Don Andrés Almonester y Roxas, one of the wealthiest man in New Orleans—he was also the father of Micaela Almonester, Baroness Pontalba—supplied the funds to rebuild the church. The cornerstone was laid on February 14, 1789, but more than five years elapsed before the church, designed by Gilbert Guillemard, a Frenchman in the military service of Spain, was completed. It escaped the second great New Orleans fire on December 8, 1794, and on Christmas Eve of that year it was dedicated as a Cathedral, New Orleans having received in 1793 its first bishop, Luis Peñalver y Cardenas.

Guillemard's St. Louis Cathedral served the city for more than half a century, before rehabilitation of the run-down structure was begun. However, as it soon became evident the old church could not be properly repaired, the present Cathedral, designed by J. N. B. De Pouilly, French architect, was constructed. On December 7, 1851, Archbishop Blanc, assisted by Bishop John Chance of Natchez and Bishop Michael Portier of Mobile, blessed the Cathedral of St. Louis, King of France.

On December 9, 1964, Pope Paul VI designated St. Louis Cathedral as a Minor Basilica.

The complete story of St. Louis Cathedral has been admirably and authoritatively told by Leonard V. Huber and Samuel Wilson, Jr., in their monograph, "The Basilica on Jackson Square."

### TODAY'S MASS

The Judeo-Christian ethic expresses that man holds a threefold relationship in this life—a relationship with God, with neighbor, and with self. The Catholic recognizes this as he joins with Christ and his fellow man during the sacrifice of the Mass in offering to God the Father his adoration and love.

Today's Memorial Mass expresses a combination of the ancient traditions of the Church and the realities of modern day life in the American setting. Hale Boggs was devoted to his country and its people, especially the young. But he also held a strong attachment for the old and venerable rites of the Church. Thus it is that the congregation will hear today portions of the ancient sacred polyphony of Palestrina and the sixteenth century "Tantum ergo" intermingled with such modern and youthful works as "I Am the Resurrection and the Life." The latter hymn, more than any other, reflects HALE BOGGS' deep faith in God, while "America the Beautiful" and "The Battle Hymn of the Republic" express his vision of what our country should be—one family under God.

### THE CATAFALQUE

Catafalque is derived from the Italian word *catafalco*. In the strictly liturgical sense the word is employed to designate the structure used at funeral offices of the Church and takes the place of the bier when the remains are not present. It is covered with a cloth or pall on which there is a cross unless, as circumstances dictate, it is covered with a flag. The Catafalque is placed outside the sanctuary and is the center of the absolution ceremony during funeral rites. It receives the same attention as would the remains, if present. Thus it is the Catafalque is incensed as a sign of respect for the body which it represents.

### MINISTERS OF THE MEMORIAL MASS

Concelebrants: His Excellency the Most Reverend Philip M. Hannan, Archbishop of New Orleans; the Reverend Robert I. Boggs, S.J., assistant pastor, Most Holy Name of Jesus Church, New Orleans; the Reverend Reinhard B. Stump, C.SS.R., pastor, St. Alphonsus Church, New Orleans.

Master of Ceremonies: The Reverend H. William Reed.

Lector: Mr. John J. Joyce, Jr.

Commentator: Mr. John G. Frentz.

Homilist: His Excellency the Most Reverend Philip M. Hannan, Archbishop of New Orleans.

Prayer: The Reverend Edward Gardner Latch, D.D., L.H.D., Chaplain, United States House of Representatives.

Remarks: The Honorable Carl Albert, Speaker, United States House of Representatives.

Organists: Miss Elise Cambon, Mr. Malcolm J. Breda.

Choirs: St. Louis Cathedral Choir, Miss Elise Cambon, Director; Xavier University Concert Choir, Dr. Julius R. Tipton III, Director.

Guitar Ensemble: Loyola University College of Music, Mr. Paul J. Guma, Chairman.

### THE LITURGY OF THE WORD OF GOD

Processional hymn: I Am the Resurrection and the Life, Ray Repp (words and music). Congregation, Guitar Accompaniment, Loyola University College of Music.

Congregation and Choir: I am the resurrection and the life; He who believes in me will never die. I am the resurrection and the life; He who believes in me will live a new life.

Celebrant: In the name of the Father, and of the Son, and of the Holy Spirit.

All: Amen.

Celebrant: The grace of our Lord Jesus Christ and the love of God and the fellowship of the Holy Spirit be with you all.

All: And also with you.

Celebrant: My brothers and sisters to prepare ourselves to celebrate the sacred mysteries, let us call to mind our sins.

(Brief silence.)

All: I confess to almighty God, and to you, my brothers and sisters, that I have sinned through my own fault in my thoughts and in my words, in what I have done, and in what I have failed to do; and I ask blessed Mary, ever virgin, and the angels and saints, and you, my brothers and sisters to pray for me to the Lord our God.

Celebrant: May almighty God have mercy on us, forgive us our sins, and bring us to everlasting life.

All: Amen.

Kyrie, Palestrina-Lindusky, St. Louis Cathedral Choir.

### OPENING PRAYER

Celebrant: Let us pray. Almighty God, Our Father, we firmly believe that your Son died and rose to life. We pray for our brother Hale whose memory we honor today. Fulfill his faith and belief in you, and lead him safely home to be happy with you forever. We ask this through Our Lord, Jesus Christ, your Son, who lives and reigns with you and the Holy Spirit, one God, forever and ever.

All: Amen.

First reading, The Book of the prophet Isaiah Chapter 25, verses 6a, 7–9:

Reader: On His mountain the Lord of Sabaoth will prepare for all peoples a banquet of rich food. On this mountain he will remove the mourning veil covering all peoples, and the shroud enwrapping all nations, he will destroy Death for ever. The Lord God will wipe away the tears from every cheek; he will take away his people's shame everywhere on earth, for the Lord has said so. That day, it will be said: See, this is our God in whom we hoped for salvation; the Lord is the one in whom we hoped. We exult and we rejoice that he has saved us. This is the Word of the Lord.

All: Thanks be to God.

Psalm: The people repeat the responses sung first by the choir, and then after each verse.

Responsorial Psalm 23:1–3, 3–4, 5, 6.

Choir: Though I walk in the valley of darkness, I fear no evil, for you are with me.

All (sing): Though I walk in the valley of darkness, I fear no evil, for you are with me.

Choir: The Lord is my shepherd; I shall not want. In verdant pastures he gives me repose; Beside restful waters he leads me; he refreshes my soul.

All (sing): Though I walk in the valley of darkness, I fear no evil, for you are with me.

*Choir:* He guides me in right paths for his name's sake. Even though I walk in the dark valley I fear no evil; for you are at my side with your rod and your staff that give me courage.

*All* (sing): Though I walk in the valley of darkness, I fear no evil, for you are with me.

*Choir:* You spread the table before me in the sight of my foes; You anoint my head with oil; my cup overflows.

*All* (sing): Though I walk in the valley of darkness, I fear no evil, for you are with me.

*Choir:* Only goodness and kindness follow me all the days of my life; And I shall dwell in the house of the Lord for years to come.

*All* (sing): Though I walk in the valley of darkness, I fear no evil, for you are with me.

Second reading: Epistle of St. James, Chapter 1, verses 22–25; Chapter 2, verses 14–17, 24.

*Reader:* You must be honest with yourselves; you are to live by the word, not content merely to listen to it. One who listens to the word without living by it is like a man who sees, in a mirror, the face he was born with; he looks at himself, and the way he goes, never giving another thought to the man he saw there. Whereas one who gazes into that perfect law, which is the law of freedom, and dwells on the sight of it, does not forget its message; he finds something to do, and does it, and his doing of it wins him a blessing.

Take the case, my brother, of someone who has never done a single good act but claims that he has faith. Will that faith save him? If one of the brothers or one of the sisters is in need of clothes and has not enough food to live on, and one of you says to them, "I wish you well; keep yourself warm and eat plenty", without giving them the bare necessities of life, then what good is that? Faith is like that: if good works do not go with it, then it is quite dead. You see now that it is by doing something good, and not only by believing, that a man is justified. This is the Word of the Lord.

*All:* Thanks be to God.

Third reading: *The Book of the prophet Isaiah, Chapter 61, verses 1-4.*

*Reader:* The spirit of the Lord is upon me, because the Lord hath anointed me: he hath sent met to preach to the meek, to heal the contrite of heart, and to preach a release to the captives, and deliverance to them that are shut up; to proclaim the acceptable year of the Lord, and the day of vengeance of our God; to comfort all that mourn; to appoint to the mourners of Sion, and to give them a crown for ashes, the oil of joy for mourning, a garment of praise for the spirit of grief. And they shall be called in it the mighty ones of justice, the planting of the Lord to glorify him. And they shall build the places that have been waste from of old, and shall raise up ancient ruins, and shall repair the desolate cities, that were destroyed for generation and generation.

This is the Word of the Lord.

*All:* Thanks be to God.

Alleluia: *Traditional Melody from "Airs sur les Hymnes sacres, Odes et Noels" (Paris, 1623). The people repeat the Alleluia after the choir's Alleluia and then after the verse.*

*Choir:* Alleluia! Alleluia! Alleluia!

*All* (sing): Alleluia.

*Choir:* Come, you whom my Father has blessed, says the Lord; inherit the kingdom prepared for you since the foundation of the world.

*All* (sing): Alleluia.

### GOSPEL

*Celebrant:* The Lord be with you.

*All:* And with your spirit.

*Concelebrant:* A reading from the holy gospel according to Matthew (Chapter 5, Verses 1–12).

*All:* Glory to you, Lord.

*Concelebrant:* Seeing the crowds, Jesus went up the hill. There he sat down and was joined by his disciples. Then he began to speak. This is what he taught them:

How happy are the poor in spirit; theirs is the kingdom of heaven.

Happy the gentle: they shall have the earth for their heritage.

Happy those who mourn: they shall be comforted.

Happy those who hunger and thirst for what is right: they shall be satisfied

Happy the merciful: they shall have mercy shown them.

Happy the pure in heart: they shall see God.

Happy the peacemakers: they shall be called the sons of God.

Happy those who are persecuted in the cause of right: theirs is the kingdom of heaven.

Happy are you when people abuse you and persecute you and speak all kinds of calumny against you on my account. Rejoice and be glad, for your reward will be great in heaven. This is the gospel of the Lord.

*All:* Praise to you, Lord Jesus Christ.

### ARCHBISHOP HANNAN'S HOMILY

"I came that they may have life and have it more abundantly" (John. 10, 10).

These words of Christ, describing His mission in life, inspired the life of the humble servant of Christ, Hale Boggs. He chose to follow His Savior as a public servant, the spokesman for his fellow citizens in seeking a better life for them and our country. His life was totally dedicated to his family and to the House of Representatives in his service to his constituents. In the words of his extremely beloved wife, "He had a lifelong love affair wtih the House." As everyone knows, she and his family were his first love and the source of his strength and success in the House on Capitol Hill. His love and life in the House of Representatives reflected his life in his home, his abiding and proud love of Lindy and his family. To them we extend our deepest feelings of sympathy and condolence. To them we also express our gratitude. As the family is the basic unit of society and this nation, the family life of Hale in his parents' home and then in his home with Lindy and their children was a notable contribution to the life of the nation. Their family life vindicated the American way of life.

In expressing our sympathy to his family, we include all those who were so devoted to him that they consider Hale to be a member of their family, especially his exceptional staff and totally devoted supporters. Hale loved people. He believed in people. He had a charisma for communicating that love and respect for all peoples. To Hale, nobody was ordinary; consequently, he felt equally at home with people everywhere, whether it was in the White House, the Irish Channel, Uptown New Orleans, or the West Bank. That spirit of identity was best expressed possibly by an incident that occurred in Barataria, one of our unique communities that give Louisiana its distinctive charm. Although some prominent citizens had worked hard on a costly development project for that area, and Hale had worked very hard with them to secure the funds, they unexpectedly informed him that they decided to drop the project. Hale was very surprised and naturally asked why they had changed their minds. Their leader replied, "We like you, Hale, and want you as our Representative. But this big development might bring in some people who wouldn't like you as we do. So we would rather just forget the development."

A unique tribute that reflects as much credit on those who conferred it as on the recipient. That incident illustrates the personal trust in Hale that resulted in his election to the House when he was only 25 years old. After three years of service in the Navy, during World War II, he returned to the House in 1946, and served there to the present time. His election by his Democratic colleagues as Majority Leader in 1971 was evidence of the fact that his colleagues shared the esteem for him of his Louisiana constituents.

Hale's devotion to the House was the measure of his respect for the dignity of his fellow man. Consequently, he had a towering regard for the office of those who were elected to positions of eminent authority by the people. He saw them as deputies using the authority whose final source is God. Typical of this attitude was his respect for the office of President, Vice President, and Speaker of the House. I remember frequently seeing him attend Masss at old St. Patricks' Church on Tenth Street in Washington when I was pastor there. In his usual cordial fashion Hale would always say a friendly "Hello" to the priest, but if the former Speaker, John McCormack, was outside the Church, Hale would invariably tread his way over and pay his respects to the Speaker, always taking off his hat before shaking his hand, regardless of the weather.

This respect for the dignity of every man, typified by his respect for the elected authority, led him to support with indomitable courage legislation that benefited the community in almost every aspect of life. His zeal and vision are evident throughout not only his district, but the whole national community. That vision and courage were nowhere more evident than in the matter of civil rights.

Before he cast his vote on a hotly debated civil rights bill, he said simply that he had consulted his conscience, had talked with Lindy and his family and would act according to his convictions. He voted his conscience, however hard the consequences.

Hale's political campaigns were authentic expressions of his convictions, expressing substance not sensation. He always said in his rich and deep-toned voice, "I always try to favor the things that bring people together, not those that divide them." He believed in this principle, whether it applied to neighborhoods or nations. Thus he was willing to go to Peking or anywhere else at the President's request in the cause of peace based on freedom and justice. He believed in the community of man who needs bread but cannot live on bread alone.

During one campaign he said that he got his campaign slogan once from reading the Sunday leaflet printed in this cathedral. After Mass, he went to see the Pastor, Father Nick, and gave him a donation for supplying him with his campaign slogan. This is no hint for those present today and we have no copyright in the Mass leaflets, nor on this sermon.

Hale was deeply aware, by his unusual acumen and his conscience, of the dilemma and contradictions in our age of wonderful technology—an age of Apollo voyages which we unstintingly praise, television by satellite, heart transplants, instantaneous communications. We have reached the moon but we have not yet reached our neighbor. We have probed the moon's surface but we have not sufficiently probed the heart of man. Dr. Carl Jung, the eminent psychiatrist, said years ago, "It is easier to reach the moon and Mars than it is to get inside the human being." Science, employed to serve man, has caused tensions and inequalities.

Hale recognized these contradictions and problems of our times. He not only knew them; he felt them. He knew that the only means of resolving contradictions and bringing unity was an over-arching charity that could touch all men. His convictions were expressed in his zeal to push legislation that would make everyone feel our common charity and concern. He knew that a nation is composed of men and that the measure of a country is not the height of the Dow-Jones average but the height of every man's dignity and self-pride.

This is not to say that he did not appreciate the talents and efforts of those who produce our technology and our wealth. He recognized, in his own life of stewardship, that the concept of stewardship involves a difference in talents. But he recognized that those talents, granted by the Creator, were to be used for the Creator's purpose.

Hale was a man of deep compassion and courage. Mindful of the human condition, he always tried to work out a solution even for seemingly impossible problems knowing that dealing on a person-to-person basis is more effective than dealing only with documents. He believed that change, even drastic change, could be effected by evolution rather than revolution. Hale believed that a Congressman was not elected to elicit harsh judgments but to effect change. He sought always, even in the midst of debate, that attitude expressed by a philosopher, "I hope that I will always be for each man what he needs me to be . . . I hope that my love for those whom I like will never lessen my love for those whom I do not. I hope that another man's love for me will never be a measure of my love for him" ("In the Stillness Is the Dancing," p. 62).

Always buoyant, always optimistic, his steady faith in God, his spirit of hope and constant charity will gain him we pray, the Presence of the God he humbly tried to serve. He saw suffering and he tried to relieve it; he saw poverty and he tried to cure it; he saw the image of God in every man and he sought to honor it; he saw the vision of a more abundant life for all and he strove to effect it. To such a man of faith apply the words of the Sacred Liturgy which he so often heard and prayed, "For to your faithful, O Lord, life is changed not taken away; and this earthly abode being dissolved, a worthy habitation is prepared in heaven."

### PRAYERS OF THE FAITHFUL

Celebrant: Let us pray.

On this solemn occasion, we turn confidently to God, Father, Son and Holy Spirit, asking salvation for our people, living and dead. We ask divine blessings . . .

Concelebrant: For our national, state and local leaders here assembled, give them the wisdom and the courage to take the righteous course in the affairs of state, to bring peace to our world and justice to all men in our beloved country, we pray to the Lord . . .

All: Lord, hear our prayer.

Concelebrant: For our brother, Hale, whose memory we honor today and who was given the promise of eternal life in baptism, give him communion with you and your saints forever, we pray to the Lord . . .

All: Lord, hear our prayer.

Concelebrant: For the members of the Boggs family, strengthen their faith in you and give them the courage to carry on the works of their beloved Hale who toiled throughout a lifetime to resolve differences between our races, to aid the poor and the disadvantaged, and to give direction to those who despaired in the future of our great nation, we pray to the Lord . . .

All: Lord, hear our prayer.

Concelebrant: For the many friends and associates of Hale Boggs who have gathered here today to worship in faith and for all who have died in hope of rising again in the light of your presence, we pray to the Lord . . .

All: Lord, hear our prayer.

Celebrant: O God, your mercy is limitless and the treasury of your goodness is boundless. We give thanks to your gracious majesty for the gifts we have received. Instill in our hearts an unwavering love for you, and make all things that happen to us work together for our good. Through Christ Our Lord.

All: Amen.

### THE LITURGY OF THE EUCHARIST

Offertory hymn: Tantum ergo, 16th Century, anonymous, St. Louis Cathedral Choir.

### INVITATION TO PRAYER

Celebrant: Pray, brethren, that our sacrifice may be acceptable to God, the almighty Father.

All: May the Lord accept the sacrifice at your hands for the praise and glory of his name for our good, and the good of all his church.

### PRAYER OVER THE GIFTS

Celebrant: Lord, accept this sacrifice we offer for our brother, Hale, on this day of his memorial. May your love cleanse him from his human weaknesses, and may your mercy forgive any sins he may have committed. We ask this through Christ, Our Lord.

All: Amen.

### PREFACE

Celebrant: The Lord be with you.

All: And also with you.

Celebrant: Lift up your hearts.

All: We lift them up to the Lord.

Celebrant: Let us give thanks to the Lord our God.

All: It is right to give Him thanks and praise.

Celebrant: Father, we do well to join all creation, in heaven and on earth, in praising you, our mighty God through Jesus Christ our Lord. We praise you with greater joy than ever when Christ became our paschal sacrifice. Through him the children of light are born to everlasting life, and the gates of heaven stand open to receive his people. For us his death brings ransom from death, his rising brings new life in him. And so, all creation in heaven and on earth, sings you a new song of praise. We too join with all your angels in heaven to proclaim your endless glory in a hymn of praise:

Sanctus & Benedictus, Palestrina-Lindusky, St. Louis Cathedral Choir.

### EUCHARIST PRAYER

Concelebrants: Lord, you are holy indeed, the fountain of all holiness.

Let your Spirit come upon these gifts to make them holy, so that they may become for us the body and blood of our Lord, Jesus Christ.

Before he was given up to death, a death he freely accepted, he took bread and gave you thanks. He broke the bread, gave it to his disciples, and said: Take this, all of you, and eat it; this is my body which will be given up for you. When the supper was ended, he took the cup. Again he gave you thanks and praise, gave the cup to his disciples, and said:

Take this, all of you, and drink from it: this is the cup of my blood, the blood of the new and everlasting covenant.

It will be shed for you and for all men so that sins may be forgiven.

Do this in memory of me.

Celebrant: Let us proclaim the mystery of faith.

All: Dying you destroyed our death, rising you restored our life, Lord Jesus, come in glory.

Concelebrants: In memory of his death and resurrection, we offer you, Father, this life-giving bread, this saving cup.

We thank you for counting us worthy to stand in your presence and serve you.

May all of us who share in the body and blood of Christ be brought together in unity by the Holy Spirit.

Lord, member your Church throughout the world; make us grow in love together with Paul, our Pope, Philip, our bishop, and all the clergy.

Remember Hale, whom we honor today.

In Baptism he died with Christ: may he also share in his resurrection.

Remember our brothers and sisters who have gone to their rest in the hope of rising again; bring them and all the departed into the light of your presence.

Have mercy on us all; make us worthy to share eternal life with Mary, the virgin mother of God, with the apostles, and with all the saints who have done your will throughout the ages.

May we praise you in union with them, and give you glory through your Son, Jesus Christ.

Through him, with him, in him, in the unity of the Holy Spirit, all glory and honor is yours almighty Father, for ever and ever.

*All:* Amen.

### LORD'S PRAYER

*Celebrant:* Let us pray with confidence to the Father in the words our Savior gave us:

*All:* Our Father, who art in heaven, hallowed be thy name; thy kingdom come; thy will be done on earth as it is in heaven. Give us this day our daily bread; and forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation, but deliver us from evil.

*Celebrant:* Deliver us, Lord, from every evil, and grant us peace in our day. In your mercy keep us free from sin and protect us from all anxiety as we wait in joyful hope for the coming of our Savior, Jesus Christ.

*All:* For the kingdom, the power, and the glory are yours, now and for ever.

*Celebrant:* Lord Jesus Christ, you said to your apostles: I leave you peace, my peace I give you. Look not on our sins, but on the faith of your Church, and grant us the peace and unity of your kingdom where you live for ever and ever.

*All:* Amen.

*Celebrant:* The peace of the Lord be with you always.

*All:* And also with you.

*Celebrant:* Let us offer each other the sign of peace.

*Agnus Dei,* Palestrina-Lindusky, *St. Louis Cathedral Choir.*

### COMMUNION OF THE FAITHFUL

*Celebrant:* This is the Lamb of God who takes away the sins of the world. Happy are those who are called to his supper.

*All:* Lord, I am not worthy to receive you, but only say the word and I shall be healed.

### COMMUNION HYMNS

*Alleluia,* Randall Thompson.

*Ave Verum,* Wolfgang Amadeus Mozart.

*O Esca viatorum,* Traditional. *St. Louis Cathedral Choir.*

### PRAYER AFTER COMMUNION

*Celebrant:* Let us pray. Lord God, your Son Jesus Christ gave us the sacrament of his body and blood to guide us on our pilgrim way to your kingdom. May our brother Hale, who shared in the eucharist, come to the banquet of life Christ has prepared for us. We ask this through Christ our Lord.

*All:* Amen.

### CONCLUDING RITE

Celebrant: The Lord be with you.

All: Also with you.

Celebrant: Bow your heads and pray for God's blessing. Blessed be the name of the Lord.

All: Now and forever.

Celebrant: Our help is in the name of the Lord.

All: Who made heaven and earth.

Celebrant: In his great love the God of all consolation gave man the gift of life. May he bless you with faith in the resurrection of his Son, and with the hope of rising to new life.

All: Amen.

Celebrant: And may the blessing of almighty God, the Father, and the Son, and the Holy Spirit, come upon you and remain with you for ever.

All: Amen.

### FINAL COMMENDATION

Celebrant: Father, into your hands we commend our brother Hale. We are confident that with all who have served in Christ he will be raised to life on the last day and live with Christ for ever. We thank you for all the blessings you gave him in this life to show your fatherly care for all of us and the fellowship which is ours with the saints in Jesus Christ. We ask this through Christ our Lord.

All: Amen.

### PRAYER BY REV. EDWARD GARDINER LATCH, D.D., L.H.D., CHAPLAIN, U.S. HOUSE OF REPRESENTATIVES

Almighty and Eternal God, author of everlasting life and the giver of all good gifts, we come to Thee with deep sadness of heart as we think of the beloved figure of Hale Boggs who walks no more with us. There is an empty chair in his home, an empty desk in his office, an empty seat in the House of Representatives and a lonely place in our national sky.

We mourn the passing of him who gathered into his own spirit the noble traditions of our American faith and hope. In our halls of government, he served his state and country with rugged honesty promoting his principles in seeking the good of all men. We recall how with strong voice and strong words he spoke on behalf of his party and his nation. His beliefs were firm, his faith sound, his courage without parallel—yet his handshake was tender, his heart overflowed with friendliness and his spirit reached out to touch others for good. Literally he gave his life in public service and in an endeavor to help a colleague who sought his support. Truly he is among those "who more than self their country loved and mercy more than life."

We remember that when daily prayer was offered in the House of Representatives, Hale was in his place sharing his devotions with others. We remember his home warm with love, affections and sympathy always welcoming those who came. We remember this his Church—he loved with all his heart receiving the Ministry of Her Graces and responding with a faithful heart.

This is a dark day but we curse not the darkness but are among those who light the candles of faith and love.

Bless the family and these friends with the strength of Thy Spirit and power of Thy Presence. We pray in the Name of Him who is the resurrection and the life—Jesus Christ, Our Lord, Amen.

### REMARKS BY THE HONORABLE CARL ALBERT, SPEAKER, U.S. HOUSE OF REPRESENTATIVES

We have come here today—to this historic Cathedral in the city that Hale Boggs so deeply loved—to honor the memory of a friend, a great public servant, and a remarkable man.

No words of ours, and certainly no eulogy of mine, can pay proper tribute to this great American. The real tributes to Hale are the private and personal memories that will remain keen and vivid in our minds. And those memories of him are as varied and as numerous as his friends who are gathered here today.

The vigorous and powerful personality of Hale Boggs was always filled with life. His zest for living, his compassion for his fellow men, his keen and probing intellect could not help but overflow into the lives of those of us who were fortunate enough to walk through life with him. Within the hearts of each of us lies a treasure of heartfelt sentiments stemming from our recollections of the impact his life had on us.

If Hale Boggs—the individual—cast a giant shadow, so did his nearly three decades of distinguished service in the United States House of Representatives. He deeply loved the House—where the esteem, respect and love in which he was held by all Members, regardless of politics, have never been surpassed in the history of that great institution.

He enjoyed its political life to the utmost and enriched its history immensely. Drawing his strength from the daily trials and vigors of Congressional life, he was a master strategist, a brilliant debater and a great compromiser—in the best sense of that word. His gregarious nature—his charm and ready wit—complemented his intelligence and persuasive use of power.

His rare ability to transform the most fiery, divisive issues into rational discussion bridge many factional chasms.

He had his finger on the pulse of the nation—and as much as any man I have ever known, he could read America's moods and understand its fears and aspirations.

Hale Boggs' compassionate spirit was deeply rooted in his desire to help people. He crusaded to upgrade the lives of the poor, the sick, the downtrodden, and the elderly to insure equality for all Americans.

Hale's disappearance was a grievous loss not only to the House of Representatives, but to me personally. He was my right arm. We served together in the Democratic leadership for a full decade. And we served together as colleagues and friends for many years before that. Only my mentors, former Speakers Sam Rayburn and John McCormack, have been as close to me in the conduct of the business of the House of Representatives.

But the story of Hale Boggs is more than one of a great public servant. He fostered one of the finest families I have ever known. The Boggs family has splendidly weathered the storms of political life and of personal grief, setting a strong example for all of us. Hale's good wife, Lindy, is truly a leader. His son, Tommy, and his daughters, Barbara and Corrine, are three of the finest and most decent people I have ever known.

This family provided the key inspiration, understanding and love for the man we honor. Hale was always extremely proud of his family. They were an active part of his public as well as his private life and they stand tall in his image today.

So Hale Boggs was an exceptional individual—as husband, father, political leader and friend. We would all agree with the journalist who recently said, "He was close to the irreplaceable man."

Hale Boggs stood like a towering oak-among his fellow men—and his absence, as Edwin Markham said of another great leader, "leaves a lonesome place against the sky."

While we shall long grieve at his loss we shall forever remember his joyful life and give thanks that we could share a portion of it together. I shall feel the warmth of his friendship as long as I live.

National Anthem, Francis Scott Key, Congregation.

### HYMN AFTER THE BLESSING

America the Beautiful, Katharine Lee Bates, Samuel Ward, Congregation:

O beautiful for spacious skies, for amber waves of grain
For purple mountain majesties above the fruited plain!
America, America, God shed His grace on thee
And crown thy good with brotherhood from sea to shining sea.
O beautiful for pilgrim feet, whose stern impassioned stress
A thoroughfare for freedom beat across the wilderness
America, America, God mend thine every flaw
Confirm thy soul in self-control, thy liberty in law.

### RECESSIONAL HYMN

Battle Hymn of the Republic, Julia Ward Howe, William Steffe, Xavier University Concert Choir.

### POSTLUDE

We All Believe in One God, J. S. Bach, Malcolm J. Breda, Chairman, Department of Music, Xavier University.

### SALUTE

United States Armed Services, Jackson Square.

### FOR HALE

You left us with blueprints and banners
in the midst of projects and motions;
ready to plan, to plant and to hope.
We talk to the eyes of your silence,
answer that deep down bell of your voice,
declare it a generous summons
we will heed and trust and follow.
Your habit was laughter, at praise or at pomp,
your language was friendship, you were a bridge
we could cross, a shade tree we sought.
We hold you, persuader, defender,
we hold you, yet know you have taken
your light to another landscape.
Spendthrift, you've left us your grace, your balm,
trumpets to sound, hosannas to raise,
your heights to climb, your purpose proclaim.
—Katie Louchheim

### ST. LOUIS CATHEDRAL CHOIR

Donice Alverson, Jack Belsom, Jean Claude Bouchet, Vicki Brana, Joan Broekhoven, Mary Lee Burke, Linda Cesary, James Cobette, Jeanne Collins, Merlin Corcoran, Nelle Donahue, Elizabeth Druhan, Dorothy Fernon, Susan Fitch, Joe Hamner, Reni Hamner.

Amelie Hardin, Nadine Haynes, Irma Henry, John J. Joyce, Jr., Edward McInnis, Gary Mannina, Sally Marshall, Mary Elizabeth Paltron, Valencia Scott, Steven Smith, Colette Stelly, James Stelly, Dorothy Stephenson, Jewel Theiler, Marilyin Thomas, Mario Ullivarri, Jr., Mason Webster.

### XAVIER UNIVERSITY CONCERT CHOIR

Barbara J. Baker, Roland A. Dobard, John A. Forward, Corliss Francois, Harry Francois, Thomas J. Harris, Kay F. Horne, Denise Houston, Cloretta Howze, Gilda M. Jackson, Jeanalice Johnson.

Loria C. Jordan, Dedra Lacoste, Lynn F. Livas, Patricia A. McGuire, Camille Metoyer, Vanessa R. Parker, Vernon C. Richards, Marion Smith, Shirley A. Stewart, John E. Ware, Fannell T. Watts, Alton L. White.

### LOYOLA UNIVERSITY, COLLEGE OF MUSIC, GUITAR DEPARTMENT

Moraima Alvarez, Jerry Arlt, Larry Sarrat, Richard Rhode.

### HONORARY ESCORTS

Robert A. Ainsworth, Jr., Charles A. Boggs, Ian Claiborne, Charles W. Davis, Laurance Eustis, Jr., Laurance Eustis, III, Herman S. Kohlmeyer, Sr., Harry Lee, Robert Morrison.

### *Tulane University Law Class of 1937*

Gus B. Baldwin, Jr., Marian Mayer Berkett, James J. Coleman, Sr., Albert L. Dart, Moise W. Dennery, Claude B. Duval, F. Irvin Dymond, Bernhardt C. Heebe, Haywood H. Hillyer, Jr., D. Douglas Howard, Gordon B. Hyde.

Charles D. Marshall, Alberto E. Meneses, George W. Miller, Jr., Bernard D. Mintz, Ashton Phelps, G. Henry Pierson, Edward D. Poitevent, Samuel I. Rosenberg, Archibald B. D. Saint, Edward F. Stauss, Jr., Moise S. Steeg, Jr.

At the time of printing the above list was incomplete.

### THE UNITED STATES HOUSE OF REPRESENTATIVES

What is it? Many voices venture many answers.

To Sam Rayburn, 17 years its Speaker, it was "the highest theater in the world."

A century ago Britisher James Bryce seemed to agree:

"This huge hall filled with perpetual clamor, this multitude of keen and eager faces, this ceaseless coming and going, the irreverent public watching from the galleries . . . of what tremendous struggles may not this hall become the theater in ages yet far distant when parliaments of Europe have shrunk into insignificance?"

Later Stephen K. Bailey said the House is "the supremely humanizing agency of our government, critic, educator, balance wheel, stubborn insistor that technology be discussed in terms of its human effects, at best prudent provider, sister and refiner of legislative proposals, compromiser of conflict . . . our long term freedom depends upon it."

More than walls, members, and parliamentary ritual, the House is a symbol of America's search for freedom and justice. During 184 years 10,000 men and women have wrought its history with heroes like Madison, John Quincy Adams, Lincoln and Webster along with the unremembered whose unsung contributions are history too.

A member of the British House of Commons, John Buchan understood it thusly; "What made it all so impressive and in its way effective? Partly the long tradition . . . men just like them, no better informed or abler had preserved our liberties . . . Chiefly the House was truly representative . . . the people . . . were governing, not a batch of supermen."

—D. B. HARDEMAN.

### LOVE FINDS A TIME FOR EVERYTHING

For everything there is a season,
and a time for every matter under heaven:
a time to be born, and a time to die;
a time to plant, and a time to pluck up what is planted;
a time to kill, and a time to heal;
a time to break down, and a time to build up;
a time to weep, and a time to laugh;
a time to mourn, and a time to dance;
a time to cast away stones,
and a time to gather stones together.
—Ecclesiastes 3:15.

Mr. HÉBERT. Mr. Speaker, I now yield such time as the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) may consume.

Mr. GERALD R. FORD. Mr. Speaker, I am very grateful to the gentleman from Louisiana (Mr. HÉBERT) for yielding me some time on this very, very sad occasion.

Mr. Speaker, although HALE BOGGS came to the House several years before I did, either fate or other circumstances seemed to put both of us in situations where we were working together, or on some occasions in friendly competition with one another.

Let me just cite some of the experiences—and, if I might, I would like to reminisce about the experiences we shared, because through those experiences I developed a close friendship with HALE, a tremendous admiration and respect for him, and a feeling that with HALE's passing I have lost a person very close to me.

In the first place, Mr. Speaker, both HALE and I served with five others on the Warren Commission. Both HALE and I served in the leadership of our respective parties, HALE first as majority whip and then later majority leader, and I have been the minority leader during the last 8-plus years.

HALE and I had somewhat similar roles in several of our respective party political conventions.

To cap it all, in June and July of 1972 HALE, LINDY, my wife and I, with our staff, went to China on a 16-day trip at the request of the President.

Let me reminisce if I might about each of those several personal experiences, where we became very close, where we worked together, and where I think we tried to help one another for the benefit of our respective responsibilities.

All of us remember the tragic assassination of President Kennedy. President Johnson, in order to try and find out some answers, asked the Chief Justice of the United States, Earl Warren, to head up a commission. He appointed two members from the outside, Allen Dulles and John McCloy. He appointed two Senators, Senator Richard Russell and Senator John Sherman Cooper. He appointed HALE BOGGS and myself from the House. From November of that tragic year until the following September the seven of us worked extraordinarily hard in trying to find the answers, and to make some recommendations so that that kind of a tragedy would not happen again in America. HALE BOGGS and I during this period became extremely well acquainted. We spent many, many hours listening to testimony, reading testimony, and trying to write a report.

As a matter of fact, on the last day of the commission's deliberations, HALE BOGGS, Senator Dick Russell, and I worked very closely in trying to get the right phraseology in one of the most critical decisions of the commission. If the Members will read the commission's report, they will find that we did indicate that Lee Harvey Oswald was the assassin, and, secondly, we said there was no evidence of a conspiracy, foreign or domestic. The staff of the commission had recommended that the report say there was no evidence of a conspiracy, foreign or domestic, and Dick Russell, HALE BOGGS, and I would not go that far. I think it was wise to make that decision. All we could attest to was that we found no evidence of a conspiracy, foreign or domestic, and those are the words that are in that commission report.

It was a pretty hectic afternoon. The staff was good, and there were those on the commission who believed the staff report or recommendation was the right one. But HALE BOGGS was strong, articulate, and effective, and as a consequence this change was made with the help of Senator Russell and myself.

As I indicated earlier, HALE and I had somewhat corresponding positions in each of our two political parties on the floor of the House. I had the privilege of working with him and helping a Democratic President during the first 4 years of my service as a minority leader. At that time he was the majority whip, but I worked with him as I did with the then majority leader, now our Speaker, CARL ALBERT. It was always a privilege and a pleasure because we seemed to understand one another on the matters that were of major importance—and there were many of them. We did not approach our actions from a partisan point of view.

Since 1969 HALE was the minority whip, and then the majority leader, with a Republican president. Here, although the roles were different, his same fine attitude prevailed. I can say nothing but, "Thank you" for the opportunity to have worked with HALE during these difficult times for both a Republican as well as a Democratic President.

As I indicated also, HALE had positions of responsibility in several Democratic Conventions. The last two I served as the permanent chairman of the Republican Convention, but we used to reminisce about problems in political conventions—and they are congenital, whether they are Democratic or Republican Conventions. We used to wonder whether some rulings, decisions, or actions had been entirely right, but I guess we took some solace in that we had been a part of these great political operations.

The last, and really the most wonderful, experience was the trip that HALE and LINDY and my wife, Betty, and I took to China. It was a most difficult trip timewise, traveling, and in every other way, but I do not know four people who could have gotten along better. I can say without hesitation or qualification that the United States never had a better person representing our country in some very important areas than we had in HALE BOGGS on this trip to China.

We met for more than 6½ hours with Chou En-lai. It was a very, very difficult experience, and HALE and I had the responsibility of upholding our country's position with this very great world leader. HALE did a superb job. On the other hand, in our trips from one community to another in China and in the many luncheons and many dinners, part of the routine, as Members may have guessed from seeing on television the President when he was in China, there had to be toasts given. Our hosts would always give a toast, and then HALE and I had agreed he would respond first and I would follow. Let me say parenthetically he was a tough act to follow because HALE spoke eloquently, effectively, and very strongly for our country. I sat in admiration on many occasions wondering how I could possibly approximate the job he had done.

But all this really ends up by letting me say I have lost a very close personal friend, a person I had great respect for, whether we agreed with one another or differed. I can only say to LINDY that Betty and I have many, many times said we would do almost anything if HALE were back so we could have those associations again. Both of us wish LINDY and the family the very, very best.

Mr. HÉBERT. Mr. Speaker, I thank the distinguished minority leader.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, the booming voice of HALE BOGGS is no longer heard in the House of Representatives. His influence, however, is still here. Here also is his lovely wife, Lindy, who is serving her people and the Nation in keeping with the finest traditions of the House of Representatives.

I am among those still remaining in the House who were here when HALE BOGGS came to Congress. I saw him grow step by step into a position of leadership and power. He gave the full measure of devotion to the people he represented and to the Nation as a whole.

I have been especially impressed with the tributes which have been paid today to the memory of our distinguished friend. How could one add to the brilliant tribute which has been paid to HALE BOGGS by Chairman EDWARD HÉBERT of the House Armed Services Committee. Eloquent also have been the tributes paid by the Speaker, the majority leader, the minority leader and others.

I shall not attempt to repeat what has already been said here about the record of this distinguished legislator, but I do want to join in the warm tributes which have been paid to his memory.

I was present in New Orleans on January 4, 1973 at the memorial service. It was good to observe the love and devotion of the people of New Orleans for their departed leader and friend.

In honoring our friend, HALE BOGGS, we do credit to ourselves. As we pay tribute to his memory and express our sympathy to his loved ones left behind, it is good for us to dedicate ourselves anew to the highest traditions of the House of Representatives and to the preservation of the American system of government to which HALE BOGGS devoted his life.

Mr. Speaker, I thank the gentleman from Louisiana for yielding.

Mr. HÉBERT. I thank the gentleman from Texas for his comments.

Mr. Speaker, before I yield to the members of the Louisiana delegation, I would like to express on behalf of the members of the Louisiana delegation here present our gratitude to Speaker McCormack for being with us today. I want to say that each of us is most grateful Speaker McCormack has come here today to be present with us. I know he held HALE in high esteem, as he did all who served with him. The former Speaker was majority leader when we came here and we looked to him for guidance from the very beginning. I want to express the gratitude of everyone of us in the Louisiana delegation and I cannot speak the word of gratitude that our beloved former Speaker has taken the time to return to this Chamber in which he served for so long and so well to be here while we pay tribute to the memory of HALE BOGGS.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. Mr. Speaker. I yield to the dean of the Louisiana delegation (Mr. PASSMAN).

Mr. PASSMAN. Mr. Speaker, I deeply regret the occasion for today's tribute to our departed colleague, the Honorable HALE BOGGS. Many of us continued to maintain a faint hope that somehow he would be returned to us.

It was my good fortune to know HALE well because our offices were close together for many years. HALE BOGGS was a man who always made you feel good just to be around him, and even though differences on legislation occurred, he nevertheless always extended a helping hand to anyone in need. He had a great capacity for love, friendship, and good humor.

HALE BOGGS was indeed a distinguished Member of this august body for many years. He handled himself in such a way as to acquire the esteem of all Members of this House and, for that matter, those in the Senate and officials in both the judicial and executive branches. His capacity for hard work and his understanding of other Members' problems made it possible for him to advance rapidly in the House of Representatives where he served so long and so well. He was destined to go even higher until He-that-is-on-High removed him from our midst.

It is almost strange how the friendship between HALE and myself remained strong. Even when I did not follow his leadership, it never marred our friendship nor interfered with our almost daily greetings. When I first came to Congress, HALE was always available for advice and he, more than anyone else, made it possible for me to obtain membership on the powerful Committee on Appropriations.

Even though HALE is apparently gone, his good deeds and innumerable kindnesses, not only to the Members of this body but to the personnel employed by the House, will linger long in these hallowed halls.

Mr. Speaker, history will be extremely kind to HALE BOGGS. Few men in public life have made a deeper or more lasting impression on the minds of men than has Hale Boggs. Millions of our fellow Americans know that this world is a better place in which to live for Hale Boggs having lived in it.

To his lovely and talented wife, Lindy, who is now our colleague, and his family, I extend my deepest sympathy.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman from Louisiana (Mr. Passman) very much.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Speaker, it is with deep regret that I join today in paying tribute to and honoring my dear friend and former colleague, Hale Boggs.

I recall that I was in Bucharest, Romania, on a trade mission for the President and was spending the night in our American Embassy when Hale's flight was reported overdue. The American Ambassador came early to my room that morning to tell me that Hale was missing. That fact is just as hard to comprehend now as it was then. Nevertheless, the anxiety has all but faded away.

For nearly 28 years, Hale represented the Second District of Louisiana. For nearly half of that time, I was privileged and honored to serve in the House and in the Louisiana congressional delegation with him. Everyone who knew Hale well, as I did, knew him to be a kind and gentle man with a warm heart, ever sensitive to the needs of the American people who he loved dearly.

I followed Hale Boggs' career both before and after I was elected to Congress—from his election in 1940 to the 77th Congress, his outstanding contributions as a member of the Ways and Means Committee, then his election as majority whip in 1962, and finally, his election as majority leader in 1972. As House majority leader, Hale served his country and his party well. His inquisitive nature, his deep intelligence, and his insight into people made him a natural for that position and for the role he played in the legislative process in America.

From his position of leadership in the House, Hale was able to do more for Louisiana and the Nation than most people realize. I can recall working with Hale day in and day out on matters before the House, and I will treasure and remember those years for the rest of my life. While the two of us disagreed philosophically from time to time, we never disagreed personally. This is so because Hale had that quality of being able to disagree without being disagreeable. I respected and admired him for the firmness of his dedication to the ideals and convictions he believed in.

Hale had what every good and successful man must have. He had a wife who was devoted in every sense of the word and filled with love for Hale. A wife who had abilities that equalled his. They had a wonderful family together. It was my privilege on occasions too numerous to mention to have been a guest in their home. No one ever seemed to get more pleasure out of opening their home to friends than did Hale and I do not believe that there is a Member of the House of Representatives who served with Hale who at one time or another was not invited to be a guest in his home. The latchstring was always out and was on the friends side of the door.

While Hale's loss took a great toll on the State of Louisiana and the Louisiana congressional delegation, the entire Congress felt the impact of the tragedy.

This is a sad time for me. While it is a privilege and honor to join with my many colleagues in paying tribute to this leader among men, it is difficult for me to do so. I succeeded Hale on the Ways and Means Committee. Each time I enter this Chamber, I remember the man; and his absence affects me greatly.

Louisiana and the Nation had a friend in Hale Boggs; Louisiana and the Nation will miss his leadership. As a close personal friend, I, too, will miss him. It has been said that every cloud has a silver lining and to a point this one does too and I do not mean to make the words appear trite and timeworn but Hale himself provided this silver lining and I am sure he knows and looks down with pleasure on Lindy as his successor.

Mr. HÉBERT. I thank the gentleman from Louisiana (Mr. Waggonner).

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. Breaux).

Mr. BREAUX. Mr. Speaker, Hale Boggs began his career in Congress as the youngest Democrat in the 77th session. Fifteen sessions later he had risen to become the majority leader—the post he held in the 92d Congress at the time of his tragic disappearance in October of 1972.

A politician in the classic American tradition, Hale Boggs was able to maintain and elevate his position in Congress only through diligence, hard work and a sincere love and respect for the House of Representatives to which he devoted his life.

Although it was my privilege to have served with Congressman Boggs for only a brief period, I retain a deep feeling of gratitude to his memory, since one of his final public functions prior to leaving Washington on his ill-fated trip to Alaska was to be present at my swearing-in during the last few weeks of the 92d Congress, on October 12, 1972.

His political career is one which deserves to be studied and admired by every student of government. Never one to publicly seek acclaim or recognition outside his congressional district, he nevertheless was named to serve on the President's Commission on the assassination of President Kennedy; he served as parliamentarian at the 1964 Democratic National Convention, was chairman of the platform committee at the national convention in 1968, and was vice chairman of the Democratic National Committee from 1954 until his disappearance. And all of this was in addition to his committee and legislative duties in Congress, which, by themselves, would be sufficient to tax the energies of any ordinary man.

But Hale Boggs was not an ordinary man. The people of New Orleans knew that. Throughout his political career, he was a man who could visit almost anywhere in that historic city and be welcomed as one with the people he served. They respected and admired him; he respected and was one of them.

Another tribute to Hale Boggs' memory can be found in his family. His wife, Corine, more affectionately known as "Lindy," now serves in his place in Congress; his daughters and son remain a credit to his name and memory as well as a credit to themselves through individual accomplishments.

He will be missed—he is missed by his colleagues in Congress and by his thousands of friends in Louisiana.

But behind he leaves a memory which also is a legacy; a legacy which testifies to what an American can accomplish when he is dedicated to the principles of good government, a productive life for all Americans, a strong family life and service to his constituency.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Louisiana, Mr. Gillis Long.

Mr. LONG of Louisiana. Mr. Speaker, 7 months have passed since we lost Hale, yet, if anything, our appreciation of him has been enhanced with the passage of time. Each time I enter this Chamber, or stand in this well, I think of him, for in my mind he is permanently associated with this institution. Hale loved the House of Representatives. For him it was the fundamental democratic institution of American Government. This Chamber and this well he regarded as the town hall of our Nation. It is here that the thoughts, the hopes, fears, and aspirations of the people find expression. It is here that differences are aired and reconciled, issues debated and resolved. I know of no one more gifted as a speaker than Hale; when he spoke from this well the House listened. Last fall that voice was stilled. Its message of reason and reconciliation, however, will endure.

It is never easy to accept the loss of a friend. It is made more difficult when that friend was in the prime of life. It is especially difficult when that friend possessed as much energy, intelligence and force of life as did Hale. Anyone who knew him—and that includes virtually anyone active in the affairs of our country during the past 25 years—is familiar with the qualities of which I speak.

Hale was, as the saying goes, a politician in the best and noblest sense of the word. Problems existed to be solved, human differences to be reconciled, in the interest of a common good. Compromise was not an evil but a necessary and useful tool in the legislative process. Politics, for Hale, was the art of the possible, and in his capable hands the realm of the possible underwent regular expansion. As he saw it, the test of political leadership was the capacity to reconcile divergent views and to find common grounds upon which constructive programs could be founded. William S. White said it best when he wrote of Hale:

> He stood as a truly effective human bridge between many competing qualities . . . And he served to sustain between them a link of tolerance and in the end a capacity for common action. Under his leadership, divergencies of all kinds—regional, cultural, ideological, racial—remained only matters for rational discussion and disputation rather than spurting up into reasons for implacable and wasteful infighting.

HALE was a southerner, and he loved the people and land of his origin, but he brought a national perspective to his work. There was nothing about him that was parochial or base. He had courage and conviction and compassion. During the 1960's he took stands which were controversial, to put it mildly, among his constituents. All were constrained to admire his courage. In the final analysis, I think it will be said that HALE BOGGS led the South through a difficult period of social change and that he contributed to a new era of cooperation and progress in our part of the country.

He brought a similar energy and courage to every field of public policy. He had a keen mind that moved easily from Louisiana levees to international economics. He could talk to an oyster farmer in south Louisiana in the morning and an European economic minister in the afternoon, leaving both of them enlightened.

HALE believed that government has a useful and constructive role to play in meeting people's needs and solving national problems. The task of the Congress to him was to define that role and to apply our resources toward achieving national goals.

Now he is gone. The void that HALE leaves and the grief which so many of us feel, I believe, are relieved when we reflect how fortunate we were to have this good and gifted man among our leaders.

Mr. HÉBERT. Thank you, Mr. LONG.

I now yield to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Speaker, I rise to join in this tribute by my colleagues to HALE BOGGS. My relationship to HALE was substantially different from the relationship which you enjoyed with HALE.

As the Republican nominee in the Second District of Louisiana, I opposed HALE BOGGS in the general elections of 1962, 1964, and 1968. In each successive campaign the competition between us grew stronger.

The 1968 campaign was a particularly grueling experience for me—as I believe it was for HALE. It was one which was hard fought on both sides.

My opposition to HALE was based on fundamental political differences—sincerely held on both sides. The several campaigns were confrontations on these issues. They were, I believe I can safely say, remarkably free of personal allegations and recriminations.

It is a somewhat curious fact that, although we contended against each other three times, it was not until more than a year after the 1968 race that I ever had the privilege of meeting HALE. In fact, it was not until after the Louisiana Legislature reapportioned the districts so that we resided thereafter in different congressional districts.

So I never knew HALE as an individual until after those campaigns, but I came to know him somewhat following. He was always kind, and cordial, and courteous—despite the fact that for approximately 6 years I was a rather persistent thorn in his side.

As a result of those campaigns and the contacts which we had following those campaigns, I developed a regard and a respect for HALE that is difficult for me to describe.

This is not to say that there was any lessening of the philosophical differences which I perceived existed between us, but there developed on my part a genuine sense of respect of the kind I suppose exists on the part of an athletic competitor who contends against another repeatedly. HALE was an aggressive, determined, and highly competent fighter for his point of view in election campaigns and in the Congress. I respected him for that, and I respected him for the sincerity of his views.

When HALE was lost in Alaska, and as the rescue efforts drug on to the point of hopelessness, I experienced a great sense of loss because HALE had been a major part of my political life.

I felt a sense of anguish and sorrow for his family which had always played a major part in his political life.

Today, I join my colleagues in paying tribute to a man who, for all of his life fought unceasingly for his ideas on the betterment of America.

There is no higher calling that service to mankind. HALE BOGGS answered that call with every fiber of his being.

What a great world we would have if all men were likewise dedicated.

The SPEAKER pro tempore. The time of the gentleman from Louisiana (Mr. HÉBERT) has expired.

### SPECIAL ORDER REQUEST

Mr. DENNIS. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana (Mr. BREAUX) may be permitted to address the House for 60 minutes immediately following the special order of the gentleman from Louisiana (Mr. HÉBERT) and preceding the remaining special orders scheduled for today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Louisiana (Mr. BREAUX) for 60 minutes.

Mr. BREAUX. Mr. Speaker, I yield such time to the gentlewoman from Missouri (Mrs. SULLIVAN) as she may consume.

Mrs. SULLIVAN. Mr. Speaker, I appreciate the gentleman yielding to me so that I may speak in memory of our past leader, HALE BOGGS.

Mr. Speaker, when the 93d Congress convened on January 3, of this year, the Democratic Members were faced with the sad and poignant duty of selecting a new majority leader to replace a man who had served with distinction and effectiveness in that important role, and who was the personal friend of every Member who had served with him during a long career in the House.

A great source of strength in our system of government is the continuity of our institutions even when outstanding leaders die, are defeated, or retire voluntarily. The work goes on; decisions which have to be made are made; new leaders take the reins and devise new approaches to old problems, and bring their own personalities to bear on the achievement of difficult political goals. But we always remember with gratitude and affection those who previously carried the burdens of leadership during periods of stress and crisis, and who performed their assignments with unusual technical skill and personal charm.

Thus, all of us who ever served here with HALE BOGGS will remember him with just such gratitude and affection. Long before he was the majority whip and then the majority leader of the House, HALE BOGGS was a leader among those who believed in, and fought for, good government and high standards of public service. During his many years on the Committee on Ways and Means, he became an outstanding and widely acclaimed expert on tax legislation, on social security issues, reciprocal trade, and many other complex matters coming before that committee.

What is not generally known is that HALE BOGGS was one of the first to recognize—and propose effective solutions for—the terribly serious problem of the nonnarcotic dangerous drugs in the days when governmental controls over the barbiturates, amphetamines and hallucinogens or so-called psycho-drugs were weak and ineffectual and public awareness of the danger was almost nonexistent. It is easy to push a popular cause in Congress; it takes real dedication to work for the passage of legislation which is desperately needed to head off serious problems most people have not read about or heard about. As a sponsor of the Drug Abuse Control Act of 1965, I know how much pioneering work HALE BOGGS did in this field to help pave the way for the 1965 act.

HALE BOGGS left this House under characteristic circumstances—helping another Member. Throughout his career in the House, he was always responsive to the problems and needs of his colleagues and this spirit of helpfulness to and involvement with other Members led to his early selection for leadership status, first as deputy whip, then as whip, then as majority leader. But HALE was much more than a helpful good fellow. He worked for the accomplishment of great political goals; he worked unceasingly for the passage of good legislation in which he believed. The fact that he had done so much for so many Members over the years certainly earned great dividends for the country in terms of the support he received as majority leader on major controversial issues.

His constituents of the Second Congressional District of Louisiana were singularly fortunate in having Hale Boggs as their Congressman, and in having available to succeed him the extraordinary lady who had worked so hard alongside him to help Hale Boggs perform his great feats of service to New Orleans and the Nation. The warmth with which Lindy was accepted into the House following her special election to succeed her husband was a spontaneous demonstration of our love for her as well as our esteem for Hale.

The tragedy of Hale's disappearance and the agony of Lindy and their family during those difficult days was shared by many of us who have known the Boggs family, but the very wonderful memories that each one of the family has of son, husband, and father will live forever and help to console them as the years go by.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. BREAUX. Mr. Speaker, I yield at this time to my distinguished colleague, the gentleman from Louisiana (Mr. Hébert).

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Speaker, one of the most rewarding experiences of my life as a public official, and my tenure as a Member of this body, was to know and to have been associated with Hale Boggs. He was a politician in the true sense of the Webster definition, that a politician is one skilled in the science of government. Not only was Hale skilled in that science of government, but he was equally skillful in his capacity to bring to the people the real issues of the time, and to convince those whom he was able to contact that his views were worthy. He was aggressive in his capacity, but at the same time he was pleasant, despite the fact that from time to time in this field of activity one finds it necessary to be aggressive. He was bold and courageous, and yet at the same time he was genuinely prudent. He was one who was able to disagree without being disagreeable. No Member who served and worked with Hale Boggs could be less than a little bit greater, a little bit more concerned about national and international affairs, because Hale just simply would not let one stay around without having him understand that this business was the business of making not only these United States and this Nation tick, but also that of making the world tick.

His guidance to me pertaining to matters of my committee activities are experiences that I shall not forget.

When we learned that he wanted to become majority leader, it was easy for the Members of our Georgia delegation to decide, and quickly so, that this was the man we needed for majority leader.

He was truly a majority leader. He was unafraid of the political consequences that might befall one who took an unpopular stand. With that example he made us all stronger and better Democrats. We miss him. I heard someone saying earlier in eulogizing Hale that we will not hear his booming articulate voice again, but despite the fact that we miss him and his physical presence, we are fortunate to have his able widow grace these halls with the same charm and the same effective attention to Members that he was able to give. While it is true that one never replaces another she will come about as near as anyone in replacing him as an effective legislator as there can be.

I am so happy that he has lived to serve this Nation and this world which he loved so well, and to be able to say that his widow who has such great charm and such tremendous capacity is now following in his footsteps and helping us all to become more interested, more determined and more effective legislators.

I thank the gentleman for yielding.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman from Georgia for his remarks.

Mr. Speaker, I yield at this time to the gentleman from Georgia (Mr. Flynt).

Mr. FLYNT. Mr. Speaker, it is indeed a privilege for me to join today with the distinguished chairman of the House Committee on Armed Services, the dean of the Louisiana delegation, in paying richly deserved tribute to the memory of a great American, an outstanding Member of this House, and my beloved personal friend, Hale Boggs, late a Representative from Louisiana.

As my colleague, the gentleman from Georgia (Mr. Landrum), said just a moment ago, one of the most pleasant parts of my service in this body was the opportunity to be closely associated with Hale and to work with him. I have heard many people say, and I have on many occasions myself made the statement that Hale Boggs was perhaps the most articulate Member of this House. He was a leader in every sense of the word. He spoke from this well on many, many occasions with genuine eloquence. He spoke with conviction. There were times when Hale and I voted differently, just as there were times when we disagreed on certain issues, and yet he was a man with whom one could find oneself in disagreement and at the same time love him for himself and recognize that even though his views on a particular matter might be different from one's own, he believed in his views and his point of view as deeply and sincerely as any man whom I have ever known. There were not a great many times when we found ourselves on different sides of a given issue, and quite often he would in a good-natured manner chide me about my particular view on a particular bill. At the same time, he did it with that good nature which was Hale Boggs.

Hale and I were within a few months of the same age. He came to Congress nearly 14 years before I did. He was a veteran when I came here in my first term, and he and I almost immediately became very warm, good personal friends.

For many years, both when he was whip and subsequently when he was leader, it was my pleasure to meet with him on nearly every Thursday morning during the legislative session. I cherish the recollection and memories of those Thursday morning meetings.

I might add, Mr. Speaker, that they did not stop or cease when he was elevated by the vote of the Democratic caucus from majority whip to majority leader, because we would simply transfer the meeting place from the old whip's office to the majority leader's office.

At my invitation, he visited Georgia on a number of occasions, and I was indeed proud of his being there. I was proud of his appearance and of what he said. He spoke to a university group one time and made one of the most favorable impressions that I have ever known one of my colleagues, or for that matter anyone else, to make on the educational community where he spoke.

On another occasion, he accompanied me to Atlanta to speak to the Atlanta Bar Association. Everyone there universally thanked me for bringing to the annual meeting of the bar association the most effective, most interesting speaker that they had ever been privileged to have visit them.

Mr. Speaker, I certainly want to mention the association of our families. We enjoyed every occasion that brought the Boggs and the Flynts together. Lindy and Hale's daughter Cokie and our daughter Susan attended the same college, so we had a tie there as well as through Lindy and through Hale.

Mr. Speaker, I somehow feel that all of us who knew and served with Hale are a little bit better because we walked part of the way with him. His dedicated service to his district, his State, and our Nation certainly reflected credit upon the highest traditions of the State of Louisiana and upon the House of Representatives of the United States of America.

Mr. Speaker, Patty and our children join me in extending on this occasion our love and affection to Mrs. Boggs, their children and grandchildren and Hale's mother.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL of Maryland. Mr. Speaker, I thank the gentleman from Louisiana (Mr. Hébert) for yielding to me.

Mr. Speaker, in a very strange kind of development, I knew Hale Boggs before I ever came to the Congress of the United States. I knew him even before I had ever met him. That may sound contradictory, but it really is not. You see I remember during the difficult times in the 1960's when the Congress was trying to deal with civil rights legislation and my brother, Clarence Mitchell, Jr., would come home to Baltimore. He stopped some nights and we would talk about the men who were providing leadership for the Nation.

Almost inevitably Clarence would say:

> Hale Boggs is providing leadership to the Nation on this issue.

And indeed he was.

I remember the time some years ago when I was in New Orleans, in uniform, in the service of my country. I remember that when I got on the public transportation system someone gently advised me that there was a bar, and black people, whether they were in the service or not, sat behind that bar. I refused to do so, but I felt humiliated. I recall my last recent visit to New Orleans, where I enjoyed the hospitality, the warmth, and courtesy associated with the city. There was no consideration of color in the treatment I, a black man, was accorded.

HALE BOGGS made the difference. He did indeed move a Nation.

Then I met HALE BOGGS after I was elected to the Congress. I went over to see him knowing that he perhaps could give me 3 minutes out of his crowded schedule. That was all I wanted, just to meet and talk with him. He said, "Oh, no; sit down." He talked for about 5 or 10 or 15 minutes, and I talked. Then I said, "I know how busy you must be. I am going to leave you." He said:

> No, do not leave, because the things I want to tell you are important things. The things I want to share with you are important things.

We had a warm and enriching conversation. In a part of that conservation HALE BOGGS said:

> You know, this Nation is too great for any one person to ever be hungry. I really believe that.

I said, "I believe you."

Then later on in that long conversation he said to me:

> We have come so far in this country in terms of ending the inequities based on race.

He smiled and he said:

> But we have so much further to go, and I am not going to rest until all of the inequities based on race are erased.

Those who served with him for a long period of time knew him as a skillful politician. I did not. Those who served with him for a long period of time knew him better as a skilled debater. I knew him best as a warm and wonderful man who loved humanity and who acted out that love for humanity every day in some fashion, in some guise.

So I am honored and grateful that I would be given the time to contribute to this eulogy.

No person speaks for all black Americans. No person speaks for all Americans. But I know that as I stand in this well today I am speaking for tens of thousands of black Americans who recognized the decency and the honor and the integrity and the commitment and the humanity of a HALE BOGGS. For this we are grateful.

Mrs. BOGGS, obviously you know how strongly I feel about this matter, and obviously you know how grateful I am that you will now serve in the House of Representatives.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from California. (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, I thank the gentleman from Louisiana for yielding to me.

I cannot match the eloquence we have heard here this afternoon, and we have consumed at lot of time.

There has not been too much comment from this side of the aisle as yet, but this certainly does not mean we do not wholly and completely share the views that have been expressed by the leadership, by those of the Louisiana delegation and others who have spoken, because we certainly do.

I do not want to strike a sour note on a solemn occasion, but, on this side of the aisle, let us face it, HALE was a great Democrat and he could be very partisan when his responsibilities required him to be so.

We admired him for that, although he stunned us occasionally with his great zeal.

Mr. Speaker, may I say that more than 20 years ago, when I came here as a freshman Congressman, I think probably the greatest personal kindnesses that were shown to me were shown to me by HALE and LINDY Boggs. They were just wonderful people. They sort of took us to their hearts, and both socially and in the business of the House never did I get turned away by the gentleman who held positions of leadership on the Democratic side of the aisle. He always had time to listen to my problems, and if I could convince him that my point of view was right, he would help me, a very unimportant Republican Congressman, every bit as much as he would someone to whom he had a more direct responsibility.

So, as I say, without attempting to match the wonderful words that have been said here, I think that simple little fact reveals, in a very simple way, what has been said in a much grander fashion what a wonderful person HALE was and how much we miss him, and despite these tragic circumstances, how delighted we all are to have Lindy serving here with us.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, many times we have met here to speak of departed Members—men and women whom we deeply respected and admired. But seldom, if ever, have the circumstances been as sad, as tragic, as the circumstances that surround the death of Majority Leader HALE BOGGS.

For this was not a man at the end of his career heading gracefully toward a well-deserved retirement. He was not a man whose work was completed.

Our memory of the late majority leader is one of a man at the height of his powers; a man of influence who accepted the responsibility of influence and used it justly; and, most of all, a man with a tremendous zest for life and a hunger for serving his people, this Congress, and this country.

Those very traits which made him great also contributed to his decision to take the ill-fated trip to Alaska last autumn. He went there to lend assistance, to be of help. None of us who knew him was surprised that he would make such an effort for another.

Many men are pretty much defined by the benchmarks of their careers, those accomplishments readily cited in biographies. But that is not enough to describe HALE BOGGS.

Raised and educated through law school in the New Orleans area he loved and served so well; the youngest Democrat in the 77th Congress; wartime service in the Navy; election to the House in 1946, culminating in his selection as majority whip in 1962 and majority leader in 1971—these are merely highlights. They do not tell the full story of the man who was a leader in every sense of the term in this House and in this country.

Like all true leaders, HALE BOGGS did not draw tight little circles around his life and his concerns. He drew his circles boldly, encompassing many people, many causes, many interests. And he had the fortitude to go against the tide when he determined that was the proper course.

Admiration for such a man is not limited by the aisle that separates this House. As one who was privileged to know both the public and private HALE BOGGS, I treasure the memories of time spent with him. He was always trying to get me to come down to New Orleans to address his friends at the annual St. Joseph's Day celebration. And when he would introduce me to his friends, he used to say, jokingly, "Sil is my kind of Republican."

But it is surely no joke when I say that he was "my kind of man."

The name "HALE BOGGS" will not be forgotten in this Chamber. And if that name will remain alive, so too will the proud tradition of service which he established. For that is being ably continued by his gracious and talented widow, Mrs. LINDY BOGGS.

Mr. Speaker, we all have been grieved by the tragic loss of HALE BOGGS. But with the pain, we also must have appreciation for the opportunity to have known and served with such a man.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Speaker, how can any one of us individually or even collectively capture in a few words the wonderful human being and colleagues that we knew and called HALE BOGGS?

HALE loved his family. He loved his country and he loved its people. HALE loved politics and HALE loved life. He served his country and its people here in the House of Representatives as one of its most articulate, intelligent, hardworking and effective leaders. He gave his family all of the enormous love that was reposited in his soul. If it had to come—and it does come to all of us—I would like to think that when HALE BOGGS' time came, as cruelly and as unexpectedly as it did last November, I believe in my heart, he would have had it no other way than on the campaign trail helping a younger Member, Nick Begich, in Nick's effort to be reelected.

One hardly knows where to begin and where to end in terms of anecdotes or personal experiences relating to Hale. Perhaps the most joyous single event of a great number of mutually joyous experiences was when I was fortunate enough to share with Hale the development of the Democratic Party platform in 1968.

Under the most impossible of circumstances, as we recall the difficulties that faced the Democratic Party with reference to the war in Vietnam and a great many other matters at that time, Hale, with enormous skill, judgment, and thoughtfulness, managed to shepherd our convention through to a series of decisions that at least kept our party essentially intact.

This was truly Hale's trademark. He could take a difficult situation, with people of apparently impossibly divergent points of view, and somehow find a path to reconcile them and find common ground for those divergent views.

One other experience highlights Hale Boggs' compassion and concern for the dispossessed in our society. When the freeze on the number of children who would be helped under Federal programs was about to go into effect, I talked with Hale about this terrible situation. Hale, too, was opposed to the freeze which would deny assistance to hundreds of thousands of kids.

Hale found a way. He, to quote the New York Times, "quickly found the authority to appoint a conference committee to discuss with the Senate the chicory roots bill and its welfare rider."

Hale not only found a way but he led the fight to repeal the welfare freeze. Hundreds of thousands of children who may never know his name, live fuller, more decent lives because this decent human being, Hale Boggs, cared.

Mr. Speaker, we are here to salute Hale, and we are doing that in the course of this special order, but as for my wife Sala and myself, I more particularly would like to salute the children and the grandchildren of Hale and Lindy who are fortunate enough to carry this man's great name. Last, but certainly not least, I should like to say that the pain, the gap in all our day-to-day lives caused by missing Hale has been filled magnificently by the fortuitous event that his marvelous wife Lindy is now serving as our colleague representing the district formerly represented by Hale Boggs.

Mr. HÉBERT. Thank you, Mr. Burton.

I now yield to our distinguished majority whip (Mr. McFall).

Mr. McFALL. Mr. Speaker, the best tribute to Hale Boggs is his own enduring legacy to this House—the examples he left us of high principle and duty, of love for his country and for the House as an institution, of a high sense of responsibility to the people and commitment to his party.

I like to think of Hale at his best—which meant when he was in a tight spot, dealing with a difficult situation—and all of you recall particularly his superb performance at the 1968 Democratic National Convention.

Hale came to the aid of his party at a time when the country was torn by violence and the party was split into factions fighting bitterly among themselves. More than anyone else, Hale Boggs held that cataclysmic convention together in the face of forces from without and within that threatened to tear it apart.

During all the turmoil and controversy, through the heated debate on an issue that had split the Nation, Hale Boggs remained as fair and impartial as ever, as firmly in control. I am sure you remember, Mr. Speaker, the invaluable support and assistance that Hale Boggs contributed during your service as convention chairman, during your conduct of convention business.

Hale gave so much of himself for the good of his party—was so unstinting and selfless—that it almost cost him his career.

He went back to Louisiana to face one of his toughest campaigns ever, and he won reelection by one of his closest margins—some 3,000 votes.

I remember that we were back in Washington several days after the election. I went down to the Whip's office—the office I now occupy in the Capitol—to see Hale. He was still bone weary, and he had fallen asleep on his couch. When he sat up to talk to me, I could see the weariness still in his face. But his good humor was still there.

I remarked that the convention coming so late and his election right on the heels of it must have been a killing pace—just a savage ordeal for him. He nodded and smiled and the toil of the last few months showed in his face.

"I did everything but write out the platform draft by hand," he said to me with that great big grin.

The whole thing had started when President Johnson asked him to serve as platform committee chairman. Hale knew then that he would have to preside over the Vietnam debate, but I do not think any of us fully realized how explosive that issue really was going to be.

The President had been incensed by newspaper accounts that he was going to dictate the Democratic platform from the White House. So the President made sure that Hale had absolute independence—the President directed that there should be no involvement by any administration official. That gave Hale a free hand all right, but it also meant that a valuable source of information and resources was closed off to him.

He was genuinely on his own. Single-handedly, he picked a staff and set up the committee organization. He presided at the preconvention hearings, oversaw the drafting sessions, and was always there—usually in the middle—when the hot issues came up.

That was typical of the spirit of Hale Boggs—his high principles and determination—the leadership qualities that this House had come to respect him for.

On his 57th birthday, as he was embarking upon his new duties as majority leader, Hale received a fond letter from an old friend.

"Hale," the friend wrote, "great new vistas, new challenges, new opportunities beckon. The gates of history now are wide open to you."

It is the Nation's loss that we have been denied the rich maturity of Hale Boggs' career of public service.

Hale Boggs so gave of himself to this House and to the people, that his three decades of service, distinction, and achievement would have made an outstanding life's work for any man.

He was a member of the House leadership for 18 years.

For 21 years he was a member of the Committee on Ways and Means, rising to the second-ranking position, and resigning only when he assumed the burdens of majority leader.

He advocated a vigorous and liberalized trade policy and was instrumental in securing enactment of the far-reaching and enlightened Trade Expansion Act of 1962.

He pioneered in the field of narcotics rehabilitation, giving his name to the Boggs-Daniels Narcotics Act of 1956 which established the first Federal program for the rehabilitation of drug addicts.

He was chairman of the Special Committee on Highway Financing which in 1955 recommended the establishment of the highway trust fund.

He wrote the 1968 National Flood Insurance Act.

He fought for the great social and humanitarian efforts of the last decade, including urban affairs legislation, the antipoverty programs, education, housing, medicare, and social security improvements.

With courage, he committed the full weight of his prestige to the causes of social justice. He risked his political career to vote for the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

Announcing his historic stand, Hale said:

> I shall support this (voting rights) bill because I believe the fundamental right to vote must be a part of this great experiment in human progress under freedom which is America.

Through the tumultuous years, he retained the support and respect of his constituency in Louisiana and his colleagues in this House. When he reached the summit of his power, he had proved himself genuinely a national leader.

Our late colleague, Hale Boggs, was supremely dedicated to this Nation and to this House of Representatives. He had trained and committed himself to no other goal than service in this House.

When he was 14 years old, he was already reading Blackstone. And when people asked: "What do you propose to do?" Hale Boggs replied with youthful candor:

> I propose to be a lawyer and a Member of Congress.

Reflecting later, he commented:

> I entered Tulane University with a scholarship and thirty-five dollars.

Those were depression years, and Hale Boggs supported himself digging ditches and selling chewing gum. He found time to become a campus correspondent for a New Orleans newspaper and 1 year he served as editor of the student paper, the Hullaballo.

One of his colleagues on the Hullaballo was CORINNE "LINDY" CLAIBORNE, who became his wife in 1938, shortly after he had entered the practice of law.

His beloved LINDY was more than a gracious homemaker and hostess. Throughout her husband's career in public service, LINDY was HALE BOGGS' closest adviser and assistant. She guided the handling of district matters and took charge of his campaigns. In her own right, LINDY BOGGS is an expert on public affairs and always has been a respected friend of this House.

Now, her presence here is appropriate recognition from her constituency in Louisiana for her own dedicated service. We welcome her as a knowledgeable and highly competent colleague.

HALE BOGGS believed that Congress is—in his words—"about the highest calling a man can have."

He once observed:

> The only way you serve in the House is by election. One can become governor by the death of a governor. Senators can be appointed by governors. A Vice President can succeed through the death of a President. The only way you can get to be a Congressman is by election.

"To me," HALE BOGGS declared, "it is a very noble thing to represent the people."

That was the spirit that suffused the entire career of HALE BOGGS—from the time he was a young reform leader of the People's League in New Orleans in 1939. The league's work led to the election of two reform candidates in 1940: Governor Sam Jones and a young Congressman named HALE BOGGS.

At 26, HALE was the youngest Member of Congress when he came to Washington in 1941. Defeated by a machine candidate in 1942, HALE served 2 years in the Naval Reserve during World War II. In 1946 he turned again to civilian public service and won back his seat in the House. This time it was for good.

Our late Speaker, Sam Rayburn, had taken a personal interest in HALE's career since 1940–41 when the newly elected Congressman supported President Roosevelt on the draft and lend-lease. "Mr. Sam was like a father to me," HALE often said.

In 1955, the Speaker created the post of deputy whip for HALE in recognition of his service and potential for high leadership in this House. HALE became the majority whip in 1962 after the passing of Speaker Rayburn.

HALE sought the majority leader's position when it became vacant in 1971. He was challenged but he fought to win that post with sheer determination and will.

He told an interviewer:

> I spent my whole life drilling myself for leadership. I was Deputy Whip seven years, Majority Whip for nine years. . . . So if I hadn't run, particularly with a lot of people saying I couldn't win and I was terrible—if I had got up and walked away from it, I just would have had no faith in myself.

HALE BOGGS gave us positive leadership and pragmatic direction, with an enlightened regard for the functions of this House and the responsibilities of the Congress.

He once commented:

> I don't envision my function as being the loyal opposition, my function is to move the legislative programs ahead, to cooperate with the President, to disagree with him when I think he's wrong. Opposition for opposition's sake is obstructionism, and we are not obstructionists.

In this Chamber, he made his presence felt. A colleague observed in 1962:

> When Hale takes the floor, there's always order in the House.

His intellect and abilities were readily recognized by Presidents, who sought his service and counsel. HALE BOGGS' stature and integrity impelled President Lyndon Johnson to appoint him in 1964 to the Commission on the Assassination of President Kennedy. President Johnson sought his service again in 1968 and appointed him to the Commission on the Causes and Prevention of Violence.

No single portrait could ever capture fully the dimensions of HALE BOGGS.

Daily he labored for the public good. At home, he was a gracious host and devoted family man, who relaxed tending his vegetable garden. He was a devout member of his faith. He was respected by his constituents and found joy in being among his people, when campaigning or during his frequent visits to his district.

HALE BOGGS' faith in this Nation, this people, and our way of governing ourselves never faltered and it was his dedication to principle which many times brought him into controversy.

HALE BOGGS set example and followed example. He was known, as was the late Mr. Sam, as a man who would befriend young Members of this House. "I found myself, as majority leader," he said, "spending more and more time with younger Members of Congress. I spend a lot of time with them, talking to them, listening to them, keeping them interested. This is important, it is vital to the maintenance of our democratic process. It is a sense of continuity, one generation to another."

HALE BOGGS was known to travel to nearly any place at any time when requested by a fellow Member. So it was that during his last campaign, he traveled to Alaska to give his personal help to young Nick Begich, who was seeking his second term in the House.

The credo of HALE BOGGS was best expressed in one of his own comments:

> If we can set an example to the rest of the world of a country that is really a democratic country, that really recognizes the rights of all citizens regardless of what their background might be, of what their racial connections might be, if we can give opportunity to our people, commensurate with their skills and training, then the United States will continue to be, in my judgment, the great force in the world.

I learned—we all learned—from HALE BOGGS as we shared with him the work of this House. I miss his presence and am enriched for having known HALE BOGGS as a close colleague and warm friend.

Mr. HÉBERT. Mr. Speaker, I now yield such time as he may consume to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I would like to take this opportunity to add a brief word in respect to the memory of HALE BOGGS. As a relatively junior Member of this body, and a member of the opposite political party, I never had the opportunity to know HALE BOGGS as well as many of the other Members did, and I frequently disagreed with him, but I knew him well enough to know that I liked him, and that I would like to have known him better. He was a gentleman who was always courteous, always friendly, and always helpful, and I consider it a privilege to have served here in the House with him.

Mr. HÉBERT. Mr. Speaker, I now yield such time as he may consume to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I thank the distinguished gentleman from Louisiana for yielding to me.

Mr. Speaker, it is no exaggeration to say that the tragedy which befell our lovely colleague, the gentlewoman from Louisiana, LINDY BOGGS, last fall was a tragedy which befell us all. HALE BOGGS was a man who understood this House, and served it well. He loved the House, and knew its importance to our whole system of government, to our very way of government of the people, by the people, and for the people.

It seems to me that when he died something of this House died with him, and a part of the very chemistry of the House was forever lost.

I am a Protestant Christian, and am not very certain about Catholic theology, and mean no disrespect when I suggest that it is good Protestant theology that all men are sinners, and certainly all the world would agree that all politicians are sinners. It is, however, also good Protestant theology, and I think Catholic theology as well, that a man who has made a certain commitment to his God can also become a saint, sanctified and set apart for God's use and service.

So as I understand it, those of us who are Christians are supposed to be sinner-saints, and while I would not even give instructions to the leadership of the House, much less the Holy Trinity, it would not be out of order if the powers that be in Heaven should appoint HALE BOGGS as a patron sinner-saint for all of us who comprise the body politic.

He loved politics, and he loved those of us who practiced it. He understood in heart and conscience what it is we here are about in attempting with all our weaknesses and limitations to serve our country and to serve the people.

It was my privilege to attend the funeral service, the memorial service, at St. Louis' Cathedral. It was one of the most inspiring experiences that I have ever had.

It seems to me, Mr. Speaker, there rang out from that service the truth about our beloved, departed leader, that here is a man who loved his God, his family, his country, and the people it was his privilege to represent, and who served them well. Perhaps, for a man who gave most of his life to the art and the science of politics, this is the best eulogy of all.

Hale Boggs has left to those of us who worked with him the rich legacy of many memories of his warmth, his vigor, and his devotion to our country. He has also left us one thing more, a courageous lady who is demonstrating herself to be an able and dedicated legislator in her own right—a credit to the Congress and to the man whom we honor today.

Mr. HÉBERT. I thank the gentleman from Alabama.

I yield to the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Speaker, when I came to Congress in January 1943, Hale Boggs had just finished his first term in Congress. He served in the Naval Reserve and the U.S. maritime service from November 1943 until January 1946.

He was elected to Congress for the second time and was sworn in on January 3, 1947.

We served together for 22 years, until his untimely and tragic death in the fall of 1972.

Hale was a capable legislator. He had an abundance of courage and I am sure that many of his humanitarian votes for human programs and human rights were far more liberal than a cautious or timid Congressman would have made. Hale believed in the great issues advanced by Presidents Roosevelt, Truman, Kennedy, and Johnson under whom he served. He was a leader among his colleagues and was recognized by them in their selection as the Democratic Party whip in the 87th Congress. He was again honored by his colleagues in January 1971 when he was elected as the Democratic majority leader. He was serving in this office when his tragic death occurred.

Hale was a warmhearted friend of the Members. He never refused to help a Member. It made little difference what the request might have been, Hale tried to help. He made many speeches for the Members during their campaigns for reelection. He was a powerful speaker, an orator who needed no written script. Whether as an advocate of legislation or as an advocate of the principles of the Democratic Party and the party's candidates, Hale was superb in his logic and clear in the points of his arguments. His last trip in behalf of the reelection of one of his friends and colleagues occurred on October 16, 1972, on a plane flight with Congressman Nick Begich of Alaska. The plane disappeared on a trip from Anchorage to Juneau. It was a small plane and apparently ran into bad weather. Although an extended search was made for many weeks by Air Force and Naval planes and craft, all efforts failed to find the plane and its occupants.

The State of Louisiana lost an experienced and dedicated public servant when they lost Hale Boggs.

Our Nation lost a great American statesman, a man who was the confidant and counselor to three great American Presidents.

In closing my brief remarks, I wish to express my personal sorrow in the loss of Hale Boggs. He and his wife Lindy, who is now a Member of the House, have done so much for their many friends in their church and their party, that we cannot list their acts of service, love, and generosity. We can, however, remember as long as memory lasts, their actions and their dedication to the best interests of our Nation.

Mr. Speaker, I thank the gentleman for yielding.

Mr. HÉBERT. I thank the gentleman from California.

I yield to the gentleman from Texas (Mr. Kazen).

Mr. KAZEN. Mr. Speaker, it has been said that one of the greatest of human qualities is to be concerned about one's fellow man. This was one of the great strengths of Hale Boggs. He was concerned.

We all know that his last mission was one of concern. As he did for many of us, he traveled many miles, gave many hours for the final effort to help a dynamic young Democratic Member, Nick Begich, seek reelection to this House. Hale Boggs was concerned for Nick Begich, but he was also concerned for the people of Alaska. He believed, with all the strength of his fine mind, that a Democratic Congressman in Alaska would best serve the people of that State.

I had the high honor and great pleasure of sharing a platform with Hale Boggs just 1 week before he made that trip to Alaska. In San Antonio, we gathered for a Democratic unity program, and there was no more logical choice for principal speaker than the distinguished majority leader from our neighbor State of Louisiana. Hale Boggs accepted our invitation and that giant of a man, towering in mind as well as stature, brought his warm friendship, his hearty laughter, his splendid appeals to reason, to help our Texas Democrats.

I tried that day, as did others, to thank Hale Boggs for his participation. All of you must know his response—a modest chuckle, a slap on the shoulders, and an expression of thanks that we had invited him. He was sincerely grateful that he had been called to help. He appreciated our knowing that he was concerned.

For good reason, Hale Boggs had a host of friends in this body, on both sides of the aisle. He had been here many years, winning election 14 times. A few months after he had earned his law degree, he was first elected in 1937, to be the youngest Member of the 77th Congress. He left this House for military service in World War II, but he came back in the 80th Congress and everyone thereafter until he was lost in Alaska last fall.

During his years of legislative service, he had splendid help from his lovely and gracious wife. Lindy Boggs was always his companion and his counselor who campaigned steadfastly with him, knew the people and the issues just as he did. For this we are grateful, for when the people of Louisiana's second district needed a successor, they wisely chose Mrs. Boggs. We know that she will make a distinguished record in her own right.

Mrs. Boggs and the children sustained the greatest personal loss, of course, but each of us shares their burden. We, like them, have been sustained by memories of Hale Boggs' strength, his leadership, his genial friendship. We can do no more to honor his memory than to share and carry on his great ability to be concerned for his fellow men.

Mr. HÉBERT. I thank the gentleman from Texas.

Mr. Speaker, I yield now to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman from Louisiana for yielding.

Mr. Speaker, it is with a mixed sense of deep sorrow and great pride that I rise to join my colleagues in paying tribute to the memory of Hale Boggs—sorrow over the loss of a dear friend, and pride in having had such a friend.

Mr. Speaker, there is so much to be said and remembered about Hale Boggs that no one, no matter how eloquent can adequately express a fitting tribute. Each of us will no doubt remember him, each in his own special way.

I like to think of Hale Boggs as one who possessed the qualities of leadership as if so endowed by nature. Here was a man who could walk with kings, yet not lose the common touch. Having attained success and risen to heights reserved only for the few, he never forgot those in need and never refused those who sought his help. In fact, it was this quality of his character which cost him his life, for it was in response to a call for assistance from a colleague that he took his last fateful airplane ride.

Mr. Speaker, it was my great privilege to second the nomination of Hale Boggs for majority leader of this august House. At that time I reminded my Democratic colleagues that Hale Boggs was needed as our leader at that point in our history, because he knew the North and understood the South as no one else did; that he was the one leader who could keep the diverse elements of the party together. In his relatively short period as our leader, Hale Boggs proved time and again that he indeed knew the thinking of the North and understood the feelings of the South, as he forged an effective majority to push needed legislation for the good of this Nation. Hale Boggs demonstrated a deep and rare understanding of men and issues—understanding so needed and so lacking in this world torn with strife.

Though stricken with sorrow upon the loss of a great leader and a dear friend, I am truly delighted that the one who knew him best and understood him most, his constant companion Lindy Boggs, has succeeded Hale in representing the Second Congressional District of the State of Louisiana, for by her presence the spirit of Hale Boggs will continue to dwell in this House, to guide us and to inspire us to do that which is right.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman from Hawaii for his remarks.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my chairman, Eddie Hébert and the gentleman from Louisiana (Mr. Breaux) for taking this time today so that we might pay tribute and honor to a distinguished colleague who was taken from us at his prime. The two important points to be remembered concerning the tragic and untimely death of Hale Boggs is the fact that he was working on behalf of a friend and colleague at the time and knowing the former majority leader as I did, I do not think he would have wanted it any other way.

As we all know, when a new Member comes to Congress he forms many friendships. I always felt that my friendship with Hale Boggs was more genuine and sincere than is usually the case and was the type of friendship that would always endure no matter how diverse our opinions might have been on various political issues.

Hale was a man of compassion, talent, and energy. The compassion he had for his fellow man was a hallmark of his character. The talents he exhibited in the legislative area were a hallmark of his abilities as a public servant. The untiring energy he had to do a job and do it right was a hallmark of his devotion to duty.

My close feelings for Hale Boggs stem from the fact that he was always willing to listen and be of assistance whenever I might have a problem. I had tried very hard to get on a certain committee, with Hale's help I made it. Of course, I valued highly his advice and counsel at these times and appreciated very much the concern he showed for me. I will always appreciate the fact that the former majority leader gave me the opportunity to be on his team and serve as a zone whip.

Mr. Speaker, I think that the greatest tribute to the memory and long service of Hale Boggs is the fact that the voters of Louisiana's Second Congressional District chose his charming and capable wife Lindy to succeed him. She, more than anyone else, knew of Hale's greatest legislative interests and she more than anyone else will be able to carry on the fine tradition of service of Hale Boggs.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman from Mississippi (Mr. Montgomery) for his remarks.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Speaker, I join in this tribute that the House of Representatives pays today to the memory of a truly great American, our former colleague, the Honorable T. Hale Boggs.

It is difficult to add to the magnificent, brilliant, moving, and eloquent testimonials on the life and times of Hale Boggs.

It is good that former Speaker John W. McCormack lends his personal presence to this occasion.

It is also so good, Mr. Speaker, that Hale's loving and devoted wife, Lindy, sits on the floor of this great Hall of the House of Representatives today, as her husband's successor, to carry on the work and attain the great goals to which Hale was dedicated.

The legislative record that Hale Boggs etched in the history of this Republic and of this House is there for all to see. The fabric of his accomplishments is interwoven with his deep concern for people and their problems—for the young and the elderly—for the disadvantaged and the poor—for the uneducated and the educated—for people of all races, creeds, and beliefs—for all sections of this great and good land. Hale Boggs' record in this House will forever stand as a monument to the people and the land he loved so much and for whom he did so much.

This Chamber will echo for years to come his resonant, powerful, persuasive voice—his brilliant debates in behalf of his country, his State, his district, and the Democratic Party.

So, Mr. Speaker, it is good that this House pauses today to pay honor to one of the finest men, one of the most effective Members ever to have served here.

Hale Boggs' splendid, remarkable family—Lindy, Tommy, Barbara, Cokie, and all the grandchildren can read and reread this record—the tributes at the magnificent memorial service at St. Louis Cathedral in New Orleans—the tide of editorial tributes that flowed from his beloved Louisiana, New Orleans, and all sections of this land—the heartfelt sympathy of unnumbered, countless thousands—yes, Mr. Speaker, they can read and reread these tributes and know that beyond his family others recognized what they understood so well, that here, indeed, was a great and good man.

Mr. HÉBERT. I thank the gentleman from Massachusetts (Mr. Boland).

Mr. Speaker, I yield to the gentleman from Missouri (Mr. Hungate).

Mr. HUNGATE. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join my colleagues in paying tribute to a great leader of this House, Hale Boggs.

I thought it most appropriate that our colleague from Alabama referred to him as a patron saint in the field of politicians. I am reminded that some of the greatest stories I have ever heard, always with morals to them, were told by Hale Boggs.

I can remember some speaking out, as we all gathered—and we still gather, I think—in the cloakrooms, when sometimes we seem to begrudge our lot, saying how hard we work, how our constituents do not really understand us and how lobbyists beseige us and, if we worked this hard in private business, how we would be wealthy men. When we accomplish great work the people cannot understand what we have done. When we get into campaigns, an opponent distorts our record.

Finally, it was said, "Why in the world? Why in the world do it?" And Hale would say, "It is that XYZ that thinks he can take it away from you."

I think that says a lot for our attitudes, as to why we stay in this game.

I should like to quote from a great American. This was not written yesterday, although it could have been. This was in the Record for April 22, 1971:

> Our apathy in this Congress, our silence in this House, our very fear of speaking out in other forums has watered the roots and hastened the growth of a vine of tyranny which is ensnaring that Constitution and Bill of Rights which we are sworn to defend and uphold.
>
> Almost 200 years ago, soon after the birth of the Republic, Thomas Jefferson wrote that—
>
> The natural progress of things is for liberty to yield and government to gain ground.
>
> Over the years since the mid century, we have seen that wisdom fulfilled in our midst.
>
> While America's sons have faithfully manned the watchtowers of freedom around the globe, the liberty of our own lives has been yielding steadily before the power, prerogatives, and privileges of government.
>
> I point no fingers and place no blame elsewhere.
>
> What has occurred could not have occurred without our consent and complicity here on Capitol Hill.
>
> Congress by Congress, session by session, vote by vote, we have been surrendering our duty of oversight over those bureaus, agencies, and organizations within the Federal Establishment which are most sensitively involved with the lives and liberties of the people.
>
> The postwar years do not make a proud procession.
>
> Over this period, we have authorized and permitted the bureaus and agencies to assume powers that belong to Congress.
>
> We have established the rule of the dossier.
>
> We have conferred respectability upon the informer.
>
> We have sanctioned the use of bribes and payments to citizen to spy upon citizen.
>
> We have consented to the accused being denied the right to confront his accuser.

It goes on. Members can read the Record for April 22, 1971.

As he concludes:

> Let me say that our liberties have yielded too much. We must know and we must be able to assure the American people that we do know what the powers of Government are being used for and how they are being used and by whom they are being used.

Let me conclude with one of the most favorite stories of mine, which Mr. Boggs used to tell, which fits the occasion.

He told of two identical twins, beautiful girls, who lived in a town. Finally the local barber went with one of these girls, and eventually he got married to her. They set up housekeeping and things went along fine for some time. After awhile the beautiful sister came to live with them, and things went along fine for a few months. Then somebody stopped in at the barbershop, and said, "Charley, we just wonder about one thing. How do you tell them apart?"

"Why," he says, "shucks, I don't try to tell them about it. I feel like that's their responsibility!"

Well, Mr. Speaker, Mr. Boggs knew his responsibility, and he met his responsibility, and if we will meet our responsibility to the Constitution and the separation of powers about which he spoke here, we can say with the jazz musicians of New Orleans, "HALE lives."

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Utah (Mr. MCKAY).

Mr. McKAY. Mr. Speaker, I thank the gentleman from Louisiana for giving me this opportunity to express my feelings for the late HALE BOGGS from Louisiana. I chose this time for several reasons, one being that I had the honor, I suppose a dubious one, of being one of the last to see Mr. BOGGS before his fateful trip to Alaska, in which I lost two good friends, and the country lost two most honorable and distinguished public servants.

As a freshman in the 92d Congress, I sought the counsel and friendship of those who might advise me as to which committee I might be of greatest benefit to my constituents and to my country. My quest led me to HALE BOGGS, who was then a ranking member of the "Committee of Committees." In those hectic days of organization and reorganization, of adjustments for the 92d Congress, HALE BOGGS found time to talk to me and give counsel any time I chose to call him. For this I am most grateful. My admiration, however, stems from more than this.

I also knew HALE BOGGS for his integrity and honesty. One experience which leaves an indelible impression occurred when HALE telephoned me to ask for my support in his quest for the position of majority leader. At that time, I said:

> Hale, I cannot do that, as I have promised my support to someone else, a man who is a friend of the family and a representative from the West.

HALE said:

> I thought the situation might be such. But I appreciate your statement of honesty, and if you find that you can do so, I would appreciate your support.

This incident occurred before committee assignments had been made, and I am sure that Mr. BOGGS could have been influential in preventing my appointment to the Appropriations Committee. However, he chose not to do so. I would be guilty of ingratitude if I chose to ignore his kindness and counsel.

My association with him was brief, lasting only one session. But I did have the honor of conversing with him on various occasions. He offered advice on many problems which face Members of Congress, including matters of campaigning for reelection. He promised me that, as soon as he returned from Alaska, he would give me assistance in my campaign, if I wished him to do so.

On his trip to Alaska, I rode in the airplane with him until we reached Denver, at which time we separated to reach our respective destinations. I remember that HALE was tired, then. The pressures of winding up Congress, trying to resolve differences, and giving assistance to those who needed his help had strained his physical capacities. But he said at that time:

> The work must go on. I don't relish this long flight to Alaska, and my schedule will be tedious. But what do you do when your country calls? You go, don't you.

With the broad smile of farewell, he left me to begin his flight to Alaska. Moments such as that are the ones I believe to be most typical of HALE BOGGS.

I believe that Heaven is an extension of a happy family life. I know that HALE had a happy family life, and I trust that he will be reunited with his family one day.

In his life and accomplishments, HALE BOGGS had left a challenge for those who are to carry on in his place. I extend to his lovely wife and family my deepest sympathies and best wishes.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I want to thank the distinguished chairman of the Armed Services Committee and the dean of the Louisiana delegation for the opportunity to join in this tribute to the memory of one of our Nation's finest political leaders, HALE BOGGS. Mr. Speaker, it was my privilege to come to the House of Representatives in that Congress in which HALE BOGGS became the majority leader. It was my great fortune to serve under his dedicated leadership and to experience his warmth and his kindness and to benefit from his understanding and his wisdom.

Mr. Speaker, the courage and integrity that HALE BOGGS brought to public service is an example that will stand as a constant guide to all who aspire to serve the Nation. The advice that he gave us to do always what we believed to be right is a lesson that will remain with us all.

Mr. Speaker, HALE and LINDY BOGGS showed time and time again a concern for those of us who were freshmen Members, Members who had just come to the House, which was invaluable in enabling us to adjust to our new responsibilities. It was in fact, this concern which led him to take the journey on which he met his tragic and untimely death. Every time we sought help HALE and LINDY were there to give it.

We are fortunate now to have LINDY with us as a distinguished colleague. We are fortunate to have had the opportunity to serve with HALE and to see him stand as a tower of strength in the well of this House, calling forth the decency and the goodness of this Nation in a way that none of us shall ever forget. The country is diminished by his loss. The history of America has been immeasurably enriched by his contributions.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, in a brief moment I would just like to add to the many eloquent comments that have been made this afternoon one or two footnotes of a personal nature.

As did others, I, too, felt the kindness of HALE BOGGS when I was a new Member, and I deeply appreciated his cordial helpfulness. I enjoyed very much, as did many Members, the wonderful hospitality that he and LINDY extended to us on many occasions. I was well aware, too, of the fact that he was engaged in a typical errand of helpfulness at the time of his tragic death.

But, Mr. Speaker, the characteristic I would like to stress most in this brief moment of tribute is the courage that HALE BOGGS exhibited on so many occasions. Time and again, he voted his conscience on issues which I know were difficult for him in his district. I am thinking, for example, of his support for the great Voting Rights Act of 1965. This was the mark of a great Member of Congress, and a great American. We shall all miss him terribly for a long time to come.

But there is a silver lining to the cloud: I would like to join in expressing our warm welcome for LINDY BOGGS and the pleasure we feel that she is here with us as a splendid successor for her remarkable husband.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, it is always a sad occasion to rise in the House and pay tribute to a colleague whose service to his country has ended in death.

HALE BOGGS was more than a colleague. He was a great friend and a great leader. And he was a Congressman for all seasons.

Although he had only 4 years of service to his credit when I arrived in the House in 1949, he was already recognized as a man to be reckoned with.

Over the years, as our friendship grew and our associations multiplied, I came to regard this tall son of Louisiana as one of the outstanding legislators of this generation.

A hard worker, a diligent seeker after right, HALE was never one to shirk his duty to his country. And he was never one to refuse a call for help from a friend. It is typical of the man that he was responding to such a call when the end came.

I hope, Mr. Speaker, that the able historians of the country will soon begin to examine, in perspective, the role of HALE BOGGS in the major legislative accomplishments of the last two decades. That role will be found to be a major one.

We all miss HALE BOGGS in this Chamber. But we are fortunate indeed to have the same spirit, the same stanch qualities that he had, embodied here today in a worthy successor: LINDY BOGGS.

HALE was a great American, and we are all privileged to have served with him.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, it is the nature of things that man is but a frail object upon this earth, destined to begin the journey toward death from the moment of birth. Of this we are all so imperfectly aware and for this reason, each man's death diminishes us.

But the passing of my dear friend HALE BOGGS is an especially tragic loss to his family, to his many friends and constituents at home, to this body which relied so heavily on his astute leadership, and to the Nation at large which lost a dedicated and knowledgeable public servant. He was a tribute to his Nation, a vibrant force in the Congress where he served, a great leader in the House and often the source of inspiration to his colleagues.

The tears we shed will never wash away the grief of our loss. HALE BOGGS' passing was a bit more sorrowful for me, Mr. Speaker, since he was more than a colleague. He was a dear friend, a trusted companion, and a man whose close friendship I beheld.

He was a complex man whose life was filled with the contrasts and demeanor of a leader. He was a man with great love for his family and his friends who raised his voice only in defense of those high principles we cherish as Americans. He was a man from the South, yet he knew no region. He was a naval officer in the Second World War, yet he was a man of peace. He was a true intellectual, yet he could not bear intellectual pomposity nor snobbery in himself or others. He was proud to call himself a Democrat, yet was well known for his desire to serve either party in the fight for a just cause. Respectful of the traditions of the past, he was nevertheless alive to the calls of the future.

There is really no way by which this body, this Nation, or the American people can ever pay the great debt that we owe to HALE BOGGS. There is no way that he could ever be replaced fully here. He leaves a deep void in this body by his passing. Surely, there is no way by which I, or others, fervent and touched as we are by sorrow and pride in his accomplishments, could ever pay adequate tribute to the enduring work and contributions of this great American, one of the greatest we have known. We will always remember him with appreciation and fondness.

In the councils of his party he was a strong, bold, and dedicated leader. So too in the councils of his country and his colleagues. Scan the furthest horizons of America and you will hardly find a place which does not bear the imprint of HALE BOGGS. And scan the Congress and most of this Nation and you will find hands which shall never forget clasping the hand of HALE BOGGS, and ears which shall never lose the sound of his warm voice, and hearts in which his generous and brave spirit always will remain. So HALE BOGGS, although he is gone from us, still lives and will long live.

In my close friendship with HALE BOGGS I knew well how proud he was of his Irish ancestry, an ancestry we happily shared. I think it is therefore fitting and proper for me to close with these few lines from the bard as they appear in Gaelic:

> Oiche nhaith a phrionnsa dhil agus go raivh na snua aingeal ag do chuideachtain chun suain.—(Good night sweet prince and may flights of angels beckon thee to thy rest.)

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I am proud to join with the distinguished dean of the Louisiana delegation and the chairman of my own Armed Services Committee, Mr. HÉBERT, in paying a most well-deserved tribute to our late friend and majority leader, HALE BOGGS. Indeed because of the unique circumstances surrounding HALE BOGGS' disappearance over Alaska last October while on a flight with another former colleagues, Nick Begich, we have had to delay our tributes for a very great length of time. Nevertheless HALE BOGGS was such a vital person, so much a real, personal friend of every Member of this House, that even the passage of time has not dimmed his presence nor the impact of his personality on our minds and our hearts.

HALE BOGGS' departure from this Chamber last fall, Mr. Speaker, left a void more gaping and pronounced than that created by the loss of almost any other Member that I can recall in my 15 years in this body. His grace, his charm, his wit, his soft, courtly southern manner and Louisiana accent—oddly enough, not so much unlike a Brooklyn accent on occasion—his intelligence, his easy, quiet reasonableness, his persuasiveness with his colleagues, his colorful, forceful, and always eloquent speeches on vital legislative issues delivered from the well of the House—we miss all of these today, Mr. Speaker, and who among us would not admit that, for all our talk of there being no indispensable man, the loss of HALE BOGGS as House majority leader has made this Chamber a poorer and less effective place today than when he walked among us and encouraged and inspired us with the warmth and enthusiasm of his own dynamic and democratic spirit? Sure, we are carrying on, as carry on we must; but things are not the same and one can feel it in the air from day to day.

At least part of the reason for this is that HALE BOGGS was a man of parts, a strong man, a man of courage, a man of understanding. He was, as has often been pointed out, a national Democrat, which means simply that he had that unique capability of seeing issues from the standpoint of the country, not just from the standpoint of his own district or State or region.

It got him into trouble politically on more than one occasion, especially in 1968 when he was almost defeated. But it gave him a unique capacity for leadership in a body representing all 50 States. And it also made him a man that people inevitably turned to for help and guidance in times of national crisis. HALE was selected a member of the Warren Commission investigating the mysterious circumstances surrounding the death of President Kennedy; and he was also chosen as a member of the Commission on Crime and Violence set up following the assassination of Dr. Martin Luther King. He was a man that people could trust to render a verdict on the basis of all the evidence. In short, he was a man the public had confidence in, something we begin to realize again these days is one of the most precious, and at the same time most elusive, qualities in our national life.

One area where we especially miss HALE BOGGS' leadership today, Mr. Speaker, is in America's handling of its international commitments. HALE BOGGS grew up like so many of us in the days before World War II. He understood the need for American leadership in building a world at peace; and he also knew that such an accomplishment demanded strength and sometimes even difficult and unpopular decisions on America's part. HALE BOGGS was a vigorous Democrat, but he never pushed partisan advantage at the expense of country. He backed President Nixon in the search for peace in Southeast Asia, just as he had backed President Johnson and President Kennedy. Indeed to HALE BOGGS goes a very substantial measure of the credit for insuring that throughout the whole long and tragic Vietnam war the House of Representatives backed a national, bipartisan foreign and military policy.

One of the cruel ironies of history was that HALE BOGGS did not live to see that long and difficult struggle finally brought to an end under the kind of honorable conditions for which he so often fought in the well of this House. And I am sure that my chairman, EDDIE HÉBERT, would agree with me that it is most unfortunate that we do not have HALE BOGGS with us today in the House as we face the very difficult decisions of trying to win the time and preserve the necessary political clout that are needed to make that complex and fragile Vietnam ceasefire fully effective throughout all Indochina, so that at long last, we can indeed bring an end to killing and bloodshed in that troubled corner of the world.

Mr. Speaker, HALE BOGGS was a personal friend of mine. I knew him first in 1941 when he came here as a very young freshman Congressman and I was a new congressional secretary. I renewed that acquaintance when I came back here to this House on my own some 18 years later. I was an assistant whip when he was the Majority Whip. I was one of his earliest supporters for leader. He and his gracious and lovely wife LINDY, who now serves so ably and effectively in HALE's place, have long been friends of my wife Joan and myself. Both of them came up to Albany last year to add that touch of glamor and excitement which the BOGGS always gave to any occasion for my 1972 campaign fund-raising dinner. Needless to say it was an overwhelming success, thanks mostly to LINDY and HALE. And HALE was unselfishly in the process of doing the same thing for Nick Begich last October when he was so abruptly taken from us.

We shall always miss HALE BOGGS, and we shall always be grateful for having known him—another example of that unique quality that Jack Kennedy so much admired and so often referred to—grace under pressure.

In the words of Laurence Binyon:

> He shall grow not old
> As we that are left grow old,
> Age will not weary him
> Nor the years condemn.
> At the going down of the sun
> And in the morning
> We will remember him.

Mr. HÉBERT. I thank the gentleman.

Mr. Speaker, I now yield to the distinguished gentleman from Alabama (Mr. Bevill).

Mr. BEVILL. Mr. Speaker, it is with a deep feeling of sorrow that I rise today to join my colleagues in paying tribute to the memory of our former majority leader, Congressman Hale Boggs.

His death has removed from this Chamber one of the most knowledgeable and effective Representatives I have known. He was a courageous, forward-thinking man, who always placed principle above politics, and who would take on any task if he felt it would make our Nation a better place to live.

Congressman Boggs' supporters in the Congress were many. And, he also had his opponents. I believe the mere fact that he often faced severe opposition is proof of his ability to function as a tough effective lawmaker. But, above all, Hale Boggs was an honorable and good man.

Hale Boggs was born in Long Beach, Miss. His family moved to Jefferson Parish, La., just west of New Orleans.

He studied journalism and law at Tulane University. He graduated Phi Beta Kappa in 1937 while working on the copy desk of the New Orleans States.

His national political debut came with his election to Congress in 1940. Through hard work here in the U.S. House of Representatives and dedicated service to his constituents, he worked his way up the leadership ladder to majority leader.

It was my good fortune to know him and serve with him here for a few short years. He had a great capacity for friendship and good humor. Hale Boggs was a distinguished Member of this body and will be sorely missed.

Mr. Speaker, it is our good fortune to have his lovely widow, Lindy, who was a successful candidate to fill his seat now serving here in the House.

To Mrs. Boggs and her family, I would say that the many accomplishments Hale left behind will hopefully now serve as a firm foundation for those who take up his uncompleted work. And while I know you miss him deeply, I am sure that you are also grateful for the outstanding achievements and record of excellence he gave to his fellow man.

Mr. HÉBERT. I thank the gentleman.

Mr. Speaker, I now yield to the distinguished gentleman from North Carolina (Mr. Taylor).

Mr. TAYLOR of North Carolina. Mr. Speaker, with a feeling of sadness I join my colleagues in paying tribute to Hale Boggs. This House has lost a valuable Member. I have lost a friend. But even more sad is the fact that a dedicated and able public servant in the highest sense of this term is lost to the Nation. Hale loved people and people loved him. Everyone in this House enjoyed his warm, friendly, and cordial personality. We appreciated his constantly smiling face and his firm handshake that always greeted us. We recognized him as a southern gentleman in the best sense of the term.

It has been my pleasure to serve with Hale Boggs during seven congressional terms and I have gained from his many years' experience, his good judgment, and his wise counsel.

Hale Boggs was a legislator of the highest order. He could analyze the problem, organize his thoughts and respond with unflinching candor and acuteness. He could cut through the frills and get to the heart of an issue. And yet when the dust settled on the debate—regardless of how difficult it had been—he was your friend in the end.

Hale never shirked his duty or failed to respond to the needs of his colleagues. He was a great Democrat who proved even in that last fateful moment that he would go anyplace to help a friend and a colleague.

Hale Boggs was a leader. Few men in the history of this Nation contributed more to their countrymen than that famous leadership team composed of Speakers John McCormack and Carl Albert, Hale Boggs, and Gerald R. Ford. We all owe them a real debt of gratitude for their constructive and cooperative approach to the common problems we faced. They will all be remembered as dedicated public servants.

Hale was a sincere and dedicated American who loved his country, who honored his Government and who trusted and served his people. Our personal sadness cannot be diminished, but it is somewhat eased by the knowledge that his contribution to life and to the well-being of his fellowman will endure.

Mrs. Taylor joins me in extending sincere sympathy and best wishes to Hale's wife, Congresswoman Lindy Boggs, and to their children.

Mr. ARENDS. Mr. Speaker, the tragic accident which took Hale Boggs from us ended what was indeed a splendid career as a public servant.

His untimely death was a great loss to his family, to the Congress, and to the Nation. It must have been especially tragic to the people of Louisiana whom he represented with such affection and dedication in the Congress. Yet, on this day when we eulogize Hale Boggs, we also rejoice that his people in Louisiana now have the good fortune to be served by Hale's beloved widow.

Hale and Lindy Boggs were always a popular and outstanding couple on Capitol Hill. Lindy shared Hale's ideals and his decisions, and now she is here in the Congress to carry on the work he started—the work that they shared together.

As we pay tribute today to Hale Boggs, my memories are special ones. For 9 years, Hale and I served together as the whips of our respective parties—from his election as majority whip in 1962 in the 2d session of the 87th Congress until his election as majority leader in 1971 at the beginning of the 92d Congress.

I recall clearly the great pleasure I had serving with him, and I treasure the warm friendship which we developed through the years.

We shared ideas, and we shared a unique understanding of the responsibilities we carried. He counted on his side of the aisle—and I counted on mine. Each of us wanted to win, and we labored to win. Many issues over which we toiled in intense opposition were of vital importance to us. Our competition was keen. Yet, above all, in every instance Hale Boggs was fair.

I miss Hale Boggs, and in his memory it is my fervent wish that this body may forever deliberate and decide the matters before it with that same fairness which was always the trademark of the Honorable Hale Boggs of Louisiana.

Mr. WHITTEN. Mr. Speaker, I join with my colleagues in expressing our sorrow at the loss of our outstanding colleague, Hon. Hale Boggs, my good friend.

It was my privilege to serve with Hale Boggs through practically all of his service in the Congress. Energetic, courageous, and possessed of many wonderful qualities, Hale Boggs worked his way up the ladder of leadership in the Congress far above the attainments of most Members. It was also my privilege to enjoy a very close relationship with him, coming from the same area and having belonged to the same fraternity. His contributions to the Congress and to the Nation will be long remembered and are a tribute to his hard work, courage, and ability.

Mr. Speaker, I cannot express these sentiments without saying we are, indeed, fortunate that Mrs. Hale Boggs, Lindy, who contributed so greatly to Hale's success, will continue to serve Louisiana and the Nation. I subscribe to the other fine statements made here by other colleagues.

We shall miss Hale in this House as we treasure our fond memories of the many hours we enjoyed during our service. To his fine family we extend our deepest sympathy.

Mr. MORGAN. Mr. Speaker, the tragedy which took Hale Boggs has removed from us a leader, a colleague and a friend who was an inspiration to us all.

His achievements as a major figure on the American scene over the years will be long remembered: as a leader of this House; as a champion of international trade; as a mainstay of the Democratic Party; as a recipient of special Presidential assignments; as a devoted representative of his people of New Orleans.

To us who knew Hale Boggs in congressional life he was a masterful strategist and a persuasive debater. Yet, because of the esteem for his open mindedness and fairness, he could make utmost use of his great talent for bridging partisan and factional differences.

Perhaps the most outstanding measure of the man is how we remember him as a person. He was a gentleman in the finest sense. He had charm and wit. He extended a warm courtesy and consideration toward others even in times of stress.

Hale was always a strong family man. Thus, it is especially fitting that his beloved wife, Lindy, will continue his work in the Congress.

In paying tribute to our departed leader, I want also to wish every good fortune to his widow and successor.

Mr. ROYBAL. Mr. Speaker, it is with

sadness that I join in paying respect and tribute to the memory of our friend and former colleague, the late Thomas Hale Boggs.

During his years here, Hale Boggs was one of the most influential and effective Members of this body, and his influence and friendship will always be felt by those of us privileged to have known him. That he was in Alaska braving the savage weather along with Nick Begich gives testimony to his great generosity and party loyalty and, undoubtedly, there are, within this room, many personal memories of some courtesy or favor extended by the former majority leader.

Hale Boggs represented all that is best in a public servant and his years of service to his district, the State of Louisiana and the Nation have been marked with integrity, dedication, dignity and understanding. He set a high standard of both service and accomplishment. We are fortunate to have been associated with a man of such great ability and total devotion to his duty and fellowman.

Mr. SISK. Mr. Speaker, I thank the distinguished gentleman from Louisiana, Mr. Hébert, for providing this opportunity for Members to pay tribute to the late Hale Boggs.

Coming to Congress on January 3, 1941, Hale served as the youngest Democratic member in that Congress, being only 27 years of age at the time. He then performed distinguished service as a naval officer in World War II, and at the conclusion of hostilities again took a seat in the House to begin his long, valuable service as a member from Louisiana, and as one of the premier leaders of the House and the Democratic Party.

His flair for leadership had asserted itself early in life when he was selected for ODK leadership fraternity and Phi Beta Kappa scholastic fraternity while still in college at Tulane University.

This trait for leadership came to the fore in the House where he served as deputy whip for three Congresses, majority whip for five Congresses, then in the 92d Congress, in an election which certainly proved his popularity in the House conclusively to me, was elected majority leader.

One thing will always stand out in the minds of those of us who had the privilege of serving with Hale and that was his unselfishness in the giving of his time to further the cause of electing Democrats to Congress. He would travel and speak anywhere at anytime to lend his support to a Democratic House candidate, and indeed it was on just such a mission that he was unfortunately lost.

The House is a better place for having had the long and able services of so fine a member, and as is not often the case Hale's great work will be carried on by his successor, his beloved wife Lindy.

To her, and the family, Mrs. Sisk and I extend our heartfelt sympathy at his passing.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to the memory of our beloved colleague and leader, Hale Boggs.

Certainly, like all of you, I was deeply distressed, shocked, and saddened to learn of the tragic passing of our great friend, and my heart goes out to his wife Corinne and their children, Mrs. Paul Sigmund, Mrs. Steven Roberts, and Thomas Hale, Jr.

When I reflect on the life and career of Hale Boggs, which spanned more than a quarter of a century in the House, I am reminded of this verse in the Book of Saint John in the Bible:

> Greater love hath no man than this, that a man lay down his life for his friends.

The fatal trip that led to the death of our majority leader epitomized his selflessness and his willingness to undergo hardship and strain to assist a colleague. He was in Alaska flying in bad weather to speak at campaign dinners in behalf of our late colleague, the gentleman from Alaska, Nicholas Begich, who also died tragically in the crash of their light aircraft, along with an aide to Congressman Begich, Russ Brown, and the pilot, Don Jonz.

Hale had been up most of the previous night during a long session of the House, but he did not hesitate to leave the following morning with little sleep to campaign in distant Alaska for a colleague and friend—and he literally laid down his life for his friend.

I had occasion to talk with Hale the day before his departure, and I asked him why we were not having a Monday session of the House. He replied that as a matter of courtesy to Gerry Ford, the distinguished minority leader, the House was not meeting on Monday.

He did not mention his trip—it apparently did not occur to him, as he had been campaigning almost every week for his friends and colleagues in the House.

Hale Boggs. was a great American, a champion of the people who fought for legislation to meet human needs, an outstanding legislator, a man devoted to principle who took positions which unquestionably cost him votes in his district in Louisiana.

He had great physical courage and great moral courage. Hale Boggs was a man in every sense of the word, and his career has enriched the legislative history of the House immeasurably, and his strong support has added much legislation in the public interest.

Hale Boggs was a great Democrat who believed firmly and fervently in the principles and the promise of the Democratic Party, and his dedication to his party is unequaled on Capitol Hill.

Hale began his service in the House in the 77th Congress when he was the youngest Democrat in the House at that time. Following service as a Naval officer in World War II, he was again elected to the Congress in 1946, which was the date of my first election to the Congress. We came to Congress together in the 80th Congress in 1947, and our friendship deepened through the years.

Hale served on the Ways and Means Committee for 20 years and held a number of important positions on vital and important committees and commissions—including the Warren Commission which investigated the death of President Kennedy, and on the National Commission on the Causes and Prevention of Violence.

He has held important posts at Democratic National Conventions through the years and served as deputy Democratic whip in the 85th, 86th, and part of the 87th Congress. He served as Democratic whip for 9 years in subsequent Congresses until his election as majority leader in the 92d Congress.

Hale Boggs was genial, able, considerate and cooperative. He had the mind for big things and the heart for small things. He was greatly admired and respected on both sides of the aisle because of his forthright and unequivocable positions on issues—you knew where Hale Boggs stood on the point at issue.

Hale Boggs was my personal friend and I valued his friendship and shall treasure the memories of our shared experiences—he will be greatly missed in the 93d Congress.

We all remember the quotation to the effect that old soldiers do not die—they just fade away.

It saddened me immeasurably to think that Hale Boggs flew away—and never returned alive.

I want to take this means of extending to Mrs. Boggs—a charming, gracious lady and wonderful wife, who has succeeded her husband as Congresswoman from the Second District of Louisiana—and to the children and other members of the family this expression of my deepest and most sincere sympathy in their loss and bereavement—and my wife Ann joins me in these sentiments.

We were saddened by the loss of our great majority leader, Hale Boggs, but we welcome Corinne Lindy Boggs, his gracious wife, who is already rendering distinguished service to the Nation.

Mr. BARRETT. Mr. Speaker, it is always a very sad occasion for me to eulogize a beloved member on the floor of the House. It is even sadder on the first day of the new Congress to speak of the memory of my distinguished majority leader and close friend the late Hale Boggs. The death of Hale Boggs is a tragic loss to the American people and more importantly to the U.S. House of Representatives.

Hale was truly a leader of men; a strong dynamic loyal and trusting friend. Having served with Hale in the House for over 25 years, I knew him well. We worked together often on many pieces of legislation that affected our respective congressional districts.

I had worked with him very closely the last 10 years since he assumed position in the leadership of the House. I was never surprised when seeing him in Philadelphia or other areas of the country speaking to various groups and helping other Members of the House in their campaigns and at political gatherings.

The last day I was with Hale Boggs was the last day he was here on the House floor on Saturday, October 14. Hale was telling me of his upcoming trip to Alaska to campaign for our late distinguished member from Alaska, Nick Begich, who was lost in the same air tragedy as HALE BOGGS was. HALE was telling us that he had never been to Alaska and was looking forward very much to seeing that great State, to visit with its people, and to help Nick Begich's campaign.

I am sure that every Member who has worked with HALE over the years has developed a deep and abiding respect for his intellect and capacity to work. In my position as chairman of the Housing Subcommittee of the Committee on Banking and Currency, I have worked over the years particularly close with HALE on our major housing legislation. HALE was one of the most instrumental members of this House in assisting in the passage of the monumental Housing Act of 1949. Without his firm guidance as chairman of the Committee of the Whole, I do not believe that the 1949 Housing Act would have passed this body.

Mr. Speaker, as I join with other members today in eulogizing my late friend and colleague, I wish to extend my deep sympathy to his great wife, LINDY, and to his extraordinary family. The final praise that one can make of HALE BOGGS can be the biblical expression, "Well done good and faithful servant."

Mr. CLARK. Mr. Speaker, it is difficult to eulogize a man like HALE BOGGS for he had so many virtues and so few shortcomings. He was a great leader, a great friend of all of us and a great man.

HALE BOGGS never turned a deaf ear to those who sought his advice or help, regardless of politics. To know him was to love and respect him.

HALE BOGGS died as he lived—helping a friend. His death in a plane crash in Alaska occurred while he was in that State helping a colleague who was seeking reelection. His passing was a loss to Congress, to the Democratic Party for which he labored so long and to his family and his many friends.

Mr. GOODLING. Mr. Speaker, I rise to pay my respects to our respected colleague, the late Honorable HALE BOGGS.

My sadness on this occasion is tempered by recalling that shortly before HALE took his ill-fated airplane trip to Alaska, I happened to meet him in the corridor during the course of one of our late House sessions. As we all know, HALE was a devoted Democrat, and on that occasion when I met him in the corridor, I joshed with him about the fact that there was living in my congressional district in Pennsylvania a niece of his, and she was a dedicated Republican. She was this, I kidded him, in spite of the fact that her uncle was a very famous Democrat.

In a serious vein, I want to say that HALE made a great contribution to the legislative achievements obtained in this Chamber. HALE BOGGS was devoted to good government, and I shall always remember him for his competence as a legislator and his achievements as a Congressman. I feel certain that history will mark him for remembrance in these respects.

Mr. FUQUA. Mr. Speaker, Few men have ever served in the U.S. House of Representatives with the enthusiasm of HALE BOGGS.

He had courage and he had stamina. One additional thing that I think endears him to the memory of those who had the privilege of serving with him was his genuine concern for his fellow Members.

That concern and that interest were instrumental in seeing him elected as our majority leader and he would have no doubt succeeded to the speakership after you, Mr. Speaker. That same regard was to cost him his life as he fulfilled one last commitment to another colleague. HALE had gone to our largest State to help Nick Begich, the lone U.S. Representative from Alaska, retain his seat. It was one of hundreds of such journeys he had made in his career and it endeared him to those who know of the sacrifice in time and energy he was willing to make.

It was natural that his colleagues would call on HALE. Many times I have seen him spellbind an audience with his wit and knowledge of people. He was a tremendous speaker and could win over a hostile audience as fast as any man I have ever seen.

I could always count on HALE for a kind word in time of difficulty, for a straightforward talk when he disagreed with my position, and for a very warm personal friend in and out of the Halls of Congress.

Now he is gone from us. I remember how the announcement that his plane was missing hit all of us. It was like a member of the family was missing.

Now he is succeeded by his lovely and talented wife, LINDY. This is fitting, for she was always a part of a tremendous team. She will establish an enviable record of service in her own right.

As we gather to pay tribute to the memory of THOMAS HALE BOGGS, Sr., here today, we remember him as the vibrant legislator who loved these Halls.

Like the other giants who have walked these corridors, no history of the U.S. House of Representatives will be complete without mention of his name.

He was a giant of his time and this Nation and the world are richer for his having served.

Mr. ROYBAL. Mr. Speaker, it is indeed sad that as this 93d Congress begins we find absent from our midst our dear friend and former colleague, THOMAS HALE BOGGS.

A young man of just 26 when he first entered the House but always a skilled orator and masterful politician, he edged his way from one position to another, finally emerging as House majority leader and one of the most influential men in Congress.

As is often the case with men in positions of leadership, he sometimes pursued a lonely course. His views on domestic issues were usually somewhat ahead of orthodoxy in the South, but he stood his ground knowing that it would alienate him from his Southern companions in the House and white voters in his New Orleans district. Although he originally voted against civil rights measures, he was essentially an unbiased and compassionate man. So, finally in 1965—in an impassioned floor speech which is probably the most memorable of his career—he squared his public stance with his conscience and supported the Voting Rights Act and the open housing legislation a few years later.

Both fully and painfully aware of the many dilemmas and contradictions in our society, he possessed a great sensitivity to the changing of the times. He said,

> I always try to favor things that bring people together, not those that divide them.

He believed in this principle whether it applied to a neighborhood or the Nation.

That HALE BOGGS was in Alaska braving the savage weather was a testament to the generosity and party loyalty of the House veteran who had grown from a 26-year-old representative of narrow Southern interests into an impressive National Democrat. He rarely refused a colleague's request for political assistance.

While all of us will long grieve at his loss, we can remember the spirit of hope and charity that pervaded his life and political career and give thanks for the honor and privilege of having shared a portion of it with him.

Mr. ANNUNZIO. Mr. Speaker, I rise today to pay tribute to our former majority leader and colleague, Hon. HALE BOGGS who has represented the Second District of Louisiana for almost three decades.

Having served for 8 years in the House of Representatives with HALE BOGGS, I can say that he is sorely missed as the business of this Chamber goes forward.

The 8 years during which I served with HALE BOGGS were fraught with change—and as the Nation and its perceptions changed, the need arose for a new style of leadership. HALE BOGGS was one of these leaders.

It is rare indeed, when in one man a deep and sympathetic understanding of the influence of the past upon the present is combined with the compassionate insight to understand the needs of the future. HALE BOGGS provided us with that link and supplied us with the leadership which made that link so vital, alive, and meaningful in the day-to-day business of the House of Representatives.

HALE BOGGS' style of leadership—a style of aggressive decency—was the kind of leadership most needed by a sensitive and open democracy. The House indeed misses HALE BOGGS.

These months of uncertainty have been a burden for us all, but particularly for his family. Mrs. Annunzio joins me in extending deepest sympathy to Mrs. BOGGS and the family of this great man.

Mr. CEDERBERG. Mr. Speaker, the tragic loss of our good friend and esteemed colleague from Louisiana was a shock to each and every Member of this body. HALE BOGGS had served his district, his home State of Louisiana, and the Nation with distinction during his nearly 28 years in the Congress.

It was my pleasure to have been able to know HALE and serve with him for nearly 20 years. While we worked on different sides of the aisle, I was always impressed with his fairness and his genuine devotion to service his people and the Nation in an unselfish way. Hale was always friendly and helpful to all of the Members of this body. I know that we all feel a sense of personal loss with the absence of Hale's company and his leadership.

The distinction of his election to the position of majority leader by his colleagues at the outset of the 92d Congress was certainly justified in the case of Hale Boggs. This recognition followed years of genuine and devoted service to both his party and the Congress and all of us who serve in this body were encouraged by the known leadership qualities which Hale possessed. His subsequent actions in the post certainly confirmed that our high regard was justified. I know that we, in the Congress, and those in his party feel a great loss.

To his wife, Lindy, who is carrying on in the finest tradition of her husband, and to his family, we express our sincere sympathy.

Mr. FULTON. Mr. Speaker, our late colleague from Louisiana was truly a credit to the U.S. House of Representatives. He was a man of many qualities which were admired and which were worthy of emulation. He was candid and forthright. He was conscientious and able. He was considerate and he could be controversial. Yet at all times he had a deep and abiding love for this body which made him one of the most dedicated and effective legislators it has been my privilege to know and be associated with during my service.

As a bewildered and confused freshman in the very earliest days of my first term some years ago, Hale Boggs gave me some of the very best advice that I have ever received as a Member of the House.

The occasion was a seminar for new Members during which several of our senior and distinguished colleagues were kind enough to give of their time to pass on some words of welcome and advice as to what the most important task lay ahead of us as "freshmen."

One told us the most important challenge ahead over the next 2 years was to get reelected. Another advised the first term should be used in making contacts on the Hill and in the Federal departments and agencies. A third stressed the importance of learning the rules and procedures of the House. Finally, Hale Boggs, then majority whip, addressed the group and told us, very quickly and precisely:

> The most important job you have here, during your first or any term, is to legislate.

Somehow, in the excitement of those early days many may have tended to have overlooked this fact; we are here primarily to legislate.

I have never forgotten Hale Boggs' words which early impressed on my mind this primary task and the quality of this man. He was an outstanding legislator. He was a fine leader. He was my friend and a friend to me. He is very much missed.

Mr. GIBBONS. Mr. Speaker, the tragic loss of the Honorable Hale Boggs has come as a blow to the House of Representatives, leaving many Members with a sense of deep personal grief.

At the time of my own entrance into Congress, in 1963, Hale was an 18-year veteran, firmly established as a congressional leader of the highest caliber. I shall always remember his helpful attitude at that time, and his friendly response at all times.

Hale Boggs was a reformer, and one who was not afraid to say so—not afraid of identifying himself with the liberal, progressive cause even when doing so was to jeopardize his entire political future.

Upon graduating from law school in 1937, he came at once into conflict with the regular Democratic leadership in New Orleans and 3 years later was nominated for Congress and elected on a reform platform, in opposition to that leadership. Although defeated in his battle for renomination in 1942, and absent from the State throughout his service in the Naval Reserves, he was returned to Washington in the 1946 campaign, and became from that point forward a fixture in the House.

Elected to the Committee on Ways and Means in 1949, he established himself as a leader among a large body of his fellow Democrats in Washington. On that basis he was designated Democratic deputy whip in the 85th Congress, whip in the 87th, and majority leader in the 92d.

A strong advocate of international cooperation, he was at all times in favor of the United Nations, and a delegate to several conventions of the Interparliamentary Union. On domestic matters he was a New Dealer, Fair Dealer, New Frontier, and Great Society man from first to last.

Throughout my service in the Congress, I have never known a man of more ability and fearless determination than the late Hale Boggs, and I would like at this time to express my deep regret at his unfortunate, untimely demise.

The House of Representatives is fortunate that Hale's lovely wife, Lindy, was elected to serve in his place.

She is highly respected by all Members.

She and her family have my deepest sympathy.

Mr. UDALL. Mr. Speaker, when word first came last fall that Hale Boggs and Nick Begich were missing and presumed down over the arctic, my first emotion, of course, was fear for their safety.

But as their death became more certain my thoughts turned to Hale Boggs the person. How typical it was of him to be out aiding a colleague while he had his own race at home. For if Hale Boggs was anything, he was courageous, dedicated to making the American political system work. I was privileged to serve with him and to learn from him. He had the courage and the skill to take on the tough jobs for his party and his Nation.

What did it matter if that courage and dedication took the form of campaigning in Alaska or working impossible hours in his office.

But there is a special poignancy to his death, for he was literally on the frontier—both politically and geographically—of America when he died. There was no requirement that he fly off to isolated Alaskan villages with few people and fewer votes, he could have remained in the cities and no one could have claimed that he was not carrying his load. But he had made a commitment to a colleague, and Hale Boggs was not about to back out on the spirit, much less the letter of that commitment. The heart of his colleague's State was in the wild arctic, and that was where he went.

It was precisely this kind of dedication, both to personal loyalty and the work of Government, that propelled Hale Boggs on his distinguished career in the House.

Hale Boggs came to the Congress first in 1940, the youngest Democrat serving. He was only 26. However, Boggs threatened his own budding political career to take 3 years out as an officer in the Navy. When he returned to the House in 1946, Boggs received several important committee assignments.

By 1955, Boggs had established his reputation as one of the hardest working men in the Congress, and his colleagues recognized that with their support. He became deputy whip with less than 10 year's continuous service.

Boggs again won a vote of confidence by his colleagues when we elected him majority leader in 1971.

I personally confirmed in 1970 in the process of contesting with him for the majority leader's position that Hale Boggs was highly popular among his colleagues and that he could both count their votes and read their concerns.

But there was more to Hale Boggs than just hard work and attention to detail, Boggs was responsible for much important legislation. His name was on virtually every major piece of legislation dealing with trade or international economic relations. As a member of the Ways and Means Committee, Boggs became one of the Nation's leading experts on trade policy and one of the leading congressional spokesmen for the promotion of international trade.

But, in addition to the other heavy burdens Hale Boggs carried in the Congress, there was one burden which no matter what he did always weighed heavily upon him.

This was the burden of being a national Democrat from the Deep South. Boggs always managed to reconcile what often appeared to be irreconcilable to those of us from outside the South. He managed to meld the needs of his constituents and the desires of his constituents with the needs and desires of the Nation as a whole. This was no small political feat, and many of us looked in wonder and admiration as he did it.

His service as a member of the Warren Commission to investigate the assassination of President Kennedy and his superb chairmanship of the 1968 Democratic Platform Committee were only two outstanding examples of his national stature.

We will miss Hale Boggs, for he offered

us much in leadership and in friendship. And the Nation, which really knew so little about him, will miss him too. For as a man dedicated to making the political system work, he was a healer of differences. When others were seeking ways to impose their wills, Hale Boggs was seeking ways to compromise and union. But, he was also a warm and genuinely enjoyable human being.

Ultimately, this is what he will be remembered for above all his other contributions to American life. For in this time of national strife and divisiveness, the all too rare healer stood out clearly, although his message was too often lost in the commotion.

Men like Hale Boggs are rare and needed. We shall miss him here, and citizens of the United States will miss him more than most will ever know.

But we are fortunate that the voters of New Orleans have seen fit to select Hale Boggs' exceptional wife, Lindy, to succeed him.

Mr. ADDABBO. Mr. Speaker, I join my colleagues in the House of Representatives in these remarks eulogizing our late and distinguished colleague and leader, the Honorable Hale Boggs. The tragic disappearance of the former majority leader was a shock to this Chamber and to people throughout the United States and the world who knew of his efforts and public service.

Hale Boggs was a leader of the U.S. Congress and he was also a leader among legislators. He understood the legislative process as few legislators did and he used that knowledge together with his ability to grasp problems and the desires of all Americans to develop a progressive and productive record of accomplishment for himself and for the Congress. He represented his own Louisiana constituents but he never lost sight of the broader national interest which explains his impact on the decisions of other national leaders as well as his leadership at the State and local level.

His kind of legislative achievement is the model for us all to emulate and that is why his absence from the House is felt by all of us who had the privilege of working with him and under his leadership.

I join in this tribute to Hale Boggs and in both expressing my personal sympathies to his widow, our colleague Mrs. Boggs, and in wishing her every success as a Member of this Chamber.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise to express my deepest regret that our good friend Hale Boggs, late the majority leader of the U.S. House of Representatives, cannot be with us today on the floor of the House. His passing has left a great void for all of us who loved him as a great leader, a distinguished colleague and a good friend.

Mr. Speaker, I have a special memory of Hale, for during the last days of the 92d Congress I was very interested in obtaining passage of the Longshoremen's and Harbor Workers' Compensation Act of 1972. The House was in session on Saturday, October 14, 1973, and I returned to Washington from the campaign trail to push this bill which was under consideration that day in the House.

The House approved the bill which was subsequently signed into law by Mr. Nixon. During the passage of that bill I had a chance to witness the shrewdness and tactical ability of Hale Boggs. We spent a good portion of his last day in the House together where he was a master of the legislative arena. It was the last piece of legislation he was to be concerned with. We did not dream of it then, but a 30-year career in the House was in its last minutes. On the same weekend he began the fateful campaign trip with our friend, Congressman Nick Begich, in the remote vastness of the State of Alaska. Neither has been seen since.

I miss Hale Boggs as we all miss him. We miss his serene self-confidence, his good nature and his undenied leadership abilities. It is fair to say that we shall not see his like again. It is good to see that his lifework is being continued by his wife and faithful companion, Lindy, who has taken up the task he left behind.

Mr. Speaker, I thank the able gentleman from Louisiana, Mr. Hébert, for taking this special order so that we may pay tribute to our old and good friend, Hale Boggs.

Mr. de la GARZA. Mr. Speaker, when I entered the House in January 1965, Hale Boggs already had been a distinguished Member for many years. And what I remember best about him is the kindness and consideration he extended to me as a freshman in this body.

These qualities were basic in his character. Hale Boggs was an immensely human person. As I came to know him better, my admiration for him steadily increased. He knew this House, he knew its Members, he understood and sympathized with their problems, and he was always ready and able to be helpful.

His qualifications for leadership in the House were superb and he exercised them superbly. The warmth of his nature drew people to him in deep friendship. He was my friend. I miss him now and will remember him all my life.

Hale would have liked to know, and I believe he does know, that his seat is now filled by his charming and competent wife, Lindy. She has the respect and—it is not too strong a word—the love of Members who have long known her and who rejoice that since her husband cannot be with us, she is here. Lindy Boggs is a worthy successor to an eminent predecessor as a Representative from my neighboring State of Louisiana.

Mr. JOHNSON of California. Mr. Speaker, It is with great sadness that I rise today to pay respect to one of the finest legislators I have ever known. Hale Boggs was a veteran in this House before I came to Congress more than 14 years ago. As we all know when he first was elected to the House he was the youngest Democrat to serve in this body.

He came to Congress shortly after completing a distinguished career in the Navy Maritime Service during World War II. Fortunately for the Nation the people of the Second District of Louisiana kept Hale Boggs here ever since.

Hale's contribution to Congress and the Nation are many and include such broad areas as narcotics control, highway financing, economics, taxes, foreign training and economy and efficiency in government. His service to the Congress won him the honors as majority leader and I was proud to have served under him during his leadership years. Many of these are things which are generally known. I mention them specifically because I feel that the service that he gave to us represents an example which each of us in this House should follow for he was indeed an outstanding, dedicated, hard working Congressman. He represented all that is good in politics and public service, but over and above that I want to mention his warm personality, his patience and his willingness to work and help new Members. As an example Hale lost his life while assisting a colleague in his bid for reelection.

I benefitted greatly from the privilege of knowing and working with Hale Boggs. I want to express my deep appreciation for having had the opportunity to associate with this man.

Albra joins me in extending to our new colleague Lindy Boggs, his wonderful wife, and the family our deepest sympathy.

Mr. WRIGHT. Mr. Speaker, Hale Boggs was a man who loved the human race. He was too big for pettiness, too tolerant for hatred and too decent for vengeance. There were none of these baser elements in his character.

One of this first men I met upon coming to Congress in 1955 was Hale Boggs. Already he was a leader in the House. He was introduced to me by the late Speaker Rayburn who held Hale in extremely high regard and whose protege Hale was. I soon discovered to my own great satisfaction that Speaker Rayburn's confidence was not in any sense misplaced.

Hale had come to Congress many years ealier. In 1941, he was the youngest Member of Congress. After an interim during which he served our country in World War II, he returned to the House in 1947 and began his steady climb up the ladder of political leadership.

In all the years, I knew him, Hale Boggs was never too busy to hear the problems of another Member nor to consult with patience and understanding. He had a fine grasp of legislation, rooted in a deep grounding in the best American traditions. He knew the rules of the House like the palm of his hand and was one of our most skilled parliamentary practitioners.

But the thing that really lifted him above the common mold was the splendid spirit that burned within him. Hale was one of the most forceful and effective debaters I have ever heard. But his eloquence came not from the clever juxtaposition of words. It came from the processes of his fine mind and the convictions of his heart.

He had a quality of leadership and a gift for friendship. Hale Boggs was deeply loyal to his country, to his party and to his friends. If he told you something, you could count on it.

His trip to Alaska with our young friend, Nick Begich, was in harmony with the thrust of his life. I remember the week they left on that fateful journey. The legislative schedule had been heavy. Congress was hastening toward adjournment. The burdens of leadership had borne down on Hale's shoulders. He was tired, perhaps more so than the rest of us. Nick was apprehensive that some official business might intervene to prevent Hale's going with him as promised to Alaska. But, true to his promise, Hale finished his legislative business in a flurry of activity and accompanied Nick on that trip.

In the untimely loss of Hale Boggs, Congress and the country have lost not only one of the ablest lawmakers of our time but one of the finest and most exemplary of men. And many of us have lost a cherished friend.

Mr. GONZALEZ. Mr. Speaker, it is 7 months since we heard the tragic news that our friend, colleague, and majority leader, Hale Boggs was missing in a plane somewhere in the Alaskan wilderness, and it is still hard to believe that he is not with us.

From the beginning, of course, our reaction was that he would be found, but as the days and weeks passed by we were forced to face the reality that Hale was gone from us forever.

Someone visiting my office the other day commented that every time they had lunch in the House dining room they saw Majority Leader Boggs, and that day while dining there, they missed his presence. I'm sure many of us have had that same feeling. We walk down a hall in the Capitol or onto the House floor expecting to see Hale, and then realize he will not be here.

Hale will be remembered by many for the things he fought for. He was a man who was not afraid to tackle any task and to come to the aid of anyone who needed his assistance. Many can testify that the results of Hale's efforts were positive.

Hale was an outstanding person, Congressman, and majority leader, dedicated to the highest traditions of public service. His love for his country is something everyone in the Nation will benefit from, including those who served with him in this Chamber.

I can remember on occasion when Hale would quote former Speaker Sam Rayburn who said that a man could have a lot of things, a lot of attributes and a lot of qualities, but if he lacked judgement then he lacked the most important attribute of all, and every Member who served with Hale, and everyone who knew him will tell you that Hale had that judgement.

His district, State, our country, and most of all those who served with him will miss him, but those who knew him can be thankful for having had the opportunity to know such a great man.

Mrs. HANSEN of Washington. Mr. Speaker, the tragic death of the distinguished Member of Congress, the Honorable Hale Boggs of Louisiana, this past year brought great sadness to all of the Members of the House of Representatives.

Mr. Boggs was a man of rare qualities, achieving recognition for his legislative leadership in the House where he held many important positions, including that of majority leader during the 92d Congress.

It was a privilege to have served with such an able lawmaker. He was a close friend, one who was helpful with suggestions and ideas for presenting effective legislation. In addition, Mr. Boggs was a skilled parliamentarian and his guidance was often sought by members of the House. And with his leadership in Congress, Mr. Boggs often displayed a special quality that helped to make friends and carry out his work effectively—he was possessed of a great sense of humor.

Not only was Mr. Boggs a leader in the Halls of Congress, where he served as the Democratic whip for five sessions, but he gave generously of his time and energies through the years to serve the interests of civic, fraternal, religious and veterans organizations in his own State and the District of Columbia.

His loss to the Nation will be felt down through the years and will be mourned by all those who had the great privilege to have worked with him in seeking to build an ever better Nation.

In closing, I extend to his family sincere sympathy over this great loss that has come to the State of Louisiana and the Nation.

Mr. MAZZOLI. Mr. Speaker, all of us here today who served with our late and beloved friend, Hale Boggs, feel, a personal, poignant sense of loss as we eulogize a man who served us and the Nation as the distinguished majority leader of the House of Representatives until his tragic disappearance last October.

Hale loved the House and left his hallmark on this body by his eminent leadership, his courageous support of human rights legislation, and his advocacy of the higher ideals of this country. His name is forever a part of the history of this House.

But, I do not speak today of Hale Boggs as leader, national figure, nor even as beloved husband to our colleague, Lindy, nor as loving father to his fine children. Rather, I talk of Hale today as my good friend.

Hale Boggs took a personal interest in my first campaign for the Congress. He visited my district during my 1970 campaign at a time when I was locked in strong combat with my incumbent opponent.

Hale spoke in my behalf and later kept in close touch with me as my election was submitted to the courts for final resolution.

Ultimately, I was declared the winner by a mere 211 votes. Truly a razor-thin victory.

Who is to say that Hale's personal visit to my district was not precisely the force which produced those last few votes which decided the contest in my favor?

The many courtesies he extended to me during my campaign and during my first years in the House can never be repaid.

But, perhaps recounting to this body my personal recollections of Hale Boggs will contribute a bit to this sober moment when we gather to remember Hale, to commemorate his days with us and to extend our personal condolences to his bereaved widow and his beloved family.

Mr. HOWARD. Mr. Speaker, today I want to add my voice to the many from both sides of the aisle in speaking out in tribute to Hale Boggs.

As Majority Leader Hale Boggs exemplified strong leadership and an uncanny knowledge of the legislation he was working to have passed. He labored tirelessly in his role as a Representative from his district as well as the majority leader.

But even more important than his legislative abilities, Hale Boggs was a man of great human compassion. Even at the time his plane disappeared Hale Boggs was campaigning to help the reelection efforts of a fellow Representative. Hale Boggs was never too busy to help a colleague. It mattered not if the problem was one of great national concern or one restricted solely to a single Member and his district.

Hale Boggs leaves behind him a legacy of great accomplishments as a Representative, majority leader and, most of all, as a man.

And, in the mold of Hale Boggs, that legacy will be carried on by his devoted wife, Lindy, who now has the privilege of representing Hale Boggs' congressional district.

Mr. WON PAT. Mr. Speaker, it is my great pleasure to rise today with my colleagues in memorium of our late comrade and majority leader, Congressman Hale Boggs.

Although this is my first term in office as Guam's Congressional Delegate, my previous experience as the territory's Washington representative provided me with ample opportunity to become acquainted with Congressman Boggs. At every meeting, that wise and astute leader of men from the State of Louisiana gave me his undivided attention. He was always ready to lend the people of Guam a helping hand and to provide us with the benefit of his extensive knowledge of legislative matters.

Shortly before his fatal accident, I had the honor, with my colleagues from the Guam Legislature, to meet with him in his office. Although he sat in most august surroundings, the man himself could not have been more natural or friendly. Congressman Boggs was truly a man, skilled and steeped in the traditions of his office. But Congressman Boggs was foremost a compassionate and understanding human being—a trait which endeared him to his family, his many friends and to his fellow colleagues.

His absence is truly our loss. During these trying times, when the prerogatives of Congress are under attack, the leadership and effective persuasion of Congressman Hale Boggs would be a valued force on our behalf.

In his place we are privileged to have serving with us his beautiful wife and life's companion, Lindy. During her brief term in office, she has shown herself to be quite capable and I take this opportunity to extend to her my sincere welcome to this body.

Mr. DANIELSON. Mr. Speaker, I wish to join with my many colleagues in paying tribute to our late great friend and leader, Representative HALE BOGGS of Louisiana.

My own friendship with HALE BOGGS was formed when, as a freshman, I was elected to the position of assistant majority whip and was given the privilege of working closely with him in the whip organization. HALE BOGGS, as majority leader, was most helpful to me as a newcomer, providing me with much needed guidance and advice. I quickly learned that he was a leader of great skill and ability, as well as a man of great warmth and understanding.

As a Member of Congress for 15 terms, and as part of the Democratic leadership for much of the 29 years he was with us, Congressman BOGGS exerted a positive and enduring force in the Congress.

HALE BOGGS was an effective legislator, a capable party leader, and, above all, a fine man. We are all grateful for his contributions to our country. I will always cherish the memory of him as a friend.

Mr. SMITH of New York. Mr. Speaker, I join my colleagues in expressing sincere regret at the untimely loss of the former majority leader, the late HALE BOGGS. It was due to his unfailing willingness to help his fellows that he was in Alaska where the tragedy occurred. Although we were on opposite sides of the aisle, I found HALE BOGGS to be always courteous and always friendly, and we all miss his warmth and his wit. To his wife, now our colleague, and to his children, I express my profund sympathy at their great loss.

Mr. ROGERS. Mr. Speaker, it is with a great sense of loss that I join in paying tribute today to our esteemed departed colleague, leader, and friend, HALE BOGGS.

HALE had just really begun his work as majority leader, and we looked forward to many more years of his capable leadership.

HALE's unique leadership abilities expressed themselves early in his life, as an honor student at Tulane University, and as chairman of the People's League of Louisiana. At the age of 26, HALE was the youngest Democrat in the House when first elected in 1940, and as we know, an outstanding career as legislator and leader of his peers followed.

Returning to the House after the war in 1947, HALE embarked upon a legislative career that was marked by its diversity. As chairman of the Foreign Economic Policy Subcommittee of the Joint Economic Committee, HALE coauthored every reciprocal trade agreement entered into by the United States, and laid the groundwork for the Trade Expansion Act of 1962, and the Kennedy round of negotiations which followed. From 1949 until 1971, HALE served as a member of the Ways and Means Committee, rising to the position of ranking member. As majority whip from 1962 to 1971, and then as majority leader of the House, HALE played a principal part in the passage of nearly every major piece of legislation under the administrations of Presidents Kennedy, Johnson, and Nixon.

I believe these legislative and leadership achievements were due to HALE's uncanny ability to understand deeply all points of view on an issue and then to reconcile these views. Our colleague from New York, Mr. CAREY, has called HALE a "leader and a healer." It was these qualities for example which enabled HALE to do such an outstanding job as chairman of the Platform Committee at the 1968 Democratic National Convention.

But HALE will be missed not only for his significant contributions to his party and to this body. I am sure each of my colleagues here joins with me in regretting the loss of HALE's friendship and the warmth and understanding he extended to all with whom he came in contact.

That friendship will be missed, but the loss of HALE has been softened by the presence of his lovely wife, LINDY, who has now joined us here in the House. All of us who have had the opportunity to know LINDY over the years are immensely sincere in welcoming her to this Chamber, and wish her the very best success in her work here. I am sure that that work will be in the great tradition of our esteemed colleague and leader, HALE BOGGS.

Mr. BURLESON of Texas. Mr. Speaker, it is a satisfying thing to hear these great eulogies to our former colleague and leader HALE BOGGS.

He was one of the most resourceful Members who served in this body during my years here. He was studious and perceiving and had a political acumen unexcelled. I was always amazed at his expertise on so many subjects.

Serving with him on the Ways and Means Committee was an experience to forever remember. In the many complicated matters within the jurisdiction of that committee, HALE BOGGS demonstrated an ability far beyond the capacity of most of us, and exercised a tremendous influence recognized throughout the country.

In the position of majority leader he led with considerateness and with an understanding not always common with men. He respected one's position whether he agreed or not and never criticized opposing views because he assumed it for good reason and never expected explanations. He was a friend and his presence and influence is greatly missed.

Mr. RONCALIO of Wyoming. Mr. Speaker, I am saddened today to appear on the floor to partake in the special order of the gentleman from Louisiana, Mr. F. EDWARD HÉBERT, for the purpose of a eulogy to the late HALE BOGGS, with whom I was privileged and honored to serve in this House of Representatives.

From Long Beach, Miss., where he was born in 1914, to the indescribably beautiful and silent mountains where he left us in the throes of the political campaign in the fall of 1972, HALE BOGGS' life and service spanned a continent. He was a true leader of men on a national basis, from the farthest reaches of our country, across its vast expanse of lands and interests. He taught us all something of patience, something of humility, he was never too busy to talk to the humblest among us, and he was never quite so pleased as to be with a group of his fellow lawmakers helping with the work of the House—the people's House of which he was so proud.

He was a competent protagonist, a compassionate leader, a charming raconteur, a devoted husband, and father, a good man.

He lent of his resources, of his staff, of his very life—to help other men and women achieve positions of eminence in their government. In fact, his very death is a tribute to his devotion to that leadership he held so dear, the majority leader of the lawmakers of the Democratic Party in this great body.

He was a great man. May his soul and and all the souls of the faithful departed rest in peace. Amen.

Mr. HANLEY. Mr. Speaker, I join with my colleagues today in paying homage and tribute to our late, beloved majority leader, HALE BOGG.

HALE was one of the first Members to approach me back when I was a freshman. He offered his assistance at that time, and, believe me, I often requested and received it during the ensuing 8 years we served here together.

His death last year came as a terrible shock to me, as it did to all of us.

While we are paying proper tribute to his memory here in the Chamber today, I think the most fitting memorial to his service in the Congress has already been struck by his former constituents. They have sent us his lovely and dedicated wife, LINDY, to carry on the tremendous work he began.

To LINDY and her fine family, I reiterate my sympathies.

Mr. RHODES. Mr. Speaker, in this tribute to our late and beloved colleague, HALE BOGGS, I could dwell at length upon his many attributes which have made his loss so keenly and personally felt by Americans everywhere. I will refrain from doing so because I believe that his warmth of personality, his dedication and love of America have long been known to our fellowmen.

I would like instead to comment on our personal relationship. We were old friends, and had very much in common. I admired and liked HALE BOGGS. We belonged to the same national fraternity. Our wives are good friends. I miss him greatly, and the friendship which we shared for so many years. Mr. Chairman, the passage of time has not and will not lessen the sense of loss we feel, and it is certainly befitting that we honor him in this Chamber today.

Mr. KARTH. Mr. Speaker, today we honor a friend and colleague with our words. That, however, cannot compare with the deeds performed by this man which honor him far more than any words we may speak. For HALE BOGGS was a man who represented the very best qualities to be found in a legislator. Proud, yet humble, he was a man who knew not only the glories of victory, but the agony of defeat.

As a friend and colleague I remember him most for his conscience. For here was a man who voted his strongly held beliefs in the dignity and rights of all men when such a stand was unpopular in his part of the country. HALE BOGGS could have taken the easy way out, but he would not let the promise of success at the polls sway him from his beliefs. He was a leader, a leader in the best sense of the word. Not like the leader in the French Revolution who said—

> There go my people, I must find out where they are going so I can lead them.

No, he was the leader who provided true leadership through the legislative maze, respecting dissenting points of view, and then bringing about positive, affirmative action.

We in the House will all miss HALE BOGGS. But the country will miss him even more.

Mr. SCHNEEBELI. Mr. Speaker, after serving on the Ways and Means Committee with HALE BOGGS for 10 years, from 1961 though 1970, I feel I have learned to appreciate the many abilities and tremendous capacity of this great man. His limitless energies and broad accomplishments attest to the fine character of the majority leader. As majority whip for 9 years and then majority leader for almost 2 years, he was constantly in the forefront as one of the party leaders for many years; and he performed his job admirably.

HALE had an active and quick mind. Without hesitation he absorbed the many and comprehensive problems that continually confronted him; his logic and clear deductions were outstanding.

I remember HALE well in one of the first fast-reading courses conducted on the Hill in the early sixties. Among the dozen or more Congressmen enrolled in the course, HALE was always among the top three in speed reading and subsequent understanding. This was but one example of his quick and absorbing mind. He was outstanding in so many areas: logical thought, leadership, loyalty, skilled debating, articulate—a consummate Congressman.

Not only was HALE outstanding in partisan matters, he was most helpful in many bipartisan and nonpartisan matters. Witness his great contribution to the Joint Economic Committee, as a delegate to the Interparliamentary Union, and particularly as a valued member of the President's Commission on the Assassination of President Kennedy.

Here was truly an outstanding American. We shall all miss HALE BOGGS—the American public, his many friends, his congressional colleagues, and his fine family.

Mr. NICHOLS. Mr. Speaker, I, like every Member of this body, was saddened last fall to learn of the tragic accident that claimed the lives of our distinguished colleagues, the great majority leader from Alabama's sister State of Louisiana and Nick Begich, the freshman Representative from the State of Alaska.

HALE BOGGS was my friend and he went out of his way on more than one occasion to be of assistance. It was HALE BOGGS who offered to let me use a little of his patronage—built up through his years of service in this body—to employ a deserving youngster from my home State of Alabama in summer work on Capitol Hill. HALE BOGGS was that type of leader and he was a great adviser and teacher to junior Members. He was particularly good to those of us from the southern region of our great country who found comradeship with our distinguished colleague from the bayou country of Louisiana.

But HALE BOGGS' interest in the Members of this body went much further than the South for his untimely death came about as a result of his efforts to assist another Member from the far off State of Alaska.

Mr. Speaker, we all miss our colleague every day that this Congress meets. We miss his friendly smile, his pat on the back and the leadership role that he displayed time after time in the well of this House in pursuit of causes he believed to be just and honorable and in the best interest of these United States.

My deepest sympathy to his family—his three children and his lovely wife who was overwhelmingly elected to replace her late husband. The magnitude of her victory is ample testimony of the deep esteem and affection which Louisiana held for HALE BOGGS.

Mr. ICHORD. I rise, on this occasion, in deep sadness for it is very difficult, even now, to acknowledge the passing of such a dear colleague as the man we honor today. Words are really quite inadequate to express the regret over the loss of a man we knew so well who was, until so recently, one of the key figures in the Congress and whose leadership in the House of Representatives was so vital to our day-to-day activities.

HALE BOGGS was, for me, far more than just another fellow Congressman. He was a tried and true friend and a man of great personal courage, stamina, and integrity.

When first elected in the 77th Congress, he was the youngest Democrat in the House. Soon after, World War II exploded on our lives and he left the sanctuary of this House to serve as an officer in the Naval Reserve and the U.S. Maritime Service until 1946. Then he was returned to our ranks by the New Orleans constituency he was to serve so well.

His legislative ability and alertness were quickly recognized and from the 81st Congress to the 91st, he was a most distinguished member of the Ways and Means Committee. In the 82d Congress he chaired the Committee on Elections and was ranking minority Member of the 83d as well as chairman of the Special Committee on Narcotics. In the 84th, he became chairman of the Subcommittee on Highway Financing and, from the 84th through the 86th Congresses was chairman of the Subcommittee on Foreign Trade Policy. He chaired the Subcommittee on Foreign Economic Policy in the 85th and all subsequent Congresses and from the 87th through the 91st was a member of the Joint Committee on Internal Revenue Taxation. This was merely the tip of the iceberg that was this giant of a man for he also served on the Interparliamentary Union from 1948–62, on several Presidential commissions and as a power in the highest echelons of the Democratic Party.

HALE had a remarkable way of remembering faces and had a ready smile and greeting for hundreds of staff employees on the Hill as well as for the foremost figures in our Government. My experience was that he always could find time in a very hectic and demanding schedule to give a helping hand to his associates when his legislative counsel was needed or desired.

It is fitting that we remember him as a strong family man, because we are now honored with the presence in this House of his lovely widow LINDY who is so ably carrying forward the work HALE did for the Second District of Louisiana, for his State, and for his Nation.

HALE BOGGS made his indelible mark on the political history of America, but of even greater personal meaning, as I speak today, is the fact that he made his mark on all who served with him in this House. We shall never forget him and the invaluable contribution he made to the America he loved so very much.

Mr. SIKES. Mr. Speaker, when HALE BOGGS left us on October 16, 1972, it was a sad day for the Congress, the State of Louisiana, and the Nation and for a host of dedicated friends.

My friendship with HALE began when he came to Congress in 1941. We came here together as freshman Members of the House and I watched with admiration as he rose within the ranks of Democratic Members to become Democratic whip in 1962 and majority leader in 1971.

HALE was able and willing to build a successful House career by supporting the legislative goals of the national party. He was a true and loyal party man, but he believed in the two-party system and he helped to strengthen it.

But HALE BOGGS was more than a loyal party man although it was on a party mission that he came to an untimely and tragic end. HALE BOGGS was a loyal and dedicated American always placing the good of country first as he saw it. As a member of the Ways and Means Committee, he helped formulate free trade agreements, cosponsored the 1962 Trade Expansion Act, and served as chairman of the Joint Committee on Foreign Economic Policy.

HALE'S rise to positions of authority and responsibility in the House began in 1955 when the late great Speaker Sam Rayburn and Majority Leader CARL ALBERT appointed him deputy Democratic whip. Throughout a long career as a member of the party leadership, he handled his duties with ability, dignity, and in recognition of the responsibilities of Congress in shaping the future course of America.

I am happy that his place in this Chamber has been taken by his beloved wife LINDY, who stood by his side for the many years HALE so ably represented the people of Louisiana. She is a worthy successor of whom we are very proud.

No one can ever truly replace HALE BOGGS in this body. He left a most impressive record of leadership, and he was at the height of his capabilities when an aircraft accident took him from us.

I shall always cherish my memories of our friendship and the Congress will forever take note of the respect and esteem in which he was held by all who knew him regardless of political persuasion.

HALE BOGGS is gone, but his record stands. He wrote his page in history in large and shining letters. Hale Boggs was a great American.

Mr. JONES of Oklahoma. Mr. Speaker, as a freshman Congressman I have not had the privilege of serving in this House with the late Hale Boggs. I looked forward very much to working with him in the House of Representatives, for I had come to know and respect Hale Boggs during the time I served as assistant to President Lyndon Johnson. Hale Boggs was a statesman, humanitarian, and gentleman.

I believe that Hale Boggs personified many of those qualities we admire most in our elected officials. He was loyal to his party, yet he exhibited an independence of thought and action that inspired the confidence of men and women of both parties. He was responsive to the needs and wishes of his constituents, yet he knew that he represented all Americans. Hale Boggs was a man of firm convictions, yet he was progressive in thought and receptive to new ideas.

Hale Boggs was in the tradition of the great leaders of the House of Representatives who, over a period of almost two centuries, have exerted a profound and beneficial influence on the American political process. He had many years of service yet to give his country, and we shall miss his leadership.

Another measure of the outstanding qualities of Hale Boggs was the strength, direction, and devotion he gave to his family. I had the privilege of attending law school with his son, Tom Boggs, and through that association had the opportunity to know the Boggs family. The two Boggs daughters, Tom, the grandchildren and, of course, Mrs. Hale Boggs, Lindy, were a model American family with true devotion and commitment to America. Hale Boggs instilled a sense of patriotism and duty in his family and in all who knew him.

For those who were privileged to have Hale Boggs as a friend, the loss is particularly great. He was a warm, generous person who enriched the lives of all who knew him.

Mrs. GRASSO. Mr. Speaker, with profound respect, I rise to pay tribute to the memory of our friend and colleague, Hale Boggs. Through conscientious dedication to his duties, hard work, and resourcefulness, Hale Boggs earned the praise and gratitude, the respect and affection of his friends and fellow Americans.

His untimely disappearance on October 16, 1972, was indeed a terrible and shocking tragedy. It took a great leader from the Congress of the United States, a dedicated public servant from the people of Louisiana, and a loving husband and father from his wife and children.

Hale Boggs served his State, the Nation, and his party with honor and distinction that reflected his love of country and consideration for the rights of people. For 24 years, he was the proud Representative of the people of Louisiana's Second District. He demonstrated the qualities of leadership and the power of persuasion in his unselfish service as a member of the Committee on Ways and Means, the deputy Democratic whip, and the Democratic whip. The faith and trust that we had in Hale Boggs was again evidenced in 1971 when we chose him as our majority leader. I well remember my association with Hale Boggs as cochairman of the Democratic platform committee in 1968, the depths of his consideration and profound knowledge of the vital issues.

For those of us who were fortunate enough to know at firsthand the special qualities of intellect and the depth of concern of a man who pursued a better life for all the people of our Nation, we pay tribute to Hale Boggs, and rededicate ourselves to realizing and living the dreams that Hale Boggs hoped to see and live.

Mr. LONG of Maryland. Mr. Speaker, Hale Boggs was an energetic man. He was loyal to his Nation and his party. His untimely death is mourned by each of us who had the opportunity to know him.

Hale Boggs was a masterful legislator. He understood the role of the Congress in our three-branch Government. He understood compromise with honor—the key to so much of the work the Congress does in passing legislation. He underderstood the people of this country and their dseire for an effective Government which respects their rights and their individuality.

Hale Boggs was a congenial man. I had many occasions to introduce him to constituents. He was always gracious and sincerely interested. At the annual parties he and our charming colleague Lindy hosted, he made each person feel a specially honored guest in his home.

Hale Boggs had agreed to speak at a dinner in my honor, which was to have taken place shortly after his return to Washington from Alaska. His death in the plane crash was a particularly poignant loss for me. I had looked forward to presenting him to my friends in Baltimore and giving them the opportunity to meet this great man. I had looked forward to many years of friendship with him. I had looked forward to his continued leadership and wise counsel, I am glad for the memories I do have.

It was a privilege to have known him.

Mr. COLLINS. Mr. Speaker, today we are paying respect to Hale Boggs. For these many months we have all been thinking about Hale and we have all missed him. It was many months ago that his plane was first reported as missing in Alaska. Today I am proud to join in adding a word of appreciation for the great friend and leader we had in Hale Boggs. As I remember Hale the first thing that always comes to my mind is his pleasant, delightful smile. He had such a wonderful twinkle in his eyes and whenever Hale greeted you it would give you a lift that would keep you on the upbeat for an hour.

As the leader on the floor this upbeat positive outlook was most important in providing the momentum for progressive legislation. Hale was well liked by all of his colleagues on both sides of the aisles. But even more than the friendship was the strong respect that we all had for him. Hale Boggs had a great brain and a keen intellectual perception. He knew the essential elements that must be a part of every bill and he fought to see that they were there when the final votes were counted.

We all miss Hale Boggs. His strong character and forceful personality will be remembered always. And we are so proud to welcome Lindy Boggs who carries on the fine tradition from the Fifth District in Lousiana. Lindy came up here with such a resounding victory which expressed so well the sentiment and confidence that Louisiana has in her carrying on the great Boggs' tradition. Louisiana lost one of the greatest gentlemen who ever represented this fine State in Congress.

Mr. MOSS. Mr. Speaker, for 8 years, I had the experience of working closely with Hale as his deputy when he served as majority whip of the House, 8 years which afforded me a rare opportunity to better know a most complex human being.

Hale was a person of great courage and unusual feeling of compassion for all people. As I observed to him on a number of occasions, it took far more courage to cast his votes on behalf of civil rights, for example, than it ever did in making those same votes coming from a district such as I represented.

Hale was committed to the improvement of the lot of those least able to protect themselves.

It is not necessary for any Member of this body to arise to their feet and give testimony to the effectiveness of Hale Boggs as a Legislator or to pay tribute to his efforts on behalf of the underprivileged. His record over many, many years of congressional service speak more fully than any words which could be voiced here today.

Many things come to mind as a result of serving with Hale Boggs. I recall the great pleasures he derived from the little things: Pride in his children, the love for his grandchildren, the warm and tender manner in which he always discussed his wife.

He also loved a battle. He was a hard and effective fighter in furthering legislative objectives, but he also was fair at all times, and he did not seek to injure or to degrade or to destroy in disagreement. He loved to win, but it was an impersonal thing, and when the battle was over, there was never any lingering bitterness.

He was in the truest sense of the word a legislator, a role he filled with pride. He could have taken others, but none as satisfying to him.

The tragic loss of Hale and of our colleague, Nick Begich, in the plane crash in Alaska occurred with such suddenness as to have a sense of unreality about it.

My sympathy goes to all members of the family. I know in their sorrow they also have a sense of pride in the accomplishments over a period of more than 30 years of public service of Hale Boggs.

Ms. ABZUG. Mr. Speaker, Hale Boggs was of this House. He first came here in 1941, a few weeks shy of his 27th birthday and, with the exception of several years spent in the service during the Second World War, served ably and well from then until he disappeared last October during a plane flight in Alaska. From 1962 until 1970, he served as Democratic whip, and during the 92d Congress, he was our majority leader.

Though—like every Member of the House—he had and fulfilled a responsibility to the people of his district, HALE was extremely active in the concerns of the Nation as a whole. He served as a member of the Warren Commission, which investigated the death of President John F. Kennedy and the circumstances surrounding it. He was a member of the National Commission on the Causes and Prevention of Violence, which spoke in clear and unequivocal terms of the need for racial justice in this country, and he was one of the first Representatives from the South to lend his support to civil rights legislation. Also active in his party, he served as chairman of the Platform Committee at the 1968 Democratic Convention.

HALE BOGGS was indeed of this House, and this House—as well as his family and his country—have just reason to be proud of his fine record of public service. It is consoling to know that Congresswoman LINDY BOGGS is making a place here in her own right, but we do miss him.

Mr. CHAPPELL. Mr. Speaker, seldom in the scheme of life today has there appeared one so able and talented as our absent and beloved colleague, HALE BOGGS. Never have I known a man less concerned for self, nor more determined for mankind than he.

His willingness to assist others was perpetual, his tolerance for an opposing view unlimited, his energy for service boundless, and his love for family and country everlasting.

I joined in this moment of tribute to our friend, HALE BOGGS, with a sad heart for his absence, but with deep appreciation for the greatness of his life.

Mr. O'HARA. Mr. Speaker, I wish to associate myself with the sentiments expressed by so many of the Members in this Chamber this afternoon, as we pause to pay respect to the memory of the late HALE BOGGS.

Life seems filled these days with senseless tragedy, and I count the untimely death of HALE BOGGS as one such tragedy. To pass from this life after we have completed our earthly mission is one thing. To have lived life to its full, and to have served to the extent of our capacities over a long period of years robs death of some of its bitterness. But to be struck down in the prime, as HALE BOGGS was—while there were still challenges to be met and mastered, and while there were new directions into which he could have led our party and our Government—this, Mr. Speaker, makes the loss so tragic.

HALE BOGGS was a great Democrat, a man who served his party with distinction. He was an outstanding Member of the House of Representatives, and he served this body with equal distinction as a Member and as the majority leader. Forceful, articulate, courageous, HALE BOGGS brought to the House a dedication to the processes of government that these challenging times demand.

Most of all, Mr. Speaker, HALE BOGGS was my friend. There is special comradeship which we share in this body—a comradeship born of the knowledge that we serve the Republic in the same way that our forebearers have served in this body for nearly two centuries. All of us value that shared experience. But with HALE BOGGS, my relationship was closer than that. It was a friendship which I valued; and it is as a friend, as well as a distinguished leader, that HALE BOGGS will be missed by this Member.

Mr. CARNEY of Ohio. Mr. Speaker, it is with a deep feeling of personal grief that I address the House of this occasion, in memory of our late good friend and colleague, the Honorable HALE BOGGS of the Louisiana Second District. A Member of this House for almost three decades, he was regarded by associates on both sides of the aisle as a man of principle and fearless dedication to his personal philosophy.

HALE BOGGS was a reformer in a world crying for reform and a born leader in almost every situation. When machine politics corrupted the political apparatus in his hometown of New Orleans, he helped in the creation and promotion of the People's League—a reform movement which swept to victory in 1940, nominating BOGGS for Congress in the Democratic primary, and securing his election. Failing at renomination 2 years later, he retired from politics momentarily to serve the country as an active member of the Naval Reserve, in World War II. Upon the close of hostilities he was returned to Congress where he continued to serve without interruption, for the remainder of his life.

His talents and interests were many and varied. Initially a member of the Committee on Banking and Currency, he was appointed in 1949—at the urging of Speaker Sam Rayburn—to the Committee on Ways and Means, where his knowledge of money matters proved invaluable to the Congress and the country.

Throughout the years of the Truman, Eisenhower, Kennedy, and Johnson administrations, HALE BOGGS was ever in the forefront of the struggle for a peaceful world and a strong national economy, in the best interests of all Americans. He was prominently associated with legislation dealing with adequate trade policies, equitable taxation, stringent control of narcotics violators, interstate highway construction, flood control and harbor developments, the merchant marine, sugar controls, housing, and social security.

An advocate of racial segregation in the earlier stages of his career, he would emerge in the 1960's as the friend of the civil rights cause, for which he was to work with all of his remarkable ability. Steadily ascending the ladder of party leadership, he served as deputy Democratic whip for three Congresses, whip for four Congresses, and as majority leader of the 92d Congress.

His personal popularity in this body was remarkable in itself, and his political performance even more so.

He was indeed an extraordinary man, worthy of the highest praise.

Mr. MADDEN. Mr. Speaker, I wish to commend the Chairman of the Armed Services Committee, Congressman F. EDWARD HÉBERT, for reserving this time for the colleagues who served in Congress with our great congressional leader, HALE BOGGS to eulogize a great American. The unfortunate and regrettable termination of his life in an Alaskan airplane disaster still lurks in the minds of his congressional colleagues and all Americans who are familiar with his great public service over many years in the U.S. Congress.

HALE BOGGS possessed an outstanding personality, a brilliant mind, and by reason of his preliminary and Tulane University education he was well equipped for a scccessful public life as one of the outstanding Congressmen of this century. He served in World War II, both in the U.S. Naval Reserve and the U.S. Maritime Service. His service in Congress extended over a period of approximately 32 years. He was a member of many military, patriotic, and religious organizations. His service in Congress on the Ways and Means Committee and as a delegate to the Interparliamentary Union and other special congressional committees, including majority whip and majority leader, was recognized by all his colleagues as well as the American public as outstanding.

I am happy today that his colleagues in Congress have set aside this time to pay tribute to his accomplishments as one of America's great congressional statesmen and all his acquaintances and the American public who knew of his superb Government service both military and legislative mourn his passing.

We all extend to his wife LINDY, our freshman colleague in Congress, and his family our deepest sympathy in their bereavement.

Mr. ANDERSON of California. Mr. Speaker, I join my colleagues today in paying respect to our beloved colleague, HALE BOGGS of Louisiana. He deserves high commendation from his congressional colleagues, his Louisiana constituency, and from the American people. He was a dedicated public servant and a fine man.

Courageously and competently, HALE BOGGS dealt with difficult issues which faced the Congress, and expended great energy toward building public policy that would serve the Nation.

HALE BOGGS' achievements are almost too numerous to mention.

He was the youngest Democrat in the House when he was first elected in 1940 at the age of 26.

After service in World War II, he returned to Congress in 1946 and was reelected to each succeeding Congress. In 1962, HALE BOGGS was named House majority whip and in January of 1971, he was elected House majority leader.

As chairman of the Subcommittee on Foreign Economic Policy of the Joint House-Senate Economic Committee, he promoted foreign trade.

As a concerned citizen, and Congressman, he fought for legislation which benefited all the people. He fought for legislation which was designed to relieve those problems which had been with us all too long.

As a leader, HALE BOGGS was active in the fight for increased social security, for needed public works, for essential housing, and for numerous other areas.

It is a great honor and privilege to have known and served with HALE BOGGS.

My wife Lee joins me in extending our

deepest sympathy to Lindy Boggs and their children.

Mr. RANGEL. Mr. Speaker, I join my colleagues today in remembering and honoring the memory of a great Congressman and a good and decent man.

Thomas Hale Boggs contributed much to the Democratic Party, the House of Representatives, and the United States.

As a fighter for liberal foreign trade policies and effective narcotics laws, he had no equal in Congress.

As a supporter and leader of the Democratic Party, he was ever enthusiastic and loyal. Fittingly, it was on a mission of support for a Democratic congressional candidate that he lost his life.

As an American concerned about the direction that we were heading in, he sought to contribute his ideas, his energy and his many talents to make this country a better place in which to live.

For all of us in this body who had the good fortune to serve with him, and for all who had the fortune to be served by him, Hale Boggs will be sorely missed.

But in his too short time on this Earth, he performed noble services above and beyond the call of duty. For this we can only be eternally grateful.

Mr. REUSS. Mr. Speaker, I welcome this opportunity to join in paying tribute to our late colleague, our distinguished majority leader, and my close personal friend, Hale Boggs.

Hale was overwhelmingly elected House majority leader by his Democratic colleagues on January 19, 1971, and was our chief spokesman and floor leader during the 92d Congress.

This leadership responsibility given him was a recognition of the significant role he played in passing almost all the landmark bills of the 1960's. It would be impossible to list all the laws which he helped enact, but I would mention the Higher Education Acts of 1963 and 1965, the Mental Health and Mental Retardation Act of 1964, the Manpower Development and Training Act of 1962, and the Tax Reform Act of 1969, to name just a few.

In the field of trade and commerce, Hale made even more notable achievements, working tirelessly for the liberalization of world trade. Since 1947, he had coauthored every reciprocal trade agreements act passed by Congress.

I had the particular pleasure of working with Hale on the Joint Economic Committee. As chairman of that committee's Subcommittee on Foreign Economic Policy, he directed extensive hearings on the future course and scope of U.S. foreign trade policy. These hearings engendered the support of Congress and the public for the Trade Expansion Act of 1962 and the Kennedy Round of trade negotiations which followed. This act provided the greatest opportunity in the history of our Nation for the expansion and liberalization of world trade.

Hale Boggs will be missed not only because of his outstanding achievements, but because he was a true gentleman always. His tragic death last year is a loss to his family, the Congress, Louisiana, and the Nation.

I extend my sincere sympathy to his wife, Representative Lindy Boggs, their son, Thomas Hale, Jr., and two daughters, Mrs. Paul Sigmund and Mrs. Steven Roberts.

We all miss him.

Mr. ANDREWS of North Dakota. Mr. Speaker, I was greatly saddened to learn of the death of my friend and congressional colleague, Hale Boggs.

In the passing of Hale Boggs, the Nation has lost one of its greatest citizens, and the South has lost one of its most respected and eloquent spokesmen; and the State of Louisiana, one of her greatest sons.

In the U.S. House, Hale Boggs had few peers. His great power was unquestioned, yet he took time to advise and work with the most junior Members.

The Congress was his life, and his State and Nation always were the beneficiaries of his tireless energy. His wisdom and integrity were legendary in the Halls of Congress. His advice was constantly sought by his colleagues as well as the Presidents under whom he served.

Mr. METCALFE. Mr. Speaker, today we pay tribute to a former Member of Congress and the former majority leader of the U.S. House of Representatives, the late Hale Boggs.

Hale Boggs became the youngest Member of this body when, at the age of 26, he was elected to the House in 1940. With the exception of a 3-year period during which he served as an officer in the U.S. Naval Reserve and the U.S. Maritime Service, he served as a Member of this body.

At the present time there is much discussion about the viability of the Congress as a co-equal branch of the Government. Under the present leadership we have reestablished the Policy and Steering Committee and have moved to utilize the Democratic Caucus more. Yet, in the early part of 1972, Hale Boggs sensed the need for this body to reassert its constitutional prerogatives. He stated:

> I have been here for awhile and I just do not believe the time has come in this body when we are required to legislate on the theory that someone in the Executive Branch, the President, is going to veto what we do. If that is the case then we really do not need a legislative body. All we really have to do is find out exactly what the Executive wants and just put an OK on it and send it down there.

Hale Boggs was a man who voted his conscience and his yea vote for the 1968 Civil Rights Act almost led to his defeat because of his stand on this issue. He won the 1968 election with a mere 4,000 vote majority.

When he later discussed his reason for this vote he stated:

> With the assassination of Martin Luther King and the tremendous turmoil it caused the country, and the fact that I consistently voted to draft black boys and men to fight in Vietnam, like anyone else, I just decided that I just couldn't in good conscience not vote for the bill . . . I have reached the conclusion that there isn't any way on earth to deny full citizenship to any American regardless of what his background might be.

Hale was also a strong supporter of antipoverty legislation. One union official in New Orleans stated that he was "the only Member of Congress in the State with guts enough to support OEO."

In addition to being an able leader within this body and a true representative of the needs of his constituents, Hale was also a Democrat vitally concerned that this party remain in control of the House. And it was his commitment to this idea that led him to go into many districts during the election of 1972 to campaign for Members of the House. And it was on one of these trips while campaigning for a fellow Member of the House, the Honorable Nick Begich of Alaska, that Hale Boggs met his tragic death.

He has given us an example. He has articulated goals and objectives. The greatest memorial to this man's tireless activity on the part of his party and his country is to continue where he left off. He clearly marked a trail. Let us continue to work to achieve the goals that Hale desired.

Mr. MURPHY of Illinois. Mr. Speaker, I am pleased to join my colleagues in this special remembrance of Majority Leader Hale Boggs.

Hale Boggs warmly welcomed me as a freshman Member of the 92d Congress. He was at the disposal of all freshman Members to assist with adjustment problems and answer our innumerable questions.

It was initially surprising that a man of his stature who had long been a Representative in Washington had such a keen understanding of how confusing one's first days in Washington could be.

He made it clear from the beginning that his door was always open and that no question or problem was too small. He felt responsible for all freshmen as well as senior Members and it was this same sense of responsibilty for others that eventually led to his death. He traveled extensively to assist others in difficult elections and he was readily available for advice and consultations on the same.

Conversation always flowed easily with Hale Boggs. He was not a pretentious man and he did not associate with men who pretended to be something they were not. Frankness was his trademark. You could disagree with what the majority leader said but there was never any question as to what he said.

He did not hedge on issues. His approach was direct and to the point. While he was a politician's politician, he represented the best aspects of the American political scene. He deeply cared for his fellow Americans, Democrats and Republicans alike, and he ably served the American system he believed in.

But just as I was beginning to know this straightforward and likeable guy, he was taken away from us.

It is not enough to say that we miss him. The Congress is diminished by his loss.

Mr. BENNETT. Mr. Speaker, the tragic death of our late majority leader, Hale Boggs, is the saddest event to have occurred in our midst in many years. We have seen many of our great national leaders pass from the active arena by retirement and death; but I recall none before who has tragically left us in the zenith of achievement with many years of service to be expected for the future.

Hale truly left us in the prime of his life and career; but he left behind a record of solid achievement which will always be a perfect memorial to his memory and an inspiration for the future. I admired him greatly and appreciated his easily shared friendship and helpful concern for all our Members on both sides of the aisle.

Our deepest sympathy goes out to Lindy, his beloved wife, and now, herself, our beloved colleague. Like her husband, she has the warm concern for mankind which will make her career a joy to us and benefit to all Americans.

Mr. YATES. Mr. Speaker, 7 months have gone by since the tragic loss of Hale Boggs and yet I feel his presence still in this Chamber. Perhaps that is because Hale was so much a part of this House, as much a part of its history as the great men who have preceded him here and as much a part of their presence.

I first met Hale when I came to Congress for the first time in January 1949. We were both much younger then and Hale was under consideration for appointment to the Committee on Ways and Means. Our mutual friend from Chicago, Congressman Tom O'Brien, introduced me to Hale and later said:

> He deserves the spot—you remember what a great fight he put up for the Housing Bill.

That was Hale, always fighting for the right. In this case it was the housing bill, in which he carried the fight for the rights of all Americans to a decent home in a good neighborhood where they could raise their children, which were the words as I recall them used in the preamble of the bill.

But housing was only one of his great interests. He was interested in his fellow man, in humanity, in every measure that advanced the cause of bettering the situation of his fellow man. He was proud to be a Democrat because of the party's program, stemming from the New Deal and he was proud to fight to carry into fruition the great social programs which have become a part of the fabric of this Nation.

Hale was one of the warmest, friendliest men I have ever known, always ready to help, he would reply in his booming southern voice, "Why of course, I will be glad to do it," whenever there was an opportunity to be of help.

He loved his country and its traditions. a southerner essentially, he was nevertheless a real legislator who was always concerned with his country's needs. He was one of the first to recognize and lead the way for improved racial relations in the South.

I remember as though it were yesterday the night before he took off for Alaska. It was late, very late on that Saturday night. We were both leaning on the desk in front of the Speaker's rostrum when he said to me that he had to get up very early to go to Alaska to speak at a dinner for Nick Begich. He was tired, he said, and he did not want to go, but he had given his commitment to Begich and that was that. Hale never went back on his word. He never returned from that trip to Alaska.

This House is a better institution for Hale Boggs having been here as a legislator and as a leader. I am a better legislator and a better person for having known Hale Boggs as a close friend.

My wife Addie joins me in expressing to Hale's lovely wife Lindy and to his family our deepest and warmest sympathy.

Mr. VANIK. Mr. Speaker, my friend, Hale Boggs, has been sorely missed during these past months.

As those of us know so well in this Chamber, Hale was a mighty champion of causes which took courage and conviction. With Hale as its advocate, a cause could have no more loyal or devoted friend. A man of liberal views toward integration and other sensitive issues in his district, he helped to lead our country toward a greater sense of social justice.

That same devotion and loyalty was Hale's hallmark of friendship. Hale and Lindy and my wife and I share many special moments together. We worked together to plan and produce educational television programs about the Federal Government. Hale and Lindy actively participated in numerous other activities involving the Democratic Party and legislative processes. When Hale committed himself to a project, the result was usually—mission accomplished.

I am grateful for having shared so many moments with a great man like Hale. There is some comfort that the work of this great man will be carried on in this House by his devoted wife, Lindy.

Although there is a vacuum when a great and good life departs, we are consoled that the high purposes and goals for which Hale Boggs labored will be undertaken by "Lindy" Boggs, who has already proven her capability and her dedication.

Mr. KASTENMEIER. Mr. Speaker, all of us who knew Hale Boggs and served with him in this great Chamber are both saddened and honored to speak these words of remembrance here today. For 14 years, it was my pleasure to know the warmth of Congressman Boggs' friendship, and to work with a man who made every effort to understand a point of view not his own. Like all of my colleagues, I was dismayed by his untimely death last fall.

There is no doubt that Hale and I had differing points of view on some of the important issues that came before the House, but it is also fair to say that on many others our views were similar. But that is not really important in my assessment of the man. What is important in a House leader is the ability to take those divergent points of view that seem always to exist, reduce the heat and friction that slow progress, and make the legislative machinery work. Hale had those leadership qualities in abundance, and he served as the link of understanding among the competing qualities and interests of the House Membership. Most important, he performed those absolutely essential duties of compromise with patience and good cheer.

I was proud to serve with Congressman Boggs—one of our great majority leaders—and I join my colleagues in mourning the death of an able legislator and gentleman from Louisiana.

Also, at this time, I would like to take just a moment to welcome Mrs. Lindy Boggs to the House, and to wish her a long and rewarding term as the Congresswoman from Louisiana's Second Congressional District. As Hale's closest adviser and most enthusiastic supporter, I have no doubt that she will carry on his tradition of being a credit to her district, her State, and her country.

Mr. DULSKI. Mr. Speaker, I appreciate having this opportunity to join my distinguished colleague from Louisiana in honoring the memory of our late majority leader.

One of Hale Boggs' most outstanding traits was his warm and genuine interest in helping new Members adjust to the bewildering legislative demands made upon them.

There were many occasions when I visited with him about legislation, and he was unfailing in his patience and expert guidance. I respected him greatly as an able Representative of his district and as an effective leader in the House, and have fond personal memories of his helpfulness to his colleagues.

The voters of the Second District of Louisiana have wisely chosen Mrs. Boggs as his successor. Her own native capabilities and years of experience at his side qualify her to carry on her husband's dedicated representation, and it is a tribute to both of them that their constituents have affirmed their service.

Hale Boggs was a good friend, a fine man, and an accomplished legislator. His Congress, his State, and his country will miss him greatly.

Mrs. MINK. Mr. Speaker, all of us are deeply saddened by the untimely death of the Honorable Hale Boggs of Louisiana, the distinguished majority leader of the House.

Hale Boggs was chosen by the Members of the majority party as their leader. That in itself is a remarkable tribute to the esteem in which he was held by his colleagues.

In his position as leader, however, Hale Boggs went far beyond the formal responsibilities bestowed by this office. He displayed true friendship and service to all of his colleagues in whatever aspect of their congressional duties might require his assistance.

It was this spirit of dedication that led to his loss in an airplane flight over Alaska with the Honorable Nick Begich and two other men. He had undertaken this hazardous and ill-fated trip as part of his service to others. There was no requirement that he do so, but Hale Boggs felt that he could assist a colleague and he attempted to help Nick Begich by traveling with him to Alaska.

By bringing a personal touch of loyalty and commitment to his duties, Hale Boggs earned the trust and affection of all. As an outstanding legislator, his contributions to the work of the House will be long remembered. Through his industry, sagacity, and leadership ability, he left a legacy of achievement that will stand among the foremost in House annals.

In addition to being a personal tragedy, the accident that resulted in the loss of Hale Boggs inflicted a grievous loss on the Congress. We are deeply saddened by this tragedy affecting a great Louisianan and great American.

Mr. PRICE of Illinois. Mr. Speaker, today we eulogize a man who ranks as one of our Nation's greatest legislative leaders, the Honorable Hale Boggs of Louisiana, whose distinguished career was ended in a tragic plane crash in Alaska last fall. None of us in the House, and I daresay in Congress as a whole, could believe the report that Hale Boggs and Nick Begich were lost over Alaskan territory. It is still difficult for me to accept the fact that neither man is here today.

Controversial, mercurial, and brilliant have been used to describe Hale Boggs. These words do not capture the force or the vitality of this man. Few men who have served in the House of Representatives have had the impact of Hale Boggs. As majority whip and majority leader, Hale Boggs was an effective and articulate legislator who fought vigorously for his beliefs.

Those beliefs made Hale Boggs a leader of national stature. His courageous votes in support of those principles in the face of heavy opposition in his district demonstrated his commitment to this Nation. More than his leadership positions in the House, more than his leadership roles in the Democratic Party, Hale Boggs standing as a national leader was based on his unswerving loyalty to the constitutional principles to which this Nation is committed.

Hale Boggs believed deeply in the Democratic Party as the vehicle to realize these ideals. He worked tirelessly on behalf of fellow Democrats. Last year Hale Boggs and his gracious wife, Lindy, were kind enough to appear at a testimonial dinner held on my behalf. Even in his death Hale Boggs was working to help a fellow Democrat.

Truly, the American people lost one of their great legislators. The people of the Second District of Louisiana lost a great Congressman. Fortunately, an able successor was elected. I refer, of course, to the Honorable Corrine Boggs, widow of Hale Boggs. Solace for Hale Boggs' loss can be taken in Lindy Boggs' succession. I know, however, that Lindy Boggs wishes the circumstances were entirely different.

Mr. DORN. Mr. Speaker, Hale Boggs was one of the truly great all-time leaders in the history of Congress. He possessed the qualifications so essential to great leadership. He had a persuasive personality, rare oratorical ability, integrity, and a love for the House as a traditional American institution. He was devoted to the American ideal of an elective body directly responsive to the wishes of the people. He ably defended the prerogatives, ideals, and images of this House as the greatest deliberative body on earth.

Hale Boggs believed in the American dream of equal justice and economic opportunity. He was ahead of his time in fighting for the rights of all of our people, regardless of origin or racial characteristics. He championed the cause of the underprivileged, the handicapped and oppressed. We shall always remember his stirring speech to the House advocating civil rights legislation. He had the courage to stand virtually alone because he believed that all of our citizens were endowed with certain inalienable rights.

Hale Boggs once told us he was defeated for high statewide office by a last-minute rumor that he was associated with Communists—a malicious rumor concocted and spread systematically by certain individuals. After the election Hale said that his hatred of these individuals consumed his every thought and action. He had difficulty sleeping and eating. He developed a nervous condition. Suddenly Hale realized that he was destroying himself—his opponents were all smiles, victorious and celebrating. His hate was not hurting them—only himself. Hale said he went to Mass one morning and decided to dismiss hate from his being. From that day Hale started upward on his journey to becoming majority leader of this body. Yes, Mr. Speaker, love builds—hate destroys.

Hale Boggs was an all-American Congressman. He legislated for every section of our Nation. He knew no North or South or East or West. He always supported the national interest while at the same time represented his district and his beloved New Orleans and his great State with supreme dedication and devotion.

He was a man of peace who realized that peace can only be maintained by national strength. For years Hale was a member of the great Committee on Ways and Means helped to write far-reaching legislation on social security, trade, and tax reform.

Hale Boggs was a loyal Democrat. He loved to campaign for the principles and ideals in which he believed. I had privilege of campaigning with Hale when he and his lovely wife Lindy campaigned with Mrs. Lyndon Johnson and her lovely daughters. This experience will always be to me a pleasant reminiscence. Hale was lost to us while campaigning for a young friend in Congress, and this effort was characteristic of him. This is a better Congress and a better Nation, and the cause of freedom is more secure, because of Hale Boggs.

Mr. Speaker, we extend our best wishes and highest respect to Lindy Boggs. It is entirely appropriate that Lindy Boggs, equally dedicated and devoted to Louisiana and the Nation now represents the district formerly represented by our friend and former majority leader, Hale Boggs.

Mr. KOCH. Mr. Speaker, on October 16, when Majority Leader Hale Boggs of Louisiana was lost in Alaska, the American people were deprived of an outstanding legislator and a warm and compassionate human being.

Hale Boggs was 26 years old when he first came to Congress in 1940, the youngest Member of the House. When the Second World War came, he left to serve in the Navy and did not return to Congress until 1947.

He quickly demonstrated his capacity for organization and leadership and was successively appointed deputy majority whip, majority whip, and in 1971 majority leader.

Although best remembered and most noted as a master parliamentarian, Representative Boggs was also an activist in the area of trade legislation, serving as a cosponsor of the 1962 Trade Expansion Act, and chairman of the Joint House-Senate Committee on Foreign Economic Policy.

Hale Boggs will be sorely missed, here in Congress and by the American people at large. We are fortunate in his successor, his wife, Lindy Boggs, a woman of great ability and dedicated to public service. I am proud to serve with her on the Banking and Currency Committee, where, in a brief time she has become one of the outstanding members.

Mr. MANN. Mr. Speaker, it is with deep sorrow that I rise today to eulogize our former Majority Leader Hale Boggs, whose absence is so sharply felt by those of us who were privileged to know him.

Congressman Boggs was not only a dedicated and talented public servant and political leader but he possessed a rare joie de vivre, which particularly suited him for the difficult task of bridging ideological and regional differences in this divergent body. Will Rogers once said:

> It is great to be great. It is greater to be human.

Hale Boggs was both.

For nearly a quarter century, Congressman Boggs was a Member of the House, ably serving the people of his Louisiana district and his party. He earned a leadership role among his colleagues, first as deputy Democratic whip, then Democratic whip, and in 1971 he became majority leader. His legislative accomplishments were numerous and include the important 1962 Trade Expansion Act, which he cosponsored.

But power and prestige were only the rewards of his life, not his goals. He lived to serve and he served by giving of himself with every ounce of his wisdom and energy. The very nature of his disappearance while assisting in the reelection campaign of a junior member is indicative of the kind of man Hale Boggs was.

I am proud to have known him as a friend and I join with my colleagues and with the people of Louisiana and the Nation in extending to our distinguished colleague Mrs. Hale Boggs and her family our deepest sympathy on the loss of this worthy gentleman and statesman.

Mr. FRASER. Mr. Speaker, today we pay our respects and eulogize, as Chairman Hébert notes, our friend, colleague, and majority leader the late Hale Boggs.

American poet Archibald MacLeish asked the question:

> How shall freedom be defended?

Hale Boggs' life testifies that he believed deeply in MacLeish's answer:

> By arms when it is attacked by arms; by truth when it is attacked by lies; by democratic faith when it is attacked by authoritarian dogma. Always, and in the final act, by dedication and faith.

The last act of Hale Boggs' life was on one of dedication—dedication to the democratic electoral process in a remote area far from his native Mississippi gulf coast and his home in New Orleans. The last act was one of faith in our competitive electoral system, a faith that is especially meaningful in these days of Watergate politics.

Our majority leader is gone and his loss is felt deeply by all of us. His place in this Chamber has been taken by his wife, Lindy Boggs, and we are thankful that she is here to carry on his work. We join her and her children in honoring the memory of a loving husband who was not only a respected leader, but a man of character and commitment.

Mr. ROE. Mr. Speaker, I join with my colleagues here in the Congress today in tribute to an outstanding statesman. The Honorable Hale Boggs, our friend, colleague, and former majority leader whose abrupt and traumatic departure from our midst is deeply mourned by all of us.

His tragic disappearance and curtailment of his professional expertise at the height of a glorious career blessed with rich wisdom born of knowledge and experience, and exemplary achievements performed through distinguished service dedicated to his fellow man has shocked and grieved our Nation.

The quality of his leadership, the vigor of his dedication to be of service, and his vast reservoir of understanding, compassion, and benevolence toward others serve as a shining beacon to light the way for all men of good faith, goodwill, and brotherhood.

I know I will never forget the warmth of Hale's personal friendship to me and in reflecting on my freshman year in the 91st Congress, I recall his good counsel and judgment as the Democratic whip of the House of Representatives a haven for comfort and learned direction to a new Congressman. It was my great pleasure and privilege to work with him.

Hale Boggs is sorely missed by each of us as a friend and coworker who served his country with distinction and honor for which each and every American, not only in his district, but throughout the world can indeed be justly proud. We bow in silent prayer to the memory of our former colleague and stand erect in a national salute filled with appreciation for a job well done on behalf of a grateful people.

We share the sorrow in the heart of his good wife and our new colleague, the Honorable Lindy Boggs, and all his family members and trust that they will find abiding comfort in the faith that God has given them and in the knowledge that the Honorable Hale Boggs is resting in peace under His loving care.

Thank you, Mr. Speaker, for this opportunity to express my deepest sympathy and profound homage to a great American.

Mr. WYMAN. Mr. Speaker, it was a sad day indeed when Congress reconvened in January of this year without the presence of our friend Hale Boggs, who was for so many years an esteemed and distinguished leader in this body. During his many years of outstanding service, hundreds of Members have benefited from the experience of having known and having served with Hale Boggs.

When I first came to Congress 11 years ago, Hale Boggs was then in a leadership position. From his leadership and example I learned much in the ways of this great legislative forum.

The people of his district were fortunate, indeed, to have had his able representation. The Congress was equally fortunate to have had him as a leader. He was competent, capable, efficient, and effective. Beyond that he was a friend to all.

His presence here will be sorely missed, but his memory will long be with us. To his lovely wife and family and to his many friends, go the heartfelt sympathy of Virginia and myself and comfort in the knowledge that Hale would be proud that Lindy has been chosen to fill his seat.

Mr. ADAMS. Mr. Speaker, it is with a sad heart that I join my colleagues in paying tribute to the memory of our late majority leader, Hale Boggs. At a time when politics and the political process are being spoken of with scorn and derision, Hale Boggs' life stands as an example of political courage and service to his country. A man of the South, and devoted to the city he so ably represented, he never faltered if the dictates of his conscience told him that he must rise above regional interests. We remember his courageous stand in favor of civil rights, when he put his own political career on the line for what he thought was just. We remember his fearless criticism of creeping tyranny of government, a criticism now being given frightening justification by the Watergate revelation.

His election as majority leader shows the regard in which we held him. We not only admired his political leadership, but welcomed his wit, his charm, and his never failing courtesy. His tragic loss took away from us one of the Members most devoted to this House. We will miss him. We are fortunate his constituency has chosen as his successor the distinguished gentlewoman from Louisiana, Lindy Boggs. To her, I offer my deepest sympathy and my thanks that she will carry on the great tradition of public service of our friend, Hale Boggs.

Mr. PEPPER. Mr. Speaker, it is our sad privilege to pay feeble words of tribute to a fallen leader and a departed friend, Hale Boggs. Great leader he was—born to lead, strong, brave, stalwart, and dedicated to his cause as well as to the forces he led.

Who can forget the moving eloquence, the command of his subject, the force of his appeal, when he spoke to this House on matters close to his heart—issues meaningful to him because they were meaningful to the people of this country. He has left an indelible imprint upon the laws of this land in the legislation which he has authored or sponsored or had a part in the passage of in the third of a century when he has been an honor to this House.

These great causes to which he gave his magnificent strength ran the gamut of human interest in this country. The health, the education, the employment, the well-being, the civic rights, the privileges due to every American—they were all his causes and he immeasurably made them the causes of the Congress and the country.

He commanded loyalty from those he led because he gave dedicated loyalty to those whom he followed and with whom he worked. He believed so deeply in giving the underprivileged, those long discriminated against, the full enjoyment of America that he, time and again, jeopardized his own political future to fight their battles.

He loved America, and he served it with unfaltering faith and fervor. He loved his colleagues and he gave himself to their service. He loved this House and this House loved him, took him to its heart, and honored him and followed him.

Every one of us has his or her own happy memories of friendship with Hale Boggs. Whether it was a favor received from him in the House or words of encouragement spoken at a time of discouragement or frustration; or whether it was those beautiful, warm occasions when he and his lovely wife delighted to honor their friends in their hospitable home—each cherished Hale's friendship.

The quality of his friendship, his devotion to his party, cost him his life, because he went, fatigued from arduous service in this House, upon the long journey to Alaska to speak for a Democratic colleague and friend and on this mission he lost his life. He counted service to a friend and to the Democratic Party a privilege, and not a burden to be shirked.

A man of integrity, honor, and duty, a loving husband and devoted family man, honored and esteemed leader with a record of glorious service to his country and to his party, to this House, Hale Boggs stands out as one of the truly great men who has ever been a Member of the Congress.

He has been followed here by his brave and beautiful and talented wife, our beloved colleague, Lindy. She will carry on his noble work and ever hold aloft the light of ideals and dreams and hopes for which she fought so long by Hale's side. But there will always seem, here in this House, the presence of Hale Boggs. We will always feel the inspiration of his spirit, we will always imagine him upon cause after cause, speaking out in that booming eloquence of his, so convincing, so persuasive. And each of us who knew him here will ever have a warm memory of his imposing presence, his moving speech, his endearing mannerisms, and the warm smile which would break across his handsome face and move the heart of him or her upon whom it was bestowed.

We shall truly not see his like again. From our hearts we all say—Hail Hale!

Mrs. HANSEN of Washington. Mr. Speaker, the tragic death of the distinguished Member of Congress, the Honorable Hale Boggs of Mississippi, this past year brought great sadness to all of the Members of the House of Representatives.

Mr. Boggs was a man of rare qualities, achieving recognition for his legislative leadership in the House where he held many important positions, including that of majority leader during the 92d Congress.

It was a privilege to have served with such an able lawmaker. He was a close friend, one who was helpful with suggestions and ideas for presenting effective legislation. In addition, Mr. BOGGS was a skilled parliamentarian and his guidance was often sought by Members of the House. And with his leadership in Congress, Mr. BOGGS often displayed a special quality that helped to make friends and carry out his work effectively—he was possessed of a great sense of humor.

Not only was Mr. BOGGS a leader in the Halls of Congress, where he served as the democratic whip for five sessions, but he gave generously of his time and energies through the years to serve the interests of civic, fraternal, religious, and veterans organizations in his own State and the District of Columbia.

His loss to the Nation will be felt down through the years and will be mourned by all those who had the great privilege to have worked with him in seeking to build an even better Nation.

In closing, I extend to his family sincere sympathy over this great loss that has come to the State of Mississippi and the Nation.

Mr. REID. Mr. Speaker, I rise in a sense of sadness and admiration in remembering our late majority leader, the Honorable HALE BOGGS of Louisiana.

Many times this year I have thought back with much fondness on HALE—his zest for life, his commitment to all Americans, regardless of their race, their political beliefs, or the region from which they came.

Even before his election as majority leader, HALE always had the interests of the whole Nation at hand. Before long, his courage and conviction within the House on vital legislation, including the voting rights and civil rights bills of the 1960's, made him a national figure of stature and integrity. His elections to the positions of majority whip and majority leader were fitting tributes to a man who put his conscience above politics, the needs of a nation above all else.

Becoming a majority leader would change many people, tempt them to new power and away from old friendships. We have been lucky in this respect; HALE BOGGS, even after his election as majority leader, was always available to talk, to debate openly and honestly, whether it was on the House floor, over a bite of lunch, or elsewhere. The thoughtful and compassionate character of his leadership allowed him to cross barriers, to talk to all, and in truth to bring us together.

We miss HALE very deeply. His loss on a stormy trip in Alaska was a deep and tragic loss not only for his family, to whom he was devoted, not only for those of us in the House who knew him and loved him, but also for the entire Nation, which perhaps never fully knew what he had given them.

The election of LINDY BOGGS to fill HALE's seat tempers our sorrow, and reminds us of the moral strength which her husband represented so well.

He is an example for all of us to follow. It was my honor to know him and be his friend.

I wish to commend and thank the gentleman from Louisiana (Mr. HÉBERT) for reserving this time for what is certainly a worthy and well-deserved tribute to HALE BOGGS.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the Congress and the Nation suffered a great loss when our friend and colleague HALE BOGGS of the Louisiana Second District died last fall.

As a regional whip, I worked with HALE BOGGS, the House whip, on a regular basis. Every Thursday morning when the House was in session, we met in his office for coffee and delicious coffee cake made in the Boggs household.

The passing of someone with whom you have worked so intimately and with whom you have shared both the frustration and satisfaction of daily legislative endeavor toward a common goal, always comes as a great shock. This is especially true in the case of the remarkable HALE BOGGS. His passing is to me a triple loss—of an admired colleague, a respected leader, a dear friend.

HALE was a true champion of reform, the model of that nebulous and overlooked line of Congressmen. Just 2 years out of Tulane University, he organized the People's League and successfully opposed the well established politics of Louisiana. At 27, he was the youngest Democrat to be seated in the 77th Congress. HALE was the epitome of a representative; dedicated to serving both his constituency and the people of the entire country.

I am proud to have been his friend and will miss him always, but his absence must not retard us in achieving our goals. Rather we should continue in the direction that he led us. We are thankful that the presence of LINDY BOGGS in this body will help us to realize those objectives.

Mr. DIGGS. Mr. Speaker, I rise today in tribute to the late HALE BOGGS, whose leadership in the House of Representatives will long be remembered.

HALE BOGGS was the first Deep South Representative who dared to endorse the idea of civil rights legislation in the Congress, who dared to speak out and acknowledge the support and the aid his black constituency provided. In private conversation and actions as well as public posture, he displayed a deep concern for the rights of all men.

HALE BOGGS was a genuinely warm and helpful man, always willing to share his insights and experiences with other Members.

The knowledge, skills, and understanding of HALE BOGGS will echo through the corridors of this Capitol for many years to come. He will indeed be missed.

Mr. RARICK. Mr. Speaker, I join with the dean of my delegation and the other Members of the House in expressing the deep sense of loss that we all feel at the absence of our former colleague and distinguished majority leader, HALE BOGGS.

HALE, who was born on the Mississippi gulf coast, served the State of Louisiana and the Nation creditably for many years. Throughout his tenure, one thing was certain—he took a stand and everyone knew which way he would go.

A kind and generous man, HALE often went out of his way to offer assistance to us all. His sense of loyalty to those things which he held dear was perhaps his most outstanding virtue.

The State of Louisiana and the Nation will miss him and his leadership. Mrs. Rarick and I join with the people of the Sixth District in offering our sympathies to his widow LINDY BOGGS, who now serves with us in the House, and to his entire family.

Mr. DERWINSKI. Mr. Speaker, as a Member who served for seven full terms in the House with the late HALE BOGGS, I consider it a privilege to join Chairman HÉBERT of the Armed Services Committee as he conducts this special order this afternoon eulogizing our late and beloved colleague.

HALE BOGGS was one of the most effective leaders the House has had in all of its history. His skill as a parliamentarian and as a debator and as a forceful party leader were recognized on both sides of the aisle. His tragic passing left a void in our leadership that is still being felt.

I believe the purpose of eulogies such as this is to be positive and thus we should emphasize the long record of legislative accomplishments which HALE BOGGS achieved.

In addition, Mr. Speaker, may I emphasize that HALE BOGGS was a warm individual, a friend, and a respected colleague whom all of us who served with him truly do miss.

The people of his district were well served by HALE, and I know they will be served in the same devoted fashion by his widow, LINDY, who has joined us as a Representative of the Second District of Louisiana.

Mr. ANDREWS of North Carolina. Mr. Speaker, I am pleased to join in paying tribute to the memory of our friend and majority leader, the late HALE BOGGS.

His distinguished service in this body spanned 14 terms, but it was my misfortune that I did not become a Member until after he had met his most untimely death. Thus, I was not privileged, as most of my fellow Members were, to have known him as a colleague.

However, I did know him as a friend of North Carolina. He visited the Tar Heel State on several occasions, including during the 1964 Presidential campaign when he was aboard the Lady Bird Special. He was a close friend of a number of Members of the North Carolina delegation, especially of two former Members, Carl Durham and the late Herbert Bonner.

That Congressman BOGGS had a deep and abiding interest in my home State was, I think, indicative of his goal to serve, not just the Second District of Louisiana, but the entire United States of America.

He attained that goal. He had considerable talents as a leader, as a Member of Congress dedicated to excellence and achievement. He manifested these talents to the fullest, making lasting contributions both to the Congress and to the Nation.

I join in mourning his loss, but rejoice that his widow has succeeded him as a Member of Congress and that his spirit lives on in these Halls through her and through those of you who were privileged to have known him and to have served with him.

Mrs. GREEN of Oregon. Mr. Speaker, the inexpressible tragedy which occurred last October was conveyed to the majority of us in stunning news headlines. As the days passed, anxiety for our majority leader and fellow colleague, Nick Begich, drifted imperceptibly to sorrow. Typically, HALE BOGGS had been on the job. He was someone Democrats counted on for help and he was someone who was extremely responsive to our needs and wishes. I know the majority leader was devoted to his country and to his party. Combined with that devotion and ability was an unusual personal charm. I thought last fall and I think now of the evenings at their home when he and LINDY, who has rejoined us as a colleague, welcomed us with the warm hospitality so natural to them both. In their presence it was easy to genuinely relax, to forget the pressures and combats of the day, and to enjoy the camaraderie which comes with sharing laughter and anecdotes.

HALE BOGGS carried his heavy responsibilities with distinction and with dignity. He was a courtly man and he had courage. Few of us who were here will ever forget that day in July of 1965 when, with love, with sorrow, and with unpretentious valor, he announced support for the Voting Rights Act. It was certainly one of the most dramatic and moving moments I have witnessed in my years in this House. I appreciated then the strength of this man and I appreciate now the legacy of leadership, kindness, and geniality which he left us.

Mr. GUDE. Mr. Speaker, HALE BOGGS' handsome home in Bethesda, Md., was often the scene of big parties for big people, but the guests' first sight as they entered the property was a little plot of tall corn and red tomatoes.

HALE BOGGS was proud of that garden which he worked.

His energies were great, his talents and his honors many, and his interests broad, but he remained close to his people and his land. And this was a key to the man.

He was the youngest Democrat in the 77th Congress and Democratic whip since the second session of the 87th. He was a member of the Phi Beta Kappa scholastic fraternity, Beta Theta Pi academic fraternity, and Omicron Delta Kappa leadership fraternity. He was a man of impressive political power and skills.

But he remembered the people, both as individuals and as a political mass. He remembered the names and characteristics of the people he dealt with at the drug store and other shops of Bethesda, as well as, I am sure, New Orleans. And he remembered their interests on the floor of the House. He was a liberal and a populist—and proud of it.

Those of us who were on the same side as HALE BOGGS on many issues—and those of us who were on opposing sides—knew and appreciated his many skills, his warmth, and his generosity.

The people of Bethesda, like the men and women of this body and the people of Louisiana, remember HALE BOGGS as a friendly man who took the time to talk, and to listen.

Mr. JONES of Alabama. Mr. Speaker, the tragic passing of our beloved friend and majority leader, HALE BOGGS, has left in many of us a deep sense of personal loss.

The memory of HALE as a companion and colleague in the House for more than 25 years is a treasure of great value to me.

HALE toiled long and arduous years to help the people of his area and of the entire Nation realize their maximum potentials. His appeals were to the higher impulses.

In his determination to open doors of opportunity for all, he engaged his considerable abilities and skills as a legislator and a distinguished, energetic, and forceful leader.

He fought hard to attain the kind of legislation which would actively respond to the needs of people. His successes were many and the entire country is indebted to him for his work.

HALE was a friend to all, regardless of station. His openness and zeal for living were well known and a source of pleasant remembrances.

We will miss his counsel and his companionship, his concern and his contributions to a better life.

We share, with his wife LINDY and family, a grievous sense of loss in his passing.

Mr. RODINO. Mr. Speaker, it has been many months now since HALE BOGGS sat with us in this Chamber. Yet, in our minds and in our hearts, his presence, his courage, his leadership, his beliefs, and his dreams remain vibrant and strong.

The relationships built between one man and another differ with every friendship created. Each individual brings a part of himself into this bond, making each separate, distinct, and uniquely special. We all knew HALE in our own ways, be it as family, colleague, as constituent, or as friend and each of us cherishes the experiences and the memories we were privileged to share with him. Certain basic qualities of HALE's character, however, touched upon us all. His love, his compassion, his commitment to his fellow man, his desire to make possible a better life for every American, could be seen in his every deed and in his every word. So long as these memories remain alive, so long as we continue to carry forward the programs and the goals HALE wanted this Nation so desperately to achieve, his image will remain an integral part of the workings of this Chamber. For a large part of this man is indelibly printed in legislation of such great scope, that his work has already enhanced the quality of American life and become imbued in the legacy and the principles of this Nation.

Of the many statements which have been made or will be spoken as time goes on, perhaps the words of St. Francis of Assisi best captures the essence of HALE's goals and of the endeavors and accomplishments he attained in his own lifetime in seeking their fruition.

Lord, make me an instrument of your peace.
Where there is hatred, let me sow love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
And where there is sadness, joy.

O divine Master, grant that I may not so much seek to be consoled as to console;
To be understood as to understand;
To be loved as to love;
For it is in giving that we receive;
It is in pardoning that we are pardoned;
And, it is in dying that we are born to eternal life.

Sometimes, in paging through last session's CONGRESSIONAL RECORD, in rereading his words and the speeches he delivered on this floor day after day, it is difficult to realize HALE BOGGS' words will appear no more on these familiar pages. Yet, though he may never walk this way again, and though he may not stand before us fighting for the culmination of his dreams and hopes, the steps he took have left their imprint and have shown us a direction and a way.

Mr. HARSHA. Mr. Speaker, it is with a sincere sense of sorrow that I join with my colleagues in honoring the memory of HALE BOGGS.

The tragic disappearance of our distinguished colleague constituted a very real loss to the American people as well as to the Members of the House.

In the years I was privileged to serve in the House with HALE, I became well acquainted with the hard work, devotion to duty, and masterful leadership of this outstanding man. In my judgment, the entire House, as well as the Democratic Party, was extremely fortunate to have a man of his stature serve in one of the top leadership posts, and his enthusiasm, wisdom and courage will be sorely missed in the days ahead.

I would like to pay particular tribute to the political courage HALE displayed on many occasions. When he assumed his leadership role, he put aside parochial interests and strongly supported causes he felt were in the best interests of the entire Nation although they were at times anathema to many residents of his southern constituency. This evidence of personal integrity and devotion to the Nation's interests was not lost on his constituents who repeatedly returned him to the House to represent them.

One of the most fitting tributes to our distinguished colleague was made by the residents of his congressional district when they selected his charming wife as his successor. Her many years of experience at his side uniquely qualified her to carry on his capable representation and to work toward the fulfillment of his aspirations and objectives, and I am confident the Second District of Louisiana will continue to be ably and honorably represented. Mr. Speaker, I think that a measure of the respect and affection I had for HALE is measured in the fact that he and I were often on opposite sides of the issues facing Congress. Many times HALE was called upon to debate issues that I had taken a particular stand on as ranking member of the Committee on Public Works. But throughout all this confrontation we remained steadfast friends and while I, on occasion differed from his position philosophically my respect for Hale never diminished. I extend to Mrs. Boggs and to her family my deepest sympathy upon their great loss and my very best wishes for success in her efforts to carry on the work this tragic accident interrupted.

Mr. STOKES. Mr. Speaker, I wish to commend the distinguished gentleman in the well for taking this special order today. I associate myself with his remarks and those of my other colleagues who have today paid tribute to our late, distinguished colleague, Hale Boggs.

I too am glad to see the distinguished former speaker, Mr. McCormick, present on this occasion. It is also gratifying to know that Lindy Boggs, Hale's charming and devoted wife is now his successor in this body.

Mr. Speaker, I had a personal friendship with Hale Boggs which I shall always cherish. He was one of the finest men I have had the priviledge of knowing. I have had the pleasure of meeting and knowing other members of his family, and they too are fine people.

Mr. Speaker, Hale Boggs was a southerner and he was proud of it. But he was even more proud that as a southerner he believed in equal rights and freedom and dignity for all men. He had an outstanding civil rights record and he was proud of it. He had a deep, abiding conviction that all men are created equal and that the color of a person's skin had nothing to do with the quality of the man. I was present on the floor of this House on many occasions when he spoke eloquently and with compassion on behalf of legislation which would help black, poor and disadvantaged people in this nation. He believed in people.

Mr. Speaker, Hale Boggs was a great orator. Last year he took a special order to discuss wiretapping of his own telephones by the FBI. He spoke for 1 hour on that occasion. For 1 hour a packed gallery and a full floor of Members listened with rapt attention to one of the greatest and most courageous speeches ever made in the House. His eloquence was never greater. I was so moved on that occasion that I immediately returned to my office and wrote him a letter of congratulations.

Mr. Speaker, I suppose Hale Boggs was many things to many people. To me he was a friend and a counselor. I chose on many occasions to avail myself of his legislative expertise and longevity in the House. In my opinion his name will go down in history as one of the great leaders of America. I am proud to have served with this distinguished American.

Mr. PATMAN. Mr. Speaker, this House had, indeed, lost a noble statesman—and a great and good friend—in the tragedy last year that took the life of our much beloved and respected majority leader, Hale Boggs. His death is a severe loss to our Nation, and precisely because he was a statesman, the entire world is bereaved. In every respect, Hale Boggs represented the best elements in our American legislative system. He possessed all of those excellient and rare qualities that have distinguished our Nation's leaders as great and powerful spokesmen for freedom, democracy, and human liberties. Hale Boggs personified the celebrated spirit, grace, and charm of his native New Orleans which combined with a vigorous intellect and superlative parliamentary skill to make him one of the most effective and persuasive Representatives ever to grace this Chamber.

As one of the Members who welcomed Hale when he first came to the Congress 32 years ago, I remember very well what a knowledgeable, capable, energetic, and engaging young man he was. His achievements proved the accuracy of my early judgment. Yes, Hale Boggs was an eminent American, and he had the courage of his patriotic convictions. After distinguished military service during World War II, he returned to this House that he loved so well, and when he again took his place among his colleagues at the commencement of the 80th Congress, it was clear that he had come to stay—and he did, for 25 years of brilliant leadership.

Hale Boggs was a relentless and fearsome advocate for the people of the Second Congressional District of Louisiana, and he always championed legislation that would strengthen America, and give fresh hope and new opportunities to the deprived and disadvantaged of this land. For more than a quarter century, Hale Boggs worked tirelessly for progressive solutions to the age-old problems of civilization.

Hale Boggs was recognized both at home and abroad as an important and key legislator, and those who knew him realized that his widespread influence sprang from his concern and his regard for all people. It was easy to talk to Hale, he always had time to listen, and you could be sure of his sympathy and understanding. He had an affinity for people, and his affection, loyalty, and outflowing friendship were returned in the same generous abundance.

The Members of this House have fond memories, indeed, of their association with Hale, and I deeply treasure the many wonderful occasions and opportunities that came my way to work closely with him as our highly esteemed majority whip and majority leader and also as a fellow member of the Joint Economic Committee where his wisdom helped guide this Nation through many perilous moments. He imparted to all those who touched upon his life something of his own unquenchable zeal. This immense strength and boundless energy were a constant inspiration to his colleagues.

Mr. Speaker, no words of mine can adequately picture the ebullient spirit, the infinite compassion, or the glowing personal warmth of Hale Bogg. He was a true friend, and I miss him deeply. His life and service were enormously meaningful and he will long be remembered not only for his substantive contributions of a temporal nature, but also for his spiritual and moral leadership which was all-pervasive and at the core of all his throughts and deeds. He was truly one of our greatest Southern leaders, but he was also a patriotic national leader, never exalting the interests of any section of the country over the well-being of the Nation itself. He died as he had lived—working unceasingly and unselfishly to help his colleagues, his party, and his country.

Mrs. Patman and I join in extending our heartfelt sympathy to his lovely wife and his fine family. I know that they take comfort and pride in the great respect, admiration, and affection with which he was so widely regarded by his constituency in Louisiana, his colleagues, and by men and women of good will throughout America and the world.

Mr. ULLMAN. Mr. Speaker, I would like to add my voice today to those who are recalling the spirit, the determination and the strength of the late Hale Boggs. His untimely death is a real tragedy, a tragedy in the classic Greek sense: the end of a great man who achieved much in his lifetime.

For almost 10 years I sat with Hale on the Ways and Means Committee. During that time I grew to know him very well. His keen intellect, his ability to grasp complicated tax and trade matters, and his dint for hard work never lapsed. Hale never feared to attack a complex question, and displayed rare courage in making his decision.

And yet, as well as I think I knew Hale, in some ways he always continued to amaze me. He felt his way through every situation, attuned to the attitudes, the strengths and the weaknesses of those around him. He always seemed to know, perhaps by instinct, when to soothe a ruffled feather, and when to shake up the henhouse.

These things, his good mind and his strong spirit, are, of course, part of what made him a real leader. But there was one thing more. That was his fundamental, unshakable belief in the dignity of man and the basic instruments of our Government to enhance that dignity. Despite the last 10 years of unrest, dissatisfaction, and turmoil in our Nation, Hale Boggs remained convinced that our American Government and the concepts upon which it was founded remain as viable, workable tools to guarantee the rights of life, liberty, and the pursuit of happiness.

Yes, Hale Boggs' death is a real tragedy. His constituents have suffered the loss of a gifted and tireless public servant. Certainly we in the Congress have lost a determined and strong leader. And the entire Nation has lost a great and good man.

Mr. TEAGUE of Texas. Mr. Speaker, I find it personally very hard to accept the fact that our very distinguished friend, Hale Boggs, is dead. He was such a vibrant person—so full of life and vitality—the word "death" seems incongruous when applied to him.

Of course, my mind tells me the fact of his leaving us is indisputable. And yet I kind of half expect to see him stroll through those doors again and take his accustomed place on the floor of the House. The force of his personality can still be felt within these walls, just as the force of his legislative skills will be felt throughout the nation for many generations to come.

Thomas Hale Boggs was one of my first close friends in this body. He returned to Congress shortly after I first came here. We were both veterans, both from the South, both Democrats and we shared many ideological stances together. It was inevitable that we become friends, and we did.

In many ways Hale was a protege of our late, great Speaker, Mr. Rayburn. This fact, in itself, speaks volumes because Mr. Sam rarely made a mistake in appraising his colleagues. He knew talent when he saw it, and he knew integrity and Hale Boggs had these two virtues in abundance.

I was particularly moved, Mr. Speaker, when the terrible news of Hale's disappearance reached the Members of this House, to find that he was mourned almost equally on both sides of the aisle.

Hale was a Democrat and a partisan. He held the top partisan position in the Congress. He was a fighter, all the way, but he was a fair fighter. He never took a mean advantage. He never threw a sneak punch. He never broke his word. And if any situation arose in which the best interests of the Democratic party collided with what he thought was the best interests of the Nation, Hale was always on the side of the angels. He never placed political partisanship above patriotism.

Quite a number of my Republican friends have told me about favors Hale did for them—advice he had given them—assistance in a great number of quiet, honorable ways. He was always generous, always helpful and he took a special interest in promising new Members of this body, regardless of their political faith.

We all know his record here as a Member of the Ways and Means Committee—as an expert in international trade and as majority whip and majority leader. There is no cause to expand on this record. It speaks for itself.

To his wonderful wife, Lindy, who is so valiantly and successfully occupying Hale's seat in this House, it must be a great source of pride and comfort to know that life in America and the rest of the free world is significantly better because Hale worked for 28 years in Congress.

As for us who knew him and worked with him during most of those years, it is a comfort to know that we are all better persons simply because we knew him and worked with him.

It was an honor to have served in the same House with him.

It was a privilege to have shared friendship with him.

It was an inspiration to have fought side by side with him in so many successful legislative battles.

May he rest in peace.

Miss JORDAN. Mr. Speaker, we lost a distinguished colleague and a very dear friend of many of us—the late Hale Boggs of Louisiana—our vigorous majority leader, when the aircraft on which he was a passenger disappeared last October 16, over Alaska.

Hale Boggs was just 26 years of age, the youngest man in Congress, when he came to the House of Representatives in 1941. In the long and eventful years since he first arrived here in the Nation's Capital, he had risen to numerous and varied positions of power and authority in the committees and forums of the House of Representatives.

We have been deeply saddened by his untimely and tragic passing, and the Congress and the Nation are poorer for having lost a faithful and dedicated public servant. Hale Boggs became the House whip in 1962, and House majority leader in 1971, serving some 14 terms in the Congress. He wrote a legislative record rich in accomplishment and long on measures designed to better the lives of not only his own constituents in Louisiana, but those of Americans throughout this great Nation that he loved so much.

Hale Boggs sought throughout his entire legislative career to promote individual rights and responsibilities—and he fully supported the landmark legislation we know as the 1964 Civil Rights Act, an act in keeping with the statement he once made that, "the fundamental right to vote must be a part of this great experiment in human progress under which is America."

The rewards he received were many and varied, but perhaps his greatest reward came in the knowledge that he was a good and faithful representative of the people of the Second District of Louisiana. Hale Boggs belongs to the ages now, but the memory of his presence here is not one that is likely to be forgotten as long as men and women respect all those admirable qualities of charm and ability, devotion and dedication that so characterized a great and good man. We wish his widow well, and trust that we have been able to convey something of the deep respect we held for many years for Hale Boggs, Congressman from Louisiana.

Mr. NIX. Mr. Speaker, it is with sadness in my heart and with inadequacy of words that my friend and our colleague, Hale Boggs, is being eulogized in a manner befitting him. It is never easy to accept the loss of a dear friend. It is made more difficult when that friend was in the prime of life.

Hale Boggs was a statesman in the best and noblest sense of the word. He loved people and the land of his origin, but he brought a national perspective to his work. There was nothing about him that was parochial or base. He had courage, conviction, and compassion.

He worked for the accomplishment of great political goals and unceasingly for the passage of good legislation in which he believed. The list of his achievements and commitments to causes for the betterment of humanity could go on endlessly. Certainly, Hale Boggs was one of those rare and inspired human beings who managed to live their lives to the fullest limits of their God-given energy and talents. His energy and his redoubtable talents were given totally to the service of his fellowman. The excellence he has shown throughout his career in government stands as a challenge and an inspiration to the American youth of today who will be the leaders of tomorrow.

Over and above his service in this body, his dedication as a loyal member of the national Democratic Party went beyond the call of duty. It was a sad occasion for all of us last fall just a few days before the election when word was received that both, Hale Boggs and another colleague, Nick Begich, were missing on a flight in Alaska. Thousands of friends and supporters waited and prayed that the Creator would spare the lives of the occupants of the missing plane for a later date. That Hale Boggs was in Alaska braving severe Alaskan weather was a testament to the generosity and party loyalty of a friend who heeded a colleague's request for political assistance.

Men like Hale Boggs are rare and needed. I will miss him and the citizens of the United States will miss him more than most will ever know.

While all of us will long grieve at his loss, we can remember the spirit of hope and charity that pervaded his life and political career and give thanks for the honor and privilege of having shared a portion of it with him.

Mr. FLOWERS. Mr. Speaker, I consider it an honor to join with my colleagues today in paying tribute to our late majority leader, the Honorable Hale Boggs of Louisiana.

The kind of man Hale Boggs was can be plainly shown by the activity in which he was engaged at the time of his disappearance—campaigning for a fellow Member of this House. He was a man who gave much of himself for others and was not one to turn down a call for help.

Hale Boggs served his State of Louisiana and his Nation for many years in the Congress, and he served them well. I know that I speak for all of us, his colleagues, when I say he will be truly missed in this Chamber.

Mr. DAVIS of South Carolina. Mr. Speaker, it is my humble privilege to salute the memory of our late Majority Leader Hale Boggs. The untimely tragedy which has taken him from us can never be accurately measured in its impact. The Congress has, indeed, lost one of its most distinguished Members and I feel the loss of a good friend and leader.

I recall Mr. Boggs as a dedicated public official, devoting his complete effort to the job at hand. My first encounter with Mr. Boggs came when I was a doorkeeper and he was the Democratic whip. I always found him ready and able to help with any problem. In his entire career, Hale Boggs had the ability to win people to his side. He did it with logic, legislative acumen, and humor. But when those methods failed he could twist arms as well as anyone. He had the ability to light a fire under people—without making their blood boil.

When he assumed his role as majority leader his duties increased dramatically, and yet, he was never too busy to instruct the novice, counsel the undecided, and persuade the disagreeable. His loyalty to the Democratic Party was unquestionable. In fact, Congressman Boggs was always ready to come to the aid of a fellow Member. He was on such a mission when his plane was lost.

I feel certain it will be a long time before the memory of this great man is dimmed. He did, indeed, cast a giant footprint on the history of this House. I feel honored and fortunate to have been able to serve with Hale Boggs. I can add without hesitation, I shall miss his experience and wisdom very much.

Mr. EDWARDS of Alabama. Mr. Speaker, I rise to join my distinguished colleague, F. Edward Hébert, in recognizing the contribution made to this body and to the nation by our friend and majority leader, the late Hale Boggs.

Words, no matter how well chosen or how well phrased, cannot adequately measure the service which he rendered to his Louisiana constituents. And like the poet who finds the universal in the local, Hale Boggs was able to represent his immediate constituency with great skill while at the same time serving a far larger national constituency as majority leader.

Hale Boggs' presence in the Congress and his many accomplishments added to the stature of every American and every member of Congress. His leadership will benefit Americans for years to come and will provide a fitting memorial to this great American.

Mr. BRASCO. Mr. Speaker, Hale Boggs is gone from our midst, and the Congress and the Nation mourn and miss him along with his fine family. From the first day I spent in this House, Hale was friend, colleague, adviser, and leader.

We can all remember back to the first days of our incumbency. It is at such moments that a senior Member of the House can be, if he chooses, most helpful and understanding. Hale Boggs was that kind of individual.

He was a partisan down to his toenails when the occasion demanded it. Yet whenever some issue concerned the Nation as a whole, transcending political partisanship, he was the first to cast the latter aside and act on behalf of all Americans.

As a legislator, he was to be found in the thick of every battle on every major issue, making significant contributions.

As a leader, he was a guiding light on this floor and off it, offering the kind of knowledge and experience the position he held demanded at all times.

When asked to be a sectionalist at the price of national interests of a broader nature, Hale always cast his lot on the side of our whole Nation and society, rather than taking refuge behind the false shelter of regionalism.

When asked to turn his back on the morally correct issues of human rights for all Americans, he took his chances politically, putting his vote and energies on the side of justice, freedom, liberty, and human dignity. Perhaps those were his finest moments on the floor of this body. Pressures and fears of those times were breathing down the back of his neck, but he insisted on doing what America needed to have done on her behalf as a nation. And it is when men and women in public life act in that manner that a society rises to a finer, higher level of civilization.

Hale Boggs throughout his career was a decent, compassionate, and kindly human being. His service here has brought honor to his family, his State, and our Nation. We are all the poorer for his absence. We all miss him keenly. He shall be remembered by those whose lives he touched and enhanced.

Mr. ROSENTHAL. Mr. Speaker, Thomas Hale Boggs contributed much to the Democratic Party, the House of Representatives, and the American people. He consistently strove to do what he felt was best for his country. He acted, at all times, in a fashion worthy of the utmost regard and respect. We all miss his warm personality and myriad talents greatly.

As a man of calm rationality and balance, he was able to utilize his abilities to understand divergent points of view that always exist, reduce the heat and friction that slow progress and make legislative machinery work. This supreme achievement remains the measure of the man. Hale Boggs, legislative leader, was unsurpassed in this attribute.

Hale Boggs was a leader in another sense as well. Although he represented his Louisiana constituents with great skill and care, he found it necessary, on occasion, to step beyond district concerns and approach certain issues from a national perspective. Despite the electoral risks inherent in such positions, Hale Boggs, as a dedicated and patriotic statesman, never failed to cast those crucial votes whenever his conscience told him that a larger national interest was at stake. His valiant fight on behalf of the 1968 Civil Rights bill came very close to costing him his seat. Yet, in succeeding years, he continued to stand his ground.

All of us might well learn from this great man's devotion to his country. His widow, Lindy, who sits among us now, and his family have good cause to be proud.

Hale Boggs' work will remain an inspiration and a guiding beacon for Members of this Chamber for generations to come.

Mr. KLUCZYNSKI. Mr. Speaker, this House was profoundly grieved and saddened by the tragic death of the late majority leader, Hale Boggs, last October. In the months since then we have felt the full extent of our loss. He was a friend to all of us, as well as a respected colleague. He had warmth and humor and generosity of spirit; he was the kind of person who could always make one feel at ease. At the same time, he had a superb talent for leadership, an ability to bring disparate points of view together to achieve a constructive compromise acceptable to all.

Someone once said "When Hale takes the floor, there is always order in the House," and this is a truth that reflects his eloquence and persuasiveness in debate. He won national recognition as an expert and effective spokesman for liberal trade policies. Few men in modern times have been more expert in the intricacies of complicated tax and trade legislation.

Hale Boggs supported the national Democratic Party when it took great political courage for him to do so, and it is a tribute to his constituents that they recognized his ability and continued to return him to Congress despite very strong opposition. He was one of the Democratic Party's ablest leaders, especially in the areas of campaign and legislative strategy. He served as parliamentarian at the 1964 Democratic National Convention and skillfully chaired the committee that wrote the Democratic platform at the 1968 convention, a supremely difficult job in that year of social turmoil.

Hale got into politics shortly after winning his law degree from Tulane University in 1937 as a leader of a New Orleans reform group that temporarily broke the power of a machine that had dominated Louisiana politics for many years. At the age of 26 he became the youngest Member of Congress in 1940. After service as a naval officer during World War II he regained his House seat in 1946 and held it until his death last fall. Hale had no opposition in the November election, but he was devoting his full time to helping his colleagues in their campaigns. It was this generosity which led to his tragic and fatal trip to Alaska.

Hale Boggs was a man of exceptional integrity, wisdom, and personal warmth. During his whole career in politics and government he devoted himself to serving the best interests of his district, his State, and the Nation. Citizens of Louisiana can take great pride that they have sent to the Congress such outstanding and dedicated legislators as Hale Boggs, and now his very able and talented wife, Lindy.

I am extremely grateful that I have had the opportunity to know them as friends and work with them as colleagues. Hale will be sorely missed, both as a wonderful human being and as one of the most outstanding leaders in our time. His family has my deepest sympathy in their terrible loss.

Mr. BROYHILL of North Carolina. Mr. Speaker, I am glad to have the opportunity to pay tribute to former House majority leader, Hale Boggs.

The late Hale Boggs deserves praise for his unselfish service and the contribution he made to the legislative process. He made many friends on both sides of the aisle and his valued advice and counsel are sorely missed.

In my personal conversations and contacts with Congressman Boggs, I always found him to be candid and forthright. He was firm in his convictions and is to be commended for the manner in which he stood up for his beliefs.

I am pleased to join with the many friends and associates of the late Hale Boggs in paying tribute to him for his long and devoted service to the people of Louisiana and the Nation.

Mr. NEDZI. Mr. Speaker, the practice of politics is an honorable profession and of critical importance to any democracy.

One of the most skilled practioners of the art of politics was our beloved friend and leader, the late Hale Boggs of Louisiana.

Those of us who served with Hale Boggs in the U.S. House of Representatives enjoyed a rare privilege, for seldom has this body seen his equal in skill of maneuver, knowledge of legislation, and oratorical flavor. Hale Boggs was one of the few members in my experience who could effect a change of direction in the House while a debate was in progress. Every time he arose to speak, he drew attention like a magnet.

Our personal relations were always

cordial and I always looked forward to each opportunity to share in the company of HALE and his lovely wife, LINDY.

The House is a large body which experiences a substantial turnover every 2 years. Out of its sea of relative anonymity arise a modest number of characters and a smaller number of memorable personalities. HALE BOGGS will be recorded and remembered as one of the greatest personalities ever to serve here.

It was a personal tragedy for the Democratic party, for the Congress, and for the Nation, that misfortune cut short a life which was barely beyond midpassage and which promised so much good for all that he touched.

Mr. RODINO. Mr. Speaker, it has been many months now since HALE BOGGS sat with us in this Chamber. Yet, in our minds and in our hearts, his presence, his courage, his leadership, his beliefs and his dreams remain vibrant and strong.

The relationship built between one man and another differ with every friendship created. Each individual brings a part of himself into this bond, making each separate, distinct and uniquely special. We all knew HALE in our own ways, be it as family, colleague, as constituent, or as friend; and each of us cherishes the experiences and the memories we were privileged to share with him. Certain basic qualities of HALE's character, however, touched upon us all. His love, his compassion, his commitment to his fellow man, his desire to make possible a better life for everyone could be seen in his every deed and in his every word. So long as these memories remain alive, so long as we continue to carry forward the programs and the goals HALE wanted this Nation so desperately to achieve, his image will remain an integral part of the workings of this Chamber. For a large part of this man is indelibly printed in legislation of such great scope that his work has already enhanced the quality of American life and become inbued in the legacy and the principles of this Nation.

Of the many statements which have been made or will be spoken as time goes on, perhaps the words of St. Francis of Assisi best capture the essence of HALE's goals and of the endeavors and accomplishments he attained in his own lifetime in seeking their fruition.

Lord, make me an instrument of your peace.
Where there is hatred, let me sow love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
And where there is sadness, joy.

O divine Master, grant that I may not so much seek to be consoled as to console;
To be understood as to understand;
To be loved as to love;
For it is in giving that we receive;
It is in pardoning that we are pardoned;
And, it is in dying that we are born to eternal life.

Sometimes, in paging through last session's CONGRESSIONAL RECORD, in rereading his words and the speeches he delivered on this floor day after day, it is difficult to realize HALE BOGGS' words will appear no more on these familiar pages. Yet, though he may never walk this way again, and though he may not stand before us fighting for the culmination of his dreams and hopes, the steps he took have left their imprint and have shown us a direction and a way.

Mr. FISHER. Mr. Speaker, the untimely and tragic death of HALE BOGGS is unbelievable. It was my honor and pleasure to serve in the House with HALE for 30 years. He was always recognized as one of the more intelligent and articulate Members of this body. He provided a dynamic leadership which was widely recognized. There have been few men who have served in the Congress in modern times who have been more effective and commanded so much attention and respect.

HALE BOGGS was devoted to his job like few men have ever been. Always ready and anxious to assist a friend, it was this quality which accounted for his fatal trip to Alaska.

I share with my colleagues the sadness that has been described by so many. It is wonderful to know that he has been succeeded by LINDY, his faithful wife, who will undoubtedly make her mark as a valuable and responsible Member of Congress. I extend to LINDY and other members of the family my profound sympathy in their bereavement.

Mr. BIAGGI. Mr. Speaker, it is with a sense of profound personal loss that I wish to pay tribute to a great American and colleague, the Honorable HALE BOGGS of Louisiana.

For 24 years, HALE BOGGS served his country with unparallel distinction as the U.S. Representative from the Second Congressional District of the State of Louisiana. During the last 2 years of his outstanding term, he served as the majority leader of the House of Representatives.

In my 4 years in the House, I was honored to have known and worked with HALE BOGGS. I sought his advice on various matters, and was always impressed with both his knowledge of various subjects—and his eagerness to assist me in any manner.

Yet, even while he held the considerable power and influence which are associated with being the House majority leader, HALE BOGGS never once neglected those people who had elected him to office. His dedicated and tireless service to his constituents was an inspiration to every Member of the House.

HALE BOGGS will also be remembered as a gentleman. A great deal of his success as a legislator and national leader stemmed from his warm and friendly personality which allowed him to deal effectively with the congressional delegations of every section of the country.

I would like to join with my colleagues today in paying tribute to a great legislator, leader, and gentleman, HALE BOGGS.

Mr. MILLER. Mr. Speaker, the tragic disappearance of our distinguished colleague and my friend Hale Boggs is a loss which will be felt in this Chamber, throughout Louisiana, and across America for years to come.

Few men in the course of their lifetime make an impact as significant as that marking the life of Hale Boggs. He will be remembered as an architect of many important pieces of legislation which were authored with the best interests of America in mind. Those of us who were fortunate to know Hale Boggs for the courageous legislator and public servant that he was will never forget his unwavering devotion to the people he served and the principles he represented.

We will always remember him with special admiration and affection and our sentiments are shared, I am sure, by a Nation grateful for his attention to duty.

It is, I think, a special tribute to Hale Boggs, that despite all his legislative deeds, we find ourselves thinking first, however, not so much of those deeds, but even more so of his character.

It was the character of the man—not necessarily what he did, but what he was—that earned him the trust and faith of the people of his State and his colleagues in the Congress. Hale Boggs touched something very fundamental in America which only men of immense spirit and dedication to the ideals of democracy can bring to life. He was a product of the South, but a servant of America. Driven by the desire to do things right, and to do his job fully, it is in his passing that all of us know that he accomplished both goals in the very finest way.

Though I am grieved by the loss of Hale Boggs, it is only fitting to note at the same time that one closest to him—his lovely wife LINDY—succeeded Hale in representing the Second District of Louisiana. Her presence in the House in which Hale served will continue to inspire us as he did, and remind us that, in the memory of a great statesman, we should continue striving to fulfill the dreams of America.

Mr. FOUNTAIN. Mr. Speaker, I want to associate myself with all others in paying tribute to our former majority leader, HALE BOGGS.

The tragic accident which took from our midst our colleague HALE BOGGS, at the height of his career, is one of the most terrible blows ever to fall upon this House. I have been told by many that from his first election to the Congress in 1940, it was evident that he was destined for leadership. When I came here in 1953, I could easily understand why. He was the youngest Member to serve in the 77th Congress, and after 4 years of active duty with the U.S. Naval Reserves during World War II, he was reelected to the 80th Congress and every succeeding Congress by wide margins.

HALE BOGGS was one of the Nation's top experts on the extremely complex and difficult subjects of taxation and foreign trade policy. Until his election as majority leader in the 92d Congress, he served as the chairman of the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, as well as a high ranking member of the Committee on Ways and Means and the Joint Committee on Internal Revenue Taxation. He was also an expert on parliamentary procedure; a permanent American delegate to the Interparliamentary Union from 1948 to 1962 and parliamentarian for the Democratic National Convention in 1964. He was an outstanding member of two important national commissions: The President's Commission on the Assassination of President Kennedy and the National Commission on the Causes and Prevention of Violence. He began his rise to the majority leadership when he was elected deputy whip in the 85th Congress, becoming whip in the second session of the 87th Congress and majority leader in the 92d Congress.

These are just a few of the outstanding achievements of Hale Boggs' outstanding career. The list could go on and on, but I think it is even more important to remember his friendly disposition, his cooperative spirit as a leader, and his qualities and character which won him the admiration, and affection of all who knew him. He and his family, especially his lovely wife, Lindy, who is now his very worthy successor, were among the warmest, most generous and hospitable people it has ever been my good fortune to meet.

Hale achieved his position as majority leader not just because of his many years of faithful service to the Democratic Party, not just because of his intellectual brilliance, and his skill as a parliamentarian, but because he had a deep and genuine liking for people and an ability to work together with Members of all political persuasions to reach a responsible compromise or pursue a common goal.

The purpose that led to the tragic accident in Alaska was typical of his generosity; in the final hectic days before the election last fall he took time out to help a colleague's campaign, not really for political advantage, but primarily out of friendship for a candidate he admired.

There will always be a warm spot in the hearts and minds of his colleagues, his constituents, and countless friends. As a leader and legislator who upheld the finest ideals of democratic government, and as a man who earned the affection, loyalty, and profound respect of those of us who knew him, Hale Boggs set an example that will continue to inspire his colleagues and his many, many friends.

Mrs. Fountain and I were saddened and share the loss of his fine family. And we wish for his very charming, talented and capable wife and successor, Congresswoman Lindy Boggs, every happiness and success during the years that lie ahead.

Mr. Speaker, at this point I would like to include a personal letter of tribute to our former colleague, Hale Boggs, from a former Member of this House, our very able and distinguished friend, the Honorable Horace Kornegay of North Carolina.

Washington, D.C., *May 24, 1973.*

Hon. L. H. Fountain,
*U.S. House of Representatives,*
*Washington, D.C.*

Dear L. H.: It has come to my attention that the House on Tuesday, May 22, will set aside time to memorialize Hale Boggs. I feel it not only appropriate but have a moving desire to express in writing the high regard which I had for him and the deep sense of personal loss which has come to me as a result of his departure from this life. Please use this letter in any way which you deem appropriate.

As you know, it was my great honor and privilege to serve in the House of Representatives and to know Hale Boggs from January 3, 1961 to January 3, 1969. During several years of my time in the House, I had the fortunate experience of serving as a Zone Whip under Hale's leadership during his tenure as Majority Whip. This close association with this remarkable man provided me with the opportunity to observe his political courage, his dedication to his party and to the government he served and his love of the country and its people. He gave unselfishly of his time and wisdom to the cause of good government and, needless to say, his great efforts added greatly to the profit of our nation.

It was a great privilege to have known and served with him and I, like you, have lost a wonderful friend.

Out of this great tragedy, it is comforting to Hale's friends to know that the fine people of his district have named his courageous and talented wife, Lindy, to serve them in the Congress and to carry on the Boggs' tradition. He leaves a wonderful family and a host of friends and associates who will forever treasure his memory.

Sincerely,

Horace R. Kornegay.

Mr. BIESTER. Mr. Speaker, I appreciate having this opportunity to add a few words in tribute to our late majority leader, Hale Boggs.

Hale Boggs was an accomplished legislator, a compassionate man whose presence and influence were matched by few others in these Halls. He conceived his role as majority whip and then as majority leader in a most dynamic manner, and he lived his job with a zest and determination that impressed Members on both sides of the aisle.

Hale Boggs was able to interpret and mold together the roles of both a representative of the people and a leader of the people. As a representative, he addressed and acted upon the needs of the people of his congressional district. As a leader, he looked beyond the pressures of the moment and took what were oftentimes publicly unpopular stands. His support of the 1965 Voting Rights Act and the 1968 civil rights bill demonstrated the depth and strength of this man.

In the death of Hale Boggs, the South has lost a forceful voice and the Nation will miss a respected leader.

Mr. CORMAN. Mr. Speaker, in the months since the tragic accident which took Hale Boggs' life, I have thought of him many times—of his respected stature in the House as our majority leader; of his decency and warmth as a human being; of his willingness at all times to befriend each of us in every way he could; of his devotion to the interests of the country; and especially of his commitment to legislation that upheld the rights of every American, which in itself made him a symbol of the great traditions by which we live and govern.

Hale Boggs was a sincere man. His integrity was unquestionable; his courage boundless. These qualities were never more clearly and effectively displayed than during the debates and consideration of civil rights legislation in the House. As the foremost Member from the deep South to support the rights of black Americans, he unflinchingly placed his own commitment to justice above regional interests, and thereby paved the way for passage of the civil rights statutes of the 1960's.

Whenever those of us who knew and worked with Hale Boggs look back to those years, we will always remember the force, the honesty, the sensitivity of his stirring speech on the floor in support of the 1968 Civil Rights Act. We will recall that this man, perhaps more than any other, brought the House to the realization that no longer could any American, whatever the color of his skin, be denied his inalienable rights. This is a remarkable legacy that Hale Boggs left us. We should use it well.

It was an honor, Mr. Speaker, to have served here with Hale Boggs and to be counted his friend. He has been deeply missed these past months, and he will continue to be. But, he will always be remembered with profound respect, affection and esteem.

Mr. JONES of North Carolina. Mr. Speaker, the first time I had the pleasure of meeting Congressman Hale Boggs was quite a few years ago when he came to Greenville, N.C., to speak on behalf of the Democratic Party. As in the case of all who met him, I was immediately impressed with his ability and sincerity. Of course, it was sometime later in 1966 when I became a Member of the U.S. House of Representatives that I fully appreciated his talents and leadership capacities. Quite often, due to the district which I represent, I found it necessary to vote other than did our late leader. However, at no time was I criticized or censored, but always he assured me that he understood the problems of individual Members, and that the most important fact was for those of us on the Democratic side to continue to be reelected. No doubt, his popularity was based on the ability to understand the problems of his colleagues. It is needless to say that he has been missed, for all who knew him share the same sense of loss as I.

I think it is most fitting that the people of the Second District of Louisiana had the wisdom to continue the services of the Boggs family in the U.S. Congress; and to his family who generously shared his talents with others, I offer my best wishes and appreciation.

Mr. DENT. Mr. Speaker, I wish to join my colleagues in paying tribute to a truly great American and great Member of the House of Representatives, the late Hale Boggs.

I know that a profound sense of personal loss has pervaded this body since Hale's death. We will miss him in many ways, yet each time we feel his absence, we will remember his accomplishments while he was with us.

We will remember him as a brilliant man and a brilliant parliamentarian, superbly suited for the job of majority leader, which he so ably performed.

We will remember him as a conscientious, hard-working member of the Ways and Means Committee, an expert on taxation.

We will remember him as the Representative from the Second District of Louisiana, a man who worked for his constituents as a Congressman should.

Most of all, we will remember Hale Boggs as a legislator who placed the best interests of America above personal, party, or regional interests. Without his support, some of the most progressive legislation in our country's history could never have been passed in the 1960's. For this reason, we as a Nation are truly grateful.

My own personal sense of loss runs deep, for I remember HALE not only as a colleague but as a friend, and of course nothing can fill the void caused by the loss of a friend. Yet, I want to take this opportunity to wish his wife, Congresswoman LINDY BOGGS, a most capable successor, all the success possible in filling her husband's shoes here.

With the death of HALE BOGGS, the House and the Nation have lost a true leader, yet the United States will forever be blessed by his legacy.

Mr. GIAIMO. Mr. Speaker, the tragic disappearance of Representative HALE BOGGS took from this House and the Nation a great legislator and a fine man. HALE would have been 60 years of age next February, and his accomplishments in a foreshortened lifetime were those of an outstanding public figure, worthy of the highest ideals of the Congress and characteristic of the leadership Louisiana has so often given to the Nation.

HALE's early years were marked by distinctions in both scholarship and leadership. His academic career was followed by election as the youngest Democratic Member of the 77th Congress. Following service in the Naval Reserve and the Maritime Service during the Second World War, HALE returned to the 80th Congress, and was reelected by the people of New Orleans to every Congress from that time until his death.

HALE's service in the Congress is marked by a record of the most distinguished and active assignments and was complimented by his equally long and illustrious record of work for the Democratic party through its national councils, conventions and committees.

I first met HALE when I was elected to the 86th Congress. He stood out in my mind as a leader, as a hard worker, and a model for others of us to observe and follow. Over the succeeding years HALE became both a friend and an admired colleague; while his work as Democratic whip and, later, as majority leader, took more and more of his time, he remained a considerate and dedicated worker both for his party and his Nation. That his death came during a trip undertaken to assist another Representative demonstrates the kind of concerned leader he was.

I know that the people of New Orleans are quite fortunate to have HALE's widow represent them in this House. An outstanding leader in her own right, LINDY is to be commended for demonstrating that kind of public-spirited motivation HALE came to represent.

Mr. Speaker, while HALE BOGG's death was a great loss to his family and friends, to his city and the Nation, it was also a great loss to this Congress. I hope that in our words and actions, our choice of leaders and our pursuit of goals, we can all work to fill that void in a manner befitting the commitment shown by this lost and mourned leader.

Mr. PREYER. Mr. Speaker, HALE BOGGS was a splendid example of the public servant. His intelligence, his sense of duty, his uncommon ability at making government work were all directed for most of his adult life, at serving people. People in Louisiana, people in the United States and, because his understanding was so great, people around the world.

He was a practitioner of the art of politics but a man who knew where partisanship ended and commitment to country took over.

We in North Carolina knew him well because he had been generous in his time spent with us there and generous in his support of our State's interest. He was always there when we needed him and he always made us feel important—almost as important as the people of Louisiana.

HALE was the speaker at our Jefferson-Jackson Day dinner in 1972, our biggest party event of the year, and delivered a memorable old-style stump speech. There has never been a better stump speaker than HALE, with that marvelous booming bass voice. North Carolina was honored when LINDY BOGGS addressed this year's Jefferson-Jackson Day luncheon on March 24. It was her first speaking engagement after her election a few days before. She received a tremendous and prolonged standing ovation, which reflected both our love for her and our admiration and affection for HALE.

HALE came to this House as the youngest member of his party in the Congress at that time.

When World War II came, although he was just at the start of his career, he left Washington to serve his country with honor and distinction in the Navy.

His second congressional career was marked by a rapid rise to leadership. My colleagues who served with him here throughout that period know of his great contribution in the fields of narcotics and foreign trade legislation; of his service on the Commission to Investigate the Assassination of the President; and countless other achievements.

He had a great gift of friendship and was one of Washington's best hosts. This effectively concealed an inner toughness and strength, which was his greatest asset and without which no man could accomplish all he did.

HALE BOGGS was a partisan: of this House, of his party, but above all, a partisan of his country.

We all miss him. We take pride in the years of his life among us. We salute his memory and joy in the presence of the good and gracious lady who carries on that service here today.

Mr. McCORMACK. Mr. Speaker, it is with a great sense of tragedy and loss that I join my colleagues to commemorate the life and service of the late HALE BOGGS. As a second-term Congressman now, I had the privilege of serving under his leadership for a short 2 years. Yet during that brief time, I was greatly impressed by his intelligence and dedication, his compassion and his humor. His persuasive leadership most effectively combined understanding concern for his constituents and his colleagues with a vision of the present needs and future demands of our country. Most important, however, he was devoted to the Congress of the United States. He was determined to serve his country and its people, and he felt deep love for his family, his friends, and his fellowman.

The tragedy which ended his service at the peak of his long and distinguished career has left this Congress and this Nation with a very real and irreplaceable loss. But while we are so saddened by his absence, we are deeply enriched for the service he gave and the example he set.

He never forgot the difficult beginnings of his career, starting college during the Depression and working his way through law school. This unfailing memory brought forth his impassioned defense of the great social legislation considered and passed by the Congress—legislation designed to improve the lives of Americans—to foster their opportunities for decent shelter, sufficient nutritional food, adequate health care, and an acceptable standard of living with opportunity for self-improvement.

Perhaps the greatest example he set for us was by demonstrating the courage of his convictions in the field of civil rights. His open and strong support for the critical voting rights legislation represented a position of unswerving concern for the rights of all men and a concomitant willingness to take the consequences for a position he deeply believed in, despite the fact that it was not widely shared by his home constituency.

Our loss of the Honorable HALE BOGGS is mitigated by the recent election of his wife LINDY to continue his service in the Congress. As one who shared his goals and dreams, worked faithfully and continually at his side as his closest adviser in district and national affairs, she is well known to and greatly admired by Members of this Congress. We are enriched by her presence now, just as we have been enriched in the past by the distinguished service of her late husband.

Mr. LEGGETT. Mr. Speaker, it is a great privilege for me to join today with the chairman of my House Armed Services Committee and the rest of my colleagues in paying tribute to our late leader, HALE BOGGS.

It is, of course, very difficult to express in words the loss that this body suffered when, at the end of the last Congress, HALE BOGGS' plane vanished into the Alaskan wilderness.

HALE died doing what he had been doing his entire life—giving of himself for other people. His last mission, like so many of his others, was one of concern for a young Democratic colleague. HALE went to Alaska to aid in the reelection of Nick Begich in much the same way that he championed the poor and less fortunate in this country on the floor of the House.

HALE was a great Democrat, but he was so much more than a leader of the Democratic party. HALE led the Congress during one of the most divisive periods in the country's history. Here was a man, from the South, leading his party in the fight for civil rights when most political commentators were saying that such a position was politically lethal.

HALE voted for the Voting Rights Act of 1965 and the Fair Housing Act of 1968, and proved that the cause of freedom was not exclusively a Northern issue. It is certain that this body and the entire country will miss the courageous leadership of this unusual man.

I can go on and on, but the best person to speak for Hale Boggs is Hale himself. On June 15 of last year, Hale took the floor to argue in favor of the 1973 Labor-HEW Appropriations bill. He stated:

> I know it can be argued that the amounts are somewhat above what the budget recommended, but I would say that when we look at the needs in these areas of health and education, the demands all over this country, and when we look at this plus trillion-dollar economy of ours, what we have done is anything but generous. The amount of the national commitment to education in this country is unfortunately less than it is in most countries in the Western World. We pay a penalty for it, a very dear penalty, because unfortunately the standard of education in this country has suffered accordingly.

Mr. Speaker, I was pleased that this body supported Hale at that time with a vote of 209–137 and I was honored to vote with my leader on this issue.

Mr. BURKE of Massachusetts. Mr. Speaker, it is with mixed feelings of sorrow and pride that I join in paying tribute to the memory of a truly great American, our former colleague, the Honorable Hale Boggs.

With his passing the House of Representatives has lost a vital member, and I have personally lost a good friend.

Hale Boggs, throughout his many years of service in the U.S. House of Representatives was a great source of strength to those of us who served with him. His high principles, dedication and determination were qualities for which we all came to respect him.

Throughout his career in Congress, Hale Boggs exerted great energy and courage in facing every aspect of his work. He saw the Government as a means of meeting people's needs and solving national problems, and he lived his role to the highest degree.

I was fortunate to have served with Hale Boggs on the House Ways and Means Committee where he became an outstanding and widely acclaimed expert on tax legislation, social security issues, reciprocal trade, and many other complex matters which came before the committee. His expertise and guidance are greatly missed at the Ways and Means Committee.

Besides our association in the Congress, Hale and I were close personal friends. I knew him as a warm and wonderful man who loved humanity and who acted out that love for humanity every day. Indeed, on that ill-fated day in October Hale Boggs went to Alaska to lend assistance to another.

Entering Congress as the youngest Member at age 26, Hale Boggs rose to a position of great leadership in the House of Representatives. His intellect and abilities were readily recognized by all who served with him.

Throughout his career, Hale Boggs had the constant companionship and counsel of his very lovely and gracious wife, Lindy. We are all grateful that she has been chosen to succeed Hale, and we are confident that she will make a distinguished record in her own right.

Mrs. Boggs and her children have shouldered a great personal loss, and that loss is shared with those of us in the House of Representatives.

Mr. J. WILLIAM STANTON. Mr. Speaker, I have found in my 8 years in the House of Representatives that there are certain individuals you are especially proud to call colleagues. There are those you will remember for the rest of your life. The Honorable Hale Boggs of Louisiana was such a man.

I recall meeting Hale Boggs for the first time, not in the Chamber of the House, but in a Catholic Church—St. Dominic's here in Washington. The date was early January 1965. I had been a Member of the House for only a few days. What brought Congressman Boggs to that church on that specific day, I cannot remember now. However, I do remember our conversation after mass and the ride I gave him back to the Capitol.

I always considered my first meeting with Hale Boggs very symbolic of the kind of man I later came to know him to be. He was first and foremost a true Christian gentleman. He was endowed with the great gift of faith. He was a colleague who was never too busy to give you a friendly greeting whenever you crossed his path.

It was my wife's and my pleasure to be able to visit in Hale Boggs' district on the occasion of the Super Bowl game in January 1972. It was a heart-warming experience to see him and his charming wife at home in Louisiana. It was obvious that they were loved and admired by their neighbors and constituents. As you might expect, Hale Boggs was a superb host on this occasion.

I join my many colleagues in paying respect to this great man. His leadership, his integrity, and his contributions to the betterment of America will live in our hearts forever. To his wife, Lindy, and his family, I extend Peggy's and my deep sympathy.

How superbly appropriate that his lovely and so very capable wife, Lindy, is carrying on the public service tradition which was Hale Boggs' hallmark.

Mr. COLLIER. Mr. Speaker, the sudden and tragic manner in which Hale Boggs departed this life has made it especially difficult for me to accept the fact that he is no longer with us. I was privileged to serve with him for a number of years, not only as a colleague in this great body, but as a fellow member of the Committee on Ways and Means.

During my years of close association with our late colleague, I had the opportunity to observe him at close range. I was impressed with his knowledge, his skill, and his devotion to the principles in which he believed. He worked hard for the causes which he espoused.

Mr. Speaker, Hale Boggs served his district, his State, and his country with distinction, as a citizen, as a soldier, and as a legislator. May he rest in peace and may the good Lord comfort his loved ones.

Mr. MILLS of Arkansas. Mr. Speaker, it is with singularly deep sadness that I join other Members of the House in expressing profound sorrow and regret at our loss of a very close friend and longtime colleague and the Nation's loss of a superb legislator and great leader.

On last October 16, the plane in which Hale Boggs was flying took off from Anchorage on a flight bound to Juneau. As was usually the case, Hale was making this journey to help others, in this instance Congressman Nick Begich, who also lost his life in the unknown tragedy which ensued. I say usually the case because I truthfully cannot recall a single instance of Hale's ever having turned down a request for assistance from a junior member of his party. He would go anywhere, anytime. And in recent years the requests for his very able and effective aid came more and more frequently. For he was a popular man, both among his colleagues and across the country. He was a respected man and recognized as a leader not only in the South, but in the North, East, and West, to the farthest reaches of this country and, indeed, throughout the world.

He was much in demand and he gave of himself unstintingly. When we remember this important aspect of his life, we realize that while his death was most untimely and a terrible shock to us all, the purposes and circumstances of his last journey were not at all out of keeping with the way he lived. With little rest and under the most adverse of conditions but with an appointment to keep and requested service to render, Hale was on his way over the rugged mountain frontiers of this Nation to assist a colleague.

Hale Boggs served this Nation during perhaps the most challenging and eventful years in its history. He was first elected to Congress during the last throes of the Great Depression immediately before World War II. He served in the Armed Forces in that war. He came back to Congress and was a Member and a leader in this body through the cold war, the Korean conflict, during periods of unprecedented domestic social upheaval, and finally during the Vietnam war. We shall sorely miss the good counsel and sound judgment which experience of that depth and magnitude brought to this House.

It has been my privilege to have served with Hale Boggs throughout his long tenure in this body. There are only 6 of us out of today's 435 Members who were either here before or came to Congress at the same time as Hale originally came. One of them is the gentleman from Louisiana who requested this special order today. I know he is, as I am, especially grieved at the passing of his dear friend and longtime colleague.

I had the special privilege of serving with Hale for over two decades on the Committee on Ways and Means. He was a most effective member of that committee in all of its areas of responsibility. In the field of taxation, he was an expert and for many years he was also a valued member of the Joint Committee on Internal Revenue Taxation. All of us are quite well aware of his unflagging and devoted interest in the social security system and his untiring effort to improve it. And in the field of foreign trade he was an acknowledged authority. Coming from New Orleans, the Nation's second ranking port, it was natural that he should become a recognized leader in the promotion of fair and equitable international trade policies and practices. We are most certainly going to miss his sage advice and counsel in the new era of trade with China and Russia that appears on today's horizon.

Mr. Speaker, in some of the biographical accounts that are written about the life of Hale Boggs, the last sentence may simply say that he died on an airplane flight from Anchorage to Juneau on October 16, 1972. But those of us who knew and loved and respected him know that Hale Boggs' epitaph is indelibly written and will live forever in the annals of this House. It is spread upon the splendid record of progressive legislation over the past three decades resulting from his great leadership. It will always be associated with and reflected in the notable advance in the quality of life in this country that took place while he labored here among us.

In closing, Mr. Speaker, let me say that each and every one of us is heartened in the knowledge that his beloved widow and our very good friend and colleague, Lindy Boggs, is now a Member of this House. She is continuing the tradition of that induplicable brand of Boggs' New Orleans charm and effective leadership, which I am confident will continue to grace this Chamber and serve Louisiana and the United States for many years to come.

Mr. KYROS. Mr. Speaker, the recent tragic death of Hale Boggs, our distinguished and beloved majority leader, came as a blow both to the people of Louisiana whom he represented in Congress and to all the American people as well. One of our finest leaders was taken from us in the prime of his life and at the apex of his political career.

But Hale's death came as an especially severe blow to those of us who were privileged enough to serve with him in the House. We who came to know him as a man will always remember him not only with deep respect and admiration but, perhaps even more importantly, with an abiding sense of genuine affection.

Hale Boggs was a Congressman's Congressman, and this Chamber has seen no finer majority leader. A true friend to his colleagues, he could always be counted upon for his time, his advice, his expertise. Indeed, it is significant that death came to Hale while he was in the act of campaigning for one of his fellow Members.

And Hale Boggs was a champion legislator. An expert in his field, few men knew or understood the intricacies of the legislative process so well.

Hale Boggs has been sorely missed since his death, and his absence will continue to be felt for a long time to come. This Chamber was fortunate to have him for 30 years, and we are fortunate now to have in his place his distinguished and lovely wife Lindy, who has already taken up the task of representing her constituents and her country with distinction. We welcome her, knowing that her service here will reflect credit not only on her late husband but on all America as well.

Mr. HANNA. Mr. Speaker, all of us in the Chamber have our own memories of Hale Boggs. Mine date back 10 years to when I was a freshman Member of this body, and Hale went out of his way to help and encourage me in those first few months. It is a fitting comment on the character of the man that, at the time of the tragic airplane accident that took his life, Hale Boggs was out campaigning for another freshman colleague.

Hale Boggs was a great leader and a dedicated public servant in the true sense of the word. He had a deep and abiding faith in the American political system that guided his every action. But he was more than a great leader. He was a warm and generous person. He was not only a fine representative of the people of New Orleans, he was also the friend of all of us in this House and we miss him.

Mrs. Hanna joins me in expressing our deep sympathy to Hale's beloved wife, Lindy, and the rest of the family.

Mr. SMITH of Iowa. Mr. Speaker, I want to join my colleagues today in paying tribute to the memory of our distinguished colleague from Louisiana, the late Honorable Hale Boggs. I speak with sadness of the shocking loss his death has been to me personally as well as to his family and friends, and all those who have known and worked with Hale in the past years. It would be repetitious to cite the many, many instances when he displayed leadership and made contributions of lasting value to our Nation. Indeed, the Nation suffers when it loses such a man—a man who worked tirelessly to bring strong, responsive, and responsible leadership to his country.

My wife and I feel fortunate to have had the opportunity to know Hale and Mrs. Boggs for 20 years and to work with them. They have touched the lives of many and this will continue to live within all of us. His life and my memories of Hale will serve as an inspiration to me and many others for years to come. May we live and work to be a credit to his memory and the kind of leadership he offered to us.

My family and I extend our greatest sympathy to his wife and loved ones. Hale Boggs will long be remembered. We have all lost a great man and this House will miss him.

Mr. COTTER. Mr. Speaker, it is with sadness that I take the floor to eulogize Hale Boggs.

Members who worked with Hale for many years have eloquently paid tribute to his political talents and his affability and his courage. I only worked with Hale during the last Congress, but I came to know those qualities in him that were much admired by others.

I miss Hale very much, and it is a measure of his great family that his wife, Lindy, has joined this House in order to continue to work for those ideals that Hale fought so valiantly for.

Mr. MATHIS of Georgia. Mr. Speaker, I rise to join with my colleagues in expressing the keen sense of loss that I feel in realizing that Hale Boggs is no longer with us. I was only privileged to know Hale a short 2 years, I wish I might have known him longer. When I was first nominated by my party in September of 1970, Hale Boggs was one of the first Members of this House who contacted me with an offer to be of assistance in any way that he might. This, I think, was one of his marks of greatness. He was always willing to be of assistance, not only to his constituents but to all of the peoples of this Nation, and certainly to his colleagues in this House.

Hale Boggs always had time to talk to me, always had time to offer his advice and counsel, time to hear my problems and to help me find solutions.

As so many other of my distinguished colleagues have noted, we do miss Hale in this Chamber, and his people and his Nation also miss him. To all of his family, especially his lovely wife and our colleague, Lindy, we say thank you. Thank you for sharing Hale with us and with all mankind.

Mr. BRINKLEY. Mr. Speaker, this Nation lost one of its most noble and respected statesmen in the tragic accident last year which took the life of our friend and colleague, Hale Boggs.

The late Adlai Stevenson once remarked:

> Patriotism is not a short and frenzied outburst of emotion, but the tranquil and steady dedication of a lifetime.

This was certainly true of Hale. He was not only one of the greatest leaders the South has ever produced but an articulate and patriotic spokesman—as well as a tireless worker—for all the people of this great Nation.

Hale and I had mutual friends in Hiram Stanley and Wilbur Glenn, two outstanding citizens of Columbus, Ga. All of us worked together on my committee assignment as a new Member and I remain so grateful for this circle of friendship.

When Hale offered for majority leader it was my privilege to be a member of a unanimous State delegation supporting Hale from the beginning.

Much more could be said about Hale Boggs, and rightly so. He was a widely respected leader—by his constituency in the Second District of Louisiana, by his colleagues in this body, and by people throughout the United States and, indeed, around the world.

In a very true sense, we all share in his loss. He was without question one of the most effective Representatives ever to serve in this Chamber.

Perhaps our distinguished colleague from Texas, Wright Patman, expressed the feelings of all of us the best when he said of Hale:

> He died as he had lived—working unceasingly and unselfishly to help his colleagues, his party, and his country.

Mr. CAMP. Mr. Speaker, with the death of Hale Boggs, the House of Representatives has lost a great leader, a good man. The distinguished majority leader was one of the most effective legislators ever sent to Congress, and his absence will affect every American more than most will ever know. Hale was always a statesman first voting his conscience on every rollcall.

To his constituents from the Second District of Louisiana whom he served so ably, Hale was a dedicated public servant, a man worthy to be returned to Congress for 28 years. Here in the House, he will be sorely missed by us all, on both sides of the aisle, both as a leader and a friend.

Mr. Speaker, we are fortunate to have Lindy Boggs, Hale's talented and lovely wife, to take his place in this Chamber. To her I offer my heartfelt sympathy and my hope that she and her family will be comforted by the high regard in which Hale was held by his colleagues and by the American people.

Mr. HENDERSON. Mr. Speaker, all of us have our own most vivid memories of our late beloved majority leader, Hale Boggs.

One of mine goes back to 1964 and the trip of the "Lady Bird Special" through North Carolina.

The "Lady Bird Special" was a campaign whistlestop train which traveled through the eastern part of North Carolina and other Southern States during the presidential campaign.

At a convenient spot just before the train entered a particular congressional district, the Congressman from that district, together with his wife, would climb aboard and make a platform appearance with Lady Bird at the next stop.

Hale Boggs rode that train for its entire trip and was usually the first to appear on the observation platform and speak at each stop. His personal magnetism and easy manner did much to make the trip a success and to make it much easier for all concerned.

I remember him as an effective speaker at a North Carolina Jefferson-Jackson Day dinner.

But, in addition to his partisan political activities, I remember him as an effective legislator. He had the unusual knack of being both firm and fair. While he never tried to press his colleagues beyond the point of propriety, he never failed to let us know what the majority position was; and when our votes were critically needed, he let us know it.

Finally, I remember him as a warm-hearted person. A really nice guy who would always do you a favor if he could. It is typical that he apparently lost his life in an effort to help a Democratic colleague. How many Congressmen would undertake such a long and tiring trip which could not possibly bring any personal benefit to them?

I will remember Hale Boggs as an example of what I like and admire about the Democratic Party.

Mr. VIGORITO. Mr. Speaker, I was saddened to learn of the tragic accident which took the life of one of my dearest friends in the U.S. Congress.

Hale Boggs was one of the first members in the 89th Congress to congratulate me and offer assistance as I began my first day as a Congressman in 1965. He was a strong leader in the House of Representatives and someone I could turn to for leadership in my early days as a Member of the House of Representatives.

I best remember and admire Hale Boggs for his friendly and helpful demeanor during his work as majority whip and majority leader of the House of Representatives during the past 8 years I have been in Congress.

I will never forget Congressman Boggs for being easily accessible to his fellow Congressmen when we needed him concerning our work on Capitol Hill and other functions associated with being a Congressman.

He had a keen mind for the legislative process and I learned many aspects of legislative procedure from the majority leader. Many great pieces of legislation that have passed Congress during the 30-year career of Hale Boggs are attributable to the leadership of the former U.S. Representative from Louisiana. I miss Hale Boggs and the leadership he gave us in Congress, but most of all I miss Hale Boggs the man, a true friend whom I shall never forget.

Mr. MIZELL. Mr. Speaker, at this time I rise briefly to express my deep sorrow for the passing of our late distinguished majority leader, Hale Boggs.

While serving on the opposite side of the aisle, I came to respect Mr. Boggs as a man of great parliamentary skill and of fervent and deeply held beliefs, and as a strong and spirited partisan.

Majority Leader Boggs served in this Chamber with distinction for many years, and the House of Representatives, the Congress, his beloved State of Louisiana, and the Nation are all the better for his service here.

Mr. EILBERG. Mr. Speaker, the tragic death of Hale Boggs last October deprived the Congress and the Nation of one of the most effective and eloquent leaders of our time. It is very difficult to put into words the deep sense of loss we have all felt in the months since his fatal trip to Alaska.

Hale Boggs set an example that every young man going into politics might hope to follow. After winning a degree in journalism and then a law degree at Tulane University, he led a reform movement against a corrupt political machine in New Orleans and was elected to the 77th Congress at the age of 26, thus becoming the youngest Member of the House of Representatives in 1940. Four years on active duty as a naval officer during World War II followed that first term in Congress, but he was reelected in 1946 and won every election after that despite the fact that his increasingly liberal views on civil rights aroused some strong opposition in his district.

Hale was undoubtedly one of the most eloquent speakers I have ever known. On the campaign trail through the South with Lady Bird Johnson in 1964 he could turn a hostile or indifferent crowd into a delighted one just by reciting the menu of the day—grits for breakfast, turnip greens and black-eyed peas for lunch, and crayfish and creole gumbo for dinner. Nobody but Hale could make turnip greens sound exciting. He was one of the few Congressmen capable of reducing this House to a hushed silence whenever he spoke on the floor. It is often said that no speech ever changed a vote in Congress, but I would be willing to bet a lot of us were tempted whenever it was Hale Boggs speaking.

Hale was an expert, too, on the intricacies of parliamentary procedure; a permanent delegate to the Interparliamentary Union from 1948 to 1962 and parliamentarian for the Democratic National Convention in 1964. It was one of the skills that made him so outstanding and effective as majority leader. His leadership as vice chairman of the Democratic National Committee from 1954 on was an invaluable asset to the Democratic Party. It is said that he convinced Lyndon Johnson to accept the nomination as Vice President in 1960, a decision which probably determined the outcome of that election and certainly had a monumental impact on our Nation's history. In the difficult circumstances of the August 1968, convention Hale again played a crucial role as chairman of the committee that wrote the Democratic platform.

A member of the Ways and Means Committee since 1949, Hale had tremendous expertise and a scholar's understanding of the complex fields of tax and trade legislation. He was one of the Nation's most outstanding and effective spokesmen for liberal foreign trade policies. Before his election as majority leader he served as the chairman of the House-Senate Subcommittee on Foreign Economic Policy and also as a member of the Joint Committee on Internal Revenue Taxation. As the chairman of the Subcommittee on Highway Financing in the 84th Congress he was instrumental in the passage of the landmark legislation creating the Interstate Highway System.

It is easy to make a long, long list of Hale Boggs' brilliant accomplishments as a Congressman and a political leader; it is much harder to adequately express the qualities which won him the admiration, affection, and respect of everyone who knew him. As a man and as a friend his unfailing courage, kindness, generosity, and good humor touched the lives of all of us. He inspired, advised, and befriended freshman Members. He was never too busy to help anyone who requested his assistance. He built bridges between North and South, liberal and conservative, rich and poor. He spoke eloquently for a national commitment to bring the poor and minority groups into the mainstream of our national life. He was a dedicated internationalist, a strong supporter of the United Nations, NATO, and the Common Market, and of America's commitment to build a lasting peace in the world.

The life and the work of Hale Boggs are a marvelous legacy to his colleagues and to the Nation. In a sense they are not lost to us at all, for they were shared by his lovely and talented wife, Lindy, and will be carried on by her in his stead. The Congress and the American people are fortunate indeed to be represented by people like Hale and Lindy Boggs.

Mr. PICKLE. Mr. Speaker, it was my privilege to serve with Hale Boggs in this House for many years, and I was deeply grieved by his passing. Over the years, Hale Boggs and I became personal friends, and my respect for him grew continually as he became majority whip and eventually assumed the position of majority leader.

My wife, Beryl, and I grew to know and love Hale and Lindy Boggs. I am pleased that Lindy now sits in the House as a colleague, and I hope that we are all successful in fulfilling the great legacy that Hale Boggs has left us.

When historians record the legislative record of the 1960's, I believe Hale Boggs will be recognized as one of the great congressional leaders of the time. In addition to being a sagacious political strategist and an adroit speaker, he possessed the scholarly perspective of a true intellect. Virtually every modern piece of trade and tax legislation was scrutinized and improved by him. His achievements as a Congressman will endure the most strenuous test of a public official's record, the test of time.

I will always remember HALE BOGGS as one of the most decisive, fearless, and dedicated men in American public life. I well recall witnessing many heated debates in this Chamber, and, always at the critical moment, he would rise to address the House in his commanding, clear, and logical manner. When he took his stand, it was always for the people, and his stands were compelling and effective.

Such were his qualities from his first venture into public office in 1940, when he waged a successful anticorruption campaign that earned him a seat in this House. These principles gave him the tenacity to overcome the natural and political barriers which then confronted a southern Congressman and to eventually become one of America's important national leaders.

As one of the definitive forces in American politics, HALE BOGGS worked tirelessly for the disadvantaged and sought a just standard of living for all. His constituents, recognizing the greatness which he nurtured, returned him to office time after time and supported him in the inevitably difficult decisions.

I suppose Hale never forgot the difficult road which brought him to Congress, because he always offered advice and counsel to every new Member that came to him. When I entered the House, he welcomed me with a smile and a friendly attitude. He encouraged exchanging opinions and thoughts and gave new Members confidence to become involved and take stands. His enthusiasm and knowledge was a great enticement which pulled many of us through the frustrating experiences of new Congressmen.

Through his years in office, HALE BOGGS gave complete and unrelenting loyalty to his country and his President. He was an invaluable ally of Speakers Sam Rayburn, John McCormack, and CARL ALBERT, and his personal loyalty and dedication to President Johnson was a beautiful thing to know.

He was also a loyal Democrat and served his party during some of its most trying times. As a vice chairman of the Democratic National Committee, as a parliamentarian of the party's convention and as chairman 1968 platform committee, he demonstrated the same boundless drive which characterized his congressional career.

I considered HALE BOGGS one of my close personal friends. During our years of friendship he extended many courtesies to me which revealed the amazing depth of character he possessed. He was very nearly the perfect paradigm for a representative of the people. He always listened; he never acted impetuously. His compassion was tempered by an intellectual capacity that allowed him to view the course of this country in the perspective of history.

I consider it a privilege to have known HALE BOGGS, and I join all Americans in grieving his loss.

Mr. BRADEMAS. Mr. Speaker, I join other Members of the House of Representatives in paying tribute to the memory of our late and beloved colleague, HALE BOGGS.

Like all who came to know HALE BOGGS, I learned to respect the brilliance of his mind, to appreciate the warmth of his personality and keen sense of humor, and to admire the depth of his dedication to the House of Representatives and to the Nation which it serves.

There are several aspects of the career of HALE BOGGS that I found extraordinary.

HALE had a remarkable range of interests and was able to speak knowledgeably and with insight across a wide spectrum of areas of legislation but with particular understanding and leadership on measures affecting taxation, tariffs, social security, and public works, including flood control and waterways development.

For many years a member of the Committee on Ways and Means, he served as well on the Joint Economic Committee and the Joint Committee on Internal Revenue Taxation.

Mr. Speaker, it is no surprise that the combination of his abilities and personality resulted in his election in 1971 by his Democratic colleagues as majority leader of the House, a position he served with distinction and eloquence.

Mr. Speaker, HALE BOGGS was unfailingly kind to me, and the tragedy of his loss to us in the House and to the service of the Nation is assuaged only by the continuation in public service of his extraordinary wife, LINDY, for whom all who know her have such deep admiration and affection.

I suppose, Mr. Speaker, that there could be no finer tribute to the memory of HALE BOGGS than his fine son, Thomas Hale, Jr., and his two lovely daughters, Mrs. Paul Sigmund and Mrs. Steven Roberts. They, too, command the respect and affection of everyone who knows them.

Mr. Speaker, all of us will miss HALE BOGGS, but all of us must be grateful for his life.

Mr. REES. Mr. Speaker, it is very difficult to put into words one's feeling over the death of a close and admired colleague, especially when that person is HALE BOGGS. It is hard to believe that HALE is no longer with us. He was so much a part of the House of Representatives and his strong and enlightened leadership has done so much to shape the direction not only of the legislative branch of Government, but of our country.

HALE helped me through the difficult time of being a freshman in the House with a firm and understanding hand while at the same time, as the majority whip, he was helping to guide the history-making programs of President Johnson through the 89th Congress. His political courage, his sponsorship, and his leadership on innovative legislation served as a beacon for all of us to follow.

He died as he lived. A strong leader in the Congress; a dedicated man spending the few moments between congressional sessions in helping his colleagues in a difficult election year.

Those of us who knew and worked with HALE BOGGS are richer because of that experience, an experience which will help light our way to a better future.

Mr. ST GERMAIN. Mr. Speaker, in more than a decade of service in this great body, seldom have I had the opportunity to meet, work with, and learn from a man as great in intellect and ability as that of our much beloved and respected majority leader, HALE BOGGS.

His death is a loss not only to his family and friends, but a loss to the great democratic institution in which he served and to the American people.

I well remember in first coming to Congress that HALE was one of those who was always available to assist a new member in whatever way possible. The hours I have spent learning the legislative process from him, I am sure, will stand me in good stead throughout my congressional years.

HALE BOGGS' intellect, unmatched, and superlative parliamentary skill made him one of the most effective and persuasive Members this body will ever see. He was truly a legislator who represented not just his district or his State, but the wishes, desires, and aspirations of all Americans.

He was recognized both at home and abroad as an important, influential legislator. His opinions and observations were eagerly sought by Presidents and other heads of state throughout the world.

But the mark of the "Legislator's Legislator" is that at all times never did HALE place himself above the people or his fellow legislators. He was always available to listen, discuss, and gives advice when asked. But his advice was never given out of arrogance but always out of sympathy and understanding. His ability to work with people, his affection, his friendship, and loyalty will never be forgotten by anyone who was fortunate enough to come in contact with him.

Mr. Speaker, I knew HALE BOGGS as a Member of the House, as majority whip and as majority leader. As Hale grew in knowledge, understanding, and stature, so did this body grow. No words of mine could adequately describe his spirit and his consuming compassion to have the rights of all heard and listened to in this Chamber.

No words can express the loss of this leader to our country. Perhaps we can best preserve the memory of this great man by attempting to emulate his virtues. Mrs. St Germain and I extend our deepest sympathy to his lovely wife, LINDY. Certainly the Boggs family can take great comfort and pride in the high esteem and respect which all of us held for our beloved friend.

Mr. WHALEN. Mr. Speaker, for over a quarter of a century our late majority leader, HALE BOGGS, represented with distinction the people of Louisiana and the Nation in this great legislative body.

In reviewing recently a list of the committees on which HALE served during his House tenure, I was struck by the variety of his assignments which ranged from Banking and Currency to Ways and

Means, and from special committees and subcommittees dealing with such varied matters as elections, narcotics, foreign trade policy, and highway financing. Hale also was a member of the Joint Economic Committee and the Joint Committee on Internal Revenue Taxation, in addition to the service he rendered to several Presidential commissions.

The appointments of Hale to these committees, many of which were made early in his House career, certainly attest to his abilities and to the high regard in which he was held. These assignments also gave him a depth of knowledge surpassed by few of his peers. Thus, it is understandable why he became known as a "Legislator's Legislator" and rose to the position of majority leader. Indeed, Hale was a great asset to the House, and we are fortunate to have had the opportunity to serve with him.

Mr. Speaker, Mrs. Whalen joins me in extending our sympathy to Mrs. Boggs and her family.

May Hale rest in peace.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to take this opportunity to offer a few remarks about my friend and colleague, the late Hale Boggs of Louisiana.

The pervading sense of loss which all of us feel who were privileged to serve with him in the Congress, is shared by all Americans who recognize the contributions his leadership made to the quality of life in this country. His passing was, of course, a particular loss to the Democratic Party which he served so ably in his capacity as Majority Leader of the House of Representatives.

Thomas Hale Boggs began his congressional career as the youngest Democrat in the 77th Congress and very early became the protege of Speaker Sam Rayburn, who realized his tremendous leadership potential. Except for the years between 1942 and 1946 when he served in the Armed Forces, he represented his constituents in each successive Congress.

His legislative career can be characterized by a genuine concern for people and a desire to do everything within his power to improve the lives of millions of Americans. His far-flung interests in legislation included stiffening penalties for narcotics dealers, flood control and harbor development, adequate trade policies, public housing, social security, and equitable taxation.

It is characteristic that Hale Boggs was helping a democratic colleague at the time of his disappearance. His warmth and willingness to give unselfishly of his time had made him a popular and effective spokesman for the democratic party throughout the entire Nation. He was to have made an appearance on my own behalf in Bethlehem, Pa., several days after his scheduled return from Alaska.

The astute judgment with which Hale Boggs analyzed the issues is sorely missed in this time of national turmoil. My memories of his devotion to the improvement of the quality of American life and to the effective functioning of the legislative branch of government will remain with me always.

In view of his excellent record of representation for his constituency, I am especially proud to welcome Mrs. Boggs to carry on that tradition of service.

Mr. EDWARDS of California. Mr. Speaker, this is a special yet sad occasion for me as I join my colleagues to memorialize Hale Boggs, the late Representative from the Second Congressional District of Louisiana. His sudden and tragic departure from these Chambers has taken something away from each of us who knew him, and for each of us the loss will have different dimensions.

I recall the great impact Hale Boggs had on me personally as a new member of Congress from California and as a member of the Judiciary Committee of the House which had just reported out the monumental Civil Rights Act of 1964. Here was this man, born in Mississippi and raised in Louisiana, who publicly declared he was going to vote for the Civil Rights bill. He, almost alone, with his background rooted in the heritage of the Deep South and withstanding tremendous political pressures, stood up and led the way on this historic piece of legislation. We all know what happened. This courageous act in the national interest resulted immediately in very difficult primary campaigns for him but the good sense of the people of New Orleans shone through and toward the end of his remarkable life, Hale Boggs was rejected by larger and larger majorities.

Hale Boggs was our majority whip who always would have time to talk and give guidance as a personal friend as well as a political leader. He had a remarkably good and cheerful nature. His inclination was always to ask about members of the family. I recall how frequently he inquired about Len, my oldest son, whom he had met on a number of occasions.

And I want to pay tribute, too, to what in retrospect can only be called his really remarkable intuitive powers when he was so correctly concerned about the policies of the Department of Justice and the Federal Bureau of Investigation. He knew he was right, and in another remarkable act of political and personal courage, he documented his concern over policies he viewed as destructive of civil liberties in front of the whole world on the floor of the House. For this act, he received tremendous personal abuse and ridicule. But was he not really right? Was it not a mammoth contribution and are we not very grateful for that?

As a true statesman, Hale was able to represent his beloved Second District by reflecting his constituents' concerns in the Halls of Congress and by leading citizens to new understandings of our human potential in this Nation. He gave important leadership to his party, special attention to those he represented, and significant insight to the human community through his legislative activity.

Einstein once said that it is a gentleman's first duty to put back into this world at least as much as he takes from it. I submit that Hale Boggs exceeded this requirement many times, to the benefit of us all.

Finally, there is solace that this unique man, so suddenly and tragically removed from the Halls of Congress where he was such a good friend and courageous leader to so many of us, is succeeded by his wife Lindy Boggs who was always a full partner in the political life of Hale and who has already made important contributions to this House and to the people of Louisiana and to the Nation.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members of the House be allowed 5 legislative days in which to extend their remarks on this subject.

The SPEAKER pro tempore (Mr. McKay). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Speaker, I want to take this time to thank the gentleman from Indiana (Mr. Dennis) for his courtesy in allowing us to continue to the conclusion of this special order.

Mr. Speaker, I thank the gentleman from North Carolina for his remarks.

Mr. Speaker, it has been a privilege to preside over these ceremonies in memory of Hale Boggs. As we close, let us keep in mind one thing, that these eulogies have come from the heart, they have been paid by Members who served with Hale, who knew him, and loved him. But by and all there is nothing in these eulogies that would indicate that Hale was a pompous or puffy individual. He was a human being. He would be the first one to admit that he had feet of clay, just as all of us have, and that he was subject to the temptations that all of us have through the frailties of human nature but, more than the human being that he was, I know of no greater tribute that I can pay to this extraordinary man than recall the words of that great fraternal order:

> The faults of our brothers we write on the sands.
> Their virtues on tablets of love and memory. memory.

So, my colleagues, we close the book today on the life of Hale Boggs, but we keep open in our hearts his memory which will live as long as we live.

I thank all of the Members for their participation here today.

## VACATING SPECIAL ORDERS

Mr. DENNIS. Mr. Speaker, I ask unanimous consent that the special order time assigned to me today be set over for tomorrow, and that I be granted a 60-minute special order at that time, as the first special order for tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I make the same unanimous-consent request as made by the gentleman from Indiana (Mr. Dennis) that my special order for 60 minutes to be set over for tomorrow, and my special order follow immediately the special order of the gentleman from Indiana (Mr. DENNIS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## SUMMER YOUTH EMPLOYMENT—A PENDING CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS) is recognized for 30 minutes.

Mr. PERKINS. Mr. Speaker, I have taken this special order today to address myself to a situation of crisis proportions.

The final school bells of the term have already rung for thousands of high school age youngsters all across this country. And thousands of others will be out of school within the next few days.

Thousands of these youngsters want to work. Indeed, they must work if they have any expectation of continuing their education this fall.

Their prospects of finding summer jobs are anything but encouraging.

In my judgment, we are on the verge of catastrophe, because of the administration's deceptive maneuvering and double talk about summer employment opportunities and programs for disadvantaged youth.

The history behind this situation may be involved and complicated.

But the situation itself is crystal clear to the youngsters in the ghettos and in the country towns of this country.

For more than a million youngsters, there may be no summer job opportunities available. Needy students who have the school doors closing behind them, are finding the employment doors closed in their faces at virtually every turn.

I have just returned from a weekend visit to my own district in eastern Kentucky. The situation I found there is, I learn to my dismay, typical of what is going on all across the Nation.

Neighborhood Youth Corps programs are ending, and there is no summer program to take their place.

Let me quote you this paragraph from a message I have received from the director of the NYC program in Pike County, Ky.:

> The NYC program which enrolls 265 enrollees during the current school term enabled many a youth to attend school this year who otherwise would have dropped out to become a welfare recipient. According to a survey made in Pike County approximately 25% or 65 of our enrollees will be unable to attend school next year if the NYC program is not in operation this summer.

From the same county, Supervisor Irving S. Pruitt has telegraphed me:

> I am in very close contact with the youth of Pike County. Approximately 25% of our youth are what would be considered poverty level or low income families. These families depend very much on the NYC for the welfare and education of their children. I urge you and the Congressional Committee to give this matter immediate attention.

From the Feds Creek area of Pike County, the high school principal tells me failure to continue the NYC program would cause a dropout rate of 15 to 22 percent of the students this fall.

Teachers, C. V. Snapp and Fred Fletcher have wired me:

> Imperative NYC program be extended during summer. Loss will result in increased number of dropouts. Students need at Phelps very great.

These instances come from one of the largest counties in the eastern United States. The situation there is repeated throughout my Appalachian district.

In another of the largest counties in Kentucky—Floyd County—the county school system reports to me that they will be lucky if they have 10 or 15 employment opportunities this summer. In comparison last year, 340 young boys and girls were employed in the summer NYC program.

Letcher County, last summer had 450 youngsters working on NYC. This year, under the vastly reduced program, Letcher County has 91 slots. Applications are on file from 700 youngsters.

Perry County last summer had 385 youngsters on NYC. This summer, there will be 75 slots. There are 700 applications on file.

Knott County, my home county, last summer had 300 NYC slots. This summer, there will be 61. We have 600 applications on file.

Leslie County, in Congressman CARTER's district, last summer had 450 NYC slots. This summer there will be no slots whatever. Zero. And there are 450 applications from youngsters who want and need to work.

Another of Congressman CARTER's counties, Harlan, last year had 500 NYC slots. This summer, there will be 102. And there are, I am told, 1,000 applications on file.

Again, may I repeat these are young men and women who are in desperate need of earnings from summer work.

Last Saturday, while students and parents were contacting me about this matter, a newspaper headline ran "U.S. Funds Provide Jobs for Youth." There was a report of a Department of Labor grant to Kentucky in the amount of $711,000 to provide jobs for disadvantaged youth this summer.

This reads well and sounds good, but its deceptiveness can be readily seen when one considers the summer NYC program in Kentucky last year was provided $6,328,000 as compared to this grant of $711,000.

The report indicates that the grant will support employment opportunities for 2,500 youths. This compares with 15,100 employment opportunities provided last year in the summer NYC program in Kentucky.

Mr. Speaker, based on the testimony before our committee, the situation in our urban areas is no less severe.

James M. Chaviz, director of the Baltimore Neighborhood Youth Corps, in testimony before one of our subcommittees last week, commented:

> The youth employment problem today approaches that of a major disaster.

Appearing for Mayor Daley of Chicago, Samuel C. Bernstein commented:

> For poor young minority group members, the situation this summer can best be described as *desperate*.

He reviewed the situation in Chicago:

> This is a matter of deep concern to the Mayor of the City of Chicago. The severe cutback in Federal funds for summer youth programs has dealt Chicago a damaging blow. Whereas last summer we received $13,600,000 to involve some 33,000 youngsters in summer Neighborhood Youth Corps work experience projects, this year our summer funds have been cut by nearly $8,000,000. We will be getting a special allocation of $5,800,000 from the Department of Labor. With this, we intend to provide jobs for 13,000 young people between the ages of 14 and 22. No matter how you try to stretch it, you can not do the same job with $5,800,000 that you did with $13,600,000.

What is the administration suggesting be done in this situation? They propose to permit cities to use $300 million in funds allocated for the Emergency Employment Act programs to operate summer employment programs for young people.

Mr. Speaker, the use of Emergency Employment Act moneys for this purpose was never intended nor was it ever envisioned. I quite frankly have very serious reservations about the propriety of so utilizing these funds.

First, the Emergency Employment Act requires that subsidized jobs lead to permanent unsubsidized jobs in the public or private sector. The Summer Neighborhood Youth Corps emphasizes the return to school.

Second, the Emergency Employment Act has a dual purpose of employing the unemployed and meeting the service needs of the Government. The Neighborhood Youth Corps program is geared to providing earnings from employment for unemployed youth.

Three, the Emergency Employment Act requires special consideration for Vietnam-era veterans and equitable allocation of jobs among the significant segments of unemployed and underemployed. The Neighborhood Youth Corps focuses exclusively on poor youth.

If Emergency Employment Act funds are used to provide 700,000 summer youth jobs, it would mean that out of a cumulative total of 1 million jobs supported under the act, almost three-fourths would go to youth. Further, the percentage of jobs going to veterans would decline from the current 41 percent to about 10 percent.

In the final analysis, what the administration quite simply is saying is that we take mothers and fathers off the payroll and put on their children.

What have local program administrators had to say about this? Example: The mayor of Birmingham, Ala., testifying on behalf of the National League of Cities and the U.S. Conference of Mayors during our subcommittee hearings just last week, commented that the administration's alternative forces cities to choose between retaining a head of a household on the public service employment program or providing a job opportunity for a young person during the summer months. He further commented that—

> Many cities have made the difficult choice and will have no summer youth employment program this year.

We are told by our colleagues from Ohio that to operate the Cleveland summer program at last year's level, 702 adults would have to be dropped from the

Emergency Employment Act rolls. If this is not done, their summer youth program will operate at only $1,800,000, as compared with $4,300,000 available last year.

The director of the Baltimore Neighborhood Youth Corps provided still further evidence to our committee. Commenting that Emergency Employment Act moneys are not available uniformly in all cities, he said that he receives calls daily from directors complaining that they will not have programs this summer or they will be greatly reduced.

I have received a letter from the National League of Cities and the U.S. Conference of Mayors just today which 1 intend to insert in the Record at the conclusion of my remarks. Just let me point to a few of the startling statistics that spell out the gravity of this situation: this summer, New York City will have only the Secretary of Labor's discretionary money available for hiring 18,000 youngsters. This compares to last year's employment level of 54,800, and to the earlier estimate of need for the coming summer of 77,500. San Diego last year had a program that provided employment to 4,730 disadvantaged youngsters. Unless changed, this year they will have funds to provide employment for only 1,500 and this includes using $300,000 from general revenue-sharing moneys. An earlier estimate of need for San Diego was that they needed 8,000 summer job opportunities rather than the 1,500 presently scheduled.

Miami, Fla., employed 5,800 youngsters last year for 25 hours a week for 9 weeks. This year they will be able to hire 5,400 young people for only 20 hours a week for 6 weeks. It is reported that Detroit thus far has sufficient funding for only 563 summer jobs, versus 18,000 available last year.

Mr. Speaker, we are obviously far, far away from the goal enunciated earlier this year of providing a million job opportunities for youth. That figure has come from an extensive survey by the National League of Cities and the U.S. Conference of Mayors. Their survey shows a projected youth employment, recreation, and transportation need for this summer for 1,018,991 job opportunities in the summer Neighborhood Youth Corps.

Mr. Speaker, this is not a total assessment of need and obviously we will come nowhere near providing job opportunities of this magnitude unless this Congress moves forcefully and immediately.

Let us review for just a moment what has happened over the last year. Last year 740,200 job opportunities were provided with an overall budget of $318,250,000 for the summer NYC. For this summer the administration originally requested $239,143,000 speifically for the summer NYC.

In the first supplemental appropriation bill for fiscal year 1973 approved in the fall by the House, the $239,143,000 was provided. This was subsequently approved and signed by the President. However, in the January budget submission, the President asked that these funds be rescinded. The House Appropriations Committee, considering the second supplemental appropriations bill for fiscal year 1973 rejected the President's request for the rescission of funds. Chairman Mahon, in his floor statement, commented:

> We recommend disapproval of all of these proposed rescissions as indicated on page 3 of the report. The largest single item involved in the rescission is an appropriation of $239,000,000 which was appropriated for the Neighborhood Youth summer program. It is our definite intent that there should be a summer youth program just as there was last summer.

The second supplemental appropriation bill has been ordered reported from the Senate committee and I have been advised that the Senate committee has followed the lead of the House and rejected the rescission. In effect then, $239,143,000 has been appropriated for the summer NYC program. We must see to it that these funds are obligated. This is a matter of first priority. I intend to join Members of the House in an urgent plea to the President that this money be released immediately. Any further delay in the release of these funds will add to the desperate confusion, chaos, and uncertainty now widely experienced in local communities.

Second, but of equal importance, Mr. Speaker, we must in addition to the immediate obligation of the $239,193,000 provide funding commensurate with the expressed and documented needs. I have mentioned the one survey which shows the need for at least 1 million job opportunities. To meet this demand, a total of $476,800,000 would have to be made available.

I understand an amendment may be offered in the other body to the second supplemental bill to increase moneys for the NYC summer program. I fully support program. I fully supoprt this effort and I earnestly hope that the amendment will provide the additional money needed to bring the level of funding to the $476,800,000 mark. In no event should we allow the funding level to fall below the $318,250,000 provided last year. In this time of increased costs which falls most heavily on low-income families, we would certainly be derelict in our responsibility if we did not at least meet this minimum funding level.

Earlier this year, Mr. Speaker, we considered an urgent supplemental bill to provide student aid moneys and payments under the veterans programs. The urgency today equals, if not exceeds, the urgency of that legislation. Let us hope that we have an opportunity to agree to additional funds in the second supplemental bill. But we cannot be absolutely sure of this. I, therefore, urge that initial work be begun here on such an urgent bill, in the event we find this necessary.

**Mr. Speaker, I insert certain telegrams and letters which I have received in the Record at this point:**

Congressman Carl D. Perkins,
*U.S. House of Representatives,*
*Washington, D.C.:*

We urge your immediate attention to support full funding of summer NYC program for high school students. This program will enable more students to return to school this fall.

Winston Adkins,
*Principal, Virgie High School.*

---

Congressman Carl D. Perkins,
*U.S. House of Representatives,*
*Washington, D.C.:*

Urge immediate attention to summer NYC program. Loss of program would mean greatly increased drop out rate. Increase may be as much as ten percent of present high school population.

Tilden Deskins,
*Superintendent, Pike County School.*

---

Representative Carl D. Perkins,
*Capitol Hill, D.C.:*

Subject NYC program: Many children will be forced to leave school for economic reasons due to the termination of the NYC program. We sincerely request that you do everything possible to see that this program continues for the benefit of our youths.

James E. Branham,
*Principal, Millard High School, Pikeville, Ky.*

---

Congressman Carl D. Perkins,
*U.S. House of Representatives,*
*Washington, D.C.:*

We urge your immediate support of the summer NYC program since the dropping of it would cause a dropout of students this fall from 10 to 20 percent.

James E. Dotwon,
*Principal, Mullins High School, Pikeville, Ky.*

---

Representative Carl D. Perkins,
*Capitol Hill, D.C.:*

The Neighborhood Youth Corp in Pike County is very vital to the welfare and education of our youth. The NYC program which enrolls 265 enrollees during the current school term enabled many a youth to attend school this year which otherwise would have dropped out to become a welfare recipient according to a survey made in Pike County. Approximately 25 percent or 65 of our enrollees will be unable to attend school next year if the NYC program is not in operation this summer. We would urge Congress to take immediate action on this very important matter because a summer program is of vital importance to the youth of Pike County. Sincerely.

Joe K. Blackburn,
*Director.*
Billy Joe Taylor,
*Assistant Director.*

---

Congressman Carl D. Perkins,
*U.S. House of Representatives,*
*Washington, D.C.:*

We urge your immediate support of the NYC program since this would cause a drop of 15 to 22 percent of the students this fall.

Hobert Dye,
*Principal of Feds Creek High School.*

---

Representative Carl Perkins,
*Capitol Hill, D.C.:*

As a supervisor in the Pike County school system I am in very close contact with the youth of Pike County. Approximately 25 percent of our youth are what would be considered poverty level or low income families. These families depend very much on the Neighborhood Youth Corps for the welfare and education of their children. I would urge you and the congressional committee to give this matter immediate attention in order that a summer youth program could be a reality for the youth of Pike County.

Sincerely,

Irvin S. Pruitt,
*Supervisor, Pike County Schools.*

---

Representative Carl D. Perkins,
*Capitol Hill, D.C.:*

Imperative NYC program be extended during summer. Loss will result in increased number of dropouts. Students need at Phelps very great. Backing your efforts.

C. V. Smapp and Fred Fletcher

Representative Carl D. Perkins,
*Capitol Hill, D.C.:*

Would appreciate your influence in keeping NYC program. Without NYC no education for some.

Blanch Branham,
*Principal, Greasy Creek School,*
*Shelbiana, Ky.*

Congressman Carl D. Perkins,
*U.S. House of Representatives,*
*Washington, D.C.:*

Urge immediate action. Save NYC summer program. Most effective with potential dropouts.

James V. Powell,
*Principal, Elkhorn City High Scool,*
*Elkhorn City, Ky.*

Congressman Carl D. Perkins,
*U.S. House of Representatives,*
*Washington, D.C.:*

Loss of NYC program at John Creek High School will result in 15 to 20 percent dropout of students in this area. Please give this your immediate attention.

T. J. Ford,
*NYC Supervisor.*
William R. Clevenger,
*Principal, John Creek High School.*

May 22, 1973.

Hon. Carl D. Perkins,
*Chairman, House Education and Labor Committee, Rayburn Office Building, Washington, D.C.*

Dear Mr. Chairman: As you are undoubtedly aware, the Administration intends to fund this summer's youth employment program out of Emergency Employment Act monies or the already reduced allocations for manpower training services. In effect, they are offering the nation's cities the option of eliminating a parent's PEP job or terminating a parent's participation in needed training to provide a summer job to his children.

The consequences of the elimination of this vital summer program are obvious. Last summer's appropriation provided 740,000 nine-week jobs for young people, mostly disadvantaged youth. In the past, the Neighborhood Youth Corps has been the single largest youth employment program available in the summer.

We are currently in the process of surveying the cities to determine whether they will have any summer youth employment programs and to what extent disadvantaged youngsters will be hired compared to previous years' levels. Many cities have not finalized their plans for the coming summer months on the, at this point, desperate hope that the Administration will yet release the $256.8 million already appropriated by Congress for summer youth employment. In the interim, they are attempting as best they can to cope by using a combination of city revenues, general revenue sharing funds and whatever other sources they have access to in order to continue this vital program without having to lay off substantial numbers of PEP employees. While cities are doing their best, they have been unable to come even close to last year's employment levels. For example:

New York City will have only the Secretary of Labor's discretionary money available for hiring 18,000 youngsters. This compares to last year's employment level of 54,800 job opportunities for disadvantaged youth;

San Diego, California last year had a program that provided employment to 4,730 disadvantaged youngsters. This year they will have funds to provide employment for only 1,500 and this includes using $300,000 of general revenue sharing monies, $300,000 from regular PEP funds plus $252,000 of discretionary money;

Miami (Dade County) employed 5,800 youngsters for 25 hours a week for nine weeks last year. This year they will hire 5,400 young people for only 20 hours a week for six weeks;

Indianapolis will have to reduce its summer youth employment program by half, i.e., 2,500 jobs in 1972 versus 1,305 jobs in 1973;

Detroit thus far has sufficient funding for only 563 summer positions versus 18,000 last summer;

Rochester, New York, will free up enough of their regular PEP money (they received no discretionary funds) to hire 142 youngsters. This compares to 1,030 positions last summer.

As you can see from just these few examples, the effect on summer youth employment opportunities is devastating. We have met with the Administration on numerous occasions in the last few months and been unable to impact on their decisions to fund this vital program solely out of Emergency Employment Act funds. Regardless of the rhetoric, this is not an equitable nor an adequate method of dealing with summer youth employment.

Summer is less than a week away. We urge you, Mr. Chairman and your colleagues to use your influence with the Administration. Hopefully, the Congress can succeed where we have not and at the very minimum prevail upon the President to spend at the very least such funds as Congress has already appropriated for this most vital program.

Sincerely,

John J. Gunther,
*Executive Director, U.S. Conference of Mayors.*
Allen E. Pritchard, Jr.,
*Executive Vice President, National League of Cities.*

---

## ABORTION ON DEMAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, by no stretch of the imagination can we consider the Supreme Court's recent decision on abortion the "historic resolution" of the abortion issue which the New York Times, for instance, hoped it would be. On the contrary, the opinion written by Mr. Justice Blackmun has only plunged the issue into deeper confusion. On the face of it, the Court's ruling simply legalized abortion on the request of a woman during the first 3 months of pregnancy; allowed the regulation of abortion in the interests of material health in the second 3 months; and, as regards the final 3 months of pregnancy leading up to birth, said that the State "may, if it chooses, regulate, and even proscribe, abortion except where necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."

Since the Supreme Court had already defined "health" in a 1971 ruling, U.S. against Vuitch, to include "mental health," and since medical abortionists—where the law allowed abortions for "health" reasons, as in Washington, D.C.—had long been employing a definition of "mental health" to justify an abortion which included as a mental health problem the "distress" of any woman who did not want to bring to term the child she had conceived, the gesture of the Supreme Court toward the possible "regulation" of abortion did not have much real substance. Any doctor could do an abortion virtually up to the moment of the cutting of the umbilical cord, and justify it as having been done in the interests of "material health."

So what the Supreme Court decision amounts to in practice is virtual abortion on demand. What is surprising and heartening, however, is that there has been no general rush around the country to accept the Court's decision. Abortions go on unabated where the practice had already been legalized prior to the Court's ruling; some activist groups and doctors are moving to take advantage of the new court-granted mandate elsewhere.

But what is surprising is the resistance that is developing to the Court's ruling. The attorneys general of States such as Montana have declared the State laws valid until specifically struck down by another court. The Rhode Island Legislature has passed a bill guaranteeing the 14th amendment's equal protection of the laws to the unborn child. Apparently the proabortionists will have to challenge all measures of this kind before they will be home free under the Supreme Court's ruling.

Still other States such as Maryland and Virginia have voted down bills which would have brought the State law into conformity with the Supreme Court guidelines, while Indiana, Maine, Utah, Maryland, North Dakota, and South Dakota have memorialized the Congress to pass a constitutional amendment to protect the unborn. Even in States where the Court's guidelines have been more or less accepted, as is the case with Indiana, the legislature has included amendments—consent of husband, parents, or guardians; written consent of woman; 48-hour delay prior to the operation; provisions for live birth of aborted infants—which were not dreamt of in the Supreme Court's philosophy.

Thus we see the beginnings of what could be a nationwide revolt against the policy of permissive abortion which the Supreme Court has tried to establish for the whole country. This revolt could have been predicted. Last fall the people of North Dakota, 77 percent, and Michigan, 63 percent rejected permissive legalized abortion by decisive margins—contrary to the predictions of the pollsters. Except in Florida, where the legislature was constrained to act by a court order, no permissive abortion laws have been passed since 1970. Such measures have been defeated in nearly 40 States. The legislatures of Connecticut, New York, and Pennsylvania voted in stringent abortion laws, respecting the rights of the unborn, in the face of what was considered the wave of the future for legalized abortion.

Looking back, it is now possible to see that the abortion lobby won all its legislative victories between 1966 and 1970. It won them, in other words, while the American people were still not aware of all the implications of legalized abortion, were still not aware that abortion is something more than a word; before the American people fully realized that abortion always involves the killing of a living child. Court decisions in favor of abortion since 1970, including the Supreme Court decision, have come in the face of growing public sentiment against abortion which threatens soon to become massive opposition.

Let us turn now to the Supreme Court's decision, and examine briefly the doctrine which the Court is attempting to establish as the law of the land. We can see immediately that the decision involves two views of man and of the Constitution.

Are men, as the Declaration of Independence states, "created equal with certain unalienable rights"? This is one view of man. It is, in fact, the American view. Let us note well that the Declaration of Independence specifies that men are created—not "born"—equal. Mr. Justice Blackmun, examining the meaning of "person" in the Constitution, however, finds that there "the use of the word is such that it has application only postnatally." Among other things, this viewpoint betrays a lamentable lack of imagination, since surely one of the principal reasons the Constitution does not specifically include the unborn in its mentions of legal persons—as the Declaration of Independence does, affirming also the "right to life" as the first of all human rights—is that it undoubtedly never occurred to the framers of the Constitution that anyone could possibly imagine that the unborn could simply be destroyed because they were not mentioned; the idea that the unborn can be destroyed is of recent vintage, and would have been alien to the philosophy of the Founding Fathers.

Now the view that man is a free independent being with "certain unalienable rights," which the State may not suppress or abridge, is not stated in so many words in the Constitution itself; rather this view of man is assumed by the Constitution; the purpose of the Constitution, as stated in its Preamble, is precisely "to secure these rights to ourselves and to our posterity." The idea that a specific type of person—or a person at a particular stage of his development—could be deprived of his rights without due process of law contradicts both the letter and spirit of the Constitution.

And this is exactly what the Supreme Court's decision does in the case of the unborn. Mr. Jusice Blackmun is a "strict constructionist" when he fails to find the word "unborn" mentioned in the Constitution; but when he concludes from that that the unborn therefore have no rights, he simply jettisons the entire Constitution. More, he is profoundly illogical, since no more than "unborn" are the words "abortion decision" to be found in the Constitution which Mr. Justice Blackmun nevertheless apparently finds enshrined there as a right.

The view of man that does emerge from Mr. Justice Blackmun's opinion is a view which must disturb all Americans; it is a view of man which denies that there are "certain unalienable rights." What is denied to the child, by judicial fiat, is precisely the right to light. The court attempts to pass over this by remarking that "we need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy and theology are unable to arrive at any consensus," the Court goes on, "the judiciary at this point in the development of man's knowledge is not in a position to speculate as to the answer."

The truth of the matter is that there is no dispute about the facts of when life begins. It is not a "difficult question," as the court declares. The scientific facts are admitted by all; the real dispute is about what value and what legal rights the unborn have, not about when life begins.

On this point, even the proabortionists admit the facts; they differ from those opposed to abortion—and from the American tradition—in claiming that an unborn human life may nevertheless be legally destroyed.

Prof. Ashley Montagu of Columbia University, for example, declares in his book "Life Before Birth," that "life begins not at birth, but at conception." Nevertheless Professor Montagu is on record as favoring the legalization of abortion.

One of the fathers of legalized abortion, the British jurist Glanville Williams, forthrightly admits that human life begins "in the union of two germinal cells" of the parents, and, with equal forthrightness, defines abortion as "any untimely delivery procured with intent to destroy the fetus."

The medical journal California Medicine editorialized several years ago about "the curious avoidance of the scientific fact, which everybody really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death." This medical journal called the sidestepping of the question of which Mr. Justice Blackmun's opinion is now the most famous example "a schizophrenic sort of subterfuge."

Finally, Dr. Landrum B. Shettles of Columbia University, who has been experimenting with test tube babies, and who thus knows beyond any shadow of a doubt what is involved in the beginning of any human life, wrote to the New York Times describing the Supreme Court decision as "dishonest" for attempting to legalize abortion without frankly admitting that legal abortion means the creation of a class of expendable human beings—the unborn.

The Supreme Court decision, then, passes over the admitted facts. What the Court has really decided is a value question; the unborn may be human, but they can be legally sacrificed anyway. This is what has been established as the law of the law; implicit in this position is a denial that anybody, not merely the unborn child, has any rights. Implicit in this position, in other words, is a denial of the letter and spirit of the Constitution of the United States itself.

Indeed it is possible to deduce from the opinion itself instances where the rights of others besides the unborn are denied. What kind of rights can be guaranteed even to women, for example, by a view of man and of the Constitution which denies any inherent rights to the child? If the child doesn't have any rights, how does the woman have any?

In effect, the novel "right" of women to elect to destroy their own children is not, Mr. Justice Blackmun remarks, "unqualified." "It must be considered," he says, "against important State interests in regulation." Indeed this "right" is founded quite pragmatically upon the consideration that "mortality rates for women undergoing early abortions, where the procedure is legal, appear to be as low or lower than the rates for normal childbirth." There is nothing inherent about the woman's right to elect abortion, then, according to the Supreme Court, any more than there is any inherent right of the child to life. The State, in its discretion, gives or withholds human rights. Supposing the statistics about maternal mortality or morbidity for abortions in early pregnancy had been different, it is easy to imagine that the Court would have taken a different view of the woman's "rights." Rights are apparently not something women enjoy as human beings but merely what the Court, on pragmatic grounds, chooses to grant. It is hoped that American women will look this new gift horse more carefully in the mouth.

Similarly, for doctors and the medical profession, it is not at all clear that the effect of the Court's decision is to free them to practice their profession, as one of the plaintiffs in the original court case argued. Here again, the entire logic of the Court's decision must be brought out. How indeed can doctors refuse to grant what is now established not only as a standard medical proceure but as a right? Up to now doctors could be sued for malpractice for failing to provide medical care up to the "standard" prevailing in the community. Now abortion is the standard. How can doctors logically refuse to provide abortions now that they are even more than mere medical care and indeed are a "constitutional right"? A Court-decreed right, it is true, nowhere mentioned or remotely implied in the Constitution, but nevertheless for the moment a "constitutional right."

Those legislators, both in the Congress and in the States, who are introducing legislation with "conscience clauses" exempting hospitals and medical personnel from doing abortions have certainly sensed a vital issue here. But the real question is whether "conscience clauses" could ever stand up in courts imbued with the philosophy that abortion is somehow a "right." By what title can we legally deny someone his "rights"?

It is clear, then, that the Supreme Court decision is not permissive in the sense that those who see nothing morally wrong with abortion may elect or do the procedure while those who oppose abortion need not avail themselves of the new Supreme Court-established right. There is an element of coercion here which the medical profession will be the first to bear the brunt of—and which Americans, regardless of their moral views, will bear the expense of through tax-supported abortion. In strict accord with the logic of the Supreme Court, bills have already been introduced in Oregon and Wisconsin which would make it a crime to refuse an abortion.

It is therefore tragic that so many medical societies and associations have favored one degree or another of legalized abortion. Moreover, those segments of the medical profession favoring abortion also failed to see that the realization of their hopes, in a decision such as the one the Supreme Court has now rendered, literally removes from their hands any proper medical decision as such. In effect, it is the woman, not the doctor, who now makes the abortion decision; the doctor is reduced to being a skilled technician of death. In no other case has any "medical procedure" been transformed into an alleged "constitutional right," as abortion has now been transformed into one.

We should remember too that, contrary to early proabortion propaganda, it is not a medical question which is any longer at issue in the abortion debate. The medical profession is unanimous that there are few, if any, true medical "indications" for direct, intended abortion, even to save a mother's life; even if there were cases where a mother's life was truly endangered, the procedure in those cases has always been legal anyway. Hence medical questions, as such, no longer have anything to do with the abortion debate today; and this fact should be clearly understood since polls show that Americans, where they tend to tolerate abortion, generally do so in the belief that some "medical" problem is involved.

A public opinion survey just reported by political scientists at the University of Michigan's Institute for Social Research disclosed that only a short time before the Supreme Court decision, a majority of the eligible voters in the country were opposed to abortion.

The data came from computer analysis of answers given by a sample of 2,738 citizens questioned between September 15 and November 6, 1972, by IRS surveyors. The sample was statistically representative of the whole electorate, and the weight of preference against abortion was roughly 3 to 2.

Here are the figures:

PERCENT IN OPPOSITION

| | Men | Women |
|---|---|---|
| Over 60 | 67 | 72 |
| 30 to 60 | 58 | 60 |
| Under 30 | 43 | 49 |

It is clear, then, that the Supreme Court has also dealt a heavy blow to the presumed rights of doctors and of the medical profession to practice medicine freely and in accordance with truly medical criteria alone. Now they must practice medicine in accordance with court-decreed "rights" handed down in contempt of real rights. The same contempt for human rights is seen when we consider the possible rights of a father over his unborn children. The court simply passes over the question of the father's rights, "if any exist in the constitutional context of the abortion decision," Mr. Justice Blackmun remarks in a footnote. Here again we encounter the profoundly un-American viewpoint that rights are not inherent, but are what the state chooses to grant. But if a father has no right to say whether or not his unborn children may be legally destroyed, how does he have any responsibility at all for his children? For example, any responsibility to support them after they are born?

If the Supreme Court can tranquilly rule that a woman need not take any responsibility for the child she has conceived, how can men be held legally responsible for their necessary part in the procreation of children?

Legalized abortion, then, as it has now been established by the Supreme Court, is seen to be profoundly irrational. Nowhere are the implications of the court's decision more far-reaching, however, than in the very functioning of our legal and judicial system. Originally the state and the laws in America were made for man, not man for the state and the laws. In the instance of abortion, the Supreme Court has changed all that. We have seen that human rights themselves have become something which the state—in this instance, the court—grants or withholds.

Yet even more alarming for any American who prizes our legal and constitutional system is the court's ominous new doctrine of what it calls "meaningful life." In assenting the state's interest in what it describes as "potential life," the court declares that the "compelling point" is at viability—the time when a child is able to survive on his own outside the mother's womb. The court's logic here is that the state's "interest" in a human being's rights would presumably cease the moment that person were unable to survive outside, say, an iron lung, or without an artificial heart or lung machine. Those who have linked abortion with "mercy killing" would thus seem to have sensed a real and profound connection. The court explicitly says that its criterion for "viability" was chosen because the child then becomes capable of "meaningful life."

But if whether or not our lives are "meaningful" is truly the basis of whatever constitutional rights we happen to possess, then who is going to be able to escape from the court's all-inclusive denial of inherent human rights? Who is going to decide whether your life or my life is meaningful, and at what stage? The court itself, of course, has issued a blanket decision that no unborn child whatever has any meaningful life prior to viability; it remains to be seen how this judicial logic will be worked out in other cases.

It is to be hoped that lawyers and judges, men particularly concerned with the upholding of our constitutional system, will see in time the terrible implications of the Supreme Court's logic. Tragically, however, prior to the ruling, the American Bar Association itself had endorsed a resolution calling for unrestricted abortion up to 20 weeks of pregnancy. State abortion laws had been declared "unconstitutional" by courts in about a dozen states before the Supreme Court finally ruled. A New York appeals court had actually admitted what we saw some noted proabortionists admitting, namely, that an unborn child is indeed a human being, but legally we can exterminate him anyway. This New York court declared:

> The medical affidavits . . . have not been factually disputed.

And added:

> New York courts have already acknowledged that, in the contemporary medical view, the child begins a separate life from the moment of conception.

Yet this court, like the Supreme Court later, callously denied the child any rights. Like the medical profession, as we have seen, the legal profession has too often been busy here dismantling its own reason for being!

This consideration brings us to the legislative branch of the Government to those of us who serve in Congress as our principal hope—not merely to provide the equal protection of the laws to the unborn; but, as we have now so clearly seen, to reinstate in America the very idea that Americans, under the Constitution, even enjoy "certain unalienable rights—among these right to life." If we do not even enjoy this right to life, we do not really enjoy any rights at all.

It is for this reason that I have introduced into the Congress a bill for an amendment to the Constitution which would specifically grant what has always been implicit in the Constitution, namely, the right to life of the unborn, from the moment of conception; and would also protect other categories of persons menaced by the Supreme Court's totalitarian concept of "meaningful life." Is it any accident that, the moment the Supreme Court supposedly "settled" the abortion question, all the talk shows and magazine articles suddenly shifted over to the subject of "death with dignity" and other such euphemisms for doing away with the inconvenient and unfit, with what Hitler called the "useless eaters"? Even before the court ruled on abortion, euthanasia bills were being debated in Florida, Hawaii, Oregon, and Washington; 46 percent of the graduating class of the medical school in Washington State recently went on record in favor of "positive euthanasia," that is, killing the patient * * *.

Mr. Speaker, it is about time we Americans started asking ourselves where these ideas are taking us. When I introduced my bill for a constitutional amendment I was well aware that there did not seem to be overwhelming popular support for the measure. Further developments have convinced me that there is such support, and that this constitutional amendment can and must pass.

I have remarked on the reluctances all over the country to accept and apply the Court's "guidelines." I do not think these "guidelines" are accepted in the country at large. It is evident that even some of those who initially favored one degree or another of legalized abortion are now actually drawing back at the sweeping nature of the Court's ruling. The vast outpouring of mail in support of my constitutional amendment has been encouraging indeed.

Moreover, there is the phenomenon of the grassroots right-to-life movement. Enjoying little or no sympathy or support from the press and media, local right-to-life committees have been springing up all over the country. Underfinanced and often poorly coordinated, they have nevertheless demonstrated remarkable political clout already. You have not seen much about them on the 6 o'clock news, or in the New York Times or the Washington Post, but the legislators in Albany, Annapolis, Bismarck, Harrisburg, Hartford, Lansing, Minneapolis, and in dozens of other State capitals know they are there. The referendums in Michigan and North Dakota, and the remarkable pro-life legislative victories registered in most of our States since 1970 have been won by the remarkable energy and dedication of these grassroots forces, and by nothing else.

The pro-life movement will not disband as a result of the Supreme Court's ruling. On the contrary, the movement is only now getting seriously organized. The Congress has not yet felt the full force of what most of the State legislatures have felt—although I will wager that some Congressmen and Senators are surprised already at the messages they have been getting from their pro-life constituents since January 22.

The focus of the battle for the right to life of the unborn has now shifted to the Congress. The people are demanding a constitutional amendment. It is imperative that the Congress respond to the challenge. The Congress is the legislative branch of our Government most directly involved with the embodiment of the beliefs and ideals of our people in just, positive laws. Justice for the unborn, vindication of all human rights—these things cry out for a constitutional amendment—now. Moreover, it is for the legislative branch, not for the Supreme Court, to legislate on this issue.

We must not be sidetracked away from the fundamental issue of human rights and, specifically, of the right to life. As we have seen, the Supreme Court's erroneous view of human rights extends far beyond the issue of abortion, though this is the issue on which the battle has been joined.

Political sentiment exists and is growing in America that the issue of the right to life can be confronted head on and won. We have evidence that this issue can win at the polls, most notably from the referendums in Michigan and North Dakota. There is no evidence of any support for measures which do not confront the real issue. Nor is there any groundswell of grassroots activity for any measure except an amendment establishing once and for all the right to life. The pro life forces—and they are not going to go away—are working, precisely, for such an amendment; and, if I have correctly gaged their sentiment, are not going to work for half measures.

Men of vision and moral conviction in the Congress, who perceive the real signs of the times, must get behind this amendment. The Congress must rectify what Mr. Justice White, in his dissenting opinion, called the Supreme Court's exercise of "raw judicial power."

Mr. Justice White continued:

> The Court's judgment is an improvident and extravagant exercise of the power of judicial review."

Mr. Speaker, it is time for the Congress to right the balance. It is time for the Congress to pass and send to the States for ratification a constitutional amendment which guarantees to all persons from the moment of conception the right to life which our Founding Fathers took for granted.

## TAKING IT OUT OF THE HIDE OF THE VETERAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, those of us who read the RECORD carefully have noted with interest the carefully orchestrated statements which have appeared in newspapers in cities where Veterans' Administration hospitals are located. The essence of the articles is that everything is OK in the VA medical system; further, those of us concerned about proper funding for the agency are dead wrong in our evaluation of the pressing need for more funds to properly operate the Department of Medicine and Surgery and its 166 hospitals,

On March 26, I spoke on the budgetary situation of the Veterans' Administration and, in particular, its medical program. I presented the facts as I saw them. As of this date, I have not received any statements which would indicate that my facts were in error.

Referring to the articles that have appeared in several newspapers throughout the country, the stories usually quote the director of the VA hospital as saying that everything is "fine." Our colleagues will recall my remarks on February 26 when I quoted in detail the remarks of the Administrator at the Directors' Conference: Administrator Johnson said to his directors that he did not want "to find any surprises." The Administrator's orders are being carried out to the letter—there are no surprises in these self-serving statements. A director of a VA hospital would have to be a fool or well on his way to retirement for him to tell the public what his own individual hospital needs or his view of the needs of the entire system.

I believe the VA medical system is great and have said so repeatedly, but, like any human operation, it does make mistakes as I have been compelled to call to the attention of this House of previous occasions. It was well known to everyone concerned that things were getting tight all over the VA system, but I never thought the day would come to pass when bureaucratic mumbo-jumbo would affect the quality of medical service to the veteran. One should never be surprised at bureaucracy—here is an example of the munificent Veterans' Administration taking it out of the hide of the veteran.

I refer to the case of "J" who was admitted to the Miami VA hospital on September 20, 1972, complaining of a pain in his hip. An X-ray showed the hip to be broken. Two young, eager orthopedic residents from the University of Miami Medical School rushed the veteran up to the operating room, performed a "standard" operation by inserting a pin—Jewett nail—into the (a) hip. But the wrong hip.

Discovering their error a few hours later, these two marvelous medical practitioners, in consultation with other eminent practitioners on the hospital staff, removed the pin from the previously healthy hip, under a local anesthesia, and placed the broken hip in traction.

Mr. Speaker, I know there are Members who are going to scoff at my recitation of the "facts" of the case thus far—how could anything so stupid happen?—so I am including at this point in my remarks, a copy of the memorandum on this case by the chief of staff of the hospital. That statement follows:

> SEPTEMBER 28, 1972.
>
> Hospital Director (00).
> Chief of Staff (11).
> Special Incident—Patient "J"—(Narrative Report).
>
> 1. I was notified by Dr. ——— on Sept. 26th, by phone, of an incident that had occurred to patient "J", Ward —, on Sept. 21. Briefly, Mr. "J" presented himself on Sept. 20th to our Admitting Dept. complaining of pain in his *left* lower extremity. X-rays showed a intratrochanteric fracture of his *right* femur. The patient was operated on Sept. 21st, 3:00 PM, under spinal anesthesia, and by error of the operating surgeons, Drs. ——— and Dr. ——— (4th and 2nd year Orthopedic Residents respectively), a Jewett pin was inserted into the *left* intratrochanteric area. At the close of the operation it was recognized by the operating surgeons that they had erred. After consultation with the Orthopedic staff physician, Dr. ———, it was decided to remove the Jewett nail, which was performed 4 hours later on the same day, under local anesthesia and no inhalation, by Drs. ———, ———, and Dr. ——— in attendance. The patient's condition is fine, the operative wound healing well, and the fracture of the right intratrochanteric area is being treated by traction. Operative treatment is not being planned.
>
> 2. Dr. ——— was questiond by me and the Director on Sept. 26th. Dr. ——— was questioned by me on Sept. 27th. Attached is a narrative report by Dr. ——— of the entire incident. Dr. ——— states that there will be no permanent disability from the operation, and admits to negligence based upon human error. When questioned why the delay in reporting the incident, he stated that Dr. ——— wished to consult with Dr. ———, Chairman of Department Orthopedics at University of Miami Medical School, who was away and who did not return until Sept. 26. When Dr. ——— was informed he immediately contacted the Chief of Staff's office.
>
> 3. My conclusion is that the special incident occurred because of a human error in judgement and not bcause of any fault in our method of operation. No permanent disability is expected to occur.
>
> 4. Recommend that since this incident comes under the purview of para. 201.02, DM&S Sup. MP–1, Part 1, that C.O. be notified by TWX with a follow-up letter consisting of this memo, and the signed report by Dr. ———, attested by Dr. ——— and Dr. ———.
>
> CHIEF OF STAFF.

Naturally, when terrible and unfortunate mistakes such as the above happen, there is provision in the laws governing the operation and management of the Veterans' Administration to make restitution to the aggrieved party—at least in terms of monetary compensation. Section 351 of title 38, United States Code—1970 edition—provides some relief in matters of this sort. That section reads as follows:

> **§ 351. Benefits for persons disabled by treatment or vocational rehabilitation**
>
> Where any veteran shall have suffered an injury, or an aggravation of an injury, as the result of hospitalization, medical or surgical treatment, or the pursuit of a course of vocational rehabilitation under chapter 31 of this title, awarded him under any of the laws administered by the Veterans' Administration, or as a result of having sub-

mitted to an examination under any such law, and not the result of his own willful misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, disability or death compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded in the same manner as if such disability, aggravation, or death were service-connected. Where an individual is, on or after December 1, 1962, awarded a judgment against the United States in a civil action brought pursuant to section 1346(b) of title 28, United States Code, or, on or after December 1, 1962, enters into a settlement or compromise under section 2672 or 2677 of title 28, United States Code, by reason of a disability, aggravation, or death treated pursuant to this section as if it were service-connected, then no benefits shall be paid to such individual for any month beginning after the date such judgment, settlement, or compromise on account of such disability, aggravation, or death becomes final until the aggregate amount of benefits which would be paid but for this sentence equals the total amount included in such judgment, settlement, or compromise. (Amended P.L. 87–825, § 3; P.L. 91–24, § 3.)

A veteran may utilize section 351 or file a malpractice claim against the hospital and the agency. The veteran "J" did both and the Veterans' Administration elected to settle on the malpractice claim.

We have already seen veteran "J" Jewett-nailed to the wall. Now watch as the Veterans' Administration compounds the fracture. Veteran "J's" claim was for $75,000. The Veterans' Administration settled it for $5,000. I have been reliably informed that the settlement was "amicable;" and we must remember that the VA "always" resolves all doubt in the veteran's behalf.

The VA says "J" was represented by a representative of a veterans' organization. Upon inquiry, one finds that an employee of the Florida Division of Veterans Affairs "acted" for "J" in the proceedings. I do not know what action the representative took; from the amount of the settlement, it could not have been much.

The settlement of malpractice suits comes under the jurisdiction of the General Counsel of the Veterans' Administration. The present occupant of that position served long in one of the major veterans' organizations. He repeatedly urged Cogress to grant large and generous benefits to veterans. Congress, for reasons other than his urging, has over the years, done even more without such prompting. This General Counsel is the same person who warned directors at their conference not to "bootleg" information to the Congress, though he made a career before coming joining the VA out of giving information to the Congress, privately and publicly, with the hope that it would benefit him and the organization he represented. He now sits on the other side of the table and he adopts the scrooge-like attitude of giving as little as possible to deserving cases such as "J."

The Veterans' Administration has the absolute decision to settle malpractice suits brought against it so long as the settlement does not exceed $25,000. There has been testimony before congressional committees to the effect that Internal Revenue auditors are rated on the number of cases they question and the amount of revenue they collect; I wonder if the VA has a similar system for handling malpractice suits? Does the General Counsel give a special meritorious rating to the individual attorney who recommended the "J" settlement and "compromised" at one-fifteenth the claim?

In a few years, the General Counsel of the Veterans' Administration and his associates who "handled" the "J" case will be retired on a generous civil service annuity; some will enjoy reserve military retirement in addition; still others will be entitled to social security and private retirement benefits. I hope they will enjoy their plush retirements. Perhaps—but I doubt it—they will reflect on the "J" case and remember that just a little, simple, compassion and concern could have made "J's" future a little easier.

I brought up the subject of retirement to contrast the treatment afforded to "J" by the Veterans' Administration. "J" was awarded a 10-percent disability rating of $28 per month—"J" did receive $495 per month while hospitalized. However, and note this well—under current law, "J" may not receive this staggering sum of $28 per month for nearly 15 years. Considering "J's" age, and the very real possibility that he could develop arthritis in both, now-damaged hips, one is overwhelmed at the generosity of the Veterans' Administration "settlement."

While the General Counsel's retirement will be at the "ample-level," "J's" income will be at the "agony-level." One wonders how the General Counsel sleeps at night.

It is encouraging to know that the case of the illegal admission of Mrs. Luie "D" against the Veterans' Administration in the amount of $3,000,000 is not likely to be compromised at one-fifteenth the claim. Mrs. "D" is represented by counsel of a law firm in Miami who, I doubt, will be willing to reach an "amicable" settlement such as described for "J." That belief makes it unnecessary for me to spread the sordid details of that case on the public record at this time.

It should be noted, Mr. Speaker, that I have never met "J" nor any of his relatives, nor do I expect to do so. The same may be said of Mrs. "D."

---

## THE ECONOMIC STABILIZATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, despite the fact that Congress has recently completed its consideration of legislation extending the economic stabilization program, the debate over how to best manage our economy continues unabated, and with good reason. This country is still in the midst of an inflationary crisis, affecting virtually all aspects of our lives, and our society. No one has yet formulated an effective policy to guide our Government in its efforts to defuse the upward spiral of wages and prices. We are still foundering on a raging sea.

One aspect of the debate has centered on the control of interest rates, a proposal which generates heated argument from all sides. In an effort to make a positive contribution to this discussion, I am bringing to the attention of my colleagues, and the economic policymakers in the executive branch, a letter that I received from Mr. John T. Bennett, Jr., vice president for investment management at the Putnam Management Co., in Boston, Mr. Bennett is recognized by his colleagues in the industry as one of the most sagacious observers of the investment world. I believe that my colleagues will benefit from consideration of his comments on the feasibility of interest rate controls:

THE PUTNAM MANAGEMENT CO., INC,
*Boston, Mass., April 10, 1973.*

Hon. MARGARET M. HECKLER,
*House of Representatives, Cannon House Office Building, Washington, D.C.*

DEAR MRS. HECKLER: Money is the most fluid of all commodities and tends always to flow very quickly to the greatest return commensurate with risk.

Thus, if we in the United States held our interest rates low relative to foreign rates, there would be a massive outflow of foreign and domestic funds from our shores to the higher rates abroad. This would mean a serious worsening of our already adverse balance of payments situation and a further weakening of the dollar.

Second, it seems to me that free interest rates serve a valuable purpose in allowing free market forces to allocate credit. Frozen interest rates and differentials among rates could well result in serious distortions (as at present with respect to the run-off of commercial paper into bank loan demand) that could well force government into allocating savings and bank credit.

Individuals will save less and spend more if they consider the return on savings inadequate to compensate for inflation, or they might save in non-monetary units such as real estate, art, commodities, etc.

Businesses will be encouraged to speculative expansion of inventories, plant and debt if borrowing rates are too low or they may simply borrow to invest in higher rates elsewhere (as they are now doing in borrowing from one bank to buy Certificates of Deposit from another bank).

In any event, frozen interest rates and differentials could mean such massive distortions that government would be forced to step in with extensive regulations and/or tax changes to reallocate credit. Such a move would mean the final arrival of the centrally-planned economy that we all dread.

Best regards,

JOHN T. BENNETT, Jr.,
*Vice President-Investment Management.*

---

## KEMP SPEAKS OUT FOR MASS TRANSIT FACILITIES FOR THE ELDERLY AND HANDICAPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, I appreciate this opportunity to call attention to my support for the new rapid transit system now being proposed for the Buffalo, N.Y., area.

A 12½-mile rapid transit line has been proposed for Buffalo between the central business district and New York State

University at Amherst at an estimated cost of about $250 million.

Buffalo, N.Y., has a population of 462,768 and its urbanized area has a population density second only to New York City among the top 45 cities of our Nation. The proposed Buffalo-Amherst rapid transit line is expected to carry 33,415,000 riders annually in 1975 and 44,400,000 in 1995. This amounts to about 117,000 daily riders in 1975 and 148,000 in 1995.

It has long been apparent that air pollution, which has become a major hazard to health, especially in our large urban areas, could be measurably alleviated if a convenient, attractive, and economical alternative to the automobile could be offered to the public. I believe the proposed Buffalo-Amherst rapid transit system, as well as solving basic transportation needs, will provide just such an alternative. As an added plus, it is expected that the fare box will cover the operating expenses of the system.

William E. Miller, chairman of the Niagara Frontier Transportation Authority; Kenneth Knight and Gordon Thompson of the NFTA; Lew Harriman of the area transit committee; Don Blair, president of the Construction Trades Union; Frank Carducci, president of the Bus Drivers Union; Lee Norton of the Downtown Buffalo Development Corporation; Ted Hullar of the Sierra Club; and the many others who have worked so long to make the Buffalo-Amherst rapid transit a reality are to be commended for their efforts.

Mr. Speaker, I testified today before the Transportation Appropriations Subcommittee to express my support for this urgently needed rapid transit system for the Buffalo area and I respectfully urged that committee to approve sufficient funding as requested for fiscal year 1974.

Mr. Speaker, I also voiced my strong support for making a portion of the funds appropriated for the urban mass transportation program available for the special transportation needs of the aged and the handicapped.

This is a most important matter and we must face up to it as a responsibility we cannot avoid, and one we do not wish to. We are entering a period in which a greater percentage of Americans will be in the age group of 65 years or more. Already there are more than 20 million Americans in this category, or about 10 percent of the population. The number and ratio to other age groups are growing constantly. During the next three decades, the number of older Americans in our population is expected to reach 28 million. These senior citizens, moreover, tend to be concentrated in urban areas where mass transportation needs are the greatest.

Concerning the handicapped, their total is distressingly large. Six million persons, or about 3 percent of our population, are what is classified as chronically handicapped. An additional 4.6 million have short-term disabilities.

For both the elderly and the handicapped transportation is a vital need. But for many, getting around their community is difficult—and for others, impossible.

Mr. Speaker, Congress and the Federal Government recognize that transportation is an absolute essental function for our economic and social well-being. Each year we appropriate large sums to improve the means of this service. With such significant percentages of our population falling in the elderly and handicapped categories, the need to appropriate funds to meet their special needs is evident.

In 1971, the White House Conference on Aging issued a report on transportation. It included this incisive observation concerning transportation, or lack of it, for the aged:

> The relative inaccessability of public transportation virtually incarcerates the aged. The availability of transportation encourages activity and expands alternatives; the lack of transportation limits the perspectives and opportunities available to individuals. It limits their capacity to work and thereby maintain some economic independence. It restricts their ability to maintain contact with others, and it is not surprising that the aged feel a heightened sense of isolation as they grow older. They perceive the loss of transportation as a loss in mobility, and they do not differ from any other age group in recognizing that their mobility determines the quality of their existence. Due to the reduction in their physical, psychological capacities, and social opportunities, the aged need transportation more than the young in order to induce attitudes to undertake more activity. The young are already actively minded, have more destinations to which they must go (including work), and can find means to reach them more readily.

Fortunately, some studies and preliminary spade work have already been done. Unfortunately, these efforts are only preliminary. We have not yet begun to translate this knowledge into a full-fledged program of action designed to provide the proper transportation facilities for the elderly and handicapped.

Mr. Speaker, I would like to read at this time portions of a letter I have received from Edgar J. Schiller, president of the Rehabilitation Association of Western New York, Inc., and an outstandng expert in this field, concerning the transportation problems of the elderly and the handicapped:

Rehabilitation Association of
Western New York, Inc.,
*Buffalo, N.Y., May 9, 1973.*

Hon. Jack F. Kemp,
*Cannon House Office Building,*
*Washington, D.C.*

Dear Jack: The Rehabilitation Association of Western New York has been cooperating with the Niagara Frontier Transportation Authority in regard to its proposed program of instituting a mass transit system in our area. We are particularly interested in seeing that all facilities and services of the mass transit system are to be accessible and available to both the handicapped and the aged.

One of the particular problems which we in rehabilitation face every single day is making our services available to the handicapped and then, after they have gone through our rehabilitation program, making the facilities in the community, including places of work, accessible to them. As you can see from the last Semi-Annual Report of NFVRC, we did a terrific job of placing people in industry but it is becoming more and more difficult as plants are being built in suburban areas; for instance, the Walden Avenue area. We are looking ahead to the day when it will be more difficult for people to come into our program and for us to successfully complete their rehabilitation by seeing that they get jobs.

The key to the successful rehabilitation of the disabled in our region is going to be the establishment of a totally accessible mass transit system. Thus, it is imperative that the Niagara Frontier Transportation Authority's proposed system be accessible.

In my conversations with my counterparts around the country, I find that this is not just a Western New York problem but one that is nationwide. We also find that, in any other kind of long-range planning that we want to do for the handicapped, we are frustrated by the lack of demographic information. It is paradoxical and frustrating because the government will give us funds to serve these handicapped people provided we can show that these people exist but the government will not or has not been able, up to this point, been able to provide the census so that we can indicate that these people exist and need these transportation services and other services.

It is paradoxical that the government will provide funds for transportation services as per the Transportation Act of 1970 but yet requires that the Transportation Authorities demonstrate that the handicapped population of the region justifies the capital investment required and then does not provide any means for which to survey and evaluate the numbers of handicapped and the extent of their disability.

As you may be aware, Chapter 656 of the 1972 session's laws of the State of New York not only guarantee accessibility to public buildings but also precisely define the term "handicapped" to include those individuals confined to wheelchairs. This New York State law is much more definitive than the Section 16 of the Transportation Act of 1970 and we would like to see these New York State provisions prevail or be included in future federal legislation.

This type of demographic information would be extremely valuable to us and to our counterparts throughout the country so that we could plan realistically for needed services for the present and for the future. From your vantage point in Washington and from your contacts on the Labor and Education Committee, and from what you can gather from the Commerce Department, I would appreciate it very much if you could let us know about a solution to this problem in the immediate future.

Sincerely,

Edgar J. Schiller, *President.*

Mr. Speaker, Edgar J. Schiller's letter gives an excellent summary of the transportation problems faced by the aged and the handicapped. The full-fledged program of action which is needed cannot be accomplished without funds. For this reason, I respectfully urged that the committee include a clause in the language of its report directing the Urban Mass Transportation Administration to devote some of the funds appropriated to them toward providing transportation facilities designed to accommodate the requirements of the elderly and the handicapped. I know that this action by the committee would be an important step toward fulfilling the urgent need of the elderly and the handicapped for convenient and adequate transportation.

Mr. Speaker, I am happy to report that as I was preparing the testimony today, I received a copy of a letter from David J. Franko, manager, special projects of the Niagara Frontier Transportation Authority, to Dwight H. Warren, board chairman, Council of Senior Citizens Clubs of Buffalo and Erie County, Inc., which states that NFTA is now authorized to initiate work activity on their aged and handicapped technical study.

Mr. Speaker, I include this letter in the Record:

Niagara Frontier
Transportation Authority,
*Buffalo, N.Y., May 17, 1973.*

Mr. Dwight H. Warren,
*Board Chairman, Council of Senior Citizens Clubs of Buffalo and Erie County, Inc., Buffalo, N.Y.*

Dear Mr. Warren: Mr. John Seal has referred your letter of 13 May 1973 to me as I am responsible for NFTA's study program concerning the accommodation of the aged and handicapped on the proposed Buffalo-Amherst rapid transit line. This Technical Study will be completed as part of the Coordinated Support Program which supplements the General Engineering Design Activity.

In order to more fully apprise you of NFTA's progress to date on this Technical Study, I will summarize the work accomplished since its inception in January 1973: During this initial phase of the study, my objectives have been to (1) develop a detailed Work Program for the Aged and Handicapped Technical Study, (2) initiate a consultant selection process in accordance with Urban Mass Transportation Administration (UMTA) guidelines and procedures, and (3) establish working relationships with the many organizations which represent the elderly and disabled in the Niagara Frontier Region.

Development of the detailed Work Program is considered to be the most significant accomplishment to date as it defines the scope and depth of our Technical Study. I am enclosing a copy of the program for your perusal and invite your comments and suggestions regarding the proposed approach. You will note that our proposal not only considers the issue of physical accessibility but also includes provisions for examining service and economic solutions as well in solving the transportation problems of the elderly and physically disabled.

I am happy to report that NFTA's proposed Work Program has been approved by UMTA's Technical Studies Division, so we are now authorized to initiate work activity on the Aged and Handicapped Technical Study. Thus, NFTA expects to complete the consultant selection process in the very near future and hopes to begin actual technical work by 1 July 1953.

You will be encouraged to learn that I have already established working relationships with the Erie County Office for the Aging (Mr Clifford Whitman, Executive Director) and the Research and Planning Council for Community Services (Mr. Jack Hickey, Executive Director). In fact, I met with Mr. Hickey and Mr. Frank Endres this past week (14 May 1973) and both of these gentlemen have pledged their cooperation in this endeavor to assure that NFTA's mass transit service is accessible to the elderly and the disabled in the Niagara Frontier Region.

I am forwarding copies of this letter to our Congressional delegation as I am sure they are very interested in NFTA's progress to date regarding this very important Technical Study.

If you have any questions regarding NFTA's Work Program, please do not hesitate to call.

Sincerely,

David J. Franko,
*Manager: Special Projects.*

---

## REMARKS BY HON. DONALD M. FRASER, INTRODUCING A BILL TO NEGATE THE RHODESIAN CHROME AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Fraser) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, I am today introducing a bill, along with 57 cosponsors, which would amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and restore the United States to its position as a law-abiding member of the international community.

Since 1966 under two Presidents, it was the policy of the United States to support sanctions imposed by the United Nations Security Council against the illegal minority regime now controlling Southern Rhodesia. This policy, freely entered into by the United States, was adopted by the Security Council under chapter 7 of the United Nations Charter, making U.S. adherence to the sanctions a solemn treaty obligation. In 1971. American adherence to this international legal obligation was broken when the Congress passed an amendment to the Military Procurement Authorization Act.

Under the Rhodesian chrome amendment importation of Rhodesian chrome ore is allowed in violation of the United Nations sanctions. The proponents of the amendment in 1971 based their position on national security grounds. Specifically, they claimed that it was wrong for the United States to buy chrome from its greatest potential adversary, the Soviet Union, when it could not buy the same commodity from non-Communist Rhodesia. At the time many of us took exception to this argument by pointing out that the chrome in the strategic stockpile was already in excess of foreseeable requirements by some 2.2 million tons and that since there was no strategic need for more chrome from Rhodesia, passage of the amendment would only have the effect of making the United States an open international lawbreaker. In the year and a half since the passage of the Rhodesian chrome amendment, it has become abundantly clear that it has not only failed to accomplish what is opponents claimed it would accomplish, but has created some serious domestic problems in the United States, in addition to damaging our international reputation as a law-abiding country.

Instead of saving American jobs, the passage of the Rhodesian chrome amendment has placed American jobs in peril. This is because the amendment allows not only importation of Rhodesian ores but importation of Rhodesian processed ferrochrome. Since passage of the amendment, two American ferrochrome plants have announced plans to close down.

Instead of reducing imports of chrome ores from the Soviet Union, those imports have remained at about the same level and, as we have imported chrome ores from Rhodesia, the effect has been to reduce our imports from Turkey.

It has not contributed to national security. The excess of chrome in our strategic stockpile has continued to swell and the administration is now seeking congressional approval to sell to the public half a million tons of chrome per year from the stockpile.

There are a number of other ill effects of the Rhodesian chrome amendment which argues strongly for its repeal:

It makes the United States one of only three open violators of United Nations Security Council sanctions against Rhodesia; the other two are South Africa and Portugal.

It creates hostility toward the United States among most black African countries expressed in United Nations debates and resolutions.

It gives the Smith regime its biggest boost in morale to date and a new and sorely needed source of foreign exchange.

It sets a bad precedent for a violation of international law by a country which loudly proclaims allegiance to international law, thereby further weakening sanctions an effective instrumentality of peaceful change through the United Nations.

It gives the impression to the whole world that the United States is not willing to sacrifice even a small commercial interest to penalize a regime which flouts principles of democracy, racial equality and self-determination.

Mr. Speaker, clearly the arguments in favor of the Rhodesian chrome amendment can no longer be sustained; if, indeed, there ever were such a time when they could be sustained on a rational basis. For reasons of national security, employment of American workers, international law and order, sensible foreign trade, and humanitarianism, the time has come for the United States to rejoin the community of law-abiding nations and put behind it this unwise measure.

I am pleased to note that in the other body today, Senator Humphrey, along with 22 cosponsors, is introducing a similar bill.

I urge all my colleagues to join with us in support of this important legislation.

Listed below are those Members sponsoring the bill I am introducing today along with my colleague from Michigan (Mr. Diggs):

List of Cosponsors

William S. Mailliard, of California.
Peter H. B. Frelinghuysen, of New Jersey.
Dante B. Fascell, of Florida.
Charles C. Diggs, Jr., of Michigan.
Robert N. C. Nix, of Pennsylvania.
Donald M. Fraser, of Minnesota.
Paul Findley, of Illinois.
Benjamin S. Rosenthal, of New York.
John C. Culver, of Iowa.
Lee H. Hamilton, of Indiana.
Lester L. Wolff, of New York.
Jonathan B. Bingham, of New York.
Charles W. Whalen, Jr., of Ohio.
Ogden R. Reid, of New York.
Michael Harrington, of Massachusetts.
Leo J. Ryan, of California.
Donald W. Riegle, Jr., of Michigan.
Herman Badillo, of New York.
Walter E. Fauntroy, of the District of Columbia.
Augustus F. Hawkins, of California.
Alphonzo Bell, of California.
George E. Brown, Jr., of California.
Frank J. Brasco, of New York.
William J. Green, of Pennsylvania.
Ralph H. Metcalfe, of Illinois.
William L. Hungate, of Missouri.
Ronald V. Dellums, of California.
Patsy T. Mink, of Hawaii.
Frank Horton, of New York.
Bella S. Abzug, of New York.
Howard W. Robison, of New York.
Thaddeus J. Dulski, of New York.

Claude Pepper, of Florida.
William Lehman, of Florida.
Richardson Preyer, of North Carolina.
Parren J. Mitchell, of Maryland.
Lloyd Meeds, of Washington.
Charles A. Mosher, of Ohio.
Antonio Borja Won Pat, of the Territory of Guam.
Shirley Chisholm, of New York.
Fortney H. (Pete) Stark, of California.
Don Edwards, of California.
Edward G. Biester, Jr., of Pennsylvania.
Robert W. Kastenmeier, of Wisconsin.
Gilbert Gude, of Maryland.
Robert F. Drinan, of Massachusetts.
William (Bill) Clay, of Missouri.
John Conyers, Jr., of Michigan.
Charles B. Rangel, of New York.
Les Aspin, of Wisconsin.
John F. Seiberling, of Ohio.
Robert O. Tiernan, of Rhode Island.
Paul N. McCloskey, Jr., of California.
Louis Stokes, of Ohio.
John Dellenback, of Oregon.
Bill Frenzel, of Minnesota.
Frank Thompson, Jr., of New Jersey.
Barbara Jordan, of Texas.

## HUMAN NEEDS VERSUS MILITARY DEMANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, today a delegation of women from New York and Philadelphia joined local members of Women Strike for Peace and the National Welfare Right Organization in visiting congressional offices. Their purpose was to point out the incredible discrepancies in the administration's budget, between the filling of human needs and the demands of the military bosses. Among the materials presented for our consideration was the following analysis from the WSP memo:

WSP DEMANDS CONGRESS VOTE FUNDS FOR LIFE—NOT DEATH: NIXON'S PRIORITIES AS REFLECTED IN SELECTED EXAMPLES FROM HIS 1974 BUDGET

| | |
|---|---|
| Cut: $7.3 million in grants for basic water and sewer facilities under HUD Community Development Program | Increase: $6.9 million for MK 48 Torpedo |
| Cut: $18.0 million in construction loans and grants for higher education | Increase: $15.3 million for E-3A Airborne Warning & Control System |
| Cut: $23.9 million in education for the handicapped under HEW Office of Education | Increase: $22.9 million for SAM-D Missile |
| Cut: $33.9 million in library resources under HEW Office of Education | Increase: $29.0 million for B-1 Bomber |
| Cut: $36.0 million in federally supported hospital and health facility construction | Increase: $39.5 million for manned space flight research and development under NASA |
| Cut: $75.4 million in operations, research and facilities of the Environmental Protection Agency | Increase: $73.9 million for NASA |
| Cut: $82.2 million in Indian programs under Minority Assistance Programs (to broaden opportunities for economic participation & self-determination) | Increase: $94.3 million for A-X Tactical Attack Aircraft |
| Cut: $86.0 million in federally aided health training and education | Increase: $92.0 million in Air Force research, development, test and evaluation |
| Cut: $200.0 million in child nutrition for elementary & secondary education | Request: $194.2 million for SAM-D Missile |
| Cut: $252.0 million in manpower revenue sharing under DoL Manpower Administration | Increase: $239.9 million for F-15 Tactical Fighter Aircraft (77 planes) |
| Cut: $519.7 million in emergency employment assistance under DoL Manpower Administration | Request: $546.3 million for S-3A Viking Anti-Submarine Warfare Aircraft |
| Cut: $1.5 billion in elementary and secondary education | Request: $1.2 billion for one Trident Submarine |
| Sources:<br>*The Budget of the U.S. Government, Fiscal Year 1974,* U.S. Govt. Printing Office, Washington, D.C.<br>*Special Analyses, Budget of the U.S. Government, Fiscal Year 1974,* U.S. Govt. Printing Office, Wash., D.C. | *Program Acquisition Costs by Weapon System, Dept. of Defense Budget for Fiscal Year 1974,* Dept. of Defense, Wash., D.C. |

As these women met to confront their representatives with some of the realities, Senator ERVIN's committee was exploring the fantasyworld of James McCord. The latest excuse for the Watergate scandals, it seems, is the fear of some Republicans that peace people were going to be violent. Considering the sustained, institutional violence perpetrated by this administration, their paranoia may be understandable: since they were responsible for death and destruction, they believed their opponents capable of the same. Fortunately for the country, the exposure of corruption may well lead to new beginnings. This too is the hope of the women who met this morning. In welcoming them, I stated:

> As you meet here today—some for the first time and some for about the hundredth time—in an effort to turn spending from death to life—we are all aware that the scene has drastically changed. I don't need to tell you that the very foundations of government are trembling—nor that revelations of corruption in the highest places have deepened the cynicism abroad in the land. All this you know.
>
> You knew about the snooping, the bugging, the spying, long before most of the public knew, because you were sometimes the target of it. Many of us here today have lived through at least a decade of increasing subversion of the political process.
>
> And yet you are here today because you continue to believe in that process—and to believe that you can affect it. That's why I am here, too, working within the system—because I profoundly believe that it can be responsive. And for the first time in months, I have hope, great hope.
>
> Republicans as well as Democrats are turning away in revulsion from the corruption of Watergate. Those who supported Nixon and those who voted for him are repudiating his policies. And they are repudiating his foreign as well as his domestic policy.
>
> In its first vote against Asian war, the House recently voted 219–198 to refuse to authorize transfer of funds for bombing Cambodia. The Senate Appropriations Committee voted 24–0 to cut off funds. These votes included former hawks as well as doves. They represent a new determination on the part of Congress to take back the power to make war. I believe that we will see a continuing use of Congressional authority to restrain the Executive and to strip him of powers he has unconstitutionally acquired. We cannot say with any certainty today that it will go farther than that: the facts are not all in. But we can be hopeful, at last, that a new era is beginning.

## CONTINUATION OF HEARINGS ON WESTERN HEMISPHERE IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to advise the House that Subcommittee No. 1 of the Judiciary Committee will continue in June its hearings on my bill, H.R. 981, to revise immigration procedures for natives of the Western Hemisphere. These hearings will be held on June 6, 7, 13, and 14, 1973 in room 2237 Rayburn House Office Building and will begin each day at 10 a.m.

On June 6, the Department of Labor will be invited to testify on the labor certification program and we are hopeful that they will provide specific legislative recommendations with respect to section 212(a)(14) of the Immigration and Nationality Act. It is my understanding that they have declined to appear on two earlier occasions but an additional opportunity has been provided for their appearance, since the subcommittee is most anxious to receive their views. In addition, on June 6, a representative of the Immigration and Nationality Lawyers Association who is intimately familiar with the operation of the labor certification requirement has been scheduled to appear.

On June 7, testimony will be received from the Department of Justice on this legislation.

On June 13, the Department of State will resume its testimony concerning the refugee provision contained in section 9 of H.R. 981.

Finally, on June 14, testimony will be received from public witnesses and other interested who may wish to appear.

## HON. BILL GUNTER INTRODUCES LEGISLATION TO DESIGNATE FEDERAL BUILDING IN WEST PALM BEACH AS THE "PAUL G. ROGERS FEDERAL BUILDING"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GUNTER) is recognized for 5 minutes.

Mr. GUNTER. Mr. Speaker, today I am introducing legislation to designate the recently completed Federal building in West Palm Beach as the "Paul G. Rogers Federal Building" in honor of my distinguished colleague from the 11th District of Florida.

This legislation was inspired by a resolution received from the city commission of West Palm Beach, Fla. Certainly, those who wish to pay tribute to one who has served them and the Nation so well should receive every consideration.

The resolution passed on April 30, 1973, reads as follows:

### RESOLUTION NO. 68-73

Whereas, the citizens of the City of West Palm Beach are extremely proud of the recently completed Federal Building located in the City Civic Center Complex; and

Whereas, the citizens of the City of West Palm Beach are also proud of the long record of achievement of Representative Paul G. Rogers, who has represented the citizens of this area for eighteen years and has been responsible for much farsighted legislation and has brought honor and accomplishment upon himself and the citizens of this area. Now, therefore, be it resolved by the city commission of the city of West Palm Beach, Florida:

Section 1. That the City Commission of the City of West Palm Beach, Florida, requests that the General Services Administration be requested to designate the new Federal Building located in the City of West Palm Beach, Florida, as the "Paul G. Rogers Federal Building" in honor of Representative Paul G. Rogers, United States Representative from the 11th District of Florida.

Section 2. That certified copies of this resolution be furnished to United States Senators Lawton Chiles and Edward J. Gurney, New Senate Office Building, Washington, D.C. 20510, and to United States Representatives Robert L. F. Sikes, Don Fuqua, Charles E. Bennett, Bill Chappell, Jr., Bill Gunter, C. W. Bill Young, Sam M. Gibbons, James A. Haley, Louis Frey, Jr., L. A. (Skip) Bafalis, Paul G. Rogers, J. Herbert Burke, William Lehman, Claude Pepper and Dante Fascell, House Office Building, Washington, D.C. 20515.

Section 3. That this resolution shall take effect immediately upon its passage.

---

## FLORIDA MASONIC HOME IS A WORK OF LOVE, DEDICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 15 minutes.

Mr. FUQUA. Mr. Speaker, not long ago, I read an article that said that the Masonic fraternity in these United States spend $1 million per day for charitable and humanitarian works.

In that same statement, it was noted that 43 percent of this expenditure went to members and relatives of Masons, and that 57 percent went to nonmembers, regardless of their race, color, or creed.

It is my purpose here today to pay tribute to Masons in general, and Florida Masons in particular, for all that they do for mankind. Often this work is not publicized, yet tens of thousands of children, the ill, the blind, and the aged are nurtured by the generosity of members of this proud fraternity.

As I thought upon these remarks, I wondered to myself why it is that we as a people never seem to find the time to stop and say "thank you." Our newspapers, radio newscasts, and television commentaries dwell upon the problems of society—crime and violence—but seldom do we stop to talk about all of the good things that man does. Perhaps if we paid a little more emphasis to the good that men do, it might encourage even more.

Certainly we get a distorted view of society without this balance.

The Masonic fraternity is an ancient one, having its roots in the building of the great cathedrals in ancient times. These were the builders of their time. In the seventeen hundreds, with this craft a dying art, men who were interested in the various traditions that had been developed, began to form lodges for fraternal Masonry.

They took the tools of the builder, and legends about them, to develop a ritual in which universal truths are taught.

While not formed as a benevolent society, it was natural that men of this frame of mind would be concerned about others. Through the centuries, Masons have been concerned about the social problems of their time, and rather than merely complain, they have attempted to do something about those problems.

Charity is very much a part of the Masonic tradition and so it was natural as the fraternity grew for personal acts of charity to be augmented by the entire membership through a special fund or the lodge treasury.

As the years passed, Florida Masons became acutely aware of the need for some program to care for the orphaned and for the aged of the fraternity. Thus was born the Masonic Home of Florida.

It was over 70 years ago, 1902, that a resolution was presented to Florida's Grand Lodge by Albert W. Gilchrist, urging that a Masonic Home be built to fill this need. Perhaps it does not sound like such a dynamic act in light of the present, but for that period it was a bold and decisive move.

Eleven years later, Gilchrist was Florida's grand master and was able to report that the special committee had nearly $20,000 in hand. The Order of the Eastern Star made a very substantial gift in 1917 and the Masons of Florida felt it was time to select a site for its long-dreamed of Masonic Home.

Many locations were inspected by the appointed committee, with the Southland Hotel property at St. Petersburg deemed the most desirable. The purchase price for the hotel and its 5 acres was $70,000—a huge sum for that day.

So it was that the home was to be opened on April 7, 1919.

Today, additional buildings have been erected to meet new needs and the total investment for Florida Masons is valued at over two and a half million dollars. The total area has grown to approximately eighteen and a half acres.

Here is something of the history of building at the home. Beginning with the original hotel building, an additional building was erected on the grounds in 1927, which is now the administration building. The superintendent's home was erected in 1933 by the Order of the Eastern Star. In 1950 a band shell was erected on the grounds where monthly concerts are held by the Selma Grotto Band.

In 1953 a new 18-room infirmary in the old hotel building was completed. Two additions of 10 rooms each have been built since that time, making a total of 77 hospital beds in 38 rooms. A motel-type building with 28 rooms with baths was completed in 1958. In 1964, 18 more hospital beds were added in a special care unit, making a total of 95 hospital-type beds.

Not long ago I talked with Jack Hardy, the hard-working superintendent of the Masonic Home, who is doing an outstanding job.

He pointed out to me that there were 75 residents in the comprehensive care center. Approximately 16 of those were semiambulatory, the other 57 were complete bed patients.

In order to better understand the Masonic Home of Florida, it is necessary to realize that the Masons are operating a comprehensive care center with hospital-type care on a long-term basis—not on the short-term experienced by public hospitals.

The new comprehensive care center of 85 beds cost over $1 million by the time of its completion in April of 1972.

Jack told me that there are 40 residents in the motel-type section. This is the partial self-help section. These are the guests who are ambulatory and able to do a limited amount of housekeeping.

In this community, where many needs exist, the Masons care for some 149 men and women.

It is a real community, a real home. No effort is spared to get the guests into the various programs to let them know that they are wanted and loved. Thousands upon thousands of hours have been given by volunteers to augment the efforts of the professional staff.

One senses this spirit in a visit to the home. It is a cheerful place, they are guests, and the Masons are determined to provide the best possible care.

Over the years, the home has had to provide increasing services for bedridden patients. It is to their credit that they have never failed to respond to each new challenge of passing years.

I think it important to note a few statistics about the operation of the 56 Masonic homes throughout the United States and the enormous sums of money that are necessary for them to continue to operate.

According to reports, the cost of operation per resident varies from $300 per month in Iowa, Texas, and the Midwest to $1,000 in Connecticut.

There are many reasons for these variations. Those using the smaller figures provide the bare necessities of living and do not include any expansion program or improvements in the facilities. In these homes they do not have hospital or infirmary-type care. An applicant must be 100-percent ambulatory to be admitted. If they become a total bed patient in a short period of time, the lodge is asked to move them to another facility. In the larger homes of the North and the old established grand lodges, the costs run above $400 per month. These Masonic homes offer all types of hospitalization and are equipped to perform any type of medical service, including operations.

In these larger homes in the Midwest, the West, and the North complete buildings have often been constructed by the various bodies of Masonry with no cost outlay to the blue lodges of the State. This is not the experience of the Florida Masonic Home.

In Florida, the cost is almost solely borne by the blue lodges of Florida and the Order of the Eastern Star.

However, it would not be fair to overlook the tremendous contributions which have been made by individuals and affiliated Masonic organizations. This support has been tremendous.

The Masonic home is a work of love.

I think it interesting to point out that no governmental assistance is accepted. The majority of the guests admitted are on welfare and this grant is terminated upon their admission to the home.

I also want to mention some of the other programs administered by the Masons of Florida to aid the needy. These programs supplement and augment the work of the home and have never received the credit they deserve.

It is estimated that Masonic relief in Florida pours nearly $1 million into local community annually. This is because of the nonresident relief, a program whereby the Masons supplement the income of an individual so that they will not have to leave their homes. This is a tremendous program. It allows needy persons to remain in familiar surroundings.

Another program of Florida Masons is that of emergency relief—given while other avenues of help are investigated.

Then there is the hospital service fund which helps pay hospital bills and for medical care. Thus, the afflicted will not have to mortgage his home or his last holdings.

These programs augment the Masonic Home. They are designed to assist members and their families who often face financial ruin. Through this help, they are often returned to self-supporting lives. Whatever the case, they know that the fraternity is concerned and is going to do something to care for their needs.

Well, these are some of the statistics.

I did not dwell on the fact that the home had as its major concern in the early years, children. The last child raised in the home graduated from Florida State University in 1958.

Today, there is not the same need for the care of the orphaned as existed in the early part of the century.

It is interesting to note, and I point with pride, to the fact that my close friend, Fletcher G. McQueen, was raised in the home and years later was to serve Florida as its grand master. It was a proud day for the Masons of Florida when this outstanding Mason took over the helm. It only went to further prove the worth of their sacrifice and hard work.

It is one thing to quote statistics. It is yet another to talk about the individuals who have been sustained in the last years of their lives.

One could write a book about the trials and tribulations that brought many of the guests to the Masonic Home. Let it suffice to say that when the circumstances of life overwhelmed them and there seemed no hope, the arms of Masonry went out to them.

It is a great story, one that I wish more Americans knew. Masons, through their Masonic homes, are providing care for the aged. Through their appendant orders they assist the blind, they care for crippled children, and there is hardly a need in which they have not involved themselves.

One of the things that makes me proud is that their example has caused so many other organizations and individuals to show concern—and to do something. Perhaps this may well be the greatest contribution of all.

This year, my good friend, Ben Collins, of Jacksonville, is the Grand Master of Masons of Florida. Ben is probably the hardest working man ever to fill that exacting position.

He told me the other way that he wished that he could communicate to the Masons of Florida the contribution which they have made to their fellow man. He said:

> That guest in our Home was somebody's mother, somebody's sister, somebody's father, somebody's brother. Life can be exacting and it can be cruel. I don't know how many cases I have examined where the individual was simply overwhelmed by circumstances beyond their control and they knew only the blind panic of no hope. Masons reached out to them, nurtured them and provided solace in the most trying of times.
>
> I believe we have been blessed by the Almighty in this work. Perhaps we have encouraged others to be a little bit more concerned through our own actions. Maybe we don't blow our own horn enough sometimes, but then it's part of our nature not to do so. I feel that the help I have been able to give the needy through my Brethren has been the most rewarding experience a man can know.
>
> In this year, we are going to build on that foundation which has been so ably constructed in the past. We are going to continue to meet new challenges as they arise. We know that costs are going to increase, we know that with men and women living longer, our challenge is going to be greater. We are sustained by the example of the past and I believe as firmly as anything that I know that those of us who must labor in the vineyards in the seventies, will be no less faithful than our predecessors.

To which I add my own personal note of gratitude.

Thousands of men and women, some yet unborn, will benefit from what the Masons of Florida do today.

## ESSAY CONTEST WINNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, earlier today, I was fortunate enough to spend some time with 35 high school and college students who are visiting Washington as winners of the annual essay contest sponsored by the United Nations Association of New York.

One of these students is Jules Haas who is a constituent of mine in Queens and who attends Hofstra University in nearby Nassau County on Long Island.

The quality of his essay was consistent with the high standards achieved by all of these young people, and I would like to have introduced into the record extracts of his award-winning essay.

Certainly, his family in Forest Hills, his colleagues at Hofstra University, and all of those who have come to know Jules, have every reason to be proud of his achievements.

And those of us in this Congress, the representatives of the people, can take heart that our Nation is producing young men and women as talented and capable as Jules and the other winners who were honored here today.

I would urge all the Members of the House to read the essay: "More Power to the United Nations—Should Nations Cede Some Sovereignty?" by Jules Haas:

### MORE POWER TO THE UNITED NATIONS—SHOULD NATIONS CEDE SOME SOVEREIGNTY?

(By Jules Haas)

In the examination of an international system as in any study in the Social Science field many perspectives must be taken into account. One may view specific events or facts that occur within a certain time period and thus conclude various relationships from these events. A more comprehensive view however, and one that is a necessity in any clear evaluation, is that of the entire progression and makeup of conditions. The entire scheme of events changing and unchanged must be taken in totality for the specifics to be meaningful. Thus a question covering a set of as widely changing patterns as that of whether or not nations should cede some sovereignty to the United Nations should be dealt with in a manner not restrictive to its broad foundations.

Therefore, when dealing with a problem such as this the term "should" bears constructive connotations of present situations, disregarding past or future conditions. A more comprehensive and satisfying approach would be the examination of processes in the international system which would enhance or inhibit the cession of sovereignty, and thus make the question of "should" easier to handle.

The first aspect which must be covered is that of a basic change in the present system since World War II, and especially in the 1970's. In earlier periods a nation maintained its sovereignty and independence by a wall or fortification surrounding its borders. This territoriality or impermeability guaranteed a nation's sovereignty and prevented external pressures and coercion by outside forces, thus guaranteeing security.

In modern times however, this impenetrability has been pierced by the advent of airplanes, mass communications-(propaganda) and ultimately the possession of nuclear weapons. These elements along with numerous others have destroyed the impenetrability of the shell, have thus decreased a nation's feeling of security, and have weakened the absolute elements of sovereignty. During the 1970's the advent of more nations achieving nuclear armament has added to this growing international insecurity.

In order to understand the point that is about to be made, the concept of nationalism must be taken into account next. Nationalism is a direct emotional tie to a nation through tradition, national focal points etc. Fundamental, though, and perhaps the basis of the development and maintenance of nationalism is direct satisfaction in daily life, and consequently a feeling of security stability in one's social and political structures.

It is here that the points of focus converge. Bringing together the facts that there has been a breakdown of a nation's ultimate security, a weakening of the elements of sovereignty, and that nationalism in part rests on the foundation and maintenance of this security-sovereignty element, one can clearly see the development of a larger authority to which people will look. It seems quite conceivable that the people and the nation-states themselves having realized the inapplicability of nationalism or national sovereignty in today's international system will ultimately evolve a system of internationalism.

It is here that the role of the United Nations will fully come into play. Since it will be looked to as an institution of security and stability the question of whether nations should cede some sovereignty becomes irrelevant and the question of when becomes more applicable.

The concept of internationalism will evolve as did the concepts of nationalism and sovereignty. It is virtually inevitable that nations and their people will have to regain through the U.N., or some other internationally unifying structure, the security and cohesiveness they once had.

In today's situations nations are desperately trying to hold on to what is a very weakened national security-sovereignty position. It is the failure to realize the futility of such a position that is bringing about instability in the system as a whole. It can only be hoped that nations will evolve and realize their predicament and coordinate under an international force voluntarily, and not have harsher social means such as war make the decision for them.

## WATERGATE REINFORCES THE NEED FOR A FEDERAL PRIVACY ACT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, amid continuing daily developments in the Watergate case, it has now been reported that in 1970 the White House established a secret intelligence unit to collect information, for possible political use, about radical and antiwar groups. This unit was developed by the FBI and is said to have involved an elaborate system of undercover activity.

I am hopeful, now that a special prosecutor with independent powers has been appointed, that the full extent of the Watergate excesses will be brought to light. But I am extremely concerned now about those individual citizens whose constitutional rights to privacy may have been violated by such widespread illegal and ill-intentioned Federal surveillance tactics. The President has in effect stated that the political operations of the reelection campaign and some major FBI and CIA administrative operations were conducted without his authority. The evidence to date indicates that these operations were conducted at the least irresponsibly and for the most part illegally. It is unknown at this point how many private citizens were subjected to this surveillance, what kind of information was collected, and for what exact purposes this information was to be used.

I have long believed that the unregulated collection of data by the Government cannot help but pose a grave threat to personal privacy and individual liberty, and I am particularly anxious, especially now with the reported existence of such secret intelligence units and with the increasing evidence of irresponsible actions on the part of the current administration, that the individual have some recourse—some means of determining what sort of information might have been collected on him and some means of correcting and destroying any erroneous, misleading, or irrelevant information in his file.

To meet this need for stricter Federal controls over the collection of personal data and for stricter safeguards against unwarranted access to such data, I will be reintroducing today, with a total of 58 cosponsors, my Federal Privacy Act. This legislation would do the following:

First. Require the Government agency to notify an individual that a record of information exists on him;

Second. Require the agency to notify the individual of all transfers of such information;

Third. Require that information from such records could be disclosed only with the consent of the individual or when legally required;

Fourth. Require the maintenance of a record of all persons inspecting such personal files;

Fifth. Permit an individual to inspect his records, make copies of them, and supplement them;

Sixth. Permit the individual on a proper showing to require the agency to remove erroneous or misleading information from his own file; and

Seventh. Create a Federal Privacy Board to supervise the administration of the provisions of the bill.

If this legislation were in effect now, those persons who were the subject of this undercover unit's surveillance activities would have to be notified of the existence of such a record of information on them and would have to be given an opportunity to inspect the file and correct any errors in it. They would thus be protected from the irresponsible collection and distribution of personal data to which our present unregulated system is all too vulnerable.

Exceptions to the disclosure rule would be made only in the case of records that are either expressly required by Presidential order to be withheld in the interest of national security or for the purposes of pending criminal prosecutions. As a check, the President would be required to notify the Congress on an agency-by-agency basis each year of the number of files withheld for these reasons. These disclosure provisions would apply to files held by all agencies of the Federal Government and would cover files on organizations and corporations, as well as individuals.

In this age of the computer, it is becoming easier and easier to collect and distribute personal data. Unless Congress takes the initiative now in this field by enacting strict controls, every citizen's personal freedom and privacy will continue to be threatened by abuses of the present, unregulated system.

The legislation is supported by Members of Congress who are normally identified as conservatives and liberals. On the need to protect personal privacy the Members who have philosophical disagreements on other matters are in accord. The following list of 58 House Members are cosponsoring this bill:

### CO-SPONSORS OF CONGRESSMAN KOCH'S FEDERAL PRIVACY BILL, H.R. 667

Edward I. Koch, Bella Abzug, Herman Badillo, Alphonzo Bell, Frank Brasco, Charles Carney, Shirley Chisholm, Frank Clark, William Clay, John Conyers.

Robert Drinan, Hamilton Fish, Orval Hansen, Michael Harrington, William Lehman, Mike McCormack, William Mailliard, John Moakley, John Moss, Thomas O'Neill.

Claude Pepper, Jerry Pettis, Bertram Podell, Benjamin Rosenthal, William Roy, Gerry Studds, James Symington, Jerome Waldie, Lester Wolff, Antonio Borja Won Pat.

Paul Sarbanes, Bob Casey, Sam Gibbons, Stewart McKinney, Charles Rangel, George Brown, Yvonne Burke, Ron de Lugo, Wm. Jennings Bryan Dorn.

Dante Fascell, Bill Frenzel, Richard Fulton, Ella Grasso, Peter Kyros, Robert Leggett, John Melcher, Ralph Metcalfe, Robert Nix.

Wayne Owens, Ogden Reid, Don Riegle, Angela Roncallo, Fred Rooney, Edward Roybal, Patricia Schroeder, John Seiberling, Fortney Stark, Donald Fraser.

## ESSAY BY CHAPLAIN JAMES E. ROGERS

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, Jim Rogers served as National Chaplain of the Disabled American Veterans with great honor and distinction. Chaplain Rogers continues to serve with superb dedication as Chaplain of the Disabled American Veterans of South Carolina. He is chaplain of the Veterans' Administration Hospital in Columbia, where his ministry is one of compassion, dedication, and understanding. Chaplain Rogers recently wrote an outstanding essay for DAV magazine. I commend this splendid essay of Chaplain Rogers to the attention of the Congress and to the American people:

### A GOLD STAR MOTHER

(By James E. Rogers)

Little traffic was on the streets of Atlanta as I drove through the city. I was on my way to the Georgia State Convention of the Eastern Star in Macon. Traveling on Peachtree Street toward the southern part of the city, I noticed an occasional American flag being set up along the sidewalks in front of businesses and homes.

Soon I found myself out of the city, winging my way to the speaking appointment. Being an old country boy, I admired the crops as I rapidly moved down the highway. The weather had been good in that part of the state and had caused the fields to don a beautiful dress of green. The row on row of cotton was just putting on bulging cotton bolls that would soon burst into a profusion of white summer color replacing the drabness of winter. I moved the car slightly to the right of the road to avoid running over a slow-moving turtle, and in so doing I almost missed seeing an American flag flying softly in the summer wind. The flag was some two hundred yards off the highway. I realized that it was unusual to see an American flag unfurled in front of a modest house, in the middle of a cotton field. Something said to me, "Go back." Perhaps it was a premonition, but I stopped the car and started back to the house in the cotton field. I knew I had plenty of time, since I was not to appear on the program until after the luncheon hour.

The cotton leaves brushed the sides of the car as I turned into the narrow road leading to the house. Driving slowly so that I would not raise dust from the cartwheel-rutted road, I entered the yard. An elderly Negro lady was seated in a weather-beaten rocking chair under a large chinaberry tree. I introduced myself saying that I had seen the flag in honor of our country. "I'm always happy to have a preacher visit my home," she said, "so get one of the chairs from the porch and sit a few minutes with me." Taking another weathered chair from the porch, I joined her under the tree, for this appeared to be the coolest spot in the midst of several acres cotton. She fanned herself with one of the funeral home fans given out by many funeral homes throughout the Southland. Placing the fan in her lap for a moment, she seemed to look far off and then said: "Your being a chaplain, you will understand ... Were you a chaplain during the war?" When I nodded affirmatively, she continued, "I have a letter from a chaplain ... The letter came many years ago ... Why it seems just like yesterday when the letter came! He told me that my only son had died fighting for his country. Later, when they brought my son's body back for burial, they had the flag covering his casket. After the preachers had finished the service at the graveside down at the church yard, they gave me the flag. I didn't have one of those poles like the city folks use, so I went down by the branch, where John loved to roam, and there I cut me a young tree and moved it here. I've been flying the flag now going on seven years. Lots of folks ask, 'Why are you flying the flag in front of your house?' Then I have a chance to tell them about what it stands for." Tears began to creep down her cheeks, but she continued: "It stands for America, and I am proud of my home and my land—the land of the free and brave. And, Preacher, he was a brave son, my only son. This afternoon my daughter and grandchildren will come from over on the other side of the county, and we will have a picnic. Before we eat we will stand together and remember John by repeating the pledge to the flag."

She appeared to be reliving moments with John as she picked up the funeral home fan and began to fan slowly as she rocked. Then, from a nearby gardenia bush, an old dog emerged and slowly walked over to my hostess' rocking chair. Flattening his body out and with his head between his paws, he looked me straight in the eye, as if to say, "Who are you?"

"This is Old Ben, a mighty good friend. He and John were good pals before John went off to war. Why, I can remember just like it was yesterday when John would come home after plowing all day. Old Ben would be following the tractor. When John was out plowing in the spring, Old Ben would follow him in the field. Ever so often the plow would scare the rabbits from their winter homes in the field, and Old Ben would chase them all over the field. One time he caught two in one day. We had rabbit stew that night. John just loved a good stew. After supper John and Old Ben would take off to the creek. Sometimes on the way to the creek the two of them would stop in the field and play together. Preacher, he loved Old Ben, and Old Ben loved him. He knows John will not walk down the road some day and whistle to him. Each Sunday my neighbors come by in the pick-up and take me and Old Ben to church. Old Ben always gets out of the back of the pick-up as soon as we get to the church and lingers around the spot where we buried John."

I noticed that each time she spoke the word "John," Old Ben would prick up his ears and let out a low whine. He still loved his buddy and would until the day he died. Surely there is a togetherness between a young person and a dog that is understood only by those who have had and loved a dog. (A few weeks before I had buried a dog in our back yard in Atlanta, and I can testify that among the children there was not a dry cheek.)

Having been propelled by an irresistible inner drive to come back to this home by the side of the road, I now realized that I must hurry on to Macon. Threads of tender memories from a mother's heart had been shared with me. She had limned an ineffaceable picture of love of mother of son upon my mind and heart. She engraved the words of total faith without one shade of bitterness. A halo of joy surrounded her face when she spoke the name of her son. The tides of time had not changed her love for son and country. She carried an aspergillum of words instead of water as she sprinkled scattered holy thoughts from her mirrored heart to my heart.

Rising, I told her that I must hurry. As she arose to say goodby, Old Ben rose with her. I stood and expressed my appreciation for the opportunity of standing with her near the flag that draped her son's casket. I thanked her in the name of all those who love America, for the supreme sacrifice John made in behalf of his fellow countrymen. I asked her to join me in prayer, and she readily consented by saying, "The Lord always will be my shepherd." After prayer I left for Macon.

As I moved out into the highway, I remembered again that America is tied together by bonds of sacrifice and hope that eventually will transform the cold, naked night of indifference of this world into a land of sunshine and promise. The seeds of this dawning miracle are evidenced by the glow of the hearts of mothers of the sons who make the supreme sacrifice. Had I not just witnessed such seed-finding germination wherever this Negro mother was able to speak to another? Again I was reminded of Donne's words:

"No man is an island entire of itself; every man is a piece of the Continent, a part of the main; if a clod be washed away by the Sea, Europe is less, as well as if a Promontory were, as well as if a manor of thy friends of thine own were; any man's death diminishes me, because I am involved in Mankind; and, therefore, never seem to know for whom the bell tolls, it tolls for thee."

When that bell tolled for John in that small country church cemetery, it tolled for you and me. We are all involved in the growing soul of America. The nobility of the family is determined by the crest one is willing to wear above the heart. Cicero, the patrician, said, "I hold that no man deserves to be crowned with honor whose life is a failure . . . and he who lives to eat and drink only is a failure. He who never wiped a tear from a sad face . . . never kindled a fire upon a frozen hearth . . . I repeat, is a failure. There is no flesh in his heart. He worships no God."

There on that small cotton farm I found true greatness. There I found their coat of arms flying and especially distinguished by the self-forgetfulness toward others; by the self-sacrifice for others; and the disregard of personal pleasure, personal indulgence, personal advantage—remote or present—all because one thought the supreme sacrifice was the right conduct.

I arrived in Macon with a few minutes to spare before speaking to the ladies of the Eastern Star and Worthy Patrons. After speaking and bidding good-bye to friends, I roamed over the city looking for something I could carry back to my new found friend. I knew what it was, but finding it late in the afternoon was another question. After inquiring at several stores, I found it. The saleslady looked at me rather oddly and then observed, "You're not old enough to have a son in the war, are you?"

"No," I replied, "I am getting this for a friend." After she had wrapped it carefully and somewhat reverently, I paid her and started back toward Atlanta.

The dying sun was streaking the wisteria sky with red as I again pulled into the road leading to the house in the cotton field. The mother of the household again warmly greeted me. She introduced me to her daughter's family. The picnic was over and all were now ready to retire for the evening. After the introductions, I went over to the car and took out a large print Bible. Opening the Bible, I took out a small banner that had one Gold Star stitched in the middle of it. I explained to her that families who had lost sons or daughters in any way placed this banner in their windows. This is to let those who pass by know that the family had given a daughter or son, who made the supreme sacrifice, for our country. As she took the large print Bible and banner, there came trembling words as she said, "Thank you, Preacher. I had heard of the Gold Star, but just had not gotten around to getting one."

I could not say more than "Good-bye and God bless you," as I turned and drove back to Atlanta.

While returning home, I knew I had cultivated a very green spot in my memory. I had found an oasis of love for country out in the middle of a large cotton field. I had found love in bloom in the soil of a noble and self-sacrificing heart, and there in that home there would always be a perennial homecoming for those finding ingress by way of the dirt road that led to the house. That elderly gray-haired lady would ever give out to others a never-ending season of felicity and joy, casting prismed rays of love and hope and peace to all around. Pondering all this, I began humming the age-old hymn,

"Will There Be Any Stars?"
In the strength of the Lord let us labor and pray,
Let me watch as a winner of souls;
That bright stars may be mine in the glorious day,
When His praise like the seabillow rolls.
Will there by any stars, any stars in my crown.
When at evening the sun goeth down?
When I wake with the blest in the mansions of rest
Will there be any stars in my crown?

---

## OUR POW'S HAVE NOT DESERTED US; BUT, HAVE WE DESERTED THEM?

(Mr. PRICE of Texas asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Texas. Mr. Speaker, it would be easy to embrace the tempting and long-desired dream for peace in Vietnam as having become a pleasant reality bringing a euphoric and calming sense of relief as though one had just wakened from a long and horrible nightmare.

But try as we might, we are only kidding ourselves if we believe that the war is over for all Americans. Sadly, the families of the over 1,300 American servicemen still missing in action still daily feel the pangs of war and the heaviness of a personal burden imposed by unresolved questions about the whereabouts of their loved ones who seemingly have been swallowed up by the Vietnamese countryside. As a condition of the Paris peace accord reached earlier this year we were assured of a complete accounting and listing of all Americans held by the Communists—and yet this "complete" list when finally submitted accounted for little more than 30 percent of the men labeled as POW–MIA's. To make matters worse the names of numerous American fighting men previously confirmed to be in Communist hands were conspicuously noticeable by their absence from the "complete" list submitted to this Government following the peace agreement.

Where are these men?

And, are we so desperate for peace that we are now prepared to desert these Americans who have paid so heavily a price in the service of their Nation? Are we so afraid to "rock the boat" or to ask questions which might prove embarrassing to diplomats and bureaucrats seeking the path of least resistance?

Are the lives of over 1,000 American fighting men to be disposed of as "cannon fodder"—the expendable commodity to be paid for a peace settlement that is as worthless and unenforceable as the paper upon which it is printed?

How many Members of this Congress would settle back in their easy chairs if one of their sons were among the list of those still missing—how long would any of us be content to endure the agony of not knowing the fate of a son, a brother, or a father? Are we so gullible as to take the word of the Communists as a point of honor? Are we so foolish to ignore the lessons of history and the long trail of treachery, lies, double crosses, and cold blooded indifference to human suffering that have been the trademark of Communist negotiators and regimes?

Mr. Speaker, I call upon the U.S. Congress to take the initiative and to require that any peace settlement include a complete accounting of the fate of all Americans missing in the Vietnam War. The Communists know who these men are and where they are being kept enslaved—I want to know the whereabouts of these fellow Americans who are the victims of Communist brutality and American weakness and indecisiveness.

Where are they?

The list follows:

### U.S. MILITARY PERSONNEL MISSING IN SOUTHEAST ASIA

#### PREFACE

This is a listing of U.S. military personnel who are missing in Southeast Asia in connection with the conflict in Vietnam. Included are the names of those believed to be prisoners of war.

The listing, totaling 1,925 names, was prepared from casualty reports received as of January 24, 1973.

The grade shown in many instances reflects promotions that have been made while the military members were in missing or captured status. Likewise, the originally assigned service or file number, in many cases, has been replaced in consonance with the program for using social security account numbers for military personnel.

(NOTE.—The list is by name, rank, service or Social Security number, and date of birth.)

Abbott, John, captain, [redacted], August 20, 1927.

Abrams, Lewis Herbert, lieutenant colonel, [redacted] August 17, 1929.

Acalotto, Robert Joseph, sergeant, [redacted] January 30, 1951.

Acosta-Rosario, Humberto, staff sergeant, [redacted] January 15, 1947.

Adachi, Thomas Yuji, staff sergeant, [redacted] April 3, 1946.

Adair, Samuel Young, Jr., captain, [redacted] July 4, 1941.

Adam, John Quincy, technical sergeant, [redacted] December 22, 1947.

Adams, John Robert, staff sergeant, [redacted] July 31, 1946.

Adams, Samuel, master sergeant [redacted], August 2, 1935.

Adams, Steven Harold, technical sergeant, [redacted] September 25, 1944.

Adkins, Charles L., staff sergeant [redacted], May 28, 1947.

Alberton, Bobby Joe, master sergeant, [redacted] August 30, 1937.

Albright, John Scott II, captain [redacted], November 7, 1945.

Aldern, Donald Deane, captain, [redacted], May 5, 1930.

Alford, Terry Lanier, Chief Warrant Officer, [redacted] October 22, 1947.

Alfred, Gerald Oak, Jr., Captain [redacted], October 18, 1942.

Allard, Richard Michael, Staff Sergeant, [redacted] August 24, 1946.

Allee, Richard Kenneth, Major [redacted], December 14, 1935.

Allen, Henry Lewis, Captain [redacted], September 21, 1943.

Allen, Thomas Ray, Captain [redacted], January 17, 1941.

Allen, Wayne Clouse, Specialist 5, [redacted] March 17, 1948.

Alley, Gerald William, Major [redacted], July 28, 1934.

Allinson, David Jay, Lieutenant Colonel, [redacted] September 17, 1932.

Altus, Robert Wayne, Captain [redacted], August 7, 1946.

Alwan, Harold Joseph, Major, [redacted], August 4, 1934.

Ammon, Glendon Lee, Lieutenant Colonel, [redacted] October 30, 1932.

Amos, Thomas Hugh, Captain [redacted], September 25, 1940.

Anderson, John Steven, Chief Warrant Officer, [redacted] February 24, 1950.

Anderson, Robert Dale, lieutenant colonel, [redacted] December 25, 1931.

Anderson, Warren Leroy, lieutenant colonel, [redacted] December 27, 1932.

Andrews, Stuart Merrill, Colonel, [redacted] September 22, 1928.

Andrews, William Richard, Major, [redacted] June 9, 1937.

Angstadt, Ralph Harold, lieutenant colonel, [redacted] September 3, 1932.

Apodaca, Victor Joe, Jr., major [redacted], May 31, 1937.

Appelhans, Richard Duane, major, [redacted] October 29, 1937.

Appleby, Ivan Dale, lieutenant colonel, [redacted] September 13, 1930.

Ard, Randolph Jefferson, chief warrant officer, [redacted] June 16, 1951.

Armistead, Steven Ray, captain, [redacted] June 15, 1944.

Armstrong, John William, colonel, [redacted] December 5, 1926.

Arnold, William Tamm, lieutenant commander, [redacted], June 25, 1940.

Arroyo-Baez, Gerasimo, sergeant first-class, [redacted] February 5, 1931.

Ashall, Alan Frederick, lieutenant, [redacted], June 6, 1943.

Ashlock, Carlos, Sergeant, [redacted] May 19, 1945.

Asire, Donald Henry, Colonel, [redacted], July 8, 1923.

Atterberry, Edwin Lee, Major, [redacted], March 3, 1934.

Austin, Charles David, Captain [redacted], February 27, 1942.

Austin, Ellis Ernest, Commander, [redacted], January 6, 1922.

Austin, Joseph Clair, Colonel [redacted], June 30, 1929.

Avery, Robert Douglas, Captain, [redacted], December 16, 1941.

Ayers, Richard Lee, Major, [redacted] February 18, 1933.

Ayres, Gerald Francis, Major, [redacted], February 23, 1939.

Ayres, James Henry, Major [redacted], June 30, 1937.

Babula, Robert Leo, Sergeant, [redacted] March 7, 1947.

Bacik, Vladimir Henry, Major, [redacted], November 18, 1932.

Backus, Kenneth Frank, Captain [redacted], August 15, 1938.

Bader, Arthur Edward, Jr., Staff Sergeant, [redacted] July 12, 1934.

Bailey, John Edward, Major [redacted], October 11, 1936.

Baker, Arthur Dale, Major, [redacted] July 30, 1933.

Balamoti, Michael Dimitri, Major, [redacted] June 30, 1933.

Balcom, Ralph Carol, Lieutenant Colonel, [redacted] December 24, 1933.

Balridge, John Robert, Jr., Captain, [redacted] November 2, 1946.

Bannon, Paul W., Major, [redacted] October 15, 1934.

Bare, William Orlan, Captain [redacted], March 28, 1941.

Barnes, Charles Ronald, Captain, [redacted] August 21, 1942.

Barnett, Charles Edward, Commander, [redacted] January 18, 1935.

Barras, Gregory Inman, Lieutenant Colonel, [redacted] October 13, 1932.

Bates, Paul Jennings, Jr., Captain, [redacted] February 20, 1943.

Batt, Michael Lero, Staff Sergeant, [redacted] May 30, 1947.

Bauder, James Reginald, Commander, [redacted] May 17, 1931.

Bauer, Richard Gene, specialist 5, [redacted] June 19, 1950.

Bauman, Richard Lee, chief warrant officer, [redacted], May 28, 1948.

Bebus, Charles James, airman first class, [redacted] Feb. 4, 1951.

Becerra, Rudy Morales, specialist 5, [redacted] Oct. 29, 1950.

Beck, Edward Eugene, Jr., sergeant, [redacted] July 7, 1949.

Bednarek, Jonathan Bruce, first lieutenant, [redacted], Oct. 18, 1948.

Beecher, Quentin Rippetoe, chief warrant officer, [redacted] Sept. 14, 1942.

Beene, James Alvin, lieutenant commander, [redacted] July 11, 1939.

Begley, Burriss Nelson, colonel, [redacted], Nov. 6, 1925.

Behnfeldt, Roger Ernest, captain, [redacted] Sept. 29, 1944.

Belcher, Glenn Arthur, captain [redacted], May 11, 1942.

Bennett, Thomas Waring, Jr., captain, [redacted], Dec. 22, 1942.

Bennett, William George, lieutenant commander, Sept. 15, 1927.

Benton, Gregory Rea, Jr., sergeant, [redacted] April 18, 1950.

Bergevin, Charles Lee, captain [redacted], June 10, 1944.

Bessor, Bruce Carlton, captain [redacted], Jan. 10, 1948.

Beutel, Robert Donald, captain [redacted], April 6, 1946.

Beyer, Thomas John, captain [redacted], March 10, 1941.

Bezold, Steven Neil, captain [redacted], June 12, 1944.

Biediger, Larry William, lieutenant commander [redacted], Oct. 27, 1943.

Bifolchi, Charles Lawrence, captain, [redacted] Oct. 27, 1943.

Biggs, Earl Roger, master sergeant, [redacted] March 23, 1923.

Billipp, Norman Karl, captain, [redacted] March 14, 1945.

Bingham, Klaus Yrurgen, staff sergeant, [redacted], Dec. 14, 1943.

Bishop, Edward James, Jr., sergeant, [redacted] Jan. 27, 1948.

Bisz, Ralph Campion, lieutenant, [redacted] March 28, 1942.

Bivens, Herndon Arrington, sergeant, [redacted] Jan. 1, 1951.

Blackburn, Harry Lee, Jr., commander, [redacted], Dec. 28, 1935.

Blackwood, Gordon Byron, major, [redacted] July 18, 1938.

Blair, Charles Edward, colonel [redacted], November 2, 1924.

Blodgett, Douglas Randolph, staff sergeant, [redacted], May 1, 1947.

Bloodworth, Donald Bruce, captain, [redacted] December 28, 1944.

Bobe, Raymond Edward, sergeant, [redacted] August 30, 1948.

Bodahl, Jon Keith, major [redacted] December 18, 1937.

Bodden, Timothy Roy, staff sergeant, [redacted] November 6, 1942.

Bodenschatz, John E., Jr., sergeant, [redacted] May 29, 1946.

Bogard, Lonnie Pat, captain [redacted], May 11, 1942.

Boggs, Paschal Glenn, major, [redacted] March 7, 1936.

Bogiages, Cristos C., Jr., major [redacted], March 30, 1934.

Bolte, Wayne Louis, major, [redacted] January 27, 1935.

Bond, Ronald Leslie, captain [redacted], December 14, 1947.

Booth, James Ervin, captain [redacted], December 29, 1939.

Booth, Lawrence Randolph, captain, [redacted] September 11, 1944.

Booze, Delmar George, captain, [redacted] January 7, 1937.

Borah, Daniel Vernor, Jr., lieutenant, [redacted] June 18, 1946.

Borden, Murray Lyman, captain [redacted], January 2, 1941.

Boronski, John Arthur, staff sergeant, [redacted] July 24, 1944.

Bors, Joseph Chester, major [redacted], April 20, 1935.

Borton, Robert Curtis, Jr., sergeant, [redacted] June 24, 1946.

Bosiljevac, Michael Joseph, captain, [redacted] October 9, 1945.

Bossio, Galileo Fred, colonel [redacted], March 12, 1920.

Boston, Leo Sydney, major [redacted], May 12, 1935.

Bott, Russell Peter, sergeant first class, [redacted] September 5, 1936.

Bouchard, Michael, lieutenant commander, [redacted] November 1, 1938.

Bowers, Richard Lee, captain [redacted], July 20, 1946.

Bowling, Roy Howard, commander, [redacted] December 16, 1929.

Boyer, Alan Lee, staff sergeant [redacted], March 8, 1946.

Bram, Richard Craig, first sergeant, [redacted], November 25, 1935.

Branch, James Alvin, major [redacted], April 6, 1934.

Brand, Joseph William, colonel [redacted], May 1, 1925.

Brashear, William James, major [redacted], March 1, 1934.

Brauner, Henry Paul, major [redacted], January 26, 1936.

Brazik, Richard, captain, [redacted] December 22, 1941.

Brennan, Herbert Owen, colonel [redacted], August 27, 1926.

Brett, Robert Arthur, Jr., first lieutenant, [redacted] April 16, 1948.

Breuer, Donald Charles, captain [redacted], October 26, 1946.

Bridges, Jerry Glen, staff sergeant, [redacted] January 7, 1948.

Briggs, Ernest Frank, Jr., staff sergeant, [redacted] December 12, 1944.

Briggs, Ronald Daniel, captain [redacted], March 24, 1944.

Brinckmann, Robert Edwin, colonel, [redacted] December 31, 1928.

Broms, Edward James, Jr., lieutenant, [redacted] May 6, 1943.

Brooks, John Henry Ralph, specialist, fifth class, [redacted], April 8, 1949.

Brooks, Nicholas George, lieutenant, [redacted], May 21, 1943.

Brooks, William Leslie, lieutenant commander, [redacted], April 24, 1933.

Brown, Donald Alan, major [redacted], July 19, 1939.

Brown, Earl Carlye, captain [redacted], January 10, 1943.

Brown George R., master sergeant, [redacted] September 19, 1935.

Brown, Harry Willis, staff sergeant, [redacted] August 16, 1943.

Brown, Robert Mack, major [redacted], October 1, 1933.

Brown, Wayne Gordon, II, captain, [redacted] April 29, 1943.

Brown, Wilbur Ronald, major [redacted], July 22, 1936.

Brown, William Theodore, staff sergeant, [redacted] February 20, 1945.

Brownlee, Charles Richard, lieutenant colonel, [redacted], August 3, 1931.

Brownlee, Robert Wallac, Jr., colonel, [redacted] July 21, 1929.

Brucher, John Martin, captain [redacted], August 16, 1936.

Buckley, Louis, Jr., sergeant, first class, [redacted], May 20, 1943.

Buell, Kenneth Richard, lieutenant commander, [redacted], August 24, 1939.

Burdett, Edward Burke, colonel [redacted], March 10, 1921.

Burkart, Charles W. Jr., lieutenant colonel, [redacted] May 27, 1931.

Burke, Michael John, sergeant, [redacted] April 26, 1946.

Burnett, Sheldon John, lieutenant colonel, [redacted] June 9, 1931.

Burnham, Donald Dawson, major, [redacted] April 20, 1940.

Burnham, Mason Irwin, captain [redacted], September 19, 1943.

Burns, Michael Paul, sergeant [redacted], April 25, 1947.

Busch, Jon Thomas, captain [redacted], May 7, 1941.

Bush, Elbert Wayne, staff sergeant, [redacted] October 13, 1946.

Bush, John Robert, captain [redacted], May 17, 1943.

Bush, Robert Edward, lieutenant colonel, [redacted] October 4, 1928.

Butler, James Edward, chief warrant officer, [redacted] June 13, 1936.

Butt, Richard Leigh, captain [redacted], February 28, 1943.

Bynum, Neil Stanley, captain [redacted], June 29, 1943.

Byrd, Hugh McNeil Jr., captain [redacted], October 22, 1943.

Calhoun, Johnny C., staff sergeant, [redacted] July 14, 1945.

Calloway, Porter Earl, staff sergeant, [redacted] January 16, 1947.

Cameron, Kenneth Robbins, commander, [redacted] August 9, 1928.

Cameron, Virgil King, lieutenant commander, [redacted] May 8, 1939.

Campbell, William Edward, colonel, [redacted] May 10, 1931.

Caniford, James Kenneth, technical sergeant, [redacted] August 26, 1948.

Capling, Elwyn Rex, lieutenant colonel, [redacted] July 15, 1930.

Cappelli, Charles Edward, lieutenant colonel, [redacted] March 14, 1930.

Caras, Franklin Angel, major [redacted], January 19, 1934.

Carlton, James Edmund, Jr., captain, [redacted] July 10, 1939.

Carpenter, Nicholas Mallor, lieutenant, [redacted] July 30, 1942.

Carr, Donald Gene, captain [redacted], December 10, 1938.

Carrier, Daniel Lewis, captain [redacted], November 9, 1942.

Carroll, Patrick Henry, captain [redacted], December 12, 1942.

Carter, Dennis Ray, sergeant, [redacted] May 2, 1947.

Carter, James Louis, colonel, [redacted], October 26, 1928.

Cartwright, Billie Jack, captain, [redacted] June 21, 1927.

Case, Thomas Franklin, lieutenant colonel, [redacted] October 22, 1931.

Casey, Donald Francis, colonel, [redacted], January 25, 1926.

Castillo, Richard, major, [redacted] November 21, 1938.

Castro, Alfonso Roque, captain [redacted], February 16, 1943.

Cavender, Jim Ray, chief warrant officer, [redacted] December 28, 1948.

Chambers, Jerry Lee, major, [redacted], October 12, 1932.

Champion, James Albert, sergeant, [redacted] November 16, 1949.

Charvet, Paul Claude, lieutenant commander, [redacted] May 27, 1940.

Chavez, Gary Anthony, captain [redacted], September 23, 1943.

Chesnutt, Chambless M., major [redacted], August 13, 1934.

Chestnut, Joseph Lyons, lieutenant colonel, [redacted] July 15, 1934.

Chiarello, Vincent A., captain [redacted], August 30, 1939.

Chipman, Ralph Jim, captain [redacted], August 15, 1943.

Christensen, Allen Duane, specialist 5, [redacted] August 27, 1947.

Christensen, John Michael, first lieutenant, [redacted] August 19, 1946.

Christensen, William Murre, lieutenant commander, 676700, August 19, 1940.

Christiano, Joseph, colonel, [redacted], April 11, 1922.

Christiansen, Eugene F., specialist 5, [redacted] February 16, 1949.

Chwan, Michael Daniel, captain [redacted], October 26, 1938.

Cichon, Walter Alan, staff sergeant, [redacted] August 28, 1946.

Claflin, Richard Ames, captain [redacted], July 2, 1939.

Clapper, Gean Preston, master sergeant, [redacted] July 24, 1932.

Clark, Jerry Prosper, Chief Warrant Officer, [redacted] June 8, 1940.

Clark, John Calvin, II, Captain [redacted], January 30, 1943.

Clark, John Walter, Captain [redacted], January 1, 1940.

Clark, Lawrence, Senior Master Sergeant, [redacted] June 15, 1928.

Clark, Philip Spratt, Jr., Lieutenant, [redacted] January 6, 1946.

Clark, Richard Champ, Lieutenant, [redacted] June 16, 1941.

Clark, Robert Alan, Lieutenant Junior Grade, [redacted] September 21, 1946.

Clark, Stanley Scott, Colonel [redacted], May 22, 1928.

Clark, Thomas Edward, Captain [redacted], April 15, 1939.

Clarke, Fred Lee, Senior Master Sergeant, [redacted] January 28, 1932.

Clarke, George William, Jr., Captain, [redacted] January 28, 1941.

Claxton, Charles Peter, Lieutenant Commander, [redacted], December 22, 1932.

Cleary, Peter McArthur, Captain [redacted], June 27, 1944.

Clem, Thomas Dean, Captain, [redacted] May 31, 1942.

Cline, Curtis Roy, Sergeant [redacted], July 29, 1946.

Clinton, Dean E., Chief Warrant Officer, [redacted] October 12, 1946.

Coady, Robert Franklin, Captain, [redacted] September 11, 1939.

Cobeil, Earl Glenn, Major, [redacted] August 29, 1934.

Cochrane, Deverton C., Staff Sergeant, [redacted] December 15, 1948.

Coen, Harry Bob, Staff Sergeant, [redacted] September 22, 1948.

Cohron, James Derwin, Staff Sergeant, [redacted] November 11, 1938.

Cole, Legrande Odgen, Jr., Lieutenant Commander, [redacted] January 21, 1942.

Cole, Richard Milton, Jr., Technical Sergeant, [redacted] July 20, 1940.

Coleman, Jimmy Lee, Sergeant [redacted], January 20, 1949.

Collamore, Allan Philip, Jr., Lieutenant Commander, 643410, December 22, 1938.

Collins, Richard, Frank, Commander, [redacted] October 25, 1936.

Coltman, William Clare, Major, [redacted], February 24, 1932.

Colwell, William Kevin, Senior Master Sergeant, [redacted] June 1, 1921.

Condit, Douglas Craig, Captain [redacted], February 5, 1942.

Conger, John Edward, Jr., Sergeant, [redacted] January 7, 1950.

Conklin, Bernard, Lieutenant Commander, [redacted] February 27, 1932.

Conlon, John Francis, III, Captain, [redacted] February 18, 1941.

Connell, James Joseph, Lieutenant Commander, 647438, May 6, 1939.

Conner, Lorenza, Captain, [redacted] February 19, 1943.

Connolly, Vincent John, Lieutenant Colonel, [redacted] May 10, 1934.

Connor, Charles Richard, Major, [redacted] January 15, 1938.

Consolvo, John Wadswort, Jr., Captain, [redacted] January 8, 1944.

Cook, Donald Gilbert, Major, [redacted] August 9, 1934.

Cook, Glenn Richard, Captain [redacted], September 10, 1945.

Cook, Kelly Francis, Colonel [redacted], May 2, 1922.

Cook, William Richard, Colonel [redacted], February 25, 1924.

Cooley, David Leo, Commander, [redacted], August 3, 1934.

Coons, Henry Albert, Commander, [redacted] November 25, 1933.

Cooper, Richard Waller, Jr., Captain, [redacted] November 18, 1942.

Cooper, William Earl, Colonel, [redacted], September 16, 1920.

Copak, Joseph Bernard, Jr., First Lieutenant, [redacted] June 4, 1947.

Copley, William Michael, Staff Sergeant, [redacted], May 22, 1949.

Corbitt, Gilland Wales, Colonel [redacted], May 26, 1925.

Cordova, Sam Gary, Captain [redacted], August 27, 1943.

Cornwell, Leroy Jason III, Captain, [redacted] August 5, 1944.

Cozart, Robert Gordon, Jr., Captain, [redacted] March 27, 1947.

Craddock, Randall James, Captain, [redacted] September 19, 1945.

Craig, Philip Charles, Lieutenant Commander, [redacted] July 13, 1940.

Crain, Carroll Owen, Jr., Commander, [redacted] 13, 1933.

Cramer, Donald Martin, Chief Warrant Officer, [redacted] January 12, 1946.

Craven, Andrew Johnson, Staff Sergeant, [redacted] April 13, 1947.

Creamer, James Edward, Jr., Specialist 6, [redacted], May 9, 1947.

Creed, Barton Sheldon, Lieutenant, [redacted] April 3, 1945.

Cressey, Dennis Clarke, Captain, [redacted] July 9, 1946.

Crew, James Alan, Captain [redacted], May 15, 1941.

Crews, John Hunter III, Captain, [redacted] December 31, 1941.

Cristman, Frederick Lewis, Chief Warrant Officer, [redacted] November 26, 1949.

Crosby, Herbert Charles, Captain, [redacted] May 30, 1947.

Crosby, Richard Alexander, Staff Sergeant, [redacted] September 5, 1941.

Cross, Ariel Lindley, Captain, [redacted] January 7, 1944.

Crossman, Gregory John, Captain, [redacted] August 9, 1941.

Crosson, Gerald Joseph, Jr., Captain, [redacted] March 12, 1944.

Cruz, Carlos Rafael, Captain [redacted], October 29, 1941.

Cunningham, Kenneth Leroy, Specialist, fifth class, [redacted] January 21, 1948.

Curran, Patrick Robert, First Lieutenant, [redacted] October 5, 1943.

Cushman, Clifton Emmet, Major [redacted], June 2, 1938.

Cuthbert, Bradley Gene, Major [redacted], November 23, 1940.

Cuthbert, Stephen Howard, Captain, [redacted] June 19, 1943.

Czerwiec, Raymond George, Sergeant, [redacted] February 21, 1944.

Daffron, Thomas Carl, Captain [redacted], September 25, 1943.

Dahill, Douglas Edward, Staff Sergeant, [redacted] March 6, 1949.

Dailey, Douglas Vincent, Master sergeant, [redacted] June 30, 1936.

Dale, Charles Alva, Major, [redacted], May 5, 1937.

Danielson, Benjamin F., Captain [redacted], March 31, 1943.

Danielson, Mark Giles, Captain [redacted], April 29, 1943.

Darcy, Edward Joseph, Master sergeant, [redacted] June 19, 1938.

Dardeau, Oscar Moise, Jr., Lieutenant colonel, [redacted] December 11, 1931.

Darr, Charles Edward, First lieutenant, [redacted] February 25, 1944.

Davies, Joseph Edwin, Captain [redacted], April 8, 1940.

Davis, Brent Eden, Captain, [redacted] September 16, 1938.

Davis, Charlie Brown, Jr., Colonel, [redacted] January 18, 1929.

Davis, Daniel Richard, Captain [redacted], August 10, 1943.

Davis, Edgar Felton, Major [redacted], December 15, 1935.

Davis, Francis John, lieutenant commander, [redacted] October 21, 1938.

Davis, Gene Edmond, Senior Master Sergeant, [redacted], April 5, 1928.

Davis, Ricardo Gonzalez, Sergeant first class, [redacted] March 17, 1941.

Davis, Robert Charles, Major [redacted], May 23, 1937.

DeSoto, Ernest Leo, Lieutenant colonel, [redacted] December 30, 1931.

Deane, William Lawrence, Major, [redacted] September 27, 1934.

Deichelmann, Samuel M., captain, [redacted] September 24, 1938.

Deitsch, Charles Edward, chief warrant officer, [redacted] May 8, 1922.

De Long, Joe Lynn, staff sergeant, [redacted] June 18, 1947.

Demmon, David Stanley, staff sergeant, [redacted] November 30, 1940.

Dennany, James Eugene, major [redacted], March 5, 1935.

Dennis, William Roy, staff sergeant, [redacted] 1516, December 26, 1948.

Dennison, James Richard, commander, [redacted] February 28, 1934.

Dennison, Terry Arden, commander, [redacted] January 20, 1934.

Derrickson, Thomas G., II, major [redacted], March 10, 1936.

Deuter, Richard Carl, lieutenant, [redacted] February 15, 1944.

Dewispelaere, Rexford John, technical sergeant, [redacted] September 9, 1945.

Dexter, Bennie Lee, technical sergeant, [redacted] July 18, 1944.

Dexter, Ronald J., sergeant major, [redacted] July 23, 1933.

Di Tommaso, Robert Joseph, captain, [redacted] August 7, 1941.

Diamond, Stephen Whitman, captain, [redacted] October 31, 1940.

Dickens, Delma Ernest, first lieutenant, [redacted] April 20, 1947.

Diehl, William Calvin, Jr., major, [redacted] June 9, 1933.

Dingwall, John Francis, master gunnery sergeant, [redacted] February 28, 1921.

Dix, Craig Mitchell, specialist fifth class, [redacted] December 5, 1949.

Doby, Herb, major, [redacted] August 23, 1931.

Dodge, Edward Ray, sergeant major, [redacted] December 16, 1933.

Dodge, Ronald Wayne, lieutenant commander, [redacted] June 17, 1937.

Dodge, Ward Kent, colonel [redacted], March 14, 1929.

Dolan, Thomas Albert, specialist fifth class, [redacted] August 15, 1948.

Donahue, Morgan Jefferson, captain, [redacted] May 2, 1944.

Donnelly, Verne George, commander, [redacted] June 6, 1932.

Donovan, Michael Leo, captain [redacted], November 9, 1944.

Dooley, James Edward, lieutenant, [redacted] November 14, 1942.

Dotson, Jefferson S., captain [redacted], August 6, 1944.

Douglas, Thomas Evan, staff sergeant, [redacted] November 8, 1938.

Dove, Jack Paris, Sr., captain [redacted], September 9, 1940.

Downing, Donald William, major, [redacted] March 17, 1934.

Doyle, Michael William, lieutenant commander, [redacted] February 13, 1943.

Ducat, Bruce Chalmers, Captain, [redacted] June 9, 1941.

Duckett, Thomas Allen, Captain, [redacted] November 12, 1946.

Dudash, John Francis, Lieutenant Colonel, [redacted] November 25, 1929.

Duffy, John Everett, Captain [redacted], January 23, 1946.

Dugan, Thomas Wayne, Lieutenant Colonel, [redacted], May 31, 1933.

Duggan, William Young, Major, [redacted], May 7, 1935.

Duncan, Robert Ray, Lieutenant, [redacted] March 16, 1942.

Dunlap, William Charles, Chief Warrant Officer, [redacted] September 21, 1946.

Dunlop, Thomas Earl, Commander, [redacted] July 10, 1930.

Dunn, Joseph Patrick, Lieutenant, [redacted] September 17, 1942.

Dunn, Michael Edward, Lieutenant Commander, [redacted] July 6, 1941.

Dusing, Charles Gale, Senior Master Sergeant, [redacted] April 11, 1928.

Duvall, Dean Arnold, Master Sergeant, [redacted] September 4, 1945.

Dyczkowski, Robert Raymond, Major, [redacted] June 23, 1932.

Dye, Melvin Carnills, Staff Sergeant, [redacted] May 22, 1947.

Eads, Dennis Keith, Chief Warrant Officer, [redacted], May 4, 1947.

Earll, David John, Major [redacted], March 2, 1938.

Eaton, Curtis Abbot, Lieutenant Colonel, [redacted] July 21, 1924.

Eaton, Norman Dale, Colonel [redacted], August 11, 1925.

Echanis, Joseph Ygnacio, Major, [redacted], October 6, 1937.

Echevarria, Raymond Louis, Sergeant Major, [redacted] September 16, 1933.

Eckley, Wayne Alvin, Master Sergeant, [redacted], May 22, 1936.

Ecklund, Arthur Gene, Captain [redacted], May 5, 1943.

Edgar, Robert John, Captain [redacted], May 21, 1943.

Edmondson, William R., Captain, [redacted] November 15, 1941.

Edmunds, Robert Clifton, Jr., Captain, [redacted] June 2, 1942.

Edwards, Harry Sanford, Jr., Lieutenant Commander, [redacted] October 6, 1942.

Egan, James Thomas, Jr., Captain, [redacted] May 31, 1943.

Eidsmoe, Norman Edward, Commander, [redacted] May 2, 1933.

Eilers, Dennis Lee, Captain [redacted], December 6, 1938.

Elkins, Frank Callihan, Lieutenant Commander, [redacted] May 25, 1939.

Elliot, Robert Malcolm, Major, [redacted], November 8, 1929.

Elliott, Andrew John, chief warrant officer, [redacted] November 30, 1941.

Elliott, Jerry W., staff sergeant [redacted], July 14, 1948.

Elliott, Robert Thomas, technical sergeant, [redacted] July 14, 1948.

Ellis, Billy Joe, staff sergeant [redacted], April 20, 1948.

Ellis, Randall Shelley, staff sergeant, [redacted] June 14, 1948.

Ellis, William, Jr., staff sergeant [redacted], January 28, 1947.

Ellison, John Cooley, commander, [redacted] December 16, 1928.

Elzinga, Richard Gene, captain [redacted], August 13, 1942.

Emrich, Roger Gene, lieutenant commander, [redacted] July 8, 1941.

Engelhard Erich Carl, lieutenant colonel, [redacted] August 3, 1931.

Englander, Lawrence Jesse, staff sergeant, [redacted] April 19, 1943.

Entrican, Danny Day, captain [redacted], August 12, 1946.

Erickson, David Wayne, sergeant, [redacted] February 24, 1950.

Espenshied, John Lee, lieutenant colonel, [redacted] August 17, 1934.

Estes, Walter O, II, lieutenant, [redacted] June 13, 1939.

Estocin, Michael John, commander, [redacted] April 27, 1931.

Evans, Cleveland, Jr. staff sergeant, [redacted] November 22, 1945.

Evans, James Joseph, commander, [redacted] May 9, 1930.

Evert, Lawrence Gerald, major [redacted], March 15, 1938.

Fallon, Patrick Martin, colonel [redacted], November 12, 1921.

Fanning, Hugh Michael, captain, [redacted] July 12, 1941.

Fanning, Joseph Peter, captain [redacted], June 25, 1944.

Featherston, Fieldin W., III, captain, [redacted] December 3, 1942.

Feldhaus, John Anthony, lieutenant commander, [redacted] October 3, 1938.

Fellenez, Charles Richard, master sergeant, [redacted] October 20, 1939.

Fellows, Allen Eugene, major, [redacted], December 1, 1931.

Fenter, Charles Frederick, airman first class, [redacted] October 1, 1953.

Ferguson, Douglas David, captain, [redacted] April 26, 1945.

Ferguson, Walter, Jr., sergeant [redacted], August 13, 1947.

Ferguson Walter Lee, master sergeant, [redacted] June 22, 1929.

Fickler, Edwin James, captain, [redacted] May 4, 1943.

Fieszel, Clifford Wayne, major, [redacted], October 23, 1937.

Finch, Melvin Wayne, captain [redacted], November 10, 1944.

Finley, Dickie Waine, staff sergeant, [redacted] June 29, 1947.

Finn, William Robert, first lieutenant, [redacted] August 15, 1947.

Finney, Arthur Thomas, colonel [redacted], June 26, 1928.

Finney, Charles E., captain, [redacted] June 5, 1944.

Fischer, Richard William, sergeant, [redacted] June 15, 1947.

Fisher, Donald Ellis, colonel [redacted], May 19, 1924.

Fisher, Donald Garth, lieutenant colonel, [redacted] June 27, 1930.

Fitton, Crosley James, Jr., lieutenant colonel, [redacted] February 28, 1933.

Fitts, Richard Allan, staff sergeant, [redacted] February 23, 1946.

Fitzgerald, Joseph Edward, staff sergeant, [redacted] November 25, 1948.

Fitzgerald, Paul L., Jr., staff sergeant, [redacted] October 3, 1947.

Flanigan, John Norlee, captain [redacted], August 7, 1934.

Fleming, Horace Higley III, captain, [redacted] May 13, 1941.

Fobair, Roscoe Henry, major [redacted], September 30, 1935.

Foley, Brendan Patrick, lieutenant colonel, [redacted] March 27, 1932.

Forman, William Stannard, lieutenant commander, [redacted] November 8, 1936.

Forrester, Ronald Wayne, first lieutenant, [redacted] March 15, 1947.

Fors, Gary Henry, captain, [redacted] April 29, 1941.

Fortner, Frederick John, lieutenant, [redacted] May 15, 1943.

Foster, Marvin Lee, lieutenant colonel, [redacted] December 12, 1929.

Foster, Paul Leonard, master sergeant, [redacted] November 20, 1945.

Foulks, Ralph Eugene, Jr., lieutenant, [redacted] July 21, 1943.

Fowler, Donald Randall, specialist, sixth class, [redacted] August 3, 1949.

Fowler, James Alan, major, [redacted] January 7, 1938.

Francisco, San Dewayne, captain, [redacted] February 29, 1944.

Franklin, Charles Edward, lieuteuant colonel, [redacted] September 14, 1934.

Frawley, William David, Lieutenant Commander, [redacted] November 14, 1938.

Frederick, John William, Jr., Chief Warrant Officer, [redacted] December 13, 1923.

Frederick, Peter Joseph, Colonel [redacted], August 30, 1924.

Frederick, William V., Major, [redacted], June 1, 1933.

Frenyea, Edmund Henry, Air Force Commander, [redacted] May 24, 1930.

Frink, John Wesley, Warrant Officer, [redacted] October 7, 1951.

Fryar, Bruce Carlton, Lieutenant, [redacted] March 28, 1944.

Fryer, Bennie Lamar, First Lieutenant, [redacted] October 28, 1945.

Fullam, Wayne Eugene, Lieutenant Colonel, [redacted] March 9, 1932.

Fuller, James Ray, Technical Sergeant, [redacted] April 4, 1937.

Fuller, William Otis, Major [redacted], August 20, 1935.

Fullerton, Frank Eugene, Commander, [redacted] January 2, 1934.

Gage, Robert Hugh, Sergeant, [redacted] March 17, 1945.

Galbraith, Russell Dale, Captain, [redacted] July 25, 1940.

Gallagher, John Theodore, Staff Sergeant, [redacted] June 17, 1943.

Galvin, Ronald Edmond, Army Technical Commander, [redacted] June 20, 1941.

Ganley, Richard Owen, Major, [redacted], September 22, 1940.

Ganoe Berman Junior, Specialist Fifth Class, [redacted] October 25, 1948.

Garcia, Ricardo Martinez, Specialist Fifth Class, [redacted] September 15, 1951.

Gardner, John Garrett, Captain, [redacted] July 28, 1940.

Garwood Robert Russell, Private First Class, [redacted] April 1, 1946.

Gates, James Wayne, Major [redacted], December 30, 1933.

Gatewood, Charles Hue, Sergeant, [redacted] March 21, 1950.

Gatwood, Robin Frederic, Jr., Captain [redacted] December 5, 1946.

Gauthier, Dennis Lee, Sergeant, [redacted], August 8, 1949.

Gee, Paul Stuart, Captain [redacted] August 21, 1943.

Geist, Stephen Jonathan, Staff Sergeant, [redacted] April 12, 1946.

George, James Edward, Jr., Staff Sergeant, [redacted] July 19, 1947.

Gerstel, Donald Arthur, Lieutenant Commander, [redacted] June 23, 1938.

Gervais, Donald Peter, Sergeant First Class, [redacted] July 20, 1943.

Getchell, Paul Everett, Major [redacted], October 12, 1936.

Giammarino, Vincent Frank, staff sergeant, [redacted] April 13, 1947.

Giannangeli, Anthony Rober, lieutenant colonel, [redacted] February 28, 1931.

Gilbert, Paul Faris, captain [redacted], September 19, 1941.

Gilchrist, Robert Michael, captain, [redacted] November 27, 1940.

Gillen, Thomas Eldon, lieutenant colonel, [redacted] May 8, 1933.

Gist, Tommy Emerson, captain, [redacted], October 29, 1939.

Glasson, William Albert, Jr., lieutenant commander, [redacted] February 20, 1933.

Glover, Calvin Charles, master sergeant, [redacted] January 7, 1938.

Glover, Douglas J., staff sergeant, [redacted] May 2, 1943.

Godwin, Solomon Hughey, chief warrant officer, ([redacted] January 24, 1935.

Goff, Kenneth B., Jr., captain [redacted], March 9, 1935.

Goldberg, Lawrence Herbert, lieutenant colonel, [redacted] December 31, 1932.

Gold, Edward Frank, commander, [redacted] January 30, 1927.

Gomez, Robert Arthur, captain [redacted], March 20, 1944.

Gonzalez, Jesus Armando, staff sergeant, [redacted] September 20, 1947.

Goodrich, Edwin Riley, Jr., major, [redacted] November 6, 1935.

Goodwin, Charles Bernard, lieutenant commander, [redacted] August 2, 1940.

Goss, Bernard Joseph, lieutenant colonel, [redacted] January 10, 1951.

Gould, Frank Alton, major [redacted], May 22, 1933.

Gourley, Laurent L., captain [redacted], September 5, 1944.

Govan, Robert Allen, major [redacted], May 27, 1934.

Grace, James William, captain, [redacted], December 20, 1939.

Graf, John George, lieutenant commander, [redacted] November 3, 1943.

Graffe, Paul Leroy, captain [redacted], August 19, 1946.

Graham, Allen Upton, first lieutenant, [redacted] February 27, 1945.

Graham, Dennis Lee, captain [redacted], May 11, 1941.

Graham, James Scott, lieutenant commander, [redacted] October 25, 1941.

Graustein, Robert Stewart, lieutenant commander, [redacted]75, September 29, 1939.

Graziosi, Francis George, specialist fifth class, [redacted] January 10, 1951.

Green, Frank Clifford, Jr., commander, [redacted] June 5, 1935.

Green, Norman Morgan, Colonel, [redacted], July 16, 1923.

Greenwood, Robert Roy, Jr., Major, [redacted] October 18, 1936.

Greer, Robert Lee, Sergeant [redacted] April 28, 1944.

Gregory, Robert Raymond, Lieutenant Commander, [redacted] March 23, 1932.

Greiling, David Scott, Commander, [redacted] March 25, 1935.

Grenzebach, Earl W., Jr., Lieutenant Commander, [redacted]. February 20, 1932.

Grewell, Larry Irwin, Mastersergeant, [redacted] July 6, 1945.

Griffin, James Llyod, Commander, [redacted] December 27, 1932.

Griffin, Rodney Lynn, Sergeant, [redacted], August 11, 1948.

Griffin, Robert Smith, Staff Sergeant, [redacted] December 26, 1942.

Grosse, Christopher A., Jr., Staff Sergeant, [redacted] February 14, 1946.

Groth, Wade Lawrence, Staff Sergeant, [redacted], May 14, 1947.

Grubb, Peter Arthur, Captain [redacted], September 27, 1942.

Grubb, Wilmer Newlin, Lieutenant Commander, [redacted] August 14, 1932.

Guillermin, Louis Fulda, Captain, [redacted] January 6, 1943.

Gullet, Andre Roland, Master Sergeant, [redacted] December 17, 1943.

Guillory, Edward Joseph, Sergeant Major, [redacted] January 8, 1932.

Gunn, Alan Wendell, Chief Warrant Officer, [redacted], May 28, 1948.

Hackett, Harley B., III, Captain [redacted], October 23, 1942.

Hagan, John Robert, First Lieutenant, [redacted] August 28, 1922.

Hagerman, Robert Warren, Colonel, [redacted] August 28, 1922.

Haifley, Michael Firestone, Lieutenant, [redacted] October 19, 1946.

Hail, William Warren, Major [redacted], December 18, 1942.

Hall, Donald Joe, Master Sergeant, [redacted], March 26, 1937.

Hall, Fredrick Mervyn, Captain [redacted], June 6, 1943.

Hall, James Shreve, Senior Master Sergeant, [redacted] October 5, 1935.

Hall, James Wayne, Lieutenant Commander [redacted]), May 18, 1934.

Hallberg, Roger C., Staff Sergeant, [redacted] September 18, 1944.

Halpin, Richard Conroy, Captain, [redacted], ————.

Hamilton, Dennis Clerk, Chief Warrant Officer, [redacted], May 4, 1946.

Hamilton, Eugene David, Major [redacted], December 18, 1934.

Hamilton, John Smith, Lieutenant Colonel, [redacted] September 3, 1926.

Hamilton, Roger Dale, Sergeant, [redacted] August 16, 1948.

Hamm, James Edward, Captain [redacted], May 4, 1943.

Hammond, Dennis Wayne, Sergeant, [redacted] April 26, 1946.

Handrahan, Eugene Allen, Staff Sergeant, [redacted] July 30, 1947.

Hanley, Larry James, Captain [redacted], February 13, 1943.

Hanley, Terence Higgins, Lieutenant, [redacted] March 16, 1942.

Hanna, Kenneth, Master Sergeant, [redacted] April 28, 1933.

Hansen, Lester Alan, Chief Warrant Officer, [redacted] July 1, 1942.

Hanson, Robert Taft, Jr., Lieutenant Commander, [redacted] December 28, 1942.

Hanson, Stephen Paul, Captain, [redacted] January 4, 1940.

Hanson, Thomas Patterson, Captain, [redacted] April 18, 1941.

Harber, Stephen James, Sergeant, [redacted] May 8, 1948.

Hardy, Arthur Hans, First Lieutenant [redacted] November 7, 1948.

Hardy, John Kay, Jr., Captain [redacted], January 13, 1942.

Hargrove, Olin, Jr., Staff Sergeant, [redacted] January 21, 1949.

Harley, Lee Dufford, Major, [redacted] January 21, 1940.

Harned, Gary Alan, Sergeant [redacted], July 7, 1950.

Harris, Bobby Glenn, Sergeant [redacted], February 27, 1952.

Harris, Cleveland Scott, Captain [redacted], May 11, 1941.

Harris, Gregory John, Staff Sergeant, [redacted] October 1, 1945.

Harris, Jeffrey Lyndol, Captain [redacted], May 28, 1943.

Harris, Reuben Beaumont, Army Technical Sergeant, [redacted] April 12, 1938.

Harris, Stephen Warren, Staff Sergeant, [redacted] July 25, 1949.

Harrison, Donald Lee, Captain [redacted], July 24, 1946.

Harrison, Robert Heerman, Major, [redacted] April 8, 1939.

Harrold, Patrick Kendal, Captain, [redacted] December 7, 1944.

Hart, Thomas Trammell, III, Captain, [redacted] March 25, 1940.

Hartman, Richard Danner, Commander [redacted] May 1, 1935.

Hartness, Gregg, Major, [redacted] April 18, 1937.

Hartney, James Cuthbert, Colonel, [redacted] October 4, 1925.

Harvey, Jack Rockwood, Captain, [redacted] September 14, 1947.

Harwood, James Arthur, Sergeant, [redacted], March 10, 1950.

Harworth, Elroy Edwin, Master Sergeant, [redacted] January 10, 1942.

Haselton, John Herbert, First Lieutenant, [redacted] March 6, 1948.

Hasenbeck, Paul Alfred, staff sergeant, [redacted] May 11, 1947.

Hassenger, Arden Keith, sergeant major, [redacted] September 15, 1936.

Hastings, Steven Morris, staff sergeant, [redacted] October 11, 1948.

Hauer, Leslie John, colonel [redacted], January 30, 1924.

Hauer, Robert Douglas, captain [redacted], November 29, 1946.

Hawkins Edgar Lee, major [redacted], May 3, 1929.

Hawthorne, Richard William, major [redacted], November 12, 1933.

Heggen, Keith Russell, lieutenant colonel, [redacted] September 1, 1931.

Hieskell, Lugius Lamar, captain [redacted], February 6, 1940.

Heitman, Steven W., staff sergeant, [redacted] April 23, 1943.

Helber, Lawrence Neal, captain, [redacted] February 5, 1934.

Held, John Wayne, major, [redacted] July 8, 1936.

Helmich, Gerald Robert, major [redacted], November 17, 1931.

Henderson, William Roy, sergeant first class, [redacted] February 18, 1943.

Henn, John Robert, Jr., chief warrant officer, [redacted] February 11, 1948.

Henninger, Howard William, lieutenant colonel, [redacted]. May 3, 1933.

Hensley, Ronnie Lee, technical sergeant, [redacted] June 8, 1948.

Hensley, Thomas Truett, captain, [redacted] July 24, 1938.

Herreid, Robert Dale, staff sergeant, [redacted] June 13, 1946.

Herrera, Frederick Daniel, sergeant [redacted] August 7, 1949.

Herrick, James Wayne, Jr., first lieutenant, [redacted] October 28, 1944.

Herrin, Henry Howard, Jr., PHCS, [redacted] March 18, 1933.

Herrold, Ned Raymond, captain [redacted], January 8, 1941.

Hesford, Peter Dean, captain [redacted], December 2, 1942.

Hess, Frederick, Jr., captain [redacted], October 20, 1943.

Hestle, Roosevelt, Jr., colonel [redacted], March 2, 1928.

Hewitt, Samuel Eugene, sergeant, [redacted] June 19, 1946.

Hicks, Prentice Wayne, sergeant, [redacted], October 11, 1947.

Hicks, Terrin, Dinsmore, major [redacted], October 1, 1936.

Hilbrich, Barry Wayne, captain [redacted], June 25, 1947.

Hill, Billy David, staff sergeant [redacted], December 17, 1946.

Hill, Gordon C., first lieutenant [redacted], October 9, 1944.

Hill, Robert La Verne, sergeant major, [redacted] September 25, 1931.

Hockridge, James Alan, captain [redacted], March 12, 1944.

Hodgson, Cecil J., master sergeant, [redacted] July 28, 1937.

Hoff, Michael George, commander, [redacted] September 11, 1936.

Hoff, Sammie Don, captain [redacted], September 24, 1941.

Hogan, Jerry Franks, lieutenant commander, [redacted] February 28, 1940.

Holdeman, Robert Eugene, captain, [redacted] October 30, 1931.

Holguin, Luis Gallegos, chief warrant officer, [redacted], May 19, 1950.

Holley, Tilden Stewart, major [redacted], June 4, 1935.

Holmes, David Hugh, major, [redacted], March 26, 1938.

Holmes, Frederick Lee, lieutenant commander, [redacted]. December 19, 1936.

Holmes, Lester Evan, colonel, [redacted] July 24, 1919.

Holt, James William, master sergeant, [redacted] September 19, 1941.

Holton, Robert Edwin, captain [redacted], April 8, 1941.

Hopper, Earl Pearson, Jr., captain, [redacted] July 21, 1943.

Horne, Stanley Henry, lieutenant colonel, [redacted] May 19, 1926.

Hosken, John Charles, chief warrant officer, [redacted] August 23, 1947.

Hoskins, Charles Lee, captain [redacted], August 5, 1944.

Hoskinson, Robert Eugene, major, [redacted], July 26, 1929.

Housh, Anthony Frank, specialist 6, [redacted] June 26, 1946.

Howard, Lewis, Jr., sergeant [redacted], October 4, 1949.

Howell, Carter Avery, captain [redacted], April 8, 1947.

Howes, George Andrews, chief warrant officer, [redacted] June 16, 1950.

Hrdlicka, David Louis, major [redacted], December 30, 1931.

Huard, James Linton, first lieutenant, [redacted] March 17, 1936.

Huberth, Eric James, captain [redacted], January 20, 1945.

Huddleston, Lynn Ragle, captain, [redacted] December 21, 1941.

Hummel, John Floyd, chief warrant officer, [redacted] August 10, 1948.

Huneycutt, Charles J., Jr., captain [redacted] June 20, 1943.

Hunt, James D., lieutenant [redacted] December 1, 1936.

Hunt, Leon Andrew, staff sergeant, [redacted] August 7, 1949.

Hunt, Robert William, sergeant first class, [redacted] August 16, 1939.

Hunt, William Balt, sergeant first class, [redacted] July 31, 1935.

Hunter, Russell Palmer, Jr., major, [redacted] May 23, 1935.

Huston, Charles Gregory, specialist sergeant, [redacted] September 29, 1945.

Ibanez, Di Reyes, staff sergeant [redacted] June 19, 1941.

Innes, Roger Burns, lieutenant, [redacted] March 29, 1943.

Ireland, Robert Newell, senior master sergeant, [redacted] July 11, 1935.

Irsch, Wayne Charles, captain [redacted], April 25, 1942.

Irwin, Robert Harry, major, [redacted], December 9, 1938.

Ivan, Andrew, Jr., captain [redacted], September 23, 1944.

Jackson, James Wesley, Jr., sergeant, [redacted] February 26, 1948.

Jakovac, John Andrew, staff sergeant, [redacted], April 10, 1947.

Jamerson, Larry Carl, specialist, sixth class, [redacted] February 11, 1943.

Jarvis, Jeremy Michael, captain [redacted], November 5, 1941.

Jefferson, James Milton, captain, [redacted] July 11, 1941.

Jefferson, Perry Henry, captain [redacted], August 18, 1931.

Jeffords, Derrell Blackbur, colonel, [redacted] August 10, 1925.

Jeffs, Clive Garth, captain, [redacted], October 21, 1943.

Jensen, George William, colonel, [redacted], February 24, 1925.

Jewell, Eugene Millard, captain [redacted], January 15, 1941.

Johns, Paul Frederick, lieutenant colonel, [redacted] October 12, 1931.

Johns, Vernon Zigman, staff sergeant, [redacted] December 23, 1942.

Johnson, Allen Louis, major [redacted], March 19, 1936.

Johnson, Bruce Gardner major [redacted], July 15, 1937.

Johnson, Edward Harvey, major [redacted], April 27, 1932.

Johnson, Frankie B., Jr., specialist, sixth class, [redacted] November 4, 1947.

Johnson, Guy David, captain, [redacted] November 26, 1929.

Johnson, Randolph Leroy, specialist, fifth class, [redacted], May 22, 1949.

Johnson, William Darrell, staff sergeant, [redacted] December 24, 1946.

Jones, Bobby Marvin, captain [redacted], May 5, 1945.

Jones, James E., master sergeant [redacted], September 3, 1939.

Jones, Louis Farr, colonel, [redacted], December 29, 1925.

Jones, Orvin Clarence, Jr., captain, [redacted] May 17, 1939.

Jones, William Eugene, captain [redacted], June 21, 1940.

Jordan, Larry Michael, lieutenant commander, [redacted] November 29, 1940.

Jourdenais, George Henry, captain, [redacted] April 13, 1938.

Kahler, Harold, lieutenant colonel, [redacted] January 27, 1923.

Kane, Richard Raymond, captain, [redacted] December 15, 1942.

Karins, Joseph John, Jr., major [redacted], April 21, 1938.

Karst, Carl Frederick, lieutenant colonel, [redacted] October 27, 1930.

Kearns, Joseph Thomas, Jr., major, [redacted] August 26, 1936.

Keiper, John Charles, staff sergeant, [redacted] September 18, 1945.

Keller, Jack Elmer, captain, [redacted], May 1, 1928.

Keller, Wendell Richard, major [redacted], May 19, 1934.

Kemmerer, Donald Richard, captain, [redacted], May 20, 1941.

Kennedy, Allan Gordon, specialist fifth class, [redacted], July 13, 1948.

Kennedy, James Edward, specialist fifth class, [redacted] January 2, 1950.

Kennedy, John William, captain [redacted], May 1, 1947.

Kent, Robert D., captain, [redacted], December 6, 1940.

Kerr, Everett Oscar, major [redacted], April 18, 1936.

Ketchie, Scott Douglas, first lieutenant, [redacted] August 19, 1947.

Ketterer, James Alan, captain [redacted], December 18, 1942.

Kibbey, Richard Abbott, major [redacted], June 2, 1934.

Kiefel, Ernst Philip, Jr., major [redacted], May 11, 1933.

Kier, Larry Gene, sergeant [redacted], September 29, 1949.

Kilcullen, Thomas Michael, captain, [redacted] November 25, 1943.

Killian, Melvin Joseph, colonel [redacted], January 31, 1922.

Kilpatrick, Larry Ronald, lieutenant, [redacted] November 21, 1943.

Kimsey, William Arthur, Jr., chief warrant officer, [redacted] January 9, 1947.

King, Charles Douglas, technical sergeant, [redacted] March 29, 1946.

King, Donald Lewis, lieutenant colonel, [redacted] August 28, 1933.

Kinkade, William Louis, captain [redacted], April 27, 1944.

Kipina, Marshall Frederick, staff sergeant, [redacted] December 18, 1944.

Kirby, Bobby Alexander, major [redacted], July 11, 1931.

Klemm, Donald Martin, lieutenant colonel, [redacted] January 7, 1930.

Klenda, Dean Albert, captain [redacted], August 20, 1940.

Klenert, William Blue, lieutenant, [redacted] October 17, 1940.

Klimo, James Robert, specialist fifth class, [redacted] December 28, 1949.

Klinck, Harrison Hoyt, major [redacted], September 11, 1931.

Kline, Robert Earl, lieutenant colonel, [redacted], May 19, 1930.

Klinke, Donald Herman, technical sergeant, [redacted], February 18, 1935.

Knabb, Kenneth Keith, Jr., Lieutenant Commander, [redacted] March 26, 1938.

Knapp, Herman Ludwig, Colonel [redacted] April 11, 1929.

Knebel, Thomas Edward, Technical Sergeant, [redacted] June 11, 1947.

Knight, Henry Clay, Chief Warrant Officer, [redacted] March 18, 1943.

Knight, Larry Dale, Captain [redacted], August 24, 1939.

Knight, Roy Abner, Jr., Lieutenant Colonel, [redacted] February 1, 1931.

Knutson, Richard Arthur, Warrant Officer, [redacted] September 11, 1949.

Kolstad, Thomas Carl, Commander, [redacted], July 11, 1935.

Kommendant, Aado, Captain [redacted], August 9, 1941.

Koonce, Terry Treloar, Major [redacted], September 13, 1938.

Koons, Dale Francis, Captain [redacted], December 13, 1946.

Kosko, Walter, Major, [redacted], December 1, 1930.

Kott, Stephen Jay, Captain, [redacted], May 12, 1940.

Krausman, Edward L., Sergeant, [redacted] October 31, 1944.

Kroboth, Stanley Neal, Captain [redacted], August 16, 1946.

Krommenhoek, Jeffrey Marti, Lieutenant Commander, [redacted], October 27, 1940.

Kroske, Harold William, Jr., Captain, [redacted] July 30, 1947.

Krupa, Frederick, Captain [redacted], September 2, 1947.

Kryszak, Theodore Eugene, Lieutenant Colonel, [redacted] September 23, 1932.

Kuhlman, Robert John, Jr., Captain, [redacted] August 25, 1944.

Kulland, Byron Kent, First Lieutenant, [redacted] November 9, 1947.

Kwortnik, John Charles, Major [redacted], May 26, 1935.

La Bohn, Gary Russell, Staff Sergeant, [redacted] December 28, 1942.

La Porte, Michael Louis, HMC, [redacted], August 21, 1944.

Lacey, Richard Joseph, Staff Sergeant, [redacted] August 25, 1946.

Ladewig, Melvin Earl, Captain [redacted], August 8, 1944.

Lafayette, John Wayne, Major [redacted], August 1, 1939.

Lagerwall, Harry Roy, Captain [redacted], September 18, 1937.

Lancaster, Kenneth Ray, Staff Sergeant, [redacted] June 24, 1946.

Lane, Charles, Jr., Captain [redacted], April 21, 1942.

Lane, Glen Oliver, Master Sergeant, [redacted] July 24, 1931.

Lane, Mitchell Sim, captain [redacted], October 4, 1940.

Laney, Billy Ray, master sergeant, [redacted] August 21, 1939.

Lannom, Richard Clive, lieutenant [redacted] January 24, 1941.

Latimer, Clarence Albert, staff sergeant, [redacted] August 27, 1947.

Lauterio, Manual Alonzo, specialist, 5, [redacted] May 10, 1947.

Lawrence, Bruce Edward, captain, [redacted] January 12, 1943.

Lee, Charles Richard, lieutenant commander, [redacted] March 13, 1941.

Lee, Leonard Murray, commander, [redacted] July 8, 1935.

Leeper, Wallace Wilson, chief warrant officer, [redacted], April 24, 1947.

Leet, David Leverett, captain [redacted], December 21, 1946.

Leetun, Darel Dean, major [redacted], December 24, 1932.

Lefever, Douglas Paul, captain [redacted], January 4, 1943.

Lehnhoff, Edward W., Jr., major [redacted], March 14, 1936.

Lehrke, Stanley Lawrence, staff sergeant, [redacted] October 30, 1948.

Lemmons, William E., captain [redacted], January 12, 1942.

Lemon, Jeffrey Charles, captain [redacted], August 13, 1943.

Leonor, Leonardo Capistran, captain, [redacted] September 22, 1940.

Lerner, Irwin Stuart, Captain [redacted], October 17, 1941.

Lester, Roderick Barnum, lieutenant, [redacted] June 19, 1946.

Levis, Charles Allen, lieutenant colonel, [redacted] November 7, 1932.

Lewandowski, Leonard J., Jr., sergeant, [redacted] March 20, 1946.

Lewis, James Wimberley, lieutenant colonel, [redacted] July 24, 1928.

Lewis, Merrill Raymond, Jr., major, [redacted] August 17, 1932.

Liles, Robert Leonel, Jr., captain, [redacted] April 11, 1940.

Lillund, William Allan, captain [redacted], March 17, 1939.

Lilly, Carroll Baxter, major, [redacted], December 1, 1939.

Lindewald, Charles W., Jr., master sergeant, [redacted] July 30, 1938.

Lindland, Donald Fredrick, lieutenant commander, [redacted] August 22, 1936.

Lindsey, Marvin Nelson, lieutenant colonel, [redacted] January 20, 1929.

Lindstrom, Ronnie George, captain, [redacted] June 14, 1944.

Lineberger, Harold Benton, major, [redacted] September 19, 1934.

Link, Robert Charles, chief warrant officer, [redacted] April 10, 1935.

Lint, Donald Michael, staff sergeant, [redacted] September 17, 1948.

Lockhart, George Barry, captain [redacted], February 17, 1947.

Lodge, Robert Alfred, major [redacted], June 30, 1941.

Loheed, Hubert Bradford, captain [redacted], October 15, 1924.

Long, John Henry Sothorn, captain, [redacted] January 29, 1940.

Lono, Luther Albert, major, [redacted] June 12, 1931.

Lord, Arthur James, major, [redacted] January 6, 1941.

Lucki, Albin Earl, captain [redacted], February 27, 1944.

Lull, Howard Burdette, Jr., sergeant first class, [redacted] May 16, 1930.

Luna, Carter Purvis, colonel [redacted], September 25, 1928.

Luna, Donald Alfred, major [redacted], April 17, 1938.

Lunsford, Herbert Lamar, colonel, [redacted] September 2, 1928.

Luster, Robert Lee, sergeant [redacted], December 30, 1949.

Luttrell, James Martin, sergeant first class, [redacted] December 14, 1935.

Lynn, Robert Ray, captain, [redacted] June 16, 1940.

Lyon, Donavan Loren, major [redacted], November 1, 1934.

Lyon, James Michael, captain [redacted], March 8, 1948.

MacCann, Henry Elmer, lieutenant colonel, [redacted] December 11, 1931.

MacDonald, George Duncan, first lieutenant, [redacted] September 2, 1948.

Mackedanz, Lyle Everett, sergeant first class, [redacted] September 16, 1939.

Macko, Charles, lieutenant colonel, [redacted] January 15, 1931.

Maddox, Notley Gwynn, colonel, [redacted], November 10, 1924.

Madison, William Louis, senior master sergeant, [redacted], November 3, 1935.

Magee, Patrick Joseph, specialist sixth class, [redacted] September 22, 1946.

Magnusson, James A., Jr., major, [redacted] October 14, 1934.

Mahan, Douglas Frank, captain [redacted], March 9, 1944.

Mallon, Richard Joseph, captain [redacted], September 28, 1942.

Malone, Jimmy McDonald, staff sergeant, [redacted] September 13, 1946.

Mamiya, John Michio, master sergeant, [redacted] November 21, 1933.

Mangino, Thomas Angelo, staff sergeant, [redacted] March 16, 1944.

Marik, Charles Weldon, lieutenant commander, [redacted], April 14, 1939.

Martin, John Murray, major [redacted], June 17, 1931.

Martin, Larry Eugene, captain [redacted], February 11, 1940.

Martin, Richard D., staff sergeant, [redacted] May 9, 1947.

Martin, Russell Dean, captain, [redacted] June 22, 1937.

Mascari, Phillip Louis, captain [redacted], December 3, 1944.

Mason, William Henderson, colonel, [redacted] October 12, 1924.

Massucci, Martin John, captain [redacted], November 1, 1939.

Masterson, Michael John, major [redacted], May 16, 1937.

Masuda, Robert Susumu, staff sergeant, [redacted] October 19, 1947.

Mateja, Alan Paul, captain [redacted], July 29, 1945.

Matthes, Peter Richard, captain [redacted], March 14, 1943.

Mauterer, Oscar, colonel, [redacted], August 24, 1925.

Maxwell, Calvin Walter, captain, [redacted], November 6, 1943.

Maxwell, Samuel Chapman, lieutenant colonel, [redacted] July 24, 1927.

May, David Murray, captain [redacted], January 29, 1945.

Mayer, Roderick Lewis, lieutenant commander, [redacted] March 2, 1939.

Mayercik, Ronald Michael, captain, [redacted] September 23, 1943.

McCain, Marvin Raymond, Jr., specialist fifth class, [redacted], November 8, 1943.

McCleary, George Carlton, colonel, [redacted] October 19, 1922.

McCrary, Jack, senior master sergeant, [redacted] November 30, 1934.

McCubbin, Glenn Dewayne, Captain, [redacted] August 21, 1942.

McDaniel, Morris L., Jr., Lieutenant Commander, [redacted] April 4, 1929.

McDonald, Emmett Raymond, Major, [redacted] July 27, 1939.

McDonald, Kurt Casey, Major, [redacted], August 19, 1934.

McDonnell, John Terence, Major, [redacted] December 14, 1940.

McElhanon, Michael Owen, Lieutenant Commander, [redacted] January 6, 1934.

McGar Brian Kent, Staff Sergeant, [redacted] August 17, 1947.

McGarvey, James Maurice, Major, [redacted], August 21, 1933.

McGouldrick, Francis J., Jr., Lieutenant Commander, [redacted] December 19, 1928,

McGrath, William Darrell, Commander, [redacted] July 31, 1929.

McKenney, Kenneth Dewey, Technical Sergeant, [redacted], April 3, 1945.

McKittrick, James C., Captain [redacted], June 22, 1942.

McLean, James Henry, Sergeant First Class, [redacted] June 16, 1944.

McMahan, Robert Charles, Lieutenant, [redacted] June 14, 1942.

McPhail, William Thomas, Captain, [redacted] June 5, 1939.

McPherson, Everett Alvin, Captain, [redacted], December 18, 1942.

McRae, Davis Edward, Lieutenant Commander, [redacted] November 30, 1938.

McCarty, James Lon, Captain [redacted], April 24, 1946.

McCormick, Michael Timothy, Lieutenant, [redacted] July 8, 1946.

McDonald, Joseph William, First Lieutenant, [redacted] December 17, 1946.

McDow, Richard Henry, First Lieutenant, [redacted] November 6, 1946.

McElvain, James Richard, Major, [redacted] March 23, 1939.

McLaughlin, Arthur Vincent, Master Sergeant, [redacted] March 11, 1934.

McMurray, Frederick Charle, Captain, [redacted] April 13, 1945.

Meadows, Eugene Thomas, Captain, [redacted] March 4, 1940.

Mearns, Arthur Stewart, Colonel, [redacted] July 12, 1929.

Medaris, Rick Eggburtus, Specialist 5, [redacted] March 1, 1949.

Meder, Paul Oswald, Major, [redacted] December 29, 1931.

Mein, Michael Howard, Staff Sergeant, [redacted] March 13, 1945.

Meldahl, Charles Howard, Staff Sergeant, [redacted] July 15, 1948.

Mellor, Fredric Moore, Major, [redacted], April 5, 1935.

Menges, George Bruce, Captain, [redacted], September 14, 1938.

Mercer, Jacob Edward, Master Sergeant, [redacted] July 20, 1936.

Meroney, Virgil Kersh, III, Captain, [redacted], May 22, 1943.

Metz, James Hardin, Lieutenant Colonel, [redacted] June 12, 1931.

Meyer, William Michael, Major, [redacted], November 22, 1934.

Midnight, Francis Barnes, Captain, [redacted] July 11, 1939.

Milikin, Richard M., III, Captain, [redacted] January 28, 1941.

Milius, Paul Lloyd, Captain, [redacted] February 11, 1928.

Millard, Charles Worth, Chief Warrant Officer, [redacted] June 8, 1933.

Miller, Carl Dean, Lieutenant Colonel, [redacted] January 28, 1931.

Miller, Curtis Daniel, Captain [redacted], June 7, 1946.

Miller, Richard Arthur, Captain, [redacted] July 1, 1939.

Milliner, William Patrick, Chief Warrant Officer, [redacted] June 12, 1950.

Millner, Michael, Sergeant First Class, [redacted] December 17, 1942.

Mills, James Burton, Lieutenant Commander, [redacted] August 31, 1940.

Mims, George Ivison, Jr., Captain, [redacted] May 17, 1940.

Minnich, Richard Willis, Jr., Lieutenant Commander, [redacted], March 4, 1942.

Mishuk, Richard Edward, Sergeant, [redacted] July 11, 1945.

Mitchell, Albert Cook, Lieutenant Colonel, [redacted] December 15, 1928.

Mitchell, Gilbert Louis, Lieutenant, [redacted] July 10, 1941.

Mitchell, Thomas Barry, Captain, [redacted], March 31, 1941.

Monroe, Vincent Duncan, Commander, [redacted] July 1, 1934.

Moore, Herbert William, Jr., Captain, [redacted] November 16, 1941.

Moore, James Rodney, Sergeant, [redacted], August 16, 1947.

Moore, Jerry Lawrence, Sergeant [redacted], February 8, 1950.

Moore, Maurice Henry, Staff Sergeant, [redacted] July 1, 1947.

Moore, Thomas, Senior Master Sergeant, [redacted] December 9, 1929.

Moorman, Frank David, Sergeant, [redacted] September 8, 1948.

Moreida, Manuel Jesus, Staff Sergeant, [redacted] October 15, 1946.

Moreland, James Leslie, Staff Sergeant, [redacted] September 29, 1945.

Moreland, William David, Captain, [redacted], July 27, 1941.

Morgan, Charles Elzy, Major, [redacted] January 10, 1932.

Morgan, Edwin Everton, Senior Master Sergeant, [redacted] September 4, 1927.

Morgan, James Sheppard, Lieutenant Commander, [redacted] August 17, 1928.

Morgan, Thomas Raymond, Major, [redacted] September 27, 1933.

Morin, Richard G., Captain, [redacted] July 8, February 12, 1944.

Morley, Charles Frank, Captain [redacted], February 12, 1942.

Morrill, Merwin Lamphrey, Major, [redacted] March 8, 1936.

Morris, Robert John, Jr., Captain, [redacted] July 24, 1945.

Morrison, Glenn Raymond, Jr., Major [redacted] April 11, 1936.

Morrison, Joseph Castleman, Lieutenant Commander, [redacted] November 13, 1930.

Morrissey, Robert David, Major, [redacted], April 24, 1930.

Morrow, Larry Kane, Specialist Fourth Class, [redacted] June 13, 1951.

Morrow, Richard David, Commander, [redacted] December 18, 1932.

Mossman, Harry Seeber, Lieutenant, [redacted] June 30, 1943.

Mullen, William Francis, Major, [redacted] March 28, 1935.

Mullins, Harold Eugene, Senior Master Sergeant, [redacted] February 26, 1930.

Mudt, Henry Gerald, II, Captain [redacted], May 25, 1943.

Munoz, David Louie, Sergeant [redacted], May 2, 1948.

Murphy, Larron David, Captain [redacted], October 5, 1944.

Murray, Patrick Peter, Captain, [redacted] October 1, 1942.

Musselman, Stephen Owen, Lieutenant Junior Grade, [redacted] 4, December 1945.

Neal, Dennis Paul, Captain [redacted], February 1, 1944.

Neeld, Bobby Gene, Lieutenant Commander, [redacted] October 8, 1928.

Nellans, William Lee, Major, [redacted], December 29, 1936.

Nelson, James Raymond, Staff Sergeant, [redacted] February 4, 1942.

Nelson, Richard Crawford, Lieutenant Commander, [redacted] July 12, 1941.

Nelson, William Humphrey, Colonel, [redacted] September 24, 1917.

Netherland, Roger Morton, Captain, [redacted] April 5, 1926.

Newman, Larry Jerome, Technical Sergeant, [redacted], July 19, 1939.

Newsom, Benjamin Byrd, Colonel, [redacted] July 31, 1925.

Newton, Charles Vernon, Sergeant First Class [redacted], May 10, 1940.

Newton, Donald Stephen, Sergeant First Class, [redacted] July 8, 1942.

Newton, Warren Emery, Staff Sergeant [redacted] March 26, 1949.

Nichols, Hubert C., Jr., Colonel [redacted], February 7, 1929.

Nidds, Daniel Russell, Staff Sergeant, [redacted] August 23, 1948.

Nobert, Craig Roland, Captain [redacted], December 3, 1941.

Nopp, Robert Graham, Lieutenant Commander, [redacted] September 19, 1934.

Nordahl, Lee Edward, Lieutenant Commander, [redacted] June 18, 1939.

Norton, Michael Robert, Sergeant, [redacted] January 26, 1948.

Nyhof, Richard E., Technical Sergeant, [redacted] August 12, 1949.

Nystrom, Bruce August, Captain, [redacted] October 18, 1927.

O'Brien, Kevin, Captain, [redacted] August 30, 1946.

O'Donnell, Michael Davis, Captain, [redacted] August 13, 1945.

O'Grady, John Francis, Colonel [redacted], August 31, 1929.

O'Hara, Robert Charles, Specialist Sixth Class, [redacted], May 18, 1949.

O'Donnell, Samuel, Jr., Captain [redacted], January 28, 1943.

Okerlund, Thomas Richard, Chief Warrant Officer, [redacted] August 5, 1948.

Olds, Ernest Arthur, Major [redacted], August 5, 1948.

Olds, Ernest Arthur, Major [redacted], July 14, 1934.

Olmstead, Stanley Edward, Commander, [redacted] November 12, 1933.

Olsen, Floyd Warren, Major [redacted], September 3, 1938.

Olson, Barry A., staff sergeant [redacted], August 4, 1947.

Olson, Gerald Everett, captain [redacted], January 29, 1937.

Omelia, Dennis William, chief warrant officer, [redacted] May 6, 1941.

O'neill, Douglas Lee, warrant officer, [redacted] August 3, 1948.

Orell Quinlan Roberts, commander, [redacted] January 8, 1930.

Orr, Warren Robert, Jr., captain [redacted], March 20, 1943.

Osborne, Edwin Nelms, Jr., major, [redacted], May 1, 1933.

Ostermeyer, William Henry, captain, [redacted] March 15, 1945.

Ott, William August, major [redacted], September 23, 1934.

Overlock, John Francis, major [redacted], April 6, 1936.

Owen, Robert Duval, sergeant, first class, [redacted] December 21, 1936.

Owen, Timothy Samuel, staff sergeant, [redacted] November 25, 1946.

Owens, Joy Leonard, colonel, [redacted], July 6, 1929.

Pabst, Eugene Matthew, captain [redacted], October 13, 1942.

Packard, Ronald Lyle, captain [redacted], November 18, 1941.

Padgett, David Eugene, captain [redacted], June 2, 1944.

Page, Albert Linwood, Jr., major [redacted], June 28, 1935.

Page, Gordon Lee, lieutenant colonel, [redacted] August 15, 1932.

Palen, Carl Anthony, specialist, fifth class, [redacted] April 11, 1947.

Palenscar, Alexander J., III, lieutenant commander, 669399, October 20, 1941.

Palmer, Gilbert Swain, major [redacted], October 12, 1930.

Palmgren, Edwin David, colonel [redacted], January 5, 1927.

Panek, Robert Joseph, Sr., major [redacted], June 10, 1939.

Parish, Charles Carroll, lieutenant commander, [redacted] February 7, 1943.

Parker, Frank C., III, captain [redacted], March 2, 1940.

Parker, Woodrow Wilson, II, captain, [redacted] April 18, 1943.

Parra, Lionel, Jr., captain [redacted] April 12, 1938.

Parrish, Frank Collins, master sergeant, [redacted] September 19, 1931.

Parsley, Edward Milton, master sergeant, [redacted] January 22, 1933.

Parsons, Don Brown, Jr., lieutenant commander, [redacted] November 15, 1940.

Parsons, Donald Eugene, lieutenant colonel, [redacted], April 17, 1929.

Parsons, Michael Duane, captain [redacted], May 7, 1945.

Paschall, Ronald Page, specialist fifth class, [redacted] November 1, 1950.

Pasekoff, Robert Edward, lieutenant colonel, [redacted] August 16, 1930.

Pate, Gary, technical sergeant [redacted], June 3, 1946.

Patterson, James Kelly, lieutenant commander, [redacted] July 14, 1940.

Pattillo, Ralph Nathan, major [redacted], December 26, 1934.

Patton Kenneth James, staff sergeant, [redacted] May 13, 1943.

Paul, Craig Allan, captain [redacted], August 28, 1946.

Pauley, Marshall Irvin, master sergeant, [redacted] October 17, 1941.

Paulson, Merlyn Leroy, technical sergeant, [redacted] June 19, 1936.

Pawlish, George Francis, lieutenant [redacted], February 25, 1941.

Paxton, Donald Elmer, colonel [redacted], October 3, 1928.

Payne, John Allen, specialist 5 [redacted], October 23, 1947.

Payne, Norman, sergeant first class, [redacted] July 14, 1939.

Peace, John Darlington, III, commander, [redacted] November 18, 1935.

Peacock, John Robert, II, captain, [redacted] September 4, 1946.

Pearce, Edwin Jack, technical sergeant, [redacted] December 8, 1947.

Pearson, Robert Harvey, captain [redacted], August 20, 1942.

Pearson, Wayne Edward, major [redacted], November 4, 1939.

Pederson, Joe Palmer, sergeant first class, [redacted] June 12, 1935.

Pemberton, Gene Thomas, colonel, [redacted] June 4, 1926.

Pender, Orland James, Jr., lieutenant, [redacted] August 23, 1944.

Perisho, Gordon Samuel, lieutenant commander, [redacted] March 7, 1939.

Perrine, Elton Lawrence, major [redacted], January 6, 1935.

Perry, Randolph Allen, Jr., major, [redacted] June 17, 1937.

Perry, Ronald Dwight, captain [redacted], September 28, 1944.

Perry, Thomas Hepburn, staff sergeant, [redacted] June 19, 1942.

Petersen, Gaylord Dean, major, [redacted], January 18, 1937.

Peterson, Delbert Ray, captain, [redacted], May 11, 1939.

Phelps, William, first lieutenant [redacted], December 27, 1947.

Phillips, Daniel Raymond, staff sergeant, [redacted] August 7, 1944.

Phillips, Robert Paul, specialist 4, [redacted] July 31, 1949.

Phipps, James Larry, chief warrant officer, [redacted] December 9, 1943.

Pierson, William C., III, chief warrant officer, [redacted] December 23, 1947.

Pietsch, Robert Edward, major [redacted], December 24, 1936.

Piittmann, Alan Dale, technical sergeant, [redacted] March 27, 1945.

Pike, Dennis Stanley, lieutenant [redacted], July 2, 1940.

Pike, Peter X., captain, [redacted] June 15, 1943.

Pilkington, Thomas Holt, lieutenant, [redacted] September 8, 1941.

Pirker, Victor John, staff sergeant [redacted] June 27, 1940.

Pitman, Peter Potter, major [redacted], February 15, 1938.

Pitt, Albert, major [redacted] November 30, 1934.

Pitzen, John Russell, commander, [redacted] April 4, 1934.

Plassmeyer, Bernard H., first lieutenant, [redacted], May 4, 1945.

Platt, Robert Lenwood, Jr., staff sergeant, [redacted] September 1, 1947.

Plowman, James Edwin, lieutenant [redacted] October 14, 1943.

Pogreba, Dean Andrew, colonel, [redacted], March 16, 1922.

Pollin, George John, captain [redacted], February 5, 1942.

Polster, Harmon, first lieutenant [redacted], November 14, 1943.

Pool, Jerry Lynn, captain [redacted], April 2, 1944.

Poole, Charlie Sherman, tech sergeant, [redacted] June 7, 1932.

Poor, Russell Arden, major [redacted], September 15, 1935.

Potter, William Joseph, Jr., captain, [redacted] September 24, 1935.

Potter, William Tod, captain [redacted], December 28, 1942.

Potts, Larry Fletcher, first lieutenant, [redacted] April 7, 1947.

Powell, William Elmo, captain [redacted], December 10, 1942.

Powers, Lowell Stephen, chief warrant officer, [redacted] September 25, 1946.

Powers, Trent Richard, captain [redacted] August 24, 1930.

Preston, James Arthur, senior master sergeant, [redacted] August 10, 1939.

Prevedel, Charles Francis, staff sergeant, [redacted] November 18, 1943.

Price, Bunyan Durant, Jr., specialist 5, [redacted] February 9, 1950.

Price, William Marshall, first lieutenant, [redacted] August 24, 1945.

Pridemore, Dallas Reese, specialist first class, [redacted], April 29, 1941.

Pringle, Joe Harold, master sergeant, [redacted] June 28, 1929.

Puentes, Manuel Rameriz, sergeant, [redacted] August 28, 1950.

Puggi, Joseph David, staff sergeant, [redacted], November 21, 1946.

Pugh, Dennis Gerard, captain [redacted], February 10, 1944.

Pugh, Kenneth Ward, PRCS, [redacted], September 6, 1939.

Putnam, Charles Lancaster, captain, [redacted], January 14, 1928.

Pyles, Harley Boyd, colonel [redacted], February 20, 1930.

Quamo, George, major, [redacted] June 10, 1940.

Quinn, Michael Edward, lieutenant commander, [redacted] August 21, 1933.

Rackley, Inzar William, Jr., lieutenant commander, [redacted] January 2, 1933.

Ragland, Dayton William, colonel, [redacted] December 16, 1927.

Ralston, Frank Delzell, III, captain, [redacted] March 2, 1941.

Ramos, Rainer Sylvester, chief warrant officer, [redacted], May 29, 1947.

Ramsay, Charles James, major, [redacted], June 8, 1932.

Ramsower, Irving Burns, II, major, [redacted] December 25, 1934.

Ransbottom, Frederick Joel, captain, [redacted] September 19, 1946.

Rash, Melvin Douglas, technical sergeant, [redacted] June 8, 1946.

Rattin, Dennis Michael, specialist, fifth class, [redacted] July 15, 1950.

Ratzel, Wesley Dallas, first lieutenant, [redacted] March 28, 1947.

Rausch, Robert Ernest, captain [redacted], May 22, 1938.

Ravencraft, James A., staff sergeant, [redacted] February 20, 1945.

Ravenna, Harry M., III, major, [redacted], September 29, 1937.

Ray, James Michael, staff sergeant, [redacted] November 10, 1949.

Ray, Ronald Earl, staff sergeant [redacted], August 11, 1947.

Raymond, Paul Darwin, captain [redacted], January 10, 1943.

Read, Charles Harold W., Jr., colonel, [redacted] February 3, 1929.

Reaid, Rollie Keith, airman, first class, [redacted] December 23, 1952.

Reed, James Wilson, captain [redacted], July 22, 1943.

Rehe, Richard Raymond, staff sergeant, [redacted] November 16, 1945.

Reid, Harold Erich, sergeant, [redacted], December 27, 1946.

Reid, Jon Eric, chief warrant officer, [redacted] November 15, 1948.

Reilly, Edward Daniel, Jr., sergeant, first class, [redacted] January 16, 1943.

Reilly, Lavern George, colonel, [redacted], January 25, 1926.

Reitmann, Thomas Edward, major, [redacted] December 8, 1930.

Renelt, Walter A., colonel, [redacted], April 24, 1929.

Rex, Robert Alan, captain [redacted], February 17, 1942.

Rexroad, Ronald Reuel, captain [redacted], March 13, 1940.

Rhodes, Ferris Ansel, Jr., captain, [redacted] January 19, 1936.

Rich, Richard, commander, [redacted] October 27, 1925.

Richardson, Dale Wayne, captain [redacted], May 5, 1941.

Richardson, Floyd Whitley, colonel, [redacted] June 13, 1928.

Richtsteig, David John, captain, [redacted], May 9, 1942.

Rickel, David J., captain, [redacted], October 5, 1942.

Ricker, William Ernest, lieutenant commander, [redacted] June 1, 1933.

Rickman, Dwight Gary, first lieutenant, [redacted] January 4, 1947.

Riggs, Thomas F. chief warrant officer, [redacted] July 24, 1946.

Rissi, Donald Louis, lieutenant commander, [redacted] March 20, 1931.

Roach, Marion Lee, specialist five, [redacted] December 20, 1948.

Roberts, Richard Dean, sergeant [redacted], April 30, 1948.

Robertson, John Hartley, master sergeant, [redacted] October 25, 1936.

Robertson, John Leighton, lieutenant commander, [redacted], October 11, 1930.

Robertson, Leonard, captain, [redacted], January 12, 1945.

Robinson, Floyd Henry, staff sergeant, [redacted] January 28, 1949.

Robinson, Kenneth Dale, major [redacted], June 30, 1935.

Roby, Charles Donald, colonel [redacted], September 25, 1928.

Rockett, Alton Craig, Jr., major [redacted], January 20, 1932.

Rodriguez, Albert Eduardo, captain, [redacted] July 18, 1942.

Roe, Jerry Lee, captain, [redacted], March 16, 1942.

Romero, Victor, technical seargeant, [redacted] December 11, 1947.

Rose, Luther Lee, senior master sergeant, [redacted] August 7, 1935.

Rosenbach, Robert Page, captain, [redacted] August 23, 1941.

Ross, J. Lynne, Jr., staff sergeant, [redacted] August 12, 1946.

Ross, Joseph Shaw, captain [redacted], January 26, 1943.

Rowley, Charles Stoddard, lieutenant commander, [redacted], May 14, 1931.

Rozo, James Milan, specialist five, [redacted] October 18, 1948.

Ruffin, James Thomas, Lieutenant Commander, [redacted] January 16, 1941.

Rusch, Stephen Arthur, Captain [redacted], July 28, 1943.

Russell, Donald Myrick, Lieutenant Colonel, [redacted] December 28, 1931.

Russell, Peter John, Captain [redacted], October 2, 1946.

Ryder, John Leslie, Captain [redacted], July 5, 1946.

Saavedra, Robert, Commander, [redacted], August 1, 1934.

Sadler, Mitchell O., Jr., Captain, [redacted], October 20, 1943.

Sale, Harold Reeves, Jr., Captain [redacted], August 26, 1942.

Salley, James, Jr., Master Sergeant, [redacted] August 17, 1930.

Salzarulo, Raymond Paul, Jr., Captain, [redacted] August 31, 1942.

Sanderlin, William Dale, Staff Sergeant, [redacted] September 15, 1943.

Scaife, Kenneth Doyle, Seaman Apprentice, [redacted] August 6, 1953.

Scharf, Charles Joseph, Lieutenant Colonel, [redacted] March 20, 1933.

Schell, Richard John, Captain [redacted], July 24, 1944.

Scherdin, Robert Francis, Sergeant, [redacted] February 14, 1947.

Scheurich, Thomas Edwin, Commander, [redacted] August 19, 1933.

Schiele, James Francis, Staff Sergeant, [redacted] October 11, 1946.

Schmidt, Norman, Colonel, [redacted], July 7, 1926.

Schmidt, Walter R., Jr., Captain [redacted], November 18, 1945.

Scholz, Klaus Dieter, Staff Sergeant, [redacted] January 20, 1944.

Schott, Richard Simpson, Lieutenant Colonel, [redacted], November 24, 1929.

Schreckengost, Fred Thomas, Sergeant, [redacted] March 30, 1938.

Schuler, Robert Harry, Jr., Major, [redacted] December 14, 1935.

Schultz, Ronald James, Specialist 5, [redacted], May 27, 1948.

Schultz, Sheldon D., Chief Warrant Officer, [redacted] April 19, 1948.

Scott, Dain Vanderlin, Lieutenant, [redacted], December 30, 1941.

Scott, Martin Ronald, Lieutenant Colonel, [redacted], April 10, 1931.

Scott, Mike John, Sergeant First Class, [redacted] September 2, 1932.

Scull, Gary Bernard, Captain [redacted], September 26, 1940.

Scungio, Vincent Anthony, Major, [redacted], October 27, 1934.

Scurlock, Lee D., Jr., Sergeant, First Class, [redacted] November 10, 1943.

Seagroves, Michael Anthony, Captain, [redacted] September 29, 1945.

Sennett, Robert Russell, ADCS, [redacted], May 2, 1939.

Serex, Henry Muir, Major, [redacted], May 9, 1931.

Setterquist, Francis L., Captain [redacted], October 5, 1941.

Seuell, John Wayne, Captain [redacted], February 24, 1946.

Seymour, Leo Earl, Sergeant, First Class, [redacted], May 14, 1942.

Shafer, Philip Raymond, Specialist, Sixth Class, [redacted], May 13, 1949.

Shank, Gary Leslie, Lieutenant, Junior Grade, [redacted], March 16, 1947.

Shanley, Michael Henry, Jr., Specialist, Fifth Class, [redacted] September 12, 1945.

Shark, Earl Eric, Staff Sergeant [redacted], May 23, 1946.

Shay, Donald Emerson, Jr., Captain, [redacted] March 16, 1946.

Shelton, Charles Ervin, Major [redacted], April 29, 1932.

Sherman, Peter Woodbury, Captain, [redacted] August 4, 1929.

Shine, Anthony Cameron, Captain, [redacted] May 20, 1939.

Shingledecker, Armon D., Captain, [redacted], December 26, 1941.

Shoneck, John Reginald, Master Sergeant, [redacted] July 27, 1932.

Shriver, Jerry Michael, Sergeant, First Class, [redacted] September 24, 1941.

Shue, Donald Monroe, Staff Sergeant, [redacted] August 29, 1949.

Shumway, Geoffrey Raymond, Lieutenant Commander, [redacted] October 22, 1942.

Sigafoos, Walter Harri, III, Captain, [redacted] August 29, 1946.

Sijan, Lance Peter, Captain [redacted], April 13, 1942.

Silva, Claude Arnold, Captain [redacted], May 12, 1936.

Silver, Edward Dean, Major [redacted], February 2, 1934.

Simmons, Robert Eugene, Sergeant, [redacted] November 25, 1951.

Simpson, Joseph Louis, Staff Sergeant, [redacted] February 6, 1945.

Singer, Donald Maurice, Colonel, [redacted] September 29, 1928.

Singleton, Daniel Everett, captain, [redacted], March 3, 1943.

Sisson, Winfield Wade, major, [redacted] September 22, 1937.

Sittner, Ronald Nicholis, captain, [redacted], November 20, 1937.

Skarman, Orval Harry, sergeant, [redacted], March 11, 1947.

Skinner, Owen George, lieutenant colonel, [redacted] November 18, 1933.

Skivington, William E., Jr., staff sergeant, [redacted] July 5, 1948.

Small, Burt Chauncy, Jr., staff sergeant, [redacted] September 2, 1946.

Smith, David Roscoe, captain [redacted], November 2, 1939.

Smith, Edward Dewilton, Jr., technical sergeant, [redacted], November 29, 1944.

Smith, Gene Albert, commander, [redacted], April 18, 1933.

Smith, George Craig, captain [redacted], March 6, 1940.

Smith, Hallie William, captain [redacted], October 16, 1941.

Smith, Harding Eugene, Sr., colonel, [redacted], March 11, 1918.

Smith, Harold Victor, lieutenant colonel, [redacted] November 11, 1933.

Smith, Harry Winfield, captain, [redacted], June 30, 1941.

Smith, Herbert Eugene, senior master sergeant, [redacted], March 1, 1936.

Smith, Homer Leroy, captain, [redacted] February 6, 1926.

Smith, Howard Horton, lieutenant colonel, [redacted] June 25, 1930.

Smith, Lewis Philip, II, captain, [redacted], January 2, 1943.

Smith, Richard Dean, major [redacted], August 16, 1937.

Smith, Robert N., colonel, [redacted] September 20, 1926.

Smith, Victor Arlon, captain [redacted], February 28, 1943.

Smith, Warren Parker, Jr., lieutenant colonel, [redacted], December 13, 1929.

Smith, William Arthur, Jr., chief warrant officer, [redacted] June 24, 1945.

Smith, William Mark, sergeant [redacted], April 2, 1949.

Smoot, Curtis Richard, staff sergeant, [redacted] December 9, 1949.

Soyland, David Pecor, chief warrant officer, [redacted] April 29, 1951.

Sparks, Donald Lee, sergeant [redacted], November 7, 1946.

Sparks, Jon Michael, chief warrant officer, [redacted] February 24, 1950.

Spencer, Warren Richard, captain, [redacted] February 6, 1943.

Spilman, Dyke Augustus, captain, [redacted] July 15, 1941.

Spinelli, Domenick Anthony, lieutenant commander, [redacted], November 6, 1925.

Sprick, Doyle Robert, major, [redacted], November 29, 1932.

Springston, Theodore, Jr., lieutenant colonel, [redacted] November 23, 1931.

Squire, Boyd Edwin, lieutenant colonel, [redacted] September 16, 1930.

St. Pierre, Dean Paul, captain [redacted], October 30, 1941.

Stacks, Raymond Clark, captain [redacted], March 6, 1948.

Staehli, Bruce Wayne, sergeant, [redacted], September 24, 1948.

Stamm, Ernest Albert, commander, [redacted], July 18, 1931.

Standerwich, Robert L., Sr., lieutenant colonel, [redacted] June 23, 1930.

Stanley, Charles Irvin, chief warrant officer, [redacted] September 25, 1946.

Stanley, Robert William, captain [redacted], April 18, 1941.

Stanton, Ronald, staff sergeant [redacted], October 21, 1946.

Stark, Willie Ernest, sergeant major, [redacted] October 7, 1932.

Steadman, James Eugene, captain, [redacted] February 18, 1950.

Steen, Martin William, major [redacted], February 20, 1936.

Stegman, Thomas, lieutenant commander, [redacted] July 13, 1938.

Stephensen, Mark Lane, lieutenant colonel, [redacted] May 29, 1930.

Stephenson, Howard David, major, [redacted] October 6, 1937.

Stevens, Larry James, lieutenant, [redacted], December 17, 1942.

Stewart, Jack Thomas, major [redacted], March 30, 1941.

Stewart, Peter Joseph, colonel, [redacted] August 12, 1918.

Stewart, Robert Allan, major [redacted], November 14, 1931.

Stickney, Phillip Joseph, master sergeant, [redacted] December 23, 1937.

Stine, Joseph Millard, lieutenant colonel, [redacted] January 5, 1932.

Stinson, William Sherril, specialist 5, [redacted] June 17, 1947.

Stolz, Lawrence Gene, captain [redacted], November 24, 1945.

Stonebraker, Kenneth A., major [redacted], December 25, 1938.

Storz, Ronald Edward, lieutenant colonel, [redacted] October 21, 1933.

Stowers, Aubrey Eugene, Jr., captain, [redacted] October 1, 1941.

Strait, Douglas Frank, specialist 5, [redacted] January 29, 1950.

Strange, Floyd Wayne, chief warrant officer, [redacted] May 1, 1946.

Stratton, Charles Wayne, major [redacted], October 9, 1940.

Stringer, John Curtis, II, captain, [redacted] January 12, 1946.

Strobridge, Rodney Lynn, captain, [redacted] May 22, 1941.

Strohlein, Madison Alexander, sergeant, [redacted] May 17, 1948.

Strong, Henry Hooker, Jr., commander, [redacted] February 27, 1933.

Stroven, William Harry, captain [redacted], July 15, 1942.

Stuart, John Franklin, major [redacted], July 26, 1933.

Stubberfield, Robert A., lieutenant colonel, [redacted] November 30, 1929.

Stubbs, William W. W., staff sergeant, [redacted] August 6, 1949.

Suber, Randolph Bothwell, staff sergeant, [redacted] May 22, 1947.

Sullivan, Farrell Junior, lieutenant colonel, [redacted] September 11, 1934.

Sullivan, James Edward, lieutenant commander, [redacted] November 11, 1942.

Sullivan, John Bernard, III, captain, [redacted] June 28, 1940.

Sutter, Frederick John, captain [redacted], February 26, 1946.

Swanson, John Willard, Jr., major, [redacted] April 1, 1938.

Swanson, Roger Wesley, sergeant, [redacted], September 8, 1943.

Swords, Smith, III, major, [redacted] July 17, 1929.

Sykes, Derri, staff sergeant, [redacted] July 4, 1947.

Tapp, Marshall Landis, lieutenant colonel, [redacted] September 22, 1926.

Tatum, Lawrence Byron, colonel, [redacted], April 29, 1930.

Teague, James Erlan, lieutenant, [redacted], July 23, 1943.

Templin, Erwin Benard, Jr., lieutenant commander, [redacted], December 24, 1940.

Teran, Refugio Thomas, sergeant, [redacted] May 8, 1949.

Terrill, Philip Bradford, Specialist 5, [redacted] September 24, 1947.

Terry, Oral Ray, Staff Sargeant [redacted], January 27, 1945.

Thomas, Daniel Wayne, Captain, [redacted], September 4, 1946.

Thomas, James Calven, Sergeant, [redacted], October 27, 1947.

Thomas, James Richard, Technical Sergeant, [redacted] July 5, 1943.

Thomas, Kenneth Deane, Jr., Captain, [redacted] September 25, 1940.

Thomas Robert James, First Lieutenant, [redacted] December 19, 1948.

Thompson, Donald Earl, Lieutenant Commander, [redacted] February 17, 1940.

Thompson, George Winton, Captain, [redacted] September 16, 1940.

Thompson, William James, Lieutenant Commander, [redacted] February 19, 1933.

Thornton, Gary Lynn, Lieutenant, [redacted], December 3, 1941.

Tiffin, Rainford, Major, [redacted] March 4, 1938.

Tipping, Henry Albert, Lieutenant Commander, [redacted] February 18, 1924.

Todd, William Anthony, Staff Sergeant, [redacted] January 8, 1950.

Tolbert, Clarence Orfield, Lieutenant Commander, [redacted] June 4, 1939.

Toomey, Samuel Kamu, III, major, [redacted] December 30, 1935.

Towie, John Cline, Captain [redacted], January 9, 1943.

Townsend, Francis Wayne, First Lieutenant, [redacted] April 24, 1948.

Trampski, Donald Joseph, sergeant, [redacted] August 16, 1948.

Treece, James Allen, Major, [redacted], August 11, 1934.

Trembley, J. Forrest George, Lieutenant Commander, [redacted], May 28, 1942.

Trent, Alan Robert, Captain [redacted], May 22, 1940.

Trier, Robert Douglas, major [redacted], November 11, 1933.

Trimble, Larry Allen, captain [redacted], March 6, 1947.

Tromp, William Leslie, Lieutenant Commander, [redacted] August 24, 1941.

Trujillo, Joseph Felix, sergeant, [redacted], July 29, 1946.

Trujillo, Robert Steven, staff sergeant, [redacted] August 3, 1946.

Tubbs, Glenn Ernest, staff sergeant, [redacted] January 24, 1940.

Tucci, Robert Leon, captain [redacted], July 29, 1942.

Tucker, Edwin Byron, commander, [redacted], February 1, 1935.

Tucker, James Hale, captain, [redacted] December 1941.

Tucker, Timothy Michael, captain, [redacted] March 16, 1946.

Tullier, Lonnie Joseph, staff sergeant, [redacted] March 16, 1937.

Tyler, George Edward, lieutenant colonel, [redacted] January 31, 1930.

Uhlmansiek, Ralph Edward staff sergeant, [redacted] October 9, 1946.

Underwood, Paul Gerard, colonel, [redacted] July 7, 1927.

Utley, Russel Keith, lieutenant colonel, [redacted] August 5, 1933.

Van Bendegom, James Lee, staff sergeant, [redacted] November 28, 1948.

Van Buren, Gerald Gordon, major, [redacted] June 8, 1935.

Van Dyke, Richard Haven, captain, [redacted] January 24, 1944.

Van Renselaar, Larry Jack, lieutenant, [redacted] August 1, 1945.

Vanden, Eykel Martin D., II, chief warrant officer, [redacted] October 4, 1943.

Varnado, Michael Banard, chief warrant officer, [redacted] September 10, 1948.

Vescelius, Milton James, Jr., commander, [redacted] November 16, 1934.

Vinson, Bobby Gene, colonel, [redacted], January 17, 1928.

Visconti, Francis Edward, captain, [redacted], October 16, 1934.

Wade, Barton Scott, lieutenant commander, [redacted] August 26, 1939.

Wald, Gunther Herbert, staff sergeant, [redacted] January 7, 1944.

Walker, Bruce Charles, first lieutenant, [redacted] November 22, 1946.

Walker, Michael Stephen, captain, [redacted] August 29, 1941.

Walker, Samuel Franklin, Jr., master sergeant, [redacted] July 10, 1942.

Wallace, Hobart M., Jr., lieutenant colonel, [redacted] October 10, 1933.

Wallace, Michael John, sergeant first class, [redacted] November 1939.

Waller, Therman Morris, master sergeant, [redacted] February 9, 1943.

Walling, Charles Milton, major, [redacted], December 31, 1938.

Walsh, Francis Anthony, Jr., major, [redacted] February 14, 1940.

Walsh, Richard Ambrose, III, colonel, [redacted] April 28, 1926.

Walter, Donovan Keith, captain [redacted], January 8, 1944.

Walters, Jack, Jr., lieutenant commander, [redacted] June 10, 1939.

Walton, Lewis Clark, staff seargeant, [redacted] May 13, 1934.

Wanzel, Charles Joseph, III, first lieutenant, [redacted] July 31, 1947.

Ward, Neal Clinton, captain [redacted], June 22, 1945.

Ward, Ronald Jack, lieutenant commander, [redacted] December 16, 1933.

Ware, John Alan, specialist five, [redacted], February 13, 1949.

Warren, Arthur Leonard, captain, [redacted] April 20, 1936.

Warren, Ervin, senior master sergeant, [redacted] September 6, 1936.

Warren, Gray Dawson, captain, [redacted], May 22, 1942.

Waters, Samuel Edwin, Jr., major, [redacted] May 8, 1937.

Watson, Jimmy Lee, chief warrant officer, [redacted] July 28, 1946.

Weisner, Franklin Lee, captain, [redacted], March 21, 1945.

Weissmueller, Courtney Edward, major, [redacted] November 15, 1932.

Welch, Robert John, major [redacted], March 23, 1926.

Welsh, Larry Don, staff sergeant, [redacted], June 16, 1947.

Welshan, John Thomas, captain [redacted], February 5, 1942.

Wenaas, Gordon James, major, [redacted], March 2, 1932.

Werdehoff, Michael Ray, sergeant first class, [redacted] September 13, 1942.

West, John Thomas, captain [redacted], July 26, 1942.

Westbrook, Donald Elliot, major, [redacted], August 28, 1926.

Wheeler, Eugene Lacey, major, [redacted], January 30, 1937.

White, Charles Edward, master sergeant, [redacted] May 18, 1933.

White, James Blair, major [redacted], March 14, 1942.

Whitford, Lawrence W., Jr., colonel, [redacted] June 9, 1929.

Whitmire, Warren Taylor, Jr., chief warrant officer, [redacted] December 2, 1945.

Widdis, James Wesley, Jr., captain, [redacted] July 3, 1939.

Widner, Danny Lee, staff sergeant, [redacted] June 24, 1942.

Wiggins, Wallace Luttrell, captain, [redacted] December 10, 1943.

Wilburn, Woodrow Hoover, colonel, [redacted] June 16, 1917.

Wiles, Marvin Benjamin, chairman, lieutenant, [redacted], December 10, 1943.

Wilke, Robert Frederick, colonel [redacted], September 14, 1925.

Wilkins, George Henry, commander [redacted], July 14, 1931.

Wilkinson, Dennis Edward, captain, [redacted] July 23, 1944.

Willett, Robert Vincent, Jr., captain, [redacted] August 5, 1944.

Williams, Billie Joe, major, [redacted] June 27, 1932.

Wiliams, David Beryl, captain [redacted], August 6, 1941.

Wililams, David Richard, colonel [redacted], July 8, 1929.

Wiliams, Eddie Lee, master sergeant, [redacted] February 10, 1935.

Williams, Edward Wayne, Sergeant, [redacted] September 13, 1950.

Williams, Howard Keith, major [redacted], October 25, 1936.

Williams, James Ellis, master sergeant, [redacted] October 24, 1939.

Williams, James Randall, master sergeant, [redacted] March 28, 1945.

Williams, Robert John, captain [redacted], September 17, 1943.

Williams, Roy Charles, staff sergeant, [redacted] June 3, 1947.

Wiliamson, Don Ira, lieutenant colonel, [redacted] December 1, 1930.

Williamson, James D., staff sergeant, [redacted] September 24, 1942.

Willing, Edward Arle, sergeant, [redacted], August 28, 1949.

Wilson, Gordon Scott, captain [redacted], June 3, 1940.

Wilson, Mickey Allen, warrant officer, [redacted], April 28, 1948.

Wilson, Peter Joe, sergeant first class, [redacted] August 23, 1938.

Wilson, Robert Allan, captain [redacted], January 18, 1944.

Wilson, Roger Eugene, captain [redacted], June 30, 1947.

Wilson, Wayne Vaster, sergeant, [redacted], October 4, 1945.

Wimbrow, Nutter Jerome, III, captain, [redacted], March 12, 1939.

Winningham, John Quitman, technical sergeant, [redacted], September 15, 1944.

Winston, Charles C., III, captain [redacted], March 10, 1938.

Winters, David Marshall, staff sergeant, [redacted] October 18, 1948.

Wistrand, Robert Carl, lieutenant colonel, [redacted] August 12, 1930.

Wogan, William Michael, staff sergeant, [redacted] October 15, 1947.

Wolfkeil, Wayne Benjamin, lieutenant colonel, [redacted] March 7, 1932.

Woloszyk, Donald Joseph, lieutenant commander, [redacted] January 19, 1947.

Wong, Edward Puck Kow, Jr., specialist 5, [redacted] February 25, 1953.

Wood, Don Charles, lieutenant colonel, [redacted] November 11, 1929.

Wood, Patrick Hardy, lieutenant colonel, [redacted] January 23, 1931.

Wood, William Commodore, Jr., captain, [redacted] January 3, 1943.

Worcester, John Bowers, lieutenant commander, [redacted] April 23, 1941.

Worrell, Paul Laurance, lieutenant [redacted], April 18, 1942.

Worth, James Frederick, corporal, [redacted] December 11, 1951.

Wortham, Murray Lamar, captain, [redacted], May 26, 1943.

Wozniak, Frederick Joseph, captain, [redacted] June 11, 1941.

Wright, Arthur, specialist 4 [redacted], February 17, 1936.

Wright, Donald Lee, master sergeant, [redacted] July 2, 1938.

Wright, Gary Gene, colonel [redacted], November 20, 1930.

Wright, James Joseph, lieutenant commander, [redacted], May 7, 1939.

Wright, Jerdy Albert, Jr., lieutenant colonel, [redacted] December 21, 1935.

Wright, Thomas Thawson, major, [redacted] October 2, 1934.

Wrobleski, Walter Francis, chief warrant officer, [redacted] August 28, 1945.

Wrye, Blair Charlton, lieutenant colonel, [redacted] May 23, 1929.

Wynne, Patrick Edward, captain [redacted], October 8, 1941.

Yarbrough, William P., Jr., commander, [redacted] May 25, 1923.

Yonan, Kenneth Joseph, captain, [redacted] July 18, 1947.

Young, Barclay Bingham, captain, [redacted] August 6, 1938.

Young, Charles Luther, staff sergeant, [redacted] April 4, 1946.

Young, Robert Milton, captain [redacted], January 17, 1945.

Zawtocki, Joseph S., Jr., sergeant [redacted], May 16, 1946.

Zich, Larry Alfred, chief warrant officer, [redacted] April 3, 1948.

Zook, David Hartzler, Jr., lieutenant colonel, [redacted] January 22, 1930.

Zook, Harold Jacob, captain, [redacted], October 21, 1940.

Zubke, Deland Dwight, specialist 5, [redacted] October 28, 1951.

Zukowski, Robert John, captain [redacted], October 30, 1943.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. EDWARDS of California (at the request of Mr. MCFALL), for today, on account of illness in family.

Mr. EILBERG (at the request of Mr. MCFALL), for today through Thursday, May 24, on account of official business.

Mr. MILLS of Arkansas (at the request of Mr. MCFALL), from Monday, May 21, through Thursday, May 24, on account of official business.

Mr. SATTERFIELD, from 1:30 p.m., May 22, through May 24, 1973, on account of official business.

Mr. CAREY of New York (at the request of Mr. MCFALL), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DENNIS, for 60 minutes, Wednesday, May 23, to revise and extend his remarks and include extraneous material.

Mr. ROUSSELOT, for 60 minutes, Wednesday, May 23, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mrs. HOLT) to revise and extend their remarks and include extraneous materials:)

Mr. HOGAN, for 60 minutes, today.

Mr. SAYLOR, for 30 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. YOUNG of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. O'NEILL, for 10 minutes, today.

Mr. FRASER, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. GUNTER, for 5 minutes, today.

Mr. FUQUA, for 15 minutes, today.

Mr. ADDABBO, for 15 minutes today.

Mr. PEPPER, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

Mr. ASHBROOK and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $552.50.

Mr. HARSHA, immediately following the remarks of Mr. HARVEY during general debate in the Committee of the Whole today.

Mr. PRICE of Texas, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $892.50.

(The following Members (at the request of Mrs. HOLT) and to include extraneous material:)

Mr. YOUNG of Alaska in two instances.

Mr. TREEN in two instances.

Mr. FREY in two instances.

Mr. WYMAN in two instances.

Mr. DUNCAN in two instances.

Mr. ZWACH.

Mr. MILLER in six instances.

Mr. QUIE.

Mr. HOGAN in three instances.

Mr. DERWINSKI in three instances.

Mr. HUDNUT in two instances.

Mr. HOSMER in two instances.

Mr. GROSS.

Mr. WIDNALL in two instances.

Mr. BAKER.

Mr. THONE.

Mr. BOB WILSON.

Mr. COHEN.

Mr. KEMP in two instances.

Mr. BUCHANAN.

(The following Members (at the request of Mr. YOUNG of Georgia), and to include extraneous matter:)

Mr. SARBANES in five instances.

Mr. GONZALEZ in three instances.

Mr. ALEXANDER in five instances.

Mr. STUCKEY in five instances.

Mr. LEHMAN in 10 instances.

Mr. RARICK in three instances.

Mr. THOMPSON of New Jersey.

Mr. CLARK in two instances.

Mr. MCCORMACK in three instances.

Mr. RIEGLE in three instances.

Mr. FUQUA in two instances.

Mr. ROY.

Mr. ROE in three instances.

Mr. MEEDS.

Mr. WALDIE in six instances.

Mr. DANIELSON in five instances.

Mr. WOLFF in three instances.

Mr. BOLLING in two instances.

Mr. DELANEY in two instances.

Mr. COTTER in 10 instances.
Mr. ADDABBO.
Mr. MAZZOLI.
Mr. MINISH.
Mr. MAHON.

(The following Members (at the request of Mr. PERKINS) and to revise and extend their remarks:)

Mr. RANGEL in 10 instances.
Mr. RODINO.
Miss JORDAN in two instances.
Mr. GAYDOS in 10 instances.
Mr. ANNUNZIO in two instances.
Mr. YATES in two instances.
Mr. JAMES V. STANTON.

## SENATE BILL REFERRED

A bill of the Senate of the following title is taken from the Speaker's table and, under the rule, referred as follows:

S. 1773. An act to amend section 7305 of title 10, United States Code, relating to the sale of vessels stricken from the Naval Vessel Register; to the Committee on Armed Services.

## ADJOURNMENT

Mr. PERKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 23, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

941. A letter from the Secretary of Defense, transmitting, the Annual Report of the Defense Civil Preparedness Agency for 1972 covering civil defense functions assigned to the Secretary of Defense, pursuant to section 406 of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

942. A letter from the Chairman of the Board Governors, Federal Reserve System, transmitting the 59th Annual Report of the Board of Governors, covering calendar year 1972, pursuant to section 10 of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

943. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Stadium Act of 1957 to provide for a sharing of the financial obligations of such stadium, and for other purposes; to the Committee on the District of Columbia.

944. A letter from the Commissioner of the District of Columbia, transmitting the second progress report of action by District of Columbia public agencies on the recommendations of the Commission on the Organization of the Government of the District of Columbia, in response to the request in the final report of the Nelsen Commission; to the Committee on the District of Columbia.

945. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting the sixth annual report on progress in the establishment and operation of the National Technical Institute for the Deaf, pursuant to section 5(b) (3) of Public Law 89–36; to the Committee on Education and Labor.

946. A letter from the U.S. Commissioner of Education-designate, Department of Health, Education, and Welfare, transmitting the third annual report on the condition of education in the United States and on the activities of the Office of Education in fiscal year 1972, pursuant to section 412 of Public Law 90–247, together with (1) a report on advisory committees and councils, pursuant to section 438 of the act, (2) the catalog of Federal Education Assistance programs, pursuant to section 413, and (3) the annual reports of seven advisory committees and councils, pursuant to section 443; to the Committee on Education and Labor.

947. A letter from the Senior Commissioner, Securities and Exchange Commission, transmitting the second Annual Report of the Securities Investor Protection Corporation, covering calendar year 1972, pursuant to section 7(c) (2) of the Securities Investor Protection Act of 1970; to the Committee on Interstate and Foreign Commerce.

948. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes; to the Committee on Foreign Affairs.

949. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to enable the United States to contribute its share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the Protocol concerning the said Commission to the Agreement on Ending the War and Restoring Peace in Vietnam; to the Committee on Foreign Affairs.

950. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of April 1973, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated by route and by railroad, pursuant to section 308(a) (2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

951. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, together with a copy of the Convention; to the Committee on the Judiciary.

952. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to increase the amount authorized to be expended to provide facilities along the border for the enforcement of the customs and immigration laws; to the Committee on Public Works.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 405. Resolution providing for the consideration of H.R. 5857. A bill to amend the National Visitor Center Facilities Act of 1968, and for other purposes; (Rept. No. 93–216). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 406. Resolution providing for the consideration of H.R. 5858. A bill authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; (Rept. No. 93–217). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 407. Resolution providing for the consideration of 6830. A bill to amend Public Law 90–553 authorizing an additional appropriation for an International Center for Foreign Chanceries; (Rept. No. 93–218). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 408. Resolution providing for the consideration of H.R. 6912. A bill to amend the Par Value Modification Act, and for other purposes; (Rept. No. 93–219). Referred to the House calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 409. Resolution providing for the consideration of H.R. 7528. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; (Rept. No. 93–220). Referred to the House Calendar.

Mr. HOLIFIELD: Committee on Government Operations. Report on Executive Classification of information—Security classification problems involving exemption (b) (1) of the Freedom of Information Act (5 U.S.C. 552); (Rept. No. 92–221). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 7992. A bill to amend title 10 of the United States Code in order to provide former members and their dependents medical and dental care in uniformed services facilities during the 60-day period after discharge or separation and to make such persons eligible for post exchange and commissary privileges during such 60-day period; to the Committee on Armed Services.

H.R. 7993. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself and Mr. KYROS):

H.R. 7994. A bill to increase the subsistence payments to students at the State marine schools; to the Committee on Merchant Marine and Fisheries.

By Mr. BRASCO:

H.R. 7995. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7996. A bill to amend title II of the Social Security Act to provide a 35-percent benefit increase with a $150 minimum, to improve the computation of benefits and eligibility therefor, to provide for payment of widow's and widower's benefits in full at age 50 without regard to disability, to raise the earnings base, to eliminate the actuarial reduction and lower the age of entitlement, to provide optional coverage for Federal employees, and to eliminate the retirement test; to amend title XVIII of such act to reduce to 60 the age of entitlement to medicare benefits and liberalize coverage of the disabled without regard to age, to provide coverage for certain governmental employees, to include qualified prescription drugs and free annual physical examinations under the supplementary medical benefits program, and to eliminate monthly premiums under such program for those whose gross annual income is below $4,800; and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 7997. A bill to amend title 5, United States Code, to provide special assistance and benefits to Federal employees involuntarily separated through reductions in force, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHAMBERLAIN (for himself, Mr. Brown of Michigan, Mr. Esch, and Mr. Vander Jagt):

H.R. 7998. A bill to provide for the establishment of the National Professions Foundation to promote progress in the professions, and for other purposes; to the Committee on Education and Labor.

By Mr. McCORMACK:

H.R. 7999. A bill to extend Migrant Health Act and increase appropriation; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 8000. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. de la GARZA:

H.R. 8001. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training; to the Committee on Education and Labor.

H.R. 8002. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. DORN (by request):

H.R. 8003. A bill to amend title 38, United States Code, to provide an earlier effective date for payment of pension to veterans; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 8004. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRASER (for himself, Mr. Diggs, Mr. Badillo, Mr. Fauntroy, Mr. Hawkins, Mr. Bell, Mr. Brown of California, Mr. Brasco, Mr. Green of Pennsylvania, Mr. Metcalfe, Mr. Hungate, Mr. Dellums, Mrs. Mink, Mr. Horton, Ms. Abzug, Mr. Robison of New York, Mr. Dulski, Mr. Pepper, Mr. Lehman, Mr. Preyer, Mr. Mitchell of Maryland, Mr. Meeds, Mr. Mosher, Mr. Won Pat, and Mrs. Chisholm):

H.R. 8005. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Diggs, Mr. Stark, Mr. Edwards of California, Mr. Biester, Mr. Kastenmeier, Mr. Gude, Mr. Drinan, Mr. Clay, Mr. Conyers, Mr. Rangel, Mr. Aspin, Mr. Seiberling, Mr. Tiernan, Mr. McCloskey, Mr. Stokes, Mr. Dellenback, Mr. Frenzel, Mr. Thompson of New Jersey, and Ms. Jordan):

H.R. 8006. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Diggs, Mr. Mailliard, Mr. Frelinghuysen, Mr. Fascell, Mr. Nix, Mr. Findley, Mr. Rosenthal, Mr. Culver, Mr. Hamilton, Mr. Wolff, Mr. Bingham, Mr. Whalen, Mr. Reid, Mr. Harrington, Mr. Ryan, and Mr. Riegle):

H.R. 8007. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. FULTON:

H.R. 8008. A bill to amend the Public Health Service Act to establish a national program of health research fellowships and traineeships to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8009. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

H.R. 8010. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 8011. A bill to amend section 1903 of the Social Security Act to remove limits on payments for skilled nursing homes and intermediate care facilities; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 8012. A bill to amend the Surplus Property Act of 1944 to allow the Administrator of General Services to convey or dispose of to any State, political subdivision, municipality, or public district, without monetary consideration to the U.S. surplus real or personal property which is essential, suitable, or desirable for the development, improvement, operation, maintenance, or use of a public port; to the Committee on Government Operations.

By Mr. GROVER:

H.R. 8013. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 8014. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

By Mr. GUNTER:

H.R. 8015. A bill to name the recently completed Federal office building in West Palm Beach, Fla., the Paul G. Rogers Federal Building; to the Committee on Public Works.

By Mr. HANRAHAN:

H.R. 8016. A bill to provide to members of the armed forces and Federal employees who were in a missing status for any period during the Vietnam conflict double credit for such period for retirement purposes and certain additional pay and allowances, to provide such members certain medical benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS (for himself, Mr. Kuykendall, and Mr. Bergland):

H.R. 8017. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. Bergland, Mr. Brasco, Mr. Broyhill of North Carolina, Mrs. Burke of California, Mr. Cleveland, Mr. Diggs, Mr. Duncan, Mr. Esch, Mr. Fauntroy, Mr. Findley, Mrs. Grasso, Mr. Green of Pennsylvania, Mr. Gunter, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Helstoski, Mr. Hinshaw, Mr. Keating, Mr. Madigan, Mr. Matsunaga, Mr. Metcalfe, Mr. Mollohan, and Mr. Nix):

H.R. 8018. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. HEINZ (for himself, Mr. O'Brien, Mr. Pepper, Mr. Preyer, Mr. Quie, Mr. Regula, Mr. Rhodes, Mr. Rodino, Mr. Roybal, Mr. Ruppe, Mrs. Schroeder, Mr. Stephens, Mr. Stokes, Mr. Symington, Mr. Talcott, Mr. Thompson of New Jersey, Mr. Thornton, Mr. Tiernan, Mr. Whalen, Mr. Bob Wilson, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Gonzalez):

H.R. 8019. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. HEINZ (for himself, Mr. Rogers, Mr. Rinaldo, Mr. Cronin, and Mr. Eilberg):

H.R. 8020. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Ms. HOLTZMAN:

H.R. 8021. A bill to amend the Omnibus Safe Streets Act to aid the national effort to control crime and improve the administration of criminal justice; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 8022. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Rolla, Mo., for airport purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD (for himself, Mr. Preyer, Mr. Davis of South Carolina, Mr. Ashbrook, Mr. Zion, and Mr. Guyer):

H.R. 8023. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

By Mr. KOCH (for himself, Mr. Brown of California, Mrs. Burke of California, Mr. de Lugo, Mr. Dorn, Mr. Fascell, Mr. Frenzel, Mr. Fulton, Mrs. Grasso, Mr. Kyros, Mr. Leggett, Mr. Melcher, Mr. Metcalfe, Mr. Nix, Mr. Owens, Mr. Reid, Mr. Riegle, Mr. Roncallo of New York, Mr. Rooney of Pennsylvania, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Stark, and Mr. Fraser):

H.R. 8024. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. McCORMACK:

H.R. 8025. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 8026. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8027. A bill to amend title 38 of the United States Code to make the children of certain veterans having a service-connected disability rated at not less than 50 percent eligible for benefits under the war orphans' educational assistance program; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA (for himself, Mr. Carney of Ohio, Mr. Edwards of California, Mr. Harrington, Mr. Hawkins, Mr. Leggett, Mr. Madigan, Mr. Melcher, Mr. Moakley, Mr. Moss, Mr. Nix, Mr. Podell, Mr. Roy, Mr. Whitehurst, and Mr. Won Pat):

H.R. 8028. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MEEDS:

H.R. 8029. A bill to provide for the distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the court of claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MITCHELL of Maryland:

H.R. 8030. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. MIZELL:

H.R. 8031. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 8032. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 8033. A bill to amend the Federal Property and Administrative Services Act of 1949, to allow certain child-care institutions to be eligible for donations of surplus property from the Administrator of General Services; to the Committee on Government Operations.

By Mr. RIEGLE:

H.R. 8034. A bill Forest Products Export Management Act of 1973; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 8035. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8036. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 8037. A bill to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped; to the Committee on Government Operations.

H.R. 8038. A bill to incorporate the Italian American War Veterans of the United States, Inc., to the Committee on the Judiciary.

By Mr. SISK:

H.R. 8039. A bill to provide that a percentage of increases in national allotments or quotas for agricultural commodities be apportioned among certain qualified individuals; to the Committee on Agriculture.

By Mr. THONE:

H.R. 8040. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 8041. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WRIGHT:

H.R. 8042. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 8043. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 8044. A bill to amend title 39, United States Code, to maintain and extend rural mail delivery service; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI:

H.R. 8045. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. BRINKLEY:

H.R. 8046. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. CARNEY of Ohio:

H.R. 8047. A bill to provide that compensation received by a veteran for service-connected wartime disability shall not be taken into account in determining his eligibility for Federal housing assistance or the amount or extent of such assistance; to the Committee on Banking and Currency.

H.R. 8048. A bill to provide preference to certain disabled veterans in the purchase of certain Government-owned vehicles; to the Committee on Government Operations.

H.R. 8049. A bill to amend title 38, United States Code, to increase the limitations with respect to direct loans to veterans from $21,000 to $25,000; to the Committee on Veterans' Affairs.

H.R. 8050. A bill to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing to additional group of severely disabled veterans; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Georgia:

H.R. 8051. A bill to prohibit economic assistance to North Vietnam; to the Committee on Foreign Affairs.

By Mr. DENHOLM:

H.R. 8052. A bill to provide for the continued sale of gasoline to independent retail marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT (for himself, Mr. Burton, Mr. Gaydos, Mr. Morgan, and Mr. O'Hara):

H.R. 8053. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service; to the Committee on House Administration.

By Mr. DUNCAN (for himself, Mr. Baker, Mr. Evins of Tennessee, Mr. Fulton, and Mr. Jones of Tennessee):

H.R. 8054. A bill to require that an increase made by the Tennessee Valley Authority in its rates for power be made on the basis of proceedings which give an opportunity for oral hearings; to the Committee on Public Works.

By Mr. GUNTER:

H.R. 8055. A bill to prohibit the importation into the United States of meat or meat products from livestock slaughtered or handled in connection with slaughter by other than humane methods; to the Committee on Agriculture.

By Mr. McSPADDEN (for himself, Mr. Jones of Oklahoma, Mr. Jarman, Mr. Steed, Mr. Hammerschmidt, Mr. Thornton, and Mr. Camp):

H.R. 8056. A bill to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 8057. A bill to provide for access to all duly licensed providers of health services without prior referral in the Federal Employee Health Benefits program; to the Committee on Post Office and Civil Service.

By Mr. BURTON (for himself, Mr. Perkins, Mr. Thompson of New Jersey, Mr. Dent, Mr. Dominick V. Daniels, Mr. Brademas, Mr. O'Hara, Mr. Hawkins, Mr. William D. Ford, Ms. Mink, Mr. Meeds, Mr. Gaydos, Mr. Clay, Ms. Chisholm, Mr. Biaggi, Ms. Grasso, Mr. Mazzoli, Mr. Badillo, Mr. Lehman, Mr. Benitez, Mr. Bell, Mr. Towell of Nevada, Mr. Anderson of California, Mr. Charles H. Wilson of California, and Ms. Burke of California):

H.R. 8058. A bill to require contractors of departments and agencies of the United States engaged in the production of motion picture films to pay prevailing wages; to the Committee on Education and Labor.

By Mr. ANNUNZIO:

H.J. Res. 566. Joint resolution providing for the orderly review of fee-paid oil import licenses; to the Committee on Ways and Means.

By Mr. NIX (for himself, Mr. Addabbo, Mr. Aspin, Mr. Badillo, Mr. Bingham, Mrs. Chisholm, Mr. Conyers, Mr. Diggs, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Fraser, Mr. Green of Pennsylvania, and Mr. Harrington):

H.J. Res. 567. Joint resolution to end the bombing in Cambodia and Laos; to the Committee on Foreign Affairs.

By Mr. NIX (for himself, Mr. Hawkins, Mr. Leggett, Mr. Long of Maryland, Mr. Moakley, Mr. Moss, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Ryan, Mrs. Schroeder, Mr. Seiberling, and Mr. Wolff):

H.J. Res. 568. Joint resolution to end the bombing in Cambodia and Laos; to the Committee on Foreign Affairs.

By Mr. ROE:

H.J. Res. 569. Joint resolution authorizing the President to proclaim June 3, 1973, as National MIA-POW Day; to the Committee on the Judiciary.

By Mr. ICHORD:

H. Con. Res. 219. Concurrent resolution providing for additional copies of "The Federal Civilian Employee Loyalty Program," House Report No. 92-1637, 92d Congress, second session; to the Committee on House Administration.

By Mr. KYROS (for himself, Ms. ABZUG, Mr. BERGLAND, Mr. CORMAN, Mr. DANIELSON, Mr. DELLUMS, Mr. DRINAN, Mr. EDWARDS of California, Mr. GAYDOS, Mr. GUNTER, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MILFORD, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. SANDMAN, Mr. SARBANES, Mrs. SCHROEDER, Mr. STUDDS, and Mr. TIERNAN):

H. Con. Res. 220. Concurrent resolution expressing the sense of Congress that the contingent of U.S. troops stationed in Europe be substantially reduced; to the Committee on Foreign Affairs.

By Mr. BEVILL:

H. Res. 410. Resolution to declare U.S. sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII,

221. The SPEAKER presented a memorial of the Legislature of the State of Rhode Island and Providence Plantations, relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 8059. A bill for the relief of Pritchard Pharmaceutical Products, Inc., to the Committee on the Judiciary.

H.R. 8060. A bill for the relief of Dr. Reinaldo A. Olaechea; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 8061. A bill for the relief of Norman Yazzie; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Earl R. Botts, Long Beach, Calif., relative to American servicemen missing in action in Indochina; to the Committee on Foreign Affairs.

220. Also, petition of Emma Jane Wyche, Washington, D.C., relative to redress of grievances; to the Committee on the Judiciary.

221. Also, petition of D. R. Duling, Richmond, Va., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## KAISER ALUMINUM—RAVENSWOOD, WEST VIRGINIA'S GOOD NEIGHBOR

## HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 22, 1973*

Mr. RANDOLPH. Mr. President, early this morning a group of business leaders from throughout the United States gathered in Ravenswood, W. Va., and, among other duties, agreed to turn over to the Jackson County Court 200 acres of land for a county airport. These men are members of the board of directors of Kaiser Aluminum & Chemical Corp. which owns and operates the large Ravenswood Works, located in a mostly rural county on the great bend of the Ohio River.

Giving the airport land is yet another milestone in the community involvement which Kaiser Aluminum has demonstrated over its nearly 20-year history in our State.

Long before it became fashionable to refer to a corporation's social conscience or to measure its social responsibility, Kaiser Aluminum had attempted to live the role of a responsible community participant. The record of Kaiser in Jackson is indeed impressive. It includes the building and presenting to the community of two major schools, the underwriting of the financing for another and the contribution of a major wing to a fourth. Also, the company joined citizens in providing educational funds for the underwriting of salaries for new teachers during a period of several years.

Kaiser Aluminum underwrote planning studies which were used as basis for town planning and zoning. It also has arranged and assisted in the development of recreational facilities, a new sewage facility as well as improvements to libraries.

Additionally, this civic minded company has provided a staff for the Jackson County Improvement Association, which has spearheaded many of these developments I have discussed.

However, as impressive these external community efforts may be, perhaps Kaiser Aluminum's greatest contribution to the citizens of Jackson County has been to the health and welfare of its own employees. It is significant that at today's lunch, the fabrication plant of the Ravenswood Works will receive the Kaiser Cup, the corporation's top award for industrial safety. It has been honored with this safety award for 6 consecutive years. Behind this outstanding record is the plant's recognition that concern for safety involves everyone's effort with the reward being happy families and an injury-free work environment, as well as the satisfaction of doing a job wisely and productively.

The fabrication plant had an accident frequency rate of 2.32 in 1972, representing 10 lost-time accidents. The average U.S. plant in the nonferrous metal industry of comparable size had some 74 lost-time accidents. Over the 6-year period that the fabrication plant has won this award, it is noteworthy to point out that it has suffered only 35 lost-time accidents while the average plant of comparable size lost 423. Seven of the major departments had no disabling injuries last year and some have gone as long as 10½ years without a disabling injury.

Another contribution of Kaiser Aluminum's Ravenswood Works is its marked improvement over the year in productivity. In the case of a fabrication plant, one gage of success is its recovery rate—that percentage of metal shipped out the door as a finished product from the original ingot which started at the beginning of the manufacturing process. The more scrap, the lower the recovery rate and thus the lower the profits. In the early days, a 50-percent recovery rate was average. Today, however, it is closer to 70 percent and at the same time Ravenswood Works is breaking every performance record. In March, the plant produced more than 45 million pounds of sheet, plate, and foil.

Many economic gains flow from this facility to the citizens of Jackson County. In the company's year-end summary, it is noted that the company had 3,250 employees with an annual payroll of over $50 million. It contributed $1.7 million in State and local taxes.

Kaiser Aluminum from its vast Ravenswood Works competes in the world aluminum market with producers from Canada, France, Great Britain and countries in Eastern Europe.

Today, as citizens from West Virginia and officials from Kaiser meet and renew their successful partnership, I salute the Ravenswood Works for its fine record and for the many contributions it has made for a better life for all.

## REV. JOHN F. GRUSS

## HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. JAMES V. STANTON. Mr. Speaker, I wish to call to the attention of the Congress the work of one of Cleveland's most esteemed spiritual leaders, the Reverend John F. Gruss. Father Gruss' tireless contributions and dedication to his community have made him a source of pride to his city and to his many parishioners. A true humanitarian, Father Gruss, as noted in the following article, has recently been honored upon the occasion of his 40th anniversary of his ordination into the priesthood. I join with my fellow Clevelanders in extending Father Gruss my best wishes on this occasion and the hope that he will have many continued years of service to his community:

### ST. MICHAEL'S GRUSS TO BE HONORED FOR 40 YEARS IN PRIESTHOOD

Father John F. Gruss, the fifth pastor of St. Michael's Church, 3114 Scranton, will be honored at a testimonial dinner in the Parish Hall on Sunday, May 20. Father Gruss recently celebrated his 40th anniversary of ordination in the priesthood.

Gruss was born on Cleveland's West Side and lived on Vega for a while before his family settled in the St. Boniface Parish, where he attended school.

Gruss became pastor of St. Michael's during a critical period in their history, as many of their families were relocated due to the construction of I-71, I-90, Metro General Hospital, and Lincoln-West High School.

An attempt was made to restore St. Michael's school, but the dwinding parish finances made this attempt unfeasible, and so Gruss negotiated the school's transfer to Central Catholic and the resultant half million dollar improvement to the facilities.

Gruss was responsible for the construction of the St. Michael's Hall, an improvement to the entire neighborhood.

St. Michael parishioners will be taking time out to honor Gruss on May 20th.

## THE SPACE SHUTTLE

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Ms. ABZUG. Mr. Speaker, when the House considers the NASA authorization bill tomorrow, I shall offer an amendment to delete all funding for the space shuttle.

For fiscal 1972, we appropriated $100 million for "research and development" on the shuttle. We were told that this was just to see whether development is feasible and that any actual development would have to wait for the results of studies. A like explanation was offered when we appropriated $200 million for research and development for fiscal 1973.

Now—with no final report on its feasibility—the shuttle is presented to us as a full-blown, full-scale project. NASA notes that it is no longer to be included in "space flight operations" in the authorization legislation, but has earned its own separate line. It is budgeted at nearly $600 million for fiscal 1974—no longer for research and development, but for actual construction—and two further spinoffs are now under consideration.

Neither justification for this project nor evidence of its feasibility has yet been advanced. Each day, the administration demands new cutbacks in our expenditures for pressing domestic needs. Now is not the time to go forward with this project, which will cost up to $20 billion dollars before it is completed.

Mr. Speaker, in compliance with the requirements of clause 6 of rule XXIII, I include the text of my amendments at this point in the RECORD:

H.R. 7528: AMENDMENTS OFFERED BY MS. ABZUG

Page 1, line 8, strike out all of paragraph (2) and redesignate the succeeding paragraphs accordingly.

Page 3, line 15 through page 4, line 13, strike out all of paragraph (12) and redesignate the succeeding paragraphs accordingly.

Page 15, after line 22, add the following new section:

"SEC. 10. No amount appropriated pursuant to this Act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle or facilities therefor."

## TRINITY COLLEGE CELEBRATES ITS 150TH ANNIVERSARY

### HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. COTTER. Mr. Speaker, Trinity College in Hartford, Conn., has recently celebrated its 150th anniversary. In that century and a half, Trinity has provided thousands of young men—and most recently, young women—an excellent liberal arts education. I know, because I am proud to count myself as an alumnus of this fine college.

The Hartford Times took this occasion to editorialize not only on Trinity's contributions, but also on the future of private higher education in America. I think this editorial published in the May 15 edition is worth reading. I am also including an article from the Hartford Courant which I think describes quite well the special feeling the people of Hartford have for Trinity and the dedicated people who work there:

TRINITY'S NEXT 150 YEARS

The celebration this week of the 150th anniversary of Trinity College is an apt reminder of the importance of private colleges in maintaining the impetus of quality and leadership in American higher education.

Connecticut has been especially well-endowed with private colleges.

Despite the head start and growth of the private sector, however, the public sector has grown more rapidly. Therein lies a problem for which there are no ready solutions.

Even with the new tuition scale at Connecticut's state institutions and the long-existing schedule of fees and living costs at those state schools, it remains far more expensive to attend private schools: $4,400 at Trinity next year.

And as lower-cost public education becomes more readily available, it becomes harder for a student of marginal means to opt for a private college.

The education obtained there may not necessarily be better than at a public college, although the margin of excellence in many fields remains noticeable.

Part of the margin, however, has traditionally been found in the student body itself: The ability of the private college to be selective, and thereby to assure a more challenging peer group for the serious student. As we near the point at which only one in five college students in Connecticut is enrolled in a private college, the superiority of the peer group is not so easily maintained.

There is, instead, the danger that the private college will draw its enrollment increasingly from two groups: Those whose families can afford private tuition—regardless of ability—and those who qualify academically but need heavy scholarship support. The broad middle ground of students, measured by both means and ability, could dwindle from the private campuses.

But we need those private colleges, like Trinity, and we need them to be reflections of the broader society just as much as are the public institutions.

The private campus represents more than just a standard of excellence by which public education can be measured, although that is important. It also represents greater flexibility to test new programs; greater freedom for academic inquiry; a better cross-section of the rest of the United States, attracting students from all over the country.

Can this crucial role be sustained and enhanced in the decade ahead? Can Trinity College, as it begins its 151st year, find the continued vitality to serve the public weal through private education?

It can; indeed, it must. But it may require new legislative thinking, notably in determining the level of state support for such private institutions or for their students.

Connecticut has made a beginning; a complicated formula now provides private colleges a modest payment—still only a fraction of the true cost—for state students who need scholarship assistance. But the current program is only a beginning, and a timid one compared to neighboring New York's "Regent scholarship" program for vast numbers of students in either public or private college.

It is important to the entire society that private colleges serve us as well for the next 150 years as Trinity has for the past 150. There is work to be done.

OLD FRIEND OF TRINITY HONORED FOR SERVICE

A Hartford woman who worked for 42 years at Trinity College has been honored by the city of Hartford for her "faithful and dedicated service to the student body, faculty and administrators" of the college.

Mrs. Sere Johnson, 73, of 110 Arnold St., not only has served the students and administrators at the college, but she also knew some of the administrators when they were students—including Dr. Theodore D. Lockwood, now president of Trinity.

Dr. Lockwood, a 1948 graduate of Trinity, worked for Mrs. Johnson in the food service there and remembers her as the sort of person "who was a tremendous friend of the students."

"She was the sort of person who was always around when you needed her," he said. "All the students liked her—then and now."

Mrs. Johnson came to Trinity in 1932 during the depression to assist her mother-in-law, who was a maid at the school. When her mother-in-law retired, she asked for the job but was told she was too young.

"I'm a married woman," she reportedly replied. "I want a steady job."

She got her "steady job," all right . . . 42 years worth of steady.

For years, she was in charge of "The Cave," Trinity's student union and cafeteria. She was present at the dedication of the new "Cave" in 1961, a more spacious and better equipped facility than the old cafe.

In recent years, she worked four hours a day at the faculty and staff dining hall, tending the cash box, but this year, at the age of 73, she decided it was time to retire.

She was presented with the certificate from the city of Hartford by her one time employe, Dr. Lockwood, at her retirement party May 4.

Now, she says, she gets up in the morning, does her housework and then putters in her garden. "And if I feel like sitting, I just sit," she laughed.

She remembers the old days with some nostalga but is content to be retired, to work on her spacious garden and to visit her children in Newington and Hartford.

## DICKINSON QUESTIONNAIRE RESULTS MADE KNOWN TO CONGRESS

### HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. DICKINSON. Mr. Speaker, every year since I have been in Congress I have asked the people of my district, the Second District of Alabama, for their opinions on important issues facing the Congress.

This year was no exception and I am proud to report that over 23,000 persons responded to my ninth annual questionnaire.

I believe the Congress will find the answers and opinions of my constituents most interesting and revealing. Therefore, I would like to place a copy of the results of my latest questionnaire in the RECORD at this point.

The results of the questionnaire follow:

[In percent]

| | Him | Her | Total |
|---|---|---|---|
| 1. According to the recently signed peace agreement the United States agreed to contribute to the postwar reconstruction of North Vietnam. Do you agree with this provision? | | | |
| Yes | 7 | 3 | 10 |
| No | 48 | 37 | 85 |
| Undecided | 3 | 2 | 5 |
| 2. Should executive clemency be granted deserters or draft evaders if alternate public service were made conditional? | | | |
| Yes | 5 | 7 | 12 |
| No | 49 | 35 | 84 |
| Undecided | 2 | 2 | 4 |
| 3. Do you favor further economic and cultural trade with China and Russia? | | | |
| Yes | 40 | 26 | 66 |
| No | 10 | 11 | 21 |
| Undecided | 7 | 6 | 13 |

| | Him | Her | Total |
|---|---|---|---|
| 4. President Nixon has lifted mandatory wage and price controls except on food, health care, and construction and has substituted voluntary controls. Do you agree with his actions? | | | |
| Yes | 20 | 14 | 34 |
| No | 31 | 23 | 54 |
| Undecided | 7 | 5 | 12 |
| 5. Do you support the administration's efforts to lower Federal spending through freezing of funds appropriated by Congress? | | | |
| Yes | 38 | 24 | 62 |
| No | 16 | 12 | 28 |
| Undecided | 5 | 5 | 10 |

6. Federal spending involves your tax dollars. Should we spend more, less, or the same on the following:

| | Him | | | Her | | | Total | | |
|---|---|---|---|---|---|---|---|---|---|
| | More | Less | Same | More | Less | Same | More | Less | Same |
| Defense | 17 | 17 | 25 | 9 | 13 | 19 | 26 | 30 | 44 |
| Education | 25 | 13 | 21 | 17 | 8 | 16 | 42 | 21 | 37 |
| Space program | 7 | 38 | 14 | 3 | 26 | 12 | 10 | 64 | 26 |
| Crime control and prevention | 40 | 4 | 11 | 27 | 10 | 8 | 67 | 14 | 19 |
| Foreign aid | 1 | 53 | 4 | 1 | 37 | 4 | 2 | 90 | 8 |
| Pollution control | 23 | 13 | 23 | 17 | 9 | 15 | 40 | 22 | 38 |

| | Him | | | Her | | | Total | | |
|---|---|---|---|---|---|---|---|---|---|
| | More | Less | Same | More | Less | Same | More | Less | Same |
| Aid to U.N | 1 | 49 | 8 | 1 | 33 | 8 | 2 | 82 | 16 |
| Mass transportation | 21 | 19 | 18 | 13 | 15 | 14 | 34 | 34 | 32 |
| Consumer protection | 27 | 10 | 22 | 20 | 5 | 16 | 47 | 15 | 38 |
| Housing for poor and elderly | 22 | 15 | 21 | 15 | 10 | 17 | 37 | 25 | 38 |
| Farm program | 13 | 24 | 17 | 16 | 16 | 14 | 29 | 40 | 31 |

| | Him | Her | Total |
|---|---|---|---|
| 7. If industry and governments are made to conform to strict antipollution standards, would you be willing to pay more taxes to help clean up and protect the environment? | | | |
| More | 21 | 15 | 36 |
| Less | 26 | 19 | 45 |
| Same | 10 | 9 | 19 |
| 8. In the field of education do you: | | | |
| (a) Think parents should be given tax credit for school tuition and other educational costs? | | | |
| Yes | 39 | 30 | 69 |
| No | 16 | 12 | 28 |
| Undecided | 1 | 2 | 3 |
| (b) Favor Federal aid to private and parochial schools? | | | |
| Yes | 15 | 11 | 26 |
| No | 39 | 30 | 69 |
| Undecided | 2 | 3 | 5 |
| (c) Think you would be willing to pay more taxes to increase Federal aid to education? | | | |
| Yes | 12 | 7 | 19 |
| No | 41 | 33 | 74 |
| Undecided | 3 | 4 | 7 |

| | Him | Her | Total |
|---|---|---|---|
| 9. Should the death penalty be restored nationally for such crimes as premeditated murder, treason or hijacking? | | | |
| Yes | 52 | 38 | 90 |
| No | 3 | 3 | 6 |
| Undecided | 2 | 2 | 4 |
| 10. Should a news reporter have the right to refuse to reveal the name of the source of a news story? | | | |
| Yes | 28 | 24 | 52 |
| No | 22 | 14 | 36 |
| Undecided | 7 | 5 | 12 |
| 11. Which best describes your feeling about gun control? | | | |
| (a) All guns should be registered and controlled | 15 | 18 | 33 |
| (b) No guns should be registered or controlled | 21 | 7 | 28 |
| (c) "Saturday night specials" should be outlawed | 19 | 13 | 32 |
| (d) Undecided | 4 | 3 | 7 |
| Voting preference: | | | |
| Republican | 21 | 15 | 36 |
| Democrat | 12 | 12 | 24 |
| Independent | 24 | 16 | 40 |
| Age of respondents: | | | |
| 18 to 21 | 2 | 2 | 4 |
| 21 to 35 | 12 | 11 | 23 |
| 35 to 50 | 17 | 13 | 30 |
| 50 to 65 | 14 | 12 | 26 |
| 65 and over | 10 | 7 | 17 |

## LABOR COUNCIL FOR LATIN AMERICAN ADVANCEMENT

## HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. RODINO. Mr. Speaker, on May 8, 1973, the AFL-CIO Executive Council passed a resolution supporting the newly formed Labor Council for Latin American Advancement. The labor council is made up solely of Spanish speaking American trade unionists. It is the first such group to receive official recognition by the AFL-CIO.

The Spanish speaking number nearly 100 million persons of Puerto Rican, Mexican-American and Cuban descent. They are in large part working people and have the same needs as working people of all races. In its Declaration of Principles, the Labor Council for Latin American Advancement calls for "jobs with adequate pay, schools to educate our children, decent housing, and fair access to these things in the richest country in the world." I strongly support the Latin American Labor Council in its efforts to achieve these aims.

The AFL-CIO, through its Department of Civil Rights, Department of Organization, and Committee on Political Education, is to be commended for its assistance in developing the Latin American Labor Council. I am reminded of the role which labor played in creating the A. Philip Randolph Institute. I am hopeful that the Labor Council for Latin American Advancement can provide as noble a service for the Latin community as the Randolph Institute has provided over the years for the black community.

I would like to insert at this time the text of the AFL-CIO Executive Committee's statement:

### STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL

Last April 25, a group of Latin American trade unionists from 10 international unions and three-state federations met in Albuquerque, New Mexico, and formed the Labor Council for Latin American Advancement. The formation of this organization is a healthy indication of the growing aspirations of the Latin American community and we welcome it.

We concur wholeheartedly with the Declaration of Principles adopted by the Council, which pledges to pursue "social dignity, economic and political justice and a decent standard of living for every Latin American worker" and, further, "to attain the respect and equality to which every citizen of this great nation is rightfully entitled."

Indeed, this is the concept on which the American labor movement itself was founded and to which it has always adhered.

Therefore, we hail the Latin American trade unionists who are working together to improve the lot of the Latin community and the lot of all workers.

We salute the Labor Council for Latin American Advancement and pledge our wholehearted cooperation to helping it achieve its goals

## ENERGY CRISIS

### HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. STUCKEY. Mr. Speaker, last September the Department of the Interior and the Office of Emergency Preparedness told Congress that they were convinced there would be no shortage of fuel. Evidently several major suppliers had assured these agencies that they had enough supplies to go around.

What we have seen instead is a shortage of natural gas, followed by a strain in heating oil supplies that have developed full blown into a severe energy crisis affecting almost every segment of American economy.

The factors involved and the solutions needed are many. However, as industry and Government try to formulate some long-range energy policies, I am concerned with the immediate problem of providing our Nation's farmers with adequate supplies of fuel.

The fuel shortage could not have come at a worse time. Planting has begun and many farmers are being asked to farm more acres. Furthermore, due to the weather this year, farmers across the country are planting at the same time rather than at staggered times, putting a greater strain on fuel supplies.

Farmers must have the fuel they need for producing their crops. Otherwise we are going to see food shortages and a sharp increase in prices.

Independent distributors in the Eighth District of Georgia, which I represent, have reported to me that they are being seriously affected by the fuel shortage. One distributor who serves every size of farm in 16 mid-Georgia counties has been cut back to 80 percent of what was allocated to him at the same time last year. What is the farmer supposed to do? Cut his needs 20 percent? This distributor said he was told by the company who supplies him that there was no shortage of diesel fuel. Then in February the company advised him that he was on allocation and now he is 100,000 gallons short of diesel fuel a month. But he is lucky. Another distributor has completely exhausted his supply of gasoline and fuel oil and cannot get any more from his supplier. He has been in business for 28 years serving farmers in five counties in middle Georgia.

The voluntary allocation program being administered by the Office of Oil and Gas of the Department of the Interior will help alleviate the situation somewhat, and I hope the petroleum industry will comply with it and further action will not be needed.

However, if the petroleum industry fails to adopt the voluntary allocation system called for by the Government, I would favor mandatory allocation of oil and gas supplies to distributors.

Many farmers across the Nation are anxiously awaiting help in getting adequate supplies of fuel. If distributors are unable to get fuel it will prove disastrous for what has long been recognized as the backbone of our economy.

---

## FEDERAL CIVILIAN EMPLOYMENT, MARCH 1973

### HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. MAHON. Mr. Speaker, I include a release highlighting the March 1973 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in March 1973 was 2,800,135 as compared with 2,798,071 in the preceding month of February—a net increase of 2,064. These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

Total pay for February 1973, the latest month for which actual expenditures are available, was $2,617,733,000. Total pay for fiscal year 1973 is forecast to be in excess of $33 billion.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in March is compared with the preceding month of February, with March a year ago and with March five years ago, as follows:

| | Full-time in permanent positions | Change | Temporary, part-time, etc. | Change | Total employment | Change |
|---|---|---|---|---|---|---|
| Current change: | | | | | | |
| February 1973 | 2,437,633 | | 318,199 | | 2,755,832 | |
| March 1973 | 2,430,977 | −6,656 | 326,859 | +8,660 | 2,757,836 | +2,004 |
| 12-month change: | | | | | | |
| March 1972 | 2,539,790 | | 286,419 | | 2,826,209 | |
| March 1973 | 2,430,977 | −108,813 | 326,859 | +40,440 | 2,757,836 | −68,373 |
| 5-year change: | | | | | | |
| March 1968 | 2,610,371 | | 309,386 | | 2,919,757 | |
| March 1973 | 2,430,977 | −179,394 | 326,859 | +17,473 | 2,757,836 | −161,921 |

Full-time permanent employment in the month of March was reduced by 6,656, reflecting a decrease of 9,180 in Defense agencies offset by a net increase of 2,524 in all other agencies. Since March a year ago such employment showed a net reduction of 108,813, reflecting decreases totaling 129,850, primarily in Defense agencies with 72,540 and Postal Service with 50,498. This decrease was offset by increases totaling 21,037, mainly in Veterans with 6,910 and HEW with 5,740. In the 5 years since March 1968 full-time permanent employment has declined 179,394, representing a decrease of 231,019 in Defense agencies offset by a net increase of 51,625 in all other agencies.

TOTAL EMPLOYMENT

Total civilian employment in the Executive Branch in March, as compared with February, is shown for Civilian and Military agencies are shown in table 1.

Table 1

| | March | February | Change |
|---|---|---|---|
| Civilian agencies | 1,698,904 | 1,690,907 | +7,997 |
| Military agencies | 1,058,932 | 1,064,925 | −5,993 |
| Total, civilian employment | 2,757,836 | 2,755,832 | +2,004 |

The civilian agencies of the Executive Branch reporting the largest increases in March were Postal Service with 4,224, HEW with 3,305 and Veterans with 1,039. The increase in HEW is due to the statutory conversion of certain public assistance grant programs (previously operated by the states) to direct federal administration, which will involve the addition of about 15,000 to the federal payroll over the next year.

FISCAL YEAR 1974 BUDGET PROJECTIONS

Comparison of current full-time permanent employment (March 1973) with the budgeted projections for June 1973 and 1974 are shown in table 2.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in March totaled 33,538, an increase of 26 as compared with the preceding month of February. Employment in the Judicial Branch in March totaled 8.761, an increase of 34 as compared with February.

Table 2

| | Civilian agencies | Military agencies | Total |
|---|---|---|---|
| March 1973, actual | 1,424,628 | 1,006,349 | 2,430,977 |
| June 1973, estimate | 1,472,300 | 1,012,400 | 2,484,700 |
| Compared to March 1973 | (+47,672) | (+6,051) | (+53,723) |
| June 1974, estimate | 1,451,800 | 986,800 | 2,438,600 |
| Compared to March 1973 | (+27,172) | (−19,549) | (+7,623) |
| Compared to June 1973, estimate | (−20,500) | (−25,600) | (−46,100) |

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by extensive branch agencies during March 1973, showing comparisons with June 1971, June 1972, and the Budget estimates for June 1973:

TABLE 1-B.—PERSONNEL EMPLOYED FULL-TIME IN PERMANENT POSITIONS[1] BY AGENCIES OF THE EXECUTIVE BRANCH DURING MARCH AND COMPARISON WITH FEBRUARY 1973, AND FURTHER COMPARISON WITH JUNE 1971, JUNE 1972 AND BUDGET ESTIMATES FOR JUNE 1973

| Major agencies | June 1971 | June 1972 | March 1973 | Estimated June 30, 1973[2] |
|---|---|---|---|---|
| Agriculture | 84, 252 | 82, 511 | 82, 487 | 83, 400 |
| Commerce | 28, 435 | 28, 412 | 28, 371 | 28, 200 |
| Defense: | | | | |
| Civil functions | 30, 063 | 30, 585 | 30, 016 | 32, 400 |
| Military functions | 1, 062, 741 | 1, 009, 548 | 976, 333 | [3] 980, 000 |
| Health, Education, and Welfare | 104, 283 | 105, 764 | [4] 111, 774 | [5] 110, 200 |
| Housing and Urban Development | 16, 030 | 15, 200 | 16, 243 | 15, 800 |
| Interior | 57, 570 | 56, 892 | 56, 401 | 57, 000 |
| Justice | 42, 662 | 45, 446 | 45, 480 | 47, 200 |
| Labor | 11, 352 | 12, 339 | 12, 300 | 12, 800 |
| State | 23, 398 | 22, 699 | 22, 467 | 23, 200 |
| Agency for International Development | 13, 477 | 11, 719 | 10, 731 | 10, 800 |
| Transportation | 68, 482 | 67, 232 | 65, 865 | 67, 700 |
| Treasury | 90, 135 | 95, 728 | 97, 275 | 103, 000 |
| Atomic Energy Commission | 6, 920 | 6, 836 | 7, 021 | 7, 000 |
| Civil Service Commission | 5, 324 | 5, 260 | 5, 739 | 6, 000 |
| Environmental Protection Agency | 5, 959 | 7, 835 | 8, 118 | 8, 900 |
| General Services Administration | 38, 076 | 36, 002 | 35, 754 | 38, 100 |
| National Aeronautics and Space Administration | 29, 478 | 27, 428 | 27, 044 | 26, 800 |
| Panama Canal | 13, 967 | 13, 777 | 13, 691 | 14, 000 |
| Selective Service System | 5, 569 | 5, 791 | 5, 461 | 5, 700 |
| Small Business Administration | 4, 004 | 3, 916 | 4, 046 | 4, 200 |
| Tennessee Valley Authority | 13, 612 | 14, 001 | 14, 066 | 14, 000 |
| U.S. Information Agency | 9, 773 | 9, 255 | 9, 187 | 9, 400 |
| Veterans' Administration | 158, 635 | 163, 179 | 168, 204 | 171, 600 |
| All other agencies | 31, 333 | 33, 499 | 33, 907 | 35, 800 |
| Contingencies | | | | 2, 000 |
| Subtotal | 1, 955, 530 | 1, 910, 854 | 1, 887, 981 | 1, 915, 200 |
| U.S. Postal Service | 564, 782 | 594, 834 | 542, 996 | 569, 500 |
| Total[6] | 2, 520, 312 | 2, 505, 688 | 2, 430, 977 | 2, 484, 700 |

---

[1] Included in total employment shown on table 1, beginning on p. 2.

[2] Source: As projected in 1974 budget document; figures rounded to nearest hundred.

[3] Excludes increase of 5,000 for civilianization program.

[4] Reflects increase of approximately 3,000 employees in adult welfare categories transferred to HEW under Public Law 92-603.

[5] Excludes increase of approximately 9,000 in adult welfare categories to be transferred to the Federal Government under Public Law 92-603.

[6] March figure excludes 2,610 disadvantaged persons in public service careers programs as compared with 2,448 in February.

---

## SUMMER EMPLOYMENT PROGRAM FOR YOUTH

### HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. HUDNUT. Mr. Speaker, the city of Indianapolis is greatly concerned that it will not have sufficient funds to meet even a bare bones commitment to our summer youth employment program. Last summer, the city employed 2,800 young people. Twenty-five hundred of these slots were funded by Federal NYC funds. This year, in the face of apparent Federal cutbacks, the city determined that the absolute minimum number of slots required to fulfill a meaningful program was 2,000. To date, the city has found money for only 1,305 slots from the following sources: $205,000 from section 6 Emergency Employment Act funds; $352,000 from section 5 Emergency Employment Act funds; and $130,000 from this year's summer jobs allocation. To arrive at this level of operation, the city had to debilitate its public employment program. Instead of phasing PEP jobs out by June 1974, they will now be phased out by December 1973. In effect, some have replaced fathers in Indianapolis because there was not enough money to go around. Let me underscore that if a full $850,000 in summer youth money had come to the city instead of $130,000, Indianapolis would not be faced with this predicament. Jobs for youth in the summertime are absolutely vital to the comprehensive year-round program the city has developed for young people. They have a right to—and the city is aiding them in achieving—meaningful education and a solid employment future. It is up to us in the Federal Government to support sound programs like summer youth employment which have indeed proven their merit by giving young people employment confidence.

I understand that an effort will be made in the other body to add funds to the second supplemental appropriations bill, specifically for the summer program. I hope it will be successful and that the House will concur, as I feel the summer employment program for young people is very worthwhile.

## NATIONAL GUARD BATTLES DISASTER

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. FUQUA. Mr. Speaker, in more than half of our 50 States, the National Guard has been on duty in recent weeks building levees to hold back ravaging floodwaters, protecting against looters, clearing debris, rebuilding bridges, and performing a host of tasks in stricken areas.

The National Guard is unique among our military forces in that it has a dual State/Federal mission. Its work in recent floods is just one example of the service that the National Guard renders in more than 3,000 communities in which it has units.

To pay tribute to this tremendous organization and its members, I would like to have reprinted here an article in the May issue of the National Guardsman magazine. It portrays most vividly the national contribution in this time of disaster and I believe all Americans should know what a great contribution the National Guard is making in this area.

The article is as follows:

EAST AND WEST, NORTH AND SOUTH, GUARDSMEN BATTLE THE FORCES OF NATURE

Blizzards . . . ice . . . full-scale tornadoes . . . extra-high winds . . . floods—all these manifestations of Winter in its dying days saw Guardsmen serving in their traditional relief role.

Well over 1,000 troops had been involved in disaster duty in the period between January and mid-March (*"Posting the Guard", April* "GUARDSMAN"). But "you can't fool Mother Nature"; she poured down additional tragedy and trouble in many States, and another 1,000-plus found themselves on rescue and recovery missions by early April. The Guard had been called in large numbers or small in at least 20 States in about three months.

A run-down of the latest "round" or emergency callups:

Arizona—Thirty-two Guardsmen hauled feed for livestock into a Navajo Indian Reservation, battling roads that had been blocked with snow.

California—Four C-130s of the Air Guard's 146th Tactical Airlift Wing at Van Nuys, operating out of Yuma, AZ, had airlifted and dropped more than 200 tons of hay to livestock near Pinon and Window Rock over one weekend, and over the next few days expected to handle another 300 tons.

Florida—Ten Army Guardsmen helped remove families living along the flooded Suwannee River.

Georgia—A succession of paralyzing blizzards that had taxed the resources of many Guardsmen didn't seem to be enough; tornadoes at the end of March resulted in two deaths, hundreds of injuries, and an estimated $100,000,000 damage. Sixty officers and men of the 190th MP Co helped the State Police at road blocks to forestall looting, and installed generators at a hospital, the Courthouse and the Police Station in Conyers.

Illinois—Floods hit hard, but only a few dozen Guardsmen were called upon to move out families, household goods, and small business establishments at Grafton.

Iowa—An April weekend blizzard that buried much of Iowa "socked-in" Guardsmen just as it did hundreds of thousands of other citizens, and only a handful who had gone to work early were able to get equipment needed to battle the deep-fallen white stuff. Eighteen men with seven armored personnel carriers, an end loader and two five-ton dump trucks toiled in the Des Moines area; four men with two Jeeps and a "six-by" lent their aid in Dubuque, and three Guardsmen manned two wreckers and an end loader to help "un-stick" vehicles in Waterloo. Seven *"Hueys"* thrashed through the air on various missions, including airlifting of a number of patients from closed-in homes to hospitals.

Kansas—Floods threatened dikes at Hutchinson, and 10 Guardsmen kept watch.

Louisiana—In response to minor flooding (and the subsequent threat of major flooding as the swollen Mississippi flowed toward the

Gulf), 11 Army Guardsmen aided in evcauation of families at Jonesville.

Michigan—Wind whipped water off Lake Michigan onto the shore, flooding-out many families, and several dozen Guardsmen helped get them out of their homes.

Mississippi—Seven inches of rain on already swollen streams in northern Mississippi sent rivers over their banks, and the first of successive callups of Guardsmen began in mid-March. Hardest hit was the Greenwood area, where a levee break dumped water onto farmlands and subdivisions of the Mississippi Delta community, and flooded houses in nearby Grenada and an apartment complex in Vicksburg.

Some 200 Guardsmen of the 1st Bn, 114th Field Arty, removed flooded-out residents and personal belongings, provided security and aided with traffic control at Greenwood. The 631st FA Group and the 168th Engr Group performed similar functions at Grenada and Vicksburg, respectively. Flooding was progressive, and so was the callup and employment of various elements of the Guard.

MG E. A. Beby Turnage was designated by Gov. William L. Waller to coordinate disaster activities of all State agencies, the Red Cross and Salvation Army. With the Guard's Emergency Operations Center at Jackson on a 'round-the-clock basis, Rear Area Operations Centers were established at Redwood and Anguila.

Guard assistance was extended to Columbia, Amory, Aberdeen and other communities. Army Guard helicopters flew the Governor and Federal and other State officials on visits to stricken areas.

A week after the initial storm, more bad weather hit, and in some cases the evacuation process was repeated. At Bay St. Louis—hit by Hurricane Camille a few years ago—20 Guardsmen and six LARC amphibious vehicles of the 135th Trans Co carried 188 people to safely following rain, strong winds and high tides.

As waters began to recede, the Guard responded to other flood-related community needs. The 223d Engr Bn, for example, hauled a bridge from Cp Shelby to Phillip and erected it to replace a washed-out span.

By 9 Apr., about 800 Guardsmen had been on duty at various times and places; about 200 still were serving.

Missouri—The confluence of the overflowing Mississippi and Missouri Rivers created a huge lake; levees broke; thouands were forced out of their homes. Gov. Christopher Bond called out the Guard for rescue, sandbagging and other duties in Arnold, St. Louis, Hannibal, Hermann, Jefferson City and Perry County. As of 4 Apr., 1,030 Guardsmen were on duty, their numbers decreasing to 377 as of 9 Apr.

New Mexico—Heavy snows hit the northern part of the State, and more than 100 Army Guardsmen were aiding civil authorities.

Ohio—Winds pushed Lake Erie water into streets of Toledo, causing serious damage and forcing the evacuation of more than 500 people. Seventy-six Guardsmen of the 833d MP Co. of Toledo and Co. B of the 612th Engr Bn from Fremont, the latter using six dump trucks, controlled traffic and removed flooded-out residents during a two-day period.

South Carolina—The same tornadoes that smashed at Georgia spilled over the State line, killing six South Carolinians, injuring 45, and leaving 400 homeless. Two hundred Army Guardsmen were called to provide aid in the immediate wake of the devastation.

Tennessee—There were thrills and spills and daring rescues during the time when more than 1,000 Guardsmen were providing rescue and relief from floods that caused 40 Counties to be declared disaster areas. Mid-March downpours added as much as eight inches of rain to already-swollen streams. First hit was at Columbia, where 40 Guardsmen of the 173d Trans Bn were out with 2½-ton trucks by 6 a.m., starting a process of removing families and belongings that there and elsewhere ran into uncounted numbers.

Gov. Winfield Dunn placed 50 Guardsmen on State active duty, volunteers turning out as floods spread to other areas, and with the shift of scheduled MUTAs, more than 1,000 Guardsmen were performing duties comparable to the training in dealing with emergencies that they would have received in any event.

There was near-disaster when a flooded road gave way, spilling a number of refugees, municipal officials and Guardsmen into the flood. All reached safety save one who was swept far downstream 'til he grabbed a tree limb and clung 'til rescued three hours later.

CPT Robert W. Whittle of the 1st Bn, 181st Field Arty, was recommended for a State award for wading waist-deep through rushing water to get direly needed medicine and equipment for an elderly cancer patient.

Two National Guard helicopters removed 20-some people from isolated homes.

One "off-beat" rescue saw Chattanooga Guardsmen in a tow truck pulling from high waters a Volkswagen with four occupants sitting on the roof.

Texas—A promptly-mounted helicopter airlift by the 536th Avn Co delivered 157 troops from two Cos of the 1st Abn Bn, 143d Inf, getting ready for a weekend drill, to Hubbard where four people died in an early-morning tornado. Additional craft from the 111th Avn Group assisted in operations at Burnet, hit by the same twister during the early morning hours of 10 March. Dozens of trucks also were used to get troops to the disaster scene promptly after Gov. Dolph Briscoe ordered 260 officers and men to State active duty. Fifty-nine members of the 136th MP Bn assisted in patrolling, anti-looting and clean-up operations. Six hundred man-days were devoted to operations.

Wisconsin—As in Ohio and Michigan, high winds piled up the waters of Lake Michigan and Green Bay Lake. A Guard helicopter flew a heart attack victim from a snowbound home near Baraboo to a Madison hospital. Trucks removed water-marooned residents from lake shore homes. Then, with a subsequent 13-inch snow, three Jeeps and crews performed the unusual mission of helping Milwaukee firemen get to blazes they couldn't reach otherwise. Warming weather soon facilitated road clearance and duty by Guardsmen was of brief duration.

---

## SWEDEN OK'S TELEPHONE BUGS

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. RARICK. Mr. Speaker, with the Watergate controversy continuing to reign as the No. 1 center of attraction, many of our colleagues may be surprised to learn that the Swedish Parliament recently adopted a law to authorize bugging, house searches, and the opening of private mail.

I include a related newsclipping as follows:

[From the Washington Post, April 7, 1973]

### TERRORIST LAW

STOCKHOLM.—The Swedish Parliament adopted a law permitting security authorities to expel "potential foreign terrorists," bug their telephones, make house searches and open letters addressed to foreign citizens suspected of being members or sympathizers of terrorist groups.

Government officials said the legislation was aimed at the Croatian Ustashi and the Palestinian Black September groups.

---

## JAMES FARLEY, A LEGEND IN HIS OWN TIME

## HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. DELANEY. Mr. Speaker, under leave to extend my remarks, I wish to share with my colleagues a recent article on one of this country's outstanding Americans and honored statesman, James A. Farley, chairman of the board of the Coca-Cola Export Corp. The article, written by Don Whitehead, appeared in the Knoxville News-Sentinel on May 1, 1973, and serves to point out several of Jim Farley's personal qualities which add to this political legend. The full text of the article follows:

### DON WHITEHEAD REPORTS ON REMARKABLE FARLEY

If there is a more remarkable man than James A. Farley then "God didn't make little green apples and it don't rain in Indianapolis"—like the song man said. He just keeps rollin' along, a survivor of a past political era.

I pay this tribute to Jim Farley because he deserves to be called "a legend in his own time." He is now 84 years old, slowed a bit by a heart attack, but he still finds the time to keep in touch with those he has known down through the years—not for any motive of gain but just because he has an interest in them.

He is a man who never forgets a friend. An example of Farley's thoughtfulness is this: When he heard last February that I had been ill, he took time out to dictate a two-and-a-half-page letter, single spaced, to Miz W. expressing his concern. He recalled his own experiences with a heart attack a year ago which made him realize he was not indestructible. And he offered any help he could give—and he meant it.

I don't know how wealthy Jim Farley is. I suppose he is well-to-do because he has been chairman of the Coca-Cola Export Corp. for many years and they don't pay peanuts for a job like that. Certainly he is not one of the wealthiest men in the country but I would wager there are few men alive with more friends.

There was a time when Jim Farley might have been president of the United States if Franklin D. Roosevelt had not succumbed to his own ambition to be president for more than the traditional two terms. Twice—in 1931 and 1935—he had masterminded the Roosevelt campaigns. And he had reason to believe that FDR would support him for the presidency in 1940. He had earned this support if any man ever had.

But there were promises that weren't kept and Farley never got his chance to make the race. Still, Farley does not live with bitterness and he places the name of Roosevelt high on the list of those he considers to have been "great presidents."

A few months ago he was asked to name those at the top of his Presidential list. He said, "Listed in the following order, if you want them: Washington, Jefferson, Jackson, Lincoln, Franklin Roosevelt, and Truman. You see, I can't put him (Truman) ahead of Roosevelt—see? But matter of fact Truman did a hell of a great job." Then he grinned and added, "As you may note, I'm partial to Democrats."

I first met Jim Farley 32 years ago when I was doing feature stories for the AP in New York City. I was assigned to do a profile of Farley who still was known as "Mr. Democrat" although he had never held a high elective office.

Farley must have sensed that I was a new boy in town, fresh from the hills of Tennessee (and I had been in New York only a short time), because he did everything he could to be helpful and to give me a good story concerning his relationship with FDR and the coolness that developed between them.

After that, he kept in touch. A personal note or a Christmas card or perhaps a brief letter—written in Hong Kong or Singapore or San Francisco or New York. You never knew where they'd come from next. When Miz W. and I built our home in 1960 at Concord, Tenn., Jim wanted to know, "Where in the hell is Concord, Tenn.?" You wondered how many hundreds of people he keeps in touch with in just this way.

And so, a salute to Big Jim. We need more politicians like him. In all the years of being a politician—he never lost his integrity.

---

## BUFFALO PRIEST IS GIVEN AWARD BY POLICE YOUTH CONFERENCE

## HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. DULSKI. Mr. Speaker, Rev. Leo F. McCarthy, chaplain of the Buffalo, N.Y., Police Department, has been given the distinguished service award by the National Police Conference on P.A.L. and Youth Activities.

This is a well-deserved and high honor for Father McCarthy who has expanded his role as police chaplain to work very closely and effectively with Buffalo Police Athletic League.

Indeed, it was Lt. Neil O'Donnell, director of the Buffalo P.A.L. who recommended Father McCarthy as a candidate for the national recognition at the annual meeting of the national group here this past weekend.

The award was presented by the conference chairman, Lt. Paul Kelly of Union City, N.J. Main speakers at the award banquet were the Honorable HARRISON A. WILLIAMS, JR., junior U.S. Senator from New Jersey, and Chief Jerry V. Wilson of the District of Columbia Metropolitan Police Department.

Lieutenant O'Donnnell and Patrolman Earl Free, director of the Willert Park Center in Buffalo's core area, participated in the 3-day annual meeting here.

There were 30 national nominees for the conference award. Previous winners include: Senator WILLIAMS, William P. Kelly, Jr., ex-director of the Job Corps, and the late President John F. Kennedy.

The national conference has evolved from a nucleus of six cities which banded together in 1944 to engage in intercity sports competition among police-sponsored youth organizations.

By the 1950's, the group had expanded to include about 20 cities. Then, in 1959, it was incorporated as a national organization which now has member units in 85 cities.

The national conference has two meetings each year, in May and September, to provide a sounding board for ideas and reports from individual youth agencies.

The Buffalo unit, headed by Lieutenant O'Donnell, is a fine example of what this kind of youth-oriented operation can do to encourage worthwhile youth activities and promote widespread participation.

Lieutenant O'Donnell has given a firsthand picture of the work in Buffalo in the text of the recommendation which he made on behalf of Father McCarthy. Buffalo is fortunate to have men of the caliber of Father McCarthy and Lieutenant O'Donnell to lead the youth work in our city.

The time and dedication shown by Father McCarthy particularly is praiseworthy and I know that this national recognition for him comes with great satisfaction to me and to his many friends and associates in our home city.

Mr. Speaker, as part of my remarks, I include a quotation from Lieutenant O'Donnell's recommendation.

### PARTIAL TEXT OF RECOMMENDATION OF REV. LEO F. MCCARTHY

Some four or five years ago, Father McCarthy became Catholic Chaplain for the Buffalo Police Department. Being a sincere and devoted servant, he wanted to know and become acquainted with all aspects of police work and its communities involvements.

In inspecting and observing the youth centers operated by the PAL, he was particularly struck or impressed by the membership and the Director of the Willert Park Center, Patrolman Earl Free, operating in the core area of Buffalo.

Having been active with athletic teams in parish schools in the diocese and having a penchant for physical and mental fitness, he volunteered his services on practically a daily basis or as often as his pastoral duties would permit.

After becoming acquainted with the young boys at this center and developing a warm relationship with Officer Free, he organized a tyro football team from amongst our PAL membership. He secured funds from business people and community leaders to help sponsor the team and provided equipment and supplies for the young athletes.

He has organized two basketball teams at this center, using his priestly power and connections in securing needed swag to outfit about 30 boys. He purchased a bus-like station wagon that is used almost solely to transport his basketball and football teams to games he has arranged during the year. He makes a special effort to seek competition with suburban teams to help promote amity between the races and instill a feeling of brotherhood in the community as a whole.

Father McCarthy is a dynamic and athletic type who works out with the boys with the weights, gloves, etc. He has the complete respect and admiration of the youngsters he trains, for he is an absolute manly type that impresses all type people.

His long, dependable service with these hard bitten kids has made our task easier and has exposed these children to a brotherly affection that only a religious type could import with such success. He spends his money with kids the way he spends his time—very generously—when you consider his priestly income. I would guess he spends over a thousand dollars a year of his own savings in behalf of the youngsters he works so hard for.

Father McCarthy is a self effacing type who shuns the spotlight and defers the honors to others. He is unaware of this recommendation for he might object. But I feel compelled to offer his name in nomination for we are so impressed with his genuine selfless interest in these young boys at the PAL Center and the contribution he makes to their welfare."

---

## AID TO THE FILM INDUSTRY

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. WALDIE. Mr. Speaker, I would like to call attention to an article that appeared in the Los Angeles Times on February 19, 1973. This article dealt with the "depression" that is now occurring in Hollywood—and is getting worse.

The many factors contributing to this decline and fall of Hollywood have been much publicized, including runaway production costs and cheaper salaries abroad.

Today, Hollywood has the highest unemployment rate in the Nation. On any given day 80 to 90 percent of the members of this industry, which includes actors, craftsmen, and technicans, will be without work. It is striking, therefore, that the Federal Government has done nothing to assist this industry in view of competition from abroad.

The article suggests several steps that could be taken to help these people who have given such a special gift to America.

Mr. Speaker, the full text of the article follows:

### HOLLYWOOD JOBS: PICTURE GETTING DARKER YEARLY—MANY BELIEVE SOUTHLAND FILM INDUSTRY MAY BE IN PERMANENT DEPRESSION

(By Joan Sweeney)

She has been a professional actress for 26 years, with good notices to attest to her ability.

But during 1972 she worked exactly one day as an actress. Her total acting earnings for the year—$200.

Like hundreds of other Hollywood artists, craftsmen and technicians who have spent years in the business and once made comfortable livings from it, she has been caught in the depression in which Hollywood is mired.

Its unemployment rates took off in the late 1960s and have been flying high ever since.

The actress asked not to be identified. "If you haven't been working, you don't want to advertise it," she said.

Before Hollywood production began drying up, she could count on a dozen television shows a year with at least a few days' work on each.

But she worked only three days in 1971 and one day in 1970.

### TELLS OF HUNGER

"It's just rough," she said. "I have gone hungry at times. It's a matter of the barest necessities.

"A couple of years ago there wasn't any food in the refrigerator and friends rallied around."

She has managed to survive the past three years through a combination of unemployment insurance, a loan from the Actors Fund and parttime jobs in other fields.

"People say get a job in another field, but it isn't always that easy for actors," she said. "People are leary of actors. They know how undependable they are.

"And I am no longer a young girl," she added. "I have not been trained for anything else and it is difficult to get anything.

"Residuals do come in but those declined. I did a couple of commercials in 1968 that kept me going for nearly two years, but I haven't done a commercial since.

### USE OF NONPROFESSIONALS

"There is a growing trend to use people off the street, nonprofessionals, because the makers want the so-called natural approach."

Figures released by the Screen Actors Guild (SAG) bears out her contention that actors' income from commercials, which sustained some actors during the early days of the Hollywood recession, is declining. From 1970 to 1971 actors' income from television commercials dropped $2 million.

The face of Hollywood has changed, many believe permanently, in recent years.

"The big studios that dominated its landscape in its heyday are giving way to discount stores and real estate developments, and their staffs of technicians, craftsmen and other employes have joined the unemployment line.

"There used to be the large studios with permanent payrolls whether or not they were producing. Now they are virtually nonexistent," said a spokesman at the Hollywood office of the state Department of Human Resources Development, which handles many of the show business unemployed.

"People are working but the periods of work are shorter and shorter," another official at the office said. "Continuing unemployment is much higher than it used to be."

"It is the highest unemployment we have ever had," said Buck Harris of the SAG. "We estimate that on any given day at present 80% to 90% of our members are not working."

He admitted that "even in the best of times, a large percentage of actors are not working but there is less work than there used to be."

Even stars have been affected, taking parts they never would have considered a few years ago and, in the process, cutting lesser-known feature actors out of jobs.

"You see major stars in cameo parts," one television actor said. "The money is not that great. You know they are doing it for survival."

"Actors who aren't really big are hurt the worst," agreed a spokesman for the Hollywood unemployment office.

"Actors and extras dominate our claim load," he continued. "There has been a certain amount of attrition in the craft unions which, because of the restricted labor market, have not taken in many new members." Hollywood employment has two seasons annually—bad and worse.

Even at the employment peak in the late fall, the percentages of the out-of-work can be many times that of the nationwide rate of 5%. For instance, during the week of Nov. 6, 90% of the animal trainers, 85% of the SAG, 80% of the wranglers, 75% of the extras and ornamental plasters, 51% of the electricians, 44% of the art craftsmen, 32% of the makeup artists, 31% of the script supervisors and 30% of the grips were unemployed, according to a SAG report.

Yet this is the low ebb of annual unemployment. Its tide begins to rise in late December as the television series start their annual hiatus and reaches its flood in March and April.

Then unemployment percentages climb to grips, 90%; electrical technicians, 86%; hair stylists, 80%; makeup artists, 67%; and script supervisors, 69%.

Actors Fund, which helps actors on their uppers, first opened a special office here four years ago because of the "emergency" in Hollywood and, since then, its work has more than tripled, according to a spokesman for the fund.

### RETRAINING PROGRAM

"Nothing is being done about the fact the whole industry is collapsing here," he said. "The government should be creating a bureau for career adjustments to advise correctly how Hollywood employes can best use themselves in another industry."

Some of the out-of-work, who long ago exhausted their unemployment benefits have lost their homes, been forced to cash in insurance policies and draw money from their pension fund.

Others have found employment elsewhere.

One of these is Dennis Cross who began his acting career in 1948 and moved his wife and family to Hollywood from New York in 1955.

"From 1957 to 1968, I did at least 20 television shows a year or more," he said. "I worked in about everything possible to work in and I progressively built up my salary."

But about five years ago employment began dropping off.

Unemployment compensation could hardly support him and his family, which now numbers a wife and seven children.

So he went to work for a motor home dealership in the San Fernando Valley and is now assistant manager of the franchise.

He said he makes a comfortable living and still acts occasionally—about four to five times a year.

"You can't sit at home and not have other income on the side," he said. "Otherwise your career is down the tubes and your life to boot."

### CONTRIBUTING FACTORS

The factors contributing to the decline and fall of Hollywood have been much publicized.

Runaway production long has been branded a villain. Salaries are cheaper abroad, and some argue Hollywood technicians have priced themselves out of the market. But union officials take issue with that.

William Howard, president of the Hollywood Film Council, said the average wage in the industry is approximately $5.80 an hour and that includes cameramen who make $750 to $1,500 weekly to craft servicemen who make $120.

"I think when they say we are pricing ourselves out of the business, they are using that more or less as an excuse or don't understand that actually the wages of our people really aren't that great," he said.

Some believe the only prescription for the ailing industry is government subsidies, similar to those granted by some foreign nations, to make Hollywood more competitive.

Mobile units and technically improved equipment such as more compact cameras have freed movie-makers from dependence on studios. Now they can go to the scene they want instead of having to recreate it on a sound stage large enough to accommodate cumbersome equipment.

While some studios have disappeared, others have been taken over by businessmen more concerned with the balance sheet than the production sheet.

"What we are extremely concerned about is the gradual phasing away of job opportunities," said Donald Haggerty of the film technicians union. "A studio used to be a large city of employed craftsmen and technicians . . . There is no staff at any of these places except Disney, Universal and Burbank."

Unlike other industries, Hollywood employment does not necessarily rise with the number of consumers, actor Bert Freed, points out.

"In the acting field, no matter how large the population grows, you have no greater need for talent for the simple reason the volume of viewers has no bearing on the number of actors used," he said.

The number of segments filmed annually for television series has declined steadily as the number of reruns has increased. Where once 39 episodes were filmed each year for a series, now as few as 18 may be done while the average is 22 to 25.

This production decline is reflected in the fact that while actors' earnings from domestic television have declined from $40.5 million in 1966 to $33.9 million in 1971, residuals from reruns increased 64% from $8.2 million to $13.5 million.

Hollywood unions are pushing a drive to get the Federal Communications Commission to limit reruns on network-owned or affiliated stations to 25% of prime time each year and to require that reruns be identified as such.

But some actors believe the only answer to the rerun problem is to require 100% residuals for each repeat.

The FCC rule cutting back network prime-time programming from 3½ to 3 hours nightly also has cut into Hollywood employment. The SAG estimated 16,128 jobs and cost $53.5 million in lost salaries for actors and technicians.

"The government has done nothing of value to assist us," said one union leader. "Everything it has done seems to have been damaging."

One Hollywood unemployment story has a happy, if unexpected, conclusion. Paul Comi reluctantly turned to another business and it has been highly successful.

In 1968 a writer friend, recognizing the decline would grow worse, advised him to start a business as a hedge against the gathering unemployment storm.

At that time, Comi had done more than 300 television shows and 15 movies, and he recalled, "I couldn't believe I wasn't going to work."

### START DELICATESSEN

But the friend persuaded him to become his partner in launching a Pasadena delicatessen. They applied their show business flair and concocted a variety of sandwiches with imaginative names. Today, their store, Stottlemyers, has expanded beyond Pasadena to two Los Angeles sandwich shops and two licensed outlets in Orange County.

"This has been a great salvation," said Comi, 40, of his business. "Not only has it saved me financially but it has allowed me to be pretty selective in the acting I do."

Now, he turns down work that he would have been forced to accept had he not had other income.

"I think that my interest and love still lie with my acting career but it was one of those things I had to face."

It is something that thousands of others may also have to face if the pessimists, who believe Hollywood will never recover its lost opulence, are right.

---

## THE PHILOSOPHY OF "MALIGNANT ABANDONMENT"

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. STOKES. Mr. Speaker, despite the fact that the Watergate scandal has usurped the headlines, the issue it supplanted—that of the priorities of the fiscal year 1974 budget—remains unresolved and critical, especially for black and poor Americans. Mr. Samuel F. Yette, the author of "The Choice: The Issue of Black Survival in America," has written an excellent article on the budget entitled. "Nixon's New Budget: What It Means to Black Americans." Mr. Yette's outstanding article appeared in the inaugural edition of Dawn magazine on April 28, 1973.

Mr. Yette's probing analysis touches the heart of the budget's significance. He points out that the domestic programs which have been cut, particularly OEO, symbolized hope and a Federal commitment to the eradication of poverty. It is this symbolic value that has disappeared in the 1974 budget. Samuel Yette also raises the question that large corporations which profited from the poverty program no longer need to hide their connections with the Federal Government behind a humanitarian facade, at least under the present administration. In Mr. Yette's words:

> What, with relatively clean escapes through Watergate, an election sweep, the appointment of top Litton executive Roy Ash as the new head of the Office of Management and Budget, $250 million hand outs to each Lockheed and Penn Central, some intimidation of the nation's press—with such "successes" as these—the Nixon Administration apparently feels that it no longer needs such tables as OEO under which to hand public money to rich private coffers. Perhaps it may now do so with impunity *above* the table.

I commend this relevant and articulate commentary to my colleagues' attention.

The article follows:

### NIXON'S NEW BUDGET: WHAT IT MEANS TO BLACK AMERICANS

(By Samuel F. Yette)

Historian Lerone Bennett Jr. called it "the white natives gathering for the rite of purification and initiation."

At any rate, the Second Inaugural of President Richard Milhous Nixon had taken place a week earlier, and late last January, several dozen black publishers climbed four breathtaking, spiral flights up to a briefing room in the Executive Office Building, next door to the White House.

Undoubtedly, some of the more veteran members of this National Newspaper Publishers Association (NNPA) recalled that nine years earlier they had met in the White House itself, where President Lyndon B. Johnson personally confided to them that the following day he would announce an "unconditional war on poverty."

But, this year, instead of seeing the recently re-installed President Nixon, these publishers of the more than 100 newspapers would meet with three of the President's Germanic surrogates: Communuications Director Herbert Klein, Economic Advisor Herbert Stein, and budget-cutting expert Casper Weinberger.

They confirmed that peace had been declared in the so-called war on poverty. The "Great Society" had been buried along with its creator—LBJ—the day before; and the Congressionally-enacted Office of Economic Opportunity (OEO) would be among those Great Society programs cut out of Nixon's new budget to be announced the following week.

Klein, Stein and Weinberger were attended at the briefing by two black men: Stan Scott, former newsman and assistant to Klein; and 2-star Air Force General, Daniel (Chappie) James.

General James indicated both in his presence and his presentation how successful a black man can become in the military. (During the 1960's, Daniel P. Moynihan, the same erstwhile Harvard professor who commended "benign neglect" to Nixon, also explained military service as the best option open to black men. It helped them develop "manhood," Moynihan said.)

Militarism seems equally a promising option for elite whites. Weinberger moved from directing the President's budget to taking charge of the nation's health, education and welfare as HEW Secretary. His predecessor at HEW, Elliot Richardson, moved effortlessly from the concerns of health and well-being to taking charge of the nation's death-producing arts as Secretary of Defense.

So, like General James, HEW chief Weinberger also told the publishers mainly about the good opportunities for black youths—in the military.

But Weinberger also told the publishers that they and their readers should take heart in the fact that the new $268.7 billion budget would increase spending for "human resources" by $18 billion. These "human resources," he said, included such down-to-earth and heart-warming items as heavy law enforcement and military pay raises.

#### JOB CRISIS OUTLINED

Herbert Stein was the first star of that three-star show, and he, alone, was worth all the alarm that should have been felt by these publishers.

Without the slightest trace of discomfort, economist Stein acknowledged that black unemployment runs generally twice the rate of white unemployment. He said that is because "The black population is younger"—a new way of saying that black people tend not to live too long.

In any event, unemployment generally reduced from 6 per cent to 5.1 per cent last year, Stein said, and the 1973 goal is to reduce it further to 4.5 per cent—leaving black people with only a 9 per cent or 10 per cent unemployment rate.

One of the publishers told Stein that such high unemployment represented a "job crisis" in the black community.

But Stein had a nifty reply for that: "There is very little unemployment among Negro Ph.D.'s.," he said.

"What hope is there?" one publisher pleaded. "What have we to offer our young people? How about some Federal work programs?" Stein pointed out that last year black youths were 62 per cent of the Job Corps, 33 per cent of the MDTA (Manpower Development and Training Act.), and 61 per cent of the CEP (Concentrated Employment Program`.

A Baltimore woman long associated with civil rights and black publishing, Mrs. Juanita Jackson Mitchell, told Stein that the Job Corps and these other social programs were being cut back if not eliminated. "If these young people have no jobs," she warned, "they'll have to turn to crime. What are we going to do?"

"The government is not the solution to the problem," Stein said, without emotion.

Dr. Carlton Goodlett, publisher of the *Metro Sun-Reporter* in San Francisco, rose and told Stein that his (Stein's) approach to these question had been "too sterile."

Goodlett insisted to Stein that as the President's representative before the publishers, Stein should "take a message back to your associates and to the Administration, in general . . ."

Before Goodlett could finish his comment, Stein lowered his glasses, and glared icily at Goodlett.

"I got your message," Stein said haughtily, "but I don't believe you got mine."

So saying, President Nixon's Economic Advisor briskly folded his papers and marched toward the anteroom off-stage.

Stunned, the publishers stared in stony silence.

Chief communicator Herb Klein leaped to his feet, causing Stein to pause at the stage exit.

"Let's give Herb Stein a good round of applause," Klein urged the publishers.

Perhaps more polite, than prepared for these events, the publishers briefly applauded.

#### DOES THE GOVERNMENT CARE

Stein's put-down was far more than merely adding insult to injury, though it was that. He wasn't denying that the publishers had, indeed, recognized long-standing injury and frustration. What he was saying was that they had failed to recognize something truly different about the *nature* of the new injury and its implications for the future.

It wasn't that the government didn't understand; it didn't *care*. That, and a few things more, are the messages to black America contained in the Nixon fiscal-74 budget that takes effect this July 1.

Critics of the new Nixon budget have focused on the dismantlement—without Congressional authorization—of the OEO. This focus is justified, though not so much for what OEO did or did not do for the black and poor of the nation, but rather for what OEO symbolized.

OEO symbolized mainly two things: (1) Hope, based on a belief that government cared, and (2) a pulling together under one umbrella (OEO) the responsibility (though not the authority or resources) for lifting citizens out of the grinding poverty that had characterized the lot of black people in particular for over three centuries in America.

The Executive Branch organizational chart that accompanied the announced budget listed OEO along with more than a dozen other agencies in the Office of the President. A notation for OEO stated: "Office to be discontinued, functions to be distributed to other agencies."

That line took care of both things symbolized by OEO. Hope was being "discontinued," and the umbrella was being "distributed" in such a way that not even the responsibility for caring or doing would be possible to locate.

From time to time, the administration has tried to explain that the OEO benefits would be continued, but at the local level through such gimmicks as revenue sharing.

#### MR. NIXON'S EXPLANATION

In a nationwide radio broadcast, March 4, President Nixon, however, called the General Revenue Sharing law he signed during his first term a "Declaration of Independence for State and Local Governments." That law, he said, gave federal money to states and localities to "put more policemen on the streets . . . or whatever you think best."

Similarly, the proposed new $2.3 billion "Better Communities Act" would differ from the OEO boondoggles largely in the fact that the state and local chieftains "would not have to get Washington approval" for whatever they did or did not do with the federal funds.

Thus, the effect of the revenue sharing games is that the black and poor are thrown once again upon the mercies of state and local fiefdoms whose history is too ugly and familiar to bear repeating. Only this time, perhaps for the first time in a decade, the federal government will not even pretend any responsibility or authority.

"It has been charged that our budget cuts show a lack of compassion for the disadvantaged," President Nixon acknowledged on nation-wide radio, February 21.

"The question is not whether we help," he explained, "but how we help. By eliminating programs that are wasteful, we can concentrate on programs that work. Our recent round of budget cuts can save $11 billion in this fiscal year, $19 billion next fiscal year, $24 billion the year after. That means an average saving of $700 over the next three years for each of America's million taxpayers."

#### AME BISHOPS TAKE ISSUE

The President was responding to such criticisms as that hoisted by 18 bishops of the AME Church who adopted a resolution saying, in part: "This action by President Nixon represents a cruel and callous disregard for the paradox of poverty in the midst of plenty and is an offense to the sensibility of justice which lies at the heart of our Judeo-Christian faith."

Democratic Senator Walter F. Mondale of Minnesota charged that Nixon's budget "comforts the comfortable" and represents a "retreat" from social and economic justice.

Calling the budget a "disaster," Mondale said:

"This budget would, among other things, eliminate 180,000 desperately needed jobs; end the federal aid for low- and moderate-income housing; slash health research, aid to education, Medicare benefits for the aged; and abolish practically every effort to strengthen rural America.

"While nearly 100 programs to help people would be destroyed, the defense and foreign aid budgets would rise dramatically, and not a single tax loophole for the rich would be closed."

Mondale was giving the nation an equal-time response to the President's February 24 radio message on human resources. In it the President sought to place his budgetary actions in proper historical perspective. He said:

"During the 1960's, the Federal Government undertook ambitious, sometimes almost utopian, commitments in one area of social policy after another, elbowing aside the State and local governments and the private sector, and establishing literally hundreds of new programs based on the assumption that any human problem could be solved simply by throwing enough Federal dollars at it.

"The intention of this effort was laudable, but the results in case after case amounted to dismal failure. The money which left Washington in a seemingly inexhaustible flood was reduced to a mere trickle by the time it had filtered through all the layers of bureaucrats, consultants, and social workers, and finally reached those whom it was supposed to help.

"Too much money has been going to those who were supposed to help the needy and too little to the needy themselves. Those who make a profession out of poverty got fat, the taxpayer got stuck with the bill, and the disadvantaged themselves got little but broken promises."

VICTIMS OF CON GAMES

The con games the government now routinely plays on the citizen are such that it is indeed difficult to keep track of their number, much less see through them. Seeing through any part of them requires the tough discipline of objectivity, and usually incurs some discomfiture. But it must begin.

OEO's major contribution to the black and poor was a deceptive hope. Its real contribution was a fat one to the private corporate coffers of the rich. The big paydays went for example, to giant corporations such as Litton Industries, ITT, Packard-Bell Electronics, Xerox, IBM and others who ran massive Job Corps centers and sold goods and services to OEO.

MUST FEND FOR THEMSELVES

Thus, OEO has been merely the table upon which black and poor hopes were laid, and under which the money was passed to the white and rich. And thus, the dismantlement of the table means essentially two things:

1. The Nixon Administration is no longer offering hope—not even the disingenuous promise, the deceptive hope heretofore offered by OEO.

2. What, with relatively clean escapes through Watergate, an election sweep, the appointment of top Litton executive Roy Ash as the new head of the Office of Management and Budget, $250 million hand outs to each Lockheed and Penn Central, some intimidation of the nation's press—with such "successes" as these—the Nixon Administration apparently feels that it no longer needs such tables as OEO under which to hand public money to rich private coffers. Perhaps it may now do so with impunity above the table.

The administration's message to the publishers was that these OEO-type covers are no longer needed.

The new Nixon budget escalates "benign neglect" to malignant abandonment. It tells the nation that the black and poor are—at best—left to fend for themselves.

---

## EXTEND HOUSING LAWS

## HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. LEHMAN. Mr. Speaker, in the CONGRESSIONAL RECORD of May 21, I am listed as not voting on House Joint Resolution 512—Extension of Housing and Urban Development Laws.

I was present for Roll No. 149 and voted "Yes" regarding this legislation.

---

## OVERWHELMING OPPOSITION TO NORTH VIETNAM AID

## HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. THONE. Mr. Speaker, a questionnaire was sent to all of my constituents in March. A copy of the questionnaire appeared in the February 27 edition of the CONGRESSIONAL RECORD. At that time I said I would publish the results, and here they are.

Over 20,000 returns have been received. Because most reply cards bore votes by 2 people, I received the opinions of about 35,000 people. Of those district residents who made up their minds, 82 percent oppose any aid to North Vietnam. Again, excluding those undecided, 80 percent believe the Federal Government should turn over more responsibility to State and local governments, and 73 percent favor adoption of the President's ceiling on expenditures even though it means cutting existing programs.

Of special interest to me, were the results concerning farm programs. With current farm programs expiring this year, 28 percent of my constituents prefer extension of present programs, 26 percent desire more rigid support programs, and 46 percent wish more flexible support programs.

My questionnaire listed 18 Federal Government activities and asked each respondent to list no more than 3 activities for which Federal spending should be reduced and no more than 3 activities for which spending should be increased. A net 70 percent of the respondents asked that foreign aid be cut. Space exploration ranked second with 40 percent and welfare was third was 38 percent. Additional Federal spending was supported for crime prevention by 48 percent of those responding. Second was combating drugs, 40 percent and third was pollution control with 29 percent.

Listed below are complete results of the questionnaire:

RESULTS OF REPRESENTATIVE THONE'S POLL SENT OUT IN MARCH 1973

[In percent]

| | District-wide | Rural residents | Lincoln | UN-L students |
|---|---|---|---|---|
| 1. Do you favor adoption by Congress of the ceiling on Federal spending proposed by the President even though it means cutting existing programs? | | | | |
| (a) Favor | 65 | 63 | 68 | 50 |
| (b) Oppose | 24 | 23 | 24 | 30 |
| (c) Undecided | 11 | 14 | 8 | 20 |
| 2. Current farm programs expire this year; check the alternative you prefer: | | | | |
| (a) Extend present programs | 28 | 40 | 26 | 41 |
| (b) Enact more rigid supports | 26 | 16 | 26 | 26 |
| (c) Enact more flexible supports | 46 | 44 | 48 | 33 |
| 3. Should the Federal Government turn over more of its responsibilities and financial resources to State and local governments? | | | | |
| (a) Favor | 73 | 80 | 62 | 63 |
| (b) Oppose | 17 | 11 | 24 | 17 |
| (c) Undecided | 10 | 9 | 14 | 20 |
| 4. If prisoners are returned, missing in action accounted for, and a firm ceasefire is established, should the United States extend economic assistance to North Vietnam? | | | | |
| (a) Favor | 15 | 7 | 21 | 17 |
| (b) Oppose | 74 | 83 | 67 | 73 |
| (c) Undecided | 11 | 10 | 12 | 10 |

5. Programs with most net votes for reduction, in descending order.

District-wide: Foreign aid, Space exploration, Welfare, Defense, Civil rights, Public Housing, Anti-poverty programs.

Rural residents: Foreign aid, Space exploration, Welfare, Civil rights, Defense, Anti-poverty programs, Public housing.

Lincoln: Foreign aid, Welfare, Space exploration, Defense, Anti-poverty programs, Public housing, Civil rights, Farm programs, Highways.

UN-L students: Foreign aid, Welfare, Space exploration, Health & medical care, Defense, Civil rights, Public Housing.

Programs with most net votes for increases, in descending order.

District-wide: Crime prevention, Combatting drugs, Pollution control, Education, Health & medical care, Consumer protection, Elderly programs, Highways, Rural development, Job training, Farm programs.

Rural residents: Crime prevention, Combatting drugs, Farm programs, Job training, Elderly programs, Health & medical care, Rural development, Education, Pollution control, Consumer protection, Highways.

Lincoln: Crime prevention, Combatting drugs, Pollution control, Education, Health

& medical care, Consumer protection, Elderly programs, Job training, Rural development.

UN-L students: Pollution control, Education, Crime prevention, Combatting drugs, Rural development, Highways, Farm programs, Job training, Elderly programs.

## A SPECIAL REPORT ON GOVERNOR REAGAN

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. BOB WILSON. Mr. Speaker, we Californians are proud of Governor Reagan for the outstanding job he has performed during the last 6 years. A former Democrat with a nongovernmental background, he was thought by many to be a doubtful choice when he first announced for Governor. He has since proved that character, integrity, and firmness are virtues that pay off in terms of better government for the people. He is truly an exceptional leader and I am proud to call him my friend.

A recent special report on Governor Reagan was written by Joe Holmes of San Diego.

I include comments by Joe Holmes as a portion of my remarks in the appendix of the RECORD.

SPECIAL REPORT

(By Joe Holmes)

Responsible Californians, like most Americans, pretty much fall into two groups as far as government expenditures are concerned.

One group is constantly angry at the larger and larger bites on their paychecks and the pouring of tax money into wild social reform projects. The other, and the largest by far, has been simply beat into the ground and accepts that it is a penance they must pay to live in this bountiful land.

It is therefore not surprising that many people do not yet believe Ronald Reagan, Governor of California is for "real" about his latest "cut, trim and squeeze" approach to government.

The proposal by the Governor is to abolish state income taxes for single people who make less than $4,000 per year and married couples who make less than $8,000, give everyone else a permanent tax cut, establish a limit on what state government can take from your yearly gross income, now and forever, without your majority opinion.

Some six years ago, Ronald Reagan arrived in Sacramento. Those who voted against him were convinced he was a facade. A charming, articulate man without experience in government. Those who voted for him did so because of his charisma and because of a blind hope that he would be better than what they had for eight years.

Nevertheless, Reagan was an unkown quality.

How has he turned out?

You evaluate.

When Ronald Reagan took office as Governor, the state was practically bankrupt. Today, the state has a surplus of $850 million dollars.

California government was growing at the rate of 7% each year. Today, the state employee payroll grows at one per cent each year. An example is the Department of Motor Vehicles doing a 30% greater volume of work than the first year of the Reagan administration . . . and with the same number of personnel it had six years ago.

Welfare rolls were bleeding the state treasury and growing at the rate of 40,000 new cases each month. Today, there are 250,000 *less* people on welfare and those who have a valid reason to be on welfare are getting 30% more money to maintain a decent standard of living.

When Reagan took office, California like the rest of the nation perpetuated the "Snake Pits," mental institutions where the mentally disturbed were locked in and forgotten about. Forty thousand people festered in these warehouses. Today, under the Reagan administration, less than seven thousand remain because mentally disturbed does not mean mentally hopeless and the sickness can be treated as an outpatient illness.

Education, when Reagan arrived, was a sacred cow where money was showered indiscriminately. Reagan demanded an accounting, a control and refused to bankrupt the state by submitting to the demands of the disciples of higher education splendor. The result, California despite all the rhetoric which has damned Reagan on education, is still the finest educational system in the land, leads every state in the union in educational expenditures and has financial control of the state university and college system.

It has been a remarkable record of accomplishment.

Yet, to Reagan it is not enough.

Every attempt to cut government spending in order to take some of the cross off the backs of the taxpayer has been almost hopeless.

If the Governor rolls back expenditures in one area, the massive bureaucracy or the legislature will find a way to increase them in another area. It has been a cycle of frustration for an administration committed to austerity and a people sick and tired of being taxed to death.

In 1950 government took 32 cents out of every dollar you earned. Today, government takes 43 cents out of every dollar you earn. By 1990, government will take 54 cents out of every dollar you earn. Where it will end, if the present trend continues, is when government takes all 100 cents out of every dollar you earn.

So Reagan's Last Hurrah, his legacy to California is simply this: Here is a tax limitation plan. It tells every new governor, legislature and the state bureaucracy, "you can dream up any vast scheme you want but it will have to be paid for from "this" amount of money because that is the limit the constitution has set that you can take from the taxpayers".

"This" amount of money is 8.75 per cent of your personal income the first year and will decrease each year until it is but 7.15 of your annual income.

The proposal will not, as some critics say, create a financial catastrophe. As a matter of fact, under the plan, California's budget will double in ten years and triple in fifteen years . . . plus there are safeguards for a financial flow in case of a major disaster in the state.

But it will all come down to the taxpayers and voters in November. They can allow their state government to spend their money like it poured from an endless fountain. Or they can set an absolute limit on the amount that government can take and by so doing, say "make do" . . . the fountain now has a spigot which turns off after a certain amount is taken.

If the people support Ronald Reagan on the tax limitation plan, it will be a fitting climax to a remarkable man who arrived in Sacramento as a hope and will leave on another journey, very much a reality.

## WEAKNESSES OF THE WELFARE SYSTEM AND POSITIVE IDEAS TO IMPROVE IT

### HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. CLARK. Mr. Speaker, as a civics project the ninth grade classes at Center High School, Center Township, Monaca, Pa., have researched our present welfare system. In their proposal, which they have sent to Members of Congress and the Governors of all 50 States, they point out what they believe to be the weaknesses of the welfare system and have proposed positive ideas to improve it. All research and drafting of this proposal was accomplished by the students. Therefore, I feel that the students' proposal is worthy of inclusion in the RECORD and I am submitting it so that my colleagues may have the opportunity to see what a fine job these young people have done on a problem which is of utmost concern to us all:

THE WELFARE SYSTEM

*To the Representatives of the U.S. Congress and the Governors of the 50 States:*

DEAR FRANK CLARK: The ninth grade Civics students of Center High School, Monaca, Pennsylvania, dissatisfied with the present welfare system, decided to write the following welfare proposal. Although we are only fifteen years old, we are worried about our future in supporting the increasing number of welfare recipients.

Our nation's people should be the government's top priority, and since welfare concerns our nation's people, welfare reform should be a top priority. Congress is the only one that has the power to reform welfare. Welfare should be reformed!

Although there are many problems with the present welfare system, there are a few that should be emphasized. For one, there is no way for a person to get off the poverty cycle. The reason being that there is not enough incentive to get off welfare, nor is there enough job training in fields that will gain them enough income to raise them above the poverty level. Also, there is no unity in welfare programs among states. Furthermore the welfare burden on taxpayers will continue to increase as more prople are born into welfare families; causing the already exorbitant costs even higher.

Your generation is now laying the groundwork for ours and all future generations. If you don't solve the problem now, it will multiply and bury us in the future. The time is now to solve this problem. Don't turn away from the problem because we had a bad experience with the Great Society Program.

You are our avenues into government, for you represent the people. It is your duty to make the laws and we expect you to fulfill your obligations to yourself, to us, and to your country.

The following is a proposal to revise the welfare system of the United States. The present welfare system is undesirable, and it should be replaced with a national welfare program that is uniform in every city and state. We, the taxpayers of the future, have researched and developed an idea to help solve the dilemma of the present welfare system.

In the present welfare system, adults are not required to look for a job to remove themselves from the welfare lists. There are sixteen million people on welfare; eleven million of the given amount are children—according to the recent poll released by the

American government. It states the myths and facts of welfare, in which it actually contradicts itself. One "myth" states that, "Most welfare children are illegitimate." The supposed "fact" is, "A sizable majority of the more than seven million children in welfare families were born in wedlock." The second "myth" states that, "The welfare roles are full of able-bodied loafers." The supposed "fact" is, "Less than 1% of welfare recipients are able-bodied unemployed males." If most of the children were born in wedlock then more than 1% of the welfare recipients should be "able-bodied unemployed males". One of these statements must be false.

If during the depresssion in 1934, the government could hire 4,230,000 workers and place them on the payroll, why can't they do it now? The W.P.A. constructed 500,000 miles of roads, 40,000 schools, 35,000 playgrounds, 1,000 airports, built Pittsburgh Cathedral of Learning, and renovated Montana State Capitol. A welfare work program could be initiated by the Federal government to remove recipients from the roles. Our program could be arranged to find jobs now and to rehabilitate the welfare recipients. This program cannot replace public or private jobs because the unemployment problem would become worse. The jobs should guarantee a minimum wage of at least $2.25 for eight hours of satisfactory work. Work offered to these able-bodied recipients could be highway maintenance, cleaning up beaches, forest, playgrounds, and public buildings. They could also clean up their own slum areas.

Becoming involved with fire auxiliaries is also possible, along with helping the environmental control program. To determine if the work done is satisfactory, there should be supervisors. These supervisors could be some of the welfare recipients after they have been trained. If adequate work is not performed, the person will be fired and therefore become ineligible to receive welfare. This program would be set up for women and men. To help the women, there would be another program. This would be a child care center. This center will be open all hours of the day and would care for children only if the mother was working or attending the night school which will be mentioned later. The center will be run by welfare women and volunteer workers who would feed, care, and nurse the children. The work that needs to be done for this program will provide jobs for some of the recipients.

This work program might help to solve the overpopulation of the lower-class Americans. It would discourage the adults on welfare from having children because they would be receiving a set wage for working: the more children they would have, the more it would cost them.

The work program is not enough to reform the welfare state completely. Slowly these people should be absorbed into the economy. A rehabilitation plan would enable the welfare recipients to progress forward into a normal life as a middle-class family. Besides the work they would be doing, they will be required to attend an educational center to broaden their knowledge. They will be taught basic skills needed for their everyday life. The women will learn good housekeeping, proper child care, basic first aid, and to cook food they can afford with necessary nutritional value. If a mother presently has a new born child, she is not required to work or attend school for the first three years of the child's life. To stop the possibility of a legal loophole in this situation, if a mother's child is born directly after the third year of her first child, she must work and attend school anyway.

The men and women will attend a trade school to learn a skill. Some skills that could be offered are bricklaying, carpentry, and handling machines. These skills will give them the means needed to raise themselves from the present state of low income.

The teachers employed to run the school must have some past record of the skill they will teach. Later the recipients who have been taught the trade can earn money by being a teacher themselves.

This program of welfare reform might cost more now, but when the poverty problem is reversed it will be well worth it. This program will not solve all of our welfare problems over night. It will take a long period of time and effort but the result is both desirable and definitely necessary.

---

## AN INTELLIGENT VOICE SURFACES FROM AMIDST THE NONSENSE—A SALUTE TO IRA SKEGG

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. BROWN of California. Mr. Speaker, I have been amazed over the last few years by the number of seemingly intelligent people who have been completely brainwashed by the administration with regard to the rationale behind our involvement in the internal affairs of Indochina over the last decade. As soon as one reason that had been offered to explain our military actions was proven to have no validity, another reason was dreamed up by the administration and its apologists. The most absurd, of course, was the explanation which we were given throughout the 2½ years prior to the return of our prisoners of war. Since approximately the middle of 1970, it has been seriously claimed that we were fighting in Vietnam for the return of our POW's—which is similar to the heroin addict's statement that he takes heroin to ward off withdrawal symptoms. We all know that the heroin addict did not have to worry about his withdrawal symptoms until after he started shooting up, and I think that it is equally obvious that we did not involve ourselves in Vietnam in order to get back our POW's, since there were none until after we got involved. But the administration was hooked, and could not break the habit, despite the high cost of our "fix" in the form of the destruction of innocent civilians in the countries of Southeast Asia.

I was not really surprised, however, by the actions of the administration. After 20 years in politics, I am quite used to being lied to by one administration after another. What has surprised me is the extent to which so many people were willing to believe all of this nonsense. Even now, as the administration gives us yet another explanation for our continuing military involvement in this area even after our POW's have been returned, there are still many who are gullible enough to bite the same hook just because the bait looks different.

I am happy to report, Mr. Speaker, that there are some exceptions. One of them is Ira Skegg, a resident of Rialto in my own district. I would like to share with you and our collegues a letter which Ira wrote to the San Bernardino Sun-Telegram, which they printed in their "Voice of the People" column on April 22 of this year:

> "PEOPLE POWER" WORKS
>
> Conservatives are always quick to accuse liberals of fuzzy thinking, but they are rarely capable of recognizing it in themselves. Many citizens and POWs alike accuse America's antiwar groups, draft-dodgers and deserters of prolonging the war in Vietnam, without realizing that these are the very people who ended the war.
>
> Are the POWs so conceited as to actually believe that the war was ended for their sake? Think about it: How many wars have ever been ended for the sake of a few POWs?
>
> The public outcry reached the point that the majority of Americans, liberals and conservatives alike, condemned our presence in the war. If Nixon had not ended our involvement, Congress would have done it for him. He pulled out to save his own political power, i.e., to keep the Congress from mobilizing into a viable, anti-Nixon force.
>
> Didn't you notice how, for many years, nobody mentioned POWs, then suddenly they became a major issue, or rather, a fabricated excuse to pull out of the war while "saving face." The only face Nixon saved was his own.
>
> The success of the Vietnam protests was an excellent example of "people power" in action.
>
> IRA SKEGG, *Rialto*.

And I would like to say to Ira Skegg, wherever he may be today, thank you for offering a voice of intelligence to balance the incredible amount of nonsense that I hear and read every day. Without the reinforcement of such people as Ira Skegg, I would find it difficult to maintain the basically optimistic point of view that enables me to stay in politics. I only wish there were more such people in the 38th District, and in the entire country.

---

## ANOTHER OUTRAGEOUS SUBSIDY

### HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. GROSS. Mr. Speaker, Reporter George Anthan of the Des Moines, Iowa, Register, has uncovered an incredible situation in which the Agriculture Department is financing the operations of a cotton promotion organization to the tune of $10 million a year while the same outfit is banking the substantial contributions it receives from cotton producers.

In a story in the May 17, 1973, edition of the Register, Mr. Anthan asserts that Cotton, Inc., will have on July 1, 1973, a "reserve fund" of $12 to $15 million. On that same date of July 1, Uncle Sucker is scheduled to fork over the third $10 million installment of the taxpayers' money to this outfit, whose director gets $100,000 of it as his salary.

Mr. Speaker, I have written to Agriculture Secretary Earl Butz requesting an explanation of this practice, because I see no reason why the American people should be gouged for such a huge subsidy for an organization that is apparently rolling in private wealth.

I insert the newspaper article in the RECORD at this point:

### QUESTION USE OF FUNDS BY COTTON, INC.—SPENDS U.S. MONEY, SAVES PRIVATE

(By George Anthan)

WASHINGTON, D.C.—A cotton promotion organization has been spending all the public funds it receives from the U.S. government, while at the same time placing private money its gets from cotton producers into a reserve fund.

Officials of the U.S. Department of Agriculture (USDA) acknowledged Wednesday that Cotton, Inc., of New York City is supposed to finance its operations through joint use of both the public and private funds.

#### SHOULD REPAY

USDA officials said that if any tax money had been left over from over-all financing of Cotton, Inc., operations it would have to be paid back to the U.S. Treasury.

Department officials said it is believed this is a major reason why the organization has been fully spending the federal money, but has been placing millions of dollars from its private contributors into a reserve fund.

A USDA official said the department considers the situation "odd", and has "written to them and talked to them about it."

Asked if the department has requested that Cotton, Inc., pay back a substantial amount of money into the Treasury, a USDA official said, "That certainly has been suggested by us."

He said, however, that Cotton, Inc., rejected that suggestion and that an agreement has been reached under which the promotion group will spend the money in its reserve fund rather than repay a portion of the public funds it has received. "They're going to solve this by expanding their program," said a department official.

"This entire situation has caused us a lot of concern," he said, "but we really don't have any supervisory authority over them."

Officials of Cotton, Inc., could not be reached for comment Wednesday.

Records submitted by Cotton, Inc., to the USDA show the organization has been spending fully the $10 million they have received from the government in each of the past two fiscal years.

A third $10-million payment is scheduled to be delivered by the USDA to Cotton, Inc., on July 1.

But government records also show that Cotton, Inc., is expected by July 1 to have a "reserve fund" of from $12 million to $15 million, all of it from unexpended funds derived from a $1-a-bale checkoff paid by cotton producers.

According to a budget submitted by Cotton, Inc., to the USDA for the current fiscal year, the group had planned to spend some $20 million, with the private producers and the government each paying one-half.

USDA officials explained that examination of the organization's financial records shows that while they have been fully spending the government's $10 million, they have failed to spend large amounts of the private money, even though these funds were budgeted.

#### "SPEND IT OR LOSE IT"

"Well," said one USDA official, "with the money we give them, they either have to spend it or lose it. That other money, they can carry it forward to the next year. They just can't do that with federal funds, and they know it."

The relationship between Cotton, Inc., and the federal government began with passage of the 1970 Farm Bill. Southerners who dominate the House and Senate Agriculture and Appropriations committees insisted on a provision to finance cotton promotion with a $10-million annual federal payment.

Opponents of this succeeded in inserting a clause under which such a payment would be limited to the amount saved under a then-new program cutting cotton subsidies to $55,000 for each producer.

Although the amount saved has been less than $3 million, the USDA has continued to pay the full $10 million a year to Cotton, Inc.

But the USDA itself now is beginning to question propriety of the payments.

In testimony recently before the House Agriculture Appropriations subcommittee, J. Phil Campbell, undersecretary of Agriculture, stated:

#### QUESTION PROPRIETY

"There is a growing body of thought that questions the propriety of public funds being used for promotional purposes for any products in the domestic market."

Campbell, who formerly was state agriculture secretary in Georgia, noted that producers of citrus fruits, milk, wheat, pork, soybeans, tobacco, peanuts and other commodities promote their products with their own money.

"Consequently," Campbell told the subcommittee, "the continued use of taxpayers' dollars in the form of (USDA) funds, to promote cotton in the domestic market, is seriously questioned."

The USDA has admitted to Congress in a report that salaries, overhead and other administrative expenses of Cotton, Inc., "have been high."

The organization, whose headquarters in New York have been described by one Congressman's aide as "spacious, colorful and looks quite expensive," estimates it will pay $2.1 million in salaries in the 1974 fiscal year.

#### DIRECTOR GETS $100,000

This includes $100,000 for its director, Dukes Wooters, a former Reader's Digest official, and salaries of $35,000 or more for six other officials.

Representative Jamie Whitten (Dem., Miss), chairman of the appropriations subcommittee that supervises the USDA's budget, said Cotton, Inc.'s salaries "are disturbing. Offhand, they seem high."

USDA records show that Cotton, Inc., spent some $800,000 in moving expenses when it relocated its headquarters last year. Records also show the organization had wanted to spend $1.2 million in the move, but that this amount was rejected by the government.

USDA officials also acknowledge that since Cotton, Inc., began its promotion activities, cotton usage in the U.S. has dropped by about 400,000 bales.

---

## THE UNIFORM TIME ACT NEEDS REFORM

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. WALDIE. Mr. Speaker, all Members are aware of the great personal and physical inconvenience caused by the difference in time zones across the United States. In addition to disruption of eating and sleeping habits, the various time zones cause difficulties in political, economic, and business duties.

Network television spends millions of dollars taping programs to fit the time zones, west coast brokers must rise 3 hours early in order to be ready for early trading, and the hours in which business calls can be made coast-to-coast are very limited.

I believe that it is time for a reform of the Uniform Time Act. I urge all Members to consider the need for reform, and suggestions toward that end are outlined in the following article written by Dr. G. J. Kidera, vice president medical services for United Air Lines and carried in the Mainliner magazine:

### DOES ANYBODY KNOW WHAT TIME IT IS?

Man is primarily a two-cycle engine: one operates during the day, the other at night. Literally, we are "up" twelve hours and "down" twelve hours. Technically, this is referred to as a diurnal phenomenon.

The effects of diurnal (something which occurs daily) phenomenon upon a person's activities have increased through the centuries as man has progressively found new ways to make the 24-hour day more interesting.

With the invention of fire, man stopped going to bed with the chickens. This gave him more time to enjoy fireside chats with the little woman in their cave.

With the advent of the wheel man utilized more effectively his beasts of burden. Now, with torches to guide him, he had transportation into the night.

Progress continued in modes of travel—carts, horses, horses and carriages, horseless carriages—until today when he finds himself in the jet age.

Millions of people, rather routinely, can now span thousands of miles in only a few hours, jaunting from one country to another, from one continent to another. The psychological stress encountered by this jetting about is in part abetted by the time zones the traveller must cross.

The diurnal cycle of our body mechanisms is also known as circadian rhythm, jet upset and jet lag. Symptoms from body-time alterations caused by this jet age problem vary from person to person. The individual who has rigid personal habit patterns has the greatest difficulty coping with crossing time zones. The flyer who awakens every day at 6 a.m., regardless of the time he retires, or who must have lunch at noon sharp, has great difficulty in adjusting.

The individual with more adaptable patterns—he can sleep anywhere, takes refreshing catnaps and has reserve energy to carry him through periods of stress—has less difficulty with jet lag.

For those upset by time cycle alterations, a few remedies have been suggested by others. You can adopt a "business as usual" philosophy, suffer at the end of the trip and then spend a couple of days adjusting. Or, you can start to adjust early by spending the immediate three or four days before a trip living on the time zone of your destination. I'm afraid that's rather impractical, however. Picture the guy who plans a trip from New York to Honolulu, a time zone difference of five (six in the summer) hours: for three days he gets in shape by eating breakfast at noon, going to bed at 4 a.m. and arising at 11 a.m. just to be "on time" in Honolulu. Nobody, especially a businessman, could adhere to such a schedule.

So what can you do?

1 Start by departing well rested. It can put you a step ahead of the rigors your body will face in adjusting.

2 Choose daylight departures, if possible. This will often mean an evening arrival and give you time for a leisurely dinner, a good night's sleep and late arising by local time.

3 Eat and drink lightly before and during the flight. That stuffed feeling, plied with overly-generous beverage consumption, only compounds your body's rhythm struggle.

4 Plan only light activities for the first 24 hours after arrival. This permits a long, refreshing recovery period and makes for greater enjoyment for the remainder of your stay.

Four different time zones for the continental United States has not been a practical idea since the invention of the telephone and the airplane. One of the best solutions for modernizing time in the United States is to create a single time belt. We call this U.S.A. Time.

U.S.A. Time, a concept of it being 10 a.m. in New York, Chicago, Denver and Los Angeles simultaneously—rather than our present system of one hour differences between Eastern, Central, Mountain and Pacific time—could provide instant relief for the communications and travel problems of the millions of business people who keep the heart of America pumping.

Then why don't we adopt U.S.A. Time?

Your first reaction might be that it is a "slap in the face of Mother Nature." Before 1880, your opinion would have been popular, since our forefathers operated on the Mother Nature system of time. The instant the sun reached overhead in their home cities, they designated it "high noon" or 12 o'clock. This was a good system, provided you never left your hometown. Each city was on a different time. If you traveled a hundred miles in any direction from your city, the base time would vary several minutes.

Mother Nature complicated this further by her inconsistency. The sun would not be directly overheard at the same time on any given day in any given city since the difference between the shortest day of winter and the longest day of summer is more than five hours.

### THE RAILROADS PUSHED FOR A CHANGE

By the 1880s, high noon city-by-city time became obsolete due to the increased speed of telegraphic communication and railroad travel. The railroads found scheduling impossible on the high noon system. They pushed for a change. It worked.

In 1883, Time Zones—approved by international conventions—were introduced. The United States adopted Eastern, Central, Mountain and Pacific Time Zones with one hour differences. In an age when it took a full day to cross one of the wide U.S. time zones, this new system was practical. Besides, the country was sectionalized and the time zone boundaries usually ran through relatively uninhabited areas of the country.

The practicality of the new Time Zone decreased as the speed of travel and communication increased. Over the decades, progress has been made in other obvious areas—cars replaced horses, paved highways replaced dirt roads, planes began to be a major form of commercial travel, then faster planes replaced them, jets replaced props, until finally we were a jet age nation. Jet age, yes, but a country which still operates on an 1883 railroad time system.

Modern America began to play with the clock in the 1940s. During World War II we moved the national clock ahead one hour and called it Daylight Savings Time. After the War, Daylight Savings Time was observed by local options.

This caused more confusion than can be described. While most cities observed Daylight time only in the summer, many cities ended it in September, others October. Often towns within 10 miles of each other would split over the time. Town A would go on Daylight Time, Town B would decide to remain on standard.

In 1967, the Uniform Time Act divided the United States and its possessions into eight times zones; Atlantic, Eastern, Central, Mountain, Pacific, Yukon, Alaska/Hawaii and Bering.

The Act also said that all states, possessions and the District of Columbia *must* observe Daylight Savings Time from 2 a.m. on the last Sunday of April until 2 a.m. on the last Sunday of October. Did this solve any problems? Some.

However, the Act also allowed any state, by legislative action, to exempt itself from going on Daylight Savings Time. Hawaii, Arizona, Michigan and Indiana chose this way out.

In 1972, the Act was further watered down when the states were allowed to split themselves into time zones and to exempt either part. As a result western Indiana observes Daylight Time; eastern Indiana does not. States which have been allowed to split themselves between time zones are Michigan, Utah, North Dakota, Nebraska, Kansas, Oregon, Texas and Indiana.

One thing is certain, the Uniform Time Act has done very little to eliminate the confusion caused by multiple time zones and Daylight Savings Time. It definitely has not simplified the job of interstate commerce or travel.

### HOW CAN U.S.A. TIME BE ACCOMPLISHED?

The change to U.S.A. time could come in two phases. Phase I would establish only two zones—Eastern and Western. Then Phase II would combine these with a half-hour change.

The change to U.S.A. Time should be enthusiastically embraced by those Americans living in the Central and Mountain Time Zones. Under Phase I they would not change. They also would not go on Daylight Savings Time.

The plan for U.S.A. Time concerns only the continental United States. (We would also recommend that Alaska drop its four time zones and standardize on Alaska/Hawaii Time; and that Puerto Rico and the Virgin Islands move from Atlantic Time to the new Eastern Time).

Eastern (now Central Time Zone) and Western (now Mountain Time Zone) would become the standards for a two-zone continental system. Here's how it would work.

In the continental United States, we would divide into two time zones—Eastern and Western. Residents in the Pacific Time Zone would go on a year-around Daylight Time, in effect, moving their clocks forward one hour to Mountain Standard Time. This shouldn't be difficult since the four states in the Pacific Zone all now go on Daylight Time each summer anyway.

Major objections most logically would come from residents in our present Eastern Standard Time Zone. They would set their clocks back one hour to Central Standard Time under the new system.

The East has a high concentration of businesses, however, which are involved with interstate commerce. Our present railroad-inspired zones adversely affect them. Therefore, resistance might not be as great as anticipated since there would be many obvious advantages to dealing with the Midwest on the same time.

Assuming the Pacific, Mountain and Central Standard Time zones residents could persuade the Eastern Standard Time Zone residents to move their clocks back one hour—which is a reasonable assumption—Phase I of U.S.A. Time would be accomplished.

Examine the following illustration, and it explains that Phase I of the U.S.A. time change would nearly double the number of convenient hours to telephone coast-to-coast during the normal business day. More work would be done simultaneously.

Example: There are only three convenient hours to telephone from New York to Los Angeles today. This is due to different starting times, quitting times and lunch times.

Today you can only conveniently reach the East from Los Angeles from 10 a.m. to 12 noon, and from 1 p.m. to 2 p.m. Under the new system, calls from west to east would be regularly placed from 9 a.m. to 11 a.m., and from 1 p.m. to 4 p.m. From east to west, New Yorkers could call from 10 a.m. to noon, and from 2 p.m. to 5 or 6 p.m.

### PROBLEMS OF THE PRESENT SYSTEM ARE MANY

The problems wrought by our present system are many. Those businessmen involved with the stock market and any of its related activities must make personal adjustments to impersonal zones. Since market operations must begin simultaneously across the U.S. (to prevent trading advantages), brokers in San Francisco must rise three hours earlier than their eastern counterparts in New York in order to be ready for the market's early morning operations.

Shippers must constantly plot arrival and departure times for shipments in distant locales. Businesses with scattered branch offices must fight time differences daily.

Network television spends millions because it must reschedule, retape and rebroadcast thousands of hours of programming to serve the present zoning system. It has, however, already accomplished Phase I by combining the Central and Eastern Time Zones into one. There have been few complaints.

Jet lag for air travelers is a real problem which affects the normal eating and sleeping patterns of passengers arriving at a transcontinental destination. (See *Health*, page 14).

Today when a passenger leaves Los Angeles for New York, he is literally on a five-hour air trip. However, when he arrives, he discovers that the trip has actually taken *eight* hours by the clock.

Suppose he leaves Los Angeles at 5:30 after the closing of a business day. He boards, jets away, and instead of arriving at 10:30 p.m. (still a decent hour), he arrives at 1:30 a.m. New York time. If his business meeting the following day is scheduled for 9 a.m., he gets up at 7:30 New York time. However, his mind and body are still attuned to Los Angeles time which is 4:30 a.m. His body reacts accordingly out of habit.

Does anyone really know what time it is? Yes, it's time for a change.

### WHY PHASE I AND PHASE II CAN WORK

Let's look at the four major time zones across the United States and how they can be eliminated.

Phase I, as mentioned earlier, would form two zones instead of four, thus making the difference between New York and Los Angeles only one hour instead of three.

This would be done by combining the Eastern and Central Zones, and the Mountain and Pacific Zones. We would now have only Eastern (now called Central) and Western (now called Mountain) time. This would result in no change across most of the country and a change of one hour for the Coasts.

Now there would be no time change on flights between New York and Chicago, Memphis and Atlanta, New Orleans and Miami. In the West, we'd travel with ease between Los Angeles and Denver, Phoenix and San Francisco, Seattle and Salt Lake City without the disruption of time change.

### PHASE II WOULD BE CRUCIAL TO UNIFICATION OF TIME

The final step would combine the remaining two zones into a single zone from Maine to California. At that time, we would have to change our clocks only 30 minutes. The east would turn its clocks back 30 minutes; the West would move 30 minutes ahead. Now we would be on standardized U.S.A. Time.

Though it will aid airlines and their passengers greatly, it will, in fact, benefit every citizen of the country. Families with scattered members will be able to communicate with ease. The problems mentioned earlier—shippers, brokers and television delays—will be resolved. Efficiency will increase and we will have truly entered the jet age.

Objections will be raised. The first will be that changing the zones will not actually change anything—that there will *still* be three hours difference between New York and Los Angeles and that darkness will still come to New York three hours before it comes to Los Angeles. This is essentially true, but one part is based on a misconception and the other on a failure to understand the full impact of U.S.A. time.

### SOME PARTS OF THE WORLD HAVE ALREADY OPTED FOR STANDARD TIME

Several countries or regions have already united under the same time zone.

All world time is measured from Greenwich Mean Time, based on the London suburb of Greenwich. Yet, even before they entered the Common Market, Great Britain and Ireland joined Europe in the summer by going on Daylight Time which moved them an hour ahead and into step with the rest of western and central Europe. Now the continent from Portugal to Poland and from Ireland to Yugoslavia tells time the same.

The People's Republic of China, a nation which is broader from east to west than the United States, has been unified under one national time.

India, another large country, has combined her time zones into one by moving the eastern part of the country back a half hour and the western part ahead a half hour.

All of southern Africa, from the Atlantic to the Indian Oceans, maintains the same time. While political problems keep these nations apart, at least keeping the same time may help them talk about their differences.

### OTHER COUNTRIES ALSO HAVE COMPLICATED TIME ZONE PROBLEMS

While the continental United States puzzles through the problems of four time zones, other parts of the world have managed to confuse their citizens even more.

Canada has seven different time zones; the Soviet Union, an incredible eleven. Brazil, a country equal to the United States in size, divides itself into three zones with her island possessions in a fourth.

As mentioned earlier, our own State of Alaska, where air travel is sometimes the *only* means of transportation, copies the "lower 48" and splits itself into four unnecessary time zones.

Australia, a nation also as large as the continental United States, divides herself into three zones—and further confuses the matter by having the central zone be only 30 minutes behind the eastern zone, while it is 90 minutes ahead of the western zone.

The Arab world invites problems of unity as it maintains six different kinds of time.

Most baffling of all is Saudi Arabia which keeps Arabic Time. This time is based on the concept that each day begins and ends at sundown which makes midnight different every day of the year.

In short, if time zone reform is accomplished in the continental United States, it would point the way for other nations to reduce or eliminate the hours which divide their people.

Americans, who pride themselves on progress, should take a look at the needs of their countrymen and what they must do to standardize time. It will literally take an "act of Congress" to change to Phase I or II of U.S.A. Time, but the impetus for this change begins with each of us.

---

## FUEL CRIMP HITS BULK BUYERS

## HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. MINISH. Mr. Speaker, as we move into the last quarter of the 20th century, it is apparent that government on all levels must make an expanded commitment to improved mass transportation if we are to alleviate the problems of congestion and pollution present in our urban areas.

The energy crisis, which has received widespread attention in recent months, serves as yet another compelling reason for increased emphasis upon quality mass transit. Widespread use of mass transportation can significantly alleviate the shortage of vital fuels.

However, mass transit systems, too, have been adversely affected by the energy crisis. Higher fuel costs have moved many systems to the brink of substantial fare increases which will discourage ridership on mass transit, thus further depleting our scarce fuel supplies.

In order to prevent a further decline in mass transit patronage, with the attendant problems of pollution, congestion, and waste of scarce resources, the Congress should enact legislation, such as H.R. 6452, which I have sponsored, to provide operating assistance to the Nation's mass transit systems.

Mr. Speaker, at this point I insert a recent article from Business Week outlining the effect of the energy crisis upon mass transit:

### THE FUEL CRIMP HITS BULK BUYERS

Suddenly, the shortage of motor fuels has spread to the big time. With many of their annual contracts expiring, bulk purchasers of motor fuel—city bus lines, local and state governments, and large trucking companies—are having trouble finding oil companies to supply them, even with huge price increases. And on the farm, the situation looks ominous. The big Midwest farm cooperatives have storage tanks filled with fuel, waiting for the sun to dry drenched fields and allow spring plowing. But this supply could dwindle fast when farmers start trying to pick up lost time. And no one knows where more fuel will come from.

Historically, the big volume buyers of gasoline and diesel fuel have purchased surpluses left over after an oil company's own gas stations are supplied, and they got bargain prices. Prices under expiring contracts run about 12c per gal. for gasoline, compared to the 14.5¢ paid by jobbers who supply retail outlets and to the 18.5¢ paid by dealers. Now, however, the bulk buyers are suddenly paying about 50% more, and they consider the consequences catastrophic.

City transit. Urban transit companies are among the hardest hit. "We're heading for disaster in our metropolitan areas," declares Alan F. Kiepper, general manager of the Metropolitan Atlanta Rapid Transit Authority. "If we close down, the 120,000 people we carry daily will turn to automobiles."

For a moment last month, it looked as though that might happen. Gulf Oil Corp., which had supplied Atlanta buses for more than 20 years, told the authority that when its contract expired, it would not be renewed, MARTA sought after supplies, with no luck, and only after a public outcry did Gulf agree to ship fuel for another month.

MARTA was not alone. One-third of the 90 city transit companies surveyed by the American Transit Assn. reported they have received fuel curtailment notices, though most have not had to reduce services yet.

City and state governments are similarly in trouble finding fuel for police cars, fire trucks, and other vehicles. Los Angeles last week called for bids on its 12-million-gal. annual gasoline requirement and received none. Its contract with Shell Oil Co. expires in June.

Detroit and Boston have been unable to contract for enough gasoline this year. And when the state of Michigan sought bids from 135 gasoline distributors, it received them from only four, and for only 30% of its annual need.

Tempers rising. The higher prices are angering many as much as the shortages. When the Washington (D.C.) Metropolitan Area Transit Authority recently signed its new diesel fuel contract, at a 3.5¢-per-gal. increase, its board weighed "possible legal action" to insure an adequate fuel supply at a "fair" price.

Trucking companies are also being cut off by their regular suppliers, and this may become worse in the fall when refiners switch to heating oil instead of diesel. "When our tanks are empty, I have no idea what we are going to do," says Russel O'Dowd, vice-president of Century-Mercury Motor Freight, Inc., who has been told by Shell, Standard Oil Co. (Ind.), and Gulf that when their contracts expire they will not renew.

Oakland-based Pacific Intermountain Express Co. has been put on allocation by its suppliers, and its 97 terminals around the country have only 75% of their fuel needs. Worse, the company is losing money because of a 30% increase in its fuel bill since January, and it is seeking a rate increase. Says Robert Dunn, director of purchasing for Pacific Intermountain: "This is the most critical thing I've seen in my 40 years in trucking."

Dallas-based Hunsaker Truck Lease, Inc., last month sued Shell for refusing to resupply it when its contract expired, charging that Shell was trying to shift product to higher-profit retail markets to circumvent price controls.

Oil's point of view. The oil companies say they are cutting back on bulk purchasers to avoid shortages at their station outlets. "Our first obligation is to supply branded jobbers and dealers, who invest in stations that fly the company's flag and who have been loyal to us for years," says Robert Moore, vice-president of Cities Service Oil Co.

The companies do, however, make more money on their retail trade. An oil company just about breaks even selling gasoline to its big accounts at 12¢ per gal., but selling it through branded stations brings a 2.5¢ per gal. profit. "Some companies would like to make more money by selling gasoline to retail markets where they have the best margins," says G. J. Morrison, vice-president of marketing for Phillips Petroleum Co., which has never sold much gas to bulk buyers. The alternative, raising prices to bulk customers, could create problems under price control guidelines, he says.

### INTERVENTION SOUGHT

Such allocation tactics may make good business sense to an oil company. But the transportation industry is clamoring for the federal government to help. "We have an obligation to serve the public with essential services, and so transportation should be given priority on fuel," argues Edward Kiley, vice-president of the American Trucking Assns.

The farmers can make a similar plea. In a state like Iowa, about 50% of the fuel suppliers are independent jobbers. And many of them are being cancelled out by oil companies because they are marginal outlets.

There is evidence that the Office of Emergency Preparedness and other agencies in Washington are drafting plans to allocate motor fuels. But if the executive branch does not act fast, Congress may step into what is rapidly becoming an inflammatory situation.

"Without clear standards as to who receives supplies during shortages," says Senator Thomas McIntyre (D-N.H.), chairman of the committee, "there is great potential for abuse."

---

## H.R. 7200

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. WALDIE. Mr. Speaker, I am sure that many of my colleagues have received correspondence on a bill that the House will consider today—the railroad retirement temporary increase extension.

Should Congress fail to approve this bill, railroad retirees across the country will face great hardship when the increases in their annuities expire on July 1. In view of the continuing rise in the cost of living, a slash of up to 50 percent in pensions would severely impair the retirees' ability to make ends meet.

H.R. 7200 meets the approval of both railway labor and management and will not require appropriations on the part of Congress. In view of these facts, Mr. Speaker, I urge my fellow Members to seriously consider voting favorably for this legislation and to resist any attempt to recommit.

---

## AID TO NORTH KOREA EXTENDED BY U.N. WORLD HEALTH ORGANIZATION

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. RARICK. Mr. Speaker, the latest shenanigan from the United Nations is the announcement that the World Health Organization (WHO), a voluntary agency, has now admitted the Communist Party of North Korea to participate in and enjoy its functions.

Under the pseudo-intellectual interpretation offered by our administration and others in the international community which feel that WHO is a voluntary agency not under any 25 percent limitation of American taxpayers' dollars, this means that the American people will now be subsidizing Communist health in North Korea.

To those too young to remember and those who do not wish to recall, North Korea was the declared enemy of armed aggression in the last war before the North Vietnamese peace action. This is bound to be another historic first—the first time the United Nations has accepted into its fold a former enemy against whom it declared war and never undeclared it. Panmunjom and the shaky cease-fire in Korea are mute reminders along with the graves of thousands of American boys who gave their lives in promoting "peace, U.N. style."

The articles follow:

[From the Washington Post, May 18, 1973]

#### U.N. HEALTH UNIT ADMITS NORTH KOREA AS MEMBER

GENEVA.—The World Health Organization admitted North Korea to membership yesterday in a surprise defeat for the United States, Britain, Japan and South Korea, which led an unsuccessful fight to defer the issue for a year.

U.N. officials in Geneva said this increased the likelihood that the two Koreas will enter the United Nations this fall. North Korea's allies in the United Nations have fought unsuccessfully for years to remove the stigma of aggression that the General Assembly placed on North Korea in 1950 and to force the withdrawal of U.S. forces in South Korea under the U.N. flag.

Before membership, North Korea will be entitled under U.N. practice to ask for an observer mission at U.N. headquarters in New York. This will create a dilemma for Washington. So far, the United States has granted observer visas to only one Communist state with which it has no relations—East Germany.

The WHO vote to admit North Korea was 66 to 41, with 22 abstentions.

---

[From the Washington Post, May 19, 1973]

#### NORTH KOREA MARKS A MILESTONE BY ADMISSION TO WHO

(By Don Oberdorfer)

TOKYO, May 18.—North Korea's admission to the World Health Organization in hotly contested balloting yesterday opens a new phase of its relations with the non-Communist world. Its entry for the first time to a United Nations agency, moreover, is an important milestone in its drive for dissolution of the symbolic U.N. presence in the Korean peninsula.

The Communist government, headquartered in Pyongyang, won entry to the world health body by a 66 to 41 secret vote at the WHO 26th assembly meeting in Geneva. The Soviet Union and China led the way in urging admission of their ally, with the United States leading the opposition on behalf of its ally, South Korea.

In a broadcast monitored here today, Pyongyang Radio criticized the United States, South Korea and Japan (which also opposed North Korean admission). "U.S. imperialists and Japanese militarists failed in their wicked schemes," the radio report declared. Han Duk Su, chairman of the pro-Pyongyang Korean Residents' Association in Japan, called the vote "a triumph of sound judgment" and appealed to the Japanese government to revise its policies.

In Seoul, the South Korean government expressed regret at the WHO action and contended it would retard the current dialogue between the rival Korean states. South Korean officials had hoped to the last moment that somehow their antagonists would be kept out of the U.N. agency for at least another year, and thus the action in Geneva was a jolt to them.

Diplomatic observers here said the WHO decision makes it nearly certain that North Korea will be given official observer status at the U.N. General Assembly meeting this fall, and that a full-scale debate will be staged on the continued U.N. role in Korea 20 years after the armistice which ended the hot war there.

Close to 40,000 American troops are still on duty in South Korea under the U.N. flag as the last major element of the international force which fought to defend South Korea in 1950–1953. Even if the U.N. peacekeeping authority should be withdrawn and the U.N. flag hauled down, however, American troops would probably remain on duty under the U.S.-South Korea security treaty.

North Korea's victory at Geneva is likely to increase its diplomatic stature and respectability both inside and outside the United Nations. A number of non-Communist nations—most recently the Scandinavian states—have granted official recognition to Pyongyang. Additional countries are now likely to follow suit.

Japan, which has growing trade relations but no official tie to North Korea, is under pressure at home to take a more even-handed posture toward the rival Korean states. Japan has had close ties to South Korea, which lies less than 200 miles to the west of the Japanese island of Kyushu and is of great strategic, economic and historical importance.

After a Cabinet meeting today in which he reported on the action at Geneva, Foreign Minister Masayoshi Ohira said Japan would not hastily revise its basic policies toward North Korea. Both he and officials of his ministry indicated later, however, that Japan might change its stance toward North Korea at the U.N. General Assembly session this fall.

The North Korean drive for greater international acceptability began nearly two years ago, about the time it was learned that President Nixon had undertaken direct contact with China, North Korea's neighbor and ally. Following China's model and perhaps its advice, the Pyongyang government cracked open its long-closed doors ever so slightly, first to Japanese press and unofficial visitors, then to American reporters and other visitors.

At the same time North and South Korea began secret maneuvers which brought about the first dialogue between these two hostile states in two decades.

The discussions began on two levels—Red Cross talks on the problems and potential accommodation of divided families, and more substantive official talks at a high political level. In nearly a year, however, the two sides have agreed on very little other than the mutual desire to keep talking.

While North Korea has been improving its contacts and ties with non-Communist states, South Korea has been gingerly seeking direct contacts with China, the Soviet Union and other Communist allies of North Korea. In March the Seoul government publicly announced its willingness to discuss oil problems of the continental shelf with The People's Republic of China, which it called by that name officially for the first time.

So far, there has been no public response from China or the Soviet Union to South Korea's overtures. Should one respond, the other would be expected quickly to do the same, given the intense state of their rivalry and the strategic importance to both of * * * the Korean peninsula. Such a turn of events would make the fast-changing international political situation in Northeast Asia even more complex and more unstable.

---

## CHEMICAL WARFARE (II)

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. RANGEL. Mr. Speaker, warfare is a brutal and ugly experience when weapons are utilized that not only destroy the land and kill the enemy, but cause destruction for untold generations to come, it is time for civilized peoples to intervene.

Such long-range destruction, by the use of poisonous chemicals, is being perpetrated against African citizens by the Portuguese and South African forces.

I now submit for the collective attention of this body, further information on chemical warfare in Africa:

#### INTERVIEW ON THE RECENT USE BY THE PORTUGUESE OF CHEMICAL AND BIOLOGICAL WARFARE IN EASTERN ANGOLA

Interview with four cadres-members of the village Action Committees of the Popular Movement for the Liberation of Angola (MPLA). The four men interviewed are also peasants of the Zone A area, Moxico District, Eastern Angola. The interview conducted by Liberation Support Movement, July, 1970; MPLA representative Camalata translating from the Luchazi to English and Portuguese. (taped)

LSM. When did the Portuguese begin their use of chemical defoliants & napalm in this part of the Moxico District?

MPLA Cadres (from Zone A, Sectors 2 & 3). The Portuguese began dropping bombs this year—in April. Chemicals were dropped first on the fields—mainly cassava fields, but also other crops, whatever was visible. After the chemicals were dropped, destroying sweet potatoes and other crops, the Portuguese continued dropping chemicals, and bombs, which affected the people. About 30 persons have died as a result of these chemicals. This was the first time we saw such airplanes. Some of the airplanes came low, and others flew above. They sprayed something over the fields. The next morning we discovered our cassava plants were dried out; they were rotten.

LSM. Would you describe the effect? What did they look like?

MPLA Cadres. It was like this: some of the cassava was sick, and some was dead.

LSM. The 30 people who were killed—were they killed as a result of the napalm bombing, or the chemical defoliants?

MPLA Cadres. Only a few people died as a result of eating the poisoned food; most who ate the crops only became sick. We learned that the crops were affected. The greatest number of deaths was from the bombing.

LSM. How did the people feel about this new type of warfare used by the Portuguese?

MPLA Cadres. At first the people were very frightened, but the overall attitude toward the Portuguese was: *you won't make us leave Angola, even if you poison everything, no matter what tricks you resort to.*

LSM. Have many villagers fled to Zambia after the Portuguese started using these types of chemical defoliants?

MPLA Cadres. It is difficult for us to tell just now; we don't yet know what has happened in other parts of the country, but we do know that much of the land surrounding our sectors has been affected. Three fourths of Zone A has been affected, we know.

LSM. Have many villagers fled to Zambia because of the shortage of food?

MPLA Cadres. The chemical bombings haven't forced our people to leave our country; our movement has been able to help those people who were worst affected by the bombing and spraying of chemicals.

LSM. What is being done by the MPLA to cope with the shortage of food now?

MPLA Cadres. The people in Zone A are mainly living on fish and millet; it hasn't been possible for the Portuguese to bomb everything.

LSM. Have some of the people moved their villages from that area?

MPLA Cadres. The shifting has primarily been within Zone A.

LSM. Have the chemical defoliants affected the wild plants and animals?

MPLA Cadres. No; they don't seem to have been affected.

LSM. So only the cassava, the sweet potatoes . . .

MPLA Cadres. and millet; the Portuguese also sprayed banana and mango trees, and dense forests, where they suspected people might be.

LSM. How do you plan to deal with the problems that arise from this new weapon that the Portuguese are using?

MPLA Cadres. We have appealed to other countries to help us—and to expose these acts that the Portuguese have done. Also, we appeal for weapons that will prevent the Portuguese from using these chemicals and bombs on our land and on us.

LSM. Do you seriously think that appeals to the various countries that are supplying these chemicals etc., France, West Germany, The U.S., Britain, etc. that they will agree to stop selling the napalm and chemicals to Portugal

MPLA Cadres. We think that perhaps the governments alone would not agree to stop selling, but if they learn that the chemical warfare is of no use—and also, if the people of these countries learn what their governments are doing to the people of Angola, then perhaps they will stop selling or giving these things to the Portuguese.

LSM. What are your plans now? Are you going to return to the same area?

MPLA Cadres. We have come to Zambia to explain to the press, to the authorities here in Zambia, and to our MPLA here in Lusaka (Department of Information), what the Portuguese are up to in Angola. It is pleasant to be here in Zambia, where there is peace, but we must return now to Angola, to the war; we are going back to our motherland, with MPLA, to continue.

In response to this frightening development, I will be introducing two pieces of legislation in the House of Representatives.

"The Herbicide Export Control Act of 1973" will ban the exportation of 2,4,5-T herbicides. 2,4,5-T was the main ingredient of the now infamous "Agent Orange" that was used in Vietnam.

"The Chemical Warfare Prevention Act of 1973" will halt the exportation of all types of herbicide to Portugal and South Africa.

I sincerely hope that my colleagues in the House join me in this effort to end the chemical warfare in Africa.

## ROBERT E. DAMMER OF LEAVENWORTH, KANS., WINS AWARD

### HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. ROY. Mr. Speaker, I am very proud that my constituent, 2d Lt. Robert E. Dammer, USAR, of Leavenworth, Kans., was awarded the George Washington Honor Medal by the Freedoms Foundation at Valley Forge.

His essay, entitled "Freedom Has a Price," is quite original and thought provoking. I wish to call the attention of my colleagues to this award-winning essay, which appears below:

FREEDOM HAS A PRICE

(By 2d Lt. Robert E. Dammer)

Accepting freedom is like accepting a coin of great value. This coin has two sides, both being inseparable parts of the whole. On one side is inscribed "freedom and rights." Seeing this side of the coin, we eagerly grasp it, claiming it for our own.

Upon closer examination of our precious coin, however, we find that the other side reads "duties and responsibilities." This side of the coin must also be wholeheartedly accepted. We receive the freedoms, rights, duties, and responsibilities simultaneously.

Americans have been guaranteed certain freedoms and rights by our Constitution and Bill of Rights. For example, we have the privilege of electing our legislative representatives. Our duty is to vote intelligently and responsibly. In criminal prosecutions we have the right to trial by an impartial jury. Our responsibility is to serve on juries in a fair and non-prejudicial manner.

We also have the freedoms of religion, of speech, and of the press. These carry with them the responsibility to respect our neighbor's rights of worship and lawful expression, and not infringe upon them. A militia and navy have been constitutionally established to protect our freedoms from outside usurpation. It follows that we have a duty to serve in the national defense as necessary. These are but a few examples of the "two-sided coin."

As Americans we can all enjoy the rights and freedoms of our great nation. When we discharge our American responsibilities, we help insure that future genetrations will receive, untarnished and inviolate, the same precious Constitutional Freedoms and Rights that we hold so dear.

## WATERGATE AFFAIR AND TRUE FEELINGS OF CITIZENS

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. DUNCAN. Mr. Speaker, with the Watergate affair so much in the news, I have received considerable mail on the subject as I am sure many of my colleagues have. The following letter that I received from Mrs. Elsie M. Layman of Maryville, Tenn., is the best response I have received. Her letter portrays how many citizens in this country feel, and it gives a true picture of how the news media has reported the news to the American people:

TO WHOM IT MAY CONCERN

MARYVILLE, TENN.,
*May 10, 1973.*

GENTLEMEN: I am sick of *Watergate*. I am 55 years old, a college graduate, a fulltime housewife and mother, white and a Republican. Our one-day-a-week maid for 17 years is 73 years old, black and an active Democrat. She comes in regularly with the same complaint. We, I suppose, can be considered a part of the great "silent majority." And I sincerely believe that any *honest* and *fair* poll of our average citizens across the United States would show the same feeling predominant. We have had a steady diet of *Watergate* viciously thrust upon us thru all outlets the news media have. They are having a field day, the whole world watching, with any bit of speculation and biased personal opinion from every Tom, Dick and Harry who will say something slanting in the way they want this thing to go, with absolutely no concern for the consequences. I think the motive varies with these people. The news persons have competition to fight, and each one hoping to gain recognition for himself and his boss will use anything he can find with no concern for its validity. Possibly a journalism textbook or an over-zealous professor taught them that if it sounds good and is impressive, go ahead and use it even though it is not whole truth for folks probably will never know.

For instance, on Monday's Tonight Show a young columnist, apparently quite a successful young man in his field, when asked if this talk of impeachment of the President is not a bit too much, replied that it is only the Republicans who are talking about impeachment. Just the week before the congresswoman from New York and a congressman from California, both Democrats, informed us thru the press that they were going to look into the rulings concerning impeachment of the President. I personally resent this loose talk of impeachment of a President of my country, be it Mr. Nixon now or Mr. Johnson, Mr. Kennedy, Mr. Truman or Mr. Eisenhower of the past. Another example of faulty news is that when the President made his speech concering *Watergate* he said that Mr. Richardson *could* appoint an outsider and would have his support. Very shortly thereafter a reporter said the President said that Mr. Richardson *should* appoint an outsider. (And who, pray tell, could the outsider be, for he would be picked to the bones by the press and congress from the minute his name is mentioned.) The last error in word usage could have been inadvertent, nevertheless it went out across the nation and that one word made it false. One can hear live or by tape a speech and then hear a newsman's account of it with hardly a country cousin's relationship to the original.

Some just plain stupid congress people thru *Watergate* are getting out their prejudices, pet peeves, vindictiveness, sour grapes, and in many cases, just polishing their ego hearing themselves speak or quoted. Many who have supported the President are now carefully staying on the fence so that they can slip off either way the whole thing happens to fall. I feel sure that if the slate of any one of these self-styled authorities on *Watergate* were examined the smears would be just as tragic as *Watergate*. And if we are going into the financial discrepancies of political parties, let's see both parties displayed side by side and detailed exactly the same. It has come to the place that the American people have no reason to trust or have faith in the immature people who are speaking for our country now. I think all the people connected with the news media need to get for themselves a gingham checked apron, a rocking chair and a dip of snuff and get together on a front porch somewhere and keep their gossip among themselves, maybe inviting a select group of congress people to join them.

Now I treasure this precious freedom our country is endowed with and would not want any one of us to be denied it. However, it ceases to be freedom when it is abused and hurts innocent people. The kind of freedom we have is not the kind that news media and other such groups have been defending and have been using against us.

The first definition the dictionary gives for freedom is "a state of *exemption from* the power or control of another." Just as important, probably more so, as their freedom, is the people's freedom from the power the news people have assumed. Now, with my freedom, I can turn off that electronic device bringing me things I think are not right, and I can put aside the newspaper and not read it. That is not the point. Certainly any organization that sets itself up to serve the people would have to secure a license or permit which would include a code of ethics, set of standards and/or rules of regulation which they would be required by law to live by. Also, representatives of the people in government, in taking their vows, agree to the same thing. All of this appears to have been abandoned in this *Watergate* mess by the time it reaches the people in newspapers, magazines, by radio and television. It is so very obvious that behind all of it the responsibility that goes with the privilege to serve the people is forgotten.

At the time of the last election I felt happy and encouraged, not only because we elected a man who showed sincere concern for America, but even more so by the unity of so many of the people of our country in that terrific majority. The adverse groups that we got a stomach full of before the election were shown in no uncertain terms that citizens of the country did not want any part of them. Now, adverse groups, perhaps a different type and in a different way, are trying to set the mood of the country. There should be some way in our free system to protect the people, that majority that united in November, from this kind of thing being thrown at us now. We do definitely need watch dogs and plenty of them, and all of us are responsible to a certain extent, but there is a group set aside for that kind of thing trained to handle offenders. It is not a privilege of news media to find them, try them and prosecute them, all of it flashed coast to coast. Information should go the proper persons who will handle the matters more discretely and by due process. Everyone of us, by birth in this country, including Mr. Nixon, is due protection from abuse.

I am for justice and hope that in this *Watergate* case the guilty ones will pay, but why drive the whole nation crazy to punish a few. The President did not need the *Watergate* break-in, nor Ellsberg's medical records to assure his re-election—only the faith of the people, so I think the basic motives for those actions will be found to be entirely foreign to anything remotely connected with the President's re-election. The vicious "workers" in the *Watergate* affair are just feeding to the American people the things they want them to hear. There are many questions in my mind, but like all the concerned common people across the country, there is no way for right answers and the terrible thing goes on and on in the way these irresponsible people choose. It is becoming so ridiculous that at times it takes on a circus atmosphere. Maybe America, with her delightful sense of humor will soon be able to sit back and laugh at the clowns. We can almost hope for that sort of turn instead of one of deep dispair and discouragement across the nation.

Please stop it, let what comes out be truth and let us get to constructive action for the United States and its people with constant prayer that the responsible, honest and sincere leaders of our country will always act in the best interest of all of us.

And I would be willing to bet my next pound of delicious, expensive and scarce choice beef that none of this expression of feeling of a citizen of a small town at the foot of the Smoky Mountains ever gets to first base with any one of you who is in a position to affect an about face for the betterment of those of us who hurt every time our radios, TV's, newspapers and magazines bring us news. This writing, with no training or experience for it, is because of much thought and concern in recent weeks while going about my housewife duties (yes, with the maid I do them for it hurts her to do heavy work and we respect her, respect her age and love her so want to keep her around—this is the South too).

Mrs. Elsie M. Layman.

## COUNCIL 955, KNIGHTS OF COLUMBUS OBSERVES ANNIVERSARY

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. GAYDOS. Mr. Speaker, McKeesport Council 955, Knights of Columbus, one of the outstanding fraternal organizations in southwestern Pennsylvania, reached a milestone this year. The council observed its 68th anniversary and it was my privilege to address the members at a communion breakfast where two men were singled out for special recognition as a reward for their dedicated and unselfish service to the community, the council, and their church.

The "Knight of the Year" award was presented to Mr. Stanley Kaminski, a local businessman who has consistently volunteered his knowledge and experience in the field of electronics toward many civic and fraternal functions. Mr. Kaminski's reputation is such that on two occasions he has been called upon by city officials to arrange the public address systems for the appearances of President John F. Kennedy, when he visited the city of McKeesport in 1962, and Senator Edward Kennedy, when he came to the city in 1970 to dedicate the John F. Kennedy Memorial Park.

A special award was given to Mr. Gerald McGourty for his work with exceptional children at St. Mary's School. Mr. McGourty is a pensioner who spares neither time nor personal funds in working to enrich the lives of these youngsters.

The honorees are indicative of the caliber of men who belong to Council 955 and who have provided its leadership since its founding on February 19, 1905. Over the years the council has achieved a communitywide reputation for service in many areas. It has played an active role in the promotion of civic affairs, athletic activities, and patriotic endeavors. It underwrites the cost of an annual picnic for schoolchildren in the area, supports programs for exceptional children and helps finance scholarships sponsored by the State Council of the Knights of Columbus.

This year the council will be led by Victor J. Ruisi, grand knight, assisted by the following officers: Robert Irwin, deputy grand knight; Martin O'Keson, chancellor; James Wadowsky, warden; Michael Benedict, recording secretary; Theodore Magdic, advocate; William Jackson, financial secretary; Lester McGlaughlin, treasurer; Andrew Buck, inside guard; Rodger Morgan, outside guard; Charles Shoaf, lecturer; Joseph Rainforth, historian; Edward Valecko, Henry Smilowicz and Edward Rarick, trustees, and the Reverend William Doperak, chaplain.

Mr. Speaker, I commend the officers and members of Council 955 for their past accomplishments and wish them the greatest of success in the years to come.

## CUBAN INDEPENDENCE DAY

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. LEHMAN. Mr. Speaker, on the 71st anniversary of Cuban Independence Day, I think it is appropriate that we listen to the voices of those of Cuban descent who live now in America.

These are the people who left home and family to come to our shores, and yet also those people who have not lost hope that perhaps once again they will be able to return to their homeland, free again, and unite with their families and friends.

I would like to commend the attention of my colleagues to a piece which was written in commemoration of Cuban Independence Day by a Cuban refugee. I think it is particularly eloquent and moving:

#### Commemoration of Cuban Independence Day by a Cuban Refugee

Though nowadays, under communism, Cuba is not a Republic nor a free, sovereign, and independent country, Cubans always commemorate with patriotic emotion on each May 20th their proclamation of independence. Seventy-one years ago, after significant and heroic wars in the 19th century, the Cuban people inaugurated the Republic, which prevailed amidst human imperfections but with great loyalty on the part of her citizens, until a group of sons of that country turned her over to Soviet imperialism.

Therefore, there is a mixture of happiness and sadness in the heart of every Cuban on these last fourteen anniversaries of May 20th—happiness because they remember the glorious days when Cubans, whatever might have been their political differences and the transitory deficiencies of their institutional life constituted in essence a free nation and an independent state; when cordiality and reciprocal respect, at least in the fundamental aspects of human relations, were beautiful realities; sadness at seeing that now, Cuba suffering under the communist yoke, is no longer a republic, and has lost the best of its traditions within the Island because Marxist-Leninist persecution oppresses the national soul. And where there used to be confidence and love, now is distrust and hatred.

Of course, within the island of Cuba there is an immense majority of oppressed individuals, who cannot publicly express their feelings and who represent the spiritual and moral values of times past, who suffer the hatred of the communists and who await, after the tragic experience of these fourteen years, their prompt liberation. And outside Cuba, a gigantic exile of almost one million Cubans projects in many countries of the civilized world the cultural, moral and democratic image of Cuba, and day after day dignifies her.

Now it is necessary that the Cubans, with the cooperation of friendly governments and peoples, make their greatest effort to coordinate their activities around a basic thesis, without complications, and aiming to the restoration of the republic. It is necessary, no matter what sacrifices it might imply, that around an idea and an ideal, that of a free country, the Cubans may rally, giving all their support in all fields of human activity to the supreme endeavor of their independence. And the government and people, friends of Cuba that have transcendental bonds that identify them with Jose Marti's fatherland, should do everything they can, individually and collectively, to help a nation that when it was free was always aligned with the free world.

## "LAISSEZ-FAIRE" ABORTION APPROACH IS REJECTED BY BLACK THEOLOGIAN

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. HOGAN. Mr. Speaker, the abortion issue continues to be one of prime interest to Americans. The Supreme Court decision of January 22 of this year has fueled the fires of controversy.

I have introduced a constitutional amendment, House Joint Resolution 261, which would guarantee the right to life of the unborn, the ill, the aged, and the incapacitated.

Today I would like to call the attention of my colleagues to an article that appeared in the Washington Post on April 27, 1973. This article reports on the rejection of a "laissez-faire" approach to abortion. I feel that this is a most timely and informative article.

The article follows:

"Laissez-Faire" Abortion Approach Is Rejected by Black Theologian

Chicago.—A leading sociologist of religion who is Protestant and black, has reversed what he calls his former "laissez-faire approach" to abortion.

"To my present way of thinking, unrestricted abortion—'left up to the woman and her doctor'—is but one more example of the retreat from responsibility which seems characteristic of the times," Dr. C. Eric Lincoln declared in the April 25 issue of the Christian Century, published here.

The United Methodist clergyman and professor at New York's Union Theological Seminary said:

"I, for one, am sick of blood and bloodletting—in the streets, on the battlefield and in the safe aseptic privacy of a doctor's office."

Dr. Lincoln, who is leaving Union for Fisk University in Nashville, wrote that he has never advocated abortion on demand but was on record supporting a kind of "laissez-faire approach."

"I considered abortion a draconian measure of last resort for a limited class of people who, after having considered the vast implications of what they were about to do, would proceed with fear and trembling and a prayer for forgiveness."

He has changed his mind. "I was not prepared for the bloodletting which has, in fact, ensued," he wrote.

The sociologist, founding president of the Black Academy of Arts and Letters, is disturbed over several aspects of the abortion situation as it has developed.

For one thing, he fears that unrestricted abortion, as sanctioned through the first three months of pregnancy by the U.S. Supreme Court, has encouraged persons to abandon responsibility for their own actions.

He does not believe doctors, who have no part in the conception, have proper roles in abortion decisions unless a medical problem is involved.

Since many abortions are performed without a medical reason, "We have made of the doctor a mere functionary and accessory—a scapegoat for the clergy, the judiciary, the pregnant woman and her partner in the act, and for all the rest of us who turn away from personal and social accountability."

Dr. Lincoln is not convinced that "progress" is represented by unrestricted abortions.

He said in the Century that marriage is a civil contract in which partners assume responsibilities. Therefore, he added, the pregnant woman and her doctor are leaving out the father in deciding to abort a fetus.

Furthermore, and particularly in cases of unmarried pregnant women, society and the state have an interest in abortion since it is the state who has responsibility for a child if parents refuse to take their responsible roles.

## OEO LEGAL SERVICES

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. KEMP. Mr. Speaker, on March 24, 1973, Mr. Laurence McCarty, Acting Associate Director of Legal Services for OEO, responded to a WCBS–TV editorial which was broadcast in New York City.

In my opinion, I feel that the editorial was based on incorrect information, I therefore include Mr. McCarty's reply in the Record:

WCBS–TV Editorial

(Replying to a WCBS–TV editorial on the possible dismantling of the legal services program, here is J. Lawrence McCarty, acting associate director of legal services for the Office of Economic Opportunity.)

In its editorial of Feb. 26, WCBS–TV urged that legal services—a program operated under the Office of Economic Opportunity—be saved from imminent destruction. Citing the closing down of OEO and criticism by Vice President Agnew and other high administration figures, the editorial implied that something suspicious was going on with reference to legal services.

This is simply not the case. President Nixon has affirmed many times his full support for legal services to the poor and indeed has been most forceful in doing so. On March 1, 1973 he stated in his human resources message to the Congress that "notwithstanding some abuses, legal services has done much in its seven-year history to breathe new life into the cherished concept of equal justice for all by providing access to qualify legal representation for millions of Americans who would otherwise have been denied it for want of funds." The administration will very shortly present legislation to the Congress to establish a legal services corporation as successor to the present program.

In the interim, the Office of Legal Services is funding programs for the delivery of legal services to the poor. If existing programs have been engaged in unprofessional conduct, corrections have been made. The Office of Legal Services has not, however, terminated legal services in an area because abuses have been discovered. Rather it has been our policy to impose responsible conditions upon grants so that the legal services program could continue without the abuses reoccurring. It has been, and will continue to be the position of the administration that a sound, responsible program for delivering legal services to the poor is in the best interest of the United States.

## WALL STREET JOURNAL SUPPORTS THE RESTRUCTURING OF OEO

### HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. TREEN. Mr. Speaker, as each day passes, more newspapers across the country are discovering that Mr. Howard Phillips of OEO has provided a glimmer of new hope for the poor by creating a new direction for Federal anti-poverty funding.

Last week the Wall Street Journal voiced its approval of the job that Mr. Phillips has done. The Wall Street Journal, by endorsing the changes at OEO, also endorsed President Nixon's New Federalism policies.

I include this editorial to be placed in the Record so that each Member will have the opportunity to read it:

Defending Their Inheritance

To hear some of Mr. Nixon's critics tell it, nothing succeeds like failure—at least when it comes to preserving the battle-fatigued programs of the War on Poverty. To judge by the tones in which the critics bewail the administration's alleged heartlessness, you would assume its proposal to abolish the Office of Economic Opportunity signifies an end to Head Start, manpower training, aid to Indians and all the other services to the poor. That simply isn't so.

The administration does plan to let OEO expire when the money runs out on July 1. But programs that showed even a glimmer of promise during the decade-long antipoverty war will be retained. Manpower retraining, for example, on which almost $200 million was spent over a 10-year period just for research and development, has a healthy $1.3 billion budget appropriation for next fiscal year under revenue sharing. And Head Start, now under the aegis of the Department of Health, Education and Welfare, is scheduled to receive $14 million more than last year.

Neither program is an unqualified success. Several studies have made it clear that training programs are often credited with success where no real improvement is apparent. And Head Start, while of temporary benefit to culturally disadvantaged children, apparently is of doubtful lasting benefit unless its graduates are placed in follow-up programs.

Nevertheless, both programs offer concrete attempts to upgrade skills and learning. In that respect, they are a far cry from the nebulous programs in which millions of dollars were parceled out to militants, gang members and activists of every sort—and to a stream of consultants, evaluators and advisers who made out better than anyone from programs ostensibly to aid the poor and disadvantaged.

Stanley S. Scott, special assistant to the President and the highest-ranking black in the administration, says that 80% of the money in the Community Action Program (which after July 1 will continue only if local governments fund it in toto) was siphoned off in salaries and overhead. Presumably the program hired some staff members whose income before they were employed in the anti-poverty industry qualified them as poor. But aside from that cumbersome way to redistribute income, Mr. Scott said: "Only about 20% went to the poor people.

"By the time all this 'opportunity' got to its final destination it didn't have the strength left to knock on the door," he adds. In Newark alone, $4 million for the CAP-administered New Careers programs, established to train poor people for public service jobs, was found to be paying for little more than a vast patronage system for local politicians.

Yet to hear the critics bewail the OEO's impending dissolution, one gets the impression it was a grand success rather than a multibillion-dollar patchwork program that never developed a clear mission beyond spending all that was available and then clamoring for more. The critics are reminiscent of those intransigent 18th Century Englishmen who, it was charged in the House of Commons, "defend their errors as if they were defending their inheritance."

## CHICAGO'S EIGHTH ANNUAL GREEK INDEPENDENCE DAY PARADE

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. ANNUNZIO. Mr. Speaker, in March many of my colleagues joined me here on the floor of the House of Representatives to commemorate Greek Independence Day, and on May 26, in the warmer springtime weather, Chicago's 300,000 Greek Americans will treat our city to the eighth annual Greek Independence Day parade. The 1973 parade, longer and bigger than ever before in its history, is being held in celebration of the 152d anniversary of the Greek War of Independence of 1821, when the Greeks won their freedom from the Turkish Empire.

The parade will feature the Royal Palace Guards contingent of Evzones dressed in their colorful kilts, long white stockings and red fez caps. Twenty-eight floats depicting famous historical events in Greece's struggle for independence, along with 22 bands, including those of the police, fire, and post office departments, five drum and bugle corps, and veterans' color guards will parade past the reviewing stand at State and Madison Streets. The numerous high school bands and other marching units representing various Greek Orthodox churches and parochial schools of the Chicago area will participate in the parade dressed in colorful costumes native to Greece.

Among the honored guests in attendance will be Mayor Richard J. Daley, His Grace Bishop Timotheos, His Eminence Bishop Iakovos, Greek Ambassador John A. Sorokos, Judge James A. Geroulis, Judge James A. Geocaris, and others.

The parade is a memorial to the memory of those of Greek ancestry who have given their lives to secure the basic freedoms enjoyed by man throughout the world.

The general chairman of the parade is Tom Costopoulos and honorary chairmen include His Grace Bishop Timotheos and Hon. Nicolas Macridis, Consul General of Greece. Members of the financial committee include Mary Paleologos, fund raising chairwomen; Tony Antoniou, John Daros, Petros Kogiones, Demetrios Haleas, and Dean Adinamis. The float committee includes John Lambrou, Kostas Stamis, P. K. Ladas, and Al Gianaras, treasurer. On the publicity committee are Mark V. Tiniakos, Stacy Diakou, Paul Zimbrakos, Mary Orphan, Evangelos Sorogas, and Mrs. Peter Rexinis, secretary. The general committee members are George Lekas, George Skontos, Nicholas Melas, William Rummel, John Rassogianis, Chris Athanasopoulos, Demetrios Georgacopoulos, John Adinamis, John Fotopoulos, M.D., Arthur Peponis, George Balos, James Prekezes, M.D., Peter Gianukos, Chris Karafotias, Peter Mantzoros, and Lucia Pappas.

The idea of democracy, born in ancient Greece over 2,000 years ago, has prevailed and has inspired other nations in their struggle against oppression. In fact, possibly no other people since their beginnings have given more to the world in the fields of thought and beauty and practicality than the Greeks.

It is thus a pleasure to extend greetings to Americans of Greek descent in the 11th Congressional District, which I am proud to represent, as well as those in all of Chicago on the occasion of their Independence Day parade and to recall a century and a half of genuine friendship between the people of America and the people of Greece.

## MARINA DEL REY

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. ANDERSON of California. Mr. Speaker, rarely does one have the opportunity to witness the completion of a project which improves upon the work of Mother Nature. But, in Los Angeles, due to the cooperation of Federal, State, and local officials, the area presently known as Marina del Rey was converted from a mosquito-infested swamp, draining-off tax dollars, into a beautiful recreational and residential area that contributes both esthetically and economically to the area.

The Congress played an important role in making this dream a reality when, in 1962, the Public Works Committee approved a $4 million project entitling the Corps of Engineers to develop navigational facilities in the area.

As Lieutenant Governor of California, I had the honor to dedicate the marina a decade ago. And, today, I am more than pleased that the Marina del Rey project is the success it is.

Only a little over 10 years ago, Los Angeles County was paying $50,000 annually for mosquito abatement control in the tideland swamp which now houses 6,000 pleasure boats and 7,000 permanent residents.

Today, the marina is reported to be the single largest tax revenue producing unit in Los Angeles County, paying more than $7,500,000 per year in taxes.

Among the public facilities provided for residents and visitors is the Burton W. Chase Memorial Park which was completed in the earlier part of this year. The park consists of eight grassy acres surrounded on three sides by water and public boat slips.

One of the outstanding attractions of Marina del Rey is the public beach—equipped with the finest sheltered beaches anywhere, with maximum protection for children.

Marina del Rey did not become a reality by the efforts of a few individuals. Determination, courage, and imagination by the Board of Supervisors of Los Angeles County through the past 15 years, coupled with private enterprise has made it possible for 7,000 residents and thousands of tourists to enjoy a better life.

Mr. Speaker, I feel that Marina del Rey is an excellent example of the kind of residential and recreational facilities and an expanded tax base that can be provided by forward-looking local government in conjunction with private enterprise.

May I suggest to my colleagues if they are planning a trip in the near future to Southern California, to please take time out to visit the marina. I know you can take pride in Marina del Rey and surely you will be as impressed with this development as are those of us from the Los Angeles area.

## MAINTENANCE RESERVE PROPOSAL FOR FHA SUBSIDIZED HOUSING

### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. BOLLING. Mr. Speaker, Sidney Willens, Kansas City lawyer, recently named chairman of the Jackson County Commission on Human Relations and Citizen Complaints has for a long time championed the cause of a maintenance reserve proposal for FHA subsidized housing. Following are his recent remarks before the Mortgage Bankers Association of Greater Kansas City on this subject:

### Remarks of Sidney L. Willens

You have just viewed a private showing of the WDAF–TV telecast sponsored by that local public-spirited and courageous institution, Columbia Union National Bank. This half hour documentary on the "maintenance reserve" proposal reveals the frustrations of Kansas Citians with the Department of Housing and Urban Development. Such frustrations triggered my version of a poem by Rudyard Kipling:

It is not good for the citizens' health
To criticize the bureaucrats around;
For the citizen riles, and the bureaucrat smiles,
And he weareth the citizen down.
And the end of the fight is a tombstone white,
With the name of the late Malone;
And the epitaph drear: "A fool lies here,
Who tried to do it alone."

Neighborhood organizations alone cannot save our city! Let's put a stop to the newest American pastime of *non-involvement*. That's the idea that SAYS neighborhood organizations disappear if mortgage lenders are in trouble and mortgage lenders disappear if neighborhood organizations are in trouble . . . Sort of a Mutual *Fade Pact*!

Can you imagine Paul Revere making his famous ride today through the mortgage lending community and the neighborhoods of our City? "Section 235 is coming! Section 235 is coming!" I respectfully suggest that the only ones following Revere would probably be two dogs and an off-duty cop!

. . . Not that Kansas Citians in 1973 are against Paul Revere. It's just that all of us see ourselves as David facing Goliath, 20th Century Style. Can you imagine David facing Goliath . . . then turning to his people and saying, "Me fight him? What do we hire cops for?"

After two years of fighting for a "maintenance reserve" I NOW know HOW the tribes of Israel would have felt if they stood before the Red Sea with thousands of Egyptian soldiers bearing down on them . . . and Moses looked up to Heaven pleading to God, "It's really not my affair!"

The Department of Housing and Urban Development leads me to believe we need an Ingenious Guy to deal with these particular bureaucrats . . . like the guy who borrows $5,000 . . . spent the last six months opening new bank accounts . . . got clocks, radios, luggage, dishes . . . gave the $5,000 back . . . opened his own Discount House.

As a lawyer for real estate investors the last 20 years, I know that FHA is the life blood of my clients . . . and you! But today the blood supply has been cut off or seriously impaired with foolish restrictions that cure the disease and kill the patient. FHA has made it so difficult to sell decent property that home owners, real estate brokers, and mortgage lenders are turning to private insuring organizations.

MGIC and its imitators are pumping blood into the economic veins of our City. MGIC will insure the top 20% or 25% of a loan. MGIC is a wonderful program; that is, if you're selling a house in Prairie Village, Leawood, or Romanelli Gardens! This private program works! Why? Inflation! Houses jump in value in Prairie Village! But values drop like a sledgehammer at 47th and Paseo! So MGIC stays away from such areas suffering from the loathsome disease of abandonment, burned-out buildings, and vacant storerooms!

Neighborhood organizations know mortgage lenders love MGIC! After all, mortgage lenders love to make loans in suburbia! In 1973 private mortgage insurors passed FHA in dollar amount of loans insured. This may be a terrific accomplishment for MGIC, suburban homeowners and brokers. But the accomplishment is killing the Central City and some mortgage lenders.

Neighborhood organizations realize mortgage Bankers cannot compete with Savings and Loan Associations. We know life insurance companies don't buy "Paper" on low yield single family dwellings when high yield commercial loans dangle in front of them!

So I respectfully submit that mortgage bankers face four choices:

(1) Go into commercial loans. Forget about residential loans, which some have already done. Of course, if this happens we'll *all* be at the mercy of local market conditions. After all, S & L's get money from local people. Mortgage bankers get money mostly from insurance companies in New England states. Obviously They Perform a Tremendous and Worthwhile Service in Redistributing the Wealth of This Country! This Is a Lousy Choice!

Your Second Choice: Go the way of an investment trust. Pull dollars from individuals like S & L's do. Sell public shares of stock! Get the public's money then make residential loans. This Second Choice Is Too Tough!

Your Third Choice: Mortgage Bankers join forces with S & L's . . . Find S & L's with more dollars than they need. Get those dollars and make residential loans. Now *that* marriage seems unlikely!

Your Fourth Choice . . . and I submit . . . The Best Choice: Renovate FHA with its secondary market of Fanny May! This choice will allow you to make loans *throughout* the metropolitan area . . . from 10th and Vine to suburbia and back again. You'll get the volume! you'll stay in business! and you won't Be Accused by Civil Rights Organizations of *"Red Lining"* An Area!

How do we reform FHA? First, HUD officials must admit publicly that FHA credit underwriters have not seriously considered maintenance costs. Second, they must admit the need for a two-part FHA program! Inside FHA! Managed by two differently motivated people! Part I is non-subsidized. Part II is managed by social psychologists. We know Part I works! FHA non-subsidized programs have worked since 1934. In 1968 FHA profits soared to $200,000,000 from mortgage insurance. If all government agencies operated that way, we would be tax-receivers instead of taxpayers. My . . . what a wonderful idea! So We Must Keep, Honor, Obey, Cherish Until Death Do Us Part This 30-Year-Old Non-Subsidized FHA Program.

The tough problems arise with Part II of the subsidized program . . . Part II deals with people! They must be classified . . . something I dislike doing . . . But No Sensible Way Exists To Solve This Problem, Unless We Recognize Three Types of People We're Dealing With:

"The first individual is the low income *Responsible* person. He or she simply finds it impossible to pull out of the poverty rut . . . But For the Grace of God We Could Be Stuck in That Same Rut! This individual is *Responsible!* But He Has No Money! He Has Money Only For Groceries and a Mortgage Payment Consisting of Principal and Interest and Taxes and Insurance. But Not for Repairs! But this person possesses a Pride of Home Ownership. He tries to learn at the hardware store how to replace a faucet, how to repair a light switch, or how to unclog a stool. But he has no money to buy materials. He wants to paint his house. But he has no money to buy the paint. This Person Needs a Subsidized Home Maintenance Reserve Without Counseling But With Money Enough To Maintain His Home and *His* Pride of Ownership!

"The second individual is the Low Income Ignorant *But Educable* person. With counseling and money this person can quite probably learn the art of home ownership. Ignorance is no shame! All of us are ignorant in one way or another. But money buys wisdom! Money purchases know-how. But this individual can't hire a plumber, an electrician or a carpenter! He has no money. He needs counseling! He needs money *with counseling* to form a basis for *his* pride of ownership . . . something perhaps he never knew he ever had!

"The third individual is the low income *uneducable* person. Some people will never learn the art or acquire pride of home ownership! For this person a regimented *program of counseling with repair money* is vital. At the time of this FHA subsidized loan there would be a clear understanding that the applicant would receive . . . and must accept . . . counseling with money for home repairs! The Low Income Uneducable person will find *counseling* acceptable when the counselor has money for repairs. As I told a Washington official recently, 'What good is all the money you have already poured into counseling if the counseling takes place under a leaky roof?' "

In substance Part II of this FHA subsidized housing program must recognize (1) Low Income Responsible Individuals, (2) Low Income Ignorant but Educable Individuals and (3) Low Income Uneducable Individuals. Part II Attacks a Social Problem Within an Overall National Housing Strategy. Part II Must Be Managed Both by Trained Social Psychologists and Workers, Expert Appraisers, Skilled Tradesmen and Experienced Credit Underwriters.

I am told your organization favors the proposal that the Department of Health, Education, and Welfare *not* be brought into this. I agree, we can't have HUD and HEW covering different houses on the same block. They would be running over each other!

What can you do?

I am happy to report that yesterday by phone I learned from the office of Senator Charles Percy that Senator Percy just two weeks ago introduced in the Senate a bill numbered S-1614 which he calls, "Home Buyers & Homeowners Protection Act of 1973." Section 8(b) states:

"Not later than one year following the date of the enactment of this Act, the Secretary of Housing and Urban Development shall transmit to the Congress a report on the need for and the feasibility of:

"(1) A program to provide by insurance or otherwise home repair assistance for low and moderate income homeowners; and

"(2) A program whereby mortgagors under mortgages insured by the Secretary pay a monthly fee or premium (or part of currently charged premiums for insurance) into an escrow account to be utilized for repairs resulting from latent defects."

We must act now! Our City cannot go much further along the road on which FHA has been traveling these last few years. If the Marlborough Heights Area bounded on the North by Gregory, on the South by 79th Street, on the East by Brooklyn, and on the West by Holmes Road, turns into a mass of abandoned dwellings and vacant lots, the Waldo District wil suffer next and the creeping paralysis will spread north on Wornall and Ward Parkway.

Parts of this City have already gone to hell, because government did not possess one strength you possess. You—businessmen—can abandon an activity. Unlike government agencies there is a limit beyond which even the most stubborn businessman cannot argue with the market test, no matter how rich he may be himself.

Even Henry Ford abandoned the Model T when it no longer could be sold. Even his grandson abandoned the Edsel. But government agencies seem to be like ole' man river—they just keep rollin' along, rollin' along . . . until scandals rock them.

You as businessmen should not be afraid of getting involved! You are no longer scorned as "fat cat millionaires." Black Power advocates are turning to white businessmen. In New York City Black Power advocates seriously proposed making education in the slums "competitive" by turning it over to private enterprise, competing for the tax dollar on the basis of proven performance in teaching ghetto children. It may be argued that the problems of the Black Ghetto in the American city are very peculiar—and so they are. But if private business works in the extreme cases, it is likely to work even better in less desperate ones, such as the case of a simple maintenance reserve.

Ladies and gentlemen—You have heard my case. You are the jury. I hope you bring back a verdict for a coalition of neighborhood forces and your mortgage lending forces. Only by such a coalition do American cities have a chance to survive!

## REFORM OF THE POSTAL SERVICE

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. WALDIE. Mr. Speaker, I am pleased to call attention to an article that appeared in the April 23, 1973 issue of the Nation. The author of this article is James H. Rademacher and it deals with the reform of the Postal Service, certainly a topic that has drawn a great deal of my time and interest.

Mr. Rademacher as the president of the National Association of Letter Carriers has a deep understanding of the subject and has made several interesting observations. He states that while the mail service in America today is the worst it has been in our history, it is entirely unnecessary. The problems have been artifically induced by short-sighted policies and public-be-damned economics.

Mr. Rademacher, continues by offering a detailed outline for postal reform which includes the urging subsidizing the postal operations and the passage of legislation that would establish, by law, certain standards of delivery and service such as those included in my bill, H.R. 5453. I find these and Mr. Rademacher's other proposals very sound and I support them completely.

Mr. Speaker, the full text of the article follows:

#### REFORM OF THE POSTAL SERVICE

(By James H. Rademacher)

The mail service in America today is the worst it has ever been in our history. It is of a quality that would be considered a disgrace in many nations we are pleased to consider second or third rate.

The pity of it is that the dissolution of the service is entirely unnecessary. It has been artificially induced by short-sighted policies and public-be-damned economies. The managers of the postal corporation, the United States Postal Service, could restore decent service tomorrow—if only they would.

However, the trouble with the postal establishment stems from a basic misapprehension: the managers of the postal corporation suppose that they can run the post office at a profit, or, at worst, can break even. It is not possible. Nowhere in the free world has a major nation been able to make a profit out of the mail service, per se. Even England, a postal manager's dream, where distances are short and the population is closely compacted, was never able, consistently, to break even on its postal service. The General Post Office has made good the losses on the mails by its profits from television, radio, telephone and telegraph operations. In America, where distances are vast and the population is spread comparatively thin, it is folly to think of breaking even on the mails.

The managers can try to raise the rates steeply, but that is a self-defeating maneuver, since it drives potential business out of the post offices. They can try to keep down the wages of postal employees, but the employees have made it quite clear that they will no longer stand for such treatment. They can also try to cut down on the service they give to the American people; indeed, that is what is now causing all the trouble.

It has long puzzled me that people should talk with horror about the *postal* deficit, but never speak of the Commerce Department deficit, the Interior Department deficit, and so on. The Post Office is a service to the American people, and no service is more essential to the social, political and economic welfare of the citizens. In a free society, it is vital that the mails should be swift, reliable and available to every citizen, no matter how remote his abode, at a cost he can afford.

The conservative argument is that, since the Post Office charges specified prices for services to identifiable customers, it is a business, and that the actual users of the mails should pay the total cost of its operation. In rebuttal, I point out that the National Park Service, just as an example, charges identifiable people a small entrance fee to many of our national parks. Should these fees be set high enough to cover all the costs of running the parks, including the rangers' salaries?

In testimony, before Congress, I have used the example of the lighthouse service. Does anyone think the cost of running this service should be borne only by the ships that are guided by it? After all, a rancher in the panhandle of Texas might argue—persuasively if short-sightedly—that since he derives no direct benefit from the lighthouses, he should pay nothing to keep them going.

But, people who run corporations have tunnel vision when it comes to profits. During the past two years, they have managed to wreck the postal service, which was not in very good shape when they took it over. Here are some of the things they did:

Refused to fill jobs as they became vacant. There is an estimated shortage of 60,000 employees in the service, including 10,000 letter carriers.

Eliminated many collections of mail, particularly on weekends. The mail just sits in the boxes for an unconscionable time—sometimes for days—waiting to be picked up and sent on its way.

Shortened window hours and eliminated much window service on Saturdays.

In many cities, eliminated Saturday deliveries to business areas.

Reduced the services for forwarding mail.

Forbade postal employees to attempt to deliver a package a second time, even though the householder promises to be at home. After the first failure, the patron must pick up his package at the post office.

Centralized processing operation, thus causing some letters to travel hundreds of miles when they are addressed to somebody across the street. (And the stubborn refusal to fill job vacancies has caused massive backups when the letters reach these centers.)

Reduced the air life of first-class mail to a shadow of its former self.

There have been other causes of postal failure, but those are sufficient to show just what has been going on in the United States Postal Service. What can be done about it? The letter carriers of the United States, through me, have made the following recommendations:

Reverse all the backward steps the postal corporation has already taken.

Pass legislation which would establish by law, certain attainable standards of delivery and service. (Rep. Elwood Hillis, R., Ind.; Rep. Jerome R. Waldie, D., Calif.; and about thirty other Congressmen have introduced such bills.)

Pass legislation which would give Congress, once again, a decisive vote in postage ratemaking. (The attempt by the United States Postal Service to raise second-class mail a ruinous 127 to 250 per cent in five years shows that these matters would best be left to people who are directly responsible to the public.)

The determination by Congress of how much annual subsidy is needed to operate the postal service, efficiently. The money so paid should be openly labeled as a subsidy, not disguised as something it isn't. (There is nothing wrong about a subsidy. The nation pays out $60 billion a year in subsidies, and a lot of that money goes for projects a great deal less important than the postal service.)

When the mail service is brought back to normal, Congress should pass legislation which would redefine and strengthen the postal monopoly laws. Too many valuable customers are turning in desperation to often illegal, private delivery systems. These abuses are depriving the postal service of badly needed revenues. On the other hand, the postal service should work a great deal harder to *deserve* the monopoly it enjoys.

The Presidentially appointed nine-man Board of Governors of the U.S. Postal Service should not be immune to Congressional interrogation. They should report to Congress every year and, singly and collectively, be made to give an accounting of their stewardship of the nation's mails.

For years, the National Association of Letter Carriers has fought to maintain decent standards of service in the postal establishment. On postal matters, the union has at times been the only real "lobbyist" for the American people.

From experience stretching over eighty-four years, we know that Congress isn't perfect. But, we also know that Congress is far more responsive to public reaction than are the appointed, faceless corporation types who are now running and ruining the nation's mails. The public reaction today is bitter. The letter carriers know, because they meet the American people every working day of the year, and often bear the brunt of blame for a postal mess they never made. Congress cannot afford to wash its hands of this scandalous situation. Anything that affects almost every citizen in the country, directly or indirectly, every working day of the year, deeply concerns Congress and weighs heavily on the political futures of its members. Up on Capitol Hill, they had better get cracking.

## TRIBUTE TO THOMAS R. MARTIN

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. WOLFF. Mr. Speaker, I wish to commend to you Thomas R. Martin, a former chief of police and commissioner of public safety in the city of Glen Cove, N.Y., whose leadership and ability exemplified during his tenure deserves our recognition.

Chief Martin's determination to keep the city of Glen Cove Police Department as "the best" resulted in the implementation of many new innovative policies and programs. In the field of community relations, he created a board of policemen comprised of persons from every ethnic and racial group in the city to discuss and resolve mutual problems and instituted Spanish language classes for members of the department. He maintained a close rapport with the city's schools and regularly conducted "rap sessions" with teenagers on narcotics education and control and on traffic and vehicle safety.

Chief Martin rightly believes that no police department is better than the men in it and during his tenure he worked diligently and successfully to create a new morale and spirit among his patrolmen and officers.

Glen Cove honored Thomas R. Martin on May 20, 1973, at a testimonial to cite his numerous contributions to law enforcement and community relations, an honor he justly deserves.

Mr. Speaker, I consider it a distinct privilege to join in the salute to this outstanding citizen of Glen Cove whose unselfish efforts on behalf of his community and his Nation merit our thankful praise and infinite respect.

## AN 83-YEAR-OLD PRIEST ACCEPTS NEW APOSTOLATE

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. MAZZOLI. Mr. Speaker, I would like to bring to the attention of our colleagues in the House the story of a warm, generous, and dedicated man.

Father Mathias Schnieders, one of my constituents, is an 83-year-old Catholic priest who has spent his life in service to others, building churches and a school and ministering to the spiritual needs of the souls in his care.

Now, after a long and fruitful life, and following his retirement as pastor of St. Peter Church in 1965, Father Mathias has taken on new duties by serving the elderly and the poor.

I would like at this point to insert in the RECORD an article which was recently published in the Louisville archdiocesan newspaper about Father Mathias and his new apostolate:

[From the Louisville Record, Apr. 26, 1973]

### AN 83-YEAR-OLD PRIEST ACCEPTS NEW APOSTOLATE

After more than half-a-century of pastoral duties—during which he helped propagate the Catholic faith in sparsely-populated areas of the West and built three churches and a parish school—a Franciscan priest here has a new apostolate: serving the poor and the elderly.

Father Mathias Schnieders, whose firm grip and ramrod-straight posture belie his 83 years, retired as a pastor in 1965 but not to a life of leisure. That's not his nature.

In 1970 he was assigned as chaplain at the Little Sisters of the Poor and recently began celebrating Mass for residents at the Knights of St. John apartment complex for low-income families on Bernheim Lane.

In a recent interview at St. Anthony Church, where he is in residence, Father Mathias talked about his present duties and his 58 years as a priest.

"When I started saying Mass at the Little Sisters," he said, "I told them, 'I'm old and you're old so we ought to get along all right.' I enjoy it. I have my breakfast there and for my past two birthdays they've put on a big shindig for me."

Mother Genevieve, Mother Superior at the Little Sisters' home, "has a thing for me," he chuckled. "I'm not patting myself on the back but I guess I'm doing my job."

Father Mathias drives his car from St. Anthony to the Little Sisters, 622 S. 10th St., for the 7:30 p.m. Mass each day ("I haven't missed a day or been late once"). On Sunday he has Benediction and a sermon at 5 p.m. There is also group anointing every three months.

"It's an apostolate," he said. "My heart's in the work and I feel I'm helping those people." There are about 200 elderly people at the home and Father Mathias said there are "always over 100" at the Mass.

On Friday Father Mathias leaves the Little Sisters' home and drives to the Knights of St. John apartments where he celebrates a 10 a.m. Mass. He hears Confessions before Mass and takes Communion to ill persons.

He enjoys this assignment, too. "In three months I straightened out one marriage and I have had one convert. This is my apostolate to the poor," he said.

Father Mathias' roots are deep in St. Peter parish here. His parents were married there, he attended the old St. Peter School, he celebrated his first Mass at the Church, and many years later returned to St. Peter for his final pastorate.

His father was a carpenter and it was from him that he learned the fundamentals of construction.

After a year at St. Xavier High School, Father Mathias entered St. Francis College in Trenton, N.J. He spent his novitiate year in Syracuse, N.Y., and made his profession of vows in 1909.

After another year at St. Francis studying philosophy, he spent one year in Innsbruck, Austria, and three years studying theology at St. Francis Convent, a Jesuit college in Louvain, Belgium. He was ordained at the American College in Louvain on June 28, 1914, the day World War I began.

"My father was there for my ordination," the priest related, "and then we did some traveling. We had an audience with Pope Pius X. The Pope died while we were on our way home and so I have two rosaries that were blessed by a saint."

After returning to the United States, Father Mathias was assigned as assistant pastor in Douglas, Wyo. "The church served four huge counties," he recalled, "and we would have to travel from 60 to 100 miles in all kinds of weather to serve our parishioners."

Father Mathias was transferred to Broken Bow, Neb., and for the next 10 years served mission churches over a wide area. While there, he was instrumental in building a new St. Joseph Church. He also recalled receiving permission to build a vegetable garden. "One year I made $83 for the parish selling vegetables to the local grocery."

His first pastorate was in Pismo Beach, Cal. There, along with his three brothers, two nephews and a brother-in-law who came from Louisville, he built St. Paul the Apostle Church. He was there for 10 years.

He then moved to the old St. Anthony Church in Jeffersonville, Ind., and while he was there he was responsible for another new church. The parish was moved to Clarksville in 1949 and a new St. Anthony Church was built.

There was more construction at his next assignment. From 1951 until 1957 he was the pastor at St. Joseph Church in Waupun, Wisc., and while there he built a parish school.

He retired to Louisville but it was a short stay. After nine months as associate pastor at St. Peter Church, he was assigned as pastor at a church in Chicago Heights, Ill. After two and one-half years there, he returned to Louisville and was pastor at St. Peter Church until his retirement in 1965.

Father Mathias is a happy man as he recalls his many years in the priesthood. "Not long ago," he said, "I had a card from a lady in Broken Bow. She said if it hadn't been for me they never would have had their nice church. And that's something, I guess."

## POLITICIZING OUR SCHOOLS

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. ASHBROOK. Mr. Speaker, one of the more pernicious phenomena in public education is the attempt to turn schools into citadels of political advocacy.

This is known as politicalization and is a result of the militant efforts of the American Federation of Teachers, AFL–CIO, the National Education Association, and the various political action coalitions formed by these organizations.

Its net effect is to make unconscionable use of a captive audience of about 50 million children to further the political goals of activist teachers.

School people who run for political office and the various committees formed at election time to provide funds for favored candidates advance the loftiest of motives.

It all is being done, they say, in the name of reforming education by putting in office, directly or indirectly, those who will pour more money through the schoolhouse doors and make education decisions conforming to their bias.

All this further retards efforts to provide the Nation's youth with the tools necessary to get along in the world.

The May 1973 edition of the Council for Basic Education's Bulletin provides a perceptive and sobering look at public school politicalization that I recommend to those concerned about those who use our children, if I may have leave to publish the bulletin's leading commentary at the conclusion of these remarks.

Before that, I want to call your attention to the outstanding job of this council, "incorporated in the District of Columbia on July 3, 1956, as a nonprofit educational organization pledged to the encouragement of high academic standards in American schools."

As its name implies, one of the ways the council tries to accomplish its goal is through continuous study of and reporting about basic skills instruction.

The council's work is outstanding for its accuracy, depth, lucidity, and commonsense. It produces one of the best written education periodicals in the country and those who love the language will delight in the council's use of it. English classes might benefit from a study of its expository style.

Members interested in the council can write it at 725 15th Street NW., Washington, D.C. 20005.

The article follows:

[From the Council for Basic Education Bulletin, May 1973]

### THE POLITICALIZATION OF EDUCATION

In simplest terms, politics, in the words of the English political scientist Michael Oakeshott, "is the activity of attending to the general arrangements of a people." Education and schools are part of those arrangements so it is not surprising that educators find themselves caught up in the pressures and conflicts that inevitably ensue when human activities are institutionalized. But there is a world of difference between the politics necessary to carry out the general arrangements in education and the increasing tendency to politicize education. We use the verb "politicize" and the noun form "politicalization" in the dictionary definition of meaning "to give a political tone or character to" an enterprise. More and more of our public discussion about education veers away from what is the crux of the matter—teaching and learning—and takes on a political tone and character. More and more of our educators act less like teachers than precinct captains marshalling support and consolidating power.

Evidence of this politicalization is all around us. Perhaps the most obvious evidence can be seen in the role played by the teachers' organizations. Today we are particularly aware of teacher militancy because of the recent upsurge of the union movement, but in a more quiet fashion teachers' groups have for many years sought a political role. They have always tended to consider education unique among public services, deserving preferential treatment. In the name of anti-politics, they have sought to enjoy the fruits of the political system without sharing the responsibilities. They have lobbied for first call on state and local revenues and for separate elections for school boards, and have always tried to get what they want in the way of monies without accountability. In short, their politics has taken the form of trying to make the schools autonomous, divorcing them from the natural and normal workings of the political process.

Teachers' organizations today are more openly political, reaching out more frankly for power. Following the lead of the militant American Federation of Teachers, the larger National Education Association seems no longer satisfied with discreet lobbying in Washington and at the state capitals. Now it is willing to use the stronger tactics of the AFT, including the strike. One result of the strong stand taken by both NEA and AFT has been the creation of power blocs in education. To both of these groups, administrators and school boards are not partners in education but adversaries. An enthusiastic young union leader said at a reecnt meeting we attended: "Teachers should band together against school boards, who are their natural enemies." In such a political war the victims are the children. When teachers strike they protest, of course, that they are doing it all for the sake of the kiddies but nobody believes this, including the strikers themselves.

Further evidence of politicalization shows up in the way newspapers present education news. Perhaps the majority of young reporters who are assigned the education beat are frankly bored with what goes on in the classroom, unless it is Black English or sensitivity training or some other manifestation of far-out innovation. For the most part they don't want to write about the nuts-and-bolts matters: how reading is taught or how a school is struggling to retain Latin or the place of traditional and new math in the curriculum. They are interested in the sociological and political aspects of education: teacher militancy, desegregation, the school board's fight with the superintendent, the size of the budget, the youthful drug scene. Which is not to say that all of these topics are not important and newsworthy, but they are not, as some reporters seem to think, the heart of education.

The newsletters about education, most of which come out of Washington, also show concern with essentially political matters. We haven't made a count, but it is probably fair to say that seventy-five per cent of the material in many of these newsletters deals with busing, tax problems, federal appropriations, congressional hearings, and the like. Some of these newsletters are editorially of high quality but they seem to operate on the theory that most of the news that's fit to print is political news. Undoubtedly they are convinced, and with some justification, that this is what their educator-readers are most interested in.

Even the courts have come to play a role in this politicalization and show a willingness to rule on educational as well as legal matters. We have quoted before the remarks of Ira Marienhoff, a New York City social studies teacher, writing in *Social Education:*

"The courts have established themselves as arbiters of discipline, umpires in cheating cases, referees in matters of dress and deportment, and mediators in disputes among educators about matters of professional competence in which nobody's 'rights' are involved."

One of the most famous examples of judicial action in educational matters occurred some years ago in Washington, D.C. when a circuit court judge ordered the abandonment of a track system of ability grouping in the local schools (and incidentally forced out the superintendent who devised the system). The decision was made on the grounds that the track system violated the constitutional rights of blacks but to non-legal minds the judge seemed to be intruding a political issue into what was essentially an educational matter.

And speaking of Washington, D.C., as we write this the local teachers' union has instructed its members to try to recruit their pupils to participate in a protest at the White House against government policy on prices. Last year teachers distributed materials in all elementary classrooms criticizing welfare reform and organized children to take part in a demonstration. In this instance the action had the official approval of the board of education. Thus does politicalization of education reach down into the classroom.

Aside from the politicalization of education in the sense of accumulation of power, it has also been politicized on the ideological level. There are many high school and college teachers and students who seek to use the subject matter of instruction—history, literature, the arts, etc.—in the interest of political and social change. This is not, of course, a new phenomenon. It has always been official policy in totalitarian countries; and even in the United States, during the depression years, there were those who looked on art and literature as instruments to be used in creating the brave new world and saw indoctrination as a legitimate and indeed necessary function for teachers. This view was revived in the Sixties, and even though student and teacher militancy has now somewhat subsided we still have with us many who are devoted to education as indoctrination, who seek "to give a political tone or character" not only to "general arrangements" but to the curriculum itself.

If our educational system is to be a healthy one it is imperative that we make the effort to understand what is necessary politics in carrying on schools and what is excessive politics exerted for accumulating power for self-interest. Politicalization can undermine what is an essential and highly useful aspect of the American system of education—the diffusion of power among as many units or persons as possible so that no group has a monopoly of it. School boards, administrators, teachers, and parents should be sharing the power and responsibility in carrying out the education of youth.

The children in the classrooms are suffering because too many people in education have come to believe that all decisions and all policies must be political and are therefore spending too much time, to the detriment of education itself, in jockeying for political advantage. We would emphasize again that while education and schools are political in the sense of being part of the "general arrangements of a people," they cannot be run like city councils or political parties. Their subject matter is teaching and learning and when this human activity is given "a political tone and character" education is in trouble.

---

## INDIAN AGAINST INDIAN

## HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. MEEDS. Mr. Speaker, as the Members know, an agreement was negotiated 2 weeks ago ending the 3-month occupation and seige at Wounded Knee, S. Dak. The underlying causes of this violent protest are not yet fully understood and the ramifications of the incident have yet to be fully felt.

In today's edition of the Washington Post, appears an article by William Greider, staff writer for the Post. In my opinion, this article has cut to the core of the Wounded Knee incident and laid bare the real tragedy of that event. The central focus of the Wounded Knee occupation, often obscured by the "David versus Goliath" reporting of the press, has been the pitting of Indian against Indian.

As the story unfolded before the Subcommittee on Indian Affairs when we held hearings on the Wounded Knee incident on April 9, 10, and 11, it became apparent to me that, whatever the other causes and issues involved, the tragedy of the Indians in conflict with themselves was the most basic. This is, indeed, a tragedy and not solely of their making. Once again, we must look to inadequate, erratic Government policy to fully understand these intratribal conflicts.

It is my firm intent, as chairman of the Indian Affairs Subcommittee, to move forward with a program to equip the Indian people with the necessary tools to accomplish true self-determination and economic progress. A part of this effort will include a close look at tribal government and its shortcomings. But no program will succeed unless we start with a sound tribal government supported by its members and is responsive to their desires.

Mr. Speaker, I recommend the Washington Post article to the Members and to other interested in Indian affairs as a means of better understanding the recent conflict at Wounded Knee and as a point of departure for sound Federal programs and policies in Indian affairs:

### INDIANS AGAINST INDIANS—WOUNDED KNEE STRESSED BITTER TRIBAL DISPUTE

(By William Greider)

KYLE, S. DAK.—An anthropologist might call them cultural remnants, seven old men, worn and toothless, who still cling to the lost glory of the Sioux nation.

Their grandfathers were famous long ago, men like Red Cloud and Red War Bonnet and Crow Dog. Now they speak for a dwindling number of their own kinsmen, Indians who still speak their own language, who follow imperfectly the old ceremonials, who still believe it would be better to turn back to the long broken treaties which their forefathers negotiated in the 19th century.

"We want to go back to that time and live as we lived in them days," one of the Sioux elders pleaded, "if the government let us do it. That's the only thing we know, the Indian life. We have failed in the civilized life. It is not for us."

For two long days at the prairie camp of Frank Fool's Crow, five government people listened earnestly to the old men and their followers. That was the agreement when the siege of Wounded Knee was settled two weeks ago—that the White House would send a delegation to talk to the "traditionalists," as they are called in the Indian world, the old headsmen and hereditary chiefs who are unrecognized by the official tribal government.

The scene had appropriate shades of the bizarre and pathetic.

Fool's Crow, the host and principal spokesman, wore a black braided wig under his beaver hat. A young Indian militant passed out "Impeach Nixon" stickers to the White House visitors. Two fresh deer hides, drying on a backyard clothesline, lent a putrid odor to the meeting.

Henry Crow Dog, whose long silken hair is still black despite his age, addressed the gathering in Lakota, then chided his people for missing his point. "Stupid Indians can't understand their own language," he said.

An old woman in black wandered through the yard, crying in confusion at all the excitement, the TV cameras and U.S. marshals and the helicopters which landed in the pasture.

A young man comforted her. He looked just like a bare-chested brave from a storybook, except for the sunglasses. "Don't worry, grandma," he said. "Something good's going to come out of this." After two days of talk, that hope was much harder to sustain. What the government delegation heard was a bewildering recital of grievances, the past jumbled with the present, the real with the fantastic. Rape, murder, police brutalty, stolen land, stolen money, bureaucratic bungling and deceit, and the cutthroat politics that goes with general poverty. Like the aftermath of a bad dream, the details were fuzzy but the feeling was genuine, anger and terror.

"Everytime a revolving fund comes from Washington, who gets the benefit?" asked James Holy, who is James Holy Eagle, 82 years old. "The people who are relatives and friends of the tribal council. I live 20 miles east of here. I never get the benefit. I'm not on commodities, I'm not on the welfare."

Frank Kills Enemy, a big-bellied man with a kindly face, rose to announce that his life had been threatened by the tribal police. "My name is Kills Enemy and I am not afraid," he said, then sat down. Indians against Indians. That is mostly what they talked about at Fool's Crow's Place. That is the reality which the occupation at Wounded Knee dramatized. The bitter tribal divisions which overlay every problem of the Oglala Sioux on the Pine Ridge reservation are extreme, but similar conflict can be found to some degree on most reservations in America.

The traditionalists blame it all on the white man's intervention, the heavy hand of the Bureau of Indian Affairs and the lure of government money. Others would say it is the inevitable legacy of history, people divided by the changes forced upon them, some resisting, some trying to adjust. In any case, government reforms, launched with the best of intentions, have aggravated the divisions.

At Pine Ridge, the "Treaty Indians" want to abolish the elected Tribal Council and the Tribal Constitution, adopted in 1935. This would return to the traditional consensus apparatus by which the Sioux governed themselves before the government introduced its version of representative democracy. Each tiny community chose its version of representative democracy. Each tiny community chose its headman. They gathered as the "Treaty Council" with the emphasis on unanimity, not elections. In the reform spirit of FDR's first administration, Congress changed that with the Indian Reorganization Act of 1934, which encouraged tribes to adopt written constitutions for elected tribal governments. The idea was to break the pattern of government paternalism. With the strong voice of elected officials, the reformers reasoned, the tribes could take over the powers held by the BIA superintendent on each reservation.

When the Oglala Sioux adopted their constitution the vote was close and some of the old-timers still argue that many traditionalists refused to vote at all, assuming that would help defeat the idea. The old "Treaty Council" was eclipsed by the new Tribal Council, which was authorized to handle government funds and programs—and jobs in a land where patronage is precious.

In the nature of things, the politically active and successful Sioux were the ones most attuned to the outside white world, better educated, more eager for economic gain. In the Indian world, they are called the "progressives," though the old headmen call them venal. The political division became complicated further by race and culture.

The traditionalists generally are full-blooded Sioux while the progressives include many "breeds" Indians with a white parent or grandparent. Crow Dog spoke bitterly of the two governments on Pine Ridge: "We have a half-breed government and an Indian government."

Over the years, the unspoken assumption of the federal people has been that this tragic division would fade away in time as the "Treaty Indians" grew old and died, as more and more younger Indians turned toward formal education and a life in the white economy.

That has happened to some extent, though the old viewpoints endure more tenaciously than the reformers probably expected 40 years ago. But now something else has happened which complicates the matter further.

The young militancy of groups like the American Indian Movement, the organization which staged the siege at Wounded Knee, has embraced the traditionalist outlook and made the old arguments over broken treaties fresh and current. Ironically, many of the young activists grew up in the Indian slums of major cities, not on reservations, where the BIA encouraged their families to move in search of jobs.

The anger of the old men, clinging to the faded identity of their past, seems to have converged with the anger of the young men, who are searching awkwardly for their own identity as Indians. However skeptical they may be, even federal officials concede that this strange coming together has an explosive potential for "other Wounded Knees," wherever traditionalist sentiment is strong and wherever the elected tribal government is "autocratic and unresponsive."

The clash creates policy contradictions for both sides. The Nixon administration has espoused greater self-determination for Indian tribes, meaning that the tribal governments would take over more and more of the functions now operated by federal bureaucrats. Yet it cannot very well pursue that policy where tribal governments themselves are the source of bitterness and accusations of corruption.

Bradley Patterson, the White House assistant who led the delegation here, conceded that the President's policy "is leaning on a weak reed," if Tribal Councils discriminate grossly against the minority factions.

"It seems to me what you're saying most clearly," Patterson told the Sioux elders, "is why can't we have a fair and just tribal government here? It seems to me a question which Indian people all over the country could raise. We get the same question all over." On the other side, the AIM activists and the Oglala Sioux traditionalists have their own contradiction. They plead to be free of the bureaucratic yoke of the federal government—yet they are asking the white men from Washington to remove unilaterally from office Indians who were elected by Indians. That doesn't seem like a step toward the past glory either.

Justice Department lawyers are investigating 48 complaints of civil rights violations at Pine Ridge. Auditors from five government departments and agencies are pouring over tribal books to check out the allegations of misspent funds. Patterson also promised the traditionalists that he will give them a prompt reply on their request for a presidential treaty commission, but he would not promise to set aside the reservation's elected government.

The situation is so complicated and bitter, so impossible, that it breeds special fantasies. Some of the old men talked about the undivided territory their people once held, the Black Hills and the Wyoming Territory west of the Powder River, as if it were retrievable. Some of the younger men have more forward looking dreams.

## FOREST PRODUCTS EXPORT MANAGEMENT

### HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. RIEGLE. Mr. Speaker, I am introducing a bill to provide comprehensive authority to manage the export of forest products from the United States. The purpose of the bill is to insure that there is an adequate supply of forest products for domestic consumption at prices that are reasonable.

As you are well aware, the consumption of softwood—primarily for housing—has increased remarkably over the past 3 years. To meet this demand, lumber imports were increased. However, at the same time, there was an increase in log and lumber exports. This increase in exports only exacerbated the price situation which was skyrocketing under the pressure of extraordinary domestic demand. For example, a record-high rate of log exports to Japan was recorded last year, as our domestic lumber supplies were sold at abnormally high prices, two or three times the normal price level.

The bill is designed to maximize the use of our forest resources while limiting our exports of lumber products. The bill encourages forest owners and managers to export only those species and grades of logs and forest products that are surplus to our domestic needs. By this method, we would continue to export and defray our balance-of-payments deficit. But moreover, we would be increasing the economic and environmental use of our forest resources. The wastage portion of our forested trees would be kept to a minimum with full use of the tree bole.

The export of forest products from Federal forests has been partially regulated since 1968. However, there has been an astronomical increase in log exports—all from private actions. This bill would regulate this trade by vesting certain powers in the Secretary of Commerce. These powers could be revoked by the President, with the consent of

Congress, if there were an overriding national interest. However, the regulation of exports applies only to those forest products that are needed in the United States. Those logs and other forest products which are surplus to our needs could continue to be exported without restriction.

In conclusion, this bill would contribute greatly to the wise management and protection of our forest resources while insuring an adequate supply of forest products for domestic use.

I submit a copy of the bill to be printed in the RECORD following these remarks:

H.R. 8034

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Export Administration Act of 1969 is amended by—

(1) inserting immediately before the caption of section 1 the following:

"TITLE I—GENERAL PROVISIONS"

(2) redesignating sections 1 through 14, and all cross references thereto, as sections 101 through 114, respectively;

(3) striking "this Act" wherever it appears in sectons 101 through 114 (as redesignated by paragraph (2)) and inserting "this title"; and

(4) striking "This Act" in section 113(a) (as redesignated by paragraph (2)) and inserting "This title".

SEC. 2. The Export Administration Act of 1969 is amended by adding at the end thereof the following new title:

"TITLE II—FOREST PRODUCTS EXPORT MANAGEMENT

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Forest Products Export Management Act of 1973'.

"FINDINGS

"SEC. 202. It is the finding of the Congress that it is in the interest of the people of the United States that there be an adequate supply of forest products continuously available for their use; the United States is abundantly blessed with land capable of growing forests that can produce the range of values that the living forest provides for man's economic, social and spiritual well being; during the past century and into some of this century the forest lands of the United States were viewed as a limitless resource; these forests were subjected to heavy cutting and a low level of management and protection; during the past several decades progress has been made in introducing a higher level of management on public and private forests; there are still substantial forest areas that have not been restored to their optimum level of economic and environmental utility; it is both feasible and wise to sustain the flow of benefits from the forests; some benefits, both tangible and intangible, can be sustained on an even sort of flow; on larger private and public forests it is practical to maintain a continuous annual flow of forest products, while on smaller forest units the flow of products may be intermittent yet under a high order of forest stewardship, all to the end that the total amount of forest products and other benefits regionally and nationally will be sustained and amplified in future decades; to help attain those goals the wastage of portions of the bole of each tree cut should be kept at as low a level as possible and all reasonable efforts to secure the full utilization of the tree bole should be encouraged; all reasonable forest land management efforts should be encouraged to secure the economic and environmental benefits of our forest resources; the United States has become a substantial importer of softwood logs and products, principally from Canada, and we also import certain hardwoods indigenous to the United States; the importation of logs and forest products from other nations should be encouraged provided this trade does not exploit other nations' forest resources to their disadvantage; the United States especially in the past decade has become a substantial exporter of softwood logs and also exports a substantial quantity of lumber; there is concern that unless this trade is properly managed it will contribute to supply instability, rises in the cost of forest products and depletion of the forest resources of the United States in a manner disadvantageous to the national need and interest.

"FOREST PRODUCTS EXPORT MANAGEMENT

"SEC. 203. (a) Upon enactment of this title, the export of forest products from the United States shall be managed by limiting the volume thereof that annually may be exported and the conditions under which forest products may be exported. This shall be a function of the Secretary of Commerce with cooperation from other agencies of government.

"(b) For the calendar year 1973, softwood log exports shall not exceed the average of such exports during calendar years 1971 and 1972. For softwood lumber, timber, and cants, the exports for calendar year 1973 shall not exceed the average of such exports during calendar years 1971 and 1972.

"(c) Not later than December 1 of each year beginning with 1973, the Secretary shall determine the type and volume of forest products that have been imported for the year in progress. He shall estimate the anticipated level of such imports in the succeeding year and he shall review and analyze all facts he deems pertinent to determining whether the export of forest products is in the national interest and the level of such exports that would be in the national interest.

"(d) Not later than December 15 of each year beginning with 1973, the Secretary shall prescribe for the succeeding year the level of forest products exports that he determines will be permitted in the national interest but, except as provided below, the permitted level of exports of forest products needed for domestic use in any year shall not exceed 10 per centum of the imports of forest products. For the calendar year 1974 such exports may be 20 per centum of the 1973 imports and for 1975 such exports may be 15 per centum of the 1974 imports. In any year, however, the Secretary may permit such higher level of forest products exports not to exceed the 1972 level as he determines will be in the national interest in any year or portion thereof when the domestic price index for forest products is 95 or less using the year 1967 as 100.

"(e) In addition to the export of quantities of forest products as provided in subsection (d), the Secretary shall determine the grades and species of logs and bolts and processed lumber, plywood, and cants not needed for and surplus to domestic purposes and may permit their exportation without regard to the above limits. In reaching his determination, the Secretary shall consider whether the export of such logs will improve the utilization of the bole of cut trees and promote higher levels of forest management. As a condition of issuing such a permit the Secretary shall have made a finding that there is currently no reasonable domestic market for such forest products and shall take into account, among other things—

"(1) whether the applicant has attempted in good faith but unsuccessfully to sell such forest products at no more than fair value to persons that are customarily engaged in the purchase of such products for manufacture or sale; and

"(2) the customary uses for such forest products on the domestic market and the current prevailing conditions as to such * * *

"(f) The Secretary shall by regulation designate at least one day in each month on which he will receive written or oral testimony from permit applicants and other interested persons, relevant to the findings required under paragraph (e) of this subsection. To provide the public notice of pending applications, testimony will be received on only those applications delivered to the Secretary at least ten days prior to the designated date. After receipt and consideration of the testimony, the Secretary shall within five days (Saturdays, Sundays, and legal holidays excluded) approve or disapprove such applications. Concurrent with his action the Secretary shall issue a concise public statement stating his reasons therefor.

"(g) Any person who prior to March 31, 1973 has entered into a firm written contract to deliver forest products for export, shall be permitted by the Secretary to complete such contract and the Secretary shall take these facts into account in determining the permits he will issue under this title. In issuing permits for the export of forest products under subsection (a), the Secretary shall consider all persons and shall not limit such permits to those who have engaged in exports in prior years but he shall issue such permits only to persons who own forest land or persons who own forest products, manufacturing plants, or logging operations and customarily are engaged in the cutting of standing timber or the manufacture of same for domestic manufacture.

"AVAILABILITY OF RECORDS AND STORAGE AREAS

"SEC. 204. Whoever exported forest products in the two years prior to enactment of this title or subsequently applies under this title to export forest products shall permit access to related books, records, and accounts, and their forest storage areas by the Secretary.

"PENALTY

"SEC. 205. Whoever knowingly and willfully exports any timber in violation of this title, or knowingly and fraudulently files a false report, or fails to permit the Secretary access to his books, records, and accounts, and his forest product storage areas shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each such violation, and shall not thereafter be permitted to export forest products for a period of not more than five years.

"DEFINITIONS

"SEC. 206. As used in this title—

"(a) the term 'forest products' means coniferous species: *Provided,* That for the purposes of this title, coniferous forest products consist of—

"(1) any logs, such as saw logs, peeler logs, and pulp logs;

"(2) cants, squares, and hewn sawn material exceeding four and one-half inches in thickness;

"(3) split or round bolts, or other round wood not processed to standards and specifications suitable for end product use;

"(4) veneers and ploywood; and

"(5) lumber seven feet in length or more with a width in excess of two inches or a thickness in excess of one-half inch.

"(b) The term 'Secretary' means the Secretary of Commerce.

"(c) The term 'exporter' means any individual, corporation, association, firm, or other legal entity which sold forest products under such terms that the seller delivered the forest products either—

"(1) on board a truck or railroad car; or

"(2) alongside a vessel in a manner usual in the port involved or on a dock designated and provided by the buyer; in such circumstances that the seller at that time reasonably believed that the forest products so delivered would, in accordance with orders given by the buyer directly to the carrier, be transported by such truck, railroad car, or vessel to a foreign destination.

"(d) The term 'United States' means the fifty States, and territories, possessions, and trust territories of the United States.

"AUTHORITY TO SUSPEND

"SEC. 207. After the calendar year 1974, the President may suspend the operation of this title, in whole or in part for any calendar year if by July 1 of the preceding year he has made a finding that the overall national interest of the United States will be better served by such action than by the operation of this title and by that date he has submitted his reasons therefor to the Congress of the United States and both Houses of the Congress have passed resolutions stating in effect approval of such request no later than one hundred and twenty calendar days thereafter.

"REGULATIONS AND FEES

"SEC. 208. (a) The Secretary is authorized to issue such regulations as may be necessary to carry out the purposes of this title.

"(b) The Secretary is also authorized to charge reasonable fees to those engaged in the exportation of forest products, or seeking to export forest products to defray the cost of processing and approving their specific application and the inspection of the forest products they are permitted to export. In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under this authority which is not required, or is in excess of the amount required, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct for payment of expenses incident to the function for which the charges were made and for refunds to depositors as provided above. There are hereby authorized to be appropriated such additional sums as may be necessary to carry out the purposes of this title."

---

## HOWARD PHILLIPS INTERVIEWED BY U.S. NEWS & WORLD REPORT

## HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. TREEN. Mr. Speaker, in a recent issue of U.S. News and World Report, Mr. Howard Phillips, acting director of OEO, was interviewed.

I found Mr. Phillip's comments very interesting.

I insert this interview in the RECORD:

BENEFITS TO POOR: "GREATEST IN HISTORY"

(Interview with Howard Phillips, Director, Office of Economic Opportunity)

Q. Mr. Phillips, what is to be accomplished by closing down the Office of Economic Opportunity and eliminating or shifting antipoverty programs?

A. What we're doing is making the Federal Government's antipoverty activities more effective. They haven't really been effective in eliminating poverty in the past. What the President wants is to reorganize the federal antipoverty effort in such a manner as to enhance its real benefit to the poor.

We propose to eliminate the middleman—the antipoverty bureaucrat—and see that the money intended for the poor really goes to their direct benefit. The old approach of trickling down dollars for the poor through a vast array of poverty contractors and professionals has only alleviated poverty for the middlemen.

We are also reorganizing federal antipoverty activities so that more decisions are placed in the hands of elected officials who can be held accountable for success or failure, rather than leaving those decisions to the discretion of people employed by the federal bureaucracy. We are, in effect, providing local option.

Q. Will you be spending much less than in the past?

A. We will actually be spending more. In fiscal year 1974 [which begins next July 1] the total federal expenditure of direct benefit to the poor will be roughly 30.3 billion dollars. This is the greatest amount in American history. It compares with 7.9 billion dollars spent 10 years ago.

In calculating the effect of these changes, what you have to bear in mind is this: With the exception of the Community Action program, all other programs administered by OEO would, under the President's budget, be continued in fiscal year 1974 at an equivalent or higher level of expenditure than in FY 1973. The administration of these programs simply is being assigned to other federal departments and agencies.

Q. What will happen to the Community Action program?

A. That remains to be seen. We are saying that if the President's budget is adopted, there will be no funding of Community Action programs in the federal budget. Communities which desire to continue such programs could do so if they wish.

Q. How much money has been spent on Community Action—and what has been its major effect?

A. From all federal sources, more than 10 billion dollars has gone to Community Action agencies—2.8 billion from OEO. The balance of the funding has come from State and local sources, private sources, and from federal departments and agencies other than OEO.

Community Action has had roughly eight years to prove itself at the local level. Now, local officials will have to determine its relative effectiveness, and whether they want to spend local money on it.

People frequently ask me, "How can you decide that a program in my community is good or bad?" My answer to them is that I can't decide. That's precisely why it's so important that we return decision-making authority to people at the local level who are in a better position to make such assessments.

Q. What about the other antipoverty programs? Who will decide their ultimate fate?

A. Specific programs will stand or fall on their own merits. Those that are being transferred for administration to other federal departments and agencies will be continued, modified or discontinued at the discretion of those agencies. Those programs such as Community Action, which will fall within the purview of local officials, will receive public funding—or not receive public funding—at the discretion of elected officials.

Q. Where would the money come from for programs that are continued by communities?

A. From the people—from the private sector—or from local or State funds. General revenue-sharing funds from the Federal Government might be allotted to such programs. And there are three categories of special revenue sharing as proposed by the President under which funds could be used for such purposes if local officials so decided.

Our whole point is that we in Washington can't really decide if a program has been effective in overcoming poverty in a particular community. And we think the time has come where people at the local level have to decide what is the best way to spend the money available to fight poverty in their community.

Q. Some members of Congress have questioned the President's authority to close the Office of Economic Opportunity and shift its programs without legislative action by Congress. What is your view on that?

A. In all cases in which OEO programs have been shifted to other agencies there is pre-existing authority for me to delegate the program to another agency, and for that agency to carry on the program.

This authority was in the original Act of 1964, and it's an authority which was used previously by Sargent Shriver and by other OEO Directors.

There are two programs for which we are seeking new legislation to effect a transfer. One is the Legal Services program, to provide legal aid to the poor. The other is the Community Economic Development program.

Q. Earlier you mentioned 30.3 billion dollars being budgeted for "direct benefit to the poor." What are you including in that figure?

A. It includes cash payments, income security, educational benefits, health benefits, manpower benefits. It would also include benefits in the form of Social Security payments which go to the poor, support for elementary and secondary education, and so forth.

Q. A federal judge has ruled that the President does not have the power to close down the OEO this year. Will this really change your plans?

A. It is an open question whether an appeal will be made. So long as the ruling is in force, we intend to carry on our activities in a manner consistent with the judge's interpretation. Our authority to delegate programs to other agencies does not seem to be affected, and we anticipate zero funding in the OEO budget on July 1.

Q. If Congress votes to provide funding past June 30, will this mean that OEO will continue past this deadline?

A. There are certain post-June 30 liaison functions which can conceivably continue without funds. No money would be available to OEO, however, if the President did not sign into law an appropriation for that purpose.

---

## PAPERWORK DELUGE IS SERIOUS THREAT

## HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. FUQUA. Mr. Speaker, all of us are concerned at the avalanche of paperwork which our Government imposes upon the American people. We have had special commissions and studies, and still this proliferation continues.

I want to quote from an article from the Chicago Tribune Service relative to this subject. They refer to the very excellent work of Senator THOMAS MCINTYRE, of New Hampshire, and I felt that the story, as written by Ronald Koziol, should be repeated in part here.

He began his statement by noting that the mass of Federal Government paperwork is contributing to the bankruptcy of small businesses, unemployment, and a feeling of hostility by many citizens toward their Government.

A portion of his statement is as follows:

STATEMENT BY SENATOR THOMAS MCINTYRE

These are the conclusions reached in a special report by Sen. Thomas J. McIntyre (D., N.H.), chairman of the government regulation subcommittee. McIntyre's report culminates two years of investigation by his subcommittee into the increasing problem created by a massive bureaucracy.

The subcommittee listened to hundreds of small businessmen and taxpayers throughout the country tell of the maze of government paperwork that has more than doubled in the last three years.

As McIntyre puts it, "It's outrageous . . . this complicated bureaucratic nonsense the government imposes on us."

Perhaps one of the most significant conclusions drawn by the subcommittee studies is that the demands for information have led many small businesses and citizens to believe that "the government has a deep and abiding distrust of citizens generally and businessmen in particular."

The report adds, "When a citizen's only contact with his government is a frustrating battle with red tape, it is not surprising that he expresses a growing feeling of alienation from that government."

McIntyre's investigators found that, for the most part, the federal bureaucracy is indifferent toward the small businessman. Testimony from federal officials demonstated a considerable lack of understanding of needs of small business, according to the senator.

McIntyre's report makes several recommendations on reducing the paperwork burden, including constant monitoring by Congress of executive agencies.

He also urged that the General Accounting Office examine federal agencies to insure better management practices on the part of these agencies.

McIntyre also has a bill in the Senate which would require all committees of Congress to disclose in their reports the paperwork burden to be imposed as a result of any new legislation.

"If this bill is passed, every lawmaker will then be aware of how much additional paperwork will be required, and necessary amendments could be made when new legislation comes up for passage," McIntyre said.

America's businessmen are spending $18 billion a year—either in accountants' fees or in time lost from regular work—filling out the papers and returning them to federal and local government agencies.

Another $18 billion is spent annually to print, peruse, and store the 4.5 million cubic feet of paper. The cubic foot total is equivalent to $10 billion sheets of typing paper and averages 10 forms for every man, woman, and child in the country.

As of Dec. 31, 1972, there were 5,298 different types of approved public use forms excluding all tax and banking forms.

"If we don't stop this tidal wave of paperwork soon, we'll all be swamped under by it," McIntyre said.

I want to add that many of the small businessmen in my district have expressed deep concern over this trend. I share this concern and want to add my commendation for the work that Senator McINTYRE and others have been doing in this regard.

Failure to act on our part will result in many more hardships for our small businessmen. I think that every agency and every Federal employee should be made aware of this fact and a concerted effort made to correct a very serious situation.

## JIMMY CARNEY NEEDS HELP NOW

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. WOLFF. Mr. Speaker, in Bayside, Queens, within my Sixth Congressional District, there lives a young lad, Jimmy Carney, who is a victim of hemophilio, the dread blood ailment that causes the inflicted to bleed profusely even from the most minute scratch.

On Saturday, June 16, 1973, the community will rally to help this unfortunate 8-year-old boy by again conducting a drive for the blood so desperately needed to keep Jimmy alive. The Blood Bank, to be conducted by the American Red Cross, will be stationed at St. Robert Bellarmine R. C. Church, 56th Avenue and 213th Street, Bayside, from 10 a.m. to 3 p.m. The goal set is 300 pints of precious lifegiving blood.

Jimmy, a normal boy in all other aspects who is in the second grade and who enjoys many of the activities and pursuits of his peers, has a good chance to outgrow the present acuteness of his ailment. But, he needs time and he needs help now.

Mr. Speaker, I ask you to join me in urging the continued generosity of Bayside and neighboring communities to once again assure the success of this blood drive. Jimmy will always be grateful.

## ASME CONGRESSIONAL FELLOWSHIP OFFERED AGAIN

### HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. McCORMACK. Mr. Speaker, in the context of our society's need to adjust to and react to accelerating change and technological discoveries, it is more critical than ever before that there be effective communication between policymakers and scientists and engineers. It was precisely this concern that led the Congress to establish the Office of Technology Assessment.

It is equally important that the technical and scientific community act to supplement and reinforce these goals through programs of their own. An excellent example of such concern is the congressional fellow program of the American Society of Mechanical Engineers, which was set up last year in response to the society's stated overriding goal to be "sensitive to the engineer's responsibility to the public's interest, and dedicated to a leadership role in making technology a true servant of man."

The first recipient of this fellowship, Dr. Barry Hyman, is now serving on the Senate Commerce Subcommittee on Science and Technology, which was recently created by Chairman WARREN G. MAGNUSON of Washington State. As Senator MAGNUSON so aptly stated in his announcement of this subcommittee's formation:

> There is probably no national objective more important than the taming and channeling of technology toward the solution of national problems.

Dr. Hyman's participation in the work of this important new subcommittee should facilitate technological input to the increasingly complex policymaking issues in this area.

I include the article, which appeared in the May 1973 issue of Mechanical Engineering, describing this program and explaining how interested persons may apply for next year's fellowship, in the RECORD at this point:

### ASME CONGRESSIONAL FELLOWSHIP OFFERED AGAIN

APPLICATIONS INVITED

The ASME Council has authorized the second year of the ASME Congressional Fellow program. This program supports an engineer for one year at the nation's capital in Washington, associated with a congressman or a congressional committee as a technical resource. The sponsorship is shared by ASME with the engineer's employer, who treats the time away from his regular job in the nature of a sabbatical leave. Although the primary purpose of the program is to assist the formation of public policy by making technical expertise available, both the individual Fellow and his employer benefit from the experience. Of additional interest to ASME is the fact that the professional gains in its knowledge of the political process.

The 1973 ASME Congressional Fellow, now serving on the staff of the Senate Commerce Committee, is Dr. Barry I. Hyman, on leave from his position as associate professor, Department of Civil, Mechanical and Environmental Engineering at George Washington University. Following announcement of the program last August, Dr. Hyman was selected as the first recipient. (See page 108, January 1973 *Mechanical Engineering*.) It is significant that on March 23, Senator Warren G. Magnuson, Chairman of the Senate Commerce Committee, announced the formation of a new Subcommittee on Science and Technology and appointed Dr. Hyman to its staff.

One of the on-going programs which grew out of the Society's restatement of its GOALS two years ago, the Congressional Fellowship is responsive to the words of the Overriding Goal which call for ASME to be "sensitive to the engineer's responsibility to the public's interest, and dedicated to a leadership role in making technology a true servant of man."

The Program. The ASME Congressional Fellowship provides up to half of the cost for one engineer for one year with the understanding that his employer will provide the balance. The 1974 Congressional Fellow year may be scheduled to begin any time from Oct. 1, 1973, to Feb. 1, 1974.

After selection of the Congressional Fellow, ASME will assist him in making arrangements for his assignment to a congressional staff position, preferably to the staff of one of the committees which handles legislation on subjects for which an understanding of mechanical engineering is important. Facilities of the Congress will make space and secretarial support available.

Additionally, the Congressional Fellow will have available to him the facilities of the office of William P. Miller, ASME's Washington representative, in calling on the resources of the Society.

Although the extent of ASME's financial support is limited to half of the cost of one man, consideration may be given to additional appointments for which other financial resources are available.

How to Apply for the Fellowship. An ASME member interested in applying for 1974 should first establish with his employer the basis under which he could be made available. Applications will be held in confidence and should be directed to Dr. Rogers B. Finch, Executive Director and Secretary, The American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017. Each application should include:

1. A résumé covering education, engineering experience and pertinent personal factors.

2. A statement describing the terms of the applicant's leave from his employer. This

should state his current salary and the total amount of financial support which he expects from his employer, as well as his preferences for the date on which the appointment will become effective.

3. A letter describing the way the applicant views this position and how his experience and abilities qualify him for the post.

Applications will be accepted up until August 1, 1973, and should cover a period of one year beginning no earlier than October 1, 1973, nor later than February 1, 1974.

---

## DENVER HEARING ON HOUSING

# HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mrs. SCHROEDER. Mr. Speaker, on March 30, 1973, I was privileged to hear the testimony of the people of Denver on the effects there of the so-called Nixon housing freeze. I would like to include in the RECORD a staff summary of the nearly 6 hours of testimony, which I found to be depressingly instructive:

### HOUSING FREEZE

### MARY WYNN—SUBURBS

The first witness, Mrs. Mary Wynn, told of her family's 26-month search for a satisfactory home near her husband's job, as a custodian with the Littleton Schools. They needed a house for their family of three girls and three pets. The cheapest house they could find and still meet their housing needs was priced at $21,000. During their search, friends had to keep one of their three daughters.

### HOWARD CONVERSE—COMMUNITY RENEWAL AGENCY

Mr. Converse presented Congresswoman Schroeder with copies of the preliminary report of the Community Renewal Agency program, *A Strategy for Community Renewal.* This HUD funded planning program terminated in October of 1972, after a 30-month period of study. The final issue of the Report will be available in mid-April, and will hopefully be used by the City in drafting a total community development plan. Also submitted were a draft copy of CRP's *Overview to Housing Report* which contains recommendations for the 1973–80 housing plan, and a copy of *Denver Housing Study* done for CRP by Hammer, Greene, Siler Associates of Washington, D.C.

Mr. Converse testified that by 1980, there would be a requirement of 37,000 new and rehabilitated housing units in Denver, 11,600 for the low income, and 21,000 for moderate income.

He cited several disastrous effects of the freeze:

1. The progress underway at the regional level to implement a Regional Housing Plan has been threatened. This Plan provides a method to expand low and moderate income housing units outside of the City and County of Denver.

2. A second impact of the freeze has been to threaten several City housing programs, such as the construction of 200–300 units of moderate density within the Model City Target area. Land has been purchased, but FHA allocations must be obtained to complete the program. Eastside-Westside housing redevelopment proposals are still apparently pending, despite the freeze.

"The effect of the freeze upon agencies in Denver has been to compound the earlier anxieties caused by the predicted institutional reorganization within the future community development block grant funding system (Better Communities Act), with a new confusion and frustration about immediate programs threatened by the freeze."

Federal housing programs need basic restructuring, and the private sector should shoulder greater responsibility in ameliorating housing conditions in the inner-city. However, he emphasized that there must be provisions made for housing in local communities during the transition from yesterday's programs to tomorrow's.

### ROBERT CAMERON—DENVER URBAN RENEWAL AUTHORITY

The Director of Denver Urban Renewal Authority stated that his agency has assisted by providing sites for 1,700 units of low and moderate housing and the rehabilitation of 1,500 residential units.

Mr. Cameron described the "almost totally unpredictable flow of federal funds from year to year" by federal departments and agencies. He said that land clearance, redevelopment, and rehabilitation "cannot be turned on and off on the basis of Washington whimsy without causing extreme inefficiencies."

DURA has been particularly hard hit by the recent HUD moratorium on federal housing subsidies and by the Office of Management and Budget's withholding of appropriated funds.

In the Mitchell and College View rehabilitation projects and the Russell Park-Manual Urban Renewal Project, DURA contracts with HUD call for extensive use of FHA Section 312 loans at 3% interest. Congress appropriated $90 million for the fiscal year ending June, 1972, but OMB released only $50 million. For the fiscal year ending June, 1973, the administration asked for no new appropriations for 312 loans, although the need for $150 million had been documented by the National Association of Housing and Redevelopment officials. Congress proceeded to appropriate $70 million, but OMB released only $50 million. That $50 million actually included $40 million held over from the previous year's appropriation! The annual amounts released by OMB resulted in allocations of only $1 million per year to the Denver Regional Office of HUD—and that includes six states! $1 million is not enough to meet Denver's needs let alone six states.

In mid-1972, HUD made a capital grant reservation of $3 million to pay ⅔ of the net costs of housing rehabilitation in the Russell Park-Manual area of the City. For this program to work, homeowners need the help of the 312 home repair loans. Now HUD has announced the phasing out of these low interest rate loans, at the same time it ordered DURA to establish a local loan program which is acceptable to HUD as an alternative to 312 loans. If DURA does not, HUD will withdraw the 3.8 million and the Russell Park-Manual project will be terminated. Bruce Rockwell, the President of the Denver Chamber of Commerce, said in response to this directive, "No city should have a gun held at its head by a federal agency."

The citizens have been working with DURA in the preparation of this plan for over three years. To deny them the opportunity to proceed at this late date will shatter any hopes and engender anger and hostility. DURA is awaiting HUD response to this proposed alternative.

Mr. Cameron concluded his testimony with this statement:

"The Denver Urban Renewal Authority has received excellent assistance and cooperation from the Regional Office of HUD and the local FHA office in spite of continuing changes, cut-backs, moratoriums, and reorganizations at the Washington level. Mr. Rosenheim, Regional Administrator, and Mr. Wilder, Assistant Regional Administrator, have supported the City's efforts to secure HUD approval for the Eastside and Westside housing and the Russell Park-Manual projects. They recognize the need to renew badly deteriorated areas of the City, as well as construct new housing for low and moderate income families. We are concerned, however, that because of cut-backs at the Washington level, the Regional Office people will be told that the grant reservation must be transferred from the Russell Park-Manual project to the Eastside/Westside project, or that the City will have to decide which of the two projects they wish to carry out because there is not enough money for both projects. The truth of the matter is that Denver needs *both* the rehabilitation program in the Russell Park-Manual and the new housing in the Eastside/Westside project."

### DAN LUNA—DENVER HOUSING ADMINISTRATION

The Director of the Denver Housing Administration began his testimony by outlining the programs administered by his office: the Model Cities Housing Program, the Federally Assisted Code Enforcement program (FACE), and Project Rehab.

Because of the moratorium initiated in January, DHA has received only $2.7 million of the $10 million promised by HUD for the 12,000 units planned under the FACE program.

Under the Model Cities new construction program, almost 100 parcels of land have been purchased or designated for purchase by the Housing Administration to be used for low cost 235 and 236 building programs. These programs cannot now be implemented because of the moratorium.

Of greater and more immediate concern is the impact of the freeze on overall model cities funding. Emergency Home Maintenance grants, emergency rent supplement payments and several other programs funded by Model Cities will be terminated by the federal decision to discontinue all funding for Model Cities.

All housing programs in Denver receive funding from the federal government. 30 years of federal initiative in the field of low and moderate income housing will cease as a result of the Nixon Administration moratorium on federal housing programs.

### VIRGINIA GARCIA—EVICTION

Virginia Garcia told of the difficulties she had with her attorney-landlord at 426 Inca Street over obvious housing code violations. After repeated efforts to get the landlord to make repairs, she finally called the building inspector. When ordered by the Department of Health and Hospitals to comply with code, the landlord evicted his tenant. Mrs. Garcia said that legal aid would not help her, and she finally located another home with the assistance of the West Side Action Center.

### M. J. MASTALIR, JR.—FIRST NATIONAL BANK

Mr. Mastalir, of the First National Bank's mortgage division, said that applications for about 3,300 units of Federal Housing Administration (FHA) guaranteed units were being processed when the moratorium hit. Today, less than a third of those are being processed. His office has been involved as mortgagee for approximately 4,000 units of subsidized housing, and he indicated his satisfaction with success achieved under the existing federal housing programs. He praised the sensitivity of many non-profit sponsors and felt that the consumer had received the benefits intended by the programs. Although criticism of FHA process is valid, FHA has provided a vehicle for producing thousands of housing units for low income people. He stated: "the machinery that has yielded a better than 90% success ratio nationwide should be retained."

### CORRINE TRUJILLO—RENT INCREASE

The next witness told the task force that during the last five years her rent has climbed from $85 a month to $150. The latest increase being $50 a month.

### LEONARD CHADWICK—DENVER HOUSING AUTHORITY

The director of the Denver Housing Authority submitted a booklet to the Congresswoman containing tables of income limits and population characteristics of the residents of public housing in Denver, and several copies of the DHA newspaper. He reported that the Denver Housing Authority has 4,133 units of housing, and presently has 1,380 people on the waiting list, mostly elderly. Before the moratorium, he said that 2,000 new Turnkey units had been approved by City Council, but only 400 have been built. He told of the hardships caused by implementation of the Brooke Amendment, limiting public housing residents to paying only 25% of their income for rent. Congress appropriated funds to make up for the revenues lost because of this regulation, but these funds were impounded by OMB. This impoundment has cost the DHA $406,000.00 to date. Housing authorities cannot now remain solvent and still serve the low income citizens of their communities. DHA also had a $17,000,000 modernization program terminated by the freeze.

### SHIRLEY GIEK—ARCHDIOCESE TENANTS COUNCIL

Shirley Giek testified about her frustrating search for a home for herself and her 9 children. She finally had to place her two older daughters with friends in order to become eligible for the largest unit available in the Archdiocesan development on South Monaco. She is now on the Tenants Council, manages the units, and is satisfied with her present housing conditions.

### DAN STRAMIELLO—REALTOR

Mr. Stramiello works as a Denver Realtor and a private consultant in the field of low and moderate income housing. He indicated the current funding freeze has had little impact on business, since HUD and FHA affect only a minor part of a realtor's business. He said his major interest was in moderate-income housing—homes selling for less than $22,000.00 and renting for $60–$160 a month. Very little housing in this bracket is available in the core city, primarily because of the lending policies of banks and savings and loan associations. He said the lending policies "squeeze the middle class out of Denver while low-income families are sucked into the core city by the vacuum."

He quoted an official from Majestic Federal Savings and Loan who claimed that his institution won't touch anything over 40 years old, prefers to stay out of areas where rehabilitation is going on, and refuses to consider properties that are rundown. The Southwest State Bank agrees to finance older properties, as long as they are in good shape, and totally in compliance with building code regulations. But properties, when rehabilitated, no longer are moderately priced because of the huge investment required to bring them up to Code. Because of these policies, moderate income families are forced to the suburbs where lending institutions will make loans.

Mr. Stramiello made 6 suggestions:

1) The Better Communities Act should provide that funding will be contingent on the recipient community providing low-income housing.

2) Low income housing should be built near the job market rather than in urban renewal areas.

3) Provide write-downs in land costs to help increase the supply of low and moderate income housing.

4) Induce banks to participate.

5) Cities should be given funds to buy existing properties to lease to low income families, integrating low income families with moderate income families, which reduces high concentrations of low-income families, which in turn produces a poor environment.

6) FHA guidelines need to be changed so mortgages can be guaranteed on owner rehabilitated property.

Mr. Stramiello concluded his remarks by stating that the freeze should be lifted until replacement programs are established.

### IRVING HOOK—DENVER REGIONAL COUNCIL OF GOVERNMENTS

Mr. Hook is a Denver City Councilman who represents the City and County of Denver on the Regional Council of Governments. He reported the recent adoption, by DRCOG, of a Fair Share Plan for allocating fixed percentages of low income housing to suburban communities. He said he had been confident about the adoption of this plan by suburban governments until the freeze came. He strongly recommended that a fixed percentage of Community Development Revenue Sharing funds be allocated for housing—otherwise, the chances were good that local governments would skip housing in their list of priorities. Strings should be attached. Members of DRCOG are in favor of special categorical grants for housing over and above the CDR (Community Development Revenue Sharing). Bonuses should be awarded when a region becomes involved in core-city housing problems.

He said that the freeze had cost Denver at least $90 million in housing funds. Denver citizens recently passed a $10 million Housing Bond Issue. This money was to be used to attract other federal housing money. The freeze has rebuffed the commitment of Denver citizens.

When asked his opinion of rent vouchers, he replied that if there were rent controls tied to the vouchers, the plan might be feasible.

### BILL ROBERTS—COUNCILMAN, CITY AND COUNTY OF DENVER, DISTRICT NO. 11

Councilman Bill Roberts stated that Denver needs "thousands more housing units for poor and moderate income people." The Nixon administration has wiped out programs designed to produce housing for poor people.

The Denver City Council authorized the Denver Housing Authority to proceed to develop 2,000 housing units, which would fill only a part of Denver's need. HUD's answer to the poor of Denver was 400 units.

Public housing has served the housing needs of poor people for over 35 years by taking the poor out of the filth and squalor and into decent homes. The only way housing can be provided for low income families is through public housing. We need more and better public housing. FHA programs help moderate incomed people and the middleman, not the poor.

When Denver's projected need for low income housing units is over 12,000, the Nixon administration won't let us proceed with less than 2,000. The poor have nowhere to go but from one slum to another.

### DAVE HERLINGER—COLORADO HOUSING, INC.

Mr. Herlinger offered several suggestions for Congresswoman Schroeder:

1) Attention should be directed to HB 56594 which would require the Secretary of Agriculture to carry out rural housing programs.

2) Reform of current 236 housing is needed to prohibit ripping off by "experts" (lawyers, architects, etc.) of up to 10% of the cost of the housing.

3) Rent controls with rent vouchers.

4) CDR money should be tied to housing.

5) Take 235 and 236 away from FHA.

When asked "how long before revenue sharing can be organized to provide effective delivery of housing?", he replied, "approximately 2¼ years."

### MRS. JEROME BIFFLE—CHAIRWOMAN, BOND COMMITTEE, DENVER PLANNING BOARD

Mrs. Biffle chairs the Committee of the Planning Board which must decide how the $10 million in bonds approved by Denver voters is to be used. It was intended to be used originally as leverage money to attract private, public and federal dollars, but because of the housing freeze, heads of city agencies involved in housing are pressuring to spend this money for their own immediate needs. "Without federal matching funds, $10 million isn't enough to make a dent in relieving the City's housing shortage."

### BEATRICE JARAMILLO—PUBLIC HOUSING

A public housing resident, Mrs. Jaramillo of the Quigg Newton project, contended that tenants had no real representation in the decisions of the Denver Housing Authority, although such input is required by HUD. The Central Residents Council (CRC) is not representative. CRC meetings have become secret affairs. An independent residents union is needed. She recommended that HUD contract with an independent body to investigate tenant groups. "In our area, we have no power; and we can't have it when people are afraid they'll be thrown out of their homes," she stated.

### MRS. GERTRUDE RAINWATER—TAMAI TOWERS RESIDENT

Mrs. Rainwater said she had decided to move to the Tamai Towers (the handsome new building in the Skyline Urban Renewal area where the hearings were being held) because of the subsidy available. After she had given up her $80 apartment on Pearl Street, the moratorium was declared, and she was told that the subsidy was no longer available. She must now pay full rent of $115. She has a monthly income of $175.00 and she must also pay for Blue Cross/Blue Shield as well as her telephone. She does not blame the management because it was HUD who reduced the original 40 subsidized units to 20 units. Mrs. Rainwater said that the building was a pleasant and convenient place for her to live, and she wanted to stay. But, she noted that it was very difficult for a woman of 75 to find a job, no matter how healthy and active she is. Unless she receives additional financial help she can not afford to stay.

### NONI RAGSDALE—LEAGUE OF WOMAN VOTERS

Mrs. Ragsdale presented a slide show which was prepared by the League's Committee on Human Resources. It portrayed the housing needs of Denver and Colorado. She claimed the average cost of a newly constructed house in Colorado is $25,000. To purchase a house at this price, a person needs an annual income of $15,000. 85% of the population of this state has an income below this level. 25,000 to 30,000 migrants come to Colorado each year, and 80% of rural migrant housing is unfit for human habitation.

### BOB AGARD—AVAILABILITY OF HOUSING

Mr. Agard testified about the impossibility of obtaining more than 70% financing for a home in inner-city Denver. FHA offers 95% financing and a lower interest rate, but not in the central city. The policies of FHA and lending institutions become self-fulfilling prophesies, leading to the decline of the central city. "My personal experience was that the role of the federal government and local financial institutions is to let the central cities go down the drain while supporting the buildup of the suburbs."

### BRUCE ROCKWELL—DENVER CHAMBER OF COMMERCE

Although speaking for the Denver Chamber of Commerce, Mr. Rockwell is also president of Colorado National Bank. He said that the abrupt and arbitrary housing freeze cut the ground from under the Chamber's low and moderate income housing plans.

"The Denver Housing program has been thrown into chaos. . . . We resent these high-handed, capricious acts of the Nixon Administration which ignore the City and our people."

He said that five Denver banks have agreed to fund the threatened program in Russell Park-Manual Urban Renewal area with loans totalling 1.3 million dollars. He called it an "11th hour" agreement, but doubted if HUD would accept it because the banks couldn't match the government interest rate of 3.3%. "No city should have a gun held at its head by a federal agency."

Lending institutions might invest in the central city if the government guaranteed 10% "off the top of the loan." "This would be the easiest thing in the world for it to do."

In conclusion, he firmly objected to the withdrawal of federal support of housing programs, and called for the immediate re-establishment of not only the programs and the funding necessary for their execution, but a new spirit of cooperation and partnership between federal agencies and the cities.

MARIE MAXWELL—HOME MAINTENANCE

The evening testimony concluded with a report from Marie Maxwell about her problems in obtaining a home repair loan to bring her residence up to the City Code.

ADDITIONAL REPORTS SUBMITTED

Call for action—KLZ.

Housing Counseling for Colorado Families.

Colorado Association of Homes for the Aging.

Capitol East Residents Organization.

---

## FLAWED SKYLAB FLIGHT TEACHES EVEN MORE

## HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. PICKLE. Mr. Speaker, Washington Irving wrote that "little minds are tamed and subdued by misfortune; but great minds rise above it." The people of this country, I think, will rise above the misfortunes of Skylab to see that a partially unsuccessful mission holds more lessons than an untroubled one.

At this moment, three astronauts are training to repair the Skylab craft in outer space, an unprecedented undertaking which may add immeasurably to our scientific knowledge. If they are successful in their task, the Skylab mission will continue to explore the practical benefits of space exploration for all Americans while developing U.S. space technology.

The fruits of Skylab and its misfortune are well outlined in this article from the May 19, 1973, issue of the Christian Science Monitor, which I hereby request to be included in the RECORD:

FLAWED SKYLAB FLIGHT TEACHES EVEN MORE—MOST COMPLEX PAYLOAD, FIRST OF ITS KIND

(By David F. Salisbury)

JOHNSON SPACE CENTER, HOUSTON.—For the future of U.S. manned space flight, Skylab's recent failures are unfortunate but not critical—and in fact they hold more lessons than a flawless mission.

That is the view of some of the men at this moment wrestling with the complex problems of rescuing the disabled space platform.

"This particular Skylab mission (with all its problems) will probably mean a significant advance in our knowledge," said Rockwell International's George Merrick, taking a few moments off from the unending round of meetings here. Rockwell International built the Apollo command and service module (capsule) and is prime contractor for the space shuttle scheduled for its first test flight in 1976.

Skylab is the most complex payload ever put in orbit, and the first of its kind. Officials expected to have problems, although they did not anticipate the difficulties would come so quickly or be so critical. Both Chris Kraft director of the Johnson Space Center, and Wifliiam C. Schneider emphasized the experimental nature of Skylab in prelaunch interviews and cautioned that there may be problems.

In prelaunch publicity, Skylab was billed by National Aeronautics and Space Administration and the areospace industry as making use of space for practical benefits on earth. Less emphasized was how the space laboratory fits in as the next link in a chain stretching toward the space shuttle. Almost all the experiments on board are in the same chain.

According to Mr. Merrick, Skylab's major implication for the shuttle is in the determination of meaningful payloads. The experiments on Skylab could pave the way for taking immediate advantage of the shuttle's capabilities.

ECONOMY STRESSED

The shuttle is a system for putting objects in orbit both more gently and more economically. Its reusable boosters fling an aircraft-like vehicle into orbit, which can then slide back to earth for another ride.

One such set of experiments on Skylab involves processing materials. These were designed to make use of zero gravity conditions to test the advantages of processing various materials in space. Experts feel this may increase their strength and purity as much as 100 times.

If this proves to be true, then automated processing plants in orbit, turning out for example superefficient electronic devices, might prove a practical cargo for the shuttle.

The earth-resources experiments on board Skylab were engineered to help remote sensing experts determine the best design for a satellite network to keep an eye on earth. This is another potential passenger on the shuttle.

POST-SHUTTLE PERIOD

Small orbiting observatories are a vision of the post-shuttle period, now only a decade away. Skylab, with its battery of solar telescopes, is a prototype of this idea, and some of its experiments are engineered to help design just such an observatory.

"Skylab is most important because it will show us how to best use man's unique abilities in space," said Joseph T. Keeley of the Martin Marietta Corporation in a pre-launch interview.

Now with plans to have the crew set up a makeshift sunshield to cool down the overheated laboratory, those abilities will be tested far more than Mr. Keeley imagined when he made that statement, although not all will be performed. (Martin Marietta refused to comment on the implications of the present situation.)

Now facing the astronauts is a more difficult and more crucial task than they have ever before performed outside their craft in a weightless state.

The degree of difficulty of the rescue operations will be greatly increased because the crew will not have the 20 to 30 hours of practice for every hour of outside activity that proved so successful on the Apollo moonwalks.

Chuck Lewis, one of the mission flight directors, added, "Certainly, if the astronauts can get up there, clean up the vehicle and make a fix, it will point out the usefulness of shuttle-type vehicle."

Shuttle-related experiments that might not be carried out on Skylab can, however, eventually be performed in the cargo bay of the shuttle.

---

## OCEANUS

## HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. COHEN. Mr. Speaker, a constituent of mine—Mr. E. R. Welles III of Manset, Maine—has come up with a novel idea to provide for the welfare of the seas. He calls his idea, "Oceanus," and, while I cannot wholeheartedly support his legislative proposal, I am pleased to introduce it by request as a courtesy to a constituent. For the benefit of my colleagues who might be interested in knowing more about Oceanus, I am inserting in the RECORD House Congressional Resolution 210 and an article in the May, 1972 edition of Yankee which describes Oceanus:

H. CON. RES. 210

*Resolved by the House of Representatives (the Senate concurring)*, That, in order for the United States to participate in achieving the equitable and mutual cooperation of all nations for the purpose of preserving and regulating all the seas of the world, it is the sense of Congress that the President should undertake such action as may be necessary and appropriate toward achieving membership for the United States as an Oceanus Congressional Nation.

A NEW NATION IS BORN!

(By Stephen C. Altschuler)

"We, the People of Oceanus, in order to establish justice for all nations and a government of all people, promote general welfare in the waters around the world, and secure benefits to ourselves and our posterity, do establish this Constitution of Oceanus. . . ." So begins the Constitution of Oceanus, a document declaring a universal nation, founded to protect and govern the world's oceans.

In the summer of 1970, a small core of concerned people met in Manset, Maine, to do something about ocean pollution. They became the forefathers of Oceanus. The leader of this group was Edward R. Welles III, now the duly elected Admiral of Oceanus. Ted Welles is a robust, articulate, action-oriented man. He has a booming voice that resounds with Admiral-like intensity.

"We've got to hit these polluters in the pocketbook," he says, referring to the huge oil tankers that often purge their holds and bilges of waste oil. "Throwing them in jail won't accomplish anything. It's a matter of economics." He points out that it is cheaper for a tanker to dump its waste oil into the ocean than to safely clean its bilges in port.

To discourage this practice, which has helped pollute most of the world's oceans, Admiral Welles does not brandish a cutlass; he relies, instead, on the constitutional government of Oceanus. Patterned after the resilient U.S. Constitution, the government is made up of an Admiral, Reserve Admiral, a Judiciary, and Senators and Representors, both at large and from Congressional Nations (countries that would recognize and join Oceanus). After the first elections in August of 1971, a year after the founding of this supranation, the elected officials met in Manset and began enacting laws.

One of the first things this Congress did was to deal with the most noticeable threat to our seas, oil pollution. They declared it illegal to dump oil in Oceanus territory (that is, all waters beyond the three-mile limit off any salt water seacoast). Violators would be tried in the Oceanus courts and, if convicted. would be fined up to the total value, of the tanker and its cargo. This, according to Admiral Welles, can amount to "millions of dollars for a supertanker owner."

To help catch polluters in the act, the Oceanus government has established an incentive system: witnesses get 50% of the fines collected. They are encouraged to get pictures of the pollution incident, a sample of the polluted water, name of the ship and owner, and time and location of the incident. They should then contact Oceanus by mail. Oceanus is trying to interest oil-tanker crewmen particularly, as well as other seamen, pilots, sailors and fishermen, in this cause. Admiral Welles is in the process of contacting seamen's unions and publications.

In addition to fines, the Oceanus Congress has authorized the Admiral to collect $5,000 in taxes from any business with a payroll of $100,000 or more, that uses Oceanus domains. Also, companies would have to pay 10% of all profits from oil or other minerals taken from Oceanus.

At this point, you're probably questioning how Oceanus, a nation of a little over 160 citizens, with no military force, no police force, and no recognition from other countries, can enforce its law. Ted Welles realizes the limitations, but is not deterred.

"Enforcement will take time. We need concerned people to deal with this life and death matter. These oil polluters are seriously affecting the production of oxygen. And to stop them, Oceanus and the conscience of the world need to effect enforcement."

However, enforcement is not a major concern at this time. Ocean pollution is a serious problem, and Oceanus first aims to alert people to it, getting them to think about this threat to our survival. To accomplish this, Oceanus is trying to establish a responsible reputation. With this in mind, Admiral Welles, in September of 1971, appointed Langdon P. Marvin, Jr. as Chief Justice of the Supreme Oceanus Court. He is well qualified, for his credentials include graduating with high honors in international law from Harvard College, being advisor to Presidents Roosevelt, Truman, and Eisenhower, as well as working with John F. Kennedy for 14 years. During World War II, he played an important role in airlifting needed supplies to Allied troops. His family background is no less impressive. FDR was his father's law partner as well as being Chief Justice Marvin's godfather. And a family ancestor, John Langdon, was a signer of the U.S. Constitution and first President of the U.S. Senate.

As Oceanus Chief Justice, Marvin will preside over jury trials and appellate court cases. In his first statement since accepting this nautical bench, he agrees with Admiral Welles on the question of enforcement. "The strongest force behind Oceanus is the conscience of the World."

Another influential official is John N. Cole, editor of the *Maine Times* and one of four World-Wide Senators elected to the Oceanus Congress. Cole sees himself, not as a senator in the governmental sense, but as a public relations man spreading the message of Oceanus. And in this function, he's been very effective: over 100 people became citizens after Senator Cole wrote about Oceanus in his weekly column.

Cole sees Oceanus as a "very provocative, catalytic idea—a nice combination of whimsy and purpose." It is this combination that Cole feels can get people to think about the effects of ocean pollution on their lives, and nations to "think about the foolishness of their sovereignty." After all, how can you ignore a man who, as Cole writes, sits "on his porch in Manset, looking out over the Atlantic . . . proclaiming the existence of a new, global nation. . . ." It is a whimsical image, but, as Senator Cole points out, "Oceanus is just as real—if you stop to think about it—as any other world nation. We did what each of them did: we sat down, claimed territory, wrote a Constitution, elected an Admiral, Reserve Admiral, four Senators and three Representors. . . . We are just as legal as any other governing entity."

But so far Admiral Welles and Oceanus have been generally ignored by prominent individuals, organizations, and other countries. Jacques Cousteau, the eminent oceanographer, a man who said, "The oceans are in danger of dying," sent Welles a disinterested reply. The Woods Hole Oceanographic Institute, which reported extensive oil pollution off the Cape Cod coast, also discouraged Oceanus's efforts. Thor Heyerdahl, who saw much pollution throughout his ocean voyage in his papyrus boat, the *Ra*, decided instead to support UN efforts in curbing pollution.

One reservation that many people have is the war clause in the Oceanus Constitution. In drafting the document, Admiral Welles followed the U.S. Constitution closely—in this case, too closely. The Oceanus Congress has the power, "To declare war after all diplomatic procedures have been exhausted, grant letters of marque and reprisal, and to establish laws concerning captures on land and water." Welles and the original founders also authorized the raising and supporting of armed forces. These unfortunate provisions have caused quite a stir among Oceanus citizens and would-be supporters. U.S. Congressman William D. Hathaway of Maine said his major criticism of Oceanus was the war clause. A member of the American Friends Service Committee was irked by the clause and vehemently questioned Oceanus's validity.

To rectify this, Welles proposed a constitutional amendment to delete the war clause. But with the troublesome clause created, amending it has become quite difficult. The Constitution requires three fourths of the citizenry to pass an amendment. But, to date, the Admiral has been able to get only one fourth of the citizens to vote for it. He's concerned that: "many citizens want to see the clause remain."

John Cole offers another explanation. "Citizens just haven't taken the war clause seriously, so they don't take the time to write in their vote. I'm sure if the Admiral called each one personally, of course they'd be against war."

Some critics feel that Oceanus is unnecessary because the United Nations already exists. The UN itself treated Admiral Welles with derision when he sought recognition and endorsement. But there are basic differences between the two. First, Oceanus is a constitutional government; the UN is a treaty organization. Oceanus citizens elect the government that makes the laws of their ocean domains; the UN makes only agreements and is not responsible to individual citizens. Secondly, Oceanus laws are binding on all nations, businesses, and individuals; the UN expects only its signers to adhere to its treaties.

Admiral Welles is convinced the UN is ineffectual in solving the problems of the seas. "We've got to put the final say in the hands of all interested people. The UN is too far removed. They have conferences on the pollution problem, but the veto can cripple any recommendations. In Oceanus, the individual has much more say in how things are done."

Although Oceanus has not received the response Welles had hoped for, the Admiral is still pressing his drive for recognition. He's sent letters to many nations as well as various publications. So far he's received two encouraging replies: Greece wanted more information and suggested the Admiral speak to their consul in Boston; and the Democratic Republic of the Congo (now the Zaire Republic) requested and paid for five copies of the Oceanus Constitution. The United States has remained guarded in committing itself.

Although most publications have ignored Welles, the winds seem to be shifting. Articles have appeared in the *Maine Times*, the *Bar Harbor Times*, the *Christian Science Monitor*, and, now, *Yankee*. But even though recognition has been slow, Ted Welles's faith in the Oceanus ship of state has grown. "At the height of Oceanus power," he says, "if we had one-tenth of the world population participating, this would be a tremendous development for humanity."

Ted Welles is well suited for world politics. His father, Episcopal Church Bishop E. R. Welles II (also an Oceanus Senator), has conducted several world-wide preaching tours. Consequently, there were always guests from different parts of the globe at the Welles home. In this environment, young Welles acquired a sense of history and global unity.

The idea of Oceanus developed in 1968, after a talk with Bishop Launcelot Scot Fleming, a member of the British Parliament, who alerted Welles to the serious problem of ocean pollution. The event that spurred him to action occurred a year later, when the Admiral had to skipper his 27-foot sloop through an oil slick. He describes it as "a sickening experience."

After studying the problem, Welles felt that present treaties and laws were inadequate in dealing with ocean pollution. In fact, treaties allowed a certain amount of oil pollution—up to 60 litres per mile for each tanker. A U.S. law attempting to discourage oil pollution in our territorial waters provides only a $10,000 fine and/or one year in jail for violators. For such minimal penalties, rich oil companies were willing to take a chance.

Oceanus not only imposes heavier fines but thinks that big supertankers should be barred from coastal harbors. Instead, floating dry docks or portable offshore pipelines should be used. In other words, according to the Admiral, "we're not against transporting oil on the high seas as long as tankers do their thing in a clean manner."

Oceanus is also deeply concerned about other ocean-related problems. Admiral Welles recently spoke out against proposed floating nuclear plants. He has called for the companies involved to obtain an Oceanus license first, providing the Congress grants it. Personally, he feels "it still involves too great a risk of uncontrolled human annihilation in the event of accident."

Commercial fishing is another vital concern. Brian Drayton, an Oceanus citizen, Harvard student, and summer commercial lobsterman from Georgetown, Maine, says that overfishing has caused a marked decline in the number of lobsters. He feels that sea fishing or aquaculture is the best solution. Brian has been trying to convince other Harvard students of the need for Oceanus. But they've responded coolly. "There's a general political apathy," he explains. "Students are more cynical." He also feels there's a general lack of interest in ecology on the campus.

Not overly concerned with numbers at this point, the Admiral never tries to pressure anyone into joining: as Drayton says, "we've got to be noisy first, then numerous." Becoming an Oceanus citizen is a simple matter. All you have to do is sign a personally written citizenship statement—which doesn't affect your present citizenship—and send a lifetime individual tax of one dollar to Oceanus, Manset, Maine, U.S.A.

Like any developing nation, Oceanus has its growing pains. At this point in its young history, its skeptics outnumber its supporters.

In the past, other crusades and innovative ideas have met similar resistance. Although the Stanley Brothers developed their steam-driven car 50 years ago, it is only now that we are seeing its value. It took several years and several "silent springs" before we heeded Rachel Carson's warnings.. And we have vindicated J. I. Rodale, who, after years of being called "food faddist" and "health nut," was finally recognized as a responsible critic and innovator.

Now we hear our oceans are dying, and with them their life-sustaining forces. Oceanus exists because of this intolerable dilemma. How many years, how many more disasters will it take before we recognize the efforts of Oceanus and its citizens?

## OIL AND THE KREMLIN'S BALUCHI GAMBIT

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. DERWINSKI. Mr. Speaker, on March 31, a column by Mr. Smith Hempstone was carried by the Washington Evening Star directed to the subject of Soviet involvement in the Indian Ocean and its direct relationship to the sensitive question of control over oil resources.

At the time, I perused the article and felt it was a very masterful statement of the situation. Having recently reread it, I believe it is more pertinent today than it was at the time of publication. Therefore, I insert the article into the RECORD suggesting to my colleagues that they ponder this emphasis of a very sensitive world trouble spot:

### OIL AND THE KREMLIN'S BALUCHI GAMBIT

(By Smith Hempstone)

Britain pulls out of the oil-rich Persian Gulf. India signs a treaty of friendship with the Soviet Union, invades East Pakistan and sets up the client state of Bangladesh. Iraq signs a similar treaty with Moscow.

Former Central Intelligence Agency Director Richard Helms is appointed ambassador to Iran. Shortly thereafter, the Shah of Iran contracts to buy more than $2 billion worth of sophisticated American arms.

The Russian-supported Free Baluchi movement headquartered in Baghdad steps up its activities against Iran and Pakistan. The Iraqi ambassador to Islamabad is sent home after Pakistani counter-intelligence agents discover crates of submachineguns (labeled "books") in his embassy.

The Soviet navy in a single year doubles its number of ship-days in the Persian Gulf and Indian Ocean. Two top Pakistani officials fly to Washington to try to set up a summit meeting between President Nixon and President Zulfikar Bhutto. American newspapers warn of an energy crisis caused by an impending oil shortage.

These are facts, events which have taken place within the past two years. Considered separately, each means little—at least to the average newspaper reader. But taken together, they form a fascinating mosaic of intrigue and maneuver in an area of the world where the next great-power confrontation may take place.

Like most mosaics, the outline of policy in this one is blurred. But a consideration of the various elements and seemingly unrelated events presents an impressionistic pattern which is, to say the least, disturbing.

Three events in the years 1963–71—Russian penetration of the Arab world, Britain's withdrawal from the Persian Gulf and India's defeat and partition of Pakistan—have combined to upset the balance of power in the Middle East and South Asia, creating both vacuums of power and new bastions of Soviet strength. The American (and Chinese) response to these events has been slow but quickening.

Despite the setback of the Egyptian expulsion of Soviet advisers, the Russians have poured military hardware into the Middle East, establishing a zone of influence throughout the ideologically Fertile Crescent stretching from Baghdad to Cairo.

Matching this to the east, the Russians—through their treaty with India and their support of Bangladesh's secession—have established yet another zone of influence (the Indians, of course, are using the Russians for their own ends, a dangerous game which others have tried to their own eventual discomfiture).

Left as the uncomfortable meat in this Russian sandwich are two Islamic but non-Arab states: Iran and Pakistan, which guard the approaches to the Persian Gulf and its oil, the prize for which the Soviet Union, the United States and China will be vying in the years to come.

What the Russians are doing at present appears to stop short of aiming at the dismemberment of Iran and Pakistan or the overthrow of the regimes there. But not far short of that.

In funding and supporting the Iraq-based Free Baluchi movement, for instance, the Russians are backing a group which is trying to get insurgency going among the 1 million Baluchis who inhabit eastern Iran, western Pakistan and southern Afghanistan. Baluchi "liberation forces" also are co-operating with insurgents fighting against the Sultan of Oman on the other side of the Gulf.

For the time being, this Soviet activity is seen only as a softening-up process designed to induce Pakistan and Iran to follow politics more amenable to the Kremlin. But failing this—and should the Free Baluchi insurgency show progress—Moscow would be happy to see a weak but friendly Baluchistan win independence as a Soviet sponsored state controlling the entrance to the Gulf and the oil shipping routes.

The dispatch of Helms to Tehran and the Shah's subsequent order for more than $2 billion in American arms indicate that neither the United States nor Iran intends to yield to this sort of pressure. When the Shah's five-year program of modernization of his armed forces is complete, Iran will have an adequate deterrent to either Soviet adventurism or Iraqi aggression.

Pakistan is in a more dangerous situation. Its 1971 defeat by India decimated its armed forces, demoralized its officer corps and encouraged centrifugal forces which could result in the dissolution of the state. The American arms embargo, which has been off and on since 1965, has left it with no realistic deterrent against outside aggression. Lacking Iran's oil revenues, the only reequipping it has managed since 1971 has been the purchase of a few French Mirages and Chinese MIGs. Without U.S. help, the eastern end of the mosaic clearly could be come unstuck.

## A TRIBUTE TO PRESIDENT JEROME M. SACHS

## HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. ANNUNZIO. Mr. Speaker, Dr. Jerome M. Sachs, president of Northeastern Illinois University, will retire in August after devoting more than 35 years to the cause of education in the city of Chicago.

Historically, Northeastern has been committed to a philosophy of educational experimentation and innovation in curriculum, methodology, and utilization of technology both on and off campus. With the encouragement and example of Dr. Sachs, creativity on the part of the faculty has produced a number of new approaches to learning and teaching.

Dr. Sachs is not only active in academic affairs, but also has dedicated much of his time to civic affairs and is an energetic and imaginative leader in our northwest side community.

As the Congressman from the 11th district, where Northeastern is located, I consider it a privilege to join the entire university in paying tribute to Dr. Sachs, which, along with his colleagues and friends, is honoring him at a retirement dinner on July 11.

Dr. Sachs has devoted his life to excellence—excellence in leadership, excellence in service, and excellence in the inspiration of his students, his professional colleagues, and his personal friends.

I extend to him my congratulations on this occasion for his significant achievements and dedication to quality education in Illinois and extend my best wishes for continued success in his future endeavors.

## THE FARMER ISN'T TO BLAME

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. ZWACH. Mr. Speaker, one question foremost on the minds of most people is, "Why are food prices so high?"

Lawrence Parson, a Stevens County farmer and president of the Stevens County Farm Bureau, recently pointed out that of the increase in food costs since the 1947–49 base period, marketing agencies and processors received 76 percent of the increase while the grower received only 24 percent.

Mr. Parson's article, which appeared in a recent issue of the American Farm Bureau News deals in great detail with the many factors affecting food prices.

Mr. Speaker, this is another exposition of the cause of high food prices that should be must reading for all Members of Congress. I would like to insert it in the RECORD at this point:

### THE FARMER ISN'T TO BLAME

(By Lawrence Parson)

If you grocery shop—and even we farmers (who are consumers, too) do that—you're aware of the hullabaloo over rising food prices. If you read newspapers and magazines, you can't miss the barrage of stories telling of the trouble brewing on the food front. If you're active in your lodge, or bridge club, or merely engage in street corner conversation, sooner or later the discussion these days focuses on food prices and how "those farmers must be getting rich!"

As the hue and cry is taken up by politicians, labor union spokesmen, consumer advocates and others, the farmer is cast in the villain's role. The notion is that he's reaping high profits at the public's expense and is, therefore, responsible for mounting food prices—particularly beef and other meat products.

Facts, however, simply do not support any such contentions. It is unreal as well as unfair to accuse the farmer of profiteering from food prices when one recognizes that farm prices of food products are up less than 11 per cent in the last 20 years while food prices at retail are up 46 per cent. In the last decade, annual expenditures for food in the U.S. have risen $35.8 billion, but only $11.4 billion of that went to farmers. This means that in 1971 the farmer's share of the food dollar dropped to just 38 cents. (Twenty years ago, the farmer received 49 cents of every dollar.)

So obviously something—one or more—other than prices paid farmers is having a much greater impact on food prices. (This takes on more significance when we learn that "off-the-farm" factors affecting retail food prices amount to 58 to 60 per cent of the consumer's food dollar.)

Why, then, are food bills up—and going up—at the supermarket? The cost of food processing is one answer. Many of our popular modern foods are canned, frozen, concentrated, dehydrated, ready-mixed, ready-to-serve or in heat-and-serve form. And rising costs of transporting, packaging, processing and distributing foods are another. In the past 20 years, average hourly earnings of industrial workers went up 129 per cent and those of food marketing employees 148 per cent. Price changes in the past year also have been influenced by a 6.2 per cent increase in the hourly earnings of industrial workers and by a 5.6 per cent increase in wages paid food market employees.

Still another answer to the question, "Why are groceries so high?" is non-foods that figure on the total of the check-out tape. We all know that today's supermarket offers a wide range of products, from bread and butter to facial creams, lawn and garden supplies and a score of things in between. A report last year said that consumers spent 28 per cent of their "grocery bill" for non-food items.

High food prices—and high prices for almost everything else—can be blamed on inflation, too, although in the frantic search for the culprit responsible almost everything and everybody but inflation are blamed. It's inflation that has brought on the increase in consumer demand—an increase that is a result of people having more money to spend than there are goods to buy. So they bid up the price of food (and other commodities) in order to get them . . . much like we used to do at the old country auction.

So we can see that a number of factors are responsible for increasing food prices. To a large extent, the cost of marketing food is involved. Since the 1947–49 base period, marketing agencies and processors received 76 per cent of the $61.8 billion increase in the cost of farm-produced foods, with only 24 per cent tricking back to the farmer.

True, of course, that the farmer is now enjoying impoved prices. But we must keep in mind that for the last two decades, farm prices have been in a downward slope and the rise toward recovery he is now experiencing is only a partial one; despite the improvement in farm incomes in 1972, disposable income per farmer is still only 78 percent of that enjoyed by non-farmers. And farm costs (which rose 109 per cent in 20 years) were up 7½ per cent last year.

Are food prices high? You bet they're high, but what isn't? Have you hired a plumber or electrician, or a mechanic, lately? In the 20 years, health and recreation costs went up 75 per cent; housing, 63 per cent; transportation, 54 per cent; semi-private hospital rooms, 370 per cent; doctor's fees, 122 per cent; dentist charges, 94 per cent; and the 5-cent cigar, a three-fold increase—plus taxes. Compare these increases with that 46 percent boost in retail food prices and the picture should be a rosier one. Couple that with the fact, too, that even at present prices, food is a tremendous bargin.

Caught though they have been in a squeeze between rising operating costs (taxes increased 297 per cent; labor, 141 per cent; and machinery, 100 per cent, between 1951 and 1971) and a disproportionate share of retail food prices, the U.S. farmer—the world's most productive and efficient food producer—is feeding the population better and more cheaply today than ever before in history. Twenty years ago, consumers spent 23 per cent of their after-tax income for food. In 1972, it went below 16 percent—and right now, it's about 15.7 per cent.

Generally, we in America feel that he who makes progress possible should be rewarded accordingly. But the farmer, the man who has really made our high standard of living possible, often doesn't share in the profits as he should. To say the very least, when the facts are brought out, it becomes abundantly clear—to even the most disgruntled housewife—that the farmer isn't "living off the fat" of the consumer.

## FORD SUPPORTS TRANS-ALASKA PIPELINE

## HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, Congressman GERALD R. FORD recently addressed the American Gas Asosciation in support of the Trans-Alaska pipeline.

In his speech, he emphasized the urgency of bringing the Prudhoe Bay natural gas down through Canada to the Midwest. Since natural gas cannot be taken out until oil is produced, the quickest way to meet Midwest natural gas demands is by building a Trans-Alaska pipeline. Mr. Speaker, I commend his speech to my colleagues' attention and hope that note is taken of this important point.

REMARKS BY REPRESENTATIVE GERALD R. FORD, REPUBLICAN, MICHIGAN, REPUBLICAN LEADER, U.S. HOUSE OF REPRESENTATIVES, BEFORE THE AMERICAN GAS ASSOCIATION, WASHINGTON HILTON HOTEL, 9:40 A.M. THURSDAY, MAY 17, 1973

For the last quarter of a century the American people have been plagued by many problems—World War II, Korea and Vietnam; racial strife and political upheaval; balance of payments and world monetary disclocations; strikes; inflation; and environmental and ecology issues.

In spite of all of our troubles we have improved our standard of living and the United States has grown at an unprecedented rate.

We now are moving through a period when some Americans would like to halt the wheels of progress. They would like to stop all growth.

There is no question that many of our problems are a result of growth. But in a free-enterprise democratic society, growth is essential.

The greater the growth, the greater the problems of control. But this does not mean that growth should be halted.

The United States' dramatic growth has been due in part to its tremendous abundance of raw materials. Our recent growth to the status of a major world power has been due, to a large extent, to our huge energy resources.

As long as we can provide our own energy supplies or have secure supplies available at a reasonable price, we can expect growth in our economy. If we become dependent on foreign supplies, we can expect curtailment in our growth, since it will be subject to political forces beyond our control—radical forces.

In recent years our ability to develop energy supplies has been so hampered by government, ecological and tax interests that U.S. supplies of energy are being consumed at a much faster rate than they are being developed.

We in the United States therefore may be on the verge of a major catastrophe—lack of secure energy resources to operate our vast industrial complex and our transportation systems and to heat our homes.

We do not lack the resources, but we have lacked sufficient incentive for their development—and that situation must be changed, and quickly.

We have reached a point where the Congress and Adminstration officials act decisively to end the energy crisis—while at the same time strengthening and moderating our environmental requirements in the best interests of all concerned.

We have reached the peak of conflict between the demands of the economy for energy and the need to protect the environment—and this conflict must be resolved.

An expanding economy is clearly necessary if we are to solve our domestic problems and provide jobs and income for our citizens.

Our national energy demands have expanded by 4.8 per cent per year in order to meet the needs of a healthy economy. At the same time, we have become more and more conscious of the need to protect the environment and to preserve our national resources before our air becomes unbreathable and our water incapable of supporting life.

It is on the issue of energy that we are going to meet our first really difficult test of attempting to accommodate conflicting environmental and economic needs.

In this connection, it strikes me that those of you in the natural gas industry have a story to tell. Don't assume that the man on the street knows gas is the cleanest burning fuel being produced today. Tell Americans again and again that gas is relatively pollution-free. Underscore the fact that natural gas does not pollute water, does not permanently scar our landscapes and offers the best hope for alleviating air pollution.

When Americans talk about the Alaska oil pipeline, how many of them realize that tremendous reserves of natural gas have been discovered in Alaska in conjunction with the oil there? How many Americans know that this natural gas cannot be taken out until the oil is being produced? How many people know that a consortium of energy companies are finalizing plans to build a natural gas pipeline from Alaska through Canada to the Lower 48 States? How many Americans have any idea that construction of the Alaska pipeline is an essential first step in bringing the vast gas supplies of the Alaska North Slope to consumers in the lower 48 States? And how many people realize that construction of a gas pipeline through Canada to the Lower 48 States cannot proceed until the Alaska oil line is laid?

To me it is shocking that we discovered oil and gas in huge quantities in Alaska back in February 1968 and we're still just *talking* about how to move it from there to here.

I cannot understand, either, the current talk about building an oil line through Canada instead of through Alaska. To me this kind of talk just doesn't make sense.

A trans-Canadian line would take about five more years to build than a trans-Alaska line. It would be under the control of a foreign government. And the potential for environmental damage would be just as great if not greater.

Looking at this matter from the standpoint of bringing Alaskan gas to the Lower 48 States, gas would flow to the Lower 48 States by about 1978 if the oil line were built through Alaska. But if the oil line is constructed through Canada, the gas line would be delayed until the mid-1980's or beyond. And I am told by your experts that the cost of the gas then would be increased so significantly as to cast doubt on the economic feasibility of the entire undertaking.

I support legislation which would permit construction of the trans-Alaska pipeline at the earliest possible date.

As you know, most of the delays in developing the Alaskan oil and gas supplies have been caused by some environmentalists.

Recently the United States Supreme Court confirmed a decision that under existing law no pipeline could be constructed across Alaska with a right of way greater than 54 feet in width. Since it is considered necessary to have a minimum right of way of 100 feet for earth-moving and other construction equipment, this court decision effectively blocks any pipeline development for the time being.

This dumped the Alaskan pipeline controversy right into the laps of Congress, where expanded right-of-way legislation now is being considered.

I can report to you this morning that Alaska pipeline right-of-way legislation will probably reach the House floor in late June or early July—the sooner the better.

Citizens of Alaska are anxious to develop their great oil and gas resources in order to enhance the Alaskan economy.

Government economists are anxious to increase this source of American petroleum products, estimated at 25 per cent of our American oil supply, in order to protect both the American oil industry and the American consumer against the unwarranted price increases which foreign producers might otherwise impose.

Finally, improvement of the American economy itself is dependent upon exploiting this domestic source of oil and gas. By developing this domestic supply, the price of gasoline and other petroleum products can be held in line. Our national economy can be stabilized—and the fight against inflation can be reinforced.

I am from Michigan. I would like to point out that the Alaskan pipeline controversy is of special interest to citizens of mid-America where the pinch of oil and natural gas shortages is being experienced to a greater extent than elsewhere in the nation. There are those who say to me that Alaskan oil flowing through an Alaskan rather than a Canadian pipeline will go primarily to the West Coast. My answer is that construction of an Alaskan pipeline will benefit the entire economy and will bring the Midwest additional natural gas many years sooner than would a trans-Canadian oil line.

I think the need to bring Alaskan gas to the Midwest as quickly as possible has been overlooked for too long.

As for the environmentalists who have been fighting the trans-Alaskan pipeline, it is time they took proper notice of the tremendous clean air benefits which the vast Alaskan natural gas reserves hold for our crowded metropolitan areas.

To this point I have touched on only part of the energy problem and only part of the solution.

Let me now sketch for you in broad outline the course of action I believe the United States should follow to deal with the energy crisis.

1. We should establish a Department of Natural Resources to pull together the fragmented structure of the federal agencies and bureaus now dealing with all natural resources.

2. We should establish and enforce environmental standards for all energy developing and consuming industries, with these standards to be modified when justified. Flexibility seems desirable to meet unexpected problems.

3. We should develop all currently known oil and gas resources to the maximum extent consistent with environmental considerations. We should build the Alaskan oil pipeline and a natural gas line from Alaska through Canada, increase lease sales in the Gulf of Mexico and the Outer Continental Shelf of the U.S. and allow development in California waters, and allow for the import of materials that can be converted to gas.

4. We should encourage domestic oil and gas exploration and development.

5. We should provide incentives for the domestic development of non-historic sources of energy, producing liquid and gaseous fuels from oil shale, coal and tar sands and developing nuclear stimulation where it can be shown to be advantageous.

As you know, the fastest and most easily accessible source of major new natural gas is the offshore areas of the Outer Continental Shelf. In response to a directive from the President, the Department of Interior has tentatively scheduled two major lease sales each year through 1975 in the Gulf of Mexico and off the Pacific and Atlantic Coasts. The additional potential gas reserves under the Outer Continental Shelf could supply the nation's gas needs for another 10 years.

There is no point in my reciting facts you already know. I would like to make the point, however, that the fuss being made over the use of nuclear power to release the gas locked in the rock formations in the Rocky Mountain region is ridiculous. As you are aware, two experiments have already been conducted in New Mexico and Colorado and both industry and the Atomic Energy Commission are monitoring the results of the existing wells.

The AEC has shown that radioactivity associated with gas produced from nuclear-stimulated wells is extremely low and well within established limits. At the same time, the fact that an estimated 300 trillion cubic feet of gas are locked in this relatively impermeable rock demands that we act.

And now—as Lady Godiva said to her horse at the end of her ride—we come to the close (clothes).

We can meet our energy needs and provide for the growth vital to our well-being, but it will take bold and imaginative steps as well as a concerted effort and a complete understanding of the problem by all of the American people.

As I said earlier, those of you in the natural gas industry have a story to tell. The natural gas man is Mr. Clean, and that's an enviable title in this age of ecology.

The nation and the world need both a clean environment and increased energy. Resolving the conflict between these requirements will not be easy, but it can be done. We face a challenge to our scientific research, our longterm governmental and private planning and our imaginations.

This is an issue which demands the participation of every responsible segment in our society. This includes business and government, working together to find the proper solutions. We know what the problems are. It's time for us to act.

## CONGRESSMAN CULVER CALLS FOR GREATER COMMITMENT TO CHILD CARE LEGISLATION

---

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mrs. SCHROEDER. Mr. Speaker, there is a growing concern in our Nation about the continued neglect and, in some cases, abuse of children. The need for comprehensive child care legislation becomes more urgent each day. Unfortunately, insufficient attention is often given to children's issues because children must depend upon others to speak out in their behalf. One who has effectively and eloquently presented the case for child care legislation is our colleague, the distinguished Member from Iowa (Mr. CULVER).

In a recent address to the Illinois Child Care Association, Mr. CULVER strongly urged a firm national commitment to the Nation's children. Citing the President's budget requests, his veto of the child development bill, his welfare proposals and the new social services regulations, he successfully documents the low priorities being accorded programs benefiting children by this administration.

Mr. Speaker, during his five terms in Congress and more recently as chairman of the Democratic study group, Mr. CULVER has been a leader in congressional efforts to establish a new set of national priorities emphasizing human needs. I consider his remarks to be a lucid and eloquent assessment of the pressing need for child care legislation, and I am pleased to insert them in the RECORD and commend them to all who share this concern for the welfare of our children.

ADDRESS OF HONORABLE JOHN CULVER

It is a pleasure to be here tonight and to have the opportunity to speak to this group. For you are a child caring association in the very broadest sense of the word. Beyond your own immediate professional concerns—day care, foster care, juvenile justice—you care about children. And you have dedicated yourselves to making life better for the children of Illinois—while they are children, as well as for their future.

Unfortunately, you are all too unique in this country today, for in spite of all our rhetoric about being a child-loving, child-centered society;

In spite of our constant references to children as our greatest natural resource; we are not a child-nurturing society.

One of the Nation's foremost child psychologists, Dr. Urie Bronfenbrenner—a man who has studied child caring institutions around the world—has said that "the worth of a Nation may be measured by the concern of one generation for the next." If that is the yardstick we use to measure the United States today, we do not fare well.

What kind of country leaves 10 million children in poverty—hungry, ill-housed, poorly clothed, uneducated, ill?

What kind of a country excludes millions of children from all public education; and segregates millions more within the schools because they are minority, bilingual, poor, or otherwise different?

What kind of a country puts thousands of children in custodial child-damaging day care facilities, and leaves thousands more on the streets to fend for themselves, while their mothers work to try to establish a decent standard of living for them?

What kind of a country is it that has an infant mortality rate higher than those in 12 other developed nations; where in some places a baby has less chance of survival than if it were born in a supposedly poor country like Egypt or Turkey?

What kind of a country is it where only 5% of the school-age children with serious emotional problems can get the mental health services they need?

We wring our hands about the antisocial behavior of our children—the rise in juvenile crime, the increasing incidence of dropouts and runaways, the alienation and lack of preparation for the tasks of adulthood. But we do precious little about it.

Take a look at what kind of priority our Federal Government has set for our children. Out of the administration's budget for fiscal 1974—more than $268 billion—only two and a half percent will be spent for children's programs. Two and a half percent—even though children are nearly 40% of our population, and 100% of our future.

If you look closer at the specific budget items, the neglect of children becomes even more obvious.

Of a total education budget of nearly $14 billion, less than one-third goes for elementary and secondary education programs.

Of the total health care outlays for 1974, only 3 percent will go to children. Looking just at medicare expenditures, although children are 46% of the eligible population, they will receive only 19% of the benefits.

Of the children in federally-supported child care, 80% will receive the care only because it is related to the employment of their parents, not because of their own developmental needs. And the budget allows $411 a year per child—no more than enough to pay for the cheapest kind of custodial care.

Or look at the whole law and order budget. Juveniles today account for more than 43% of all arrests for serious crimes, although they are only 16% of the population. Yet, out of a total "anti-crime" budget of $216 billion, only $77 million—less than half of one percent—will go for the prevention and control of juvenile delinquency.

Disgraceful as that budget is, it merely puts dollar figures on a much more fundamental public policy which denies that children are a legitimate concern of the Federal Government or the nation as a whole.

Any child caring person in this country must have been cautiously optimistic about the intentions of this administration when it established for the first time a national office of child development. That was accompanied, we all recall, with a ringing pledge by the President, in one of his first messages to Congress, for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life." The White House Conference on Children followed, accompanied by rhetoric and recommendations which stirred hope about movement for children in this nation.

But as we moved from words to deeds, the optimism and the hope disappeared.

In one of the most unbelievable, the most heartless denials of our youngest children, the President vetoed a comprehensive child development bill. He did it, he said, because there was "no need or desirability" for the legislation:

Even though 3½ million children below the age of 6 come from families who are too poor to provide by themselves for all of their health, nutritional, intellectual and emotional developmental needs;

Even though one-third of all mothers of preschool children are working—either as the sole means of support of their families or to help earn enough to provide what they consider to be essential to their children's growth and happiness;

Even though, in the face of this need, there are less than 700,000 licensed day care facilities—many of them available only to wealthy families who can pay high fees; many by HEW's own admission inadequate and child-damaging.

The bipartisan bill that Congress enacted would have authorized a new commitment of Federal funds for parent-controlled voluntary child care services. It was a flexible system which would have allowed communities to develop their own programs, according to their own needs. And for the first time, it would have provided services not just for the very wealthy and the extremely poor, but for working people who need child care programs and want these opportunities for their children, but who have never been able to afford them.

That legislation was widely supported—by educators, by child development specialists, by parents, churches, women's groups, civil rights organizations, public interests, labor unions. In fact, the only opposition came from a very vocal right-wing minority—but that was all the President heard, and it was enough for him to veto the bill.

His veto message falsely charged that the bill would "alter the family relationship," "diminish parental authority and parental involvement with children," and commit "the vast moral authority of the Federal Government to the side of communal approaches to child rearing over the family-centered approach."

That message was not only wrong, it was a vicious hypocrisy. For all of the destructive things the President attributed to the child development bill were exactly what he had in mind for day care in conjunction with his idea of welfare reform.

The President's early welfare proposals—heavily dependent upon forced work requirements—ignored the need for child care for children whose mothers would be driven out of the home. By the time the House got to working out a welfare bill with the administration last year, that gap had been discovered. The bill the House passed—and the one the White House insisted on supporting without change—supposedly corrected that oversight by providing $700 million to pay for cheap custodial day care for these children. Mothers would have no choice about staying home or leaving their children in the care of others; they would have little to say about where their children would be sent while they were away; and they would have no control over or involvement in the facilities in which their children were placed.

The cruel treatment of children in the administration's proposals for welfare reform did not stop with its inadequate child care provisions. The great majority of current welfare recipients who would have been punished by these so-called reforms are children—children who are in no way responsible for their own dependence. Yet, the welfare bill that the President supported could have allowed a reduction of current benefits—already inadequate in many places—in 45 states; it would have eliminated food stamps without a compensating increase in cash payments; and it would have said to a family of four—three children in most cases—that you can live on $2,400 a year—$50 a month each for your food, your housing, your clothing, your books, and whatever else you need to survive. That is little more than half of what the Government calls the poverty level, and only one-third of what the Labor Department says a family needs to maintain a minimum standard of living.

When Congress rejected this so-called reform, the administration began administratively to carry out its objectives:

Writing regulations which would force more current welfare recipients out of the home;

Proposing changes in Federal day care standards to reduce the quality of care children would receive;

Implementing new administrative procedures to harass recipients and remove them from the rolls in the name of "quality control"; and

Authorizing waivers to States to allow them to implement their own repressive welfare systems without regard to Federal law.

If anyone had any doubts about the goals of the administration with regard to welfare—goals which call only for the reduction of costs, with no thought to the children and families involved—we have only to look at the people who have been brought into HEW to administer the program—the same people who brought about the repressive workfare system in California.

The administration says that it has abandoned its efforts toward "welfare reform"—accusing "bleeding-heart liberals" of destroying the possibility for reform. Even though it was those bleeding-hearts—including both of the Senators from Illinois—who were seeking compromises from an unmoving White House to salvage some measure for reform in the final days of the last Congress. What we can expect to see—and what all of us who are concerned about children must guard against—is administration proposals to tamper with the existing welfare law, to force people into work programs when there are no jobs and to deny assistance to families in need.

The current arena for this struggle between persons concerned about saving Federal dollars and persons concerned about saving children and families is social services. I know that you in Illinois—the Governor's office, mayors, provider agencies, parents, and concerned citizens—have been major participants in the outcry against the oppressive regulations which HEW proposed to limit services to families and children. In the time I have been in Washington—since 1965—I have never seen more of a display of public concern about any single domestic issue. More than 200,000 comments in opposition to the regulations were filed with HEW. And Congressional offices were deluged with mail.

The result of that outrage has been the issuance of new regulations by HEW, with changes which are more apparent than real.

They have increased eligibility to 150% of a State's welfare payment standard. But they are defining that eligibility in terms of gross income, and that, combined with strict limitations on resources and assets has the virtual effect of limiting social services to current welfare recipients, even though the law clearly includes potentials as well.

They have made one exception—day care for children of working parents—which may provide service to some persons who are not welfare recipients. But that will be only on a fee-paying basis, and HEW guides for what those fees should be may well be prohibitive.

They have allowed private donations, but emphasized there will be strict control on the use of those funds.

They pretended to expand optional services, by including child care for some mentally retarded, and by adding the most narrowly defined kind of legal services. But in fact, they are still ignoring the law which says that states should have flexibility in defining their own services.

In effect, they have gone beyond the law and the intention of Congress, and we intend to continue our fight for a services program that helps families and children. We have already gained an unanimous vote of the House Democratic caucus instructing the Ways and Means Committee to report legislation to deal with those changes; and we have met personally with Chairman Mills to urge such committee action. In the Senate, the Finance Committee begins hearings tomorrow on the new regulations.

While HEW may give only token response to the massive concern about these regulations, Congress can go further. But it is essential that members continue to hear from their constituencies that the problem and the concern is still there. I hope that you are deluging your Congressman with demands for legislative action.

Regardless of the final outcome of the social services battle, I think something of lasting importance has come out of this struggle. We have demonstrated, for the first time, that there is in this country a constituency for children and families. Governors, mayors, State welfare directors, social workers, middle class parents, welfare recipients, day care providers and teachers have together to fight for a common objective. That coalition came about because everyone had a selfish interest in seeking change. But now that we are talking together, we must build that coalition into a humanitarian interest on behalf of children.

It is easy enough to care about our own children—at least most of the time. And it is easy to care about the cuddly pink-chested baby on a box of ivory snow, or the happy toddlers in a life insurance ad, or the young olympic gold medal winner. But we have to care—just as much as we care for our own children—

For the poor and the hungry and the ill;

For the black, and the brown, and the red;

For the neglected child who cannot get proper foster care;

For the mentally retarded child who is excluded from all education;

For the emotionally disturbed child who gets put on ritalin because his teachers cannot deal with his behavior problems;

For the delinquent who is rearrested because the juvenile justice system provides no rehabilitation; and

For the drug-addicted teenager who wanders the streets because we have destroyed her hope and ambitions.

Public officials, in Congress and in the States and cities, are giving increasing attention to the shocking cases of child abuse and child neglect. Parents are brought to court, are tried and sentenced for such actions. I suggest that this country as a whole, and the Federal Government especially, is guilty of national child abuse, national child neglect.

I often think of the story President Nixon told when he returned from his trip to Moscow—the story of Tanya, the little Russian girl who kept a diary during the siege of Leningrad. That diary told how her family was taken one by one, until she was alone, and finally died. All of us were moved by the tragedy of Tanya.

But there are millions of Tanyas in this country—just as alone, whose lives are threatened and may be destroyed, their needs cry out for our sympathies and our attention. Their pleas are as eloquent as Tanya's—but unlike hers, which are buried forever, these are the pleas of living human beings, whose needs can be met, whose lives can be saved, whose futures can be changed. Let us all go out of this conference together, to bring about that change.

## ROLE OF NATIONAL GUARD IN DISASTER RELIEF WORK

### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. YOUNG of Florida. Mr. Speaker, in light of the recent floods and natural disasters that our country has been experiencing in recent months, I would like to take this opportunity to express my appreciation to the National Guard for its outstanding work in combating the forces of nature.

In Florida, the Guard, most recently, has helped move families living along the flooded portions of the Suwannee River. In many other States, the Guard is still on duty building levees, clearing debris, and performing many other relief tasks in these disaster areas. This vital role of our National Guard merits the support of all of us, and it is but another example of the dedicated service the National Guard renders to our country.

For the attention of our colleagues, I am including the following article which appeared in the May issue of the National Guardsman magazine:

### East and West, North and South, Guardsmen Battle the Forces of Nature

Blizzards . . . ice . . . full-scale tornadoes . . . extra-high winds . . . floods—all these manifestations of Winter in its dying days saw Guardsmen serving in their traditional relief role.

Well over 1,000 troops had been involved in disaster duty in the period between January and mid-March (*"Posting the Guard"*, *April* "Guardsman"). But "you can't fool Mother Nature"; she poured down additional tragedy and trouble in many States, and another 1,000-plus found themselves on rescue and recovery missions by early April. The Guard had been called in large numbers or small in at least 20 States in about three months.

A run-down of the latest "round" or emergency callups:

Arizona—Thirty-two Guardsmen hauled feed for livestock into a Navajo Indian Reservation, battling roads that had been blocked with snow.

California—Four C–130s of the Air Guard's 146th Tactical Airlift Wing at Van Nuys, operating out of Yuma, AZ, had airlifted and dropped more than 200 tons of hay to livestock near Pinon and Window Rock over one weekend, and over the next few days expected to handle another 300 tons.

Florida—Ten Army Guardsmen helped remove families living along the flooded Suwannee River.

Georgia—A succession of paralyzing blizzards that had taxed the resources of many Guardsmen didn't seem to be enough; tornadoes at the end of March resulted in two deaths, hundreds of injuries, and an estimated $100,000,000 damage. Sixty officers and men of the 190th MP Co helped the State Police at road blocks to forestall looting, and installed generators at a hospital, the Courthouse and the Police Station in Conyers.

Illinois—Floods hit hard, but only a few dozen Guardsmen were called upon to move out families, household goods, and small business establishments at Grafton.

Iowa—An April weekend blizzard that buried much of Iowa "socked-in" Guardsmen just as it did hundreds of thousands of other citizens, and only a handful who had gone to work early were able to get to equipment needed to battle the deep-fallen white stuff. Eighteen men with seven armored personnel carriers, an end loader and two five-ton dump trucks toiled in the Des Moines area; four men with two Jeeps and a "six-by" lent their aid in Dubuque, and three Guardsmen manned two wreckers and an end loader to help "un-stick" vehicles in Waterloo. Seven "*Hueys*" thrashed through the air on various missions, including airlifting of a number of patients from closed-in homes to hospitals.

Kansas—Floods threatened dikes at Hutchinson, and 10 Guardsmen kept watch.

Louisiana—In response to minor flooding (and the subsequent threat of major flooding as the swollen Mississippi flowed toward the Gulf), 11 Army Guardsmen aided in evacuation of families at Jonesville.

Michigan—Wind whipped water off Lake Michigan onto the shore, flooding-out many families, and several dozen Guardsmen helped get them out of their homes.

Mississippi—Seven inches of rain on already swollen streams in northern Mississippi sent rivers over their banks, and the first of successive callups of Guardsmen began in mid-March. Hardest hit was the Greenwood area, where a levee break dumped water onto farmlands and subdivisions of the Mississippi Delta community, and flooded houses in nearby Grenada and an apartment complex in Vicksburg.

Some 200 Guardsmen of the 1st Bn, 114th Field Arty, removed flooded-out residents and personal belongings, provided security and aided with traffic control at Greenwood. The 631st FA Group and the 168th Engr Group performed similar functions at Grenada and Vicksburg, respectively. Flooding was progressive, and so was the callup and employment of various elements of the Guard.

MG E. A. Beby Turnage was designated by Gov. William L. Waller to coordinate disaster activities of all State agenices, the Red Cross and Salvation Army. With the Guard's Emergency Operations Center at Jackson on a round-the-clock basis. Rear Area Operations Centers were established at Redwood and Anguila.

Guard assistance was extended to Columbia, Amory, Aberdeen and other communities. Army Guard helicopters flew the Governor and Federal and other State officials on visits to stricken areas.

A week after the initial storm, more bad weather hit, and in some cases the evacuation process was repeated. At Bay St. Louis—hit by Hurricane Camille a few years ago—20 Guardsmen and six LARC amphibious vehicles of the 135th Trans Co carried 188 people to safety following rain, strong winds and high tides.

As waters began to recede, the Guard responded to other flood-related community needs. The 223d Engr Bn, for example, hauled a bridge Cp Shelby to Phillip and erected it to replace a washed-out span.

By 9 Apr., about 800 Guardsmen had been on duty at various times and places; about 200 still were serving.

Missouri—the confluence of the overflowing Mississippi and Missouri Rivers created a huge lake; levees broke; thousands were forced out of their homes. Gov. Christopher Bond called out the Guard for rescue, sandbagging and other duties in Arnold, St. Louis, Hannibal, Hermann, Jefferson City and Perry County. As of 4 Apr., 1,030 Guardsmen were on duty, their numbers decreasing to 377 as of 9 Apr.

New Mexico—Heavy snows hit the northern part of the State, and more than 100 Army Guardsmen were aiding civil authorities.

Ohio—Winds pushed Lake Erie water into the streets of Toledo, causing serious damage and forcing the evacuation of more than 500 people. Seventy-six Guardsmen of the 833d MP Co of Toledo and Co B of the 612th Engr Bn from Fremont, the latter using six dump trucks, controlled traffic and removed flooded-out residents during a two-day period.

South Carolina—The same tornadoes that smashed at Georgia spilled over the State line, killing six South Carolinians, injuring 45, and leaving 400 homeless. Two hundred Army Guardsmen were called to provide aid in the immediate wake of the devastation.

Tennessee—There were thrills and spills and daring rescues during the time when more than 1,000 Guardsmen were providing rescue and relief from floods that caused 40 Counties to be declared disaster areas. Mid-March downpours added as much as eight inches of rain to already-swollen streams. First hit was at Columbia, where 40 Guardsmen of the 173d Trans Bn were out with 2½-ton trucks by 6 a.m., starting a process of removing families and belongings that there and elsewhere ran into uncounted numbers.

Gov. Winfield Dunn placed 50 Guardsmen on State active duty, volunteers turning out as floods spread to other areas, and with the shift of scheduled MUTAs, more than 1,000 Guardsmen were performing duties comparable to the training in dealing with emergencies that they would have received in any event.

There was near-disaster when a flooded road gave way, spilling a number of refugees, municipal officials and Guardsmen into the flood. All reached safety save one who was swept far downstream 'til he grabbed a tree limb and clung 'til rescued three hours later.

CPT Robert W. Whittle of the 1st Bn, 181st Field Arty, was recommended for a State award for wading waist-deep through rushing water to get direly needed medicine and equipment for an elderly cancer patient.

Two National Guard helicopters removed 20-some people from isolated homes.

One "off-beat" rescue saw Chattanooga Guardsmen in a tow truck pulling from high waters a Volkswagen with four occupants sitting on the roof.

Texas—A promptly-mounted helicopter airlift by the 536th Avn Co delivered 157 troops from two Cos of the 1st Abn Bn, 143d Inf, getting ready for a weekend drill, to Hubbard where four people died in an early-morning tornado. Additional craft from the 111th Avn Group assisted in operations at Burnet, hit by the same twister during the early morning hours of 10 March. Dozens of trucks also were used to get troops to the disaster scene promptly after Gov. Dolph Briscoe ordered 260 officers and men to State active duty. Fifty-nine members of the 136th MP Bn assisted in patrolling, anti-looting and clean-up operations. Six hundred man-days were devoted to operations.

Wisconsin—As in Ohio and Michigan, high winds piled up the waters of Lake Michigan and Green Bay Lake. A Guard helicopter flew a heart attack victim from a snowbound home near Baraboo to a Madison hospital. Trucks removed water-marooned residents from lake shore homes. Then, with a subsequent 13-inch snow, three Jeeps and crews performed the unusual mission of helping Milwaukee firemen get to blazes they could not reach otherwise. Warming weather soon facilitated road clearance and duty by Guardsmen was of brief duration.

---

## THE UNITED STATES IN SPACE—A SUMMARY

## HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. FREY. Mr. Speaker, this is the final paper in a series of six articles in which I have discussed our U.S. space program. The purpose of these articles has been to provide my colleagues with an in-depth background of our activities in space—to provide them with information upon which to base a decision on this year's NASA authorization bill.

All Members of Congress are acutely aware that health, welfare, defense, ecology, and space plus a host of other fields must compete each year for our Federal dollars. Certain of our programs address today's most pressing needs; certain are more oriented to the future; a few work for both today and tomorrow. The goal of Congress must be to provide for a proper balance between the most desirable of the programs proposed. I, for one, am thankful that there are those who understand the role which research and development play in the growth of a nation.

We will always be confronted with those who believe the telephone came as a natural and inevitable step in the refinement of the semaphore, or the airplane as some kind of magically transformed ground transportation. But the majority of the American people appreciate that the steps we have taken to advance our society—regardless of the basic field in which the change occurred—have had science and technology in their origins.

I think our people further realize that these quantum steps are also the direct result of dollars, hard work, and farsightedness. These three factors have been the essential ingredients in most of the progress which this country has enjoyed thus far, and to no less an extent, will they be the ingredients of the progress our Nation will make in the future.

But permit me to return to our aerospace industry to emphasize this point of the relationship between our advancement in research and technology and the growth of our Nation. I think that within the total aerospace industry we can find an interesting and very current example of how we have ignored this relationship and how we are about to suffer the disastrous consequences.

The error we committed concerns the airline industry. Anyone who has traveled internationally by commercial aircraft, I am sure, is aware that the overwhelming majority of commercial airliners in the world today are manufactured by U.S. companies. Even in Europe which has a developed airline manufacturing industry in its own right, a quick inspection at any major airport reveals the heavy reliance upon U.S. aircraft. In fact, statistics show that over 80 percent of the world's aircraft are U.S. manufacture and that over 90 percent of the total airline mileage logged is in U.S.-produced aircraft.

How did we gain this predominant position? Dollars, perseverance, and farsightedness. I must also add that to a certain extent the leadership which produced this advantage was the result of judicious decisionmaking on the Federal level. The taxpayer may not have understood the necessity of buying new and improved military aircraft, but, with only minimal modification or adaptation of design, our Nation's taxpayer—and for that matter, the entire world—was presented with safer and better commercial air transportation. And just as important, if this country would not have provided the DC–3, or the 707, or the 747, some other nation at some later point in time would have.

Let us continue on with our examination of the commercial airline industry before we return to our discussion of space. But now, instead of examining the 1960's, let us talk of the 1970's. It is true that this decade is only just upon us, but I think that the United States was offered a glimpse of the next 10 years at the 1971 Paris Air Show. I have heard it called the show that Europe stole and I think that the description is very appropriate.

The new aircraft which were on display no longer bore a U.S. trademark. The latest and most advanced products were from Europe and the U.S.S.R. And the significance was lost on no one. America's undisputed lead in airline manufacturing is being seriously challenged for the first time since World War II. Most European aviation experts are, in fact, astounded at the seemingly purposeful relinquishment by the United States of our lead in aviation.

Here is the point I wish to make. This country as it strives to maintain its leadership in high technology products must continue to commit the necessary dollars and manpower to the task. It is essential to realize that our lead in advanced technology—a lead that produced a favorable balance of trade stronger than in any other general area of export—cannot be maintained without a positive and meaningful commitment. What we must also recognize is that other countries throughout the world are no longer willing to take a back seat to the United States in terms of technology advance. And by technology products, I mean products for space as well as aviation.

What does this mean in terms of our Nation's space program? Throughout most of the past decade this country has held a clearcut lead in space. We all know of the benefits we have enjoyed in terms of more economical long-distance communications and more accurate weather forecasting, not to mention the many technological spinoffs which are in everyday usage. But what are we doing to provide for continued growth in the field? How are we guaranteeing our future advance? That is my concern. And I think the Paris Air Show may again provide the clue.

Within the next few days the 30th Paris Air Show will open, the first since the 1971 show. Just as the 1971 show made us painfully aware that we are not the only merchant in the international aviation marketplace, the 1973 show promises additional dramatic evidence that our position of technical marketing superiority has slipped even further in the two intervening years. Great Britain and France, for example, are both offering a wide-body, short-haul commercial transport for sale. Our industry has produced nothing comparable. In addition, we have developed nothing like the Concorde, or the TU–144, or the Soviet's giant cargo-carrying helicopter all of which were introduced at the 1971 airshow.

Supersonic transportation, V/STOL propulsion, the tactical battlefield and antiship missiles are just a few of the technical areas where Europe and the Soviets have gained a significant advantage. We can no longer ignore the gathering strength of the rest of the world in the aerospace marketplace and I offer as proof the following statistics: British export of aerospace products has increased threefold since 1964; France has tripled the value of its exports since 1961; and Japan has experienced a fivefold increase in sales since 1960. Nations which have always been a ready market for our aerospace products are becoming nations to whom we must go to buy. Last year we imported $600 million worth of aerospace products, and these were highly advanced and unique types of equipment. As an example, the Harrier, the only tactical V/STOL fighter aircraft that our military has, is British in design, development, and production.

Clearly, the United States would appear to be relinquishing its long-held lead in the aircraft industry and if either money or general activity are meaningful indicators, we are headed into a similar retreat in space. A closer look at these two indicators show that the aviation and aerospace industries are all too analogous. Money? As our space spending hits new lows, the spending of the U.S.S.R., which surpassed ours 4 years ago, continues to climb. Last year we spent about one-half of 1 percent of our gross national product on our civilian space effort; the Soviet spent about 2 percent of their GNP.

Activity? In 1966 the United States enjoyed a comfortable annual launch lead over the Soviet Union of 79 to 44. The very next year, however, the balance tipped to Soviets and they have maintained a substantially higher annual launch ever since. Last year our combined civil and military launches totaled 33 while the Soviets had 74 launches.

While this Nation remains convinced of the benefits which space will bring—such as communications, Earth resources, weather prediction and control—we nonetheless appear intent upon turning our back on the facts. Surely none of us is so naive to think that space will go unexplored or that our international neighbors are so dependent upon us that little will be done without the United States at the helm.

Today, the International Intelsat communication satellite network operates satellites 90 percent designed and built by this country. We can be proud of that, but statistics of this sort are fast becoming monuments to the past. The Europeans are now contemplating implementation of a highly advanced communication satellite system based totally upon a European design, the France-German Symphonic experimental communications satellite.

Even more impressive, the Europeans are boldly planning to develop and operate a new navigational satellite system which the United States may very well have to depend upon for precise transoceanic navigation. And how big a step is it before we are depending upon Europe or the Soviet Union for weather or agricultural or even mineral resources data obtained from outer space? I pose my thought again. This Nation, as it now routinely buys aviation products from many countries around the world, could be heading for a similar dependency upon international space powers for the latest advances in space technology.

As grave a threat as foreign dependency may pose and as tragic as our leadership in space may represent, there are even further grounds for concern. I am speaking now in terms of the economic impact of the space program and its overall effect on the country. This merits taking a closer look at the program cost and what it provided and in this way attempting to understand the implications and dimensions of a program reduction. And we should make this assessment by looking at all parameters—dollars invested, jobs created, and people's lives bettered.

First of all, we should realize that during the decade of the 1960's, the $38 billion the United States spent on its space effort amounted to less than one-half of 1 percent of our gross national product for that period. There is no doubt that $38 billion is a great deal of money, but we should also appreciate that this country spent almost $350 billion on health and welfare programs, and over $625 billion on national defense programs during that same 10-year period.

A look at the ratios between expenditures is even more revealing. The ratio of dollars spent in the space program to dollars spent on health and welfare was 1 to 9. The ratio of national investment in space to investment in the defense effort was approximately 1 to 16. Let us examine these same ratios for the fiscal year we are now in.

During fiscal year 1973, the country will spend an estimated $100 billion on social action programs, an amount which exceeds the defense budget by about $25 billion. This fiscal year, therefore, we will run budget ratios of 1 to 33 and 1 to 24 for space to social programs and space to defense programs respectively. These figures explain the little tolerance I have for those who would reduce or curtail our national space effort in the interest of increasing spending for social programs. Total elimination of the space program would only provide a 3 percent increase.

I think we can see from these numbers that the money directed to our space program is not out of proportion to Federal spending in other categories. But let us talk more about jobs and people.

The aerospace industry and our space program as a major segment of that industry is America's largest manufacturing industry. At its peak production in the late 1960's this industry employed more than 1.4 million people doing an annual business of over $28 billion. More important, $14 billion was the annual payroll for the industry.

There is also an additional aspect to the industry's impact. In the 1960's during the first decade of our space program, this country saw its gross national product grow from $460 billion to more than $900 billion. Approximately half of that real growth of the gross national product, according to economists, can be attributed to the stimulus of new technological knowledge from research and development investments. And no less than 25 percent of this country's total research and development expenditures was invested directly in our space program.

Looking at NASA in particular, we should realize that the money we have invested in our space program was spent in one of the most labor intensive sectors of the economy—a sector in which the ratio of manpower costs to material costs is on the order of 9 to 1. And this money was returned to the economy as wages and salaries to an average of 235,000 people per year during the 1960's. Just as important, the benefits in wages and jobs were felt nationwide. More than 90 percent of our expenditure in space went to 20,000 industrial and business firms in 30 States and 177 cities.

There are also other measures of the space program's impact, such as the economic growth from our space effort in terms of the regional impact of space facilities. Employment levels, standards of living, educational opportunities, and industrial development have been multiplied many times with the establishment of such facilities as Cape Kennedy, Houston, and Huntsville. The demand of the space program for highly skilled and highly qualified people clearly exceeded available talent pools and therefore had to be met by training and general upgrading of skill levels. Individuals who received this training have undeniably benefited from the demands imposed upon them by working within the aerospace environment. The increment of skill which was added to the inventory of the individual worker represents a distinct contribution of the space program of permanent value.

I think another observation is in order when we speak of the impact of the space program on the economic growth of our country over the past decade. We must realize that many new and important industries were developed during this period as a direct outgrowth or result of the aerospace industry. Perhaps the most spectacular example is the growth of the computer industry—an industry which developed primarily as a result of NASA's requirements for improved and advanced computer support and as a result of the hardware innovations brought about by space-related technology.

We can use any number of impressive statistics to study the movement of the computer industry to prove the point. As an example, from 1960 to 1970, this country added over 65,000 new computers to its existing base of 5,000. That is a 1.300-percent increase. We can also use investment as a measure. In 1960, U.S. businesses and institutions spent less than $1 billion on computers, data processing equipment, and operating staffs. In 1970, these same businesses and institutions spent almost $25 billion for computer hardware and services. That represents a growth in sales by a factor of 25 with the 1970 dollar expenditure corresponding to over 2 percent of our gross national product.

I emphasize again that the major factors in the growth and dynamism of the computer industry were the demands placed upon computers by NASA and the contribution to the field by our technical space expertise. Clearly, the space program provided monumental impetus to our economic growth—which meant jobs and progress both in the space industry and in the many space-created industries.

It is difficult to imagine, therefore, how we can now choose to abandon the space program. But we are gradually doing just that. We are incrementally reducing support in a manner calculated to undermine the entire program. For in the interest of providing continued stimulation to our economy and in the interest of providing greater economic growth and expanded employment, this Nation has chosen to reduce spending in one of the areas most critical to the future health and stability of the economy of our Nation. In the decade of the 1960's, our space effort returned over $32 billion in salaries to the economy and provided gainful employment to more than 420,000 skilled workers during the peak year, 1966. Today, however, the budget at a little over $3 billion is just about half what was spent in 1966 and the number of people working on NASA programs is down to 130,000.

Jobs and personal advance? Scientific and technological superiority? Increased quality of life? International respect and prominence? The money this country invested for space made a powerful contribution in addressing each of those goals. But incredibly, we are retreating year after year.

I must stress it is not my intent to alarm. I am convinced that this Nation remains committed to our national space program and that the NASA budget authorized by my colleagues for this year provides for our continued advance. But we nonetheless must recognize that the budget we have recommended is at a minimal level.

It is a budget that delays and defers programs which in the national interest should be permitted to progress at a faster pace. And I refer to a faster pace not only in terms of providing quicker return to the public for the tax dollars which have been invested, but also in terms of countering the important advances being made by other members of the international space community. The Soviet space program has suffered serious setbacks in recent days, but we must not allow these failures to obscure their many successes or to obscure the commanding lead they now hold in annual launch rate. Europe is pursuing a space program of its own by building satellites, launch vehicles, advanced instrumentation, and perhaps the sortie module for our space shuttle program.

It is clear that the rest of the world is intent upon following its own path into space regardless of the plans of America. We must also understand that without continued emphasis in space by the United States, this Nation will soon find itself seriously outdistanced by its international neighbors.

Thus, while Europe and the U.S.S.R. press on with vigorous and expanding space programs, the United States must continue in its pursuit of space at a level which is at best marginally adequate. I believe that those of my colleagues who have closely examined this year's budget will find that it does not fulfill the many opportunities that this Nation has before it for the full utilization of space. And they will also see that the resources and the people we are committing have declined from past levels. But we can be satisfied that the NASA program for this year does preserve our capabilities in the most essential areas.

I therefore congratulate my colleagues for the role they have placed in providing for our survival in space. I believe we all recognize that the techniques and technology we are developing in the conquest of space are our Nation's newest and richest natural resources. We are truly developing the tools and materials which will serve as the keystone for all future progress. And we can rest assured as we venture out to the extremes of space that we will have made the earth a better place along the way.

---

## CUBAN INDEPENDENCE DAY

### HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. BUCHANAN. Mr. Speaker, this month marks the 71st anniversary of Cuban independence, and it is my pleasure as an American citizen and as a Member of the Congress to join my colleagues in commemorating this event.

I wish, however, that the occasion were celebrated with equal vigor and joy in the Republic of Cuba. This cannot be the case, for the Castro regime still dominates every facet of human life in the nation.

The history of the struggle of liberty versus tyranny in Cuba is well known. For many years Cubans suffered under the yoke of Spanish domination until 1902 when decades of struggle gave rise to Cuban independence. There followed a half century of freedom and self rule for the little island country, during which the United States and Cuba developed strong ties of friendship and mutually beneficial trade.

When Castro overthrew the Batista regime in the 1950's, his supporters believed that a new era of political freedom and economic development would emerge. Their hopes were cruelly dashed, as Castro's government usurped one human right after another. All facets of life—cultural, economic, political, social—have declined, leaving many Cubans with no choice but to flee their homeland in search of a safe and free land in which to raise their families. About ½ million Cubans have immigrated to the United States alone.

The Communist regime has succeeded in suppressing many outward expressions of freedom, but it cannot dampen the spirit of freedom which continues to thrive. The determination of each individual to rule his own life still lives in the hearts of the Cuban people.

Cuban Independence Day also marks the formalization of our own foreign policy in support of this determination. In 1869 the U.S. House of Representatives took the stand on the side of human freedom by adopting a resolution in sympathy with the Cuban people and their struggle for independence. During the Spanish-American War the United States helped Cuba win her independence from Spain, and then assisted the country in its first years of self rule.

As a people who have known freedom for nearly 200 years, we can sympathize and empathize with a people whose quest for freedom is frustrated by tyrannical rule.

It is my judgment, Mr. Speaker, that that desire for freedom will not flicker and die out, but will continue to burn until it blazes again in the restoration of freedom for the Republic of Cuba.

---

## CENSUS DATA CONTINUES TO PREVENT EDUCATIONAL SERVICES FROM REACHING THOSE IN NEED

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. QUIE. Mr. Speaker, for some time I have been very concerned over the fact that the continued use of census data to determine which students are educationally deprived is both morally wrong and administratively impossible. Under title I of the Elementary and Secondary Education Act of 1965, funds are distributed to school districts based on the number of children from families with incomes under $2,000 and those from families receiving aid under the aid for families of dependent children program because the 1965 law states that the assistance is to go to areas with high concentrations of low-income children.

Because of that latter provision, it has been virtually impossible to provide assistance to educationally deprived children who are in schools with a "below average" concentration of poor children. A recent article in the New York Times brings to light yet another complication caused by the use of census data. In this instance the problem is caused because many white children are not enrolled in public schools. However, since the census still identifies them as residing within a school area, their presence makes it impossible for the adjacent public school to receive title I funds.

Again, evidence such as this only serves to underscore the fact that we simply can no longer use surrogate data to identify children who need educational assistance. H.R. 5163, which I introduced on March 6, would not permit situations such as the two described in the New York Times article below to occur. Since my bill requires that educational need be measured in the schools, the census information or the grouping of a very deprived area with a very affluent one would not be relevant. Funds would go to schools with educational need regardless of the economic characteristics of the census districts involved.

The article follows:

POOR SCHOOL DISTRICT IN CAROLINA ANGERED BY EXPECTED LOSS OF U.S. FUNDS

COLUMBIA, S.C., May 12.—At the Lion Street Elementary School here, located in a black residential neighborhood, 64 per cent of children enrolled are from low income families.

But Federal regulations apparently will prevent that school from continuing special programs aimed at the educationally disadvantaged because many white children who live in the Lion Street attendance area have fled to all-white private schools.

The white children who have enrolled in private schools are counted in the Lion Street attendance area because 1970 census data shows them living there. The Federal regulations are based on children who normally would attend the public school serving an attendance zone.

"It's bureaucratic nonsense," says M. Hayes Mizell, a Columbia School Board member who also is South Carolina Community Relations Director of the American Friends Service Committee.

The problem stems from the interpretation given by the United States Office of Education to the Elementary and Secondary Education Act of 1965.

### TOTAL FUNDS THE SAME

Mr. Mizell said the policy was one that probably would affect other urban areas in the South where segregated private schools have sprung up in the wake of desegregation plans.

Although the policy will not change the total amount of money coming into the Columbia schools, officials here were recently notified that 15 schools that have an above-average number of educationally disadvantaged children enrolled would be losing the programs. The main programs involved at such schools are compensatory reading and mathematics.

The Federal decision also has come under fire from the local Title I parent advisory committee. Mrs. Jacqueline Williams, a member of the committee whose son is a fourth grader at Lion Street, said the change in the boy's attitude had been "incredible" because of the programs.

Before Title 1, "my son would say he could not do his math. Now he takes a real interest in it, asks me problems to trip me up."

### LAW CITED

In rural Beaufort County, the 26 Black elementary school children on isolated Daufuskie Island have been lumped into the same attendance zone as Hilton Head Island, a plush resort center. The school on Daufuskie has been declared no longer eligible for Title I funds even though all 26 children are classed as educationally disadvantaged.

Beaufort County Superintendent Walter Trammell was unsuccessful on a recent trip to Washington to try to get the regulations altered.

Federal officials contend that their hands are tied by the statutory language, rather than bureaucratic unreasonableness.

The language of the 1965 act says that Title I is designed "to meet the special needs of educationally deprived children in school attendance areas having high concentrations of children from low income families."

"Basically, our policy is that Title I funds can only be spent on those students residing in attendance areas whose concentration of resident children from low income families equal or exceed the districtwide average of concentration," explained John Pride, deputy assistant director for the operations division of compensatory education in the Office of Education.

The changes in Columbia resulted from applying 1970 census data to attendance zone drawn from the school districts desegregation plan.

Based on 1970 census data, only 21.7 per cent of the children residing in the Lion Street attendance area are disadvantaged, compared with 26.3 per cent disadvantaged districtwide.

Columbia officials contend that the information is out of date and does not reflect population shifts since then.

Mr. Pride said there was "quite a bit of concern" in the office of Education, but he contended that under the present law "We are very restricted in the way we define an attendance area."

He said that more up-to-date data would be used if the Columbia District wanted to have a new census count taken but he said he knew of no Federal funds that would be available to pay for it.

## TEN YEARS OF LAW VIOLATIONS BY J. P. STEVENS & CO.

### HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. THOMPSON of New Jersey. Mr. Speaker, an entire decade has passed since the Textile Workers Union of America and the Industrial Union Department of the AFL–CIO first began trying to help the workers of J. P. Stevens & Co., the world's second largest textile manfacturer, to form a union for the purpose of engaging in collective bargaining.

Throughout this entire period, their efforts have been frustrated by massive and flagrant violations of the rights guaranteed to American workers by U.S. law. This is not simply a charge leveled against J. P. Stevens & Co. by the labor movement. It is a fact that has been repeatedly underlined by the decisions of four Federal courts in eight major cases.

Only recently the U.S. Court of Appeals for the Second Circuit found that the company's behavior has been so willful a violation not only of the law, but of the court's earlier orders, that it constitutes contempt. This development has since been capped by the refusal of the U.S. Supreme Court to review Stevens' appeal from this contempt citation, just as it previously refused to hear three earlier appeals by the company.

Last January an electronic surveillance device was found in a Wallace, S.C., motel room which TWUA and IUD organizers were occupying. It was a room in which Stevens workers in the Wallace plant also held union meetings. A Federal Bureau of Investigation probe followed and it resulted in the suspension of three managerial employees of J. P. Stevens.

The company's violations of the law appear to have been both blatant and massive. More than 100 Stevens workers have apparently been unlawfully fired. Hundreds of others have also apparently been the victims of unlawful discrimination by Stevens. The company appears to have threatened its workers. It appears to have interrogated and spied upon them. As the result of its conduct, it has been impossible to hold a free representation election in any Stevens plant.

The NLRB should not delay in petitioning the Second Circuit Court for additional contempt remedies. The company's contemptuous conduct has continued even after the court's original contempt decree. These remedies could even include the jailing and fining of Stevens executives who continually demonstrate their belief that law and order is something to be required only of poor people.

The NLRB should not delay in petitioning the Fifth Circuit Court for a contempt remedy in response to this company's refusal to bargain in good faith with its Statesboro, Ga., workers in defiance of two such decrees by this court. The NLRB could consider applying the Supreme Court's doctrine in the Gissell case, which permits the Board to direct Stevens to bargain, companywide, with the union in light of its wholesale violations of the law.

The U.S. Government's responsibilities should not end even there. The Department of Justice should stop dragging its feet in the South Carolina wiretapping case involving J. P. Stevens officials. It should follow it up quickly and firmly.

A society like ours, which is struggling so desperately to secure justice, law, and order for all of its citizens, must not tolerate brazen and continual violation of law by any company or corporation just because it is wealthy and powerful.

## OLDER AMERICANS IN ACTION—A SALUTE TO OUR SENIOR CITIZENS

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. BAKER. Mr. Speaker, President Nixon has set aside the month of May to do honor to our more mature citizens who continue to contribute so much to the general quality of life in our country. It is not taking away from youth to say that wisdom comes with years and there is great need for this wisdom in every area of our life today. We need to be receptive to the very real contribution which older Americans make daily to our local communities, State, and Nation. The Third District of Tennessee benefits substantially from these efforts through such programs and organizations as the Retired Senior Volunteer Program—RSVP—Chattanooga's Service Corps of Retired Executives—SCORE—and Senior Neighbors. Chattanooga's Senior Neighbors has received national recognition for its richly varied cultural program. Such activities allow the rest of us to benefit from this store of knowledge and wisdom, while encouraging our older citizens to continue their contributions and participation in the community. I include the attached newspaper account from the Chattanooga Times of 1 week's activities planned for Senior Neighbors, Chattanooga, in the RECORD at this point:

[From the Chattanooga Times, May 13, 1973]

### NEIGHBORS PLAN WEEKLY EVENTS

The annual Senior Citizens Month open house at Senior Neighbors, 10th and Newby streets, is scheduled for Sunday, May 20, from 2 until 4 p.m. with exhibits, refreshments and entertainment for all guests.

The event is planned each year to give

those active participants in Senior Neighbors programs an opportunity to invite their friends to experience what they have been doing.

Three additional open houses are scheduled for the branches.

Alton Park branch of Senior Neighbors will hold its festivities Thursday, May 17, and the same type of event is planned for East Chattanooga on the following Monday, May 21, and on Tuesday, May 22, at the East Side Neighborhood Center.

Mrs. R. B. Clark Jr. will review the book, "The Tumult and the Joy" by Mildred and Gordon Gordon for the monthly book review-coffee at 10:30 a.m. Thursday at 10th and Newby streets. Hostesses include Misses Virginia Munsey and Mildred Copenhaver and Mrs. N. T. Covington.

Armchair Travel will not be scheduled for Friday because of the Armed Forces Day parade.

Saturday a tour will leave the Senior Neighbor parking lot for Canyon Land Park and Historic Home Pilgrimage in the Fort Payne area. Reservations for this event will close Monday.

Reservations can be made at the 10th and Newby streets desk from 10 a.m. until 12 p.m. for upcoming excursions: June 13-14 to Callaway Gardens and the Little White House; June 16, Cumberland County Playhouse for "Tennessee USA"; June 21, "Opryland USA"; and June 28-29, Barter Theater and Melongeon drama.

---

## OUR NATION SALUTES RT. REV. MSGR. ANDREW J. ROMANAK, P.A., ON THE 50TH ANNIVERSARY OF HIS ORDINATION

## HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. ROE. Mr. Speaker, it gives me great pleasure to call to your attention a golden anniversary celebration that is taking place in my congressional district this forthcoming weekend in honor of one of our most distinguished members of the clergy and good friend of all of our people, Rt. Rev. Msgr. Andrew J. Romanak, P.A., pastor emeritus of St. Mary's Roman Catholic Slovak Church of Passaic, N.J.

Monsignor Romanak was ordained to the holy order of the priesthood on May 26, 1923, and has served as spiritual adviser and reverend father dedicated to the well-being and happiness of each and every member of the many parishes he has served throughout the State of New Jersey.

The quality of his leadership, the richness of his wisdom, and the abundance of his caring and dedication to our young people and adults alike are eloquently and warmly enveloped in the tribute written in Monsignor Romanak's honor by the Honorable John C. Sciranka, who, in addition to his forthright journalism and esteemed reputation in the news media of our State, is also a member of the Passaic Historical Commission and Passaic Centennial Committee.

Mr. Speaker, with your permission I would like to insert at this point in our historical journal of Congress a copy of Editor Sciranka's statement which appeared in the May 16, 1973, issue of Katolicky Sokol—Catholic Falcon—the most prestigious official organ of the Slovak Catholic Sokol, as follows:

### Msgr. Andrew J. Romanak, P.A., Protonotary Apostolic, Will Be Honored on Golden Sacerdotal Jubilee on May 26 in Passaic, N.J.

(By John C. Sciranka)

On Saturday, May 26, Msgr. Andrew J. Romanak, P.A., Pastor-Emeritus of St. Mary's Roman Catholic Slovak Church of Passaic, N.J., will be honored on his Golden Sacerdotal Jubilee.

He will be principal celebrant of the concelebrated holy mass at 5 p.m.

The banquet will follow in the parish auditorium at 6:30 p.m. Father John J. Demkovich, pastor and his successor is heading the celebration committee with the parish council and the Holy Name Society.

Msgr. Romanak was born in Newark, N.J., on Nov. 30, 1896. His parents, John and Mary Romanak, nee Hudak, were born in Slovakia. They were married in 1886 in SS. Cyril and Methodius chapel in New York City and shortly after settled in Newark, where they took part in organizing the first Slovak Societies and the Slovak parish of St. Stephen.

Msgr. Romanak studied at St. Benedict's Prep School, Seton Hall College and Immaculate Conception Seminary. He was ordained the Sacred Heart Parish in Rockaway, N.J., on May 26, 1923, by the late Bishop John J. O'Connor in Newark and was an assistant to the late Father John D. Salamon in Passaic parish for four years. He later was pastor of for 18 years and established several chapels in the area, which grew to parishes. After the death of Father Salamon, the late first Bishop Thomas McLaughlin of Paterson appointed him pastor of Passaic parish in November, 1945. He was also the director of Pope Pius XII Diocesan High School and served as consultor to Bishop Lawrence B. Casey of Paterson diocese and other bishops.

At the recommendation of Bishop Thomas Boland, then of Paterson diocese, now archbishop of Newark, he was elevated by Pope Pius XII as domestic prelate with the title of Rt. Rev. Monsignor on Jan. 8, 1950.

In Sept. 1958 Pope Pius XII at the recommendation of Bishop James A. McNulty, elevated him to the dignity of Protonotary Apostolic.

He was the second Slovak Protonotary Apostolic in America and the first in the Eastern States. The first was the late Msgr. Francis J. Dubosh of Lakewood, Ohio. The third was the late Msgr. Stephen J. Krasula, P.A., of New York City.

There are only two other living Slovak Protonotaries in the United States. One is Msgr. Michael J. Carnicky, P.A., pastor-emeritus of the Holy Name Slovak Catholic Church in Stratford, Pa., and Msgr. Andrew V. Stefan, P.A., V.F., pastor of SS. Cyril and Methodius Church in Boonton, N.J.

Msgr. Romanak served as the chairman of the Welfare Board in the city of Passaic. He was chairman of the Board of Governors of St. Mary's Hospital.

He is honorary national chaplain of the Slovak Catholic Federation of America which represents three million Slovaks; also honorary Chaplain of its Eastern Region of which Editor John C. Sciranka is President. He is Honorary Chaplain of Assembly 1, Slovak Catholic Sokol.

#### HE MET SEVERAL CARDINALS

Msgr. Romanak pleasantly recalls that in July 1926 he met the late Cardinal Cernoch, then primate of Hungary at St. Stephen's Hungarian Church in Passaic, who spoke Slovak to him and urged him to continue to foster the Slovak language. Msgr. Cernoch was born in the famous city of Skalica, the birthplace of Father Francis Skutil, first editor of the Catholic Sokol, who labored in Boonton, and was his close friend.

He also had the privilege of assisting Cardinal Spellman during a ceremony at St. John's Cathedral in Paterson. And was a guest at the dinner when Jozef Cardinal Beran, a well known Czech prelate visited the United States.

During his 25 year pastorate in Passaic, he paid off a large debt with the aid of his parishioners. Redecorated the church on two occasions and enlarged the St. Mary's Cemetery in Saddle Brook, N.J.

#### SPEAKS ON RADIO

Msgr. Romanak's talk was beamed to Slovakia via Vatican Radio and Radio Free Europe on several occasions. During his 25 years pastorate many celebrations were held in the parish with national and international significance. For instance in 1961, during the pilgrimage of the Eastern Region of the Slovak Catholic Federation held in his parish, Radio Free Europe beamed the services throughout the world and Bishop McNulty was surprised during the Second Vatican Council in Rome that he was heard by many bishops in various countries.

Msgr. Romanak is interested in Youth and served as Youth Director when the Paterson diocese was established. He spent many years as director of Pope Pius XII diocesan high school.

The Slovak Catholic Sokol was founded in the parish where he is pastor 68 years ago and has large Sokol membership.

Msgr. Romanak was one of the first American Slovak leaders to donate $1,000 for the erection of the Slovak Institute of SS. Cyril and Methodius in Rome, which was dedicated 10 years ago.

Upon reaching the mandatory age of 75, he retired in December 1971 and was named Pastor-Emeritus by Bishop Lawrence B. Casey of Paterson, N.J., who honored him then and will honor him on this Golden Sacerdotal Jubilee.

The City of Passaic named a Msgr. Romanak Plaza in his honor and planted a Centennial tree on same.

We felicitate Msgr. Romanak, thank him for all the services and pray that the good Lord will bless him with good health that he may continue his labors in His vineyard for many more years. Ad multos annos!

Mr. Speaker, I greatly appreciate this opportunity to bring national recognition to this exemplary profile of an outstanding member of our clergy, and respectfully request that you join with me now in saluting this great American, the Right Reverend Monsignor Andrew J. Romanak, in appreciation for all of his good works in service to God through the acts of faith, hope, and charity—instilling within the hearts of all the noble bonds of brotherhood enriched with understanding, respect, good will, and communion among all mankind.

---

## TRIBUTE TO ISRAEL ON ITS BIRTHDAY

## HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. YATES. Mr. Speaker, this year, 1973, the State of Israel celebrates its 25th year of independence. Beset by enemies, forced to fight three wars of survival, Israel now stands as a proud, strong, young, ancient nation which has taken its rightful place in the family of nations. We congratulate Israel upon achieving its quarter century of independence and wish its people success, happiness, and prosperity as they move with assurance into the future.

Mr. Speaker, on May 8 at a luncheon held by the American-Israel Public Affairs Committee, Israel's birthday was appropriately celebrated with speeches by the majority and minority leaders of the House. Irving Kane, chairman of AIPAC, acted as chairman of the luncheon meeting. I am pleased to append as a part of my remarks the speeches made by Mr. Kane, by Majority Leader THOMAS P. O'NEILL, and Minority Leader GERALD FORD, as follows:

### REMARKS BY IRVING KANE

This is the fifth consecutive year that it has been my privilege to greet you on the occasion of Israel's anniversary at our luncheon in honor of Israel's ambassador. And I suppose that I insisted on each of those occasions that, somehow, it was unique.

But surely today is truly unique. First, it is Israel's 25th anniversary—an anniversary observed with joy wherever friends of freedom live. And secondly, our guest of honor today is the newly-appointed ambassador of Israel to Washington, His Excellency Simcha Dinitz.

We meet, therefore, in a mood of celebration. Israel has matured during these 25 years. She has flourished, she has become more self-reliant; she has achieved her goal of providing sanctuary to Jews who need a homeland; and she continues to pursue a firm but conciliatory policy which, we believe, will eventually make for an Arab-Israel peace.

On this occasion, as we have in the past, we offer our thanks to the Congress of the United States for the strong and sympathetic support you have given to Israel over the years in the rebuilding of her economy, in the development of her defenses and in the resettlement of those who sought her sanctuary.

This support by Congress is not a recent development. If Israel at 25 is a strong, sturdy, self-reliant, do-it-yourself country, it is so in large measure because Congress has consistently recognized the significance of the U.S.-Israel partnership—a partnership of two democracies in defense of freedom in a crucial frontier of the world.

I would like to emphasize some significant issues in the AIPAC policy statement adopted yesterday.

We are gratified that the Administration has taken the position that the road to peace will be traveled when Arabs and Israelis travel it together, when they write the terms of the peace together. Our Administration has abandoned any notion of an imposed settlement; and once that fact penetrates Arab capitals, once they cease looking to the Soviet Union and other powers to impose a settlement, and once they reconcile themselves to the need for negotiations, we are persuaded that we will witness a dramatic breakthrough in the Middle East.

With regard to economic aid to Israel, it was the Congress which in 1951 first approved the grant to enable Israel to resettle the 600,000 Jews who poured into that country between 1948 and 1951.

This grant aid to Israel ended in 1961, and it was Congress which, 10 years later, initiated the resumption of grant economic aid to Israel with the approval of a $50 million supporting assistance grant.

Throughout this quarter of a century, the United States has never given Israel any arms, although many of the Arab states, including Israel's neighbors and adversaries, have received free arms from the United States. That 1971 economic grant was voted because Congress recognized that the Israel economy, tremendously burdened by defense and by debt, urgently needed economic assistance. Last year Congress again voted $50 million to help Israel carry her defense burden.

Last year, too, noting a sudden and spectacular emigration of Jews from the Soviet Union, Congress voted a $50 million grant to help Israel absorb those Jews who were finally emerging into freedom.

We regret to note, however, that in the pending aid bill the Administration has cut the supporting assistance grant for Israel from $50 million to $25 million and the Administration has not included any funds to help resettle Soviet Jews in its fiscal 1974 request. There are military credits for Israel, but, as in the past, Israel must purchase her weapons and therefore go even more deeply into debt.

We are all aware that our country has critical fiscal problems. But we submit that our overesas aid program does provide large military and economic grants to countries that do not face the danger that Israel faces, surrounded as she is by hostile states massively armed by the Soviet Union. We strongly believe that the best way to deter a new eruption of hostilities is not to permit Israel's adversaries to gain any impression that there is a diminution of American interest and support.

There is another major issue confronting us. Within the last 12 months, the Congress of the United States has made an extraordinary contribution to help the Jews of the Soviet Union. I refer to the widespread sponsorship of the Jackson amendment and the Mills-Vanik bill by 77 members of the Senate and 279 members of the House. This legislation has never been approved on the floor, and yet in a most unprecedented way it has already achieved a massive result, for it has induced the Soviet Union to reconsider its arbitrary and cruel ransom tax and has paved the way for the emigration of many thousands of Soviet Jews.

We believe that this legislation has strengthened the hand of the Administration in its negotiations to persuade the Russian Government to alleviate the plight of Soviet Jewry. But we still have a long way to go. While the Soviet Union appears to have suspended the infamous ransom tax, it still harasses and punishes Jews who have the temerity to apply for visas.

It is our hope that the Congress and the Administration, working together will give legislative effect to the Jackson amendment and the Mills-Vanik bill and write them into law in a way best calucuated to achieve their objectives, while at the same time advancing both trade and detente. We believe in detente between the United States and the Soviet Union. We also appeal for a detente for the Jewish people, who have long suffered in Russia at the hands of the Communists and the Czars and who now appeal to us to help them on the road to freedom.

---

### REMARKS BY REPRESENTATIVE THOMAS P. O'NEILL

We commemorate a truly historic moment for the modern world and for the Jewish people. For thousands of years they have yearned to return to their homeland, to the land where the patriarch Abraham led his people, to found and nurture an independent state which would always welcome Jews from the Diaspora. In a nation the size of New Jersey, with a population of almost 3 million, the Israelis have accomplished what many would call a miracle. Since its founding in 1948, Israel has absorbed two million immigrants from Europe, Asia and Africa who have contributed in great measure to the spectacular growth and development of the nation.

While 25 years is a short time in the history of nations, Israel has experienced enough crisis, confrontation and hostility to last most nations a lifetime.

Only hours after David Ben Gurion proclaimed the establishment of the State of Israel, the combined might of the Arab armies, outnumbering the Israelis 42 to 1, attacked the newly organized nation. Repeatedly since then, Israelis have been called upon to protect their homeland, each time succeeding under the leadership of able generals and through the determination and courage of their brave army.

Even though the Israelis have had to pay close attention to their borders and maintain a constant state of military readiness, their economic growth has not been impeded. The gross national product averaged a healthy 11% for the years 1950–1965. Industrial production makes up 25% of the total and commerce and services roughly 48%—rates equivalent to those of the advanced economies of the leading countries of Europe and North America.

So while we celebrate only 25 years of chronological life, we also celebrate centuries of economic and social growth and progress crammed into a quarter-century by a people committed to a viable Jewish State, and, perhaps more importantly, to the ideal of freedom and independence which served as the impetus for the establishment of our own nation almost 200 years ago.

I have spoken up to this point about events which are now history and developments which most of you have learned at your grandfather's or your parent's knee. But the future history of Israel is yet to be written, and I would like to address myself to the role which we in the United States can play as future historians.

The Middle East is regarded by some as the most volatile trouble spot in the world. For gathered there, counterposed and posed for action, are the great leviathans of the modern era, the United States and the Soviet Union.

I am not suggesting that the ultimate fate of the State of Israel is externally controlled. As we have seen, the Israelis are extremely competent to handle their own defense, as well as their own domestic affairs. I am merely indicating what is at stake in the Middle East. Despite the apparent schism between Premier Anwar Sadat and the Soviet Union, the fact remains that both the United States and the Soviet Union remain at least "vicariously" present in the Middle East. Yet this can never deter us from our commitment to the State of Israel.

Today, in the aftermath of the war in Vietnam, commitment has become a dirty word, for it was our supposed commitment to the support of the Government of South Vietnam which has accounted for the most protracted military engagement in our history, as well as considerable social and economic upheaval.

Yet our commitment to the State of Israel stands on a different footing, for rather than trying to prop up a government which has failed to enlist the support of its own people, as was the case in Vietnam, American military assistance to Israel represents a mandate from the American people to ensure the existence of Israel in a hostile environment.

I believe and have always believed that our support of Israel is morally right. The United States is a nation free and prosperous because we have always been a secure and powerful nation. It is my view that Israel as a democracy which shares our own hopes and aspirations and values merits American military support. Moreover, from a purely practical and somewhat selfish viewpoint, Israel is the only thing preventing Russia from spreading her influence and power from her own territory, through the Urals, across Asia Minor to the entire northern portion of Africa. If Israel were to fall, the pro-Western states of the Arab world would follow suit and we would be drawn into a direct confrontation with Russia in order to protect our own interests and the interests of peace and freedom.

So to those who say that aid to Israel represents the threat of an involvement like that which we have come to abhor and mistrust, I say that Israel must be supported from both a moral and practical standpoint. Such support bears no resemblance whatsoever to the debacle in Southeast Asia.

Now that I have mentioned the Soviet Union, I must mention one other facet of Israeli-American relations. I know there are those of you who are apprehensive that our continuing normalization of relations with that nation must mean a compromise in our support of Israel. I don't agree and I cannot agree.

The President's recently released trade proposals include a provision that would extend to the Soviet Union the status of most-favored-nation. I am sure you are all familiar with, on the House side the Vanik bill of which I am a co-sponsor, along with so many of my colleagues and, on the Senate side, the Jackson admendment. The Vanik bill is in response to a very serious situation within the Soviet Union whereby Jews are charged exit fees before they are permitted to emigrate, in contravention of the UN Declaration of Human Rights. The Soviet Government has announced its intention to suspend this practice due to the great hue and cry which arose in the Congress of the United States over this policy.

The President stated in the message which accompanied his trade proposals that he does not believe that a policy of denying most-favored-nation status to Soviet exports is a proper or even effective way of dealing with this problem. As Majority Leader of the Congress of the United States, I cannot and do not agree. While I am in favor of expanded trade between the United States and Russia as well as a general diplomatic detente in all areas of foreign relations with the Soviet Union, repressive policies such as those implemented by the Soviet Government cannot be countenanced or ignored by the United States in seeking to better our relations with Russia. In this respect, I need only say that the Congress will closely scrutinize these proposals and will insist that repressive policies cease before ratification of any trade agreement or proposal.

Trade agreements are not the only subjects which will receive close Congressional watching. I would like to comment upon the Administration's budget request for Israel.

Last year Israel received $50 million in supporting assistance from the United States. This is aid which assists nations with heavy defense expenditures to meet their social service needs. All of you are aware that this category of aid is indispensable to Israel, for Israel has the highest per capita external debt in the world—$1277—and a foreign currency debt in 1972 of about $4 billion. Despite the fact that Israel out of necessity must commit tremendous resources to her defense she is aware and responsive to the social and economic needs of her people. Consequently, it is imperative that Congress restore supporting assistance to Israel to the 1972 level of $50 million.

Lastly, I must return to a subject which has great significance to both the United States and to Israel—the so-called energy crisis. In recent months, both government and private experts have predicted that demand will outstrip the supply of fuel in the near future with catastropic results to our way of life, which is heavily dependent on fuel for heating, lighting and recreation. Rationing and even curtailment of use may become necessary in the very near future.

The ramifications for American-Israeli relations are obvious. The Arab countries are in a position to exploit our fuel shortage and our dependence on foreign sources simply by regulating our supply of oil, so that we must choose between a severe domestic problem on one hand, or withdraw our support of an ally and a friend on the other.

This would no doubt be an agonizing choice. But it is one which I do not believe must be made if we are firm in our commitment to Israel. We must make it clear that we will not be blackmailed into abandoning support of Israel by the Arab states jeopardizing the supply of a needed commodity. Relenting to such a ruthless squeeze play shall not and cannot be tolerated by this country.

Israel has asked for very little from us. She has never asked that we defend her borders. She has never asked that we fly her missions. She has never asked that we direct her battles as we have done for so many out of necessity. She has asked merely that we give her the means and the supplies to defend herself. In my opinion, Israel asks for little and she needs America's support and she should get it.

---

REMARKS BY REPRESENTATIVE GERALD R. FORD

We are gathered here to formally note the close friendship between the United States and Israel. It is a most auspicious occasion because it marks a great moment in history—the celebrating of Israel's 25th birthday.

This is the most appropriate time to reaffirm American-Israeli friendship and our traditional bipartisan foreign policy—because both this friendship and this policy serve the cause of peace.

Every American President of the twentieth century has supported the Zionist dream of a Jewish national home. Both of our major political parties are committed to Israel's survival.

It is vital that this bipartisan backing of Israel continues. The fact that it *is* flourishing is dramatically demonstrated by the presence in this room today of leaders from both parties.

We must retain our unity. Such unity strengthens the hand of our President in his efforts to promote a just peace in the Middle East.

It is important, too, that this luncheon we are attending be more than simply an occasion for expressing pro-Israel sentiment. Our ultimate and over-riding objective is a permanent and just peace in the Middle East. This obviously is in America's national interest.

Those who truly care about Israel's survival must express bipartisan support through actions and not only through words.

I personally am pleased to be part of an Administration that is maintaining the balance of power in the Mideast by supplying Israel with some of the finest U.S. weapons and assisting her in other ways.

The Administration is selling Israel four squadrons of combat jets and is helping the Israelis set up production of an advanced jet fighter of their own design.

These additional American warplanes will keep pace with shipments of Soviet aircraft to Syria and Egypt and of French aircraft to Libya.

By the end of this year, Israel is due to have about 120 F-4s, and by the middle of next year about 200 A-4s.

Our backing for Israel should continue at the level of recent years through military credits, supporting assistance and grants to resettle immigrants.

It is reassuring to know that our country is providing Israel with the means of deterring aggression and is helping new settlers in Israel get started in a new life.

We are, of course, constantly exploring every means of deterring a renewal of hostilities and of promoting a lasting peace settlement.

In the Congress, our bipartisan policy on the Middle East is committed to a peace that must emerge from the parties directly involved. We reject any diplomatic concept that would call upon our friends the Israelis to negotiate with the United States rather than with Egypt on the territorial question.

The United States must continue to give Israel the backing necessary to maintain the credibility of our friendship. The central aim of our policy in the Middle East must be to prevent events that would cause a breakdown in the emerging structure of world peace.

There is another important matter which concerns both the United States and Israel. That is the fate of Soviet Jewry. This matter has become tightly bound up with the entire subject of U.S.-Soviet relations and, most directly, with possible expansion of U.S.-Soviet trade.

We all know that the Soviets have now suspended their infamous "education tax," which had been imposed on some persons seeking to leave the Soviet Union. This is substantial evidence of progress by negotiation. We are also familiar with the sizable annual increase in Jewish emigration from the Soviet Union to Israel.

It is clear, however, that Senator Jackson is not satisfied with the Soviet suspension of the tax and therefore apparently intends to press his amendment barring most-favored-nation treatment for the Soviet Union.

I fully support Senator Jackson's objectives but I feel we should continue to explore all alternatives to achieve the desired end. We want results. That is the main cause of our anxiety.

Let us consider the fact that Mr. Brezhnev recently met with a group of U.S. senators in Moscow and indicated he does not intend to let anything stand in the way of expanded U.S.-Soviet trade. He was quoted as saying Moscow will do whatever is necessary to remove the exit fee issue as an obstacle.

I fully support the Jackson Amendment in principle. But my hope is that we can work out a solution which will make possible an expansion of U.S.-Soviet trade, will promote improved relations between the United States and the Soviet Union, will help us realize a second SALT agreement, and will help bring about peace in the Middle East.

We must make it possible for Soviet Jews to emigrate freely to Israel. We must devise a Jackson Amendment solution that will permit affirmative action on trade but at the same time show the Russians that the Congress backs freedom of emigration. We must do everything within our power to alleviate the plight of Soviet Jewry without wrecking the movement toward a Soviet-American improvement of relations.

This is not a religious or partisan matter but an issue completely consistent with our beliefs and commitments to human freedom and the dignity of the individual.

America and Israel are both concerned about the brotherhood of man under the Fatherhood of God.

Every Jew who wishes to emigrate to Israel should be free to do so. The words of Genesis are just as meaningful today as they were 4000 years ago when the Lord God said to Abraham: "Go forth from your country . . . to the land that I will show you. And I will make of you a great nation."

---

## LIFE DENIED

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. HOGAN. Mr. Speaker, today I would like to call the attention of my colleagues to an editorial that appeared in the Indianapolis News on April 28. Entitled "Life Denied" it provokes one to do some serious thinking about the ramifications of the Supreme Court decision of January 22:

### LIFE DENIED

In a terse one-line notification, the U.S. Supreme Court refused to hear arguments by the State of Connecticut in support of a petition to review the Court's abortion decision.

The court's action seems particularly inappropriate because Connecticut had made available the medical evidence that the court had said was lacking in the earlier cases to support the contention that human life exists from the moment of conception. In legalizing abortion the court maintained that those "trained in the respective disciplines" could not agree on this "difficult question" of human life and that therefore the court need not resolve that question. Whereupon the court did resolve it by establishing the mother's right to kill the fetus subject only to the barest minimum of control by state governments.

While the court suggested the fetus being killed could not live on its own, a key point in Connecticut's case was the fact that 968 live babies were delivered in the U.S. after 20 weeks or less of gestation in 1968. (In an earlier editorial, The News stated that all of these live births followed abortion attempts. Actually, the figure includes spontaneous live births also—though the point concerning the viability of the fetus is the same in either case.)

In New York City alone, in a six-month period 27 abortions produced live babies. Two of these survived only five minutes, some as long as 53 hours and one will be three years old on Aug. 23.

Connecticut's petition contained an affidavit from a physician who observed an abortion by hysterotomy (similar to a Caesarean section) following which the fetus was operated on and an organ removed from its abdomen. The doctor testified that he saw the infant urinating and moving its arm before it was taken away for the operation. He also noted there was no provision for anesthesia in the room where the operation was done and that a medical student who observed the surgery returned looking pale and reported he felt sick.

It appears that the court, after asserting that no medical facts exist that establish the fetus as a living human being, has now refused to consider medical evidence that such facts do exist.

## THEIR WORK MOST VITAL

## HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. MOLLOHAN. Mr. Speaker, no objective is of greater importance to the preservation of our democratic system of government than the assurance of a constructive and continuing flow of information to the voting public. A free press contributes greatly to this objective—but many of our citizens, particularly those outside the major metropolitan areas, have limited time and limited access to the information on both sides of an issue which is necessary to make objective evaluations.

Organizations, like the League of Women Voters, contribute immeasurably to the effort to generate interest and to assure an understanding of public policy questions and to increase participation in government. The role of the league is appropriately recognized in the May 13, 1973, editorial from the Wheeling News-Register which follows:

### THEIR WORK MOST VITAL

Perhaps the work of the League of Women Voters of the Wheeling Area is more important today than ever considering the controversy that so engulfs vital political and governmental issues.

The Leagues a non-partisan organization, is primarily interested in good government. It studies the issues of the moment and passes the information along to the public so that an informed electorate hopefully can render an intelligent decision.

During the past year, the local organization offered a candidate review over cable television and assisted The News-Register in the preparation of pre-election candidate quizzes. On election day last year League members manned telephones to provide information for the public. Its study of alternate forms of municipal government has been widely acclaimed as one of the best ever produced on the subject and should be of help to Wheeling, presently contemplating a possible change. Recently, League members visited all area high schools and registered new 18-year-old voters.

The League of Women Voters of the Wheeling Area currently is conducting a fund drive. Business, industry and individuals are being asked to contribute to this really worthwhile civic-minded organization. We urge your support.

## REDUCTIONS IN MEDICARE BENEFITS SEVERELY HURT THE ELDERLY

## HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. RIEGLE. Mr. Speaker, I was shocked at President Nixon's proposal to deny our Nation's senior citizens the health care services that they so badly need and deserve.

These proposed cutbacks were presented to the Congress in January of this year in the President's budget for 1974. As of this date, no legislation has been introduced in either the House or Senate, although administration officials indicate it will be forthcoming.

I think it is important to note, however, that resolutions have been introduced in the House and Senate which would make it clear to the administration that such reductions in medical benefits to our elderly have no hope of passing. I fully support these resolutions and will work hard to insure their passage.

Over 23 million people would be affected by these reductions. They would increase the total health bill of our senior citizens by $700 million. Briefly, these changes would:

Increase the present deductible of $72 for the first day of hospital care to the actual full charges of the first day. In addition, the medicare patient would pay 10 percent of all charges thereafter—now without cost to the beneficiary for the first 60 days.

For those covered under the voluntary part B doctor's insurance, our senior citizens would have to pay the first $85 instead of $60 of doctor's services covered by medicare. They would also pay 25 percent more for all services above this amount.

The premium paid for this part B insurance would increase from $5.80 to $6.30.

The administration says that these cutbacks are necessary to encourage greater cost consciousness and cost awareness—to minimize overutilization of medical services. It is hard to believe that our elderly—most of whom live on fixed or limited incomes, especially from small social security checks—are not cost conscious. As everyone knows, they are the most cost-conscious group in the country. Furthermore, our senior citizens are not the ones who overuse the hospitals—hospitalization rates have declined since 1969 and the average length of stay for medicare patients has dropped.

It is obvious that the administration, which opposed the 20-percent increase in social security benefits, clearly wants people to use these benefits for medical care rather than their daily living expenses. Such action is a total distortion of the intent of Congress.

Finally, there is no justifiable reason for adding this heavy burden to the Nation's elderly while the administration—in flagrant violation of the law—continues to bomb Cambodia and while the proposed budget seeks to increase defense spending by more than $10 billion. The President's spending priorities are way out of line and it is now the duty of Congress to restore the money that is needed for more human goals.

Clearly, the administration does not understand the problems of the elderly.

## SENIOR CITIZEN HONORED

## HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. DUNCAN. Mr. Speaker, May is "Senior Citizens Month" and senior citizens in Tennessee are daily using their talents and drawing on their experience to make life a little better for their fellow man.

John Ellis, a constituent of mine in Maryville, Tenn., is a good example of what senior citizens are doing to make the country a better place to live.

The May 9, issue of the Maryville-Alcoa Daily Times had this to say about Mr. Ellis:

### RESCUE SQUAD HONORS ELLIS

A transplanted Sevier Countian, John H. Ellis, Tapoco Avenue, Maryville, learned Friday his place in the hearts of members of Blount County Rescue Squad and the Crewettes.

Much planning was necessary to arrange a special dinner at the squad building in honor of his 75th birthday which was Sunday, May 6.

Ellis is a charter member of Blount County Rescue Squad, joining in 1957, when it was formed.

Climaxing 27 years with Maryville Fire Department, Ellis retired as captain in 1965. Before joining the fire department, he was employed by two different major oil companies here.

He is credited with 1,100 volunteer hours work with the rescue squad in 1972. In 1971, he won the coveted John Stiles award for outstanding squadsman in Tennessee with 1,000 volunteer hours.

The two preceding years, he is credited with 900 hours each. In April, this year, he logged 51 runs.

Retirement hasn't changed his pattern much, a believer in the old adage of "Early to bed and early to rise," Ellis goes to bed early if he has no special reason to be up; waking up time is 4 a.m. followed by breakfast at 5 a.m. usually joining friends in a local restaurant.

Shortly after getting up, he checks with the rescue squad. If a friend is sick, a daily call or visit is routine, along with a sincere offer to do errands, go for medicines or pick up the groceries.

He is equally faithful to his church, and is a member of the First Christian Church of Maryville.

Ellis takes great pride in caring for the lawn at the rescue squad building on Lincoln Road, Alcoa.

Although Ellis is a stickler for professionalism in the squad, he is also the top morale booster. His dry humor saves many tense situations.

Members tell that he makes them wash muddy feet in lake or river after a dragging operation before they can place their feet in a boat operated by "Uncle John." He also insists that equipment be properly stored.

A sports enthusiast, Ellis fishes George's Creek and Fort Loudoun Lake. He combines his interest in car racing with squad service and enjoys the sport while standing by with fire fighting equipment ready for an emergency.

In the fall, he follows the football circuit, usually taking an ambulance for standby assistance at either Lanier or Townsend high schools each week.

He frequently makes trips to Eastern State Hospital for the sheriff's department, carrying a patient for committal. Ellis is also involved in many of the longer runs to other cities, counties or states.

Children too, respond to "Uncle John" making him a favorite with squad members' children. He is endowed with the gift of teasing in a way to make them know he is their friend.

His family includes three sons, three daughters, 14 grandchildren and five great-grandchildren.

# SENATE—*Wednesday, May 23, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art from everlasting to everlasting, before whom the generations rise and pass away, prepare us in heart and mind and soul for the days of sacred memory we are about to observe. Hallow the memory of those who in every age and in every conflict have served in the Armed Forces efficiently and faithfully without blemish or stain. Deliver us, we beseech Thee, from callous indifference to the cost in suffering and sorrow to so many of our fellow citizens. Sanctify for the ultimate good of mankind the self-giving of those who laid down their lives or now bear in their bodies the permanent scars of battle. May the first memorial in this new age of a tenuous peace be to us a new dedication to justice and abiding peace. Teach us the lessons we ought to learn. Uphold the youth who continue to serve in the Armed Forces. Hasten the day when swords are forged into plowshares and men learn war no more.

We pray in the name of the Prince of Peace. Amen.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6717. An act to amend section 210 of the Flood Control Act of 1968; and

H.R. 7200. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes.

## HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 6717. An act to amend section 210 of the Flood Control Act of 1968.

Mr. BARTLETT subsequently said: Mr. President, I ask unanimous consent that H.R. 6717 be referred to the Committee on Public Works and after it has been reported, referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 7200. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes. Referred, by unanimous-consent order of the Senate of May 22, 1973, to the Committees on Labor and Public Welfare, Commerce, and Finance.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 22, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

## DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

## COMMUNITY RELATIONS SERVICE

The second assistant legislative clerk read the nomination of Benjamin F. Holman, of the District of Columbia, to be Director, Community Relations Service, for the term of 4 years.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## MEMORIAL DAY 1973

Mr. MANSFIELD. Mr. President, I wish to join our distinguished Chaplain in the remarks he made this morning because, as we all know, Memorial Day is just a short period away and I would not want the Senate to undertake its recess, so-called, over the Memorial Day weekend without expressing once again my deep appreciation and my remembrance not only of the missing in action, not only the prisoners of war who have now, thank the Lord, been happily returned to their families, but most importantly to the 56,254 Americans who died in the conflict in Southeast Asia, the 303,635 Americans who were wounded in the conflict—a tragic undertaking if ever there was one on the part of this country. It is this total of 359,879 Americans who were either killed, presumed killed, or wounded, including approximately 25,000 who are paraplegics or quadriplegics, including so many who will be prisoners of war for the remainder of their lives because of the wounds and the disabilities which they have suffered.

So I take this means to express to them, despite my unending hostility to the war in which we were engaged, and in which, unfortunately, we are still engaged in part in Cambodia, that this body, if I may speak for it, will not forget the sacrifices which they have made; and that these young men—and they were mostly young men—will not be forgotten, and that we will try to repay them, in part, at least, for what they did in such a heroic manner for their country, not in time of need, but in time of duty, as far as they as citizens were concerned.

To those missing in action, to the prisoners of war, to the wounded, and to the families of the dead, I say to all of them, not to any particular group, but most especially the dead and the disabled, the paraplegics and the quadriplegics, that we will not forget them. They will all be in our prayers this Memorial Day.

We all hope that out of what they have gone through, and on the basis of the sacrifices they have made, we will never again engage in so tragic a misadventure, which sacrificed so many lives, which cost so much money, and which created so much division at home. Their great sacrifice can never be compensated; but if this Nation has learned a permanent lesson from this tragic war, a lesson that will prevent misadventures of this nature in the future, their sacrifices will constitute a permanent and living monument to the peace of the world.

Mr. SCOTT of Pennsylvania. Mr. President, somewhere in the Bible is the line that "Where there is no vision, the people cast off restraint."

What we have in this country is a vision of a great America, a strong America, an America which has been an enormous force for peace in the world; which has brought an end to the war in Vietnam, a war which I think within a short and reasonable time will bring about a total end to all war in Southeast Asia.

Ours is a government which has lowered tensions in the world; which has lowered the fear of the people of the world of the imminence of warlike actions; a government which has eased our relations with Russia and with China; a government which has restored good relations with France and is improving our relationships with most of the other countries of the world. This is a part of our vision of a strong America.

Last night I talked with some five ambassadors. I respect their confidence; I will not mention their names. I said these things to them. I said that this country is strong today; it will be stronger tomorrow; it will be stronger next month than it was last month.

This country is strong in maintaining its faith with other nations and with its people. It is strong in maintaining its commitments. The President is strong and of good heart.

There are other voices which would urge us to cast off restraint. There are other voices where it appears that the medium is the message—voices which, by placing out of context and out of proportion all the things that are wrong in this country, would shake and have, indeed, shaken the assurance of our friends and ambassadors from other countries in the basic strength of America, of its institutions, and of its working and workable system.

I do not in any sense criticize a free and vigorous and inquisitive and alert press. What they are doing is in accordance with their concept of their job, and they have a right to do it. But some statements have been made in some columns and by some people, in and out of the media and on the floor of Congress, which would cause people in this country and without to believe that the Government is not strong or to believe that there is some reason to lose confidence in the Government.

These conjecturings shake the stock market, loosen the confidence of other nations, weaken us in our negotiations with foreign powers, and are generally to that extent, in my opinion, not productive, because they lack this element of restraint. They lack the restraint because I think they do not share the vision I have.

This President is going to go on with his great achievements in foreign and domestic policy, and the strength and the achievements of this President are going to continue to be applauded here and elsewhere.

I do hope that some of the people who are writing these paranoid columns would have some vision and exercise some restraint.

Speaking of paranoia, they remind me of King Lear, when, in act II, scene 4, he says:

> I will do such things, what they are, yet I know not, but shall be the terrors of the earth.

Some of these things make about as much sense as the half mad, harassed, poor, old King Lear. We can do without the rantings of the King Lear's in this world, or at least we do not have to listen to them.

Let us look at the vision of America. Let us look at its greatness. Let us look at its achievements. Let us be strong and proud. Let us convey that vision and that message to a listening and anxious world.

## TRANSFER OF FRANCHISE FEES FROM CERTAIN CONCESSION OPERATIONS AT GLEN CANYON NATIONAL RECREATION AREA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 162, S. 1384.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 1384) to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon National Recreation Area, in the States of Arizona and Utah, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any provision of law requiring such fees to be credited to miscellaneous receipts in the Treasury of the United States, there shall be placed in a separate fund in the Treasury of the United States the annual franchise fee received by the Secretary of the Interior from the concessioner-operated facilities at the Rainbow Bridge floating complex in Forbidding Canyon, within the Glen Canyon National Recreation Area in the States of Arizona and Utah, and the Secretary of the Interior is authorized to transfer such fees annually from said fund to the Navajo Tribe of Indians in consideration of continued agreement by the tribe to the use for the purpose of anchoring such facilities of lands transferred to the United States from the Navajo Indian Reservation.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time allotted to the distinguished assistant Republican leader be transferred to the distinguished Senator from Oklahoma (Mr. BARTLETT).

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate—and I am glad the distinguished Republican leader is here—I want to state that I hope it will be possible, on the basis of our tentative agreement last week, to take up the U.S. Information Agency measure this afternoon.

I hope it will be possible, if conditions permit, to take up this afternoon the nomination of Mr. Richardson to be Attorney General. That, of course, will depend upon the will of the Senate; but I just wanted to lay out the prospective program as I see it at this time.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

I have done nothing myself with regard to the USIA measure. I have been told that some Senators may want some time to consider it. If the distinguished majority leader can work it out, that is well and good. Frankly I do not know how that is going.

I understand that there is some motion here, and perhaps it can be worked out.

Mr. MANSFIELD. I hope it can be.

Mr. SCOTT of Pennsylvania. With respect to the confirmation of the nomination of Mr. Richardson, the entire country is waiting to see what the special prosecutor can do and when he will start doing it. I think that is a matter of the highest national priority, and I would plead for the cooperation of all Senators in expediting this matter, if the committee can act on it promptly this afternoon.

Mr. MANSFIELD. That is true; but I would also like to see the Senate act on the USIA authorization at this time, because if we are going out, I would like to have the calendar clear. If there is going to be any argument, I think Senators should come forward and be prepared to offer their amendments—hopefully, on a time limitation basis.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLEN. With respect to the U.S. Information Agency authorization, it is my understanding that an amendment has been added to the bill that would reduce the authorization for the Voice of America. If that is correct, I think the bill would require some discussion. I do not believe it could be acted on today.

Mr. MANSFIELD. If that is the case, and I can understand the language, all I want to say is that if there was one dollar in it I would still be opposed to the bill, the Voice of America notwithstanding, because I think if one wants to waste money, this is one way to do it; and if one wants to save money, one way to do it is either to cut this agency down drastically or abolish it altogether.

I think we will have to let Mr. Richardson wait a little while, to see if we can work out something on this, perhaps on the basis of a time agreement.

Mr. ALLEN. I fail to see the connection between the two.

Mr. MANSFIELD. We may have to wait with respect to the Richardson nomination; that is why.

Mr. ALLEN. There is no connection between his nomination and this bill.

Mr. SCOTT of Pennsylvania. I understand that it is simply a matter that the committee does not meet until 1 o'clock, and we do not know what the committee is going to do.

Mr. MANSFIELD. That is correct.

Mr. ALLEN. If the Senator will yield further, is a request going to be made that the U.S. Information Agency bill be limited in debate?

Mr. MANSFIELD. I would hope that those who would offer amendments would consider that possibility.

Mr. ALLEN. I should like to suggest to the distinguished majority leader that until I have had an opportunity to check further into the bill and the effect of this amendment on the Voice of America, which I support, I would not be willing to agree at this time to a time limitation.

Mr. MANSFIELD. Mr. President, may I say that I am sure that the distinguished Senator from Alabama, who always has an open mind, would not be averse to giving consideration to a reasonable proposal, if and when one is raised.

Mr. ALLEN. Certainly, consideration would be given, but the Senator from Alabama first wants to explore the nature of the cut that is proposed. The Senator from Alabama is not on the committee that considered the bill, so he has not had an opportunity to check into the amendment.

Mr. MANSFIELD. The cut is simple. It is just a matter of so many million dollars—I think $30 million—below the request of the administration.

Of course, the Senator knows we are trying to get below the $268.7 billion which the administration has sent to us, or has indicated it will send to us, as to the extent of the budget which was proposed this year.

Mr. ALLEN. I do not believe we can come to that limit, though, by taking it out of the Voice of America. I do not believe there was enough there originally to allow us to get down to this $268 billion. I believe we have to look for other areas to cut.

Mr. MANSFIELD. Well, $30 million here and $30 million there adds up. I am just wondering whether we in the Senate are not beginning to lose sight of the fact that a billion dollars, even at inflated prices, is still a billion dollars.

There is an old saying to the effect that big oak trees from little acorns grow. I would like to plant a good oak tree from a lot of little acorns, in bringing about a reduction in the budget requested by this administration—a reduction which we have been able to bring about for the last 4 years, for a total of approximately $22.3 billion.

Mr. ALLEN. I do not believe that this is the first time an attempt has been made in the authorization to cut the Voice of America, and I do not believe the Senate voted against that cut the last time it had such an opportunity.

Mr. MANSFIELD. I think the Senate has been accused of being a big spender, because we have passed so many authorization bills which in time call for so much in the way of appropriations.

So this is the little acorn.

Mr. ALLEN. Let us get some of these oak trees before we start with the acorn of the Voice of America.

Mr. MANSFIELD. In order to get an oak tree, you have to have an acorn first.

## ORDER OF BUSINESS—INTRODUCTION OF JOINT RESOLUTION

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senator from Oklahoma is recognized for not to exceed 15 minutes.

Mr. BARTLETT. I thank the distinguished majority leader and the assistant majority leader for arranging this time for me, and I thank the assistant minority leader for yielding such time from his time so that I may make this statement.

The PRESIDING OFFICER. The Senator may preceed.

(The remarks Senator BARTLETT made at this point on the introduction of Senate Joint Resolution 115, on steps to convert the fleet of Government automobiles from the present large size sedans to economy style models, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. BARTLETT. Mr. President, I ask that the remaining time be returned to the assistant minority leader, the distinguished Senator from Michigan.

I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold his request?

Mr. BARTLETT. I withhold the request.

Mr. ROBERT C. BYRD. Does the Senator wish to reserve his remaining time?

Mr. BARTLETT. I would like to yield it back to the Senator from Michigan.

I yield back all time I have not used.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to the distinguished majority leader under the order also be reserved to my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WATERGATE: A CRISIS IN CONFIDENCE

Mr. ROBERT C. BYRD. Mr. President, I would like to discuss a matter that goes to the very roots of this Republic—the question of whether we, as a nation, are going to discipline ourselves, and demand that our Government discipline itself, under the provisions and safeguards of the Constitution of the United States, with proper adherence to the principle of separation of powers, and in keeping with a government of the people, by the people, and for the people.

Six months ago, if one had mentioned Watergate anywhere in the country other than Washington, D.C., the mention would have produced a questioning stare or an expression of boredom. Today, even the remotest communities in our land have at least a passing familiarity with the unfolding picture that bids fair to render the reputation of Machiavelli passe.

While the burglary of the Democratic National Committee headquarters has been adjudicated and the guilty sentenced, there are ramifications of that action which are still sub judice, and I will not comment on them. But enough is known about these ramifications to justify the conclusion that something happened which threatened to subvert the American political system as we have known it since the inception of the Republic. Testimony has been given that shows that the Presidential election, and certain Democratic candidates in that election, were the prime targets of the political subversion. But as the circles have widened from the spot in which the stone was cast into the pond, questions have arisen that have a wider and more serious implication for the future of this Nation.

It now appears that in some of the highest offices in Government, there was more than a hint of arrogance, a lack of concern for the canons of integrity, and a contempt for the basic interests of the people, heretofore unknown in the history of Government.

I am not speaking now as a partisan Democrat. I am speaking as a deeply concerned citizen who is dedicated to the ideals and practices of democratic government that have been the cornerstone of this Republic since the Constitutional Convention, almost two centuries ago.

One does not need to be a Ph. D. in world history to be aware that in every government since the dawn of time, there have been blots on the escutcheon of state, in varying degrees. And because we have governments of men, and not of saints, these governments will, on occasion, suffer from the foibles and the frailties of men. Whether the form of government is parliamentary, republican, monarchic, or totalitarian, the dangers of excesses in the application of power are always present. In every case, the misuse of power is corruptive of those who wield it, and great suffering is borne by the people.

One may well ask how the people of America will suffer if the worst potentials of the current crisis turn out to be the worst realities. One may even conclude that the tens of millions of Americans are so remote from the purlieus of power that the widening ripples will never reach them, or that the less they know about the Watergate scandal the better off the country will be.

I can only refer, then, to the words of Thomas Jefferson, when he wrote to William Jarvis in 1820—

> I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

I do not know what will ultimately come out of the Watergate investigations. Rumor and speculation are rife, and, as I am sure you know, this city is a fertile breeding ground for both. I am convinced, however, that no greater harm can be done to this Nation, than that anything less than complete disclosure be made to the American people. The American people can be fooled, sometimes, but they are not fools. They can be temporarily intimidated, but they are not lacking in courage to face adversity. What they need, always, is that they be informed.

And it is only fair to say that the American people are not entirely blameless as regards the crisis in confidence that now faces their Government. For almost a half century, since the great depression brought us face to face with stark reality after a decade of euphoria, the vast majority of our people have lived high on the hog, as our industry and technology helped to provide the highest standard of living in the world. World War II, Korea, and the disastrous experience in Vietnam tempered our complacency somewhat, but none of these conflicts seriously ruptured the even tenor of our ways in city or hamlet. True, at home we didn't have all the gasoline we wanted to drive to the country club between 1941 and 1945. We didn't have all the sugar or coffee we may have craved, and we couldn't buy a new automobile for 5 years. But these were relatively unimportant irritants among the human tragedies with which the world abounded during those years.

All in all, we have been most fortunate, and I find myself wondering if our good fortune and high standard of living have not somehow bred in us a meassure of complacency that has dulled our sense of responsibility to ourselves. The record of the last 25 years, starting with the Marshall plan, is ample proof that America did not forget her responsibilities to the rest of the Free World, but the question remains whether our preoccupation with helping the countries of the Free World rebuild their shattered lives, did not blind us somewhat to the necessity of insuring that our own house was properly in order.

The opiate of complacency; the intoxication of easy living; the welfare state syndrome, with its rewards for laziness and its disdain for thrift; the growing disrespect for law and disregard for authority; and the increasing contempt with which the fundamental and traditional verities have been viewed—all of these have been destructive of the stable values that have constituted the underpinning of our society and our way of life from the very beginning of this Republic.

The consequences have signaled a deterioration of national morality manifesting itself in many ways, the latest and not the least of which has been the Watergate case with its startling and ever-deepening revelations which, day after day, confound the imagination. A good many people—well intentioned, of course—say the country should forget about the Watergate and get on with more important business. But there is no business more important than restoring confidence in Government, and upholding the laws of the land. And whatever the crime, whether it consist of doing violence to the individual, violence to property, or violence to the political system, he who commits a crime in our society should be held responsible, no matter how high or how low his status may be. For to whom much is given, much is required. Watergate is a complex case, involving the apparent commission of numerous felonies including, but not limited to, the illegal interception of wire or oral communications; the obstruction of justice; conspiracy to obstruct justice; perjury; subornation of perjury; bribery of witnesses; burglary; falsification of facts; and the willful prevention of communication of information relating to violations of Federal criminal statutes. In addition to these felonies, there is to be considered the commission of numerous misdemeanors involving, for example, the failure to report receipts and expenditures of campaign funds.

It ill behooves us to attempt to dismiss this bizarre scandal as something that is common to the American political scene and normally engaged in by both parties. In the first place, this is not true; in the second place, if it were the common thing to expect in American elections, a more serious indictment of our political system could scarcely be made.

Undoubtedly, irregularities occur in every election, but at no time in the history of American politics has there been anything that would compare with the sordid Watergate scandal—its utter illogicity; the number and rank of former and present high administration officials apparently involved; its breadth and depth; and its far-reaching, potential ramifications.

The Teapot Dome scandal in President Harding's administration 50 years ago involved high administration officials, and love of money was the root of the evil. President Harding himself was untainted, although his selection of Secretary Fall and other Cabinet officials, to say nothing of his judgment, was obviously faulty.

In Watergate, it is not the love of money but the use of money to pervert the political process that goes to the heart of the matter.

Watergate was a broad plot to destroy any effective political opposition, and it thus struck at the very roots of democracy.

In Watergate, national security considerations have been invoked in justification of the crimes committed; yet, national security has been impaired through the misuse and perversion of national security agencies such as the CIA and the FBI.

In Watergate, it is suggested that the object was to seek intelligence for the purpose of preventing the commission of violence; yet violence, both to the law and to the political system, was committed by resort to police state methods.

In Watergate, high officials in an administration committed to the preservation of law and order, apparently knowingly and willfully violated the law of the land.

A former Attorney General and a former Secretary of Commerce have been indicted; another Attorney General has resigned; several high White House aides, including the Counsel to the President and top advisers to the President have resigned; other high echelon departmental and agency personnel have resigned; and an acting FBI director has resigned.

Teapot Dome brought into question the honesty of men; Watergate impugns the integrity of government, assaults the credibility of an administration, and epitomizes the arrogance of misplaced power.

The prospective impact of Watergate upon the Nation's foreign policy can be serious at a crucial time in our history, and the resultant potential impairment of the office of the Presidency is a matter of grave consequence.

It is a time for restraint and sobriety in our words, our actions, and our judgments.

Some say the President should resign. I see no present justification for this, and, hence, do not agree.

Some have suggested that the President be impeached, but such talk is, at best, premature and, at worst, reckless. There is no hard evidence to date linking the President either to the planning or the commission of the criminal acts or even to the attempted coverup. There has been a great deal of hearsay implicating the President, much of it reportedly coming from scared men who seek immunity to save themselves or who seek to excuse or mitigate their own actions.

Admittedly, the President has contributed, by his own actions and words, to such doubts and suspicions as have arisen. He temporized when he should have acted early and decisively to demand the resignations of Ehrlichman, Haldeman, Dean, and others. Their resignations he should have welcomed, not lamented.

Rather than suggest that no immunity be granted to individuals holding positions of "major" importance in the administration, he should have urged that every conceivable step be taken to get at the whole truth, regardless of where this may have led.

He should have gone outside the administration, at this critical stage in the investigation and prosecution of the case, for his appointments to the offices of Attorney General and Director of the FBI.

Instead of acting forcefully, unhesitatingly, promptly, and freely so as allay doubts and suspicion, he encouraged doubts and suspicion by temporizing and by delaying action until forced by public opinion to do something. Even then, the steps taken were no more than the minimum required.

So, seeds of doubt and suspicions have been sown and nurtured. But to date, they remain just that—doubts and suspicions—unfortunate enough; yet, fortunately, nothing more. But mere doubts and suspicions are hurtful, and I hope that when all the facts are in—if they are ever fully known—the President will be shown to have been untouched. To this day I have not wanted to believe that he was involved, and to this day there is no direct testimony or evidence of Presidential involvement. And unless and until convincing evidence is presented, no man should jump to hasty conclusions based on rumor or hearsay or reflecting personal or partisan bias. In this regard, Democrats, generally, would be commended for the remarkable restraint they have shown to date. By and large, the Republicans have led the way in expressing concern and in demanding a prompt and full airing of the facts. This is as it should be, because this is no matter and this is no time for partisanship. When the President is in trouble, we are all in trouble. When the President is damaged, the Nation is damaged; the office of the Presidency itself is then weakened; and the system of checks and balances is then ruptured.

I think we all, therefore, carry a heavy duty to discourage the gossip, the muted whispers and loose talk of impeachment. This is not to say that the facts should not be pursued. They should be followed wherever they may lead—because, only then, will the doubts of the people be resolved and their confidence restored. This has to be, regardless of the consequences. But until there is real and substantial evidence of "treason, bribery, or other high crimes and misdemeanors," the utmost wariness should be exercised in what we say, and all of us should refrain from prejudging the President.

Impeachment is the ultimate remedy under our Constitution and it should be approached with the utmost caution—so vast, so grave, and so far-reaching are its consequences. Our forefathers deemed impeachment "a valuable element in their new Constitution, for it enabled Congress to depose, and the fear of it might be expected to restrain," but it is a last resort and must never be advanced on the basis of insufficient proof, personal or professional pique, or partisan considerations.

For the moment, let the duly constituted congressional committees and the courts proceed as their duty binds them to do. Let the rest of us discipline ourselves to think and speak carefully until the day when we may see clearly rather than, as it were, through a glass darkly. If fate does her worst, God forbid, time will await the event.

In the midst of all this, let us also be mindful that far from being a failure of the constitutional system, it was the constitutional system that saved us. Under a different system, the misdeeds of the wrongdoers would never have been known, crimes would have gone unpunished, and public indignation would not have been aroused. But it was a Federal grand jury that brought the first indictments. It was a Federal judge whose firmness led to the first break in the case. It was a bipartisan Congress that launched a formal investigation to make public all the facts so that reforms may be achieved. And it was a free press that continued to probe, and it found much that was hidden.

The process will go on. And although there is much cause for outrage at what has been done to subvert and corrupt the political process, there is much cause for pride in a constitutional system so devised and so disciplined that wrongs will be redressed and the public's right to know will be forever assured.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.) The Senator from West Virginia has 6 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

## WATERGATE

Mr. SCOTT of Virginia. Mr. President, I wish to commend the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the majority whip, with regard to his speech on the Watergate activity. Every Member of the Senate is concerned with violations of the law when they occur. We do have within our judicial system methods of correcting such wrongs.

Mr. President, I have read the statement that the President issued yesterday afternoon. I think it is a very forthright statement. I am glad to see that he has refreshed our memories about activities that occurred in 1969, 1970, and 1971, things that we might at times tend to forget.

Looking at his statement, I notice that he refers to the news accounts that appeared in 1969 that were obviously based on hearsay, some of them supposed to be detailed, with regard to sensitive foreign policy initiatives. They were apparently written by people having access to the most highly classified security material.

The President also recalled to our memory the attitudes on our college campuses in 1970. He referred to other security problems that we faced, including bombings that struck our colleges and our cities, and including as high as 400 bombing threats in one 24-hour period in New York City.

The President spoke of rioting and violence on college campuses reaching a new peak after the campaign operations; he spoke of the tragedies of Kent State and Jackson State. He mentioned the battles between guerrilla-style groups and the police which were taking place in various parts of our country and in a number of major cities. He said that some of the disruptive activities were receiving foreign support.

Sometimes when we hear of the surveillance that was conducted by law-enforcement agencies and agencies within the White House, we think of events as they are today. I would say that the President and the administration itself deserve a great deal of credit for the changes that have taken place with regard to the violence that occurred over the last several years.

I think that when a reporter asks a question or when anyone raises the question of the possible impeachment of the President, a serious wrong is being done to our country, because the administration and the President do have to deal with foreign nations, and I would like the administration to be able to deal with foreign nations and with our economy in the most effective way for this country.

I think the statements we make about these very serious affairs that are taking place should be responsible; and when we speak with a lack of confidence in our Government, in its institutions, and in the White House, and in the present occupant of the White House, we are doing a disservice to the Nation. We are handicapping the administration in its conduct of foreign affairs.

## AMENDMENT OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2246.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. RANDOLPH. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONTOYA, Mr. RANDOLPH, Mr. BURDICK, Mr. MCCLURE, and Mr. STAFFORD conferees on the part of the Senate.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 112) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 221) providing for an adjournment of the House from May 24, 1973, until May 29, 1973, in which it requested the concurrence of the Senate.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

### PROPOSED APPROPRIATION TO PAY CERTAIN CLAIMS AND JUDGMENTS (S. DOC. NO. 93-18)

A communication from the President of the United States, transmitting an appropriation request of $708,685 to pay claims and judgments rendered against the United States (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

### REPORT OF DEFENSE CIVIL PREPAREDNESS AGENCY

A letter from the Secretary of Defense, transmitting, pursuant to law, a report of the Defense Civil Preparedness Agency covering civil defense functions assigned to the Secretary of Defense (with an accompanying report). Referred to the Committee on Armed Services.

### PROPOSED TRANSFER OF A SUBMARINE

A letter from the Acting Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the submarine ex-USS MARLIN (ex SST 2) to the Greater Omaha Military Historical Society, Omaha, Nebraska. Referred to the Committee on Armed Services.

### REPORT OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report of that Board, for the calendar year 1972 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

### REPORT OF THE BOARD OF GOVERNORS OF THE CORPORATION

A letter from the Vice President, Public and Government Affairs, National Railroad Passenger Corporation (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of April, 1973 (with an accompanying report). Referred to the Committee on Commerce.

### PROGRESS REPORT ON ACTION ON RECOMMENDATIONS OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

A letter from the Mayor-Commissioner, Government of the District of Columbia, transmitting, pursuant to law, a progress report on action taken by District of Columbia public agencies on the recommendations of the Commission on the Organization of the Government of the District of Columbia, dated May 16, 1973 (with an accompanying report). Referred to the Committee on the District of Columbia.

### REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Ways to Make Greater Use of the Life Cycle Costing Acquisition Technique in DOD", Department of Defense, dated May 21, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Savings Attainable by Revising Packaging in the Department of Defense", dated May 21, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

### REPORT ON PROGRESS IN ESTABLISHMENT OF THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the progress in the establishment and operation of the National Technical Institute for the Deaf ended December 31, 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

### PROPOSED LEGISLATION FROM SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to increase the amount authorized to be expended to provide facilities along the border for the enforcement of the customs and immigration laws (with accompanying papers). Referred to the Committee on Public Works.

## JOINT REFERRAL OF EXECUTIVE COMMUNICATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the draft bill proposing the Minority Business Assistance Act of 1973 and the communication thereon be referred jointly and concurrently to the Committee on Banking, Housing and Urban Affairs and the Committee on Labor and Public Welfare and that any bill introduced with respect to the Office of Minority Business Enterprise be referred first to the Committee on Banking, Housing and Urban Affairs and upon its report from that committee that it be referred to the Committee on Labor and Public Welfare.

This agreement has been cleared with all interested parties on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary without amendment:

S. 251. A bill for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson (Rept. No. 93-171).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day" (Rept. No. 93-172).

By Mr. STEVENS, from the Committee on Commerce, without amendment:

S. 907. A bill to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974 (Rept. No. 93-175).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1501. A bill to amend the Water Resources Planning Act to provide for continuing authorization for appropriations (Rept. No. 93-174).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

S. 1248. A bill to authorize appropriations for the Department of State, and for other purposes (Rept. No. 93-176), together with supplemental views.

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

S. 1888. An original bill to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices (together with additional views) (Rept. No. 93-173).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

William E. Kriegsman, of Maryland, to be a member of the Atomic Energy Commission.

By Mr. EASTLAND, from the Committee on the Judiciary:

Elliot L. Richardson, of Massachusetts, to be Attorney General.

The nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## UNANIMOUS-CONSENT AGREEMENT TO REFER S. 356 TO THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR A TIME CERTAIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill S. 356 to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve consumer protection activities; and for other purposes, which has been favorably reported by the Senate Commerce Committee, be referred to the Committee on Banking, Housing and Urban Affairs to consider section 212 of the bill. If said committee has not reported the bill by July 10, 1973, it shall be considered to have discharged the bill which shall then be placed on the Senate Calendar of Business.

The PRESIDING OFFICER. Without objection, it so ordered.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JACKSON (for himself, Mr. Randolph, and Mr. Magnuson):

S. 1871. A bill to amend the Youth Conservation Corps Act of 1972 (Public Law 92-597, 86 Stat. 1319) to expand and make permanent the Youth Conservation Corps, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. RIBICOFF:

S. 1872. A bill to amend title XVI of the Social Security Act to provide for the Federal employment of certain employees of States and political subdivisions thereof, and for other purposes. Referred to the Committee on Finance.

By Mr. MOSS:

S. 1873. A bill to amend sections 403 and 1002 of the Federal Aviation Act of 1958, as amended, relating to tariff changes and suspensions. Referred to the Committee on Commerce.

By Mr. DOLE:

S. 1874. A bill to encourage health professionals to practice in critical health manpower shortage areas. Referred to the Committee on Labor and Public Welfare.

By Mr. RANDOLPH (for himself, Mr. Cranston, Mr. Stafford, Mr. Javits, Mr. Williams, Mr. Eagleton, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Schweiker, Mr. Stevenson, Mr. Taft, Mr. Bayh, Mr. Biden, Mr. Burdick, Mr. Gravel, Mr. Humphrey, Mr. Muskie, Mr. Pastore, Mr. Percy, Mr. Hartke, Mr. Bentsen, Mr. Beall, Mr. Brock, Mr. Brooke, Mr. Domenici, Mr. Dominick, Mr. Fong, Mr. Fulbright, Mr. Mathias, and Mr. Dole):

S. 1875. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BURDICK (for himself, Mr. Hruska, and Mr. Hart):

S. 1876. A bill to provide for the division of jurisdiction between State and Federal courts, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HUMPRHEY:

S. 1877. A bill to create river basin waste treatment authorities for the purpose of assuming control over, planning, construction, and operating waste treatment facilities throughout the United States in order to eliminate water pollution in our Nation's river and streams. Referred to the Committee on Public Works.

By Mr. GRAVEL:

S. 1878. A bill for the relief of the heirs of Joseph Knight. Referred to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. Proxmire, and Mr. Moss):

S. 1879. A bill to regulate commerce in order to protect the environment by decreasing the quantity of materials moved in commerce which must be disposed of ultimately as solid waste; to stimulate the movement in commerce of recycled and reused materials; and for other purposes. Referred to the Committee on Commerce.

By Mr. HARTKE (for himself, Mr. Proxmire, Mr. Metcalf, Mr. Abourezk, Mr. Stevenson, Mr. Nelson, and Mr. Humphrey):

S. 1880. A bill to protect hobbyists against he reproduction or manufacture of certain imitation hobby items and to provide additional protections for American hobbyists. Referred to the Committee on Commerce.

By Mr. HARTKE (for himself, Mr. Humphrey, Mr. Hart, Mr. Hathaway, and Mr. McGovern):

S. 1881. A bill to regulate the sale of used cars in or affecting interstate commerce by prescribing the terms and conditions of warranties given in connection with their sale, and to provide for a program of State inspection of used motor vehicles. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 1882. A bill to provide certain services for Government employees in order to assist them in preparing for retirement. Referred to the Committee on Post Office and Civil Service.

S. 1883. A bill to provide for the establishment of an independent Office of Federal Elections to investigate and prosecute violations of Federal law occurring in connection with Federal elections, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. BELLMON:

S. 1884. A bill to permit national banks to invest in agricultural credit corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON:

S. 1885. A bill to provide for the mailing of certain election material to voters free of postage, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HATHAWAY:

S. 1886. A bill to amend section 5(1)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes. Referred jointly, by unanimous consent, to the Committee on Finance and the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 1887. A bill to provide for the appointment of alternates for the Governors of the International Monetary Fund and of the International Bank for Reconstruction and Development. Referred to the Committee on Foreign Relations.

By Mr. TALMADGE (from the Committee on Agriculture and Forestry):

S. 1888. An original bill to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices. Ordered placed on calendar.

By Mr. JOHNSTON (for himself and Mr. Long):

S. 1889. A bill to allow the refinancing of loan assistance to victims of Hurricane Betsy and subsequent disasters. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BARTLETT:

S.J. Res. 115. A joint resolution requesting the President to require Federal agencies to use economy cars and to limit the use of limousines. Referred to the Committee on Government Operations.

By Mr. STEVENS:

S.J. Res. 116. A joint resolution proposing an amendment to the Constitution of the United States with respect to the minimum age qualifications of Representatives and Senators. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S.J. Res. 117. A joint resolution to authorize and request the President of the United States to issue a proclamation designating September 17, 1973, as "Constitution Day." Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON (for himself, Mr. Randolph, and Mr. Magnuson):

S. 1871. A bill to amend the Youth Conservation Corps Act of 1972 (Public Law 92-597, 86 Stat. 1319) to expand and make permanent the Youth Conservation Corps, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to expand the Youth Conservation Act of 1972 from its very modest and temporary status to a full-scale permanent youth and natural resources conservation program.

This measure expands the existing Youth Conservation Corps program to provide employment for up to 150,000 young men and women each year, and also enables the States to benefit more fully through a cost-sharing arrangement with the Federal Government for operation of the Youth Conservation Corps on State lands by State agencies.

The original YCC legislation I sponsored in Congress became Public Law in 1970, and established a 3-year pilot YCC program for young men and women between the ages of 15 to 18, and from all socioeconomic and racial backgrounds. During the first 2 years of operation, approximately 6,000 youths were provided with summer jobs in the YCC. Another 3,500 youths from all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and American Samoa will be employed this summer on lands administered by the Department of the Interior.

Based upon the success of the first years program, last Congress, I introduced S. 2454, a bill nearly identical to today's measure. S. 2454 passed the Senate on May 23, 1972, and was ultimately enacted into law (Public Law 92-591) late in 1972. Unfortunately, Public Law 92-597 extended the YCC program only through the summer of 1974 and limited the authorization for appropriation to $60 million. I am convinced that the Senate- and House-passed versions of S. 2454 could have been resolved in conference if we had not faced an adjournment deadline. Under the circumstances, there was no alternative but accept the House passed bill and try again in the 93d Congress. The measure I am introducing today is designed to remedy the situation we now face—the YCC program will die an untimely death in 1974 unless we act expeditiously.

I should emphasize that the present program, and the expanded YCC bill I am introducing today, will include youngsters from all backgrounds, thereby representing a cross section of the American population. It is my belief that too many Federal youth programs provide opportunities to only the economically disadvantaged. Moving people from homes of despair to camps of despair is not the answer. When you isolate the economically or socially disadvantaged in special programs you merely isolate them from society and in turn deprive them from the opportunity to share in the common goals and purposes of our Nation.

When you bring together young men and women from all segments of society it is possible to develop a sense of community, of responsibility, and of common purpose. It is evident that these goals have been achieved when you read the many letters sent to me from the YCC participants across the country. They have enthusiastically shared with me the many advantages they have derived from the present program. If the program is continued other advantages are to be realized:

Summer unemployment among teenagers stands at 15 percent—among black teenagers it is 33 percent. This is an intolerable situation in a country as wealthy as ours. The YCC program, if expanded, would help to alleviate the summer unemployment problem among our youths.

The backlog of conservation work needed in our Nation's forests and parks has reached a critical level. This could be remedied by the efforts of corps members.

Young men and women who participate in the YCC camps would be exposed to career opportunities in the fields of recreation, resource management, and environmental protection—areas where there is a definite need.

Mr. President, I believe that the time for meeting the needs of American youth, the needs of our national resources, the needs of truly quality environment and, indeed, the needs of our society is now. There can be no denying that these needs exist and are daily becoming more critical—and there can be no denying that the Youth Conservation Corps has proven its ability to meet these needs and meet them well. I know of no other Federal program for youth enacted by the Congress that has achieved such an outstanding degree of success—and it has achieved it in an amazingly short period of time. For America, it has proven to be the right idea, in the right place and time. It is, in the language of our youth, the Federal youth program that "puts it all together."

The success that this program has achieved has been attested to in independent evaluations conducted each year by the Institute of Social Research, of the Survey Research Center of the University of Michigan. In their findings on last summer's program they indicate that 98.6 percent of all youth who participated believed that their experience was worthwhile, and only 4 percent of those enrolled failed to complete the program. When you compare these statistics with other youth programs it is clear that the YCC has been a tremendous success. But these are not the important figures. What did they learn and what did they do that made their experience so worthwhile? What was it that made them want to stick it out in a program that offers them little in the way of physical amenities of our present society and much of the hard, pick and shovel, sweat and blister producing labor?

An evaluation of the YCC by the University of Michigan concludes that youth gains in environmental understanding and awareness from their YCC experience are equal to one full academic year of study in a normal high school setting. Obviously, the young are quick to learn and eager to perform when they are presented with meaningful work and an opportunity to learn about subjects they regard as important.

Through their efforts last year, the 3,500 young people accomplished $2.7 million worth of improvements to our natural resources—including construction or maintenance of over 800 miles of trails and over 3,600 family units of camping and picnicking facilities; improvement of over 4,000 acres of wildlife habitat; replanting over 3,000 acres of rangeland; improving timberstands totaling over 2,000 acres; and the list goes on and on. In the first 2 years of this program nearly every dollar we have appropriated has been returned to us in the form of direct improvements to our natural resources. It is truly unfortunate that we have been able to harness so little of the boundless energy, enthusiasm and dedication that exists in all our youth because of the limitations that have been placed on the funding for this program. What a shame it is that we are bound within the limitations of a pilot program when the need and the means to meet that need are so obviously at hand.

I should point out that in the first summer and with little publicity, the Department of the Interior received over 80,000 applications for the 1,100 jobs that were available in the program that summer. The other agency responsible for administering the program, the Department of Agriculture, received an average of 400 applications for every one position available in one region of the United States.

The legislation that I am introducing today is intended to meet the need of today's youth and to reduce the great backlog of natural resource improvement work needed on this Nation's public lands. When enacted, this legislation will make the Youth Conservation Corps a permanent part of our national scene. We must have a permanent program, because there is a permanent need. It is apparent that the problems of our environment, the need for clean air and water, and the need to develop and protect our natural resources are not going to disappear. Nor is the need of our young people going to disappear—a need for meaningful employment which provides them with the kind of knowledge and understanding which cannot be achieved in a school room, but must be obtained through first hand experience and work. Indeed these needs are going to become more acute as time progresses.

Mr. President, I know that I do not need to remind my colleagues that this program is more than just an apportunity for youth to find meaningful employment, doing vitally needed work on our public lands. As you well know, it is a program that brings together young people from all social, economic, and racial backgrounds in a common effort from which they take away a far better understanding of each other and themselves—a far better appreciation of what it means to be an American, to be a useful, productive citizen. Recently a letter came to my attention that was written by a high school counselor in Portland, Oreg., to the administrative officer of the Ochoco National Forest, Prineville, Oreg., which illustrates this point very well:

> Last year, one of our Wilson students had the good fortune to be accepted in the Youth Conservation Corps. The change for the good in that young man was absolutely indescribable. His Counselors and techers had absolutely given up on him and he was suspended from school. However, when he came back he had a positive attitude about himself as well as school and most people who knew him at Wilson could not believe the change.
>
> The experience offered in the Youth Conservation Corps is much more valuable to Wilson students than most others because it is so different from their past experience. It is because of this that I hope you will be able to take all four of our applicants. I am absolutely certain it will be the most valuable experience any of the four have ever had in their life time.

Mr. President, I have received many letters and have seen in newspaper articles quotes from other YCC members across the country who want the program to continue, because of its meaning not only to them individually, but because of their concern for the preservation of our natural resources. One such letter came from Katie Carter, a YCC member at Camp Ole in Mount Laguna, Calif., who wrote:

> DEAR SENATOR JACKSON: I feel it is very important to express my appreciation for our pilot program of the Youth Conservation Corps. As you have been instrumental in having the bill written and the money allocated for the project, I would like you to know how grateful I am for what I am experiencing this summer.
>
> Surely among the greatest experiences all of us at Camp Ole share are those which include the feeling for life each one of us holds. This special feeling is something very deep and personal, yet binds us in a common cause and love of nature. In the course of eight weeks, we will have been guided to learn about one another, to learn from one another, to have a greater love and understanding of life and nature, and to teach others of this understanding. It is for this bond that I am grateful, and for the understanding which I will gain.
>
> As I consider the YCC program such a valuable experience for any young person, I would like to assure you of my support of the idea of a permanent Youth Conservation Corps program. As well as the project seems to be working for me and my friends here on Mt. Laguna, and as much as we need a program of education in conservation for the United States, I would hope that your efforts will help bring about a permanent YCC program.
>
> Thank you for your efforts and your attention.

Mr. President, when I was a teenager, I worked hard in saw mills and on construction jobs. It did not do me any harm; in fact, these experiences provided me with some of my most valuable memories. When I recently visited with some YCC participants at the national dedication program at Camp Wood back in 1971, I mentioned to them that I did not envision the program to be one of fun and games or make-work. Rather, I expected them to work hard and sometimes long; to earn their pay and to return from a day's work tired and hungry. I wanted them to experience a sense of pride in their accomplishments and to generate a feeling of enthusiasm with the challenges at hand.

It has been my observation that today's young people are most intelligent. They do not want make-work jobs. They look for work that offers them a challenge and rewards them with a feeling of accomplishment when the job is done. If the future leaders of our great Nation are expected to understand the role that public resources and the great outdoors play in their lives, they must experience firsthand the value of working with these resources; of understanding the importance of land and water conservation and management; and working in programs designed to assure that future generations of America will enjoy life and a quality of environment.

The work cut out for the Corps members is varied in nature. It includes clearing stream banks; construction trails and park structures; controlling soil erosion; surveying land areas; planting and thinning trees; gathering and analyzing air and water samples; and countless other conservation projects, all vitally needed and providing opportunities to achieve lasting results.

I should point out that at the time I first held hearings on the YCC program, back in 1969, the administration witnesses from the Departments of Labor, Interior, Agriculture, as well as the Office of Management and Budget and the Office of Economic Opportunity, all opposed enactment of my legislation. They argued that putting young people out in the field to do conservation work was not of a sufficient priority to warrant enactment of legislation at the time. They felt that the summer was all too short a time period to accomplish anything meaningful.

Judging from the program's success thus far, it is apparent that the administration read their tea leaves wrong. It is my hope that they will reevaluate their stand and support the legislation I am introducing today. The concern of our young people and the subject of the conservation of our natural resources should not be viewed as partisan. There is a job that needs to be done and these young people are doing it. There should be recognition on both sides of the aisle by Congress and the administration that a program as useful and beneficial in character as this one should go forward in an expeditious and well organized manner.

I was very pleased to note an item from the President's 1972 environmental message to Congress concerning the need to enlist our young people in improving our environment. The President's message states in part:

> The starting point of environmental quality is in the hearts and minds of the people. Unless the people have a deep commitment to the new values and a clear understanding of the new problems, all our laws and programs and spending will avail little. The young, quick to commit and used to learning, are gaining the changed outlook fastest of all. Their enthusiasm about the environment spreads with a healthy contagion: their energy in its behalf can be an impressive force for good.
>
> Young people working on environmental projects, learning the skills necessary for a particular job, must also understand how their work relates to the environmental process as a whole. Thus, all of these activities must be supplemented by continued improvement in many aspects of environmental education to help all of our citizens, both young and old, develop a better awareness of man's relation to his environment.

It sounds like the President is describing the YCC, and I hope this is an indication that the administration will support the bill I am introducing today.

Mr. President, let me summarize by saying that the need is known, the means are at hand, and the time is now. We must not back away from the opportunity to do this service for our Nation. We must not compromise with our young people. We must expend the Youth Conservation Corps and make it a permanent program.

---

By Mr. RIBICOFF:

S. 1872. A bill to amend title XVI of the Social Security Act to provide for the Federal employment of certain employment of States and political subdivisions thereof, and for other purposes. Referred to the Committee on Finance.

### EMPLOYEE PROTECTION ACT

Mr. RIBICOFF. Mr. President, on January 1, 1974, a new Supplemental Security Income—SSI—program to aid the aged, blind, and disabled will go into effect. This Federal program will replace the widely differing and inadequate State public assistance programs with an efficient and uniform national system of payments under the direction of the Social Security Administration.

While such a program will save the States $900 million in the first year and provide increased benefits for over 5 million aged, blind, and disabled Americans, the fate of up to 30,000 State, county, and local employees who administer the present adult welfare programs is not so clear. Under the new SSI program all administrative functions such as the determination of eligibility and the cash assistance payment process will be transferred from State and local hands to Federal hands.

Many of the State and local personnel may become Federal employees. But under the present law they could lose many of the rights they have accumulated during their employment with State and local governments—rights such as salary, seniority, transfer of sick leave, and retirement annuity.

In order to correct this unfortunate situation I am introducing legislation today to afford State and local welfare workers the maximum opportunity for employment in the new Federal SSI program. The proposal would assure those workers transferred to the new program of their pension, salary, seniority, retirement, sick leave, and other accumulated rights. Those workers not hired to participate in the new streamlined program would be given all possible State assistance in securing employment in the public sector.

In Connecticut alone, the jobs of some 500 people are at stake. While not all of these people will be transferred to employment under the new Federal SSI program, those who are should have their rights fully protected. And those who are not placed in employment in the Federal program should be given priority attention by the State to aid them in securing new and satisfactory employment. My proposal would carry out these goals.

The Social Security Administration and the State are now involved in the process of conversion to the new Federal program. Lacking specific provisions regarding the status and protection of State and local government employees who now administer the present Federal/State program, the implementation of the new program is being compounded by a multitude of personnel and administrative problems—an unnecessary burden which can limit the effective and efficient operation of the supplemental security income program. Employees administering State adult assistance categories are deeply concerned about the fate of their jobs and a serious morale problem exists in many localities.

The uncertainty, frustration, and confusion which State and local government employees affected by the enactment of the act are now experiencing is reaching serious proportions.

I do not believe it was the intent of Congress to threaten the economic well-being of these State and local government employees. In reforming our welfare program for the aged, blind, and disabled we must not ignore the thousands of experienced employees at State and local levels who administer these programs in their current form. All rights of those who have been transferred to Federal employment should be protected.

I am pleased that this proposal has the full support of the American Federation of State, County, and Municipal Employees, the AFL-CIO, the American Public Welfare Association, the Service Employees International Union, and the National Association of Social Workers.

I ask unanimous consent that a copy of the bill as well as a summary be inserted at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1872

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title XVI of the Social Security Act is amended, effective upon enactment, by adding the following new section:

"FEDERAL EMPLOYMENT OF CERTAIN EMPLOYEES OF STATES AND POLITICAL SUBDIVISIONS OF A STATE

"SEC. 1635. (a) During the period described in section 402, the Secretary shall appoint to perform its authorized functions under this Act any individual described in subsection (b) of this section to a position in the competitive service of the United States, without regard to the provisions of title 5, United States Code, otherwise governing such appointment, except that an appointment to a position in grade GS-16, GS-17, or GS-18 shall not be made without the approval of the Civil Service Commission. Except as this section may otherwise provide, an appointment hereunder shall be subject to regulations of the Civil Service Commission pertaining to the appointment of incumbents of positions brought into the competitive service.

### "Employee Eligibility for Appointment

"(b)(1) An individual is eligible for appointment under subsection (a) if, within the ninety-day period preceding the date of that appointment—

"(A) he was an employee of a State or any political subdivision of a State who was compensated in whole or in part from sums paid under title I, X, XIV, XVI, XIX, or part A of title IV, of the Social Security Act, or under an agreement entered into in accordance with section 402; and

"(B) he was the incumbent of a position all or a major part of the duties of which (i) were directly related to determining on behalf of the State or a political subdivision of a State the eligibility of persons for assistance payments from sums paid to the State under such provisions of the Social Security Act or such agreement, or directly related to the making of such assistance payments (other than medical assistance payments) or (ii) were in support of such determinations or the making of such assistance payments (other than medical assistance payments) and the Secretary finds that the individual was or will be separated from employment with the State or political subdivision of a State, has suffered or will suffer a loss or reduction of pay or grade in that employment, because of the enactment of title III of Public Law 92–603, relating to supplemental security income for the aged, blind, and disabled.

"(C) an individual who meets the requirements of the preceding paragraph because he is or was the incumbent of a position all or a major part of the duties of which are directly related to, or in support of, the determination of eligibility of persons for medical assistance payments shall, notwithstanding the preceding paragraph, be ineligible for appointment under subsection (a) unless, prior to his appointment, the State or political subdivision of a State by which he is or was employed has entered into an agreement with the Secretary under section 1634 of the Social Security Act.

"(b)(2) In the case of an individual described in subsection (b)(1), the period referred to in section (a) shall begin January 1, 1973 and end on January 1, 1975: *Provided, however,* That the Civil Service Commission may extend this period insofar as necessary to accomplish the purposes of this section.

"(b)(3) An individual appointed under subsection (a) who is required by that appointment to change his place of employment shall be paid, in accordance with regulations of the appointing agency prescribing criteria for payment, such travel, transportation, and related expenses and allowances (or any portion thereof) as would be provided under subchapter II of chapter 57 of title 5, United States Code, in the case of an employee of the United States transferred in the interest of the Government.

### "Conditions of Appointment in Special Cases

"(c)(1) An individual appointed under subsection (a) (hereinafter in this section referred to as the "appointee") shall receive, at such time as Civil Service Commission regulations may provide, a career or career-conditional appointment to the competitive service without regard to the duration of his service immediately prior to his appointment if, on the last day of his employment described in subsection (b)(1) prior to that appointment, he held a status comparable to that of a career or career-conditional employee under a merit system of a State or political subdivision of a State.

"(c)(2) An individual who is not a citizen of the United States may be appointed under subsection (a) and retained without competitive status for not more than 5 years if, prior to his appointment, he has filed a petition for naturalization under section 334 of the Immigration and Nationality Act. If he acquires citizenship within the 5-year period, he shall thereafter become eligible to acquire competitive status subject to applicable Civil Service Commission regulations.

### "Compensation of Appointees

"(d)(1) Notwithstanding 5 U.S.C. 5333 (pertaining to new appointments) and 5 U.S.C. 5334 (pertaining to pay on change of position), the basic pay of an appointee shall be at that rate of the grade of his position, or of a prevailing wage schedule if applicable, which is at least equal to his rate of compensation from a State or the last day of the employment described in subsection (b)(1) prior to his appointment under subsection (a), or, if there is no such rate, at that rate which exceeds his former rate by the least amount.

"(d)(2) If there is no rate within the grade of his position, or under a prevailing wage schedule if applicable, which equals or exceeds his former rate, he shall receive basic pay at his former rate (but not to exceed the rate for GS–18 as limited by 5 U.S.C. 5308) for a period of 2 years from the date of his appointment, subject to conditions equivalent to those set forth in clauses (A), (B), and (C) of 5 U.S.C. 5337(a). If such equivalent conditions continue to obtain at the end of that 2-year period, the rate of basic pay of the appointee shall be reduced to the maximum rate prescribed for the grade of his position by 5 U.S.C. 5332, or by the prevailing wage schedule applicable to it.

"(d)(3) The period of service required for an appointee to qualify for the benefits of section 5335 of title 5, United States Code (pertaining to periodic step increases), or for comparable benefits under an applicable prevailing wage schedule, shall be computed from the date of his appointment under subsection (a).

### "Credit for Prior Service

"(e) In determining the length of an appointee's service to be credited for purposes of Civil Service Commission regulations pertaining to career tenure, probationary period, rate of annual leave accrual, group life or health insurance, and retention credit in reductions-in-force, credit shall be given for service with the State or political subdivision of the State by which the appointee was employed on the last day of his employment described in subsection (b)(1) prior to his appointment under subsection (a).

### "Sick Leave

"(f)(1) Subject to paragraph 2 of this subsection, an appointee shall be credited with sick leave equal to the balance of sick leave outstanding, in the service of the State or political subdivision of a State by which the appointee was employed, on the last day of his employment described in subsection (b)(1) prior to his appointment under subsection (a), except if he has been compensated for that sick leave, or if it has been applied so as to increase the actuarial value of any vested interest of the employee in a retirement system of that State or political subdivision of a State.

"(f)(2) Sick leave credited under paragraph (1) shall not be credited as unused sick leave for purposes of section 8339(m) of title 5, United States Code (pertaining to computation of annuity), and shall be available for use as sick leave by an appointee only after he has exhausted any accruals of sick leave under section 6307 of title 5, United States Code. An appointee who is separated from the Federal civil service with a balance of sick leave credited under paragraph (1) shall not, during any subsequent period of Federal civil service employment, be recredited with any portion of that balance.

### "Retirement Annuity

"(g) The annuity, computed under subsection (a), (b), (c), or (d) of section 8339 of title 5, United States Code, of an appointee eligible therefor shall be increased by $13.33 for each full month of service credited for retirement annuity purposes, by the State or political subdivision of a State by which the appointee was employed, on the last day of his employment described in subsection (b)(1) prior to his appointment under subsection (a), except if (1) the appointee has qualified for or is eligible to qualify for an annuity or other payment on account of retirement (for reasons of age or disability) from such State or political subdivision in consideration of such service, or (2) the appointee is credited for retirement annuity purposes, by such State or political subdivision, with less than 12 full months of such service. The term "annuity" as used in the remainder of section 8339, and the other sections of chapter 83 of title 5, United States Code, to apply to the annuity of an appointee entitled to the increased annuity provided by the preceding sentence, or that of his survivors, shall be deemed to describe an annuity as so increased.

### "Continued Employment by a State or Political Subdivision of a State

"(h)(1) Whenever in accordance with Sec. 1616 a State enters into an agreement with the Secretary under which the Secretary will, on behalf of a State (or political subdivision thereof), make supplementary payments to protect any employees of the State or political subdivision thereof threatened with a loss of employment or a loss or reduction in pay or grade as a result of such agreement against any worsening of their positions with respect to their employment. Such arrangements shall assure the individuals continued employment by the State or political subdivision thereof and shall include, but not be limited to, provisions to assure compensation and benefits at levels not less than those applicable to such employees immediately prior to the effective date of the agreement between the Secretary and the State.

"(h)(2) Any arrangements contained in an agreement pursuant to paragraph (1) above shall not affect the representative status of any collective bargaining representative that has been recognized for one year or more, or certified, pursuant to law, regulation, Rule or Order of a State or a political subdivision thereof, as the exclusive collective bargaining representative of employees affected by the implementation of this title.

### "Enforcement

"(i) An employee or any group of employees described in subsections (b) and (h) of this section affected by the performance of any of the functions by the Secretary pursuant to this Act, including the implementation of an agreement made between the Secretary and a State (or political subdivision thereof) under Sec. 1616, Sec. 1633, or Sec. 402, shall have the right to proceed in Federal District Court for enforcement of their rights, privileges and immunities granted by this section."

---

### SUMMARY OF PROPOSED BILL TO AMEND TITLE XVI OF THE SOCIAL SECURITY ACT TO PROVIDE FOR THE FEDERAL EMPLOYMENT OF CERTAIN EMPLOYEES OF STATES AND THEIR POLITICAL SUBDIVISIONS

The proposed bill would amend title XVI of the Social Security Act, relating to the establishment of the new, Federally administered "Supplemental Security Income for the Aged, Blind and Disabled" program, by adding a new section (Sec. 1635) to provide for the Federal employment of certain employees of States and political subdivisions of a State who are presently engaged in the performance of those functions to be assumed by the Federal Government under title XVI. Although the new section does not guarantee all such individuals Federal employment, it is the clear intent of the provision to (1) maximize Federal employment opportunities for such individuals in the new program, (2) give them hiring preference, and (3) protect certain rights and benefits of any individual who may accept an appointment in the Federal service under the provision. In addition, the bill would provide for the continued employment by a State or political subdivision of a State of any individual who was affected by an agreement between a State and the Federal Government concerning Federal administration of supplementary payments under title XVI.

New Section 1635.

Subsection (a)/Federal Employment of Certain Employees of States and Political Subdivisions of a State:

Subsection (a) would authorize the appointment to positions in the competitive service of the United States, without regard to the provisions of title 5, United States Code, of certain State and local government employees who are presently engaged in the performance of those functions to be assumed by the Federal government under title XVI.

Subsection (b)/Employee Eligibility for Appointment:

Under subsection (b), to be eligible for such appointment, the individual must be or have been an employee of a State or local government (for a period of 90 days prior to his appointment) who is compensated in whole or in part under the federally-assisted program of grants to States for old-age assistance, for aid to families with dependent children, for aid to the blind, for aid to the permanently and totally disabled, for aid to these groups under the combined program assisted under title XVI of the Social Security Act, or for medical assistance under title XIX of the Social Security Act. In addition, the individual's State or local duties must directly relate to determining the eligibility of persons for assistance payments (that is, to performing so-called "income maintenance functions") or the making of such payments (other than medical assistance payments), or must be in support of such determinations or payments. If the latter, however, eligibility for appointment depends upon a finding by the appointing authority that the individual is threatened with a loss of employment, or a loss or reduction of pay or grade.

The authority to make these appointments under the proposed bill would begin with the date of its enactment and (unless extended by the Civil Service Commission) would expire, with respect to the eligibility of any individual for appointment, on January 1, 1975.

An individual appointed under this authority shall be paid travel expenses to his new duty station.

Subsection (c)/Conditions of Appointment in Special Cases:

Subsection (c) would provide that if an individual held a career or career-conditional appointment under a merit system of a State or political subdivision in the employment that qualified him for appointment under the amendment, he would be eligible for a career or career-conditional appointment in the competitive service without regard to any requirements for the completion of a prescribed period of time in the service of the State or political subdivision.

The paragraph would also permit the appointment of a noncitizen employee who, prior to his appointment, had filed a petition for naturalization. A noncitizen appointee could be retained for up to 5 years prior to his acquisition of citizenship and, after acquisition of citizenship, would become eligible for competitive status.

Subsection (d)/Compensation of Appointees:

Subsection (d) would set the basic pay of an appointee to a new position at the rate he received when employed in his former State or local position. If there is no such rate in the applicable grade or under the applicable prevailing wage schedule, his basic pay would be set at the rate which least exceeds his former rate. If an individual's former rate cannot be equaled or exceeded in or under the applicable grade or schedule, the paragraph would preserve his former rate (but not above the maximum rate for GS–18) for a period of 2 years from the date of his appointment. Thereafter his rate would be reduced to the top of the applicable grade or schedule in or under which he is serving.

An appointee's service, for purposes of periodic step-increases, would be computed from the date of his appointment under subsection (a).

Subsection (e)/Credit for Prior Service:

For the purpose of determining the length of an appointee's service under Civil Service Commission regulations pertaining to career tenure, probationary period, rate of annual leave accrual, group life or health insurance, and retention credit in reductions-in-force, subsection (e) would include the length of the appointee's service with the State or political subdivision by which he was employed on the last day prior to his Federal appointment.

Subsection (f)/Sick Leave:

An individual appointed under the amendment would, under subsection (f), be credited with the balance of his State or local sick leave outstanding (and for which he has not been compensated) upon his Federal appointment. However, this sick leave balance would not be available to increase his Federal retirement annuity and, unlike Federal sick leave, would not be recredited to him upon his reemployment in the civil service after a separation therefrom.

Subsection (g)/Retirement Annuity:

Subsections (a), (b), (c), and (d) of 5 U.S.C. 8339 establish the formulas for the computation of the annuity of a Federal retiree, before the reduction of any such annuity on account of circumstances described below. In the case of an individual who has been appointed under the amendment, and who subsequently becomes eligible for civil service retirement, subsection (g) would increase his Federal annuity, as computed under the cited subsections of section 8339, by $13.33 for each full month of service credited for retirement annuity purposes by the State or political subdivision by which the individual was employed immediately prior to his Federal appointment under the amendment. The annuity, as so increased, would be subject to the same reductions and limitations as any other civil service annuity computed under the cited subsections. Thus, for example, as so increased it could nevertheless not exceed 80 per cent of the "average pay" of an employee (5 U.S.C. 8339(e)). Similarly, a survivor annuity would be computed by first establishing an amount under section 8339 (a), (b), (c), or (d), whichever may apply, increasing that amount as provided by subsection (g) of the amendment, but limiting the annuity, in accordance with 5 U.S.C. 8341, by 80 per cent of the employee's average pay, and then applying the appropriate survivor formula.

An individual appointed under the amendment would not be eligible for this increase in his Federal annuity if he qualifies for a State or local retirement annuity on account of his State or local service, or if he has had less than 12 months of State or local service creditable for State or local retirement purposes.

Subsection (h)/Continued Employment by a State or Political Subdivision of a State:

Subsection (h) would assure that when a State enters into an agreement with the Secretary for Federal administration of State supplemental payments under title XVI that arrangements are made to provide for any affected State or local government employees continued employment with the State (or its political subdivisions) at the same level of compensation and benefits they received immediately prior to the effective date of the agreement.

A provision concerning the maintenance of established collective bargaining relationships is also contained in subsection (h).

Subsection (i)/Enforcement:

Subsection (i) would grant any individual employee or group of employees covered by this section the right to proceed in Federal District Court for enforcement of the rights, privileges and immunities granted by this section.

## EMPLOYEE PROTECTIONS AND TITLE XVI OF THE SOCIAL SECURITY ACT

### *I. The problem and need*

Under title XVI of the Social Security Act (established pursuant to title III of Public Law 92–603), the present Federal-State program of aid to the aged, blind and disabled will be replaced on January 1, 1974, by a new program of "Supplemental Security Income for the Aged, Blind, and Disabled." This new program will be totally administered by the Federal Government (Social Security Administration), including the probable Federal administration of any supplemental payments a State may make above the basic Federal payments level.

This "Federalization" of the present system will necessarily result in the transfer of eligibility and cash assistance payment functions from State and local governmental agencies to the Federal Government. However, no provision is made in title XVI with respect to an estimated 30,000 public employees who presently perform these functions in some 35,000 State, county and municipal public welfare offices throughout the nation.

At the time of the "great welfare reform debate," some people viewed the fate of these employees as a minor problem; a detail which would be easily resolved after enactment of what was then known as H.R. I. Some people said that there was no need for an employee protection provision.

Our experience to date indicates otherwise. It has become painfully clear now that the Social Security Administration and the States are beginning the process of conversion to the new system that the implementation of this new program threatens to eliminate the jobs of thousands of experienced public employees—their jobs, in effect, will cease to exist and the fact that the Act provided no individual employee protection with respect to his job security, rights and benefits is no longer a minor problem nor will it be easily resolved.

Lacking specific provisions regarding the status and protection of State and local government employees who now administer the present program in the Federal-State welfare system, the implementation of the Act is being compounded by a multitude of personnel and administrative problems—an unnecessary burden which can limit the effective and efficient operation of the Supplemental Security Income program.

The uncertainty, frustration, confusion, and, in some instances, harassment which State and local government employees affected by the enactment of the Act are now experiencing is reaching serious proportions.

Although these employees are responsible for doing the detailed conversion work required to enable the Federal Government to take over on January 1, 1974, these same employees are being told that after that date they will be forced to either seek employment under the new Federal program as "new hirees," assuming some jobs will still be available—and even those who may be hired will suffer substantial losses in benefits and rights—or attempt to find employment elsewhere in the public and private sector of our economy at a time when jobs are just not available. We find this situation intolerable.

We do not believe it was the intent of Congress to threaten the economic well-being of those State and local government employees who now administer the existing welfare program. However, the enactment of Public Law 92–603 does, in fact, represent a great injustice.

The State and local government employees who may be affected by the implementation of the Act have a basic right to a degree of protection from arbitrary governmental action which will have a significant impact on their lives. The Congress has a responsibility to insure that the rights of these citizens are not violated. The improvements in the present welfare system must not be instituted at the expense of these citizens.

The following steps therefore must be taken to insure the protection of State and local government employees who may be affected by the enactment and implementation of title XVI of the Social Security Act:

A. Maximizing Federal Employment Opportunities for State and Local Government Employees:

Under existing Federal personnel policy, when the Federal Government takes over all or part of a public or private enterprise and continues its functions on a permanent basis, employees of the enterprise to be assumed by the Government can, subject to a determination by the Civil Service Commission, be brought into the competitive service on a continung basis and eventually given career or career conditional employment.[1]

The Social Security Administration has asked and received such authority from the Commission. Therefore, the Social Security Administration can employ (in effect, transfer) as many State and local government employees currently engaged in the administration of the Aid to the Aged, Blind, and Disabled Program as they deem necessary.

Recently, the outgoing Commissioner of Social Security, Robert M. Ball, issued a statement on this question, saying:

"Careful planning will be necessary with the proper authorities in each State to ensure both that the States will continue to have sufficient employees working in the adult categories during the transition period and that those State and local employees who are interested will have an opportunity to move over to work with the Social Security Administration on an ongoing basis. It will be our policy in each State to work out a plan that will set forth the number of experienced people we expect to employ in that State, the dates we will need them, and the various sources of recruitment."

We do not believe this statement is sufficient.

Every effort must be made to insure that the Social Security Administration fully uses the authority granted it by the Civil Service Commission including the establishment and implementation of a policy to insure that affected State and local government employees are *afforded maximum opportunity for employment* in the new program. If, in fact, there are to be some 11,000 *new* jobs created in the Reigonal and District offices of the Social Security Administration, State and local government employees should be given every opportunity to assume those positions for which they are qualified if they so desire. In effect, we seek to have the Social Security Administration "freeze" new hirees until they are able to determine the number and type of jobs which will be available in each State and to give preference to those State and local government employees who are affected by the "federalization" the option of taking a job in the Federal Service.

B. Protection of Certain Rights and Benefits of Those State and Local Government Employees Entering the Federal Service:

In addition to maximizing employment opportunities, action must also be taken to protect certain rights and benefits of those State and local government employees who accept positions in the Federal Service.

Since the extent of what the Federal Government can do in this regard is severely limited (see A above), new statutory authority must be granted to the Social Security Administration and the Civil Service Commission to effectively and equitably deal with this situation.

At a minimum, title XVI of the Social Security Act must be amended to assure that any individual who transfers from a State or local government to the Federal Government under title XVI is given adequate protections with respect to job security, compensation, credit for prior service and retirement.

C. Continued Employment at the State and Local Government Level For Any Individual Not Entering the Federal Service:

Since it is clear that the projected number of new Federal jobs which will be available under title XVI is far less than even the most conservative projection of affected employees, something must be done to assure those individuals not entering the Federal Service a degree of protection. We do not believe the Federal Government or the States should be allowed to escape the responsibility for dealing with this problem. We feel that absent any statutory guidelines or commitment, these employees will suffer a grave injustice. Every effort must be made to assure that such individuals are provided continued employment by the State and local governments.

### *II. A possible resolution*

Rhetorical commitments and promises are insufficient. The statutory authority which is needed to deal with this situation is nonexistent. *Without question the enactment of additional statutory authority is required to enable the Federal Government to effectively and equitably resolve the problem.*

The following is a summary of a proposed draft bill which is designed to meet the minimum requirements for resolving the problem. It was patterned on various proposals advanced during previous Congressional consideration of welfare reform and builds upon long established precedents concerning the protection of employees in the public and private sector.

---

By Mr. MOSS:

S. 1873. A bill to amend sections 403 and 1002 of the Federal Aviation Act of 1958, as amended, relating to tariff changes and suspensions. Referred to the Committee on Commerce.

Mr. MOSS. Mr. President, today I am introducing a bill amending the Federal Aviation Act of 1958 to permit the airlines to more effectively notify the consumers of air transportation of changes in the airlines' tariffs.

At the present time, section 403(c) of the Federal Aviation Act—"act"—requires 30 days' notice of a proposed change in "any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of service thereunder, specified in any effective tariff of any air carrier or foreign air carrier." Pursuant to section 1002(g) of the act, the Board may in turn enter into an investigation of a given tariff and pending hearing and the decision thereon, suspend the operation of the tariff. Section 1002(g) does not impose, however, any notice requirement upon the Board with regard to its suspension action and, consequently, the Board is permitted to suspend tariffs at any time prior to their effective date. Such a situation, in which the Board can actually defer decision on a proposed tariff until the "11th hour," necessarily renders it extremely difficult for the carriers to insure the proper dissemination of new tariffs and creates the potential for great uncertainty for consumers of air transportation.

Although the Board recognizes the problems created for both the carriers and consumers by this situation, it nevertheless is permitted under the act to utilize the full 30 days to consider a proposed tariff. The bill I propose today will eliminate this uncertainty by:

First, amending section 403(c) of the act to provide for 45 days' notice of proposed tariff changes; and

Second, amending section 1002(g) of the act to require the Board to make public its decision on whether to suspend a tariff at least 15 days before its effective date in the case of tariffs for interstate or overseas air transportation.

By thus creating this period of at least 15 days between the Board's decision on a tariff and its effective date, the carriers will then be able to properly disseminate these tariffs to their personnel and, at the same time, communicate the tariff changes to the air traveling public. In this manner, the present uncertainty surrounding these proposed tariffs will be ameliorated to the benefit of the consumer.

Mr. President, this 15-day requirement applies to interstate and overseas air transportation but not to foreign air transportation. The rationale for restricting this proposed change to interstate and overseas transportation at this time is essentially twofold: First, experience has indicated a more pressing need for this change in interstate and overseas transportation; and second, considerations unique to tariffs for foreign air transportation require that these tariffs be treated separately. Since in the case of tariffs for foreign air transportation, Board suspension orders must be submitted to the President and are subject to his disapproval, and the United States and many foreign governments are parties to bilateral agreements which provide for advance notice of dissatisfaction by a contracting party with any rate proposed by an airline of either party for services between their territories, it may be appropriate to have a different time period for notice of suspension. Moreover, experience under the Board's recently granted suspension power for tariffs for foreign air transportation may indicate that a separate and distinct time period for such tariffs is appropriate. As a consequence of these factors, it was deemed advisable to restrict this proposed change to the Board's suspension power to interstate and overseas air transportation.

Mr. President, I believe that these

---

[1] *Federal Personnel Manual*, Chapter 316, Subchapter 7-1. Public or Private Enterprise Taken Over By Federal Government. Chapter 315, Subchapter 7–2. Incumbents Of Positions Brought Into The Competitive Service.

amendments will significantly improve the ability of the carriers to disseminate their new tariffs and thereby significantly benefit the consumers of air transportation.

---

By Mr. DOLE:

S. 1874. A bill to encourage health professionals to practice in critical health manpower shortage areas. Referred to the Committee on Labor and Public Welfare.

### RURAL MEDICAL PRACTICE INCENTIVE ACT

Mr. DOLE. Mr. President, the task of making health care accessible to all Americans has become an issue of national importance in recent years. The average American citizen is spending an increasingly larger portion of his income on health care and is justifiably demanding better services in return. In many areas across the country, improvements in health technology and the presence of many highly skilled physicians have brought the best in modern medical services to most Americans. Yet, at the same time some communities—especially rural communities—face the problem of a decreasing level of health care. This problem results from the maldistribution of health manpower which has occurred as a result of the inability of rural communities to attract young physicians.

In Kansas, for example, the latest figures show that there are 2,173 practicing physicians; however, 54 percent of these physicians practice in four of the States most densely populated counties, leaving the remaining 902 physicians to serve the other 101 counties of the State. A 1972 survey of Kansas illustrated that over half of the counties in the State had no dentist or had a dentist/patient ratio which exceeds 3,000 patients per dentist.

Inevitably, it is the rural areas which have the greatest shortages of health professionals. The problem is one which springs from the very roots of the rural development issue—the problem of providing services in an area of low-density population. As the population in a rural area becomes less concentrated, the area served by each health professional increases and the need and economic base forces a single practitioner to serve a population that often covers more than a countywide area. The pressures, problems and responsibilities placed on any physician serving an area of this type make it nearly impossible for these communities to compete in the health manpower market with larger communities. As a result, rural Kansas communities are losing their physicians through retirement and death; and the younger generation of doctors are not moving in at an adequate rate to replace them.

To counteract this trend, incentives are needed to encourage medical practice in areas of critical health manpower shortages. One approach to meeting this problem is to encourage the development of area clinics which would serve an area sufficiently large to support the cost of several physicians and the equipment and facilities needed to sustain quality health care. S. 723, the Institute of Health Care Delivery bill, recently passed by the Senate, mandates the study of the type of solution to rural health care delivery problems as well as an investigation of alternative methods of improving health care delivery in rural America.

The bill I am today introducing would supplement this effort to improve rural health care delivery by creating incentives to encourage health professionals to develop practices in critical health manpower shortage areas.

The first portion of the bill authorizes the transfer of military physicians to the National Health Service Corps, provided they make a commitment to serve for a period of time equal to their military obligation in an area of critical health manpower needs. The basic premise behind this provision of the bill is that physicians who have incurred a Federal service obligation should be used to help meet the Nation's greatest health needs, regardless of whether they exist in the military or civilian sector.

The bill specifically authorizes the transfer of physicians to the National Health Service Corps who have incurred a military obligation under the Barry plan, the Armed Forces health professions scholarship program, or through the University of the Health Sciences—once it becomes operational. By permitting these physicians to serve in the National Health Service Corps, the bill would provide a great and essential service to many rural communities.

The National Health Service Corps was established by legislation in the 92d Congress to improve the delivery of health care and services to persons residing in areas which have critical health manpower shortages. Corps physicians, dentists, or nurses, depending on the need of the applicant community, are assigned to areas upon the request of the State or local public health agencies or any other public or nonprofit health entity in the area. The request must have the approval of State and local medical, dental, and nursing societies. The community requesting such a health team must demonstrate a need for such manpower assistance and a financial commitment to sustain their services, as well as show how the health team would be integrated into the community and the existing health delivery system.

In Kansas there are currently six designated critical health manpower shortage areas which have an approved National Health Service Corps application and are awaiting assignment of a physician. The Haven, Kans., community has already been assured a physician placement, but the applications of Yates Center, Coldwater, Phillipsburg, Nemar, and Valley Falls are still awaiting physician assignments. Other communities have expressed urgent need for physicians and will be developing applications. Because the number of approved applications exceeds the number of Corps physicians, not every approved community can be assured of physician placement this July. The legislation I am today introducing would hopefully make an adequate number of Corps physicians available to meet the needs of all of the approved communities.

There are currently 6,617 physicians enrolled in the Barry plan who are completing residency requirements and will enter the military sometime between now and 1980. In addition, 1,421 medical students receiving scholarship assistance now will be entering the service in the next 4 years. If only a small portion of these physicians were diverted to serve in designated critical health manpower shortage areas, it would be an important step in helping to solve the rural health care crisis.

Taking into consideration the cessation of American military combat activity since the Vietnam cease-fire and the prospects for passage of a bill which would readjust pay rates for uniformed service physicians and dentists, I feel that the Armed Forces physicians corps could afford the losses which would result from this legislation. Using the figures provided by the Department of Defense, my office has learned that the doctor/patient ratio in the military is more than 120 patients per doctor lower than in the civilian sector and 3 times as low as in many of the rural Kansas communities. In addition, military physicians have the benefit of serving a population which resides in a compact area and thus is not faced with the health care delivery problems associated with rural medical practice. Also, the military physician has the benefit of a larger number of technicians and corpsmen to assist him in serving his patients. Although I recognize the need to sustain a high level of medical care in the military, statistics indicate that some of the physicians currently serving in the military could be transferred to areas of critical civilian need without jeopardizing the level of military health care.

The second portion of the bill would provide a financial incentive for any physician practicing in designated health manpower shortage areas, whether he is serving in the National Health Service Corps or not. The bill would permit any physician serving in a designated area to exempt for Federal tax purposes $20,000 of his adjusted gross practice income the first year; $15,000 the second year; $10,000 the third year, $7,500 the fourth year; and $5,000 the fifth year. This provision would have the impact of providing a Federal incentive for establishing a practice in areas of critical need and phase out the assistance over a period of 5 years as the practice becomes established.

It is recognized that this provision is not a cure-all for the rural health care needs since the financial aspects are only one of several problems facing rural practitioners. However, to any extent that it would induce the development of medical practices, it is a wise dollar investment by the Federal Government.

I am today introducing this legislation and ask that my colleagues who have an interest in improving health care in all areas of critical manpower shortage join in sponsoring this measure.

By Mr. RANDOLPH (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. JAVITS, Mr. WILLIAMS, Mr. EAGLETON, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TAFT, Mr. BAYH, Mr. BIDEN, Mr. BURDICK, Mr. GRAVEL, Mr. HUMPHREY, Mr. MUSKIE, Mr. PASTORE, Mr. PERCY, Mr. HARTKE, Mr. BENTSEN, Mr. BEALL, Mr. BROCK, Mr. BROOKE, Mr. DOMENICI, Mr. DOMINICK, Mr. FONG, Mr. FULBRIGHT, Mr. MATHIAS, and Mr. DOLE):

S. 1875. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

### REHABILITATION ACT OF 1972

Mr. RANDOLPH. Mr. President, I am today introducing, with the cosponsorship of a number of colleagues, S. 1875, the Rehabilitation Act of 1972. This is the third time in less than a year that I, as chairman of the Subcommittee on the Handicapped, have introduced measures which would replace the Vocational Rehabilitation Act and create important new directions for the Federal-State rehabilitation program. Twice before, my colleagues will recall, the acts growing out of S. 3987 and S. 7 resulted in Presidential vetoes.

It is my clear understanding that the measure I introduce today represents a compromise which will be acceptable to the President.

I am saddened that it has been necessary to compromise a measure which has twice been enacted by the Congress, for the funding levels and the programs envisioned in those two vetoed bills are urgently needed by this Nation's handicapped citizens. As I indicated on April 3, 1973, during consideration by the Senate to override the President's veto of S. 7:

> More than a half century of experience in Federal vocational rehabilitation programs has clearly demonstrated that the rehabilitation dollar produces a higher ratio of benefits to costs than most other Federal programs. A recent economic study states categorically that "for every dollar spent on the medically disabled, $25 will be returned in increased lifetime earnings."

It is abundantly clear that the funding levels authorized, if appropriated, would have been put to very good use. Many additional thousands of handicapped individuals would have received the training to permit them to pursue lives of independence and gainful employment, and the Nation at large would have benefited from increased income from taxes, reduced welfare payments, and a higher gross national product.

In view of what I consider to be irrational and ill-advised objections on the part of the administration, however, further and substantial compromise was essential in order to secure improvements in the vocational rehabilitation program. It is my earnest hope that this measure, if enacted into law, will form the basis for an enlightened and expanded program in future years. Although the measure I introduce today contains funding levels which are only slightly higher than projected appropriations, most of the program improvements of the previously vetoed bills have been preserved.

The authorization levels of S. 1875 total about $2.2 billion over a 3-year period, which is only $92 million above the amounts projected for the President's budget for the same 3 years

The following programs have been deleted from the vetoed bill because of strong administration objections: a comprehensive rehabilitation program to aid handicapped individuals with no immediate vocational goal in living more independently within their families and communities; a target program for victims of end-stage renal disease; a target program for older blind individuals; a program for individuals with spinal cord injury; and a program to establish rehabilitation centers for deaf youths and adults. Most of these categories of aid have been brought into a special projects and demonstrations section, in which they will receive special emphasis.

In addition, the President's objections have brought a deletion of two sections which would have strengthened the program of rehabilitation facilities construction—mortgage insurance and annual interest grants.

As I have indicated, the level of funds authorized has been pared drastically from the vetoed S. 7. The fundamental thrust of S. 7 and last year's H.R. 8395 has been retained, however. The State plan requirements, the individualized written rehabilitation program, research and training, the Architectural and Transportation Barriers Compliance Board, and the antidiscrimination provisions all are preserved under S. 1875. In addition, the measure establishes a statutory basis for the Rehabilitation Services Administration to provide a needed focus in the Federal Government for the rehabilitation of handicapped individuals. The functions of the Office for the Handicapped proposed in the vetoed bills have been retained, with organizational responsibility resting in the Secretary.

I want finally to make some personal comments. The bill I introduce today is the result of a year of effort by the Subcommittee on the Handicapped, its Senators and staff. It is the end product of an evolutionary process which will ultimately culminate in more and better services to all of the handicapped individuals in America. The countless hours devoted to this task by Senator CRANSTON, Senator STAFFORD, Senator WILLIAMS, and Senator JAVITS will one day be reflected in the hope and dignity and self-sufficiency of our handicapped population.

Mr. President, I ask unanimous consent that the bill, S. 1875, be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1875

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1972".

TABLE OF CONTENTS

Sec. 2. Declaration of purpose.
Sec. 3. Rehabilitation Services Administration.
Sec. 4. Advance funding.
Sec. 5. Joint funding.
Sec. 6. Consolidated rehabilitation plan.
Sec. 7. Definitions.
Sec. 8. Allotment percentage.
Sec. 9. Audit.
Sec. 10. Nonduplication.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

Sec. 100. Declaration of purpose; Authorization of appropriations.
Sec. 101. State plans.
Sec. 102. Individualized written rehabilitation program.
Sec. 103. Scope of vocational rehabilitation services.
Sec. 104. Non-Federal share for construction.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

Sec. 110. State allotments.
Sec. 111. Payments to States.
Sec. 112. Client assistance.

PART C—INNOVATION AND EXPANSION GRANTS

Sec. 120. State allotments.
Sec. 121. Payments to States.

PART D—COMPREHENSIVE SERVICE NEEDS

Sec. 130. Special study.

TITLE II—RESEARCH AND TRAINING

Sec. 200. Declaration of purpose.
Sec. 201. Authorization of appropriations.
Sec. 202. Research.
Sec. 203. Training.
Sec. 204. Reports.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Sec. 300. Declaration of purpose.
Sec. 301. Grants for construction of rehabilitation facilities.
Sec. 302. Vocational training services for handicapped individuals.
Sec. 303. Special projects and demonstrations.
Sec. 304. National Center for Deaf-Blind Youths and Adults.
Sec. 305. General grant and contact requirements.

TITLE IV—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

Sec. 400. Administration.
Sec. 401. Program and project evaluation.
Sec. 402. Obtaining information from Federal agencies.
Sec. 403. Authorization of appropriations.
Sec. 404. Reports.
Sec. 405. Secretarial responsibility.
Sec. 406. Sheltered workshop study.

TITLE V—MISCELLANEOUS

Sec. 500. Effect on existing laws.
Sec. 501. Employment of handicapped individuals.
Sec. 502. Architectural and Transportation Barriers Compliance Board.
Sec. 503. Employment under Federal contracts.
Sec. 504. Nondiscrimination under Federal grants.
Sec. 505. Appropriations for fiscal year 1973.

#### DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to provide a statutory basis for the Rehabilitation Services Administration, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the

current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) develop, implement and provide comprehensive rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound and institutionalized) who have been underserved in the past;

(7) direct the conduct of various studies and experiments to focus on long neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors for handicapped individuals and place such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop new such approaches, enforce statutory and regulatory standards and requirements regarding barrier-free construction of public facilities and study and develop solutions to existing housing and transportation barriers impeding handicapped individuals.

### REHABILITATION SERVICES ADMINISTRATION

SEC. 3. (a) There is established in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the 'Commissioner'). Except for titles IV and V and as otherwise specifically provided in this Act, such Administration shall be the principal agency for carrying out this Act. The Secretary shall not approve any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner unless the Secretary shall first submit a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it: *Provided, however,* That within thirty days of such transmittal, the Secretary shall consult with the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives respecting such proposed delegation. For the purposes of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day and sixty-day periods.

(b) The Commissioner shall be appointed by the President through the Commissioner in coordination with other appropriate programs in the Department of Health, Education, and Welfare, in carrying out research under this Act shall establish the expertise and technological competence to, and shall, in consultation with the National Science Foundation and the National Academy of Sciences, develop and support, and stimulate the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and be responsible for carrying out the activities described in section 202(b)(2).

(d) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

### ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

### JOINT FUNDING

SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitatiion Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

### CONSOLIDATED REHABILITATION PLAN

SEC. 6. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan under section 101(a) of this Act and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970: *Provided,* That the agency administering such State's program under such Act concurs in the submission of such a consolidated rehabilitation plan.

(b) Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

(c) Findings of noncompliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 101 of this Act.

### DEFINITIONS

SEC. 7. For the purposes of this Act:

(1) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(2) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(3) The term "establishment of a rehabilitation facility" means the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(4) The term "evaluation of rehabilitation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational rehabilitation services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G) (1) the provision of vocational rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 102(c)), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(5) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of title I of this Act and as specifically set forth in section 301(b)(3): *Provided,* That with respect to payments pursuant to part B of title I of this Act to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301 (b)(3) applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall subject to such limitations and conditions as the Secretary shall by regulation prescribe, be regarded as expenditures by such State.

(6) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services provided pursuant to titles I and III of this Act.

(7) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 101 (a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational rehabilitation services: *Provided,* That such an arrangement is made part of the agreement specified in this paragraph.

(8) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(9) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces,

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers or parolees,

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(10) The term "rehabilitation facility" means a facillitty which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(11) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(12) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, respiratory or pulmonary dysfunction, and any other disability specified by the Secretary in regulations he shall prescribe.

(13) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 101(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(14) The term "vocational rehabilitation services" means those services identified in section 103 which are provided to handicapped individuals under this Act.

### ALLOTMENT PERCENTAGE

SEC. 8. (a)(1) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

### AUDIT

SEC. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

### NONDUPLICATION

SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act.

## TITLE I—VOCATIONAL REHABILITATION SERVICES

### PART A—GENERAL PROVISIONS

### DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 100. (a) The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $590,000,000 for the fiscal year ending June 30, 1973, $610,000,000 for the fiscal year ending June 30, 1974, and $640,000,000 for the fiscal year ending June 30, 1975; and there is further authorized to be appropriated for such purposes for each such year such additional sums as the Congress may determine to be necessary.

(2) For the purpose of carrying out part C of this title (relating to grants to States and public and nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals, especially those with the most severe handicaps, and part D of this title (relating to the study of comprehensive service needs of individuals with the most severe handicaps), there is authorized to be appropriated $35,860,000 for the fiscal year ending June 30, 1973, $37,000,000 for the fiscal year ending June 30, 1974, and $39,000,000 for the fiscal year ending June 30, 1975, and there is further authorized to be appropriated for such purposes for each such year such additional sums as the Congress may determine to be necessary. Of the sums appropriated under this paragraph for each such fiscal year, $1,000,000 in each such year

shall be available only for the purpose of carrying out part D of this title.

STATE PLANS

SEC. 101. (a) For each fiscal year in which a State desires to participate in programs under this title, a State shall submit to the Secretary for his approval an annual plan for vocational rehabilitation services which shall—

(1) (A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized to provide vocational rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of that State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies described in clause (1) (B) (i)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B) (i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1) (B) (ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Secretary, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or groups of handicapped individuals the Secretary may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual);

(5) (A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which method of selection for the provision of vocational rehabilitation services shall ensure that individuals with the most severe handicaps receive equal consideration with other handicapped applicants and shall be consistent with outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Secretary, and

(B) provide satisfactory assurances to the Secretary that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

(6) provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan;

(7) contain (A) provisions relating to the establishment and maintenance of personnel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational rehabilitation services, but the Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provision;

(8) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 103, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provision of such services to any individual;

(9) provide that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for vocational rehabilitation services under this Act, (B) such services will be provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title and are determined not to be eligible therefor, the reasons for such determinations;

(10) provide that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (9) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this Act in such State, specifications of the number of such individuals who will be served with funds provided under this Act and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Secretary may require to carry out his functions under this title, and comply with such provisions as he may find necessary to assure the correctness and verification of such reports;

(11) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Security Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State and local public agencies providing services related to the rehabilitation of handicapped individuals;

(12) provide satisfactory assurances to the Secretary that, in the provision of vocational rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

(13) (A) provide that vocational rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons, and

(B) provide that special consideration will be given to the rehabilitation under this Act of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities;

(14) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(15) provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities) with a view toward the relative need for services to significant segments of the population of handicapped individuals and the need for expansion of services to those individuals with the most severe handicaps;

(16) provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in

the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training whenever it is determined to be feasible;

(17) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

(B) the provisions of section 305 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Secretary shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction;

(18) provide satisfactory assurances to the Secretary that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational rehabilitation, and providers of vocational rehabilitation services; and

(19) provide satisfactory assurances to the Secretary that the continuing studies required under clause (15) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Secretary may require, of appropriate amendments to the plan.

(b) The Secretary shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fulfill such conditions. Prior to such disapproval, the Secretary shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any provision of such plan, the Secretary shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that such further payments will be reduced, in accordance with regulations the Secretary shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State under this title (or shall limit payments to projects under those parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Secretary's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5, United States Code.

### INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (a) The Secretary shall insure that the individualized written rehabilitation program required by section 101(a)(9) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or, in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual.

(b) Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and renegotiate its terms. Such program shall include, but not be limited to (1) a statement of long-range rehabilitation goals for the individual and intermediate rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and, (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 112.

(c) The Secretary shall also insure that (1) in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual primary emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal, and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate cases, his parents or guardians), and only upon the certification, as an amendment to such written program, that the evaluation of rehabilitation potential has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and (3) any such decision shall be reviewed at least annually in accordance with the procedure and criteria established in this section.

### SCOPE OF VOCATIONAL REHABILITATION SERVICES

SEC. 103. (a) Vocational rehabilitation services provided under this Act are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including follow-up, follow-along, and other postemployment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agenices, where such services are not available under this Act;

(3) vocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided*, That no training services in institutions of higher education shall be paid for with funds under this title unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic and orthotic devices, (D) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for deaf individuals, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one handicapped individual.

### NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 104. For the purpose of determining the amount of payments to States for carrying out part B of this title, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Secretary, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

### PART B—BASIC VOCATIONAL REHABILITATION SERVICES

#### STATE ALLOTMENTS

SEC. 110. (a) (1) For the fiscal year ending June 30, 1973, and for each fiscal year thereafter with respect to such portion of the appropriations under subsection (b) (1) of section 100 each State shall be entitled to an allotment of an amount bearing the same ratio to the amount appropriated under subsection (b) (1) of section 100 for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under subsection (b) (1) of section 100, or $2,000,000 whichever is greater, shall be increased to that amount the total of the increase thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(2) For the fiscal years ending after June 30, 1973, each State shall be entitled to an allotment, in addition to the allotment to which it is entitled under paragraph (1), of an amount equal to—

(A) Two-thirds of the product obtained by multiplying—

(i) the excess (if any) of the total amount appropriated for such year for allotment under this section in excess of the amount obligated under such section or predecessor authority for such purpose for the fiscal year ending June 30, 1973, over the total amount so appropriated for the fiscal year ending June 30, 1973, by

(ii) the quotient obtained by dividing the population of such State by the population of all the States, plus

(B) One-third of the product obtained by multiplying—

(i) the excess (if any) of the total amount appropriated in excess of $590,000,000 for such year for allotment under this section in excess of the amount obligated under such section or predecessor authority for such purpose for the fiscal year ending June 30, 1973, over the total amount so appropriated for the fiscal year ending June 30, 1973, by

(ii) the quotient obtained by dividing the allotment percentage of such State by the sum of the allotment percentages of all the States.

(b) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

#### PAYMENTS TO STATES

SEC. 111. (a) From each State's allotment under this part for any fiscal year, the Secretary shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 101, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (17) of section 101(a), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Secretary may determine.

#### CLIENT ASSISTANCE

SEC. 112. (a) The Secretary shall set aside out of funds appropriated under section 303 for special projects and demonstrations up to $1,500,000 but no less than $500,000 for the fiscal year ending June 30, 1973, and up to $2,500,000 but no less than $1,000,000 each for the fiscal years ending June 30, 1974, and June 30, 1975, to establish in no less than 10 nor more than 20 geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this Act and to assist them in their relationships with projects, programs, and facilities providing services to them under this Act.

(b) The Secretary shall prescribe regulations which shall include the following requirements:

(1) All employees of such projects shall not be presently serving as staff or consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program, or facility.

(2) The staff of such projects shall be afforded reasonable access to policymaking and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) The project shall submit an annual report, through the State agency designated pursuant to section 101, to the Secretary on the operation of the project during the previous year, including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and his evaluation of such projects, including appropriate recommendations.

(4) Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this Act shall be provided to such students.

(5) Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) The project shall be funded, administered, and operated directly by the State agency designated pursuant to section 101.

### PART C—INNOVATION AND EXPANSION GRANTS

#### STATE ALLOTMENTS

SEC. 120. (a) (1) From the sums available pursuant to section 100(b) (2) for any fiscal year for grants to States to assist them in meeting the costs described in section 121, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, and for the fiscal years ending June 30, 1973, and June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a) (2) (A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this Act for a total period of time in excess of three years. The total of the increase required by the preceding sentence shall be derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from thereby being reduced to less than $50,000.

(b) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

#### PAYMENTS TO STATES

SEC. 121. (a) From each State's allotment under this part for any fiscal year, the Secretary shall pay to such State or, at the option of the State agency designated pursuant to section 101(a) (1), to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 101 to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor, and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 101 with other agencies. The Secretary may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Secretary. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated pursuant to section 101.

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending June 30, 1975. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

### PART D—COMPREHENSIVE SERVICE NEEDS

#### SPECIAL STUDY

SEC. 130. (a) The Secretary shall conduct a comprehensive study, which may include research and demonstration projects of the feasibility of methods designed (1) to prepare individuals with the most severe handicaps for entry into programs under this Act who would not otherwise be eligible to enter such programs due to the severity of their handicap, and (2) to assist individuals with the most severe handicaps who, due to the severity of their handicaps or other factors such as their age, cannot reasonably be expected to be rehabilitated for employment but for whom a program of rehabilitation could improve their ability to live independently or function normally within their family and community. Such study shall encompass the extent to which other programs administered by the Secretary do or might contribute to the objectives set forth in clauses (1) and (2) of the preceding sentence and the methods by which all such programs can be coordinated at Federal, State, and local levels with those carried out under this Act to the end that individuals with the most severe handicaps are assured to receiving the kinds of assistance necessary for them to achieve such objectives.

(b) The Secretary shall report the findings of the study, research, and demonstrations directed by subsection (a) of this section to the Congress and to the President together with such recommendations for legislative or other action as he may find desirable, not later than January 1, 1975.

## TITLE II—RESEARCH AND TRAINING

#### DECLARATION OF PURPOSE

SEC. 200. The purpose of this title is to authorize Federal assistance to State and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of training and related activities designed to provide increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) In order to make grants and contracts to carry out the purposes of this title, there is authorized to be appropriated:

(1) For the purpose of carrying out section 202 of this title, $20,346,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975; and there is further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary. Of the sums appropriated under this paragraph 15 per centum, 20 per centum, and 25 per centum of the amounts appropriated in the first, second, and third such fiscal years, respectively, shall be available only for the purpose of carrying out activities under section 202 (b)(2).

(2) For the purpose of carrying out section 203 of this title, $27,700,000 for the fiscal year ending June 30, 1973, $27,700,000 for the fiscal year ending June 30, 1974, and $27,700,000 for the fiscal year ending June 30, 1975; and there is further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary.

(b) Funds appropriated under this title shall remain available until expended.

#### RESEARCH

SEC. 202. (a) The Secretary, through the Commissioner, and in coordination with other appropriate programs in the Department of Health, Education, and Welfare is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this Act. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps.

(b) In addition to carrying out projects under subsection (a) of this section, the Secretary, through the Commissioner, and in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to make grants to pay part or all of the cost of the following specialized research activities:

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with State agencies designated pursuant to section 101 in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Conduct of a program for spinal cord injury research, to include support of spinal cord injuries projects and demonstrations established pursuant to section 303(b), which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(c) The provisions of section 305 shall apply to assistance provided under this section, unless the context indicates to the contrary.

#### TRAINING

SEC. 203. (a) The Secretary through the Commissioner, in coordination with other appropriate programs in the Department of Health, Education and Welfare, is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designed to assist in increasing the numbers of personnel trained in providing vocational services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in services to the blind and the deaf, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals and handicapped individuals with limited English-speaking ability. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years.

### REPORTS

SEC. 204. There shall be included in the annual report to the Congress required by section 404 a full report on the research and training activities carried out under this title and the extent to which such research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational rehabilitation services to handicapped individuals and those with the most severe handicaps under this Act.

## TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

### DECLARATION OF PURPOSE

SEC. 300. The purpose of this title is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, including individuals with spinal cord injuries, older blind individuals, and deaf individuals whose maximum vocational potential has not been achieved, which experiment with new types or patterns of services or devices for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocational rehabilitation services to handicapped migratory agricultural workers or seasonal farmworkers;

(4) establish and operate a National Center for Deaf-Blind Youths and Adults;

(5) establish uniform grant and contact requirements for programs assisted under this title and certain other provisions of this Act.

### GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (a) For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated $550,000 for the fiscal year ending June 30, 1973, $500,000 for the fiscal year ending June 30, 1974, and $500,000 for the fiscal year ending June 30, 1975; and there is further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to July 1, 1977.

(b) (1) The Secretary is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agencies for projects for which applications are approved by the Secretary under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 305.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subparagraph (b) (2) of section 645 of such Act (42 U.S.C. 291o(b) (2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Secretary designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(c) The Secretary is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determinated in accordance with regulations the Secretary shall prescribe) or compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(d) The Secretary is also authorized to make grants upon application approved by the State agency designated under section 101 to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

### VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated $10,300,000 for the fiscal year ending June 30, 1973, $10,300,000 for the fiscal year ending June 30, 1974, and $12,000,000 for the fiscal year ending June 30, 1975; and there is further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary.

(b) (1) The Secretary is authorized to make grants to States and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2) (A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $70, whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Secretary, as will promote such individual's capacity to engage in gainful and suitable employment.

(3) The Secretary may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 101(a) (1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

(c) (1) The Secretary is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

### SPECIAL PROJECTS AND DEMONSTRATIONS

SEC. 303. (a) (1) For the purpose of making grants under this section for special projects and demonstration (and research and evaluation connected therewith), there is authorized to be appropriated $12,200,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $17,000,000 for the fiscal year ending June 30, 1975, and there is further authorized to be appropriated for such purposes for each such year such additional sums as the Congress may determine to be necessary.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 10 per centum in each such fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under such subsection an amount of $5,000,000 to be available for each such fiscal year.

(b) The Secretary, subject to the provisions of section 305, shall make grants to States and public or nonprofit agencies and organizations for paying part or all of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing programs and facilities for providing vocational rehabilitation services to individuals with spinal cord injuries, older blind individuals, and deaf individuals whose maximum vocational potential has not been achieved which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially those with the most severe handicaps, and (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals for other individuals in programs servicing handicapped individuals). Projects and demonstrations providing services to individuals with spinal cord injuries shall include provisions to—

(A) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries including acute care as well as periodic inpatient or outpatient followup and services;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

(c) The Secretary, subject to the provisions of section 305, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 101, or to any local agency participating in the administration of such a plan to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational rehabilitation services to handicapped individuals, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers or seasonal farmworkers, and to members of their families who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963.

(d) The Secretary is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Secretary) as may be necessary for such individuals to continue to engage in such employment.

(e) (1) The Secretary is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organization or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the pro rata pay rate for a person employed as a GS-18, under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

### NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 304. (a) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated $1,200,000 and such sums as the Congress may determine necessary for construction for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, which shall remain available until expended and there is further authorized to be appropriated for such purposes for each such year such additional sums as the Congress may determine to be necessary for the operation of such Center.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specifically designed to provide such services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Secretary, subject to the provisions of section 305, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the National Center for Deaf-Blind Youths and Adults.

(c) Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Secretary. In considering such proposals the Secretary shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of such Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

### GENERAL GRANT AND CONTRACT REQUIREMENTS

SEC. 305. (a) The provisions of this section shall apply to all projects approved and assisted under this title. The Secretary shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this title, except projects authorized under sections 302.

(b) To be approved, an application for assistance for a construction project under this title must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this title will be used only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided;

(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Secretary, which he shall summarize and comment upon in the annual report to the Congress submitted under section 404;

(4) be accompanied or supplemented by plans and specifications in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Secretary related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) Upon approval of any application for a grant or contract for a project under this title, the Secretary shall reserve, from any appropriation available therefore, the amount of such grant or contract determined under this title. In case an amendment to an approval application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) If, within twenty years after completion of any construction project for which funds have been paid under this title, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio of the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payment of assistance or reservation of funds made pursuant to this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

(f) A project for construction of a rehabilitation facility which is primarily a workshop may, where approved by the Secretary as necessary to the effective operation of the facility, include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(g) No funds provided under this title may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity

(h) When in any State, funds provided under this title will be used for providing direct services to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 101.

(i) Prior to making any grant or entering any contract under this title, the Secretary shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 101 to comment on such grant or contract.

## TITLE IV—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

### ADMINISTRATION

SEC. 400. (a) In carrying out his duties under this Act, the Secretary shall—

(1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields contributing to the rehabilitation of handicapped individuals; and

(3) disseminate information relating to vocational rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this title and titles I through IV of this Act, and, except as otherwise provided in this Act, to delegate to any officer or employee of the United States such of his powers and duties under such titles, except the making of rules and regulations, as he finds necessary to carry out the provisions of such titles. Such rules and regulations shall be published in the Federal Register, on at least an interim basis, no later than ninety days after the date of enactment of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

(d) There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(e) In carrying out his duties under this Act, the Secretary shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38, United States Code.

### PROGRAM AND PROJECT EVALUATION

SEC. 401. (a) (1) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 202, shall, after taking into consideration the views of State agencies designated pursuant to section 101, on an annual basis—

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities by subsection (a) of section 202, whether and on what basis such activities should be continued, revised or terminated.

(3) The Secretary shall, within 12 months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

(b) Effective January 1, 1974, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding, in accordance with procedure set forth in subsection (b), (c), and (d) of section 101, whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 404 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(d) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness no later than ninety days after the completion thereof. The secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

### OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 402. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 403. There is authorized to be appropriated for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, and III of this Act or $1,000,000, whichever is greater, to be available to conduct program and project evaluations as required by this title.

### REPORTS

SEC. 404. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail vocational rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of other services, and (3) include a detailed evaluation of services provided with assistance under title I of this Act to those with the most severe handicaps.

### SECRETARIAL RESPONSIBILITIES

SEC. 405. (a) It shall be the function of the Secretary, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, through the Office of the Secretary, to—

(1) prepare for submission to the Congress within 18 months after the date of enactment of this Act, a long-range projection for the provision of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals;

(2) analyze on a continuing basis and include in his report submitted under section 404, a report of the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), and the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs;

(4) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curriculums stressing barrier free design and the adoption of such curriculums by schools of architecture, design, and engineering), health, employment, rehabilitation, architectural, housing, and transportation barriers, and other areas so as to bring about the full integration of handicapped individuals into all aspects of society;

(5) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped individuals, regarding research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, causes, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Secretary deems necessary;

and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public.

(b) In selecting personnel to assist in the performance of the functions assigned in subsection (a) of this section, the Secretary shall give special emphasis to qualified handicapped individuals.

(c) The functions assigned to the Secretary by this section shall not be delegated to any persons not assigned to and operating in the Office of the Secretary, except that he may establish an Office for the Handicapped in the office of an appropriate Assistant Secretary of the Department of Health, Education and Welfare to carry out such functions.

(d) There are authorized to be appropriated such sums as the Congress may determine necessary for carrying out this section for the fiscal year ending June 30, 1973; and there is authorized to be appropriated for such purpose $500,000 each for the fiscal years ending June 30, 1974, and June 30, 1975.

### SHELTERED WORKSHOP STUDY

SEC. 406. (a) The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Labor and Public Welfare of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 101.

(c) Any contracts awarded for the purpose of carrying out all or part of this study shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

(d) The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after the date of enactment of this Act.

## TITLE V—MISCELLANEOUS

### EFFECT OF EXISTING LAW

SEC. 500. The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed ninety days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1972. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

### EMPLOYMENT OF HANDICAPPED INDIVIDUALS

SEC. 501. (a) There is established within the Federal Government an Interagency Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"), comprised of such members as the President may select, including the following (or their designee whose positions are Executive Level IV or higher): the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, and the Secretaries of Labor and Health, Education, and Welfare. The Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission shall serve as cochairmen of the Committee. The resources of the President's Committees on Employment of the Handicapped and on Mental Retardation shall be made fully available to the Committee. It shall be the purpose and function of the Committee (1) to provide a focus for Federal and other employment of handicapped individuals, and to review, on a periodic basis, in cooperation with the Civil Service Commission, the adequacy of hiring, placement, and advancement practices wtih respect to handicapped individuals, by each department, agency, and instrumentality in the executive branch of Government, and to insure that the special needs of such individuals are being met; and (2) to consult with the Civil Service Commission to assist the Commission to carry out its responsibilities under subsections (b), (c), and (d) of this section. On the basis of such review and consultation, the Committee shall periodically make to the Civil Service Commission such recommendations for legislative and administrative changes as it deems necessary or desirable. The Civil Service Commission shall timely transmit to the appropriate Committees of Congress any such recommendations.

(b) Each department, agency, and instrumentality in the executive branch shall, within one hundred and eighty days after the date of enactment of this Act, submit to the Civil Service Commission and to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met. Such plan shall be updated annually, and shall be reviewed annually and approved by the Commission, after consultation with the Committee, if the Commission determines that such plan provides sufficient assurances, procedures and commitments to provide adequate hiring, placement, and advancement opportunities for handicapped individuals.

(c) The Civil Service Commission, after consultation with the Committee, shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) The Civil Service Commission, after consultation with the Committee, shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of and achievements in hiring, placement, and advancement of handicapped individuals by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation which have been submitted to the Civil Service Commission under subsection (a) of this section, or other appropriate action to insure the adequacy of such practices. Such report shall also include an evaluation by the Committee of the effectiveness of the Civil Service Commission's activities under subsections (b) and (c) of this section.

(e) An individual who, as a part of his individualized written rehabilitation program under a State plan approved under this Act, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f)(1) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 502. (a) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are Executive Level IV or higher):

(1) Department of Health, Education, and Welfare;

(2) Department of Transportation;

(3) Department of Housing and Urban Development;

(4) Department of Labor;

(5) Department of the Interior;

(6) General Services Administration;

(7) United States Postal Service; and

(8) Veterans' Administration.

(b) It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 90–480), as amended by the Act of March 5, 1970 (Public Law 91–205): (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make reports to the President and to Congress, which shall describe in detail the results of its investigations under clause (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barrier described in clause (2) of this subsection.

(c) In carrying out its functions under this section, the Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Acts cited in subsection (b). The provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review.

(d) The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

(e) The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section.

(f) The Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Board, and the reports and recommendations described in clauses (4) and (5) of subsection (b) of this section and shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the daily pay rate, for a person employed as a GS-18 under section 5332 of title 5, United States Code, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(g) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section such sums as the Congress may determine appropriate for the fiscal year ending June 30, 1973; and there is authorized to be appropriated for such purpose $1,250,000 for the fiscal year ending June 30, 1974, and $1,500,000 for the fiscal year ending June 30, 1975.

### EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 503. (a) Any contract in excess of $2,500 entered into by Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7(7). The provisions of this section shall apply to any subcontract in excess of $2,500 entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after the date of enactment of this section.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

### NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 504. No otherwise qualified handicapped individual in the United States, as defined in section 7(7), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### APPROPRIATIONS FOR FISCAL YEAR 1973

SEC. 505. The paragraph entitled "Social and Rehabilitation Services" of chapter IV of the Supplemental Appropriations Act, 1973 (Public Law 92-607) is amended by striking out "section 103" and inserting in lieu thereof "section 110" each place it appears and striking out "section 104" and inserting in lieu thereof "section 120".

Mr. STAFFORD. Mr. President, today Senator RANDOLPH and I are introducing, with other cosponsors, a vocational rehabilitation bill which we have negotiated with the administration. This bill has the approval of the administration as it is introduced.

Since the Senate sustained the President's veto of S. 7, I undertook to get negotiations started between members of the Subcommittee on the Handicapped and the administration on a bill which both the Congress and the White House could agree and enact into law.

Simply stated, the goal of this proposed bill is to help handicapped individuals achieve their full potential of participation in our society. The bill contains most of the reforms in the program that existed in S. 7, such as the individualized written program, and those employment provisions that I feel are so necessary to be able to achieve the goals set forth by the vocational rehabilitation program.

Of the some estimated 7 to 12 million handicapped individuals in our country, the latest figures submitted by the Government estimate that my State of Vermont has some 15,000 disabled individuals who should receive the services provided by the vocational rehabilitation program. Of these 15,000 individuals, it is estimated that Vermont provided services to some 2,400 handicapped individuals, of which 655 were reported to be rehabilitated.

I think most of my fellow Vermonters, as well as the rest of the citizens of this country, would agree with me that, based on the numbers of people served and rehabilitated, this program has a long way to go before we can answer the desires of handicapped individuals.

The new bill directs the vocational rehabilitation program toward coverage of many more handicapped individuals. Yet we have been able to prudently reduce the amount of money from the vetoed bill by some half billion dollars to be more in line with the administration's original projected budget figures.

Mr. President, I ask unanimous consent that a table showing a comparison of authorizations for S. 7, the administration's budget request, and the new committee bill be printed at the conclusion of my remarks.

The bill contains the individualized written program which I had added to the original vocational rehabilitation bill in the 92d Congress. This provision will provide the handicapped individual with the right to participate in his own future and will help make the rehabilitation system more responsive to the needs of these handicapped individuals.

I am convinced that this new approach will bring more dignity and greater achievement to our rehabilitation efforts and will provide the system a measure upon which to guide its own future actions.

I have long felt that the personal insight of a handicapped individual into the problems of disabilities should be a valuable asset in the administering of programs that provide services to handicapped persons. This bill establishes an Inter-Agency Committee to establish affirmative action plans for the Federal Government to more aggressively pursue a hiring policy for handicapped individuals.

From discussion earlier this year with the Civil Service Commission, I was distressed to learn of the minimal efforts on the part of the Federal Government to live up to its own commitment of hiring the handicapped.

The section on employment of handicapped individuals which establishes the Inter-Agency Committee and the nondiscrimination in Federal contracts provisions of the law should go a long way toward providing the needed job opportunities to the handicapped people that we trained under the vocational rehabilitation program.

An equally important function and one that is often overlooked is accessibility to both public and private buildings for a handicapped individual. It does no good to train someone in a wheelchair for a job in a building which is two stories high with no elevators and has stairs leading to the front entrance.

I have for a long time fought for architecturally barrier free buildings within the State of Vermont and throughout the Federal Establishment. The establishment of an Architectural and Transportation Barriers Compliance Board, composed of the heads of several different agencies to insure compliance with standards prescribed pursuant to the Architectural Barriers Act of 1968, is a most important feature of this bill.

The Architectural Barriers Act has been law since 1968, but because of a lack of awareness by many nonhandicapped individuals, both in and out of the Federal Government, this law has not been enforced.

The provisions of the bill would require the Board to conduct investigations, hold public hearings, and issue necessary compliance orders to insure that buildings that receive any portion of Federal moneys in their construction shall comply to standards established by the Government to be architecturally barrier free.

The Board would also be able to provide guidance and informational help to those independent builders who wish to make their buildings accessible to all people in the community.

In essence, to be able to provide a handicapped individual with his right to participate fully within our society, we must provide good training programs to help the individual overcome the limitations of the handicap, we must also provide the employment opportunity and the architecturally barrier free environment so that the handicapped individual can fully participate and contribute like his nonhandicapped brethren.

While the negotiations between the administration and the committee on the new vocational rehabilitation bill had many points of give and take, I am convinced that the bill that has been introduced maintains the philosophy the Congress set forth in S. 7 while overcoming the administration's objections to that bill. I think the Senate should act in the near future on this proposal and it is my hope that we will have a vocational rehabilitation law signed before the end of the fiscal year.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VOCATIONAL REHABILITATION ESTIMATE—COST COMPARISON CHART

[Millions of dollars]

| Program | Fiscal year 1973 |  |  | Fiscal year 1974 |  |  | Fiscal year 1975 |  |  |
|---|---|---|---|---|---|---|---|---|---|
|  | S. 7 | Administration budget | Committee | S. 7 | Administration budget | Committee | S. 7 | Administration budget | Committee |
| Title I: |  |  |  |  |  |  |  |  |  |
| Basic grants | 700 | 590 | 590 | 800 | 610 | 610 | 0 | 1 | 640 |
| Inov. and expansion | 50 | 35.86 | 35.86 | 60 | 30 | 37 | 75 | 1 | 39 |
| Title II: Comp. rehab. service | 10 | 0 | [1] 0 | 25 | 0 | [1] 0 | 50 | 0 | [1] 0 |
| Title III: |  |  |  |  |  |  |  |  |  |
| Construction | 10 | .55 | .55 | 10 | .5 | .5 | 10 | 1 | .5 |
| Voc. training service | 15 | 10.3 | 10.3 | 25 | 8.3 | 10.3 | 30 | 1 | 12 |
| Interest grants | 1 | 0 | [1] 0 | 2 | 0 | [1] 0 | 4 | 0 | [1] 0 |
| Spc. projects and demo | 22.5 | 12.2 | 12.2 | 50 | 13.7 | 15.0 | 75 | 1 | 17 |
| Deaf/blind | 5 | .6 | .6 | 0 | .6 | 0.6 | 0 | 0 | [1] 0 |
| Const |  |  |  |  |  |  |  |  |  |
| Oper |  |  |  |  |  |  |  |  |  |
| Deaf ind | 2 | 0 | [1] 0 | 3 | 0 | [1] 0 | 5 | 0 | [1] 0 |
| Spinal cord | 8.5 | 0 | [1] 0 | 25 | 0 | [1] 0 | 30 | 0 | [1] 0 |
| Renal | 8.5 | 0 | [1] 0 | 20 | 0 | [1] 0 | 25 | 0 | [1] 0 |
| Older blind | 5 | 0 | [1] 0 | 15 | 0 | [1] 0 | 30 | 0 | [1] 0 |
| NAC | .05 | 0 | [1] 0 | .10 | 0 | [1] 0 | .15 | 0 | [1] 0 |
| SAC | .15 | 0 | [1] 0 | .5 | 0 | [1] 0 | .75 | 0 | [1] 0 |
| Title IV: |  |  |  |  |  |  |  |  |  |
| Research | 40 | 20.346 | 20.346 | 75 | 19.996 | 25 | 100 | 1 | 25 |
| Training | 32.5 | 27.7 | 27.7 | 50 | 17 | 27.7 | 75 | 1 | 27.7 |
| Title V [3] | 1 | 0 | 1 | 1 | 0 | 1 | 1.5 | 0 | 1 |
| Title VI [4] | 1 | 0 | 0 | 1.5 | 0 | .5 | 2 | 0 | .5 |
| Title VII [3] | 1 | 0 | [1] 0 | 1.25 | 0 | [1] 0 | 0 | 0 | [1] 0 |
| Pres. comm. empl. of hand. compliance board | .5 | 0 | 0 | 1.5 | 0 | 1.25 | 1.5 | 0 | 1.5 |
| Yearly total | 913.2 | 697.556 | 698.556 | 1,171.45 | 700.096 | 728.85 | 748.65 | 700.096 | 764.20 |
| Grand Total | S. 7—2,600.25 |  |  |  | Administration 2,097.748 |  |  |  | Comm. 2,190.606<br>+93.858 |

[1] Title or sec. of S. 7 not in committee bill.

[2] Title II of committee bill.

[3] Titles IV and V of committee bill 1—Administration budget estimates not available for fiscal year 1975.

[4] Sec. 405 of committee bill.

Mr. STAFFORD. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from New Jersey (Mr. WILLIAMS), relating to introduction of the Rehabilitation Act of 1972 (S. 1875), be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF MR. WILLIAMS

Mr. President, I join with my colleagues today in re-introducing legislation to extend and revise the Vocational Rhabilitation Act.

This legislation, as is well known, has felt the brunt of the battle over social priorities between the Congress and the Administration, and has undergone many changes since hearings were held initially in the Senate more than one year ago. The proposal which is being introduced today is one which the Administration says they will support, and one which has been worked on intensively by some of my colleagues on the Subcommittee on the Handicapped. In most ways, this bill contains the significant changes and important priorities which were contained in H.R. 8395, and in S. 7.

This proposal, if enacted into law will provide a substantial boost in laying the groundwork for an important turnabout in providing access and equal rights for handicapped individuals. Many of the changes which we made in the vocational rehabilitation legislation will have the affect of changing the operation of this program in the States for many years to come. We have built procedural protections into the basic program which will protect the rights of the individuals, provide more flexibility in the vocational goals to which they aspire, and assure them that all of the services which they need will be available. This proposal retains the important provision for individualized written programs, the client assistance program, and places strong emphasis on research into technological aid and devices, and rehabilitation engineering. It also places the emphasis the Congress believes important on training of qualified and skilled personnel to work in the area of rehabilitation.

Because of the importance of this program and the necessity to keep it strong, the bill retains statutory creation of the Rehabilitation Services Administration and the Commissioner, although the Secretary may delegate the authority of this Administration to other than the Commissioner if he submits a reorganization proposal to the Congress.

This bill also retains the important auxiliary provisions which are needed if we are to make progress in other areas: thus, the Architectural and Transportation Barriers and Compliance Board, the Interagency Committee on Employment of the Handicapped and the important anti-discrimination provisions in federal grants and contracts are retained.

My colleagues will note that this proposal continues the important functions and authorities of my proposal to create an Office for the Handicapped in the Department of Health, Education, and Welfare, although these authorities are given to the Secretary to be carried out within his office, and which may be delegated to an appropriate Assistant Secretary upon the creation of an Office for the Handicapped. While I have strong reservations about this change, I might well be receptive to accept it, if I should be able to obtain in writing an unequivocal commitment from the Administration indicating its agreement to carry out to the letter these functions together with appropriate funding to follow through on such a commitment.

I wish to point out to my colleagues that this bill contains authorizations which exceed the President's budget request by only $92 million, increases in authorizations which come for the most part in the Fiscal Years 1974 and 1975. These authorizations are in line with the important emphasis which the Committee places on the need to expand services to more handicapped individuals, and the need to invest more in important research and training programs which will be needed to provide the advanced services and innovation in rehabilitation techniques.

Mr. President, I have said earlier that I believe that this bill conforms in most respects to the thrust and the intent of the Congress in providing equal rights to handicapped individuals. If we look back to the earliest public statements on this legislation we will note one theme expressed over and over again: the importance of ensuring that the invaluable services provided by the State vocational rehabilitation program are available to those individuals most in need—handicapped individuals with the most severe handicaps.

I must therefore make clear today that I plan to more carefully examine the language in this bill so as to fully satisfy myself that this proposal meets those objectives to the maximum feasible extent. I am certain that my colleagues will also want to satisfy themselves that those individuals with difficult problems associated with their rehabilitation will be served well by the vocational rehabilitation program and will be given the chance that they need to be self-supporting and self-sufficient members of our society. And, I know that all of the members of the Labor and Public Welfare Committee will want to fully explore this aspect of the bill prior to the time we report a final measure to the Senate floor.

Mr. President, I believe that my colleagues who have worked out this bill with the Administration have been most responsible in trying to meet the objections of the President in his second veto message. And, at the same time they have done their utmost to widen the doors of vocational rehabilitation for individuals whose needs have previously gone unmet. As one Senator, I want to reaffirm my commitment to assure that those doors are kept open for all of the handicapped citizens of this nation.

---

By Mr. BURDICK (for himself, Mr. HRUSKA, and Mr. HART):

S. 1786. A bill to provide for the division of jurisdiction between State and Federal courts, and for other purposes. Referred to the Committee on the Judiciary.

### FEDERAL COURT JURISDICTION ACT OF 1973

Mr. BURDICK. Mr. President, I am introducing today for appropriate reference a bill entitled the Federal Court Jurisdiction Act of 1973. I am pleased to have the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished Senator from Michigan (Mr. HART) as cosponsors of this bill. Their interest in this legislation shows their deep concern for the continued improvement of our judicial system. This bill is a modification of draft legislation on the jurisdiction of Federal courts prepared by the American Law Institute and introduced as S. 1876 in the 92d Congress. Their draft was the result of a 10-year study, begun in 1960 and made at the suggestion of the then Chief Justice Earl Warren.

In proposing this study, Chief Justice Warren stated:

> It is essential that we achieve a proper jurisdictional balance between the Federal and State court systems, assigning to each system those cases most appropriate in light of the basic principles of federalism.

The American Law Institute pursued this suggestion and produced what, to my knowledge, was only the third comprehensive review of Federal court jurisdiction since the inception of our lower Federal courts under the Judiciary Act of 1789.

Our Federal district courts have always been courts of limited jurisdiction—they can only adjudicate controversies falling within the jurisdiction defined by statutes passed by Congress.

Mr. President, it is appropriate for the Congress to examine the business of the Federal courts and ask critical questions regarding their jurisdiction. If the Federal courts have limited jurisdiction and can only hear a certain number of cases, should there not be a good reason for a Federal court to hear a particular case? Are the factors which led our predecessors in Congress to include a particular type of case within Federal jurisdiction still persuasive in light of modern social and economic conditions? Are there cases which the Federal courts can handle more efficiently, merely because they are part of a national system and can consolidate suits brought in different areas of the country?

And finally, since the dockets of both our Federal and State courts are badly overcrowded, would it not be more efficient for Federal judges to adjudicate a greater proportion of the cases arising under Federal law, and fewer cases arising under State law, with which they are presumably not so familiar as State judges?

Essentially, these are the questions with which the American Law Institute struggled for 10 years. The American Law Institute is a body of distinguished judges, members of the bar, and law professors. They are responsible for the well-known restatements of the law. The results of their study was a bill providing a substantial revision of title 28 of the United States Code, the chapters of which delineated the jurisdiction of the Federal district courts, the procedures for its invocation, and the limitations on its exercise. The draft legislation and commentary explaining the reasons for the changes were published in 1969 in a book entitled "Study of the Division of Jurisdiction Between State and Federal Courts."

The Judicial Conference, because of the far-reaching nature of the changes proposed by this bill, recommended its early submission to Congress for appropriate legislative examination. I introduced that legislation in the 92d Congress as a bill, S. 1876. Eleven days of hearings were held on the bill and the testimony of numerous witnesses was received. On the basis of suggestions received during the hearings, I have incorporated certain modifications which will be discussed later, and I am reintroducing the bill in modified form today for consideration in this session of the Congress.

### HISTORY

Mr. President, the Judiciary Act of 1789 laid out the basic framework of our judicial system. The jurisdiction presently vested in the Federal courts is the result of statutes enacted at various times in our history with various specific purposes in mind.

It was changed significantly after the Civil War. The act of July 27, 1866, broadened removal in diversity cases—about one-sixth of all diversity cases now come to the Federal bench by removal. The important act of March 3, 1875, gave the lower Federal courts for the first time jurisdiction in cases arising under the Constitution, laws, or treaties of the United States—the "Federal question" jurisdiction, which accounted for 43 percent of all civil cases filed in Federal court last year.

These jurisdictional grants increased the workload of the Federal courts. To accommodate the increased work, the circuit courts of appeals were created in 1891, and the "judges' bill" in 1925 made most review in the Supreme Court discretionary rather than a matter of right.

In 1972, a total of 143,216 civil and criminal actions were commenced in the U.S. district courts, 13 percent more than fiscal year 1970. The caseload has grown immensely in the last decade. The 96,173 civil cases filed in fiscal 1972 represent an increase of 36 percent over those filed in 1966 and an increase of 62 percent over civil filings in 1960. In light of these changes, it is appropriate for Congress to examine the jurisdiction of the Federal courts.

### THE ALI PROPOSAL

The conclusions of the ALI study now being reintroduced were presented in the form of a proposed revision of those sections of title 28 of the United States Code that now delineate the jurisdiction of the district court in five major areas of Federal jurisdiction: First, diversity jurisdiction; second, Federal question jurisdiction; third, admiralty and maritime jurisdiction, fourth, United States as a party; and fifth, jurisdiction of three-judge courts.

Before attempting a more specific analysis of the provisions of the bill, let me illustrate the significance of this bill by a concise statement of the effect of the proposals to redefine the jurisdiction of the district courts. In the area of diversity jurisdiction, it is proposed to contract Federal jurisdiction by excluding certain resident plaintiffs, commuters, and foreign corporations where the litigation arises out of a transaction local to the State wherein the Federal court is located. The authors of the study estimated that approximately 50 percent of these cases would be excluded; the Judicial Machinery Subcommittee staff has estimated that number at 15,000 for fiscal 1972. Offsetting this contraction would be an expansion of Federal jurisdiction to include Federal question cases regardless of the jurisdictional amount. The number of cases affected by this expansion is not known at this time. Thus it seems clear that the proposals made by the ALI substantially embodied in this bill are of great importance to the bench and bar of this country.

Let me briefly outline for my colleagues the effect of the bill on the five major areas of Federal jurisdiction.

### I. DIVERSITY JURISDICTION

Diversity of citizenship jurisdiction remains the most controversial head of Federal jurisdiction. In recent correspondence with Federal judges a considerable number of them suggested diversity jurisdiction be abolished completely, that it is no longer necessary. I am convinced that their recommendation for abolition would go too far, and that the more moderate alternatives of the ALI are a more desirable proposal for Congress to consider in its study of the division of jurisdiction between Federal and State courts.

The provisions of this bill reflect the judgment of the Institute that diversity jurisdiction continues to serve an important function in our federal system, but that it presently extends to substantial classes of cases with no valid justification for being in the Federal courts and omits some that should have access to a Federal forum.

Although it is estimated that these provisions might reduce diversity jurisdiction by about 50 percent, the purpose of this bill is not to reduce the backlog of cases in Federal courts, but to provide a clear and principled division of cases between the State and Federal courts. The rationale adopted for diversity jurisdiction in this bill is that the function of this jurisdiction is to provide an even level of justice to the traveler or visitor from another State. However, when a person's involvement with a State is such as to eliminate any real risk of prejudice against him as a stranger and make it unreasonable to heed any objection he might make to the quality of its judicial system, the bill would not permit him to choose a Federal forum.

In accordance with this principle, this bill bars a plaintiff from bringing suit in Federal court in his own State simply because his opponent is a citizen of another State.

On a similar basis, a corporation or other business enterprise with a local establishment maintained for more than 2 years in a State would be prohibited from invoking either originally or on removal, the diversity jurisdiction of a Federal court in that State in any action arising out of the activities of that establishment. Similarly, a natural person would be denied access to the Federal court in the State where he had his principal place of business or employment.

These provisions are in line with the policy of the present provision regarding removal—28 U.S.C. 1441(b)—which does not allow removal when the defendant is a citizen of the State in which such action is brought. There is not likely to be prejudice in a court in his own State and thus the law now provides no removal. What this bill does is to treat plaintiffs the same way and deny them original diversity jurisdiction in Federal court in their own State.

The policy with regard to commuters and corporations is the same as with natural persons: That is, when they are strongly established in the State, their case as plaintiff or defendant can be heard in State court without fear of local bias.

Other provisions are designed to reinforce the prohibition against the artificial creation or destruction of diversity either by assignment or the appointment of a fiduciary.

An important change would allow an out-of-State defendant to remove an action to Federal court even though complete diversity is lacking because his codefendants are ineligible or unwilling to remove.

### II. GENERAL FEDERAL QUESTION JURISDICTION

This bill provides for a separate chapter to deal with original jurisdiction, removal, and venue in cases arising under the Constitution, laws, or treaties of the United States, known as Federal question cases. It was not until 1875, as the body of the Federal law grew, that Federal courts were granted jurisdiction generally over them. The provisions of this bill are based on the conclusion that Federal question cases are indeed the proper business of the Federal courts.

The Federal courts have acquired a considerable expertise in the interpretation and application of Federal law. Of course, in some cases, jurisdiction is concurrent, but the proportion of Federal question cases forms a very small part of the business of the State courts, while they form a highly concentrated part of the business of Federal courts.

Thus, the bill would broaden the jurisdiction of Federal courts over cases involving federally created rights. It would also relieve State judges of the burden of deciding statutory questions with which they are unfamiliar and which may, therefore, require significantly more time for them to decide than it would take a Federal judge.

This is in line with the general philosophy of this bill which assigns a greater number of diversity cases, involving State law, to State courts more expert in these matters.

The argument in favor of vesting Federal question jurisdiction in the Federal courts does not rest alone on the expertise of those courts. Long ago Justice Story referred to "the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the Constitution," and said that truly deplorable public mischiefs would result if the laws, the treaties, and the Constitution of the United States should be different in different States, and never have precisely the same construction, obligation, or efficacy in any two States. *Martin* v. *Hunter's Lessee,* 1 Wheat. 304, 347–348 (1816). In the fiscal year 1972 there were 41,547 private Federal question cases commenced in the Federal district courts, and this number will increase with the general increase in volume of litigation and the broadening scope of Federal law. The U.S. Supreme Court could not possibly review all of those cases. To the extent that, whether tried in State or Federal court, Federal question cases are not heard by the U.S. Supreme Court, some lack of uniformity as to the meaning and application of Federal law is inevitable. There is reason, however, to believe that greater uniformity results from hearing these cases in a Federal court, and on appeal in only 11 Federal circuit courts of appeal.

The most important change here is that Federal question cases may be brought without any requirement that the amount in controversy exceed a fixed dollar amount. The need for a Federal forum is no less in small cases than in large cases. This will clarify many troublesome problems that the district courts have faced in attempting to determine the value of a case, particularly when equitable relief is requested. Furthermore, it is important that in a case where parties seek to assert Federal rights, they have full access to the district courts.

Another important change required by this rationale is to permit removal on the basis of a Federal defense or counterclaim. The need for a Federal forum is as great for the defendant who relies on Federal law to defeat a State-created claim as it is for the plaintiff whose claim is derived from Federal law. The alinement of parties, as plaintiff or defendant, seems irrelevant to any functional or even rational explanation of Federal question jurisdiction.

Under the ALI draft, removal of a Federal question defense may be either on the basis of a statutory or a constitutional claim. At the present time, it is not possible to remove an action from a State court on the basis of a Federal defense even with respect to a matter for which Congress has expressly indicated the policy and rules that ought to apply. It is entirely proper, it would seem, that in such cases a defendant should have the right to have the matter heard in a Federal court, and the bill so provides. As previously stated, the bill also provides for removal on the basis of a constitutional defense. The question with regard to removal on that basis raises issues which deserve further consideration. If constitutional defenses were a basis for removal, there might be a significant shift of cases to the district courts involving matters, such as contract and landlord-tenant cases, that are traditionally handled by State courts. In addition, permitting removal on the basis of constitutional defenses might encourage lawyers to seek removal or to file petitions for removal when there is a plausible, yet groundless, constitutional basis for such action.

Removal generally will be allowed in a Federal question case without regard to the amount in controversy whenever there is a counterclaim that could have been brought as an original action under the proposed section 1311 of title 28. Removal also will be allowed when a Federal defense is raised provided the amount in controversy exceeds $15,000. There are, however, certain types of cases where removal is barred—the Fair Labor Standards Act, the Employers' Liability Act, the Jones Act, the Carmack Act, and workmen's compensation cases. The reason for these exceptions is that Congress has attempted to provide a convenient forum for plaintiffs in these cases involving small amounts in controversy and removal would cause delay and hardship.

### III. ADMIRALTY AND MARITIME JURISDICTION

The draft recommendations of ALI were not intended to change admiralty jurisdiction significantly. However, during hearings on this chapter of the bill, it became clear that some changes apparently had been made and there were certain problems in the draft regarding jury trials, venue and service of process, as well as other matters relating to admiralty jurisdiction.

On the basis of the hearing testimony and further consultation with the Maritime Law Association and others, a number of clarifying changes have been made in the proposed sections on admiralty jurisdiction and, in addition, a new secton 1316 defining the matters included in that jurisdiction has been proposed.

The language of 28 U.S.C. section 1333 is continued to preserve the body of case law built upon it. It provides that the district courts shall have original jurisdiction without regard to the amount in controversy in all civil actions of admiralty and maritime jurisdiction. The bill also contains new language which amends the admiralty jurisdiction by including certain activities not presently within the admiralty jurisdiction and excluding certain controversies which can be more appropriately resolved in State courts. The proposed admiralty jurisdiction includes claims for declaratory or equitable relief or interpleader. Section 1316(a)(1) extends the admiralty jurisdiction to traditional maritime claims included in the admiralty jurisdiction of most countries and in accordance with early decisions of the Federal district courts. It would include cases arising out of the construction, mortgage, sale, chartering and scrapping of vessels. The number of cases included in this expanded admiralty jurisdiction will not increase substantially the admiralty caseload in the district courts. The majority of such cases are already before the district courts and the Court of Claims as civil claims of Federal and diversity jurisdiction.

This bill contains new language which clarifies admiralty jurisdiction over aircraft accidents and is in line with the recent Supreme Court case, *Executive Jet Aviation, Inc.* v. *City of Cleveland, Ohio*, 409 U.S. 249 (1972). It would grant jurisdiction over aircraft accidents occurring on or over the high seas beyond a maritime league from shore. These cases can be resolved appropriately under the principles of admiralty law, and some conflict of laws questions which might otherwise arise if State law were applied can be avoided.

Consideration was given to eliminating pleasure boating from the admiralty jurisdiction. However, it appears that one of the main reasons that the inclusion of pleasure boating within the admiralty jurisdiction has been objected to is the fact that the Limitation of Liability Act can apply to small pleasure craft having a very low monetary value thus resulting in extremely small recoveries in some cases. Therefore, the bill provides that in any case under the Limitation of Liability Act a vessel shall be deemed to have a minimum value of $70,000.

Another provision in the bill resolves a conflict in the case law by providing that jurisdiction does not include a claim merely because it arose on navigable waters. Thus, it would eliminate such claims as swimming accidents from admiralty jurisdiction. This clause is also in line with the Supreme Court decision in Executive Jet.

The "saving to suitors" clause is replaced by a provision declaring in terms when jurisdiction is exclusive and when it is concurrent; the line drawn reflects the existing case law. Jurisdiction is exclusive only in limitation of liability actions, actions against the United States, and action in rem.

Removal of admiralty and maritime actions is permitted, as under existing law, only if there is some basis for Federal jurisdiction other than the maritime nature of the claim. Venue for maritime actions is put in statutory form for the first time. This codification reflects the traditional liberality of venue in admiralty. Action may be brought where events giving rise to the claim occurred, or where any defendant or any vessel, cargo, or other property subject to arrest or attachment may be found.

New language has been added to the proposed venue provision to clarify that no change is intended with respect to the traditional maritime remedy of attachment. Also, the language covering alternate venue in boundary water cases has been amended to provide a 40-mile limit for such transfer and thus eliminate possible abuses. The proposed section 1319 providing for a right to a jury trial in admiralty personal injury actions has been clarified to indicate that this right applies only in cases other than limitation of liability proceedings and only when the relief sought is money damages for personal injury or death.

### IV. UNITED STATES AS A PARTY

The treatment of cases in which the United States is a party is largely declaratory of existing law. This bill carries forward the present law, making a general grant of jurisdiction over actions brought by or on behalf of the United States. The bill resolves conflicts in the cases by defining when counterclaims may be asserted. As reintroduced, the bill makes several changes intended to clarify the previous draft. These were the result of suggestions made by the Department of Justice during the hearings.

In general a counterclaim may be asserted: First, when the district court would have jurisdiction of the counterclaim in an independent action, or second, when it arises out of the same transaction or occurrence as the plaintiff's claim, and it is within the jurisdiction of any court of the United States, or third, when it arises out of the same transaction or occurrence as the Government's claim and it is a claim that could not otherwise be asserted—but here the use of a counterclaim is wholly defensive and no affirmative judgment for the defendant can be rendered.

The bill generally carries forward the jurisdiction of the district court in cases where the United States is a defendant. Jurisdiction of Tucker Act suits and tax refund cases remains concurrent with the Court of Claims. One change is made, however, the maximum limit in Tucker Act suits in the district courts is raised to $50,000, rather than the $10,000 presently provided. The Federal district courts will continue to have exclusive jurisdiction of cases under the Federal Tort Claims Act. There is also a new general grant of jurisdiction over all other actions in which the United States has consented to be sued in a district court. The United States is allowed to assert as a counterclaim any claim that it has against any plaintiff to the action.

The bill gives district courts original jurisdiction of any civil action commenced by a present or former officer or employee of the United States to recover damages for any injury to him on account of any act done under color of his office or in performance of his official duties. This is a broadening of 28 U.S.C. 1357, which is limited to situations where the employee is engaged in revenue collection or voting rights activities. The bill includes without change 28 U.S.C. 1361, giving jurisdiction over actions in the nature of mandamus to compel an officer of the United States to perform a duty owed to the plaintiff. Finally, 28 U.S.C. 1442, 1442a, allowing removal of civil actions or criminal prosecutions brought in a State court against Federal officers, are preserved in a somewhat more generalized form.

The bill continues jurisdiction of actions involving Federal corporations, national banks, and Interstate Commerce Commission orders without any changes in substance.

### V. STAYS IN CERTAIN CASES: THREE-JUDGE COURTS

The Supreme Court has adopted certain rules, known as the "abstention doctrine," that recognize various circumstances in which a Federal court, though it has jurisdiction, ought to defer to the State courts and let the State courts answer some or all of the questions the case poses. But the application of the doctrine is not entirely clear. This bill seeks to clarify the law by providing a narrow class of cases in which the Federal courts should defer to the courts of the State. If they do so defer, ordinarily it will mean the case will proceed to judgment in the State courts.

The bill defines more clearly the occasions when injunctions from one court may issue against proceedings in the other system of courts.

Under this bill, a three-judge court is not required when an act of Congress is challenged as unconstitutional or when a State statute is challenged as unconstitutional. There is one exception to this general policy; that is, in any action challenging the constitutionality of congressional apportionment or the apportionment of any statewide legislative body, the case shall be heard by a special three-judge court. The reason for this exception is because of the special importance of these reapportionment cases. In all other situations, the bill assumes that a single Federal judge is fully capable of interpreting the application of the Constitution to acts of Congress or State statutes and that adequate review of a decision may be had in the circuit courts of appeal and the Supreme Court.

### VI. PROCEDURE FOR REMOVAL

A separate chapter on removal procedure is provided to clear up ambiguities in the present statutes, and also to limit the instances in which a case in the State court can be removed after the initial pleading stage or after trial has begun.

### VII. MULTIPARTY-MULTISTATE DIVERSITY

The ALI draft proposal included a chapter which provided for special jurisdiction over certain multiparty-multistate actions. However, that chapter was somewhat complex and would have been applicable to a limited number of cases. Thus, since a significant number of States have enacted broad long-arm statutes subsequent to the date this proposal was initially made, its need has diminished and the chapter has been eliminated from this bill.

### THE AMERICAN LAW INSTITUTE

Mr. President, it is appropriate to acknowledge the efforts of the American Law Institute, its president, Norris Darrell, its director, Prof. Herbert Wechsler, and members of its advisory committee for the valuable service they have rendered in developing this bill. The proposed statute and the commentary were prepared by a reportorial staff of great ability under the leadership of Prof. Richard H. Field of Harvard Law School as chief reporter. Prof Paul J. Mishkin, of the University of Pennsylvania Law School—presently visiting professor at the University of California Law School—assisted him in the development of the material on general diversity jurisdiction and Prof. David L. Shapiro of Harvard served as assistant reporter on that section. Prof. Charles Alan Wright of the University of Texas Law School assumed responsibility for reporting on general Federal question jurisdiction. Prof. David F. Cavers of Harvard and Leavenworth Colby, Esquire, of the U.S. Department of Justice served as consultants on choice of law problems and on admiralty and maritime problems respectively. In addition, credit must be given to a distinguished advisory committee whose membership included two State court justices, seven Federal judges, two professors, and five noted lawyers.

While we may not all agree on the fine points of this bill, those who study it will share my appreciation of the scholarship, craftsmanship, and objectivity of the institute's work. As in all institute projects, their draft proposals were systematically reviewed by the advisers and by the council at annual institute meetings, a process that made an enormous contribution to the shaping of the final product. The changes made in the bill introduced today do not change the major outlines of the ALI proposal but merely seek to clarify and add to their contribution.

### THE ROLE OF CONGRESS

One effect of this bill may be to shift to the State courts approximately one-half of the general diversity cases now litigated in the Federal system. The extent to which this reduction would be offset by the expansion of Federal question jurisdiction and by the broadening of the right of an out-of-State defendant to remove is somewhat uncertain at this time. It seems probable that there would be some lessening of civil litigation in the Federal courts. The volume of diversity litigation in the Federal court system is small in comparison to the total volume of State litigation—an estimated 15,000 diversity cases shifted under this bill, compared to more than a million cases now heard in State courts. The exact burden upon the various State court systems has been examined by the subcommittee staff and in no case where statistics are available does it appear to be more than a small percentage of the present civil case load of any State court system.

However, the effect of this bill goes far beyond mere caseload problems. Prof. Charles Alan Wright has clearly stated the issue:

> Every case must be tried in some court, and if the Federal judiciary were to gird itself for the law explosion by narrowing Federal jurisdiction, it would simply mean that many more cases for which the state must make provisions . . . The goal must be not to get cases out of the Federal courts, but to get out of Federal courts the cases that do not belong there.

Mr. President, the merits of this bill must also be measured in light of this philosophy.

Upon the introduction of S. 1876—92d Congress—in May 1971, copies of the bill were distributed to every State bar association, members of the Federal and State judiciary and other interested parties calling their attention to these important proposals and inviting their comments. To date, three bar association committees and the board of governors of one State bar association have submitted their views to the Subcommittee on Improvements in Judicial Machinery. I am informed that other bar associations have committees which are now studying this legislation. As was done previously, this bill will be widely distributed to the bench and bar.

It is my hope that the reintroduction of this bill will encourage a continuation of the spirited and vigorous dialog that was begun during the hearings on the bill and discussions of the proposals in other legal councils. I encourage my fellow Senators, the judges of the United States, members of the bar, and our good citizens to make themselves heard on this important legislation.

### THE FEDERAL COURT JURISDICTION ACT

Mr. HRUSKA. Mr. President, I am pleased to join my good friend, the distinguished chairman of the Improvements in Judicial Machinery Subcommittee (Mr. Burdick) as a cosponsor of S. 1876, the Federal Court Jurisdiction Act of 1973. This Senator is privileged to serve as the ranking minority member on the subcommittee and has come to admire our chairman's firm even-handed abilities, and diligence in discharging his responsibilities.

In the main, this proposal would codify the findings of the Study of the Division of Jurisdiction Between State and Federal Courts which was completed by the American Law Institute in 1969. The ALI certainly deserves our congratulations for the 10 years of diligent and thoughtful effort which went into their study.

Additionally, the bill incorporates some helpful suggestions which were made by witnesses who appeared before the subcommittee last year during hearings on S. 1876, the instant bill as introduced in the last Congress.

The Judiciary Act of 1789, enacted pursuant to the constitutional grant of authority to Congress to constitute inferior Federal courts, has been called "probably the most important and satisfactory act ever passed by Congress."[1] While some mignt consider this evaluation to be somewhat hyperbolic, none would deny that the recognition of distinctly Federal jurisdictional interests was an event of enormous historical significance.

Since 1789, as Senator Burdick has pointed out, a great number of significant changes have been made with respect to the jurisdiction of our U.S. district courts, most notably in the acts of 1866 and 1875. However, the role of our court system in this country is a dynamic one which properly requires periodic consideration of major restructuring efforts, as opposed to haphazard attempts at refurbishing. Traditional principles must be retested. All of the grand questions with respect to proper Federal-State relations must again be explored.

The subject bill thus presents us with a unique opportunity to make a comprehensive review of the proper role of our Federal courts in a 20th-century society and, under the leadership of Senator Burdick, I believe this pursuit will be extremely worthwhile.

It is this Senator's view that our Federal courts have proven to be necessary forums for the adjudication of three general types of litigation.

First, there exists a body of Federal law which, by its nature, should be within the exclusive bailiwick of the U.S. district courts in order to seek and to attain, as nearly as possible, a uniformity of result nationwide.

Second, there are those cases in which the United States itself is a party plaintiff or defendant and must be entitled to a disposition in Federal court.

Finally, in litigation among citizens from different States, the jurisdiction of our Federal courts must be broad enough to provide a predictable and even level of justice to our citizens traveling from State to State.

In addition to these general jurisdictional bases, there exist several other specialized causes of action which have traditionally and wisely been handled in the federal system such as civil cases of admiralty and maritime jurisdiction, bankruptcy actions, and patent infringement cases.

However, when considering whether or not to venture beyond these rather limited jurisdictional confines, we must act with caution. The basic tenets of a sound federalism and the veritable "explosion"[2] of Federal court litigation in recent years point to a number of attendant problems of major import.

The bill which my colleague has introduced recognizes these limitations on Federal jurisdiction as central to the legislative goals which ought to be properly pursued by Congress. S. 1876 thus makes a somewhat more expansive view of "Federal question" jurisdiction and generally adopts the current scope of Federal jurisdiction in those cases in which the United States is a party. At the same time, however, the bill recognizes that the scope of "diversity" jurisdiction must of necessity be very modest and substantially reduces the number of these cases which would have entree to the District courts.

The bill also covers a number of additional areas which warrant our detailed scrutiny such as admiralty jurisdiction, removal procedures and three-judge court proceedings.

There are signs that our country is now willing to come to grips with the problems facing our Federal courts. The American Law Institute's study has been a valuable catalyst. Additionally, the Administrative Office of the Courts regularly produces reliable and illuminating figures on the workloads of the Federal courts, and the Federal Judicial Center is actively concerned with reform. The Judicial Conference of the United States and also, in certain areas, the Administrative Conference can play important roles. Congress has also authorized a National Commission on Revision of the Federal Appellate Court System which will study circuit realinement and other matters relating to the Federal court appellate system. Finally, we now have a Chief Justice with greater active, persistent concern, and interest for the proper functioning of the Federal courts than any since William Howard Taft. Out of all of this some good must come.

---

[1] Mr. Justice Henry B. Brown, The New Federal Judicial Code, 36 A.B.A. Rep. 339, 345 (1913), quoted in Charles Warren, *New Light on the History of the Federal Judiciary Act of 1789*, 37 Harv. L. Rev. 49, 52 (1923). See Henry J. Friendly, *Federal Jurisdiction: A General View*, (1973) at p. 1.

[2] Friendly, *supra*, at 15.

At the present time, of course, this Senator is not prepared to endorse the subject bill in toto. However, I do look foward to subcommittee hearings and deliberations on the proposal and believe that it can serve as a very helpful vehicle for needed legislation in this area. Certainly, this is not a point in history when Congress can afford to avoid the myriad problems facing the Federal judicial system.

---

By Mr. HUMPHREY:

S. 1877. A bill to create river basin waste treatment authorities for the purpose of assuming control over, planning, construction, and operating waste treatment facilities throughout the United States in order to eliminate water pollution in our Nation's rivers and streams. Referred to the Committee on Public Works.

### RIVER BASIN WASTE TREATMENT AUTHORITY ACT

Mr. HUMPHREY. Mr. President, in America today, over 1,400 communities dump raw sewage into our rivers. Fully 30 percent of our people are not even served by sewer systems. Roughly 60 percent of the sewage treatment facilities that we do have cannot handle current loads. Waste loads of our cities are expected to rise at least 4 times in the next 50 years, while today more than 1,000 communities outgrow their treatment facilities each year. Many of our existing treatment plants are not only overloaded, but poorly designed, operated, and maintained as well. Given these conditions, there is little wonder that nearly 30 percent of America's stream-miles remain heavily polluted and virtually every river in our metropolitan areas is seriously fouled.

Current efforts at water quality control are marked by, in the words of a report from the Public Works Committee, fragmented responsibility; jurisdictional incompleteness, which allows entire areas to be completely unserviced; the financial weakness of local units responsible for implementation; the irrational posture of Federal enforcement; the gap between authorization and appropriation; the sad fact that many States and localities have had to pay the Federal share of treatment works costs; the impounding of Federal water and sewer funds; and the financial havoc which promised but unpaid Federal shares have caused to local and regional organizations.

Some of these deficiencies will no doubt be corrected by the historic Federal Water Quality Control Act Amendments of 1972, passed by Congress last October. While I heartily support the good work of the Public Works Committee, I am apprehensive because I feel that unless we take a completely systematic approach to water pollution treatment, then our programs will always be inadequate. Our approach in the past has largely been negative. We have worked with the planning agencies of States and localities to come up with plans which essentially say to communities—you build the treatment plants. And that has been all. Our financial assistance has been skimpy at best, where it has been forthcoming at all.

Mr. President, if we are ever going to solve our water pollution problem, I believe we must have a new concept, a fresh approach.

Today, I am introducing the River River Basin Waste Treatment Authority Act. This legislation is such a new approach. It would create waste treatment authorities, on a river basin region basis, that would be responsible for treating all polluted water—regardless of its source—within the boundaries of that river basin region. These authorities would plan and build new facilities, as well as own and manage existing plants.

These new agencies must have responsibility for entire river basins. They must be charged not only to plan for interstate, interlocal, and interregional cooperation, but also for building, operating, and maintaining adequate treatment facilities.

Their operations and building programs will be financed by user charges against users of existing plants as well as new plants. The authorities will fund their building programs by issuing bonds for the entire cost of construction on the national investment markets. The Federal Government will pledge to pay 40 percent of the debt service costs. The terms of the bonds will be long so as to approximate the useful life of the facilities.

In addition, the authorities will have full powers of condemnation so that they will be able to carry out, expeditiously and effectively, pollution control programs. Simply putting the responsibility for pollution control in a single agency for each river basin is not sufficient. It must be accompanied by the powers, tools, and assistance that will insure that it can carry out its mandate.

The agencies will not be Federal instrumentalities. Rather they will be supervised and operated by boards that represent States and local governments.

The Federal responsibility will be in standard setting in order to assure a minimum level of clean water for citizens throughout this country; the major responsibility and operating details remain with the States and localities.

The bill represents a new approach to solving our water pollution crises. I ask that the text of the bill and a section-by-section summary be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

### S. 1877

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SHORT TITLE

SECTION 1. This Act may be cited as the "River Basin Waste Treatment Authority Act of 1973."

#### FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that the continued deterioration of our water supply threatens the integrity of our national environment and that improvement in the cleanliness of our water supply is essential to the survival of our citizens and our system; that continued population growth and industrial expansion mean an ever mounting demand for clear, useable water; that after two decades of experience with water pollution control efforts, the purity of water is no more assured today than it was when Federal efforts first began; that an effective program of pollution control necessitates expenditures by Government power and above the capital investment of $18,000,000,000 needed to meet existing water quality standards over the next five years; that State and local governments even when aided by Federal grant programs cannot provide either the funds or the personnel necessary to assure water quality; and that effective pollution control requires coordination of treatment systems, river basinwide planning and implementation, and access to large amounts of funds.

(b) The purpose of this Act is to constitute throughout the United States river basin waste treatment authorities that will assume control over, plan, build, operate, and maintain waste treatment facilities sufficient to control and abate water pollution in entire river basin drainage systems.

#### DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(1) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

(2) "waste treatment facilities" means installations and devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances;

(3) "Administrator" means the Administrator of the Environmental Protection Agency; and

(4) "authority" means a river basin waste treatment authority established pursuant to this Act.

#### DESIGNATION OF RIVER BASINS

SEC. 4. The Administrator, after consultation with the Secretary of the Army and the Secretary of the Interior and within one hundred and eighty days after the date of enactment of this Act, shall designate river basin regions which together will encompass the entire United States. The area of each such region shall be determined on the basis of physical, hydrologic, or other relationships which will enable the provision of the most systematic and economical waste treatment for the area.

#### ESTABLISHMENT OF AUTHORITIES

SEC. 5. (a) There is hereby established an authority for each region designated pursuant to section 4. Such authority shall not be an agency or establishment of the United States Government but shall be subject to the provisions of this Act, and to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

(b)(1) Each authority shall have a board of directors consisting of—

(A) the Governor, or his designee, of each State within the authority's region;

(B) the mayor, or his designee, of each city having a population of thirty-five thousand or more within such region;

(C) a designee of the governing board of each county which has at least 50 per centum of its population living within a total population of not less than 20,000 people; and

(D) a representative of the Environmental Protection Agency designated by the President;

(2) The President is authorized to appoint an apropriate substitute for any director authorized pursuant to paragraph (1) but not designated as provided in such paragraph and such substitute shall serve until a director is appointed pursuant to such paragraph. Each director who is a representative of the Environmental Protection Agency shall serve for a term of five years. Vacancies shall be filled in the same manner as initial appointments.

(3) For the purpose of this subsection population shall be determined on the basis of the latest decennial census.

(c) Each director, other than those in the employ of the Federal or a State government, shall receive compensation at the rate of $100 per diem. All directors shall be reimbursed for actual expenses, including travel and subsistence expenses incurred by them in the performance of their duties.

(d) A majority of the designated members of each board shall constitute a quorum for the purpose of carrying out the functions of the board.

### FUNCTIONS

SEC. 6. Each authority shall within its region—

(1) acquire, by purchase, condemnation, or otherwise, not later than June 30, 1974, and operate all public waste treatment facilities;

(2) prepare and carry out a plan for providing as soon as practicable and for the future, such additional waste treatment facilities as are necessary to comply with State and Federal requirements and standards for water pollution control;

(3) construct, in accordance with established priorities in such plan, such waste treatment facilities as are necessary to carry out such plan;

(4) cooperate with other authorities in preparing and carrying out such plan;

(5) determine any disputes that may arise with other authorities with respect to the location of facilities in border areas or other matters by appeal to the Waste Treatment Facilities Review Board established pursuant to section 8; and

(6) levy appropriate charges for the use of its facilities as are necessary to provide funds for carry out its functions, including the retirement of the authority's indebtedness.

### POWERS

SEC. 7. Each authority shall have the following powers:

(1) to adopt, alter, and use a corporate seal;

(2) to adopt, amend, and repeal bylaws, rules, and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law;

(3) to appoint and fix the compensation of such personnel as may be necessary to carry out its functions, including a general manager who shall be the executive officer for the board of directors and who shall not receive compensation in excess of the maximum rate prescribed for GS-18 in the General Schedule of section 5332(a) of title 5, United State Code;

(4) to sue and be sued in its corporate name;

(5) to acquire by purchase, lease, condemnation, or in any other lawful manner, any property, or any interest therein; to hold, maintain, use, and operate the same; to provide services in connection therewith, and to charge therefor; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate for the conduct of the business of the authority and to carry out the authority's functions;

(6) to construct, operate, lease, and maintain buildings, facilities, and other improvements, as may be required to carry out its functions;

(7) to accept gifts or donations of services or personal property, tangible or intangible, in aid of any of its functions;

(8) to enter into contracts or other agreements, or modifications thereof, with State and local governments, with any agency or department of the United States, with governments of foreign countries, with international organizations, or with any person, firm, association, or corporation;

(9) to issue and have outstanding such obligations, in such amounts, having such maturities, bearing such rates of interest, and to be redeemable at such time as the board of directors determines to be necessary to carry out its functions;

(10) to executive, in accordance with its bylaws, rules, and regulations, all instruments necessary or appropriate in the exercise of any of its powers; and

(11) to take such action as may be necessary to carry out the powers conferred upon the authority including such other powers as are conferred upon a stock corporation by the District of Columbia Business Corporation Act.

SEC. 8. (a) There is hereby established within the Environmental Protection Agency a Waste Treatment Review Board which shall have five members appointed by the President. Such Board shall hear and decide any matters in controversy between authorities with respect to their functions pursuant to this Act. Decisions of the Board shall be final.

(b) The Administrator shall furnish the Board with such personnel and other assistance it may need to carry out its functions pursuant to this section.

### FEDERAL FINANCIAL ASSISTANCE

SEC. 9. (a) For each fiscal year beginning after June 30, 1974, the Secretary of the Treasury is authorized to make a payment to each authority of an amount equal to 40 per centum of the amount of principal and interest paid by such authority during such year on obligations issued pursuant to section 7(9) of this Act.

(b) There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this section.

### GUARANTY OF AUTHORITIES' OBLIGATIONS

SEC. 10. (a) The Government National Mortgage Association is authorized upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on obligations issued by the authorities. The Association shall collect from the authorities a reasonable fee for any such guarantee and shall make such charges as it may determine to be reasonable for the analysis of any obligation proposed to be issued by an authority. In the event an authority is unable to make any payment of principal of or interest on any obligation guaranteed under this section, the Association shall make such payment, and thereupon shall be subrogated fully to the rights satisfied by such payment. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this section.

### NATURE OF AUTHORITIES' OBLIGATIONS

SEC. 11. All obligations issued by the authorities shall be lawful investments and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. Obligations issued by authorities pursuant to this Act shall be deemed to be exempt within the meaning of the laws administered by the Securities and Exchange Commission to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States.

### FEDERAL RESERVE BANKS TO BE FISCAL AGENTS

SEC. 12. The Federal Reserve banks are authorized and directed to act as depositories, custodians, and fiscal agents for the authorities, for their own account or as fiduciary, and such banks shall be reimbursed for such services in such manner as may be agreed upon.

### AUTHORIZATION OF APPROPRIATIONS FOR INITIAL EXPENSES OF AUTHORITIES

SEC. 13. There is authorized to be appropriated not to exceed $ for payments to the authorities to cover organizing and other initial expenses until such time as is established by the Administrator when the authorities will be self-sustaining in accordance with the provisions of this Act. Amounts appropriated pursuant to this section shall be allocated by the Administrator among the authorities on the basis of the population served by each authority and such other factors as the Administrator determines appropriate to be equitable for the purposes of this Act. The Administrator shall make payments to each authority from its allocation in accordance with such requirements as are established by the Administrator to protect the interests of the United States.

### TERMINATION OF CERTAIN ASSISTANCE PURSUANT TO THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 14. It is the intent of Congress in enacting this Act to make no appropriations for fiscal years beginning after June 30, 1974, for assistance to the States or local governments pursuant to the Federal Water Pollution Control Act or any other law for treatment works or planning or research with respect thereto.

### PREPARATION OF OBLIGATIONS

SEC. 15. In order to furnish obligations for use by the authorities, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Waste Treatment Facilities Review Board may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the authorities. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The authorities shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

### ANNUAL REPORT

SEC. 16. Each authority shall submit to the Congress and to the Environmental Protection Agency a report of its progress and operations at the end of each calendar year.

### TAX EXEMPTIONS

SEC. 17. The authorities, their property, capital, reserves, surplus, security holdings, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that (1) any real property and tangible personal property of the authorities shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the authorities shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

### SEPARABILITY

SEC. 18. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected.

### SECTION-BY-SECTION SUMMARY

Sec. 1. Citation of Act—River Basin Waste Treatment Authority Act of 1973.

Sec. 2. Sets forth the findings and purposes of the Act which are that demands are ever increasing for clean water, that previous governmenttal measures have failed to assure such clean water and therefore that River Basin Waste Treatment Authorities be created to build and operate treatment facilities for entire river basin systems.

Sec. 3. Defines various terms used in the Act.

SEC. 4. Directs the Administration of the Environmental Protection Agency to designate river basin regions in which the Authorities will operate.

Sec. 5. Provides for the establishment of the Authorities: (1) one for each river basin region as designated under Sec. 4 which are not to be an agency of the U.S. government; (2) governed by a board of directors representing states, cities, counties and the federal government.

Sec. 6. Outlines the functions of the Authorities within their designated basin including:

Acquiring waste treatment facilities;

Planning and building additional necessary facilities:

Cooperating with other Authorities; and

Levying user charges.

SEC. 7. Establishes the general corporate powers of the Authorities.

SEC. 8. Create within the Environmental protection Agency a Waste Treatment Review Board to decide all controversies.

Sec. 9. Authorizes the appropriation of federal moneys to pay an amount equal to 40% of the principal and interest on bonds issued by each Authority.

Sec. 10. Authorizes the guarantee of obligations issued by the Authorities by the Government National Mortgage Association and pledges the full faith and credit of the United States for any obligations so guaranteed.

Sec. 11. Provides that obligations issued by the Authorities will be lawful investments and will be exempt from registration with the S.E.C.

Sec. 12. Designates the Federal Reserve Banks as fiscal agents for the Authorities.

Sec. 13. Authorizes appropriations for startup expenses.

Sec. 14. Terminates after June 30, 1974 the assistance activities carried out under the Federal Water Pollution Control Act.

Sec. 15. Authorizes the Secretary of the Treasury to prepare obligations to be issued by the Authorities.

Sec. 16. Directs that an annual report be submitted by each Authority to the Congress and the Environmental Protection Agency.

Sec. 17. States the tax status of the Authorities which shall be exempt from tax except as to real property and interest on their obligations.

Sec. 18. Allows the severance of any invalid provision and reaffirms the validity of the the remainder.

---

By Mr. GRAVEL:

S. 1878. A bill for the relief of the heirs of Joseph Knight. Referred to the Committee on the Judiciary.

Mr. GRAVEL. Mr. President, I introduce a bill and resolution in an attempt to resolve a longstanding claim of the heirs of Joseph Knight. The claim dates back to 1864 when the Union Army took from the plantation of the late Joseph Knight certain properties and foodstuffs for which payment was promised, but not paid.

The bill provides for settlement of the claim, and the resolution calls for the Chief Commissioner of the U.S. Court of Claims to make a determination of the legality and equity of the claim.

I herewith introduce the bill and ask for an immediate number assignment so that the number can be inserted in the title of the Senate resolution.

---

By Mr. HART (for himself, Mr. PROXMIRE, and Mr. MOSS):

S. 1879. A bill to regulate commerce in order to protect the environment by decreasing the quantity of materials moved in commerce which must be disposed of ultimately as solid waste; to stimulate the movement in commerce of recycled and reused materials; and for other purposes. Referred to the Committee on Commerce.

### THE SOLID WASTE SOURCE REDUCTION AND RECYCLING INCENTIVES ACT OF 1973

Mr. HART. Mr. President, I introduce on behalf of Senator PROXMIRE, Senator Moss, and myself, a bill to discourage excessive use of materials which must ultimately be disposed of as solid waste and to provide incentives for the production and marketing of recycled and reused materials.

In the past few years, under the Solid Waste Disposal Act of 1965 and the Resource Recovery Act of 1970, Congress has taken important steps dealing with the problem of managing solid waste. The Environmental Protection Agency has been authorized to assist in the development of solid waste management programs at the State and local level and to supplement State and local efforts to devise means of efficient resource recovery.

These efforts, primarily directed toward governmental management of research, development, and demonstration programs, have shown us we have the technical capacity to manage and recycle solid waste much more efficiently than we are now doing.

However, little has been proposed and less has been done by Government to provide incentives in the marketplace to reduce the amount of waste materials generated and to stimulate the marketing of recovered and recycled materials. Our bill rests on the thesis that such incentives are essential if we are to deal effectively with both the solid waste disposal and resource conservation problems.

The bill addresses several major factors which now encourage the wasteful use of resources and discourage reuse and recycling of recovered solid waste materials. These factors include:

The failure of the marketplace to reflect all the costs to society of manufactured products. Among costs not "internalized" are costs of disposal, which are normally borne by the local community. Since these costs are not reflected in market prices, consumers and producers often make market choices which aggravate disposal problems.

Inadequate incentives for the recycling of solid waste materials. There is presently little market for solid waste materials and, therefore, few of these vital resources are recovered for our use.

Inadequate funding for local solid waste collection and resource recovery systems.

Specific impediments to the most efficient use of resources including transportation rates which discriminate against recyclable materials, prohibitions against the interstate movement of solid waste, obsolete Federal procurement policies, and discriminatory Federal labeling regulations.

The bill would attempt to minimize the effects of these factors in the following ways:

It provides for a national disposal cost system which would impose upon the producer of a consumer product a charge equivalent to the costs of disposing of that product. This charge would in most cases result in a reflection of these costs in the product's price.

The national disposal cost system also provides incentives to solid waste materials recycling by authorizing payment to the users of recovered materials of an amount equal to the cost of disposal of such materials. Users of recycled materials would thus, in effect, be exempted from disposal charges and would receive a competitive advantage over those who continue to use virgin materials. It is notable that Midwest Research Institute has estimated that an incentive equal to that which would be provided by this bill would be adequate to reverse completely the present decline in paper recycling.

Funds acquired through the national disposal charge would be available for use by local governments to improve their solid waste management, recycling, and other environmental protection programs. It is my understanding that something on the order of $5 billion would be generated annually to assist State and local environmental control efforts.

The bill would require the Interstate Commerce Commission and the Federal Maritime Commission to eliminate freight rates which discriminate in favor of virgin and against recovered materials. It would also instruct the Federal Government to make purchases of products which, to the maximum extent feasible, contain recovered materials and which are, to the maximum extent feasible, recyclable or reusable after their initial use.

Finally, while this bill relies primarily upon economic incentives and disincentives to attack certain solid waste problems, broad regulatory authority is provided to protect against threats to the environment and public health which these incentives cannot be expected to eliminate.

Mr. President, it is my hope that this bill will create a better economic environment for private solutions to the problems of solid waste disposal and resource recovery. By removing roadblocks to recycling and by providing incentives to encourage resource recovery, it is intended to help conserve valuable resources and reduce the volume of the solid waste stream.

Before closing I would like to express my appreciation for the efforts of the two other sponsors of the bill, Senator PROXMIRE and Senator MOSS, in developing the legislation introduced today. It was Senator PROXMIRE's "penny-a-pound" bill of last year which served as the jumping-off point for today's proposal. Senator Moss' support for the Proxmire bill and his leadership in chairing hearings on it and related legislation last year were also invaluable. It is my pleasure to join them in the solid waste control effort.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1879

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—FORMAL PROVISIONS

#### SHORT TITLE AND TABLE OF CONTENTS

SEC. 101. (a) That this Act may be cited as the "Solid Waste Source Reduction and Recycling Incentives Act of 1973".

(b) Table of contents.

TITLE I—FINDINGS AND DEFINITIONS

Sec. 101. Short title and table of contents.
Sec. 102. Findings and purposes.
Sec. 103. Definitions.

TITLE II—TRANSPORTATION RATES

Sec. 201. Environmentally nondiscriminatory rates.
Sec. 202. Conforming amendment.

TITLE—III—FEDERAL PROCUREMENT

Sec. 301. Purpose of title.
Sec. 302. Procurement requirements.

TITLE IV—PRODUCT STANDARDS AND REGULATIONS

Sec. 401. Prohibition.
Sec. 402. Penalties.
Sec. 403. Product regulation.
Sec. 404. Seizure.
Sec. 405. Exports and imports.
Sec. 406. Conforming amendments—wool labeling.

TITLE V—NATIONAL DISPOSAL COST SYSTEM

Sec. 501. Disposal cost charges.
Sec. 502. Exports.
Sec. 503. Recovered materials payments.
Sec. 504. Penalties.
Sec. 505. Environmental quality assistance.

TITLE VI—COMMISSION ON ENVIRONMENTAL DAMAGE CHARGES AND DISCLOSURE

Sec. 601. Formation.
Sec. 602. Duties.
Sec. 603. Powers.
Sec. 604. Personnel and authorization.

TITLE VII—GENERAL PROVISIONS

Sec. 701. State regulation.
Sec. 702. Citizen civil actions.
Sec. 703. Records, reports, and information.
Sec. 704. Regulations, procedure, and judicial review.

#### FINDINGS AND PURPOSES

SEC. 102. (a) FINDINGS.—The Congress finds and declares that—

(1) The cost of disposal of solid, liquid, and semisolid wastes is not reflected in the market price of materials and products. As a consequence, materials and products which unnecessarily waste scarce natural resources are moving in interstate commerce and contributing excessively to the amount of solid waste which must be disposed of ultimately in the Nation's solid waste systems.

(2) The disposal of solid, liquid, and semisolid wastes places a serious burden upon interstate commerce. There is a need to reduce this burden by providing economic incentives to promote materials and products that are minimally burdensome to the environment in terms of ultimate disposal. This burden can be reduced by increasing the recovery, reuse, and recycling of waste materials. Such an increase can be achieved in several ways, including prohibiting transportation rates which discriminate against recovered waste materials in favor of virgin materials and changing the procurement practices of the Federal Government to favor the development and marketing of recovered waste materials.

(b) PURPOSES.—The Congress hereby declares that the purposes of this Act, therefore, are—

(1) to eliminate discriminatory transportation rates charged by regulated carriers for the movement in interstate and foreign commerce of recovered solid waste materials;

(2) to establish Federal Government procurement policies requiring that to the maximum extent feasible the Government purchase items which are composed of recovered, reusable, or recyclable materials;

(3) to establish a national disposal cost system which will—

(A) internalize the costs of collecting, transporting, and disposing of materials and products in order to promote market efficiency and to enable consumers who so wish to make rational value comparisons based on minimizing the environmental burden of disposal; and

(B) provide incentives for the establishment of markets for recovered solid waste materials in order to promote environmentally sound manufacturing processes and to encourage the conservation of vital natural resources;

(4) to protect public health and the environment through Federal regulation of commerce in products posing an unreasonable threat to public health and the environment; and

(5) to provide for the study and preparation of recommendations concerning the control of environmental degradation through the use of environmental charges and other means of regulating commerce in order to protect the environment.

#### DEFINITIONS

SEC. 103. As used in this Act the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Commerce" means commerce among the several States or with foreign nations or in any State or between any State and foreign nation;

(3) "Consumables" means those products which are not normally disposed of in solid or liquid waste disposal systems and all edible products which are intended for human consumption;

(4) "Disposal cost" means the economic cost (measured in dollars per standard unit of measure) of processing solid, liquid, and semi-solid waste in the average waste disposal system in the United States;

(5) "Environment" includes water, air, land, all living things therein, and the interrelationships which exist among these;

(6) "Executive agency" means any executive department (including the Department of the Army, the Navy, and the Air Force) or any independent establishment in the executive branch of the Government, including any wholly owned Government corporation;

(7) "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate or House of Representatives);

(8) "Fund" means the Environmental Trust Fund established under section 104 of this Act;

(9) "Person" means any individual, government, corporation, partnership, association, trust, or organized group of persons whether incorporated or not;

(10) "Procurement item" means any device, goods, item, material, product, or substance which is the subject of any purchase, barter, or other exchange made to procure each item;

(11) "Procuring agency" means any Federal agency or any State or local government agency using Federal funds or any contractor with such an agency in the performance of his contract work;

(12) "Product" means any article, device, item, material, or substance or parts thereof produced for sale to a person for personal, household, or business use other than use as material in the manufacture or production of, or as a component part of, another such article, device, item, material, or substance, and any container or packaging material which is normally used for the distribution of any such article, device, item, material, substance;

(13) "Recovered" means (A) to be reintroduced into the economic system following disposal by the consumer after end usage in the final configuration prior to sale or (B) to be collected from municipal solid, liquid, or semi-solid waste;

(14) "Recyclable" means to have useful physical or chemical properties after having served a specific purpose;

(15) "Reusable" means to be capable of reintroduction into the marketplace for sale, distribution, or use without any substantial alteration or change;

(16) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any organized territory or possession of the United States;

(17) "Virgin natural resource" means raw materials such as previously unused copper, aluminum, lead, zinc, steel, and other metals and metal ores, woodpulp, and new or virgin textile materials which have useful physical or chemical properties which exist, unused, in nature; and

(18) "Waste disposal system" means a system for the collection, storage, transportation, treatment, utilization, processing, or final disposal, including conversion into energy, of solid, liquid or semisolid waste.

### TITLE II—TRANSPORTATION RATES

#### ENVIRONMENTALLY NONDISCRIMINATORY RATES

SEC. 201. (a) The Interstate Commerce Commission and the Federal Maritime Commission, within the maximum scope of their respective jurisdictions under the Interstate Commerce Act, the Shipping Act of 1916, and the Intercoastal Shipping Act of 1933, shall, within twenty-four months after the date of enactment of this Act and on a continuing basis thereafter—

(1) investigate and formally identify all rates charged by transportation carriers subject to their respective jurisdictions for the transportation of recyclable materials in order to determine in each case, whether the rate charged and the terms and conditions of transportation for each material is fair, reasonable, and not unjustly discriminatory as between recyclable materials and competing virgin natural resource materials; and

(2) issue appropriate orders in all cases in which such rates, terms, or conditions are found to be unfair, unreasonable, and unjustly discriminatory. Such rates, terms, and conditions of transportation shall be effectively canceled and repealed and replaced by rates, tariffs, and conditions of trans-

portation which are found to be fair, reasonable, and nondiscriminatory; and

(3) file annual reports on the 10th day of December of each year and such terminal reports as shall be necessary to reflect actions completed under this Act with the President and the Congress regarding the results of their respective investigations and all actions taken to establish fair, reasonable, and nondiscriminatory rates for the transportation of recyclable materials.

(b) If, during the course of any investigation or other proceeding pursuant to this section, it appears that a carrier's rate or rates for the transportation in commerce of a recyclable material are equal to or higher than the rate or rates charged for the same transportation of a like quantity of a competing virgin natural resource or commodity possessed of a higher commercial valuation, such rate or rates shall be presumed to be unreasonable and discriminatory and the burden of rebutting the prima facie case thus made by showing justification shall be upon the carrier or carriers who charge such rates. Unless such justification shall be affirmatively shown, the Commission conducting such investigation shall issue an order terminating the discrimination and establishing a fair and reasonable rate or rates for the transportation of the recyclable material.

(c) For the purposes of this section, any recyclable material which is functionally or technically equivalent to any virgin natural resource material shall be presumed to be competitive with such virgin natural resource material unless such presumption is rebutted by a preponderance of the evidence.

### CONFORMING AMENDMENT

SEC. 202. Section 17 of the Shipping Act, 1916 (46 U.S.C. 816), is amended by inserting after the word "ports", in the first paragraph thereof, the words "or against recycled or recyclable materials".

## TITLE III—FEDERAL PROCUREMENT POLICY

### PURPOSE

SEC. 301. The purpose of this title is to establish Federal Government procurement practices which shall encourage the movement in commerce of recovered materials by establishing to the maximum extent feasible markets for such materials, and by setting an example of environmentally protective purchasing policies for other governmental units and private enterprise.

### PROCUREMENT REQUIREMENTS

SEC. 302. (a) With respect to all purchases and contracts for property, the aggregate amount of which exceeds $2,500, no procurement shall be made by any procuring agency in the case of procurement items purchased—

(1) through advertisements for bids, of any procurement item which in comparison with other competing items offered for sale by suppliers is not composed of the greatest percentage of recovered materials and is not to the greatest extent recyclable or reusable following the use for which it was pruchased, whenever a significant difference as to these characteristics exists between such item and competing items; or

(2) in the case of procurement items purchased through any other process, of any procurement item which is not to the maximum extent feasible composed of recovered materials and which is not to the maximum extent feasible recyclable or reusable following the use for which it was purchased.

The requirements of this subsection shall not apply if items meeting such requirements are not reasonably available, do not meet reasonable performance standards for such items set by the procuring agency, or are available only at prices which, in relation to the purposes of this Act, unreasonably exceed the current market price for other procurement items meeting such performance standards.

(b) Any findings necessary for the implementing of subsection (a) of this section shall be made by the procuring agency: *Provided*, That any disputes between the procuring agency and prospective suppliers as to such findings shall be arbitrated by a board consisting of the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget, or their representatives. Any decision of such board shall be final and binding on the parties.

(c) The Administrator, following consultation with the Administrator of the General Services Administration, and the Public Printer, shall propose a system of guidelines recommending to procuring agencies procurement practices for the procurement of recovered, recyclable, and reusable materials, and which provide information regarding the availability of such materials, including their sources of supply, and potential uses of such materials.

(d) The Administrator, following consultation with the General Services Administration, shall prescribe, where feasible, such regulations as are necessary to establish standards, binding upon all procuring agencies, or such procuring agencies as the Administrator may designate, for the minimum content, in such procurement items as the Administrator may designate, of recovered, recyclable, or reusable materials where procurement items meeting such standards and reasonable performance standards for such items are reasonably available at prices which do not unreasonably exceed the current market price for other procurement items meeting such performance standards.

## TITLE IV—PRODUCT STANDARDS AND REGULATION

### PROHIBITION

SEC. 401. It shall be unlawful for any person to introduce or deliver for introduction in commerce any product manufactured on or after the effective date of this title which does not conform to the standards prescribed by the Administrator pursuant to section 403.

### PENALTIES

SEC. 402. (a) CIVIL VIOLATION.—(1) Any person, other than a person who commits a criminal violation under subsection (b), who is found by the Administrator to be in violation of section 403 of this title, shall be assessed a civil penalty by the Administrator. The amount of such penalty shall not exceed $20,000 for each such violation. No penalty shall be assessed unless the person is given notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Any such penalty may be compromised by the Administrator, at his discretion.

(2) If a person fails to pay any penalty assessed under this subsection, the Administrator may request the Attorney General to institute a civil action against such person in the district court of the United States for any district in which such person is found, resides, or transacts business, to collect the penalty. Such court shall have jurisdiction to hear and decide any such action. In hearing an action under this subsection, the court shall sustain the Administrator's finding of violation and assessment of civil penalty if such action is supported by substantial evidence.

(b) CRIMINAL VIOLATION.—Any person who knowingly violates any provision of this title, or any regulation or permit issued thereunder, shall, upon conviction, be fined not more than $20,000 or imprisoned for not more than one year, or both.

### PRODUCT REGULATION

SEC. 403. (a) Within one year after the date of enactment of this title, the Administrator shall promulgate and shall from time to time revise such standards regulating the manufacture and distribution of certain products in commerce as he determines necessary to protect health or the environment against unreasonable burdens and risks associated with the disposal of such products. Such standards may be imposed upon a product only if the Administrator finds that, because of the inadequacy of current disposal practices to protect against harm resulting from the disposal of such products or materials, the imposition of charges pursuant to title 5 of this Act will not, within a reasonable period of time, adequately protect health or the environment against unreasonable burdens and risks.

(b) The standards prescribed pursuant to subsection (a) of this section may include:

(1) prohibitions on the manufacture or sale of specific products;

(2) methods of distribution of specific products;

(3) percentages of recovered, reusable or recycled materials which shall be contained in specific products; and

(4) maximum permissible quantities of component materials that may produce adverse environmental effects when the products are discarded.

(c) For the purposes of this section, an unreasonable burden on or risk to health or the environment exists whenever there is an alternative course of action to that producing the burden or risk which:

(1) imposes significantly less burden or risk,

(2) is of comparable benefit to society, and

(3) does not involve unreasonable additional costs.

### SEIZURE

SEC. 404 (a) The Administrator may file an action against—

(1) any imminently hazardous product for seizure of such product under subsection (b)(2) of this section;

(2) any product which the Administrator finds in violation of section 403 of this Act; or

(3) any manufacturer, distributor, or retailer of such product.

As used in this section "imminently hazardous" means a product, the disposal of which will result in serious damage to health or the environment, as defined in section 403(c) of this Act, prior to the completion of an administrative hearing or other formal proceeding held pursuant to this Act.

(b)(1) The court in which such action is filed shall have jurisdiction to declare such product to be imminently hazardous or in violation of section 403 of this Act and (in the case of an action under subsection (a)(3) of this section) to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent relief as may be necessary to protect the public from such risk.

(2) In the case of an action under subsection (a)(1) or (a)(2) of this section, the product may be proceeded against by process of libel for the seizure and condemnation of such product in any district court of the United States within the judicial district of which such product is found. Proceedings and cases shall conform as nearly as possible to proceedings in rem in admiralty.

(3) An action under subsection (a)(3) may be brought in the district court of the United States for the District of Columbia or in any judicial district in which any of the defendants is found, resides, or transacts business. Process of such defendant may be served in any judicial district in which such defendant resides or may be found. Subpenas requiring the attendance of witnesses in such an action may run into any other district.

(4) Notwithstanding any other provision of law, in any action under this subsection, the Administrator may direct attorneys employed by him to appear and represent him.

(c) Any product condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States. Such product shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided,* That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such product shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or territory in which sold, the court may by order direct that such product be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Administrator. The Administrator may establish a schedule of supervision fees and regulations requiring the payment of the appropriate fee by the person obtaining release of the product under bond.

(d) When a decree of condemnation is entered against the product, court costs and fees, and storage and other property expenses shall be awarded against the person, if any, intervening as claimant of the product.

### EXPORTS AND IMPORTS

SEC. 405. (a) Notwithstanding any other provision of this title, no product and no sale of a product shall be deemed in violation of this title if it is intended solely for export to any foreign nation except that (1) such product shall be subject to the requirements of section 703 of this Act, and (2) no product may be exported if the Administrator by regulation finds that the product as exported and disposed of will, directly or indirectly, pose an unreasonable threat to the health of persons within the United States or the environment of the United States.

(b) The Administrator shall furnish to the governments of the foreign nations to which any such product may be exported all standards developed under section 403 of this title and, subject to subsection (b) of section 703 of this Act, a notice of the availability of all information in the possession of the Administrator which is relevant to such standards.

(c) The Secretary of the Treasury shall refuse entry into the United States of any product offered for entry if it fails to conform with standards pomulgated under section 403 of this title. If a product is refused entry, the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the disposal or storage of any such product which has not been exported by the consignee within three months from the date or receipt of notice of such refusal. The disposal or storage of such product shall be in accordance with such regulations as the Secretary of the Treasury may prescribe. In the alternative, the Secretary of the Treasury may deliver such product to such consignee pending examination and decision in the matter if—

(1) such consignee executes a bond payable to the United States in a face amount equal to the full invoice value of such product together with the duty thereon; and

(2) such consignee agrees that the full amount of such bond shall be forfeited if he refuses to return such product for any cause to the custody of such Secretary upon demand. All charges for storage, cartage, and labor on products which are refused admission or delivery under this section shall be paid by the owner or consignee, and in default of such payment the amount thereof shall constitute a line against any importation made by such owner or consignee.

### CONFORMING AMENDMENTS—WOOL LABELING

SEC. 406. (a) Section 2(c) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68) is amended to read as follows:

"(c) The term 'recycled wool' means the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state; or the resulting fiber when wool or recycled wool has been spun, woven, knitted, or felted into a wool product, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state."

(b) Section 2(d) of such Act is amended to read as follows:

"(d) The term 'wool product' means any product, or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool or recycled wool."

(c) Section 4(a)(2) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)(2)) is amended by deleting the words "(2) reprocessed wool" and "(3) reused wool" wherever they appear and inserting in their place the words "(2) recycled wool", and by thereafter renumbering subsections "(4)" and "(5)" to read "(3)" and "(4)".

## TITLE V—NATIONAL DISPOSAL COST SYSTEM

### DISPOSAL COST CHARGES

SEC. 501. (a) Within one year from the date of enactment of this Act, the Administrator, following consultation with the Secretary of the Treasury, shall prescribe and shall from time to time revise, such regulations as are necessary to establish a schedule of national disposal costs charges which shall include—

(1) (A) a charge at the rate of one cent per pound on the sale of all products which have a service life of less than thirty years, except consumables, in their final configuration; or, at the Administrator's discretion, (B) a charge at a rate equal to the average per pound disposal cost of mixed municipal, household, institutional, and commercial waste as determined by the Administrator on the sale of all products which have a service life of less than thirty years, except consumables, in their final configuration; plus

(2) an additional charge equal to all disposal costs in excess of the charge imposed under subsection (a)(1) of this section on the sale of all products with a service life of less than thirty years, except consumables, in their final configuration whenever the Administrator finds such additional costs can be reasonably attributed to such products. Where feasible, such additional charge shall be based on the amount of a given material in any product where additional disposal costs may reasonably be attributed to such material.

(b) Any charges established under this title shall, in accordance with regulations prescribed by the Administrator following consultation with the Secretary of the Treasury, be levied on and paid by the party who manufactures, produces, or imports the product and makes the first sale of the product in its final configuration. In the case of products imported in their final configuration prior to sale, the charge shall be levied upon and paid by, the importer of such product.

(c) Whenever the Administrator determines that the imposition of charges in accordance with the provisions of subsection (a) of this section will encourage the use of any materials or products, the production, use, or disposal of which will result in unreasonable adverse effects on public health or the environment the Administrator may, in accordance with such regulations as he may prescribe, adjust the charges imposed to eliminate all unreasonable adverse effects which are attributable to such charges: *Provided,* That in no case shall a disposal charge for a product, as adjusted under the provisions of this subsection, be less than the disposal cost of such product as determined under subsection (a) of this section.

### EXPORTS

SEC. 502. Under regulations prescribed by the Administrator following consultation with the Secretary of the Treasury, no charge shall be imposed upon the sale by the manufacturer or producer of a product for export, or for resale by the purchaser to a second purchaser for export: *Provided,* That this section shall apply only if such such exportation is to occur before any other use.

### RECOVERED MATERIALS

SEC. 503. (a) Where a manufacturer or producer has acquired any recovered materials—

(1) for use in the manufacture of a product or component thereof; or

(2) for resale as a product; and such product or component is one upon which a disposal charge may thereafter be imposed under this title, there shall be paid to such manufacturer or producer an amount equal to the disposal cost of such material as determined by the Administrator under section 301 of this title for each pound of such material as to which claim for such payment has been filed with the Secretary of the Treasury in accordance with such regulations as are promulgated by such Secretary, with the approval of the Administrator, to achieve the purposes of this Act: *Provided,* That no claim for such payment shall be made by any manufacturer or producer who has received such materials from any party eligible to claim payment under this section or the regulations promulgated thereunder.

(b) Payments authorized to be made by such Secretary under this section shall be made from the Environmental Trust Fund established under section 505 of this title and from no other source.

### PENALTIES

SEC. 504. (a) Any person who knowingly attempts in any manner to evade or defeat any charge imposed by this title, or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000 or imprisoned not more than five years, or both, together with the costs of prosecution.

(b) Any person required under this title, or regulations prescribed thereunder to collect, account for, and pay over any charge imposed by this title who knowingly fails to collect or truthfully account for and pay over such charge shall, in addition to other penalties provided by law be guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than five years, or both, together with the costs of prosecution.

(c) Any person required under this title to pay any charge, or required by this title or by regulations made under authority thereunder, to make a return or statement, keep any records, or supply any information, who knowingly fails to pay such charge, make such return or statement, keep such records, or supply such information, at the time or times required by law or regulations, shall in addition to other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than one year, or both, together with the costs of prosecution.

(d) Any individual required to supply information under this title who knowingly supplies false or fraudulent information, or who knowingly fails to supply information which would require an increase in the charge to be levied under this title shall, in addition to any other penalty provided by law, upon conviction thereof, be fined not more than $500, or imprisoned not more than one year, or both.

(e) Any person who knowingly delivers or discloses to the Administrator or his delegate any list, return, account, statement, or other document which is fraudulent or false as to any material matter shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person required pursuant to this title to furnish any information to the Administrator, or any other person who knowingly furnishes to the Administrator or such other person any information which is fraudulent or false as to any material matter shall be fined not more than $1,000, or imprisoned not more than one year, or both. Any person who—

(1) knowingly makes and subscribes to any return, statement, or other document which contains or is verified by a written declaration as having been made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) knowingly aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the Internal Revenue laws, of a return, affadavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit claim, or document; or

(3) removes, deposits, or conceals, or is concerned in removing, depositing, or concealing any goods or commodities for or in respect whereof any charge is or shall be imposed, or any property upon which levy is authorized under this title, with intent to evade or defeat the assessment or collection of any charge imposed by this title;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than three years, or both, together with the costs of prosecution.

### ENVIRONMENTAL QUALITY ASSISTANCE

Sec. 505. (a) There shall be established in the Treasury of the United States an Environmental Trust Fund which shall be available to the Administrator, as trustee of the fund, to carry out the purposes of this Act and to effectuate those objectives which are delineated in section 101(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)).

(b) All sums received as charges under this title shall be deposited in the fund.

(c) The Environmental Trust Fund shall be available to the Administrator and the Secretary of the Treasury for the administration of this Act: *Provided*, That not more than one-half of 1 per centum of the sums deposited in such fund shall be available for such purpose.

(d) From such sums as remain following the expenditures provided for under subsection (c) of this section, the Administrator shall make payments to the State and political subdivisions of the States proportionately from such fund at the same ratio as the payments made to the States and local governments under the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919). Funds payable to such States and local subdivisions from such fund shall not be withheld or diminished by the Administrator.

## TITLE VI—COMMISSION ON ENVIRONMENTAL DAMAGE CHARGES AND DISCLOSURE

### FORMATION

Sec. 601. (a) There is hereby established one hundred and twenty days after the enactment of this Act a National Commission on Environmental Damage Charges and Disclosure.

(b) The Commission shall be composed of twelve members appointed as follows:

(1) three appointed by the President of the Senate from Members of the Senate, and three appointed by the Speaker of the House of Representatives from Members of the House of Representatives, of whom no more than two from each House shall be persons who are members of the same political party;

(2) three appointed by the President of the United States from employees of Federal agencies, offices, and executive departments which are concerned with environmental quality; and

(3) three appointed by the President of the United States, with the approval of the chairman of the Committee on Commerce of the Senate and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, from members of the general public, on the basis of special training, experience, or qualifications, none of whom shall serve as public servants during their terms of office and no more than two of whom may be members of the same political party.

Any vacancies shall be filled in the same manner in which the original appointment was made.

(c) The members of the Commission shall be appointed for three years.

(d) The members shall elect one of their members to serve as Chairman.

(e) Seven members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

### DUTIES

Sec. 602. It shall be the duty of the Commission to—

(1) conduct a comprehensive legal and factual study of the means of mitigating damage done by sources of pollution and internalizing the costs of such pollution. The Commission shall formulate and propose directly to the Congress such changes in the law as the Commission may deem appropriate, including the preparation of appropriate conforming and other technical amendments needed to maintain consistency between the various public laws governing such pollution. Such proposals may include recommendations as to legislation with respect to personnel, administration, taxation, and pollution control policy;

(2) examine specifically and prepare detailed recommendations concerning—

(A) the control of all sources of pollution and environmental degradation through the use of environmental charges designed to internalize the social and environmental costs of such pollution and environmental degradation and other means of regulating commerce in order to protect the environment.

(B) all feasible methods of environmental disclosure including notices regarding the damage done by polluters, labeling of products to indicate their environmental costs and the relative costs of such products and other means of effectively informing the public of pollution sources and alternative nonpolluting modes of public and private action;

(3) submit interim reports to the President and the Congress at such times as the Commission may deem appropriate, and in any case within two years after the effective date of this Act, and shall submit its final report within three years after such date. The Commission shall cease to exist sixty days after the date of submission of its final report.

### POWERS

Sec. 603. The Commission shall have the following powers:

(a) The Commission or any duly authorized subcommittee or member of the Commission may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such evidence as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member. Witnesses summoned before the Commission or any duly authorized subcommittee or member of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Such attendance of witnesses and production may be required from any place in the United States to any designated place of such hearing.

(b) In case of contumacy or refusal to obey a subpena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member of the Commission, there to produce evidence if so ordered or to give testimony touching the matter under inquiry. Failure to obey such an order is punishable by such court as a contempt of court.

(c) The Commission shall be an "agency of the United States" under section 6001 (1) of title 18, United States Code, for the purpose of granting immunity to witnesses.

(d) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or functions under this subchapter, with or without reimbursement. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

### PERSONNEL AND AUTHORIZATION

Sec. 604. (a) A member of the Commission who is a Member of Congress, a member of the Federal judiciary, or an employee of the executive branch shall serve without additional compensation. A member of the Commission who is not otherwise employed by the Federal Government shall receive $150 per diem when engaged in the actual performance of duties vested in the Commission. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(b) Subject to such rules and regulations as the Commission may adopt, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for persons.

(c) In making appointments under subsection (b) the Chairman shall include among his appointments persons determined by the Chairman to be competent environmentalists, lawyers, economists, scientists, and engineers.

(d) There is hereby authorized to be appropriated to the Commission from the funds established by title III of this Act such sums as may be necessary to carry this title into effect, not to exceed a total of $1,500,000. Authority is hereby granted for appropriated money to remain available until expended.

## TITLE VII—GENERAL PROVISIONS

### STATE REGULATION

SEC. 701. Nothing in this Act shall be construed to preclude or deny any State or political subdivision of a State the right to adopt or enforce any standard or regulation relating to the reduction of solid waste volume, the character of such waste, or the reuse or recycling of such watse, which is more stringent than standards or regulations imposed under this Act.

### CITIZEN CIVIL ACTIONS

SEC. 702 (a) Except as provided in subsection (b) of this section, any person any commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any standard promulgated pursuant to section 403 of this Act;

(2) against the Administrator or the Secretary of the Treasury where there is alleged failure of such Administrator or Secretary to perform any act or duty under this Act which is not discretionary with such Administrator or Secretary. Any action brought against the Administrator or Secretary under this paragraph shall be brought in the District Court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, and (ii) to any alleged violator of such standard, or

(B) if the Administrator has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the standard, but in any such action any person may intervene as a matter of right.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator or, if appropriate, to the Secretary of the Treasury. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Secretary of the Treasury, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any regulation or order or to seek any other relief.

### RECORDS, REPORTS, AND INFORMATION

SEC. 703. (a) Each manufacturer of a product to which this Act is applicable shall—

(1) establish and maintain such records, make such reports, provide such information, and make such tests as the Administrator or the Secretary of the Treasury may, at his discretion, reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this Act;

(2) upon request of an officer or employee duly designated by the Administrator or such Secretary, permit such officer or employee at reasonable times to have access to such information and the results of such tests and to copy such records, and

(3) to the extent required by regulations of the Administrator or the Secretary of the Treasury, make products coming off the assembly line or otherwise in the hands of the manufacturer available for testing by the Administrator: *Provided,* That the Administrator or the Secretary shall require only the minimum number of products needed to conduct such tests as he finds necessary to further the purposes of this Act.

(b)(1) All information obtained by the Administrator or the Secretary of the Treasury, or his representatives pursuant to subsection (a) of this section, which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential for the purpose of that section except that such information may be disclosed to other Federal officers or employees, in whose possession it shall remain confidential, or when relevant to the matter in controversy in any proceeding under this Act, but only where such disclosure is essential to the conduct of such proceeding.

(2) Nothing in this subsection shall authorize the withholding of information by the Administrator or the Secretary of the Treasury, or by any officers or employees under his control, from the fully authorized committees of the Congress.

(c) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this Act or who fails to comply with subsection (a) of this section shall upon conviction be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

### REGULATIONS, PROCEDURES, AND JUDICIAL REVIEW

SEC. 704. (a) At his own initiative, or upon the petition of any person, the Administrator and the Secretary of the Treasury are authorized to issue regulations to carry out the purposes of this Act and to amend or rescind such regulations at any time.

(b) The Administrator or the Secretary of the Treasury shall publish any regulations proposed under this Act in the Federal Register at least sixty days prior to the time when such regulations shall become final. The Administrator or such Secretary shall also publish in the Federal Register a notice of all petitions received under subsection (a) and, if such petition is denied, the reasons therefor. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator or such Secretary shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator or such Secretary until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data or arguments in accordance with such conditions or limitations as the Administrator or such Secretary may make applicable thereto.

(c) Proposed and final regulations issued under this Act shall set forth the findings of fact on which the regulations are based and the relationship of such findings to the regulations.

(d) Any judicial review of final regulations promulgated under this Act shall be in accordance with sections 701–706 of title 5, United States Code, except that with respect to relief pending review, no stay of an agency action may be granted unless the reviewing court determines that the party seeking such stay (1) is likely to prevail on the merits in the review proceeding, and (2) will suffer irreparable harm pending such proceeding.

(e) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either—

(1) that the information is material and was not available at the time of the proceeding before the Administrator or the Secretary of the Treasury; or

(2) that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator or such Secretary,

the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator or such Secretary, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may deem proper. The Administrator or such Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

---

By Mr. HARTKE (for himself, Mr. PROXMIRE, Mr. METCALF, Mr. ABOUREZK, Mr. STEVENSON, Mr. NELSON, and Mr. HUMPHREY):

S. 1880. A bill to protect hobbyists against the reproduction or manufacture of certain imitation hobby items and to provide additional protections for American hobbyists. Referred to the Committee on Commerce.

### HOBBY PROTECTION ACT

Mr. HARTKE. Mr. President, today I introduce the Hobby Protection Act to require that any imitation political item be plainly and permanently marked with the calendar year of its manufacture and that any imitation numismatic item be marked "copy." Failure to take this action would constitute an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act.

It has been estimated that there are more than 1 million persons in the United States today who collect coins, tokens, paper money, and commemorative medals. A smaller, but nevertheless steadily increasing number of Americans are engaged in collecting political items. Millions of dollars are spent each year by collectors of numismatic and political items. It is, therefore, not surprising that a prosperous business in imitation items has emerged.

Most imitation numismatic items are produced in Europe, the Near East, and Southeast Asia. Unfortunately, some of these fake items have been sold as original for thousands of dollars each. It is this danger which my bill seeks to prevent. Fake items should not be traded as originals, and the possibility for that to happen would be eliminated if my bill is enacted into law.

Mr. President, the production of imitation coins and political items threatens the value of the original pieces. They create havoc in the world of the people who collect them, and there is nothing in the present law to prevent this deception. While the U.S. Secret Service does excellent work in controlling the counterfeiting of current U.S. coins, there is no provision of law which regulates the ever-increasing tide of copies of noncurrent coins.

Mr. President, my legislation is identical to H.R. 5777, sponsored in the current session of Congress by Representatives ECKHARDT and MOSS, and reported favorably by the House Committee on Interstate and Foreign Commerce. That committee estimated the cost of the bill at $50,000 for each of the next 5 fiscal years.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1880

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Hobby Protection Act."

#### MARKING REQUIREMENTS

SEC. 2. (a) POLITICAL ITEMS.—The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce of any imitation political item which is not plainly and permanently marked with the calendar year in which such item was manufactured, is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) COINS AND OTHER NUMISMATIC ITEMS.—The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce of any imitation numismatic item which is not plainly and permanently marked "copy", is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act.

(c) REGULATIONS.—The Federal Trade Commission shall prescribe rules for determining the manner and form in which items described in subsection (a) or (b) shall be permanently marked.

(d) EXEMPTION.—Subsections (a) and (b), and regulations under subsection (c), shall not apply to any common carrier or contract carrier or freight forwarder with respect to an imitation political item or imitation numismatic item received, shipped, delivered, or handled by it for shipment in the ordinary course of its business.

#### PRIVATE ENFORCEMENT

SEC. 3. If any person violates section 2 (a) or (b) or a rule under section 2(c), any interested person may commence a civil action for injunctive relief restraining such violation, and for damages, in any United States District Court for a district in which the defendant resides or has an agent. In any such action, the court may award the costs of the suit, including reasonable attorneys' fees.

#### ENFORCEMENT BY FEDERAL TRADE COMMISSION

SEC. 4. (a) Except as provided in section 3, this Act shall be enforced by the Federal Trade Commission under the Federal Trade Commission Act.

(b) The Commission shall prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

#### IMPORTS

SEC. 5. Any item imported into the United States in violation of section 2 (a) or (b) or regulations under section 2(c) shall be subject to seizure and forfeiture under the customs laws.

#### APPLICATION OF OTHER LAW

SEC. 6. The provisions of this Act are in addition to, and not in substitution for or limitation of, the provisions of any other law of the United States or of the law of any State.

#### DEFINITIONS

SEC. 7. For purposes of this Act:

(1) The term "original political item" means any political button, poster, literature, sticker, or any advertisement produced for use in any political cause.

(2) The term "imitation political item" means an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy, or counterfeit of an original political item.

(3) The term "original numismatic item" means any thing which has been a part of a coinage or issue which has been used in exchange or has been used to commemorate a person or event. Such term includes coins, tokens, paper money, and commemorative medals.

(4) The term "imitation numismatic item" means an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item.

(5) The term "commerce" has the same meaning as such term has under the Federal Trade Commission Act.

(6) The term "Commission" means the Federal Trade Commission.

(7) The term "United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### EFFECTIVE DATE

SEC. 8. This Act shall apply only to imitation political items and imitation numismatic items manufactured after the date of enactment of this Act.

Amend the title of the bill so as to read: "A bill to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture."

---

By Mr. HARTKE (for himself, Mr. HUMPHREY, Mr. HART, Mr. HATHAWAY, and Mr. MCGOVERN):

**S. 1881. A bill to regulate the sale of used cars in or affecting interstate commerce by prescribing the terms and conditions of warranties given in connection with their sale, and to provide for a program of State inspection of used motor vehicles. Referred to the Committee on Commerce.**

#### USED CAR WARRANTY ACT

Mr. HARTKE. Mr. President, today I introduce legislation to reduce the opportunities for fraud in the sale of used cars.

As we become more aware of the need for legislation to protect the American consumer, we are finding ourselves inundated with worthy subjects for our at- which has been a popular receptacle of tention. One particular subject, however, public scorn for many years has been the used car business. There are hundreds of highly reputable used car dealers; unfortunately, they are far outnumbered by the disreputable ones. Tens of thousands of complaints are filed with Government agencies each year about the sale of used cars. Some pertain to odometer turnbacks; others pertain to failure on the part of the dealer to perform under the car warranty; still others pertain to mechanical defects which were not made known to the purchaser.

Mr. President, a year ago it came to my attention that cars sold at public auction in the District of Columbia were being taken to other States and resold at substantial profits. While news media reports indicated that most of these cars had been auctioned at $50 each, they were being resold for as much as $500. Unfortunately, no major repairs were performed on these cars and at least six were subsequently rendered inoperative within a month of their resale.

While many dealers purchase cars cheaply and then make several hundred dollars worth of repairs, the dealers in the case of the six cars in question apparently made no such permanent repairs. They merely rendered the cars operative so that, to an untrained purchaser, they appeared to be in good condition. This is a familiar practice of unscrupulous dealers who then sell the car "as is", without a warranty, and then claim no responsibility for the car's defects.

Mr. President, upon learning of these deceptive practices, I surveyed consumer protection officials in all 50 States and the Commonwealth of Puerto Rico. I ask unanimous consent that the responses which I receive from officials in 41 States — including Puerto Rico — be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### EXHIBIT A

TABULATION OF RESPONSES TO STATE OFFICES OF ATTORNEYS GENERAL AND LOCAL CONSUMER PROTECTION OFFICIALS

| | Yes | No | Don't know or no answer |
|---|---|---|---|
| 1. Has your State monitored the relationship between used cars and automobile accidents? | 3 | 34 | 4 |
| 2. Does your State have any laws regulating the sale of used cars? | 23 | 15 | 3 |
| 3. Are you aware of any municipalities in your State which make a practice of selling abandoned cars at auctions? | 26 | 8 | 7 |
| If so, is any effort made to monitor the subsequent use of cars sold at such auctions? | | 18 | 23 |
| 4. Are you aware of any significant number of complaints involving used cars? | 35 | 2 | 4 |

Mr. HARTKE. Mr. President, I believe that there is a relationship between the age of a vehicle and vehicle accidents. There is no current uniform set of standards for motor vehicles in use. Some States included in my survey had no vehicle inspection program whatsoever. Among the others which did, not all required that the inspections be performed prior to the sale of the used vehicle.

Two deficiencies result from this state of affairs. First, the highways of this Nation are populated with unsafe vehicles. A study performed in 1968 by Operations Research Inc., under contract for the National Highway Safety Bureau, indicated that all vehicles degrade with use and, therefore, ultimately operate with safety-related defects on public highways. The same study found that an estimated 40 percent of the almost 100 million vehicles then on the road had at least one safety defect.

The second deficiency is that used car purchasers are buying cars which contain safety defects of which they are unaware. In States with no inspection program, they may not become aware of the defect until an accident occurs. In States with inspection programs which do not require an inspection prior to the sale of the car, the purchaser must pay the cost of repairing a defect of which he was unaware.

Mr. President, my survey of consumer protection officials—exhibit A—indicates that few States have monitored the relationship between the age of vehicles in use and automobile accidents. It also indicates that nearly 37 percent of the respondents to my questionnaire indicated that their State had no special laws to deal with the sale of used cars. Those which did often limited their attention to the licensing of used car dealers or prohibition against the turnback of odometers. The result is that consumers have limited recourse against the deceptive practices of used car dealers.

The depth of this problem is indicated in a second survey which I undertook late last year. A questionnaire was sent to approximately 300 lawyers who work with indigent clients. The poor are often the ones most victimized by unscrupulous consumer practices. One need only look at the geographic placement of used car lots to know that this group of people is looked upon as a prime market for used cars. As of this date, 100 responses to my questionnaire have been received.

Mr. President, I ask unanimous consent that the tabulation of these responses be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

### EXHIBIT B

### *Tabulation of responses to used car questionnaire*

Total number of questionnaires tabulated: 100.

Total number of questionnaires mailed: 300.

(*Responses expressed as percent*)

Question 1a. Does the average consumer receive a warranty with the purchase of his used car?

| | |
|---|---|
| Yes | 27 |
| No | 45 |
| Sold as is (1): | 28 |

Question 1b. If so, what type of warranty?

| | |
|---|---|
| Less than 30 days | 3 |
| 30 days | 62 |
| 30–90 days | 19 |
| More than 90 days | 0 |
| Don't know | 16 |

What is its scope?

| | |
|---|---|
| Parts and labor | 3 |
| Parts only | 15 |
| Partial parts | 3 |
| Labor only | 3 |
| Partial labor | 3 |
| Part parts and all labor | 3 |
| Part labor and all parts | 3 |
| Part parts and part labor | 55 |
| Don't know | 9 |

Question 2. In your opinion, what is the practical value of used car warranties currently in use?

| | |
|---|---|
| None | 42 |
| Little | 41 |
| Some | 4 |
| Much | 0 |
| No answer or don't know | 13 |

Question 3. Are buyers informed of any repairs made by the dealer prior to the sale of the used car?

| | |
|---|---|
| Never | 61 |
| Rarely | 28 |
| Usually | 2 |
| Always | 0 |
| Don't know | 9 |

Question 4. If the used car is covered by a warranty, is the buyer informed of where the necessary repairs may be during the warranty period?

| | |
|---|---|
| Yes | 44 |
| Yes, but only with difficulty | 5 |
| No | 34 |
| No answer or don't know | 17 |

Question 5a. Under a normal warranty, is it possible for a buyer to return a purchased vehicle and receive a full refund if not satisfied with the vehicle?

| | |
|---|---|
| Yes | 2 |
| No | 77 |
| Only with lawyer's assistance | 14 |
| No answer or don't know | 7 |

Question 5b. Is recission of contract possible?

| | |
|---|---|
| Yes | 3 |
| No | 54 |
| Only with a lawyer's assistance | 36 |
| No answer or don't know | 7 |

Question 6. How frequently do you handle complaints involving odometer turnbacks?

| | |
|---|---|
| None | 39 |
| Some | 52 |
| Many | 5 |
| No answer | 4 |

Question 7a. Is the buyer usually informed whether a car offered for sale by a used car dealer has been involved in an accident?

| | |
|---|---|
| Yes | 0 |
| No | 90 |
| Don't know | 10 |

Question 7b. To what extent do consumer complaints involve the failure to inform the buyer of this information?

| | |
|---|---|
| None | 20 |
| Some | 35 |
| Many | 13 |
| Don't know | 32 |

Question 8a. How extensive is the problem of double financing?

| | |
|---|---|
| Not prevalent | 12 |
| Somewhat prevalent | 20 |
| Very prevalent | 56 |
| Don't know | 12 |

Question 8b. Are buyers informed of the fact that dealers may sell their note to a bank or other institution when credit is extended to the buyer by the dealer and that the buyer may not have any legal recourse against the dealer?

| | |
|---|---|
| Yes | 4 |
| Not always | 7 |
| Never | 56 |
| Told only in the written contract | 13 |
| Don't know or no answer | 20 |

Question 9a. Does State law require used cars to pass an established inspection procedure prior to its sale by a dealer?

| | |
|---|---|
| Yes | 24 |
| No | 70 |
| Don't know | 6 |

Question 9b. If not, is it customary for the used car dealer to pay for any repairs necessary to pass inspection if there is a post-sale inspection program?

| | |
|---|---|
| Yes | 0 |
| Sometimes | 10 |
| No | 36 |
| No answer or don't know | 54 |

Question 10a. Are you aware of any cities in your area that engage in the practice of selling abandoned cars at auctions?

| | |
|---|---|
| Yes | 36 |
| No | 64 |

Question 10b. If so, is any attempt made to monitor the subsequent use of cars sold at such auctions?

| | |
|---|---|
| Yes | 1 |
| No | 29 |
| No answer or don't know | 70 |

(1) "As Is" vehicles are those vehicles sold without warranty in purchases where the purchaser specifically acknowledges that he buys the car without a warranty.

Mr. HARTKE. Mr. President, I contacted the officials of Fairfax County, Va., when I noticed that that county had conducted a public auction of vehicles last year. My purpose was to determine if any effort was made to follow up on the use to which these vehicles were put following their sale at the auction. Although the county made no such follow-up effort, they did provide me with the names of the purchasers of the vehicles sold at that auction.

I subsequently made my own followup effort by contacting each of the purchasers by letter. Each was asked to answer five basic questions about the vehicle he purchased. Although there were approximately 125 cars involved in the auction, many purchasers bought more than one car. Nevertheless, I received only eight responses to my questionnaire. Despite the lack of statistical significance to this survey, I believe that it is important because, to my knowledge, it represents the first effort in the Nation to follow up on the uses to which vehicles are put after they are sold at public auction.

Mr. President, I ask unanimous consent that the results of this questionnaire be printed in the RECORD at this point.

There being no objection, the results were ordered to be printed in the RECORD, as follows:

### EXHIBIT C

### *Survey of post-auction sale use of used vehicles sold in Fairfax County—June 6, 1972*

1. Was the vehicle purchased at the June 6th auction retained for personal use or resold?

| | |
|---|---|
| Personal use | 5 |
| Resold | 3 |

**2. If the vehicle was retained for personal use, was the vehicle stripped for parts or left intact and used for transportation?**

| | |
|---|---|
| Parts | 0 |
| Transportation | 5 |

**3. If the vehicle was retained for personal use, were any repairs made on the car?**

| | |
|---|---|
| Yes | 4 |
| No | 1 |

**4. If the vehicle was resold, was it stripped and sold as parts?**

| | |
|---|---|
| Yes | 1 |
| No | 2 |

**5. If the vehicle was resold, was it sold to be used as transportation?**

| | |
|---|---|
| Yes | 1 |
| No | 1 |
| No answer | 1 |

Mr. HARTKE. Mr. President, the legislation which I introduced today is designed to rectify many of the problems uncovered in my year-long investigation. Specifically, it deals with the problems of warranties, previous history of the vehicle, dealer repairs, vehicle inspection, and enforcement of remedies.

### WARRANTIES

The Hartke Used Car Warranty Act requires that every used car bear a sticker affixed to its front windshield containing information about the warranty which applies to the sale of that vehicle.

If the vehicle is sold without a warranty, the sticker must state that the used car is being sold "as is." It must also contain a statement of the purchaser's rights, if any, under State or local law in the event that the motor vehicle needs repairs, fails to be approved in any inspection required by law, or is otherwise defective.

If the vehicle is sold with a warranty, that warranty must fall into one of the following classifications:

First, 2,250 miles or 90 days from the date of delivery;

Second, 2,000 miles or 60 days from the date of delivery;

Third, 1,000 miles or 30 days from the date of delivery.

At the time of sale of a warrantied used car, the dealer must give to the purchaser a statement indicating what is covered by the warranty, the location of the facility at which repairs and replacement of parts may be performed, and a complete description of the used motor vehicle.

### DEALER REPAIRS

At the time of purchase, the dealer must also disclose in writing to the purchaser a statement of any mechanical defects known to the dealer, any repairs made by the dealer at his direction following his acquisition of the motor vehicle, and a statement of any condition which would prevent the motor vehicle from being approved under any inspection required by law.

### PREVIOUS HISTORY OF THE VEHICLE

Included in the written statement delivered to the purchaser at the time of the sale will be the name and address of the previous registered owner of the used car, the principle use to which the motor vehicle was put by that owner—that is, personal transportation, police car, rental car, taxi—and the type of sale or means of acquisition by which the dealer acquired the motor vehicle—that is, trade-in, sheriff's sale, repossession, auction—to the extent that such information is available to the dealer from his own business records.

### VEHICLE INSPECTION

The legislation requires each State to adopt an inspection program for used motor vehicles which shall include inspection of the following vehicle components: Brake system; steering system; tires; and wheel assemblies.

This program is similar to one recently proposed by the National Highway Traffic Safety Administration. It is essential because only 33 States now operate used car safety inspection programs and each of these programs has its own standards. When fully operative, it would affect nearly 100 million used cars now on public highways.

### REMEDIES

The legislation requires used car dealers to perform their obligations under the warranty. A dealer shall be considered to have failed to perform his obligations if he fails to perform any repair or replacement of parts required under the warranty within 3 business days after the date on which the purchaser delivers the motor vehicle to him for repair or 30 calendar days after such date if the necessary parts are not available immediately. The dealer must also permit the purchaser to rescind the contract of sale for the used car if the dealer fails to repair or replace parts under the warranty or fails in any other material respect to perform an obligation imposed on him by the warranty.

The purchaser of the used car is entitled to recover the full amount of money he paid for the car during the duration of the warranty if the dealer fails to perform his obligations under the warranty or if there is a mechanical defect in the motor vehicle which renders it unsafe or inoperable.

Any purchaser who suffers damage because a dealer fails to perform his obligations under the warranty may, in addition to any other remedy he may have, bring an action against the dealer for breach of contract and recover, in addition to other damages, the costs of the suit, reasonable attorney fees, and consequential and punitive damages to the extent that the court deems appropriate.

Enforcement of the act is put in the hands of the Federal Trade Commission which shall require used car dealers to maintain records and submit records in accordance with the provisions of the act and regulations promulgated thereunder. Failure to maintain such records or make any such report is a misdemeanor punishable by a fine of up to $1,000, imprisonment for not more than 1 year, or both.

### OTHER PROVISIONS

Among the other provisions of the act is a statement that the warranty issued under provisions of the act is in lieu of any other warranty applicable to the used car unless the other warranty affords greater protection. All inconsistent State laws are voided unless the Federal Trade Commission determines that they afford greater protection to the buyer and do not otherwise interfere with the provisions of the act. The act takes effect 180 days after it becomes law.

Mr. President, I ask unanimous consent that the text of the Hartke Used Car Warranty Act be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1881

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Used Car Warranty Act".

### DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "motor vehicle" means an automobile or other motor vehicle (other than a motorcycle, truck, motorized camping vehicle, or motorized mobile home) designed to transport not more than ten individuals upon the public roads, streets, and highways;

(2) "used motor vehicle" means a motor vehicle which is offered for sale subsequent to—

(A) a prior sale to a person who purchased it in good faith for purposes other than resale; or

(B) its use by a dealer, or by any person with the permission of a dealer, as a rental, driver education, or demonstration motor vehicle, or for the personal transportation of the dealer or any of his employees for a period in excess of fifteen days or for a distance in excess of two hundred and fifty miles;

(3) "dealer" means a person who is engaged in the business of selling used motor vehicles primarily to purchasers who in good faith purchase such vehicles for purposes other than resale;

(4) "State" means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa;

(5) "mechanical defect" means any defect in or damaged part of the mechanical (including the motor and transmission), electrical, or hydraulic system of a motor vehicle, and any defect in or damaged part of the body, chassis, suspension, or other part of a motor vehicle; and

(6) "Commission" means the Federal Trade Commission.

### WARRANTY REQUIRED FOR SALE

SEC. 3. (a) No dealer shall sell or offer for sale a used motor vehicle in or affecting interstate commerce, to any person for purposes other than resale, without a warranty which meets the requirements of this Act, unless he sells or offers for sale that motor vehicle without any express warranty and with the notice provided for in subsection (b).

(b)(1) In order to meet the requirements of subsection (a), a used motor vehicle which is sold without any express warranty shall have affixed to its front windshield (or in some other suitable place described by the Commission) a notice containing—

(A) a statement that the motor vehicle is being sold without any express warranty, and that it is being sold "as is";

(B) a statement of the purchaser's rights, if any, under State or local law in the event the motor vehicle needs repairs, fails to be approved in any inspection required by law, or is otherwise defective; and

(C) the following statement: "IF THIS AUTOMOBILE BREAKS DOWN OR NEEDS REPAIRS, THE BUYER WILL HAVE TO PAY THE ENTIRE COST OF SERVICING OR REPAIR.".

(2) The notice required under paragraph (1) shall be set forth in nontechnical language and easily read type. The statement of purchaser's rights under State and local law required by paragraph (1) (B) shall be set forth in accordance with uniform guidelines prescribed by the Commission. The Commission is authorized to vary the language of the statement set forth in paragraph (1) (C) where appropriate to avoid misleading prospective purchasers of a used motor vehicle as to their rights under law, but the statement shall, in any event, be set forth prominently and be distinguishable from other information contained in the notice by size of type.

TERMS OF WARRANTY

SEC. 4. (a) In order to meet the requirements of this Act, a warranty shall be a written agreement entered into between a dealer who is selling a used motor vehicle and the purchaser of that motor vehicle under which the dealer undertakes to be legally bound to comply with the terms of that warranty (in accordance with the provisions of this Act) with respect to that motor vehicle.

(b) In order to meet the requirements of this Act, a warranty shall set forth any condition which the purchaser must meet with respect to periodic servicing of the motor vehicle during the duration of the warranty (and any such condition shall be applicable to all used motor vehicles of the same make, model, and year of production sold by that dealer) and provide that—

(1) the used motor vehicle to which it applies is free from mechanical defect which will require repair, or the replacement of parts, within the duration of the warranty;

(2) the duration of the warranty is—

(A) two thousand two hundred and fifty miles or ninety days from the date of delivery, whichever first occurs (which may be referred to as a class A warranty),

(B) two thousand miles or sixty days from the date of delivery, whichever first occurs (which may be referred to as a class B warranty), or

(C) one thousand miles or thirty days from the date of delivery, whichever first occurs (which may be referred to as a class C warranty);

(3) the duration of the warranty will be extended by a number of miles equal to the number of miles the motor vehicle is driven during any period that the dealer or any person authorized by him has possession of the motor vehicle for the purpose of making repairs under the warranty and by a number of days equal to the number of days the dealer or any person authorized by him has possession of the motor vehicle for that purpose;

(4) any repair or replacement of parts made under the warranty will be performed in a workmanlike manner so as to render the motor vehicle free of the mechanical defect for which the repair or replacement was made;

(5) the purchaser will not be liable for any costs (including costs of labor, parts, towing, and any other service costs) incurred in the repair or replacement of parts performed by the dealer under the warranty, or by any person authorized by the dealer to perform repairs or the replacement of parts under the warranty;

(6) the dealer will not permit any lien which may arise against the motor vehicle, in connection with any repair or replacement of parts under the warranty by a person authorized by the dealer to perform such repair or replacement, to remain in effect for more than twenty-four hours after the performance of such repairs or replacement; and

(7) the purchaser is entitled to rescind the sale, deliver the motor vehicle to the dealer, and recover the full consideration (including the value of any property forming part of that consideration) reduced by the amount of any damage caused by the purchaser (unless such damage resulted primarily from a mechanical defect repairable under the warranty) during the duration of the warranty if the dealer fails to perform his obligations under the warranty or if there is a mechanical defect in the motor vehicle which renders it unsafe or inoperable.

DISCLOSURE OF INFORMATION

SEC. 5. (a) No dealer shall sell any used motor vehicle with respect to which he issues a warranty under the provisions of this Act unless he furnishes to the purchaser of that motor vehicle, before that purchaser has entered into a contract to purchase it, a written statement containing the information required under section (b).

(b) The statement required by subsection (a) shall contain—

(1) the location of the facility at which repairs, the replacement of parts, and other service under the warranty may be performed;

(2) a complete description of the used motor vehicle, including—

(A) the make, model, year of manufacture, and any identification or serial numbers of the motor vehicle;

(B) the date on which that motor vehicle will be delivered to that purchaser and the maximum number of miles which will appear on the odometer at the time of delivery.

(C) the mileage and date on which the warranty will terminate;

(D) the name and address of the previous registered owner of the motor vehicle, the principal use to which the motor vehicle was put by that owner (such as personal transportation of previous owner, police car, rental car, taxi, or other descriptive term), and the type of sale or means of acquisition by which the dealer acquired the motor vehicle (such as trade-in, sheriff's sale, repossession, auction, or other descriptive term), to the extent that such information is available to the dealer from his own business records; and

(E) a statement of any mechanical defects known to the dealer, any repairs made by the dealer or at his direction following his acquisition of the motor vehicle for sale as a used motor vehicle, and a statement of any condition which would prevent the motor vehicle from being approved under any inspection required by law.

INSPECTION OF USED CARS

SEC. 6. (a) Each State shall adopt an inspection program for used motor vehicles as defined in section 2(2) of this Act.

(b) The Secretary of Transportation shall establish the standards for such inspection program which shall include inspection of the following vehicle components:

(1) Service brake system, including the failure indicator, if any, brake system integrity, brake pedal reserve.

(2) Steering system, including steering system play, linkage play, free turning, steering alinement, power steering system, if any, suspension system, and shock absorbers.

(3) Tires, including tread depth, tire type, tire condition, and tire damage.

(4) Wheel assemblies, including assembly integrity, deformation, wheel discs, wheel rims, wheel flanges, and wheel mounting.

PERFORMANCE UNDER WARRANITY

SEC. 7. (a) No dealer shall secure from the purchaser of a used motor vehicle with respect to which the dealer issues a warranty in accordance with the provisions of this Act any waiver, modification, or limitation of the dealer's obligations under that warranty.

(b) No dealer shall fail to perform his obligations under any warranty issued by him in accordance with the provisions of this Act. It shall not constitute a failure to perform such obligations for a dealer to refuse to act in accordance with the provisions of that warranty with respect to any damage to, or defect, in a used motor vehicle resulting from unreasonable use or maltreatment of that motor vehicle by the purchaser.

(c) A dealer shall be considered to have failed to perform his obligations under a warranty issued by him in accordance with the provisions of this Act if—

(1) he fails to perform any repair or replacement of parts required under the warranty within—

(A) three business days after the date on which the purchaser delivers the motor vehicle to him for such repair or replacement, or

(B) thirty calendar days after such date if necessary parts are not available to the dealer during the period set forth in subparagraph (A);

(2) having failed to perform his obligation to repair or replace parts under the warranty (as determined under paragraph (1)), he fails to permit the purchaser to rescind the contract of sale and fails to refund to the purchaser the full consideration paid for the motor vehicle (including the value of any property forming part of that consideration) reduced only by the amount of damage caused to that motor vehicle by the purchaser (other than damage resulting primarily from a mechanical defect repairable under the warranty); or

(3) fail in any other material respect to perform an obligation imposed on him by that warranty.

(d) Any purchaser of a used motor vehicle with respect to which a dealer has issued a warranty in accordance with the provisions of this Act, who suffers damage because the dealer fails to perform his obligations under that warranty may, in addition to any other remedy he may have, bring an action against that dealer for breach of contract and recover, in addition to other damages, the costs of the suit, reasonable attorney fees paid or incurred by him in connection with the controversy, and such consequential and punitive damages as the court before which the action is brought deems appropriate.

SEC. 8. (a) Any dealer who sells used motor vehicles with warranties in accordance with the provisions of this Act shall establish and maintain such records, make such reports, and provide such information to the Commission as the Commission may require, and shall, upon request of an officer or employee designated by the Commission for such purpose, permit that officer or employee to inspect appropriate books, papers, records, and other documents relating to the sale of used motor vehicles by him.

(b) Each such dealer shall maintain, for a period of not less than three years after the date on which a used motor vehicle is sold, a complete record relating to the sale of that motor vehicle including—

(1) the name and address of the purchaser;

(2) a copy of the warranty and statement required under this Act issued in connection with the sale of that motor vehicle; and

(3) a record of any repairs, or the replacement of parts, performed under that warranty.

APPLICATION WITH OTHER WARRANTIES AND STATE LAWS

SEC. 9. (a) A warranty issued in accordance with the provisions of this Act shall be in lieu of any other warranty applicable to the used motor vehicle to which the warranty under this Act relates unless the other warranty affords greater protection to the purchaser as determined by the Commission.

(b) Any requirement of State law with respect to written warranties and performance thereunder which is inconsistent with the provisions of this Act shall not be applicable to warranties issued in accordance with such provisions, unless the Commission determines that such requirement affords greater or additional protection to the purchaser of a used motor vehicle and does not otherwise interfere with the application of the provisions of this Act.

### ENFORCEMENT

SEC. 10. (a) The Federal Trade Commission shall enforce the provisions of this Act and adopt, amend, and repeal such rules and regulations as may be necessary to carry out the provisions of this Act.

(b) It shall be a violation of paragraph (1) of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)), enforceable in accordance with the provisions of that Act, for any dealer to violate the provisions of section 3 of this Act, to issue a warranty in connection with the sale of a used motor vehicle (for purposes other than resale) which fails to meet the requirements of section 4, to fail to provide the statement required by section 5 in connection with any such sale or willfully to falsify or omit any matter required in that statement, or to violate the provisions of section 6.

(c) Whoever, being obligated by this Act or by any requirement imposed by the Commission under this Act, to make, preserve, or permit inspection by an officer or employee of the Commission of, any report, record, or document under section 7—

(1) willfully fails to make, preserve, or permit inspection of, any such report, record, or document,

(2) makes any such report containing any information which is false or misleading, with knowledge or with reason to believe that such information is false or misleading, or

(3) makes any such report from which there has been omitted any information required by the Commission under that section with the intent to conceal that information,

shall be guilty of a misdemeanor punishable by a fine not in excess of $1,000, imprisonment for not more than one year, or both.

(d) The district courts of the United States and any State court of general jurisdiction having power to issue injunctions shall have jurisdiction to restrain violations of this Act in an action by the Commission, by any of its attorneys designated by it for that purpose.

### EFFECTIVE DATE

SEC. 11. This Act shall take effect one hundred and eighty days after the date of its enactment.

**Mr. HARTKE.** Mr. President, at this point, I ask unanimous consent to have printed in the RECORD several magazine articles which are pertinent to this subject. The first is a two-part series on warranties and guarantees from the April and May 1971, issues of Consumer Bulletin. These articles discuss the deceptiveness and the inadequacies of current guarantees. A similar discussion of the inadequacies of warranties is presented in a November 1970, article from Popular Science, and in a July 1969, article from Changing Times. Finally, Mr. President, there is an article on odometer turnbacks from the May 1969, issue of Consumer Reports and an article which describes some of the deceptive practices of unscrupulous used car dealers from the September 1972, issue of Changing Times.

Mr. President, I believe that the Hartke Used Car Warranty Act is an essential component of a national commitment to an adequate program for consumer protection. The need for regulation of deceptive and unsafe practices in the sale of used cars is beyond doubt. The legislation I offer today will go a long way toward meeting that need.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Consumer Bulletin, April 1971]

### THE WARRANTY GIVETH—THE WARRANTY TAKETH AWAY—A CLOSE LOOK AT WARRANTIES AND GUARANTEES—I

A topic that is very much in the minds of consumers and business executives at this time is guarantees, what they mean, and the extent to which a purchaser can depend upon them.

As we examine a few typical guarantees we learn that we might be better off in some cases not to be "protected" by a guarantee, that all too often a so-called guarantee is not seriously intened but is just a convincing way to add appeal to advertising and to take sales away from competitors. In many cases the intent of the guarantee is to give the manfacturer of the product a variety of mens of escape from responsibility in case something goes wrong or someone is injured by a defective or unsafe article or appliance.

According to one appliance-trade association executive, a guarantee covers parts and labor, a warranty, covers parts only. One may doubt the validity of this distinction; we believe consumers would do well to assume that the words are synonymous, for practical purposes.

The consumer should note that the things that are *missing* from a guarantee may be many times more important than those that are included.

### GUARANTEE WORDING YOU CAN DICOUNT HEAVILY

Satisfaction guaranteed or your money back almost never will mean what it says. "Up to 30 percent savings in gasoline or fuel oil" could mean anything from zero to 30 percent, with zero the much more likely figure. You can be sure that "up to" isn't in the claim just to be helpful to the customer. It's a favorite way advertisers have of exaggerating the benefits to be expected from their product, yet "staying within the law."

"Guaranteed to contain no alkali" is a common type of claim; it will probably be the truth, but what is *not* said may be far more important. Perhaps the product contains acid, which could be worse. A claim which says what something is *not* or that it does not contain X (an acid or alkali, for example) is to be regarded as of no value to the purchaser. A claim that a certain liquid will not harm your heating system or auto cooling system often, is there to divert the reader's attention from the more important matter of whether the product does anything *good* for either of these systems, and if so, just what.

An additive alleged to save fuel oil, as some are, without justification, should be guaranteed to be *effective* in reducing *by not less than a stated percentage,* the quantity of oil consumed to produce a given amount of heat from an oil burner. The claim should be quantitative, not qualitative, so that if it is not true, that fact can be established by test in an engineering laboratory. (In that case the promoter of the product could be in trouble with the law.)

Note that typical guarantees of many products do not say how the vendor will make good on the so-called guarantee, whether by prompt replacement, or repair, of a defective article, including parts and labor, or by cash reimbursement of the purchaser in the amount he decides to name as his loss (a most unlikely kind of settlement by any supplier, who almost invariably insists that he shall be sole judge of the nature and amount of redress due the purchaser).

One major lesson the consumer needs to learn is that the more a guarantee—or an advertisement that cites one—seems to promise, the less it should be relied on.

Suppose you buy a "lifetime guaranteed" lamp bulb at 69 cents. It is wholly unlikely that you can pack it and ship it to the seller and come out ahead, as compared with buying a new bulb of a nationally known maker for 25 cents. A lifetime guarantee, often seen in advertising, does sell lamps, but the consumer pays extra for the privilege of buying something which is actually less desirable than the lamps he can buy in any supermarket or variety store at 25 or 30 cents each.

A guarantee can be extremely disadvantageous to the customer, yet be perfectly legal. The law, except in California, will hold that the seller can choose what he will guarantee, and what he will not. He can choose to make the buyer pay for labor, as he usually does, in putting a defective appliance into working condition, and the labor charge can be whatever his repair station chooses to make it.

An appliance, or a watch, may be out of the user's hands for months, but no manufacturer we know of recognizes an obligation to provide a substitute item in the meantime or to reimburse the purchaser for expenses in getting along without the article in which he has tied up perhaps several hundred dollars of his money. Manufacturers do not suggest that they will be pleased to make amends in some way for the fact that the item that was bought and paid for was not available for use during a long period. When service is needed, parts may not be forthcoming, for weeks or months. This problem of long service delays is dealt with under a new law in California. The manufacturer there may sell without warranty but in that case he must sell the product on an "as is" basis. The law requires that warranty service must be provided within the state and within a 30-day time period (much too long a period for many emergency situations involving a freezer, refigerator, washer, or range).

A family that has $400 tied up in a refrigerator or range is presumed by many manufacturers and dealers to be ready to go back to primitive housekeeping, with their meat stored on a window sill or broiled over a campfire until the manufacturer's franchised dealer gets round to making good on the guarantee.

### THINGS TO GUARD AGAINST

Be on guard against the guarantee that promises a refund if a product is found unsatisfactory, in a period of time which is too short to be significant for the purchaser. Such a short-time warranty is offered in respect to a paint; refund must be asked for in 30 days, much too short a period for a paint product to be recognized as poor, or first-class, in quality.

The following forms of guarantee are close to meaningless, though they sound as though they cover every contingency reasonably to be expected:

Money-back guarantee, Fully guaranteed, Unconditionally guaranteed, Satisfaction guaranteed, Life-time guarantee, Lowest price guaranteed.

Guarantees are often deceptive in two ways, inherently, in themselves, and in what is claimed about them in store or manufacturer advertising. The Federal Trade Commission has been thinking about the subject from a legal standpoint for several years. In April 1960 the F.T.C. issued a pamphlet "Guides against deceptive advertising of guarantees," but, so far as we know, the F.T.C. has not taken steps to put the guides into general effect in trade and industry.

### WHAT MAKES A GOOD GUARANTEE

A good form of guarantee is seen in Montgomery Ward's catalog: "We guarantee the quality of every article as described, and guarantee that it will give you the service you have a right to expect. If, for any reason, you are not completely satisfied with any article purchased from us, you may return it at our expense. We will exchange it for what you want, or refund what you paid, including any transportation charges paid by you."

Some sound principles intended to guide manufacturers and dealers are expressed in the F.T.C. "Guides"; these are indicated here in abbreviated form, with added comments by CR.

(1) Advertising of a guarantee is to be required to disclose *what* is guaranteed; *how long* will the guarantee be in effect; what exactly must the purchaser do to obtain fulfillment.

(2) Will the guaranteed article be repaired, or replaced, or will refund be made?

(3) Who makes good under the guarantee, the dealer? the manufacturer?

(4) "Satisfaction or your money back" or "10 days free trial" claims must mean that the full purchase price is to be refunded if the customer wishes it. The advertiser is to name conditions or qualifications, if there are any that apply.

(5) "Lifetime" guarantees and "guaranteed forever" must mean the lifetime of the purchaser or original user. Comment: One would be wise to disregard the term and buy elsewhere, in any case where there can be any doubt at all about the seller's practices.

In the past, lifetime guarantees have been evaded on a large scale. They sound good, but are very rarely to be taken as assuring long life, or restitution to a dissatisfied customer, throughout his lifetime or even the lifetime of the article sold.

(6) *Pro rata* adjustments, as on tires, auto batteries, water heaters, present a special problem. Comment: It has been a common practice to base allowances on defective or short-lived products, not on the price actually paid but on a fictitious "list price." In view of this type of sharp practice, the purchaser may do better to abandon a defective tire and buy a new one at its actual market price, rather than to accept an "adjustment" based on a list price that is far above the actual and customary selling price. Besides, his unhappy experience with a given make of tire may strongly suggest that his next tire should be of a different brand, anyway.

The F.T.C. has proposed, in writing rules for one trade, that an "express' guarantee or warranty should not contain limitations, disclaimers, or provisions which purport to deprive members of the public of any rights which they would have in the absence of such express provisions. This is a lawyer's way of saying that some guarantees may be so framed as to deprive a customer of protection which he might have had if no guarantee of any sort had been supplied with the product.

Thus acceptance of an "express warranty" may have the effect of losing the value of an "implied warranty." Under an implied warranty, the seller is required to provide a product that is in accord with the advertised description and is in good condition (new, unless otherwise advertised) and suitable for the intended purpose. Oddly enough the implied warranty, which is not given specifically and in writing, may be far more useful to the customer than one which says "Product X is guaranteed to keep your silver from tarnishing." It may well do that, but be useless for the purpose because the chemical used is harmful to good silverware in some way, or is poisonous, or is effective for only a week or two. As we have noted, what is omitted from the claims may be far more important than what is put into print.

### THE SALES PITCH—FORGET IT!

A sales pitch may be very convincing but it does not create a warranty. The courts have long held that mere "puffing" or glamorizing of a product by a seller does not bind him. "Our gimmicks are the best made anywhere" is not a binding assurance of superior quality or performance, or even of reasonably good quality and reliability. Guarantees heard on the radio or heard or seen on TV are usually of no use except to the advertiser, as sales appeal. The only warranty that "cuts ice" is that which is in writing or in print and is definitely associated with the product by its brand name and model number, and the name and address of its maker or seller.

All manufacturers offer "something different" in warranties, said a retail store salesman to a prospective customer; hence he could not provide specific information on terms of warranties for various TV sets he had for sale. The salesman urges the customer to buy"without worrying about the warranty problem." Bad advice, but we can blame certain little-known government policies for the situation, in some instances.

The foregoing article is the first of two on the subject of guarantees.

---

## A CLOSE LOOK AT WARRANTIES AND GUARANTEES—II

The first part of this article appeared in the April 1971 issue of Consumer Bulletin.

### PROTECTION FOR THE CONSUMER

Steps will ultimately be taken, we believe, to make it expensive to manufacturers and dealers to give customers the "brush off" on appeals to make good on guarantees. If dealers knew that failure to provide agreed warranty protection could cost them money, they would use more care in selecting a line of products, whether washers or TV sets, and they would choose for their stocks products whose makers had regularly exerted themselves to produce articles that had built-in reliability and good workmanship.

No one need look forward to correction of guarantee failures and injustices through federal government action. The states can do something, and county and city consumer protection agencies can, also. The problems are inherently local ones. Because of their great number, variety and technical difficulty, they are incapable of being dealt with by federal agencies. Writing rules and regulations is one thing. Seeing that they are put into practice and the consumer in Oshkosh or Walla Walla promptly and fully reimbursed when troubles arise are completely beyond the posibility of control on a national basis. Mrs. Smith's range that has a useles burner or oven control will not be put into working order promptly and at no cost to her (within the guarantee period) by any order emanating from a central government agency.

Pennsylvania is considering legislation which would give the state power to require manufacturers to file with a state agency their warranties on all major items, including electric appliances, large and small. This type of state intervention has some merit; the mere requirement that a warranty shall be exposed to review and comparison at some state-managed office would have a useful effect. Knowing that a warranty is subject to an official going-over by persons experienced in guarantee supervision, a manufacturer is much less likely to indulge in trick clauses or clearly unfair treatment of the customer in his warranty's terms.

With appliances and automobiles that are new or novel in design, it may be months before the manufacturer gets around to supplying dealers and service agencies with needed spare parts for the new product. This is one price the consumer must pay for not waiting a while for "bugs" to be ironed out. (One or more design errors or defects are pretty certain to be present in any very new product, even of the simplest nature, as CR's tests reveal, all too often.) The more radical the design changes, the greater is the likelihood that those who bought too soon will find themselves with a product that will need repairs that cannot be provided when needed.

As we have often said in Consumer Bulletin, it may be more desirable to buy a *B*-rated product sold by a dealer who has a reputation for making good on his commitments than an *A*-rated product from a dealer with a reputation for hard selling and sharp practices. A good product with a bad warranty, or one with a lot of fine print devoted to legally involved clauses, can be a noose about the buyer's neck. If he's stuck with a high-priced movie camera or several hundred dollars worth of machinery that no one will repair, he's in serious trouble financially and otherwise, and may wish a hundred times that he had his money back in the bank instead of spent on a non-working washer, dishwasher, electronic organ, or whatever.

Uniform warranties adopted by member firms of a trade group have been held by one government agency to be illegal as tending to produce an anti-competitive or collusive situation among sellers. Yet from the consumer's point of view this judgment is bad, for a high degree of diversity among warranties means that for practical purposes it becomes impossible to compare one maker's offering with that of another. It presents the same problem as efforts to choose among life, and health and hospital and medical expense insurance policies, which are notorious for their capacity to confuse the insured person who would seek to compare their terms as a basis for selection, and to make valid comparisons of cost for a given coverage among different companies.

### CONSUMER EDUCATION

The treatment of guarantees in many consumer education courses in schools and colleges is wholly inadequate, being much too general and abstract. *Specific examples of guarantees and the loopholes in the advertisements that mention guarantees as inducements to buy should be examined,* as well as user-reported experiences. These would include cases wherein the dealer or manufacturer simply declined to make good, or held the matter in abeyance so long that the consumer's money was tied up for a long period, or he was subjected to serious losses of time or travel, or had need to rent, borrow, or buy a substitute article, or had to pay some serviceman a high price for repairs, or was forced, by repeated delays, to buy a refrigerator, range, washer, dishwasher, or water heater of a different make.

Manufacturers warranties usually "contract out of" consequential and sequential damage costs, but it is not fair to the consumer that he should have to bear the cost of new flooring in a kitchen that was flooded by failure of an essential component in a dishwasher, or rebuild at his own expense a home that was damaged by the explosion of a water heater which failed because of a design defect (involving the use, for example, of a heat-deformed plastic inlet tube where one of durable, corrosion-resistant metal was required).

### AUTOMOBILES AND PARTS

Automobile and tire guarantees have long been noted for their unreliability in all too many cases. A recent and important Florida Supreme Court decision held that an automobile manufacturer's claim in national advertising carried the obligations of a written warranty to the purchasers of a car. If other state courts follow this ruling—and there is a clear tendency in that direction—the advertising men are going to be put under severe restraints in the false statements and exaggerations they permit themselves in writing advertising copy for automobiles and for some home appliances.

A major automobile manufacturer's printed warranty sheet excluded the purchaser from recovering damages for personal injury caused by defects in the throttle linkage and related parts of the car. A court ruling in the case held that use of a written warranty in this was unconscionable, meaning that the manufacturing corporation's lawyers should have been ashamed to attempt a defense on ground so unfair to customers.

A famous case of a misleading warranty was that of an automobile battery which was advertised in a national magazine, but which, if bought by a purchaser in the East, would have to be shipped back to a factory or warehouse 2500 miles away for inspection by the seller. If the seller should happen to decide in the buyer's favor, which would be an unlikely occurrence, the refund or adjustment the purchaser received would be very unlikely to pay for the costs of packaging and transportation of the battery.

Another auto battery was advertised some years ago as having a 10-year guarantee "further protected by Lloyds of London." Ten years is longer than an honest vendor would promise free replacement of a battery, and who is to know how to proceed to collect from Lloyds in such a case?

### THE WARRANTY THAT SHOULDN'T BE

"This warranty supersedes all other warranties expressed or implied, and of [sic] all other obligations or liabilities on ———— Company's part, all of which are waived by the purchaser. All implied warranties of merchantability and fitness for a particular purpose . . . are hereby disclaimed by the company and are excluded. The company shall in no event be liable for any consequential damages of any kind resulting from the use of any product. No person is authorized to make any other warranty or to assume for the company any liability in connection with the sale of any of its products."

This is the phraseology used by a seller of scientific apparatus in a "warranty" that does the buyer out of the rights he would have under a fair and proper warranty. It says in effect that you have no legal basis for expecting the product to be well made, properly finished, mechanically and electrically safe, built to provide reasonable durability in service, efficient in use *or even capable of performing the task for which it was bought.*

There are federal government plans afoot, it is said, which will make illegal any warranty that purports to take away from purchasers their right to sue when merchandise is not fit for its intended use.

A common type of "negative" guarantee appears on pesticides and various chemical products, thus: The buyer assumes all risks of use or handling, whether in accordance with directions or not. Seller makes no warrantly, express or implied, concerning effects of use of this product. (But the principal label on the bottle makes specific claims of usefulness and performance.) In some cases a disclaimer by the manufacturer of responsibility for incautious use may be justified, *provided* that the purchaser is duly warned that the product is a potent poison and is extremely hazardous to use, and the nature of the hazards and precautions to be taken are clearly and prominently set forth in large type *on a permanent label* (not a piece of paper, or a leaflet accompanying the package).

Don't take any salesman's word for what's in a warranty—*read* it, every word, and especially any legal-sounding clauses. They may conceal more than they reveal. No need to ask the salesman when you buy; his interpretation would not be binding on the manufacturer or dealer. If all parts of the guarantee are not fully understood, it would be the part of caution to assume that when difficulties arise the terms of the guarantee will be construed against the customer.

The suggestion has been made that all products sold must be covered by both express and implied warranties, with the provisions of the former prescribed by a public agency. All too many of today's warranties specifically disclaim the basic warranty of merchantability (suitability to be offered for sale, and for the use to which the product will be put). Some warranties autually set up legal and psychological barriers to the remedies and rights the consumer would have if no guarantee were provided. Guarantee rights definitely need to be enlarged and extended, in all cases where the consumer would otherwise be subjected to risk of serious loss of money or time.

### GOOD GUARANTEES—THERE ARE A FEW

A good form of guarantee for a home appliance would read about as follows: If within a period of — (months, years) after the date of purchase of this product, —— 197–, any failure of operation occurs, or a part or parts should break, or burn out, or otherwise fail to perform their intended function, in normal home use of the appliance, the —— Company will either repair or replace the defective or inoperative or malfunctioning elements immediately at its own cost for labor and materials, or will without fail arrange for the dealer to do so within a period of not over 3 days. If the dealer should fail to perform the needed service in the stated period, the —— Company hereby authorizes the purchaser to have the repairs or replacements made on the product by a qualified service shop at a lost to be promptly reimbursed by the manufacturer of this appliance.

Signed —— Company.

We've never seen such a guarantee for any appliance, but maybe some of the manufacturers who have an ear sensitive to what is being talked of in the Federal Trade Commission and in the halls of Congress and state legislatures will prefer to establish such guarantees rather than, by inaction, to invite federal and state government agencies to step into the breach and set up rigorous, enforceable rules and regulations to govern repairs and replacements of in-warranty appliances.

The following are some of the favorable exceptions among guarantees which we have seen lately:

"'Satisfaction Guaranteed' at American Stationery [of Peru, Ind. 46970] means just that . . . if for any reason you do not like what you have purchased from us, we will make it right for you either by replacement or refund. Our forebears started this policy in 1919 and we plan to still be carrying it in the year 2000; or perhaps it will be our grandchildren. . . .

"You must be satisfied, and of that you are the sole judge "

Acoustic Research, Inc., a leading manufacturer of loudspeakers, turntables, amplifiers, and radio receivers provides the following unusual, indeed unique, guarantee for its customers:

"AR Product Guarantee: the workmanship and performance in normal use of AR products are guaranteed from the date of purchase; 5 years for speakers, 3 years for turntables, and 2 years for electronics. These guarantees cover parts, repair labor, and freight costs to and from the factory or nearest authorized service station. New packaging if needed is also free.

"This means no cost for parts, no cost for labor, no cost for 'service charges', and no cost for freight whether to and from the nearest authorized service station or the factory. New cartons, if needed, are free. The only cost is inconvenience, which we greatly regret, and try to minimize."

### IN PLAIN ENGLISH

People in the appliance trades are beginning to realize that the public's and legislators' tolerance of unsatisfactory warranty conditions is running out. There is a growing belief that simplification, and elimination of legalisms and "escape clauses," in warranties are long overdue and that the industries concerned had better get into motion to act, before they are acted upon by Congress, the state legislatures, and the F.T.C. The important questions in any guarantee are not only what will be done for the purchaser, but *who is to do it,* within what limits of time, location, and cost, including cost of postage, express, or trucking charges.

A commendable tendency on the part of some major manufacturers has been noted recently. One big company, like some others, has quit listening to their legal eagles' counsels of caution and has shrunk its 600-word legal-jargon warranty for a dishwasher to 115 words of understandable English—a language foreign to many who compose warranties. Several manufacturers have removed from their guarantees clauses similar to the following: "in lieu of all other waranties express or implied." Thus, their dishwasher is now guaranteed under the principle of implied warranty to do a reasonably good job, and to carry out the function for which it was built. And, in such cases, the customer won't need to hire an attorney to see what the guarantee means.

---

## WARRANTIES: WHAT ARE THEY WORTH TO YOU?

(By Herbert Shuldiner)

If the words "warranty" and "guarantee" confuse you, don't be ashamed to admit it. The way these synonyms are used today by manufacturers and sellers of the things you buy, they can mean a valuable assurance of product reliability and satisfaction or they can be empty of any meaning whatever. And that's why consumer groups, state and federal agencies, and Congress are all spurring important reforms in warranty protection for the products you buy.

Some of these reforms have already begun to show up in revamped warranties that spell out more clearly the extent of your insurance, and that increase the protection you get. A survey, just completed by Popular Science, of leading companies who manufacture, distribute, or sell big-ticket products shows that buyers of color TV sets and auto tires are the principal beneficiaries of these better warranties. For example:

One TV manufacturer now pays dealers to repair color sets under warranty.

Over-the-counter exchanges of defective radios, recorders, and phonographs have been instituted by two companies.

An electronics giant has offered its customers a money-back-guarantee trial period to evaluate its color TV sets.

Two important rubber companies have liberalized exchange procedures for defective tires.

Several important appliance and power-equipment manufacturers have new programs to make parts and service under warranty more available to customers.

A growing number of firms are simplifying warranty language so it can be more readily understood by the average consumer.

Despite these few bright spots, the PS survey on warranty services revealed these ominous facts:

Free-service protection is being cut back at a time when products are becoming more trouble-free for longer periods. For example, the 5-year/50,000-mile automotive power-train warranty is disappearing.

Allowances are inadequate for consumer inconvenience caused by malfunctioning products. Nobody repays your cab fares when your car goes back to the dealer for warranty work.

Consumers who purchase products that don't work because of manufacturing defects are additionally burdened with shipping or other expenses in order to obtain adequate repairs or adjustments.

Rarely can you get your money back, or even receive an exchange, if you purchase a big-ticket item that turns out to be a lemon. If you get stuck with a chronically malfunctioning product, chances are that most manufacturers will do no more than keep taking it back for service—unless it becomes economically advantageous for them to do otherwise.

Consumers are often taken advantage of by dealers when they attempt to have defective or malfunctioning products repaired under warranty. Many tire dealers, for instance, will tack on an unauthorized service charge for labor involved in replacing a defective tire.

Consumers are not guaranteed a minimum amount of use from a product, and rarely receive warranty extensions for down time. Mrs. Virginia Knauer, special assistant to the President for consumer affairs, told the Senate Consumer Subcommittee, headed by Sen. Frank E. Moss, of a man who owned a refrigerator which apparently spent more time in the shop being repaired than in his home.

"When the man came to pick it up," she says, "the repairman said 'Oh that is going to cost you money. Your warranty is over.'" The refrigerator had been in use for less than half the time covered by the three-year warranty. Mrs. Knauer's office interceded with the president of the company and the warranty period was extended for a year and a half.

A large number of disclaimers, still used in warranties, tend to deceive consumers into thinking they have more protection than they actually have. Mrs. Knauer told the Senate subcommittee that "the fine-print trick, in actuality, can nullify the essence of a guarantee. As it has been said, "the bold print giveth and the fine print taketh away."

Many guarantees give free replacement parts, but charge for installing them. A 25-cent part will be given to you without cost, but with a $5 or $10 labor charge tacked on.

Some products, like campers, snowmobiles, or automobiles, carry multiple warranties. Tires, batteries, and engines may all be guaranteed by separate companies. This can confuse the owner of the vehicle when trying to get warranty service on various components.

A substantial segment of industry is attempting to do away with these warranty abuses. One of the biggest warranty innovations was made recently by RCA. They now pay dealers to repair defective TV sets under warranty. That means your repairman can't lose money putting your set in shape no matter how long it takes him.

What's more, you don't have to go to any designated repair shops. You can have it done by any recognized service agency you choose—RCA or otherwise, and the bill is paid directly to the repairman.

RCA has also established an over-the-counter exchange service for radios, tape recorders, and hi-fi sets that may become defective within 90 days after purchase.

Magnavox has instituted a similar exchange program for replacing defective table radios, recorders, and portable phonographs.

GE has introduced another highly innovative warranty. If offers a "30-day money-back" guarantee of consumer satisfaction on its color TV sets. If you don't like the way the set performs during the first 30 days you can return it and get your money back. The money-back guarantee is not available in New York, New Jersey, or Connecticut, however.

### BREAKTHROUGH IN TIRE GUARANTEES

Goodyear and Uniroyal have abolished, for the first 20 percent of tread life, the usual prorated method of charging for the replacement of defective tires. Previously, when defective tires were replaced, you paid part of the costs—for the tread life used. Both companies now replace a tire without charge if it fails in the first 20 percent of its tread life because of a manufacturing defect.

At the same time, Goodyear has discontinued any allowances for tires with only $^1/_{16}$ inch of tread remaining. Goodyear considers that such tires have given their full tread life and should be replaced for safety's sake.

Other companies are setting up new programs to make it easier for their customers to obtain parts and service. John Deere now includes tires and tubes in its own warranties. Deere did this because it found that although the rubber products were warranted by the manufacturer, few tire dealers stocked lawn and garden tire sizes.

Where to get your products serviced when you're hopping around? One company has come up with a unique solution. A "world" warranty has been created for Nikon cameras.

And there's also an effort on the part of some firms to accept responsibility for extra expenses you incur when their products fail. Volkswagen recently started reimbursing its customers for towing costs necessitated by breakdowns following malfunctioning of parts under warranty.

### SIMPLIFYING THE LANGUAGE

Perhaps most important, a small but influential group of firms has simplified the language of its warranties, so that the average consumer can better understand exactly how much protection he is getting with his purchase. These firms include giants like Sears and Montgomery Ward, whose marketing practices have a wide impact on the nation's buying habits.

One example Sears president Arthur M. Wood gave PS was the warranty on a dishwasher. The old one took up most of a page. The new one is just six simple lines. And this simple warranty becomes part of the pitch Sears salesmen make. Wood feels that Sears service is an important part of its success in selling. "After all we're in competition with a great many distributors," he says. "We think it wise to tell the customer just how far Sears goes."

The language barrier is perhaps the biggest obstacle you run into in trying to understand warranties. A cheap watch recently purchased by a PS editor was accompanied by a gold-colored "guarantee." Its provisions: If the watch failed, he could return it with $2 and the maker would bill him for repair charges. If he thought that cost too high, they would return the watch with "free" replacement parts so he could fix it himself.

Contrast this with the warranty that accompanies an AR amplifier.

"Guarantee: The workmanship and performance in normal use of the AR from date of purchase. This guarantee covers parts, repair labor, and freight costs to and from the factory or nearest authorized service station. New packaging, if needed, is also free."

Is a clearly written guarantee of performance satisfaction impossible to give? Mrs. Virginia Knauer told the Senate Consumer Subcommittee that it isn't. She pointed to the Maytag guarantee on appliances—considered to be a model of responsiveness to its customers' needs. "The fact that this kind of warranty and product information can be written and adhered to should help to dispel the unreasonable fears that many [other companies] have concerning the aims of this Committee," she told Senator Moss.

However, warranty procedures such as those pioneered by Maytag are exceptions rather than commonplace. In fact, Mrs. Knauer commented that "industry self-regulation has not yet shown itself to be fully adequate to eliminate the problem. Some legislation seems necessary in order to insure the elimination of warranty abuses." Mrs. Knauer says consumers have four basic concerns here:

Fair representation in advertising prior to sale.

Clearness, completeness, and accuracy of the terminology of the guarantee or warranty itself.

The adequacy and fairness of the guarantee.

The guarantor's actual performance in a reasonable manner of the obligations stated in the warranty.

### IS LEGISLATION REALLY NECESSARY?

In analyzing replies PS received from firms that responded to the warranty survey, there emerges a conviction that they want to be fair to the consumer. But at the same time, there is a reluctance to spell out in their warranties the lengths to which they will go to satisfy their customers.

The result is that the purchaser is left without really effective means of obtaining the service which might be necessary to get satisfactory use of an expensive product.

The Magnuson-Moss bill, if it is enacted by the House and signed by the President—and its backers admit to only a 50-50 chance that it will happen this year—would end many of the inadequacies of today's warranties. It would not establish compulsory guarantees. It would, however, force guarantees to say exactly what you are entitled to in the way of service and parts. And this could enable you to shop in confidence for the kind of service and performance guarantee you might want.

---

## How Our New Warranty Law Would Work

(By Senator Warren G. Magnuson)

"Guaranteed for 10 Years" reads the bold-faced type on the warranty that accompanies the new piano for your living room. So you tuck it away in a safe place, confident that you'll have no worries if the instrument quits working. But are you in for a surprise the first time the instrument hits a sour note; and you retrieve the warranty card!

The fine print tells you to bring the piano to the factory if you want to have it repaired. And to add insult to injury, the legal beagles who drafted the warranty have chosen words that don't even promise the piano is fit to do the job you bought it for.

But if the Magnuson-Moss Warranty and Guaranty Bill, which the Senate passed earlier this year, becomes law, the warranty game will have to be played by different rules. Such products as automobiles, major appliances, tires, luggage, clothing, and many other products are covered. No longer will manufacturers and sellers of consumer products be able to give glowing promises in the bold print of the warranty and then blithely snatch them away with the foggy fine print.

This legislation would end such confusing and misleading practices. It will require clear statements as to what you can reasonably expect from warranties covering all the products you normally use. Suppliers guaranteeing these products will be required to use "full" or "partial" labels on their warranties on all products that cost $5 or more. If the price is less than $5, the manufacturer won't have to affix these labels, but his warranty must not be composed in a way that could mislead you.

Such clearcut labels would let you seek protection against a defective product by shopping for a "full" guarantee or warranty. (There is no difference between a warranty and a guarantee).

The "full" guarantee would entitle you to free repair or replacement within a reasonable time should the product quit working. And the company that backs the product won't be able to impose any unreasonable requirements upon you when you ask them to make good on their warranty—require you, for example, to bring the piano to their factory in order to get it fixed.

At the same time, you'll be able to tell easily when you're not getting this protection. We're not going to make manufacturers give full guarantees if they don't choose to do so. The "partial" and "full" labels are designed to help you readily differentiate between full-insurance protection and something less than complete protection against defect or malfunction.

Another important aspect of the new consumer protection is a provision which prohibits anyone giving a warranty from disclaiming in any way the fitness of the product to do the job for which it was intended. A piano will have to make music.

What happens if people giving warranties don't play the game under the new rules? The Federal Trade Commission and the Justice Department are empowered to take action against such individuals. In addition, you, the consumer, receive the means to help yourself. If the supplier of a product doesn't do what he has promised in his warranty, you can afford to go to court. Any consumer who successfully proves his case in court will recover reasonable attorney's fees (based upon actual time spent by the attorney, not upon the size of the settlement) and other costs connected with the suit.

It will cost a company that doesn't live up to its warranty or service-contract obligation. When the warranty legislation is finally law, any recalcitrant auto dealer or manufacturer failing to repair a new car with peeling paint, or brakes that pull to the left, may find himself having to tell a judge why he failed to do what was promised in his warranty. After talking to the judge, the dealer or manufacturer will think twice about doing a sloppy job, or not doing anything at all, the next time someone brings a car in for warranty repairs.

As you can see, this protection is not radical. The new standard merely set up some sensible rules for playing the warranty game—rules designed to let you know what you're getting, so that you can make wise consumer choices. And importantly, it gives you the means to enforce warranty rights when they are breached. I only hope that the House acts on the Senate-passed Magnuson-Moss bill so that American consumers will finally have a chance of playing—and winning—the warranty game.

---

## How Much Good Is a Guarantee?

*Suppose you bought a piano for $1,200 and received with it a warranty that said:*

"We agree to promptly repair or replace without charge any part which is found to be defective, provided the piano is delivered to our factory (or other place designated by us), and the transportation costs borne by the purchaser."

Being required to ship a piano back to the factory at your own expense to use the manufacturer's "guarantee" may seem too ludicrous to be true. Yet this is part of an actual warranty from a well-known company.

After two letters requesting clarification, the regional sales manager of the firm explained that, normally, local dealers would be delegated to make repairs. However, he could not assure a buyer that he would never be required to send the piano back.

*Suppose you bought a humidifier attachment for a hot-air furnace with this warranty:*

"The company will warrant all components of each humidifier to be free from defects in workmanship and material for one year from date of installation and receipt of the guarantee card at the company. With exception of this one-year warranty, the company makes no express warranties or implied warranties which extend beyond the description on the face thereof."

What does the company mean by its promise to "warrant" all components to be free from defects? Will it replace the defective part if you return it? Who pays the labor costs for discovering the defect, removing the part and installing the new one?

Again it took two letters to get a response. The buyer, the company explained, would have to contact the dealer, who "hopefully, will fix it." The company will replace defective parts that are returned and will sometimes send a man to fix a unit if the customer "complains bitterly."

There are "dozens of ways of installing a humidifier that might make it break down fast," the president said, and the company had accordingly decided not to pin itself down to any obligation in writing.

*A locksmith's ad in a telephone directory urges you to "ask about our conditional guarantee." This is what happens when you do ask:*

"It means that we send out a regular locksmith to install the lock, not an apprentice."

"What about locks—are they guaranteed?"

"The manufacturer guarantees them."

"If the lock doesn't work, you'll replace it?"

"Well, nothing ever goes wrong with a lock."

Many companies do issue clear-cut warranties and make good on their promises. Still, there's no end to the complaints about fuzzy, gimmicky guarantees and unsatisfactory warranty service.

### THE GUARANTEE THAT DOESN'T

As a buyer, you look to a warranty or guarantee (they are the same in practical usage) for assurance that the seller will compensate you in some way when his product fails to perform properly. In fact, though, warranties are designed primarily to define and *limit* the company's liability to the buyer.

Legally, a product sold without a written warranty remains covered by "implied" warranties of "merchantability and fitness."

Merchantability means that the product must be reasonably suited to the purpose for which it is sold. A washing machine should wash clothes, a mower should mow grass. Fitness refers to the product's suitability for a specific task. If you buy a washing machine because of the manufacturer's claim that it will handle large loads, the machine should be able to wash more clothes than an ordinary washer.

Technically, you can use the "implied" warranty to compel the seller to make good on a defective product. If he won't do it voluntarily, you can take him to court. In practice, you are not likely to spend the time and money required for legal action for a minor repair.

In addition to the implied warranties, you are entitled to the protection of any guarantees expressed in advertising, sales literature, and sometimes in the oral statements of a company representative. If the company advertises that its product will "last for years," you have cause for action if it breaks down after one year.

Those implied and sales-promotion warranties involve broad obligations that a court would have to define, and a judge might in some cases interpret your rights more liberally than the manufacturer would prefer. For instance, a court might conceivably rule someday that under certain conditions automobile companies must replace a poorly made car rather than try to repair it.

By giving you a written guarantee, then, the company can shield itself in two ways:

1. It can specifically disclaim certain responsibilities. Notice how many warranties contain a statement along this line: "This warranty is in lieu of all other warranties, express or implied, including any warranties of merchantability or fitness."

2. The company circumscribes the corrective action it will provide. Typically, the company pledges only to repair or replace a defective part, so you're not entitled to a new machine or a refund. Moreover, you must discover the defective part covered by the guarantee within a certain period. If the warranty has a one-year limit, you have no claim after the year runs out.

A Federal Trade Commission study found that in some warranties "the exclusions, disclaimers, and exceptions so diminished the obligations of the manufacturer that it was deceptive to designate the document as a warranty, because the remaining obligations were lacking in substance."

### FACTORIES, DEALERS & SERVICEMEN

Legal barriers built into warranties stymie a lot of unwary buyers. However, there are other factors that cause just as much difficulty.

A patchwork system.—A company may use any one or a combination of several different plans for warranty service, depending on the product, the area in which it is sold and how much the company wants to spend. Warranty servicing may be done by retail dealers, wholesale distributors, independent service companies or factory-operated centers.

You can never be sure who is responsible for service unless you check. You may have bought the item from a dealer convenient to your home but be forced to cart it across town to have repairs made.

An internal tug-of-war.—Companies also use many different systems for compensating dealers and others who do the actual servicing. The company often limits its role to replacing parts, leaving it up to the dealer or distributor to provide the labor free—if he likes. The servicing company may be expected to cover the labor cost from its regular markup on the product or may be given a special discount by the manfacturer to help defray service expenses. Many large manufacturers pay the servicing company for each warranty job.

Those arrangements frequently tend to create friction between the manufacturer and the servicing organization. Dealers complain they lose money on warranty service because some manufacturers won't pay regular labor rates or won't cover the costs of maintaining a parts inventory. Manufacturers, on the other hand, complain that dealers shirk their responsibiilty at times and dissipate funds that should have been set aside from their sales receipts for future warranty labor. (Whirlpool Corp., for example, says one reason it switched over to direct payments to dealers for warranty service several years ago was that it discovered customers were being charged in some cases for work they were entitled to free.)

Manufacturers and dealers complain about the difficulty of hiring competent repairmen.

Whatever the merits of these arguments, you may be stuck in between with poor service. Because manufacturers generally depend on someone else to perform the warranty work, the company that issued your guarantee may have little or no control over the service you receive. One can reasonably wonder how much pressure a manufacturer *wants* to put on a dealer who is successfully selling his products. That question airses even in the automobile industry where service is so crucial. A recent government report on auto warranty practices made this comment:

"Although manufacturers provide dealers with standards or advice with regard to building and operating adequate service facilities, the manufacturers do not enforce these standards. No car maker reported any cancellations of dealers' selling agreements because service standards . . . were not met. It is known, however, that manufacturers still cancel dealers for failure to meet sales quotas."

Parts and labor.—Warranties that cover only parts, or a selected group of parts, can provide precious little protection. How much help is it to get a $1 part free if you have to pay $7 for the service call? One washing machine is sold with a life-time guarantee on the tub. It will be repaired or replaced free during the first year but after that you must pay the labor charge. Two dealers that service the company's products estimated the minimum labor charge for replacement of the tub at $35 and $40. And one of the servicemen warned, "Don't hold me to it—it all depends on what we run into."

Sure, the warranty does cover the tub for the lifetime of the machine. But is it worthwhile to pay $40 to fix a washer that's, say, nine or ten years old? Ironically, the older the unit, the less value the "lifetime" guarantee has if labor is excluded.

A two-edged sword.—In the absence of any standards or across-the-board rules for warranties, even a reasonably fair guarantee system can be turned around to work against you. Consider the procedure for replacing tires under road-hazard and tread-wear warranties. Your credit toward the purchase of a new tire is calculated as a percentage of the tread left. If half the tread remains, you generally pay only half the price of the new tire. But what's the price of a new tire? Tires regularly sell at less than list prices, so if you are charged 50% of list, you are being overcharged. In one test, the dealer wanted the exchange to be made on a list price of $29.88 although the tire was then on sale for $18.88. With a 50% allowance, you would have had to pay $14.94 for the new tire rather than $9.44.

Major tire companies furnish dealers with "trade-in" or "adjustment" prices at which exchanges should be made. Trade-in prices are described as the average prices at which the tires are usually sold. (In two cases checked by *Changing Times,* the trade-in prices for medium-priced tires were about 15% under list.)

Of course, when exchanging a tire you have to pay a pro rata share of the federal excise tax. But in addition, you may be charged for mounting the new tire and rebalancing the wheel. So even when you get a fair trade-in price, you may be penalized for taking advantage of your warranty.

Competitive maneuvering.—Warranties are frequently employed as a competitive tactic for boosting sales. Television companies, for example, have long been fighting a warranty battle. As a result, you can now buy a color set with a picture tube guaranteed for three years.

Not all makers of a particular product broaden warranties at the same time or to the same extent. The TV set you want may not have the warranty you would like. Also, easing of competition can have a different effect on warranties. American Motors, Chrysler, Ford and General Motors, after a good sales year, cut back their basic warranties for the 1969 models to one year or 12,000 miles from two years or 24,000 miles.

One result of both types of competitive maneuvering is to divorce warranties from product quality. For instance, are the 1969 models so much worse than the 1968's that the manufacturers couldn't afford to provide the same guarantee? Or are they so much better that you don't need as long a warranty? In that case, why should the manufacturers have bothered to reduce the warranty period?

### TO PROTECT YOURSELF

Fortunately, warranty conditions appear to be changing for the better as a result of public complaints and mounting government pressure. Manufacturers have been simplifying their warranties by eliminating legal jargon and superfluous disclaimers. There also seems to be a growing awareness of the need to improve servicing facilities.

Simplified guarantees don't necessarily provide any more protection than you had before—they may just be easier to read. And better service, however welcome, can't overcome the shortcomings in the warranty. It's still essential to take all the precautions you can to protect yourself.

Insist upon seeing a copy of the warranty before you buy the product. Don't rely on a salesman's recollection. He may not know or care, or he may confuse one company's warranty with anothers.

Have the store put any additional warranties that it offers in writing. If the guarantee was spelled out in an advertisement, keep a copy of the ad.

Check the warranty carefully to determine how much (or how little) protection you have.

Find out who will do the servicing.

It may help to make the purchase through your charge account. During those first 30 days before you have to pay the bill, you will be in a stronger bargaining position to compel the store to correct a faulty installation or take back an item that was damaged in delivery.

File the warranty in a safe place. Check the warranty card that may have accompanied the product. Sometimes the card must be returned to register and validate the warranty. Often the manufacturers use the cards to collect market research data.

Don't hesitate to press rightful claims for service. If the servicing company won't or can't help, contact the manufacturer or his local representative directly. If necessary, carry your complaint all the way to the president of the manufacturing company.

Suppose all your efforts and protests fail—should you go to court?

If you are ever injured because of a defect in a product, you should obtain legal advice. One thing the manufacturer can't disclaim in a warranty is responsibility for that kind of negligence. On other matters, it obviously depends on the amount at stake or how much time and money you're willing to spend for the sake of principle. But if you can use one of the special small-claims courts where procedures are informal and you don't need a lawyer, it may pay to take action for even a minor claim.

### The Great Odometer Raid

Last summer, 12 investigators from the Massachusetts Attorney General's Division of Consumer Protection made consumer protection history. They staged an odometer raid.

The plan of attack was simple. Working in pairs, the investigators fanned out through the Commonwealth, selected 24 new-car showrooms at random, sauntered in, flashed their badges, and said they were conducting a "routine check" of cars on display in the dealers' used-car lots. For the next several hours they inspected hundreds of used cars and pored over dealers' records for possible evidence that odometers might have been rolled back from original trade-in mileages to lower, more salesworthy figures. Mainly on the basis of educated guesswork after comparing the odometer readings with the appearance of the cars, the investigators listed about 250 vehicles open to suspicion of odometer tampering.

The next step was to try locating the former owners of the suspect cars. About 70 per cent of the owners could not be traced at all because the dealers had purchased the cars from wholesalers, or because former owners couldn't be located. A few former owners, when located, refused to cooperate. But 70 persons did reply to the inquiry, and 20 of them said the reading on their odometers when they traded in their cars was much higher than the readings found by the inspectors. On average, between 20,000 and 30,000 miles had been subtracted. One man said his odometer reading had been pared from 90,000 to 45,000 miles.

### PENANCE OF A SORT

Assistant Attorney General Robert L. Meade at length decided he had strong cases against six of the biggest new-car dealerships in his state. Massachusetts is one of four states with "little FTC laws" patterned on the antideceptive practices provisions of the Federal Trade Commission Act (the others are Washington, Vermont, and Hawaii). Acting under his state's laws, Mr. Meade succeeded, after several months of polite arm-twisting, in convincing three of the dealers to sign an assurance of discontinuance. That meant, simply, that they filed in Superior Court an agreement saying they would not offer "for sale any vehicle upon which the odometer has been adjusted in any manner . . . so that it does not disclose the . . . true mileage. . . ." As in consent orders filed with the FTC, assurances of discontinuance in Massachusetts are carefully worded so that the signer does not admit to having used certain specific deceptive sales practices in the past, but, nevertheless, agrees *not* to use the same deceptive practices in the future.

Those who signed were Charles Chevrolet, Inc., and The Harr Motor Co., both of Worcester, and State Plymouth, Inc., of Springfield. At this writing, the state was still negotiating with two of the other dealers. Mr. Meade took sterner action against the sixth dealer on his list, North Ford, Inc., of West Medford. Saying it had flatly refused to cooperate, he filed suit for permanent injunction against North Ford.

All things considered, the Great Odometer Raid might have been a very bitter pill, indeed, for any auto dealer to swallow had it not been for a high-level decision to sugar-coat the pill with secrecy. As far as CU has been able to learn, little news of the raid ever reached the people of Massachusetts. The Attorney General's office could have given the names of the dealers to the newspapers, but it decided not to—this time. The only excuse offered by a state official was that it would have been "unfair to ruin these guys when everyone else is doing it, too." Of course, the names of the dealers thus far cited went into public court records (where CU eventually looked them up). But by not alerting the press, the state deprived itself and the public of a most effective enforcement tool in consumer protection cases—the glare of publicity.

Nevertheless, the Massachusetts Division of Consumer Protection deserves some credit for the first organized attempt to stamp out the ancient, odious and widespread practice of odometer tampering. And, Mr. Meade assures us, it won't be the last assault on what is, regrettably, a standard operating procedure of many used-car dealers, who know perfectly well that a high-mileage car is nothing but a drag on the market.

### PICKERS AND SPINNERS

Technically speaking, odometer tampering is all too easy to do. The favorite technique in the trade is called "picking" because most operators use a homemade assortment of specially shaped ice picks. With a certain degree of skill and a modest capital investment, an odometer picker earns anywhere from $3.50 to $25 a car. The procedure takes only a few minutes. The picker simply reaches into the odometer drum—after first removing the instrument panel lens or boring through a partition behind the speedometer—and manipulates the digits mechanically, usually only the ten-thousandth place. If the picker is skilled, his handiwork is rarely detectable by a used-car shopper.

With less skill but much more patience, an odometer tamperer can spin the speedometer cable with a high-speed electric motor to the desired low reading. But since it can take hours to spin off just a few thousand miles, spinning is most commonly used by the amateur.

The simplest way to falsify an odometer is by disconnecting the speedometer cable. Dealers will sometimes do that on a new car to be used as a demonstrator or to be driven cross-country to the point of sale. In California last year a fairly strict state law against odometer rollbacks was weakened by an amendment expressly permitting dealers to reset new-car odometers at zero, provided they give the buyer a statement of the true mileage. But law or no law, you can't always be certain that the mileage on the odometer of a "factory-fresh" car recounts its true history.

Wisconsin *requires* that the odometers on all used cars be reset at zero. Arizona tried that, too, then changed its mind (Consumer Reports, June 1968). And in Florida dealers are permitted, but not required, to roll odometers back to zero. The idea is fine, of course—for the dealer. He can then disavow any knowledge of a car's true mileage and still be on the side of the angels. But the car buyer is deprived of the only base he has on which to add mentally the 20,000-or-so miles the dealer has subtracted mechanically. In states where antitampering legislation is pending, the back-to-zero idea is apt to be pushed hard by the dealer lobby.

Besides California, only Delaware, Kentucky, Massachusetts and New Jersey have laws making it illegal to tamper with an odometer. Several other states, including Hawaii, Maryland and Georgia, have similar laws under consideration. Unfortunately, state laws specifically aimed at odometer rollbacks are generally regarded as difficult to enforce and are therefore rarely invoked. "In order to convict under these statutes," says Paul J. Krebs, director of New Jersey's Office of Consumer Protection, "you practically have to catch these guys in the act."

Bearing him out, Massachusetts chose not to use its criminal statute against odometer tampering to prosecute suspects in the Great Odometer Raid. Although enforcement under the state's little FTC law proved possible, the act provides for no fines to penalize violators and no redress for victimized consumers unless they can sue privately and win an award for damages. The legislature is considering an amendment with stiffer penalties, but meanwhile the most the Attorney General can do is get an injunction ordering the unrepentant violator to stop his fraudulent practices. That has more muscle than an assurance of discontinuance, since anyone in violation of a court injunction is also in contempt of court.

### WHO GYPS WHOM?

Massachusetts' Assistant Attorney General, Mr. Meade, while pleased at the results of his raid, asks, "Why hasn't the Federal Trade Commission itself declared odometer tampering an unfair trade practice?" He argues that the problem is, after all, interstate in scope, since so many used cars are sold to wholesalers, particularly in the South, and then auctioned off to dealers from all over the country. Therefore, the solution must be national in scope. The FTC, on the other hand, told CU the agency views odometer tampering in used cars as primarily a local rather than an interstate problem.

"We have no evidence to support the idea that it is being done by the wholesaler," said an FTC attorney. "If we did, we'd certainly investigate, but in my opinion, it's done at the retail level, the level at which the automobile is sold to an unsophisticated buyer. The wholesaler would have nothing to gain by resetting an odometer. He's certainly not going to fool the dealer, who doesn't buy on the basis of the odometer reading, anyway."

Still, he was willing to make at least a hypothetical concession: "I could visualize a dealer *requesting* the wholesaler to turn back an odometer for him, especially if it's illegal in his state, and I'm sure the wholesaler would do it. But, as I said before, we have no information on this."

Perhaps FTC doesn't, but evidence of a sort is apparently plentiful right across the Potomac River from Washington. The office of Virginia's Senator Harry F. Byrd, Jr. told CU: "The Automobile Trade Association of Virginia tells us that 90 per cent of all odometer rollbacks are done by wholesalers. They say it's a routine part of the 'reconditioning' process. Naturally, the dealer doesn't pay any attention to the odometer reading; he only buys a car on the basis of what he thinks he can sell it for. And when he buys from a wholesaler, he knows he is getting a product he can palm off with little or no risk because the former owner will be very difficult to trace."

The dealer can blame the wholesaler, and the wholesaler can blame the dealer, but it's obvious that neither could tamper with odometers on any large scale basis without the direct knowledge or the implied consent of the other. Few swindlers, after all, fall for their own swindle.

Senator Byrd has therefore taken up the cause of a Federal law against odometer tampering. The Byrd bill (S. 1185) would make odometer tampering subject to a stiff fine. It would also require used-car dealers to give their customers a statement signed by the last *private* owner of the vehicle certifying the mileage that was on the car when he sold it. Meanwhile, on the other side of the Hill, New Jersey Congressman Henry Helstoski has resubmitted his bill of last year (H.R. 4163), also prohibiting odometer tampering in interstate commerce. The chances for passage of either measure during the current session of Congress may be hard to assess, but it's not very encouraging to note that, even in the preconsumer atmosphere of the previous Congress, a bill sponsored by Senator William Proxmire to require auto manufacturers to install tamperproof odometers in all new cars died in the Senate Commerce Committee.

The need for effective legislation is obvious. Norman Polovoy, chief of the Maryland Consumer Protection Division, puts it this way: "I know of no rational or reasonable justification for an automobile dealer setting the odometer back other than to try to convince the purchaser that the automobile has substantially less mileage on it than is in fact true."

According to one report, in 1967 alone Americans bought nearly 20 million used cars and paid an estimated $20 billion for them. The trade journal *Automotive News* reports that prices start falling off sharply after a car has traveled 30,000 miles; and beyond that distance, a two-year-old car loses about $10 of value for every 1000 miles on the odometer. Assuming that only half the used cars sold in 1967 were two years old or older, and that only half of them had 20,000 miles picked or spun off their odometers, it doesn't seem unreasonable to estimate that consumers are being misled on used-car lots to the tune of $1 billion a year.

But the cost must be assessed in terms of safety as well. Even with the best of care, a car with 75,000 miles on the odometer is not the car it was at 25,000 miles. The prudent owner knows this and is less likely to take his steering or wheel bearings or exhaust system for granted. But the owner of a "low-mileage" used car may be lulled by the odometer. Until the critical moment, he may have been completely unaware that his car was dangerously in need of repair—a menace to himself and to others.

The National Highway Safety Bureau agrees, and in 1967 it proposed a safety standard requiring tamperproof odometers on all passenger vehicles, including buses, trucks and motorcycles. The idea was assigned to an administrative pigeonhole, however.

"Other proposed safety standards had a higher priority," a bureau spokesman told CU, "but this is not to say we won't have such a standard later on."

### WHAT'S TAMPERPROOF?

But at the same time, the bureau questions whether it is possible to design a really tamperproof odometer, and except for General Motors, the auto industry has yet to market anything resembling one. GM's 1969 models have odometers that cannot be spun backward. But there is no way for the used-car buyer to detect whether the mileage reading has been spun forward beyond 99,999.9 to zero and then to some youthfully low second-time-around setting. Also, in GM cars made after January 1, the odometer will exhibit a telltale color separation between the numbers if it has been picked. But, a GM spokesman admits, the buyer would have to be "a knowledgeable individual" to recognize the evidence. Despite those refinements, the new GM odometer cannot therefore be described as truly tamperproof. And whatever its positive virtues, the GM odometer will be of little use to the buyer of a used *Ford, Plymouth, Ambassador, Volkswagen,* etc., or, for that matter, to the buyer of a pre-1969 GM model.

CU's automotive engineers give a qualified Yes to the question of whether a tamperproof odometer is feasible. While anything Yankee know-how can put together, Yankee know-how can probably take apart, our engineers say a much less accessible odometer unit, one sealed in plastic perhaps, is certainly possible. But for the unit to be completely tamperproof, the speedometer cable would have to be sealed in two places—where it connects with the speedometer head and at either the transmission or the front wheel connection, depending on the car. (Some car rental companies seal odometers, for obvious reasons, and a spokesman for one of the biggest says sealing is highly effective.)

What about repairs? Would it be possible to fix a broken but tamperproof odometer or install a new one without breaking the seal? Probably not, but mechanics could be required to reseal the unit and verify the original mileage. Enforcement might be difficult—but no more impossible than any other weights-and-measures regulation. If it is important to protect the consumer from the butcher who cheats a few cents on the hamburger, it's at least as important to protect him from the odometer "artist" who chisels a few hundred dollars on a used car.

### TITLE LAWS

Title registration laws could help, too, and 41 states already have them. Not only are they an effective weapon against auto theft, they also assure the car owner a clear title to his automobile by requiring that the chain of ownership be established to the satisfaction of motor vehicle authorities. (And possibly the mileage to the satisfaction of the consumer; see box above.) Such a title law is pending in Massachusetts, but the Massachusetts Consumers Council further proposes that the identity of the former owner become a part of the certificate of title the state gives the new owner. But even if the measure sailed through the Massachusetts legislature, it would be truly effective only if most other states passed similar laws.

It will be difficult but not impossible to make the used-car mile more nearly approximate the statute mile. For example, auto makers could develop better odometers; the National Highway Safety Bureau could require them; the FTC could compare notes with Sen. Byrd; states could pass uniform title laws; and, above all, Congress could pass meaningful antitampering legislation.

Meanwhile, there is something to be learned from Assistant Attorney General Meade's historic venture: Even weak laws *can* be enforced. His Great Odometer Raid certainly hasn't stamped out odometer tampering, but it has made the practice a good deal riskier in Massachusetts.

---

## Used-Car Dealers—See How They Operate

A man who once ran one of the biggest used-car auctions in the nation as well as a used-car lot in a major city compares the business to an Arab bazaar: "The last vestiges of the crowd Marco Polo ran into on his way to Hindustan."

Another man, a major new-car dealer who also sells thousands of used cars a year, contends that "the sharpies are a dying breed" and that the truth-in-lending law has done more good for the used-car business than any other single thing in years.

Obviously, not all used-car dealers are alike and they come in all persuasions, from corkscrew crooked to arrow straight. They have in common the need to make a profit, and they do it by bargaining, a way of conducting business that often makes wary customers see them as devious or darkly mysterious.

### THE CARS, THE PRICES

No matter what a dealer tells you, it is unlikely that all the cars on his lot came from private owners. A number do, of course, but there are many other sources of used cars. Big companies that own fleets of cars get rid of them periodically. So do police departments, cities and counties, taxi companies and rental firms. Some of the cars are nothing but junk when they are finally put on the market. Others are running well enough but have little useful life left in them. There are also good used cars. Some come originally from private owners, others from some of the rental fleets, which give the cars fairly good maintenance and sell them off with only a few thousand miles on the odometer.

Many of the cars pass through wholesale auctions, where highly knowledgeable dealers figure their bids down to the last dollar, aiming at that final profit margin on resale. Some of the auctions are independent and handle all sorts of vehicles. Others are run by the auto manufacturers themselves to sell off their own company and fleet cars to their dealers and other qualified buyers.

The basic scripture by which all dealers must live is a car's "book value," as taken from one of the periodically published compilations of prices for all currently available makes and models. Two of the best-known price guides are the Kelley Blue Book Auto Market Report, used largely on the West Coast, and the National Automobile Dealers Association Official Car Guide, used in many sections of the country. (You can see a copy at a bank or other lending institution.) Both guides show the wholesale or dealer price and the retail price of each model as well as the prices for various options.

The values listed actually are averages based on selling prices during the previous month in each section of the country. Dealers use these prices only as handy reference points because no two cars of a given make and model ever sell for exactly the same amount. One car might wholesale to a smart dealer at hundreds less than book price because of high mileage or serious mechanical problems, while another might sell above wholesale because it is in creampuff condition.

Some dealers will quote "book value" without specifying whether they are talking about retail or wholesale price, to the confusion of the customer. And if the customer is trading in one used car on a newer used car without first nailing down a firm selling price for the newer car, the dickering over trade-in allowances, book values and selling prices can become truly mind-boggling, at least for the customer. To the dealer, of course, it is quite clear all along that he will not sell a car for less than it cost him nor, for that matter, will he sell one for less than it is worth.

### THE NEW-CAR USED-CAR DEALER

For years many new-car dealers treated the used-car business as a sideline to dispose of cars their customers traded in. Today new-car dealers see used-car sales as a source of major profits because for every new car sold three other sales of used cars result, on an average. Here is the chronology: Sale of new car; used-car trade-in; sale of the trade in; used-car trade in on the second car; sale of the second trade-in; finally, in most cases, disposal of the final trade-in through junking or cannibalization for parts.

While the new-car sale gives the dealer about 1% or 2% profit—$300 to $400—the combined sales and trades can amount to $600 to $1,000 for him, not counting what he gets from brokers and lenders for arranging insurance and financing. Since part of his profit on the new-car sale is tied up in that trade-in, he must sell the trade-in fairly quickly to get his profit out. If he can't sell quickly, he will "wholesale" the car to another dealer, probably to one who is not in the new-car business at all. At a volume dealership, for instance, a 1966 Mustang on which the dealer allowed $550 would be wholesaled off in two to three weeks if the dealer couldn't sell it for at least $750 to $800.

Naturally, any dealer tries to have enough cars over a wide range of prices to sell to anyone who comes onto the lot, whether the customer has $250 or $2,500. He tries to make every car as presentable as possible, perhaps by putting $30 to $35 into cosmetics. He tries to put as little as possible into mechanical work, however. In states where auto inspection is mandatory, dealers often run cars through inspection first to determine whether the lights, brakes and other safety items need work. If repairs won't be much trouble or expense, they make them. Otherwise, they wholesale the car to a dealer who will retail it in a state where no inspection is required.

If the car is running badly but is basically sound, they might do a minor tuneup that could sell the car. Or if they have a car on which they think they can make a big profit but that needs work on the valves, they might slip it into their shop on a slow day.

One new-car dealer explains: "How much we put into that used tin depends a lot on how much we have to pay for it. We sometimes put more money in than we can get out in wholesale. Unless a car is extra sharp or extra desirable, though, we try to get rid of anything that has a noisy transmission or rear end."

Repairs also depend on whether the dealer plans to offer some sort of guarantee on the car. Most guarantees are for 30 days on a 50–50 arrangement—the buyer has to pay half the cost of parts and labor. The dealer doesn't really stand to lose as much as you do, but he doesn't want to lose anything, if possible. As a result he may put money into fixing up a guaranteed car and you probably will have to pay more for it.

Once the deal is made, most dealerships can offer financing and insurance contracts, which are lucrative arrangements for them. The truth-in-lending law has made it easy for customers to compare financing charges at a dealership with those at banks or other lending institutions, and any buyer should shop financing carefully before accepting dealer financing.

### THE INDEPENDENT LOTS

Many independent lots sell only used cars, and they range from one-owner, one-mechanic operations to huge, glittering layouts that sell more cars than many good-sized francised dealerships. The volume operations deal mostly with late-model cars, although they generally have a few "transportation specials" around as well for customers who insist that all they want is an inexpensive second car for in-town driving.

Their business is financed through a bank, just as the franchised new-car dealer is financed through an auto manufacturer's credit plan. And, also like the new-car dealers, they put no more work into the cars than they think they need to do to sell them. Even a rudimentary check of the coolant and oil levels often will show that both at least need topping up, if not changing.

There are other lots, usually smaller ones, that deal in good, solid cars and do a profitable business by establishing a good, solid reputation. Prices here tend to be higher than the come-ons advertised by big dealers, and the style of doing business features less flash and more down-to-earth trading. These dealers, too, seldom put much work into their cars, partly because they tend to put more care into picking and choosing sound cars in the first place. Through long experience, some of these dealers develop keen instincts for judging whether a car has ever been wrecked, how well it has been cared for, about how many miles it has traveled and how long it is likely to keep running before it needs major repairs.

Finally, there are still other lots that deal largely in what the trade knows as "iron," "sleds" and "dogs." The dealer picks up cars any way he can, at the lowest possible price. Working for him is a mechanic adept at getting crippled cars running somehow, occasionally by devices that are both deceptive and downright dangerous. Turning back odometer mileage—illegal in many states—is usually the least of it. Other tricks include heavier oil in the engine to mask worn rings and bearings, sometimes even marine oil mixed with conditioner and laced with corrosive; fiber packing in the transmission, differential and drive train to muffle noise; grooved or roughed brake shoes and drums; special hot plugs to fire the engine and hot coils to keep the engine fired up; corrosive plugging materials in the radiator to stop up leaks for a few miles; a wedge of wood or a tie-back cable to correct alignment; heavy-duty transmission oil, which is fine for big trucks but deadly in cars; by-pass electrical wiring to circumvent short circuits.

Often such a dealer will handle his own financing, selling the car for a down payment equaling what he has tied up in the car and then taking weekly payments for his profit. If the customer defaults, the dealer can repossess and start all over again. He can make money this way, all right. One dealer bought a car for $35, handled trades on it seven or eight times over the course of two years and made $800 plus another $200 or so that came from financing. And at the end of the two years he still owned the car.

Though you won't be able to fit every dealer into one of these categories—they come in infinite gradations—knowing the basic types in the trade should improve your ability to find a good buy in economical transportation.

The number of outright cheats in the used-car business is diminishing, thanks to efforts of people in the business to eliminate deceptive practices and to the fact that more buyers now go onto used-car lots with an eyes-open, let's-check attitude.

Caution is still your best safeguard, of course. And since it is, you could do worse than follow the advice beginning at the next paragraph.

### AN EX-DEALER BARES SOME TRICKS

Asked for advice he could give that might help the average used-car buyer, a former used-car dealer offered these tips from inside the trade.

"Never ever go near a car lot when you have the car-buying fever. The salesman can spot that condition from five blocks away. He can tell you have the symptoms before you even know you're running a temperature."

"Decide what your price limit is before you go looking. Unless you are sure of your limits and your needs, you'll end up with something you had no intention of buying and that you may not even want."

"If at all possible, bring along a savvy friend or hire a working auto mechanic to come with you and give you a verdict on the spot."

"Insist on a test drive and you and your mechanic do the driving. Don't leave the title to your own car as security. You may come back to find your car already shipped out to some other dealer. And if they say they can't permit a test drive because of insurance laws and so on, get off that lot quick."

"Look under every mat and cover for rust spots, holes and signs of decay. Crawl over the car, under it and through it. Don't be shy. If they see that you are insistent about seeing everything, they won't try to heist a bummer on you. If you live in a state where car inspection is the law, insist on being allowed to take the car through inspection before you close the deal."

"Never buy a car in the rain. Rain can hide the worst paint job, the worst bump-out fender job. Some engines even run better in the rain. And you are less likely to crawl under it and spend the time it takes to give it a good going over."

"Beware of the high-spirited, backslapping office routine or the offer of a free drink. Too much glad-handing means that they are hiding something and you are about to get it."

"Never leave the car with the dealer after the deal has been made. The new tires you saw may be replaced with worn ones and the good battery may be switched for an old one."

"Never pay the displayed price. Always offer $100 to $150 less and stick with it. Your chances of getting the hundred cut are good, especially if it's near the end of the month. The first ten days of the month are also a good time to bargain."

"When buying from an individual, be very careful not to get stuck with a stolen car or one about to be repossessed by a finance company. Try to know something about the person you are making the deal with. And do the buying with a recorded, certified check."

---

By Mr. MONDALE:

S. 1882. A bill to provide certain services for Government employees in order to assist them in preparing for retirement. Referred to the Committee on Post Office and Civil Service.

### FEDERAL EMPLOYEES PRERETIREMENT ASSISTANCE ACT OF 1973

Mr. MONDALE. Mr. President, I introduce today a bill which would provide Federal employees with a comprehensive program of preretirement counseling and assistance.

I have introduced similar proposals before—as S. 2295 of the 90th Congress in 1967, in 1969 as S. 2554 of the 91st Congress, and as S. 1392 in the 92d Congress.

The interest in the subject generated by these previous bills has already brought about some positive changes in attitude within the Government. But I think it is clear that the continuing, urgent need for a legislative directive to establish comprehensive preretirement planning has been demonstrated by the situation existing today.

The needs of retirees and prospective retirees have not changed. The transition from a daily work routine to retirement is surely one of the most difficult adjustments that modern man is called upon to make. "Retirement shock" is a well-known phenomenon to doctors. A combination of confusion and anxiety upon retirement is added to declining health and reduced income to produce not only general unhappiness, but often physical symptoms as well.

In a society which is both work oriented and youth oriented, retirement can produce a real identity crisis, and often a loss of interest in living. Yet, with adequate advance preparation, retirement from a job need not mean retirement from life. Techniques of self-renewal that will enable personal growth in every situation must be fostered.

At the hearings in 1967 John Gardner, then Secretary of Health, Education, and Welfare, commented:

> I would like to stress here again the importance of tailoring preretirement training to the needs of the persons about to retire. Merely offering a series of lectures or classes will accomplish little. There must be individual counseling so that the special concerns of each person may be discussed privately and dealt with. And there must be a concerted effort to maintain contact with the older person as he nears the age of retirement and after he retires.

This expresses a need that is no less today, yet few of the existing programs begin to meet it.

I was amazed and appalled in 1967 to discover that only one-third or less of the more than 400,000 Federal employees then eligible for retirement had access to more than the most basic clerical help from their employers in preparing for retirement.

In 1969, at hearings on S. 2554, we heard again of the appalling lack and the great need for broad preretirement planning. I was gratified to learn, however, that the Civil Service Commission had commissioned a study of retirement planning programs, which found the preretirement planning was something both desired and needed among Government employees.

As a result of this study, the Civil Service Commission issued in July 1969 a bulletin announcing a change in position—from a neutral posture to one of positive encouragement of preretirement planning. It subsequently announced guidelines for retirement planning programs and a continuing series of training courses for preretirement advisers.

But in 1973 I have to conclude that much more is needed, and that necessity for a legislative directive has been reinforced, not alleviated. The steps taken by the Civil Service Commission are commendable, indeed, but they go only a short part of the way toward what is needed.

The Commission reported that in fiscal 1970, 21 training institutes were attended voluntarily by 419 agency advisers. This is an impressive show of interest; however, no statistics are available to indicate how many Government agencies actually have instituted preretirement programs. Ironically, the Civil Service Commission offers no such program itself. The guidelines suggested by the Commission, in no way guarantee the personalized, psychological preparation suggested by Mr. Gardner and others.

In 1967, of 96 agencies reporting on retirement planning, 61 had no programs at all, and 75 percent of these had no plans to develop them. With the positive encouragement of the Civil Service Commission, we can hope more are planning to develop them, but records on this matter and an outright directive from Congress are clearly needed.

Of approximately 2.5 million Federal employees, an estimated 320,000 are eligible to retire now. It is expected that 227,600 employees will retire in fiscal year 1973, as opposed to 63,000 Federal retirees in 1971.

As the numbers increase, so does our responsibility to assure the hundreds of thousands of potential retirees that they will have the necessary assistance in preparing for this very difficult decision.

I believe the Federal Government offers particular advantages in providing such programs. The groundwork has been done in researching the many alternatives available to retirees: Phased retirement, trial retirement, part-time work, development of a "second career."

With its provisions for early retirement, often as early as age 50 or 55, the Federal Government can offer not only the needed psychological preparation, but leeway in trying these alternatives.

Mr. President, I hope that this bill will receive early and favorable consideration in this Congress. The interest and the need for the programs it would require have been urgently demonstrated. We should make sure now that the Federal Government does not fall behind what private industry is doing for the persons who have served long and should be prepared for a happy and fruitful retirement.

Let us put into effect now the programs that will eliminate the prevalent attitude expressed by the director of a leading association for the study of old age. He said of retirement:

> This is an unhappy subject. You do not get into it until you have to.

Let us assure now the program that will make retirement a happy subject, one which can be prepared for with hope, and not dismay.

Mr. President, I ask unanimous consent that the text of the Federal Employees Preretirement Assistance Act of 1973 be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1882

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Employees Preretirement Assistance Act".

SEC. 2. Subchapter I of chapter 83 of title 3, United States Code, is amended—

(1) by inserting at the end thereof the following new section:

"§ 8302. Preretirement assistance

"(a) For the purpose of this section, 'agency' means an executive agency or the government of the District of Columbia.

"(b) Except as otherwise provided in subsection (d)(3) of this section, the head of each agency shall formulate and carry out a program to provide comprehensive preretirement assistance to employees of that agency who are eligible or approaching eligibility, for retirement.

"(c) Each such program shall provide for furnishing to interested employees such educational or informational materials, group training sessions, group and individual counseling services, and other assistance as may be necessary to aid them in preparing for adjustment to a retirement status.

"(d)(1) Each such program shall be conducted in accordance with standards prescribed in regulations to be promulgated by the Civil Service Commission. The Commission shall provide appropriate training for any employee of an agency which is to provide preretirement assistance under such program. If deemed advisable, the Commission may enter into contracts with educational and other institutions to provide such training.

"(2) The Secretary of Heath, Education, and Wefare may provide—

"(A) such training and other assistance in the development and evaluation of such programs as the Commission may request; and

"(B) technical assistance and formulate such program models as may be necessary to meet the specific needs of an agency subject to the provisions of this section. Such models may be used in formulating the standards prescribed in the regulations promulgated by the Commission under paragraph (1) of this subsection.

"(3)(A) If the Commission determines, upon request of an agency, that it is not practicable for the agency to comply with the provisions of subsection (b) of this section, the Commission may grant such agency an exemption from providing a program of preretirement assistance for its employees. Such exemption shall be reviewed at least once every six months and shall remain in effect if, at the time of each review, there is a determination by the Commission that it continues to be impracticable for the agency to provide such a program.

"(B) If an exception is granted under this paragraph, the Commission shall take such measures as may be necessary to provide employees of such agency with an appropriate program of preretirement assistance.

"(e) Such interagency cooperation as is necessary to obtain maximum utilization of resources shall be undertaken to achieve the purposes of this section. The head of an agency is authorized and requested to provide informational materials, group training services, group and individual counseling services, and other assistance to another such agency or to employees of such other agency when it is more economical or feasible to do so."; and

(2) by adding at the end of the analysis of such subchapter, preceding section 8301, the following new item:

"8302. Preretirement assistance."

SEC. 3. The Civil Service Commission shall make a study of existing and recommended practices, both within and outside the Government of the United States, which relate to work-life and study programs, including phased retirement, trial retirement, new kinds of part-time work, and sabbaticals. With the assistance of agencies and officers of the Government of the United States, including the Secretary of Health, Education, and Welfare, and educational institutions, the Commission shall, based on such study, establish guidelines concerning such programs for the information and use of such agencies.

SEC. 4. Within eighteen months after the date of enactment of this Act, the Civil Service Commission shall submit a report to the President and the Congress on the programs of preretirement assistance required by the amendment made by section 2 of this Act and on the development of new work-life and study programs by agencies of the Government of the United States.

SEC. 5. Not later than ninety days after the date of enactment of this Act, the Civil Service Commission shall promulgate regulations to establish standards for conducting programs of preretirement assistance as authorized by section 2 of this Act. Not later than six months after such date of enactment, the Commission shall place into operation a program for providing the training required by section 8302 (d)(1) of title 5, United States Code (as added by section 2 of this Act).

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

---

By Mr. MONDALE:

S. 1883. A bill to provide for the establishment of an independent Office of Federal Elections to investigate and prosecute violations of Federal law occurring in connection with Federal elections, and for other purposes. Referred to the Committee on Rules and Administration.

### INDEPENDENT OFFICE OF FEDERAL ELECTIONS NEEDED TO INVESTIGATE AND PROSECUTE ELECTION CRIME

Mr. MONDALE. Mr. President, I am today introducing legislation to establish an independent Office of Federal Elections to investigate and prosecute any violation of Federal law occurring in connection with Presidential and congressional elections.

In addition, this bill would transfer the responsibility for supervising and receiving campaign spending reports under the Federal Election Campaign Act of 1971 to the new Office of Federal Elections. This responsibility is now lodged in the Clerk of the House for House candidates, the Secretary of the Senate for Senate candidates, and the Comptroller General for Presidential candidates.

The still unfolding Watergate affair has made it clear that politicians are not likely to investigate themselves, and that prosecution of political crimes will not likely be pursued vigorously by political appointees.

No matter how great the integrity of those charged with investigating and prosecuting political crimes, we put them in an impossible position if they remain answerable to political appointees. Even if their work is totally untainted by political considerations, too many will believe that it is not.

We need an agency insulated from politics—free from control by either the Executive or the Congress—to investigate and prosecute political crimes.

The General Accounting Office—in its oversight of Presidential elections—is such an agency. It is accountable to Congress of course, but it is free from political control by the Executive. Perhaps as a consequence, it has done an admirable job of investigating and making public violations of the campaign reporting and disclosure laws that occurred in connection with the 1972 Presidential campaign. However, the GAO has no subpena power, and it must refer findings of violations to the Justice Department—which is controlled by the Executive.

Therein lies the problem. The GAO has reported a number of apparent violations of the reporting and disclosure laws to the Justice Department with recommendations for action, but no action has been taken.

In a report to the Justice Department on April 27, for example, the GAO outlined evidence that the Finance Committee To Reelect the President had "additional cash in huge amounts" on hand on April 7 which was never reported to GAO as the 1971 act required. The GAO report concluded with the following criticism of the Justice Department for, in effect, dragging its feet in pursuing the apparent violations uncovered by GAO:

> In our report of March 21, 1973 on the Vesco cash contribution, we reiterated our concern that full disclosure may not have been yet achieved. We urged investigation by the Department of Justice which is equipped with subpoena powers and enforcement authority not available to our office. Since that time, we have had no direct response from the Department of Justice as to the nature of its efforts or intentions, if any, in this direction. We again recommend that the Attorney General be urged in the strongest terms to take the initiative with regard to these reported violations of the Federal Election Campaign Act, and with the investigative resources available to his Department, determine the full extent to which officials of the Committee to Re-elect the President may have failed in their responsibilities under the Act in their dealings in cash funds.

The Justice Department—controlled by the Executive—has shown little eagerness to pursue possible election crimes, while the independent GAO has moved forcefully within the limits of the authority granted it. The lesson is obvious—the agency charged with investigating political crimes must be free from political control.

Senators have insisted—rightly—that the Watergate special prosecutor must have full and complete independence. The circumstances which led to this demand will be present whenever crimes committed in connection with an election are at issue. There will always be at least the appearance that the crimes of an incumbent administration are being covered up—or that candidates of the nonincumbent party are being unfairly pursued.

Any agency set up to monitor campaigns on a long-term basis will need the same independence that the Senate has demanded be granted to the Watergate prosecutor. We need a permanent independent prosecutor, and the bill I propose would provide one.

The Senate Commerce Committee reported a bill last week (S. 372) to set up a Federal Election Commission to supervise the Federal Election Campaign Act. While this Commission would be an important step forward, I believe it stops short of what Watergate shows we must do.

The Commission set up by S. 372 would have the requisite independence from political control, but its mandate would be too narrow.

It could investigate and prosecute violations of the spending limit and disclosure provisions of the Federal Election Campaign Act, but that is all.

It could do nothing about the kind of bugging, wiretapping, campaign sabotage, obstruction of justice, perjury, subornation of perjury, and other Federal crimes associated with the Watergate affair. Any of these crimes, as we have seen, can fatally taint an election, but the Commission set up by S. 372 would not be able to investigate or prosecute them.

We would have to continue to rely on politically appointed U.S. attorneys and the Justice Department to investigate and prosecute what are clearly political crimes—crimes committed to affect the course of an election. The political pressures to cover up and ignore these crimes are fully as great as the pressures to ignore violations of campaign spending and disclosure laws. But only the latter violations could be investigated and prosecuted by the Commission established by S. 372.

An independent prosecutor is needed to deal with all criminal attempts to subvert our electoral process—not just those which violate the narrow provisions of the 1971 Federal Election Campaign Act.

Therefore, the Office of Federal Elections which my bill would establish is given authority, through its Director to: "Investigate the violation of any law of the United States occurring in connection with any campaign for nomination for election, or for election, to Federal office or occurring in connection with any attempt to influence the outcome of any such election," and to prosecute any violation of such law.

A second important difference between this legislation and the bill reported by the Commerce Committee is that this bill would set up an office headed by a single director, while S. 372 would set up a nine-member Commission with staggered terms. The term of office for both the Director under my proposal and the Commissioners in S. 372 would be 15 years. Both the Director and the Commissioners would be appointed by the President and confirmed by the Senate.

I believe experience has shown that lodging full responsibility in one person has substantial advantages over dividing responsibility among a number of commissioners.

Decisions are made and actions are taken more quickly and firmly in a body headed by one person. As President Roosevelt's Committee on Administrative Management observed in 1937:

> For the purpose of management, boards and commissions have turned out to be failures. Their mechanism is inevitably slow, cumbersome, wasteful, and ineffective. . . . Even strong men on boards find that their individual opinions are watered down in reaching broad decisions. . . . The conspicuously well-managed administrative units in the Government are almost without exception headed by single administrators.

One person can be held more accountable than a commission. When everyone is partly responsible, no one is fully responsible and everyone has an excuse.

As former Federal Trade Commissioner Philip Elman put it in a speech to the American Bar Association 3 years ago:

> When the public is only dimly aware of an agency as a distant and impersonal institutional entity, when one man cannot clearly be identified as responsible, who is there to hold accountable for the agency's shortcomings?

Finally, giving one person full responsibility will make it easier to find a strong and able person to fill the job. Good people thrive on responsibility and challenge. Yet both are diminished when authority is diffused as it inevitably must be in a multimember commission. When people are asked to serve 15-year terms—to take 15 years out of their lives—they must be given truly important and responsible work to do. It is at least an open question whether being one member of a nine-member commission would be sufficient for an able person. There is a strong possibility that only timeservers would accept appointment.

There is, of course, a danger in putting all authority in the hands of one person, as the bill I propose would do. There are some checks on the Office and its Director, however.

First of all, the Senate must give its advice and consent to the appointment of the Director. It is clear that whoever is nominated as Director will receive the most careful and thorough scrutiny in the Senate. All of us will be aware that the person who fills this office will have significant authority for years to come over matters that are of more than passing concern to us. None of us will want a partisan or incompetent Director looking over our shoulders in the next campaign.

Second, funding for the new Office would have to be voted each year by Congress, and clear abuse of the powers of the Office could lead to a cutoff of funds.

Third, Congress could change the law and limit the powers of the Office if its powers were abused.

Fourth, the President could remove the Director "for cause." Under the case law which has grown up around similar provisions in other legislation, cause for dismissal would include crimes committed in connection with the duties of the office or conduct amounting to gross impropriety.

Finally, the scrutiny of the press and public opinion would be so great that a Director concerned for his reputation, his credibility, and his continuing ability to perform his duties would have a strong incentive to act responsibly.

In short, the bill I propose seeks to establish an investigator and prosecutor of political crimes who will be as independent as possible of political control, while still remaining subject to the checks and balances our constitutional system requires.

---

By Mr. BELLMON:

S. 1884. A bill to permit national banks to invest in agricultural credit corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BELLMON. Mr. President, yesterday, during the Senate deliberations on S. 1798, I offered an amendment to improve the availability of credit to the agricultural sector of our economy. This amendment was identical to S. 3540 which was introduced last year during th 92d Congress and received a favorable report from the Department of Treasury and the Office of Management and Budgt. Unfortunately, this report came too late in the session for the Banking Committee to hold hearings and the Congress to take action on this legislation.

After conferring with the distinguished chairman of the Senate Banking Committee, Senator SPARKMAN, I decided to withdraw my amendment and to reintroduce it today as a bill with the understanding and firm assurance from Senator SPARKMAN that his committee would hold hearings on this measure sometime during the first 2 weeks in June.

The intent of this legislation is easily understood. This bill would permit national banks to join together in forming corporations engaged solely in providing credit to farmers and ranchers for agricultural purposes. Under existing law and regulations, a national bank can only invest in an agricultural credit corporation if it controls a majority of the stock in such corporation. My measure would remove that prohibition and allow any number of national banks to join together to form such corporation, with the provision that a single bank can invest no more than 20 percent of its unimpaired capital and surplus in stocks, bonds, or other obligations of the corporation.

Mr. President, low lending limits, coupled with the accelerating size of farm units, have created the necessity for farmers and ranchers to seek credit from institutions outside of their local area. Most would prefer to do business with their local banker. Passage of this bill would allow these local banks to combine their assets in an agricultural credit corporation and then discount loans made by the corporation with the Federal Intermediate Credit Banks. This would allow the farmer and rancher to continue to do business with his local banker and at the same time give his local banker access to additional capital to lend.

I ask unanimous consent that the letter from the Treasury Department in support of S. 3540 be printed following my remarks, and urge swift action by the Congress in order to make this new credit tool available to the agricultural sector of our economy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 19, 1972.

Hon. JOHN SPARKMAN,
*Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department of S. 3540, "To permit national banks to invest in agricultural credit corporations."

The proposed legislation would amend section 5136 of the Revised Statutes (12 U.S.C. 24) to permit a national banking association to purchase stock of corporations organized solely for the purpose of making loans to farmers and ranchers for agricultural purposes. It would provide that unless the association owns at least 80 percent of the stock of such corporation, the amount invested by such association at any one time in the stock of such corporation shall not exceed 20 per centum of the capital stock of the association actually paid in unimpaired surplus of the association.

The Department would have no objection to the proposed legislation.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

ROY T. ENGLERT,
*Acting, General Counsel.*

---

By Mr. MAGNUSON:

S. 1885. A bill to provide for the mailing of certain election material to voters free of postage, and for other purposes.

Referred to the Committee on Post Office and Civil Service.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill that will provide for the free mailing of educational election material to voters by an official or an agency of the State having authority to administer the election laws of the State. The election material must give equal space to all candidates and opposite views on important issues.

Unfortunately, few voters have the time or the independent information resources to inform themselves about all of the issues and candidates. State election pamphlets are an imaginative and effective device to place this information directly into the hands of every voter.

These difficult times require a knowledgeable electorate; passage of this bill will financially assist these States that are providing the voters with much needed election material.

---

By Mr. HATHAWAY:

S. 1886. A bill to amend section 5(l) (1) of the Railroad Retirement Act of 1937 to simplify administration of the Act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes. Referred jointly, by unanimous consent, to the Committee on Finance and the Committee on Labor and Public Welfare.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that a bill introduced by the junior Senator from Maine be jointly referred to the Committee on Labor and Public Welfare and the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

By Mr. FULBRIGHT (by request):

S. 1887. A bill to provide for the appointment of alternates for the Governors of the International Monetary Fund and of the International Bank for Reconstruction and Development. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to provide for the appointment of alternates for the Governors of the International Monetary Fund and of the International Bank for Reconstruction and Development.

The bill has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Secretary of the Treasury to the President of the Senate, dated May 10, 1973.

There being no obection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1887

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of subsection (b) of section 3 of the Bretton Woods Agreements Act (22 U.S.C. 286a) be amended to read as follows: "The President, by and with the advice and consent of the Senate, shall appoint an alternate for the governor of the Fund and an alternate for the governor of the Bank."

---

The Secretary of the Treasury,
*Washington, D.C., May 10, 1973.*

Hon. Spiro T. Agnew,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. President: There is transmitted herewith a draft bill, "To provide for the appointment of alternates for the Governors of the International Monetary Fund and of the International Bank for Reconstruction and Development", together with a comparative type showing the changes that would be made in existing law by the bill.

The proposed legislation would amend section 3(b) of the Bretton Woods Agreements Act to provide for the appointment by the President, with the advice and consent of the Senate, of separate alternate Governors of the International Bank for Reconstruction and Development and the International Monetary Fund. The legislation at present provides that the same individual serve as alternate Governor of both the Fund and the Bank.

The proposed amendment would give the President, in appointing different individuals as alternate Governors of the Bank and the Fund, greater flexibility to select the individual most qualified to serve in each of these positions. Thus, in making these appointments, the President would be able to take into account the differing functions being fulfilled by the Bank and the Fund in the international financial sphere.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

George P. Shultz.

---

Comparative Type Showing Changes Which Would Be Made in Existing Law by the Proposed Bill

(Matter proposed to be omitted enclosed in brackets; new matter in italics)

Section 3(b) of the Bretton Woods Agreements Act (22 U.S.C. 286a).

Sec. 3. APPOINTMENT OF GOVERNORS, EXECUTIVE DIRECTORS, AND ALTERNATES.

(b) The President, by and with the advice and consent of the Senate, shall appoint an alternate for the governor of the Fund [who shall also serve as] *and an* alternate for the governor of the Bank. The President, by and with the advice and consent of the Senate, shall appoint an alternate for each of the executive directors. The alternate for each executive director shall be appointed from among individuals recommended to the President by the executive director. The terms of office for alternates for the governor and the executive directors shall be the same as the terms specified in subsection (a) for the governor and executive directors.

---

By Mr. JOHNSTON (for himself and Mr. Long):

S. 1889. A bill to allow the refinancing of loan assistance to victims of Hurricane Betsy and subsequent disasters. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. JOHNSTON. Mr. President, I and my colleague, the senior Senator from Louisiana, Russell Long, are today introducing a bill which is designed to grant some measure of equity and equality to the victims of natural disasters in the United States.

Federal treatment of these disasters has been a patchwork of different interest rates, different forgiveness amounts, and different rules—depending upon whatever happened to be the notions of the Congress at the particular time of the disaster.

In response to the obvious need to grant some equity and equality to the treatment of persons in natural disasters, the Senate, just last week, passed legislation regarding natural disasters but this legislation has prospective effect only.

To illustrate the inequity, when Hurricane Betsy, with its 175-mile winds and ensuing floods caused hundreds of millions of dollars of property damage on the gulf coast, the victims of that disaster were entitled to loans of 20 years in duration and interest rates between 3.5 percent and 5.25 percent. The forgiveness factor for Betsy was $1,800.

When Tropical Storm Agnes hit another part of the country, loans were available to those victims at 1 percent, and repayable over 30 years, and the forgiveness factor was $5,000—not $1,800 as with Betsy.

I would like to see the law go the full distance and give to Betsy victims the same $5,000 forgiveness that Agnes victims received. But, at a time of budget austerity, perhaps this is asking too much.

What this bill does do, however, is at least to recapture equity in the interest rate by allowing these victims to refinance the balance of their loans with interest recomputed at 1 percent on the balance in excess of $5,000. Like the Agnes loans, these refinanced loans would mature in 30 years instead of 20 years from the original date the loan was granted. In the recomputation of interest, all interest paid at the current rate would be credited against the balance of the loan and would, of course, greatly reduce the total interest payable during the remaining period of the loan.

The winds and waters of Hurricane Betsy have receded, but much of the economic damage and hardship remains. Indeed, in many of these areas this hardship is even today being intensified by new floodwaters and more damage.

I submit, Mr. President, this bill which will take nothing from the Treasury, but which will go a long way to remedy the economic suffering which still remains from Hurricane Betsy and other natural disasters.

---

By Mr. BARTLETT:

S.J. Res. 115. A joint resolution requesting the President to require Federal agencies to use economy cars and to limit the use of limousines. Referred to the Committee on Government Operations.

Mr. BARTLETT. Mr. President, today I have introduced a joint resolution requesting the President to take steps to convert the fleet of Government automobiles from the present large size sedans to economy style models.

For years, the United States has had what many thought was an inexhaustible supply of cheap energy. It is now obvious that our supply is not only finite—it is fast becoming scarce.

There is no one solution to the energy crisis. The ultimate solutions require new approaches to develop energy as well as to expand and develop more fully our present sources. We will likely have to make drastic changes in our lifestyle as we adopt stringent conservation practices and energy costs rise.

In separate bills and speeches, I have suggested steps to increase the production of our domestic energy sources. These include the deregulation of gas, completion of the trans-Alaskan pipeline, a new investment tax credit, expanded research and development, expanded leasing on Federal land and more efficient environmental standards.

Previously, I introduced S.R. 87, a bill requesting the President to begin a national program of car-pooling. It is estimated that if the average commuter car carried 2 persons rather than the current 1.4 persons, a total of 25-billion gallons of gas would have been saved in 1970. This is the equivalent of 3.6-million barrels of oil per day being refined. This savings could reduce our foreign import by more than 1.7-million barrels per day.

This would mean a reduction in our balance-of-payments deficit of about $2.2 billion.

The bill could result in a significant reduction in gasoline consumption. Large sedan-type automobiles use as much as twice or more than amount of gasoline used by the smaller economy-sized models. Because the U.S. Government owns thousands of automobiles, a 50-percent reduction in gasoline use would be significant, not only in terms of conservation, but also dollars saved our taxpayers.

Additionally, a conversion to small cars would contribute to a cleaner environment and a reduction in congestion problems on our highways and in our parking facilities.

Finally, the resolution I have introduced requests that the President eliminate the use of limousines by any Federal employee below the Cabinet officer level. The amount of gasoline used by the limousines may be insignificant compared to the total, but they are a symbol of a bygone era of cheap, plentiful energy.

Further, when the American people are spending almost 35 percent of their income on taxes, they should not be called upon to furnish unnecessary limousines to Government officials. We as a government owe the people the greatest efficiency possible in the expenditure of their tax dollars. Limousines represent extravagance, not efficiency, in spending or energy conservation.

I hope the Congress and the President will take quick action to implement the changes proposed in this joint resolution. It is better that we voluntarily drive small cars now than be limited to lower speeds, short distances, one car—or no car—in the future.

By Mr. STEVENS:

S.J. Res. 116. A joint resolution proposing an amendment to the Constitution of the United States with respect to the minimum age qualifications of Representatives and Senators. Referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, I am today introducing a proposed constitutional amendment to lower the minimum age for service in the House of Representatives to 22 years and to 27 years in the Senate. This legislation is similar to the Senate joint resolution I introduced in the 92d Congress.

My joint resolution will lower the minimum age for Senators and Congressmen by 3 years to correspond to the 3-year reduction in the minimum voting age under the 26th amendment. This bill recognizes that young people today are better educated and better informed than any previous generation. Young people are responsible and conscientious, with the good of their communities and their country at heart. They have a keen social awareness of the needs of our society.

They, possibly more than any other segment of our society, bring with them a willingness to work for a higher quality of life. They have shown themselves capable of changing this country's mood on a matter of unique importance—the Vietnam war. Collectively they sought to educate the older citizens on the need for peace and immediate disengagement. It was largely due to their efforts that public opinion changed on this issue.

They have taken similar stands on such issues as civil rights, consumer protection, and ecology. They have done much to upgrade our quality of life.

Now these same young people, many of them recently returned from war, are eligible to vote because of the 26th amendment. They should also be able to sit in the Congress and voice their opinions officially as the legally elected representatives of the people of the United States. This country could do far worse than seek their counsel. I strongly believe that they should have a voice in our destiny in Congress.

I request unanimous consent that the joint resolution be printed in its entirety in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

### S.J. RES. 116

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"Notwithstanding the provision of clause 2 of section 2 of article 1 of the Constitution relating to the age of a Representative, no person shall be a Representative who has not attained the age of twenty-two years. Notwithstanding the provision of clause 3 of section 3 of such article relating to the age of a Senator, no person shall be a Senator who has not attained the age of twenty-seven years."

---

By Mr. INOUYE:

S.J. Res. 117. A joint resolution to authorize and request the President of the United States to issue a proclamation designating September 17, 1973, as "Constitution Day." Referred to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I am introducing a resolution that will proclaim each September 17 as "Constitution Day." The Declaration of Independence which was signed on July 4, 1776, by the members of the Continental Congress marks the birth of our Nation and sets forth the basic philosophical beliefs upon which this country was founded. It is the Constitution of the United States, however, which was signed on September 17, 1787, by 39 delegates to the Constitutional Convention that inaugurated the birth of our Government by providing the legal framework for all its operations. The Constitution defines our National Government's form and functions and specifies the duties of and restrictions on the Federal Union and the individual States.

Each July 4 this Nation marks the day it became a free nation. And in 1976 a nationwide bicentennial celebration will take place commemorating the Declaration of Independence and the historical significance of our breaking free from the chains of British suppression.

I believe the Constitution deserves similar national recognition. Gladstone, the eminent English jurist, believed our Constitution to be "the most wonderful work ever struck off at a given time by the brain and purpose of man." The Founding Fathers who drafted the Constitution included George Washington, Benjamin Franklin, James Madison, James Wilson, Edmund Randolph, and John Rutledge. Thomas Jefferson referred to these men as "an assembly of demigods." And it is the genius of their work that has served this Nation in times of war and peace, economic hardship and prosperity, political chicanery and virtue, governmental crisis and fortune. For almost 200 years of rapid, revolutionary, and unpredictable change in American society those few thousand words have directed the growth of this Nation toward greatness as the world's leader and champion of freedom.

In 1966, when Constitution Week was proclaimed by the late President Lyndon B. Johnson, he eloquently noted the historical and intellectual threads that were woven into the fabric of our governmental charter by those wise and learned men who met in Philadelphia during the hot summer of 1787. President Johnson stated:

> Our Constitution did not spring forth in a single moment of inspiration. Rather, it was the culmination of man's long struggle for freedom, justice, equality, and recognition of the dignity of man. It reflects the wisdom of the Old and New Testaments, the democratic principles of ancient Greece, the justness of the Roman law, the concept of constitutional liberty as guaranteed to Englishmen by the Magna Charta, and the dedication that caused our Founding Fathers to forsake the security of civilization to seek

liberty, justice, and opportunity in the wilderness of the New World.

In recent years, however, there has been growing concern and a widespread belief that our Government has been undergoing a constitutional crisis. The form and functions which the Constitution defined for the various branches and levels of Government have been criticized. The constitutional concepts of supreme law of the land, popular sovereignty, checks and balances, separation of powers, judicial supremacy, freedom of the press, and rights of free speech and assembly have all been challenged by various public officials, group spokesmen, and women and private citizens.

This crisis is reflected in a diminishing respect for our entire governmental and political system. President Nixon has correctly stated:

> Most Americans are fed up with government at all levels.

Recent public opinion surveys show a large majority of Americans give our Government fair or poor marks for honesty, fairness, justice, efficiency, consideration, and responsiveness. One-third of the public have no or not very much trust or confidence in local government, 31 percent lack faith in State government, 30 percent give little or no credence to the Congress, 25 percent express doubts about the functioning of the Federal judiciary, and almost one-fourth of the public lacks trust in the executive branch.

In this atmosphere of alienation and frustration, the Constitution has too often been ignored or distorted rather than used as a guide for resolving our differences. Public officials have been denied their constitutional rights of free speech by bellowing hecklers. In return, public officials have attempted to deny or curtail protestors' constitutional rights of peaceable assembly. The free press has been assailed at the highest levels of Government. And many citizens seem willing to see the "bearers of bad tidings" punished as if newsmen are responsible for the events they report.

The decrees of the Supreme Court have been decried, disregarded, or defied by private citizens and elected representatives alike. Constitutionally guaranteed civil rights and liberties have come under attack by advocates of law and order, while constitutional law and civil order have been ridiculed by proponents of anarchy.

The growth of Executive power has also become an issue of great concern over the past two decades in the Halls of Congress and across the Nation. The constitutional concepts of checks and balances and separation of powers have been weakened with the acquiescence of the Congress as successive administrations have sought more power. The much noted conflicts over executive privilege, impoundments, the war powers, and the power of the purse are not new—they are a natural outgrowth of the history of congressional-Executive relations since the years of the New Deal.

Leaders of both major political parties and various academic and journalistic analysts have argued the need for a strong President in the present technological age. The structural inability of Congress to respond quickly and effectively to momentary crises has been called the "deadlock of democracy." Congress has been identified as "an obstacle to modern policymaking," and the Presidency has been labeled "as near perfection as can be achieved in an imperfect world." As Republican and Democratic Presidents have made successive incursions into the constitutional domain of the Congress, rationales have been provided by liberal and conservative commentators and by members of both parties.

The separation of powers was carefully designed by the delegates to the Constitutional Convention. The members of that assembly had two unhappy recollections which made real the theoretical teachings of Montesquieu and Blackstone that—

> In any government the powers of the legislative, executive and judicial departments should be separate so that the whole could be kept in order by a system of checks and balances.

The first recollection was the tyranny and repression that the colonists suffered under the excess of authority practiced by King George of England. The second recollection was the anarchic deficiencies in governmental power experienced under the Articles of Confederation.

So the separation of powers made each branch of the Government interdependent and not independent. This interdependence was felt necessary to insure majority rule without tyranny over the minority. As President Kennedy remarked, the separate branches should not be "rivals for power, but partners for progress." And as President Nixon has noted, because ours is "a Constitution of balanced powers, of unity with diversity, it survives as the oldest written Constitution still in force in the world today."

Daniel Webster said—

> It is the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people.

Any American who finds fault with our governmental system should understand the provisions for amending the Constitution. George Washington warned—

> If in the opinion of the people the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument for the good, it is the customary weapon by which free governments are destroyed.

Likewise, each judicial officer, legislator, or Government executive should understand that to war against the Constitution violates his or her solemn oath to support it.

None of us can maintain "what I like is constitutional, what I dislike is unconstitutional." Down that path lies tyranny or anarchy.

In making formal recognition of September 17 as "Constitution Day" the people of the United States and those elected and appointed officials who hold office under constitutional aegis should turn our thoughts to the important lessons of that document.

"Constitution Day" should become a day, not necessarily a holiday, but a day where each American may take a few minutes out to read over the Constitution and to think about what it means in our everyday life. By reading the Federalist papers, which Chief Justice John Marshall called "a complete commentary on our Constitution" we can understand the thoughts and ideas that form the foundation of "the most revolutionary document ever written." By considering the basic governmental framework provided in the Constitution and relating that framework to the realities of modern day life, we can realize how relevant those concepts still are today and we can begin to think through ways in which government's operations can be reformed in keeping with constitutional precepts, yet cognizant of technological advancement. Justice Learned Hand called the Constitution "the best political document ever made." Each American should understand and reflect on the wisdom of that statement.

I hope that my congressional colleagues will consent to proclaim September 17, 1973, and each September 17 thereafter as "Constitution Day," so that appropriate ceremonies and activities may be observed.

On that date in 1787, as George Washington directed his fellow delegates to place their signatures on the parchment which presented the Constitution to the American public, Benjamin Franklin noted a painting of the sun hanging on the Philadelphia State House wall, just over General Washington's shoulder. Mr. Franklin expressed his hope that "it is a rising and not a setting sun." If each American, especially those of us in position of public trust, will rededicate ourselves to "preserve, protect, and defend the Constitution of the United States," perhaps we can feel more certain that the sun will continue to rise.

---

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 5

At the request of Mr. Mondale, the Senator from California (Mr. Cranston), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 5, the Full Opportunity and National Goals and Priorities Act.

### S. 31

At the request of Mr. Hollings, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 31, authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians.

### S. 408

At the request of Mr. Thurmond, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 408, a bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike.

S. 444

At the request of Mr. HARTKE, the Senator from Kansas (Mr. DOLE) and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of S. 444, the Health Care Insurance Act of 1973.

S. 607

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 607, the Lead-Based Paint Poisoning Prevention Act.

S. 909

At the request of Mr. HOLLINGS, the Senator from New Mexico (Mr. MONTOYA), was added as a cosponsor of S. 909, amending the Federal Property and Administrative Services Act of 1949 to permit donations of surplus Federal property to State and local public recreation agencies.

S. 1064

At the request of Mr. BURDICK, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 1064, the judicial disqualification bill.

S. 1085

At the request of Mr. MONDALE, the Senator from Nevada (Mr. CANNON), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1085, a bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Romania.

S. 1098

At the request of Mr. BIBLE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1098, a bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1105

At the request of Mr. DOLE, the Senator from New Mexico (Mr. MONTOYA) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1105, a bill to provide income tax incentives for the modification of certain buildings as to remove architectural and transportational barriers to the handicapped and elderly.

S. 1221

At the request of Mr. BIBLE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1221, a bill to provide that Federal employees shall be entitled to accumulate annual leave in excess of 30 days, or receive payment therefor, for periods such employees have been in a missing status while serving in Southeast Asia during the Vietnam era.

S. 1401

At the request of Mr. HRUSKA, the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1401, a bill to establish rational criteria for the mandatory imposition of the sentence of death, and for other purposes.

S. 1424

At the request of Mr. SCHWEIKER, the Senator from Maryland (Mr. BEALL) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1424, a bill to provide certain benefits for members of the Armed Forces and civilian employees of the United States who were in a missing status for any period of time during the Vietnam conflict.

S. 1473

At the request of Mr. CRANSTON, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1473, a bill to provide for a search program relating to earthquakes.

S. 1474

At the request of Mr. CRANSTON, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1474, a bill to provide an operational system of predicting earthquakes.

S. 1543

At the request of Mr. MONDALE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1543, a bill to amend the Social Security Act to provide for extension of authorization for special project grants under title V.

S. 1695

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1695, the Emergency Manpower and Defense Workers Assistance Act of 1973.

S. 1723

At the request of Mr. KENNEDY, the Senator from Maryland (Mr. BEALL), the Senator from Iowa (Mr. CLARK), the Senator from Colorado (Mr. HASKELL), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors to S. 1723, a bill to provide for the continued supply of petroleum products to independent oil marketers.

S. 1769

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 1769, a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

SENATE JOINT RESOLUTION 105

At the request of Mr. KENNEDY, the Senator from Iowa (Mr. CLARK), the Senator from Colorado (Mr. HASKELL), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON), be added as cosponsors to Senate Joint Resolution 105, a joint resolution providing for the orderly review of fee-paid oil import licenses.

## SENATE CONCURRENT RESOLUTION 25—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A "NATIONAL HALIBUT WEEK"

(Referred to the Committee on the Judiciary.)

Mr. MAGNUSON. Mr. President, I submit, for appropriate reference, a concurrent resolution authorizing and requesting the President of the United States to proclaim May 27 to June 2 as "National Halibut Week." In addition, this resolution calls upon the people of the United States to observe such week with appropriate ceremonies and activities.

Strong leadership is given annually to this celebration by the wives of halibut fishermen who should be saluted for their industry and activity.

In addition to focusing attention to the nutritional values and succulent taste of the Pacific halibut, I am hoping that this year's Halibut Week may afford an opportunity for citizens outside the normal interest area, to become aware of the critical problems facing the specie and the men who harvest it. I am presently awaiting additional reports from the Department of Commerce in regard to the validity of reports that foreign trawlers are harvesting immature halibut and even marketing it in the United States.

The Pacific Northwest fishery for halibut is one of the most colorful and historic in our Nation, and it behooves all of our citizenry to be aware of its problems and exert every effort to assure its continuance.

The concurrent resolution reads as follows:

S. CON. RES. 25

*Resolved by the Senate (the House of Representatives concurring)*, That the President is authorized and requested to issue a proclamation designating the seven-day period beginning May 27, 1973, and ending June 2, 1973, as "National Halibut Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

## SENATE CONCURRENT RESOLUTION 26—SUBMISSION OF A CONCURRENT RESOLUTION CONCERNING THE USE OF SAFETY BELTS IN MOTOR VEHICLES

(Referred to the Committee on Commerce.)

Mr. MAGNUSON. Mr. President, on behalf of the Senator from New Hampshire (Mr. COTTON) and myself, by request, I submit for appropriate reference a concurrent resolution urging the States to take decisive action to reduce the highway death and injury toll by adopting laws requiring the use of safety belts in motor vehicles, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the resolution.

There being no objection, the concurrent resolution and letter were ordered to be printed in the RECORD, as follows:

S. CON. RES. 26

Whereas the National Traffic and Motor Vehicle Safety Act of 1966 was enacted to provide for a coordinated national safety program and the establishment of safety standards for motor vehicles to reduce motor vehicle crashes and deaths and injuries occurring therein; and

Whereas research has conclusively demonstrated that safety belt wearers are substantially less likely than non-wearers of safety belts to suffer death or serious injury in traffic crashes; and

Whereas many States have required the installation of safety belts in motor vehicles since the 1960's; and

Whereas pursuant to the Act and safety belt research, the Department of Transportation promulgated Federal Motor Vehicle Safety Standards requiring lap and shoulder safety belts to be installed in new passenger cars on and after January 1, 1968, and in new buses (driver's seat only), multipurpose passenger vehicles, and trucks on and after July 1, 1971; and

Whereas four out of every five motor vehicle occupants fail to wear lap safety belts when such safety belts are available, and eleven out of every twelve motor vehicle occupants fail to wear lap and shoulder safety belts when such safety belts are available; and

Whereas the nonusage of safety belts results in thousands of motor vehicle occupants being needlessly endangered, seriously injured, and even killed each year on the Nation's highways; and

Whereas a State law requiring the use of safety belts would promote the general welfare by (1) keeping a driver behind the steering wheel during a minor collision so that the driver does not lose control and cause a second, more serious collision, and (2) reducing the demand upon emergency medical vehicles, hospital staff and bed space, and public aid for the dependents of deceased or disabled crash victims, and the need for higher insurance premiums; and

Whereas there is considerable precedent for State and local highway safety laws that require an individual to take action that protects himself as well as others, including laws against speeding, anti-jaywalking laws, and motorcycle helmet usage laws; and

Whereas all of the States of Australia have laws requiring the use of safety belts and have realized reductions in highway fatalities of up to 20 per centum; and

Whereas if all of the States in this Nation were to enact safety belt usage laws, there would be an estimated annual savings of five to ten thousand lives during the first years of implementation and potentially even greater savings thereafter; and

Whereas many State legislatures are currently considering bills that would require the use of safety belts in motor vehicles;

*Now, therefore, be it resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that, in order to accomplish the goals of the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act of 1966 and to implement these findings, the States should take decisive action to reduce the unacceptable highway death and injury toll by adopting laws requiring the use of safety belts in motor vehicles.

That it is the further sense of Congress that, in order to ensure the enactment of effective and practicable safety belt usage laws, the States should consider inclusion in such laws of provisions that are consistent with the following principles:

(1) Each motor vehicle shall be equipped with the same number of safety belts that it was required by State or Federal law to be equipped with at the time of its manufacture or while it is in use;

(2) No person shall remove, disconnect, or reduce the effectiveness of any part of any safety belt or its assembly or system required by subparagraph (1) except temporarily for cleaning, repair, replacement or adjustment;

(3) The owner of each motor vehicle subject to subparagraph (1) shall maintain the safety belts in his vehicle in good operational condition and in a manner that enables vehicle occupants to use them readily;

(4) No person shall operate or ride in a motor vehicle subject to subparagraph (1) unless he has fastened and is wearing around the front of his body all of the safety belts provided for a seating position;

(5) Subparagraph (4) shall not apply to—

(a) any person driving a motor vehicle in a rearward direction;

(b) any person riding a motor vehicle in which all seating positions equipped with safety belts are occupied by other persons; or

(c) any person who is a member of a class of persons exempted by an appropriate State agency from the usage requirements;

(6) The appropriate State agency may exempt a class of drivers, passengers, or both, if he determines that the use by the class of a lap or shoulder safety belt or both would be impracticable by reason of physical unfitness or other medical problem, body size, or occupational necessity; and

(7) The violation of any equipment or usage requirement shall be punishable only by a fine equivalent to that assessed for minor traffic law infractions.

That it is the further sense of Congress that the Secretary of Transportation shall provide technical assistance to the States to aid them in their efforts to enact effective and practicable laws requiring the use of safety belts in motor vehicles.

---

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: The Department of Transportation is submitting for your consideration and appropriate reference a draft concurrent resolution:

"Urging the States to take decisive action to reduce the highway death and injury toll by adopting laws requiring the use of safety belts in motor vehicles."

Sometime this summer, the two millionth American will die on this country's highways. During the 1970's alone, the death of approximately 600,000 persons has been predicted unless new steps are taken. Thus, by 1980, the cumulative loss of life could reach approximately 2,400,000 persons.

It was in response to figures such as these that the Congress adopted legislation in 1966 launching a national vehicle and highway safety program. The legislation, the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act, directed the Federal government to establish a program that addressed the three elements of the safety problem: the driver; the vehicle; and the highway environment.

In adopting the Vehicle Safety Act, Congress emphasized the need to solve the problem of the "second collision", i.e., the collision of motor vehicle occupants with the steering wheel, windshield and dashboard. Pursuant to that directive, the Department has issued a series of vehicle safety standards intended to reduce the consequences of the "second collision". As a result, passenger cars now have collapsible steering columns, penetration and shatter resistant windshields, padded dashboards and windshield headers, and instrument controls designed to prevent serious injury.

The Department has also issued vehicle standards to prevent entirely the "second collision" through the use of occupant restraint systems. Lap and shoulder safety belts have been required to be installed in passenger cars since January 1, 1968, and in buses (driver's seat only), multipurpose passenger vehicles, and trucks since July 1, 1971.

The ultimate success of these and other aspects of the national vehicle and highway safety effort depends, of course, upon the cooperation and dedication of all levels of government, the motor vehicle and related industries, and the general public. Without support by all of these parties of decisive action, such as measures to prevent the "second collision" and to remove the drunk driver from the highways, the national effort cannot be expected to accomplish fully its goals.

Unfortunately, the anticipated substantial safety benefits of safety belts have not been realized. More than 90 per cent of all motor vehicle occupants fail to wear both lap and shoulder safety belts when available. Further, 75 to 80 per cent of all vehicle occupants fail to wear even the lap safety belt when available. As a result, in tens of thousands of crashes each year, many people are needlessly endangered, injured or even killed.

Vehicles equipped with only active safety belts will continue to be driven in large numbers on the Nation's highways until at least well into the 1980's. In view of this fact, the Department proposed last year to amend the Highway Safety Program Standards promulgated under the Highway Safety Act to direct the States to adopt laws requiring the use of safety belts.

Final action on this and other proposed amendments to the Program Standards will not be taken until sometime next year. In the meantime, bills to require the use of safety belts are already being considered in State legislatures across the country. Some of these bills were introduced by the executive branch of the State governments in those States.

Congress has an excellent opportunity to make a further substantial contribution to highway safety by adopting the draft concurrent resolution I am submitting today. By doing so, the Congress will focus national and international attention on this vital area of highway safety. I firmly believe that the leadership that the Congress can exercise in this matter will induce the State legislatures and public to accelerate their consideration and enactment of safety belt usage laws.

For these reasons, I earnestly urge the early consideration and adoption of this concurrent resolution.

The Office of Management and Budget has advised that there is no objection to the submission of this concurrent resolution to the Congress and that its enactment would be consistent with the objectives of the Administration.

Sincerely,

CLAUDE S. BRINEGAR.

---

## SENATE RESOLUTION 118—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 1878 TO THE U.S. COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. GRAVEL submitted the following resolution:

S. RES. 118

*Resolved*, That the bill (S. 1878) entitled "A bill for the relief of the heirs of Joseph Knight," now pending in the Senate, together with all the accompanying papers is hereby referred to the chief commissioner of the United States Court of Claims. The chief commissioner shall proceed with the same in accordance with sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount of any, legally or equitably due from the United States to the claimants. Such report shall specify the amount to be due to each of the determined heirs and the maximum reasonable attorney's fees that should be paid from such amount.

## EMERGENCY PETROLEUM ALLOCATION ACT OF 1973—AMENDMENT

### AMENDMENT NO. 145

(Ordered to be printed, and to lie on the table.)

Mr. JACKSON. Mr. President, there is now pending on the Senate Calendar S. 1570, the Emergency Petroleum Allocation Act of 1973. As its title suggests, this is an emergency measure to deal with an urgent problem—the first peacetime fuel shortages in American history.

Members of the Senate need no introduction to this problem. Every day we are receiving phone calls, telegrams, letters, and personal visits from those directly affected by fuel shortages. We are hearing from farmers, builders, city officials, independent refiners, and marketers of petroleum products.

It is increasingly clear that we are no longer dealing with the isolated, spot shortages predicted by some earlier this year. What we are confronting is the prospect of serious, prolonged, and widespread shortages which are beginning to have a real impact on our economy and the standard of living enjoyed by many Americans.

When cities cannot get bids on fuel contracts for vital public services, when independent gas stations are closing by the hundreds, when major oil companies start rationing supplies to their own outlets, when crop planting and food distributors are threatened by fuel shortages, then there can be no doubt that our national fuel distribution system has stopped functioning effectively.

Congress recognized this fact when it authorized the President in the Economic Stabilization Act amendments to establish priorities of use and provide for the allocation of crude oil and petroleum products to meet essential needs and prevent anticompetitive effects resulting from shortages.

S. 1570 goes beyond this discretionary authority and mandates action—both by the executive branch and by private industry—to assure the equitable distribution of fuels in short supply.

This act requires the President to prepare and publish within 60 days priority schedules and plans for the allocation and distribution of fuels which are or may be in short supply. He may thereafter allocate or distribute such fuels pursuant to these schedules and plans if necessary to achieve the objectives of the act.

The President's authority is to be exercised generally to minimize the impact of fuel shortages or dislocations in the fuel distribution system. More specifically he is required, in implementing his authority under the act, to take such actions as are necessary to protect the public health, safety, and welfare; to maintain public services and essential agricultural operations; to preserve an economically sound and competitive petroleum industry; to provide for equitable distribution of fuels at equitable prices among all regions and areas of the United States and all classes of consumers; to achieve economic efficiency and minimize economic distortion, inflexibility, and unnecessary interference with market mechanisms.

Mr. President, one of the most troublesome aspects of our present fuel problems is the plight of the independent refiners and marketers of petroleum products. Their inability to secure adequate supplies of crude oil and petroleum products has created serious hardship and economic dislocations. Accordingly, the act also requires that sales to independents be maintained in proportions equal to sales to such independents during a specified base period for the brief duration of the act.

This provision has been subject to some criticism because, as reported by the committee, it would exempt some from its burdens and others from its benefits. It is my view that further refinement of its definitions is required to insure equal application. The basic thrust of the section to preserve the independent sector remains an essential ingredient of any fuel allocation program.

It is interesting, Mr. President, that many of those who opposed including a discretionary fuel allocation authority in the Economic Stabilization Act amendments 2 months ago are also opposing S. 1570 today. They are now arguing that the authority they opposed in March is good authority in May.

Much of the opposition to S. 1570 is based on the grounds either that it gives the President too much authority or too little flexibility. I submit, Mr. President, that the authority conferred by S. 1570 is both precise and flexible enough to be administratively workable. The heart of the objections to this act is that it mandates action to allocate scarce fuels.

This administration, Mr. President, needs a mandate from Congress on this subject.

This is the administration whose management of the oil import program last summer played a major role in creating the shortages experienced last winter and the more serious shortages we now face.

This is the administration which has consistently minimized the prospect of shortages and the need for any allocation system.

This is the administration which conceded it had inadequate authority to allocate scarce fuels but would not ask Congress to grant such authority.

This is the administration which took the position, after Congress conferred discretionary allocation authority, that it preferred an "incentives" approach.

This is the administration which rushed out voluntary allocation plans to forestall congressional action on this and other pending bills.

Even as the administration attempts to make its voluntary program work, the drawbacks of this approach are increasingly clear. Let me emphasize why a voluntary program is doomed to failure.

First, adherence to a voluntary program is certain to be uneven and to be limited by its cost or inconvenience to individual companies. The more serious fuel shortages become, the greater the possible gains to a particular producer or refiner from noncompliance.

Second, a voluntary allocation program penalizes cooperation and favors noncooperators. Its cost will be greatest to the most public-spirited—or public relations-sensitive—firms.

Third, a voluntary allocation program is unlikely to provide an equitable geographic distribution. Unless allocation policies are binding upon producers and refiners, the structure of the existing distribution system and the allocation policies of States self-sufficient in petroleum will only aggravate imbalances in supply.

Fourth, the administration's voluntary allocation program does not address or deal with the question of preemption. As a result, any company or person who attempts to comply with the provisions of the administration's voluntary program may find that compliance with the Federal program conflicts with or is contrary to the requirements of fuel allocation programs established by State or local government. Further, if the Federal Government fails to establish effective regional or national allocation plans, we will invite piecemeal action by the States. Our fuel shortage problems are national problems; they must be recognized and resolved at the Federal level.

Fifth, an allocation program that depends for its implementation upon the private decisions of the major oil companies and which is adhered to selectively according to their respective convenience, will not generate maximum public confidence, but will exacerbate the inevitable public resentment over whatever distribution of shortages may result from the program.

Sixth, a voluntary program cannot by definition supersede existing contracts. Any allocation program which cannot touch the large volume of crude oil and petroleum products covered by existing contracts is doomed to failure at the start. Because of this, any voluntary program can be effectively dismantled by the oil companies if they simply commit available petroleum to contract.

I am also informed that legal counsel to many companies engaged in production, refining and marketing of petroleum products are advising their clients that any effort to modify contracts under a voluntary program to deal with the current fuel shortages may be found to be a breach of contract and will clearly lead to confusion, uncertainty, delay, and protracted litigation for money damages or to enforce contract terms.

Finally, a voluntary program creates serious legal problems by encouraging the kind of cooperation and coordination which violates the antitrust laws. The administration plan permits and requires, if it is to be effective, the allocation of customers and market areas among refiners. Quite aside from the anticompetitive effects of this conduct, it exposes both the cooperating companies and the program itself to civil and criminal lawsuits. The mere fact that the actions are pursuant to Government request does not confer immunity from the antitrust laws.

Mr. President, at my direction the Interior Committee staff has conducted an intensive review of the provisions of S. 1570 as reported by the committee. We have received helpful comments and suggestions from many sources, including other committees, and Members of the Senate concerned with the fuel shortage problem. As a result of this review, I am proposing several amendments to strengthen and clarify the provisions of S. 1570.

In brief, the more significance of my proposed amendments would require public hearings before final promulgation of allocation plans; would change the base period to conform to the base period now being used by the administration in the voluntary program; would direct the President to use his authority to assure adequate crude oil supplies to all refineries; would make clear that Federal allocation programs preempt State and local action; would extend mandatory apportionment to all refineries with runs of more than 300,000 barrels a day; and would make clear that S. 1570 does not automatically repeal the authority granted under the Economic Stabilization Act or programs established thereunder.

I am also offering an amendment to make clear that the mandatory allocation program authorized by section 105 of S. 1570 may be replaced or amended by an exercise of the authority conferred by section 104.

Mr. President, I ask unanimous consent that a brief memorandum explaining my proposed amendments to S. 1570 be printed in the RECORD at this point.

I also ask unanimous consent that the text of the amendment as an amendment in the nature of a substitute be printed at this point in the RECORD.

There being no objection, the memorandum and amendment were ordered to be printed in the RECORD, as follows:

### EXPLANATION OF THE AMENDMENT BY MR. JACKSON TO S. 1570

On page 7, line 7, in Section 104, Subsection (a), after the word "shall," add the words, *"after due notice and public hearings"*.

This amendment requires public hearings before final promulgation of priorities, plans and regulations under Section 104.

(a) On page 7, line 4, in Section 103, add the text of Section 105, Subsections (c), (d) and (e) (from page 9, lines 16 through 25; all of page 10; and page 11, lines 1 and 2.), with the following changes: On Page 9, line 17, 21, 22 and 25; page 10, lines 1, 5, 8, 16 and 19; and page 11, line 1, strike the word "section" and add the word *"Act"*.

(b) On page 9, lines 16 through 25; all of page 10; and page 11, lines 11 and 2, delete Section 105, Subsections (c), (d) and (e).

This technical amendment corrects an omission by which the bill provided no machinery for administration and enforcement of the provisions of Section 104. By moving the language of Subsection 105 (c), (d) and (e) into Section 103 concerning "Authority", the amendment extends the administrative and enforcement machinery provided in Section 105 to all programs under the Act.

On page 8, line 5, in Section 105, Subsection (a), strike the word "July" and add the word *"October;"* and on line 6, strike the word "June" and add the word *"September"*.

The purpose of this amendment is to bring the base period into conformity with the base period of the voluntary allocation program already announced by the Administration. This change has no substantive impact upon the program's operation, but eases the transition process from the present program to that authorized by this Bill.

On page 8, after line 2, add a new Subsection to Section 104, "(*d*) *The President is hereby directed to use his authority under this Act and under existing law to assure that no petroleum refinery in the United States is involuntarily required to operate at less than its normal full capacity because of the unavailability to said refinery of suitable types or grades of crude oil."*

The purpose of this amendment is self-evident. The reference to "existing law" calls attention to the President's present authority to assist independent refiners by allocating royalty oil from federal lands and fee-exempt import licenses, and by other measures under existing law.

On page 7, after line 4, in Section 103 as amended by my technical amendment number 12, add a new Subsection.

"(*f*) *The provisions of this Act, and the authority granted therein, shall take precedence over any program for the emergency allocation of crude oil or petroleum products established by any State or local government and any conflict between such a program and any program, plan, regulation or order established pursuant to this Act shall be resolved in favor of the latter."*

This amendment is necessary to make clear that the programs established pursuant to this Act may allocate crude oil and petroleum products between and among States as well as within individual States. In the absence of such a provision one or more states with a disproportionate share of producing, refining or import terminal capacity might attempt to preempt oil supplies to prevent or control their allocation in interstate commerce. Such conflicts would seriously undermine the purposes of the Act and lead to legal and administrative chaos.

On page 9, lines 6 and 7, strike the words, "two hundred," and add the word *"thirty."*

Extending mandatory apportionment to all refiners with runs of more than 30 thousand barrels per day makes the Act's definitions consistent and eliminates an important loophole, particularly in the Midwest, where a large segment of the distributing industry relies upon independent refiners with daily runs of less than 200 thousand barrels per day.

On page 9, line 4 and line 14, in Subsection 105(b) after the word "during", add the words *"corresponding quarter of"*.

This amendment makes clear that apportionments under Section 105 will be based upon sales in corresponding quarters of the base year.

On page 11, after line 2. At the end of Section 105, as amended by my technical amendment number 2, add a new Subsection "(*c*) *The allocation program established pursuant to this section may be replaced or amended by, or incorporated into, the priority schedules, plans and regulations promulgated under section 104."*

This amendment specifies that the provisions of Section 105, which would go into effect immediately upon enactment, may be superseded by, or incorporated into, the more detailed and comprehensive program the President is authorized to establish under Section 104.

On page 11, after line 13, add a new section, *"Sec. 107. All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970, as amended, in effect immediately prior to the date of enactment of this Act, shall continue in effect until modified and rescinded by or pursuant to this Act."*

The purpose of this amendment is to make clear that the Act does not repeal the Eagleton Amendment to the Economic Stabilization Act, or repeal any voluntary or mandatory fuel allocation program established under it until that program is modified or replaced under the terms of this Act.

### AMENDMENT NO. 145

On page 1, line 3, strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Emergency Petroleum Allocation Act of 1973".

### FINDINGS AND PURPOSES

SEC. 101. (a) The Congress hereby determines that extraordinary shortages of crude oil (including natural gas liquids) and refined petroleum products (including liquid petroleum gas), caused by unprecedented demand, inadequate domestic production of crude oil and refined petroleum products, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent. The Congress further determines that such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods. The Congress further determines that such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis that is a threat to the public health, safety, and welfare and can only be averted or minimized through prompt action by the executive branch of Government.

(b) The purpose of this Act is to grant to the President of the United States temporary authority to deal with a national energy crisis involving extraordinary shortages of crude oil and petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of dealing with said national energy crisis by minimizing the adverse impacts of such fuel shortage or dislocations on the American people and the domestic economy and achieving the objectives set forth in section 102.

### OBJECTIVES

SEC. 102. In implementing the authority granted under this Act the President shall take such actions as are necessary to achieve the following specific objectives—

(a) protection of public health, safety, and welfare;

(b) maintenance of all public services;

(c) maintenance of essential agricultural operations, including crop plantings, harvesting; and transportation and distribution of food and livestock;

(d) preservation of an economically sound and competitive petroleum industry, including the competitive viability of the independent producing, refining, marketing, distributing, and petrochemical sectors of that industry;

(e) equitable distribution of fuels at equitable prices among all regions and areas of the United States and all classes of consumers;

(f) economic efficiency; and

(g) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

### AUTHORITY

SEC. 103. (a) The President may delegate all or any portion of the authority granted under this Act to the Secretary of the Interior or to the head of any other Federal agency he deems appropriate.

(b) The authority granted under this Act shall terminate on September 1, 1974.

(c) The President shall designate an agency to supervise compliance with the requirements of this Act and promulgate regulations hereunder. The head of said agency shall have authority to require periodic reports from the producers, importers, refiners, dealers, and all others subject to the requirements of this Act in such form as may be necessary to determine whether the requirements of this Act have been or are being met.

(d) The head of an agency exercising authority under this Act, or his duly authorized agent, shall have authority, for any purpose related to this Act, to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths. Witnesses summoned under the provisions of this Act shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of refusal to obey a subpena served upon any person under the provisions of this Act, the head of the agency authorizing such subpena, or his delegate, may request the Attorney General to seek the aid of the district court of the United States for any district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce documents before the agency.

(e) Whenever it appears to the head of the agency exercising authority under this Act, or to his delegate, that any individual or organization has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of this Act, or any order or regulation thereunder, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any individual or organization to comply with this Act, or any order or regulation thereunder.

(f) The provisions of this Act, and the authority granted therein, shall take precedence over any program for the emergency allocation of crude oil or petroleum products established by any State or local government, and any conflict between such a program and any program, plan, regulation or order established pursuant to this Act shall be resolved in favor of the latter.

### FUELS ALLOCATION

SEC. 104. (a) Within sixty days of the date of enactment of this Act, the President shall after due notice and public hearings cause to be prepared and published, priority schedules, plans, and regulations for the allocation or distribution of crude oil and any refined petroleum product which is or may be in short supply nationally or in any region of the United States in accordance with the objectives of this Act.

(b) In order to accomplish the objectives of section 102 of this Act, and subject to the provisions thereof, the President is hereby authorized to allocate or distribute or cause to be allocated and distributed, pursuant to the schedules, plans, and regulations required by subsection (a) hereof, any liquid fuel, whether crude or processed, and whether imported or domestically produced, currently or prospectively in extraordinarily short supply nationally or in any region of the United States.

(c) The regulations required by subsection (a) herein shall include standards and procedures for determining or reviewing prices of fuels allocated by the President under the provisions of this Act to prevent (1) appropriation of private property without due compensation or (2) exorbitant price increases reflecting temporary shortage conditions.

(d) The President is hereby directed to use his authority under this Act and under existing law to assure that no petroleum refinery in the United States is involuntarily required to operate at less than its normal full capacity because of the unavailability to said refinery of suitable types or grades of crude oil.

### SALES TO INDEPENDENT REFINERS AND DEALERS

SEC. 105. (a) DEFINITIONS.—For the purpose of this section, (1) the "base period" is the period from October 1, 1971, to September 30, 1972, inclusive; (2) "nonaffiliated" refers to a buyer (seller) who has no substantial financial interest in, is not subject to a substantial common financial interest of, and is not subject to a substantial common financial interest with, the seller (buyer) in question; (3) "independent refiner" means a refiner who produced in the United States less than thirty thousand barrels per day of petroleum products during the base period; (4) "independent dealer" means a terminal operator, jobber, dealer, or distributor, at wholesale or retail, who obtains refined petroleum products either on term contract or in spot markets, and who purchased during the base period at least half of such products from nonaffiliated sellers.

(b) In order to achieve the objectives of this Act, (1) any producer or importer of crude petroleum and/or natural gas liquids who produced in the United States and/or imported more than two hundred thousand barrels per day of crude oil and natural gas liquids during the base period shall sell or exchange to nonaffiliated independent refiners or to any other reasonable and appropriate class of refiners established by regulation, in the aggregate during each quarter during the effective term of this Act a proportion of his domestic production and imports no less than the proportion he sold or exchanged to such refiners during the corresponding quarter of the base period; and (2) any refiner of petroleum products who produced in the United States and/or imported more than thirty thousand barrels per day of refined petroleum products including residual fuel oil during the base period shall sell or exchange to nonaffiliated independent dealers or to any other reasonable and appropriate class of purchasers established by regulation, in the aggregate in each quarter during the effective term of this Act, a proportion of his refinery production and imports of said products no less than the proportion he sold or exchanged to such dealers during the corresponding quarter of the base period.

(c) The allocation program established pursuant to this section may be replaced or amended by, or incorporated into, the priority schedules, plans and regulations promulgated under section 104 hereof.

### REPORTS TO CONGRESS

SEC. 106. (a) The President shall submit to both Houses of Congress, and cause to be published in the Federal Register any schedules, plans, and regulations promulgated for implementing the provisions of this Act.

(b) The President shall make to the Congress quarterly reports, and upon termination of authority under this Act a final report, including a summary and description of all actions taken under the authority of this Act, an analysis of their impact, and an evaluation of their effectiveness in implementing the objectives of section 102 hereof.

SEC. 107. All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970, as amended, in effect immediately prior to the date of enactment of this Act, shall continue in effect until modified and rescinded by or pursuant to this Act.

Amend the title so as to read: "A bill to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes."

### SENATOR RANDOLPH SAYS VOLUNTARY PROGRAMS NO LONGER CAN BE RELIED ON TO BE HELPFUL IN FUELS AND ENERGY CRISIS; FAVORS AMENDMENT IN NATURE OF SUBSTITUTE FOR S. 1570

Mr. RANDOLPH. Mr. President, our able colleague from Washington (Mr. JACKSON), who chairs the Committee on Interior and Insular Affairs, has made remarks on the Emergency Petroleum Allocation Act of 1973 (S. 1570) which are cogent and timely. The amendment in the nature of a substitute intended to be proposed by Senator JACKSON for himself and this Senator constitutes a measure superior to that which was reported from the Interior Committee.

The Senator from Washington (Mr. JACKSON) stated the need for a bill such as S. 1570—as proposed to be amended. In fact, he stated the case for this legislation so well and so fully that there is little to be added to his remarks, with which I associate myself.

This country has gone beyond the situation wherein a program or programs of voluntary allocations can do the job that must be done.

The competition for available fuels is now so great that there is no possibility that allocations of available supplies can be made on a voluntary basis with any assurances that fairness and equity will prevail across the fuels and energy spectrum.

For the reasons which the Interior Committee Chairman stated with clarity and accuracy, the Federal Government must have the legal tools with which to meet the energy emergency which seems to be growing steadily worse. The allocations must be made under statutory authority by our Government under a mandatory program.

Our colleague, Mr. JACKSON remarked that—

> When cities cannot get bids on fuel contracts for vital public services . . . our national fuel distribution system has stopped functioning effectively.

When he spoke of cities being unable to obtain bids for their fuel supply needs, the Senator was speaking of an example, because State governments—and even the Federal Government's Department of Defense—are having great difficulty obtaining contract renewals or even proposals on contracts. Fleet operators, road building and general contractors are facing much the same situations. Important segments of interstate highway system construction face being stalled, because contractors at many locations are not receiving responses to their invitations for bids on fuel needs. And we know the story of severe shortages of fuel to meet the needs of agriculture in planting, cultivating, and harvesting.

Forthright actions must be taken—and the proposed substitute for S. 1570 seems to me to afford the best authority to invoke these necessary actions.

## AMENDMENT OF FEDERAL TRADE COMMISSION ACT—AMENDMENTS

### AMENDMENT NO. 146

(Ordered to be printed, and referred to the Committee on Commerce.)

Mr. MOSS submitted amendments, intended to be proposed by him, to the bill (S. 1476) to amend the Federal Trade Commission Act to prevent unfair competition in interstate commerce, and for other purposes.

## ESTABLISHMENT OF SAFETY STANDARDS FOR MOBILE HOMES—AMENDMENTS

### AMENDMENT NO. 147

(Ordered to be printed, and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. TAFT. Mr. President, today I am submitting an amendment to S. 1348, the National Mobile Homes Safety Act of 1973, which would require mobile home manufacturers to supply purchasers with a 1-year warranty specifying that their mobile home meets the Federal safety standards established under the act. Any repairs or alterations found necessary during that 1-year period to bring the mobile home into compliance with such standards would be made at the expense of the manufacturer. A manufacturer who does not comply with these requirements would be subject to a fine of up to $1,000 for each violation.

I commend the junior Senator from Tennessee (Mr. BROCK) for introducing the National Mobile Homes Safety Act of 1973. Ninety-five percent of all new single-family homes sold for $15,000 or less are mobile homes. For many low- or moderate-income consumers, a mobile home is the only type of affordable new housing. Partly as a consequence of this situation, mobile home sales have skyrocketed over the last few years.

The prominent place of mobile homes in the low- and moderate-income housing market makes the dismal safety record of mobile homes to date all the more tragic. According to one leading insurance company, the average fire loss in a mobile home in 1971 was $1,529 as compared to $350 for a conventional home. Another recent study indicated that insurance rates were 70 percent higher for a $7,000 mobile home than for a $25,000 conventional home.

It is impossible to estimate the exact effect which implementation of the Brock proposal will have on this situation, but the establishment of national mobile home safety standards, accompanied by mechanisms for enforcing those standards, accompanied by mechanisms for enforcing those standards, can only be a major step in the right direction. For that reason, I am pleased to announce that I have asked to become a cosponsor of the National Mobile Homes Safety Act of 1973.

I do believe, however, that the act will be much improved if my warranty amendment is adopted. The way the act is presently worded, a manufacturer could be enjoined from selling a defective mobile home to a dealer or distributor. He would be required to repurchase any defective mobile home or mobile home parts from the distributor or dealer, or pay for the necessary repairs. In addition, inspections and investigations are authorized as may be necessary to enforce the safety standards established pursuant to the act. Fines of up to $1,000 per home could be imposed for selling mobile homes which do not meet these standards.

The only party not covered by these arrangements is the consumer. If he is actually sold a new mobile home which contains a defect determined by the manufacturer to relate to mobile home safty, he is merely notified of the defect, the risk involved, and how to repair his home. There is no requirement that the manufacturer repair or replace the mobile home or provide compensation to the consumer for undertaking necessary alterations.

I hope that the enforcement provisions of the act will, to a great extent, prevent unsafe mobile homes from being sold to consumers. Nevertheless, it would be a major oversight to provide no remedy for consumers in cases where they do end up with "lemons." Low- and moderate-income purchasers of mobile homes can ill afford to foot a large repair bill for bringing their new home up to minimum safety standards, and they should not have to do so.

In addition to imposing the warranty requirement, my amendment would make clear that a manufacturer must act promptly to notify a purchaser when the manufacturer determines that a defect affecting mobile home safety exists in a mobile home sold to that purchaser. That provision will help prevent procrastination past the 1-year warranty period by unscrupulous manufacturers.

The alterations required by the warranty would be done once the notification mentioned above is made, or the consumer indicates the necessity for the alterations in a letter to the manufacturer or the manufacturer's designated agent. When there is some question whether a mobile home or part complies with relevant Federal standards, either the manufacturer or the consumer can ask HUD to make a determination. This provision will relieve consumers and manufacturers of the necessity to go to court in many cases. The warranty itself would have to contain notice to the consumer that he has the right to ask for such a determination.

Both Senator BROCK's office and representatives of the mobile home industry have cooperated fully as I have developed this amendment. I believe that it is an essential amendment to a very progressive and important bill. With the addition of a warranty requirement, this legislation will go a long way toward assuring a safe product for buyers of mobile homes.

I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

### AMENDMENT No. 147

On page 12, line 8, strike out "or".

On page 12, between lines 8 and 9, insert the following:

"(4) fail to issue a warranty required by section 114, issue a warranty which he knows or has reason to know does not meet the requirements of section 114, or fail or refuse to perform duties owing under such a warranty; or".

On page 12, line 9, strike out "(4)" and insert in lieu thereof "(5)".

On page 23, line 1, strike out "within a reasonable time" and insert in lieu thereof "promptly".

On page 25, line 17, after "CERTIFICATION" insert "AND WARRANTY".

On page 25, line 18, after "114." insert "(a)".

On page 25, after line 24, add the following:

"(b) Every manufacturer shall furnish to each first purchaser of a mobile home for purposes other than resale a warranty under which such manufacturer—

"(1) warrants that the mobile home meets all applicable standards under section 103; and

"(2) agrees to repair, or replace if necessary, without cost to such purchaser, the mobile home or any part thereof if (A) such mobile home or part does not comply with any such standard, and (B) such purchaser gives written notice thereof to the manufacturer or to any agent designated by the manufacturer for the purpose of receiving such notice within one year (or such longer time period as the manufacturer shall establish) after the date of purchase, except that such notice shall not be required for repairs or replacements necessary within the time period described in this paragraph to correct any defect which is the subject of notification by the manuacturer pursuant to section 113. In the event that the manufacturer and the first purchaser of a mobile home with respect to which a warranty under this section is required do not agree whether such mobile home or part thereof does in fact comply with any such standard, either the manufacturer or the first purchaser may request in writing that the Secretary make a determination whether there has in fact been such compliance. Upon receipt of any such request, the Secretary shall make such determination in writing as soon as practicable. The warranty required by this subsection shall contain notification to the first purchaser of his right to request such a determination from the Secretary.

## AMENDMENT OF PUBLIC HEALTH SERVICE ACT—AMENDMENT

### AMENDMENT NO. 148

(Ordered to be printed, and referred to the Committee on Labor and Public Welfare.)

Mr. RIBICOFF submitted an amendment, intended to be proposed by him, to the bill (S. 1730) to amend the Public Health Service Act to provide physician's services in physician-shortage areas through the establishment of a physicians' community service program.

## ADDITIONAL COSPONSOR OF AMENDMENTS

### AMENDMENT NO. 98

At the request of Mr. EAGLETON, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of amendment No. 98, intended to be offered to S. 1248, the State Department authorization bill.

Mr. TOWER. Mr. President, inadvertently I failed to list the distinguished Senator from South Carolina (Mr. THURMOND) as a cosponsor of the amendment that was offered by Senator FANNIN and myself to S. 1423. This amendment was considered by the Senate on May 16. I ask unanimous consent that Senator Thurmond be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOTICE OF PUBLIC HEARINGS ON ELECTION LAW REFORM

Mr. CANNON. Mr. President, the Committee on Rules and Administration will begin public hearings on S. 372—to amend the Communications Act of 1934 and the Federal Elections Campaign Act of 1971, and related matters including Senate Joint Resolution 110, to create a nonpartisan commission on Federal election reform—on June 6, 7, and 8, 1973, in room 301 of the Russell Office Building at 10 a.m., on each day.

Following the Federal election campaigns of 1972, developments have clearly indicated a need for improvement and strengthening of the law.

Failure in compliance with the law requires enforcement. Failure in enforcement requires another approach, such as the creation of an independent agency to oversee the law, investigate violations, and prosecute where necessary.

S. 372 was introduced and referred jointly to the Commerce Committee and to the Committee on Rules and Administration, with the proviso that the Rules Committee must act on the bill within 30 days from the date of the filing with the Senate of the Commerce Committee's report.

Accordingly I am notifying the Senate that hearings have been scheduled and that studies are under way. We will make every possible effort to amend the existing law so as to give meaning and force to the purposes and intent to the limitations and disclosure provisions of the Federal Election Campaign Act of 1971.

Further information may be obtained from James H. Duffy of the staff at 225-5647.

The hearings will be chaired by Senator Pell, whose Subcommittee on Privileges and Elections has jurisdiction over election legislation.

## ANNOUNCEMENT OF HEARING BY SUBCOMMITTEE ON PUBLIC LANDS REGARDING WILDERNESS AREAS IN COLORADO

Mr. HASKELL. Mr. President, I would like to announce plans for a hearing to be held in Denver, Colo., to consider legislation to designate three wilderness areas in Colorado.

The hearing is scheduled to take place on June 11, 1973, in Denver, Colo. We will be considering legislation introduced to designate Flat Tops, Weminuche, and Eagles Nest Wilderness Areas. The legislation is cosponsored by both Senators from the State of Colorado and I am especially pleased to join in this bipartisan effort.

The public is invited to submit testimony regarding S. 702, S. 1863, and S. 1864. The proceedings will begin at 9 a.m. in the auditorium of the Post Office Building, 20th and Stout in Denver.

## ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON PUBLIC LANDS REGARDING WILDERNESS AREAS IN EASTERN NATIONAL FORESTS

Mr. HASKELL. Mr. President, I want to announce to the Members of Congress, and the general public, that a hearing has been scheduled before the Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee on legislation which is vitally important to those who use and enjoy our Eastern National Forests.

The hearing is scheduled to take place on June 25, 1973, in Roanoke, Va. The public is invited to submit testimony regarding S. 316 and S. 938, legislation pertaining to wilderness areas in our Eastern National Forests. Although the exact time and setting for the hearing have not been established, I feel that it is important that the Congress and the public be informed as early as possible about the opportunity to speak out on this legislation.

## ANNOUNCEMENT OF HEARINGS BY DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, I wish to announce that the Committee on the District of Columbia will hold a public hearing on May 31, 1973, at 9 a.m., in room 6226, Dirksen Senate Office Building, on H.R. 6330, a bill to amend section 8 of the Public Buildings Act of 1959 to increase the seating capacity of the Robert F. Kennedy Stadium.

## NOTICE OF HEARINGS ON TIMBER MANAGEMENT POLICY LEGISLATION

Mr. TALMADGE. Mr. President, on behalf of the Senator from Mississippi (Mr. Eastland), I announce that the Subcommittee on Environment, Conservation, and Forestry of the Committee on Agriculture and Forestry will hold hearings Tuesday and Wednesday, June 26 and 27, on timber management policy legislation affecting both public and private forest lands, and on the proposed reorganization of the Forest Service regional offices. While the legislation, S. 1775, is not currently pending before the committee, it is expected that the bill will be reported shortly by the Committee on Banking, Housing and Urban Affairs and then referred to the Committee on Agriculture and Forestry. The hearings will begin at 10 a.m. each day in room 324 Russell Office Building. Anyone wishing to testify should contact the committee clerk as soon as possible.

## NOTICE OF HEARINGS ON STRATEGIC PETROLEUM RESERVES

Mr. JACKSON. Mr. President, in recent months, the prospect of a serious shortage of energy supplies has become increasingly real. This shortage, principally in petroleum energy supplies, is expected to continue for an indefinite period.

Concurrently, the United States is embarked, by necessity, toward an ever-increasing dependence on overseas sources of crude oil and petroleum products. Any failure or disruption of these supplies poses a serious threat to our economic stability and national security.

Consequently, our country must undertake the necessary steps to protect the American economy against interruptions or shortages of these imported supplies of crude oil and refined products. This will require action to reduce our vulnerability to natural disasters, acts of sabotage, or the adverse actions of oil producing countries, which disrupt these energy supplies.

For this reason, I take this opportunity to announce that the Committee on Interior and Insular Affairs will convene hearings on the general subject of creating a national system of strategic petroleum reserves. These hearings will commence on Wednesday, May 30, 1973, at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building, pursuant to the Senate's national fuels and energy policy study, authorized by Senate Resolution 45 (92d Congress).

At this time, the committee will examine the desirability and feasibility of creating a system of strategic petroleum reserves capable of providing alternative supplies of oil and gas imports for at least 90 days. Such a system could be composed of several components, including tank or salt dome storage, as well as the maintenance of petroleum reserves, such as the naval petroleum reserves, in a capacity for immediate production.

During these hearings, the committee also will receive testimony on S. 1586, the Petroleum Reserves and Import Policy Act of 1973.

On May 30, 1973, testimony will be received from expert witnesses. At future hearings, to be scheduled, testimony will be received from administration officials, industry representatives, and other affected parties. Those individuals desiring to file a statement for the record of the May 30 hearing are requested to transmit 10 copies to the committee by June 10, 1973.

## NOTICE OF HEARING ON THE ENERGY CRISIS IN AGRICULTURE

Mr. ALLEN. Mr. President, the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will hold hearings Tuesday and Wednesday, June 12 and 13, on the impact of the energy crisis on agriculture. The shortage of fuels and petroleum products may seriously interfere with the planting and fertilizing of crops which are needed to assure an adequate supply of food and fiber. The subcommittee wants to determine the extent of the problem and to develop possible solutions. The hearings will be in room 324 Russell Office Building beginning at 9:30 a.m. on June 12 and at 10 a.m. on June 13. Anyone wishing to testify should contact the committee clerk as soon as possible.

## NOTICE OF HEARING ON AMENDMENT OF THE FEDERAL MEAT INSPECTION ACT

Mr. ALLEN. Mr. President, the, Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry, will hold hearings on Thursday, June 14, on S. 991, a bill to amend the Federal Meat Inspection Act to permit States to impose inspection, marking, labeling, packaging, and ingredient requirements that are more stringent than Federal standards. The hearings will begin at 10 a.m. in room 324, Russell Office Building. Anyone wishing to testify should contact the committee clerk as soon as possible.

## ADDITIONAL STATEMENTS

## TESTIMONY ON BILINGUAL JOB TRAINING BEFORE THE SENATE SUBCOMMITTEE ON EMPLOYMENT, POVERTY, AND MIGRATORY LABOR

Mr. TOWER. Mr. President, the Senate Subcommittee on Employment, Poverty, and Migratory Labor has been holding hearings on legislation to extend the Manpower Development and Training Act. In conjunction with the review of the basic MDTA legislation, the subcommittee has considered S. 414, the Bilingual Job Training Act which was introduced by Senator DOMINICK and myself and cosponsored by 17 other Senators.

On May 4, the subcommittee heard testimony concerning this legislation. In addition to a statement which it received from me, the subcommittee heard testimony from Mr. Joe Garza, a member of the board of regents of the Texas State Technical Institute and Mr. Ricardo Zazueta, national executive director of Jobs for Progress, Operation SER. Accompanying Mr. Garza was Dr. Roy Dugger, president of the Texas State Technical Institute. The subcommittee engaged in a very interesting discussion with Dr. Dugger concerning the technical institute's remarkable achievements in providing breakthrough-type job training for Mexican Americans in Texas.

The subcommittee has now concluded its consideration of manpower training legislation and it is my hope that the full Senate Labor and Public Welfare Committee, in its deliberations on this subject, will give its most careful consideration to the inclusion of the major ingredients of S. 414 in the bill that it reports to the Senate.

Mr. President, I ask unanimous consent that my prepared statement, together with those of Mr. Garza and Mr. Zazueta be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Mr. TOWER. Mr. Chairman, I am pleased to be here today as the Subcommittee on Employment, Manpower and Poverty, during its consideration of legislation to extend the Manpower Development and Training Act, focuses upon the need for bilingual job training.

The witnesses that I will shortly introduce will ably direct your attention to the desirability of increasing the support given to bilingual job training by the Federal Government. At this time, however, I would like to generally outline some important points which I believe the committee should consider.

Spanish-speaking persons make up, by far, the vast majority of bilinguals in the United States. They number approximately 10 million according to the most recent census data. That they face major obstacles in achieving economic independence equivalent to that which is enjoyed by the rest of our society is quite evident. The unemployment rate for Spanish-speaking persons in the United States is approximately 8 percent, as compared with an overall 5 percent for the entire Nation. Their median income as a group is approximately three-quarters that for an average family of four in America.

According to the 1973 Manpower Report of the President, one out of five Spanish-speaking adult persons lack a minimum of 5 years of education—a level generally considered essential to achieving literacy. Despite these distressing statistics, many Spanish-speaking Americans have proudly achieved remarkable success as professionals and as well-trained employees in sophisticated occupations. Such successes have convinced me beyond any reasonable doubt that the diversified ethnic groups which comprise this Nation's Spanish-speaking population can realize economic independence despite the great adversity which is perhaps an everyday occurrence only for this particular ethnic group in our society.

Government assistance has been slow in coming: In fact, I believe it has been mainly spurred on by the Spanish-speaking leadership in communities all across our country. In fiscal year 1972 nearly 250,000 Spanish-speaking Americans were served by Department of Labor manpower training programs.

The Spanish-speaking American, as I have stated on many occasions, is not seeking charity. Rather, he desires to be recognized as an individual who is seeking the very same employment opportunities that the vast majority of our Nation's citizens already have.

Perhaps the greatest difficulty facing the Spanish-speaking person in many instances is his limited English-speaking ability. This affects his life socially, economically, and educationally. In a country where the vast majority of people speak one language, the Mexican-American, the Puerto Rican and the Cuban happen to speak another. Rather than viewing this basic fact as undesirable, I feel it is an advantage in the sense that it adds to the cultural diversity that is, in fact, this country's strength.

Nevertheless, a limited English-speaking background is deleterious to the Spanish-speaking person's economic progress in a predominantly English-Speaking society. The Government's role, therefore, properly should be to provide the bilingual person with the opportunity to compete on an equal footing with his English-speaking contemporary without imposing upon him in the process any type of rigid social and cultural system which is antithetical to his own culture—a culture which he is rightly proud of and which he intends to retain.

As part of the Elementary and Secondary Education Act, Congress passed the Bilingual Education Act. This act has been successful in improving the educational skills of thousands of Spanish-speaking children in Texas and throughout the Nation. I have now introduced S. 414, along with Senator Dominick, which I envision as the manpower training counterpart to the Bilingual Education Act. I am pleased to note that we have been joined in this effort by sixteen of our colleagues in the Senate—Republicans and Democrats; conservatives and liberals. We all recognize a sense of commitment to ten million people who, given the opportunity, could easily achieve parity with the rest of our Nation's people.

I have been criticized to a certain extent because the Bilingual Job Training Act is categorical in its approach, while I have generally been a strong advocate of the revenue sharing concept. Briefly, I would like to answer this critcism by first stating that to a large extent this bill emphasizes decentralization in program delivery—giving a major role in decision-making to State departments of vocational education. Secondly, I believe that the proposal I have put forth is capable of being further decentralized through a revenue sharing model in a short period of time after the program is given an opportunity to make initial and significant inroads into the unique employment needs of bilingual citizens. I frankly believe that due to the state of infancy in basic bilingual job training efforts, it would be in the national interest to have some level of central direction so that we can readily evaluate job training achievements. Once a better understanding of what needs to be done is achieved, I would be very willing to see the program changed to a revenue sharing system.

While I may not support every aspect of S. 1559, the Nelson-Javits manpower training bill, I do believe that its concentration on total reorganization and decentralization of existing manpower programs is a step in the right direction, and is worthy of congressional and administrative consideration. It is an approach similar to that which Senator Dominick and I have taken with regard to S. 414. Our bill represents an attempt to give visibility and commitment to the Spanish-speaking and other bilingual persons by seeking to provide coordinated manpower training services to them as opposed to the current situation where basic policy emphasizes a variety of narrowly drawn programs which are static in the sense that the executive branch and the Congress are incapable of observing whether or not any type of success has been achieved, thereby limiting any improvement in program development.

I urge you to give this bill your careful consideration and subsequently incorporate it into the comprehensive proposal you report to the Senate.

At this time, I would like to introduce Dr. Roy Dugger, President of Texas State Technical Institute, Waco Texas. He is accompanied by Mr. Joe Garza of the institute's Rio Grande, Texas, campus. I have known Dr. Dugger for some time and I can assure you that both of these gentlemen will be able to articulate the issues with a strong sense of commitment.

Following Dr. Dugger's testimony, you will hear from Mr. Ricardo Zazueta, national director of Operation SER, Jobs For Progress, Inc. SER has been acclaimed as the most successful manpower training program serving the Spanish-speaking community. This is an achievement SER rightly deserves. I have been privileged to work with SER in recent years, and feel it is one organization in which the Federal Government has made a very wise investment. Mr. Zazueta comes to the committee with the type of practical experience that will be valuable to the subcommittee in its deliberations.

Thank you very much.

### STATEMENT BY JOE J. GARZA

Mr. Chairman, Senator Nelson, Senator Taft and Senator Dominick, and Members of the Subcommittee on Employment, Poverty, and Migratory Labor:

I am Joe J. Garza, member of the Board of Regents of Texas State Technical Institute, accompanied this morning by Dr. Roy Dugger, President of Texas State Technical Institute. It is an honor to appear before this distinguished committee today.

The bill by Senator Tower and associates, S. 414, under discussion today deals with the bi-cultural climate in which I was reared. I am a Certified Public Accountant and live and work in the city of Harlingen which is located in the Rio Grande Valley of Texas. It is also my privilege to serve as President of the Board of Trustees for the Harlingen Independent School District, Treasurer for the St. Anthony Catholic School, and member of the Manpower and Development Advisory Committee for the Rio Grande Valley.

The Rio Grande Campus of Texas State Technical Institute was established in 1967 under the James Connally Technical Institute, then a member of the Texas A&M University System, as a Mobile Training Laboratory, to provide the educationally neglected Mexican Americans in our State with opportunities to move from the hazards of underemployment, underdevelopment and migrant conditions. It was the beginning of bilingual occupational training in our State. This venture proved to be so effective and profitable that the Economic Development Administration in 1968 approved grants to construct four permanent buildings for more desirable training facilities, with the groundbreaking ceremonies taking place in June of 1969. On September 1, 1970, the students entered the new campus and encouraged by the high returns this innovative program yielded, the State of Texas funded the campus and the Department of Health, Education, and Welfare continued its operations through the Adult Migrant Education and the Manpower Development and Training Act programs.

The number of job training offerings has increased significantly and presently the Rio Grand Campus of Texas State Technical Institute at Harlingen prepares its students for careers in areas as diverse as upholstery on the one hand and laser electro-optics on the other.

As an example of a program tailored for a specific industry, there was an 80 hour, entry level, lathe operator course for Spartan Aviation, a division of Automation Industries, Inc. The students were selected by the Texas Employment Commission and were referred to the Rio Grande Campus of Texas State Technical Institute at Harlingen for this training program which was conducted in the afternoon and evening hours. Nine of the 13 who enrolled were immediately hired by the aircraft industry. The others were placed in allied jobs. At the end of 90 days two had become lead men and the others were considered well above average in production and quality control.

The Rio Grande Campus offered adult basic education courses under provisions of the Adult Migrant Education program and the Manpower Development Training Act in an effort to raise the general educational level of Spanish-speaking migrants. Many students entered this program with little or no skill in English communication and very little ability to read or write in either language. During the course of these programs it was very common for students to progress at the rate of one grade every two months. Between 1968 and 1971 more than 1500 migrants raised their general education to such a functional level that they could begin productive careers in the world of work. The key to much of the success obtained lies in the fact that all teachers in these programs were bilingual and appreciative of the frustrations many of the students encountered in their attempts to share this Nation's prosperity.

These bilingual instructors, capable of making explanations in English and Spanish, increased the effectiveness of instruction, the rapidity of learning, and the students identity in the American policy of equal opportunity for all. There were no restrictions on the language spoken in class, at breaks, or elsewhere, and this afforded dignity to both English and Spanish cultures as well as the beauty of both languages.

An illustration of the success of the basic education program would be the case of Mr. Manuel Santoyo, who entered the program at 39 years of age and after six months of training found employment as a custodian with Spartan Aviation in Harlingen. In a short period of time by continuing his education, he worked himself up to the position of cylinder driller and a 20% raise.

The Rio Grande Campus of Texas State Technical Institute in Harlingen is impressive. The facilities are in no way second class and any student of our Nation would not have to apologize for its buildings that blend with the palm-swaying Valley. This has conveyed a feeling of stability and pride to the men and women who are our students, and all students, faculty, and administrators recognize that our Nation is sincere in its efforts to help any man or woman who is willing to work to obtain an opportunity to prepare for it without penalty of birth or language.

Since 1969 at least 2,000 persons per year have benefitted from the availability of bilingual job training in the Rio Grande Valley of Texas. These participants possess a varied general educational background ranging from elementary through one or more years of post-secondary academic training. Both young people and adults have found success in the bilingual job training programs since the instructors build on whatever strengths the students possess. The increased motivation, the hand-on training techniques, and the reduced language barriers accelerate learning. Graduates from these training programs find job opportunities in the real world of work often exceed their earning expectations. Some have pursued the opportunity of employment in these skill areas in urban areas at even higher wage rates. Jose Benavides, age 28, in November of 1969 entered the Auto Body Repairman program; upon exit in June, 1970, he was employed by the Boggus Motor Company of McAllen, Texas. The starting wage was $2.00 per hour and he is now earning $120.00 to $140.00 per week.

Tony Garcia, age 23, entered the Dental Laboratory Technology program in September of 1969 and graduated August, 1971. He is presently employed by Ceramident, Inc., Houston, Texas, at a salary of $900.00 per month. Each such success is not a personal matter, but an accomplishment shared by the whole family and circle of friends.

This measure of success has been achieved through the combined efforts of the entire staff and student body of the Rio Grande Campus of Texas State Technical Institute in Harlingen. In the pursuit of this success, a bilingual program has been initiated to train bilingual vocational-technical teachers. The bilingual training for skill teachers varies in length from short pre-service seminars through a Bachelor of Technical Education program for men and women who are experienced in the world of work and who want to make a second career for themselves as bilingual job teachers.

Additional efforts to improve bilingual job training include the following activities: A teacher exchange program has been conducted with the system of technical institutes in the Republic of Mexico. This has produced a cultural exchange as well as an exchange of vocational and technical teaching expertise. Parallel translations of training materials have been accomplished and printed with English on the left-hand page and Spanish on the right-hand page to facilitate instruction by or for persons in either language.

To build the confidence of our students to function with confidence in either language, tests have been given with the questions asked in English but the student is permitted to answer in English or Spanish in whichever language he feels most comfortable in at that time; and sometimes he selects a language because it provided him with his source of knowledge. In the shop, the tools are checked out by calling for the tool in both Spanish and English; thus all students learn the proper name in both languages for tools and equipment. The Library has made significant contributions to the bilingual climate by subscribing to periodicals in both Spanish and English and by acquiring Spanish language resource and reference books that stand side by side with the English language acquisitions.

The business skills program conducted at the Rio Grande Campus of Texas State Technical Institute was created to train bilingual personnel in office occupations. This is a multi-exit program based on proficiency. Training may last from four to 16 months or longer for certain individuals. The complete program includes communications skills both in Spanish and English, shorthand in Spanish and English, business correspondence in Spanish and English (this requires typewriters with either a Spanish keyboard or the capability of changing elements to provide the Spanish symbols), and current business practices in this bi-cultural area. Most offices in this area whose personnel deal with the general public require bilingual staff members. These graduates are being employed as clerical personnel in insurance companies, service companies, medical offices, retail stores, export-import operations, industrial offices, and government agencies.

This bilingual approach has resulted in a 93% retention of students until such time as they become employable. This is not to say that they have completed a course in a traditional "time passes" concept, but they have achieved a level of proficiency which makes them employable in the area in which they have been trained.

The proposed Bill, S. 414 by Senator Tower and associates, entitled Bilingual Job Training, under part B will provide the opportunity for an expansion of our present training programs. Part C will provide funds to prepare Bilingual Job Training Instructors, and the success of this exercise will depend on the development of a capable staff to conduct it. It is not easy to find competent teachers since the traditional uni-lingual educational system inflicted heavy casualties among those of us who were reared in Spanish-speaking homes. The Nation needs to address itself to this area immediately and to see that those in occupational training have enough funds to do this job thoroughly. Graduates of this program would find challenging and satisfying careers in any area of the Nation where numbers of Spanish-speaking citizens live. Part D will provide the means of making bilingual instructional materials available to other bilingual job training facilities throughout the United States. Our State has proving grounds in which much of this can be developed and tested.

The record shows that the Rio Grande Campus of Texas State Technical Institute has not fled from its mandate to prepare, regardless of ethnic background, citizens capable of manning our industrial job stations. As a member of the Board of Regents of Texas State Technical Institute and a citizen of Harlingen and the Rio Grande Valley, I will say, when more is given, more of our sons and daughters will be better prepared to enter more rewarding careers. I therefore urge the passage of Senate Bill S. 414.

---

## TESTIMONY OF MR. RICARDO ZAZUETA

Mr. Chairman, distinguished members, my name is Ricardo Zazueta, Director of Jobs for Progress, Inc. (SER). I am very happy to have the opportunity to share the concerns of the Spanish Speaking in manpower legislation.

Before explaining our position, I will, for the record, tell you how SER became the vehicle it is today and the performance that maintains SER as the "numero uno" in manpower programs.

### HISTORY

SER is the only national manpower development and placement program designed to serve the Spanish Speaking in this county. Administered by Jobs for Progress, Inc., a non-profit corporation SER is funded principally by the two major agencies of the Federal Government: the Department of Labor, and the Department of Health, Education, and Welfare. SER extends its resources throughout the country, assisting a variety of local programs and upgrading the economic opportunities of Spanish Speaking Americans.

### OBJECTIVES

SER means "to be" in Spanish. To help disadvantaged people "to be" and to have them help themselves. Our objectives are:

To identify and assess the socio-economic needs of the disadvantaged, especially the Spanish Speaking.

To identify and analyze the underlying causes contributing to these needs.

To develop and implement innovative programs directed at meeting these needs.

To involve the people whose lives will be affected by these programs in the planning and operation of these programs.

To increase the responsiveness and effectiveness of institutions and organizations that have the capabilities to meet these needs.

To develop and promote cultural awareness and identify within the local community.

To develop leadership qualities within the local community.

To mobilize local and non-local resources to accomplish program goals.

To provide information so that individuals and communities will be able to help themselves.

SER came into existence through the efforts of farsighted individuals in two great Spanish-speaking organizations—the American G.I. Forum, and the League of United Latin American Citizens (LULAC).

Members of these two organizations, realizing the desperate need for manpower services for the Spanish-speaking, began voluntary job placement centers in Washington, D.C., Houston, and Corpus Christi, Texas.

In 1966, SER funded in a small way from private sources, the Office of Economic Opportunity (OEO), the Department of Health, Education, and Welfare, and the Department of Labor, began to provide skills training and related bilingual and bicultural services to Spanish-speaking Americans of the Southwest.

As a national effort for Spanish-Speaking Americans, SER has come a long way since 1966. At that time, Department of Defense officials noticed that not many Chicanos were applying for jobs in plants with government contracts. They suggested to LULAC and G.I. Forum that they let the Mexican-American community know that jobs were available and that Government contractors had a legal obligation to provide equal employment opportunity.

The first SER offices, like those of today, were located in the heart of the barrios. Manned by bilingual volunteers, these offices were soon swamped with job applicants.

One notable result of this small-scale effort was a decision by the Manpower Administration and the Office of Economic Opportunity to fund SER jointly as an experimental and demonstration project. Still small in scale—funding was about $400,000 over a period of 2 years—SER began serving a larger geographic area. Moreover, SER was no longer just a volunteer placement effort, it was now in the manpower business—a program planner, administrator, recruiter, and counselor for low-income people.

SER's success as an experimental project led to its growth and present status as a major effort to draw the Spanish-speaking into the Nation's employment mainstream. It has become, as one Chicano described SER in its early days, "a dynamic engine of change" for Spanish-speaking people.

SER now has developed a significant amount of expertise in manpower. It has blended its intimate knowledge of the language, culture, and outlook of people in low-income Spanish-speaking communities with manpower program technology and it has discovered what works in the barrios, what doesn't work—and why.

Its role is not an easy one. As a bridge between two cultures—the Anglo and the Spanish—SER is in the middle.

Today, SER is a dynamic organization that expanded beyond its original territory to meet the needs of people in cities such as Gary, Indiana, and Racine, Wisconsin, among others.

In addition to skills training through a variety of educational institutions and on-the-job training, SER provides the enrollee with supportive services to insure firm placement in a meaningful job.

SER is also conducting successful experimental programs such as Project Detour, a program for young first offenders, offering an alternative to court backlogs and imprisonment. Another innovative program is the SER Residential Youth Center in San Jose, California. Here an environment marked by drugs, hopelessness and crime is being replaced by a living situation which allows individual potential to flourish. These are just samples of the many innovative programs being developed to provide creative solutions to persistent problems unique to the Spanish Speaking.

In the past, minority groups have been described as "culturally deprived." Spanish Speaking people are no longer accepting this definition. Now they are saying that their culture has been downgraded by the society at large—that their values and contributions have been underplayed, and in some instances obliterated. For many economic success and survival has been attained only by escaping or denying their Spanish Speaking heritage.

Today, increasing recognition is being given to people with names like Garcia, Gomez, and Ruiz. The role of the Spanish Speaking played in the development of our architecture, music and language—not to mention ranching and agriculture—is as important to our history as that of the Pilgrims. Furthermore, people are realizing that this country must deal with cultural differences in order to solve many of its problems. SER is helping move Spanish Speaking people into the mainstream of American life without stripping us of our cultural dignity and vitality.

The purpose of SER is to help building a better America. This is not an unfamiliar or uncomfortable idea to the Spanish Speaking. We have been helping to build America for centuries. We realize that although our present society has much to offer, a great deal still needs to be changed. SER has become a catalyst for positive change by breaking the barriers of traditional employment patterns and by helping business and industry to understand that Spanish Speaking people are a valuable resource.

As specific goal, SER wants the Spanish Speaking disadvantaged of this land to become self-sufficient. We hope to do this by continuing to be the major national vehicle for the delivery of manpower services to the Spanish Speaking.

The majority of society knows little or nothing about Spanish Speaking people beyond the adverse images created and perpetrated by the mass media. Counteracting these attitudes is an overwhelming problem. Through training and employment, SER is helping to erase false notions and practices which have kept Spanish Speaking Americans from full and equal participation in the benefits of this country.

In many parts of the United States people of Spanish Speaking origin—the second largest minority in the country—are at the bottom of the economic, educational and social ladders. Traditionally, institutions have been unresponsive to their needs, and the results have been devastating: people crowded into dehumanizing barrios, an alarming school drop out rate, escape through drugs or crime—a seemingly inescapable cycle of social and economic oppression.

Far too often, education is thought of as a panacea for these ills. "If those people would get an education and improve themselves, they wouldn't have any problems," has become a hackneyed phrase when referring to minority issues. SER believes that education connected to jobs is important. That is why it emphasizes job-related educational programs at its local centers; general education, English as a Second Language, skills training, and techniques for getting along on the job.

But education without a concern for the quality of life or the worth of the individual is not productive. SER trainees are succeeding and staying on the job because their individuality and humanity have not been sacrificed in the training process. This lesson, learned so well by SER May help employers themselves work effectively, not only with their Spanish Speaking employees, but with all individuals.

### SPECIAL SER PROGRAMS

SER programs are not limited to education and placement. SER also has a number of programs designed to meet-specific community requirements or to correspond with specific community interests. Some of these programs deal with manpower shortages in the professions, rehabilitation of first offenders in the criminal justice system and the promotion of community resources.

### NEW CAREERS

The basic idea of the New Careers program is to relieve critical shortages of personnel in highly trained professional areas by removing some of the routine functions required of a professional to a new job which can be filled by a person having a lesser degree of skill and training. The creation of teacher's aides, physician's aides, and other similar positions means that the highly trained professionals can devote their full time to those aspects of their jobs which actually require their training and skills. The greatest success of programs of this type has been the improvement of services to the poor. One of the greatest advantages of training and employing otherwise unemployed people for this type of position is that they can often relate better to the community that they serve than can the highly trained professional who does not share the community cultural heritage. SER currently has New Career programs operating in Riverside, Orange, and San Bernardino counties in California.

### PROJECT DETOUR

Project Detour is an experimental project under SER sponsorship in San Antonio, Texas. By agreement with the local criminal justice system, first offenders are given an opportunity to become useful members of the community rather than go to jail and become hardened criminals. On agreement between the Court and SER, a first offender can be released into a SER training and placement program.

Based upon his performance, he can avoid further prosecution and become rehabilitated in the community.

### TALENT SEARCH

The SER education Talent Search has proven to be an effective way to help capable people find out how to make the most of their educational opportunities. SER's functions in this area include: the identification of qualified students who have financial or cultural needs which might prevent them from obtaining an education; helping them to continue by identifying sources of financial aid and helping to obtain it; providing counseling and cooperative programs; assisting with the mechanics of application and administrative procedures; and providing information on other supportive services that a student may need but which the project cannot directly provide. Coordination of the Talent Search with other agencies and institutions has also resulted in job placements, job training, loan of textbooks to needy students, school reinstatements, curriculum transfer and admittance into other agency programs, enrollment in General Equivalency Diploma studies, College aptitude testing, and immigration and naturalization counseling. The SER Talent Search programs are currently operating in San Jose, California; El Paso, Texas; and Denver, Colorado.

### LOCAL PROGRAMS

Individual service programs are the primary vehicle for SER's delivery of manpower services to the Spanish Speaking. Each program is designed to meet the particular needs of the people it serves within the environment of their community. All of these programs have common elements which make up the core of the program and the core of SER's services to the program.

A typical SER program operates in three functional areas: intake and counseling; education and training; and job development.

The initial part of the program is the selection of the people who can be most helped by the particular program and the referral of as many others as may be helped to the appropriate agency. Each enrollee is then assessed and counseled to determine his vocational goals and how they can be achieved. This results in an individual employment development plan for each enrollee detailing his ultimate employment goal and the various steps leading to its fulfillment.

Education and training provide the enrollee with the basic knowledge necessary to communicate with his employer and the basic skill necessary to perform his job. A variety of academic and vocational training courses are offered at SER according to the educational situation and the potential labor market of the individual community. The academic courses include Job Preparation, English as a Second Language, Adult Basic Education, and Advanced Adult Education. Vocational courses vary from site to site because of different local labor requirements, but often include courses such as licensed vocational nurse training, secretary-stenographer training, auto mechanic, keypunch operator training and electronics assembly training.

Job development is essentially a placement service that attempts to obtain long range commitments from employers. It differs from usual placement in that the jobs are sought at the time the enrollee begins training and are not filled until the enrollee completes training which may not be until months later. A second type of job development involves cooperation between the local program and the employer to provide on-the-job training for enrollees. In this case, part of the cost of job training is borne by the employer and part by SER.

A listing of the areas where we have Manpower Training sites follows:

### SITES

#### ARIZONA

Glendale/Phoenix
Tucson
Yuma

#### CALIFORNIA

El Centro/Calexico
Contra Costa
East Los Angeles
Fresno
West Los Angeles
National City/San Diego
Norwalk
San Francisco
San Jose
San Bernardino
Santa Ana

#### COLORADO

Colorado Springs
Denver
Pueblo

#### ILLINOIS

Chicago

#### INDIANA

Gary

#### KANSAS

Topeka

#### MICHIGAN

Detroit

#### NEVADA

Las Vegas

#### NEBRASKA

Scottsbluff

#### NEW MEXICO

Albuquerque
Las Cruces
Santa Fe

#### TEXAS

Austin
Brownsville
Corpus Christi
Dallas
El Paso
Galveston
Houston
Lubbock
McAllen
San Antonio

#### UTAH

Salt Lake City

#### WASHINGTON

Seattle

#### WISCONSIN

Milwaukee/Racine

### NATIONAL ORGANIZATION

The SER national organization is structured very similarly to a large corporation with many branch offices. The national organization provides direction and support functions to each local program in the same way that the national headquarters of a corporation would provide these services to its branch offices as though each program, like each branch office, were a separate profit center. The use of this type of an organizational structure is the equivalent of taking a highly management-directed, profit-oriented technique and applying it to any organization so as to maximize profit and minimize cost. In this case however, the effect is to maximize efficiency and minimize cost.

On a functional level, the SER national organization can be described as follows:

The National Board of Directors formulates policy and objectives and has ultimate responsibilities to establish the goals of the organization and take the necessary steps to implement them. To accomplish this, the Board appoints a National Director.

The National Director has the responsibility to carry out the Board's directives and to translate them from policy into practice. He is responsible for the day-to-day operation of the National organization. He also has one function which is unique to SER: He is responsible for "marketing" in the sense that the funding agencies are SER's "paying customers" for whom a service is being performed under contract. To accomplish his objectives, the National Director has various administrative departments for executive management support, operational management support, and functional management support.

The Department of Program Management support provides support at a functional level. It provides financial and personnel support to the national organization and, at the same time, provides assistance to, and monitoring of, the local programs in these same areas.

The Department of Program Operations provides support at an operational managerial level. It provides technical assistance in the education, counseling, employer relations and contract areas. In addition, it handles direct day-to-day management administrative support and monitoring to assist local programs in performing successfully.

The Department of Planning, Evaluation and Management Information Systems provides executive management support to the national organization. It provides long and short range planning, administrative procedures, data collection and audit and evaluation facilities. It also provides some of these services to the local program by making these procedures uniform for all programs and training the local program personnel in management techniques.

In general, the management techniques used by the SER National organization are similar to those used in a profit-oriented industry. The appropriateness of management-directed, profit-oriented techniques can be seen in the increased efficiency and lower costs resulting from their use at SER just as they do in industry.

The SER staff is composed of bilingual and bicultural people, most of whom grew up in a barrio. They have the knowledge of the problems and needs of the enrollees, the understanding of how to approach these needs and the commitment necessary to effectively utilize limited money and manpower in helping the enrollee to meet his training, educational and employment needs.

The sensitivity of the SER staff not only gains the trust and confidence of the enrollee but it enables the staff to develop counseling and training techniques which have proven more receptive by the enrollees and therefore, more successful in terms of job placement and retention.

### PERFORMANCE

Program statistics confirm that SER is the most effective and most efficient national manpower program in the United States.[1]

### INTAKE

During fiscal year 1972, 35,043 persons applies for and were qualified for SER services. Of this number of people, SER was only able to serve 11,163 and because of lack of resources, 23,880 people were turned away.

Of the 11,163 people served, 5,305 were trained; 3,478 were directly placed without training on full time, permanent and meaningful jobs and 2,380 received supportive services. The number trained exceeds SER's contractual obligation to Department of Labor of 3,905 trainees by 1,400 people. This demonstrates SER's commitment to efficiently serve the Spanish-speaking community beyond what is required in the contract.

---

[1] All data used in discussing performance is obtained from the U.S. Department of Labor, Manpower Administration Management Information Report, Office of Financial and Management Information System.

### TRAINEE PROFILE

SER enrollees come from a broad cross-section of the disadvantaged and this provides evidence that SER is representing and serving the community. SER is one of the few manpower programs which can and does successfully serve the following traditionally difficult clients:

| | *Percent* |
|---|---|
| Spanish-speaking | 90 |
| Head of Household | 63 |
| Female | 42 |
| High School Dropout | 57 |
| Elementary School Dropout | 11 |
| Welfare Recipient | 12 |
| Monolingual | 8 |

### QUALITY OF PLACEMENT

Out of every 100 enrollees who are placed on a job, 82 are placed on jobs for which they were specifically trained. The average starting wage for the SER placement is $2.47 per hour, well above the federal minimum of $1.60 per hour. It is of significant interest to point out that the average wage of all enrollees prior to entering SER was only $.95 per hour. This means that SER trainees are earning $3,074 per year more than before.

### TRAINING

SER is providing quality training to the enrollee. SER is operating at 101% of planned capacity demonstrating excellent planning and management on the part of the local project directors and their staffs. A mere 12% of the trainees are holding. Only 16% of the trainees terminated from the program early, as computed from total enrollment.

### RETENTION AND PLACEMENT

SER is placing 79 out of every 100 people trained. This is accomplished by careful assessment, counseling, education, training, and follow-up of trainees.

Retention statistics were: One month after placement, 88 per cent were still working; after six months, 64 per cent were still working.

The reasons for these successes in today's tight and competitive job market are varied. One reason is that SER continues counseling and other supportive help during training, then finds jobs for its graduates. Once at work these persons are followed up by SER counselors at regular intervals for a year. During these follow-ups, counselors help to iron out problems that might hurt a worker's chances of staying on the job.

One very important factor is that SER attempts to maintain a cooperative and flexible relationship with employers. Basically, SER serves the employer by providing him with qualified workers, in so doing SER also serves the unskilled and unemployed.

Employers in many instances help local SER's in developing certain training courses and in turn, SER trains enrollees to meet specific employer's requirements for jobs. Once a good working relationship is established between a local SER and the Business community, an exchange of expertise and information continues that results in a relationship of mutual trust and confidence.

Many of our placements were in new employment areas which previously have been traditionally closed to the Spanish-speaking. SER's excellent reputation with business and industry has made SER a direct and highly functional link from business and industry to a vast reservoir of talent and service. At the same time, the unskilled and unemployed are linked to breakthrough jobs.

### COST

One of SER's notable achievements is the cost per trainee figure of $1,341. For every one dollar spent on an enrollee, the return to the community, in the form of increased earnings is $1.24.

### COMPARISONS

In comparing SER's cost per placement of $1,341 to other manpower programs, the differences are staggering:

| Program: | *Cost* |
|---|---|
| SER | $1,341 |
| PEP | 21,667 |
| CEP | 3,799 |
| JOBS | 2,092 |
| WIN | 4,356 |

SER has the highest job placement rate of all manpower programs which are monitored and evaluated by the Department of Labor.

| Program: | *Job placement rate, percent* |
|---|---|
| SER | 10.4 |
| PEP | 29.6 |
| CEP | 37.9 |
| JOBS | 36.0 |
| WIN | 27.0 |

SER has the highest job retention rate of any program after one month of employment.

| Program: | *Job retention rate, percent* |
|---|---|
| SER | 86.6 |
| PEP, information not released by DOL | |
| CEP | 83 |
| JOBS, information not released by DOL | |
| WIN | 82.5 |

In short, program statistics compiled and evaluated by the Department of Labor confirm that SER is the most efficient and most effective manpower program in the United States.

One of the SER components that clearly depicts its uniqueness is our English as a Second Language (ESL) component in 21 of our local programs. We have found that the lack of fluency in English has been a tremendous stumbling block for our people.

In the well-known American novel by Mark Twain, *The Adventures of Huckleberry Finn*, the boy asks his friend Huck: "Is a Frenchman a man?" "But of course," says his friend. "Well, then, why don't he talk like a man?"

The boy Jim in this story had his doubts about a Frenchman only because he did not speak the same language. The problem of being misunderstood and looked down upon, which was the life of the Frenchman in Twain's novel, is the fate of the Spanish-speaking, American second largest minority group.

According to the Thompson & Lewin report of 1971:

"Lack of facility in English is a major handicap of over half the Spanish-speaking group, with one adult in four unable to read and write the language in which business and government affairs are conducted in this country." This traditional lack of facility in the English language has and is leaving a marked imprint in the ability of the Spanish-speaking, be they Mexican-Americans, Puerto Ricans, or Cubans, to scrape a living in this competitive society.

In the United States, the Spanish-speaking community comprised of Mexican-Americans in the Southwest, Puerto Ricans in the Northeast, and Cubans in the Southeast, total nearly twelve million people. All three Spanish-speaking groups have an increasing urgency of English language training. By raising the communication skills and education of the Spanish-speaking their socio-economic status would also rise. All indications are that their upward mobility in the labor market would be enhanced.

Who are the persons in need of improved communication skills today? They are Spanish-speaking persons who have immigrated from Mexico, South and Central America, Cuba, and Puerto Rico. They are, also, first and second generation Americans of Spanish descent who have profited little from school in the United States; they are persons who have been in this country all their lives without learning English well enough to hold a good job.

The dire need to eradicate the problem of illiteracy and lack of communication skills among the Spanish-speaking has prompted little government action. Because of the cost and the apparent unavailability of professionals in that field, nothing substantial has been done. However, the obvious inadequacy of past programs and the need for service in this field has triggered much action in the area of English as a Second Language (ESL). English instruction components are being developed by private and public organizations throughout the country; with even more variety are the instructional approaches for teaching ESL. The amount of written material in language training is overwhelming with almost anyone making announcements of new developments. For example, one teacher, who apparently knows little about the subject, says that the best way to teach English is by "*drum beat*" thus, utilizing the Latins natural love of music.

SER is the only program that is nationally confronting this problem. Unlike many fragmented programs using different methodologies making accountability almost impossible, SER's progress is monitored from the National Office Education and MIS Center. Thus, a breakthrough in McAllen, Texas, can next month be tried in Gary, Indiana, or Denver, Colorado. Some of these advances may be applicable only in certain parts of the country, however, others, having proven successful can be integrated in the SER national methodology.

Language experts agree that the most important elements in a Bilingual or ESL class is the instructor. SER, aware of this fact, holds training sessions for all its ESL instructors four or five times during a contract year. During these sessions information is exchanged and known authorities in the field lecture on the developments in Bilingual Job Training. It is at these conferences that ideas for new material originate. It is one of the great advantages of a national office, that educational material can be developed nationally for different occupations, whereas if each project was on its own, the instructor would have to develop his own materials leaving less time for the individual student. Materials are tailored to the occupation the person is going to enter. For example, in Detroit, Michigan, SER began a class of bilingual job training for automobile assembly work. The national office provided the material.

Included were drills, stories, and vocabulary. Most of the vocabulary is common to what someone working in a car factory would use every day. Once a set of materials has been developed for an occupation, they are put to use anywhere in the country where that occupation is being taught.

Despite gains in Bilingual Job Training, monies for ESL are very limited. At the beginning of this Congress, SER and the two sponsoring organizations were particularly gratified to see Senator Tower introduce (S414) The Bilingual Job Training Act of 1973. Senator Tower along with Senator Dominick and many others are aware of the tremendous lack of adequate funds in this vital area. In S414, provisions are made for Teacher Training as well as development of materials for bilingual job training.

We certainly urge this Committee to seriously consider including provisions in the Manpower bill for bilingual job training funds, specificaly earmarked for that purpose.

### SER'S POSITION ON LEGISLATION

SER and the two sponsoring organizations, LULAC and G. I. Forum, wholeheartedly support manpower reform through legislation. We want to go on record commending Senator Javits and Senator Nelson for their foresight in introducing S1159, "The Job Training and Community Service Act of 1973."

We were especially pleased to note the special attention given to migrants. For too long this group of people have been exploited. We hope this portion of the Nelson-Javits Bill survives and becomes law.

We were, of course, gratified to see Jobs for Progress (SER) included as an allowable activity under "Job Training Programs" and under "Special Responsibilities of the Secretary" where the language reads "The Secretary shall—assure the continuation of a system of Jobs for Progress and other programs. . . ." This section under "Special Responsibilities of the Secretary" mandates the continuation of a national SER structure while local funding is allowed under the Mayor or Governors. We feel that this language placing responsibility on the Secretary could be strengthened to allow for the continuation of a National SER system.

Realizing the need for increased coordination with Mayors and Governors, we would encourage their review and comments on nationally funded programs in their jurisdiction. In addition, we would welcome monitoring of our local programs by Governors and Mayors.

A letter from the House of Representatives with 80 signatures and another letter from the Senate with 17 signatures was recently sent to President Nixon asking that the SER National contract be extended for the same amount of funding through the end of fiscal year 1974.

This group of Congressional supporters, with Senators like Montoya, Tower, Magnuson, Cranston, and Kennedy, and Congressmen like Holifield, Rhodes, is evidence of SER's strong bi-partisan support. (Copies of these letters are included for the record.)

We agree with the general objectives of eliminating waste in government, and the need for reform of the federal government's role in manpower. However, SER's national funding should always be insured because there may be areas where Mayors or Governors either do not have the financial resources, or have other reasons not to fund SER; yet the need for a service like SER is apparent. SER, with the Secretary's approval should have the ability to address this need.

For example in Racine, although Mayor Olson is behind the program, it would be difficult to fund the program locally when we comprise only 8 or 9% of the population. Nevertheless, the Secretary could fund it as he did this year for $280,136 serving 140 enrollees.

Another example is Topeka, where the Mayor and Governor Docking have publicly endorsed SER, but where the amount of manpower dollars going into the city will make it very difficult to fund SER from other than national sources.

SER's national funding, although primarily used for technical assistance to local programs and development of materials, should allow for certain projects or small pilot programs in locales where the need is evident but not addressed.

With this type of arrangement SER can make the transition into revenue sharing, yet maintain the integrity of the only national vehicle for the Spanish-speaking. We encourage more authority for Governors and Mayors. We wish the ability to directly fund projects in those locales either too new to have established a competitive performance record, or where the need of the Spanish-speaking are not to be addressed at all.

Gentlemen, we rely on you to insure that the safeguards needed to maintain this program are incorporated into this important bill.

---

U.S. SENATE,
*Washington, D.C., April 24, 1973.*
Hon. RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: We are very much concerned about the future of Jobs for Progress, SER, a manpower development training program funded through the Department of Labor. The primary objective of SER is to decrease unemployment and underemployment among Spanish-speaking Americans, and your Administration has been supportive of SER for the last four years—most recently in the March, 1973, "Manpower Report of the President."

Since its inception, SER has demonstrated that it is one of the most effective investments the Federal government has made in manpower training. The effectiveness of this program is demonstrated by the success of its graduates in securing employment and the support of the business community which has successfully utilized the program by employing its graduates.

It is significant to point out that during the 1971–72 operating year SER was successful in providing training and jobs for 5,345 Spanish-speaking citizens—44 percent of whom were placed in breakthrough jobs, positions where no Spanish surnamed person had ever before been employed. For the first six months of the 1972–73 operating year, SER has reduced the per trainee cost of job training and placement by 52 percent, and has placed 71 percent of its trainees in breakthrough positions.

These statistics illustrate that SER has achieved its objectives and the objectives envisioned by the Federal government in its overall manpower policy. It has provided real employment opportunities for disadvantaged citizens to become self-sufficient and productive members of our society and contributors to the economy.

We certainly agree with the general objectives of eliminating waste in government, and the need for reform of the Federal government's role in manpower training. Nevertheless, we are of the unanimous belief that SER's national funding process should be continued under the current arrangement, and we further believe that such a position is consistent with the goals just mentioned. Our concern is not that local funding agencies would not recognize the need to assist Spanish-speaking persons; rather our concern is that the type of coordination necessary to effectuate a successful bilingual manpower program is sufficiently developed at the local level. We request, therefore, that you give serious consideration to continuing SER's national funding at present levels through fiscal year 1974 so that it can establish effective liaison with local funding agencies.

Sincerely yours,

John Tower, Alan Cranston, Charles H. Percy, Birch Bayh, Dick Clark, Paul J. Fannin, Edward M. Kennedy, George McGovern, John V. Tunney.

Peter H. Dominick, Joseph M. Montoya, Warren G. Magnuson, Howard W. Cannon, Pete V. Domenici, Philip A. Hart, Gale W. McGee, Adlai E. Stevenson, III.

---

HOUSE OF REPRESENTATIVES,
*Washington, D.C., March 30, 1973.*
Hon. RICHARD M. NIXON,
*President of the United States,*
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: We are very concerned about the future of Jobs for Progress, SER, a manpower development training program designed to combat the high rate of unemployment and underemployment among our Spanish-speaking citizens. Since its inception, SER has clearly demonstrated its ability to educate and to prepare properly its trainees to assume productive and gainful employment in both the public and private sectors.

The effectiveness and success of SER cannot be disputed, whether that effectiveness is measured by those individuals participating in the program, those administering the program, or those members of the business community, who have successfully employed graduates of the SER program. Or, those reviewing the statistical data compiled by the Department of Labor. In every case, the facts indicate that SER has reached and exceeded the goals that it has set for itself and its target group.

In support of above noted position, it is significant to point out that during its 1971–72 operating year, SER was successful in providing training and jobs for 5,345 Spanish-speaking citizens; 44 percent of whom were placed in breakthrough jobs, positions where no Spanish surnamed person has ever before been employed. In addition, for the first 6-month period of the 1972–73 operating year, SER has reduced the per trainee cost of job training and placement by 52 percent and has placed 71 perecnt of its trainees in breakthrough positions.

These statistics, while impressive, only provide us with a small part of the SER story. The real success of the program lies in the people who have been affected by this program, those who have been taught a skill or trade that enables them to compete for meaningful employment and those members of the business community who have learned that a properly trained member of a minority group is capable of satisfactory, if not exemplary, job performance.

It is our unanimous belief that it would be most unfortunate if a program of such proven effectiveness, performance and accountability as Jobs for Progress, SER, was forced to discontinue its operations. We request, therefore, that you use the power of your high office to continue SER national funding through fiscal year 1974 or until such time as it can establish liaison with local funding agencies. Without this assistance, many individuals would continue on unemployment rolls, lacking self-respect, and constituting an economic drain on society.

Sincerely,

John Rhodes, Alphonzo Bell, James Collins, Sam Steiger, Manuel Lujan, Barry Goldwater, Jr., Alan Steelman, Chet Holifield, Ray Madden, Henry Gonzalez, Morris Udall, Edward Roybal, Don Edwards, Frank Evans.

Ralph Metcalfe, Yvonne B. Burke, James Corman, James Harvey, Barbara Jordan, Burt Talcott, E. de la Garza, John Conyers, Bob Wilson, William Roy, Craig Hosmer, Charles H. Wilson, Jerome Waldie, Del Clawson.

O. C. Fisher, Patricia Schroeder, Thomas Rees, Augustus Hawkins, John Moss, Bill Archer, Bob Eckhardt, B. F. Sisk, Ronald Dellums, Phillip Burton, Charles Teague, Lionel Van Deerlin, Donald Brotzman, Abraham Kazen, Jr.

John Conlan, Harold T. Johnson, Robert L. Leggett, John J. McFall, Glenn M. Anderson, Andrew J. Hinshaw, James P. Johnson, John Joseph Moakley, Bella S. Abzug, David Towell, Bob Casey, Brock Adams, Jim Wright, Donald Riegle.

Paul McCloskey, Jr., Charles Wilson, Edward Derwinski, Charles Diggs, Jr., George Brown, Jr., Fortney Stark, Richard Bolling, George Danielson, Richard Hanna, Wayne Owens, J. J. Pickle, John Duncan, Renry Helstoski, Carlos Moorhead.

Leo Ryan, Clair Burgener, Mike McCormack, Richard White, Les Aspin, Edwin B. Forsythe, John McCollister, Keith Sebelius, William Ford.

## THE DARK DAYS OF NIXON ECONOMIC POLICY

Mr. HUMPHREY. Mr. President, the most recent Gallup poll indicates that the American public recognizes the high cost of living as the No. 1 issue facing the Nation.

Every wage earner knows it costs more to feed, clothe, and house his family.

And, despite rosy predictions from the Nixon administration, every wage earner feels that conditions are going to get worse, not better.

The blunder of lifting phase 3 controls has unleashed a burst of inflation, a boom in profits, a bust for the working families of this nation and a run on the dollar.

The Nixon administration stabilization program has failed to stabilize anything, with the singular exception of the working American's wages.

But, the failure of the administration's economic program is broader than just prices and wages.

Across the board—from the price of gold, to balance of payments, to stockmarket decline, to consumer confidence, to increasing interest rates—the economic policies of this administration spell disaster.

Let me outline chapter and verse of the "Dark Days of Nixon Economic Policy."

First, the Consumer Price Index announced yesterday showed prices advancing at a rate of 9.2 percent during the last 3 months, almost four times the administration's stated inflation control goal.

The average family grocery bill is now $208 above that of last year.

The median price for a new home is up more than $3,500 over a year ago.

Lumber costs are up 30 percent.

Wool products are up 40 percent.

Petroleum products are up 20 percent.

Tires are up 10 percent.

Still, the American people are told by their Government that phase 3 is working. I agree. It is working against the American people.

Second, unemployment is still a shocking 5 percent—with no prospect of getting back to full employment.

More than 4.4 million Americans are jobless.

More than 2 million Americans are forced to work parttime.

Hundreds of thousands of Americans are underemployed, and still more Americans are among the "hidden employed."

Yet, the Nixon administration proposes to close down the public employment program and impose guidelines on social service programs that will force more Americans off payrolls and onto welfare rolls.

Since August of 1971, we have had freezes, phases, propaganda, and promises. But we have not had a program to stabilize prices and put Americans to work.

Full employment goals have been abandoned. And, like the general economy, the unemployed American worker has been cast adrift.

Third, the last year has been one of income retreat for the average working family. The average hourly earnings of blue collar workers—over 50 million workers—increased 5.4 percent—that is less than the wage standard established by the Pay Board. Prices increased over 6 percent.

Actual buying power for the average working family is less today than it was a year ago.

But the compensation of top executives increased an average of 13.5 percent in 1972, and some corporate chiefs had salary increases of over 200 percent.

Yet, the productivity of the American worker increased 4.2 percent in 1972, and has continued upward this year.

That productivity is not translated into real gains for workers.

But it is translated into something else—the fourth day of darkness.

Fourth, we see booming profits and soaring profit margins for the big corporations.

Corporate profits are skyrocketing. No board, commission, or Cost of Living Council is holding them down.

Before-tax profits have jumped $11.6 billion in the first quarter, an adjusted annual rate of $113.1 billion. That translates into after-tax profits of $61 billion—a full 23 percent ahead of the first quarter of 1972.

For individual industries, it means, for example:

Eighty-five-percent increase in the profits of the steel industry.

Seventy-percent increase in the profits of the paper industry.

Sixty-five-percent increase in profits for the building material industry.

Forty-five-percent increase in profits for the special machinery industry.

The fifth part of the "dark days of Nixon economic policy" is the balance-of-payments deficit—up to $10.2 billion, $1.6 billion more than the last quarter of 1972.

Sixth and closely related to the balance-of-payments deficit, is the sixth economic horror—dollar devaluation.

The dollar has been devalued two times since 1969. And each time, it has cost the American people.

The dollar today is worth 77 cents compared to base year of 1967.

After the 1971 devaluation, the trade deficits tripled from $2.6 billion to $6.8 billion.

And, a worsening trade deficit plus speculation on the dollar—heavy speculation against American dollars with the participation of American multinational companies acting against American economic interest—produced another devaluation in February of this year.

Seventh, we have the run on gold. The price of gold on the London market is over $110 an ounce. The gold price today is approximately three times the official exchange rate—causing the worth of the dollar to skid to record lows.

And, today respected economists are publicly suggesting, and the daily fluctuating of the stockmarket is indicating, that the economic policies of the Nixon administration are leading the American people toward another devaluation of their dollar.

The eighth item of economic despair is the decline of the stockmarket—a Dow average of over 1,000 plummeted to the 800's, indicating investor uncertainty and uneasiness with the stabilization program.

The ninth condition is high interest rates.

The Nation is threatened by a credit crunch, tight monetary policy, and rising interest rates. The prime rate has increased to 7¼ percent, 3 month Treasury bills have increased, prime commercial paper has increased, finance and consumer credit rates have increased, and increases have occurred in business and residential mortgage loan rates.

Increasing interest rates add to cost and prices, and if past history is any guide, increasing interest rates will have an adverse effect on small and medium size businesses.

The 10th item of economic despair is over $78 billion of deficit spending. More than one-fourth of the total debt of the United States has been added since 1969. And each year since 1969 the budget has been presented to the Congress with a deficit—a deficit that reflected slack in the economy, causing revenue shortfalls and gross economic mismanagement.

The 11th economic condition is the most severe—loss of consumer confidence in the economic policies of this administration. This loss of confidence is reflected at all levels of our economy—in on-again off-again controls, in the talk and nontalk about a tax increase, and in the specter of a possible recession.

Labor claims the economy is "utterly lopsided."

Pierre Renfret, once the Nixon administration's early economic adviser calls the present economic policies a joke. And, he claims it is "one of the funniest economic games played upon the American people."

Business Week says:

> The Administration has lost its grip on the economy.

And, recent evidence from the Survey of Consumer Attitudes conducted by the Survey Research Center of the University of Michigan, reported on April 24:

> Rapidly rising food prices shattered consumer confidence and induced many people, with both high and low incomes, to become pessimistic. Because of the increase in living cost, the proportion of families saying that they are worse off than before and expecting to be worse off increased substantially . . . Adverse news about inflation and the dollar have regenerated pessimism about the economy in general, among both high and low income families. Half of all respondents said that they expected unemployment to increase during the next 12 months,

up from 24 percent in August to September, 1972.

The American people are crying out for leadership. But the Government seems paralyzed:

It is paralyzed by a Watergate scandal that seems to have brought a halt to top policymaking.

It is paralyzed by economic advisers frozen in their philosophic approach to the cost of living problem.

It is paralyzed by the inability of the administration to grasp the enormity of the economic failure it created.

Mr. President, and I am not addressing the presiding officer of this body, but the President of the United States, this Nation badly needs both answers and actions to remove the dark cloud of economic mismanagement, to return again the sunlight of economic progress and confidence.

## EMERGENCY MEDICAL CARE ASSISTANCE FOR KANSAS

**Mr. DOLE.** Mr. President, one of the most serious deficiencies in the health system of many communities is its inability to respond immediately and effectively to emergency medical crises. Although the emergency problem is more obvious in the sparsely populated regions of the country where the physical distance between the emergency situation and the closest health care is often great, deficiencies in emergency care systems also exist in metropolitan areas where medical care is available but often not readily accessible. To deal with an emergency medical situation in which every second that lapses without medical care reduces the chances of patient recovery, a coordinated system of communication, transportation, and emergency care is needed to insure every patient the best possible treatment at the scene and speedy transportation to the nearest emergency care facility.

S. 504 would help meet this need by providing support to States and other units of local government to plan, improve, and expand comprehensive and integrated systems for providing emergency medical services.

The need for greater Federal emphasis and better coordination of efforts in the area of emergency medical care is clear, and the potential benefits of improved services are obvious. Accidental injury is the leading cause of death among persons under 40 years of age. Studies indicate that the number of deaths from accidents could be reduced from 10 to 20 percent by proper medical care at the scene or en route to an emergency facility. It has been estimated that approximately 30 percent of cardiac deaths could be prevented if the public were educated to recognize the symptoms of heart attack and ambulance attendants were trained to provide emergency medical treatment. Nearly 5,000 deaths each year from causes such as poisoning, drownings, and drug overdoses could be prevented by immediate medical attention.

To meet this need, S. 504 would authorize the expenditure of $225 million over the next 3 years in the form of special project grants and contracts with appropriate governmental entities for the planning, development, and expansion of comprehensive area medical services systems. The bill mandates that at least 15 percent of these funds must be spent to upgrade emergency care in rural areas. Funds would be made available on a matching basis with a maximum Federal share of 75 percent.

Any State, political subdivision within the State, or regional organization which presents a plan for a comprehensive and coordinated emergency medical service system for a prescribed area would be eligible for assistance. Should a standard metropolitan statistical area be included in the area to be served, the applicants would be required to include at least all those units of local government in the SMSA. The applicants would also be required to serve an area at least congruent with the boundaries of 314(b) areawide health planning district or multiples of such planning districts where they exist.

An emergency medical service plan developed under S. 504 would have to incorporate the establishment of a medical services planning council that includes representatives of State and area health planning agencies, representatives of public and private health care providers and educators, representatives of communication and mass media facilities serving the area, and representatives of local government and the private citizenry. The plan would be required to provide a complete and coordinated emergency medical system to serve the designated area, and with the assistance of the planning council, would be developed in such a way that existing community facilities and resources would be utilized to the fullest extent possible and molded into an effective network. Each area plan would also be required to include reciprocal agreements with neighboring areas for the provision of emergency medical services in cases of specialized need or other instances where care through a neighboring area system would be most appropriate.

S. 504 contains provisions to assist the development of the major components of an emergency health care delivery package. The major components include a communications network to direct services to the emergency situation, an emergency transportation system to insure accident victims receive immediate attention, adequate emergency facilities to provide more specialized care, and the training of personnel who must provide the emergency service.

Every plan submitted for funding under S. 504 would be required to provide a 24-hour communications system with the necessary linkage from the point of the emergency through a central point so that appropriate services and appropriate emergency personnel and vehicles could be dispatched. A sufficient number of vehicles equipped with the necessary life-saving equipment and staffed by well-trained emergency personnel must also be provided. In the majority of the cases the transportation network would consist of ambulance services. However, the bill also authorizes the Department of Defense to expand the MAST helicopter service program where appropriate.

Another major element of any emergency system is the provision of adequate facilities, conveniently and strategically located, and available for utilization on a 24-hour basis. Fully trained emergency medical service personnel are also an essential element and, therefore, the plan must include provision for education and training of such individuals. Emphasis is to be placed on the concept of team training so that physicians, paramedics, and staff personnel can learn to function as a unit.

S. 504 would provide funds to assist in developing a comprehensive plan utilizing to the utmost existing facilities and personnel for the purpose of insuring that emergency medical care is available to every citizen 24 hours a day. Through the work of the Kansas regional medical program and the Governor's Commission on emergency medical services, a systematic plan of emergency care is already being developed in Kansas. I feel the provisions of S. 504 will assist and complement this effort and am hopeful that the bill will receive prompt congressional attention and be signed into law in the near future.

## LAW OF THE SEA CONFERENCE AND S. 380

**Mr. GRAVEL.** Mr. President, a few weeks ago, the Political Committee of the United Nations General Assembly held the first of three organizational meetings which will set the stages for the Law of the Sea Conference when it convenes in Santiago, Chile, in the spring of 1974. I sincerely hope that this conference will be successful in establishing the jurisdictional limits which are fundamental to protecting our marine environment without restricting freedom of navigation. For this is the only way in which we can insure adequate conservation practices and a fair division of the ocean's resources.

Optimistic observers feel that agreements can be reached and implemented in the United Nations by 1974. Others have told me that they feel that no tangible results will flow from the LOS until 1976 or later.

Some point out the failure of past conferences to provide enforceable laws. They cite the Second Conference of the Law of the Sea—1960—as an example of the inability of the nations of the world to agree upon new territorial and fishing zones. At that conference the United States and Canada proposed a 6-mile territorial sea and a 6-mile fishing zone. The joint United States-Canadian proposal was adopted by the committee on the whole. However, when the final vote was taken in plenary session, the proposal fell short by one vote of the required two-thirds majority. A more simple proposal, which would merely have extended the fishing zone to 12 miles, failed to gain even a majority. These votes were the climax to efforts at both the first and second law of the Sea Conferences to deal with the question of fisheries jurisdiction.

The present U.S. position calls for a much more complex formula. It will certainly be opposed by the many nations of the world who have extended their fisheries jurisdiction to 50 or 200 miles. Further, for the U.S. position to become international law, it would have to be adopted by the rest of the world as part of the overall LOS package. The December issue of the Sport Fishing Institute Bulletin indicates that even if the U.S. proposal were adopted, "it would evidently be 1985 or later before it could take effect."

In light of these probable delays, I have cosponsored Senator HATHAWAY'S bill, S. 380 to extend U.S. fisheries jurisdiction to the edge of the continental shelf. I take this position because of my doubts concerning the LOS and because of increasing foreign encroachment on American fishing grounds.

Two recent events prompted me to reiterate my concern over the failure of present international agreements and enforcement machinery adequate to protect our fisheries resources.

The March 30 issue of NOOA Week carries a front-page story describing the results of recent National Marine Fisheries Service surveys along the coast of Amchitka Island in Alaska. The article explains that "thousands of pieces of plastic, ranging from tiny scraps to lengths of fishnet 100 feet long" litter the island's beaches. NMFS estimates that 24,000 plastic items have washed up on the island's 60 miles of beach.

It should be remembered the plastic is not readily biodegradeable. This means that the thousands and thousands of pieces of plastic garbage washed up on this small island represent countless other similar items floating about in Alaskan waters and in other American fishing grounds. This garbage is harming the economy and environment of my State. Fishing vessels have been disabled when propellers were entangled in floating synthetic floats and nets; diving sea birds and fish have been captured and killed by scraps of netting; fur seals and other marine mammals are injured or drowned when caught in these nets.

The NMFS article states that—

> Most of the contamination of Alaskan waters by plastics is believed to be from foreign fishing vessels.

I deplore this careless contamination of Alaskan waters by selfish, shortsighted foreign fishermen.

I also recently discovered that the Japanese have been permitted to export halibut to the United States which was caught in violation of international fishery conservation agreements. The Japanese have been catching small, 2- to 3-year-old halibut, which weigh in the neighborhood of 2½ pounds. They have been selling these fish to Americans. Yet our own fishermen are prohibited from catching halibut which weigh less than 5 pounds. Moreover, they have voluntarily restricted their catches because they prefer to wait for the fish to reach an optimal 11 years, when they weigh approximately 60 pounds.

According to Public Law 92-219, the President is empowered to prohibit the importation of fish from a foreign country when the Secretary of Commerce determines that that country has been violating international conservation agreements. I have asked the President to request the Secretary of Commerce to make such a determination. Initial responses from the White House and the Department of State admit that the Japanese have been violating these agreements. The White House informs me that NOAA is studying the problem and at present I am waiting for the determination from NOAA and the Secretary of Commerce. I hope that the President will comply with the provisions of Public Law 92-219 by prohibiting imports of fish from Japan or by giving the Congress an explanation for his inaction.

When I requested that the President look into the matter of fishing violations by the Japanese, I also asked him to consider strengthening Coast Guard operations in Alaska. This would enable us to enforce our treaties. The reply I received indicates that it is impossible to station high endurance cutters in Alaska—the only type of boat which could possibly be used to enforce these treaties. But the White House offers no alternatives. It simply says that there are inadequate training and drydock facilities in Alaska. It offers no suggestions for adequately protecting our fisheries from foreign encroachment.

Alaska has half the coastline in the United States, and 60 percent of our Continental Shelf is off Alaska. The Bering Sea is one of the richest fishing grounds in the world. Yet we are not taking full advantage of its fisheries resources. And at the same time, we are not adequately conserving those resources so that we may begin to harvest our bounty some day. Instead, we permit foreign fishermen to pollute the waters and violate international conservation programs, severely diminishing our Nation's resources.

Most recently I have heard that the Russians have made a decision to reduce drastically their fishing effort along the U.S east coast. This is good news for the Atlantic fishermen. But, I ask myself, where will these boats go? There are two logical choices: The Indian Ocean or the Bering Sea. Since the Indian Ocean appears to have less potential than the Bering Sea, I fear that the foreign operations off Alaska's coast will be increasing this year.

It is for these and other reasons that I suggest it is an appropriate time for the Congress to consider extending our fishing boundaries to the edge of the Continental Shelf.

Foreign fishing interests have not shown the concern over pollution or sustained harvest fishing which is needed to guarantee that the Continental Shelf will remain fertile fishing grounds. The United States should exercise control over this area and work out its own formula for allocating and adequately protecting the marine resources of our Continental Shelf until such time as the U.N. is able to successfully implement international controls.

## IN SUPPORT OF PRESIDENT'S VETO OF S. 518

Mr. DOMENICI. Mr. President, yesterday I voted to sustain the President's veto of S. 518, the bill which would require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget. This requirement of confirmation by the Senate would apply not only for those selected for these offices in the future, but it would also apply to the two people who presently hold these positions. It is this second requirement which in my opinion dictates that the President's veto of this bill be sustained.

I would at this point make it clear that I strongly disagree with the President's position that the two offices in question are not of the kind and caliber which should require Senate confirmation. On the contrary, it has consistently been my opinion that the development of the wide-ranging scope of activities and involvement of the Office of Management and Budget speaks for itself in justifying Senate confirmation. Further, I have no doubt that these positions are equal in power and authority to influence the course and direction of the Federal Government and this Nation as most Cabinet and sub-Cabinet offices for which confirmation is required.

Based on this strong conviction, I voted in favor of the conference bill, but in view of the President's veto, I cannot vote to retroactively apply the confirmation procedure to positions which did not require confirmation at the time these appointments were made. To my mind, this course of action would be highly inappropriate to attempt to gain the means by which to require Senate confirmation for positions to which the confirmation process did not apply when the present persons were appointed.

In addition, I believe that the record of the present Director and the Deputy Director in cooperating with and appearing before congressional committees reflects that they have and intend to cooperate completely with the Congress when called upon to do so.

Mr. President, you will find me among those who frequently disagree with the decisions of the Office of Management and Budget and its present leadership. In spite of that, I must vote to sustain the President's veto for reasons given earlier.

## TRIBUTE TO COMMANDER DOREMUS

Mr. BIDEN. Mr. President, recently the State of Delaware had the opportunity to honor an outstanding citizen, Navy Comdr. Robert B. Doremus, who served his State and his country as a prisoner of war in Vietnam.

Gov. Sherman W. Tribbitt awarded Commander Doremus the Conspicuous Service Cross, Delaware's highest honor, at a joint session of the 127th general assembly.

At that time Governor Tribbitt stated that—

> We are gathered in this chamber to recognize Robert B. Doremus, who fought for

this Nation when called to do so . . . and, at the same time to remember those other servicemen who also served our Nation during the Vietnam conflict.

I request unanimous consent to have the Governor's remarks printed in the RECORD in their entirety.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Speaker, Mr. President, Mr. President pro tem, ladies and gentlemen of the 127th General Assembly, members of the cabinet, distinguished guests, fellow Delawareans: We are here this afternoon to honor one man . . . and to honor many men.

We are gathered in this chamber to recognize Robert B. Doremus, who fought for this Nation when called to do so . . . and, at the same time, to remember those other servicemen who also served our Nation during the Vietnam conflict.

We are assembled to try to give thanks, in the meager way we know how, to a Navy commander who has given 6 of the years of his life to a long, divisive, and exhausting war. And it's a debt we can come nowhere near repaying. This ceremony today is a mere token. It's our way of saying a feeble apology and thank you to Commander Doremus and hundreds of other men like him who fought or died or spent months and years in captivity during the years of the Vietnam conflict.

Commander Doremus is not a Delaware native. This is his adopted home State, as it is for so many other fine Delaware citizens.

But, what we do note today is that a man has returned to us. A man whom we worried for, in his absence. A man who was on our minds for months and years. A man we never really knew. . . . But someone whom we all came to wonder about, to care about, and to remember in our prayers. And who of us wasn't delighted to learn that on the first planeload of POW's released at Clark Air Force Base in the Philippines came one Comdr. Robert Doremus.

We did not know him well . . . but he was ours. There is a universal at work . . . the universal of empathy . . . of pain . . . of loneliness . . . of love for family . . . of separation from all we know and cherish.

Commander Doremus has suffered more and given more in 6 years than many of us could ever give to our Nation in a lifetime.

It is for this, and for many other reasons we all feel inside, that we honor this man today.

And we honor him also for the three Delawareans who did not return. We know of three who are yet missing . . . Maj. John Martin, USAF, Dover; 1st Lt. Larry F. Potts, USMC, Smyrna; and Sgt. Edward A. Willing, USMC, Wilmington.

As Commander Doremus accepts today the "Conspicuous Service Cross," awarded to those who have rendered conspicuous service, above the ordinary requirements of duty well done, we realize there are those Delawareans who gave the ultimate sacrifice . . . and I ask you to join me in a moment of silence to remember those Delawareans and other Americans who died during the war of the past decade.

Today we honor not only Commander Doremus . . . but Major Martin, and Lieutenant Potts and Sergeant Willing.

They are men who have given of their freedom so we could continue enjoying the freedoms we take so much for granted.

We use words like freedom and liberty so often in America, in the context of our history, that sometimes we forget that those words are viable and significant in our present times, too.

No one appreciates that more than the hundreds of American POW's who have returned in recent months to their homeland and who have told us of the hours they spent dreaming of the time when they would be able to exercise relatively small expressions of freedom . . . like walking outside on a summer's day when they felt like it . . . or communicating with whomever they wished to share thoughts with.

We Americans, in our highly mobile society, hardly ever think that in other countries, under other circumstances, freedom does not exist.

Mobility is freedom.

We take for granted, because it is not challenged, the ability to speak our views, to choose our leaders, to worship as we see fit, to be treated humanely while incarcerated, to grow up in a free and open society.

In our Nation, there is still the chance that the boy next door may grow up to be President, or an astronaut, or enter any occupation that interests him. And, in keeping with events of recent years, the same applies to girls . . . to enter any field of their choosing.

It's all part of what makes America the great and fine Nation she is.

We forget that too often.

We are frequently reminded of the problems, the wrongs we're trying to set right . . . the inequities that exist.

But as soon as someone starts pointing out the good in America, they're accused of flag-waving.

Well, I think a bit of flag-waving is a fine thing!

Sure we have problems in America. But we have much that's right in America too.

And in these times, when we are assessing our national commitment, as well as our commitment right here in Delaware, we must rededicate ourselves to making our State and country a finer place in which to raise our children . . . a finer place in which to live.

And as we pay tribute today to Commander Doremus . . . and the other Americans who have served our Nation with months and years of imprisonment, let us remember he accepts this award for those who have given the ultimate sacrifice. For they, to, are heroes, though we could not extend our arms and hearts to them in welcoming and homecoming.

And as we honor all POW's and MIA's today, let us rededicate ourselves to work for peace . . . for the goals on which our State and our Nation were founded.

The Vietnam conflict was the longest and most bitter war in America's history.

Our Nation was divided in war.

Now let us be unified in peace.

## GASOLINE RATIONING

Mr. GRAVEL. Mr. President, during the past 2 months, five major oil companies have begun to ration gas supplies. According to an article by Paul Hodge which appeared in the May 18 issue of the Washington Post, the Gulf Oil Corp. is the latest major oil company to ration gasoline.

This article is merely another indication that the energy shortage is worsening by the day. I ask my colleagues: How much longer can we afford to delay action in trying to alleviate the critical energy situation? How much longer can we afford to delay a decision on the trans-Alaska pipeline which would mean oil from the largest known oil reserve on the North American Continent? Each day we delay in meeting our responsibilities to the citizens of this great Nation, the more precarious will be our situation.

I ask unanimous consent to have Mr. Hodge's article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 18, 1973]

### GULF TO BEGIN GAS RATIONING HERE MONDAY

(By Paul Hodge)

The Gulf Oil Corp. announced yesterday that effective Monday it will ration gasoline supplies to its 24,000 service stations across the nation.

Gulf is the fifth major oil company to curtail gas supplies within the past two months, and the second to do so since the Nixon administration urged oil companies last week to impose voluntary restrictions.

In the Washington area many gas stations already have reduced hours of operations and are closed on Sundays in order to conserve their reduced gas supplies. Some also have raised prices and a number of independent service stations and a few marginally successful brand-name stations have been forced out of business entirely because of the cutback.

Some of the 360 Washington-Baltimore area Gulf dealers yesterday began making plans to compensate for anticipated lower sales as a result of the rationing.

John Yates, who operates two Alexandria Gulf stations, said he raised his prices yesterday 2 cents a gallon and will no longer keep his stations open 24 hours a day as he has for years.

Yates and many area Gulf dealers already have run out of their low-priced gasoline, Gulftane, and will get no more until June. Gulf Oil began limiting supplies of Gulftane earlier this month because demand for the low-octane, low-lead gas was outstripping refinery capacity. Gulf also announced yesterday it is reducing the octane of its two other gasolines, No-Nox and Good Gulf, in order to produce greater quantities.

The new Gulf rationing plan limits its dealer outlets to slightly more than the amount of gas each station sold last year. This means a reduction, in most cases, since gasoline sales have increased.

Many of the more than 100 Texaco stations in the Washington area have closed their Sunday operations and announced new curtailed hours of operation. Texaco announced Monday that it would limit service stations to the amount of gas they received per month last year—a cutback since almost all stations have been selling more gas.

Similar rationing plans previously were announced by Phillips Petroleum, American Oil Co. (Amoco), Sun Oil Co. (Sunoco) and Union Oil Co. Sunoco cut its stations 10 per cent below their 1972 supply levels.

Red Cox closed down his Sunoco Station at Wisconsin Avenue and Ellicott Street NW on Monday because, he said, "You can only exist if you have gas to sell."

The station wasn't selling much gas last year, before he took it over, he said, adding that a 1 cent a gallon increase imposed by Sun Oil two weeks ago had made him less competitive.

"The little man is being run out of business in this. The small places are just spinning their wheels . . . I was making $35 a day for 12 hours work. It wasn't worth it."

The oil companies say the gasoline cutbacks this summer are the result of a worldwide shortage of crude oil and not enough American refineries to cope with increased gas consumption. The administration requested voluntary cutbacks to conserve gasoline supplies and also to help independent gasoline stations.

The independents, many of them supplied by major oil firms, were the first to feel the pinch when gas supplies became low as the oil companies gave priority to their own brand stations.

The Washington-area Homoco chain closed all but five of its 24 stations last month because its primary source of gasoline, British Petroleum, cut off its supply.

Not all independents are suffering. The 43 Scot service stations in the Washington-Baltimore area report they have plenty of gas from their own refinery in Puerto Rico—though there was a brief shortage recently when their tanker was delayed—and have begun a series of "aggressive price increases," according to one company official.

Scot prices have jumped 4 cents a gallon in the past few months for regular (33.9 cents to 37.9 cents) and 5 cents a gallon for premium (37.9 cents to 42.9 cents). The official suggested that in price wars and even general competitions among gas stations there is always a leader, and that Scot—generally considered a discount firm—was stepping up its prices.

Retail prices of gas usually are determined by the individual service station managers.

## THE BRITISH-FRENCH SST PROGRAM

Mr. GOLDWATER. Mr. President, despite the most determined efforts of misguided environmentalists, the British-French SST program Concorde is still very much alive.

In fact, a recent marketing study conducted by an American firm shows that if SST's were operational today they would fly the Atlantic packed with passengers. The study, issued by Market Facts, Inc., of New York, concludes that despite as much as a 40-percent increase in trans-Atlantic fares on a $50 million SST, first-class passengers are willing to pay.

Mr. President, recently the Arizona Republic newspaper published an excellent editorial on this subject entitled "SST? Mais Oui!" I ask unanimous consent to have this editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### SST? Mais Oui!

Setback has been the name of the game for the British-French combine building the supersonic Concorde airliner. Environmentalists have muddied its name with unsupported allegations; airlines have dropped purchase options, and U.S. congressmen are trying to have even a test hop to our shores banned.

But the Concorde project is alive, and even more frisky with a just-released marketing study by an American firm which shows SSTs would fly the Atlantic packed with passengers.

With the American SST project scrapped, the Concorde is the only promising advanced-technology, new-generation airliner in the works. The Russian SST is not held in much esteem.

The study issued this month by Market Facts Inc., a New York firm, concludes that despite as much as a 40 per cent increase in trans-Atlantic fares on a $50 million SST, first class passengers are willing to pay.

Alan Koff, vice president of the Market Facts, said Americans interviewed said the extra cost is worth the time savings—New York-to-Paris in three and a half hours by SST, instead of seven and a half by current jet.

A roundtrip business trip in 24 hours.

The reassurance that SST can attract premium passengers is but one of the pluses picked up by Concorde recently.

Four of the 1,200-mile-an-hour aircraft have been flying steadily to improve noise and comfort levels. In all, the four prototypes have flown 1,666 hours.

Test pilots have been able to reduce air speed to as slow as 119 knots for landings (slower than even conventional jets operated today).

Sideline noise levels during takeoff have been calibrated to be no greater than other jets, and engineers are working to reduce that.

American engineers aboard test flights also have used instruments to measure passenger comfort during supersonic flight, and find the narrow-bodied 128-passenger SST satisfactory.

Scientists also have dispelled some of the myths and hysteria about SST flight ruining the environment.

The SST seems to be going through the same economic and scientific trauma American aviation endured in the late 1940s when designers advocated jets instead of propeller aircraft.

Critics said the extra speed was unneeded, passengers would not fly at such altitudes and at such speed and the world's atmosphere would be imperiled.

In short, the SST is another link in aerospace growth and advancement.

Obstacles notwithstanding, it is flying.

## ZOOM WINS EMMY, RECEIVES REPRIEVE

Mr. MOSS. Mr. President, there has been much criticism lately regarding the quality of children's television programing. Much of this criticism, I must agree, is deserved.

However, there are some children's programs, most of them on public broadcasting, which deserve praise for providing worthwhile, entertaining, and educational programs for children. One of these is ZOOM, which originates from station WGBH in Boston.

ZOOM is a distinctive program because it is written and performed by children aged 7 to 12 for children of that same age group. Children from the viewing audience contribute jokes, paintings, cartoons, stories, plays and riddles. These are incorporated in the program and presented by seven young ZOOM'ers. Youthful guests are filmed on location, from coast to coast, to stress the relationship of ZOOM to all American children. The executive producer of this imaginative program is Christopher Sarson.

ZOOM is the second most popular of all public television shows, according to Henry Loomis, president of the Corporation for Public Broadcasting. The program has won an Emmy award in the children's programing category.

Nevertheless, Mr. Loomis announced on March 7 that funds available from the Corporation for Public Broadcasting would have to be matched from other sources if ZOOM, as well as some other public television shows, was to be seen for a full season with no lessening of quality.

WGBH immediately sent out a ZOOM alarm. Youthful viewers of ZOOM were asked to send in letters and pictures of themselves to show they cared, and wanted ZOOM to continue. WGBH received almost 190,000 pictures and letters from all over the country from ZOOM fans.

WGBH officials advised various companies and foundations of the problem to see if they would help. McDonald's Corp. agreed to do so.

McDonald's and its licensed restaurant owners contributed $565,000 to match the CPB contribution. This will assure ZOOM of a full season. Interestingly, half of the McDonald's contribution comes from independent businessmen—that is, from the restaurant owners who are licensed by McDonald's and operate 75 percent of the McDonald's outlets.

The president of McDonald's, Fred L. Turner, said:

> Children have helped McDonald's grow and we are taking this means of thanking them.

With this new support, ZOOM will continue—and American children will be better off, watching ZOOM instead of the wall-to-wall cartoons on commercial television.

Mr. President, I ask unanimous consent that this newsletter be printed in the Record.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

### ZOOM To Be Broadcast Again Next Year Through Grant From McDonald's Restaurants

Washington, D.C., May 4, 1973.—A grant of $565,000 from McDonald's Corporation and its licensed restaurant owners will make possible the next full season of public broadcasting for ZOOM, the highly acclaimed children's program, it was announced today by Henry Loomis, president of the Corporation for Public Broadcasting.

ZOOM is the second most popular of all public television shows, Loomis said. The program has been nominated for an Emmy award in the children's programming category.

The McDonald's gift matches a similar grant voted last month (March 7) by the Corporation for Public Broadcasting Board. Mr. Loomis said then that further funding for ZOOM, as well as some other public television shows, would have to come from other sources. He urged potential funders "to assist so the series could be seen for a full season with no lessening of its quality."

Station WGBH-Boston, which produces ZOOM, immediately sent out a "ZOOMalarm." Youthful viewers of ZOOM all over the country were asked to send in pictures of themselves to "show they cared." WGBH received almost 190,000 pictures and letters from ZOOM viewers as a result.

Station WGBH also set out to find the additional funds needed to support ZOOM. Station executives approached McDonald's, as well as other companies and foundations, for support. McDonald's liked the idea and agreed to help.

Fred L. Turner, President of McDonald's Corporation, said: "All of us, our licensed restaurant owners, our managers and our executives, consider it an honor to join CPB in underwriting ZOOM for another season. Children have helped McDonald's grow and we are taking this means of thanking them.

"The quality of this popular children's show has been praised by educators and parents. More important, the children who watch and create ZOOM responded 190,000-strong with their letters to keep it on the air. With adequate funding, ZOOM can continue to bring stimulating and educational entertainment to young viewers."

The matching grants, totaling $1,130,000, will make possible a new series of 39 programs—26 new shows and 13 shows including new and old segments.

ZOOM is a distinctive program because it is written and performed by children aged 7 to 12 for children of that age group. It provides a forum for the youngsters to express themselves in active, participating entertainment.

Children from the viewing audience contribute jokes, paintings, cartoons, stories, plays and riddles. These are incorporated in the program and presented by seven young Zoomers. Youthful guests are filmed on location, from coast-to-coast, to stress the relationship of ZOOM to all American children. Executive Producer of the program is Christopher Sarson.

David O. Ives, President of WGBH–Boston, said, "We are deeply grateful to McDonald's for its enlightened support of public television programs. With this grant, we are now assured of a full season for ZOOM and that pleases us all."

Mr. Loomis said, "ZOOM makes a major contribution to public broadcasting's charter to provide exciting and significant programming."

## ON MIDAIR COLLISIONS

Mr. MOSS. Mr. President, on the morning of June 29 last year, Air Wisconsin's flight 671 out of Chicago was proceeding normally on the last leg of its flight from Sheboygan to Appleton. The pilot had just contacted the company's operations base to let them know he would be arriving in 15 minutes.

The pilot of North Central Airlines' flight 290 out of Green Bay had just received his clearance to land from the tower at Oshkosh and began his descent through the warm, hazy sunshine. The stewardess aboard continued her preparations for landing, checking seatbelts and clearing trays.

Less than a minute later the five crew members and eight passengers aboard these two regularly scheduled passenger flights were consumed in an explosion and fire as the aircraft wreckage fell into Lake Winnebago. They were victims of a head-on midair collision that occurred with virtually no warning and without any evasive action being taken. Their names have been added to the list of over 1,000 persons who have lost their lives in midair collisions since 1956.

The facts surrounding this tragedy are part of a recently released investigative report by the National Transportation Safety Board. But, there is more in the report than the stark facts and figure, names and serial numbers, weather reports and compass headings. There is also the ominous warning that, and I quote:

> The mid-air collision hazard is one of the most urgent and serious problems confronting civil aviation in this decade.

There is also the specter of hundreds of lives being lost in large jetliners with the admonition that, and I quote:

> Even greater effort is needed to resolve the issues and arrive at a solution which will reduce the risk of mid-air collisions, especially as it relates to the wide-bodied jet fleet.

And, finally, there is the recommendation that we must, and I quote:

> Expedite the development and issuance of national standards for systems to provide protection from mid-air collision so that industry can proceed without further delay to develop and market economically viable hardware.

The Board's restrained references to "even greater effort" and "without further delay" are directed at the Federal Aviation Administration which has continued to abdicate its responsibilites to set dates and plan to bring collision avoidance systems into the Nation's aircraft fleets. The Board's recommendation to expedite the issuance of national standards was directed to the Administrator of the FAA, undoubtedly a futile gesture since the FAA last year rejected a Board recommendation that the FAA should at least require pilot training to help them look out for other aircraft. The FAA advised the Board that "additional research and development was required."

These bureaucratic euphemisms for inaction have become hackneyed, preposterous and, as each life is lost, outrageous. In the face of a pervasive menace that can at any time touch the lives of each and everyone of us, the FAA's collision avoidance plans are laced with statements like "proceed toward a possible national standard"; "the system has the potential * * * (but) further analysis and simulations are required"; "other concepts are being studied"; and the conclusion that "the future CAS program is expected to be very dynamic and continually evolving."

The National Transportation Safety Board has been functioning since 1957 on behalf of the American public. It was created to be independent of not only the FAA but the Secretary of Transportation as well. It was empowered to make recommendations directly to the Congress. The Mid-Air Collision Avoidance Act of 1973 which I introduced on April 17 (S. 1610) would pick up where our responsibilities here in the Congress begin and would implement this most recent call for action. My bill would establish an orderly plan with specific dates for the FAA to evaluate competing collision avoidance systems, choose a national standard, and introduce them into the aircraft fleets. It is a commitment they have refused to make; what we have instead is jargonistic flim flam.

Mr. President, at this time I would ask my colleagues to join me in supporting my measure, S. 1610, and ask unanimous consent that page 19 of the report of the National Transportation Safety Board be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

### Excerpt of Report

The Board continues to be concerned with the overall midair collision problem. As the Board has stated before, the midair collision hazard is one of the most urgent and serious problems confronting civil aviation in this decade.

While the Board recognizes the continuing emphasis that the FAA is providing to resolve the midair collision problem, the Board considers that an even greater effort is needed to resolve the issues and arrive at a solution which will reduce the risk of midair collisions, especially as it relates to the wide bodied jet fleet.

In view of the above, the National Transportation Safety Board recommends that the Administrator, Federal Aviation Administration:

1. Develop and publish standards for visual search techniques to be used by instructors and check pilots on all training, certification, and proficiency check flights when pilots are operating in VMC (Safety Recommendation A–73–27).

2. Establish a requirement for pilots to be trained in the techniques of time sharing between visual scanning for airborne targets and cockpit duties (Safety Recommendation A–73–28).

3. Require that all pilots and flightcrew members training, certification, and proficiency check forms contain a specific item on scanning and time sharing (Safety Recommendation A–73–29).

4. Require that all pilots and flightcrew members be graded in scanning and time sharing techniques when training, certification, and proficiency check flights are conducted under VMC (Safety Recommendation A–73–30).

5. Advise the Board of the status of the FAA's evaluation project of April 7, 1972, on aircraft conspicuity research and, if that project has not been completed, take action to complete the project on a priority basis (Safety Recommendation A–73–31).

6. Expedite the development and issuance of national standards for system to provide protection from midair collisions so that the industry can proceed without further delay to develop and market economically viable hardware (Safety Recommendation A–73–32).

## THE ROLE OF STATE UNIVERSITIES IN MODERN EDUCATION

Mr. TAFT. Mr. President, Ernest L. Boyer, chancellor, State University of New York, recently spoke at Kent State University on "The Role of the State Universities in Modern Education." Reviewing the State universities' origins and their history of service to students and the country, Chancellor Boyer called on the institutions to meet the modern challenge of educating a new and varied student population in diverse and flexible programs "with a concern not only with the context of study, but with a concern for the quality of life as well." I believe this important address should be in the Record for the study of all concerned.

I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

### The Role of the State Universities in Modern Education

Address by Ernest L. Boyer, Chancellor, State University of New York, April 3, 1973

I am most pleased to be with you tonight. I was born and raised in Ohio and it always does something wonderful for the soul to return to the place where roots are deep.

But it is a pleasure too because the topic you have asked me to discuss—the role of the state universities—is one of the most important in America today, and it's one I'm wrestling with almost every day. State-supported institutions educate over three-quarters of all collegiate students.

The world today is more complex, more scientific, more international, more rapidly changing, and more dangerous than ever. While Thomas Jefferson thought education was necessary to make democratic government work, and Horace Mann believed it imperative of quality and economic progress, the philosopher Whitehead argued that in our time education is crucial for mankind's very survival. What the state universities of our land do—or don't do—will have a major impact on the quality of life for us all in the days and years ahead.

The question arises, therefore, what should the state universities be doing. What, and who, should they be teaching? And why?

Before looking at that question, however, I'd like to look at the origins of state colleges and universities, and comment on their mission up to now.

### I. THE STATE UNIVERSITY UP TO NOW

As most of you know, state universities in America go back to 1785, when this type of institution first took root in Georgia. But they remained few in number, small in size, and socially relatively unimportant until the famous Land-Grant Act of 1862. From that year on state institutions have moved increasingly close to the turbines that drive this country forward.

That Land-Grant Act was the brainchild of Senator Justin Morrill of Vermont, who was the poor son of a blacksmith in those craggy hills but who, because he was able to attend a good local academy until the age of 15, became a wealthy merchant and a life-long believer in education as a springboard to dignity and achievement. His aim, as the Act itself proclaims, was "to promote the liberal and practical education of the industrial classes."

There were really *two aims* behind the Morrill Act. Both were revolutionary.

One was to change the whole nature of what was being taught in the colleges. The college curriculum was astonishingly similar throughout the East, Midwest, and South and made today's charges of "irrelevance" seem frivolous indeed. James A. Garfield, a Williams graduate who later became President, said in a Hiram College address in 1867, that at Harvard (typical of other colleges as well, I might add), there was almost no science taught at all and no history of the United States offered.

To quote him directly:

". . . a lecture on general history once a week during *half* of (the senior) year, furnish all that a graduate of Harvard is required to know of his own country, and the living nations of the earth. He must apply years of arduous labor to the history, oratory, and poetry of Greece and Rome; but he is not required to cull a single flower from the rich fields of our own literature. English literature is not even named in the curriculum."[1]

Therefore, the Morrill Act specifically required that land-grant colleges offer courses in agricultural science, mechanics, and the rudiments of military science. The aim was to shift radically the curriculum to the study of what they regarded as "useful" for a nation of pioneer settlers who live in a country that was primarily agricultural but was entering an industrial age, with the threat of international military conflict a possibility.

Whereas the courses of the private colleges were geared for gentlemanly *leisure*, for contemplation, and for discriminating *consumption*, the academic programs of the state colleges were geared for hard *work*, progress, and poverty-smashing *production*.

The *second aim* was to provide a college education for the many, not the few; for the children of farmers, clerks, miners, mechanics, and teachers as well as the children of clergymen, lawyers, doctors, and merchants. As one of the fighters for low-cost public colleges, Jonathan Turner of Illinois, said, higher education in the 1850s was only for what he labeled the "literary and leisure classes, the 5 percent," whereas if America was to maintain its democratic ideals and grow as a nation, it had to provide college opportunities too for what he called "the industrial classes, the other 95 percent."[2]

The noted historian Frederick Jackson Turner summed up the central mission of the new state universities neatly in a commencement address at the University of Indiana in 1910. He said that the splendid gift of a whole continent of free, undeveloped land—the frontier—was now used up and a new kind of "pioneer" had to be developed in America. As he put it:

"General experience and rule-of-thumb information are inadequate for the solution of the problems of a democracy which no longer owns the safety fund of an unlimited quantity of untouched resources.

"Scientific farming must increase the yield of the field, scientific forestry must economize the woodlands, scientific experiment and construction by chemist, physicist, biologist and engineer must be applied to all nature's forces in our complex modern society.

"The test tube and the microscope are needed rather than ax and rifle in this new ideal of conquest."[3]

These then were the fundamental aims of the state universities, which, it should be remembered, were implemented in nearly every state within the span of a single lifetime. These universities were, in short, *responsive* institutions—they were literally and figuratively rooted in the soil of their time.

### II

And this brings me to my central theme. It is my own conviction that while the state universities in their early years were vitally related to the intellectual and social needs of the people to be served, as time has passed the state universities have become increasingly obsolete. This is understandable for when social institutions are created, they often do reflect the context of their time. As the years go by, the context shifts and alters. But institutions, because they are frequently poured in concrete and built upon tradition, do not respond and, in my view, we in higher learning illustrate rather dramatically a contemporary example of such lag.

The simple fact is that many of the current patterns in American higher education still reflect the social and educational circumstances of an agrarian society, a time when we were fairly selective in admitting students, when the faculty pool was rather limited, a time when transportation was somewhat tedious, when communication was largely limited to the human voice alone, and when our notions of library growth were built on the assumption that most undergraduate colleges could keep up with library developments because knowledge, after all, was developing at a slow and dignified pace.

Now almost all of the social and educational circumstances of an earlier day have shifted sharply, and we in higher education now face a dramatic example of institutional lag.

### III

First, there has been a tremendous shift in *the student to be served*. Before World War II, we were still clearly committed to the notion that higher learning was for the privileged few. But during the past 25 years, the scene has changed. When returning GIs were given the privilege of higher learning, the test was not one of academic selectivity, but rather reward for service rendered.

And in response, there came to universities, quite literally, an army of students. Many educators recall the vitality of that period—the converted classroom barracks, the 10 o'clock classes at night, the crowded libraries. There was a surge—a new aspiration in our midst. The GI viewed higher education as his "right" because of wartime service. More importantly, he not only came and saw, he conquered. His children, in turn, not only saw college as an unusual privilege, but embraced it as a right, and there is no turning back.

Thus we wove into the higher education fabric a new level of aspiration, one which has changed dramatically the nature of the student clientele. In 1960, approximately 40 percent of the high school graduates in New York State went on to higher learning. In 1972 it was 61 percent, and by 1980 it is predicted that it will leap to 70 percent.

### IV

But something of equal significance is occurring in our midst, a trend we've hardly noted—the *extended span of learning*. Traditionally, we have viewed life in four main sequences. We had 4 or 5 years of happy play, 15 or 20 years of formal learning; we had then 40 years of tedious work, and then maybe 10 years of dignified decline. Colleges, in turn, were for those who were "getting ready for life." The institution was to serve those between the ages of 18 and 21, creating colleges which were, in fact, youth ghettos.

We were committed to serve the pre-work crowd; and those who didn't get our piece of the action before they went on into adult life were in trouble. These were the tragic dropouts. College then was the time of finishing up before you entered the real world of work.

But here again I see a sharp shift we should note from the early land-grant days. Consider the changes in our notion about work. In 1900 the average workweek was about 67 hours. In 1945 it was 43 hours a week and today it's 37½. We now face a remarkably interesting trend toward the four-day workweek and the three-day workweek, which is being embraced by both labor and management. What happens to the notion that men and women are to earn bread for 40 years when they discover that 30 to 40 percent of their time may not be committed to work? What do we do with the increase in leisure time? It is my judgment that during the next several decades this is precisely where the challenge of higher learning will increasingly focus.

In the past it has been downright demeaning to talk about "continuing education"—that was usually the discard department. But, in the decades ahead, the state universities will redefine their clientele. It will become the norm to leave college early and reenter college in a cyclical fashion.

I believe, in short, our traditional plan to serve "youngsters" before they enter the real world is being sharply challenged, and this will have a dramatic impact on the way we arrange our work.

And thus there is a shift in the changing patterns of retirement. Recent demographic trends reveal that the birthrate is dropping off. This means a projected decrease in high school graduates, and an increase in people in the older groups. In fact, it is estimated that, in the next 10 years, the number of people over 65 in the United States will increase by 35 percent. Again we confront a tremendously important social question. How *does* one invest his later years, and what is the role of education as a socially enlightened instrument to serve not only the 18- to 21-year-old but the older group as well? Is it inconceivable that we will end up with universities and colleges engaged in cycles of learning that will involve people from 18 to 80? If my speculations are at all valid, the state universities are facing a shift in the student to be served—an expansion that will go across the spectrum of age.

If the kind of student to be served is shifting, then I am convinced the state university will also increasingly modify the content of learning, the length of learning, and the locations of learning.

### V

As to *the content of learning*, I see the need on the undergraduate level to be much more candid and imaginative in the diversity of programs that we offer—for as we have a diversity of population, we surely must have a diversity of content.

---

[1] Allan Nevins, *The State Universities and Democracy*, (Urbana: University of Illinois Press, 1962), pp. 5–6.

[2] Mary Turner Corriel, *The Life of Jonathan Turner* (Urbana: University of Illinois Press, 1961), p. 68.

[3] Frederick Jackson Turner, *The Frontier in American History* (New York: Holt, 1970), p. 284.

This doesn't mean that each institution is going to embrace all the alternatives and duplicate the others. It does mean, however, that within the wide range of higher learning, we surely should have options as varied as the students to be served. After all, most of our undergraduate curricular programs have been designed for a very select clientele of the decades past. Our arts and science majors are mostly pre-professional, in terms of teaching, for graduate study in such fields as the sciences, law, or medicine.

But the pressure for change cannot be ignored. There is, for example, a need for technological studies geared to fields of endeavor and of social demands that did not exist 40 or 50 years ago. I am not sure of all of the trends that will emerge, but new opportunities in the health sciences, computer sciences, and similar fields must be carefully assessed if we are going to provide adequate opportunities for the people we must serve.

Personally, what I'd like to see on each campus is a cluster of colleges within the college—specialty institutions ranging from classical colleges to technical colleges to colleges of independent study that would recognize and give equal weight to the great diversity of interest among faculty and students as well.

VI

And now let me touch briefly, on *the length of learning*. As we serve a wider range of students, we must permit greater flexibility in the length of study arrangements. I think, for example, that the four years of high school—four years of college cycle must be challenged. There is, after all, no sacredness about the four-year baccalaureate. I understand it was started at Harvard about 1636 because that's the way they did it at Cambridge, England.

It's interesting to recall, however, that after John Harvard left Cambridge, that distinguished institution shifted to a three-year baccalaureate, and they've been on the three-year schedule ever since. If Harvard had been at Cambridge a bit later, the model of higher learning might have ben fixed at three years, and that would be the pattern. I don't mean to say that four years of college study is bad; I only mean to say it's not absolutely good.

We should also recall that the four-year collegiate period emerged at a time when "high schools" did not exist. Students were entering the four-year college at ages 13 or 14 and graduating at the time they now enter college as freshmen.

In fact, when the secondary school emerged, educators of that day became alarmed at the elongation of formal learning. President Eliot of Harvard, for example, in 1890 said with some concern that "the average age of admission to Harvard has now reached the extravagant limit of 18 years, 10 months." Eliot was alarmed that having a four-year college on top of an elementary school, and then having wedged in four years of secondary school, he wasn't getting the student until 18 years of age.

Equally significant is the fact that today's secondary schools engage in some tremendously enriching programs that often overlap with the college curriculum. For this reason, we cannot talk about the length of time for the college degree without also looking at the time sequence of both high school and college. For to experiment at the collegiate level, and not recognize changes at the lower grades, is not being fair to the student.

In New York State, for example, we are now engaged in three different kinds of approaches to the seven-year sequence. Several of our colleges are engaged in a "four years of high school—three years of college" program; others are testing a "three years of high school—four years of college" model; and other campuses are experimenting with a "three-one-three" arrangement in which they admit high school juniors to a combination course involving the last year of high school and the first year of college, (a kind of transition year in liberal studies) after which they move into their last three years of college.

None of these variations is virtuous in and of itself. But because of the changes in the students and the changes in our curriculum, some greater flexibility in our length of learning must be introduced.

VII

The next variable is *the location of learning*. If we are dealing with a more mature student, whether the student is 18 or 80, the earlier notion that the college should be a closely supervised exercise from nine to five, five days a week, must be looked at with some care. After all, when we weren't dealing with adults, we could afford to have an institution that collided head-on with the work world; but now that the work-world pattern is beginning to change, the pattern of study should begin to shift as well.

Recently, in New York, we started a new institution—Empire State College. It's a college that does not have a single campus. Rather it has what we call learning centers scattered about the State. These centers are staffed by deans and faculty-in-residence who are mentors or tutors for people engaged in either part- or full-time study, but who are not attending classes regularly and are not confined to a particular campus.

Since we have a network of conventional institutions, it's quite possible libraries and other educational resources are available to these students. But the important fact is that learning can occur in many different places, under many different circumstances, and to try to limit it to a fully residential, four-year arrangement seems to deny both good management and good education, at least for some.

The need for such flexibility is there. Soon after Empire State College was announced, we received over 10,000 non-solicited inquiries. The average age of those we've now enrolled is 29. Of course, that suggests we're dipping into a new clientele; on the other hand, many of those who are applying are students who have been on a conventional campus and now wish to continue their study in a less formal fashion.

Therefore, because of ease of travel, a change in our student population, and the variabilities in communication, State University campuses will increasingly be viewed as bases of operation, rather than places of confinement.

VIII

And now one final note before I close. If the State University of yesterday concerned itself with the harnessing of physical resources for *human bettterment*, the State Universities of tomorrow must increasingly concern themselves with the harnessing of our intellectual and moral resources for human survival.

During a lecture at the State University Downstate Medical Center in 1966, Arnold Toynbee observed that we have conquered nature and now our great unfinished task is to conquer self. He said that *man* is our most formidable enemy today. He is more formidable than wild beasts, whom we have learned to tame, more formidable than disease, which, for the most part, we have learned to control. The time has come, Toynbee said, for mankind as a whole to unite against the common enemy *in itself*.

As I see it then, the State University of tomorrow must search for ways to use science and technology, not to promote endless growth and unproductive opulence, but to enable us to breathe clean air, to drink pure water, to conserve our natural resources. In other words, we must learn to live like civilized beings within the restraints of nature, restraints which can no longer be ignored with impunity.

In very practical terms, this means that we in education must continue to develop and refine the capacity of students to choose between what is "good" and what is "best." We must strive always to understand the difference between short-term satisfaction and long-term survival.

I realize that here I'm skating on thin ice. For whenever a discussion turns to values, a strange embarrassment seems to overtake many of us. Somehow we have deluded ourselves into believing that we can be responsible people without ever taking sides, without ever expressing any firm convictions about fundamental issues. On our campuses, we seem ready and willing to talk about any and all subjects except those that matter most.

In his penetrating book, *Faith and Learning*, Alexander Miller commented wryly on this curious timidity when he wrote:

"A decent tentativeness is a wholesome expression of scholarly humility, but we seem to have a sort of *dogmatic* tentativeness which suggests that (in matters of moral judgment at least) it is intellectually indecent to make up your mind."

It is true, I suspect, that on our campuses we are too often caught up in "the thick of thin things." But there is, fortunately, a hopeful side to all of this. I think we now understand what Nietzsche meant when he wrote that the advancement of learning at the expense of man is the most pernicious thing in the world.

We now realize, as George Steiner has reminded us, that a man who is intellectually advanced can at the same time be morally bankrupt. We now know that such a man can listen to Bach and Schubert at sundown, read Goethe in the evening, and next day go to his daily work at the concentration camp and destroy his fellowmen.

We must, in short, reawaken our conviction that a truly educated person is a person of values—one who has some pretty firm notions about life, about what is good in society, and about what it is we still must change.

In speaking of values in the liberal arts, I am not of course talking about indoctrination, more pep rallies, or courses in social ethics. What I *am* talking about is an environment, a climate, in which students can feel comfortable about exploring honestly and in depth the moral implications of their own actions and the actions of the society of which they are a part.

For without a great measure of trained intelligence and carefully examined values our civilization could easily slip into a new kind of barbarism—a society technologically efficient but morally bankrupt and rudderless as to personal or national goals.

I conclude by returning to my central theme. The State University of a hundred years ago was a vital, living institution created to fill an American dream. It was rooted in the soil of America and was a vital response of the social, economic and intellectual context of the times.

The State University of tomorrow will serve its day not only as it draws from the tradition of the past, but also as it too relates to the new challenges to be faced. This calls for an institution that serves new students of new ages with a diversity of programs, with flexibility of schedule in many localities, and with a concern not only with the context of study, but a concern for the quality of life as well.

---

## SENIOR CITIZEN INTERN PROGRAM

**Mr. ROTH.** Mr. President, this week I am conducting a pilot program of sorts which I would commend to the attention of the other distinguished Members.

As we all know, student interns regularly come to Capitol Hill during the summers to learn while they work. I believe there is general agreement that this program for college students has demonstrated its worth over the years. The students provide invaluable assistance while acquiring the type of knowledge which is irreplaceable: Experience.

Unfortunately, with all of our attention to youth, we have tended to neglect a large and valuable segment of our society, the senior citizens. For this reason, I have initiated a senior citizen intern program in my office for the week of May 21 through May 25. It is my hope that the participants will gain a better understanding of their Government and its day-to-day operation, while widening my understanding of senior citizen concerns. As many of you know, May has been designated as Senior Citizens Month, which makes this a particularly appropriate time for the interns to be here in Washington.

The two interns in my office are, by and large, participating in activities with a group of seven other interns serving in the other Chamber. I should note that in organizing an intern program in my office, I was pleased to follow the leadership of Representative BIESTER of Pennsylvania, who conducted a program last year and found it to be a considerable success.

Although the interns have been here only three days, they have demonstrated the kind of stamina, insight, and inquisitiveness which would cause marvel if found in college interns, much less in two gentlemen ages 74 and 65. Judging from their performance so far, I would say that the Delaware senior citizens council which selected our two interns, did its job well. After receiving numerous applications, the council selected Mr. William Dye, 74 of Wilmington and Mr. Eugene Albertson, 65, of Claymont. Both of these gentlemen have been maintaining a very heavy schedule for the past few days, yet they show no signs of letting up. In fact, the schedules which Mr. Dye and Mr. Albertson have maintained has come close to exhausting my staff member accompanying them, who is nearly 40 years their junior.

Aside from their energy and enthusiasm, one other characteristic of Mr. Dye and Mr. Albertson has impressed me greatly: Their optimism. From past experience, I have found that some college interns seem to be pessimistic; Mr. Dye and Mr. Albertson, on the other hand, seem to have an indomitable optimism. Last evening, for instance, Mr. Albertson told me that after his exposure to Washington he felt the Government was by and large in good hands and that the problems, severe as they might be, are capable of being solved. Frankly, his admission was, to say the least, refreshing. Similarly, Mr. Dye has launched into discussions of various problems with a degree of relish and intensity I have rarely encountered.

It is too soon, of course, to say that the program has been an unqualified success. This much I can say, however: I am convinced that the program will help to open a channel of communication with my constituents which will remain open long after Mr. Dye and Mr. Albertson have returned to Delaware. I believe they will have an enhanced appreciation for the complexities of the Federal Government, legislative as well as executive. I know that my appreciation and regard for senior citizens has been greatly increased.

Thus far, I have found the program extremely worthwhile, and I would commend it to the attention of my colleagues.

## ENVIRONMENT AND TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, a speech given earlier this year by Dr. R. W. Wheeler, manager of environmental affairs for Alyeska Pipeline Service Co., the firm that proposes to build the trans-Alaska crude oil pipeline, has just been brought to my attention. I think my colleagues might be interested in the speech because it summarizes the many environmental studies that have been done in conjunction with the trans-Alaska pipeline project. I offer Dr. Wheeler's speech for the consideration of my colleagues and request unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### THE ENVIRONMENT AND THE TRANS-ALASKA PIPELINE

(By Dr. R. W. Wheeler)

In the future, I suspect that historians may well call the 70's the age of the environment. It is not that our environmental conditions have improved significantly. Pollution fouling of the land, water and air persist and in some cases worsen. However, 1970 marked the beginning of a new awareness, a turning point when the quality of life became more than a phrase but a true concern. Stated in other words, we have begun to recognize that we are only a small part in a large complex ecosystem and our actions can have profound and, at times, disastrous effects on that system. Therefore, as individuals, scientists and corporations it has become imperative for us to think of our work in terms of its ultimate effect on the system.

The necessity for evaluating the impact of our actions on the environment was made extraordinarily clear in the case of the trans-Alaska pipeline. Out of this need a design philosophy has evolved which dictates that we will produce a pipeline causing the least disturbance to the environment while providing the safest line that can be designed using the most modern technology.

The purpose of my talk today is to review with you some of the design considerations and research which has been undertaken to achieve this objective. Prior to discussing these points I would like to give you a little background about the pipeline and its operation.

The concept of a pipeline from the North Slope of Alaska to an ice-free port on the Southern coast is not new. As early as 1950 the Navy had concluded that a pipeline from Umiat to Fairbanks and then on to Valdez was feasible and the most desirable transportation method if enough oil could be located on the North Slope. Accordingly, in 1968, with confirmation of a major oil discovery, an extensive feasibility study to investigate possible routes and terminal locations was begun. In total eight potential routes were reviewed and many millions spent before selecting the present one. In selecting the current right-of-way we have attempted to avoid potential slide areas, steep grades, earthquake zones, population centers and minimize contact with important fish and wildlife regions.

Turning our attention to the route, we find it traverses a distance of 789 miles. The line begins at Prudhoe Bay on the Arctic Slope of Alaska and generally follows the course of the Sagavanirktok River to the Brooks Range. It crosses the range at an unnamed pass (we call it Dietrich Pass) between the headwaters of the Atigun River and Dietrich River. The route continues south, passing just east of Fairbanks. Sixty miles southeast of Fairbanks the pipeline picks up the Richardson Highway, and follows that famous road through the Alaska and Chugach Mountain Ranges to Valdez, the southern terminus. Valdez is the northernmost ice-free port in Alaska. At Valdez the oil will be transferred to tankers for shipment to refineries in Puget Sound, the San Francisco Bay area and Los Angeles. To make possible the construction of this line, a State highway will be constructed between the present highway system and Prudhoe Bay—a distance of 375 miles.

The pipe will be buried in a seven-foot trench for about one-half the route. The remaining portion will be raised above ground either on a gravel berm or steel pilings. It will be 48 inches in diameter and designed to operate under the extreme Arctic conditions by the incorporation of highly sophisticated metallurgical engineering employing approximately ½-inch thick steel. Stringent restrictions specify minimal amounts of carbon and other metals resulting in a steel of minimum brittleness and maximum ease of weldability under Arctic conditions.

In the construction of a project of this magnitude, the environment is going to be disturbed. The challenge we are living with today is to assure that this disturbance will not result in anything beyond temporary scarring. To achieve this end we will operate under the most stringent environmental and technical stipulations ever imposed on any project. The stipulations cover a wide range of environmental factors including air, water, thermal pollution, permafrost protection, aesthetics, wildlife and fisheries protection, revegetation and preservation of archeological findings, to mention a few. Federal and State personnel will have broad powers of inspection and enforcement on all these matters. We have agreed to operate under these stipulations which have been publicized as a model for environmental protection.

To meet the requirements of these stipulations much basic data had to be developed. For example, very little detailed information was known about the types, characteristics, and location of the permafrost underlying the pipeline right-of-way. (Permafrost is any material which has been frozen for two or more consecutive years). Approximately 85 percent of the line will pass through permafrost area. In certain areas we are placing the pipe, which will be heated to approximately 145° F. by the naturally warm oil, in the frozen material. As a consequence of the hot pipe, a thaw bulb develops which after a year may reach out to 20 or 30 feet in diameter. This rate of thaw is predictable and dependent upon a number of parameters. The heat transfer and subsequent melting has been studied extensively through the use of computerized mathematical models. This mathematical work has now been verified by a heated 600-foot experimental pipe which has been installed for test purposes at Fairbanks. This line actually simulates operating conditions under various ice and soil conditions.

The melting of the permafrost has a wide range of effects, from negligible to critical, in soil performance. Low-ice content permafrost such as exists in many well-drained areas may be thawed with little or no harm to the pipe or the environment. Conversely, permafrost of high-ice content could present serious problems on thawing. We could get differential soil settlement, loss of slope stability, potential for soil liquefaction and erosion. Obviously we will not be burying a pipe in these soils but will construct an elevated portion.

To determine the best route with a minimum of these ice-rich soils, we initiated three years ago the most extensive soil study program ever undertaken for a construction project. The entire route was surveyed and high and low aerial pictures obtained. In addition, several remote sensing techniques were utilized including airborne thermal scanners, airborne ground probe radar and airborne side lock radar. These operations have been followed with field exploration and drilling operations which have resulted in more than 15,000 individual soil analyses. This program is continuing with additional soil borings planned for this summer. All this data is being utilized to answer specific alignment and foundation questions to assure a secure line.

A logical question you may ask is why transport warm oil? It certainly would be beneficial to cool the oil to below-freezing temperatures to prevent melting of permafrost. However, detailed studies revealed major design and operating problems which render the cold concept invalid. Briefly, the reasons for this are as follows: Cooling methods to satisfactorily handle the volume of throughput have not been developed. Cooling would result in the deposition of 1,400 tons a day of wax, some of which would be deposited along the walls of the pipe resulting in the need of frequent scraping. There would be a danger of crude oil solidifying in the pipeline should pumping stop. This would make it difficult to restart and, finally, even if the oil could be cooled satisfactorily, the heat generated by the frictional flow of the thick viscous oil would again elevate the temperatures. These factors resulted in the decision to transport warm oil. It should be mentioned that no heat is intentionally introduced into the system since the oil leaves the well at about 170° F.

In addition to permafrost, we have given considerable attention to the question of earthquakes. We note that within the vicinity of the pipeline three fault systems occur which have shown movement in recent geologic time. Only one of these, the Denali Fault, is actually known to intersect the route. At this location, special aboveground construction techniques will be employed which will enable the line to withstand a horizontal movement and a vertical displacement exceeding that anticipated by the most severe earthquake.

This capability to withstand sheer fracture and breakage due to faulting has been achieved to a significant extent by the use of a highly ductile steel in the pipeline. Stress tests at Berkeley indicate that the pipe can withstand a deflection of over 7½ feet in 100 feet before crimping (this was with an internal pressure of 932 lb/sq. inch and an axial force of more than 2½ million pounds). Furthermore, this test showed that in the event of a sudden upward or downward force the line would crimp rather than part or rupture. Since considerable deflection will occur in the pipe prior to any actual crack or leak, we are developing a specially instrumented pipeline "pig" which will be able to detect any deflection or out-of-roundness. Deflection changes of about one inch over a distance of 87 feet and ovality changes of ¼ of an inch will be determined. The instrument will be run through the pipe at regular intervals and detect any critical problems long before a wrinkle could develop.

In addition to these safeguards built into the line, a seismic monitoring system will be installed in those areas of active earthquake activity. Seismic monitoring will include geodetic nets, monument alignment, creep meters and strong motion seismographic monitors. These monitoring systems will be used to identify geologic faults on which slow tectonic creep is occurring and to determine the rate of fault creep. Strong motion seismographic monitors will initiate shutdown of the pipeline at designated levels of seismic shock.

Investigations have shown that one of the greatest risks from earthquakes results from landslides and potential liquefaction of soil. These concerns can best be provided for by carefully selecting the route to avoid difficult soil areas and terrain. Accordingly, data from our soils investigation have been utilized to achieve this objective.

Alyeska has a number of additional ongoing and completed research programs to provide information regarding design construction and environmental protection.

We have long recognized that one of the most important elements for the protection of the thermal regime and prevention of erosion is the vegetative cover. Realizing that we would be destroying some of the vegetation, we initiated a study three years ago to develop a program for revegetation of disturbed areas. Both the Institute of Arctic Biology and the Alaska Agricultural Experiment Station have been working on this problem. A total of 40 different plant species have been tested by each of these groups at twenty different sites along the pipeline right-of-way. These tests were conducted in dry, wet, mineral and organic soils under alpine and high permafrost conditions. In many of these experiments, different levels of fertilization have been studied. Data from this research have been used to develop a revegetation system employing various mixes which are capable of rapidly restoring vegetative cover to segments of the pipeline right-of-way. The ability to satisfactorily revegetate a disturbed area has been demonstrated by the successful restoration of over 600 acres along roadways, drill trails, etc.

Revegetation, while probably the most important element in erosion control will be augmented by a number of other erosion control techniques. These will include mulches, benches, diversion barriers and riprap. The particular technique which may be employed at any given point will be determined by soil type, surface gradient, drainage area and precipitation. Information on all these parameters is currently available or will be shortly, thereby enabling us to select the best method for erosion control.

We have been giving close attention to the fish and wildlife along the pipeline right-of-way. In 1969 an initial ecological survey was made along the northern portion of the proposed construction route. In this and subsequent studies, the State, Bureau of Land Management and Alyeska have identified the major animals encountered and their relative distribution. Two which have been of particular concern and interest to us are the caribou and Dall sheep. The latter, the Dall sheep, are of interest because we traverse one of their lambing and lick areas in the vicinity of the Atigun Valley. By studying their behavior patterns, we are learning when the lambing and lick use occurs. Accordingly, we will arrange construction so that any activity in the area will exert at most a minimal effect upon their normal reproductive activities.

Similarly the caribou migration habits and movement patterns have been reviewed in some detail to assess the impact that aboveground portions of the pipeline may have on the animals' normal migratory pattern. Studies have demonstrated that with the exception of the Nelchina herd, the caribou generally migrate parallel to the pipeline. To assure free passage of these animals we will place crossings at regular points along the elevated portions of the pipeline. Therefore, last summer we initiated some tests at Prudhoe Bay on caribou response to various pipeline crossing conditions. A simulated pipeline approximately two miles long was constructed with various above and belowground crossing features, and caribou response to the barrier and the choice of situations presented by the crossings have been recorded. A second study by the State and BLM on reindeer response to a barrier has also been undertaken on the Seward Peninsula in order to obtain winter and spring response. Information from these studies will enable us to determine the most appropriate design to promote free passage of the caribou.

Attention has been given to the bird life along the pipeline. Qualitative studies have been made to identify the major species encountered and also some rough quantitative estimates of their numbers. For example, it has been found that in about thirteen areas we pass through waterfowl nesting areas. One of the areas of highest concentration is on the North Slope where studies have indicated that 18–20 nesting pair may occur per square mile. If necessary, construction schedules will be arranged to avoid these high density breeding areas. Particular concern was given to raptors (birds of prey) along the route. Accordingly, in cooperation with the U.S. Bureau of Sports Fisheries, a map has been prepared of raptor nests along the 789-mile right-of-way. By knowing where the major raptor nesting areas are, we can avoid harmful construction during periods of nesting activity. Incidentally, most of the nests are on high bluffs well above construction activity, hence we do not expect this to be a significant problem.

The fish in the streams we traverse are also important. Approximately 70 significant streams and rivers will be crossed in our construction effort. Since 1969 Alyeska, State, and Federal research teams have conducted surveys on fish migration and spawning activities in all the streams that will be crossed by the proposed pipeline. These were the first such studies ever made on many of the streams. This survey data, which is essentially completed, will allow us to protect spawning fish. Spawning areas will be avoided during their utilization and should construction occur through a spawning ground (either before or after use), the spawning bed will be returned as closely as feasible to its original state. Similarly, based on this stream survey data, river crossing construction will be carefully scheduled to permit uninterrupted and safe upstream or downstream passage of fish. Finally, considerable care will be taken to avoid excessive siltation during construction. Where necessary, diversionary ditches and settling ponds will be utilized to reduce the sediment load and thereby protect the beds and the fish inhabiting these streams.

We are taking considerable precaution to preserve and protect the Valdez-Prince William Sound environment. To assure that terminal and tanker operations will not have an adverse impact on the ecology and natural biological growth in this region, an extensive research program has been undertaken by Alyeska and a number of State and Federal groups.

Alyeska initiated studies in 1969 with a marine baseline study which was conducted by the Institue of Marine Science of Alaska. This original study gathered data on some of the biological, physical and chemical oceanographic features which may have a bearing upon our terminal operation. In 1971/1972 this study was expanded and resumed and included detailed investigations into the hydrography, currents, dispersion rates, primary productivity, benthic biology, macrophyte composition, oil biodegradation rates and natural hydrocarbon levels of the Port. Our own work is being supplemented by studies conducted by the National Marine Fisheries Service, the Alaska Department of Fish and Game and several other State agencies. This information is being gathered to firmly establish what the biological and chemical conditions are within the Port prior to tanker operations. With this background data, we will be in a position to continually monitor the waters to ascertain that significant changes do not occur in these important biological and chemical parameters once tanker operations commence. Also, the physical oceanographic data from these studies along with information developed from a computerized mathematical model and an extensive oil toxicology study are being utilized to obtain the necessary assurance that there will not be any toxic buildup of oil in the Port.

Every step will be taken to lessen the possibility of major spills not only in the approaches to Valdez but also along the West Coast shipping routes. With respect to Valdez, one way tanker traffic through Valdez Arm will reduce the risk of collisions. (The Narrows portion of the entrance is 3,000 feet wide, which is several times wider than the ship channels in Houston, New York and Philadelphia.) Pilots will be utilized on all tankers entering or leaving the Port and they will be required to have two independent radar systems and continuous communication with shoreside facilities at all times. Once clear of Prince William Sound, vessels will travel an average of 100 miles offshore in a comparatively lightly traveled route with no navigational obstructions. (It is interesting to note that tankers from Cook Inlet, Alaska, to West Coast ports have been traveling this route for more than 10 years without any pollution from groundings, break-up or collisions.) In cooperation with the Coast Guard, navigational aids and communication techniques will be improved along much of the tanker route. Finally, before any tanker movements are made, a detailed oil spill contingency plan will be drawn up and made operational.

In the event of an emergency the line, which will be fully controlled from Valdez, will be shut down by closing pump stations and remote valves. Also, the operator in Valdez will be able to continually monitor for leaks through pressure deviations, flow deviations or line volume balance. Accordingly, leaks greater than 31 barrels an hour will be detected. Small leaks will have to be detected by other means and investigations are being conducted on several promising methods. One involves a leak-detector "pig" which would travel through the line and be able to detect leaks perhaps as small as 5 gallons an hour by virtue of the hiss emitted by the escaping oil.

By critical placement of control valves, losses due to a leak are minimized. For example, in the extreme and highly unlikely case of a complete line rupture, the maximum loss we can expect from any point on the line is 50,000 barrels. Only about 1.5 percent of the line would have a maximum drainage exposure in excess of 45,000 barrels, 77 percent of the line would have a maximum exposure which will not exceed 25,000 barrels and more than half the line would have a maximum ranging from 0 to 15,000 barrels. It should be emphasized, however, that due to design features of the pipe itself, complete rupture is most remote. Rather, should an opening occur, it would involve a small leak with considerably smaller losses than indicated here.

All the past comments have been directed at studies concerned with preserving the present and future environment. In concluding, I would like to tell you about one additional investigation concerned with saving artifacts of the past. To assure that our construction activity will not destroy any archeological sites, two universities were employed to survey the entire route of the pipeline. All identified sites have been excavated and over 10,000 artifacts have been recovered. This investigation, which has been referred to as "the most extensive treasure hunt in American history," has given us important information on Alaska's past.

There, briefly, is the trans-Alaska pipeline. This project has involved several thousand man years and millions of dollars worth of research. I hope I have given you a small taste of what went into that research. All of this research has been a vital part of our project planning because we at Alyeska Pipeline have been faced with new obligations and responsibilities; not only to ourselves and our work, but to the generations that will have to live in the world we are now helping to shape.

## NEWSMAN'S PRIVILEGE LEGISLATION

Mr. ROTH. Mr. President, the question whether Congress should enact a "shield" law for the protection of newsmen's sources continues to command the attention of many Americans. Hearings on this subject have been held by the Senate Subcommittee on Constitutional Rights and over 30 legislative proposals to create a "newsman's privilege" have been submitted to Congress.

Before the Senate concludes its debate on these proposals, I hope my colleagues will give careful attention to the views of those journalists who contend that the enactment of such a "shield" law might impinge on the present press freedom as guaranteed by the first amendment.

Jim Flood, editor of the Delaware Coast Press, addressed this issue in an editorial entitled "Protecting the Press." In it, he asserts that the "people's right to know" will be better protected if Congress refrains from enacting further legislation establishing "boundaries" on the right to a free press.

I believe that this editor's comments have considerable merit and should be seriously considered by each Member of the Senate.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### PROTECTING THE PRESS

Newsmen have gone to jail in recent months rather than reveal the confidential sources of information which they used in news stories, and this has given rise to interest and debate over the idea of providing a special "shield" for newsmen.

The idea is that newsmen should be protected by a law in addition to the First Amendment provision that "Congress shall make no law . . . abridging the freedom . . . of speech, or of the press."

At first blush the idea sounds like a good one. In doing investigative stories a writer should be able to protect his sources of information from later prying by a grand jury. Only if a newsman is able to give such protection will some sources be willing to talk.

But on more reflection several questions arise. Who is a qualified newsman? If a shield law is enacted what is to prevent later changes, and possibly more restrictions, because some newsmen had abused the privilege? Why should a newsman have any greater rights in the First Amendment area than any other citizen?

On balance I believe the nation's free press, which is to say the public's right to know, will be better protected if Congress does not legislate any boundaries of press freedom. If this means that some newsmen go to jail then this will have to be counted as one price in keeping the press free.

The public may well get a little tired about the press talking about "freedom," when certainly the press regularly commits sins of irresponsible journalism. But on the whole the public is served well by the press in this country, far better today than a generation or two ago. It is important that the public, and gadflies within the journalistic community, keep pointing out the faults of the press. It is equally important that the press, when crtiicized, respond in other than bleats of pious purity.

It remains, in the words of James Madison, that "A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy or perhaps both."

What is ultimately at stake in a free press is a free government and a free people, and that is something which affects us all.

## GENOCIDE CONVENTION DOES NOT NULLIFY THE CONNALLY RESERVATION

Mr. PROXMIRE. Mr. President, one of the concerns frequently voiced by critics of the Genocide Convention is that ratification of this treaty would nullify the Connally Reservation.

The Connally Reservation states that the United States will decide which matters are within the internal jurisdiction of the United States and outside the jurisdiction of the International Court. Article IX of the Genocide Convention says that the International Court of Justice will have jurisdiction over disputes between contracting parties relating to the "interpretation, application or fulfillment" of the Convention. Opponents of this treaty fear that ratification would override the Connally Reservation and give the International Court the authority to meddle in our internal affairs.

This fear is both technically and practically unfounded. The Connally Reservation applies only to our acceptance of article 36(2) of the Statute of the International Court of Justice, the so-called optional clause which provides for compulsory jurisdiction across the board. Article 36(2) gives the International Court the jurisdiction to hear cases between States in certain instances except when the case is within the domestic jurisdiction of a nation. The Connally Reservation says that in cases involving the United States, the United States will decide what is within our domestic jurisdiction.

Cases arising as a result of our adherence to the Genocide Convention would come under article 36(1) which covers the Court's jurisdiction as provided for in specific treaties. Since this is not the article to which the Connally reservation applies, the Genocide Convention does not in any way affect the reservation. The spirit, as well as the letter of the Connally reservation would continue in the event that we ratify the Genocide Convention. The spirit of the Connally reservation is that no case to which the United States is a party would be referred to the International Court without the express consent of the

United States. By ratifying the Genocide Convention we would be giving our express consent. Thus we would be fulfilling the spirit of the reservation even though the reservation does not apply to the Convention.

Ratification of the Genocide Convention would also have no practical consequences for U.S. jurisdiction in domestic affairs. By May 1970, the United States had ratified 27 treaties and conventions which contained provisions similar to article IX of the Genocide Convention. These included treaties dealing with sanitary regulations, copyrights, and slavery; matters which might be considered as strictly internal affairs. But in negotiating and ratifying these treaties the Executive and the Senate felt that it was in our own best interests to have international cooperation in dealing with these subjects. The International Court has not meddled in our internal affairs on the basis of these treaties.

Furthermore, it should be noted that individuals have no standing before the International Court, only nations. No individual or group of persons can be "hauled" before the Court. If some country disagrees with us as to the meaning of the Convention they can ask the Court to settle the dispute and make clear the meaning of the Convention. No other power, and certainly not the power to try individuals for alleged acts of genocide is granted to the Court or any other international tribunal.

Mr. President, I urge the Senate to ratify the Genocide Convention without further delay.

---

## A PENNY-A-POUND FOR A CLEANER ENVIRONMENT

Mr. PROXMIRE. Mr. President, I am pleased to join my colleague from Michigan, Senator PHILIP HART, in introducing the Solid Waste Source Reduction and Recycling Incentives Act of 1973.

This bill represents far and away the most comprehensive proposal that has ever been introduced at the Federal level for dealing with solid waste. In brief, this bill would—

First, establish a Commission on environmental damage charges and disclosure to study means of mitigating pollution damages and methods of internalizing pollution costs;

Second, eliminate discriminatory transportation rates, by requiring common carriers to charge the same rates for shipping recycled materials that they charge for shipping virgin materials;

Third, require Federal procurement agencies to insist that items procured, consist of recovered materials "to the maximum extent feasible;"

Fourth, empower the Environmental Protection Agency to set standards to prevent the manufacture of products which create unreasonable health or environmental risks when disposed of;

Fifth, impose a disposal charge of at least one cent a pound on all containers and materials entering the solid waste stream.

Mr. President, the key section of this bill, and the one that will be most hotly debated as this measure undergoes hearings before the Commerce Committee next month, is the provision for a penny-a-pound charge on all containers and materials.

### PENNY-A-POUND

The penny-a-pound charge will be assessed on manufacturers at the point when a product achieves its final configuration prior to sale. The manufacturer, of course, will be free to pass on the charge—or a portion of it—to the consumer, if he chooses to do so.

A credit against the charge will be allowed to the extent the product consists of recycled or reused materials. A credit will also be allowed if the product has been designated returnable and bypasses the solid waste disposal process.

Revenue from the charge will be deposited in the Treasury in an Environmental Trust Fund. The Fund will be available to the Administrator of the Environmental Protection Agency for environmental grants to carry out the purposes of the Environmental Policy Act.

### AN ECONOMIC INCENTIVE

Mr. President, the penny-a-pound approach is designed to internalize the costs of solid waste disposal. It would compel each product to bear its own disposal costs, rather than requiring the use of general tax dollars to fund solid waste disposal. This is much more than a mere bookkeeping convenience.

If a product is held accountable for its disposal costs at the time of manufacture, the manufacturer will have an economic incentive to take steps—whatever steps he can—to cut down on those disposal costs. He may do this by reducing the weight of the product. He may do this by utilizing recycled materials and components. Or he may do this by designating his product returnable. Penny-a-pound will give him an incentive to do this.

The marketplace will also give the manufacturer an incentive—since if the manufacturer fails to lower his disposal costs, and passes the penny-a-pound charge on to the consumer, his product will necessarily become less competitive when stacked up against competitors who have successfully taken steps to improve disposability and thereby cut production costs.

### $3 BILLION A YEAR

Mr. President, it is estimated by Leonard S. Wegman—a New York City consulting engineer who originated the penny-a-pound idea—that the charge would generate about $3 billion annually. The money will be placed in a revolving Federal Trust Fund, and will be available to municipalities and communities to augment their waste disposal facilities.

Mr. President, my own preference would be to restrict the use of this money for solid waste collection and disposal, and this was the approach encompassed within S. 3058 which I introduced last year. This bill today would open the environmental trust fund to a far broader category of environmental purposes—water pollution control, air pollution abatement, land use, and so on. These are laudable purposes, Mr. President, but if we are attempting to internalize costs on a product-by-product basis, it is unwise to encompass within the charge costs not attributable to the product in question. I hope this issue can be explored during hearings to be held on this bill.

### POLLUTION CHARGES: THE MOST EFFECTIVE APPROACH

Mr. President, I am firmly convinced that the most effective and efficient means of pollution control lies in the use of economic incentives. This bill would provide a substantial economic incentive for manufacturers to use recycling, to designate their products returnable, and to reduce product weight—all of which would substantially lessen the burden on our solid waste facilities. At the same time, this bill will generate funds which are desperately needed to handle this waste in an environmentally acceptable manner.

From experience abroad in the field of water pollution control, we know that pollution charges can work—and work dramatically. Since the early 1900's a system of effluent charges has been in effect in Germany's Ruhr, one of the most heavily industrialized areas in the world. The result has been that most of the waterways in that area have not become open sewers; unacceptable discharges have been held in check, and money has been available to treat excessive discharges. Industry in the Ruhr has responded to the economic incentive. And the result has been a cleaner environment. Penny-a-pound will work in the same fashion to insure that our cities begin to dispose of our solid waste in an environmentally acceptable manner.

Mr. President, it may be suggested that this bill is inflationary. It is. But no less inflationary than it would be to provide a massive increase in Federal funds to cope with solid waste.

Pollution abatement, unfortunately, does not satisfy an economic need. But it satisfies a compelling social need. Unless we conclude that we should not be doing more to abate pollution—and I know of no one here who would press that view—then we must simply ask ourselves, what is the most effective means of achieving pollution abatement? I am confident that the bill which Senator HART and I are introducing today is the most effective approach. I hope that our colleagues will come to share that view.

---

## RETIREMENT OF ALVA BECKHAM FENNELL

Mr. THURMOND. Mr. President, on Friday evening of this week, May 25, 1973, members of various South Carolina veterans organizations, public officials, and a grateful citizentry, will gather in Columbia, S.C., to pay tribute to Alva Beckham Fennell upon his recent retirement as Veterans Employment Representative for the State of South Carolina.

Unfortunately, I will be unable to attend this meeting because of prior commitments, which I am unable to change. However, I would like to take this opportunity to pay tribute to Abe Fennell, and to call to the attention of the Senate his illustrious career.

Mr. President, Abe Fennell was born on July 4, 1907, and since that time his life has been an exemplary one. He was educated in the Columbia City Schools, at Bailey Military Academy and at the Citadel. He answered the call of duty and served our Nation well in World War II. Since he returned from the service, he has devoted his life to the welfare of all veterans and to the causes for which our great veterans organizations stand.

Abe Fennell knows and understands the needs and problems of our veterans, and in his capacity as Veterans Employment Representative, he assiduously worked for their best interests. He fulfilled the public trust well, and the people of South Carolina and the Nation owe him a great debt of gratitude.

Mr. President, Abe Fennell has served the public in addition to his official capacity as Veterans Employment Representative. He is a member of the American Legion, the VFW and the DAV, and has served as South Carolina Department Commander of the American Legion and DAV. He has held various positions of leadership on the local level. In each endeavor. Abe Fennell has been a courageous spokesman for our Nation's veterans.

Our State is proud of the many achievements and the progress which he has spearheaded. However, his influence has not been restricted to South Carolina. His influence has been felt on the National level. He has served as chairman of the American Legion Veterans Preference Committee and Economic Committee. He has been a driving force behind the success of the American Legion baseball program. The latter accomplishment is one in which Abe Fennell takes much pride, and justifiably so. He has worked long hours and traveled many miles to insure a successful and wholesome athletic program for American youth.

Mr. President, Abe Fennell—Mason, veterans leader and civic leader—deserves the thanks of our State and Nation for a job well done. I wish him a pleasant and happy retirement with his lovely wife, Jewell, his family and many friends.

Although Abe Fennell officially retired on April 14, 1973, from his position as Veterans Employment Representative, he will continue to be a strong and effective spokesman for our Nation's veterans. We are indeed fortunate to continue to have the benefit of his wise counsel.

Mr. President, I commend Abe Fennell for the record he has established in serving our veterans. Again I thank him for his fine cooperation as I have sought to work with our veterans in an effort to improve their living conditions and meet their needs. We are indebted to Abe Fennell for the distinguished service he has rendered, and I shall continue to hold his judgment and opinions in highest regard.

---

## FACTS ABOUT NUCLEAR POWERPLANTS

Mr. SYMINGTON. Mr. President, there was an article in the Wall Street Journal last May 3 entitled "Atomic Lemons: Breakdowns and Errors in Operation Plague Nuclear Powerplants;" and as a result I wrote a letter to Dr. Dixy Lee Ray, chairman of the Atomic Energy Commission, requesting her comments on same.

On May 16 I received a reply from Chairman Ray, plus a copy of her letter to the managing editor of the Wall Street Journal, which letter puts this matter in perspective and which I believe will be of interest to many of my colleagues.

I ask unanimous consent that the chairman's reply to me, plus a copy of her letter to the managing editor, and the article in question be printed in the RECORD.

There being no objection, the letters and article were ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
*Washington, D.C., May 16, 1973.*

HON. STUART SYMINGTON,
*U.S. Senate,*

DEAR SENATOR SYMINGTON: Your letter of May 11, 1973 requesting comments on the article in *The Wall Street Journal* of May 3 has been received.

I had read the Journal article and felt that its readers deserved a more balanced picture regarding the development of nuclear power. I made my views known in a letter to the Editor of the Journal. A copy of that letter is enclosed.

Since that time, there have been several requests for a staff review of the article to develop specific comments in the areas of construction and operation of nuclear power plants.

We will forward a copy of the staff comments to you in the near future.

Sincerely,

DIXY LEE RAY,
*Chairman.*

---

MAY 8, 1973.

MR. FREDERICK TAYLOR,
*Managing Editor, The Wall Street Journal,*
*New York, N.Y.*

DEAR MR. TAYLOR: This refers to your May 3 story concerning certain difficulties in the operation of nuclear power plants. We do not question the principal thrust of the story—nuclear plants indeed undergo shakedown problems but so also do fossil fuel power plants, refineries, buildings, planes, ships—all kinds of new construction. The more highly technical the construction, the greater the number of "bugs" that must be checked out and corrected before full operation. Here are some additional facts that should help put the matter into better perspective:

The generation of electricity is a developing technology. Conversion of heat energy to electricity is relatively inefficient and there are constant engineering efforts to improve. Even in the fossil fuel field, modern 1000 MWe plants have been operating only since 1965. For example, the Commonwealth Edison Company of Chicago, the nation's private utility having the largest nuclear capacity on line, advises us that it has had, proportionally, more operating hours from its large nuclear plants than from fossil plants of comparable size. During the period from September 1972 to February 1973, when power needs were critical, these were the average figures:

| | *Percent availability* |
|---|---|
| Nuclear units: | |
| Dresden II | 65.1 |
| Dresden III | 93.7 |
| Quad Cities I | 85.5 |
| Quad Cities II | 84.5 |
| Average | 82.0 |
| Coal-fired units: | |
| Joliet 7 | 74.4 |
| Joliet 8 | 76.8 |
| Kincaid I | 64.4 |
| Kincaid II | 84.3 |
| Average | 75.0 |

In addition, General Public Utilities Corporation recently reported that its Oyster Creek nuclear plant had one of the Nation's best records for dependability last year.

The story in the Wall Street Journal also referred to the fact that a steam line accident at Virginia Electric Power Company's Surry plant killed two workers. This was a tragic occurrence, but it was not related to the fact that the plant used nuclear energy as its heat source. This type of unfortunate accident can, and occasionally does, occur in conventional power plants and in other kinds of industrial facilities using high pressure steam. It is a matter of record, which your reporters can verify, that mandays lost due to accidents in fossil fueled plants average about three times those for nuclear plants. Moreover, occupational fatalities due to accidents in fossil plants also are much higher than those in nuclear plants, but these misfortunes do not make headlines. We must point out again that there have been no radiation accidents in civilian nuclear power plants which have injured operating employees or the public.

We agree that greater engineering reliability is needed in commercial power programs of all types. The industry must upgrade its performance. Better quality assurance measures are needed during design, construction and operation.

The AEC knows that these problems are important, even vital, and we are taking steps to be more effective in discharging our responsibilities.

A companion story in the May 3 Wall Street Journal describes how critics have seized on operating problems to question the safety of nuclear power plants. We know that despite the best efforts of industry and the AEC malfunctions will occur.

It is essential therefore to make certain that the primary safety systems are backed by redundant systems and that minor malfunctions are prevented from escalating into public safety problems. Surely the fact that the problems noted in the Journal story have indeed occurred, yet the radiation safety record is unblemished, offers considerable proof that the Commission's defense-in-depth requirements have worked and therefore are worth the time and money spent on them.

We offer these comments in the hope that your readers will view the development of nuclear power in a balanced way. Certainly there are problems, many of them of the kind that are common to any large engineering task. But the record of 150 reactor-years of safe operation justifies confidence in commercial generation of electricity by nuclear power.

Sincerely,

DIXY LEE RAY, *Chairman.*

---

[From the Wall Street Journal, May 3, 1973]

### ATOMIC LEMONS: BREAKDOWNS AND ERRORS IN OPERATION PLAGUE NUCLEAR POWERPLANTS

(By Thomas Ehrich)

MILLSTONE, CONN.—Despite its deceptively pastoral setting, this seacoast town near Long Island Sound is very much part of the atomic age. Far down one of its back roads sits a hulking nuclear power plant capable of churning out enough electricity to supply a city of 600,000 at a cost far below that of most conventional plants.

The Millstone Point power station is very much part of the atomic age in another way, too: It doesn't always work. From last September to March of this year, in fact, the $103 million facility owned by Northeast Utilities didn't run at all.

First, seawater mysteriously seeped into Millstone's reactor, corroded hundreds of parts and forced a closedown. While fixing that, people at Northeast discovered some unrelated mistakes made when certain key parts were first installed. And while these were being remedied, the dismayed utility people learned they had been shipped some defective replacement gear by a supplier, General Electric Co.

By the time it was finished, Northeast had a repair bill exceeding $10 million. And the electric power industry had yet another sign that nuclear power plants so far aren't all they were originally cracked up to be.

Indeed, their unreliability is becoming one of their most dependable features. The incredibly complex facilities are plagued by breakdowns that experts blame on faulty engineering, defective equipment and operating errors. Failures range from hour-long annoyances to months-long closedowns. Repair costs often run into millions of dollars, and some utilities stoically shell out up to $200,000 a day for replacement electricity to distribute to their customers in the meantime.

### A LOT OF FAILURES

For example, within the past year, in addition to the Millstone fiasco, a routine 10-week refueling at a Wisconsin Electric Power Co. plant grew into a five-month closedown for turbine and steam-generator repairs the company says were to correct design mistakes. A Yankee Atomic Electric Co. plant in Rowe, Mass., needed a six-month, $6 million repair job when some bolts failed in the reactor core. And a steam valve blew at a Virginia Electric Power Co. plant killing two workers. Another steam line ruptured at a Florida Power & Light Co. plant, apparently as a result of an engineering fault, and two other plants had to have defective fuel replaced. Operating licenses of six reactors were restricted because of fuel problems.

So far, only about 4% of the nation's power comes from atomic plants, so such breakdowns have caused no blackouts yet. But in the future, more and more power will be coming from nuclear stations—as much as 50% by the year 2000—and then failures could be traumatic not only for utilities but for consumers as well.

Already, this unplanned downtime is a big factor keeping nuclear stations from conributing as much electricity to utilities as had been projected. For example, Louis Roddis, president of Consolidated Edison Co. of New York, told a recent industry conference that the 18 longest-running U.S. nuclear plants averaged only 61.9% of their potential output through last Sept. 30. Four came close to 80%, but three of these subsequently broke down. Eight of the 18 were delivering about 50% of the power they were theoretically capable of.

### NOT TOO CONCERNED

By contrast, most economic studies that led utilities to go to nuclear plants in the first place assumed reliable delivery of 80% or more of a plant's potential power. A few even projected 90%. This apparent gap between projections and reality has led some, such as Mr. Roddis, to question the validity of these previously unchallenged assumptions.

But surprisingly, most utility men, including many who have endured breakdowns, seem nonchalant about the whole thing. "We think there's a real question about (the quality of equipment) we're buying," concedes Donald Allen, president of Yankee Atomic Electric, the New England power company. But there seems to be widespread confidence that nuclear plants will achieve their promise of abundant, cheap power once the "learning curve" stage is over. Thus, while there are only 29 nuclear plants operaing in the U.S. right now, 134 more are on the way, and there could be 1,000 in use by the year 2000, experts say.

Some utility officials even claim nuclear plants that deliver only half of what they could aren't a bad deal. "We think Lou (Roddis, of Con Edison) just doesn't know what he's talking about," says Gordon Corey, vice chairman of Commonwealth Edison Co. of Chicago, which owns 25% of the nation's current nuclear generating capacity. Mr. Corey says Commonwealth is "quite pleased" with output in the 50% range, since operating costs are still 62% less than for comparably sized conventional units owned by the utility.

Others say huge new conventional power plants are so complex that they break down a lot, too. At Virginia Electric, for example, its latest coal-fired plant delivers only about 50% of its potential power. General Electric, one of the biggest reactor makers, contends its nuclear plants perform "as good or better than" comparably sized conventional units, and a spokesman says it has "launched a program to achieve rates in excess of 90%." Westinghouse Electric Corp., another major producer, also claims equal performance with regular units, though Earle W. Dubois, general marketing manager of reactor divisions, concedes "as an industry, we need to improve overall reliability."

Still, 50% isn't the sort of performance utilities had in mind when the first commercial nuclear reactor came on stream 16 years ago at Shippingport, Pa., with a technology based on the Navy's successful nuclear submarine program.

The process seemed very simple. A conventional power plant produces electricity by burning coal, oil or natural gas to boil water. The steam then spins a turbine generator. A nuclear reactor also uses a steam-driven turbine, but it gets its heat from nuclear fission, or splitting of uranium atoms contained in pencil-thin rods.

Lured by the low cost and comparative abundance of nuclear fuel, utilities jumped on the nuclear bandwagon. Reactor makers urged them on with "turn-key" contracts that promised complete, ready-to-go plants at attractive prices. Reactor size soared. After building a few small units, utilities jumped quickly to reactors more than 10 times the size of the first Shippingport unit. Soon, "the reactor manufacturer and utilities were all grossly overcommitted," says Milton Shaw, director of reactor development for the Atomic Energy Commission.

Now, utilities are "going to pay a price for trying to grow that fast," claims Norman Rasmussen, professor of nuclear engineering at Massachusetts Institute of Technology. Part of that price apparently is the current string of breakdowns and malfunctions.

One cause of trouble seems to be that utilities got to super-sized reactors quickly by scaling up former technology instead of developing new technology. For example, in the case of the Virginia Electric breakdown that killed two workers, engineers relying on experience with prior units underestimated the pressure a certain steam valve would encounter in operation, a company official says. It blew, and the men were trapped in scalding steam. The steamline rupture at the Florida Power & Light plant and a 44-day closedown of a Consumers Power Co. nuclear plant in Michigan occurred because of similar "design deficiencies," company representatives say.

Manufacturing errors by suppliers add to the woes. "You wouldn't believe the problems we're getting with variations in fuel quality," says Sol Burstein, senior vice president of Wisconsin Electric. In fact, Vermont Yankee Nuclear Power Corp. and Commonwealth Edison claim to have gotten defective fuel from General Electric that in some cases necessitated costly and time-consuming downtime for replacement of vital fuel cores. A GE spokesman says only a tiny amount of faulty fuel escaped its rigid quality control, and since then it has upgraded its fuel-making process further to prevent the problem from recurring.

Quality control is also a problem on the "steam" or turbine generator side, where both nuclear and conventional power plants are similar. "Basically, the hardware industry in this country isn't in very good health," Mr. Shaw of the AEC says. For this reason, Westinghouse Electric Corp., which makes reactors for utilities, recently started making some hardware previously subcontracted to others. "We've gone into the valve business," for example, says Mr. Dubois of Westinghouse.

But Westinghouse has had problems of its own, too. It turns out that fuels rods in some reactors it built shrank and distorted the rods holding the fuel, contrary to engineering predictions. The AEC worried about possibly uneven or excessive heat that could lead to safety problems, temporarily restricted the operating licenses of six reactors using the suspect fuel so they couldn't be run at full power. Some restrictions are still in effect. Meanwhile, Westinghouse is completing work that it says should eliminate the problem.

In other cases, construction lapses crop up. For example, several utilities claim certain water-spraying devices on their reactors weren't installed properly, causing them to crack in use. And startup of a Jersey Central Power & Light Co. nuclear plant was delayed for "some time' by inadequate welding on the control rods that regulate the rate of nuclear fission, an official says.

Utilities sometimes compound equipment troubles. An AEC study of three malfunctions at a Commonwealth Edison plant, for example, found operators' actions "aggravated and prolonged" the incidents. The AEC said one action reflected a "lack of training and an attitude in conflict with good safety practices." Commonwealth Edison doesn't dispute the AEC claims, but a spokesman blames procedures written by the reactor manufacturer for requiring too much human judgment. They've been rewritten to remove much of the need for operator decisions, a company official says.

The AEC's Mr. Shaw contends too many utilities are "trying to run nuclear plants the way they run fossil (fuel) plants," which he indicates often means seat-of-the-pants response to emergencies.

Northeast Utilities' experience with the Millstone station demonstrates how these elements can combine to disable a reactor for a long time:

Like many nuclear plants, Millstone uses cold ocean water to condense reactor steam after it spins the turbine. For an as yet unknown reason, pipes carrying the salt water through the reactor corroded, allowing contamination of the plant's pure internal water supply. Millstone's operators, misled by certain instrumentation, tried to combat the contamination with standby "demineralizers" that were quickly overwhelmed. The salt water spread, forcing a closedown.

While inspecting for corrosion, Northeast found some water-spraying devices that officials say had been improperly installed and had to be repaired. Then came the final blow: a telephone call from General Electric warning of a possible defect in a new set of key fission control parts just sent Millstone. Northeast halted refueling, inspected the parts, and found not only the defect GE feared, but also, according to company officials, several others.

GE says the problem with the parts was strictly mechanical, not nuclear-related, was detected by standard procedures and was corrected. Only one other plant, in Japan, got the troublesome parts, it says.

Nevertheless, downtime at Millstone had to be extended another 25 days at a time when

Northeast was paying up to $100,000 a day for replacement power. Finally, the reactor was restarted in March, but it was closed April 17 for a routine inspection. Inspectors found a repeat of the cracking problem in the water-spraying devices. The new devices installed during the previous closedown have cracked, so the plant will remain closed indefinitely.

---

## THE RHODESIAN CHROME AMENDMENT

Mr. KENNEDY. Mr. President, I wish to speak in support of S. 1868, a measure designed to reimpose sanctions against goods imported from Southern Rhodesia. The bill was introduced by the distinguished chairman of the Foreign Relations Subcommittee on Africa on May 22d and I am pleased to have this opportunity to express my support for this vital measure. The bipartisan support of 24 Senators clearly demonstrates the importance of this matter.

When the Military Procurement Act was amended in 1971 to remove economic sanctions against Southern Rhodesia, the principal concern focused on the alleged demand to import chrome ore Proponents of that measure insisted that grave economic risks would result from the failure of the United States to seek chrome ore imports from countries other than the U.S.S.R. and the shabby claims used to support those contentions were baseless. It is interesting to note the implementation of the provisions in that amendment by the Treasury Department permitted this country to import not only chrome ore, but also the amendment allowed 71 other commodities to enter U.S. ports from Southern Rhodesia. Little attention has been paid to that fact, however, so that this measure has been popularly called the Rhodesian chrome amendment.

Trading with Southern Rhodesia violates our commitment to the United Nations resolution that imposed economic sanctions when Rhodesia announced its unilateral declaration of independence from Great Britain in 1965. Since that time, Great Britain has mounted concerted campaigns to nudge Southern Rhodesia toward a reconciliation of its breakaway doctrine. But United States action regarding chrome clearly contributes little to the British effort. I am convinced that the United States is obliged to use all available legal avenues to serve this country's own concept of human and social justice.

For the United States to move against the interests of black Africans, not only destroys any credibility that we have with other African nations, but it also erodes the faith of those Americans who had hoped this nation would "do the right thing" regarding the oppressed people of Southern Africa.

Above all, the legislative action breaking sanctions was wholly based upon false assumption and distortions of the true relationship between this Nation's requirements and the supplies of available minerals from Southern Rhodesia. Events that have occurred since the passage of legislation removing the sanctions, sharply demonstrate why that legislation must be repealed.

First, those who argued for the removal of sanctions claimed that such a move would break the monopoly that Russia enjoys in the U.S. chrome market. Yet, Russia's share of the market for metallurgical grade chrome ore, in the first year after sanctions were broken, remains almost exactly the same as it was for the previous 5 years—about 58 percent.

Second, by lifting sanctions, the U.S. ferrochrome industry has suffered devastating price cutting. Ironically, one company that lobbied for the removal of sanctions has announced plans to close its Steubenville, Ohio, plant in 1973. The president of another ferrochrome producer complained:

> They were so successful, they are going out of business.

Since sanctions have been lifted, total imports of ferrochrome have risen to 40 percent of the domestic market. When sanctions were in force, those imports accounted for only 17 percent of the U.S. market.

Third, U.S. imports of ferrochrome produced in Southern Rhodesia are processed under conditions that suggest this country may be in direct violation of Federal laws prohibiting acceptance of goods produced under forced labor.

Because chrome ore can be processed much cheaper in Southern Rhodesia than in the United States, one U.S. company uses its expansive facilities in Southern Rhodesia to outstrip its domestic competitors.

Black workers in Southern Rhodesia are under the total control of the white-ruling minority. These workers are forbidden to bargain for decent wages, or adequate working conditions. Wages, therefore, are maintained at starvation levels. The Southern Rhodesian regime not only subsidizes ferrochrome production with this low-cost labor force, but ferrochrome producers get special freight rates on the Government-owned railways. As a result, labor costs at every stage of the delivery process reflect the oppressively engineered laws that intimidate and exploit black workers.

Fourth, Great Britain's attempts to negotiate a settlement with the regime of Ian Smith have been largely undermined by U.S. efforts to coddle the rebel Southern Rhodesia Government. Members of the British Parliament have publicly declared their dismay with the U.S. action that lifted sanctions against Southern Rhodesia, for it is the force of economic and moral pressure from the international community that lends Britain the leverage needed to steer the Smith regime toward rapprochement. Without support from her allies, the British Government finds it more difficult to continue demanding a reconciliation. Yet, the U.S. Government has claimed it is pledged to working with the British to seek a just settlement. Only last week our Ambassador to the United Nations, the Honorable John Scali, announced his pledge that sanctions should be properly imposed upon shipments of goods from Southern Rhodesia.

U.S. support of the sanctions means a great deal both to the British Government and also to the 5 million black citizens of Southern Rhodesia.

The November 1971 proposals for a settlement negotiated with the British and Rhodesian Governments was overwhelmingly rejected by black Rhodesians. When he visited this country in May 1972, Bishop Abel Muzorewa carefully described for me the Africans' attitude to that proposal. He affirmed it is quite clear that any further negotiations on the future of Southern Rhodesia must be with representatives of all the people. The bishop resolutely declared that black Africans in Southern Rhodesia would gain the most direct assistance in their struggle for freedom and human justice.

As long as the United States continues its illegal violation of the sanctions against trade with Southern Rhodesia, it will be impossible for this country to convince the world that we truly believe in self-determination, the most basic of human rights.

Repeal of the chrome amendment alone cannot achieve that goal. But as long as the United States fails to abide by this fundamental standard, then this Nation is the proper target of those who seek hope and justice for the oppressed people in Southern Rhodesia.

It is my firm hope that the Senate will approve this bill, S. 1868, and set forth the U.S. commitment to its original United Nations pledge.

---

## RHODESIAN CHROME IMPORTS

Mr. KENNEDY. Mr. President, I request unanimous consent to enter in the RECORD two newspaper articles relating to the issue of Rhodesian chrome imports. The first of these is an article by Laurence Stern in the Washington Post. Mr. Stern discusses the factors surrounding the appointment of Kenneth Rush as Deputy Secretary of State. The details of this appointment are of particular interest because Mr. Rush is a former official of Union Carbide Corp., which is the principal firm involved in the importation of ferrochrome from Southern Rhodesia. I believe it may be useful for the Senate to review this account of Mr. Rush's involvement.

In addition, I would also like to enter in the RECORD an article about Miss Judith Todd from the New York Times.

Judith Todd is a white Rhodesian and is one of the most courageous of those fighting against the white supremacist rule of the illegal Ian Smith regime in Rhodesia. For her political beliefs she was imprisoned in January 1972 and went on a hunger strike until she was forcibly fed, released under detention and then expelled from her country.

So important is her work on behalf of the oppressed African majority that Judith Todd has now been selected by the Zimbabwe African National Council, the main political organization of black Africans, to be their delegate to the United Nations. She was recently in the United States arguing the urgency of the need for the United States to reverse its decision to break United Nations sanctions against Rhodesia by importing Rhodesian chrome. Judith Todd is convinced that unless swift and effective pressure can be brought upon the white minority in Rhodesia to agree to unimpeded progress toward majority rule, the consequences for all Rhodesians will be disastrous. The maintenance of effective and complete sanctions against Rhodesia she regards as imperative. I fully agree with her position.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### Chrome Curbs Debate May Focus on Rush

(By Laurence Stern)

"I will divest myself from participation in any decision having a direct and substantial bearing on the interests of the Union Carbide Corporation."

So declared Kenneth Rush, the incoming deputy secretary of state, in a statement filed with the Senate Foreign Relations Committee to which he presented himself for confirmation last Jan. 29.

These words had a special significance in the case of Rush. His 33-year association with Union Carbide, a principal supplier of chrome products from the break-away state of Southern Rhodesia, could prove a touchy liability for the man who was second in command of the State Department.

Nonetheless, the nomination was approved swiftly. Prior to the hearing, the department's office of legal affairs scrutinized Rush's portfolio of Union Carbide interests and found him to be in compliance with the conflict-of-interest regulations.

The senators who passed on the nomination gave scant attention to his holdings in the company. "Kenneth Rush was among the better witnesses that came before us," commented a staff aide.

And in the few months since he moved to State from the Pentagon, where he also served as deputy secretary, Rush has established a reputation for himself as a strong administrator of the vast, mushy bureaucracy which George Ball once dubbed "The Fudge Factory."

In the three successive government jobs he held since Richard Nixon became President in 1969—U.S. ambassador to Germany, deputy defense secretary and now No. 2 at State—Rush has maintained an impeccable reputation.

Within the next two weeks, however, there is in prospect a major congressional quarrel over U.S. curbs on Rhodesian chrome imports. Sen. Hubert H. Humphrey (D-Minn.) and others have been circulating a "Dear Colleague" letter on Capitol Hill. They say legislation is imminent to repeal the Byrd Amendment, which opened a big loophole in the American import barriers toward Rhodesia.

Some congressional aides hint that Rush's Union Carbide connections may well come under fire at that time.

So far, the only public suggestion of conflicting interests on Rush's part were made in the course of his confirmation hearing by Rep. Charles C. Diggs Jr., the black congressman from Detroit who is chairman of the House Foreign Affairs African Subcommittee.

"My concern over the nomination of Kenneth Rush arises because of his service for more than 30 years as a ranking official of Union Carbide, a company which because of its enterprises in Southern Rhodesia has a substantial interest in the ending of or compromising of Rhodesian sanctions."

Diggs' objections were rooted in the turbulent politics of the Rhodesian boycott centering on both U.N. and U.S. sanctions against the minority-rule regime of Ian Smith in Southern Rhodesia. The debate is fraught with racial overtones, corporate self-interest, congressional politics and transcending questions of international morality.

But the objective root of the matter is chrome, one of Rhodesia's most profitable exports. Rhodesian chrome is high on the U.N. embargo list. Rush's old company, Union Carbide, is a principal supplier of the industrially precious mineral.

In 1967 President Johnson issued Executire Order 11322 which slapped a tight embargo, in compliance with the U.N. Security Council action, on chrome and other Southern Rhodesian exports. The objective was to induce the Smith regime to negotiate reform of its white supremacist policies with Great Britain leading toward majority rule. The effect was, understandably, to impose major hardships on Union Carbide's Rhodesian subsidiary.

Union Carbide in 1969, after Rush's appointment as ambassador to Germany, was the only company granted an exemption from the chrome import ban. It was issued a "special hardship" license for importing 150,000 tons of chrome products. The Johnson administration had refused to grant such exemptions.

It is in the context of the domestic political repercussions of the Rhodesian embargo and ensuing action in Congress to subvert it that the financial relationships between Rush and Union Carbide take on significance.

At the time Rush appeared for confirmation for the State Department post, he was drawing a pension from Union Carbide of $50,000 a year, in addition to his $42,500 government salary, according to qualified government sources.

In addition, Union Carbide is paying into a "blind trust" some $26,000-a-year in "dividend equivalents," cash payments equal to current dividends of $2 on each share of Union Carbide stock. A blind trust is one which is screened from the beneficiary's knowledge and control. The trust terminates, however, when Rush leaves his State Department post. The dividend payments are a lifetime benefit under Rush's arrangement with Union Carbide.

Rush also held at the time of his confirmation an estimated 30,000 shares in Union Carbide stock which is currently trading at $42 a share, for a paper value of $1.2 million.

And so, unquestionably, at the time he last saw his portfolio Rush had a substantial financial interest in the success of Union Carbide. The company's success, in turn, is governed in no small measure by the success of its Rhodesian subsidiary which in turn is affected by U.S. government policy providing access to American markets.

(In response to inquiries by The Washington Post, an aide to Rush issued this statement: "Because he has been employed by Union Carbide for over 30 years, the Deputy Secretary feels that when the issue of Rhodesian chrome arises in discussions and for decision within the Department, he will not participate in any such decision.

("He would expect, however, to support any policy of the administration related to the issue of Rhodesian chrome.")

In 1971 lobbyists for Union Carbide and several other industries with a direct stake in repeal of the U.S. chrome sanctions helped to pass a bill lifting the chrome embargo. The measure, sponsored by Sen. Harry F. Byrd Jr. (Ind.-Va.) became the subject of bitter economic and ideological controversy on Capitol Hill. National church organizations, mining companies, civil rights groups and racial activists all flocked to the battle on the Senate floor which was eventually won by Byrd and the Southern parliamentary tacticians who were his allies.

Senate supporters of the original sanctions led by Gale McGee (D-Wyo.) tried the following year to repeal the Byrd Amendment. Once again they were outmaneuvered and McGee angrily charged the White House with waffling in its support of what he assumed to be the administration's stand.

At one of the hearings on the Byrd Amendment Assistant Secretary of State for African Affairs David Newsom, speaking for the administration, asserted: "Were this bill to become law it would put the United States in clear violation of the international treaty obligations it freely undertook when the United Nations' Charter was ratified." This was the prevailing theme of administration witnesses on the issue.

In sharp contrast was the testimony of Rush when he appeared before the Foreign Relations Committee last January. He professed a policy of "neutrality" on the Byrd Amendment and the Rhodesian chrome controversy although he proclaimed himself to be in sympathy with the sanctions against the Smith regime.

"I have scrupulously refrained from expressing any opinion with regard to chrome or the importation of chrome from Rhodesia to anyone, in private and public, since I became ambassador to Germany," he testified.

Sen. Edmund S. Muskie (D-Maine) retorted:

"I take it that since our country at one point at least subsrcibed to those sanctions that something other than a neutral attitude was expected and called for on the part of the Secretary of State and under secretary of state."

"Only in regard to chrome and the Byrd Amendment," Rush retorted. Chrome was, of course, Union Carbide's main concern in Southern Rhodesia and the Byrd Amendment was the vehicle for bringing it to American markets.

"I have carefully refrained from commenting about chrome or the Byrd Amendment," he stressed to Muskie. "Because of my prior association with Union Carbide . . . I should like to continue that posture."

---

### Mr. Smith's Regime

(By Judith Todd)

LONDON—Rhodesia's Smith regime tends to regard any opposition as a threat to its existence. Leaders of the African people (95 per cent of the population) have been held in prisons and detention camps for years without trial—one man, Daniel Madzimbamuto, is now entering his fourteenth year of detention—parties and newspapers have been banned and activities within the country are rigorously controlled by laws and regulations. One of the latest regulations makes it an offense, punishable by up to seven years imprisonment, to spread rumors.

Peter Niesewand, 28-year-old reporter for the B.B.C., U.P.I., Reuters and The Guardian has now been detained. Niesewand is not even a protester. He is simply an accurate journalist who, by competently reporting events in Rhodesia, fell foul of the Smith regime. Like all other detainees he is held under an order signed by the Minister of Law and Order which states that he is detained because of the "belief" that he may in the future do something against the State.

Quite apart from the detention order Niesewand has been charged and found guilty under Rhodesia's Official Secrets Act. His trial was in secret. The charges are not known. The sentence, announced to waiting newsmen by a court official was two years hard labor, one suspended conditionally. The sentence has aroused a storm of protest in Britain and it is possible that enough pressure will be brought on the Smith regime to secure Niesewand's release. If not, he will serve his sentence and then may continue to be held indefinitely under the detention order which remains in force, whatever Peter's circumstances, until it is revoked by the Minister of Law and Order.

Sometimes the actions of the Smith regime verge on the ridiculous. In January 1972 my father and I were arrested—no charges, no trial. After five weeks in prison we were released, only to be put under immediate house arrest. My father is still under house arrest. Last July I was given permission to leave Rhodesia for England. At the airport, just as I was leaving, a new detention order was served on me. This stated that if I returned to Rhodesia I must go immediately to my last place of detention; that although I was being allowed to leave Rhodesia I still remained a detainee (which means that Rhodesia newspapers are not allowed to print my name); and that if while overseas I did anything subversive—"subversive" was not defined—I would be liable to a year's imprisonment on my return to Rhodesia. As my new book has just been banned by special governmental decree for "security reasons" the incentives to return to Rhodesia are not great.

The situation inside Rhodesia is critical. Africans who have left the country and trained in guerrilla warfare are returning to fight and are now being supported by the local population. Since last December more than a dozen whites have been killed, an alarming number bearing in mind that the total white population is only about 275,000. The Smith regime has responded by sentencing captured guerrillas to death and, in a brutal campaign to "disinfect" local groups believed to have aided guerrillas, has embarked on a program of collective punishments under which cattle have been seized, villages fined, schools closed and turned into interrogation camps where hundreds of men are being held.

The only African political organization in Rhodesia, the African National Council is, however, under the leadership of the United Methodist Bishop Abel Muzorewa, pleading for peaceful change and for talks and compromise between white and black leaders. The weapon on the side of peaceful change is the continuing United Nations mandatory sanctions policy against the illegal Smith regime. This policy has gravely damaged the Rhodesian economy and, more importantly, keeps the regime isolated. Only continuing pressure of this kind may lead white leaders to a negotiating table with African leaders.

The United States decision to import Rhodesian minerals, and thus to provide foreign currency to the Smith regime, is one which President Nixon could easily get revoked. By dong so, he would be assisting in the arduous task of seeking peacefully to change Rhodesia from a repressive white-supremacist state into a country where citizens of any colour were accorded their rights and dignity and men held for years in camps and jails were given their freedom and the chance to start trying to mend their lives and families.

## JOHN C. KAZANJIAN

Mr. CRANSTON. Mr. President, my good friend John C. "Caser" Kazanjian, 70-year-old San Joaquin Valley rancher admired throughout his community for an outstanding record of business and civic accomplishments, died in Visalia, Calif., on March 19.

I would like to devote a few moments of reflection to his long and colorful life.

Mr. Kazanjian began ranching in Tulare County, Calif., nearly 40 years ago, following an exceptional athletic career which led to his election to the Fresno Athletic Hall of Fame in 1969. He was rated one of the best all-around football players in the history of Fresno State College, then went on to play in two Rose Bowl games for Stanford University. He participated on two National Amateur Athletic Union championship teams in track field, and spent 5 years on the professional wrestling circuit before entering into business life.

His agribusiness operations included fruit dehydration, grape packing and shipping. He served actively on various local agricultural committees, community service clubs, and officiated as foreman of the 1962 Tulare County grand jury. In the same year he was general chairman of a statewide seminar on welfare. John Kazanjian's life will be remembered as an inspiration to Californians to renew their involvement in service of their country and fellow men.

## MASSACHUSETTS CITIZENS PROTEST RISING FOOD PRICES

Mr. KENNEDY. Mr. President, yesterday's monthly consumer price index figures demonstrate once again that the supermarket is a disaster area for millions of shoppers and consumers in Massachusetts and throughout the country. Once again, as it has for the past 3 months this year, the cost of living has soared, and once again it was food prices that led the steep and upward climb.

The figures tell the story. In April, the overall cost of living rose 0.7 percent, or an annual rate of increase of over 8 percent. That increase is bad enough, but the story on food is even worse—grocery store prices rose by 1.3 percent in April, an annual rate of over 15 percent, or nearly twice the increase in overall consumer prices. Coming on top of the astronomical food price increases earlier this year, the cost of food was a full 13 percent higher in April 1973 than it was in April 1972.

During the Easter recess of Congress last month, I had the opportunity to visit a number of communities in many different parts of Massachusetts. Wherever I traveled, I found what the Gallup Poll confirmed last Sunday, that the high cost of living, especially the rising cost of food, is the number one concern of young and old alike. Every worker on the assembly line, every housewife in the supermarket, every executive in the boardroom, every citizen in Massachusetts feels the burden of rising prices and knows that strong medicine is required to cure an inflation and bring the economy back to health.

We know who the real victims of soaring prices are—millions of ordinary citizens trying to live on income that shrinks in buying power each day as prices rise. The monthly consumer and wholesale price reports read like battlefield statistics. In fact, we have not seen anything like the current rate of price increases since the early 1950's, at the height of the price explosion caused by the outbreak of the Korean war.

The cause of the problem is not far to seek, phase III, launched last January by the President, has been a failure, and it has failed because the administration completely underestimated the strength of the inflationary pressure still left in the economy when phase II was prematurely ended.

Preoccupied with Watergate, the administration has compounded its serious January mistake by four straight months of failure to take any effective action to repair the damage. Timid and half-hearted gestures like the meat price freeze and the new reporting requirements are mere slaps on the wrist, inadequate to meet the mushrooming economic crisis, an abdication of the administration's responsibility to 200 million American citizens to keep the economy from running wild.

It is long past time to end this period of inaction and neglect. My own view is that the only realistic answer is a temporary across the board price freeze, including farm and food products, followed by a return to a phase II-type program for the longer run.

We need a new economic policy, comparable to the dramatic policy launched by the President in August 1971. Even if the administration is deaf to the pleas of the ordinary consumer, at least it should heed the message that Wall Street, the Dow Jones average, and the international money markets have been sending.

Unless firm action is taken, and taken now, to bring prices back to earth, we face the dismal prospect of continuing unacceptable inflation for every American consumer, with the inevitable prospect of a bust at the end of the boom. We know that the tools of modern economic life are more than adequate to prevent that insidious cycle of boom and bust. All we have to do is use them.

Two weeks ago, I had the opportunity again to see firsthand the rising concern of citizens of Massachusetts. In my office in the Federal Building in Boston, I met with a delegation of concerned citizens from Worcester, Shrewsbury, and many other communities of central Massachusetts. They presented me with a large number of significant and impressive petitions, signed by more than 10,000 housewives protecting the soaring cost of food in their communities.

I share their concern. I praise their action and I urge the Nixon administration to respond to the obvious need for a more vigorous national economic policy.

A sound economy is the greatest social program America ever had, the heart of all our other hopes for our country. We know the path we ought to take to bring the economy back to health. I intend to work in Congress to achieve this goal, and I am proud to have the support of so many citizens of the Commonwealth of Massachusetts, who see the need so well.

Mr. President, I have brought with me eight of the petitions I received earlier this month, signed by 116 citizens of central Massachusetts. These eight petitions are representative of the hundreds of others that I received, signed by more than 10,000 citizens of Massachusetts, expressing their strong concern for immediate and vigorous action to bring inflation under control. I ask unanimous consent that these eight petitions may be printed in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

### PETITION NO. 1

Hon. EDWARD M. KENNEDY,
*431 Old Senate Office Building,*
*Washington, D.C.*:

We urge you to speak out and use your influence in taking those steps necessary to lower and stabilize food costs. Consumers cannot bear the current price increases like those of the January/March period.

We *voters* and taxpayers want to hear your voice in our behalf and see the results of your efforts in this crucial matter.

Susan Berthiaume, 8 View Street, Worcester, Mass.

Joan E. Ethier, 28 Williamsburg Court, Shrewsbury, Mass.

Jackie Lorman, 63 Topsfield Circle, Shrewsbury, Mass.

Stephanie Bellione, 115 Eastern Avenue, Worcester, Mass.

Robert Berthiaume, 8 View Street, Worcester, Mass.

Mrs. James Marshall, 11 Fairbanks Street, Worcester, Mass.

Mrs. John P. Mills, 43 Burncoat Terrace, Worcester, Mass.

Donald W. Hobday, 1 Pierce Street, Hudson, Mass.

Pamela L. Gordon, 145-A Park Hill Avenue, Millbury, Mass.

Janet E. Quintin, 186 N. Quinsig Avenue, Shrewsbury, Mass.

Pamela A. Robinson, 39 Proctor Street, Worcester, Mass.

Mrs. Robert Benoit, 5 Westboro Road, N. Grafton, Mass.

### Petition No. 2

Hon. Edward M. Kennedy,
*431 Old Senate Office Building,*
*Washington, D.C.:*

We urge you to speak out and use your influence in taking those steps necessary to lower and stabilize food costs. Consumers cannot bear the current price increases like those of the January/March period.

We *voters* and taxpayers want to hear your voice in our behalf and see the results of your efforts in this crucial matter.

Norma Rosiello, 10 Wheeler Avenue, Shrewsbury, Mass.

Lena D'Agostino, 61 Dewey Road, Shrewsbury, Mass.

Faye M. Millett, 25 Worthington Avenue, Shrewsbury, Mass.

Mary DeFrancesco, 61 Westwood Road, Shrewsbury, Mass.

Patricia Laganelli, 217 Oak Street, Shrewsbury, Mass.

Maria Blanchard, 10 Rivelly Street Shrewsbury, Mass.

Peg Courtney, 9 Maury Lane, Shrewsbury, Mass.

Rosalyn Consiglio, 13 Dalphen Road, Shrewsbury, Mass.

Camella Kruczynski, 26 Pinedale Road, Shrewsbury, Mass.

Stella B. Jones, 18 Florence Street, Shrewsbury, Mass.

Geraldine Joubert, 5 Jordon Road, Shrewsbury, Mass.

### Petition No. 3

Hon. Edward M. Kennedy,
*431 Old Senate Office Building,*
*Washington, D.C.:*

We urge you to speak out and use your influence in taking those steps necessary to lower and stabilize food costs. Consumers cannot bear the current price increases like those of the January/March period.

We *voters* and taxpayers want to hear your voice in our behalf and see the results of your efforts in this crucial matter.

Mrs. Paul L. Bourgeois, 119 Southgate Street, Worcester, Mass.

Mrs. Daniel Hayes, 8 Jackson Lane, Millbury, Mass.

Mrs. Lillian Carrieu, 9 Belcourt Road, Worcester, Mass.

Mrs. Robert E. Welby, 79 Cohasset Sreet, Worcester, Mass.

Mrs. David K. Mero, 12 Seaward Street, Worcester, Mass.

Joseph H. Welby, 50 Elmwood Street, Auburn, Mass.

Daniel Hayes, 8 Jackson Lane, Millbury, Mass.

Joseph Sumara, 73 Wall Street, Worcester, Mass.

Mrs. Dennis Arenella, 37 Sheridan Drive, Shrewsbury, Mass.

Peter DiCurtis, 15 Old Faith Road, Shrewsbury, Mass.

James Crandall, 467 Oak Street, Shrewsbury, Mass.

Buddy Hickson, 45 Fountain Street, Worcester, Mass.

Josephine Sharkus, 24 Ward Street, Worcester, Mass.

Laura B. Laws, 415 Lake Avenue, Worcester, Mass.

Allan J. Bonomi, 97 Forest Avenue, Quincy, Mass.

### Petition No. 4

Hon. Edward M. Kennedy,
*431 Old Senate Office Building,*
*Washington, D.C.:*

We urge you to speak out and use your influence in taking those steps necessary to lower and stabilize food costs. Consumers cannot bear the current price increases like those of the January/March period.

We *voters* and taxpayers want to hear your voice in our behalf and see the results of your efforts in this crucial matter.

Gladys Smith, 140a Quinsigamond Avenue, Shrewsbury, Mass.

Ruth E. Cragan, 35 Elliot Street, Worcester, Mass.

Marti Kaplan, 107 So. Quinsigamond, Shrewsbury, Mass.

Angelo T. Battista, 7 Montgomery Avenue, Worcester, Mass.

Mary E. Patterson, 1 Waterville Circle, North Grafton, Mass.

Josephine Bisceglia, 6 Dewey Road, Shrewsbury, Mass.

Mrs. Sandra Migneault, 5 Canna Drive, Shrewsbury, Mass.

James M. Brosnan, 234 S. Quinsigamond Avenue, Shrewsbury, Mass.

Maureen Smyth, 234 S. Quinsigamond Avenue, Shrewsbury, Mass.

Mary-Ellen Rogers, 968 Salisbury St., Holden, Mass.

Barbara Myers, 4 Knight Street, Worcester, Mass.

### Petition No. 5

Hon. Edward M. Kennedy,
*431 Old Senate Office Building,*
*Washington, D.C.:*

We urge you to speak out and use your influence in taking those steps necessary to lower and stabilize food costs. Consumers cannot bear the current price increases like those of the January/March period.

We *voters* and taxpayers want to hear your voice in our behalf and see the results of your efforts in this crucial matter.

Helen L. Carlson, 20 Old Faith Rd., Shrewsbury, Mass.

Mary Meola, 24 Gage Street, Worcester, Mass.

Daniel K. Schaefer, 7 Manor Road, Shrewsbury, Mass.

Paul W. Walkoski, 262 S. Quinsigamond Avenue, Shrewsbury, Mass.

Mrs. Cynthia Schaefer, 7 Manor Road, Shrewsbury, Mass.

Mrs. Ernest Valeri, 15 Tampa Street, Worcester, Mass.

Frank Padavano, 15 Maury Lane, Shrewsbury, Mass.

Vincent P. DiLeo, 53 Merrifield Street, Worcester, Mass.

Janet E. DiLeo, 53 Merrifield St., Worcester, Mass.

Peter Haber, 431a Lake Avenue, Worcester, Mass.

Jean Nuzzetti, 12 Normal Street, Worcester, Mass.

James McGourty, 11 Lake View Street, Worcester, Mass.

Etta Marie McCarthy, 391 Shrewsbury St., Worcester, Mass.

Gary E. Erickson, 17 Puffton Villate Apts., Amherst, Mass.

Rosemary A. Moreau, 87 Canterbury St., Worcester, Mass.

Joan E. Wrenn, 18 Pineland Avenue, Worcester, Mass.

Edmond Daniel, 122 Southgate, Worcester, Mass.

### Petition No. 6

Hon. Edward M. Kennedy,
*431 Old Senate Office Building,*
*Washington, D.C.:*

We urge you to speak out and use your influence in taking those steps necessary to lower and stabilize food costs. Consumers cannot bear the current price increases like those of the January/March period.

We *voters* and taxpayers want to hear your voice in our behalf and see the results of your efforts in this crucial matter.

Robert H. Hutchinson, 36 Francis Avenue, Shrewsbury, Mass.

Jean Graham, 137 Prospect Street, Shrewsbury, Mass.

M. Shirley Maraget, 567 Main Street, Shrewsbury, Mass.

James G. Willoughby, 8 Williamsbury Ct., Shrewsbury, Mass.

Mary L. Lovering, 552 Main Street, Shrewsbury, Mass.

John D. Bennett, 7 Shady Lane Ave., Shrewsbury, Mass.

Elizabeth L. Driscoll, 28 Westwood Road, Shrewsbury, Mass.

Maynard J. Burke, 271 Grafton Street, Shrewsbury, Mass.

Robert F. McKenny, 71 Walnut Terrace, Holden, Mass.

Paul Wickson, 235 Cherry Street, Shrewsbury, Mass.

Gladys Lawson, 31 Grafton Street, Shrewsury, Mass.

Penny Rawson, 23 Colton Lane, Shrewsbury, Mass.

Regina A. Collins, 46 Gates Road, Shrewsbury, Mass.

Yvonne E. Stewart, 34 Fairview Ave., Shrewsbury, Mass.

Mr. & Mrs. Douglas Best, 18-13 Williamsburg Ct., Shrewsbury, Mass.

Jude Dowling, 59 South Street, Shrewsbury, Mass.

Stephen Kalagher, 1 Cook Street, Shrewsbury, Mass.

Jim Smith, 4 Merriam Avenue, Shrewsbury, Mass.

William F. Powell, 23 Walnut Street, Shrewsbury, Mass.

M. C. Chung, 15 Fiske Street, Shrewsbury, Mass.

### Petition No. 7

Hon. Edward M. Kennedy,
*431 Old Senate Office Building,*
*Washington, D.C.:*

We urge you to speak out and use your influence in taking those steps necessary to lower and stabilize food costs. Consumers cannot bear the current price increases like those of the January/March period.

We *voters* and taxpayers want to hear your voice in our behalf and see the results of your efforts in this crucial matter.

Charles S. Hull, 10 Francis Avenue, Shrewsbury, Mass.

Charles V. Jamieson, 19 Alden Avenue, Shrewsbury, Mass.

Janet G. Turturo, 15 Westmont Circle, Shrewsbury, Mass.

Wendy Giumentaro, 25 Brookway Drive, Shrewsbury, Mass.

Joanne Landry, 20 Saunders Drive, Shrewsbury, Mass.

Marie Nourse, 16 Bryant Avenue, Shrewsbury, Mass.

Doreen Lawless, 4 Beaver Drive, Shrewsbury, Mass.

Elizabeth Holle, 131 Holman Street, Shrewsbury, Mass.

Paula H. Connally, 30 Cross Street, Shrewsbury, Mass.

Katherine Murphy, 218 N. Quinsigamond Ave., Shrewsbury, Mass.

Lester Hunter, 136 Boylston Street, Shrewsbury, Mass.

John Holmes, 367 Brigham, Northboro, Mass.

Louise R. Basilissa, 32 Westmont Road, Shrewsbury, Mass.

Joseph Tyan, 5 Karen Avenue, Shrewsbury, Mass.

Evelyn M. Tyan, 5 Karen Avenue, Shrewsbury, Mass.

Madeline Younis, 3 Pratt Lane, Shrewsbury, Mass.

Reginald W. Rives, 7 Prospect Street, Shrewsbury, Mass.

Wyman R. Allard, 109 Coburn Ave., Worcester, Mass.

Elsie Sattus, 12 Merriam Avenue, Shrewsbury, Mass.

Mrs. A. O. Galler, 6 Grafton St., Shrewsbury, Mass.

### Petition No. 8

Hon. Edward M. Kennedy,
*431 Old Senate Office Building,*
*Washington, D.C.:*

We urge you to speak out and use your influence in taking those steps necessary to lower and stabilize food costs. Consumers cannot bear the current price increases like those of the January/March period.

We *voters* and taxpayers want to hear your voice in our behalf and see the results of your efforts in this crucial matter.

Sandra Hodge, 30 Lakeside Drive, Shrewsbury, Mass.

Lorraine Derosier, 71 Crescent St., Shrewsbury, Mass.

Sofia Glazer, 20 Monadnock Drive, Shrewsbury, Mass.

Helen Lucia, 3 Linden Street, Boylston, Mass.

Louise D. Cusson, 12 Millwood Dr., Shrewsbury, Mass.

Isabel C. Hair, 111 Nola Drive, Holden, Mass.

Ruth E. MacConnell, 23 Ruggles Street, Westboro, Mass.

Barbara L. Barr, 32 Creeper Hill Rd., N. Grafton, Mass.

Eleanor Shea, 32 Rena Street, Worcester, Mass.

Rose Querico, 103 Howe Avenue, Shrewsbury, Mass.

## THE DIMENSIONS OF U.S. FOREIGN ASSISTANCE

Mr. INOUYE. Mr. President, in order that the Congress and the public might understand the true dimensions of U.S. foreign assistance, the Senate Appropriations Subcommittee on Foreign Operations collected and published information on each of the component programs with apppropriate totals and subtotals for the first time last year.

This information, when updated for the current fiscal year, indicates that the administration proposes transfer of $8.6 billion abroad, exclusive of U.S. military costs or the operations of the Export-Import Bank. Of this total, the administration proposes $4.1 billion in security related transfers and $4.5 billion in transfers for development, humanitarian, and reconstruction assistance.

In fiscal year 1973, the administration proposed a total program of $10.1 billion. Of this amount, security assistance and related transfers totaled $5.9 billion and $4.2 billion was for proposed development and humanitarian transfers.

The committee believes that while this information constitutes a most useful document for viewing U.S. foreign assistance in its totality, it should be borne in mind that such broad statistical presentations are subject to certain limitations with reference to overall groupings and definitions. It should also be noted that the fiscal year 1974 column is a projected estimate subject to reduction through congressional action or increases by the Executive's broad and virtually unrestricted use of direct transfer authority.

Mr. President, this full report will be reprinted as an appendix to the subcommittee's fiscal year 1974 hearings. However, I ask unanimous consent that the summary tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TRANSFERS OF U.S. RESOURCES TO FOREIGN NATIONS—WORLDWIDE DISTRIBUTION BY PROGRAM

[In thousands of dollars]

| | Fiscal year— | | |
|---|---|---|---|
| | 1972 actual | 1973 estimated | 1974 proposed |
| Grand total of all U S resources transferred | 9,278,578 | 9,511,259 | 8,643,349 |
| Security assistance (subtotal) | 6,040,038 | 5,945,192 | 4,111,417 |
| Military assistance program | 549,892 | 589,100 | 771,500 |
| Distributed by country | (527,813) | (453,028) | (648,727) |
| Not distributed by country | (22,079) | [1] (136,072) | (122,773) |
| Int. mil. education and training program | | | 33,000 |
| Distributed by country | | | (30,123) |
| Not distributed by country | | | (2,877) |
| Military assistance service funded | 2,584,100 | 2,735,000 | 1,870,800 |
| Distributed by country | (2,584,100) | (2,735,000) | (1,870,800) |
| MAAG administrative costs—Military department funded | 95,157 | 96,110 | 52,409 |
| Distributed by country | (95,157) | (96,110) | (52,409) |
| Transfer of defense stocks | 252,421 | | |
| Distributed by country | (252,421) | | |
| Excess defense articles | 107,318 | 185,000 | 185,000 |
| Distributed by country | (107,316) | (184,000) | (185,000) |
| Not distributed by country | (2) | (1,000) | |
| Ships transfers, distributed by country | 159,696 | 121,000 | 6,500 |
| Real property transfers | 631,128 | 721,091 | 244,553 |
| Security supporting assistance | 593,226 | 627,891 | 124,055 |
| Distributed by country | (577,883) | (606,786) | (117,500) |
| Not distributed by country | (15,343) | (21,105) | (6,555) |
| Foreign military credit sales | 550,000 | 550,000 | 760,000 |
| Distributed by country | (550,000) | (550,000) | (760,000) |
| Export-Import Bank military loans | 190,000 | 100,000 | NA |
| Distributed by country | (190,000) | (100,000) | (NA) |
| Public Law 480 (sec. 104(c), distribution by country [2] | (67,060) | (157,900) | (162,080) |
| Purchase of local currency (Vietnam) | 327,100 | 220,000 | 63,600 |
| Indochina postwar reconstruction (subtotal) | | | 630,945 |
| Distributed by country | | | (614,000) |
| Not distributed by country | | | (16,945) |
| Development assistance (subtotal) | 3,238,540 | 3,566,067 | 3,900,987 |
| Agency for International Development | (1,474,228) | (1,334,491) | (1,338,314) |
| Development loans, distributed by country | 535,700 | 493,400 | 596,000 |
| Not distributed by country | 68,350 | 99,600 | 49,000 |
| Development grants, distributed by country | 111,726 | 98,603 | 102,725 |
| Not distributed by country | 66,657 | 73,897 | 84,525 |
| Population programs, distributed by country | 27,842 | 32,717 | 37,071 |
| Not distributed by country | 11,904 | 11,306 | 9,675 |
| South Asian relief | 194,422 | 101,100 | 500 |
| American schools and hospitals abroad, not distributed by country | 19,987 | 25,532 | 10,000 |
| International organizations and programs, not distributed by country | 182,037 | 145,631 | 177,122 |
| Administrative expenses, not distributed by country | 58,628 | 57,159 | 57,875 |
| Administrative expenses—State | 4,448 | [3] 4,420 | 5,100 |
| International Narcotics Control and Contingency Fund, distributed by country | 49,812 | 12,617 | 20,481 |
| Not distributed by country | 17 | | |
| Contingency fund, undistributed | | 12,773 | 30,300 |
| Narcotics, undistributed | | | 9,738 |
| Program support and interregional activities, not distributed by country | 142,696 | 165,736 | 148,202 |
| Peace Corps, distributed by country | 50,314 | 50,715 | 51,463 |
| Not distributed by country | 3,855 | 7,227 | 6,543 |
| General support | 20,931 | 22,898 | 18,995 |
| Public Law 480, distributed by country | 1,025,115 | 1,072,410 | 976,575 |
| Not distributed by country | 96,888 | 9,790 | 22,345 |
| Ocean freight | 190,510 | 162,500 | 117,700 |
| Grants of title I, sec. 204 | 3,001 | 2,000 | 1,000 |
| Private trade entities | | 13,400 | 10,000 |
| Emergency reserve | | | 19,180 |
| U.S. contributions to international financial institutions: | | | |
| IBRD: | | | |
| Paid-in capital | 12,300 | | |
| Callable capital | (110,700) | | |
| International Development Association | | 320,000 | 320,000 |
| Inter-American Development Bank: | | | |
| Paid-in capital | 75,000 | 25,000 | 25,000 |
| Callable capital | (136,800) | (168,400) | (168,380) |
| Fund for special operations | | 225,000 | 500,000 |
| Asian Development Bank: | | | |
| Paid-in capital | | | 24,200 |
| Callable capital | | | (96,800) |
| Special funds | | | 100,000 |
| State Department migration and refugee programs, distributed by country | 14,895 | [4] 12,067 | 7,600 |
| Inter-American Foundation | 2,847 | 3,473 | 13,285 |
| Pan American Highway | 343 | | |
| Darien Gap Highway | 9,755 | 20,000 | 30,000 |
| Mutual education and cultural exchange | 29,579 | 32,563 | 38,557 |
| Nonregional | 11,226 | 12,437 | 14,443 |
| Trust Territories of the Pacific | 55,581 | 63,903 | 66,000 |
| Contributions to international organizations (State Department) | 162,172 | 176,191 | 199,787 |

---

[1] Includes $300,000 supplemental for pay costs.

[2] Nonadd. Estimated at 80 percent of Public Law 480 title I agreements (export market value).

[3] Includes $100,000 supplemental for increased dollar requirements resulting from the dollar devaluation of Feb. 12, 1973.

[4] Includes $600,000 for increased dollar requirements resulting from the dollar devaluation of Feb. 12, 1973.

[5] Undistributed minus other U.S. Government funds available and foreign government contributions.

[6] See classified supplement.

## NEED FOR A STRONG AND FLEXIBLE DEFENSE ESTABLISHMENT

**Mr. GOLDWATER.** Mr. President, it is all well and good for us to talk about and work toward a generation of peace based on an era of negotiations. However, we should constantly be aware of the fact that the generation of peace is not yet at hand and that the need for a strong and flexible Defense Establishment still exists.

Certainly by now, we have had more than enough experience to show us that the leaders of the Soviet Union respect only one thing, power. And we have had more than enough experience to show that we can bargain seriously with the Communists only if we do so from a position of strength.

So now, we come to the question of just how much defense do we need under circumstances existing in the world today and this question has been dealt with expertly and conclusively by a position paper recently put out by the Association of the United States Army. Because of its great importance to the Members of Congress I ask unanimous consent to have this position paper entitled "The Security of the Nation—How Much Do We Need?" printed in the RECORD.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

### THE SECURITY OF THE NATION: PART II—HOW MUCH DEFENSE DO WE NEED?

(April 6, 1973)

### INTRODUCTION

There probably is no current question with a greater variety of answers than "How much defense do we need?" The only answer, and it is really a non-answer, is: It all depends. It all depends on how we define what we want defense to do.

For example, there appeared in the newspapers of March 16, 1973 the results of a Gallup poll that showed that 42% of those interviewed felt we are spending too much for defense, 8% said too little, and 40% said the amount was about right. Since the poll question contained no modifiers identifying these views as being concerned with whether we have too many strategic weapons systems, tactical weapons systems, overseas commitments, or just people, one can only assume that the responses were based on nothing more than gut feelings that too much of our total expenditures go for defense.

We suggest that the availability of financial facts would have resulted in different poll results. For example, in fiscal year 1973, defense will account for 20% of all public spending (31% of Federal spending), about 21% of all public employment and just over 6% of the gross national product. These represent the lowest shares for defense in 20 years. They also represent the lowest defense spending in real terms since FY51.

Over the past five years, the *increase* in Federal *non-defense* spending—$74 billion—has nearly equalled the total defense budget. The *increase* in state and local spending—$80 billion—one-quarter Federally financed, has also equalled the total defense budget.

During the past nine years, funds for military research and development, procurement, and military construction have increased by only 4% or $900 million. In terms of real buying power, these funds have decreased by 24% in the same period.

So, while the costs of defense are still substantial, they no longer dominate public spending or even the Federal budget, but occupy rather a steadily diminishing share and, as the President so aptly put it, "The cost of maintaining our strength continues to be substantial, but it is far less than the cost of allowing our defenses to deteriorate."

If we are to evaluate properly how much defense we really need, we must consider first of all what we want defense to do and then we can begin a more reasonable valuation of what it takes to do it.

In Part I of this series of papers, we suggest that the first requirement of our national defense is to deter war—to provide that visible, credible and hopefully formidable barrier to those who for whatever reason would be tempted to use military means to gain their goals.

Our strategic nuclear defenses not only provide protection for our country, but make the cost of either nuclear attack or blackmail prohibitive. Additionally, these nuclear defenses have provided the umbrella under which a non-proliferation treaty could become a reality and smaller nations could go about their business of internal development.

Our conventional defenses enable us to meet threats below the nuclear threshold and contain them before they escalate to holocaust.

But above all, our defenses are designed to protect not only our own freedom and well-being, but hopefully provide the shield for extending them to others.

As we move on to consider in more detail our true defense needs, we must be realistic. The years when the United States had a built-in margin of security because of its preponderance of power, prestige and overwhelmingly dominant economy are now gone. We cannot protect our national interests on the tarnished credibility of past glories. So we must be very pragmatic when we view what it takes to do the job that must be done. The world is growing smaller, with more and more nations interacting in world affairs creating more opportunities for friction, so we must be sure that our credibility is clearly visible.

Finally, our continued strong defense and our avowed will to use it when our interests have been threatened not only has protected our shores, but has made possible the emergence of truly healthy and viable allies in Western Europe, Japan and South Korea, for example. It has helped other Asian nations prosper and hopefully it will result one day in a revitalized and peaceful Vietnam.

But perhaps in the long run the greatest contribution of our defense has been the fact that it has brought us honorably to the era of negotiation. With our strong defense and the help of our allies, we have closed all paths except that of negotiation. If we wish to continue to pursue world peace by negotiation and not war, and at the same time protect our interests and position, then we must continute to show the will and the ability to maintain our national defense.

Again, it is in the context that we wish defense to serve our country and its aspirations that we should seek to establish how much defense we need.

SUMMARY OF SELECTED ACTIVE MILITARY FORCES

| | Actual | Estimated | |
|---|---|---|---|
| | June 30, 1972 | June 30, 1973 | June 30, 1974 |
| Strategic forces: | | | |
| Intercontinental ballistic missiles: | | | |
| Minuteman | 1,000 | 1,000 | 1,000 |
| Titan II | 54 | 54 | 54 |
| Polaris-Poseidon missiles | 656 | 656 | 656 |
| Strategic bomber squadrons | 30 | 30 | 28 |
| Manned fighter interceptor squadrons | 10 | 8 | 8 |
| Army air defense firing batteries | 21 | 21 | 21 |
| General purpose forces: | | | |
| Land forces: | | | |
| Army divisions | 12⅔ | 13 | 13 |
| Marine Corps divisions | 3 | 3 | 3 |
| Tactical air forces: | | | |
| Air Force squadrons | 69 | 69 | 69 |
| Navy attack squadrons | 70 | 70 | 70 |
| Marine Corps squadrons | 24 | 24 | 24 |
| Naval forces: | | | |
| Attack and antisubmarine carriers | 17 | 16 | 15 |
| Nuclear attack submarines | 56 | 60 | 64 |
| Escort ships | 279 | 244 | 191 |
| Amphibious assault ships | 77 | 65 | 65 |
| Airlift and sealift forces: | | | |
| Strategic Airlift squadrons: | | | |
| C–5A | 4 | 4 | 4 |
| C–141 | 13 | 13 | 13 |
| Troopships, cargoships, and tankers | 87 | 63 | 57 |

### STRATEGIC FORCES

When we begin to talk about how much defense we need in the strategic arena, we would do well to reflect that Armageddon doesn't come in sizes, nor are there any replays. There can be no margin for error, only margins of safety.

It is the foregoing that makes a viable assessment so difficult. Our strategic needs are variously described as either "sufficiency" or "assured destruction." The President has further defined sufficiency in the broader sense to mean "the maintenance of forces adequate to prevent us and our allies from being coerced."

The various charts in this section give some indication of the relationship between U.S. nuclear capability and that of the Soviet Union. We are told that what all of this means is that both the United States and the Soviet Union have more than enough nuclear weapons to exterminate each other and a good bit of the rest of the world as well.

Because all of this represents nuclear parity, the Association of the United States Army supported the agreements and treaty that resulted from SALT I. We felt it was a first step toward relieving mankind of the burden and terror of nuclear weapons. We felt that it was an important beginning in bringing a halt to the senseless and spiralling strategic arms race. But we prefaced our support by stating clearly that we gave it only on the basis that the U.S. would continue vigorously to modernize and maintain a comparable capability with the Soviets so that we might be in a position to negotiate further acceptable limitations on offensive systems and also to prevent the United States from being placed in a position of strategic vulnerability. It is important that our allies and the uncommitted nations have positive evidence of our intention to maintain our strategic deterrent power. Many of them consider this deterrence essential to their security.

Obviously, nuclear detente is essential to the continued expansion of the era of negotiation. Such an era pursued through SALT II, or even a SALT III, might very well bring us to a period of serious diminution in the numbers and power of strategic weapons for both ourselves and the Soviet Union. But we are not there yet.

When we consider how much strategic deterrence or strike back power we need, we relate it primarily to the Soviet nuclear threat. Obviously, if we have the necessary deterrence for that threat, we can meet any other challenges in the foreseeable future.

Our strategic posture rests on a triad—land based missiles, bombers and submarine launched ballistic missiles, to provide the highest level of deterrence by ensuring the ability to retaliate against any nuclear attack.

Strategic forces funding remains level at $7.4 billion in both the FY73 and FY74 budgets. In the new budget, however, there are significant decreases for our ABM system, Safeguard, which drops by $.2 billion. The Poseidon submarine launched ballistic missile buy is almost completed, so that it is also reduced by $.2 billion in the FY74 budget. Another major reduction is $.1 billion for the short range anti-ballistic missile, SRAM, on which the buy out is also being completed.

Our ICBM force remains stable with programs continuing for the modernization of Minuteman III. These forces will include 1,054 ICBM launchers at the end of FY 74. We will also have 656 SLBM launchers (Polaris and Poseidon) carried on 41 nuclear powered submarines. Our strategic bomber forces will be reduced by two squadrons to 28 (24 B–52 and 4 FB–111), based on the retirement of older B–52s whose lifespan is nearing an end.

The major new strategic weapons program now in progress is the "Trident" ballistic missile submarine, a follow-on to the Polaris-Poseidon subs, allocated for an outlay of $1.7 billion in FY74. This is a costly system involving both a new submarine and a new missile. It is slated for a longer range missile, improved survivability and more flexible range of operations. But its great cost promises high visibility in the halls of Congress.

The replacement of the B–52s with the oncoming B–1 is a more urgent case because of the heavy use of the B–52s. Some of the B–52s have a measurable useful lifespan and will soon have to be taken out of service. Despite the need for a new bomber, there are problems. Some claim that the range of the B–1 will be inferior to that of the newer B–52s. Concern exists that the improvements do not greatly increase its ability to penetrate advanced Soviet air defense. Concern about the B–1 also centers on its high procurement cost. Estimates range from $30 million a plane to as high as $60 million. Direct and indirect operating costs for each B–1 and its supporting tanker force will be approximately the same as for the B–52, about $10 million a year. The B–1 is still in research and development and $473.5 million (up $29 million) is in the FY 74 budget for this purpose.

On the strategic defensive side, we now plan to complete the ABM site at Grand Forks, South Dakota with 100 missiles on launchers, one missile site radar and one perimeter acquisition radar. This site should be operational by 1975. No other sites for the defense of the Minuteman system are planned, and, because of Congressional opposition, efforts to begin the site near Washington for the protection of the National Command Authority site have been thwarted. Meanwhile, the Soviets appear to be completing the ABM defense allowed them under the SALT agreements.

The U.S. interceptor force will be maintained through mid-1973 at about the current level, with a total active inventory of about 600 aircraft, including air defense units of the Air National Guard. The last production interceptors (F–106s) were delivered to the forces in 1961.

Apparently there is now agreement at the highest levels of our government that the triad (land-based missiles, bombers and SLBMs) is to be considered as a whole and that each arm need not be "sufficient" in itself. There is also agreement that to launch a second srtike only one arm need survive a Soviet first strike.

So the dilemma is how to modernize and maintain a credible deterrent both for our own protection and as a basis for further negotiation while at the same time maintaining our sense of proportion in the amounts we are willing to expend.

Although the Soviets have been allotting a far greater share of their gross national product to defense than we have been willing to do, we must not become enamored of the numbers game and blindly assume that we must march ahead with new weapons on a one for one basis. As Dr. Kissinger noted at the time of the SALT agreements, "The current arms race compounds numbers by technology. The Soviet Union has proved that it can best compete in sheer numbers. This is the area limited by the agreement. Thus, the agreement confines the competition with the Soviets to the area of technology. And heretofore we have had a significant advantage."

The basic question of how much defense we need is particularly acute in the strategic area where every system is so terribly expensive. How fast and how much we need to add to our strategic arsenal is thus a complex question and not the least of the problem is how much overkill we need to program. Certainly there is nothing in the whole equation of nuclear arithmetic to give any comfort or certainty to either side.

### GENERAL PURPOSE FORCES

All of the overt conflict between nations in the past quarter of a century has been in the non-nuclear arena. This clear fact focuses attention on that portion of our national strategy that concerns our General Purpose Forces.

The President has summed up the objectives of this part of our deterrence as follows: "To serve as a realistic deterrent, our General Purpose Forces, together with those of our allies, must be such as to convince potential enemies that they have nothing to gain by launching conventional attacks."

When the present administration took office, a very detailed examination of our total national defense strategy was undertaken. By applying the Nixon doctrine, which requires that our allies do more for themselves, a major downward revision was made in our own defense posture from what was known as the 2½ war strategy to the 1½ war strategy. This materially reduced the baseline forces required to support our new national strategy.

Under this revised strategy, we plan our General Purpose Forces in peacetime to be adequate for simultaneously meeting with our allies a major Communist attack in either Europe or Asia and contending with a minor contingency elsewhere. In planning our capabilities, we presumably maintain the full range of our air, sea and ground forces needed to meet that planning goal. This strategy represents a material scaling down of our previous planning approach.

Our capability to respond directly to any conventional land conflict with a high degree of control rests primarily on our ground forces, both active and reserve. Their visible combat capability and their deployment in areas where we have important security interests contributes substantially to an effective deterrent posture.

The Army and Marine Corps forces are sized and structured to be able to respond in concert with our allies to a wide spectrum of conflict ranging from a NATO confrontation with the Warsaw Pact to minor contingencies elsewhere on the globe.

Taking the capabilities of our allies into full account, the administration has concluded that 13 active Army divisions and 3 active Marine divisions plus 3 special mission Army brigades is the absolute minimum "baseline" force necessary to support national objectives during this period. To counter a major conflict such as one with the Warsaw Pact forces, we would rely heavily upon a ready Reserve Component force of 9 more divisions (8 Army, 1 Marine Corps) to reinforce our active forces.

Our strategy requires that we be able to respond to a wide range of potential conflicts against both "light" and "heavy" forces. Major elements of our Army forces are structured and equipped to be primarily capable, together with our NATO allies, of defending against conventional attack in Europe by an enemy heavy in armor. Conflict against less sophisticated forces would require different capabilities. Other elements of the Army as well as Marine amphibious forces provide such capabilities.

The remainder of the General Purpose Forces are made up of the air and sea units designed to support ground operations. A table showing the size and diversity of these elements appears on page 4, and is entitled "Summary of Selected Active Military Forces."

In supporting the overall strategy, tactical aircraft provide a capability to carry out a variety of missions, including some close air support, interdiction, counter-air (both fleet and area) reconnaissance, tactical airlift and special purpose missions. In FY74, we are scheduled to have 163 active Air Force, Navy and Marine Corps tactical fighter and attack squadrons. This is an appreciably smaller force than we had before the war in Vietnam. As in the case of ground forces, this puts a premium on the modernization, manning and training of our Reserve forces.

We look to our Naval forces and those of our allies, to maintain control of the seas to help ensure protection of deployed U.S. forces, to provide military support, shipping and an austere level of economic support. To do all this, the United States is supporting a Navy with 15 aircraft carriers, a total of 164 missile cruisers, frigates, destroyers and destroyer escorts, 62 nuclear and 12 diesel-powered attack submarines and more than 60 amphibious ships. This force includes a total of 253 active major combat ships. This is a substantial reduction from the early 1960s.

The big dollar hardware items in the General Purpose Force structure are in planes and ships, and in both of these areas we are not seeking greater numbers, but rather improved quality and effectiveness. While we are fairly certain of what we want to accomplish with these ships and planes, it is less clear in this period of sky-rocketing costs just which are the wiser selections for the job.

In the area of close air support, for example, there has long been controversy over just what approach was the best. A special close air support subcommittee under the Senate Armed Services Committee went into this whole subject in great detail. They recommended that the Air Force proceed with a prototyping program the AX aircraft (now A–10) and when these prototypes were ready, there should be an operational fly-off with the existing A–7 and A–4M aircraft, which have a capability for some close support.

Significantly, the subcommittee found a valid requirement for a more capable attack helicopter. Thus the Army is moving ahead with DOD approval to obtain funds for the development of a new advanced attack helicopter to be a mobile, responsive tank-killer specifically designed to use terrain cover for fighting and surviving in mid-intensity conflict.

Significant additional programs to modernize the ground forces include a new tank which will provide greatly increased survivability, mobility and firepower that we need for explosive offensive action. The Army's XM–1 program is designed to meet this need. The Army is also seeking a mechanized infantry combat vehicle which will give the infantry the option of fighting mounted to the objective, with the advantage of superior mobility, firepower and survivability. A new squad-carrying helicopter is also needed to provide speed with survivability and reduced mission costs. There is an equally important requirement to move forward with the SAM–D—the only air defense weapon known which will meet the air threat over the battlefield of the 1980s at acceptable cost.

While really excellent progress has been made in equipping the Reserve Component forces, these efforts must continue apace. The very significant roles assigned to both the Reserve and the National Guard under the Total Force Concept require that they be manned and fully equipped to meet their assigned missions with a much faster reaction time than ever before.

There will be less ships in the Navy next year, but improvements in capability. The new ships in the Navy forces include a second nuclear powered carrier, the *Nimitz*, which will join the fleet this year; a third, the *Eisenhower*, is now under construction and should join the fleet in 1975. Money is being requested this year for the long lead time items for a fourth carrier. Additionally, the Navy is asking for four new types of ships: a patrol frigate, a sea control ship, a patrol hydrofoil missile ship and a surface effects ship. They also want seven more DD–963 class destroyers, five more nuclear attack submarines and they want to complete modernization of three older destroyers.

In addition to the close support aircraft discussed earlier, funds are being sought this year for these additional aircraft programs for the Air Force: more F–4E fighters, over a billion dollars to develop and procure the F–15 air superiority fighter, and additional funds to develop prototypes and long lead items for the A–10 close support aircraft.

The Navy is asking for more A–6E and A–7E fighter aircraft and money for EA–6B electronics countermeasures aircraft and E–2C early warning aircraft. Also the Navy is pushing for money to finish procurement of the F–14 fighter which program has so far been curtailed because of the skyrocketing costs and the contractor's inability financially to meet the full production originally scheduled.

There are two other aspects of our General Purpose Forces which are of prime importance. The first of these is size. We are already down to our baseline forces, so we cannot afford to go any lower, even with our scaled down strategy. We have already given our Reserve forces about as much of a first line defense mission as it is reasonable for them to accept. We are increasing the manpower devoted to combat division forces as we improve our support operations. But with the declining manpower of today's Army, our soldiers must have equipment which will enable them to overcome the numerically superior forces they would face on the battlefield of tomorrow. Research and development must preserve our competitive edge and guard against technological surprise. We cannot sit idly by while other nations move ahead in key technology areas. By reducing our Army forces as far as we have, we have already made the decision against any solution which visualizes the employment of large masses of cheaper, less capable systems. What we need is the qualitative edge that will provide our smaller forces with the combat power advantage necessary to ensure success.

We must also be realistic about the stationing of our troops overseas. Forward deployed land forces form a visible and integral link in the overall concept of deterrence. They permit timely and flexible response to emergencies, enable the U.S. to provide immediate assistance to our allies when they are attacked, and demonstrate to potential enemies and allies alike our resolve to honor our treaty commitments and defend our own interests at the same time. A sufficiently large CONUS-based force is required to provide reserve reinforcement and a contingency response capability.

Our forward deployments are particularly significant when we realize that we are far short of our needs in airlift and sealift for a sudden emergency of any size. Our strategic sealift of dry cargo ships in the immediate future will be limited to three roll-on/roll-off vessels, a number of cargo and stores ships and two multimission ships which are scheduled to be added to the fleet through the "build and charter" program. To meet wartime deployment and resupply needs, we rely heavily on U.S. commercial shipping and that of our allies. Our strategic airlift will consist of 4 squadrons of C–5s and 13 squadrons of C–141s—again for emergency buildup we rely on 300 long-range commercial aircraft now in use on our airlines. We've not only whittled on both ends of the stick, but are now working on the middle.

Unlike our strategic forces, there is always prevalent the feeling that it is much easier to patch something together at the last minute to meet the crises that require reaction by our General Purpose Forces. This is a pipe dream that we cannot afford in the austere force with which we are now operating. To be sure, under the Nixon doctrine we do count on our allies to do more, but we must be sure that we have sufficient flexibility of our own so that the doctrine doesn't work against our national interests.

As General Maxwell Taylor has warned, we must not move into the post-Vietnam period retaining high posture obligations but with low posture means, an imbalance which augers trouble.

### CONCLUSION

If, in fact, we wish our defense establishment to serve the legitimate needs and aspirations of our country, it should be clear from this brief look at the defense budget that this will have to be done on an austere basis for FY 1974. There is no expansion of substance planned in any segment.

The constancy of our purpose and the certainty of our strength has brought us to the threshold of the era of negotiation. But as Secretary of Defense Elliot L. Richardson pointed out in his budget presentation to Congress, "We should have no illusions, however, that the generation of peace is already upon us and that we can now 'beat our swords into plowshares.' The new peace agreements in Vietnam and Laos are still very fragile, and the armed conflict in Cambodia has yet to be ended. The new approach to the People's Republic of China is still in its early phase, and full diplomatic relations have yet to be established. The current Strategic Arms Limitation agreements with the Soviets constitute a major breakthrough, but not the culmination of our efforts to halt, and then reverse, the build-up of competitive strategic power."

He made another observation of great cogency here: "Our experience in the SALT negotiations and the record of other negotiations with the U.S.S.R. since World War II show clearly that the Soviet leaders respect power, and hence will bargain seriously only if confronted by a position of strength. We cannot, therefore, expect to create an environment in which mutually beneficial accommodations can be negotiated unless we and our allies maintain the military capabilities needed to preserve an adequate deterrent posture, support our diplomacy, and encourage the Soviets to engage in meaningful negotiations. Some of these capabilities are subject to limitation by mutual agreement but will be indispensable in the absence of such agreement."

It comes as a jolting paradox to some that the extent of their desire for peace must be equated with the extent of their willingness to support an adequate national defense.

If we are to have the defense we need, more people must take an interest in it. For example, how much popular support would there be for a unilateral reduction of U.S. forces in Europe if the facts were understood? Not much, we would judge.

There can be little doubt of NATO's continuing worth to the national objectives of this country. We could be approaching major breakthroughs in the discussions in Mutual and Balanced Force Reductions (MBFR) between NATO and the Warsaw Pact forces which get underway this spring. The Conference on Security and Cooperation in Europe (CSCE), also to begin this year, bears the promise of providing a real improvement in relations between Eastern and Western Europe. Most certainly a precipitous lessening of U.S. support for NATO, including troop withdrawals, would seriously undermine both of these ventures which have been sought for so long. In NATO, we've already reduced our forces by over one third with no comparable reduction by the Pact. So it should be obvious that we must cut no further on a unilateral basis.

In Asia, we have been implementing the Nixon doctrine by calling upon allies to assume an increasing burden of deterring localized conflicts. However, we have been involved in three costly wars in Asia in the past quarter century. Despite much progress, there remain continuing possibilities for instability in that area. For the immediate future, our interests require that we maintain some well-equipped forces in the Pacific area, primarily for deterrence, but for an appropriate response if deterrence fails.

We are so inextricably involved with the rest of the world that we cannot disengage. As long as it is essential for us to import at least 66 critical and essential commodities, or about 80% of our strategic materials, then we are truly committed to full participation in the world-wide neighborhood nations. The absolute essentiality of our receiving from abroad an uninterrupted flow of energy sources, particularly petroleum, is being very forcibly brought home to us right now.

Our vital national interests are both extensive in nature and global in scope. It is the assigned duty of our defense establishment to protect them.

When we talk of our aspirations for world peace, we must at the same time recognize that an adequate military strength is essential to it. The Army's Chief of Staff, General Creighton W. Abrams, made this point clearly in his recent testimony before the Congress: "There is little doubt that real opportunities exist today to reach more lasting and less dangerous security arrangements which rely less on military confrontation and more on negotiation and cooperation. Diplomacy and military strength are not competing approaches in our pursuit of peace—they are part and parcel of a common approach to achieve detente. The condition for successful diplomatic solutions to major world problems in today's international atmosphere will be enhanced if military alternatives become unacceptable to other nations because of our military strength."

So we come back to the question of how much defense we need.

We need enough, with our allies, to deter warfare at all levels and to defend our interests should deterrence fail.

We need enough to maintain U.S. technological superiority over the Soviet Union.

And above all, we need enough to provide the strength upon which further peace negotiations can be pursued.

In his parting statement as he retired as Secretary of Defense, Melvin Laird left a good point to keep before us—"Detente without defense is delusion."

## OZARK AIRLINE STRIKE

Mr. PERCY. Mr. President, a contract dispute between Ozark Airlines and the Aircraft Mechanics Fraternal Association has left five major urban areas in Illinois totally without scheduled carrier service.

This complete disruption of service has caused substantial hardship for the residents of Illinois. Businesses which depend totally on this service have suffered economic loss due to inability to meet delivery schedules. Individuals on business and pleasure trips have been severely hampered in their travels or have had to cancel plans altogether.

I am pleased that the National Mediation Board has sent representatives to Illinois to assist in the settlement of this contract dispute and that representatives of Ozark Airlines and the Mechanics Association will meet in Washington, D.C. on May 30 with National Mediation Board representatives, though an earlier meeting would have been much preferred. I am hopeful that these negotiations, and any intervening ones directly between management and labor will lead to an acceptable settlement.

This will not, however, solve the basic problem facing most of Illinois: five cities with standard metropolitan statistical area populations ranging from 125,000 to 342,000 are serviced by only one certificated carrier.

Mr. President, I ask unanimous consent that a table demonstrating the disparity between airline service to these five cities in Illinois and similiar sized cities in other Midwestern States be printed in the Record at the conclusion of my remarks.

As can be seen from this table, there is ample precedent to justify the granting of additional carrier routes by the Civil Aeronautics Board.

Some of the affected cities, whose officials I have talked to, intend to explore with other airlines the possibility of applying for CAB approval of additional carrier service so that contract disputes involving a single airline will not cause a repeat of the severe economic and personal hardship now affecting the residents of Illinois. I hope that by such action both the airline and unions that now have a monopoly on scheduled carrier service to these Illinois cities will fully take into account the public trust that they have been given and will promptly settle their dispute and resume normal services.

There being no objection, the table was ordered to be printed in the Record, as follows:

| City | State | Number of scheduled carriers | Name of carrier | SMSA metropolitan area 1970 population | National SMSA rank | Total passengers |
|---|---|---|---|---|---|---|
| 1. Grand Rapids | Michigan | 2 | NC, UA | 539, 225 | 62 | 522, 334 |
| 2. Flint | do | 2 | NC, UA | 496, 658 | 68 | 182, 756 |
| 3. Lansing | do | 2 | NC, UA | 378, 423 | 79 | 276, 999 |
| 4. Moline | Illinois | 2 | OZ, UA | 362, 638 | 83 | 439, 006 |
| 5. Peoria | do | 1 | OZ | 341, 979 | 90 | 304, 475 |
| 6. Madison | Wisconsin | 3 | NW, NC, OZ | 290, 272 | 108 | 448, 777 |
| 7. Des Moines | Iowa | 3 | UA, BN, OZ | 286, 101 | 111 | 899, 401 |
| 8. Fort Wayne | Indiana | 2 | DL, UA | 280, 445 | 114 | 365, 512 |
| 9. South Bend | do | 3 | NC, UA, AL | 280, 031 | 115 | 343, 527 |
| 10. Rockford | Illinois | 1 | OZ | 272, 063 | 118 | 9, 276 |
| 11. Evansville | Indiana | 3 | EA, DL | 232, 775 | 134 | 363, 566 |
| 12. Saginaw | Michigan | 2 | NC, UA | 219, 743 | 143 | 314, 420 |
| 13. Kalamazoo | do | 2 | AL. NC | 201, 550 | 152 | 182, 167 |
| 14. Champaign-Urbana | Illinois | 1 | OZ | 163, 281 | 173 | 190, 876 |
| 15. Cedar Rapids | Iowa | 2 | OZ, UA | 163, 213 | 174 | 532, 247 |
| 16. Springfield | Illinois | 1 | OZ | 161, 335 | 175 | 198, 803 |
| 17. Muskegon | Michigan | 2 | NC, UA | 157, 426 | 178 | 132, 590 |
| 18. Springfield | Missouri | 2 | OZ, DL | 152, 929 | 182 | 192, 878 |
| 19. Decatur | Illinois | 1 | OZ | 125, 010 | 207 | 65, 834 |
| 20. Sioux City | Iowa | 2 | NC, OZ | 116, 184 | 221 | 167, 031 |
| 21. Sioux Falls | South Dakota | 3 | NC, WA, OZ | 95, 209 | 240 | 434, 817 |
| 22. Rochester | Minnesota | 3 | NC, NW, OZ | 84, 104 | 249 | 239, 137 |

## APPORTIONMENT OF FUNDS FOR NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Mr. RANDOLPH. Mr. President, I ask the able assistant majority leader whether S. 1808 has been laid before the Senate.

Mr. ROBERT C. BYRD. We are at present in the period for the transaction of routine morning business. At the conclusion of routine morning business, we will then proceed with that measure.

Does that answer the Senator's question?

Mr. RANDOLPH. That will accommodate me. I thank my colleague.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senator from West Virginia, my senior colleague, if we could possibly get a time agreement on this bill, S. 1808? It was my understanding that it could pass by unanimous consent.

Mr. RANDOLPH. Yes, we hope that it will be by unanimous consent. The Senator from Vermont (Mr. Stafford) has been apprised of the matter, and is intensely interested in its passage. The Senator from Tennessee (Mr. Baker), who is the ranking minority member of the committee, is of course hopeful that it can pass very quickly, as is Senator Stafford. The Committee on Public Works voted for this legislation and reported it unanimously to the floor except—I thought the Senator from Virginia (Mr. Scott) was present.

Mr. ROBERT C. BYRD. He is.

Mr. RANDOLPH. All with the exception of our able colleague on the committee, the Senator from Virginia (Mr. Scott).

That is the situation. We hope that it may be passed without extensive discussion, but we, of course, are ready to do what the leadership may desire.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, it was my understanding that the matter had been cleared on both sides for passage by unanimous consent. If I am not in error, perhaps we could get an agreement whereby there could be a brief discussion of it by the distinguished Senator from West Virginia and any other Senators who wish to participate.

Mr. GRIFFIN. Mr. President, will the distinguished majority whip yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. Are the Senators talking about S. 1808?

Mr. ROBERT C. BYRD. Yes, that is correct.

Mr. RANDOLPH. Yes. I see Senator Stafford is now here.

Mr. GRIFFIN. I would say that I would have to do a little checking before I could agree to unanimous consent. It was understood that this matter would come up today and be the pending business. I would have to contact some Senators on our side, as long as it is the pending business. It may be that we could work out an agreement for a very short time to be devoted to the bill.

Mr. ROBERT C. BYRD. I may be mistaken. I see, on reading the majority leader's calendar, that that may or may not be the case. I thought I had understood, from talking with the majority leader, however, that that might be the case.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. SCOTT of Virginia. I do recall that we received a memorandum from two of the Republican members of the committee who had some question about the amount of money involved. Whether that would in any way handicap a unanimous-consent agreement, I do not know, but I would hope that perhaps we could talk with the ranking Republican member before agreeing.

Mr. ROBERT C. BYRD. Mr. President, may I just say this: I think we are abusing the rules with respect to morning business. I ask unanimous consent that morning business be closed, and this measure laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

## INTERIM APPORTIONMENT OF INTERSTATE AND OTHER HIGHWAY FUNDS

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 1808, which the clerk will state.

The legislative clerk read as follows:

> A bill (S. 1808) to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I would like to say that as far as I know there was no question within the committee about the measure from the standpoint of the amount it authorizes. I would want, of course, to accommodate my understanding to that of my able colleague from Virginia (Mr. SCOTT). If that question came up, we were not aware of it.

Mr. SCOTT of Virginia. Mr. President, if the Senator will yield, it may be that I have confused this with another bill. I did not see the distinguished ranking Republican Member in the Chamber at the time I made my comment, and certainly he is able to represent our side of the aisle.

Mr. GRIFFIN. Mr. President, if the chairman of the committee will yield to me, now that we have our ranking member of the subcommittee present, and there is no objection on this side, I will certainly defer to Senator STAFFORD as to whether we should pass it by unanimous consent; or, if Senators want to have a time limit of 30 minutes, we can notify our colleagues that it is the pending business and if anyone does wish to put in a statement, it may be done.

Mr. STAFFORD. Mr. President, there was no opposition to this bill that I am aware of, as the ranking Republican member of the subcommittee, and I know that Senator BAKER, who is the ranking Republican member of the full committee, expects the bill to be taken up today and passed. In fact, I have his statement here for inclusion in the RECORD. I think possibly a very short time allocation would dispose of the whole matter.

Mr. ROBERT C. BYRD. Very well. May I respectfully suggest that we allot one-half hour, to be equally divided between the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Vermont (Mr. STAFFORD)? Do Senators anticipate any amendments?

Mr. RANDOLPH. No.

Mr. STAFFORD. None that I am aware of.

Mr. ROBERT C. BYRD. All right. I ask unanimous consent that there be a time limitation of one-half hour on the bill, to be equally divided between the Senator from West Virginia and the Senator from Vermont, and that a vote occur at the conclusion of the half hour, which I assume would be a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered. Does the Senator from West Virginia also request that rule XII be waived?

Mr. ROBERT C. BYRD. I do, and I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. RANDOLPH. Mr. President, I yield myself such time as I may require.

Mr. President, the legislation before the Senate is an uncomplicated measure intended for only one purpose—to continue the Federal-aid highway program until comprehensive legislation is completed.

Its provisions are straightforward. This bill—S. 1808—authorizes the Secretary of Transportation to apportion among the States $1 billion in obligational authority for the Interstate System. It also authorizes expenditures of $500 million for the primary, secondary highway systems and the urban extensions of these systems.

I am confident that Members of the Senate are fully aware of the reasons why this legislation is needed. Highway funds are normally apportioned to the States several months in advance of the fiscal year for which they are authorized. The inability of the Congress to complete action on a new highway bill last year, however, meant that there could be no apportionment of fiscal year 1974 highway funds. Consequently, the States could only draw existing authorizations to carry on their highway programs. Last October when Congress adjourned without passing a highway bill, several States were in a precarious financial position. This situation has continued to deteriorate until now there is a crisis in the highway program.

It is estimated that by the end of this month—only a few days from now—22 States will have exhausted their ability to award Interstate contracts. Many will have depleted their funds for other highway systems as well.

This crisis has developed as the Congress is working to complete action on a new general highway bill, which includes fiscal authorizations for the next 3 years. The Senate-House conference on this legislation began on May 9. Since that time, we have met on 9 days with substantial results. Agreement has been reached on more than 60 items on which there are differences between the two bills. We are at the point, however, of considering the major issues on which there are substantial differences and on which the conferees have strong feelings.

The Congress will adjourn tomorrow for the Memorial Day recess and it will be at least a week before we can meet again. Even then, Mr. President, I do not anticipate that speedy resolution of the difficult questions before us will be achieved. Meanwhile, there is growing uncertainty throughout the country among those in the States who must execute the highway program and among those in industry whose economic viability is dependent on an ongoing Federal-aid program. At the present stage, there can be no assurance that it will not be several months before a general highway bill is enacted.

It is essential, therefore, to provide emergency funding authorized by S. 1808. Both the $1 billion for the Interstate System, and the $500 million for primary, secondary, and urban extension roads are well within the funding levels already agreed to by the conference.

They would permit the States to award contracts and to resume something approaching normal operations. It is important also to remember that in addition to our continuing need for highways, inflation remains a serious factor in highway financing. In the 5-year period between 1967 and 1972, the cost of building highways increased by more than 38 percent. Every month of delay in executing projects to which commitments have been made results in an ultimately higher cost.

Mr. President, despite the critical situation that exists, there is opposition to this bill. Some hold the view that the deepening financial crisis will compel the Senate and House conferees to expedite the completion of their work. Frankly, I do not believe that we should be forced to develop legislation of such scope and importance under those conditions. Members of the Senate and House who are meeting in conference have demonstrated their desire to respond constructively and thoughtfully to the total needs of the highway program. This is the correct approach and one that should be taken in an atmosphere free of the pressure generated by the prospect of the highway program coming to a halt.

This bill provides relief to the highway program, but it does so in a way that does not remove the incentives for the conferees to reach agreement on all features of the Federal-Aid Highway Act of 1973. I hope, therefore, that following passage of this bill by the Senate, we can have speedy consideration by the House of Representatives and final enactment in the shortest time possible.

Mr. President, the American Association of State Highway Officials has gathered information on the condition of the States with regard to the availability of Federal funds for the various highway programs. I ask unanimous consent that a summary of this information indicating which States will have exhausted their funds at the end of May be printed in the Record. I also ask unanimous consent that a table prepared by the Department of Transportation showing the allocation of funds authorized by this bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

### STATES WHICH WILL EXHAUST HIGHWAY FUNDS BY MAY 31

#### INTERSTATE

Arkansas
California
Florida
Georgia
Idaho
Indiana
Kansas
Kentucky
Louisiana
Michigan
Mississippi
Missouri
New Mexico
Oklahoma
Oregon
South Carolina
South Dakota
Tennessee
Texas
Vermont
Virginia
West Virginia

#### PRIMARY

Alabama
Alaska
Arizona
Arkansas
California
District of Columbia
Georgia
Idaho
Illinois
Indiana
Kansas
Kentucky
Louisiana
Missouri
New Mexico
Ohio
Oklahoma
Pennsylvania
Texas
Utah
Vermont
Virginia
West Virginia
Wisconsin

#### SECONDARY

Alabama
Alaska
Arkansas
Georgia
Illinois
Idaho
Indiana
Iowa
Kansas
Louisiana
Michigan
Missouri
New Mexico
Oklahoma
South Carolina
South Dakota
Texas
Utah
Vermont
Virginia
Washington
West Virginia

#### URBAN EXTENSIONS

Alaska
Arizona
Arkansas
California
Connecticut
District of Columbia
Georgia
Idaho
Illinois
Indiana
Iowa
Kansas
Louisiana
Michigan
Missouri
New Mexico
Oklahoma
Pennsylvania
South Carolina
South Dakota
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin

### APPROXIMATE APPORTIONMENT OF FEDERAL-AID HIGHWAY FUNDS PURSUANT TO S. 1808

[In thousands of dollars]

| State | Interstate ($1,000,000) | ABC ($500,000) | Total ($1,500,000) |
|---|---|---|---|
| Alabama | $20,247 | $9,177 | $29,424 |
| Alaska |  | 20,144 | 20,144 |
| Arizona | 19,923 | 6,479 | 26,402 |
| Arkansas | 7,438 | 6,590 | 14,028 |
| California | 67,169 | 31,526 | 98,695 |
| Colorado | 20,325 | 7,886 | 28,211 |
| Connecticut | 28,449 | 4,942 | 33,391 |
| Delaware | 1,558 | 2,166 | 3,724 |
| Florida | 30,939 | 11,875 | 42,814 |
| Georgia | 24,382 | 11,382 | 35,764 |
| Hawaii | 10,143 | 2,347 | 12,490 |
| Idaho | 4,381 | 4,537 | 8,918 |
| Illinois | 48,304 | 20,122 | 68,426 |
| Indiana | 11,848 | 11,054 | 22,902 |
| Iowa | 10,447 | 9,835 | 20,282 |
| Kansas | 11,848 | 9,419 | 21,267 |
| Kentucky | 14,465 | 8,005 | 22,470 |
| Louisiana | 29,733 | 7,831 | 37,564 |
| Maine | 5,165 | 3,204 | 8,369 |
| Maryland | 37,514 | 6,169 | 43,683 |
| Massachusetts | 30,478 | 8,000 | 38,478 |
| Michigan | 35,025 | 16,565 | 51,590 |
| Minnesota | 22,975 | 11,744 | 34,539 |
| Mississippi | 8,771 | 7,116 | 15,887 |
| Missouri | 18,796 | 12,758 | 31,554 |
| Montana | 10,074 | 7,236 | 17,310 |
| Nebraska | 1,480 | 7,408 | 8,888 |
| Nevada | 4,822 | 4,584 | 9,406 |
| New Hampshire | 4,312 | 2,170 | 6,482 |
| New Jersey | 27,646 | 9,607 | 37,253 |
| New Mexico | 9,094 | 6,159 | 15,253 |
| New York | 37,671 | 27,162 | 64,833 |
| North Carolina | 17,895 | 11,735 | 29,630 |
| North Dakota | 1,549 | 5,191 | 6,740 |
| Ohio | 30,106 | 18,414 | 48,520 |
| Oklahoma | 7,115 | 8,873 | 15,988 |
| Oregon | 24,853 | 7,050 | 31,903 |
| Pennsylvania | 48,177 | 19,991 | 68,168 |
| Rhode Island | 8,771 | 2,531 | 11,302 |
| South Carolina | 8,066 | 6,227 | 14,293 |
| South Dakota | 3,538 | 5,466 | 9,004 |
| Tennessee | 13,602 | 9,849 | 23,541 |
| Texas | 44,884 | 29,177 | 74,061 |
| Utah | 11,446 | 4,522 | 15,968 |
| Vermont | 3,734 | 1,946 | 5,680 |
| Virginia | 42,561 | 9,953 | 52,514 |
| Washington | 35,162 | 8,033 | 43,195 |
| West Virginia | 22,560 | 4,386 | 26,946 |
| Wisconsin | 11,437 | 11,212 | 22,649 |
| Wyoming | 5,547 | 4,354 | 9,901 |
| District of Columbia | 23,755 | 2,481 | 26,236 |
| Puerto Rico |  | 3,410 | 3,410 |
| Total | 980,000 | 490,000 | 1,470,000 |
| Administration's 2 percent | 20,000 | 10,000 | 30,000 |
| Total | 1,000,000 | 500,000 | 1,500,000 |

Mr. STAFFORD. Mr. President, I join in urging speedy passage of this legislation—S. 1808—that has been introduced by the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) and has been cosponsored by myself and other members of the committee.

The purpose of this measure is simple. It is designed to enable the national highway construction program to continue without disruption. Some of the States are already out of money, as the distinguished Senator from Virginia (Mr. RANDOLPH) has indicated. Other States are rapidly running out of highway construction money. The danger is a real one.

The Federal-aid highway construction program is in this situation because the last session of Congress was unable to reach agreement on passage of a comprehensive highway construction bill and because the current session of Congress has, up to this time, also been unable to reach agreement on such a bill, although we are making progress—again as the distinguished Senator from West Virginia has indicated. If we had produced a highway bill last year, the States would have the money they need to continue highway construction work.

The construction season has already started in many States and is starting in others. But, we still do not have a comprehensive highway construction bill. The bill, S. 502, is in conference and I hope that we will be able to reach agreement soon on that measure. But, we have major differences still to be resolved and we must not penalize the States and the American public because we have been unable to reach agreement so far.

If the Congress passes S. 1808 and the President signs it into law, substantial sums of Federal-aid highway construction money would be released to the States to permit them to let construction contracts for work this spring and summer.

The amounts of money involved are well within the limits of funding that have already been agreed upon by the conferees in current deliberations. This bill does not upset any of the issues under negotiation in the conference.

Further delays in giving the States the green light can lead only to higher construction costs, possible increases in unemployment in the construction and related industries, an additional hazard to our economy and more inconvenience to the American public.

I want to commend the distinguished chairman of our committee (Mr. RANDOLPH) for taking the lead in this matter. His proposal serves the public interest and gives the Congress another opportunity to respond in responsible fashion to a singular problem that has been created by the Congress.

Mr. President, I urge speedy passage of S. 1808.

Mr. BAKER. Mr. President, as a cosponsor of S. 1808, I wish to express my strong support for this legislation and to urge its immediate adoption by the Senate.

The distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) has explained the need for this legislation.

Many States have not a dime more of Federal-aid highway funds to undertake work in the various highway categories: Interstate, primary, secondary, urban extension, and urban system.

States like Virginia and New Mexico have run through all their Interstate money. Not a single new primary highway contract can be let in States like California and Georgia. Secondary rural money has been exhausted in Illinois, Arkansas, and other States.

This bill, while relatively modest in its scope, would assure that every State will soon receive a share of its fiscal 1974 highway funds, thus preventing the increased disruption of our national highway construction program.

In fact, this bill has similarities with Senate Concurrent Resolution 6, which I introduced earlier this year. This resolution which was cosponsored by Chairman RANDOLPH and other members of the Committee on Public Works, would allow the Secretary of Transportation to apportion $1 billion in 1974 interstate funds. The Senate approved Senate Concurrent Resolution 6 on March 6, but the House has not acted on the resolution.

S. 1808 would allow that same $1 billion in interstate moneys to be apportioned immediately. It would also authorize an appropriation out of the highway trust fund of $500,000,000 to be shared among the States for their primary, secondary, and urban extension programs—the so-called ABC Federal-aid highway systems.

It may be argued by some that this legislation is unnecessary in view of the conference now taking place on S. 502, the comprehensive, 3-year highway bill. I disagree. Every day of delay in the authorization and apportionment of fiscal year 1974 funds further disrupts the highway program in the States.

Even another week of delay could seriously penalize the continuity of work in some States. I say that while recognizing that we are making good progress in the conference. I think it is possible, with some luck and a continuation of the current spirit of conciliation among the conferees, that we could complete congressional action on the conference report within a week or two.

But we must recognize that even a delay of that magnitude would undermine the highway program in many States preparing for the spring and summer construction season.

And we must also recognize that many important issues remain unresolved. The funding of mass transit is one. So is the House's proposal for a new priority primary highway system, and proposals relating to interstate transfer and highway safety.

Any of these issues could delay the final resolution of the conference for additional days or weeks.

But I would reiterate that S. 1808 is, in no way, a replacement or a substitute for the ultimate adoption of S. 502. It merely means that no State need suffer further delays in its important highway program while the Congress continues to work its will on S. 502.

Similar interim authorizations, I might point out, were adopted by the Congress last year, pending the ultimate adoption of the Federal Water Pollution Control Act Amendments of 1972.

In closing, Mr. President, I want to say a particular word of tribute to the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) for his leadership in bringing S. 1808 to the floor of the Senate. This bill, which was developed entirely on the initiative of Chairman RANDOLPH, is a responsible and necessary answer to the dilemma faced by the States. All Americans are in his debt for this leadership.

Mr. President, I ask unanimous consent that a table prepared by the Department of Transportation showing the percent and amounts of 1973 highway apportionments available to the States as of April 30, 1973, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

UNOBLIGATED BALANCE OF APPORTIONMENTS AND PERCENTAGE OF FISCAL YEAR 1973 APPORTIONMENT UNOBLIGATED, AS OF APR. 30 1973

[Dollar amounts in thousands]

| State | Interstate unobligated balance | Percent |
|---|---|---|
| Alabama | $18,102 | 24.7 |
| Alaska | | |
| Arizona | 52,034 | 71.2 |
| Arkansas | 2,493 | 12.7 |
| California | 2,501 | .8 |
| Colorado | 20,807 | 32.2 |
| Connecticut | 149,929 | 146.3 |
| Delaware | 3,506 | 18.0 |
| Florida | 5,460 | 5.5 |
| Georgia | 28,689 | 39.1 |
| Hawaii | 102,051 | 204.0 |
| Idaho | 5,153 | 26.4 |
| Illinois | 228,668 | 86.8 |
| Indiana | 13,034 | 24.0 |
| Iowa | 43,726 | 90.5 |
| Kansas | 675 | 1.6 |
| Kentucky | 2,463 | 4.5 |
| Louisiana | 38,145 | 32.1 |
| Maine | 7,734 | 39.4 |
| Maryland | 282,628 | 218.9 |
| Massachusetts | 260,329 | 188.9 |
| Michigan | 6,755 | 4.6 |
| Minnesota | 39,938 | 56.4 |
| Mississippi | 395 | 1.2 |
| Missouri | 609 | .8 |
| Montana | 36,419 | 80.6 |
| Nebraska | 12,433 | 63.8 |
| Nevada | 1,425 | 7.3 |
| New Hampshire | 15,448 | 78.8 |
| New Jersey | 90,454 | 88.3 |
| New Mexico | 748 | 2.1 |
| New York | 386,495 | 139.4 |
| North Carolina | 28,702 | 42.3 |
| North Dakota | 6,925 | 35.6 |
| Ohio | 116,726 | 93.3 |
| Oklahoma | 81 | .3 |
| Oregon | 36,908 | 42.3 |
| Pennsylvania | 182,037 | 93.8 |
| Rhode Island | 59,796 | 145.6 |
| South Carolina | 2,115 | 7.5 |
| South Dakota | 9,382 | 47.8 |
| Tennessee | 1,581 | 3.4 |
| Texas | 1,680 | 1.1 |
| Utah | 28,875 | 53.3 |
| Vermont | 3,857 | 18.6 |
| Virginia | | |
| Washington | 54,990 | 47.1 |
| West Virginia | 37,388 | 31.2 |
| Wisconsin | 19,660 | 54.8 |
| Wyoming | 25,136 | 88.9 |
| District of Columbia | 207,522 | 296.0 |
| Puerto Rico | | |
| Total | 2,682,877 | 67.6 |

UNOBLIGATED BALANCE OF APPORTIONMENTS AND PERCENTAGE OF FISCAL YEAR 1973 APPORTIONMENT UNOBLIGATED, AS OF APR. 30, 1973

[Dollar amounts in thousands]

| State | Primary unobligated balance | Percent | Secondary unobligated balance | Percent | Urban unobligated balance | Percent |
|---|---|---|---|---|---|---|
| Alabama | $374 | 3.5 | $235 | 4.1 | $297 | 8.6 |
| Alaska | 3,458 | 11.7 | 6,318 | 45,3 | 3 | 1.4 |
| Arizona | 197 | 2.8 | 182 | 4.1 | 328 | 13.2 |
| Arkansas | 130 | 1.8 | 4,288 | 76,6 | 8 | .5 |
| California | 173 | .7 | 10,886 | 106.1 | 105 | .3 |
| Colorado | 1,492 | 17,5 | 1,498 | 27.4 | 1,030 | 33.5 |
| Connecticut | 5,184 | 128.1 | 2,071 | 84.1 | 1,037 | 24.7 |
| Delaware | 795 | 33.3 | 1,828 | 114.8 | 43 | 6.1 |
| Florida | 7,384 | 71.7 | 3,930 | 66.3 | 3,876 | 40.8 |
| Georgia | 7,852 | 69.3 | 4,651 | 53.6 | 1,520 | 32.6 |
| Hawaii | 3,932 | 164.6 | 2,430 | 152.6 | 1,416 | 128.3 |
| Idaho | 58 | 1.1 | 84 | 2.2 | 487 | 84.9 |
| Illinois | 205 | 1.2 | 1,801 | 18.7 | 302 | 1.8 |
| Indiana | 553 | 4.8 | 278 | 3.6 | 2,719 | 58.1 |
| Iowa | 16,974 | 159.1 | 212 | 2.7 | 1,052 | 39.2 |
| Kansas | 238 | 2.2 | 6,282 | 85.4 | 680 | 27.6 |
| Kentucky | 2,169 | 23.4 | 6,143 | 117.6 | 2,061 | 71.8 |
| Louisiana | 61 | .8 | 1,377 | 25.4 | 3,651 | 88.1 |
| Maine | 2,104 | 61.2 | 69 | 2.5 | 188 | 23.7 |
| Maryland | 9,611 | 196.2 | 935 | 31.0 | 8,908 | 163.4 |
| Massachusetts | 1,668 | 27.9 | 234 | 8.5 | 2,135 | 24.8 |
| Michigan | 705 | 4.8 | 768 | 8.0 | 187 | 1.6 |
| Minnesota | 1,607 | 12.1 | 3,864 | 55.6 | 40 | .8 |
| Mississippi | 2,128 | 28.1 | 2,671 | 42.7 | 2,613 | 162.7 |
| Missouri | 286 | 2.2 | 312 | 3.5 | 2,393 | 41.8 |
| Montana | 8,922 | 100.2 | 2,561 | 41.3 | 55 | 9.6 |
| Nebraska | 5,087 | 65.9 | 19 | .3 | 2,089 | 132.5 |
| Nevada | $5,815 | 104.2 | $250 | 6.9 | $956 | 136.4 |
| New Hampshire | 814 | 34.1 | 772 | 48.5 | 272 | 37.9 |
| New Jersey | 7,593 | 111.1 | 4,372 | 180.1 | 18,804 | 162.7 |
| New Mexico | 3,792 | 52.3 | 2,253 | 46.0 | 150 | 12.5 |
| New York | 8,508 | 40.5 | 11,683 | 119.7 | 1,414 | 5.0 |
| North Carolina | 1,819 | 16.1 | 9,176 | 89.3 | 2,973 | 77.6 |
| North Dakota | 1,321 | 24.5 | 18 | .3 | | |
| Ohio | 16 | .1 | 6.504 | 65.2 | 5,793 | 40.4 |
| Oklahoma | 1,952 | 17.8 | 2,912 | 54.9 | 2,783 | 94.0 |
| Oregon | 1,676 | 22.1 | 2,989 | 56.4 | 1,283 | 53.6 |
| Pennsylvania | | | 2,438 | 20.9 | 21,824 | 147.5 |
| Rhode Island | 2,615 | 109.5 | 993 | 62.3 | 56 | 3.8 |
| South Carolina | 177 | 2.9 | 4,660 | 87.2 | 10 | .5 |
| South Dakota | 784 | 10.4 | 1,257 | 32.9 | 272 | 59.3 |
| Tennessee | 1,211 | 12.4 | 9,137 | 120.4 | 6,415 | 161.0 |
| Texas | 228 | .8 | 50 | .3 | 38 | .2 |
| Utah | 938 | 19.6 | 123 | 3.8 | 195 | 11.0 |
| Vermont | 977 | 40.9 | 693 | 43.5 | 255 | 110.7 |
| Virginia | 32 | .3 | 25 | .4 | 3,381 | 64.6 |
| Washington | 49 | .6 | 1,246 | 32.7 | 273 | 6.3 |
| West Virginia | 8,138 | 2,296 | 132 | 2.7 | 1,306 | 116.8 |
| Wisconsin | | | 2,643 | 32.8 | 91 | 1.8 |
| Wyoming | 325 | 6.0 | 700 | 18.9 | 638 | 208.3 |
| District of Columbia | 4,567 | 238.6 | 2,210 | 115.8 | 3,307 | 213.2 |
| Puerto Rico | 4,280 | 179.2 | 1,936 | 81.8 | 3,122 | 118.6 |
| Total | 140,974 | 29.0 | 135,098 | 43.6 | 114,839 | 43.2 |

Mr. STAFFORD. Mr. President, I know of no further speakers on this side. I am prepared to yield back whatever time remains, whenever the chairman of the full committee is prepared to yield back his time.

Mr. RANDOLPH. Mr. President, the statement of our able colleague from Vermont is exactly how we all feel about this matter. I am very happy to yield back the remainder of my time. How much is there?

The PRESIDING OFFICER (Mr. HASKELL). The Senator has 10 minutes remaining.

Mr. RANDOLPH. Ten minutes remaining? Well, I am delighted to yield whatever portion of that time he requires to the able chairman of the Subcommittee on Transportation, the distinguished Senator from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. President, I thank the distinguished Senator and chairman of the full Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH). I rise in support of S. 1808, a measure which would apportion $1 billion for the Interstate Highway System and $500 million for the primary, secondary, and urban extension highway for 1 year.

I will be frank to confess, Mr. President, that this was not an approach I supported earlier this year. As chairman of the Transportation Subcommittee, I have pledged my efforts to bring a full highway bill expeditiously to the Senate floor for a vote and to press for a speedy resolution of all the controversial questions in that legislation.

I believe the Transportation Subcommittee and the Public Works Committee fulfilled that pledge. We reported out a highway bill by March 1 and completed Senate action on it by March 15, more than a month before action was taken in the House of Representatives.

The House passed its highway bill on April 19, just before the Easter recess. Now the House and Senate are in conference on this critically important measure.

I would like to report, Mr. President, that the conference has been making good progress. There has been a spirit of cooperation on the part of all conferees, both House and Senate, to move this matter to a resolution as rapidly as possible. I do not support this measure today as any criticism of the conference or the conferees.

However, Mr. President, we are facing some hard facts. Despite the resolution of literally dozens of matters before us, the conferees still have some very serious issues to be resolved, including the most controversial questions in the highway bill—the question of the use of the trust fund for rail mass transit, the question of the priority primary system in the House bill, the question of whether we should provide operating subsidies for mass transit companies and the question of the transfer of interstate mileage.

All of these and more remain to be resolved. And although I am pleased with the progress of the conference to this date, I do not believe that the conferees are going to have an easy time resolving these difficult matters.

In the meantime, many of our States are in very serious trouble. As Senator RANDOLPH noted, by the end of this month, about two dozen States will have no interstate funds and a significant number of States will have no money for other categories of roads. In that situation, I believe we have to act with dispatch on this stopgap measure.

Mr. President, the amount of money contained in this bill will not diminish the pressure on the conferees to come up with a comprehensive highway bill. We are authorizing the release of only one-third of the interstate funds and about the same percentage of the total funds for the primary, secondary, and urban extension systems. We are authorizing the release of no urban system funds at all.

The funds contained in this bill will not be adequate for the year, but they will allow the States to have some money in time for their spring letting of contracts. If we wait much longer that would not be possible, and I am told that this will have a disruptive effect on highway programs throughout the Nation and particularly in the Northern States.

I pledge to my colleagues in the Senate my most vigorous efforts to bring from the conference a comprehensive highway bill that will deal with all of the critical issues that were discussed on the Senate floor. I am prepared to work every day to see that these measures are before us for a final decision soon. But I do not believe that we can afford to treat the States in a cavalier manner or hold all of the highway funds hostage to the provisions in this bill which may well cause us considerable difficulty.

Mr. President, in conclusion, I want to pay tribute to our distinguished chairman of the Public Works Committee (Senator RANDOLPH) for his diligent attendance at the conference sessions, for his constructive suggestions, and for his interest in completing action on a comprehensive highway bill. I also want to thank my Senate and House colleagues on the conference committee for their dedication and hard work in the conference. I believe we are going to have a strong and fair bill to present to both Houses, and I look forward to working with all of the members of the conference committee to that end.

Mr. RANDOLPH. Mr. President, what our distinguished colleague from Texas has just said is correct. I wish to add, not as a pleasantry but as a fact, that his chairmanship of the Subcommittee on Transportation has been of great help to us in developing the legislation we have brought to the Senate today. The hearings earlier this year and the conference between the Senate and the House on the general highway bill have been of the highest order. All members of the committee have been in concert in being responsive to the needs of the country, in spite of our differing viewpoints, on some issues.

As the distinguished Senator from Texas has just said, this bill is not a matter for argument.

Also I should like to say that what we are requesting here is money that is needed and needed now. The funding in S. 1808 is within the agreed-on figures of the conferees.

So there is no problem from the standpoint of the money involved.

Mr. PEARSON. Mr. President, the Committee on Public Works has reported legislation for the purpose of permitting construction to proceed without interruption on those portions of the Federal Interstate Highway System already authorized and approved. This bill comes to the Senate floor at a time when major issues relating to the Federal-Aid Highway Act are under consideration by a Senate-House conference committee.

The bill now pending, S. 1808, authorizes the Secretary of Transportation to apportion funds for interstate highway construction, according to the 1972 cost estimate, which contains apportionment factors for the several States. If enacted, this bill would alleviate the impending construction delays in 34 States which are expected to exhaust available apportioned funds for at least one Federal-aid system by the end of May, and 23 States which are expected to exhaust apportioned funds for the Interstate System by the same date.

Of particular importance to rural areas, the bill authorizes the Secretary of Transportation to apportion $500 million of highway trust funds for primary and secondary systems. Authority is also included to apportion 25 percent of these funds for extensions of primary and secondary systems in urban areas.

Under the bill, the apportionment of Federal-aid highway funds to Kansas upon enactment would be authorized at a level of $11,848,000 for interstate construction and $9,419,000 for primary and secondary road construction. This would bring the total funds apportioned to Kansas under this interim measure to a sum of $20,282,000.

It should be emphasized, Mr. President, that S. 1808 is a limited measure designed to fill the gap which will confront many States should the Federal-Aid Highway Act fail of enactment before the end of this month. It does not affect in any manner those issues relating to options for States and cities to use highway trust funds for rapid-transit construction. Enactment of the bill now would simply allow additional time for the deliberation of conferees on those questions.

I would urge the Senate to adopt S. 1808 in order to allow the construction of our Federal-aid highway system to proceed in the most efficient and orderly manner during the coming summer months, and to avoid unnecessary and costly delays in the implementation of projects already approved for construction.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That

SECTION 1. The Secretary of Transportation shall apportion $1,000,000,000 of the sums authorized to be apportioned for fiscal year 1974 for immediate expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Report Numbered 92-1443.

SEC. 2. For the purpose of carrying out the provisions of title 23, United States Code, there are hereby authorized to be appropriated $500,000,000 for the Federal-air primary system, the Federal-aid secondary system, and for their extensions within urban areas for the fiscal year ending June 30, 1974. The sums authorized in this section shall be available for expenditure as follows:

(a) 45 per centum for projects on the Federal-aid primary highway system;

(b) 30 per centum for projects on the Federal-aid secondary highway system; and

(c) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

SEC. 3. The time requirements in section 104(b) of title 23, United States Code, shall not be applicable to the apportionment of sums authorized by this Act for the fiscal year ending June 30, 1974, and the Secretary shall apportion such sums for such fiscal year as soon as practicable after the date of enactment of this Act.

## QUORUM CALL

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 1:45 P.M.

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:45 p.m. today.

There being no objection, at 1:16 p.m. the Senate took a recess until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HASKELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT TO REFER S. 356 TO THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR A TIME CERTAIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill S. 356 to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve consumer protection activities; and for other purposes, which has been favorably reported by the Senate Commerce Committee, be referred to the Committee on Banking, Housing and Urban Affairs to consider section 212 of the bill. If said committee has not reported the bill by July 10, 1973 it shall be considered to have discharged the bill, which shall then be placed on the Senate Calendar of Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Just to set my own mind to rest, on the basis of the unanimous-consent agreement by the Senate referring S. 356 to another committee, is my understanding correct that on that basis, S. 356 is now taken off the calendar?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And that under the agreement reached, if nothing is reported out by the committee to which it is being referred, on July 10 it will automatically go back on the calendar?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in accordance with the agreement made by the leadership and evidently concurred in by the Senate, that the Senate proceed to the consideration of Calendar No. 153, H.R. 7447, making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, so that it may be made the pending business to be taken up on our return on Tuesday next.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

## U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that as soon thereafter as is possible, giving the joint leadership a little flexibility, the Senate proceed to the consideration of Calendar No. 161, S. 1317, a bill to authorize appropriations for the U.S. Information Agency, and that there be a time limitation of 1 hour on the committee amendment, the time to be equally divided between the manager of the bill and the distinguished minority leader or whomever he may designate; that there be a time limitation of 20 minutes on amendments thereto, the time to be equally divided on the same basis; that there be a limitation of 1 hour on the bill; and that, if appropriate, rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, may I ask the distinguished majority leader to add "and that the agreement be in the usual form," with the intention that nongermane amendments would not be in order?

Mr. MANSFIELD. Yes; I make that request, on the suggestion of the distinguished acting Republican leader, in accordance with my intent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

*Ordered,* That, during the consideration of S. 1317, a bill to authorize appropriations for the United States Information Agency, debate on any amendment (except a committee amendment, on which there will be 1 hour, to be equally divided and controlled by the manager of the bill, the Senator from Arkansas (Mr. Fulbright) and the Senator from Pennsylvania (Mr. Scott)), debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the majority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further,* That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill and the Senator from Pennsylvania (Mr. Scott): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

## RECESS TO 2:30 P.M.

Mr. GRIFFIN. Mr. President, with the authority of the distinguished majority leader, I move that the Senate stand in recess until 2:30 p.m. today.

The motion was agreed to; and, at 2:03 p.m., the Senate took a recess until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the presiding officer (Mr. McClure).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

(The remarks Senator Johnston made at this point on the introduction of S. 1889, dealing with natural disasters, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (S. 518) entitled "An Act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

*Resolved,* That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

## CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 152 Leg.]

Allen
Bartlett
Bayh
Burdick
Byrd, Robert C.
Curtis
Griffin
Hruska
Javits
Johnston
Kennedy
Mansfield
Mathias
McClure
McIntyre
Metcalf
Nunn
Scott, Pa.
Scott, Va.
Taft
Thurmond
Young

The PRESIDING OFFICER (Mr. McClure). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Cook
Cotton
Cranston
Dole
Domenici
Eagleton
Eastland
Ervin
Fulbright
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Long
Magnuson
McClellan
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stafford
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. Abourezk), the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Clark), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Fannin) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Vermont (Mr. Aiken), the Senator from Massachusetts (Mr. Brooke), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), and the Senator from Oregon (Mr. Packwood) are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. Elliot L. Richardson to be Attorney General of the United States, which is now at the desk, having been reported by the Committee on the Judiciary earlier in the day.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the nomination.

## DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Elliot L. Richardson, of Massachusetts, to be Attorney General of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the nomination occur not later than 4 o'clock this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And that the time between now and 4 p.m. be equally divided between the distinguished chairman of the committee, the Senator from Mississippi (Mr. Eastland), and the distinguished ranking Republican member of the committee, the Senator from Nebraska (Mr. Hruska).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. If no one wishes to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the nomination of Mr. Richardson.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, could the joint leadership have an idea as to those Senators who wish to speak on the nomination of Mr. Richardson?

Mr. SCOTT of Pennsylvania. Mr. President, I have not been advised of Senators who wish to speak except the ranking Member and the Senator from Maryland (Mr. Mathias).

Mr. MANSFIELD. How much time would they want?

Mr. SCOTT of Pennsylvania. I hope that Senators will not speak long, because other Senators are trying to make other engagements.

Mr. MANSFIELD. This is no carrot, please believe me, but if we finish this nomination this afternoon, we will not meet tomorrow and will go over until Tuesday next.

Furthermore, there is a dinner which some of us want to attend tonight which is of minor significance and great importance.

How much time would Senators Hruska and Mathias want?

Mr. HRUSKA. Five minutes for me.

Mr. PERCY. I should like to speak for 3 minutes.

Mr. MANSFIELD. Mr. President, then 30 minutes to be equally divided, the time to be under the control of the distinguished Senator from West Virginia (Mr. Robert C. Byrd) the assistant majority leader and the distinguished Senator from Nebraska (Mr. Hruska), the ranking Republican member of the Committee. The time to be—30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Republican leader.

Mr. SCOTT of Pennsylvania. Mr. President, I thank the distinguished assistant majority leader.

I should like to set a happy example for our colleagues to say that I favor the immediate confirmation of Elliot Richardson, in whom I have full faith and confidence—end of statement. [Laughter].

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please be in order. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will please be in order. The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, I had no intention of speaking on this nomination today. I stated my position the day before yesterday on the Senate floor, but I have been asked by the distinguished chairman of the Committee on the Judiciary to floor manage the nomination; consequently, I think it appropriate to have something said for the record which would indicate the position of the committee, and something that would lay into the record the viewpoint, certainly, of a good many members of that committee who will vote reluctantly for the nomination.

My position is as follows, and I would believe that it reflects the viewpoints of those of us on the committee who have some problems with this nomination. Our problems do not go to the personal integrity of Mr. Richardson. I think that he is a man of high integrity, a very competent lawyer, and a very dedicated public official.

If we consider this nomination in the context of the Watergate episode, which we have to do, I do not like to have to vote on the nomination of someone from within the administration to be Attorney General and, in this particular instance, an individual who has now been appointed to four high and important offices by this administration. It has every appearance—at least to that point—of the administration's investigating itself in the Watergate matter.

I have no doubt that the crimes that were committed in connection with the Watergate episode—and I speak of Watergate in its generic term, which I think we would all agree is, by now, a term for infamy—will be redressed. We can thank our constitutional system that they will be redressed. But there is involved, aside from the punishment of any such crimes, the credibility of an administration. It seems to me that the appointment of Mr. Richardson goes, to a considerable degree, to the question of credibility of the administration.

A great deal of what troubles America today about the Watergate case is the appearance of evil—if I may use that word. For the administration to nominate a man who has been shuffled from pillar to post with every new crisis, and who is now to be appointed to this sensitive position, the position of chief legal officer of this Nation, who will have the responsibility for conducting the investigation and for prosecuting those who are indicted, gives the appearance, as I say, that the administration is investigating itself. This is an appearance that has troubled many of us from the beginning.

However, Mr. Richardson has named a reputable and able man to be the special prosecutor. That man, Professor Cox, appeared before the Judiciary Committee and both he and Mr. Richardson answered frankly and forthrightly the sharp questions asked by the members of the committee with respect to the responsibilities and the freedom that Mr. Cox would have in accordance with the guidelines that had been formulated; with respect to Mr. Cox's understanding of what his responsibilities were; and with respect to whether or not he felt that he had full and complete authority—all the authority he would need—to conduct an objective and fair and thorough investigation. He also stated forthrightly, and without hesitation, that he would go wherever the investigative facts may lead, even if those facts should lead to the Oval Office of the White House—which we all hope will not be the case, and concerning which there is no evidence to date to the contrary.

So, Mr. Cox satisfied those of us on the committee, as well as we could be satisfied, that his would be an independent, objective investigation; and that if at any point he felt that the Attorney General was intervening, if at any point he—Mr. Cox—felt that he was not being permitted to pursue the investigation and the prosecution with full freedom, he would come back to the committee or he would call a press conference and let the people of this country know that his efforts were being interfered with.

The guidelines formulated by Mr. Richardson were reduced to writing. They were reworked, revised, and refined time and again, at the suggestions of members of the Committee on the Judiciary, both publicly and privately. Mr. Richardson, to his credit, I think, gave his utmost cooperation and did everything he possibly could to allay the concerns of the committee. Therefore, I feel that we have the best we can possibly get in terms of a charter of guidelines.

Moreover, Mr. Richardson has been most cooperative in his appearances before the Judiciary Committee. There were times when I felt that he was not as candid as he ought to have been. The committee, too often, I think, had to shoot in the dark, as it were, with its questions. I felt that some of the answers were not as full and as frank and complete as they should have been. However, I feel that in the overall, Mr. Richardson, on the whole, conducted himself in a creditable way.

I think that the members of the Committee on the Judiciary should be highly commended—Senators BAYH, KENNEDY, TUNNEY, and HART, because they participated most in the questioning—and all others, Republicans and Democrats, who sought diligently to develop a full record and carefully scrutinize the nomination.

I think the Judiciary Committee is to be highly commended for its insistence upon the selection of a prosecutor who would have independence; for its insistence upon clear, tight guidelines; and for its insistence upon delving into the nomination at considerable length. The committee had a clear duty under the Constitution, and it performed that duty as best it could.

So, Mr. President, we come now to the matter of voting on the confirmation of the nomination of Mr. Richardson. My reluctance to vote in the affirmative goes to the point of his having served under this administration in three previous high posts; and goes to the appearance that Mr. Richardson could conceivably participate in a coverup. I do not say or imply that he will. But the committee has done all it can do. Mr. Richardson has said all I think he can say, and Professor Cox has said all he can say, to assure the people of this country, in both political parties, that there will be no coverup insofar as Mr. Richardson and Mr. Cox are concerned. As I see it, the Special Prosecutor, Mr. Cox has full authority, complete authority, absolute authority—with the exception of Mr. Richardson's retaining the statutory right to dismiss Mr. Cox, should dismissal, by some extraordinary circumstance, appear to be proper.

Furthermore, time here is of the essence. The Ervin committee is looking into the Watergate case. The Committee on Armed Services is looking into other aspects of the matter. The Appropriations Subcommittee headed by Mr. McCLELLAN is working with still other aspects of the matter. A number of grand juries throughout the country are also looking into the matter. In such a situation, the Senate of the United States can ill afford to delay the confirmation of the nomination of Mr. Richardson beyond today. If it were to reject the nomination, we would be assured, in the end, of no nomination free of administration ties, and I say this with all due respect to Mr. Richardson, because under other circumstances than those with which we are confronted, and which I have already mentioned, I would vote for the confirmation of his nomination and I would be glad to recommend its confirmation by the Senate. I have voted for his previous nominations, as the RECORD shows.

But, as I say, in this instance, if we reject the nomination, we must start all over. I think the people of this country would then be discouraged. I think we would subject ourselves, rightly, to criticism; because we have no hard evidence that would support the outright rejection of this nomination, even under the circumstances I have explained. We would have to start all over again, therefore, with no assurance that we would have any better nomination the next time around than the one which has been presented here. Time is running out.

All these things considered, Mr. President, I shall vote for the confirmation of the nomination of Mr. Richardson. I believe it has been impressed upon him, time and time again, that we are going to place our trust in him and that he will be taken at his word; that we will expect a most thorough and unfettered investigation; that we will expect of him that he give Professor Cox absolute, full, and complete rein and back up Mr. Cox, if that is needed.

Mr. President, the record is as clear as I can make it. I know that each Senator will vote his own conscience. I, for one, will vote for confirmation of the nomination, albeit somewhat reluctantly under the circumstances. For the reasons I have stated, the Senate is left with little choice but to confirm.

Mr. HRUSKA. Mr. President, it is pleasing and good news that the decision of the Committee on the Judiciary to report favorably the nomination for Attorney General was unanimous. It was unanimous, although there were some reservations on the part of some of the members, and some of the reservations have been expressed by the Senator from West Virginia.

Mr. President, the record of the nominee for public service is well known, and it is highly distinguished: U.S. district attorney of Massachusetts from 1959 to 1961, Lieutenant Governor of Massachusetts from 1964 to 1967, Attorney General of Massachusetts from 1967 to 1969, Under Secretary of State from 1969 to 1970. Mr. Richardson also served as Secretary of the Department of Health, Education, and Welfare until February of this year and currently is serving as Secretary of the Department of Defense. Now he is being proffered as the nominee for the post of Attorney General.

Mr. Richardson testified for a number of days. In my judgment he answered questions candidly, fully, and patiently, at times with considerable restraint because of the many occasions when repetition occurred, repetition which I did not judge, which I did not condemn. I think the repetition, in many instances, was justified in the minds of the questioners on the basis that it served a useful purpose. Nevertheless it was a little trying on anyone not possessed of the capabilties for restraint which Mr. Elliot Richardson does possess.

One of the distinguishing features of this nomination was the present situation which falls under the jurisdiction of the Department of Justice for the investigation and the prosecution of the so-called Watergate case. It was solved in this way. The President of the United States charged Mr. Richardson as nominee and said he would charge him as Attorney General, if confirmed, with full authority in the premises, and that this authority would include the decision as to whether or not a special prosecutor for Watergate would be named and if so, who it should be.

The nominee early in the process of nomination announced that he had made his decision that a special prosecutor would be named, and that as soon as he could make a decision as to who it would be and get acceptance of the offer of that position he would inform the committee. This he did.

He also cooperated with the committee to the full extent of keeping it informed as to the terms and content of the so-called charter that would go from the Attorney General to the special prosecutor outlining his powers and duties. That was done.

In the person of Archibald Cox we have a man who was at one time Solicitor General of the United States. It is he who had great responsibility in the matter of appeals prosecuted on behalf of the United States. Mr. Cox discharged his duties there notably and very thoroughly. He is an experienced and seasoned man in the law; and he is learned in the law, being presently a faculty member of one of the Nation's leading law schools. He is held in high esteem and in good repute personally and professionally.

The charter which issued from the Attorney General designate and nominee was the joint product eventually not only of his thinking and his staff, but also Mr. Cox, and also with great influence by members of our Committee on the Judiciary. Mr. Richardson was highly receptive to them, and many of us improved the document greatly.

It is because of this situation that time becomes of the essence. The clock is running, whether we like it or not. There are about 8 or 10 grand juries that have been summoned and called into session to consider various aspects of the so-called Watergate case. There are at least six committees in the House and the Senate that have made it their business to inquire into the matter. There have been a number of indictments returned; there have been a number of requests for immunity being extended to certain witnesses, and when some of these steps are taken, and when they are concluded, they are not recallable.

The longer we wait, the more options will be denied to the man who will be in complete charge of the investigation and prosecution of the so-called Watergate cases.

The charter that has been worked out presumes that the Attorney General and Special Prosecutor will attempt to work together, even though there are certain statutory limitations that cannot be obviated.

The only means by which these limitations can be changed are by further congressional action. That would be time consuming, to say the least. Let me explain this point further.

By virtue of title 28 of the United States Code, the Attorney General is permitted to delegate his authority, but he cannot divest himself entirely from these powers. The Attorney General remains accountable for all matters within the jurisdiction of the Department of Justice.

For example, in conveying to the Court a request for immunity of a witness, whether it be limited or whether it be general, there is only one person who is qualified by law to present such a request. That person is the Attorney General or the Deputy Attorney General or an Assistant Attorney General designated by the Attorney General. That is as far as the statute goes.

There was no difficulty in this regard with Mr. Richardson. He assured us that he would honor any request made by the special prosecutor.

The charter is a general grant of authority to proceed, as special prosecutor, in whatever manner he desires.

Mr. Richardson was asked about the so-called charter, and he expressed satisfaction with it. He did feel that the Attorney General should reserve unto himself the power to give Cox "hell" if he did not do a good job. The Attorney General is entitled to have that power and preference.

There are many other functions, of course, that the Attorney General fulfills besides those established by the charter creating a special prosecutor.

I firmly believe that with his rare, splendid record of public service, the nominee will fulfill our every expectation for a splendid administration and will be a high-grade, well-principled Attorney General. It is for these reasons that I join those who will vote favorably on his nomination.

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute, as in legislative session?

Mr. HRUSKA. I yield to the Senator from Montana.

---

## ADJOURNMENT OF THE SENATE UNTIL MAY 29, 1973

Mr. MANSFIELD. Mr. President, as in legislative session, I call up House Concurrent Resolution 221 and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which the clerk will read.

The legislative clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Thursday, May 24, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, May 29, 1973.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 3, strike out "1973." and insert: 1973, and that when the Senate adjourns on Wednesday, May 23, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, May 29, 1973.

Mr. MANSFIELD. Mr. President, the calendar is almost as bare as Mother Hubbard's cupboard. We are keeping our commitment by bringing up the nomination of Mr. Richardson today. I urge the Senate to approve the change in the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

The title was amended so as to read:

Concurrent resolution providing for the adjournment of the two Houses of Congress over the Memorial Day Holiday.

## THE NOMINATION OF ELLIOT L. RICHARDSON

Mr. PERCY. Mr. President, will the Senator from Nebraska yield me 3 minutes?

Mr. HRUSKA. I yield 3 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I have had the pleasure of voting for the confirmation of Elliot Richardson to high Government posts three times. He was first nominated to be Under Secretary of State. Later, he took over HEW, and then, this year, he moved over to the Department of Defense. In each position of responsibility which he has held, he has served honorably and with distinction. I am pleased today to be able to cast my vote yet again for Elliot Richardson, this time for the very important position as Attorney General of the United States.

I shall not go into a detailed discussion of Mr. Richardson's qualifications for this post. His background in the law is well known and has been stated elsewhere in the RECORD. There is no doubt that Mr. Richardson's training, experience, and integrity make him an excellent choice to serve this Nation as the top lawyer at a time when grave questions have been raised in the minds of many Americans about the manner in which those who have sworn to uphold the law may have abused that trust.

It is unfortunate that the specter of Watergate must enter into any discussion of Mr. Richardson's nomination for Attorney General. However, it is inextricably tied to this difficult matter. His nomination is one of the bright spots in this whole matter, and his assuming the duties of this high office will help to restore the faith of the people of the United States in the dignity and impartiality of the law.

I personally have known Elliot Richardson for many years, and I hold him in very high esteem. Therefore, it was not out of any feelings of doubt about him that I have so strongly urged that an independent special prosecutor be named in the Watergate case. My point was that in order to restore the faith of the public in their Government, not only must justice be done in a fair, full, and impartial manner, as I am convinced that it will be by Elliot Richardson in every matter that comes to his attention, but that there must also be the appearance that justice is being so served.

At a time when the executive branch of Government was itself being investigated, I along with many others, including major legal organizations, newspapers, and private citizens, felt that as a matter of principle, the executive should not investigate itself. I think that this point was well understood by Mr. Richardson. The guidelines which have been announced, and the outstanding man who has been named, leave absolutely no doubt whatsoever in my mind that the full story of Watergate will come out. The American people need have no hesitation at all in placing their faith in Elliot Richardson, and his choice for special prosecutor, Archibald Cox. There seems to be no question about the Senate overwhelmingly approving this selection.

There is one last point that I would like to make at this time. For far too long, in my opinion, the office of the Attorney General has been tied too closely to the politics of the national administration. This has occurred under both Democratic and Republican administrations.

Whether this close political connection will be seen as a possible reason why a former Attorney General has now been indicted is a question that perhaps history can best answer. However, at this point in our country's history, we can start on a new road. Elliot Richardson, though he has held many positions in this administration, has not been closely associated with the President in a political sense. Their relationship has been professional and the nature of this relationship has always benefited the American public. I am confident that Mr. Richardson as Attorney General will continue to be a professional and that while in this office, he will stay out of politics to the greatest possible extent. There are enough politicians in this country and in this city that there is no need for the Attorney General of the United States to get involved in the political realm any more than the Secretary of State or Secretary of Defense. I sincerely hope that now that Elliot Richardson is assuming the responsibilities of the office of the Attorney General, he and all of his successors while in office will remain free of politics, above partisanship, serving both their President and their country in the best traditions of the legal profession.

Mr. McCLURE. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an additional 15 minutes, to be equally divided.

Mr. HRUSKA. Mr. President, we have had a unanimous consent agreement. There are Senators who have made their plans accordingly, and they are making connections.

Mr. GRIFFIN. Mr. President, I wonder if Senators who want to speak, realizing that Senators are going to have to miss planes, could not place their statements in the RECORD.

Mr. HANSEN. Mr. President, reserving the right to object—and I shall not object—I just want to say that I would like very much to vote for this nominee. I will not be here if we take as much time as apparently we are going to take.

Mr. ROBERT C. BYRD. Mr. President, may I be recognized for 30 seconds? The unanimous consent request was that the vote occur not later than 4 o'clock. There was a later request limiting time to 30 minutes. The only change now is a request for an additional 15 minutes.

Mr. HANSEN. Was not the unanimous-consent request that there be 15 minutes a side a few minutes after 3?

Mr. ROBERT C. BYRD. Yes.

Mr. HANSEN. Does not that prevail?

Mr. ROBERT C. BYRD. That would leave the inference that the vote would take place at that time, but there was no hard-and-fast understanding that we would vote before 4 o'clock.

The PRESIDING OFFICER. The Chair will advise that the unanimous consent entered into was that the vote would occur at no later time than 4 o'clock. There was a subsequent time agreement that debate be limited to 30 minutes, to be equally divided, and that order was entered at 3 minutes past 3.

Mr. ROBERT C. BYRD. That would carry the implication that we would vote at that time.

Mr. President, I ask unanimous consent that there be 5 additional minutes to each side.

Would that accommodate the Senator?

Mr. HANSEN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the Senator yield me 1½ minutes?

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senate can be proud of the role it has played over the past 2 weeks in exercising its responsibility of advice and consent to the nomination of Elliot Richardson as Attorney General.

Our advice was that the new Attorney General choose a distinguished and capable special prosecutor to meet the national desire for a thorough investigation of the widespread, high-level conspiracies which have subverted the law and the Constitution over the past few years. Mr. Richardson has accepted this advice by selecting Archibald Cox, a man of the highest integrity, experience, and capacity.

Our advice was that the special prosecutor be given a written mandate making clear his powers and independence, and we made specific suggestions as to the text and interpretation of those guidelines. Again our advice was substantially accepted, after a period of constructive give and take.

Our advice was that the Attorney General, who has been a member of the administration family for 4 years, separate himself as far as humanly possibly from the forthcoming investigation of the administration family, and he now understands that the fact and appearance of the integrity of that investigation require him to do so.

And so now Elliot Richardson, who has served the people of Massachusetts so well as attorney general and Lieutenant Governor, and the Federal Government as Assistant Secretary of HEW, U.S. attorney, Under Secretary of State, Secretary of HEW, and, briefly, Secretary of Defense, will be our next Attorney General.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. May I have 15 seconds?

Mr. ROBERT C. BYRD. I yield 30 seconds to the Senator.

Mr. KENNEDY. The Department he is to take over is at an ebb in morale, leadership, and public regard, and so the challenge before him is great. I am confident that he is equal to the challenge, and I look forward to working with him over the next 3½ years to meet it.

Mr. ROBERT C. BYRD. I yield 2 minutes to the Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, I have the highest regard for the integrity and intelligence of both Mr. Richardson and Mr. Cox, and I intend to support the nomination of Mr. Richardson and support the appointment of Mr. Cox, but I do so with some reluctance, because the administration has treated my State cruelly, and Mr. Richardson has carried out the instructions for doing so. He inherited the instructions from previous Secretaries, but he carried them out.

Of all the defense cuts in the United States, one-sixth have occurred in my State of Rhode Island, which has one two-hundredth of the population. Half of the military moves were made out of my State. They moved ships 400, 600, or 800 miles away. Planes that could have been stationed in Rhode Island will now fly over Rhode Island to get to Europe. Ships, formerly stationed in Rhode Island will now steam by Rhode Island, steaming additional hundreds of miles to get to their mission areas. They say they did it in the name of economy and efficiency. Obviously, this is not so. In acting that way, the administration has shown prejudice against my part of the country. I realize that is a fact, but it troubles me, hugely.

Another point is the new protocol at the White House. Any phone calls Senators make go to administrative assistants. I made a phone call three times to an administrative assistant at the White House, Mr. Girard or Gerald Jones. Each time it was returned not by him, but by his assistant.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. May I have 30 seconds?

Mr. ROBERT C. BYRD. I yield 30 seconds to the Senator.

Mr. PELL. Under the new regime, I find that calls are not returned to Senators by administrative assistants, but, only by their assistants. Apparently administrative assistants at the White House are on a too lofty plane to deign to return phone calls to Senators. I would hope the White House would change its protocol in that regard.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I rise to speak because I have known Elliot Richardson for so long and have voted to confirm him to so many Federal positions and also to emphasize one thing which I think is the major consideration in this whole debate and the ensuing vote, and that is that while Watergate is undoubtedly one of the greatest scandals that ever hit Government in this country, it is important that Government be decompartmentalized so the Government can operate. If the Government cannot be decompartmentalized in foreign and domestic affairs, there can be worse disasters than Watergate.

Because of Mr. Richardson's willingness to join Congress in seeing that Watergate is completely explored, and he is locked into these guidelines of very complete oversight, I have every confidence that Congress will not default in that obligation. Also the qualifications of the prosecutor to me are important. As Attorney General of New York I appointed special prosecutors to investigate similar questions.

I find three things are essential: One, accountability to all the people and, in our case, to the Congress. Second, the character of the man.

The third is a true intent of noninterference on the part of the Attorney General—Attorney General, in this case of the United States, and in my case as attorney general of the State of New York—in the exercise of all the powers of that office. Because Congress will retain a firm hold on what occurs by reason of the agreement of the Attorney General, I must assume complete backing by the President, and I will vote aye on the nomination.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, as one who has known Elliot Richardson for many years, I express my confidence in his intention to do the right thing.

The Senator from New York has said that Mr. Richardson would have taken the right course with reference to Watergate without regard to what the Senate has done. I admire his selection of Mr. Cox, who was one of my law school professors also.

I think in terms of what is now going on, that it is highly important for some of us to express confidence in the President. I myself think that the President would have given, and has given, the Attorney General the necessary instructions to see to it that the full facts concerning Watergate are brought to light and that the American public knows the full story.

I think that Mr. Richardson would have done so without the action that the Senate has taken.

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from California.

Mr. TUNNEY. Mr. President, I support the confirmation of the nomination of Elliot Richardson to be Attorney General because I feel that he has the highest intelligence and that he has demonstrated his integrity in the positions which he has held at both the State and Federal Government levels.

I think, however, that the Senate Judiciary Committee has performed a very valuable service in the 2 weeks in which it held hearings and interrogated Mr. Richardson and Mr. Cox. I think that we have guaranteed that the special prosecutor, Mr. Cox, will have in fact, the independence he needs to conduct an objective investigation.

Mr. HARRY F. BYRD, JR. Mr. Richardson is an able and clever lawyer and I know of nothing in his record to justify voting against confirming him for the position to which he has been appointed by President Nixon.

Personally, in this critical time, I would have preferred an individual for Attorney General who is more frank than Mr. Richardson has shown himself to be either as Secretary of Health, Education and Welfare or as nominee for Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia has one-half minute remaining, and the Senator from Nebraska has 1 minute remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield my one-half minute to the senior Senator from Illinois.

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Illinois from my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1½ minutes.

Mr. STEVENSON. Mr. President, Watergate, which began as a burglary, now stands for a tangled and massive assault from within upon the American system of government. The Nation has never been faced with such a reality. The dimensions of the corruption defy the public comprehension. The Government, even its most sacrosanct institutions, the FBI, the CIA, the IRS, the Justice Department, the State Department, the office of the President, have been corrupted—not by greed with which, alas, we are familiar—but by subversion from within.

Watergate reveals the fraility of our institutions—and their durability, too. The judiciary, the press, the Congress stood firm. In the end the Nation can be the wiser and the stronger for this assault upon its self-respect and self-confidence. That, however, will not happen if the doubts and suspicions are allowed to persist. It cannot happen if justice is betrayed or the President exonerated by his own agents.

We are not prophets and cannot say what directions this tangle of clues and accusations will take us. But no matter the directions, it is best we be certain they will take us to the truth and that in time justice will be done.

The Senate Judiciary Committee has served the Nation well. It has insisted upon a truly independent investigation of this whole unhappy episode. That question of independence is a question of impartiality and thoroughness. It means both truth and justice, and the certainty now of both in the end. The issue of independence has been the subject of much discussion in the Judiciary Committee where Secretary Richardson, has designated special prosecutor for Watergate, Archibald Cox, and the members of the committee have settled upon guidelines which establish the duties and responsibilities of the special prosecutor.

On May 3, I sent a letter to Secretary Richardson which was cosigned by 28 Senators. It endeavored to establish minimum standards of independence for the prosecutor. We sought to lay out the conditions upon which an investigation could proceed with public confidence in its impartiality and fairness. The standards contained in that letter were refined and strengthened in a resolution, Senate Resolution 109, which I introduced on May 8 with 32 cosponsors. This resolution framed much of the discussion on the independence of the special prosecutor in the Judiciary Committee hearings on the nomination of Secretary Richardson. The letter of May 3 was answered by Secretary Richardson in a letter dated May 17. On the same day he submitted his initial guidelines for the special prosecutor to the Judiciary Committee.

In Mr. Richardson's letter of May 17 he moved toward the independence we called for. But the letter left many ambiguities in the administration's position. I, therefore, wrote Mr. Richardson on May 18, setting out these ambiguities, and invited him to resolve them in favor of independence. He responded on May 21, and at the same time submitted a revised set of guidelines to the Judiciary Committee. In the meantime, on May 18, Mr. Richardson named Archibald Cox as special prosecutor.

I ask unanimous consent to have printed at the conclusion of my remarks the exchange of correspondence to which I referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. Mr. President, with the revised guidelines, it satisfies me that for so long as they are not changed and Mr. Cox remains the prosecutor, the public can be confident that this investigation will be thorough and fair and that in time it will know the truth and that justice will be done. This correspondence, taken with both the guidelines and the hearing record in the Judiciary Committee, make clear the prosecutor's jurisdiction and his powers. Together they make up the historical record upon which I hope the Senate will now confirm Mr. Richardson's nomination and in so doing approve the appointment of Archibald Cox. Both are men of proven integrity, ability, and toughness. They have acquitted themselves well before the Judiciary Committee. In order that we may, as citizens, have a complete record upon which to depend, I ask unanimous consent that the two letters to Secretary Richardson, his two responses and the resolution be printed in the RECORD at the conclusion of these remarks.

It is upon the understanding contained in these documents, the record before the Judiciary Committee and the revised guidelines offered by Mr. Richardson, that the investigation will proceed. I am hopeful the Senate will now approve Secretary Richardson's nomination and the appointment of Archibald Cox, and that the investigation will proceed. If so, it will be upon the assumption that, the Senate's advice and consent given, the rules and the central personalities will not be changed by the executive branch.

EXHIBIT 1

U.S. SENATE,
*Washington, D.C., May 3, 1973.*

Hon. ELLIOT L. RICHARDSON,
*Attorney General-Designate,*
*Department of Justice,*
*Washington, D.C.*

DEAR MR. RICHARDSON: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

(2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

(3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

(4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

(5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

(6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these requisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability, and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

Adlai E. Stevenson III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, and Lawton Chiles.

Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Abraham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

---

S. RES. 109

Resolution requesting the Attorney General-designate of the United States to take actions insuring the independence of the special prosecutor to be appointed in connection with the investigation of illegal activities arising out of the Presidential election of 1972

Whereas the Attorney General-designate has announced his intention to appoint a special prosecutor to investigate the Watergate case and related matters; and

Whereas it is essential to the proper conduct of the investigation and to the restoration of public confidence in the Federal Government that the special prosecutor be in a position to perform his functions in an independent manner: Now, therefore, be it

*Resolved,* That—

(1) The Attorney General-designate should vest the special prosecutor with all necessary attributes of independence, including but not limited to the following:

(a) Final authority over questions of convening and conducting proceedings before grand juries, subpenaing witnesses, initiating prosecutions, framing indictments, and seeking in court grants of immunity from prosecution of witnesses;

(b) Final authority over the selection of an adequate staff of attorneys, investigators, and other personnel answerable only to himself;

(c) Assurance that the investigatory and other resources of the Department of Justice and funds to defray all expenses incurred in connection with the activities of the special prosecutor will remain available for the time necessary to complete the investigation and prosecute any offenders;

(d) Assurance that he will not be subject to removal from his position except for malfeasance in office;

(e) Assurance that he will enjoy full access to the relevant documents and personnel of the Department of Justice and all other officials and agencies of the executive branch; and

(f) Assurance that the special prosecutor can freely, and upon their request, appear before, consult with, and cooperate in other respects with all congressional committees having jurisdiction over any aspects of the special prosecutor's activities.

---

SECRETARY OF DEFENSE,
*Washington, D.C., May 17, 1963.*

Hon. ADLAI E. STEVENSON III,
*U.S. Senate.*

DEAR SENATOR STEVENSON: Thank you for your letter of May 3 and for your expression of confidence in me. I agree wholeheartedly with your observations about the need to restore public confidence. I agree that this end will be served by the appointment of an independent Special Prosecutor with unquestioned integrity, the highest professional ability and great tenacity.

In examining both the record of the Senate Judiciary Committee hearing on my nomination and the points articulated in your letter, I am struck by how close we actually are in our approach to the definition of the Special Prosecutor's role. The detailed description of the Special Prosecutor's authority which I have today sent to the members of the Senate Committee on the Judiciary meets, I believe, all the points enumerated in your letter:

His scope of authority will extend beyond the Watergate case to include all offenses arising out of the 1972 Presidential Campaign and all allegations involving the President, members of his staff and other Presidential appointees;

His powers will include the handling of all prosecutions, grand jury proceedings, immunity requests, assertions of "Executive Privilege" and all decisions as to whom to prosecute and whom not to prosecute;

He will have the authority to organize and select his own staff, responsible only to him, and to secure adequate resources and cooperation from the Department of Justice;

He will have access to all relevant documents;

He will handle relations with all appropriate Congressional Committees; and

He will be subject to removal only by reason of extraordinary improprieties on his part.

Some misunderstanding seems to persist on the subject of the relationship of the Special Prosecutor to the Attorney General. I have repeatedly stated that the Special Prosecutor must be given the authority to do his job independently, thoroughly and effectively. He will possess a truly unique level of independent authority within the Department of Justice. But it is also critical, in my view, both in the interests of the effective performance of the Department of Justice as a whole and the speedy and efficient support for the Special Prosecutor's mission, that the Attorney General retain that degree of responsibility mandated by his statutory accountability.

The laws establishing the Department of Justice give the Attorney General ultimate responsibility for all matters falling within the jurisdiction of the Department of Justice. Under the law, there is no way to handle prosecutions under the applicable Federal criminal laws outside that Department. A change in the law making the Special Prosecutor an independent agency, which I think would be wrong and harmful on the merits, could in any event be very complicated and time consuming. The outcome of any effort to change the law would be uncertain, the investigation would be disrupted, and prosecution seriously delayed.

Further, only the Attorney General can effectively insure the cooperation of other personnel within the Department of Justice (and within other agencies of the Executive Branch) and thus assure the marshalling of additional resources, including professional investigatory and prosecutorial staff, when the Special Prosecutor needs them. The Attorney General is responsible for allocating the overall resources of his Department consistent with the proper pursuit of its various responsibilities. Without being able to draw on these resources and the various sources of authority which are vested in the Attorney General as chief legal officer of the Nation, any investigation by a Special Prosecutor might be severely hampered.

The approach which I have developed is developed to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued. As I have said before, the public will have an insurance policy comprised of four clauses:

The integrity of the Attorney General as reviewed and confirmed by the United States Senate;

The integrity of the Special Prosecutor as reviewed and affirmed by the United States Senate;

The terms and conditions articulated in my detailed description of the Special Prosecutor's authority and in testimony before the Senate Judiciary Committee, which assure the authority and independence of the Special Prosecutor; and

The investigation of the "Ervin Committee" as established by Senate Resolution 60.

With best regards,
Sincerely,

Elliot L. Richardson.

---

U.S. Senate,
*Washington, D.C., May 18, 1973.*

Hon. Elliot L. Richardson,
*Secretary of Defense, Department of Defense,*
*Washington, D.C.*

Dear Mr. Secretary: Your letter to me of May 17 is positive and represents a long step in the direction of an "independent prosecutor" in the Watergate episode.

It is my hope that with a clarification of certain points in that letter and your statement to members of the Judiciary Committee that remaining doubts about the impartiality of the investigator can finally be resolved and that justice delayed can now proceed with dispatch and the government can get on with all its business.

Specific points about the prosecutor's functions which you make in your May 17 letter and statement to the members of the Judiciary Committee are still consistent with your statement of May 7 that the investigation would be conducted "in the Department of Justice" and that as Attorney General you would retain "final responsibility" for all matters within the Department.

It would be helpful if at your earliest convenience you could explain the following points in your May 17 letter:

1. You state that the prosecutor's authority will extend to "all *offenses* arising out of the 1972 presidential campaign and all *allegations* involving the President, members of his staff and other presidential appointees." It is unclear whether you intend that the prosecutor will have the authority to investigate allegations of official misconduct of a *non-criminal* nature on the part of Executive branch personnel. The Congress has the constitutional responsibility for making the laws and overseeing the manner in which Executive branch personnel execute those laws. The Congress is the most appropriate body to investigate and make judgments about instances of official misconduct of a non-criminal nature. The Senate is exercising that responsibility. Is it your intention that the prosecutor's functions include the investigation of such non-criminal misconduct?

2. Your letter states that the prosecutor's powers "will include the *handling* of all prosecutions, grand jury proceedings, immunity requests, assertions of 'Executive privilege' and all *decisions* as to whom to prosecute and whom not to prosecute." Thus, the only decision-making power to which you explicitly refer concerns questions of whom to prosecute and whom not to prosecute. Is it the Administration's intention to reserve the decision-making responsibility on all such questions as convening grand jury proceedings, seeking in court grants of immunity for prospective witnesses and passing upon whether present or former Executive branch personnel can properly invoke "Executive privilege"?

3. You state that the prosecutor "will have the authority to organize and select his own staff." Does that authority include the authority to select staff members not now employed by the Department of Justice? What financial resources will be at the disposal of the prosecutor with which to retain the services of any such staff members outside the Department of Justice? And will you assure that the personnel and other resources of the Justice Department are at the disposal of the Prosecutor, except in cases where his use of personnel would unduly interfere with other activities of the Justice Department?

4. You state that the special prosecutor "will have access to all *relevant* documents." Is it your intention to reserve the right to determine what is relevant?

5. You state that the special prosecutor "will *handle* relations with all appropriate congressional committees." Is it your intention to reserve the right to control the access of the prosecutor to committees of the Congress, including the furnishing of information to such committees? My own strong conviction is that both justice and the truth will best be served by a prosecutor free to cooperate with both the Executive and the Legislative branches and to help coordinate their potentially conflicting investigatory activities.

6. The most serious doubt left lingering by your letter and oft-repeated statements is that by some law the Attorney General must retain the "responsibility" or final authority. You oppose a law to remove any such conflict between your statutory duty as Attorney General and your duty to the people as their chief law enforcement official. In the past, Attorneys General, including the acting Attorney General in this very matter, have resolved that conflict by disqualifying themselves. Your failure to do so in favor of an independent prosecutor raises no doubts in my mind about your integrity, but many doubts about your freedom to act. You are, after all, an agent of the President and also a servant of the public. Those roles are not inevitably harmonious. Why do you refuse to disqualify yourself in favor of a prosecutor who can serve the people with a singleness of purpose?

Without a resolution of these questions it could be as difficult in the future as it has been in the recent past to find a man of the highest professional attainment and character to serve as prosecutor. In the meantime, delay eats like acid at the public trust and the cause of justice.

With the resolution of the questions raised by this letter and in the hearings of the Senate Judiciary Committee, I would hope your confirmation as Attorney General would proceed rapidly. At the same time, the prosecutor's investigation of the Watergate episode could proceed and in harmony with the investigation by the Senate Committee. If that does not happen, the doubts and suspicions will linger, partisan politics will intrude, the investigations will be disorderly, and the integrity of the Presidency impossible to restore for many years. I, therefore, look forward hopefully to your early response.

Sincerely,

Adlai E. Stevenson III.

---

Secretary of Defense,
*Washington, D.C., May 21, 1973.*

Hon. Adlai E. Stevenson III,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Stevenson: Thank you for your letter of May 18. I certainly share your hopes that any remaining doubts about the impartiality of the independent investigation and prosecution, to be handled by Archibald Cox, can now be finally resolved. Hopefully, as you so aptly point out, justice delayed can now proceed with dispatch and government can get on with all its business. I have just given members of the Senate Committee on the Judiciary a somewhat revised version of the guidelines under which the Special Prosecutor would operate. A copy is enclosed for your information.

In response to the specific questions raised by your letter, let me make the following points.

1. While the Special Prosecutor's functions would focus primarily on the investigations and prosecution of criminal offenses, he may in the process uncover improprieties or irregularities of a non-criminal kind. He would be free to take whatever action with regard to such improprieties or irregularities as he deemed appropriate, including disclosing them publicly and reporting them to other authorities for their action. There will inevitably, of course, be considerable overlap with the Ervin Committee's investigations, whether or not prosecution is sought in specific cases.

2. It is not my intention to reserve decisionmaking responsibility on any of the matters enumerated in the description of the Special Prosecutor's duties and responsibilities, as to which he is given full authority. Thus, all decisions as to grand juries, assertions of executive privilege, and seeking grants of immunity will be made by the Special Prosecutor, in a manner consistent with applicable statutory requirements.

3. The Special Prosecutor will have authority to select staff members not now employed by the Department of Justice. The Special Prosecutor will have all the financial

resources that he will reasonably need for all his activities, including funds with which to hire nondepartmental personnel. I will assure, as the guidelines make clear, that the personnel and other resources of the Department will be at the disposal of the Special Prosecutor, to the extent he may reasonably require them.

4. The Special Prosecutor, not the Attorney General, will determine what documents may be relevant to his mission.

5. The Special Prosecutor will be fully free to make all decisions relating to his dealings with Congressional Committees. I will not control the Special Prosecutor's access to any committee.

6. Having provided the Special Prosecutor with a charter which assures his total operational independence from the Attorney General, together with the resources necessary to carry out his mission effectively, I see no need to "disqualify" myself. I have no personal stake in this matter other than to see that justice be done swiftly, thoroughly and fairly. I hope that the selection of former Solicitor General Cox for the position of Special Prosecutor makes my determination in this regard amply clear.

I regard the questions you have raised as fair and responsible and I have tried to answer them in that spirit. I trust that the Senate and the Department of Justice can and will cooperate in this mission of enormous public importance. I will certainly do everything in my power to see that this occurs.

With kindest regards,
Sincerely,
ELLIOT L. RICHARDSON.

The PRESIDING OFFICER. All time has expired. The question is, Will the Senate advise and consent to the confirmation of this nomination? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CLARK), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. DOMINICK), and the Senator from Hawaii (Mr. FONG) would each vote "yea."

The result was announced—yeas 82, nays 3, as follows:

[No. 153 Ex.]

YEAS—82

Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Eagleton
Eastland
Ervin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—3

Biden
Gravel
Hughes

NOT VOTING—15

Abourezk
Aiken
Brooke
Church
Clark
Dominick
Fannin
Fong
McGee
McGovern
Packwood
Saxbe
Sparkman
Stennis
Williams

So the nomination was confirmed.

Mr. SCOTT of Pennsylvania. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination and all nominations confirmed today.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. ST GERMAIN, Mr. ANNUNZIO, Mr. BARRETT, Mr. HANLEY, Mr. BRASCO, Mr. COTTER, Mr. MOAKLEY, Mr. ASHLEY, Mr. WIDNALL, Mr. ROUSSELOT, Mr. JOHNSON of Pennsylvania, Mr. WYLIE, Mr. J. WILLIAM STANTON, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

## PROCLAMATION DESIGNATING THE FOURTH SUNDAY IN SEPTEMBER OF EACH YEAR AS "NATIONAL NEXT DOOR NEIGHBOR DAY"

Mr. MANSFIELD. Mr. President, there is a joint resolution at the desk, which I understand was reported unanimously today by the Committee on the Judiciary and which has to do with the designation of "National Next Door Neighbor Day."

This is a brainchild of a constituent of mine. It is a move in the right direction, and I ask unanimous consent that the Senate proceed to the consideration of this resolution, Senate Joint Resolution 25, at this time.

The PRESIDING OFFICER (Mr. MCCLURE). The resolution will be stated.

The assistant legislative clerk read as follows:

S.J. Res. 25, to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, in September 1971, I received correspondence from a constituent, Mrs. Becky Mattson of Lakeside, Mont., suggesting establishment of a "National Next Door Neighbor Day." This is one of many suggestions of this nature which a Member of Congress receives each session, but the more I thought about it the better idea I thought it was, especially in this time of turmoil both overseas and here at home.

In June of last year, I introduced a joint resolution authorizing the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day." I have reintroduced the measure again in this Congress and I am delighted to report that the Senate Judiciary Committee today reported favorably Senate Joint Resolution 25, without amendment.

It is my hope that this joint resolution will receive unanimous support and that our colleagues in the House of Representatives will give similar consideration in the near future. Through the efforts of Mrs. Mattson this idea has generated considerable enthusiasm throughout the Nation and was supported by resolution in the Montana State Legislature. Mrs. Becky Mattson recently sent me a copy of Vance Packard's "A Nation of Strangers" which deals with the uprooting and fragmentation of our society. We are rapidly becoming a nation of strangers. When America was first colonized, the rootlessness of Americans was a source of vitality and charm. Our Nation has become so involved in the complexities of day-to-day living in an urban society that we are developing a cold distrustful attitude. We are among the most accomplished nations in the world, but at the same time we are also probably one of the loneliest nations. I think it is time that we got to know our neighbors, whether it be in apartment buildings, a community of individual homes, or in the open spaces of the West. As we become more involved in the mechanization and computerization in everyday living, we are also depersonalizing our own life. Many feel that this condition contributes to the distrust, dishonesty, and crime that has increased so rapidly in recent years.

Mr. President, I am firmly convinced that people do, indeed, require continuing relationships with other people, and the enactment of Senate Joint Resolution 25 would be one small indication that the Federal Government does care about each and everyone of the citizens of the United States.

Mr. President, I am happy to report that the distinguished Senator from Montana (Mr. METCALF) joins me in urging passage of the resolution.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 25) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

> S.J. RES. 25
>
> Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day".
>
> *Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President is authorized and requested to issue a proclamation designating the fourth Sunday of September of each year as "National Next Door Neighbor Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

## FOR THE RELIEF OF FRANK P. MUTO, ALPHONSO A. MUTO, ARTHUR E. SCOTT, AND F. CLYDE WILKINSON

Mr. MANSFIELD. Mr. President, I understand that there is another bill which was unanimously reported today by the Committee on the Judiciary, a bill which passed the Senate last year but was not taken up in the House. I ask unanimous consent that the Senate proceed to the consideration of the bill, S. 251, at this time.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> S. 251, for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

> S. 251
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) in the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, and subject to sections 8334(c) and 8339(h) of such title, Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson shall be deemed to have rendered creditable service during such periods as they were employees of the Democratic or Republican Senatorial Campaign Committee prior to October 2, 1962.
>
> (b) The Civil Service Commission shall accept the certification of the President of the Senate, or his designee, concerning the service of, and the amount of compensation received by, the individuals named in subsection (a) of this section.
>
> (c) An individual receiving credit for service for any period referred to in subsection (a) of this section shall not be granted credit for such service under the provisions of the Social Security Act.

Mr. HRUSKA. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MEMORIAL DAY 1973

Mr. MATHIAS. Mr. President, when the Senate adjourns today, it will adjourn for what we traditionally call the Memorial Day recess, the day on which we remember the cost of the victories this Republic has won in the great battles it has fought.

This year we have a great deal to remember.

This year, Memorial Day 1973, will be the first year in a long, long time that we have not had ground troops engaged in battle in Indochina.

While certainly we are not going to forget the sacrifices made in past wars in our history, unhappily by nearly every generation, I think we have a special obligation to remember the sacrifices that were made in Vietnam.

Those sacrifices are so great that I think they need to be repeated in detail as a part of our commemoration of Memorial Day 1973.

Consider, for example, Mr. President, the fact that there were 303,635 American servicemen wounded in Vietnam.

Consider that there were 45,941 killed in action in Vietnam.

Consider that there were 10,303 who died in service in connection with the war in Vietnam.

That is a total of 56,244 American servicemen who died in Vietnam.

Taken together with the wounded, it is a total of 359,879 casualties that we have to remember on Memorial Day 1973.

There are a great many others, Mr. President, who will be remembering on Memorial Day and who should be remembered. There are approximately 25,000 paraplegics, quadriplegics, and others so seriously wounded that they are called disassembled men.

We, therefore, have a lot to remember on Memorial Day 1973.

I hope that, as we contemplate the sacrifices these men and those who have gone before them have made for their country, for us, we here in the Congress will renew our pledge to seek a better system, a better way to insure peace and put an end to the kind of sacrifices that have been required of every generation of Americans.

Mr. JAVITS. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I should like to associate myself with what the Senator from Maryland has just said. He spoke for all of us. I join him in the implied resolution of what he says, that we must do our best to see that this does not happen again in our time.

The Vietnam war, which was so costly, and which divided us all, was carried on by a deeply divided country, because we failed to assure ourselves of support for that war, which such an awful decision as war requires—that is, it must be a venture taken by the President and the Congress jointly.

We now have a process of trying to find a way, a methodology, by which, if we do have to make the awful decision of war again, at least we will have—with always a few exceptions—a truly united country, a united people determined that such a war will be worth the sacrifices, which they never felt with regard to Vietnam.

Mr. MATHIAS. I thank the distinguished Senator from New York for his words of wisdom. All of us thank him even more for the valuable contributions he has made, and which he continues to make, in striving towards the goal of a system, a process, by which peace can be maintained.

## TRIBUTE TO PABLO CASALS—A GREAT HUMAN BEING

Mr. MATHIAS. Mr. President, the city of Washington has as its guest today one of the greatest men now alive, Pablo Casals.

His reputation in the world was first made as a musician, but I think he is now known around the world not only as a musician but also as a very unusual human being.

He came to Washington to participate last night in a special concert at the Kennedy Center in observance of the 25th anniversary of the Organization of American States.

His appearance there was very moving and very emotional. Little can be said about it here that would improve on his own words which were spoken there:

> How I thank all of you—especially my dearest friend here (Alexander Schneider) who has conducted wonderfully well my very modest music!
>
> I am a very, very old man and I have been in this lovely city much, much, much before you all, and I remember the first concert that I gave here at the beginning of the century. It was very touching for me. I was a young man and I was very astonished to have received so much of your applause. After that I have been many times in this city, and you are my friends, all of you.
>
> I don't play in public any more, but I play, most of the time with this great musician, with this great friend of mine (Schneider), so for me life continues, and perhaps continues better than ever. And I can prove it.
>
> When I was young, or relatively young, I didn't have much time to dedicate myself to that miracle of music, Bach, to the public or to myself.
>
> But now I feel younger than ever because I play Bach every day; every day I play after

> having prayed to that fantastic, fantastic nature. Nature first, and the prayer; prayer to nature which I call nature-God or God-nature.
>
> I play every day two preludes and two fuges of Bach on the piano.
>
> Then my wonderful wife—her name is Martita—she has my coffee prepared and I go to my own chair and I think that he has given me so many years of my life.
>
> And so, despite my age, I am still a musician, a musician 100 times.
>
> I want to thank you—all of you. I want to thank my family of musicians, the orchestra. And I would like to give more.
>
> I thank the Lord for having brought me near you.
>
> God bless you all.

**Mr. MATHIAS.** Mr. President, I first had occasion to meet Pablo Casals several years ago, when I was in Puerto Rico, at the time of the session of the Atlantic Conference. During the conference I had the pleasure of having lunch with the Governor of Puerto Rico, Luis Ferré, at La Fortiliza; and he asked me if there was anything he could do for me while I was visiting the island. I said:

> Yes, there is one thing you can do that I would very much appreciate, and that is to introduce me to Pablo Casals.

The governor, very graciously and kindly, did just that. The following day, I visited Pablo Casals and Mrs. Casals at their house, where I found him playing the scales on his piano.

I asked him how often he did that. He said—

> Every day of my life, since I was 12 years old;

With the exception of one short period around 1903, I think he said, when he had been playing a concert in San Francisco. To get some exercise, he had gone hiking on Mount Tamalpais and fell and broke some bones in his hands which forced him to give up his daily practice for a while. With that exception, he had played the scales every day.

I asked:

> Then what do you do?

He replied:

> Then I play Bach, the greatest of all musicians.

He described to me a little of the circumstance of his youth, because he was early recognized as a genius. He was given a scholarship at the Conservatory of Music in Madrid. His merit was recognized by the Queen of Spain, and he became a familiar figure in Madrid. He grew up knowing the royal family very well.

In spite of these close personal ties, he became one of the most ardent advocates of human freedom. He felt compelled, at one point, to go to King Alphonso, a few years his junior, and tell him that he was a republican and believed that Spain should be republic. He said it made no difference in their friendship, and King Alphonso said—

> Well, you are a man, and that is what is important.

This was Casals from his earliest days, speaking for freedom, speaking with courage, speaking without any of the inhibitions that too often restrain us as human beings in the expression of our deepest sentiments.

He went on to talk about nature, about the uniqueness of every leaf on every tree, which was different from every other leaf on that or any other tree, which led him to a message I would like to give to the Senate, because I think it is perhaps one of the most important messages we could receive.

Pablo Casals said:

> You must help each child in the world to understand that he is totally different from every other child; that there has never been another child like him in all the world and there will never be another child like him in all the world; and if each child understands this about himself, he will respect himself a little more, and eventually he will come to respect other children, other people, and the world can then be a better place.

Mr. President, Pablo Casals sought freedom under the protection of this Republic. Because Pablo Casals sought freedom with us, he has given us a very great challenge, a challenge to which we must respond. It is a great honor for the United States to have Pablo Casals living with us. It is a tribute to our heritage of freedom that he is here with us. It is a great honor for the city of Washington to have him as our guest. I want to extend my thanks and my congratulations to him on the great accomplishments of his life.

**Mr. HUMPHREY.** Mr. President, will the Senator yield?

**Mr. MATHIAS.** I yield.

**Mr. HUMPHREY.** Mr. President, I join the Senator from Maryland in his tribute to a truly great and wonderful human being, Pablo Casals.

It has been my privilege to know Pablo Casals as a personal friend over the years. Indeed, on the occasion of his 90th birthday, Mrs. Humphrey and I traveled to Puerto Rico, to San Juan, and spent the evening with him to celebrate that birthday.

He is truly one of the great guiding spirits of the cause of freedom. He is a magnificent human being. He is a musician of incomparable ability and quality. He is a dear man, and the very presence of this gentleman in our Capital City and the fact that he has shared so much of his great talent with so many people in all walks of life is a singular honor to the States. I love this man.

I had the opportunity last evening to spend some time with him and to have a chance, once again, to enjoy the gift of his friendship. I have had the privilege of being associated with him in many endeavors of common concern.

I thank the Senator from Maryland for his thoughtfulness in speaking about the maestro, as we call him—this great musician and gentleman. I saw the Senator from Maryland at the concert last evening. It was a beautiful concert, in honor of the 25th anniversary of the Organization of American States.

To have a chance to participate in that ceremony, even as a listener and observer, and at the same time to be in the presence of a magnetic personality such as Pablo Casals, is one of the reasons why the city of Washington is a unique and exciting place in which to live.

**Mr. MATHIAS.** I thank the Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD two newspaper articles concerning Pablo Casals, and a poem composed today in his honor by William G. Miller, which expresses some of the deep emotion shared by all of us last night.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star News, May 23, 1973]

### WORDS WERE MUSIC

(By Irving Lowens)

Pablo Casals' speech at the conclusion of last night's musical salute to the Organization of American States at the Kennedy Center Concert Hall completely overshadowed Pablo Casals' music, and truth to tell (and to quote Casals himself), it is "very modest music," indeed.

The Sardana went rather bumpily—hardly surprising, since getting together an orchestra of 40 cellos and getting them to sound as if they were playing music is no easy thing.

Alexander Schneider, who substituted for Casals as conductor, did what he could, but that wasn't much.

Schneider was obviously dissatisfied with his first performance of the Gloria from "El Pessebre," and decided to go through the piece a second time. It was more expressive and precise the second time around, but not nearly so much as Casals' impromptu words.

Casals' words also came very close to erasing from the memory the three miniature recitals which made up the first half of what must be characterized as a decidedly odd program.

American pianist Samuel Lipman led off with a quartet of works by Chopin, Bach-Busoni and Liszt. He is a formidable technician even though he tends to batter the piano too much, and he did improve as he progressed.

Canadian soprano Lois Marshall sang the Beethoven "Ah, perfido!" scena with a wide range of nuance and brought the house down with the fiery intensity of her interpretation of the Falla "Canciones Populares Espanolas."

Bolivian violinist Jaime Laredo, who appeared as soloist in the Barber Violin Concerto with the Festival Orchestra the previous evening, was joined by Samuel Sanders in musically readings of short pieces by Brahms, Bartok, Villa-Lobos and Ravel.

During the intermission, Galo Plaza, secretary-general of the Organization of American States, gracefully acknowledged the Kennedy Center's gesture in helping to celebrate the OAS anniversary.

No one, however, is likely to remember the substance of Plaza's remarks, or even, for that matter, the evening's music-making.

And no one who was present is likely to forget the sight of that gentle, brave figure speaking of his great love for Bach and for his young wife, Martita.

---

### A SPELL OF MAGIC AND EMOTION

(By Paul Hume)

Pablo Casals was the focus of an emotional evening last night at the Kennedy Center, even though an asthma attack prevented the 96-year-old musician from conducting as scheduled. Instead, he sat listening in a chair in the wings, just offstage.

Casals' "Gloria" provided a dramatic ending to the special concert honoring the Organization of American States. As the music ended Casals was assisted to the center of the stage. The audience rose and cheered.

As Casals held up his hand for silence, a man in the front row stepped forward and, reaching up, handed him a single, deep-red carnation. Casals held it tenderly while he spoke of nature and music. Among other things, he said, "I am a very old man. Now I feel younger than ever."

At this point someone in the balcony shouted a salute in Spanish that brought more cheers from the 2,800 who packed the hall. "I feel younger because I play every day," Casals said.

As he ended his remarks, Casals placed his hand on the arm of his friend and substitute conductor, Alexander Schneider, thanking him for his constant help, and then spoke of "my wonderful wife." While the audience applauded warmly, Martita Casals, 38, came out to join her husband. It was a moment when a special feeling of affection seemed to envelop the stage. The musicians were all clapping, and emotion swept the house.

Although he had briefly rehearsed the chorus and orchestra in his "Gloria" yesterday morning, a mild asthmatic attack forced him to leave the podium. By evening it seemed wiser for Casals not to take on the heavy task of conducting two demanding works.

So when it was time for Casals' Sardana, played by 50 cellos, and then the closing "Gloria," Schneider conducted in his place.

An unexpected incident caused the end to fall apart because of a strange traffic jam between chorus, orchestra and conductor in the final measures of the "Gloria." Schneider left the stage and then quickly returned, took up the baton and gestured to everyone to repeat the entire passage. This time Schneider, the errant trumpets, the chorus and the orchestra got things straightened out.

As the audience cheered again, Schneider went off-stage and returned with Casals, who had earlier acknowledged the applause from the left stage entrance. This time he came all the way out to the center of the platform.

No one seemed to want to end the magical moment by breaking away to leave. It was like the time many years ago when Ignace Paderewski played in Constitution Hall and no one wanted to go home.

Perhaps it was because OAS Secretary-General Galo Plaza said earlier from the stage:

"Our organization (which is 90) is neither so old nor so famous as our distinguished guest Pablo Casals. I know of no other artist who has spent so much of his life promoting international understanding through music."

Something of the power and breadth of Casals' musical imagination came out vividly in his Sardana. Long thought to be an artist wholly dedicated to the romantic style of the 19th century, he may well have startled the audience last night when the 50 cellos began playing bitonally, or in two keys at once.

Casals' Sardana is vivid in its rhythmic energy and stamped with an unmistakable Spanish aroma. The texture of the ensemble of cellos gives it a rich feeling like nothing else in music. Schneider and the cello orchestra, which included many of the area's best known cellists, did themselves and the composer proud.

Many in Washington will remember "The Manger," which Casals conducted here several years ago at a United Nations concert. The "Gloria" is one of its least subtle, most straightforward passages, in which brilliance is obtained by the simplest massing of chorus and orchestra.

Before the Casals two works, American pianist Samuel Lipman, Lois Marshall, the famed Canadian soprano, and Jaime Laredo of Colombia offered groups ranging from Bach and Liszt through Beethoven and Falla to Brahms, Villa-Lobos and Ravel.

The entire concert was the Kennedy Center's salute to the 25th anniversary of the signing of the OAS charter.

### PABLO CASALS AT AGE 96

The master's hand lay still
As fifty cellos hymned his praise.
In concert two hundred strings
Sung with joy of his Sardana—
The dance of freedom in Catalan—
A ring of life
Woven together right and left
To the ancient beat
Of the pastoral fife and tabor.
Until he played
The driving force of the dance
Was only a memory.

The music stopped.
Spent and thin with years
He spoke,
A flower in his hand:
"I am old, very, very old."
Reaching out with both arms
Toward the warmth of friends
"But I feel younger"
And mocking his age
He praises nature's god
"By his blessing I play music everyday"
Fighting off with a rising Gloria
Death's hunger, he exults:
"I grow younger."

Hands, with skin like ivory
Aged parchment etched with the notes
Of a time past until grasped again.

Hands that held the bow
Unleashed from taut strings
Vollies of love
Releasing with art the muted heart beat of life.

The Hands that hold the flower are still:
This day music was played for him;
This day his music was memory.

Soon his hands will not hold
The bow of his love
Or the red flower of spring:
His dance with time a memory.

Mr. JAVITS. Mr. President, I should like to associate myself with what Senator MATHIAS and Senator HUMPHREY have said, especially that part which expresses the honor of our country in having Pablo Casals under its flag, especially as he is in a place which indicates clearly the nonimperialism of the United States—to wit, Puerto Rico, which has had such a blessing of freedom in its association with the United States.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly, so that I can make an announcement, before I leave the Chamber? I have to go to a dinner of some importance tonight, and I would like to make this announcement either before or after the remarks concerning the renowned, the great musician, Pablo Casals.

Mr. JAVITS. I yield.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, I point out that at the present time the pending business is H.R. 7447, an act making supplemental appropriations for the fiscal year ending June 30, 1973.

I would suggest, most respectfully, that all Members on both sides of the aisle make it a point to be here when the Senate reconvenes after the recess, on Tuesday next, because there is some very important legislation affecting Cambodia, Laos, and Southeast Asia. There may well be votes that day.

If any Member has any doubt I would again most respectfully say to him that he ought to be here at that time, and if he has engagements or outside committee meetings, he should consider most seriously canceling them.

There may not be votes on Tuesday, but there may be. The matter is so important I feel I should make this announcement at this time. I thank the Senator for yielding to me.

## REPORT ON INTERNATIONAL AFFAIRS

Mr. JAVITS. Mr. President, it is my custom to report to the Senate on international matters in which I am engaged. One of those is chairing the Committee of Nine of the North Atlantic Assembly, which is charged by the North Atlantic Assembly to chart the future of NATO for the next 10 years. This committee is a very high level committee. Its American members are Representative HAYS of Ohio and me. Its Canadian member is Senator John Aird. He is one of the leading Canadians in the foreign policy field, who is the successor on the committee of Lester Pearson who is such a famous international figure.

The members from the lower countries are Max Van der Stoel of Holland, who will soon be replaced; Mr. Hegtun of Norway, Vice Chairman of the Parliament of Norway. Then there is the distinguished Lord Harlech of Britain, who was a former ambassador here; the former Secretary General of NATO Senator Brosio. The list is completed by Professor Hallstein of Germany, president of the European Common Market Commission; and Habib-Deloncle of France, editor of the Gaullist paper in France.

Mr. President, we met for the sixth or seventh time in Brussels this past weekend. I wish to report to the Senate in connection with that visit what I found in Europe. While Watergate, one of the most profound governmental scandals ever to have shaken this country. has not in my judgment materially changed the negotiating position of the United States respecting money, trade, and security, including the subject hotly debated of troops in Germany, it is absolutely essential that Congress be joined with the President in respect of these negotiations in order for the negotiations to have the substantiality that Europe will want to see, in that presidential agreements are actually performed, because Congress must give them necessary backing. That means no blank checks. That means we will have statesmanship and move with considerable solidarity if these meetings must be here this year, to give the President our directive, as well as such vetoes as we think necessary so that the President—not talking about any particular President—may have the strong negotiating hand he must have for peace and security and prosperity throughout the world.

I hope we will measure up to this responsibility in the first instance by the kind of trade bill we pass, which will set the tone for what is happening.

Watergate makes it more important than ever before that it should be done, and in a statesmanlike way without parochialism, and in the next 90 days.

The fact that Congressman MILLS, chairman of the Ways and Means Committee of the other body, is giving this high priority is encouraging because the real danger of Watergate is not that we will be discredited but that we will be immobilized. That is why it is so important to appoint a special prosecutor and why it is so important for Congress to act.

Finally, I wish to add that for three decades at least we have never surrendered, defaulted on or yielded congressional prerogative on foreign policy. Right now Congress needs a reassertion of that prerogative to assure success of our country and its policies. I hope Congress recognizes that and will do what is needed to carry the joint responsibility with the President in respect of foreign policy.

Mr. President, that is the lesson I bring from Europe.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HUMPHREY. Mr. President, I wish to say to my colleague how much we appreciate the leadership that the Senator from New York gives in the field of foreign policy, and his advice and counsel that always makes such good sense. I join with him in the sentiments he expressed today with reference to the Trade Act and our relationships with our NATO allies.

## TOWARD A NATIONAL GROWTH POLICY—FEDERAL AND STATE DEVELOPMENTS, 1972

Mr. HUMPHREY. Mr. President, I have asked the Congressional Reference Service of the Library of Congress to do an in-depth study for me entitled "Towards a National Growth Policy—Federal and State Developments, 1972." I have consulted with the majority leader and the minority whip, as well as the Committee on Rules of Administration. I ask unanimous consent that this very impressive and scholarly study be printed as a Senate document.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, it is my understanding this request is an order and that the document does not exceed 50 pages; and furthermore if additional copies are requested beyond the number normally printed, the requests would later be considered by the Committee on Rules of Administration. Under these circumstances I have no objection.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. HUMPHREY. When the Senator said 50 pages. I am not sure he means 50 pages of Senate documents or of the typewritten copies.

Mr. GRIFFIN. I assume it is 50 printed pages.

Mr. HUMPHREY. It might slightly exceed that. I am not sure. But I have asked that the chairman of the Committee on Rules and Administration examine the documents in case there needs to be further consideration. We are not asking for any additional copies over and above the number that go to the libraries and are available.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, AND THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over to and including May 29, that the Vice President, the President pro tempore and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 221) providing for an adjournment of the House from May 24, 1973, until May 29, 1973.

## ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 112) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

## ORDER FOR SECRETARY TO RECEIVE AND REFER MESSAGES DURING ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States during the adjournment of the Senate over to Tuesday, May 29, and that those messages may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS ON TUESDAY, MAY 29

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, May 29, after the two leaders or their designees have been recognized, the distinguished assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes and that he be followed by the Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, MAY 29, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the completion of the special orders on Tuesday next there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. ROBERT C. BYRD. Mr. President, what is the pending businesss?

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

An Act (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

Mr. ROBERT C. BYRD. I thank the Chair. I ask unanimous consent that on Tuesday, May 29, at the conclusion of the routine morning business, the Senate resume its consideration of the unfinished business, H.R. 7447.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR MANSFIELD ON TUESDAY MAY 29

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, May 29, following the remarks of the junior Senator from West Virginia (Mr. ROBERT C. BYRD), the distinguished majority leader, the distinguished senior Senator from Montana (Mr. MANSFIELD) also be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Tuesday next is as follows:

The Senate will convene at 12 o'clock noon in accordance with the provisions of House Concurrent Resolution 221, as amended. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Senators GRIFFIN, ROBERT C. BYRD, and MANSFIELD.

There will then be a period for the transaction of routine morning business of not to exceed 30 minutes with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume its consideration of the unfinished business, H.R. 7447, an act making supplemental appropriations for the fiscal year ending June 30, 1973.

Yeas-and-nays votes are expected to occur on that measure, and they could very well occur, and probably will occur, on the afternoon of Tuesday, May 29. So, as the distinguished majority leader has urged, and as I am sure he would want me to emphasize in the statement of the program for Tuesday, all Senators are urged to be present, with the likelihood that on Tuesday there will be yea-and-nay votes on the supplemental appropriations bill.

---

## ADJOURNMENT TO TUESDAY, MAY 29, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the provisions of House Concurrent Resolution 221, as amended, that the Senate stand in adjournment until 12 o'clock noon on Tuesday, May 29, 1973.

The motion was agreed to; and at 4:42 p.m. the Senate adjourned until Tuesday, May 29, 1973, at 12 noon.

---

## NOMINATIONS

Executive nominations received by the Senate May 23, 1973:

### DEPARTMENT OF DEFENSE

Terence E. McClary, of Massachusetts, to be an Assistant Secretary of Defense, vice Robert C. Moot, resigned.

Jack L. Bowers, of California, to be an Assistant Secretary of the Navy, vice Charles L. Ill, resigned.

### DEPARTMENT OF COMMERCE

Tilton H. Dobbin, of Maryland, to be an Assistant Secretary of Commerce, vice Andrew E. Gibson, resigned.

### INTER-AMERICAN DEVELOPMENT BANK

Kenneth A. Guenther, of Maryland, to be Alternate Executive Director of the Inter-American Development Bank, new position.

### UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The following-named persons to be members of the Board of Regents of the Uniformed Services University of the Health Sciences for the terms indicated, new positions.

For a term of 4 years:

Charles E. Odegaard, of Washington.

Joseph D. Matarazzo, of Oregon.

For a term of 6 years:

Alfred A. Marquez, of California.

### IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the Grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

*To be brigadier general*

Col. William R. Wray, [redacted], U.S. Army.

Col. Harry A. Griffith, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Volney F. Warner, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William L. Mundie, [redacted], U.S. Army.

Col. Roscoe Robinson, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward A. Partain [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Hillman Dickinson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Wallace H. Nutting, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Fred C. Sheffey, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles C. Rogers, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James B. Vaught, [redacted], U.S. Army.

Col. Charles K. Heiden, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Bennett L. Lewis [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Ernest D. Peixotto, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. David E. Grange, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Oren E. DeHaven, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Leslie R. Forney, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arter, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James H. Merryman, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Bruce T. Coggins, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James M. Wroth, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John A. Smith, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Wesley E. Peel, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James G. Boatner, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James C. Donovan, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Vernon B. Lewis, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Oscar C. Decker, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John S. Egbert, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Walter E. Adams, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Walter O. Bachus, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Lawrence E. Adams, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Warner S. Goodwin, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard E. Cavazos, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Benjamin L. Harrison, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William I. Rolya, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John N. Brandenburg [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John L. Osteen, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward M. Markham III, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James M. Rockwell, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James M. Leslie, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert A. Holloman III, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph R. Ulatoski, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Sinclair L. Melner, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Daniel H. Wardrop, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Lawrence S. Wright, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth R. Symmes, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles P. Graham [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul S. William, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert B. Hankins [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert J. Lunn, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William E. Eicher, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Clyde W. Spence, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Kelley, Jr., [redacted], U.S. Army.

Col. Harold F. Hardin, Jr. [redacted],

Army of the United States (lieutenant colonel, U.S. Army).

Col. Harley F. Mooney, Jr., [redacted], Army of the United States (major, U.S. Army).

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 23, 1973:

### DEPARTMENT OF JUSTICE

Elliot L. Richardson, of Massachusettts, to be Attorney General.

William J. Deachman III, of New Hampshire, to be U.S. attorney for the district of New Hampshire for the term of 4 years.

Allen L. Donielson, of Iowa, to be U.S. attorney for the southern district of Iowa for the term of 4 years.

V. DeVoe Heaton, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years.

James L. Treece, of Colorado, to be U.S. attorney for the district of Colorado for the term of 4 years.

Paul J. Curran, of New York, to be U.S. attorney for the southern district of New York for the term of 4 years.

Louis O. Aleksich, of Montana, to be U.S. marshal for the district of Montana for the term of 4 years.

### COMMUNITY RELATIONS SERVICE

Benjamin F. Holman, of the District of Columbia, to be Director, Community Relations Service, for the term of 4 years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

---

# HOUSE OF REPRESENTATIVES—*Wednesday, May 23, 1973*

The House met at 12 o'clock noon.

The Reverend Canon Nelson Wardell Pinder, canon missioner, Episcopal Diocese of Central Florida, Winter Park, Fla., offered the following prayer:

Almighty God, bless this House and grant that all the work done here may be to the glory of Thy great name and to the benefit of all Thy people.

Give Thy grace and wisdom to all in authority, that they may be examples of holiness, simplicity, and self-denial. Bless each one who works here. Take from them all pride, vanity, and self-conceit and give them true humility. Enlighten their minds, subdue their wills, purify their hearts, and so fill them with Thy spirit and Thy love that their labors here will contribute to the unification and strengthening of our great country.

We praise you for the founders and benefactors of this House and pray your blessings upon them. May we all truly trust in Thee and remain one Nation under God. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6370. An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6370) entitled "An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE to be the conferees on the part of the Senate.

The message also announced that the Senate proceeded to reconsider the bill (S. 518) entitled "An act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget," returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 514. An act to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data;

S. 1016. An act to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes;

S. 1201. An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; and

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

## TRIBUTE TO THE REVEREND CANON NELSON W. PINDER

(Mr. GUNTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUNTER. Mr. Speaker, our prayer was offered this morning by the Reverend Canon Nelson W. Pinder, canon missioner of the Episcopal diocese of central Florida. I am extremely proud of Father Pinder's accomplishments and contributions to central Florida and the Nation and I am particularly proud of the fact that he is a resident of the Fifth Congressional District of Florida.

I would like to submit to you a brief record of some of Father Pinder's accomplishments in recent years.

Father Pinder graduated from Bethune-Cookman College in Daytona Beach, Fla. From there he attended Nashotah House Seminary in Nashotah, Wis. After completion of seminary, he continued his education with graduate work at Florida A. & M. University in Tallahassee, Fla. Father Pinder has also received special training from Indiana University in adult education and from the urban training center of Chicago, Ill.

At present, he is an Episcopal priest and director of the awareness center in Orlando, Fla.

He is also chairman of equal opportunity and recruitment of minority people for church work under the fourth province of the Episcopal Church. Father Pinder is married to Marian Elizabeth Grant, of Jacksonville, and has two children, Gail and Squire.

Along with his many duties at the church, Father Pinder is also president of the Alpha Phi Alpha Fraternity and is at present vice-chairman of the United Negro College Fund Campaign. Recently, Father Pinder has received several significant awards. Among these are the Alpha Kappa Alpha Community Award in 1972, the Black Community Award in 1972, and the United Negro College Fund Award in 1971.

Mr. Speaker, I join with the communities of central Florida, in their pride and confidence in Father Pinder and thank those members of the Episcopal diocese of central Florida for making it possible to share him with the Nation today.

## ADJOURNMENT FROM MAY 24 TO MAY 29, 1973

Mr. O'NEILL. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 221) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 221

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Thursday, May 24, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, May 29, 1973.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## THE GOVERNMENT-BY-APPOINTMENT TACTICS OF THE NIXON ADMINISTRATION

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, I rise today to bring to the House a further example of the government-by-appointment tactics of the Nixon administration.

As we have pointed out previously, the will of the Congress, the elected representatives of the people, is being continuously subverted by the Office of Management and Budget, whose director is responsible only to the President.

It is particularly important on this day, when we are about to vote to override the Presidential veto of the bill to force Senate confirmation of the OMB appointment, that we realize just how far this usurpation of checks and balances within Government has progressed.

We are at the point today where the decision of this nameless, faceless group of people in OMB is more important and carries more weight than does the legally constituted work of Congress. This office, set up to advise the President on budget matters, now exercise an effective veto on the decisions of Congress. While it is true that Congress is the servant of the people, it is not true that Congress must be the servant of a group of bureaucratic bookkeepers whose view of national priorities is limited purely by the costs of projects.

I would like to share with the Members the latest veto the office has exercised on the will of Congress. The Port of New York City is one of the Nation's oldest and is the second busiest port within the Nation.

In the River and Harbor Act of 1970, the Congress declared that Federal funds should be used to remove and dispose of derelict vessels in the harbor, as well as deteriorated shore structures and debris along the harbor shore and its tributary waters.

The Congress did this because the port is an important national asset which plays an important part in our international commerce.

Without a smoothly functioning port, not only would our balance-of-trade deficits severely worsen, many businesses would be forced to close their doors, many citizens would be placed out of work, and many of our citizens would have to do without goods necessary to our high standard of living in this country.

The Congress, as I said, debated and approved the bill, and it was signed into law by the President.

But now the Director of the Office of Management and Budget has decided there is "no justification" for using Federal funds for this program. Accordingly, I have been told by the Army Corps of Engineers, the work of rehabilitation ordered by Congress will not be performed.

There is something very wrong with our system of government when the Congress approves a program, it is signed into law by the President, and an office with no responsibility to the people and no expertise except the act, can exercise a veto power over that collective judgment.

When the vote to override the Presidential veto on the bill to force Senate confirmation of the Director of OMB comes before this House later today. I fully intend to vote for it. And I would urge all Members of this House, whatever their political persuasion, to vote for the override if they believe in the democratic system of government.

## FEDERAL PAYMENTS TO SCHOOLS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, due to a Presidential veto, the Office of Education has been forced to operate on a continuing resolution.

Many people are concerned by the inability of Congress to enact an appropriations bill to support our schools. I share this deep concern. Nobody is more concerned about aid to education than I am.

However, I must object to the Department of Agriculture for assuming the role of continuing Federal payments to a few favorite schools.

Last year it gave huge farm subsidies to six State universities as a reward for not growing crops. These giveaway payments went to:

| | |
|---|---|
| Texas A. & M. | $123,000 |
| Texas Tech | 67,000 |
| University of Idaho | 54,000 |
| Kansas University | 45,000 |
| Auburn University | 25,000 |
| University of California | 20,000 |

On May 7, I told the House how the farm subsidy program has become a part of our foreign aid program, with $68,000 going to the Queen of England. Now this outrageous program is part of our aid to schools program, too.

## ADJOURNMENT TO 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## CALL OF THE HOUSE

Mr. TEAGUE of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 155]

Adams
Badillo
Biaggi
Boggs
Carter
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Conable
Conyers
Davis, Ga.
Denholm
Diggs
Dorn
Eilberg
Erlenborn
Forsythe
Gonzalez
Gray
Harrington
Harsha
Hébert
Holtzman
Keating
King
Kuykendall
Landrum
Long, La.
Melcher
Mills, Ark.
Mosher
Obey
Owens
Pepper
Railsback
Reid
Rooney, N.Y.
Rooney, Pa.
Roybal
Sandman
Satterfield
Steed
Stephens
Teague, Tex.
Waggonner
Waldie
Wampler
Wright
Young, S.C.

The SPEAKER. On this rollcall 383 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## AMENDING SECTION 1319 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate Joint Resolution (S.J. Res. 112) amending section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 112

Joint Resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1319 of the Housing and Urban Development Act of 1968 is amended by striking out "$4,000,000,000" and inserting in lieu thereof "$6,000,000,000".

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 112 is an emergency measure to increase the total outstanding amount of flood insurance in force from $4 billion to $6 billion.

Members will recall that this body passed a joint resolution late in January which increased the flood insurance authorization from $2.5 billion to $4.0 billion. At that time, we recognized the burgeoning demand for flood insurance resulting from growing public awareness of the severe threats to home and business properties on the Great Lakes and along the Mississippi.

The reasons for an increase in the insurance limitation which we considered in January continue to be equally applicable today. In January, the face value of flood insurance in force was increasing at the rate of $200 to $250 million per month; today it is increasing at the rate of $350 million to $400 million per month.

The Housing Subcommittee of the Banking and Currency Committee is considering a bill to strengthen and expand the national flood insurance program. This bill has a broad measure of bipartisan support and is recommended by the administration. We have heard a great deal of testimony on this legislation, predominantly in favor of such strengthening and expansion.

Your committee wishes to give the pending bill mature and considered judgment, but we recognize that this important program must continue during the time it will take to report the measure to the House and to permit the other body the necessary time to consider it.

The bill now before the committee would increase the flood insurance limitation to $10 million—a figure which would be ample for a reasonable period of time. However, until we have been able to report to the House the kind of legislation which we believe will make a forceful attack on the problem of mounting flood losses, we recommend immediate passage of Senate Joint Resolution 112 which passed the Senate, Monday, May 21, in order to avoid an interruption of the present program and to permit citizens of flood-prone areas to continue to purchase flood insurance in order to protect themselves against financial losses resulting from floods.

Mr. Speaker, I have here a tabulation which shows the number of communities participating in the Federal flood insurance program, the number of insurance policies in force, and the amount of coverage. This tabulation, which I request be printed in the RECORD, shows that the amount of flood insurance in force had risen to almost $3.3 billion by the end of April. I am informed that this figure had increased to more than $3.6 billion as of last Friday and that it is necessary to consider cutting off further policy sales if the pending joint resolution is not acted upon immediately.

I urge such action.

The tabulation follows:

RECORD BY MONTH

| | Number of communities | Number of policies | Coverage ($1,000) |
|---|---|---|---|
| July 1972 | 1, 192 | 94, 617 | 1, 548, 109 |
| August 1972 | 1, 227 | 96, 741 | 1, 617, 253 |
| September 1972 | 1, 267 | 102, 245 | 1, 736, 429 |
| October 1972 | 1, 330 | 115, 701 | 1, 973, 080 |
| November 1972 | 1, 372 | 125, 007 | 2, 122, 902 |
| December 1972 | 1, 430 | 137, 020 | 2, 338, 485 |
| January 1973 | 1, 496 | 145, 822 | 2, 403, 448 |
| February 1973 | 1, 602 | 157, 799 | 2, 714, 371 |
| March 1973 | 1, 749 | 169, 208 | 2, 922, 942 |
| April 1973 | 1, 958 | 190, 267 | 3, 821, 040 |

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

(Mr. GONZALEZ asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GONZALEZ. Mr. Speaker, on the quorum call just recorded, I am shown as not being present. The signal operation in my office was inoperative and as a result I arrived less than half a minute after the result was announced. I was, and am, present, and request the record reflect this fact.

## MESSAGE FROM THE SENATE

The SPEAKER laid before the House the following message from the Senate:

> The Senate having proceeded to reconsider the bill (S. 518) entitled "An Act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget", returned by the President of the United States with his objections, to the Senate, in which it originated, it was
>
> *Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

## DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (S. DOC. NO. 93–16)

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the Senate of the United States:*

I am today returning without my approval S. 518, a bill which would require Senate confirmation of those who serve as Director and Deputy Director of the Office of Management and Budget.

This legislation would require the forced removal by an unconstitutional procedure of two officers now serving in the executive branch. This step would be a grave violation of the fundamental doctrine of separation of powers. In view of my responsibilities, it is my firm duty to veto this bill.

Under present law, the Director and Deputy Director of the Office of Management and Budget are appointed by the President and serve at his pleasure. S. 518 would abolish these two positions effective thirty days after enactment and then provide for their immediate re-establishment. If the officers now lawfully occupying these Office of Management and Budget positions were to continue to serve, they would have to be reappointed by the President, subject to the advice and consent of the Senate.

The constitutional principle involved in this removal is not equivocal; it is deeply rooted in our system of government. The President has the power and authority to remove, or retain, executive officers appointed by the President. The Supreme Court of the United States in a leading decision, *Myers* v. *United States*, 272 U.S. 52, 122 (1926), has held that this authority is incident to the power of appointment and is an exclusive power that cannot be infringed upon by the Congress.

I do not dispute Congressional authority to abolish an office or to specify appropriate standards by which the officers may serve. When an office is abolished, the tenure of the incumbent in that office ends. But the power of the Congress to terminate an office cannot be used as a back-door method of circumventing the President's power to remove. With its abolition and immediate re-creation of two offices, S. 518 is a device—in effect and perhaps in intent—to accomplish Congressional removal of the incumbents who lawfully hold those offices.

Disapproval of this legislation is also required because of the nature of the positions it would subject to Senate confirmation. For over 50 years the Office of Management and Budget and its predecessor agency, the Bureau of the Budget, has been headed by a Director appointed by the President without Senate confirmation.

The positions of Director and Deputy Director of the Office of Management and Budget were established in the Executive Office of the President to provide the President with advice and staff support in the performance of his budgetary and management responsibilities. These positions cannot reasonably be equated with cabinet and sub-cabinet posts for which confirmation is appropriate.

The responsible exercise of the separate legislative and executive powers is a demonstration of the workability of the American system. But, if it is to remain workable, I must continue to insist on a strong delineation of power and authority, the basis of which is too fundamental to allow to be undermined by S. 518.

The point was made most succinctly by James Madison in 1789:

> If there is a principle in our Constitution, indeed in any free constitution more sacred than another, it is that which separates the legislative, executive and judicial powers. If there is any point in which the separation of the legislative and executive powers ought to be maintained with great caution, it is that which relates to officers and offices.

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1973.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from California (Mr. HOLIFIELD) is recognized for 1 hour.

Mr. HOLIFIELD. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I regret the President saw fit to veto S. 518, a bill which would require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget. I hope the House will vote to override the veto.

On May 13, 1970, the House passed Reorganization Plan No. 2 of 1970.

That plan reorganized the old Bureau of the Budget in several ways:

a. It renamed the Bureau as the Office of Management and Budget;

b. It transferred from the Director of the Budget its functions and 60-odd statutory responsibilities to the President;

c. It gave the President full authority to delegate all powers and responsibilities from the Bureau to any Agency or Department in Government.

The Democratic majority opposed that plan in committee and on the floor.

Notwithstanding our opposition, the plan was passed by a narrow margin of 29 votes.

The Congress weakened its power and transferred its 60 statutory powers to the President.

This bill which the President has vetoed contains a reversal of our action on the 1970 plan. It recaptured to the Congress all of those powers we gave away.

This bill also required that the Director of the Office of Management and Budget be confirmed by the Senate.

This change to a confirmatory appointment from a nonconfirmatory appointment we believe was fully justified by the increase in power of the Director in recent years. The Director has become far more powerful than the Secretaries at Cabinet level because he sets the level of expenditures over every domestic and military program in our Nation.

He can and has abolished congressionally passed programs by sharp reductions in funds or impoundment. No Cabinet Secretary, all of whom must be confirmed, has that extensive and all encompassing power over our Nation's programs. The Director of OMB should be confirmed.

H.R. 3932, the companion legislation in the House, was passed because Members saw the practical necessity of requiring confirmation of these two high officials if the Congress was ever to be able to function on a plain of equality with the executive branch. The expenditures of the Federal Government for fiscal year 1973 will be in excess of $268 billion. The Director of the Office of Management and Budget and his Deputy are the key Federal officials under the President who determine the manner and amount of these expenditures. In Congress we all have recognized the tremendous power that these budget officials wield. Congress may develop programs and propose a level of expenditures to fund them. The OMB, however, determines how much of these funds shall be spent. This is the exercise of life and death power over programs that Congress has enacted for the people of the United States. But what purpose is there in legislating programs if these officials, presumably acting for the President and shielded from the Congress can frustrate its will?

I want to state again as I did during the debate on the bill that this legislation is not directed at the incumbents nor is it political in aim. The magnitude and scope of the power of these men is greater than that of virtually all the many officials of the executive branch who are required to be confirmed. There is no logic in having the Senate scrutinize the qualifications of lesser officials when the most powerful official of them all remains exempt.

In his veto message the President questions the constitutionality of this legislation. This, of course, is a matter for the courts to decide but I am firmly convinced that what we have done is well within the constitutional prerogatives of the Congress. We create offices and abolish offices and create other offices all of the time. In the numerous cases in which this was done before we have been able to find no complaint. Obviously, it is well within the lawmaking powers of Congress to determine the nature of departments and the competence of the persons who should fill them.

On pages 14 and 15 of the report on the bill we gave identical examples of abolishing offices which did not require Senate confirmation and creating new offices which required Senate confirmation.

Public Law 92-22 abolished the position of Assistant Secretary of the Interior for Administration, which was not subject to Senate confirmation, and created a new position of Assistant Secretary of the Interior, which is subject to Senate confirmation. In his executive communication proposing this change, Rogers C. B. Morton, the Secretary of the Interior, stated:

> The proposed bill abolishes the existing position at the same time creating the new one . . . . The Office of Management and Budget has advised that there is no objection to the presentation of this legislative proposal from the standpoint of the administration's program.

Public Law 92-302 abolished the position of Assistant Secretary of the Treasury for Administration, appointed without Senate confirmation, and created an additional Assistant Secretary of the Treasury appointed with Senate confirmation.

Public Law 91-469 abolished the position of Maritime Administrator and created in its place an Assistant Secretary of Commerce for Maritime Affairs, whom the statute designated as an ex officio Maritime Administrator.

The Budget Director is no longer just the President's man. He gives assistance and advice to the President as do Cabinet officers and officials who are confirmed by the Senate. His relationship to the President is not so intimate nor so unique to except him from Senate confirmation.

In summary the veto should be overridden and the bill should become law for the following reasons:

First. It helps to restore balance between Congress and the Executive in the budgetary process.

Second. It recognizes the reality that the Director of the Office of Management and Budget, with his vast power and importance, holds an office of superior rank, for which the requirement of Senate confirmation is long overdue.

Third. It corrects the anomaly that the Director and Deputy Director of the Office of Management and Budget are appointed without benefit of Senate advice and consent when top officers in other components of the Executive Office of the President now must be confirmed by the Senate.

Fourth. It vests certain functions directly in the Director of the Office of Management and Budget rather than in the President, in accord with the original statutory intent.

Fifth. It protects and reinforces the requirement for Senate confirmation, a major purpose of the legislation, by preventing the President from delegating functions of the Office of Management and Budget to other agencies and leaving that office an empty shell.

Let us take the first step to reclaim the powers of Congress and to assure that the programs we enact for the people are put into effect in the way Congress intended.

Let us vote to override the veto.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Speaker, does not the distinguished chairman of the Government Operations Committee feel that the Budget Director is now more powerful than many of the Cabinet officers who are subject to Senate confirmation?

Mr. HOLIFIELD. Yes. I have just stated that. He presides over $268 billion worth of allotment of funds.

We in the Congress are backing away if we do not vote to override the President's veto; backing away from our responsibilities to recapture the powers of the Congress of the United States which we have given away in a moment, in my opinion, of weakness.

Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, at issue here today is not whether we should confirm the OMB Director. At issue here today is not whether we should reform the Congress, or return power to the Congress. What is at issue is whether we should establish the principle of allowing Congress, at any time and by means other than are to be found in the Constitution, to act so as to remove legally appointed executive officers. Such a principle has been declared unconstitutional by the Supreme Court.

It is the obvious unconstitutionality of this bill which caused 171 Members of the House to oppose it on May 1, just 22 days ago. It is the unconstitutionality of this attempt by Congress to remove Executive officials which prompted the President to veto this bill last Friday.

The constitutional problem with the original Senate version was recognized by its House sponsors early in the Government Operations Committee hearings on S. 518. They decided to amend the Senate version by providing for the abolition and the immediate reestablishment of the offices of Director and Deputy Director of OMB as a means of "skirting around" the unconstitutionality of the Senate bill. However, this attempt to avoid the problem of constitutionality cannot succeed. The Supreme Court has held that where there is an essential inevitable effect which is unconstitutional, then the legislation must be held unconstitutional. In other words, what Congress is prohibited from doing directly, it may not do indirectly.

Clearly it is not unconstitutional for the Congress to abolish executive positions or even executive agencies; clearly it is not unconstitutional for the Congress to require prospectively that appointees to certain executive positions be subject to confirmation by the U.S. Senate. This was done fairly recently in the case of the FBI Director. But this does not change the fact that the clear legislative intent of this piece of legislation, as shown in statements by its sponsors in hearings in the House and in debate in both the House and Senate, is to require the confirmation, and thus the necessary removal of two duly appointed executive officers. This purpose is at once the core of the bill's intent and the core of its unconstitutionality.

Thus, Mr. Speaker, I feel that this bill must be viewed as setting a precedent for exceeding the bounds of congressional power, and our judgments on the wisdom of this bill must be made based on the wisdom of setting this kind of precedent.

What, if any, are the benefits of this bill? I submit that there are not only none to be found, but there are serious disadvantages to the enactment of this legislation. First, the bill would not in any way increase congressional or senatorial sway or influence over the content of Presidential budget recommendations. Obviously, no nominee for either of these positions could or should be horse-trading with Members of the Senate over what Presidential budget policies he would or would not help to research, to compile or to advocate. Thus, this bill would do nothing to change policies or impoundment of funds; it would do nothing to change the emphasis of administration or Presidential budgeting priorities.

While it would yield none of these benefits for the Congress, the bill would tend to drive a wedge into the close relationship between the OMB and the House of Representatives. In fact, several of the witnesses at the Government Operations Subcommittee hearings testified that the bill would have a negative and destructive effect on the leadership of the House in fiscal affairs. As you know, our leadership in this field is already being eroded by back-door appropriations procedures that have been invoked in the other body.

Mr. Speaker, there is no wisdom in establishing this precedent, there is no substantive or policy benefit to be gained that would outweigh the clear unconstitutionality of this bill.

Now that we have examined the legislation itself, together with the effects it would have, let me turn to the separate effects of our vote here this afternoon.

Our debate today is held in an atmosphere where there is great and justified public concern about the use and abuse of power, and about the strengthening of Congress in ways that will enable it to fulfill its proper constitutional role as a coequal branch of the Federal Government. Understandably, one of the public measures of the reassertion of congressional power has become an assessment of the ability or willingness of Congress to override the President on something. While I am not saying that any Member of Congress would vote to override a veto without regard to the substance of the bill in question, I am certain that to some extent, that temptation exists—especially for Members who are as shocked and appalled as I have become over some of the revelations of these past few months.

Perhaps the easy thing for us to do would be to lash out, and through our constitutional power to override vetoes, reverse some item of Presidential view or policy as a symbolic demonstration of the rising will of the peoples' representatives in Congress. I am certain that a vote to override this veto would receive that kind of billing in the media and in the public mind. But I am not sure that in this hour when there are so many responsible and necessary ways in which we must assert the authority of Congress, that there is any wisdom in overstepping our own constitutional boundaries in the process of doing so.

I think there is a lesson in these abuses of power which bears directly upon the importance of our vote today. If there is to be any return to rational and open democracy in the aftermath of the current crisis, it will only be by demonstration that Congress and the Executive can and will abide by the legal and constitutional guideposts which are the foundation of our system of government.

At this very solemn hour in American history, we in Congress have an opportunity, a duty, to show that Government can function within the system and within the rules. At this time, when Congress is moving on so many proper fronts to reassert its legitimate powers, it is unbecoming and unnecessary for the Congress to strike out beyond the Constitution.

This legislation would reverse a policy that was instituted in the Budget and Accounting Act of 1921; it would set a precedent that the House and the overall budgetary system of the Government would have to live with for many years, and for many administrations. Worst of all, it amounts to an unconstitutional removal of legally appointed officeholders.

This legislation must not be considered as a vehicle for reestablishing the authority of Congress—it is neither equal to nor worthy of this important task.

I submit, Mr. Speaker, that enactment of this unconstitutional legislation is not a worthy response to the needs of our times. I urge my colleagues to sustain the veto on these grounds, and not to support this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I listened with interest a few moments ago to the gentleman from California speak of Presidential power and loss of authority over the purse strings on the part of the Congress. I recall that only last week a bill was passed in the House of Representatives which gave the President explicit power to spend money as he may specify, on his terms and conditions. That bill involved millions of dollars, but the House adopted it, and the the process defeated an amendment which I offered to strike down that delegated power to the President.

What is the crying about here today from that standpoint?

As for the veto itself, I am prepared to vote for a bill tomorrow to require confirmation of the next Budget Director and his deputy, but this retroactive proposition is punitive and I do not support it. I shall vote to sustain the President's veto.

Mr. HORTON. I thank the gentleman for his comments.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I will be glad to yield to the gentleman from California (Mr. HINSHAW).

Mr. HINSHAW. Mr. Speaker, I would like to propound this question: If the Congress were to proceed as has been suggested here, could not the Congress also, by a similar act, abolish the position of the Secretary of Defense or the positions of any of the other Cabinet members and, therefore, create a constitutional crisis of unprecedented proportions?

Mr. HORTON. One of the points I made in my presentation earlier was that this would do what the Congress cannot do. In other words, there are certain means whereby the Congress can remove officers who have been duly appointed, but this legislation does not use those means. This legislation is designed to do something indirectly that the Congress cannot do directly.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the distinguished Speaker of the House (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, first, apropos of what the gentleman from Iowa (Mr. GROSS) has said, if I recall correctly, the bill to require confirmation of the Director of the Office of Management and Budget was introduced in January, before the present incumbent and holder of the office was appointed. But I take this time to comment upon the constitutional issue here involved, the issue on which the gentleman from New York (Mr. HORTON) has touched.

Section 2 of article II of the Constitution, in speaking of the powers of the President, says he shall have power, by and with the advice and consent of the Senate, "to make treaties and by and with the consent of the Senate, shall appoint ambassadors and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, they think proper, in the courts of law, or in the heads of departments."

The Office of Director of Management and Budget is not an inferior office. It is an extremely important office having the power to approve or disapprove recommendations of members of the Cabinet in its own name. If the Congress has erred it is in not making the appointment subject to confirmation from the beginning. In my judgment, the Constitution requires confirmation of the officer under consideration. This is not a criticism of the incumbent Director. This is simply an effort to comply with a constitutional mandate respecting the confirmation of a very important office of the Government.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HORTON) for allocation.

Mr. HORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I would not presume to challenge the arguments of the distinguished Speaker of the House of Representatives as to the constitutionality of this legislation, but I would say it appears to be clear that in any case it is a device to get at, at this point in time, the incumbent Director of the OMB, and it is the use of legislative gimmickry to try to accomplish that purpose.

Now, I, like our distinguished colleague, the gentleman from Iowa (Mr. GROSS) would vote tomorrow to make this an office which in the future would be subject to confirmation by the U.S. Senate. I do believe it is that powerful an office. But I would say by the very same token that in the case of an office of this level of responsibility, to attempt, by a device such as this and by this kind of legislative gimmickry, to remove a man, who would have to commit some kind of very serious crime in order to be lawfully removed otherwise, would strike me as being conduct which is less than responsible on the part of the House of Representatives and the Congress.

Now, it seems to me that if we want to say in the future that this shall be subject to confirmation, this is something we might well consider.

I would urge my colleagues—and I associate myself with the remarks of the gentleman from New York and the gentleman from Iowa—not to use this kind of a device to get at an individual who holds that office now.

I would further urge my colleagues not to use this as some kind of weapon to get at the President or those who work with him.

As I heard some of the talk this morning on my side of the aisle from some of my friends there flashed through my mind a scene from several years ago when I was standing on a golf course and looked across the way at a man with a very fine set of clubs who had just missed a shot and then proceeded to wrap his club around the nearest tree. He vented his spleen, but also he ruined his golf club.

Mr. Speaker, I would say that anyone who uses this as a weapon against the President is behaving in the same immature fashion, and I hope that that will not be the case.

I urge my colleagues to vote on the merits of this issue, which means that you will vote to sustain the veto of the President.

Mr. HOLIFIELD. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, on May 1, this House overwhelmingly passed legislation restoring statutory functions to the Director of the Office of Management and Budget and requiring Senate confirmation of appointees to the positions of Director and Deputy Director of that office. Two days later, on May 3, the Senate, by an even greater margin, accepted the House language and sent it to the President for signature.

On May 18, the President returned the bill to the Senate without his approval.

Mr. Speaker, I submit that, by this action, the President has shown that he still has no intention of taking positive steps to restore public confidence in the executive branch of the Federal Government. His action in this instance will further erode relations between the Congress and the White House. This is not in the best interest of the U.S. Government or its people.

In his veto message, the President challenged the constitutionality of this bill alleging that it violated the doctrine of separation of powers by removing two officers now serving in the executive branch. The bill does no such thing. It abolishes two offices presently occupied by incumbents. No individual has a vested right to a Government office, and the hearings and report of the Government Operations Committee when considering this bill fully reviewed this issue and established that the right of Congress to create and abolish Government offices has been firmly upheld in the courts.

Mr. Speaker, there is as much obligation on every Member of Congress to determine the constitutionality of legislation coming before us as there is on the President of the United States. I felt certain that every Member of Congress weighed this issue carefully before casting his vote, and a majority of the Members of the House and a majority of the Members of the Senate, from both political parties, resolved the issue on the side of constitutionality. The President in his veto message has done nothing less than impugn the motives of the Members of Congress who supported this legislation.

There is a more significant constitutional issue presented in this legislation and its veto, however; that is, the explicit provision in article 2 that the President shall have the power, by and with the advice and consent of the Senate, to appoint ambassadors, public ministers, consuls, Justices of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for in the Constitution, unless the Congress voluntarily vests that appointment power in the President alone. There can be no question that Congress has the right to require Senate confirmation of appointees to be Director and Deputy Director, Office of Management and Budget, for the President to veto this legislation on the grounds that he does not agree with that conclusion, and to imply that confirmation is inappropriate is a serious breach in fulfilling his own constitutional responsibilities. Regardless of how strongly the President may disagree with our conclusion concerning Senate confirmation, I submit that it is an abuse of the veto power to attempt to thwart the will of Congress in its exercise of an obvious constitutional prerogative.

Mr. Speaker, this veto is representative of the current state of our Federal Government in which excessive power has gravitated to the Executive to the point at which the will of Congress is all too often ignored or openly rebuked. We must take steps now to restore some of the balance between the two branches of Government and to revive the long-standing principle of checks and balances which our forefathers so wisely, though subtly, wove into the Constitution.

Senate confirmation of important executive officers has long been a principal part of that checks and balances system. It is not a means of interfering with Presidential prerogatives, but a device to insure, as nearly as we can, integrity and competency of high-level Government officials.

It is beyond question that the Office of Management and Budget has become one of the most powerful agencies in Washington. Whatever may have been the case in the past, we can no longer permit the appointment of the managers of that agency to be exempt from the confirmation requirement. Congress has a responsibility to protect the public's right to subject appointees to those offices to public evaluation.

Mr. Speaker, at no time in our history has it been any more critical that we move to restore confidence in our Federal Government. It is no secret that, at this time, we are in the midst of a crisis of confidence. Nor is it any secret that a disproportionate amount of this disintegration of confidence is alleged to be due to the activities of powerful men appointed to high Government office without the benefit of Senate confirmation. The Congress and the President should recognize the dangers of continuing this method of appointment of such officers. We must take obvious affirmative action now to show the people of this Nation that we want the highest policy makers of our national fiscal decisions to be confirmed by the elected Congress of this country.

We should follow the lessons of history and subject the holders of these positions to public scrutiny through the process of Senate confirmation to determine as nearly as we can whether they have the qualifications, the character, and the proper motives for holding these offices and for exercising the power that it entails.

Mr. Speaker, the Senate yesterday overwhelmingly voted to override this veto and to again exercise its constitutional right to require confirmation of these appointees. I urge my colleagues in the House to do likewise.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HORTON).

Mr. DU PONT. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Delaware.

Mr. DU PONT. Mr. Speaker, I am deeply concerned about the implications of the issue before the House today: Whether or not to sustain the President's veto of legislation designed to require Senate confirmation of the Director of the Office of Management and Budget.

I am concerned, Mr. Speaker, not because I disagree with the intent of the legislation. Certainly the Office of Management and Budget has assumed broad, new powers within the executive branch of the Government. It sets spending priorities, has the final word on budget allocations for nearly all Federal agencies, and approves expenditures of billions of dollars of Federal funds. The Director of this office has powers equal to, or greater than many Cabinet secretaries, and should be confirmed by the Senate.

But the legislation tries to remove the present Director of the Office. It is not prospective; it attempts to be retroactive. In my opinion this is grossly unfair, and even unconstitutional. The Congress fully recognizes that severe constitutional problems exist in trying to remove an employee of the executive branch of the Government. Article II, section 4 of the Constitution makes it very clear that employees of the executive branch of the Government can be removed only by impeachment for and conviction of "treason, bribery, or other high crimes and misdemeanors." Article I, section 9 also forbids "ex post facto" laws—retroactive laws which are applied unfairly. In order to attempt to get around these constitutional prohibitions, this legislation purports to abolish the position of Director of the Office of Management and Budget, and create a new office, changing only one single comma (,) in the title.

Mr. Speaker, I do not think the people of the United States will sit still for such legal shenanigans. Further, I seriously doubt that the constitutional limitations can be short-circuited by such transparent political actions.

I personally would have no objections to the present Director being confirmed by the Senate, had it been required at the time of his appointment. The issue is not Mr. Ash; nor is the issue whether or not the Director of the Office of Management and Budget be subject to Senate confirmation. The issue is whether or not the Constitution of the United States can be bypassed by shortsighted legislation for questionable purposes. It has been said that the Constitution was written to protect us from ourselves here in the Congress. I think it will serve its purpose today as a sufficient number of my colleagues seem likely to refuse to participate in such an ill-advised charade. I shall strongly support this legislation if it is to be applied fairly. I will not support legislation that seeks to subvert the intent of the Constitution.

Mr. HORTON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. McCloskey).

Mr. McCLOSKEY. Mr. Speaker, I would like to respectfully respond to the point made by the distinguished Speaker, that the Constitution is not involved here, by referring to the matter of inferior appointments and Cabinet appointments. The Constitution is quite clear on this point. The Speaker did not refer to section 4 of article II, and I quote:

> The President, Vice President, and all civil officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

This constitutional provision provides an exclusive remedy for the removal of a civil officer. When an executive officer is duly appointed a civil officer he shall be removed only by impeachment; that is the constitutional provision before us today. Many of us would not oppose—in fact, we thoroughly support the concept that the advice and consent of the Senate be obtained for future appointments of the Director of the Office of Management and Budget, and his Deputy, but this bill turns on a different issue, and that is the issue of whether Congress shall bypass the constitutional provision that only impeachment shall be used as the means of removal from office, and replace it with the abolishment of the office itself and its re-establishment. I think that the charade and the sham of the action before us is clearly seen when we look at the bill itself. It states that the Director of Office of Management and Budget shall now be replaced by the term "Director," comma, "Office of Management and Budget."

I would say to my colleagues in the House that today we are engaged in at least three major constitutional confrontations with the President where we as a Congress seek to restore our proper role as a check and balance of executive powers.

In matters of the war power, in spending priorities, in the ascertainment of the truth against undue claims of executive privilege, we are desperately seeking to restore the faith of our people that Congress will serve its proper checks-and-balances role. It is, therefore, particularly important at this stage of our history that we not demean our case by seeking to arrogate unto Congress a power that we should not properly have. We need to regain our proper powers and responsibilities with respect to wars, spending priorities, and the truth. We demean our case if we seek to abolish an office merely to get at the present incumbents and to avoid the constitutional requirement that impeachment be the sole basis for the removal of an executive officer.

For that reason, Mr. Speaker, I urge that the Congress vote today to sustain the President's veto. We will be confronting the President on other issues, but I think it is important that we not attempt to arrogate unto this body a power that the Constitution intends that we do not have.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Horton), for allocation.

Mr. HORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Speaker, this legislation is punitive in that it is clearly aimed at the present incumbents serving as Director and Deputy Director of the Office of Management and Budget. As such, I think it is clearly unconstitutional in that it is an ex post facto law. The hearings before the Committee on Government Operations clearly establish the motive behind the legislation.

If the legislation is aimed at the impoundment action of the President, it is a bill of attainder and, as such, also is unconstitutional, in my opinion.

The gentleman from California, my distinguished chairman of the Committee on Government Operations, and a man for whom we all have great respect and affection, has told the Members that the functions of the Office of Management and Budget performed by the Director and Deputy Director are functions of the President and not independent functions of the Director, Deputy Director or the Office of Management and Budget. The President makes the decisions on the budget, recommendations to the Congress about its level and its detail. The President makes the decisions about what should or should not be impounded under the spending authority this Congress has given him. And the President must have his own advisors on budgetary matters and the management of that budget. If the President does not have his own OMB Director to advise him on Presidential duties and functions, he will have someone else advise him; but it will still be the President who administers those functions and in whose name the function is executed.

I have some sympathy for the idea that the Congress should have its own Office of Management and Budget, or a Director or Deputy. We need that because we, as a legislative body, need some help in making better judgment about making authorizations and appropriations. I will vote for that. But that will only help us perform our constitutional duties better—the duties of authorizing and appropriating.

The OMB Director is an arm of the President and not a Cabinet officer who has been given many independent duties by law. Unlike Cabinet officers who, independently of the President, set standards, write guidelines and otherwise expand and circumscribe laws passed by Congress and signed by the President, the OMB Director does not operate separately. He operates in the President's name.

The President's veto should be sustained.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York for allocation of time. We do have a number of speakers, I might say, Mr. Speaker, and our speakers on the debate are not on the floor.

Mr. HORTON. I thank the gentleman for yielding.

I yield 3 minutes to the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Speaker, I hope and trust that the House will sustain this veto. As I said about this bill when it was on the floor originally the genesis of its sire and its dam are a little bit suspect. I suspect that it comes from a fit of pique caused, perhaps, by the necessity the Executive has had to impound certain funds. I am not going to debate the subject of impoundment or the legality of it. I think it is perfectly legal. Also, I think in these instances it was perfectly proper for the Executive to impound in these instances, but I suggest that the people who brought this bill to the floor may have done so rather than face up to a responsibility which I think we have shirked in the past many years in this Congress. That responsibility is for us to start making fiscal sense.

The last Congress set up a Joint Committee on Budget Control Study. This committee has met and has issued a report which I think is a good report and which sets the path for Congress to once again get control of the fiscal situation. I suggest if this report were to be adopted and the rules of the House and the Senate were to be changed in accordance with this report, there would not be any necessity for impoundments. If it were only possible for the Congress to make certain rational decisions, which the people think we make and which we do not, we would not have any necessity for this.

For instance, as Members of Congress know, but as many people in the country do not know, we never make a rational decision as to whether or not the spending level will be equal to the revenue we take in. That is a decision we do not make.

Also we do not make a decision as to whether or not the spending level for any year will be inflationary, deflationary, or neutral.

Until we begin to do these things and make the type of sense the people expect of us, then I suggest it is not right to be irked at the President of the United States for impoundments. I think we ought to be mad at ourselves.

The gentleman from Ohio just said the President of the United States, any President, is going to have his own budget man. I suggest we let him have his budget man and that we have a legislative budget. Certainly it does not do any good for us to take away the President's budget man, as would happen if we pass this bill. If we pass this bill the person appointed as Budget Director will have to go before the Senate committees and perhaps make all sorts of pledges about doing this or not doing that, before he can become confirmed. Then he becomes the Senate's man. He is not the President's man. Then any President will get his advice from somebody else and that somebody else will not be the highly visible Director of the Office of Management and Budget, but somebody in the back room. I do not think we want this.

Mr. HOLIFIELD. Mr. Speaker, I yield to the gentleman from Texas, my distinguished colleague, such time as he may consume.

Mr. BROOKS. Mr. Chairman, I will say to my distinguished friend I do not believe confirmation by the Senate has detracted from the loyalty of the former Attorney General, Mr. Mitchell, or Mr. Kleindienst, or any other of the Cabinet officers in this administration. I think they have remained loyal to the President despite the fact that they were confirmed by the Senate.

On the point of constitutionality, Senator GRIFFIN on February 2, a distinguished Member of the other body said:

> I believe it would be more appropriate to abolish the office of OMB for a short period of time and then reestablish it. That, it seems to me, would be a constitutional way to require appointment and reconfirmation of the incumbent OMB Director.

That is what we did. This is what Senator ERVIN pointed out when he said:

> I want to point out that the House amended the Senate bill to do exactly what the Senator from Michigan recommended when the original bill was before the Senate.

I would submit to the House that this is clearly constitutional.

Mr. HOLIFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from New York, for allocation.

Mr. HORTON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I think that the President's veto of S. 518 should be sustained.

When this bill was before this body and debated on the first of May, I made it quite clear that I agree in principle with the idea that the Director and Deputy Director of the Office of Management and Budget should be made subject to Senate confirmation. I pointed out at that time that I agree with my colleague, the gentleman from California (Mr. MCCLOSKEY), that there is a right and a wrong way to go about this, and my considered opinion is that S. 518 is the wrong way.

As the veto message points out, this legislation would force the removal of two officers now serving in the executive branch by unconstitutional means. I do not believe we exalt the role of the Congress, that we recover whatever our lost prerogatives should be, by acting in an unconstitutional manner. The Government Operations Committee insists that this action is not unprecedented, that there are six instances where Congress did abolish nonconfirmation offices and then recreated them with a requirement for confirmation, but in each and every one of those instances this occurred at the request of the President in line with his Executive prerogatives to reorganize the executive branch.

There is no precedent; there is no parallel between the cases cited in the committee report and the goal sought by this legislation which the President has vetoed. As much as I respect and admire my good friend, the chairman of the committee, I cannot accept the argument that he makes that any vote to sustain the veto is a vote against Congress regaining its power.

My Democratic friends, and I address my remarks to this side of the aisle——

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Mr. Speaker, let me finish this point and then I shall yield.

The argument my Democratic friends make about recapturing congressional power over the budget would be made today with much more telling effect if my friends were working as hard as they could to enact legislation to modernize congressional procedure to deal with the budget. But, even after the unanimous statement of the Joint Committee on the Study of the Budget which has been on the record since February of this year, we have not seen much enthusiasm to proceed to implement those recommendations on how we ought to reform congressional procedures. Instead, there is some footdragging going on; there is some ebbing of the enthusiasm that I felt did exist on both sides of the aisle to do something in this very important area.

Mr. Speaker, I would like to see some early hearings in the Committee on Rules on the legislation that was to come out of the work of the Joint Committee on the Study of the Budget, but to my knowledge—to my knowledge, we have not even scheduled a date to begin hearings on that very important legislation.

I regret very much that there is not the enthusiasm to move swiftly and with effect in this very important direction rather than acting with the kind of highly partisan motivation that is behind this particular bill.

Mr. Speaker, I would urge that the veto be sustained. I would at the same time pledge my support on the floor of this House today for a responsible alternative; that is, an alternative that embraces the Steelman amendment which unfortunately, was defeated when this matter was last before the Congress.

Mr. Speaker, I could not agree more than I do with those preceding speakers: We do stand at a very difficult juncture in our Nation's history. We are in a period when government and the institution of government are under great stress. But, I think, particularly in that context and in this moment, we can ill afford to take a cheap shot at the institution of the Presidency.

We ought to act with that kind of restraint; we ought to act with that kind of regard for the constitutional method that should be employed in the removal of officers. I think, therefore, we should sustain the President's veto.

Mr. Speaker, I am pleased at this time to yield to my friend from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I just want to say to the gentleman from Illinois that he cannot have it both ways.

Public Law 92-22, which abolished the position of Assistant Secretary of the Interior for Administration, which was not subject to Senate confirmation, and created a new position of Assistant Secretary of the Interior, which is subject to Senate confirmation, was passed by this Congress.

Secretary Rogers C. B. Morton appeared before the Committee on Interior——

Mr. ANDERSON of Illinois. And he was in favor of that; was he not?

Mr. HOLIFIELD. He was in favor of it.

Mr. ANDERSON of Illinois. That confirms the——

Mr. HOLIFIELD. I am reading the testimony—

> The proposed bill abolishes the existing position at the same time creating the new one in the Office of Management and Budget, and at this time that there is no objection by the administration.

Mr. ANDERSON of Illinois. I think that I know the gentleman's point, and it confirms absolutely what I said earlier, that these other examples and precedents the gentleman seeks to cite were done at the initiative and instance of the President. The executive branch wanted to reorganize the executive branch, and they suggested to the Congress it ought to be done.

Mr. HOLIFIELD. Does the gentleman from Illinois say that the Congress cannot exercise the power it is empowered to exercise unless the President asks for it?

Mr. ANDERSON of Illinois. Of course we can, and we can do it in a constitutional manner, not by the kind of method that is employed in Senate 518.

Mr. HOLIFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I am going to vote to override the veto for one simple reason.

I do not know whether a lot of the Members realize it or not, but until the year 1922 there was no Bureau of the Budget. The country managed to stagger along with the Congress making appropriations and the Executive carrying out the wishes of the Congress.

If there is any person at all, in my judgment, who should be subject to confirmation, it is the Director of the Bureau of the Budget. Right now no agency of the Government can come to this House and request any kind of appropriation unless the Bureau of the Budget clears it. It is a third legislative branch, which is not elected, which has never had to face the people, which has no real understanding of the democratic processes of election.

I believe the least that this body can do is to vote to put that Bureau of the Budget under some sort of confirmation proceeding.

I hear all kinds of people making all sorts of speeches about how the Congress has lost its powers. Well, the biggest power we have lost—the biggest power we have lost—is the power of the purse, because somehow or other it has been surrendered to this appointive agency.

I want to say to my friends on the Republican side, if Lyndon Johnson, who was my close friend, were President of the United States right now, and this measure were here and he had vetoed it, I would be down here making the same speech I am making now, because all during his Presidency when the State Department came before me to get their authorizations and they said, "This has been cleared by the Bureau of the Budget," I said, "I do not care whether it has been cleared by the Bureau of the Budget; the important thing is, is it going to be cleared by the Congress?"

I say that if we do not regain control of the purse then we are just here more or less as a debating society.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I want to say that I, also, agree with the gentleman. I believe he has made a fine statement. I am going to vote for this. I believe we ought to go much further; we ought to make the whole Bureau of the Budget jointly responsible to the Congress.

Mr. HOLIFIELD. Mr. Speaker, I yield the gentleman 1 additional minute at this time.

Mr. Speaker, will the gentleman yield for a question?

Mr. HAYS. I yield to the gentleman from California.

Mr. HOLIFIELD. We have heard it repeatedly said here today that the reason Members ought to vote against this is because it is retroactive in effect. I wonder if the same gentleman would vote for it if we made it prospective. I just wonder. They might have the opportunity.

Mr. HAYS. If this is not overridden I hope that we will come back with one like that, because at the rate resignations are being accepted in this town we might have a chance to confirm a new Director of the Budget most any day. I do not know. I am not impugning anything, but there have been people resigning that I never thought would resign.

The General Counsel of USIA was due to appear before my committee one day, and that night at 8 o'clock he resigned.

When I call downtown any more, everybody is "acting" something or other.

I do not believe that has validity. I believe we ought to pass this, and enact this, and enact it as soon as we can.

I hope the veto will be overridden.

Mr. HOLIFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HORTON) for allocation.

Mr. HORTON. Mr. Speaker, I yield the 2 minutes to the gentleman from Texas (Mr. STEELMAN).

Mr. HOLIFIELD. Mr. Speaker, I hope this will not be taken out of the gentleman's time, but how much times does each side have left?

The SPEAKER. If the gentleman intends to allocate time equally, at the end of the remarks of the gentleman from Texas the minority side will have consumed a total of 29 minutes.

Mr. HOLIFIELD. Mr. Speaker, how much time does the majority side have remaining?

The SPEAKER. The majority side has consumed 22 minutes.

Mr. STEELMAN. Mr. Speaker, I thank the gentleman from New York, the distinguished ranking minority member of the Committee on Government Operations (Mr. HORTON) for yielding to me.

With my clear record of support for the vast majority of the administration's policies, it is difficult for me to take this position, even though I offered the amendment 2 weeks ago which would have accomplished precisely the case which the distinguished chairman raised. As I recall, there were only six Members on the other side of the aisle that went along with that amendment which would have exempted the incumbents and thereby have avoided the President's veto. If we had adopted the amendment, we would not be facing this situation today; we would have accomplished the principle we set out to accomplish and would not be facing action on the Presidential veto. And I assure my colleagues there are a great number of Members on the Republican side of the aisle, 124 of them, who would have gone along, and if we had, we would not be facing what we are facing today.

So I feel, given the way I see the vote is going today, we have lost the battle and lost the war. So I hope that in future cases we will keep that in mind.

Mr. Speaker, however, I do say, given that feature and even given the present defects in the bill, I rise in support of overriding the Presidential veto today.

There is a potential constitutional problem involved, but I do not find that problem to be overriding. I think that issue can be dealt with.

There are other motives to be considered by Members on the other side of the aisle relating to the individuals holding these offices, and I disassociate myself from those motives.

I would not take any action for the purpose of embarrassing the President. I see this as a major institutional question, toward the issue of confirmation of appointees in Government.

So for that reason, defects in the bill aside, I urge my colleagues to rise above the motivations we see on the Democratic side of the aisle and vote to override the Presidential veto.

Mr. Speaker, the Office of Management and Budget has changed. This is no longer a situation of a personal staff member of the President, in the same way that Mr. Kissinger is, or the staff director of the Domestic Council is. The Office of Management and Budget is making day-to-day decisions independent of Presidential review and is the strongest office in the executive branch outside of the President. So for that reason, I think the Congress should override the Presidential veto and take this major step toward coequal partnership between the legislative and the executive branches.

Mr. Speaker, I urge my colleagues to follow suit.

Mr. HOLIFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I, for one, refuse to accept the responsibility that some are trying to hitch onto this vote: That we are to determine for the President whom he can name.

If the President likes Mr. Ash and he likes his performance, all he has to do is rename him. The only difference is that somebody might look into it. All I can say to those who would lay the blame on us for the present man in the office being thrown out is that it is utterly ridiculous.

The President wants the full authority without the responsibility, and you cannot run anything that way. He has refused to accept the responsibility in any single instance when any of his appointees have in any way been charged with any kind of misconduct.

Mr. HOLIFIELD. Mr. Speaker, I yield to the gentleman from New York (Mr. HORTON) to close debate. The gentleman has 1 minute remaining, and by previous agreement I now yield him 2 minutes. That will give him a total of 3 minutes.

Mr. HORTON. Mr. Speaker, I yield 3 minutes to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, on both sides of the aisle in the House as a whole, I think we honestly and conscientiously are trying to increase our credibility and upgrade our public acceptance. It is my judgment that if we override the President's veto and in effect approve this legislation, we will hurt rather than help the credibility of the Congress. There is a right way and there is a wrong way to do what is sought to be accomplished by this legislation.

Mr. Ash and his associate were properly appointed and are now serving under the existing law. They did not need confirmation by the other body. By this legislation, if it becomes law, we will end the office today and in effect we will start it tomorrow. The requirement of confirmation after that is an attempt to avoid or evade the situation as it was at the time of their appointment.

Such legislative gimmickry does not help the credibility of the Congress one bit. Some call it a sham or a fraud or something worse. I would not use those words myself, but the truth is it is at best a cute way of trying to get around what the law was. That kind of operation does not help the credibility of the Congress on the Democratic side or the Republican side. If we want to do it in the right way, let us do it prospectively and not try to go back retroactively and get at some people you may or may not approve of or some policy you may or may not approve of, I strongly urge the House sustain the veto by voting no.

Mr. HOLIFIELD. Mr. Speaker, I yield the remaining 5 minutes to the distinguished majority leader to close debate.

Mr. O'NEILL. Mr. Speaker, the issue we are considering today in overriding the President's veto on the Senate confirmation of the Director of the Office of Management and Budget is really clear and concise. It strikes at the core of the problem of a balance between the Congress and the White House. It is the focal point of impoundments and subtle vetoes that we do not have an opportunity to override. This is our first opportunity to get back some of our eroding power.

The issue we have today is the question of who will set the national priorities for this Nation; where will the power of the Government lie? We all know it lies in the decisions that are made to enact or kill a program, to fund an agency or to starve it to death. The central issue here is whether the Office of Management and Budget Director, who has life and death power over programs that affect your district and mine, should be accountable to the Congress, which is to say shoud be accountable to the American people.

As long as the Congress has no say as to who heads the OMB and what his qualifications may be, then Congress will continue to be handicapped in exercising its proper role as a coequal branch of this Government.

Mr. Speaker, earlier this year Time magazine had six meetings throughout the country in which leaders of the Congress on both sides went to various cities throughout this Nation. You, Mr. Speaker, spoke, and the minority leader spoke, and I believe the leadership on both sides of the Senate spoke; and great business leaders and people from the newspaper and television world and people from the academy were there, also. And all who were present thought that the power of the Congress had eroded through the years.

Now let us see if we can get back the power that was once great in this Congress.

The truth of the matter is, Mr. Speaker, that was the purpose of these meetings earlier in the year, and when this bill came up earlier this session the Watergate issue was not the issue as it is today.

Mr. Speaker, nobody here is trying to take a "cheap shot" at the administration. And that was the word used by the gentleman from Illinois. Believe me, the administration is facing a crisis, and we on this side of the aisle are not responsible for 15 resignations. Our heart bleeds for America, because it is this great Nation of ours that is so adversely affected by this crisis. But let me say this to you, and particularly to the Members on the other side of the aisle—these are trying times indeed for this country.

Mr. Speaker, the Director of OMB must be held accountable to Congress. This is all we are trying to do here today.

For in overriding the veto Congress is enhancing the degree of executive branch accountability to the American people, and reducing the capacity of a person as powerful as the budget director to operate with all the privacy and privilege of a White House advisor or consultant. The position of OMB Director must be confirmed by the Senate.

All we are trying to accomplish here is to give us equality, equality among the tripartite system of government—the Administration, the Congress, and the Judiciary.

Yes, my colleagues, today we have a splendid opportunity to demonstrate that the Congress means to fulfill its responsibilities in the future and to assert its proper supervisory role. That is all this vote means. Yet that is enough. For this vote is an important measure as to whether or not we want this Congress to get back the power that it has lost through the years.

Mr. FRENZEL. Mr. Speaker, I strongly believe that our legislative branch needs strengthening. There are many areas such as war powers, appropriations, Executive privilege, and the like, where the Congress has been weaker than I would like. I would even like to see the Director of OMB approved by the Senate, but the proposal before us is unconstitutional, if not frivolous.

This House does not need further clues from me to see the obvious. Eliminating a department only to recreate it 30 days later strips all the subtlety from a purely political ploy.

Had this House accepted the Steelman amendment, with the political retroactivity, the bill would have been worthy of passage. I supported that amendment calling for congressional approval, but prospectively, not retroactively.

But while I support congressional approval, I carry no delusions that Congress will strengthen itself by merely allowing the other body to question an appointee. That does nothing to strengthen this House.

I hope my friends on the other side of the aisle will be as enthusiastic to strengthen the Congress in the improvement of the appropriations process, and in balancing appropriations with revenues.

But, today I do not mistake politics for reform, nor a cheap shot at one branch as an improvement for another. The veto should be sustained.

Mr. CAREY of New York. Mr. Speaker, there has been a great deal of political charge and counter-charge concerning the motivation of the Congress in passing legislation requiring the confirmation of the Director and Deputy Director of the Office of Management and Budget. This is understandable because not only the Congress but the people are increasingly angry at the lack of good faith on the part of the administration in keeping their word concerning program and funding commitments made by the Congress and signed into law by the President.

The people of this country are angry, not only because of the Watergate outrage, but because the budget process of their Government—the government that is to represent their will, has reduced them to mere ciphers. Well, the people of the United States will stand only so long being treated like mobile zip codes. This anger has rightly been translated into legislation and communicated unequivocally to the administration. The reasons for anger are crystal clear: Americans want to know what is going on in the budget process of the Federal Government and they want that truth now.

Voting to overturn the veto of S. 518 is extremely important not only for the actual reform of budgetary processes that it presages, but for the actual symbolic reassertion of congressional preeminence in the budgetary and fiscal field. The opportunity to truly represent the justified outrage of the American people finds most direct reflection in how we vote today on this most portentous matter.

Certainly, the political—in the best sense of the word—reasons should suffice to see S. 518 become law over the veto of the President. However, we have very sound constitutional, administrative, and fiscal reasons for requiring that the Senate participate in the final selection of those who are to function as Director and Deputy Director of the OMB.

The original intent of the Congress in establishing the Bureau of the Budget was to create a statutory officer who was to provide budgetary advice and counsel to both the administration and the Congress. The position did not require Senate confirmation because the function of the Bureau was not that of a policymaking agency. And not accidentally, the Bureau of the Budget was to serve the administration and the Congress. The Congress here must take some blame for not making sure over the years that our utilization and control of the Bureau was not both active and increasing.

The Constitution, in article II, section 2, clause 2, provides that all policymaking officers of the U.S. Government shall be subject to Senate confirmation. Justice Story in his "Commentaries on the Constitution" makes clear senatorial powers in this regard and no further vindication of this right would seem to be necessary. This is particularly true, since many officials in the Executive Office of the President are subject to confirmation, even though they function as direct personal advisers to the President. In addition, I find it positively ludicrous that the Senate has regularly been confirming junior officers in the military branches, members of the Subversive Activities Control Board, and other offiicals of somewhat minor stature, and not examining for fitness and qualification an official whose policymaking and operational functions make him superior in raw power to everyone in the executive branch, with the exception of the President.

The administrative or organizational reasons for requiring confirmation of these positions is equally clear. At last count, there were 67 statutory provisions in 13 titles of the U.S. Code, delineating duties and functions of the Director of the Office of Management and Budget. This official controls final policy and fiscal recommendations presented to the President in the areas of national security, international programs, defense expenditures, natural resources, and just about every other area of national concern having bearing on the well-being of the Nation.

This position, perhaps more than any other, absolutely requires congressional interest and senatorial confirmation. A further reason for this is that the statutory powers of the OMB have been vested in the President since approval of Reorganization Plan No. 2 of 1970. This means that the Director of OMB was removed, technically, from senatorial confirmation purview, under the guise of making him a personal and direct adviser to the President. Perhaps the administration knew that their fiscal, economic mismanagement, and constitutional perversions perpetrated by this Office would be the target of much of the outrage that would be found in the people and the Congress. Removing statutory responsibility from the OMB Director was a way of not only permitting the Director to operate under guise of "executive privilege" but it served to make the actual budget formulation process just that much more of a deep, dark secret—if that was possible.

The Congresses of the last three decades have worked very hard in raising legislative structures, programs, and policies that would provide for the "general welfare," as is our constitutional mandate. In the areas of health, education, welfare, science, employment, and general economic stability and growth, we have fathered many legislative children.

I frankly, do not wish to see my legislative children handed over for fiscal strangulation or malnourishment to a man or men who are clearly brought into Government for the express purpose of annihilating them. The Congress should have a say in the determination of who shall sit in this seat of financial life or death for so many programs that vitally affect the life of the Nation and the individual lives of millions of Americans.

I urge my colleagues, not only in response to the express will of the people, but from acknowledgment of the basic rightness of the fiscal, administrative, and constitutional reasons I have discussed briefly in my remarks today, to vote to override President Nixon's veto of S. 518. Action today will keep the Congress from drifting further into a power vacuum. If I wished to belong to a legislative body with all the clout of the House of Lords, I would have been born an Englishman. But despite the temptation, I remain an American and a Member of the planet's most distinguished legislative body. A vote to override will help us all prove the validity of my last statement.

Mr. PICKLE. Mr. Speaker, I urge the House to vote to override the President's veto on S. 518.

When this bill was considered by the House on May 1, 1973, I stated then that the matter involved should not be clouded by partisan rhetoric.

The clear position is that two powerful offices in the U.S. Government are not under the confirmation process. I do not feel that this matches the intent of the Constitution.

The Constitution is clear that only minor officials are not to be confirmed by the Senate.

To maintain that the Director of OMB and the Deputy Director of the OMB are minor officials in today's world is to ignore reality.

It is true that the original intent of the Office of Budget in 1921 was to play a proper role in the workings of our Government. Proof of this are statements by the first Budget Office Director, Charles Dawes, who wrote the Office was a humble nonpolicymaking agency of the Government.

Whether or not the original intent has been wrongfully changed by succeeding administrations is not the issue here. Even though I personally feel that the Office of the Budget has been wrongfully expanded into a policymaking arm of the Executive, the fact is that it has.

Since it has, the Congress must follow the intent of the Constitution and bring these two powerful offices in line with other offices where appointments are made by the President.

Some would hold that this bill is a blatant attempt to embarrass the present administration by having the present OMB office holders confirmed.

I feel two comments are in order in rebuttal to that point.

First, to say that the wrong of not following the intent of the Constitution in this matter should be corrected down the road seems to be derelict of duty. I do not take comfort in the fact that for several years the OMB has been a policymaking arm of the executive branch and that the Congress has not required confirmation of OMB's top two officers.

Let us correct the wrong today, and let us do the job completely.

Secondly, I do not think anyone would disagree with the observation that the present officers of OMB have been bolder, and more far reaching in their using OMB as a tool to reorder national priorities than past OMB officers. This even greater policymaking role of the OMB makes it even more imperative that its officers be confirmed by the Senate.

Before concluding, Mr. Speaker, I would also want to say that I think that this bill will open up the closed door processes of OMB. I have often stated on the floor of the House that the OMB is an "invisible government", striking without warning to the Congress and the people, and sometimes even without warning to the President.

By bringing the top officers of OMB for review with the Senate as to their plans for OMB, the public will be able to know more about the workings of the OMB.

In conclusion, Mr. Speaker, may I point out to everyone that this bill's provisions will apply to future Democratic administrations just as much as any Republican administration.

Let us open up the OMB; let us vote to override the President's veto.

Mr. McCLORY. Mr. Speaker, in voting to sustain the President's veto of S. 518 which would require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget, I am acting consistently with my original vote on this measure.

In elaboration of my position let me state that I support the enlargement of the budgetary and fiscal management functions of the Congress. Measures now pending would greatly increase our budgetary authority and enable the Congress to measure up to its constitutional prerogative as keeper of the Nation's purse strings.

But, Mr. Speaker, we are not dealing here with the congressional budgetary authority. Instead, we are proposing to modify the 1921 act which established the Office of Director of the Bureau of the Budget. The Congress in that legislation reposed primary responsibility in the Executive to establish and control the Nation's budgetary machinery. If we are to modify or rescind that delegation of authority we should do it directly and comprehensively—and not by simply making the Presidential appointees subject to whatever concessions or agreements might be reached during the Senate committee hearing at which the qualifications of a budget director are being reviewed.

Mr. Speaker, I believe that the budget director should be the individual appointee of the President—and that the President should be solely responsible and answerable for the budget director's actions. We should assert our own prerogatives regarding Federal revenues and expenditures—and we can handle that responsibility directly and comprehensively. We are not relinquishing any authority by permitting the President to individually name his own budget director and we would not be regaining any authority by overriding the President's veto today.

Mr. Speaker, the President has explained the issue before us with great clarity in his brief veto message. Mr. Speaker, I will vote to sustain the President just as I voted against S. 518 when it was before us for passage a short time ago. I feel confident that my position then and now is fully justified by the President's forthright action and by the votes cast today in this Chamber.

Mr. HOLIFIELD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 236, nays 178, not voting 19, as follows:

[Roll No. 156]

YEAS—236

Abzug
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Archer
Ashley
Aspin
Barrett
Bennett
Bergland
Bevill
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Conte
Conyers
Corman
Cotter
Crane
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Eckhardt
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lujan
McCollister
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Mahon
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steele
Steelman
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Whalen
White
Whitten
Wilson, Charles H., Calif
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NAYS—178

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bell
Biester
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Butler
Camp
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins
Conable
Conlan
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Dulski
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford. Gerald R.
Frelinghuysen
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lent
Lott
McClory
McCloskey
McDade
McEwen
McKinney
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Mills, Md.
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Price, Tex.
Pritchard
Quie
Quillen
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Saylor
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOT VOTING—19

Adams
Badillo
Biaggi
Carter
Clawson, Del
Denholm
Eilberg
Forsythe
Keating
King
Melcher
Mills, Ark.
Mitchell, N.Y.
Railsback
Rooney, N.Y.
Rooney, Pa.
Roybal
Satterfield
Waldie

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York and Mr. Rooney of Pennsylvania for, with Mr. Carter against.

Mr. Adams and Mr. Eilberg for, with Mr. Railsback against.

Mr. Mills of Arkansas and Mr. Melcher for, with Mr. King against.

Mr. Denholm and Mr. Biaggi for, with Mr. Del Clawson against.

Mr. Satterfield and Mr. Waldie for, with Mr. Mitchell of New York against.

Mr. Roybal and Mr. Badillo for, with Mr. Forsythe against.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

## GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message just considered.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## PERSONAL EXPLANATION

Mr. MITCHELL of New York. Mr. Speaker, I inadvertently missed the vote on the override of the President's veto of Senate 518. I returned to the chamber 1 minute too late to vote due to the fact I was attending a National Jobs for Veterans Conference in room 335B, Cannon House Office Building. I did not hear the bells. Had I been present I would have voted to sustain the President's veto as I announced I would several days ago.

## APPOINTMENT OF CONFEREES ON H.R. 6370, REGULATION OF EXTENSION OF AUTHORITY OF INTEREST RATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WYLIE. Mr. Speaker, reserving the right to object, the House is not in order and I have not heard what the gentleman is asking.

The SPEAKER. The gentleman from Texas is requesting that conferees be appointed.

Mr. WYLIE. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, ST GERMAIN, ANNUNZIO, BARRETT, HANLEY, BRASCO, COTTER, MOAKLEY, ASHLEY, WIDNALL, ROUSSELOT, JOHNSON of Pennsylvania, WYLIE, J. WILLIAM STANTON, and BROWN of Michigan.

## PERSONAL EXPLANATION

Mr. DICKINSON. Mr. Speaker, on H.R. 6717 which was voted on yesterday, I was present and voted by mechanical device. It was my intention to vote in the affirmative. According to the Record, I was recorded as having voted in the negative.

I wish to correct the Record to show that through either inadvertence or mechanical error, the Record shows me voting in the negative and I intended to vote in the affirmative. Since I am a cosponsor of a similar bill, I certainly supported H.R. 6717 and was delighted that the legislation was passed by the House.

### PROVIDING FOR CONSIDERATION OF H.R. 7528, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 409

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

### ANNOUNCEMENT BY THE MAJORITY LEADER

Mr. O'NEILL. Mr. Speaker, I should like to make the announcement that the Committee of the Whole will rise at 3 o'clock. It is at that time we have planned the official picture of the House, so the Committee of the Whole will rise at 3 o'clock for that picture.

### PROVIDING FOR CONSIDERATION OF H.R. 7528, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG OF Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may consume.

(Mr. YOUNG of Texas asked and was given permision to revise and extend his remarks.)

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 409 provides for an open rule with 1 hour of general debate on H.R. 7528, a bill to authorize appropriations to the National Aeronautics and Space Administration—NASA. It also waives points of order against clause 3, rule XIII of the Rules of the House of Representatives. The Ramseyer rule.

H.R. 7528 provides for appropriations of $2,254,500,000 for research and development; $112,000,000 for construction of facilties; and $707,000,000 for research and program management.

H.R. 7528 provides for a $356 million decrease in authorizations from the NASA appropriations bill passed by the 92d Congress.

Mr. Speaker, enactment of the bill will allow us to continue this very vital and necessary program. I urge adoption of House Resolution 409 in order that we may discuss and debate H.R. 7528.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Why is there a waiver of points of order?

Mr. YOUNG of Texas. I would advise the distinguished gentleman from Iowa that the Representatives from the Committee on Science and Astronautics stated that they overlooked compliance with the Ramseyer rule and therefore had to ask for that waiver.

Mr. GROSS. In that very voluminous report on the bill they overlooked the Ramseyer rule?

Mr. YOUNG of Texas. Yes, sir. They were frank to state it.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, House Resolution 409 provides for the consideration of H.R. 7528, the NASA authorization bill for fiscal year 1974. This bill will be considered under an open rule with 1 hour of general debate. The rule also waives all points of order against the bill for failure to comply with the Ramseyer rule, which is clause 3 of rule XIII.

The purpose of H.R. 7528 is to authorize funds for the National Aeronautics and Space Administration for fiscal year 1974.

The total amount authorized in this bill is $3,073,500,000, which is broken down as follows: $2,254,500,000 for research and development, $112,000,000 for construction of facilities, and $707,000,000 for research and program management.

Some of the better known programs included in this bill are:

First. The Skylab manned space laboratory which will cost $223,800,000 for fiscal year 1974.

Second. The Apollo-Soyuz test project, which will be a joint Soviet-American flight experiment to rendezvous and dock a manned Apollo spacecraft with a manned Soyuz-type spacecraft. This flight will actually occur in 1975 and will cost a total of $90 million during fiscal year 1974.

Third. The Space Shuttle project, which will provide routine access to space in the 1980's, will cost $500 million for fiscal 1974.

Fourth. The lunar and planetary exploration program, which will cost a total of $309 million for fiscal year 1974. This program includes funds for the Mariner project, the Viking project, and outer planets missions.

Mr. Speaker, I know of no objection to this rule and urge its adoption.

Mr. Speaker, I have no requests for time. I reserve the balance of my time and urge adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the Record on the bill we are about to consider, H.R. 7528.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

### REQUEST FOR FLOOR PRIVILEGES FOR STAFF MEMBERS

Mr. TEAGUE of Texas. Mr. Speaker, the rules provide a limited number of staff members on the floor when a bill is being considered. I ask unanimous consent that each subcommittee chairman be permitted to have a staff member with him on the floor during consideration of the bill.

The SPEAKER. The Chair has no authority to recognize the gentleman's request, under the rules.

Mr. TEAGUE of Texas. Mr. Speaker, I withdraw that request.

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7528, with Mr. Roberts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Teague) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Chairman, the committee was organized, and the subcommittees were appointed, and then the subcommittees began our work and the chairman became ill and has been in the hospital since and has done very little work. The Chair, however, has kept up with the work of the subcommittees. I doubt that there is a committee in the Congress where the subcommittees have done more work and are more knowledgeable with their subject than the subcommittees which are on this floor today.

Mr. Chairman, I will make a very short statement in summary of what our committee has done. No Member has asked for time opposing the bill, and if there are Members who wish to speak in opposition to the bill, I wish they would let it be known to the chairman.

Mr. Chairman, today we bring before this body H.R. 7528, a bill to authorize appropriations for the National Aeronautics and Space Administration. This bill was reported by the committee on May 1 by unanimous rollcall vote of those present.

Since 1966 the Federal outlays for our national space program have continuously declined. The outlays for our national space effort are over 40 percent less than they were 8 years ago. In the face of continued fiscal constraints I believe we have the right to be proud of the accomplishments of our national space program. Our Apollo program has been successfully completed. NASA's accomplishment in lunar and planetary as well as space applications programs are well known. NASA is continuing to make substantial contributions in the area of aeronautics. In all of these fields the committee believes that more should have been and should be done as a nation.

Even today as we discuss our national space program final plans are being completed to repair and recover essentially all of the Skylab mission after the problems encountered in the last week in this important undertaking of a first space station.

It is truly remarkable that we can go from orbiting a tiny satellite in 1958 to the repair and full use of a large orbiting space laboratory only 15 years later. Again I must point out that this is in the face of a decline in our national space budget further reduced by the erosion of the dollar. Today we will discuss a bill which deserves the full support of this body. We could and should do more in the years ahead. However, in the interest of fiscal responsibility, the committee has made only small changes in this bill.

Before summarizing the contents of this bill and the committee actions taken, I would like to commend the efforts of the distinguished gentleman from West Virginia (Mr. HECHLER), the gentleman from Florida (Mr. FUQUA) and the gentleman from Missouri (Mr. SYMINGTON), the subcommittee chairmen who so thoroughly and energetically reviewed through hearings here in Washington, at the NASA Centers, and the key industrial contractors the NASA programs included in the bill before us.

I also wish to cite the distinguished gentleman from Ohio, the ranking minority member of our committee, Mr. MOSHER, for his diligent effort in bringing this bill to the Floor today. All of the members of the Committee on Science and Astronautics have ably discharged their responsibilities in bringing to you this important piece of legislation. I commend them for their efforts.

I will now summarize the contents of the bill and the committee actions taken.

The National Aeronautics and Space Administration requested a new authorization of $3,016,000,000 for fiscal year 1974. The bill, as reported by the committee, would authorize a total of $3,073,500,000—an increase of $57,500,000. This revised total is $370,650,000 less than authorized for fiscal year 1973 and $334,150,000 less than appropriated. One qualification: $91,000,000 of fiscal year 1973 funds were withheld by the administration to be applied to the fiscal year 1974 request—thereby reducing the new authorization request by that amount. Otherwise the fiscal year 1974 authorization recommended in this bill would be $3,164,500,000.

No change is recommended in the construction of facilities request of $112,000,000 or the research and program request of $707,600,000.

The increase of $57,500,000 is for research and development and is 1.9 percent of the total authorization request. I would now describe the program changes and two language amendments made to the bill.

In space flight operations two changes were made. First, a reduction of $10,000,000 was taken in the Skylab program. This reduction was based on past demonstrated performance of NASA management of cost control within this program, and the belief that the program would not be adversely affected. However, the current problems in Skylab have not been evaluated in budget impact terms. Second, $3,000,000 was added to space life sciences. It is the intent of the committee that this additional $3,000,000 be used to meet the needs for continuing the industrial team which develops and makes space suits. There is a well-identified highly specialized need in future years for such suits with improved mobility and construction.

For the Space Shuttle, NASA requested $475,000,000 but the committee added $25,000,000 to this line item to provide the ability to build up the subcontractor manpower at a better rate. During this year, because of stringent constraints, the contractor work force has been built up at a slower rate than was heretofore planned. The net effect has been a slip of 9 months in the first manned orbital flight of the Shuttle vehicle in 1978. An equally important effect of this slower buildup has been a reduced management ability to recognize and therefore solve early problems normally associated with a major new development program. The committee increase was made to provide for more effective management visibility and problem solving, and therefore, an increased confidence in attaining key program milestones: the first horizontal flight in 1976 and the first orbital flight in 1978. By adding the additional insurance of meeting key milestones, confidence is increased for meeting program schedules and holding total program costs at or below the current expected level. These moneys would be spent specifically to increase manpower on design and development tasks for four major subcontracts which have been awarded. These subcontracts were for the Shuttle: orbiter wing, tail, mid-fuselage, and for maneuvering system equipment.

The committee reduced by $3,000,000 the NASA request for physics and astronomy—orbiting Explorer satellites. This reduction was made to provide an additional $3,000,000 for the Earth resources technology satellite project. It was the judgment of the committee that this small reduction would require the delay of one or more Explorer missions, however, the committee placed a higher priority on the Earth resources technology satellite project. Since a number of alternatives in the orbiting Explorer satellite program existed, this committee would allow NASA to select among them to determine which of the physics and astronomy satellite programs would be launched first. Within this same line item, a reduction of $2,000,000 was made in supporting research and technology with the committee again applying the additional $2,000,000 to the Earth resources technology satellite program. Although the committee recognizes the importance of the continuity provided by supporting research and technology programs in general, it reemphasized the importance placed by the committee on the Earth resources technology satellite program in making this reduction.

In the lunar and planetary exploration line item, $3,000,000 was taken from the NASA request for supporting research and technology. The committee again recommends that the $2,000,000 of this $3,000,000 reduction be transferred to the Earth resources technology satellite program bringing the total for that program to $7,000,000. The remaining $1,000,000 of the $3,000,000 reduction from the request would be applied to the procurement of a launch vehicle to launch the Earth resources technology satellite to be funded from the $7,000,000 taken from the programs which I have just described.

The space applications line item contains the Earth resources technology satellite program to which I have already referred. The $7,000,000 to support an earlier launch schedule than 1976 would be obtained from the two previous line items previously described and would allow the launch of a second Earth resources technology satellite within 1 year. Construction of the second Earth resources technology satellite is almost completed. Recently the first Earth resources technology satellite has experienced the failure of the second of two tape recorders on board and major experiments on board have been switched off due to power supply problems. Replacement of this only partially effective satellite is considered of major importance by the committee, and therefore, the committee is recommending the launch of the second Earth resources technology satellite.

Another increase of $5,000,000 was made in the space applications area. This was to provide for replacement of a one-of-a-kind flying laboratory—a Convair 990—which was destroyed in a midair collision on April 12. All of the NASA crew and much highly specialized equipment were lost.

To aeronautical research and technology, $34,000,000 was added to restore terminated programs vital to solving problems of aircraft noise, safety, and congestion. Of this increase, $14,000,000 would be applied to noise reduction modifications in current four-engine narrow-body jet aircraft—the DC–8 and 707. These modifications should bring the noise levels of these aircraft to or below those of the new wide-body jets—L–1011, DC–10 and 747. Twenty million dollars was included to restore a program for quiet experimental short takeoff and landing (STOL) aircraft, commonly known as QUESTOL. This program was approved by the Congress in fiscal year 1972; this experimental aircraft program was designed to play a key role in development of a quiet short-haul air transportation system until it was terminated by NASA in January of this year.

The increase of $10 million in the space and nuclear research and technology area is to maintain a minimum long-range capability in advanced nuclear power and propulsion research. It is the judgment of the committee that by this action the loss of the value of many years and many dollars worth of nuclear research would be averted. Perhaps the most compelling argument for this effort is the fact that nowhere else in the Federal Government or industry will much of this research work be done if not supported at this relatively modest level within this authorization. A significant part of the work can apply to solving our energy problems. Among potential applications are:

First. Central power station topping cycle power units.

Second. Oceanographic nuclear power supplies.

Third. Compact mobile power generators for electric trains, buses, trucks, autos.

Fourth. Utility peak load power generators—standby power systems.

Fifth. Apartment building total energy powerplants.

It was the judgment of the committee that in the area of tracking and data acquisition a general reduction of $10 million, or 4 percent of the line item, was in line with the declining utilization of the manned space flight network for the next several years.

In the area of technology utilization the committee added $500,000 to strengthen NASA's effort in bringing the benefits of a space developed technology to the general public. Much of this work would be in the area of technology applications for health care, environmental controls, transportation, and public safety.

The committee has made two language amendments within this bill to the National Aeronautics and Space Act of 1958. The first would allow the Administrator of NASA to use revenue generated by the sale of services and goods to visitors to NASA installations for the improvement of existing visitor information activities. This amendment follows similar statutory authority granted to the U.S. Park Service and is not unique to this legislation.

The second change requires the Administrator of NASA to report to the Speaker of the House, the Committee on Science and Astronautics, the President of the Senate, and the Senate Committee on Aeronautical and Space Sciences all proposed real estate disposal actions involving land whose value exceeds $50,000. Such a statement would be provided 30 days prior to initiating actual disposal procedures accompanied by a full statement of the action proposed and the facts and circumstances involved. The committee recommends this action so as to better discharge its oversight functions.

### THE SPACE SHUTTLE

The National Aeronautics and Space Administration was created by this Nation to prosecute an active space program. The Space Shuttle transportation system was conceived to further this end, and the evidence that I find in the studies on shuttle economics is that the annual operational cost of conducting a space program with the Shuttle is about half the cost of conducting the same program with throw-away systems. This would seem to me to be a very real step forward, and I feel that NASA is to be commended on their ingenuity and foresight in conceiving such a system.

There seems little doubt that a reusable system with the characteristics of the Space Shuttle has a place in an active space program. Perhaps some critics should more properly address the justification for an active space program. I for one must place it on record that I am not prepared to agree to any retreat from this new and hard won capability of space activity. When I look at the problems which beset our Earth and consider the potential of space activities to ameliorate them I must support a continuing capability. Capabilities such as the following are possible:

First. The uses of space systems for abatement of environmental pollution resulting from human activity on earth.

Systems for monitoring the output and subsequent regional and global distribution of potential pollutants, including waste heat

Systems for determining changes in the Earth's environment due to natural causes—that is, changes in the characteristics of solar radiation, effluents from volcanism, ocean currents, and so forth.

Systems for determining regional and global changes in the Earth's climate resulting from human activity

Systems for determining the effectiveness of pollution control measures

Second. Communications and information processing systems.

Third. Navigation aids for surface and airborne vehicles.

Fourth. Air, sea, and space traffic monitoring systems.

Fifth. Systems for identification and surveys of natural resources.

Sixth. Global meteorological forecasting systems.

Seventh. Harnessing energy for use on Earth.

Eighth. Production of power for use in processing and manufacturing plants in space.

Ninth. Acquisitions of extraterrestrial raw materials.

Tenth. Hazardous testing of new industrial concepts.

Eleventh. Arms control implementation systems.

While not all of these may be realized in the time span of the Space Shuttle, I wholeheartedly believe that the United States should and will continue to have an active space program from now on. And with the Shuttle, we will be able to do more in space, better and at less cost.

### NASA DOD RELATIONSHIP

The versatility and flexibility of the Space Shuttle and its low operational cost will be of significant value to the Department of Defense. The Shuttle development is therefore fully supported by the DOD as reported to Congress by Dr. Robert Seamans, Secretary of the Air Force and Dr. John S. Foster, the DOD Director of Defense Research and Engineering. NASA studies with DOD have concluded that it is practical to develop a Shuttle system to meet the needs of both agencies. By agreement, NASA will produce this Shuttle for joint utility by both of the agencies. The Air Force acts as the executive agent for the DOD and has transmitted their technical requirements to NASA for inclusion into the Shuttle design.

Cooperation has existed between the Department of Defense and NASA on this program since the inception of the Shuttle concept. In April 1969, the Secretary of the Air Force and the Administrator of NASA established terms of reference for the phased study of space transportation systems; and in February 1970, they established the NASA/USAF Space Transportation System—STS—Committee which coordinates program requirements and plans for the Space Shuttle.

Recently this coordination has been effective in many areas. Air Force specialists participated in design review boards, source evaluation boards, and all technology panels. DOD personnel have been assigned to the Space Shuttle program offices at NASA headquarters, Houston and Huntsville. Their personnel have provided technical advice to help define the desirable characteristics for the Shuttle. These mechanisms have successfully coordinated Air Force participation in the NASA-managed Space Shuttle and assured that national requirements are factored into Shuttle studies.

This continuing cooperation between NASA and DOD is essential to maintain improvement in the performance—cost management. Both agencies normally deal with the same contractors and we cannot afford to levy separate requirements for costly and different systems.

Although NASA will make the final decisions in terms of Space Shuttle requirements, the support and continuing advice and cooperation of the Department of Defense is necessary. This will enable us to achieve the desired national operational utility in a timely and orderly manner at a minimum of cost.

### CONFIDENCE IN NASA'S SHUTTLE COST ESTIMATE

We are ready for the payoff to be obtained from an operational space program which will yield dramatically increased value for our space dollar. This will only occur if we continue with the well-balanced development of the Space Shuttle.

Hardware development of the Shuttle program was preceded by the most intensive study effort ever undertaken in connection with a large research and development program. Shuttle cost estimates are based on extensive cost studies by NASA and independent contractors. These studies are being continuously reviewed and updated as design effort progresses and the Shuttle hardware is developed.

The estimate published in March 1972 was made after a detailed study by a large group of NASA engineers who had many years of experience in developing complex space programs. This group also had available contractors' estimates which where the result of approximately 2 years of effort expended during the definition phase of the Shuttle program. Since that time, contractor proposals and design reviews have strengthened NASA's confidence in the original estimate.

An important factor contributing to the validity of current Shuttle cost estimates is the large base of technology which has been accumulated during the past decade. The Shuttle essentially represents a second generation space transportation system which makes use of technology which was developed too late to be used in previous manned space flight programs, such as the Apollo and Skylab programs. In addition, since fiscal year 1968 NASA has spent approximately $150 million in developing improved technology required to assure achievement of Shuttle performance goals. The results of this homework have been such as to give NASA confidence that technological breakthroughs which were so costly in the past will not be required in the Shuttle program.

Finally, NASA has made a firm commitment to meet established cost goals and has instituted rigorous controls to insure that program objectives are achieved within authorized funding limits. I am confident that NASA recognizes the need to continuously emphasize this fact in order to achieve both development and operations cost goals. All levels of management are aware of this requirement.

A typical example of this low-cost approach is provided by the external tank, the only expendable item of the Shuttle system.

It will be procured in large quantities and has, therefore, been designed as simple as possible. It has no expensive components such as hydraulic and pneumatic systems, computers or propulsion units. In addition low-cost materials have been selected, manufacturing techniques have been simplified and quality standards relaxed, commensurate with safety requirements. It is significant that independent cost estimates by five separate contractors were in general agreement with each other and those made by NASA, thus providing further assurance that cost targets will be met.

To those of us who enthusiastically believe in the great benefits space exploration will yield to mankind in the future, it is obvious that the Space Shuttle is the necessary step forward to lower the cost of all space operations. It is the next logical stride to take in our attempt to obtain those benefits which our industrial technology and recent successes in space have made available to us.

Ms. ABZUG. Will the gentleman yield for a question?

Mr. TEAGUE of Texas. I am happy to yield to the gentlewoman from New York.

Ms. ABZUG. The question that I wished to ask is: "What is to be done with the Skylab program concerning the effect on putting into performance the Space Shuttle program in terms of what would be necessary to show an improvement in the Skylab program in order to put into effect the Space Shuttle program, and also in terms of the time when we could put the Space Shuttle into effect in view of the fact that the Skylab program has not been performing effectively, and as it is presently so doing?

Mr. TEAGUE of Texas. As of last year I had a long conversation with Dr. Low, and Mr. Myers, who are the top people in the Skylab program and NASA, and they assured me that the Skylab program is not the failure that is being pictured by the news media, and that they expect to get good results. We have also been talking in terms of rescue capabilities, as I am sure the gentlewoman knows, and this is almost such a rescue capability.

I will be glad to have some of the other Members tell the gentlewoman more about this, because they are better versed in the subject than I am.

But I would add that the Skylab program and the Space Shuttle program are two completely separate programs, and it is expected that we will learn many things from the Skylab program that will be of extreme help in the Space Shuttle program. But I must stress that these are two different and separate programs.

I would ask the distinguished gentleman from Florida (Mr. FUQUA) who is the chairman of the Manned Space Subcommittee, whether the gentleman would care to comment further upon that?

Mr. FUQUA. Mr. Chairman, in response to the inquiry of the gentlewoman from New York, let me state that the Skylab is part of the space flight operations line item, and that the Space Shuttle is also a line item in the budget, and they are not related.

I might state further that the Space Shuttle will be a reusable vehicle that can be launched over and over again. And insofar as the Skylab that is now in orbit, I might say that if we now had the Space Shuttle in operation that we would then be able to go up there and repair that Skylab. But, as I say, these are two entirely different programs.

As the distinguished chairman, the gentleman from Texas (Mr. TEAGUE) pointed out, it is anticipated that we will have a completely successful mission with the present launch, and the launch that is coming this Friday. Then we will have Skylab No. 2 launched. And we believe that we can have almost a 100-percent, completely successful performance in the abilities and performance of the Skylab program.

Ms. ABZUG. If the gentleman will yield further, I would like to ask an additional question, and that is, is it not so that we look to the Skylab for the purpose of determining certain rather important aspects in the manned space program; namely, what are the conditions that are necessary to permit man to remain in space and, secondly, how long can man remain in space orbit, and so on?

Mr. FUQUA. As the gentlewoman knows, the longest mission we have had has been 14 days. The Russians have had a longer mission than this, but we are trying to determine man's ability to survive in space for prolonged periods of time. This first Skylab will primarily be a medical mission, but it is also doing a great deal of work in Earth resources and a great deal of work in solar experiments.

Ms. ABZUG. Then insofar as it will determine how long man can remain in space and what the conditions are, it does have a definite relationship to a future program such as a Space Shuttle, which really relies upon determining certain scientific facts as to man's ability to shuttle back and forth.

Mr. FUQUA. We know man's ability to shuttle back and forth, but the Space Shuttle is designed for up to 30 days in space, so this does have an effect on proving man's ability. We think man can do this without any adverse reaction.

Ms. ABZUG. We have no actual proof of that as yet. It was hoped we could get some proof of that, or not get some proof, through Skylab operations; is that not so?

Mr. FUQUA. This is absolutely true, plus the fact that the Soviets have had men in space for longer than 14 days. Then in our cooperative programs we have now, we are examining information that they have provided.

Ms. ABZUG. I thank the gentleman.

Mr. TEAGUE of Texas. I am sure that the gentlewoman knows and understands that there are many scientific experiments on the Skylab besides experiments with the crew.

Ms. ABZUG. I do, sir. I thank the gentleman.

Mr. TEAGUE of Texas. Mr. Chairman, I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, one thing I wanted to point out to the gentlewoman from New York was that part of the problem that came up in Skylab came up because of the G forces resulting from launching. The force of gravity is not a problem with the shuttle. It is also important that 50 percent of the failures we have had in the last 15 years have been at launch or within days of launch. With the use of the shuttle we will be able to place them in orbit, repair them in space and bring them back if necessary. In essence the shuttle is the best, most economic, and most sensible way to proceed.

Mr. MOSHER. Mr. Chairman, I yield myself such time as I may consume. And I certainly will consume very little.

First, I want to assure the House that this NASA authorization bill in the form it comes to the floor was approved in the Science Committee without any opposition from minority members. So far as I am aware, it does have complete support on our minority side of the committee, as it also does on the majority side.

Second, I make the point that many of us on the minority side of the committee were originally very reluctant to approve a total authorization for NASA that is larger than the administration's budget request.

But I assure you that we do now agree to the relatively small total increase in this bill, an increase of 1.9 percent above the budget request. We are convinced it is warranted, on the basis of thorough consideration in our NASA subcommittees.

And I want to say right here that our subcommittee chairmen and ranking minority members have done a really excellent job in perfecting this legislation.

Our new Science Committee chairman, the gentleman from Texas (Mr. TEAGUE) is providing dynamic leadership for all us despite his recent, very unfortunate illness.

It is great having "the Tiger" back here on the House floor with us today.

Mr. Chairman, I first point out that the fiscal year 1974 NASA budget represents one of the sharpest annual declines the space budget has ever witnessed. This year's budget request was reduced more than 13 percent from fiscal year 1973. Taking into account the annual increase in cost of labor and goods, the space budget was in effect reduced by almost 20 percent.

I also would point out that the fiscal year 1974 budget is lower than that of fiscal year 1962 when the space program was at its very inception. Those are very significant facts. Frankly, I hope that the committee's relatively small increase will work to halt a still further erosion in our space efforts.

This country still enjoys a superiority in space technology which is worth maintaining. The many firsts the United States has recorded have so far outspaced the accomplishments of other members of the international space community that we too easily tend to take for granted our preeminence. There is a danger that we have progressed so far so fast that we will lose interest in the challenge and in dedication to the necessities of the future.

I consider it very foolish shortsightedness, if we reduce too severely the pace of our space activity. Although the Congress must recognize the imperative need to invest every increasing dollar in health, welfare, and education programs, to name only three examples, we must recognize that many of the dollars we spend in the space program do in fact contribute directly and immediately to the solution of those other most pressing needs.

I cite as an example the present manned Skylab mission. One of the first two tasks assigned the astronauts will be in water management—evaluation of the Mississippi flood disaster—and geology—observation and investigation of the California San Andreas Fault. Also included in the busy schedule of the astronauts will be studies in ecology, particularly pollution detection and monitoring, oceanography, agriculture, geography, and cartography to mention a few of the many fields.

The point I make is that a significant portion of the emphasis within the space program is placed upon investigating and solving some of our most critical terrestrial problems.

A superb example of a key NASA program contributing directly to our general health and welfare is the Earth Resources Technology Satellite—ERTS–1. This experimental spacecraft was placed into orbit only last July, but the spacecraft's performance has already exceeded even the highest expectations of its supporters.

The ERTS is a forerunner of a more advanced and expanded operational system which is aimed at providing a comprehensive and continuous survey of the earth's total resources. Thus far, ERTS–1 has found nickel deposits in Canada and South Africa and copper ranges in Pakistan. It has charted unknown lakes in Brazil; it has enabled land use maps to be drawn for cities such as Chicago and Minneapolis, and for total States such as Rhode Island and Wisconsin. And in terms of its environmental applications, in Virginia, the spacecraft has pinpointed every single major smoke plume in the entire state including a number which had previously gone unidentified.

The ERTS program, among a number of others including the Space Shuttle, nuclear propulsion, aeronautics research in aircraft noise and air pollution, and airborne earth resources research, all were beneficiaries of the nominal dollar increase voted by the committee.

Mr. Chairman, I emphasize that I support each and every one of these upward budget modifications and consider them highly important in order to preserve this Nation's unique capabilities in the space and aeronautics field.

As I emphasized at the outset of my statement, I regret very much the stringency of this year's budget. Irreparable damage is being done to the program in terms of cutbacks and even closures of major regional centers plus extensive manpower reductions. It is my sincere hope to see this highly detrimental trend reversed and I see the recommendations by this committee as a positive step in this direction.

Mr. Chairman, the authorization bill now before the House is the result of a very detailed analysis of each single program proposed by NASA. I believe that the $3.1 billion we request here represents a well-balanced program in terms of the resources we have available and I believe it is a program which is sufficient to maintain the vitality of our very important space effort.

I strongly urge approval of this committee bill without amendment.

Mr. TEAGUE of Texas. Mr. Chairman, I certainly would like to express my appreciation for the kind words of the gentleman from Ohio.

I would like to add the committee has done a great job. As I said earlier, all of the subcommittees have worked very hard. Their process of work has been to go to the different centers and have an evening working session and then the next day they go out to the centers and see the hardware and what is being done.

Mr. Chairman, I have no further request for time.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I rise in support of H.R. 7528, the NASA authorization bill for fiscal year 1974.

A very important part of NASA's role in our country, is to perform the experimentation which will lead toward the understanding and implementation of space exploration for human good. In recent years NASA's Space Science and Applications programs have begun to demonstrate the great practical potential that space technology has for earthly use. It is also becoming very evident that money spent wisely on space is a good investment in the future.

An excellent example of practical space application is the Earth Resources Technology Satellite—ERTS. The NASA ERTS program was designed to gather information about the earth's surface by remote sensing techniques and to develop applications of these techniques of real and practical value to our farming industry, forestry, our air, our oceans and our rivers, and many other aspects of our environment on a repetitive and long-term basis.

Though the ERTS–1 satellite has been in space for less than 1 year, its practical usefulness has become very evident. ERTS–1 imagery has shown structural features all over the earth which have never before been recognizable from the ground, such as seismically active faults and major structural formations.

Using a single ERTS image, a Dartmouth College team was able to produce a land-use map of the State of Rhode Island in 24 hours.

ERTS–1 data has been used in mapping southern Atlantic coastal marshlands from the South Carolina border to Georgia.

ERTS data may also be used for determining the extent and intensity of forest fires, forest insect infestation, wind soil erosion, and for inventory of our forest reserves.

The Ohio Department of Development is using ERTS data for mapping and inventorying strip mined areas in southeastern Ohio. This is a tool for State planning purposes which has not been previously available.

ERTS data has been shown effective

in monitoring environmental pollution ranging from air pollution due to industrial and automotive exhausts, to water pollution from industrial discharges and municipal waste disposal.

Mr. Thomas O'Toole, in a recent newspaper article, emphasizes the importance of ERTS when he said:

> When the space agency put its first Earth Resources Technology Satellite into orbit last July, the scientific community scorned the $200 million project as an adventure that would be best remembered for its waste.
>
> Nothing has been further from the truth.
>
> The windmill-shaped spacecraft has already charted most of America's croplands, its watersheds and even its pollution. It has found copper in Pakistan and oil in Alaska. It has identified all the major smoke plumes in Virginia, some of them unknown to the state's environmentalists. It made a geological map of Wyoming in one day, a feat that would have taken geologists 20 years.
>
> "You can't predict inventions and you can't predict breakthroughs," NASA Administrator James C. Fletcher said last week at the end of a week-long symposium on ERTS findings. "We're getting much more out of this program than anybody predicted."
>
> The satellite has taken more than 160,000 pictures of earth, photographed 90 per cent of the United States, 75 per cent of the world's land mass and accumulated the picture equivalent of eight times the earth's acreage. The pictures include 20 per cent of the Soviet Union and the People's Republic of China.
>
> The satellite has pinpointed all the strip mines in Indiana, charted all of the burned out regions of California's forest land and drawn up a land-use map of the cities of Chicago, Indianapolis and Minneapolis as well as of the states of Rhode Island, Michigan, Wisconsin and Minnesota.
>
> "It took our computer 17 minutes to classify 2,500 square miles of land photographed by ERTS," said D. W. Moonihan of the space agency's Mississippi Test Facility. "That is a cost savings over aerial mapping techniques that we can't even fathom right now."
>
> The satellite found lakes in Brazil that mappers had to relocate as much as 20 miles from their previous location. It discovered that the snow runoff into Arizona's Verde River valley would not be as severe this winter as it had been in the past, a finding that closed 40 per cent fewer roads this year than last.

I have cited just a few examples indicating the real and even greater potential usefulness of the data coming from one program within NASA. There are many other programs within NASA whose applicability may not be quite so obvious, but will still prove invaluable in helping us understand our Earth, its capabilities, and its limitations.

The budget authorized by the Committee on Science and Astronautics this year is a responsible one. Full recognition was given to the current national budgetary posture. At the same time, those programs which were deemed of highest national priority and of most immediate usefulness to us here on Earth were given the full support of our committee. I urge its favorable consideration by my colleagues in the House.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. Winn).

Mr. WINN. Mr. Chairman, the NASA budget which the Committee on Science and Astronautics has approved for this coming fiscal year is a responsible one. It is a compromise between the large space effort that many of us as Members of Congress would like to see the United States undertake and the realization that space exploration must take its place among our other national priorities.

The NASA budget we have authorized for this next year will not permit the United States to pursue the exploration of space at a level indicative of desire for world leadership. However, it will allow the pursuit of several very important national goals. Among these goals are the development of the Space Shuttle, continuation of the earth resources technology satellite program, and the Skylab missions.

The earth resources technology satellites and the Skylab missions are of prime importance because they represent the means by which we can most immediately increase our knowledge of our potential resources lying beneath the surface of our lands, our rivers, and our oceans. These missions will also provide a great step forward in detecting and eliminating our air and water pollution.

Many benefits have already accrued to us through our exploitation of space. Great advances have been made in communications, weather forecasting, medicine, education, and transportation. In the future the space program will play a major role in addressing such pressing problems as urban redevelopment, mass transit systems, development of energy resources, prevention of natural disasters, and others. However, the full utilization of space is dependent upon our Nation developing an economical and cost-effective means, of delivering our satellites to space and maintaining them once they are in operation. The answer to this problem is, of course, the Space Shuttle.

With the availability of the Space Shuttle, this Nation will be able to implement fully operational systems in many applications areas which can now only be pursued on a research level due to the high cost involved. As a matter of fact, at the same time we are developing a low-cost space transportation system through the Shuttle program, we will be adding over $12 billion to our gross national product. Over $2.6 billion in Federal tax receipts and more than 126,000 total jobs will be generated in the coming years by the Space Shuttle development program.

In addition, the most recent NASA budget of $3.3 billion in 1972 dollars indicates that on the order of $12–13 billion in space program costs will be saved through 1991 by use of the Shuttle.

The space program affects every one of our lives every single day in more ways than we commonly appreciate. The spinoff benefits of the space program are endless. The fields and areas which have benefited by space technology and space techniques are as varied and as numerous as the benefits themselves.

To me, the space program is a people-oriented program directed at solving our most pressing societal needs. The modest but responsible NASA budget which our committee has authorized for the coming year is one to which we should lend our full support and encouragement.

Mr. Chairman, I would like to ask a question of the chairman of the Subcommittee on Manned Space Flight, the gentleman from Florida (Mr. Fuqua). This is the question we discussed in our many hours of hearings. I am referring to page 13 of the bill, section 7, on section 203(b). Mr. Chairman, Is it true that there was no intention for NASA to preclude present contractors from renegotiating their present contracts which would include the responsibilities included in the gentleman's agreement?

Mr. FUQUA. Absolutely there is no intention to prohibit the present contractors from renegotiating the contracts as concessioners in the various segments.

Mr. WINN. I thank the gentleman for that clarification.

Mr. Chairman, I take this time to say I would like to go on record as being very strongly in favor of H.R. 7528.

Mr. MOSHER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I have searched through the report accompanying the bill and I find no comparative figures for the authorization or actual space appropriation for last year. Will some member of the committee advise me as to how this compares with what was actually appropriated last year and whether there were any supplementals to add to it?

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, I believe last year's authorization bill was for $3,444,000,000. It was about $370 million more than this year. In other words the budget this year is approximately 13 percent less than the authorization last year.

Mr. GROSS. Was there a supplemental by any chance?

Mr. FREY. No.

Mr. GROSS. Then this bill is slightly below last year?

Mr. FREY. Yes, it is 13 percent below last year. It has continued to go down in the last 5 years, and the space budget has been cut about in half.

Mr. GROSS. This authorization is $3,073,000,000 and last year it was $3.4 billion?

Mr. FREY. About $3.444 billion.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. MOSHER. Mr. Chairman, this represents a very precipitous reduction from last year, something like 13 percent. I think it is the lowest authorization we have approved in some 10 years for NASA. It is the lowest since 1962.

Mr. GROSS. Well, the gentleman may know where he is going to get the money, the $3,073,000,000. I do not. I think it is always a good question to ask around here when dealing in $3 billion, where it is expected to get the money. I assume this is going to have to be borrowed. Most of it is these days.

The gentleman says this is a reduction. In terms of the financial crisis that faces this country, this is no part of the reduction we ought to have in the moondoggle program and assorted other projects. However, I assume there is no way this bill can be cut, for I doubt that there is any disposition on the part of the House to realistically reduce this spending to meet fiscal responsibility.

Mr. Chairman, on page 6, what is the $35,000 for? Is that some kind of representation allowance or entertainment fund?

Mr. TEAGUE of Texas. It is a representation allowance for the use of the Administrator of NASA.

Mr. GROSS. That will not begin to cover the hire of chartered airplanes to haul Members of Congress and others down to Florida for the launchings, will it?

Mr. TEAGUE of Texas. I doubt it. I do not know where that money comes from. I am sure it comes somewhere out of this budget, but I cannot name the exact spot.

Mr. GROSS. Is this an increase in the representation allowance; that goodtime Charlie allowance? Is this an increase or a cut?

Mr. TEAGUE of Texas. It is exactly the same as it was last year.

Mr. GROSS. Exactly the same as it was last year?

Mr. TEAGUE of Texas. Correct.

Mr. GROSS. Despite the fact that the dollar has been devalued?

Mr. TEAGUE of Texas. Mr. Chairman, I would like to say to the gentleman from Iowa that it is in our report. We are not leaving these comparative figures out, because we have the comparison from A to Z. I will be glad to furnish it to the gentleman. It was just an oversight that they were not put in the report.

Mr. GROSS. On page 8 of the bill, beginning on line 15, why this grant of power to the administrator? I do not know how much money is involved, but this appears to be quite a grant of power to the administrator.

If there is no answer to that, perhaps we can go to page 13. Can someone help me out with the language beginning on line 5 about concessions and concessionaires and so forth and so on? Where is this money to be spent and for what purpose?

Mr. TEAGUE of Texas. Mr. Chairman, I understand the previous language the gentleman from Iowa was talking about, does not give the administrator more power. It is limiting his power.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MOSHER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa.

Mr. GROSS. Would the gentleman please repeat his answer?

Mr. TEAGUE of Texas. It is the understanding of this gentleman that it is not a grant of additional power to the administrator. It limits his authority to transfer. He does need some transfer authority of funds, or some authority to transfer funds from one program to another.

Mr. GROSS. Then it is a grant of power?

Mr. TEAGUE of Texas. He has had it all the time.

Mr. GROSS. That does not make it acceptable.

Mr. TEAGUE of Texas. His transfer request comes to Congress for approval or disapproval. We do have some say over it and we have the power to disapprove it if we wish to do so.

Mr. GROSS. With regard to the concessions, what does this mean and where are the concessions to be installed or authorized?

Mr. TEAGUE of Texas. Mr. Chairman, the two gentlemen from Florida, of course, can give better answers than I can, but this visitors' center has been kind of a project of mine and is the one place this Federal Government is making money, in this visitors' center at Cape Kennedy.

They have a touring program there. There is a contractor with buses to take people to the centers. The center there is the minimum of what one could expect as a visitors' center. This permits them to use the money. It does not cost money from the Treasury. It takes money they make from the concession and allows them to improve the convenience of the center there.

Mr. GROSS. Does this mean that the Members of Congress who go down there pay a fee to enjoy these concessions, or whatever they are? I do not know the nature of them.

Mr. TEAGUE of Texas. If a Member of Congress or anybody else in the United States goes down there and goes to the visitors' center and expects to get on one of those buses with a tour guide and tour it, he will pay for it.

Mr. GROSS. I thank the gentleman. That is the first time I knew Members of Congress were likely to pay for concessions anywhere when on a junket.

Mr. TEAGUE of Texas. There is not any question.

Mr. GROSS. So when they go down for a launching they have to pay their way; is that correct,

Mr. TEAGUE of Texas. There is not any question that if any Member of Congress should want to go to one of the space centers and tour it he would not have to pay for it. If he goes down there and goes to the visitors' center and the normal channels, he would pay for it.

Mr. GROSS. Is there a concession to be set up over in the proposed visitors' center here, or is this just a rumor?

Mr. TEAGUE of Texas. It is already set up. This is just a case of disposing of the money being handled. As I remember it, last year there was some $600,000, or more than that. Probably the gentlemen from Florida, Mr. FREY or Mr. FUQUA, could answer better than I can.

Mr. GROSS. If they are doing so well in this department, why the $3 billion?

Mr. TEAGUE of Texas. I do not know what $3 billion the gentleman is talking about.

Mr. GROSS. I am talking about the $3 billion that is proposed to be authorized in this bill.

Mr. TEAGUE of Texas. If we are to have a space program, we have to pay for it. I believe we have a good space program. We have a successful space program. It is one of the things around the world we get credit for and get some praise for.

Mr. GROSS. I do not know about that, but I do know we are in bad financial shape in this country. I had hoped the committee would cut this bill down to about $2 billion or even $1.5 billion. This business ought to be phased out and halted until we can get on our financial feet in this country. We are looking trouble right square in the face and for the life of me I do not understand why we should authorize still another $3 billion for the "Moondoggle" and assorted other projects that are not essential to the welfare of all our citizens.

Unless this bill is cut, and, drastically, I have no choice but to vote against it for I will not be a party to bankrupting the Nation.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise in opposition to this bill, because I cannot in good conscience remain silent.

We are told that we need to spend $3 billion in this Nation for our space program, but in the same breath we are told that there is not enough money in this country for us to finance a public water and sewer program.

In my own congressional district, 65 percent of the homes do not have public water and sewer systems. There are areas in my congressional district where the drinking water has been condemned. Yet we are told there is not enough money for these kinds of programs.

Indeed, we are told there is not enough money to fund a highway safety program in this Nation, yet 56,000 Americans were killed last year on the highways, and there is overwhelming evidence that half of those lives could have been saved if we were willing to spend the money to have a comprehensive highway safety program.

We are told that there is not enough money. So I say there is something wrong with our value system in this country. There is something wrong when we are asked to spend $3 billion in outer space and told we do not have enough money for these vital programs at home.

There is something wrong when we are more willing to put a man in outer space than to put him in a modern bathroom.

I say we should oppose this bill, because we have our value system all mixed up.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to the gentleman from Florida.

Mr. FREY. I should like to point out to the gentleman, concerning one of the statements he made, that as a result of the work NASA has done we have been able to save lives on the highway. As a matter of fact, in the report, on page 684——

Mr. SHUSTER. Is the gentleman suggesting that the cost effectiveness ratio of $1 spent by NASA for safety is more effective than that same $1 spent for highway safety?

Mr. FREY. Mr. Chairman, I was trying to point out, if the gentleman will let me finish and since he yielded to me, that there are many areas where the space program does provide help right here on Earth.

The California Highway Department found that roads built through the research by NASA saved 93 percent of fatal accidents and thus saved many lives. It is one small project with little dollars expended—and only an example of what has been accomplished.

Mr. SHUSTER. Mr. Chairman, will the gentleman from Florida (Mr. FREY) answer one question for me?

Mr. FREY. Surely.

Mr. SHUSTER. Does the gentleman assert that $1 spent on the NASA program is more effective in saving lives than $1 spent on the highway safety program?

Does the gentleman assert that or does he not?

Mr. FREY. In this specific case, yes. The facts are clear.

Mr. SHUSTER. Then I say that I must disagree with the gentleman, and I believe that anybody with an open mind would find himself in disagreement with that kind of an assertion.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I would be happy to yield to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I appreciate the gentleman yielding to me.

I note that he made one error—and again I would not want to embarrass him—when he said $3 million was being spent on this program.

How much is spent on the good Earth, and how does that affect our balance of payments in relation to trips to the Moon and our programs in space?

Mr. SHUSTER. Mr. Chairman, the money is spent on programs that are aimed to outer space research.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. Mr. Chairman, I rise in support of H.R. 7528, and I rise to pay tribute to the great men and women of the aerospace industry of Long Island, N.Y., for the work that they have accomplished on behalf of our Nation.

I want to remind my colleagues at the very start that it was the team of Grumman Aviation experts, in Mission Control in Houston and on an open phone line from their Bethpage, L.I., headquarters, that brought the Apollo 13 astronauts back safely from the moon using the capabilities of the faultless Grumman-built lunar excursion module when the Apollo service module suffered an explosion.

The Space Shuttle will provide nearly 700 jobs and $53 million Federal dollars to Long Island. The project is important, however, not just to Long Island, not just to the space program as a whole, and certainly not just to considerations of national pride. It is rather an indication of how the United States is going to manage our economy in the post-Vietnam peacetime era.

Our challenge today is to reach full employment without a major war effort. We have many worthwhile social programs, but I believe it is far better to direct the Federal effort toward encouraging jobs in private industry and keeping presently employed people at work contributing to society at the highest level of their ability, rather than living a nonproductive and meaningless existence on the dole.

Also, where does the money for social programs come from—the money needed to assist those who cannot work or who cannot find jobs? This money does not grow on trees; it comes from taxes, mostly corporate taxes and income taxes from people who are working.

The Apollo program for example, just about paid for itself through taxes from prime contractors, subcontractors, and individual employees. It has been estimated that Federal dollars spent on major programs multiply 4 to 5 times as they spread through the economy. The money is spent and respent, then taxed and retaxed.

The Shuttle represents a whole new concept in space spending. As the name implies, the vehicles will be reusable. The Shuttle can be returned to Earth intact, flown home like a regular airplane and then sent up again on a new mission. The money is not burned up in the atmosphere on the way home.

If we had a Space Shuttle on hand today, we would probably be having an easier time with the problem Skylab is presently experiencing. With its expanded cargo space, the Shuttle could have been sent up on short notice with a full load of repair parts and tools. Perhaps even more importantly, its potential for space rescue is limitless.

Mr. Chairman, Long Island's two major aerospace companies, Grumman and Fairchild Republic, as well as subcontractors such as Sperry, Airborne Instruments, and Fairchild Camera, have made a unique contribution to our security and well-being for over 40 years.

I can state categorically that we would not have won World War II without Grumman Aviation. Its F–4F Wildcat and F–6F Hellcat were the Navy carrier planes that carried us to victory in the Pacific. The Royal Navy used the Martlet model of these planes in the Atlantic theater of operations. In Korea the Grumman Panther series were our basic carrier fighters as well. The current F–14 is the finest Navy plane ever built, so good in fact that when Grumman had financial difficulties, the Navy insisted that production continue.

Navy test pilot Butch Voris, founder of the Blue Angels and later with Grumman, reminded me today that the Navy's precision flying team used Grumman aircraft exclusively for the first 23 years of its existence, ending up with the high-performance F–11F Tiger.

In the space program, in addition to the LEM, Grumman built two orbiting astronomical laboratories to study outer stellar space, the birth of stars, and indeed the very origins of the universe. The contract called for a 90-day guarantee. The first OAO went up 4 years ago and was only recently shut down. The second, now 2 years old, is still providing our scientists with meaningful data. This country is getting more than its money's worth when it deals with Grumman and its employees.

Nor is Grumman adverse to risking its own capital to further our country's goals. It constructed its space building at a cost of some $2 million on pure speculation, before it received the LEM contract, so it was able to go into operation immediately. It would not have received a penny of Federal funds for the building if the contract had not been signed.

In addition to Grumman, which will build the wing for the Space Shuttle, Fairchild Republic Co. of Farmingdale, L.I., will build the vertical tail. Republic has also made an unusually fine contribution to our Nation.

Back in the 1930's, when it was called Seversky Aircraft, it built the P–35 for the Army Air Corps as well as other high-performance aircraft. In World War II, Republic's P–47 Thunderbolt was the workhorse for the air corps in both Europe and the Pacific. They provided us with the amazing number of 15,300 of these fine planes. In Korea it was the F–84 Thunderstreak jet and in Vietnam the F–105 which made such important contributions to our effort. Now we have the A–10, which will provide low-cost close air support for the Air Force and probably the Marine Corps and our foreign allies as well.

Republic is also a major subcontractor for other aircraft. It provides the aft fuselage for the F–4 and both the aft fuselage and the vertical tail for the F–14.

Fairchild Republic has already done much for the space program. It provided booster components, tooling, and research for the Saturn rocket. In Project Fire it built a test vehicle for the development of Apollo design concepts. When the Air Force had to cancel its manned orbital laboratory long after the project was underway, Fairchild Republic lost $1 million of its $3 million investment.

In the current Skylab program, Fairchild Republic is responsible for a major portion of the primary medical experiments, those dealing with waste collection and management, so important in the confined environment of a space ship. I am told that these experiments will still be carried out despite the present physical difficulties with the Skylab.

Mr. Chairman, Fairchild Republic now employs about 2,000 workers instead of the 32,000 it had in the mid-1950's. Grumman has had to drop 10,000 in the last 2 years. These workers have made the finest high quality contribution to America's defense and space programs that this country has ever known. Let us not sell them, the Long Island economy, and the economy of the entire Nation down the drain and put more willing workers on welfare.

I urge all of my colleagues to vote in favor of the bill before us today with the Space Shuttle program intact.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, the importance of our national space program has never been greater than it is today. We have done our homework in space—now we must have the determination—the will—to capitalize on the achievements of Mercury, Gemini, and Apollo, as well as our highly successful weather communications and scientific satellite programs. Without the new technology generated by a healthy and aggressive space program our well-being materially and intellectually can, and, I believe, will deteriorate. Consider the current Skylab, for example. With all the difficulties encountered it appears that there is a reasonable opportunity to recover and perform essentially all of the planned mission. Only a few years ago this would have been impossible. Two ingredients important to future space effort are essential: First, the ability of man to intervene and the ability of man to make multiple visits to the spacecraft. What could have been a complete failure will now likely be a success because of intervention and multiple visits. These key ingredients are only available in a limited sense with Skylab, but with the development of the Space Shuttle, will become routine and low cost. Skylab's problems and their solution are a limited but significant demonstration of the importance of the space shuttle low-cost transportation system development.

Skylab represents the beginning of a new space era—we have explored, and to a limited extent, utilized space—now we are entering a period of unparalleled space utilization into mankind's direct benefit. Skylab reinforces our scientific exploration through solar studies and other onboard scientific investigations. At the same time a detailed Earth resources survey will take place contributing to solution of problems in agriculture, geology, water management, regional planning, atmospheric conditions, and many other areas. While this is being done detailed study of the effects of long duration flights on man and the systems which he uses will be accomplished.

Skylab can be thought of as a bridge between our first venturing into space and learning the value of its utilization and the coming era of space commerce. On Skylab 16 experiments are devoted to material processing which includes melting, brazing, and forming metals as well as other experiments designed to define these processes and materials which can be derived from a "zero G" and high vacuum environment. There are 178 investigative tasks in earth resources onboard Skylab. Principal investigators both domestic and international are already over the 140 mark, demonstrating the importance of earth resource surveys to nations throughout the world.

Skylab looks outward at the Sun and stars, inward at the problems and material wealth of the Earth while demonstrating the utility of near space. While solving the difficult technical problems encountered on launch it should not be forgotten that Skylab is a bridge important to our Nation's technological future which in turn is an essential ingredient to our future national well-being.

Included in the bill now before this body is $500 million for the first real major increment of the Space Shuttle, the Nation's first reusable space transportation system.

The NASA request for the 1974 increment of the Space Shuttle system was $475 million, $85 million less than previously planned for the forthcoming fiscal year. During the committee's review of the authorization request, $25 million was added to the request to increase program effort in the critical area of avionics for the Shuttle orbiter and to slightly accelerate the contractor manpower buildup in the design and development areas particularly in the subcontract elements recently awarded for the development of the wing, tail, mid-fuselage, and the orbiting maneuvering system pods. As a result of fiscal constraints, the program has already slipped 9 months, and this modest addition should tend to offset some of the potential increased costs that could result from the slippage in programed target dates.

The Shuttle program is absolutely essential to maintaining, for the United States, a continuously advancing technology. In establishing the Space Shuttle as a national goal in January 1972, the President stated:

> It will go a long way towards delivering the rich benefits of practical space utilization and the valuable spinoffs from space efforts . . . because the space shuttle will give us routine access to space by sharply reducing costs in dollars and preparation time.

The estimated cost of developing the Shuttle is $5.15 billion based upon 1971 dollar evaluation. The Shuttle program will: replace all but the smaller launch vehicle systems; reduce launch and payload costs by recovery and reuse of systems placed in orbit; continue nationwide involvement in the space program; create jobs involving more than 750,000 man-years of effort during this decade; increase the gross national product by $12 billion; result in Federal tax receipts of $2.6 billion—one-half of the initial investment; enhance international cooperation in space; and increase sale of services and space hardware to other nations.

Today's boosters, manned spacecraft, and automated satellites are not reusable and, once expended, a replacement booster and the spacecraft must be manufactured at a great expense. The Space Shuttle will replace all, but the smallest U.S. space vehicles; that is, the scout launch vehicle. It will significantly reduce the cost of space operations, because it will combine the advantages of airplanes and spacecraft, and will fly repeatedly to space and back to Earth.

While many of us have traditionally subdivided space operations into categories such as science, applications, military, et cetera, it is possible to consider space activity as consisting of two major elements, the pioneering element and the operational element. Columbus' voyage to America was pioneering. Pan Am's operations across the Atlantic are operational. In similar pioneering fashion Explorer I showed that we could place a system in orbit. Intelsat IV is an operational system. How does the Shuttle impact this situation? In today's operations both the pioneering and operational systems share a common attribute, they are expended—destroyed—when they are used.

Launch vehicles plunge back into the atmosphere and burn up. Spacecraft—with comparatively few exceptions; for example, the manned entry vehicles—stay in orbit unattended until they die, which may be several years after launch or several minutes. Then they drift around the sky as pieces of space hunk, a hazard to our future navigation of the spaceways. Even Columbus managed to get two of his three ships back to base, but we operate in a mode equivalent to Pan Am solemnly setting fire to each 747 after each Atlantic crossing.

The Shuttle introduces the obvious missing ingredient to space activity; namely, reuse. Reuse of launch vehicles—made possible by the basic design of the launch vehicle, the Space Shuttle itself. Reuse of spacecraft—made possible by the ability of the Space Shuttle to haul payloads from orbit to Earth with even greater facility than from Earth to orbit.

The fundamental differences between pioneering and operations is that the pioneering effort is a short term single expedition into the unknown, the operational activity extends over a relatively long period of time and deals with the known. While the Shuttle offers benefits to both forms of activity it may well offer its major advantages to the operational mission.

The estimated cost per flight for the shuttle is $10,500,000 in 1971 dollars while a Saturn 1-B launch is considerably more expensive.

In addition, because of the multiple payload carrying capability of the Shuttle, the Shuttle costs will be apportioned to the user in accordance with the particular services provided to each user on the mission.

The cost of payloads and their characteristics have by far the greatest influence on the overall cost of the space transportation system. We have been forced to develop longer life satellites through design sophistication and redundancy. But satellites can be less expensive if resupply in orbit, maintenance, recovery, and reuse were practical. That is exactly what the Shuttle will do.

For less transportation cost, it will place, service, and retrieve, where profitable, automated satellites, and because it will do this with a reusable orbiter with a large cargo space, the satellites themselves can be built for a lower price. This is where the Shuttle's greatest economic benefit lies.

The Shuttle is not just a continuation of the manned space flight program as we have known it in the past. Manned space flight has matured to the point where many users now become involved in the space transportation system so that the cost of space operations of all kinds can be reduced.

In one typical mission model, 73 percent of the payloads planned for the Shuttle are unmanned automated satellites. Twenty-seven percent will utilize the skills and services of attending scientists, engineers, and technicians. Millions of dollars will be saved by using satellite equipment over and over again. and by using low-cost standard components that can be replaced when they wear out.

The Shuttle will be utilized by many Government agencies and commercial interests. The Department of Defense will use the Shuttle and provide and operate a west coast facility at Vandenberg Air Force Base. They have indicated that they plan to use the Shuttle for essentially all their missions when it becomes operationally available. Present forecasts provided by the Air Force indicate a spacecraft flight rate of about 20 per year during the decade of the 1980's.

I think one of the greatest economical advantages of developing a reusable space transportation system will be realized in the reduction in the cost of developing payloads. For example, an analysis of developing the synchronous equatorial orbiter revealed that if flown on an expendable launch vehicle, and building in all of the redundant systems required for an unattended system, the cost would be $209 million. Using the low-cost design approach, the SEO program flown on the Shuttle would be $125 million, a saving of 40 percent.

The overall cost savings in missions for the period 1980 through 1991 as reflected in the current mission model studies are very attractive. The present predicted requirements for this period indicate that the missions that should be flown to meet scientific and technological objectives for this period total 1,031. This could be accomplished on 779 shuttle flights and include sortie lab missions in which no payloads are placed in orbit from the shuttle; revisits to previously placed satellites; recovered, returned to earth satellites for refurbishment; and missions to place satellites in orbit.

Were these missions flown on currently available launch vehicles and with the required redundancy built into the satellite system, the cost would be on the order of $66.2 billion. Using the shuttle concept the cost would be $50.2 billion, or a savings of $16 billion over the 12-year period. This assumes, of course, that the presently envisioned program of required missions prevail.

If permitted to proceed along this line, space will become available to a greatly expanded number of users for the simple reason that the risk of sending a payload into orbit will be no greater than shipping a cargo by air, truck or rail; and the cost will become more reasonable as the preparations for going into orbit approach those of commercial shipping. The major impact of the shuttle and the total space transportation system is expected to be in the cost of the payloads. The extensive reliability provisions and proof-testing required in today's satellites is the major reason for their high cost. As these restrictions are relaxed, the preparation time and cost will taper off and traffic will increase. Not only will the shuttle carry its load and return to Earth like a tractor trailer, but the payloads themselves can be brought back to be repaired or modernized as necessary. Nor does reusability stop there. The theme of reusability will be continued into the other elements of the space transportation system, such as the tug, as resources become available for their development.

The space program has been trimmed to the bone, to concentrate resources for the development of the reusable shuttle development. The time is opportune; the technology is at hand to direct the space program away from its missile-oriented origins and to adopt the economical operational techniques developed by the airline industry in the competitive commercial marketplace.

The present budget is, therefore, greatly constrained in order to make this capability achievable in today's financial environment. The plan is not, however, without its drawbacks. Great as the promise is, the plan unfortunately places the Nation into an extended period of austerity with respect to other manned space flight activity. There is an absolute gap of men in space from the windup of the Skylab missions until shuttle hardware reaches readiness for the first shuttle orbital flights. This period lasts over 4 years according to current planning. Any change in available funding could compress or extend the gap to some degree. In my opinion this places this Nation in a position of precarious preeminence in world space leadership.

The present administration, in my opinion, has pointed us in the right direction, and in providing the kind of leadership that we require, by sponsoring and placing the weight of the Presidency behind our next venture into space, the space shuttle.

I see our country, and we as its representatives, faced with a dilemma. But sometimes a dilemma is a good thing, because it tends to simplify the thought process. And, as a matter of fact, my own thoughts have been so simplified. We—all of us—are faced with a choice, and unless we decide to do nothing at all, then we must make a selection of one thing or another. Here—and I do not mean to oversimplify—we have a choice of going forward or of stopping dead in our tracks, which in the case of space exploration—or any technological development program—is the same as going backwards, because our stopping means that we are going to be left behind.

Americans are leaders by instinct. We have never in this country aimed at or been satisfied by being second, being almost as good as someone else. And our instinct in the direction of leadership has been an admirable one, in my opinion. Our instinct for leadership has equally been an instinct not just for the good of our own people but for the good of all people on this Earth. We actually want the quality of life on this Earth to be improved for everybody. Quite naturally we seek this improvement for our own people first, because that is our responsibility. But underlying this feeling is the belief, always I think a correct one, that if we improve ourselves then we improve those who must inhabit this world with us.

But can we be sure that this feeling is shared by all the nations of the Earth? Can we be sure that the conquest of space if won by someone other than ourselves, will be for the benefit of all mankind, or might the conquest by someone else lead to an end quite different from that to which our instinct drives us? I do not know the answer, but I do know that I do not want to take the chance.

Perhaps the day will come when all nations of the Earth will be joined as partners in the space effort, perhaps driven to partnership by the sheer necessity of our common life on Earth. Perhaps that will come about, but it is not with us today.

We have indeed extended mankind's horizon, from Earth into outer space. We have taken one giant step. It is time for the second one, and the distance of this second stride will be measured by the support that all of us here in the Congress give to the Space Shuttle program.

There is another aspect I would like to mention concerning space research and technology. This matter came to the attention of the Manned Space Flight Subcommittee during our tour of shuttle contractor facilities. It is a study program undertaken by industry, without Federal funds, as a move to partially solve the energy crisis facing our Nation.

During scheduled hearings at Rockwell International, the prime contractor for the shuttle orbiter development, we learned that that company had done extensive preliminary study work on a satellite system designed to receive energy developed in primary powerplants on Earth, converted to microwave frequencies, transmitted to a synchronous orbit satellite and then beamed to earth in microwave form and then reconverted to usable energy.

The Shuttle is, of national value because of what it makes possible, not because of what it is.

One of the options the Shuttle offers us in the relatively near future is the contribution to the energy crisis as we have it now, and to some long-range solutions in this respect.

An important part of the energy crisis is the transfer of energy, not just the availability of primary energy sources. We have no shortage of primary energy on this planet considering both fossil and nonfossil resources. But to move the energy from source to load center effectively is often a key problem.

If the technique of transferring energy were developed by microwave beam instead of just shipping it or conducting it in transmission lines, then the entire picture of our energy crisis changes. There will be a large number of aspects and benefits involved in this.

In the space transmission system the primary power would still be generated on Earth. A primary electric powerplant which uses nuclear, fossil, solar, geothermal energy, any energy source that generates electricity, and converts the electricity through amplifier tubes to microwave energy. Transmitter antennas shape the energy to a beam which then is focused onto a reflector satellite where it is reflected, beamed back into the receiver area where you have an electromagnetic powerplant which reconverts the beam to electricity from where it is then redistributed in the conventional manner on a regional basis.

Such a system would uncouple power generation from consumption. This is very important, because at the present time we can apply electrical power transmission only over limited distances, not over thousands of kilometers—certainly not in a very cost effective manner. The system would make it possible to utilize a suitable energy source anywhere, let us say the California geothermal sources or the Arizona-New Mexico deserts and beam power into Florida or into Kansas, into New York, or to South America. Practically all these other system features are an outgrowth of this basic characteristic. It permits the establishment of our integrated nuclear facility where power generation, fuel processing and storage of the dangerous plutonium 239, as well as waste burial are combined in one individual facility; no shipping of the material over public highways. The facility would be removed from populated or ecologically sensitive areas.

By the same token, the freedom of using energy sources anywhere encourages the use of national deserts for solar power generation. There are large energy reserves in the southern and southwestern States with an enormous amount of solar radiation energy. But to get it and use it thousands of miles away is a problem. It also facilitates the use of geothermal and other primary sources almost independent of location.

From a global point of view the same criteria apply. There are the high burdened areas and up North there are vast regions where actually heat waste producing powerplants, such as nuclear powerplants, should preferably be located; or where oil facilities could be utilized directly on the spot here, in Alaska, or in any other part of the country without the need to pipe it or ship it to locations in a high burdened area where it must be burned, adding to the regions already significant ecological burden.

So, in principle, then, we could use our Alaskan oil on location, if we wanted to, rather than go through all the agony of piping and shipping—and I realize that for this particular case the situation is a little late. But, in principle, if we had other discoveries of a similar type, rather than piping and shipping it, we could transmit it into satellite complexes. We could use nuclear powerplants, our desert areas, our geothermal sources, and not only meet our own energy requirements over large distances, but also export it, and provide much needed power to developing countries.

Electricity is an extremely useful form of energy for developing countries.

I sincerely hope that our immediate future funding prospects will permit Federal appropriations to be applied to this worthwhile extension of energy development and transmission as a step toward solving the energy crisis that we face.

Further, the implementation of systems of this nature represent an ideal application of the Space Shuttle system.

There is one further point I would like to make in closing and that has to do with the personnel still working for the space program. Although their numbers will have dwindled from a peak work force of roughly 410,000 in fiscal year 1965 to a new low of 126,000 personnel by end fiscal year 1974, this tremendously competent team of scientists, engineers, technicians, clerks, and laborers, both civil service and contract employees, still continue to put forth their best efforts for the space program. Despite drastic cutbacks in funding, which have caused major reductions-in-force and prospects of further reductions, this truly outstanding team continues to function superbly. Surprisingly, in my visits to NASA field installations and contractors' plants I have found that although the morale of the work force has been affected by the cutbacks, there is absolutely no evidence of sloppy workmanship or "who cares" attitudes on the part of employees. This is a wonderful tribute to the professionalism of the space team and I think they are to be commended for their diligence.

Mr. Chairman, the bill before us is an austere measure in comparison to previous years and one that will set the pattern for the future technological progress of the United States. I urge its passage as presented by the Committee on Science and Astronautics.

Mr. TEAGUE of Texas. Mr. Chairman, I do have further requests for time.

At this time, I yield such time as she may consume to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I would like to direct a couple of questions to the chairman of the subcommittee, Mr. FUQUA, which might clarify some of this discussion.

I notice in reading the report, and as indeed I recall our discussion of this issue on the floor in the last session of Congress on the appropriation, that the Space Shuttle is planned to be used for military purposes.

I am interested in the discussion of costs, because although there may be an overall decrease as between this authorization and the one last year, we do have a very substantial increase in the Space Shuttle this year, from $200 million to roughly $600 million. I would like to know how much of that $600 million Space Shuttle allocation will be used for military purposes.

Mr. TEAGUE of Texas. Of course, in a major program such as the Shuttle, costs will increase as you go into developing hardware and what-not.

Ms. ABZUG. I am well aware of that. I know ultimately it will be costing the American people upward of $20 billion. I want to know how much of it is intended to be allocated for military purposes, and whether it really belongs in a manned space program designed to help the environment and to carry on biological research and improvement of man's and woman's place on this Earth.

Mr. TEAGUE of Texas. At the moment it is my understanding a number of scientific experiments in Skylab are military experiments, but it is my opinion there is no one on Earth who can tell you the division of money between what the military might gain. Nearly everything we learn in the civilian space program contributes in some way to the military. In the communications satellite and the weather satellite programs, there is no question that they have been of untold benefit to the military. As other things develop there is no question as far as defense is concerned that there will be a contribution. It seems to me it follows that our experiments in space will eventually produce results in the military arena. We must be qualified at least to participate in it if there is such a need. I do not think that any human being can separate the costs today as between military and civilian activities.

Ms. ABZUG. You know, Mr. Chairman, you and I may differ as to what the value might be of experiments in space. I have made my position clear in the past before your committee and this House, and I can understand unmanned space activities of a nonmilitary character, in order to find out how we can improve life on Earth, but I am not certain that we want to get involved in the kind of conflagration in space that we have had—and that we are having such great difficulty in getting out of—on Earth.

I object to not getting any clarification as to how much of this is really intended to be a commitment to a new form of military program that will possibly result not in an upward but rather a downward direction for mankind.

If we are going to be committing a great proportion of this project to military use, perhaps it is in the wrong budget. The Department of Defense budget is the only budget in this country that has not been slashed but is indeed being increased. Perhaps if it is clearly stated by this committee how much will be committed to the military, then we might move it to a more appropriate place and evaluate it in the proper context.

Mr. TEAGUE of Texas. I can say very truthfully to the gentlewoman that there is not one penny in that Space Shuttle program that is committed to the military. There is no question but our military and civilian people cooperate in the form of knowledge and information, but as far as money is concerned, there is not one penny in that budget committed to the military in any way, form, or fashion.

Ms. ABZUG. I do not know what your present recollection is, Mr. Chairman, of this, but as I recall our last debate in 1972 the opinion given or the statement made in the "Mathematica" report on the Space Shuttle system was that one-quarter of its use would be military. Do you have any figures with respect to what percentage of the Space Shuttle program would be military in character as against civilian in character?

Mr. TEAGUE of Texas. I do not know where that one-quarter business comes from, but do you know the charter of NASA and its law creating NASA specified that it will not be military and that it will be committed to peace and to civilian life? Where that one-fourth came from I do not know.

Ms. ABZUG. It was the Mathematica report that was presented in the hearings last year before the committee which estimated that one-fourth of its use would be military in character. Air Force Secretary Seamans testified at the same time and said it could accommodate both DOD and NASA, and I believe the gentleman from Texas (Mr. TEAGUE) in writing about it in the April 1972 issue of "Aerospace" said that "the Shuttle is being designed with careful attention to the special requirements of the military services."

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I might point out that approximately 30 percent of this expenditure is wrapped up in the military, and the other 70 percent is in NASA.

Ms. ABZUG. If the gentleman from Texas will yield further, in other words, what we are being asked to approve in the authorization before us for the Space Shuttle is the sum of $600 million of which 30 percent—or nearly $200 million—would be for military purposes.

Mr. BELL. If the gentleman will yield further, $500 million is authorized.

Ms. ABZUG. I know that there is a figure of $500 million that is used.

Mr. BELL. If the gentlewoman will permit me to continue——

Ms. ABZUG. I would prefer to complete my answer before the gentleman continues.

The CHAIRMAN. The Chair will state that the gentleman from Texas (Mr. TEAGUE) has control of the time.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I would prefer to let the gentlewoman from New York finish, and I will continue to yield to the gentlewoman.

Ms. ABZUG. I thank the gentleman for yielding me the additional time.

Mr. Chairman, as I read the bill I see that there is an authorization of some $500 million for construction of the Shuttle itself, and then for various Space Shuttle facilities in various parts of the country, an additional $67,200,000. So I simply use the rough figures of $600 million.

Mr. BELL. Mr. Chairman, if the gentleman will yield, I do believe that we should recall one point, and that is that we should look at the Space Shuttle program as a step toward space travel so that rather than discarding millions and millions of dollars worth of vehicles that we now dispose of in the atmosphere on the way up, under the Space Shuttle program we reuse vehicles.

In addition to that, there is another point that we should remember, and that is the fact that we will have millions of dollars invested in orbiting vehicles, and through the Space Shuttle program those vehicles can be repaired rather than discarded, as they are now, and thus not lose more and more millions of dollars. I think that that is a very important part and parcel of the Space Shuttle program, which makes it very worth while.

Ms. ABZUG. If the gentleman from Texas will yield further, I find it a very interesting point, and a point that has been stated over and over again, that we can save money through the Space Shuttle program, but in addition to that we have more serious problems. One of the problems, it seems to me, is that we are now not even clear as to how long a duration in space it is possible for human beings to endure. Our longest manned experience thus far has been 14 days. The Skylab is intended to bring that to 28 days, but we do not know now what the results of the Skylab program will be. Therefore it seems premature to embark at this time on a Space Shuttle project that will eventually cost many billions of dollars—and that is even now to be authorized at $600 million—that would permit man to stay in space for maybe 30 days or more at a time, when we do not know whether that is viable. And, all this comes at a time when we desperately need the use of that money here at home.

Mr. TEAGUE of Texas. Mr. Chairman, I would inquire if the gentleman from Michigan (Mr. CONYERS) is seeking time?

Mr. CONYERS. Mr. Chairman, I would like time.

Mr. TEAGUE of Texas. How much time would the gentleman from Michigan desire?

Mr. CONYERS. Mr. Chairman, I would desire as much time as I will consume.

The CHAIRMAN. The Chair will state that the gentleman from Texas has 3 minutes remaining.

Mr. TEAGUE of Texas. The Chairman has stated that I have 3 minutes remaining. I would hope that we could finish the debate before 3 o'clock, when we are to recess.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time. It is very generous of the gentleman.

Mr. Chairman and members of the Committee, I must point out to the Members that in the First District of Michigan, and in the city of Detroit, we have an unemployment rate of 8 percent. The young people are unemployed to the extent of 33 percent so far, and school has not as yet let out. We have libraries that are being closed, that are going to be short $1 million in Federal funds. We have no health maintenance organizations. The Detroit Board of Education runs a deficit of $40 million annually. Our drug abuse programs are in disarray. I want to ask where is our sense of priorities in this Congress? I am in favor of Florida and Texas, I suppose, getting their share of beneficial projects, but when we have these programs that deal with the dismantling of OEO, programs for the poor, where are those who support some $3½ billion being spent through the Congress at record rate so we can quit at 3 o'clock? I cannot support this legislation. If you represented the First District of Michigan, or any other major city, you might have some problem squaring the lack of "prioritizing" that goes on in the Congress.

In addition, Mr. Chairman, the question has been raised before about the NASA tracking station in South Africa where there exists one of the most vicious racist apartheid situations in the world. Can anybody throw any light on that in the few minutes that we have remaining on this committee?

Mr. Chairman, I was asking a question about the tracking station of NASA in South Africa. Can the gentleman give us any information on the apartheid practices that have been a thorn in the side of not only NASA but also of a growing number of Members of Congress and our citizenry at large?

Mr. TEAGUE of Texas. Before NASA was ever created, our Government entered into a contract with the Government of South Africa under something called a Council for——

Mr. CONYERS. CSIR.

Mr. TEAGUE of Texas. CSIR. And that contract is for 15 years. It will be up in 2 years. I offered to make a trip down there with the gentleman from New York (Mr. RANGEL). I do not approve of their actions, but in our contract we agreed with them that if they would furnish the personnel, we would furnish the equipment. As I understand, that is the way it is.

Mr. CONYERS. What about the apartheid situation? That is what I want to find out about.

Mr. TEAGUE of Texas. Someone here has the exact figures on the number of whites.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEAGUE of Texas. The Chair would be glad to discuss this with the gentleman from Michigan when we have some time.

Mr. CONYERS. When we have some time? After this bill is passed?

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, listening to the remarks of some of the Members of the House on this bill, it seems to me we are putting the emphasis on the more esoteric—perhaps "dramatic" is a better word—aspects of the space program to the derogation of the balance of the purpose of this legislation. I would remind the Members that the name of this bill and the name of this agency is the National Aeronautics and Space Agency; $180 million of direct domestic aeronautic research is included in and will be authorized by this proposal. The United States is and has been historically the leader in the development, construction and international sale of aircraft for commercial transportation purposes, an activity that represented benefits in the U.S. balance-of-trade deficits last year of well in excess of $3.4 billion. Included in this bill are questions of airport congestion and safety, and if I were a Member from a metropolitan area of this Nation, I would be concerned with and supporting the retrofit program for the JT-3D engines. I would be concerned about the other noise abatement proposals that are included in the aeronautical portions of this bill. I would be concerned about the two-stage instrument-approach procedures in this Nation and for the research on this subject that is included in the bill and the wake turbulence effect research efforts, a phenomenon that killed a Member of this House and over 100 others in a crash in the Chicago area last year.

I would suggest to the Members that a midair collision will certainly ruin their lunch hour, so let us think about that when we consider this legislation.

Airport congestion, air traffic safety, noise abatement from aircraft movements, and basic and applied aeronautics research is a fundamental portion of NASA activities.

I urge my colleagues to support this legislation as reported by the committee.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in support of H.R. 7528. I agree with the distinguished chairman of the Subcommittee on Aeronautics and Space Technology, Mr. HECHLER of West Virginia, that we have examined this budget request very carefully. It is neither lightly nor casually that we recommend the small increases described in our report and in the chairman's statement. Today I would add my views on one of the specific increases in aeronautical research and development.

We as a nation are getting ourselves into future trouble by continuing to cut back or terminate vital aviation programs. The quiet, experimental STOL aircraft—or QUESTOL as it is known—is one such program.

The QUESTOL experimental airplane program is of crucial importance to the future of the U.S. aerospace industry. It was reviewed and approved by Congress last year. Fiscal year 1973 funds were authorized and appropriated and later impounded by OMB. Finally, this year, the program was terminated. The need for this aeronautical research continues, however, and the timing of it becomes more critical. Technology developed through QUESTOL flight testing will make significant contributions to the solution of at least three major problems now facing this country.

This year's NASA-OMB action in terminating the QUESTOL program can only work against our national interest by causing delays in the availability of a quiet, short-haul transportation system. Such a delay raises the distinct possibility that foreign aircraft could be purchased to meet the very evident U.S. need for this type of aircraft.

Foreign aerospace competition is threatening to seriously challenge the U.S. industry that is now making a positive contribution to the balance of trade. For the first time in 93 years, the U.S. surplus in international trade turned into a deficit in 1968 and the balance of payments has continued to worsen since then. In the early "jet-age" years, 1960 through 1966, the aerospace net contribution averaged approximately $1.5 billion per year. From 1966 this has increased by 22 percent per year through 1971 to a high of $3.8 billion. During the same period the U.S. total trade balance declined to a deficit of $2.1 billion. The results for 1972 are even more startling. While the aerospace net trade balance declined only slightly at $3.4 billion, the total U.S. trade deficit declined to $6.4 billion. U.S. trade registered its best gains in 18 months in March, showing a deficit of only $53 million as exports hit a record figure, while imports declined. The February deficit was $476 million. Aerospace exports were a major contributor to this March record. If this favorable aerospace contribution is to continue we must address the research areas that the foreign competition seems to be concentrating on—the quiet, short-haul segment of the air transportation system. Foreign aerospace companies, with substantial Government support, have been developing new commercial transports to meet near term requirements. All of these projects are Government financed, with the backing ranging from 65 to 100 percent; the average backing is at about 80 percent. This policy by foreign governments represents a new and formidable competitive situation for the United States and indicates the magnitude of the foreign desire to break into the world market for commercial transports. A number of international consortia have been formed to develop new airplanes for the short-haul transportation market. If the U.S. airlines are to avoid importing their future short-haul air transports, the United States must develop the technology, so that U.S. manufacturers can invest their funds in the development and production of commercial aircraft.

It was interesting to me to note what some domestic air carrier personnel had to say regarding foreign competition and our balance-of-payments situation. Mr. Robert Six, president of Continental Airlines, stated:

> This program must go forward not only to eventually keep our balance of payments at an even level, but to further develop a proposed short-haul transport which is needed in this counrty.

And Edward E. Carlson, president of United Airlines, had this to say:

> At United, we believe that a strong transportation system is crucial to this Nation's economic health.

It is obvious that the demand for air transportation in the United States and around the world is continuing to grow rapidly. Predictions for future growth vary, but the upward trend is expected to continue and reach about 500 million air passengers in the United States alone by the mid-1980's. Many of our major airports have already reached their saturation points and have no room to grow. The result is congestion which jeopardizes economic growth and adds sharply to costs—from the cost to airlines of delay and increased burning of fuel while waiting to takeoff and land to the air passenger cost in wasted time and his growing impatience. QUESTOL research will provide the technology to produce a new short-haul airplane that can land and take off from shorter runways. This would provide the alternative of using existing shorter runways of airports currently used by scheduled airlines or adding new short runways in space available within the confines of the major hub airports. This would require a new short-haul system that could operate on a noninterference basis with the existing long-haul system. The experimental QUESTOL airplane program will provide techniques to introduce a routine and safe short-haul transportation system. QUESTOL research is required to build the technology base in the low-speed regime to the point at which industry can proceed with confidence in designing an economical, environmentally acceptable, short-haul airplane.

Again I would like to quote from two airline executives who must daily face congestion problems at our major airports.

Mr. Harding Lawrence, president of Braniff, painted the picture this way:

> The aviation industry in this country is facing a growing congestion problem. There is no ready solution at this time. Even with the introduction of the current series of larger aircraft, the problem continues to grow. A new short-haul air transportation system could be a reasonable answer in this area. To do this we must develop the technology required to design an efficient aircraft for such a system. It appears to me that the NASA program provides a sound basis for a competent technical investigation of all key areas needing solution. . . . I request that you and your Committee put forth all possible efforts to achieve timely funding for QUESTOL.

And Mr. Carlson, of United, put it this way:

> In the overall scheme of a strong, efficient, air transportation system, which includes transporting the traveler from the major hubs to out-lying areas, we feel that during the next decade a short take-off and landing aircraft will be a key element in improving the productivity of the small carriers—a plus for the small city customer—as well as alleviating current (congestion) pressures on such major terminals as Chicago and New York where service will suffer if means are not devised to redistribute some of the air traffic there.

Our environmental health vis-a-vis increased air transportation must also receive continuing consideration. Noise and air pollution are growing to the point where they are becoming unbearable. Increased land requirements for more runways are receiving strong public protest. QUESTOL research will address each of these adverse environmental problems. To solve the noise problem effectively, an airframe and quiet engine must be combined in a single research airplane. QUESTOL does this. It is impossible to arrive at the most economic balance between flight path techniques and engine silencing on individual bases. Detailed design guidance is required to effectively assess the tradeoffs between reduction of noise by flight path techniques and by application of acoustic treatment to the engine. QUES-

TOL flight testing will also provide vital information in the areas of runway performance, flight path control precision, touchdown dispersion, air traffic control interface requirements, terminal area navigation, new avionic requirements, and many other variables associated with a new acceptable short-haul system.

In conclusion, Mr. Speaker, the Air Force advanced medium STOL prototype program, which some say can do the job of QUESTOL, is centered around specific point design airplanes for the military requirement and correctly provides for a relatively narrow range of research. The AMST, however, does not address the very important question of noise, nor is it directed toward defining civil certification criteria, both of which are points of vital concern in the development of a civil airliner. QUESTOL is the only planned program that provides for the orderly development of technology required to support civil aviation needs. This QUESTOL research is clearly a NASA responsibility as established by the National Aeronautics and Space Act of 1958, and I hope that my colleagues will see fit to support the partial restoration of funding for it in this authorization bill before us today.

Mr. MILFORD. Mr. Chairman, I have heard statements on the floor today insisting that the money, currently being considered for authorization under this bill could be better spent on highway safety. I have listened as my colleagues have argued that more benefit would result from putting the money directly into solving the problems of the big cities. These arguments fall short, and reflect a lack of background thought and investigation.

I would like to address myself, as a scientist and aviation consultant, to these concepts.

First, I submit that we are today, right this very minute, saving more lives from the spin-off technology from seemingly unrelated NASA activities than we could hope to save by throwing this relatively meager amount of money directly into roadbuilding, highways, urban improvement, or almost any other activity.

NASA technology has developed design techniques for spacecraft that have been incorporated into automobiles in ways that would never have been conceived by the automobile industry, and our cars are safer because of NASA research.

NASA has developed testing techniques which have resulted in improved automobile tire safety. There is less tire failure because of NASA research. The automobile tire industry could never have afforded to develop these techniques. Antiskid devices designed for spacecraft stability have been applied to trucks. Here is another direct contribution to highway safety.

In my district in Texas countless lives have been saved in the city of Lewisville because of NASA research. One of those lives is one of my staff assistants who lived in Denton, Tex. His drive to and from work every day took him through Lewisville on Interstate Highway 35-E. This particular section of this highway was a major accident problem. The curve and slope of the highway caused it to be slick and highly dangerous during any kind of precipitation. NASA research, in its efforts to stop aircraft "planing" or skidding at high speeds on wet runways developed a pavement grooving technique that eased this problem. This technique was applied to the Lewisville section of I-35 and resulted in my staff member being able to control a dangerous high-speed skid rather than lose control on wet pavement. This is direct, productive, and valuable use of that often misunderstood term, "space research."

Another case: NASA-developed computer techniques—NASTRAN—is currently being used by the Ford Motor Co. in predicting the performance of steering linkages and other components of its 1973 line of light trucks.

By incorporating NASTRAN predictions into its design process, Ford's advanced analytical technology department reported a 60-percent improvement in predicting the behavior of components under stress and a time saving of two-thirds in achieving such calculations.

Design engineers predict the computer program will be particularly effective in solving design problems related to reducing high-speed vibrations and designing various suspension components. Again, Mr. Chairman, I submit that these are design concepts that would not have been available today without NASA technology. Again, we are involved in saving lives.

Additional developments in an energy absorber to be used at dangerous impact points in highways has been developed as a spinoff of space technology. The "frangible tube energy absorber" has possible commercial application in automobile bumpers, elevator shock absorbers, truck trailer support, and highway guardrails. NASA has granted to the University of Denver the exclusive rights for a 7-year period to make, use, and sell the invention for three specific uses: trailer support wheel structures, passenger automobile bumpers, and elevators.

The Department of Transportation has under consideration the use of this invention on highway guard rails. This device is an energy absorber made of hard metal alloy which is pressed against a suitably shaped die by a downward force causing the tube to shatter, and thereby absorb shock.

There are many more examples of increased transportation safety in all areas of vehicle movement, but I want to use the rest of my time to address urban problems.

NASA research has resulted in techniques that can prevent minor school disturbances from becoming major ones. An alarm system that shows a potential for keeping small school disorders from becoming big ones and a computer that keeps attendance records have been developed by the National Aeronautics and Space Administration Jet Propulsion Lab. Both are a part of NASA Office of Advance Research and Technology.

NASA technology is now assisting cities in collecting samples of air pollution which will enable the cities to work toward solutions of their air pollution problems. All of the residents of urban areas—and all Americans—depend on our farming industry for food. NASA research has developed techniques for early detection of crop damage—corn blight, for example—that will eventually aid in reducing the cost of food and will insure that we maintain an ample food supply.

Mr. Chairman, I shall conclude my remarks by saying that the spinoff of space technology covers almost every technological aspect of every day life, from the housewife cooking in a nonstick skillet to the development of a linear induction mass transit system.

Space has been our best salesman abroad. It has demonstrated our capabilities, our good will, and enhanced U.S. prestige throughout the world.

The transfer of new knowledge derived from space exploration continues both by intent and coincidence. The possibilities exceed our ability to predict them.

The manned space center in Houston is currently correlating all these various spinoff products into a meaningful useful single point. From this, they hope to work with the cities, counties, and agencies in implementing these spinoff products and concepts to reduce the problems of mankind.

Mr. Chairman, my own research has turned up a list of 40 space-developed technology advances which have a place in the life of every American. I would like to have this list placed in the RECORD.

The list follows:

1. Aircraft engine noise abatement research advances.
2. Devices used to reduce high school disorders.
3. Advances in pollution sampling.
4. Smog detection and evaluation.
5. Laser monitor of basic ocean food source—plankton.
6. Corn blight detection.
7. Ultra thin, inconspicuous light plates for homes.
8. Reliable starting systems for chain saws.
9. Spray-on life system sensors.
10. Advances in ordinary battery life.
11. Advances in surveying to determine exact property lines.
12. Infra-red optical equipment to check tire safety.
13. Structural analysis computer program which is aiding auto manufacturers in car design—architects' design of skyscrapers—analysis of bridge suspension units—assist in designing steering linkages of American autos.
14. Advances in time-measurement produce low-cost, extremely accurate digital clocks for home and industry.
15. Simple, accurate and easy-to-use device to map individual vision patterns and test eyes.
16. Devices for eye surgery that can simplify removal of cataracts of the eyes—a very common disease of older Americans.
17. Advances in wheel chair motorization and design.
18. Movies made possible of the beating heart of a cardiac patient.
19. New clothing protection aids in fireproofing children's pajamas and other types of clothing.
20. Device that sounds alarm in nurses' station when infants breathing stops.

21. Multiple advances in fire-safety in home building.

22. Compact lift station that has been adapted for sewage plant usage—advance NASA technology.

23. Solid and liquid waste disposal advances—great aid to over-burdened cities.

24. Water reclamation advances.

25. Great advances in underwater gear.

26. Energy absorber used on highway intersections to break high speed impact of dividers, etc.

27. International live TV coverage of "sports"—Olympic games.

28. Fireproof clothing for firemen.

29. Warmer "hunting" underwear.

30. Light-weight hunting rifle stocks—advances in plastics.

31. Thermal magic cooking pin—that cooks meat with no other heat source.

32. Sportsman's blanket that is light weight—keeps heat in or out depending on the need—also can be used as a tent.

33. High energy food sticks.

34. New design concepts that prevent auto tires from hydro-planing on wet pavement.

35. Crop acreage control programs—help reduce cost of food.

36. A new type of virtually indestructible pipe for home usage.

37. Units that will detect shock early in accident victims—shock that is a major killer in traumatic injury accidents.

38. Aerospace firms that are NASA related are using space technology to come up with Mass Transit Vehicles that are easily operable and non-polluting.

39. Great advances in commercial aviation safety resultant from NASA research.

40. Fire retardant paint for houses that completely fire-proofs any wood.

**Mr. FUQUA.** Mr. Chairman, for 7 out of the past 8 years the budget for the National Aeronautics and Space Administration has declined. The budget proposed for fiscal year 1974 by this committee is another year of decline. In testimony before the full committee, under the distinguished leadership of the gentleman from Texas (Mr. TEAGUE) and the Subcommittee on Manned Space Flight, NASA has stated that there was a decrease of $155.4 million from the amount NASA had requested of the Office of Management and Budget for Manned Space Flight programs for fiscal year 1974. The reason I cite these facts is to point out the continuing critical position NASA finds itself in in accomplishing its programs.

In testimony before your committee, Dr. Fletcher, Administrator of NASA, has clearly pointed out that a total budget of $3.4 billion for NASA needs to be sustained to assure a maximum gain from the programs undertaken. You will note that this budget is $300 million below that level. In the area of manned space flight alone, NASA's request falls short of $155.4 million of the request made to the Office of Management and Budget, as I have already stated.

The outstandingly successful Apollo program has been concluded, and it made major scientific and technological contributions to this Nation and to the world. It continues to benefit our Nation by providing hardware and technology that is being utilized in the Skylab program and will be utilized again in the Apollo-Soyuz test program. The flight portion of Skylab is now underway and will be concluded this year. It is expected that Skylab will recover from its current problems. A significant but slow start has been made in developing a low-cost space transportation system, the Space Shuttle. The current programs—Skylab and Space Shuttle have both had major cuts before the budget submission to the Congress. Skylab was reduced in the Office of Management and Budget review by $24.6 million, and the Space Shuttle by $85 million. Subsequent to this, following hearings and consideration by the full committee and the Subcommittee on Manned Space Flight, a further reduction was made in the Skylab program of $10 million. This reduction was made because of the successful management of that program—successful to the point where the committee felt that this reduction could be made with minimum risk to program performance. It is still expected that this will be the case even with the current problems experienced in Skylab.

An increase of $3 million was made in the area of space life sciences to assure that the technology of space suit development would be sustained to support currently authorized programs in the years ahead.

Finally, $25 million was added to the Space Shuttle program so that additional personnel could be added in the subcontractor's program at an early date to help circumvent the typical problems in advanced development programs that normally arise and add assurance of maintaining or improving the planned total cost, performance, and schedule in the Shuttle program.

The remainder of the manned space flight portion of the NASA authorization is as requested by NASA.

The committee feels that it is a minimum program, which if not adequately supported will not only decrease the benefits derived from our space efforts but will seriously erode the space technology base necessary to the well-being of all the citizens of this Nation in the years ahead.

It is significant to note that the entire manned space flight effort for fiscal year 1974 as recommended by your committee would be $174.4 million less than funds authorized in fiscal year 1973, and $107.2 million less than the operating plan being utilized by NASA for the remainder of fiscal year 1973.

I would like to second the remarks of the distinguished chairman of the Committee on Science and Astronautics by reiterating that our national well-being is closely tied to an expanding technology, and that our national space program is in the forefront of providing that technology. It is time to stop the decline in funding in our national space program because of its significant contributions to the Nation. I commend to my colleagues on both sides of the aisle the authorization recommended in this bill by your committee.

I am including in my remarks a table summarizing the actions taken by the committee in the manned space flight portion of the budget.

[In thousands of dollars]

| Budget line item | Fiscal year 1974 budget request | Subcommittee recommendation |
|---|---|---|
| Space flight operations | $555, 500 | $548, 500 |
| Skylab | (233, 800) | (223, 800) |
| Apollo/Soyuz test project | (90, 000) | (90, 000) |
| Development test and mission operations | (199, 200) | (199, 200) |
| Space life sciences | (19, 000) | (22, 000) |
| Mission systems and integration | (13, 500) | (13, 500) |
| Space Shuttle | 475, 000 | 500, 000 |
| Advanced missions | 1, 500 | 1, 500 |
| Total R. & D | 1, 032, 000 | 1, 050, 000 |
| Construction of facilities | 68, 285 | 68, 285 |
| Research and program management | 332, 468 | 332, 468 |
| Manned space flight total | 1, 432, 753 | 1, 450 753 |

Mr. Chairman, the Subcommittee on Manned Space Flight held a month of intensive hearings in Washington and in addition held hearings in the field to fully examine the manned space flight portion of the NASA budget. Testimony was taken from NASA management, industry, the Air Force, and citizens groups relative to manned space flight. You will note from the summary that the committee recommends only three changes to the NASA budget request for manned space flight for fiscal year 1974. They are:

Skylab—a reduction of $10 million;

Space life sciences—an increase of $3 million; and

Space Shuttle—an increase of $25 million.

To place these changes recommended by your committee in perspective it should be noted that:

The NASA manned space flight research and development request for fiscal year 1974 is $174.4 million less than the funds authorized for fiscal year 1973.

The NASA manned space flight research and development request for fiscal year 1974 is $107.2 million less than the operating plan for the remainder of fiscal year 1973, and

No funds are included in the fiscal year 1974 budget for Apollo which will have been concluded.

In examining the budget request submitted by NASA it is clear that this budget has been reduced to a level which severely limits NASA program opportunities. This level of effort also assumes that success will be achieved with little or no development program problems. Such a posture could easily lead to higher program costs in future years when the typical problems of space development work are encountered.

Notwithstanding these considerations, the committee felt that the need for restraint in budgeting also was essential. Therefore, the following program amounts are recommended:

### SPACE FLIGHT OPERATIONS

NASA requested $555,500,000 for space flight operations in fiscal year 1974. Of the five areas within this line item, your committee made two changes as follows:

### SKYLAB

On May 14, 1973 Skylab was launched with three visits planned during the balance of the year. The success of NASA Skylab management has given confidence to their projections of costs. Based on this confidence it appears that a reduction of $10 million in the Skylab program will not adversely affect total program cost, performance or schedule. The committee notes that this reduction reflects a "success-postured" program, but believes that past NASA performance in the Skylab justifies this confidence even with the current problems. Therefore, the committee recommends a total of $223,800,000 for Skylab for fiscal year 1974, a reduction of $10 million from the NASA request.

### SPACE LIFE SCIENCES

NASA requested $19 million for space life sciences for fiscal year 1974. In reviewing this item it was found that the industrial team which provides space suits will shortly be dispersed. There continues a need to assure that space suit requirements for the shuttle are met. Both continuity of know-how and ultimate total costs were considered by your committee. The need for both intervehicle and extravehicle suits which minimize custom sizing for each individual are called for. Improvement in hand mobility and glove "feel" will be required in suits used in shuttle operations. The committee recommends the addition of $3 million to space life sciences for continued space suit development in fiscal year 1974 bringing the total to $22 million. By this action the continuity of skills in this highly specialized area can be maintained while needed improvements in space suits are continued.

### SPACE SHUTTLE

NASA requested $475 million for the Space Shuttle in fiscal year 1974. As has been brought out in testimony before the committee, the Space Shuttle program buildup has been constrained by tight cost ceilings in fiscal year 1973. This has resulted in a slower manpower buildup in the orbiter contractor's work force and has delayed the buildup of subcontractor manpower. An increase of $25 million for the Space Shuttle program in fiscal year 1974 will provide a more effective program implementation and increased confidence in attaining the key program milestones of first horizontal flight in 1976 and the first manned orbital flight in 1978.

This additional funding would be utilized to increase the program effort in critical avionics activities in support of the first horizontal flight, and increase manpower on design and development tasks for four major subcontracts that have just been awarded. These subcontracts were for the orbiter wing, tail, mid-fuselage, and the orbital maneuvering system pods. The manpower levels for thermal protection system subcontracts to be awarded this quarter would also be increased to insure that the total program effort can build up effectively and help attain the schedule NASA has already had to slip 9 months because of severe funding restrictions in fiscal years 1973 and 1974.

In summary, the net effect of this addition of $25,000,000 to the Shuttle program should add confidence to meeting schedules and to holding total program costs at or below the current projection. Therefore, your committee recommends $500,000,000 for the Shuttle program for fiscal year 1974.

As indicated there are other areas of research and development in the manned space flight portion of the NASA authorization which merit increased funding; however, it was the judgment of your committee that in the context of fiscal responsibility that NASA manned space flight programs must accept a level of funding which does not allow for unforeseen development problems and creates a higher risk of increased total program costs.

With this in mind, the committee recommends a total of $1,050,000,000 for research and development for manned space flight in fiscal year 1974, which is $107,200,000 less than the operating plan for the remainder of fiscal year 1973.

### CONSTRUCTION OF FACILITIES

NASA has requested $68,285,000 for construction in support of manned space flight activities, excluding facility planning and design, minor construction and rehabilitation and modification work at the field centers programed as part of agencywide project proposals.

Of the $68.3 million basic construction request, $67,200,000 is proposed for nine projects directly in support of the Space Shuttle program. Eight of these projects are for the modification of existing facilities totaling $39.0 million and one is for the construction of the orbiter landing facilities at an estimated cost of $28.2 million at the Kennedy Space Center.

In general, the construction requirements for the shuttle in fiscal year 1974 consist of:

Research and development facilities—$19,490,000, for modifications to existing facilities at the White Sands Test Facility, N. Mex.; the Johnson Space Center, Clearlake, Tex.; the Mississippi Test Facility, Bay St. Louis, Miss.; and the Marshall Space Flight Center, Huntsville, Ala.

Manufacturing and final assembly facilities—$19,510,000, for modifications to existing facilities at the NASA Industrial Plant, Downey, Calif.; the Air Force Plant No. 42, Palmdale, Calif.; and the Michoud Assembly Facility in New Orleans.

Launch and landing facilities—$28,200,000, for the construction of the orbiter landing facilities at the Kennedy Space Center, Fla.

The latter project is the first new facility to be constructed in support of the Shuttle. Thus far in the program, NASA has made maximum use of existing facilities to meet the Shuttle needs in accordance with the strong position taken by the committee in this regard 3 years ago.

The one non-Shuttle-related facility included in the fiscal year 1974 request is $1,085,000 for the modification to the power system at the Slidell Computer Complex, Slidell, La., to provide redundant uninterruptible power for the operation of critical computer equipment. Annual losses due to power outages have ranged from $140,000 to $315,000. The proposed modification will minimize losses of this nature.

The committee has reviewed the fiscal year 1974 construction request in detail, not only on the basis of testimony received, but through staff conferences and onsite analyses in the field. All construction in support of the Space Shuttle is time-sensitive to the development effort and must be started in fiscal year 1974 to meet the program milestones. The one non-Shuttle-related project is badly needed to reduce computer downtime and eliminate unnecessary operating costs.

The committee recommends that the fiscal year 1974 construction request of $68,285,000 in support of manned space flight activities be approved.

### RESEARCH AND PROGRAM MANAGEMENT

The fiscal year 1974 request for research and program management for manned space flight activities totals $332,468,000 or 47 percent of the total NASA request. These funds are required to provide the civil service manpower necessary for inhouse research, planning, management and support of the ongoing research and development effort, as well as the costs of operating, maintaining and supporting the three manned space flight field centers and their satellite installations.

Included in the amount under consideration is the estimated costs of salaries, maintenance and operating expense for the Kennedy Space Center—including support for the NASA element at the Western Test Range—$90.4 million; the Johnson Space Center—including the White Sands Test Facility—$109.2 million; the Marshall Space Flight Center—including the Mississippi Test Facility, the Michoud Assembly Facility, and the Slidell Computer Complex—$132.9 million.

This year's request is $20 million less than funded for fiscal year 1972 and $4.2 million less than included in the current fiscal year 1973 budget operating plan for manned space flight.

Personnel compensation and benefits constitute 74.2 percent of the fiscal year 1974 Research and Program Management request for manned space flight. In this connection it should be noted that the civil service strength at the manned space flight centers will be further reduced by 825 permanent positions during fiscal year 1974. This will result in a strength of 10,525 personnel at the end of fiscal year 1974, a reduction of 2,080 personnel, or 16.5 percent since fiscal year 1971.

With regard to the personnel situation at the manned space flight centers, the committee continues to be concerned with the declining input of young engineers and scientists into the space program. Although the scientific and engineering element of the workforce remains relatively stable at about 52 percent at the three field centers, the average age of the scientist and engineer continues to increase about one year per year, indicating that efforts to attract younger professionals have not been adequate.

The combination of a declining space budget, an unbroken series of annual reductions-in-force in recent years, conducted under regulations which penalize less senior personnel, and employment restrictions curtailing recruitment, has depleted the junior professional ranks. According to testimony received, the latest college recruiting figures on a NASA-wide basis show that from a peak input of 965 which occurred in 1966, recruitment fell to 56 in fiscal year 1972 and rose only to 118 for the first half of fiscal year 1973.

The committee has adopted a strong position in again urging NASA to take more positive action toward building up the junior professional work force throughout the agency.

The committee has reviewed each of the functional categories of expense included in the manned space flight research and program management request, not only in testimony, but through onsite analyses at the field centers. Authorization being requested for fiscal year 1974 is less than that enacted in fiscal year 1973, not only for personnel compensation and benefits, but also for the other accounts—travel, facilities services, technical services and administrative support.

The committee considers that the manned space flight research and program management program for fiscal year 1974 is austere and recommends approval of the $332,468,000 requested for these purposes.

### SUMMARY

In summary the committee has made adjustments in the manned space flight portion of the fiscal year 1974 request, and recommends that the committee approve for authorization a total of $1,450,753,000 consisting of: $1,050,000,000 for research and development; $68,285,000 for construction of facilities; and $332,468,000 for research and program management.

Mr. HECHLER of West Virginia. It is really great to have our distinguished chairman (Mr. TEAGUE of Texas) here on the floor after leaving the hospital in order to handle this bill. Through "Tiger's" leadership, the Committee on Science and Astronautics has rigorously examined the budget request. The Subcommittee on Aeronautics and Space Development which I have the honor to chair, voted an increase of $34,500,000 for a total of $715,066,000, as compared with the budget request of $680,560,000 in our area. This does not include $25,000,000 of fiscal year 1973 funds which were impounded in the aeronautical R. & D. area and held for application during fiscal year 1974.

The continuing decline in NASA's total budget from its high point in 1965 has led to drastic cutbacks and terminations. Some of these actions have seriously impaired and disrupted efforts to solve problems which have been identified as critical by the Congress, Government agencies, and individual citizens.

### PRIOR YEAR BUDGETS

The fiscal year 1974 NASA total request of $3.016 billion must be compared with the amounts appropriated in previous years.

| Fiscal year: | |
|---|---|
| 1973 | $3.407 |
| 1972 | 3.310 |
| 1971 | 3.312 |
| 1970 | 3.749 |

A high of $5.250 billion was appropriated for fiscal year 1965.

Industry employment on NASA programs topped out at 376,000 in June 1965 and will have declined to 103,380 by June 1973. There is a comparable decline of NASA employees: 33,200 in June 1965 to 26,850 by June 1973. The decrease in employment—NASA and industry—amounts to 279,670 people, or 68.3 percent since June 1965.

The committee strongly believes that the fiscal year 1971 and 1972 levels of about $3.3 billion should have been the "bottom out" point in NASA's budget decline. Going below that amount has led to the termination or cutback of numerous programs important to solving such major national problems as these:

Alleviating aircraft noise;

Maintaining our competitive position in aerospace exports;

Achieving a low cost space transportation capability on an optimum schedule;

Reducing airport congestion and increasing aviation safety; and

Expanding our applications capability in space—earth resources, communications, navigation, and so forth.

### AIRCRAFT NOISE

Every Member of the House knows that air traffic congestion in terminal areas has led to potentially unsafe flying conditions, long irritating delays for travelers, and higher costs for all concerned. For millions of citizens, sleepless nights and day after day of pounding aircraft noise have become a dreadful way of life. Solutions to these problems cannot be postponed to some indefinite future. The time must be now.

During the debate last year on the NASA authorization, I described how our committee had held extensive hearings on the results of a 2½-year joint study by the Department of Transportation and NASA—commonly called the CARD study.

A major conclusion of that study was that aircraft noise is the No. 1 problem in civil aviation. Two other major problems pinpointed in the study were terminal congestion and the lack of a short haul air transportation system.

In its September 1972 comprehensive report, "Civil Aviation Research and Development: Policies, Programs and Problems," the committee agreed with the CARD conclusions on noise abatement, congestion and safety, and short haul transportation. The committee strongly urged expedited work to solve these problems and spelled out specific steps which should be taken. Let me tell you about these problems and describe what has happened.

First, there is the aircraft noise problem for which an increase of $14 million is recommended in this budget request. After the 1973 NASA budget was authorized and appropriated, the Office of Management and Budget decided that it knew better than the Congress about the aircraft noise problem. NASA had requested $9 million for a new noise program for fiscal year 1973, but Congress authorized and appropriated $30 million to insure more rapid action to quiet the engines of the current narrow-body jets—DC–8, 707, 737, DC–9 and 727—with what is called a new quiet front fan. However, OMB and NASA reduced the program for fiscal year 1973 to $21 million. On top of that, OMB withheld $15.4 million and released only $5.6 million to NASA.

In January of this year, OMB released the remaining $15.4 million but limited the program in such a way as to force NASA to choose between the JT–3D engine—DC–8 and 707—and the JT–8D—727, 737, DC–9. NASA picked the JT–8D powered aircraft because there are more of them, they take off and land more frequently and are expected to be around longer. But this decision left the most noisy aircraft—the four-engined DC–8 and 707—free to hammer at our ears for the next 10 or 15 years.

One other modification is being investigated: the FAA has expanded on some earlier NASA research which is based on putting sound absorbing materials inside the covers of the engines. Tests show that this method provides some relief but not nearly to the extent of the new front fan approach.

Based on testimony taken during the hearings and extensive discussion, the committee determined that the JT–3D modification is technically feasible and a substantial number of 4-engine jet aircraft would be flying well into the 1980's. Therefore, it was concluded that to achieve substantial aircraft noise reductions, reinstatement of the JT–3D part of the program was warranted from technological and fleet-life points of view.

### FLIGHT TESTING

In the initial submission of the fiscal year 1974 budget request, the JT–8D program allowed only for ground testing of the three aircraft involved. Questioning of a DOT witness led the committee to the conclusion that the FAA would not undertake a rulemaking process unless flight testing was conducted. NASA has also recognized this major defect in their program and began working with Boeing and Douglas in an effort to devise a program which incorporates flight testing but stays within the $40 million program ceiling. The Congress should insist upon the adoption of a program which would quickly acquire the data necessary for the FAA to take rulemaking action. Such a program necessarily involves flight testing at the earliest possible date and prompt action thereafter by the FAA.

The committee voted to amend the NASA request so that the increase of $14 million is reserved for the JT–3D refan retrofit; additionally, the committee voted to reserve $18 million currently in the fiscal year 1974 NASA budget request for the JT–8D for use only on that program.

### QUESTOL

An increase of $20 million in aeronautical R. & D. is recommended to reinstate the quiet experimental short take-off and landing—Questol—program. To help solve the terminal area congestion and safety problems, the CARD study recommended, and the committee agreed, that work should proceed on a new short haul air transportation system. As part of this work, the Questol program was approved by the Congress in the fiscal year 1972 budget. Its purpose was to develop two experimental flight vehicles to be used to produce flight validated quiet-propulsive-lift technology. Subsequently it was cut to one vehicle to lower program costs. The data resulting from the program was to be used as a foundation for design and certification criteria, noise regulation, life-concept selection, and terminal area operation.

The fiscal year 1973 program amount approved by the Congress was $27,500,000; however, except for $500,000, the funds were impounded by the OMB. In November 1973, NASA was permitted to select a contractor, Lockheed-Georgia. Preliminary design work was accomplished with the $500,000. In January 1973, the program was terminated and NASA was given instructions to work out a cooperative arrangement with the Air Force on the Advanced Medium STOL Transport—AMST. The essential difference between the two programs is that Questol was specifically planned with a great deal of inherent research flexibility directed toward the commercial market, whereas the AMST prototypes to be produced by Boeing and Douglas are specific point designs providing for a relatively narrow range of research and development directly related to a military requirement.

The important role that QUESTOL was to play in laying the groundwork for a quiet short-haul air transportation system is the basic reason for the committee's decision to reinstate the program. It was concluded that relying on the military prototypes would substantially limit the usefulness of research data and drastically delay availability of information necessary to permit the United States to achieve a competitive position in the quiet short haul field of aviation.

Aside from the foreign competitive aspects of this field which are severe, there are urgent domestic reasons to proceed with this technology. As noted earlier, reducing aircraft noise and congestion are important objectives in aviation. Closely related to the problem of congestion around air terminals is the subject of safety and midair collision: a transportation system based on QUESTOL and other related work should reduce congestion and provide for safer operations.

### AVIATION SAFETY

While safety considerations are related to the QUESTOL program, the committee believes that aviation safety must be singled out for continuing attention by the Congress and all parties concerned—public and private. While noting that NASA's role in safety has been greatly diminished and that the major part of the Federal Government's responsibilities in aviation safety rest within the FAA, the committee urges NASA to seek out every possible way to insure that its capabilities are used in solving aviation safety problems. The year 1972 saw a disturbing rise in the number of scheduled carrier accidents and passenger fatalities.

### NUCLEAR RESEARCH

An increase of $10 million from $1 million to $11 million is recommended for advanced nuclear power and propulsion research. The committee does not agree with NASA's and the AEC's abandonment of nearly the entire field of nuclear power and propulsion for space. The increase voted by the committee is designed to permit the retention of a relatively small nucleus of work with emphasis on various areas of advanced technology. Another objective inherent in the committee's action is to emphasize the transfer of appropriate results acquired from the nearly $1,500,000,000 spent on nuclear power and propulsion during the past decade or so.

There are important potential benefits of broad concern to the Nation. Work has been accomplished in the past which potentially can be related to solution for our serious energy problems. Among potential applications are these:

One. Central power station topping cycle power units;

Two. Oceanographic nuclear power supplies;

Three. Compact mobile power generators for electric trains, buses, trucks, autos;

Four. Utility peak load power generators—standby power systems; and

Five. Apartment building total energy powerplants.

In later years the work could definitely be applied to uses in space and would greatly reduce the prospect of "lost R. & D." which will result from the currently planned termination.

The $10 million would be generally allocated to four research areas in the following priority:

First. Thermionics: numerous terrestrial payoffs, space power, and electric propulsion;

Second. Gas core reactors: new sources of extremely high energy for the future;

Third. High temperature gas cooled reactors: evaluate for process heat—coal gasification, hydrogen generation, iron ore reduction, et cetera; and

Fourth. Medium power nuclear electric: maintain technology base for potential applications: NASA, commercial, DOD—electric power source in the 2–20 kilowatt range.

There is no other place in the Federal Government or industry where much of this research is being done. Complete abandonment of the work, which is relatively small, is very difficult to understand—even in the present budget climate. For example, it is nearly certain that any sensible energy research program undertaken by this Nation would involve a significant part of this continued program.

### TRACKING NETWORK

A decrease of $10 million from $250 to $240 million is recommended for tracking and data acquisition. The reduction in tracking and data acquisition is primarily an action by the Committee to offset partially, some of the high priority increases discussed above. The decrease is not related to any specific component of the tracking and data acquisition program; however, a preliminary review suggests that declining utilization of the manned space flight network in coming years calls for very close scrunity of the expenditures in this area. Of particular concern is the level of contractor staffing at a number of stations.

Because of the drastically changed nature of the workload planned for the tracking and data acquisition networks during the next 5 or 6 years, a thorough and detailed review of the tracking and data acquisition program is necessary beyond that which has been carried during the authorization hearings this year.

### TECHNOLOGY UTILIZATION

An increase of $500,000 from $4 million to $4,500,000 is recommended for technology utilization. For many years the committee has strongly supported this program. This position has been taken because of a firm belief in the basic principle behind the technology utilization program; scientific, technological and management knowledge acquired with public funds should be made available to the public sector for its benefit as quickly and efficiently as possible.

The $500,000 increase would be used for the following purposes: $225,000 for new technology dissemination to industry and State and local governments through Regional Dissemination Centers; and $245,000 for technology applications in supporting public sector requirements in health care, environmental control, transportation and public safety.

Mr. Chairman, members of the subcommittee of both sides struggled with the problem of increasing funds in the inflation-prone economy we now live in. Individually and collectively we weighed the issues and concluded that measures to attack the problems of aircraft noise, safety, congestion, and technology transfer are urgent. The payoffs from the relatively modest increase of $34.5 million will be large.

More quietness near airports for millions of citizens.

Less air congestion and safer, more economical operations.

Greater use of technology produced in Government-funded programs in solving civil problems.

I urge your support of the bill before you today as a commitment to solving the problems which I have described for you.

**Mr. FLOWERS.** Mr. Chairman, I rise in support of the bill H.R. 7528, the fiscal year 1974 NASA authorization bill.

We have before us an annual authorization bill put together under very constrained budgetary conditions. The request for space included in the President's budget this year totaled $3,016,000,000. This represents the lowest request for the national space effort submitted to the Congress since fiscal year 1962.

During the budgetary review process, the NASA total requirements for fiscal year 1974 was reduced from a firm balanced program of $3,540,400,000 by the Office of Management and Budget to the slightly over $3 billion budget submitted to the Congress.

Further limitations on expenditures for the current fiscal year 1973 were imposed upon NASA by the Office of Management and Budget by the withholding of $345.5 million of the $3.4 billion appropriated by the Congress last year.

These stringent budget limitations for fiscal years 1973 and 1974 have forced the cancellation of the NERVA program in which over a billion dollars has been invested; the suspension of efforts on the high energy astronomy observatory program; the delay of the second Earth resources technology satellite for 2 years; a delay of 1 year on the TIROS N meteorological satellite; the phasing out of NASA's work in experimental communications satellites; and the cancellation of the follow-on advanced technology satellite. With the exception of the NERVA program, all of these cancellations or deferrals are in the space applications program in which space technology is directly applied to the benefit of man.

In addition to the curtailment of these research and development efforts, budgetary restraints will cause a further reduction of 1,880 positions in the NASA civil service complement and the closing of the Plum Brook Station in Ohio. These personnel reductions will lower the NASA strength to 24,970 personnel by the end of fiscal year 1974, which is the lowest strength since June 1962. Coupled with this will be further reductions in contractor employment on NASA programs. The number of personnel working on NASA contracts is estimated to reach a new low of slightly over 100,000 personnel by the end of fiscal year 1974, the lowest rate of contract employment on space activities since June 1961.

These continuing drastic cutbacks in personnel are having a serious impact on local communities throughout the country. For example, at the Marshall Space Flight Center located in Huntsville, Ala., a reduction-in-force of 650 civil service personnel will be required during fiscal year 1974 as a result of fiscal constraints representing a cut of over 10 percent in the work force. This, coupled with a reduction of 1,088 in contract service support employees, will cause undue economic hardships on the local community. This is only one community affected by the cutbacks in the space effort. When you add to this the impacts in hundreds of other communities throughout the Nation it is readily discernible that the national economy will experience further downturns, a trend which must be halted!

The Congress was informed 2 years ago that the NASA budget had leveled out at about $3.3 billion. Last year the Congress approved the President's request of $3.4 billion, encompassing a program which, according to testimony, was planned and configured so as not to require any increases in future NASA budgets above the $3.4 billion level, except as necessary to meet the effects of inflation. This stabilization of the annual level of effort was well received by most of us who are associated with annual space legislation, since pertubations in space spending cause increased costs in meeting program objectives and create obstacles in managing dynamic research programs of this nature. The reduction in planned fiscal year 1974 expenditures create further perturbations which in the final analysis will eventually cost the taxpayer more to accomplish the same missions, which could be avoided if a stabilized space expenditure level could be achieved.

The Committee on Science and Astronautics had added $57.5 million or 1.9 percent to the President's request for fiscal year 1974, a very modest increase under the circumstances. This increase will give added emphasis to the Space Shuttle, applications, aeronautics, and space benefits programs, and represents a small step forward toward maintaining a stabilized and progressive annual space effort. More could be done, but this would be extremely difficult under the present budgetary environment. We are convinced that this is the best solution within present constraints.

There are many more things that could be done making use of residual Apollo hardware. There exists in inventory at the present time $400 million in Apollo hardware which is presently uncommitted. Another $560 million in Apollo hardware is committed as backup for the Skylab and Apollo/Soyuz test projects. This represents almost a billion dollars worth of hardware already paid for which could be put to use if fiscal restraints were eased to permit the scheduling of missions within a stabilized ceiling of space spending.

Missions such as polar earth surveys could bring spectacular results of perhaps immediate and significant benefits to all the peoples of the world. A second Skylab could be flown to augment the crippled Skylab A now in orbit, thereby realizing all of the benefits originally envisioned from the program. Such a mission could be accomplished as an international cooperative effort, possibly as a joint venture with the Soviet Union.

These, and many more rewarding missions could be flown that would be of direct benefit to mankind if fiscal restraints were lifted. I sincerely hope the administration recognizes the serious effects on the national economy that are being caused by the cutbacks in space spending and that some remedial action will be taken to stabilize the level of effort in the near future.

I strongly endorse the Space Shuttle effort, and while I advocate increased expenditures that would permit the use of uncommitted Apollo hardware for other missions, I do not think these missions should be programed at the expense of the Shuttle. A stabilized program of $3.4 million would permit this Nation to realize a better return on our investment made to date by using existing and already paid-for space hardware.

Mr. Chairman, finally, I recognize that in the allocation of funds to support the multitude of Federal agencies and programs each year, hard decisions must be made based upon an overall consideration of national priorities and needs. And on this basis, there are some who have urged further sharp reductions in the Nation's space effort. But, when we consider the very real benefits of NASA's program—in advancing scientific knowledge, in exploration, in the practical applications of aeronautics and space, and perhaps most importantly in meeting the need for the United States to have a continuously advancing technology—and when we consider that the NASA portion of the overall Federal budget for fiscal year 1974 amounts to less than 1.2 percent, down from 4.3 percent in 1965, a factor of more than three—I am firmly convinced that our national space program more than justifies its present place in any objective ranking of national priorities.

I heartily recommend that H.R. 7528 now before this body to authorize $3,073,500,000 for the National Aeronautic and Space Administration be passed.

Mr. COTTER. Mr. Chairman, I rise in strong and unequivocal support of H.R. 7528, the NASA Authorization Act. This is a very good bill and the product of intensive work by members of the House Science and Astronautics Committee.

I would be remiss if I did not mention the excellent leadership of our chairman, the distinguished gentleman from Texas (Mr. TEAGUE), and the other subcommittee chairmen I have been privileged to work with, the distinguished gentleman from Georgia (Mr. DAVIS) and the distinguished gentleman from West Virginia (Mr. HECKLER).

This bill represents a reduction of $33 million from the administration's total budget request and I believe is a prudent budget for both space exploration and needed research and development.

I will not go into a detailed breakdown of this budget since this has been amply described by other members of the committee. However, I want to describe one program that I believe has exceptional merit.

At a time when the American people are properly concerned about the environmental impact of various means of transportation, it is understandable that one of their major concerns is airplane engine noise. It was this concern in 1972 that prompted the Subcommittee on Aeronautics and Space Technology to fight for a refan retrofit program that would significantly lower the noise level of engines on existing jet aircraft. Then the Congress, in 1972, approved this initiative and the 3-year refan retrofit program was funded for $130 million.

This program, as originally approved by Congress, would have allocated enough money to provide for the complete research and development of noise suppression equipment to retrofit both the JT–8D engines that are on the 727's, 737's, and DC–9's, and the JT–3D engines that are on the DC–8's and 707's.

Unfortunately, congressional intent was violated by OMB and NASA, and in January of 1973 they decided unilaterally to cancel the JT–3D program.

During questioning in the subcommittee, I, together with my distinguished colleague from New York (Mr. WYDLER), ascertained two important facts. First, the JT–3D engine, which is on the DC–8's and 707's, will still be flying in large numbers during the 1980's and, therefore, will contribute to noise pollution over our urban areas.

Second, we discerned a hesitancy in NASA to go ahead with this program in spite of renewed and continuing congressional interest and support. I, therefore, offered an amendment to specifically authorize both the retrofit programs for the JT–8D and JT–3D engines. The cost of this program is $14 million for this year for the JT–3D and $18 million for the JT–8D. The total price tag is still around the $130 million that we authorized last year and the cost for the JT–3D is $33 million according to NASA.

There is another important factor to keep in mind. This is one of the few programs that require the return of U.S. R. & D. money when they go into full production. Therefore, it is highly probable that this investment by NASA will be recouped when the manufacturer begins full scale production of the refan retrofit kits.

Another important feature of the refan program as opposed to nacelles or other acoustically treated engines is that refan programs do not cut down on engine performance and are effective in suppressing jet takeoff roar—a leading source of noise pollution.

I urge my colleagues to support H.R. 7528.

Mr. **SYMINGTON.** Mr. Chairman, I rise in support of H.R. 7528, the NASA authorization bill for fiscal year 1974.

The bill before us today reflects still another decline in the budget of the space agency—for the 7th year in a row. Frankly, Mr. Chairman, it is hard to understand why the space program should have become the whipping boy during the Nation's current economic distress. The space program has been extraordinarily successful. Furthermore, there seems to be general agreement that the space program represents an important part of this Nation's investment in the future—an investment in research and development oriented toward civil needs, rather than military objectives. Finally, the technology generated by the space effort has already proven its usefulness to modern society in many ways.

Yet, in spite of the successes of the past 15 years, and the demonstrable value of space technology to improving the quality of our lives, the Nation's investment in space continues to decline.

Most distressing to me as the chairman of the Subcommittee on Space Science and Applications is the fact that the space applications program has been cut approximately 20 percent this year, the largest reduction by far in any portion of the NASA budget.

The reduction in space applications is unwise in my view, and it is clearly contradictory to NASA's stated public policy announced in December 1971 when a separate Office of Applications was established with a new Associate Administrator at its head.

This major reorganization within NASA was designed to give greater emphasis to space applications in the future, according to Dr. James Fletcher, the Administrator of NASA.

This reorganization and the new emphasis on applications occurred after several years of urging by many Members of Congress, notably my distinguished predecessors as chairmen of the Subcommittee on Space Science and Applications, the gentleman from Minnesota (Mr. KARTH) and the gentleman from Virginia (Mr. DOWNING).

Mr. Chairman, if ever there was a program that had already proved its value to mankind and one which holds out even greater promise for the future, it is the space applications program. I am referring, of course, to those satellite systems which provide communications services, meteorological observations, earth resources surveys, navigation and air traffic control data, among other things. These systems already provide services and information worth hundreds of millions of dollars annually; and the future is even brighter.

Let me make a few remarks about communications. In the short time since the beginning of the space effort, a mere 15 years ago, research and development conducted by NASA has led to the establishment of a profitable private enterprise—Comsat—which now makes available modern, dependable, low-cost communications around the globe, including places that were virtually inaccessible prior to the advent of satellite systems. A novelty just a few years ago, the satellite is now an integral part of the international communications system. People everywhere have come to depend upon communications satellites for high-quality intercontinental voice, television, and data transmissions.

It is especially noteworthy that the relatively small investment by NASA in communications research and development during the last decade has established the United States as the undisputed leader among the nations of the world in this important new technology.

While advances in space communications technology have been truly astonishing, much remains to be done. It is now reasonable to predict the development of such things as direct broadcast satellites which may someday revolutionize our educational system. Other areas of interest include: development of laser communications, higher gain antennas, higher power transmitters—the list of possible advances is very long indeed.

Yet, despite the successes of the past and the challenging work that remains for the future, NASA has notified the Congress that a decision was taken recently to phase out virtually all communications research and development beginning this year. To many of us, this decision seems incredible.

NASA's explanation is that private enterprise is so well established in the space communications business that future research and development can be left to the private sector. Certainly, private enterprise should be encouraged to take on as much of the research and development in communications as possible. No doubt there will be substantial research and development performed in the laboratories of Comsat and the other great American communications companies.

We are told, however, that their efforts will be directed primarily toward refining and upgrading existing technology. Research that looks farther into the future, and which seems unlikely to generate earnings in the relatively short term is unlikely to be undertaken by private industry.

After all, the managers of companies like Comsat must answer to private investors for the work done in their laboratories, and the resources devoted to such work. Their shareholders have a right to expect a reasonable return on their investment in the foreseeable future, and the managers therefore tend to direct their research efforts into ventures that are likely to be economically viable in 5 years or less. Everyone accepts this premise of our free enterprise system.

But we, as a society, also have an obligation to invest in the long range future. In point of fact, the United States has a long history of using public resources for research and development in such fields as aeronautics, atomic energy, and many other areas once considered exotic. As a result of such investments in the past, a number of vigorous and profitable industries have come into being during recent decades. The United States leads all other nations, for example, in the production of aircraft and aircraft engines. America's computer industry is unchallenged in the world market. The United States also leads the world in the peaceful use of atomic energy.

Just as we have invested, as a Nation, in the advance of various technologies in the past, I believe we should continue to make appropriate investments in research that will lead to the next generation of communications satellites, and even beyond. Accordingly, our committee has urged NASA to reconsider its decision to withdraw from communications R. & D.

Another element in the space applications program that fared rather badly during preparation of the NASA budget for the next fiscal year was the Earth Resources Technology Satellite—ERTS—project.

The first ERTS satellite was launched last July, and although it has experienced problems with tape recorders and one of the major experiments, it has been a great success. A few weeks ago, I attended a symposium during which the results of ERTS–1 were discussed. More than 100 papers were submitted by the experimenters involved in the program, and some 600 scientists from the United States and several foreign countries were present. The enthusiasm among the participants was quite contagious.

The usefulness of the ERTS data has been amply demonstrated. Moreover, much of the information from ERTS would be more costly and more difficult—in some cases impossible—to obtain in any other way.

This remarkable satellite produces photo-like images of the Earth's surface 100 miles on a side in various bands in the spectrum.

The satellite circles the globe 14 times a day, taking pictures of the same area—every area—on Earth every 18 days, at the same sun angle. The potential for detecting changes in our natural resources is obvious. It is important to know, for example, where and to what extent a river has overrun its banks in a flood situation, and after the waters recede, what has happened to the surrounding land area. Only repetitive coverage can give us this information. ERTS–1 has provided this information in connection with the recent flooding of the Mississippi River. Perhaps some of my colleagues have seen the "before and after" ERTS pictures of the Mississippi River flood.

Over 300 scientists are examining ERTS data under contract to NASA. They are required to report their findings and conclusions, and abstracts of their reports are published weekly by the National Technical Information Service of the Department of Commerce. They have indicated that Federal, State and local agencies are acquiring truly significant information useful to land-use planners, geologists, hydrologists, and managers in many other fields.

Recently the second tape recorder aboard ERTS–1 failed, and the spacecraft is now limping along, providing data only in real time over North America.

The second ERTS satellite was originally scheduled for launch in November of this year, as a back-up to ERTS–1. In presenting the fiscal year 1974 budget to Congress, however, NASA officials informed us that ERTS–B had been rescheduled for launch in 1976 due to budget constraints. This action was taken in order to save a tiny fraction of the cost of the mission during the next fiscal year. They admitted, of course, that the delay would increase the total cost of the project substantially.

Should NASA persist in the long delay until 1976 for the launch of ERTS–B, a lengthy hiatus in the acquisition of this important data seems assured.

Our committee has acted to prevent this from happening. We have made clear our intention that ERTS–B should be prepared for launch at the earliest practicable time, and the bill before us today authorizes an additional $7 million for that purpose.

Mr. Chairman, the space applications budget for fiscal year 1974 is the lowest it has been in several years. NASA requested authorization for only $147 million, compared to almost $195 million last year. The result is that a proposed experimental navigation satellite called ATS–C–2 was disapproved; the next generation meteorological satellite called TIROS–N will be delayed for at least 1 year; a communications satellite called ATS–G, on which more than $13 million has already been spent has been canceled. In short, that part of the NASA program which has the greatest economic impact on our society, and which is most widely understood and supported by the American public and the Congress is being shortchanged.

Before concluding my remarks, I want to mention the other major division within NASA over which the Subcommittee on Space Science and Applications has jurisdiction—the Office of Space Science.

NASA requested a total of $553 million for the Space Science program. In an effort to remain within the budget proposed by the administration, the committee reduced this amount by $7 million in order to provide additional funding for the ERTS–B project, mentioned earlier.

The Space Science program utilizes sounding rockets, satellites and probes to make observations above the Earth's atmosphere.

Since our protective atmosphere absorbs most of the radiations that reach the vicinity of the Earth from the sun and other celestial bodies, it is essential to place instruments above the atmosphere in order to measure and observe phenomena which hold the secrets to the fundamental laws and principles of nature.

Solar observatories study the Sun in an effort to understand how this controlled nuclear fusion reactor operates. Scientists believe that understanding the dynamics of the Sun may some day lead to a method for controlling nuclear fusion here on Earth. When that day comes, mankind will have available an unlimited and virtually pollution-free energy source. That day may be far into the future, but a vigorous solar physics program may help to hasten its coming.

In addition, solar energy impinging upon the Earth's atmosphere and surface causes the wind circulation patterns which move major weather systems around the globe. It follows that a better understanding of the Sun's dynamics will contribute to a better understanding of the Earth's weather and climate.

Astronomy, one of the oldest sciences, has also commanded a large effort in the Space Science program. Recently there have been discoveries of phenomena in the universe which have been given such esoteric names as quasars, pulsars, black holes, neutron stars, and supernovas. Our understanding of these phenomena is very limited at the present time and our scientists are eager to place instruments in orbit above the atmosphere which will measure and observe the high energy radiations emanating from these astronomical curiosities. We are told that science may be on the verge of a golden age of discovery which will lead to man's understanding of the origin and evolution of the universe.

Finally, I would like to speak briefly about the Planetary Exploration program. By launching spacecraft to the vicinity of the other bodies which make up our solar system scientists have been able to make more detailed observations of the planets.

I hardly need to remind anyone of the remarkably successful Mariner 9 mission to Mars which was completed some months ago. As a result of that mission, most of the surface of Mars has been mapped, new data has been received regarding the Martian atmosphere and topography, and sites have been selected for the next mission to Mars, the Viking soft-landing mission in 1976.

In conclusion, Mr. Chairman, I want to urge all my colleagues to support the NASA authorization bill for fiscal year 1974. As I have already indicated, I would prefer to have a more vigorous space effort, and I regret the continued decline in the NASA budget. I am especially unhappy about the drastic reduction in the applications program, and I am sure that I express the views of my colleagues on the Subcommittee on Space Science and Applications when I urge NASA to reverse the trend in this important work. I hope that the administration will achieve a better balance in next year's program. By that I mean Space Applications should receive a larger portion of the total NASA budget.

Mr. CAMP. Mr. Chairman, I rise in favor of H.R. 7528 to authorize appropriations for the National Aeronautics and Space Administration for fiscal year 1974.

I would like to preface my remarks by complimenting both our distinguished chairman and our ranking minority member for their leadership in formulating a very carefully constructed piece of legislation.

Mr. Chairman, this bill will authorize $3.074 billion for our Nation's space effort for the next fiscal year. This figure represents the lowest space budget in over a decade and as a result, imposes upon NASA a number of very critical financial constraints. I personally feel that the $58 million increase voted by the committee, as it was spread between 8 separate programs, is a very necessary step in restoring some important programs which had either been deferred or eliminated.

In my opinion, many of the programs impacted by the general cutback in space funding are absolutely vital to our continued advance in space. I cite as one example the earth resources technology satellite which has been orbiting the Earth since last July.

This amazing spacecraft is taking man's most detailed look at the world's surface as it circles the globe 14 times a day sending back an incredible amount of data on what man and nature are doing to our planet. Since the satellite was launched, ERTS has taken almost 200,000 pictures, photographing the entire United States and 75 percent of the world's land mass—including a sizable portion of the Soviet Union and China.

But what has been most impressive to me about this program is the unanimity with which scientists and space officials have extolled its value. These experts have been impressed in particular by the promising outlook for ERTS surveys of the more remote regions of our globe which represent major unknowns in terms of potential resources and use.

I also find it highly encouraging that ERTS has provided information of such immediate value—locating new nickel deposits in Western Canada and South Africa; determining the extent of forest fire damage in the southwest United States; pinpointing smoke pollution in industrial centers such as Pittsburgh, Chicago, and Minneapolis; plus determining sewage and sludge sources in the New York harbor area.

This work, of course, is just one aspect of the total effort of ERTS in such varied fields as agriculture, forestry, geology, hydrology, geography, cartography, oceanography, meteorology and environmental control. There can be no question but that space age technology, and in particular ERTS technology, will play a highly significant role in global planning.

I address myself in particular to the ERTS program as this was one among a number of vital programs which were originally recommended for postponement. The Science Committee made the very farsighted recommendation, however, in directing more money to this activity in order that the second spacecraft in the ERTS series be prepared for launch as soon as possible. This action is certainly deserving of our fullest support.

In a related action, the science committee also added $5 million to the fiscal year 1974 request in order to replace the Convair 990 earth resources research aircraft which was destroyed in a recent mid-air collision. This unique aircraft was fitted with more than $1 million worth of instrumentation for studies of astronomy, meteorology, oceanography, and a number of other basic sciences. Although the work of the aircraft very closely complemented that of the ERTS satellite, in a larger sense, the plane was an airborne test bed used in the development and application of much of NASA's remote sensing equipment. The aircraft's greatest value was as a flying laboratory for instruments and experiments scheduled to be launched in spacecraft. In fact, 90 percent of the instruments used on the highly successful Nimbus weather satellites were tested initially on the plane, and in recent months, the aircraft was used to simulate characteristics of the Space Shuttle.

Let me close by commenting briefly on two other very important space efforts—both of which are in the manned program.

In 1975, this country, in cooperation with the Soviet Union, will conduct an unprecedented joint manned space flight project, the Apollo-Soyuz Test Project—ASTP. ASTP is a radical departure from the competitive nature of all other United States and Soviet space activities with the program representing a major step toward making space a place where the community of man can work in total harmony. I am particularly pleased that a fellow native Oklahoman, Astronaut Tom Stafford, will be commanding the mission. This Nation could have picked no finer ambassador of good will.

I will comment finally on the Space Shuttle program—a concept which I personally feel represents the keystone in our fuller exploitation of space. The Shuttle is so superior to current launch vehicles that I foresee its application to almost all scientific, commercial, national security, and cooperative international space projects launched during the 1980's and beyond. With the versatility and economy of this vehicle, the United States will be able to place into space scientists and engineers, as well as most any size and shape of manned and unmanned vehicles.

Just as important, the estimates concerning cost savings continue to be highly favorable. I have made it a point of following the various studies regarding Space Shuttle economics and I remain convinced that the Shuttle offers significant flexibility, utility, and cost savings over more conventional launch techniques.

Mr. Chairman, the authorization bill now before the House is the result of a very detailed analysis of every single program proposed by NASA. Although we are imposing severe financial constraints upon NASA, I feel assured that the vigor of our space effort will be preserved.

I strongly urge approval of the committee bill without amendment.

Mr. JONES of Alabama. Mr. Chairman, the gentleman from Texas (Mr. TEAGUE) and his committee have brought to the House an authorization designed to carry forward our national space effort during the new year. I urge total support of the committee's recommendations.

Members of the committee have studied in detail the space exploration program and they are well acquainted with the potentials which could be realized in greater benefits to all the people of the country with allocation of additional resources to this vital effort. The program they recommend for fiscal year 1974 is substantially within the range provided for in the President's budget request.

Unfortunately, this reflects a continuingly smaller portion of the total Federal budget.

I am confident the balancing of the desired program with the budget limitations has been a difficult task for the knowledgeable members of the Committee on Science and Astronautics.

The committee is to be particularly commended for urging NASA to reestablish a vigorous solar physics program at the earliest practicable opportunity.

Space physics and astronomy promise to be of great significance to mankind because the Sun is the ultimate source of all energy on Earth. Understanding better how the Sun functions, an objective of several programs which have been suspended by NASA, may help scientists produce new and more pollution-free sources of energy, an urgent need now.

The committee again urges a more vigorous space applications program, a concept I endorse to the maximum. The space applications program has enormous potential economic impact and direct meaning to all the people. Understanding the value of the scientific technological dividends of the space effort is essential to the kind of public support which is necessary for the levels of investment the Nation needs to make.

The committee's recommendations merit support and approval.

Mr. DOWNING. Mr. Chairman, I rise in support of H.R. 7528, the NASA authorization bill for fiscal year 1974.

It is essential that the United States continue to support a well-balanced space program for many reasons, not the least of which is its effect upon the national economy, particularly upon our position among the trading nations of the world.

As Members of this House are all painfully aware, in recent years this country has experienced a growing balance of payments deficit, and for the first time in the 20th century, last year the United States had a trade deficit. This trend must be reversed if the health of the American economy is to be preserved.

For two decades following World War II, much of the goods sold abroad, and most of the goods sold in the United States, were produced by American industry. But in recent years many American products have found themselves at a competitive disadvantage in the world marketplace. This is especially true of what may be described as low-technology products—such things as textiles, footwear, iron, and steel.

America has retained its strong competitive position, however, in high-technology products, such as aircraft, electronics, computers, and machine tools. In point of fact, exports of those products continue to exceed imports by a substantial margin, and have helped to keep our balance-of-payments deficits within manageable bounds in recent years.

The basic reason for our continued strong position in high-technology products has been the strength of American science and technology. Our sizable investment in research and development has given our industry the ability to produce technology-intensive products more efficiently than our competitors in the world market. For example, during the past decade American aerospace products totaled $28 billion against only $3 billion imports for a net favorable trade balance of $25 billion. Therefore, in a very real sense American science and technology have proven to be essential components of our national economic strength, and have measurably contributed to the fact that our international trade has been kept within reasonable balance.

Yet, the trend is clear, and during the past few years it has become obvious that other nations are swiftly moving into position to challenge American supremacy in high-technology products, by improving the technological competence of their own industries. European aerospace consortiums can be expected to concentrate the efforts and resources of previously scattered and competitive companies, thereby putting additional pressure on the American aerospace industry.

The realities of the situation are such that the U.S. Government can no longer remain complacent about our world trading position.

Mr. Chairman, I submit that the national space program constitutes one of the most important elements in the strength of American science and technology. It represents a substantial portion of this Nation's investment in research and development, primarily in the aerospace industry—the single largest manufacturing industry in the country in spite of several lean years during which it has lost about one-third of its work force.

We must continue to look to the space program to generate those inventions, those innovations, those advances across a wide range of disciplines which will form the basis for tomorrow's industrial production and the enhanced productivity of American labor.

Mr. Chairman, the competition for world markets is getting tougher all the time, and the United States cannot afford not to invest in the future. The space program is such an investment.

Mr. BELL. Mr. Chairman, we face a crucial time in the history of our Nation's space program.

We have spent the past 15 years and billions of dollars to reach the point we are at today—the point at which we have the engineering capability in space to get real and highly valuable scientific information of vast benefit to our people here on the Earth.

It would be nothing short of foolhardy to impair the space program on the very threshold of its true usefulness.

The age of the space spectacular may have passed, but the age of making use of the values of space to aid mankind are just beginning, if this Congress has the foresight to persevere.

I would like to address my remarks to one of the most important facets of this legislation. The Space Shuttle.

The important feature of the Shuttle is that it represents the first attack on the high costs of space flight.

The essence of the Shuttle is reusability.

All launch vehicles to date have been capable of only one launch.

By creating a reusable space transportation system, the costs of any single launch will go down dramatically.

And once space flight has become more economical, it will become economically feasible to repair and maintain satellites which have malfunctioned in orbit. Instead of permitting a satellite to go unrepaired and consequently inadequately used and thus discard millions of dollars worth of valuable hardware.

The courageous but necessarily makeshift operation to be mounted shortly to save the Skylab vehicle, for example, will become a matter of routine once the Space Shuttle is established, and the savings will be enormous.

The Shuttle will enable the space program to provide benefits of immediate value to the Earth—its people and its physical environment, by providing a transportation workhorse.

The applications which come immediately to mind through such a program involve such areas as weather forecasting, communications, medicine, agriculture, and resources.

For example, the Shuttle may well help alleviate the energy crisis by being able to transport into orbit, and then repair and maintain massive solar energy collectors which would relay energy to Earth for conventional uses.

And the Shuttle will aid environmental protection by making feasible the continual use of space sensors and infrared scanners to detect and determine the source of air pollutants and oil, sewage, and thermal pollution of bodies of water.

The Science Committee has recommended a budget at a minimum level, sharply reduced from previous years to reflect proper national budgetary priorities.

However, Mr. Chairman, if America is to have any space program at all—and America must and America will—then the Space Shuttle program is the most economical way to accomplish it.

I urge that the committee bill be approved without amendment.

Mr. GUNTER. Mr. Chairman, in anticipation of the Space Shuttle being considered on the floor today, I have attended hearings, read committee reports, speeches given on the floor and to interested groups outside of the Congress, insertions in the appendix of the RECORD—just about everything that I could find. I read the pros and I read the cons.

To tell the truth it has been quite an experience because the expressions of opinion both by experts and nonexperts, and by those for the Space Shuttle and those against it, reflect in a most tangible way the hopes and aspirations as well as the fears and concerns of our Nation today.

Indeed the Space Shuttle has caused a reexamination of a large part of the spectrum of our national interests, from jobs and paychecks all the way through our environmental concerns to the very viability of this Nation from the standpoint of our ability to defend ourselves. The program in one way or another touches on a great variety of important and sensitive parts of the life of this Nation.

I have read about the great advantages that would accrue from the program to our own communications system and to the intercommunication with other nations, of the surveillance of the spread of crop disease, the exploration of our mineral reserves, the forecasting of weather, the improvements that could be made in land use; quite literally a wealth of considerations that would be affected by the existence and progress of a Space Shuttle program.

In the process have I become an expert? The answer is "No." The Space Shuttle program and the great diversity of elements that make it up, along with the seemingly infinite number of jobs that can be done through the prosecution of the program, make it quite apparent to me that true expertise could be achieved only in one, or a very few, aspects of the total program. If my study has not produced an expert, then what has it produced? The answer to this is quite simple: It has made me a believer, a believer that in the ordering of our national priorities the Space Shuttle ranks right along, neck and neck, with other national concerns that embody, shall we say, greater emotional appeal.

Many of the arguments presented are put forward as an "either/or" proposition. The attitude here appears to be that the Space Shuttle will take money—and talent—that could be very much better applied and devoted to other concerns. Many of the arguments presented are appealing; they show deep human concern. And I feel I should note that there is very little discernable expression of self-interest in the presentation of the arguments for greatly enhanced social programs instead of the Space Shuttle. We are told that differences of opinion is what make horse races, and it is differences of opinion that cause such widely diverse opinions as to what our national priorities should be.

My own reaction to arguments that oppose the Space Shuttle on the grounds of putting our money to other use is that in the comparison and in the weighing of all of these various programs, the Space Shuttle program is considered to be and is dealt with as if it were a kind of luxury, a thing that could wait until other problems are solved, something that could wait until other problems are solved, something that is not needed right now. It is here that I think that a fundamental mistake is being made.

And some of the arguments against the program give every appearance of being hard-headed, unemotional almost clinical and without any apparent concern that the program would deprive other programs of sustenance they should have. These people attack the program with what purports to be a sharp and objective pencil. Here we find a kind of exotic mathematics in which payload is multiplied by missions and then divided by needed capacity, with the result of the equation being that we have not enough unanswered questions, enough payloads worth putting into space to warrant the pursuit of the Space Shuttle program at all. In these somewhat mysterious and arcane formulae no consideration seems to have been given to the great variety of orbits that will be involved, the similarly great variety of types of "packages" that will be sent into space in these various orbits, or the fact that "payload" is itself a very difficult term to define, since what is "payload" on one mission may well be part of the propulsion or other technical or mechanical complement of another mission. It is with some patience, and with I hope some humility, that I suggest that these mathematical conclusions are interesting only in their creativeness. To me, however, their lack of true understanding of the basic purposes of the Space Shuttle program nullify their apparent plausibility.

A task force spent about 2 years examining most carefully and most precisely into every one of these arithmetic considerations and arrived at conclusions that I, for one, would have great hesitancy in questioning. I can understand the written word and I think my mental processes are of at least average quality, and I can state it as to be my own conclusion from all that I have read and thought about, and made judgments about, that it would be a serious dereliction of our duty to the people of this country to fail to proceed with the space shuttle program.

One last thought: If we should now substantially slow down or stop our program in space, we would, I am absolutely convinced, be involved at some time in the future with the expenditure of nothing less than astronomical sums to get it going again. Our very large investment to date would be essentially lost, the people engaged in the program—many of them quite unusual people—would be dispersed throughout industry; the techniques that have been developed, the progress that we have made in heat resistant materials, in propulsion systems, all of these things and many others would in great part have to be started again, many of them almost from scratch. And the first several hundreds of millions of dollars that would be required to bring ourselves only to the point that we are today would give us nothing but a lesson in the destructive power of inconsistency and lack of foresight.

Mr. VANIK. Mr. Chairman, we are all justly proud of the brilliant work which has been accomplished by the employees of NASA and of the courage displayed during the past decade by our Nation's astronauts—some of whom gave their lives in this great adventure. The dedication, the expertise, the genius of the NASA-mission teams has been unmatched.

But, Mr. Chairman, I am increasingly discouraged by the direction and management of NASA headquarters here in Washington. Rather than seeking new missions which can translate the achievements of the past into solutions for the present and future problems of mankind, they continue to press for more funds for highly questionable and unnecessary new programs. The NASA authorization legislation before the House today fails to provide for the development of new research missions needed here on Earth. While the critical problems of living challenge us on Earth, we insist on spending millions of dollars on the glamorous contraptions we are constantly throwing into space.

The situation we find ourselves in is unfortunate—and potentially tragic.

The great space odysseys of the sixties demonstrated the immense power of technology. There now appears no obstacle, except time, which man in his quest for knowledge cannot challenge. Despite our successes of the past we run the danger of being entrapped by them. With the completion of the moon landings, NASA has become an institution in search of a mission. Up to now, however, we have only been able to cook up ill-conceived programs such as the Space Shuttle.

The Space Shuttle represents an expense of billions of dollars to the American taxpayer without apparent return. The object of the program is to develop a recoverable launch vehicle to serve our space program in the last two decades of this century. However, the program neglects the fact that we already have available expendable rocket technologies which can more than meet our future space needs.

I was disappointed to see the committee recommend enlargening NASA's request for the program by $25 million to a total of $500 million. If we pass this authorization, we will be placing ourselves in the difficult position of spending money in order to save it. To quote from the committee report:

> The net effect of this additional $25,000,000 to the Shuttle Program should add confidence to meeting schedules and to holding program costs at or below current projections.

The cost effectiveness of the Space Shuttle is a hotly debated issue. A preliminary report released last year on the project concluded that the shuttle would not be justified economically if it experienced cost overruns of over 20 percent. But, noted the GAO, similar programs continue to exhibit an average growth of over 40 percent.

The impact of the Space Shuttle goes beyond the needless expenditure of funds. The project has an important impact on the entire direction of NASA. The extravagence of the Space Shuttle has soaked vital funds from other, more purposeful, pursuits of NASA. The committee has realized this problem by recommending the reinstitution of the second Earth resources technology of satellite—ERTS-B. Despite these efforts the central problem remains. Physicist James Van Allen has stated:

> Ironically, not only is the shuttle not a proven necessity, but also it seems certainly to gravely impair or destroy advancement in NASA's substantive mission areas.

The irony of the Space Shuttle is heightened further by the fact that one-third to one-half of all Space Shuttle flights will be for military purposes, but none of the development funds are being supplied by the budget of the Department of Defense. Apparently, the Defense Department views the program with a low priority.

NASA desperately needs new direction. The technological achievements of the past risk becoming more and more remote from the general welfare of mankind.

Serious problems—problems which require the energy and ingenuity of NASA—confront us here and now. Our present energy shortages present a prime example. The vast untapped energy source of the Sun has hardly been mentioned in computing the shifting equations of our energy crisis. Vital work already accomplished by NASA must be expanded and moved to a top priority. In addition, there are an entire range of research questions posed by the inefficient production, conversion, transmission and use of energy, as well the research for new clean sources of energy.

Mr. Chairman, this legislation does not reflect the new directions NASA needs and the new priorities our Nation must have.

Mr. MOSHER. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space flight operations, $548,500,000;

(2) Space Shuttle, $500,000,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $59,600,000;

(5) Lunar and planetary exploration, $309,000,000;

(6) Launch vehicle procurement, $177,400,000;

(7) Space applications, $159,000,000;

(8) Aeronautical research and technology, $180,000,000; of this amount $14,000,000 is reserved for the JT-3D Refan Retrofit Research Program and $18,000,000 is reserved for the JT-8D Refan Retrofit Research Program;

(9) Space and nuclear research and technology, $75,000,000;

(10) Tracking and data acquisition, $240,000,000;

(11) Technology utilization, $4,500,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Replacement of transportation facility, Goddard Space Flight Center, $660,000;

(2) Rehabilitation of vibration laboratory, Goddard Space Flight Center, $710,000;

(3) Modifications of and addition to 25-foot space simulator building, Jet Propulsion Laboratory, $740,000;

(4) Modification of planetary mission support facilities, Jet Propulsion Laboratory, $580,000;

(5) Rehabilitation and modification of 600 p.s.i. air supply system, Langley Research Center, $2,410,000;

(6) Construction of systems engineering building, Langley Research Center, $1,620,000;

(7) Rehabilitation of airfield pavement, Wallops Station, $570,000;

(8) Rehabilitation of communication system, Wallops Station, $575,000;

(9) Modification for fire protection improvements at various tracking and data stations, $1,885,000;

(10) Modification of space launch complex 2 west, Vandenberg Air Force Base, $980,000;

(11) Modification of power system, Slidell Computer Complex, $1,085,000;

(12) Space Shuttle facilities at various locations, $67,200,000, as follows:

(A) Modification for auxiliary propulsion and power systems test facilities, White Sands Test Facility;

(B) Modifications for Shuttle avionics integration laboratory, Lyndon B. Johnson Space Center,

(C) Modifications for radiant heating verification facility, Lyndon B. Johnson Space Center,

(D) Modifications for the Orbiter propulsion system test facilities, Mississippi Test Facility,

(E) Modifications for external tank structural test facilities, Marshall Flight Center,

(F) Modification of manufacturing and subassembly facilities for the Orbiter, NASA Industrial Plant, Downey, California.

(G) Modification of and addition to final assembly, and checkout facilities for the Orbiter, Air Force Plant No. 42, Palmdale, California.

(H) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility,

(I) Construction of Orbiter landing facilities, John F. Kennedy Space Center;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $14,785,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,600,000;

(15) Facility planning and design and not otherwise provided for, $13,600,000.

(c) For "Research and program management," $707,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsection 1(a) and 1(c), not in excess of $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payments to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. Section 203(b) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)), is amended by inserting immediately after paragraph (10) the following new paragraph:

"(11) to provide by concession, without regard to section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation;".

SEC. 8. Title II of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471 et seq.), is amended by adding at the end thereof the following new section:

"DISPOSAL OF EXCESS LAND

"SEC. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of $50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics of the House of Representatives and the President and the Committee on Aeronautical and Space Sciences of the Senate of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action."

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1974".

Mr. TEAGUE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the last 15 words.

Mr. Chairman, I would like to ask someone connected with this bill what the language means which is to be found on page 67 of the report and which reads as follows:

> (d) provide an expanded supersonic technology base in those technical areas critical to the potential future development of an environmentally acceptable and economically viable supersonic transport, thus providing the knowledge and maintaining the options for an informed future decision;

Am I being informed here that the Science and Astronautics Committee is recommending that some of the money to be expended under the terms of this bill is going to be used to come through the back door with legislation to promote the supersonic transport that Congress scuttled not so long ago?

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, as one who voted against the supersonic transport plane, I am very sensitive about the inclusion of any authorization in this bill that would authorize the supersonic transport plane. I assure the gentleman there are no funds in this bill for that.

Mr. GROSS. I am not talking necessarily about funds in this bill for an actual supersonic transport. I am talking about funds being expended for the purpose of propagandizing throughout this country or by other means to revive the supersonic transport.

Mr. HECHLER of West Virginia. Of course the committee has no control over the civil service or other personnel at NASA concerning their speeches and public statements they make.

Mr. GROSS. But this is a direction in the report to expend money for the purpose, among others, of providing future development of a supersonic transport. The gentleman can cut that as thick or as thin as he wants to cut it.

Mr. HECHLER of West Virginia. If the gentleman will yield further I would simply say this is an authorization for advanced research for the future. It has nothing whatsoever to do with development of the supersonic transport plane.

Mr. GROSS. Why then is the supersonic transport specified in the report on the bill?

Mr. HECHLER of West Virginia. I would simply suggest that it would be very shortsighted if a committee such as the Committee on Science and Astronautics did not look into all aspects of the development of aeronautics in the future.

Mr. GROSS. I will say to the gentleman that this to me is a backdoor approach now to expend funds, some part of the $3 billion and I do not know how much, on the supersonic transport. I cannot read anything else into it because it is specified here and I am surprised that anyone on the committee, who is opposed to the supersonic transport, did not get this language removed from the report if it has no meaning.

Mr. TEAGUE of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROBERTS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, had come to no resolution thereon.

## CALL OF THE HOUSE

Mr. ROBERTS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 157]

Adams
Badillo
Biaggi
Carter
Chamberlain
Clark
Clawson, Del
Denholm
Eilberg
Foley
Forsythe
Fulton
Gude
Ichord
Keating
King
Macdonald
Melcher
Mills, Ark.
Railsback
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ryan
Satterfield
Udall
Waldie

The SPEAKER. On this rollcall 405 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. May the Chair advise the Members that Members will please be seated and remain still for the next few minutes while the official photographs of the House are taken. When the process has been completed the Chair will advise the Members, and the business of the House will then proceed. Since some of the photographs are being taken by time exposure, it is important that Members remain still during this period.

(The official photographs of the House were taken.)

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7528, with Mr. ROBERTS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose, it had agreed that the bill be considered as read and open to amendment at any point.

### AMENDMENTS OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer amendments. There are really three amendments, but they deal with one subject, the Space Shuttle, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Ms. Abzug: Page 1, line 8, strike out all of paragraph (2) and redesignate the succeeding paragraphs accordingly.

Page 3, line 15 through page 4, line 13, strike out all of paragraph (12) and redesignate the succeeding paragraphs accordingly.

Page 15, after line 22, add the following new section:

"Sec. 10. No amount appropriated pursuant to this Act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle or facilities therefor."

Ms. ABZUG. Mr. Chairman, the effect of this amendment would be to delete from the bill the nearly $600 million authorized for the Space Shuttle program for fiscal year 1974 and to prohibit the use of any of the funds available to NASA during fiscal year 1974 for the development of such a system or facilities for such a system.

For fiscal year 1972 we appropriated $100 million for research and development of the Shuttle. We were told that this sum was just to see whether development was feasible. A similar explanation was offered when we appropriated $200 million for research and development for fiscal year 1973.

Now, with no proof of its feasibility, the Shuttle is presented to us as a full-blown, full-scale project. Everyone knows that the success of the overall program rests upon the development of expensive space stations. No definitive evidence of man's ability to withstand the absence of gravity for long periods of time is available.

The Sky Lab mission is at this moment faltering, and in the general debate which preceded this discussion it was stated that it would take some time before we could determine what would happen in the Sky Lab experiment. If we cannot prove that man can stay in space beyond the 14-day period that we have already done, at least for the 30 days' minimum needed for the Space Shuttle program, the appropriation requested here is at the very least premature.

NASA no longer includes this program under "space flight operations." It has given it its own separate line in the budget. It is now authorized at a level of nearly $600 million, no longer for research and development but for actual construction. It is now also considering two spinoffs from the Shuttle, one a baby Shuttle of some sort.

After several years of denials and evasions, it has finally admitted flatly that at least 30 percent and therefore the principal purpose of the Space Shuttle is military. Now that the Pentagon has reduced most of Indochina to rubble, it is apparently prepared to try its hand at extraterrestrial targets.

It has been argued the Space Shuttle would enable us to leave the Earth when it becomes too crowded or too polluted for existence here. I can understand people wanting to leave the planet, especially—at this time—some people at the White House. Nevertheless I think the Space Shuttle will be so stuffed with armaments that there may be no room for people.

Mr. Chairman, our Nation has other needs which are far more important than the Space Shuttle. We are talking about more than a half billion dollars for this coming year for the Space Shuttle and the amount has been projected to swell in years to come to between $8 billion and $20 billion for the entire program. Recently President Nixon vetoed a $2.6 billion vocational educational bill as too inflationary. He wanted a bill of just under $2 billion for the same 3-year period. Is that $600 million better spent on the Space Shuttle than on the physically and mentally handicapped? What kind of commentary on our Nation is this kind of value system?

Millions of our people live in grossly substandard housing. Tens of thousands need new housing units which could be constructed with money to be used for the Space Shuttle.

With such problems as these here at home I cannot vote to put $600 million into so questionable an item as the Space Shuttle. Even if it has some potential value to us I see no reason why we cannot wait a few years before beginning it in earnest, particularly since there can be no proof it will be successful until we have the results, which other experiments such as Skylab will provide, which would indicate how long man can be sustained in a situation of no gravity.

This is basically a long-term program, but by taking the step into actual construction now we may be committing ourselves to future expenditures that we may be wholly unable to afford, that will sap the resources we need for decent housing, for sufficient jobs for the millions who want them and cannot get them, for pollution abatement so we can remain alive on the Earth, and for child care so the mothers can work and not have to accept welfare. I believe there is much argument to be made about the kind of experiments we can get from space technology but it cannot offset the fact that this is premature and should not be authorized at this time.

I hope the Members will support this amendment.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there has been no major project by our country that has received more careful study and closer evaluation than the Shuttle. The Shuttle is our space program for the seventies. It will provide a much cheaper means of transportation within space.

Mr. Chairman, we debated this question last year and voted on it and it was defeated. Mr. Chairman, I ask for a vote on the amendment.

Mr. Chairman, the lady from New York (Ms. Abzug) proposes today to delete the Space Shuttle program from the bill before us. The contention is made that there is neither justification nor feasibility for a low-cost space transportation system. Over 1,300 pages of testimony this year by senior NASA officials, leaders of the NASA field centers, industry and private citizens, as well as comparable testimony in the last 2 years, amply demonstrates that the Space Shuttle is not only feasible but essential and that its justification is strongly based in sound economics.

Because the able lady from New York is unaware of the thorough homework that has been done on this program, I believe it is important to point out several key aspects of the Space Shuttle program.

First, the Space Shuttle will replace all existing expendable launch systems. Secondly, launch and payload costs will be reduced by recovery and reuse. In terms of economics the development of the Space Shuttle, with a fixed development investment of $5.15 billion will increase the gross national product by $12 billion and consequently increase Federal tax receipts through 1980 by $2.6 billion while fostering international space cooperation. In this decade alone the Space Shuttle program will generate 750,000 man years of productive effort.

The Space Shuttle will provide a system to benefit our Nation, help preserve and manage our environment, and serve the people of this Nation and the world. This will be done through delivering and placing in Earth orbit, satellites, propulsion stages, which can be retrieved for repair and reuse, or serviced and refurbished in space. Both laboratory work and short-duration payloads can be accommodated by the Space Shuttle at low cost while providing safe and comfortable transportation for the people onboard the Shuttle. Operations in the Shuttle will be directed to medical and health care, research, materials and manufacturing processes research, biological, life science, space physics and advanced technology. Scientific satellites will also benefit from this low cost transportation system—astronomy, physics and planetary exploration. Perhaps the most important area will likely be in earth resource exploration, inventory and development. These will include geography, photography, agriculture, forestry and range management, hydrology and water pollution assessment, minerals and fuels evaluation, oceanography and land use and planning.

In addition to this the Shuttle will provide a more effective low cost means of accomplishing communications navigation, meteorology and weather satellite activity.

As I have stated the Space Shuttle program is probably the most thoroughly examined and evaluated program in the history of Federal projects. A firm commitment in cost, performance and schedule has been based on thorough and detailed studies for over 3 years. The Shuttle is not only an essential part of our national space program but important to the economic well-being and future of this Nation. I urge defeat of this amendment.

Mr. TEAGUE of California. Mr. Chairman, I congratulate the gentleman from Texas on his return after regaining his health.

Mr. Chairman, I concur with the gentleman from Texas in his opposition to the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York (Ms. Abzug).

The question was taken; and on a division (demanded by Ms. ABZUG) there were—ayes 20, noes 95.

So the amendments were rejected.

### AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Following item (a)(10), line 13 on page 2 of the bill, the following new proviso shall be added: "*Provided*, That none of this sum or past amounts authorized to be appropriated for tracking and data acquisition shall be expended in the nation of South Africa."

One shall be added to the number of each following line.

Mr. RANGEL. Mr. Chairman, my colleagues, we come here once again to determine just what role the American Government and the American taxpayers will play in supporting a government which we all recognize to be racist in nature. Of course, I refer to the Union of South Africa, where we find one of our tracking stations located and which is controlled by a government which recognizes no degree of social justice as it relates to the black man trying to survive in his homeland.

Last year, it was entertaining for me to see the responses which were made to my plea to my colleagues asking them to excise this from this particular powerful and important piece of legislation. Some of my colleagues stood up and said that they had voted for civil rights bills ever since they have been Members of the U.S. Congress. Others said that the United States had no power to influence other governments, even though they disagreed with their policy. Some even went so far as to say that it was un-American to say anything against any space program which had allowed the American people to feel such a deep-seated feeling of pride.

Mr. Chairman, I ask the Members, are we really talking about striking out any space program when the experts have already said that they can exist and the programs can go on without our sitting down and negotiating with the Union of South Africa?

Must we continue to disregard the very high standards of human justice by saying that NASA can now exempt itself from the very policies enunciated in February 1971 by the President of the United States?

It was President Nixon who said that America cannot stand by and allow political and racist injustice to take place in South Africa, and that we must influence business, and indeed our Government relations to make certain that all people have a right to participate in the political society.

Some Members were shocked when we recognized Russia. Others, of course, are still shocked that we may get closer to China. It may come in our lifetime that this country will be forced to politically deal with the continent of Africa.

I just hope, as we look at this bill, that we cannot in good conscience say it is fair. No matter what contribution the Union of South Africa is making toward our space projects, we cannot say that blacks are not entitled to medical care, we cannot say that children of blacks are not entitled to education, we cannot say that while $2,000 is the highest any black African can aspire to achieve in his homeland that his white untrained counterpart can receive $1,900 as the lowest possible for a white trainee.

I do not see how we can say that where 59 blacks represent 23 percent of the total manpower at the space station they should receive only 5 percent of the American taxpayer dollars that go to pay for it.

Experts have testified in front of a variety of committees that if, through some act of God, this station were destroyed the space program could go on.

I am not asking for destruction. I am asking for rehabilitation. I am asking that we consider Madagascar, which I understand could be used and is only 6° off of the same space we have in Johannesburg.

There are three other countries with great expertise, where they say this can happen.

I say that somewhere along the line America has to deal not only with whether or not we vote for civil rights for black Americans here but also with whether or not we vote American taxpayers' money to support a nation which has rebuffed some of our colleagues from going there, a nation which, in respect to the hundreds of trips NASA has had with visitors going there, has not had one black American to make that visit.

I am certain Members will agree that we should not support any nation which refuses to allow Jewish Americans to go to Arab nations, or Protestant Americans to go to Catholic nations, or any nation which excludes any American citizen from going where we send our money.

I am saying something that is not un-American. I want the space program to succeed, as an American. I am asking the Members, making an appeal to them, as to what they would do if they happened to be black, if they happened to live in homeland Africa. If it were controlled by minorities, would they want a great nation like America to support their oppressors?

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I should like the Members to know that this is something which is not unimportant. That station in South Africa is one of the most important tracking stations we have.

In fact, for the safety of our program we have to have a tracking station in that area.

That tracking station was not put there for the good of South Africa. It was put there because we had to have one in that area.

NASA has considered other areas. We have considered one in that area. We have considered other countries. None of them will fill the needs we have for a tracking station in South Africa.

Before NASA was ever created there was an agreement between our Government and the Government of South Africa, on a 15-year contract, which will be up in 1975. It was agreed that the country of South Africa would furnish the personnel. We did not specify any requirement as to blacks or whites or what not.

There are two tracking stations involved. In one of these tracking stations there are three white people and three black people working.

In the other station, the big station, which I believe the gentleman from New York (Mr. RANGEL) referred to, the white people working far outnumber the blacks. I do not know the exact number.

Mr. RANGEL. It is close to 300, Mr. Chairman. While there are only 60 blacks, none of the blacks hold any degree of technical jobs, and the South African Government refuses them any training for technical jobs, so there is no upward mobility for South African blacks in their own country.

Mr. TEAGUE of Texas. In Australia and in Spain we have exactly the same kind of contract.

I do not know, but with respect to the station in South Africa it just does not seem to me that in our space authorization bill we should endanger a very important part of our whole tracking system around the world. I do not feel this is an item that should be a factor in our authorization bill.

There must be a better way of handling it. Surely there can be some kind of communication between our Government and their government where they would try to train black technical personnel.

Mr. Chairman, it is my understanding that in that station most of the higher salaried level people are white, that the lower level are the black people, but surely the place to change that is not in our authorization bill on the space program. I will go with the gentleman to the State Department or any place he wants to go and try to see if we can confer with that country and see if they will not train some of the black people in technical areas where they can get some of the better salaried positions. But surely this is not the place to do it, in our space authorization bill, and I hope the amendment will be voted down.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I will be glad to yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I will ask the gentleman, is it not a fact that experts from NASA have testified at a variety of congressional subcommittee hearings, particularly the Subcommittee on Africa, to indicate there are alternatives to the Johannesburg tracking station. Is it not a further fact that questions were asked by one subcommittee as to what would happen to our Nation's space program if we did not have Johannesburg? Would we have alternatives?

Certainly to my recollection, as a former member of this distinguished committee, the expense would be close to $30 million to consider another tracking station, and if that is true, Mr. Chairman, it is a small price to pay for human dignity, the amount of $30 million.

Mr. TEAGUE of Texas. Mr. Chairman, the only part of the gentleman's question I am qualified to answer is the gentleman's inquiry concerning the alternatives, and may I say I have been assured that they have tried every alternative they know of, including tracking ships.

Mr. Chairman, I was not on the subcommittee, and I did not hear the testimony; the gentleman from West Virginia (Mr. HECHLER), who is present, was on that subcommittee. But I was assured that they had studied every alternative they knew of—and they named them—of going to other countries. Zanzibar was one of them.

Mr. RANGEL. Perhaps the gentleman from West Virginia (Mr. HECHLER) could apprise us as to the alternatives we would have which would not affect our space program.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Texas (Mr. TEAGUE) yield so that I may answer the question?

Mr. TEAGUE of Texas. I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, may I say that I have here a NASA study made in 1968 which would indicate it would be possible to construct a deep space station to replace the one at Johannesburg, and it could be constructed at Botswana at a cost of $32,340,000. The cost of construction has now escalated and it has inflated to the present cost of about $35 millilon or more. Of course, there would be an additional problem of recruiting technical personnel in Botswana.

Mr. Chairman, the facts otherwise presented by the gentleman from New York (Mr. RANGEL) appear to be correct, but it would take about 3 to 4 years for the construction of this station in Botswana. I would like to add that because of the efforts of the gentleman from New York (Mr. RANGEL) a number of improvements in housing, educational facilities, and medical care have been made at the Johannesburg installation. But the relative salaries of black and white personnel are shockingly unequal and inequitable.

The CHAIRMAN. The time of the gentleman from Texas (Mr. TEAGUE) has expired.

(On request of Mr. RANGEL and by unanimous consent, Mr. TEAGUE of Texas was allowed to proceed for 2 additional minutes.)

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, in view of what we have heard and since no one really wants to damage the space project and the progress that we have made, I will say this:

This is the third time I have found myself in the well of this House. If all that I have said has been true and the only thing we are talking about really is 3 more years—because I am certain we can all sleep better with ourselves in 2 more years—why is it we cannot say this contract will be null and void as it stands with the Union of South Africa? Why can America not say, "We will stop here and develop some place else"? And I think in that event what America will be doing and what this Government will be doing is providing the leadership for these American companies that are joining the suppressors of human rights.

Mr. Chairman, it seems to me if we were to delete this section right now, NASA would be able to come forth with a plan that would not serve as a deterrent in terms of our space program, and I think $35 million is a small price to pay in terms of human dignity.

A NASA spokesman, Mr. Shapley before the African Subcommittee, April 6, 1973, has himself admitted that "the situation will never be satisfactory to us as long as South Africa's apartheid practices continue." He added that NASA is "dependent in our operations on the service that we get from this station." Talking of the CSIR, he said:

> The station is, in fact, under their control and it is in the interest of the functions that we perform to have the service continue to be available to us.

In other words, this operation of the CSIR, carrying out a service of management, staffing, and operation on an apartheid basis, is an essential aspect of the location of the station in South Africa. The other aspect is the geographical location, which could be provided equally well by Botswana, Lesotho Swaziland, or Malagasy.

Under the contract, CSIR actually operates the station, and determines the number of personnel at different activities. Discrimination is, therefore, applied at their discretion, and NASA has no power to interfere. Although the U.S. taxpayer is financing the service, NASA as the agency responsible is not able to control the extent of discrimination involved in the spending of these funds, and certainly cannot maintain the standards of social justice which have been established by the U.S. Congress for U.S. Government agencies as well as private employers. An EEOC—Equal Employment Opportunity Commission—spokesman, at the same hearing, stated unequivocably that the "improvements" at the station, if set beside equal employment policies of the United States, would certainly not meet the necessary standards. NASA commented:

> It certainly would not meet any of NASA's guidelines for its own operations.

The facts of the case, after all the "improvements" agreed on formally between NASA and CSIR in special consultations, show discrimination in hiring, training, wages and fringe benefits, promotion, and even work facilities. Under the technical training schemes provided by NASA for CSIR personnel, 28 whites have received special courses, and no blacks at all. Even though NASA is paying for this training scheme, the CSIR is deliberately excluding all blacks from participation, NASA have explained that—

> Until steps are taken by CSIR to recruit black employees in the technician category, NASA is not in a position to assist in their training.

There is no provision for primary schooling for children of black employees, and none for them to go on to secondary school; the planned programs took so long to be cleared by South African Government agencies that the primary school has not even been started. There are gross disparities in the sick leave and annual vacation given to white and black employees. There is no hospital provision for blacks or their families. Out of 203 technical staff, none are black. The top black salary for a skilled laboratory assistant at the station, $2,005 per annum, barely overlaps with the lowest white salary, $1,930 for a raw trainee. On March 1, 1973, the 59 black CSIR employees who made up 23 percent of the total labor force also receive under 3 percent of the pensions, and no medical benefits at all. The details are as follows:

| | Salaries | Pensions | Unemployment insurance | Medical |
|---|---|---|---|---|
| Whites | $1,431,047 | $105,325 | $512 | $26,474 |
| Blacks | | | | |
| Total | 78,116 | 3,117 | 184 | |

Most of the salaries for black employees, starting at $801 per annum, are below the minimum effective level of $1,932 per annum, the amount set by South African experts as the absolute minimum which keeps the average-sized family from malnutrition and starvation, and the minimum recommended by the U.S. State Department for U.S. private investors in South Africa. The improvements, which comprise wage raises—the levels were even lower before than they are now—houses for black employees, the construction of a black primary school for their children, assistance with secondary education away from home, provision of lunch canteen facilities, and medical assistance, do not begin to provide even a subsistence income to the black employees, let alone equality with the whites. Even these improvements were announced by NASA as major concessions by CSIR, so that the implication is that there will not be any further progress.

They were made only after the station was questioned in Congress, and there is no evidence of any sense of social responsibility on the part of the station management, or any commitment to self-sustaining programs. There does not even seem to be provision for regular cost-of-living raises for black employees, so that the small real gains made so far are likely to be eroded within a year or two—since the cost of living for the poorest people in South Africa is rising very steeply, and in fact accelerating; the current rate is well over 10 percent per year.

It is impossible to justify the operation of a station through CSIR, a South African Government agency which imposes apartheid labor structures on the NASA station, not only in the context of South African legislation, but as an element of South African Government policy. The use of U.S. taxpayers' funds is, therefore, subject to apartheid policies. Even if NASA proposes to spend money on such things as a primary school, the CSIR has a veto on this expenditure. In the case of training programs, the CSIR can impose a strict racial pattern of whites only, even for those trainees studying in the United States, by merely refusing to recruit black high school graduates.

CSIR, and the whole economic environment and labor market in South Africa, allows NASA to make savings on its operational costs for the South African station. Apartheid is a strong element in its attractiveness for NASA. It would be far more expensive to operate on a basis of equal opportunity employment policies, in an independent African country. The poverty wages and gross racial discrimination in employment at the station, represent a direct subsidy by the oppressed black people of South Africa for an agency of the richest country in the world. So the U.S. Government is directly benefiting from apartheid, in the way that it discourages private companies from doing. As long as it stays in South Africa, it is locked into apartheid. This is seen by such companies as a token of hypocrisy; they use the tracking station as an excuse for their own refusal to apply equal employment standards to their operations in South Africa.

NASA has another African tracking station, in Madagascar, where the achievements in training local Africans make the so-called "improvements" at the South African facility seem pitiful. The station in Madagascar is operated directly by NASA, through a U.S. contractor, and it includes a vigorous program for training local personnel, covering all job requirements without any job restrictions. The result of this is apparent in that since 1969, U.S. personnel fell from 110 to 60; Malagasy personnel increased from 125 to 148, and of these technical and administrative positions were occupied by 45 in 1969, rising to 73 now. In South Africa, there are no blacks in technical or managerial positions.

The conclusion to be drawn from this is that the sooner NASA transfers the functions of its South African facility to other African stations, both existing and new ones, the quicker it will reach a stage where the facility can be supported largely by local personnel and supporting facilities. Insofar as the cost—$35 million—of new facilities in Botswana, Lesotho or Swaziland—which are technically feasible alternatives to South Africa—is increased by the need to provide roads, buildings, communications, and other services, this would be an invaluable contribution to the development of these desperately poor countries. It is already U.S. Government policy to encourage private investment in these three countries as an alternative to South Africa. NASA should be taking the lead in this, as a U.S. Government agency, perhaps with special allocations from the foreign aid budget to supply the necessary infrastructure. Every year that goes by with NASA training only white South Africans is a loss to the development of free Africa, which desperately needs massive inputs of scientific and technical training of the kind that NASA can help provide. The operation of the facility through U.S. contractors, which would be necessary in Botswana, Lesotho or Swaziland, is a standard practice for NASA—for example, on Ascension. A facility in Botswana could draw on the high school graduates of many neighboring African countries with advanced educational systems, such as Zambia.

Mr. Chairman, I urge an "aye" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and on a division (demanded by Mr. RANGEL) there were—ayes 36, noes 64.

### RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 294, not voting 35, as follows:

[Roll No. 158]

AYES—104

Abzug
Addabbo
Anderson, Calif.
Aspin
Barrett
Bergland
Bingham
Blatnik
Boland
Brademas
Brasco
Breckinridge
Buchanan
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Chisholm
Clay
Cohen
Conyers
Corman
Culver
Daniels, Dominick V.
de la Garza
Dellenback
Dellums
Diggs
Donohue
Drinan
Eckhardt
Edwards, Calif.
Evans, Colo.
Findley
Ford, William D.
Fraser
Frenzel
Gonzalez
Grasso
Green, Pa.
Gude
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holtzman
Howard
Hungate
Jordan
Kastenmeier
Kazen
Koch
Kyros
McClory
McKinney
Madden
Meeds
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
Obey
Owens
Patten
Pike
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roncalio, Wyo.
Rosenthal
Rostenkowski
Ryan
Sarbanes
Schroeder
Seiberling
Stanton, J. William
Stanton, James V.
Stark
Stokes
Studds
Thompson, N.J.
Towell, Nev.
Ullman
Van Deerlin
Vanik
Whalen
Wolff
Yates
Young, Ga.

NOES—294

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Beard
Bell
Bennett
Bevill
Biester
Blackburn
Boggs
Bolling
Bowen
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cochran
Collier
Collins
Conable
Conlan
Conte
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Goldwater
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kemp
Ketchum
Landgrebe
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Michel
Milford
Miller
Mills, Md.
Minshall, Ohio
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Myers
Natcher
Nelsen
Nichols
O'Brien
O'Hara
O'Neill
Parris
Passman
Patman
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rose
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarasin
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—35

Adams
Anderson, Ill.
Arends
Badillo
Biaggi
Carter
Chamberlain
Clawson, Del
Denholm
Dulski
Eilberg
Fish
Forsythe
Fulton
Gilman
Hansen, Wash.
Keating
King
Kluczynski
Kuykendall
Landrum
Mailliard
Melcher
Mills, Ark.
Mitchell, N.Y.
Nedzi
Railsback
Rooney, N.Y.
Rooney, Pa.
Roybal
Satterfield
Slack
Taylor, Mo.
Udall
Waldie

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROBERTS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, pursuant to House Resolution 409, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. MYERS

Mr. MYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MYERS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. MYERS moves to recommit the bill H.R. 7528 to the Committee on Science and Astronautics.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 322, nays 73, not voting 38, as follows:

[Roll No. 159]

YEAS—322

Abdnor
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brasco
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hunt
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Koch
Leggett
Lehman
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madigan
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Mezvinsky
Michel
Milford
Mills, Md.
Minish
Minshall, Ohio
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nichols
O'Brien
O'Hara
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Rarick
Rees
Regula
Reid
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rostenkowski
Roush
Rousselot
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Scherle
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NAYS—73

Abzug
Ashley
Aspin
Brademas
Bray
Brinkley
Chisholm
Clay
Collier
Conable
Conyers
Dellenback
Dellums
Diggs
Evans, Colo.
Fraser
Froehlich
Ginn
Goodling
Gross
Guyer
Hanrahan
Hays
Hicks
Holtzman
Hungate
Hutchinson
Ichord
Jones, N.C.
Kyros
Landgrebe
Latta
Long, Md.
Madden
Mazzoli
Metcalfe
Miller
Mink
Mitchell, Md.
Moakley
Murphy, Ill.
Myers
Nelsen
Nix
Obey
Owens
Randall
Rangel
Reuss
Riegle
Rose
Rosenthal
Roy
Ruppe
Schneebeli
Schroeder
Seiberling
Shuster
Skubitz
Snyder
Stark
Steiger, Wis.
Stokes
Studds
Sullivan
Symms
Thompson, N.J.
Thomson, Wis.
Vanik
Wyatt
Yates
Young, Ga.
Zwach

NOT VOTING—38

Adams
Anderson, Ill.
Badillo
Biaggi
Brown, Ohio
Carter
Clawson, Del
Davis, Ga.
Denholm
Dent
Dulski
Eilberg
Evins, Tenn.
Fish
Forsythe
Fulton
Gilman
Hansen, Wash.
Keating
King
Kluczynski
Kuykendall
Landrum
Mahon
Mailliard
Melcher
Mills, Ark.
Mitchell, N.Y.
Railsback
Rooney, N.Y.
Rooney, Pa.
Roybal
Satterfield
Slack
Steelman
Taylor, Mo.
Udall
Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Anderson of Illinois.

Mr. Evins of Tennessee with Mr. Kuykendall.

Mr. Dulski with Mr. Fish.

Mr. Kluczynski with Mr. Railsback.

Mr. Biaggi with Mr. King.

Mr. Adams with Mr. Brown of Ohio.

Mr. Slack with Mr. Taylor of Missouri.

Mr. Waldie with Mr. Badillo.

Mrs. Hansen of Washington with Mr. Steelman.

Mr. Melcher with Mr. Keating.

Mr. Landrum with Mr. Carter.

Mr. Roybal with Mr. Del Clawson.

Mr. Rooney of Pennsylvania with Mr. Gilman.

Mr. Davis of Georgia with Mr. Udall.

Mr. Dent with Mr. Forsythe.

Mr. Eilberg with Mr. Mitchell of New York.

Mr. Mills of Arkansas with Mr. Mailliard.

Mr. Mahon with Mr. Fulton.

Mr. Satterfield with Mr. Denholm.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill and a concurrent resolution of the House of the following titles:

> H.R. 2246. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; and
>
> H. Con. Res. 221. Concurrent resolution entitled concurrent resolution providing for an adjournment of the House from May 24, 1973, until May 29, 1973.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2246) entitled "An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. RANDOLPH, Mr. BURDICK, Mr. MCCLURE, and Mr. STAFFORD to be the conferees on the part of the Senate.

## ADJOURNMENT OF CONGRESS OVER MEMORIAL DAY HOLIDAY

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 221) providing for an adjournment of the House from May 24, 1973, until May 29, 1973, together with the Senate amendments thereto.

The clerk read the Senate amendments, as follows:

> Page 1, line 4, strike out "1973." and insert: "1973, and that when the Senate adjourns on Wednesday, May 23, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, May 29, 1973."
>
> Amend the title so as to read: "Concurrent resolution providing for the adjournment of the two Houses of Congress over the Memorial Day Holiday."

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## DAMAGE CAUSED BY SLOPPY REPORTING

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, a recent article in New York magazine, authored by a Mr. James Brady, gives me great concern, as it should give concern to all of us, for it is a classic example of how damaging sloppy reporting and distortion of the facts can be.

In a few brief paragraphs, Mr. Brady casts a cloud of fear and suspicion over the entire aviation industry, the safeguards employed by them, the government agency that monitors them, and the ticket-buying passengers who depend on them.

Mr. Brady's entire article is based on the fact that traces of cyanide were found after the December airline crash in Chicago that took the lives of 45 people. Because the wife of a man involved in the Watergate case was one of those victims, he paints a murky picture of conspiracy to murder by sabotage, and he hints that the National Transportation Safety Board is a party to this conspiracy because it has not released its crash report.

Well, Mr. Speaker, the facts that any reporter could have obtained in less than 10 minutes, make Mr. Brady look pretty silly, and his magazine ought to be ashamed of itself.

The safety board has released an interim report, available to anyone. Yes, sir, there were traces of cyanide found in the bodies of seven victims, including the pilot. Anytime there is a fire death in which burning fabric or plastic is involved, including wool or cotton fabric, inhalation of the smoke and fumes will produce cyanide traces in the blood.

This is no earth-shaking revelation, Mr. Speaker, it has been known to pathologists for years.

Death by cyanide poisoning is instantaneous, as those of us old enough to remember the suicides of Heinrich Himmler and Herman Goering should know. But the pilot of the Chicago United plane lived for a few minutes after the crash. How in the world could anyone go about producing an airplane crash by the use of cyanide?

Mr. Speaker, the National Transportation Safety Board reports directly to the Transportation and Aeronautics Subcommittee, of which I am a member. Their work is painstaking and accurate, and is not accomplished overnight.

Nevertheless, some of their preliminary findings have been released, and were available to Mr. Brady, or any reporter.

I am afraid, Mr. Speaker, that the very name "Watergate" is now sufficient grounds to make a very small minority of people in the journalistic world forget everything they ever learned about responsibility and integrity. In this case, the disservice that Mr. Brady and the New York magazine have rendered is not to some obscure bureaucrat, but to the entire aviation industry and to the people who buy the tickets to fly with them.

## INTRODUCTION OF INDEPENDENT OIL MARKETERS SUPPLY ACT OF 1973 AND JOINT RESOLUTION ON IMPORT SYSTEM

(Mr. MACDONALD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MACDONALD. Mr. Speaker, I am introducing a measure today on behalf of myself and 37 of my colleagues to prevent the major oil companies from using the present gasoline shortage as an excuse to cripple the independent businessmen who compete with them on the retail level. Senator EDWARD M. KENNEDY has introduced companion legislation in the Senate.

The President's announcement on May 10 of his voluntary allocation plan for the major oil companies came just 3 days after I initially introduced this legislation to make allocations mandatory. However, in light of past demonstrated lack of foresight on economic issues and given the oil companies' inclination to exploit fuel supply problems to expand profits, there is ample reason to fear spotty compliance and uneven results from the major oil companies. I ask you to keep in mind that just 3 short weeks ago we heard from administration spokesmen urging defeat of any kind of legislation that would result in controls over the fuel distribution system.

This legislation has been shaped with these facts in mind. The bill stipulates that if an overall shortage of fuel prompts a refiner to reduce deliveries to an independent distributor, he must reduce deliveries to his own company controlled distributor by the same percentage. The legislation also requires a refiner to deal identically with all its retail marketers when applying any price increases.

No distinction will be permitted between brand-named and privately named outlets. Although the bill will have immediate impact on the present gasoline shortage, it also covers No. 2 fuel oil, which we have been told will be in short supply again next winter. Diesel fuel and kerosene are also covered.

The joint resolution I am submitting directs the Interior Department to evaluate the major refiner's treatment of its independent marketers before granting a renewal of its oil import license. If a major refiner is found to have discriminated against the independents in supply allocations or pricing policies, it can, and should, be denied the license.

It must be emphasized that the plight of the independents is steadily worsening, and that their survival is vital to the interests of the American consumer. Nearly 600 gasoline stations across the country have already closed due to short supplies while another 1,400 are in imminent danger of closing. These developments are especially disturbing when we realize that independent distributors provide the only price competition in the gasoline business. For in fact the majors are in competition with each other only as to such frills as credit card plans and advertising content. Meanwhile, every cent increase in gasoline prices hits the American consumers with a staggering $1 billion increase annually.

Presently, as the voluntary plan exerts its unpredictable effect, threats to the consumer are being compounded. Farmers cannot harvest their crops, construction companies cannot operate their equipment, due to cutoffs of gasoline and diesel fuel. No voluntary arrangement will be sufficient to cope with such accelerating confusion as has been demonstrated by phase 3 of the price control plan.

In this present period, while we are readying mandatory legislation, the administration and the oil refiners have in effect a short grace period in which to gain back the Nation's confidence. However, they should be made to keep us continually informed about the progress or lack thereof that is being made under the voluntary plan. How many major companies are complying? Which ones? How many additional reports of station closings is the Office of Oil and Gas receiving? How many of the stations which have already closed are managing to reopen? Presently, in a manner to which it is getting accustomed, Congress is being denied the information it needs to consider proper legislation.

It is gratifying that the administration says it is planning to hold hearings on the possibility of making its voluntary scheme mandatory through the discretionary authority already granted by Congress. Let us hope, however, that the ad hoc board to be appointed will include representatives of the consuming public and not just bureaucratic and corporate officials.

One sign of good faith by the major oil companies would be the immediate resolution of the paradox of a gasoline shortage on the one hand and unused refinery capacity on the other. There are now 47 independently owned refineries in the United States operating at only 70 percent capacity, because the same major companies who are trying to shut off independent retailers are also shutting off independent refineries. The Federal Government should get tough with these major firms until they begin to channel crude oil to the independent refineries in an effort to increase supplies of refined products like gasoline and No. 2 home heating oil. An apparent reluctance to take such steps has further aggravated the fuel shortage for independent retailers and for the American public.

(The referred to material follows:)

CO-SPONSORS

Herman Badillo (D-N.Y.).
Fernand J. St Germain (D-R.I.).
Lionel Van Deerlin (D-Calif.).
Benjamin S. Rosenthal (D-N.Y.).
Samuel S. Stratton (D-N.Y.).
Robert F. Drinan (D-Mass.).
Gus Yatron (D-Pa.).
Robert A. Roe (D-N.Y.).
David R. Obey (D-Wis.).
Bertram L. Podell (D-N.Y.).
Henry B. Gonzalez (D-Tex.).
Paul W. Cronin (R-Mass.).
Edward P. Boland (D-Mass.).
Morgan F. Murphy (D-Ill.).

Claude Pepper (D-Fla.).
Sidney R. Yates (D-Ill.).
Harold D. Donohue (D-Mass.).
Frank Thompson, Jr. (D-N.J.).
James A. Burke (D-Mass.).
Bob Eckhardt (D-Tex.).
Frank Annunzio (D-Ill.).
Alphonzo Bell (R-Calif.).
Michael McCormack (D-Wash.).
Michael Harrington (D-Mass.).
John Moss (D-Calif.).
Pete Stark (D-Calif.).
Gerry E. Studds (D-Mass.).
Paul S. Sarbanes (D-Md.).
Joseph Moakley (D-Mass.).
Augustus Hawkins (D-Calif.).
Donald Riegle (D-Mich.).
James Harvey (R-Mich.).
John M. Murphy (D-N.Y.).
Robert McClory (R-Ill.).
James J. Howard (D-N.J.).
John B. Breckinridge (D-Ky.).
Margaret Heckler (R-Mass.).
William R. Cotter (D-Conn.).

H.R. 8090

A bill to provide for the continued supply of petroleum products to independent oil marketers

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Independent Oil Marketers Supply Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) Present and prospective shortages of petroleum products constitute a serious threat to the survival of independent marketers and small businessmen.

(2) Such independent marketers provide an essential element of competition by offering alternative sources of supply and lower prices to consumers.

(3) The demise of the independent marketers will result in the petroleum market being completely controlled by a small number of large integrated refining companies.

(b) The purpose of this Act is to assure that independent marketers of gasoline, home heating oil and other petroleum products are not subjected to unfair methods of competition and unfair trade and marketing practices during periods of supply shortage.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "refiner" means a person engaged in commerce in the business of refining crude oil into petroleum products, whose total average refinery input of crude oil exceeds thirty thousand barrels per day;

(2) "independent marketers" includes, but is not limited to, terminal operators, jobbers, dealers, or distributors, at the wholesale or retail level, marketing under a refiner brand or a private brand, which are not owned or controlled by a refiner;

(3) "controlled marketers" includes, but is not limited to, terminal operators, jobbers, dealers, or distributors, marketing under a refiner brand or a private brand, which are owned or controlled by a refiner;

(4) "petroleum product" means gasoline, numbered 2 fuel oil, diesel fuel, kerosene; and

(5) "base period" means the period from October 1, 1971, through September 30, 1972.

PROHIBITED ACT

SEC. 4. (a) No refiner who during the base period was in the business of furnishing any petroleum product to controlled marketers for resale or sale to the public shall fail to offer to supply that product to independent marketers at reasonable prices in reasonable quantities, so long as he continues to furnish that product to controlled marketers.

(b) It shall be, prima facie, a violation of the provisions of subsection (a) for any refiner—

(1) to fail to offer to supply to an independent marketer, during any calendar month beginning after the date of enactment of this Act, a quantity of any petroleum product not less than the quantity that was supplied by him to that independent marketer during the corresponding month of the base period reduced by a percentage not to exceed the greater of—

(A) the percentage by which the quantity of such product furnished by the refiner to controlled marketers during the month next preceding was reduced from the quantity furnished to such controlled marketers during the corresponding month of the base period, or

(B) the percentage by which crude oil processed by that refiner during the month next preceding was reduced from the quantity processed by him during the corresponding month of the base period; or

(2) to sell a petroleum product to an independent marketer at any price during such month which is greater than—

(A) the average price at which he sold such product to such independent marketer during the corresponding month of the base period, increased by

(B) a percentage equal to the percentage by which the average price for such product sold during such month to controlled marketers exceeds the average price for such product sold to such controlled marketers during the corresponding month of the base period.

UNFAIR TRADE PRACTICE

SEC. 5. Violation of the provisions of section 4(a) of this Act shall be an unfair act or practice in commerce in violation of the provisions of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

SEC. 6. The Federal Trade Commission shall report to the Congress within 6 months of the date of enactment of the Act whether any additional legislation is required to prevent acts or practices in commerce which adversely affect any independent marketer as defined in this Act.

## SUMMER NEIGHBORHOOD YOUTH CORPS FUNDING

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

**Mr. ROSTENKOWSKI.** Mr. Speaker, once again it is necessary for the Congress to provide emergency funds for summer employment for our youth. In each of the past 4 years we have legislated "crash" funding for the so-called Summer Neighborhood Youth Corps. We have had, in each of those years, youth summer employment legislation before us. This year we have none.

As a result of the administration's action, the Neighborhood Youth Corps for this summer exists literally in limbo. There is, according to the proposed fiscal year 1974 budget, no money available for summer jobs for youth. The President has suggested that funds from the Emergency Employment Act be used to supply token job opportunities for urban youth. The city of Chicago has been informed that they will receive $5.8 million of the EEA money available through the Department of Labor for jobs this summer. This figure represents a cut of $8 million from the summer 1972 figure. Last summer in Chicago 33,000 youngsters were employed through the Neighborhood Youth Corps. This summer 100,000 Chicago young people qualify for, and want summer employment, but only 13,000 will be employed. If the administration succeeds, there will be no Neighborhood Youth Corps in June 1973.

Without emergency action by the Congress, my city will be left with an estimated 39,000 unemployed high school dropouts between the ages of 16 and 21. Also, there will be 42,000 active high school students who will not be able to return to school in the fall because of a lack of summer employment. Twenty-five percent of Chicago's population is between 8 and 21 years of age. It is absolutely imperative that these young people are given the opportunity to work. It is imperative for their immediate- and long-term futures. It is imperative for the future of Chicago. My city is not an exception—we are only one of those 114 largest cities in the United States that will be severely affected by the termination of the Neighborhood Youth Corps.

Mr. Speaker, the Senate has initiated action to add Summer Neighborhood Youth Corps funds to the second supplemental appropriations bill. If this occurs, I urge all of my colleagues to support this action when the bill returns to the House. Certainly, this situation demands immediate action.

## THE PRESIDENT'S "EXPLANATION"

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

**Ms. ABZUG.** Mr. Speaker, yesterday we received another installment of the tortuous, convoluted "explanation" of his relationship to Watergate that the President continues to spin out. As usual he raised more questions than answers.

He admits that he bypassed the regular law enforcement agencies and set up a Special Investigations Unit—the famous "plumbers"—in the White House, and that it included E. Howard Hunt, later convicted in the Watergate burglary.

He admits that he authorized a plan which allowed "surreptitious entry—breaking and entering, in effect." Does this mean that the President of the United States approved felonies?

He admits he authorized wiretaps under conditions of dubious legality which were in fact later ruled illegal by the U.S. Supreme Court. These were wiretaps of persons selected on the basis of materials in security files. Files gathered by whom, when, under what conditions? Authorized by whom?

Another purpose of the Special Investigations Unit, Mr. Nixon says, was "to prepare an accurate history of certain crucial national security matters which occurred under prior administrations." Does this include Mr. Hunt's attempt to "correct" history by forging cables purporting to be from John F. Kennedy?

The campus disturbances which Mr. Nixon claims as the rationale for his questionable activities were in fact reactions to his illegal and murderous invasion of Cambodia.

Mr. Nixon claims that until the New York Times and the Washington Post printed the Pentagon papers, "no senior official of the Government had read them—most officials did not know they existed." For Heaven's sake, why not? Who is running this country? Is it the generals or the civilians?

Why, why, why? We can only ask, while daily our heads reel with new revelations. Has not the time come when these and many other questions must be asked, officially, by the body entrusted with this responsibility under the Constitution—the House of Representatives?

## WAR POWERS OF THE PRESIDENT AND OF THE CONGRESS

The SPEAKER pro tempore (Mr. Mazzoli). Under a previous order of the House, the gentleman from Indiana (Mr. Dennis) is recognized for 60 minutes.

Mr. DENNIS. Mr. Speaker, I propose to discuss briefly this afternoon, with such other Members as may decide to join in, if any, one of the truly great constitutional questions of our country, and that is the question of the war powers of the President and of the Congress.

This obviously is a vital question, and it is not a new one, because it has been with us throughout our constitutional history. It is a question which certainly should be approached in a very serious and sober manner, and which certainly ought not to be approached in any sort of a partisan way.

What we need to determine in this important field is, first, whether any legislation is needed, and then, if we think legislation is needed, we should try very hard indeed, because of the importance to the Nation, to write good and wise legislation, because this is preeminently a field where a bad piece of legislation is much worse than no legislation at all.

What one has to seek is a long-range solution to the problem. As I said earlier, the problem is not a new problem, and it certainly is not. Article I, section 8 of the Constitution, lists the powers of the Congress in this field, and does so in a reasonably specific manner. Article II deals with the powers of the Executive in this field in what I would say is a more general and less specific manner.

Practice has varied. In our earlier days I think the practice favored the power of the legislative branch. Lately, to the alarm of many, the scales seem to be tipping in favor of the executive. But I think the basic theory of our constitutional setup can be fairly stated to be that the Congress should decide the basic policy question of whether to go to war, at least in the absence of an emergency situation, and then the executive has the authority to conduct the war once we have decided to embark on that course of conduct.

Everyone agrees, I think, in a broad general way, that both constitutional theory and wise and effective practice require joint participation by the legislative and the executive branches, and also require broad public support in this highly important endeavor.

It is very difficult, Mr. Speaker, to draft satisfactory legislation in this field. There are a good many wise people who say, "Leave it alone"; that the best thing to do is to rely, as we have in the past, on the good judgment and restraint of both the legislature and the executive, let things work out in practice, and not try to be specific. It has even been suggested that maybe the Framers, who were not too specific, had the benefit of that kind of a situation in mind.

The difficulty with that theory is that of late years that mutual restraint has apparently not existed to the extend it should. We have had an erosion of congressional power. We have had an increase of Executive power. And again I may say that this has been true in a number of administrations of both parties, and that it is not a partisan matter at all.

That has led me to believe, along with other people, that, if it can be done, we ought to try to frame some satisfactory legislation and give ourselves some guidelines.

But it is not an easy thing to do. Any legislation, I think, should have certain basic objectives. What we ought to try to do, if we venture into this field at all, is to insure significant participation by the Congress as the direct representatives of the people in the decision of peace or war, and at the same time we have to try to do this without unduly tying the hands of the Executive, or interfering with his necessary ability to deal with emergency situations which are going to arise from time to time and which will require quick action. It is not easy to reconcile those goals, and yet any legislation which fails to keep them in mind and which fails to strike a proper balance between them, it seems to me, is bound to be undesirable.

There are several bills at the present time before the Congress and which make the discussion of this particular topic at this particular time a timely one. In the last session the Senate passed a war powers bill which was chiefly authored by Senator Javits. We passed a war powers bill—quite a different one—here. Nothing passed the Congress, but the matter is still alive, and our Committee on Foreign Affairs has been marking up a war powers bill this week, and I understand it is likely to complete that process next week, so that it appears we are likely to have some kind of legislation here on the floor. It would seem that, perhaps, for the first time, there is a reasonable possibility that something in the legislative way actually might be adopted.

It is for that reason that I think it is important to consider at this time where we are going, what we are doing, and what kind of legislation, if any, we are going to have. There are a number of bills in the hopper I am sure, but so far as I am aware, there are essentially three bills before the Congress.

One is a bill, again by the distinguished Senator from New York (Senator Javits). The other, which is being worked on at the present time by our Committee on Foreign Affairs, is one introduced, basically, by our distinguished colleague from Wisconsin (Mr. Zablocki). The third is a bill which I, myself, along with a number of other Members of this House, have had the honor to introduce. I think it is fair to say that the Javits bill and the Zablocki bill are better known than the Dennis bill, but that is, in my judgment, an unfortunate circumstance; because I think, for reasons I will discuss here briefly, frankly—and with all respect to those distinguished gentlemen—that I have a better bill, and I want to bring it to the attention of my colleagues who may, hopefully, look at it in the Record, even if they are not crowding the benches this afternoon.

Some analysis of these three measures seems to me to be in order. Really, that is what we are all going to have to do, is give some analysis to these measures.

Senator Javits has been a pioneer in this field, and he deserves a great deal of credit for being a pioneer and working on it. Basically his bill, as I understand it—I am not trying to state everything in the bill, but just outlining it—provides essentially this. He says that in the absence of any declaration of war by the Congress, the President shall commit our Armed Forces to combat in four listed situations only. One of them is to repel an attack on the United States or American territory. Another is to repel an armed attack on our Armed Forces outside of the United States. The third is to protect U.S. citizens while evacuating them from some foreign country; and the fourth is pursuant to some kind of specific statutory authority, and he says that such authority shall not be inferred either from law or treaty hereinafter adopted or enacted, or from existing law or treaty; it has got to be specific authorization.

In those four situations only, according to him, the President can go ahead without congressional authority and commit troops to combat. When he does it, he has to make a report to the Congress on what he has done, and then, unless the Congress approves the action affirmatively within 30 days, he has to stop doing it and withdraw the troops and terminate the action.

I respectfully submit that that provision is a great and, I think, a fatal weakness in the bill offered by Senator Javits. In the first place I do not believe we can foresee adequately all of the emergency situations which may arise, and where everyone might think that the President ought to be entitled under the circumstances to commit troops to combat without prior congressional authority. So I think it is impossible to limit those to only four situations. Some other situation might arise that we have not provided for.

Second, if such action is once taken, I do not think it is practical to limit such an action to an automatic 30-day cutoff unless Congress approves it. That is a very short period of time. I just do not believe, from a military point of view—even though he has got a little leeway to do something longer in order to protect the troops for withdrawal purposes—that it is a practical proposition.

Finally, and I believe this is a very basic defect in Senator JAVITS' bill, which was pointed out by Senator COOPER in a minority report in the Senate in the last session, at least three of the four categories he has listed, the first three and particularly the first one, which is the defense of the United States from armed attack, are undoubtedly inherent constitutional powers of the President which he does not need legislation to exercise.

The President has a right and a duty to protect the United States from armed attack, and, that being true, I do not think it is possible, constitutionally, for us to say here that he can only protect the United States from armed attack over a period of 30 days unless we do something about it. I just do not believe we could do that, I do not think we want to do that, or that it is constitutional to attempt to do that.

I think that is a fatal defect in the JAVITS' proposal.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I wish to compliment my colleague, the gentleman from Indiana (Mr. DENNIS), for his extremely thoughtful research on this whole subject of the "warmaking powers." It is significant that the gentleman from Indiana has taken the time today to review this important issue because the same subject is presently being debated, discussed, and worked on as specific legislation in the Foreign Affairs Committee.

Mr. Speaker, the debate over the warmaking powers has raged in the Halls of this Congress, both the Senate and the House, for many years. The lessons of the Korean and Vietnam conflicts have demonstrated the absolute need for congressional action to clarify the warmaking powers of the Congress and the President.

The legislation originally introduced by Congressman DAVID DENNIS, of Indiana, H.R. 3046, and which I have cosponsored, addresses itself very specifically to the issues raised in that debate and, in my judgment, would clarify the atmosphere of disagreement and dissension that has flared since the so-called U.S. police action of Korea in which we provided the major portion of the military manpower and weapons.

The Congress must assume its proper constitutional role as mandated in article I, section 8 of the Constitution which gives to the Congress the power to provide for the common defense, to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the Government and regulation of the land and naval forces, and to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

The provisions of this legislation in which I have joined with Mr. DENNIS include:

First, in the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, the President would be prohibited from committing our Armed Forces to combat or introducing troops into a situation where combat is imminent without specific authorization by the Congress. The legislation does, however, recognize that the President must be free to act in an emergency if he so determines.

Second, if the President does determine that such an emergency exists and he commits our military forces in the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, and without prior congressional authorization, he must submit a full written report to the Congress within 24 hours.

Third, the Congress then has 90 days to either authorize the continuance of this action, or disapprove of the action and require the termination of our involvement.

Fourth, if the Congress approves of the President's action, this legislation would require that the President report at 6-month intervals on the hostilities, and that the Congress must then either approve or disapprove of the continuing of our involvement after each report.

Fifth, if the Congress disapproved continuing our involvement at any time, the President would be required to withdraw our Armed Forces as expeditiously as possible consistent with protecting the safety of our forces, and the safety and defense of the United States and its citizens, its territories and possessions, and the reasonable safety of any allied forces that may be involved.

Sixth, if the Congress should fail to adopt the appropriate legislation either approving or disapproving the Presidential action, this inaction would be interpreted as an approval to continue our involvement, but it would in no way relieve the President of his obligation of periodically reporting to the Congress.

Seventh, this legislation would not alter or abrogate our treaty obligations.

Eighth, the act would take effect on the date of its enactment but would not apply to hostilities in which the Armed Forces are involved on the effective date.

The most serious and costly eroding of the checks and balances between the legislative and executive branches with regard to the war-making powers has come within the last 25 years. Our Founding Fathers were determined that no American President should have the powers of a king to commit our Nation to a war without its consent through its elected Representatives in the House and Senate. In 1793 James Madison—who was the major draftsman of the Constitution—wrote:

> Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the Constitution, that the power to declare war, including the power of judging of the causes of war, is *fully* and *exclusively* vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing Congress, whenever such a question seems to call for a decision, is all the right which the Constitution has deemed requisite and proper . . .

However, in framing our Constitution, our Founding Fathers drew a clear distinction between offensive and defensive actions. In 1801, Alexander Hamilton wrote:

> That instrument has only provided affirmatively, that, "The Congress shall have power to declare war"; the plain meaning of which is, that it is the peculiar and exclusive province of Congress, *when the nation is at peace*, to change that state into a state of war; whether from calculations of policy, or from provocations or injuries received; in other words, it belongs to Congress only, *to go to war*. But when a foreign nation declares or openly and avowedly makes war upon the United States, they are then by the very fact *already at war*, and any declaration on the part of Congress is nugatory; it is at least unnecessary.

In summary, the words of Justice Jackson in the 1952 steel seizure case are pertinent in our discussion today:

> We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

Mr. DENNIS. Mr. Speaker, I am very grateful to my distinguished colleague from California (Mr. ROUSSELOT) for his contribution.

Mr. Speaker, I would like to say in reference to one thing the gentleman from California said, that I quite agree with him that this is something which ought to be considered, as I said in the beginning, in sobriety and not in heat.

Mr. Speaker, I got into this thing a year or more ago in starting the research I have been engaged in since. I did not think introducing this type of legislation—looking toward the future and seeking a long-range solution—was really desirable while we were engaged in a shooting war, but I did introduce it in January of this session, when the shooting war had terminated, and at an early opportunity because I feel that it is entitled to priority. While it was introduced in January of 1973, I had been thinking about it for some length of time.

Mr. ROUSSELOT. Mr. Speaker, if the gentleman will yield again, I think that is another reason why taking the time today to discuss the "war making power" issue in a more somber atmosphere when we are not engaged so extensively overseas, is a substantial step at the right time and place. It again shows a very thoughtful and careful contribution of the gentleman from Indiana. Had he been tempted to bring this legislation to us during the Vietnam war it probably would have had many more political ramifications and would not have received the kind of careful review and debate that I think we can now give it.

Mr. Speaker, again I compliment our distinguished colleague from Indiana for his very careful research, and constructive legislative act (H.R. 3046).

Mr. DENNIS. I thank my distinguished cosponsor for his remarks.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I too wish to commend my friend from Indiana for his very scholarly, extemporaneous presentation to the Members of the House here today on this very pressing and very difficult question of constitutionality as it relates to warmaking powers.

I believe the contributions the gentleman is making here today will be recognized and recorded as being very significant and very timely.

There is a point I should like to stress, hopefully to provoke a response from the gentleman. As I view the problems of the past 10 years, the question of authority has left a very gray area. I believe this has been disturbing to people throughout the land. All of the questions of morality are centered around the fact that we have a gray area as it relates to authority in this one field.

First I want to state that the question of authority on nuclear warfare, heaven forbid, is very clearcut. This is with the executive branch. The President of the United States has absolute authority and control over our nuclear weapons systems and whether or not to impose them.

There is no question as to who has the authority on conventional warfare. This lies with the Congress of the United States.

But there is one thing I believe Congress and the executive branch over the years have been guilty of; they have not addressed themselves to the gray area of unconventional warfare and guerrilla warfare techniques which are employed. As I view it, we will have to look in the direction of considering a restructuring of our security alliances in order to bring about the kinds of security commitments and guidelines necessary to clearly spell out the responsibilities of the United States and our so-called allies.

I believe SEATO has been totally inadequate to meet the threat to security in that section of the world. The United Nations has proved itself to be totally incapable and unwilling to be a peacekeeping organization.

I believe the Executive and the Congress are going to have to sit down and work out the new guidelines and new understandings of responsibility for future security commitments, and hopefully a new treaty on these guidelines.

I wonder if the gentleman could respond as to how his legislation would dovetail with the point of view I have expressed here today?

Mr. DENNIS. My bill, which I am going to discuss in a moment, would not interfere in any way with what the gentleman is suggesting. It would not deal with it, either, specifically, because I have tried to stay out of the treaty situation here.

I realize that we have some treaty obligations already. I also realize some of them are a little bit vague about just what they may mean.

I thought we had bitten off enough territory here on the war powers. I did not want to try to get into that subject matter in this bill.

What I have said in this bill is that it affects in no way our treaty obligations presently existing, whatever they may be. I have not made any attempt to say what they are or are not. I have my thoughts and ideas about that, as the gentleman does, but in the bill I merely say that whatever existing treaty obligations may be, without discussing what they are or may be, they are not affected. The bill operates only prospectively.

Mr. DON H. CLAUSEN. I would simply conclude by stating in no way do I believe we in the Congress or those in the executive branch should necessarily take the initiative to advance something on our own, because it then becomes our plan, but I do believe it becomes necessary for us to tell those countries of the world which have a desire to build free institutions and hopefully free nations, with freedom being the prevailing objective, that it is up to them to start thinking in terms of developing a regional security pact as a backup to their own internal security infrastructure.

I believe that this has to come in the future. And then if it becomes necessary for us to become a participant to a degree in that regional security organization—I am thinking in terms of the Pacific Basin community countries—then we would listen to anything they would advance to us, but it is not up to us to take the initiative.

Mr. DENNIS. Mr. Speaker, I think the gentleman has a very valuable suggestion and idea, and I appreciate his contribution.

Mr. Speaker, I would like to conclude my remarks by briefly analyzing the other two bills which I mentioned, the one introduced by the gentleman from Wisconsin (Mr. ZABLOCKI) and my own, and then make a few comments in pointing out the merits and the demerits, as I see them, of these various measures, and making some suggestion as to what perhaps we might do.

The distinguished gentleman from Wisconsin (Mr. ZABLOCKI) who is chairman of the subcommittee considering this matter, has a bill, and I will say, as far as I am concerned, it is a better bill than the one of Senator JAVITS; but I think again that it has some rather strong defects, which I shall discuss in a moment.

But first, what this bill provides basically is as follows:

First of all, he says that wherever possible "the President should consult with the Congress before committing troops to combat," which is certainly a sound idea. He recognizes, as I do, that there may be emergency situations where such consultation is not possible. Unlike Senator JAVITS, he does not attempt to spell those out, which I think is very wise. He provides, however, that when and if the President has committed troops to combat situations without prior consultation with the Congress, he must make a report to the Congress promptly of what he has done.

Mr. Speaker, this provision applies not only to combat, but to sending troops abroad equipped for combat, or enlarging troop commitments which are already present abroad.

The President must make a prompt report to the Congress of what he has done.

Then, under the Zablocki bill, the President shall terminate that action and bring it to a close within 120 days after he has submitted his report, unless, again, we act affirmatively in the Congress to approve the action taken, either by a declaration of war or by other legislative approval.

So his approach there is quite similar to that of Senator JAVITS', except that he has provided a much longer period of time, 120 days instead of 30 days, that the operation can run before it terminates. But again he requires an affirmative action by the Congress to approve it, or else the action taken by the President has to terminate.

Mr. Speaker, I personally do not regard that as a very practical approach, from a practical military point of view, and I also point out that, since it requires an affirmative action by the Congress and since the rules in the Senate provide for unlimited debate, unless they can vote a cloture, a small minority of Senators could prevent the necessary approval and cause 120 days to run, even though a large majority of both Houses of the Congress wanted to approve the President's action. I think that is a very serious defect in respect to requiring affirmative action on our part in order to prevent an automatic termination.

My approach is this—and it is, I submit, much better—to provide that, once the President has taken this emergency action and has made a report to the Congress, which he ought to do, and we have a chance to vote on it, which we should have, a direct chance to vote, it should take a vote against what he has done to end it. If we do not like it, we can vote it down, but I do not think we ought to have it automatically terminate unless we vote it up, in these situations.

Then the gentleman from Wisconsin (Mr. ZABLOCKI) provided for another feature, which I think is also a defect in his measure.

He says that when forces engage in hostilities outside the United States the hostilities can be terminated at any time by the Congress by means of a concurrent resolution. Now, I have no objection as I said a moment ago, to having Congress vote to terminate the hostilities. but I do question very seriously whether a concurrent resolution is the proper vehicle.

Concurrent resolutions, unlike bills or joint resolutions, as my colleagues know, do not normally require signature by the President. I assume the reason for saying "by concurrent resolution" is in order to attempt to avoid a possible Presidential veto. I think there is a possibly fatal constitutional problem there.

When we legislate, the legislative process contemplates and requires action by both Houses of Congress and by the President in signing or vetoing a bill. We do not normally use concurrent resolutions for legislation; we use them to express the sense of Congress or to set a date for adjournment or to declare that May 10 is Santa Claus Day or something like that. We do not legislate by means of a concurrent resolution, and if you attempt to use it for legislation, I am not sure that it would not require under the Constitution signature by the President like anything else, if you can use it that way at all.

So I think by providing for voting down the action of the President by concurrent resolution the Zablocki bill interjects an unnecessary constitutional problem into his statutory scheme. Those are basically the provisions of Mr. ZABLOCKI's bill.

Now, Mr. Speaker, my own bill I have already hinted at, but I will briefly give you a summary of it as I gave it to this House when I introduced it.

My bill provides that when there has been no declaration of war by the Congress nor any attack on American territory the President shall not commit the Armed Forces of the United States to combat or to situations abroad where combat is imminent or likely without prior congressional approval, thus establishing that principle, except in cases of emergency or necessity, the existence of which emergency or necessity shall, however, be determined by the President.

I leave it up to him so as to leave him flexibility. I do not try to tell him when he can do it or when he cannot. If he thinks it is an emergency or a necessity that requires him to act without the prior congressional approval which he should normally get, then he can go ahead and take the responsibility of doing it. But, second, if the President determines that an emergency exists which justifies and requires the commitment of troops to combat or to combat situations abroad without prior congressional approval, he shall immediately make a report to the Congress, in writing, describing his action and the reasons for it, and stating what he has done and why.

Then my bill requires that the Congress shall—and we are required to—within 90 days thereafter take legislative action, by a bill or a resolution appropriate to the purpose, either to approve or disapprove what the President has done. We are required to act and we have 90 days to do it. We must vote approval or disapproval of his conduct.

Then I provide next that if we approve the action taken, the President shall thereafter make periodic reports as to the progress of the hostilities, if any, and what the current situation is, at intervals of not more than 6 months; and within 30 days after each one of those periodic reports we are again required to vote either approval or disapproval.

This, it seems to me, would assure congressional participation in the matter of going to war and in the matter of continuing in war.

But not until or unless we vote disapproval would the President be required to terminate the action which he had taken. If and whenever we might vote disapproval, then the bill provides that the President shall thereupon terminate the action taken and disengage the troops involved as expeditiously as it may be possible to do so, having regard to and consistent with the safety of the Armed Forces of the United States, the necessary defense and protection of the United States, its territories and possessions, the safety of citizens and nationals of the United States who may be involved, and the reasonable safety and necessities, after due and reasonable notice, of allied or friendly nationals and troops.

That has to be a fairly broad guideline, because I do not think you can make it any more specific. Those are the things, however, which the President has to bear in mind, and bear them in mind so as to terminate his action just as expeditiously as he can, having those things in mind—if and when we vote the disapproval.

The bill does not apply to any hostilities which may be in progress at the time of its passage. As I said a moment ago, it does not alter or affect any existing treaty obligations whatever they may be.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I will be happy to yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Speaker, I thank the gentleman for yielding, and I want to congratulate the gentleman from Indiana (Mr. DENNIS) for introducing H.R. 3046, in which I am proud to be a cosponsor.

I think it is time, as the gentleman from Indiana has so eloquently said, that we do make more certain the role of the Congress in warmaking during this time of undeclared wars that the world has seen so much of.

I think the bill introduced by the gentleman from Indiana (Mr. DENNIS) H.R. 3046, very adequately does spell out the roles of the President and the Congress when there has been no declaration of war or no military attack upon this country.

I think the bill is reasonable. I think it definitely puts the responsibility on the Congress to take action.

We have seen during the continuation of the war in Vietnam for these many years that once the action was entered into, once the troops were engaged, that the Congress, without statutory responsibility to do so, shied away really from declaring any kind of national policy but preferred, really, to leave it to the President to say not only how the war should be engaged in, but how long it should go on.

So, Mr. Speaker, I think that this bill is a great step forward to limit the powers of the President in leading the Armed Forces of this country in undeclared war, and in putting the responsibility here in the Congress where it constitutionally belongs to say whether this country shall be engaged in war or actions which have all of the attributes of war except a formal declaration.

But I would say this, speaking for myself, that I am not wedded to the terms of this bill, although I think this bill is a very reasonable one and a good one. I think that the bill adequately expresses the philosophy that should be guiding our President and our Congress, and this country, in these kinds of undeclared wars that the world and the countries of the world have seemed to accept as a method of doing business in the last few years.

So, Mr. Speaker, again I congratulate the gentleman from Indiana (Mr. DENNIS) for having introduced this legislation, and I am proud to be a cosponsor of the legislation.

Mr. DENNIS. I thank the gentleman from New York for his remarks and for his cosponsorship and support of the measure.

Like the gentleman, I am not necessarily wedded to all the dots of the i's and crosses of the t's of this particular bill of ours, but I do think, for some of the reasons I have pointed out, that it has merit, and that it has some merit over the other bills which I have discussed; and I hope that it will be given serious consideration by the Committee on Foreign Affairs for that reason.

In analyzing the bill just quickly again, I might point out one other thing I think I have not touched upon, and that is that our bill does not go into operation at all where there has been an attack upon the United States. It says,

> In the absence of a declaration of war or an attack upon the United States.

That avoids the constitutional problem in Senator JAVITS' bill where he would limit to 30 days in the absence of affirmative congressional action the right of the President to defend the United States from attack. I do not think we can do that, as I said before, but the question does not arise under our bill, because if there is an attack on this country our bill does not go into operation at all.

To sum up, we recognize in this measure the principle that normally there should be prior congressional approval before troops are committed to combat. We recognize, further, that emergencies may exist which make that impossible. We do not try to categorize them. We leave it to the President to determine what they are, but he knows that when he does determine that such emergency arises and does commit troops to combat without prior congressional approval, he is going to have to make a report to Congress, explain what he has done, and why, and that the Congress, within a relatively short period of time, is going to be required to vote on it, up or down, and that thereafter he has got to make periodic reports, and again the Congress will vote on them, up or down. That, I submit, without hampering the Executive or unduly tying his hands, or making it impossible to reach emergency situations, is still designed to insure that the representatives of the people in Congress assembled have a direct participation, and a continuing participation, in the warmaking effort.

I recommend the bill to the serious attention of the Committee on Foreign Affairs, and I hope that they will come out with something more or less along these lines that we can support and live with; because, as I said at the beginning, a bad bill here is worse than no bill at all. That is a very true thing. We might have to vote a bad bill down when a good bill, a viable bill, could be supported.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to my colleague, the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

I, too, cosponsored this legislation, and I think that it is a very fine piece of legislation. I am happy to have an opportunity to participate with him in the special order today, and I think he has done an excellent job in outlining the provisions of the bill, what it would do, and the necessity of why we need such legislation.

Certainly the situation we find in our country today is far different from the problems that faced our Founding Fathers many years ago when they drew the document of our Constitution, one of the most perfect documents in the framework of government that man has ever been able to devise; but one must remember that, as brilliant as these men were, they lived in an entirely different day and age and in no way contemplated our problems. They were fighting for our freedom. Twice in their lifetime—once in the Revolution and many of them again in the war of 1812—they were fighting for our freedom as a small, young, struggling nation. I doubt if any of them ever in their greatest wisdom and moments of vision foresaw the time when we would be a major power or superpower of the world with treaty obligations for the defense of freedom, not only at home, but all over the world.

Therefore, I think the provisions that they put into the Constitution concerning war and warmaking powers were very adequate in their day and age.

Actually that functioned well even up to World War I, where after debate Congress took the action and we went to war to defend democracy not here but abroad. In World War II it worked well when we were attacked and responded to attack by foreign powers. But since that time our entrance into the Southeast Asian military conflict has been an entirely different matter and one that requires perhaps a change in our thinking in this country. Certainly one can be a Monday morning quarterback and look back on what happened in the last decade and how things could have been so much better had we had this bill or had Congress sat down and debated rationally our involvement there and perhaps by resolution or statutes declared some state of war. I think many of the problems that besieged our Nation would not have taken place if that had been the case.

But that is over now and I certainly agree with the gentleman that this important matter should be resolved perhaps in a generation of peace and not in a wartime situation, and that it is one of the most serious problems that faces the country in the long run. I know the gentleman has spent a great deal of time in working out this bill which would redefine the congressional authority and our responsibilities, particularly in waging war and particularly in situations of our troops going abroad or where conflict is imminent and war will result.

I stress this objective because I think it is the challenge not only of the 1960's and 1970's in America but it may well be the challenge we have to contend with in the future, and we have not met it well to date. We have allowed ourselves to follow in the footsteps of strong Presidents or to be dragged along by them after the fact and maybe rubberstamp the actions of the Presidents by appropriations measures and things of this kind and by merely passively reacting.

It may have given some confidence that Congress would give its consent by at least a backhanded appropriation measure such as we faced the other day in the House with a supplemental appropriation for funds to continue operations in Cambodia. I think it was the very epitome of this attitude when we had demonstrations recently by the Secretary of Defense when he stated that if Congress did not allow the transfer of funds for the Cambodian operations the Defense Department would find the funds elsewhere and do it anyway.

This is not covered by the Constitution and I think the Founding Fathers would be very shocked if they were here today and could see how far that has changed.

I certainly think the bill offered by the gentleman from Indiana is a very reasonable and very practical approach to the problem. I think we can function as a nation under it. The President's hands will not be tied in times of emergency but Congress will have full participation and in that way each of us as Representatives from our districts will have the input of our people and the elected Representatives in the Congress will have an input into this important area of foreign policy for our country.

Again I congratulate the gentleman for drafting and presenting to the Congress this much-needed piece of legislation.

Mr. DENNIS. I thank my friend, the gentleman from Indiana (Mr. HILLIS) for his discussion this afternoon and also his cosponsorship of my bill. This is a very difficult bill, as I have said before, to try to draft. It is easy to make mistakes. What we are having here this afternoon is a sort of an educational session. I am sorry more people are not present, although I can readily understand why they are not. I am usually here for special orders myself; but this is a very important matter, and the point of having taken the discussion this afternoon is to open it up and to put something on the record so hopefully, it will encourage other people, even if they do not contribute to the discussion today, to consider the matter and perhaps have something to contribute at a later date—because as I say, our Committee on Foreign Affairs is getting ready to bring out some kind of bill.

Mr. Speaker, I think it is important for us all to try to get as good a measure as we can get.

Mr. Speaker, if there are no other Members who wish to contribute, I am prepared to yield back the balance of my time.

Mr. CLEVELAND. Mr. Speaker, I rise to urge support for legislation to effectively assert the constitutional authority of the Congress over the commitment of the Armed Forces of the Nation to hostilities overseas.

If the events of the postwar decades have taught us anything, it is that our ability to function on the international scene requires the pursuit of national policies reflecting the will of a unified nation. This is what I believe the framers intended when they devised a Constitution reserving to the Congress the power to declare war, and to the Executive the power over its conduct.

This shared responsibility urgently requires further definition in an age of great-power nuclear deterrent, and "brush fire" wars in far off lands. The dangers to our country will lie increasingly in threats of military aggression against our allies or others whose fate involves our vital interests. Over the decades ahead, we may well face the twin dangers of increasing isolation on the one hand, and the danger of involvement in small conflicts which can expand to a degree initially unforeseen, on the other. Our security thus will depend on our strength, vision, and clearheaded policies, conceived and carried out in substantial unity.

### LESSONS OF TWO DECADES

I therefore commend the approach embodied in H.R. 6318, cosponsored by the gentleman from Indiana (Mr. DENNIS), myself, and others, as a reasonable step toward reversing the excessive asserton of Executive power in this field. Had it been in effect during the early 1960's, I submit that it would have deterred our gradual immersion in the Vietnam conflict or enabled us to bring it to a swift and decisive conclusion. Had it been in effect during the early 1970's I am sure we would not have found this body taking the action it did on the Supplemental Appropriations Act to drastically curb the President's flexibility at a time of delicate peace negotiations. As Members will recall, I opposed that action on May 10 and in the process urged swift consideration and enactment of effective war powers legislation to preclude any recurrence.

At the same time, I wish to urge caution in formulating corrective legislation. I can think of no other area in which how we do what we do is of greater importance. My concern is that in redressing the balance we do not merely shift the imbalance from downtown to Capitol Hill and needlessly tie the hands of the President—the incumbent or any successor. It would compound the tragedy of Vietnam if our response to our agony there—which among other things was a test of our fealty to commitment—were to reduce our ability to honor commitments in the future. On the contrary, the shared responsibility which our legislation seeks would strengthen that ability.

I shall not argue further in support of the principle of congressional authority in this field, except to recall one objective I stated in cosponsoring this legislation on March 29:

> I seek to focus accountability on the Congress . . . so that Members will share with the administration the full consequences of action—and inaction—by Military Establishment of this nation in response to varying degrees of threat to our security.

The objective is thus to restrain the Executive at times, and at others to protect him from partisan or ill-informed criticism from a priviledged sanctuary—which Congress would remain if it deprived itself of explicit authority in this area.

Briefly summarized, absent an attack on this country or a declaration of war, this legislation would prevent U.S. forces from being committed to combat without a declaration of emergency by the President, later reviewed by Congress periodically for affirmative votes of approval or disapproval. Many pending measures recognize the principle.

### NO DECISION BY INDECISION

My concern at the moment, however, is that two of these—House Joint Ressolution 542, now under consideration in the Foreign Affairs Committee, and S. 440, pending in the Senate—require affirmative approval for continuation of a President's action once begun. Inaction would constitute a requirement by Congress to disengage. By contrast, the measure I support would put the burden on Congress by requiring an affirmative vote to terminate an emergency action. I submit that if we legislate a war powers measure in the name of congressional responsibility, we should commit ourselves to do no less. It would be an abdication of responsibility to say, before the fact, that an action commenced by the President in an emergency must be terminated within a predetermined time period because Congress refuses to act on the merits; inaction comes too easily within the Halls of Congress.

It is most important that any war powers bill enacted by the Congress be understood at home and abroad as having broad support in this body, including that of those who have supported the President's Indochina actions, as I have, as well as opponents.

The approach I favor is by no means perfect. I doubt that any measure of this sort could be at this juncture. But I believe it answers many of the objections of those of us who seek to establish in legislation a principle divorced to the maximum possible from the current conflict in Indochina. I believe it represents a major contribution toward the balance between the Congress and the Executive envisioned by those who drafted the Constitution.

There has been enough talk about the erosion of Congress, accretion of executive power and, yes, the arrogance of its exercise; enough of an adversary relationship with a White House under siege. Let us put an end to the talk and get on with the task of clearly defining the role of Congress in foreign policy. And let it be a good-faith effort, not a mere sequel to the Cambodia bombing cutoff vote. The bill I am cosponsoring represents a good beginning.

Mr. RHODES. Mr. Speaker, the Congress of the United States is currently attempting to regain some of its lost initiative and live up to its constitutional responsibility on several important scores. One of these areas is the question of war powers. The Constitution clearly states that—

> Congress shall have the power to declare war and to raise and support armies.

Yet we all know too well that the legislative have not fulfilled this responsibility in the past. Instead, another constitutionl provision—that "the President shall be Commander in Chief of the Army and Navy of the U.S."—has dictated our involvement in international areas of conflict.

The legislation currently before the House is designed to enable the Congress to recover lost power and at last live up to its responsibilities in the field of foreign affairs.

The bill provides that in the absence of a congressional declaration of war, or of a military attack on the United States, there shall be no commitment of U.S. troops to combat, except in cases of exceptional emergency. If the President, in declaring such an emergency, commits troops to combat without prior congressional consent, he will immediately issue a full report to Congress, detailing the rationale for his action. The Congress will then have 90 days to approve or disapprove of the President's action. If approved the President shall thereafter make periodic reports to Congress on the situation at least every 6 months and Congress will have 30 days to express consent or disapproval. In a case where Congress disapproves of troop commitment, the President will be bound to terminate all action and disengage all troops.

This legislation is in no way designed to usurp the powers of the Executive. It is designed to articuate the constitutional responsibility of the Congress. Its need is dictated not only by the importance of maintaining a viable system of checks and balances, but also by the belief that major decisions in America must be national decisions. We in the Congress have an ongoing responsibility to represent the people we serve. Let us adopt this legislation so that future decisions on matters of war will be decisions made by the direct representatives of the people.

Many of us who were in Congress when the Tonkin Gulf resolution was adopted have a strong desire to insure that no Congress is ever again placed in a similar position—being asked to take irrevocable action hastily, and without sufficient evidence to act intelligently. This bill, hopefully, will serve future Congresses in that manner.

---

## GENERAL LEAVE

Mr. DENNIS. Mr. Speaker, I ask unanimous consent that all Members who may be interested may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

---

## WITHHOLDING OF MARYLAND AND VIRGINIA TAXES FOR EMPLOYEES OF ARCHITECT OF THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, today I am reintroducing legislation which authorizes the Architect of the Capitol to enter into agreements with the States of Maryland and Virginia to withhold State income taxes from the pay of those employees under his jurisdiction who voluntarily agree to such action.

At the present time, no such tax can be withheld because the Architect of the Capitol lacks the legislative authority to do so. At the same time, however, the payroll systems of the Architect's Office are equipped to permit such deductions to be made without requiring any additional equipment or changes in existing payroll procedures.

Inasmuch as the Architect already has the authority and currently withholds such tax for the residents of the District of Columbia, an extension of this convenience to residents of Maryland and Virginia seems only fair and reasonable.

With the filing of our State taxes still relatively fresh in our memories, I feel sure every Member here will sympathize with what I am trying to do.

Every year I receive many letters and phone calls from employees of the Architect of the Capitol who urge me to take action to accomplish the enactment of this legislation. Many have stated, "This is the best way to assure the State of its money and to ease the budget of the taxpayer."

I have introduced similar legislation in both the 91st and 92d Congresses. The necessity of the legislation is clear and the implementation would be relatively simple. All that needs to be done is for Congress to take the time to consider this proposal.

Mr. Speaker, I include the bill at this point in the RECORD:

### H.R. 8084

A bill to authorize voluntary withholding of Maryland and Virginia income taxes in the case of officers and employees of the Architect of the Capitol

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subchapter II of chapter 55 of title 5 of the United States Code is amended by inserting after section 5516 the following new section:

"§ 5516A. Voluntary withholding of Maryland and Virginia income taxes; officers and employees of the Architect of the Capitol

"The Architect of the Capitol shall enter into an agreement with the State of Maryland and an agreement with the State of Virginia at the request for agreement from the proper State official. The agreement shall provide that the appropriate disbursing officer shall withhold State income taxes in the case of each employee under the jurisdiction of the Architect of the Capitol who is subject to such income tax and who voluntarily agrees to such withholding."

(b) The table of sections for such subchapter is amended by inserting after the item relating to section 5516 the following:

"5516A. Voluntary withholding of Maryland and Virginia income taxes; officers and employees of the Architect of the Capitol."

---

## VEYSEY ASKS COLLECTIVE BARGAINING PROTECTION FOR FARMWORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 15 minutes.

Mr. VEYSEY. Mr. Speaker, I rise to call your attention to legislation I am introducing which is of vital importance to my congressional district, the State of California, and to every agricultural area in the Nation. It is also a paramount concern to each of us who champions the rights assured every American by the Constitution and the Bill of Rights.

My legislation would provide to Amercan farmworkers, the same protection under law that the rest of the Nation's labor force has had for generations, giving them the machinery for collective bargaining and the right to choose their union representation, by secret ballot, and without coercion.

Several short years ago the Nation's farm labor strife was concentrated in the grape vineyards of California, where Cesar Chavez was attempting to convince farmworkers that they should join his United Farm Workers Organizing Committee. The struggle then moved to the growers doorstep, where UFWOC hoped to negotiate contracts for workers in lieu of worker elections. And finally, the battle went to the streets and the supermarkets, where economic pressures through the grape boycott, finally forced growers to sign grapeworkers into the Chavez-led union.

Throughout these turbulent years, everyone concerned suffered severely. Growers lost entire crops, farmworkers lost their livelihoods, violence became the byword, packing sheds and farmbuildings were burned out, farmworkers' families were harassed, and the Nation's consumers were subjected to a campaign of propaganda and intimidation.

Finally, the grape growers relented, and signed contracts with the UFWOC—or the National Farmworkers Union as it is now known. And the first large-scale agricultural industry was unionized.

Then the Teamsters Union entered the picture. The Teamsters—one of the Nation's most experienced and most effective union organizations—had represented many agricultural related workers in California for many years, and when lettuce packing shed and harvesting operations overlapped in the Salinas area, there arose a question of which union—the UFW of the Teamsters—had jurisdiction over the particular workers involved. Quickly, the question broadened to include lettuce fieldworkers as well.

Again the farmworker was not asked which he wanted, and the Teamsters began to negotiate with lettuce growers who had not yet signed UFW contracts.

Eventually, then, the lettuce industry there signed Teamster contracts, and the action moved from the Salinas Valley to the Imperial Valley where lettuce and a variety of other crops demand high labor. Again the Teamsters moved out in front, with growers, fearing particularly, the poor performance record the UFW has demonstrated by failing to provide enough qualified labor under some grape contracts. Most growers who opted for Teamster contracts were taking what they considered the lesser of two evils. So we came to the current harvest season with the Chavez-led NFW holding most of the union contracts in the grape industry, and the Teamsters holding most of the contracts in the lettuce industry. And nowhere through all of this, were farmworkers asked what they wanted, or given a vote in the selection of a union.

Then, the trouble became more complicated. The Teamsters, bolstered by their successes in the lettuce industry, decided to challenge for the expiring UFW contracts in the grape vineyards. And growers, some of whom had bad experiences with the UFW, began to sign with the Teamsters, setting the stage for another round of violence, intimidation, rioting, and ultimately, arrests as the UFW lost one contract after another.

Again there was no voice or vote by the workers involved.

Mr. Speaker, the farm labor warfare has now been ravaging California agriculture for over 10 years. It has drawn civil rights leaders, philanthropists, clergy, politicians, and virtually every other crusader in the Nation into the battle. And despite the severity of the problem, despite the fact the two main principles involved, the worker and the farmer desperately want the protection of law. We have not been able to provide them that protection.

My legislation would do that. It would set up a National Farm Labor Relations Board to deal with the labor problems of the Nation's farmers and farmworkers. It would guarantee farmworkers a secret ballot vote to chose their union representatives. It would remove the secondary boycott as a weapon in farm labor relations, just as it was withdrawn long ago in labor regulations affecting other industries.

My legislation, in short, would guarantee agricultural workers the right to collective bargaining, and the right to choose their own agent without fear of coercion of reprisal. At the same time, it would assure the Nation's farmers protection from secondary boycotts and other forms of intimidation, while providing the machinery to establish responsible, stable, union-employer relationships where the employees so desire.

Mr. Speaker, we must move to solve this problem, and we must move quickly. Chavez' grape contracts throughout the Central Valley of California will expire this summer. The Teamsters are waiting eagerly in the wings to compete for those contracts. The growers are caught in the middle, under intensive pressure from both. And the farmworkers—the objects of this 10-year juggernaught—have no voice whatsoever in this brawl over their destiny.

Unless we take action now, California's grape vineyards will surely become a full-blown battleground in the summer of 1973.

## THE DEFENSE EMERGENCY PROCEDURES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 15 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing for appropriate reference the "Defense Emergency Procedures Act of 1973," a bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities. I introduce this bill for the purpose of discussion at a time when war powers legislation is moving forward in both bodies of Congress. Last Friday, May 18, the Javits war powers bill, S. 440, was reported from the Senate Foreign Relations Committee by a vote of 16 to 0. This week and next week the House Committee on Foreign Affairs is in the process of marking up the Zablocki war powers resolution, House Joint Resolution 542, which last week cleared subcommittee by an 8-to-1 vote. I think both committees of Congress are to be commended on moving expeditiously in this session on this most important piece of legislation which died in the House-Senate conference last year, because of the great disparities in the two bills: while the House version simply required consultation with the Congress by the President over the emergency use of U.S. troops and a detailed and periodic reporting once the troops had been deployed, the Senate version required the withdrawal of the troops after 30 days unless the Congress specifically approved their continued use beyond that period.

This year the House Foreign Affairs Subcommittee has reported out a much stronger version than last year's resolution, in some respects even stronger than the Javits bill. This fact coupled with early action in both bodies bodes well for the prospects of compromise and enactment in this Congress.

The House bill currently pending in committee places a 120-day time limit on the engagement of U.S. forces in hostilities in the absence of a declaration of war or a specific congressional authorization for their continued use beyond that period; and it also provides for a termination of that authority before the expiration of the 120-day period if the Congress passes a concurrent resolution of termination. Bills or resolutions of either continued authority or of termination would be channeled through the House Foreign Affairs or Senate Foreign Relations Committees, would have to be reported and acted upon within a specified time, and thus would be privileged business.

The Senate bill terminates the President's authority after 30 days unless the President certifies in writing to the Congress that more time is needed to insure the safety of the troops in the process of their prompt disengagement. The Senate bills or resolutions of continued authority or termination prior to the expiration of the 30-day deadline could come directly to the floor without going through any committee if cosponsored by one-third of the membership of either body.

The House bill provides, "in every possible instance," that the President consult with the leadership of Congress and appropriate committees prior to committing troops to hostilities and that he periodically consult with the leadership and appropriate committees after committing our troops. The Senate bill does not contain this provision. Both bills, however, do require that the President make a full report in writing to Congress promptly after engaging our troops in hostilities or imminent hostilities. But while the Senate bill attempts to define under which situations the President can commit U.S. troops without prior or specific approval of Congress, the House bill does not and instead simply requires that any actions be consistent with his statutory and constitutional authority. The House bill does, however, define the types of military actions which would require compliance with the reporting and time limitation provisions. Finally, the Senate bill would not apply to hostilities in which the United States is currently engaged; the House bill makes no such exemption.

My own bill is offered as something of a compromise between these two versions, though it draws more heavily on the House bill which I find superior, and also draws on H.R. 6724 as introduced in this session by the gentleman from New York (Mr. HORTON) to establish a Joint Committee on National Security. Under my bill, the Joint Committee on National Security would be comprised of 26 Members including the Speaker of the House; the President pro tempore of the Senate; the majority and minority leaders of the House and Senate; the chairmen and ranking minority members of the House and Senate Appropriations and Armed Services Committees, the House Foreign Affairs and Senate Foreign Relations Committees; the chairman, vice chairman, and ranking minority members of the Joint Committee on Atomic Energy; and two at-large Members from each party in each body. The Speaker of the House and President pro tempore of the Senate would serve as cochairmen of the joint committee.

The joint committee would be the officially designated body of Congress to be consulted by the President during defense emergencies, to receive the President's reports, and to transmit these and other information and recommendations to the appropriate committees of Congress. The creation of the joint committee would not alter the existing responsibilities of the standing committees of the Congress, nor would it have the power to report legislation.

Under my bill, the President would, when possible, consult with the joint committee prior to engaging our troops in hostilities, his report on such actions would be transmitted through the joint committee. His authority for the use of troops without a declaration of war would end after 90 calendar days of their introduction into hostilities or imminent hostilities unless the Congress, by bill or joint resolution, specifically approved their continued use. Such bills or joint resolutions would be channeled through the House Foreign Affairs and Senate Foreign Relations Committees, and would be reported to the floor along with recommendations not later than 30 days prior to the expiration of the 90-day period and acted upon within 3 legislative days. The bill or joint resolutions would then go to the appropriate committee of the other body which would have to report it out with recommendations not later than 15 days prior to the expiraion of the 90-day deadline and acted on within 3 legislative days.

My bill also provides for joint resolutions of termination prior to the expiration of the 90-day period. These resolutions would be referred to the House Armed Services or Senate Armed Services Committees, and would, if cosponsored by at least one-fourth of the membership of either body, be reported with recommendations within 7 legislative days of the introduction of the joint resolution with the requisite cosponsorship; and would be acted upon by the first body within 3 legislative days. The appropriate committee of the other body would then have 7 legislative days to report out the resolution with recommendations, and again this would be acted on within 3 legislative days.

Like the House bill, my bill specifies that the act in no way alters the existing authority of the President or Congress or the provisions of existing treaties. Like the Senate bill it contains a "separability clause" in case any part of the act is held invalid by the courts. And like the House bill it takes effect on the date of enactment and does not exempt from the provisions of the bill hostilities in which the United States is currently engaged.

Mr. Speaker, in addition to the new feature in my bill of a Joint Committee on National Security, I think I should point out some of the other significant departures from the bill currently pending in the House Foreign Affairs Committee and the reasons for these changes. First, I have provided that resolutions of termination be joint resolutions rather than concurrent resolutions as provided for in the House version. I have done this because I have a serious question about the constitutionality of concurrent resolutions having the binding effect of law. Senator ERVIN conceded as much in his appearance before the House Rules Committee in testimony on impoundment control legislation. While I appreciate the fact that a joint resolution, unlike a concurrent resolution, would be subject to a presidential veto and thus would require a two-thirds override vote, it seems to me that it is better to enact a termination provision which clearly is constitutional and has the force of law than one which may only be interpreted as a "sense of Congress" resolution by the President. It is obvious that if this issue were thrown into the courts, it would not be resolved before the expiration of the 90-day deadline anyway and, therefore, would be lost as far as the first situation arising under this bill is concerned.

Another departure in my bill from the bill pending in the House Foreign Affairs Committee is the provision for referring joint resolutions of termination to the Armed Services Committees of the House and Senate rather than the Foreign Affairs and Foreign Relations Committees. I have done this, because it seems to me the question of early termination is more a military than a foreign policy one, and thus should be dealt with by the committees directly concerned with military matters. On the other hand, I fully concur with the idea of bringing resolutions or bills for continued authority through the Foreign Relations and Foreign Affairs Committees, because these clearly do involve foreign policy decisions and commitments.

Shifting resolutions of termination to the Armed Services Committees would not be consigning them to their death beds since my bill provides that any such resolution which is sponsored by at least one-fourth of the House or Senate membership must be reported to the floor of that House within 7 legislative days, regardless of the recommendations of that committee. The House bill requires that they be reported out within 15 calendar days with no requirement of minimum cosponsorship. I think this is a mistake, because in requiring the committee to report out "any resolution" of termination the Zablocki bill would open the way for a whole spate of such resolutions, introduced one after another, day after day, and each and everyone of these would have to be reported to the floor for action not later than 15 calendar days after their introduction. My bill, on the other hand, by requiring that such resolutions have at least one-fourth of the membership of either body as cosponsors before they must be reported, would lessen considerably the possibility of consuming a great deal of floor time considering numerous identical resolutions, because it would require a concentration of effort around the cosponsorship of a single resolution. That is not to say that my bill precludes the possibility of floor action on any more than one such resolution of termination prior to the 90-day deadline, but it certainly would reduce the frivolous abuse of this privilege—and these are privileged resolutions.

Mr. Speaker, these in brief are the provisions of my Defense Emergency Procedures Act of 1973 and a comparative summary of my bill and that now pending in the House Foreign Affairs Committee. I hope that in introducing this measure I am able to contribute to the healthy and considered debate and discussion which must precede final congressional action on a war powers measure. I have long felt that the Congress must act to restore its war powers responsibilities and prerogatives under the Constitution if we are to avoid future involvement in undeclared wars without the full and specific approval of the Congress, and just as importantly, without full consultation and exchange of essential information between the President and the Congress. Our Constitution has wisely provided for shared powers between the legislative and executive branch in the area of foreign policy and matters of war and peace. I think the passage of a strong war powers bill which carefully delineates these powers and responsibilities will help to insure the revitalization of the Congress and the overall strengthening of our system of government.

At this point in the RECORD, Mr. Speaker, I include the full text of my Defense Emergency Procedures Act of 1973:

### H.R. 8066

A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

Section 1. This measure may be cited as the "Defense Emergency Procedures Act of 1973."

### JOINT COMMITTEE ON NATIONAL SECURITY

Sec. 2. There is established a Joint Committee on National Security (hereafter referred to as the "joint committee") to be composed of twenty-six members as follows:

(1) The Speaker of the House of Representatives;

(2) The President pro tempore of the Senate;

(3) The Majority Leader of the House of Representatives;

(4) The Majority Leader of the Senate;

(5) The Minority Leader of the House of Representatives;

(6) The Minority Leader of the Senate;

(7) The Chairman and ranking minority member of each of the following committees:

(A) The Committee on Foreign Relations of the Senate;

(B) The Committee on Foreign Affairs of the House of Representatives;

(C) The Committee on Armed Services of the Senate;

(D) The Committee on Armed Services of the House of Representatives;

(E) The Committee on Appropriations of the Senate;

(F) The Committee on Appropriations of the House of Representatives;

(8) The Chairman, Vice-Chairman and ranking minority members of the Joint Committee on Atomic Energy;

(9) One Member of the House of Representatives who is not a member of any committee referred to in this section, to be appointed by the Speaker of the House of Representatives;

(10) One Member of the Senate who is not a member of any committee referred to in this section, to be appointed by the President pro tempore of the Senate;

(11) One Member of the House of Representatives who is not a member of any committee referred to in this section, to be appointed by the Minority Leader of the House of Representatives;

(12) One Member of the Senate who is not a member of any committee referred to in this section, to be appointed by the Minority Leader of the Senate.

The Speaker of the House of Representatives and the President pro tempore of the Senate shall serve as co-chairmen of the joint committee. Any vacancy occurring in the membership of the joint committee shall be filled in the same manner as in the case of the original selection.

### DUTIES OF THE JOINT COMMITTEE

Sec. 3. (a) It shall be the duty of the joint committee to convene at the call of the co-chairmen to receive any report required under section 4 of this Act and to report to those committees of both Houses of Congress which will consider legislation referred to in this Act;

(b) The joint committee shall be the officially designated body of Congress to be consulted by the President and his national security and military advisers, and to receive and transmit information to other committees of the Congress concerning actions taken and reports received, referred to in this Act;

(c) The President, in every possible instance, shall convene and consult with the joint committee before the introduction of the Armed Forces of the United States in hostilities or in situations in which hostilities may be imminent, and after such introduction shall consult regularly with the joint committee until such Armed Forces of the United States are no longer engaged in hostilities;

(d) The establishment of the joint committee shall not affect the duties and responsibilities of other committees of the Senate or of the House of Representatives;

(e) The joint committee has no authority to report legislation to the floor of either House, but it shall transmit information under this Act together with its recommendation for legislation to be considered or adopted.

### REPORTING

Sec. 4. In any case in which the President, without a declaration of war by the Congress—

(1) introduces the Armed Forces of the United States in hostilities outside the territory of the United States, its possessions and territories;

(2) introduces the Armed Forces of the United States equipped for combat into the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, replacement, repair or training of the Armed Forces of the United States; or

(3) substantially enlarges the Armed Forces of the United States equipped for combat already located in a foreign nation; the President shall submit within forty-eight hours to the joint committee a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional and legislative provisions under the authority of which he took such action;

(C) the estimated scope of activities;

(D) the estimated financial cost of such use or enlargement of forces; and

(E) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to the use of the Armed Forces of the United States abroad.

### NINETY-DAY LIMITATION

Sec. 5. (a) Within ninety calendar days after a report is submitted or is required to be submitted pursuant to section 4, the President shall terminate the use of the Armed Forces of the United States with respect to which such report was submitted unless the Congress enacts a declaration of war or a specific authorization for the use of the Armed Forces of the United States.

(b) Notwithstanding subsection (a), at any time that the Armed Forces of the United States are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of the Congress, such forces shall be disengaged by the President if the Congress so directs by joint resolution.

### CONGRESSIONAL PRIORITY PROCEDURE

Sec. 6. (a) Any bill or joint resolution introduced pursuant to section 5(a) at least forty-five days before the expiration of the ninety-day period specified in said section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, and shall be reported out by such committee, together with its recommendations, not later than thirty days before the expiration of the ninety-day period specified in said section.

(b) Any bill or joint resolution so reported shall become the pending business of the House in question and shall be voted on within three legislative days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such bill or joint resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out not later than fifteen days before the expiration of the ninety-day period specified in said section. The bill or joint resolution so reported shall become the pending business of the House in question and shall be voted on within three legislative days after it has been reported, unless such House shall otherwise determine by yeas and nays.

Sec. 7. (a) Any joint resolution introduced pursuant to section 5(b) shall be referred to the Committee on Armed Services of the House of Representatives or the Committee on Armed Services of the Senate, as the case may be, and shall, if sponsored or cosponsored by at least one-fourth of the Members of the House of Congress in which it is introduced, be reported out by such committee together with its recommendations within seven legislative days.

(b) Any joint resolution so reported shall become the pending business of the House in question and shall be voted on within three legislative days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations within seven legislative days and shall thereupon become the pending business of such House and shall be voted upon within three legislative days, unless such House shall determine otherwise by yeas and nays.

### INTERPRETATION OF ACT

Sec. 8. Nothing in this Act (a) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties;

(b) Shall be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party; or

(c) Shall be construed as granting any authority to the President with respect to the use of the Armed Forces of the United States in hostilities or in situations in which hostilities may be imminent in the territory, airspace, or waters of a foreign nation which he would not have had in the absence hereof.

### SEPARABILITY CLAUSE

Sec. 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the applications of such provision to any other person or circumstance shall not be affected thereby.

### EFFECTIVE DATE

Sec. 8. This Act shall take effect on the date of enactment.

---

## FEDERAL FIREFIGHTERS WORKWEEK BILL REINTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. Matsunaga) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, yesterday I reintroduced with 14 cosponsors my bill to shorten the workweek of federally employed firefighters, originally designated as H.R. 2066.

The legislation is intended to provide long-delayed relief for Federal firefighters who respond to the call when a fire breaks out near an ammunition dump or an Air Force fuel storage tank. They face the same, if not greater dangers than their counterparts in municipal fire departments; yet for the past quarter of a century they have been working a 72-hour week—nearly 1½ times as long as the 50-hour week of the average municipal firefighter.

To compound the obvious inequity, the Federal fireman is not even compensated for his longer working hours by higher pay. For working approximately 30 percent more hours than his municipal counterpart, he receives $3,609 less annually—$8,061, compared to $11,670. Even if he receives maximum premium pay for holiday and night duty, standby service and irregular hours, the Federal fireman can receive no more than $10,064.

To partially redress this inequity, I have introduced this legislation to shorten the Federal firefighter's workweek from 72 hours to a prudent, but still substantial, 56 hours. This is still well above the municipal average, and the bill does not deal at all with the pay differential. But it at least moves toward a balance that would, hopefully, slow losses of trained Federal personnel to city fire departments, permit stricter adherence to existing Federal personnel standards, and attract high quality firefighters to the Federal force in the future.

I am pleased to be joined today in this effort by a bipartisan group of 14 cosponsors, who believe in equity for deserving Federal employees. I include their names at this point in the Record:

### Cosponsors for Federal Firefighters Workweek Bill

Charles Carney, Don Edwards, Michael Harrington, Augustus Hawkins, Robert Leggett, Edward Madigan, John Melcher.

Joe Moakley, John Moss, Robert Nix, Bertram Podell, William Roy, William Whitehurst, Antonio Won Pat.

---

## THE ROLE OF THE NEWS MEDIA: AN INTERVIEW WITH HOWARD K. SMITH AND PETER LISAGOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Brademas) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, every month I am privileged to moderate a discussion program, "Washington Insight," on television station WSJV–TV, the ABC affiliate in South Bend-Elkhart, Ind.

I ask unanimous consent to insert at this point in the Record the transcript of the interview which will be shown today, March 23, 1973, on the subject of "The Role of the News Media."

I was honored to be able, for this edition of "Washington Insight," to interview two of the most distinguished journalists in the United States, Howard K. Smith of the ABC Evening News, and Peter Lisagor, Washington bureau chief of the Chicago Daily News.

The transcript follows:

### Transcript

Mr. Brademas. Welcome to another edition of "Washington Insight". Our subject today is the role of the news media in American life with particular attention to coverage of the activities of the Federal government in recent weeks.

As we all know, the television and press have gained new prominence in the United States, and I am honored to have as my guests today to discuss the role of the media, two of the nation's most distinguished journalists, men whose careers in covering the news span over half a century with more than half that time spent covering events here in Washington, D.C.

Peter Lisagor is the Washington Bureau Chief of the *Chicago Daily News*. He's also a former professional baseball player and was a Neiman fellow at Harvard University. Here in Washington he is widely respected for his impartiality and was once described by a colleague as a man who can "walk down the middle of the street and shoot windows out from both sides."

Howard K. Smith is the well-known co-anchorman and commentator on the ABC Evening News. He has also the distinction of being a former track star at Tulane University. He won the Paul White Memorial Award for distinguished reporting, was a Rhodes scholar at Oxford and has authored several books; the last aptly entitled "Washington, D.C."

Gentlemen, we meet at a time when the role of the press and television, particularly the national press and television, has been under extensive questioning but also at a time when the news media are credited with much of the responsibility for bringing the Watergate affair to the nation's attention. But, beginning with you, Mr. Smith, I'd like to put this question: in view of the evidence, apparently, that the Administration has been so long involved in Watergate, why did it take the nation's news corps so long to get around to finding out about it and telling the nation the news?

### WATERGATE: PRESS SHOULDN'T GLOAT

Mr. Smith. You've complimented the news corps. I think, as Dave Broder said in a column recently, "The news corps shouldn't gloat, the Washington Post did it." And I humbly yield to the Post on that. It took so long on our part because we thought that the thing was so incredible and ridiculous that some few people, superpatriots, worried about the nation, anxious to reelect Nixon, did it without anybody's knowing about it, anybody important. That's why we missed it.

Mr. Brademas. What do you think, Mr. Lisagor?

Mr. Lisagor. Well, I think one of the interesting things about it is that if the Watergate burglary had not occurred we might still not know what was going on in that extremely secure and quite secluded Administration setup in the White House which is without a doubt the most buttoned-up tight operation in my experience in Washington and, one might say, because of a fluke and two very energetic and responsible police reporters hanging tough and following it through, only because of that fluke do we now know what we know which is that at the center of the Nixon Administration was an effort really to compromise some sensitive agencies simply in the interest of a political objective.

Mr. Brademas. I don't think that we in Congress can take very much credit for having contributed to these revelations. I think we also should credit a courageous Republican judge, Judge John Sirica. In view of what both of you have said, aren't there some lessons here about the capacity of the news media effectively to tell the American people what's going on? Mr. Smith, what about that?

### U.S. PRESS IS WORLD'S FREEST

Mr. Smith. Yes, I think there are but the lesson to me is that our news system is a very good one. Our press is the freest in the world. I have lived abroad for twenty years in about 14 countries and worked in about 50 or 60 under their press regulations and in no country. not even the most civilized, is there such freedom as there is in this country. And I think only that permitted this to happen. For example, the Pentagon papers leak could not happen in Great Britain. The Official Secrets Act would stop it cold before it happens.

Mr. Brademas. Mr. Lisagor, the President after his Watergate speech, as I understand it, stopped by to tell you gentlemen that you should make his life difficult from now on. Do you think there will be a change in his attitude toward the media?

Mr. Lisagor. Not really. There is a chastening effect at the White House now. They are making overtures to the press, telling us nothing really, but being a little more civil, a little less contemptuous, a little less disdainful, just as they are being toward the Congress and toward the people.

One would hope that one of the consequences of Watergate is that they would return to the civilities of three co-equal branches of government, the recognition of the press' role in our open society and really to the resurrection, if you will, of the Cabinet, which was dropped through a trap door in Nixon's first Administration. One would hope that all that happens. There are signs that it might. I am very skeptical about it because I think if they weather this through, they will return to what is a comfortable practice and habit for them.

Mr. Brademas. Mr. Smith, because of your career as a television commentator, I wonder if you could tell us if you feel that, as distinguished from newspaper, television has been at a disadvantage in covering the Watergate events?

### WAS TELEVISION AT A DISADVANTAGE?

Mr. Smith. Television certainly does a less good job at investigative reporting than newspapers do. In part, in our case especially, it's due to the fact that only in the past year have we acquired and found enough good men to cover the news from day to day. Investigative reporting requires an investment of several reporters over several months during which they produce nothing. We haven't been able to afford that yet. We need every man on the air every day.

Mr. Brademas. What do you think about Senator Proxmire's comment the other day that the press was guilty of McCarthyism in its coverage of the Watergate?

Mr. Smith. I think any warning to the press should be made and I think he should have made that. I don't think it was justified but nonetheless I'm glad he said it, because I'm worried, too, about issuing hearsay evidence without response from the other side. But the distinction between this and the McCarthy allegations is that the other side isn't talking. That when Owen Lattimore was accused of something, you could go to him and get his side of it; now you can't get the other side.

### BREAKING DOWN CONFLICTING INFORMATION

Mr. Brademas. Mr. Lisagor, have you had any news on the Watergate leaked to you?

Mr. Lisagor. No, I haven't. I don't think very much news was leaked. That's another aspect of Watergate that's intriguing. The two reporters developed their sources painstakingly and, as I said earlier, responsibly. They had nothing leaked to them. This is literally true by their own evidence. They went out and dug this stuff up. Now we have had suspicions for a long time that things weren't what they ought to be around the White House. Things were just too tight, too utterly tight. There was too much power concentrated there.

And we could suspect a lot of things but nothing was leaked, and nothing was leaked to the reporters who broke this story or to the Washington Post. Once it began to break, then people ran for the lifeboats and began to make telephone calls saying, you ought to look into this and you ought to look into that.

For example, I had an experience with one of the principals in the Watergate case. He happened to run the Inaugural and I went down to see him at Fort McNair to talk about the Inaugural. He said, "Now, no questions on Watergate." I said, "Fine". When I got there, all he wanted to talk about was Watergate. He did it off the record and he lied to me, in the light of subsequent events, from top to bottom and this is what we had to contend with.

Mr. BRADEMAS. I want to put the Watergate event in a rather broader context if I may and Mr. Smith, I turn to you and ask about the fundamental question going through all of this, and I refer, of course, to the attitude of the Nixon Administration toward the press in the United States. Now, I understand that you have said that you don't think Vice President Agnew's attacks have really hurt the press very much. What about that?

### AGNEW HAD A RIGHT TO CRITICIZE, BUT—

Mr. SMITH. I felt that Vice President Agnew's original criticism had many points of justification. Therefore—and I don't mind being criticized—I don't think a man loses his rights of freedom of speech when he becomes Vice President. So it was all right with me. Some of it I disagreed with, but I think later actions, especially since the landslide victory and the hostility, have surprised me and surprised me especially because Nixon wasn't treated badly by the press in the election. I would say McGovern had more to complain about than Nixon did. But it has been a hostile line. Clay Whitehead, who threatened censorship of the local stations that carry our news, says we engage in elitist gossip. I don't know how, if Harry Reasoner engages in elitist gossip, how do you turn him off and do you know whether he has uttered elitist gossip or not.

Anyhow, it was intimidation, and I became worried too about the courts putting reporters in jail for failing to reveal confidences, to break confidences in rather minor instances. In some cases, I think reporters should break confidences but altogether I found a hostile line growing towards the press that I couldn't understand.

Mr. LISAGOR. I wanted to jump in because I believe Mr. Agnew had every right in the world to criticize the press but he chose absolutely the wrong ground on which to criticize it. Particularly television. That was the ground on the basic right to dissent. His first criticism of television was the instant analysis, criticism of instant analysis which was not, incidentally, instant analysis.

If he had criticized television because of an inherent basic distortion in that camera, and therefore a distortion in what the camera showed, he would have been on far safer ground.

### ADMINISTRATION INSENSITIVE TO FIRST AMENDMENT

What Mr. Agnew's criticism showed was an insensitivity toward the Constitution, particularly the First Amendment that, as Howard points out, ran through the whole of the Administration. We were aware of this, it was more than just simply a hostility toward our function. It really was an insensitivity towards, you know, the way this society must function. The First Amendment is a weak reed on which to lean. We in the press have known the fragility of it, but it's the best reed we've got and we have to lean on it. They were just totally insensitive to that.

### CONGRESS IS IN THE SAME BOAT

Mr. BRADEMAS. Of course, that's interesting to me that you make that point about the fragility of this relationship because many of us in Congress, I may say, have felt the Administration has had much the same attitude toward us in our constitutional system and, rather than quarreling with us, as the Founding Fathers, in effect, intended, the Administration has set out really to destroy us by the various policies and approaches they've adopted.

Mr. Smith, let me come back with something you said about Clay Whitehead, who directs the White House Office of Telecommunications Policy. Do you think that the Administration is hoping to seduce local television stations across the country into censoring network news as a tradeoff for a five-year rather than a three-year renewal of local television station licenses?

Mr. SMITH. No, I think it won't affect the daily news at all. As I say, you can't tell whether a man is going to utter elitist gossip until it's too late. You can't cut him off then. Local stations generally do not like to take controversial documentaries, which don't pay very much anyhow. Mr. Whitehead has given them a good excuse and a reward not to take controversial documentaries, and it's the controversial documentaries that will be hurt more than the news.

### PRESS COUNCIL WOULD BE INEFFECTIVE

Mr. BRADEMAS. Mr. Lisagor, one of the subjects that has been in part stimulated by all of the discussion of the role of the press in the United States is the proposal that there should be established a Press Council. One of these, I understand, is used in England, but I wonder if you could explain that and tell us how you feel about it?

Mr. LISAGOR. Well, a Press Council is simply a kind of auditor or monitor of the press and I don't think much of it because there is in this country a number of press associations. The American Society of Newspaper Editors is the one I have in mind when I make this statement.

No profession, not one, undergoes as much self-analysis and self-criticism as does the American press. Now, I must hasten to add little or nothing is done about that self-analysis and self-criticism. They come to Washington or some other city and they hold these meetings and they criticize themselves to a fair-thee-well and then go back and go on about their business unfortunately. There is Sigma Delta Chi; there are other organizations which constantly undergo self-scrutiny.

Press Councils? You know, I just don't like in our society to have this kind of a Board of Lords set up overlooking the performance of the press. I don't think they do that very well, and besides I've always felt that there is really enough self-corrective and competitive process in this country to keep us from going off the deep end.

Mr. BRADEMAS. Well, now let me press you on that and let Mr. Smith comment. In terms of circulation, of readership, probably 90% or so of the newspapers published in the country last year endorsed Mr. Nixon. You speak of the self-corrective; yet we talk about the shortcomings of the press in finding out what happened in Watergate. Was that self-corrective really working?

### PRESS SHOULD CORRECT ITSELF

Mr. LISAGOR. Let me remind you though, in the Roosevelt years, 90% of the press opposed President Roosevelt and he was elected by a whopping majority each time. So to cite the Nixon experience in 1972, it is not quite right. But as far as the corrective in the Watergate is concerned, that isn't a good example really.

But if television, for example, were to go out with something wild or crazy, there would be people investigating that on the print side. Similarly, if the print people get out of line, the television people would tend to correct it. But that isn't really what I mean.

We have all kinds of magazines and newspapers with varying philosophies in their approach to the news. A little lady came up to me and said it all. She said, "I don't believe in the media." I said, "Why?"

She said, "Because you lie." I said, "How do you know we lie?" "I read it," she said.

Mr. BRADEMAS. What about that, Mr. Smith?

### NEWS PEOPLE AREN'T PERFECT

Mr. SMITH. Well, I think that if you are saying are we perfect, the answer is obviously "no." No, we have a long way to go, but I have great faith in the corrective effect of competition and in fact the number of big city newspapers has declined; the number of newspapers has increased.

Mr. BRADEMAS. Let me suggest something that from my point of view is a marvelous field for you to try to be corrective or to improve in any event.

I refer to the coverage of the activities of the Members of Congress, Members of the House of Representatives even more so than of the Senate. This observation is to some extent self-serving but, it seems to me, that given the enormous power that the White House has to make an impact on the public which is both understandable and I think appropriate, that's political power—and yet here in the House, given that there are so many of us, I could count on the fingers of one hand the really first-class journalists in Washington who understand the House of Representatives. In large part, we're simply ignored. Why doesn't the press, why doesn't television, do a better job of covering Congress, generally, and the House of Representatives particularly?

### WHY ISN'T CONGRESS COVERED BETTER?

Mr. SMITH. Well, first of all because the President makes decisions, he comes out with a decision, it's often dramatic, but the House doesn't come out with many—it takes you a hell of a long time to come to a decision.

When Lyndon Johnson wanted to do something about raising taxes the first year, he didn't ask for it because he knew that Wilbur Mills wouldn't agree to it. The second year he had to ask for it but it took Wilbur Mills another year to agree to it.

It so happens that in that first year the British had to raise taxes too. It took them a month to debate it and pass the bill. It took you really in fact two years.

Now it's very hard for us to get the public interested in a process that drags on like that.

Mr. LISAGOR. I may add, 435 disparate voices versus one strong, powerful, almost monolithic voice in the President. Secondly, no discipline whatsoever, no party discipline in the House of Representatives. You Democrats, if I may say so, go off in a dozen different directions and so do the Republicans.

Now you know what self-respecting journalist is going to waste his time really trying to piece this thing together? Until you begin to exercise some discipline yourself, until you begin to computerize the data on which you must operate, you are going to have a hard time getting in the paper, just as Latin American news does.

### OPEN CONGRESS TO TELEVISION

Mr. SMITH. I'm going to make a proposal to you. The drama that is inherent in conflict on the floor, and it rarely happens, should be made clear to the public. I suggest you set aside a day every week when you let television cover the House of Representatives. Let your managers decide on bringing up good issues on those days and I'll bet you would get an audience.

Mr. BRADEMAS. I would have no objection to that whatsoever. I would have to disagree with both of you, however, in terms of your defense. Because what you've done is to complain about the nature of the institution rather than suggest that you yourselves might correct your institutions to cover the way in which the American Congress actually operates.

You've esuggested, for example, Mr. Lisagor, that we have no party discipline. You've suggested that the British system, Mr. Smith, enables decisions by the Parliament or the government to be made more quickly. But I respond to you that I think you ought not to tell us in Congress that we ought to have a disciplined party system or a parliamentary system of government in order for the American news media intelligently to cover our activities. So I would lay my criticism right back on you.

Mr. SMITH. You're right. I'm shocked, coming from England where the Parliamentary correspondents are essayists who write really fascinating stories every day of the goings on in Parliament. We don't have anything like that here. There isn't that interest in either House, though the Senate comes off better than you do for publicity. But I think in part it is your own fault, in part ours.

Mr. LISAGOR. One other thing is that you have to re-define news really, to subscribe to your view, but I really would like to see, as Howard suggests, a kind of theatrical performance which is precisely what it would be. Every ham in the House would want to get up there on this given day and I think you would just get a babble, I don't think you would get any issues illuminated; I don't think you would get any issues clarified or defined, but you would have every hambone who was running for something up there dominating the camera. That would be my suspicion.

Mr. SMITH. Don't underestimate the amount of ham there is already there. Like Strom Thurmond the other day protesting that Muskie had Ellsberg there for political reasons, as though people had politics on Capitol Hill! Well, the ham is there, and I would like to see some of it.

Mr. BRADEMAS. Well, first of all I would gladly endorse your proposal to set aside one day a week or even every day, as far as that goes, to cover the House and Senate, but that would put the country to sleep. But I must say that, speaking of television, for example, even when we've opened the Committees, as they have been opened to television, that for the most part, even when there are bills where some decisions are being made, television doesn't come. The same is true of the working journalists of the newspapers. There simply aren't enough of them, it seems to me. They are very able but there are just not enough of them on the Hill for them to cover it effectively.

Let me turn to another subject to which we've already made some reference, and that has to do with the protection of news sources of newsmen. Congress has been considering, as you know, several proposals to provide for a press shield and I'd be interested in your own reaction. Mr. Smith, maybe you could tell us what you feel about such proposals?

### WARY OF PRESS SHIELD

Mr. SMITH. I'm opposed to any press shield. I've lived in countries where Parliament has issued regulations allegedly to protect the press and it generally turns out that Parliament gets mad, too, at the press and changes the regulations a little. In this country there are none; there is only the First Amendment. And I would like to speak for that. I would like to argue every court case just on the clear, clean First Amendment. I think a shield law is an almost panic-stricken rush of some reporters away from the White House, saying the White House is about to regulate us, please you regulate us. I say I don't want either one of you to regulate us.

Mr. BRADEMAS. Mr. Lisagor, how do you feel about it?

Mr. LISAGOR. I would take my chances with the First Amendment, as frail a crutch as I suggested earlier that it is. Congress can't take away what is given and I would rather take my chances on the First Amendment then I would with shield laws.

Mr. BRADEMAS. I want to turn to a rather more general question right now and that has to do with the observation made by Edward J. Epstein, who wrote a book about television, published the other day, Mr. Smith, called "News from Nowhere." He said that the pictures of society that are shown on television are largely, though not entirely, shaped by organizational considerations. Do you think that in light of that kind of a charge television news presents an accurate picture of American life?

### TELEVISION DOESN'T HAVE ENOUGH NEWS TIME

Mr. SMITH. No, it doesn't. Our imperfections have always existed and I'm afraid they will always be there. We try very hard and conscientiously to do so. But we fail. Sometimes we've got interesting film of an incident that really isn't as meaningful as the whole story is.

Let me run down television news for a while. Television news has thirty minutes, allegedly. Take five commercials out of that and that will give you a good deal less. In our case, take a commentary out and that's still a good deal less. In our case also we run headlines. We don't have much more than 18 minutes to give to news service so I would recommend to your viewers here that they start reading newspapers. I hope we in television provoke them and give them vivid provocations, but they have to read newspapers.

Mr. BRADEMAS. You heard that, Mr. Lisagor. An unsolicited testimonial!

Mr. LISAGOR. I think that's a very honest appraisal of the limitations of that camera and what can be done with it, I really do. You have to get a superficial sweep of the news each evening. It's inescapable, you know, and people ought to understand it. But unfortunately they do not. Despite what the figures show, 80% of the American people still get the bulk of their news from Howard K. Smith's type of evening news cast.

Mr. SMITH. That worries me.

Mr. BRADEMAS. How do you get a sense, Mr. Lisagor, of whether you are getting through to people. How do you get some judgment about your effectiveness as a journalist?

### WHAT INTERESTS READERS?

Mr. LISAGOR. It's a good question and a difficult one to answer. I work for a provincial newspaper, the Chicago Daily News. A good paper but it's out there west of the Allegheny Mountains. My editors reflect to me something that they feel about the readership. That's the way we do it. We hope to get out once in a while and find out what interests our readers just as you do as a Congressman.

But as I say, the definition of news is such in this town that we do run as herds, we do run what we think is the top news story of the day and it may not interest you. It may interest no one out there; they may be interested in something over in HEW that crosses their lives each day, not something that's happening in Congress over a bill that has to do with defense procurement. It doesn't come close, doesn't cut them to the bone. We always have to watch and guard against this thing but all too often—Howard spoke of imperfections and this is an imperfect society—we are full of imperfections. All too often, we miss the boat on what really concerns the American people and ought to concern them.

Mr. BRADEMAS. Mr. Smith?

### PROBLEMS OF PACK JOURNALISM

Mr. SMITH. The advantage we have is that the telephone starts ringing the moment you get off the air and you get a great deal of mail every day. After one program I did we got 80,000 letters. Eighty thousand letters would fill this room up three feet. This is a much bigger room than these people can see. It scared the devil out of ABC. We discovered it was organized, something like what you've been reading about in the Watergate case, but still that's a lot of letters. People react promptly to television. Which is what frightens me a little because they watch us and whether they say they believe us or not, they attend to us.

Mr. BRADEMAS. What do you think about what Mr. Lisagor said? I think you've used the term "vogue news" yourself in describing the phenomenon of attending to a particular trend. Anything further to add to that?

Mr. SMITH. No, I think the herd instinct expression is one that I would use, too. I frankly try deliberately to find out which way the herd is going and run the other way. I don't know whether I succeed but I do get in lots of trouble as a result. But I think there is such a tendency.

Mr. LISAGOR. I'm not talking so much about opinion now, Howard, I am talking about what we define as the news that is important. It's the hard news that I'm talking about and all too often we define it as everybody else defines it instead of thinking, "Now of what concern is this really to the bulk of our readership, or your viewership?" and go define something that really does matter to them.

Mr. BRADEMAS. Let me ask each of you as we conclude our discussion here, if you would like to sum up in 30 seconds each, how you see the future of the press and television in relation to the freedoms of the country? Mr. Smith?

### OPTIMISTIC ABOUT THE PRESS' FUTURE

Mr. SMITH. Well, I'm extremely optimistic, but I always have been; I've never had the worries in even the worst times that my colleagues have had because I have had 20 years of vaccination, living in other countries, some of them allegedly free, where restrictions on the press are tremendous. In Britain I won't expand on it, but the Official Secrets Act is cruel, and we refused to accept it, incidentally, when I was there.

Mr. LISAGOR. We have had a distortion in recent years because the adversary relationship which I think is wholesome turned into hostility but I, like Howard, am very optimistic about the press' role. We have to watch it all the time. We can't gloat about it; we can't feel here an orgy of self-congratulations over Watergate. We've got to stay with it every day of our lives. It's too important really to applaud ourselves about any given job we do. Its an integral part; it's an organic necessity, an integral part of this open society we have.

Mr. BRADEMAS. I'm sure you have enjoyed, even as have I, this opportunity to talk about the role of the media in American life with two of the nation's most distinguished journalists, Howard K. Smith of ABC and Peter Lisagor of the Chicago Daily News.

This is Congressman John Brademas thanking you for joining us on another edition of "Washington Insight."

---

## A LETTER TO RICHARD NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, the current edition of "The New Republic" includes a letter to President Nixon from Arthur Bestor, professor of history at the University of Washington.

Professor Bestor's thoughtful missive notes that the Watergate incident "was only one episode in a continuous sequence of 'dirty tricks'," and suggests that even if Mr. Nixon was unaware of the burglary, the massive White House coverup which followed it, and the numerous other questionable activities in which his associates have engaged, he has demonstrated a lack of ability to administer the Government and should resign from office.

I include at the conclusion of my remarks the full text of Professor Bestor's eloquent letter and the results of a Time magazine poll which speak eloquently for themselves:

### A Letter to Richard Nixon: The President Should Resign

Richard M. Nixon,
*The White House,*
*Washington, D.C.*

Dear President Nixon: In the interests of honor, integrity and decency in American public life, you, sir, should resign the presidency upon which you have brought unparalleled disgrace.

Whether you had advance knowledge of the crime perpetrated at Watergate is not the crucial question. The persons who have been implicated in the burglary and the subsequent cover-up were members of your administration, chosen and vouched for by you or by persons appointed by you and acting under your authority. The burglary at Watergate, it is now evident, was only one episode in a continuous sequence of "dirty tricks" (the current euphemism for crimes committed under White House auspices). Many of the shameful deeds were perpetrated by a committee the sole purpose of which was to bring about your reelection. The various activities that are now becoming known—ranging from the forgery of documents to the burning of "sensitive" files, from the "washing" of money (thieves' argot) to the rifling of a psychiatrist's office—were carried out for your benefit, by persons well known to you, working in White House offices over which no one but you could or did exercise supervision and control.

It is exceedingly difficult to believe that all this was done, over periods measured in months and even years, without the slightest inkling reaching you. It is exceedingly difficult to believe that the whole tone of the administration was set by subordinates, acting directly contrary to your wishes. It is exceedingly difficult to believe that the readiness of your henchmen to violate the law time after time was the result of their own innate criminal propensities, and not the result of an understanding or belief on their part that you, as the ultimate beneficiary, would approve, albiet in silence and secrecy.

Even if one suppresses these grave suspicions and accepts the view that these violations of honor, decency and law took place without the slightest knowledge or indication of approval on your part, one cannot escape the other horn of the dilemma. Such an explanation of what has happened can only mean that you have proved yourself, by sheer administrative incapacity, unfit to hold any post of governmental responsibility. Two members of your Cabinet, selected by you, are under indictment; the interim head of the FBI, appointed by you, has resigned under fire; you yourself have dismissed the legal counsel that you appointed and that you put in charge of the Watergate investigation; you have found it necessary to accept the resignations of the two top members of the White House staff in the light of mounting evidence of involvement on their part. To record these facts (at the same time assuming that you are innocent of any complicity) is simply to say that you have proved yourself an utterly incompetent judge of men and an utterly incompetent administrator. You have lavished high offices upon unworthy men and you have been unable to keep track of, let alone control, the things going on in the executive offices of the President, under your immediate control.

The nation faces grave domestic problems, which can be successfully handled only by an honest and honorable body of public servants. You have been unable to maintain standards of this kind for your immediate, personally selected staff. How can we trust you to set the tone for the government as a whole?

The nation must deal, in foreign affairs, with the shrewdest of the world's leaders. A few, at least, may be as devious and underhanded as the Deans, the Haldemans, the Ehrlichmans, the Mitchells, the Magruders, the Segrettis and the rest, who have (if your own excuses are to be believed) hoodwinked you under your very nose. Can we safely trust the fate of our country in a dangerous world to the management of a man so blind and so unwary?

To alter slightly the concluding words of your Checkers-II speech of the 30th of April: God help America!

Yours, as in duty bound,
Arthur Bestor.

---

[From Time magazine, May 28, 1973]

### Did President Nixon Really Know?

A nationwide telephone poll of 1,037 voters conducted for Time last Wednesday, Thursday and Friday by Crossley Surveys, Inc., reveals that the American public is evenly divided on whether President Nixon knew of and approved in advance the Watergate burglary and bugging. But almost three out of five people surveyed refuse to believe his denials that he knew of the cover-up that followed.*

While only one in four would approve of impeaching Nixon if he was merely aware of the cover-up, nearly half believe that he should be removed from office if it is shown that he knew about the plot in advance. Of the people in the sample, 62% voted for Nixon in November. The questions:

Do you believe President Nixon knew in advance of the Watergate bugging and approved it?

| | Percent |
|---|---|
| Yes | 41 |
| No | 41 |
| No opinion | 18 |

Do you believe President Nixon knew of the cover-up that followed?

| | |
|---|---|
| Yes | 58 |
| No | 25 |
| No opinion | 17 |

Democrats, who made up 36% of those polled, and Independents, who accounted for 38% of the sample, were more suspicious of the President than Republicans, who totaled 23%. Fully 52% of the Democrats and 42% of the Independents believed Nixon knew of the bugging in advance, while only 20% of the Republicans thought so. The opposition was even more willing to accuse Nixon of covering up; 68% of Democrats and 62% of Independents believed that he was aware of efforts to conceal White House involvement; 37% of Republicans felt he knew about such activities.

If President Nixon knew of the bugging in advance and approved it, do you think he should be removed from office through the process of impeachment?

| | |
|---|---|
| Yes | 44 |
| No | 42 |
| No opinion | 14 |

If President Nixon knew only about the cover-up that followed, do you think he should be removed from office through the process of impeachment?

| | |
|---|---|
| Yes | 24 |
| No | 63 |
| No opinion | 13 |

Democratic and Independent votes outnumbered Republican ones on the question of impeaching the President for prior knowledge of the bugging plot. Only 32% of the Republicans felt that removal from office would be justified in this instance, but 51% of Democrats and 44% of Independents though so. A majority of all groups agreed that impeachment was unjustified if Nixon merely knew of the cover-up; 77% of Republicans, 54% of Demovrats and 62% of Independents voted no.

Do you think President Nixon is doing everything possible to get to the bottom of this scandal?

| | |
|---|---|
| Yes | 53 |
| No | 38 |
| No opinion | 9 |

Which of the following statements best describes how you think the Watergate scandal compares to other political scandals?

| | |
|---|---|
| Much more serious | 34 |
| Somewhat more serious | 26 |
| No difference | 27 |
| Less serious | 8 |
| No opinion | 5 |

Do you think the news media are treating President Nixon fairly on the Watergate issue?

| | |
|---|---|
| Yes | 60 |
| No | 28 |
| No opinion | 12 |

Nixon has clearly lost support among people who cast their ballots for him last November. When asked whether they would have voted for him if they had known then what they know now about Watergate, 70% of the Nixon voters said yes. While this change might not by itself have cost Nixon his victory, given many imponderables, it would have made the election a squeaker.

---

*The poll was substantially concluded before the President's latest and strongest denial on Friday.

## ASKS CONFEREES TO SUPPORT SENATE ON CAMBODIA BOMBING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Podell), is recognized for 5 minutes.

Mr. PODELL. Mr. Speaker, in the past 2 weeks Congress has demonstrated its intention to end American bombing of Cambodia and Laos. The House of Representatives signaled its determination by approving Representative Addabbo's amendment to the appropriations bill denying the Defense Department's request to transfer funds to pay for the bombing.

However, the House left a loophole for the administration. Even before we voted on the amendment Secretary of Defense Richardson had informed Congress and the American people that the request was one of courtesy only and was not binding on the administration. He presented the all too familiar argument that the President is empowered to do anything he believes necessary to fulfill his responsibilities to the Nation. Therefore, Mr. Richardson assured us they would find the money somewhere.

Fortunately the Senate Appropriations Committee has acted to close the loophole, by explicitly prohibiting the use of any appropriated funds whatsoever for the bombing in Indochina. I doubt that the administration will be able to carry on the bombing with voluntary contributions. I do not believe the President is willing to totally abandon the law of the United States.

When the choice is clearly before him to either stop bombing or act before the Congress, the American people, and the world in clear violation of the law and the Constitution, he will stop the bombing.

The Senate committee's action provides the quickest and simplest vehicle to achieve the goal of Congress. I am confident the Senate will pass this bill. I urge my colleagues to support the Senate version with regards to the bombing when the appropriations bill goes to a conference committee of the two Houses.

The administration is already acting on shaky constitutional grounds in bombing Cambodia without congressional authorization. The House version will increase the shakiness of their position but it will not topple it. Any relief the courts might provide would come too late. Relief must come now; the bombing and destruction must finally end.

We are in danger of renewing the cycle which created the Vietnam war; one of ever-deepening involvement. Soon there will be a new group of POWs captured in the fighting over Cambodia and Laos. These new prisoners will provide an opportunity for President Nixon to claim unlimited rights as Commander in Chief to protect American soldiers. Once again he will have to "force" Hanoi into submission by tactics such as mass bombings or mining Haiphong Harbor. All of us who hope to avoid this replay must support the bill passed by the Senate Appropriations Committee.

The unanimous vote of the Senate committee proves this is no longer a partisan issue or a liberal versus conservative issue. It pits the clear intent of Congress against the bankrupt position of the administration. The country will simply not support any more American fighting in Southeast Asia.

## UNWISE DECISION BY OMB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS), is recognized for 10 minutes.

Mr. DANIELS. Mr. Speaker, I rise today to condemn a recent unwise decision by Director Roy Ash of the U.S. Office Management and Budget which, unfortunately, was concurred in by President Nixon.

Mr. Speaker, section 113 of the River and Harbor Act of 1970 (Public Law 91-116) authorized the removal of debris and the disposal of derelict vessels in New York Harbor as well as the removal of deteriorated shore structures.

Mr. Ash unhappily for us decided that while the cleanup of the harbor was desirable "no justification exists at this time for assumption by the Federal Government of the financial responsibility of such a program." Accordingly, he nixed a recommendation by the Army Corps of Engineers that the corps commence work on the project. Again we have an instance of the "New Federalism" preached by the present administration. This is a system where the Federal Government keeps its money and tells local government to get busy doing what it cannot afford to do. In effect, guaranteeing that no action will be taken.

This is a classic instance of penny wise and pound foolish which has marked the attitude of the Nixon administration. The rebuilding of the Jersey City and Hudson County waterfront would vastly stimulate our local economy, cut the welfare rolls and substantially aid in increasing employment in an area marked by chronic unemployment. It would revitalize a semidormant part of New York Harbor. Obviously its rehabilitation would bring in millions of tax dollars.

Mr. Speaker, I am at a loss as to why Mr. Ash has vetoed this badly needed project.

Mr. Speaker, it seems to me that OMB is simply unaware of the constitutional mandate in regard to navigable waters and is simply passing the buck to local government with the full knowledge that local government simply cannot afford to do the job that needs doing.

Mr. Speaker, Mayor Paul T. Jordan of Jersey City has unveiled a comprehensive plan for redevelopment of the Jersey City waterfront. He hopes to make this long neglected part of our city a showplace for other waterfront cities across the Nation. It seems to me that the Federal Government ought to be cooperating just a little with his efforts in this area. I am astounded that despite all their pious preachings the Nixon administration will not cooperate with local government and local business and local labor when they are laboring to work together. Where is the cooperative federalism we have heard so much about?

## ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINN) is recognized for 5 minutes.

Mr. GINN. Mr. Speaker, never have I felt the need for a stronger congressional role than in the pending energy crisis. A coordinated government policy is needed to solve both our immediate and long-range energy problems. It is time to separate the facts from the fiction.

Today's shortage of fuel is a fact. In Georgia, gasoline rationing has begun, independent marketers are being forced out of business and the uncertain availability of agricultural fuels is alarming Georgia farmers.

In a letter last week to Secretary of Agriculture Earl Butz, I urged him to insure that adequate fuel supplies are made available to all farmers. Citing the dependency on fuel oil and LP gas of Georgia tobacco farmers, particularly during the summer months, I urged him to insure that the administration's voluntary allocation plan would be sufficient to meet all farming fuel needs.

The shortage, frightening to the farmer, has already played havoc on the independent marketers and distributors, often the suppliers of agricultural fuels. Innovators in terms of marketing and efficiency, these small businessmen provide the only element of competition in the industry. Mr. Alan Ward of the FTC in testimony before a Senate committee earlier this month said that "any substantial weakening of the independents . . . would be disastrous for competition," and for this reason I am introducing legislation designed to insure the independents at least a reasonable chance of survival.

Last fall, then OEP Director General Lincoln testified before a Senate committee that there would be no winter fuel shortage. OEP was wrong. The information, supplied by industry, was wrong. Ask any New Englander.

It occurs to me that similar misinformation might possibly be the basis of much of the crisis that we are hearing today. Could there be some credibility to the theory that this is a PR crisis—a public relations effort on the part of industry to convince us of the necessity of higher prices and lower environmental standards? Or are they, as their ads proclaim, merely intent on educating and alerting the consumer? Whichever, they are spending a great deal of money.

I think it is time the Congress made these determinations. Delay can mean disaster, for the industry, for the farmer, for the consumer, for our national security.

We are at least certain of this much. The days of cheap energy are over. With our high standard of living and insatiable appetite for energy we, 6 percent of the world's population, consume one-third of the world's energy. And our energy demand is doubling every 14 years.

The seriousness of the crisis, I feel is best reflected in two places—our dollar drain and our dependency on imported oil.

In 1970 the President's Task Force on Oil Imports gave assurances that the question of imports was under control through 1980. Today, less than 3 years later our oil imports of 6.1 million barrels a day have exceeded that projection for 1980.

The cost to us today—$9 billion dollars. Tomorrow—$30 billion dollars. An error judgment, a faulty projection just 2 years ago, further strains our weakening balance of payments.

Equally alarming is the projection that by 1980 we will import 50 percent of our domestic oil requirements, most of it from the volatile Middle East. We have just seen—this past week in the Libyan situation—how oil can and will be used as a political weapon. The situation is dangerous.

The President's recent energy message was a step in the right direction toward a new national energy policy. One step, but we need strides.

We need an apollo-type commitment to solve the long-range energy problems, and it is up to the Congress to offer the direction and the resources.

Here in the Congress we can best deal with our immediate energy problems. We are closer to the problems of our local and State governments, closer to the needs of the people. Industry misconception, error judgment, an "it can't happen here" attitude—all have contributed to a misguided policy of the past. I think it is time for new direction. Congress must take the initiative.

I, for one, am not going to sit idly by and let the fuel shortage problem curtail crop production. While the situation today is serious, the situation during summers of 1974 and 1975 may be critical. I pointed out, in a recent letter to Secretary Butz, that "the farmer cannot rely on redtape to run his tractor and bureaucratic excuses to fire the heaters in his barns."

Nor am I going to be content to watch a fuel shortage bring small businesses and industries to a standstill. We have enough difficulty with our national goals of full employment and reducing our welfare rolls without allowing governmental policy to contribute to more of the same.

Sixty-four Government agencies and departments have attempted to deal with our energy problems, but I think a solution depends on a new, national policy. Delay is dangerous. Committees of the Congress have done a thorough job of analyzing the situation—it is a good beginning.

As Members of Congress, it is up to us—we know the needs at home and we must provide solutions for the future.

Clearly, "the buck stops here."

## COMMENTS ON THE ITHACA MEDICAL CENTER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, many communities in this country are suffering unnecessary hardships because of the poorly operated methadone dispensing clinics in their neighborhoods. There is one such clinic on the upper east side in my district, the Ithaca Medical Center.

This is a clinic that simply dispenses methadone to addicts; it does not provide a comprehensive therapy program. And, it is a center that serves both employed and unemployed patients. Consequently, many of its patients not only come to the clinic for their daily methadone treatments, but also linger in the neighborhood harassing its residents.

In early March, the Ithaca Medical Center was the subject of a drug raid by the Bureau of Narcotics and the New York City Police Department. Ten persons were arrested in the clinic for illegally selling methadone. On Monday, May 21, the center was severely damaged by a fire and for 2 days the patients queued up in the streets to receive their "tang" from a van.

Despite the fire, despite the City Addiction Services Agency's agreement to assist in the referral of patients to other clinics, despite the center's problems in March, and despite the community's strong opposition to its continued operation, the Ithaca Medical Center was allowed to reopen for business today.

Mr. Speaker, this clinic is receiving $4.50 a day for each patient from medicaid. This means that with some 450 patients it is receiving over $12,000 a week in medicaid payments. Bear in mind this is a private practice for profit. It seems to me that the Federal Government has a responsibility for the conditions under which this so-called medical service is dispensed. If the treatment at this location involved any persons other than addicts, the structure would undoubtedly have been found unsafe for occupancy.

The Federal Government and a State licensing such facilities' operation also have a responsibility that such clinics do not create an undue burden and hazard for the neighborhood in which they are located.

During the past several months I have pressed the State health department and the City Addiction Services Agency to be more stringent in their demands and regulations of the operation of such private clinics. I have also been in communication with the Food and Drug Administration, and the Bureau of Narcotics and Dangerous Drugs. I have recommended that a distinction be made between employed and unemployed methadone patients, that is, between stabilized and nonstabilized patients and that only employed patients be treated in clinics in residential areas. Finally I have urged that the number of clinics located in any neighborhood and the number of patients per clinic be regulated as well.

The laxity of present regulations allows the Ithaca Medical Center and many clinics like it to continue to operate at high costs to the taxpayer and the community in which they are located. The State attorney general's office, in a trial set for May 31, will seek an injunction against the continued operation of the Ithaca Medical Center on the basis that its present operation constitutes a public nuisance.

As legislators we should not have to wait for court action. Cities like New York must provide methadone facilities to treat its addict population. But, in doing so, we must strike a balance between the addicts' needs and the public's right to protection.

## AUTHORIZATION FOR ACTION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, with the Honorable Augustus F. Hawkins, chairman of the Subcommittee on Equal Opportunities, and the Honorable William A. Steiger, the ranking minority member of the subcommittee, I have introduced H.R. 7265, the Domestic Volunteer Service Act of 1973.

The basic purpose of this legislation is to provide statutory authorization for ACTION, the volunteer agency which came into being on July 1, 1971, as a result of Reorganization Plan No. 1 of 1971. The reorganization plan consolidated into a single agency a number of voluntary action programs, including Volunteers in Service to America—VISTA—the Peace Corps, the National Student Volunteer Program, the Foster Grandparents Program, the Retired Senior Volunteer Program—RSVP—the Service Corps of Retired Executives—SCORE—and Active Corps of Executives—ACE.

While ACTION has not been authorized by statute, the programs under its administrative control have fallen under four different pieces of legislation. VISTA was previously administered by the Office of Economic Opportunity, and its authority will end when title VIII of the Economic Opportunity Act of 1964 expires.

The National Student Volunteer Program was also under OEO. The Peace Corps has its own authority. The Foster Grandparents Program and RSVP have come under the Department of Health, Education, and Welfare, and the SCORE and ACE programs were administered by the Small Business Administration.

The Domestic Volunteer Service Act supersedes the provisions of Reorganization Plan No. 1 by providing a 3-year authorization for the ACTION agency through positive law. The bill would also provide for the operation of all domestic volunteer programs operated by the ACTION agency for a similar period of time. The bill does not continue the consolidation of the Peace Corps with Domestic programs since it is felt that separating these programs from the one under the jurisdiction of the Committee on Foreign Affairs will provide for more expeditious consideration of the legislation.

Title I of H.R. 7265 extends VISTA, provides authority for University Year for Action and similar service-learning programs on the secondary, the secondary vocational, or postsecondary school levels, and provides the ACTION agency with demonstration authority to develop special emphasis programs designed to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty.

It also establishes special emphasis programs to provide alternatives to the incarceration of youthful law offenders, promote educational opportunities for veterans, and provide community-based peer group outreach and counseling and outpatient services for drug users.

Title II provides for the RSVP program, the foster grandparent program, and for new older American community service programs. It also authorizes the Director of the agency to carry out programs similar to Foster Grandparents, but under the category of Older American Community Service programs. In the latter new programs, low-income retired Americans aged 55 and over would work with underprivileged older persons in the same manner as Foster Grandparents work with children.

Title III continues the National Volunteer programs to assist small businesses and promote voluntary service by small business proprietors. These are the SCORE/ACE programs under which retired businessmen use their knowledge and experience to assist small businessmen in carrying out successful business activities.

Title IV is the statutory authority for ACTION, while title V authorizes appropriations of $148 million in fiscal year 1974, $180.5 million in fiscal year 1975, and $218 million in fiscal year 1976. The authorizations are earmarked by program. Title VI contains miscellaneous provisions to repeal any existing statutory authority for the programs extended and make technical amendments to other laws.

Overall, this comprehensive bill is designed to promote volunteer efforts to eliminate poverty and social ills in accordance with the traditional and fundamental American ideals of helping others. This is a sound and conservative approach toward enlisting the power of individual citizens in the pursuit of these goals, rather than relying on a governmental approach. Governmental involvement is only slight, and for the purpose of providing direction and support for the voluntary efforts of individuals. I believe this legislation deserves the overwhelming support of my colleagues and I hope it is adopted as soon as possible.

For the benefit of my colleagues, I would like to insert at this point an article setting forth the views of the current ACTION director as to the goals of the agency.

The article follows:

[From the Washington Post, May 12, 1973]

### Action Chief Vows Expansion

(By Lou Cannon)

The newly appointed director of Action pledged yesterday that he would expand the efforts of Vista, Peace Corps and other volunteer programs with the help of labor unions, service clubs and ethnic fraternal groups.

"Two years from now this program should be twice the size it is right now," said Michael P. Balzano. "I was told to bring this program into every community. A year from now they're going to know what Action is."

Balzano, a 37-year-old one-time garbageman who worked his way from functional illiteracy to a PhD. at Georgetown, is one of the few Democrats to head an agency during the Nixon administration's second term. In an interview yesterday Balzano said he had "no intention of changing party affiliation" and would administer the agency on a nonpartisan basis.

Balzano's predecessor, Joseph Blatchford, was the target of political criticism from some Vista volunteers for serving as a presidential surrogate during the 1972 campaign. In the past, some volunteers also have been criticized for partisan political activity.

Action has several Democrats in key positions, and they reportedly were due to be replaced by Republicans during the Nixon second term.

Balzano said, however, that no job will be changed on a political basis.

"I can't afford to lose good people," he said.

Balzano said the agency will move in two directions under his leadership. He said the agency's 10 regional directors will be given more authority and that local officials and private groups will be consulted extensively in communities where volunteers serve.

Balzano, an Italian-American, said that he expected heavy support from ethnic groups who previously have avoided Action programs.

"The ethnics are not Archie Bunkers," not racists," he said. "They want to help."

Balzano believes that ethnics and others have stayed away from Action because they vaguely associate the agency's activities with demonstrations.

"The great problem is that most people don't even know what Action is," he said. "They think it's OEO, community action. As a result, the great body of American people are not volunteering. Most of our people are under 30 or over 60."

Balzano said he believes that President Nixon strongly supports the goals of the agency, including the Peace Corps. At a Jan. 31 press conference Mr. Nixon referred to Peace Corps service as a "junket" in the course of opposing amnesty for draft evaders.

But Balzano said that the President had talked to him of making the Peace Corps "an army for peace" that had an important role to play in "doing the kind of things that show what is good about America."

Balzano said he regards Action as "a conservative program that is absolutely traditional."

"Voluntarism is an American concept," he said. "We were dumped into a wilderness and had to build something. Voluntarism became a way of life in America, and we've just begun to explore its potential."

## NEW PRESIDENTIAL ELECTIONS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, New York Times columnist Tom Wicker in a recent editorial raises the interesting and, I think, important question:

> Is there some point at which an election might be seen as an essential fraud, and therefore, illegal, even though fraudulent activity did not in fact make a winner of a man who would otherwise have been a loser?

The question, of course, arises with respect to Watergate.

The obvious next question is, If the 1972 Presidential election comes to be regarded as what Mr. Wicker terms an "essential fraud," what can be done about it? As Mr. Wicker rightly points out, the Constitution makes no provision for a fraudulent election to be thrown out and new elections held. Yet that would appear to be a reasonable solution.

I have proposed that Congress be empowered to call new Presidential elections by statute, and I introduced a resolution on May 9, 1973, proposing to amend the Constitution for that purpose. The resolution, House Joint Resolution 547, would enable the Congress to call new Presidential elections whenever it might determine that "the President has lost the confidence of the people to so great an extent that he can no longer effectively perform his responsibilities." Presumably, such loss of confidence would occur in any case where a President or his close associates were found to have tampered fraudulently with the election process. Hinging new elections to a congressional determination of Presidential inability to govern opens the way for new elections without having to determine whether or not election fraud actually changed the election outcome.

Mr. Speaker, as I stated in my original statement on this idea, congressional power to call new Presidential elections would serve particularly well in cases of election fraud because, unlike impeachment, it would not turn the White House over to the Vice President who, even if personally innocent, would have profited from the same electoral taint as his Presidential running mate.

Mr. Speaker, I submit for the Record at this point the article by Tom Wicker to which I have referred from the May 20, 1973, New York Times:

[From the New York Times, May 20, 1973]

### Thinking About the Unthinkable

(By Tom Wicker)

In August, 1970, Life magazine published an article that accused Democratic Senator Joseph D. Tydings of Maryland of misusing his position to promote the interests of a company in which he later held stock. Mr. Tydings repeatedly denied the charge, but the article almost certainly contributed to his defeat later that year by J. Glenn Beall Jr., a Republican.

On Aug. 22, 1970, Ron Ziegler, President Nixon's press secretary, was asked if the White House had assisted Life in compiling its story. "Any suggestion that the White House would have been involved . . . with Life regarding the publishing of this story would be incorrect," Mr. Ziegler replied in his familiar style, sprinkled with the elusive "would be" instead of the definite "was."

But David Wise, the former Washington bureau chief of The Herald Tribune, has written in a fascinating new book, "The Politics of Lying," that the White House not only "would be" but in fact "was" heavily involved in getting the Tydings story into print.

William Lambert, the author of the Life article, told Mr. Wise that Charles Colson, then special counsel to the President, even made a call from his White House office to the Government official who then became the source of the story—thus invoking the well-known power of the White House and the Presidency to get a piece of investigative journalism into print.

It was also, of course, a story that served the White House purpose of putting a Republican in Mr. Tydings' Senate seat; and it will not be lost upon followers of the tangled Watergate affair that Mr. Wise's ironic anecdote involves the same inimitable Charles Colson who egged on E. Howard Hunt, by the latter's testimony, to forge a cable purporting to link President Kennedy to the murder of Ngo Dinh Diem.

David Wise participated last week in a panel discussion of secrecy in Government sponsored at New York University by the Committee for Public Safety. Another participant was former Democratic Senator Albert Gore of Tennessee.

During a break in the proceedings, Mr. Gore talked about his own defeat on the same election day in 1970 in which Joseph Tydings was beaten. It appeared to him, he said, that some of the tactics used in that year were early manifestations of the efforts to subvert the 1972 election that are now being discussed under the symbolic heading of "Watergate."

Mr. Gore had specific reference to what he said was false and misleading advertising used against him so massively and so late in his campaign that he could not answer it all—particularly charges that he was "opposed to prayer." The manager of the opposition campaign was one Kenneth Reitz, a political technician with good Washington connections. There is no necessary or demonstrated connection, but the same Kenneth Reitz resigned quite suddenly on April 24 from a Republican National Committee post, after having served as director of inaugural activities and in 1972 as the youth director of the Committee for the Re-Election of the President.

Mr. Reitz has been accused by the General Accounting Office of having been "paymaster" for a $450-a-month operation to infiltrate "radical groups" in 1972. In his official position then, he had a staff of 120 and a budget of $1 million.

The point here is not to defend Mr. Tydings or Mr. Gore; it is rather that the false White House denial of its involvement in one campaign, and the charge of false advertising in another campaign headed by a man later linked to the 1972 scandals, tend to support other suggestions that there was an organized and on-going national effort, centered among some of Mr. Nixon's closest political associates, to subvert the political process.

If that should be demonstrated convincinly by the Senate Watergate hearings, or in court, what is to be done about it—not just to prevent its happening again but to redress whatever electoral injustices there might have been?

At what point, if any, could it ever be said that the 1972 Nixon-McGovern election was a fraud? Mr. Nixon's margin was so huge that even the most widespread irregularities might not have changed the fact of the outcome. But is there some point at which an election might be seen as an essential fraud, and therefore illegal, even though fraudulent activity did not in fact make a winner of a man who would otherwise have been a loser?

Suppose, for example, it were shown convincingly that although Mr. Nixon defeated

George McGovern fairly, Watergate tactics had in fact so influenced the choice of Mr. McGovern by the Democrats that the yearlong electoral process had been fatally tainted? Impeachment and removal of the President would be an insufficient response to that sad situation, since the Vice President, even if innocent, would have profited from the same electoral taint. The Constitution says nothing about a special election, since it says nothing about such circumstances; no doubt the Founding Fathers, unlike their descendants, could not even imagine the possibility.

## AWARD TO ROBERT M. MENAUGH, OUTSTANDING EMPLOYEE OF THE HOUSE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, Robert McFadden Menaugh, superintendent of the House radio-television gallery, today was presented by former Speaker John W. McCormack with the John W. McCormack Award as the outstanding employee of the House.

On May 20, 1939, then Speaker William B. Bankhead appointed Bob as the first superintendent of the House radio gallery, later to be known as the radio-TV gallery. Bob has now served with five Speakers.

The establishment of the gallery was approved by a House resolution a few weeks prior, crowning a 2-year effort by a handful of radio journalists. The House press gallery—which was then over a hundred years old—had barred membership to radio newsmen.

Shortly after his appointment as House radio gallery superintendent, Bob was called on to help set up the Senate radio gallery and for a while helped run both galleries.

Mr. Menaugh left the gallery in 1941 to enter the Army. He spent 4 years in the Pentagon, most of the time as executive officer of the War Intelligence Division of the War Department, Bureau of Public Relations. He achieved the rank of major.

After the war, Bob returned to his duties at the gallery as superintendent, where he serves today. In his years as superintendent of the House radio-TV gallery, Bob Menaugh has not only witnessed a great deal of history, he has helped make it.

It was under his leadership that television news coverage made its early beginnings on the Hill. A notable moment in this regard was the arrangement made for the first live televised broadcast of a State of the Union, joint session event.

In connection with eight inaugurals, Bob has assisted the joint committee for that event in planning the stands for the east front of the Capitol. Five modifications have been made to the center stand to accommodate the increasing use of television and radio.

At the request of both national political parties the executive committee of the Radio-TV Correspondents' Galleries accepted the job of accrediting and issuing credentials to the scores of radio-TV reporters covering these events. Bob has headed the staff handling these arrangements, which included 18 conventions, beginning in 1940.

Helping Congress understand the needs and the intricacies of the electronic media has been a task which Bob Menaugh has handled with understanding, patience and foresight.

Under his guidance, the House Radio-TV Gallery has grown from a small room, now partially occupied by the Rules Committee, located between the two front elevators in the east front of the Capitol, to a modern complex of studios and work rooms just above the House Chamber, from which correspondents work when covering the House.

When Bob first took over the operations of the Gallery, there were 26 reporters accredited from a handful of organizations. Today there are over 500 accredited radio-TV correspondents representing 115 organizations.

Menaugh was born in southern Indiana, so far south the small city of Salem is almost a Louisville suburb. In 1936 he married Miss Helen Hitch of Indianapolis. They reside in Alexandria, Va. They are active in the Westminster Presbyterian Church where Bob has served as deacon. They have one daughter, Judy, married and living in Flint, Mich., where she is director of public relations for the Flint Institute of Art.

## PRESIDENT'S STATEMENT ON NATIONAL SECURITY AND WATERGATE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, it is my privilege and pleasure to submit for the RECORD an important statement made by the President of the United States, prefaced by a brief summary of that statement. The President's statement is an honest and forthright recollection. I have complete faith in his statement he had no prior knowledge of Watergate and had no information as to any alleged coverup.

It is essential that we keep these matters in context and perspective, and so I commend this detailed account to your attention.

THE WHITE HOUSE.

ACCOMPANYING STATEMENT BY THE PRESIDENT

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1) I had no prior knowledge of the Watergate operation.

2) I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.

3) At no time did I authorize any offer of Executive clemency for the Watergate defendants, nor did I know of any such offer.

4) I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.

5) At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.

6) It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.

7) I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate, and those guilty of any illegal actions brought to justice.

THE WHITE HOUSE.

STATEMENT BY THE PRESIDENT

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

The purpose of this statement is threefold:

First, to set forth the facts about my own relationship to the Watergate matter.

Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere.

Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security "cover" on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled with the Watergate case.

The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior Administrations, on which the Government's records were incomplete.

Here is the background of these three security operations initiated in my Administration.

### 1969 WIRETAPS

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February, 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with long-standing precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs, and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

### THE 1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969–70 school year brought nearly 1,800 campus demonstrations, and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May, 1970, FBI Director Hoover shut off his agency's liaison with the CIA altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (General Donald V. Bennett), and the Director of the National Security Agency (Admiral Noel Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified five days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July, 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December, 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

### THE SPECIAL INVESTIGATIONS UNIT

On Sunday, June 13, 1971, *The New York Times* published the first installment of what came to be known as "The Pentagon Papers." Not until a few hours before publication did any responsible Government official know that they had been stolen. Most officials did not know they existed. No senior official of the Government had read them or knew with certainty what they contained.

All the Government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the most sensitive files of the Departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published with the first three installments in *The Times* had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Again the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and function were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman and Dean.

At about that time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York *Times*. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I, at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam War, on which the Government's records were inadequate (many previous records having been removed with the change of Administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18th, 1973, when I learned that Mr. Hunt, a former member of the Special Investigations Unit at the White House, was to be questioned by the U.S. Attorney, I directed Assistant Attorney General Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters and to stay out of national security matters. Subsequently, on April 25, 1973, Attorney General Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the Ellsberg case. I concurred, and directed that the information be transmitted to Judge Byrne immediately.

### WATERGATE

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fund raising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fund raising. Nor did I authorize any offer of Executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurance that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

(1) I had no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal wiretaps, which I felt were necessary from a national security standpoint and, in the climate then prevailing, also necessary from a domestic security standpoint.

(3) People who had been involved in the national security operations later, without my knowledge or approval, undertook illegal activities in the political campaign of 1972.

(4) Elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved. They also led me to surmise, correctly, that since persons originally recruited for covert national security activities had participated in Watergate, an unrestricted investigation of Watergate might lead to and expose those covert national security operations.

(5) I sought to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the Attorney General and the Acting Director of the FBI.

(6) I also specifically instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the FBI would not carry its investigation into areas that might compromise these covert national security activities, or those of the CIA.

(7) At no time did I authorize or know about any offer of Executive clemency for the Watergate defendants. Neither did I know until the time of my own investigation, of any efforts to provide them with funds.

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up and less to the reassurances.

With hindsight, several other things also become clear:

With respect to campaign practices, and also with respect to campaign finances, it should now be obvious that no campaign in history has ever been subjected to the kind of intensive and searching inquiry that has been focused on the campaign waged in my behalf in 1972.

It is clear that unethical, as well as illegal, activities took place in the course of that campaign.

None of these took place with my specific approval or knowledge. To the extent that I may in any way have contributed to the climate in which they took place, I did not intend to; to the extent that I failed to prevent them, I should have been more vigilant.

It was to help ensure against any repetition of this in the future that last week I proposed the establishment of a top-level, bipartisan, independent commission to recommend a comprehensive reform of campaign laws and practices. Given the priority I believe it deserves, such reform should be possible before the next Congressional elections in 1974.

It now appears that there were persons who may have gone beyond my directives, and sought to expand on my efforts to protect the national security operations in order to cover up any involvement they or certain others might have had in Watergate. The extent to which this is true, and who may have participated and to what degree, are questions that it would not be proper to address here. The proper forum for settling these matters is in the courts.

To the extent that I have been able to determine what probably happened in the tangled course of this affair, on the basis of my own recollections and of the conflicting accounts and evidence that I have seen, it would appear that one factor at work was that at critical points various people, each with his own perspective and his own responsibilities, saw the same situation with different eyes and heard the same words with different ears. What might have seemed insignificant to one seemed significant to another; what one saw in terms of public responsibility, another saw in terms of political opportunity; and mixed through it all, I am sure, was a concern on the part of many that the Watergate scandal should not be allowed to get in the way of what the Administration sought to achieve.

The truth about Watergate should be brought out—in an orderly way, recognizing that the safeguards of judicial procedure are designed to find the truth, not to hide the truth.

With his selection of Archibald Cox—who served both President Kennedy and President Johnson as Solicitor General—as the special supervisory prosecutor for matters related to the case, Attorney General-designate Richardson has demonstrated his own determination to see the truth brought out. In this effort he has my full support.

Considering the number of persons involved in this case whose testimony might be subject to a claim of Executive privilege, I recognize that a clear definition of that claim has become central to the effort to arrive at the truth.

Accordingly, Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up.

I want to emphasize that this statement is limited to my own recollections of what I said and did relating to security and to the Watergate. I have specifically avoided any attempt to explain what other parties may have said and done. My own information on those other matters is fragmentary, and to some extent contradictory. Additional information may be forthcoming of which I am unaware. It is also my understanding that the information which has been conveyed to me has also become available to those prosecuting these matters. Under such circumstances, it would be prejudicial and unfair of me to render my opinions on the activities of others; those judgments must be left to the judicial process, our best hope for achieving the just result that we all seek.

As more information is developed, I have no doubt that more questions will be raised. To the extent that I am able, I shall also seek to set forth the facts as known to me with respect to those questions.

---

## MRS. WALTER SANFORD, SHERBURNE, N.Y.

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I would like, at this time, to bring to the attention of my colleagues the attainment of a rare record of service by one of my constituents, Mrs. Walter Sanford of Sherburne, N.Y.

Some 56 years ago the Chenango County chapter of the American Red Cross was founded primarily through the efforts of Mrs. Sanford. During the ensuing years she has given unselfishly to the advancement of this great organization. Mrs. Sanford served in an executive capacity for the Chenango chapter first as vice chairman and board member for many years. She consequently took on the duties of general chairman for her community, a post she held until 1966.

Mrs. Sanford continues to be an invaluable volunteer to the Red Cross and continues to serve as a life member of the board of directors. At 91 years of age Mrs. Sanford is the only living charter member of the Chenango County chapter of the American Red Cross.

I am sure my fellow members join me in congratulating Mrs. Sanford in compiling such a record of lifelong service to the alleviation of human suffering and the betterment of mankind.

## PROMOTION OF SUBSTITUTE EMPLOYEES IN POSTAL FIELD SERVICE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I have introduced today legislation to repeal section 3364 of title 5 of the United States Code, which relates to the procedures for promotion of substitute employees in the postal field service.

While it would seem that this section of title 5 is no longer operable, as a result of the Postal Reorganization Act of 1970, it remains on the books. I object to the paragraph in section 3364 which would appear to authorize sex discrimination in the promotion of substitute employees to the regular postal force.

I believe that this language should be struck from the United States Code so that there can be no mistake about the fact that the U.S. Postal Service does not sanction sex discrimination in the promotion of its employees.

Further, I feel that the language should be removed by an affirmative act of Congress rather than by a court decision or by the editors of the United States Code.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Hansen of Washington, for May 24 and May 29, on account of official district business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Holt) to revise and extend their remarks and include extraneous matter:)

Mr. Robison of New York, for 15 minutes, May 24.

Mr. Hogan, for 15 minutes, today.

Mr. Veysey, for 15 minutes, today.

Mr. Anderson of Illinois, for 15 minutes, today.

(The following Members (at the request of Mr. Thornton) and to revise and extend their remarks and include extraneous matter:)

Mr. Matsunaga, for 15 minutes, today.

Mr. Brademas, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Brown of California, for 5 minutes, today.

Mr. Podell, for 5 minutes, today.

Mr. Dominick V. Daniels, for 10 minutes, today.

Mr. Ginn, for 5 minutes, today.

Miss Holtzman, for 5 minutes, today.

(The following Members (at the request of Mr. Powell of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. Goldwater, for 30 minutes, May 24.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Don H. Clausen.

Mr. Evins of Tennessee, notwithstanding the fact that it exceeds two pages of the Record, and is estimated by the Public Printer to cost $552.50.

(The following Members (at the request of Mrs. Holt) and to include extraneous matter:)

Mr. Steiger of Arizona in two instances.

Mr. Roncallo of New York in two instances.

Mr. Robison of New York.

Mr. Zwach.

Mr. Hogan in two instances.

Mr. Wyman in two instances.

Mr. Gross.

Mr. McClory in two instances.

Mr. Kemp in two instances.

Mr. Frey.

Mr. Towell of Nevada.

Mr. Gude in five instances.

Mr. Pettis in six instances.

Mr. Shriver in two instances.

Mr. Michel in five instances.

Mr. Huber in three instances.

Mr. Kuykendall in two instances.

Mr. Treen in two instances.

Mr. Thone.

Mr. Wyatt.

Mr. Anderson of Illinois.

Mr. Collins in four instances.

Mr. Brotzman.

(The following Members (at the request of Mr. Thornton) and to include extraneous matter:)

Mr. Howard.

Mr. Brademas in eight instances.

Mr. Rarick in three instances.

Mr. Jones of Alabama in five instances.

Mr. Gonzalez in three instances.

Mr. Macdonald in three instances.

Mr. Fraser in five instances.

Mrs. Griffiths.

Ms. Abzug in five instances.

Mr. O'Neill in two instances.

Mr. Hanna in six instances.

Mr. Waldie in two instances.

Mr. Burton.

Mr. Cotter.

Mr. Hungate.

Mr. Ginn in two instances.

Mr. Nedzi in three instances.

Mr. Dominick V. Daniels.

Mr. Dulski in six instances.

Mr. Sisk.

Mr. Matsunaga in six instances.

Mr. Carey of New York.

Mr. Rees in three instances.

Mr. Bowen.

Mr. Brown of California in 10 instances.

Mr. Biaggi in five instances.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 514. An act to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

S. 1016. An act to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1201. An act to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

S. 1697. An act to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California; to the Committee on Agriculture.

## SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 112. Joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

## ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, May 24, 1973, at 11 o'clock a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

953. A communication from the President of the United States, transmitting proposed amendments to the request for appropriations in the budget for fiscal year 1974 (H. Doc. No. 93-104); to the Committee on Appropriations and ordered to be printed.

954. A letter from the Acting Assistant Secretary of Defense (Comptroller) transmitting a report of the value of property, supplies, and commodities provided by the Berlin Magistrate, and under German Offset Agreement for the quarter ended March 31, 1973, pursuant to section 720 of Public Law 92-570; to the Committee on Appropriations.

955. A letter from the Deputy Assistant Secretary of the Interior transmitting a copy of a proposed contract with FMC Corp., San Jose, Calif., for a research project entitled "Improved Sensors and Fire Control Systems—Long Term Validation Testing," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

956. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes; to the Committee on the Judiciary.

957. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7357. A bill to amend section 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes; with amendment (Rept. No. 93-222). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. H.R. 7645. A bill to authorize appropriations for the Department of State, and for other purposes; with amendment (Rept. No. 93-223). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7724. A bill to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes; (Rept. No. 93-224). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 8062. A bill to prohibit the unauthorized disclosure of checks, drafts, or similar instruments by financial institutions, unless required by court order, and for other purposes; to the Committee on Banking and Currency.

By Mr. ANDERSON of California:

H.R. 8063. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

H.R. 8064. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 8065. A bill to discourage the use of painful devices in the trapping of animals and birds; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Illinois:

H.R. 8066. A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

By Mr. ASPIN (for himself, Mr. Adams, and Mr. Wolff):

H.R. 8067. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mrs. Chisholm, Mr. Edwards of California, Mr. Mitchell of Maryland, Mr. Vanik, Mr. Waldie, Mr. Corman, and Mr. Dellums):

H.R. 8068. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND:

H.R. 8069. A bill to authorize and direct the establishment and maintenance of reserve supplies of soybeans corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities, such reserve to be isolated from normal marketing channels and withheld from the market except as herein provided; and to protect producers of such commodities against an unfair loss of income resulting from excess production following a period of exceptionally high demand, and for other purposes; to the Committee on Agriculture.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Hansen of Idaho, and Mr. Peyser):

H.R. 8070. A bill to authorize grants for vocational rehabilitation services and for other purposes; to the Committee on Education and Labor.

By Mr. BREAUX:

H.R. 8071. A bill to amend title 38 of the United States Code to clarify the circumstances under which the Administrator of Veterans' Affairs may pay for care and treatment rendered to veterans by private hospitals in emergencies; to the Committee on Veterans' Affairs.

H.R. 8072. A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. BROTZMAN:

H.R. 8073. A bill to amend title 5, United States Code, to make it clear that civil service survivor annuities are exempt from State inheritance taxes; to the Committee on Post Office and Civil Service.

By Mr. CAMP:

H.R. 8074. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

H.R. 8075. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. CRONIN:

H.R. 8076. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 8077. A bill to amend section 1903 of the Social Security Act to remove limits on payments for skilled nursing homes and intermediate care facilities; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Diggs, and Mr. Stokes):

H.R. 8087. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mrs. Holt, Mr. Hogan, Mr. Broyhill of Virginia, and Mr. Parris):

H.R. 8079. A bill to make permanent the temporary provisions of law under which assistance is provided for the construction and operation of schools in federally impacted areas; to the Committee on Education and Labor.

By Mr. GUDE:

H.R. 8080. A bill to amend the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 8081. A bill to repeal section 3364, title 5 United States Code, relating to promotion of substitute employees in the postal field service; to the Committee on Post Office and Civil Service.

By Mr. HARSHA (for himself, Mr. Baker, and Mr. Cochran):

H.R. 8082. A bill to provide for disaster assistance, and for other purposes; to the Committee on Public Works.

By Mr. HECHLER of West Virginia:

H.R. 8083. A bill to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines; to the Committee on Agriculture.

By Mr. HOGAN:

H.R. 8084. A bill to authorize voluntary withholding of Maryland and Virginia income taxes in the case of officers and employees of the Architect of the Capitol; to the Committee on Ways and Means.

By Mr. HORTON (for himself and Mr. Cleveland):

H.R. 8085. A bill to amend section 552 of title 5 of the United States Code to limit exemptions to disclosure of information, to establish a Freedom of Information Commission, and to further amend the Freedom of Information Act; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. Brown of California, Mr. Hinshaw, Mr. Roy, and Mr. Talcott):

H.R. 8086. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. JONES of Tennessee:

H.R. 8087. A bill to amend the Agricultural Adjustment Act of 1938 with respect to peanuts; to the Committee on Agriculture.

By Mr. KEMP (for himself, Mr. Frenzel, Mr. Keating, Mr. Butler, Mr. Burgener, Mr. Hastings, Mr. Frey, Mr. Brown of Ohio, and Mr. Harvey):

H.R. 8088. A bill to amend the Federal Election Campaign Act of 1971 to establish a Federal Elections Commission; to the Committee on House Administration.

By Mr. MACDONALD (for himself, Mr. Badillo, Mr. St Germain, Mr. Van

Deerlin, Mr. Rosenthal, Mr. Stratton, Mr. Drinan, Mr. Yatron, Mr Roe, Mr. Obey, Mr. Podell, Mr. Gonzalez, Mr. Cronin, Mr. Boland, Mr. Murphy of Illinois, Mr. Pepper, Mr. Yates, Mr. Donohue, Mr. Thompson of New Jersey, Mr. Burke of Massachusetts, Mr. Eckhardt, Mr. Annunzio, Mr. Bell, Mr. McCormack, and Mr. Harrington):

H.R. 8089. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD (for himself, Mr. Moss, Mr. Studds, Mr. Stark, Mr. Sarbines, Mr. Moakley, Mr. Hawkins, Mr. Riegle, Mr. Harvey, Mr. Murphy of New York, Mr. McClory, Mr. Howard, Mr. Breckinridge, Mrs. Heckler of Massachusetts, and Mr. Cotter):

H.R. 8090. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 8091. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. REID:

H.R. 8092. A bill to reduce street crime in the United States by substantially increasing police manpower and by providing emergency narcotics treatment in areas designated as high narcotics-related crime areas; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.R. 8093. A bill to permit State and local governments to prescribe curfews and other airport noise regulations for airports in their jurisdictions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUNNELS:

H.R. 8094. A bill to direct the Secretary of Interior to redesignate the Alamogordo Reservoir, N. Mex., as Lake Sumner; to the Committee on Public Works.

By Mr. SIKES:

H.R. 8095. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 8096. A bill to grant a child adopted by a single U.S. citizen the same immigrant status as a child adopted by a U.S. citizen and his spouse, and to permit a U.S. citizen to file for immediate relative status for more than two adopted children; to the Committee on the Judiciary.

By Mrs. SULLIVAN (for herself, Mr. Clark, Mr. Downing, Mr. Jones of North Carolina, Mr. Grover, Mr. Mailliard, Mr. Mosher, and Mr. Pritchard):

H.R. 8097. A bill to amend the Shipping Act, 1916, in order to facilitate intermodal transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMINGTON (for himself, Mr. Coughlin, Mr. Rinaldo, and Mr. Charles H. Wilson of California):

H.R. 8098. A bill to protect the public health and safety by assisting local fire protection districts and departments maintain and improve their firefighting and rescue operations; to the Committee on Science and Astronautics.

By Mr. SYMMS (for himself, Mr. Bafalis, Mr. Byron, Mr. Yatron, Mr. Rarick, Mr. Ketchum, Mr. Hawkins, Mr. Powell of Ohio, Mr. Haley, Mr. Robert W Daniel, Jr., Mr. Blackburn, Mr. Towell of Nevada, Mr. Howard, Mr. Gunter, Mr. Breaux, Mr. Scherle, Mr. Crane, Mr. Fisher, Mr. Collins, Mr. Rousselot, Mr. Parris, Mr. Ashbrook, and Mr. Conlan):

H.R. 8099. A bill to prohibit the United States from furnishing any assistance to North Vietnam; to the Committee on Foreign Affairs.

By Mr. VEYSEY:

H.R. 8100. A bill to establish a Farm Labor Relations Board to prescribe and protect the collective-bargaining rights of agricultural employees and agricultural employers, so as to avoid disruptive labor disputes in agriculture; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 8101. A bill to authorize the Secretary of Transportation and the Secretary of Defense to detail certain personnel and equipment to the Fish and Wildlife Service; to the Committee on Merchant Marine and Fisheries.

By Mr. WIDNALL:

H.R. 8102. A bill to amend the U.S. Housing Act of 1937 to improve the financial condition of low-rent housing projects by establishing a more realistic formula for the determination of rentals, and for other purposes; to the Committee on Banking and Currency.

By Mr. WILLIAMS (for himself, Mr. Aspin, Mr. Chappell, Mr. Cronin, Mr. Fisher, Mrs. Grasso, Mr. Harrington, Mr. Matsunaga, Mr. Preyer, Mr. Winn, and Mr. Yatron):

H.R. 8103. A bill to establish the American Revolution Bicentennial Administration and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Illinois:

H.R. 8104. A bill to amend title II of the Social Security Act so as to remove the limitation on the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 8105. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance or benefits under the veterans' pension and compensation programs and certain other Federal and federally assisted programs) will not have the amount of such aid, assistance, or benefits reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 8106. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio:

H.R. 8107. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths; to the Committee on Education and Labor.

By Mr. FLYNT:

H.R. 8108. A bill to deal with the current energy crisis and the serious shortages of petroleum products facing the Nation and to authorize construction of the trans-Alaska pipeline; to the Committee on Interior and Insular Affairs.

By Mr. GRAY:

H.R. 8109. A bill to provide for loans for the establishment and/or construction of municipal, low-cost, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, Mr. Arends, Mr. Railsback, and Mr. Madigan):

H.J. Res. 570. Joint resolution to authorize the President to proclaim the week beginning August 19, 1973, as "National Soybean Week"; to the Committee on the Judiciary.

By Mr. BADILLO:

H.J. Res. 571. Joint resolution authorizing the President to declare the third calendar week in September of each year as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 572. Joint resolution requesting the President of the United States to declare the week beginning August 5, 1973, National Junior Classical League Week; to the Committeee on the Judiciary.

By Mr. SYMINGTON:

H.J. Res. 573. Joint resolution authorizing the President to proclaim the week beginning on the second Monday in November each year as "Youth Appreciation Week"; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 574. Joint resolution to establish a nonpartisan commission on political campaign reform; to the Committee on House Administration.

By Mr. ZWACH:

H.J. Res. 575. Joint resolution to establish a nonpartisan commission on political campaign reform; to the Committee on House Administration.

By Mr. GUNTER:

H. Con. Res. 222. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself and Mr. Fuqua):

H. Con. Res. 223. Concurrent resolution requesting the President to proclaim the 7-day period of July 16 through 22 of each year as "U.S. Space Week"; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials, were presented and referred as follows:

222. By the SPEAKER: A memorial of the Legislature of the State of Utah, relative to the railroad retirement system; to the Committee on Interstate and Foreign Commerce.

223. Also, memorial of the Senate of the State of Oklahoma, relative to the election of James D. Fellers as president-elect nominee of the American Bar Association; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

8110. A bill for the relief of Anthony M. Daleo; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 8111. A bill for the relief of Santokh Singh; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

222. The SPEAKER presented a petition of the board of trustees of the Metropolitan Sanitary District of Greater Chicago, Ill., relative to the sale of household detergents containing phosphates; to the Committee on Interstate and Foreign Commerce.

# EXTENSIONS OF REMARKS

## McCORMACK PRAISES ENERGY CONSERVATION AWARDS PROGRAM FOR ARCHITECTURAL DESIGN

### HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. McCORMACK. Mr. Speaker, it goes without saying that any discussion of energy shortages must focus not only on the development of alternative sources of energy but also on conservation of underutilized or wasted energy supplies. In addition, it must focus on both Government and private industry efforts to meet current and future energy needs.

In this context, it is important that we take note of the energy conservation awards program that has been devised by the Owens-Corning Fiberglas Corp. of Toledo, Ohio. Now entering its second year, the program encourages rational utilization of energy and the attendant reduction of environmental pollution by recognizing architects, engineers, and owners of buildings which are specifically designed or equipped to conserve energy. Entries are judged on the scope and creativity of the energy-conserving concept and on the actual energy savings achieved or anticipated. The competition is open to all registered architects and licensed engineers practicing in the United States. Any industrial, commercial, governmental, or institutional building completed, under construction, or commissioned and being designed on the entry date is eligible.

Last year, the awards were given to a Westinghouse Electric Corp. research building in Monroeville, Pa.—commercial category—the Mercy II Hospital expansion project at Coon Rapids, Minn.—institutional category—and a central energy facility linked to the Mount Sinai Medical Center at Miami Beach, Fla.—industrial category.

The architects of the Westinghouse research building, Deeter Ritchey Sippel Associates of Pittsburgh, calculated that the heat lost from their adequately insulated building would be exceeded by the heat generated by the lights even if the outdoor temperature fell to minus 5 degrees Fahrenheit. Thus this building needs no heating plant. Instead, air warmed by the lighting is returned to central heat exchangers from which it can be channeled to other parts of the building.

The Mercy II Hospital addition was based on a design concept to minimize energy consumption, and therefore the size and cost of heating and cooling equipment by keeping the outside wall surface to a minimum. In addition, it included such power saving concepts as a system for recovery of waste heat from ventilating air, solar bronze reflecting glass, radiant heating-cooling ceiling panels, fast-response hot water heat exchangers, and placement of mechanical and boiler equipment on the top floor of the building to reduce roof heat-gain.

S. C. Smiley and Associates of Minneapolis designed a central energy facility at the Mount Sinai Medical Center to produce chilled water and high-temperature hot water for air-conditioning and heating. Using the latest technology, the energy conserving system was added at a very small additional cost over that of a conventional building.

Undoubtedly, many Members of Congress have constituents who would be interested in the 1973 Owens-Corning competition. Potential participants must submit a letter of intent to enter no later than June 30. Entries must be submitted by the end of August. Additional information may be obtained by writing Energy Conservation Award Program, Architectural Products Division, Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 33659.

I would like to take this opportunity to congraulate last year's award winners and Owens-Corning Fiberglas Corp. for designing and continuing this program.

## THE WORK OF ART AND SHIRLEY WEINER

### HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 23, 1973*

Mr. ROTH. Mr. President, Weight Watchers International, Inc., is an acknowledged leader in the field of weight control. It is an organization that has been recognized many times before this body.

Today I would point out the public service contribution of the largest areawide weight watchers franchise in the country, Weight Watchers of Del-Mar-Va, Inc., which covers the State of Delaware, the State of Virginia and portions of Maryland and North Carolina.

Weight Watchers of Del-Mar-Va, Inc., was cofounded by Art and Shirley Weiner who are now celebrating their sixth anniversary in business.

The Weiners, however, have been much more than successful business people; their work has been marked by a creativity, a willingness to innovate and a total commitment to community service.

Most recently, Art and Shirley Weiner have sponsored a series of "Heart Fund" luncheons and donated more than $5,000 to this worthy cause. They are also active in the "March of Dimes" work and sponsor many cultural events in the cities where their weight watchers classes are located.

It is timely that their efforts be recognized and lauded as they celebrate their sixth anniversary in business, and Weight Watchers International, Inc., celebrates its 10th anniversary in business.

Besides helping countless hundreds lose weight and maintain a "goal weight," they have brought to the four-State area they serve a spirit of concern and a real willingness to be involved in community affairs.

## TVA ACTIVITIES REVIEWED

### HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. JONES of Alabama. Mr. Speaker, a recent article in the Colbert County Reporter in Tuscumbia, Ala., adjacent to Muscle Shoals, the home of TVA, tells of many of the varied activities of the Tennessee Valley Authority in partnership with the people of the region.

Because of the unique success of this partnership of the people and their government in enhancing the quality of life for all, I include the newspaper article as a part of my remarks:

"PEOPLE IN PARTNERSHIP" 40TH ANNIVERSARY THEME

"People in Partnership" is the theme for this month's 40th anniversary of the Tennessee Valley Authority, created by Congress in 1933 to help the people of a region develop and use natural resources to build a better standard of living.

Knoxville, Tenn., is the headquarters of TVA's unified resource development program for the Tennessee Valley—an area the size of New England, including parts of Tennessee and six adjoining states. Putting the headquarters of this unique Federal agency here in the Valley, rather than in Washington, was a key first step in getting the region's people, citizen organizations, and local and state agencies involved in the partnership approach.

In the 1930's and 1940's, tens of thousands of Valley people went to work for TVA in helping build the world's first large regional multipurpose system of dams and reservoirs. The system was designed to harness the Tennessee River for flood regulation, water transportation, and hydroelectric power production.

One result was to create the country's largest electric power system, and this too is a partnership. Power from TVA dams and steam plants is distributed to 2,300,000 homes, farms, businesses, and other users by 160 local municipal and cooperative electric systems. Boards made up of local citizens direct the operations of these local electric systems in a cooperative effort with TVA to provide reliable electric power supplies at minimum cost.

The reservoir system has proved its value in regulating floods on the Tennessee River. A single major TVA flood control operation earlier this year reduced flood damages by an amount more than double the agency's $200 million total investment in flood control facilities. Meanwhile many areas in the Valley remain vulnerable to flooding, particularly along smaller streams. TVA's flood control engineers and state planning agencies have worked with more than 150 Valley communities to provide technical help in developing local measures such as flood-plain zoning to deal with these localized problems.

Dams and reservoirs on the Tennessee River main stem create a 650-mile-long waterway from Knoxville in east Tennessee, through north Alabama and west Tennessee, to the Ohio River at Paducah, Kentucky. This water "highway" links the Tennessee

Valley with 21 states on the Mississippi-Gulf waterway system. Tennessee River barge traffic has grown rapidly, totaling some 28 million tons of freight last year, as more than 200 waterfront industries and terminals have been established along the river.

TVA works with state and local organizations in laying the groundwork for the industrial growth that has changed the region's economy dramatically from the past history of inadequate job opportunities and massive outmigration of workers to other regions. Today Valley industries employ nearly five times as many people as in 1933.

More than 50,000 Valley farmers have worked with TVA and agricultural extension services in community demonstrations of improved farming methods, keyed to new fertilizers developed at the TVA National Fertilizer Development Center in Ala.

Similarly, thousands of forest landowners have taken part in the effort to rebuild the Valley's woodlands and improve forest management. Over 1,200,000 acres of depleted forest and eroding lands have been reforested, beginning with seedlings from TVA forest tree nurseries established for this purpose in the agency's early years.

Today much of TVA's work centers on its environmental protection activities, which are budgeted at more than $100 million in the coming year. In addition to improved facilities for air and water quality control at its own power facilities, this work includes working with local communities throughout the Valley in establishing new sanitary landfills, rural trash collection systems, projects for collecting and recycling abandoned car bodies, and various air and water quality programs.

More than 900 recreation facilities have been established on TVA lakes, ranging from state and local parks and access areas to group camps and commercial docks and marinas. TVA has made land available and in many cases provided technical help in getting these facilities established.

In a recent statement to the agency's employees, Board Chairman Aubrey J. Wagner referred to this partnership approach with Valley people:

"As TVA observes its 40th anniversary, it pays tribute not to its own accomplishments but to the hundreds of institutions and thousands of individuals who breathed life into this concept, who made it work in the past and who must make it work in the future."

---

## FEDERAL EMPLOYEE HEALTH PLAN

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. WALDIE. Mr. Speaker, as chairman of the House Subcommittee on Retirement and Employee Benefits, I have a great and continuing concern over the benefits available to Federal employees in their health insurance program.

One issue recently which has been brought to my attention regards the question of whether duly licensed providers of health services contracted for by Federal employees should necessarily be required to perform under the direction or supervision of physicians.

This bill would provide that any participant in the Federal employee health benefits program would be free to select the health practitioner of his choice without the necessity of prior referral.

This is an issue which has particular ramifications for services rendered by psychologists and optometrists.

I expect that the subcommittee will hold hearings into this matter in the coming months before we reach a final conclusion regarding this very important policy matter.

Mr. Speaker, the full text of the bill follows:

H.R. 8057

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That section 8902 of title 5, United States Code, is amended by adding at the end thereof the following:

"If the contract benefits include a service which may be provided by various licensed and/or certified health practitioners under applicable State or Federal statutes, and such practitioners' training meets Federal, State and national standards of accreditation, then the Federal employee beneficiary, annuitant or family member covered by such contract shall be free to select the health profession practitioner of his or her choice and shall have direct access to the same, without supervision or referral by another health practitioner."

SEC. 2. The amendment made by this Act shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

---

## HOW THE OEO AIDED RADICALS

## HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. HUBER. Mr. Speaker, an article recently appeared in the Detroit News which outlines many investigations into the activities of OEO-funded agencies. Violations of the Hatch Act and the Economic Opportunity Act, and several examples concerning embezzlement, theft, terrorist activities, and fraudulent and illegal financial controls and activities are pointed out in this article.

When OEO funds are used to defeat the reelection bid of a Democratic Governor, bail out Black Panthers who have been charged with bombing police stations, disrupt commencement exercises of a leading university and pay transportation expenses for individuals traveling to a national political convention, the time has come to undertake a comprehensive reexamination of OEO.

I submit this article to be printed in the RECORD and suggest that my colleagues read it to get a clearer picture of the realities of past OEO activities:

### HOW THE OEO AIDED RADICALS

(By John E. Peterson)

WASHINGTON.—An Alaskan community action program spent $171,108 in anti-poverty funds in 1966 to organize Indians and Eskimos to vote against Gov. William A. Egan, a Democrat seeking reelection.

The money went to set up a community organization called Grass Roots in dozens of Indian and Eskimo bush villages throughout the state.

The Alaskan State Community Action Program (ASCAP) then flew its top officials into the villages to speak against Egan. Thousands of dollars were spent to print and distribute anti-Egan propaganda in the villages.

ASCAP opposed Egan because he had objected to the group's previous political activities.

Egan was defeated by 2,000 votes and a subsequent analysis of the election showed that large numbers of Indians and Eskimos, normally in the Democratic camp, had defected to his Republican opponent, Walter Hickel.

Both Egan and Alfred Fothergill, executive director of ASCAP, claimed that the anti-poverty agency's political effort was the main reason Hickel was elected.

ASCAP's role in the defeat of Egan never fully revealed before, is just one of the many cases in which anti-poverty funds have been spent for political purposes.

The Office of Economic Opportunity (OEO), the executive agency set up by President Johnson in 1964 to quarterback his "war on poverty," has numerous examples in its files.

A three-week investigation by The Detroit News has corroborated findings contained in many of the case histories in OEO's files—some of which have been stamped "administratively confidential" for as long as seven years.

The now defunct Institute for Regional Development (IRD) in Athens, Ohio, for example, received nearly $2 million in federal anti-poverty funds from 1965 until it closed in 1969.

OEO files show the IRD supported the local chapter of the militant National Welfare Rights Organization (NWRO) with more than $150,000 in grants during that period, including funds to transport and pay the living expenses of 10 NWRO lobbyists at the 1968 Democratic Convention in Chicago.

The 10 later admitted participating in the numerous anti-war rallies and confrontations that marked that convention.

IRD also spent nearly $100,000 to train anti-poverty workers throughout southeastern Ohio in militant demonstration tactics.

A subsequent report by federal investigators found IRD guilty of "gross violations of grant conditions" and "misapplication of federal funds." It drew the conclusion that IRD's actions had "no visible impact" on the area's poverty efforts.

Last fall, an assistant director of an OEO-funded community action program in Steubenville, Ohio, admitted using a federal postage meter to mail material attacking the Democratic candidate for sheriff. The candidate lost to his Republican opponent.

The Western regional office of OEO filed more than three dozen reports in 1970 and 1971 listing repeated violations of both the Hatch Act and the Economic Opportunity Act in regards to political activities by employees of agencies receiving OEO grants. The Hatch Act prohibits political activity by federal employes.

In five cases, OEO-grant officials ran for state office as candidates on the slate of the radical Peace and Freedom Party, while continuing to collect their federally funded salaries, the reports show.

Another report, filed this month, disclosed that officials at an OEO-financed Economic Opportunity agency in Fremont, Calif., incurred these rule violations over a six-month period in late 1970, and early 1971:

Transferred several thousand dollars in federal funds to the local chapter of the Brown Berets, a militant Chicano organization.

Permitted members of its staff to organize for the United Farm Workers Organizing Committee (UFWOC) and several anti-war groups on government time.

Allowed staff members to travel far outside the agency's "target" area to attend political meetings at government expense.

Allowed staff members to serve as campaign workers for city council candidates during working hours.

Paid a student, Ricardo Romo, $1,205.06 for consultant services during a period in which he was actively campaigning for governor of California on the Peace and Freedom Party ticket.

Shortly after the report was filed, the agency's executive director, Roberto Acosta, was arrested and charged with the embezzlement of more than $41,000 in anti-poverty funds.

"One of the real sore points," said Howard R. Phillips, OEO's current director, "has been the way public funds have been squandered time and again in blatant attempts to "radicalize" the poor.

"Pick a radical group—the Black Panthers, the Students for a Democratic Society (SDS), the Brown Berets, the American Indian Movement (AIM), what have you—and chances are good they've managed to collect several sizable grants from OEO and other federal anti-poverty agencies over the last eight years."

OEO reports back up Phillips' charges.

OEO funds siphoned through the Cambridge, Mass., Economic Opportunity Committee, for example, were used to carry off a large scale disturbance at Harvard University's 334th Commencement exercises, June 10–11, 1970.

Black Panther Party activities across the United States also received substantial funding from the OEO and other anti-poverty programs.

Project Anti-Recidivism (PAR), a specially-funded OEO program to rehabilitate convicted criminals in Jersey City, was infiltrated by Black Panthers who diverted its assets into their own treasury.

PAR funds were used to assist in preparation of Black Panther hate literature, purchase walkie-talkies for street communication and bail out Panthers arrested for criminal activity.

A number of Jersey City Panthers were arrested several times during the fall of 1968 for possession of weapons, attacks on police officers and a machine-gunning and a bombing of police precinct stations. On each occasion, they were bailed out with OEO funds.

OEO reports also indicate that sizable amounts of anti-poverty funds found their way into Black Panther coffers in Newark, New York, Boston, Chicago, New Orleans, Los Angeles, Denver, San Francisco and Oakland.

"The Black Panthers were the first militant group to realize what a good thing they had going in the anti-poverty program," said a high-ranking OEO official.

The American Indian Movement (AIM), the radical urban Indian group occupying Wounded Knee, S.D., has received more than $400,000 in anti-poverty funds since its founding in 1968.

Phillips, the Harvard-educated conservative appointed by President Nixon to dismantle the OEO and transfer its better programs to other federal agencies, is particularly critical of the legal services program.

"Their basic goal was to provide high quality legal services to poor individuals," he said. "And I've certainly no quarrel with that goal."

But the legal services program, he asserts, has all too often attracted firebrand young lawyers who want to expand into more radical areas.

"We have report after report coming across our desk that shows OEO lawyers representing Black Panthers and other militants and radicals in court at taxpayer expense," he said.

In two cases, attorneys for the New Orleans Legal Assistance Corporation defended 14 Black Panthers arrested in a police raid on party headquarters and Los Angeles Neighborhood Legal Services Society defended a young woman indicted for transporting dynamite for the terrorist Weatherman organization.

In those cases, and numerous others, OEO files show anti-poverty lawyers defended radicals on government time and often used federal funds to pay for preparing their defense.

In addition, OEO files show dozens of instances in which OEO-funded lawyers campaigned for public office, conducted voter registration drives, filed class-action suits, provided legal services to militant groups and urged clients to organize "action" groups—all activities specifically proscribed by federal regulations.

"In too many instances," says Phillips, "the 'poor' they're supposed to be representing haven't been poor at all—but radicals, criminals and sometimes highly-affluent friends."

Phillips stresses that he is not against the use of federal funds to help the poor but is against programs that do not deliver promised services.

"We have to find ways to make sure anti-poverty funds are not used for political purposes," he said. "The answer may well be more control by local officials."

## THE LAWS LIMITING U.S. PARTICIPATION IN THE U.N.

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. RARICK. Mr. Speaker, there are many interpretations of the laws enacted by Congress pertaining to the appropriation of U.S. taxpayers' money to the United Nations and its numerous affiliated agencies.

In order that our colleagues may have ready reference to present laws limiting U.S. financial participation in the U.N., I ask that the appropriate portions of Public Law 92–544 and Public Law 92-266 follow:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

U.N., restriction

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $176,190,750: *Provided*, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

(Pub. L. 92–544, Title I, Sec. 101, Oct. 25, 1972, 86 Stat. 1110)

*Legislative History*

House Reports: No. 92–1065 (Comm. on Appropriations) and No. 92–1567 (Comm. of Conference).

Senate Report No. 92–821 (Comm. on Appropriations).

Congressional Record, Vol. 118 (1972):

May 17, 18, Oct. 12, considered and passed House.

June 15, Oct. 13, considered and passed Senate.

Weekly Compilation of Presidential Documents, Vol. 8, No. 44: Oct. 28, Presidential statement.

U.S. ASSESSED CONTRIBUTION TO U.N.

SEC. 410. The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (known as the "Lodge Commission") which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year.

(Pub. L. 92–226, Pt. IV, Sec. 410, Feb. 7, 1972, 86 Stat. 36)

*Legislative History:*

House Reports: No. 92–380 accompanying H.R. 910 (Comm, on Foreign Affairs) and No. 92–761 (Comm. of Conference).

Senate Reports: No. 92–431; No. 92–404 accompanying H.R. 9910; No. 92–432 accompanying S. 2820 (all from Comm. on Foreign Relations) and No. 92–590 (Comm. of Conference).

## TEMPORARY EXTENSION OF CERTAIN HOUSING AND URBAN DEVELOPMENT LAWS AND AUTHORITIES

### HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. PRITCHARD. Mr. Speaker, on May 21, I met with members of the Home Builders Association of Washington State in the New Senate Office Building. Unfortunately, I was unable to be present on the floor for passage of the joint resolution (H.J. Res. 512) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and to extend authorizations under laws relating to housing and urban development.

The administration has asked for no funding for fiscal year 1974 for housing and urban development programs, which are expected to become part of a consolidated community development program on July 1, 1974. As a result, many cities are experiencing very serious transition problems, either being forced to cut back on ongoing activities or postponing planned activities. The open end authorization contained in the joint resolution would enable the Appropriations Committee to provide the proper level of funding for cities facing severe transition problems.

Previously I had urged House passage of the resolution. I was pleased that the bill passed so handily, by a vote of 357 to 1. I would hope that the Senate will act quickly to make certain that adequate funds are provided to make certain adequate funds are provided to our cities for housing and urban development programs.

## NATIONAL PRESS CLUB ADDRESS—THE HONORABLE CHARLES H. PERCY

---

### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. ANDERSON of Illinois. Mr. Speaker, on May 17, 1973, the opening day of hearings before the Select Committee on Presidential Campaign Activities—now known as the Watergate Committee—our distinguished colleague from the other body, the gentleman from Illinois (Mr. PERCY), addressed the National Press Club in Washington, D.C.

The address focused on the responsibilities of Congress in understanding, and hopefully preventing in the future, the abuses which have been revealed in the Watergate case. Of particular interest to me were the constructive suggestions offered regarding the general reform of the present campaign finance system. I insert in the RECORD at this time the complete text of the remarks:

ADDRESS BY SENATOR CHARLES H. PERCY

This is an appropriate formal occasion for me to pay tribute, as others belatedly have, to the American press corps. You richly deserve the plaudits you have recently received. Rarely in your history have you achieved so much with so little cooperation or support.

I'm going to discuss, what has become known by one word—Watergate—with emphasis principally on the responsibilities it imposes on Congress.

The incredible web of crime, corruption and deceit that falls under the general heading of Watergate is the product of a variety of ingredients—misplaced or perverted loyalties, isolation, individual arrogance, contempt for the law and excessive zeal, among others. No discussion of the causes and ramifications of this complex scandal could pretend to cover every facet of it. But we must try—with all the vigor we possess—to get at the whole truth.

None of us is anxious to learn that our national ideals have been muddied and betrayed. But I believe we are strong enough to survive even the most chilling truths, and wise enough to learn from them. National pride and national unity will be hollow indeed if they are preserved only by shutting our eyes to the truth.

It would be best—for the nation and for the future of this Administration—if the impetus for full disclosure of the facts came voluntarily from the top, from the White House, rather than flowing upward from investigatory bodies or from an increasingly dispirited public.

If each kernel of truth must be torn away from those who are hiding it, the effort to redeem our national honor could take years. And, in the meantime, it will be increasingly difficult to prevent paralysis from overcoming the government.

Men and women of integrity and competence—those individuals whose fresh ideas and high principles have brought them success in private life—will refuse to join an Administration that remains under a cloud. Dozens and dozens of the key jobs in the executive branch will continue to remain unfilled until the last taint of corruption has been removed.

Every hour that a member of this Administration devotes to the Watergate is an hour spent away from the job of governing the Nation. For practical purposes, there will be no real government—in the sense of a fully operating entity serving the taxpayers—until Watergate has been put behind us.

If Vietnam—and now Cambodia—have taught us nothing else, surely they have taught us that the price of national self-deception is high. When we ignore reality, however harsh, we do so ultimately at our own peril and expense.

Now, more than ever, we can ill afford to put our heads in the sand. The way in which we resolve our present crisis will define the depth of our commitment to ideals for which we often congratulate ourselves.

Watergate is a searing chapter in our history, but even before it has fully unfolded, I am convinced that some good can come of it.

A good starting point would be a genuine effort to find the solution to one of the major problems that lies at the heart of the Watergate affair—big money in politics. This mixture has always been volatile, but in 1972 it exploded with a force that has literally been heard around the world.

It has been reported that the Committee to Re-Elect the President raised about $55 million to finance Mr. Nixon's drive for a second term. That this was actually *too much* money can be seen from the significant balance—nearly $5 million—that reportedly remains in the Committee's treasury more than six months after Election Day.

Moreover, one perceptive observer has noted that one of the reasons for the myriad of "special funds" that have marked the Watergate affair was the Committee's unrivalled affluence. With no real fiscal restraints, it was possible to fund virtually every idea, no matter how dubious.

In 1971, the Congress passed and the President signed the Federal Election Campaign Act, which placed limits on spending for media advertising and established procedures for the reporting of contributions and expenditures.

This legislation did represent a start toward bringing the astronomical costs of running for public office under some semblance of control. But if Watergate tells us anything, it is that campaign spending reform still remains virtually unexplored territory.

I do not intend to subject you to a long laundry list of abuses that cry out for reform. Most of the steps that must be taken to cleanse the political system of the stains of Watergate are obvious to us all. We certainly need:

A strict limit on *all* campaign spending, not just media expenditures.

A blanket prohibition on all but token cash contributions.

A limit on the amount a single individual can contribute, to insure that ambassadorships are removed from the auction block.

The elimination of dummy fund-raising committees.

Effective enforcement machinery.

Creation of a blue-ribbon commission to investigate every aspect of our election laws.

But *knowing* what is needed is not enough. Only if we *act* quickly and decisively will we be able to convince an increasingly cynical public that elections are not for sale to the highest bidder. Only then will there be reason to hope that something more honorable than spies, sabotage and suitcases stuffed with cash will linger as the prevailing symbols of the year 1973.

If we are to demonstrate that we truly understand the meaning of Watergate, we in Congress also must begin to honor the constitutional mandate of separation of powers and of checks and balances.

Power has flowed to the Executive, not because Presidents have taken it, but because Congress has given it away. Congress has been weakened by antiquated procedures, the seniority system, closed meetings, members who serve special interests and institutionalized procrastination. Recent evidences of constructive change are welcome, but Congress must now move confidently to modernize, to reorganize, to assert its responsibilities and genuinely serve the public interest.

Watergate also may help to re-establish a tolerance for diversity within the nation, and especially within the Republican Party.

Historically, the Republican umbrella has been broad enough to shelter an invigorating variety of opinions. Unhappily, however, some of the President's recently departed advisers seemed determined to check the free flow of ideas within our party. Their concept of a "good" Republican was a rubber stamp incarnate.

In the party, as in the nation, they confused dissent with disloyalty. They ignored the fact that every elected Republican officeholder in this country was more representative of the party than they themselves. They couldn't understand that Republicans who sometimes differ with the President on policy are no less Republican for doing so.

In the three and a half years left in this administration, moderate Republicans can help fulfill many of the goals, both domestic and foreign, that we share with the President. I do not know of a single Republican in the Senate who would not much prefer to work *with* the White House rather than *at odds* with it.

And there are few Republicans who do not take great pride in the withdrawal of American forces in South Vietnam, the return of our POW's, the settlement of the Berlin crisis, the new working relationship with China and the Soviet Union, and the efforts to achieve a lasting peace in the Middle East.

In the future, as in the past, we will not always agree within our party on the means necessary to achieve our common aspirations for America. But surely we can disagree from time to time without being disagreeable. Dissent need no longer be viewed as hostility. Blind loyalty is not necessarily the highest form of service, be it to a nation, a party or a president. Watergate, like Vietnam, should remind us of the hazards of yes-men in government.

The idea that "going along" is the surest path to success, or at least survival, is inherently dangerous, and in the Watergate case it was made all the more so because ultimate power in the executive branch resided almost entirely in a handful of isolated individuals. Even if any had been so inclined, the number of individuals who would have been permitted to protest to the President had been reduced to an absolute minimum.

It is an irony of mammoth proportions that an Administration dedicated to decentralization, to restoring governmental powers to the states and localities, should have been responsible for concentrating such vast amounts of power in the White House.

Within the tightly knit White House circle, there developed an attitude that the end justified the means, and that raw power was the instrument of success. Among its manifestations were the arrogant attempts to intimidate the media and diminish the Congress.

Whether this attitude was chosen by the President or simply countenanced by him, it has been thoroughly discredited by Watergate. It is time to resurrect, and put into practice, some eloquent words spoken by Richard Nixon in 1968:

"It's time once again," he said, "that we had an open administration—open to ideas from the people, and open in its communication with the people—an administration of open doors, open eyes and open minds."

Many of us in the President's own party have long been anxious to contribute our own ideas toward the success of his administration but frequently the doors have been closed. As the White House improves communications with members of the Cabinet, I hope it will also with the members of Congress.

Perhaps now we can begin to work more closely together—to work, for one thing, to restore public confidence in our institutions. To restore it, first we shall have to earn it. If we pursue our common goals in the spirit of tolerance and understanding, if we are as compassionate in administering justice as we are thorough in seeking it, then I am confident we can regain that which we may have lost.

So I would say this to Elliot Richardson; to the special prosecutor; to Sam Ervin and his Select Committee on Presidential Campaign Activities, and to you, the members of the press:

Be relentless in your search for the truth;

Be fair and just, but spare no one, regardless of position;

And do not heed those who say that there are some things that the people must never know, for that attitude in itself is a corruption of the founding principles of democracy.

We will pay homage to the truth only if we are dedicated to its use. In another time of trial, the Civil War, Abraham Lincoln wrote: "I have faith in the people. . . . The danger is, in their being misled. Let them know the truth and the country is safe."

Confidence in the ultimate wisdom of the people has nurtured our nation over a span of nearly two centuries and has fortified us in other difficult crises. We are the most resilient society on earth—not because we have ignored our problems, but because we have learned from them. If we can learn from Watergate, we will insure that the future of our democracy will be even more lustrous than its past.

I have confidence that we as a nation are strong enough to survive the cruel violations of conscience and law which have beset us. I have confidence that out of all of the agony, we will emerge determined to seek the remedies which can restore high standards of public conduct.

---

## YESHIVA RAMBAM CELEBRATES 25TH ANNIVERSARY

## HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. CAREY of New York. Mr. Speaker, I wish to extend greetings to the Yeshiva Rambam on their celebration of a quarter of a century of achievement in education in partnership with a dedicated community in Brooklyn.

During the last quarter century, Yeshiva Rambam has educated its students, both secular and religious, by giving meaning to the ancient wisdom of the Bible, coupled with the use of modern secular education indoctrinated with the spirit of the American way of life.

Under the able tutelage and leadership of Mr. Isidore A. Lefkowitz and Mr. Herman Appel, who have been with Yeshiva Rambam since its inception, the students have been guided to play an active and meaningful role in their community.

In these trying and difficult times, our Nation owes a debt of gratitude to Yeshiva Rambam and the Flatbush Jewish community for their dedication and devotion to developing a student body whose alumni have taken responsible and constructive positions in American society.

On the occasion of the 25th anniversary of the school, I have sent the following congratulatory message to Rabbi Sidney Harcsztark, administrator of Yeshiva Rambam:

MAY 11, 1973.

RABBI SIDNEY HARCSZTARK,
*Yeshiva Rambam, Brooklyn, N.Y.*

DEAR RABBI HARCSZTARK: It is my pleasure to extend greetings to the Yeshiva Rambam on the celebration of its twenty-fifth anniversary.

The Yeshiva Rambam has made a major contribution to American society by providing an educational experience based on the Judaic ethnics and moral principles coupled with the ideals of American democracy.

For a quarter of a century Yeshiva Rambam has provided meaningful goals and direction to the youth of the Jewish community. The members of that community and the nation as a whole owe you a debt of gratitude.

I am honored to pay tribute to you at Yeshiva Rambam on this memorable occasion. Mazel Tov and may the Almighty grant you success in the future growth of your Yeshiva.

Sincerely,

HUGH L. CAREY,
*Member of Congress.*

---

## GEORGE E. ALLEN OF MISSISSIPPI

## HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. BOWEN. Mr. Speaker, my friend, Mr. Robert W. Collins, U.S. Naval Reserve, retired, of Yazoo City, Miss., has sent me a copy of an article which appeared in the Commercial Appeal newspaper, Sunday, May 6, 1973.

Mr. George E. Allen, a distinguished native son of Mississippi and trusted adviser of Presidents, is the subject of that article by Mr. William B. Street.

Under leave to extend my remarks I include the text of Mr. Street's interesting article on Mr. Allen's exemplary life. It follows:

The death of George E. Allen in Palm Desert, Calif., recently may have gone virtually unnoticed even in the Tupelo-Booneville-Okolona area of northeast Mississippi from whence he came.

George Allen belonged to a less complicated era of politics, one in which a good sense of humor and a dash of color meant far more than it does now.

Allen was a friend of three Presidents—Franklin D. Roosevelt, Harry Truman and Dwight Eisenhower—and he served on numerous boards and agencies, was a leading corporation attorney and a onetime commissioner of the District of Columbia.

But we are not concerned with his record of public service at the moment.

What set Allen apart was his brand of humor. He was an excellent story teller, and most of his stories bore the brand of politcs. It is said that he was one of the few who could put Roosevelt in a relaxed mood.

Allen's humor came naturally and despite adversity. He made a fortune in hotel management in the 1920's and saw it all go down the drain in the Wall Street crash at the end of the decade.

He was a nephew of the famed Pvt. John Allen of Tupelo, who served in the Congress for many years and is remembered today as one of the Nation's foremost humorists.

Allen's political mentor was the late Senator Pat Harrison of Mississippi and one of his better stories concerned the man who was once described as the gadfly of the Roosevelt administration.

It seems that Harrison was a very young Senator, just starting on his way to a national reputation, when William Jennings Bryan scheduled a train trip through Mississippi and agreed to stop at Okolona to favor the populace with 30 minutes of his matchless oratory.

The occasion came near the end of Bryan's life. He had grown bald, was in failing health and his silver tongue had slipped a bit from the days when he captured the Democratic National Convention by storm with his "Cross of Gold" speech.

Harrison, according to Allen's story, rushed to Okolona to handle the introductory honors. No mean orator himself, Harrison got carried away with his opening remarks and used about 25 of Bryan's 30 minutes. Finally, Bryan spoke for 2 or 3 minutes, mumbled apologies and ran to catch his train.

Allen recorded that he was walking down Okolona's main street a few minutes later and met a farmer of his acquaintance.

"What did you think of Bryan?" Allen asked.

"I thought he was great, just great," said the farmer, "but tell me something: Who was that old, bald-headed fellow who talked after Bryan got through?"

Typically, Allen's stories of his relationships with Roosevelt, Truman, and Eisenhower were not in the Presidents-I-have-known line. His autobiography was entitled: "Presidents Who Have Known Me."

---

## OUTMODED REGISTRATION LAWS HURT VOTER TURNOUT

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. RANGEL. Mr. Speaker, S. 352, a bill to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service, has been passed in the Senate and now comes before the House.

In light of the extreme significance of this proposal, I would like to provide my colleagues with further information on this subject.

I now submit a recent article of mine that appeared in the Boston Globe, entitled "Outmoded Registration Laws Hurt Voter Turnout":

OUTMODED REGISTRATION LAWS HURT VOTER TURNOUT

In 1960, 64 percent of those eligible to vote in America actually voted. In 1968, it was 60.6 percent. Last November, it was approximately 55 percent. Recently, 4.4 percent of the eligible voters turned out for local elections in Oklahoma City. In Dallas, there was a 9.1 percent turnout.

This rapidly developing phenomena of political non-participation should concern us all. Political analysts believe that so many Americans are failing to cast ballots because they simply do not care about the results. Clearly, many Americans have become disinterested in the electoral process.

However, I believe that individuals are not voting because they are not eligible to vote. They are not eligible because they are not registered. Our system of voter registration is one of the principal factors in America's poor voter turnout.

President Kennedy's 1963 Commission on Registration and Voting Participation stated that "restrictive legal and administrative procedures for registration and voting are a major reason for low participation." The commission described these procedures as "unreasonable, unfair and outmoded" and said they "disenfranchised millions."

In 1960, Stanley Kelley, Jr. and associates analyzed the rates of registration in 104 of the nation's largest cities. Penn Kimball, in his book "The Disconnected", wrote: "They (Kelley, Ayres, Bowen) discovered in statistical tests of 12 variables possibly affecting registration in the 104 cities under study that the most significant relationship of all was between the percentage of the population of voting age that is registered and the date at which the registration rolls are closed."

Idaho, which keeps its rolls open until the Saturday night before the election, had approximately 90 percent of its eligible citizens registered to vote in the last election.

The past decade saw the passage of laws that began to liberalize and open up registration procedures. The Voting Rights Act of 1965, applying to Southern states, abolished literacy tests and assigned Federal examiners to areas with low registration and voting turnout. This had an astounding affect on registration, especially among minority peoples.

In Mississippi, black registration jumped from 6.7 percent of the eligible black voters registered to 59.8 percent. In Alabama, from 19.3 percent to 51.6 percent. Progressive advancements in registration laws and procedures can clearly bring non-voters into our participatory process.

This is why I have introduced in this Congress the "Voter Registration Rights Act of 1973" which would create a system of national registration for Federal elections coordinated by the Bureau of the Census. It would utilize postcards and the mail and serve to constructively augment local registration machinery. Monetary incentives would be available to encourage state and local jurisdictions to make maximum use of the national system and to bolster their own.

The national system would have as its goal the strengthening of local systems. All local governments would be required to make greater efforts to insure that all of their citizens have freer access to both registration and voting than has generally been the case.

For most Americans, their main contact with government and politics is registration and voting. We must endeavor, in every way possible, to make this contact between the citizen and his government and political process as trouble-free as possible.

---

## CLEAR PERSPECTIVES ON THE TVA AT 40

## HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. JONES of Alabama. Mr. Speaker, the 40th anniversary of the Tennessee Valley Authority has provoked a number of editorial comments on the value of this institution to the region and the Nation.

The comments of the Huntsville, Ala., Times recognizes that the TVA as well as other institutions have critics but the writer points out many of the agency's critics lack perspective.

I direct the attention of the Members who are genuinely interested in the TVA to the editorial which follows:

### THE TVA AT 40

Forty years ago tomorrow, President Franklin Roosevelt signed into law a congressional act creating an agency that would lead the transformation of a vast river valley in America's southland from an economically backward and perennially flood-ravaged area to a thriving, bustling region imbued with a hopeful new outlook.

Today, if the Tennessee Valley Authority chose to rest on its laurels, it would have quite a catalog of achievements to browse through in middle-aged contentment.

About all that the TVA, in partnership with the people of the Valley, has done during its four decades of existence is tame a mighty river, electrify a seven-state region, inspire more than a billion dollars' worth of industrial development, rebuild countless farms and forests, provide abundant new recreational opportunities, and, as TVA Chairman Aubrey J. Wagner puts it, "revitalize the human spirit" in the once-depressed region it serves.

In becoming the country's largest electric power system, the Authority has increased the percentage of farms served by electricity in North Alabama, for instance, from just 2 per cent in 1933 to virtually 100 per cent today. And despite TVA's own recently spiraling costs and resultant rate increases, the typical home in this area buys electricity at a rate that is still about 40 per cent less than the national average residential rate paid.

In developing its network of dams and reservoirs, TVA has created a 650-mile-long water "highway" linking the Tennessee Valley with 21 other states on the Mississippi-Gulf waterway system. The result? An enormous growth in commerce, in barge traffic (23 million tons of freight on the Tennessee last year), and in waterfront industrial development to provide needed jobs for Valley residents by the tens of thousands.

In flood control, one has to look back no further than this spring to grasp the value of TVA development. The fact is, a single major TVA flood-control operation during the recent deluge reduced damages by an estimated $500 million—*an amount more than double the agency's total investment in flood-control facilities.*

But of course, TVA is not about to rest on its laurels now. There remains too much to be done, too many future energy needs to be met, too many other challenges yet to be faced in a region that is only now really coming into its own.

None of this is to suggest that the Valley is unanimous in regarding TVA today as the greatest thing since sliced bread. The agency, like every other institution today, has its critics. It is criticized for raising its rates, for disturbing the ecology with new dams, for resisting sweeping environmental pollution controls, for encouraging strip-mining of coal, for endangering fish with thermal pollution, for seeking further industrial development.

But many of the agency's critics, it seems to us, lack perspective.

Clearly, new thinking and new programs are required to solve the new and changing problems that confront this area today and those that lie ahead. And for the TVA concept to continue to work as well as it has for the past 40 years, it must have the continued basic support of the people it serves in so many essential ways.

---

## U.S. AGENCY CHARGES VIRGINIA CONTRACTOR IN BUILDING COLLAPSE

## HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, when the 2-year-old Occupational Safety and Health Act was still in its embryonic stage in the Select Subcommittee on Labor, which I am privileged to chair, our efforts were geared toward writing a law to safeguard the lives and well-being of American workers. We were totally dedicated—and still are—to a safety and health law to protect, not just penalize.

All of us were shocked and saddened by the tragic March 2 collapse of a high-rise building under construction in Baileys Crossroads, Va., which claimed the lives of 14 men and injured 34 others. The U.S. Labor Department recently charged a Virginia construction company with willfully violating the Federal job safety law in connection with this tragedy.

Mr. Speaker, the amount of the penalties proposed against the construction company by the Labor Department has little relevance in the face of the death of 14 men and the injury of 34 others in that accident. What is of the utmost importance is that compliance with the law in order to protect the workers on the construction site may have prevented the loss of 14 lives, and injury to so many others. The price of compliance is a small one to pay when the rewards of protection of safety and health on the job are so great.

I submit an article from the May 23 issue of the Wall Street Journal which gives an accounting of the building collapse and the Labor Department's subsequent action under the occupational safety and health law:

### U.S. AGENCY CHARGES VIRGINIA CONTRACTOR IN BUILDING COLLAPSE

WASHINGTON.—The Labor Department charged a Virginia construction company with wilfully violating the federal job-safety law in connection with the March 2 collapse of a 24-story building that killed 14 men.

Penalties totaling $13,000 were proposed by the department against Miller & Long Co. of Virginia, which was accused of three civil violations of the Occupational Safety and Health Act. The $13,000 penalty is among the stiffest ever proposed by the department under the two-year-old law.

An attorney for the company said it "doesn't admit the validity of any of the citations and intends to contest them." He stressed that all of the federal charges were civil, rather than criminal, in nature.

Fairfax County, Va., has already filed criminal charges—including an allegation of manslaughter against one Miller & Long supervisor—in connection with the collapse of the building, which was under construction at Baileys Crossroads, Va., six miles outside Washington, D.C. Miller & Long, based in Baileys Crossroads, was a subcontractor pouring concrete on the project. In addition to the 14 workers killed, 34 were injured.

The Labor Department charged the company with "the premature removal of forms from the 23rd floor of the building and the failure to have tests concluded to insure that the concrete had become strong enough to support the load without forms." The department called the alleged violation a "willful" one and proposed the maximum $10,000 penalty.

Miller & Long also was charged with using damaged shoring timbers and failing to place guard rails on the open sides of two floors of the building. The department proposed total penalties of $3,000 for the two charges. The company's attorney contended that neither of these two charges was directly related to the collapse of the building.

## TRIBUTE TO ART McGINLEY AND JIM FARLEY

## HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. COTTER. Mr. Speaker, two distinguished Americans, whom I have had the pleasure of knowing, are living proof that life begins midway through the 80's. I speak of Art McGinley, sports editor emeritus of the Hartford Times who continues to write a lively column, and Jim Farley, F. D. R.'s campaign manager and Postmaster General, and now board chairman of the Coca-Cola Export Corp.

The zest for living which these men exemplify is nothing short of remarkable. Their wit outshines the work products of a pack of television gag writers. Yet, another characteristic is their thoughtfulness and concern for others. They are, in short, true gentlemen whom I wish to salute on the occasion of the anniversary of their auspicious appearance in this life, and include a copy of Art McGinley's column on this subject:

### JIM FARLEY WRITES

(By Art McGinley)

Then the postman of a recent day brought me yet another cordial letter from James A. Farley, former Postmaster-General and the man who managed FDR's journey to the White House.

Jim still is chairman of the Board of the Coca-Cola Export Corp., which directs that company's extensive operations in foreign countries.

He has held that post long years; politics was his great love, but he never turned his powerful situation in that field to financial benefit and was obliged to re-enter the business world to get a livable income. Before becoming a national figure, politically, he had been in the gypsum business.

I have known Jim Farley a half century—from the time when he and my cousin, Judge George Brower, were fellow members of the New York Boxing Commission. We have corresponded over that period. One of his letters I well recall was written in green ink, Jim ardent for all things Irish.

He is renowned for a remarkable memory for names. The late Moe Berkman, who for many years was political writer for the Hartford Times, would tell a story in instance: "I had met Jim Farley but once," Moe would tell it, "yet, years later, he came into a Bridgeport hotel lobby, walked up to me and said, 'How are you Moe, and how is everything in Hartford?'"

Many facets of Jim Farley's political career were impressive; none more than that in all his long years in the field, he never had been charged with even one piece of doubledealing, of betrayal of a friend, or any of the other unsavory things that politics breeds. He writes:

"Dear Art: As I look over my diary from time to time, I noticed that in a few days you will be celebrating your 84th birthday and I'm delighted to know you are still around to receive congratulations from your friends and admirers and I am, of course, delighted to be in that category.

"As you know, God willing, I will be 85 years old May 30th, and I look forward to that occasion because I always have a party on my birthday.

"It's been a long time since we have had a good chat and it's always a delight for me whenever I receive any messages from you or about you from our mutual friends in Hartford.

"I do hope you are feeling all right and that you will enjoy good health and happiness for many, many years to come.

"Once again, my congratulations to you on your birthday, and with every good wish, I am.

"Sincerely yours,

"JIM."

## NEXT YEAR IN JERUSALEM

## HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. RONCALLO of New York. Mr. Speaker, this week, joined by 22 of my colleagues from New York, I wrote President Nixon asking him to intercede with Communist Party Chairman Leonid I. Brezhnev on behalf of a Soviet Jewess imprisoned for wanting to emigrate to Israel.

Mr. Brezhnev is coming to this country primarily to plead for trade concessions. Although I basically believe in a normalization of all relations with the Communist bloc in the interest of achieving a lasting world peace, I do not believe that we are under any obligation to extend most-favored-nation treatment to them while they are denying basic human rights to their citizens. No nation on earth has the right to restrict the emigration of its citizens or penalize them for expressing a desire to leave the country.

The Soviet Union has attempted to convince Congress and the American public that it has ended its oppression against Jews who want to emigrate. They cite as proof that they are no longer enforcing the astronomical exit tax. I, for one, am not yet convinced. The lifting of the tax is a welcome step and shows that the power of American public opinion reaches all the way into the Kremlin itself. But the tax is only one means of oppression. Russian Jews are still imprisoned, are still losing jobs as soon as they declare an intention to emigrate. Others are refused visas because their state-owned employers will not give the required letter of reference.

I am willing to be convinced, Mr. Speaker, but there is still a long way to go. One action which would do much to remove my skepticism would be the freeing of Silva Zalmanson who suffered from tuberculosis as a child and who is sick once again in a hard labor camp for trying to emigrate to Israel. I hope the President will be able to convince Mr. Brezhnev of the importance of this humanitarian gesture.

I include a copy of our letter to President Nixon at this point in my remarks:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., May 21, 1973.*

Hon. RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: In a few short weeks you will be meeting for the second historic occasion with Chairman Leonid I. Brezhnev of the Soviet Union. We commend your efforts toward world peace and understanding and most particularly your efforts to normalize relations with the Soviets in trade and other matters.

The U.S.S.R. has taken an important step in creating a favorable climate for public and Congressional support for better trade relations by declaring that it will no longer enforce the oppressive exit tax on Jews who wish to emigrate to Israel. But this is only a first step, Mr. President. There is still a long way to go before we can be convinced of the sincerity of the Soviet Union in allowing freedom of emigration.

A much larger step would be to free those Jews who are imprisoned solely because of their expressed desire to go to Israel. A case in point is 28-year-old Silva Zalmanson, since 1970 serving a sentence of 10 years at hard labor for refusing to recant her Zionist beliefs.

At the age of 8, Silva nearly lost her life to tuberculosis. For six years she was under constant medical supervision, trying to regain her health and strength. In a poor state of health even at her trial, she is once again losing the battle for her life due to the hard work and insufficient food at the prison camp. Other cruelties have also been imposed on her. Silva's husband, Edouard Kuznetsov, was originally sentenced to death at the same Leningrad trial which put Silva in prison. His sentence was later reduced to 15 years at hard labor. Despite this, Silva is not even allowed to write her husband, let alone visit him. Her brothers Israel and Volf were also sentenced to long terms at hard labor.

Silva and her family did not engage in politics; they posed no danger to the Soviet state. Their only desire was, and still is, to be allowed to leave the U.S.S.R. and emigrate to the country of their choice.

Perhaps during the course of Chairman Brezhnev's visit, Mr. President, you could find time to ask your guest to free Silva Zalmanson and her relatives and to allow them to leave for Israel. You could tell him how important this gesture would be toward convincing the American people that the Soviet Union is interested in the human rights of its citizens. Perhaps he would then be willing to fulfill the dream of this sick young girl, expressed so eloquently at her trial, to spend "next year in Jerusalem."

Respectfully,

Angelo D. Roncallo, M.C., Lester L. Wolff, M.C., James R. Grover, Jr., M.C., Joseph P. Addabbo, M.C., John W. Wydler, M.C., Otis G. Pike, M.C., Norman F. Lent, M.C., Bertram L. Podell, M.C., Edward I. Koch, M.C., James F. Hastings, M.C., Barber B. Conable, Jr., M.C, Peter A. Peyser, M.C., Frank J. Brasco, M.C., Mario Biaggi, M.C., Hamilton Fish, Jr., M.C., Jack F. Kemp, M.C., William F. Walsh, M.C., Henry P. Smith III, M.C., Benjamin A. Gilman, M.C., Hugh L. Carey, M.C., Shirley Chisholm, M.C., Benjamin S. Rosenthal, M.C., James J. Delaney, M.C.

## ROBISON WELCOMES PRESIDENTIAL STATEMENT

### HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. ROBISON of New York. Mr. Speaker, I am confident that all of us welcomed the statement made by President Nixon yesterday afternoon.

As a matter of fact, I had been preparing remarks—intended for delivery to the House today—calling upon the President to further state his position relative to the spreading ramifications of the Watergate investigation, now underway in the Senate. In my opinion, such a move had become incumbent upon the President in light of the fact that—although admittedly largely hearsay—such testimony as thus far received by the Ervin committee had already advanced its inquiry from the anticipated early stages of "who did what" either at the Watergate or in the attempts to cover it up, to the ultimate question of whether or not such activities were conducted with the knowledge and authorization of the President, himself.

Despite the appearance of some public apathy still remaining over this whole tragic, and so-unnecessary, affair—with many citizens still asking what "good" uncovering all of its facts would do the Nation—it has become apparent to me that matters were rapidly turning from "bad" to "worse" for the President, lending credibility to the growing spate of rumors that the President might have to resign his office, as no President before him has ever done. The existence of such rumors—no matter how inspired by Mr. Nixon's political enemies—constituted a burden of such proportions that this Nation could not long carry it either at home or abroad. Evidence of this can be found not only in the recent behavior of the stock market and sagging trust of the dollar in world markets, but in many other ways yet to be specifically perceived.

I have not yet had time to digest either the implications of the testimony received by the Senate committee today, or of the lengthy Presidential statement. This will take time—and, in time, I will have further specific comments.

For the moment, however, I would like to reiterate what I said some 10 days ago to the effect that even the President of the United States—or, perhaps, especially the President of the United States—is entitled to the same presumption we all enjoy of being presumed innocent until proved guilty. On that presumption, alone, I am willing to accept at face value what President Nixon has now further said about Watergate—and I call upon all those citizens I represent to do likewise.

Further, I certainly do not think that the President should resign—nor, based on what I now know, do I think he can, or will, be impeached. In my judgment, he has been, on balance, a good and effective President—possessed, let us note, for we tend to forget this of our Presidents, of the same human failings and frailties that beset us, all.

Nor—at least at the moment and, hopefully, not in the future—do I regret my past political support of Richard Nixon, nor my votes for him, in 1960, in 1968, or 1972.

We are, obviously, nowhere near the end of the Watergate affair, and where our efforts to untangle this dreadful mess will eventually lead us no man can say. But I have supreme confidence in several things—in the basic goodness and stability of this Nation and its people; in the fairness and sensibility of our citizens; and in the ultimate triumph of justice under the system we have established for the protection of our individual and collective rights and freedoms.

---

## TRIBUTE TO DR. JOHN WEINBERGER AND CHARLES L. ORR

### HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. SISK. Mr. Speaker, it is not too often that a Congressman has the honor of saluting a constituent for being singled out as a winner of a service award by the U.S. Department of Agriculture. Yet I have the distinction of having two such winners this year, and both were honored at U.S. Department of Agriculture ceremonies yesterday.

The chances of this happening are quite remote, especially considering the fact that only 91 individuals of a possible 83,000 USDA employees were singled out for special tribute by a honor awards committee.

I would like to take this opportunity to personally add my congratulations to Dr. John Weinberger, winner of the USDA's Distinguished Service award, the highest given at yesterday's ceremony, and Charles L. Orr, winner of a Superior Service award, the second highest honor.

Dr. Weinberger has received a number of high tributes in my State over the past few years, but he told me after receiving his department's award that this was the zenith of his long and distinguished career. The USDA singled him out for spectacular achievement in horticultural research and the development of superior commercial types of fruits.

From the USDA Horticultural Research Station at Fresno, he has worked long and hard in developing varieties of fruit which fit into the complexities of marketing and yet meet the rigid requirements of the consumer. Although the peach, nectarine, apricot, plum, and grape growers have benefited from his labors, I feel the consumer has been the biggest beneficiary.

This man's career is drawing to a close, yet I doubt that he will ever fully retire. He is probably this Nation's only plant breeder working on improving table and raisin grape varieties. Along this line he and a colleague have developed a technique which allows for the rapid propagation of grapes, a method which has been invaluable in the recent expansion of my State's wine grape industry.

Although Dr. Weinberger's richly deserved award is praiseworthy, I was equally pleased when Charles L. Orr, a member of the Federal Crop Insurance Corporation team which serves my district and parts of two other congressional districts in California.

Mr. Orr received the Department's Superior Service award for "outstanding educational activities in behalf of the Federal crop insurance program." This program, in my district and surrounding counties, helps protect more than $47 million in crop production investments in a number of crops, but especially in raisins.

To salute one winner of a USDA award is reward enough, but to salute two winners of such distinguished honors is a rare and humbling privilege I would like to share with this august group.

---

## SOUTHERN RURAL ACTION, INC.: ECONOMIC DEVELOPMENT PROGRAM

### HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. YOUNG of Georgia. Mr. Speaker, in 1968, some 35 Senators and a comparable number of Representatives joined in the introduction of a bill known as the Community Self-Determination Act. This bill was designed to enable citizens at the local level to play a major role in the economic development of their communities.

The proposed legislation was supported by reference to a project in operation in Crawfordville, Ga. The Crawfordville illustration was one of several projects that made up the program of Southern Rural Action, Inc. Unfortunately, the legislation was not enacted into law. However, Southern Rural Action has quietly continued to develop economic projects and programs across the rural South. I am intimately acquainted with the work of this organization.

The men and women who staff Southern Rural Action, under the leadership of Dr. Randolph T. Blackwell, have annually conducted a million-dollar program on an average budget of less than $300,000. By working for modest salaries and too often paying traditional organizational expenses out of their pockets, this loyal, dedicated group of citizens has been able to create a money flow in excess of $60 million in the most needy parts of the rural South.

It is to the credit of the Department of Health, Education, and Welfare Manpower Training and Development Division that it has provided some funds for this program.

I have here a copy of the progress report of Southern Rural Action, and take great pleasure in submitting it for inclusion in the RECORD, and urge my colleagues to examine it carefully:

## Southern Rural Action, Inc. on the Launching Pad—A Progress Report 1968–73

### SOUTHERN RURAL ACTION HISTORY

Southern Rural Action, Incorporated is a private, nonprofit association incorporated by the state of Georgia in 1968 for the purpose of conducting economic development projects and programs in the rural Southeastern United States.

The work of SRA is a continuation of work begun in 1966 by Southern Rural Action Project, which was the Southern arm of the Citizens Crusade Against Poverty.

During its seven year history, SRA has done work in more than 110 communities, scattered across the entire United States. SRA has done concentrated economic development work in nineteen counties in the Southeast. This work has resulted in the creation of eighteen income job-producing factories and numerous social projects and programs.

### THE SRA AUDIENCE

The work of Southern Rural Action is predicated upon the fact that there is severe poverty concentrated in the rural South; 182 counties with per capita income of less than $750 per year.

These are counties in which there is great black population concentration. Most of them have yet to discover any real semblance of democratic processes in society. Most of them have not in any real way been benefitted by most of the federal social programs, including EDA, OEO, MDTA and FHA–USDA.

These are the counties in the nation that have experienced the greatest out-migration and in so doing, have contributed greatly to urban welfare rolls and center city decay.

### SRA HYPOTHESES

There are thousands of individuals that would prefer to live in rural America if income and social conditions were to show any signs of improving. Improvement is possible in rural America if projects and programs are designed so as to utilize resources that exist, mainly people, in the developmental process.

Construction of homes for rural families will have the effect of stabilizing and strengthening rural families. The development of manufacturing enterprises as against retail enterprises will tend to draw money resources from the affluent communities into the nonaffluent.

### SRA OPERATIONAL THEORY

Southern Rural Action has observed that depressed communities tend to cluster together and, in so doing, tend to share similar, cultural, social, political, population as well as economic characteristics.

There are strong feelings of allegiance and strong lines of communication between the citizens of these areas.

Southern Rural Action, has followed a practice of establishing a project in at least one county of each cluster area, knowing that each project will influence and move citizens in neighboring counties to action.

Many words have been used to describe the work of Southern Rural Action: Technical assistance, community organization, leadership training, economic development.

The work of SRA might properly be described as that which produces change—making things happen in a visible, concrete and tangible way. The approach is practical and direct, working with whatever happens to exist. Every community has some form of existing organization. SRA identifies an organization and utilizes it as the case group for economic development.

Local leadership emerges as a project unfolds. This leadership is given technical assistance in accordance with recognized needs.

The approach is deliberately simple. Without undertaking to give a community a complete health education, SRA will establish a bakery that produces nutritious bakery products, thus dealing with a health and an economic problem at the same time.

The SRA mode is a three phase process:

1. Deliberately select the community and an organization therein with which to work. Find the money necessary to purchase the tools of production. Train the people in the use of those tools.

2. Develop a mechanism through which the tools of production and the training afforded can be utilized to begin to solve immediate problems such as the need for food, an adequate house or an income-producing job.

3. Link the various projects in the various communities together in associations so as to strengthen each project and at the same time insure their continuous growth and development. Associations of this nature will be of great value in the problem solving, experimentation area. Significant economies to all involved can be reasonably anticipated.

### SRA OBJECTIVES

Southern Rural Action makes no pretense of its capacity to solve the economic problems of the rural South. Such an ambition would require a "Marshall Plan" similar to that which was employed after World War II.

SRA seeks to demonstrate that the economic, social, health, and other problems of the rural South can be solved.

SRA seeks in the immediate future to relieve human suffering to the fullest possible extent and to strengthen the spirit of hope through mass constructive people involvement.

In the more long range, SRA seeks to stem the tide of outmigration and hopes to reverse it.

### PRESENT STATUS AND NEEDS OF SOUTHERN RURAL ACTION, INC.

During the past six years Southern Rural Action has brought into existence eighteen enterprises. Within this group is to be found seven garment factories, four brikcrete factories, two rooftruss plants, one bakery, two silkscreen plants and two offset printing plants. Not included in this group are enterprises in their embryo stages of development that are producing cabinets, artificial marble and plastic products.

A natural outgrowth of these developments is a large number of projects and programs that tend to be a bit more social in nature, despite the fact that they also provide income producing jobs. In this group is to be found such things as home construction companies, water and sewerage associations, catfish farming projects, recreational centers, coin operated laundries, day care centers, credit unions and home owners associations.

So it is that Southern Rural Action has created a network of projects of varying kinds and in varying stages of development.

It is not anticipated that SRA will, in the near future undertake any major new ventures. The next twelve months will be given to strengthening those projects that now exist. In other words, the SRA program for this period of time will be that of going from phase II to phase III as set out above under the caption, "Operational Theory".

In some instances it will be a case of taking a single enterprise to a new and necessary level of development or expansion and in other instances it will be a case of forming a regional association in a particular area of interest.

More Specifically:

If the investments already made in rural development are to be protected and if the future projections are to be realized, Southern Rural Action will need:

1. As a first priority, SRA will need funds to cover salaries and administrative expenses for a full administrative staff. Too often in the past has it been necessary for individuals to pay out of pocket legitimate administrative expenses as well as perform the work of two and three individuals with all that that can mean in terms of reduced efficiency and physical-psychological wear and tear.

The stage of development into which SRA is now moving will not allow this kind of operation.

2. As a matter of second priority, SRA needs a solid technical staff to which it can guarantee salaries. To have such would make it possible to do a higher level of systematic planning than has been possible in the past. This staff will need access to some basic equipment and supplies.

The time is right to make a model of each of the existing enterprises. When this is done, other groups will observe and imitate. The forest fire effect that is to be anticipated, as a result of proper publicity is being deliberately held back by SRA until we have had a chance to do some necessary improving in each project.

### TRADE ASSOCIATIONS

The enterprises that SRA has established are young and fragile. This would apply to those that are clearly in the "black" as well as those that are climbing painstakingly in that direction. All of them need the protection and strength that can be afforded by some form of trade association. The formation of such an association is the logical next step for SRA.

Some limited experimentation with such an association has revealed a number of significant benefits, such as lending and borrowing of equipment, joint bulk buying of raw materials, joint contracting, central repair shop, joint marketing and sharing the costs of research and innovation.

SRA is ready to move into the establishment of associations in the areas of garment manufacturing, brikcrete manufacturing and the graphic arts field.

### TRAINEE STIPENDS

Most of the SRA enterprises can afford to expand and take in additional employees provided they are skilled. However, there is no surplus of skilled labor in rural America. The greatest barrier to expansion is the lack of capital to supply minimum training stipends to cover such things as lunches, transportation to and from work, cigarettes and child care costs. Such a training program will need to be supplied with adequate equipment and supplies. Immediate growth is dependent to a great extent upon funds for this purpose.

### MARKETING

A part of the original SRA theory was that if a successful project is established in an area of several deprived counties, that project will be observed and imitated, quite often without SRA's involvement.

The best way to insure that this does in fact happen is to insure that the existing factories are absolutely snowed under with contracts.

This can easily be accomplished through the creation of a cadre of trained manufacturers representatives. There is much evidence to support the conclusion that there is work available, we need only go out and get it.

### SUMMARY

It has taken six years to bring SRA to the launching pad on which it now sets. Perhaps this could have been accomplished in a shorter period of time, but certainly not in a different way.

Each progressive stage had to be gone through. Not one single step could have been omitted. Even the SRA budgetary problems which caused great difficulty can now be looked upon as valuable learning experiences.

### SIGNAL SUCCESSES STAND OUT

1. Five hundred and forty four individuals trained for employment in the garment industry. This training having taken place in eleven different communities resulting in

income increases for individuals involved from an average of $16 per week, to an average of $62.

2. Seventy-nine individuals trained to work in the construction industry resulting in income increases from an average of $68 per week to an average of $125 per week.

3. Four hundred, twenty-one homes built at an average price of $11,000; fourteen churches, three factory buildings, and seven public buildings.

4. Two community water systems developed.

5. Nineteen factories established averaging eighteen employees.

6. Variety of service projects, such as day care centers.

Perhaps the greatest accomplishment of Southern Rural Action, though not measurable, are the effects that its programs have had on the attitudes and values of the people with whom it has worked.

All of the effort expended makes sense only when the people say in a real way, "its my community; I am responsible for what happens to it." Then, and only then can it be expected that families in deprived communities begin to make the decision to invest in a medical education for a child, rather than buy first one used automobile and then another.

For those that need to see programmatic results expressed in dollars and cents, the following money flow breakdown will be interesting. This breakdown express the money flow in several communities that is the direct results of Southern Rural Action programs.

MONEY FLOW BREAKDOWN

| State/County | OEO | EDA | Farmers Home Administration | Community enterprises | Private sector | New industry | New construction | HEW | Total |
|---|---|---|---|---|---|---|---|---|---|
| Georgia/Talliaferro | $900,000 | $4,000 | $60,000 | $124,800 | $42,000 | | | | $1,130,800 |
| Georgia/Lincoln | | | | 3,000,000 | 70,000 | | | | 3,070,000 |
| Alabama/Wilcox | 735,000 | | | 50,000 | 80,000 | | $200,000 | | 1,065,000 |
| Alabama/Madison | | | | 240,000 | 15,000 | | | | 255,000 |
| Georgia/Hancock | | | | 120,000 | 7,030,000 | | | | 7,150,000 |
| Alabama/Perry | | | | 30,000 | 28,000 | | | | 58,000 |
| Mississippi/Sunflower | 50,000 | | | 18,000 | 7,000 | | | | 75,000 |
| Georgia/Sumter | | | | 20,000 | 120,000 | | 252,000 | $116,000 | 508,000 |
| Alabama/Hale | | | | 140,400 | 8,000 | | | | 148,400 |
| Georgia/Mineral Bluff | | | | 429,600 | 9,000 | | | | 438,600 |
| Mississippi/Claiborne | | | | 12,000 | 56,000 | | | | 68,000 |
| Alabama/Choctaw | | | | 72,000 | 38,000 | | | | 110,000 |
| Mississippi/Bolivar | | | | 70,000 | 22,000 | | 3,768,000 | | 3,860,000 |
| Alabama/Greene | | | | 84,000 | 111,000 | $350,000 | | | 545,000 |
| North Carolina/Alamance | | 500,000 | | | 56,000 | | | | 556,000 |
| Southwest Alabama Farmers Cooperative (1967 budget) | 400,000 | 75,000 | 800,000 | | 30,000 | | | | 1,305,000 |
| Total | 2,085,000 | 579,000 | 860,000 | 4,410,800 | 7,722,000 | 350,000 | 4,220,000 | 116,000 | 20,342,800 |

Note: Total money flow: $20,342,800. Total money flow multiplier acceleration effect: $61,028,400.

## COMMON MARKET PLANS EXPANSION

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. GAYDOS. Mr. Speaker, I recently read a news report announcing that 16 European nations, comprised of members of the European Common Market and the European Free Trade Association, are close to forming a new trading partnership. This new merger, which gives EFTA nations access to low Common Market tariffs without giving them policymaking authority, is for the express purpose of protecting industry throughout Western Europe. If successful, it will create the world's largest trading area, encompassing 292 million people.

However, I consider it strange that foreign nations can make such a move without a word of protest from those who cherish the dream of a free trade world. In the United States such a step would bring howls of righteous indignation, including some from within this House. Those who would propose the move would be labeled antifree traders, protectionists flirting with the possibility of perpetrating an international trade war. Yet, foreign nations do it without a whisper of complaint from anywhere.

Mr. Speaker, I am inserting the news article, which appeared in the July 20 issue of the Standard-Observer, published in Irwin, Pa., into the RECORD for the consideration of my colleagues:

COMMON MARKET PLANS EXPANSION

BRUSSELS.—If all goes as planned, 16 European nations will form the world's largest free trade area this week.

The idea is to protect industry throughout all of Western Europe when the Common Market expands from six to 10 nations.

The area will embrace 292 million persons in the present six Common Market nations of France, Germany, Italy, Netherlands, Belgium and Luxembourg and in the four nations that will join in January—Britain, Denmark, Norway and Ireland—plus six other nations which will not join. The latter are Switzerland, Sweden, Austria, Finland, Iceland and Portugal.

These latter six all belong to the European Free Trade Association (EFTA), which was set up in 1960 in competition with the Common Market.

Three of the new Common Market nations—Britain, Norway and Denmark—are EFTA members and their defection to the market threatened their old EFTA partners with a loss of traditional markets.

For this reason, talks began early this year to set up the free trade area to give these nations access to low Common Market tariffs without giving them the right to join full members in making Common Market policy.

TARIFFS MUST GO

Only a handful of details remained to be settled in talks this week. Common Market officials reserved Brussel's Egmont Palace for Saturday for a signing ceremony by foreign ministers of the 16 nations.

The treaty will obligate the EFTA and Common Market nations to eliminate their tariffs against one another's products—a few exceptions—during the next five years.

## COLLEGES OF OPTOMETRY INCREASE ENROLLMENT 150 PERCENT

### HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. KUYKENDALL. Mr. Speaker, in these sessions when we hear almost a daily litany on waste and inefficiency, it might make all of us feel a little better to know how a small investment of our tax dollars has paid huge dividends in better vision for our citizens.

Backed by the Health Professions Education Assistance Act, the Southern College of Optometry, in my district, and other optometric schools and colleges across the Nation, have increased their enrollment 150 percent since 1965.

Southern College of Optometry maintains clinical facilities which provide experience for its students, and provide needed services for many of our citizens who might not otherwise be able to obtain them.

The Federal investment is slight, but rewarding. The total funding for optometry schools and colleges in fiscal 1972 came to less than one-tenth of 1 percent of the total budget of the Bureau of Health Manpower Education, which funds them.

I think it is time we paid a special tribute to the Southern College of Optometry, and its sister optometric schools across the Nation, for their work in providing the trained vision care specialists that this Nation depends on so heavily for every facet of our daily living.

## NEIGHBORHOOD YOUTH CORPS

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. BURTON. Mr. Speaker, what we are discussing today is another example of the callous disregard by this administration for the expressed will of the Congress. Also and perhaps more importantly we are faced with another example of what was described by a former administration spokesman as "benign neglect."

This is neglect of those most in need of our concerns, the elderly, the poor, and the young.

In this instance, it is the young who are to be "neglected." The young people of our country who desperately need summer jobs are to be told that this vital program, the Neighborhood Youth Corps will be discontinued.

Last year in San Francisco, we had $1.8 million in Neighborhood Youth Corps funds. This money provided jobs for 4,400 young people. We are told this year that this is to be totally eliminated and these young people will have to do without these needed jobs.

The educational future of many of our youth depends on these jobs. Without this summer employment, many will not have the funds to continue in school and will be forced to drop out.

Mr. Speaker, the school year is almost over, and we must move to insure that these jobs so vital to the future of our youth be restored.

## SHORTAGE IN HEALTH MANPOWER

## HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. WYATT. Mr. Speaker, the Health Professions Education Assistance Act was in response to the growing and critical shortage in health manpower, including the profession of optometry. Proposed funding cuts to the health profession schools mean, however, that within a very short time we will indeed be facing the very shortage of trained personnel which we were attempting to avoid.

Vision care is a primary health need in this Nation, as indeed it is everywhere. Optometrists provide approximately 70 percent of that care. Vision is vital to learning, working, recreation, emotional stability. Yet the 12 schools and colleges of optometry face virtual elimination of Federal support.

Many contend that the thrust of Federal support for higher education should go directly to the students. What does this mean in actuality? Tuition will rise and students will need more funds for their education. In addition, by depending on a loan system of support, we are encouraging students to establish their practices in affluent areas, the suburbs and central business districts. Certainly these are not the areas of greatest need.

The loan approach can also work to the disadvantage of students from lower income families. They are not always fully cognizant of the intricacies of banking, especially the loan process. Furthermore, they are saddled at the very outset of their career by great debts—that is, if they could even secure a loan.

The College of Optometry at Pacific University, in Forest Grove, Oreg., is the only such school serving the entire Northwest of the Nation. Its finances are in a precarious state, for the entire university faces a tight financial situation.

The operating budget of the College of Optometry is financed by the Federal Government to the extent of 48.3 percent. The college cannot merely increase tuition as that would seriously discourage enrollment. The present course, I understand, is deficit financing, with enrollment gradually reduced by 1974. Over a 4-year period, enrollment will decline from 283 to 248 students. The faculty will have to be reduced.

Many of these optometry schools sponsor clinics, which primarily serve disadvantaged areas. This particular optometry school had planned to expand its clinical program to a new facility in Portland, which would have served the needs of the community's disadvantaged. Of course, with the proposed cuts in Federal support, this plan will have to be abandoned.

We are talking about reduced yet vitally necessary services to the people of Oregon, of the whole Northwest. The expenses involved do not represent a great percentage of the funds for the Bureau of Health Manpower Education, which funds such projects. In fact, of BHME's total 1972 budget, only 0.0808 was earmarked for optometric education.

Optometry is a valued and needed profession. We cannot abandon this facet of the overall health education program in this country. We cannot turn our backs on the health needs of the people of this Nation.

## HON. RICHARD ROUDEBUSH

## HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. CARTER. Mr. Speaker, it is a privilege for me to be able to share with my colleagues the remarks of a former Member of this body on the occasion of the dedication of the Veterans' Administration mobile van, which was recently held in Richmond, Ky. That man, who many of you will remember, is the Honorable Richard Roudebush. Since leaving the Congress, Dick Roudebush has served outstandingly as Assistant Deputy Administrator of the Veterans' Administration for Congressional Affairs.

Dick Roudebush has a distinguished war record. He was wounded in action and he received five battle stars. In 1957, Dick served as national commander of the VFW. In 1960, he was elected to the Congress of the United States. I had the pleasure of serving in Congress with Dick Roudebush for 6 years. I miss having the benefit of his reasoned judgment and wise counsel in the House of Representatives. But it is most reassuring to know that he is now serving those who have so unselfishly served our great country in our times of need. The veterans of our country are most fortunate to have Dick Roudebush on the job for them.

His comments on the occasion of the dedication follow:

### COMMENTS BY RICHARD ROUDEBUSH

It is a real pleasure to be here today to participate in the dedication of the Veterans Administration mobile van program in Kentucky.

I am honored not only by being here and meeting with those who have a keen and abiding interest in veterans' activities . . . but also by being allowed the distinction of representing the Veterans Administration at these ceremonies.

In the late 1960's . . . as servicemen stationed in Vietnam began to complete their tours of duty . . . it became apparent to the VA that past methods of communicating with veterans about their benefits would not be adequate.

And so, the VA started its outreach program and began contacting men while they were still in uniform and following up these contacts after they were separated.

The most innovative technique used . . . a Veterans Administration first . . . sent VA counselors to combat zones of Vietnam to talk to servicemen serving there, individually and in groups, about the benefits they would have coming to them and their futures as veterans.

Additionally, VA counselors in the United States began briefing servicemen at military separation centers and in military hospitals. In many cases . . . overseas and in this country . . . applications for benefits were taken on the spot.

A program of writing letters to veterans at home as soon as they were discharged was started. The letters . . . in addition to informing the veteran again of his benefits . . . tell him where his nearest VA office is located and invite him to visit or make a phone call as soon as possible.

If we don't hear from him, we send another letter six months after discharge.

With all this information being passed on to veterans while they were in service . . . and after separation . . . the VA continued to explore new ways of contacting the veteran in his own environment, new ways and making it easier for him to respond and avail himself of precious rights he has earned and that are valuable to him.

Last year, after a review of veterans' programs, President Nixon instructed VA to go live . . . to start the VA assistance van operation.

This was done in Texas last June and the program has been scattering and expanding since that time.

Today we inaugurate van activity in Kentucky. Today we will make it a little easier for veterans in this community to take advantage of benefits they so richly deserve and that their government wants them to use.

Not only has the response from veterans been good since the vans have been on the road, but response from those interested in veterans' affairs has been good. State and local officials have welcomed the vans and have contributed to their success by providing needed services and help.

State and local offices have been involved and so have veterans organizations and other agencies. This cooperation is present here today in Richmond, and we are confident it will be present throughout the Kentucky tour.

There are some 400,000 veterans in Kentucky and about 80,000 of them are young men and women who served during the Vietnam Era, veterans for whom the mobile vans were planned and to whom the greatest amount of mobile service is being provided.

Certainly all veterans . . . and dependents and survivors of veterans . . . will be welcome at this van and all will receive the same help and attention. But it is the Vietnam veteran who is today faced with problems of readjustment back to civilian life, and helping to solve these problems is the primary aim of this innovative program and those who staff it.

The Veterans Administration has three stations in Kentucky . . . the regional office in Louisville and hospitals in Louisville and Lexington . . . and spends some $194 million a year in serving Kentucky's veterans.

The operation of this van may seem like a small addition to such a large operation . . . and it is, measured in dollars. But, I assure you it will be an important part of VA's mission in this part of Kentucky as it helps people who could not otherwise avail themselves of VA benefits.

Our schedule calls for fifteen stops in Eastern Kentucky during the rest of this month. I am sure that if an expansion of this schedule is needed . . . to spend more time in this area or to go into other parts of the commonwealth . . . it can be arranged either on this tour or in the future.

Dr. Carter, it is an honor to be here today repersenting the Administrator of Veterans Affairs and the Veterans Administration . . . and it is a pleasure to be with you and friends of yours in the Fifth Congressional District.

I appreciate your hospitality and I hope the mission of this van will be successful.

## ROGER F. MARTIN

### HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. KUYKENDALL. Mr. Speaker, the following statement by Roger F. Martin, general manager of the Air Line Pilots' Association, was brought to my attention by a friend who is a business as well as a volunteer associate of Mr. Martin's. Mr. Martin is president and chairman of the board of the Joint Action in Community Service, Inc. and speaks from several years of volunteer experience with this organization. I think my colleagues will be as interested as I am in the commendable work and effective results achieved by volunteers of this group. Therefore, I am inserting into the RECORD Mr. Martin's statement which was presented to the Senate Subcommittee on Employment, Manpower, and Poverty on May 3 of this year:

STATEMENT BY ROGER F. MARTIN

Mr. Chairman, Members of the Committee: We are pleased to have this opportunity to discuss with you the program of JACS, Joint Action in Community Service, Inc., especially as it relates to follow-up services to Job Corpsmen.

Our purpose here today is three-fold: (1) To acquaint you with the support services now being given to Job Corpsmen through a nationwide network of JACS Volunteers; (2) to register our support and the support of thousands of JACS Volunteers for the Job Corps program; and (3) to urge the inclusion of supportive services in whatever form the Job Corps may take in the future.

With me today are three members of the JACS Board of Directors who wish to share some of their experiences with Job Corpsmen and to express their feelings concerning the program. They are:

First let me tell you briefly about JACS.

JACS was created in 1967 by the Interreligious Committee Against Poverty, a coalition of religious leaders representing national Protestant, Catholic and Jewish organizations, in response to the need for community support for returning and relocating Job Corpsmen.

Drawn from social, service, civic, religious, fraternal and other community-oriented groups, as well as educational institutions, labor organizations, business and industry, JACS Volunteers provide the personal assistance necessary to ease the often difficult transition from training to employment and responsible citizenship. The purpose here is to help a young person make the most of the opportunity available to him as a result of his Job Corps training.

Each Volunteer works with only one Corpsman at a time, until the young man is well on his way to self-reliance and stability. The Volunteer's assistance is personal and sustained—usually from six months to a year.

For Corpsmen without jobs—or those with legal problems, or in need of counseling, medical services or additional education or vocational training—JACS Volunteers can direct them to resource agencies and programs supplying these services in their area.

JACS Volunteers also dispense such taken-for-granted information as where to shop, where to look for decent housing, how to budget money, how to use the public transportation system, and more. Services, I might add, that have *proven* to be essential to the overall success of a Corpsman.

JACS Volunteers are taught to understand the language and value systems of impoverished neighborhoods; to be knowledgeable about the causes of poverty; and to relate in an adult, realistic fashion to the special needs of poor youth.

In short, the JACS Volunteer offers to be a trusted friend to a young man coming from the world of poverty who is now trying to make it on his own in the world-of-work. The Volunteer provides the vital follow-up necessary to ensure the success of Job Corps training. He helps make sure that the nation's investment in the Job Corps trainee is not lost.

A total of 35 paid staff members are responsible for administering the JACS program. This includes a national office in Washington, D.C., and eight regional offices located in Job Corps regional offices in New York City, Philadelphia, Atlanta, Chicago, Kansas City, Denver, Dallas and San Francisco.

The JACS Board of Directors still includes several of the original founders of JACS in addition to leaders of labor, business, industry, education, government and civic groups. These men are responsible for setting the policy and program guidelines for JACS.

To date, more than 15,000 persons have served as JACS Volunteers. While some volunteers have been with the program for a number of years, many serve for shorter periods resulting in an active volunteer force of approximately 5,000 persons at the present time.

There are organized groups of JACS volunteers in all major cities and most of the smaller towns and communities where Job Corpsmen have returned or relocated. The JACS staff and Volunteers have developed referral systems and methods of resource utilization which make it possible to provide most any service needed for former Corpsmen. Over 150,000 young men have been contacted and assisted.

As you can see, we are uniquely involved with the Job Corps program. We are adamantly in favor of full continuation of the program for the following reasons:

1. It is a *total* program of human renewal. The Job Corps offers much needed skill training; but what is equally important, it offers basic education, medical services, social adjustment counseling, and many intangibles that enable the beginning of a new life style for young people.

2. It is a *residential* program. As local community volunteers, we know the environmental circumstances in which these youths have lived. Even the best training program will not reach most of them if they continue to reside in such deprived conditions.

3. The Job Corps is one of very few opportunities open to these youth. Opportunities which are growing more scarce every day.

4. And despite the inherent difficulties in any program of this nature, we consider the Job Corps a tremendous success. Thousands of young men and women are now producing in good jobs (and paying taxes) because of the Job Corps. They have replaced the despair of poverty with the self respect and promise of having earned their way into the American mainstream.

We firmly believe that the JACS program of support assistance has established itself as an integral part of the overall Job Corps program.

I would like to urge that serious consideration be given to the unique concept of an agency like JACS whereby a minimum of government funds or seed monies are combined with local citizen manpower. The volunteer support of the JACS program represents an estimated 10,000 man-hours per week which, if calculated conservatively at $5.00 per hour, amounts to a citizen in-kind contribution of $50,000 per week, or $2.5 million a year. This means JACS generates nearly four times its own costs.

And aside from the economic factor, the special value of volunteers is widely recognized. A volunteer brings to a personal assistance situation all the contacts and associations of his daily life in the general community and the particular skill or expertise of his own walk of life. He can be more detached from structures and systems; he can relate to a client on a more equal basis; and his very presence as a volunteer underscores his commitment to the person he serves.

In addition, volunteer programs such as JACS have contributed to citizen interest in resolving many of the problems that create the need for manpower programs.

To conclude I would just like to point out that in his 1969 Inaugural Address, President Nixon spoke of approaching the limits of what government can do alone and said: "What has to be done, has to be done by government and people together or it will not be done at all." It is the conviction of the JACS Board of Directors, staff and volunteers that the JACS/Job Corps partnership is a working example of this objective.

## REAR ADM. DRAPER L. KAUFFMAN ENDS DISTINGUISHED NAVY CAREER

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. McCLORY. Mr. Speaker, at the change of command ceremonies at the Great Lakes Naval Training Center on Saturday, May 26, my friend, Rear Adm. Draper L. Kauffman will be relieved as Commandant of the 9th Naval District, and Commander of the Great Lakes Naval Training Center by Rear Adm. James David Ramage. As a part of this ceremony, Admiral Kauffman will retire from his long and distinguished career in the U.S. Navy.

Mr. Speaker, I have heretofore commented on this subject in the House Chamber, and wish only to add that the ceremonies on Saturday at Great Lakes will be headed by a number of distinguished national guests, including Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations.

Mr. Speaker, I am privileged to be among those in attendance at this ceremony at which time I will extend personal congratulations and good wishes to Rear Adm. and Mrs. Draper Kauffman, with the hope that they will enjoy many years of health and happiness together and a rewarding retirement.

## EDITORIAL COMMENTS WORTH NOTING

## HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. DULSKI. Mr. Speaker, station manager George R. Torge, of station WBEN-TV in Buffalo, forwards to congressional offices editorial materials from his evening news programs.

On May 14, 1973, an editorial from the Denver Post, "Stop the Bombing in Cambodia," was aired, and on May 16, 1973, one from the Wall Street Journal, "Generals Should Stop Acting Like Damn Fools."

I was very much interested in the timely topics, and would like to take this opportunity to share these commentaries with my colleagues. They are thought-provoking and worthy of serious reflection:

### STOP THE BOMBING IN CAMBODIA

Despite the claims of the Cambodian government, American officials in Phnom Penh told a New York Times correspondent last week that there has been no documented evidence that Vietnamese Communist troops have served in combat roles in Cambodia during the last three months.

The troops the United States has been bombing at Kampot and Takeo on the approaches to Phnom Penh are described by the American sources as Cambodian insurgents from a number of anti-government factions, including some Communists.

They are seeking to overthrow a dictatorial ruler, Lon Nol, who acquired his power through a coup, who has been damaged physically and mentally by a cerebral hemorrhage.

Why it is in the interest of the United States to bomb Cambodians who want to oust such a man, or why the United States is seeking to reconstitute his government are questions that do not prompt easy answers under these circumstances.

If our bombing were directed against Vietnamese Communists operating against troops of the Saigon government along the border of South Vietnam, it would still be difficult to reconcile with our policy of disengaging from the war in Indochina.

But our attacks are directed at Cambodians near Phnom Penh rising against an unworthy government. That is all the harder to justify.

The United States can only bring discredit on itself, intensified suffering on others and problems for its own society by continuing to bomb in Indochina. The bombing ought to be halted immediately.

### GENERALS SHOULD STOP ACTING LIKE DAMN FOOLS

It all adds up. Which is why Sen. Proxmire doesn't miss a trick in his never-ending quest of waste in the Defense Department. In the past, he has spotlighted incredible cost overruns resulting from the Pentagon's procurement practices, and has no doubt helped force reforms that save many millions of taxpayers' dollars.

By comparison his latest find is small pototatoes, and he's not making a big deal out of it. But it does warrant the little lecture Mr. Proxmire delivered on the Senate floor last week.

It seems an Air Force major general, W. S. Harrell, retired from the service in February and Malmstom Air Force Base in Montana celebrated the event in two days of ceremonies that included: a parade, a cocktail party, a banquet, a flyby of 12 F-106's, and 16 F-101's, B-57's, F-104's and T-33's.

According to the 51 page booklet of orders that was prepared for the occasion and distributed in 82 copies, both the parade and flyby required rehearsal.

Sen. Proxmire doesn't want to be a party-pooper, but quite properly raises an eyebrow over all this. Estimating the cost in the "tens of thousands of dollars," which seems about right, he notes there are 375 major generals in the Army, Air Force and Marines. "If all the other general flag officers of our military are treated equally, the amount spent annually for retirement ceremonies must be staggering."

The Senator also observed, wonderingly, that 100 men at Cameron Station spend 50% of their time making exhibits, bookends, metal photos, slide shows, display cases for medals, guns, and maps, pistol boxes, displays of ammunition, framed invitations, murals, Pentagon-shaped cigar boxes—all to be given at taxpayers' expense to retiring generals, admirals, and high-ranking Pentagon civilians.

It would be a different matter, of course, if one of his men passed the hat and said, "Hey, the general's retiring next week. Let's buy him a parade, a flyby, and one of those nifty cigar boxes shaped like the Pentagon."

## MENTAL HEALTH RESEARCH: ANOTHER VICTIM OF THE BUDGET AX

## HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. DRINAN. Mr. Speaker, President Nixon has proposed that the research training programs of the National Institutes of Health be eliminated. After January 29 of this year, no new commitments for NIH grants are to be accepted, and only those grants with continuing commitments will receive funds during the 1974 fiscal year.

The result of these actions, if Congress assents, will be to cripple medical research, impair medical education, and impede opportunities for advanced biomedical research training. The timing of these proposals is particularly unfortunate, as the financial squeeze upon medical education and research is pronounced.

At the hearings on the proposed budgetary reductions in health programs that I held on May 5, 1973 in Newton, Mass., I received particularly informative testimony on how these budgetary reductions will affect research and research training in mental health. The testimony was that of Elliott G. Mishler, Ph. D., associate professor in psychology, department of psychiatry, Harvard Medical School. Dr. Mishler is also director of psychological research at the Massachusetts Mental Health Center.

The testimony of Dr. Mishler reveals that his research training program in social psychiatry will be terminated as a result of the cutbacks. This situation is not at all unique. I can predict with some certainty that every Member of Congress will sooner or later find that the medical facilities and institutions in his district or State will be impaired and weakened as a result of these needless, short-sighted cutbacks. I do not believe that our Nation can afford to skimp on health care. I do not believe that medical research and education are expendible.

At the hearings I also received testimony from Dr. John B. Nelson, director of child psychiatry training at the South Shore Mental Health Center. Dr. Nelson also deplores the cutback in research, training, and medical education funds, noting that this will result in diminished health care manpower. In particular, Dr. Nelson notes the continuing scarcity of child psychiatrists, and comments that without adequate medical education and research training funds the scarcity of qualified child psychiatrists will "unfavorably effect programs for years to come."

Dr. Nelson also spoke to the broad question of national health insurance, and stated his view—one that I would like to emphasize as well—that mental health care must be included in any comprehensive national health insurance system.

Mr. Speaker, I would like to urge my colleagues to study carefully the testimony of Dr. Mishler and Dr. Nelson. For I believe that there is in this testimony lessons valuable to every part of the Nation. The lesson is that Congress must not allow health care programs to be sacrificed:

### TESTIMONY OF ELLIOT G. MISHLER, PH. D.

I am currently the Director of the Research Training Program in Social Psychiatry. This is an advanced and specialized program that provides fellowships for research training to psychiatric residents and to young investigators who have already earned a Ph. D. in the behavioral or social sciences. In its present form, the program has been in operation for eight years, and in a modified form for five years before that. The program has been supported by a training grant from the Social Sciences Section of the Training and Manpower Division of the National Institute of Mental Health. A central aim of the program has been the training of researchers, within an interdisciplinary context, to undertake studies on the social aspects of psychiatry and of mental health problems. The annual budget of the program for this past year was $82,470 of which about 60% was for stipends for trainees and the remainder for teaching and administrative costs.

During the thirteen continuous years of its operation, about 40-45 Fellows received training in the program. Fellows came from a variety of disciplines, including anthropology, clinical and personality psychology, education, mathematics, physiological psychology, social psychology, sociology, and urban planning, as well as clinical psychiatry. The continued support of the program over this long period of time is one mark of its success; as of now, it is the only program of its kind in the country. A wide range of studies have been undertaken by Fellows. In recent years, this has included research on the relative effectiveness of different types of group therapy, on relationships between family processes and the development of schizophrenia, on patterns of personality development in black and white adolescents, on experimental approaches to schizophrenia and to the control of certain physical illnesses such as hypertension, on cognitive development in children, and on the effects of the physical environment on the behavior of pre-school and nursery-school children.

In addition to its training aspects, staff and Fellows in the program also participate in the training of psychiatric residents by offering teaching conferences in social psychiatry. This is the only formal aspect of the residency program in which the social aspects of psychiatry receive direct attention.

This program has now been terminated, as have all other mental health training programs, as a result of recent budget cuts. By chance, the grant period for the program runs until June 30, 1975. Under current directives, we will be permitted to continue but will be unable to appoint new Fellows and the teaching budget of the program will be reduced. In effect, this means that we will be able to operate next year in only a minimal way and that we will exist largely on paper in the following year.

Another type of training program that has been terminated is the Research Scientist and Career Development program. I, and many others, have considered this program to be one of the most important and critical ones for research in the mental health field. Under this program, young investigators who showed special promise and interest in research, received salary support for a five-seven year period during which time they could be relatively free of teaching, administrative, and clinical responsibilities. Potentially, this is one of the most productive periods in a research scientist's career but under the usual circumstances of an academic or clinical position it is very difficult for a young researcher to secure either the necessary time or the necessary funding for his work. The NIMH program met this need, although even at its best only a relatively small number of Fellows could receive support.

Several of the most productive scientists at the Massachusetts Mental Health Center have been receiving support through this program. Their awards have now been terminated, although again they will be permitted to continue through their grant periods; however, no new awards will be made. In one instance, a research psychologist whose work on the physiological aspects of mental and physical illnesses spans a period of almost fifteen years and who directs an experimental laboratory with a highly-skilled staff of technicians and professionals, was informed two months ago that his award would be terminated this June 30th. The personal costs of this arbitrary decision are considerable for him and his staff. The negative impact on scientific studies of these important problems is of equal magnitude. Over the next several months, this laboratory which was built up over a long period of time and includes many pieces of expensive technical equipment, will gradually reduce the amount of research underway and may cease operations entirely.

In my own research unit, a colleague on a similar award, will be terminated as of a year from June. This has had disruptive effects on her current program of research, has forced her suddenly to seek other sources of continued support and may eventually require her to give up a program of research that has developed over the past fifteen years.•

Each program director and teacher in our institution would be able to report other instances similar to these. Much of the research in the field of mental health, and of the mental health services provided, has been accomplished through training grants. By terminating training grants, in an arbitrary way and without any evaluation of their effectiveness nor of the implications of their termination, the actions of the federal government will have a destructive impact on research in mental health and thus on our knowledge and understanding of the causes and therapies of mental illnesses.

---

### TESTIMONY OF DR. JOHN B. NELSON

Your interest in the health of our citizenry is heartening. I am sorry to be unable to attend your May 5 meeting. Please accept in lieu of my presence the following statement.

My concern about health care is broad. My knowledge is fairly narrowly focused on mental health, especially that of children. My experience includes 11 years of practice in child psychiatry, 5 years as Executive Director of a child guidance clinic and three years as a Director of a child psychiatry training program.

Our children need more and better integrated service for their mental health problems. Governmental efforts in HEW and various states including our Commonwealth show some promise of improving organization and integration. But, efforts will be hollow if manpower diminishes.

We must keep a steady flow of medical students (and nurses, social workers, and psychologists) entering the health fields. Continued governmental support of medical training is necessary.

Psychiatry and child psychiatry training has been supported since World War II by HEW. Child psychiatrists are still scarce and are poorly distributed. Removing training support at this time is serious since it will likely choke off the supply of these necessary specialists. Already underavailable to perform their multi-faceted leadership roles in mental health care settings any further diminution will unfavorably effect programs for years to come. The situation is the exact opposite of the present over-supply of engineers.

Criticism has been raised that training support has only created private practitioners uninvolved in the public sector. There is partial validity in that criticism. There is little reason for that particular inequity to continue. Trainees receiving support could quite correctly be expected to return an agreed upon amount of service in public institutions.

The problems of manpower training are inextricably intertwined with the problems of service delivery. The cut off of further development of the community mental health center's staffing grants is a case in point. We won't need any trainees if we are going to cut the life blood support of the public agencies mandated to be the chief care delivery providers. With neither a flow of trainees or expansion of our evolving system of community care the children and youth of our nation will be under served. The results of that form of undernourishment will plague us and our offspring a long time.

One last comment. There will likely be a national approach to health care funding very soon. Mental health coverage is an essential part of any such program. Vital will be inclusion of provisions for the support of psychotherapy and guidance so that a more realistic balance of approaches to mental health care will be fostered. This instead of some present insurances which really encourage the possibility of over-zealous use of electro convulsive therapy. This latter approach has been shown to have little value in the treatment of children.

Thank you for giving me this opportunity to present my thoughts. If I can assist further please let me know.

---

## EQUAL EMPLOYMENT IN STATE AND LOCAL GOVERNMENTS

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Ms. ABZUG. Mr. Speaker, the U.S. Equal Employment Opportunity Commission has proposed regulations for reporting and recordkeeping by State and local governments. Women in City Government United, an association of women employed in various agencies of the New York City government, have submitted a statement on the proposal, and I include its text at this point in the RECORD:

### STATEMENT OF WOMEN IN CITY GOVERNMENTS UNITED

Women in City Government United is a confederation of women from New York City agencies concerned with the problems of sex discrimination in New York City government. Our membership crosses economic and racial lines, and includes women at every level of City government. Over the past several years, we have worked to end discrimination in such diverse areas as maternity benefits, pension benefits, health insurance, disability benefits, and hiring and promotion. We have made some significant progress particularly as regards the City's maternity policy. However, much remains to be done before we achieve equality for women employed by the City of New York.

Our most important weapon has been Title VII of the Civil Rights Act of 1964. Under its authority, we have filed numerous class complaints against the City, and expect to file many more. To insure the maximum effectiveness of our efforts, it is important that the employment information reporting required of state and local governments be geared as closely as possible to their actual functioning.

Based on our experience with the City of New York we have the following recommendations on the proposed reporting and record keeping regulations for state and local governments.

#### 1. PUBLIC HEARING AND NOTICE FOR EXEMPTION FROM REPORTING REQUIREMENTS

In the event a political jurisdiction requests an exemption or delay from the EEOC reporting requirements an opportunity should be provided for interested parties to offer testimony on the request. This should take the form of a public hearing. Notice of such hearing should be made by publication for a week in the Federal Register and in at least one newspaper of general circulation in the political jurisdiction seeking the exemption. Direct mail notice should also be given to all parties with pending complaints or court actions against the political jurisdiction. Publication in the Federal Register alone would not be adequate since it is not routinely read by the affected employees.

Our experience with the City of New York has been that whenever we requested employment data we were told that it was too difficult to obtain. For over a year and a half, we have been awaiting the release of a city-wide employee census which has been continually delayed because of alleged difficulties in compilation. In the interim, WICGU initiated its own city employment surveys, and found that the City's claims of hardship were spurious and, we suspect, a mere stalling tactic. Incorporating a public hearing requirement into the new regulations will provide an important safeguard for local government employees.

2. REPORTING OF TRAINEES AND APPRENTICES

There is no provision in the proposed regulations for state and local government reporting of trainees and apprentices. This is probably the result of an incorrect assumption by the EEOC that local governments do not have employees in these categories. The City of New York has a system of trainee positions and is also experimenting with the idea of instituting apprenticeship programs. Since the EEOC has recognized the importance of access to entry level training in its reporting requirements for private employers, it is only reasonable to extend the same protection to public employees.

3. INDIVIDUAL AGENCY REPORTS

The proposed regulations only require reporting on a city-wide basis. It is important that data be reported on an agency-wide basis as well. Employment practices are as much affected by agency policies as city-wide policies. Since heads of agencies have a great deal of flexibility within the civil service system in determining who is hired and promoted. It is impossible therefore to correct sex discrimination within city government without examining each individual agency as a unit. Such a reporting requirement would be analogous to the policy which requires private employers to file an EEO-1 form for each individual establishment as well as a consolidated report. This need is not served by the proposed regulation requiring the reporting of employment data by function since in many cases these functions overlap several different agencies, each with a different employment policy. The result is that the employment policies affecting any one function will not be uniform.

We applaud your efforts to end sex discrimination in city and state government, and hope you will incorporate our suggestions so that the proposed regulations can be utilized to maximum effectiveness.

## GEORGIA "SPEAK-UP JAYCETTE COMPETITION"

### HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

**Mr. GINN. Mr. Speaker, competing in the "State Speak-Up Jaycette Competition," Mrs. Bonnie Rose Smith of Emanuel County, Ga., gave a convincing defense of our Nation's free enterprise system. I would like to call Mrs. Smith's speech to the attention of my colleagues, and include it in the RECORD at this point:**

JAYCEES CREED

We believe:

That faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

*That economic justice can best be won by free man through free enterprise;*

That government should be of laws rather than of men;

That earth's great treasure lies in human personality;

And that service to humanity is the best work of life.

I thank Almighty God for our great American heritage of freedom which is the foundation stone for so many blessings which we enjoy and cherish. Foremost among these is the recognition of the dignity and importance of man, the right of free choice enterprise, the ownership of property, the privilege to direct the policies of government, and the basic freedom which permits man to develop his capabilities and build a full and productive life.

The American people have, by exercising those God-given rights, built within a comparatively short period of time, the greatest country on earth providing the highest standard of living known to mankind.

In receiving these blessings we must accept the challenge to defend and advance them for those who are to follow us.

The American Businessman and Woman, with their family-type business enterprises, has been the foundation stone in the economic growth of this country. The preservation and strengthening of this pattern of free enterprise is the great hope for the United States to maintain a strong position of effective leadership in the world struggle for the minds of men.

A great responsibility rests upon our government in carrying forward the American heritage of freedom and providing a healthy and wholesome environment in which the business and farm enterprises of this country can operate. I believe that every energy should be directed to the ends.

In the Two Centuries of this nation's existence, America under a private and free enterprise system, has conquered communicable diseases, brought literarcy to the masses, all but abolished starvation and provided essential and productive work for practically all who have the desire.

We have transported men to a heavenly planet. We have expanded the horizons of our citizens to an almost incredible degree, by giving them wheels and wings and electronic extensions to their eyes, ears, hands, and now even to their brains.

Private enterprise in America has made available to the average American, Luxuries that just a short time ago were beyond the reach of the wealthiest Plutocrat.

But these material things of the Free Enterprise system are not the greatest of our achievements. The chief and most essential advantage of Free Enterprise is the word "free"—free as opposed to "repressed." Free as opposed to "Controlled." That Freedom is our Great Hope.

## TVA CHAIRMAN OUTLINES NEW CHALLENGES

### HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

**Mr. JONES of Alabama. Mr. Speaker, in a special edition celebrating the Tennessee Valley Authority's 40th anniversary, the Decatur, Ala., Daily., printed comments from Aubrey J. Wagner, chairman of the TVA Board of Directors, on the present and future role of the institution.**

**He calls for continuation of the partnership with the people to create new patterns of living from the fabric of the urban industrial region the Valley has become.**

**Chairman Wagner's remarks were as follows:**

TVA AND THE PEOPLE

(By Aubrey J. Wagner)

Plans take shape for a pollution-free city of tomorrow, where children have greenspace to play and to grow. Other communities built to the needs of a day long since past are reshaped to face new demands from a rapidly urbanizing society.

Thousands of rusting junk car hulks and scores of pest-infested garbage heaps disappear from once-blighted landscapes. Students gather in outdoor learning laboratories, seeing and feeling the tangible relationships between man and nature in a way no deskbound textbook can provide.

The heartbeat of a mountain man, miles removed in time and place from any modern medical care, is computer-analyzed and referred to diagnosis to a physician in a faraway city.

The unifying thread tying these seemingly disparate activities together is that they all are current examples of the four-decade-old, creative, cooperative partnership forged between TVA and the people of the Tennessee Valley Region.

Over those years, the Valley has become a national laboratory, a pathfinder for the nation in seeking and demonstrating new solutions to new and changing problems. At the core of this effort has been an unswerving belief in the absolute necessity for full participation and involvement by all levels of government, by private enterprise, and, most importantly, by the people of the region themselves.

As TVA observes its 40th anniversary, it pays tribute not to its own accomplishments, but to the hundreds of institutions and thousands of individuals who breathed life into this concept, who made it work in the past and who must make it work in the future.

The eroded land, the devastating floods, the desperate poverty that marked and defined the Valley of yesterday have yielded to this joint effort.

Local, state, and federal officials, businessmen and farmers, private citizens and public servants, all joined together as a regionwide team to electrify the Valley, to rebuild its farmlands and reforest its woodlands, to help create a balanced economy that includes industry and commerce alongside a productive agriculture.

Today, at a time when the dehumanizing forces at work in society seem to whittle down the importance of the individual, when lengthy tomes are put forth about man's loss of a sense of self-worth, when the space-spanning complexities of a modern day world seem to fragment and polarize rather than unite, the need to apply this cooperative partnership to the continuing task of improving the quality of life is greater than ever before.

We have reached a time when we must move together to create new patterns of living from the fabric of the urban-industrial region we have become. Only by bringing broad understanding and balanced perspective to bear on the tremendous variety of legitimate but often competing needs in today's society can we hope to meet the challenges ahead. We must concern ourselves with widening the options available as to where and how people may live, work, and play in the years ahead. We must continually balance the need for a healthy economy with a quality of our natural environment better than we have ever known.

Fortunately, the elements of past development have produced the broad guidelines of a direction for the future. Planned industrial growth is helping disperse population in the Valley, countering the national trend toward the forced concentration of people into sprawling, economically unmanageable and environmentally overwhelming metropolitan clusters.

The people who are filling these new jobs in the Valley still have access to the essential ingredients for satisfying living and working and leisure time environments. Acting in unity on this decentralized pattern, we have the opportunity to plan for and create a rural-urban mix of people and jobs and services on a regionwide basis. We have a framework within which we can cope with the complex problems raised by an inevitably urbanizing society pressured by an inevitably growing population. The alternative to such planning is chaos, compounded of unfettered development and maximum adverse impact on the environment.

Through it all must run this central theme of balance, of a commitment to plans and programs which will provide the greatest good for the greatest number over the longest priod of time. The principle extends to the whole spectrum of needs facing the region. It applies to the need for controlled water supplies and the need for scenic streams. It applies to questions concerning where trees will grow and which lands should remain in farmland in the urbanizing Valley of tomorrow. It requires continued pioneering to meet expanding energy needs cleanly, safely, and reliably.

It involves the development of new technologies for waste processing and recycling of resources and new techniques for education, health care, and recreation. It includes the need for comprehensive innovations to revitalize existing towns and create new ones.

A strong, cooperative beginning has been made in all of these areas—and many more. TVA continues its basic role of advising and assisting, of providing the tools which the people of the region can use to build a better life for themselves. But in the end, it is the people of the Tennessee Valley who must make the final decisions on the directions the region will take.

After 40 years, TVA's greatest achievement has been to help prove that participatory democracy is more than theory, that a people and their government can work together for a common goal. It is in the continuing strength of this partnership that we will find the measure of all of our efforts to build lasting quality into the total fabric of life in the Tennessee Valley.

---

## CHEMICAL WARFARE—III

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. RANGEL. Mr. Speaker, the racist nations of Portugal and South Africa are using American herbicides in the perpetration of chemical warfare against southern African citizens.

Following are Department of Commerce figures showing U.S. sales of herbicides to Portugal and South Africa from 1969 to 1971:

| | |
|---|---|
| 1969: | |
| Republic of South Africa | $1,200,516 |
| Portugal | 57,330 |
| 1970: | |
| Republic of South Africa | 2,735,596 |
| Portugal | 343,980 |
| 1971: | |
| Republic of South Africa | 3,623,896 |
| Portugal | 114,660 |

As can be seen, herbicide sales have sharply increased.

The military use of these herbicides is in violation of the United Nations Security Council Resolution which—

> Solemnly calls upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa.

This resolution was adopted on August 1963.

The U.S. shipping of poisonous chemicals to Portugal and South Africa is also in violation of an arms embargo adopted by our Government in 1961.

In light of these disturbing facts, I will soon introduce "The Herbicide Export Control Act of 1973" and "The Chemical Warfare Prevention Act of 1973" in the House of Representatives.

The former proposal will halt the exportation of 2,4,5-T herbicides.

The latter will halt the exportation of all classes of herbicides to Portugal and South Africa.

I welcome the cosponsorship and support of my colleagues on these two pieces of legislation.

---

## GLOBAL GIVEAWAY

### HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. GROSS. Mr. Speaker, the National Federation of Independent Business recently issued a commentary on this Nation's foolish and wasteful multibillion-dollar annual foreign giveaway program which I commend to the attention of every Member of Congress.

I include it for insertion in the RECORD at this point:

A GLOBAL I.O.U. FLOOD

If one can imagine oneself in a position whereby he has delinquent notes in every bank in town that have gone unpaid for months, or even years, and in addition, has placed himself in a judgment proof condition so the banks cannot collect, this is a start toward understanding opposition to any more foreign aid expenditures.

Then if one can further imagine going to these banks and saying you would like more money on personal I.O.U.'s because you want to give some gifts to brothers-in-law because they do not hold you in the highest regard and you want to change their attitude, then you can understand what the battle is all about.

Despite the fact that the United States hasn't the slightest chance of making good on the $80 billion held by foreigners, there is still a drive to spend more on foreign aid. For a long time, voting through the National Federation of Independent Business, the nation's independent business people have called for an end to this give away.

The analogy cited above is pretty accurate. The United States has scattered paper dollars all over the world, and nobody holding them knows what to do with them. At one time, the United States said it would give up an ounce of gold for every $35 but when the so-called "gold window" was closed, this world was denied this recourse. Of course this was largely academic, because with around $10 billion left in gold, the U.S. could have paid off only 16 cents on the dollar.

As every business operator knows, whenever a business gets into that kind of a position, it's not long for this world.

Yet, there is this strange push to plaster the world with more I.O.U.'s.

Of course, there is a lot of intellectual sounding information released about reform of the monetary system somewhere in the area of the International Monetary Fund, or the IMF. But this is all predicated on nations exchanging I.O.U.'s with each other.

Among some nations this perhaps could work where the amount of the I.O.U.'s are limited, and are only out for a short time.

But the U.S. is, unfortunately, not in that position.

Thus, throwing around the world more I.O.U's which is all further foreign aid expenditure would amount to, is somewhat akin to the local fire department pumping gasoline onto the flames destroying a building. But perhaps the fault is that the independent business people just don't understand the "new economics." Perhaps when they get into a financial bind, instead of trying to pay off creditors, they should take everything out of the cash register and hand it out to every bum and "con" man that comes down the street.

---

## MR. DILLON GRAHAM RETIRES

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. FREY. Mr. Speaker, a familiar and friendly face will be missing from the House press gallery when we convene next week.

I am speaking of Dillon Graham, an Associated Press correspondent who has covered House proceedings since 1947.

Mr. Graham, after being a member of the fourth estate for 44 years, is retiring this week and moving with his wife to Myrtle Beach, S.C.

Mr. Graham's byline has been a familiar one for these many years, begining in Gainesville, Fla., where he was a reporter, sports editor, and city editor of the Gainesville Daily Sun while attending the University of Florida.

Mr. Graham joined the Associated Press in Atlanta, Ga., on January 15, 1929, and has been an AP man ever since.

In Atlanta, he was named regional sports editor and became one of the best known sportswriters in the South, largely through his colorful and accurate reporting of football and golf.

The Associated Press transferred Mr. Graham to Washington in 1934 to write sports here and 3 years later sent him to Charlotte, N.C., as bureau chief responsible for news coverage in the Carolinas.

Mr. Graham returned to Washington in 1947, where he covered the entire spectrum of national affairs from the special point of view of the Southeastern States.

Mr. Graham, in his many years in the fourth estate, has gained a reputation for being a hard working, aggressive journalist, the kind of correspondent who ferreted out the facts and reported his stories fairly and without bias.

Mr. Graham will be missed by his colleagues in the press gallery and by those of us who have come to respect his honesty in reporting.

## SMALL CITIES SCRAMBLE FOR FUEL, TOO

## HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. OBEY. Mr. Speaker, small cities are finding it increasingly difficult to obtain the gasoline and diesel fuel they need to keep municipal vehicles rolling. For example, the city of Marshfield received no bids at all on diesel fuel and is having to buy it by the tankwagon at rising market prices. Only one company bid for the right to furnish gasoline for city-owned vehicles for the first 6 months of this year, and city officials fear there may be no response at all when they put the July-December contract out to bid.

To show how relatively small cities are having to scramble for fuel supplies just like huge metropolises. I insert an article from the Marshfield, Wis., News-Herald of May 16:

### FUEL PROBLEM CONCERNS CITY

City-owned vehicles face the prospect of sputtering to a halt in the last half of this year if the city follows its customary bid and purchase procedures.

The city will ask for bids for gasoline and fuel oil supplies for July through December, and there is a possibility it may not get a response.

"If the last solicitation for bids is an indication, it doesn't look too good," City Eng. George Schneider said. "We had only one bidder for the first half of this year. In the last half of 1972 we had five. Before that we have run as high as nine, with usually six or seven."

The city received no bids at all on diesel fuel. Street Supt. Marcellus Jirschele said, "We're buying diesel fuel at market prices, a tanker at a time."

The city uses about 120,000 gallons of regular gasoline annually and an additional 8,000 gallons of premium. Vehicle consumption diesel fuel runs about 35,000 gallons.

Prices in the current bid period also differ sharply from the previous period. Schneider said that Mobil Oil, the only bidder, asked 13.7 cents for regular, up a penney; 16 cents for premium, up 1.3 cents. The city pays no state or federal taxes for fuels.

"The price for regular in the last bid period was the highest amount we've paid since 1959," Schneider said: "The price quoted for premium was the highest price we've paid since 1957."

If the city receives bids for gasoline for the second half of 1973, it is likely that prices will be even higher, Schneider said, "Chicago recently took bids on 10 million gallons of gasoline. They received one bid with a price 5 cents higher than previous, and the company would not make a commitment to furnish the whole supply."

The gasoline shortage may underline another advantage of living in smaller communities. Schneider said that the oil companies are more hesitant to bid on large quantities of gas.

**"The state Department of Local Affairs and** Development is working on a cooperative purchasing venture to see if savings can be achieved by the combined purchase of governmental units," Schneider explained. "In a recent conversation, they said that the combined bidding of gasoline isn't feasible at this time.

"They didn't specifically say this, but I guess they feel that combining the requirements into a single, large bid may work to the disadvantage of the individual cities. They do plan to go ahead with cooperative purchasing of other supplies."

Marshfield's requirements are relatively small in comparison with large cities, but whether or not the city will receive bids on its gas supplies still remains a high-octane question.

---

## NEWSPAPER SALUTES TVA ACCOMPLISHMENTS

## HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. JONES of Alabama. Mr. Speaker, an editorial in the Florence, Ala., Times has concisely summarized the accomplishments of the Tennessee Valley Authority during the past 40 years.

The newspaper points out that progress throughout Alabama has been unmatched anywhere and today this region is the most booming part of the State of Alabama. Distractions can make little dent in the accomplishments of this vital institution.

I submit this editorial to the attention of all and include it in my remarks:

[From the Florence Times, May 19, 1973]

### HAPPY BIRTHDAY, TVA ON NO. 40

The Tennessee Valley Authority is now 40 years old.

TVA celebrated its anniversary last week—and along with progress unmatched by such governmental agency in our nation.

We can say this without fear of contradiction. For there is no other agency like TVA, it's the only one of its kind in America today.

So how fortunate we are here in the Valley that a senator named George Norris, by some auspicious fate, was chairman of a committee of the Senate to which bills for the disposal of its properties were referred.

Sen. Lister Hill himself, one of the prime forces behind the formation of The Tennessee Valley Authority, once noted: "this issue was controversial and the properties were not located in his own state (Nebraska). But for George Norris there could be no hiding place . . . He was obliged to act on behalf of the people—the people of my state, the people of adjacent states far from the state he represented."

So beginning on May 18, 1933, TVA was launched. It was a depression year and the Valley of the Tennessee was poverty-stricken, isolated, eroded.

Today the Tennessee Valley is the most booming part of this great state.

And there can be no denying that the most single reason for this is TVA.

TVA stands alone as the giant of the natural resource development—embracing, in addition to its power system, flood control and navigation—programs of forestry, agriculture, tributary area development, recreation and others.

The TVA story is now completely one of prideful progress. Controversies have occasionally surrounded the agencies.

Dixon-Yates immediately comes to mind. And, of course, even at this writing, TVA is under attack by some environmentalists.

But such distractions make little dent in the great accomplishments of TVA. The agency continues to draw worldwide attention and is a model for underdeveloped regions all over the world.

Forty years of TVA—it makes one wonder where we would have been without it.

---

## HARRISON HIGH NO. 1 ON THE B-1

## HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. BRECKINRIDGE. Mr. Speaker, today I rise to call attention to the accomplishments of several young people in my own Sixth Congressional District of Kentucky. The Harrison County High School chapter of the Air Force ROTC recently authored the winning essay on the national contest, sponsored by the Air Force Association, on the merits of the B-1 bomber. I would like to congratulate these young people, including their teachers and parents, and enclose an account from their school newspaper, Ruffles and Flourishes, of their reactions upon winning the prize.

Here follows the enclosed account:

### 108 UNITS COMPETE—B-1 ENTRY WINS NATIONAL CONTEST

(By James Brown)

Sometime after lunch, Tuesday, April 24, Lt Col Bryan J. Sifford, Aerospace Education Instructor at Harrison County High School, received an important phone call from Washington, D.C. This call was to inform cadets of the HCHS Squadron that they were the national winners of the B-1 Contest.

A team of cadets of the Squadron participated in a contest entitled, "Why America Needs the B-1 Bomber." This contest, sponsored by the Air Force Association, was open to all AFJROTC units throughout the country (For more details, please see the story, "B-1 Contest Announced", in the November, 1972 issue of "Ruffles and Flourishes").

It is hard to say exactly how those cadets who worked on the team felt upon hearing the news. However, I, being one of them, can testify that we were all overwhelmed to say the least.

The Ky. 51st used videotape as the medium of production for the entry. The entry was put up against 107 other entries throughout the country. These were in various media of production and were both humorous as well as serious.

The HCHS Squadron used a serious approach to the problem. Speakers explained the need for the B-1 bomber in our defense system and the reasons behind this need, its position in the triad defense system, and the technical aspects of the B-1 itself.

Besides the Squadron's team, headed by Cadet Lt Col Rick Perraut, fellow students helped to make the production possible. John Lair produced and directed the film and Chuck Cooper helped with the camera work. The cadets are grateful for the work done by these people.

Speakers on camera were C/Lt Col Rick Perraut, C/Maj Rick Clifford, C/Capt Tod Owens, and Cadet 2nd Lts. Charles Knight and James Brown. Cameramen were C/Maj John LaBore and C/2nd Lt Carl Hackney. Other cadets of the squadron helped research to obtain the necessary data for the production.

In order to finish the production by the deadline, it became necessary for these men to work both before and after school. With the announcement of the winner, everyone seemed to agree that it was well worth the effort.

Prizes include a $4,000 scholarship, a cross-country trip for one member of the unit, a plaque, and other items. The tape will be shown at the Air Force Association's National Convention, Sept. 27-30, in Washington, D.C.

---

## ECONOMIC DEVELOPMENT PROGRAMS IS A SUCCESS IN SOUTHWEST

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. PICKLE. Mr. Speaker, on March 15, when the House passed a bill extending the life of the Economic Development Act, I took that occasion to remark on the many benefits the program has brought this country. This week, I again rose to support the compromise version of this legislation.

As I said on both occasions, the EDA is not a program which can hope to be 100 percent successful because it was designed to take the risk of attracting business to underdeveloped areas, risks that private enterprise seldom take.

I did point out, however, that the program has been extremely successful in the Southwest, and I take this opportunity to present several case histories of EDA projects which have achieved their goals. These are by no means unusual in the scope of the problem or the degree of difficulty that was encountered.

The examples include projects designed to bring jobs into a county which lost 40 percent of its population in 10 years, a program to increase the living standards of the Mescalero Apache Tribe in New Mexico and the construction of a vocational school in an area where unemployment was as high as 24 percent.

Without EDA funds and direction, these areas and the people in them would still be struggling on the brink of poverty.

SOUTHWEST AREA EDA PROJECTS

DUMAS, DESHA COUNTY, ARKANSAS

Direct grants—Industrial park; water storage. Two projects.

Total Grants: $176,470,000.

Estimated New Jobs: 1,050.

Dumas, Arkansas is located in Desha County, which was designated for EDA assistance on the basis of population loss—almost 40% between 1950 and 1960.

In 1968, local leaders in Dumas raised money to purchase land for a 110-acre industrial park and donated the park to the city. EDA funds provided for the necessary public facilities. Since that time five firms funded locally and employing more than 1,050 people have moved into the park; the park has been expanded by 30 acres; the community has built a publicly owned marina and has constructed a $1 million high school. Other manufacturers moved into the town and existing businesses expanded their employment.

As a result of substantial improvement in both unemployment rates and the levels of median family income, Desha County no longer qualifies for designation under regular EDA criteria. And minorities have shared in the local economic progress. In this area where 40 percent of the population is nonwhite, over two thirds of the new jobs in the industrial park are filled by minority employees.

Local leaders attribute the increase in employment, in local sales of goods and services, and in rising local income to the stimulus provided by the EDA grants.

MESCALERO APACHE TRIBE, NEW MEXICO

EDA Funds: $3,917,000.

EDA has assisted in building two sectors in the economy of the Mescalero Apache Tribe in New Mexico—Cattle Raising and Tourism. In 1968, EDA granted the Tribe $144,000 to build 100 miles of fence on their cattle range so that the Tribe could make better use of its water and grazing land resources.

The Mescaleros own a herd of around 6,000 Herefords, which bring them $360,000 in gross annual income.

Another $212,800 Public Works Grant has helped the Tribe develop a "commercial park" to serve both Indians and tourists. Tribal members run a general store and a service station, both financed by EDA business loans; as well as a recreation area, Indian village tourist attraction, and arts and craft sales operations. Besides creating new sources of jobs and income, the commercial park offers goods and services that Indian families formerly had to travel 30 miles for.

In addition to the EDA funded projects, the Mescalero Tribe has been able to construct new housing, purchase a ski facility, establish a fish hatchery, and build a hospital and an elementary school with Tribal funds and other Federal aid.

Future plans include building a reservoir to provide water for industrial, agricultural, domestic, and recreational use.

ALEXANDRIA, LA.

Description: Water Project.

EDA Funds: $5,315,000.

A new $55 million linerboard plant in Alexandria was built by the Pineville Kraft Company after EDA provided a $5.3 million grant to a $12 million addition to the city's water system. Over 300 new workers participated in the plant's $3.5 million annual payroll, and 10% of these are from the poorest parishes in the Kisatchie-Delta Economic Development District. Even more important to these parishes is the $9 million spent annually by the company on wood supply contracts which provide 1,000 additional jobs, according to the District staff. The plant is presently (March 1973), constructing a $6 million addition.

Alexandria, Louisiana, is a growth center for the nine parish Economic Development District, located in northcentral Louisiana. Six of the parishes in the District are eligible for EDA assistance because of high unemployment rates and heavy out-migration due to mechanization of agriculture.

PRYOR, MAYES COUNTY, OKLA.

Description: Industrial Park Water and Sewer.

EDA Funds: Total Cost: $1,594,000.

Jobs: About 791 new.

Pryor, Mayes County, Oklahoma, is about 50 miles northeast of Tulsa, Oklahoma. The Oklahoma Ordnance Plant, five miles south of Pryor, was built during World War II and provided employment for practically everyone in the area. After the war, the Ordnance Plant was closed causing a decline in population and employment.

In 1961, the Oklahoma Ordnance Works Authority was organized under the public trust laws of Oklahoma to purchase the Oklahoma Ordnance Plant from the Federal Government. The 10,040-acre site was purchased by the City of Pryor to establish an industrial district to attract industry to the area and is now known as the Mid-America Industrial District.

Three grants totaling $994,000 and two loans totaling $477,000 were obtained from EDA to prepare the site for industry. A $123,000 grant was obtained from FWPCA to assist in sewering the area. Funds totaled $1,594,000 and were used to dismantle and salvage usable equipment, rehabilitate usable structures, clear the area of debris and unusable structures and build water and sewer facilities and streets.

Several plants were located within the industrial site prior to obtaining EDA assistance for site development. These plants have already expanded and now provide 210 additional jobs.

Since EDA participation in the project began in 1966, 15 new industries have begun operations within the project site, providing 430 full-time and 12 part-time jobs. In addition, the Oklahoma Ordnance Works Authority staff has grown to eight full-time employees.

The total number of new jobs created by the project include 430 on the project site by new industry, 210 on the project site by the expansion of existing industry, 113 by the construction of new businesses in and adjacent to Pryor, and 38 by the expansion of businesses in Pryor. This amounts to a total of 791 new jobs at which people are now employed.

MOUNTAIN HOME, BAXTER COUNTY, ARK.

Direct Grant and Loan.

Water Treatment, Storage and Transmission Facilities, Sewer and Sewage Treatment.

Total Cost: $2,710,000.

EDA Grant: 1,355,000.

EDA Loan: 1,355,000.

Jobs: 1,015.

An investment of $2,710,000 ($1,355,000 to be repaid to the Government) by the Economic Development Administration combined with local initiative resulted in a $7.5 million economic development program to create over 1,000 new jobs in Mountain Home, Arkansas.

In 1966 EDA approved a grant for the construction of water purification and storage facilities, transmission mains, sewage treatment and collection facilities to serve a 500-acre industrial park and its industries. The project was completed in 1969 and provides water for Mountain Home and its neighboring communities. Nine new firms now occupy the park.

Since that date unemployment in Baxter County has dropped below 6%. The per capita income for the County has climbed from 21st to 5th among Arkansas' 75 counties.

An industrial development corporation, formed to undertake the industrial park operation and financing, assists in plant location. The City of Mountain Home has completed construction of a modern airport to provide freight and passenger service for the surrounding six-county area.

Over $1,000,000 in local funds was spent to enlarge Mountain Home's hospital into a regional hospital to provide medical facilities for the increasing population. In addition, Mountain Home built a modern high school and two large shopping centers which created another 150 new jobs. Building permits in Mountain Home have doubled since 1968.

Most importantly, private capital investment in the amount of $5,000,000 provided for the expansion and equipping of the area's industrial facilities to permit further expansion and increased employment for Mountain Home and Baxter County.

BROWNSVILLE, CAMERON COUNTY, TEX.

Direct grants and business loan Port improvements, grain elevator, water and sewer.

Eight projects.

EDA Grants: $5,187,000.

EDA Loans: $517,000.

Estimated New Jobs: 820.

Between April 1966 and June 1972, EDA approved seven grants totaling over $5 million and aided a privately owned company with a business loan of $517,000 in Brownsville, Texas. During the same period, EDA funded six additional grants for $2,129,000 for neighboring communities of Brownsville in Cameron County. This was done in order to help the Brownsville area overcome problems of low income; low educational standards; dual language barrier; poor health and housing; high in-migration from the rural areas; seasonal unemployment among migrant works which causes the unemployment rate to fluctuate from 6 to 18%.

Helped by the EDA grants, Brownsville has enlarged its cargo wharves and bulkheads, doubled its grain handling facilities and expanded its shrimp and fishing harbor by one third. Water and sewer improvements funded by EDA have vastly improved the city's health standards. Because of the water and sewer improvements, several commercial firms have decided to locate in the city.

#### GONZALES, TEX.

EDA Funds: $120,000.

A grant of $120,000 was made by EDA to the Texas Rehabilitation Center and the Texas Rehabilitation Hospital of Gonzales Warm Spring Foundation, Inc., Gonzales, Texas, for the rehabilitation and alteration of an existing vacant building on the grounds of the Center thereby enlarging the training and housing space of the center. The Center trains unemployed severely physically handicapped persons for competition in the job market. The handicapped condition of the trainees requires that they be full time residents of the Center, therefore, living quarters in addition to classroom and recreation space, must be provided for the students.

The new facility opened its doors during the first week of January 1973, and enrolled 35 students in its first semester. The courses have been arranged and are managed by the Central Texas College of Kaline, Texas. It is estimated that with the addition of this facility, the Center will provide the job market with 200 trained persons per year, a large number of whom will come from the poor minority citizens of the state.

## THE 40TH ANNIVERSARY OF THE GREAT FAMINE OF THE UKRAINE

### HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mrs. GRIFFITHS. Mr. Speaker, on Sunday, May 27, the Ukrainian-American Congress Committee will solemnly commemorate the deaths of more than 7 million Ukrainians in the famine of 1932–33. They will be joined by Ukrainian groups throughout the world. The famine was one of the most tragic events in the 1,000-year history of the Ukrainian people. In 1 short year, almost one-fifth of the region's farmers starved to death because of their efforts to resist collectivization of their family farms by the government of the Soviet Union. In my home city of Detroit, more than 100,000 Ukrainian-Americans will recall the period of starvation and suffering that afflicted the "breadbasket of Europe." Five thousand persons are expected to participate in a rally and march, and memorial services will be held in the Ukrainian churches of Metropolitan Detroit.

On the anniversary of this manmade disaster, I join with all Ukrainians in mourning the dead of the great famine, and reaffirm the traditional love of the Ukrainian people for their homeland, their heritage, and the ideals of freedom and dignity for all men.

## SMALL BUSINESS LEGISLATIVE PROPOSALS

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, on May 16, I was pleased, along with many Members of the House, to attend the annual presentation of legislative proposals made to Members of the House by several small business associations.

These presentations were originated by the Smaller Business Association of New England—SBANE—of Waltham, Mass., nearly three decades ago to present specific proposals to enhance the economic posture of small business and encourage the development and growth of American free enterprise.

This year SBANE was joined in making the presentation by the Independent Business Association of Wisconsin—IBA-W—of Milwaukee, Wis., and the Small Manufacturers Council—SMC—of Pittsburgh, Pa. Small business has always received a warm welcome on Capitol Hill.

As chairman of the House Permanent Select Committee on Small Business and because of the wide interest of the Congress in the problems of small business and in the interest of 5½ million small businesses in the country who contribute to 40 percent of our gross national product, employing almost half of the work force of this Nation, I am pleased to insert in the RECORD excerpts from the highlights of the presentation made by these organizations.

The legislative program follows:

#### SMALL BUSINESS: AN AMERICAN CORNERSTONE

Small business is a quality-of-life issue.

Indeed, the survival and the strengthening of America's small business community is not primarily for the benefit of the small entrepreneur, although he will be one of the beneficiaries. The larger group of beneficiaries will be the American public which, because the small business has always been one of the cornerstones of the American economy, has tended to forget that the existence of a large, thriving small business community is one of the elements that adds great strength to the warp of the American social fabric.

Much of the present state of public opinion about American business is due to the emphasis on the large corporation. There is no way to avoid this emphasis. The most important labor union contracts are with major corporations. Government activities directed toward business usually play up the big names, as in Justice Department anti-trust suits against large corporations or in actions of the Securities & Exchange Commission. In the entertainment media, the executive suite of the large corporation is more often the setting than the front-office of a machine shop employing 50 workers.

At the time of the February, 1972 White House Conference on the Industrial World Ahead, Thomas W. Benham, president of Opinion Research Corporation, presented the results of a study his firm had done for the conference. It found a sharp decline in the public's approval of business from 1965 to 1971. In 1965 some 47% of the public had expressed disapproval of business; in 1971, the figure had risen to 60%. In the same period of time, those who expressed "high approval" of business declined from 20% to only 11%. Furthermore, only 27% thought that competition serves to keep prices fair, and 62% were in favor of government controls to assure equity for the consumer.

#### THE LARGE GET LARGER

Certainly a large part of the public's impression of business is gained by the emphasis on the large firm. A recent Federal Trade Commission survey showed that in 1968 the 100 largest manufacturing organizations in the United States held a larger share of manufacturing assets than had the 200 largest only 18 years earlier. Yet, 95% of all the business units in the United States are still small busineses. They produce between 35 and 40% of the gross national product, and employ 44% of the workforce. There is actually no commonly accepted statistic on the number of small businesses. There are some 5¼ million full-time commercial small businesses in the country. But if the number of farms, professional businesses (such as doctors and lawyers) and part-time businesses are included, the number is about doubled. Small business performs many functions.

1. The small, independently-owned business forms the backbone of many American towns and small cities. The civic contribution of a local businessman, rooted to his community, with no intention and often no possibility of moving elsewhere, is incalculable. It is the businessman who knows he is staying who contributes the most to the social welfare of his town, in contrast to the corporation executive who moves in and out of ten different towns in maybe 15 years and has little time to plant roots in a single one of them.

2. The small business is still the place where inventiveness flourishes. According to one count, half of some 61 major inventions in this century have been the work of either a single individual or have come out of a small business. These include air conditioning, automatic transmission, ballpoint pens, cellophane, Cinerama, the helicopter, insulin, the jet engine, power steering, and zip fasteners. They include names like Lee DeForest, who invented the vacuum tube; Robert Goddard and the rocket; Ernest O. Lawrence and the cyclotron; Selman Waksman and Streptomycin; Alexander Fleming and penicillin; Edwin Armstrong and the FM radio; Edwin Land and the Polaroid camera.

Several recent studies have shown a relationship between the U.S. foreign trade balance and the introduction of new products in the United States. One in particular, done for the Commerce Department by Professor Robert Stobaugh and a group of colleagues at the Harvard Business School, demonstrated that the U.S. has traditionally been able to maintain a positive trade balance because this was the country in which most new inventions first came to market. Once any invention or new process is known, the U.S. tends to lose its at first monopolistic position in the field and then even its predominant lead. This process of the transfer of technology overseas cannot be reversed or stopped, the Commerce Department study concluded. The only thing that can assure a better U.S. trade picture is the continued introduction of new products in this country, ahead of their appearance elsewhere in the world. Since so many new products have been the work of the small or fledgling business firm, it is clearly in the overall national interest to defend and even foster the viability of such firms.

#### SUPPLIER TO BIG FIRMS

3. The small business, while often an end seller of its own products or services, is also

an important adjunct to the large corporation. Without the availability and flexibility of small business firms, the big would be even bigger and perhaps less efficient. As a single example, General Motors Corporation has 26,000 suppliers. Almost half of every GM sales dollar goes to these suppliers. Over 64% of those suppliers employ less than 100 people, and 89% employ less than 500.

4. The small business is ideally suited for certain kinds of products and services: manufacturing of products with limited market volume; products having a short production cycle (because of change in seasons or styling) and also low capital requirements. Here are included many items of clothing, jewelry, and shoes; products requiring very fast service, such as legal printing, photo engraving, or some specialty chemical firms that serve as converters of chemicals turned out by the large chemical manufacturers.

This is a decade in which America is dedicated to cleaning up its air and purifying its streams, to generally improving the quality of its life, which is already close to the top in terms of actual physical goods produced and distributed per capita. There is no more appropriate time in which to consider whether America's small businesses are also being given their breathing room in this hopefully better environment that is emerging. Because America's small businesses have diverse interests, limited funds with which to make themselves heard as a lobby, and usually no spare executive talent to do anything other than try to run the business, their position as a unique and major institution (when they are all taken together) is in danger of being overlooked.

### 5 MILLION SMALL BUSINESSES COMPRISE MAJOR INSTITUTION

It is our position that the viability and prosperity of the over 5 million small businesses in the country depends in part on awakening the federal government to the fact that here is an institution which deserves some special attention at this moment in the country's history. This is not to request that the inherently inefficient be kept alive in resuscitators or by artificial injections. It is not to prevent the orderly evolution of the business system, which is always undergoing some change—it is not to repeat some of the mistakes of the Agriculture Department of a generation ago, in trying to keep alive a kind of farming that was destined to change with the times anyhow. What it does mean is that the particular problems of small business in a society dominated by macro-institutions need to be appreciated and enough attention paid to them to restore the situation to the status quo ante. Specifically, as the following four sections will detail:

### TAXATION

We do not request a special system of taxation that would benefit small business but be unfair to others. We do ask that the tax treatment of small business take into account the particular problems of small business in accumulating capital, when the normal avenues of access to capital or credit that are available to large business are partially restricted or even closed to small business.

### PAPERWORK

We want recognition of the fact that many small businesses do not have the staff or the sophistication to handle the increasing volume of paperwork demanded of them by the federal government. We ask the government to set up machinery which will monitor the creation of new reporting requirements by business.

### PROCUREMENT

We fear that small business will see its relative position further eroded if there are not adequate measures to apportion to its share of the $55 billion annual federal government procurement budget. We suggest specific steps which would increase the ability of small business to get its share of federal procurement.

### REPRESENTATION

In many units, departments, and agencies of government, small business needs a special representative. When decisions are being made that affect the business-government relationship, someone needs to represent the special problem of small business. Up to now, the advocacy role that was to be played by the Small Business Administration has not been effective enough. In addition to this kind of specific representation, small business also needs help from government in charting its course as a viable and growing institution in the American economy for the rest of this century.

Small business does not need to ask for artificial protection. It does need a kind of special concern lest its special problems go unrecognized in a society in which the giant institutions dominate the news and the decision-making process.

It is the small businessman more than the corporate vice president who is more often the risk-taker in our society today, who lays his personal capital on the line, who is the initiator, the innovator.

* * * * *

Thus, we find strong reasons for the federal government's insuring that the small business community has a chance to thrive on its own. At the very least, no actions of the federal government, as will be detailed in the following sections, should be such as to make the economic situation of the small business any more precarious than it is.

### TAXATION

We strongly advocate the adoption of Senator John Tower's bill which would increase the present surtax exemption for corporations from $25,000 to $100,000. His bill would retain the present 22% normal rate on pretax income up to $100,000, thus helping solve the internal financing needs of many small businesses. We are strongly opposed to any change in estate taxation which would result in the taxation of capital gains at death, in addition to taxation of the decedent's estate. Such a proposal, while having some basis in equity on its face, would strike in inequitable fashion at the small businessman, most of whose net worth is usually represented by a business built up over a lifetime. This would decrease incentives to build such a business, as well as make the continuance of the business after the owner's death more questionable.

### HIGHER SURTAX EXEMPTION

The law which exempts corporations from the 26% surtax, in addition to the 22% normal profits tax which all corporations must pay, dates back to 1938. It was established at that time partly in recognition of the special difficulties small business faces in building up its capital. If the situation were to be restored only to its 1938 equivalent, the loss in purchasing power of the dollar in the intervening 35 years would require raising the exemption limit to $75,000.

* * * * *

To a greater extent than with other forms of enterprises, the small businessman is forced to rely on his profits to generate new capital. Or, he is forced to reinvest part of his own after-tax drawings from the business, or to look to limited private placements.

A high income tax depletes the internal funds for additional investment on which the small business must mainly rely. Measures that permit increased retention of earnings, on the other hand, help to finance growth, ease the climate of borrowing, and foster the establishment and healthy expansion of small concerns.

If a hypothetical small business earned exactly $100,000, its present taxes would amount to $41,500. If the surtax exemption were to be raised to $100,000 that same small business would then pay income taxes of only $22,000, giving it a 33.5% increase in after-tax income.

In both 1970 and 1971 there were over 10,000 business failures. Some of these represent new and perhaps poorly managed business firms which did not deserve to survive, at least not through special favor. Nor were all of them small businesses; the Penn Central collapse occurred in June, 1970. But many of these failures were directly attributable to the difficulties small businesses have in accumulating sufficient capital to be economically viable units. And, besides the firms that actually failed, many were led to seek a merger or to sell out for similar reasons.

This is an opportune moment to examine the surtax exemption, because in one more year, the former tax benefit of multiple surtax exemptions will have been phased out. Until 1969, large companies could take advantage of the multiple surtax exemption through the use of multiple corporations. They were slightly penalized in doing so by the imposition of a 6% extra tax on the first $25,000 of taxable income. This reduced the actual tax saving on the first $25,000 of income in each tax-paying unit from $6,500 to $5,000. The 1969 Tax Reform Act phased out the multiple surtax exemption over a five-year period which ends December 31, 1974. After that time, a controlled group of corporations will be limited to a single $25,000 surtax exemption.

The purpose in phasing out the multiple surtax exemption was to end what many in Congress felt was an abuse of that part of the tax law. The phase-out was estimated to bring in an additional $235 million a year in taxes, when fully in effect. While we would not criticize the end of the multiple surtax exemption in cases where it did encourage an abuse of the system, it has also increased the taxes of businesses which for very good reasons may have been run as more than a single corporate entity. Thus, we see this as an ideal time to consider raising the single surtax exemption from $25,000 to $100,000. It will not only make it somewhat easier for small business to accumulate capital, but will redress any inequity caused by ending the multiple surtax exemption.

### CAPITAL GAINS TAX AT DEATH

With more tax reform in the offing either in 1973 or 1974, we find it necessary to take a strong stand against any proposal to tax capital gains at death. Although the proponents for this change in the tax laws have some debating points on their side, a change in this direction would have a disastrous effect on small business.

At present, incremental changes in the value of capital assets are taxed only at the time of a sale or exchange. At time of death, since there is no sale or exchange of property, but only its transfer to the beneficiaries of an estate, the change in capital values is not taxed. (However, since the estate tax is steeply progressive, assets that have appreciated in value are in effect taxed more than those that have not, although the computation of the estate tax does not actually make any separation of the assets in this regard.)

The value of the gross estate of many small businessmen is represented chiefly by the stock in their business. Where the business has prospered, and especially where it has been ongoing for a long period, the basis of the stock in it is quite low compared to present value. Already, the federal estate tax on an estate which consists largely of a family-owned business is a primary factor in forcing the sale of many such businesses. Especially when the business is not currently making a large return for its owner, at least on the basis of the increased value of his investment, the estate is sometimes forced to sell the business in order to pay the estate taxes. This situation would be multiplied many times if an estate were to have to pay both the present estate tax and also a capital gains tax based on the increased value of the stock in the family business.

The estate of a small business executive faces a different problem from that of a person whose estate is composed largely of marketable securities. The paper appreciation of a business stock is normally locked into assets used in the business; it is illiquid. Furthermore, the stock of many small businesses is completely unmarketable, i.e., if there is not enough cash available to pay estate taxes, the entire business must be sold. There is no possibility of selling just some of its shares to the general public without going through the expensive process of an SEC registration, and this avenue is not even open to a business unless it is of some size. None of these considerations apply to the estate of a person who dies owning largely marketable shares of many companies; yet both would be affected by a decision to tax capital gains at death.

Finally, a capital gains tax at death would fall unevenly on two estates, as shown in the table below.

* * * * *

Assuming a capital gains tax at a 35% rate before the imposition of estate taxes at the same rates as they currently are, the increase in tax for the smaller estate would be 75%, against an increase of 38% for the larger estate . . .

### PAPERWORK

We ask for recognition of the fact that the paperwork requirement thrown on small business by the federal government is in some cases the extra margin that threatens to drive a small business under, if the requirements are faithfully met. We support measures to reduce the number of reports required to be filed by small businesses. Specifically, we urge the passage of S.200, introduced on January 4, 1973, by Senator Thomas J. McIntyre.

The Congress and the Administration have been aware of the need to curtail the paperwork burden at three levels—government itself, business and the public at large. With this in mind, in 1942 it enacted a Federal Reports Act, which was amended in 1950. But the results, at least in terms of their effects on the operation of small business, have been disheartening. During 1972, Senator McIntyre's Subcommittee on Government Regulation of the Senate Select Committee on Small Business held hearings on the impact of the Federal paperwork burden on small business. Witnesses before the Subcommittee referred to the paperwork-redtape burden, "as the single most important element in the success or failure rate of a small business," according to Senator McIntyre. One expert witness from the Office of Management and Budget was not able himself to compile a "typical set of forms to be completed by a dress shop in one year's operation."

Moreover, the Internal Revenue Service is exempt from the OMB forms monitoring and paper reduction effort. But some 35% of all federal forms are generated by the IRS. The Social Security Administration, also a major paperwork producer, seemed to show too little concern at the effects of paperwork on the small businessman.

So we conclude that the present efforts of OMB are not significant enough, or there are too many agencies outside its purview, to stem the tide of paperwork.

* * * * *

The average small businessman spends some 200 hours a year completing forms, calculating and paying his taxes, and responding to various government questionnaires. Assuming he worked only a 40-hour week, this "compliance activity" would amount to 10% of his working time.

* * * * *

Therefore, we strongly support S.200, which requires that new forms and reports, and revisions of existing forms that would result from new legislation be contained in reports of committees reporting that legislation to the floor.

* * * * *

We also support S. 201, introduced by Senator Robert Taft, Jr. which would change the Internal Revenue Code so as to "relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter."

* * * * *

### PROCUREMENT

The federal government spends in excess of $55 billion on goods and services annually. The manner in which this spending is handled has a major bearing on the development of small business. Specifically, we support:

1. Establishment of a small claims court to handle claims up to $50,000.
2. Establishment of a federal Office of Procurement Policy in the executive branch, which would coordinate and direct the government's procurement policies as they relate to the special needs of small business.
3. Mandatory subcontracting of a portion of the large contracts of prime contractors to small business.
4. Federal support of Research and Development efforts by small firms by specifically directing some portion of government R&D expenditures, the SBA to utilize the section 8A, powers and funds provided under the Research Applied to National Needs (RANN) program, and the creation of an R&D Information System for small firms.
5. Prohibition, except in certain unusual cases, of grantee use of federal supply schedules.
6. An increase in the limitation of small purchases that can be made without competitive bidding from $2,500 to $10,000.

* * * * *

### OFFICE OF PROCUREMENT POLICY

2. We support the establishment of an Office of Procurement Policy in the executive branch. This office, which would be responsible to Congress, would have primary responsibility for the development of procurement policy in the government. The individual contracting agencies would still handle their own procurement. As matters stand now, the Department of Defense makes procurement policy for the military departments and the General Services Administration, under the Federal Property and Administrative Services Act, is supposed to do the same for the civilian departments. But there are numerous exceptions and restrictions on its powers. We feel, as did the Commission on Government Procurement, that many of that body's recommendations "designed to achieve more consistent policies and procedures will be difficult, if not impossible, to achieve in the absence of an effective focal point for procurement policy leadership in the executive branch."

* * * * *

3. Since 1967, the percentage of federal procurement going to small business has been declining. While we recognize the undesirability of setting up new rigidities in government, we also deplore the burden small business has had to bear because of this trend. Since a good part of the contracts small business has with government are through being the subs of a prime contractor, we support the establishment, at least on a test basis, of some kind of mandatory small business contracting on the part of prime contractors.

### R & D CONTRACTS

4. Small business needs specific government help to get its share of research and development contracts. The Small Business Administration has recognized that R & D activity is highly concentrated. The four largest R & D firms in the United States do about 20% of all industrial R & D; some 100 companies account for 80% of the business. When it comes to federally funded R & D, the proportions are ever more askew. The four largest firms account for one-third of all the federal funded R & D work done by private industry. While many small R & D companies may lack the capacity to handle a government R & D contract, this is not the sole reason for the undue concentration of the business.

A part of the problem has been identified by the SBA itself as lying in the nature of much government R & D work. Small firms are most capable of handling basic or applied research. And, in fiscal 1971, (as an example), small firms got about a third of the Department of Defense's research-type contracts. Small firms are less geared to doing development contracts, and got only 3% of those awards from the DOD in 1971. But the DOD spent $4.5 billion on those contracts that year, as against only $90 million on research type contracts.

Our national priorities are and have been changing. This is evidenced, in part, by the Research Applied to National Needs and R & D Incentive programs, administered by the National Science Foundation (NSF). We believe, as the recognized source of innovation, that small business should achieve its deserved participation in funding under these programs. To assure this important national need, we propose that the SBA be allowed to use its Section 8A subcontract powers with small R & D firms. Under this a portion of RANN funds will be allocated to the SBA, with individual awards to be decided jointly with the NSF.

To further aid the small R & D firm, we propose a National R & D Information System to be run by the SBA. This system would provide advance warning of R & D procurements from all major departments, to small business. This capability, building upon procedures developed between SBA and DOD will give "the little guy" the same opportunity as big business, with its far-flung network of sales representatives.

### BUYING FROM FEDERAL SUPPLY SOURCES

5. Grantees of federal funds should not be allowed to buy from federal supply sources. During a couple recent years, the federal government opened some of its supply lists to some state and local agencies and school districts that were the recipients of federal grants. By allowing them to "shop" at federal prices, which were obtained by virtue of the federal government's position of being a major purchaser and also by its not always pricing items out at their full cost, including overhead, the government took major business away from private suppliers. In November, 1972, the General Services Administration acted, following a request by the Office of Management and Budget, to stop this practice.

The majority of the Commission on Government Procurement have adopted a stand that where some governmental purpose is accomplished by a grant (this fact supposedly being demonstrated by that grant's paying for at least 60% of the program), then federal supply sources should be available, if requested, for use by the lower level of government in meeting the equipment and supply needs of that program.

Our proposal is somewhat different, and is in line with the dissenting position taken by five of the commissioners working on the government procurement report. Our proposal is that if all costs to the public are considered, including not only all economic cost factors but the "socio-economic effects on the community" and the commercial business sector in local communities, then grantees of federal funds should normally be required to make all purchases connected with the grant directly from private business. Along with the dissenting commissioners, we recommend a prohibition against the use of federal supply sources by grantees, "except where unusual circumstances dictate and under express statutory authorization." In any cases where supplies are made available to grantees from a federal source, they should be charged on the basis of their "total economic cost" to the federal government.

6. Simplified procedures for government procurements should be applied to all procurements under $10,000 as against the present limit of $2,500. Under the present rules, both the DOD and civilian agencies must negotiate contracts or engage in formal advertising for items over $2,500. While changing the limit to $10,000 would be expected to make such business more attractive for small firms who cannot get involved in large amounts of paperwork for relatively small jobs, it would also be of immense benefit to the government. Formally advertised contracts under $10,000 according to the Commission on Government Procurement amount to only .7 of 1% of the total dollars of military procurements, but 98% of total procurement transactions in DOD. This requested simplification of the rules would open up much small government business to the small business firm. We also suggest that the $10,000 limit be periodically reviewed and raised, in line with the GNP deflator, consumer price index, or some such commonly accepted measure of the general change in price levels.

### REPRESENTATION

Small business needs a representative in Washington.

It needs representation in two ways—specifically—on groups studying particular problems which relate to the business community; more broadly, small business needs some kind of advocacy role which would help reinstate its position as one of the cornerstones in the American socio-economic system.

The specific ways in which small business needs representation are illustrated by the recent Commission on Government Procurement. One of the commissioners was a representative of small business, as was one member of the commission's working staff. Small business should be represented on various Presidential task forces, on special commissions created by Congress, and on the various ongoing government-business advisory boards.

One reason for the laggard representation of the small business interest is that most businessmen in this category are not trained to think in terms of government relations and few have the time to get involved personally.

* * * * *

We agree with the recommendations in the Report of the President's Task Force on Improving the Prospects of Small Business that the SBA was to be responsible for identifying and analyzing "small business problems so as to be the voice and advocate of American small business". However, we think the challenge today is not for an advocacy role in the terms in which a lawyer would on an ad-hoc basis defend his client's interests in court, as much as for government through research to contribute to an analysis and definition of the problems of the American small businessman. Practical solutions are called for if the relative decline of small manufacturing business in the United States is to be halted.

The advocacy role we see for small business in Washington is similar to the role the Consumer Protection Agency plays for the consumer.

The advocacy of small business suffers because too many government employees and too much of the public business is equated with the stocks listed on the New York Stock Exchange. Broad treatment of business as if all businesses were large, well-staffed, very profitable, and expert at representing their own case in Washington through individual lobbyists or trade groups masks the serious problems facing small business. An example of this is the passage of the Occupational Safety & Health Act, which was done with the highest intentions in mind but with disregard and lack of knowledge of its hazardous effects on some small businesses.

It is clear to us that there is considerable sentiment in Washington for helping small business. Its economic problems are at least partially recognized. It is beginning to be clearer that small business conforms more closely to the original ideas behind the U.S. free enterprise system than do some of today's giant corporations, who wield both economic and political clout. Small business is increasingly seen as a counterforce to the dehumanization process worked on many employees by the large corporation. Many of today's younger people would prefer to work and be identified with small business, but they need to have that choice available if their wishes are to mean anything. Thus, a new advocacy role for small business, set up by act of Congress, would strengthen the economic position of the small business community but more importantly contribute to building within American society the kind of business system that is more akin to the original risk-taking of traditional free enterprise and that at the same time strengthens the fabric of that society.

### SUMMARY

Twenty years from now gross national product will have doubled—at least—if we can still extrapolate from the recent past. We know some other things about the future: the size of the labor force, based on the number of today's babies; the expected rise in personal income through annual hikes in productivity; the costs to the firm and indirectly to the purchasing public of consumerism and ecological concern. We also know that the large corporation will be still larger, except where anti-trust laws break up a small number of firms or where an industry defines its role too narrowly and misses the signals of change.

But we do not know what American small business will be like in twenty years. It has none of the protections that accrue to size or to widespread managerial talent. And, we submit, whatever America's wealth in another twenty years, it will be a poorer America if the small business community has not enlarged its role in and usefulness to this society.

It is because small business, somewhat like the consumer, is in totality a clear entity, in fact, a major institution in America, but in its single units not a potent or organized force, that we submit the above modest proposals as a means by which the federal government can use its authority to protect and even to encourage this very American and very deserving part of the U.S. economic fabric.

---

## ADEQUATE PETROLEUM NEEDED FOR CONTINUANCE OF CHEAP FOOD

### HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. THONE. Mr. Speaker, adequate supplies of petroleum must be made available to American farmers if they are to continue to provide consumers with cheap food.

Yesterday, the Committee on Agriculture of the U.S. House of Representatives passed a resolution commending the President for designating agricultural petroleum use as the No. 1 priority use under the administration's voluntary allocation program but asking that the President place the Secretary of Agriculture on the Interagency Oil Policy Committee.

There has been so much furor recently about food prices that some of my colleagues from urban areas may question my statement that farmers have been providing U.S. families with cheap food. This is certainly the fact, however.

The prices of food have not risen nearly as much in the past 20 years as almost any other product or service. One of the reasons for this has been the legislation that aids farmers in providing consumers with increasing supplies of food that is constantly improving in its appeal and its nutrition.

To emphasize the low prices of food today, I call to your attention this chart, title "Food Too High?—Compared to What?":

FOOD TOO HIGH?

COMPARED TO WHAT?

| | Percentage increase | |
|---|---|---|
| | In last 20 years (1952 to 1972) | In last year (1971 to 1972)[1] |
| Prices farmers received for food products [2] | 11.4 | 8.8 |
| Wholesale food prices [2] | 29.0 | 5.6 |
| Retail food prices [2] | 46.5 | 4.3 |
| Average hourly earnings: | | |
| Industrial workers | 129.1 | 6.2 |
| Food marketing employees | 147.8 | 5.6 |
| Beef supplies: | | |
| Production | 133.2 | 2.7 |
| Per capita consumption | 84.6 | 1.6 |
| Pork supplies: | | |
| Production | 20.5 | −6.2 |
| Per capita consumption | −6.5 | −7.3 |
| Farm costs: | | |
| All | 109.3 | 7.5 |
| Labor | 140.7 | 6.0 |
| Farm machinery | 100.0 | 7.5 |
| Taxes | 297.4 | 7.6 |
| Feed | −8.8 | 2.2 |
| Cost of living items: | | |
| All Consumer price index items | 56.2 | 2.4 |
| Food all | 44.8 | 3.1 |
| Housing | 62.8 | 3.1 |
| Apparel and upkeep | 42.3 | 1.3 |
| Health and recreation | 74.9 | 2.5 |
| Transportation | 53.9 | .3 |
| Physicians' fees | 122.4 | 2.5 |
| Dentists' fees | 59.5 | 3.2 |
| Semiprivate hospital rooms | 370.2 | 5.5 |
| Prescriptions and drugs | 15.0 | .2 |
| All medical care items | 121.8 | 2.4 |

[1] 1972 estimates or forecasts.

[2] Based on USDA computations. Farm output per man hour increased from 1950–70 35 percent.

Note: Disposable income per farmer is only 78 percent of nonfarmers.

---

## THE BATTLE THAT SAVED SAIGON

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. KEMP. Mr. Speaker, I wish to include in the RECORD an article which appeared in the March edition of Reader's Digest written by Philip C. Clarke, commentator and newscaster with the Mutual radio networks.

The article is noteworthy for several reasons: First, it confirms the remarkable success of Vietnamization, second, it refutes the arguments of those who contend that the Vietnamese are a weak unmotivated fighting force, and third, it helps define a moment in history at which the North Vietnamese awakened from their dream of military conquest of the South.

"The Battle That Saved Saigon" is compelling reading. I include it at this point:

### THE BATTLE THAT SAVED SAIGON

(By Philip C. Clarke)

(NOTE.—Three days before Easter last spring, the North Vietnamese struck South Vietnam with a fury unknown to the Vietnam war since the Tet offensive four years earlier. They poured south across the DMZ, smashed into the central highlands from Laos, crossed the border from Cambodia and, with an army of 36,000 men and 100 Russian-made tanks, raced toward Saigon, boasting that they'd be in the city by May 19, Ho Chi Minh's birthday. From one end of the country to the other, bases and villages fell before the savagery of their onslaught. By April 5, all that blocked them from Saigon was a ragtag band of 6800 South Vietnamese regulars and militiamen and a handful of American advisers holed up in Anloc, a once-prosperous rubber-plantation town of 15,000 astride Highway 13, which led to the capital, 60 miles to the south. Here is the story of the communists' thunderous assault on Anloc—and of the resistance that was to change the course of the war and make peace a possibility.)

The first enemy rockets and mortar rounds burst inside Anloc on April 8, sending up plumes of dust and debris from the red-dirt streets. The town was swollen with thousands of refugees, and those who tried to flee along Highway 13 to Saigon soon discovered that Anloc was surrounded by the enemy. Many who did not return to Anloc were shot or led away to serve in the communists' labor force. South Vietnamese relief columns, sent up from Saigon and the Mekong Delta, were cut off by murderous enemy fire.

The shelling continued on and off for the next few days, and Anloc became a virtual ghost town. Autos were abandoned, the slat-roofed marketplace was closed. Only soldiers— elements of the 5th Division of ARVN (Army of the Republic of Vietnam)—and a few wary civilians on urgent errands ventured into the deserted streets. With the flash and rumble of approaching battle, families had scurried out to gather up possessions, then disappeared. Anloc was going underground. Old, well-like shelters that had been built under the houses earlier in the war were enlarged, and new ones were dug.

In the early morning of April 13, Vo Tan Vinh, deputy province chief in Anloc, was awakened by the growl of a large engine. Thinking that Saigon's relief force had gotten through, he rushed to the window. There, barely 12 feet away, he saw a 40-ton Russian tank rumbling toward the center of town. With casual nonchalance, a machine gunner stood in the open hatch, whistling. Two leather-helmeted tankmen perched on the tank's top, and three soldiers dangled slipper-shod feet over the side.

Tanks vs. the LAW. More tanks lumbered into view—a dozen or more from the north, six from the south, another two from the west. Infantrymen, cradling Russian AK-47 rifles, rode along like hitchhikers. As prisoners later related, the lead tanks entered Anloc with hatchs open and had no spare fuel because the crewmen had been told that the town already had fallen.

At first, panic and pandemonium broke out. As an American adviser put it, the tanks were driving around "like they owned the place." Then, on the second-story roof of a school, 15-year-old Binh Doan Quang, his thin frame clad in the black uniform of a militiaman, raised a three-pound rocket launcher and fired point-blank at an oncoming tank. It burst into flames, and Binh Doan Quang let out a triumphant whoop.

Word spread fast: the enemy tanks could be "killed" by a single shot from a LAW—the light antitank weapon that fires rockets designed to burn through steel. The crescendo of battle rose in the dusty and smoke-filled streets as three-man "tank-killer" teams competed. "Hey, we got two tanks over here!" shouted a jubilant soldier. "Mark down three for us!" yelled another over his walkie-talkie.

By midday of April 13, the twisted, burned-out wreckage of 18 tanks littered the streets. On the approaches to Anloc, U.S. and South Vietnamese warplanes had accounted for at least a dozen more.

But the enemy now held the northern third of Anloc, and the real battle was just beginning. In Paris that day, Madame Nguyen Thi Binh, the chief representative of the Vietcong at the peace talks, boasted that "within the next ten days, Anloc will be proclaimed the capital of the Provisional Revolutionary Government of South Vietnam." For two days the North Vietnamese poured more artillery fire, tanks and troops into the town from all directions. Despite air support, Anloc forces wavered and fell back. On a knoll overlooking the southeast corner of town, Firebase Lamson was encircled, its 200 men and one howitzer cut off from reinforcements and supplies.

With relief columns still stalled several miles south of Anloc, the city's defenders looked to the air for everything from bullets and rice to blood plasma and batteries. Fatbellied C–130 transports and C–123 Loadmasters, forced to fly high by devastating enemy groundfire, parachuted tons of supplies. But more than two thirds fell outside the shrinking perimeter into enemy hands.

Late on April 15, Brig. Gen. La Van Hung, who directed Anloc's defenses wih the help of 25 American advisers, sent an urgent request for an air strike to drive the North Vietnamese out of northern Anloc. A wave of B–52s responded, turning the enemy-held territory into a no-man's-land of ashes and earthen craters. How many civilians trapped behind the enemy lines died in the bombing will never be known. But the defenders had bought precious time. The communist ground attack subsided, while the North Vietnamese awaited reinforcements. But only two blocks separated the North Vietnamese salients pushing in from the east and west, and the defenders were in danger of being divided and cut to pieces.

### HOUSE BY HOUSE

Then word came from South Vietnamese intelligence that if Anloc could not be captured quickly, the enemy intended to destroy it—"pound it into dust." And for three terrible months the town's huddled thousands came under one of the most devastating artillery bombardments in history: more than 78,000 rounds of rocket, mortar and high-explosive shells rained onto an area less than one mile square.

There wasn't enough room in the underground shelters for the civilian refugees. Some 2000 of them—men, women and children—jammed into St. Joseph's Catholic Church, its bullet-riddled wooden spire rising above the western part of town. During a noon prayer service, an enemy shell crashed through the roof and exploded near the altar. Forty persons, including the priest, were killed; another 200 or more were wounded. As survivors ran screaming from the carnage, they were caught by three more bursts in the churchyard.

By late April, Anloc was being pounded by more than 2000 rounds a day. "Anloc *must* be destroyed!" read a captured enemy order. Lt. Col. Edward B. Benedit of Union, N.J., a combat-hardened adviser who was there for the first 47 days, recalls: "The enemy pounded and pounded. He'd hit and take a house, then reinforce at night, and next day take the next house and the next."

At first, said Benedit, some of the ARVNs broke and ran. "But there was nowhere to go, so they'd pull together after a couple of blocks and hold. The enemy would come at them, first with a barrage, then with a battalion. We'd wipe it out, but the enemy would return with another battalion, or company, or platoon, until he finally had a row of houses, then a block and two blocks."

An enemy commander, breaking in on ARVN's radio band, told Col. Tran Van Nhut, the province chief, that his headquarters had been located and suggested that he surrender. "Fine," Nhut replied. "Now that you know where I am, why don't you come and get me?"

Armored probes bit deeper and deeper into the perimeter. In a lightning 2½-mile thrust southeast of Anloc, two enemy regiments captured Hill 169, seizing its six 105-howitzers. Anloc's last outpost was gone, its battery of U.S. artillery in enemy hands.

Holocaust. By May 1, nearly half of Anloc's defenders had been killed; more than 1000 wounded awaited evacuation; only about 3500 effectives remained. With the town enveloped in enemy fire, barely a handful of reinforcements had gotten through. Anloc's artillery was down to just one gun. The last vehicle, a badly shot-up jeep, was running on its rims. One American adviser put the odds for surviving five minutes in the open at 50–50.

As the days slowly passed, sanitation became a critical problem. Most of the community wells had been destroyed by gunfire or contaminated by bodies. Dysentery and malaria were rampant. There had been several births, but in the fetid, overcrowded shelters, few infants survived. Some of the Montagnard children, who had known only the outdoor wilderness, suffocated in the foul confines, their passing scarcely noticed but for a mother's weeping. Shallow graves were hurriedly dug and seldom marked. Many bodies had to be reburied after exploding shells destroyed the original graves.

The hospital compound, overflowing with dead and injured, was shelled repeatedly, its Red Cross markings all but obliterated by enemy shrapnel. Once a shell blew up the hospital morgue, hurling the corpses into the air. One mass grave of dead from the hospital was stacked with more than 600 babies, including those of many unclaimed children. Early in May, in a single night, more than 500 civilians were killed or injured.

Visiting one overcrowded shelter, Col. Walter F. Ulmer, Jr., of Carlisle, Pa., senior U.S. adviser, broke into tears. "Children, women, old people were jammed into this hole in the ground, frightened, hungry, covered with filth and sores and flies," he says, "Some were bleeding and dying. It was the absolute limit of human endurance."

Amid the holocaust, fear sometimes turned to rage. During one street fight, six young women were discovered with small radio transmitters concealed in their blouses. Identified as Vietcong operatives, they were bound to a lamppost in the center of town and left to be killed by enemy shells.

4000 Rounds a Day. Because most parachuted supplies still floated outside the perimeter, a team of U.S. Air Force specialists devised an emergency "high-velocity" airdrop system. Small, 16-foot drogue chutes were time-fused to open at only a few hundred feet, dropping heavily reinforced supply bundles directly into the recovery area at 40 m.p.h. For the first time, more than enough food and ammunition was hitting the mark, and Anloc was saved from starvation and collapse.

As the enemy's shelling mounted to more than 4000 rounds a day, however, discipline and morale began to break down. On May 1, for example, under deadly ack-ack fire, Maj.

Kenneth A. Ingram, a 34-year-old U.S. Army veteran from Nitro, W. Va., arrived by helicopter. He had to fight his way through dozens of South Vietnamese soldiers trying to escape aboard the hovering chopper.

But deeds of bravery and compassion more than balanced such incidents. One veteran signal corps sergeant was wounded three times in one day, but refused to quit. He had been blown off a telegraph pole, shot out of a tree and ripped by shrapnel. Each time, he slapped on a new bandage, and went back out. Finally, General Hung ordered him evacuated on the next helicopter. Unable to get a good grip with his heavily bandaged hands, the tough little sergeant fell to his death, still in Anloc.

An ARVN captain made room in his artillery shelter for a pregnant widow and her four small children, risking his life daily to scrounge food and water for them. When the woman gave birth and both mother and baby died, the captain "adopted" the four orphaned children.

Taste of Victory. At midnight on May 10, enemy guns began blasting Anloc with the heaviest bombardment of all—8300 rounds of high explosive in ten hours, or nearly one every four seconds. "It was like an earthquake," remembers Major Ingram. "The bunker trembled and moved in the ground. All I could do was sit there and recite the Lord's Prayer and the 23rd Psalm."

At 5:30 a.m., the tanks rolled in, some 40 of them from all directions. But this time the defenders were ready. Scrambling from their bunkers and foxholes, tank-killer teams opened up with LAWs at close range. Then, in mid-morning, swarms of allied fighter-bombers and gunships, skillfully guided by forward air-control pilots dropping white-phosphorus smoke bombs to mark targets, darted through curtains of flak to rocket and strafe the enemy from near rooftop level. In all, 297 tactical missions were flown that day.

Tipped off to the climactic enemy assault by a POW, Lt. Gen. Nguyen Van Minh, Military Region 3 commander, and his counterpart, Maj. Gen. James F. Hollingsworth of Sanger, Texas, had appealed for more B–52s. Gen. Creighton Abrams, U.S. commander in Vietnam, told Hollingsworth: "You'll have 'em all!"

As the enemy infantry got set to attack, B–52s struck from bases in Thailand. The giant, eight-engine jets roared high over Anloc for 24 solid hours—one flight of three planes every 55 minutes. With unerring precision, they dropped more than 3000 tons of 500- and 750-pound bombs, pulverizing North Vietnamese positions as close as 2600 feet from the defense perimeter.

When it was over, an enemy regimental officer and ten men staggered dazedly from the smoking ruins of their headquarters and surrendered. Hundreds of others had died; more than 1000 were wounded. The back of the enemy attack had been broken.

Enemy shelling continued for more than a month, but with lessening intensity. Early in June, civilians began emerging from their dark holes to breathe the air, bask in the hot sun and walk in the spring rain which had come late to Anloc. Utterly heedless of still incoming artillery fire, they sat in the rubble talking, smoking and drinking coffee. Then, on June 8, a relief column entered amid wild rejoicing. The worst of the siege was over.

Only the skeletons of eight houses remained in Anloc. South Vietnamese intelligence estimated the enemy dead in the battle at 10,000, its wounded at more than 15,000. Anloc's defenders had lost nearly 5000 dead or wounded. The 7th Regiment counted 333 survivors out of 1200. In one militia platoon of 18, only three survived. The civilian toll will never be known with certainty, but the dead or wounded exceeded 5000.

Was Anloc worth the price? In terms of endurance and determination, the battle marked a turning point. Saigon had been saved; South Vietnam endured; Vietnamization had passed a crucial test. Outnumbered nearly 6-to-1 and facing annihilation, South Vietnamese soldiers, with vital U.S. air support, had withstood a devastating siege. More significantly, perhaps, the North Vietnamese, their dreams of military conquest shattered on the perimeter of Anloc, had finally agreed to negotiate seriously. By refusing to surrender, Anloc's defenders had broken the enemy's offensive and helped to turn the tide toward peace in Vietnam.

## THE LESSONS OF WATERGATE

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: My May 23, 1973, Washington report entitled "The Lessons of Watergate":

### THE LESSONS OF WATERGATE

Among the most important questions raised by Watergate is that of determining the real harm of Watergate and what should be done about it. One major harm, as I see it, is that Watergate deals yet another setback to the confidence of Americans in government and the integrity and future quality of the political processes in this nation. Any right-minded American must ask himself as he views the impact of Watergate on the already low status of politics and government in the nation today, how much erosion of confidence can our system tolerate and still survive?

For the immediate future, the appropriate course is to insist upon a careful and complete investigation of the Watergate affair and a full disclosure of the truth. The full story of Watergate should be told. There are lessons to be learned from it, as I suggest below, and, if the truth is not told, cynicism about politics and government will only fester and grow.

The independent prosecutor must be of unquestioned integrity and have the highest professional ability. He must be given the resources and the authority to conduct a thorough investigation, and it is necessary that this prosecutor be removed from the influence of the presidency.

Impeachment proceedings against the President, and references to them, should be silenced as premature.

There are important lessons to be learned from Watergate:

1. The presidency must be kept open. Watergate would not have happened had President Nixon conducted his government in public. He and future Presidents need to conduct a presidency open to the public, the Congress and the press. They need people around them who represent a broad philosophical base to ensure an interplay of ideas. They need contact with the best minds in America, and a cabinet composed of the ablest people in America. The presidential news conference must be re-established. In international affairs, the nation has moved toward opening constructive communication with our adversaries. Presidents must do the same at home to assure that their judgments are not hampered by isolation.

2. We must return to a government of shared powers, with Congress regaining its place as a co-equal branch of government, as contemplated by the U.S. Constitution. The aggrandizement of the presidency, and the concentration of power in that office, must be resisted. This will not be easy, and it involves many steps, none more important than reforming the Congress so that it can exercise its powers responsibly.

3. A whole series of steps must be taken to protect the integrity of American elections. The presence of mountains of cash, unreported and spent with no accounting, was a common element in almost every aspect of Watergate. The steps include:

Sharp limitations on the size of individual gifts;

Overall limit on expenditures for a given race;

Complete reporting of contributions and expenditures;

The creation of a tough enforcement agency to ensure compliance:

The purpose of these and other steps would be to open up campaign practices and to make it more difficult for unethical conduct.

4. Finally, we must keep faith in the American political system. It has weathered some violent storms, and it will survive Watergate. At Watergate, some of the people within our system failed us and that should not surprise or discourage us at any time under any party. It is important to remember that the system did work, even if slowly:

A federal grand jury brought the first indictments.

A federal judge raised the first official doubts about the inadequacy of an investigation and expressed his dissatisfaction in open court.

The Congress, much maligned in recent days, kept the affair from being buried. Senator Ervin's investigating committee assured that Watergate would continue as a major public issue. Individual members of the Congress played significant roles. Senator Barry Goldwater demanded a full airing of the affair and other Republicans followed. Senator Robert Byrd of West Virginia asked some penetrating questions.

Although much of the press forgot about Watergate, at least a few papers and a few reporters were not intimidated. They kept digging in the face of harassment and other pressure, and they played their full role as the fourth estate.

If we have learned these lessons, even Watergate may have been worth it.

## OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. ASHBROOK. Mr. Speaker, the proposal, the Constitutional Oath Support Act (H.R. 6421) submitted earlier this year by Chairman ICHORD of the House Internal Security Committe and cosponsored by other members of the committee, is the product of extensive oversight hearings dating back to September 1970, into the Federal civilian employee loyalty-security program. Many Federal departments and agencies outlined their security requirements for Federal employment to insure that Federal employees be, in the words of the controlling Executive Order 10450, "reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States."

With this background in mind, it is understandable why I was especially interested in little noted hearings before the Senate Finance Committee on Tuesday, May 15, concerning the nomination of Helmut Sonnenfeldt as Under Secretary of the Treasury. His nomination was opposed by a former coworker of Mr. Sonnenfeldt's, John D. Hemenway, the first Foreign Service officer to obtain from the State Department a full-scale hearing concerning his selection out of the Foreign Service. It will be remembered that a hearing panel, after extensive hearings, voted to reinstate Mr. Hemenway who, they found, had been unfairly treated. State officials refused to reinstate Hemenway although he was tendered an apology along with reinbursement for legal fees, if such action was later deemed legally permissible.

Mr. Hemenway's prepared statement was accompanied by an affidavit from Mr. Otto Otepka, the retired State Department security officer who cited two investigations which he reviewed concerning leaks of classified material to unauthorized persons by Mr. Sonnenfeldt. Mr. Hemenway named other persons who, he claimed, had knowledege of Mr. Sonnenfeldt's misuse of classified information. The Senate Finance Committee chairman, Senator Russell Long, indicated that members of the committee would inspect Mr. Sonnenfeldt's Government security file in an effort to learn the relative facts in the matter, with the hearings to be continued at a later date.

Following is the prepared statement by John D. Hemenway concerning the nomination of Helmut Sonnenfeldt before the Senate Finance Committee on May 15, 1973:

### ON THE CONFIRMATION OF MR. HELMUT SONNENFELDT

(Testimony of John D. Hemenway, 4816 Rodman St., N.W., Washington, D.C., before the Senate Committee on Finance, May 15, 1973, 9:00 am)

Mr. Chairman and members of the Senate Finance Committee, thank you for allowing me to address you today in the matter of the confirmation of Mr. Helmut Sonnenfeldt, to be Under Secretary of the Treasury. Mr. Sonnenfeldt has long been associated with the Department of State intelligence bureaucracy and the National Security Council under Dr. Henry A. Kissinger.

As I wrote to each member of this Committee on April 12, Mr. Sonnenfeldt is unfit for the high office for which he has been nominated and not worthy of the trust it represents. In the letter sent to you, I enclosed a sworn affidavit by Mr. Otto Otepka and some material placed into the Congressional Record several years ago concerning Mr. Sonnenfeldt by your colleague in the Senate, Senator Thurmond of South Carolina.

The letter cited above indicated that abundant evidence is available to show that Mr. Sonnenfeldt is unfit for this high office and not worthy of the trust. In order to progress systematically through the evidence known to me, I shall provide you with materials this morning establishing that:

(1) Mr. Sonnenfeldt's professional judgment is faulty;

(2) Mr. Sonnenfeldt's personal standards of integrity are unacceptably low;

(3) Mr. Sonnenfeldt repeatedly has performed acts that violated his oath of office;

(4) Mr. Sonnenfeldt's confirmation will place your Committee, Mr. Chairman, in the position of seeming to condone illegal acts and violations of standards of conduct for Federal Service set by the Congress itself.

As an individual I am neither an investigator, nor am I uniquely qualified to sift out all of the material available concerning Mr. Sonnenfeldt. Today, for the use of your Committee, Mr. Chairman, I simply have pulled together a few details that have come to my attention over the years. It is clear that the Committee needs only to express an interest to discover that the material I uncover today reveals only the tip of the iceberg.

### PERSONAL KNOWLEDGE OF SONNENFELDT

The Committee should know that I have a personal reason for attentively studying the career record of Mr. Sonnenfeldt. After a three year battle, the first independent Grievance Hearing Committee in State Department history decided unanimously (3–0) to have the Department of State tender me an appropriate apology for events leading to my expulsion from the career diplomatic service. It was also decided to restore me to the career diplomatic service from which I had been expelled. A highly inaccurate report had been cooked up to confirm my expulsion. It contained at least 140 identifiable untrue, misleading, or slanderous statements. Sworn hearing testimony revealed that Ambassador Parsons had said of Hemenway while the report was in preparation: ". . . I don't believe he can be 'bought off'—he has the bit between his teeth . . . he goes back to the system itself, which he attacks." (That is, the foreign service system.)

One of those 140 untrue or false statements contained in the report written by Ambassadors Parsons and Penfield was introduced either by Mr. Helmut Sonnenfeldt or the two ambassadors falsely citing Mr. Sonnenfeldt. The chronology is as follows:

June 15, 1965: Mr. Sonnenfeldt wrote in an official report that Mr. Hemenway ". . . has uncommon potential for rising to the very top of the Foreign Service." In other, similar reports Sonnenfeldt's praise of Hemenway's work is consistent.

January 14, 1969: In an official report to the Secretary of State (Rusk), Amb. James K. Penfield and J. Graham Parsons write that Sonnenfeldt had told them that he ". . . did not regard his (Hemenway's) performance as satisfactory."

October 7, 1971: Under oath, Mr. James K. Penfield stated at the Hemenway Hearing before an independent State Department Grievance Hearing Committee—the first in history—that Sonnenfeldt indeed had made the January, 1969 statement; in conflict with earlier written statements cited in the Parsons/Penfield report to the Secretary of State (Rusk).

### MR. SONNENFELDT'S "POOR" MEMORY

December 11, 1971: In writing, Mr. Sonnenfeldt claimed not to be able to recall the event. The point at issue, of course, was whether Parsons and Penfield had reported Sonnenfeldt's comment correctly. If they had, then why would Sonnenfeldt choose to lie about Hemenway's performance? If they had reported Sonnenfeldt's remark accurately, then the issue would be, on which occasion did Sonnenfeldt lie? Naturally, when Sonnenfeldt talked to Parsons/Penfield, he knew it was highly unlikely that Hemenway would ever be able to examine the Parsons/Penfield report, because it would be termed a confidential report written for the Secretary's (Rusk's) eyes only. The specific claim that he could not recall these events was made by Sonnenfeldt in the following manner:

"I am unable to make a specific statement concerning the accuracy of what is attributed to me in the testimony and in the brief written text you sent me because I simply can not recall the specific contents of my conversation with Ambassadors Parsons and Penfield. This conversation took place almost three years ago and I kept no record of it."

Mr. Sonnenfeldt's plea that he is unable to remember is hardly credible. He is known to have an excellent memory. Moreover, it is not an everyday occurrence for two ambassadors to call upon you in behalf of the Secretary of State for the purpose of preparing one-time reports concerning a man you know which, in turn, leads to the first grievance hearing in the history of the U.S. diplomatic service. If you do not make a few notes afterward, you have made a mistake in judgment. I hope Mr. Sonnenfeldt does not make these mistakes daily.

However, if Mr. Sonnenfeldt really did not take notes and really can not recall such an episode, surely such faulty powers of recollection should be weighed by your Committee, Mr. Chairman, when you consider Mr. Sonnenfeldt's capacity to perform the much more demanding duties of Under Secretary of the Treasury, the post for which Mr. Helmut Sonnenfeldt has been nominated.

### FEAR—THE REASON FOR A DECADE OF SILENCE

Mr. Chairman, only one thing disturbs me about my testimony today: I am the only person testifying. The materials I shall now take up have been known to many government officials who, as part of their official duties, must judge on the suitability of persons for high posts. Where are the officials of State, Justice, Treasury, and the other Foreign Policy areas of government who are knowledgeable. Your Committee, Mr. Chairman, might want to reflect on the reasons for their not coming forward today; why you must learn of these matters first from me, a private citizen, rather than from the officials charged with enforcing standards of conduct in our government.

The checks and balances of our government require that, for effective operation, the watchdog committees of the Congress must be kept properly informed. Without accurate and complete information, cover-ups not only are possible, they are inevitable.

In testifying here today, I had to ask myself just what evidence your Committee would accept. I have not attempted to delve deeply into such foreign policy questions as Mr. Sonnenfeldt's view of the use of US credits to shore up failing communist economies; Helmut Sonnenfeldt's view of the Berlin Agreement and the impending recognition of Communist East Germany; the wheat deal; or, his own role in foreign policy questions that, over time, will greatly affect US national interests. There are men more qualified to speak on Sonnenfeldt's role in those questions—but I believe that one does not have to probe into those areas about which honest men have honest differences of view. I believe that a more primitive form of evidence makes abundantly clear that Mr. Sonnenfeldt should not be confirmed today as Deputy Secretary of the Treasury.

Alexander Hamilton, in the *Federalist Papers*, foresaw the test to which the Senate would be put by the confirmation of such nominees as Mr. Sonnenfeldt. Hamilton wrote:

"The possibility of rejection would be a strong motive to care in proposing. The danger to his (the executive's) own reputation . . . he would be ashamed and afraid to bring forward fcr the most distinguished or lucrative stations, candidates who had no other merit than . . . of being, in some way or other, personally allied to him, or possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure. . . ." (No. LXXVI of the Federalist Papers.)

Today I am a private citizen, but I have been an officer of the government for more than a quarter of a century. A public trust is at issue in the Sonnenfeldt nomination, which comes at a time when public confidence is needed in the effectiveness of our

Constitutional mechanisms, i.e., in the efficacy of a private citizen like myself appearing before this Committee to give testimony.

In the past men like Sonnenfeldt have been proposed for offices requiring confirmation because the Senate has not been rigorously exercising the independence of view foreseen by Hamilton. It is only right and proper that your Committee has available the information it needs to perform its constitutional functions.

Therefore, as I deliver this material this morning, I want you to know that I am prepared to testify under oath; further, Mr. Otepka is present in the Hearing Room this morning and is available, should his sworn statement raise any questions that need answers I cannot myself supply. I want to make it clear that I am not a disgruntled employee venting his spleen against Helmut Sonnenfeldt. But I am proud of my country, which I know well—its strengths and its weaknesses. Among 225 million Americans, there are literally thousands of citizens better qualified by training, disposition, and background to perform the duties for which Helmut Sonnenfeldt has been nominated. Yet Helmut Sonnenfeldt's services seems to have been nearly indispensible in the Bureau of Intelligence and Research, in the Department of State; Helmut Sonnenfeldt was indispensible to the National Security Council under Mr. Henry A. Kissinger; Helmut Sonnenfeldt was so badly needed as an FSO–1, evidently, that the law had to be violated to make him a "career" diplomat; and, today, Helmut Sonnenfeldt's services as a Deputy Secretary of the Treasury again seem indispensible. Why? What of the other 225 million Americans? It is a country filled with talent. I wonder, just in passing, what is the role of William P. Rogers and Elliot Richardson in these events, not to mention William B. Macomber, Jr. and Mr. Maurice Stans, both of whom seem to be implicated in the Watergate coverup.

### COVER-UP WHEN SONNENFELDT ALLEGEDLY FACED PROSECUTION

The man before you today for confirmation was a very early beneficiary of a massive cover-up in the executive branch. It is a matter of public record that Mr. Sonnenfeldt was nearly prosecuted for improper activities. According to the *Congressional Record*.

"It was during Rogers' tenure of office in the US Department of Justice that Sonnenfeldt was in 'very serious trouble' because of alleged 'leaks of top secret and secret' classified information to foreign agents with whom he had frequent and close associations. An intense FBI investigation resulted in discussions about prosecution. No such prosecution ever took place because the State Department held that it was 'not in the interest of the US government' to have the secrets involved become public knowledge. Rogers agreed not to prosecute and Sonnenfeldt was saved from conviction under the espionage statute."—*Congressional Record*, vol. 116, pt. 25, p. 33726.

From my own direct personal knowledge I can not say whether the facts stated above are totally true or not. I can say that I have heard them from persons I have reason to believe are reliable and who enjoy the reputation for telling the truth and who were also in a position to know the facts.

The record should be easily obtained. The facts cited are easily capable of being verified. Surely your Committee, Mr. Chairman, and the members of the Senate Finance Committee will want their report to the Senate to include a report on the truth of such serious allegations.

From my perspective and the facts available to me, there is the curious and evident anomaly of Mr. Rogers, as Attorney General under President Eisenhower, not prosecuting Mr. Sonnenfeldt. Then, once again under Mr. Rogers, but this time as Secretary of State, Mr. Sonnenfeldt is brought into the highest level of the career diplomatic service without ever having served abroad in that diplomatic service. The fact that Mr. Sonnenfeldt was fraudulently entered onto the rolls of the diplomatic service is discussed below. It seems evident that derogatory material about him was removed from his file so that a three-man Board would not hesitate to rubber-stamp his appointment.

I believe that there is abundant evidence to suggest the wisdom of rejecting this nomination. Recent events affirm that it is prudent to lay out all of the facts in the open, if only to set to rest significant and legitimate doubts. I do not personally have available all of the facts, but considerable evidence has come to my attention which supports the view that the Sonnenfeldt nomination should be rejected.

### NUMEROUS INDEPENDENT WITNESSES AVAILABLE

Let me be quite specific concerning the nature of this derogatory information:

(1) You already have the sworn statement of Mr. Otepka dated 25 January 1973, long before Mr. Sonnenfeldt was nominated for this post.

(2) From State Department security sources, it can be established that Mr. Sonnenfeldt lied when interrogated about his own improper activities.

(3) Mr. Frank Niland, an employee of the Department of Justice, can provide information on the personal surveillance of Mr. Sonnenfeldt which was maintained for over one year. This was not the FBI of Mr. Gray, it was the FBI of Mr. Hoover.

(4) Mr. Stephan Koczak, formerly an employee of the Department of State Bureau of Intelligence and Research and a career US diplomat, personally witnessed improper and illegal transfer of information from Mr. Sonnenfeldt to unauthorized foreign nationals. He lives in Washington, D.C., at 2932 Macomb Street, NW. I personally know that Mr. Koczak can name and identify the individual who was the top liaison officer between the FBI and the CIA who investigated Mr. Sonnenfeldt. I also understand that this individual expressed the concern of both agencies about Mr. Sonnenfeldt's activities, that is, the FBI and the CIA were concerned about his abuse of sensitive materials.

(5) Miss Delores Wahl personally told me on February 26, 1964 the following: "Hal (Sonnenfeldt) was abusing our 'special material' last December (1963) and I had a fight with him about it." Miss Wahl is an employee of the Department of State having responsibility for materials of a particular sensitivity. (From document M–6 of the Hemenway Hearing, Department of State.)

In the light of the material cited above from the Congressional Record concerning possible prosecution of Sonnenfeldt, it is clear that, over a period of time, Mr. Sonnenfeldt had established a pattern of questionable conduct in matters pertaining to the handling of classified information. (However, the ability to "leak" does develop excellent contacts with powerful members of the press.) Once again, all of the facts are easily verifiable and capable of proof. FBI files should have the information.

This documented and public record was known to officials officially charged with the responsibility of judging the suitability of candidates for higher positions in the upper levels of the government service. Nevertheless, Mr. Helmut Sonnenfeldt was brought into the US diplomatic service laterally at the relative rank of "major general" (FSO–1).

### BAD JUDGMENT; SONNENFELDT'S POOR "TRACK RECORD"

Senator Thurmond called it a "strange nomination" and, in addition to noting the violation of the career principles of the diplomatic service, he suggested the strong possibility of a violation of the Hatch Act. Senator Thurmond commented:

"I find it very disturbing that a top assistant in the National Security Council staff, responsible for formulating and advising on our international policy, should be chosen from a milieu which is antagonistic to the work of the President. (*Congressional Record*, March 26, 1970, S–4644.)

In briefing the head of state of an important Western European ally, several years later, Mr. Sonnenfeldt undercut the official policy direction of important US financial interests overseas. Instead of explaining that Sonnenfeldt had exceeded his instructions, the policy was amended to include Sonnenfeldt's mistake. In one instance a senior official directed that a memorandum of conversation be amended so as to wipe out exposure of the Sonnenfeldt violation of policy. The matter is still delicate enough to be sensitive, but it unmistakably bears upon Mr. Sonnenfeldt's suitability for the Treasury post. It also demonstrates how those wielding the power of the White House can abuse that power—but then that is nothing new these days.

In yet another matter reflecting on the quality of Sonnenfeldt's judgement, the respected journalist Mr. Willard Edwards of the *Chicago Tribune* reported on April 4, 1970, that:

"Prior to the Cuban missile crisis in October, 1972, Sonnenfeldt's associates recall, he solemnly advised that Russia would never place missiles in Cuba because such an act would endanger relations with the United States.

"They also recalled that Sonnenfeldt had predicted that Russia would not interfere in the Czechoslovakian uprising. The events of August, 1968, disclosed this judgment of soviet intentions as erroneous as in the Cuban incident. . . ."—(Willard Edwards, *Chicago Tribune*, 4 April 1970.)

While I never have examined Mr. Sonnenfeldt's judgments in reports concerning the two episodes referred to above, I know of my own first hand knowledge that critical, hard intelligence was ignored by Sonnenfeldt prior to the Cuban missile crisis, even though it came from a tested source and provided advance warning of Soviet intentions akin to the pre-Pearl Harbor intelligence available to the U.S. This contention is capable of positive proof from a document of public record from the Hemenway Hearing at the Department of State.

### RETALIATION FROM DR. KISSINGER'S OFFICE

On 17 January, 1972, shortly after I alerted Mr. Sonnenfeldt to the possibility of his appearing to testify at a Department of State Hearing, a high Defense Department official reported to me that Dr. Kissinger was "climbing up the molding" over the prospect of an attack on Sonnenfeldt. I am convinced that my request of Mr. Sonnenfeldt alerting him to the possibility of being a witness under oath was regarded as "attack", which it was not, of course. Mr. Sonnenfeldt's name was finally listed along with 30 or so others in an "Offer of Proof" dated 24 January 1972 which outlined what could be proved should the list of witnesses be called. Mr. Sonnenfeldt was one of these and some of the evidence reviewed today was presented as a hearing document. (Document X–4 of the Hemenway Hearing Record, US Department of State, contains the Offer of Proof.)

However, Dr. Kissinger's office aggressively alleged to the Pentagon that I had improperly informed a prominent newsman and two Congressmen concerning a highly controversial policy decision made by Sonnenfeldt six months earlier. Specifically, in the name of the White House, Sonnenfeldt had taken action to deny US asylum to a Polish defector. Ironically, Sonnenfeldt, who was born in Germany and himself had to flee from Hitler, issued the order for denying US sanctuary to another refugee seeking the same freedom and protection. I believe that the decision was not only morally wrong, it was a policy error. Of course, the error carried with it possible terrible consequences to the individual denied sanctuary.

Dr. Kissinger's office expressed concern to my superiors that Congressmen Derwinski and Crane, neither of whom I knew at that time, might initiate an investigation into the matter. It was an action taken only after I had raised the issue of Sonnenfeldt testifying at an independent State Department Hearing under oath. The newsman named by Kissinger's office knew nothing about the alleged "leak" in which he was supposed to be involved. He had written about Sonnenfeldt, however, and Kissinger's office evidently presumed that I had inspired that story.

With the foregoing as background, let me outline the route by which Mr. Helmut Sonnenfeldt comes before this Committee as a senior US diplomat of "career" seeking confirmation for an appointment that is not a part of the foreign service personnel and appointment structure at all, but a political appointment.

### SONNENFELDT'S FRAUDULENT ENTRY INTO THE FOREIGN SERVICE

As you know, Mr. Chairman, the United States diplomatic service is called the "Foreign Service". (One wag has called it our "very foreign" service.) The three-man panel which examined Helmut Sonnenfeldt's qualifications to enter the Foreign Service as an FSO, finally nominated March 11, 1970, consisted of Margaret Joy Tibbits, Howard L. Parsons, and Alan Fidel. Those three examining officers were offered files said to contain Mr. Sonnenfeldt's (1) medical records, (2) performance records, and, (3) security records. All of the written records were highly commendatory and favorable to Sonnenfeldt, who was also found by the panel to be highly articulate and who made a good impression. The panel found no adverse security information in the files whatsoever. This is virtual proof that the file had been "sanitized" or, if you prefer, "rigged". At the very least, the security file should have contained the allegations, refutation of the allegations, and the evaluation. All of the material contained in this testimony were known and should have been reflected in the Sonnenfeldt security file.

It is worth noting that, on February 19, 1969, the *Government Employees' Exchange* reported the disappearance of classified information from Sonnenfeldt's security file (page 11, col. 3.) I do not know how that newspaper got such information a year ahead of the events I cite above. The editor, Mr. Sid Goldberg is available for testimony, if summoned.

Obviously, with all the files favorable, the panel examining Sonnenfeldt could do nothing else than pass him. He was passed, unanimously into the diplomatic service he had publicly denigrated over the years before his civil service and Foreign Service colleagues, myself among them.

Mr. Chairman, I appreciate that your Committee is concerned with Finance, not Foreign Relations. Many of your Committee members may not follow closely details of Department of State Administration. Presumably, if confirmed, Mr. Sonnenfeldt, now a "career" diplomat, will come to Treasury to look after the foreign policy aspects of US Treasury policy.

You should know that, when Mr. Sonnenfeldt was made an FSO–1, the Department of State was administered by Mr. William B. Macomber, Jr., who, in turn, was supervised for the Secretary of State by Elliot L. Richardson, then Under Secretary of State. Mr. Macomber is now US Ambassador to Turkey. (Macomber was in charge of the tragic failure to rescue our captive diplomats held hostage in the Sudan.) Macomber's confirmation as US Ambassador to Turkey was opposed by a number of persons for good and valid reasons. I was among them. Recently his name was mentioned in connection with the Watergate cover-up. He is said to have facilitated making available State Department documents.

At the Macomber confirmation hearing some very knowledgeable spokesmen wanted to hold full hearings on Mr. Macomber's operations during the time he was Deputy Under Secretary of State. Mr. Mollenhoff wrote a remarkably discerning article on the strange reluctance of the pertinent Senate Committee to look into the improper activities in which Macomber was involved. The important labor organization AFGE also felt that a full scale hearing into Mr. Macomber's fitness for the office was in order. However, his confirmation was said to be "unanimous". And now it is clear that Macomber played a role in the Watergate, knowingly or unknowingly—that has still to emerge.

### RICHARDSON/MACOMBER/SONNENFELDT: LINKED

No doubt there is some regret in the Foreign Relations Committee today that the Macomber nomination was reported out of Committee so rapidly.

Mr. Elliot Richardson, Mr. Macomber's immediate superior during the first years of the Nixon Administration in the Department of State, has been selected to play a major role in the examination of the illegalities of Watergate and to enforce the laws of the United States.

*Both* Mr. Macomber and Mr. Richardson played key roles in the unusual transfer of Mr. Sonnenfeldt from the civil service into the Foreign Service at the very high grade of FSO–1. This was done after Sonnenfeldt was already working for Mr. Kissinger as part of the staff of the National Security Council (NSC). It was clear then and it is even more clear now that, if confirmed, there is no intention of sending Mr. Sonnenfeldt overseas on assignment. It is also clear that, to become an FSO, Mr. Sonnenfeldt had to receive special favors and consideration under the law—even if the laws were not violated, which I believe was the case. As a minimum, documents were removed from the Sonnenfeldt file so that the three-man panel could, with a "clean" conscience, vote for his admission to FSO ranks. It was a fraudulent operation; however, it carried with it greatly increased emoluments for Mr. Sonnenfeldt personally.

Now Mr. Sonnenfeldt has been selected to work in an area of the government directly under your Committee's supervision. Even if your Committee believes there never was adequate grounds for criminal prosecution of Mr. Sonnenfeldt, then it would seem prudent to investigate thoroughly the circumstances I have just related before unanimously reporting the Sonnenfeldt nomination out of Committee. If Mr. Kissinger can be given wire-taps on former NSC staff members like Mr. Halperin, it would not seem right to deprive your Committee from having access to the wire taps on Mr. Sonnenfeldt which provide the basis for proving that he lied during official interrogations.

Personally, I am aware of no practical background or educational experience possessed by Mr. Sonnenfeldt that qualifies him for this position with the Treasury Department. I am aware of considerable disqualifying information.

### U.S GOVERNMENT CODE OF ETHICS

For 27 years, as an officer of the United States, I and practically all of my colleagues have tried to maintain high standards. I and they really have tried to live the *Code of Ethics for Government Service* passed by the Second Session of the 85th Congress (Concurrent Resolution No. 175):

"Any person in Government service should: . . . uphold the Constitution, laws, and legal regulations of the United States . . . and never be a party to their evasion . . . expose corruption wherever discovered."

It is alleged that Mr. Sonnenfeldt "leaked" information to Mr. Nelson Rockefeller and to Mr. Kissinger before Mr. Kissinger joined the government. (See Congressional Record, vol. 117, pt. 26, p. 33790.) If this is correct, then Mr. Sonnenfeldt's extraordinary relationship with Mr. Kissinger becomes understandable.

Speaking quite personally, as a private citizen, like a lot of Americans, I regard high government office in the service of this Republic neither a reform school for officials who have erred nor as a fiefdom in which the very wealthy or very privileged can dispense favors oblivious of the real sovereign, the people.

Today the entire country is concerned with matters of accountability, confidence, responsibility and trust. Clearly, in order to do the kind of job the American people have the right to expect, the President must have dedicated civil servants upon whom he can rely. He too, has that right.

What does the Congress expect government employees to do when senior officers in the government and supervisors are not held accountable and violate their oaths of office?

Let us look one last time at the record—the public record—of Helmut Sonnenfeldt.

The record indicates that Mr. Sonnenfeldt has a pattern of violating his oath of office and the trust of that office.

The record indicates that Mr. Sonnenfeldt is not worthy of the trust.

The record indicates that Helmut Sonnenfeldt should not be confirmed by the Senate as Under Secretary of the US Treasury.

---

## ABORTION AND THE SUPREME COURT

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. HOGAN. Mr. Speaker, in the continuing debate regarding the question of abortion following the Supreme Court decision of January 22, I think the following article by Dr. Andre E. Hellegers, director of the Joseph and Rose Kennedy Institute for the Study of Human Reproduction and Bioethics, Georgetown University, provides an interesting insight into the ramifications of that decision:

### ABORTION AND THE SUPREME COURT

(By Andre E. Hellegers)

The Supreme Court's abortion decision opens up more problems than it solves, quite apart from the massive increase in abortion which may be expected. The essentials of the decision are the following: (1) The fetus is not a person in terms of the U.S. Constitution; (2) In the first 13 weeks of pregnancy, states may not prohibit abortions since this constitutes an invasion of a woman's privacy; (3) After 13 weeks, states may not prohibit abortions if they are thought necessary to preserve the woman's life or health. They may regulate in what settings the abortions can be performed. The Court defines the word "health" extremely broadly to include such entities as stressful circumstances—in brief, it follows the definition of the word "health" used by the World Health Organization to denote not just the absence of disease but the presence of a sense of well being. In practice it means there are sufficient grounds to perform an abortion on any woman who requests it, since the very request can be seen as a sign of distress.

The Court specifically refuses to determine when human life begins. It says it is a matter of controversy which it need not resolve. At any given time only one of two possibilities exists: human life exists or does not. By not resolving this issue, yet permitting abortion, the Court seems to have adopted the principle that abortion may be performed even if they destroy human life. I believe this is the first time that a case regarding a doubt about the presence of human life has been resolved against the presence of possible life. Geogetown alumni may remember the old question of whether one may fire a rifle bullet through a closed door when one does not know whether there is someone on the other side. The answer was always no. The Court seems to say yes, as long as there is controversy about whether there is such a person behind the door.

Of course, the issue of when life starts is a canard. We know it does at conception. Producing babies in test tubes makes it crystal clear. For a separate test tube full of sperm or of ova to become a human life, one will have to wait until hell freezes over. Only by bringing the sperm and ovum together will one be in the baby-making business in a laboratory. Obviously, the issue is not when human life begins, but when we will assign any value to it—and protect it. The issue is a value and dignity issue, not a biological one. One suspects that the Court didn't have the courage to say that although true biological human life was present, one could still destroy it.

It is doubtful the Court will be allowed to hide behind this philosophically weak article. I suspect litigation may someday start about whether the live fetus may be used experimentally. Such a live exteriorized fetus cannot be said to interfere with maternal life, health nor privacy. The issue will then again arise whether it constitutes human life or not, this time not interfering with anyone's interest. One wonders how the Court will handle that one? Perhaps it will argue the young fetus may be used because death is imminent. But can it say so with adults close to death? Perhaps it will say it is still a fetus and not protected as a person under the Constitution, but will it dare say so of an eight-month fetus? Perhaps it will say the fetus cannot be used at all, but what will that say about abortion?

The experimental use of the live fetus may force us to think more clearly about what abortion really is. It kills humans.

---

## ALASKAN VERSUS CANADIAN PIPELINE

## HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. STEIGER of Arizona. Mr. Speaker, one of the serious problems facing this Nation today is the shortage of fuels, a scarcity that began last winter in many Midwestern States with a natural gas shortage and which has now spiraled into a shortage of fuel oils and gasolines. The fact that farmers are in danger of losing crops due to fuel scarcity, and that major construction projects planned for this summer may be endangered is now apparent.

Despite this shortage, a great reserve of oil and gas exists in arctic Alaska. All that is needed to bring this reserve to market is a pipeline. Although the oil companies with reserves at Prudhoe Bay are ready to build such a pipeline—camps and construction equipment are already in place and have been waiting for 3 years—court litigation and now an adverse court of appeals ruling on the width of a right-of-way across public lands puts the issue before Congress.

Mr. Speaker, I would like to put in the Record a letter from our colleague Lloyd Meeds. A pipeline through Canada is often cited as a more attractive alternate to the present trans-Alaska route, but Mr. Meeds' letter points out a major uncertainty facing any MacKenzie Valley pipeline, the unsettled question of Canadian aboriginal land claims.

Members of Congress are well familiar with the many years of difficult work it took to enact the recent Alaska Native claims settlement. Northern Canada is now, in effect, where Alaska was in the mid-1960's. A court-ordered land freeze that has been in effect for 3 months, affecting all dispositions of crown lands, was extended last week by the Northwest Territories' Supreme Court in Yellowknife, NWT. In this action the court extended a major test case in aboriginal land rights until July. Any Canadian pipeline would run through the Northwest Territories for a considerable distance.

As our colleague points out in his letter, the question of aboriginal claims is just one more uncertainty faced by a Canadian oil pipeline, among many other uncertainties. These questions have already been resolved in Alaska. The Alaska pipeline could be in operation in 3 years if construction could begin this summer. A Canadian pipeline would take 10 years or more.

Mr. Meeds' letter follows:

House of Representatives,
*Washington, D.C., May 10, 1973.*

Hon. Sam Steiger,
*U.S. House of Representatives,*
*Washington, D.C.*

Dear Sam: You will recall when I testified before your subcommittee on the rights-of-way question, I mentioned Canadian Natives claims to vast areas on Northern Canada. They may prove to be a great source of delay in constructing a Canadian pipeline from Prudhoe Bay.

Apparently, the Canadian Natives have just begun their fight for land claims compensation and settlement. It appears that they plan to use the pipeline question as a lever in securing that compensation. When we consider this strategy along with the fact that Prime Minister Trudeau's minority party is part of a rather fragile coalition, it is doubtful that the Canadian government would hurry pipeline construction in the face of vigorous Native protest. At present there is a freeze on the transfer of Crown land in the Northwest Territories.

My contacts in Canada indicate that it will probably take a couple of years to settle the Canadian claims issue. It could take longer.

All of this bodes ill for expeditious construction of a Canadian pipeline. I hope that you will consider this information in reviewing the need for new rights-of-way legislation and a trans-Alaska pipeline.

Aboriginal Native claims, which have been cleared away in Alaska, are but one more obstacle faced by a Canadian pipeline.

Sincerely,

Lloyd Meeds,
*Member of Congress.*

---

## PROGRESS OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. BRADEMAS. Mr. Speaker, I take this opportunity to call to the attention of my colleagues the first annual report of the National Commission on Libraries and Information Science.

This Commission, Mr. Speaker, was created by Public Law 91–345, which was sponsored in the House by my distinguished colleague from New York (Mr. Reid) and me.

As the Commission points out in the introduction to its report, Mr. Speaker:

> Passage of the act signaled a growing awareness of a problem that has been felt in public and private sectors for some years. Variously labeled as the information crisis or the knowledge explosion, the problem is caused by rapid growth in the production of new knowledge and information and also by the rapidly changing information needs of society.

And yet, Mr. Speaker, President Nixon's proposed 1974 budget ignores the problems occasioned by the "information crisis" and recommends that Federal support for libraries be discontinued on June 30.

Mr. Speaker, the Commission also prepared a summary of their report which outlines six major areas of concern to the library and information science community. Those areas are: First, organization of library service; second, information needs of users; third, financing of libraries; fourth, adequacies and deficiencies of present libraries and information systems; fifth, applications of new technology; and sixth, improved staffing.

Mr. Speaker, while I would recommend to my colleagues the reading of the full annual report, I insert the summary of the report at this point:

### National Commission on Libraries and Information Science: Annual Report Summary, Fiscal Year 1972

Everyone needs and uses information. The development of library and information services adequate for the needs of the individual comes first in the working philosophy of the National Commission on Libraries and Information Science (NCLIS), a permanent, independent agency within the Executive Branch. In accord with its philosophy, the Commission has identified six major areas of concern and activity. They are:

(1) Organization of library service:

Priority has been given to understanding present patterns of library and information system organization and to the changes in these patterns that are required to meet current needs. Commission members have studied the reports and recommendations of earlier groups and have planned a series of regional hearings to gather information, ideas and suggestions. The development of a detailed plan for better patterns of organization hinges on the work to be accomplished in the other five areas.

(2) Information needs of users:

A Commission-sponsored study concluded that the literature in this area does not adequately specify the objectives or the criteria for the design of future information supply systems. To correct this, the Commission has funded two studies. One will project the effects of 1975–1980 society on library and information system users and the other will identify user groups and associated information needs.

(3) Financing of libraries:

The Commission has issued a resolution advocating equality of access to and payment for public libraries and information facilities. A pilot study has begun to identify existing and potential local funding sources for public libraries.

(4) Adequacies and deficiencies of present libraries and information systems:

A Commission committee will provide an expert overview of the adequacies and deficiencies of current library and information systems. The Commission has asked the Association of Research Libraries to determine whether a single national center or system of regional centers should be established for users who need information not available locally. The current controversy over the "fair use" of copyright books and journals has prompted the Commission to record its view favoring early Congressional revision of the Copyright Act with safeguards for the user and the copyright owners. A committee of the Commission is studying the service functions of the Library of Congress to plan its role in future national information systems.

(5) Applications of new technology:

The Commission is a cautious advocate in this area. A committee is gathering background information for planning in this field. The Commission will assess the new forms of technology in terms of their utility to the user and the costs of changing long-established methods to newer ones.

(6) Improved staffing:

The Commission's focus on the user implies a serious concern with the number, quality and distribution of those persons who provide information services. The Commission is beginning to collect information and to assess the needs for training, retraining, continuing education, and curriculum development to assure the availability of qualified information service personnel.

* * * * *

The National Commission on Libraries and Information Science was established by Congress and the President in Public Law 91–345. The law recognizes the importance of libraries and information systems to the achievement of national goals and places on the Commission the primary responsibility for planning in this area. The Commission is to plan and to advise the President, Congress, state and local governments, and private agencies on the development of cost-effective services in this field. It is to assure the effective utilization of the nation's educational resources in working toward its goal.

The 15 Commission members, appointed by the President and confirmed by the Senate, met for the first time in September 1971. They established headquarters at 1717 K Street, N.W., Washington, D.C. 20036, and named an executive director and staff. Telephone (202) 382-6595.

The Commission has initiated contacts with professional societies and public and private agencies whose views are considered vital to the Commission's planning. Representatives of these agencies have testified at Commission meetings.

The Commission has begun its work. The members and staff have organized for action and together have examined their charge with care. Important contacts have been made with other organizations, and the door is open for continued liaison. A philosophy, embracing the idea that Commission plans will be oriented toward the information user, has been enunciated. Studies are underway in several high-priority areas. Data from research done for others is receiving careful review. Resolutions have been issued to express the Commission's concern for current problems. Plans are in readiness for a second year of activity.

In 1973 the Commission expects to define and delineate its selected priorities with care and continue the gathering of data and ideas needed for planning.

COMMISSION MEMBERSHIP

Frederick H. Burkhardt, Chairman; Andrew A. Aines, William O. Baker, Joseph Becker, Harold C. Crotty, Carlos A. Cuadra, Leslie W. Dunlap, Martin Goland, John G. Kemeny, Louis A. Lerner, Bessie Boehm Moore, L. Quincy Mumford, Catherine D. Scott, Alfred R. Zipf, and John E. Velde, Jr.

COMMISSION STAFF

Charles H. Stevens, Executive Director.

Roderick G. Swartz, Deputy Director.

Mary Alice Hedge Reszetar, Associate Deputy Director.

---

## BOB STRAUSS, A GREAT CHAIRMAN AND SKILLED LEADER

## HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. O'NEILL. Mr. Speaker, I take great pride in speaking on behalf of the Democratic members in saying that the Democratic Party is indeed extremely fortunate to have Bob Strauss as our national chairman.

As former chairman of the Democratic Congressional Campaign Committee, and as present deputy chairman, I have worked closely with Bob Strauss and have come to appreciate his skilled leadership qualities, to admire his business and organizational professionalism and his ability to bring all Democrats together for the advancement of our ideals and winning elections.

I would like to call to the attention of my colleagues the introductory remarks made by the Honorable Donald Dawson, chairman of the program, and the text of remarks made by our eminent leader Bob Strauss at the Democratic National Committee luncheon, Tuesday, May 15, 1973:

### INTRODUCTION OF CHAIRMAN STRAUSS BY HONORABLE DONALD DAWSON

I think the Democratic Party is extremely fortunate to have a man like Bob Strauss as its national chairman.

Through the years he has been a tireless worker and a skilled leader at the local level and the national level. His name is associated with the great names in the forefront of our party.

He has volunteered for the hard jobs. He has labored without seeking personal reward, but always with the party's good uppermost in whatever he did. As Mike Kirwan used to say in speaking of deserving Democrats—"he has passed the acid test."

As national treasurer he took over the impossible task of paying off the gigantic debt of the national commitee. We are still beset with our financial problems but we are better off than some and better off because of Bob Strauss. No one could have done better. Perhaps, after all, it is a blessing in disguise not to have too much money.

Today he is our No. 1 man on party organization and again I say we are fortunate because he believes in bringing all Democrats together for the advancement of our ideals and winning elections.

We need a leader like this—one who will listen to and honor those who have made this party great—one who will listen to those who will take over the leadership when their time comes and—to those who want to be heard and work in shaping the course we follow and in winning the victory.

He exemplifies the spirit of our club in bringing all Democrats together.

I am proud to introduce our duespaying fellow member, Bob Strauss.

---

### TEXT OF REMARKS BY ROBERT S. STRAUSS, CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE LUNCHEON, NATIONAL CAPITAL DEMOCRATIC CLUB, DIRKSEN BUILDING, WASHINGTON, D.C.

First, let's get on to what is on everyone's mind—the Republican Watergate conspiracy.

I believe in the Office of the Presidency.

I believe the President is always entitled to the benefit of the doubt, and I intend to continue to give it to this President.

We must also be unrelenting in demanding that all facts are determined and available to a concerned American public.

Continued investigations by cronies won't satisfy me and won't satisfy this nation. I am still perturbed that the special prosecutor for the Watergate Investigations will be chosen by, responsible to, and apparently supervised by the Executive Branch of Government, the same Executive Branch which is under investigation.

For ten long months a web of secrecy was drawn between the White House and the Justice Department on one side, and the public on the other.

Blame it on disloyal and dishonest White House aides.

Blame it on the tendency to isolation of the President.

Blame it on the abuse of Executive Privilege. Whatever reason, the public has been misled and deceived and now only through the fullest disclosure can we make certain that our institutions survive this incredible scandal.

We must also press on with our Civil Suit.

The prestigious Senate Committee headed by Senator Ervin must also proceed with all dispatch.

Today we are all losers—Democrats and Republicans alike.

For the system by which we live and govern ourselves has been tarnished as never before.

It will remain so until the public gets the truth instead of deceit.

Facts instead of rumor, and

Knowledge instead of suspicion.

Press reports indicate the White House is drafting a proposal for a bi-partisan Commission to study political campaigns and that a bi-partisan meeting was held this morning with the leadership on the Hill. Certainly everyone is for reform, but I am personally more than a little concerned that this Commission not be another delaying tactic and whitewash effort. The fact of the matter is that I as Chairman, and prior to my Chairmanship, as Treasurer, strongly supported the efforts of the Democratic leadership on the Hill to pass and make workable many areas of reform in the election process despite the almost constant negative attitude on the part of the Republican party.

I would hope without awaiting results of any new time-consuming studies the Republican Administration would join the Democratic leadership in supporting the reforms which have been fully debated in Congress, including post card registration, repeal of equal time provisions, campaign expenditure limitations and getting some Executive implementation of the Dollar Check-Off which was forced through over the opposition of the Republicans in the Congress and the President.

And while I am digressing let me say that in my judgment one of the most outrageous statements that has been made relating to this whole affair is Secretary Butz's description of the Ervin Select Senate Committee as a "political inquisition". I think he owes the entire Senate which authorized this Committee public apology at the very least and if, in fact, he doesn't devote himself to the plight of the farmer in this nation and the need for an independent and economical food supply rather than involving himself in matters which he obviously has no expertise, he ought to resign and let someone else get on with the job. The only confusion that exists about this whole thing in my mind is whether he should first apologize and then resign or whether he should resign and then apologize.

Yet, on the positive side we can say today, that the same system of government which was threatened, has never before demonstrated its inherent strength as during the last twelve months.

Never before have we had more reason to have confidence and faith in the American system of justice and democracy.

For we have witnessed a breakdown in the Executive Branch of unheralded proportions. High placed officials within the walls of the White House have engaged in illegal action and judicial obstruction to an extent that makes all Americans shudder.

Yet through the efforts of a brave and honest jurist, Judge Sirica the system began to function.

Through the efforts of an independent and conscientious legislative branch, led by Senator Ervin and his Select Watergate Committee that refused to buckle to Executive Privilege, a full and open inquiry is going on—the system is functioning.

And by the steadfast and responsible determination of a courageous press which refused to be intimidated by White House disclaimers and blasphemies, the system has indeed continued to function.

Yes, our system of checks and balances, of separation of power, under the severest test in this nation's history has functioned.

And because of all of these efforts the strength and credibility of the Executive Branch of the government will again be reinstated and protected for the future.

And out of this sordid scandal, hopefully we shall implement meaningful reform, including a system of public funding with strict and reasonable spending limitations to curb the senseless spiral of money in politics.

Truly, our system reformed will be our system preserved!

Providing the negative is always difficult, but I repeat, and I'm sure you will understand, that politics is indeed on honorable profession. That they don't "all do it" and that it is not "done all the time". The 435 members of Congress, the 100 Senators, their aides and assistants, and the Washington bureaucracy from the Cabinet level on down, are, with rare and infrequent exceptions, decent, law abiding and hard working men and women.

Of course, some in government and public service are more competent than others, some are more dedicated than others, and some a bit more concerned than others, but in the whole our public servants are decent and honorable human beings, Democrats and Republicans alike. I say to you today that honesty, decency and concern for justice does exist in politics, just as it exists in the same high proportion in business and in the professions and in the everyday life of mainstream America. So do not despair. Anomalies do not make the system. They rather serve to demonstrate the basic integrity of the system.

So let this party be demanding and stern but prudent and restrained. For once the full truth is known, once the public is informed, shrill rhetoric will not be needed.

The American people will make their own judgments and I have every confidence in the public's ability to judge wisely and fairly.

And now let's turn our attention to constructive matters—where the Democratic party is right now and where we are headed in the future.

Some people have said that the Democratic party would never survive the turmoil and electoral defeats of 1968 and 1972.

Some have said that we would be permanently factionalized and that we would be incapable of uniting.

I say to you today that these people are wrong.

I say to you today that we are already on the road to unit.

I say to you today that the renewed and strengthened lines of communication between our Democratic governors, our distinguished Hill leadership, and the Democratic National Committee; as well as the spirit of cooperation and unity witnessed at the March meeting of the National Committee and the recent meetings of our party's reform Commissions, mark a new day for the Democratic party and for our nation.

We know what our disunity has caused.

It has given us Richard Nixon.

Four more years of soaring food prices.

Four more years of inaccessible health care.

Four more years of piously insensitive rhetoric.

Four more years of attempts to undermine and destroy the great social programs which have sought to ameliorate the problems of our people.

And four more years of Watergate justice.

It has been painful, but we have learned our lesson.

We are on the road to victory.

In general, I think we are tired of hearing, reading and discussing the more exotic and esoteric issues of our times as they are loudly debated and shrilly articulated almost to the exclusion of a calm and reasoned discussion of the very real problems that are on the minds of the people of America:

Concerns of better housing and full employment,

Of child and health care,

Of wages to keep up with rising prices,

Of fair taxes and farm prices, of clean air to breathe and fuel to keep us warm,

And neighborhoods to be made safe,

Problems to be faced, not demogogued. Problems to be solved, not shelved.

And, when that happens, Democrats will again be comfortable and secure with their party and proud and interested and involved in its future.

In the past we have failed to communicate on the issues that count most—the problems that hurt most.

We were reluctant to talk about crime for fear of being lumped with the law and order reactionaries.

There is nothing reactionary in guaranteeing to our citizens public safety—as anyone knows who lives and walks the streets of our cities, whatever their philosophical point of view happens to be.

Recently, I noticed that Mayor Charles Evers of Fayette, Mississippi, commenting on the senseless shooting of Senator Stennis, said, "It's got to the point that no one is safe anywhere, anymore." People believe just that.

I say to you that people who walk in fear are not free people. Just as political parties that are harassed, abused and spied on are not free parties.

The President's disregard for the social needs of the people makes it even more imperative that we meet these responsibilities more positively.

These are legitimate concerns of our people, and therefore, legitimate concerns of our party. And as we are demonstrating that the Democratic party is ready to give them a high priority, we are regaining much of the confidence that was lost in the past few years.

In the light of this Republican Administration's recent conduct, aside from Watergate, the great programs of Presidents Roosevelt, Truman, Kennedy and Johnson will even more dramatically show the difference between our two parties, and I want to see our political affairs in such shape that we can honorably and honestly be entitled to reaffirm our dedication to those programs that serve people—as they seek a fuller life—as they reach for a piece of America as it was meant to be.

We have spent much too much time and energy castigating each other. I say to you today, that our conservatives are not bigots, our liberals are not fools, our minorities are not selfish, our labor force is not lazy, our young are not irresponsible, and that our Democratic party is not leaderless or without purpose.

Let us remember that there is room for all in our party, and we are doing all within our power to encourage the broadest and most open participation of all our citizens in our party affairs.

We are the party of Jefferson, Jackson, Wilson, Roosevelt, Truman, Kennedy and Johnson.

We have produced the greatest leaders our country has ever known.

We have a history of compassionate service to the people of our great nation.

We proudly live by, and love, the same constitution and laws of our land that we expect our people to live by.

We have much to be proud of.

The late President Kennedy said, "Only in winter can you tell which trees are truly green. Only when the winds of adversity blow can you tell which nations have courage and steadfastness."

So let us be firm in our resolve.

Let us redouble our commitment.

Let us be strong and let us unite.

For our system is not failing.

Our sights are not going to be lowered.

Our party has been troubled and torn, but we have weathered the storm, let us now begin anew.

## TRIBUTE TO McCLUER HIGH SCHOOL BAND

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. HUNGATE. Mr. Speaker, I wish to call to the attention of my colleagues the McCluer High School Band of the Ferguson-Florissant School District in Missouri, which has been selected as one of 25 bands from the United States to participate in the International Music Festival in Vienna, Austria, this summer.

We Missourians can be proud that the McCluer Band will be competing with bands from all over the world. They have also been chosen as one of five bands to give a concert on Austrian radio.

Friendly competitive events like the Vienna Music Festival are valuable in promoting international understanding, and the State of Missouri, through the McCluer Band, will be making its special contribution.

I wish the band every success, and I

am sure the experience of meeting people from other countries will be a reward in itself.

---

## MAX STANLEY ON AN EFFECTIVE UNITED NATIONS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. FRASER. Mr. Speaker, at an information seminar on the United Nations for congressional staff members in New York in March, Mr. Max Stanley made some very pertinent comments on the importance of an effective United Nations.

Mr. Stanley sees clearly how very relevant and urgent the role of the U.N. is in the 1970's. He says,

> After two decades of cold war and unilateral efforts to police the world, we must-discover again our earlier belief in effective world organization to deal with international crisis and global problems. The gradual weakening of bipolarity and shift to greater decentralization of power—multipolarity—adds urgency to increased reliance on world organization. Failure to respond to this need again commits the world to the age-old game of power politics.

He also notes that there is a vast well of support for the United Nations among the American people. It is the responsibility of the leadership of our country to tap this well of support and raise the priority of multilateral diplomacy in our foregn policy. I believe the people are ready and willing to respond affirmatively if their leaders take the initiative.

The Stanley Foundation, of which Max Stanley is president, has for years been performing important and unselfish public service by sponsoring a full program of study, research, and education in the field of foreign relations. Several times each year the foundation brings together foreign affairs professionals and other interested persons for conferences in which many new ideas are exchanged. The annual Strategy for Peace Conference at Airlie House is an example which is well known to many of us.

Mr. Speaker, I insert Mr. Stanley's remarks of March 9, 1973, in the Record for the benefit of all our colleagues and as a tribute to his outstanding public service.

### Remarks by C. Maxwell Stanley

Ladies and Gentlemen. Tonight I yield to temptation and pose a challenge to my government regarding the United Nations. The temptation to do so is irresistible, given the nature of my audience. My challenge will hopefully reach the Department of State and the Administration through Ambassador Christopher Phillips and other members of the U.S. Mission staff who are present. It could indirectly reach Congress through your Seminar participants who come from the offices of Senators, Representatives, and Congressional committees. My challenge is an urgent one: making greater use of the United Nations now. Make greater use of its political functions to help achieve world peace and security, as well as of its more successful economic and social functions.

Welcoming you this morning, I gave three reasons why we had convened this seminar: (1) the United Nations is unduly and unfairly criticized; (2) the United Nations is generally misunderstood; and (3) the United States' commitment to the United Nations remains very marginal. These deficiencies would be quickly removed were our nation to respond to my challenge and make fuller use of the United Nations. It is in our long-term enlightened interests to do so as we pursue the goal of a sane world order capable of assuring secure peace with freedom, justice, and progress.

May I share with you some personal thoughts on the world's need for effective organization—organization that is essential to fill the global management gap.

1. *The world has many global problems.* Peace and security belong at the top of the list for they affect life itself. Economic and social development of the less developed nations is a continuing global problem. Exploding population and rampant pollution, threatening the quality of life, if not life itself, have more recently demanded the attention of the world. The current monetary crisis, a continuing controversy over tariffs, and ever present complications of trade, commerce, travel, and communication illustrate other global problems. These problems, and others you may cite, make up an awesome and urgent order of business for the world.

2. *Global problems defy national solution.* Experience demonstrates this; the state of the world speaks for itself. Nation states have striven diligently since World War II to cope with our global problems. They have acted unilaterally, bilaterally, and multilaterally through all sorts of treaties, alliances, and conventions to resolve problems. But few have been solved and few are on their way to reasonable resolution.

3. *Global mechanisms are needed to handle global problems.* It is fundamental that the mechanism used to cope with any problem must be established on a level equal to the breadth of the problem. We see proof of this every day in industry and government. No business would seek to solve country-wide problems in its branch offices. Nor does the United States solve its national, economic and social problems at the state level. The need for global mechanisms is supported both by logic and by the fact that nation states have been unable to effectively manage international crises and resolve global problems.

4. *Effective global mechanisms have a beginning in the United Nations.* It brings together 132 member nations and operates a host of specialized agencies under its umbrella. The United Nations has had a number of successes, mostly nonpolitical in nature. Conversely, it has recorded a number of failures, mostly political in nature and often involving great power confrontations. Some critical issues could be labeled "no shows," such as Vietnam which has not been taken up by United Nations, again due to great power confrontation. Despite its inadequacies, the United Nations exists, and has unused capabilities. Moreover, it is a significant foundation on which to build better world organization. But we must recognize these inadequacies and understand the reasons for them before we can move to strengthen the United Nations.

5. *The United Nations is what the nation states made it.* If it is inadequate, it is because the nations so decreed it when they wrote its Charter. (Remember, the United States had a major role in this action.) If it lacks power to act, it is because the nation states have not endowed it with power. If its resources are too limited, it is because the nation states do not finance it adequately.

If I may digress a bit here, it is interesting to note some important figures with respect to the cost of the United Nations: the U.N. budget for normal operations, including specialized agencies and the United Nations Development Programme, is around $900 million—approximately 10 percent of the budget of New York City and roughly equal to the cost of running the New York City Fire Department.

It is interesting to compare this figure with our contribution to the current arms race. In 1971 the world's arms race cost $216 billion (probably $230-$240 per year now). For how much of this tab is the United States responsible? The United States' 1971 outlays were $78 billion, or over 37 percent of the world's arms race costs.

It is equally interesting to note that for direct United Nations expenses we contribute about $1.57 per capita (1970) whereas Sweden contributes $9.40 per capita. Economy and fiscal responsibility are desirable attributes for the United Nations. Secretary-General Waldheim's stern attention to austerity and financial problem-solving is to be applauded. However, we should not let monetary concerns about the United Nations obscure the basic issue of its goal and importance.

To return from this digression, if the voting system of the United Nations is unfair, it was so arranged by the nation states. If the United Nations is bypassed and ignored at times, it is because the nation states avoid it. The United Nations was given precious little sovereignty. Hence, the United Nations can act only when the nation states, particularly the great powers, want it to act and concur with its actions.

6. *The United Nations is the only global organization we have today.* It is better than nothing, but it needs substantial strengthening. If the nations of the world will make greater use of it and broaden its resources, the United Nations will gain some strength. But revisions and changes in organization and procedure are required for it to become fully effective as a mechanism to handle global problems.

If you find from your observations here that the situation is as I have outlined, what should be done? My answer is simple: use the United Nations and, as weaknesses are revealed, strengthen the United Nations. No other answer makes sense if we desire to assure the "generation of peace" prematurely proclaimed by President Nixon.

Exciting events are occurring, highlighted by our withdrawal from the Vietnam War. China, now seated in the United Nations, is returning to the world community. European tensions have been lessened by the Berlin agreements and the West German treaties with the Soviet Union and Poland. Plans are being laid for a conference on European security and cooperation. President Nixon's visits to Peking and Moscow reveal hope for better U.S. relations with these powers. SALT I agreements have set the stage for SALT II negotiations and cooperative programs and trade are developing between the Soviet Union and the United States. The United Nations has initiated environmental activities and is preparing for conferences on the Law of the Sea and on population matters.

Although indications of improved international climate are most gratifying—and essential—many bold steps must be taken before a generation of peace becomes a reality. Humble beginnings must be carefully nurtured and enlarged if progress is to be made towards sane and safe world order. Good will with greater understanding between nations, though highly desirable, is not an end in itself. Enlarged international cooperation is essential but it must extend beyond bilateral research on domestic problems, to the building of foundations for a generation of peace: the establishment of adequate tools to manage international crises and solve global problems. The management gap must be closed.

This brings us back to the United Nations. In 1945, U.S. support of the creation of the United Nations signified both an acceptance of a permanent U.S. role in world affairs and a recognition of the need for an international organization (the United Nations) as a vehicle to help perform that role. Now, after two decades of Cold War and unilateral efforts to police the world, we must discover again our earlier belief in effective world organization to deal with international crises and global problems. The gradual weakening of bipolarity and growing shift to greater decentralization of power—multipolarity—adds urgency to increased reliance on world organization. Failure to respond to this need again commits the world to the age-old game of power politics, now played with nuclear weapons. But nuclear weapons and missiles are making major war obsolete as an acceptable tool to gain national objectives. Nuclear arsenals do not guarantee security. The arms races cannot be won. Obsolescence of major war discredits power politics relying on military strength. Power politics may defer war, but it has no sound record of preventing it.

If increased international cooperation, through effective world organization, is the only reasonable option, upon whom rests the responsibility for achieving it? Upon the nations of the world, the member-states of the United Nations. Although the U.N. one nation/one vote system makes all nations equal, some are more equal than others, particularly the United States and the Soviet Union. As long as bipolar strength remains these two superpowers have a unique opportunity to lead the world to saner order. Hence, the extreme importance of developing greater understanding between the U.S. and the U.S.S.R.

Your bosses have the power to influence U.S. leadership toward such ends. Nothing is more important, for to quote Inis L. Claude:

*Only one thing seems to me reasonably certain: the future peace of the world depends more heavily upon the vigilance, farsightedness, wisdom, courage, persistence, and power of the United States than upon any other factor. The founders of the League of Nations and the United Nations were on the right track, I think, when they undertook to make those organizations serve as symbols of an American commitment to active leadership in the quest for a just and lasting peace.*

I offer a final word to you who advise our legislators and monitor constituents correspondence. Despite the hate-the-U.N. letters your office receives, there is a vast constituency across the country that accepts the United Nations. They take the U.N. for granted. Their concerns are pragmatic: what does it do and how does it do it—not whether they are "for" or "against" it. Do not underestimate the interest and support that would surface if our government would give the United Nations much higher priority in foreign affairs and make maximum use of it. Now is the time to press forward to achieve a United Nations that can better serve mankind. Now is the time to think big, stand tall, and live up to our heritage. Until we do this in our country, there is little hope for a sane, sound world order, capable of enhancing secure peace with freedom, justice, and progress.

## NATIONAL MAGIC WEEK

### HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. RONCALLO of New York. Mr. Speaker, fearing that I may be turned into a rabbit by a constituent of mine who is 14 years old, a practicing magician and who urges my support, I hereby support House Joint Resolution No. 229 proclaiming the week beginning with the last Monday in October as National Magic Week.

## OUR FOREIGN TRADE TRUMP

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. DERWINSKI. Mr. Speaker, at a time when we are struggling with balance of payments problems and facing continued trade deficits, it is important that we recognize the true value to our economy of our farm productivity. The U.S. agricultural sector is in the position, while serving the needs of other nations, to directly contribute to correcting the imbalance in our trade picture. The lead editorial in the Chicago Tribune of Wednesday, May 16, very effectively summarizes and emphasizes the value of our farm exports:

OUR FOREIGN TRADE TRUMP

The voice of the American consumer is rising to challenge the national effort to increase agricultural exports. A recent opinion poll shows that 59 per cent of consumers favor cutting farm exports to curb the rise in domestic food prices.

United States exports of farm commodities [mainly wheat, soybeans, corn, and other live stock feed grains] have, indeed, risen sharply. In the marketing year ending next June 30, farm exports are expected to reach a record $11.1 billion. That is an increase of $3 billion in a single year. It boosts our farm exports to nearly double those of 1969.

Our policymakers believe the trend will continue. They reason that growing populations, technological advances, and rising levels of affluence are creating a steadily increasing demand for food. If this appraisal is correct, the United States is uniquely qualified to profit from the situation.

Our corn belt and Great Plains offer a combination of fertile soil, adequate rainfall, good crop weather, and productive management that is unmatched anywhere else in the world.

As our rural affairs editor, Richard Orr, pointed out in last Sunday's Perspective section, the effort to expand farm exports conflicts with long-standing domestic farm policy. For 40 years, the American farmer has had one hand tied behind his back to keep him from producing more than can be consumed. He has been restrained by a complex, costly, and largely unsuccessful system of acreage restrictions, artificial price props, and subsidies. Raising exports with the supply thus limited will, as consumers are aware, push prices up. The Nixon administration now asks Congress for authority to drop the controls and cut the subsidies, except in possible emergency periods—in other words to "turn farmers loose" to produce all they can for expanding domestic and foreign markets.

The objective is to raise the farmer's income, which still averages only 83 per cent of the nonfarmer's, and at the same time produce more food at reasonable cost. The latter objective would be achieved by lowering unit food costs thru expanded production.

There are other reasons why it is more sensible to increase supply than to limit exports. For one thing, exports benefit the entire domestic economy. Our farm exports create thousands of jobs, on the farm and off of it, especially in transportation. They support other jobs in industries that provide farmers with goods and services. They also help to redress this nation's critical imbalance of payments.

In this connection, our business columnist, Eliot Janeway, describes America's ability to export basic foodstuffs as our "secret weapon." We are going to have to import large quantities of oil, Janeway points out. Farm commodities are the hottest selling items we have to get foreign exchange to pay for the oil.

The United States has been underpriced and outproduced in such products as steel, automobiles, textiles, and a variety of other items it once depended on for foreign exchange. As a result, our balance of trade deficit last year soared to a startling $6.4 billion. Without agricultural exports, the deficit and related international instability of the dollar would be much worse.

Farm exports already are playing an important role in keeping the United States solvent. They can play an even bigger role if domestic farm policy is changed to encourage rather than discourage production, and if Congress gives the President the new authority he is requesting to negotiate liberalized international trading rules with other nations.

America's farm exports are the best trump card we have in international trade—one we dare not fail to play.

## VA MOBILE ASSISTANCE VAN DEDICATED IN HUTCHINSON, KANS.

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. SHRIVER. Mr. Speaker, on Friday, May 11, in Hutchinson, Kans., I was privileged to participate in the dedication of the Veterans' Administration mobile van operation which will serve Kansas veterans in the coming weeks. Twenty-nine communities in Kansas will be visited by the VA van and representatives of the Wichita VA regional office.

It is a meaningful effort by President Nixon to bring to the front door of our veterans information and help regarding Federal programs.

Under the leave to extend my remarks in the RECORD, I wish to include the dedication address by Richard Roudebush, our former colleague from the House and now Deputy Assistant Administrator of the Veterans' Administration, along with a fine editorial from the Wichita, Kans., Eagle regarding the outreach program:

REMARKS OF RICHARD ROUDEBUSH

It is a real pleasure to be with you today and participate in the dedication of the Veterans' Administration mobile van program in Kansas. As a representative of the Veterans' Administration in Washington—I have the dual privilege of being present for this occasion—and also the pleasure and honor of presenting this service to the veterans of this State.

By way of background—in the late 1960's—as servicemen serving in Vietnam began to complete their tours of duty—it became apparent to the Veterans' Administration—that past methods of communicating with veterans about their benefits—would not be adequate. Thus the VA started the Outreach Program—and began contacting veterans while they were still in uniform and after release.

The most innovative technique used—and a Veterans Administration first—sent VA counselors to the combat zones of Vietnam—to talk to Veterans individually and in groups. Additionally—VA counselors in the United States began briefing Veterans on their benefits at military separation centers—and in military hospitals. In many cases—applications for benefits were taken on the spot.

A program of writing letters to Veterans at their home addresses immediately upon their discharge was initiated. The letters—in addition to reminding the Veteran again of his benefits—informed him of the address and telephone number of his nearest VA office. A follow-up letter is sent six months after his discharge.

With all this information being passed on to Veterans while they were in the service—and after discharge, the VA continued to explore new ways to contact the veterans in his own environment. In June 1972—following review of veterans programs—President Nixon instructed the VA to "go live"—and expedite the VA assistance van operation.

The result you see today—a means of visiting the veteran in his home area—so that he can more easily take advantage of the benefits he so richly deserves—and his governments wants him to use.

Not only has the response from veterans been remarkably good—but the response from mayors—county offices—State Government offices—and others—has been gratifying. These officials tell us—that they are very—very pleased to have a governmental agency come to their town or locality to help their local people.

We receive many requests from Congress—to assign these vans to a state—or to a specific congressional district.

As the mobile van travels throughout this State, we are confident it will complement the outstanding services and activities of the veterans' organizations in Kansas. Also, the Kansas Veterans Affairs Commission is well-known for its aggressive, effective operation.

Your director, Wayne Garrett, and Commission chairman, Morris Crouse, also assist in this effort.

The Wichita VA center strives constantly to reach veterans by offering dedicated service in their operations here in Kansas. You have three very fine VA hospitals in Kansas: Leavenworth, Topeka, and Wichita.

The success of all these efforts can be seen in the past services rendered to Kansas' 310,000 veterans, including nearly 69,000 Vietnam veterans, of which 42.0% actually saw service in Vietnam. We are proud—as we know you are—that 13,904 of these veterans are now taking advantage of their G.I. Bill benefits by attending colleges, training schools, and other school institutions.

To further highlight the extent of VA activity in this State, the agency spent more than $137.6 million in Kansas last year, providing veterans benefits and services.

In the coming weeks, as this distinctive red, white and blue van (with its crew of dedicated, skilled VA benefits counselors), visits the cities and towns in this State. Kansas joins the ranks of 18 other States where our counselors have traveled the highways and byways, logging over 140,000 miles, seeing over 40,000 veterans, in more than 700 localities.

Congressman Shriver, on behalf of our Administrator, we certainly appreciate your being here and participating in the dedication of the mobile van operation in Kansas. And, as the U.S. congressman representing this district, we commend the service to you, and the veterans of this great state.

[From the Wichita Eagle, May 9, 1973]

A GREATER SERVICE

Those who live in sizable cities such as Wichita where a Veterans Administration center is located might wonder why the VA would put out money for a mobile office, but those who live in other communities understand.

In Wichita, it requires just a short drive across town or a local telephone call for a veteran or dependent to obtain information from the VA. But for rural Kansans and the many thousands of veterans who live in other communities throughout the state, the VA is not in easy reach. Now, via the mobile office, the VA will go to them. Employment and training advice and GI benefits information will be available from the mobile unit which is scheduled to visit 29 communities beginning with Hutchinson on May 11. The office will be staffed by advisers from the Wichita VA.

Veterans or dependents who are in need of information or assistance are urged to watch for announcements stating when the mobile office will be in their vicinity.

The VA is to be commended for initiating this service.

## EDDIE POWERS

## HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. MACDONALD. Mr. Speaker, I note with sadness the passing of a longtime friend of mine whose loss leaves a big void in the Boston community of which he was such an integral part for so many years. Edward J. "Eddie" Powers held many official titles. He was president and general manager of the Boston Garden Arena Corp., an officer of the Boston Bruins hockey team, a trustee of several colleges, and a member of numerous civic organizations.

But perhaps more significant than his numerous official functions, Eddie Powers was a good friend to countless people in the greater Boston area and an inspiration to all who knew him and were associated with him.

I first met Eddie Powers over 30 years ago. Eddie started with the Boston Garden 45 years ago as a $40-a-week accountant, and dedicated his life to his work, rising through the ranks until he became president and general manager in 1964 following the death of Walter Brown.

I have had the distinct privilege to have known Eddie Powers through many of these years, and I know he will be missed.

I would like to include in the RECORD at this point a fine editorial which appeared in the Medford Daily Mercury, which was Eddie's hometown newspaper, as well as an article which details some of his achievements:

[From the Medford (Mass.) Mercury, May 10, 1973]

EDDIE POWERS, MAN OF CHARACTER

Few men have as much love for their work as did Edward J. "Eddie" Powers whose 45-year association with the Boston Garden was ended sadly by death this week. The esteemed Medford resident earned a deserved reputation as the nation's outstanding arena manager and at the same time was one of the best-liked and respected men in his business, one which oftentimes necessitates hard-nosed, cold decisions.

Starting as a young accountant with the Garden-Arena Corp., Powers worked his way up to assistant treasurer, treasurer and eventually president of the North Station sports emporium. He also was an officer of the Boston Bruins hockey team. It was he who was responsible for presenting so much more than just the usual sporting events at the Garden; the ice shows, the circus, rock-and-roll concerts, and a number of other forms of entertainment. The Boston Garden, over the years, has housed them all and most of those bookings proved successful because of Eddie Powers' acumen and foresight.

While the polished professional performances of the Bruins and the Celtics would thrill him, Eddie Powers was just as enthusiastic and interested in high school basketball and college hockey. He was a good friend of amateur athletics.

His work demanded his being at the Garden day and night, sometimes seven days a week. Nevertheless, Eddie Powers was very much a responsible family man and citizen. His pride in and love for Mrs. Powers and their three distinguished sons was evident. His contributions to his community were many, including his service on two college boards of trustees and his active participation in many worthwhile charitable and civic endeavors over the years.

Eddie Powers was a man of good instincts and high character in an unusual business. He achieved deserved success in his field and he occupied a warm spot in the hearts of the many and varied people who crossed his path. Men like him are missed.

[From the Medford, (Mass.) Mercury, May 10, 1973]

EDWARD J. POWERS: FUNERAL MASS FRIDAY FOR GARDEN PRESIDENT

MEDFORD.—A concelebrated funeral Mass was held in St. Joseph's Church Friday at 10 a.m. for Edward J. Powers, president and general manager of the Boston Garden and an official of the Boston Bruins Hockey Club, who died Tuesday at Winchester Hospital.

Powers, 68, a resident of 87 Whitney rd., was hospitalized about a month ago and was released. He had returned to the hospital recently for further treatment.

The funeral preceding the Mass on Friday will be from the Gaffey Memorial Funeral Home, 43 High st., Medford sq., at 9 a.m.

Interment will take place in St. James Cemetery, Haverhill.

A native of Haverhill, Powers had resided in Medford for many years and had been an employee of the Garden since its inaugural season in 1928. He started as a $40-a-week accountant and became president and general manager in 1964 following the death of Walter Brown.

He was named a vice president and treasurer of the Boston Bruins in 1950 and also was a vice president of the club's farm team, the Boston Braves, when he died.

Powers was the second high level Bruins official to die this spring. Weston Adams, Sr., chairman of the board, died in March.

Powers was an auditor for a tool company before he took the job with the Garden.

He once said, "I read in the early fall that the Garden was going to open that December. I passed the construction site nearly every day and I thought to myself, "Gee, I'd like to work in that building."

The Garden saw the birth of the Ice Follies in 1936 and Powers said, "If you ever told Garden directors back then that the ice shows would ever be a major source of revenue, they'd probably have said you were crazy. Now ice shows are a basic part of the Garden bread and butter."

Powers was a trustee of Fisher Junior College and of Bentley; director of the International Friendship League, Boston Evening Clinic and the Downtown Ass'n. a member of the Board of Governors of Boston Madison Square Garden Club; past president, Bentley College National Alumni ass'n.

In Medford, he was a member of the St. Joseph's Holy Name Society and the Medford Council, Knights of Columbus.

Powers, a graduate of Bentley College is survived by his wife, Mary, and three sons, Dr. Edward J. Powers, Jr., a professor at the University of Texas-Austin; Dr. John P. Powers, a professor at the U.S. Navy Postgraduate school in Monterey, Calif., and Paul Powers, financial director of the Nashua Corp., Nashua, N.H.

A spokesman for the Garden said the family had requested donations be contributed to the Bentley College Scholarship Fund.

---

## SUPPORT FOR LEGISLATION PROHIBITING AID TO NORTH VIETNAM

### HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. TOWELL of Nevada. Mr. Speaker, I wish to express my support for the bill introduced by Mr. Symms today which calls for prohibiting aid to North Vietnam, a bill which I enthusiastically agreed to cosponsor.

I would like to call your attention to a questionnaire which 32,800 people in my State answered. The question of whether the United States should provide North Vietnam with $2 billion in aid turned out to be the hottest issue in this poll. An overwhelming 87 percent said "no" and only 7 percent answered "yes." Those undecided totaled 6 percent. If Nevada can be considered a microcosm of the United States and its thinking, then this sampling of opinion certainly demonstrates that most Americans have no desire to help rebuild North Vietnam.

The Communist allies of Hanoi who supported the long war must be made to bear the price of peace. We have our own rebuilding to do: Rebuilding the shattered and disrupted lives of our servicemen and their families.

The most disturbing thing to consider is the fact that any aid money sent to North Vietnam will be sliced off the income tax of every American, including former POW's who spent as long as 8 years locked up in Hanoi.

There is no way to justify aid to North Vietnam by citing the assistance given to Germany and Japan following the Second World War. In those countries, the dictatorships with whom we fought were replaced with free governments. But in the case of North Vietnam, we are not even sure yet whether the war is over, due to the many cease fire violations.

Faced with the problems of inflation, an unbalanced budget and a declining dollar, I am sure that the people of Nevada, as well as the people of the United States, share my view that sending aid to North Vietnam would amount to adding one more log to the fire of fiscal irresponsibility.

Virtually every American was touched by the war in some way. Many lost friends and relatives. Some gave their own lives and others were paralyzed or disfigured. Is it reasonable to ask the American people to give anything more?

---

## NORTH SLOPE CRUDE OIL PIPELINE

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. ZWACH. Mr. Speaker, the current fuel shortage in our heavily agricultural upper Midwest is the most serious of any section of the country and because of transportation difficulties, it will continue to be serious unless steps are taken to put crude oil into the area.

I have long favored an oil pipeline across Canada along the Mackenzie River to bring our North Slope oil into the upper Midwest instead of routing it across Alaska to Valdez.

On May 22, Gordon W. Haglund, president of the Consolidated Oil Co. of St. Cloud and a representative of the Northwest Petroleum Association testified before the Subcommittee on Interior and Insular Affairs.

For the benefit of my colleagues who did not have the opportunity to review this testimony, I would like, with your permission, to include Mr. Haglund's testimony in the Congressional Record:

#### Testimony by Gordon W. Haglund

Mr. Chairman, my name is Gordon Haglund. I, and my partner, Gordon Adams, operate an independent, branded petroleum jobbership in St. Cloud, Minnesota. Today, I also speak for the Northwest Petroleum Assn., a trade association that represents some 1,100 petroleum jobbers in Minnesota and North Dakota.

We appreciate the opportunity to testify today concerning ways to bring North Slope crude oil to the lower 48 states. Our present energy dilemma dictates that we do not delay one day more than necessary, in deciding how this should be done.

Whatever decision is made, that decision must take into consideration the critical nature of energy supplies in the midwest. Not only is the well being of the midwest at stake, but since it is the midwest that produces most of the foods for the nation, it is imperative that competitively priced energy be made available to the area.

When the energy shortage hit last winter it was the midwest that was affected first, and most dramatically. Corn could not be dried, schools were closed, some factories were closed, while others curtailed their operations significantly and trucks that move the produce to market were threatened with lack of fuel.

A major contribution to our present supply problem is the fact that we are located on the very end of the line from the largest refining areas. This fact is manifesting itself in actions already taken, or announced plans of suppliers in our area. The wholesale volume of petroleum products previously made available through Triangle Refining, Bell Oil & Gas, Clark Refining and petroleum brokers has already been withdrawn. Further, Gulf Oil Co. and Sun Oil Co. have announced that they will be leaving in the immediate future. In addition, the remaining suppliers have placed their jobber customers on allocation for only a portion of their needs.

To place these actions into a meaningful perspective, let us examine what this would have done to my market of St. Cloud, in the year 1971, if they would have taken place then. During that year, 110 million gallons of gasoline and distillate fuels were sold. Of this amount Gulf and Sun accounted for 16 million gallons. Add to this the gallonage sold by brokers, Clark, Triangle and Bell, plus the reduction of available product, because of allocation restrictions and we arrive at a conservative estimate of an additional 20 million gallons. This totals 36 million gallons or ⅓ of the total volume. This same situation is true to a somewhat greater or lesser degree throughout Minnesota and North Dakota.

We anticipate relief from these catastrophic deficiencies by the recently imposed federal allocation program. Sun Oil Co. has announced a postponement of their withdrawal by one year, and we are hopeful that Gulf Oil Co. will continue to make product available to the area. As welcome as these measures are, we prefer a return to a free and competitive market. The effectiveness of imposed controls has in the past proved to be effective only for a relatively short period of time.

From a Minnesota and midwest point of view, the Trans-Canadian route to bring North Slope crude oil to the lower 48 states holds special appeal. We recognize, however, that national interest is at stake and the final decision on how to bring the crude oil to market, must consider several matters, paramount of which appear to be the following:

(1) What are the ecological considerations?

(2) What are the economics?

(3) How soon can the oil be brought to market?

(4) How can the oil be made the most secure in case of a national or international disruption?

(5) How will the energy needs of the entire nation be best served, not just the area which is the prime recipient of the crude oil?

Since I do not have any personal expert knowledge on which I can develop answers to any of these questions, I must rely entirely on others to provide them. I must admit that this can be rather trying, and more than a little confusing.

On the one hand I read that the Interior Department supports the Alyeska Trans-Alaska route, as they claim this route is superior to the Mackenzie Valley Trans-Canadian route. Then I read a feasability study by the Mackenzie Valley Pipe Line Research Limited that directly contradicts many of the statements made by the Interior Dept. It is interesting to note that Mackenzie Valley Pipeline Research is a consortium of some 17 major petroleum companies, including such well-known companies as Cities Service, B. P. Oil Ltd., Gulf Oil of Canada, Mobil Oil Canada Ltd., Shell Canada and Texaco. I understand that this was a two year, $7.5 million project.

Whereas, Interior estimates the cost of TCP at $10 billion, the study puts the figure at $3.4 billion for the pipeline to Edmonton. There it would link up with both the Interprovincial Pipeline, to continue into the midwest, and the Trans-Mountain Oil Pipeline, to take crude oil to the west coast. It was interesting to note that Interprovincial has already embarked on a 48 inch looping program out of Edmonton and anticipates that it would have a substantial portion of such a line from Edmonton to Chicago installed by 1975. The study further states that

Interprovincial has indicated that it would be prepared to complete this line to coincide with completion of the Mackenzie Valley oil line.

Another major contradiction between Interior and the feasability study was the estimated time of completion. Interior estimates up to ten years for completion, whereas, the study projects four years, which includes one year for necessary U.S. and Canadian approvals.

If there is any validity to this study, and to other factors that bear on this matter, let us attempt to answer the questions that I posed earlier, based on choosing the Trans-Canada (Mackenzie Valley route) rather than the Trans-Alaska (Alyeska route).

*What are the ecological considerations?*

The study states that the TCP can be built and operated without major or irreparable damage to the arctic environment. A preliminary examination of records of earthquake activity revealed no areas of unusual concern along the proposed route. However, extensive studies were made, and the largest earthquake in the area, between 1899 and 1970, was located 75 miles from the route and had a value on the Richter scale of 6.7. This rating is negligible in buildings of good design and construction.

*What are the economics?*

As indicated earlier, the estimated cost in the study, of the line to Edmonton, was $3.4 billion. The study further states that at a volume of 1.8 million barrels per day, crude oil can be transported from Prudhoe Bay to Edmonton on a 7 percent flow-through net income basis at a 30-year average tariff of $1.15 per barrel. It can be delivered from Prudhoe Bay to the Chicago area for an approximate average tariff of $1.55 per barrel, and to Puget Sound, on the west coast, at about $1.40.

*How soon can the oil be brought to market?*

The study states that TOP can be designed, built, and in operation within a period of four years after a final decision to proceed, providing final governmental approvals are granted within the first year.

*How can the oil be made the most secure in the case of a national or international disruption?*

From a national defense standpoint, the proposed transporting from Valdez is not even logical. In the event of war, tankers with vital crude would be exposed to our enemy and could be dried up with a minimum of effort. The Mackenzie Valley route would offer easier security. The position that we would be too vulnerable to a foreign country, namely Canada. If the line goes through their country and they share in the ownership, needs further examination. Two facts stand out. First, much of the natural gas and crude oil currently coming into the midwest originates in Canada, and second, everyone seems to support a new natural gas pipeline from the North Slope through this same Mackenzie Valley route.

We believe these facts require a mutually satisfactory accommodation that certainly could carry through to the crude oil pipeline. It has been expressed that the Canadian government would place impossible demands, during construction. In the area of treatment of northern residents, the feasibility study states that contacts with numerous government representatives, and reviews of available reports, have provided an assessment of the requirements and a basis for estimating associated costs. The study further says that it is concluded that the expected requirements are *not unreasonable*, and that at such a time as a definite project is launched, there should be no difficulty in complying fully with the governments' wishes.

***How will the energy needs of the entire nation be best served, not just the area which is the prime recipient of the crude oil?***

I cannot understand how any North Slope oil can be of any benefit to the nation east of the Rockies, if it is all delivered to Valdez through Alyeska pipeline? There are those who say that much of this oil would end up in Japan. It seems certain to me that it would, at the least, discourage secondary recovery from west coast oil fields and would also discourage west coast offshore drilling. This may already be happening in anticipation of Alaska oil. Touching on President Nixon's recent energy message, Los Angeles' Mayor Sam Yorty, in a speech in Anaheim, "found it paradoxical that while Nixon emphasized the necessity for developing offshore reserves everywhere else, he is requesting Congress to lock up the hydrocarbon reserves of the Santa Barbara channel, although these could be utilized without damage to the environment and with great benefit to California and the nation."

On the other hand, if the route chosen is Mackenzie Valley, crude oil would be made available to the heartland of the nation where present and projected energy shortages are the most acute. This would then relieve gulf coast material to all other areas east of the Rockies. According to the plan of the Mackenzie Valley Pipe Line Research Limited the west coast could also receive North Slope crude through the Trans-Mountain Oil Pipeline. According to this, it appears that the only one that would lose would be Japan.

Attached is a resolution from the National Oil Jobbers Council (NOJC), supporting the Mackenzie Valley route. NOJC is the national organization that represents some 13,000 independent petroleum jobbers (branded and unbranded) throughout the United States. This resolution was adopted by NOJC's Board of Directors at its last board of directors' meeting held in St. Louis, Missouri.

As indicated earlier, I cannot represent or defend the feasibility study by Mackenzie Valley Pipe Line Research Limited. However, with national energy matters receiving and deserving our highest priorities, it would appear that they demand that a full investigation and serious consideration be given to this study. We believe this can be done by approving the Arctic Oil and Natural Gas Act of 1973, which has been introduced in the House of Representatives by Congressman John Anderson of Illinois and Congressman Ruppe of Michigan. This appears to be a most reasonable and responsible bill that would give us six months to make a choice between Alyeska and Mackenzie Valley routes. It would appear to us that the far reaching implications of this decision dictate this complete, open minded position.

Thank you.

RESOLUTION NO. 3

Whereas the national energy shortage mandates the speedy transportation of Alaskan crude oil to the "lower 48", and

Whereas in District II the shortage of energy impinges most severely because its geographic location denies its access to alternative world sources to which coastal areas have access, and

Whereas the shortage in District II is more than can be supplied from Districts III and IV, and

Whereas the nation has traditionally found and still finds a strong ally in our Canadian neighbor, an alliance buttressed by treaties and other joint enterprises for our common defense, and

Whereas large quantities of crude oil and natural gas flowed and currently flow into the Midwest from Canada, and

Whereas there is widespread support for a Mackenzie Valley pipeline to bring natural gas from Alaska to the Midwest, and

Whereas American oil companies have made and continue to make large investments in Canada, and

Whereas one of these investments is one of the world's largest networks capable of transporting substantial volumes of crude oil from Canada to the United States which the companies have recently enlarged, and

Whereas the Canadian Energy Minister has publicly stated his belief based on numerous studies that a crude oil line along the Mackenzie Valley would be environmentally safer than the Alaska pipeline, and

Whereas in the light of the delays to which the Alaskan line has been subject and will continue to be subject, a Mackenzie Valley pipeline will bring Alaskan oil to the area where it is most needed more quickly than it could be brought if an Alaskan line, a tanker fleet, and a line eastward from Seattle had to be constructed.

Now therefore be it resolved that the National Oil Jobbers Council and its officers carry to all appropriate executive and legislative agencies its strong support for a Mackenzie Valley pipeline to bring Alaskan crude oil to the "lower 48".

---

## STATE INHERITANCE TAXES ON CIVIL SERVICE SURVIVOR ANNUITIES

## HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. BROTZMAN. Mr. Speaker, for the last several years, I have actively participated in the effort to see justice done for our Nation's retired civil servants. Today I am renewing that effort by introducing legislation which would prohibit States from imposing any sort of estate, inheritance, legacy, or succession tax on civil service survivor annuities.

The imposition of such taxes works a tremendous hardship for many, many civil service survivors. Typically, these taxes are calculated as a percentage of a figure derived by multiplying the survivor's monthly annuity by 12, and then remultiplying that figure by the number of years of life expectancy left to the survivor. Taxes are payable immediately upon the death of the civil servant.

The results of such a tax are onerous. The survivor benefit program is meant to assure civil servants that adequate provision will be made for their loved ones after their passing. State inheritance taxes subverte these plans by forcing many survivors to seek financial assistance only months after the death of their provider in order to pay off a large inheritance tax.

Despite their having lived on reduced benefits during the decedent's retirement, survivors end up in debt. Indeed, in extreme cases they are forced on to welfare. I do not feel this is in the best public interest and I am glad to see actions on the part of State courts to correct this situation.

The Colorado Supreme Court and the courts of several other States have ruled that such benefits cannot be made subject to inheritance taxes because the decedent at no time during his life owns or has any control over the survivor's benefit. I congratulate the courts for their wisdom in these findings, however, I am concerned that a State-by-State litigation in this matter will provide slow and painful relief for civil service survivors on a national scale.

Mr. Speaker, it is the responsibility of the Congress to protect these survivors from the ever-increasing demand for more State tax revenue. They have suffered a reduced annuity throughout the retirement of the deceased so that they can enjoy an adequate income following his death, and I do not believe their benefits should then be taken away from them because of the States' need for more funds.

I believe the laws of the United States should encourage individuals to provide for their own retirement. Those who do so should not be penalized. These are the individuals who will not become public charges in their old age because of the fact that they deferred a portion of their incomes during their working years.

My bill would end the uncertainty surrounding the liability of survivor annuities for State inheritance taxes. It would establish uniform treatment for these people across the country without their having to use their hard earned and limited resources to do battle in one State after another.

I introduced this legislation in the last Congress, but no action was taken toward its enactment. I hope that the members of the Post Office and Civil Service Committee will see the importance of such legislation to the large number of civil service annuitants throughout the country and will work diligently for action on the bill in this session. Only then will the Congress be able to guarantee a dignified and just annuity to the survivors of our Nation's civil servants.

## LEGISLATION TO PROTECT AND MANAGE OUR NATION'S NATURAL RESOURCES

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. WALDIE. Mr. Speaker, I am today introducing a bill that will provide a basis for a more cost-effective method to protect and manage this great Nation's natural resources under the authorities of the Fish and Wildlife Coordination Act, the Fish and Wildlife Act of 1956, the Endangered Species Act of 1969, and the National Environmental Policy Act of 1969.

Under the Fish and Wildlife Coordination Act, the Bureau of Sport Fisheries and wildlife annually assesses the environmental impact of over 6,000 permits under section 10 of the Rivers and Harbors Act which are under consideration by the U.S. Army Corps of Engineers. The Bureau of Sport Fisheries and Wildlife also annually assesses the environmental impact of over 500 U.S. Coast Guard permit applications for the alinement and construction of causeways and bridges in the United States. The Bureau of Sport Fisheries and Wildlife also has a coastal surveillance program to detect violations of the Rivers and Harbors Act. Over 88,600 miles of tidal shoreline comes under the jurisdiction of the Rivers and Harbors Act. The Bureau has 50 biologists assigned to cover the shoreline, or an average of 1 biologist per 1,700 miles.

Under the regulations of the Department of Defense and the U.S. Coast Guard a set amount of time is allotted to practice and training, as opposed to maneuvers. Practice and training objectives could be met while providing assistance to or under detail to the Director of the Bureau of Sport Fisheries and Wildlife, thus providing a more cost-effective method of protecting and managing the Nation's natural resources.

I include the full text of this bill in the RECORD.

H.R. 8101

A bill to authorize the Secretary of Transportation and the Secretary of Defense to detail certain personnel and equipment to the Fish and Wildlife Service

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the last sentence of the paragraph headed "Propagation of Food Fishes" of the Act of March 3, 1885 (16 U.S.C. 743) is amended to read as follows: "The Secretary of Transportation is authorized to detail from time to time for duty under the Director of the Bureau of Sport Fisheries and Wildlife, officers, men and/or equipment of the Coast Guard; and the Secretary of Defense also is authorized to detail from time to time for such duty officers, men, and/or equipment of the Armed Services."

## RICHARD NIXON: THE CHANCES OF SURVIVAL

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Ms. ABZUG. Mr. Speaker, this week's Time magazine includes as its lead story a discussion of the latest revelations regarding the administration. It covers not only Watergate but also the CIA's involvement with the White House "plumbers" squad, the Vesco case, and the involvement of John Mitchell, Maurice Stans, and G. Bradford Cook in it, and the wiretapping of Henry Kissinger's National Security Council staff.

I commend the item to all of my colleagues and include its full text at the conclusion of these remarks:

[From Time magazine, May 28, 1973]

RICHARD NIXON: THE CHANCES OF SURVIVAL

All of Washington and a great many people elsewhere in the nation were openly debating the question of whether President Nixon should or would quit the White House. Just weeks ago, when Nixon was organizing his "new American revolution" after one of the greatest election victories in U.S. history, the question would have sounded preposterous. Even now, the prospect evoked such a sense of national trauma that most Americans of both parties devoutly wanted to avoid it. But so widespread was the doubt about Nixon's involvement in Watergate, so widespread the skepticism about the repeated White House denials, that a majority of Americans polled by Time believed the President of the U.S. to be guilty of deceiving the public and trying to hide his own responsibility.

Some of the talk about Nixon's being driven from office came from prominent Democrats. Said Senator Edmund Muskie: "I doubt if a majority of Congress would want to set impeachment in motion, but duty might lead Congress to do it." The majority of Democratic politicians, however, held their tongues and allowed the Republicans to fret and criticize in public. Conservative Columnist James Kilpatrick had already called Watergate "squalid, disgraceful and inexcusable." Crosby S. Noyes, a moderately conservative columnist for the Washington Star-News, surprised the capital last week by predicting that "when Nixon realizes the extent to which his authority has been shattered by these events, he will resign."

When the Watergate hearings finally opened under the glare of TV lights in the palatial Senate Caucus Room, the question-and-answer ritual seemed half-remembered from past confrontations. Then, with unexpected suddenness, James McCord Jr., one of the convicted Watergate burglars, tried to tie the scandal to former Attorney General John Mitchell and to Richard Nixon: "I felt the President of the United States had set into motion this operation." It was, admittedly, only hearsay testimony, and Nixon, through his press secretary, once again vigorously denied his involvement. Even before the hearings started, however the week had brought news that cast further doubt on the President's own role and on that of his aides. For months the President had cited Counsel John Dean's investigation as having reassured him that no one in the White House was involved in Watergate. Now, Dean denied that he had submitted a report to the President and the White House admitted that Dean had never reported to the President directly but only to Presidential Adviser John Ehrlichman.

#### WIDENING WHIRLPOOL

Next it became clear through testimony from Lieut. General Vernon Walters, deputy director of the CIA, that White House advisers had tried to persuade the CIA to take the rap for Watergate or at least provide an excuse that would keep the FBI from thoroughly investigating one of its aspects. The circles of involvement spread from agency to agency, official to official. The Securities and Exchange Commission was afflicted last week when G. Bradford Cook, 36, its chairman for just 2½ months, resigned because of the "web of circumstance" that involved him in the Vesco case (*see* BUSINESS). A federal grand jury in New York, which had indicted Robert Vesco, John Mitchell, and Maurice Stans, said Cook deleted from an SEC complaint against Financier Vesco all references to the $250,000 that Vesco donated to the campaign fund headed by Stans.

Even National Security Adviser Henry Kissinger, who had been completely removed from the Watergate whirlpool, seemed drawn into it. The White House confirmed that President Nixon had authorized, and Kissinger had accepted, the wiretapping of 13 Administration officials (several of them on Kissinger's staff) and four newsmen in an effort to determine who was leaking information about the SALT talks and the 1969 bombing of Cambodia.

Distinctions tend to get lost in a town of scandal and uproar. The White House wiretaps of Kissinger's staff, no matter how unpleasant, were different from Watergate. They represented an Administration effort to protect its own security against leaks that it rightly or wrongly considered dangerous to its foreign policies. Government wiretapping without a court warrant is perfectly legal in cases involving suspected foreign agents, and it was considered legal by the Attorney General in domestic-security cases until last summer, when the Supreme Court banned the practice. Kissinger, never popular with White House Administrators John Ehrlichman and H. R. Haldeman, went along with the wiretaps, especially because he was told that similar taps existed during the Johnson and Kennedy Administrations. He stopped seeing reports of the taps after May 1970.

But it is the morass of Watergate that keeps threatening Nixon. Under what circumstances would impeachment become a real possibility? If it were proved that the President had been aware of a White House cover-up of Watergate—and thus had lied to the nation—impeachment would probably be brought against him, even though Presidents have lied to the nation before. In that event, Nixon might resign rather than subject himself and the country to the long agony of an impeachment trial.

How could his culpability be proved? In the absence of documentary evidence, direct testimony of accusation by John Mitchell, John Ehrlichman or H. R. Haldeman would probably do it, given their stature and known closeness to the President. The indictment and conviction of these men, even if they did not implicate the President, might make his survival in office difficult. On the other hand, even highly damaging testimony from lesser witnesses, including John Dean, would almost certainly be insufficient to dislodge him.

The majority of professional politicians in both parties interviewed by Time correspondents last week believed impeachment or resignation to be highly unlikely, though many of them reserved judgment until later in the hearings or until further indictments appear.

Some believe that boredom with Watergate may set in, or that the affair may result in a sympathy backlash for the President among people who may come to feel he is being hounded. But many observers see the damage of Watergate not only to Nixon but to the nation in another way. They fear that even without impeachment, the President's authority could be badly diminished and that he would have a difficult time governing—or leading.

In part, that is the case now. Many decisions throughout the Administration are being delayed while the White House staff is being rebuilt. Symptomatically, Wall Street had its worst slump in months, and the dollar took a bad beating on international money markets. Congress was continuing to assert its new-found truculence. In the Senate last week, the once hawkish Appropriations Committee voted unanimously to forbid any U.S. spending for any combat activity in either Cambodia or Laos.

### BUSINESS AS USUAL

These votes imposed a handicap on Kissinger's current Paris negotiations with the North Vietnamese. They implied, furthermore, that Congress might not give Nixon legislation he needs to negotiate lower tariffs with the Common Market or the most-favored-nation trading status that he has virtually promised to Soviet Russia. On the other hand, many of Nixon's policies not only have broad support in the U.S. but are backed by both Chinese and Soviet self-interest.

At any rate, Richard Nixon went on with every sign of serenity in being President, doing business as usual and assuming an above-it-all posture. Indeed he appeared as isolated as ever, twice going out with only a few aides for Potomac cruises on the presidential yacht, the *Sequoia*. For the moment, he seemed in no mood to explain himself more fully to the public, as some of his supporters had suggested.

Almost casually Press Secretary Ronald Ziegler said the President was "aware" of talk about his resigning but was determined to concentrate on what he had "to accomplish in the second term." Instead of watching the Watergate testimony on television, he relied on a daily summary prepared at the direction of the new White House chief of staff General Alexander Haig. Most afternoons and evenings he secluded himself in the Executive Office Building, where he was said to be preparing for next month's meeting with Soviet Communist Leader Leonid Brezhnev.

Privately, Nixon expressed sorrow for the "personal tragedies" of the people involved in Watergate—who, as one high Administration official put it, were "decent, highly principled men motivated by a misguided sense of loyalty"—but there was no sign that he considered the affair especially troublesome. At a black-tie dinner for Emperor Haile Selassie, a laughing, joking Nixon confided to his dinner companion, Mrs. Rogers Morton, wife of the Secretary of the Interior, that he believed history would regard Watergate as inconsequential in comparison with his accomplishments in foreign policy. Late in the week he flew to Norfolk to recite those accomplishments and defend his bombing policy before an Armed Forces Day audience.

Nixon may also rationalize Watergate in a broad context of American political skulduggery—of lobbyists' pressures and demagogues' tricks, of funds secretly raised and secretly disbursed. Specifically, he can hardly forget the election irregularities of 1960, when he was narrowly edged out of the presidency by John F. Kennedy. To some people, the issue was still in doubt days after the election. Kennedy held a lead of only 118,574 votes, and Republicans angrily charged massive vote stealing by Democratic officials in Mayor Richard Daley's Chicago and Lyndon Johnson's Texas—two places that could have changed the whole election. Nixon was urged by some associates to challenge the results, but he finally decided—in the interest of national unity, he said—not to do so.

It may well be, on the other hand, that Nixon is fully aware of the importance of Watergate but is following some strategy all his own. According to the theory that he outlined in his 1962 book *Six Crises:* "The easiest period in a crisis situation is actually the battle itself. The most difficult is the period of indecision—whether to fight or run away. And the most dangerous period is the aftermath. It is then, with all his resources spent and his guard down, that an individual must watch out for dulled reactions and faulty judgment." Which phase the crisis is now in, which phase Nixon himself is in, perhaps not even Nixon knows.

---

## THE WAR MENTALITY

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. BROWN of California. Mr. Speaker, you may recall that on May 10 I spoke briefly of the necessity that Government officials respect our American Bill of Rights. I referred at that time to a pair of incidents that occurred on April 23 in Collinsville, Ill.

Since then a constituent has brought to my attention a column by Tom Wicker of the New York Times which touches on the same subject but goes beyond the scope of my brief remarks. I would like to share the column, which appeared in the San Bernardino Sun-Telegram on May 9, with our colleagues at this time:

### THE "GOOKS" MAY BE YOU

(By Tom Wicker)

NEW YORK.—In Winthrop, Mass., last January 15 armed men burst into the home of Mr. and Mrs. William Pine, terrorized them and their daughter for what the family said was 15 minutes, then abruptly left. They were state police plainclothesmen, raiding the wrong house in search of a drug operation.

In Collinsville, Ill., late in April, armed and abusive men broke into the houses of Herbert Giglotto and Don Askew, pushed their families around and cursed them, damaged their property, put them in fear of their lives, then left without apology or explanation. They were federal drug agents, acting without warrants and on faulty tips, although both families have been respectable and lawabiding.

In Washington, Myles J. Ambrose, the special assistant attorney general in charge of the office for drug abuse law enforcement, unwittingly suggested an excellent reason why these things can happen—and do happen more frequently than many people realize or will admit—in America.

"Drug people," Ambrose said, "are the very vermin of humanity . . . occasionally we must adopt their dress and tactics."

Well, in Vietnam, people fighting on the other side came to be known as "slopes" and "gooks"—such vermin of humanity that it was acceptable and understandable that they should be mowed down at My Lai and in countless free-fire zones, whether they were women, children, civilians or soldiers. They were all gooks. At worst, slaughtering them was a matter of occasionally adopting their tactics.

The crucial connection is that the mentality of conducting a "war on crime" has been developed here in America, and it is not much different from the mentality of conducting a "war on communism" or a "war against aggression" in Southeast Asia. In a war, the other side is despised; in a war, anything goes.

The war on crime has been justified and praised, from the White House on down, just as was the war on communism. So if constitutional shortcuts, massive applications of force, and frequent lies and deceptions were required merely to gain "peace with honor" in the one war anything less is not likely to be considered hard-nosed enough for the other.

The difficulty is that the mentality of war requires an enemy. Wars are fought by "we" against "them," by the righteous against the wicked. Of course, if it happens that the wicked are strong, the righteous must occasionally adopt their tactics. Vermin and gooks must be exterminated. If occasionally a hospital is bombed or a child napalmed or an innocent household wrecked and terrorized, the mentality of war is not much abashed. Generals may retire; narcotics agents are suspended; but the war must go on.

Eventually, in the war on crime as in any other war, "we" become indifferent to what happens to "them." This war, too, must be won. Some of "them" must be put to death. Some of "them" must go to jail for life, without hope of release. Some of "them" must be locked up before they have a chance to hurt some of "us." Safeguards that "we" support and even revere in ordinary times must be suspended or limited for the duration—but only for "them." "We" will not be safe until "we" crack down on "them," occasionally adopting their tactics.

"We" may, for instance, break into a doctor's office and steal the psychiatric records of "they," because "they" appear subversive and immoral and may hamper the winning of one of "our" wars—even "our" ability to wage it. At worst, this makes "us" understandable victims of righteous zeal. "We" may have committed excesses but "we"—as that exponent of law and order, Ronald Reagan, said of those involved in the Watergate excesses—"are not criminals at heart." Surely "we" had a duty to wage righteous war.

But it is hard to establish the limit, "We" wiretap "them" because "they" are criminals; so surely "we" must also wiretap "them" to find out if "they" are criminals, or just to make sure that "we" are not being undermined by anyone in the conduct of the war. The line between "we" and "they" blurs easily, and disappears.

So, as the Pines and the Giglottos and the Askews have learned, when "we" make war on "them," eventually "we" will have no more safety than "they."

In fact, "we" may even be "they" because, in the mentality of war, anyone can become gook, slope or vermin.

Mr. Speaker, perhaps we are not yet civilized enough to adopt the position expressed by Camus—that there are no ends, only means—but I would like to think that we are at the stage where we can at least reject the mentality of war which Tom Wicker has described in his column.

---

## TOO MUCH ECOLOGY CAN HARM FOREST LIFE

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. RARICK. Mr. Speaker, a great deal of attention has recently been focused on our Nation's forest lands, in light of the growing lumber shortage.

Experts tell us that unless something is done to make maximum effective use of our timber lands, the United States may face a lumber shortage by the end of the century that could reach 20 billion board feet. To put that figure into perspective, that is enough lumber to build some 2 million new five-room homes.

The shortage we face today could become more acute if we do not continue to wisely use modern forest management methods that take conservation of the environment into consideration.

There is a distinct differences between conservation and preservation. Certainly both schools of thought are deeply concerned about the ecological balance in our forests. But by taking advantage of proper management techniques, we can conserve our renewable timber resources, provide outdoor recreation facilities for our people, and still produce the timber needed for houses, paper, and all the other wood oriented products. We can have our forests and use them too.

I ask that the following related newsclipping follow:

### Too Much Ecology Can Harm Forest Life

(By Frank L. Schneider)

There are 10 million acres of wilderness in the United States. Considering that less than one percent of the population ever enters these naturelands, that's enough, says one spokesman for the national lumber industry.

And, he contends, the ecologists' push for an additional 56 million acres of wild forests can only aggravate an already serious economic plight of lumber.

Hubert Walker of New Orleans, expressing his views on the lumber and wood products situation, said locking up American timber lands is detrimental to the whole lumber market particularly in times like now when demand for lumber is strong and supply is "extremely short." He is first vice-president of the National Lumber and Material Dealers Association.

Fervent dedication to the establishment of additional vast wildernesses, reserved for hikes and portages, sealed off from vehicular traffic and fire fighters and free from proper servicing and management is not in the best interest of preserving trees or the animals that live beneath them, said Walker.

Uncontrolled growth of timber that suffocates young growth is not good preservation practice, he added.

Walker's viewpoint on preservation and the stimulation of new timber growth is in full opposition with those of the conservationist and preservationist who scream forest "rape" when forests lands are thinned or harvested. Proper forest management using efficient techniques and a properly funded National Forest Service can lead to increased timber production and supply, and lower costs and prices for lumber, he said in an interview.

Preservation offsets natural regeneration, he said, but management plants new trees, encourages greater growth volume, eliminates suffocation of young trees.

The National Forest Service should have sufficient funds to set up sales for timber and help local land owners develop their properties properly. These programs would be of tremendous benefit to forestry needs and the lumber market, said Walker.

President Nixon's recent decision to increase allowable timber cuts (by three billion board feet) from government lands is at least a move in the right direction during the current lumber situation, said Walker.

Since the government is the biggest holder of timber lands it is important that Walker's trade group and other building trade organizations convince federal authorities that the best interest of forestry lies with management and service and not with strict preservation that excludes any control and treatment of forests.

Of the major sources of timber the national forests hold more than half of this country's supply of standing softwood—that's the kind that produces lumber. This supply grows on 28 percent of total acreage devoted to timber growth but it provides just 26 percent of the cut. But private industry with 12 percent of the acreage produces 34 percent of the cut—"and their supplies are not depleting," said Walker. The production from industry is higher than that from other sources because of management, he said.

Privately owned timber lands hold 60 percent of the acreage, provide 30 percent of the cut.

"We are as acutely interested in the conservation of forests as the ecologists," Walker said, "but our approach is different." Intensified management that uses proper thinning techniques and harvesting and even clear cutting for some species is the industry way.

While clear cutting is a more drastic approach to harvesting, said Walker, and results in an unsightly scape for a while, it is the best method of treatment for some species of trees.

"The best way to preserve the forests is to use them," Walker said. A dense forest is not best for wildlife either. There should be occasional openings for rabbits and deer and there should be mature growth (nut-bearing trees) for bears and squirrels—a kind of harmony with young and old growth in the midst of spacing and light. A managed forest, Walker said, achieves these results whereas a dense growth cuts off oxygen and prevents new timber starts.

The question Walker raises is how much wilderness should there be in America? How much space should be devoted exclusively to forests that offer nothing for people—no picnic areas, no views, no roads for driving—but only adventure for a few with the stamina and money to make the hazardous trek through a dense forest?

The preservationist insists that the wilderness assures future generations a glimpse of nature. But Walker says that simply is not true. And he explains about the Boundary Waters Canoe area.

This is a one-million-acre wilderness established in 1948 in northern Minnesota. The composition of this forest is similar to that of the original ones there before logging came to it in 1880. By 1925 the area was completely cut over. The loggers cut everything, mile after mile and as broad as they could reach. "Nothing like the practices of today, where clearcutting is limited to narrow strips and small patches," Walker adds.

Today the timber over much of this area is approaching maturity. The stagnating trees wait for natural death or destruction by fire.

Walker said the situation there is so bad that conservationists are proposing that a program of controlled burning should be initiated in mature and over mature pine and spruce forests within this wilderness. They make this suggestion in order to prevent the increasing transition of the woods to balsam fir, a species highly susceptible to disease. So the solution, as advanced by the conservationist, is a deliberate fire in a preserve where neither large outboard motors are allowed on the lakes or airplanes are allowed below 5,000 feet. That's what happens in an uncontrolled wilderness, said Walker.

But a managed forest is a multiple use area, accommodating timber harvesting, grazing and recreation for Americans. It has roads necessary and for people access. The Black Hills of western South Dakota is an example. The first timber was sold in 1848 when the hills gave forth their gold in the 1847 rush. About 1.5 billion board feet of timber stood there then, said Walker. Since then nearly three billion board feet have been harvested and there is an additional four billion feet of timber still standing.

Europe's forests have provided thriving stands for centuries because of the forestry methods Europeans practice that have influenced America's approach since the early 1900s. In the past, said Walker, "our forests have been renewable providing not only limitless versatility but, also endless bounty." But that bounty is no longer limitless, Walker said. There are too many people and too many demands on land use today for the U.S. to continue running its forests as in the past, he said.

Proposals that we simply lock up our forests to preserve them ignores the basic problem, said Walker. Trees, he added, respond to normal agriculture practices like fertilization, thinning, irrigation and insect control.

And there are many viewpoints on how we should use the forests today. Many are of the opinion that in the next 10 years trees will be in shorter supply than coal or oil. Two-thirds of the American people (according to a recent survey) believe that America is exhausting its forests. There is the feeling that once a forest is harvested it is gone forever, said Walker.

And so there is a big danger that "restrictions supported by an uninformed public" could very well bring on the shortage they fear is coming, Walker feels. His concern is heightened by a rash of law suits and citizens campaigns aimed at preventing timber harvests and even stopping construction of primitive roads into the forests—necessary for fire fighters and recreation seekers.

Are we really running out of trees?

Walker answers that. When Columbus came here there was something over one billion acres of forests. Five hundred years and 200 million people later, the U.S. has 758 million acres of forests or 75 percent of the original. "In fact our forests are now expanding, for we have some 13 million acres more today than existed a generation ago," Walker said.

Walker is among the few who have explored the wildernesses of America. For 10 days he hiked, climbed, canoed (and carried the canoe when the waterways stopped) in the vast acres at the Canadian and U.S. border. He has gone deep into it.

In the midst of this untouched spot Walker could appreciate the conservationist's intentions to preserve such natural wonder. As he made his way through the thicket below the towering trees whose great green domes allowed in just broken streaks of light, Walker was impressed by the awesome beauty.

He was also impressed with the mature trees strangling in overgrowth and the young timber suffocating in the deep, damp gloom.

Ten million acres of such beauty when forest products are in limited supply and costly is enough, Walker feels.

---

## AIR FREIGHT IN THE PACIFIC: A FUTURE VIEW

## HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. MATSUNAGA. Mr. Speaker, at a time when we are involved in reconsidering international trade policy in light of new economic relationships among nations, it is worthy to consider the tremendous potential of air freight in the Pacific.

Mr. Stuart G. Tipton, chairman of the Air Transport Association of America recently discussed this subject in his keynote address to the Second Annual Pacific Air Cargo Conference of the Hawaii Department of Transportation. In it, Mr. Tipton surveyed the prospects for growth in this segment of the booming industry. I insert his remarks at this point in order that readers of the RECORD may benefit from his well thought out and eloquently presented views.

### AIR FREIGHT GROWTH IN THE PACIFIC

Aloha!

As you all know, this rich, meaningful word is far more than a simple greeting or farewell. It is also a term of affection.

Certainly I have a fondness and affection for these islands and this state. I welcome each opportunity that brings me here. And apparently I am not alone in this feeling.

The list of speakers who will follow me over the next three days at this Second Annual Pacific Air Cargo Conference reads like a veritable Who's Who in the air cargo industry and I am pleased to be among them.

As air cargo operations continue to grow at a rapid clip, I can report to you today that the U.S. scheduled airlines in 1973 are looking forward to the first one billion dollar freight revenue year in their history.

This billion dollar record comes about not only because we are carrying increasing volumes of traditional air freight commodities, but also because we are broadening our base by carrying new commodities—new commodities ranging from light switches to thousands of pounds of live eels.

This billion dollar revenue is from air freight alone, and does not include revenues from mail and express. Air freight produced revenues of less than $235 million only 10 years ago.

Air freight has come a long way, and quickly. Today it is a big business that must be viewed in big, positive and imaginative dimensions, as we move forward to meet increasing customer demands throughout the Pacific.

During the past decade, the U.S. scheduled airlines' air freight business, as a whole, has been growing at an average annual rate of 16.9 per cent. However, air freight over the Pacific has been moving ahead at an average annual growth rate of 31 per cent.

The Pacific presents a variety of air freight markets, including the important domestic market between Hawaii and the Mainland.

The Hawaii-Mainland market was once thought of in terms of pineapple and other fruit which tasted better to people in Chicago because air freight moved it from field to supermarket at peak quality. This is still true. But a number of other elements must be added to update the story:

Thousands of colorful Hawaiian sports shirts are exported from there by air and sold to American tourists in the Caribbean.

During the West Coast dock strikes in 1971 and 1972 air freight proved effective in moving household wares, hardware store items and other things that used to move exclusively by ocean shipping. A large part of this business has been retained.

A transport combination that sees some goods move by ship from the Orient to Hawaii and then on by air freight to the Mainland, is a technique that is giving many shippers the right combination of time and economy.

This conference is replete with experts from Hawaii's own Department of Transportation, the University of Hawaii and the airlines who serve the area. I will leave to them the detailed discussions of this expanding market and proceed to assume my role as keynoter.

I think there is no real difficulty in determining what the keynote of this conference is and should be.

The Pacific is the greatest air freight market of them all.

All of the study, all of the discussion, all of the cross-examination should be based upon the recognition of this great potential.

Let me add quickly that this statement, and the responsibility for making it come true, should not be reserved exclusively for carriers. Shippers and consignees also must be prepared to take bold, imaginative looks at their cargo movement in order to take maximum advantage of superior air freight service and thereby provide maximum customer service and profits.

I want briefly to discuss several questions all related to this theme.

(1) Why does the Pacific hold such great promise for major growth in the use of air freight?

(2) Is there efficient capacity available or on order to meet this growth?

(3) Can we of the airlines develop the strategy to sell this capacity?

(4) what are the impediments to the massive expansion of air freight and what is needed to eliminate them?

I have asked these questions in rapid-fire order. As a keynoter, setting the stage for a comprehensive discussion that will follow, I will give you a series of rapid-fire responses to these questions.

#### FIRST, MARKET POTENTIAL

Anyone who can calculate the span of distance across the Pacific, the time it takes to cover these distances by sea transportation, and the value of this time in customer service and profitability must conclude that the high speed jets, with their enormous flexibility, make the Pacific runs an ideal air freight market. In my view, not enough attention has been given even yet to the cash value of time in the movement of freight. But this is changing and in the Pacific will change more rapidly than any place else.

#### SECOND, AIRLIFT CAPACITY

The airlines have on hand and on order adequate lift capacity to meet the foreseeable growth requirements of air freight movement throughout the Pacific. While we do not yet have our dream air freight airplane, we have vastly improved equipment and a lot of it. The older jets are good airplanes and the new widebodied ones are even better.

If we have been overly conservative in our projections—and this is always a possibility—I can assure you that additional equipment can be had for profitable freight business. Again, I want to underscore the great flexibility of airline operations—including the flexibility of scheduling to meet new market demands.

#### THIRD, MARKETING STRATEGY

I am confident that the airlines, facing up to the challenges in the decade of the 70's and 80's will, through conferences such as this, be able to sell available and projected lift capacity on a profitable basis. I feel certain that airline freight marketing people are going to get a big lift from innovative and profit-conscious shippers and consignees who will no longer be content with time-costly movement of their goods by surface means.

#### FOURTH, OVERCOMING IMPEDIMENTS TO GROWTH

Clearly, the full potential of air freight growth in the Pacific will be checked unless we are able to eliminate such impediments as trade barriers. The President has opened new vistas for trade growth by advocating the elimination of restrictive practices, and in Congress, Chairman Wilbur Mills of the House Ways and Means Committee, is leading the fight to assure fair and equitable treatment for American products and services in the world market.

In the remaining few minutes allotted a keynote speaker, let me suggest some guidelines for future air freight marketing in the Pacific.

The marketing effort must be selective, in terms of country and commodities.

The marketing must be geared to the value of the transportation service we are selling.

To be successful, the marketing will require a good climate for trade.

Again, to be successful, the marketing will require a large input of imagination on the part of airlines, shippers and consignees.

The need for selectivity in expanding our markets in the Pacific is obvious.

It would be strange, indeed, if the U.S. attempted to export wigs and double-knit fabrics to Korea. It is the other way around. Korea has become one of the world's leading producers of these two items and is exporting them to us. As Korea industrializes, however, a demand grows there for the importation of specialized equipment and industrial machinery. We are exporting these valuable goods to them, including parts that go by air, and we can sell them a great deal more of this equipment.

The odds against selling a U.S.-built television set in Japan would be long indeed, but not if the product were a multi-speed kitchen blender. The Japanese manufacture only a single-speed blender, yet many Japanese families want the U.S. models and are buying them in increasing numbers.

Let's emphasize the value of the service we provide—the movement of a shipment in ten hours from the shipper's door in San Francisco to the receiver's door in Honolulu, instead of seven or eight days minimum by sea. . . . The movement of a product from a plant in Los Angeles to a customer in Hong

Kong in 24 hours or less, as opposed to more than two weeks by the fastest container ship.

The most advanced transportation system, however, can be stymied as a tool for export growth by tariff and non-tariff barriers to trade. That's why I urge this conference to examine the importance of helping to create a good trade climate.

Let's take a look at the international trade climate as it applies to air freight over the Pacific. Last year, in this part of the world, freight moving by air accounted for a trade balance slightly in our favor. The figures: About $1.5 billion of U.S. exports by air to our Pacific trading partners and about $1.3 billion of air imports from them to the United States.

More than 50 per cent of this air commerce was between the United States and Japan. This is characteristic of Pacific trade, whether moving by air or ocean vessel.

Japan, after Canada, is the biggest market for U.S. exports. We sold Japan last year about $4.9 billion worth of U.S. exports—more than 10 per cent of all U.S. exports.

The United States is Japan's biggest customer for that country's exports. Japan exported $9.1 billion worth of goods to the United States last year, accounting for more than 16 per cent of total U.S. imports.

The 1972 U.S. trade deficit with Japan was more than $4 billion, the result in part of an historic network of Japanese barriers against many kinds of imports.

I am hopeful this imbalance will be corrected and I can cite at least three good reasons for my optimism.

The Japanese are sure to realize that excessive imbalance of trade creates retaliatory restriction and that, by reason of their high standard of performance, they do not need import barriers anymore.

The U.S. Commerce Department's Office of International Commercial Relations reported this month that while many of the import barriers remain, Japan, over the past four years, has been reducing some of its formal barriers to imports—mainly by relaxing some import quotas and, to a lesser extent, by relaxing tariffs, licensing and deposit requirements and by making it somewhat easier for foreign companies to maintain sales offices in Japan.

This may explain why U.S. exports by air to Japan in 1972 for the first time in many years rose at a greater percentage rate than air imports to the U.S. from Japan.

The actual volume of Japanese imports into this country by air was still greater than the air freight flow in the other direction—by about a 60 to 40 ratio; but U.S. air exports to Japan were up 34 per cent, compared with a 25 per cent increase in air imports from Japan.

My other reasons for optimism concerning reduction in Japanese import barriers stem from recent developments in the United States I referred to earlier. One is the President's recently proposed Trade Reform Act of 1973 and the other is the intense interest this bill has aroused in the Congress.

This is far too complex a piece of legislation to be covered in detail in these remarks. The important thing in the proposal for this conference is that it would give the United States more effective tools for negotiating for the lowering or removal of import barriers erected by its trading partners.

Success by the President and Congress in giving the United States more effective tools in negotiating for the removal or lowering of import barriers erected by its trading nation partners could be the biggest stimulus for international air freight in years. Given such a new opportunity, the air freight industry can be a much more effective instrument for expanding U.S. exports.

But all the trade expansion in the world will not help us or our customers if we are unable to attract a larger and larger share of this increased movement. Here enters imaginative marketing, the remaining point I urge you to concentrate on during this conference.

Imaginative marketing! How and by whom?

To answer this question let me tell you a story—a true story, a little story but a story with a big moral.

I came across the story when I found a strange looking specific commodity air freight tariff. It provided for the shipment of live eels at 57 cents per pound from Washington, D.C. to Tokyo.

Behind the tariff is a man who lives in Montross, Va., in the tidewater area where the Potomac River empties into the Chesapeake Bay and where the water teems with succulent eels. He learned that pollution had reduced the eel supply in Japan at the same time that demand for this Japanese delicacy was growing in that country.

The man in Montross was but a stone's throw from some of the finest eels in the world. He designed his own watertight container, approached a U.S. flag carrier serving both Washington and Tokyo. A deal was struck, a tariff was filed and that first year a few hundred pounds of eels made the long journey.

This year the airlines will fly some 70,000 pounds of eels from the East Coast of the United States to Tokyo.

As I told you in the beginning, it is a small story. Seventy thousand pounds of exported eels doesn't begin to compare with the more than one million dollars worth of machine tools and their replacement parts exported by air from the United States to Japan last year.

But I think the moral of the story is clear to all of us. Air freight marketers and shippers alike must join in the imaginative marketing. Both must exercise a high degree of ingenuity in finding the most opportune markets.

I urge you to emulate the man from Montross in seeking the right product for the right market. Here are a few suggestions of my own on products of growth potential for air export to the Pacific.

The Japanese are now entering a sports and leisure-time boom in which there is a growing demand for American-made equipment for skiing, bowling and camping.

Equipment and parts for generators, conventional and nuclear, is a promising area of growth in U.S. exports to many countries in the area.

Avionics and support ground equipment are also products for expanded export to Pacific markets.

Anti-pollution equipment presents one of the best of all sources of growth in exports from the U.S. to other highly developed nations. Much of this equipment is eligible for shipment by air, particularly the instruments used in detecting and measuring pollutants.

Other good prospects for air export growth in this market include material handling equipment, electronic measuring and controlling equipment and circuit-breaking devices. The latter means switches and we air ship a lot of switches to the Pacific each year—from big circuit breakers for industry costing $10,000 each to thousands of the light switches that go on the ordinary household wall.

The airlines are also exporting increasing amounts of fresh tuna fish from the U.S. East Coast to Japan. The thought of exporting fresh fish to an island nation may sound strange, but I suppose it is not much different than exporting potatoes to Germany, which the U.S. does in significant quantities. There are opportunities also for a major expansion in air shipments of other foodstuffs to the nations of the Pacific.

As one who has spent most of his working life close to the airline business, I am accustomed to covering a lot of territory rapidly and that is what I have done this morning. I have not attempted a detailed discussion of the far-ranging challenges which confront this conference, but I hope that I have stimulated your thinking as you approach them.

In conclusion, let me raise and answer a further question—What is the long-range future of air freight movement in the Pacific?

I see no reason, if carriers, shippers and consignees are as imaginative as the gentleman with the eels, why the high growth rate of recent years cannot be exceeded in the Pacific year after year after year on a profitable basis for the air freight system and its growing ranks of customers.

Aloha.

---

## WORLD'S LARGEST WATER PROJECT

### HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. PETTIS. Mr. Speaker, last Friday, I had the honor of attending the dedication of the California State water project at Perris Dam near Riverside, Calif.

Marking completion of the first phase of the world's largest water project—bringing water from the north over two-thirds of California to the dry southland—the project has taken 15 years to complete and cost more than $2.3 billion. Benefits to be reaped by the State in power, water, irrigation, and recreation are incalculable.

This excitement and promise were fully felt at the ceremonies and I would like to share with my colleagues a fine recount of this great moment in California history. The following is a news account of the dedication which appeared in the San Bernardino Sun-Telegram newspapers:

10,000 ATTEND LAKE PERRIS FETE

(By Quentin Foley)

Lake Perris, terminus of the 684.5-mile, $5 billion State Water Project, was dedicated yesterday as Governor Reagan opened the water gates.

By December the lake, about 15 miles southeast of Riverside, will be half filled and interim recreation facilities ready for public use, according to William R. Gianelli, director of the State Department of Water Resources.

When full, the lake will have 2,370 surface acres and 9.7 miles of shoreline. It will hold 39 billion gallons of Northern California water.

More than 10,000 people attended the dedication ceremonies to see Tony Curtis as grand marshal of the parade, the hot air balloons, rocketry exhibits, watch Art Scholl put on an acrobatic air show in his plane and see a sky diving exhibition.

Assisting in the fanfare were the De La Playa Mariachis, the 15th Air Force Band, the Brush Arbor and the Riverside Youth Band.

A dam 126 feet high and two miles long forms the lake, already stocked with fish. It will have catfish, bass, sunfish and trout, but fishing will not be permitted until the middle of next year or the year after to give the newly planted fish some growing time.

Boating, picnicking and swimming will be allowed this year. Development plans call for camping facilities for 444 family and trailer units, 300 picnic units in the grass area and

150 picnic units in the boat-in areas, plus a group of picnic units for 275.

The dam-reservoir cost $31,366,954 and all the water stored there will be distributed by the Metropolitan Water District to three of its member agencies, the Eastern Municipal Water District, the Western Municipal Water District and the San Diego County Water Authority.

In late 1974, about the time the first phase of the recreational facilities are completed at the state recreation area, the lake will be full, making it the third largest fresh-water body of water in Southern California.

The $5 billion State Water Project to bring Northern California water to the southland was started 14 years ago and there were many people present at the dedication of Lake Perris who have followed the project's progress since the beginning and who expressed pride at seeing it completed on schedule.

"The project we are dedicating today is one of the most daring, imaginative and difficult engineering feats ever attempted," Reagan said.

"It is the world's largest and most comprehensive system of water conservation and delivery.

"It is the only system ever to have been financed as a single unit.

"And it is the only system of its kind that included recreation as a primary purpose from the very beginning," he said.

He noted that while the project will benefit the entire state in one way or another, the costs would be largely paid by the people who benefit most directly those who use the water and the power the project produces.

Reagan pointed out the project's "massive recreational, agricultural and financial benefits" to the people of the state.

Gianelli reminded the audience, "and someday we are going to have the longest bike trail in the world along the shores of the 444-mile California Aqueduct."

Caspar W. Weinberger, secretary of Health, Education and Welfare, said:

"Our astronauts, on their way to the moon, reported they could visually identify only two of the works of man, the Great Wall of China and the California Aqueduct.

"Despite that notable linkage by size, however, there is a vital difference between the two projects.

"The Great Wall was built to divide people, to keep some people away from other people.

"Our State Water Project, of course, is designed to bring people and resources together," he said.

At first, MWD will use the water in Lake Perris in a mix consisting of 70 percent Colorado River water to 30 percent Northern California water. Later those percentages will be reversed, said Frank M. Clinton, general manager. MWD has planned a $1.3 billion pipeline and filtration system for Northern California water distribution and utilization.

The State Water Project's ultimate capacity will be 4.23 million acre feet of water a year, and a single acre foot of water equals 325,000 gallons.

Power plants along the project generate 5.4 billion kilowatt hours of power, there are 21 dams and lakes, 20.5 miles of tunnels and 22 pumping plants.

---

## CENSORSHIP IN PRESENT DAY U.S.S.R.

## HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. HUBER. Mr. Speaker, it is often forgotten by the public at large that the U.S.S.R. still operates a closed society and the American television viewer is only permitted to see those parts of Russia and Russian life that the Soviet state wants us to see. The difficuties of being a newsman in the Soviet Union are many and I feel that Mr. Irwin M. Chapman has described them very well in a recent article in Dateline 1973, published by the Overseas Press Club of America. The article follows:

### WHAT IT'S LIKE IN RUSSIA

(By Irwin M. Chapman)

The world watched as Richard Nixon, his wife and his party waved farewell to Moscow and boarded their Ilyushin-62 globe-spanning Soviet airliner.

The small group of Americans and Soviets who had been bussed out to Vnukovo Airport for the ceremony waved their little flags. The picture of the IL-62 filled our screens, as the anchor men and guest professors summed up the historic summit. Then the picture of the deserted VIP terminal building filled our screens, and the airplane was not seen again.

As we learned agonizing minutes later—and not from Soviet sources—one of the plane's four engines failed and the Presidential party had to change to a backup aircraft. As Soviet President Podgorny and Premier Kosygin rejoined Mr. Nixon, with much embarrassment of course, he reassured them that the same thing had happened at least once to his own Boeing 707.

But one thing would not have happened when the Boeing broke down, as all of the men in the network control rooms can testify; American television cameras would not have censored out the picture of the disabled Presidential airplane, but would have savored every detail. In Moscow, the American networks were relying on a pool picture provided (and not for free) by Soviet State Television.

It was a fitting valedictory for my three and a half years of covering the Soviet Union for ABC radio and television. During that time, I had spent more man hours—or so it seemed to me—writing memos about pictures that could not be obtained than writing scripts to narrate those that could.

The week I arrived in Moscow in January 1969, the Soviets sent up a manned space vehicle, Soyuz 4. How did I cover it? By watching television for taped replays after ninety minutes delay. And then narrating whatever picture excerpts the Soviets fed the Eurovision network. And that's how I covered every subsequent Soviet space shot for the next three and a half years. The Soviet Cape Kennedy remains off limits.

When we wanted the reaction of Soviet scientists and/or cosmonauts to the American moon landings (which I'm sure they had watched on live closed circuits), we were permitted to send out a Russian cameraman with a list of questions—but we were not permitted to go with him.

Finally, when a live cosmonaut was brought into Moscow for an interview on a later occasion, he parrotted the official editorials, praising the courage of the American space men in their risky venture. "But you, personally, comrade cosmonaut, have felt the stresses and emotions of space achievement. Surely you must be living the emotions of the Americans today?" The cosmonaut again praised the courage of the American space men in their risky venture. He'd been warned about my reputation for trick questions.

I should go back a step and describe how the networks do their job in Moscow. When we first opened bureaus there a dozen years ago, we were allowed to hire a local staff cameraman, as we do elsewhere in the world. When the Khrushchev thaw ended, so did that privilege. One by one, the American bureaus lost their staff cameramen and were required to hire by the day from the Novosti (which means "news") Press Agency.

But having a cameraman did not imply the right to ship his film out of the country. Permission had to be obtained for each shipment from the press department of the Foreign Ministry—though hand-carried film was winked at in earlier days by the airport customs men.

Now Novosti had to be informed of each story request and implored to accept it (its work quota was not terribly high). As my years went by, the supervision became stricter. Four years ago, it was possible to call and ask for a crew for a series of commentary standuppers. Later, the subjects had to be spelled out in writing.

Of course, if Novosti made the film, Novosti informed the Foreign Ministry about it, and Novosti shipped the film. On August 21, 1969, the assignment desk cabled for a standupper on what the Soviets were saying about Czechoslovakia one year after the invasion. I did it in front of a movie house that was playing a documentary entitled, "Czechoslovakia: Year of Trial."

Novosti was supposed to get it onto a flight to Paris that afternoon, to be transmitted by satellite along with a film from the Austrian-Czech border by a colleague. His film got to Paris; mine did not. You don't think that cable from New York to Moscow ordering the story was a private communication, do you?

The tactic of delaying a film past its useful life was used three times during the next half year. The high point came on October 19, 1970. A standupper on Kosygin's possible visit to the U.N. arrived in New York blank, as though the film had been opened to the airport sunlight. That was the last standupper I did until Nixon landed.

I tried to do as many feature stories as could be arranged. My aim was the usual one: to try for a balanced picture of the USSR, to give the viewer the feelings he would have if he were there with me. To that end, I travelled more than 20,000 miles on Aeroflot domestic flights.

I filmed the Bratsk Dam, the world's largest; and the massive housing projects; and the working mothers' nursery schools; and the medical services that do indeed give every citizen the feeling that illness is no catastrophe.

But every story had a heartache all its own, mainly from the supervisor Novosti sends along to oversee the film crew. You film on a collective farm, and the supervisor—"coordinator" is the job title—whispers to the cameraman, "Keep the horses out of the picture." You film a farmer building a garden shed, but a request to film his neighbor proudly showing off his potatoes and onions is flatly turned down. The outside world must not be allowed to see anything that seems so primitive.

You film a champagne factory, but you absolutely may not show the yard full of crates of empty bottles, or the workmen loading them into a truck; this area is not automated like the bottling plant within. Then, when you do your on-camera close in front of the noisy assembly line, the coordinator has the line shut down, because he can't hear what you're ad-libbing.

And I haven't gone into the things that were denied altogether. I never got to the enormous automobile factory the Fiat company installed in a town renamed Togliatti. The third refusal was accompanied by the explanation, "It's not the Soviet side, it's the Italian side that won't invite reporters. Ask your Italian colleague." So I called my Italian colleague, from RAI, and heard the sound of colleague falling to the floor laughing. They let him into the plant a year later.

It was like the explanation I got for not being allowed to film at a school: "The children don't want you."

The coordinator would occasionally take issue with a script, though his job was mainly to report back what the correspondent said (sometimes, I feared, garbled through the screen of suspician). Doing a story on Siberia, I got my ear singed for a mention of the alcoholism problem.

"Where did you see alcoholism? Did we show you any drunks?" the coordinator demanded. In fact the local newspaper had just run a crusade against alcoholism, so the facts were publicly known. But a Soviet TV film would be a glorious travelogue; so should mine. This, incidentally, is what the Soviets mean by "mutual understanding," that their media concentrate on our past failings, and ours on their future successes.

I understood the Soviet mind a bit better when my Canadian colleague saw a Soviet TV documentary on his country. He recognized a shot of a deserted Nova Scotia fisherman's cabin, which the Russian narration described as workingclass housing. Surely the Western filmmakers would do the same if the Soviets were foolish enough to let them take the pictures.

Case in point: pollution. When the subject became fashionable around the world, the Soviets published decrees requiring factories to take anti-pollution measures. Month after month, I asked to film an example. I never could. The Soviets are now admitting the decrees have been widely evaded.

Of course, in fairness I should recount the time I got a phone call inviting me to film a coal mine. What's new about this coal mine? I asked. Nothing, the answer came back, but we haven't been able to allow you to do a coal mine before. I had visions of the miners whitewashing the walls for days before the invitation was tendered.

ABC Radio, I should say in all immodesty, was well served during the years I am describing. Since Khrushchev cancelled prior censorship of news dispatches, it has been possible to book a radio circuit without submitting the script in advance. You could count on periodic delays in getting through, and the Soviet post office never did install in its little studio a simple device for feeding tape recordings into the line.

But the telephone service between Moscow and New York was improved a couple of years ago, and can now be used for radio recording. So the delays could be waited out in your own office. And the main handicap with tape was fear of getting whoever might record "unofficially" into deep trouble, even if you didn't give his name on the air.

It became harder to make such contacts after the security agents started arresting them as soon as they'd said "Zdrastvuvete" to the newsman. But this was a problem common to all Moscow foreign correspondents, not just the broadcasters. Like the problem of living behind the walls of a guarded ghetto. And having to ask permission to travel twenty-five miles from the Moscow city center, giving forty-eight hours' notice.

Which leads to the question everyone asks me about the Soviet Union: Isn't it getting better? More liberal? Freer? Of course it is, compared to Stalin's time. And those of my senior colleagues who revisit are perfectly justified in admiring that.

But it is not better, more liberal, freer than it was a half-dozen years ago. The writer's prosecutions signalled the turnabout, and there has been constant squeezing of the internal media ever since. They can't squeeze the foreign media as hard, but they try. Three years ago, there was no bust of Stalin over his grave in Red Square now there is.

The squeeze tightened considerably during the year preceding the Moscow summit, a year when U.S.-Soviet relations were poor. To me, this was a matter to report, not to be affected by. To the Soviets, the Cold War extended to every American doing business in Moscow, particularly journalistic business. (And today, when "business" is improving, the tight lid on news coverage keeps getting tighter.)

Then came Nixon week, and the top people of our business, the executive producers and the field producers and the anchor men, saw for themselves what the Soviet Union was like to cover in the last third of the Twentieth Century.

The Soviets tried their best, as they usually do, to impress their visitors. They fine-tuned their facilities to prove they could feed color television pictures second to none. But this is no place to rub in their technical failures—which more often affected sound than picture—or their inability to provide the kind of dissolves and multi-channel fades American TV directors are used to.

The Soviets also set up a full-scale press center, with daily briefings and quick-time telephone and Telex services. And they gave every Soviet journalist for miles around a big expense account at the Intourist Hotel bar. But still the Soviets managed to rub most of the Presidential press corps the wrong way. It began when the American press planes arrived ahead of the President from Washington via Salzburg. A White House press aide had to inform the travellers on the airplane's public address system that filing facilities that were in place in the airport terminal that morning had unaccountably been pulled out.

While the President was in conference and out of sight, Mrs. Nixon became the center of news interest. But then KGB security agents did their best to keep newsmen clear of Mrs. Nixon, and keep Mrs. Nixon clear of any Soviet citizens she encountered on her sightseeing. Among those jostled or worse, aside from journalists, were Mrs. Nixon's personal translator (borrowed from VOA) and the wife of the U.S. ambassador.

But the main Soviet goodwill gesture to the American audience was to allow the networks and wire services to bring in their own cameramen. This was against the better judgment of the propaganda professionals, who are probably still telling the foreign-policy professionals, "I told you so."

The result was to give the audience a truer picture of the Soviet Union than has ever been possible before. Each of us who worked in Moscow tried to find a location, for example, where the real faces of real Russians could be seen, even something like this is a rarity to film.

One of my colleagues picked a railroad station at night, where country folks wait for trains South. Another filmed a farm village outside Moscow. My choice was the Sunday morning pet market, near Moscow's Taganka Square. It was a place I'd taken any number of visitors, and it is delightful.

To the outdoor pet market come collective farmers who grow rabbits or raise birds in their spare time, and kids who have tearfully to sell a puppy. They were all delighted to see the American camera crew. Parrot-trainers and goldfishraisers vied to pose for the camera—while the cameramen wanted them to ignore him and go about their normal business.

The jollity continued until two uniformed policemen appeared. It turned out that an annex of the 36th precinct was located in a back room of the pet market, and there the crew and I spent the next half hour. I was indeed allowed a phone call.

After a while, the colonel of police appeared and got on the phone. He described, though he'd seen nothing, how the foreigners had been photographing every piece of dirt and garbage in the marketplace, and disturbing the vendors. I denied both charges. When the colonel hung up, two representatives of the working class were shown in and did their public-spirited duty: they signed statements that the foreigners had been photographing every piece of dirt and garbage in the marketplace, and disturbing the vendors.

Then, while higher headquarters phoned higher headquarters, the colonel and I had the kind of instructive chat one can have in the Soviet Union with an honest citizen. I was again instructed in the narrowness of his education vision, and he was instructed in the openness of American television. It came as a surprise to him that America has drunks (a problem not unique to Russia), that they are occasionally seen on TV documentaries, and I would be glad to show the Skid Row of his choice should he visit America.

Finally, a man in nondescript civilian clothes came in and whispered something to the colonel. He made another phone call and then told us to depart. But not to take any more pictures. I told him that if the summit conference was a success, perhaps in five or ten years we would be able to film the pet market freely. He was skeptical. To tell the truth, so was I.

I later learned that the crew at the railway station had a similar experience with the militia. And another ABC cameraman I asked to film a group of men buying beer at an outdoor stall was stopped forcibly by two hulking gentlemen, one of whom flashed a red-leather ID card.

But a lot was filmed and shown. When Nixon week was over, I felt my Moscow bureau turning back into a pumpkin.

## EDITORIAL CITES UNIQUENESS OF TVA

### HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. JONES of Alabama. Mr. Speaker, an editorial in the Florence, Ala. Herald points out the unique aspects of the Tenneseee Valley Authority's concept which has enabled the agency to follow a comprehensive program of power development to meet the needs of the people.

The editor, Mr. Oscar D. Lewis, has an extensive background and is a most knowledgeable student of government.

I commend his remarks to your attention:

#### PEOPLE IN PARTNERSHIP

This month marks the 40th Anniversary of the Tennessee Valley Authority, created in 1933 by the late Franklin Delano Roosevelt following the passage of the Hill-Norris Bill providing government ownership and operation of the Muscle Shoals properties.

The TVA, as the agency is popularly known, brought a great valley literally out of the kerosene age into the age of electricity. It emanicipated the housewife of much of the drudgery of the farm and raised the standard of living of millions. It soon became a partnership between the people, state agencies and government endeavor having as its goal the harnessing of a great river for flood control, transportation, conservation and low cost hydo-electric power.

Today this power, produced by a multiple-dam and steam plant system, extends the partnership to approximately 2,300,000 homes, farms and industries through 160 local municipal and cooperative electric systems.

The TVA concept sets it apart as an independent agency, capable of minding its own business, comparatively free from political influences and free to follow a comprehensive program of power development to meet the ever-increasing demands of the future.

But this is only a part of the story. TVA has worked diligently on the local level in the development of industry that has dramatically affected the region's whole economy. Valley industries today employ five times as many workers as in 1933. Depleted lands have been and are continuing to be reforested. With TVA working with farmers and their extension services, improving farming methods and developing new fertilizers, agriculture in the valley and in the nation may look forward to a new day in the production of the nation's food and fiber.

---

## THE FALLACIES IN NBC'S "WHAT PRICE HEALTH?"

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. CRANE. Mr. Speaker, the recent NBC television program, "What Price Health?" was another in a long line of attacks upon American medicine.

This program did not even pretend to be objective. The overwhelming majority of those interviewed on this program were members of the committee of 100, which advocates an end to the private practice of medicine and its replacement with a system of national health insurance.

The program's commentator made such unsubstantiated statements as, "Good health is hard to find." He quoted equally unsubstantiated statistics charging that "2 million unnecessary operations were performed," not telling us what time period was being referred to. His conclusion, of course, was that Government control of medicine was probably the only answer.

Dr. Ernest B. Howard, executive vice president of the American Medical Association, has written a thoughtful and well documented letter to Mr. Julian Goodman, president of NBC, pointing out the bias and inaccuracies of this program.

To the charge that "Good health care is hard to find," Dr. Howard responds with statistics which were available to NBC but not used on the program. According to the Department of Health, Education, and Welfare, 2,300,000 people a day—365 days a year—manage to see a physician. The U.S. Public Health Service says that the nearest doctor is only 17 minutes from the average door step, and in 1969—the last year for which data are available—20 million house calls were made, more than half of them to families with under $3,000 annual income, the elderly or the handicapped."

At another point the NBC program states that:

> If you go to an emergency ward, the average wait is five hours—and 14 hours is not unusual.

Here again, the U.S. Public Health Service found in its survey that people who phoned an emergency room for an appointment had to wait an average of 28.7 minutes; those with no appointment waited 8 minutes longer.

In his important book, "The Case for American Medicine," Harry Schwartz, distinguished New York Times correspondent, reviews the available figures concerning the Nation's dramatic health care progress in recent years and concludes that:

> Against this background . . . the question of how one can seriously speak of a health crisis recurs in the early 1970s. Perhaps the kindest answer is to refer to the revolution of rising expectations. A population exposed to incessant publicity . . . about the miracles of modern medicine takes for granted the enormous progress of the past and even of the present and wonders why anyone should be sick, or even why anyone should die.

The television program, "What Price Health?" was hardly an objective documentary discussion of the nature of medical care in our country at this time. As Dr. Howard points out:

> "What Price Health?" was not news and it was not analysis. It was nothing more or less than a pitch for the Kennedy-Griffiths health insurance proposal.

Since NBC devoted its time to supporting a particular piece of legislation, states Dr. Howard, the American Medical Association is "justified in requesting equal time, and we do formally request it."

I wish to share excerpts from Dr. Ernest Howard's letter to Mr. Julian Goodman of NBC with my colleagues, and insert them into the RECORD at this time.

AMERICAN MEDICAL ASSOCIATION,
*Chicago, Ill., January 10, 1973.*

Mr. JULIAN GOODMAN,
*President, National Broadcasting Co.,*
*New York, N.Y.*

DEAR MR. GOODMAN: This letter is to protest, formally and officially, what in our opinion is the frequent inaccuracy and the overall bias of your December 19, 1972 news special, *What Price Health?*

* * * * *

The preponderance of your consultants and spokesmen are all members of the Committee of 100, which is plumping hard for a piece of health legislation introduced into Congress by Senator Kennedy and Congresswoman Martha Griffiths.

As additional support for our protest, let me quote from a letter from Alex Gerber, M.D., who appeared on your show. After repeating many of his statements critical of some aspects of medicine, he writes to the *American Medical News*, "But I do apologize for my appearance on the program. Had I known in advance that NBC planned a highly biased and distorted view of medical care in this country, I would never have consented to be a part of it. Mirroring medical care through the eyes of unhappy patients paraded before a TV camera is irresponsible and arrant nonsense."

That is what one of your *friendly* witnesses had to say about the show.

* * * * *

Let me turn now to a discussion of *What Price Health?* and see if a demand for redress is merited.

As I understand it, your original purpose was to state some of the health problems that exist in this country and then discuss some of the major solutions offered. That indeed was a noble objective. But you failed miserably in your attempt to reach it. Instead, *What Price Health?* emerged as a virtually unrelieved plug for this familiar non-sequitur: the condition of Americans' health is so poor, the costs so inexcusably out of control, the instances of injustice so widespread, and the delivery system so inefficient, that rescue must come through a radical, federal, top-to-bottom overhaul—*and that only.* As he concludes the program, Edwin Newman sums it up: ". . . the problem, as a national problem, cannot be solved in terms of economics, in terms of system organizations, in terms of the way medical care is delivered unless there is commitment by the national government, and unless that commitment comes relatively soon."

It is instructive to examine the sequence of inaccuracy and misstatement by which that conclusion is reached. We can begin with Mr. Newman's opening statement.

First, he says that health insurance is a rook. "For every ten dollars you spend, health insurance pays less than four."

What he does *not* say is that of the average person's annual hospital bill of $64.63, 73.2% is paid by insurance, or that the average annual doctor bill of $48.97, 48.1% is paid by insurance. (Social Security Administration data.)

* * * * *

Next, he says, "Good health care is hard to find." Really? Some 2,300,000 people a day—365 days a year—manage to see a physician. (HEW data.) The U.S. Public Health Service says that the nearest doctor is only 17 minutes from the average door step, and in 1969 (the last year for which data are available) 20 million house calls were made, more than half of them to families with under $3,000 annual income, the elderly or the handicapped. NBC says further, "if you go to an emergency ward, the average wait is five hours—and 14 hours is not unusual." The U.S. Public Health Service found in its survey that people who phoned an emergency room for an appointment had to wait an average of 28.7 *minutes;* those with no appointment waited 8 *minutes* longer. If you accept the figures of the U.S. Public Health Service, health care would appear not quite so unavailable as you would have the public believe.

* * * * *

Your next question the quality of U.S. health care. You omit to mention most of the significant indicators. Do you say, for example, that our infant mortality rate has improved 25% in the last decade? (HEW data) Do you mention that our longevity is increasing? That life expectancy at birth has grown from 59.7 in 1930, to 62.9 years in 1940, to 68.2 years in 1950, to 69.7 years in 1960, to 71.1 years in 1971 (last available figure from National Center for Health Statistics, HEW).

Now, as a measure of quality you offer only one index: 10,000 malpractice suits in 1970. A look at the U.S. Public Health Service that year reveals 26,522,000 hospital discharges and 6,160 malpractice suits in which payments were made. That is 0.02% of the total. While one single case of malpractice is one too many, the fraction of two one hundredths of one per cent would scarcely support NBC's breathless indictment of a system "pretty far down on the list."

How risky is it to enter a hospital? The best figures seem to be a 1965 study made by the Department of Health, Education and Welfare rather than the HEW figures NBC cites which rely upon a sample of patient records from just 2 of the nation's 7,000 hospitals. The 1965 HEW figures list 28,792,000 hospital discharges with surgical complications (which generally are not "mistakes") in 1% of the cases and deaths due to surgical procedures (which may be in part mistakes) in 0.005%.

* * * * *

To further support his remarks on the quality of health care, Mr. Newman says, "According to Insurance Commissioner Herbert Denenberg of Pennsylvania, two million unnecessary operations were performed." Mr. Denenberg's admitted source is a book, *How to Avoid Unnecessary Surgery,* written by Lawrence P. Williams, M.D. The trouble is that there is no Lawrence P. Williams, M.D.

Neither the author's real name nor his credentials are known.

"Dr. Williams," whoever he may be, even offers his own disclaimer. He based his estimate (repeat estimate) of two million unnecessary operations on a comparison of surgery performed in the U.S. and surgery performed in England and Wales. He himself points out in his book (page 210), "It cannot be stated from these figures that surgeons in the U.S. operate too frequently or that the British do not operate frequently enough as several other factors are involved also."

Who, besides NBC, then, says there are two million unnecessary operations? Even the pseudonymous authority on whom you ultimately rely as a source says no such thing.

NBC makes precisely the same error with the international health comparisons . . . "The U.S. ranks 22nd in life expectancy for men." The source of these figures is the World Health Organization and the Demographic Yearbook of the U.N. In the book itself, extreme caution is urged in using their own figures for comparison purposes, a fact to which we called your staff's attention last summer. Some nations, for example, do not include their entire population in the statistical universe; medical definitions (of a live birth, for example) vary country by country. The figures also reflect more on a nation's lifestyle or the genetics of its people than on the level of health care. Here in the U.S., for example, we kill 55,000 people annually on our highways. In fact, the most common cause of death of an American up to middle age is an accident of one kind or another. Such effects of lifestyle are reflected in the U.S. longevity figures, and they are going to stay whether we double the number of doctors or cut it in half.

If you wanted to go the shaky route of international comparison, you would have been more fair had you taken groupings of European nations, groupings that would be comparable to the U.S. in size and racial diversity. Using the Common Market countries as a whole or the European Free Trade Association nations you would have these results:

*Overall death rate*

| | |
|---|---|
| Common Market | 10.7 |
| EFTA | 11.1 |
| United States | 9.4 |

*Infant death rate*

| | |
|---|---|
| Common Market | 21.6 |
| EFTA | 22.5 |
| United States | 19.8 |

Source: (Statistical Office of the European Communities, 1970 data)

* * * * *

On the matter of tripled income, Mr. Newman is, of course, right. What he does not say is "since when?" 1850? 1900? 1950? Last year? It is probably safe to say that any category of wage earners has experienced a tripling in the wage rate over some period of time. Social Security Administration data indicate that average physician income is $40,500 a year and that the work week for him (or her) is 62–63 hours. Adjust that to a 40-hour week, and the equivalent is $26,000. That is still a lot of money. But do you contend it is not commensurate with the length of education and training required? Do you say it is out of line with the responsibility entailed? Is it out of line with a national network commentator's salary?

Mr. Newman again returns to the subject of money near the end of the program, saying ". . . we pay doctors about $14 billion . . . Much of that money is used to influence legislation. The AMA, the drug companies, the insurance companies all maintain powerful lobbies in Washington. The consumer does not."

How does that statement square with the facts as published last August in the Congressional Quarterly? The AMA spent $114,800 on lobbying activities in 1971, much of it to support the Health Care Insurance Act, the Medicredit bill which would ease if not eliminate the very cases of financial hardship which you highlight throughout your program.

As a percentage of the overall $14 billion paid to physicians, $114,800 comes out to something less than 0.001%. That would seem to be closer to "little" than your word "much."

* * * * *

On the subject of cost, I would question another statement made. You say, ". . . cost . . . had driven millions of Americans into bankruptcy and despair." You again conveniently neglect to specify over what period of time. What is the truth? We don't know and we doubt that you do either. There are 167,000 personal bankruptcies filed a year (Statistical Abstract). What proportion of those are connected with medical care is impossible to determine authoritatively. A survey by the Brookings Institution placed the figure at either 11% or 28%. Even granting the higher figure, it would take more than 20 years to reach the first million.

When you say "millions" (2,000,000 at a minimum) have gone bankrupt because of the cost of medical care, do you mean to go back to 1492, 1776 or when?

Intellectual dishonesty is a serious charge to make. But there are streaks of it in *What Price Health?*, especially in the handling of your case histories. As one possible example, you might review the concluding part of the interview with the victim of the heart attack, As Mr. Park's voice drops under, we lose most of what he is saying. But as Mr. Newman says, "After some months of anguish Medi-Cal finally did agree to pay the balance, but only a one-shot basis" we hear, just barely audible, a snatch from Mr. Park . . . "they saved my life." Having covered this testament to physicians with his voice-over, Mr. Newman then relapses into silence as Mr. Park continues his complaint about costs.

The case of Barney Hennig also merits examination. This man lives some 32 miles from a Veterans Administration Hospital. His barrier to medical treatment, assuming his condition of poverty was as stated, was this, "If I go to Veterans Hospital over there, it's like, see it takes gasoline." This places a strain on credulity. Had he no friend who could give him a ride? Could not your own film crew, after duly recording his plight, have offered him 25 or 30 miles of transportation? Wasn't the problem, rather, his own neglect and stubbornness?

In covering the case of Kurstin Knapp, the four-year-old girl with the bad heart, NBC drops all pretense of journalism for blatant exploitation. You abandon fact for fiction.

Mrs. Knapp, when she opens her narrative, says, "When they brought her home I listened myself and I heard like a squirting sound in her chest, and then I knew there was trouble with her heart."

That statement strongly implies that Mrs. Knapp made the discovery of heart trouble herself, that there was no previous medical care involved, presumably because of its cost. The truth is that the child—a "blue baby"—was delivered by a Doctor Ryan, a general practitioner who referred Kristy to Dr. Stuart Nickel, a pediatrician. Dr. Cathel A. MacLeod, a specialist in cardiovascular diseases, helped give treatment, and his medical opinion, in 1969, was that it was medically advisable to wait until the child was older to perform the necessary corrective surgery.

On November 8, 1972—some five or six weeks *before* your air date—J. L. Ankeney, M.D., a 51-year-old thoracic surgeon of 2065 Adelbert Road, Cleveland, Ohio, performed heart surgery on Kristy at Children's Hospital.

In commenting about the case, Dr. Ankeney said he agreed with Dr. MacLeod's original recommendation. He also said, "At all times this child was eligible for state aid."

*What Price Health?* makes the point that during the period of Mr. Knapp's lay-off, the life of the child was jeopardized by the unavailability of funds for necessary surgery. This is not true. Elizabeth Aplin, M.D., medcial director of the Crippled Children's Service for the State of Ohio confirms Dr. Ankeney's statement that *at all times* Kristy was eligible for care under Ohio state programs for crippled children or under Title B of the Social Security Act.

Either through employer-financed private insurance or through a government program, Kristy Knapp's heart operation was provided for. This is not to deny the Knapps may have suffered emotionally because of their daughter's congenital ailment, or that they were entirely free of some degree of financial pressure. But that is not what you said.

What you said was what "one or two people" (never identified) said to Mrs. Knapp, "Well, if you can't afford to pay for it, if you can't afford to live, you die." You used that quote during the interview. You used it during the opening montage. You super-ed it on the screen, and, in case anyone missed the point, NBC pulled the final stop by setting the quote to theme music. Your opening line of the song is, "if you can't afford to live, you die."

What is your basis for the statement? The only support offered to your viewers for the indictment—and a very serious one it is—is that Kristy Knapp's life was threatened because her parents could not afford an operation. To be sure, the Knapp family's worries may have been genuine.

But were NBC's motives? That is hard to believe. You say that Kristy's life is in jeopardy because her parents cannot afford an operation needed "as soon as possible."

What did happen? Kristy got her operation well before you went on the air. She is back in Children's Hospital again and may need another operation. The hospital, incidentally, is part of the Western Reserve University medical complex, practicing the "gee whiz" medicine you specifically say at the end of the program "is not getting to" the Kristy Knapps of this country.

Was a severe financial strain placed on her parents? No. Kristy's heart condition was covered from birth.

Why was this not brought out on your program? You updated the case of Barney Hennig. You told your audience that the heart condition of Mrs. Lowrey had caused her death since the time of filming. Why did you not give your audience the facts of Kristy's experience subsequent to filming?

Was it because the true facts gave the lie to your statement, so forcefull trumpeted in word and song?

* * * * *

At this point in time this country could use good information and intelligent discussion of our many problems, among them health care. What sort of contribution was made by *What Price Health?* Virtually none. It relied instead on the "horror stories," the demonology made familiar first through Senator Kennedy's congressional hearings in early 1971, repeated later that year during Senator Kennedy's nationwide health roadshow, and repeated a third time in Senator Kennedy's book this fall. As a news special, *What Price Health?* was therefore hardly newsy. But it was special, for it plugged one special view and relied on one special technique.

What sort of time did you grant to proposals for change in the health care system other than the Kennedy-type approach? You gave Secretary Richardson 49 words to discuss the Nixon health proposals. You gave us none. Instead, the question you chose (from the 31 put to Dr. Russell B. Roth) was about health care as a right, a question that almost always traps the respondent in a verbal tangle from which he cannot emerge in a few seconds or minutes. By so doing you omitted any real discussion of the two principal alternative health proposals.

* * * * *

How much truth is there in this current article of radical chic, the health care "crisis?" I have indicated that Americans' life span continues to grow, that the infant mortality rate continues to go down. Possibly a better index of improving health comes from the U.S. Census Bureau figures on disability days—the number of days an average person is restricted in his everyday activities because of a health problem. That index too shows continuing improvement, from 15.6 days in 1960 to 14.6 days in 1970. Do you cite in the course of your show one single fact that indicates the U.S. health is *improving?* No, you ignore them.

So how justified is the overall thrust of your show? Heaven knows we have some problems in health care. The AMA acknowledges them, and we are working, especially in the financing area, to promote solutions to the problems—solutions that will keep us out of the inhuman, depersonalized inefficiencies of welfare and public housing.

* * * * *

You in television news are worried now about what may or may not happen to your freedoms. But perhaps your problem lies not in the White House but in your own news room. If *What Price Health?* represents the standard of your journalistic quality and integrity, I would say you have good reason for concern.

*What Price Health?* was not news and it was not analysis. It was nothing more or less than a pitch for the Kennedy-Griffiths health insurance proposal. Because it was, we are justified in requesting equal time, and we do formally request it.

Sincerely yours,
ERNEST B. HOWARD, M.D.,
*Executive Vice President.*

## BROWN VERSUS BOARD OF EDUCATION

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. RANGEL. Mr. Speaker, 19 years ago, in 1954, the Supreme Court, under Chief Justice Earl Warren, issued a decision of unusual courage and extraordinary foresight. Brown versus Board of Education will always be remembered as the first and foremost ruling outlawing segregation in the public schools.

However, we must do more than just remember this landmark decision. We must understand and fulfill it.

School segregation violates the moral, legal, and intellectual capacities of the American people. For too long, Congress, the President, and the American public have reacted hysterically in dealing with this area of concern. This has got to stop. This issue should not be a political football to be emotionalized or distorted. The goal of school desegregation is to afford every individual in this country a fair and equal chance to be educated and to become a contributing member of this society.

During this 19th anniversary of the Supreme Court's historic decision in Brown versus Board of Education, we must recommit ourselves to the eradication of the racism and discrimination that exists not only in our schools, but in our Nation.

## THE OEO'S HISTORY OF FAILURE

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. HUBER. Mr. Speaker, the Detroit News has undertaken an investigation into alleged misappropriation of OEO funds and has found over 100 examples of graft, theft, embezzlement, and nepotism involving amounts as high as $875,000.

The cases amounted to a total of more than $3.8 million in OEO funds over a period of four years.

I insert an article which appeared in the Detroit News on March 27, 1973, in the RECORD.

The article follows:

TWENTY-FIVE MILLION STILL LIVE IN POVERTY: THE OEO'S HISTORY OF FAILURE

(By John E. Peterson)

WASHINGTON.—When the Office of Economic Opportunity (OEO) was set up as the command post for President Johnson's "war on poverty" in 1964, its announced goal was to help the nation's 25 million poor become self-sufficient.

Today, after OEO and a dozen other federal agencies have spent nearly $200 billion in efforts to upgrade the poor, 25 million Americans still have incomes below the poverty level.

Even many of its supporters are conceding that the anti-poverty program has failed to meet its main objectives and an investigation by The Detroit News has turned up widespread abuses.

Nevertheless, the Nixon administration has come under fire from Congress, a number of civil rights leaders and thousands of anti-poverty workers for its decision to dismantle OEO and transfer only its most effective programs to other agencies.

These critics have depicted that decision as cruel, cold-hearted and, in words of one, "further evidence of callous insensitivity toward minorities."

Some observers see the criticism as valid but others charge that some politicians—particularly those with large urban constituencies—seem to have used the issue to court votes among the poor.

"A lot of congressmen know better," said a black OEO official who has been with the agency since the Johnson administration.

"I know because I've sent them case after case where none . . . I mean absolutely none . . . of the millions funded for particular programs ever trickled down to poor blacks.

"Most of it ended up in the pockets of friends or relatives of politicians or with radical and militant groups the politician was trying to appease."

Anti-poverty workers (nearly 200,000 are employed by OEO-funded agencies) are hypocritical, the black official said.

"A large number already have used thousands of dollars in OEO funds to charter buses and come to Washington to protest the cutbacks," he said. "And more rallies are being planned.

"The anti-poverty program has become like all bureaucracies. Its chief concern now is not helping the poor but perpetuating itself."

A Mexican-American who works as an OEO administrator in Los Angeles said:

"Sometimes I really believe that most of the social workers we fund at local levels are out to unionize the poor . . . to set them up as a separate class, so they (the social workers) will always have jobs."

While some good programs have been implemented and well-publicized, OEO files contain examples of alleged misuse of funds, graft and embezzlement.

OEO officials blame much of the waste there is on lax accounting procedures at the local level and a lack of following up OEO inspection reports by middle-level officials.

"There was not a conspiracy at the top to hamper inspections," said Howard R. Phillips, the 32-year-old Bostonian appointed by President Nixon to oversee OEO's dismantling.

"But we, as an agency, have been remiss in not following up the findings of our inspection people."

Phillips has received some criticism because of his expressed enthusiasm for his dismantling job.

"All I said was that I was really going to enjoy this job," he said, "and all of a sudden the media was painting me as Attila the Hun.

"What they left out, however, was the main reason I'm enjoying this job . . . and that's because taxpayers and the poor are getting ripped off. We've got a hell of a lot of people using federal anti-poverty monies to line their own pockets and-or radicalize the poor and use them for their own purposes.

"The idea behind the anti-poverty program was to help the poor out of poverty and not set them up as a class apart."

When Phillips talks about persons enhancing their bank accounts with funds meant for the poor, he could cite, among others, these cases—all documented during the course of a three week investigation by the News:

The finance officer of a rural Kentucky health center took for himself more than $18,000 in funds meant to help the poor meet medical bills.

More than $250,000 turned up missing in an OEO Community Action program in Delaware County, Pa. Subsequently, OEO inspectors and General Accounting Office (GAO) investigators found that the program's board chairman had hired members of his family in OEO jobs.

The director of a Chicago-based OEO health project used federal funds to finance a private group attending a conference in Los Angeles about the People's Republic of China. OEO investigators are still attempting to audit $210,000 in grant funds, which the director transferred to a private bank account.

The director of a South Duxbury, Mass., community action council was found to have illegally increased his salary by $6,000 a year, taken $1,600 from the program to buy a new car and illegally used a government credit card to make $5,000 in personal purchases.

An Atlanta employe of the Department of Health, Education and Welfare (HEW) received $150,000 in OEO funds to serve as a consultant on black business problems, while still earning $12,500 a year as a full-time HEW employe.

A wealthy Montana attorney received more than $20,000 in salary and fees from a community action council on an Indian reservation to act as a "tourist specialist" and "economic consultant."

The attorney also was employed to represent the reservation in legal matters and was closely associated with a management consultant firm receiving an OEO vocational training contract from the community action council.

Community organization in Chicago received an OEO grant of nearly $1 million for an attempt to "dealienate" two rival youth gangs.

A subsequent OEO investigation showed that recruiters for the program had encouraged hundreds of youths to drop out of school so they could receive government stipends. An audit of books also indicated the theft of more than $200,000 through payroll forgeries.

In addition to these specific instances, the News' investigation found nearly 100 other examples of possible graft, theft, embezzlement and nepotism involving amounts ranging from $682.50 to more than $875,000.

Together, the cases amounted to more than $3.8 million in OEO funds over a period of four years. OEO officials claim they have hundreds of other such cases in their files.

"A lot of these reports were never acted upon when they came in from the field," said a high-ranking OEO administrator. "Many carried memos that dismissed them as 'nickel and dimes cases' and 'isolated instances.'

"But when you add up all those isolated instances, of course, what you have is graft and kickbacks and theft and waste involving billions of dollars."

The average administrative cost of a federal program is 30 to 35 cents on the dollar, the official said, but the average administrative cost of OEO programs often runs twice that amount.

"The poor, in most cases, just haven't been getting anywhere near what they should have from these programs," he said.

"And you have to remember the cases we're talking about don't even come close to rivaling many of the ones still under investigation. What you have is the tip of the iceberg."

But Phillips and other federal officials say they are even more troubled by the hundreds of examples of misuse of federal funds for political purposes uncovered in OEO files during the last year.

"We aren't turning our back on the poor," Phillips said. "Our expenditure on the poor for the fiscal year beginning July 1 will be slightly higher than last—$30.4 billion, compared to $30.1 billion.

"But we are—and I think quite properly—cutting back on funds used for 'politicizing' the poor. I want to emphasize that very few cases involve Republicans or Democrats . . . that almost all have concerned radical groups like the SDS (Students for a Democratic Society), Black Panthers, etc."

Phillips is particularly critical of OEO-funded lawyers who, he said, have attempted to "radicalize" the poor.

"Whatever has been fashionable with the New Left," he says, "has been either preceded or followed by legal service activities in those same areas."

---

## WOMEN'S ARMY CORPS

## HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. DULSKI. Mr. Speaker, one of the military innovations early in World War II was the establishment of the Women's Auxiliary Army Corps—WAAC—later to become known simply as the Women's Army Corps—WAC.

This wartime creation, which had the customary allocation of doubters at the outset, became an important ingredient of the military establishment and had its counterparts in the other services.

Among the candidates selected to attend the first WAAC Officer Training School was Anne McIlhenney Matthews, then the star investigative reporter of the Buffalo, N.Y., Courier-Express.

Mrs. Matthews has taken a reflective look at those early days for the distaff military. Then, she has proceeded to spell out in sympathetic detail the development and expansion of the WAC as an integral part of the modern-day Army.

Mr. Speaker, as part of my remarks, I include the text of Mrs. Matthews' interesting, sympathetic and timely column about the organization of which she was a charter member:

[From the Buffalo Courier-Express, May 22, 1973]

### WACs Have Come Long Way

(By Anne McIlhenney Matthews)

It was 31 years ago May 14 that four very fidgety and apprehensive young women entrained from Buffalo's Central Terminal for Des Moines, Iowa. After several grueling examinations at 90 Church St. in New York City they had been selected from some 30,000 applicants to represent New York State at the very first Officer Training School of the WAAC.

The extra A meant auxiliary (Women's Auxiliary Army Corps) but that was soon changed to WAC as members of the skirted Army became a component of the regular Army, having made themselves invaluable in many and varied and some very dirty (they ran their own motor pool) jobs.

The Buffalo quartet was comprised of Mrs. Frances Holbrook, Barbara Adair, Rita Fink—and stupid me. Rita Fink was a home economics major and was slated to do a grand job supervising Army mess installations.

Me, I ended up as a conducting officer for war correspondents, in between times typing out news releases, so it was just a case of exchanging one typewriter for another (at far less pay) although I did see a lot of war torn scenery from Algiers, up through Italy with the Fifth Army, then to following the Overland invasion troops onto the French beachheads, then to Paris and Berlin.

A lot of us bit on the bait that we were to staff posts so that agile and eligible men could be sent overseas for combat. I wanted to do enough work to send at least five. Guess who was one of the first WACs sent overseas? You guesed it—me, as a public relations officer to brief newsfolk and four others to become top secretaries to top generals, beginning with the Casablanca Conference.

### STORIES OF EARLY TRAINING

There are many stories about the early training of the first 400 WACs—all of them bad. We were issued shoes that didn't fit, mud-colored heavy rayon slips and panties, and summer uniforms when Des Moines had a blinding snowstorm. That's a sample.

Including World War II and those following, 150,000 WACs have served in the United States, Europe, the Southwest Pacific, China, India, Hawaii, Southeast Asia, the Philippines and Alaska.

By 1948 they had proved so valuable that President Truman established the WAC as a permanent component of both the regular Army and the Army Reserve.

American women have been fighting alongside men since the Revolution, Mrs. Mary Hays earned the name "Molly Pitcher" by carrying water to the men on the battlefield at Monmouth in June, 1778. When her husband, Capt. John Hays, collapsed, she joined the fighting.

In today's Women's Army Corps, more than 16,000 women are performing hundreds of different jobs in the Army. They work right alongside men in such places as weather stations, photo labs, air control towers and communication centers.

### PAY, BENEFITS SAME AS MEN'S

Today, the pay, promotion opportunities and benefits are the same as the men's, which means that a recruit starts at $307.20 a month and should go to $342.30 when she makes a grade of E-2, usually in about six months.

On top of this are free housing, food, medical and dental care and 30 days paid vacation a year—a nice package even for the most discriminating Women's Libber.

Although the Women's Army Corps has grown rapidly in 31 years, the Army is looking toward even greater expansion. For the current recruiting year, it wants almost 50 percent more women than originally scheduled. By 1978, the recruiting goal will double to 24,000.

What Is A WAC?

Militaristic Female? Feminist? Adventuress? "Liberated Woman"?

In all probability, today's WAC is a little of these. And she's a member of the United States Army with a heritage of 31 years of dedicated service to her country.

### WHO IS A WAC?

Who Is A WAC? She is a modern, proud young lady who believes in herself, her abilities, her future and the future of her nation. She is not a "square." Instead, she is trying to make the world a better place. She is busy doing a job, seeing the world and meeting its people. She is involved and does not need to picket or make signs and write slogans.

Where is she from? She may be from a small town or a big city. She loves people and fun. She is neat whether in her uniform, a stylish pantsuit or a classic cocktail dress. Her life is definitely not dull. She performs a useful and interesting job during duty hours and does it well. Her off-duty time is hers to use as she pleases. She may choose to further her education by attending Army-sponsored classes on post or at nearby civilian colleges.

If she enjoys sports, there are teams on post she can join. She might play tennis, bowl, golf, swim, hike or maybe ride horseback. If she is not sports-minded, there are bridges and chess clubs, hobby shops, recreation centers, service clubs and libraries for her enjoyment.

How does she live? A WAC lives and works in a "man's world" yet she is every inch a woman and proud of it. Although she wears a stylish uniform to work, she has plenty of opportunity to wear feminine frills. She has been taught the proper application of makeup and there is a beauty shop on post to keep her in the latest style. There is more than ample opportunity for meeting young men. Her dates range from "doing the town" in nearby civilian communities to participating in planned activities on post.

### TRAVEL OPPORTUNITIES

Her annual 30 days of leave may be used to go home, visit friends or just be a tourist. If she happens to be stationed overseas, she has an extra advantage because travel opportunities are numerous.

"Liberated Woman?" We hear a great deal these days about the "liberated woman" and discussions of exactly what this means. It hardly seems doubtful that today a young lady in the U.S. Army does indeed qualify as a "liberated woman."

A young woman who joins the U.S. Army may choose, and be guaranteed, the kind of training she wants before she enlists. There are more career areas open to her than ever before. She may choose from varied lists of jobs in administrative, communications, medical, technical or other specialized fields.

She can be a court reporter, a medical records clerk, a chaplain's assistant, an X-ray technician, a clinical psychologist, a teletype operator, a data processing programmer and systems analyst, a photographer, a journalist or a linguist interpreter.

The sky's the limit. In fact, if the sky is her bag, she may be an air traffic controller or a weather forecaster. If she likes to blow her own horn, she can even be a member of the Women's Army Corps Band.

What is her future? In all likelihood, the young lady does not intend to make the Army a lifelong career. Like many of her predecessors, she may marry and have a home of her own while still in the service. When she does make the transition back to civilian life—whether as a wife or to pursue a career—she will do so as a mature, poised and self-assured young lady.

## CONGRESSMAN HOWARD HAILS DOMINICK V. DANIELS, CONGRESSIONAL CHAMPION OF SENIOR CITIZENS

### HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. HOWARD. Mr. Speaker, during my five terms in the House I cannot recall any Member of this House who has worked harder for senior citizens than our friend and colleague, the gentleman from New Jersey's 14th District (Mr. Dominick V. Daniels). Recently the respected Joseph McCaffrey devoted his nightly radio broadcast on radio station WMAL, Washington, to Mr. Daniels and his "Bill of Rights for Older Americans" and other legislation which the able Hudson County, N.J., Congressman has pushed through the House.

Mr. Speaker, I would like at this point to insert Mr. McCaffrey's broadcast into the Record so that all Members of the House may have an opportunity to read what one of the most respected members of the electronic press fraternity had to say about our good friend and colleague, Mr. Daniels.

The broadcast follows:

BILL OF RIGHTS FOR OLDER AMERICANS

(By Dominick V. Daniels)

The Gentleman from New Jersey, Dominick V. Daniels, has proposed a "Bill of Rights for Older Americans."

This is it:

*The Right to Health:* to provide full access to medical care in America.

*The Right To Live with Dignity at a Decent Standard of Living:* adequate Social Security benefits that recognize increased costs of living.

*The Right To Work:* opportunities to continue in useful and constructive endeavors in private industry or community service.

*The Right To Travel:* local and national transportation services that recognize the needs of older Americans, as well as reduced fares.

*The Right to a Secure Pension:* passage of the Daniels' Bill to provide vested and portable pensions and to insure that funds are available to provide annuities.

*The Right to Shelter:* elimination of discriminatory tax systems which burden older persons on fixed incomes and the development of additional low and moderate income housing designed for older persons.

*The Right To Be Safe at Home and on the Streets:* an end to law-and-order rhetoric and a new emphasis on reducing robberies, muggings, assaults and rapes perpetrated against all Americans. The beginning of real support for police by providing modern training, salaries and equipment, as well as increased manpower to put law enforcement where crimes are committed—on the street and in the housing developments.

Dominick Daniels has been hailed on the House floor by the Speaker Carl Albert, for his work as chairman of the Select Subcommittee on Education where he was responsible for the enactment of 8 major measures into law. Said the Speaker: "Though the number is impressive, the fact that this was done without a dissenting vote in Subcommittee, in full Committee and on the House floor is amazing. Not content with these accomplishments, he continued to be instrumental in guiding four bills into law in the next Congress.

"Dominick Daniels is also an innovator. I have seen him get action in areas that had remained untouched for many years. The Construction Safety Act was vitally needed in an industry infamous for its on-the-job fatalities, but it had previously failed to pass because of bitter opposition between the trade unions and the construction industry.

"Under Daniels' leadership, it became the strongest safety law in the nation, and only months later, he went on through numerous drafts to write the basic Senate and House Occupational Health Bills, which became the most comprehensive safety law in history. Dom Daniels is the man who helped push through the Youth Conservation Corps, despite the opposition of the Administration."

So spoke the Speaker of the House in praise of New Jersey's Dominick Daniels. An attorney, Daniels has been a member of Congress since his first victory at the polls in 1958. He not only serves on the Education and Labor Committee but also is a key ranking member of the Post Office-Civil Service Committee.

## RADIO STATION WKRS AND LAKE COUNTY BAR ASSOCIATION OBSERVE LAW WEEK

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. McCLORY. Mr. Speaker, a great variety of activities are undertaken during the observance of Law Week, designed to emphasize the underlying principle of our society that we are indeed a nation of laws—not men.

A most significant innovative program was undertaken during Law Week 1973—May 1 to 7—by radio station WKRS at Waukegan, Ill., in cooperation with the Lake County Bar Association, which contributed to widespread public information on the subject of the lawmaking process of our legislative bodies.

Under the direction of Larry Leonard, director of public affairs of WKRS, representatives of 15 area high schools served as members of the House of Representatives of the Illinois General Assembly—meeting in the chambers of the Lake County Board. The State Senate consisted of adult listeners who participated in the lawmaking process by telephone.

Mr. Speaker, while most of the issues which were discussed by means of the radio, television, and electronic support facilities were appropriate for a State legislative body, a number of the legislative proposals had direct national significance suggesting the need for attention by the Congress.

Mr. Speaker, one such measure which attracted wide attention would have restricted the importation of foreign handguns, including components which might be assembled in this country—a measure having a direct connection with the legislation dealing with the so-called Saturday night special.

Another measure called for the elimination of the electoral college—and the popular election of the President—a proposal which I have sponsored in the past and in which I have a continuing interest.

Mr. Speaker, I am informed that this program described as an electronic general assembly attracted wide interest among the listeners of station WKRS, and was most informative in describing the legislative process which operates in our State legislative bodies and in the Congress.

Mr. Speaker, I extend my congratulations to my friends, Fritz Sorenson, vice president and general manager of WKRS, and to the station's public affairs director, Larry Leonard—also well known for his adroit handling of the popular talk program, "Viewpoint." I am confident that my colleagues and the nation as a whole can benefit from this successful experience in behalf of Law Week, 1973, and in support of our great national institutions of representative government and of free speech.

## FORGOTTEN AMERICANS COMMITTEE OF KANSAS, INC., POINT UP COMPLEXITIES OF MIA INVESTIGATIONS

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. SHRIVER. Mr. Speaker, there is continuing concern among POW and MIA families regarding the efforts of our Government to secure a meaningful investigation and full accounting of those Americans who remain Missing in Action in Southeast Asia, particularly Laos and Cambodia. Some Americans still may be Prisoners of War in Laos and Cambodia.

The Forgotten Americans Committee of Kansas, Inc., has been one of the organizations in the forefront of the prolonged efforts to alert the public to the POW/MIA situation in Southeast Asia. I recently received a letter signed by Mrs. Ann Howes, president, and Miss Maureen Smith, vice president, of FACK, regarding the situation as it relates to the POW/MIA investigation in Laos and Cambodia. They have voiced their personal concerns regarding recent actions by the Congress which may have a bearing on the success of the ongoing investigation.

At their request, I am including excerpts of their letter to me in the Record, in order that all Members of the House may have the benefit of the views of this important Kansas organization:

FORGOTTEN AMERICAN COMMITTEE
OF KANSAS, INC.,
*Wichita, Kans., May 17, 1973.*

DEAR CONGRESSMAN SHRIVER: As a POW/MIA organization and a MIA family member, we have been sincerely upset by the recent floor debates and voting to stop funds and totally sever all contact with the conflict in Laos and Cambodia. Dr. Roger Shields, of the Department of Defense POW/MIA Task Force, has told us that both the House and Senate have been informed that a Prisoner of War and Missing in Action situation still exist in Laos and Cambodia, and that pulling out now would mean the end of any chances to get back our American POW's and get an accounting of the Missing in these countries.

Immediately after the January '73 Cease-fire, the DOD listed 7 civilians and 6 military Prisoners in Laos, 311 military Missing in Laos, 5 journalists and 28 military Prisoners in Cambodia, 25 military Missing in Cambodia, and 81 *known* Prisoners still unaccounted for in Vietnam. Four of the Laos military POW's were released, 2 military men have been added to the MIA/Cambodia count since the Cease-fire, and some of the 81 unaccounted-for POW's have been reclassified to KIA as a result of POW debriefings.

However, in Laos and Cambodia, we are still talking about 4 civilian and 20 to 70 military American Prisoners in Laos, 311 military Missing in Laos, 5 journalist POW's in Cambodia, 25 military Missing there, and the very real probability of more than 60 prisoners from Vietnam having been moved into Laos or Cambodia. Gentlemen, we are talking about the lives and accounting of almost 500 Americans . . . These includes 12 Kansans and friend—2 Kansans are Prisoners in Laos, 8 are Missing there, 1 is a Prisoner in Cambodia, and 1 is Missing in Cambodia. Positive information has recently indicated that 2 of the 3 Kansas POW's are alive. We're certain that each of you could confer with the National League of Families representative from your state and find that you, too, have constituents who must *not* be forgotten . . .

Our POW/MIA negotiators for the ICCS and the JCRC supposedly have the support of a signed Cease-fire in Vietnam, yet they are having problems getting any cooperation from the Vietnamese concerning an accounting of the missing Prisoners and clarification on the MIAs. If you, as legislators, force a stoppage of all involvement in Lao and Cambodia, the Pathet Lao and Khemer Rouge will NOT be grateful—they will be powerful! Instead of daily negotiations for our POW/MIAs with their representatives in North Vietnam, they will be in a position to charge us more than a mere bombing halt for the most meager information about our men. Who will be paying the price? You? Our government? Or the Prisoners not returned, the Missing not found, and their families?

We recently received a letter from the mother of a Kansas journalist who is *known* to be alive and POW in Cambodia as recently as April 1973—almost a year after capture. She voiced the fears that so many family members feel, so we quote—"We appreciate, so much, your concern. I'm beginning to feel like a few people in Washington don't think it is worth the effort and expense to get the rest of the men out of there. I can't help boiling inside when I hear one of them come up with such a statement."

We want her to be wrong, but only you can prove her wrong by your actions. Dr. Shields and Frank Seiverts assured us there would be no rug-sweeping of our men. We fear your solution will result in the sacrifice of our Prisoners, our Missing, and the right of their families to ever know the fate of their loved ones.

Sincerely,

ANN HOWES,
*President.*
MAUREEN SMITH,
*Vice President.*

---

# HOUSE OF REPRESENTATIVES—*Thursday, May 24, 1973*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Watch ye, stand fast in the faith, quit ye like men, be strong.*—I Corinthians 16: 13.

Almighty God, who guided our fathers to build on these shores a country of free people and who didst put into their minds a dream that this land may become one nation with liberty and justice for all, move Thou within our hearts that we may continue to fulfill this goal in our day.

We come again to our national day of remembrance when we call to mind those who have given their lives for our country. Inspired by their devotion and challenged by their dedication may we give ourselves afresh to the cause for which they gave the last full measure of devotion that a government of the people, by the people, and for the people may not perish from the earth.

Bless the family of our beloved colleague, WILLIAM O. MILLS, who so suddenly has left us. Comfort them with Thy spirit and strengthen them for the days that lie ahead.

In Thy holy name we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 251. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson;

S. 1384. An act to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon National Recreation Area, in the States of Arizona and Utah, and for other purposes;

S. 1808. An act to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes; and

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day."

## AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN BILLS AND JOINT RESOLUTIONS DULY PASSED, NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, May 29, 1973, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until May 29, 1973, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY OF NEXT WEEK

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday, May 30, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am happy to yield to the gentleman from Massachusetts.

Mr. O'NEILL. I am happy to respond to the minority leader.

The program for the House of Representatives for the week of May 28, 1973, is as follows:

Monday is Memorial Day, and we will not be in session.

Tuesday there is scheduled for consideration H.R. 6912, Par Value Modification Act, under an open rule with 1 hour of debate.

Wednesday there are scheduled:

H.R. 5857, National Visitors Center Amendment, under an open rule with 1 hour of debate;

H.R. 5858, John F. Kennedy Center maintenance funds, under an open rule with 1 hour of debate; and

H.R. 6830, International Center for Foreign Chanceries, under an open rule with 1 hour of debate.

For Thursday and the balance of the week there are scheduled:

H. Res. 382, disapproving Reorganization Plan No. 2;

H.R. 77, jointly administered trust funds for legal services, subject to a rule being granted;

H.R. 6458, Emergency Medical Services Act, subject to a rule being granted;

H.R. 7724. biomedical research, subject to a rule being granted;

H.R. 7357, Railroad Retirement Act Technical Amendment, subject to a rule being granted; and

H.R. 7806, health programs extension, subject to a rule being granted.

This announcement is made with the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

---

## FIGHT TO CONTROL CRIME IS A MATTER OF CONCERN

(Ms. HOLTZMAN asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. HOLTZMAN. Mr. Speaker, this week I introduced H.R. 8021, a bill substantially revising the way in which the Federal Government supports State and local law enforcement efforts. The fight to control crime is a matter of concern to everyone in this country and I therefore respectfully draw the attention of my colleagues to this legislation.

My bill, the Crime Control Revenue Sharing Act of 1973, offers a fresh approach to the use of Federal crime fighting funds. First, it gets these Federal funds quickly to States and localities. By adopting a Federal revenue sharing approach for States and a limited revenue sharing approach between States and high crime localites, the bill eliminates the present bureaucratic log jam. Second, it encourages States and localities to plan, set priorities and develop effective means of controlling crime—from the apprehension of the suspect to the rehabilitation of the criminal. Third, it requires local and public participation in the development of crime control plans and insures careful evaluation of all plans and programs funded. Fourth, it targets Federal funding to the areas—whether urban, suburban or rural—that need it most. And, finally, it insures that in our effort to control crime we do not abridge the fundamental rights of American citizens to privacy.

In 1968 the Federal Government made a major commitment to help finance improvements in local law enforcement and criminal justice. This legislation, title I of the Safe Streets Act, will expire on June 30, 1973. Although its intentions were commendable, the 1968 legislation and its subsequent modifications have proved in practice to be an administrative fiasco.

Federal funds are simply not being forwarded to the State and local governments quickly enough to be effective in the fight against crime. Tieups in funding are caused by the unwieldly administrative structures both at the Federal and State level. One large city has complained that it must go through at least 190 administrative steps for each of the 100 grants a year it receives from its State government. Most jurisdictions have complained that such redtape means that even the most deserving projects take from 6 to 12 months to be funded. As a result, in New York State alone, only 15 percent of the funds made available for fiscal year 1972 and only 56 percent of the funds for 1971 had been spent by the middle of 1972.

To cope with the redtape, States and localities are forced to invest 50 percent to 100 percent of the grants received to obtain and administer grant awards. The Office of Management and Budget has indicated that 5 percent to 10 percent investment is an appropriate figure.

Surely any legislation revising Federal support for State and local law enforcement efforts must attack this critical problem of administrative mire and delay.

Another difficulty with the existing legislation is that it fails to target crime fighting funds to high crime areas across the country. Instead, money is to be spent in the same proportion on areas without crime problems as those with such problems.

The Law Enforcement Assistance Administration—LEAA—the agency commissioned by the existing legislation to administer the disbursement of Federal law enforcement funds, has been subject to continuous and widespread criticism for its failure to monitor and evaluate law enforcement programs, Federal funds have been wasted by certain jurisdictions on needless "hardware" expenditures. The House Government Operations Committee has reported:

> Tens of millions of block grant dollars have been spent on helicopters, airplanes, automobiles, firearms, ammunition, computer information systems, communication control centers, police radio equipment and a range of other hardware items, often without competitive bidding or prior evaluation.

This problem is aggravated by the procedural delays. It is much easier for a request for a tank, for example, to be processed through the administrative mire than a sophisticated proposal for court reform. Hence, there is an incentive to apply for the former rather than the latter.

Another major shortcoming of the existing legislation is that it has failed to provide sufficient safeguards for individual privacy. Thus, arrest records, surveillance reports, and other intelligence data have been collected, stored and disseminated by State and local law enforcement agencies with the help of Federal funds.

I would like to outline for the benefit of my colleagues the provisions of my legislation:

First. A State is automatically entitled to Federal funds if it files a comprehensive plan for the improvement of law enforcement and criminal justice.

Second. To qualify the plan must meet certain procedural requirements designed to: First, encourage the participation of local governments and the public in the formulation of the plan; second, insure monitoring and evaluation of program effectiveness; and third, prevent waste and mismanagement through public accountability and tight fiscal controls.

Third. Localities—counties, villages, towns and cities—apply for funding of crime control projects from the State. The State must act on all such applications within 60 days.

Fourth. High crime areas—rural, suburban or urban—are automatically entitled to yearly grants from the State if such areas prepare a comprehensive plan to control crime and meet procedural requirements similar to those applicable to the State.

Fifth. Funds are distributed under this act by the Federal Government to the States on a formula based one part on population and two parts on crime rates. High crime areas would also receive a larger share of State funds since States must distribute its funds to them on a similar formula.

This is a major advancement over existing legislation. Most of the money to fight crime should be spent where most of the crime occurs—whether it be in cities, rural areas, or suburbia.

Sixth. Fifteen percent of the funds allocated as special revenue-sharing payments may be spent by the Federal Government on a discretionary basis. Special preference, however, must be given to high crime areas that are in need of additional Federal money and have proven that they can implement effective law enforcement programs.

Seventh. The existing law enforcement education program is maintained in H.R. 8021 since this has been widely acclaimed as one of the most successful efforts developed under the Safe Streets Act legislation.

Eighth. Excessive expenditures on "hardware" are discouraged by limiting the amount of Federal funds to be expended on such purchases to 25 percent of their value unless the locality can demonstrate to the Federal Government that more money is justified. Competitive bidding is also mandated under my proposal.

Ninth. Finally, all levels of Government would be compelled to monitor and evaluate their programs carefully in order to continue to receive Federal moneys.

Tenth. A civil liberties provision is included that would prevent the use of Federal funds for the collection and dissemination of surveillance data that is not already a matter of public record by law enforcement agencies. Violation of this section would subject the offending party to a civil penalty of up to $20,000 payable to the individual whose right to privacy had been violated.

Eleventh. The Executive is specifically precluded from impounding law enforcement funds granted under this legislation.

## RETIREMENT OF NEWSMAN DILLON GRAHAM

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise, and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, on the 31st of May next, Mr. Dillon Graham, a reporter for the Associated Press, will retire after 25 years of service as a Capitol correspondent for the Associated Press and after 44 years of continuous service with AP. Dillon Graham has, during this time of his 44 years' service, worked in the Atlanta, New York, Charlotte, and Washington bureaus. He has covered Congress since 1948, and his presence has been a pleasant and an effective one in and around the House of Representatives and in the other body.

Mr. Speaker, in pursuing his reportorial duties and activities, he has always been comparatively quiet and unassuming. At the same time he has always been extremely effective, courteous, and accurate as he has performed the duties to which he has been assigned in covering the legislative branch of the U.S. Government.

Mr. Graham and his wife, Gigi, plan to retire and make their home at Myrtle Beach, S.C.

It is my pleasure, Mr. Speaker, to congratulate my friend, Dillon Graham, on his earned and well-deserved retirement. For 25 years he has been an outstanding member of the Fourth Estate in covering the House of Representatives and the entire Capitol. He has served his profession well; he has served the Congress well. We wish him good luck and Godspeed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I am glad to yield to the gentleman from Iowa (Mr. Gross).

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I wish to commend the gentleman from Georgia (Mr. Flynt) for taking this time to pay a deserved tribute to Dillon Graham, one of the veterans of the Washington Bureau of the Associated Press, as he prepares to go into retirement.

I first met Dillon shortly after I came to Washington in 1949. He is an outstanding news reporter and a real credit to his profession.

I am sure I speak for many others when I say that he will be missed as a member of the Capitol Press Corps, and we all wish him many years of pleasant living in his retirement.

Mr. BUCHANAN. Mr. Speaker, it is with a very real feeling of mixed emotions that I join my colleagues in paying tribute to an outstanding newsman, Dillon Graham. While I certainly wish him the best in his retirement, his excellent coverage of this body will be greatly missed.

Dillon Graham represents the highest standards of journalism—standing in vivid contrast to the journalistic practices which Vice President Agnew and others have condemned.

Like so many men and women of the working press, he has rendered a service to truth and to the people which it is very difficult to measure.

I do not know whether the rewards for such accomplishments on Earth and in Heaven are very great, but his retirement years should be enriched by the knowledge of a difficult job well done through the years of reporting.

It seems to me that there ought to be some special corner of Heaven set aside for such good guys of the press as Dillon Graham.

I wish him well in his retirement, but he will certainly be missed in the House of Representatives.

## GENERAL LEAVE

Mr. FLYNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the retirement of Mr. Dillon Graham.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## ARNOLD MILLER'S STATE OF THE UNION MESSAGE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, it is with a great deal of pride that I present Arnold Miller's accounting of his stewardship of the United Mine Workers Union of America during his first 5 months as President of that great union:

### Statement of UMWA President Arnold Miller, National Press Club, May 4, 1973

A little over four months ago, an iron gate barred the main stairway in the UMW's Washington headquarters. Today, that gate is gone. It is only one of many recent changes at the UMW. But it symbolizes them all.

The obstacles that barred coal miners from their union have been removed. The United Mine Workers, today, belongs to the rank-and-file.

Probably the most far-reaching reform is the establishment of democracy in the union's districts. For the past 30 years, all but four of the UMW's 24 districts were kept under trusteeships by the International Union, and rank-and-file mineworkers were denied the right to elect their district officials. The UMW during this period was like a government of the United States in which the President appointed both Houses of Congress, the Governors of every state, and the officials who counted the ballots in Presidential elections. It was, in short, a dictatorship.

On our first day in office, Vice President Trbovich, Secretary-Treasurer Patrick and I submitted a resolution to the union's International Executive Board calling for democratic elections in every UMW district. The resolution was approved unanimously.

Today, elections for the offices of District President, Secretary-Treasurer, and International Executive Board Member are being held under independent supervision in 12 UMW districts. The remaining districts are either going to be merged to save operating expenses or are under court jurisdiction. Elections in these districts will probably take place by the end of the year. Following its election, each district will hold a convention to draft a district constitution and make plans to hold elections for the posts of district representatives.

After years of struggle by rank-and-file miners, the district elections are a great victory for trade union democracy. More than any other reform, democracy represents the hope for revitalizing the United Mine Workers as a militant trade union and as a progressive political force.

For the district officers who will be chosen by the rank-and-file determine union policy in the coalfields.

District representatives provide help to rank-and-file miners who feel their contract rights to seniority, wages, job posting, and the like have been abridged and who file a grievance against the company involved. In the past, district representatives were largely appointments designed to buy off influential rank-and-filers or potential rebels. They owed nothing to the rank-and-file and rarely fought to protect its interests in grievance cases. As their contract rights were slowly whittled away coal miners resorted to the wildcat strikes as their only protection.

The need to stand for election will force district representatives to be accountable to the miners they are supposed to represent or risk being voted out of office. In the future, at every step of the grievance process, coal operators can expect to face rank-and-file miners supported by district representatives who fight for the man, not give in to the management.

District presidents are the union's leaders in the coalfields. But under previous administrations, appointed district presidents viewed independent political activity by coal miners as a threat to their control and used the union's resources to suppress it.

In 1969, West Virginia coal miners organized the Black Lung Association to educate their union brothers about the ravages of miners' lung diseases. Eventually, about 40,000 coal miners went on strike for three weeks to gain recognition of black lung as a compensable disease under state workmen's compensation. As a founder of the Black Lung Association, I was shocked when West Virginia's UMW district presidents denounced our group as a dual union and tried to prevent any UMW local union from donating to our cause.

The Black Lung movement succeeded despite the opposition of the former United Mine Workers leadership. But it will never be known how many other efforts by rank-and-filers to improve their living and working conditions died a-borning because of the hostility of UMW officials. I am confident that once the leadership in the districts is elected by the rank-and-file there will be a resurgence of grass roots efforts by coal miners not only to improve their working conditions, but to elect progressive, pro-labor candidates to political office, and to win legislative improvements in workmen's compensation, minimum wage, and mine health and safety. This time the UMW will be 100% behind them.

The International Executive Board (IEB) members who will be elected in each district are the chief governing body of the union according to the UMW constitution. But under my predecessor, the appointed IEB members were little more than a rubber stamp in the hands of the officers. They approved the expenditure of millions of dollars in union dues money that was illegally used to finance the 1969 Boyle re-election effort and presided over a decade's misuse of funds so flagrant it makes the Committee for the Re-election of the President look like a nickle-dime operation.

Few coal miners knew, for instance, that $68,894 of their dues money paid for a two-room suite in the Sheraton-Carlton Hotel occupied by former Secretary-Treasurer John Owens between 1963 and 1968. But the former members of the IEB knew and okayed the expenditure.

Shortly after I took my oath of office, I pledged that "The days when UMW officers lived like kings at the expense of the membership are over." A democratically-elected International Executive Board, exercising its full constitutional authority to oversee the union's affairs, will be the surest guarantee against their return.

But no matter how democratic the union's governing body and how well-intentioned its officers, the danger persists that here in Washington the new administration will become isolated from the men who don their hard-hats and lamps every day and labor in the nation's coal mines to earn a living.

That is why it's so vital to strip away the special privileges, inflated salaries, and extra benefits that separated the former officers from the rank-and-file miner. Since taking office, we have slashed salaries of the International officers and staff by 20 percent and have eliminated special per diems, medical privileges, and full-salary pensions for the top three officers.

In the past, staff and officers enjoyed a minimum of four weeks vacation while working coal miners got only two weeks under the 1971 National Coal Wage Agreement. Under the new vacation plan recently adopted by the Executive Board, those who work at the International, including the International officers, will receive the same vacation benefits as the contract provides for our members. Finally, in a much publicized sale, the UMW disposed of the three Cadillac limousines used by its former officers and leased two Chevrolets instead.

These reforms save the union considerable sums of money. But, what's more important, they affirm that Mike Trbovich, Harry Patrick, and I are coal miners and union men who don't need the trappings of corporate executives to win respect for the offices we hold.

Secretary-Treasurer Patrick recently summed up the change at the UMW this way. "The UMW used to have Cadillacs driven by chauffeurs," he said. "Now we have Chevrolets and the rank-and-file is in the driver's seat."

One further democratic safeguard has been the creation of an independent UMW Journal open to all views and expressions of opinion. In the past, a change in UMW leadership was most apparent in the Journal's letters to the editor section. Letters that used to read, "God Bless John L. Lewis" were replaced by letters that read "God Bless Tony Boyle."

The new administration intends to go one step further. Whether a coal miner wants to write a letter to the editor that says "God Bless Arnold Miller" or a letter that says "God Save Us From Arnold Miller", the UMW Journal will provide him the space to print it.

We had hoped to give every candidate in the district elections space in the Journal to present his platform to the membership. Unfortunately, the Department of Labor was unable to supervise the allocation of Journal space to the candidates, as it did in the International election, and we could not risk the possibility of charges of partisanship and court challenges to the elections if we supervised it ourselves. At the upcoming union convention, I plan to ask the delegates to approve a constitutional amendment that will guarantee Journal space to candidates in future elections.

A free and independent UMW Journal, as recent events in Washington have demonstrated, will be an effective counter to the isolation any administration can fall victim to. And it will save my press secretary the difficult task of trying to explain the meaning of "inoperative" to a skeptical coal miner.

Here in Washington, we have taken steps to revitalize the UMW-owned National Bank of Washington. Seven new board members were elected to the NBW Board of Directors in March from the ranks of Washington's business community and labor movement. As Washington's third largest banking facility, we are confident that the NBW will take an increasingly active role in the Washington community with particular emphasis on increasing its program of loans to minority business enterprises.

The UMW Welfare and Retirement Fund is also located in Washington. Though legally, it is a separate entity from the United Mine Workers, the union appoints one of its three governing trustees. When I came into office, the union-appointed trustee was Edward Carey, UMW General Counsel under Tony Boyle. I removed Carey from that position, an action he challenged in court, but which was subsequently upheld by a U.S. District Judge. I am presently serving as union trustee.

The problems facing the Fund are very great. A recent court ruling added approximately 17,000 additional miners and widows to the pension fund rolls. The ruling was a tremendous victory for thousands of mining families who had been illegally denied the pension benefits for which they worked all their lives. But it placed an additional burden on the Fund's assets, depleted by years of misuse. Last year, the Fund paid out $34 million more than it took in. Yet, despite its financial problems, the Fund's present benefit program will have to be increased for it consigns coal miners to a future of pension poverty, rather than pension security. Soft coal miners, who are fortunate enough to qualify, retire on $150 a month after 20 years work. Anthracite miners receive $30 a month pensions. If a man is killed in the mines, his widow receives no pension benefits. A disabled miner loses his medical protection four years after he is injured.

Two things are predictable in the negotiations for the 1974 contract.

The coal industry will be asked to contribute more for the welfare of its employees. And the coal industry will claim it can't afford to. I was raised in the coalfields and have been a coal miner all my working life. But I have never heard a coal operator say he was making any money. To hear the operators tell it, the coal industry is the longest-running nonprofit organization in the nation, devoted solely to providing employment for miners.

Profit figures tell another story. The profits of Old Ben Coal Company, a subsidiary of Standard Oil, rose 137 percent between 1968 and 1972 according to reports filed with the Security Exchange Commission. Peabody Coal, a subsidiary of Kennecott Copper Company, boasted an 84 percent rise in profits last year according to the same sources. Consolidation Coal Company, owned by Continental Oil, experienced a rise of 118 percent.

From 1969 to 1972, the combined profits of the following eight coal companies showed a net gain of 69.5 percent—North American Coal, Westmoreland Coal, Rochester and Pittsburgh Coal, Valley Camp Coal, Eastern Associated Coal, Zeigler Coal, Baukol-Noonan, and the Pittston Company's coal divisions.

The United Mine Workers will be responsible in its bargaining position. But the industry must recognize that coal miners are no longer willing to risk their lives and choke on coal dust eight hours a day, yet receive no pay when they are sick and retire after a lifetime of work on less than $40 a week.

The pick and shovel days are over. Coal miners, today, are skilled industrial workers. Increasingly, they are younger men, many of them Vietnam veterans. All of them are unwilling to repeat the history of their fathers who worked their lives and health away and have nothing to show for it.

The energy industry has reaped tremendous profits and the nation's industrial expansion has been fueled by the labor of coal miners. Now miners are asking for a just return. The new leadership of the United Mine Workers is determined that they receive it.

Sick pay, aid to disabled miners and widows, and increased pensions can only be won in future contract negotiations. But there is one goal that coal miners are unwilling to postpone—safety in the mines.

Over 100,000 coal miners have been killed in the nation's coal mines in this century alone. Think about that for a moment. We're not talking about statistics, but men. Men like Roger Argabrite, a 26-year-old coal miner from Lynco, West Virginia, and father of two children, crushed by a roof fall April 26th in an Eastern Associated Coal Corporation mine. Or Kenneth Holland, a 21 year-old coal miner from Browder, Kentucky caught in a conveyor belt in a Peabody Coal Company mine on April 9th and run through its rollers. He left a wife and child.

The nation's coalfields are littered with the human debris of the mining industry—men with one arm, or two fingers on a hand, men whose backs were broken by tons of mine roof that fell silently, without warning. Widows who never had the comfort of growing old with their husbands and children who grew up with a memory instead of a father. And the walking dead—the victims of black lung—whose every step is a reminder that their lungs are little more than masses of black coal dust.

My friends, coal miners have had enough of dying. Coal miners' wives have had enough of widowhood. Coal miners' children have been dressed in mourning too long.

For years we've heard that miners die because coal mining is inherently dangerous. It's a myth. Last July, nine coal miners died in a fire at Consolidation Coal's Blacksville No. 1 mine near Fairmont, West Virginia. They didn't die because coal mining is dangerous work. They died because Consolidation Coal Company violated the law.

When a piece of mine machinery is moved in the narrow confines of an underground coal mine, there is always the possibility it will come in contact with overhead electrical cables and cause a fire. West Virginia mining law requires the removal of any miner who is working beyond the piece of machinery before it is moved. Then, if a fire breaks out, no one will be trapped within the mine cut off from the circulating air.

Consol simply ignored this law when moving a huge continuous mining machine on July 20 even though there were only inches of clearance between the mine roof and the machine and an energized trolley wire overhead. Nine men were kept working beyond the machinery while it was moved. A fire broke out. The men were trapped and suffocated within an hour.

In the seven months preceding the fire, Blacksville No. 1 mine had been cited for 485 violations of the federal coal mine health and safety act and 465 violations of state mining laws. Sections of the mine had been shut down on 19 separate occasions for conditions of imminent danger and the mine had been cited 24 times for accumulation of flammable materials. Two days before the fire, Bureau of Mines inspectors had issued a violation notice for "excessive accumulations of loose coarse coal, oil, and grease on and round" the machine which caused the fire.

It wasn't fate that killed nine men in Blacksville, but corporate irresponsibility and greed. Production time would have been lost if the nine men had been removed from the mine. And time, we are told, is money.

The argument that coal mining is unavoidably dangerous work fails to explain why other nations boast safety records vastly superior to the United States or why some American companies have made real progress in reducing fatalities and injuries.

American coal mines kill six times as many miners per million man shifts as West German mines, four times as many as British mines, and three times as many as coal mines in Russia. For *every* million tons of coal mined by the Pittston Company in 1970, at least one coal miner was killed and more than 35 suffered serious injuries. At U.S. Steel, on the other hand, with a total production of 18.7 million tons of coal in 1970 only one miner was killed in all of the company's mines and a total of 35 injured.

During my campaign, I pledged to the membership that coal will be mined safely or not at all. It is a pledge I intend to keep. The UMW safety division is assembling a team made up of veteran coal miners skilled in all areas of mine safety, attorneys trained in mine safety legislation, and physicians knowledgeable about miners' health problems. This team will be equipped to make on-site inspections of coal mines and provide immediate support in local safety disputes.

Since we have been in office, the new UMW safety division has provided assistance to two coal miners fired for refusing to operate unsafe equipment in a U.S. Pipe and Foundry mine in Alabama; members of a local union who refused to drink water from unsanitary, rat-infested containers at an Island Creek Coal Company mine in West Virginia; and rank-and-filers demanding the removal of a new foreman who had ordered them to work in hazardous methane gas at a U.S. Steel mine in Pennsylvania.

With the safety division's support, the Alabama miners were re-hired, the West Virginia miners filed a grievance against their company, and U.S. Steel agreed to put the foreman challenged by Pennsylvania miners into a safety training program.

The primary union responsibility for enforcing mine safety rests with local UMW safety committees. Under the 1971 contract, committees elected from each local union have the power to inspect coal mines and shut down any section in which they find an imminent danger.

In the past, safety committeemen who pursued their responsibility vigorously were often transferred by management to a workplace filled with water, forced to work in low coal, or fired. The companies felt free to take such action because they knew the United Mine Workers leadership would not intervene. That situation has changed.

Any safety committee which shuts down a section or mine which in its judgment poses a threat to the lives or health of coal miners will get the complete support of the UMW today. Perhaps when certain coal operators discover that it is more costly to run their mines unsafely than to run them safely, they will also discover that coal mining is not inherently dangerous.

The failure of former UMW leaders to support local safety committees parallels the present problem with the safety effort at the U.S. Bureau of Mines. Officials at top levels of the Bureau are so industry-oriented that they continually undercut the efforts of mine safety inspectors in the field. Instead of a department staffed with experienced personnel, trained in mine safety, the upper reaches of the Bureau have become an oasis for political job seekers and public relations specialists.

In January 1971, the White House hired Edward Failor as a $100 a day consultant at the Bureau of Mines. Failor's experience included political suport for Barry Goldwater in 1964, work as a paid lobbyist for the Iowa Association of Coin Operated Laundries, and service in the 1970 campaign of then-Republican Congressman Clark MacGregor against Senator Hubert Humphrey.

Mr. Failor had never been inside a coal mine, talked to a federal mine inspector, or read a copy of the coal mine health and safety act when he was hired by the Bureau. Nevertheless, a few weeks later, he was named by the White House as a $35,000-a-year assistant to Bureau of Mines Director Elburt Orborn and asked to establish a Bureau procedure for assessing penalties for violations of the 1969 Coal Mine Health and Safety Act.

A federal judge threw out Failor's first collection scheme in March of 1970 because it did not comply with the law's requirements. Undaunted, Failord drew upon his experience as a municipal judge in Dubuque, Iowa, and prepared a new procedure. In April 1970 and again in February 1971, West Virginia Congressman Ken Hechler warned the Bureau that the new assessment procedure again failed to comply with the law. The Government Accounting Office and the Comptroller General sounded similar warnings. The warnings went unheeded.

On March 9, 1973 U.S. District Court Judge Aubrey E. Robinson ruled in response to a suit by the Independent Coal Operators that the Bureau's assessment procedure was unlawful. The ruling virtually invalidated $24 million in penalties which had been assessed, but never collected, against coal companies.

There was no reaction from Ed Failor at the Bureau of Mines, however. He had already moved on to a job with the Committee for the Re-Election of the President. In late March, Failor was named to a high post in the Commerce Department.

Ed Failor's brief, inept reign at the Bureau of Mines might sound like the stuff of comedy. It isn't. During Failor's 18 months as head of the Bureau's assessment office, 271 men died violently in mine accidents, 40,000 miners were injured, and about 2,000 more were disabled for the rest of their lives.

Donald Schlick is Deputy Director for Health and Safety at the Bureau.

Last year, he amazed just about everyone by declaring that as a result of the Bureau's enforcement of dust control standards, black lung is a disease of the past. Not a single medical authority could be found to support this claim, nor had any independent study been made to verify that the sampling devices used by the Bureau accurately measure coal dust in a mine. Privately, Bureau officials concede that the sampling technique probably couldn't withstand a court challenge by coal operators. Coal miners, who continue to spit up mouthfuls of black coal dust after each shift, found Schlick's statement strangely reminiscent of the claims, made up until several years ago, that black lung does not exist.

Two months ago, Donald Schlick informed the world that, due to the Bureau's efforts, it is now safer to work in a coal mine than to drive a car on the nation's highway, a statement which prompted one coal miner to vow never to take a ride with Mr. Schlick at the wheel. Bureau Director Osborn was moved to point out that there had, in fact, been an increase in the over-all injury rate during 1972. And a dedicated information officer at the Bureau was courageous enough to say in response to reporters' inquiries, that "For anyone to make this kind of comparison would indicate he had no clear concept of the Bureau's mission."

More disturbing than Mr. Schlick's public relations gimmickry is his cozy relationship with the industry he is mandated to regulate. The Louisville Courier-Journal recently revealed that Schlick and two of his aides had accepted free transportation on a Food Machinery Corporation plane from Los Angeles to a company mine in Wyoming which the Bureau inspects. FMC has 5.9 million dollars in research contracts with the Bureau, and Department of Interior regulations prohibit acceptance of gifts or favors from companies doing business with it.

In an interview with the UMW Journal, Schlick acknowledged that he had also accepted free transportation on a plane owned by Mine Safety Appliances, another company doing business with the Bureau. And the Courier-Journal discovered that Mr. Schlick had apparently violated departmental ethics once again. Last fall the Courier said, Schlick had accepted five free football tickets and a weekend holiday provided by the Virginia Polytechnic Institute, which has had over $250,000 in research contracts with the Bureau over the past five years.

The day before he and his family left for their football weekend, Schlick sent a strongly worded memo to the Bureau's deputy director for mineral resources stating he was "quite chagrined" to learn that a proposed $585,000 contract between the Bureau and VPI had been disapproved. Schlick wrote that "I strongly suggest that you reconsider this project" and fund it in total. The next day he was off to the ballgame.

On April 1, Schlick received a reprimand from Acting Secretary of Interior John Whitaker for accepting the free transportation on the FMC plane. According to Whitaker any repetition of such conduct would result in Schlick's immediate suspension and possible dismissal.

Yet the letter made no mention at all of the other instance of travel on a company plane or the acceptance of gifs from VPI. A month has gone by and the Department has not commented on the incidents.

How can the nation's coal miners have any confidence in an official who continually violates regulations against acceptance of favors from companies he is supposed to regulate? In the face of the Department's silence on two apparent violations of its ethics, can the public be confident that there will be "no whitewash" at the Bureau of Mines?

If Mr. Schlick's actions were isolated indiscretions, they might be overlooked. Unfortunately, they are consistent with the Bureau's history of coziness with the coal industry. Too many fines have gone uncollected. Too many warnings that collection procedures will not withstand a court challenge have gone unheeded.

Until the Bureau of Mines cleans its house of self-serving political appointees and public relations artists; until the Bureau recognizes that its mission is to clean up the mines, not strike a balance between productivity and saving men's lives; and until the Bureau understands that its constituents are American coal miners, not coal company executives, it will remain an agency with little credibility in the nation's coalfields or at the United Mine Workers of America.

Before closing, I want to touch briefly on the UMW's role in the labor movement and our recent legislative efforts.

The United Mine Workers was once a leader in the labor movement and every coal miner can take pride that his union helped build the United Steelworkers of America, the United Auto Workers of America, and the CIO. The UMW, allied with other progressive trade unions, intends to be a vital force in the labor movement once again.

In the four months the new administration has been in office, the UMW has supported a successful strike by members of the National Union of Drug and Hospital Employees in Richlands, Virginia; a successful organizing effort by reporters and editors in Morgantown, West Virginia; a recognition strike by members of the Communication Workers of America at a Pikeville, Kentucky hospital; and the candidacy of James Morrissey, a rank-and-file reformer seeking the presidency of the National Maritime Union.

On the home front, we are getting ready to launch a major UMW organizing drive—the first in over a decade—aimed at the large surface mines opening up out west and the hundreds of smaller non-union mines throughout the eastern coalfields. Close to 50,000 non-union coal miners in the United States produce over one hundred million tons of coal a year. Our organizing drive will end when every one of them is a United Mine Worker and a royalty is paid into the UMW Welfare and Retirement Fund on every ton of coal they mine.

On the legislative front, UMW representatives testified recently on pension reform before the Special Pension Task Force of the House Committee on Education and Labor. In its testimony, the UMW supported the strongest possible provisions for early vesting, portability, standards for trustees, widows' benefits, and easy eligibility.

Our major legislative effort is to find congressional relief for the threat posed to coal miners because of industry's failure to develop sulphur control technology. As I pointed out in my recent statement on the energy crisis, present state regulations under the 1970 Clean Air Act will eliminate the jobs of 26,000 coal miners who mine coal too high in sulphur to burn under present pollution standards.

Coal miners remember when the mines automated in the 50's and hundreds of thousands of miners were thrown out of work. Automation of the mines was called progress, but its costs were borne only by the miners, not the industry or the public. Pollution control is also progress, but this time coal miners expect the nation and the industry to help bear its burdens as well as its rewards.

Despite threats of blackouts and brownouts and the nation's increasing need for electrical power, the administration has cut by $8 million funds mandated in the 1974 budget for sulphur control. We have asked the Congress to restore those funds and to institute a crash program to develop sulphur controls.

We had hoped that President Nixon's long-awaited energy message would commit the nation to development of its huge coal reserves as its most stable, long-term source of energy. Common sense and history both dictate such an approach. Coal represents 80 percent of our domestic energy supply. And in every political and economic crisis in recent times, the nation has turned to coal as the most reliable, abundant fuel here at home.

I could not help but note the irony when less than 24 hours after President Nixon announced elimination of oil import quotas, Saudi Arabia announced it would not expand its oil production unless the United States alters its political stance in the Middle East. It seems we cannot learn from the past. The President's new energy policy is based on the same heavy reliance on foreign supplies of energy that created the crisis we face today.

While we discuss band-aid solutions to the present fuel shortages such as recommendations that we tape our doors to prevent winter heat loss, over a trillion tons of coal lie untapped beneath our feet. Coal can guarantee the nation's energy needs for hundreds of years to come if we unchain our vast reserves. The alternative is political blackmail for decades to come. The key to self-sufficiency is coal.

Less than a year has passed since 400 rank-and-file coal miners braved threats of reprisals, blackball, and even murder to gather in Wheeling, West Virginia, to nominate their candidates for leadership of the United Mine Workers and to adopt a platform of goals for the future.

Many of the goals in that platform—sick pay, credit unions, a union headquarters in the coalfields, and safety in the mines—have not yet been fulfilled.

But rather than be discouraged, I am reminded of what a coal miner said at the Wheeling convention. This miner has been beaten bloody on the floor of the 1964 UMW convention for trying to say what he believed.

In Wheeling, in 1972, at the Miners for Democracy convention, that same miner was chairing part of the proceedings. Several delegates from the floor complained to him that the convention was moving too slowly, and the miner acknowledged that it was true. But he didn't mind, he said, and gave the reason why.

"Democracy," the miner said, "always take a little longer."

## GENERAL LEAVE

Mr. O'NEILL. Mr. Speaker, without creating a precedent, I ask unanimous consent that all Members may have permission to revise and extend their remarks in the RECORD today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## I AM WHAT I AM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, there are those who have doubts about the present generation of young people, particularly the students in the schools. I believe that the present young generation is, on the whole, notwithstanding some who have fallen into drug use and into other grave abuses, the finest young generation we have ever had. They are generally stronger physically. They are generally keener intellectually, and, in general, I think they are more idealistic than their predecessor generation. A beautiful example of the finest qualities in a young student has been brought to my attention by my sister, Mrs. Sarah Pepper Willis, who teaches in the Fort Lauderdale Sunrise Junior High School, who has given me a poem entitled, "I Am What I Am," by a young English student in one of her classes, Jill Parker, age 13. I think this beautiful poem by this spiritual-minded and talented young lady will be of interest to my colleagues and our fellow countrymen and I include it in the RECORD immediately following these remarks:

### I AM WHAT I AM

(By Jill Parker)

Moses fell to his knees in the dirt and the dust,
"I must get my people from Egypt, I must!"
The flaming bush burned fiery red.
"Pharaoh shall know that my God is not dead."
"Moses go forth, be free of Pharoah's hand,
"Follow your God to the Promised Land."
"But who shall I say is their Master on High?"
And God sat back and gave a small sigh,
"I am what I am. That is my Name."
And the bush burned brighter, extending its flame.
Moses led his people to the Promised Land,
And all was accomplished by God's mighty hand.

## THREATENED PETROLEUM SHORTAGE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we all know about the threatened petroleum shortage in this country. We are told that there is a possibility that gasoline rationing may be required. Such action would be a shock to the people of this country and would impose upon them immeasurable burden and inconvenience. The Florida Petroleum Marketers Association, with its principal office in Tallahassee, has submitted to me a series of resolutions which this knowledgeable group of independent distributors believe will relieve or do much to relieve the threatened shortage. Mr. Speaker, I include these resolutions in the RECORD immediately following these remarks:

### RESOLUTION

Whereas increased exploration, production, and refining capacity must be forthcoming at the earliest possible date if our nation is to avert a continuing energy crisis, and

Whereas incentives must be increased to encourage expenditure of capital to produce the petroleum energy to meet the increased consumer demand,

Now, therefore, be it resolved that the Florida Petroleum Marketers Association does hereby endorse and encourage Congress to restore the percentage depletion allowance to 27½% and provide additional investment credits for the increased refinery capacity necessary to avert a continuing energy crisis and provide the necessary petroleum products for the consuming public, and

Be it further resolved that copies of this Resolution be supplied to the Florida Legislature and interested State Agencies of Florida.

Adopted this day, May 4, 1973, at the general meeting session of the Association at Tampa, Florida.

### RESOLUTION

Whereas the world shortage of crude and refined products has caused the price of foreign products to be in excess of domestic crude and refined products, and

Whereas the Cost of Living Council has restricted the price increases of the 23 major petroleum supplying companies that can be passed on to no more than 1½%, and

Whereas the importation of foreign petroleum products would not be economically feasible under the Cost of Living guidelines, since such increased price could not be passed on,

Now, therefore, be it resolved that the Florida Petroleum Marketers Association does hereby endorse and encourage that the President of the United States immediately lift such Cost of Living restrictions on these 23 major supplying companies as a positive step towards increasing the supply of petroleum products in the United States, and

Be it further resolved that copies of this Resolution be supplied to the Florida Legislature and interested State Agencies of Florida.

Adopted this day, May 4, 1973, at the general meeting session of the Association at Tampa, Florida.

### RESOLUTION

Whereas the completion of the Alaskan Pipeline from Prudhoe Bay would do much towards eliminating the current energy crisis, and

Whereas the President has recommended that Congress pass the necessary legislation to increase the right-of-way through the Federally owned lands in Alaska that the oil companies need to construct the pipeline.

Therefore, be it resolved that the Florida Petroleum Marketers Association does hereby endorse and encourage Congress to pass this legislation as early as possible as a priority matter, and

Be it further resolved that copies of this Resolution be supplied to the Florida Legislature and interested State Agencies of Florida.

Adopted this day, May 4, 1973, at the general meeting session of the Association at Tampa, Florida.

### RESOLUTION

Whereas much of the energy shortage has been brought about through restrictive E.P.A. Regulations in the use of certain petroleum products and coal, in the generation of electricity, and

Whereas much of the energy shortage is contributable to the restrictive standards placed upon automobile gasoline and emissions, and

Whereas the generation of electricity through the use of No. 2 heating oil has proven to be an uneconomical use of No. 2 heating oil, taking four gallons of oil to produce the equivalent amount of energy as one gallon of oil, and

Whereas the use of such No. 2 heating oil in generating electricity has severely increased the demand of such product and whereas utility companies are willing to pay excessive prices for such fuel oil products and thus further increase the shortage of heating oil for home and industrial consumption.

Now, therefore, be it resolved that the Florida Petroleum Marketers Association does hereby endorse and encourage Congress to pass such legislation that would increase the well head price of natural gas, and the temporary suspension of current restrictive E.P.A. Regulations on the use of petroleum products, and

Be it further resolved that copies of this Resolution be supplied to the Florida Legislature and interested State Agencies of Florida.

Adopted this day, May 4, 1973, at the general meeting session of the Association at Tampa, Florida.

### RESOLUTION

Whereas the independent branded jobber has traditionally paid a premium for his branded product because of brand identification, credit cards, national advertising and has, through the years represented his supplier's brand and image throughout his territory, and

Whereas the margins of profit of the independent branded jobbers have traditionally been based upon corresponding increases in the tankwagon price of petroleum products, when wholesale prices were increased, and

Whereas the independent jobber has traditionally received cash discounts upon payment of his product accounts within 10 days, and

Whereas the independent jobber has traditionally received hauling allowances based upon the published rates of the Public Service Commission, and

Whereas the independent jobbers have been placed upon product allocations that are based upon his 1972 sales due to the overall product shortage.

Therefore, be it resolved that the members of the Florida Petroleum Marketers Association do hereby urge that their respective supplying companies adhere to these long established policies of accompanying wholesale price increases with tankwagon price increases, the normal cash discounts and hauling allowances and just and equitable product allowances and just and equitable product allocation between jobber and direct company operations.

Adopted this day, May 4, 1973, at the general meeting session of the Association at Tampa, Florida.

## REPRESENTATIVE PEPPER URGES RENT CONTROL FOR GREATER MIAMI AREA

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am advised that under the legislation we recently extended the President has authority to impose rent controls where he feels the situation justifies it. In my district there is a severe need for such controls to be imposed. Ours is an area where there is less than 1-percent vacancy in available rental space. In my county of Dade, I am advised that 41 percent of the population overpays for rent. In some areas, particularly Miami Beach, it is my understanding that the ratio is even higher with over 50 percent of the population over 60 years of age overpaying for their housing as much as two-thirds of their income. I have written a letter to the President respectfully urging that he consider the problems in the Greater Miami area and take such action as will be necessary and effective to protect the people of that area, particularly people of low income, from paying excessive rent. My letter to the President follows:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., May 24, 1973.*

Hon. RICHARD M. NIXON,
*President,*
*United States of America.*

MY DEAR MR. PRESIDENT: You will please allow me to bring to your attention the fact that excessive increases in rent are plaguing many communities in our nation and victimizing, among others, thousands of elderly Americans who retired to live in these communities on fixed incomes.

South Florida leads the country in new housing construction, I understand. However, both Federal and state programs have failed to alleviate the less than 1% vacancy rate for available housing including substandard dwellings. I am informed the highest rents in the country are those in Broward County, Florida. In Dade County, 41% of the population overpays for rent (over-payment being defined as more than 25% of income for rent). In some areas in Dade County, including parts of Miami Beach, I am informed the figure is even higher, with more than 50% of the population over 60 years of age over-paying for their housing as much as two-thirds of their income. I am confident similar conditions prevail in other states, most particularly New York, California, Illinois and others that have a large concentration of elderly Americans. During Phase II, many on the front lines in the battle against inflation thought the rent stabilization guidelines to be a meager governmental effort, hardly meaningful. But with the coming of Phase III every tenant was to learn just how bad housing facilities could be. In Dade County, there has been a continuing rash of rent increases averaging over 30% for all types of accommodations. This has burdened low-income elderly, and even middle and upper income elderly!

Mr. President, I respectfully submit that you have the mandate from the Congress under the Economic Stabilization Act, to stop this tragic exploitation of our nation's elderly, and to authorize and direct the stabilization of rents at levels prevailing on January 10, 1973, in communities where a less than 1% vacancy rate is indicated.

I am hopeful that you will consider favorably my request and that we may recognize and assume Federal responsibility for the elderly as a target group under the Economic Stabilization Act.

Believe me.
Very sincerely,
CLAUDE PEPPER,
*Member of Congress.*

---

## A SUMMARY—FOR NOW—OF THE QUESTION OF AMNESTY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 15 minutes.

Mr. ROBISON of New York. Mr. Speaker, if Congress were to discuss amnesty as objectively as some of my constituents, this country could quickly find its direction on the issue and move to a new reconciliation—what I would like to think of as a "new patriotism"—and build again on the social bonds which have united this country in the past.

Since I began speaking to the House on the subject of amnesty, in what has now stretched to a series of six weekly statements, I have received 31 constituent letters which directly comment on my remarks. Nineteen of those letters are in varying degrees complimentary to my comments, and 12 vary in the degree of their disapproval. I have included a few examples of these remarks in previous statements, and today I will insert a few more which indicate the kind of response I am getting.

A Broome County New Yorker writes:

As you have asked for peoples' views on amnesty, these are our personal feelings.

Think of the boys who went because of pride and courage and love of their country. Some of whom lost their lives, their limbs, their minds. In fact gave their all. Now some people want to let the cowards and conscientious objectors come crawling back to this country they wouldn't fight for.

We think this is a good way to promote a country of weaklings.

Why should anyone fight for their country if they know they will be protected and can come back when the war is over?

From the same county in New York:

Today's paper says you have received 20 letters on this subject [of amnesty].

To me, it is no less than shocking that you would espouse a cause of those who are devoid of any sense of national patriotism.

Although you have been honored by elevation to the 33° in Scottish Rite Masonry, it is obvious you have not learned (nor agreed with) the teaching that our nation is not to be betrayed nor deserted, as portrayed in the 20°.

Many of us subscribe to the form of patriotism that makes a man's decision to walk out on his country an act that deprives him of his citizenship, his pride in the honor this flag—and makes him a man without a country.

What meaning can an oath of citizenship have to those adopting this great nation as theirs—if our natural born are allowed to desecrate our flag by deserting it?

Do you hear us?

That message I "heard," Mr. Speaker, but there were other voices as still another Broome County constituent writes to say:

I have been planning to write to you about the amnesty issue long before it was announced that you were placing the matter solidly before the U.S. Congress.

I have heartily agreed with our respected President as to the priority of returning our servicemen and prisoners of war before the amnesty question could be justly considered.

We solid supporters of President Nixon have always felt that the "planetary poker" game, in which he is engaged, has required tremendous courage as a necessity to project a firm and tough image to the world. We have always been warned by the occasions when he comes across the television media as a very sincere, God-fearing man who will eventually "bring us together."

When he reiterates his "no amnesty" position, we of the silent majority have been telling ourselves that it is just a matter of time until he reveals his true feelings.

Those young resisters who felt no more or less bitter about the previous Administration's involvement in this obviously useless war than he did, expressed themselves in the loudest and only effective way open to them. They couldn't even vote.

Didn't we parents cast the votes to give Mr. Nixon the authority to fulfill his promise to end our participation?

Now that he has done a superb job of getting our men out of Viet Nam, it seems unthinkable that he could turn his back on the resisters. They helped to awaken the nation to the true state of affairs, and no doubt had a great influence on the Presidential vote in his favor.

I believe that you share with us the strong conviction that the time for amnesty is now.

We can not judge those who would not violate their consciences, nor can we assess the guilt or honor of those who fought the fight willingly or unwillingly. Only God can preside over that "court."

But this Easter Day one might come closer to the right answer through the message that rings louder than ever. "Father forgive them."

This letter would be sent directly to President Nixon if I thought it possible to reach him with such a simple message. I am grateful to be able to write to you in confidence that you're still concerned, and will keep this matter before Congress until the less courageous Members express themselves in favor of this worthy cause.

And, from Tompkins County:

Our Ithaca news is to the effect that you have attempted to stimulate some thinking among your colleagues on the matter of draft dodgers and deserters. The report is that Congress is not much interested at this time. But you have the initiative and I say good for you.

From meager details I infer your point is that draft dodgers and deserters should not be welcomed back as heroes of free thinking and conscience, neither forever banished. DD and D's may be dishonored, disgraced and deplored, but not despised, detested, and disenfranchised. When they pay their reasonable debt, as law breakers must, in recognition of those who gave time, life, and limb in patriotic service, we can then accept them again into our society as we do others who decide in some incident to live outside the mores of our people.

I interpret the news as saying your position is for justice but not revenge. I applaud your stand.

It has not been exactly by choice that I have emerged as a Congressional "litmus test"—as some Members of Congress and others watch for any form of reaction to my speeches—yet, so be it. For those who may be interested in more closely defining the parameters of the test, it may be appropriate to mention that the above letters came from a Congressional District in which 53 percent of the population is classified as urban, 2.6 percent as rural farm residents and the remaining 44.4 percent as rural nonfarm residents. The median age is 28.1, and the per capita income $3,026. During the last congressional election, I received approximately 62 percent of the vote and my Democratic opponent drew 29 percent, with two other candidates splitting the remainder.

With no recent registration figures available, I would characterize party affiliation in my district as a mix between an active liberal Democratic minority, approximating 30–33 percent of registered voters, with the majority, about 60–63 percent being moderate to conservative Republicans. The remaining voters are registered as conservatives, liberals and independents.

Out of that group comes a small but lively, and often profound, discussion of amnesty, generated by the weekly news reports of the statements I have made here. It may be presumptuous to suggest that any of my colleagues could expect the same, yet I wonder if many of those who have been reluctant to speak up this far are not misguessing the reaction their statements will receive at home. I would ask those of my colleagues who can make a singular contribution to the future concord and vitality of America to look more closely at my own experience, if they wish; or, at least, to look a little more closely to their own area. They may well find what I have: That most of their constituents have not made up their minds about amnesty, that these people are looking for some direction from the Congress, and that they will receive, in a mature manner, an objective and responsible discussion of amnesty from their Congressman.

Congress may not find a neat legislative solution to so complex a question, but individual Members of Congress can plumb the best thinking and the best instincts of their constituents in a way that could set the early foundations for a new unity in America. As my past statements have suggested, one way to do this is to review the history of amnesty in this country. Such hindsight is immensely instructive both for the examples it offers, and for those insights it suggests when one asks why Congress or the President have initiated clemencies in the past and, in some instances, why they have not. The most recent, and probably the most pertinent, of these examples, that of President Truman, elicits several necessary questions about the advisability of amnesty for the post-Vietnam period.

Mr. Speaker, during his administration, President Truman issued four amnesties—known as the Christmas amnesties. In his first clemency, announced on the morning of December 24, 1945, Mr. Truman granted full pardon for all nonmilitary crimes to those convicted men who had served during World War II and had received honorable discharges. This amnesty was President Truman's gesture of gratitude to those released convicts who had performed faithful military service during World War II.

At the time of his first proclamation, the President let it be known that he was considering a general amnesty for draft resisters and deserters. Shortly thereafter, a "Committee for Amnesty" was formed to consider the possibility and to make recommendations to the President. The committee's membership, which joined some of the most prominent and respected personalities of the day, included Henry Luce, Pearl Buck, Thomas Mann, A. J. Muste, Dorothy Canfield Fisher, Thorton Wilder, Harry Emerson Fosdick, Thurgood Marshall, and Frank Graham. The Amnesty Committee's preparatory work culminated in recommendations which became the substance of President Truman's Executive Order 9814 of December 23, 1946, which established the President's Amnesty Board. This three man body, headed by former Supreme Court Justice Owen J. Roberts, was empowered to "examine and consider the cases of all persons convicted of violation of the Selective Training and Service Act of 1940." Together with Roberts, the Board included Mr. Willis Smith, former President of the American Bar Association, and Mr. James F. O'Neill, former police chief of Manchester, N.H.

The Amnesty Board was a new approach to the granting of clemency in the United States. Recognizing the diversity of the individuals involved, and the variety of the emotional and rational commitment which led them to resist the draft or desert the armed forces, this Presidential act provided for a case-by-case deliberation by the Board. There were 15,805 individual cases referred to the Board, and each was treated as a separate problem.

It is noted in one commentary on the Board's activity that the members had considered the grant of a general amnesty at the outset, but they subsequently decided not to make such a recommendation, because their Presidential mandate strongly inferred that cases be dealt with individually.

To provide such attention to each case, the Board had the assistance of 16 attorneys who gathered data on the family history, school and work records, criminal records, and selective service history of each violator. In accordance with the Executive order, the Amnesty Board could, when it chose, "make a report to the Attorney General which shall include its findings and its recommendations as to whether Executive clemency should be granted or denied, and in any case in which it recommends clemency, its recommendations with respect to the form that such clemency should take."

Using the data available to it, the Board took all mitigating circumstances into consideration, including ill health in the family, other family problems, illiteracy, or lack of understanding of obligations under the Selective Service Act. Each individual considered by the Board had the opportunity to file a brief or appear at a hearing to state his case. In addition, testimony was heard from representatives of various religious organizations, citizen groups, veterans organizations, and from officials of the U.S. Army, Navy, and National Selective Headquarters.

During 1972 hearings before the Senate Subcommittee on Administrative Practice and Procedure, Mr. James F. O'Neill, the only surviving member of the Truman Amnesty Review Board described the operation of the Board and included in the record of the hearings the "Report of the President's Amnesty Board." Since that report provides a succinct description of the operation and the conclusions of the Amnesty Board, I will insert it in the Record at this point:

### Report of the President's Amnesty Board

The President's Amnesty Board, established by Executive Order of December 23, 1946, to review convictions under the Selective Training and Service Act of 1920, has completed its task and submits this, its first and final report.

Before adopting any general policies, the Board heard representatives of interested parties and groups. It heard representatives of historic peace churches, of the Federal Council of Churches of Christ in America, leaders of the Watchtower Bible and Tract Society (whose followers are known as Jehovah's Witnesses), officials of the U.S. Army and Navy, and the National Headquarters of Selective Service, representatives of citizen's groups, veterans' organizations and pacifist organizations, some of the violators themselves, formerly inmates of penal institutions, appeared, either in person or by representatives and were heard.

In perhaps one half of the cases considered, the files reflected a prior record of one or more serious criminal offenses. The Board would have failed in its duty to society and to the memory of the men who fought and died to protect it, had amnesty been recommended in these cases. Nor could the Board have justified its existence, had a policy been adopted of refusing pardon to all.

In establishing policies, therefore, we were called upon to reconcile divergencies, and to adopt a course which would, on the one hand, be humane and in accordance with the tradition of the United States, and yet, on the other hand, would uphold the spirit of the law.

Examination of the large number of cases at the outset convinced us that to do justice to each individual as well as to the nation, it would be necessary to review each case upon its merit with the view of recommending individual pardons, and that no group would be granted amnesty as such.

Adequate review of the 15,805 cases brought to our attention would have been impossible had it not been for the cooperation of government departments and agencies, such as the Office of the Attorney General, the Federal Bureau of Investigation, the Bureau of Prisons, the Criminal Division of the Department of Justice, the U.S. Probation Officers, the Administrative Office of the U.S. Courts, U.S. Attorneys throughout the country, the Armed Forces of the U.S., and the Headquarters of Selective Service. The records of these offices were made available, and those in charge furnished requested information.

The information derived from all sources was briefed by a corps of trained reviewers. It included such essential data as family history, school and work records, prior criminal record, if any, religious affiliations and practices, Selective Service history, nature and circumstances of offenses, punishment imposed, time actually served in confinement, custodial records, probation reports, and conduct in society after release. In addition, the Board heard in most instances psychiatric reports for one or more voluntary statements by the offender concerning the circumstances of the offense.

When the Board organized in January 1946, about 1,200 of 15,805 violators of Selective Service were in penal institutions, the number diminished daily. At the present time there are 626 in custody; 550 of these have been committed since the constitution of this Board. The work of the Board was directed chiefly to examining the propriety of recommending restoration of civil rights to those who have been returned to their homes.

In analyzing the cases we found that they fell into classes, but that in each class there were exceptional cases which took the offender out of the class and entitled him to special consideration. The main divisions into which the cases fell were : (1) those in violation due to a wilful intent to evade service; and (2) those resulting from beliefs derived from religious training or other convictions.

At least two thirds of the cases considered were those of wilful violations, not based on religious scruples. These varied greatly in the light of all the relevant facts disclosed in each case. It became necessary to consider not only the circumstances leading to the offense, but the subject's background, education and environment. In some instances what appeared a wilful violation was in fact due to ignorance, illiteracy, honest misunderstanding or carelessness not rising to the level of criminal negligence. In other cases the record showed a desire to remedy the fault by enlistment in the Armed Forces.

Many of the wilful violators were men with criminal records; many whose record included murder, rape, burglary, larceny, robbery, larceny of Government property, fraudulent enlistment, conspiracy to rob, arson, violations of the narcotics law, violations of the immigration laws, counterfeiting, desertion from the U.S. Armed Forces, embezzlement, breaking and entering, bigamy, drinking benzedrine to deceive medical examiners, felonious assault, violations of National Motor Vehicle Theft Act, extortion, blackmail, impersonation, insurance frauds, bribery, black market operations and other offenses of equally serious nature; men who were seeking to escape detection for crimes committed; fugitives from justice; wife deserters; and others who had ulterior motives for escaping the draft. Those who for these or similar reasons exhibited a deliberate evasion of the law, indicating no respect for the law or the civil rights to which they might have been restored, are not, in our judgment, deserving of a restoration of their civil rights, and we have not recommended them for pardon.

Among the violators, quite a number are now mental cases. We have made no attempt to deal with them, since most of them remain in mental institutions with little or no chance of recovery. Until they recover mental health, their loss of civil rights imposes no undue burden.

The Board has made no recommendation respecting another class of violators. These are the men who qualify for automatic pardon pursuant to Presidential Proclamation No. 2676, dated December 24, 1946. They are the violators who, after conviction, volunteered for service in the Armed Forces prior to December 24, 1945, have received honorable discharges following one year or more of duty. Most of those who, prior to the last-mentioned date and subsequent to that date, entered the Army and received honorable discharges with less than a year of service have been recommended for pardon. These men have brought themselves within the equity of Presidential Proclamation No. 2676.

The second class of violators consists of those who refused to comply with the law because of their religious training, or their religious, political or sociological beliefs. We have classified them, generally, as conscientious objectors. It is of interest that less than six percent of those convicted of violating the act asserted conscientious conviction as the basis of their action. This percentage excludes Jehovah's Witnesses, whose cases were dealt with hereafter. Although the percentage was small, these cases presented difficult problems.

The Selective Service Boards faced a very difficult task in administering the provisions concerning religious conscientious objection. Generally speaking, they construed the exemption liberally. Naturally, however, Boards in different localities differed somewhat in their application of the exemption. In recommending pardons, we have been conscious of hardships resulting from the factor of error.

Many of the Selective Service Boards did not consider membership in an historic peace church as a condition to exemption to those asserting religious conscientious objection to military service. Nor have our recommendations as to those who were members of no sect or religious group, if the subject's record and all the circumstances indicated that he was motivated by a sincere religious belief. We have found some violators who acted upon an essentially religious belief, but were unable properly to present their claims for exemption. We have recommended them for pardon.

We found that some who sought exemption as conscientious objectors were not such within the purview of the Act. These are men who asserted no religious training or belief but founded their objections on intellectual political or sociological convictions resulting from the individual's reasoning and personal economic or political philosophy. We have not felt justified in recommending those who thus have set themselves up as wise and more competent than society to determine their duty to come to the defense of the nation.

Some of those who asserted conscientious objection were found to have been moved in fact by fear, the desire to evade military service, or the wish to remain as long as possible in highly paid employment.

Under the law, the man who received a IV–E classification as a conscientious objector, instead of being inducted into the Armed Forces, was assigned to a Civilian Public Service Camp. The National Headquarters of Selective Service estimates that about 12,000 men received this classification, entered camps and performed the duties assigned them. Certain conscientious objectors refused to go to such camps, refused to comply with regulations and violated the rules of the camps in various ways as a protest against what they thought unconstitutional or unfair administration of the camps. Some deserted the camps for similar reasons. We may concede their good faith. But they refused to submit to the provisions of the Selective Service Act, and were convicted for their intentional violation of the law. There was a method to test the legality of their detention in the courts. A few of them resorted to that method. Where other circumstances warranted we have recommended them for pardon. But most of them simply asserted their superiority to the law and determined to follow their own wish and defy the law. We think that this attitude should not be condoned, and we have refrained from recommending such persons for favorable consideration, unless there were extenuating circumstances.

Closely analogous to conscientious objectors, and yet not within the fair interpretation of the phrase, were a smaller, though not inconsequential number of American citizens of Japanese ancestry who were removed in the early stages of the war, under military authority, from their homes in definite coastal areas and placed in war relocation centers. Although we recognize the urgent necessities of military defense, we fully appreciate the nature of their feelings and their reactions to orders from local Selec-

> tive Service Boards. Prior to their removal from their homes, they had been law-abiding and loyal citizens. They deeply resented classification as undesirables. Most of them remained loyal to the U.S. and indicated a desire to remain in this country and to fight in its defense, provided their rights of citizenship were recognized. For these we have recommended pardon, in the belief that they will justify our confidence in their loyalty.
>
> Some 4,300 cases were those of Jehovah's Witnesses, whose difficulties arose over their insistence that each of them should be accorded a ministerial status and consequent complete exemption from military service, or Civilian Public Service Camp duty. The organization of the sect is dissimilar to that of the ordinary denomination. It is difficult to find a standard by which to classify a member of the sect as a minister in the usual meaning of that term. It is interesting to note that no representations were made to Congress when the Selective Service Act was under consideration with respect to the ministerial status of the members of this group. Some time after the Selective Service Act became law, and after many had been accorded the conscientious objector status, the leaders of the sect asserted that all of its members were ministers. Many Selective Service Boards classified Jehovah's Witnesses as conscientious objectors, and consequently assigned them to Civilian Public Service Camps. A few at first accepted this classification, but after the policy of claiming ministerial status had been adopted, they changed their claims and they and other members of the sect insisted upon complete exemption as ministers. The Headquarters of the Selective Service, after some consideration, ruled that those who devoted practically their entire time to "witnessing," should be classified as ministers. The Watchtower Society made lists available to Selective Service. It is claimed that these lists were incomplete. The Selective Service Boards' problem was a difficult one. We have found that the action of the Boards was not wholly consistent in attributing ministerial status to Jehovah's Witnesses, and we have endeavored to correct any discrepancy by recommending pardon to those we think should have been classified.
>
> The sect has many classes of persons who appear to be awarded their official titles by its headquarters, such as company servants, company publishers, advertising servants, etc. In the cases of almost all these persons, the member is employed full time in a gainful occupation in the secular world. He "witnesses," as it is said, by distributing leaflets, playing phonographs, calling at homes, selling literature, conducting meetings, etc. in his spare time, and on Sundays and holidays. He may devote a number of hours per month to these activities, but he is in no sense a "minister" as the phrase is commonly understood. We have not recommended for pardon any of these secular workers who have witnessed in their spare or non-working time. Many of them perhaps would have been granted classifications other than I–A had they applied for them. They persistently refused to accept any classification except that of IV–D, representing ministerial, and therefore, complete exemption. Most of their offenses embraced refusal to register, refusal to submit to physical examination, and refusal to report for induction. They went to jail because of these refusals. Many, however, were awarded a IV–E classification as conscientious objectors, notwithstanding their protestation that they did not want it. These, when ordered to report to Civilian Public Service Camp, refused to do so and suffered conviction and imprisonment rather than comply. While few of these offenders had theretofore been violators of the law, we cannot condone their selective service offenses, nor recommend them for pardons. To do so would be to sanction an assertion by a citizen that he is above the law; that he makes his own law; and that he refused to yield his opinion to that of organized society on the question of his country's need for service.
>
> In summary we may state that there were 15,805 Selective Service violation cases inducted. In this total there were approximately 10,000 willful violators, 4,300 Jehovah's witnesses, 1,000 religious conscientious objectors and 500 other types. Of this total 612 were granted Presidential pardons because of a year or more service with honorable discharges from the Armed Forces. An additional approximate 900 entered the Armed Forces and may become eligible for pardon upon the completion of their service. When the Board was created, there were 1,200 offenders in custody. Since that date an additional 550 have been institutionalized. At the present time, there are 626 in confinement, only 76 of whom were in custody in January 6, 1947.
>
> *Tabulation*

| | |
|---|---|
| Convictions under Selective Service Act considered | 15, 805 |
| Willful violators (nonconscientious objectors) (approximately) | 10, 000 |
| Jehovah's Witnesses (approximately) | 4, 300 |
| Conscientious objectors (approximately) | 1, 000 |
| Other types of violators | 500 |
| Those who have received Presidential pardons under Presidential Proclamation 2676, dated Dec. 24, 1945 (approximately) | 618 |
| Those who entered the Armed Forces and may be receiving pardon (approximately) | 900 |
| Total | 1, 518 |
| Recommended by this Board | 1, 523 |
| Total recommended for pardon and who may earn pardon through service in the Armed Forces | 3, 041 |

> The Board recommends that Executive Clemency be extended to the 1,523 individuals whose names appear on the attached list, attested as to its correctness by the Executive Secretary of the Board, and that each person named receive a pardon for his violation of the Selective Training and Service Act of 1940 as amended.

Almost a year after its inception, on December 23, 1947, the Amnesty Board's recommendations to the President were finalized in a grant of amnesty to 1,523 individuals—about 1 in 10 of the 15,805 considered.

Several newspapers of the day editorialized for amnesty after the final decision of the Amnesty Board. One, the Washington Post, stated in its Christmas issue:

> Such persons broke the law not for personal gain, not because they sought some special advantage over their fellow citizens, but because, however mistakenly, they believed they could not in good conscience obey the law. Some of these, to whom pardons were denied, were described by the board as persons whose objections to military service were based on "intellectual, political or sociological convictions resulting from the individual's reasoning and personal economic and political philosophy." These men have been punished—severely punished. They have served terms in prison. Amnesty would operate only to restore their civil rights. Now that the war is over, we cannot see that the security of the Nation, or even the welfare of society would be endangered by generosity in dealing with their offense, essentially political in character. Certainly in time of peace these men cannot be deemed antisocial. The United States can afford the luxury of treating them magnanimously.

President Truman chose to refrain from further discussions on amnesty until the latter days of his final administration. This was despite the efforts of several private organizations working for further clemency. On December 24, 1952, Mr. Truman issued two proclamations regarding clemency. The first, Proclamation 300, pardoned all former convicts who had served in the Armed Forces for at least 1 year after June 25, 1950, and Proclamation 3001 pardoned all deserters after World War II and before the Korean war—August 15, 1945, through June 25, 1950—and restored all their rights. Unlike the final gestures following the Whisky Rebellion and the Civil War, there was no Presidential action for an unqualified clemency to draft resisters and the deserters of the Armed Forces after World War II.

Mr. Speaker, my six statements to the House do not exhaust the topic of amnesty, but they have provided a generous opportunity to get my point across. I had intended at the outset of these presentations that there should be a limit to them and, though I was not sure of the response, I had hopes of sparking some form of expanded discussion on the possibilities for at least a limited amnesty. Following the divisiveness which the Indochinese war has brought to this country, it seemed that a resolve of Congress to bring us together again might be one redeeming outcome of so many disturbing years.

I began these statements with the contention that I was uncertain about the President's true position on amnesty. Much like the third constituent quoted above, I have been waiting for Mr. Nixon to speak his true feelings—the kind he indicated to TV interviewer Dan Rather several months ago. I also said then that, if the President's more recent statements mean that he is against blanket amnesty, then our viewpoints are joined. But, if he meant, on the other hand, that he is forever opposed to considering each individual case for amnesty on its own merits—on some sort of conditional basis yet to be worked out—then there are differences between us.

Time has not changed my view, nor has it clarified the President's. In Congress, discussion of the issue has not commenced to the degree necessary to affect large numbers of citizens; and I must accept that silence as the only available and practical course this Congress, in its collective judgment is willing to take at this point in time regarding such a highly-charged public issue.

If my speeches have produced any happy result, it is the hard soul-searching and wisdom which has come from some of my own constituents, as they have considered and responded to my remarks. In concluding these statements today, I cannot be gratified by the response in Congress, but I am immensely proud to represent the citizens of the 27th District of New York.

I have not stirred many of them—only a handful, really—sufficiently to lead them to sit down and write me their thoughts for or against amnesty which, coming as it does from the Greek word for a "forgetting," does not imply the condoning of an act but simply the desire to allow for a fresh start by wiping error from the record. But I suspect—indeed, I hope, Mr. Speaker—that I have gotten a goodly number of those others who have not written to me to think about the issues involved in a broader way than might otherwise have been the case had I not spoken out; to think about what the term "peace with honor" means in its own broader contexts, to consider the historical record of past amnesties in this Nation, to consider the related implications of our own Government's willingness to consider at some future time some form of reconstruction aid to our former enemies in North Vietnam, and to appreciate the fact that some of our young people who were not draft-dodgers had college deferments from which safe distance they condemned possibly better men than they who were dying to give them that privilege.

To my constituents who have thought about these things—even to those who blasted me in no uncertain terms for suggesting them—my thanks.

To my colleagues who, in moderate voices, might also wish to speak out along the same lines—my hopes that they eventually will, reassured by my own example that one can do so and come out of the experience more or less whole, politically speaking.

And now, I confess, Mr. Speaker, I am no surer of the right and wrong side of the amnesty issue than when I began this effort. But that I am more confident than before that a nation which is as big as ours in so many ways—big enough, indeed, to rebuild enemy lands and to restore comforts to a people once alienated as we have done in the past and probably will do again—is also big enough to embrace its own children with forgiveness and write a better page in history than the last decade would indicate it might.

## HON. JEANNETTE RANKIN

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is with deep sadness mixed with profound appreciation for a life well lived that I take note of the passing of the first woman elected to this House—the Honorable Jeannette Rankin, of Montana.

Representative Rankin followed her convictions to the fullest each day.

She opposed war. She did not equivocate on that score. She always voted her conscience even though it meant taking a stand all alone.

In addition, as one of the earliest leaders of the women's suffrage movement, she succeeded in pushing for passage in her home State of Montana the women's right to vote 6 years before the ratification of the 19th amendment to the U.S. Constitution. In Congress, she authored the first bill seeking Government-sponsored hygiene programs for maternity and infancy. Throughout her long and active life, she worked tirelessly for causes in the field of women's rights, election reform, and peace.

The example she set for women legislators—and for all legislators—in fighting for and sticking to firmly held moral and humane beliefs will live as a continuing memorial to this outstanding American.

## FUEL SHORTAGE

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, demands for crude oil in America are outstripping the supply and, as a result, we are beginning to feel the first effects of the warnings given many months ago of the oncoming energy crisis in this country.

The current shortage of fuel throughout the Nation can be traced in part to the heavy demand earlier this year which prevented the oil industry from building inventories for the coming heavy summer months.

The nationwide demand for gasoline this summer is expected to increase by 7 percent over last year.

The fact is that domestic crude supplies are short and they are growing shorter. Foreign crude availability is becoming more expensive and less dependable.

And so, some American oil companies have started to place a check on the amount of fuel allocated to their distributors and stations.

Economists are saying that the energy crisis is due to an unchecked rise in consumption of not only gas and oil, but electricity and coal and other forms of energy. Sociologists, however, put the blame on too many people using too much electricity and driving too many automobiles.

Businessmen blame the ecologists whom they accuse of wanting to turn their backs on technology. Conservationists, on the other hand, believe the cause is rooted in business irresponsibilities like major oil spills, placing sulfur in the cities' air, and the mass misuse of the countryside.

The truth, I believe, is that the rising energy problem in the United States has been brought on by all of these things coming together at the same time.

I believe the shortage in supply we are now experiencing emphasizes that fact that we are going to have to face the question of offshore oil drilling, and Congress is going to have to act on the Alaskan pipeline question.

Some critics have complained that there is energy waste at present, because there is no energy policy, no single Federal agency riding herd on energy supply, demand, use, and consumption.

I dislike Federal controls as much as anybody, but I think this avenue should be investigated. Numerous Federal agencies already have piecemeal control. I have introduced a bill that would bring together all the Federal activities concerning energy under one Energy Policy Council so that a better watch can be maintained on the entire picture.

President Nixon has outlined a detailed program to Congress which he feels will provide long-range solutions.

Government and industry are taking steps to help lessen the immediate problem and they need help, the help of each individual citizen.

By cutting down on our consumption, we can all help the overall situation tremendously. Actually, we are told that if every driver in America used one less gallon of gasoline per week, there would be no shortage.

We can keep our cars tuned and well serviced. We can slow down. We can be conservative in our use of electricity and other energy sources. We have a lot to gain by doing so.

## PRICE FIXING IN THE STOCK MARKET

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. MOSS) is recognized for 5 minutes.

Mr. MOSS. Mr. Speaker, there is a curious contradiction that exists in one of our great industries—the securities industry—an industry that has done an outstanding job of raising capital for American businesses throughout the country. This industry, which contributes so greatly to the capitalist system in our country, is itself afraid to be a part of that system. Rather, the securities industry exists in the world of the cartel, a world consisting of, among other things, the fixing of prices.

When a customer goes into a stockbroker's office to buy or sell stock, his broker is required by rules of the New York Stock Exchange to charge him no less than a certain price, which the broker calls a commission, for handling the transaction.

This system, which is known as the fixed minimum commission rate system, is nothing more or less than price fixing. Stockbrokers attempt to justify this practice on the grounds that it is necessary to maintain the stock market as we know it today. But the Subcommittee on Commerce and Finance, which I have the privilege to chair, conducted an in-depth study of this price-fixing mechanism during the 92d Congress, and unanimously concluded that fixed commissions in the securities industry were not in the public interest and should be abolished. Legislation to accomplish this has been introduced.

As might be expected, the stockbrokers are vigorously opposing this legislation. One of their arguments has been that under a system where rates were set by the forces of competition, rather than fixed by the New York Stock Exchange, many brokers would, in fact, raise them. Fixed rates, the stockbrokers argued, were therefore to the public's advantage.

Recently, however, the brokers dramatically switched their position, and asked the Securities and Exchange Commission to approve a 10- to 15-percent increase in the fixed fees they charge their customers.

Mr. Speaker, I am strongly opposed to this request. While it may be necessary for some stockbrokers to raise their prices to meet the rising costs that all businesses are now experiencing, that decision should be made by each individual broker, based on his individual cost and competitive situation. That decision should not be made by the New York Stock Exchange, or by the SEC, to be imposed upon all stockbrokers.

If the decision were left to each individual broker, as it would be if fixed commissions were eliminated, efficient brokers might choose not to raise their charges at all, or to raise them less than other, inefficient brokers. Under the fixed rate system, however, all brokers must charge the higher rate. Thus, it is the inefficient broker that determines the fixed rate which, of course, increases the cost of the investment to the customer.

Moreover, if brokers were allowed to set their own prices, they might offer different packages of services to their customers, at different price levels. Customers would be able to purchase and pay for only those services they desired. Under the inflexible fixed rate system, however, customers are denied this right.

Mr. Speaker, the SEC has stated that it will hold public hearings on this request for a 10- to 15-percent increase in the fixed fees now charged by stockbrokers. I hope that the public will make itself heard, and that the agency will listen. I am convinced of the correctness of the unanimous conclusion of the Subcommittee on Commerce and Finance that fixed fees charged by stockbrokers are not in the public interest. I trust that the SEC will not lend its support to this practice by approving an increase in these fixed prices.

---

## THE WHOLE TRUTH IS YET TO COME

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 15 minutes.

Ms. ABZUG. Mr. Speaker, President Nixon's extraordinary 4,000-word statement May 22 presenting still another version of his role in the Watergate scandal provides us with a tantalizing glimpse into the secret police state operating out of the White House.

By the President's own admission, he sanctioned plans for such illegal actions as "surreptitious entry"—breaking and entering, in effect—"on specified categories of targets in specified situations relating to national security." The plan involved the FBI, CIA, Defense Intelligence Agency, and the National Security Agency.

According to Mr. Nixon, approval of that particular plan was rescinded—he does not say by whom—after FBI Director J. Edgar Hoover refused to go along with it for reasons that he does not explain. This secret, expanded lawbreaking "intelligence" operation was under active consideration in the White House in June and July 1970.

In December 1970, the President tells us, he proceeded to create an Intelligence Evaluation Committee, including representatives of the White House, CIA, FBI, National Security Agency, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The President indicates that he created this overall agency to oversee "domestic intelligence," because of his concern over FBI Director Hoover's severing of liaison with the CIA and all other agencies except the White House. Here, too, we are offered just a glimpse into the rivalry among the various intelligence groups and the special status enjoyed by Mr. Hoover, who felt free to act as he pleased regardless of the President's wishes.

As a longtime critic of the FBI who never shared in the adulation of the late Mr. Hoover, I would say at this point that the unusual power held by Mr. Hoover rested in his control of secret files his agency gathered containing information on hundreds of thousands of Americans, including Government officials, and Members of Congress and many prominent leaders.

According to former FBI Assistant Director William C. Sullivan, as quoted in the New York Post May 15, 1973, Mr. Hoover "was a master blackmailer and he did it with considerable finesse despite the deterioration of his mind."

Mr. Sullivan reported that secret wiretap FBI files, including wiretap records relating to the case of Daniel Ellsberg, were turned over by him to Assistant Attorney General Robert Mardian. They eventually wound up in a White House safe. According to the New York Post story, the secret files were moved to the White House because it was feared that Hoover might use them "in some manner" against President Nixon and Attorney General John Mitchell.

In his belated report on the superspy Intelligence Evaluation Committee which he created, Mr. Nixon again strains credulity by saying that if this committee "went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority." In view of the fact that Mr. Nixon earlier in 1970 had authorized illegal activities, including "breaking and entering," by these same espionage agencies, why should they have suddenly expected him to have any qualms about breaking the law?

In his May 23 statement the President also admits that in June 1971, a week after publication of the Pentagon papers, he approved the creation of the White House special investigations unit, the group that later became known as "the plumbers," to stop so called national security leaks. This is the group, led by Watergate Conspirators Howard Hunt and G. Gordon Liddy, that burglarized the office of Daniel Ellsberg's psychiatrist.

Mr. Nixon also belatedly confesses that he did attempt to restrict the FBI's investigation of Watergate, allegedly because he felt it would expose CIA and other national security operations which he thought were involved in the case. Here, too, Mr. Nixon would have us think that he was trying to keep the CIA out of the Watergate scandal at the very time that his closest associates in the White House were trying to make the CIA take the rap for it, according to evidence presented to the Senate investigating committee. If Mr. Nixon was worried that the CIA was involved, why did he not just call in CIA Director Richard Helms to find out. Mr. Helms says the President never asked him about this.

By May 22, Mr. Nixon is admitting that he left vital information about his Watergate role out of his April 30 nationwide television address in which he assured us that there would be no "whitewash" and that the integrity of the White House "must be real, not transparent." He simply neglected to inform the American people in a speech which was widely portrayed as the definitive story that he had indeed attempted to cover up some aspects of Watergate. Presidential Counsel Leonard Garment on May 22 attempted to reconcile the differences between the President's latest Watergate statements and his earlier ones by saying that Mr. Nixon now has a clearer recollection of the events surrounding the burglary. Are we expected to believe that the President simply forgot that he had told the FBI to limit its investigation?

Mr. Nixon's rationale for the covert operations that led to the commission of felonies against private citizens and one of our two major political parties is his concern for national security. And once again, as he did in his April 30 speech, he invokes allusions to national security and patriotism in an effort to cut off any further investigation of his role in Watergate and associated illegal activities.

Like King Louis XIV, who said "L'etat c'est moi," Mr. Nixon equates national security with his own preservation and his own policies. This President, who rode to national prominence as one of the chief witch-hunters during the McCarthy period of the 1950's, conjures up a hysterical vision of the summer of 1969 and 1970, referring to a wave of bombings and explosions on college campuses, guerrilla-style warfare, and demonstrations. He even hints darkly that "some of the disruptive activities were receiving foreign support."

What actually was happening at that time? Mr. Nixon was concerned with "security leaks" which revealed that the United States was conducting illegal bombing operations and "incursions" of American ground troops in Cambodia. The Cambodians knew they were being bombed. The North Vietnamese and South Vietnamese Governments knew

Cambodia was being bombed. The only ones who were not supposed to know, under Mr. Nixon's definition of national security, were the American people.

In response to Nixon's invasion of Cambodia, thousands of Americans, not only on campuses but in cities all over the Nation, joined in demonstrations to protest the widening of the war which the President had said he would stop when elected. That controversy and debate extended into the Congress and indeed, there was a conflict involving national security. Opponents of the war, whose patriotism I will match with the President's any day, maintained that the administration's continuation of the war in Southeast Asia was directly contrary to the best interests of the American people.

Yet, Mr. Nixon admittedly used these legitimate protests and demonstrations which are protected by the first amendment to the Constitution as an excuse to set up his clandestine Intelligence Evaluation Committee to spy on antiwar groups, minority, and radical groups. The New York Times reported May 21 that the unit is now clandestinely operated out of the Justice Department's Internal Security Division. According to the Times, Government investigators are "now attempting to determine whether some of the intelligence committee's highly classified reports may have been used by other Justice Department agencies and the White House to justify undercover and double agent activities against suspected opposition groups, including Democrats opposed to the Nixon administration."

Mr. Speaker, two recent cases—the Berrigan trial in Harrisburg, Pa., and the Camden trial—have presented shocking evidence of how FBI provocateurs were used to entrap antiwar groups and attempt to lead them into illegal actions. In the Camden case, 17 of the so-called "Camden 28" were acquitted several days ago by a jury which was appalled at disclosures that a paid informer for the FBI had in fact provided the tools and the training for the defendants who broke into a Federal building to destroy draft records. The evidence revealed that the informer actually reactivated the illegal foray after the protestors had all but abandoned it.

As the New York Times noted editorially May 23:

> The government's game plan could only be interpreted as a deliberate political maneuver to use the protesters as dupes in the Administration's design to discredit foes of its Vietnam policy.

We have also heard reports of espionage and double agent provocations in legitimate political activities by American citizens; we have heard of fake prowar advertisements and inspired telegrams campaigns; we have heard of agents being flown to Washington to disrupt demonstrations; we have even heard of Government provocateurs who were used in an attempt to attack Daniel Ellsberg physically as he addressed a peace rally in the Capital.

These are activities that one associates with a police state, and these are the kinds of illegal activities inspired and condoned by the President of the United States. We saw the culmination of lawlessness and disorder on the part of the Nixon administration in the illegal dragnet arrests of thousands of peace demonstrators ordered by Attorney General Mitchell in Washington over a period of several days in May 1971.

In his most recent statement in which he attempts to bring down a "national security" curtain to conceal his illegal activities, the President refers to "the tragedies at Kent State and Jackson State" universities. Shortly before these young students were massacred, the President had referred to student peace demonstrators as "bums." Yet despite an FBI report confirming that the National Guardsmen's shooting down of four students at Kent State on May 4, 1970, was "unnecessary, unwarranted, and inexcusable," Attorney General Mitchell refused to submit the issue to a Federal grand jury. The killers of four innocent young boys and girls remain at large, despite a petition addressed to the Justice Department by 50,000 Americans asking for a Federal review of the case and due process of law. This is the tragedy.

Mr. Mitchell, apparently viewed his accession to control of the Justice Department as a blank check for illegal activities, whether in behalf of Mr. Nixon as President or as a political candidate for reelection. According to testimony by James McCord before the Senate investigating committee, Mr. Mitchell authorized G. Gordon Liddy, counsel for CREEP and also one of the so-called "plumbers," to break into the offices of the Las Vegas Sun last summer to steal "blackmail type information involving a Democratic candidate for President." Hank Greenspun, editor and publisher of the newspaper, is quoted in the New York Times May 23 as charging that the real purpose of the burglary attempt was to acquire signed memoranda by Howard Hughes, the industrialist, a major contributor to Mr. Nixon's reelection campaign.

Perhaps the most curious aspect of Mr. Nixon's April 30 and May 22 statements lies in what he has not said.

He has not yet commented on the fact that while he was at his home in San Clemente he met with the judge in the Ellsberg case who was reportedly offered the FBI directorship by Presidential Assistant John Ehrlichman.

He has not commented on the extraordinary financial arrangements of CREEP under the direction of Mitchell and Maurice Stans, in which corporations and wealthy businessmen virtually stood in line to stuff millions of dollars, reported and unreported, into CREEP's floating treasury and safes as a quid pro quo for administration favors.

He has not commented on the unsavory GOP convention arrangements with ITT, on the Vesco deal, the wheat deal, the milk price deal.

He has not explained satisfactorily how he could have been so oblivious to and unknowing of activities pursued by his closest appointed advisers and friends.

He has not explained how he can accept responsibility for some of these "excesses," as he calls them, while at the same time seeking to avoid any of the consequences of these illegal acts.

In his April 30 TV address, Mr. Nixon said he found it necessary in order to restore confidence to remove from office Attorney General Kleindienst, although he had "no personal involvement whatever in this matter," because he "has been a close personal and professional associate of some of those who are involved in this case."

Exactly the same words could be applied to the President himself. He was not only the personal and professional associate of Messrs. Haldeman, Ehrlichman, Dean, Mitchell, Stans, Magruder, et cetera, he was their employer.

As Prof. Arthur Bestor has said in an open letter addressed to the President calling on him to resign—the New Republic, May 26, 1973:

> The various activities that are now becoming known—ranging from the forgery of documents of "sensitive" files, from the "washing" of money (thieves' argot) to the rifling of a psychiatrist's office—were carried out for your benefit, by persons well known to you, working in White House offices over which no one but you could or did exercise supervision and control.
>
> It is exceedingly difficult to believe that all this was done, over periods measured in months and even years, without the slightest inkling reaching you. It is exceedingly difficult to believe that the whole tone of the administration was set by subordinates, acting directly contrary to your wishes. It is exceedingly difficult to believe that the readiness of your henchmen to violate the law time after time was the result of their own innate criminal propensities, and not the result of an understanding or belief on their part that you, as the ultimate beneficiary, would approve, albeit in silence and secrecy.

Mr. Speaker, it would be a serious miscarriage of justice to assume that the question of Mr. Nixon's innocence of any wrongdoing hinges on whether he had prior knowledge of the Watergate burglary of the Democratic National Committee headquarters or the subsequent coverup. At question is his entire conduct in office, his entire reelection campaign, his invasion of the constitutional rights of American citizens, the violation of his oath of office "to preserve, protect, and defend the Constitution," his attempt to undermine the separation of powers among the executive, legislative, and judicial branches, and his continuing unconstitutional actions in Cambodia.

This is the larger context in which the President's conduct must be examined.

We are all aware of rising demands that the President resign from office to save the country from months of agonizing investigation of all the facets of this disgraceful and unprecedented situation in the history of our Nation.

I believe, however, that it is important for the American people to learn the whole truth about how this administration has operated and to learn how close they came to living in a police state. Whether James McCord or any of the other Watergate participants go to jail is not the major issue. Whether Haldeman, Ehrlichman, Dean, Mitchell, Stans, and the others are found guilty of breaking the law and are punished is not the major issue, either, though I believe they must pay the penalty if they are convicted of wrongdoing. The issue is the role of the President himself in all these matters. Under our Constitution it is the function of the House of Representatives to determine whether the President's conduct has been such as to warrant his impeachment.

I believe this is a duty the House owes to the Constitution and to the American people.

Following is a commentary by Nicholas von Hoffman with some pungent reflections on the process of impeachment:

### A Self-Impeachment Lesson

(By Nicholas von Hoffman)

On March 3, 1868, the House of Representatives voted articles of impeachment against President Andrew Johnson. Most of us have been taught that this first and only trial of a President was the work of a House of Representatives controlled by a mad-dog majority who come down to us through history under the name of Radical Republicans.

A second look shows that was not the case. The House was not the property of the Radicals who were a decided numerical minority. That the 17th President of the United States came within one vote of the two-thirds needed in the Senate to throw him out was owing to the conservatives who turned against him.

They did so very reluctantly, with the same misgivings that conservative members of Congress a century later have about convicting Richard Nixon. Thus we find Sen. James W. Grimes of Iowa writing in March, 1867, that, ". . . we had better submit to two years of misrule . . . than to subject the country, its institutions and its credit, to the shock of an impeachment. I have always thought so, and everybody is now apparently coming to my conclusion." (This quote is filched from a nifty, new book titled "The Impeachment and Trial of Andrew Johnson," by Michael Lee Benedict, W. W. Norton, New York, 1973, $6.95.)

What happened in the time between Grimes' letter and a year later when opinion had completely reversed itself and the House voted to put the President on trial? The answer is that in the intervening time Johnson drove Congress to do what it never wanted to do. He impeached himself. Again and again, he refused to carry out the laws Congress passed for the reconstruction of the South.

Each time he evaded congressional intent and new laws were passed to hem him in tighter, he would burst through them. At the same time he began making moves that suggested to some people in Congress he was also preparing a military coup. That he actually was is extremely doubtful; and even if he had such an act against the Republic in mind, it could never have been brought off. Our two greatest generals, Grant and Sherman, knew they served under an oath of allegiance, not to the President but to the Constitution.

What is important to understand about the impeachment proceedings against Johnson was that Congress never wanted it and sought every way over a period of three years to avoid it. It did so not only because of the conservative sentiments of men like Grimes, but also because, then like now, our Congresses are amorphous, criss-crossed bodies which cannot strongly coalesce on a single, uncompromised position without enormous outside pressure. Johnson applied that pressure. He pushed them to it by repeated and dangerous violations of the laws they passed.

Yet none of his conduct was criminal. The crimes his enemies accused him of were not indictable offenses. He was charged with using the constitutional power of his office against the constitutionally passed laws of the nation. These are not crimes in the ordinary sense of the word. They may be the gravest kind of political or even constitutional offenses but they are in no way akin to mugging.

This brings us to Richard Nixon. He is most widely suspected in the Watergate disgrace of having committed ordinary, indictable offenses. Presumably, if a prima facie case can be made, and a grand jury with the guts to do it could be assembled, he would be indicted in the same fashion that two of his former Cabinet members already have. You don't have to impeach him for that.

Richard Nixon will have to make Congress impeach him. He may do it. If it should come to that, impeachment won't be detonated by strong indications that he had prior knowledge of Watergate, but by the lengths he had gone to conceal and protect his agents. That's what's getting him in trouble, and there is no sign even now that he and his people have stopped manufacturing false trails, prejuries, lies and evasions.

His prideful going on and on and on has converted what might have been but another sordid episode in a not so elevated career into such a defiance of Congress that it may be forced to take up the challenge against the will of even the Democrats who certainly don't want this man tossed out now, thereby giving Agnew time to build an election in his own right.

Yet Richard Nixon is encouraged to make his own disaster by the loyalty and obedience of his subordinates, both in the White House and the upper echelons of career government service, military and civilian. They're smitten with a kind of a Kiserism, an unthinking worshipful subservience to the man and the office, which compels them to carry out every command.

When President Andrew Johnson tried to use William Tecumseh Sherman in this way by promoting him to the rank of full general, that conservative military man urged the Senate to vote against his own promotion. Gen. Alexander Haig, whose chief accomplishment, it now appears, is the ability to order phones tapped in 10 languages, plays the good servant and accepts all his master hands him.

Given his inflexibility of purpose born of pride, conviction, fear and guilt, surrounded by Hunish subordinates who respond "jawohl" to every order, this man could drive Congress to do it. The issue may be the concealments of Watergate or even Cambodia, but if it comes to the sticking point it will be Richard Nixon who will have forced his own impeachment.

## BOARD FOR INTERNATIONAL BROADCASTING ACT OF 1973

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Morgan) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, I am today introducing a bill, by request, to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

The draft legislation was received by the House from the Department of State on May 21, 1973, and referred to the Committee on Foreign Affairs.

Under leave to extend my remarks, I wish to place at this point in the Record the letter from the Department of State:

Department of State,
*Washington, D.C., May 18, 1973.*

Hon. Carl Albert,
*Speaker, House of Representatives, Washington, D.C.*

Dear Mr. Speaker: There is enclosed for the consideration of the Congress draft legislation to provide for establishment of a Board for International Broadcasting and to authorize the continuation of assistance to Radio Free Europe (RFE) and Radio Liberty (RL).

On May 7, 1973, the President made public the report of the Presidential Study Commission on International Radio Broadcasting and announced his intention to submit legislation to the Congress in accordance with its recommendations. These are reflected in the enclosed bill. It would declare that open communication of information and ideas among people, particularly as transmitted by RFE and RL to the peoples of Eastern Europe and the USSR, contributes to international peace and serves the interest of the United States. It would authorize the President to appoint, by and with the advice and consent of the Senate, a Board for International Broadcasting to make grants in support of broadcasting by RFE and RL. In addition to assuming financial accountability for grant funds, the Board would review and evaluate the mission and operations of the stations, assess the quality, effectiveness and professional integrity of their broadcasts within the context of the broad foreign policy objectives of the United States, and foster efficiency and economy in station operations.

The Department has been informed by the Office of Management and Budget that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

Marshall Wright,
*Acting Assistant Secretary,*
*for Congressional Relations.*

### Draft Bill

To provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Board for International Broadcasting Act of 1973".

### DECLARATION OF PURPOSES

Sec. 2. The Congress hereby finds and declares:

(1) That it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) That open communication of information and ideas among the peoples of the world contributes to international peace and stability, and that the promotion of such communication is in the interests of the United States;

(3) That Free Europe, Inc., and the Radio Liberty Committee, Inc. (hereinafter referred to as Radio Free Europe and Radio Liberty), have demonstrated their effectiveness in furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics;

(4) That the continuation of Radio Free Europe and Radio Liberty as independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, is in the national interest; and

(5) That in order to provide an effective instrumentality for the continuation of assistance to Radio Free Europe and Radio Liberty and to encourage a constructive dialog with the peoples of the Union of Soviet Socialist Republics and Eastern Europe, it is desirable to establish a Board for International Broadcasting.

### ESTABLISHMENT AND ORGANIZATION

Sec. 3. (a) There is established a Board for International Broadcasting (hereinafter referred to as the "Board").

(b) (1) Composition of Board.—The Board shall consist of seven members, two of whom shall be ex officio members. The President shall appoint, by and with the advice and consent of the Senate, five voting members, one of whom he shall designate as Chairman. Not more than three of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of Radio Free Europe and the chief operating executive of Radio Liberty shall be ex officio members of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board.

(2) Selection—Members of the Board appointed by the President shall be citizens of the United States who are not concurrently regular fulltime employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of foreign policy or mass communications.

(3) Term of Office of Presidentially-appointed Members—In appointing the initial voting members of the Board, the President shall designate three of the members appointed by him to serve for a term of three years and two members to serve for a term of two years. Thereafter, the term of office of each member of the Board so appointed shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(4) Term of Office of *Ex Officio* Members—*Ex Officio* members of the Board shall serve on the Board during their terms of service as chief operating executives of Radio Free Europe or Radio Liberty.

(5) Compensation—Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including travel time, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under Section 5316 of Title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. *Ex Officio* members of the Board shall not be entitled to any compensation under this act, but may be allowed travel expenses as provided in the preceding sentence.

### FUNCTIONS

Sec. 4. (a) The Board is authorized:

(1) To make grants to Radio Free Europe and to Radio Liberty in order to carry out the purposes set forth in Section 2 of this Act;

(2) To review and evaluate the mission and operation of Radio Free Europe and Radio Liberty, and to assess the quality, effectiveness and professional integrity of their broadcasting within the context of the broad foreign policy objectives of the United States;

(3) To encourage the most efficient utilization of available resources by Radio Free Europe and Radio Liberty and to undertake, or request that Radio Free Europe or Radio Liberty undertake, such studies as may be necessary to identify areas in which the operations of Radio Free Europe and Radio Liberty may be made more efficient and economical;

(4) To develop and apply such financial procedures, and to make such audits of Radio Free Europe and Radio Liberty as the Board may determine are necessary, to assure that grants are applied in accordance with the purposes for which such grants are made;

(5) To develop and apply such evaluative procedures as the Board may determine are necessary to assure that grants are applied in a manner not inconsistent with the broad foreign policy objectives of the United States Government;

(6) To appoint such staff personnel as may be necessary, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) A. To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS–18; and

B. To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by Section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed;

(8) To report annually to the President and the Congress on or before the 30th day of October, summarizing the activities of the Board during the year ending the preceding June 30, and reviewing and evaluating the operation of Radio Free Europe and Radio Liberty during such year; and

(9) To prescribe such regulations as the Board deems necessary to govern the manner in which its functions shall be carried out.

(b) In carrying out the foregoing functions, the Board shall bear in mind the necessity of maintaining the professional independence and integrity of Radio Free Europe and Radio Liberty.

### RECORDS AND AUDIT

Sec. 5. (a) The Board shall require that Radio Free Europe and Radio Liberty keep records which fully disclose the amount and disposition of assistance provided under this Act, the total cost of the undertakings or programs in connection with which such assistance is given or used, that portion of the cost of the undertakings or programs supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Board and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of Radio Free Europe and Radio Liberty which in the opinion of the Board or the Comptroller General may be related or pertinent to the assistance provided under this Act.

### ROLE OF THE SECRETARY OF STATE

Sec. 6. To assist the Board in carrying out its functions, the Secretary of State shall provide the Board with such information regarding the foreign policy of the United States as the Secretary may deem appropriate.

### PUBLIC SUPPORT

Sec. 7. The Board is authorized to receive donations, bequests, devices, gifts and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities, both within the United States and abroad, and, pursuant to the Federal Property Administrative Services Act of 1949, as amended, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 170, 2025, or 2522), the Board shall be deemed to be a corporation described in section 170 (c)(2), 2055(a)(2), or 2522(a)(2) of the code, as the case may be.

### FINANCING

Sec. 8. (a) There are authorized to be appropriated, to remain available until expended, $50,300,000 for fiscal year 1975 to carry out the purposes of this Act. There are authorized to be appropriated for fiscal years 1974 and 1975 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law and for other nondiscretionary costs.

### IMPLEMENTATION

(b) To allow for the orderly implementation of this Act, the Secretary of State is authorized to make grants to Radio Free Europe and to Radio Liberty under such terms and conditions as he deems appropriate for their continued operation until a majority of the voting members of the Board have been appointed and qualified, and until funds authorized to be appropriated under this Act are available to the Board.

---

## THE LATE HONORABLE WILLIAM O. MILLS

Mr. GUDE. Mr. Speaker, it is my sad duty to announce to the House the passing of our colleague, William Mills of the First District of Maryland. At a later date I will request that a date be set for a eulogy in his memory.

Mr. Speaker, I now move that the House stand in recess until 12:30 in honor of and respect to the memory of Bill Mills.

The motion was agreed to.

---

## RECESS

Accordingly (at 11 o'clock and 12 minutes a.m.), the House stood in recess until 12 o'clock and 30 minutes p.m.

---

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 30 minutes p.m.

---

## PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON HOUSE RESOLUTION 382 UNTIL MIDNIGHT TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have permission to file a report on House Resolution 382 until midnight tomorrow night.

The SPEAKER. Is there objection to

the request of the gentleman from Massachusetts?

There was no objection.

---

## CONFERENCE REPORT ON S. 38, AIRPORT DEVELOPMENT ACCELERATION ACT OF 1973

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93-225)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such Act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport.".

SEC. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(a)), is amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1973, and $275,000,000 for each of the fiscal years 1974 and 1975"; and

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $35,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(b)) is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,460,000,000";

(2) by striking out "extend beyond" in the second sentence thereof and by inserting in lieu thereof "be incurred after"; and

(3) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,150,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,460,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports."; and

(2) by adding at the end thereof the following new subsection:

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 6. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom; except that any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until December 31, 1973.

"(b) Nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans,

the provisions of subsection (a) shall not apply to such authority until December 31, 1973."

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
BROCK ADAMS,
DAN KUYKENDALL,
DICK SHOUP,
*Managers on the Part of the House.*

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
JAMES B. PEARSON,
*Managers on the Part of the Senate.*

### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 38 to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below.

Unless otherwise indicated, references to provisions of "existing law" contained in this joint statement refer to provisions of the Airport and Airway Development Act of 1970.

#### STATE TAXATION OF AIR COMMERCE

#### Senate Bill

Section 7 of the Senate bill provided for a permanent prohibition against the levy or collection of a tax or other charge on persons traveling in air commerce, or on the carriage of persons so traveling, or on the sale of air transportation or on the gross receipts derived therefrom, by any State or political subdivision thereof (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States, or political agencies of two or more States). There were two exemptions from this prohibition.

First, any State which levied such charges before May 21, 1970, would be exempt from the prohibition until *July 1, 1973*.

Second, any airport operating authority which (1) has an outstanding obligation to repay money borrowed and expended for airport improvements, (2) has collected a head tax on air passengers, without carrier assistance, for the use of its facilities, and (3) has no authority to collect any other type of tax to repay the loan, would be exempt from the prohibition until *July 1, 1973*.

The Senate bill also provided that the prohibition would not extend to the levy or collection of other taxes, such as property taxes, net income taxes, franchise taxes, and sales or use taxes, nor to the levy or collection of other charges such as reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

### House Amendment

The House amendment was substantially the same as the Senate bill, except that the exemptions from the prohibition against the levy and collection of the so-called airline passenger head taxes was extended from July 1, 1973, to December 31, 1973, and the exemption with respect to jurisdictions which impose such charges before May 21, 1970, was limited to those which *levied and collected* such charges rather than those which merely *levied* such charges.

### Conference Substitute

The conference substitute follows the House amendment in extending to December 31, 1973, the exemptions from the prohibition against the levy and collection of the so-called airline passenger head taxes, and follows the Senate bill in extending the exemptions to jurisdictions which *levied* such taxes before May 21, 1970, rather than limiting the exemptions to those which *levied and collected* such taxes before such date.

## AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

### *Annual authorizations for airport development grants*

### Senate Bill

Section 3(a) of the Senate bill amended section 14(a) of existing law—

(1) to increase the minimum annual authorization for airport development grants to air carrier and reliever airports from $250 million per year to $375 million per year for each of the fiscal years 1974 and 1975; and

(2) to increase the minimum annual authorization for airport development grants to general aviation airports from $30 million per year to $45 million per year for each of the fiscal years 1974 and 1975.

### House Amendment

No provision. Existing law contains minimum annual authorizations for each fiscal year 1974 and 1975 of $250 million per year for air carrier and reliever airports and $30 million per year for general aviation airports.

### Conference Substitute

The conference substitute follows the Senate bill except that—

(1) the minimum annual authorization for airport development grants to air carrier and reliever airports is increased from $250 million per year to $275 million per year for each of the fiscal years 1974 and 1975; and

(2) the minimum annual authorization for airport development grants to general aviation airports is increased from $30 million per year to $35 million per year for each of the fiscal years 1974 and 1975.

### *Obligational authority for airport development grants*

### Senate Bill

Section 3(b) of the Senate bill amended section 14(b) of existing law—

(1) to increase from $840 million to $1.68 billion the authority of the Secretary of Transportation to incur obligations to make airport development grants:

(2) to provide a corresponding increase from $840 million to $1.68 billion in the authority of the Secretary to liquidate such obligations and provide that not more than $1.26 billion in such obligations could be liquidated before June 30, 1974, and not more than $1.68 billion in such obligations could be liquidated before June 30, 1975; and

(3) to extend from June 30, 1975, to June 30, 1978, the authority of the Secretary to liquidate obligations incurred before July 1, 1975.

### House Amendment

The House amendment was substantially the same as the Senate bill, except that—

(1) the authority of the Secretary to incur obligations was increased from $840 million to $1.4 billion;

(2) the authority to liquidate obligations was increased by a similar amount, from $840 million to $1.4 billion, with the limitation that not more than $1.12 billion in such obligations could be liquidated before June 30, 1974, and not more than $1.4 billion in such obligations could be liquidated before June 30, 1975; and

(3) there was no extension of authority to liquidate obligations after June 30, 1975.

### Conference Substitute

The conference substitute amends section 14(b) of existing law—

(1) to increase from $840 million to $1.46 billion the authority of the Secretary of Transportation to incur obligations to make airport development grants;

(2) to provide a corresponding increase from $840 million to $1.46 billion in the authority of the Secretary to liquidate such obligations and provide that not more than $1.15 billion in such obligations can be liquidated before June 30, 1974, and not more than $1.46 billion in such obligations can be liquidated before June 30, 1975; and

(3) to extend from June 30, 1975, to June 30, 1978, the authority of the Secretary to liquidate obligations incurred before July 1, 1975.

## UNITED STATES SHARE OF PROJECT COSTS

### *In general*

### Senate Bill

Paragraph (1) of section 5 of the Senate bill amended section 17(a) of existing law to provide that the United States share of allowable project costs of any approved project *shall be*—

(1) 50 percent for sponsors whose airports enplane not less than one percent of the annual total of passengers enplaned by all certificated air carriers (large hubs); and

(2) 75 percent for sponsors whose airports enplane less than one percent of the annual total of passengers enplaned by all certificated air carriers (medium hubs, small hubs, non-hubs, and general aviation airports).

Under existing law, the United States share *may not exceed* 50 percent, regardless of the passenger enplanements.

### House Amendment

Section 5 of the House amendment was substantially the same as the Senate bill except that—

(1) the Federal share *may not exceed* 50 percent with respect to airports classified as large hubs and *may not exceed* 75 percent for smaller airports, and

(2) the language relating to the Federal share allowable on account of any approved airport development project was modified to make it clear that the amount allowable for a project would be determined by the number of passengers enplaned at the airport with respect to which the grant is made.

Under the Senate bill, the Federal share would be determined by the total number of passengers enplaned for all airports operated by the same sponsor.

### Conference Substitute

The conference substitute follows the House amendment in providing that the Federal share of allowable project costs *may not exceed* 50 or 75 percent, as the case may be with respect to any given airport development grant.

The conference substitute follows the Senate bill in providing that the Federal share will be determined by the total number of passengers enplaned for all airports operated by the same sponsor, except that the language of the Senate bill was modified to make it clear that the Federal share allowable for a project would be determined by the total number of passengers enplaned for all *air carrier* airports operated by the same sponsor and that sponsors of general aviation or reliever airports (which have no passenger enplanements by certificated air carriers) will be eligible to receive a Federal share of 75 percent without regard to the number of such passenger enplanements at *air carrier* airports operated by the same sponsor.

## EQUIPMENT FOR SAFETY CERTIFICATION AND SECURITY EQUIPMENT

### Senate Bill

Paragraph (2) of section 5 of the Senate bill added a new subsection (e) to section 17 of existing law to provide that the United States share of allowable project costs of an approved project *shall be*—

(1) 82 percent of that portion which represents the cost of safety equipment required for airport certification under section 612 of the Federal Aviation Act of 1958 and incurred under a grant agreement entered into after May 10, 1971; and

(2) 82 percent of that portion which represents the cost of security equipment required by rule or regulation of the Secretary of Transportation and incurred under a grant agreement entered into after September 28, 1971.

Under existing law, such costs would be governed by the general provision that the United States share *may not exceed* 50 percent.

Section 2 of the Senate bill also amended section 11(2) of existing law, relating to the definition of "airport development", to specify that required security equipment is a part of airport development.

### House Amendment

The House amendment was the same as the Senate bill except that it provided that the Federal share *may not exceed* 82 percent of the allowable costs of safety equipment required for airport certification and 82 percent of the costs of security equipment.

### Conference Substitute

The conference substitute is the same as the House amendment.

## TERMINAL FACILITIES

### Senate Bill

The Senate bill contained three provisions designed to make airport terminal facilities eligible for Federal financial assistance. These provisions amended section 11 (2) of existing law (relating to the definition of "airport development"), section 17 (relating to United States share of project costs), and section 20(b) (relating to costs not allowed).

Under these provisions, airport development would include the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport and the United States share would be 50 percent of the allowable cost thereof.

Under existing law such facilities are not eligible for Federal financial assistance.

### House Amendment

No provision.

### Conference Substitute

The provisions of the Senate bill relating to terminal facilities are omitted from the conference substitute.

### AIRPORT DEVELOPMENT

### Senate Bill

Section 2 of the Senate bill amended the definition of the term "airport development" contained in section 11(2) of existing law to include language relating to the construction of terminal facilities and to security equipment required by rule or regulation for the safety and security of persons and property on the airport, discussed above in this joint statement.

It also added language providing that the acquisition, removal, improvement, or repair of navigation facilities at airports would be a part of "airport development" and thus eligible for Federal aid.

In addition, this section revised the language of the definition to make several technical changes designed to clarify existing law consistent with current practices under the airport development program. In doing so, however, the Senate bill inadvertently omitted language contained in existing law under which the United States could furnish financial assistance for the acquisition of land for future airport development.

### House Amendment

The only change in the definition of "airport development" contained in existing law made by the House amendment was to add language relating to security equipment required by rule or regulation for the safety and security of persons and property on the airport.

### Conference Substitute

The conference substitute is the same as the House amendment.

### IMPOUNDMENT OF FUNDS

### Senate Bill

Section 9 of the Senate bill stated the sense of the Congress that no funds authorized to be appropriated for expenditure under this legislation should be subject to impoundment by any officer or employee in the executive branch of the Government. This section further provided that, for purposes of this legislation, impoundment included withholding or delaying the expenditure or obligation of funds and any type of executive action which would preclude the obligation or expenditure of funds.

### House Amendment

No provision.

### Conference Substitute

The provisions of the Senate bill relating to the impoundment of funds are omitted from the conference substitute.

HARLEY O. STAGGERS,
JOHN JARMAN,
BROCK ADAMS,
DAN KUYKENDALL,
DICK SHOUP,
*Managers on the Part of the House.*

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP A. HART,
NORRIS COTTON,
JAMES B. PEARSON,
*Managers of the Part of the Senate.*

---

## PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON H.R. 7806 UNTIL MIDNIGHT SATURDAY

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight Saturday to file a report on H.R. 7806.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

---

## RECESS

The SPEAKER. Pursuant to the authority granted the Speaker on Wednesday, March 7, 1973, the Chair declares a recess subject to the call of the Chair to receive the former Members of the House of Representatives.

Accordingly (at 12 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

---

## RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and the Chamber, I consider it a high honor and a distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for this occasion. We all pause to welcome them.

This is a bipartisan affair, and in that spirit the Chair is going to recognize the floor leaders of both parties.

The Chair now recognizes the distinguished gentleman from Massachusetts, the majority leader, Mr. O'NEILL.

Mr. O'NEILL. Mr. Speaker, may I say to our former colleagues how pleased we all are to see you back here in Washington.

I know, that for all of you who have served as a Member of Congress this is truly your first love, because having served in this great body, you know there is no other body in the world like it, where there is open and free debate under the parliamentary system that we use. It is just a delight to see you back here.

I recall last year so many came to the microphone and so many spoke that it was really a thing of joy to those of us who have served around here for the last 20 years. What a joy it is to talk to those of you who have left through the years and have come back today.

It was great last year. I remember last year, and the year before last, listening to the gentleman who was somewhere around 100 years old, and I remember the great speech he made. I recall the frolicking and the fun and the enjoyment.

I know that it does your hearts good to get back to Washington, as it does our hearts good to see you back here. So I say, on behalf of the majority party, "Welcome."

The SPEAKER. The Chair recognizes the distinguished gentleman from Michigan, the minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I am grateful for the opportunity to make a few remarks, particularly to welcome all of the alumni, so to speak, who are here.

We look forward to this annual occasion. I hope and trust that all of you feel, as we do, that this is a great institution and one that will survive, one that will continue to play a vital role in the months and years ahead.

Let me say that in the interim between last year and this year we have had several innovations as to how we operate the House. Under the circumstances I do not know how we can demonstrate our new mechanical equipment. Certainly it would be interesting to you. Perhaps either later today or on some other occasion you can see the computer equipment, the voting equipment, which, despite the apprehension of some, including myself, in my opinion is a great improvement. On occasion it has not worked, but other than that, it has been a very fine addition to the setup here in the House of Representatives.

Let me conclude simply by saying that this is your day, not ours, so I shall terminate. I welcome you and wish you the very best today, and until a year from now.

The SPEAKER. The Chair recognizes the gentleman from Minnesota (Mr. Judd).

Mr. JUDD. Thank you very much, indeed, Mr. Speaker, and Members of the House of Representatives and of the Senate, the sitting Members as well as the former Members who are here today.

First, let me express in behalf of the Former Members of Congress our appreciation to you, Mr. Speaker, and to the leadership of the House, the distinguished gentleman from Massachusetts, the majority leader, Mr. O'NEILL, and the distinguished gentleman from Michigan, the minority leader (Mr. GERALD R. FORD) for your giving us this opportunity to come back to our alma mater for 1 hour to celebrate a sort of homecoming with you who are Members now, and to renew the warm relationships established by us former Members when we were here as active Members.

Perhaps there are some of you who do not know of this organization, Former Members of Congress. So I would like to tell you something about it.

It came into being because we former Members wanted to preserve the very close friendships we had while we were here—across the aisle, as well as on each side of the aisle—whether we were here for 1 term or 20 terms.

This organization enables us, like the alumni of a college, to maintain those treasured associations and friendships. We come back twice a year for general meetings, and once a year the Speaker graciously invites us to come to this Chamber for a reunion. That was the first reason for Former Members of Congress.

The second was that perhaps we could keep a bit closer to affairs of state. We are not now responsible for law-making. But, we are no less interested in the well-being of our country. Legislative bodies are under assault today here in our country and being questioned around the world.

All of us believe that our forefathers were wise when they established the Congress in article I of the Constitution. Article I is not the executive or the judiciary. It is the Congress, the legislative branch of the Government where the basic laws under which we live are determined by men and women who are chosen by the people, are responsible to the people, and replaceable by the people every 2 years or 6 years; rather than by appointees whose identities, backgrounds, views, habits, and character the public does not know anything about—until the facts about their qualifications and character become known when sometimes it is too late.

In addition to maintaining our friendships and as former Members, and to enabling us to keep a little closer to affairs of state, we hoped we might be able to help the people of our country to have a better understanding and appreciation of the work and importance of the House of Representatives and the U.S. Senate.

Those of us who visit the colleges today know there is very little understanding of how a democratically controlled legislative body operates. Many of the professors of political science, economics, and international relations have knowledge based largely on reading each other's books. They and their students could learn a lot from the experience of persons who are no longer in public office but who have been in prior to 1973.

So many things that are done here may look to the outsider as if we are selling out our principles or are making improper compromises. Every one of us knows that those who are in the minority are U.S. citizens as well as those in the majority and that the give and take is what protects their rights while enabling our country and our Government to go ahead on a fairly even keel despite the ups and downs that inevitably occur now and then.

One major objective of Former Members of Congress is to record oral histories of our legislators, particularly those who have been involved in what has happened in this country in the last eventful and historymaking 50 years; to get it down on tape and made available to the historians and scholars and students of government.

It is already too late to get some of these. Sam Rayburn is gone; and not much happened in his almost 50 years in Congress that he was not a part of. Carl Hayden of Arizona and Joe Martin of Massachusetts are gone. We cannot get their recollections. But there are many still living who served from 10 to 50 years in these bodies. Emanuel Celler of New York planned to be here and speak today but he had to send word at the last minute that he is not well and could not make it. Howard Smith of Virginia wanted to come today but he said he is 90 years old and if the weather is bad, as it is today, he cannot come. But we need to get his recollections on the record.

It will be too bad for the future of our country if we fail to get on the record the knowledge of our system of government and its operations which is in the minds of these and many other distinguished former Members. For example, our beloved former Speaker John McCormack of Massachusetts.

These are some of the things which Former Members of Congress—FMC—as we call it, was organized to do. We are 3 years old. We have about $11,000 in our treasury. We have 393 members as of today; 434 former Members of the House and Senate have joined, but in these years 34 have passed on.

Mr. Speaker, with your permission, I should like to read the names of the 17 who have passed away since we were here a year ago. We stood in honor of their memory in our business meeting earlier today.

The SPEAKER. The gentleman from Minnesota may place the names in the RECORD.

Mr. JUDD. Mr. Speaker, I begin, of course, with a former distinguished Member of both this body and the other body, and who went on to become the President of the United States, the Honorable Lyndon B. Johnson of Texas.

Mr. Speaker, I checked in the Library of Congress and found that of the 37 men who became President of the United States, 22 had served in one House or the other, and 9 of them had served in both Houses, including, for example, Andrew Jackson and Andrew Johnson. Three of those nine were our last three Presidents, President Kennedy, President Johnson, and President Nixon.

Those of our Members who have passed away in the last year are:

Lyndon B. Johnson of Texas.

William H. Benton of Connecticut.

Oliver P. Bolton of Ohio, whose mother and father, as the Members know, were both Members of this House. His mother, Mrs. Bolton, planned to be here today, but illness in her family prevented her coming.

Senator Prescott S. Bush of Connecticut.

Henderson H. Carson of Ohio.

Senator Guy M. Gillette, of Iowa, a former Member both of the House and of the Senate.

Karl M. LeCompte, of Iowa.

Franklin H. Lichtenwalter of Pennsylvania.

Senator Edward V. Long of Missouri.

Thomas W. Miller of Delaware.

Philip J. Philbin of Massachusetts.

Robert Ramspeck of Georgia. He was an original member of FMC board of directors. He introduced the Democratic Members at our reunion here last year. When he passed away last September, a member of his family told me he had considered it one of the greatest satisfactions of his life to be in charge on the Democratic side of this House on that occasion.

Jeannette Rankin of Montana.

George Sarbacher, Jr., of Pennsylvania.

Ralph T. Smith, of Illinois, a former Senator.

Thomas Stewart, of Tennessee, a former Senator.

Maurice H. Thatcher, of Kentucky, the gentleman who spoke to us last year at the age of 102.

The SPEAKER. The Clerk will call the roll of Members at this time.

The Clerk called the roll, and the following Members answered to their names:

James C. Auchincloss, New Jersey.
Walter Baring, Nevada.
Robert R. Barry, New York.
Ross Bass, Tennessee.
Catherine May Bedell, Washington.
Page Belcher, Oklahoma.
J. Floyd Breeding, Kansas.
John W. Bricker, Ohio.
Lawrence Burton, Utah.
John W. Byrnes, Wisconsin.
Joseph L. Carrigg, Pennsylvania.
Joseph E. Casey, Massachusetts.
Frank L. Chelf, Sr., Kentucky.
W. Sterling Cole, New York.
Harold D. Cooley, North Carolina.
William C. Cramer, Florida.
Francis E. Dorn, New York.
Clyde T. Ellis, Arkansas.
Homer Ferguson, Michigan.
John Foley, Maryland.
J. Allen Frear, Jr., Delaware.
Nick Galifianakis, North Carolina.
Edward E. Garmatz, Maryland.
G. Elliott Hagan, Georgia.
Robert Hale, Maine.
John R. Hansen, Iowa.
William Henry Harrison, Wyoming.
Brooks Hays, Arkansas.
Don Hayworth, Michigan.
Pat Hillings, California.
Earl Hogan, Indiana.
Evan Howell, Illinois.
Allan O. Hunter, California.
W. Pat Jennings, Virginia.
August E. Johansen, Michigan.
Calvin D. Johnson, Illinois.
Jed Johnson, Jr., Oklahoma.
Walter H. Judd, Minnesota.
Frank M. Karsten, Missouri.
James Kee, West Virginia.
Hastings Keith, Massachusetts.
Frank Kowalski, Connecticut.
Christopher C. McGrath, New York.
Clifford D. McIntire, Maine.
Hervey G. Machen, Maryland.
George Meader, Michigan.
Chester L. Mize, Kansas.
Walter H. Moeller, Ohio.
John S. Monagan, Connecticut.
Thomas G. Morris, New Mexico.
Abraham J. Multer, New York.
F. Jay Nimtz, Indiana.
Maston E. O'Neal, Georgia.
Frank C. Osmers, Jr., New Jersey.
William T. Pheiffer, New York.
Howard W. Pollock, Alaska.
David M. Potts, New York.
Stanley A. Prokop, Pennsylvania.
Charlotte T. Reid, Illinois.
R. Walter Riehlman, New York.
Kenneth Roberts, Alabama.
John M. Robsion, Jr., Kentucky.
Byron Rogers, Colorado.
Harold Ryan, Michigan.
Byron N. Scott, California.
Fred Schwengel, Iowa.
Amistead I. Selden, Jr., Alabama.
Carlton Sickles, Maryland.
Alfred D. Sieminski, New Jersey.
William L. Springer, Illinois.
W. Walter Stauffer, Pennsylvania.
Lera Thomas, Texas.
Clark W. Thompson, Texas.
James E. Van Zandt, Pennsylvania.
Albert L. Vreeland, New Jersey.
George Wallhauser, New Jersey.
Fred Wampler, Indiana.
Phillip Weaver, Nebraska.
J. Irving Whalley, Pennsylvania.
Basil Lee Whitener, North Carolina.

The SPEAKER. Eighty Members have answered to their names.

The gentleman from Minnesota yields to the gentleman from Arkansas.

**Mr. HAYS** of Arkansas. Mr. Speaker, it was only 2 years ago that we held our first reunion in this Chamber. I recall at that time that the Speaker is greeting us very graciously and hopefully predicted that it would become an annual custom, and since this is the third year in which the ceremony has been observed, it appears that it will become permanent. For that, speaking for all the Members on both sides of the aisle, I am sure I can say that this comes with a great spirit of gratitude on our part.

I want also to say a word in praise of Congressman Judd, my longtime friend and colleague, for the gracious way in which he has worked with me. I was chosen as the first president after a year of co-chairmanship with him. He has done a remarkable job in the 14 months that he has served as our President.

Mr. Speaker, there are two sources of embarrassment for me. One is that I have not been recognized by some of my colleagues, and I must make them feel easier about it. I do not want any embarrassment on that point. I have grown some new hair. It is a hair piece, and what God hath not wrought I went out and bought.

The other source of embarrassment is something that disturbed Lew Deschler, and he is seldom up against a tough question. He generally knows the answers. I could say he is an expert, except that I am not in awe of experts after the dinner conversation in which Mrs. Emily Post was seated next to a man, her dinner partner who had just met her. He said, "You are Mrs. Post?" She said, "Yes." He said, "Mrs. Emily Post?" She said, "Yes." He said, "Well, Mrs. Post, you are eating my salad."

I would say in support of Lew Deschler's status, that he comes as close to being an expert as anyone I know, but he was troubled about whether to list me from Arkansas or from North Carolina, and that is understandable. I served 16 happy years in the House from the State of Arkansas. North Carolinians, and my present home is in North Carolina, are accustomed to hearing my reference to Arkansas as my beloved native State. The Arkansans are interested always in my reference to North Carolina as my beloved adopted State. But as I told my fellow Tarheels not long ago, it is very easy for me to feel at home in North Carolina, having come from Arkansas, for the gentle Ozark hills slope so gracefully eastward toward the Mississippi as our mighty mountains descend so gradually to the sea.

Ain't that pretty?

I do not use that any more because I ran across a line, and many have heard me say this, from Walter Hines Page's writing. He said:

> Next to fried foods the South has suffered most from oratory.

I do however acknowledge my residence in North Carolina because of my pride in the State I have come to love after 5 years teaching at Wake Forest University.

I would like to add, in addition to my acknowledgment of thanks to the Speaker, a reminder that 2 years ago we were greeted by the distinguished minority leader (Mr. FORD) who is still with us, and there is a certain symbolism here because on the same occasion our beloved friend Hale Boggs, whose tragic death we will always mourn, made a prediction similar to that which the Speaker offered.

I do not intend to dwell upon the past, but you are entitled to know something about a movement we believe is historic. We are taking a quick backward glance at what we have done in the 2 years. Oliver Wendell Holmes was right that "the continuity of history is not only a duty; it is a necessity."

We can take pride in some of the things we have done, and we propose to do more in the future, to acquaint the people of this Nation with the significance of the service of their Congress.

There will always be a Congress, but there are occasions when faith in our institutions falters. We are determined to do our part to guard well the great resources, intellectual and moral resources, which have been accumulated over the years. That is one reason why former Members of Congress are in business.

Since our time is limited, I move now to the great pleasure of presenting our first speaker from the Democratic side, one of the Members who served in the House and also in the Senate. He comes from a State which was also once my home. For 2 years I served as one of the directors of the Tennessee Valley Authority.

It is easy for me to be bipartisan, because President Eisenhower wanted me to have that assignment, and I accepted it, and I then spent 2 happy years in Knoxville.

I did tell President Eisenhower about a little lady who voted in 1956. She was asked, "How did you vote?" She said, "I voted for Ike and Brooks, I never split a ticket." I asked him which one of us had confused her.

This, I think, illustrates the fact that we are trying very much to be bipartisan.

Ross Bass is my friend. He happens to be Methodist; and he is always asking me for a Baptist story. I do not know why he would ask for any other kind; he will get a Baptist story, of course.

The only thing I can offer now is of a Mississippi editor who said, when Mr. Eisenhower appointed me:

> We do not know how much Mr. Hays knows about navigation or flood control or hydroelectric power production, but we will say this, that the Baptists now have access to the largest baptismal pool in all the world.

These are happy recollections for me. I am glad that Ross Bass is here. He served as a private in the infantry in World War II. He was born during the month I was being recruited for service in the First World War.

I salute the man who became a captain in the Air Force, transferring to that service, and won the Air Medal and the Oak Leaf Cluster.

He came to the Congress in 1955 with these high honors in military service, and he served for almost 10 years in this body. He succeeded Estes Kefauver in the other body.

So I present to you one who has served in both Houses in a very distinguished way, the able and popular Ross Bass of Tennessee.

The SPEAKER. The gentleman from Tennessee.

**Mr. ROSS BASS.** Mr. Speaker, when my friend the gentleman from North Carolina was here in the House, from Arkansas, we called him the "Pope of the Baptist Church." We weighed him in in watermelons.

Gentlemen and ladies of the House, former Members and present Members, it is a real pleasure for me to be back to address you.

I was given an impossible assignment. I was assigned the task of speaking on behalf of the Democrats from the Senate. I can guarantee you that is impossible, first of all because my time is limited and second because every Senator that I have ever known wishes to speak for himself and usually does at some length.

Anyway, it is a real pleasure for me to come back to this great Chamber to visit with my former colleagues and with the present Members of the House. I do not think there is any higher honor that can come to any man than to serve in these hallowed Halls and to have the privilege of this great forum and the privilege of serving the Speaker.

Now, for fear of dating myself or for fear of being classified as an older gentleman, I would like to reminisce for just a moment and recall one or two of the funny experiences I had here or I heard here, and maybe one or two of the tragic ones.

I was reminded today when I saw a gentleman come into the Former Members' meeting of this, which is one of the funniest speeches I ever heard on the floor of the House, but one which is very true.

It was during debate on a veterans' bill, and, of course, it was sort of sacred that when a veterans' bill came up, you voted for it. This gentleman got up in opposition to the veterans' bill, and he said, "I know it is going to shock you, but I am against this because it is a veterans' benefit." He said, "I am a veteran, and," he said, "when I was inducted into World War II, I lost my job, I lost my home, and I lost my wife." But, he said, "I now have a better house, a better job, and a better wife, and none of them were veterans' benefits."

So these are some of the things we remember.

I think one of the most tragic ones I heard points up to me the value of a Member of Congress and the value of his ability and the respect with which he is held by his colleagues.

I remember a very able Member of this body was explaining his bill one day—he was the chairman of a subcommittee—and during the course of the debate another Member got up and asked him a question, and then the chairman of the subcomimttee answered the question and answered it correctly.

The gentleman who was asking the question said, "How do I know that I can believe this man?" He said, "After all, he is not a lawyer. I understand that before he came to Congress he was just a bricklayer."

I have never known such a quiet to come over the body as it did that day.

What I am saying to you is this: That there have been bricklayers, there have been plumbers, there may have been janitors. There have been men and women from every walk of life in this great Nation of ours, but I have never known a man who has been in this body who did not have some qualification and something to contribute. As a result of that service, my life has been richer for having served here.

I remember one of the shocks that I got while I was here. After the House voted itself an increase in salary—I believe it was early in 1955, perhaps in March—I walked back into the cloakroom and sat down, and in a moment WILBUR MILLS came back and he pointed me out, and in a kidding tone he said, "If there ever was a one-termer, Ross Bass is a one-termer."

He said, "He comes to Congress, and the first thing he does is to vote to give the President the authority to declare war; the second thing he does he votes for giving the authority to draft the men to fight the war; and then, because he thinks he has done such a good job, he votes himself an increase in salary." He says, "There is no way he can survive."

You know, I almost thought he was right. But anyway I survived, and then one day I decided that I would cross over to the other body, if possible.

I was then reminded of a statement that Speaker Rayburn made to me one time, sitting out here where many of us have talked. We were talking about a colleague of ours who had decided to run for the Senate, and Speaker Rayburn said to me—I will never forget it—"Ross, that is the longest 528 feet in the world."

Anyway I made that trek, and I want to tell you I learned that there is no similarity in the two bodies except the salary, which is identical. And I soon learned that what I had learned in the House served me not at all in the Senate. I had to forget that there was such a thing as the kind of rules that Lew Deschler interprets for us and that the Speaker interprets. Over there the rules are rather loose, and we are allowed a little more flexibility for talking and saying what we want to.

However, I am going to try to abide by House rules today and limit my remarks and be as brief as I can.

I want to say to you the minute you get over there, there is some kind of thing that happens. I do not know what it is, but I guess you become more important to yourself and certainly you become more important to your constituents and personal friends and people you have known before. When you met them on the street they used to call you Ross, but now they call you Senator. You may have been on a first-name basis with your staff, but immediately you become Senator. Good or bad it happens.

The first time I realized it was one night when I was in a restaurant near Capitol Hill. It was on New Year's Eve. We had ordered dinner, and with it my party ordered a little delicacy that was in shortage, I guess, at this restaurant. The maitre d' greeted me with Senator this and Senator that but before that I had to stand in line to get a table. I was served this delicacy, and in a few moments one of my colleagues from the House came up and spoke to me and saw what we were eating. He said, "How did you get that?" He had been there before I was, and he said, "I ordered it and they told me they were out of it." I said, "Captain, can you get my friend the Congressman some of this delicacy?" "Oh, yes, Senator. If you wish it, we will get it for you."

Well, what I am trying to say to you is this: We are the same person, and so forth, and we get the same salary and we do the same job, but I was impressed not because I wanted to be but because of the fact that there are sometimes veiled differences that should not exist between the Members of one body and the other.

The other thing we miss most when we leave here—and some of you will be realizing this soon and some of you sooner than you think—is the fact of a flat forum from which to express our opinions on the various issues of the day. It is very difficult for us to refrain from expressing our attitudes about current events. I certainly do not intend to do this today.

However, I do want briefly to make this observation about the Congress of the United States during this period in our history. I want to commend the leadership of the House and the Senate, the responsible leaders, for the way that they are handling the situation existing in our country today. I want to commend them for the rationale with which they have handled themselves and the sensibility of their statements and the nonpartisan attitude adopted by the Congress in providing leadership in these serious times.

I have one other comment. I think one of the disappointments I have had recently since I left here was reading in the press that the prestige of the Congress or the influence of the Congress versus the other branches was declining. I do not buy that and I am glad to see that the Congress is asserting itself and continuing the leadership necessary in the affairs of our country.

Mr. Speaker, thank you for your generosity and the generosity of this body in allowing us the privilege of coming back here and visiting once again.

I yield back the balance of my time.

The SPEAKER. May the Chair advise the former members that the Chair had set aside this time in the middle of a legislative day. The Chair on his own initiative is going to extend that time to 1:45. He cannot extend it further and would appreciate the cooperation of those in charge of the time.

Mr. JUDD. I thank the Speaker for this additional time, and I am sure our speakers will adhere to that time limitation.

Mr. Speaker, it is now my great privilege to introduce to speak for former Republican Senators the Honorable John Bricker of Ohio.

Senator Bricker served in World War I. He is a graduate of Ohio State University, both from its liberal arts college and its law school. He was attorney general of the State of Ohio, Governor of the State of Ohio, Republican candidate for Vice President in 1944, and a U.S. Senator for two terms, from 1947 to 1959.

Senator Bricker.

Mr. BRICKER. Mr. Speaker.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. BRICKER. Thank you very much, Dr. Judd.

For the first time I have the privilege of speaking from this floor. It is a rare opportunity that I have, and one that I never thought would occur. However, it is a delight to be here, Mr. Speaker, in your midst, and reminisce a little bit and perhaps make a suggestion or two that I may have.

As a former Member of the Congress, I recall one time in 1917 when I drove former President Taft over to Camp Sherman where he was speaking to the various regiments assembled there, and we were talking about various things, and he said that a former President of the United States has no more power or authority than the King of England, and a former Member of the Congress has even less than that.

But, Mr. Speaker, we have been trying to study and develop some ways in which we could be of service because of our experience. I only want to mention one or two things.

First of all, all of the papers that were in my office, uncensored, were filed in the Historical Society Museum in my home State, and there is not a day that passes that I do not receive a request that someone might examine those papers, particularly two or three, and I have always been glad to grant these requests. The papers have been used rather extensively.

I am happy to say that one of the requests was from a president of a university in my State.

In the second place, our experiences can be valuable to young people who are the hope of tomorrow. About twice in each quarter at Ohio State University, where I was for a long time a member of the board of trustees, I appear before a joint class in political science, and one in American history. It has been a great privilege to me. I have gotten more out of it than they have. I talk for about 15 minutes, and then open up the meeting for questions from the members of those classes. And for one hour we have an experience that is really and truly a thrilling one.

I hope that in doing so it contributes something, and I offer it as a suggestion only to those who join with me.

I shall never forget a prayer that Peter Marshall, a great man of God, offered in the Senate. He said, "God, give us a mandate a little higher than a ballot box."

Many of us have experienced that, and have followed his suggestion, but we are glad to be here. I think if ever there was a time in the history of our country when we should forget the ballot box and think of the interests of our country as a whole it is at the present time."

So, Mr. Speaker, I make these suggestions only as a man who comes from the western part of the East, and the eastern part of the West, out in the great State of Ohio. I see many of the Members of Congress who are here from my State. My only suggestion is that the greatest problem facing us is, in spite of the headlines and in spite of attempts on the part of groups here and there apparently to gain attention for themselves, as we see each day in the press and see it on television, and hear it over the radio, in spite of that, the most serious problem we have in this country is an economic problem, and that is true not only here in the United States but throughout the world. We are facing inflation, and we are facing a depression, and it is going to take careful and skillful management on the part of the Congress and the administration to solve that in the interest of the people.

I might say further that inflation is the most insidious of all the taxes that we can levy upon the people of our country.

Not only that, but it destroys the very foundation of the structure of government.

I am happy, Mr. Speaker, to have been with the Speaker and to have seen so many of my former colleagues who are listed on this nostalgic paper that I hold here in my hand. I wish much success to the Speaker and to the Members of Congress in the coming days.

Mr. HAYS of Arkansas. Mr. Speaker, it is now my privilege to present the second speaker, and the concluding speaker, for our side of the aisle.

I am grateful to Ross Bass for his reference to me. Before I finish, on this matter of partisanship, I think, instead of revising and extending my remarks, I will just say that I am really like the old man down in Arkansas on his death bed who was told he was going to die. He looked up and said, "Well, if there is anything wrong with the Baptist Church or the Democratic Party, I want to die without finding out about it."

Then, too, if I may say to my colleagues, since I have alluded to the request now and then for a Baptist story, I do not want my Baptist friends to feel that I am flippant in this regard. They know how much I love them.

I now present a distinguished judge. I used to stand in awe of judges. I am not in awe of this man. He is a gentle judge, a very learned judge. I served on the Committee on Banking and Currency with him for a number of years.

The first judge I ever faced was somewhat like Abraham Multer of New York. This man had the interesting name of Marcellus Lycurgus Davis. I lost the case. I began losing early. He wrote me the next day and said,

> DEAR BROOKS: What you did yesterday was refreshingly boyish, but be a boy as long as you can, for the blood of youth is the wine of life, and while age leaves me but an empty cup I love its lingering fragrance still.

We of the later generation feel a keen interest in younger men who fill the places we once occupied.

I believe it was Walter Lippmann who said:

> The invisible city is composed of young men who died for their country's sake and old men who plant trees they will never sit under.

We are planting trees you will sit under.

This man who still remains with us, a great judge, Abraham Multer, who served 20 years in this House from the 80th Congress through the 89th Congress—20 years—I am very happy to present to speak to the House.

Mr. MULTER. Mr. Speaker, when I was told a little earlier today I would be called upon to talk on behalf of the Democrats formerly of the House and to limit my remarks to 5 minutes, I said that after 20 years in this House, having learned to make a one-minute speech, I would find it difficult to speak for 5 minutes.

I appreciate the privilege that has been accorded to me, because actually the gentleman who should be talking to you now on behalf of the former Democrats of the House is my long-time friend—and the long-time friend of all our Members—Manny Celler. Congressman Celler is well, but, unfortunately, he could not be here to fulfill this commitment.

Compared to the 50 years that he served in this House, my mere 20 years in it hardly entitles me to speak for you. Mr. Speaker, I wish to express on behalf of all of our former Members on this side of the aisle how pleased we are to be back with you even for a brief time. I remember that when I came here in the 80th Congress I learned from our then beloved Speaker Joe Martin that we pronounced the word "pursuant" as "purswayant."

I had the privilege, as many of us did, of also serving under the late and most revered Sam Rayburn, and later under the gentle John McCormack. Although I did not have the privilege of having served under the Speakership of the distinguished and able Carl Albert, I did serve with him while he was majority leader of this House.

I always repeat what Mr. Sam said so fervently so many times: "I love this House." I am sure that is why we all have come back here, because we all love this House. As a matter of fact, we had to suspend last year 11 of our Members of the former Members of Congress Association, because they loved it so much they wanted to come back as duly elected members. I regret that only one of them made it, even though we then got 10 more former Members back into our organziation.

It has been good to be with you. I hope we can be with you for many more years to come and always return to this place which has been prettied up so nicely. It has been prettied up in more ways than one. I am sure all who served here appreciate it.

More than that, we all appreciate the fact that we were given in this land of opportunity the privilege to serve here. I am sure those who are now serving will value this privilege as much as we do.

I wish for all of us that we may return here, year after year, in good health to renew and extend old friendships in the service of our country.

Mr. JUDD. Mr. Speaker, may I introduce to speak for former Republican Members of the House, the Honorable Howard W. Pollock of Alaska. He was educated in the schools of Mississippi, California, Texas, and Massachusetts—MIT. He served in the U.S. Navy from 1941 to 1946, being discharged as a lieutenant commander. He was also head of several Alaska industrial projects involving gold and oil and seafood, which includes most of Alaska's main products. He served in the territorial legislature of Alaska before it became a State, and then in the Alaska State Senate. He served in this House from 1967 to 1971. He is now the Deputy Administrator of the National Oceanographic and Atmospheric Administration in the Department of Commerce.

Former Congressman Pollock.

Mr. POLLOCK. Mr. Speaker, my distinguished friends, it is a warm pleasure to be here. I wanted to come down once again to the well for feelings of nostalgia.

It is a very great pleasure to join my colleagues, past and present. Because I have the privilege of being in Washington I do have the opportunity frequently of associating with Members of Congress who are on active duty here, as it were. I continually have the opportunity of joining the Prayer Breakfast group on the House side, which is one of the very precious things in my continuing life.

As a matter of fact, we heard a marvelous beatitude this morning from Dan, and I see him sitting in the back. It is: Blessed are the brief for they shall again be invited.

I shall react to that by talking briefly.

I do have the opportunity and privilege and pleasure of serving with some of the men we have heard this morning on the board of directors of the FMC. As we have gone through our efforts throughout the year working toward this opportunity today, I cannot help but think of some of our colleagues who are no longer with us. Out of the 90th club group I think Bill Cowger is the only one who has passed on. He was a wonderful Congressman and a wonderful man. I would like on this occasion here today to record our memory of him. Of course there are ever so many others.

My friends, as I sit in these hallowed Halls I think about how very much history has been written here in this, the greatest deliberative body in the world.

I know I speak for all my colleagues who are Former Members of Congress, when I say that anyone who has ever been a part of this body will always be a part of it. To those of you who are still actively engaged in the work of the Congress I want to extend on my own personal behalf and certainly on behalf of all members of FMC our warmest best wishes for you, and good luck in all your endeavors. If it should come to pass that one day you are no longer in the Congress and you are sufficiently blessed to still be alive we would warmly welcome you into the Former Members of Congress.

We think it is a great institution. We want you to stay where you are now, but one day come and join us.

God love you and keep you.

Mr. JUDD. Mr. Speaker, as was mentioned earlier, the bylaws of Former Members of Congress require that the organization not be used for any political partisan purpose, or to support or oppose any particular legislation or any candidate. As a citizen every Member is, of course, free to do as he wishes.

The bylaws require also that if any of our Members runs for office his membership is automatically suspended and, if elected, it is terminated. There were 11, as was said, who ran for office in 1972 and their membership was suspended. One of them, Gillis Long of Louisiana, was elected. The other 10 were not and have been reinstated.

I report this only to reassure the sitting Members that they are apparently not in too great danger from the former Members.

Mr. Speaker, with your permission, I should like to place in the RECORD the names of those who took the trouble to send their regrets that they could not come to this reunion today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The information is as follows:

FORMER MEMBERS OF CONGRESS SENDING REGRETS AT NOT BEING ABLE TO BE PRESENT MAY 24, 1973

Homer Abele, Ohio.
Miles Allgood, Alabama.
Elizabeh Andrews, Alabama.
O. K. Armstrong, Missouri.
Joseph W. Barr, Indiana.
A. David Baumhart, Ohio.
Augustus Bennet, New York.
Jackson Betts, Ohio.
Iris F. Blitch, Georgia.
Frances P. Bolton, Ohio.
Edward J. Bonin, Pennsylvania.
Reva Beck Bosone, Utah.
Clarence Burton, Virginia.
John M. Butler, Maryland.
Louis J. Capozzoli, New York.
Frank Carlson, Kansas.
J. Edgar Chenoweth, Colorado.
Chester Chesney, Illinois.
Victor Christgau, Minnesota.
Ranulf Compton, Connecticut.
N. Neiman Craley, Jr., Pennsylvania.
Albert W. Cretella, Connecticut.
Thomas B. Curtis, Missouri.
Irwin D. Davidson, New York.
Vincent J. Dellay, New Jersey.
Robert V. Denney, Nebraska.
David S. Dennison, Ohio.
Helen Cahagan Douglas, California.
Carl T. Durham, North Carolina.
Ken Dyal, California.
Henry Ellenbogen, Pennsylvania.
Charles H. Elston, Ohio.
Leonard Farbstein, New York.
Elizabeth Farrington, Hawaii.
Michael A. Feighan, Ohio.
Ivor D. Fenton, Pennsylvania.
Gerald T. Flynn, Wisconsin.
Ellsworth B. Foote, Connecticut.
James B. Frazier, Jr., Tennessee.
Hadwen C. Fuller, New York.
E. C. Gathings, Arkansas.
Newell A. George, Kansas.
Percy W. Griffiths, Ohio.
Ralph Harvey, Indiana.
Louis B. Heller, New York.
Charles B. Hoeven, Iowa.
Carl H. Hoffman, Pennsylvania.
J. Oliva Huot, New Hampshire.
Lawrence E. Imhoff, Ohio.
Glen D. Johnson, Oklahoma.
B. Everett Jordan, North Carolina.
Raymond W. Karst, Missouri.
Bernard W. Kearney, New York.
Elizabeth Kee, West Virginia.
Edna F. Kelly, New York.
Eugene J. Keogh, New York.
Thomas S. Kleppe, North Dakota.
William F. Knowland, California.
Thomas H. Kuchel, California.
Thomas J. Lane, Massachusetts.
Henry Cabot Lodge, Massachusetts.
J. Carlton Loser, Tennessee.
John W. McCormack, Massachusetts.
William D. McFarlane.
Walter L. McVey, Jr.
Donald H. Magnuson, Washington.
D. R. "Billy" Matthews, Florida.
George P. Miller, California.
William E. Miller, New York.
Tom V. Moorehead, Ohio.
Bradford Morse, Massachusetts.
Catherine D. Norrell, Arkansas.
Charles G. Oakman, Michigan.
James C. Oliver, Maine.
Harold C. Ostertag, New York.
Thomas M. Pelly, Washington.
N. Blaine Peterson, Utah.
Alexander Pirnie, New York.
Ben Reifel, South Dakota.
James Roosevelt, California.
Howard W. Smith, Virginia.
Gale H. Stalker, New York.
John H. Terry, New York.
William M. Tuck, Virginia.
Joseph D. Tydings, Maryland.
Harold H. Velds, Illinois.
E. S. Johnny Walker, New Mexico.
James D. Weaver, Pennsylvania.
J. Ernest Wharton, New York.
John S. Wold, Wyoming.
Eugene Worley, Texas.
Samuel W. Yorty, California.

Mr. JUDD. There are two or three other former Members who wish to extend their remarks.

The SPEAKER. The Chair will advise the gentleman that these requests can be made but will have to be executed in the House, and permission will be asked.

Mr. JUDD. Thank you very much.

Mr. Speaker, I should like to introduce, for our final piece of business, the Honorable George Meader, the chairman of the nominating committee, to report on the election of members to FMC Board of Directors and of its officers for the next year.

Mr. GEORGE MEADER. Mr. Speaker, the former Members of Congress, in their business meeting this morning, elected four Members for a 3-year term on the Board of Directors, as follows:

Jeffery Cohelan of California.

Walter H. Moeller of Ohio.

J. Caleb Boggs of Delaware.

John W. Byrnes of Wisconsin.

They elected for 2-year terms on the Board of Directors the following:

Senator B. Everett Jordan of North Carolina.

Fred Schwengel of Iowa.

The organization also elected as honorary directors without term the cofounders of our organization, the Honorable Brooks Hays of Arkansas and the Honorable Walter Judd of Minnesota.

The Members elected as their President for the coming year Senator B. Everett Jordan of North Carolina, and as Vice President George Meader of Michigan.

Mr. JUDD. Mr. Speaker, unless there is someone who has an irresistible urge to ask permission to make some additional comments we wish to close.

I thank you again, Mr. Speaker, and the House leadership, for your graciousness and courtesy in giving us this hour on this very specially busy day before the Memorial Day weekend, and despite the sad death of one of the House Members. All of us appreciate so deeply your granting us this greatly enjoyable, from our point of view, reunion in the House Chamber of Former Members of the House and Senate.

I believe this organization can do a lot of good in helping get a wider and deeper understanding throughout our country of our Congress—the role it has to play and how it actually functions in seeking to promote our Nation's vital interests and to safeguard our people's liberties.

Mr. BROOKS HAYS. Mr. Speaker, will the gentleman from Minnesota, Mr. Judd, yield for a question?

Mr. JUDD. Yes, I will yield.

Mr. BROOKS HAYS. Will the gentleman announce the time of the reception to be held?

Mr. JUDD. Yes, thank you. We extend to all sitting Members as well as former Members an invitation to join us at a reception at 5 o'clock in the caucus room, room 345, of the Cannon Office Building. We hope you will bring your wives, too.

Perhaps I should add that the wives and widows of former Members have organized an FMC auxiliary, and about 175 have joined. They are busy with functions of their own this day, and will be joining us at 5 o'clock at the reception.

Mr. PHEIFFER. Mr. Speaker, who I am pleased to greet as a fellow alumnus of the University of Oklahoma, ladies and gentlemen of the 93d Congress and my colleagues of former Congresses:

When I lived in the super-great State of Texas the righteous people hunted us Republicans with coon dogs. In fact it was necessary for me to outrun a posse in order to get out of my old home town of Amarillo. Then 17 months after arriving in New York City, unheralded and unsung, I was elected to the Congress. Thus it is obvious that the righteous people of New York also lost little time in getting me out of town. It was the custom of Speaker Sam Rayburn to gleefully refer to my New York City Congressional District as "the 255th County of Texas."

Essaying the roles of ombudsman, father confessor and mother hen to 400,000 of my fellow citizens during my tenure as a Congressman was a rewarding and enlightening experience. It would be a salutary arrangement if the vociferous critics of the Congress could each serve just 1 month as a Member of this body. Their carping voices, which proclaim that Congressmen and Congresswomen are idlers, riders of the gravy train and unresponsive to public needs, would be stilled. They would gain first hand knowledge of the unremitting behind-the-scene toil of the average Member in behalf of his or her constituents and their burning of the midnight oil in a ceaseless quest for the right answers.

While a Member of the Congress is not required to sacrifice his or her life on the altar of our country yet that sacrifice was made by a quiet and self-effacing Member, whose voice was seldom heard in debate on the floor or in committee on the fateful day of June 4, 1941. He stood here and poured out his heart and soul in refutation of a canard uttered a few minutes previously by one of his colleagues, which did violence to his innermost ideals and convictions. He spoke with an eloquence which none of us knew he possessed. He was so immersed in his discourse that he did not heed the twice repeated admonition of Speaker Rayburn that "the time of the gentleman has expired".

Well the time of the gentleman had indeed expired because as the Speaker's gavel sounded for the last time this noble man fell dead at the base of this hallowed lectern. It was perhaps the most dramatic and tragic incident that ever occurred in this Chamber.

I am profoundly grateful to you ladies and gentlemen of the 93d Congress for according me the privilege of reliving for a moment those exacting but golden days of yore.

Mr. SIEMINSKI of New Jersey. Mr. Speaker, I appreciate the courtesy of being referred to as, "of N.J." I am now, and have been for the past 13 years a resident of Virginia.

Mindful of Virginia's enormous contribution to the strength of our legislative process—Peyton Randolph, President of the First Continental Congress, was of Virginia.

If appropriate, I would like to suggest that we consider the following: "To be displayed, in the Capitol, pictures or portraits of suitable size, of every speaker or President of the Congress."

Surely, the second and third ranking citizens of the land, in succession to the Presidency, are worthy of such commemoration.

The SPEAKER. The Chair wishes to thank the former Members for attending and addressing us in the House today.

---

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 35 minutes p.m.

---

## ROLLCALL OF HEROES—POLICEMEN SLAIN IN LINE OF DUTY, 1971–73

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 30 minutes.

Mr. GOLDWATER. Mr. Speaker, 2 years ago I listed the names of law enforcement officers who had given their lives in the performance of duty, in the CONGRESSIONAL RECORD. That list covered a period of just over 2 years, and it included the names of 101 policemen. Tragically, in the 2-year period subsequent to this list—a period that included the unfortunate Supreme Court ruling on capital punishment—over 200 more police officers have been killed in the line of duty.

Just recently, we observed Police Memorial Week to pay tribute to the memory of courageous law enforcement officers who paid the ultimate price for protecting our rights as free citizens. It is distressing to note that very little public attention was paid to this observance.

Yet for the loved ones left behind, the week had great significance. It should have a great significance for all of us who value our freedom.

One reason for the lack of interest in honoring the memory of slain policemen is the overwhelming concern on the part of many, for the so-called "rights" of the criminal.

These "rights" are taken at the expense of the rights of policemen, and the ordinary citizen who is victimized by crime.

As one Washington, D.C., policeman said recently, all the worst criminal needs to do is point a finger at a policeman and yell "police brutality," and right away public attention through some elements of our society is focused on sympathy for the criminal.

I am fearful that unless the misguided psychology that applies to "rights" of hardened criminals is reversed, we face dark days ahead.

After all, in any society, especially one that embraces democracy, there is a very thin line between peace and anarchy.

The person that maintains the line in favor of peace is the policeman. I, for one, am thankful that the policeman is present to protect me.

I have not talked to anyone who would rather meet a criminal on a dark and lonely street instead of a policeman.

Mr. Speaker, a policeman, just like a soldier, realizes that when he takes the oath of office and puts on the uniform, his life is in constant danger.

Perhaps a few policemen can adopt a casual attitude toward death, but I seriously doubt if the majority feel this way.

I am sure that most of them are like Patrolman Louis Vasger of the Philadelphia Police Department.

Patrolman Vasger is dead.

He was gunned down in cold blood just 5 weeks ago during a routine inspection on his patrol beat.

Interestingly enough, but not surprising, the accused killer was out on bail awaiting trial for armed robbery committed a year and a half ago.

Patrolman Vasger left behind a young wife and three small boys. This needless tragedy is repeated over and over again.

Yet, statistics tell the story. Only one conviction now results for every 28 reported felonies.

Mr. Speaker, reading the names of slain policemen is something I do not relish, but I think it must be done as a testament to these courageous men and their families as well as symbolically reminding everyone that they have a moral obligation to respect and to obey the law.

Unless each and every one of us rededicates ourselves to supporting law enforcement officials in the performance of their appointed duties, crime will continue to be a horrible way of life for too many Americans, and brave officers like Patrolman Vasgar will continue to pay—with their lives.

The names that I will read include State, National and local lawmen.

Death respects no rank, as the men who fell ranged from cadets to top supervisors.

They served small towns, boroughs, county, State and national agencies, as well as the large cities.

Actually, the list is not complete.

My good friend, Virgil Penn, the national chaplain of the Fraternal Order of Police, who furnished me with a list of names, said that many police departments did not respond to his request for the names of slain policemen.

Therefore, this list contains 135 names representing 73 law agencies, but from reports compiled by the FBI, and other law enforcement agencies, the actual total is 125 killed in 1971, and 112 in 1972.

With deep reverence and profound sorrow I read the names of those who gave their lives to save our lives.

It is truly a roll call of heroes:

ALABAMA

Algie Long, of Hurtsboro.

ARIZONA

Paul Marston.
Gilbert Guthrie.

CALIFORNIA

Sgt. John V. Young, of San Francisco.
Phillip J. Riley, of Los Angeles.
Kenneth E. Walters, of Los Angeles.

CONNECTICUT

Kenneth Moraska, of Norwalk.
Sgt. Nicholas Pera, of Norwalk.

DELAWARE

David Yarrington, of the State Police.
Donald L. Carey, of the State Police.
George W. Emory, of the State Police.

FLORIDA

J. H. Moon, of Jacksonville.
Robert DeKarte, of Coral Gables.
Henry T. Minard, of Hollywood.

GEORGIA

Harlow Douglas Meers, of Rome.
Billy M. Kaylor, of Atlanta.
James R. Green, of Atlanta.

HAWAII

Benjamin Keeloha, of Honolulu.
David Huber, of Honolulu.
Deputy Sheriff Donal P. Jensen, of Honolulu.

IDAHO

Ross Flavel, of Lewiston.

ILLINOIS

Peter E. Laskey, of the Illinois Bureau of Information.
Frank Dunbar, of Chicago.

KANSAS

Kenneth M. Kennedy, of Hutchinson.

LOUISIANA

Ralph DeWayne Wilder, Deputy Sheriff of East Baton Rouge.
Ralph G. Hancock, Deputy Sheriff of East Baton Rouge.
Leroy Odom, of Farmersville.
Clyde Pearson, of Bossier City.
Edwin C. Hosli, Sr., of New Orleans.
Deputy Superintendent Louis Sirgo, of New Orleans.
Paul Persigo, of New Orleans.
Phillip J. Coleman, of New Orleans.
Alfred Harrell, Cadet, of New Orleans.

MARYLAND

Carl Peterson, of Baltimore.
Donald A. Robertson, Lieutenant, of Montgomery County.
Phillip Lee Russ, of the State Police.
Thomas Noyle, of the State Police.

Lorenzo Gray, of Baltimore.
Norman Buckmann, of Baltimore.

MICHIGAN

Charles B. Stark, of the State Police.
Steven DeVires, of the State Police.
Gary T. Rampy, of the State Police.
Leroy Imus, of Sterling Heights.
William Schmedding, Jr., of Detroit.
Gilbert Stocker, of Detroit.
Gerald Riley, of Detroit.
Robert Bradford, Jr., of Detroit.
Harold E. Carlson, of Detroit.

OHIO

Richard T. Miller, of East Cleveland.
Curtis Stanton, of Columbus.
Joseph Edwards, of Canton.

OKLAHOMA

Robert Eugene Aka, of State Highway Patrol.
Thomas Isbell, of State Highway Patrol.
Wesley Cole, of Tulsa.
Carl Hart, of Bokehito City.
Melvin Minor, of Norman.
Michael Ratikan, of Oklahoma City.
Thomas Spybuck, of Tulsa.

PENNSYLVANIA

Robert Hagenburg, of Plymouth Township.
Robert Lapp, of State Police Headquarters.
John S. Valent, of State Police Headquarters.
William Davis, Kennet Square.
Richard Posey, of Kennet Square.
Robert Seymore, of Bellefonte.
Albert Devlin, of McCandless.
George Stuckey, of Bristol Township.
William Schrott, of Penn Hills.
Bartley Connolly, of Penn Hills.
Henry Clinton Schaad, of York.
Douglas J. Alexander, of Philadelphia.
Leo VanWinkle, Jr., of Philadelphia.
James Duffin, Jr., of Philadelphia.
Louis Vasger, of Philadelphia.
William White, of Philadelphia.

SOUTH CAROLINA

Ray Caffee, of the State Highway Patrol.

TENNESSEE

Jesse Buttram, of Lenoir City.

TEXAS

Samuel Infante, of Dallas.
W. Don Reese, of Dallas.
A. J. Robertson, of Dallas.
E. M. Belcher, of Fort Worth.
Johnnie Hartwell, of Dallas.
Levy McQuieter, of Dallas.
Carl J. Cooke, of Dallas.
Allen Perry Camp, of Dallas.
Antonio T. Canales, of San Antonio.
Vincent Jerry Walker, of San Antonio.
Joshua Rodrigues, of Houston.

MINNESOTA

Howard L. Johnson, of Roseville.
Joseph Pudlick, of Minneapolis.
Inno H. Suek (Lt.), of Minneapolis.

MISSISSIPPI

William J. Skinner (Lt.), of Jackson.

MISSOURI

Donald L. Marler, of Harrisonville.
Francis E. Wirt, of Harrisonville.
Homer E. Fry (Marshall), of Mansfield.

NEW JERSEY

Frank Papianni, of Edison.
Marienus J. Sigeren, of State Police.
Werner Foerster, of State Police.
Frank Irvin, of Newark.

NEW MEXICO

Robert Rosenbloom, of State Police.

NEW YORK

William F. Holbert, Jr., of Binghamton.
Trooper White, of State Police.
Robert M. Semrov, of State Police.
Ivan G. Lorenzo, of New York City.
Earl Thompson, of New York City.
Waverly Jones, of New York City.
Joseph Piagentine, of New York City.
Robert Denton, of New York City.
Kenneth Nugent, of New York City.
Joseph V. Morabito, of New York City.
Rocco Lauri, of New York City.
Gregory P. Foster, of New York City.
Elijah Stroud, of New York City.
William Capers, of New York City.
Phillip W. Cardillo, of New York City.
Stephen R. Gilroy, of New York City.
Irving Wright, of New York City.

NORTH CAROLINA

Milford Mack Hardwick, of Columbus.
Dewey Henson McCall, of Wildlife Agent.
William Thomas Land, of Durham Co.
James Robert Lamb, of Wallace.
Alfred Baird.
Michael Patrick Jenkins, of Bessemer City.
Robert Jackson Eury, of Cabarrus Co.
Clyde Stephen Perry, of State Police.
Joe Griffin White, of State Police.
M. J. Bell, of Elizabethtown.
Charles H. Lee, of Clayton.
L. T. Walton, of State Police.
Joseph Hobgood, of Fountain.
Robert Randall East, of State Police.
Leonard Meeks, Jr., of State Police.
Gregory W. Spinelli (F.B.I.), of Charlotte.

UTAH

Deputy Sheriff Donald P. Jensen, of Farmington.

VERMONT

Dana Lee Thompson, of Manchester Center.

VIRGINIA

Carroll David Garrison, of Fairfax.

WASHINGTON, D.C.

Norman E. Sheriff, U.S. Marshall.
William L. Sigmon, of Metro Police.
Jerard E. Young, of Metro Police.

WASHINGTON

Fred D. Carr, of Seattle.
Charles F. Noble, of the Highway Patrol.

WISCONSIN

Donald C. Peterson, of the Highway Patrol.

WYOMING

Boyd L. Hall, of Teton County.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. GOLDWATER. I am glad to yield to the gentleman from California.

Mr. ROUSSELOT. I wish to compliment my colleague from California for his continuing effort to make sure that those of us in the House who have had a real interest in this whole area of law enforcement give proper recognition to those men who have died in the line of duty. We must never forget what they have done.

The gentleman from California has been a burr under the saddle of this House in an effort to make sure we do not forget and to see that we do take some kind of constructive action to give awards of merit to so many of these men who maintain peace in the streets and provide for a proper atmosphere of law and order in this country.

I know that my colleague from California has made a persistent effort to bring these issues to the attention of our whole House. I am grateful that the gentleman has not been tempted to set aside his organized effort during the rush of other important issues that come before the House. He has attempted to keep it in front of the entire body. I know he has been the author of several bills in this important area. I wish to compliment him for his effort.

Mr. GOLDWATER. I thank my colleague from California for his remarks and his demonstration of concern which he has always shown. I must concur with him that too often we take for granted the great job our law enforcement officials perform. It is with that purpose in mind that I took this special order to pay tribute to those who died in the line of duty and, as I said, it is with profound sorrow that I read the names of those who gave their lives.

## PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess of the House be printed in the RECORD, and that the former Members of the Congress may be allowed to extend their remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## THE JAVITS WAR POWERS ACT—A LIBERAL DISSENT

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, for several years I have supported a concept which I first heard advocated by the Senator from New York, Mr. JAVITS, to limit the power of the President to use the Armed Forces of the United States in absence of a declared war by Congress. This bill was reintroduced by Mr. JAVITS on January 18 of this year in the U.S. Senate (S. 440). At last count, 60 Senators have cosponsored the Javits bill, and it will, I understand, soon pass the Senate, having been reported out of the Foreign Relations Committee unanimously.

One month ago I received a letter prepared by Dr. Francis D. Wormuth, professor of political science at the University of Utah in Salt Lake City, and cosigned by 12 of his faculty colleagues strongly criticizing the Javits' approach. Dr. Wormuth is one of the great civil libertarians in this country and has been, since the beginning, strongly opposed to U.S. involvement in Indochina. So I was at first surprised that he opposed this bill to limit Presidential warmaking powers.

Upon analysis, I find he makes a thoughtful, impressive argument. These men argue that although the bill supposedly limits the President in initiating new wars that, in fact, it would enlarge the President's power beyond existing law and constitutional limits and would, in fact, authorize the President to initiate new wars.

I strongly recommend that Members read Dr. Wormuth's thoughtful analysis. For that purpose, I am inserting into the RECORD at this point the Javits bill, the text of the letter I received from Dr. Wormuth and his colleagues, and the letter written by Dr. Wormuth to Senator JAVITS, analyzing the Javits bill.

I understand that the House Foreign Affairs Subcommittee on National Security, Policy, and Scientific Development is now involved in marking up House Joint Resolution 542 which is apparently similar to Senator JAVITS' bill. I hope that the arguments made by these distinguished scholars can be heard by members of that subcommittee and by all Members before we vote on this landmark measure. The bill follows:

### S. 440

A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act".

### PURPOSE AND POLICY

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations after they have been introduced in hostilities or in such situations. Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. At the same time, this Act is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to repel attacks or forestall the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens and nationals of the United States located in foreign countries.

### EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from (A) any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or (B) any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

### REPORTS

SEC. 4. The introduction of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilites is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such Armed Forces were introduced in such hostilities or in such situation, the estimated scope of such hostilities or situation, and the consistency of the introduction of such forces in such hostilities or situation with the provisions of section 3 of this Act. Whenever Armed Forces of the United States are engaged in hostilities or in any such situation outside of the United States, its territories and possessions, the President shall, so long as such Armed Forces continue to be engaged in such hostilities or in such situation, report to the Congress periodically on the status of such hostilities or situation as well as the scope and expected duration of such hostilities or situation, but in no event shall he report to the Congress less often than every six months.

### THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless (1) the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities; or (2) Congress is physically unable to meet as a result of an armed attack upon the United States; or (3) the continued use of such Armed Forces in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

### TERMINATION WITHIN THIRTY-DAY PERIOD

SEC. 6. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 of this Act by an Act or joint resolution of Congress, except in a case where the President has determined and certified to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities.

### CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7.(a) Any bill or joint resolution authorizing a continuation of the use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act, or any bill or joint resolution terminating the use of Armed Forces of the United States in hostilities, as provided in section 6 of this Act, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays. Any such bill or joint resolution after having been passed by the House of Congress in which it originated, shall be considered repoted to the floor of the other House of Congress within one day after it has been passed by the House in which it originated and sent to the other House, unless the Members of the other House shall otherwise determine by yeas and nays.

(b) Any bill or joint resolution reported to the floor pursuant to subsection (a) or when placed directly on the calendar shall immediately become the pending business of the House in which such bill or joint resolution is reported or placed directly on the calendar, and shall be voted upon within three days after it has been reported or placed directly on the calendar, as the case may be, unless such House shall otherwise determine by yeas and nays.

### SEPARABILITY CLAUSE

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

### EFFECTIVE DATE AND APPLICABILITY

SEC. 9. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act. Nothing in section 3(4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of

**enactment of this Act and pursuant to the United Nations Charter or any treaty ratified** by the United States prior to such date.

---

THE UNIVERSITY OF UTAH,
*Salt Lake City, Utah, April 16, 1973.*

Hon. WAYNE OWENS,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN OWENS: The undersigned members of the Political Science Department, as constituents and not as spokesmen for the University of Utah, urge you to vote against the Javits War Powers Bill. Although this bill is supposed to limit the President in initiating war, in fact it undertakes to enlarge his power beyond existing law and beyond the limits of the Constitution. It would authorize the President to initiate a war:

(1) Whenever he alleged that American citizens were maltreated by a foreign government (this is the pretext upon which Hitler invaded Poland and began World War II);

(2) Whenever he alleged that a treaty the implementation of which by force Congress had approved permitted him to initiate war, even though the treaty had been negotiated a hundred years earlier.

The bill is a shocking attempt to cause Congress to abdicate its power to declare war in advance of any issue, in total ignorance of future issues and with no opportunity to evaluate the contemporary circumstances under which the President would actually initiate war. Dr. Wormuth's legal analysis of the bill in response to an inquiry from Senator Javits is enclosed.

Sincerely yours,

J. D. Williams, Roger Rieber, Donald W. Hanson, Kent Main, Clark D. Mueller, Bruce E. Bailey, D. F. Eamiesen, Francis D. Wormuth, Lorenzo F. Kimball, Edward C. Epstein, Slava J. Lubomundior, Helmut J. Callis, Robert P. Huefner.

---

THE UNIVERSITY OF UTAH,
*Salt Lake City, Utah, March 6, 1973.*

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JAVITS: Thank you for sending me a copy of your War Powers Bill. When I wrote to the Council for a Livable World protesting against indorsement of the bill I had read it and did not write, as you suppose, out of misapprehension. This letter is in response to your request for an amplification of my criticism of the bill.

I think your general purpose is laudable and you certainly have the right enemies. However, the effect of the bill, if it were constitutional, would be to change existing law by enlarging the power of the President to engage in foreign adventures. And it is also objectionable because it defeats the purpose recited in Section 2, "to insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces. . . ." The bill will give the President in advance—perhaps years in advance—the option of taking a decision for war when certain events occur, or when he alleges that such events have occurred. Under the Constitution, the decision of Congress to initiate war must be contemporaneous with the initiation of war and must be made in the light of existing circumstances. A postdated declaration of war, such as your bill contemplates, leaves the evaluation of the circumstances on some future occasion to the President. He alone takes the decision for war or peace. A request by President Jackson for a considerably more modest authorization of future acts of war was unanimously rejected by the Senate on the basis of a report by Henry Clay which asserted that Congress cannot delegate the war power, and seven requests of President Buchanan for contingent authority such as is included in your bill were rejected by the Senate for the same reason. See my "The Vietnam War: The President versus the Constitution," in Richard A. Falk, ed., *The Vietnam War and International Law* (Princeton: Princeton University Press, 1969), Vol. 2, pp. 736, 782–88.

The heart of the bill is Section 3. Sec. 3(1) authorizes the President to repeal an armed attack. This is merely declaratory and I do not object to it. I am troubled by Sec. 3(2) because it seems to legitimize involvement in war when American troops are attacked abroad without inquiring how they got there. Suppose they have entered neutral territory illegally, as occurred when President Nixon sent troops into Cambodia. In The Exchange v. McFaddon, 7 Cr. 116, 140–41 (1812), Chief Justice Marshall said, in effect, that such action is an act of war. In 1848 the House of Representatives voted that President Polk, by sending troops into territory disputed with Mexico and then defending them, had unconstitutionally initiated war. I fear this subsection might legalize a war initiated by a Congressionally unauthorized commitment of troops abroad.

I am very unhappy about Sec. 3 (3), which permits the President to send troops into a foreign country to protect citizens, either against rioters or against the government itself. The latter is clearly the initiation of war. The present law is much more restrictive but has proved to be adequate.

Page 2, line 9 of the bill seems to concede that the President has a constitutional power to protect citizens abroad. He has no such power. Dicta in three Supreme Court decisions—Murray v. The Charming Betsy, 2 Cr. 64, 120 (1804); the Slaughter-House Cases, 16 Wall. 36, 79 (1872); In re Neagle, 135 U.S. 1, 64 (1889)—say that a citizen has a right to protection abroad. But the protection of the rights of citizens belongs to Congress, not the President. Prigg v. Pennsylvania, 16 Pet. 539 (1842). Only one of the cases cited above, In re Neagle, suggests that the President has such power. This was said in order to support the indefensible decision in that case. The dictum in In re Neagle relies on the rescue of Martin Koszta by a naval captain (see my "Vietnam War," p. 756). But the rescue was an unauthorized action by Captain Ingraham and not the President's; and Koszta was an alien, not a citizen. The action was not judicially approved.

It is true that one circuit court opinion by Justice Nelson of the Supreme Court, Durand v. Hollins, 8 Fed. Cas. III (1860), argues at length that the President may employ force abroad to rescue citizens; but what was involved in that case was not the rescue of citizens but reprisal, which is generally understood to be an act of war belonging only to Congress. Whoever accepts Nelson's language in Durand v. Hollins should be prepared to accept his dissenting opinion in The Prize Cases, 2 Black, 635, 682 (1863), in which he argued that the President has no constitutional powers to repel a sudden attack. Justice Nelson was a strongly partisan Democrat who in Durand v. Hollins defended the action of Democratic President Pierce and in the Prize Cases condemned the action of Republican President Lincoln.

At present the President is authorized to seek the release of citizens unjustly imprisoned abroad by means "not amounting to acts of war." 22 U.S.C. § 1732 (1964); originally 15 Stat. 223 (1868). The Secretary of the Navy has had power to make rules since 1862. The present *Naval Regulations,* from which I enclose a copy of the pertinent rules, give a naval officer on the spot a carefully circumscribed right to rescue citizens. The rules in this form date back to 1893; in another form, to 1865. In one of your speeches you speak of the "gunboat diplomacy" of the nineteenth centry. All but thirteen of the naval landings in the nineteenth century were undertaken under naval regulations promulgated by statutory authority. It is in the twentieth century that Presidential excesses have occurred.

It seems to me better to have the decision taken by a naval officer who will not have long-range political motives than by a President who may use the pretext of rescuing citizens to launch a war. The German White Paper issued at the beginning of World War II alleged that the invasion of Poland was undertaken for the protection of *Volksgenossen* from maltreatment by the Poles.

I note that you deplore President Johnson's intervention in the Dominican Republic. He alleged that he was protecting citizens. Section 3(3) would legalize all such interventions. The words of caution and admonition in your bill would have no more effect on the conduct of a President than the Ten Commandments.

In short, the President has no constitutional power to use the armed forces for the rescue of citizens and at present has no statutory power. It is not the case that as commander-in-chief he has the right to use the armed forces for any purpose not authorized by Congress except to repel sudden attack. Our statutes have always specified when he is empowered to use the armed forces, and the present law forbids the use of the Army or Air Force to execute the laws without specific authority from the Constitution or Congress, 22 U.S.C. § 1732 (1964), derived from 20 Stat. 152 (1878). It is illegal for the President to attempt to execute any law except by the officers appointed by statute for that purpose. Gelston v. Hoyt, 3 Wheat, 245, 330–32 (1818); Hendricks v. Gonzalez, 67F. 351 (2d cir. 1895).

Moreover, Sec. 3(3) constitutes an attempt to delegate the war power, which is unconstitutional. When Chief Justice Marshall laid down the law of delegation in Wayman v. Southard, 10 Wheat. 1, 43 (1825), he denied that Congress might delegate "powers which are strictly and exclusively legislative"; on subjects "of less interest, a general provision may be made and power given to those who are to act under such general provisions to fill up the details." The debates in the Constitutional Convention and the ratifying conventions and the discussions in the *Federalist* make it clear that the power to go to war is "strictly and exclusively legislative." As I pointed out above, the Senate unanimously by resolution concurred in the report of Henry Clay that the war power cannot be delegated. Sec. 3(3) would not only transfer the power of war or peace to the President, which is outright abdication; it would do so for the indefinite future, in situations which Congress cannot foresee and evaluate at the present time.

I object to the central feature of Sec. 3(4) for the same reason. If the President and the Senate make a treaty which contemplates acts of war, and Congress passes the enabling legislation authorized by the bill, there is delegated to the President for the indefinite future a power to go to war whenever he alleges that the conditions in the treaty call for it. Under settled law, his allegation to this effect is not subject to review by any other authority; the cases begin with Martin v. Mott, 12 Wheat. 19 (1827). Once again, this is delegation *in futuro,* to apply in concrete cases which Congress cannot possibly envision when it legislates. The subsection would authorize the President alone to take the decision for war and peace, and it falls under Henry Clay's condemnation of the declaration of futures as opposed to contemporaneous wars.

However, I approve of page 4, line 19, which requires statutory authorization for the sending of military advisors. But perhaps you are not aware that such statutory authorization already exists, 10 U.S.C. § 712 (1959). It would be useful to repeal this provision.

I do not think that reporting to Congress or consulting Congress after the fact will be effective. As William Howard Taft observed in his book *Our Chief Magistrate and His Powers*, once the President has involved the country in a war, rightly or wrongly, the whole nation will rally behind him.

Although the bill speaks of "Emergency Use of the Armed Forces," none of the powers granted is conditioned on the existence of an emergency which makes it impracticable to consult Congress at the time the power is invoked. In most of the situations covered by the bill it would be possible, I should suppose, to submit the issue to Congress, which would be able to make a judgment on the particular case in the light of existing circumstances, as the framers intended.

The question remains as to how one is to provide for genuine emergencies which cannot wait for Congressional action. The answer is that it is not possible for any legal order, even a despotism, to make legal provision for all emergencies. The values of a legal order lie in its regularized structure. It is inevitable that values extraneous to the legal order will now and again be jeopardized by that structure; and in some cases most of us would prefer those extraneous values to the values of the legal order. The proper course here is for the President to act illegally, report his actions and his motives to Congress, and ask Congress for ratification. This is what President Lincoln did at the beginning of the Civil War. Congress will not be ungenerous in any proper case. This course is preferable to legitimizing departures from the legal order. In advance; this will dissolve away the legal order.

To summarize, your bill is not aimed at emergencies. Its operation does not even require the allegation that an emergency exists. It merely authorizes the President to initiate a war whenever he asserts that citizens are in danger or that a treaty which has received Congressional implementation should be invoked, provided he makes altogether unverified reports to what will no doubt be a wildly cheering Congress. Despite the claims of apologists for Presidential usurpation, the President has no such constitutional powers. At present he has no such statutory powers. Nor does the Constitution permit Congress to shirk its duty of taking the decision for war in each individual case by giving the President the option of making war at will in whole categories of cases in the future.

Sincerely yours,

FRANCIS D. WORMUTH.

## SOCIAL SECURITY TAX REDUCTION ACT OF 1973

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today I am introducing the Social Security Tax Reduction Act of 1973, a bill to provide for a more equitable and progressive social security payroll tax. This bill is a companion measure to one Senator GAYLORD NELSON plans to introduce in the Senate.

Briefly, the bill would do the following:

First. Provide general payroll tax relief for all wage earners by reducing the present employee payroll tax rate from 5.85 to 5.2 percent.

Second. Provide specific payroll tax relief for lower income wage earners through a deduction and exemption formula which would for the first time make the payroll tax sensitive to an individual's ability to pay.

Third. Provide for the financing of these changes in the social security tax structure out of general revenues.

There is a well-worn saying that "a picture is worth a thousand words." For those of us in this Chamber, who deal day after day in broad legislative concepts and multibillion dollar appropriations, I think there is a corollary: A letter from home is worth a thousand abstractions.

I would like to share with my colleagues the comments of two constituents who recently wrote to me on the subject of taxes. Wrote one:

> Having been unsuccessful in securing a salary increase for over three years now . . . it is with qualified alarm that I watch my net pay become less and less, even though my gross pay figure has remained the same.
>
> Out of a 40 hour week, 11 hours are for taxes! Add in all the "hidden" taxes on goods I buy, plus the cost of living increases, and you see I am losing ground.

Another, a young housewife with a month-old son—whose husband earns $123 a week and brings home $90—wrote of the latest social security payroll tax increase:

> It really makes me angry and heartsick. I mean it's our hard-earned money they keep taking and we can't do or say anything about it.

These two letters probably do not signal a taxpayers' revolt, but they do say a great deal about the present state of our tax system and what it is doing to the average taxpayer.

Mr. Speaker, the average taxpayer in this country is being victimized by a tax system that is growing steadily more regressive with each passing year. We started out to raise revenues from those best able to pay. Unfortunately we are not only far from achieving that goal but in recent years have been moving in the opposite direction.

This is not just because of the preferences and loopholes in the Federal income tax. With all its flaws, the Federal income tax still bears some relation to the individual's ability to pay. It may not raise sufficient revenues from wealthy individuals and large corporations, but at least the income tax does not impose undue hardship on lower income taxpayers.

The same cannot be said of the second largest source of Federal revenue, the social security payroll tax. It takes no account of ability to pay. It is imposed at a flat rate, and the $10,800 a year worker pays as much as the $480,000 a year corporation president. Because of the ceiling on taxable earnings and because the payroll tax applies only to wages and salaries and no other sources of income, the worker actually pays a large percentage of his income in social security payroll taxes than the corporation president does.

All of this makes the social security payroll tax the most regressive feature of our Federal tax system today. This is singularly unfortunate, because it is also the Federal Government's fastest growing tax. By 1974, this regressive tax will account for more than 25 percent of all Federal revenues. Ten years ago it accounted for less than 15 percent. In sharp contrast, the corporate income tax is steadily shrinking as a portion of Federal revenues—from nearly 21 percent in 1963 to 14.4 percent by 1974.

The Federal tax burden is steadily shifting away from corporations and onto individuals. And as the social security payroll tax accounts for more and more of all Federal revenues, it is shifting away from individuals in the higher income brackets and falling more heavily on middle- and lower-income taxpayers. It is no exaggeration to say that the social security payroll tax is the greatest source of inequity in the tax system today.

The rise in this tax has been so sharp that it has all but canceled out gains to low- and middle-income taxpayers arising from income tax reductions. Since 1963, a married worker with two children, earning $10,000 a year, has seen his income tax decline from $1,372 to $905, while his social security payroll tax has risen from $174 to $585. In other words, his income tax burden was reduced by 33 percent, while his payroll tax load increased 236 percent. The net result was that his overall tax load declined less than 1 percent—from 15.45 to 14.9 percent.

The payroll tax, an increasing onerous burden for all wage earners, hits especially hard at those at the bottom of the income ladder—the working poor. A decade ago a family of four with an annual income of $3,000 paid 5.6 percent—$168 a year—in combined Federal income and payroll taxes. Today that same family pays 5.85 percent—$175—and all of it is in social security payroll taxes. A wage earner with five dependents and an annual income of $5,500 will owe no income tax in 1973, but he will have to pay $321.75 in payroll taxes.

Mr. Speaker, after 10 years of repeated efforts—in 1964, 1969, and 1971—to reduce the burden of the income tax on low- and middle-income taxpayers, where are we? We have only succeeded in shifting the burden from a relatively equitable, progressive income tax based on ability to pay, to a flat-rate payroll tax, limited to wage and salary income, which cannot, by its nature, be anything other than regressive and unfair.

The cruelest irony of this sleight of hand is that those at the bottom of the income ladder are actually paying more in taxes now than they did 10 years ago. Individuals and families now considered too poor to have a Federal income tax liability are still saddled with an increasingly burdensome social security payroll tax. At low-income levels, the increase in the payroll tax is working at cross-purposes with income tax reductions, hampering efforts of the working poor to pull themselves out of poverty. At a time when grossly inflated rents and food prices make low income workers' dollars worth substantially less than they were last month—let alone last year or 4 or 5 years ago—the social security payroll tax, by taking more and more of these devalued earnings, is keeping the working poor impoverished.

I am thoroughly familiar with the argument that though all of this may be true, the imposition of the payroll tax on the low-income worker is nonetheless justified because social security is a form of insurance and eventually he will receive benefits worth far more than his so-called contributions. But what other form of insurance do we have in this country where contributions are involuntary? The answer is, none.

What other insurance program do you find in this country today where benefit payments are increased with the cost of living or by acts of Congress and bear no real relationship to the actual amounts paid in by beneficiaries in the past? Again, none.

And what comfort is the knowledge that he will receive benefits 20 or 30 years in the future—if he lives that long—to a low-income worker who is trying to feed, house, and clothe his family today? Not much.

Mr. Speaker, I believe that the benefits the social security system provides retired persons and disabled workers are essential to America's economic and social well-being. I have supported increases in these benefits in the past and I will continue to do so, as it is shown that increases are needed in the future. But I also firmly believe that it is time the Congress leveled with the public and with itself about the real nature of social security. It is not insurance. It is a program to provide income security and health benefits for retired persons and eligible, disabled workers. Its benefits are not financed by past contributions; they are paid for by a mandatory tax on current income.

This year the social security system will take $62 billion from the wages of working men and women through the payroll tax, and pay out nearly all of it again to those who, because of age or disability, no longer work. It is really a mechanism for income redistribution. Unfortunately, because of the regressive nature of the payroll tax, it has also become an elaborate way or robbing Peter to pay Paul which works a tremendous hardship on moderate and low-income wage earners.

Mr. Speaker, I doubt that we can continue to have a viable social security system if we persist in financing it in such an inequitable manner. We will never have a truly equitable Federal tax structure—no matter how many income tax loopholes we close—if social security finance methods continue unchanged.

It is with this in mind that I am introducing the Social Security Tax Reduction Act. I have already briefly outlined the provisions of this bill. I would like now to discuss them at greater length.

First. The bill would reduce the present employee payroll tax rate from 5.85 to 5.2 percent. The tax rate on self-employed income would be reduced from 8 to 7.5 percent. The employer tax rate and the taxable wage ceiling would remain the same as under present law.

Second. To make the payroll more progressive and more sensitive to ability to pay at low- and moderate-income levels, the bill would allow taxpayers a "limited income deduction"—LID. The LID would be equal to the value of a taxpayer's exemptions—$750 each—and the low income allowance—$1,300—presently permitted under the personal income tax, reduced by the amount by which his earnings exceed this value.

At this point in the RECORD, I would like to insert an example of how the LID would work for a family of four at three different income levels:

a. A family of four with one wage earner and earnings of $4,300:

| | |
|---|---|
| Basic value of low income allowance ($1,300) and personal exemption (4×$750) | $4,300.00 |
| Earnings | 4,300.00 |
| Earnings minus basic value ($4,300—$4,300) | 0 |
| Adjusted value of low income allowance and exemption, or LID 4×$750) | 4,300.00 |
| Earnings minus LID ($4,300—$4,300) | 0 |
| Payroll tax on adjusted earnings (5.2%×0) | 0 |

b. A family of four with one wage earner and earnings of $6,450:

| | |
|---|---|
| Basic value of low income allowance ($1,300) and exemption (4×$750) | 4,300.00 |
| Earnings | 6,450.00 |
| Earnings minus basic value ($6,400—$4,300) | 2,150.00 |
| LID ($4,300—$2,150) | 2,150.00 |
| Earnings minus LID ($6,450—$2,150) | 4,300.00 |
| Payroll tax on adjusted earnings (5.2%×$4,300) | 223.60 |

c. A family of four with one wage earner and earnings of $8,600:

| | |
|---|---|
| Basic value of low income allowance and exemptions | 4,300.00 |
| Earnings | 8,600.00 |
| Earnings minus basic value ($8,600—$4,300) | 4,300.00 |
| LID ($4,300—$4,300) | 0 |
| Earnings minus LID ($8,600—0) | 8,600.00 |
| Payroll tax on adjusted earnings (5.2%×$8,600) | 447.20 |

For married couples filing jointly and single individuals, the LID would be computed in the manner I have just described. Married wage earners filing separately would each be allowed one-half the low income allowance—$650—plus their exemptions in computing the LID. The self-employed would receive personal exemptions and the low income allowance under the same rules applicable to employees. LID would not apply in computation of the tax on employers.

Third. The payroll tax revenue loss arising from the rate reduction and limited income deductions would be made up out of general revenues.

These changes in the financing of social security would have the following impact:

All covered American workers would pay less payroll tax than they do under present law.

All wage earners whose incomes are below the poverty level, as implied by the income tax code, would pay no payroll tax.

All families of four with one wage earner with earnings up to $8,600 would pay less payroll tax in 1973 than they did in 1972.

No worker earning $9,000 or less would pay more than his 1972 payroll tax.

All workers earning above $9,000 would pay 11 percent less in payroll taxes than they do under present law.

Payroll tax discrimination against families with more than one wage earner would end because their earnings would be pooled in computing the tax.

The payroll tax burden of low- and middle-income wage earners would bear a real relationship to their ability to pay.

This substantial tax relief can be achieved at a reasonable cost. The increased burden on general revenues of the changes in social security financing contained in this bill would amount to an estimated $8 billion annually, with the limited income deduction costing between $4 and $4.2 billion, and the rate reduction just under $3.9 billion.

Mr. Speaker, when I say this is reasonable, I do not mean to imply that I believe $8 billion is a negligible sum of money. It is a considerable amount, but when compared with an overall Federal budget of some $268 billion, it is a relatively modest amount, which this government can realistically finance.

The most fitting way to pay for social security payroll tax relief is through concurrent reform of the Federal income tax. Combined payroll tax relief and appropriate income tax reform would shift part of the social security cost burden from low- and middle-income wage earners, who now pay nearly all of the payroll tax, to wealthy individuals and corporations, who now escape paying their fair share of federal income taxes. It would at once provide tax relief for those who need it and make our entire tax system more equitable.

Several tax reform bills are already before the Congress. I am cosponsoring one introduced by our distinguished colleague from Wisconsin (Mr. REUSS) which would raise $9 billion a year in new revenues by closing eight loopholes which benefit only wealthy individuals and corporations. This is more than enough to pay for the payroll tax relief I have outlined today. Leading tax experts have estimated, in fact, that elimination of all those tax preferences and loopholes which accrue primarily to the benefit of wealthy individuals and corporations could raise over $20 billion annually in new revenues, more than twice as much as would be needed to finance this relief.

Mr. Speaker, for over a generation, in deference to the myth that social security is a form of Government-sponsored insurance financed by public "contributions," we have treated the payroll tax as a special creature, not to be judged by the same standards of equity we apply, or seek to apply, to the rest of our tax structure. As long as the social security payroll tax was a nominal one—even as late as 1965, when it was still only 3.6 percent on the first $4,800 of income—we could persist in this myth without inflicting great harm on the taxpaying public. But today, with the regressive payroll tax taking progressively larger bites out of the workingman's paycheck, with this most tangibly unfair of all Federal taxes now the second largest source of Federal revenues—surpassing even the corporate income tax and the rest of our tax structure any longer.

It is time to acknowledge the social security payroll tax for what it is and reform it along with the rest of our tax system.

Mr. Speaker, I believe that far more than the relatively simple issue of tax equity is involved in payroll tax and income tax reform. In the end, it is the average citizen's faith in the fairness and justness of his Government and political system which is at stake.

It is through the tax system, which annually withholds hundreds and thousands of dollars from workers' paychecks, that the Federal Government has its greatest impact on the day-to-day lives of average citizens. If the tax system is fair, then people view the Government which administers it as fair. If the tax system is perceptibly unjust, then we can expect the average man to see the Government as unjust. We have an unjust tax system today. We have a public that is increasingly perceptive about its inequities. And not surprisingly, we have an electorate that is growing increasingly distrustful of all Government officials, elected and appointed.

Mr. Speaker, failure to correct the grave inequities of our tax system will fuel the growing attitude on the part of the public that Government is not acting in its interest, but has been captured by powerful, special interests. Only we can dispel that attitude, and we can only do it by our actions, not by our words.

Mr. Speaker, in my opinion, no other action we could take would do more to show the people of this country that their interests are still paramount in the Congress than this combination of payroll tax reform and income tax reform. Could there be a better time to take such action than now?

Mr. Speaker, I include the text of the bill in the Record following my remarks:

H.R. 8157

A bill to reduce the social security taxes to the 1972 rates and to provide a further reduction in such taxes for limited income individuals

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Social Security Tax Reduction Act of 1973".

Sec. 2. Reduction of Tax Rates to 1972 Levels.

(a) Section 3101(a) of the Internal Revenue Code of 1954 (relating to rate of tax for old-age, survivors, and disability insurance) is amended by inserting "and" at the end of paragraph (2) and by striking out paragraphs (3), (4), (5), and (6) and inserting in lieu thereof the following:

"(3) with respect to wages received during the calendar year 1971, 1972, 1973, and each subsequent calendar year, the rate shall be 4.6 percent."

(b) Section 3101(b) of such Code (relating to rate of tax for hospital insurance) is amended to read as follows:

"(b) Hospital insurance.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to 0.60 percent of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b)) during each calendar year."

(c) Section 1401(a) of such Code (relating to rate of self-employment income tax for old-age, survivors, and disability insurance) is amended by inserting "and" at the end of paragraph (2), and by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) in the case of any taxable year beginning after December 31, 1970, the tax shall be equal to 6.9 percent of the amount of the self-employment income for such taxable year."

(d) Section 1401(b) of such Code (relating to rate of self-employment income tax for hospital insurance) is amended to read as follows:

"(b) Hospital insurance.—In addition to the tax imposed by the preceding subsection, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to 0.60 percent of the amount of the self-employment income for such taxable year."

Sec. 3. Further Reduction for Limited Income Individuals.

(a) Section 3101 of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended by adding at the end thereof the following subsection:

"(c) Reduction for Limited Income Individuals.—

"(1) In general.—The taxes imposed by subsections (a) and (b) with respect to the wages received by an individual with respect to employment during a calendar year shall be reduced by an amount equal to 5.2 percent of the individual's limited income deduction (determined under paragraph (2)).

"(2) Limited income deduction.—For purposes of this subsection, an individual's limited income deduction with respect to wages received with respect to employment during a calendar year is—

"(A) the sum of (i) his low income allowance under section 141 (c) for his taxable year which begins in the calendar year (whether or not the individual uses the low income allowance for purposes of the tax imposed by chapter (1) and (ii) the amount of personal exemptions to which he is entitled under section 151 for the taxable year, reduced (but not below zero) by

"(B) the amount by which the sum of the wages received by him with respect to employment during the calendar year and his self-employment income for such taxable year exceeds the sum described in subparagraph (A).

"(3) Withholding and Social Security Act not to be affected.—For purposes of section 3102 and titles II and XVIII of the Social Security Act, this subsection shall not be taken into account."

(b) Section 1401 of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income) is amended by adding at the end thereof the following new subsection:

"(c) Reduction for Limited Income Individuals—

"(1) In general.—The taxes imposed by subsection (a) and (b) on the self-employment income of an individual for a taxable year shall be reduced by an amount equal to 7.5 percent of the individual's limited income deduction (determined under paragraph (2)).

"(2) Limited income deduction.—For purposes of this subsection, an individual's limited income deduction for a taxable year is—

"(A) the sum of (i) his low income allowance under section 141 (c) for the taxable year (whether or not the individual uses the low income allowance for purposes of the tax imposed by chapter (1) and (ii) the amount of personal exemptions to which he is entitled under section 151 for the taxable year, reduced (but not below zero) by

"(B) the amount by which the sum of the wages (as defined in section 3121 (a)) received by him with respect to employment (as defined in section 3121 (b)) during the calendar year in which his taxable year begins and his self-employment income for such taxable year exceeds the sum described in subparagraph (A).

"(3) Social security act not to be affected.—For purposes of titles II and XVIII of the Social Security Act, this subsection shall not be taken into account."

Sec. 4. Credit or Refund for Excess Withholding of Social Security Taxes.

Section 31(b) of the Internal Revenue Code of 1954 (relating to credit for special refunds of social security tax) is amended by striking out the heading and paragraph (1) and inserting in lieu thereof the following:

"(b) Credit for Excess Withholding of Social Security Taxes.—

"(1) In general.—The Secretary or his delegate shall prescribe regulations providing for the crediting against the tax imposed by this subtitle of (A) amounts deducted under section 3102 from the wages paid to the taxpayer in excess of the tax imposed on such wages by section 3101, and (B) the amount determined by the taxpayer or the Secretary or his delegate to be allowable under section 6413(c) as a special refund of such tax. The amount allowable as a credit under such regulations shall, for purposes of this subtitle, be considered an amount withheld at source as tax under section 3402."

Sec. 5. Effective Dates.

The amendments made by sections 2 (a) and (b) and 3(a) shall apply with respect to wages paid after December 31, 1972. The amendments made by sections 2 (c) and (d), 3(b), and 4 shall apply to taxable years beginning after December 31, 1972.

Sec. 6. Appropriations From General Fund to Social Security Trust Funds.

(a) There are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund amounts (as determined by the Secretary of the Treasury) equal to the amounts by which the taxes imposed by sections 1401 and 3101 of the Internal Revenue Code of 1954 received in the Treasury are less than the amounts which would have been received if the Social Security Tax Reduction Act of 1973 had not been enacted.

(b) The amounts appropriated by subsection (a) shall be transferred from time to time from the general fund in the Treasury to the respective Trust Funds on the basis of estimates by the Secretary of the Treasury. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the amounts which should have been transferred.

---

## TWO CENTURIES OF GUN OWNERSHIP HAVE PRESERVED INDIVIDUAL LIBERTY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, since my election to the House of Representatives, I have been justifiably terrified by the unnecessary, paternalistic, firearms regulation legislation that has been condoned by too many of my colleagues. The ultimate goal of such insidious actions by the Congress is total Federal control and confiscation of all privately owned firearms.

The suicide mission of "protecting the country from the evils of firearms," has fostered legislation that serves as an ugly mask to cover the unprecedented attempts to usurp a constitutional right through measures that reek of asininity and fear. Without the right to keep and bear arms, the American public will become defenseless against the criminal and the State. Accordingly the American system of government—that has survived on constitutional rights and guidelines—will be disregarded and possibly disposed of for some lasting omnipotent power structure.

One group, other than the DDS—Disarming Demagogue Society—truly understands and applauds total gun regulation—the criminals. After all, they have made their place in society by disobeying and destroying all laws and people who hinder them. The law abiding citizen will be forced to obey an unjust law and in the process become easy prey for any type of criminal—public or private.

I shall fight to prevent our Government from falling under the control of those associated with black-shirted, goose-stepping tyrants; misfits; and hoodlums.

Once again, I have introduced a firearms bill, H.R. 1150, which would repeal the greatest example of misguided emotion ever to be codified by the U.S. Congress—the Gun Control Act of 1968. I have introduced this bill in each new Congress with the same results. The anti-gun coalition opposes any legislation that would guarantee individual liberties—liberties that have already been granted under the Constitution. Unfortunately, the courts and the Congress reneged on the people's "buyer protection plan" that was so meticulously composed by the founders of our country.

### A FUNDAMENTAL RIGHT

Every citizen was guaranteed the right to keep and bear arms under the second amendment to the Constitution. That amendment states:

> A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

This amendment was added, because certain States, during their conventions to ratify the Constitution, realized the imperfections of, and ramifications inherent in the creation of a Federal-type government. In addition, many States included a similar clause in their constitutions predating the Federal constitutional proposal. For example, the constitution of my home State, Pennsylvania, adopted in 1776, contained a provision that guaranteed the right to bear arms:

> That the people have a right to bear arms for the defense of themselves and the state.

Five State conventions, in their letters of approval of the U.S. Constitution, outlined many aspects of individual liberty that had to be safeguarded from Federal control or regulation. Among these individual rights was firearms ownership. The State of New Hampshire said:

> And as it is the opinion of this Convention that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of this State and more effectually guard against an undue Administration of the Federal Government . . .
>
> Congress shall never disarm any citizen unless such as are or have been in actual rebellion.

The States of Virginia, North Carolina, New York, and Rhode Island submitted similar statements regarding approval of the U.S. Constitution. The North Carolina commentary is representative:

> A Declaration of Rights asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptional parts of the said Constitution of Government, ought to be laid before Congress, and the Convention of the States that shall or may be called for the purpose of amending the said Constitution . . .
>
> That the people have a right to keep and bear arms, that a well regulated militia composed of the body of the people, trained to arms is the proper, natural and safe defense of a free state.

The above statements were made by the citizenry of the Colonies as they reviewed the work of our Founding Fathers before they approved and ratified this great document. It is that same belief in freedom and the ability to protect oneself from all threats that must prevail today. Firearms regulation must be eliminated before it becomes total gun confiscation in the hands of Government bureaucrats.

On March 4, 1789, the Congress drafted a resolution containing 12 amendments to the Constitution. That document stated:

> The Convention of a number of States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent mis-construction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure beneficent ends of its institution.
>
> Article the Fourth . . . A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Of course, we all know the outcome of this resolution.

It is my contention that the brilliantly drafted second amendment combined two ideas in a single sentence—the right to keep and bear arms and the militia provision. If these were two separate amendments, they would read:

> A well regulated militia, being necessary to the security of a free State, shall not be infringed.

and

> The right of the people to keep and bear arms, being necessary to the security of a free State, shall not be infringed.

Our Founding Fathers realized that not only did the States and the Nation need protection—but so did the individual. By combining the two concepts, they merely provided for both in a concise manner. The safety of the individual was assured by his right to bear arms in protection against internal insurrections, as well as abuses of power by the Federal Government.

When one gets down to the heart of today's "law and order" issue, our situation is similar to revolutionary times. The people and the Government face similar internal problems; instead of "frontier fears" we face gun-toting renegades and various groups seeking to destroy our country.

The second amendment also provided for a militia. This was important, because it guaranteed the protection of the Nation without establishing a large standing Army—an idea that repulsed our early countrymen.

However, as we all know, the word, "militia," has all but vanished from today's military vocabulary. Militias evolved into National Guard Units which are now incorporated into the national defense structure whenever necessary. Unfortunately, the world situation today mandates a large standing Army.

The security of the States is now provided for on a much larger scale than was ever believed possible in 1789. Yet, the part of the second amendment—the right to keep and bear arms—is as necessary today as it was then. It is our duty to strengthen the desires and reaffirm the foresight of our Founding Fathers in a contemporary interpretation of this amendment.

When an individual possesses a firearm, he can protect and insure his life, liberty, and property against any person or institution.

Instead of acting contrary to the belief in freedom upon which this country was built, Congress should get to the business of cracking down on the demented, gun-toting criminals who have been pampered over the last 50 years by bleeding-heart sociologists, gun control fanatics, and lenient judges. Congress must redirect its sympathies from the criminal to the law-abiding citizen whose rights to life, liberty, and property must be protected, if not by the Government, then by the citizen himself.

As I implied earlier, the Bill of Rights was the colonial equivalent of modern businesses' "buyer protection plan." Just as any manufacturer backs up his product and recalls it if the owner's safety is endangered—so must the Congress abide by its 200-year-old guarantee and recall a bad law if it endangers the basic principles of this Nation. The Gun Control Act of 1968 is such a law. If the guarantee embodied in the Bill of Rights is not fulfilled—the people can and must, as the Declaration of Independence affirms, "provide new guards for their future security."

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. OWENS, for 5 minutes, today, and to revise and extend his remarks.

(The following Members (at the request of Mr. POWELL of Ohio) and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 15 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

(The following Members (at the request of Mr. DAN DANIEL) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. MOSS, for 5 minutes, today.

Ms. ABZUG, for 15 minutes, today.

Mr. MORGAN, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hechler of West Virginia and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $467.50.

(The following Members (at the request of Mr. Powell of Ohio) and to include extraneous matter:)

Mr. Gubser.

Mr. Kemp in two instances.

Mr. McKinney.

Mr. Hanrahan.

Mr. Young of Florida in two instances.

Mr. Bafalis in five instances.

Mr. Huber in three instances.

(The following Members (at the request of Mr. Dan Daniel) and to include extraneous matter:)

Mr. Dan Daniel.

Mr. Riegle.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. White.

Mr. Mitchell of Maryland.

(The following Members (at the request of Mr. Owens) and to include extraneous matter:)

Mr. Rooney of New York in two instances.

Mr. Byron in 10 instances.

Mr. McCormack in two instances.

Mr. Harrington in two instances.

Mr. Gunter in five instances.

Mr. Rogers in five instances.

Mr. Stokes in three instances.

Mr. Waldie in three instances.

Mr. Teague of Texas in six instances.

Mr. Brasco in three instances.

## SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 251. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson to the Committee on the Judiciary.

S. 1384. An act to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Glen Canyon National Recreation Area, in the States of Arizona and Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1808. An act to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes; to the Committee on Public Works.

S.J. Res. 25. Joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day"; to the Committee on the Judiciary.

## SERVICES FOR THE LATE HONORABLE WILLIAM O. MILLS

Mr. GUDE. Mr. Speaker, services on behalf of the late Honorable William O. Mills will be held at St. Marks Methodist Church, Oxford Road, Easton, Md., on Saturday, May 26, 1973, at 2 o'clock p.m.

## THE LATE HONORABLE WILLIAM O. MILLS

Mr. GUDE. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. Res. 411

*Resolved,* That the House has heard with profound sorrow of the death of the Honorable William O. Mills, a Representative from the State of Maryland.

*Resolved,* That a committee of twelve Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved,* That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved,* That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to attend the funeral the following Representatives. Mr. Gude, Mr. Long of Maryland, Mr. Hogan, Mr. Byron, Mr. Mitchell of Maryland, Mr. Sarbanes, Mrs. Holt, Mr. Gross, Mrs. Sullivan, Mr. Dulski, Mr. Henderson, and Mr. Grover.

The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved,* That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

## ADJOURNMENT

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 221, the Chair declares the House adjourned until 12 o'clock noon on May 29 next.

Thereupon (at 1 o'clock and 53 minutes p.m.), pursuant to House Concurrent Resolution 221, the House adjourned until Tuesday, May 29, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

958. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to disestablish the Chemical Corps as a basic branch of the Army; to the Committee on Armed Services.

### Received From the Comptroller General

959. A letter from the Comptroller General of the United States, transmitting a report on the assistance to family planning programs in Southeast Asia administered by the Agency for International Development; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee of Conference. Conference report on S. 38 (Rept. No. 93-225). Ordered to be printed.

Mr. DONOHUE: Committee on the Judiciary. H.R. 7446. A bill to establish the American Revolution Bicentennial Administration, and for other purposes; with amendments (Rept. No. 93-226). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7806. A bill to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; with amendment (Rept. No. 93-227). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. House Resolution 382. Resolution disapproving Reorganization Plan No. 2 (Rept. No. 93-228). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 8112. A bill to provide for a Federal income tax credit for the cost of certain motor vehicle emission controls on 1975 model motor vehicles sold in the State of California; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 8113. A bill to amend section 5042(a) (2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself, Mr. Horton, Ms. Abzug, Mr. Badillo, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. de Lugo, Mr. du Pont, Mr. Edwards of California, Mr. Fauntroy, Mr. Fisher, Mr. Harrington, Mr. Matsunaga, Mr. McCloskey, Mr. Moakley, Mr. Moss, Mr. Podell, Mr. Reid, Mr. Rhodes, Mr. Schneebeli, Mr. Stark, Mr. Udall, Mr. Waldie, and Mr. Whitehurst):

H.R. 8114. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Population Sciences; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 8115. A bill to extend the application of section 112(d) of the Internal Revenue Code of 1954 to certain members of the Armed Forces of the United States and civilian employees who were illegally detained during 1968, and to provide that certain provisions of such code relating to members of the Armed Forces shall apply without regard to whether or not an induction period exists; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Ms. Abzug, Mr. Brasco, Ms. Chisholm, Mr. Eilberg, Ms. Holtzman, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of New York, Mr. Nix, Mr. O'Hara, Mr. Pepper, Mr. Podell, and Mr. Won Pat):

H.R. 8116. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Slack and Mr. Moakley):

H.R. 8117. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 8118. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress of the United States or of a military attack upon the United States; to the Commitee on Foreign Affairs.

By Mr. COLLIER:

H.R. 8119. A bill to provide for a study of the availability of a route for a trans-Canada oil pipeline to transmit petroleum from the North Slope of Alaska to the continental United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CRONIN (for himself, Mr. Abdnor, Mr. Aspin, Mr. Cleveland, Mr. Cochran, Mr. Cohen, Mr. Coughlin, Mr. de Lugo, Mr. Derwinski, Mr. Eilberg, Mr. Fraser, Mr. Frenzel, Mr. Froehlich, Mr. Gilman, Mrs. Grasso, Mr. Hanrahan, Mr. Ketchum, Mr. Milford, Mr. Moorhead of California, Mr. O'Brien, Mr. Pickle, Mr. Riegle, Mr. Sarasin, Mr. Winn, and Mr. Won Pat):

H.R. 8120. A bill to establish a Joint Committee on Energy, and for other purposes; to the Committee on Rules.

By Mr. DAVIS of Wisconsin:

H.R. 8121. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 8122. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such mortgagor; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself and Ms. Abzug):

H.R. 8123. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. Diggs, Mr. O'Hara, Mrs. Burke of California, Mr. Young of Georgia, and Mr. Cohen):

H.R. 8124. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. FREY:

H.R. 8125. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

H.R. 8126. A bill to increase the contribution of the Government to the cost of health benefits for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8127. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8128. A bill to provide for continual application of current basic pay scales to Federal civil service annuities; to the Committee on Post Office and Civil Service.

H.R. 8129. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 8130. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 8131. A bill to amend section 121 of the Internal Revenue Code of 1954 (relating to gain from sale or exchange of residence of individual who has attained age 65) to lower to 60 the age at which the benefits of that section may be elected and to increase the amount of gain which may be excluded under such section; to the Committee on Ways and Means.

H.R. 8132. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 8133. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 8134. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 8135. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. HUBER:

H.R. 8136. A bill to limit certain legal remedies involving the involuntary busing of schoolchildren; to the Committee on the Judiciary.

H.R. 8137. A bill to amend the Civil Rights Act of 1964 with respect to school desegregation; to the Committee on the Judiciary.

By Mr. KING:

H.R. 8138. A bill to incorporate the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

H.R. 8139. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. McKAY (for himself and Mrs. Hansen of Washington):

H.R. 8140. A bill to amend the Mining and Minerals Policy Act of 1970; to the Committee on Interior and Insular Affairs.

By Mr. MARTIN of North Carolina:

H.R. 8141. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a legislative budget director and staff, and for other purposes; to the Committee on Rules.

By Mr. MEEDS (for himself, Mr. Hansen of Idaho, Mrs. Chisholm, Mr. Wolff, Mr. Adams, Mr. O'Hara, and Mr. Hillis):

H.R. 8142. A bill to amend and improve the Adult Education Act; to the Committee on Education and Labor.

By Mr. MINISH:

H.R. 8143. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN (by request):

H.R. 8144. A bill to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes; to the Committee on Foreign Affairs.

By Mr. O'NEILL:

H.R. 8145. A bill directing the Secretary of Defense to transfer jurisdiction and control of a portion of the property comprising the Boston Naval Ship Yard at Charlestown, Mass., to the Secretary of the Interior; to the Committee on Armed Services.

By Mr. OWENS:

H.R. 8146. A bill to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Development Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL (for himself, Ms. Abzug, Mr. Brown of California, Mr. Buchanan, Ms. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Hechler of West Virginia, Mr. Moakley, Mr. Murphy of New York, Mr. Rosenthal, Mr. Talcott, Mr. Thomson of Wisconsin, Mr. Won Pat, and Mr. Young of Florida):

H.R. 8147. A bill to amend title 18 of the United States Code to prohibit bribery of State and local law enforcement officers and other elected or appointed officials; to the Committee on the Judiciary.

By Mr. ROBINSON of Virginia (for himself, Mr. Brown of California, Mr. Derwinski, Mr. Fisher, Mr. Hosmer, Mr. Mayne, Mr. Thone, Mr. Ware, Mr. Whitehurst, and Mr. Won Pat):

H.R. 8148. A bill to amend title 39 and title 18, United States Code, to provide for licensing and protection of distinctive designs, legends, and insignia of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H.R. 8149. A bill to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction; to the Committee on the Judiciary.

H.R. 8150. A bill to provide for the appointment of transcribers of official court reporters, transcripts in the U.S. District Courts, and for other purposes; to the Committee on the Judiciary.

H.R. 8151. A bill to provide for the appointment of legal assistants in the courts of appeals of the United States; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. Hutchinson, Mr. Flowers, Mr. Seiberling, Ms. Jordan, Mr. Mezvinsky, Mr. McClory, Mr. Dennis, and Mr. Sandman):

H.R. 8152. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes; to the Committee on the Judiciary.

By Mr. ROY (for himself, Mrs. Sullivan, Mr. Biester, Mr. Conyers, Mr. Rinaldo, Mr. Roe, and Mr. Charles H. Wilson of California):

H.R. 8153. A bill to establish a Consumer Savings Disclosure Act in order to provide for uniform and full disclosure of information with respect to the computation and payment of earnings on certain savings deposits; to the Committee on Banking and Currency.

By Mr. ST GERMAIN:

H.R. 8154. A bill to equalize the retired pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

H.R. 8155. A bill to amend the act of May 20, 1964, entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels", to define those species of Continental Shelf fishery resources which appertain to the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8156. A bill to amend title 38 of the United States Code so as to increase the period of presumption of service connection for certain cases of multiple sclerosis from 7 to 10 years; to the Committee on Veterans Affairs.

By Mr. SEIBERLING (for himself, Ms. Burke of California, Mr. Conyers, Mr. de Lugo, Mr. Eckhardt, Mr. Fauntroy, Mr. Fraser, Mr. Harrington, Mr. Hechler of West Virginia, Ms. Holtzman, Mr. McCloskey, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, Mr. James V. Stanton, Mr. Waldie, and Mr. Won Pat):

H.R. 8157. A bill to reduce the social security taxes to the 1972 rates and to provide a further reduction in such taxes for limited income individuals; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mrs. Burke of California, and Mr. Moakley):

H.R. 8158. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHALEN:

H.R. 8159. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. WINN:

H.R. 8160. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

H.R. 8161. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and exservicemen suffering from drug abuse or drug dependency; to the Committee on Veterans' Affairs.

By Mr. MACDONALD (for himself, Mr. Badillo, Mr. St Germain, Mr. Van Deerlin, Mr. Rosenthal, Mr. Stratton, Mr. Drinan, Mr. Yatron, Mr. Roe, Mr. Obey, Mr. Podell, Mr. Gonzalez, Mr. Cronin, Mr. Boland, Mr. Murphy of Illinois, Mr. Pepper, Mr. Yates, Mr. Donohue, Mr. Thompson of New Jersey, Mr. Burke of Massachusetts, Mr. Eckhardt, Mr. Annunzio, Mr. Bell, Mr. McCormack, and Mr. Harrington):

H.J. Res. 576. Joint resolution providing for the orderly review of fee-paid oil import licenses; to the Committee on Ways and Means.

By Mr. MACDONALD (for himself, Mr. Moss, Mr. Studds, Mr. Stark, Mr. Sarbanes, Mr. Moakley, Mr. Hawkins, Mr. Riegle, Mr. Harvey, Mr. Murphy of New York, Mr. McClory, Mr. Howard, Mr. Breckinridge, Mrs. Heckler of Massachusetts, and Mr. Cotter):

H.J. Res. 577. Joint resolution providing for the orderly review of fee-paid oil import licenses; to the Committee on Ways and Means.

By Mr. PEPPER:

H.J. Res. 578. Joint resolution designating the last Sunday in January of each year as "Sons' and Daughters' Day"; to the Committee on the Judiciary.

By Mr. HARVEY:

H. Con. Res. 224. Concurrent resolution expressing the sense of Congress with respect to reduction of speed limits and certain other measures relating to the alleviation of the motor vehicle fuel shortage; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H. Con. Res. 225. Resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. FREY:

H. Res. 412. Resolution to create a Select Committee on Aging; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BURKE of Massachusetts introduced a bill (H.R. 8162) for the relief of Silverio Conte, his wife, Lucia Conte, their son Aniello Conte, and their daughter, Silvanna Conte; to the Committee on the Judiciary.

---

# EXTENSIONS OF REMARKS

## HOWARD "BO" CALLAWAY, SECRETARY OF THE ARMY

### HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 1973*

Mr. GINN. Mr. Speaker, the State of Georgia is honored to have one of her most distinguished citizens recently nominated, confirmed, and sworn in as the new Secretary of the Army. No better selection could have been made than that of Howard "Bo" Callaway, a successful businessman, former Congressman, dedicated community leader, and beloved citizen and family man.

"Bo" Callaway is a good friend of mine and I welcome him to Washington in this important post. I have known of his personal qualities for years and know that he will bring the same dedication and intelligence to this task as he has to so many others.

We all know that the Army faces many difficult problems but they can be solved now as they have been in the past with proper leadership and integrity in the work.

The editor of the Savannah Morning News wrote an editorial for the May 15, 1973, edition and I submit this editorial for inclusion in the Record as it does great justice to the stature of "Bo" Callaway. He used the slogan "Go Bo" during an election and we repeat it now for his work with the Army—"Go Bo."

#### Go "Bo"

The selection of Georgian Howard "Bo" Callaway to assume the duties of secretary of the Army was a wise choice.

Mr. Callaway, whose appointment by President Nixon was confirmed Thursday, brings to this post an intimate knowledge of public and military affairs. A graduate of the United States Military Academy, Callaway served with distinction as a lieutenant during the Korean war. As a congressman, he represented Georgia's 3rd District as a member of the 89th Congress. In 1966 he ran for governor of Georgia with the slogan "Go Bo." Although he received a majority of the popular vote his percentage of that vote was not large enough to afford him victory. Under the terms of the Georgia Constitution, it was the duty of the General Assembly to select a governor under such circumstances.

Mr. Callaway was and still is a Republican, and the heavily Democratic Assembly awarded the election to his rival, Lester Maddox. It was during this campaign that people throughout our state became aware of the outstanding qualities of this man. He is articulate, intelligent, and devoted to duty.

These traits are the indispensable prerequisites for anyone who wishes to serve successfully as secretary of the Army today. In recent years the Army has suffered several traumatic shocks. Among these were the Vietnam experience, drug abuses, and racial tensions. Adding further strains were the elimination of the military draft and the

The previous secretary, Robert Froehlke, did an admirable job of contending with conversion of the Army to an all-volunteer force.

these problems. Due to his efforts Mr. Callaway will inherit a smoothly running machine.

The task now is to work out the final policies and procedures of the post-Vietnam period, and to put the Army back into a condition of combat readiness. Firm policy guidelines must be hammered out and innovations adopted. Some of the practices the army employed when the draft was in effect are not compatible with an all-volunteer force. These practices must be modified or abandoned. Other practices and traditions must be retained and perhaps expanded. Insight and practical experience are needed to make these fine distinctions. Bo Callaway possesses these qualities. It would be hard to find a better man for the job.

## EL PASO CELEBRATES ITS 100TH BIRTHDAY

### HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. WHITE. Mr. Speaker, El Paso—the major city in the 16th District of Texas which I have the honor of representing in the Congress—has just completed a 2-week observation of its 100th birthday. In itself, this anniversary would not be overwhelmingly noteworthy in a country which is preparing to celebrate its second 100th birthday; but it is extremely significant when viewed from the standpoint that El Paso's 100 years as an incorporated city is by far the lesser fraction of its recorded history. It gives me great pleasure to take advantage of this official 100th birthday to spread on the record a brief description of El Paso's nearly 450 years of recorded history.

Explorers and settlers from the Old World were tramping through the Pass of the North long before the Pilgrim fathers ever contemplated coming to the New World. The Pass of the North was a reference point used by Spanish explorers to identify that spot where the Rio Grande flows between two mountain ranges which today are known as the Sierra Madre of Mexico and the Rocky Mountains of the United States. In the Spanish language this would be El Paso del Norte, a reference which was eventually shortened to El Paso.

The first recorded visitor to El Paso was Alvar Nunez Cabeza de Vaca, a Spanish explorer who was shipwrecked off the coast of Florida in the early 1500's and along with three surviving companions made an amazing trek toward Mexico where he knew Spanish settlers existed.

His travels took him through the vicinity of El Paso in 1535, a point that most historians agree to. Then, the famed Spanish explorer Coronado passed through the El Paso area in 1540 in his storied search for the seven cities of gold. Nearly half a century passed before serious colonization efforts were undertaken by the Spanish with Fray Agustin Rodriguez leading the way in 1581.

During this year he progressed north up the Rio Grande Valley from El Paso creating settlements and converting the native Indians to Christianity. He was followed by Don Antonio de Espejo in 1582, Gaspar Castano de Sosa in 1590, and then Don Juan de Onate who led the largest, best equipped, and most significant of the various expeditions. Onate crossed the Rio Grande into El Paso in 1598, and immediately proceeded to construct a chapel. Records in his journal described a great celebration which took place upon completion of the chapel including religious services, a dramatic production staged by members of his entourage, and then a massive feast, shared by Indians of the area, in thanks for a successful arrival into the remote fringes of the New World. This should end the argument between Massachusetts and Virginia over where the first Thanksgiving celebration was held, and it should also establish where the first dramatic production within our present continental limits was staged as well as the location of the first church.

During this period of exploration and settlement in the area of what is now the State of New Mexico, there were various temporary settlements in El Paso, but the first permanent settlement at the site was established by Fray Francisco Garcia in the late 1650's, and he constructed a church on the south bank of the Rio Grande which is still in use today by the citizens of Ciudad Juarez, El Paso's sister city on the Mexican side of the river.

During the 1680's, the Pueblo Indians to the north rebelled against Spanish rule and drove the Spaniards south to El Paso. The fleeing Spaniards were accompanied by a sizable group of faithful Tigua Indians who settled in El Paso, started farming activities, built a church, and formed a close-knit community which still exists today. I had the pleasure of introducing and passing a bill in the 90th Congress which finally gave official recognition to the Tiguas as an Indian tribe after all these centuries.

I might add that their church, and two other chapels constructed in the same general vicinity during the 1680's, still stands and that they predate more celebrated old churches and missions in the country by more than half a century. El Paso remained a small but significant town for many years and really did not start booming until the arrival of the railroads in 1881. It had experienced several dramatic episodes in connection with the Civil War, was the focal point of some of the final activities of the Indian wars, and near the turn of the present century gained the dubious distinction of becoming the last stronghold of the rather free traditions of the fabled wild and woolly West.

It was here in 1896 that John Wesley Hardin, the granddaddy of all old West gunslingers—with 44 notches on his gun—was shot to death in a saloon in 1896. There was much more violence recorded in the next few years, but by around 1900 a semblance of law and order prevailed, and the solid business and professional people being attracted to the crossroads city launched a steady trend of progress and development which has produced the unique metropolis which now celebrates its first 100 years as an incorporated city.

El Paso today is a city of some 360,000 citizens. Combined with its sister city of Juarez on the Mexican side of the Rio Grande, the Pass of the North is home to nearly 1 million people and comprises by far the largest international metropolitan complex on the United States-Mexican border. El Paso is described by an ever-increasing number of travel writers as one of the best-kept tourist secrets in the country, and is enjoying a burgeoning reputation as one of our truly unique and individualistic cities. I salute my home city on her official 100th anniversary, and state my pride for her basic heritage which has been handed down through 4½ centuries of Old World and New World civilization. I appreciate this opportunity of entering this brief history in the Record on this very momentous occasion for me and my constituents.

## IN HONOR OF OUR POW'S: "FREEDOM—THAT'S WHAT IT'S ALL ABOUT"

## HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. TREEN. Mr. Speaker, this evening President Nixon will host a dinner at the White House in honor of our POW's from the Vietnam war. I know that I speak for many of my colleagues when I say it is with pride and respect that we witnessed the return of these men.

In a recent editorial in the Alternative, Mr. R. Emmett Tyrel, the magazine's editor, offered a cross section of the comments made by the returning POW's. I think their statements speak for themselves and I am inserting them in the Record at this time so that they be shared by my colleagues:

[From the Alternative, April 1973]

### THE OTHER AMERICA

There seems to be some disagreement as to the merits of life in America and as to the value of our accomplishments in Southeast Asia. The point of view of one side has been pretty well ventilated with increasing drama over the years. It varies from the more sedate statements of *The New York Times* to the frantic remarks of people like Philip Berrigan, Jane Fonda, and Ralph Abernathy. In February of 1971, Tom Wicker stated that "there is something illogical, but most dishonorable in his (the President's) strategy." As late as December of 1972, Anthony Lewis stated, ". . . the elected leader of the greatest democracy acts like a maddened tyrant . . ." and in January, Mr. Lewis remarked that "even with sympathy for the men who fly American planes, and for their families, one has to recognize a greater courage of the North Vietnamese people. . . ." Joseph Kraft, in November 1972, stated, ". . . we have been shamed as a nation . . ." The May issue of *Newsweek* titled an article on our actions in Vietnam "The Specter of Defeat."

Those who disagree with this line do not often attract the attention of the above-quoted concerned citizens. Dissenters are rare, after all, and their point of view slips out only under the most unusual circumstances. In a recent instance, a group of fellows had to spend several years isolated in a foreign prison before they could stray from the sagacity of the media commentators. In fact, our POWs have managed to get into print certain sentiments which have not been seen in *The New York Times* since the Japanese bombed Pearl Harbor (perhaps one way of getting these sentiments aired is to allow the entire nation to undergo one sort of tragedy or another).

One week before the POW arrival, columnist Madam Van Horne urged that the American public, before deluging the POWs with the best fruits of our decade—bell-bottoms, black power slogans, and the like—pause and reflect upon whatever they have to say. Once the first POWs had disembarked, Van Horne listened to about three sentences before suggesting that the whole show was programmed, and so washed her hands of the affair. One can easily sympathize with her perplexity and the media's fuss. For the confused and astounded and frenetic, the following remarks of the returning POWs could have aroused no greater excitement had they been the voices of three-headed Martians.

Navy Captain Jeremiah Denton, as a spokesman for the first plane-load of POWs to touch down in the Philippines, said: "We are honored to have the opportunity to serve our country under difficult circumstances. We are profoundly grateful to our Commander-In-Chief and to our nation for this day." Then, choking up, he added, "God Bless America."

Air Force Colonel Robinson "Robbie" Risner, speaking for the second craft, said: "I would like to thank you all, the President and the American people, for bringing us home again. Thank you ever so much."

And as the formalities were dispensed with. Risner told an airport crowd, "I want to tell you something, folks. To us this is truly the land of milk and honey, the land of the free and the home of the brave."

Navy Captain James Mulligan Jr., for the third flight, said: "It has been our privilege to serve you Americans for these many years and during this time our faith in God, our country and in our families has never wavered. Today I'd like to thank the President of the United States, the people and our families for maintaining their faith in us and making this wonderful day possible." Then, looking down at the waiting crowd, he mused, "There's something great about kids waving American flags."

And then, as the men made their way from the plane to the buses, Air Force Captain Galand Kramer waved a sign he'd made while still in Hanoi which read: "God Bless America and Nixon" and one POW flashed a handtowel upon which he stitched an outline map of the U.S. and the words "God Bless America."

Colonel Richard Byrne told a crowd that had braved the snowy Dayton, Ohio weather: "Somehow I feel a little out of place, for in a way I feel that we should be giving you applause. Because it is you who have kept the faith in us—faith with us through the long years. It is you who have stood by us and effected our release. I owe you a debt of gratitude. Thank you all and thank you to our President."

Captain Burton W. Campbell told his airport crowd: "I have been trying to figure out something to convey to you how I feel . . . the most appropriate thing I could say is thanks to President Nixon and most of all, thanks to you."

Air Force Colonel Ronald E. Byrne of New York City said: "To be back on American soil is a dream beyond our prayers. Thank you America for your unwavering support."

Navy Commander William Shankel said: "I want you to know we walked out of Hanoi winners and we're not coming home with our tails between our legs. We return with honor."

In a reflective mood, Navy Lieutenant Everett Alvarez Jr., the POW longest in captivity, said: "The U.S. is a great country. People don't realize what they have until they don't have it. We have many things to be thankful for, many things that are considered common. These are things I missed most."

As the tedious maneuvering of men through airports, hotels, and hospitals began to wind down, Alvarez said: "It has been a long time coming but we are going home—home to the greatest country in the whole wide world."

"For years and years," he continued, "we dreamed of this day and we kept faith—faith in our God, in our President and in our country. It was this faith that maintained our hope that someday our dreams would come true and today they have. We have come home."

Navy Commander Brian Woods, who along with Air Force Major Glendon Perkins, were the first POWs to be returned, said: "This homecoming is not only for myself and Glendon Perkins but for all the POWs. We are grateful and overwhelmed. We are proud to serve our country and our Commander-In-Chief."

Then Perkins said that to return to "the greatest country in the world" is the "most wonderful experience in my life."

When three POWs visited the elementary school on Clark Air Base to thank the children for posters and place mats they had made to welcome the returnees to the base, Denton, speaking for his two colleagues, told the children: "I know that John and Bill are as overwhelmed as I in being with Little America."

He then read a letter from Risner which stated: "We will always remember you, the smiling faces, the waving hands, the waving flags—and we love you."

Air Force Colonel Ronald E. Byrne Jr., who has been a POW since 1965, said: "Thank you, America, for caring."

Captain James Stockdale, limping visibly, quoted Greek poetry to express himself: "Nothing is so sweet as to return from sea and listen to the raindrops on the roof of home." He added: "We're home . . . America. America, God shed his grace on thee."

Navy Captain Wendell Rivers said: "I am very happy to come to my family, my friends, and my America."

Captain Mark Smith, who became known as the preacher of his camp, said: "I would just like to express to each and every one of you that it's wonderful to be back in the greatest country in the world, the greatest state in the world, and the greatest people in the world. God bless all of you and God bless America."

Navy Lieutenant Carl Galanti stated simply: "Freedom at last—that's what it's all about."

---

## WATERGATE PERSPECTIVE

## HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. DAVIS of Wisconsin. Mr. Speaker, John Shinners, publisher of the Hartford Times-Press, Hartford, Wis., like the old time baseball player that he is, knows what it means to cool it.

It seems apparent that some publicity-seeking politicians have developed a shark complex attracted by a trace of blood; they have swarmed in, ripping, tearing, slashing. One Wisconsin representative, carried away by his own mock self-righteous proclamations, has demanded that the President and the Vice President resign. What dangerous hyprocrisy. What shameful conviction by political association. We need to calmly get the facts, calmly evaluate injury to the public. But as old pro John Shinners would say to the over-eager rookie trying to gain attention by a pugnacious demeanor, "cool it a bit."

Here is what Big John had to say in a recent paragraph in his widely read editorial column, "Scratchpadding:"

It is important for the average citizen to understand that the Watergate bugging sensation is being used, has been used, and will continue to be used as a political weapon. The Watergate buggers obviously and admittedly went too far when they invaded Democratic Party headquarters. Some have been caught, tried and jailed, though latest developments have moved onto a much higher echelon of people. This is what the Democrats want—to go as high as possible, even into the White House. The Washington Post and the New York Times have also been digging, simply because they have long been at war with the president. In spite of all of the publicity and muck-raking, one should not necessarily conclude that this is the most frightening thing to happen in America since 1492. Congress had been looking forward to some fun in battling the White House over who would testify, but President Nixon cooled that last week. However, one cannot help but wonder what it would take to satisfy those who are making so much noise about Watergate. From our viewpoint, it should be settled and forgotten, quickly.

---

## HARMFUL EFFECTS UPON ELDERLY BEING IMPOSED BY HEW

## HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Ms. HOLTZMAN. Mr. Speaker, I am greatly concerned about the potential impact on the elderly of the new Social Service regulations proposed by the Department of Health, Education and Welfare to go into effect on July 1. I therefore asked for comments from interested agencies in New York. I have received a fine reply from the Office for the Aging in New York City which shows that these new regulations will have extremely deleterious effects on the elderly poor. I would like to share this letter with my colleagues:

OFFICE FOR THE AGING,
*New York, N.Y., May 16, 1973.*

Congresswoman ELIZABETH HOLTZMAN,
*Congress of the United States, House of Representatives, Washington, D.C.*

DEAR CONGRESSWOMAN HOLTZMAN: We were very pleased to receive your letter of May 8th asking for our comments on the new Social Service regulations proposed by the Department of Health, Education, and Welfare to go into effect on July 1st.

Basically, our point of view is the same as that expressed by Mr. Sugarman of Human Resources Administration in his testimony being given before the Long Committee on May 17th.

We anticipate that the regulations can only have a wholly negative impact on present and proposed programs for older people.

In the first instance, the ceiling imposed by Federal financial participation will result in an actual curtailment of service and bring about an unproductive and potentially divisive competitive struggle among agencies for the insufficient services that will be available to fund inadequate programs.

Secondly, and even more importantly, the institution of eligibility requirements for programs that, heretofore, have had no membership limitations will have a most deleterious impact on older people. Those older people who now attend and who need the services of the Centers (and in New York this is particularly the poor but non-welfare white elderly) would be driven out of the Centers while the doors of the Centers would be closed to other poor elderly.

As you probably know, many of the present Center participants do not receive public assistance, even though they might be eligible. This Office's Study of the Elderly in Poverty Areas in New York City clearly indicates the fact that older New Yorkers generally reject the concept of welfare. Therefore, to attach a means test to any service offered older people is to institute an effective method of mitigating, if not destroying, the program.

Under these regressive and punitive regulations, our great hope for expansion of social services to older people is evaporating and we can only envision a reduction in service which will fall unfairly upon the shoulders of the poor older people who have always managed to maintain economic independence and are now to be punished for this.

Inasmuch as these regulations appear to violate both the intent and the words of the Social Security Act, we hope you will be successful in preventing them from going into effect.

If we can be of any further assistance,

please let us know. We are very glad to work with you on this important matter.

Sincerely,

ALICE M. BROPHY,
*Director*.

---

## A NEED FOR REENTRY EDUCATION

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. WALDIE. Mr. Speaker, today I would like to call the attention of all Members to the need for a program of reentry education. Such a program would eliminate the demoralizing condition of being unable to acquire even the most limited training or retraining necessary for a job in today's technological society that presently exists in the unemployment compensation system.

Our work force continues to grow, and so does the demand for competent people in more technical fields. Such areas demand a greater amount of education. However, regardless of one's educational level, the ability to maintain continued employment will depend largely on one's capacity to keep abreast of advances in the field.

It is time that we seriously consider replacing the unemployment compensation system with a program that will allow workers to return to the economy as productive members. European countries have shown that a program of retraining is possible. Carl Rowan, in two columns in the Washington Evening Star dated March 10, 1972, and March 12, 1972, has demonstrated both the problem, and a possible solution:

### PRACTICAL SETUP NEEDED FOR TRAINING JOBLESS

(By Carl T. Rowan)

When 5,400,000 Americans want a job and can't find one, the political implications are obvious in a presidential election year.

So the constantly enflamed emotions over school busing, trips to China and Russia and all the other stratagems will not erase the nation's economic woes as a major factor when the people go to the polls in November.

But the grim truth is that America's economic miseries are too deep and too serious to be regarded as merely an aberration which produces political advantage for one party or another.

This country has, in recent years, been plagued by high levels of unemployment plus extremely high levels of inflation, even though it supposedly was in a period of economic recovery. The so-called economic experts have hauled out a panoply of classical and dogmatic remedies, but the economic ailments have lingered—or worsened.

The United States has lost her competitive position in the world, with the balance of payments deficit reaching critical proportions. There is not the slightest sign that the U.S. position as a foreign trader is going to improve soon.

We have a situation where the secretary of the Treasury opines that this country cannot hold unemployment below 4 percent (or about 3.5 million jobless workers) without unacceptably high levels of inflation.

But how can this be so when in 1970 West Germany held unemployment to a mere four-tenths of a percent even while the rate of inflation was just 2.5 percent higher than the change in real output?

(That same year, in the United States, both unemployment and inflation rose sharply while real output declined!)

What is Germany—or France or Denmark doing right that we insist on doing wrong?

Dr. Herbert E. Striner, dean of the College of Continuing Education at American University here, spent last summer in those countries, examining their manpower policies under a grant from his institution and the Ford Foundation.

Striner has returned with some convincing conclusions and some recommendations that may be bitterly controversial. His report will soon be published by the W. E. Upjohn Institute for Employment Research. What he is saying may be so crucially important to the health of our economy—and the well-being of America's jobless—that I asked for permission to give readers an advance summary.

Striner found that West Germany, France and Denmark have enjoyed economic near-miracles because they have accepted some truths that the United States goes on ignoring:

"In an economy which is based upon technological change . . . the presence of a large number of adults whose inadequate level of education or training freezes them out of the new economy also becomes a retarding force on that economy."

"An expanding economy whose expansion depends heavily upon new products, new technologies, and new distributions of incomes must also have a labor force constantly being refitted, retrained, and re-educated to meet these needs. To do less is to invite continuing unemployment, inflation, loss of markets and a national sense of frustration."

"An advanced industrialized society must see the * * * retraining of its labor force as a national capital expenditure; without that capital investment, the United States cannot hope to maintain . . . an impressive rate of economic progress."

Striner notes that the Germans have minimized waste of manpower by instituting training and retraining programs. "They don't see unemployed or underemployed workers as 'unmotivated, welfare types,' as too many of the citizens in our country do," the dean writes.

Striner points out that "the German adult who is out of a job or feels that his skill is obsolescing and will result in his unemployment can go to a full-time training program which is free and also receive a stipend, which on the average covers about 70 percent of his former wage. Thus the German isn't told that a free training and education program awaits him if, somehow, he can place his family in a state of suspended animation and convince his landlord not to ask for rent."

Striner points out that the United States never has had a genuine job-training program for its 500,000 hard-core unemployed, or a program to retrain workers whose skills are made obsolete by new technology.

"We nibbled around the edges of a problem, camouflaged inadequate summer make-work programs as training efforts, and then wrung our hands and shed copious tears over 'the failure of another manpower program,'" he writes.

There are 1,028,000 jobless black Americans today whereas there would be only 500,000 if blacks could find work at the same rate as the rest of the population. This is a direct reflection of the fact that we have had no training and retraining programs for people whom the rest of society is happy enough to dismiss as "welfare types."

Striner has come back home with a bold program, which will be discussed in another column, that offers this country a route out of the doldrums. It reserves the most serious consideration by whoever runs this country for the next four years.

### OUR OBSOLETE UNEMPLOYMENT INSURANCE PROGRAM

(By Carl T. Rowan)

So your district is short of teachers, you can't get your car repaired promptly, you have to wait forever to get medical or dental care—but they still tell you that 5,400,000 Americans are hunting jobs?

So you don't understand all those help wanted ads in your newspaper when so many people aren't trained to do the jobs that are available.

Dr. Herbert E. Striner, the dean of the College of Continuing Education at The American University here, says this is an indication that "we are no longer committed as a nation to the education and training of our citizens for the world of work."

In my last column I reported on Striner's study of manpower and employment policies in West Germany, France and Denmark. He found that the training and re-training of workers is their key to maintaining the strength of a highly industrial, technological society.

Unless the United States follows their lead, Striner says in a report soon to be published by the W. E. Upjohn Institute for Employment Research, "Chronic unemployment at high levels for the young and old, for the black and white, will become a part of our society . . ."

West Germany has avoided the twin plague of high unemployment plus high inflation by using its unemployment insurance fund to pay for education and training programs that refit workers to maintain their place in a progressing economy.

Striner argues that the United States must junk its present inadequate unemployment insurance program and replace it with a "National Economic Security Fund."

Striner points out that only people who have been in the labor force for a specified period of time, and for whom payroll taxes have been paid, can now receive unemployment insurance benefits. Thus the many unemployed people between the ages of 16 and 20 are largely uncovered. As things now go, Striner says, unemployment insurance will become increasingly a form of "welfare benefit."

He says the United States must do what West Germany has done: "Use the money to prevent high, chronic unemployment rather than as a palliative once it occurs.

He figures that the United States could train or retrain 1 percent of its labor force (about 800,000 workers) each year, paying them 75 percent of their previous year's income, without costing the nation new monies. This, he maintains, would revitalize the U.S. economy, ease the miseries of millions of families, and help make this country competitive again in world markets.

To do this, Striner makes the following among several proposals:

1. A permanent education and training law should be enacted, which makes it a right for every worker over the age of 17 to pursue an education-training program. Such a program could be for as long as 24 months, on a full time basis, with all expenses paid and a personal stipend granted averaging 75 percent of the worker's immediately prior income. Those without prior work would get a minimal stipend to cover basic living needs.

2. The new act would federalize all state unemployment insurance funds (in which the balance after payment of 1970 benefits was more than $12 billion) and convert them into a National Economic Security Fund. NESF would finance not only the education-training program but would provide unemployment benefits to any jobless worker deemed likely to regain work in the same skill, company or industry within six months. Two years after enactment of the new law, NESF would be supported by a 1.5 percent

tax, shared equally by employer and employe, on all wages up to $9,000 a year.

This, Striner says, would produce more than enough income to sustain an education-training program for 1 percent of the labor force every year. It would leave unemployment insurance reserves available for subsidies to workers suffering short-term unemployment who do not desire or need retraining.

Striner concedes that the Federal government does not have the kind of administrative organization needed to administer such a program. But he thinks it may now be ready to create such an organization, considering the critical juncture at which the economy now languishes.

---

## MR. MERRILL A. WATSON COMMENTS ON THE FOOTWEAR INDUSTRY

## HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BURKE of Massachusetts. Mr. Speaker, through the many years of my fight to save what is left of the footwear industry in the United States, I have come to know and respect Mr. Merrill A. Watson, formally an economic specialist with the American Footwear Industry. Now retired, Mr. Watson, nevertheless, writes to me from time to time on matters affecting the footwear industry and as one who has lived with the problems of the industry for a long time, his is an opinion which I value highly.

Mr. Watson's warning concerning the so-called safeguard provisions under title 2 of the President's trade bill, are not to be taken lightly when it becomes clear that the President has failed to take action in the past under authority already available to him. No better example exists than the Tariff Commission's tie vote on relief to the footwear industry which has been sitting on the President's desk for over 2 years now.

I submit Mr. Watson's correspondence for the RECORD in the hopes that it will receive the attention and thought of every Member in this body:

APRIL 24, 1973.

Hon. JAMES BURKE,
*House of Representatives,*
*Washington, D.C.*

DEAR JIM: I am sure you are aware we now have clear and convincing evidence that the so-called "safeguard" provisions in Title 2 of the Trade Reform Act of 1973 are merely a facade to help the Bill through Congress. The provisions I refer to are those giving the President authority to provide import relief through duties, quotas, orderly marketing agreements and so on. The Administration has no intention of using these provisions except perhaps in some emergency. The proof is the President has had on his desk for 2 years a split decision of the Tariff Commission which would permit him to slow down shoe imports. (No one is asking that imports be shut off) He has the authority; all that is needed is a stroke of the pen. Is he likely do something when the new Bill passes. Of course not. Why does anyone need more proof that the whole business of Title 2 is a snare and a delusion. It is intended to quiet the protectionists in industry and Congress.

The few cases of adjustment assistance given shoe factories are no answer to this charge. These were given only when overwhelming evidence on shoe imports could no longer be pushed under the rug. Otherwise the TEA assistance sections would appear to be completely deceptive.

Unless all signs fail industry and Congress will now be fooled for a second time. It was clear in 1962 that the adjustment assistance provisions of TEA were merely camouflage. Those of us who said so were shouted down and the Bill went floating through Congress on a river of hyperbole on how these provisions would help industry and workers adjust to foreign competition. The record speaks for itself.

One watches with grudging admiration the attempt to pull the same trick in the Trade Reform Bill. Yet when you think of it why shouldn't it work again? Certainly the free traders should have no objection. If they have they don't understand the rules of the game. They can be partners in speeding the Bill through Congress knowing that without Presidential action it is harmless. When a situation arises as in shoes where the facts cry out for action they can use their influence behind the scenes to prevent action.

The Bill's promoters, recognizing they must make obeisance to protectionists, can be quietly confident that even if Title 2 passes in tough form it will be shelved in practice. Little more will happen than has happened in the past. The whole maneuver holds a world of meaning on the attitude of the Bill's promoters toward Congress. Apparently they believe they can disregard questions from Capitol Hill on why Title 2 will be used more effectively than the adjustment assistance provisions of TEA.

Had this Administration demonstrated some responsiveness no matter how modest, to the pleas of labor intensive industries other than textiles with its political clout, one might have some confidence in the intentions behind Title two. In the shoe industry, imports were about one half domestic production in 1972. In the first quarter of 1973 imports amounts to over 75 percent of domestic shoe production. Hundreds of shoe factories have gone out of business. When this clear cut case for relief is shunted aside for over 2 years there is no longer room for doubt as to Executive intentions.

A decade of history confirms Executive branch acceptance of the thesis that low cost imports should be allowed to displace domestic labor intensive industry. The pity of it is this is being done as a result of the economic predilections of a few in positions of power. Dozens of studies constituting a waste disposal problem, have attempted without success to place the blame for the shrinkage in domestic facilities on the industry itself. There has been no attempt to provide economic judgment on how much domestic footwear manufacturing should be preserved in this country. In other words shall we depend ultimately on imports for practically all our footwear needs? Or in the light of potential population growth and the needs of a balanced economy is there some point at which action should be taken to preserve a viable shoe manufacturing industry. In this observer's opinion we have already passed that point.

I was pleased to see the appeal of the New England delegation to the President for action in the long delayed shoe case. I can only hope that these legislators who have displayed such consistent interest in the shoe problem will not be gulled into accepting Title 2 as an instrument for shoe relief. Unless history is reversed little will happen until Congress insists on evidence it will be used. There is no better place for the Administration to provide this evidence than in footwear.

Kind regards,

Dr. MERRILL A. WATSON,
*Economic Consultant.*

---

## DEVELOPING EMOTIONAL IDENTIFICATIONS ACROSS NATIONAL BOUNDARIES

## HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, Dr. David Brook, the distinguished chairman of the political science faculty at Jersey City State College has written a most interesting paper which was delivered at the annual convention of the International Student Association in New York on March 16, 1973. The paper entitled "Developing Emotional Identifications Across National Boundaries" was well received in academic circles. Dr. Brook, a respected member of the scholarly community, is the author of "Search for Peace," published by Dodd, Mead & Co. in 1970, and two other books.

Dr. Brook's paper follows:

### DEVELOPING EMOTIONAL IDENTIFICATION ACROSS NATIONAL BOUNDARIES

(By David Brook)

I wish to propose an alternative to collective security as a strategy for maintaining international peace and security. In essence, I should like to explore the thinking of Sigmund Freud as a guide to developing broader communities across national boundaries. The relevant considerations might be as follows:

Collective security as a concept has failed to achieve its stated goal of maintaining world peace. Many reasons could be given for this failure. However, one explanation might be concerned with collective security's similarity to a Hobbsian view of man. Thus, nations are believed to be in a state of nature in which a war of all against all prevails. The only way to eliminate this conflict is through the establishment of overwhelming force in the hands of the central international organization which would then be able to punish aggression. Chapter VII of the United Nations Charter approaches this concept althogh it does not totally enact its precepts into international law.

Thus, article 43(1) states that "all members of the United Nations, in order to contribute to the maintenance of international peace and security undertake to make available to the Security Council on its call and in accordance with a special agreement . . . armed forces, assistance and facilities . . . for the purpose of maintaining international peace and security." Article 42 states that should a threat to the peace, breach of the peace, or act of aggression occur, the Security Council, "may take such action by air, sea or land forces as may be necessary to restore international peace and security." Leaving aside the veto question and even assuming that the agreements envisaged by Article 43 would have been entered into, there is still doubt that the arrangement could have worked in a world that is psychologically divided. After all, the factories which produce the necessary weapons are all controlled by nation states. In addition, the members of any United Nations army would, by and large, identify with their own nation's interest. Indeed, even the generals who would command the international army might think of themselves primarily as Americans, Russians, or Chinese rather than as members of a world military force.

It would seem that the establishment of a sense of world community is a prerequisite for the maintenance of international peace. There have been many theories envisaging the development of such a community. However, one thinker has been generally neglected i.e. Sigmund Freud. The founder of psychoanalysis has received a bad press in the literature of international politics partly because it was believed that he emphasized an aggressive instinct in man and this gave an extremely pessimistic bias to his theories.

However, a closer examination of Freud's theories might dispell this notion. In fact, such an analysis might point the way to possible methods of developing communities which cross national boundaries.

With regard to the theory of the instincts, Freud does believe that societies as well as individuals are motivated by unconscious instinctual factors which are based on the biological needs of man. It is true that there are aggressive instincts. They are represented in the outer world by destructive and sadistic actions. However, there are also life instincts. One feature of these drives is the movement toward bringing entities closer together. Indeed, one way in which life is prolonged is by the uniting of one cell organisms into multicell animals. The same force is at work in mankind, leading toward unity of separate individuals into larger and larger groups. Thus, in Civilization and its Discontents Freud states, "civilization is a special process in the service of eros (life instincts) whose purpose is to combine human individuals and after that families, then races, peoples and nations into one great unity, the unity of mankind." When a unity is established, hostility is lessened within the group although aggressiveness may be projected outward toward other entities. With regard to a united mankind, destructive forces would be channeled into an assault against nature. An attempt could be made to benefit all mankind through an even more determined effort to master our expanding environment.

Drawing upon his pychoanalytic experience Freud discussed methods by which groups are formed. He argued that a group is established as a result of the development of emotional ties among its members. This implies measures beyond the recognition of common interests. He felt that there should be a leader or a leading idea. Thus an abstract concept could be a powerful focal point for bringing people together. The followers would develop emotional ties between themselves and the leader. For example, devout followers of a religion develope such feelings toward their leader. The same is true in regard to followers of controversial political movements. In addition, strong emotional ties exist among members of the group; they are all followers of the same ideal and they, therefore, develop identifications with each other. One way in which peace is maintained in modern society concerns the fact that man is a member of a multiplicity of groups. Thus, Freud states in, Group Theory and an Analysis of the Ego "Each individual is a component part of numerous groups. He is bound by ties of identification in many directions ... Each individual therefore has a share in numerous group minds—of the race, of his class, of his creed, of his nationality".

The above analysis of Freud's ideas would seem to indicate that international organization has an opportunity to encourage the development of emotional ties beyond the nation state. It might explore the possibility of serving as a leading focal point in various fields. In this way it could develop the type of following that would draw people together.

APPENDIX

Any concrete methods of achieving emotional identifications across national boundaries might be related to considerations raised by Freud. It would seem to me that the basic approach is more important than a discussion of any particular field. The experienced or the knowledgeable might develop organizational forms once objectives are clearly defined. However, I should like to make some concrete suggestions which could be applied to numerous areas.

It is possible for governmental or non-governmental organizations to deliberately become focal points for transnational identifications. Indeed, governments which dominate public international organizations may be persuaded to assist in the process provided they feel strongly about a particular issue or if they believe that the development of a strong community is in the national interest; in any case, international organizations interested in community development should be organized around a particular felt need; pollution control, narcotic control, the development of a small standing international army, in order to obtain a specific highly prized objective, are examples. Any such organization should center around a concept for which there is support in a number of nation-states. It would be helpful if interested national groups already do exist. Once the international agency is established, it should do more than merely try to encourage activities of separate national groups. It should attempt to organize one great international movement focusing on coordinated activities including petition gathering, rallies etc., and it should strive for unified goals. The members of the movement should be given a feeling of belonging to a powerful force which uplifts or strengthens each and every member. At first, goals should be chosen which can easily be attained. Thus, early victories could be celebrated as evidence of the growing power of the movement and would act as a binding force.

---

## S. 398

## HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. SHOUP. Mr. Speaker, the following remarks of one of my constituents, I feel is worthy of consideration by my colleagues and would therefore like to submit the following letter for their evaluation:

BOZEMAN, MONT.

S. 398 is a bill which makes me wonder about the future of Service Industries in general, and the Livestock/Crop Production Industry, in particular; one which my wife and I are proud members of. The question arises: What are we in Livestock/Crop Production supposed to be able to produce, in the way of a decent supply of quality foodstuffs, if our supply of fuel and other raw materials is cut—as could happen under this bill, Section 2(a)? One notes the constant stream of complaints from the Legislature, concerning the acts of the Executive branch, in regard to the latter's lack of accepting the advice and consent of the former. If the members of the Legislature feel so strongly on this matter, how is it that as a body, they chose to give the President such a wide-ranging tool to use at his discretion, only?

As I have stated before, a great many of our problems stem from the drain on American Tax-dollars which has been caused, in the main, by foreign aid. This is one endeavor which has cost, cost and cost, without returning a single benefit to the livelihood of any American laborer, whether he is of the 9-to-5 variety Urbanite, or the Rural Livestock/Crop Producer.

Of particular concern is the Watergate situation. At a time when too many questions are unanswered, giving more power to the Executive Branch is too risky. I do not, herein, attempt to place the blame for any event, upon any of those in Government; but, rather, to suggest that the Watergate should be fully investigated and prosecuted, before power is distributed, by the Legislature to the Executive Branch.

In establishing priorities, I hope that the Executive shall remember one rule-of-Thumb: Any society exists by first being able to feed and clothe itself; all other activities, follow, therefrom! This has always been the order of priorities, and, of necessity, must remain so. It is the only way to secure a viable existence for everyone in a particular social unit. Concerning the 267 Members who "threw away" their prerogative, on their vote, 4/30/"73, I can only say: "God save the Democracy!"

WILLIAM ROBERT EDWARDS.

---

## CREATION OF A NATIONAL INSTITUTE OF POPULATION SCIENCES

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BROWN of California. Mr. Speaker, in the 91st Congress I introduced a bill to create within the National Institutes of Health a National Institute of Population Sciences. At the time, it was clear that the pace of innovation and discovery in the critical areas of reproductive biology, new contraceptives, and social science research in population growth was inadequate to meet the increasing needs of our society. At that time, also, we had a number of studies by various Government panels indicating that a major reason for this inadequate progress was the lack of a sufficiently strong institutional focus for the Federal population research program.

The Center for Population Research, which serves as the main institutional focus under the current system, is only one element in the program of the National Institute of Child Health and Human Development. The Director of the Institute controls such questions as the relative allocations of funds between the population research program and the other components of the Institute's work, the degree to which funding shall be allotted to supporting research centers versus individual contracts, and other key questions. Yet the current Director is a specialist in pediatrics and possesses no expertise in the population area. In addition, the Advisory Council to the Institute of necessity cannot specialize in population. This is a particular problem since the council is the body charged with reviewing the decisions on scientific merit made by the independent study panels of the NIH, panels which are not even appointed by the Institute. Theoretically, such a review should permit allocation of grant moneys to reflect program priorities, but in fact the NICHHD Council is spread too thin to make such a review a reality.

Since 1969, we have had several

promises from the administration that this problem would be dealt with, and one semireorganization in 1970. We have also had several recommendations by the Population Commission, the American Public Health Association, the Secretary's Advisory Council on Population, and the American Association for the Advancement of Science that a separate institute should be established. Nevertheless, we have not had any significant change in the structural arrangements or operations of the Center for Population Research. In addition, although the 1970 legislation called for the budget of the CPR to be presented to the Congress by the Deputy Assistant Secretary for Population Affairs, he has never been permitted to do so.

We have also seen the increasing controversies swirling around issues related to birth control, contraception, and abortion; controversies which have been deeply divisive and which reflect, in large part, the inadequacies of our present contraceptive technology. Recent information on problems of informed consent and proper medical practice with regard to the use of such drugs as Depro-Provera indicate clearly that the FDA and the CPR together are proving inadequate to the task of insuring adequate dissemination of information on the appropriate and inappropriate uses of such drugs, and that adequate monitoring is not being conducted.

The failure of funding levels for this program to keep up with any of the sets of need projections which have been developed, including that of HEW's own 5-year plan for population research, has indicated that the level of funding for the population research program is being held back by the need, in the words of the House Appropriations Committee, to "maintain balance" between the different and basically unrelated programs falling under the authority of the NICHHD.

The Congress has already recognized the basically inadequate nature of the NICHHD structure by passing a bill last session to create a separate Institute for Aging Research. For these reasons, I rise today to introduce a new version of my bill to create a National Institute of Population Sciences. I am pleased that my distinguished colleague, Mr. HORTON, is joing me as a principal cosponsor of this legislation. I am also pleased to announce that the following Members have joined me as cosponsors of this bill: Ms. ABZUG, Mr. BADILLO, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DE LUGO, Mr. DU PONT, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FISHER, Mr. HARRINGTON, Mr. MATSUNAGA, Mr. MCCLOSKEY, Mr. MOAKLEY, Mr. MOSS, Mr. PODELL, Mr. REID, Mr. RHODES, Mr. SCHNEEBELI, Mr. STARK, Mr. UDALL, Mr. WALDIE, and Mr. WHITEHURST. The bill spells out in some detail the nature of the research programs to be conducted by the Institute, and I believe it could get our research programs in contraceptive development, reproductive biology, and social science research on population phenomena, moving again.

# DISTRICT HEARINGS ON CUTS IN FUNDING SOCIAL PROGRAMS

---

## HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. MACDONALD. Mr. Speaker, I would like to report to my colleagues on the results of a series of public hearings which I conducted throughout my Seventh Congressional District relating to the impact of the President's 1974 budget cutbacks.

The hearings were held on March 31 in Chelsea, Mass.; on April 7 in Malden, Mass.; and on April 14 in Revere, Mass.

The purpose of these hearings, which lasted the better part of the day in each case, was to hear on a firsthand basis from the people who are being affected by the President's budget reductions. I heard from the administrators of the various programs involved, and more importantly, from individuals who had actually participated in and been helped by the programs.

Topics of testimony included education, health, employment, housing, the elderly, youth, poverty, alcoholism, and mental health.

I can assure my colleagues that these hearings served to reinforce my already deep concern about the disastrous impact which the proposed budget cuts would have on the people of my district and on the people of Masachusetts in general.

The categories hardest hit in Massachusetts in terms of lost Federal revenue include:

| | [*In millions*] |
|---|---|
| Anti-Poverty programs | $10.7 |
| Community development | 119.6 |
| Education funding | 28.9 |
| Health programs | 35.9 |
| Housing programs | 18.4 |
| Manpower programs | 48.6 |
| Welfare and elderly | 95.1 |

Equally compelling to me is the fact that countless persons who depend on these programs may be abandoned as a result of the budget reductions.

I have spoken with the mayors of cities and towns throughout my district, and while they are working hard to compensate for the possible loss of these programs, they readily admit that the future is not bright if Government sponsorship is eliminated. They share my skepticism about special revenue sharing as an answer.

This Congress is faced with a choice. It can go the easy political route and simply abandon these programs, blaming the results on the President and his party. Or, it can continue the funding and operation of these programs while a long hard look is taken at their efficiency to determine whether and where modifications might be necessary. The question for some seems to be whether or not it is worth the effort. If any of you have such doubts, I urge you to ask the people of your district as I have asked mine. The answer is likely to be the same as the one which I received: "It is not only worth the effort; it may be our only hope. We should be doing more, not less in these areas."

I would like to include at this point a list of witnesses who appeared at these meetings and some of the press clippings from the local newspapers which cover the content of the hearings:

### DISTRICT HEARINGS ON CUTS IN FUNDING SOCIAL PROGRAMS

CHELSEA—MARCH 31, 1973

*General topics*

Philip J. Spelman, Mayor of Chelsea.

Representative Francis Doris.

Representative Angelo Cataldo.

Representative Robert F. Donovan.

*Education*

Mrs. Esther Perez, Title 7 Program, Williams School, Walnut St., Chelsea.

Paul Casino, Chairman, Chelsea School Committee (8 Chester Ave.).

Robert McCarthy, Representative to Northeast Metropolitan Regional Vocational School from Chelsea, (58 Garfield Ave.).

John Ridge, Superintendent of Schools of Chelsea (68 Fremont Ave.).

Mrs. Susan Clark, Director, Upward Bound Program, 311 Broadway, Chelsea.

Mrs. Emmaline Cromwell, 140 Walnut St., Chelsea—citizen.

Mrs. Rosalie Fox, 25 Cottage St., Chelsea—citizen.

Mrs. John P. Wozniak, 96 Watts St., Chelsea—citizen—in support of Title I.

*Health*

John Quigley, Commandant, Chelsea Soldiers Home.

Robert Botchie, citizen, 236 Central Ave.—re lead poisoning.

Lawrence McVay, member of Mental Health Board—16 Hillside Ave.

Mrs. Ivy Tufo, 132 Constitution Ave., Revere—citizen who has retarded son.

Doris Waxman (Mrs. Wm.), 889 Broadway, Chelsea, citizen, re Title I.

*Employment*

Thomas Kerrins, Director, EEA of Chelsea and Revere—54 South Ave., Revere.

Mrs. Marie Fonseca, citizen, 274 Chestnut St., Chelsea—parent whose children have been helped by EEA.

Alderman Thomas Fay, 13 Guam Rd.

*Housing*

David Namet, Director of Urban Renewal, 140 Bloomingdale St.

Jack Croucher, Director, Community Assn. to Save Homes (CASH) non profit organization, c/o City Hall, Chelsea.

Mrs. Geraldine King, 4 Clinton Court, citizen.

Ex-Alderman Joseph Greenfield, 221 Shurtleff St.

*Elderly*

Sam Moschella, Director, Chelsea/Revere Home Care Center, Inc., c/o American Legion Bldg., 419 Broadway, Chelsea.

Rosario Pucci, 172 Pearl St., citizen.

*Youth*

Mrs. Gayle Walker, Day Care Center, 418 Central Ave., Chelsea (director).

Terry Burke, c/o EEA Office, Chelsea City Hall, participant in program.

Joseph Riley, 39 Crescent Ave., Chelsea, participant in EEA program.

Mrs. Florence Cirino, Director, Neighborhood Youth Corps, 224 Bdwy., Chelsea.

*Poverty*

Edward Greenberg, Pres., Board of Directors of CAPIC, 224 Broadway.

*Citizens who spoke in support of EEA*

Harry Rubin, 69 Shurtleff St.

Charles Chesna, 161 Shurtleff St.

Michael Devonick, 164 Shawmut St.

Carmen Rivera, 9 Chester Ave.

Leticia Toro, 45 Fourth St.

### REVERE—APRIL 14, 1973

*General topics*

Mayor William G. Reinstein.

Representative Angelo Cataldo (also spoke in Chelsea).

Representative Francis Doris.

Councillor Joseph DelGrosso—815 Broadway.

Former Councillor Leonard Ginsburg—54 Nahant Avenue.

*Education*

Dr. Charles Diamond, Guidance Director—Garfield School.

Edward Manganiello, Supervisor, Work Study Program, care of School Department.

Mrs. Harvey W. Tatelman, 45 Thornton Street, Citizen, on behalf of Title I.

Mrs. Charles Salvetti, P.T.A. President, 234 Cooledge Street.

Mrs. Ivy Tufo, 132 Constitution Avenue—mother of retarded son (also spoke in Chelsea).

*Health*

John Hurley, citizen (no address available).

*Employment*

Peter Tata, Director of CAPIC, Revere Office, 270 Broadway.

Charles Salvetti, 234 Cooledge Street—participant in EEA program.

Miss Linda Gibson, care of CAPIC, 270 Broadway (youngster being trained for job).

*Housing*

Mrs. G. Roger Cafarelli, member of Revere Housing Authority, 21 Adams Street.

*Elderly*

Sam Moschella, Director, Chelsea-Revere Home Care Center, Inc. (also spoke in Chelsea).

Neil Darcey, Revere Welfare Department, City Hall, Revere.

*Youth*

Mrs. Jean Leydon, Director, Ready Day Care Center, care of Our Lady of Lourdes Church, Revere.

Mrs. Ruth Limoli, assistant to Mrs. Leydon.

Florence Cirino, Director, Chelsea NYC (spoke in Chelsea).

Miss Janice Shwager, Community Organizer for State Office for Children, 1729 North Shore Road, Revere.

Robert Vetere, Director, NYC of Revere, 130 Hutchinson Street, Revere.

Donald Newbury, citizen, participant in NYC program, 84 Keayne Street, Revere.

Lt. James Cowhig, Revere Police Department, in favor of NYC.

Chief of Police George P. Corbett, in favor of NYC.

Mrs. Francine DiMaria, 83 Atlantic Avenue, citizen in favor of NYC.

*Poverty*

Mrs. Bernice Kenny, 168 Beach Street, citizen.

### MALDEN—APRIL 7, 1973

Mel Shea, Exec. Director, EMOC, 73 Union Sq., Somerville.

Jim Coughlin, Director, Malden Action Program for Elderly, 341a Forest St.

*Outreach program*

Greg Albert, Director, Outreach Program, YMCA, Pleasant St., Malden.

Rich Catrambone, participant in Outreach Program, YMCA, Malden.

Arthur Surette, participant in Outreach Program, YMCA, Malden.

*Alcoholism programs*

Joseph Howard, citizen on behalf of halfway house.

Jim Shea, 12 Cedar St., Malden (resident in halfway house for alcoholics).

Ray Blake, 12 Cedar St., Malden (resident in halfway house for alcoholics).

Richie Santiago, 12 Cedar St., Malden (resident in halfway house for alcoholics).

John Christian, Supervisor of halfway house for alcoholics, 12 Cedar St., Malden.

Mrs. Sally Mayne, 139 Linden Ave., Malden—citizen on behalf of halfway house.

*Neighborhood youth corps*

Joe Sacco, Director, Malden NYC Program, 333 Bryant St., Malden.

Carmen Belmonte, Assistant Counselor, Malden NYC, 333 Bryant St., Malden.

Nancy Rogers, youngster being aided by Malden NYC, 333 Bryant St., Malden.

Louise Sousa, youngster being aided by Malden NYC, 18 Lombard Ct., Malden.

Keith Caine, youngster being aided by Malden NYC, 162 Newland St., Malden.

Miss Marsha Signal, youngster being aided by Malden NYC, 333 Bryant St., Malden.

*Headstart program*

Marie Galvin, Director, Headstart Program, c/o 73 Union St., Somerville.

Miss Jean O'Hearn, citizen, re Headstart Program, c/o 333 Bryant St., Malden.

Theresa Consalvo, citizen, re Headstart Program, c/o 333 Bryant St., Malden.

Diane Everard, citizen, re Headstart Program, c/o 333 Bryant St., Malden.

*Citizens on behalf of various programs*

Mrs. Susan Glick, 41 Dexter St., Malden, representing League of Women Voters.

Mrs. Patricia Montgomery, re Day Care Center, 162 Newland St., Malden.

Mrs. Geraldine Sousa, re NYC program, 18 Lombard Ct., Malden.

Mrs. Isabelle Hallahan, 19 Benner Ave., re EMOC.

Attorney Edward Gorfine, 76 Central Ave., re EMOC.

*Mental health*

Mrs. Mae Selvitelli, 563 Riverside Ave., Secretary of Tri City Mental Health and Retardation Board.

Marcia and Debbie Ross, volunteers for working with retarded children.

*Misc.*

Mrs. Hilda Allen, Director of Sewing Project, 333 Bryant St., Malden.

*Elected officials*

Councilor at Large Amelia Miclette, 31 Ivy Rd.

Senator Stephen McGrail, State House, Boston.

Representative John Brennan, State House, Boston.

Councilor Thomas Cosgrove, City Hall, Malden.

---

[From the Chelsea (Mass.) Record, Apr. 2, 1973]

## CONGRESSMAN MACDONALD URGED TO OPPOSE BUDGET CUTS

Welcoming the opportunity to listen, and telling his constituents he would carry their message back to Washington, Cong. Torbert H. Macdonald heard pleas by directors and participants Saturday that he oppose budget reductions in federally funded domestic programs.

In the city to learn at the grass roots level what the effects of federal budget cuts would be, the congressman heard ample testimony through the late morning and early afternoon of the benefits from the programs accrued to Chelsea and its residents. Predictions of what the funding reductions would mean were also forthcoming from many who crowded the aldermanic chamber.

Foreseeing a head-to-head confrontation in the Supreme Court over the budget, Cong. Macdonald said he has introduced a bill that would prevent the president from impounding funds he has already earmarked.

"The President is isolated at 1600 Pennsylvania Avenue," Cong MacDonald said. "He does not see the good results of social programs". Admitting that there might be a little waste here and a big waste there, the Congressman said the solution was to use a scalpel rather than the President's "meat-axe approach."

He called the President's position on social program the "nadir of extremism and charged the President with hypocrisy."

"He said in his inaugural address that we should be more self reliant," Cong. Macdonald said, "and then he takes away half of the funding for rehabilitation and training. This year he sent to Congress the highest budget in U.S. history ever sent by any President. Then he says, 'If there is a rise in taxes, don't blame me, blame Congress.' "

Testimony was heard on the effects of budget reductions for programs in the fields of education, health, employment, housing, elderly, youth and poverty. Statements were submitted by members of Chelsea's State House delegation, city department heads, and members of the board of aldermen and the school committee. Clerical help volunteered time to assure that the congressman would have copies of all statements and testimony to take with him back to Washington.

### EDUCATION

Stating that federal funds are absolutely necessary if the city is to carry on many of the programs in the field of education, John Ridge, superintendent of schools, said threatened Title I funds have enabled the city to provide school libraries, courses in English as a second language, speech therapy, guidance and psychological services, diagnostic testing, field trips, arts and crafts, transportation and lunch programs. "In 1972, the federally funded Title I program," a statement submitted by the school superintendent said, "serviced 1,050 students in public and private schools at a cost of $282,000."

Funding for the Title VII bilingual, bicultural program, also threatened by proposed budget cuts, amounted to $80,000 in 1973–74, according to a statement submitted by Saul B. Slavit, project director. Plans for the 1973–74 school year call for vertical expansion with each school adding a third grade to involve a total of 120 children. The plans depend on receipt of $92,000 in federal funds.

Speaking about cuts which would effect CAPIC education programs, Alan Hurwitz CAPIC education coordinator, said the situation had reached a tragic point but it was gratifying to see the hearing taking place. Referring to the President's budget he said, "Only by being part of the defense industry do you have a justifiable claim for inefficiency. If the President wants to understand thrift let him go to the supermarket and try to buy meat for a family of five."

Paul Casino, school committee chairman, emphasized the points made by Supt. Ridge, Robert M. McCarthy, Chelsea's representative on the vocational school board, reported to Cong. Macdonald the effect budget cuts would have on the vocational school and Sue Clark, program director, outlined what the effects would be if funding for the Upward bound program were cut off.

### HEALTH CARE

Calling CAPIC the dynamic catalyst that has coordinated community activities to assure improved health care for Chelsea citizens, John L. Quigley, commandant, Chelsea Soldiers' Home, said CAPIC represents an excellent merging of the voluntary sector and government to improve health care in this community. "Any jeopardization, "Quigley said," of this soon to be attained goal should be unthinkable."

A letter from Gerald L. Klerman, M.D., superintendent of the Lindemann Mental Health Center, read by Lawrence McVay, assistant superintendent, Chelsea Soldiers' Home, emphasized the impact of cuts in federal programs on his department's capacity to deliver services to Chelsea.

A staffing grant was approved but probably will not be awarded. Special funds for Children's Services have been discontinued. Major cuts in training of personnel in psychiatry and other mental health fields have been announced. The mental health center will not, as planned, be able to place a third year resident with special emphasis on consultation, at Chelsea Memorial Hospital.

"The net impact of these cuts," Dr. Klerman said, will be felt predominantly in the area of locally based services to families and children."

### EMPLOYMENT

Thomas Kerrins, EEA director, told Cong. Macdonald the 67 participants in the program earn annual salaries totaling $495,000. Most of the money is spent in Chelsea, he said, and has a vital impact on Chelsea's economy. The program participants have refurbished many public buildings in the city, he said, and hope to be able to refurbish every one.

"The president has earmarked $424 million in EEA funds for a summer program to replace the neighborhood youth corps," Kerrins said: "I would hate to be a city official left with the decision to lay off the father to hire his son."

"It will be a long hot summer," Kerrins added, "if 300 to 400 youths normally employed are walking the streets."

Many of the participants in the program underscored the importance to the city of the program by reporting to the congressman the importance of the program to themselves.

In a letter to Cong. Macdonald, Charles W. Adams, EEA training coordinator, said, "One of my responsibilities as the Chelsea training coordinator, was to assist the State Office of Manpower Affairs in conducting a statewide formal evaluation of the EEA program. The result of the interviews revealed that 90% of the participants had the same overall reaction. 'EEA has given people an opportunity to work at a necessary and respectable job that pays a decent wage, thereby enabling individuals to provide for themselves and their families, and spares the humiliation of accepting public assistance of one kind or another.'"

### HOUSING

Speaking of Chelsea's renewal program, David Namet, executive director of the urban renewal authority, said, "We had hoped to continue our efforts in an orderly, intelligent, well planned and well timed program taking advantage of the increased revenues generated by our prior efforts to move into other areas and to satisfy other needs.

"This now becomes impossible," Namet told the congressman, "for the tools of our rebuilding effort have been recalled and scrapped.

"A rehabilitation renewal program, Section 312 loans, a multi-service center, a codes enforcement program, the FHA assisted housing programs, as well as many other aids that we could not only avail ourselves of but which we desperately need are gone." Replaced, he said by "a revenue sharing program so apparently underfunded that its entire budget would not meet the needs of New York City. A program that distributes to municipalities without due regard to their present needs or past performances—all accompanied by the bland assurance that the crisis of the cities is over."

Representatives of Chelsea Association to Save Homes, an organization of volunteers with a director whose salary is paid by the local CAP agency, said their projects are now in limbo because they are waiting for further word from the Department of Housing and Urban Development. The funding freeze has impeded their project, they said, but the elimination of the CAP budget would kill their organization.

### ELDERLY

If the entire population of the city were placed in groups of 13, Samuel R. Moschella, executive director of the Chelsea/Revere Home Care Center, told the congressman, six would be elderly, one would be poor.

"Working with the elderly," Moschella said, "I know them not as six in thirteen or one in six rather as people I know, faces that respond to any consideration. I beseech you to help us fulfill our mission. We want to do for the elderly, not to them."

As proposed in the fiscal 74 budget, Moschella said, rent supplement, rental housing assistance, and low rent public housing funds would be eliminated. In addition, he said, the President proposed to cut $516 million off Medicare costs by increasing out-of-pocket expenses to the 23 million aged and disabled beneficiaries.

### YOUTH

Other spokesmen at the hearing told the congressman that some of the mothers who send their children to day care centers would no longer find it feasible to go out and work if cost of day care were to increase, should federal assistance be withdrawn, from $15 to $45 weekly.

Also on the topic of youth, Florence Cirino, project director, Neighborhood Youth Corps, said NYC since 1966 has served thousands of the most needy youths in the community. Last year alone, she said, 650 took part in the program.

"Although President Nixon has allocated funds for NYC through FY 74," she said, "he has now impounded FY 73 monies which has resulted in cutbacks in all NYC programs. Because of these cuts, we are further faced with turning away more than 800 youths that have applied for employment.

"I feel it is our responsibility, yours and mine," Mrs. Cirino said, "to prevent the cruel termination of this program. I am doing everything I can. Will you, Congressman Macdonald, do everything that you can?"

"I am impressed," Cong. Macdonald told participants, with the sincerity at every level in getting and keeping the community going. I was asked earlier if I am ready to override the President's veto. I am not only ready, but I am waiting with great anticipation. I think we have more than a fighting chance."

---

[From Boston Sunday Herald Advertiser, April 8, 1973]

### Macdonald Attacks Nixon Budget Cuts

President Nixon did not make his budget cuts on a rational basis but used a "meat-axe" approach to save federal tax dollars at the expense of the nation's poor, U.S. Rep. Torbert H. Macdonald declared yesterday.

He promised an all-out fight against Nixon's spending curbs in order to prevent loss of many domestic social programs aimed at helping the poor and welfare recipients to obtain jobs.

Speaking to a group of Malden residents and poverty program leaders at the Eastern Middlesex Opportunity Council Multi-Service Center, the Democratic lawmaker also predicted that a growing number of Republican congressmen will join opposition to the president's plan.

"I can assure you that I will oppose the president on these cutbacks," Macdonald said. "There is a lot of arm twisting being done by the Republican leadership because they are afraid GOP opposition to the budget cuts will be a repudiation of the mandate given Nixon in last November's election."

Macdonald said that because the programs about to be abolished or curtailed or of such importance to thousands of people, he decided to make his position on the controversial budget cuts made clear to his constituency.

"No one in Congress will support a program that is a waste of taxpayers money," Macdonald said. "However, the president has not made his budget decisions on a rational basis.

"Rather he has adopted a meat-axe approach which will mean the end of many of these very important social and economic programs.

"Many of the programs Nixon plans to dump have helped families to get off welfare by finding for them gainful employment and job training and counseling assistance.

"We are getting organized in Congress and we expect several Republicans to join us," Macdonald said. "The president may have a right to veto certain measures but he has no right to impound funds for these programs."

At yesterday's hearing, a steady stream of government workers and program recipients explained to Macdonald the benefits they would be losing and what would be lost if poverty funds are not appropriated.

A Malden mother of six who was able to find employment and who no longer depends on welfare for support said "every program in the City of Malden has done a fantastic job to help the poor.

"In my own case I know I received a great deal of dignity and so did my children when we were able to get off welfare. I hate to think of going back on it."

Another woman, also a mother of six, told Macdonald through proper counseling that she managed to keep her home.

"If it wasn't for that one program I want you to know that I would have found myself out on the street with my six children," she said.

Edward Gorfine, a Malden resident, summed up the general feeling of most attending the meeting. He told Macdonald:

"When you return to Washington tell Congress the people back home are hurt, angry and frightened. Through many of these programs, they have had the opportunity to see the light of day and now they are afraid of being sent back into the darkness."

Programs facing abolition range from child care centers to classes in sewing for mothers who have learned to supplement their income by doing part-time seamstress work to remain off welfare rolls.

---

## CRITICAL NEEDS OF SUMMER YOUTH PROGRAMS

### Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mrs. BURKE of California. Mr. Speaker, I want to address my remarks today to the actions of the executive branch in relation to the Neighborhood Youth Corps program. Whether intended or not, the effects of these actions have been to kill Federal support for programs that have consistently provided summer jobs for thousands of disadvantaged youths over the last 4 years. Unless President Nixon sets up and implements immediately a summer job program as Congress has directed, this Nation, as the House majority leader has stated, "is going to face the prospect of another long, hot summer."

The executive branch has taken actions undermining Neighborhood Youth Corps programs by—

First, impounding $239 million in appropriations which Congress made available for 1973 summer job programs, and failing to make any requests at all for program funding in 1974;

Second, advised the Congress that adequate funding for NYC could be available through the public emergency employment program—PEP; and

Third, counseling concerned supporters of NYC that any increase in youth unemployment could be absorbed by the private sector due to improvements in the economy.

The impact of the executive branch's actions has been devastating at the local level. In Los Angeles, for example, summer NYC programs received $10.4 million in Federal funds last year and provided jobs for 27,000 disadvantaged youths. This year, however, the city and county of Los Angeles apparently will receive no Federal funds for NYC programs. Plans are now going forward to try to mount a limited NYC-type program from local revenues, but at this time, there is no clear idea of where the money is going to come from. Moreover, the number of youths employed will be reduced by approximately 50 percent.

The administration has rested its case on the belief that adequate funds would be available for the continuation of NYC programs through Federal allotments under the Public Emergency Employment Act. But this would mean that cities would have to fire adults in the PEP program to hire teenagers.

Moreover, in Los Angeles, the PEP program already is overextended and operates at a level 10 percent below last year's. We have put local officials in a Solomon-like role by providing that PEP money should now be stretched to cover NYC costs as well.

The young people who will be affected by these cuts in this program are the disadvantaged. They come from families with incomes below the poverty level of $4,500. There is no doubt that they need the income and work experience that 9 weeks in NYC provides. In the Los Angeles area alone, there are 140,000 young people who would be eligible for NYC jobs if funding were available.

Our communities will lose out as well as the youngsters from these cuts. NYC jobs are not custodial, make-work assignments but service-oriented. NYC youths file library books, run errands for senior citizens, arrange recreational programs, and perform many more useful tasks that enrich the life of our communities.

Unemployment among all workers is still at 5 percent. Thirty-eight major labor areas have unemployment as high as 6 percent. The entire situation requires that the administration do more—not less—to promote employment among all kinds of workers.

---

## LIBRARY CUTBACKS IN THE SOUTHEAST

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BRADEMAS. Mr. Speaker, the National Commission on Libraries and Information Science recently conducted a hearing, in Atlanta, Ga., on library service in the Southeast.

At that hearing, Mr. Speaker, the overriding concern of over 30 witnesses was the cutback in library services proposed in President Nixon's 1974 budget.

The witneses told the Commission that they would have to reduce their library services, and that:

> General revenue sharing funds—are not compensating for former grants.

Mr. Speaker, I insert the Commission's report on this hearing in the RECORD.

The report follows:

#### ATLANTA LIBRARY HEARINGS

The NCLIS listened to testimony from more than 30 witnesses in Atlanta last month during the third in its series of nationwide hearings. Librarians and library users from ten states and from the Virgin Islands were present to give testimony and to answer questions put to them by the Commission regarding the library service in the southeast. Many who spoke evidenced deep concern for the public library and its ability to continue service in the face of the recent sudden withdrawal of Library Services and Construction Act funds by the Federal Government.

#### CUTBACKS NECESSARY

The types of cutbacks that will be necessary as a result of the fund loss ranged, they said, from the elimination of bookmobile services in rural areas to the elimination of book collections in penal institutions and to services to the mentally handicapped. General revenue sharing funds, it was stated, are not compensating for former grants. In the American Virgin Islands, revenue sharing is not available at all for library service.

Testimony was heard from public librarians, county and regional librarians, members of the public, the League of Women Voters, school librarians and people concerned with problems of CATV, correctional institutions, the aged, the Appalachian poor, black economic libraries, corporate uses of libraries, personnel and college students. There was a special emphasis in this hearing on service to the poor and to rural areas.

One area of particular concern to the Commission was illuminated in the testimony of Donald Sager, Director of the Mobile Public Library, Mobile, Alabama. He suggested that political boundaries serve as barrriers to effective library support and result in information resources being barred to the user. In Mr. Sager's case, Mobile, Alabama, is a short drive from Pensacola, Florida; Gulf Port, Mississippi; and New Orleans, Louisiana. For that reason, he is serving a much larger contituency than that for which his library is supported.

#### LSCA FUNDS

Margaret Willis, State Librarian of the Kentucky Department of Libraries in Frankfort, Kentucky, was particularly concerned with the cutback in LSCA funding in Kentucky. She told the Commission that their budget will be cut by 43% for this year and that will mean that there will be curtailment of purchases of bookmobiles and books, the department book catalog will come to an end and that there will be no more new buildings. Mrs. Janet Smith, Director of the Highland Rim Regional Library Center in Murfreesboro, Tennessee, told the Commission that the rural regions in middle Tennessee will have services cut back by more than 60% and that the LSCA funding situation will affect her libraries negatively.

#### OTHER HEARINGS SCHEDULED

The next public hearings of the Commission are in Boston, Massachusetts, on October 3, 1973, and in San Antonio. Texas, on April 24, 1974.

The National Commission on Libraries and Information Science consists of fourteen members appointed by President Nixon with the consent of the Senate. The Librarian of Congress serves as an ex officio member of the Commission.

Dr. Frederick H. Burkhardt, President of the American Council of Learned Societies in New York is Chairman of the Commission.

---

## THE SILENT MAJORITY SHOULD BE HEARD

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. HUBER. Mr. Speaker, with no more than a bit of tongue in cheek, Dr. Max Rafferty, in his May 15 column in the Macomb Daily, Mount Clemens, Mich., makes the point "that in democratic America the majority is increasingly frustrated in achieving its goals."

Dr. Rafferty cites a couple of examples to illustrate how the wishes of the majority are being ignored in such matters as legalized pornography, an outlawed death penalty, forced schoolbusing, and continued flow of taxpayers' dollars into foreign aid.

The column, reprinted below, is recommended reading for my colleagues and others who believe—without any tongue in cheek—that the views of the majority really do deserve our attention:

#### THE SADNESS OF THE SILENT MAJORITY

Have you wondered why everyone seems to be so sad these days? I don't mean sad as in "sad sack," but sad as in plain old downhearted.

Well, wonder no more. Your helpful columnist has come up with the answer, and it's this: In a democratic society dedicated to the proposition that the will of the majority should prevail, people tend to become increasingly sad as the will of the majority is told to get lost.

Let me show you what I mean, with a couple of examples from my own field of education:

1—A vast majority of parents want their children taught to read via the phonics method, with Junior memorizing his A–B–Cs, learning their sounds, combining them in syllables and finally putting the syllables into words. In the typical school of today, Junior instead is taught to read by the "E-gyptian hierogliphic" method, trying to recognize "whole words" and then to draw pictures of them.

2—The average parent thinks "social studies" is for the birds, and yearns wistfully for the days when history was taught as history, geography and civics as civics. Yet they see these ancient and highly differentiated academic disciplines being hanged, drawn, quartered and mixed up all together in a steaming, bubbling witches brew labeled "social studies," which offers the children dubious gobbets of undigested and variegated information designed to confuse them completely about virtually everything.

See what I mean? The voice of the people is clearly not being heard by us educators, or if it is, we are studiously ignoring it. What we're really doing is saying that the great majority is wrong, and that we—the tiny minority—are not only right but are properly imposing our will upon everybody else. And that. as I say, makes an awful lot of parents very sad indeed.

It's not just in education that this kind of undemocratic carrying-on is occurring, however. Shortly after the Supreme Court opened the floodgates to pornography in the Sixties, a whole series of public opinion polls showed that the American people overwhelmingly wanted the filth banned and kept off the streets, out of the theaters and away from their children. Similarly, when the high court dealt a virtual death blow to capital punishment late last year, a Gallup poll dated Jan. 19, 1973, reported that 57 per cent of the pollees wanted the death penalty not only restored but invoked more frequently. Recent soundings indicate that public support for the death penalty has risen sharply since January.

But we still have legalized pornography and an outlawed death penalty. In a nation supposedly dedicated to majority rule, why?

There's more.

Hardly anyone wants forced busing. We have it, though. Somebody's shoving it down our throats.

Most Americans want to stop giving their money away in carload lots to jerky little comic-opera nations who hate us at home and who insult us in the United Nations. Our money still flows overseas like Old Man River, however. Somebody keeps it flowing.

During the early Sixties, most Americans wanted to go all out to beat the Communists in Vietnam, just as we had gone all out to lick the Kaiser and to stomp Hitler. We didn't do it, though. Somebody wouldn't let us.

And to carry the thing right down to weekly TV entertainment, when Lawrence Welk's contract was allowed to lapse by his employing network, old "Wunnerful, wunnerful" promptly syndicated his program and ended up with more money and a lot more stations running his show than he had before, thus proving beyond peradventure that the overwhelming majority of his viewers still wanted to watch him. But somebody tried to say no.

I'm not going to try to guess who "somebody" is. That way lies paranoia, and one of my gentle readers is sure to suggest that I'm in need of at least a prefrontal lobotomy.

All I'm saying is it's very, very strange that in democratic America the majority is increasingly frustrated in achieving its goals. Contrarywise, it's not strange at all that so many members of that great majority are heartsick, sorely tried and just plain sad.

---

## TAXPAYERS' RIGHTS ASSOCIATION

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. WALDIE. Mr. Speaker, I am pleased today to bring attention to a newly founded organization, the Taxpayers' Rights Association. This organization is a nonpartisan, nonpoliticial coalition of groups and individuals who have joined together in order to create a greater public awareness of the tax laws and tax policies at all levels of government.

The association feels that the complexity of the tax laws and revenue collecting procedures should not preclude participation by ordinary citizens, of all political philosophies, from having input into perhaps the most basic function of Goverment.

The need for this association is based upon the single realization of several logical conclusions. First, that almost every time there is a tax break or a new loophole it goes to the big money interests and not the average taxpayer. The reason for this is that those who are rich and have special interests are able to hire lobbyists and lawyers to get special consideration.

Second, everytime the special interest groups get a new tax break the average taxpayer makes up the difference. The effective tax rate on corporate profits is supposedly 48 percent, yet studies consistently show that the Nation's 100 largest corporations pay less than 30 percent on their profits. Indeed, as another prime example of tax abuse, in 1970, 112 individuals making over $200,000 a year did not pay a thin dime in Federal taxes. This situation is simply unfair and intolerable.

The average taxpayer should be made aware of these outrages and they should be informed of their rights and powers as citizens to correct this disgraceful situation—such is the purpose of the Taxpayers' Rights Associations.

Mr. Speaker, at this point I wish to include in the RECORD a statement of Mr. H. H. Guillot which outlines the purposes of this organization, and cites as a major example of tax abuse the practices of Tenneco, Inc., a corporation which I announced to be "Tax Dodger of the Week" on March 22 of this year.

The statement follows:

STATEMENT OF MR. H. H. "BOOTS" GUILLOT

TAXPAYERS' RIGHTS ASSOCIATION,
*Houston, Tex.*

We're here today because we just can't take any more. You and I have been taxed to the hilt. We've been clipped in every way possible. And we're fed up. It's reached the point where we have to do something. And that's why groups and individuals from all political persuasions have joined together here today to announce the formation of the Taxpayers' Rights Association.

Why is it, that every time there's a tax break or a new loophole it goes to the big money men and not to you and me? I'll tell you why! It's because the rich and special interests have the money to hire lobbyists and fancy-pants lawyers to get special consideration. The people don't have that. And that's why we're getting this group together—the Taxpayers' Rights Association.

Every time those special interests get a new tax break, you and I make up the difference. Big corporations are supposed to pay 48 percent of their profits in Federal taxes—but the top 100 pay less than 27 percent on billions of dollars of profits. And you and I and all the other taxpayers make up the difference.

In 1970, 112 individuals making over $200,000 a year did not pay a thin dime in Federal taxes—we were the ones to carry their load. That load just seems to keep getting heavier. Many older folks, who have worked all their lives to pay off their homes, now find themselves on a fixed income with spiraling property taxes and find they can no longer afford the simple homes they have worked for all their lives. But instead of their getting some relief, the relief goes to the rich and powerful. To top it off, the social security taxes—the average worker's payroll tax—continues to go up and the wage earners' share of the Federal revenue increases while the corporate share goes down. The tax laws are complex—the IRS tax code is many thousands of pages long, but it doesn't take a tax lawyer to know that the average American is paying more than his fair share.

That's why we've formed the Taxpayers' Rights Association. We've enlisted the support of scores of individuals and groups with thousands behind them. While we may disagree on some things, we do agree on this: the tax laws are unfair. And that unites us! We're an independent local organization, although we will cooperate with the national tax action campaign to get a fair shake.

While the Taxpayers' Rights Association welcomes the participation of individuals and organizations regardless of political affiliation, it does not now, and will not in the future, support or oppose any person seeking or now holding elected or appointed office, or any political party or politically motivated group.

The Taxpayers' Rights Association believes "the tax laws are unfair and the people need justice". Our elected officials must understand the people demand that justice.

In the next few weeks we will be presenting our local tax dodger awards to the most deserving tax dodgers we can find. On April 16th, the last day you have to pay your income tax, we'll celebrate national tax action day by giving a series of awards. Today we give our first tax dodger award to Tenneco, Incorporated.

Our Federal tax laws have been so influenced and subverted by the special interests that the corporations now have a whole shopping list of loopholes to dodge their fair share of taxes. And Tenneco is taking advantage of you and me in every way they can.

According to the Securities and Exchange Commission, Tenneco made over $245 million in before-tax profits in 1971. They paid just 17 percent in taxes. Of course, the law says they should pay 48 percent in Federal taxes alone. Now I don't want to be picky, but that means Tenneco got away without paying at least 75 million—75 million in Federal taxes. And guess who gets to make up that $75 million? It sure wasn't the big-wheel millionaires on Tenneco's board of directors. Friend, it was you and me.

As Tenneco says in their 1969 annual report: "Tenneco touches the life of every man, woman and child in this land. Even though we're already an important part of people's lives, we'd like to be even more so." My gosh, we can't afford for them to touch our lives any more.

I'm not a tax expert, but Tenneco, with their army of tax lawyers, have a whole bucket full of loopholes to salvage that $75 million. Now, I can't tell you how all of these complex tax loopholes work, but I do know that Tenneco just pays half of what it should on profits on capital assets. And that even includes their cattle and Christmas trees. Their depletion allowance allows deductions many times more than the cost of drilling operations. Tenneco gets immediate tax write-offs on things that many other corporations must spread out over several years.

And the list goes on and on—it's a whole barrel of worms. And each time, you and I make up the difference. The value on this building is increasing, but the law allows Tenneco to claim a depreciation rate. The law even stretches this loophole to Tenneco's breeding cows.

Tenneco can set up dummy corporations outside the United States to avoid taxes on export profits—while all the money from these profits really comes back here to Tenneco Incorporated in the form of "loans."

If you're big enough, and have enough tax lawyers, you can search the loopholes to get rebates from the Federal Government. In 1969, Tenneco Oil, which is owned by Tenneco Corporation, which is owned by Tenneco, Inc., figured up their taxes and using the loopholes, the United States taxpayers wound up owing Tenneco an additional $13.2 million.

Don't feel bad if you don't understand all this—the loopholes are vast and complex. And each and every one of these loopholes forms a noose around the taxpayer's neck.

But Tenneco doesn't just play tax dodger on the Federal level. How would you like to be able to set your own local property tax rates? Tenneco does. Tenneco gets to tell the city what this building's worth—which means they set their own taxes. The city has to take Tenneco's word. No citizen has this same right, and we think taxpayers have rights. One of those rights is that we don't have to pay more than our fair share of property taxes.

Of course, Tenneco doesn't stop here. Tenneco figured out several more ways to fleece the taxpayers through their water district adventures at Columbia Lakes. In 1961, Miss Ima Hogg, one of our most distinguished citizens, donated over 2,700 acres of land to the citizens of Texas through the University of Texas. In 1965, over 1,800 acres were sold to Charles Lingo on some pretty nice terms—$10 cash and a $281,505 note, which comes to under $200 per acre. Another four years passed, and Lingo transferred 1,180 acres to Tenneco. Of course, Mr. Lingo is a Tenneco executive. That property is now known as Columbia Lakes, and their 1,500 lots sell for $7,500 to $18,000 a lot. That's from $15 to 20 million in windfall profits which isn't too bad for ten bucks and a note.

Next, Tenneco decided to create a $6½ million water district—the Vandercreek Utility District. Homebuyers, on seeing tennis courts, lakes, streets, gutters, a marina, golf course and other improvements, assume that the up to $18,000 they pay covers these beautiful improvements. Not so. After Tenneco has sold out and moved on, buyers will still have 30- to 40 years of bonded indebtedness to pay off.

Of course Tenneco did not stop there. On this land, with an estimated market value of at least $15 million, Tenneco's property taxes were a gigantic $1,061.01, or .0007%. Wouldn't it be nice if the ordinary citizens' taxes were so low?

These are just some of the reasons the Taxpayers' Rights Association was formed. It's not fair that Tenneco makes windfall profits on land given to our school system for the benefit of our citizens. It's not fair that every tax break goes to big interests such as Tenneco. It's not fair that Tenneco pays 17 per cent and not 48 per cent. It's not fair that more money comes out of our pockets each year. Tenneco says they want to touch our lives even more, but we just can't afford that. Taxpayers have rights—and it's time they had a voice!! For these reasons and no doubt many more we are not aware of, Tenneco, Incorporated, is more than deserving of our first tax dodger award.

The Taxpayers' Rights Association welcomes the support and participation of all individuals and groups. All of those who believe that the tax laws are unfair and want to join in creating a greater public awareness of tax laws and tax policies, we ask them to write us at 3520 Montrose, Suite 208, Houston, Texas 77006.

---

## THE 40TH ANNIVERSARY OF MANMADE FAMINE

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BROOMFIELD. Mr. Speaker, this Sunday, May 27, the Ukrainian-American community of Metropolitan Detroit will gather at Cobo Hall to observe the 40th anniversary of the infamous manmade famine in the Ukraine.

This famine, which claimed the lives of 7 million Ukrainian peasants, was nothing more than a thinly veiled attempt by Soviet Premier Stalin to exterminate the peasant population of Ukraine. Stalin realized that the peasant population was the strongest bastion of opposition to his program of Russification and incorporation of the Ukrainian people into the U.S.S.R.

Despite the fact that 1932–33 was a bumper-crop year, the farmers of the Ukraine went without food. Their crops were taken from them and shipped to Russia. The Stalin regime then exported these crops in exchange for industrial hardware while their own people starved.

The Ukrainian man-made famine is one of the most brutal, most devastating examples of genocide in the 20th century. Even as foreign nations offered to send food supplies to the dying people of the Ukraine, the Soviet regime steadfastly denied that a famine was in progress.

While Stalin succeeded in bartering the lives of 7 million people for the industrialization of Russia, he failed in achieving his secondary goal of breaking the resistance of the Ukraine to his Communist dictatorship. Even today, the Ukrainian people harbor a deep sense of cultural and national identity. They will strive for freedom and independence with unqualified determination and perseverance.

Mr. Speaker, I ask that the following appeal issued by the Executive Committee of the Ukrainian Congress Committee of America be inserted in the Record. Record.

The appeal follows:

### Appeal to the Ukrainian Community and Men of Good Will Everywhere on the 40th Anniversary of the Great Famine in Ukraine

The year 1973 marks the 40th anniversary of the great man-made famine in Ukraine (1932–1933), which resulted in the death of millions of Ukrainian men, women and children. This famine constitutes one of the most tragic events in the long, over one-thousand-year, history of the Ukrainian people. Mankind has suffered many famine disasters in various parts of the world, which were caused by long wars, drought, floods, or other cataclysms. But never and nowhere did any people suffer such a famine and in such great dimensions as that caused by a special government policy as did the Ukrainian people in 1932–1933.

As is known, the Communist government of the USSR in its political designs to transform the USSR into an "industrialized state" in the shortest possible time, proceeded to collectivize agriculture by coercive means and against the will of the overwhelming majority of the population.

The enforced collectivization evoked massive resistance on the part of the Ukrainian people, especially on the part of Ukrainian peasants, for whom the principle of private property and ownership was deeply embedded in their national and social psychology.

Therefore, Communist Russia decided to break the resistance of Ukraine through naked force by using the terroristic methods which a totalitarian government had at its disposal.

Consequently, the inhuman liquidation of the Ukrainian peasantry through official pillage of foodstuffs, arrest and deportations of hundreds of thousands of Ukrainians was only a means to realize the actual intent of the Soviet government—the destruction of the Ukrainian peasantry as a "class enemy" which was only one of the numerous ways used by Moscow to eliminate the very essence of Ukrainianism. This point was commented on extensively in the Soviet press at the time, namely, that the collectivization of agriculture in Ukraine must "destroy the social basis of Ukrainian nationalism, which the individual farm-holdings constitute."

In August, 1932 the government of the Ukrainian SSR issued a special law on the "inviolability of socialist property," according to which even the smallest infractions of this law were severely punishable by the Soviet regime. Moreover, during the harvest that year Moscow dispatched to Ukraine tens of thousands of Communists, members of the Comsomol and other agents of the party who indiscriminately confiscated by force all grain and food products from the peasants, which was stored in state warehouses, from where it was transported by freight cars to Russia, and subsequently the Kremlin exported it abroad. The proceeds received from the grain sales were used by Moscow to buy industrial equipment for the "rapid industrialization of the USSR." At the same time detachments of the GPU and the Red army raided Ukraine, arresting and executing without trial all those who refused to surrender the grain.

On August 7, 1932, the government of the Ukrainian SSR passed a draconic law, which stated:

a) The ownership of *kolhosps* and cooperatives (crops in the fields, community surpluses, cattle, co-op stores, warehouses, etc.) is to be considered that of the state, and the guard over them was to be increased;

b) The penalties for thievery on *kolhosps* and of co-op property are to be increased in the interest of social protection—*execution by firing squad* and confiscation of all possessions, and where leniency may be advisable, loss of freedom for at least ten years with confiscation of all possessions.

This barbarous policy of genocide by Moscow soon led to the shocking and unprecedented famine in Ukraine in the spring and summer of 1933, despite the fact in 1932 Ukraine had a bumper crop. People were dying by the thousands in the villages, and those who could were fleeing to the cities in search of bread, but they found none there, and many of them were dying on the streets of Kiev, Kharkov, Odessa and other cities of Ukraine.

The Soviet government denied stubbornly the existence of the famine in Ukraine in that year, although in 1921 Moscow had publicized the famine in the USSR, and even admitted the American Relief Committee headed by Herbert Hoover. But in 1933, the so-called "Ukrainian Soviet government" in Kiev, headed by Vlas Ya. Chubar, could not hide the great tragedy in Ukraine, and at a meeting in Kiev, when asked whether the government knew what was going on in Ukraine, he replied: "The government knows, but cannot help in any way whatsoever."

According to Ukrainian specialists on Soviet affairs, the famine in 1932–1933 in Ukraine destroyed 7 to 10 million people. It was the horrible deliberate consequence of Russian Communist genocide in Ukraine, inasmuch as the famine was planned and implemented by the Soviet government for the total eradication of one of the strongest foundations of the Ukrainian nation—the Ukrainian peasantry.

Despite strong Communst censorship, the Western world was exceedingly well informed about the catastrophe in Ukraine, and the American, Canadian, British, Belgian, French and German press carried extensive reports on the famine and cases of cannibalism. Mention should be made of the reports by British writer, Malcolm Muggeridge, the Hearst papers in the United States, and others. The famine in Ukraine is also discussed now in the writings of former Communists, such as Arthur Koestler, Anatole Kuznetsov, and even the former Soviet Premier, the late Nikita S. Khrushchev.

The famine in Ukraine was also the subject of numerous debates in the parliaments of several European states; the International Red Cross and the Supreme Council of the League of Nations in Geneva tried to find ways and means to help the famine victims in Ukraine, but to no avail, as the Soviet government would not permit any outside aid for the starving nation.

Also, it is to be recalled that Ukrainians in Western Ukraine and those in Western Europe, the United States, Canada and South America cried out against the man-made famine. In protest against it, a young Ukrainian revolutionary and member of the OUN (Organization of Ukrainian Nationalists) Mykola Lemyk, shot a high official in the Soviet Consulate in Lviv. The Ukrainian Parliamentary Representation in Poland conducted vigorous protest activities in the Polish *Sejm* in Warsaw and at various inter-parliamentary conferences and congresses of national minorities in Europe.

Ukrainians in the United States conducted especially strong protest actions in 1933, coordinated by the *Obyednannia,* then the political representation of Ukrainians in America. In all larger cities of the United States public protests were held, denouncing the man-made famine in Ukraine and protesting the recognition of the USSR by the U.S. Government (in New York 30,000 Ukrainians took part in such a protest demonstration).

Similar protests were conducted by Ukrainians in Canada, Europe and South America.

Regrettably, although the world press reported the truth about the famine in Ukraine, Western industrialists and businessmen proceeded to do business with the USSR—buying Ukrainian wheat at cheap prices, not caring that millions of Ukrainians had perished from hunger because Moscow had confiscated this wheat from them to sell it for profit abroad.

### UKRAINIANS

Following the appeal of the Secretariat of the World Congress of Free Ukrainians, which announced that beginning March 25, 1973 the 40th anniversary of the great famine in Ukraine will be marked throughout the world, and, in implementing the decision of the XIth Congress of the UCCA (III. "On the Situation in Ukraine," Par. 7, which states: a) To declare the third Sunday of May, 1973 a "Day of National Mourning by Ukrainians in the United States," b) To appeal to the leadership of the Ukrainian Churches to mark this day as a "Day of Mourning and Prayer."—

We appeal to our communities in the United States to mark this tragic anniversary of the man-made famine on a massive and organized scale.

For the effective implementation of this large-scale mournful anniversary, extensive preparations are needed. Therefore, the UCCA Executive Committee announces that the general national Mournful Manifestation will take place on *Saturday, May 26, 1973 at the Shevchenko Monument in Washington, D.C.* That day will mark the anniversary of the unprecedented tragedy inflicted by the Russian Communist dictatorship upon Ukraine.

Other such manifestations throughout the country should be held on *Saturday or Sunday, May 19 and 20, 1973.*

These manifestations should begin with special liturgies and prayers in the Ukrainian Churches for the millions of Ukrainians who perished during the man-made famine forty years ago. In all communities special commemorative observances and public meetings should be held, to which outstanding American leaders and representatives of ethnic communities should be invited. Also, the local American press, radio and TV stations should be informed about the manifestations marking the anniversary of the great famine in Ukraine. At these public gatherings and meetings special resolutions should be adopted condemning not only the Soviet Russian genocide forty years ago, but also the current persecution of Ukrainian intellectuals and the destruction of Ukrainian churches and culture. These resolutions should be sent to the State Department, with copies to U.S. Senators and Congressmen.

The Ukrainian nation is waging an incessant struggle for its liberation in the home country, and therefore our protests in the free world are important and essential in this struggle of the Ukrainian nation for its independence and inalienable rights.

---

## MRS. ELIZABETH PEREGOY RETIRES

## HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BYRON. Mr. Speaker, it was my pleasure to participate recently in the retirement ceremony for Mrs. Elizabeth Peregoy, the retiring principal of Manchester Elementary School in Manchester, Md. It was obvious during the ceremony that the staff and faculty of the school as well as her many past students held Mrs. Peregoy in great esteem and affection. I would like to share with my colleagues the account from the Evening Sun of her retirement.

The article follows:

### MRS. ELIZABETH PEREGOY RETIRES

(By Joan Candy)

Elizabeth Peregoy, principal of Manchester Elementary School, was honored Thursday night by more than 300 parents. Twice during the evening the audience rose to show its respect through standing ovations.

The educator will be retiring at the end of this school year, having been associated with Manchester school for 52 years as a student, parent, teacher, and administrator. Mrs. Peregoy taught at the school for 32 years before beginning her seven-year service as principal.

Charles Evans, PTA President, in presenting Mrs. Peregoy with gifts from the PTA, attempted to put the feeling of the group into words. "You've served so long, and so well," he began; then added, "If it looks like I'm about to choke up, you're right. I am."

Accepting a silver tray, candlelabra, and an engraved charm, the modest principal commented, "I don't feel I deserve any rewards. The work I've done here is the richest reward I've had in my life. There were no rewards expected. I've had those."

Evans said that the PTA had planned to present Mrs. Peregoy with a life membership in the Carroll County Council of PTA but found that she had already been so honored.

Two surprise guests attended the PTA meeting to pay tribute to Mrs. Peregoy. Dr. George Thomas, Superintendent of Carroll County Schools, left another meeting to attend "because I wouldn't have been anywhere else this evening." Dr. Thomas was principal at Manchester School while Mrs. Peregoy was teaching there.

"I learned to respect her then," said Dr. Thomas. "She has contributed heavily to this school and to this county."

Congressman Goodloe Byron said that he first heard of Mrs. Peregoy when he was serving in the State Senate. It was his duty, he said, to pass out scholarships, and he often received letters from Mrs. Peregoy suggesting students' names to him.

"I learned that she followed the progress of some of her students all the way up through high school and went to the special trouble to see that I knew of the financial need of those students. It takes a special kind of person. That's the kind of person Mrs. Peregoy is."

Byron presented Mrs. Peregoy with two American flags that had previously flown over the Capitol in Washington. One was for the school and one for herself.

The small lady accepted the gifts and praise. Then she told of another gift given her earlier by a small student after recess. The child had come to her office timidly to present her with bouquet of hand picked dandelions. "I've received other flowers," she confided, "but the love those conveyed touched me the most."

Mrs. Peregoy will be leaving the school system on July 1. Two days later she will start a new job, working as a tour director for a travel service. In her new position, she hopes to visit most of the United States and Hawaii.

In her farewell speech, Mrs. Peregoy thanked the parents for all the help they had given her saying "I've had the best community support any principal could have." She said that, since October, 53 volunteer aides have contributed 3,652 hours to helping teachers inside and outside of classrooms.

She then urged the parents to work for changes and improvements in the school.

"I believe the day has come when you, as parents, have to decide what kind of schools you really want to have. I think you can be a really big influence," she said.

Mrs. Peregoy said she was not in a position to tell the parents what would happen to the school next year because the budget was still indefinite. She said that she felt that the great influx of population had created a bad situation in the school.

"I think that the first and second grades will be much too big next year," she complained. "I don't think we need fancy buildings nor elaborate equipment. But we do need a teacher who can relate to your children individually. There would be no more than 28 children for a class to function to the maximum capabilities of achievement. We do not have enough space."

She said that in early fall the school had requested two relocatable buildings but the request had not been approved by the State Interagency Committee. The anticipated population growth of the school between June 1972 and September 1973 is 145 additional students.

"This is taxing a facility already being used to its capacity," Mrs. Peregoy stated.

Mrs. Peregoy said that she did not ask for more staff for next year because there was no more room for them. There is the possibility of an additional kindergarten teacher to teach an Early Intervention Kindergarten Class. This class would be for beginning students identified as having special learning difficulties.

Mrs. Peregoy thanked the staff saying she could not have done the job she had if it had not been for the help of her staff who are "outstanding."

Dr. Thomas has said that the Board will officially accept Mrs. Peregoy's resignation at the May 9 School Board meeting. A directive will then be sent out stating the need for an administrator. The new principal will be selected from subsequently received applications.

As she returned to her seat, a child handed Mrs. Peregoy a carefully colored page from a coloring book as an additional farewell gift.

The principal carried the page with her as she went to the cafeteria to cut the cake baked in her honor.

Clutching this last token of love in her hand for the remainder of the evening, Mrs. Peregoy proudly showed it to her well wishers, many of whom viewed it through the tears in their eyes.

## HURRAH FOR THE VITAMIN BILL

---

## HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. HOSMER. Mr. Speaker, lately the New York Times has been kicking around H.R. 643, the so-called vitamin bill. Its syndication service then has passed the Times' canards around nationwide to unsuspecting newspapers. The Times charged right in, alleging the bold untruth that H.R. 643 would allow the unlimited sale of injurious vitamins, and then intimates that the bill's supporters must be a bunch of nuts, dupes, crackpots, and food faddists.

Actually, H.R. 643 would do nothing more than stop the Food and Drug Administration from, in effect, banning the sale of vitamins and food supplements which have never been determined injurious to health in any quantity. This is done by giving FDA authority to label substances which have never been determined injurious or unsafe as drugs and thus potentially make them available only by prescription in any but very smallest quantities.

Of course, the big drug lobbies love that idea as it will line their pockets as it drives the small vitamin and food supplement stores out of business.

Actually, H.R. 643 would do nothing whatever to prevent the FDA from policing the use of vitamins or anything else which has been determined inherently unsafe or injurious when taken in excessive quantity. The people who support H.R. 643 really are not intellectual basket cases, they just do not believe the FDA ought to be allowed to spend the taxpayers' money to take something away from people which they want and which cannot hurt them.

But, says the FDA and the New York Times, even though some vitamins and food supplements may not hurt you, you cannot prove they do you any good and therefore let us play God and ban them.

Now that is just crazy. Who determines they do not do you any good? The New York Times? The big prescription pharmaceutical houses? If a man buys and pays for these harmless substances, takes them and he thinks they make him feel better, then they do. He is not going to part with his cash for them if they do not. Does prayer make a lot of people feel better? No one can prove that, either. But a lot of people must think so. They keep on praying and that is good enough for me. But because they cannot prove it should the FDA or some other Government agency or some New York City newspaper get away with banning or maybe putting a limit on the length of prayers? Or make you get a prayer chit from some psychiatrist before appealing to the Almighty?

It is about time we had some sensible thinking on this H.R. 643 issue and the following column seems to move in that direction:

### CONTROVERSY: VITAMIN PILLS, CONGRESS AND THE FDA

(By Robert Rodale)

Basic issues are at stake in the controversy over new Food and Drug Administration (FDA) regulations of vitamin pills.

Can legal limits be placed on nutritional elements just because they are sold in tablet or capsule form? That's what FDA wants to do, mainly by exercising its power to regulate the labeling of foods.

Impetus for the FDA's action comes from two directions, I believe. It's opposed to the trend toward use of self-prescribed higher-potency food supplements to prevent disease. FDA also sees vitamin and mineral supplements as the life blood of the health food movement, which continues to gain supporters and may, I think, even eventually remake the foundations of American food and eating patterns. That bothers those who still look on health foods as being far-out and perhaps slightly subversive.

The "guts" of the new food supplement regulations are the provisions setting low potency limits on all vitamin and mineral supplements. Once they're in effect, you won't be able to buy tablets with more than 90 milligrams of vitamin C or 45 units of vitamin E, for example, unless you have a doctor's prescription for higher potency vitamins.

Much of the controversy about the regulations stems from FDA's prohibition of five statements about food and nutrition that have been associated with the vitamin industry.

For example, FDA plans to prohibit supplement companies from saying that food becomes inadequate or deficient because it is stored, transported, processed or cooked. That flies in the face of a body of evidence showing that all those factors can lower food quality and even be the direct cause of nutritional problems.

Another rule prohibits statements "that a diet of ordinary foods cannot supply adequate amounts of nutrients." Here again, mounting evidence shows that the "ordinary foods" many people are eating leave them deficient in vitamins C and A, and the mineral calcium.

A third rule would stop claims that inadequate diet is due to the soil in which a food is grown. There is clear evidence that plants do reflect in their makeup the mineral balance in soil, although experts argue over whether the difference is big enough to be significant.

Reaction to the regulations is already strong, and getting more intense. Much of the pressure from both consumers and food supplement companies is directed at Congress, which is considering several bills to limit FDA's authority to act.

A bill by Rep. Craig Hosmer (R-Calif.) would forbid the FDA or any other federal agency from restricting in any way the right of the public to buy safe foods and vitamins.

Rep. Jerome R. Waldie (D-Calif.) has introduced a similar bill. It would prevent the government from limiting the potency, number, combination, amount, or variety of any vitamin, mineral or other safe food supplement ingredient.

"Do you think an individual should be required to have a prescription in order to take vitamin C?" asked Waldie on the floor of Congress. "Is it not his right to take 5 milligrams, or 50 milligrams, or 500 milligrams of vitamin C as he sees fit, as long as the product itself is not harmful, and as long as the product label accurately reflects the contents?"

Another congressional opponent of FDA's action is Rep. Hamilton Fish, Jr. (R-N.Y.), who is co-sponsoring corrective legislation. "The result of this FDA ruling if allowed to stand," he said, "in addition to reducing the nation's vitamin and mineral food supplement business by an estimated 80 per cent, will be the denial of a basic freedom of choice to the millions of Americans who wish to supplement what they deem an inadequate diet."

---

## REPORT TO COLORADO'S FIFTH DISTRICT

---

## HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. ARMSTRONG. Mr. Speaker, the following is the text of my May 1973 newsletter to residents of the Fifth Congressional District of Colorado:

### NEWSLETTER

DEAR FRIENDS:

If you think your grocery bill is high now, brace yourself!

With American families being whipsawed by shortages and wild price increases, and rationing almost here, you'd expect Congress to do something to protect the purchasing power of our hard-earned dollars long before now. But so far Congress has opted for stalling tactics and superficial solutions.

What about wage-price controls? Yes, just six hours before expiration of the old law, Congress did rush through an extension of economic controls. But these measures have failed so far. In fact, such controls have never worked in any free country in peacetime. So there's no reason to think the new wage-price law will stop inflation.

Is the situation hopeless? Definitely not. Congress does have the power to curb spiraling prices by attacking the cause of inflation . . . excessive federal spending and mounting budget deficits. Economists have repeatedly warned that our federal spending spree would lead to disaster. But Congress has always seemed to put partisan considerations, squabbling with the President, and special interest appropriations ahead of balancing the budget.

In the long run, grass-roots sentiment will force Congress to face the financial facts of life and to adopt basic budgetary reform.

I hope it won't be too late.

#### NEW HOPE FOR CLEAN AIR IN COLORADO

The so-called Clean Air Act discriminates against Colorado. This law requires car manufacturers to adjust engines to meet federal air pollution standards at sea level. But if vehicles are operated at mountain altitudes, they discharge up to twice as much hydrocarbon and carbon monoxide.

So when the Clean Air Act was being extended by the House, Second District Representative Don Brotzman and I took the Floor to explain the problem. We recommended amendments to require new cars to meet emission control standards at all altitudes.

I am glad to report partial success. The Commerce Committee Chairman, who was managing the extension legislation, has promised to hold hearings on these amendments in the near future, a vital first step in solving our state's unique air pollution problems.

#### MY FIRST 4 MONTHS IN CONGRESS

A few days ago, my old friend J. Edgar Chenoweth dropped by for a visit. As you know, Judge Chenoweth represented the people of Colorado's Third Congressional District with great distinction for many years.

He is a man of vast experience and wisdom. I have often benefited from his advice.

He made one comment I want to pass along because it sums up so well my feelings about representing you. He said: "Very, very few Americans have such a great opportunity to serve their country as a Member of Congress."

Nothing could be more true. It is a great opportunity. A great honor. And with it comes a great obligation which I feel very keenly.

The first few weeks of the new session have been a chaotic time for me. I've been burning the candle at both ends trying to organize the office, meet my new colleagues, learn the rules and procedures of the House and so on. But I am starting to get a good feel of Congress. Through contact with other Members, committee work and participation in floor debate, I hope to play a meaningful part in turning attention of Congress, and the country, to problems that have been ignored too long.

### COMMITTEE ASSIGNMENTS

I have been fortunate to win a seat on the House Armed Services Committee, a prize assignment. The committee is directly responsible for all national defense matters and overseas operations and spending of all branches of the armed services.

I am also extremely pleased to be appointed to the Board of Visitors of the U.S. Air Force Academy. I participated in my first Board meeting a few days ago and had the opportunity to review the entire program of the Academy. It really gives my spirits a lift to have this contact with the outstanding young men of the Cadet Wing and the Academy faculty and staff.

### STAYING IN TOUCH

The toughest problem I've encountered so far is maintaining day-to-day contact with people at home. Obviously I cannot represent the people of Colorado's Fifth District without effective two-way communication. So I am making every effort to let you know what I am thinking . . . via newsletters like this one, radio and TV broadcasts, newspaper articles, etc.

But it is just as important—in fact, more important—for me to get *your* thinking. I'll be circulating questionnaires and public opinion polls in the District, holding Open House get-togethers, rap sessions at schools and Town Hall type meetings. I have also opened local offices in Aurora and Colorado Springs. Even though I will be in Washington much of the time, these offices will be open to answer your questions, provide assistance and pass along your comments.

But . . . I need your help. Please don't wait for me to contact you. In order to properly represent you, I must know your opinion about pending legislation. So please drop me a postcard or letter to express your views.

### SPEAKING OF LETTERS

A lady who wrote recently asked if I would even see her letter. And she wondered if I had personally read it and signed the response. The answer to both questions is . . . yes. Sometimes I'm buried under piles of correspondence. And my staff does most of the research for letters that require factual answers and also drafts many replies. But I personally see every incoming letter and personally sign each one going out.

That's quite a stack of mail. In March, I received over 1,500 personal letters; in April, more than 2,000. So don't blame the postal service if my reply to your letter is a little slow in coming. I think it's worth the time and effort to maintain a truly personal contact.

### THE ENERGY CRISIS

Our country is so rich in resources and productivity that shortages seem unimaginable, almost un-American. But the energy crisis is real. And its effects will be felt in every household. Skyrocketing fuel prices and/or rationing are certain; restrictions on travel, auto ownership and home appliances are possible . . . unless we close the energy gap.

*The situation is critical:* The U.S. has only 6% of the world's population but uses 35% of world energy. Our consumption is more than USSR, Japan, Germany, Great Britain . . . combined.

Our energy use is rising rapidly, but production is falling far behind the need. Potential consequences to our standard of living, national economy, balance of payments and foreign policy are staggering.

I have just been appointed to study this problem as a member of the House Republican Task Force on Energy and Resources. So I will be writing to you about this matter again very soon.

### SOMETHING TO THINK ABOUT

In the ten seconds it will take you to read this sentence, the national debt of the United States will increase by more than $5,000. Think it over.

### ABOUT THIS NEWSLETTER

This is the first edition of Washington Report, a monthly newsletter for residents of Colorado's Fifth Congressional District. The cost makes it impossible to send to every home of the District each month. But I will do so as often as possible. Between general mailings, I will be circulating the newsletter to those who express an interest by filling out and returning the coupon below.

Sincerely,

WILLIAM L. ARMSTRONG.

---

## CUBAN INDEPENDENCE DAY

SPEECH OF

## HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 21, 1973*

Mr. RODINO. Mr. Speaker, Cuban Independence Day, May 20, 1902, has become a day of remembrance, a day of pride and a day of hope. For the dream of independence from Spain was a dream nourished by the spirit, courage, and tenacity passed down from generation to generation. One recalls movements for independence as early as 1820 in the actions of Soles y Rayos de Bolivar and other organizations for freedom. One remembers the courageous 1850 expedition of Gen. Narciso Lopez. One looks back on the 10 year war, beginning in 1868 with only a handful of men at Yara, leaving behind great suffering, destruction and loss of life, and resulting in Spanish promises of change and improvement soon to be forgotten. Tomas Palma, later to become the first President of the Cuban provisional government, Maximo Gomez, Antonio Maceo, men whose burning belief that freedom would indeed be a reality for the Cuban people, men whose dauntless work and whose unyielding spirit laid the very foundation for Cuba's future independence from Spain, have become a vital part of the legacy of this brave people. And the words of Jose Marti—"the general happiness of a people rests on individual independence"— his belief in the dignity and equality of man, still ring in our ears. We recall, at the conclusion of the Spanish-American War, the detailed study made by the leaders of the free Cuban Republic in setting up their constitution—a document built upon a presidential system with a bicameral legislature, a bill of rights firmly guaranteeing individual liberty, and the great emphasis upon freedom of speech, press, and assembly. The people of the United States were, indeed, pleased with the success of the Cuban struggle in 1902. Our disappointment was deep with the advent of the Castro regime but a half century later.

As a member of the House Subcommittee on Immigration for over two decades, I have been intensely aware of the difficulties experienced by the Cuban people since Castro's rise in 1959 and have assisted in supporting all feasible efforts to bring many of these people to the United States in their quest for freedom, justice, and the right to live a life of personal fulfillment and peace. The United Hias Service, the U.S. Catholic Conference, the Church World Service, and the International Rescue Committee are to be highly commended for their extensive efforts and achievements in this area.

The Cuban airlift, as we well know, began in December 1965, bringing more than 650,000 Cubans to the United States. Its termination just 1 month ago, at the request of the Cuban Government, gives us the opportunity to see exactly what has happened to those who have come to seek refuge in our land. In New Jersey alone, according to Nelson Menedico, president of the Cuban-American Association of New Jersey, nearly 122,000 Cubans have settled. Few other nationality groups have taken root so quickly or progressed so rapidly. Dr. Carlos Sterling, a professor of Spanish literature at C. W. College has stated:

> Most of the people who have come to the United States from Cuba have succeeded. Their success has been outstanding in many fields—business, medicine, teaching, accounting, law, transportation.

These men and women have shown themselves to be extremely capable and hard-working people and are making major contributions to our way of life. To have had the motivation to uproot from one's homeland, to overcome the obstacles of obtaining permission to depart, and then to buckle down and begin all over again adjusting, learning, and becoming a part of an entirely new society, involved a great deal of courage and determination. The key to the success of the Cubans in America lies in their tremendous community spirit—their close family ties, their willingness to help one another and their dedication to work hard. We have witnessed and enjoyed since their coming, the establishment of fine Cuban restaurants, of Spanish movie houses, of beautiful customs and traditions and of a growing and articulate Spanish-language press.

Only last week, I introduced a bill here in the House of Representatives to assure the millions of Spanish and other non-English-speaking Americans fair and equal opportunity to all the benefits of our legal system. In districts in which at least 5 percent or 50,000 of the residents do not speak or understand English with reasonable facility, certification will identify them as bilingual and they will then have qualifications for interpreters, with fee schedules and all necessary facilities, established for them. In another area, the House Subcommittee on Immigration is presently holding hearings on legislation to establish a preference system for the Western Hemisphere nations and hopes to conclude its study in June. I have also sent the following letter to Secretary of State Rogers requesting him to support the admission to the United States of Cuban refugees presently residing in Spain:

> Dear Mr. Secretary: I understand that the airlift of Cubans directly from Cuba to the United States has been terminated. Furthermore, I understand that the number of Cubans arriving in third countries, particularly Spain, has virtually ended and that few, if any, Cubans will be coming to Spain in the future.
>
> There are approximately 28,000 Cuban refugees presently in Spain and their presence has unduly burdened the voluntary relief agencies responsible for their care while they are awaiting the issuance of immigrant visas to enter the United States. The remittances from relatives and friends in the United States also contributes to a substantial dollar drain.
>
> As a result of the cultural affinities in the United States, as well as the desire to be reunited with family and friends, most of these Cuban refugees have applied for immigration. Sooner or later they will be admitted to the United States.
>
> Notwithstanding the fact that the Cuban refugees are in third countries, they are, and continue to be refugees from the totalitarian regime in Cuba. The arbitrary decision that these people be considered as immigrants is inconsistent with the late President Johnson's speech of October 4, 1965, that the United States would readily accept all Cuban refugees, and with the agreement that was the predicate for the airlift of Cubans from Cuba into the United States.
>
> I strongly suggest that the Department of State reconsider its policy and recommend to the Attorney General that the Cuban refugees in Spain be immediately paroled into the United States. It would only be reasonable to establish a cut-off date, perhaps June 1, 1973, for the use of parole.
>
> This recommendation is in complete accord with the humanitarian refugee policies of the United States and would significantly promote the reunification of families, which is the primary objective of our immigration law.
>
> Kindest regards.
>
> Sincerely,
>
> Peter W. Rodino, Jr.,
> *Chairman.*

Thus as we recall the 71st anniversary of freedom for the Republic of Cuba, we should certainly continue our efforts to help reunite Cuban families who enter the United States and we should surely encourage all who have come to continue to work, develop and grow in this "land of opportunity". And, needless to say, we should certainly support these special people in their prayers and hopes that in the not too distant future, their Cuban homeland will once again be a land of peace, freedom, and justice for all.

---

## CAMBODIA LAW SUIT STATEMENT

### HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. MITCHELL of Maryland. Mr. Speaker, this is a time when the institutions, the very roots of our Nation, face severe tests. Certainly the Watergate and the Ellsberg trials continue to put each branch of our Government up against a wall of the highest standards.

It was the Vietnam war, the wars throughout Southeast Asia that put the Nation, its people, and institutions to severe tests. Too often we were not able to respond well as a nation to these standards. My colleagues in the Congress understand full well how we as a body failed to live up to our responsibilities. Time and again we failed to act as first one President and then another committed this Nation to involvement in a full-scale war. It was the pressure of millions of Americans that finally allowed us to withdraw our men and enter into a peace agreement. Millions of Americans were thankful that our Nation was no longer risking the lives of Americans nor bombing innocent Asians.

There has been little time to rejoice. The peace has been a short-lived one. The real truth is that the bombing in Cambodia goes on; 80,000 tons at a cost of $160 million by the Pentagon's own estimate since the "peace accord" went into effect. American ground troops and civilian advisers remain in Laos, Thailand, and Cambodia. Perhaps the price of the war has been lessened for Americans, but it remains a tragic one for Cambodians.

This Congress has at long last recognized its responsibility for military actions taken in the name of the Nation. Our action in refusing to authorize a transfer of appropriations authority of $500 million for the Pentagon for military actions in Cambodia is one such indication. Our actions finally speak as loud as our words.

I believe that the action of the Congress is commendable, and I believe that it is vital that we take our confrontation of the President's authority to wage war in Cambodia one step further. The arrogance of Secretary Richardson who tells us that he will continue bombing in Cambodia despite our vote makes action imperative. Therefore, eight of my colleagues and I will file suit today in U.S. District Court, the District of Columbia against Secretary of Defense Elliot Richardson and Secretary of the Air Force Robert Seamans seeking a declaratory judgment that without appropriate congressional authorization, the defendants may not take actions to support combat activities in Cambodia.

Further, the plaintiffs also request a further judgment that in the absence of congressional approval, any resumption of actions in Vietnam is in violation of the law. There are no American forces stationed in Indochina. The sole justification offered for American intrusion into Cambodia in 1970 was to protect American forces in Vietnam. There are no treaty obligations with Cambodia, Congress has specifically prohibited use of American ground forces in Cambodia. Secretary of Defense Richardson, in testimony before the Congress, was unable to offer any constitutional basis for the current bombing of Cambodia. The Cambodian situation is thus a clear legal question of the authority of the President.

Coplaintiffs in this suit include Congressmen Herman Badillo, Ronald Dellums, Donald Edwards, Donald Fraser, Michael Harrington, Robert Kastenmeier, Benjamin Rosenthal, and Congresswoman Bella Abzug. The lawsuit is being sponsored by the National Emergency Civil Liberties Committee.

I invite my colleagues to join in this suit. I believe that the time is finally at hand, the time to end once and for all the killing in Southeast Asia, the time to once and for all reestablish the right and responsibility of this Congress to assert this Nation's warmaking and its peacemaking powers.

---

## BEYOND CIVIC PIETY

### HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. JOHNSON of Colorado. Mr. Speaker, one of the great sermons of the last century referred to the hypocritical piety of Government leaders. The minister said that when officials wish to do a particularly evil deed, they bow their public heads, bend their public knees, and pray to their public God in whose name all wickedness begins.

On Sunday, May 20, 1973, Dr. Eugene S. Callender preached a sermon entitled "Beyond Civic Piety." Dr. Callender is president of the New York Urban Coalition and spoke at the National Presbyterian Church under appointment by the General Assembly of the United Presbyterian Church of the United States of America as the 1973 National Church Preacher.

Mr. Speaker, I believe Dr. Callender's sermon is reminiscent of the one I earlier referred to. He carefully points out the danger of a civil religion and says correctly:

> Alongside our Christian religion there has developed a religion that superficially looks like it, that overlaps it at some points, but which is different from it in essential respects. But some Americans do not know the difference—the flag and the cross arouse the same sentiments.

Mr. Speaker, I urge all our colleagues to read Dr. Callender's sermon with great attention, for it contains a message of utmost importance:

#### Beyond Civic Piety

(By Dr. Eugene S. Callender)

Scripture: Acts 19: 23–41—"Righteousness exalteth a nation but sin is a reproach to any people." Prov. 14: 34.

I wish to speak this morning on the theme, "Beyond Civic Piety."

There is a form of religious expression in this nation which we may call civic, or more broadly, civil piety. Scholars have identified civil religion, though they are not entirely agreed as to its structure, its content, or its functions. Some see it in the President's participation in televised prayer breakfasts or in the cozy closeness of Billy Graham and the President in White House religious observances. Some see it in the rituals of national ceremonies as when a Kennedy is inaugurated. On such occasions the piety we have in mind is not found so much in the presence and prayers of priests, rabbis, and preachers as in the appeals and arguments of the address delivered by the President. There are many forms of it. But its reality is a fact. It is not completely separate from the plural strains that make up the organized religious bodies in America, but it is distinguishable and as this sermon suggests Christians must go beyond *civic piety*. Today they must become prophetically clearer on the transcendent claim which the God and Father of our Lord Jesus Christ makes on the unity and mission of the church in relation to the unity and mission of the nation.

Civic religion and its expression in civic piety are not new. All groups, tribes, nations form symbols, beliefs, and rituals which heighten group consciousness, which symbolize values, which articulate shared ideas about authority and its agencies, and which conserve and unite the members. Some sociologists have argued that all religion is but a mode of group consciousness. In the story in Acts we have an illustration of a city which is the center of a cult and identifies that cult—the worship of Artemis—with the interests of the city. A particular group in the city—the silversmiths—use the civic piety for their own purposes. The new faith of the Christians threatens the special interests of the silversmiths and they, in turn, arouse the fears and the patriotism of the Ephesians by holding a mass religious rally in the city. By showing the Ephesians that the Roman law was above the rioters the clerk quieted them eventually. In due course the Christian faith was to be viewed as a threat not only to civic piety but to imperial piety as well.

Their early Christian forebears repeatedly found themselves in the conflict between loyalty to their all transcending God and the Lord Jesus, on the one hand, and the idolatry which the piety of emperor worship required. The books of saints and martyrs are prominently marked by the stories of heroes of the faith who were victims of this civic piety. The persecutions of the first three hundred years are historical witnesses to the fact that the Christian community understood itself to be called to obedience to the Christ whose righteousness and mercy transcended the justice and the peace of Caesar and Rome. The piety of the City of God, as St. Augustine showed, made of God's people a pilgrim people whose movement through history was essentially different from the piety of the City of Earth, though these two cities were commingled in their day by day membership.

In our day the holocaust of World War II dramatized the civil piety of national socialism that swept through the German people, hypnotized its youth, and infiltrated many churches in what was called German Christianity. Belatedly did Christian leaders recognize the grave dangers of Nazism and the fundamental conflict between the Cross and the Swastika. What is instructive for us is the power of a long, slow penetration of nationalism, militarism, and economic despair into the collective consciousness of both Protestants and Roman Catholics. So when the hour of decision came only a minority were spiritually and morally prepared to be obedient to the Lord of the church and the world.

In the United States we are in grave danger of such a penetration by our own civic piety—our own civil religion. The danger is that churches will not express and radiate our authentic Christian piety in contrast to that civic piety. Alongside our Christian religion there has developed a religion that superficially looks like it, that overlaps it at some points, but which is different from it in essential respects. But some Americans do not know the difference—the flag and the cross arouse the same sentiments.

Wrap up in one package of the Declaration of Independence, the Bill of Rights, the deism of Franklin and Jefferson, the hymn, "America", Washington's "Farewell Address", Lincoln's Gettysburg Address and Second Inaugural, his re-establishment of Thanksgiving Day, the institution of Memorial Day, Veterans' Day, the century-long tradition of orations on July Fourth, the vision of this country as the Promised Land and the model for all nations to follow, the repeated allocation to God in the speeches of Presidents when they are inaugurated, or deal with great crises or goals, and the inculcations of democratic values in the public school system with (until recently) prayers and the salute to the flag—and you have a pattern of civic piety which you can readily recognize. Add to this our ethos of good sportsmanship, training in the Scouts and Campfire Girls, and belief in the soundness of our economic system—and you have a cluster of meanings and value that comprise what some people mean when they speak about this country being a Christian nation.

Jefferson talked about our being endowed by our creator with certain inalienable rights; Franklin taught in his *Autobiography* that belief in God's providence has utility in promoting and confirming morality; Washington said that "of all the dispositions and habits which lead to political prosperity. Religion and Morality are indispensable supports," and that we cannot expect national morality in exclusion of religious principle; Lincoln gave a new Testament quality to sentiments drawn from the Old when in his official utterances he said: "If God wills that (the Civil War) continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether'," and then he began—"With malice toward none, with charity for all"—Lincoln gave to civic piety also the great sacrificial phrases of the Gettysburg address and the mission "that government of the people, by the people and for the people shall not perish from the earth." It was at the dedication of a national cemetery that the Gettysburg address was spoken. Arlington Cemetery added the symbol of the Tomb of the Unknown Soldier and it is also now the site of the tomb of another martyred President and of its symbolic eternal flame.

The rituals of sacrifice and memory—of personal and national survival—are fused with militarism and patriotism in Memorial Day and in Veterans' Day. Thanksgiving Day integrates family life into civic piety as Memorial Day integrates the local community into the national cult. The public school system while crowding out sectarian Bible study and compulsory prayers serves to introduce children and youth into the cultic celebration of the civil rituals.

At his inaugural, John F. Kennedy reaffirmed (as Robert H. Bellah notes) the religious legitimation of the highest political authority. He said: "I have sworn before you and Almighty God the same solemn oath oath our forefathers prescribed nearly a century ago." He echoes Jefferson in another place when he said, "the rights of man come not from the generosity of the state but from the hand of God." He also echoed the missional activist part of religious sentiment when he said in his final words "here on earth God's work must truly be our own." The parallels to Biblical appeals are clear in a passage such as this:

"Now the trumpet summons us again—not as a call to bear arms, though arms we need—not as a call to battle, though embattled we are—but a call to bear the burden of a long twilight struggle, year in and year out, 'rejoicing in hope, patient in tribulation'—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself."

I shall refrain from illustrations from the ceremonial and political utterances of Presidents Johnson and Nixon, not only in the interests of time but also to focus on issues more basic than politic related to party and personality.

Now, how does all this differ from explicit Christianity, though much of it is noble and socially beneficial?

This civic piety never mentions Christ and with that omission goes many of the explicit conceptions of Christian communty, agape, crucifixion, salvation, forgiveness, and the final end of man. Absent is confession of sin and of national wrong doing. With the absence of guilt is absence of repentance.

By and large civic piety is a religion of order, of law, of national unity, of uncriticized values and priorities; justice and right are more prominent than salvation and love.

Through much of the early period the analogy of America and Israel was common. Europe is Egypt. America is the promised land. So Jefferson said: "I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life." When these sentiments are not corrected by statements of divine righteousness and judgment, they can expand into self-righteous and arrogant attitudes of power. The sense of mission fortified by religious sentiments becomes idolatrous messianic policeman of the world. Instead of a sense of God's righteous rule over all the earth we get a fusion of civic piety with belief in God against other political and economic systems. Napoleon's cynicism that God is on the side of the biggest battalions becomes the McCarthy era's line that God is on the side of believers in the greatest industrial society opposing atheistic communism. The American-Legion type of ideology often invokes civic piety to fuse God, country and flag while attacking nonconformists and liberal ideas and groups of all kinds. There is a far cry from Jefferson and Lincoln to McCarthy and the American-Legion—but in our day we are more in grave danger of civic piety being effectively harnessed for fascist and reactionary goals and purposes than for civil rights and responsible foreign policies.

Civic piety lacks by its nature and function a truly Christian universalism. It simply cannot symbolize adequately the unity of mankind. It is potent in legitimating adventures in imperialism. It has been impatient in placing the U.S. appropriately under the rightful authority of the United Nations. Civic piety tends to divide the world into those who are on "our side" and those on the "other side," between the "good guys" and the "bad guys." Instead of moving out into God's larger freedom under Christ inspired by the Holy Spirit, civic piety tends to make us view America as "the last hope of earth."

There are, of course, as I have said, some noble values that have been incorporated into the civil religion of America; but there are elements of conservatism, self-adulation, and militarism so great as to endanger the possibility of achieving some kind of viable and coherent world order.

Civil religion blunts the faith of the Christian Church by substituting a vague providence for an explicit historical revelation; it tends to reduce so-called revealed religion to a private matter, thus pushing church life to the periphery of public life; it so stresses the pluralism of American churches as to suggest that civic religion alone can provide national community; it substitutes its own rituals for those of the churches and synagogues gradually replacing them by a ceremonial piety that has qualitatively different values; it draws on biblical analogies but it distorts their prophetic power and imagery in the national interest.

In these days, therefore, the church must insist on the centrality and sovereignty of God's authority and the place of Scripture and tradition and reformation in its self-understanding. The church must press its place in the community over against the state so that freedom for full prophetic utterance is assured. The church must teach and insist that no civic piety can displace or overlook the distinctive realities we have in Jesus Christ. Moreover, the quality of community life which the church represents has a conception of peace which transcends radically that of the political community. The church must expose the explicit and implicit idolatries inherent in civic piety and expose the sham and hypocrisy of America's cultural religion. Finally, since the church sees all history under the judgment and redemption of God, it must free itself from the pollution which has entered its own life and pray continually for purgation and renewal.

We are not called upon to deny or reject the noble sentiments which have from time to time been incorporated into political utterances—for indeed, Christianity should inform our cultural and all cultures. But our true calling is always to go beyond civic piety and bear witness to the righteousness and love of God in Jesus Christ.

"Righteousness exalteth a nation but sin is a reproach to any people."

---

## THE BUDGET COMES HOME TO AKRON

## HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. SEIBERLING. Mr. Speaker, on March 23, 1973, at a public hearing in Knight Auditorium of Akron University, I heard testimony from 43 witnesses, representing public and private agencies in the greater Akron metropolitan area, on the local impact of the administration's fund impoundments and of the President's proposed fiscal 1974 budget.

During the course of the testimony on threatened programs in education, health, veterans affairs, planning and community development, housing, manpower, aid to the poor, environmental protection, law enforcement, delinquency prevention, and cultural affairs, many witnesses questioned the administration's elimination of over 100 federally funded categorical aid programs on the grounds that they are either ineffective, badly managed, or so successful that they can be maintained by non-Federal funds. Other witnesses posed an even more serious question, asking, "what are the priorities of a budget that eliminates domestic programs but raises the military appropriation?" They emphasized the need for a more feasible approach than the President has proposed for meeting the people's needs while keeping a ceiling on spending.

Several common concerns underlay much of the testimony. There was considerable confusion over what programs would be funded under the administration's proposal to supplant categorical aid programs by vaguely defined "special revenue sharing" programs. There was serious concern over the question of fiscal responsibility in abandoning partially completed projects, notably in education and medical research, where a considerable investment in time, manpower, and Federal moneys have already been made. Finally, representatives of nearly every social service agency voiced dismay over proposed new guidelines limiting eligibility for such services as child care, family planning, and aid to senior citizens, the mentally retarded, handicapped persons, drug addicts, and alcoholics. According to their testimony, the new regulations would have the effect of excluding the working poor and other disadvantaged persons who are struggling to stay off the welfare rolls.

Following is a brief summary, by program areas, of the testimony taken at the hearing.

### GENERAL TESTIMONY

Robert H. Baker, acting director of finance for the State of Ohio, voiced satisfaction with the special revenue sharing concept. Given an equitable distribution of special revenue sharing funds, Baker said, the State as a whole would not fare too badly. However, local programs would be affected.

Proposed cutbacks on the State level would be felt in library services, in the termination of the emergency employment act—resulting in a net loss of $2.6 million—in the loss of almost $400,000 to the agricultural research and development center, and in the loss of almost $5 million—excluding the work incentive program—by the bureau of employment services.

Mr. Baker said that $400 million in Ohio funds for 1973 have been impounded by the President. This includes $112 million for community development programs: water and sewer, model cities, urban renewal, neighborhood facilities, and open space land programs.

Mr. Baker also cited the effects of impoundments on the bureau of employment services, the department of education, the Agriculture Department, the Ohio Environmental Protection Agency, and the State department of transportation.

Delores Warren, representing the Akron, Cuyahoga Falls, and Kent Leagues of Women Voters, spoke for programs which the league supports in housing, education, social services for the poor and aged, and environmental protection.

In housing, the league has asked that the administration rescinded its moratorium on federally subsidized housing. In education, the league sees the establishment and financing of equal educational opportunity programs as a Federal responsibility, and questions the States' and localities' willingness and ability to do this. The league questions, on constitutional grounds, the President's authority to eliminate social service programs, and also takes exception to the Presidents' impoundment of funds for sewage treatment plant construction, stressing that "Federal assistance is essential, along with State and local money" to insure that water quality standards will be enforced.

Cliff Skeen, director of the Akron Labor Council Community Services Committee, AFL–CIO, stressed the need to reject the administration's callous abandonment of social programs and stop passing the buck to States through various forms of revenue sharing, an ill-advised revival of "let the States do it."

Joseph T. Sereno, urban renewal manager for the city of Akron, reviewed gains by the city under the HUD community development program, which will be terminated as of June 1973. Akron has received Federal urban renewal grants averaging $7 million a year for the past 10 years. Mr. Sereno took exception to the view of proponents of special revenue sharing that no city or State will receive less than its previous level of funding under categorical programs. "This will not be possible," he said, "unless there is a substantial increase in community development dollars, since a large number of cities and counties previously not involved in renewal will become eligible" for special revenue-sharing funds.

Mr. Sereno also stated that the freezing of the 235 and 236 housing subsidy programs will impede efforts to reconstruct housing in Opportunity Park, in downtown Akron. He expressed strong criticism of the administration's funding moratorium on these and other urban development programs, and said:

> The momentum we have gained over the past ten years, both in programs and staff capabilities, should not be implied by a two year moratorium.

John Looney, of the American Friends Service Committee, urged Congress to respond to the administration's cutbacks and impoundments by, first, establishing a total spending ceiling, equal to or lower than the President's, second, setting a much lower military spending ceiling by eliminating duplication and mismanagement, and, third, reducing unfair tax loophole losses. Mr. Looney said that—

> We now look to Congress as almost a last resort to restore fiscal responsibility, integrity, wider respect, moral leadership, and common sense to the conduct of the government of the United States.

### EDUCATION

Dr. Lloyd W. Dull, assistant superintendent for curriculum and instruction for Akron public schools, testified in favor of continuation of a number of

Federal programs which have greatly benefited Akron schoolchildren.

NDEA title III funds have been used for nonconsumable instructional supplies and equipment for science, mathematics, history, economics, government, English, foreign languages, and industrial arts. Dull feels—

> We can ill afford having capable professional people working with improper instructional equipment and supplies, to do the kind of quality teaching that ought to be done today.

According to Dr. Dull, the elimination of ESEA title II money for libraries and learning resource centers would be most ill advised. This is a period when educators are recommending greater use of libraries, and when learning resource, or multimedia, centers are a focal point of educational activity in many schools.

The percentage of children from ADC homes in Akron schools has increased from 8.5 percent to 4.5 percent in the past 7 years. Dr. Dull urged the continuation of ESEA title I funds for disadvantaged children if "we are to have any depth of concern at all about the nature of our big cities."

Dr. Dull also strongly urged that Federal funds for vocational education and education of the handicapped be increased. Vocational funds used in Akron for Y-Noah and Camp Rex prevocational programs "are making a tremendous difference in the saving of about 165 youth annually who have been heading toward crime," Dull said.

James W. McGrath, associate provost and dean of graduate school and research, Kent State University, criticized the withdrawal of Federal support for higher education and research. "Progress and well-being of this society depends more than ever before on our educated and talented citizens," he stated. "Our problems require the most skilled and intelligent attack."

NSF and NIH funding for basic research has decreased. Though NSF claims there will be an increase in effective spending for fiscal 1974, due to the release of previously impounded funds, Dean McGrath stated the increase is barely enough to cover inflation, especially in scientific equipment costs. As a result. Equipment-related programs have been eliminated, and equipment requests in project grants are discouraged.

The cuts in NIH research budgets, except for heart disease and cancer research, are, in Dean McGrath's view, a shocking blow to basic research in physical and mental health fields.

Impoundment of funds for science education and institutional support has been especially severe for the past 2 years, McGrath stated, resulting in confusion in the Science Foundation's educational programs and increasing the difficulties in maintaining quality research at a time when State budgets and private giving for basic research were also reduced.

McGrath criticized the increased targeting of NSF funds in the areas of applied research and industrial process engineering, at the expense of basic research in other fields.

Federal support to graduate students has declined by almost two-thirds since 1969. McGrath detailed how eight Federal fellowships and traineeships at Kent State University have been phased out. All will be terminated by the end of the 1973–74 academic year, and the university, Dean McGrath noted, has been unable to make up the decrease in Federal support. The Higher Education Act Amendments of 1972 would have provided relief through title X, graduate programs, but the administration does not propose to fund these programs in the new budget.

McGrath mentioned other severe reductions in the proposed fiscal year 1974 budget: elimination of NIH traineeships and fellowships for health professional researchers; virtual elimination of the Nurse Training Act of 1971; elimination of funds for vocational education.

Robert W. Larson, director, University of Akron student financial aid, and William E. Johnson, director, Kent State University student financial aid, testified jointly that the budget has knocked down the roof and walls of our time-tested financial aid program.

The budget does not provide funds for National Defense Student Loans or Supplemental Educational Opportunity Grants, which will affect over 2,700 students at Akron and Kent State Universities.

The funding level for the college work-study program, which has provided employment for thousands of college students is $20 million less than fiscal year 1973.

Funding for nursing loan and scholarship grant programs is reduced to about one-third of the appropriation for fiscal year 1973. Three hundred and fifty students at KSU and AU will be directly affected.

Both Johnson and Larson were skeptical that the law enforcement education program funds, eliminated from the 1974 budget, would be funded through special revenue sharing, and are concerned about the 750 students receiving LEEP loans and grants at Kent State and Akron Universities.

Though the budget includes funding of $622 million for the new basic opportunity grant program, proposed as the foundation of all federally supported aid to students, Johnson and Larson estimate this is only 62 percent of the estimated $1 billion—needed—to make the program effective.

Johnson and Larson urged the retention of aid programs at adequate levels and warned that the administration's budget, if funded as requested, will have a profound and disastrous effect on college students throughout the country.

Dr. Linnea E. Henderson, dean of the school of nursing, Kent State University, elaborated further on the effects of the proposed budget on the 5½-year-old nursing baccalaureate program. Under the budget, the school of nursing would lose almost $200,000 in operating funds plus an anticipated half a million or more in proposed special projects. In addition, over $100,000 would be lost in direct scholarship aid to students and over $2 million for a much needed school of nursing building.

Dr. Henderson disputed HEW Secretary Weinberger's contention that funds from State and local governments, private sources, and patient care revenues can be substituted for Federal financing of nursing education. The Kent State school of nursing, she stated, was established when 2 large and nationally acclaimed hospital nursing programs were discontinued because of the expense to the hospitals. With today's prices, she added, patients can no longer afford to subsidize nursing education.

She expressed great concern over the loss of funds for a building. The Kent State school of nursing is presently housed on the second and third floors of the old health center, with the campus police occupying the first floor.

### HEALTH

Dr. John D. Morely, director of health for the city health department, supported spending controls and the evaluation and reduction of some programs, particularly overlapping planning agencies, but stressed that we need to proceed in an orderly manner with sufficient notice and information to communities, agencies, and people.

Dr. Morely said he feared the loss of Federal leadership and innovation in developing new and better approaches to some of our social programs. He felt the cutbacks in grants for health manpower training were especially serious, and was disturbed by the fund cuts in alcoholism programs, which, he stated, come at a time when the public is becoming aware of alcoholism as a major public health related problem.

Gordon B. McKeeman, D.D., president, board of trustees, and Arthur D. Ziegler, M.P.H., executive director, Summit-Portage County comprehensive health planning agency, also commented on the confusion regarding the future of health-related Federal programs.

The ratio of medical practitioners to population in the Akron metropolitan area is already much below communities of comparable size in Ohio and nationally, they said. With the need for professional and paraprofessional health manpower increasing, they are concerned about the termination of capitation payments for schools of nursing, veterinary medicine, optometry, pharmacy, and podiatry, and the discontinuance of special programs for allied health.

Outpatient care facilities, a local need, McKeeman and Ziegler said, will no longer be built through the Hill-Burton—Harris—program, which is being phased out. They also expressed concern that public long-term care facilities, for those who cannot afford private nursing or custodial care, will no longer be assisted through Hill-Burton funds.

Regional medical programs will no longer be funded, and concern was expressed that there would be insufficient funds for already understaffed planning organizations to carry out responsibilities the RMP's had assumed.

McGeeman and Ziegler said that the continuation of maternal health care and projects grants is in doubt because no funds are allocated for them in the fiscal year 1974 HEW budget, and there has been no indication that additional dollars will go to the States for this purpose.

David L. Cox, executive director, Summit County mental health and retardation—648—board, and Dr. Suzanne Hettrick, executive director, Portage County mental health and retardation—648—board, spoke on program cuts in both counties.

Mr. Cox stated that proposed regulatory limitations and reductions in Federal funds would affect community health centers, drug abuse prevention and treatment programs, alcoholism services, and services to the developmentally disabled and mentally retarded. He emphasized that these preventative and early treatment services minimize long term and potentially more costly chronic care programs in the future.

If proposed title IVa regulations are enacted, Summit County would lose $130,000 in 1 year for present services and an estimated $200,000 for anticipated programs. Expiration of the Community Mental Health Centers Act would mean the loss of over $3 million over the next 5 years. In addition, a model alcoholism program designated for Akron will go by the wayside, and cutbacks in Federal support for community based drug programs could result in a loss to the county up to $2 million—over—8 years. The result of these fund cutbacks, according to Cox, is that the Summit County 648 board must now either deny some anticipated services or attempt a substantial increase in real estate taxes.

Cox feels it is unrealistic to expect special revenue sharing to take care of these programs. Revenue sharing money, he stated, is being channeled to communities where there is no traditional support for mental health and retardation, and the funds will be spent on much needed services, no doubt, highways, garages, sewers, and so forth.

Dr. Hettrick enumerated programs in Portage County which are in varying degrees of jeopardy. These include:

First. Portage family counseling and mental health center, aftercare for patients in psychiatric hospitals—readjustment to community and prevention of return—$25,000, source, 314(d), Public Health Services Act.

Second. Community house proposal for a work enterprise program for chronically unemployable—$25,000, source, 314 (d).

Third. Town Hall II help line, drug education and crisis intervention center—$52,000—75 percent of its budget for fiscal year 1974.

Fourth. Portage family counseling and mental health center; approximately 40 percent of case load qualifies for title IVa reimbursement $40,000—program cost.

Fifth. Portage information and referral service—would terminate—$25,000—program cost.

Sixth. Mental health manpower will be affected by the loss of NIMH training grant of the psychology department of Kent State University.

Seventh. Children's services center, a diagnostic clinic for children with suspected developmental disabilities, slated to begin operation July 1973, with proportion of funds from the Developmental Disabilities Act.

Eighth. Loss of model program funds for alcoholism under the Hughes Act would eliminate a planned outpatient alcoholism clinic and adjunct mental health service for alcoholics and families over $20,000—program cost.

Dr. Hettrick said that the major effects of cutbacks and regulation changes would be felt on future plans of the Portage County 648 board, which now has a very modest mental health and retardation program.

Dr. Louis Kacalieff, medical director, the Akron child guidance center, cited the findings of the Joint Commission on Mental Health of Children, which in 1965 found that despite the fact we are the richest world power, we have no unified commitment to our children and youth. He expressed concern for the almost 21,000 children in Summit County alone who need assistance with emotional difficulties at some level of intervention.

Programs made possible through the Community Mental Health Centers Act and title IVa of the Social Security Amendments of 1968, were just beginning to have an effect in this neglected area, according to Kacalieff. The danger of the proposed cutbacks and impoundments of Federal funds is to leave us with no alternatives but to scrap plans, to return to the middle ages of social service programing.

Howard Lischeron, executive director, Planned Parenthood Association of Summit County, referred to the confusion surrounding future funds for family planning. Planned Parenthood had received two-third of its funding under title X of the Public Health Service Act, which expires June 30, 1973.

The proposed fiscal year 1974 funding seems to indicate that funds would be sought under title III, section 314, of the Public Health Service Act, and since this also expires June 30, 1973, there appears to be no hint as to how the administration proposes to fund family planning programs after June this year.

Lischeron also noted that there has been no increase in funds for family planning between 1972 and 1974, despite the target set by the Department of Health, Education, and Welfare that all women in need be served by 1975.

New regulations proposed for title IVa social service funds would make it almost impossible for those funds to be utilized, according to Lischeron. One of the proposed regulations would limit eligibility to recipients likely to need financial assistance within 6 months. Since the usual gestation period is 9 months, the provision of family planning services cannot avoid a birth and possible dependency within the time period specified in the new regulations, Lischeron pointed out.

Dr. David A. Goldthwaite, professor of biochemistry, Case-Western Reserve University, commented on the administration's decision to concentrate Federal funds on cancer and heart research, while dramatically cutting funds for research on other diseases.

Though supporting a major effort to conquer cancer, the doctor disagrees with the Cancer Institute's policy of research by contract which does not necessarily get the best talent and—may miss many original ideas which require exploration before they are ready for a contract. Goldthwaite noted further that some of the moves outlined for fiscal year 1974 are made at the expense of basic research which could provide a cure for cancer.

He also expressed concern about the elimination of training grants, which discriminates against students in the low- and middle-income brackets. He question how the average Ph. D. in biochemistry would pay back a private loan for his training which may cost him $30,000 to $35,000 and take 7 years.

The policy of the administration to discontinue training grants will have considerable impact on both the universities and the supply of well-trained medical scientists 10 years from now, Dr. Goldthwaite said.

### VETERANS AFFAIRS

James Comedy, speaking on behalf of the Veterans of Foreign Wars, opposed changes in veterans programs because these programs have been and always will be the cost of war.

Comedy called for support of several bills dealing with medical care for veterans. He stated that Veterans' Administration hospitals have had to turn away veterans needing medical care to improve the staff/patient ratio. Despite this, the VA ratio is far below community hospitals. Comedy said the Veterans Medical Care Act (H.R. 2828) would halt further cuts in veterans hospital care, and he criticized the President's veto of a similar bill passed last year. The VFW is also critical of the reduction in funds for medical research and the elimination of the Medical School Assistance Act in the fiscal year 1974 budget.

Mr. Comedy then addressed himself to the problems of disabled veterans. An administration proposal to cut benefits for disabled veterans of the Vietnam war has been withdrawn, but the VFW is seeking support for H.R. 4185, which would freeze the rating schedule. Veterans receiving nonservice pensions will lose $267 million this year, according to Comedy, due to the 20-percent social security increase. There is no provision in the budget to amend this. Also of concern is an administration proposal to include a wife's income in determining a veteran's eligibility for pension.

Mr. Comedy ended his testimony with a plea for assistance to the over 200,000 unemployed Vietnam veterans.

### HOUSING

Dr. Juliet Saltman, president, Fair Housing Contact Service, expressed deep concern over the administration's current housing moratorium and proposed budget cuts. FHCS feels that the administration has noted the abuses of the housing subsidy programs, but has failed to note the benefits of these programs, if properly administered.

Dr. Saltman urged the President to rescind the freeze on subsidized housing, release all impounded funds for housing and other social and economic programs, develop legislative improvements and budgetary allocations to meet housing needs, and to insure that all Federal programs are utilized affirmatively to achieve genuine equality of opportunity.

Joseph P. Petracca, representing the Home Builders Association, concentrated on the FHA 235 and 236 programs, particularly the difficulties encountered by builders who were operating on the strength of conditional commitments from FHA when the moratorium was imposed. These builders have invested capital, but, Mr. Petracca stated, are now left with no method by which to sell their product.

Most of these units were built on inner-city renewal land. According to Petracca, the people who can afford it won't buy it or rent it. The buyers who want it, cannot afford it without the aid of a subsidy.

The program was far superior to any program that would give direct grants to the homebuyer or renter, Petracca said.

Dr. John D. Morley, director of health, Akron City Health Department, addressed himself to another FHA 235 program. The bulk of Dr. Morley's testimony has been summarized in the section on health.

The rehabilitation program of FHA 235 has provided an opportunity for enterprising contractors to purchase and totally rehabilitate vacant and abandoned houses for eventual sale to lower- and middle-income families, Dr. Morley said. He feels that the program has proven successful in the Akron area in preserving our existing housing stock.

Dr. Morley also expressed concern over the cutoff of 312 loan funds, which provides low interest loans to qualified homeowners. He finds this particularly disturbing as these funds are repayable. Dr. Morley further stated that this program should not only be continued, but expanded.

### PLANNING AND AREA DEVELOPMENT

Dr. Robert L. Lance of the school of home economics at Kent State University is involved in many university and community organizations in Portage County that are affected by the cutbacks and changes in titles IVa and IVb of the Social Security Act.

Dr. Lance has helped establish an interdisciplinary university-community organization called the Institute for the Advancement of Human Services, whose function is to deal with the complex human problems related to delinquency, school dropouts, learning problems, marital disruption, mental illness, and unemployment. His primary concern is that the change in eligibility guidelines will result in services that are aimed at the old-style maintenance approaches rather than prevention and rehabilitation. Of equal concern is the reduction of social services to what seems to amount to day care only that fail to reduce many school-related problems that later become the community-at-large problems.

Dr. Lance claims that the proposed changes will destroy the creative efforts begun just this past year by the Welfare Department—that will reduce the need for other more expensive maintenance programs.

Ray Robinson, executive director of Tri-County Regional Planning Commission, summarized local programs and plans currently dependent on Federal aid, adding that lack of official notification as to the scope and specifics of the administration's intended cutbacks makes it difficult to discuss the regional impact of these changes.

First. Federal Sewer and Water participation is 25 percent, and Robinson sees little likelihood that sufficient alternate sources of funding could be tapped, resulting in numerous commercial, industrial and residential projects being threatened or indefinitely postponed, and jeapardizing the expansion of employment opportunities.

Second. Urban Renewal and Neighborhood Development programs—although central city concerns, the programs have regional impact. If major efforts are not forthcoming, business and industrial concerns may leave the cities and possibly the region. It is unlikely, Robinson said, that support would come from the private sector if public funds are unavailable.

Third. Housing—though private money is being investigated for low income and elderly housing, it is unlikely this will come soon enough or to the extent needed to compensate for reduced Federal funds. It is essential the Government continue assisting housing plans either through continuation of existing HUD and FHA programs or through special revenue sharing.

Fourth. Public facilities—community and safety buildings, county office space, fire stations, improvements to the Akron-Canton airport, are some of the needed projects in the cities and suburbs jeopardized by budget cuts.

Fifth. Open space—with the growing and competing demands for land use, there are few financing alternatives other than massive public subsidy available to the already heavily urbanized Tri-County region. Robinson considers open space conservation a critical element in the total regional development plan.

Sixth. Social programs—private funds cannot compensate for any significant reduction in public support for social programing, which communities should continue to deliver without a break in continuity, or much earlier groundwork may be lost.

Seventh. Planning—comprehensive planning is essential if all needs are to be coordinated and integrated, yet a continually smaller amount of Federal assistance has been available for county and local planning, resulting in a general deterioration of county and local planning capabilities. The emphasis on returning government to local governments must include the return of funds or new financing capabilities.

### MANPOWER

Ron Oskar, of the public employment program, city of Akron, testified that the grant for the city, under section 5 of the Emergency Employment Act, had been divided between the city, the Akron Board of Education, and the Akron Metropolitan Regional Transit Authority. The program had benefited returned veterans, minority groups, and other disadvantaged persons, with over 25 percent of those in the program placed in regularly funded public or private employment after the first year.

Section 6, EEA money had benefited the model neighborhood, where unemployment was over 6 percent, Mr. Oskar said.

Kenneth Herbert is director of the Manpower Development and Training program, which, since 1966, has served annually more than 500 disadvantaged trainees and Vietnam veterans. Through the Manpower Development and Training Act, the program provides vocational skill training, basic education, guidance and counseling.

Mr. Herbert urged passage of a new Manpower Training and Employment Act to replace the act of 1962, which, in the words of the Ohio Association of Manpower Administrators, has made self-sustaining taxpayers of our former recipients of social services.

Also testifying with Herbert were two manpower graduates, Mrs. Susan Ellerson, and Michael Yovanovich. Mr. Yovanovich, had never held a job for any length of time, is now employed as a welder, a skill he was taught in the manpower program. Mrs. Ellerson holds a responsible position as senior record clerk with a local firm, as a result of the clerical skills training she received.

Lewis G. Robinson, executive director of the Opportunities Industrializations Center, Inc., testified that one out of every seven citizens in the city of Akron is part of the subculture of unemployed, underemployed, the aged, the youths, those on welfare, the high school dropouts, and those who have been institutionalized.

Even with all present Federal, county, and city agencies which provide services of education, prevocational, and vocational training, only one-fifth of this subculture can be reached annually.

Shifting the responsibility from the national to the local level, Robinson said, will serve to force local and national agencies that service the poor to scramble among themselves for local money, which will further divide our communities along racial, religious, ethnic, generation and sexual lines.

### AID TO THE POOR

Al Cox, chairman of the Model Cities Commission, stated that there has been a 36 percent cut—from $3,407,000 to $2,180,000—in Akron's supplemental fund grant for each 12 month period. The impact of this budget cut on existing programs is as follows:

The Montessori School.—Proposed plans to expand this preschool educational project from 50 to 75 children, and to begin a junior class—ages 5 to 8—have been dropped.

Day care centers.—Plans for program changes, including night care, short term temporary care, and so forth, have been eliminated.

Career opportunities project.—The program, utilizing model neighborhood residents as paraprofessionals while they work for a BA in education, will be cut back.

The unwed parents project.—This program, providing educational, health, counseling, and social services to unwed pregnant girls, will be phased out by December 1973, unless community sources of funding can be found.

Infant stimulation.—This demonstration project for very young children will be dropped.

Youth services bureau.—Counselors will be laid off and services reduced.

Environmental services.—Garbage bag distribution service will be eliminated and several staff of the project will be released.

Neighborhood arts.—Plans for a recreational and cultural facility have been dropped.

Family planning.—Model Cities' portion of the local share for a family planning grant will be reduced.

Richard Landis, director of the Summit County Legal Aid Association, fears for the future of competent and aggressive legal representation of the poor. Two-thirds of the agency's income has been provided through the Office of Economic Opportunity through the community action council. When CAC is terminated, financial support will be terminated, and the effect, according to Landis will be catastrophic. From a projected 4,000 clients for the year, the agency would be reduced to serving 600 clients, at most.

Landis has investigated alternatives for funds, but has found: First, approval will come too late to make the agency a direct grantee; Second, legal services are excluded from receiving money under title IV of the Social Security Act.

Though he approves the American Bar Association's proposal for a National Legal Services Corporation he voiced several reservations about the administration's proposals for such an agency. Undue political pressures would result, Mr. Landis said, if the board of the new Corporation were appointed by the President, or if funds for the new agency came through Special Revenue Sharing, with decisions made by State and local officials.

Robert T. McDonald, acting director of the Summit County Welfare Department, discussed the concern over the changes in regulations under title IVa of the Social Security Act.

Restrictions on eligibility for service, particularly changes narrowing the definitions of former and potential recipients of assistance would, according to McDonald, eliminate a large group of persons most amenable to preventative intervention.

The redefinition of mandatory and optional services in the proposed regulations would eliminate services which, in McDonald's words, are first priorities in Summit County. These include child development services, family life education, legal services, placement services, unmarried parents services, and special needs services.

Don Ellis, director, Summit County Community Action Council, and Tracy Lewis, director, Portage County CAC, both testified of the effects on the poor of the termination of their agencies, emphasizing that CAC's have been unique advocates of rights and needs of persons suffering poverty, and that no program has acted in this way before, nor is one proposed for the future.

William McMillan, president of the Akron chapter, NAACP, supported both Mr. Ellis' and Mr. Cox's statements, and urged support of poverty programs threatened by impoundment or cutbacks.

### ENVIRONMENT

Douglas Hasbrouck, of the Ohio Environmental Protection Agency, stated that progress on the cleanup of Ohio's waters will be seriously impeded if Federal funding policies are not clarified.

He referred to 126 badly needed sewage and water treatment projects, only half of which will be funded because of cutbacks. The list of 126, he pointed out, does not represent the actual number needed in Ohio to meet goals set down by the 1965 Federal Water Quality Act and does not even begin to take into account standards outlined by the 1972 Federal water quality legislation or goals established by Ohio's EPA.

Hasbrouck emphasized that each of the 126 projects is a badly needed facility that probably will only be placed under construction if Federal help is available.

### YOUTH PROGRAMS

Richard Ondecker, director of the Neighborhood Youth Corps for the Akron public schools, stated that it is difficult to imagine that a program considered one of the more positive manpower programs nationally is being phased out.

Forty students annually who have completed the NYC program are graduated from the Akron public schools, and statistics show that underachievers and students with poor attendance records improve markedly as a result of this program.

Ondecker also expressed great concern over the summer NYC program, which reached 1,190 students in 1972.

Charles L. Pryce, regional administrator of the Ohio Youth Commission, testified that the commission's activities in the areas of delinquency prevention, vocational education, and health care would be seriously hampered by Federal funding cuts. Pryce said the youth commission is directly affected by Federal funding in three primary areas—title I of the Educational Act—ESEA—LEAA—and title IV–A of the Social Security Act.

According to Pryce, the youth commission has utilized ESEA title I funds for many years. The commission's present title I funding level is approximately $700,000 per year. Pryce testified that these funds provide, among other things, for employment of teacher aides, teaching specialists, and equipment needed for remedial programs in reading, math, and speech therapy. With cutbacks in ESEA title I funds, Pryce said, decreases in both the scope and quality of the youth commission's education programs would be unavoidable.

Mr. Pryce stated that 90 percent of the youth commission's community-level delinquency prevention program is dependent on social security title IV–A funding. A cutback in this source of funding, he said, would be disastrous to any hope which the youth commission might have in successfully decreasing the delinquency rate in the State of Ohio.

### CULTURAL ORGANIZATIONS

John Rebenack, chief librarian of the Akron public library, feels that the impact of administration recommendations to eliminate all funds for the Library Services and Construction Act, on the State library of Ohio and Ohio library services will be catastrophic. Rebenack considers LSCA one of the most effective and best regulated programs to come out of Washington.

A number of important local projects have been funded through the State library, with a sizable portion of funds made up by local contributions. These have included the construction of the main library; a many-faceted survey of Summit County library services; and a books/jobs project for the underemployed and unemployed.

Rebenack has great doubts that revenue sharing will fill the void left by LSCA, contending that cities with their magnitude of problems, would not give library support high priority.

A. Robert Rogers, professor of library science at Kent State University, cited the elimination of Federal support for four major areas of librarianship.

Under title III of the Library Services and Construction Act, which would receive no funding under the proposed budget, public libraries in Ohio have attempted to facilitate cooperation among academic, public, and art museum libraries. This has resulted in a reduction of duplication and better service to local users.

School libraries, under title II of the Elementary and Secondary Education Act, have been substantially improved on the secondary level. ESEA grants have also made possible a great many libraries in elementary schools. There are no provisions for these grants in the fiscal year 1974 budget.

Rogers noted that aid for the construction of new library buildings under the Higher Education Facilities Act of 1963 is not to be phased out, even though this program is not of top priority among college and university librarians.

The item of top priority, in Professor Rogers' view, is the problem of what he termed "the publications explosion." As the demand for and prices of books and other materials increase, the need for more funds is urgent. The situation is particularly critical in Ohio where the State-assisted universities do not meet generally accepted national standards. Again, the administration has proposed no moneys under title IIIa—College Library Resources—of the Higher Education Act of 1965.

Title IIb—Library Training and Research—of this same act has also been eliminated. Kent State has received over $20,000 for fellowships and institutes under this program. Rogers particularly emphasized the need for assistance to qualified disadvantaged minority students. Such people are in heavy demand, in contrast to the relative surplus of white librarians from the middle class, he said.

## NATION AUTISTIC CHILDREN'S WEEK

---

## HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. HARRINGTON. Mr. Speaker, last Thursday this House passed House Joint Resolution 296, the National Autistic Children's Week. The main thrust of this proposal is to demonstrate to the people of this Nation the needs of those children who are afflicted with autism and to offer a vehicle by which parents of autistic children can obtain information on services available to their children. The National Society for Autistic Children operates an information and referral service which can be helpful to all parents. Its director, Mrs. Ruth Sullivan, may be contacted at 101 Richmond Street, Huntington, W. Va.

During the past 2 years, I have become involved with the problems of autism. On September 22, 1971, I inserted into the RECORD—page E9909—a pamphlet entitled "Children Apart" which describes autism and the problems encountered by parents in obtaining a proper diagnosis and care for the child. This article elicited a tremendous response—phone calls and letters—from parents all over the Nation who thanked me for making public some understandable information on this illness. I was astounded by the obvious need for and the dearth of pertinent material with which to fulfill the need. Subsequently, I initiated a Wednesday Autism Insert series in the RECORD during the summer of 1972 and intend to do the same this summer.

Because of the rule prohibiting articles from exceeding two pages, I am able to reprint only a small portion of "Children Apart." What appears will be informative to all, but much less than the total picture. In the next RECORD, I will attempt to print more of this article so that all may know about autism.

I do not believe that any of us who have not experienced directly the problems of autism can fully understand the walls of silence and frustration surrounding this illness. The Proclamation of National Autistic Children's Week will help break this silence and let the parents and the children know that we do care and that there is information available to aid them.

A major part of this week is the education of the Nation to what autism really is. Autistic children are those children who are afflicted with infantile autism—Kanner's syndrome—profound aphasia, childhood psychosis, or any other condition characterized by severe defects in language ability and behavior and by the lack of ability to relate appropriately to others. Characteristics of autism include a limited ability to understand, communicate, learn, and participate in social relationships. These are a result of a pervasive impairment of the child's cognitive powers and/or perceptual functions.

In the very recent past, many parents of autistic children were told that autism was the direct result of the parents not loving their child. This is absolutely not the case. These parents love their children and are keenly concerned about their child's welfare. Research now indicates that autism is caused by a biochemical error rather than social or parental relationships. It is a disgrace that these parents were treated in such a manner.

Another element involved in National Autistic Children's Week is the need for a coordinated research program on the causes and care for autism. Joined by 30 colleagues, I introduced H.R. 5785 which would authorize the Director of the National Institute of Child Health and Human Development to attack this disease in an organized effort. This proposal would also provide grants or loans to public and private nonprofit hospitals which operate educational programs for autistic children.

There is still one more area in which autistic children as well as other handicapped children are being discriminated against. Costs for education of these children exceed $2,000 a year in the less severe cases. For more serious afflictions involving residential schools with intensive care, costs can soar to $20,000 a year. It is difficult for any family to meet the cost of these needed services. To this end, I have introduced legislation to give the parents of all handicapped children tax credits that would ease their financial burden.

It would be good that if during National Autistic Children's Week we could announce that such programs would go into effect. Although this is unlikely, we can at least promise action in the very near future to meet the human needs of these people.

The article, "Children Apart," follows:

### CHILDREN APART

#### FOREWORD

Autistic children are "children apart"—cut off from normal life because of their handicaps. At birth their handicaps are rarely obvious. It is only gradually, when the baby fails to make normal progress and behaves in an odd way, that it is realised that something is wrong. Of course, the development of normal children is often uneven and may, for a time, involve apparently strange behaviour, which must not be confused with autism.

There are about 4,000 autistic children in Great Britain at any one time and in the past ten years there has been a great increase in public interest about them. Clearly such children and their families face great problems both in themselves and in the attitude of the world towards them. But what is the reality of these problems? What is autism really about? And what help can be given? It is to answer such questions that we have asked a leading authority on the subject to write this book.

TREVOR WESTON, M.D.,
*Editor, Family Doctor Publications.*

---

#### AUTISTIC CHILDREN AND THEIR FAMILIES

Ten years ago very few people who were not doctors, psychologists or teachers had heard of autistic children. Recently, however, the problems of these children have been discussed in newspapers and magazines, and most people know that autistic children exist, even if they have only a very vague idea of what the children are like.

This new interest may have given the impression that childhood autism is a new problem. In fact, it is possible to find descriptions of children who were clearly autistic in books and papers written long ago. One of the most interesting is an account called *The Wild Boy of Aveyron* by a French physician, J. M. G. Itard, first published in 1799. Itard was given charge of a twelve-year-old boy who had been found wandering in the woods of Aveyron. His description of Victor's behaviour, and of the special teaching methods he devised, make a most interesting and moving story. Itard's ideas on education are still used in teaching handicapped children to this day.

Children suffering from autism, however, were not until recently identified as a separate group. In fact, it was only in 1943 that an American children's psychiatrist, Professor Leo Kanner, first described the syndrome of *Early Infantile Autism*. The word autism comes from the Greek word *autos*, which means *self*. Kanner used this name because the children go through a stage when they are very withdrawn into themselves and do not show much interest in other people. However, many of them are like this only when they are very young (under five or six years old) so the name is not really a very good one. A new and more accurate name is badly needed, but no one has yet suggested one that is both short enough and precise enough for general use.

Even after Kanner described and named the children, it was almost twenty years before the general public in Britain began to hear of them. Nowadays, there is much more widespread interest, partly because attitudes to all kinds of handicaps have changed and people are willing to talk about these problems and do what they can to help, and partly because a group of parents and professional workers started a society to help autistic children.

I hope that this booklet will be of some interest to readers who are not working or living with an autistic child, as well as to those who are directly involved as parents or teachers. It is true that childhood autism is a rare condition compared with, for example, mongolism, but it is still common enough for most people to know at least one autistic child, perhaps as a neighbour, perhaps as a distant relation, or a child of a friend. I shall describe how the children behave, and how this behaviour affects their families, give an account of the recent ideas about why they are so different from normal children, and make some suggestions as to how friends, neighbours and relations can help.

#### *How many children are involved?*

A study made in Middlesex and another in a county in Denmark showed that about four to five children in every 10,000 will have early childhood autism. This means that in England or Wales there will be about 3,000 autistic children of school age.

Boys are affected three or four times more often than girls. No one knows why this is, but all conditions in which language problems are important seem to be commoner in boys.

The condition begins from birth, or else in the first two to two-and-a-half years of life. Children can develop other kinds of abnormal behavior after this age, but it is most unusual for the typical autistic symptoms to begin after two-and-a-half.

Roughly one third to one half of the children who have autistic behavior also have some other severe condition, such as spasticity, hydrocephaly or epilepsy. The rest appear physically healthy apart from their strange behaviour, although special examination often shows that they have difficulties which may be due to some abnormality in the brain.

There seem to be autistic children in all parts of the world, although it is not yet possible to say what differences there are in the numbers in various countries.

The study in Middlesex showed that these children are likely to have parents with a higher educational and occupational level than average.

*Learning problems*

Autistic children seem very strange and puzzling to people who know nothing about them, but they are easier to understand if they are looked at as a group of children with severe learning difficulties.

Special learning problems are very common, even in children whose intelligence is otherwise quite normal. Some children have great trouble in learning to read, because they find it difficult to distinguish right from left, tend to write words backwards, and cannot tell the difference between letters such as b and d, p and q, w and m. Some are very slow with arithmetic, and others may have problems with hand-eye co-ordination, so that their handwriting is poor and they cannot do handwork or play games well. However, if a child has one learning problem only, and if it is not too severe, he can usually overcome it well enough to make progress at school, especially with the help of a good teacher.

Autistic children are unfortunate in that they have several severe learning problems at once, including some which hinder the development of one of the most important human skills—that is, the ability to understand and to use language. When they are young, it seems that they cannot make sense of the things they see and the things they hear. Their eyes and ears are usually quite normal, and so are the nerves which take the messages from the eyes and ears to the brain. The problem seems to arise at some stage during the process of *interpreting* these messages. It seems that information from the outside world is not made into a clear and understandable picture, but remains a confusing and frightening muddle. Autistic children must feel like a normal person would if he was left alone in a foreign country without knowing the language or customs, or being able to read the alphabet or even understand the gesture which people made.

A normal person could set about learning the language, but the autistic child does not seem able to do this. It is hard to imagine that someone could hear words and see gestures clearly but not understand them. It makes it a little clearer if you think of people who are tone-deaf to music. They can hear all the sounds, but the most beautiful symphony has no more "meaning" to them than water running down a drain. You could say that autistic children are, in a way, "tone deaf" to any kind of language.

No one knows exactly at which stage of "information processing", the difficulties occur. Some people working with these children feel that the information from the senses is distorted in some way, thus making it difficult for the child to understand. Others feel that the information is received normally but that the problem lies in the child's difficulty in understanding the meaning of *symbols*. For example, an autistic child may (unlike some other retarded children) be able to copy a picture of a triangle at the normal age, and match triangle shapes and so on, but he takes a very long time to learn that the word "triangle" is a symbol for the shape. Even after he has learnt to name many different things, he will still have difficulty in linking words together into sentences. He has even more trouble understanding the connections between things, and therefore in working out answers to questions like "Why did so-and-so happen?", "What is such-and-such for?" "How is this done?" "What is the reason for that?" The abstract ideas and complicated meanings of words in poetry and literature are completely beyond these children even if they eventually learn to read fluently.

Research workers are investigating these problems, and trying to devise tests to define exactly where and when the children's difficulties in understanding begin. Many problems are still unsolved, but it is possible to describe how an autistic child behaves, and how he can be helped.

FIRST SIGNS AND SYMPTOMS

If a child is autistic from birth, it may be quite difficult for an outsider to guess that there is anything wrong for the first few months. Sometimes a mother has an uneasy feeling that her baby is unusual in some way, but finds it difficult to put her finger on what is wrong. Perhaps the reason is that an autistic baby does not show all the little signs of awareness of his mother's presence which the normal baby does from quite an early age.

Some autistic children are "model" babies, hardly ever crying even when they are hungry. Others behave in exactly the opposite way. They scream continually and cannot be comforted except perhaps by continual rocking or by riding in a car. In this case even short stops for traffic lights will cause the screaming to begin again. Both kinds of babies are difficult and unrewarding for the parents, the quiet ones because of their lack of responsiveness, and the over-active ones because of demands which can never be satisfied. Neither the quiet nor the over-active babies lift up their arms or make themselves ready to be picked up when their mothers come to them. This is quite unlike normal babies who, when they are strong enough, show just how eager they are to be picked up and cuddled.

Feeding problems are fairly common, beginning with poor sucking after birth, and sometimes going on to a refusal to chew any lumpy food when the child has been weaned.

Many of the children smile and sit up, crawl and walk at the usual ages, but they may smile only when rocked, bounced or tickled, and they often do not bother to sit up and look at the world around them even when they are able to do so. They do not point things out to their parents or show any of the normal baby's delighted interest in the world. They may not even reach out for their food when it is placed in front of them.

Sometimes these children spend hours scratching on the covers of their prams. (This behaviour also occurs in babies who are blind). When they reach the age at which a normal baby can handle toys, they seem to be interested only in the feel of the surface of the toy, and the way it looks when it is twisted and turned, instead of trying out all its possible uses as a plaything. They may be fascinated by lights, and will often stare fixedly at a lighted lamp, perhaps smiling and chuckling and wriggling with excitement.

*The toddler stage*

Even if the parents have not worried about their child in his baby stage, when he reaches his second year the problems become obvious. This is partly because he does not begin to talk at the expected time, and partly because it is much easier to notice unusual behaviour in a child who is mobile than in one who is lying in a pram. Furthermore, at this stage the child himself begins to be frustrated by his handicaps and reacts to this in various ways depending on his temperament.

*Unusual response to sounds*

An autistic child in the toddler stage seems to respond to sounds in quite unpredictable ways. He may completely ignore some very loud noises, but at other times cower away from a sound, covering his ears as if in distress. Yet again, the same child may be fascinated by a special noise, such as that made by a friction drive toy. What is really worrying, however, is that he often shows no interest when people talk to him, not even when they call his name.

*Lack of understanding of speech*

The children are disinterested in speech because they do not understand its meaning. At first it seems to the bewildered parents that their child is quite deliberately "shutting his ears" and refusing to listen. However, when the children grow older, they do begin to try to understand, and it is then possible to see how much real difficulty they have. Those who make progress go through a stage in which they can understand and willingly obey very simple instructions, but are still muddled by anything complicated. One little boy learnt the meaning of "give me the cup" but he could not understand when his mother said "Put the cup on the table". At this stage it is clear that the trouble is not due to lack of co-operation. The children may have the same reaction as an Englishman who knows just a little French, when he is with French-speaking people. He will understand the simple familiar sentences, but when the conversation gets at all complicated, he will stop listening. Like the autistic child, his attention is not on the conversation, but, also like the autistic child, he has a genuine "handicap" which makes it very frustrating for him when he tries to listen. Most of us lose interest when we are asked to do something well-nigh impossible.

---

## FLORIDA STATE LEGISLATURE COMMENDS THE PRESIDENT

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. YOUNG of Florida. Mr. Speaker, I wish to bring to the attention of my colleagues a resolution passed by the Florida State Legislature commending President Nixon for achieving an agreement to end the war and bring peace with honor in Vietnam and Southeast Asia and inviting President Nixon to address the Florida Legislature. It is encouraging to receive communications such as this expressing support of our present administration rather than, like so many others, trying to tear down the good work President Nixon is doing, and I commend the Florido State Legislature for its initiative in this regard.

The resolution follows:

SENATE CONCURRENT RESOLUTION NO. 258

A concurrent resolution commending President Richard M. Nixon for concluding an agreement to end the war and bring peace with honor in Vietnam and Southeast Asia, and inviting the President to address the Florida legislature.

Whereas, all the world is joyous that an agreement was signed on January 27, 1973, which is bringing an end to destruction of American and Asian lives and property, and

Whereas, the peace agreement will ultimately bring peace throughout Vietnam and Southeast Asia, and

Whereas, the peace agreement is the instrument responsible for freeing American Prisoners of War and returning these brave men to their families, and

Whereas, the entire nation owes a debt of gratitude to President Nixon for his role in preserving the respect for the United States in the world and establishing the United States as a leader in the cause of world peace by "staying the course in Vietnam" and bringing about "peace with honor" instead of choosing the dangerous course of "peace at any price", and

Whereas, an overriding majority of all Americans and especially Floridians have supported President Nixon in his successful quest for a just and honorable peace and the release of all Prisoners of War. Now, therefore,

Be it resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the legislature of the State of Florida, on behalf of the citizens of Florida, commends the President of the United States, the Honorable Richard M. Nixon, for his steadfast and successful role in bringing peace with honor in ending this nation's involvement in the Vietnam War, and for bringing about the release of American Prisoners of War.

Be it further resolved that the legislature of the State of Florida issues a standing invitation to President Nixon to address a joint session of the legislature during his term of office.

Be it further resolved that this resolution, under the Great Seal of the State of Florida, be presented to President Nixon as a token of appreciation from the people of Florida and that copies of this resolution be presented to the officers of the United States Congress and to the members of the Florida congressional delegation.

---

## ARMENIAN INDEPENDENCE

## HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mrs. GRASSO. Mr. Speaker, May 28 commemorates the 55th anniversary of the proclamation of Armenian independence. Located in the mountainous region in the eastern and northeastern part of Asia Minor, this area of about 11,000 square miles today constitutes the Armenian Soviet Socialist Republic—part of the Soviet Union.

The history of the Armenian people has been one largely of turmoil and turbulence, characterized by long periods of duress under foreign rule. Because Armenia forms a bridge between east and west, it has served timelessly as a battleground for conquering forces. In the early 16th century, the Ottoman Empire engulfed most of Armenia and maintained control over the struggling Armenians until the end of World War I. Some of the cruelest and most inhumane acts committed by man against his fellowman were witnessed during the massacres of 1915, when some 2 million Armenians, subjugated by the Turks, were eliminated through deportation, starvation, and wholesale murder.

With the end of World War I, President Woodrow Wilson, recognizing the necessity of assuring freedom for all peoples of the world, included Armenian independence as one of his Fourteen Points for peace. On May 28, 1918, Armenia proclaimed independence from all alien regimes. This was the culmination of the dream of generations of Armenians over the centuries.

Unfortunately, that dream was sadly short lived as America, in its tragic historical tradition, became the battleground between the Turks and the Soviet army. While Armenians put up considerable resistance to the Turks, they were not in a position to overcome the Red Army. In December 1920, the Armenian government was forced to submit to Soviet dictates as the only alternative to total destruction.

During 2 years of freedom, Armenians governed themselves proudly in a democratic fashion and established schools and social institutions. Government housing was provided for the tens of thousands of homeless people among their number.

Mr. Speaker, the 2,500,000 Armenians must now live under the Soviet system. The hopes and prayers of free people throughout the world are with the Armenians who want to return to the freedom that they once enjoyed.

---

## OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART III

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. ASHBROOK. Mr. Speaker, in my previous two insertions concerning the nomination of Mr. Helmut Sonnenfeldt as Under Secretary of the Treasury a major objection to his confirmation related to his alleged leaking of classified information. Directed at one who occupies a highly sensitive position on Mr. Henry Kissinger's National Security Council staff, such an objection cannot be taken lightly.

Another key consideration in the nomination concerns the duties to be performed by Mr. Sonnenfeldt as Under Secretary. In his testimony of May 15, Mr. Sonnenfeldt indicated that he would be a senior adviser to Treasury Secretary Shultz who was recently designated to head an executive branch committee on East-West trade policy. The selection of Mr. Sonnenfeldt for this post was no doubt due in part to his involvement in this area as Mr. Kissinger's senior adviser in East-West trade negotiations.

Clark Mollenhoff, Washington bureau chief of the Des Moines Register, along with George Anthan and James Risser, raised some interesting points recently concerning the Soviet grain deal and Mr. Sonnenfeldt's views on the deal as they were elicited from Senator HARRY BYRD at the hearing. This transaction, it will be remembered, raised so many unanswered questions that Senator HENRY JACKSON and his Senate Permanent Investigations Subcommittee intend to investigate the deal from top to bottom.

I insert at this point the article from the May 20 issue of the Des Moines Register concerning Mr. Sonnenfeldt and the Soviet grain deal:

[From the Des Moines Register, May 20, 1973]

THE WHEAT SALE TO ELECTION—NIXON URGED CONCESSIONS TO RUSSIA—IN ORDER TO IMPROVE HIS FARM IMAGE

(By Clark Mollenhoff, George Anthan and James Risser)

WASHINGTON, D.C.—Pressure from the White House to complete a grain deal with the Soviet Union before the 1972 election was a major factor in the U.S. decision to subsidize the sale to Russia with American tax money, Nixon administration sources have told The Register.

An administration official said U.S. negotiators working on the wheat sale last year openly discussed among themselves the fact that President Nixon wanted a deal to be consummated quickly, and that he wanted "reasonable concessions" made to the Russians.

Among concessions granted was a $500-million line of credit from the U.S. government to the Soviets, and cash subsidies totaling more than $132 million.

### "WORLD PRICE"

Also, the Russians were assured they would have to pay only the so-called "world price" for the grain, as low as $1.59 a bushel and far below the level the domestic price could be expected to reach under pressure of massive overseas exports of wheat.

A National Security Council source told The Register that the Soviet-American grain deal was outlined by members of the council staff, directed by Presidential adviser Henry Kissinger and by Agriculture Secretary Earl Butz, who went to Russia in April, 1972, to discuss East-West trade.

"We were all very much aware of the President's desire to pull this off before the election," the council official said.

A high official of the National Security Council has acknowledged in a congressional hearing that top-level government negotiators were involved in planning the grain sale to Russia and that the arrangements they made was of financial benefit to the Soviet Union.

The information from the National Security Council source that political pressure resulted in concessions to the Russians is significant because he indicated that a so-called "package" deal was put together.

### IMPRESS FARMERS

Up to now it had been understood that the administration had discussed credit terms to enable the Russians to buy feed grain but not cash subsidies to enable them to buy wheat.

National Security Council sources said the wheat deal was seen as a means of impressing farmers by boosting grain prices, as a way to eliminate some government-owned grain stocks and as a method of improving the nation's balance of payments deficit.

But most important, they said, it was seen as a means of boosting the Nixon administration's political image throughout the nations' then-disgruntled agricultural belt.

The sale was hailed last summer by President Nixon as an "historic" event and Secretary Butz said the wheat deal was "good for consumer taxpayers . . . good for American farmers . . . good for labor . . . good for our economy . . ."

Later, however, it became clear that the sale of more than 500 million bushels of wheat and additional millions of bushels of feed grains to the Soviets had resulted in higher food prices in the U.S.

### ONLY LARGE SUPPLIES

Also, it became clear that the sale was subsidized even though the U.S. had the only large supplies of wheat available to the Soviets.

Many wheat farmers sold their crops at relatively low prices because the sale was negotiated secretly.

Officials of the U.S. Department of Agriculture (USDA) say they didn't notify farmers and the public of the massive wheat deal because they didn't know of the meetings between the Russians and grain company officials.

But a high official of Continental Grain Co. has stated privately that he did, in fact, notify USDA officials of the sale.

Also, at the same time the USDA officials say they were unaware of the huge deal, the department was agreeing to sell to the export firms record amounts of government-owned grain, needed by the companies to fill their contracts with the Russians.

The USDA also was agreeing to pay subsidies on a record volume of wheat exports, and the agency was receiving daily reports that grain firms were buying wheat in record amounts on the nation's commodity markets.

#### SECRET REASON?

There is a growing belief among some members of Congress, including Representative John Melcher (Dem., Mont.), that Russians were guaranteed a relatively low price for U.S. wheat in return for aid in settling the Vietnam war and in regard to other international matters and that this agreement, worked out by top-level negotiators, has been kept a closely-held secret.

Melcher said, "This is the only plausible explanation for our paying millions in subsidies when we had the only available supplies."

Senator Dick Clark (Dem., Ia.) has expressed puzzlement over the government's decision to subsidize the Soviet sales. "We had all the bargaining power, yet we ended up paying them tremendous subsidies," he said.

Testimony during Senate hearings last week indicated that Nixon administration officials who negotiated the grain agreement made major errors in dealing with the Soviets, and that these mistakes now have been privately recognized and admitted within the administration.

The testimony came in hearings before the Senate Finance Committee on confirmation of Helmut Sonnenfeldt as under-secretary of the treasury. Sonnenfeldt has been Kissinger's senior adviser at the White House, and has been specifically involved in East-West trade negotiations.

#### SOVIET GAIN

Asked by Senator Harry Byrd (Ind., Va.) if the Soviet Union gained financially from American wheat subsidies, Sonnenfeldt stated:

"I think that is correct. I think our government and everybody else learned from that experience and I don't think that that will ever occur again."

Byrd said, "As a result of that deal the price of wheat went from $1.63 as I understand it, to $2.25 by as early as September of last year?"

"I am aware of the figures," Sonnenfeldt said, "I am really not particularly qualified to give you any more specific answers except that it is clear that if the Soviets came into our market again this year, that these kinds, that type of tolerance that occurred last year will not occur again."

He was asked by Byrd: "Do you believe that the interests of the American consumer, the American baking industry, and the American farmer were adequately protected in the Soviet grain sale?"

The Kissinger aide said, "Well, my judgment on that would be that the effects of the grain sale were probably not fully anticipated. The effects on domestic prices, well, I frankly cannot tell you what the effects of some other kinds of arrangement might have been assuming we were going to sell the kind of quantities that we sold to the Soviets."

#### A 3-YEAR PERIOD

Sonnenfeldt said that U.S. negotiators had agreed to extend to the Russians $500 million in credit so the Soviets could buy American agricultural commodities over a three-year period. The U.S. was to charge the Russians interest at 6.5 per cent, the going rate charged by the USDA's Commodity Credit Corp.

He said the Russians at first objected to the interest as too high, but that they later agreed to pay it. Sonnenfeldt acknowledged, however, that 6.5 per cent was less than the interest on borrowed money being paid at that time by the U.S. government.

Sonnenfeldt said that in his job as senior National Security Council adviser he did not assess the impact on the U.S. economy of the Soviet wheat sale. He said that task was left to others.

He said though, that the major increase in grain sales overseas, especially those to Russia, was "a totally new experience and our government was not adequately organized for this new experience."

Sonnenfeldt told the committee that U.S. officials have recognized their mistakes and that in future dealings with Russia and, possibly, with China, "precisely the kind of effects that you are disturbed by, and that I am disturbed by, will be assessed beforehand."

He added, "and these judgments will be made in a systematic way so that we will be negotiating with our eyes fully open."

Sonnenfeldt has maintained publicly that the National Security Council worked to negotiate only the credit arrangements for the Russians, and that the cash deal for wheat—including the millions in government subsidies—was arranged in private meetings between the Soviets and U.S. grain companies.

#### LEND-LEASE DEBTS

Sonnenfeldt also was questioned by Byrd on the U.S. decision, following talks last year with the Russians, to settle Soviet lend-lease debts with a loss to the U.S. of some $300 million. Sonnenfeldt defended the agreement as the best that was possible for the U.S. to obtain.

He also was questioned concerning charges more than 10 years ago that he had passed classified documents to foreign agents. Sonnenfeldt denied the charges.

He said that in his new job at the Treasury Department he will concentrate on trade and economic relations between the U.S. and the Soviet Union.

---

## JAMES F. GILMORE

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. ASPIN. Mr. Speaker, the Racine, Wis., Unified PTA Council is dedicating its annual awards dinner on June 6, 1973, to Mr. James F. Gilmore, because of his service to the children of the Racine community. I would like to bring the following article to the attention of my colleagues. It highlights some of the accomplishments of my constituent, Mr. James Gilmore:

#### JAMES F. GILMORE

James F. Gilmore will retire from the Board of Education in Racine, Wisconsin, after devoting 34 continuous years of service to children and citizens of this area.

Since Mr. Gilmore was first elected to the Racine School Board in 1939, it is estimated that he has attended more than 4,000 committee, special and regular Board meetings. All hours devoted to the public good of the citizens of Racine have been without pay. Board of Education members have never received a salary in Racine.

Mr. Gilmore has served as president of the Board of Education five times and has served in all other offices and chaired all committees of the Board. Since the city of Racine's schools were unified with six other municipalities in 1961, citizens of the United District have okayed the sale of nearly $25 million in school bonds.

Mr. Gilmore has been instrumental in searching for and selecting responsible, forward-looking educators to lead Racine's schools. Racine was chosen as a Gold Star School System, has an award-winning Instructional Materials Center, won two awards for school design, has had three presidential scholars, and continues to lead in areas of curriculum and individually guided education.

A Racine native, Mr. Gilmore is a 1930 graduate of Washington Park High School and a 1935 graduate of Ripon College. He was employed by Massey-Ferguson in Racine until his retirement early in 1971.

He has also served Racine as a member of the Park and Recreation Commission for 12 years. Mr. Gilmore is one of the founders and a charter member of the Racine Junior Chamber of Commerce, member of the Knights Templar, the Tripoli Shriners and the Wisconsin Consistory 32nd Degree Masons. He is a charter member of UAW local 244 and the Massey-Ferguson Quarter Century Club.

Mr. Gilmore and his wife Jane have two children and five grandchildren.

---

## A MISSION OF MERCY BY THE U.S. AIR FORCE AND COAST GUARD

## HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. GUBSER. Mr. Speaker, special commendation should be given to the crew of an Air Force "Super Jolly" helicopter, the crews of two Air Force C-130 aircraft and the crew of a Coast Guard cutter. Their heroic deeds constitute a dramatic story.

Many Members of Congress fondly remember Merritt "Mac" Clevenger who ably represented the California Canners League for many years until his retirement. Recently he and his wife Joanne boarded an Orient Overseas freighter for an extended voyage at sea. Approximately 565 miles out of Honolulu, "Mac" suffered a fall in his cabin knocking him unconscious. His condition deteriorated until he lapsed into a coma. The ship's doctor felt that an immediate medical evacuation was necessary to save the patient. An urgent call for help was radioed to the U.S. Coast Guard.

The Coast Guard dispatched its Lockheed C-130 Hercules aircraft to pinpoint the location of the ship. After finding it, the location was radioed to the 76th Aerospace Rescue and Recovery Squadron of the U.S. Air Force. The rescue unit sent two Air Force Lockheed HC-130 Hercules aircraft and one Air Force Sikorsky HH-53 "Super Jolly" helicopter.

It was the first time a helicopter was used for a mission involving so great a distance, a Coast Guard spokesman said. Usually a cutter is sent, but in this case it was necessary to use the fastest helicopter.

During the mission, the helicopter had to refuel in flight three different times. It was equipped with emergency equipment and had an Air Force flight surgeon, Capt. Gerald B. Pees, doctor on board. The HC-130 aircraft were used as escorts for the helicopter and carried the extra fuel needed for refueling on the long rescue mission.

The helicopter, commanded by Capt. James T. Jewett, lifted off at approximately 9:20 a.m. Tuesday and reached the ship at 1:30 p.m. Because of the tall cargo booms on the ship, the "Super Jolly" was unable to move into a position in which it could transport the patient.

Finally a small life boat was lowered with the patient and his wife aboard. The helicopter than made the successful pick up and returned to Hickam at 8:30 p.m. The patient then was rushed to Tripler Army Medical Center where he underwent neurosurgery.

The copilots of the helicopter were Majs. Richard M. Bigelow and William A. Furst. The flight engineer was T. Sgt. Raymond A. Cook. Also on board the "Super Jolly" were two pararescue technicians, Chief M. Sgt. Clarence R. Boles, 41st ARR Wing, and S. Sgt. Michael E. Watts, 76th ARRS, and Sgt. David G. Lecompte.

It is interesting that the helicopter which bears the designation HH 53 C/Jolly 65 and bears the tail number 363 was a retired Jolly Green Giant used for rescue work in Vietnam and which had participated in the attempted rescue of prisoners of war in North Vietnam at Son Tay. It still bears the bullet holes incurred in that effort.

The crews of the Air Force C–130's also deserve special commendation. Following are the names:

Capt. Danny L. Berry, Capt. Joseph Ryan, Capt. Dennis Higuchi, Capt. David Fiegel, Master Sgt. Herbert Anglin, S/Sgt. Gary M. Berger, Master Sgt. William Chapman, S/Sgt. Clarence Powell, S/Sgt. Gary Edwards, S/Sgt. Ronald Rosenow, Sgt. James W. Sargent, Sgt. Karl Froehlich, Major Joe F. Coughran, Capt. Monroe S. Sams, Jr., Capt. Ronald J. Sullivan, Major Walter S. Uchimura, S/Sgt. Norman F. Viveiros, S/Sgt. William J. Heydenreich, Jr., T/Sgt. Donald E. Dills, S/Sgt. James H. Hartman, Sgt. Thomas A. Montgomery, Sgt. David R. Harvey, Sgt. Dan K. Napuunoa, ATC Craig H. Ganson, and Capt. Keith J. Urbach.

Mr. Speaker, it is noteworthy that this is the first air refueling of a helicopter under such circumstances. The manner in which it was accomplished is a great credit to the Air Force and the above mentioned crew members. The fact that so many men risked their lives in a mission of mercy is a credit to the services and the country. As a friend of "Mac" and Joanne Clevenger, I wish to add my word of appreciation for a job well done.

---

## UNRAVELING THE MYSTERY OF ENERGY SHORTAGES

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. HOSMER. Mr. Speaker, a letter-writer to the editor of the Los Angeles Times has done a brilliant job of pinning contributory responsibility for some of the fuel and energy shortages now being experienced in southern California as the consequence of neglected opportunities to bear a helping hand to avoid them while they were developing. The letter follows, and I hope it will be generally helpful to editorial writers who hope ever to be both omnipotent and oracular:

"THE MYSTERIOUS FUEL SHORTAGE" IN AMERICA

Your editorial (May 9), "The Mysterious Fuel Shortage," asks suspiciously, "Can it be that the American oil industry simply failed to anticipate rising gasoline demand and to provide the refining capacity to meet it?"

Where was The Times when the oil industry was warning, as it did, that the state's failure to establish environmental standards and stick by them without continual changes was making it impossible to plan and design needed new refinery capacity? Did you investigate? Did you join in the warning editorially? Did you help any oil company get a site for a new refinery against environmentalists' opposition?

You point out that the Department of Water and Power has warned of potential electric power rationing in September. What did The Times do to help the department build a nuclear power plant at Malibu that wouldn't depend on unavailable low sulfur oil, which is necessary because of a natural gas shortage? Where is your voice today pointing out what that plant would have meant?

Where was The Times' editorial voice on the insoluble dilemma of power companies that would be excluded from coastal sites if Proposition 20 passed, and were forced to look inland for nearly unavailable cooling water? With Times support, it passed, and power companies, oil companies and every sort of productive enterprise needing ocean access are excluded from coastal sites.

H. L. MCMASTERS,
*Berkeley.*

---

## STUDY OF NATION'S CLASSIFICATION SYSTEM RECOMMENDS CONGRESSIONAL ACTION ON LEGISLATION TO REPLACE EXECUTIVE ORDER 11652

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on numerous occasions during the past 2 years I have reported to our colleagues in the Congress by remarks in the CONGRESSIONAL RECORD many of the revelations of abuses that have and are still taking place under the Nation's security classification system. That system is presently embodied in Executive Order 11652, issued by President Nixon on March 8, 1972. It replaced the almost 20-year-old Executive Order 10501.

The Foreign Operations and Government Information Subcommittee and its predecessor Subcommittee on Government Information, headed for many years by the distinguished gentleman from California (Mr. Moss), has studied the Executive Order classification system since 1956. It has held extensive hearings, conducted detailed investigations, and a number of reports dealing with weaknesses and administrative shortcomings of the security classification system, based on these studies, were subsequently adopted by the full Government Operations Committee during the late 1950's and early 1960's.

Our subcommittee continued this series of studies by extensive hearings and other investigations that began during the so-called "Pentagon Papers" controversy in June 1971. Other hearings on the classification system were held in May 1972 as part of our overall study of the operation of the Freedom of Information Act (5 U.S.C. 552).

I have reported on these studies periodically in the RECORD remarks. Last March, after news stories had appeared providing details of the draft of the proposed new Executive order on classification, I asked Mr. David Young—the National Security Council official responsible for the draft—for the opportunity for the subcommittee to informally review the draft and to make comments and suggestions on its provisions. Mr. Young refused our request. After the new order was issued in March, I directed the subcommittee staff to make a detailed analysis of its contents. This section-by-section analysis revealed some 11 major defects in the new order, which I reported and placed in the CONGRESSIONAL RECORD, volume 118, part 7, page 9377.

During our hearings on the new order in May 1972, testimony of administration witnesses made it clear that there was a serious lag in preparing departmental and agency regulations to implement the new order, which was to take effect on June 1, 1972. I therefore urged President Nixon on May 3, 1972, to postpone the effective date of the new order to provide sufficient time for the NSC guidelines and implementing regulations. My urgings were ignored, and the predicted administrative time lag in fully implementing the new order did occur. I earnestly hope that this has not resulted in a compromise of vital national defense and foreign policy secrets and undermine the integrity of our entire classification system.

Any discussion of the Government's classification system, the subject of heated controversy during recent years, must be framed in the larger context of its relationship to our overall national defense and foreign policy operations and its application to existing criminal statutes.

From the earliest period of our Republic, the President and other executive branch officials have limited the dissemination of information affecting defense and foreign policy interests. Few argue that Government should not have such power to safeguard vital military and foreign policy secrets. It is likewise obvious that in a representative system the citizenry must be informed to the maximum extent possible of defense and foreign commitments made by their Government so as to make sound electoral judgments in the selection of public officials.

The classic dilemma is thus posed between the need for governmental secrecy in some vital areas, as weighed against the public's "right to know." This dilemma has been accentuated because America's leadership position in world affairs has imposed severe budgetary demands that require our citizens to make very real human and economic sacrifices. Superimposed is the increasing difficulty which Congress has encountered in obtaining vital information from the Executive in the defense and foreign policy fields.

If the public has a "right to know," Congress has a constitutional "need to know" as the people's representatives, so that it can act intelligently and responsibly as a coordinate branch of government in investigating, legislating, and appropriating public funds for weapons systems, defense installations, and foreign policy programs.

The classification system, in whichever form it has taken, is an administrative mechanism, applying to Federal employees and military personnel, that assigns certain levels of security protection over various types of sensitive military and foreign policy information, equipment, devices, or other material, the disclosure of which—in the judgment of the classifier—would be in various degrees harmful to the national security. It is presently embodied in Executive Order 11652, issued by President Nixon in March 1972.

Since the Executive Order governing classification procedures does not have the force of law, except for internal administrative purposes, there are no criminal sanctions within the order itself for the unauthorized disclosure of classified information. The major deterrent to such unauthorized disclosure is contained in the criminal penalties attached to the Espionage Act of 1917 and a provision of the Internal Security Act of 1950. However, except for classified information dealing with cryptographic systems or communications intelligence, the Espionage Act provides for certain additional legal requirements to sustain an action for unauthorized disclosure of classified data. Legislation is now pending in Congress that would make it a Federal crime to disclose "classified information to an unauthorized person and to bar as a defense the question as to whether the particular document may have been improperly classified." Many experts feel that the enactment of this bill, as drafted by the Justice Department, would result in an American equivalent of the British "Official Secret Act."

Mr. Speaker, earlier this week the Government Operations Committee unanimously adopted our bipartisan report on the security classification system, based on our 1971 and 1972 hearings and studies. It is House Report 93-221 and is entitled "Executive Classification of Information—Security Classification Problems Involving Exemption (b)(1) of the Freedom of Information Act (5 U.S.C. 552)." Because of the increasing attention being focused on this important subject, I commend it to our colleagues for careful study.

It traces the historical development of the current classification system to protect the Nation's military and foreign policy secrets from the pre-World War I period to the present. It also reviews the work of the Coolidge Committee and the Wright Commission as well as the investigations and recommendations of our committee during the late 1950's for improving classification procedures—recommendations which, for the large part, went unheeded by the massive classification bureaucracy.

The report cites numerous examples of abuses of the present classification system, massive overclassification, the accumulation of hundreds of millions of documents bearing classification markings, and the resulting costs of well over $100 million annually to safeguard, handle, store, transport, and declassify such material.

The report recommends that Congress consider and enact legislation to overhaul the classification system and to make it more effective and workable, to reduce its costs, and to preserve the integrity of truly vital state secrets.

Much of the committee's inquiry centered on Executive Order 11652, issued by President Nixon in March 1972, and labeled the "first major overhaul of the classification system since 1953." The report details "serious shortcomings and major defects" of the new order—"some inherent in the language of its provisions, and some in the procedural aspects involving its design, promulgation, and implementation." Among the specific criticisms directed at the new order in the committee's report are:

First. Lack of sufficiently strong penalties against overclassification;

Second. Lack of assurance to guarantee Congress the full authority to exercise properly its oversight and investigative responsibilities over the operation of the new order;

Third. Loopholes in the mandatory review provisions affecting the declassification of exempt classified material;

Fourth. Overly long-time periods affecting the downgrading and declassification procedures;

Fifth. Administrative time lag in the implementation of the new order;

Sixth. Conflicting interpretations of certain language in the new order by administration witnesses; and

Seventh. Shortcomings in procedures to make 20- to 30-year-old classified information available to historians and researchers.

In calling for the replacement of the Executive order approach to the security classification system, the committee said:

> A statutory system should be established, perhaps as an amendment to the Freedom of Information Act, to make it clear that Congress intends a proper balancing between the safeguarding of information classified under strict guidelines to protect vital defense and foreign policy secrets (on the one hand), and the right of the American public to know how the affairs of their government are being conducted (on the other). Congress should also take this necessary action to assure maximum credibility of all citizens in our governmental institutions and in our elected and appointed officials.

---

## NORTH CHICAGO SCHOOL SUPERINTENDENT KATZENMAIER RETIRES

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. McCLORY. Mr. Speaker, one of the great educators of the 13th Congressional District, Arthur J. Katzenmaier, superintendent of school district No. 64, North Chicago, Ill., is retiring at the close of the present school year.

Since his appointment as school superintendent in 1944, the enrollments of students in the North Chicago school district have increased eightfold. In addition, the quality of education provided for this heterogeneous student body has improved through many innovative programs which Superintendent Katzenmaier has advocated.

An experienced schoolteacher and one who has remained in intimate contact with students and parents throughout his active career, Arthur Katzenmaier has earned the respect and admiration of the community he serves.

Mr. Speaker, I am suspicious that retirement from this position will not mean that Art Katzenmaier will retire from the scene. Instead, it is quite likely that he will continue an active life of service—utilizing his many talents and benefiting citizens, young and old—as he has in the past.

Mr. Speaker, I have been proud to enjoy a close friendship with Art Katzenmaier and to have worked with him in behalf of education for the students of North Chicago during my service in the Congress.

I extend to Art Katzenmaier my congratulations on a job well done and wish for him and his wife, Genevieve, happiness and good health in the years to come.

---

## CHEMICAL WARFARE (IV)

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. RANGEL. Mr. Speaker, the United States may have started something in Southeast Asia that nobody has foreseen to this day.

I now submit for the attention of my colleagues, an article that appeared in the April 6 Science magazine entitled "Herbicides: Agent Orange Stockpile May Go to the South Americans," written by Deborah Shapley:

HERBICIDES: AGENT ORANGE STOCKPILE MAY GO TO THE SOUTH AMERICANS

(By Deborah Shapley)

Since early this year, the U.S. government has been toying with the idea of giving or selling its surplus stockpiles of Agent Orange, a military herbicide that was withdrawn from use in Vietnam in 1970 after concern was raised about its teratogenic properties, to Brazil, Venezuela, Paraguay, and possibly other South American governments.

The U.S. Air Force has a surplus stockpile of 2,338,900 gallons of Agent Orange of which the original purchase price was $16,540,000. Some of it contains as much as 28 times the maximum acceptable safety limit of dioxins, a chemical which is one of the most potent teratogens known. Apart from the returning prisoners of war, these herbicides are perhaps the most politically sensitive property the United States has retrieved from the Southeast Asia battlefield.

Now, thanks to two enterprising businessmen, the Agent Orange may be used to flood the Latin American herbicide markets in the name of international development and improving the U.S. balance of payments. Jerome

F. Harrington, president of IRI Research Institute, Inc., a New York firm and one of the two which have proposed the deal, says that the Agent Orange could be diluted and the barrels could be repainted (to conceal their old military markings) and then sold to farmers for prices as low as $5 per gallon, or a third of the going price of herbicide there of $15 per gallon. Even undiluted, the total military surplus would net $11.5 million, more than this country's herbicide sales in South America in 1971. "It would be developing markets. . . . We're beating swords into plowshares," he says.

The implications of the plan are two. First is the fact that Agent Orange was withdrawn from Vietnam after reports of a possibly worrisome number of stillbirths and defective fetuses in provinces where the herbicide had been sprayed intensively. Since there may have been a threat to the South Vietnamese, presumably there may be some risk to the South Americans were it used there. A second implication is that despite its obvious agricultural utility as a brush killer, Agent Orange is also a proven military weapon. Sources admit that once sold, there would be little further control; there is a remote chance that the recipient countries could use it against guerrillas, or, in the case of Brazil, against the natives in the northwestern portions of the country which the government is trying to "clear" for development. (The Portuguese and South Africans already buy U.S. herbicides commercially.)

Agent Orange is not exactly milk or honey. It is made up of two chemicals: 2,4,5-T and 2,4-D. The former contains a manufacturing impurity called dioxin, which is highly teratogenic; 2,4,5-T is also somewhat teratogenic itself. In fact, after a lengthy controversy, the Environmental Protection Agency (EPA) has banned most crop related uses of 2,4,5-T; and rangeland use may also be canceled. As for 2,4-D, the other hlaf of Agent Orange, there is indication that this too is teratogenic, but the issue has not yet been resolved. Samuel S. Epstein of Case Western Reserve University Medical School and an environmental toxicologist who has written on dioxin problems, says of the proposed Latin American deal: "This is a perfectly preposterous idea."

At the moment, the main thing standing in the way of the transaction is EPA action on an Air Force application to register most of its Agent Orange for domestic U.S. use. The State Department has ruled that it will not consider foreign sales unless EPA approves the registration. So far the Air Force has encouraged the two businessmen with the proviso that the recipients accept the herbicide "with open eyes" as to the dioxin problem. One reason for the Air Force's friendliness to the plan is that the stocks, of which 1.5 million gallons are in the open air in Johnston Island in the North Pacific and the remainder largely in Gulfport, Mississippi, are in barrels that are rusting and cost up to $400,000 yearly to maintain. Hence the hurry. (Last year, the Air Force filed a draft enivronmental impact statement proposing to incinerate the stocks at Sauget, Illinois, and Deer Park, Texas. But the plan ran into opposition as being technically unsound, environmentally dangerous, and expensive. It was eventually dropped.)

In January of this year, Air Force Deputy for Supply and Maintenance Lloyd K. Moseman, II, was approached by Arnold Livingston, chief officer of Blue Spruce International, a firm in New Gretna, New Jersey, with a proposal that the Air Force turn over the Agent Orange to him and he would distribute it in South America. Moseman says he told Livingston that the Air Force could not hand over its property to a private concern. Livingston then approached Harrington of IRI, a nonprofit firm which was founded with Rockefeller family money in 1950 and which runs experimental agricultural programs in South America. Harrington and Livingston apparently then made a variety of proposals, including trying to get officials in Brazil, Venezuela, and Paraguay to express interest directly through U.S. government channels. The Agency for International Development (AID) also was involved in the discussions.

"I said yes, that, if the countries wanted it and have open eyes as to the dioxin content, we would be amenable because it would be a heck of a lot cheaper" than incineration, says Moseman. "I said we would be amenable to requests on the basis."

However, Moseman also decided to seek the advice of the State Department—through Thomas Pickering, Deputy Director of the Bureau of Politico-Military Affairs—and of the EPA by filing an application to register the Agent Orange for commercial use in the United States. The State Department keeps a list of munitions whose export is considered sensitive and which includes "any chemical agent adapted by the military for use against plants."

Pickering ruled in early February that State would not formally take up the Agent Orange export problem until after EPA had ruled on the application for domestic use. "We would never do overseas anything we were not prepared to do at home," said a State Department official. "Until the EPA thing is worked out we are not in a position to decide. I regard this as a nonproblem for us."

Thus, whether Harrington and Livingston succeed in making a deal now depends on EPA's Associate Director of Pesticide Registration, Douglas Campt. His office is studying the application, which covers Agent Orange formulations having 0.4 part per million (ppm) dioxin content. The stockpile of 800,000 gallons at Gulfport ranges from 0.4 to 14 ppm in dioxin: that at Johnston Island is not labeled barrel by barrel, so the Air Force does not know its dioxin content. A random sampling, however, showed an average dioxin content of 1.9 ppm. Moseman admits each barrel would have to be sampled separately.

At present, EPA has banned virtually all uses of 2,4,5-T, except for rangeland, pastures, and right-of-way clearings. Permitted dioxin concentrations are 0.1 ppm for new herbicides and 0.5 ppm for stocks already manufactured.

### AGENT ORANGE'S IMPACT

Epstein and others were queried about the possible environmental and teratogenic effects of spraying. Agent Orange, as Harrington has proposed, by diluting it with diesel oil and using it only to keep existing rangeland cleared. Harrington says it would increase Brazil's beef production by $400 million per year, and open new inroads for U.S. chemical firms on the Latin herbicide market, where German and Japanese firms compete with the United States. Harrington indicated that to keep rangeland clear, repeated applications would be needed. (Interestingly, EPA's current rule permitting rangeland uses for 2,4,5-T in this country carries the following warning: "Do not graze meat animals on treated areas within two weeks of slaughter.")

As to the utility of the 2,4-D in Agent Orange, the Dow Chemical Company's Ag-Organics Department spokesman, James Hansen, said 2,4-D was highly effective. "You can just stand in a vineyard and think of 2,4-D and the leaves will wither," he quipped.

Epstein, however, listed a variety of problems, of which the possibility of human birth defects was the most obvious, if the herbicide concentrates in human food or water supplies, either inadvertently or through misuse. Dioxin, he said, is highly stable in the environment and would persist "up to a year or so." It is known to be picked up by plants such as soybeans and oats. There would also be the possibility of contamination of watersheds in range areas. Finally, Epstein noted that, in primitive agricultural situations, burning is a common technique for clearing land. "You have to assume that anything released into the environment will be burned," he said. Combustion of shrub or brush sprayed wtih herbicides containing 2,4,5–T, may produce additional dioxin in the surrounding environment, he says.

Proper application of the Agent Orange could be insured, according to Harrington, by an IRI of AID program of "education and demonstration" to the farmers. But the Dow spokesman admitted that, in general, "Once you sell anything you lose control. . . . Only education and reformulation," could prevent misuse. "All these chemicals are possibly misused," he admitted.

The difficulties of controlling agricultural uses of the Agent Orange obviously are small compared to the problem of prohibiting the material from being appropriated by the military in recipient countries and used as weapons of war. One herbicide expert, who asked not to be named, pointed not that the Brazilian government is currently carrying out what in his view is "one of the largest paramilitary operations against an indigenous people anywhere in the world," in its efforts to "open" the Amazon Basin in northwestern parts of the country and relocate the native populations who live there.

He said that, originally Agent Orange was developed in World War II specifically for crop destruction and used for this purpose both by the British in Malaysia and by the United States in Vietnam. Hence, it is historically suited to the Brazilians' "paramilitary" activities.

Epstein also expressed concern about the possible military uses of Agent Orange and the world example the United States would be setting in transferring the weapon to foreign nations.

Clearly we would be turning over to other countries materials which can be used for a wide range of purposes, including some military ones.

It is tantamount to the encouragement of chemical warfare. It is tacitly permitting the very, very critical possibility that in the hands of foreign countries it will be used by the United States in Vietnam.

One cannot exclude the the significant possibility that the example of the United States in Vietnam will be mimicked. I view the whole thing with horror.

Overshadowing the possible South American sale, as well as even the forthcoming EPA decision on domestic uses, is Agent Orange's prior history in Vietnam. Moseman warned in an interview, "Don't forget Vietnam. Never forget that. It's the overriding issue that clouds this thing. Anything that has to do with it is suspect." The State Department spokesman said the same thing, but in State's departmentese: "The political and psychological concerns associated with its use in Vietnam are very real."

Harrington, who is hopeful for an agreement with the Air Force, ultimately, was asked whether he felt sensitive about the fact that the heribicide was used in Vietnam. Citing his personal experience as a platoon leader in World War II who "used to clear out the woods after the tanks," Harrington said he thought the heribicide had been used in Vietnam to "save American lives." He cited the reaction of a South American government official who was asked whether he felt the Vietnam connection was a drawback and retorted: "What do you mean war materials? . . . The only thing we're fighting is the brush."

Mr. Speaker, we must immediately move in the direction of effectively controlling our poisonous chemicals. I will soon introduce in the House of Representatives two proposals designed to do so.

The Herbicide Export Control Act of 1973 will halt the exportation of 2,4,4–T herbicides, the main ingredient in Agent Orange.

The Chemical Warfare Prevention Act of 1973 will ban the exportation of all heribicides to Portugal and South Africa. These two nations are conducting chemical agressions against the African citizens of Angola and Mozambique.

I welcome the support and cosponsorship of my colleagues in these legislative efforts.

---

## THE DYING ORPHANS OF VIETNAM

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mrs. MINK. Mr. Speaker, I have sponsored legislation to facilitate ending the redtape now required in the adoption of American-fathered Vietnamese orphans. Many thousands of these American orphans face death in crowded, filthy conditions in Vietnam.

They need our help now or they may not survive. On January 29, 1973, I reintroduced H.R. 3159. This legislation has 32 cosponsors as indicated on H.R. 6793, H.R. 6794, and H.R. 7566. These bills would authorize special immigrant visas for Vietnamese orphans, one of whose parents is an American. This would clear away much of the existing redtape that has stymied efforts of American families to adopt these children.

The May 28, issue of Newsweek contained informative articles on the tragic plight of "Vietnam's War-Torn Children." I wish that my colleagues could all see the accompanying photographs of these children living in squalid orphanages. While that is not possible, I am inserting the articles in the RECORD to help draw attention to the need for congressional action on behalf of these innocent victims of an unhappy era. Many American families want to extend a hand of love and consideration. I hope that the Congress will act quickly to make this possible.

The articles follow:

[From Newsweek magazine, May 28, 1973]

VIETNAM'S WAR-TORN CHILDREN

(By Loren Jenkins)

She was 13 years old, a frail and shy child named Huynh Thi Chi. Along with her parents and six brothers and sisters, she lived in the village of Dien Bang where she tended the family vegetable patch, helped her mother clean house and, on occasion, plowed the rice fields with her father's water buffalo. Then, on a hot and steamy day in 1968, the tranquil world of Huynh Thi Chi vanished in a blinding flash. Artillery shells began to fall as Chi was working in the fields, and when the barrage ended she lay in the paddy, bleeding and paralyzed from the waist down. Last week, with the aid of stiff metal braces and crutches, Chi stood on the veranda of a Saigon home where she lives with a dozen other paraplegic children. Casting her coal-black eyes to the ground, she whispered: "I do not even know which side fired the shell that left me like this. All I want and hope is to try to live again."

Hope is a rare quality in today's Vietnam—almost as rare as a child who has not been scarred, one way or another, by the war. Unlike conventional military conflicts, the Vietnamese war knew no fixed boundaries or front lines, and it made little distinction between soldier and civilian, adult and child. Although the pain the war inflicted upon the children is impossible to calculate statistically, the estimates are immense.

Foreign medical experts say there are hundreds of thousands of maimed and crippled youngsters like Chi, children who not only suffer their physical agony but face a life of isolation in a society that has traditionally turned its back on the weak and disabled. At least 800,000 children—and possibly as many as 1.5 million—have lost one or both of their parents to the war. While some have been taken in by relatives, countless others have been cast adrift in festering refugee camps, jammed into filthy and overcrowded orphanages or simply left to wander the streets and beg or steal. As one American doctor says, "It is a tragedy of life and limbs whose magnitude we simply will never know."

Some 8 million Vietnamese—nearly half the nation's population—are under the age of 15, yet the government in Saigon allocates only 1 per cent of its national budget for the care and rehabilitation of its crippled, diseased or orphaned children. "Orphans are not producers," Maj. Gen. Pham Van Dong, Minister for Veteran Affairs, explains. "They are spenders at a time when we need productive returns on our investment." The American Government is also niggardly when it comes to contributing funds for the children of Vietnam—despite the fact that many of those children fell victim to U.S. bombs and others are the illegitimate offspring of American servicemen. Some private American agencies have tried to ease the burden by arranging adoptions of Vietnamese children.

For the children injured by the war, medical facilities are antiquated and inadequate. The country suffers from a woeful lack of trained doctors—only one for every 8,000 hospital patients. "Some of the hospitals here," one U.S. official in Saigon said to me, "would make Dr. Schweitzer's African clinic look like Walter Reed hospital. As for doctors, the Vietnamese Army has drafted many and hundreds of others have gone abroad either to avoid military service or because the money is much better."

One bright spot in the medical picture is the modern 54-bed plastic-surgery hospital in Saigon set up by Dr. Arthur Barsky, a physician noted for his successful treatment of disfigured survivors of the Hiroshima A-bomb. The second-floor ward of the Barsky hospital is crowded with children, either waiting for their operations or just recovering from them.

Fourteen-year-old Le Thi Ut, a tiny girl with a body seared by flame and torn by shrapnel, is about to undergo yet another of the dozen operations she must have. She sits in bed with her right leg and left arm in splints and scarlet-red graft scars still healing on her thighs and hips. "I was out working in the fields," she told me, "when I found some bullets and grenades lying around. I wanted to get rid of them because I did not like war. I threw them into the fire but they exploded." Le Thi Bo, 13, was playing in her home in Saigon when a bullet tore her chin away. When I say her she had just been wheeled out of surgery after the seventh operation to graft a rib onto her jaw to rebuild her chin. "It is horrible what has happened to some of these children," says Dr. Caesar Arrunategui, "but you would be surprised at how much we can do to fix them up so they will not have to go through life thinking they are freaks."

FLOTSAM

Not all the children can be fixed up. One needs only to step outside the door of the venerable Continental Palace Hotel in Saigon to see the youthful human flotsam that the last decade of war has cast adrift. Ragged children of all ages and sizes—some orphaned, some maimed—swarm through the streets scraping a pittance by shinning shoes or washing cars or selling garlands of jasmine. Some just beg; others steal or become prostitutes—and some, even the youngest, have turned to pushing drugs.

Cau is a veteran of the streets, a tiny 8-year-old who has been selling peanuts at the Continental Place's veranda bar since she was 3. For Cau there has never been a childhood, and it shows in her hardened face and eyes which hardly ever reveal even the hint of a smile or a sign of warmth. She does not know her surname—when I tried to ask her about herself and her life, she just shrugged, looked blank and said in nasal English: "Buy peanuts, Joe?"

Among the forlorn pack of street urchins, there is a sad and haunting unwillingness to talk about the past—if they remember it. To many, the past is only something to erase from their minds; to forget is to escape. Ten-year-old Doung would only tell me his name and age. He would not say how he had lost one leg, or how he got the napalm burns that scar his remaining leg and both his arms. He lives on the street and sleeps on the sidewalk, hoping that the horde of rats that infest Saigon will not bother him. When I asked Doung how he was wounded, he choked back tears and said, "I do not want to talk to anyone about it."

Other children have been so traumatized by their experiences they cannot recall what made them what they are. Nguyen Thanh Son is a tall, handsome boy of 12 whom I saw one day standing by himself at the tawdry Go Vap orphanage in the town of Tu Duc, gazing at the world through his one good eye. The other is just a gaping socket. At first, he would not reply at all to my questions, but finally he kicked the dirt and said, "I don't know what happened. I have been this way since I was 2,"

As Son and I talked, other children among the orphanage's 200 charges sat in the dusty courtyard unattended. There are supposed to be six nuns to care for the children at Go Vap, but the only person around when I visited was the housekeeper. The children, most of them barefoot and in rags, many with sores or obvious maladies, simply wandered aimlesly with no guidance. In the nursery, emaciated and malnourished babies lay in the cribs in diapers made from old sacks, once used to hold rice donated by the U.S. Go Vap is not unique; almost all of the 133 "approved" orphanages are squalid, poorly equipped, understaffed and overcrowded—worse than any Charles Dickens described. "The state some of the babies are in when they are brought here is simply incredible," said a nurse at one orphanage. "And we have only enough staff to change their diapers and feed them." Too often, the children seem to be little more than swollen bellies carried on stalks of legs—and the mortality rate ranges between 50 and 70 per cent.

BURDEN

In part, the tragic condition of Vietnam's orphanages stems from an Oriental belief that it is the responsibility of relatives—not strangers—to care for parentless children. "We intentionally do not want to build more orphanages," says Tran Nguon Phieu, the Minister of Social Welfare, "because we want the people themselves to take care of the children." Many orphans are indeed being tended by relatives—but U.S. Agency for International Development officials say that at least 150,000 of these are living in "severely disadvantaged" conditions and urgently need the kind of care and medical attention that impoverished relatives cannot provide. However laudable the government's child-care philosophy may be in principle, the fact remains that in Vietnam today the people cannot—or will not—assume the extra burden of caring for the children who need help.

Perhaps the children who suffer the most as a result are the 25,000 mixed-blood babies, mostly the offspring of American GI's. (Again, accurate statistics are not available; one American foundation official told me there could be as many as 100,000 such children.) "These are the forgotten souls of the Vietnam war," says Robert G. Trott, director of CARE in Vietnam. "When the soldiers left, the money that these children's fathers—or friends of their fathers—had provided left with them."

Many of the mixed-blood babies are half-black and, despite the Saigon government's official insistence that discrimination does not exist in Vietnam, Vietnamese readily admit that they consider the black babies "inferior." Even those who love and take care of the black babies worry about their future in Vietnam. Mrs. Vo Thi Nen, who has cared for her daughter's black baby since the child's mother died, told me: "He is too different from the other children in our community. I think he would be better off in the United States."

### RESCUERS

The Saigon government does not agree. Vietnamese policy is to discourage adoptions by non-Vietnamese—a policy that Saigon implements by entangling adoption papers in mounds of red tape. The feeling that Vietnamese children should be raised in Vietnamese society certainly has merit. But as Elsie Weaver, of the World Vision child-care agency in Vietnam, notes, "The question is not whether a child will be better off being raised in his own culture. The choice is not there. I see so many babies in orphanages who are simply going to die unless somebody rescues them." The ideal rescuers, the Vietnamese, do not seem to be up to the task—in part because of their own poverty, in part because of their demoralized state of mind. "To survive, Vietnam has had to rely on negative values: corruption, graft, self-interest," says Dr. Olivetti Nikolajezak, the only child psychologist in Vietnam. "Morality has simply disappeared in much of the society."

To be sure, Washington has funneled massive amounts of aid to Saigon, and Nixon Administration officials point out that the U.S. is spending some $20 million this year on "children-related programs." But virtually all of that money goes for general-welfare programs, with only $1.1 million used directly to benefit the neediest children—the orphans, the crippled, the maimed. And that sum is considerably diluted as it trickles down through the corruption-riddled Vietnamese bureaucracy. "What surpasses surprise is the insensitivity of our government," said Dr. James R. Dumpson of Fordham University, who recently completed a visit to Vietnam to study postwar humanitarian problems. "There are simply a large number of children for whom [Americans] share a responsibility—who desperately need our help—help which is not now forthcoming." If that help does not come from the United States, it may not come at all.

---

## A New Family for Duong Muoi

(Note.—Shortly after he arrived in Saigon in late 1969 to join the Newsweek bureau, correspondent Paul Brinkley-Rogers and his wife, Kathleen, began to explore the possibility of adopting a Vietnamese war orphan. Now reporting from the magazine's Tokyo bureau, Brinkley-Rogers filed this personal account of the Americanization of Duong Muoi, who has since become Sarah Brinkley-Rogers.)

(By Paul Brinkley-Rogers)

A hundred ragged kids surged toward us as Kathleen and I entered the Viet-Hoa Sino-Vietnamese Orphanage in Saigon. They broke into a rhythmic chant that we couldn't understand. Some of the nimble ones clawed their way up my trouser legs and wiggled onto my back and arms; in a moment, I was immobilized by a half-dozen kids clinging to me. They knew exactly why we had come to Viet-Hoa: to adopt a child. We could see desperation in their faces. None of them smiled but their eyes pleaded: "Take me, take me."

We went up and down the rows of metal-ribbed cribs and saw scores of infants lying sick and injured. "How about this one?" we asked Sister Robert du Sacré-Coeur, the dedicated and determined Vietnamese nun in charge of Viet-Hoa. "Polio," she replied. "And this one, Sister?" "Retarded." "This cute little boy?" "TB." Twenty-five children are abandoned there each week, and we wondered why the orphanage was not inundated with kids. "God is fair," the sister said quietly. "The same number of children die here each week."

Then we saw Duong Muoi, age eleven months. She was flopped over on her face, as if she had no spine. She could neither sit up nor grasp anything with her hands. We were told that Duong Muoi had been brought to Viet-Hoa nine months earlier by her mother, who already had twelve other children. Because the baby was very ill, the orphanage sent her to a Saigon hospital. She remained there, half forgotten, until she was covered with bedsores and rat bites. When Duong Muoi returned to Viet-Hoa, she bore a wicked-looking 2-inch scar on her backside from rat bites, large indentations from wounds in both legs and a host of tiny pits and scars all over her body. When we first met, her face was completely expressionless—except for a pair of huge, brown eyes that followed us as we moved around the nursery.

Less than a week later, Kathleen returned to Viet-Hoa and brought Duong Muoi home. We put a pink ribbon in her hair, dressed her in a smock and tried to sit her up on our couch. She fell over. But with Kathleen filling Duong Muoi with U.S. baby formula supplied by an American doctor, and our Chinese maid and Vietnamese cook filling the baby with protein-rich fish sauce, Duong Muoi was sitting up in a few weeks. Soon, she was smiling too.

### LUCKY BREAKS

But our efforts to adopt Duong Muoi turned into a nightmare of complexity. It took months to obtain the adoption papers, then a passport and exit visa for Duong Muoi and then a U.S. entry visa on top of those. We had some lucky breaks. By chance, we were in Guam when a special U.S. Federal court was holding naturalization hearings. Without going through a customary five-year waiting period, Duong Muoi was made an American citizen on the spot.

We gave our daughter the name Sarah, which to our minds seemed to fit her friendly and inquisitive nature, and the Vietnamese middle name Thuy-Nga—"beautiful moon"—which fitted her Vietnamese soul. She seemed to possess a desperate need to learn and was talking before she was standing. When she began to stand, we discovered that she could not put her left heel to the ground because wounds had shortened her calf muscle. A British medical team in Saigon did a muscle-lengthening operation. And last week in a Tokyo hospital, Sarah underwent a second operation. She is doing fine, though she now faces the unhappy prospect of several months in and out of casts.

Friends sometimes ask us if we feel differently about Sarah than we do about Chip, our own natural son who was born after we adopted Sarah. Our immediate response was "no," and it still is. No one has ever asked us if adopting Sarah has given us any kind of special satisfaction. It has. But we remember the orphanages of Saigon, where there are still thousands of kids like Sarah who have been abandoned because of the war. That memory doesn't give us any satisfaction at all.

---

## How To Adopt a Vietnamese

Last year, almost a thousand Vietnamese children were adopted by non-Vietnamese families. Of this number, fewer than 400 were adopted by Americans, chiefly because of the complexities involved in the adoption process on both sides of the Pacific. Nevertheless, an increasing number of Americans are interested in adopting a Vietnam war orphan. Here is a guide to how to go about it:

### CHILDREN

There are some 20,000 children in licensed orphanages in South Vietnam. There are also an estimated 100,000 parentless children in refugee camps, resettlement sites or roaming the streets of Saigon and other cities. Not all of them are available for adoption, however, and in every case surviving relatives must be given the first chance to adopt the child.

### ELIGIBILITY

Americans who wish to adopt a Vietnamese child must satisfy South Vietnamese, U.S. and state adoption laws. The South Vietnamese laws are particularly stringent, requiring that both parents be over 35, have been married for at least ten years and have no children. However, a loophole allows President Nguyen Van Thieu to waive the requirements of the law—and he has done so on quite a few occasions in the past. Many of the orphanages in South Vietnam are Roman Catholic and are reluctant to turn over children to families of other faiths.

### PROCEDURES

Local adoption agencies in the U.S. investigate applicants to determine whether they are suited to become adoptive parents. These agencies then make recommendations to three American agencies authorized by the South Vietnamese Government to handle such adoptions: Travelers Aid International Social Service of America, New York City; the Holt Adoption Program, Eugene, Ore., and Friends of Children of Vietnam, Boulder, Colo. Only these three agencies can make all the necessary legal arrangements in South Vietnam, handle the paper work required in the U.S. and—if all goes well—arrange to transport the child to its new home in the U.S.

### COST

Fees vary from agency to agency and according to the income of the prospective parents. But the average cost—which includes the agency's processing fee, the legal fee and the price of air transportation—is a bit more than $1,000. Some of the agencies charge low-income families only minimal fees.

### WAITING TIME

Due to red tape in Saigon and archaic South Vietnamese adoption laws, it used to take an average of two years to complete the adoption process. Things have been speeded up somewhat in recent months, but it still takes a year in most cases. For those Americans who wish to adopt half-black children, the process is considerably easier, since the agencies are finding it difficult to find adoptive parents for them. Families willing to adopt a handicapped child automatically go to the head of the line.

## THE CONDITION OF FARMWORKERS AND SMALL FARMERS IN 1972

## HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. YOUNG of Georgia. Mr. Speaker, the National Sharecroppers Fund recently published a report by its executive director, James M. Pierce, entitled "The Condition of Farmworkers and Small Farmers in 1972."

The report is factual, concise, and revealing. It presents evidence of the systematic phaseout of small farms in favor of the large corporate agribusinesses. It catalogs a dismal record of disservice by the Federal Government to the small farmers and farmworkers—a record including labor exploitation, rampant racial discrimination, abuse of farm children, and inadequate housing, health, and educational services. The report also discloses how Federal agricultural policies are primarily for the benefit and growth of the huge corporate farming operations.

I commend this report to the Members of Congress, and urge that special attention be given to its recommendations for comprehensive legislative solutions to the problems faced by small farmers and farmworkers. As the report concludes:

> A continued push can break the dominance of agribusiness and agrigovernment, preserve rural life as an option for all Americans, provide an abundance of food produced in harmony with sound environmental practices, and contribute to a better rural and urban America.

Following are excerpts of the report:

### THE CONDITION OF FARMWORKERS AND SMALL FARMERS

(Report to the National Board by James M. Pierce, executive director National Sharecroppers Fund and Rural Advancement Fund)

"*Had me a farm sitting pretty on the hill. But, if you look, you'll see it ain't there still.*"—The Pigeon Song "America"

In early January, 1973, a United States Congressman, reflecting on the latest incursions of agribusiness and the overall state of American agriculture, called for legislation protecting the family farmer as an endangered species. As in every year since 1940, the number of family farmers decreased—by 44,700 in 1972. Over 850 a week went out of business in 1972, and for every six or seven farms that folded, one small rural business closed its doors. Farmland communities across the nation disappeared as 800,000 Americans left rural areas in 1972 for urban and suburban life. For those left behind, the millions of migratory workers, small farmers, and hired farmworkers, it is more of the same—low wages, high unemployment, shabby housing, and poverty.

Nationally, some 60 percent (4.8 million units) of all substandard housing is in the countryside. Yet, because of current preoccupation with urban problems, less than 25 percent of all federal housing has gone to rural areas.

Fifty percent of the nation's poor live in rural areas, and 70 percent of the rural poor struggle to survive on less than $2,000 per year. Some 1,072,000 small farmers, almost half of America's 2.7 million farmers, earned less than $2,500 in 1972. The average annual wage for 270,000 migratory laborers was $1,830, while the average hired farmworker earned $3,170. All these earnings figures are well below the federal poverty standard.

* * * * *

These are the human costs of the complex $130 billion-a-year American food industry—the nation's largest employer, employing one out of every seven Americans.

"*Agricultural policy should be directed toward maintaining agriculture as a viable industry and not as a way of life.*"—Young Executives Committee of USDA, 1972.

Sitting atop America's largest industry in the United States Department of Agriculture—83,000 employees spread across the land, in 16,000 offices, with an $11 to $12 billion annual budget. Within this bureaucracy is a group of young USDA officials called the Young Executives Committee, established by Secretary's Memorandum No. 1727 of April 26, 1971. Late in May, 1972, a strategy paper, *New Directions for U.S. Agricultural Policy*, prepared by the Young Executives Committee, surfaced in Washington and gave nightmares to many a farm leader.

With computer-like indifference, the Committee concluded that "the number of farms or the farm population is irrelevant except as these influence performance of the agriculture industry." The study further recommended a phase-out of all farm price-support programs, including loans and purchases. As a result of this phase-out, a $6 billion decline in farm income was forecast. To meet the food and fiber requirements of the nation in a more effective and efficient fashion, the Young Executives speculated on the reduction of America's farms from 2.7 million to 600,000. These 600,000, of course, would be highly mechanized efficient business operations, while the other 2.1 million presumed inefficient ex-farmers would be shunted off to non-farm employment or perhaps provided for by a family assistance plan for busted farmers.

Although Assistant Secretary of Agriculture Richard Lyng stated that the report had "no official status," its proposals are markedly similar to the phase-outs and cutbacks ordered by Agriculture Secretary Earl Butz in late December, and to the Administration's proposed 1973 agricultural budget.

"*If rural revitalization is to be achieved, a comprehensive federal policy must be established and implemented . . .*"—*Senator John L. McClellan.*

In the absence of a coherent comprehensive rural policy, the federal government provides a range of services, or disservices, to small farmers and farm laborers. On the one hand the federal government offers price support and crop subsidies, and yet, through a federally-funded 38-state network of farm labor offices, workers are knowingly referred to farms that violate minimum federal standards for housing, sanitary conditions, and wages. Even those federal programs specifically charged with the responsibility of improving the lives of migrant and seasonal farmworkers have been found wanting.

A General Accounting Office report published in February, 1973, declared the programs of the Departments of Labor, Agriculture, and Health, Education, and Welfare, and the Office of Economic Opportunity had had little appreciable impact on the lives of millions of farmworkers. The report noted that while the government had spent in excess of $650 million in grants and loans to individuals and organizations working with migrant and seasonal farmworkers in the areas of housing, health, manpower training, and education, the farmworkers themselves were for the most part still ill housed, poorly educated, and untrained and received inadequate medical treatment.

Despite a Department of Agriculture estimate that 800,000 fewer farmworkers will be required by 1975, the report noted, federal efforts to retrain workers for non-agricultural employment, where such programs existed, were not effective; for the most part, retraining projects did not exist at all.

* * * * *

Incredibly, in fiscal years 1966 through 1971 the Farmers Home Administration spent only $17 million of the $66 million authorized for its housing *loan* program. And, during the same fiscal years, the Farmers Home Administration spent only $15 million of the $19 million of *grant* funds appropriated for housing. When questioned by the Government Accounting Office as to why the money was not spent for housing, Farmers Home administrators, at both county and national levels, stated that they made little or no effort to promote improvement in farmworker housing; it was up to the community to seek out the Farmers Home Administration programs, and no funding initiative was taken until a sponsor requested a project.

* * * * *

If the housing, education, health, and job training programs have had limited impact in the past, these programs will be fortunate to survive in the future. Beginning in late December, 1972, the Nixon Administration announced sweeping budget cutbacks aimed at dismantling much of the social legislation of the 1960s. All housing subsidy funds for the Farmers Home Administration and Housing and Urban Development have been frozen; the Office of Economic Opportunity is to be abolished; job training programs are reduced; farm subsidy payments are phased out. The elimination of the Office of Economic Opportunity alone will eliminate 184,000 jobs at the local level throughout the nation. The Administration's budget seriously neglects, in general, the needs and aspirations of many American people; it is particularly neglectful of the needs of the rural poor.

* * * * *

In 1972, only 535,000 of the estimated 2.5 million farmworkers were covered by the federal minimum wage. It is estimated that 800,000 children are employed in commercial agriculture. However, growers employing migrant and seasonal farmworkers seldom comply with federal and state laws prohibiting employment of children during school hours or in hazardous occupations. The Senate Committee on Labor and Public Welfare found that 800 deaths and 800,000 injuries occur annually from the use of agricultural pesticides.

Department of Labor statistics show that agriculture ranks second only to construction in the number of job-related deaths. Yet farmworkers constitute the largest population group that is mostly excluded from coverage under state workmen's compensation laws. Every major job classification in private industry is covered by unemployment insurance, except farmwork.

* * * * *

In 1972, America's farmworkers continue to be consistently and systematically excluded from the protection of labor laws afforded to other working people. There is something ironic about a national policy that provides price supports, tax write-offs, and free technology to the landed and then denies basic rights and equal protection to those who harvest our food. Despite ineffective government programs, inadequate legislation, and poverty wages, less than nine percent of migrant families apply for welfare.

". . . integration from seedling to the supermarket."—Report to the Stockholders, Tenneco, Inc.

* * * * *

A classic scenario of agri-government which critics have called "The Great American Grain Robbery" was played out in the summer and fall of 1972. It was the American-Russian wheat deal. In September, 1972, CBS News revealed the details of how six large grain companies, with inside knowledge of the Soviet demand for American wheat, pocketed some $129 million in extra federal subsidies, while the small wheat farmers of the Southwest lost between $68 and $100 million in federal subsidies because they sold their wheat before the Soviet deal had pushed up the price of wheat. The CBS investigation also pointed out that Clarence Palmby, Assistant Secretary of Agriculture for International Affairs and intimately involved in the negotiations with the Russians, resigned from the Department of Agriculture to accept a vice presidency with Continental Grain Company. In less than thirty days after Palmby joined Continental Grain, the company sold 150 million bushels of grain to the Russians, the largest single transaction of the entire wheat deal.

It is not the small farmer and farm laborer who benefit from the grain decisions of agri-government. It is agribusiness. While the Department of Agriculture is quick to point out that corporate farms constitute only one percent of all commercial farmers and control only an estimated 7 percent of the land, it is now believed that .09 percent of the nation's farms account for up to one-third of all farm sales. If the Department of Agriculture has its way, this share of the market will increase.

At a Department of Agriculture Conference on Agricultural Trends to 1985, a USDA spokesman estimated that by 1985 those farms with gross sales of $20,000 or more will capture 90 percent of the market. In 1972, only 12.2 percent of America's farms fell into this supersize category. In the Alice-in-Wonderland world of agricultural planners, the American farm is transformed into ten-mile long fields, leveled by nuclear explosions, planted by computer programs, and harvested by plants genetically altered to yield their crops onto conveyor belts. The family farmer and the farmworker do not fit into the agribusiness configuration. This type of farming is big business requiring massive infusions of capital, concentrated marketing, and up-to-the-minute technology.

1985 is not too far away in some parts of the country. In California, Texas, Arizona, Florida, and to a lesser degree other parts of the nation, vertically integrated corporate agriculture is a fact. Such industrial giants as Boeing, Dow Chemical, Tenneco, Coca Cola, and Standard Oil exercise considerable corporate control of the marketplace. Green Giant claims 25 percent of all U.S. canned corn and peas; Ralston-Purina sells 14 percent of all livestock feed. Ninety-five percent of the broilers, 75 percent of processed vegetables, 70 percent of citrus, 55 percent of turkeys, 40 percent of potatoes, 33 percent of fresh vegetables are grown under vertically integrated contracts to major U.S. corporations.

For those farmers who, in the words of Secretary of Agriculture Earl Butz, do not "adapt or die", the option is to be reduced to being contract laborers. Secretary Butz, who has spent a lifetime jumping back and forth between positions at land-grant colleges, on agribusiness boards, and in the upper echelons of USDA, argues that America needs agribusiness to supply more food at lower costs. Agribusiness, with its technological gadgetry, is presumed more efficient, yet even the government's own studies show that family farms ranging from 60 to 100 acres, depending on crop and location, are every bit as efficient as larger-sized farms. Certainly, this presumed efficiency is not reflected at the checkout counter. On the contrary, a recent Federal Trade Commission inquiry found that American consumers are overcharged by 20 percent for their breakfast cereal, 90 percent of which is produced by four giant companies—General Mills, Kellogg's, General Foods, and Quaker Oats.

If, then, agribusiness is not the model of efficiency, perhaps its virtue lies in producing better quality. But even the USDA admits that the average American eats a less nutritious diet than fifteen years ago. The same folks who brought us the genetically rebuilt, mechanically harvested tomato are now busily attempting to put back the flavor and nutrients.

* * * * *

Even the farm subsidy payments designed to bolster the income of farmers are diverted to the corporate giants. In 1972, federal subsidy payments under the feed grain program jumped 77 percent over 1971 to $1.8 billion. Despite Congressional reform of the program, distortions in federal subsidy payments continue; only 7.1 percent of the nation's farms—those with sales of over $40,000 a year—collected 40.3 percent of the farm subsidies, while 41.2 percent of the farms—those with sales of less than $2,500—received 5.3 percent of the federal subsidies.

It is not only money that flows from rural America. With 70 percent of the population packed into 2 percent of the land, rural America is being transformed into a wasteland of dying towns, shabby houses, and boarded-up businesses.

In May, 1972, one of agriculture's sacred cows, the land-grant college complex, was led to slaughter. In a book-length report, *Hard Tomatoes, Hard Times,* the research-oriented Agribusiness Accountability Project charged that the land-grant colleges are diverting millions of dollars of tax money, intended to help the entire rural community, to support of research and service activities that principally benefit agribusiness. The pressing needs of small farmers, farm laborers, and other rural residents are ignored. Today's urban crisis, the report charges, is a consequence of failure in rural America, and no single institution has "played a more crucial role in that failure" than the land-grant college.

As examples of the distorted priorities of the land-grant college system. *Hard Tomatoes, Hard Times,* cites the following:

"The complex has been eager to work with farm machinery manufacturers and well-capitalized farming operations to mechanize all agricultural labor, but it has accepted no responsibility for the farm laborer who is put out of work by the machine. It has worked hand-in-hand with seed companies to develop high-yield seed strains, but it has not noticed that rural America is yielding up practically all of its young people. It has been available day and night to help non-farming corporations develop schemes of vertical integration, while offering independent family farmers little more comfort than 'adapt or die.' It has devoted hours to create adequate water systems for fruit and vegetable processors and canners, but 30,000 rural communities still have no central water systems. It has tampered with the gene structure of tomatoes, strawberries, asparagus, and other foods to prepare them for the steel grasp of the mechanical harvesters, but it has sat still while the American food supply has been liberally laced with carcinogenic substances."

Throughout interviews with USDA officials and professors at land-grant universities, the Agribusiness Accountability Project people were told that multimillion-dollar agribusiness could not perform its own research and development. Thus, the industry must turn to tax-supported universities. For the large and the powerful in agriculture, public research is an investment; for the small farmer, the farm laborer, and the poor, public research is welfare.

*"Discrimination in the Extension Service remains a major problem on the Department of Agriculture's docket."*—U.S. Civil Rights Commission, January, 1973.

Although the Department of Agriculture took major steps in 1972 to implement goals and timetables for minority participation in its programs, discrimination appears to continue in the Extension Service. In the 1973 Budget hearings, it was noted that minorities constituted approximately 8 percent of the more than 11,000 county and area extension agents; slightly less than 2 percent of the more than 4,200 state and area specialists; and slightly more than 2 percent of the more than 1,000 administrative and supervising personnel. The Civil Rights Commission has repeatedly criticized the Extension Service for its failure to take action against states found in noncompliance, but the pattern continues.

* * * * *

Discrimination in the Department of Agriculture and in the land-grant college system is particularly damaging—for it often means that black farmers are denied basic information that might otherwise be available. It may mean, too, that the quality of financial and technical assistance provided may be inferior to that furnished the white farmer. In the case of the colleges of 1890, it clearly means that, until 1972, the discriminating allocation of USDA funds greatly inhibited the ability of these colleges to perform. In any event, discrimination is alive and well down on the farm.

*"I never saw a banker yet who didn't have a keen eye for opportunity—and Rural Development is ripening day by day."*—Earl Butz, October 10, 1972.

Skyrocketing food prices, typhoid outbreaks in migrant labor camps, a concern for clean environment and wholesome food, and a Presidential campaign served to focus America's attention in 1972 on rural America. Beyond the heat and rhetoric, the real question remains—who will control rural America in general, and farming in particular? Secretary of Agriculture Butz claims to be an advocate, a protector, of the family farm; yet, the efforts of the Department of Agriculture appear to bolster agribusiness at the expense of the rural population.

* * * * *

The much-touted billion-dollar effort—the Rural Development Act of 1972—signed by the President in August, 1972, and acclaimed by Senator Humphrey as the Magna Carta for rural America, has turned out to be a $333 million limited-ceiling program to "test policies, criteria, procedures, and coordinating mechanisms during fiscal year 1974." In many respects rural development remains a political slogan as it fails to deal with the fundamental issue of farmers' income—the critical factor in a revitalized rural America.

Political slogans and a piecemeal approach to the problems of small farmers and farm laborers are nothing short of cruel deception. Rural life need not be marked by extreme poverty and hardship. The technology which now benefits corporate giants and many urban areas can be adapted to rural America, provided a national commitment is made. The remedies and technology exist. It is the policy that is missing—a policy supported by legislation that would:

Bar giant corporations from agriculture.

Provide adequate and equitable labor legislation for farmworkers.

Return the crop subsidy program to its original purpose of helping small farmers and farmworkers to stay on the land.

Close tax loopholes which encourage tax-loss farming and corporate giantism.

Encourage and assist cooperative development.

Require USDA and land-grant colleges to extend research, technical assistance, and financial assistance to small farmers and cooperatives.

Enforce the 160-acre limitation and residency requirements in federal land-reclamation areas.

Develop comprehensive land-use and zoning plans for rural America.

Increase the minimum wage for farmworkers and extend its coverage.

Develop alternative land redistribution policies.

There are many organizations now at work on one or more of these solutions: *Cooperativa Campesina* in California is a successful strawberry cooperative organized by a group of Mexican-American farmworkers; New Communities, Inc., in Lee County, Georgia, has formed a 5,700-acre land trust; cooperative food-buying clubs have sprung up in many urban areas, many of them buying directly from farmer cooperatives; the National Farmers Organization has been quite successful in negotiating production contracts with food processors; the National Coalition for Land Reform is working for policy changes necessary for fundamental land reform; environmental organizations are fighting the spread of concrete and pollution; the National Sharecroppers Fund is active in developing and promoting rural cooperatives and in working for legislative change.

All these things and many others are in motion, and while the Jeffersonian view of rural America has irretrievably vanished, a continued push can break the dominance of agribusiness and agri-government, preserve rural life as an option for all Americans, provide an abundance of food produced in harmony with sound environmental practices, and contribute to a better rural and urban America.

## BOB CROWN OF CALIFORNIA—COURAGEOUS LIBERAL

## HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. LEGGETT. Mr. Speaker, last Sunday, tragedy struck in California when Assemblyman Bob Crown, one of the country's brightest legislative lights was struck and killed by an errant motorist.

Again a callous negligent act for which there can be no real retribution will change the face of a State. Bob Crown, my first friend in the California Legislature 13 years ago, will simply not be replaced. Bobby Crown, we grew to know you and we liked you. You will be missed by generations of Californians.

California papers ran two descriptive Crown epitaphs as follows:

### Robert Crown: A Courageous Liberal

The shocking news of the death of Assemblyman Robert W. Crown, Democrat of Alameda County, leaves a void in the legislature which will be difficult to fill.

The 51-year-old lawmaker, attorney and physical fitness advocate, was struck by an automobile while he was jogging through a crosswalk in Alameda, where he lived.

Crown was no ordinary assemblyman. He was one of a band of decent, able men from Northern California—men who rightly insisted during the days when "cut, squeeze and trim" were watchwords in the legislature that the state operations be kept in line with what Crown termed "the consistent needs of the people."

Undoubtedly, the high point of Crown's career was as head of the powerful Assembly Ways and Means Committee from 1962 to 1969. His astuteness, self confidence, courage and determination were displayed consistently as he presided over tedious committee budget sessions. He showed an amazing working knowledge of literally hundreds of complex budget items, and with an instinctive feeling for detail, he was able to keep track of them.

He must be given a large share of the credit for providing the financial backing for many of the forward-looking, liberal, people-oriented programs adopted during Gov. Edmund G. Brown's administration.

Crown was elected to the Assembly in 1955 after serving as an Assembly reading clerk. His political courage was displayed early when he provided the key votes for expanded educational opportunities, scholarship and health and welfare needs for young people, the elderly and the handicapped.

Crown's interests extended into the fields of world trade. In recognition of his leadership in this field, in 1964, he received the Wilton Park Fellowship awarded by an international conference of leading scholars and officials meeting in England.

The California dreamed of by men of vision came into being while Crown was in the legislature. He was one of the state's honored builders. His vote for decency, humanity and progress will be greatly missed in the State Legislature.

### Robert Crown of California

(By Tom Arden)

Assemblyman Robert W. Crown, 51, one of California's leading lawmakers, died early today of injuries suffered when he was hit by a car in Alameda.

Ironically, Crown, a devotee of physical exercise, was jogging at the time. He was struck by the vehicle Sunday night while he was running through a crosswalk and died in the Alameda Hospital.

The police reported one auto had halted at the intersection and another, driven by Charles E. Shuler Jr., 41, of Alameda, went around the stopped car and hit Crown. Officers said Shuler was issued a citation and a further investigation is being made.

Almost from the time he was first elected to the Assembly in 1956 Crown emerged as an influential Democratic lawmaker. He was chairman of the Assembly Elections and Reapportionment Committee when the important 1961 reappointment legislation was passed.

Later he became chairman of the powerful Assembly Ways and Means Committee during the reign of Jess Unruh as speaker. When the Republicans gained control of the Assembly in 1969, Crown became vice chairman of the committee.

This year Crown was named chairman of the Assembly Criminal Justice Committee and his other assignments were on Ways and Means and Reapportionment Committees.

#### LOSES BID

When the Democrats returned to power in the Assembly in the 1970 election, Crown made a bid for the speakership but lost to his fellow Democrat, Bob Moretti of Los Angeles County.

Crown's first taste of politics was as an Assembly reading clerk in the 1951 session of the legislature. He ran for Assembly in Alameda County in 1954 but was defeated. But in another bid two years later he was successful and had been re-elected every two years since.

A liberal politically, Crown was so popular in his district, comprising the Cities of Alameda and San Leandro, portions of the City of Oakland and the unincorporated community of San Lorenzo, he was re-elected without Republican opposition.

Born in San Francisco, Crown was reared in Alameda. He served during World War II as an enlisted man, subsequently being commissioned as an infantry combat officer. After returning to civilian life he gained a law degree at the San Francisco Law School.

#### EFFECTIVE SOLON

Crown has been singled out by the Capitol Press Corps as one of the most effective members of the Assembly. He consistently demonstrated his courage by voting on liberal issues which may have been unpopular at the time to a majority of his colleagues.

He championed the cause of civil rights at all times, including providing a key vote on the Rumford Act to assure equal opportunities in housing for minority groups.

Crown, a bachelor, was known for his efforts in the field of providing every possible state help for medical care of crippled and handicapped children, fighting the battle at times when Republican Gov. Ronald Reagan was against him.

When Reagan vetoed a bill by Crown for additional funds for crippled children with the statement "it is inappropriate to expand the program when the state has a budget deficit," Crown called on the Assembly to override the veto:

"From a humanitarian standpoint, I plead with you to vote aye. If there is only one child in need, we should help him."

But Republican legislators who originally voted for the bill upheld the action of the governor.

The news of Crown's death saddened the hundreds of persons employed in the Capitol, where the legislator was popular with everyone.

Among the mementos treasured by Earl Reeves, who operates the shoeshine stand in the Capitol, are postcards sent to him by Crown from various parts of the world.

Flags at the capitol and all other state buildings were lowered to half staff in memory of the assemblyman.

"Although Bob and I disagreed on many issues over the years," said Gov. Ronald Reagan, "we were always able to sit down and discuss them without acrimony. He was a dedicated public servant and an articulate spokesman for his point of view.

## MACKENZIE PIPE DREAM?

## HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. RONCALLO of New York. Mr. Speaker, I bring to the attention of my colleagues the following column from the "op-ed" page of the New York Times May 22 issue. The column presents a balanced view of the matters at issue in how to get Alaska's North Slope oil to the lower United States. A number of innovative suggestions are made which might overcome the reservations that some environmentalists have about an Alaskan pipeline.

I believe that the important thing is to do something as soon as possible to help alleviate the growing shortage of oil in this country. The column follows:

### Mackenzie Pipe Dream?

(By Robert Bendiner)

Ottawa.—The best hope of forestalling an oil pipeline across the state of Alaska—a project long anathema to most environmentalists—has been the discovery of an acceptable alternative. For many months that alternative has been widely thought to lie in the valley of Canada's Mackenzie River, some 300 miles east of the great oil fields on the Alaskan North Slope. But, judging from the atmosphere here and in Toronto—and for reasons political, economic and environmental—that hope is exceedingly dim.

It is apparent that the enthusiasm of Canadians for a Mackenzie Valley oil pipeline by no means matches that of American environmentalists. Reflecting the economic nationalism which runs through Canadian politics these days, the New Democratic party, by whose grace Mr. Trudeau's Liberal minority now governs, opposes the project on the formal ground that not enough research has been done and on the informal ground that it is not prepared to support something just because it might serve the interests of the United States, much less those of some oil companies.

Financial and economic objections run through all the country's major parties. Donald S. Macdonald, the Minister of Mines, Energy and Resources, who leans toward the project, indicates that his Government would expect the oil pipeline to be at least 51 per cent Canadian-owned. But the job of raising that kind of money—at present costs, some $8 billion—would be forbidding if not impossible. And if it were raised, there are fears that it would tie a large part of the country's savings to the energy needs of the United States. If, on the other hand, American capital were to do the job, or most of it, the impact could be dangerously inflationary.

But it is the potential effect on the environment that draws the wriest comment from Canadians. Unlike their American colleagues, who in their legitimate fear of the Alaskan route tend to play down the disadvantages of the Mackenzie Valley proposal, Canadian environmentalists are keenly aware of its far greater length, much of it over permafrost, the twelve dangerous river crossings it would require and the wilderness it would destroy.

Ironically, some of them are sold on a plan to carry the oil along much the same route but by railroad. Of all proposals, this is surely the most astounding to come from environmentalists. In Alaska itself, the line would most probably have to go through the heart of the National Wildlife Refuge. To get out the same volume of oil as the pipeline, 22 trains a day would be required, each carrying 168 cars, with another 22 trains deadheading back—roughly a train every twenty minutes over eleven hundred wilderness miles from Prudhoe to the border of Alberta. What a schedule like that would do to wildlife attracted to a cleared right of way, can be imagined.

Given this intensive disruption to the natural surroundings and occasional damaging derailments, traffic of such dimensions can still be justified by those who are primarily eager for the swift opening up of the Canadian Northwest but hardly by environmentalists.

If the Mackenzie Valley does not offer an alternative that is economically feasible, environmentally sound and politically likely where does that leave opponents of the trans-Alaska pipeline? They have already achieved a great deal in insuring that if the line is laid from Prudhoe south to Valdez, it will be done with far greater scientific skill and environmental care than any pipeline ever built. But there is still the question of that parade of tankers which Canadians rightly see as a threat to their west coast.

On this score the problem is not so much the southward parade of tankers close to the shores of British Columbia. That danger could be counteracted by a rigid commitment to keep the carrier a safe distance out to sea. The nub of the matter is the prospective passage tankers on their final stretch through the Juan de Fuca Strait and Puget Sound to the Cherry Point refinery in northwest Washington, just south of the Canadian border. That inland voyage endangers the shores of Canada's Vancouver Island and a score of tiny islands in one of the most beautiful bodies of water in either of the two countries.

Present plans call for only one medium-sized tanker to this location every four days. But the very meagerness of the volume argues against the risk. The entire Alaskan production will probably represent from 10 to 12 per cent of American requirements by 1985, and the deliveries to Cherry Point less than 10 per cent of the Alaskan oil, the rest being destined for San Francisco and Los Angeles. That is not enough, surely, to warrant either the potential threat to the Puget Sound islands or a continuing irritant to Canadian sensibilities.

Yet with the prospect of a national fuel shortage, a rising trade deficit and the undesirability of future dependenec on the Middle East for a sizable share of this country's oil imports, the daily addition of 2 million barrels of oil from the North Slope cannot indefinitely be scorned. The time has come, perhaps, to shift from a last-ditch and probably futile opposition to the Alaskan line as such, to an insistence that, by eliminating the Puget Sound terminal and directing all oil traffic to ports further south on the Pacific coast, the sea-leg of the route, like the engineering of the pipeline itself, be made as safe as technology and good will can make it.

---

## DR. HENRY KISSINGER

## HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Mrs. HECKLER of Massachusetts. Mr. Speaker, two of journalism's most perceptive observers of the political scene, Rowland Evans and Robert Novak, have surmised in the attached reprint from the Washington Post, May 24, 1973, that Dr. Henry Kissinger "might simply resign as public opinion unfairly dragged him ever closer to the Watergate disgrace." They go on to report that "security probes grew so onerous in 1971 that intimates say he considered quitting."

Dr. Kissinger's loss from world affairs would be a tragic waste. He has earned the respect and admiration of men and women the world over. His abilities to comprehend intricate international problems, to negotiate with both fairness and strength, and to work for a more peaceful world are unsurpassed.

The article follows:

### THE INNOCENCE OF DR. KISSINGER

(By Rowland Evans and Robert Novak)

When the FBI last week revealed the existence of 17 or more telephone taps to uncover national security leaks, Dr. Henry Kissinger's aides suspected one of those taps was on Kissinger's own phone—reflecting the morbid suspicions between Kissinger's National Security Council (NSC) staff and the Haldeman-Ehrlichman palace guard.

In fact, Kissinger's White House telephone was spared an FBI tap, at least in that particular phase of the running investigations by the FBI and other federal investigators of the NSC staff, ordered by the suspicious Ehrlichman-Haldeman "Berlin Wall."

Whether Kissinger's telephone was spared in all other probes of the NSC is still not absolutely certain. In mid-1971 domestic policy chief John Ehrlichman was ordered by President Nixon to take control from the FBI of a complete new probe of leaked military and foreign policy secrets regarded by both Mr. Nixon and Kissinger as dangerous to national security. At that point, Ehrlichman launched a second secret investigation of Kissinger's NSC—without asking Kissinger's approval.

Ehrlichman's second probe, moreover, was completed and filed without Kissinger being informed what, if anything, turned up.

In addition, there are unproved indications that members of Kissinger's staff were under occasional secret surveillance from non-civilians in the Pentagon's security apparatus.

In the public mind, these security probes of Kissinger's staff—and perhaps Kissinger himself—have falsely linked Kissinger to the Watergate scandal. In his latest statement issued Tuesday night, President Nixon sought to break this linkage.

One clear reason for this presidential statement: growing speculation that Kissinger, Mr. Nixon's prize exhibit throughout his White House tenure, might simply resign as public opinion unfairly dragged him ever closer to the Watergate disgrace.

The relationship between the Kissinger operation, on the one hand, and the Berlin Wall of Ehrlichman and chief of staff H. R. (Bob) Haldeman on the other was always strained, distant and suspicious. As we have reported, Haldeman denied Kissinger aides normal White House perquisites, such as access to the White House mess and transportation.

Beyond that, Kissinger and his staff were regarded as virtual enemies by the crewcut bully boys manning the Haldeman-Ehrlichman offices.

The reasons are obvious. Kissinger was the only top White House aide with powerful ties outside the White House, both to Gov. Nelson Rockefeller of New York and to Eastern establishment intellectuals. The direct reason for the repeated security probes was Kissinger's deliberate selection of some Kennedy-Johnson holdovers for the NSC staff, including liberal intellectuals who had difficulty getting maximum security clearances long before Mr. Nixon became president.

Added to this was Kissinger's love of the spotlight—and the spotlight's love of him—and the fact that he, not Haldeman or Ehrlichman shared Time's 1972 Man of the Year award with Mr. Nixon.

Thus, besides a genuine desire to cork security leaks, Kissinger acquiesced in wiretaps on his own staff because he felt highly vulnerable to repeated Ehrlichman-Haldeman slurs that his staff was responsible for the leaks. Nevertheless, these security probes grew so onerous in 1971 that intimates say he considered quitting.

His dilemma now is far greater. Having lost the support of the liberal intellectuals who attack him today with indecent relish, he has no intention of trying to exonerate himself by a public proclamation of innocence. That, say Kissinger intimates, would indicate a sense of guilt he does not feel.

Kissinger could and did defend his suspect liberal aides, particularly Morton Halperin, whose 9-month stint as a top Kissinger aide ended in September 1969. But he may have too much pride to publicly defend himself.

The irony is painful. Kissinger, collaborator with the President in most of what is fruitful and valuable in the Nixon administration, is being smeared with the muck of Watergate, an affair with which he had no connection. If he should now reach the point where he loses his effectiveness, or decides to quit, Watergate will have devoured its first innocent victim.

---

## BENEFIT PROGRAM UNDER SOCIAL SECURITY SHOULD BE EXAMINED

## HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. McCORMACK. Mr. Speaker, I would like to take this opportunity to share with my colleagues in the Congress some unusually thoughtful comments written to me by a constituent, Mr. H. C. Barrigan, of Wenatchee, Wash.

Mr. Barrigan recommends that we, in the Congress, seriously examine the benefit program provided under social security, to the end that we may wish to propose and support amendments through which the program may be made more fair to many Americans who have, throughout their lives, contributed either directly or indirectly to the program.

I submit herewith Mr. Barrigan's letter with the suggestion that all Members of Congress might consider his comments seriously:

WENATCHEE, WASH.,
*May 9, 1973.*

Hon. MIKE MCCORMACK,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. MCCORMACK: To the best of my knowledge, any amendments to the Social Security Act have only been considered by Congress upon Presidential request such as in his address to Congress on March 23, 1972. It would appear that they could care less about problems of the elderly. As presently written the Social Security Act contains articles that badly need amending and it occurs to me that a good opportunity will prevail when this session of Congress considers legislation to correct existing faults with private pension plans.

As you well know, all Federal and State pensions are vested on "Years of Service" ranging from twenty, but never over thirty, years and includes those we employ to administer the Social Security Act. In spite of the fact that we are their employers they tell us that we cannot enjoy this same privilege. They tell us that WE must be old men and women in the high mortality range before we are entitled to benefits.

For example, take the case of the millions of youngsters who, through no fault of their own, are compelled to earn a living upon graduation from high school at eighteen years of age, many sooner. They pay Social Security premiums for 47 years before attaining eligibility. Those who can afford higher education have an advantage of four to eight years in eligibility. Ironically they are usually eligible for higher benefits because of their qualifications for higher paying positions.

The requirement for benefits should definitely be amended from "age" to "years of covered employment" and should not exceed 30 years.

Another section of the act dealing with survivors benefits is highly discriminatory. As an example—it is quite normal for a wife to be her husband's junior by from two to ten years. A woman is widowed when she is 57 years old. Naturally at her age she has no dependent children. She is too old and most likely inexperienced for gainful employment. Raising and educating a family has been a struggle for low and medium income families and any appreciable savings has been impossible. This widow is ineligible for benefits, so you drive her to welfare.

This same injustice applies to the widow of the retired worker who has been drawing benefits. This pension has been their livelihood, but because she is under 60 years old, the benefit ceases. Alternative—Welfare.

In contrast, take the example of a young widow of a husband far too young to be drawing benefits when he died. Because she has children, she receives a liberal dependents allowance for each child and also 75% of her late husbands benefit, regardless of her age or the age of her husband when he died. She, in contrast to the 57 year widow is sufficiently young as to be employable, or re-marry, which is usually the case. This section of the act is badly in need of amendment to allow benefits to a widow regardless of age and dependents.

You and your fellow legislators are our only means of redress, and I ask you to carefully consider the above proposals and give them your full support.

Respectfully submitted,
H. C. BARRIGAN.

---

## THE GIVEAWAY MADNESS

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. GAYDOS. Mr. Speaker, I trust this Congress in its concern for the future of the Nation will chop, to an irreducible minimum, President Nixon's new request for foreign giveaway funds and also set in motion the measures required for an eventual termination of this bankrupting program.

It is difficult for us, I submit, at this late date to remember back when free dollars from Uncle Sam were unknown throughout the world. True, U.S. money went abroad in generations past, but it did so mostly through private channels and as well-secured loans and investments. Conversely, foreign capital came here in like circumstances and helped greatly in financing our country's early progress.

This borrowing, lending, and investing on a strictly business basis served our Nation well in those bygone eras and the arrangement ought to stand now as an example for countries currently in the development process. Have we helped them by our insistence on showering gift dollars upon them, or have we in reality made them dependent while diminishing the need on their part for enterprise and responsibility? This is a question which troubles many thoughtful Americans.

As a matter of pure generosity, our giveaways are without precedent in all of world history. The total cost to us since the practice began with the old Marshall Plan is impossible to reckon today with any degree of accuracy because of the multiplicity of accounts and titles which have been used. It suffices to say that a major part of our staggering national debt reflects the billions which have been extracted from the pockets of our people without their direct consent and then given blissfully to others who have shown little appreciation in return.

Today our dollar is in serious trouble internationally because so many of them have been stored up in foreign accounts and public treasuries that two devaluations already have been compelled. Meanwhile, they remain uncashed as claims upon the future earnings of this American generation and others yet to come. Concurrently, the Federal debt figure keeps rising as deficit follows deficit year after year because the Government spends more than it has found means to collect.

And still, despite all this, Congress is asked again by the President to keep the giveaways going at full tilt. He wants $2.9 billion more for the coming fiscal year, an amazing $300 million increase over the current rate. What is more, he informs us he may be back for even additional funds to give North Vietnam if that erstwhile enemy country ever gets around to obeying the terms of last January's cease-fire agreement.

Is all this madness—madness in a nation which persists in giving away its substance while running up an enormous debt, struggling with a weakening currency abroad and seeking ways to arrest a threatening inflation at home, caused largely by excess Federal spending? Have we become so inured over the years to the giveaways that we no longer think to ask ourselves this potent question? Well, I can assure you my constituents are asking it and with an increasing vehemence in "workshop" meetings I have conducted at home and in letters they have sent me here.

Rather than responding agreeably to the President's assessment of new giveaway needs, this Congress should assume the task—and it will not be an easy one—of getting this crippling burden off the backs of our people. A reasonable level might be found on which this Nation can be generous with others without hurting itself. But we are far above this today. In effect, we are borrowing money at high interest cost so that it can be given away. How much longer can this be rationalized?

---

## AN INSENSITIVE APPROACH TO THE MEDICARE PROGRAM

## HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. GUNTER. Mr. Speaker, thousands of medicare beneficiaries in the Fifth Congressional District of Florida, which I am pleased to represent, and millions more across the country will face financial disaster unless the Congress moves immediately to reject cuts endorsed by Health, Education, and Welfare Secretary Caspar W. Weinberger.

In Orlando, St. Petersburg, and Tampa the contemplated changes would mean that social security recipients who live on tight, fixed incomes will be asked to pay an average increase of 80 percent for hospital care. In addition, under the Weinberger plan, there will be increases in the percentage the recipient pays toward doctor bills.

To counter these insensitive proposals, I have today introduced a "sense of Congress" resolution which says, in plain language, that the administration not waste its time or the time of the Congress on these ill-advised measures.

On March 5, in an appearance at oversight hearings before the Senate Special Committee on Aging, the Health, Education, and Welfare Secretary described in some detail the proposed medicare changes which have yet to reach the Congress in legislative form.

Under existing law, the elderly pay $72 for the first day of hospitalization and pay nothing from the second through the 60th day. Weinberger said the administration seeks to charge medicare recipients full room and board and 10 percent of any other charges the first day and 10 percent of all charges for each additional day. The intent, said the Secretary, is to reduce financial burdens of lengthy hospitalization and to provide economic incentives to curb the use of medically unnecessary services.

The practical effect, however, is to charge a part of society least able to bear additional financial costs approximately $516 million more a year for medical care.

Social security beneficiaries are the first to feel the effects of inflation because they live on fixed, strictly budgeted incomes. The administration appears to be proposing that they bear the brunt of rising medical costs as well. It is ironic that this is the same administration whose strongest support in the last national election came from a segment of society it now asks to bear new hardships.

There are many, Mr. Speaker, within the agencies who would be charged with implementing these changes who do not like them one bit. One individual in a position to know advised that the most ardent proponents within the administration, other than the Secretary, possibly, were John D. Ehrlichman and H. R. Haldeman, of late former domestic affairs advisers to the President.

While the administration's proposals, admittedly, would result in some savings to medicare recipients hospitalized for more than 60 days, these benefits are outweighed by the shocking increases proposed for the 99 percent who are out before then.

In practical terms, here are what the increases would mean to the people of my district as best I can deduce:

Since the average stay of a medicare recipient in a hospital is 12 days, this would mean that the patient's share of hospitalization expenses in the Orlando, Fla., area would jump from $72 to $127.95—on the average—and from $72 to $130.53—on the average—in hospitals in the Tampa Bay area.

For those hospitalized a month or more the costs are even more prohibitive. An average 30-day stay in an Orlando area hospital would cost the patient $259.04 instead of $72 and in Tampa-St. Petersburg the cost would approximate $269.93.

For the average social security recipient who receives $164 a month in benefits, prolonged illness of up to 60 days would be an extreme financial hardship. In Orlando 60 days of care would average $477.53 and in Tampa-St. Petersburg the figure would be approximately $502.25.

Bad as these proposals are, there are other ill-advised recommendations. Under changes contemplated in part B of medicare, the patient would have to pay the first $85 of a doctor bill and 25 percent of the remaining fee. This is $25 more for deductible charges and an additional 5-percent hike in the patient's share of the remaining bill.

Medicare beneficiaries absorbed additional costs as recently as last January. These went to pay for an increase from $5.80 to $6.30 in monthly premium charges for doctor fees and a raise from $50 to $60 in the amount the recipient must pay his doctor before medicare begins paying benefits.

To come again so soon and ask for more increases is indeed a callous act. Instead of hiking costs, the administration should be spending its time proposing solutions to the problems of delivering and improving health care to the elderly.

The Congress should not take up its time considering such insensitive measures as expressed by Secretary Weinberger. I am proud to join with Congresswoman Ella T. Grasso of Connecticut, a leader in this effort, and the 50 other Members who are registering their objections to the administration's proposed medicare changes.

## ALL FOR WHAT?

## HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. TALCOTT. Mr. Speaker, one of the most essential needs of the Congress and our citizenry today is perspective. First, of course, we need truth concerning the operation of our Government, including the executive and legislative branches, but the exposure of facts should be for the purpose of developing a true picture. We need accuracy and perspective as well as exposure.

Sometimes we in Washington are too close or too involved or too partisan or too anxious for attention or too eager to make a headline to sort out the facts and keep perspective.

Like most citizens I have little more knowledge than what I can glean from the mass media. Like most citizens I have an obligation to reserve judgment and to try to sort truth from fiction and to maintain perspective.

One of my constituents, Mr. R. A. O'Neill of Felton, Calif., in a letter to the editor which appeared in the May 20, 1973, issue of the Santa Cruz Sentinel presented his views on perspective. He obviously is knowledgeable and has given a good deal of conscientious thought to the matter of the "Pentagon Papers" and "Watergate." I am pleased to share his views. I insert his views in the Record at this point:

### All for What?

Editor: After months of self-righteous howling on the part of politicians, large and small, plus the smirking trial-by-publicity sponsored by the press and television, is it now time to take a citizen's look at basic facts?

Watergate: The campaign cell of one political party listened in on the "smoke-filled room" of the campaign cell of the other party.

Pentagon: A man signed the U.S. Secrecy Agreement whereby he swore to protect all secrets of the United States that might become known to him. He did this as the normal commitment made by all government employes who have access to sensitive information. He signed it as a condition of employment.

Government documents are given security classification under the authority of laws written for the purpose of preventing such data from reaching the hands of our enemies.

This man stole documents that were legally classified "secret".

He violated his oath and the terms of his employment.

He delivered those documents to a newspaper.

That newspaper defied the "secret" identification on the documents and published them.

The man violated laws of the United States.

The newspaper violated laws of the United States.

Now, six months later, millions of dollars worth of newspaper space and millions of dollars worth of prime television time have been devoted to calculated distortion and the results crammed down the throats of the American people.

Six months of noise and confusion have not changed the basic facts one iota:

Watergate: A bunch of politicians peeked into the affairs of the opposing bunch of politicians.

Pentagon: A man and a newspaper violated provisions of federal law.

Six months of noise and confusion have achieved these results to date:

Watergate: Wasted millions of dollars of taxpayers funds, belaboring the subject.

Wasted untold millions of man-hours in high government offices.

Elevated the age-old practice of political intrigue to a significance out of all justification in the eyes of anyone but dishonest politicians.

Convicted the "peeping Toms", fined them, thrown them in jail. By the way, what is the normal jail sentence for "peeping Toms"?

Saturated our elected branches of government with this flood of hog-wash to the extent that all branches are neglecting their normal obligation to provide guidance for the future of the greatest nation in history.

Descredited the United States before the whole world.

And all for what? Listening in on the secret plans of a gaggle of super-selfish politicians.

Six months of noise and confusion have achieved these results to date:

Pentagon: A man broadcasts secret data of the United States government and the howling mob seeks to make him a hero.

Newsmen shout their "rights" to subvert the laws of the United States.

Summary: It does not matter whether the secret Pentagon Papers merely stated that "two times two equals five", they had been classified "secret" legally.

If this man is made a hero it opens the flood-gates on every technological breakthrough achieved by this nation. The popular cry "the people have a right to know" is a phony cry.

The most vicious subversives in this country are meticulously documented "citizens" of our country, but all their allegiance is to nations devoted to the ultimate destruction of our country.

The writer speaks from experience.

For 18 years I worked under the obligation of the United States Secrecy Agreement, and adhered to its terms.

During the development of the Polaris Missile, in a period of extreme hazard to our country, a card-carrying subversive was apprehended by the FBI, from his place at the desk adjoining mine. That man had impeccable credentials in everything but his allegiance.

It is my hope, as one loyal to this great nation, that every governmental official, and every politician, who has devoted more than ten per cent of his time to the distortion of the facts surrounding Watergate and Pentagon papers, will be thrown out of office at the next election.

R. A. O'Neill.

## WATCH WHAT WE DO, NOT WHAT WE SAY

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BRASCO. Mr. Speaker, those words were spoken at the commencement of the first Nixon administration. We have had good reason in recent weeks to recall them. We have been able to apply that quote to a number of activities of this administration. The latest one deals with the summer job program for disadvantaged young people.

Let me offer still another memorable quote, this time by the President himself, and uttered on March 24 of this year:

> The summer of 1973 is to be a time of expanded opportunity for young Americans. Today I am pleased to report that a total of $424 million in Federal funds will be available this summer for youth programs, $3 million more than last year.

Last year such funds were available through the Neighborhood Youth Corps. This year, however, the President has requested no moneys. He suggests instead that communities and cities use some $300 million of their Emergency Employment Assistance Act funds for summer jobs. Note how this contrasts with the President's own words of March 24.

My constituency is totally urban, being a part of the massive New York metropolitan concentration. It does not take an expert to predict that we are on the verge of upheaval, because of the administration's double-talk and cynicism. There is obviously no White House commitment to summer employment opportunities and programs for disadvantaged youth.

At least 1 million youngsters nationally are in desperate need of such employment. Some gainful employment and a few dollars in their pockets would alleviate escalating pressures in our cities.

Obviously some one has not done their homework. Use of Emergency Employment Act money for the purpose the President suggested was never intended. Further, it would be improper to attempt to use them in such a manner.

The Emergency Employment Act requires that subsidized jobs lead to permanent unsubsidized jobs in the public or private sector. The Summer Neighborhood Youth Corps emphasizes return to school.

Next, the EEA has the dual purpose of employing the jobless and meeting governmental service requirements. The NYC program is geared to providing earnings from employment for unemployed youth.

Again, the EEA demands special consideration for Vietnam-era veterans and fair allocation of available jobs. The NYC focuses entirely upon poor young people.

If EEA funds are used to provide some 700,000 jobs for youth, it would mean that out of a cumulative total of one million jobs supported under the act, almost three-fourths would go to young people. Percentage of jobs going to veterans would drop from the current 41 percent to about 10 percent.

Senator JAVITS stated the equation succinctly when he noted that in order to hire the son or daughter for the summer, the city will be forced to fire the father or mother.

In New York City, we are confronted with a desperate situation. The National League of Cities and the U.S. Conference of Mayors have made available ominous figures. This summer in my city we shall have only the Secretary of Labor's discretionary money available for hiring some 18,000 youngsters. This compares most unfavorably with last year's employment level in the city of 54,000, and to an earlier estimate of need for this coming summer of 77,500 jobs.

Volunteer organizations, such as the National Alliance of Businessmen plus State employment division are earnestly seeking youth jobs. Their efforts, although welcome and valiant, are just a drop in our national bucket.

Most mayors are enormously reluctant, and understandably so, to commit emergency employment funds for summer youth jobs.

Last year, 740,000 job opportunities were provided under a $318 million budget for the summer Neighborhood Youth Corps. For this summer, the administration sought $239 million. That money was provided by the House. The President then signed the first supplemental appropriation measure for fiscal year 1973 in which it was contained. But in his January budget submission, the President, again doing rather than saying, asked that these funds be rescinded. The House Appropriations Committee correctly rejected the President's request.

We know the Senate has followed the House's lead and rejected recission. These moneys, then, have been appropriated, and must be spent.

Ironically, even if that is done, it will not be enough. At least 1 million summer jobs are needed. Some estimates note that as many as 1.7 million young people will be on the streets seeking gainful employment in a matter of several weeks. In order to accommodate anywhere near that number, we shall require twice that sum.

It is incomprehensible that in the midst of today's turmoil this administration can act in such a manner.

Certainly this latest action by the President is another classic illustration of the truth and farsightedness of that memorable remark:

> Watch what we do, not what we say.

We are, we are.

## THE WATERGATE CRISIS

### HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. RIEGLE. Mr. Speaker, it would be inappropriate, I think, if I did not make some passing comment on the Watergate crisis. Particularly so in light of the recent criminal indictments in New York of former Attorney General John Mitchell and former Commerce Secretary Maurice Stans.

None of us, of course, can or should pass judgment on the guilt or innocence of these men or any others mentioned with what is generally termed the Watergate case.

The inexorable judicial process will in due course—if independent and thorough—convict the guilty and clear the innocent. And that is how it should be.

While many of us have our own private opinions based on known facts, our private opinions by themselves prove nothing.

It is, however, both proper and necessary to address the Watergate situation within the limitations mentoned above because we are at this moment facing a crisis in our Federal Government of unparalleled dimension.

Despite the claims to the contrary, the top level of the executive branch of Government is still virtually paralyzed, and as the case unfolds we must brace ourselves for possible new revelations that we may find very difficult to believe or accept. But I feel the responsibility to sound the caution that we are still only in the beginning stages of this inquiry and all implications are that there are more shocking disclosures to come.

However unpleasant, we must face them and deal with them. We can and will, if our citizenry will rally to the need to reform and rebuild our badly damaged political process. So while we face some hard days ahead, things are not hopeless or beyond repair. We must have the courage to find and face the truth, take all the corrective steps that are necessary, and then move ahead. The welfare of our people requires that we pull ourselves together and go on. I am determined to do so and I trust that all of us want to.

All of us then have a personal responsibility to involve ourselves in strengthening and improving our Government. Each of us can do more and each of us must do more. Government is not inherently evil, just as man is not inherently evil—but if we do not root out evil when we find it in Government, it will grow until it consumes us all.

In our political history, the Watergate case is the exception, not the rule. In fact, it is without precedent. What we are witnessing is a true national tragedy—and it should fill us all with sadness, with determination that it will never be allowed to happen again, and with some sense of charity toward those men whose lives and careers have been destroyed by their own hands.

A human tragedy of this kind is a tragedy for all of us. Let us hope that when these dark days pass, we will never again witness a situation like this one.

## THE BATTLE FOR DAY CARE

### HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Ms. HOLTZMAN. Mr. Speaker, there are presently over 5 million children in the United States who are in need of full

**or part-time day care services; yet there are only 700,000 spaces in licensed day-care facilities. One of every three working mothers has children under the age of 6; many of these mothers are the sole financial supporters of their families. It is time that this Nation make a fundamental commitment to the needs of working mothers and their children by providing them with needed day-care facilities.**

**"The Battle for Day Care," an article written by Elinor Guggenheimer for the Nation, presents the history and the issues involved in the continuing fight to obtain adequate day care facilities in the United States. I would like to share this excellent summary with my colleagues:**

### THE BATTLE FOR DAY CARE

(By Elinor C. Guggenheimer *)

The day care battle in this country may well exceed, in length if not in bitterness, our involvement in Southeast Asia. On one side are those of us who are convinced that American children are being neglected, that the rise of child-abuse cases indicates a kind of national sickness, that the failures and dropouts of the school systems can be traced to the earliest years, and that mothers of young children, in increasing numbers, will be working full time outside the home.

On the other side are those who believe profoundly in the American family. What they believe in is not so much the family portrayed by the census data but that of the Kodak advertisement—hard-working, eager young father; smiling, aproned mother; two children; two rosy-cheeked grandparents, hovering in the background and prepared to deliver Thanksgiving dinner and family continuity, and a dog that closely resembles Checkers.

For a long time the proponents of day care were drawn principally from the ranks of early childhood educators and social workers, bolstered by the support of lady board members who were fond of children. One of the earliest day care centers in this country was established by Mrs. William DuBois in New York City in 1854. She had discovered that infants in the slum areas of the Lower East Side were left untended during the day by mothers who were forced to go out to work. In what has become a classical fund-raising method, she nagged her husband and her friends' husbands until she had enough money to open a center for infants. It was not at all like programs we know today. Nevertheless, it forecast a continuing concern for what was happening to children whose mothers, for one reason or another, were not at home during the day.

After the Civil War a substantial number of crèches were set up to care for the children of war widows. Some of the existing centers in New York City date back to the 19th century. At that time the emphasis was on *care*, on providing a safe place for children. Little, if any, consideration was given to the curiosity and hunger for learning that must be satisfied if a child's mental and physical development and his relationship with adults is to be good. Not until 1900 was a school established to train those who were working with children in day care centers and nursery schools.

During the depression of the 1930s a good many unemployed teachers worked in WPA nurseries and, as a result, attention was focused on early childhood education. When the country entered World War II, Lanham Act funds became available to provide day care programs in labor-impacted areas, the purpose being to induce women to work in defense industries. Even though that was the motive, an attempt was made to establish good day care standards.

But day care was also looked upon as a wartime evil, similar to rationing and civil defense, and it was confidently expected that, when the war was over, women would return to the home and the nation would once again become "normal." That concept of what is "normal" still confuses us. The country has consistently refused to recognize that, in continuingly increasing numbers, women have entered and will continue to enter the labor force. We have feared that, by providing services that obviously are needed, we would deprive children of their mothers' loving attention during the most important formative years, even though studies indicate that economic necessity, not the presence or absence of good care, is the governing factor in a woman's decision to work. The disintegration of the American family, which is so greatly feared, may occur more rapidly from the fact that children receive so little physical and emotional nutrition of any sort in the earliest years that they are incapable of forming permanent attachments as adults.

The elimination of Lanham Act funds after the war forced centers to close in almost every area of the country, except California and a few large cities, notably New York. It was during the 1950s that the opposition to day care seemed to jell—whether from fear of family breakdown, or a reluctance to commit large sums of money, or because day care programs were being encouraged in Russia. It was certainly also due to the strange Congressional misapprehension that 20th-century America is an agrarian society.

The 1961 Social Welfare Amendment provided the first federal funding for day care since World War II. It was a very small sum—only $7 million, of which only $3 million was actually appropriated. Nevertheless, it did move the states to develop licensing laws, in order to be eligible for whatever money was available.

The big breakthrough in child care came in 1965 with the introduction of Head Start. The country suddenly accepted the idea that early childhood education, health and social services were valuable. A few years later Title IVa of the Social Security Act was passed. It provided open-ended funds and made possible the wide expansion of day care. The day care formula provided 75 per cent federal money, to be matched with 25 per cent from city and state. Under a sliding scale of fees, day care services were made available to families with incomes ranging up to $20,000 a year, but the overwhelming majority of children in publicly funded day care were—and always have been—from families on public assistance or in the category called the "working poor."

The Head Start program was never meant to serve the same purpose as day care. It was created in 1965, with the blessing of Mrs. Lyndon Johnson, to give underprivileged children a bit of a jump on their first years in school. Some Head Start programs were open from two to three hours a day, others from nine in the morning until three in the afternoon. As time went on, the enormous need for full day care was such that a number of programs adopted even longer hours. Some parents, too, found a way to convert Head Start into full day care by entering their children in both morning and afternoon programs.

Today the battle over day care seems particularly violent. The earlier group of its proponents has been joined by an active and sometimes militant group of women's liberationists who believe that the country should provide twenty-four-hour free services for all children, so that mothers who work on either night or day shifts can find care for their children. And newly formed community groups are fighting, not only for increased day care services but to insure that they are subject to community and parent control. Aside from the battle to convince legislators and the present Administration that child-care services are important, a certain amount of internecine war is being waged between those who are part of the day care establishment and the community and parent board members of new groups that have recently opened centers or family day care programs.

In order to understand the battles and their possible outcome, it is important to know what services are now available in this country and the extent of the need. The term "day care" can be stretched to include all services given on a regular but less than full-time basis to children under the age of 18 by some one other than their parents or guardians. In fact, however, it has come to mean child-care services in group centers or in the home of a nonrelative, for children of preschool years. This is sometimes extended to the age of 12, with programs provided after school and during vacations. The program content of the two- or three-hour nursery school is usually quite similar to that offered in the day care centers, which may remain open for ten to twelve hours. Nursery schools have not been part of the controversy. However, despite a great deal of pressure by professional organizations to increase the number of such schools in the public school system, a large majority of the children in this country are still deprived of any formal schooling prior to 1st grade.

Day care, then, in the popular sense, implies longer hours than a nursery school offers and an element of need. The centers come in all sizes and styles. Some of them are in housing projects, some in schools, converted houses or storefronts. All kinds of space have been used and all kinds of programs provided in that space. The educational programs have ranged from modified Montessori to unstructured play. The funding, too, has varied. There are philanthropically supported nurseries, government-supported day care centers and Head Start programs whose support derived originally from the Office of Economic Opportunity but is now transferred to the Office of Child Development of the Department of Health, Education and Welfare. A very large number of proprietary day care centers are run for profit.

Perhaps the most widely available type of day care is family day care. There are a great many women who take one or more—in some instances as many as thirty or forty—children into their homes during the day as a way to make money. Some of this care has been excellent, particularly in the few areas where those providing it receive intensive training and consultation. However, much is inadequate and even damaging.

In addition to preschool care, there are a few school-age programs, all-day neighborhood schools, play schools and extended school services that meet a small fraction of the need for care of children between the ages of 6 and 12. The enforcement of standards has been spotty in the case of the preschool child, but for the school-age child almost no standards have been established. Vacation day camping, which is one form of school-age care, has at times had as its chief indoor facility a bus, in which children are kept for a large part of the day. Of course, there are good programs, particularly those under philanthropic auspices, but for the great number of mothers who enter the labor force when their children reach the age of 6, the chöice, more often than not, is the latch key.

Census data give some indication of the extent of need. More than 6 million children under the age of 6 have mothers who work full time, but there are known and licensed day care accommodations for only 900,000. The majority of children are looked after in a variety of informal ways—by relatives, older siblings, in the home of a neighbor, or by a janitor. More than 40 per cent of the families in question would have incomes below $7,000 a year without the mother's earnings; around 75 per cent would fall below the $10,000 a year that is considered the minimum for a family of four in a large urban center. One of the most astonishing figures is the 18,000 children under 6 for whom *no* care is arranged. These are the children whom we find from time to time, tied to their cribs all day long or—even more devastating—left locked in their homes within reach of dangerous drugs and fire hazards.

---

* Elinor Guggenheimer is founder and honorary president of the New York City Day Care Council and also of the Day Care and Child Development Council of America.

There are so many indices of need that it is hard to select among them. Among migrant workers there are 700,000 children younger than 12, and their mothers work in the fields. The extent of child neglect among migrant families is reflected in the fact that they lag two to four years behind other children in elementary schools.

One other fact of interest is that 42 per cent of working women are single, widowed, divorced or with no husband; the median salary level of women over 14 is $2,408. This compares with a median salary level of $4,317 for black men, a group that is not conspicuously well paid. What this means is that the children of the single-parent family—which almost without exception means a family headed by a woman—are usually the victims of poverty and neglect.

We have cause to be alarmed about the effect of neglect in the earliest years. At present, 12.9 per cent of young people don't finish 8th grade and 41.8 per cent don't finish high school. In 1971, there were 603,875 arrests on various charges of children under 15. Crimes committed by children are becoming increasingly serious, not only in number but in violence. It is too late to start remedial work in high school; we ought to begin almost on the day a child is born. Day care by itself cannot insure a good education or a stable personality, but it is a first step toward achieving literacy and stability.

However, figures tell only part of the story. Almost anyone who lives in a city is aware of the many very young children who play unsupervised in the street. The newspapers record, almost daily, tragedies resulting from children being left to themselves. They sit on the floor and eat flakes of lead paint, which may lead to permanent mental retardation; they play with matches and the TV shows a fireman with tears rolling down his face carrying a charred body from a blackened building. In the major hospitals, doctors are reporting sickening examples of child abuse—children with broken arms; children with welts all over their bodies. All of these horrors are the handiwork of a society that has turned its back on its children.

Thus it has seemed to the proponents of day care that the need is well documented. Even President Nixon has not suggested legislation that would prohibit women from taking employment. He has, in fact, laid the groundwork for a system wherein mothers on public assistance will be forced to accept training and seek employment. But proposed federal and state regulations are setting income maximums for eligibility for free day care so low and fees for families above that level so high that it becomes apparent the service is to be extended chiefly to families on public assistance. To compound the tragedy of segregation, there is added the tragedy of the ceiling that will now be put on a woman's earnings. The proposal that the child of a woman who get a job with a salary one-third above public assistance levels should not be eligible for the day care after its mother has been off public assistance for six months, simply means that the woman would either have to refuse promotions or would have to become part of an on-again off-again public assistance merry-go-round.

Thousands of day care centers that opened in the last two or three years, when federal funds were readily available, are finding that the ceiling on Title IVa of the Social Security Act cuts substantially into day care funding at both state and local levels. That is particularly true in areas where citizens were already concerned about child neglect and were able to move rapidly to use federal funds. Many of us hoped that the revenue-sharing moneys would compensate for the loss of day care funds under Title IVa, but the first general revenue-sharing bill has resulted in far less money than was anticipated, particularly in the large cities. Boards and staffs of agencies dealing in health and welfare services fear that government officials will succumb to political expediency and turn over the already diminished funds to such projects as increased police protection. Short-range solutions may once more defeat the attempt to find real and lasting solutions to an urban society's problems.

As this is being written four additional revenue-sharing bills are in the hopper; they would eliminate more of the categorical programs. But it now appears that, even if all of the revenue-sharing funds that become available are committed to health, education and welfare services, there will still be far less than has been available in the past—and this in a period of rising costs.

All across the country parents, community groups, board members and professionals connected with the day care program are taking to the barricades. They are going by bus to state capitals and to Washington. They are holding demonstrtaions and applying in masses for public assistance. They have set aside a day to take their children to their places of work. All of this effort is directed to alerting the public to the cutback in day care services and the elimination of thousands of children of the working poor from existing centers.

In 1971 Congress did recognize the problem. Both Houses passed a comprehensive Child Development Act that would have provided free day care for children in families of four having annual incomes of less than $4,300. Above this level, the fee scale would have been moderate, with a family of four on an income of $6,960 paying $317 a year, and HEW was instructed to set fees for families above $6,960. If it had passed, the bill would have been a first step in dealing with our massive child neglect.

President Nixon opposed it, but in all fairness he was not alone. Thousands of letters poured in to Congress expressing strong reservations. Many of them used arguments similar to that of James J. Kilpatrick who wrote in the Sunday edition of the Washington *Star* on October 24, 1971, that "the Comprehensive Child Care Act was the boldest and most far-reaching scheme ever advanced for the 'Sovietization' of American youth. . . ."

Of all the points of view voiced in opposition to the bill, none seems to me so astonishing as that day care is a Communist device. The fact is that Russia is much more likely to have copied day care from America. Most democratic counrties provide day care services and most of the newly developing countries seem to honor day care as a first and most important social service.

And now, while the battle goes on, children are waiting. Mary Dublin Keyserling published a report in 1972 called "Windows on Day Care." Members of the National Council of Jewish Women in many parts of the country helped prepare the material for the report. Some of them recorded the almost total absence of quality care for infants and toddlers outside the home. In Sacramento, the report states, licensed homes and centers serve less than 10 per cent of the community need. In Portland, Ore., where there were 3,100 approved or licensed family or group day care slots, at least 20,000 mothers of preschool children were at work. Burlington County, N.J. reported the need for Spanish-speaking day care centers. San Antonio said that twenty-four-hour service was needed. Washington, D.C., felt a critical need for day care after school hours. The list of shortages continued with special mention of retarded and handicapped children.

In particular, family day care was found to be indaquate. In one Midwestern city a fire disclosed that thirty children were being kept in a four-room firetrap apartment, with twenty more in another. In one home, again in a Midwestern city, eleven children, five of them infants and the six others between the ages of 1 and 4, were found almost naked in a home where stale food was lying about and bugs were crawling. In a mid-Atlantic state, one of the council members reported seven or eight children in a kitchen, most of them strapped to kitchen chairs and all apparently in stupors.

All those who have observed good day care can point to seeming miracles. Children who were considered retarded, malnourished or deeply disturbed have made astonishing strides. Trained teachers have an opportunity on a daily basis to observe children and to work with them as no doctor or psychiatrist possibly could. In a good day care program, the mothers participate and help shape the policies. The center does not take the child away from the mother; it becomes the grandmother, the neighbor, the nanny and the teacher.

Undoubtedly a new comprehensive child development act will be moving through Congress and up to the President's desk within the next year. There will be an attempt to avoid a Presidential veto by making the provisions conform to President Nixon's stated policies. It would be unfortunate if this resulted in pushing day care nearer to a complete welfare program. The effect of that might be to lower educational standards still further, and to eliminate millions of children who have a desperate need for care. The problem that we face now is to educate the public on the dangers of child neglect and on the importance of giving every child the best health, educational and social services of which the country is capable. That does not mean that every child needs day care; it does mean that such services must be available as an option. Forcing reluctant mothers to stay at home is just as bad for children as forcing equally reluctant mothers into the job market. The Day Care and Child Development Council of America, the only national agency concentrating exclusively on these types of early childhood programs, will set in motion a nationwide education program as rapidly as possible. In the meantime, we can only hope that our legislators will have the wisdom to recognize that the freedom and welfare of the country rests with its future citizens and their dedication to a democratic society.

---

## REMARKS OF HON. MATTHEW J. RINALDO ON OVERRIDING THE PRESIDENT'S VETO

### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. RINALDO. Mr. Speaker, the question of overriding the President's veto of S. 518 confronts the House with a classic issue of ends versus means.

During House consideration of the companion measure, H.R. 3932, requiring Senate confirmation of the Director and Deputy Director of the Office of Management and Budget, it was apparent from the recorded votes that an overwhelming majority of our colleagues supported the principle of Senate confirmation of these two very important officials, since many Members who voted against the bill on final passage voted in favor of the amendment offered by the gentleman from Texas (Mr. STEELMAN) which provided for Senate confirmaton of future appointees.

The real issue, therefore, on May 1 as on the present occasion was not whether the Director and Deputy Director of OMB should be subject to Senate confirmation but how the Congress should provide for such confirmation. That issue depends, in turn, on which of two objectives we are seeking through this legislation, either establishment of the principle of Senate confirmation or the removal of the present holders of the two offices.

I suggest, Mr. Speaker, that if we are seeking to achieve the former objective then the appropriate vehicle would have been the original legislation as amended by the Steelman amendment.

If, on the other hand, our objective is the removal of the incumbent officeholders, then the method employed in the pending legislation is clearly inappropriate, if not unconstitutional.

If the Congress finds the qualifications or the performance of the present OMB Director and Deputy Director so lacking in merit as to warrant their removal from office, then Congress has more appropriate means of doing so at its disposal; specifically, either conviction or impeachment.

The failure to utilize these constitutionally appropriate means, therefore, suggests strongly that the present legislation should be condemned either as an unwise exercise of ex post facto rulemaking—since the incumbent officeholders were appointed and are now serving in a completely legal manner—or as an unconstitutional bill of attainder, since removal from office by legislative means can surely be interpreted as the kind of punishment usually associated with conviction of a crime. It hardly needs to be added that, in this case, no crime has been alleged, no trial conducted, and no conviction obtained.

I should think, Mr. Speaker, that in the present political environment, our colleagues would be extremely sensitive to the question of ends and means, and exceedingly careful to assure that in seeking sound objectives we use equally valid means.

For these reasons, I shall vote to sustain the President's veto even though I am convinced that the offices of Director and Deputy Director of OMB should be subject to the scrutiny and the approval of the other body. If the President's veto is, in fact, sustained, I hope the appropriate committee of the House will shortly report out legislation which will permit us to accomplish the objective in a more fitting manner.

## NEIGHBORHOOD YOUTH CORPS PROGRAM

---

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. STOKES. Mr. Speaker, the Summer Neighborhood Youth Corps program is of critical importance in a district like mine. The unemployment rate in Cleveland is 11.8 percent. The percentage of unemployed whites is 6.9 percent while the rate for minority citizens is 18.2 percent. Minority unemployment in Cleveland is the highest in the Nation.

The Summer Neighborhood Youth Corps program is vital to my city and to the Nation. Youngsters from low-income families are given an opportunity to learn by working and, at the same time, to contribute to the support of their families. The income they earn during the summer is important in making possible their return to school in the fall.

Cleveland has one of the finest Neighborhood Youth Corps programs in the Nation. Last summer the program had a budget of $4.3 million and served 12,457 disadvantaged youngsters. Last year, the Department of Labor, without any justification, transferred the official sponsorship of the program to city hall. The board of education, which had sponsored it for 7 years, continued to manage the program but did not have the ultimate authority.

This year, Mr. Speaker, the prospects for a vigorous, effective program are bleak. Only $1.8 million is now committed to the program. That amount is from discretionary funds provided to the city under the Emergency Employment Act. Use of this money for SNYC will not result in the removal of any adults from the Emergency Employment Program. However, with unemployment still at a critical level in Cleveland, the funds could have been used to provide more full-time transitional jobs to adults. The money could also have been used to hire some additional supervisors for the SNYC program. I am told that even when adequate funds are available for SNYC, the funds for supervisory personnel are inadequate.

Mr. Speaker, if no more than $1.8 million is available this year, only 4,500 youngsters will have jobs. This is just over one third of the number served last summer. The city could, as President Nixon suggests, use more of its emergency employment funds, in order to bring the SNYC program up to last year's $4.3 million level, however, it would be necessary to fire 702 adult workers from emergency employment jobs. It makes no sense to fire fathers to hire sons.

The administration has announced that the emergency employment program can be phased out because the unemployment crisis is over. That argument is absurd. The thousands of unemployed people in Cleveland and elsewhere cannot live on claims like that. They need jobs, and the emergency employment programs is the last major program to provide them.

We cannot permit the administration to force cities to choose between unemployed adults and disavantaged young people. Both programs must continue at full capacity.

Mr. Speaker, the Congress has already appropriated $256.5 million, none of which has been released by the administration, for this Summer's Neighborhood Youth Corps program. Those funds must be released. I have discussed the situation with my colleagues in the Northeast Ohio Congressional Council, Mr. MINSHALL, Mr. MOSHER, Mr. SEIBERLING, Mr. JAMES STANTON, Mr. J. WILLIAM STANTON, and Mr. VANIK. All of them agreed that a bipartisan effort to obtain the release of these funds was necessary. On May 18, we circulated a dear colleague letter urging Members to cosign a strong letter to the President, urging him to release the funds. Yesterday we sent out the letter with the signatures of 85 Members of the House.

This issue is a part of the larger conflict between the Congress and the executive branch. I am proud of the work of the Congress with respect to both the SNYC program and the Emergency Employment program. We have created two fine programs and have appropriated the funds to execute them. We must now join together to see to it that the programs are carried out.

---

## CONGRESSMAN STEELE TELLS OF NEW ENGLAND'S VANISHING RESOURCE

---

### HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. McKINNEY. Mr. Speaker, today I have joined with a number of my colleagues in cosponsoring legislation intended to save from extinction the North American lobster, a species which is being ravaged by indiscriminate foreign fishing fleets.

Under this bill, introduced initially by Mr. KYROS of Maine, and Mr. STEELE of Connecticut, the North American lobster would be designated a "creature of the Continental Shelf," thereby providing it with the same protection now accorded under Federal law to the Alaskan king crab.

The multifaceted problem of reckless foreign fishing practices is not new to us in New England. It strikes at our history, our economy, and our efforts to conserve much of what we hold dear.

In the current issue of the Sierra Club Bulletin, my Connecticut colleague, (Mr. STEELE) authored an in depth and perceptive account of the enormity and scope of the problem we face. I believe that a review of this article, "Trouble in Fishing Waters," will give all of the Members a clear understanding of this vital issue.

Accordingly, I insert Congressman STEELE's remarks at this point in the RECORD:

### TROUBLE IN FISHING WATERS

(By Robert H. Steele)

In Gloucester, Massachusetts, a plaque commemorates the founding of New England's great fishing industry in 1623 by "a company of fishermen and farmers." Today, America's first and oldest industry is rapidly dying because over-fishing by foreign fleets is threatening our once plentiful fisheries with extinction. If something is not done soon, Gloucester's plaque may well serve as the future tombstone for many species that were once plentiful in Northwest Atlantic coastal waters.

New England fishermen have been facing this problem for a number of years. This year, a Gloucester trawler returned after a week-long voyage with only two haddock to divide among the seven-man crew. The captain said that during past years his vessel would normally return with several thousand pounds of haddock in its hold. Increasingly, New England fishermen set out on their boats only to find that supplies of haddock, ocean perch, whiting, mackerel, herring, red and silver hake, yellowtail flounder, cod, salmon, scallops, and lobsters are not so abundant as they once were.

In 1971, for example, New England's fishermen landed only 380 million pounds of food-fish. Ten years earlier, they caught nearly double that amount—742 million pounds. A breakdown of this figure by species reveals just how critical the problem is becoming. Haddock landings in 1971 totaled only 21.6 million pounds against 134 million only a decade earlier. The 60-million-pound catch of ocean perch in 1971 was less than half the 1962 catch. Hauls of whiting totaled a mere 28 million pounds, compared with 98 million ten years earlier.

Although the total catch by U.S. fishermen over the past 25 years has remained almost steady—from 4.6 billion pounds in 1945 to 4.9 billion in 1970—these figures mask the problem in New England because fishing gains were being made in other coastal regions, such as the West Coast and the Gulf of New Mexico. Even so, the overall national catch has failed to keep up with the country's growing appetite for fish. To meet this demand, we have had to rely more and more on imports. At the end of World War II, we imported only 13.4 percent of the fish we consumed. By 1970, that figure had risen sharply to 57.4 percent.

To help determine the cause of the problem, last October I invited the ranking member of the House Merchant Marine and Fisheries Committee, Representative Frank M. Clark (D–Pennsylvania), to hold investigative hearings at Stonington, Connecticut. Stonington is particularly representative of once-thriving fishing ports that have been forced to curtail operations because of diminishing supplies of fish. In 1930, fishermen from Stonington alone caught more than five times the haddock that was landed in all of New England; last year Stonington's present fleet of 11 fishing boats is a far cry from the 40 that once berthed there.

At the hearings, witness after witness—most of them active fishermen and lobstermen—testified that the depletion of our fish stocks has one basic cause, namely the reckless and exploitative fishing operations of foreign fleets in and just outside the U.S. fishery zone. These fleets operate with no regard to size restrictions or U.S. catch limitations, with the result that, in just two years of intensive overfishing, these foreign trawlers have reduced the stock of herring along the Atlantic coast by 95 percent. They are similarly endangering other species, such as haddock, yellow-tail flounder, cod, mackerel, and sea scallops.

**This invasion dates from 1961, when a large Soviet fleet appeared on Georges Bank, the traditional fishing grounds of U.S. fishermen.** That year's operations by the Soviets were described as "exploratory fishing"—mostly for herring. In the following years, they increased the number and size of their vessels and expanded the range of species they took.

In 1965, Polish vessels began appearing on the banks, joined in the late 1960's by trawlers from West and East Germany, Spain, Romania, Bulgaria, Japan, and several other countries. In February of this year, the National Marine Fisheries Service (NMFS) of the Department of Commerce reported a total of 220 fishing vessels and support ships off the New England and Middle Atlantic coasts. They came from the Soviet Union (128), Poland (35), East Germany (16), Bulgaria (5), Spain (15), Japan (12), Italy (6), and West Germany (3). Eighty-one of the Soviet ships were working off New England. Among them were 57 stern-factory and freezer trawlers, 19 medium-size trawlers, four processing and transport vessels (the factory-base ships), and one tanker. Their operations spread from the eastern tip of Long Island to south and southeast of Nantucket Island, and on to Georges Bank. Their catches, according to the NMFS report, included mackerel, herring, and red and silver hake.

The 1963 haddock spawning season was very productive—and closely observed by the Soviet's "exploratory" herring fleet. In 1965, they moved in and in an 18-month period took 180,000 tons of haddock, including a high percentage of fish smaller than those allowed by federal regulations. Reproduction of haddock stocks from 1965 on has been poor. By 1969, continued heavy fishing by foreigners had reduced stocks to a quarter of the level that had once provided the 50,000-ton sustained yield.

To counter this appalling situation, the International Commission of the Northwest Atlantic Fisheries (ICNAF) established a 12,000-ton quota for haddock for 1970 and 1971 in ICNAF's sub-area 5, the region comprising Georges Bank. Despite this action, our hearings at Stonington last fall and recent hearings in Washington have revealed little hope among fishery representatives that ICNAF quotas could do much more than express pious hope that foreign fleets would abide by the rules.

ICNAF was established more than 20 years ago to protect and conserve fishery stocks in the Northwest Atlantic in order to maintain a maximum sustained catch. For most of its history, the commission's main activity has been limited to studying fish populations and recommending to its member-nations such conservation measures as open and closed seasons, size limits, closed spawning areas, and prohibitions of certain types of gear. In 1970, ICNAF set catch limits on haddock and yellowtail flounder in the Georges Bank area, and provided for international inspection in mid-1971. Since then, additional quotas have been set and allocated to the member-nations, and new recommendations have been proposed to put teeth into the inspection program.

The trouble with ICNAF is that its rulings have often been ignored. In general, the commission's effort to limit takes of cod and haddock worked until 1965 when foreign fleets moved in with modern, government-subsidized fleet and equipment, and proceeded to ignore the guidelines. Since then, the commission's main accomplishments have been to provide a forum for well-meaning rhetoric and to produce an annual report outlining a raft of proposals—decisions on which, more often than not, have been put off until the following years. Quotas or no quotas, witnesses told our subcommittee last fall, the foreign vessels keep busy. "One by one they have picked off haddock, cod, yellowtail, herring, scallops, and who knows what's next?" Reading our delegation's stiff-sounding reports of ICNAF annual meetings leaves one with the impression that foreign representatives generally take a dim view of measures proposed by the United States to conserve the fisheries.

When the U.S. proposed in 1970 that national quotas be allocated on an historical basis to give U.S. and Canadian fishermen fair access to stocks in their traditional fishing grounds, the Soviet Union replied that in computing such quotas it would only consider using as a base the previous three to five years, the period covering their heaviest fishing effort. Quotas thus calculated would, in effect, be no quotas at all. During the 1971 meeting, the USSR, Poland, and Romania "stated again that they could not accept inspection of fishing gear below deck or of their catches," despite acceptance by most member-nations of the reciprocal inspection scheme, and despite indications that the U.S. would pass legislation requiring its fishermen to allow ICNAF inspectors to board their vessels.

Although most ICNAF countries accepted a 1969 proposal to prohibit fishing for Atlantic salmon in waters outside national fishery limits, Denmark, Norway, and West Germany refused to reduce their effort below the 1969 level. It was only when the U.S. last year passed a law giving the President authority to ban imports of fish from countries violating international conservation agreements that the Danes agreed to phase out their high-seas Atlantic salmon operations. More often, though, items in a thorny agenda are put off until they can be "further studied." So it is that action on a U.S. proposal made at a special ICNAF meeting in January, 1973, to reduce the total fishing effort has been deferred until the commission's next annual meeting in June. Judging from past experience, it is unlikely that New England's diminishing supply of fish will realize any relief from foreign fishing pressure on this score, since almost no one believes that the foreign nations will agree on a way to limit catches.

Several years ago, the United States concluded agreements with both the Soviet Union and Poland to protect U.S. fish resources in the mid-Atlantic south of the ICNAF region and beyond the 12-mile fishery zone off the coasts of New Jersey, Delaware and Maryland. Within the region covered by the agreement, "no fishing" zones are set out for various periods during the year. In February of this year, the NMFS reported that "no Soviet or Polish vessels were observed" fishing in the prohibited zones. However, the February report noted that five Japanese, four Spanish, three Italian, and one West German vessel were fishing inside the zone. Since we have no similar bilateral agreements with those countries, the U.S. is unable to protect its offshore resources from their operations.

**More and more, officials are expressing pessimism about remedies in multilateral arrangements or in formal and informal bilateral agreements. Our government so far has proven itself ineffective in dealing with countries that flaunt the "spirit" of the agreements. Ask someone like Jacob Dykstra of Rhode Island, a working fisherman and president of the Point Judith Fisherman's Cooperative, how he feels about "international cooperation" in the Northwest Atlantic fisheries, and he'll say—as he told us at Stonington—that "the root of the problem is to get the foreign fishermen off those stocks of fish that are being depleted."**

The "species approach," which says that "authority to regulate the living resources of the high seas shall be determined by their biological characteristics," means that the United States will regulate coastal and anadromous species throughout the range of their movement. As it was stated last August, the U.S. draft article reads: "The coastal state shall regulate and have preferential rights to all coastal living resources off its coast beyond the territorial sea to the limits of their migratory range. The coastal state in whose fresh or estuarine waters anadromous resources (e.g., salmon) spawn shall have authority to regulate and have preferential rights to such resources beyond the territorial sea throughout their migratory range on the high seas (without regard to whether or not they are off the coast of said state)."

If this principle is accepted by the Law of the Sea Conference, the United States could presumably enter into agreements with other high-seas fishing countries by which we would issue licenses, and enforce regulation of their operations in any of the fisheries over which we claimed jurisdiction. During our hearings, former Secretary of the Navy John Chafee testified on behalf of the species approach, saying in effect that it would not in itself endanger national defense requirements for free passage in international waters.

But history tells us that workable agreements between nations take a long time to accomplish. Until that happens, something must be done to solve the problem of the Northwest Atlantic fisheries for the near future. Clearly, the most desirable solution to the problem is some sort of international agreement which is workable and which issues fair shares of fishery resources to those countries with sustainable claims. While several organizations, including the Sierra Club, who seek to save our fisheries favor an international approach, I fear that the present condition of several Northwest Atlantic species of fish may compel us not to wait on diplomats, but to take unilateral action now—at least until effective international accords can be agreed upon.

Professor John L. Jacobson of the University of Oregon Law School wrote last year: "In view of the apparent trend toward overexploitation of certain stocks of the world's commercial fisheries, and in light of the proven incapacity of the international community to come to effective agreement in anything like a timely fashion, coastal nations ought to be allowed—even, perhaps, encouraged in some instances—to take action on the high seas." He stipulated that such unilateral action, pending final resolution of the problem by the Law of the Sea Conference, would have to follow these guidelines:

It must be in response to a "demonstrable" conservation crisis;

It must be concerned solely with protection of the endangered resource;

It must not unreasonably discriminate on the high seas against nationals of other nations;

It must carry on automatic termination date; and

It must be accompanied by a clear call for international agreement.

With a sense of urgency in mind, I joined fellow members of the Fisheries and Wildlife Conservation Subcommittee in introducing H.R. 4760, the High Seas Fisheries Act of 1973. Since this is the only measure suggested by the Administration to protect and regulate our fisheries, I believe it should be given the earliest possible consideration and should be utilized to focus full Congressional attention on the issue. Although the bill is based on the species approach, it would only implement existing international treaties, which in light of recent developments, I fear are too weak to solve the crisis we face.

I am completely in favor of implementing existing treaties, but in order to preserve already endangered fish populations and to strengthen our position in future negotiations, I believe we must first pass legislation to unilaterally declare species jurisdiction and protection. Having thus protected our fishing resource, we can then bargain with other nations on a long-term agreement. I am currently drafting legislation to formulate this approach.

Unless conservationists grasp the significance of stock depletion by foreign fishing fleets and work to implement strong legislation, species of fish once abundant in New England waters will, for fisheries purposes, be lost foreevr. This fact must be recognized because no one now knows how the ccology of the entire North Atlantic may be upset by continued destruction of the stocks. For my part, I don't want to see us guess about the consequences any longer.

## THE NEW HAMPSHIRE LEGISLATURE SPEAKS ON AID TO NORTH VIETNAM

## HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. WYMAN. Mr. Speaker, the following concurrent resolution of the New Hampshire Legislature speaks for itself. Its message is clear: The United States has neither a legal nor a moral obligation to financially assist North Vietnam.

Grants to foreign nations, especially North Vietnam, make no sense at a time when this country is striving to meet the domestic needs of American citizens burdened with a national debt approaching $500 billion. Since the end of the Second World War, President after President and Congress after Congress—but not with my vote—have recommended and approved bilateral gifts of U.S. taxpayers' dollars to foreign nations—to the tune of more than $130 billion. Despite this massive generosity, the United States has usually failed to earn either the respect or the friendship of those nations so lavishly assisted. We are generally considered a "soft touch."

With inflation gnawing at us from all sides, it is time to stop this wasteful use of such revenues as we have. The Yankee commonsense expressed by the New Hampshire Legislature is convincing that North Vietnam must not be added to the foreign aid list.

The resolution follows:

HOUSE CONCURRENT RESOLUTION NO. 13

MEMORIALIZING THE CONGRESS OF THE UNITED STATES NOT TO REBUILD NORTH VIETNAM

Whereas, The people of the State of New Hampshire have given strong support for the actions taken by the various administrations in prosecuting the conflict in Vietnam; and

Whereas, The numerous sons and daughters of the Granite State have actively participated in this conflict as members of our armed forces; and

Whereas, Many of these native sons and daughters made the supreme sacrifice along with their numerous comrades-in-arms from throughout the United States as well as those who shall bear the permanent scars of this conflict for the rest of their lives in their valiant and courageous efforts to secure and maintain freedom for their South Vietnamese allies; and

Whereas, The United States government is under neither a legal nor moral obligation to render financial or other assistance to a former military enemy; Now Therefore, Be It

Resolved by the House of Representatives of the State of New Hampshire with the Senate concurring, that this legislature respectfully petitions the Congress of the United States to deny any financial or material assistance to the people or government of North Vietnam.

Be it Further Resolved that the secretary of state forward certified copies of this resolution to the members of the New Hampshire delegation, clerk of the United States Senate, clerk of the United States House of Representatives and to the President of the United States of America.

## WEEKLY NEWSPAPER OBSERVES 100TH ANNIVERSARY

## HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. DAN DANIEL. Mr. Speaker, this year the Charlotte Gazette, published at Drakes Branch, Va., is observing its 100th anniversary.

I count it a privilege to represent the Fifth Congressional District in which this fine weekly newspaper has been carrying forth for the past century and take this means of extending to that organization my very best wishes.

The current issue of the Charlotte Gazette is vol. 100, No. 30, and I, like all of its readers, have found it to be one of the best examples of the traditional country newspaper. It is well written, displays its written material, pictures and advertisements in an attractive format and continues to maintain a high standard of excellence. For the past 27 years, the paper has been edited by Mr. Otis O. Tucker, Jr., and he and Mrs. Tucker collaborate in its management.

The Charlotte Gazette first came into being on May 8, 1873, and its story is not unlike that experienced by many weeklies throughout the Nation. It has maintained a policy of serving its readership and is now the only newspaper in Charlotte County. It has a good balance between straight news and the personalized items which typify the country press. Readers find within its pages a generous coverage of local civic affairs, social news, sports, school news, and a wide assortment of feature material which is distinctive to the rural press. The paper has a high standard of propriety and recognizes its responsibility to inform.

Mr. Speaker, the anniversary of the Charlotte Gazette affords me an opportunity to pay respect to the institution of the weekly newspaper. At the present time, there are more than 5,700 newspapers in the United States which are weekly, biweekly, semiweekly, or something other than daily. The papers range from the very small circulation to some which run into substantial numbers.

These papers perform an extremely important and worthwhile function in America. Without them, many communities would not be the same. For the most part, they tend to rely not on spot news but on local, community-interest items. Through their pages, they frequently are able to give credit and honor to local people whose achievements might not otherwise be published, because the daily press either does not know about them or does not have space to devote to this purpose. Like the country store, the country newspaper has an important role to play. Not all weekly newspapers are rural in their area of coverage, but most of them have adopted the format of appealing to the homespun approach to news and public events.

The Nation owes a debt of gratitude to them.

Mr. Speaker, because the story of this newspaper is indicative of the trend which many such publications have followed, I would like to include herein with my remarks an article which appeared in the May 10, 1973 edition.

The article follows:

### THE CHARLOTTE GAZETTE IS 100 YEARS OLD!

On May 8, 1873, the first issue of "The Charlotte Gazette" was printed by the Rev. Leonard Cox, who came to Charlotte County from Massachusetts to become pastor of Mt. Tirzah Baptist Church, in Charlotte Court House.

The location of the first printing plant for "The Gazette" was just off Route 645, about three miles south of Charlotte Court House. The land for the building was sold by Mr. Thomas L. Moore, grandfather of Mr. Robert L. Moore, of Charlotte Court House, who has given us much interesting information about the early history of "The Gazette" and the Cox family.

We are grateful to Mrs. Ellen N. Catron, who has made an extensive study of the history of Charlotte County, for the following article about "The Charlotte Gazette" and other newspapers that have been published in Charlotte County.

### NEWSPAPER HISTORY OF CHARLOTTE COUNTY

(By Ellen N. Catron)

The Charlotte Gazette was the earliest newspaper printed in Charlotte County. The first edition was printed May 8, 1873 with a sub-title, "A local family newspaper, devoted to home interests and general literature".

The Gazette's first editor was Reverend Leonard Cox from the North. He came to the county as a minister at Mt. Tirzah Baptist Church at Charlotte Court House.

Reverend Cox was a well-educated man. He graduated from Harvard College with a A.B. degree in 1843 and a A.M. degree in 1848. He served Mt. Tirzah for about two years.

With Andrew Parish and John M. Bouldin, Leonard Cox founded The Charlotte Gazette in 1873. Cox bought some land, Fruit Hill Farm, from Thomas L. Moore three miles south of Charlotte Court House and established the newspaper there.

In Cox's eighty-second year, 1903, he set the type and printed a book of his poems. Poems Serious and Humorous. Two of his poems were inspired by the death of Wood Bouldin, October 10, 1879, and by the death of Hugh Blair Grigsby, April 18, 1881.

Leonard Cox died in 1913. His son, Arthur L. Cox printed the paper until 1916, when he sold it to R. S. Chamberlayne. Arthur obtained a paper in Marion, Virginia, and operated the Marion Publishing Company for several years. He sold his business in 1927 to the novelist and short-story writer, Sherwood Anderson, Marion's Smyth County News became, perhaps, the most talked about weekly in the nation after its purchase by Anderson.

Mr. Chamberlayne had The Charlotte Gazette printed at Phenix by Nelson Robins from Richmond for about three years. It was discontinued briefly during 1919. In July 1919, J. A. Scoggin of North Carolina and his son, James, began printing the paper at Drakes Branch. James began editing the Kenbridge-Victoria Dispatch about 1927 and had it printed at Drakes Branch.

Mr. Lewis H. Greene of Lexington, Virginia, and formerly of the Eureka neighborhood, began his apprenticeship under J. A. Scoggin in 1931. Mr. Greene completed one year at Hampden-Sydney College, but because of the lack of funds and the death of his father he was forced to get a job. He found the printing office and newspaper fascinating and spent a great deal of time hanging around it. Mr. Scoggin hired him at a salary of $2.50 a week and under his tutelage, Mr. Greene became a linotype operator. Mr. Greene left the Gazette in 1935 to join the staff of The Rockbridge News in Lexington, Virginia.

In May 1946, The Charlotte Gazette was purchased by O. O. Tucker, Jr., E. E. Franklin, and Robert W. Bowen. Mr. Franklin was a native of Danville and Mr. Tucker's brother-in-law. Robert W. Bowen was a native of Meridian, Connecticut, and served two years overseas in the Aleutian Islands with Mr. Tucker. Mr. Bowen sold his interest in the paper after two years and returned to Connecticut. The paper was copublished by Franklin and Tucker until Franklin's death April 8, 1966.

Mr. Franklin's interest was purchased by Mr. and Mrs. Tucker. They are the present owners and publishers of The Charlotte Gazette and The Kenbridge-Victoria Dispatch.

Just before noon, Friday, December 27, 1968, fire was discovered in the building which housed the plant that produced the two newspapers. The staff was on Christmas vacation and the tenants in the two apartments upstairs were away. By the time the firemen arrived, the flames had spread through the aged wooden roof of the nearly century-old building, leaving only the four brick walls standing. The printing machinery was heavily damaged. The loss was estimated at over $75,000. All records were saved.

A new modern brick and block building was constructed on the approximate site of the old building. It was built with two sections; one containing conventional "hot type" equipment and the other containing new offset or "cold type" equipment. The plant was completed early in the summer of 1969.

Other newspapers known to have been printed in Charlotte County have all been located in Keysville. The Herald was a conservative newspaper begun in 1879, just three years after The Charlotte Gazette. It was edited by M. Holt and J. Newton Huston. It suspended operations July 1880 and there are no known copies.

The Banner and Alliance was established in 1891 by J. P. Wood and Company. It supported the Farmers' Alliance party. The paper is believed to have been discontinued about 1892. There are no copies available.

The independent Keysville Progress was first printed January 1893 by George V. Tuohey and later by T. Frank Greenwood. This paper was discontinued about 1894 or 1895. There is a copy of this paper.

F. H. Gregory edited the Times, established in 1896. There are no known copies of this paper, but it was printed longer than any other Keysville newspaper. It ceased publication about 1899.

The last paper printed in Keysville was the Courier. It was established in 1908 and edited by Robert H. Bryan. There are no known copies of this paper and it was discontinued in 1909.

The Charlotte Gazette was begun as an independent paper and became Democrat in 1891. It has been the only paper established in Charlotte County to survive. The Gazette has been printed almost continuously. Only for a short time in 1919 was it discontinued and then revived at Drakes Branch by Leonard Cox. The "masthead," The Charlotte Gazette, is still printed in the same type as in 1873.

---

## A MOTHER'S PLEA AGAINST THE LEGALIZATION OF MARIHUANA

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. YOUNG of Florida. Mr. Speaker, for some time now a great deal of attention has been focused on our drug-oriented culture as there is little doubt but that drug abuse is rapidly becoming one of the most serious problems in America. However, far too often we hear only from those who espouse the legalization of marihuana rather from those whose personal experiences clearly show the need to strengthen our laws relating to the use and/or possession of this mind-altering drug.

Although marihuana is regarded as a weaker or milder drug in comparison to the "hard stuff" such as heroin, I can see no logical reason for the Government sanctioning its use. In my mind, this would serve as a signal to thousands of impressionable youths throughout the country that the Government had put its stamp of approval on this drug and that it was alright to use without any harmful effects.

The May 3 issue of the Evening Independent contained a "Letter to the Editor" from a concerned mother who is personally experiencing a not-so-rare situation involving her son's efforts to rehabilitate himself. I believe the anguish suffered by "H. K." and her family, as described in this letter, merits the attention of my colleagues.

### A MOTHER'S PLEA: DON'T MAKE MARIJUANA LEGAL

Editor:

I am writing this letter on the way to Fort Lauderdale to visit our son at the drug-abuse rehabilitation center—called "The Seed"—founded by Art Barker:

My husband and I are taking this trip (500 miles) twice a week on Monday and Friday, to attend the open meeting. We leave at 2 p.m. and arrive home between 3:30 and 4 a.m.

From 7:30 to 11:30 p.m., we sit with hundreds of parents at The Seed, looking across to hundreds of young people. We do not talk, we just sit and listen as one youngster after another unfolds his or her story of drug involvement. Ages range from 10 to 25 years—drugs from marijuana to heroin.

Then the time comes for the parents to say a few words and when the microphone reaches us, we get up, look at our son, tell him we miss him and love him.

On March 18 he was 17 years of age. For 16 years he was a fine upright boy with a good sense of justice and high goals, a loyal friend and loving son—a good student, a popular boy who was good in school and good at sports.

Shortly after his 16th birthday, he told us that he was smoking marijuana, that he liked the high feeling it gave him and so did his friends. To subdue our protests and horror, he informed us that he saw harm in taking alcohol or tobacco and would not partake in such partying with his friends even if they should do so. Both, he told us, are addictive and habit-forming.

But marijuana—that was a different story! No hangover, not addictive, and most of all—as he had read—our own government commission stated publicly after much research (not in the houses of families with teenagers) that marijuana is a minor drug compared to alcohol and tobacco; and that same commission recommends legalization of the weed. The same argument was given us by all his friends.

From then on we had to watch our only son turn from an open-minded, honest boy to a boy who had many secrets; who, in place of a kiss when he came home, would look downward, hurry to his room and lock the door. The Visene bottle was never out of reach. His grades in school dropped from A–B to C–D and, on the last report card, an F. The F was for skipping too many days in school, a fact we were not even aware of. A boy with a 100 per cent attending record was twice suspended for 10 days each time, for leaving school grounds without permission. Dents and scrapes on his and his father's car became numerous and so were the traffic tickets.

One night he and two of his friends were arrested while smoking marijuana in our son's car on a deserted strip of marshland. They were all 16 years old. They were handcuffed and brought to the police station. Our son was not charged because his friends had the marijuana and paraphernalia in the back seat at the time of apprehension. Lucky?

I don't know how often I have stood in the laundry crying because I had found another shirt or slacks with burnt holes down the front . . . holes made by burning marijuana held with a so-called roach clip. Eleven joints were found behind a book; a plastic bag half full of the weed was found under the car seat; another joint in the back pocket of his jeans—these were a usual find. For the rest of the family, another day of tears, threatening, begging him to stop. He would and could NOT!

Two weeks before his 17th birthday, we had him picked up by the local police, brought to the police station and then to the Juvenile Detention Center, to obtain a court order to have him ordered to the full-time Seed program.

Now all we can do is love him and hope he will understand that in order to save him from a criminal record, we had him taken against his will, hoping Seed will do for him what it was able to do for so many others—clear his head, make him happy and high on life again in place of being high on marijuana, so he will be able to function as a useful citizen.

We miss him so! We are scared parents! We do not believe in the government commission's recommendation and findings. We do not want marijuana legalized!

Legalization of marijuana would add to our nation's problems—the problem of the habitual "pot head."

In the name of our children, WAKE UP! The government commission should be awakened to the reality of its responsibilities. The damage already done amongst the young users, and the users who, went on to other drugs, is great.

The commission's attempt to justify its recommendation of legalizing marijuana by comparing it to the already legal and misused drug "alcohol" . . . is irresponsible. Marijuana should be judged on its own destroying merits.

H. K. *St. Petersburg.*

## THE PLIGHT OF THE AMERICAN FILM INDUSTRY

---

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. WALDIE. Mr. Speaker, film is the art form of the modern world. Born in this century, and fostered by the American culture, film has grown to become one of the most significant artistic contributions of all time. Film, and its various counterparts, such as videotape, have become one of the dominant arts of the world. Indeed, they have revolutionized the world. And now the art form that was inspired by America is being lost in America.

Film is incomparable to all previous forms of art. It moves. It is colorful and magic. It brings the world into our neighborhood theater or living room television set. Film has brought the foremost dramatic contributions of all time to people throughout the world, who might never have heard of Shakespeare without it. Film crosses national boundaries and breaks language barriers. It brings the commonality of all human beings across the globe right before our eyes. Moreover, it is one of the only true art forms that appeals to such a wide segment of people from different educational and cultural backgrounds. It brings art to the king and to the pauper alike.

Unfortunately, the art form that was developed in America is now dying in America. No, the quality of American film production has not decreased. Nor has the reservoir of talent and expertise in this field become less capable. These are not the problems. However, the entire motion picture and television industry is in dire economic trouble.

Unemployment is now 47 percent, and is soaring higher daily. The entire industry is floundering in depression, from the single craftsman inside the sound studio, to the largest film-producing corporation. For example, according to industry figures, in a recent year 76 percent of the Screen Actors Guild members made an annual income of less than $2,500. Understandably, this figure may be hard to accept because of the exaggerated impressions most of us have of Hollywood life, but nevertheless, it is still true. Everyone seems to think that every actor and director owns a mansion in Beverly Hills, and spends most of his or her time lying out by the pool in the California sun to maintain a good tan. We seem to think that it does not take much effort to create quality production, and that all of Hollywood spends most of their time at parties or in other leisurely pursuits. But, this is certainly not the case. In fact, the actors and technicians who are fortunate enough to find work in the job-tight market work long and arduous hours to produce quality material. The remainder of the industry may not be working, but they certainly are not wasting time at parties, because in fact, they are likely to be unemployed.

There are many reasons for this crisis unemployment situation. One major cause is the attitude of our own Government in film production related areas. It is not commonly known, but the American Government is the largest single producer of film-related matters. However, as I have pointed out earlier in this Congress, the Government has attempted to produce its own materials rather than contract out to the professional industry. Moreover, even when the Government does use the private sector, it rarely pays the prevailing wages of the industry. There is presently a bill, H.R. 1090, before this Congress that would alter that situation by requiring Government departments and agencies engaged in the production of motion picture films to pay prevailing wages. I urge all my colleagues to consider this legislation thoughtfully, as it is only proper that professionals be paid consistent wages, whether they are employed by Universal Studios, or the U.S. Government.

Furthermore, I feel that it is the Government's obligation to make a concerted effort to utilize the vast skills and resources of the film industry when they are involved in this type of audiovisual production. President Nixon himself, in October 1972, instructed Government agencies to "better utilize the American motion picture industry in film production." However, this administration mandate has not been adhered to, and moreover, the White House has not followed through with its call for action. I urge both the President, and the agencies involved to take further steps to assure that if the U.S. Government is involved in mass media production, use of the professional industry is a high priority.

The increasing level of foreign production in this area is also one of the foremost causes of the present unhealthy state of affairs. Due to Government subsidies by foreign nations, it is now cheaper for American companies to produce their films outside the boundaries of the United States. For example, in 1972, there were 181 feature motion pictures shot throughout the entire United States of America. During this very same period, there were 149 feature productions shot by American-interest investments in foreign countries that were released in the United States. American companies produced almost as many feature films in foreign nations as they did in their own country. In addition, these figures do not even take into account the thousands of imported feature films produced by foreign interests in foreign lands. Put in another light, these statistics appear even more appalling. According to reliable industry sources of data, foreign-subsidized American interest productions, together with foreign imports, have dramatically increased over the last two decades as shown by the following figures:

1946—19% of films shown in the U.S. were foreign-made.
1956—43% foreign-made.
1966—65% foreign-made.
1970—70% foreign-made.
1972—73% foreign-made.

As these figures dramatically point out, less than 30 percent of the productions seen by Americans in the past year were filmed within our own national boundaries. What is the effect of this wide discrepancy? It should be obvious. Unemployment in the American film industry grows daily, unabated, while the subsidized film industries of foreign nations grow fatter on American investment.

I am not here today to ask that all American companies begin producing all their films here in America. I only mention these figures to point out the importance of this astounding fact—the United States is the only important film producing country in the world which extends no governmental assistance, either in the form of subsidies, low-interest loans, investment guarantees or tax incentives, to help provide adequate financial support or appropriate forms of economic encouragement for domestic film production.

I urge all my colleagues to keep these facts in mind when they are faced with decisions on legislation that will affect the motion picture and television industry. The American film industry should be a significant concern to this Government. American film represents America to the rest of the world. It carries the messages of American culture, democracy and freedom to all peoples around the globe. It is our responsibility, I feel, to assure that American film production does not slowly become extinct.

It is our duty in Congress to consider every possible means to maintain film production as a significant and necessary part of American life. We need to explore new ways and means for creating incentives for domestic production. Federal agencies must be urged to use the professional industry in their work whenever appropriate. We must also make sure that professional workers are paid the proper fair wage when they are working for our Government. Presently, such issues as these are being discussed in the great Standing Committees of this House. Indeed, various bills have been introduced in this Congress that can have a beneficial effect on the severe depression in the film industry. When examining these issues, we must remain aware of the severity of the depression in this industry. I believe it is possible to reach decisions that can have a favorable impact on the film industry, which in turn, will have a great impact on American life across the country. However, legislation that attempts to maintain and encourage the economic development of the film industry, must not be confused with subtle efforts at censorship. I suggest to my colleagues that when evaluating such proposals, they remain aware that we need an economically stable industry, but we also need a media free from governmental control.

In conclusion, I, for one, intend to do all I can to assure that quality American film production is increased, both for the benefit of the skilled members of the professional industry, as well as the viewing public across the Nation. They deserve better, and we can help them attain it.

## URGING SUPPORT FOR SENATE AMENDMENTS TO H.R. 2246

### HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BURKE of Massachusetts. Mr. Speaker, the House will soon be in conference with the Senate on a matter of vital importance, the Public Works and Economic Development Act extension. When this bill, H.R. 2246, came before the House on March 15, this Chamber realized its responsibility to preserve and protect our economy. We passed H.R. 2246 by a substantial majority. At that time, our economy was in serious trouble, and the need for this legislation was readily apparent. Since that time the situation has worsened. The recent Department of Defense announcement to close military installations has added thousands of workers, particularly in New England, to the already critically skyrocketing unemployment roles. Foreceful legislation is needed immediately to control this situation. This bill, which we passed on March 15, was adequate for its time, but times have changed. Fortunately, the Senate was prompt in taking constructive action in this area. Realistic amendments have been added to H.R. 2246, amendments which must be supported in conference.

The amendment which is of particular importance in protecting our economy is the amendment which was offered by Senator KENNEDY. Ths amendment, which is section 7 of the bill, states that—

> The President's Inter-Agency Economic Adjustment Committee established under Presidential Memorandum of March 4, 1970, shall submit to the Congress within thirty days following enactment of this Act a report. Such report, with respect to each community affected by the defense facility and activity realignments announced on April 17, 1973, shall—
>
> (1) contain details as to the facilities or portions thereof affected by the realignments which are excess to the Government's security needs and which can be turned over to the local jurisdiction for civilian use;
>
> (2) describe procedures providing for the most expeditious transfer of such facilities to civilian use;
>
> (3) contain comprehensive analyses of the community economic impact of a realignment which reduces or terminates activities resulting in a decrease in military or civilian personnel employed at a facility;
>
> (4) describe technical assistance and program resources made available by Federal agencies to communities in planning and carrying out economic development plans to utilize facilities transferred to civilian control; and
>
> (4) contain an estimate of the Federal program resources and the anticipated cost to fully implement community development plans, and, where necessary, contain recommendations for increased appropriations to meet those anticipated costs.

This amendment is of crucial importance to every community which is near or which has a defense installation within its borders. These communities have a right to know what the impact will be of these closings, and what they might be able to expect from the Government to assist in the transition. Many communities are heavily dependent upon the installation in their area, and in some cases, the loss of the installation would mean the loss of the community. We, as Representatives of these communities deserve to know how areas in our districts will be affected.

There have been 274 actions to consolidate, reduce, realine, or close military installations which will eliminate over the next 10 years 42,800 military and civilian positions in 32 States, the District of Columbia, and Puerto Rico. I would remind my colleagues that virtually all of you represent districts which contain defense installations or defense-related industries. Future Department of Defense cutbacks could have a sudden and severe effect on almost any portion of the country.

I will be contacting the conferees on this bill today to urge their support for the Senate amendments to H.R. 2246, and I would urge my colleagues to join with me in this.

## OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART II

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. ASHBROOK. Mr. Speaker, in the CONGRESSIONAL RECORD of yesterday, May 23, there appears, beginning on page E3428, the prepared statement of John D. Hemenway who appeared before the Senate Finance Committee last week in opposition to Helmut Sonnenfeldt as the administration's choice for Under Secretary of the Treasury. As indicated in my remarks of yesterday, Mr. Hemenway's statement was accompanied by an affidavit of Mr. Otto Otepka, the retired State Department security officer who was directly involved in Mr. Sonnenfeldt's case in the 1950's and early 1960's.

Mr. Otepka was present at the Sonnenfeldt nomination hearing on May 15, and his letter to Senator CARL CURTIS commenting on Mr. Sonnenfeldt's testimony is worthy of careful consideration. Mr. Otepka states at one point:

> In response to your questions, and to questions of other Senators, Mr. Sonnenfeldt made several statements which, in the light of my knowledge, if not deliberately and outrageously false, are, to say the least, inaccurate and misleading.

I insert at this point the sworn affidavit of Mr. Otto F. Otepka and his letter to Senator CURTIS of May 17 concerning the nomination of Mr. Helmut Sonnenfeldt as Under Secretary of the Treasury.

AFFIDAVIT OF OTTO F. OTEPKA

I, Otto F. Otepka, 1832 Arcola Ave., Wheaton, Maryland, having been duly sworn according to law, hereby depose and say:

1. I was employed by the Department of State from June 15, 1953 until June 29, 1969. During a substantial portion of that time I occupied the positions of Chief, Division of Evaluations, Office of Security and Deputy Director, Office of Security. Between June 30, 1969 and June 30, 1972 I served as a Member of the Subversive Activities Control Board, a Presidential appointment for which I was confirmed by the United States Senate. I am now retired from the Federal Government.

2. While in the Department of State, I became aware of an official investigation of Mr. Helmut Sonnenfeldt undertaken by the Office of Security in or about 1955 on the basis of information that Mr. Sonnenfeldt was providing classified data obtained by him through his position in the Department's Bureau of Intelligence Research to certain individuals in the public media in violation of the security standards and practices of the Department of State.

3. The investigation established the fact that Mr. Sonnenfeldt had furnished information without authority to several members of the press despite specific prohibitions applicable to employees of the Bureau of Intelligence Research that were necessary owing to the sensitivity of that Bureau's operations.

4. No disciplinary action was taken against Mr. Sonnenfeldt by management, despite the serious nature of his offense, in order to avoid a public issue about the use of electronic surveillance methods by the State Department in corroborating the offenses in question.

5. Subsequently, Mr. Sonnenfeldt was reassigned to the Arms Control and Disarmament Agency of the Department of State when he could not be approved under security standards established and enforced by the United States Joint Intelligence Board for access to certain highly sensitive data that was required for his position in the Bureau of Intelligence Research. Mr. Sonnenfeldt was deemed ineligible because of his propensity for leaking classified information and because he was not a native born citizen.

6. During 1960 another investigation was undertaken of Mr. Sonnenfeldt when it was revealed that he was providing classified or otherwise nonpublic information obtained by virtue of his official position to persons outside the Department of State who were opposed to the election of Richard Nixon as President of the United States. In the course of a physical surveillance of Mr. Sonnenfeldt, he was observed, for example, on an official working day, leaving the residence of Marguerite Higgins, a newspaperwoman, in the company of Robert Kennedy, brother of John F. Kennedy, who was Mr. Nixon's opponent in the 1960 national election.

7. On my information and belief, Mr. Sonnenfeldt's tenure in the State Department was solidified by the election of John F. Kennedy. However, subsequent reprisals were taken against security officers in the State Department who testified before Congressional committees about deficient security practices. State Department management, meanwhile, promoted Mr. Sonnenfeldt to more critical positions relating to the national security.

8. There are other important details to be provided in this matter at the appropriate time before a suitable board of inquiry. The information provided in this affidavit can be expanded and elaborated upon in greater detail by myself and other witnesses to these and other related events on such an occasion.

Sworn to before me this 26th day of January A.D. 1973

JAMES B. CONNOLLY,
*Notary Public D.C.*
My Commission Expires Mar. 31, 1973.

WHEATON, MD.,
*May 17, 1973.*

Hon. CARL T. CURTIS,
*U.S. Senate,*
*Dirksen Office Bldg.,*
*Washington, D.C.*

DEAR SENATOR CURTIS: I was in the audience at the May 15 public hearing of the Senate Finance Committee held in connection with the executive nomination of Mr. Helmut Sonnenfeldt to the post of Under Secretary of the Treasury. Mr. Sonnenfeldt is now a Foreign Service Officer, Class 1, Department of State, assigned as a staff assistant in the White House on the National Security Council.

In response to your questions, and to questions of other Senators, Mr. Sonnenfeldt made several statements which, in the light of my knowledge, if not deliberately and outrageously false, are, to say the least inaccurate and misleading.

My concern relates to the references made to me as well as to my intention to support Mr. John D. Hemenway, a former Foreign Service Officer, who testified in opposition to Mr. Sonnenfeldt's confirmation by the Senate. The hearing, as I understand, is incomplete and will be resumed at a later date.

I have asked that the stenographic transcript be made available to me. Since I am told there may be some delay in this, I thought it necessary, in the meantime, to submit my observations on Mr. Sonnenfeldt's statements. I shall, of course, submit specific references to the passages in the transcript when it is provided to me, together with additional details, if required.

My reactions are predicated on my familiarity with Mr. Sonnenfeldt's personnel security files and other evidence of his conduct which were within the purview of my jurisdiction during my employment as the Chief Security Evaluator and Deputy Director, Office of Security, Department of State.

In his testimony before the Committee, Mr. Sonnenfeldt repeatedly denied that he had furnished classified information to a foreign national, without authority, in violation of government regulations. According to him, the allegation was made in the "late 1950's" and "during the Eisenhower-Nixon Administration."

His statements make it appear that the above offense has been the only one alleged against him, that none has been proven or established, and that he had been absolved of any wrongdoing following an interview with him in the Department of State which he said took place in 1960. He named me as the interviewing officer.

He stated that he accepted employment with the U.S. Disarmament Administration, now the Arms Control and Disarmament Agency, for the reason that his experience was deemed to be useful there.

I respectfully ask that the Committee consider the following facts.

In order to be certain of my own recollection concerning Mr. Sonnenfeldt's security reliability, I have made a careful and recent inquiry of other former State Department security officers. What I say here can be corroborated by them and by the actual personnel security file on Mr. Sonnenfeldt at the State Department, if it has not been tampered with, and if the executive privilege doctrine is not invoked against the Congress to deny it access to the truth. I am informed that portions of the investigative data on Mr. Sonnenfeldt have already been destroyed.

It was established by State Department investigations conducted in 1954 and 1955, that Mr. Sonnenfeldt was the source of leaks of classified intelligence information from the Department's Bureau of Intelligence Research, which he furnished without authority to at least four members of the press whom I can identify. In view of the delicate nature of the matter, management took no punitive measures against Mr. Sonnenfeldt but he was kept under observation by his superiors.

In the next incident, unrelated to the first, occurring in 1958, a State Department official observed Mr. Sonnenfeldt transmitting highly sensitive intelligence information to a representative of the Government of Israel, again without authority. Unable to obtain assistance in the chain of command, the official reported the offense directly to the Federal Bureau of Investigation.

Investigation established that this allegation was also true. However, upon FBI referral of the matter to the State Department for cooperation with prosecution, the Department refused to declassify the documents from which the information was derived, on the ground that a public trial would impair relations with the country involved. This judgment nullified further administrative action. Thereafter a substantial portion of the information obtained by investigation was withheld from me.

In 1960, the cumulative evidence with respect to Mr. Sonnenfeldt's transgressions was taken into account by the Bureau of Intelligence Research. It became necessary to consider whether in his continued assignments in that Bureau he could qualify for access to a category of sensitive information designated as "communications intelligence." Under the rules of the U.S. intelligence community, a person who had the "need to know" had to be of absolute security reliability and a native born citizen of the United States.

Neither I, as the official in the Department's Office of Security authorized to make findings whether any substantive information in the Sonnenfeldt record could preclude a clearance under the special standard, nor Ambassador Hugh Cumming, Director of the Bureau of Intelligence Research, would recommend a waiver of that standard for Mr. Sonnenfeldt. Aside from the question of the leaks that militated against his clearance, the fact that he was not a native born citizen of the United States served as an automatic bar under the prescribed standard.

It was for this reason that Mr. Sonnenfeldt was transferred to the Arms Control and Disarmament Agency where he occupied a position not involving the "need to know" for communications intelligence data. While he was employed in this adjunct of the State Department, I was requested, and for the first time permitted, to question Mr. Sonnenfeldt about leaks of classified information.

Another member of the Office of Security assisted in the interrogation. As instructed, our questions were confined to the leaks that had occurred in 1954 and 1955. Mr. Sonnenfeldt denied the leaks. Because the interrogators were not allowed to confront Mr. Sonnenfeldt with the actual source material to prove the leaks, his employment was continued without change in status.

Following the interview, Mr. Sonnenfeldt continued his furtive meetings with persons outside the Department known to be interested in stories about foreign policy planning for use in the press, despite prohibition against such contacts unless they were duly reported by the employee. His demeanor created consternation and dissension among his coworkers who had scrupulously adhered to the regulations. They noted and reported on his undue curiosity in seeking information from them for which he had no "need to know." Additionally, State Department investigators authorized to maintain an open investigation on Mr. Sonnenfeldt's activities, observed his contacts and prepared official reports indicating that there were unauthorized meetings with individuals gathering information to use against Mr. Richard Nixon in the 1960 Presidential campaign.

A special interview was then given Mr. Sonnenfeldt with the aid of a polygraph, in which I did not participate and did not see its results. I am told the findings were inconclusive because only perfunctory questions were put to Mr. Sonnenfeldt.

I was eased out of my jurisdiction over the Sonnenfeldt matter early in 1961 and thus could not review the case again, this time with access to all pertinent investigations. Soon the authority to enforce the rules of the intelligence community regarding access by Department employees to critically sensitive data was taken away from me by my new superiors. Mr. Sonnenfeldt was returned to the Bureau of Intelligence Research in September 1961 and he was granted clearance for information that had previously been denied him by me. Mr. Roger Hilsman succeeded Ambassador Cumming as the Director of the Bureau.

In anticipation of an invitation from another Congressional committee to personally appear and submit my views about deficiencies in the Federal Employees Security Program that need to be corrected by legislation, I will not go into further details at this time in the case of Mr. Sonnenfeldt. In closing, I wish to say that his case is a good example of double standards that exist in the Executive Branch and in the media in matters involving the disclosure of classified information.

If an employee is compelled to appear before a Congressional committee, and on its request and response to legitimate questions, helps establish by documentation that his superiors had lied to the same committee, vengeful superiors will do almost anything possible to ruin the man's career.

The treatment, however, is far different toward those who are wholesale purveyors of classified documents to the press. The same media who previously deplored the action of the employee in assisting Congress, approve of the actions of government personnel who provide documents to them. At the same time these providers, if they are not given a cloak of immunity from punishment by the Executive Branch, are turned into national heroes by a bungling Justice Department and White House assistants whose political motivations exceed their capacity for good judgment.

I sincerely hope that in the case of Mr. Sonnenfeldt, your committee has, or will be given the assurance that a responsible, knowledgeable, and impartial security officer in the Treasury Department gave his endorsement regarding Mr. Sonnenfeldt's security reliability.

While I was in the State Department it was the practice with respect to prospective Presidential appointees to high positions, to obtain the recommendation of the responsible security officer there who made his judgment only after he had examined the results of a current FBI investigation and obtained such other relevant reports of investigation he knew to be in existence.

As indicated in Congressman John Ashbrook's letter dated May 15 to Senator Harry F. Byrd, I am available to testify before the Senate Finance Committee if it is desired.

Sincerely,

Otto F. Otepka.

---

## GAO REPORT ON POSTAL SERVICE

### HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. ROGERS. Mr. Speaker, for some time now, I have been concerned over the deterioration in quality of our postal service, as indicated by correspondence from my constituents. To determine the nature and causes of the problem, I requested the General Accounting Office to investigate the quality of postal service in the State of Florida.

That study has now been concluded, and the GAO reports that service indeed suffered in the State of Florida, and that Florida's problems were not unique, but rather reflected a nationwide pattern.

The GAO further concludes that certain improvements have been initiated by the Postal Service, which should result in an improvement of service. I plan to stay in close contact with the situation, and hope these changes will not prove to be temporary.

I know that many Members have experienced similar problems in their own districts, and am therefore inserting in the Record for their consideration the full text of the General Accounting Office report:

Comptroller General
of the United States,
*Washington, D.C., May 2, 1973.*

Hon. Paul G. Rogers,
*House of Representatives.*

Dear Mr. Rogers: Pursuant to your request of January 3, 1973, and later discussions with you, we reviewed postal operations in Florida. On March 2, 1973, we briefed you on the results of our review and provided you with copies of the charts used in the briefing. This letter summarizes the highlights of that briefing.

The central theme of our presentation was that the problems affecting mail service in Florida are not unique, but are part of a nationwide pattern. As conceded by the Postal Service, the quality of mail service has generally deteriorated in recent months.

The President's Commission on Postal Organization—The Kappel Commission—which was established in April 1967 concluded that the former Post Office Department had been operated as an ordinary Government agency; when it was, in fact, a business—a big business. The Commission further concluded that "* * * the challenges faced by this major business activity cannot be met through the present inappropriate and outmoded form of postal organization." The Commission recommended establishing a Postal Corporation to operate the postal service on a self-supporting basis.

The Postal Service's mail processing problems are the direct result of its efforts to become self-supporting. Becoming self-supporting is a formidable task, because from 1926 through 1971, the former Post Office Department and the Postal Service had accumulated a deficit of $20.4 billion and because in a March 28, 1972, speech, the Postmaster General projected that by the end of 1984, unless significant improvements are made, there would be a further accumulated deficit of $38 billion.

The Postal Service's problems are principally due to an increase in labor costs with little related increase in productivity. Of the Service's total estimated costs of $10.4 billion for fiscal year 1973, about $8.6 billion is for labor. From 1956 through 1967 the average postal salary increased almost 60 percent, although productivity remained virtually constant. (See exhibit A.) Although postage rates have been significantly increased, the Postal Service still requires an annual Federal subsidy of over $1 billion to cover costs.

Because future salary increases are inevitable (assuming an increase of 5.5 percent a year, the current average annual postal salary of about $9,200 will almost double by 1984), the Postal Service is striving to increase employee productivity through mechanization and thus minimize the postage rate increases that would otherwise be required for the Service to become self-supporting.

The Postal Service has taken economy measures that affect the overall quality of mail service. These include—

Reducing collection services;
Reducing delivery services; and
Curtailing window service on Saturdays.

The Postal Service reduced its work force which had an adverse impact on the quality of service. This reduction was accomplished through two early-retirement campaigns which resulted in the retirement of about 13,000 employees—many in supervisory positions—and a hiring freeze instituted in March 1972. Between June 1 and December 31, 1972, an additional 17,000 employees either retired voluntarily or retired because of disability. Overall, the Postal Service reduced its work force from about 741,000 at July 1,, 1970, to about 687,000 in December 1972. The reduction in work force affected certain facilities more than others, especially new facilities, such as the sectional center facility at Merrifield, Virginia, which could not be adequately staffed. Also the Postal Service made changes in the mail distribution system which increased the workload at certain facilities. Many of these facilities did not have enough employees to cope with the increased workload.

The Postal Service attempted to overcome this problem by instituting mandatory overtime, often requiring employees to work long hours 6 or 7 days a week. Besides diminishing efficiency, mandatory overtime aggravated an existing morale problem.

Regarding Florida, although mail volume in January 1973 was 18.5 percent above that in January 1972, the number of employees was down 24.8 percent. To meet these conditions, overtime was increased 89 percent. Florida postal union officials told us that this overtime was a cause of much discontent among employees. They informed us that morale also suffered because of (1) the shifts of many employees from day to night work at the Miami and Orlando Post Offices, (2) concern about the effect of the Postal Service's Job Evaluation Program,[1] and (3) the poor image of postal workers resulting from the Service's problems.

Another factor affecting mail service in Florida was a November 1972 change in the routing of mail from out of State. Before the change, out-of-State postal facilities sent all Florida mail, including residue mail (mail without zip codes or otherwise not machine processable), to one of three locations in Florida. After the change, each out-of-State facility had to sort its machine-processable mail for delivery to the three Florida locations and to send all of its residue mail to the Tampa Post Office. This change, coming at a time of high-volume activity, was said by postal officials to have resulted in much mail being sent to the wrong facilities in Florida. The Tampa Post Office was especially affected by the change because of the large volume of residue mail—about 15 percent of mail destined for Florida. The Tampa Post Office was not prepared to handle such a large volume requiring hand sorting.

The Postal Service has also experienced problems with letter sorting machines. First, the Miami and Orlando sectional center facilities did not receive machines that were scheduled to be installed before Christmas 1972. Although these machines were essential for expeditious mail processing, they were not received until after the Christmas holidays. Secondly, use of the machines has resulted in much misdirected mail because of operator errors. In Florida, about 5 percent of the mail processed on these machines was misdirected. We estimate that, during the 6 months ended December 8, 1972, about 8.4 million pieces of mail processed on the Miami, Tampa, and Orlando machines were misdirected. In our opinion, misdirection of mail is the principal cause of extremely tardy deliveries.

---

[1] The Postal Service's Job Evaluation Program is a study of all Postal Service jobs with the intention of making postal pay equal to the compensation for comparable skills in private industry.

The Service has developed a device for checking the performances of letter-sorting-machine operators to identify those with a high error rate that would indicate a need for additional training. Because of a built-in error rate of at least 1 percent in the machines, it is questionable whether the Service will succeed in reducing the error rate to that experienced in manual sorting—estimated by postal officials at 1 percent or less.

Another problem results from the Area Mail Processing Program which is designed to gather mail from small post offices for mechanized processing at a larger facility. According to the Postal Service, this program significantly reduces processing costs. However, it can also result in mail traveling longer distances. For example, before this program started mail was sent directly from Okeechobee, Florida, to Sebring, Florida—a distance of 35 miles. To take advantage of centralized machine processing, mail is now routed from Okeechobee to West Palm Beach to Lakeland to Sebring—a distance of 255 miles. Although this routing still allows overnight service, it increases the processing step where something can go wrong to delay delivery.

Also the Miami District did not have the resources to expeditiously handle the increased mail volume in fiscal year 1973. This problem resulted from basing the District's operating budget for the year on an underestimate of the anticipated increase in mail volume. The budget was based on an increase of 5.9 percent. As of February 1973 the actual increase was 16.3 percent.

The net effect of the various problems discussed above was a delay in mail delivery. As shown in exhibits B and C, the average time to deliver first-class mail and airmail nationwide increased significantly during the second quarter of fiscal year 1973, and as shown in exhibits E and F, the West Palm Beach and Miami sectional center facilities did not meet the Postal Service's overnight delivery standard in recent months. These exhibits were prepared on the basis of statistics developed under the Postal Service's Origin-Destination Information System which determines the time between the date a piece of mail is postmarked and the date it is received at a delivery point.[3] The system does not, however, measure the time required for mail to be (1) collected, (2) prepared for postmarking, (3) sorted for delivery by carriers or clerks, and (4) delivered. Also the Postal Service discontinued considering Sundays and holidays in computing the average number of days to deliver (1) local first-class mail beginning with the first postal quarter of fiscal year 1972 and (2) all first-class mail and airmail beginning with the second quarter of fiscal year 1972. Eliminating Sundays and holidays in the computations understates the delivery time. The broken lines on exhibits B and C indicate the average time to deliver the mail if Sundays and holidays are included.

Postal Service records at Miami, Tampa, and Orlando showed that during the 4 months ended January 1973, delivery of 2.3 million pieces of mail was delayed (not delivered within the times specified in the service standards shown in exhibit D). No records were available to enable us to verify this quantity.

Certain postal employees provided us with documented information concerning some third-class advertising literature that was delivered after the expiration of the sales dates and some that was destroyed rather than delivered late. We brought these matters to the attention of the Postal Inspection Service.

Despite the many problems discussed above, cause for optimism exists. At a meeting during the week of February 5, 1973, Postal Service top management and its District Managers from around the country finally acknowledged that the Service does have problems. This meeting apparently enlightened top management on the true situation in the field because most of the problems we found were also cited by the District Managers.

Regarding Florida (1) local postal facilities have been given the authority and funds to hire additional personnel, (2) the letter sorting machines scheduled for installation before Christmas 1972 were installed after January 1973, (3) mandatory overtime was required only 5 days a week in January 1973, (4) a new mechanized postal facility in Fort Lauderdale was scheduled to open in March and should improve the quality of mail service by lightening the workload at other facilities, and (5) Postal Service Headquarters is closely monitoring the Florida operations.

You also requested that we investigate the operations of the Postal Service and compare them with those of the former Post Office Department on a nationwide basis. We are making such a review in major postal facilities throughout the Nation and will provide you with a copy of our report when it is completed.

We discussed these matters with Postal Service officials who expressed general agreement with our observations. We do not plan to distribute this letter further unless you agree or publicly announce its contents.

Sincerely yours,

ELMER B. STAATS,
*Comptroller General of the United States.*

---

## VOCATIONAL EDUCATION

## HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. RHODES. Mr. Speaker, the National Advisory Council on Vocational Education recently adopted a resolution calling for the creation of a single Federal Board for Vocational Education and Manpower Training to coordinate the administration of all vocational education and job training programs.

When I received a copy of the resolution from the chairman of the council, I asked my former assistant, Dr. Arthur M. Lee, to give me his opinion on it. Dr. Lee is presently a member of the faculty and administrative staff of Northern Arizona University, as well as a member of the National Advisory Council on Vocational Education.

Dr. Lee's comments, I believe, merit serious consideration by each Member of Congress. I am pleased to insert them in the RECORD for the information of those who are as concerned about our Nation's vocational education and manpower training programs as I am. His remarks follow:

### REMARKS OF DR. ARTHUR M. LEE

Like the man said, I'm glad you asked me. This resolution by the National Advisory Council to recommend a Federal Board for Vocational Education and Manpower Training stirred up a lot of controversy. It was a new idea to me, although it represents a variation of creating a new Department of Education and Manpower Training. What is new about it, and disturbing to some people, is pulling vocational education out of the Office of Education. The biggest concern here is that it will destroy career education by re-establishing the old dichotomy between vocational education and academic subjects.

This was my first thought, too, but I don't see it that way after further consideration. Vocational education and academic programs have continued to remain sharply divided in the Office of Education. Dr. Marland's advocacy of career education has had no visible effect among the academic staff personnel in O.E. All of the acceptance of this concept—with which I am in complete agreement—and the leadership provided by O.E. to bring it about, including funds, has come from the vocational education staff.

Now, here is the interesting part. Career education, while being encouraged and supported by vocational education and virtually ignored by academic education at the Federal level, is being developed in an increasing number of local schools each year all over the country. Vocational education here, too, provides most of the leadership and the money, but academic educators are being involved. I have talked with many of them, and they are moving in this direction for the same reason vocational educators are—they see the need for it.

The conclusion is that career education, a merging of academic and vocational objectives and programs, is now taking place in the schools without a united academic and vocational administration at the Federal level. On the other hand, the one remaining area of serious dichotomy at the local level is that of vocational education and manpower training. With the increasing emphasis in all education on preparing persons for careers and upgrading their employment skills to improve their careers, manpower programs cannot remain logically outside of the educational system. They do so largely because they are supported almost entirely by Federal funds administered through the Department of Labor and through non-educational agencies at the State and local levels. As such, they do duplicate and overlap identical programs which have the same purpose and serve similar trainees.

A Federal Board for Vocational Education would serve to consolidate the appropriations made by Congress for all of these job oriented programs, and a single administration of these funds should be able to gradually pull the various programs themselves together at State and local levels.

It should be possible at the same time to continue the development and support of career education. To bring vocational education and academic education into a common relationship does not depend on a common administration of the Federal support funds for each. If it did, there would be no career education being developed now. What is required, it seems to me, is that the support funds of all kinds—Federal, State, and local—be merged at the local level. And this is already being done in a great many cases.

There is one other reason for supporting a Federal Board for Vocational Education and Manpower Training. Large, unwieldy bureaucracies have been established in both the Department of Labor and HEW, to administer two different budgets for two sets of programs many of which are duplicating and overlapping the others. It should be possible by creating a completely new agency to eliminate both of the old ones. Hopefully the new agency's administrative staff could be drawn from the best of the existing ones.

And if the new agency is established with the purpose of a monitoring function for the most part rather than a decision-making and controlling function, the objectives of President Nixon's revenue sharing proposal can be accomplished. It would even be possible, if

---

[3] A delivery point is usually the last mail-processing point, such as a post office box section or a carrier station, before delivery to the customer.

Congress should want to do so, to establish a Federal Board and revenue sharing at the same time by authorizing the Board to pass vocational education and manpower training appropriations on to the States and local educational institutions without discretionary regulation or delay.

This is a bit lengthy as an analysis of the National Council's recommendation, but I feel the subject deserves some serious thought. I am also returning the copy of the Council letter to you with my notations in the margin for a quick appraisal.

---

## IN COMMEMORATION OF THE 150TH ANNIVERSARY OF THE FIRST REFORMED CHURCH OF LITTLE FALLS, N.J., AND CELEBRATING THE 25TH ANNIVERSARY OF THE CHURCH PASTORATE OF REV. E. WILLIAM GEITNER

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. ROE. Mr. Speaker, I ask my colleagues here in the Congress to join with me in heartiest congratulations and best wishes to the pastor, Rev. E. William Geitner, and the congregation of the First Reformed Church of Little Falls, N.J., in celebration of their 150th anniversary and in national recognition of a century and a half of total dedication and devotion to the service of God and the cause of brotherhood, goodwill and understanding among all men. I commend to your recognition the concurrent 25th anniversary of the pastorate of one of our most distinguished clergymen, Reverend Geitner, who, after having served as pastor of the First Reformed Church of Little Falls for the past quarter of a century with the greatest of devotion epitomizing all the treasured qualities of a man of God, will be retiring during this anniversary year.

During the week of June 3 to June 10, 1973, his many friends and citizens of the State of New Jersey will join his congregation in celebration of the 150th anniversary of the founding of the church and in revered tribute to Pastor Geitner's 25 years of outstanding service to the church and its parishioners.

To be forever lastingly etched in this historic journal of Congress, church history records that in 1823 a mission group of the Fairfield Church formed a devout and dedicated nucleus of citizenry whose leadership and responsibility for the spiritual well-being of its members formed the early beginnings of the church as it is today. The church was incorporated as the Reformed Dutch Church of Little Falls in 1838 and welcomed the Reverend Joseph Wilson as the first ordained pastor. He was followed by Mr. Edwin Vedder who was succeeded by the Reverend J. C. Cruikshank who served the church for 18 years.

The Reverend George J. Van Neste was the first occupant of the parsonage, completed shortly after he moved to Little Falls, 1870. According to his manual, prayer meetings were held in abundance and an unblemished loyalty to church and God was required. The congregation was concerned with the "blighting influence of intemperance, especially among the young," and in 1872, two-thirds of the young people had signed pledges of total abstinence.

A depression in 1873 took its toll on the church and the community financially but the staunch character and faith of its parishioners prevailed. The records indicate that Reverend Smith was the church pastor in 1876, succeeded by Rev. W. L. Moore. Mr. Phillip Furbeck was called in 1881 to be pastor and brought with him a family of growing boys and girls. He resigned in 1888 and the next 10 years, 1888–97, Mr. Jacob Van Fleet served as pastor. When Mr. Van Fleet resigned, the consistory decided to hear candidates under 45 years of age and Mr. Steffens was elected. The church manual concludes in 1902 with a 5-month record of Mr. Bayles' pastorate. The records from this date until 1927 are believed to have been destroyed.

Mr. Martine served as pastor during the period of 1908 to 1911, succeeded by Mr. MacNeill, then Mr. Mould came to Little Falls in 1915 and subsequently became a professor of biblical history at Elmira College. His book, written just before his death, "Essentials of Biblical History," was well received. The church grew in size and activity during Mr. Fingar's pastorate and Mr. Wiedenger served as pastor for 21 years, 1927–48. The tragic years of the war followed those of the depression. The young people's organization of the church was a strong and active group for many years, cooperating with the Pompton Lakes Young People and, at one time, with a similar group from the Fairfield Church.

The present pastorate of Rev. E. William Geitner is well known to many of us in New Jersey. He has served the church devoutly and faithfully for 25 years. Pastor Geitner was born June 3, 1906, succeeding a long family line of ministers. He received his B.A. degree from Upsala College, 1927; his B.D. degree from Bloomfield Seminary, 1930; and his masters in theology from Princeton Seminary, 1932. He began his ministry at the age of 19 as spiritual leader of the Wallington Chapel. In December 1928, while still a student, he was called to the pastorate of the Union Congregational Church in Cedar Grove, N.J. He was ordained to the ministry of the Presbyterian Church at the First Presbyterian Church of Passaic, N.J., on June 13, 1929. He spent 9½ years of his early ministry at the First Presbyterian Church of Carlstadt, N.J. He was a member of the Reserve Army Chaplain Corps from 1934, and was appointed in 1940 to serve in the Regular Army. He was stationed at Pearl Harbor during the Japanese armed attack and served during World War II with distinction in service to God and his fellowman.

Under Reverend Geitner's leadership, the church has flourished and in testimony to his genuine enthusiasm and strong support of group participation activities and programs for the young and adults alike throughout his congregation, the expansion of the church facilities known as Fellowship Hall was completed under his auspices in 1965.

Today, the church with a membership of 175 families is a historic landmark, an impressive sight to the residents and visitors alike. Most of the citizens of the region during their daily busy chores feel a lot closer to God when they hear the peal of the chimes from the brownstone steeple and the solemnity of the hymns played intermittently throughout the day.

Mr. Speaker, our Nation was founded on the cornerstone of our people's faith in God which is truly the spirit, conscience and very being of our society. It is indeed with great honor and privilege that I ask you to join with me today in tribute to the congregation of First Reformed Church of Little Falls and its pastor, Rev. E. William Geitner whose dedication, devotion, and untiring efforts toward the spiritual and cultural enrichment of others deserves the national recognition of the Congress of the United States in commemoration of their 150th anniversary and 25th anniversary respectively in pursuit of the noble cause of service to God and brotherhood, good will, and understanding among all men.

---

## NORTHFIELD, MASS., CELEBRATES 300TH ANNIVERSARY

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. CONTE. Mr. Speaker, I wish all my colleagues could be with me next week when I join in the celebration honoring the 300th anniversary of the founding of the town of Northfield, Mass. The townspeople have been preparing for months and have gone all out for this birthday gala.

Northfield is a lovely town of 2,600 citizens, rich in history and promise for the future.

In the year 1673, the intrepid explorers Marquette and Joliet reached the Mississippi River after a torturous journey down the Wisconsin. But as notable as that event was, of premier importance to those of us who celebrate with the town of Northfield, half a continent away, the year 1673 marked the beginning of a long struggle to settle the area that would be known as Squakheag, after its first inhabitants, the Squakheag Indians, and later, Northfield.

Two times attempts were made to establish a community along the Connecticut River northeast of the town of Northampton. Both times, the settlements were abandoned following bloody Indian battles. But those who would reside in that northern-most outpost were a tenacious lot. They tried a third time, in 1714, and this time the Northfield settlement "took."

The first town meeting was held in Northfield on March 18, 1686. And to this day, citizens continue to govern themselves in that most democratic of means.

Not only did they advocate a democratic system of town government, they fought for that same freedom for all others. Northfield sent a representative to the Provincial Congress in October of 1774, and its contingent of Minute Men responded to the call to join the fight for independence from the British monarchy following the Battle of Lexington.

But, undoubtedly, the most widely noted period in the history of Northfield came during the life and ministry of its most famous son, Dwight Lyman Moody. Internationally known and respected evangelist and educator, Mr. Moody founded two of the finest preparatory schools in the Nation in the Northfield area. The Northfield Seminary for young women opened in 1879 and the Mount Hermon School for young men opened in 1881. After almost 100 years of separate existence, these two schools merged in 1971 and now, under the name Northfield Mount Hermon, has a combined enrollment of over 1,100 students.

The founding of these two institutions to provide an education for youngsters regardless of financial means, was just one of the accomplishments of the remarkable Mr. Moody.

In 1881, he instituted religious conventions in the tranquil setting of Northfield. One of these conventions, the Northfield Student Conference, led to the organization of the renowned World Student Christian Federation and the Student Volunteer Movement.

The name Mount Hermon was given Mr. Moody's boys school from Psalm 133: 3 which described that peak as the location where "the Lord commanded the blessing, even life forevermore."

Among the many blessings bestowed on this fine school, and in fact on the entire town of Northfield, is a great physical beauty. The town straddles the Connecticut River at the northern edge of Massachusetts and is the only community in the Commonwealth to stand on both sides of this waterway. The boundaries of three States, Massachusetts, Vermont, and New Hampshire converge at a point on the Connecticut River on the Northfield boundary.

The town holds uncommon charm for those seeking escape from the noise and bustle of more populous areas and is a favorite vacation site. Aiding the tourist program is the famous Northfield Inn.

But the hills of Northfield are deceptively silent. One of these, Northfield Mountain, conceals Northeast Utilities' $120 million hydroelectric pumped storage project slated for completion this summer.

A natural depression in the top of Northfield Mountain makes an ideal natural reservoir. Water from the Connecticut River is pumped up to that reservoir during the night and released during the peak of energy demand during the day to turn mighty turbines. The output of this facility will be 1 million kilowatts, a capacity that could supply one-thirteenth of the power demands of the entire New England region. Thus, the town of Northfield will play a crucial role in the future of the area in this age of "energy crisis."

The citizens of Northfield are also understandably proud of their fine junior-senior high school, the Pioneer Valley Regional School; the fact that the bell that once graced the First Parish Church was forged by Paul Revere; and that the town is the place where the American Youth Hostel was founded in 1934 and headquartered for many years.

Beginning Saturday, the town will embark on a week long demonstration of civic pride, culminating in a parade on June 3.

I remarked at the outset that I wished you could all be with me next week in Northfield when the celebration hits its peak. But Northfield is a community that always puts its best foot forward. Its friendly residents will have the welcome mat out during the whole tercentenary year and beyond. I call on my fellow Congresmen to join with me in extending a hearty "Happy 300th" to this wonderful town.

---

## ZAMBIAN TROOPS MURDER FOREIGN TOURISTS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. RARICK. Mr. Speaker, the murder of two young Canadians and the wounding of one American at the Rhodesian-Zambian border near historic Victoria Falls should have shocked world opinion into demanding to know what is taking place in Zambia.

Especially is this so when Zambia continues to be the recipient of U.S. foreign-aid dollars, and her one party dictator, Kenneth Kaunda, remains the darling of the liberal news establishment and the "great new leader" of the African continent to the international U.N. crowd. This occurs while the peaceful, nonaggressive people of Rhodesia are treated as an outcast under some pseudo-intellectual theory of their being a threat to international peace.

The entire Victoria Falls incident is especially repulsive to me. As a tourist in Rhodesia in 1968, my wife and I were taking pictures of the falls from the Victoria bridge when a Zambian border guard attempted to apprehend me for "violating Zambian territorial integrity" by crossing a white painted stripe in the center of the bridge. I refused to be taken into custody and the guard did not draw his gun, although other militia on the Zambian side of the bridge set up a machine gun and forced all of the tourists by direct intimidation to leave the scenic overlook.

The American financiers, church people, and bleeding hearts who send encouragement in the way of dollars and political support to the present Zambian regime should understand that they are just as responsible for the murder of tourists in Rhodesia as is the Zambian racists at the present helm of that country.

It is ironic that while the State Department giveaway specialists are gearing up to invest large amounts of American capital in Red China in the interest of assisting that "emerging nation," the Chinese Communists have already emerged enough to spend great amounts of their money in their own "foreign-aid programs" to subvert Africa.

I include an evaluation of Chinese Communist subversion in Africa from Asian Outlook, the publication of the Asian People's Anti-Communist League of Taipei, Taiwan, and related news clippings at this point:

[From Newsweek, May 28, 1973]

AFRICA: DEATH IN THE AFTERNOON

They were young tourists in southern Africa—John and Carol Crothers from Ohio and Christine Sinclair and Marjan Drijber, both from Ontario—and they were clambering along the rocky banks of the Zambezi River last week, taking in the scenic majesty of Victoria Falls. From their perch on the Rhodesian bank of the river, they waved a cheerful greeting toward a group of men on the Zambian side. The reply was a burst of automatic-rifle fire that killed one of the Canadian girls instantly and sent the other plunging to her death in the rushing, crocodile-infested Zambezi. John Crothers fell wounded in the face, stomach and thigh—but he and his wife, who was not hit, managed to struggle to shelter behind a boulder. While sporadic gunfire continued to seek them out, the Crotherses huddled on the ground for more than nine hours—until Rhodesian rescuers finally reached them after nightfall.

ACCUSED

The murderous attack was the latest in a series of incidents that have bloodied the tense border separating white-ruled Rhodesia and black-ruled Zambia. The Rhodesian Government has accused Zambia of harboring African "freedom fighters," who flit across the border to attack isolated Rhodesian farmsteads. Earlier this year, Rhodesia's Prime Minister Ian Smith closed the border in an effort to shut off the copper shipments that are vital to landlocked Zambia. Though Smith later reopened the border, Zambia's President Kenneth Kaunda has declared that he would find alternative shipping routes for his country's copper exports.

Even though Victoria Falls is a mainstay of both nations' tourist industries, Zambian troops have brazenly seized foreign nationals on the Victoria Falls Bridge twice in recent months. But last week's shooting was far and away the most serious incident in the area to date. Lusaka officials finally admitted that Zambian sentries had opened fire on the four tourists—mistaking them for saboteurs on their way to attack a nearby power station. The explanation was not convincing. "I don't know how they could have mistaken us for anything but tourists; one of the girls even had a swimming costume on," said Carol Crothers. "At first, I thought it was all a ghastly mistake, but now I realize they were deliberately trying to kill us."

---

[From the New York Times, May 17, 1973]

ZAMBEZI GUNFIRE KILLS TWO CANADIANS—RHODESIA BLAMES ZAMBIANS—OHIOAN IS WOUNDED

SALISBURY, RHODESIA, May 16.—Two Canadian women tourists were killed and an American man seriously wounded yesterday when Zambian troops opened fire across the Zambesi River border between Rhodesia and Zambia, the Rhodesian Government said here today.

A. Rhodesian helicopter today lifted the wounded American, John Caruthers, 28 year old, of Troy, Ohio, from the bottom of a steep gorge and flew him and his wife, Carol, 25, who was uninjured to a hospital at nearby Wankie.

Mr. Caruthers was hit in the stomach in the shooting, which occurred at the Victoria Falls on the Zambesi.

One of the two Canadian women was killed instantly when the four came under automatic weapons fire from Zambian Army troops on the other side of the river. The other was hit and toppled into the swift-flowing river. Her body has not been recovered but she has been declared dead.

The Rhodesian Government has sent an official protest note to Zambia saying that it held the Zambian Government responsible for the shootings.

The note said: "The Government of Rhodesia informs the Government of Zambia of its deepest concern at this deliberate and flagrant violation of human rights."

### ATTACK CALLED MURDEROUS

The note went on:

"The Government of Rhodesia holds the Government of Zambia responsible for this crime and calls upon the Government of Zambia to take immediate steps to bring the perpetrators of this murderous attack to justice.

"The Government of Rhodesia further requires the Government of Zambia to take all steps necessary to insure that there is no recurrence in the future."

A Rhodesian statement said that there was no possibility that African nationalist guerrillas—who have been active in Rhodesia the last few months—were responsible for the shooting and asserted that Rhodesia had "irrefutable proof" that Zambian troops were responsible.

### INCIDENT SECOND SUCH THIS YEAR

The incident is the second this year in which Zambian troops have been accused of opening fire across the border and killing civilians.

A White Rhodesian fisherman was killed Feb. 9 while in a boat on the Zambesi. An inquest found that the craft had probably been in Zambian waters and that Zambian troops were probably responsible.

In another recent incident two elderly West German tourists who strayed across the halfway mark on a bridge spanning the Zambesi River near the Victoria Falls were arrested at gunpoint by Zambian soldiers. They were later freed.

Victoria Falls is Rhodesia's top tourist attraction and draws thouands of visitors every year.

---

### ZAMBIA SAYS INQUIRY IS ON

LUSAKA, ZAMBIA, May 16 (Agence France-Presse)—A Zambian spokesman said here today that the Government was investigating "an alleged incident" in which Zambian troops were reported to have fired on tourists at the Zambian-Rhodesian border yesterday.

A brief statement said that the investigations were being carried out following reports from Salisbury and inquiries from the Canadian High Commission and the American Embassy in Lusaka.

Both missions said that they had been in touch with the Zambian Government to seek further information, their information so far being based mainly on news agency reports.

---

### CANADA IDENTIFIES VICTIMS

OTTAWA, May 16 (Reuters)—Canada's external Affairs Department today identified the two Canadian victims as Christine Lois Sinclair, 20, of Guelph, Ontario, and Marion Iduma Drijber, 19, of Rockwood, Ontario.

---

[From the Rhodesia Herald, Jan. 9, 1968]

### U.S. CONGRESSMAN SAYS ZAMBIAN THREATENED TO CAPTURE HIM AT FALLS

A United States Congressman, Mr. John R. Rarick, yesterday described an incident on the Victoria Falls bridge over the Zambezi River in which, he said, he was threatened with capture by a Zambian border guard who was accompanied by armed men. Mr. Rarick said at his Salisbury hotel yesterday after returning from a tourist trip to the Falls on Sunday that he would report the incident to the U.S. Consulate in Salisbury and would seek a formal protest to Zambia.

He and his wife were among a party of tourists, mostly Americans, which went to the Falls bridge in the early afternoon. They left their buses on the Rhodesian side and walked on to the bridge to take photographs.

The Congressman said that they were approached by a Zambian official in uniform who, addressing Mr. Rarick personally, began to shout and gesticulate and behave aggressively.

### WHITE LINE

The Congressman said the official adopted this threatening manner immediately—without explaining anything or asking anybody for documents.

Mr. Rarick said the official pointed to a white line across the bridge which, until then, had meant nothing to any of the party, and said: "This is it. If you come across here, I will capture you."

Mr. Rarick said today: "I tried to reason with the man. But he didn't seem to want to listen to reason, and continued to shout and make threatening gestures."

While this was going on, two armed men appeared—one with a revolver and the other with a rifle—and the party, which included several women, made its way back to the buses.

Congressman Rarick said that at one stage, standing on the Rhodesian side of the line, he started to take a picture of the Zambian official, but this only made matters worse.

He added: "He said something that sounded to me like a threat to pull me across the line and then capture me."

He said that although it was later possible to describe the incident lightheartedly, the moment was a nasty one. "Knowing the mood the official was in—and with two armed men there as well—it is not pleasant to think of what could have happened."

The Zambian Ministry of Home Affairs in Lusaka refused to comment on Congressman Rarick's report of the incident.

---

### CORRESPONDENCE FROM AFRICA: CHINESE COMMUNIST SUBVERSION IN AFRICA

(By Chi Tei)

Inside Tanzania, guns, textbooks for bush land classrooms, facilities for infantry training, the Chinese Communist instructors, and the Chinese Communist workers on the Tanzam Railways, have all entered that country through Dar-es-Salaam, capital of Tanzania and center of the "liberation struggle" movement for the whole of southern Africa.

Tanzania occupies an important position in the political and geographical spheres of the African continent. With an area of nearly 1,000,000 square kilometers, it gained independence only more than 10 years ago but has played an important role in the Organization of African Unity and has become a rallying center for its eight neighboring nations.

President Nyerere of Tanzania is still giving political asylum to former Uganda president Obote and Ugandan refugees. They hope to return and seize political power they lost to president Amin. In the western part of Lake Tanganyika called Kigoma, there are still many refugees who came from Zaire and are still considered by President Mobutu as arch enemies. Many Malawi political refugees who are living in Tanzania have shown some friendly attitude toward President Banda but are preparing for an uprising.

However, Tanzania's most striking political stand is its role as leader in the liberation struggle against the South African whites. This position has given the Chinese Communists a firm base in Africa.

Zambia and Tanzania are different in their support of the guerrilla movement. Zambia supplies the guerillas combat bases for guerrilla warfare against Rhodesia, Tete province of Mozambique, and the northern part of southwest Africa while Tanzania provides mostly training, logistics and supply and moral support.

Zambia also has close ties with the south African economic group (including South Africa) but Tanzania does not. Tanzania therefore has no obligations to southern Africa. It belongs entirely to black Africa. Under military aid from the Chinese Communists, it can openly provide military support to the organization of African Unity.

The Executive Secretariat of the Committee for Liberation of the Organization of African Unity at Dar-es-Salaam serves also as the military command headquarters for the guerrillas while training camps and bases scatter all over Tanzania. Each unit has a representative at Dar-es-Salaam to maintain close contact with the Liberation committee. New recruits from various countries are first gathered at a training station 8 miles southwest of Dar-es-Salaam for basic military training. After selection, the well qualified ones are sent to other places or into police academies for further training in military affairs, leadership and the use of arms.

The Chinese Communists provide some military instructors but most of the training is conducted under Tanzania's army instructors. In order to effectively familiarize the new recruits with the environment, most new recruits are trained within Tanzania. Only the very best get a chance to study further abroad. They are sent to the Chinese mainland, the Soviet Union, North Korea, Cuba, and nations in the Balkans, Algers, Egypt, Sudan and Nigeria. Intensification of training in Africa started after the high level conference of the Organization of African Unity held last year at Rabat. Nigeria was also able to supply the guerrillas with training facilities and extra military equipment for terrorist activities after the civil war ended there.

Guerrilla organizations inside Tanzania may have from hundred to several hundred people. One of the largest has a membership of over ten thousand. They receive daily training and participate in attacks on the northeastern provinces of Mozambique. They can freely camp and launch combat activities in Tanzania and in the Tanzania-Mozambique border areas. They engage in surprise attacks on the guerrilla forces in Rhodesia. The border areas serve as their retreat bases.

Most of the supplies and military equipment reach them through Dar-es-Salaam. Supplies to the largest guerrilla organization go further south to a port near the Mozambique border. The supplies are then distributed to the inland border area bases. Some supplies go directly to Zambia or to the border area of Malawi to Tete province in Mozambique via the Tanzam Railway. The largest guerrilla organization owns its own truck convoy and has increased this fleet by 30 Soviet and foreign made trucks. The Tanzanian army also helps transportation of guerrilla supplies.

The guerrillas often launch attacks on Tete province because of that area's strategic and political importance. It also has rich mineral resources and a lot of white farmers. Most important is that it constitutes a political threat to Malawi.

The guerrillas must depend upon Dar-es-Salaam for their supplies. The Chinese Communist supply ships often visit the port. According to statistics, for ten days last December, there were at least four Chinese Communist ships anchored in the port. These ships were all reported in the port logs and the local newspapers. These ships brought supplies for the construction of the Tanzam Railway, and military equipment including tanks and field artillery. Ships were of the 10,000-ton class. They enjoyed free entry without customs inspection and priority in docking privilege. They were often unloaded at night under heavy security guard and most of these ships were armed. About every ten days a passenger ship arrived with some 600 Chinese Communist workers. They also took black passengers to the Chinese mainland.

The Chinese Communist cadres were very influencial in the training of guerrilla fighters. They even thought of organizing the guerrillas under one central authority but failed. They also tried to force Nyerere to follow the Maoist political line. The Chinese Communist tactics is first to offer some military aid and then apply political pressure. Because of their efforts in building the Tanzam Railway, repairing part of the highways that lead to Zambia, and helping protect the oil pipelines that lead to Zambia, the Chinese Communists have established a strong foothold in Tanzania. Their military aid and training of the new recruits and the Tanzanian army have turned many of the Tanzanian army members into pro-Peiping elements.

The Chinese Communists will assist the Tanzanian government to improve and expand the port of Dar-es-Salaam after completion of the Tanzam Railway probably next year. They will also help that government build a naval base and thus increase their influence with Zambia. The Chinese Communists have already helped in improving the 500-kilometer-long highway from Lusaka to Mongu. Active support of the guerrilla's terrorist activities and increasing influence in other African nations on the part of the Chinese Communists have enabled them to exercise control in the Organization of African Unity. Under the influence of the Chinese Communists, terrorist activities will become more and more intense, and the longer these activities continue the more heated will the conflict in south Africa become.

---

## THE "ANSEL GIBBS"

## HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mrs. HECKLER of Massachusetts. Mr. Speaker, I have learned of a most interesting and, I think, significant project underway in Massachusetts, which my colleagues should take note of.

A group from New Bedford, Mass. have mounted an expedition to Northern Canada to attempt the salvage of a long-lost American whaling ship, the *Ansel Gibbs.*

The expedition was conceived and brought to life by Alexander and Suzanne Byron of Marion, Mass., together with the enthusiastic assistance of a number of Massachusetts residents. They all share in a dedication to recovering the whaler, restoring the ship and placing it on display as a memorial to the proud Americans who have gone down to the ships year in and year out in a constant renewal of the classic struggle of man against sea.

The Canadian Government has been exceptionally cooperative in assisting the Byron expedition, and I know my colleagues from Massachusetts join me in wishing the party success in this most difficult and inspiring effort.

I look forward to the day when the *Ansel Gibbs* lives again proudly, for Americans to visit and remember.

---

## AMNESTY—NO!

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. CRANE. Mr. Speaker, a great deal has been said in recent days about the question of granting amnesty to those young men who either evaded the draft or deserted from the Army in protest against the war in Vietnam. Much more will be said about this subject in the future.

Many who advocate amnesty do so out of what they genuinely consider to be a spirit of forgiveness. The war is now over, they argue, and in order to bind up the divisive wounds which we have suffered from it, amnesty should be granted to those who opposed it and expressed their opposition in the form of evasion or desertion.

This viewpoint, however, seems to ignore many important considerations and tends to simplify what is, in fact, a far more complex question, with consequences far more serious than many believe.

Discussing this question, Wayne H. Valis, assistant to the director of legislative analysis of the American Enterprise Institute for Public Policy Research, points out that—

> A grant of amnesty to draft evaders and deserters, especiallv at this time, would achieve neither harmony nor reconciliation, but would instead reaggravate tensions and divisions in our land that have only recently begun to ebb. Amnesty would violate historic precedent, weaken respect for law and cause morale problems for our armed forces. If granted on a "blanket" basis to all deserters and draft resisters it would violate fundamental concepts of justice and morality, causing great resentment. . .

At a time when there is growing disrespect for law, a policy of amnesty would weaken even further the concept of a society in which the law is applied equally to all citizens.

Mr. Valis notes that—

> Amnesty would . . . weaken the rule of law, for no civilized society can operate if its members may pick and choose the laws they will obey. "Equal protection of the law" provides that no one be discriminated against, or in favor of, before the law. Amnesty would favor a whole group, releasing it from some of the most important duties of citizenship.

As the national discussion of this subject proceeds, it is important that all points of view be carefully considered. Mr. Valis, who formerly served as eastern director for the Intercollegiate Studies Institute and as editor of the Intercollegiate Review, has made an important contribution to this discussion.

I wish to share with my colleagues the article by Wayne Valis which appeared in the March 23, 1973, issue of the Catholic Virginian, and insert it into the Record at this time:

### AMNESTY—NO!

(By Wayne H. Valis)

A grant of amnesty to draft evaders and deserters, especially at this time, would achieve neither harmony nor reconciliation, but would instead reaggravate tensions and divisions in our land that have only recently begun to ebb. Amnesty would violate historical precedent, weaken respect for law and cause morale problems for our armed forces. If granted on a "blanket" basis to all deserters and draft resisters it would violate fundamental concepts of justice and morality, causing great resentment among the American people.

The size of the problem should first be put in proper perspective. Despite much rhetoric about a younger generation's opposing America's commitment in Vietnam, over 2.5 million men served in Vietnam and another million in other areas, while only 7,000 to 10,000 (or three-tenths of 1 per cent) fled to Canada or Sweden (February, 1973, "New York Times"). The number of draft dodgers and deserters in the U.S. is also small, with only 4,448 draft violators and about 1,500 anti-war deserters at large, according to recent FBI and Pentagon statistics. Thus there is no lost generation living in exile or hiding "underground;" the problem is small, limited to a minute percentage of our young.

The most important reason for opposing amnesty is that it would sorely divide the American people. Seven out of 10 Americans (Gallup Poll, 3/5/73) oppose amnesty, and the issue reflects the most basic and deeply felt attitudes Americans have about their country and the meaning of citizenship. Many anti-war and pro-amnesty spokesmen have explained their position on the Vietnam War in moral terms, alleging that America's role in the war was immoral and unjust, that her presidents were "mad" or "murderers," that the real heroes were the draft-dodgers, deserters and protesters.

Most Americans emphatically reject these claims. They believe that America's Vietnam effort was honorable and that their sons performed nobly and unselfishly—as shown by the outpourings of joy and love upon the return of our POWs. The majority opposes amnesty because it would be interpreted as vindication of those who denigrate America. They see little love or charity—little desire for healing reconciliation—in these critics who continue to proclaim their moral superiority, or, like Father Philip Berrigan, to call returning POWs "criminals" and "destroyers."

These harsh and unjustifiable views of America were decisively repudiated in November, to seemingly "legitimize" them now by an amnesty would be abhorrent to three-quarters of our citizens and would strain the fabric of our society.

Societies are delicate creations, beset by numerous tensions and strains which statesmen must minimize in order to prevent disruption. This can now best be done by letting passions cool, by promoting a spirit of reflection which will allow all Americans to rediscover their common concerns.

To many Americans an amnesty now would undermine long-established concepts of fairness and equity and would dishonor the memory of those who fought and died for their country. For every deserter and draft evader who avoided service, another young man had to go. Moreover, those who fled now ask their government to declare that they were right and that those who gave their lives were morally insensitive and wrong, indeed, that they died needlessly and in vain. Any such declaration would be politically and morally wrong and would have a grave effect on our nation.

Blanket amnesty would undermine fundamental concepts of justice. Under our system every accused person is tried on the merits of his own individual case, with great consideration of *circumstance* and *motivation.* A general amnesty makes no distinctions between those who deserted or evaded because they were criminals and those who did so for political reasons. Defense Department studies have shown that two-thirds of all deserters are common criminals and most others mental cases. The 1947 Amnesty Board found that only 6 per cent of all desertions were for reasons of "conscientious conviction," and recent investigation indicates this figure may have dropped to less than 5 per cent.

Violators who wish to take their places in society may now go before our courts to show why each chose his particular course of action and to demonstrate extenuating circumstances or motivation. For those convicted there are elaborate procedural safeguards if they wish to appeal. It is important to note that our courts are dealing very leniently with those who turn themselves in. Last year, 4,900 alleged draft violators were prosecuted; only 1,640 were convicted. Of these, 1,200 were put on probation, generally on condition they perform alternative public service for from one to three years. Fewer than 500 received prison sentences. It is clear that our judicial system can deal with this problem without any blanket amnesty.

Amnesty would also weaken the rule of law, for no civilized society can operate if its members may pick and choose the laws they will obey. "Equal protection of the law" provides that no one be discriminated against, or in favor of, before the law. Amnesty would favor a whole group, releasing it from some of the most important duties of citizenship.

Those who claim they were demonstrating principled civil disobedience should remember that Ghandi, Thoreau, and Martin Luther King made it clear that true civil disobedients must be willing to accept punishment to demonstrate their moral beliefs. It is intellectually and morally indefensible to violate the law and then demand to go unpunished on grounds of moral superiority.

Amnesty could also adversely affect national security. It would set a bad precedent and might undermine the morale and sense of obligation of men serving in the armed services. It would practically nullify the penal sanctions of the Selective Service Act. If a failure crisis should make it necessary to reinstitute the draft, a recent amnesty might convince some inductees that they had little to lose by avoiding service. Certainly, no country can survive that encourages every citizen to decide for himself when he will or won't participate in a particular war. Under such conditions no country could conduct a credible foreign policy.

Amnesty also violates precedent and tradition. Most of the 37 amnesties in U.S. history were given to persons who were in no way comparable to today's violators (i.e., Confederate soldiers, polygamous Mormons, ex-convicts who served in World War II, etc.). Deserters have received "amnesties" from President Jefferson's time on, but always on condition that they first pay a penalty. In most cases, U.S. presidents, including Lincoln, have required deserters to surrender, rejoin their units, and serve out their terms. Many had to first serve prison terms, and some lost their U.S. citizenship for about five years. There were no amnesties of any kind after the Korean War or World War I, and it was not until 1933 that President Roosevelt pardoned World War I violators of draft and espionage laws—and then only after they had completed their sentences. Two years after World War II President Truman set up an amnesty board to review punishments of men who had been tried and convicted of evasion and other violations. The board recommended pardons in only 1,523 of 15,803 cases reviewed. Strictly speaking then, there has never been general amnesty for deserters and evaders.

Finally, charity and understanding are vital elements of civilized life, but they must be extended to the law-abiding majority as well as the minority of violators. For its part, the U.S. has been extremely generous in recognizing claims of conscientious objectors and in dealing with draft violators. Unfortunately the anti-war movement has not reciprocated. The government should continue its humane, but firm, policy, for only in this way will true harmony and reconciliation be restored.

---

## ART HOPPE STRIKES AGAIN

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BROWN of California. Mr. Speaker, on May 15 I entered in the RECORD an item by San Francisco Chronicle columnist Art Hoppe. The column, which related to the Watergate situation, contained some persuasive logic mixed in with a heavy dose of humor to make it easily digestible, even for supporters of the current administration, many of whom seem to have nervous stomachs these days.

Yesterday I received in the mail another Art Hoppe column, sent to me by a constituent who wrote that anyone who appreciated the column I entered in the RECORD on the 15th would also appreciate this one. After reading it, I quite agree, and so I would like to share with our colleagues today this second column, which was clipped from the Riverside Press & Enterprise on or about May 7.

The column follows:

BIRD? PLANE? NO, IT'S SUPERTEX!

Is it a bird? Is it a plane? No, it's . . . Supertex!

Faster than a depletion allowance, stronger than an oil import quota, able to leap over party lines in a single bound, it's . . . Supertex!

Disguised as a humble Democratic Texas millionaire named John Connally, no one knows our hero is really Supertex—not even his attractive secretary, Lotus Lane.

There she is now, dabbing her tears as she enters his modest block-long office.

Lotus: Oh, Mr. Connally, I can't help feeling sorry for poor Dick and Pat. Their expensive spread back East is under water. Their top hands are deserting them. And they're surrounded by mean old elitist gossips who keep sniping at them.

John: Well, now honey, that Dick's a mighty rich and powerful feller. I reckon he can take care of hisself.

Lotus (angrily stamping her foot and storming out): Oh, you Democrats are all alike. You don't give a fig for poor, rich, powerful people in trouble. I sure wish Supertex were here.

John (to himself): Lotus is right. This sounds like a job for . . . Supertex!

(Stepping into the telephone building he owns next to his office, John whips off his Democratic vicuna jacket to reveal underneath a Republican cloth coat with a flag pin in the lapel—the uniform of . . . Supertex! With the speed of a Lear jet, he is soon at the side of Dick and Pat—both of whom are treading water.)

Dick: Look, Pat, it's . . . Supertex!

Pat: Oh, Dick, just knowing he's come to help us in our seventh crisis gives me the strength to go on.

Supertex: After surveying the scene with my 20-20 vision, my 100 I.Q. brain tells me that some sneaky varmints have tried to flood you out of your expensive spread hereby opening up your watergate.

Dick: You mean people I trusted? I can't believe it!

Supertex: You better believe it, son. But don't worry. The first thing is to shut off the watergate. There! That takes care of that.

Dick: You mean our troubles with that watergate are over?

Supertex: Just don't ever mention it again.

Pat: But, Supertex, the elitist gossips are still sniping at us.

Supertex: No need to worry, ma'am. Using the amazing powers of my silver tongue, I'll lay 'em low. Take that for America, you dirty rats!

A Portly Figure (crumpling) Aaaggghhh!

Dick: Excuse me, Supertex, but I think you just got our beloved foreman, Spiro.

Supertex: Never mind, son. Now that you got me, you won't be needing him.

Pat: Oh, Supertex, how can we ever repay you?

Supertex: No need, ma'am. My only duty is to help the rich and powerful in their time of trouble. And by the way, when's your lease up on this here expensive spread?

Dick (gratefully shaking his hand): In three years, Supertex. After that, the place is yours. But tell me one thing: what strange, mystic wisdom made you pick this precise moment to come to our rescue after all these years?

Supertex (hand over his heart): Why, The Secret Code that's the source of all my amazing powers.

Dick: What's that?

Supertex: Buy low, sell high.

---

## U.N. PHILATELISTS COME TO WASHINGTON

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. RARICK. Mr. Speaker, the announcement that the U.S. Postal Service will play host to the United Nations Postal Administration and stage a United Nations stamp exhibit in Washington, D.C. may raise many profound questions as to where the U.S. Postal Service is headed.

Little consolation is found in the exhibit which includes copies of the Postal Agreement between the United States and the United Nations. American taxpayers who read the Postal Agreement may find it of interest that we are footing the bill for U.N. Post Office, including "all staff, equipment, and other services and facilities necessary to enable the United States Post Office Department to operate the United Nations Post Office."

Like the ancient adage that no house is big enough for two families, so it can be said that no country is big enough to house two sovereigns. In the logical conclusion, the international sovereign must eventually usurp the national sovereign.

All that is necessary to replace U.S. postage stamps with U.N. postage stamps is to change one letter. The U.N. dollar does not officially exist as such, the U.N. postage stamp and the U.N. Postal Administration are already in existence and internationally established.

I include a U.S. Postal Service news release as follows:

POSTAL SERVICE NEWS RELEASE

The U.S. Postal Service announced today that the United Nations Postal Administration will stage an exhibit in the Philatelic Exhibition Room at the Postal Service Headquarters from June 1 through June 30.

Titled "Stamps for Peace," the exhibit will be open to the public from 9:00 a.m. through 5:00 p.m., Monday through Saturday.

A ceremony dedicating the opening of the exhibit will be held in the Postmaster General's Reception Room on the third floor of Postal Service headquarters at 11:00 a.m. on June 1. Attendance will be by invitation only.

The exhibit consists mainly of a series of large and small panels. One panel will contain copies of the Postal Agreement between the United States and the United Nations. Displayed in another panel will be all UN stamps which have been issued, including those issued in 1973. All UN first day cachets which have been issued will be shown in another set of panels.

Also depicted will be the process of design, selection and issuance of UN stamps and other typical UN activities which are described by stamps.

Progressive proofs wil be shown of several UN issues, including two which highlight the social problems of racial discrimination and drug abuse.

A projector will operate continuously during the exhibit, showing reproductions of UN stamps on a screen. Thirty by forty inch blowups of UN stamps will also be displayed, and pamphlets and other information will be available to the public.

---

# HOUSE OF REPRESENTATIVES—*Tuesday, May 29, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Unless the Lord builds the house, those who build it labor in vain.*—Psalms 127: 1.

Eternal God, our Father, who hast created us with minds to think, hearts to love, and wills to choose the right, we bow our heads before this altar of prayer set up by our fathers at our Nation's birth that we may feel Thy presence near and be assured of Thy love as we endeavor to meet the challenge of this present hour. Breathe into our hearts and into the hearts of our people the generosity of good living and the greatness of genuine faith.

Guide and direct the Members of this House of Representatives that their actions may be just, fair, and kind, and that our Nation and the nations of the world may benefit by their wise decisions. In all humility and faith may they lead our citizens and the peoples of the world in the paths of justice, peace, and good will.

In the spirit of Christ we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on May 16, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 393. Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report.

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture; which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,
*May 23, 1973.*

Hon. CARL ALBERT,
*The Speaker,*
*House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture on May 22, 1973, considered and unanimously approved the following work plans for watershed projects which were transmitted to you by Executive Communication 759, 93d Congress, and referred to this Committee:

Bacon Creek, Iowa
Carbon Hill, Montana
Cow Creek, Oklahoma
Oolenoy River, South Carolina
Tallulah Creek, North Carolina

Attached are Committee resolutions with respect to these projects.

With every good wish, I am,
Yours sincerely,
W. R. POAGE, *Chairman.*

## THE PROHIBITED KNIFE ACT

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I was deeply saddened to learn of the incident this weekend in which two youths from my district were stabbed—one fatally—with a long-bladed folding knife. This is the kind of tragedy which I believe could have been avoided if we had tough knife control legislation on the books.

Today I am reintroducing the Prohibited Knife Act which would strengthen Federal knife control legislation. For the last 4 years I have urged Congress to enact legislation to ban the sale and manufacture and possession of the most easily accessible weapons in our society—switchblade, gravity, and long-bladed folding knives. These deadly knives are sold indiscriminately and displayed openly and grotesquely in gleaming showcases to attract prospective buyers.

Switchblade knives, gravity knives, and long-bladed folding knives have no legitimate purpose or use for which other knives are not better suited. Sportsmen, fishermen, and the industry itself have borne me out on this. I am talking about those weapons whose only purpose is violence.

Knives are the second most often used weapon in murder cases. This is the proof that the Switchblade Knife Act of 1958 is grossly ineffective in curbing the availability of these knives.

## PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 7670, MARITIME PROGRAMS OF DEPARTMENT OF COMMERCE.

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tonight to file a report on H.R. 7670, to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection?

## PRINTING OF EULOGIES AND ENCOMIUMS OF THE LATE PRESIDENT HARRY S TRUMAN

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-229) on the concurrent resolution (H. Con. Res. 110) providing for the printing, as a House document, of eulogies and encomiums of the late President of the United States, Harry S Truman, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 110

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed with illustrations as a House document the eulogies and encomiums of the late President of the United States, Harry S Truman, as expressed in the House of Representatives and the Senate. Such publication to include the text of the funeral service held in Independence, Missouri, as well as the prayers and scriptural selections delivered at the memorial service on January 5, 1973, at the Washington Cathedral; and that thirty-two thousand five hundred additional copies shall be printed, of which twenty-two thousand one hundred and fifty shall be for the use of the House of Representatives and ten thousand three hundred and fifty shall be for the use of the Senate.

SEC. 2. The copy shall be prepared and bound in such style as the Joint Committee on Printing may direct.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PRINTING OF REVISED EDITION OF "THE CAPITOL"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-230) on the concurrent resolution (H. Con. Res. 132) to provide for the printing, as a House document, of a revised edition of "The Capitol," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 132

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed as a House document with illustrations, a revised edition of "The Capitol", compiled under the direction of the Joint Committee on Printing; and that four hundred and sixty-nine thousand additional copies shall be printed, of which four hundred and thirty-nine thousand copies shall be for the use of the House of Representatives and thirty thousand copies shall be for the use of the Joint Committee on Printing.

With the following committee amendments:

Page 1, line 5, delete "sixty-nine" and insert "seventy-two".

Lines 6 and 7, delete "thirty-nine" and insert "forty-two".

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PRINTING OF THE COMPILATION OF THE SOCIAL SECURITY LAWS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 93-231) on the concurrent resolution (H. Con. Res. 200) to provide for the printing of the compilation of the social security laws and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 200

*Resolved by the House of Representatives (the Senate concurring)*, That the compilation of the social security laws, prepared by the Social Security Administration for the use of the Committee on Ways and Means, be printed as a House document and that five hundred additional copies be printed for the use of the House Document Room, and that two thousand additional copies be printed for the use of the Committee on Ways and Means.

With the following committee amendments:

Page 1, line 3, immediately after "prepared" insert "in two volumes".

Page 1, line 8, immediately after the period insert the following: "Three thousand five hundred additional copies of volume I and five hundred additional copies of volume II shall be printed for the use of the Committee on Finance of the Senate."

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## FOURTH ANNUAL REPORT OF THE INDEPENDENT NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

*To the Congress of the United States:*

As required by Public Law 90-448, I am transmitting herewith the Fourth Annual Report of the independent National Corporation for Housing Partnerships and the National Housing Partnership. It covers the period of January 1, 1972–December 31, 1972.

Richard Nixon.

The White House, *May 29, 1973.*

## ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-27)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

*To the Congress of the United States:*

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1972.

During the period covered, railroad retirement and survivor benefits were paid to more than one million beneficiaries and totaled $2.1 billion; railroad unemployment and sickness insurance benefits totaling over $120 million were paid to over 360,000 claimants.

This document is of added interest now that the Congress has instructed railroad management and labor, and retirees, through negotiations, to recommend a plan that would protect the financial position of the railroad retirement system. Such a plan must take into consideration the report of the Commission on Railroad Retirement, a synopsis of which is included in this annual report.

Richard Nixon.

The White House, *May 29, 1973.*

## PLAY BALL

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, I rise briefly at this time to express my sincere and enthusiastic congratulations to Mr. Joseph Danzansky and his associates for their successful efforts to bring baseball back to the Nation's Capital.

My appreciation, and that of many of my colleagues and thousands of baseball fans in the Washington area, also goes to our distinguished colleagues, Bernie Sisk, Frank Horton, Joel Broyhill, the very capable Mayor Walter Washington, and several others who played active roles in getting Washington back in the baseball business.

And I am especially happy to see that it is a National League ballclub—the San Diego Padres—that is coming to Washington, and that its new owners are a group of dedicated men who are community minded and who are committed to making baseball a good thing again in Washington.

As many of my colleagues will remember, I spoke in this Chamber in August of 1971 about the need for a major league baseball team here in Washington, shortly after the Washington Senators were so abruptly moved to Texas.

To see that keen desire realized today, or nearly so with only the National League owners' approval to be obtained, is a most gratifying and exciting experience for me.

As a former National Leaguer myself, I welcome the Padres to Washington, I salute their new owners, and I look forward to the 1974 season when those familiar but still exciting words—"play ball"—are heard again in Washington.

## AMENDING PAR VALUE MODIFICATION ACT

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 408 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 408

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6912) to amend the Par Value Modification Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Tennessee (Mr. Quillen) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 408 provides for an open rule with 1 hour of general debate on H.R. 6912, a bill to establish the official value of the dollar at a level reflecting the current market value declared by the Secretary of the Treasury last February 12.

H.R. 6912 authorizes and directs the establishment of a new par value of the dollar, one dollar equal to 0.828948 special drawing right, or, in terms of gold, forty-two and two-ninths dollars per fine troy ounce of gold. The effect of this provision is to establish a new par value for the dollar of 10 percent less than provided in Public Law 92–268, 92d Congress.

H.R. 6912 also repeals prohibitions against private citizen purchase, holding and selling of gold, at a date to be determined by the President.

The bill authorizes appropriations of two billion, two hundred and fifty million dollars to be committed to international development lending institutions, the International Monetary Fund, and certain dollar obligations of the Inter-American Development Bank. Of this total, $25 million will be kept in a contingency reserve.

Many of us might not be particularly for it, but, Mr. Speaker, our failure to act favorably on this legislation might stimulate speculation in the monetary markets and place the dollar again in some difficulty. We have a responsibility to pass H.R. 6912. I urge adoption of House Resolution 408 in order that we may discuss and debate H.R. 6912.

Mr. GROSS. Mr. Speaker, will the distinguished gentleman from Louisiana (Mr. Long) yield?

Mr. LONG of Louisiana. I am happy to yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, the gentleman says we have a responsibility to pass this bill. I assume we have a responsibility to consider most legislation that comes before us, but I am unable to understand the emphasis on "responsibility to pass this bill," since apparently the devaluation of the dollar took place on February 12.

So that devaluation is as of today a fact of life, is it not?

Mr. LONG of Louisiana. Mr. Speaker, there is no question but that the gentleman is correct. As I said in my remarks, I personally regret the necessity of having to act in this matter.

It appears to me that the incumbent administration has put us in the position where we are going to have to discharge our responsibilities. They have put us into a position where we have no other course of action available to us, because of what they have done, but to act to prevent further devaluation from arising.

I would like to, if I may, Mr. Speaker, yield to the distinguished gentleman from Texas (Mr. Gonzalez) who is the chairman of the subcommittee which handled this matter in the legislative committee having jurisdiction, and ask him if he would like to comment upon the points which the distinguished gentleman from Iowa (Mr. Gross) has raised.

Mr. GONZALEZ. Mr. Speaker, will the gentleman from Louisiana (Mr. Long) yield?

Mr. LONG of Louisiana. I yield such time as he may consume to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman, and I appreciate his courtesy.

I think the gentleman from Louisiana (Mr. Long) has answered the question as factually and cogently as it can be answered. This does reflect a post hoc action in light of the announcement of February 12 by the Secretary of the Treasury.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, we are then after the fact—and long after the fact—now considering an action taken by the executive branch of Government in which we have no part whatsoever and which involves a minimum of $2,250 million; is that not correct?

Mr. GONZALEZ. The gentleman is correct. Mr. Speaker, we bring this out in our report. This is identical, as to the modus operandus, as happened last year at the time of the first devaluation. At that time, as far as I know, there was no prior consultation on the part of the executive with anybody on the congressional level.

Mr. GROSS. But the failure of commission or omission on the part of the House or on the executive branch of the Government, the failure in one instance ought not to entitle or encourage the House of Representatives and the Congress for that matter to approve a failure in another instance.

Mr. GONZALEZ. There is no question about that. I agree thoroughly with the gentleman.

Mr. GROSS. That is exactly what is happening, is it not?

Mr. GONZALEZ. Not exactly.

Mr. Speaker, as the gentleman will recall, the Congress has not been confronted with this as in the last year for a period of almost 35 years, so quickly on the heels of the first devaluation we had the request for the formal change in the par value, as to which the Congress honored the President's commitment. This time, if the gentleman will notice, there has been a longer interim between the de facto devaluation announced by the Secretary, according to our constitutional processes, and the time that this House is considering it, and, in fact, one of the reasons being that we had considered and have obtained from the executive branch an understanding in writing that the Congress will be informed, as it has not been before, as to certain activities preceding the devaluation in this case, where the action taken by the executive branch of the Government, whether it be the Treasury Department or whether it be by the Federal Reserve Board, acting as an agent for the Treasury Department, in effect goes to our constitutional prerogative of setting the value of money.

Mr. Speaker, we do have that now. One of the reasons we have this now, in May, after February the 12th, is that in protecting the constitutional prerogatives of this Congress and other Congresses, we have insisted upon and obtained these written assurances that from here on out we are going to have the information we did not have before.

Now, do not let that give you the impression that the Executive is going to come in and necessarily consult with the Congress, because this depends upon the nature and the personality of the President, but it is a continuing question that we should be asking ourselves about our role in constitutional responsibility of setting the value of money, and it is one that this committee or some committee is very much concerned about. We are currently planning a course of action which, if adopted by the members of the subcommittee, will go a long way toward making sure that when our executive branch officials go around the world they will be mindful of the constitutional provision that says that only the Congress shall coin money and set the value thereof.

Mr. GROSS. Will the gentleman yield further?

Mr. GONZALEZ. I am delighted to yield.

Mr. GROSS. That provision was in the Constitution for all to read on February 12 of this year.

Mr. GONZALEZ. That is true.

Mr. GROSS. And the law was on the statute books for all to read on February 12 of this year. Yet that law was ignored, was it not?

Mr. GONZALEZ. Yes. The gentleman from Iowa must keep in mind that just as the residual powers of the President are concerned, there are some actions that the Executive by the very flow of events at this time will decide under highly questionable constitutional procedural methods, but to all intents and purposes, from a practical viewpoint they are an accomplished fact.

Mr. GROSS. My friend from Texas is not trying to read into the action taken on February 12 and the action being taken here today—he is not trying to read into the powers of the Chief Executive as Commander in Chief authority not to observe the Constitution of the United States, is he?

Mr. GONZALEZ. Absolutely not.

Mr. GROSS. And the laws of this country?

Mr. GONZALEZ. Absolutely not. How could my distinguished colleague from Iowa ever misinterpret any statement I have made in explaining a fact as giving any kind of justification for a usurpation of his constitutional authority by the Chief Executive? Never, never.

Mr. GROSS. I am simply referring to the gentleman's reference to the President as Commander in Chief.

Mr. GONZALEZ. There again the gentleman from Iowa demonstrates his inimitable knack of hitting the nail with his head.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I am glad to yield to the distinguished gentleman from California.

Mr. HANNA. I thank the gentleman for yielding.

I want to ask the chairman of the committee a series of questions, if I may.

Is it not true, Mr. Gonzalez, that what we have seen here in two different instances has been the Executive's response to a condition in an international money marketplace and that Executive response came after the Treasury representatives had visited with all of the other capitals of the world and the treasuries of those capitals making an arrangement without the participation of anyone in Congress by which the executive department felt it was facing the facts as they existed in an international money market?

Mr. GONZALEZ. The answer is yes with this qualification: It did not happen the same way on both occasions. The gentleman will recall while Congress was in recess on August 15, 1971, the President did not call it a devaluation; in fact, nobody did for 2 days. However, in effect, he brought about a devaluation, if you want to call it that, as differentiated from an appreciation or a depreciation of the dollar. There are technical differences.

But his announcement was out of the blue, and in effect said that we would not adhere to the Bretton Woods agreement in the conversion of dollars to gold. In effect we are saying that the Bretton Woods agreement is dead, and we are off of it because of the forces the gentleman explained.

But we must also remember that contemporaneously with that announcement was the announcement of the first 90 days of voluntary controls for the domestic economy. That is what took the headlines, and not the real implication of the other announcement about taking the dollars off the standard. So that on February 12 the difference was, as the Treasury officials gleefully explained, that they were under no pressure, but were voluntarily going around in a quickie fashion to consult with the other central bankers in the other nations in order to announce that we had voluntarily initiated the action of what amounted to a further 10-percent decrease in the value of the dollars so that there was rather a technical difference as to the procedure used and the announcement that was made.

Mr. HANNA. But in each instance this was purely the executive department's action?

Mr. GONZALEZ. The gentleman is correct.

Mr. HANNA. There was no consultation with the gentleman from Texas, or his committee?

Mr. GONZALEZ. No, there was no such consultation.

Mr. HANNA. And as the gentleman from Iowa (Mr. GROSS) has been trying to make clear the point that we all accept the fact that we were left with a fait accompli, and now we are tied to the provisions in the agreement made by our Government, and the fact that whenever something like that occurs then we have to look to that agreement and see what it requires us to do, and that is the purpose of the bill that is to come before us, to comply with the contracts our Government made, and international agreements involving international financial institutions.

Mr. GONZALEZ. In fact, the net residue here is the foregone conclusion of binding obligations that the President has already announced which have been initiated.

As the gentleman from California knows, the gentleman being a very eminent and efficient member of our subcommittee, we have been, and in fact we are still faced, and have been since May of 1971, with the fruitlessness on the congressional level of handling this kind of announcement. So we have in the meanwhile, as the gentleman, I am sure, knows, through our subcommittee, been going into this fact of congressional oversight and anticipatory recommendations that we hope the executive branch will heed.

Mr. HANNA. One final question. Did not the gentleman from Texas and his committee actually make as a condition precedent to bringing this bill to the floor a requirement that this Congress through our committee be made aware earlier, and when and if minute maneuvers are being carried on, so that we will not get in this kind of a situation again?

Mr. GONZALEZ. The gentleman is correct.

Mr. HANNA. I thank the gentleman.

Mr. LONG of Louisiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding to the distinguished gentleman from Tennessee, I wish the RECORD to show that I associate myself with the questions raised by the gentleman from Iowa, the gentleman from Texas, and the gentleman from California, as to the procedures that were followed by the executive branch in handling this whole situation.

May I also congratulate the gentleman from Texas and the gentleman from California for setting up additional procedures through which we hope it will insure that the Congress is given more consideration in the matters of this type.

As the gentleman from Texas knows, I for one raised a number of these same questions before the Committee on Rules that are being discussed here. I was reluctant because of the abuse of executive authority, to handle the rule on this matter, but I feel that if we do not do something at this time we will be compounding the matter, and that is the reason that I agreed to handle the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 408, the rule under which we will consider H.R. 6912, Amending the Par Value Modification Act, is an open rule with 1 hour of general debate.

The primary purpose of H.R. 6912 is to authorize and direct the Secretary of the Treasury to establish a new par value of the dollar at 10 percent less than that provided in Public Law 92-268. The new par value would be one dollar equal to 0.828948 special drawing right, or in terms of gold, forty-two and two-ninths dollars per fine troy ounce of gold.

The bill also includes an expression of the sense of Congress that the President should expedite efforts toward international monetary reform. This is included because of the slow progress in reaching an agreement on international monetary reform.

In addition, section 3 repeals the prohibitions which apply to the ownership of gold by Americans. This would apply when the President determines that the progress of monetary reform no longer requires the regulation of gold.

As submitted by the administration, the total cost of this program will be $2,250 million. Of that figure, $2,225 million will be required to maintain the value of paid-in capital subscriptions to international development lending institutions, the International Monetary Fund, and certain dollar obligations of the Inter-American Development Bank. The remaining $25 million is a contingency reserve.

Mr. Speaker, I urge the adoption of this rule, so that the House may work its will on this legislation.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and, subject to the approval of the minority, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 9, "present" 1, not voting 123, as follows:

[Roll No. 160]

YEAS—299

Abdnor
Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boland
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burgener
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Collins
Conable
Conte
Corman
Crane
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dingell
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Flood
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holt
Holtzman
Horton
Huber
Hudnut
Hungate
Hutchinson
Jarman
Johnson, Calif.

Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kemp
Ketchum
King
Koch
Kyros
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Moorhead, Calif.
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
Owens
Parris
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Studds
Symms
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Wampler
Whalen
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Alaska
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—9

Dent
Gaydos
Goodling
Gross
Hammerschmidt
Landgrebe
Moss
Rarick
Yatron

"PRESENT"—1

Hanrahan

NOT VOTING—123

Adams
Anderson, Calif.
Annunzio
Badillo
Biaggi
Blatnik
Boggs
Bolling
Bray
Breaux
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Calif.
Burke, Fla.
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chisholm
Cohen
Collier
Conlan
Conyers
Cotter
Coughlin
Cronin
Davis, Ga.
de la Garza
Delaney
Dickinson
Diggs
Donohue
Esch
Evins, Tenn.
Fish
Fisher
Flowers
Flynt
Ford, William D.
Froehlich
Fuqua
Goldwater
Gray
Griffiths
Gubser
Hanley
Hansen, Wash.
Hastings
Hawkins
Hays
Hillis
Holifield
Hosmer
Howard
Hunt
Ichord
Jones, Ala.
Kastenmeier
Kazen
Keating
Kluczynski
Kuykendall
Landrum
Latta
Leggett
Lent
McCormack
McKay
Mailliard
Martin, N.C.
Mathis, Ga.
Michel
Milford
Mills, Ark.
Mink
Mollohan
Montgomery
Moorhead, Pa.
Murphy, N.Y.
Nix
O'Hara
O'Neill
Pepper
Powell, Ohio
Price, Ill.
Price, Tex.
Railsback
Randall
Robison, N.Y.
Rodino
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Sandman
Smith, Iowa
Spence
Steelman
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor, Mo.
Teague, Tex
Tiernan
Udall
Waggonner
Waldie
Ware
White
Whitten
Wiggins
Wilson, Charles, Tex.
Winn
Wright
Young, Fla.
Young, Ga.
Young, S.C.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Lent.
Mr. Holifield with Mr. Gubser.
Mrs. Boggs with Mr. Carter.
Mr. Blatnik with Mr. Price of Texas.
Mr. Kastenmeier with Mr. Diggs.
Mr. Kluczynski with Mr. Michel.
Mr. Rostenkowski with Mr. Latta.
Mrs. Sullivan with Mr. Taylor of Missouri.
Mr. Teague of Texas with Mr. Hosmer.
Mr. Waggonner with Mr. Bray.
Mr. Tiernan with Mr. Cohen.
Mr. Whitten with Mr. Camp.
Mr. Moorhead of Pennsylvania with Mr. Coughlin.
Mr. Murphy of New York with Mr. Fish.
Mrs. Chisholm with Mr. Leggett.
Mr. Carey of New York with Mr. Hastings.
Mr. Annunzio with Mr. Powell of Ohio.
Mr. Adams with Mr. Collier.
Mr. Casey of Texas with Mr. Froehlich.
Mr. Davis of Georgia with Mr. Broyhill of North Carolina.
Mr. Delaney with Mr. Mailliard.
Mr. Donohue with Mr. Martin of North Carolina.
Mr. Evins of Tennessee with Mr. Kuykendall.
Mr. William D. Ford with Mr. Esch.
Mr. Kazen with Mr. Conyers.
Mrs. Griffiths with Mr. Broomfield.
Mr. Gray with Mr. Hillis.
Mr. Hanley with Mr. Hawkins.
Mr. Hays with Mr. Brown of Ohio.
Mr. Howard with Mr. Hunt.
Mr. Jones of Alabama with Mr. Dickinson.
Mr. Landrum with Mr. Conlan.
Mr. Mathis of Georgia with Mr. Keating.
Mr. McCormack with Mr. Goldwater.
Mr. Mollohan with Mr. Burke of Florida.
Mr. O'Neill with Mr. Cronin.
Mr. Fuqua with Mr. Young of Florida.
Mr. Cotter with Mr. Roncallo of New York.
Mr. Fisher with Mr. Steelman.
Mr. Flynt with Mr. Spence.
Mrs. Mink with Mr. Ware.
Mr. Ichord with Mr. Milford.
Mr. Pepper with Mr. Montgomery.
Mr. Price of Illinois with Mr. Railsback.
Mr. Randall with Mr. Flowers.
Mr. Rodino with Mr. Sandman.
Mr. Roy with Mr. Anderson of California.
Mr. Smith of Iowa with Mr. Biaggi.
Mr. Stratton with Mr. Robison of New York.
Mr. Stubblefield with Mr. Young of South Carolina.
Mr. Udall with Mr. Winn.
Mr. Waldie with Mr. Wiggins.
Mr. Stokes with Mr. Badillo.
Mr. Breaux with Mr. Brown of California.
Mrs. Burke of California with Mr. de la Garza.
Mrs. Hansen of Washington with Mr. McKay.
Mr. Mills of Arkansas with Mr. O'Hara.
Mr. Nix with Mr. Symington.
Mr. Stuckey with Mr. White.
Mr. Charles Wilson of Texas with Mr. Young of Georgia.
Mr. Wright with Mr. Carney of Ohio.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6912) to amend the Par Value Modification Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6912, with Mr. VANIK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN), will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, hearings on the par value legislation before us were held by the committee's Subcommittee on International Finance chaired by the Honorable HENRY B. GONZALEZ. I want to take this opportunity to commend the excellent work done by the subcommittee under the superlative direction of its subcommittee chairman.

The hearings conducted by the subcommittee were extensive and complete. Further, the committee report, I believe, fully explains and describes all of the necessary objectives, positions and ramifications of this legislation.

In meeting the objectives of the administration to secure expeditious consideration of this legislation, and in meeting with our congressional responsibility to fully explore all aspects of the effect of this legislation, if enacted, the full committee heard the subcommittee during its usual markup session and ordered the bill favorably reported by a vote of 24 to 6.

Based primarily on the fact that if we do not approve this legislation we will have in fact reneged on a number of international commitments which we have to various international institutions, I support the legislation for the reason hereafter stated. But I hasten to add that merely by approving this legislation we will not to any substantial degree cure our international economic problems.

Although our last month trade balance was positive, there is much yet to be done regarding international trade and monetary matters, to say nothing of a whole host of domestic issues which must be properly solved before we can look forward to any wholesome and sustained positive balance-of-trade and balance-of-payments issues.

Mr. Chairman, as I indicated I do support this legislation as an important part of the legislation process to obtain appropriate consideration of the important proposals in the bill before us. I yield to the distinguished chairman of the subcommittee, the Honorable HENRY B. GONZALEZ to provide to the Members of the House a detailed explanation and justification of the action of this committee.

Mr. Chairman, the truth is our economy is almost on dead center. Our Government is on dead center, and the Congress is on dead center. Something must be done, and done soon, that is favorable or we will be facing a number of more serious problems.

Mr. Chairman, as I indicated, I do support this legislation as an important part of the legislative process to obtain appropriate consideration of the important programs in the bill before us.

Mr. Chairman, I yield 15 minutes to the distinguished chairman of the subcommittee, the gentleman from Texas, the Honorable HENRY B. GONZALEZ, to provide to the Members of the House a detailed explanation and justification of the action of this committee.

**Mr. GONZALEZ.** Mr. Chairman, last February 12, the Secretary of the Treasury announced that he would ask the Congress to approve a 10 percent devaluation of the dollar. This announcement followed a serious international exchange crisis, and took place after an extraordinary series of foreign journeys by Under Secretary of the Treasury Paul Volcker, who had been working to negotiate some way out of the crisis. The devaluation announcement calmed the markets for a while, but a few days later there was an unprecedented speculative run on the world monetary markets. This forced the official exchanges to close for a period of some days—again, an unprecedented event for the current world monetary system. This second crisis eased when Secretary Shultz and Under Secretary Volcker engaged in another series of meetings with our trading partners, which resulted in the present system of floating exchange rates. Even this system has been troubled in recent days with a feverish gold market, but the monetary rates themselves have been fairly stable.

That brings us to the present.

Immediately after Secretary Shultz announced the administration's intention to seek a 10-percent devaluation of the dollar, the market of course automatically devalued the dollar in that amount. What we have before us is the bill that would carry out the legal devaluation, but the marketplace reality has been in effect for some time.

The first section of the bill resets the value of the dollar at forty-two and two-ninth dollars per fine troy ounce of gold, or in other words, makes the dollar equal to 0.023684 of a fine troy ounce of gold. The bill for the first time contains a new definition of the dollar, this in terms of special drawing rights—SDR. The special drawing right is an international reserve asset, sometimes called paper gold, created in 1968 by the International Monetary Fund as a supplement to gold, and hopefully as an eventual replacement for gold as a monetary reserve asset. The SDR originally was valued at $1 or one thirty-fifth of an ounce of gold, which was the gold value of the dollar in 1968. Like gold, the special drawing right has a constant value and therefore this bill defines the devalued dollar as a fraction of one SDR. Specifically, the dollar would be defined as being worth 82.89 percent of one SDR, or $1 equals 0.828948 SDR.

In short, the dollar would be devalued by 10 percent by this bill.

All of us recognize that one of the causes of monetary crises is the fact that the international monetary system is in need of reform. The fundamental conditions of the world have changed since the current system was established in 1944. At that time the United States stood alone as a major power undamaged by war. Britain, a major financial power before the war, stood on the brink of ruin. Europe was devastated physically and of course economically comatose. Japan was ruined. The United States alone could rescue the world from its financial prostration, and the entire monetary system established at the Bretton Woods Conference was based on this hard reality.

But times have changed. Europe is rebuilt and has formed an economic union that competes with us and seeks to exclude some of our products from its markets. Japan has emerged as an economic giant—technologically advanced, aggressive and successful in the world marketplace. Where once it seemed inconceivable that the United States would have an unfavorable balance of payments, today our deficit is running at a tremendous pace.

These vastly altered circumstances have changed the monetary realities of the world. The dollar is no longer king, because the United States is not the only strong economic system in the world any longer.

These changed conditions mean that we must have some changes in the international monetary system. The need is indicated by the increasing frequency and scope of monetary crises. Therefore we have recommended in this bill that the Congress express its belief that international monetary reform efforts must be expedited.

I am encouraged that today we are at least having serious discussions about monetary reform. The United States has put forward serious reform proposals. I think we have a right to expect that our trading partners will respond and that we can have at least the basis for monetary reform by the time the International Monetary Fund meets this September.

Section 3 of the bill would legalize the private ownership of gold by individual citizens in this country at some future date to be determined by the President. The committee believes that it would not be prudent to legalize private gold ownership at this time, but that lifting restrictions on individual gold holdings may be possible in the future.

The danger in lifting all restrictions on gold ownership at some arbitrary future date is substantial. First, we do not know what conditions may be in the future. There could be conditions that would produce a great demand for gold to be held for investment, speculation or simple hoarding. If such a demand were strong enough, we could expect great increases in the market of gold, which is already very high.

This in turn would produce severe problems for industrial users of gold—by diverting supplies from the industrial market and by inducing price dislocations. A big increase in the price of gold to jewelers could not help but be reflected in higher wholesale and retail prices, for example. Second, beyond the problem of supply dislocations and inflation, a large demand for gold for speculation or hoarding might well cause large increases in our balance-of-payments deficit. Virtually all the free gold in the world today is in foreign hands. For U.S. citizens to obtain gold for hoarding purposes, dollars would have to be sent abroad. There is no way to predict how great such an outflow could be, but it could be very large, and the consequences equally great. Third, the position of gold in the international monetary system is far from settled, and is subject to negotiation. A sudden lifting of our present gold holding restrictions could well cause grievous harm to these negotiations, and set off a real monetary crisis.

It would be erroneous to assume that we could easily produce from domestic sources all the gold needed for meeting speculative demand at once. Domestic production does not even meet our present needs. The problem is simple: Gold production is not very elastic—it does not respond much to the pressures of demand.

This is because most of our domestically produced gold, and in fact virtually all of it, comes as a byproduct of other mining activities. We have in the United States only one active gold mine that I know of. Obviously then, the production of gold is not about to increase dramatically. As a matter of fact, the reason that the world went off the gold standard was that gold production could not possibly match the needs of the world monetary system—the world economy was and is growing too fast to allow this. I don't think we could expect anything different to happen in gold production to satisfy individual speculators. That is why a sudden speculative demand would certainly send huge amounts of money abroad, thereby damaging our payments position and the national interest.

But there may be nothing wrong in principle with individual ownership of gold. That is why this bill would allow the President to lift restrictions on individual ownership at a time when he determines our international monetary position would not be damaged by such an action—in other words, the bill would authorize lifting of restrictions on individual gold ownership when the President finds that this would not damage the national interest.

I want to emphasize that this would not mean that we intend to allow the writing of contracts in gold, or otherwise change the joint resolution on gold. Our intention is merely to allow individuals to buy, sell and own gold if and when it is possible to do this without sacrificing our national interest.

The text of the bill does not mention it, but I want to make it clear to the House that one effect of this legislation would be to authorize the appropriation of $2.25 billion to cover maintenance of value commitments of the United States. The Treasury estimates that $2.225 billion of this would be actually required, so that some $25 million would be set aside as a contingency reserve. The reason for this reserve is that the actual amount of our obligations can be calculated only on the day of official devaluation.

The money requested by the Treasury is needed because our agreements with the International Monetary Fund and the various international development financing institutions require that capital subscriptions be maintained in a constant value. We insisted on these provisions so that the capital structure of the institutions would not in any way be impaired by devaluation. Whenever any member country devalues, it has an obligation to pay in whatever amounts are needed to maintain the original value of their capital subscriptions to these institutions. It is clearly our duty to do so when we devalue our own currency.

The actual budgetary impact of the payments to the development institutions would be small in any given year. No money would actually be spent this fiscal year, and only about $12 million in fiscal 1974. Payments of about equal size would be made in each of the following 12 years, for a total of about $477 million. Specifically, the total payments would be distributed as follows: about $71 million to the International Bank for Reconstruction and Development—the World Bank—and $161 million to its sister institution, the International Development Association. Some $233 million would be required for the Inter-American Development Bank and $12 million for the Asian Development Bank.

In addition to these payments for maintaining the value of our capital subscriptions to these institutions, $72 million may be needed to maintain the value of certain outstanding dollar loans of the Inter-American Development Bank. These outstanding loans were made in dollar but may be repaid in local currencies, thus necessitating our additional payments.

The reason that our annual payments will be so small is that we are required to maintain the value of our commitments as payments are made from them. Since the lending institutions disburse their capital over a period of years, our actual payments are also made over a similar period of years. The appropriation is simply used as a letter of credit to be drawn down as the need arises; so, while the money is appropriated all at once, it is not spent for quite a number of years and the budgetary impact in any given year is therefore very small.

Beyond these payments to the international development financing institutions, we are obliged to maintain the value of our commitments to the International Monetary Fund. For this, the Treasury estimates an appropriation of $756 million will be needed. However, this operation involves an exchange of assets and has no budgetary impact. This happens because devaluation not only diminishes the value of the dollar but also raises the value of our gold assets. The increase in the value of our IMF assets is sufficient to cover our newly created liabilities.

Finally, some $920 million will be needed to maintain the value of our callable capital subscriptions to the development lending banks. Under the financial structure of these institutions, subscribers underwrite issues by the institutions by putting up callable capital, which must be maintained in constant value. No callable capital has ever been needed to cover these bond obligations and it is extremely unlikely that any ever will be. But since the value of our underwriting commitments must be maintained, $920 million would be required to be placed in the Treasury as a contingency reserve.

This will have no expenditure impact now, and it is only a remote possibility that there would be any such impact in the future.

This bill is of course an administration bill and is in accordance with the President's program.

I do not expect that the administration will propose another devaluation of the dollar, at least in the foreseeable future. Both the Treasury and Federal Reserve indicated as recently as this week that there is no intention of proposing a further devaluation. The President himself has also stated that this should be the last devaluation action of the United States.

We have a responsibility to adopt this bill. Only Congress can set the legal value of the dollar, and it is our duty to see that the legal value of the dollar corresponds to its market value. If we fail to adopt this bill we will not change anything about the realities of today's market—whatever we do here, the dollar in the market is going to be worth 10 percent less than it was in January. So nothing would be gained by the defeat of this bill. However, a negative action could cause us considerable losses. I am confident that the dollar as it stands now is sound. But if we fail to adopt this bill, we will create additional uncertainty in the world monetary market, and could well invite another serious crisis, which could do no one any good and could in fact cause everyone much harm.

I have no great enthusiasm for devaluation.

Devaluation alone will not solve our trade deficit. Competitive though our products may be, we cannot hope to erase the deficit without general monetary and trade reform. The monetary system must be improved, and trading barriers must be lowered or removed. I am glad that consideration is being given to both these requirements.

But reform in trade and monetary affairs will take time. Our duty now is to act on this bill. I solicit your favorable consideration, and hope that the House will adopt the bill as reported by your committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, is that $2.25 billion to be spent on so-called maintenance of value included in the budget?

Mr. GONZALEZ. At the time that the bill was first sent over to our subcommittee I addressed a letter to the Secretary of the Treasury, and then to the Office of Management and Budget. I believe I have a copy of the text of the reply from Mr. Rommel, and in it he never answered specifically if it had been anticipated, and therefore was a part of the budget, but he did say that it would fall well within the budgetary planning of the administration.

However, just last week the same office sent a report to, I believe, a Subcommittee on Appropriations that they had not provided for this amount in the budget.

Mr. GROSS. It was not in the budget because the President had no idea when the budget was prepared that he was going to devalue the dollar on February 12. As a matter of fact, it was a week or 10 days before the devaluation on February 12 that it was announced that there would be no devaluation.

Mr. GONZALEZ. That is true.

Mr. GROSS. So it could not possibly have been put into the budget, and therefore we find that this $2.25 billion is wholly and totally unbudgeted, and it will only add to the difficulties to which we must give consideration in the already huge deficit in the pending budget.

Mr. WIDNALL. Mr. Chairman, the Banking and Currency Committee reported without amendment H.R. 6912, the bill amending the Par Value Modification Act and recommends its passage. This is essentially a simple bill. Its main purpose it to establish a new par value for the dollar. This new par value would result in a reduction of 10 percent of the value of the dollar in terms of both special drawing rights and gold.

This bill is before the Congress because under existing law the President may not agree to a change in the par value of the dollar in the International Monetary Fund without the consent of the Congress. This bill, by authorizing and directing the Secretary of the Treasury to take the necessary steps to establish the new par value, would give the required formal consent by the Congress.

Congressional consent to the reduction in the par value of the dollar is of vital importance for the effective implementation of the needed realinements of international currency values. This is the case even though financial transactions are presently being conducted on the basis of the new exchange rate pattern agreed upon earlier this year. This pattern includes in addition to the reduction in the par value of the dollar, the upward floating of the Japanese yen, a continued floating by the United Kingdom, Canada and Italy, and an agreement by some of our major trading partners in Europe to engage in a joint float among their own currencies.

The proposal to devalue the dollar is one of a number of important and closely related steps announced by the administration which all have as their purpose the achievement of balance in our trade and payments position within an international framework of free and fairer trade. The other steps involve the phasing out of our capital controls by the end of 1974 and the recent submission to the Congress of comprehensive trade legislation to enable the United States to negotiate for reductions in trade barriers.

This exchange rate realinement holds substantial benefits for this country. Competitive opportunities in world markets for American workers, farmers and businessmen will be substantially improved. These benefits, of course, can only be realized if we can rely on the strength of our domestic economy and the stability of the dollar at home.

The benefits of realignment cannot be realized if Congress delays or defeats the formal action authorizing the change in the par value of the dollar.

Delay may well result in speculation and exchange market instability and erode confidence in our ability to use the opportunity of realinement to correct our payments in balance. Unnecessary delay by Congress in acting on this legislation would make formal completion of the exchange rate realinement agreed upon with our trading partners impossible. Also, they would surely feel absolved from carrying out their exchange rate commitments and would undoubtedly resort to various kinds of restrictions to protect their positions. Since in this situation no one would gain and everyone would lose, it is in our best interest to complete speedy action on this legislation and thereby promote international monetary stability.

A provision of H.R. 6912 adopted by the Banking Committee expresses the sense of the Congress that the President shall take all appropriate action to expedite realization of the international monetary reform. In my opinion, Mr. Chairman, it is time that Congress express its concern over the slow pace of negotiations in achieving the much needed reform in the international monetary system. At the same time, this amendment would provide an endorsement and support for the President's efforts to carry on successful negotiations for a viable new monetary arrangement.

Finally, the bill would authorize the President to eliminate the present prohibitions against private gold holdings whenever he determines such action will not adversely affect the Nation's international monetary position. I fully support this provision.

Since 1933, Americans have been allowed to own and deal in gold only for industrial, professional or artistic objectives. For these purposes, Americans have always been free to acquire all the gold they need under Treasury license. Domestic producers of gold have also been free to sell their product at the prevailing industrial market price of gold, which in recent days has exceeded $100 an ounce. What Americans have not been permitted to do under the statutes and implementing regulations is to speculate and invest in gold, whether at home or abroad.

With the phasing out of the monetary role of gold it is my hope that it will be ultimately possible to eliminate the restrictions on gold speculation by Americans and treat gold as any other commodity. It seems to me, however, that it would be a serious mistake on the part of the Congress to take such action now or to set an arbitrary date for the elimination of gold regulations. Such action could disrupt exchange markets, delay the continuing long-term trend toward diminishing the monetary role of gold, and adversely affect the current negotiations on international monetary reform and our balance of payments position. In short, whatever the benefits that might result from the removal of controls on private gold ownership at this time, they are surely outweighed by the detrimental effects on the overall U.S. interests.

This is not to say that the regulations should be maintained indefinitely. When the progress of monetary reform and other circumstances allow, Americans should be able to own or deal in gold as they do now in any other commodity. What the proper timing is for the removal of the controls should, however, be left to the determination by the President. He is in the best position to determine when the international monetary negotiations and other factors bearing on private gold ownership have progressed to the point where unregulated gold holding by Americans will no longer interfere with our national objectives.

In summary, Mr. Chairman, I urge that the House approve H.R. 6912, without delay.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Chairman, I rise in opposition to H.R. 6912, the so-called Par Value Modification Act. During the more than 12 years I have been privileged to represent the First Congressional District of Rhode Island, I have supported with enthusiasm the efforts of three administrations to achieve a satisfactory balance-of-payments position and have supported in each instance commitments made by each of three Presidents to our overseas allies. I have felt that a strong military presence abroad was required by this Nation to furnish positive evidence of the seriousness of our commitments to our allies in the free world. I have rejected and continue to reject a fortress America concept.

The time has come to speak in plain words; to require answers to a series questions, that trouble not only my constituents, but indeed all Americans, from an administration that increasingly demonstrates its insensitivity to our own needs at home and its total disdain for the people's right to know. To say that trust and confidence in the integrity of our Government today is at a low ebb is indeed an understatement and, therefore, in good conscience, I cannot continue to support bills of this nature without requiring the fullest explanation of past policies and procedures that all add up to bankruptcy in this important area of dollar valuation and balance of payments.

The bill before us today is, unfortunately, a classic example of how ineffective our Government has been in insisting upon and assuring an adequate and steadily increasing export market for U.S. goods and services. This legislation, as similar legislation in 1971, will, if enacted, provide congressional sanction for the executive branch to again reduce the value of the dollar. It is hoped that by so doing, U.S. export of goods and services would increase, based on the simplest observation and assumption that foreign goods and people will buy U.S. goods and services, because it will cost them less than it has in the past. I say, Mr. Chairman, this is a simplistic assumption, because this is precisely what we were told when this Government devalued the dollar in 1971. However, we find our balance of trade and our balance of payments still in substantial deficit.

Our own subcommittee chairman, my good friend, the Honorable HENRY B. GONZALEZ, in his separate views on this bill, in which he repeats and quotes from his separate views on the previous devaluation bill, says as follows:

> Instead of the promised improvement in our trade deficit, last year saw a tripling of it. Instead of improved domestic economic performance, we have today virtually uncontrolled inflation and continued high unemployment in the face of booming economic growth. There has been no trade reform. We have only continued promises of world monetary reform.

For years, Mr. Chairman, this Nation has supported all kinds of reforms around the world. We have, through our bilateral and multilateral aid programs, supplied more than $100 billion worth of foreign aid. We have benefited not only the developing nations of the world, but also the developed nations in supplying markets through this aid. We have, through the Marshall plan, assisted without substantial repayment in rebuilding the Japanese economy to where now it is our staunchest competitor. We have through U.S. multinational corporations exported hundreds of thousands of jobs and we find that we must, therefore, using our Federal resources, support job retraining and manpower programs in order to find new jobs and retrain new people whose jobs have been lost as a result of overseas competition.

We have seen in my area of the country, and specifically my State of Rhode Island, where we suffer from one of the highest unemployment rates in the Nation, job after job disappear as a result of foreign competition. One would think this is bad enough, but such, unfortunately, is not the case. At the outset, I protested strongly against the administration's insensitivity to the needs of our own people. This administration continues to cut back, curtail, and abolish many programs enacted by the Congress to benefit our people. We have seen this administration freeze all Federal housing programs. We have seen this administration severely cut back on educational grants and loans.

We have seen this administration move to severely restrict those programs which have in the past provided both economic and social benefits to the aged, to the young and, yes, Mr. Chairman, to everyone in every age group and economic strata in our Nation.

My comments thus far, Mr. Chairman, have been general in terms of the effect upon each and every American. I now turn, Mr. Chairman, to speak specifically about this administration's attitude toward the people of Rhode Island, particularly the people of the First Congressional District. On April 17, 1973, the Department of Defense announced actions to consolidate, reduce or close 274 military installations in the United

States and Puerto Rico. No area of the country was more critically and heavily affected than my own State of Rhode Island. The Quonset Point Naval Air Station, the major carrier based antisubmarine base on the east coast, is being closed. The Naval Air Rework Facility there, is also being terminated. The entire transfer of the fleet from Newport involving more than 13,000 military personnel, it is my understanding, will commence during the month of June and will be substantially completed by the end of this summer.

Rhode Island, therefore, must absorb the loss of 22,000 military and civilian jobs with barely 3 months' notice. Is it fair to require one small State to bear 50 percent of the announced military reductions in such a short period of time? Should we be required to pay the price for supporting as a nation a topheavy shore establishment compared with the number of operating fleet units?

The Navy has been the largest employer in Rhode Island. In one devastating blow 80 percent of those jobs are to be wiped out. Our economy was already having difficulties with an unemployment rate over 6 percent. With a prospect of over 4,500 civilian jobs to be eliminated by the Navy, and more than 17,000 military personnel transferred, the outlook is indeed grim. Reliable estimates forecast that unemployment will certainly rise to over 8 percent and may reach a high of 10 percent. Our economy will lose a quarter of a million dollars on an annual basis. It is impossible, however, to calculate the full extent of the impact on our businesses and service industries. The shock waves will extend their devastating effects into every corner of our economy. We have learned that the economic impact on our State was not taken into account when the Navy formulated its plans. Thus, the economics being used to justify this move is narrow in the extreme. It is "tunnel vision" economics in the worst sense. It does not take into account added Government outlays for unemployment compensation, manpower retraining programs, and welfare payments for those who cannot find jobs. It does not take into account lost income tax revenues from businesses that will be wiped out, or lost tax revenues from the thousands of civilians who will be thrown out of work.

In view of the grave consequences of this unexpected and far-reaching action, there can be no question but that the justification for the closings and cutbacks must be of compelling and overriding importance. From all appearances thus far—and the Rhode Island congressional delegation has made repeated and searching efforts to get satisfactory answers—it is quite the contrary. Too many significant and obvious questions remain unanswered.

I deeply feel that any individual faced with potential personal tragedy, after devoting a lifetime of service as a part of our Defense Establishment, is entitled to be completely reassured as to the integrity of the planning and decisionmaking process and that any reductions deemed essential are carried out in a fair and equitable manner.

The Navy's inability to respond to the most basic questions concerning the housing and educational impact on Norfolk and Mayport exhibits an attitude of shocking indifference for the welfare of the dependents of transferred naval personnel. The cost of foreclosed housing, built at Navy insistence through the years in Rhode Island, the cost of essential public services and public improvements including impacted aid schools is unknown to Navy planners which casts serious doubt on the validity of alleged cost savings.

We have heard much about the transition to the "All-Volunteer Force" and, undoubtedly, we in the Congress will be asked to appropriate additional money for benefits for our military personnel to assist in making the military life more attractive for the type individuals we need to retain in our complex Defense Establishment today. In the Department of Defense annual report for fiscal year 1964, the following is stated:

> As we move to the All-Volunteer Force, our objectives are: To increase the challenge of military jobs and improve the quality of military life in order to attract and retain the talented, dedicated people needed to man our smaller forces.

Mr. Chairman, callous indifference has been shown to the needs of our business community by the move of over 13,000 military personnel in the Newport area alone within a 3-month period of time. Furthermore, the welfare of the families of these naval personnel has not received even the most cavalier attention by those responsible at the highest level within this administration for this recently announced base realinement.

At this point, Mr. Chairman, I would like to read a letter typical of hundreds of letters that I am now receiving from dependents of naval personnel:

> I am the wife of a Navy serviceman with twelve years of dedicated service and sacrifice. The recent decision of the Pentagon to shut down the Quonset Point and Newport naval installations is of deep concern to me.
>
> We have recently arrived from duty on the West Coast. I am sure you realize that there are many expenses a serviceman and his family must incur when moving that the Government does not reimburse him for.
>
> After months of looking for a decent home we finally found and purchased one. Now, after a short time, we are being asked or rather told we must transfer and again incur these needless expenses. This time, however, it will be worse, as we are being sent, along with countless others, to Norfolk, Virginia, where housing is already critical and rents are outrageous. Because of this we will probably have to remain apart until we receive Government quarters, which could be a wait of perhaps two years.
>
> With the many hardships and sacrifices imposed upon our lives through the separations caused by sea duty, (which no other service must bear), we feel the Defense Department is creating and imposing an undue and unnecessary hardship upon us and thousands of other Navy families. Whatever happened to the tradition of the Navy taking care of its own, or has that been lost along with bellbottoms and jumpers?
>
> It seems very strange that until this month, the Navy was unable to transfer personnel due to lack of permanent change of station funds, but suddenly they have found a cloud with a silver lining and have millions of dollars available to transfer thousands of people and tons of equipment.
>
> We hope you will do everything within your power to reverse this senseless decision to withdraw the Navy from Rhode Island, and allow myself and thousands of other Navy families to remain.

I say, Mr. Chairman, enough is enough, and while I may be only one voice, I wish to assure you, Mr. Chairman, that voice will be forever on the side of fairness, equity, and truthful dealing with the American people.

In my preceding remarks, Mr. Chairman, I have indicated my support through the years for a strong military presence abroad. However, when faced with callous and arbitrary action by this administration to achieve doubtful or inconsequential savings we must seriously review a policy that costs this country on an annual basis roughly $30 billion a year to maintain over 600,000 troops in 2,000 bases overseas. Many of these bases, of course, have all of the creature comforts that our top bass require to maintain a lifestyle commensurate with their own exaggerated notion of their own importance.

Mr. Chairman, faced with the bankruptcy of the past we are asked to vote for H.R. 6912 in the hopes that it will somehow cure our economic ills. But we voted for similar legislation in 1971 and, as I have pointed out, our economic ills are still with us. I ask, how much longer can the patient live? I think my constituents, if they were employed, would go along with a request of this nature in the hope that economic prosperity would, as a farmer said, be just around the corner. But I find it hard, if not impossible, to take this position with my people, especially those who, as a result of the devastating action just taken by this administration, are now queuing up to the unemployment compensation window and looking for any job that would help hold body and soul together. Think what it means to the ego and mental posture of a grown man who has been trained as a skilled technician and who has held a responsible job for 20 to 25 years who finds himself, through no fault of his own, out of a job and now forced to be a bellboy in a hotel or drive a taxicab looking for fares that do not exist.

My colleagues, this is not all, because this legislation calls not only for a de facto devaluation of the value of the dollar, but for the actual appropriation of $2.2 billion to meet our obligations under the so-called maintenance-of-value clause, which is contained in the charter and agreements of the various multilateral lending institutions in which the United States participates.

Mr. Chairman, is this justice? Here the people of the country, my constituents and yours, out of the goodness of their feelings toward our fellow man throughout the world, contributed billions upon billions of dollars for their rehabilitation and economic development. Now we find the European Community and the Japanese imposing trade barriers and other restrictions for U.S. goods and services being sold in their markets. We find, Mr. Chairman, reduced to its basic simplicity, that the United States is being played as a patsy in the world today. Mr. Chairman, what I am being asked to do here and what my colleagues are being asked to do is to tell my unemployed people back home that, yes, we have the money to continue giving away our funds for economic development abroad; yes, we have the money—more than $2 billion worth—to maintain the value of our contributions to multilateral lending institutions; yes, we will continue to do this while other nations who are in a much better position to assume some of the humanitarian burdens which this Nation has shown ever since World War II will not increase their contribution and allow the United States to decrease ours. And, at the same time, Mr. Chairman, while our Executive moves to close military bases in my district and your district and while other programs in the field of housing, community development, health, education, and welfare are being seriously curtailed by this administration—while all this is going on, the unemployed in my district and those who no longer will be receiving the benefits of the various programs I have mentioned must still, if we vote for this legislation, continue to support foreign grant and aid programs which at best provide no benefits to us and which in fact cause in part the curtailment of domestic programs. Mr. Chairman, I ask how can I explain this to my people and when I ask myself how my constituents would vote on this matter, I think the answer becomes abundantly clear.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from California.

(Mr. HANNA asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. HANNA. Mr. Chairman, I should like to address myself to the purely financial effects and particularly to the cost of the proposed change in the par value of the dollar. The change in par value will have the effect of increasing certain United States assets and liabilities. Some of these liabilities will be financed without need of appropriation, the remainder—increased U.S. payment obligations to the international financial institutions—will be financed through an appropriation.

Passage of this bill will authorize the Secretary of the Treasury to fulfill U.S. maintenance of value obligations in the international financial institutions. It will also authorize the appropriation of the necessary amounts to fulfill these obligations. It is now anticipated that a maximum appropriation of $2.25 billion will be required.

The increased payment obligations to the international financial institutions derive from provisions in the articles of agreement of these institutions requiring member countries to maintain the value of their subscription in terms of a common denominator—in this case gold. The purpose of this requirement is to assure that the contributions of all members are maintained in value in relation to each other despite changes in exchange rates. This provision has worked in favor of the United States in the past in assuring that other countries that devalue their currency do not diminish the value of their contributions. It assures that our share in the assets and our voting rights in these institutions are not impaired by devaluation of other currencies.

The United States as a member of the International Monetary Fund and the multilateral development lending institutions must fulfill its maintenance of value obligations as provided in the articles of agreement of these institutions. These obligations involve $756 million for maintenance of value in the International Monetary Fund, $992 million for maintenance of value on callable capital and other contingent obligations of the international development lending institutions and $477 million maintenance of value on paid in capital of these institutions.

The obligation to the International Monetary Fund—in the form of a letter of credit—will have no budgetary impact and it is highly unlikely that our contingent obligations will give rise to budgetary expenditures. Therefore, it is anticipated that total budgetary expenditures as a result of this legislation will amount to only $477 million with no expenditures anticipated for this fiscal year. The budgetary impact for fiscal 1974 will be $12 million which represents maintenance of value obligations on the paid-in subscription of the Asian Development Bank. The budgetary impact for fiscal 1975-86 will be $465 million which represents maintenance of value obligations on capital now paid in and held by the multilateral development institutions, paid-in capital not out on loan by the international banks as well as capital to be paid in under authorizations now in progress.

Mr. Chairman, I should like to put our maintenance of value obligations in perspective by comparing our obligations resulting from the two devaluations with regard to the paid-in capital of the international development banks as well as the International Monetary Fund with the obligations of other countries. Our obligations resulting from the two devaluations will amount to about $2 billion—this compares with over $10 billion in maintenance of value obligations of other countries.

There is another important perspective to keep in mind. Devaluation results in an increase in our liquid international reserve assets—in our gold and SDR's—totaling $1.4 billion. This provides cash to the Treasury—almost three times as much as the liabilities on paid-in capital to the international financial institutions of $477 million—which will eventually become a cash drain. Taking into account not only increases in liquid assets but also contingent assets, there is a rough offset between assets resulting from devaluation and our liabilities resulting from devaluation. The assets side of the ledger must be kept in mind when we talk about liabilities.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I rise in opposition to the bill, H.R. 6912, a bill to amend the Par Value Modification Act. I oppose this bill in protest to the administration's handling of our international monetary and economic policies, as well as its mismanagement of the domestic economy.

No President in the history of this country has presided over within the period of 14 months two major devaluations of the U.S. dollar. At the conclusion of the Smithsonian Agreement, December 1971, President Nixon stated that the agreement which devalued the dollar by some 8 percent was the greatest international monetary agreement that had ever been made. Fourteen months after the greatest international monetary agreement, the President was forced to devalue the dollar again, because of, in my opinion, his total mismanagement of our domestic economy. The complete abrogation of phase II of the President's economic policy program of wage and price controls in January of this year caused a massive run on the U.S. dollar and made the gold speculators the international gamblers against the U.S. dollar.

Aside from the reason of my protest vote against this bill, I would like to point out the American taxpayer will be forced to provide $2.25 billion in order to maintain the calue of paid-in capital subscriptions to various international lending institutions, such as International Monetary Fund and the Inter-American Development Bank. As our committee report points out, an additional $25 million will be needed as a contingency reserve, since the total of these obligations can only be determined on the date that the dollar devaluation formerly occurred. This is indeed a heavy price for the American taxpayer to bear, particularly at a time when this administration is cutting out and cutting back on numerous much-needed domestic programs in all areas.

As my colleague on the committee from Rhode Island (Mr. ST GERMAIN) will point out, the administration is abolishing thousands of jobs in unnecessary cutbacks of various Federal defense installations around the country making very little attempt to assist the people so affected by these cutbacks.

Domestic economy is experiencing the rampage of inflation, the likes of which we have not seen since the end of World War II, and nothing is being done to contain this inflation. Interest rates are rising again. Cost of living goes up every month. Food prices are reaching the point that the average American family will shortly be unable to meet his immediate food bill. Rents are rising all over the country. Construction of new homes is rapidly falling, and yet the administration does nothing.

I realize that this bill is a formal approval of the decision already arrived at by the President, but I must use this opportunity in opposition to this bill to protest the utter failure of the Nixon administration to manage our domestic economy and our international monetary affairs.

Mr. WIDNALL. Mr. Chairman, at this time I yield 5 minutes to the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I think for the Members to really understand this devaluation of our dollar by 10 percent, things have got to be put into a little different perspective here this morning.

Back in the 1940's, we adopted the Bretton Woods agreement, wherein we in the United States of America, with some $25 billion or so in gold in our coffers out in Fort Knox, agreed that we would buy back all dollars from abroad. It was a generous agreement we could make in those days, because our balance of payments was in our favor and money was not, of course, going out of the country the way it has in the last 15 years.

It was a sound agreement which has kept the currency of the world stable for 27 years, because the foreign currencies were pegged to this great American dollar which had back of it some $25 billion worth of gold.

We did respond in accordance with our agreement to give up gold when dollars were presented.

Finally on August 15, 1971, the President had to "blow the whistle." Our gold was down to $11 billion, and France and other countries were demanding $300 or $400 million worth of gold at a crack. The time would soon have come when we would not have gold for our domestic use.

I believe a country must maintain its gold supply, because a country without gold in times of great emergency is pretty destitute.

We therefore repudiated this promise to buy back dollars with gold. That meant our dollars abroad were no longer backed by that very delightful metal we had previously been responding with. As a result, confidence was lost in our dollar.

And to make matters worse, last year our balance-of-payments deficit jumped to $6.8 billion, more than any other year in all our history, which further accumulated dollars abroad, and somebody says that nobody knows accurately how many there are—it is $60 billion, $70 billion, or perhaps $80 billion abroad.

What happened in February of this year was we had to immediately devalue the dollar by 10 percent. Some $6 billion worth of dollars were offered by speculators in Germany alone.

Who came to our rescue? The German banks came to our rescue and bought up those dollars. It was the German banks and the banks in Japan that did it. Some $1.6 billion was offered in Japan. They came to our rescue, and they bought up those dollars.

A hurry-up message was sent to Washington, "You had better come over to do something about this." We sent Paul Volcker over there, under the instructions of the President and Arthur Burns and Mr. Shultz. He had to sit down with the bankers in Europe, and they said, "All right. We have bought up this money, but we are not going to do it further. What you have to do is devalue your dollar."

We did not pay too big a price, in my opinion, for having the dollar saved.

Let me say that if the German and Japanese banks had not bought up those dollars there would have been a virtual financial collapse in the world, in my opinion, as I read it.

We agreed to devalue the dollar right then and there. We did not come to the Congress and ask the Congress to do it, because it was a terrible crisis. Something had to be done. We sent a representative over there, and he said, "All right. If you will agree to stablilize the dollar we will devalue 10 percent."

The devaluation went into effect immediately. It has been in effect since February 12. It is something the Government had to do. We did not wait for the Congress to do it. There was a crisis over there, with the dollar being driven right off the market, and a financial collapse of the world, one might say, about to start, and the President had to act quickly.

In my opinion we did not pay a very high price for saving the dollar on all the markets of the world. Now we do have relative stability in the world financial markets. However, it hangs by a very slender thread.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. JOHNSON of Pennsylvania. As a result, Mr. Chairman, of devaluation, things are happening as predicted. In the month of April, for the first time in many, many months, our balance of payments was in balance. This business of making it more expensive for Americans to shop abroad and making it easier for Europeans to shop in the United States is exactly what we wanted by devaluation of the dollar. I would not be a bit surprised that from here on out we will have an even balance on our balance of payments.

Devaluation is creating employment in the United States. What we have to do today is to pass this, to pass it quickly, and to put it on the President's desk, to show the people of the world we are standing by an agreement made by our President, because I believe it is giving the stability we need.

Mr. Chairman, I want to say this to the people of this country and of the world: We have the strongest currency in the world; our dollar is the most valuable currency in the world.

We are a great nation. Our gross national product this year is going to jump to $1,250 billion, a jump of $105 billion this year. We are a great nation, and people should not look down upon our dollar. I say it is one of the finest. Let us get to the business of further strengthening it here today.

Mr. Chairman, I urge the House to pass H.R. 6912, which would approve a 10-percent reduction in the par value of the dollar. Section 5 of the Bretton Woods Agreements Act prohibits such a change in par value without prior congressional approval. The proposed legislation would grant this approval.

This bill stems from recent disturbances in international exchange markets in early 1973 which required immediate action to restore order to exchange markets. The United States responded to this serious situation by negotiating with our trading partners an agreement on the realinement of international currency values. Pursuant to this arrangement, the United States agreed to a 10-percent reduction of the par value of the dollar, the Japanese agreed to cut loose the yen to float upward to a rate consistent with Japanese balance-of-payments equilibrium, a continued float by the United Kingdom and Canada, and an agreement by France, Germany, Denmark, and the Benelux countries to engage in a joint float.

I believe this exchange rate realinement holds substantial benefits for the United States which makes it essential that Congress authorize the change in the par value of the dollar thereby allowing its implementation. The exchange rate realinement will substantially improve the competitive position of American workers, farmers, and businessmen in world markets. In addition, it has helped set the stage for outward-looking trade negotiations designed in part to eliminate trade practices which tend to shield large portions of national economies from the impact of balance-of-payments adjustment measures. If our trade negotiations meet with success in this regard, the benefits of the realined exchange rates will be more fully realized by American workers and producers. Finally, the exchange rate realinement will speed and foster constructive reform of the world monetary system. Such reform is necessary to assure smooth adjustment to imbalances in international payments such as exist between nations today; that necessary adjustments in exchange rates are made more effectively and surely in the future; and that our monetary arrangements contribute to open trade and payments among nations.

I believe that this bill represents a positive response to the serious monetary crisis which we have experienced. The proposed legislation, reinforced by determined efforts to maintain a strong and inflation-free economy, can provide a firm basis for the restoration of monetary stability and international payments equilibrium. It can lay the foundation from which to attack the more fundamental and formidable task of building a new trade and payments structure.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise today to urge this House to enact H.R. 6912, the Par Value Modification Act of 1973.

Such action would provide congressional ratification of the February exchange rate negotiations by fulfilling the commitment made by the United States to reduce the par value of the dollar by 10 percent. This devaluation, combined with the actions of our trading partners, will be beneficial to all Americans. Combined with the Smithsonian exchange rate realinement, it provides a strong boost to our competitive position and will help restore the U.S. trade position to the healthy position of earlier years. Should the Congress fail to act favorably and promptly, I fear that new monetary turmoil could well develop which would create renewed international friction, further controls on trade and capital, and have an adverse impact on the U.S. economy.

We should not let recent exchange market turmoil detract from the magnitude of the realinement that has been achieved. The average combined exchange rate change from the Smithsonian and February realinements against the major industrial countries of Europe and Japan is about 25 percent. Against Japan, the world's third largest economy, the change has been 35 percent while vis-a-vis Germany, the strongest European economy, it is about 30 percent.

I recognize that there is some skepticism in this House about statements concerning the impact of exchange rate changes on our balance of payments, especially in light of the inadequate response thus far from the Smithsonian action. I share this skepticism but must admit that the sheer size of the combined realinement is unprecedented. Furthermore, there were signs that our trading position was beginning to improve, albeit inadequately, before the February decisions. Information suggests that further, stronger improvement may be occurring. I, therefore, would expect a significant improvement in our balance of payments as the effects of the exchange rate realinements work themselves out.

To be truly effective, this new exchange rate must be supported by more success against inflation. Unless we achieve a price performance significantly better than that of our trading partners, the improved competitive position that has been achieved will be frittered away. In this regard, I must admit some concern that devaluation will raise prices of imported products and contribute to inflationary pressures. While this is an inevitable offshoot of a realinement and the overall impact will be limited, in certain sectors important price changes will occur. Redoubled efforts will be needed to ensure that these price changes do not foster further significant inflationary pressures throughout the economy.

The achievement of realistic exchange rates must not deter us from reaching agreement on fundamental reform of the international economic system. We must develop codes of conduct which will avoid the prolonged imbalances of the past, with their recurrent crises, increased controls and rising protectionism. I would caution our partners, however, that this Congress will accept no reform which does not provide for a fair balance between rights and responsibilities. Nor will we accept rules which do not provide the United States the same freedom to act which others presently enjoy.

A satisfactory adjustment to today's economic conditions of more equal competitors also requires a restructuring of trade rules. U.S. products must have fair access to world markets if others are to continue to share in the richest, most open market on earth. Our workers must also have protection against unfair foreign competition while being assured of adequate remedies which will enable them to meet the challenge of increased imports.

Prompt action by the Congress on the par value bill will represent the first step along a path of a freer, fairer and more stable world economy.

Mr. WIDNALL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I strongly urge support of H.R. 6912. The bill represents ratification of a Presidential act undertaken to meet an international monetary crisis. Passage of the legislation is of vital importance for the effective implementation of the needed realinement of international currency values and for the fulfillment of the international commitments by the United States. The devaluation of the dollar was not a step taken by the United States unilaterally; it represents a decision by the United States taken in conjunction with other countries to establish a new pattern of exchange rates which will bring exchange rates of all major countries into a fairer relation with each other. This new pattern includes in addition to the 10-percent reduction in the par value of the dollar, coordinate actions by Japan, the United Kingdom, Canada, Italy, France, Germany, Denmark and the Benelux countries.

The exchange rate realinement will have a fundamental effect on the whole range of U.S. economic contacts with foreign countries. The benefits of the realinement will accrue over a period of years and will greatly assist the competitive position of U.S. producers both in the United States and overseas markets. This in turn will result in more jobs in the United States.

This realinement will work strongly toward the restoration of a trade surplus for the United States. That surplus is essential to balance in overall external payments and thus to a stable monetary system. Realinement must be accompanied by effective United States action to combat inflation and to restore satisfactory domestic economic growth. It is clear that no monetary achievement can be of lasting benefit without satisfactory domestic performance. I hope that the administration will continue to take action not only on the international but also on the domestic front.

H.R. 6912 urges the President to expedite efforts toward realization of needed international monetary reform, as envisioned at the Smithsonian Conference in December 1971. Greater progress on international monetary reform must be made and it is hoped that fundamental agreement can be reached by September, the time of the next annual meeting of the International Monetary Fund.

Mr. Chairman, it is not enough for the Congress to urge the President to act expeditiously on monetary reform. We must also do our share by promptly enacting the legislation before the House.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise in strong support of H.R. 6912, the Par Value Modification Act. The committee bill preserves the goals of the administration's original proposal of February 19, but it now contains some different legislative features.

The legislative features are the encouragement offered to the President to continue this country's leadership in the development of a new international monetary system. Nothing is more important to the improvement of our international trade and payments problems than the creation of such a system. The committee recognized that importance, and I hope this House does so today by ratifying the committee decision.

The other main committee addition is the provision with respect to gold ownership. It is a simple statement of the committee's desire to see the bold ownership privilege restored, but only when such ownership will not be judged disruptive to our international financial relationships. To go further—to set a fixed date for free gold—would be dangerous in my judgment.

We are late in passing this to ratify a needed international agreement negotiated by our Treasury Department. Even the other body, normally not a swift mover, is 4 weeks ahead of us. I urge speedy passage of this needed piece of legislation.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I yield 10 minutes, the remainder of the time at our disposal, to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, H.R. 6912, to modify the par value of the dollar and thus devalue it, should be passed.

No one may take any joy that the United States has been brought to this pass.

The steady erosion of the dollar goes back a long time. The disastrous war in Vietnam, and the inflation which stemmed from it, are the primary causes of the devaluation.

For years, as a result of the overvaluation of the dollar sustained by fixed exchange rates, and the unwillingness of the world's monetary masters to recognize reality, Americans were enabled and encouraged to live beyond their international means.

American consumers gobbled up the inexpensive European and Japanese products offered them. American tourists reveled in the joys of Europe on $5 a day. American corporations, enabled by an overvalued dollar to buy up foreign assets in plant and equipment on the cheap, vastly overinvested abroad. And the American military found that it was able to carry on foreign wars at discount prices.

Now this is all over, and the dollar bears a more realistic relationship to other currencies.

Thus, when we are asked by the Nixon administration to endorse H.R. 6912, we are asked essentially to endorse what has long since occurred—the devaluation of the dollar in February and March of this year.

We are in the position of the proprietor of the saloon who is called on the intercom by the bartender with a credit inquiry.

"Is O'Toole good for a drink on credit?" asks the bartender.

"Has he had it?" asks the proprietor.
"He has."
"He is."

So it is with us. The devaluation has occurred. Unless we wish to embarrass the administration and demonstrate our own irresponsibility, we must ratify it.

The dollar is now floating with respect to the main national currencies. Far from the world's coming to an end, as was widely predicted by almost everyone if we ever floated, nothing of the kind has happened. The events of the last 2 weeks have demonstrated how effectively floating exchange rates have prevented a crisis. These days have seen the price of gold soaring, and a further depreciation of the dollar, down about 3 percent against other leading currencies. While our leaders have intoned "No more devaluations," the market has achieved the same result as a devaluation by depreciating the dollar an additional 3 percent.

Floating rates, plus the absence of interventions by governments, particularly our own, to affect rates by massive exchange interventions, are the reasons why a crisis was avoided. If we had remained under the system of fixed exchange rates which prevailed until February and March of this year, and had continued to intervene, very likely there would have been a crisis. The speculators would have licked their chops and attacked the dollar's artificially maintained position. In the end, the Government, and thus the U.S. taxpayer, could have lost hundreds of millions of dollars, and the formal devaluation, when it came, could have been accompanied by all sorts of exchange controls, import surcharges, and worldwide monetary chaos.

Floating rates, and abstinence from intervention, are what saved the day.

I congratulate the Treasury, notably Under Secretary Volcker, and the Federal Reserve, notably Chairman Burns, for their role in accepting the March 16, 1973, agreement to float, and for their self-restraint thereafter in not intervening.

I have been disturbed at past interventions by the U.S. Government—the Treasury and the Federal Reserve—to keep the dollar at an exchange rate which was obviously out of line. During the week prior to the August 15, 1971, dollar devaluation, for example, our Government guaranteed foreign monetary authorities against future exchange rate losses, even though the dollar was obviously overvalued and thus in fundamental disequilibrium. This move cost the U.S. taxpayer $330 million. Again, in the week preceding the second dollar devaluation on February 12, 1973, the Government again intervened at a time when the dollar was in fundamental disequilibrium, with a loss to the U.S. taxpayer of more than $20 million.

Thus I am particularly happy that both the Treasury and the Federal Reserve appear to be following the assurances they gave the Joint Economic Committee in September 1972 not to use the intervention mechanism to delay a necessary exchange rate adjustment.

Under Secretary Volcker said, in his testimony presented September 11, 1972:

> We have not embarked on any efforts to artificially prop up the dollar counter to any basic balance-of-payments trends in the longer run . . . . In contrast to usual practices before August 15, . . . the basic initiative will lie with the United States. Foreign exchange will be drawn not in a passive manner after intervention by other countries, but for use in the exchange markets by the United States in such amounts and at such times as we believe the market impact will be favorable and help to curb unwarranted speculative forces . . . . Drawings would not be made or enlarged to deal with what would be fundamental misalinements in our own payments position.

Similarly, when Chairman Burns appeared on September 15, 1972, he said:

> In the new operations, market intervention will be on the Federal Reserve's initiative. It will be undertaken only to prevent or counteract disorderly market conditions and will be in such amounts and at such times as are judged likely to have a favorable impact. Swap drawings will not be made for the purpose of providing medium- or longer-term financing of the U.S. payments deficit. Nor will they be used as a substitute for needed adjustments in basic economic policies.

Finally, what of the future? Will the passage of H.R. 6912 enable us to rest easy, that all is well with the dollar, and that no further international monetary disturbances need be anticipated.

Unfortunately, we have no such assurance.

The recent free market gold price increase, not dangerous in and of itself, nevertheless says something about how the rest of the world regards the current posture of the United States. Foreign money men are not excessively concerned with morals. Thus the Watergate, with its related burglaries and perjuries, is not in and of itself of excessive significance to them.

What they do wonder about is the question of how minds saddled by the Watergate are capable of conducting the Nation's economy. The brooding uncertainty that now hovers over the international money markets is another reason—though certainly not the most important—for getting to the bottom of the Watergate matter, breaking clean, and starting anew.

Quite apart from the Watergate, the management of our economy today continues to disturb me.

The year 1973 has seen us throw away a splendid record of combating inflation. Prematurely, phase II was ended and an essentially farcial phase III launched. Adding to the inflationary muddle was the administration's misguided agricultural policy throughout most of 1972, which inevitably contributed to higher prices. The handling of the Russian wheat sale, the refusal to let beef cattle graze on idle grasslands, the exhortation to farmers to restrict production of poultry and turkeys—these and a dozen other misguided actions contributed grossly to the disastrous inflation in food prices.

A temporary price freeze across the board several months ago might have provided an umbrella under which to regroup and reorganize the battle to contain inflation. But the administration has continued to drift.

The result is that unconscionably high prices have been permanently embedded into the structure. Even if the rate of inflation tapers off, as I suspect it will, we shall have installed a steep and irretrievable upward bias in our whole wage-price structure. We shall never be able to roll it back.

Even more serious than the failure to use adequate direct controls is the inflationary distortion brought on by the administration's own fiscal policies. Inflation is particularly disturbing in the durable goods and heavy industry sector of the economy. This is where the alarming increases in the wholesale, industrial, and export price indexes are occurring. This is where bottlenecks are increasingly showing up. This is where there is overemployment of engineers and skilled workers.

Ironically, this eye of the inflationary cyclone is one created very largely by the Nixon administration. On the expenditure side, high spending for the military, space, and shipbuilding continue unabated. On the tax side, the capital goods economy has been heavily larded since August 15, 1971, with tax favors in the form of accelerated depreciation—asset depreciation range—the investment tax credit, the DISC.

On the credit side, this sector of the economy, always a preferred borrower, was put in possession of all the money needed for its hyperexpansion by the Federal Reserve's excessive money creation last year. New money, narrowly defined as cash and demand deposits, was created at a rate of almost 9 percent during 1972. To further complicate matters, the administration's dividend control policy resulted in a huge retention of earnings by corporations. In the first quarter of 1973, for example, corporations paid out $27 billion in dividends, but retained in their treasuries $35 billion of their earnings.

Thus Government spending, tax favors, and the availability of corporate cash has contributed to the tremendous boom in plant and equipment investment. The latest McGraw-Hill survey estimates plant and equipment investment will be up 20 percent this year over 1972, which, in turn, represented a 14-percent increase over 1971.

This kind of hyperthyroid investment is not only inflationary. If we overbuild plant and equipment today, we are going to experience underbuilding tomorrow. The administration's inflationary fiscal policies thus will inevitably lead, if not to a boom and bust, at least to another unlovely combination of continued inflation, high interest rates, high unemployment, and individual stagnation.

Moreover, despite all this frenetic activity, the administration has not been able to reduce unemployment appreciably. Unemployment still hovers at 5 percent of the work force, with vastly greater numbers of jobless among the young, the black, and women. Yet the administration cast aside the best noninflationary method of bringing down unemployment when it greatly curtailed both public service employment and manpower training.

Other countries confronted with inflationary pressures are showing greater wisdom than we. The Federal Republic of Germany, for example, has also had a boiling inflation in its durable and heavy industries. There, however, the government has endorsed a program of repealing accelerated depreciation allowances; and far from giving a tax incentive to excessive investment, as by our investment tax credit, it proposse to discourage excessive investment by placing an 11-percent tax on investment.

If we want the dollar strong abroad, we must make it strong at home. We must return to the economic objective of full employment without inflation, which somehow we have lost sight of. We must, in short, change our present policies.

But having said all this, we need today to vote for H.R. 6912. There may be those among us who, disillusioned by the President, will want to show their displeasure by turning down this piece of Nixon legislation.

We should not yield to this temptation. The interests of the United States come first. And those interests require speedy adoption of H.R. 6912.

Mr. TAYLOR of Missouri. Mr. Chairman, I would like to speak in support of section 3 of H.R. 6912 which repeals the Treasury gold regulations and seeks to allow U.S. citizens to buy gold for speculative or investment purposes.

Over the years gold was an essential support of the domestic and international monetary system and due to its impact on the economic and social welfare of the country, the need to protect and maintain this monetary system justified restricting the liberty of the individual citizen to invest in gold.

However, financial conditions have changed substantially since that time. Gold has not backed the dollar domesticly since 1933, or internationally since 1971, and its glitter has faded from the scene of sound modern monetary management.

Therefore, I think it is no longer necessary or desirable to limit the citizen's right to hold his assets in any form he chooses with a restriction on the private ownership of gold. The value of personal liberty in our political system would be reaffirmed by restoring the right of a citizen to buy, hold, or sell gold. I support this provision of H.R. 6912 because it responsibly accomplishes these ends.

Mr. VANIK. Mr. Chairman, I oppose this legislation in the form in which it is submitted to the Congress.

What the legislation before the House today does is to put the formal stamp of approval on the change which occurred in the world money markets and through international agreements on February 12 of this year. In short, we are formally amending the Gold Reserve Act of 1934 to provide that the new par value of the dollar will be defined in terms of gold as $\$42\frac{2}{9}$ for one fine troy ounce of gold. The equivalent in terms of special drawing rights of $1 will now equal 0.828948 SDR.

Devaluation should be no joy to the American people. The temporary advantage to American exporters must be reconciled to the $2,225 million which must be appropriated to maintain the value of paid-in capital subscriptions to international development lending institutions, the International Monetary Fund and certain dollar obligations of the Inter-American Development Bank. The administration will seek a fiscal 1973 appropriation of $2,250 million to cover maintenance of these value costs.

In addition, the President's Council on International Economic Policy estimates that the 1972 devaluation added $2 billion to import costs. The 1973 devaluation added another $3 billion to import costs. Oil imports are essential, unavoidable and certain.

By these estimates, the recent series of devaluations will cost the American people $7,250 million in 1973 and a substantially greater amount hereafter as America must make increased imports of oil from abroad.

This legislative action is fatally defective because it does not attempt to restrict or control the action of American multinational corporations in speculating against the dollar. It was widely reported that billions of dollars left America for investment in foreign currencies before the February 12, 1973, devaluation. The ratification of the President's action protects the right of the American multinationals to "do it to us again."

The legislative action is defective because it adheres to the doctrine of fixed-rate exchanges. The bill before the House today simply reestablishes the principle of the old system of fixed rates. With the current rate of inflation, the dollar may soon be over-valued again. How long are we going to insist and stand by the system of establishing fixed rates? How many more jobs will we lose in future years because of an over-valued and unrealistically priced dollar? How many more factories will be closed because the dollar "value" of the products which they produce are not "realistic" in world markets?

Is there any need to rush back into a "fixed-rate" of exchange systems? The Washington Post carried an article on Saturday, May 26, 1973, by its chief economics writer, Mr. Hobart Rowen. The article said in part:

> The significance of this outlook [of delays in new monetary reforms] is that the present "transitional system" of floating rates will govern the world's international money markets for some time to come.
>
> Many officials express a growing acceptance of the way things have been working, notably the painless way in which last week's gold speculation was absorbed. "Without fixed rates" one official said, "there was no need to buy billions in U.S. dollars."

While foreign governments were not compelled to buy billions in U.S. dollars, the value of the dollar was not significantly or permanently affected. Speculators were not able to "gang up" on the dollar or other currencies to force a devaluation or a major or sudden shift in the value of world currencies. The importance of providing such flexibility is increasingly important in light of the tremendous surplus of dollars held by foreign central banks, multi-national corporations, and, increasingly, certain small oil-producing nations—all of which could be used for speculation against the dollar.

Some of the economic and political problems associated with fixed exchange rates versus some form of floating rates are well described in a March 5, 1973, Post article by Bernard D. Nossiter, part of which follows:

### EUROPE MAY ASK UNITED STATES TO BACK DOLLAR

(By Bernard D. Nossiter)

> LONDON, Mar. 5—Some major European monetary authorities now think that the United States should "defend" the newly devalued dollar's parity by taking out massive loans of European currencies, which could be used to buy dollars when the American currency comes under attack.
>
> Meanwhile, the initial reaction of the money markets to the temporary freeing of the European currencies was a distinct strengthening of the dollar and a weakening of the British pound.
>
> On the London free market, the dollar closed at $2.445 to the pound, compared to $2.50 on Friday.
>
> In Frankfurt, the dollar rose as high as 2.827 marks, closing at 2.81. On Friday, the dollar had closed at 2.765 marks.
>
> The price of gold slipped to $81.50 an ounce in London and closed at $83. after Friday's closing price of $86.50.
>
> But trading was light and was largely attributed to profit-taking. In Washington, U.S. Treasury Undersecretary Paul A. Volcker said he was "glad to see . . . the dollar strengthening a little bit" but cautioned, "I don't think you can conclude much."
>
> If the European plan to encourage defense of the dollar does not meet too much opposition—and the British treasury, at least, is unsympathetic to the idea—the scheme may be put to Treasury Secretary George Shultz when he comes to Paris Friday for the hurriedly called monetary meeting initiated by France.
>
> The proposal is understood to have won support from several European central banks, important quarters in the International Monetary Fund and some French authorities. The Common Market's bureaucracy is also expected to back the plan.
>
> Common Market officials have also worked up an elaborate scheme to block off their currency markets from the flood of dollars that has been the immediate cause of the turmoil. The United States is expected to fight any such plan. Here, too, it can count on backing from the British Treasury which regards this blue-print for capital control as "weird."
>
> Under the dollar defense notion, the Europeans would offer Washington large loans to prop up the floating American currency. If the dollar fell below the pattern of rates established last month, the United States would be expected to buy dollars with these borrowed foreign currencies and thereby keep up the price.
>
> This appears to be what the French Finance Minister, Valery Giscard d'Estaing had in mind when he said in Brussels yesterday that the United States must defend its new parity.
>
> Today, after a lunch with President Georges Pompidou and other French government leaders, Giscard d'Estaing said it is necessary "to see to what extent Washington would be able to contribute, as would be normal, toward the defense of the currencies."
>
> In effect, the scheme would return the global money system to something like the fixed exchange rate basis on which it has operated in the past. It would wipe out much of the floating that now characterizes the system.
>
> The Continental argument holds that the February pattern of exchange rates was sound, that it has simply been subjected to irrational attacks by speculators. So, the brief runs, the speculators can be routed by putting enough resources in the form of

European currencies at Washington's disposal.

Supporters of the plan have noted the widespread reports of a split between Arthur Burns, chairman of the U.S. Federal Reserve, and Treasury Secretary George Schultz. The "defend-the-dollar" advocates think they would have Burns in their corner and hope that he can convince President Nixon. The U.S. Treasury said in Washington that Schultz would be accompanied to Paris by Burns and Volcker.

The counterview comes from the British treasury and relies on Schultz to be more persuasive. This argument goes that the world has endured a lot of grief over currencies because of misguided attempts to fix exchange rates.

### REMOVING TARGETS

The best way to deal with speculation and uncertainty, then, is to remove the targets, let rates float up and down with buying and selling forces.

Sophisticated private bankers here hope the British Treasury will stick to its guns and encourage Schultz on his present course. These private bankers were delighted that the Common Market nations failed yesterday to fix rates among themselves. They think the best thing governments could do would be to let the currency respond to market forces.

The position of the other European nation that matters, West Germany, is not known. Based on past performance, however, the expectation is that Finance Minister Helmut Schmidt might join the French and central bankers who want the dollar parity to be "defended."

Behind all the grandiose talk about stability and uncertainty are what people conceive to be very real interests. The French, and to some extent the Germans, are fearful that in a world of universal floating, their currencies will rise in value, making their exports more expensive. This, they think, will hurt their domestic output and create unemployment.

The fact that the first day of universal floating actually brought European currencies down against the dollar is not regarded as a convincing demonstration.

### RAISON D'ETRE

Central bankers and bureaucrats in regional and international organizations also have an understandable interest in fixed exchange rates. A floating world deprives them of the policing functions that gives some a reason for being.

Conversely, the British Treasury, concerned about its domestic economy, cannot support a plan to peg the rate of the dollar when it opposes plans to peg the pound. The treasury wants freedom to run domestic economic policies without worrying about losing reserves. That freedom would be inhibited in a world of fixed rates.

That is why Chancellor Anthony Barber imposed such stiff conditions yesterday for any British participation in a joint Common Market float. Such a scheme would require London to fix its rate against the other eight Common Market currencies.

* * * * *

Academic exponents of free exchange rates would prefer a world of no intervention at all, but the power political interests of exporting companies make this impossible. A world of modified or "dirty" floating could be the next best thing and could, at least, end the speculation against fixed rates.

The question will then become how "dirty" a float will take place.

I do not believe that the United States should be forced into the position of borrowing tremendous sums of foreign currencies—as loans—to stabilize the dollar—stabilization which does not benefit the American worker but only assists the American multinationals, the world's central bankers and international traders.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of section 2 of the Par Value Modification Act (Public Law 92–268) is amended by striking out the words "one thirty-eighth of a fine troy ounce of gold" and inserting in lieu thereof the following: "0.828948 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninths dollars per fine troy ounce of gold".

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened intently to the gentleman from Wisconsin (Mr. REUSS) and I was surprised that he expressed no concern for the fact that implicit in this bill is $2¼ billion to be shipped abroad to take care of the so-called maintenance of value, to take care of the so-called shortfall in the devalued dollar. It seems to me there ought to be some concern today about shipping another $2¼ billion abroad. Perhaps that does not trouble anyone here. Is no one concerned about the maintenance of value of the dollars held by our own citizens?

Mr. Chairman, we are in deep financial trouble at home and abroad because the weakness of the American dollar arises right out of weakness in the American economy. For too many years has there been unchecked inflation in this country, inflation that was spawned and nurtured by borrowing and spending billions of interest-bearing dollars, and Congress, despite all its alibis and attempts to shift responsibility, has been and still is a prime contributor to this fiscal insanity.

We have here today a bill to rubberstamp something that was done without consulting Congress—the devaluation of the dollar that was put into effect on February 12 of this year, despite the Constitution of the United States which says that Congress shall "regulate the value of money," and despite the law which says—and let me quote it:

> Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States . . . propose or agree to any change in the par value of the United States dollar . . .

Yet this same spineless Congress or House—let me limit it to the House because I do not know what the Senate has done—only about a week ago, approved the appropriation of millions of dollars for the very purpose which the statutes of the United States say it cannot do until this legislation before us today, validating the devaluation of the dollar, has been acted upon.

Do not talk to me about responsibility. This is one of the most flagrant irresponsible acts of any Congress that I have ever served in. Now we have had two devaluations of the dollar, each designed to cure the ills that beset the country, according to the so-called experts who have succeeded in feeding the American public a lot of gobbledygook about how much better off are they when inflation continues and they get less for their dollars? If devaluation is such a wonderful gimmick for solving financial problems, why are Latin-American countries not wallowing in prosperity? Some of those countries have a habit of devaluing at least once year.

What a wonderful arrangement it has been for Americans to send bales of printing-press greenbacks abroad and get back Volkswagens, Hondas, and a host of other products. But that bill has to be paid some day with sweat, not printing-press money, and that day is certain to come, despite all the alibis heard here today.

There was a time not many years ago when the American dollar was sought, respected, and coveted as being as good as gold. Its existence could be used more effectively in certain international situations than a fleet of war ships.

Now there are 100 billion American dollars floating around the world—billions of which are surplus to the needs or desires of those who hold them. So what kind of gimmick do the American experts try to promote for this situation? Why "paper gold," of course, and there is about $9 billion of that funny money in existence.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. GROSS. Mr. Chairman, that is paper gold, SDR's, and there is about $9 billion of that funny money in existence. Thus it is that on this day, the House of Representatives will at long last rubberstamp the gimmickry that was hatched last February by increasing the price of what gold the country has left by $4.22 an ounce while the free market price for that same gold is more than $100 per ounce, and the American people will again be deluded into thinking that financially speaking everything is lovely and the goose hangs high.

But they do well to harken back to March 1, 1972, when the then Secretary of the Treasury Connally appeared before the House Banking and Currency Committee, and stated:

> Europe said we are not going to take all the brunt of revaluation, we want the United States to make some contribution. We argued and said we have been making a contribution to you for 22 years, that is why we are in the shape we are in.
>
> We have come from the position where we had all the assets in the world down to where we are broke, and that is about as much of a contribution as we can make.

Yes, Mr. Connally, this country is broke because its Government has had a succession of Presidents and too many Members of too many Congresses who, for reasons best known to themselves, believed there was only one way to solve problems here at home—throw money at them—and at the same time spend more billions trying to police and bankroll the rest of the world.

This Nation will probably have to sink still deeper into the financial swamp before there is an awakening. I do know that devaluation, without inflation having been checked, much less halted, is a snare and delusion for the American public and I will not be a party to it. I will not be a party to any further deluding of the American public.

That was my position when the dollar was devalued a little more than a year ago. I voted against that bill and I will vote against this one for the same reasons.

Mr. HANNA. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, there is much of wisdom and certainly a great deal of sheer discomfort in the words that were just spoken by the gentleman from Iowa. I personally feel that we can agree with him that the approaches that have been taken which bring us to this bill have not been those in which any of us would take any great pride.

I think however that it would be well for us to look at a little more than just the question of the politics or philosophy or feelings about money. We think of money per se, and realize that any country regardless of its politics or philosophy or feelings about money will rest its economy ultimately upon the production of its people.

It is in this respect that I think we ought to be very sober about the bill today, and I join with the gentleman from Wisconsin in approaching this legislation, ready to vote for it, although probably with less enthusiasm than it has been my unhappy lot to hold, because I see in this not just what we see looking back, as the gentleman from Iowa, but looking forward, with the gentleman from California.

We will have to pay a bill of costs yet to come due. Let me suggest to the Members this administration has violated the principle of the Constitution in going about the changes they made for us and which we are now facing today in this legislation. They not only violated the Constitution, but they also violated the principle of good, commonsense which says we should plan and prepare for the results of what we are doing—and that they have not done.

In other words, the Executive did illegally what they were not empowered to do and failed in the leadership role they were elected to fill.

We have an office called the Office of Emergency Planning. One of our colleagues tried to call it over the weekend and found out that this office is only open from 9 to 5 on weekdays, so that when we refer to the Office of Emergency Planning, we have to recognize and to plan an emergency to fall within those hours.

This mentality is obstructing the ability of the executive to do its most important job which is to plan and prepare for events they can see and predict.

Mr. Chairman, this Government should have made some preparation for the emergency; but here it is, and there is no plan.

Does any Member have in his district a chemical industry? I expect unemployment in the chemical industry. Why? Because by devaluing the dollar by 20 percent in the last 2 years we guaranteed that business will pay a greatly increased price for imports such as petroleum which the chemical industry relies upon for its basic products. We are going to find a whole new economics attached to that industry, and a lot of the present chemical manufacturers are not going to be around.

Does any Member have some mineral processors in his district? We are now importing minerals at an increasing percentage, I suggest that the 20-percent increase in cost that comes out of the 20-percent devaluation is going to mean that those industries are facing a whole new economic situation: Dramatically increasing prices for basic commodities and some of them are not going to be around. Therefore, we are going to find—not increasing employment—but decreasing employment. Within the next year we will see an awesome accumulation spelling out the total cost of this devaluation.

Mr. Chairman, as we look at the whole panorama, we shall find that what we have not prepared for is what we have to do when we devalue. There is only one positive good; it makes our goods cheaper and we have to be prepared to increase our exports. Selectively in areas where we can see trade opportunity and trade advantage. This administration has not prepared in any way to increase the exports from this country. The buildup has to be made; we cannot just wave a wand and tell people to get out there, the world is open. We have to do a much deeper job than that. It has not been done by this administration.

The administration was very quick to send its emissaries out and take the pulse of the capitals of the world on the question of devaluation; but they did not send anybody out in the country to tell the people of the United States what this means in the challenges it lays down for exports.

What this means is that we do not have a continent which we can rely upon for the goods and services of this country building the wealth of this country, because that went out in 1900. We no longer have a world that is fearing wars, preparing for wars, or getting over wars, so that they have to come to this country to get their goods. We have a world alive, alert, thriving, and moving forward. We are sitting home, dumb, fat, and happy, while the happiness is wearing off very quickly. The fat is fading.

Mr. Chairman, I hope the dumbness will pass away and we will begin to be constructive about what this bill means we have to do in this country. I would like to see our Nation prepare for the third great era, the era of international trade. An era in which government and business are not considered adversaries but as partners. May we be awakened, even if painfully, to true facts that what has to capture our dollars overseas are our goods and our services aggressively sold and competitively priced. If devaluation does not deliver this message, its alternative theme is dismal indeed.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rather concerned about one section of this bill.

That is the section that permits the private ownership of gold, "if the President finds that international monetary reform shall have proceeded to the point where elimination of regulations of private ownership of gold will not adversely affect the U.S. international monetary position." If that language puts a real restraint on the conditions under which the President could permit the private use of gold, then, I would feel a little more at ease with this particular provision of the bill.

Mr. Chairman, I would like to ask the gentleman from Texas (Mr. GONZALEZ) if he with his knowledge and background, feels that there would be any time in the foreseeable future that the President will be in a position to make such a finding with respect to the private ownership of gold.

Mr. GONZALEZ. Mr. Chairman, if the gentleman will yield, I would like to answer the gentleman from Ohio in this way: I am afraid my answer would not be objective, because I was against this and other provisions along this line.

I consider it mischievous at this particular time and as having no part in this particular legislation. I feel that ought to be a part of some separate action taken by the Congress.

Therefore, in all honesty, I must say that I did not agree to this, with the majority of the subcommittee or the full committee. This version in the bill is the amended form to the original amendment offered by the gentleman from Illinois (Mr. CRANE) which amended version was sponsored by the gentleman from Wisconsin (Mr. REUSS). If it pleases the gentleman, I would suggest he address this question to the gentleman from Wisconsin (Mr. REUSS) and I would be delighted to yield to the gentleman for that purpose.

Mr. SEIBERLING. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, my colleague (Mr. GONZALEZ) denies paternity and implicates me. I believe he is perhaps right on both counts.

I will respond to the gentleman from Ohio by saying that, yes, these are very meaningful restrictions on the power of the President to permit the purchase of gold by U.S. citizens. They are meaningful because the language says that monetary reform must have proceeded to the point where repealing the gold restrictions would have no adverse effect on the U.S. international monetary position.

In fact, so long as we do not have international monetary reform, so long as there are no rules of the road governing floating exchange rates and intervention, so long as the huge $80 billion or $90 billion overhang of short-term U.S. liquid liabilities abroad persists, it would be discombobulating indeed to the international monetary position of the United States to permit, U.S. citizens to go over and, in a day, perhaps, to add billions of dollars to our deficit as well as increasing the price of gold and perhaps precipitating yet another international monetary crisis in the bargain.

I am confident this is indeed restrictive language.

I should add, in this particular instance the President and the administration have made it clear that they have no intention whatever of being able to make this kind of a certification anywhere in the foreseeable future. Indeed, the administration for a while resisted even this language.

I am the author of this language, and I believe that while the right of an American citizen to own gold is not quite on a philosophical parity with the right of an American to freedom of speech, freedom of religion, and the other great requirements of our Bill of Rights, nevertheless, if there is no good reason why somebody should not be able to own gold, why in heaven's name not let him own gold? When the day comes, it is open to the President to so declare.

That is all the provision says. I believe the gentleman is quite right in being inquisitive about the meaning of this action, but I honestly believe his fears can be assuaged.

Mr. SEIBERLING. In other words, this is not a "blank check" but is intended to be a requirement of true monetary reform.

Mr. REUSS. That is right. It is the very opposite of a blank check.

Mr. ST GERMAIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred five Members are present, a quorum.

Mr. RONCALIO of Wyoming. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last year I joined those who spoke against this principle in voting against this legislation. I would like to speak again today along the same lines.

My reason for doing so is that I think this perpetuates what I criticized previously, and that is our practice of delegating responsibility of lawmaking to bureaucratic officials who are not responsible to the people or, in most instances, to the administration they serve. This legislation, coming as it does, as an after-the-fact approval of what we have done following the Bretton Woods agreement of many years ago, continues the practice of allowing those who are not elected by the people to make the law, one time the responsibility of the people's House and the responsibility of the other body of Congress.

Furthermore, it seems to me the only reason for the legislation is to allow more money for the International Monetary Fund so that those international lending institutions might get more American dollars, and I do not think that is necessarily economic or well advised in the posture of things as they are in America today.

Mr. Chairman, considering the fact that I am the owner of a five-eighths interest in 23 miles of gold mining claims in Wyoming, I have no recourse but to abstain on the principle put forth by this bill. But if it were proper for me to vote, I would have to vote against it, including the section giving the President authority to say when private citizens can lawfully own gold.

It is again a case of our delegating our responsibility—this time to the President.

Mr. RARICK. Mr. Chairman, the bill before us to spend $2.25 billion for the privilege of devaluating the American dollar, and making it worth 10 cents less in purchasing power, is not only expensive, but it benefits not a single American taxpayer.

The proponents of this move claim that this huge expenditure, the second one in little over a year, is a routine paperwork procedure since, for all practical purposes, the dollar is already worth less in international markets. The $2.25 billion would go to pay off our alleged "maintenance commitments" to international banking organizations. It would in no way benefit the American taxpayer whose money this body would send to international bankers.

Included in this bill is a measure to aid the taxpayer, however. I refer to the amendment that would allow Americans to own and hold gold. The price of gold in world markets has been skyrocketing during the same period that the dollar has fallen. Citizens of more than 70 nations are allowed to own gold, yet we Americans are relegated to a second-class position, and are expected to be happy with shrinking, devalued printing press money. We are one of the few remaining non-Communist countries that fear allowing its citizens to own gold.

If our people could own gold, as tangible payment for their labor, inflationary spending by the Federal Government would be curbed, and the true value of the dollar would stabilize.

Gold, the basic precious metal indicative of wealth, has now soared to the price of $128 per ounce as thinking people abandon the unsecured paper currency medium of exchange to seek other avenues to secure and protect their wealth.

The President's chief economic adviser shrugs off the soaring gold price as a general neurosis of the outside world, which he feels will have little effect on the American economy.

But in America, the only free world country which prohibits its citizens from possessing or owning gold, indications are otherwise. The constantly increasing prices of food and services are making it apparent to the citizen that something is wrong with his paper dollars and coins which have no intrinsic value. Americans are awakening to the stark reality that the worth of food and services is not going up but rather the buying power of printing press currency and slug money is going down.

Americans are in many instances breaking their own country's laws by participating in the European market under various subterfuges to transfer their dollars into gold and gold futures. As the demands of the new prospectors increase the buying of gold, the supply continues to dwindle as even the speculators fear selling at any price.

Indicative of ingenuity employed by many Americans to safeguard their wealth was the recent announcement by the Teamsters Union that to safeguard the investment of its pension and health and welfare funds it had bought $26 million worth of Israeli bonds. This Teamster investment abroad represents contributions from laborers earned in America from Americans. Yet its leadership obviously fears investing the trusts of its members in their own country because of the monetary situation.

But the average American concerned over protecting his savings, his retirement for old age, and still trying to stay ahead of the constantly decreasing purchasing price of the dollar is unable to transfer his nestegg into the stability of gold.

Two months ago, with little fanfare, possibly not to suggest the chance of hope to the average American, 111 Members of Congress cosponsored a sense of Congress resolution urging the President to authorize the right of Americans to buy and sell gold. Two months ago, the price of gold was under $90 per ounce. The failure of the administration to act then for the benefit of American citizens has already denied our people a chance to salvage their savings and earnings by investing in gold.

A statement presented by the Secretary of the Treasury and made a part of the hearings on the devaluation of the dollar from a base of $38 to $42.22 in relation to an ounce of gold praised dollar devaluation as a means of increasing the relative value of U.S. gold at Fort Knox. The rationale was that by devaluing the dollar another 11.11 percent the U.S. gold reserves presently estimated at $10 billion would be increased to a value of $11 billion 165 million.

Apparently the Treasury Department experts in their backward arithmetic did not consider that to sell the Nation's gold reserves to the American citizens at the present going rate of $128 per ounce would have enhanced the same gold reserves in excess of 200 percent or valued at over $20 billion. This plus the fact that the gold would be safe in the repositories of the American people.

The refusal of the President and his advisers to accept reality of what is taking place the world over and the refusal of the news media to inform the people raises the question. "Is the controlling minority which directs the helm of our Government afraid to legalize gold ownership for Americans because they know that such freedom would completely destroy the people's confidence in unsecured paper currency and reveal the failures of the Federal Reserve System?"

American currency and coinage is authorized under the Constitution for the benefit of American people and not for the oversight and manipulation of international bankers and foreign powers. If our present financial system controlled and manipulated by international entangling deals has been successful in the protection and betterment of the American people, then why is it not working?

Our Government has failed to protect our people's financial system. Certainly the American citizen can no longer be discriminated against. He is entitled to freedom to convert his wealth and earnings from his labors, his savings and the evidence of his industriousness, to whatever medium of security he chooses. The right of American citizens to own gold is certainly one such choice.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. The Par Value Modification Act is amended by adding at the end thereof the following new section:

"Sec. 5. It is the sense of the Congress that the President shall take all appropriate action to expedite realization of the international monetary reform noted at the Smithsonian on December 18, 1971."

Sec. 3. (a) Sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed.

(b) No provision of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold.

(c) The provisions of this section, pertaining to gold, shall take effect when the President finds and reports to the Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States' interests.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Crane: Page 2, strike section 3(c) and insert immediately after line 11 the following:

(c) The foregoing provisions pertaining to gold shall take effect December 31, 1973.

Mr. CRANE. Mr. Chairman, the amendment that I initially introduced before the Subcommittee on International Finance contains portions of the current bill, namely, section 3, subsection (b), and in debating the propriety of the restoration of private ownership of gold, it was argued by some who were fundamentally opposed to that position that there be qualifying language, so we agreed upon section (c).

Since that time, as I am sure everyone in this House is aware, the other body has taken action on this same devaluation bill and has spoken to the point of private ownership of gold.

In so doing, by a vote of 68 to 22, the Senate agreed to the language of the amendment which is before you, namely, that which would establish the date of December 31, 1973, for implementation of section 3, subsection (b).

What is interesting about that Senate vote, when analyzed in detail, is the realization that his issue is nonideological and nonpartisan. The 68 Senators voting in support of this position in the Senate included such diverse types as Senators McGovern, Fulbright, Kennedy, Muskie, Humphrey, Hartke, as well as Helms, Hansen, Hruska, Harry F. Byrd, Jr., Curtis, and Buckley.

I do not think you can have any expression of greater bipartisan support for a position than that which was demonstrated in the Senate when it voted on this particular subject.

I think, in addition to this, we have to recognize that the desideratum of Members of the U.S. House of Representatives should be to maximize freedom of choice, which is basically what we are talking about here, on the question of restoring the right of American citizens to buy, sell, or hold gold, a right which was taken away in the Gold Reserve Act of 1934. Whatever the reasons advanced to rationalize it at that time, it is an anachronism to continue to maintain that archaic prohibition.

We have heard the argument advanced, also, that to give this right to buy, sell, and hold gold to American citizens would aggravate our balance-of-payments deficit. On the contrary, I believe it would improve our situation.

At the time when we had phase I devaluation less than a year and a half ago gold was selling for $40 an ounce. As those of you who have followed the financial pages know, it has gone on the Paris market to as high as $128 an ounce. This would have represented a profit of over 200 percent to any American investor who had this right restored 18 months ago. When one is able to show profits in international investments it alleviates our balance of payments problem and does not aggravate it.

In addition to that, Mr. Chairman, we have heard the argument advanced that we would, with the potential increase in gold costs, sustain higher costs for industrial users. That is very probably so, but that increase to industrial users is already taking place to a rather considerable extent. I cannot under any circumstances envision another 200-percent increase in the price of gold over the next 18 months. But we have to balance that economic interest off against the economic interests of people in the mining industry in the United States who have been put out of jobs for the most part since 1934 because of this capricious and arbitrary action.

In addition to that, Mr. Chairman, we have heard the point made that we are seeking most expeditiously to get some kind of an international monetary reform. It has been a major concern of my good friend from Wisconsin, I know, as it is one of mine.

Dr. Arthur Burns indicated in testimony before the committee that he hoped to have that kind of a settlement by July 1. When my colleague from Wisconsin pressed Mr. Volcker on the point in later testimony, Mr. Volcker viewed that date as optimistic but suggested that surely we might be able to anticipate final settlement as late as September when there would be a conference of the International Monetary Fund. If those two estimates are correct—or if it is somewhere in between that we have a final settlement—then there is clearly no apprehension to be entertained over establishing a date certain, namely, December 31 of this year, for restoring the right to buy, sell, and hold gold.

In addition to that, we have to recognize that while on the one hand we have heard arguments that restoring the right to buy, sell, and hold gold would be destabilizing in achieving international monetary reform and assuming we did not have it by December 31 of this year, I think we have——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Crane was allowed to proceed for 2 additional minutes.)

Mr. JOHNSON of California. Will the gentleman yield?

Mr. CRANE. I will in just a moment. Let me finish this one final thought on that.

We have to recognize there are only three possible settlements that we can get out of any international monetary reform. One is total demonetization of gold. Another is some kind of a two-tiered gold system, which is meaningless, because you cannot open up the gold window when it is officially pegged at $42 an ounce and when it is $128 an ounce on the world market. Third is full convertibility, which is not considered tibility is impossible.

Finally, we are not talking about any great amount of exchange. A big day in the gold market, including London, Paris, and Zurich, is $10 million of gold changing hands.

And on a daily basis we are engaged in the New York Stock Exchange with $550 to $650 million worth of business.

The issue which faces us today is one which relates not so much to matters of economics as to the question of individual freedom. Are Americans to be controlled by their Government, or are they to be free men and women, able to make their own decisions concerning a myriad of questions—including whether or not they wish to own gold?

The Senate, on April 4, passed by a vote of 68 to 23 an amendment sponsored by my distinguished colleague from Idaho, James A. McClure, allowing Americans the right to own gold. Senator McClure and I offered a similar amendment to the dollar devaluation measure in the House last year. Although there was substantial House support the amendment was ruled nongermane.

The amendment passed by the Senate last month would simply remove the nearly 40-year-old restriction and allow American citizens to buy and hold gold after December 31, 1973.

In the House, in an effort to deter passage of this measure, the International Finance Subcommittee of the House Banking and Currency Committee changed the language of the amendment by substituting the phrase, "at the President's discretion," for the clear December 31 repeal.

It is essential that the language be quite clear, that what we are proposing is simply the elimination of any inpediment upon American citizens from ownership of gold.

Beyond this, it is equally essential that we understand the real stakes in this question.

It has always been a proposition of free government that the burden of proof rests with those who seek to limit the freedom of the individual citizen, not with those who seek to preserve and enhance it.

Throughout our history there have always been those who sought to diminish our freedom, and many of the advocates of such limitations have had what they considered to be "good reasons" for calling for the intervention of State power.

The question of whether the individual should have the right to own gold has brought forth many arguments by those who seek to limit his rights in this area. Rarely, however, has there been a consideration of the background of this question, and rarely have such "good reasons" for limiting our freedom been thoroughly examined.

Prof. Milton Friedman, writing in Newsweek magazine of August 16, 1971, declared that—

> There never was and there is not now, any valid reason to prohibit individuals from owning, buying, or selling gold. Individuals should have the same right to trade in gold as they have to trade in silver, copper, aluminum or other commodities.

The initial nationalization of gold by President Franklin Roosevelt has been characterized by Professor Friedman as—

> An act of expropriation of private property is no way different in principle from Castro's nationalization of U.S.-owned factories and other properties without compensation or from Allende's nationalization of U.S.-owned copper mines in Chile at a price well below market value. As a nation we do not have a leg to stand on when we object to these acts of expropriation. We did precisely the same thing to residents of the United States.

At the same time that our own Government prohibits Americans from owning gold, it is interesting indeed that the other countries in the world which have adopted a similiar policy of prohibition are primarily totalitarian dictatorships, such as Albania, Bulgaria, Cuba, East Germany, Hungary, Rumania, Communist China, and the U.S.S.R. The only non-Communist states with such a prohibition are Ceylon, India, Libya, Mali, and Rhodesia. Even Great Britain, which followed our own policy for years, restored the right to ownership of gold coins 2 years ago.

When the Bretton Woods International Monetary Fund was established, foreign central banks were allowed to convert their paper dollars into gold at $35 an ounce, but the prohibitions against American citizens' doing so, or even holding gold, was continued.

Economist Henry Hazlitt notes that—

> The excuse continued to be that if American citizens were allowed this right, they might drain the Treasury of so much gold that it could not fulfill its solemn obligation to convert into gold for foreign central banks. But now the United States government has repudiated and defaulted even on this pledge, the last excuse for depriving private citizens of the right to own gold or hold gold has been wiped out.

Yet, while the last excuse for such a policy has been eliminated, the policy continues, and continues to be supported. In addition, faced with a government policy of inflation, deficit spending, and currency devaluation, citizens have no safeguard. With the right to own gold, states Mr. Hazlitt:

> American citizens would have a major way, prohibited to them now, of protecting their savings against the further erosion in value of an irredeemable dollar.

Among those who object to the citizen's right to own gold is the Department of the Treasury. They tell us, for example, that gold will be hoarded. Yet, they do not tell us what difference this would make. The Treasury Department is repeatedly saying that gold does not affect the Nation's economy at all. If this is the case, then the economy would change more if people began to hoard potatoes or cabbage, which constitute a real percentage of the GNP. The only effect that gold ownership would have would be a psychological one, giving the owner confidence that he owned something of value.

The Treasury Department recently declared that—

> The premature lifting of restraints on the individual ownership of gold would inject a further speculative element into the present international monetary situation.

It is difficult to imagine gold in any livelier speculation than we have witnessed in the past months.

The basic question involved is clearly that of freedom of the individual. The Milwaukee Sentinel of June 24, 1971, notes that—

> Americans are just as free and surely have as many rights as Canadian, West German, or Mexican citizens. Right? Not quite. The citizens of those other countries can own gold. Americans can't.

One reason which seems to motivate those who urge the continuation of the prohibition against the private holding of gold is that they wish none to be free to escape the inflationary management of money which has become a preserve of Government administrators.

Discussing this point, Henry Hazlitt points out that—

> If individuals all over the world were legally free to hold, buy or sell gold they would be able to protect themselves against being ruined by their money managers. Under such conditions gold, whether "monetized" or not, would soon become the de facto international currency, in terms of which international transactions would increasingly be made.

It has been stated that providing citizens with such a right would be damaging to the governmental policy of "reducing the monetary role of gold."

The fact is that the reduction of the monetary role of gold, begun in the New Deal, has now been completed. Gold reserve requirements for Federal Reserve notes and deposits have been abolished. Even the attempt to maintain the world market price of gold at $35 an ounce has been abandoned. Today, there is a free market in London where, in August 1971, the price of gold was $40 an ounce. It is now more than $100 an ounce.

Discussing this point at a meeting of the International Monetary Conference of the American Bankers Association in Montreal in May 1972 Prof. Milton Friedman declared that gold is "through" as an international medium of exchange. He stated that, "The role of gold is being played out like a Greek tragedy. The world is now on a dollar standard, and there is not the slightest chance the United States will make the dollar convertible into gold again."

In addition, all indications are that irrespective of a change by the United States in its policy of denying American citizens the right to buy, sell, or hold gold, the world price of gold will continue to climb owing to significant increases in industrial demand for the metal. The Washington Post of February 14, 1972, had an article dealing with the industrial demands on the world's gold supply:

> Free world production, now thought to be at its peak, stands at 1,262 metric tons a year—a figure which some estimates suggest will barely meet industrial demands within a year or two. Purely industrial compensation (excluding jewelry) of the gleaming metal has increased by as much as 17% a year in the past and is expected to level off at around 6% in the future.

It has been said by critics of the right of citizens to own gold that this matter should be considered at a later date, when the monetary role of gold has been settled as part of an overall monetary reform.

In such an eventual settlement, gold can play only one of three roles: First, we demonetize gold; second, we retain fractional gold backing, but not enough to again permit convertibility; or third we restore convertibility.

Let us consider these separate situations.

First. If all gold backing is removed, there can obviously be no objection to immediate restoration of the lost right to own it.

Second. If we retain fractional backing, there can be no objection to immediate restoration of the right to buy, sell or hold gold since—at present—there is no connection between the official price of gold, $38 per ounce, and the world price, over $100 per ounce, and convertibility is impossible.

Third. Convertibility is only feasible when the world market price and the official price are in harmony. Since soaring industrial demand keeps pushing the market price higher, annual devaluations would be required to achieve this, a situation which has been called totally unacceptable to foreign bankers and contrary to U.S. determination to diminish the role of gold, and which would trigger reciprocal devaluations throughout the world.

If private ownership were immediately restored and the market price of gold doubled, it would have no impact upon an ultimate settlement of the role of gold restoring convertibility: First, governments will arbitrarily decree the official price of gold; and second, the percentage of devaluation will trigger reciprocal devaluations throughout the free world, a consequence that is unavoidable.

Another objection raised in opposition to private ownership, sale or purchase of gold is that it would benefit speculators. On the basis of the recent Washington Post article, it seems that unless the United States reopens the rich gold mines in our Western States and Alaska and adds to the world's gold supply, we can anticipate that the rising industrial demand for gold will produce just such a windfall for speculators because, as the Post article observes:

> The nonmonetary demand for the metal proved far higher than any one in industry had thought possible. Industrial uses (all forms of fabrication) consumed 1,050 tons in 1968. This combined with the 570 tons taken up by speculators, exceeded the free-world production that year by 260 tons.

The article continues:

> By 1973–74, say some estimates, industrial uses for gold alone could equal the non-Communist world's annual production figures. All this suggests a dramatic rise in the price of free-market gold during the next decade, unless the Soviets choose to release some of their holdings . . .

What this also suggests is that investment in gold in the world market is going to secure handsome profits for speculators, regardless of what nations or central banks do about the role of gold in the international monetary system, because of the growing industrial demand with rather constant production. Further, the Soviet Union, which for years has engaged in gold mining activities, will benefit enormously from these market conditions. Why should the Soviet Union enjoy this kind of privileged position when the United States possesses enormous quantities of gold in the ground, which at the present time cannot be mined because of U.S. efforts to hold down the market price of gold?

Prior to 1934, thousands of Americans were employed in the mining industry. There are still thousands of potential jobs available in the mining industry if the price of gold reaches a level profitable enough for the mining companies to go back into production. There are a number of benefits to the American economy if we do so.

First, we would contribute positively toward remedying unemployment. Second, the United States has sufficient gold reserves underground to make this country one of the foremost exporters of gold in the world. Since it is our policy to seek to remedy our balance-of-payments deficit, surely becoming a major exporter of gold would help to meet this objective.

If our policy is to diminish the role of gold in the international monetary system, the basis upon which a number of spokesmen have opposed the right of citizens to own gold, then exactly the opposite conclusion would logically be in order. If American citizens once again had the right to buy, sell, or hold gold as they do any other commodity—be it pork bellies, or soybeans—then the goals of those who oppose this right would actually have a better chance of taking place. As long as there is a continued denial of this right, people will continue to put a special premium on the role of gold—for this reason, if for no other.

The Treasury Department, for years the opponent of change in our gold purchasing policy, has now recognized "the logic of allowing U.S. citizens to own and hold gold," according to recent testimony by Under Secretary Paul Volcker, but it does not feel that this is the time to introduce that change. It seems to me that now is precisely the time, and that whatever arguments there might once have been for prohibiting the private ownership of gold, there are none today.

It must be remembered that gold reserve requirements for Federal Reserve notes and deposits have been abolished and the reduction of the monetary role of gold that President Roosevelt began has now been completed. In addition to restoring a fundamental right to all of our citizens, the adoption of the proposal which I have introduced would also create a boom in the mining industry, providing thousands of jobs and once again make the United States a major gold exporter, thereby reducing our balance-of-payments deficit.

It is an old legal maxim that when the reason for a law ceases to exist that the law itself should be eliminated. If there ever was a valid reason to prohibit American citizens from holding gold, that reason does not exist at this time. Since that is the case, the prohibition should also cease to exist.

In a free society the presumption of the law should always be on the side of freedom, not of governmental coercion and limitation. Those who want to prevent American citizens from the right to own gold have themselves to meet a burden of proof on behalf of that limitation upon individual freedom. Thus far, they have failed to do so. Parliamentary avoidance of the real issues cannot, for long, substitute for meeting that burden of proof. I am confident, when all of the facts are clearly set forth, that the issue will be resolved in the terms discussed here.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I want to commend the gentleman from Illinois, Mr. Crane, for his very fine statement in support of his amendment, and I would join with the gentleman on his amendment.

Mr. Chairman, Mr. Crane's amendment to H.R. 6912, which would permit American citizens to hold, sell, or otherwise deal with gold, should, I believe, be supported overwhelmingly here today.

It is sadly ironic that in the land of the free, citizens don't have this basic right. Well over 40 countries on every continent in the world give their citizens this fundamental liberty, yet we don't have it here in the United States of America. This we can terminate today.

This amendment would go a long way to revitalize our domestic gold mining industry. There has been a lot of talk today about our economic security needs and specifically as it relates to the International Monetary Fund. None of these allegations have been substantiated, however, with a clear delineation of facts which lead directly and logically to the conclusion that our economic system would be undermined or otherwise affected appreciably and adversely. I do not desire to see the dollar undergo a tailspin, therefore, if any of you can prove that there is a logical connection—not just a possible one—between the unrestrained ownership of gold and an undermining of the dollar, then I would immediately withdraw my support for the amendment.

Allow me, however, to briefly depict a crisis which does affect the status of the dollar. As late as February 1970, President Nixon's Task Force on Oil Imports assumed that world oil prices rises would be minimal and that the United States would remain essentially self-sufficient in terms of its oil production. Furthermore, the Task Force estimated that our imports of oil would not reach 5 million barrels per day until 1980. Here it is 1973, and we have now exceeded by over 1 million barrels a day, the Task Force's 1970 estimate for 1980. Mr. Alsop, in his commentary in the Washington Post of May 21, 1973, directs some thoughts to this problem and its relationship to the status of the dollar. I would like to quote a portion of Mr. Alsop's editorial:

> Projected imports will, therefore, approach 50 percent of Winger's projection for U.S. demand for crude oil and petroleum products. This means crippling dependence on overseas energy sources, which we are quite unable to control or to protect. But from the standpoint of the future of our dollars, the cost figure is still the key figure. The cost figure for imports means that the United States will have to find this much money to send abroad in payments for energy in 1976. Since demand for energy is both uncontrolled and rising rapidly, the cost figure further means that we shall have to find a lot more, year by year, in each year after 1976. But the worst trouble is that all these projections are strictly theoretical.
>
> They are the figures the people are looking at, who are casting in their dollars and buying gold. These people know there is nothing in the U.S. balance of trade to suggest that we will have such huge sums, to pay for our projected imports of crude oil and other petroleum products. These people also know that if a country cannot pay up, one of two things must happen. Usually both happen. First, the country's currency rapidly loses its normal value. And second, because the currency begins to resemble confederate greenbacks, sellers overseas refuse to accept.
>
> That is where the energy crisis will take us and our dollars, if we do not take corrective action soon.

And what solution does the administration offer for this real contributor to the dollar crisis. The administration basically says that it will look deeper into this perplexing problem and, in the meantime, it will allow the market to gyrate while asking voluntary limits on consumption and creation of a more efficient allocation of oil and gas. After all, exclaims the administration, we cannot infringe upon the rights of individuals or corporations in their free interaction in our pure market economy.

I see an absolute contradiction in this policy and the willingness of the administration and some of my colleagues to refuse to allow individual American citizens to own gold freely and thereby interact in the gold market.

If we want to maintain or to better yet shore-up the dollar, let us do something about the balance-of-payments deficit directly and unquestionably attributable to our enormous and expanding importation of gas and oil. This is not a "maybe" effect on the status of the dollar; it is definite. To acclaim freedom for the private sector in one instance, that of expanding oil consumption which necessitates ever greater dependence upon oil imports, which clearly contributes to a substantial undermining of the dollar; and then, on the other hand, to restrain an individual's freedom to own gold because such ownership might, and I emphasize might, have a minimal effect on the status of the dollar, is lacking in both logic and persuasiveness.

The real security interest involved in this situation is that of our own domestic gold mining industry. Forced to shut down, by our official policy of maintaining a national price of gold that is well under half the going international price, our gold mines are not contributing to our national security. In fact, I might add, their being closed does, rather, diminish our national security interests. If gold is a strategic commodity, as it surely is, then it would behoove us to insure that our own domestic industry be revitalized. It is with this in mind that I rise today to support Mr. CRANE's amendment.

Thank you.

Mr. CRANE. Mr. Chairman, I thank the gentleman from California for his support.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Chairman, I too would like to join in commendation of the gentleman and in support of the amendment offered by the gentleman.

Mr. TOWELL of Nevada. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Nevada.

Mr. TOWELL of Nevada. Mr. Chairman, I too would like to join in the comments made by the gentleman from Illinois (Mr. CRANE). Furthermore, I am in support of repeal of sections 3 and 4 of the Gold Reserve Act of 1934 that has prohibited the private ownership of gold for speculative or investment purposes.

The passage of this legislation—the Par Value Modification Act—is of the greatest importance to the State of Nevada. It has the potential of revitalizing the once-thriving small mining industry in the State.

This bill is long overdue, and I am very proud to participate in its passage in the House today.

The dollar is no longer backed by gold either here or overseas. And the two-tier gold market established in 1968 allows the private price of gold to float.

Although some critics say that ending the restrictions disrupts the international money market, this bill contains a safeguard. It gives the President the authority to take action if the monetary situation does get out of hand.

It is with a great deal of pride that I insert into the RECORD today the following resolution adopted by the Nevada State Legislature:

NEVADA ASSEMBLY JOINT RESOLUTION NO. 19

Assembly joint resolution—Memorializing Congress to repeal certain parts of the 1934 Gold Reserve Act

Whereas, United States citizens have been forbidden since 1934 from owning gold by an Act of Congress; and

Whereas, The 1934 Gold Reserve Act no longer furthers any compelling governmental interest; and

Whereas, Citizens in ever-increasing numbers demand the rights and privileges of owning and enjoying gold; now, therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the legislature of the State of Nevada respectfully memorializes Congress to repeal those sections of the 1934 Gold Rserve Act which prohibit private ownership of gold; and be it further

*Resolved,* That a copy of this resolution be prepared and transmitted forthwith by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate and the members of the Nevada congressional delegation.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I too would like to commend the gentleman from Illinois (Mr. CRANE) in offering his amendment, and to rise in support of that amendment.

Mr. Chairman, for over 2,000 years now governments have tried to manipulate and regulate the individual's choice of money.

Beginning in March of 1933, when President Roosevelt forcibly expropriated the gold owned by Americans, we entered a new era of excessive Federal spending, higher and higher taxes—and continuing inflation. With gold ownership being illegal, what protection does an individual have against the value of his dollar being reduced overnight?

The vast majority of other nations allow their citizens more freedom of gold ownership than does the United States. Of the 26 nations of the IMF—International Monetary Fund—which are classified as industrially developed, only one—Australia—has gold ownership restrictions that are as stringent as those of the United States. Apparently the U.S. Government has chosen to imitate the gold prohibition laws of two non-IMF nations—Soviet Russia and Red China.

For 40 years the Treasury Department has used the "stability" of the dollar as the excuse for not allowing the American citizen to possess gold. "We must not do anything to shake confidence in the dollar," they say. Of course this argument both points up the value of gold—and the fallacies of demonetization—and their failure to recognize the growing threats to dollar stability.

For 40 years our policies have been building a floodtide of pressure against the dollar. The Treasury Department says that it is not concerned about gold, that it has no monetary value. Why then do they continue to oppose gold ownership by American citizens? It seems to me that the real truth is that they are very much concerned about gold. As I recall, there were those who predicted that demonetizing gold would force the price of gold downward, but that has certainly not been the case. It would be fair to say in retrospect that virtually every official step taken with regard to gold in the past decade has been wrong. Is there any reason to believe that a perpetuation of that policy is suddenly correct?

The Treasury Department and Federal Reserve Board both say that we must now have a monetary system based upon the good faith and mutual confidence among nations. Yet, the strongest and richest nation in the world lacks sufficient faith and confidence in its own people to the extent that it will not permit them to own gold.

Gentlemen, why should the monetary system of the United States include gold prohibition, a prohibition invariably associated with collectivist regimes? Why should American citizens be subject to criminal and civil penalties for owning a piece of yellow metal?

Mr. ROUSSELOT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I would like to join with my colleague from Illinois in supporting his amendment setting December 31, 1973, as the date this private ownership of gold legislation is to take effect.

Not only will our citizens benefit directly by the restoring of one of their rights, but also indirectly through the rejuvenation of the American mining industry.

Thousands of Americans were employed in our mining industry in past decades. The potential for these jobs is still there—if the price of gold reaches a level profitable enough for the mining companies to go back into production.

In 1971, supplies of newly mined gold went down and demand went up. Primary gold produced in the United States supplied less than 25 percent of the U.S. consumption—the remainder was supplied by imports.

Domestic gold production dropped in 1971. An estimated 1.5 million ounces was mined compared with 1.74 million ounces in 1970. Net imports of gold, mostly for industrial use, rose somewhat and totaled about 6 million ounces in 1971 compared with 5.6 million ounces in 1970.

If our mining industry could be given an incentive to become more productive, it would certainly help both our unemployment problem and our balance-of-payments deficit. Allowing American citizens to own gold could provide this incentive.

The United States has sufficient gold reserves underground to make this country one of the major exporters of gold in the world; and with our current level of balance-of-payments deficit, this would provide a much needed change of direction.

I urge by colleagues to adopt the Crane amendment.

Mr. J. WILLIAM STANTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. CRANE).

Mr. Chairman and Members of the Committee, the amendment that has been offered by the gentleman from Illinois (Mr. CRANE) states that basically, in agreement with the Senate version of this legislation, that after December 31 of this year American private citizens will have the right to buy and sell gold.

In the earlier colloquy with the gentleman from Ohio (Mr. SEIBERLING) and the gentleman from Wisconsin (Mr. REUSS) it was pointed out that the Subcommittee on International Finance went into this subject in great depth. It was the subject that the gentleman from Illinois was primarily interested in throughout the hearings on this legislation.

In the subcommittee the majority of that subcommittee felt that the subject matter before that subcommittee and now that is before this Committee of the Whole House on the State of the Union was not of Americans' right to buy and sell gold, but rather when this right should take place.

We had before us, on every single one of the elements of this legislation, the advice of Dr. Arthur Burns of the Federal Reserve Board and Dr. Paul Volcher, the international monetary expert in the Treasury Department. We also received fundamentally the same advice from other members of the Treasury, and other men from the Federal Reserve

Board prior to Dr. Burns, and that was that at this particular time in the history of our country, when we are faced with extremely difficult decisions ahead of us on the International Monetary Reform Agreements, that we should do nothing at this particular time on this particular subject.

In the legislation before us we have the mechanism that, after this International Monetary Agreement is agreed to, that the President of the United States can declare the right of Americans to buy and sell gold. So we are fundamentally in agreement on the question of this subject matter, but we strongly differ with the gentleman from Illinois on the subject of its timing.

Mr. Chairman, in rising in strong opposition to this proposed amendment, I say that we should follow the advice of the Chairman of the Federal Reserve Board, and the Secretary of the Treasury, and others.

I believe that the legislation which came out of this committee should be adopted, and I have to say to the gentleman from Illinois that I am deeply sorry, but that it was my understanding in the subcommittee that the gentleman from Illinois withdrew this amendment in favor of the gentleman from California. Am I not correct?

Mr. CRANE. Mr. Chairman, will the gentleman yield on that point?

Mr. J. WILLIAM STANTON. I would be happy to yield to the gentleman from Illinois.

Mr. CRANE. My amendment was section 3(b), immediate restoration of the right to buy, sell, and hold gold. There are now three positions. I am not arguing in support of my initial amendment to the bill in subcommittee which, as I indicated, was immediate restoration of the right to buy, sell, and hold gold, but in fact I have since come to accept the Senate language which passed overwhelmingly over there.

Mr. J. WILLIAM STANTON. I do not want to yield further to the gentleman from Illinois. I am just not sure if the Senate had not already passed this legislation when we took it up? Did the gentleman infer that he changes his mind due to this vote?

Mr. CRANE. When the Senate in fact took that action, that was not part of the discussion in the subcommittee.

Mr. J. WILLIAM STANTON. No; I am asking the gentleman on the floor if he changes his mind.

Mr. CRANE. I have compromised my position, which I am not in favor of. May I ask the gentleman one question? At a time when we are plagued with what many describe as a so-called constitutional crisis between the executive and the legislative branches, when we have discussed in this body the question of abdication of warmaking powers and a variety of other powers that should be resident in this body, how can one get up and justify the idea of giving discretionary power to the executive branch over an issue that belongs exclusively in the U.S. House of Representatives?

Mr. J. WILLIAM STANTON. I would be most happy to answer that question. The answer is very simple. I thought I made it clear before. It seems to me that while the gentleman and I may argue over this technical point on the question of power, I certainly will take the word of Dr. Arthur Burns and his exact testimony and statement, and he is not getting the power without the authority and power of Congress. What I am telling him is not to do it so immediately after the settlement of the international monetary agreement.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I join the distinguished and very able and competent gentleman from Ohio, a member of the subcommittee. He is absolutely correct. This is one question we went into quite thoroughly. The gentleman from Illinois, who has been a very staunch and avid supporter of this proposition over the course of several years, fails to report to us that there was not one expert or executive official witness appearing before the subcommittee who supported this thesis. This is already part of the Senate version of the bill. The Senate version of this par value modification bill also has a strong Senator ERVIN resolution on impoundment of funds, which the Senate gleefully put into this bill. They also have a proviso about aid to North Vietnam as part of this bill.

So let us not judge what the Senate did in a very hasty and intemperate action.

The only purpose that this amendment can serve—and I say this with all respect to the sincere "gold bugs" of this Nation who feel their basic constitutional right has been denied them—all this amendment will do will be to not only serve no public interest, no public good, no good international interests, but it will hang the American people on a cross of not only gold, but a cross of Russian and South African gold.

Let me read to the Members what the facts are that are staring us in the face. The United States imported 113,757 ounces of Soviet gold in March worth $9,488,472—in the month of March.

That was the month of March. It goes on:

> This means U.S. importers paid an average of 83.48 dollars an ounce during the month compared with February's average cost of 67.78 dollars an ounce on imports totaling 89,128 ounces.
>
> Since that time the U.S. has imported a total of 759,491 ounces of gold valued at nearly 52 million dollars. Imports this year have so far totaled 225,000 ounces valued at 17 million dollars.

Russia and South Africa are the principal producers. A little better than half the available gold is owned by governments. The other half, or most of the other half—where do Members think the American dollars are going to go to get it if it is not delivering America into the hands of the gold speculators, to wit the Communist gold speculators?

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Ohio.

Mr. CRANE. Mr. Chairman, with respect to the question of testifying before the committee, I think we had two very able witnesses in support of the gold ownership.

Mr. GONZALEZ. In principle. But we are talking about the specifics of the Senate version, which we discussed, which your amendment threatens, and it was not one where the Government officials or others said at this point it would be desirable to go into this gold ownership.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I think maybe there was a misunderstanding of the gentleman from Texas. I was one of the witnesses and Senator McCLURE, also from my State, was one.

Mr. GONZALEZ. That is true.

Mr. SYMMS. We testified on the basis of protection. Would not the gentleman agree with me that protection of the individual who would like to invest in gold would be a good reason to allow him to do it if he wants to protect himself from fiscal irresponsibility on the part of the Government? Would the gentleman not think that would be a good enough reason?

Mr. GONZALEZ. No. In answer to the gentleman, it is always a good thing to protect against fiscal irresponsibility, but how can the gentleman stand there and tell this House and the American public that this amendment will do anything but exchange one folly for a more grievous folly? I do not see how.

Mr. CRANE. Mr. Chairman, if the gentleman will yield further, he can exchange a paper IOU for a piece of gold, and if he would like to do that would that not be a good reason?

Mr. GONZALEZ. I think the gentleman should recognize this has not happened in the world for quite a few years. If that were the case there would be no international commerce at this time.

The point is whether or not we are going to wittingly or unwittingly be a tool of deliberately delivering the American people, and because they feel a constitutional right to possess anything, deliver them willingly and gleefully into the hands of the Communist gold producers and the South African gold producers, which in effect we would be doing.

Mr. WYLIE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. CRANE) and I wish to associate myself with his remarks.

I hope that today the House will take this opportunity to correct a situation which has for too many years been ignored, in my judgment.

The United States is one of the last of the free world countries in which it is not possible for its private citizens to own gold. The only other free world countries in which it is not possible for private citizens to own gold are Ceylon, India, Libya, Mali, and Rhodesia. Even Great Britain which followed our policy for years, has recently restored this right.

Presently 70 other countries in the world allow their citizens to own gold, and some of them are our fiercest competitors in the world marketplace. Included in this group are Taiwan, Japan, Hong Kong, France, Canada, Poland, Brazil, and Korea.

I say if it is good for other citizens of the other nations of the world to own gold, why not allow the citizens of the United States the same freedom? There is no reason today why Americans should be held to second-class status internationally in this regard.

I cannot understand the reason for the opposition to this measure. There is certainly no opposition coming from the American people themselves. Those citizens who want to exercise the right to own gold will thank us for restoring this right to them. Those who are not interested in exercising this right at the moment will have no reason to object to other people exercising it.

Our citizens will gain, our mining industry will gain, and our Nation will gain from the adoption of this amendment.

The Senate has already passed this legislation by a 3-to-1 margin. I would hope the same wisdom will prevail in this Chamber.

I ask support for the Crane amendment.

Mr. REUSS. Mr. Chairman, I rise in opposition to the Crane amendment.

I shall not take too much time, when we should be voting.

Mr. Chairman, I oppose the Crane amendment because I think it holds the possibility for monetary disaster for the United States if it should pass. In essence, it says that after next December 31, next January 2, those American citizens who for 40 years have hungered and thirsted after the right to hold gold, are being empowered to go over to Europe or wherever the gold is for the buying, and gorge themselves to their heart's content.

No one here can estimate how much that early gorge is going to be, but it could well be on the order of $5 or $6 billion, enough to throw our balance of payments into a most grevious decline, which in turn could have repercussions over the entire international monetary scene.

The dollar has enough troubles, our economy has enough difficulties, without adding this new manmade one.

I know that the President, advised by his senior financial advisers, is prepared to veto legislation containing a position as fraught with disaster as this amendment. I know that there are Members who, for reasons of their own, are disillusioned with the President, and are looking for opportunities to vote against a measure which he believes essential, or for a measure which he believes disastrous.

I think, however, the duty of the Members is to look at the nature of the legislation or the amendment before us. The amendment, proposing to allow ownership of gold after next December 31, is against the monetary interests of the United States.

I hope it will be voted down.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I would simply like to pose the question how, unless every American who invested in gold were to lose on that investment instead of returning a profit, and particularly looking at it in the light of the history between phase I devaluation and phase II devaluation, why the gentleman supposes that an American would not be as inclined to show a profit on that kind of commodity investment as he would in, say, silver, copper, or others?

If he shows a profit, that does not aggravate the balance of payments, but on the other hand mitigates it.

Mr. REUSS. There are several reasons. In the first place, the scenario could well be, instead of profits in this area of very fruitful speculation, there would be losses.

Secondly, even if there are profits, they do not show up on the black ink side of our balance of payments until they are repatriated.

I would anticipate that the ladies and gentlemen who suddenly go into the purchase of gold would keep their poker chips out on the table, waiting for the next round, so that the first impact on our balance of payments would be an unmitigated disaster.

Mr. Chairman, I hope the Members will have no part of this.

Mr. CRANE. Mr. Chairman, if what the gentleman says is true, that would be the result of some fast turnover after January 2, 1974.

Mr. Chairman, I have another question in that regard. Where does the gentleman get the figure of $4 or $5 billion anticipated in the gold market when a heavy day's business, taking into account London, Paris, and Zurich markets, a heavy day's business is $10 million?

Mr. REUSS. From the demand, pent up for 40 years, of Americans who for one reason or another, good or bad, have a lust for gold.

After 12 years of prohibition, there was such a pent-up demand that the taps never ceased flowing. Heaven alone knows what will happen when the prohibition on gold ownership occurs.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have been deeply concerned over this issue, both as the Representative from the 10th Congressional District of Massachusetts and as a member of the Banking Committee. Evidence from both my congressional district and from my work in the committee lead me to conclude that this amendment should not be passed.

From my perspective as a Member from Massachusetts, I bring to the attention of my colleagues the headline in the May 19 edition of the Attleboro, Mass. Sun Chronicle, reciting the tale of woe that is the lot of industries in that area.

The headline reads: "Local Firms Singing Gold Blues," and obviously they were talking about the same issue which has been the main subject of our debate this afternoon.

The city of Attleboro, in my congressional district, is involved in this issue with good reason—it is one of the leading centers of jewelry manufacture in the country, and gold is the lifeblood of their business.

To illustrate Attleboro's significance, let me ask how many of my colleagues are wearing class rings. Most of those rings were made by the Balfour Co. of Attleboro, Mass. Cuff links and tie bars are quite in evidence across this room as well. Many of them were made by Swank, Inc., of Attleboro, Mass. There are also many small firms in the region, begun as individual shops, but which now each have as many as 20 skilled New England craftsmen.

These businesses, both large and small, in Attleboro, comprise a large segment of the jewelry industry in the United States. The problem faced by the industry is primarily one of supply—especially of gold. To survive, jewelry manufacturers need a steady gold supply, at a predictable cost, to allow prices which Americans can afford. With these conditions, as the president of Balfour Co. has said, the class ring is just going to be obsolete, beyond the means of the high school or college graduate. I am afraid that the industry would not be far behind.

Of course, I did not rise this afternoon to take the time of the Members to talk about class rings, or even to talk at length about my particular district, as important as that is to me. Nevertheless, from my position on the Banking Committee, I do feel that the problems of this industry, located in southeastern Massachusetts, are related to the total picture.

Our focus should be on the main goal of this legislation, which is to achieve stability in the international monetary system. If we cannot produce stability in this legislation, then it should not be passed.

The amendment suggested by the gentleman from Illinois must be considered in terms of this fundamental goal, and in those terms, I believe that it only adds a significant destabilizing force to the already troubled international money markets, and will make the search for stable, long-term monetary reform much more difficult. It creates new uncertainty. It invites speculation. Its effect is to thwart the very purpose of this legislation.

I hasten to advise my colleagues that I supported the committee's action on private ownership, because it would have permitted it within the context of responsible judgments on the ability of the monetary system to sustain the redistribution of gold possession.

I do not oppose the private ownership of gold per se. Indeed, I am confident that the needs of industry can be made compatible with private ownership, under suitable circumstances. Unfortunately, that time is not now. It is my hope that through this legislation we can further our efforts to subdue the monetary crisis we face, thereby reaching the point where individuals can own gold.

At this time, however, the troubled monetary scene would only suffer further weakening as the result of this amendment. Therefore, I ask that we do not destabilize an already uncertain market by adding this untimely, and I believe crippling language.

Mr. ABDNOR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have been listening intently to what has been said. Today I am going to discuss gold as a commodity. In fact, it is not a component of our monetary system.

I was very interested in what the gentlewoman from Massachusetts just stated, because I wanted to dwell somewhat on that same subject, the discrimination that has been going on for years against a business, a very important industry of this country—the mining of gold.

I might say that the people in the jewelry business have been able to buy gold for many years at the set price of the Government. It has only been recently they have been out in the field bidding for gold.

I should like to point out that the stockholders of gold mines, the owners of mining machinery, and, yes, those who work the gold mines, the miners themselves, have been extremely discriminated against over the years.

In the Black Hills of South Dakota, we do have gold and some gold mines. Many of our gold mines have been forced to close because of the artificial price of gold over the years.

How can the present discrimination against gold be justified? How can you explain to a hard-rock miner who works just as hard or harder than a miner of another ore that the fruits of his labor cannot appreciate in value in accordance with the true demand for the valuable metal he produces? If this artificial control continues, the day will come when no ore, no matter how rich, can be profitably processed, and all mines in South Dakota and elsewhere will close with resulting economic disaster.

Mr. Chairman, I have lived all my life in South Dakota, and I can well recall the dustbowl years of the thirties when many people were driven off their farms and even lost their farms, and when many of those people emigrated to the Black Hills of South Dakota, where they participated in the gold mining industry and made a living.

Mr. Chairman, I also recall in those days that there were times when we could not raise taxes for State and local government from ordinary sources. Because of this, the gold mining industry was faced with a discriminatory tax put on the ore, and carried the burden. Later on I recall, as a member of the State legislature, that step by step we took off that ore tax in an attempt to save the industry, because it was so important to the State of South Dakota and to our country. We have now taken off all such taxes in order to try to save the gold mining industry rather than see it close down and put thousands of people out of work.

Mr. Chairman, I say to the Members that a vote for this amendment will insure a true and fair price for gold and not leave that move to the discretion of the Treasury Department, which has a history of resisting that step. A vote against this amendment is no more justifiable than a vote to deny citizens the right to own a commodity such as iron, cotton, or beef. For too long one small segment of industry has been treated unfairly. Today that can be rectified.

Mr. Chairman, I urge support for the amendment.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask a question or two of the distinguished chairman of the subcommittee, the gentleman from Texas (Mr. GONZALEZ).

It is my understanding that in Japan, where the sale of gold is permissible, they sell it in supermarkets. I would like to know whether the distinguished chairman of the subcommittee has any evidence that the economy of Japan, which I am told, based on testimony that has come before one of our subcommittees, is one of the strongest in the world, has been affected by that. Has that economy suffered as a result of the fact that the citizens of Japan can buy and sell gold?

Mr. GONZALEZ. Mr. Chairman, in answer to the gentleman's question, I have no statistical information showing to what extent the Japanese people are different or whether they prefer to eat gold rather than lettuce or any other vegetable from the supermarket.

This is like the instance involving a French peasant, a citizen of France. I have read accounts written by people who would like to get the law changed, and they talk about this: Why can our people not have the same right as the French peasant who feels secure because he can hoard a little bit of gold?

Mr. KOCH. Mr. Chairman, if I may just pursue that with the distinguished gentleman, we have seen a list of every country permitting the free sale of gold; it was read to us in part or, that is to say, a list of the few countries that do not permit it was read to us.

Does the gentleman have any statistical evidence that any one of those countries, whether it is Great Britain or France or Italy, has suffered as the result of the fact that its citizens can buy and sell gold?

Mr. GONZALEZ. Well, there is a difference. Each one of those countries, including Japan, has rigid laws on regulating export and import of the commodity. In other words, you can bring it into Japan, but you run into a problem if you try to get it out.

Mr. KOCH. Mr. Chairman, I am convinced that if Japanese citizens can buy and sell gold in the supermarket, American citizens are capable of demonstrating the same expertise.

Mr. GONZALEZ. The gentleman overlooks the fact that Japan has strong export and import control laws governing that.

The gentleman also overlooks the fact that other than speculating in the gold market the prohibition on holding gold is not complete in our own country.

Mr. REUSS. Will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman.

Mr. REUSS. To supplement the very responsive answer given by Mr. GONZALEZ, I would say this: Whereas in the United States the dollar is in a decline and we are in a persistent, endemic balance-of-payments deficit, in Japan the yen never had it so good, and Japan is in a persistent balance-of-payments surplus. When the U.S. dollar gets in anything like the position of the Japanese yen, I will not only want to see gold sold in the supermarket, but I would like to see it given away at the filling station. That will be the day. Meanwhile, there is a difference.

Mr. BLACKBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I have heard the dialog here, one thing that impressed me is the pronouncements of doom and gloom emanating from some quarters if this amendment should pass. I have been here long enough to hear other pronouncements of doom and gloom on other actions that this body has taken, and in fact I have made predictions myself that if we passed certain bills it would mean the ruination of our country. Somehow we survive.

But there has been a strange dialog, it seems to me. On the one hand we are told that gold is worthless, it is an anachronism, a barbaric relic of the past. If gold is so worthless and it does have so little value in international currency markets, why is it so discombobulating if we allow American citizens to own this worthless relic of the past? It seems to me all we are saying here is that American citizens should have the same right as citizens of other countries throughout the world.

The gentleman from South Dakota made a very valid point when he said that there are gold mines in America that would be mined today if the price of gold were allowed to rise and if American citizens were allowed to buy it at a fair market value.

Let me suggest to you that if there should be—and there probably would be—a temporary balance-of-payments deficit as a result of Americans going on the international market to purchase gold, then let me suggest that if our domestic mines should go into production because it was economically attractive once again for them to mine gold, we could well end up with more gold being produced here than is being bought abroad. We could find that the whole balance-of-payments situation would be turned around by the sale abroad of American-produced gold from domestic sources.

I can see no great wrong that can come from allowing our citizens to exercise the right given to other citizens of other countries in the world.

Let me suggest to you the Japanese and the strength of the yen does not relate to the value of gold or its right to be purchased in Japan. They are unrelated. Let me suggest that the Japanese have been following far more sound economic and business policies there than we have been following in this country. That is entirely unrelated to the private ownership of gold in either of the two countries.

Mr. Chairman, I would urge that we stand today and give a message to the American people that we intend to protect their rights. One of the rights we will restore to them today is the right to the ownership of gold.

Mr. Chairman, I urge members of the committee to support the amendment offered by the gentleman from Illinois (Mr. CRANE).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. CRANE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Chairman, on this I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 162, "present" 3, not voting 105, as follows:

[Roll No. 161]

AYES—162

Abdnor
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Blackburn
Bowen
Breaux
Brinkley
Brotzman
Buchanan
Burgener
Byron
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
Denholm
Dennis
Dent
Derwinski
Devine
Dorn
Downing
Duncan
du Pont
Erlenborn
Eshleman
Evans, Colo.
Foley
Fountain
Frey
Froehlich
Gaydos
Gettys
Ginn
Goodling
Green, Oreg.
Gross
Grover
Gude
Gunter
Haley
Hanrahan
Heinz
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holt
Huber
Hudnut
Hungate
Hutchinson
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kemp
Ketchum
King
Koch
Landgrebe
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McEwen
McKinney
McSpadden
Mailliard
Mann
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Melcher
Mezvinsky
Miller
Minish
Mink
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Morgan
Murphy, Ill.
Myers
Nichols
O'Brien
Owens
Parris
Pettis
Pike
Poage
Preyer
Pritchard
Quie
Rarick
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Roe
Rose
Rousselot
Runnels
Satterfield
Saylor
Scherle
Schroeder
Shoup
Shuster
Sikes
Sisk
Skubitz
Slack
Snyder
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thone
Towell, Nev.
Treen
Veysey
Waggonner
Whitehurst
Whitten
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wyatt
Wylie
Wyman
Yatron
Young, Alaska
Young, Ill.
Young, S.C.
Zablocki
Zion

NOES—162

Abzug
Anderson, Ill.
Arends
Ashley
Aspin
Barrett
Bell
Bergland
Bevill
Biester
Bingham
Blatnik
Boland
Brademas
Brasco
Breckinridge
Brooks
Brown, Mich.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Cederberg
Chamberlain
Clay
Conable
Conte
Corman
Culver
Danielson
Davis, Wis.
Dellenback
Dellums
Dingell
Drinan
Dulski
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Fascell
Findley
Fish
Flood
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Gray
Green, Pa.
Guyer
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hébert
Hechler, W. Va.
Heckler, Mass.
Hicks
Holtzman
Horton
Jarman
Johnson, Pa.
Jones, Okla.
Jordan
Karth
Kyros
Lehman
Litton
McCollister
McDade
McFall
Macdonald
Madden
Madigan
Mahon
Mallary
Maraziti
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mitchell, Md.
Moakley
Moorhead, Pa.
Mosher
Moss
Natcher
Nedzi
Nelsen
Obey
O'Hara
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Podell
Quillen
Rangel
Rees
Regula
Reid
Reuss
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Sebelius
Seiberling
Shipley
Shriver
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Studds
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thornton
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walsh
Wampler
Whalen
Widnall
Williams
Wydler
Yates
Young, Tex.
Zwach

"PRESENT"—3

Collins
Roncalio, Wyo.
Stuckey

NOT VOTING—105

Adams
Anderson, Calif.
Annunzio
Badillo
Biaggi
Boggs
Bolling
Bray
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Calif.
Burke, Fla.
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chisholm
Cohen
Collier
Conlan
Conyers
Cotter
Coughlin
Cronin
Davis, Ga.
de la Garza
Delaney
Dickinson
Diggs
Donohue
Esch
Evins, Tenn.
Fisher
Flowers
Flynt
Ford, William D.
Fuqua
Goldwater
Griffiths
Gubser
Hanley
Hansen, Wash.
Hawkins
Hays
Holifield
Hosmer
Howard
Hunt
Ichord
Jones, Ala.
Kastenmeier
Kazen
Keating
Kluczynski
Kuykendall
Landrum
Latta
Leggett
Lent
McCormack
McKay
Martin, N.C.
Michel
Milford
Mills, Ark.
Minshall, Ohio
Mollohan
Montgomery
Murphy, N.Y.
Nix
O'Neill
Powell, Ohio
Price, Ill.
Price, Tex.
Railsback
Randall
Robison, N.Y.
Rodino
Rooney, N.Y.
Rostenkowski
Roy
Sandman
Smith, Iowa
Spence
Steelman
Stokes
Stratton
Stubblefield
Sullivan
Symington
Teague, Tex.
Tiernan
Udall
Waldie
Ware
White
Wiggins
Wilson, Charles, Tex.
Winn
Wright
Young, Fla.
Young, Ga.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. M'KINNEY

Mr. McKINNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McKINNEY: page 2, line 17, immediately before the period at the end thereof insert the following: "or at the close of June 30, 1975, whichever occurs first".

Mr. McKINNEY. Mr. Chairman, I shall not take my full time. I simply say to the House that this is a compromise amendment.

What this amendment does is to answer the objections of the administration as to allowed ownership of gold right away this year. It puts a mandatory date for the private ownership of gold as of June 30, 1975.

Mr. Chairman, this would make sure that the monetary policy conventions which are taking place in Europe are successful and set a date far enough off so that the speculation factor would be cut down. It would allow the President to set the date any time before then, but at the same time it would mandate that as of June 30, 1975, Americans would be allowed to own gold.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the membership must realize that in what we are doing here, one thing we do have in common is that we do agree that at a proper time American citizens would be able to have, own, and possess gold.

The only question before us is, When shall they be allowed to do it? We considered this in our committee and we finally came up with the amendment which is in the bill, which is a sensible amendment.

It says that "Yes, you can own gold, but when the President of the United States feels that our monetary situation is in such shape that we can do it, then he shall proclaim it."

Now, why did we put that in the bill? Soon there will be a meeting of a 20-nation conference on stabilization of the currencies of the world. We have made a great breakthrough in agreeing to this conference. We finally agreed on the size of the table, on the countries which were going to be invited. This is a very crucial conference, one of the first major international monetary conferences since the Bretton Woods Conference back in the 1940's. It is a tremendously important conference.

For the past 27 years, as Members know, our currency has been based on gold. To all of a sudden say that on December 31, or even in 1975, we will allow people to own gold, is upsetting as to the question of "Shall gold be a part of our financial structure or not?"

That is going to be decided in this 20-government conference. After that is over, if it is proved to the world that gold is no longer a part of the monetary system of the world, that it is just another commodity, then of course the President will proclaim that people can own gold.

All we are asking the Members to do is to give our Government an opportunity to study this gold situation and to wait for this 20-government conference to be over.

I am sure at the proper time the President of the United States will say that people can own gold.

There is nothing wrong with the bill we have brought before the Members today. It is a sensible bill, and we should vote for it. Let us not tamper with gold.

As I said in my earlier remarks, the situation in the money markets of the world is tenuous at best. Right now most anything could upset the equilibrium we have been able to achieve in the world money markets.

We should not pass this amendment today and mandate when ownership of gold shall take place, rather than leave it to the discretion of the Government.

That would be a bad thing, I believe, and so I ask the Members to vote down this amendment and to support the committee.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman for yielding.

I should like to remind the gentleman that this was, as he knows, a basic plank of the Republican National Party platform of 1972.

Secondly, we are talking about 1975, under the amendment of the gentleman from Connecticut, midway through 1975. Surely I do not believe my good friend from Wisconsin, who had objection to the end of this year, could find significant fault with a date so distant. If we do not have international monetary reform finalized by then, we will never have it.

Mr. JOHNSON of Pennsylvania. My answer to that is perhaps we did what we did in 1972 thinking it was a good idea, but a lot of things have happened since 1972.

The gentleman is on the committee. He knows that on February 12 the financial structure of the world was just about ready to collapse. If we had not agreed to devalue the dollar, to do the things we did, things might have been in a terrible mess today.

Yes, eventually people will be able to own gold. Personally I think that our committee proposal is the best thing for now. I believe we should vote down the McKinney amendment and support the committee.

Mr. CRANE. The same kind of a problem that occurred in February of this year, as the gentleman knows, occurred in August of 1971. This is indeed a recurrent problem. All I am suggesting is that by mid-1975 we should have successfully resolved the problem or it would appear to be beyond resolution.

Mr. GIBBONS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, whether Members voted for the last amendment or against the last amendment, they should certainly vote against this amendment. Let me say why.

I know the gentleman from Illinois is not mischievous. I know he does not mean to do this. Unless there are a lot of gold mines in a Member's district—and there is only one in the country, and I do not know in whose district it is—Members should oppose this amendment.

But unless he has got a lot of it, what this amendment would do is guarantee that the price of gold will skyrocket; there would not be an ounce of gold sold in the United States—and we use more gold than is produced here—if we vote for this amendment. None of the industrial users, none of the jewelers, none of the dentists will be able to get an ounce of gold, because everybody will be speculating; and on January 1 or July 1, 1975, the price is going to be a lot higher than what it is now, so whatever gold there is around to be used will be hoarded.

So whether we voted for or against the last amendment, I say that we should not vote for this one, because this one is a disaster.

Now, let me explain what the bill does. The bill does a very sensible, sound thing. The bill provides that gold can be used as a commodity; it can be traded as a commodity between individuals, when the President decides that it will not disrupt our own economic conditions and our own monetary system.

Mr. Chairman, I know there are a lot of people around now who do not trust the President. I know that is not a hard thing to do these days, but we have got to trust somebody in this day, and there is one thing we cannot do: We cannot telegraph to the Russians and we cannot telegraph to the South Africans that on a date certain 2 years from now the price of gold is going sky high. If we do, there will not be any end to it.

And who would be the victors on this sad day? It would be the Russians and the South Africans. They have all the gold; they have it in their mines; they control it. If we want to help them, we can vote for the McKinney amendment, but if we want to have a sound fiscal policy in the United States, if we want to do what is right and reasonable, then we will vote against it.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I will be glad to yield to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, some concern has been expressed on the minority side about the statement in the Republican national platform before the last election. That statement said—and I am accurately paraphrasing it, although I do not have it in front of me—that American citizens ought to have the right to own and hold gold when that can be done without endangering the international monetary stability of the dollar.

Now, that is precisely the language in the bill before us. That is precisely the language which the amendment before us would seek to knock out.

So just for the record, let nobody vote for this amendment under the impression that he is thereby validating the Republican platform. He is doing just the opposite, and in the process administering a sound kick in the pants to the administration, when for once it does not deserve it.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman. The proposition makes good sense as the gentleman from Wisconsin (Mr. REUSS) has explained it.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Florida (Mr. GIBBONS) may covet the role of a second-class citizen—or maybe a third-class citizen—I do not.

Gold is available to French peasants, and they are buying it because they are frugal; they know the value of gold and what it means around the world, except to the so-called "experts" in the United States.

Mr. Chairman, I have heard all kinds of arguments here this afternoon against this, particularly the arguments made by the gentleman from Wisconsin (Mr. REUSS), who raised the specter before the last rollcall of what public ownership of gold would do to the balance of payments.

Well, bless your heart and soul, Mr. REUSS, without Americans owning gold, we had a deficit of $10,200,000,000 in the balance of payments in the first quarter, the first 3 months of this year.

I suspect those deficits are going to continue because here today, under this par value modification bill, there will be approved the contribution of another $2,200,000,000 to the outflow of dollars to increase the deficit in the balance of payments. Yet you cry about what the purchase of gold on the part of Americans would do to the deficit in the balance of payments. I do not understand that kind of logic. Maybe you can explain it, and I will yield to you briefly to do so.

Mr. REUSS. I thank the gentleman for yielding. Let the gentleman tell me, is he in favor of this amendment?

Mr. GROSS. I voted for the December 31, 1973, amendment, and I would like to see the pending amendment made effective next June 30 or July 1 instead of 1975. I do not happen to think the Presidents of the United States for the last 40 years have been astute in their management of the financial affairs of this country or international affairs, either one.

Let me say to you what ought to come out of this bill above everything else is the delegated power to the President to determine when Americans can buy gold.

Mr. REUSS. Will the gentleman yield further?

Mr. GROSS. I yield to the gentleman.

Mr. REUSS. If the gentleman will introduce an amendment to take away that delegated power to the President now contained in the bill and continue the prohibition on ownership of gold by Americans until the Congress shall determine that the monetary stability will not be hurt, I will go for that.

Mr. GROSS. I have an amendment here to take away the delegated power of the President, and if this amendment is defeated, I will try to offer it: You had better believe I will, because I do not think any President of the United States ought to have the exclusive power you have written in this bill.

The gentleman from Wisconsin, in answer to the gentleman from Ohio (Mr. SEIBERLING) gave us the story a while ago, when there were only a few Members on the floor of the House. He said then, in effect, that there need be no worry over this provision in the bill, that the President would not permit Americans to buy gold as citizens of foreign countries can do. What the gentleman from Wisconsin said, in effect, was that we all ought to understand it was just window dressing. Not in the foreseeable future would a President let the American people own gold. He was never more right. But why did he not say so in so many words instead of beguiling the people?

Mr. REUSS. I will say so right now. When the gentleman introduces his amendment to knock out the President's power and vest that power in the Congress to determine when the ownership of gold is in the best American interests, I will support it, and it is not a bad amendment.

Mr. GROSS. I can do that simply by striking out all of lines 12 through 17, and I will sure as the devil do so if I get the opportunity.

If the House adopts that amendment, the first step will have been taken toward restoring to Congress the power to determine when public ownership of gold is in our best interest and that is now.

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to say to the point that I hope this amendment is soundly defeated.

This is a very undesirable amendment. I think if it is the wish and the will of the Congress, the House and the Senate, to legislate into this bill at this time the question of gold holdings, then the present provision that you have in this bill now is about as close as you can find.

I merely want to inform the Members of this House of this, because I think they want to legislate very responsibly, that at no time did the Member offering this amendment, who is a member of the overall Committee on Banking and Currency, ever give us a chance to evaluate it to begin with. He never offered it in the committee. It was never discussed. The central issue has been discussed, and it was the wisdom of the majority of the subcommittee and the full committee that the version you have in this bill is the best that we can offer in good conscience to the Congress and the American people.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Chairman, I appreciate the gentleman from Texas yielding to me, and I want to point out to the Members on our side of the aisle that this amendment in my opinion really is worse than the first amendment. I compliment the gentleman from Florida (Mr. GIBBONS) for pointing out the very important fact that was not brought out on the previous amendment, the fact concerning the hoarding of gold on the par value of our dollar, and what it would do to the dentists and doctors, and other gold users in this interim period of time.

So I appreciate the gentleman yielding to me, and I will certainly hope that the amendment is defeated.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

I would just like to point out that the amendment that the gentleman from Iowa (Mr. GROSS) is proposing, or has said that he may propose, is a mischievous amendment, and we usually do not expect that from the gentleman from Iowa, but if the gentleman intends to strike out additional language by his proposed amendment, what the gentleman does is make the ownership and purchase of gold in the United States effective immediately upon the enactment because he would eliminate the Presidential authority and the discretion of the President.

Mr. Chairman, I think we ought to be a little bit careful on how we should upset the rather late sounded and late procedural ideas of some of those who are offering ideas at this time.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from Michigan for his comments. I might add that I had rather mixed emotions upon hearing the proposal made by the gentleman from Iowa (Mr. GROSS). I think it may be just game playing, coming as it does the joining of the gentleman from Iowa's party by the former Secretary of the Treasury, Mr. Connally. I think that this is the first time the gentleman from Iowa has been won over to our side, and this is a very happy moment.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, what makes the gentleman from Texas think that I am on his side?

### SUBSTITUTE AMENDMENT OFFERED BY MR. REUSS FOR THE AMENDMENT OFFERED BY MR. M'KINNEY

Mr. REUSS. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Connecticut (Mr. MCKINNEY).

The Clerk read as follows:

Amendment offered by Mr. REUSS as a substitute for the amendment offered by the gentleman from Connecticut, Mr. MCKINNEY: Page 2, line 13, strike out "President" and insert the word "Congress", and on lines 13 and 14 strike out the words "and reports to the Congress,".

Mr. REUSS. Mr. Chairman, I drafted this substitute amendment to the McKinney amendment in response to a widely felt need, and to the persuasive argument just made by the gentleman from Iowa (Mr. GROSS).

What it does is to remove from the language in the bill the delegation of power to the President to act when international monetary reform shall have proceeded to the point where elimination of regulation on private ownership of gold will not adversely affect the U.S. international monetary position. My amendment vests that power squarely in the Congress. It is thus entirely open to the Congress by resolution at any time—and as far as I am concerned the sooner the better to determine when reform has progressed to the point where the ownership by U.S. citizens of gold will not make international monetary difficulties. I think the amendment is constructive. It will clear up the difficulty under which we labor, and I hope the amendment will be voted on favorably.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Chairman, I was interested in the comment by the gentleman from Wisconsin, "the sooner the better." What does the gentleman mean by "sooner," and how soon?

Mr. REUSS. If the money masters of the world will get on with the job which has been delegated to them, if they will follow the timetable suggested by Mr. Arthur Burns of monetary reform by July 1, and if they were locked in a room and denied sustenance for a few days. I think that could greatly accelerate their deliberations. There is no reason why by the end of this summer the Congress could not find that international monetary reform were in hand, and that far from causing distress, when Americans own gold here and abroad, it would be the re-creation of a right which they ought to have. I would vote for such a sense-of-Congress resolution.

Mr. ROUSSELOT. If I understand the gentleman correctly, he believes, then, that the right should be returned to all citizens in this country to buy, own, and sell gold sometime at the end of this summer, if certain conditions that he has outlined are met; is that correct?

Mr. REUSS. That is correct, but Congress would have to make that finding, and the only way in the world that the gentleman and I and our colleagues can tell whether that situation has arrived is by looking at it. It could come in a matter of months. If we dawdle, it would take years.

Mr. ROUSSELOT. Then if we had set the date at December 31 of this year, would not have been adequate time to achieve all of the conditions outlined by gentleman. Especially when we are denying to our citizens the basic right to buy, own, and sell gold. By failing to set a date, are we not, in effect, saying to the rest of these countries that we are going to continue to disallow our citizens to go into the free market to buy and sell gold and, therefore, there is no pressure on these other world leaders to achieve these goals the gentleman suggests by that time?

Mr. REUSS. I think there is a quick answer to the question of the gentleman from California. It is simply this: That no one can tell before the event when it is going to happen. I sincerely hope—and I have been working for a long time to bring it about—that reform will be achieved in a matter of months. If it is, the gentleman will find me cosponsoring the resolution with Mr. CRANE and others to indicate congressional approval. But until it happens, we do not really know, so I think this is a responsible way to proceed. I hope the gentleman can support me.

Mr. ROUSSELOT. I appreciate the gentleman's answers. I hope he is not serious about locking people up in a room.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I appreciate what the gentleman is attempting to do in his amendment, that is, placate those who object to the Presidential delegation. But the gentleman knows that even his amendment is game-playing, because if the Congress finds monetary reform has progressed to the point where the present law can be changed, the Congress can pass such law in its totality. I trust that the other Members of the House will not go along with this.

Mr. REUSS. I cannot yield further to the gentleman from Michigan. I would say to the gentleman, no, it is not game-playing. I am prepared to vote for the amendment I have just introduced, and rivet it into the law that it is now the sense of Congress, that citizens ought to have the right to own gold 1 minute after it is determined that citizen-owned gold will not cause international monetary problems.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

I shall be very brief. All I wish to do is complete my statement to the gentleman from Wisconsin, and that is, if the Congress finds international monetary reform has progressed to the point which would justify the finding required under the Reuss amendment, the Congress can just as well adopt all of the language of section 3 at that time, and, in so doing, the Congress would keep that prerogative for itself. The Reuss amendment should be defeated, and the McKinney amendment should be defeated. Then, if the gentleman wishes, he can strike all of section 3, as far as I am concerned, and the total discussion on the matter would be retained in the Congress.

Mr. J. WILLIAM STANTON. Mr. Chairman, I move to strike the requisite number of words.

I just want to point out to the Members here that the gentleman from Wisconsin is the original author of the amendment and the language that is in this bill, and I am sure he is not too serious about this amendment, as put forth here. I urge the Members of the House to vote "no" on the amendment, and also on the McKinney amendment.

Mr. REUSS. Will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Wisconsin.

Mr. REUSS. Yes, the gentleman from Wisconsin is serious, and the reason is simply this. Of course, I was the author of the original language in the committee bill. I have listened to debate on this floor. I have sensed the feeling on the part of many Members that it is the Congress, rather than the President, that ought to make this determination.

Mr. J. WILLIAM STANTON. Mr. Chairman, I refuse to yield any further to the gentleman from Wisconsin. I have more faith in the gentleman from Wisconsin when he can deliberate with great time on a subcommittee, rather than scribbling and sending an amendment up of this type.

I think it was revoked by the gentleman from Iowa and I am sorry we got away and got off the subject at the particular time. Really we need it in this country and certainly we do not need today either the amendment or the amendment to the amendment.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Chairman, I think it proper to observe what the gentleman from Wisconsin is proposing is that we delegate this authority to the Congress but to a commission. I do not think we ought to delegate it at that level.

Mr. J. WILLIAM STANTON. I go back to what the gentleman from Michigan said. Certainly that is why we do not want any amendment on this subject except this language. We could come back in the Congress to act to have the right for Americans to buy gold and this Congress can do it.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize the fact that we are about ready to vote. I rise merely to make the observation that the Banking and Currency Committee has the habit of bringing to the floor plain, noncontroversial bills that in turn do not spark any debate at all. In keeping with the pattern of that committee I am merely an interested observer of the world of high international finance. I think the gentleman from Wisconsin is not often right, but I think in this point he is. I intend to support his amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Wisconsin (Mr. Reuss) for the amendment offered by the gentleman from Connecticut (Mr. McKinney).

The question was taken; and on a division (demanded by Mr. Frenzel) there were—ayes 44, noes 105.

So the substitute amendment was rejected.

### MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. Gross moves to strike all of lines 12 through 17 on page 2.

Mr. GROSS. Mr. Chairman, I submit that if this is a mischievous amendment, as some have characterized it, then the language in the bill itself is mischievous. Listen to this language in the bill:

> (c) The provisions of this section, pertaining to gold, shall take effect when the President finds and reports to the Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States' international monetary position.

That is the ultimate in mischievousness. It is a delegation of power no President should have; it is power no Congress should delegate.

If Members of Congress vote to leave to the pleasure of a President whether the citizens of this country can freely own gold, they will grow beards so long they can walk on them before that happens.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I just want to make sure I understand the amendment. All it is doing is striking section c, is that correct?

Mr. GROSS. Mr. Chairman, the gentleman could not be more correct.

Mr. BROWN of Michigan. Mr. Chairman, I think the gentleman from Iowa will agree that I am also correct when I say that by only striking section c, the gentleman is changing this governmental posture with respect to private ownership of gold 180 degrees; is that not correct?

Mr. GROSS. Mr. Chairman, I would not know about 180 degrees because I did not bring my slide rule.

Let me say to the gentleman from Michigan that it would mean that Americans, upon the signing of this modification act by the President, would be permitted to buy and own gold the same as French peasants can buy and own gold.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman agree also that his amendment goes even further than the amendment which was defeated?

Mr. GROSS. Mr. Chairman, I could not estimate the distance. I only know that it would restore the right of American citizens to become first-class citizens in this world. That is all it would do. I hope the Members support the amendment.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois (Mr. Crane).

Mr. CRANE. Mr. Chairman, I cannot help but rise in support of the amendment offered by the gentleman from Iowa, inasmuch as this was the initial amendment which I had submitted before the International Finance Subcommittee. I think in support of it before this body, when we recognize the Senate by an overwhelming margin supported December 31, the House came out with an immediate date. On the basis of past performance by the Committee on Banking and Currency in deferentially moving to accept Senate language as we saw on the Wage and Price Control Act, then what we might expect out of conference is the acceptance of the December 31 date.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, I would like to rise in support of the amendment offered by the gentleman from Iowa, because without this amendment, this legislation discriminates against Americans. I think we should end this discrimination. By barring American citizens from dealing in gold, we are downgrading further the American economy—and our economic position in the world. In earlier years I opposed the demonetization of our coins. Silver coins have now disappeared from circulation and our present coins have virtually no intrinsic value.

By eliminating the right to redeem our currency we have reduced its value here—and abroad. The artificial prohibition against buying and selling gold seems to me to be playing into the hands of the international speculators—while depriving American citizens of the right to restore value—true value—to the dollar.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Georgia (Mr. Blackburn).

Mr. BLACKBURN. Mr. Chairman, I commend the gentleman for offering this amendment.

If this amendment passes, it deprives the international monetary experts and gold speculators from any speculation. When this bill is passed, Americans in owning and buying gold eliminate any uncertainty.

Mr. GROSS. The gentleman from

Wisconsin (Mr. REUSS) earlier this afternoon suggested that the President might veto this bill if the gold provisions in it were altered unfavorably to the language in the bill. Let me ask the gentleman this question:

Is the President going to impound the dollars that have already been approved by the House by way of maintenance of value to the tune of millions of dollars? Does the gentleman think he is going to impound that money all of which will be shipped abroad?

Mr. REUSS. Mr. Chairman, irrespective of the President's action with respect to impoundment, he certainly is going to veto the bill with this amendment in it.

Mr. GROSS. I am glad to have that word from the gentleman from Wisconsin, who is a member of the opposition party.

After the session this afternoon, I would like to sit down and visit with him to find out how he gets into the White House and gets that information so quickly and readily.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when the International Finance Subcommittee heard the Par Value Modification Act and made its recommendations which were subsequently confirmed by the full committee, we heard a great deal of testimony on the subject of public ownership of gold.

I believe it is fair to restate at this time that there was not a single economist, not a single member of the administration, who spoke in approval of the kind of amendment which has been suggested by the gentleman from Iowa.

In fact, the only two people who did testify in favor of public ownership of gold now were the gentleman from Idaho and his predecessor, now a Member of the Senate.

Each one of these Members who testified before us, each expert, felt the same way that the committee and the subcommittee did. We did believe, along with those such as the proposer of this amendment, that public ownership of gold was a good thing and should be restored, but we felt that in these uncertain times it was not appropriate to restore public ownership of gold at this time.

This year we heard from such men as FRB Chairman Arthur Burns; last year from Secretary Connally. We heard from Treasury Secretary Volcker. Secretary Volcker, of course, was speaking for Secretary Shultz.

Each one of these people said, "The time is not right. We agree that gold should be publicly owned, but we cannot do it now because of the uncertainties."

If Members vote for the amendment offered by the gentleman from Iowa they will be voting against the Treasury Department, against the administration, against Arthur Burns and Secretary Schultz, and they will be voting against a proper resolution of our international monetary difficulties.

What they will be voting for will be the speculators of Europe, the U.S.S.R. and South Africa, and for uncertainty in international money markets, and for a slowdown in the negotiations which we hope will build us and the rest of the world a new international monetary system.

I urge a vote against the Gross amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has the world coming to an end, does he not, relying upon the experts? They have "experted" us into an almost impossible situation now. I am just trying to extricate them.

Mr. FRENZEL. I thank the gentleman for his contribution, but I do not believe he is going to help in the extrication process.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Is it not entirely possible that the reason why there were not a great number of people to testify as to the value of returning the right to own gold to individual citizens is because the main subject of the bill did not relate to that subject? This was added on. Were not most of the people testifying here those who talked about the par value of the dollar and its relation to gold, since it was not specifically to return the civil right of the individual citizens of our country to own gold? That was not the main purpose of the bill; is that not correct?

Mr. FRENZEL. My answer to the gentleman from California is that each time this bill is heard it does become a gold bill and we do have testimony.

As I pointed out, we had excellent testimony from two Members of our own group with whom we basically agreed. We merely said, again, that we believe in public ownership but we must make the decision that such public ownership should be effective only at a time when we will not introduce instability, when we have our international monetary system reformed.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman for yielding.

If we are going simply to invoke the argument from authority as a basis for our deliberations and actions taken in this body, I believe we might just as well close up shop with respect to what is going on. As has been said, one can keep a company of experts on tap and on top.

Let me throw out some names of recognized authorities on the other side of the argument.

Milton Friedman is one who advises for the immediate ownership of gold by American citizens.

Ludvig von Mises of New York and Hans Sennholz of Grove City College are others.

I can give the names of a variety of experts in the field who do not happen to share the views held by Mr. Volcker, Under Secretary of the Treasury.

Mr. FRENZEL. I thank the gentleman from Illinois. I stipulate that there are many experts who hold that opinion.

I would say that the ones who testified before us, and the representatives of our Government, who must negotiate to build a new system, did not agree. I am going to follow those experts whom we have designated to do the job for us. I am going to support the Treasury and the Federal Reserve here and now. I urge the defeat of the Gross amendment and the passage of the committee bill.

Mr. HANNA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that the key question which we have to determine here is simply this question of our position as Americans still having the dollar as the key currency.

With all the questions and the bantering that goes on as to what the dollar really is and how strong and how sound it is, it still is the key currency for foreign exchange, and there is no alternative.

Mr. Chairman, negotiations are being carried on by the IMF to find out if there is not some substitute so that the burden of being the key currency will be taken off the dollar. The only currency that is really threatened in the gold market operation is the key currency. So it is the suggestion of the speakers we have heard that we ought to delay the introduction of new buyers in the gold market from the United States until such time as the U.S. dollar can be taken out of the position of being harmed by that very speculation.

So, Mr. Chairman, it is not a question of whether Americans can or cannot hold gold. That we have decided. The only question is how we are going to take the dollar out of the position of being the key currency. As soon as that is accomplished, then there will be no harm to our position internationally in respect to our system in the matter of holding gold. Until that is accomplished, any increase in the price of gold is going to fall on the dollar as the only key currency in the international money field. It is that simple; it is not a question of how we feel about holding gold; it is a question of how we feel about having the dollar subject to further assault by gold prices, because it is a fact that the dollar is the key currency in exchange in the world. It still is.

Mr. Chairman, nothing we are doing here in this legislation is going to change that, so we had better accept it. That is the fact, and it is the fact that controls the decisionmaking, or it ought to control it.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

I told the Members a while ago why they ought to oppose the McKinney amendment, and I will tell the Members now why they ought to oppose the Gross amendment.

Mr. Chairman, the Gross amendment is doubly mischievous. It says that we have no faith in our own economic system, we have no faith in the value of our own banking system, we have no faith in our own leadership in this country. I do not say that, but that is what the Gross amendment says. The amendment says further that we ought to go back to gold, and then the gentleman throws up the red herring: "Well, the French peasants do it."

Why can France act as she does about gold and why would such a policy for the United States be an act of irresponsibility? Because the French, when compared to the United States in the economic world, are small. The United States is the strongest economic power in the world, and we cannot back away from that responsibility.

Oh, yes, we read about some little old transactions on the English gold market and the French gold market, but can anyone tell me how much gold has ever changed hands in that market? No, they cannot, because they never publish any figures. Nobody knows how much gold changes hands in those markets.

Mr. Chairman, despite the fact that the gentleman from Iowa and the gentleman from Illinois want to degrade this country by saying we do not have a good economic system and by saying we do not have a good monetary system, we are still the most powerful in those fields. Yes, our dollar has been devalued. It should have been devalued a long time ago; it should have been devalued in 1953 or in 1954, but we went along and we followed some antiquated economic procedures, but now we have finally awakened.

I want to commend the present administration for realizing that the economic policies that we followed since World War II are now obsolete policies and should have been changed perhaps as far back as 1954 or 1955.

We are at last doing the right thing now. Let us not pull the rug out from under the President at this crucial time. Sure, he is having problems, and I would like to make some political hay out of them, but I think enough of my country and I think enough of the office of the Presidency not to pull this rug out from under him.

We ought to vote down the Gross amendment and we ought to vote down the main amendment.

I will be glad to yield to the gentleman.

Mr. GROSS. Does the gentleman know why this Government devalued the dollar?

Mr. GIBBONS. Yes, sir; I know a little better than you do.

Mr. GROSS. Who ordered the United States to devalue the dollar?

Mr. GIBBONS. All of the other people in the world thought it was fine to devalue the dollar, and you have been standing in this well complaining because the President devalued it.

Mr. GROSS. You say we are imprudent now to do this.

Mr. GIBBONS. No, I am not saying that. I am saying, Mr. Gross, that we are still the largest economic factor in this whole world. We have the duty to be the most responsible in the world. We cannot go back to the gold standard and put this bill the way it is drafted now into effect, which would allow banks to buy gold and put it into their own reserves and have a whole new monetary system in which the South Africans and the Russians control the supply of that monetary system. I know the gentleman from Iowa does not want to do that.

Mr. CEDERBERG. Will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. CEDERBERG. I would like to acknowledge my total lack of expertise on this subject and say that from the speeches I have heard I believe I have a lot of company here.

I would like to say this: On a very critical subject like this it seems to me, where you can get all kinds of expert opinions, the wise thing to do is to stick with the people downtown in the Treasury Department who have the responsibility of dealing with this very critical problem, which can have a long-range effect on our monetary and fiscal policies in this country. I think it would be unwise, with all of the expertise we have, to try to make that kind of a decision right here and now.

Mr. GIBBONS. The gentleman is absolutely correct.

I yield back the balance of my time.

Mr. CRANE. Mr. Chairman, I rise in support of the amendment. I just want to make a couple of brief statements.

Mr. GROSS. Will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if the gentleman from Michigan (Mr. Cederberg) was referring to Haldeman and Ehrlichman when he was talking about the experts downtown.

Mr. CRANE. Mr. Chairman, I share this concern over an expression of faith in people to make judgments, in us as the world's greatest deliberative body, but I cannot help but address myself to a statement by the gentleman from Florida (Mr. Gibbons).

Inasmuch as I have some French ancestry, I feel that he has denigrated my ancestry in part with a derogatory reference to "pipsqueaks," I believe. But on the other hand, I think that there is perhaps a little bit of good sense and judgment on the part of some of those people who have protected themselves in this manner based on the past experiences of their own governments. Not too many of them probably remember their history when they debauched their currency in that country at the end of the French Revolution, but I can assure you many Germans remember how they debauched their currency in that country between World War I and 1923. I carry some bills in my pocket that I will be happy to show my colleagues at any time to indicate why so many Europeans have grave reservations on the question of demonetizing of gold.

It has been suggested that my esteemed colleague from Iowa (Mr. Gross) and I lack faith in the U.S. currency and that is why we are promoting the restoration of the right to buy and sell and hold gold. I only suggest to the gentleman from Florida that at one time we monetized silver, but we have since demonetized silver, and yet we have permitted American citizens to buy silver and hold silver.

I do not think there is inconsistency in supporting that proposition, and I am sure the gentleman from Florida supports it, and this in no way indicated any lack of faith in the U.S. currency. I have some reservations about its strength when we have been hit with phase II devaluation in less than 18 months after phase I devaluation.

But, on the other hand, I think we recognize in the United States on occasion the value of this piece of paper called a dollar to citizens is that on the one hand it is redeemable in its banks, and its other value is in love and affection but in any case intrinsic worth.

The CHAIRMAN. The Chair will state that the parliamentary situation is as follows:

There is pending a perfecting amendmen offered by the gentleman from Connecticut (Mr. McKinney). There is also pending a motion offered by the gentleman from Iowa (Mr. Gross) to strike out certain language.

In this parliamentary situation the vote will come first on the perfecting amendment offered by the gentleman from Connecticut (Mr. McKinney). Following the vote on that perfecting amendment the vote will occur on the motion offered by the gentleman from Iowa (Mr. Gross) to strike certain language.

The question is on the amendment offered by the gentleman from Connecticut (Mr. McKinney).

The amendment was rejected.

The CHAIRMAN. The question is on the motion offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 218, answered "present" 3, not voting 111, as follows:

[Roll No. 162]

AYES—100

Abdnor
Alexander
Archer
Armstrong
Ashbrook
Bafalis
Bennett
Blackburn
Brinkley
Brotzman
Buchanan
Burgener
Byron
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
Denholm
Dennis
Dent
Derwinski
Devine
Erlenborn
Eshleman
Foley
Frey
Froehlich
Gaydos
Gettys
Ginn
Goodling
Green, Oreg.
Gross
Grover
Hanrahan
Helstoski
Henderson
Holt
Huber
Hudnut
Hutchinson
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Ketchum
Landgrebe
Long, Md.
Lujan
Mann
Martin, Nebr.
Mathis, Ga.
McClory
McEwen
Miller
Minish
Mizell
Myers
Nichols
Parris
Rarick
Riegle
Rinaldo
Roberts
Robinson, Va.
Roe
Rousselot
Runnels
Satterfield
Scherle
Shoup
Sikes
Skubitz
Slack
Snyder
Steiger, Ariz.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thornton
Towell, Nev.
Treen
Ullman
Waggonner
Wolff
Wyatt
Wylie
Wyman
Yatron
Young, Alaska
Young, S.C.
Zablocki
Zion
Zwach

NOES—218

Abzug
Addabbo
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Arends
Ashley
Aspin
Baker
Barrett
Beard
Bell
Bergland
Bevill
Biester
Bingham
Blatnik

Boland
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brown, Mich.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Cederberg
Chamberlain
Clark
Clay
Cochran
Conable
Conte
Corman
Culver
Danielson
Davis, Wis.
Dellenback
Dellums
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Findley
Fish
Flood
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Gray
Green, Pa.
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks
Hillis
Hinshaw
Hogan
Holtzman
Horton
Jarman
Johnson, Pa.
Jones, Okla.
Jones, Tenn.
Jordan
Kemp
Kluczynski
Koch
Kyros
Lehman
Litton
Long, La.
Lott
McCloskey
McCollister
McDade
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Maraziti
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mezvinsky
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Obey
O'Brien
O'Hara
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Shuster
Sisk
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Studds
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Wampler
Whalen
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wydler
Yates
Young, Ill.
Young, Tex.

ANSWERED "PRESENT"—3

Collins
Roncalio, Wyo.
Stuckey

NOT VOTING—111

Adams
Anderson, Calif.
Annunzio
Badillo
Biaggi
Boggs
Bolling
Bray
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Calif.
Burke, Fla.
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chisholm
Cohen
Collier
Conlan
Conyers
Cotter
Coughlin
Cronin
Davis, Ga.
de la Garza
Delaney
Dickinson
Diggs
Dingell
Donohue
Dorn
Esch
Evins, Tenn.
Fisher
Flowers
Flynt
Ford, William D.
Fuqua
Goldwater
Griffiths
Gubser
Hansen, Wash.
Harsha
Hawkins
Hays
Holifield
Hosmer
Howard
Hungate
Hunt
Ichord
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
King
Kuykendall
Landrum
Latta
Leggett
Lent
McCormack
McKay
Martin, N.C.
Melcher
Michel
Milford
Mills, Ark.
Minshall, Ohio
Mollohan
Montgomery
Murphy, N.Y.
Nix
O'Neill
Poage
Powell, Ohio
Price, Ill.
Price, Tex.
Railsback
Randall
Robison, N.Y.
Rodino
Rooney, N.Y.
Rose
Rostenkowski
Roy
Sandman
Smith, Iowa
Spence
Steelman
Stokes
Stratton
Stubblefield
Sullivan
Symington
Teague, Tex.
Udall
Waldie
Ware
White
Wiggins
Wilson, Charles, Tex.
Winn
Wright
Young, Fla.
Young, Ga.

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this has to be one of the most impotent gestures or idle exercises this Congress is called upon to engage in—voting on devaluation. What are the options open to a Congressman on a vote like this? Pathetically, either to vote to approve a devaluation effected months ago and already superseded by subsequent decisions to float other major currencies vis-a-vis the U.S. dollar, or to vote to reject the devaluation effected months ago and set off another major monetary crisis and consternation and near-panic in the money capitals of the world.

Neither alternative can have much appeal to any Member of Congress who feels he has been sent down here to Washington by his people to participate in the decisions of Government, to have a say and to influence the course of events.

Twice now in the space of 2 years, this Congress has been called upon after the facts to ratify a deal negotiated by this administration, overseas with foreign central bankers—deals of the utmost importance to and with the most relevant impact on the Nation's consumers. Prior to the summer of 1971, for a Government of the United States even to contemplate devaluation of the mighty U.S. dollar was unthinkable, tantamount to political suicide. But having gotten away with it once, having tried it and liked it, this administration, in what can only be considered a bold and brazen move, is back to us again for a second devaluation.

And this is not the end of it. Something far more insidious is going on. Apparently three times was considered too brazen even by this administration. We have had, in effect, a third devaluation going on right before our eyes, only instead of being a formal devaluation requiring congressional approval and all the publicity this involves, the administration has entered into agreements with foreign governments whereby those governments have floated their currencies. Under these arrangements foreign currencies have gone nowhere but up or, what is the same, our currency has gone nowhere but down. In effect, we have had, and are still having, a third devaluation through the back door so to speak, and I suspect this is very much what we can expect for the future. Not too long ago when Secretary Shultz was testifying before the Ways and Means Committee on which I serve, I had occasion to listen to him speak glowingly of the benefits derived for the U.S. economy from these devaluations. Now I have heard of people looking at the bright side of things, but I think this administration is going even further. Rather than face the tough political decisions which must be made, after consultations with Congress, involving the conduct of this Nation's foreign trade and investment as well as inflation and high prices here at home, this administration has opted for a policy of relying on devaluation to restore this Nation to a favorable balance of trade and balance of payments.

Mr. Chairman, I know of no better recipe for continued disruption and economic decline than this short-sighted reliance on devaluation. No one is denying that there are times when devaluation, coupled with other basic policy readjustments, often produces benefits for a nation beset with foreign trade problems. But to rely on devaluation by itself is to put too much reliance on a mechanism which was just not intended as a substitute for rational re-thinking of economic policies. The first devaluation and the second devaluation should have been accompanied by major changes in this country's trade policies if it was to work. It was not and this is why we are having a third devaluation right now and we will continue to have them until we face our problems head on.

We must abandon the myth that this country is a country with limitless resources. The energy crisis alone should have convinced every American by now just how dependent we are upon foreign energy sources for industrial uses and our personal life style. Experts predict that very soon we will be importing energy in such volume that we will be running a balance-of-trade deficit close to $15 billion a year.

They are pessimistic that there is anything we can sell to make up this difference. What we currently have to do is have some national priorities established and start importing only what we need. If fuel imports are deemed essential then we must sacrifice in other areas.

Nor can we continue to allow investors and speculators to send out billions of dollars each year to take advantage of investment opportunities and speculation opportunities overseas when it weakens the dollar, when it means jobs are lost at home, when it means domestic plants are just not keeping up with the reinvestment and R. & D. are necessary to be competitive in today's market.

I will not detain the Members longer. I think you all know where I stand on this issue. The point I am making is that we must begin to grapple with the basic fundamental problems with this country's foreign trade today and we must stop kidding ourselves that this devaluation is the panacea for all our troubles. As I said to Secretary Shultz, if devaluation is as good as you say it is, I suppose we will have more and more. His reply should be listened to by everyone: "That might be too much of a good thing, Congressman."

Well, we are today faced with this meaningless vote. I am going to vote for devaluation, not because I like it, but because to vote against it would, under present circumstances, be the height of irresponsibility. But I do so with no illusions. I do not agree with this policy of Government by devaluation. I think it is a useless vote to be called upon to make. I think the Government is playing a dangerous game with the psychology of the American people about the stability of their currency. Pretty soon it will be difficult to get a wheelbarrow at a hardware store, as Americans get ready for the day when they have to use them to carry their worthless currency to the grocery store for bread. I am not ringing the alarm or crying wolf today, but the complacency must be penetrated if certain catastrophe for this Nation's economy is to be averted.

The CHAIRMAN. Under the rule, the Committee rises.

According, the Committee rose; and the Speaker having resumed the chair (Mr. VANIK) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6912) to amend the Par Value Modification Act, and for other purposes, pursuant to House Resolution 408, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. J. WILLIAM STANTON

Mr. J. WILLIAM STANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. J. WILLIAM STANTON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. J. WILLIAM STANTON moves to recommit the bill, H.R. 6912, to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 281, nays 36, answered "present" 3, not voting 112, as follows:

[Roll No. 163]

YEAS—281

Abdnor
Abzug
Addabbo
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Beard
Bell
Bergland
Bevill
Biester
Bingham
Blackburn
Blatnik
Boland
Bowen
Brademas
Brasco
Breckinridge
Brooks
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burgener
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Conable
Conte
Corman
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
Dellenback
Dellums
Devine
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gettys
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harvey
Hastings
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Huber
Hudnut
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jordan
Keating
Kemp
Ketchum
Kluczynski
Koch
Kyros
Lehman
Litton
Long, La.
Lott
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Brien
O'Hara
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roybal
Ruppe
Ruth
Ryan
Sarasin
Sarbanes
Satterfield
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Stanton, James V.
Stark
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Studds
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Whalen
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—36

Alexander
Ashbrook
Barrett
Bennett
Breaux
Brinkley
Byron
Crane
Denholm
Dent
Gaydos
Ginn
Goodling
Gross
Hammerschmidt
Hicks
Hutchinson
Jones, Okla.
Jones, Tenn.
Landgrebe
Long, Md.
Lujan
Mathis, Ga.
Mezvinsky
Moss
Nichols
Rarick
Riegle
Runnels
St Germain
Saylor
Scherle
Schroeder
Snyder
Stanton, J. William
Vanik

ANSWERED "PRESENT"—3

Collins
Roncalio, Wyo.
Stuckey

NOT VOTING—112

Adams
Anderson, Calif.
Annunzio
Badillo
Biaggi
Boggs
Bolling
Bray
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Calif.
Burke, Fla.
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chisholm
Cohen
Collier
Conlan
Conyers
Cotter
Coughlin
Cronin
Davis, Ga.
de la Garza
Delaney
Dennis
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Esch
Evins, Tenn.
Fisher
Flowers
Flynt
Ford, William D.
Fuqua
Goldwater
Griffiths
Gubser
Hansen, Wash.
Harsha
Hawkins
Hays
Holifield
Hosmer
Howard
Hungate
Hunt
Ichord
Jones, Ala.
Karth
Kastenmeier
Kazen
King
Kuykendall
Landrum
Latta
Leggett
Lent
McCormack
McKay
Martin, N.C.
Michel
Milford
Mills, Ark.
Minshall, Ohio
Mollohan
Montgomery
Murphy, N.Y.
Nix
O'Neill
Poage
Powell, Ohio
Price, Ill.
Price, Tex.
Railsback
Randall
Robison, N.Y.
Rodino
Rooney, N.Y.
Rose
Rostenkowski
Roy
Sandman
Smith, Iowa
Spence
Staggers
Steelman
Stokes
Stratton
Stubblefield
Sullivan
Symington
Teague, Tex.
Udall
Waldie
Ware
White
Wiggins
Wilson, Charles, Tex.
Winn
Wright
Young, Fla.
Young, Ga.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Evins of Tennessee against.

Until further notice:

Mr. Rooney of New York with Mr. King.
Mr. Holifield with Mr. Gubser.
Mrs. Boggs with Mr. Carter.
Mr. Rostenkowski with Mr. Collier.
Mr. Teague of Texas with Mr. Bray.
Mr. Carey of New York with Mr. Lent.
Mr. Donohue with Mr. Cronin.
Mr. Hays with Mr. Brown of Ohio.
Mr. Annunzio with Mr. Harsha.
Mr. Adams with Mr. Conyers.
Mrs. Burke of California with Mr. Wiggins.
Mr. Staggers with Mr. Broyhill of North Carolina.
Mr. Carney of Ohio with Mr. Badillo.
Mr. Kastenmeier with Mr. Powell of Ohio.
Mr. Delaney with Mr. Coughlin.
Mrs. Chisholm with Mr. de la Garza.
Mr. William D. Ford with Mr. Esch.
Mr. Fuqua with Mr. Burke of Florida.
Mr. Howard with Mr. Young of Georgia.
Mr. McCormack with Mr. Price of Texas.
Mrs. Griffiths with Mr. Broomfield.
Mr. Murphy of New York with Mr. Michel.
Mr. Hungate with Mr. Dickinson.
Mr. Nix with Mr. Stratton.
Mr. Karth with Mr. Kuykendall.
Mr. Price of Illinois with Mr. Derwinski.
Mr. Mollohan with Mr. Stokes.
Mr. Randall with Mr. Dennis.
Mr. Rose with Mr. Latta.
Mr. Rodino with Mr. Hunt.
Mrs. Sullivan with Mr. Martin of North Carolina.
Mr. Diggs with Mr. Symington.
Mr. Waldie with Mr. Goldwater.
Mr. Charles Wilson of Texas with Mr. Conlan.
Mr. Wright with Mr. Camp.
Mr. Cotter with Mr. Cohen.
Mr. Brown of California with Mr. Railsback.
Mr. Flowers with Mr. Roy.
Mr. Flynt with Mr. Hawkins.
Mr. Dingell with Mr. Robison.
Mrs. Hansen of Washington with Mr. Hosmer.
Mr. Dorn with Mr. Steelman.
Mr. Jones of Alabama with Mr. Ichord.
Mr. Biaggi with Mr. Sandman.
Mr. Leggett with Mr. Kazen.
Mr. Landrum with Mr. McKay.
Mr. Davis of Georgia with Mr. Spence.
Mr. Montgomery with Mr. Mills of Arkansas.
Mr. Anderson of California with Mr. Ware.
Mr. Milford with Mr. White.
Mr. Udall with Mr. Stubblefield.
Mr. Casey of Texas with Mr. Winn.
Mr. Smith of Iowa with Mr. Minshall of Ohio.
Mr. Fisher with Mr. Young of Florida.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 929) to amend the Par Value Modification Act, to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a spending ceiling for 1 fiscal year 1974.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

## GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## RESIGNATION FROM COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The SPEAKER laid before the House the following resignation from the Committee on Interior and Insular Affairs;

Washington, D.C.,
*May 29, 1973.*

Hon. Carl Albert,
*Speaker of the House of Representatives,*
*Washington, D.C.*

My Dear Mr. Speaker: I hereby submit my resignation from the House Committee on Interior and Insular Affairs.

Please convey to the Members of this Committee my best wishes. I have found my association with them most pleasurable.

With best regards.

Sincerely,

Joseph J. Maraziti.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## ELECTION TO COMMITTEE ON THE JUDICIARY

Mr. RHODES. Mr. Speaker, I offer a privileged resolution (H. Res. 413) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. Res. 413

*Resolved,* That Joseph J. Maraziti of New Jersey be, and he is hereby, elected a member of the standing committee of the House of Representatives on the Judiciary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## FORMER SOUTH PHILADELPHIAN HONORED

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, on May 25, 1973, the New York Chapter of the American Logistics Association sponsored the 11th annual Armed Forces recognition banquet and ball at the Americana Hotel in New York City.

The highlight of the program was the presentation of the Outstanding Junior Officer Award, presented annually to that officer who measured highest in leadership potential. The recipient of the 1973 award was Capt. Daniel William Christman, U.S. Army. I have the honor of representing in the Congress the runner-up in this year's voting, a fine young officer in the U.S. Air Force, Capt. Eugene L. Corbett. Captain Corbett is the son of Mr. and Mrs. Eugene Corbett of my home district in south Philadelphia, and I would like at this time to have the following remarks read into the Record:

### Capt. Eugene L. Corbett, USAF

Captain Eugene L. Corbett was born and raised in Maryland but acquired a serviceman's love of travel early in life. As the son of a former major league baseball player and minor league manager, he had lived in eight states by the time he was eleven, and his father retired to the Eastern Shore of Maryland. Captain Corbett attended Holy Cross College on an athletic scholarship and majored in secondary school education while pursuing an Air Force commission through ROTC. He lettered in football and lacrosse before graduating in 1963 and pinning on the bars of a Second Lieutenant.

After attending the Aircraft Maintenance Officer Course at Chanute AFB, Illinois, Captain Corbett was assigned to the Air Force Logistics Command's F–105 System's Management Division, Brookley AFB, Alabama. Ironically, his first duty in the Production Management Branch was a project monitor of the short lived F–105 Thunderbirds—just modified to aerobatic configuration at Republic's Long Island facility. In 1965, Captain Corbett transferred with the F–105 Division to the Sacramento Air Materiel Area (SMAMA) in Sacramento, California. Now serving in the Division's Operations Management Branch, Captain Corbett continued with the F–105 as the Thunderchief became the workhorse of the early conflict over North Viet Nam. He earned the Air Force Commendation Medal for his part in the development and installation of Radar Homing and Warning (RHAW) and Wild Weasel in the F–105.

After six months of language training, Captain Corbett was assigned the Headquarters U.S. Air Forces Southern Command in the Panama Canal Zone in April of 1968. At Albrook AFB, he served with distinction as Staff Maintenance Officer, Directorate of Maintenance, DCS/Materiel. While at the Headquarters staff, he represented Logistics on the Command Briefing Team and participated in the youth activities program as coach of the Albrook boys basketball team. In December of 1969, Captain Corbett transferred across the Canal to Howard AFB as Squadron Commander, 24th Field Maintenance Squadron. In a most rewarding and satisfying tour, Captain Corbett set new standards as a Commander and leader and was awarded the First Oak Leaf Cluster to the Air Force Commendation Medal. Captain Corbett, who has worked with such vintage aircraft as the C–47, C–123 and T–28 in Panama, expected to return to the jet age upon assignment to Vietnam in March of 1971. He was surprised to see the old C–119 "Flying Boxcar" dusted off and converted to an AC–119 "Shadow" gunship. He became the sole maintenance officer of a 17th Special Operations Squadron Forward Operating Location and commanded the entire maintenance operation consisting of flight-line mechanics, aircraft and avionics specialists and a mini-gun shop. During Captain Corbett's tenure, his flight produced the finest maintenance reliability record of any AC–119 unit in Southeast Asia. With a normal complement of ten gunships, Captain Corbett's unit launched eight combat sorties per day and produced over 1100 consecutive missions without a maintenance concellation—a record still intact when the unit stood down. Captain Corbett then supervised the transfer of all twenty-four AC–119G's to the Vietnamese Air Force (VNAF). The transfer was lauded by the DCS/Logistics, 7th Air Force who personally inspected the aircraft. Selected to remain with the AC–119 gunships, Captain Corbett and a small cadre of USAF Advisors conducted the training of Vietnamese Crew Chiefs and gunship specialists. The Training Program was so successful, the VNAF Logistics Command requested its expansion into other aircraft maintenance activities at the same station. Upon his departure, the VNAF awarded Captain Corbett the Vietnamese Air Service Medal (Honor Class). For his performance, the USAF awarded the Bronze Star.

Captain Corbett was assigned to the 438 Military Airlift Wing, McGuire AFB, N.J. in March 1972, as Chief, Programs and Mobility. As such he is responsible for all logistics plans for the Chief of Maintenance and supervised resources management and contract administration.

Captain and Mrs. Corbett (whom he met at SMAMA) now reside on McGuire AFB in Falcon Courts East.

## LEGISLATION TO REQUIRE A 1974 CENSUS OF AGRICULTURE

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, last week I made the following statement before the Senate Post Office and Civil Service Committee in Support of Senate Joint Resolution 95, sponsored by Senator Hubert H. Humphrey, which is identical to House Joint Resolution 518, which I introduced on April 18, 1973.

Today, I am reintroducing this joint resolution with 16 additional cosponsors. The resolution has already been referred to the House Post Office and Civil Service Committee's Subcommittee on Census and Statistics, and I understand that hearings will be held next month.

I sincerely hope that the administration will heed the call of this resolution and hold the 1974 Census of Agriculture, as required by law.

I include my testimony in the Record at this point.

### STATEMENT OF REPRESENTATIVE FRANK E. EVANS

Mr. Chairman, I am appreciative of the opportunity to testify before this Committee in support of S.J. Res. 95, to require the holding of the 1974 Census of Agriculture, as required by law. As you know, I have co-sponsored this resolution with Senator HUMPHREY in the House of Representatives, and I am happy to report today that as of now, fifteen of my colleagues in the House have indicated an intention to co-sponsor H.J. Res. 518 when I re-introduce it.

The starting point of any discussion of the Census of Agriculture must be the law authorizing the holding of this census, which reads as follows [13 U.S.C. 142]:

(a) The Secretary *shall*, beginning in the month of October, 1959, and in the same month of every fifth year thereafter, take a census of agriculture, provided that the censuses directed to be taken in October 1959 and each tenth year thereafter, may, when and where deemed advisable by the Secretary, to be taken instead in conjunction with the censuses provided in section 141 of this title.

(b) The Secretary *shall*, in conjunction with the census of agriculture directed to be taken in October 1959 and each tenth year thereafter, take a census of irrigation and drainage. (emphasis supplied)

The census referred to in Section 141 is the decennial census of population, unemployment and housing, taken in 1960, 1970, and so forth.

Thus, the law states that the Census Bureau *"shall"* take the Census of Agriculture in 1974. No discretion is afforded the Department of Commerce as far as holding the Census in 1974 is concerned, although in 1979, for example, the decision could be made to postpone the holding of the census until 1980, in conjunction with the regular decennial census.

Censuses of agriculture have been taken since 1820. The next census was taken in 1840, providing the first county-by-county data. Thereafter, a census of agriculture was taken every ten years until 1920, when, by law, the census was switched to a once-every five-years basis. Since 1957, the law has required that the census be held in years ending in 4 and 9.

The problem, however, is that at this time the Department of Commerce indicates no interest whatsoever in holding the Census in 1974, as required by law. In the President's FY 1974 Budget, the following reference is made to the 1974 Agricultural Census, accompanying the request for no funds for this purpose:

*1977 Census of Agriculture.* A census of Agriculture is required to be taken every 5th year covering years ending in 4 and 9 by 13 U.S.C. 142. The census provides measures concerning the agricultural economy of each State and county. Data are obtained from the census on a number of farms, acres in farms, value of farmland, cropland harvested, production statistics for major crops, and number and kinds of livestock, equipment, farm practices, and the use of fertilizer and pesticides.

Funds were appropriated in 1973 to begin planning on a 1974 census of agriculture. However, the 1974 request proposes the postponement of the census until 1977 and its combination with the 1977 economic censuses. The 1973 appropriation will be used to plan the transition. A legislative proposal will be submitted to change the timing of the census.

Mr. Chairman, as far as I am aware of, no bill has as yet been introduced to postpone the holding of the census until 1977. I understand that there is a draft bill floating around to that effect, but the Administration apparently is having trouble finding someone to introduce it. Perhaps the reason this is so is that the postponement of the Census of Agriculture is not a very good idea.

The words of our Joint Resolution express the urgency of the holding of this census as scheduled: it supplies the only complete data for agriculture at the county level; it enables data users to keep up to date with the changes in agriculture; it provides the basis of many local and federal agricultural programs, it influences many economic decisions of private industry; it provides benchmark data for projections of production and land use; it enables farmers and farm businessmen to make accurate predictions affecting their business decision; and it generally enables us to keep up with the nation's largest industry and our most helpful export.

The many changes taking place in agriculture, and the many changes believed by many to be taking place—including the growing influence of "corporate farming" are of great importance to the Congress and the Federal Government. But unless we know accurately and completely as possible what is taking place and what has already happened in agriculture, we will be unable to make the kind of informed judgments that will be necessary in the years ahead. Are we ready to give up on the "family farm"? Is this just a romantic notion totally out of step with the reality of American farming? Do we want an agriculture characterized by large production units almost exclusively? These are important policy questions which cannot be debated in a vacuum—and, more to the point, will never be debated at all without the availability of good current information. And, if these questions are not debated, it does not mean they will not be decided; it just means that they will be decided pretty much outside the realm of public policy discussion.

But the importance of holding the census is not solely for the purpose of debating the Big Questions of farm policy. The census data help our largest industry to function effectively in bringing food and fiber to American and foreign consumers. A recent survey of 1008 executives, marketing and sales managers, product managers, advertising managers and marketing research personnel in firms and associations related to agri-business, taken by the Miller Agricultural Research Services of Minneapolis, Minnesota, showed that of those responding, 94.4% used the Census of Agriculture data, and 78.0% favored holding the census in 1974.

The Executive Director of the Federal Statistical User's Conference, Mr. John H. Aiken, stated in a report to his membership on the proposal to postpone the Census of Agriculture:

The 1974 Census of Agriculture is a major statistical program and the decision to postpone it until 1977 is of such importance that it could have a serious impact on the many users of these data. Undoubtedly, the decision was not made in a vacuum; there was some consultation. However, it represents another instance of a Federal agency decision regarding a major statistical program where other governmental agencies and statistics users are informed of the decision "after the fact."

And, at the meeting of the Census Advisory Committee on Agriculture at the Bureau of the Census, held February 23, 1973, the members of the Committee were practically unanimous in support of holding the census in 1974, as scheduled. Dr. L. S. Fife of the Farm Equipment Institute, Mr. R. J. Pommrehn of the Agriculture Publishers Association, Dr. Lawrence Van Neir of the National Canners Association, Mr. Clyde Jarvis of the National Farmers Union and the National Farmers Organization, Mr. Orville Thompson of the National Agricultural Advertising and Marketing Association, Mr. Norman Coats of the American Feed Manufacturers Association, Dr. Kennedy Upham of the Rural Sociological Society, Mr. Edward Eurich of the National Association of State Department of Agriculture, Mr. Robert Frederick of the National Grange, Mr. Richard Kennedy of the National Agricultural Chemists Association, the National Plant Institute and the Animal Health Intsitute, Dr. James T. Bonnen of the American Agricultural Economic Association, Mr. Dewey Bond of the American Meat Institute, and the Chairman of the Advisory Committee, Mr. W. E. Hamilton of the Farm Bureau—all supported the holding of the Census in 1974, as scheduled. The only member present, aside from OMB and Census Bureau personnel, who supported the Administration's position was Mrs. Haven Smith of the Farm Bureau's Women's Committee.

Mr. Chairman, The Administration's proposal to postpone the 1974 Census of Agriculture cannot be understood apart from the general Administration Game Plan for rural America. The decisions to "terminate" REA's 2% loan program, the ending of the REAP program, the total impoundment of funds for rural water and sewer loans, the freeze on rural housing subsidies—all point to a policy of downgrading rural America and rural Americans. The decision to try to postpone this Agricultural Census fits into the same category of negativism for rural America. I sincerely hope that the Congress does not agree with the Administration, that it passes this joint resolution, fully funds the 1974 Census of Agriculture within the 1974 budget, and convinces the Census Bureau to get on with this very important job.

## A TRIBUTE TO JEANETTE RANKIN

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, last Friday, Ms. Jeannette Rankin, a leading figure in both the peace and women's rights movements, died in California at the age of 92. The first woman elected to the U.S. House of Representatives in 1914, Ms. Rankin cast her first vote in Congress against the United States' entry into World War I. Twenty-four years later, serving her second term, she was the only member of Congress to vote against the declaration of war against Japan, thereby becoming the only member to oppose entry into both World Wars.

Beginning her career as a social worker, Ms. Rankin's first political activity was heading the successful campaign to give women in Montana, her home State, the right to vote. During her first term in Congress, she continued the fight for women's rights, introducing bills to give women the right to vote and U.S. citizenship rights independent of their husbands, and to provide public instruction for women concerning infant hygiene. She lost a bid for the Senate in 1918, but continued to lobby in Washington for women's and children's legislation and then for disarmament measures.

The unpopularity of her stand toward World War II, limited her to one second term and forced her into temporary retirement. However, with the rise of the antiwar movement in the 1960's, her reputation and activism were revived.

At the head of a peace group named in her honor, she led the Jeannette Rankin Brigade of 3,000 women in an antiwar march on the Capitol in January of 1968.

Until last year, she continued to appear at meetings and conferences on women's and antiwar issues. Somewhat unorthodox and still ahead of her time, she proposed that women be paid for taking care of their children—work, she said, they preferred to do—called for complete, unilateral disarmament, and stated emphatically that if women were organized peace would be achieved in 1 year. Her gutsy spirit and unfailing championship of unpopular causes that later became national issues should inspire us to continue to work for equal rights for all and for peace throughout the world.

## THE USEFULNESS OF WATERGATE

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. SEIBERLING. Mr. Speaker, last Monday, a week ago, I made a short statement on the Record concerning the remarks that were made by Norman Cousins, at the commencement exercises of the University of Arizona. Mr. Cousins expressed the view that Watergate would strengthen and unite our country in the long run instead of dividing it.

I would like today to include the remarks, in a similar vein, of John S. Knight, the head of Knight Newspapers, Inc., in his Editor's Notebook of May 20.

Mr. Knight expressed his personal view that Watergate can be instrumental in purging American political life of an accumulation of sordid practices and shameful public morality. He listed various benefits he expected from the investigation as follows:

First. Reform of campaign financing and campaigning procedures.

Second. Resumption by Congress of its constitutional prerogatives.

Third. More confidence in an independent judiciary.

Fourth. A message to the President to live up to his pledge of an open government.

Fifth. A diminution of the brutal arrogance of power of the executive branch.

Sixth. An enforced sense of humility which will bring the President into closer touch with the Congress, and, even more important, with the people.

Mr. Speaker, I share Mr. Knight's reactions to the Watergate crisis, but I note that much depends on the ability of the President to respond in a positive, open and constructive way and much depends also on the ability of Congress to restructure itself internally and to enact basic reform in the methods of financing elections.

Mr. Knight's editorial follows:

[From the Akron Beacon Journal,
May 20, 1973]

### WATERGATE PURGING WILL STRENGTHEN US

I was talking recently with a young black citizen whose intelligence I respect. The conversation soon turned, as most of them do these days, to the Watergate scandal.

"Mr Knight," he said, "I have tried to believe in what we call the system, and work under it, but my faith has been shaken. How can we say that we have a great country when leaders at the highest levels of government violate the laws and engage in criminal practices? When even the White House is touched by scandal, how can we say that our system is best? What and who can we now believe?"

"Wayne," I replied, "much of what you say is true and I can understand your concern and dismay. The nation has every reason to be outraged by the Watergate revelations, and there will be more to come.

"Yet," I continued, "I do not share your sense of hopelessness. On the contrary, the Watergate investigation now under way by Sen. Sam Ervin's committee may provide the catharsis this nation requires.

"Sen. Ervin is a fair man, one of our leading constitutional authorities. The disposition of all committee members appears to be nonpartisan. Their opening statements last Thursday morning indicate they seek only to get at the truth. Actually this is an example of our political system working at its best.

"So don't condemn the system out of hand until all of the facts are in.

"The investigation is being fully reported and shown on television for all Americans to read and see. Ours is an open system, and the truth will come to light. The guilty will be punished, those who are innocent will be exonerated. Keep the faith. The American processes, as established under the Constitution, are about to strengthen our country, not demean it."

Many of our younger people, appalled and disillusioned by Watergate, forget that this nation has had its share of scandals in the past—notably under Presidents Grant and Harding.

The Teapot Dome investigation was conducted 50 years ago in the same marble caucus room of the Senate Office building where the Ervin hearings are now being held. Albert Fall, Secretary of the Interior under President Warren Harding, was sent to jail for favors given to oilman Harry Sinclair with the connivance of Attorney General Harry Daugherty.

President Andrew Johnson was impeached by the House, then tried by the Senate which on May 26, 1868, voted 35 for conviction and 19 for acquittal, thus lacking the two-thirds necessary to convict. Yet the Republic was not shaken.

There have been "dirty tricks" played in many a previous presidential campaign. The belief persists that Richard M. Nixon was denied the presidency in 1960 by crooked voting procedures in Chicago and Cook County, home of the once potent Daley machine. Similar shenanigans were reported in sections of Texas.

John F. Kennedy won the 1960 election by the narrow margin of only 118,550 votes. Nixon's backers urged him to call for a recount. He declined as he did not wish to throw the country into a crisis of uncertainty. The Republic endured.

My personal view is that Watergate, painful and distressing as it is, can be instrumental in purging American political life of an accumulation of sordid practices and shameful public morality.

As I see it, the benefits of the Watergate investigation can be listed in this order:

1. Reform of campaign procedures to avoid the buying of presidential elections, and the cynical merchandising of candidates.

2. The strengthening of Congress, and the resumption of its constitutional prerogative to hold the President responsible.

3. More confidence in an independent judiciary.

4. A message to the President that closed doors and personal isolation do not comport with his 1968 pledge of an "open government." Mr. Nixon should remember that he is the President, not the king.

5. A diminution of the brutal arrogance of power, and the belated awareness that the Chief Executive represents but one branch of government; that the legislative and judicial functions have equal importance as provided by our founding fathers.

6. An enforced sense of humility which may bring the President into closer touch with the Congress and even more importantly, with the people. The nation would welcome fewer pietistic pronouncements from the White House such as his latest television address, and a greater willingness to throw the rascals out.

Associate editor Joe Stroud of the Detroit Free Press wrote recently that "If the founding fathers could see all this, they surely would be chortling over the country's lack of faith in the system they devised. What, after all, forced the President to make his humble accounting to the American people?"

An independent judiciary, a Congress with the power to hold the President accountable, and a press that resisted the pressures the administration exerted to bring it to heel.

"Perhaps," says Stroud, "it was the luck of the draw that brought to the fore an independent and courageous judge, some steadfast and persistent members of Congress and the diligent reporters of the Washington Post. But the loose-jointed, open, pluralistic American society may have built into it the potential for that kind of 'accidental' remedy."

The founding fathers would approve of what is transpiring in the Senate caucus room as a reaffirmation of their handiwork.

I think, too, that Watergate may encourage the people of this nation to take stock of their own patterns of behavior. As Alistair Cooke emphasized in his excellent series on "America," liberty is the luxury of self-discipline and all through history people who did not discipline themselves had disciplne thrust upon them from the outside.

Cooke says he has recognized several of the symptoms in the United States that Edward Gibbon saw so acutely in the decline of Rome which arise not from external enemies but from inside the country itself.

"A love of show and luxury; a widening gap between the very rich and the very poor; the exercise of military might in places remote from the centers of power; an obsession with sex; freakishness in the arts masquerading as originality; and a general desire to live off the state, whether it's a junkie on welfare or a government-subsidized airline."

"That's why," says Cooke, "the usual cycle of great nations has been first, a powerful tyranny broken by revolt; the introduction of liberty, and then back to tyranny again."

I disagree with those Americans who either dismiss Watergate as "just politics," or are now thrown into a state of despair over the future of our country. The first connotes unwillingness to face reality; the second suggests that all is lost.

My personal faith in this nation's ability to emerge from Watergate with sharper definitions of purpose, and a stern resolve that it must never happen again, is very strong indeed.

We badly needed a purge of putrefactive politics, and Watergate is the right medicine.

JOHN S. KNIGHT.

## "RESTORING THE TIDEMARKS OF TRUST," AN ADDRESS BY MALCOLM MOOS, PRESIDENT, UNIVERSITY OF MINNESOTA

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, one of the most significant discussions of the meaning of the events we are coming to sum up under the phrase "Watergate" is the address delivered at commencement exercises at the University of Notre Dame, on May 20, 1973 by Malcolm Moos. Mr. Moos is the distinguished president of the University of Minnesota and former White House assistant to President Dwight D. Eisenhower.

I ask unanimous consent to insert in the RECORD the text of Mr. Moos' address on this occasion:

### RESTORING THE TIDEMARKS OF TRUST

On January 18, 1961, promptly at 10:29 A.M., Sterling Green of the Associated Press said: "Thank you, Mr. President," and instantly, amidst a standing ovation from 309 journalists, Dwight David Eisenhower, 34th President of the United States, waved goodby as he concluded his one hundred and ninety-third news conference—his last.

Just the evening before, President Eisenhower had delivered a nationwide farewell broadcast. In it he spoke of "The conjunction of an immense military establishment and a large arms industry," which he pointed out wisely, was new in the American experience. "The total influence," he said, "economic, political, and even spiritual is felt in every city, every state house, every office of the Federal government." And then he admonished the nation solemnly:

"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex . . . We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals so that security and liberty may prosper together."

### AN HISTORIC LAST PRESS CONFERENCE

Although within three months Mr. Eisenhower's farewell address began attracting national and international scrutiny, only one reporter, Mr. William McGaffin of the Chicago Daily News, referred to it at the last news conference. "Mr. President," he queried, "you sounded a warning last night of the dangers to our democratic processes implicit in unparalleled military establishment. But some of your critics contend that liberty, the people's right to know, has suffered under your administration because you have tolerated abuse of Executive privilege in the Defense Department and other departments and agencies and because you did not hold frequent enough press conferences." To which Eisenhower responded briskly, "Well, they are critics and they have the right to criticize."

### DISBELIEF PERVADES THE NEWS

And so they do. And so the conflict between the need to know and the right not to tell in the highest councils of government has become the spectre that haunts every headline. Hanging over all of us like the deadliest of all mists is not disillusion, not despair, not disenchantment, not even distrust—but disbelief. Stated with the bark off of it, it has become difficult to believe in the existence of objective truth.

### COMPETING FOR THE PUBLIC MIND

Some time ago a very wise and skilled journalist and a member of Parliament in England made the very cogent comment that "News is something somebody else does not want you to print." He also went on to say that "The relation between the politician and newspapers are founded not on sympathy but antipathy. Both to some extent are rivals for influence over the public mind, and they take good care that neither should achieve a monopoly of it. "It is here," Mr. Deeds insists altogether correctly, "where the great value of the relationship lies, because in countries where newspaper and politicians are in th same camp, freedom is threatened."

The theme that I will address myself to today is that of leadership and the need for visibility. I say visibility, although accountability is a much more fashionable word. But I would be the first to insist that accountability is really what is uppermost in our thoughts when we think critically about life at the top.

First, as a person who has been chief executive of a major state university for five years, let me say a word about my brief tenure. I say brief because Father Hesburgh, with twenty-one years, is the Dean of us all. In the shapeless athaeneum of modern university life, the president is continually pounded and pelted by a blizzard of mind-clogging crises and problems: the recruitment and retention of the most adventurous faculty, students, and staff: the development of the most sensitive radar scopes to scout new, untried, nontraditional ideas; and the incredibly intricate task of orchestrating resources and personnel more efficiently in a more constricted budgetary environment. Finally, of course, he must not only continue to perform an expanding bundle of symbolic duties, but he must also react speedily to increased demands for accountability to his multiplying constituencies, and he must be responsive to the explosive elements of social scope that crisscross the nation.

### PRESIDENTS MUST BE VISIBLE

Now, there are similarities between the presidency of a major university and the presidency of the United States. Both seem to have become a national lightning rod for varieties of public disaffection, distrust, and downright hostility. In the life of higher learning, the life of the mind, the presidency has entered an era of responsible reporting and instantly so. We presidents have learned, sometimes at great expense, that to maintain the public trust, we must be constantly visible, open, and forthright about our activities. In like manner, it would seem, the American presidency will enter the same era, also having learned at a terrible price.

### A LIGHT TIGHT COCOON

Over the years we have hesitated to tinker with the presidential system, in the halls of learning as well as the Statehouse. And wisely so, for it has served us well as we have moved, crisis by crisis. But without tampering with structure, the times demand adventurous adaptation to the challenges of the hour. It is curious that while there is a movement toward openness at all other governmental levels and in higher education, that we hear so much of "executive privilege" and that the Executive Branch appears to be moving toward increasing levels of secrecy. It is also curious that during this same time of openness, the Presidency appears to be less visible and less available, shielded from public contact by layers and layers of bureaucracy until the cocoon is no longer transparent.

Perhaps one of the most striking similarities between the president of a major university and the President of the United States is best summed up by Oriana Fallaci's pithy comment in her book, *If the Sun Dies*:

"When it really sets out to, America can out-bureaucratize the best." Clearly, the bureaucratization of the presidency has had an insular impact on the relationship between the presidency and his constituents. But the exaltation and isolation of the presidency from the American people is a long story. It is a matter of power beyond what was contemplated—a staff system with inevitable justification—but so often the product of what Mr. Eisenhower used to complain of as "over-zealous staff-work," and finally, a remoteness beyond what was contemplated—almost a semi-celestial presidency.

### PRESIDENT SHOULD SPEAK DIRECTLY TO CONGRESS

It is proper, for example, for the President to speak to the American people and use them as a megaphone to react upon the Congress, but I believe that the time has come in the confluence of events when the Chief Executive should speak to the Congress openly and regularly. President Kennedy, had he appeared before Congress immediately after the Bay of Pigs, might have given the legislators an opportunity to assess and understand the dilemma he faced. Or Eisenhower, after the embarrassment of the U2 overflight, might have appeared before Congress with the opportunity for a vote of confidence. Icy distance from the House and Senate can only magnify the heated adversarial roles that the Legislative and Executive branches have begun to assume toward each other. Presidents of institutions of higher learning can attest to the need for continuous communication with their own "Congresses," the faculty-student senates. Those who have not maintained internal accord have found themselves in an isolation not of their own making.

### INSTITUTIONALIZE EQUIVALENT OF A VOTE OF CONFIDENCE

The continuity of the American presidency, of course, continues on a term basis with periodic referendums for rejection or renewal. But the time has come to institutionalize a means of restoring the tidemarks of trust between the Executive and the Congress. In essence, I suggest the functional equivalent of a vote of confidence for having the president continuously accountable to the legislative branch.

We are reliving a period quite like that of the 1950's which brought a new term into the dictionary known as McCarthyism. At every conceivable gathering—dinner or cocktail party—people matched atrocity stories and there was a great wringing of hands about the dreadful state of affairs that was smothering the nation. But few did anything about it.

### A COUP D'ETAT WAS ATTEMPTED

Today all eyes are trained on the exposé of abuses astride life at the top of our government. As the McCarthy period taught us, there is no time when charges should be loosely made. Consequently, I hasten to point out that convictions already obtained and acts already admitted to support the statement I have just made. As though that were not bad enough, the allegations which are yet to be examined in Congressional inquiries and in the courts are striking in their enormity. It must be faced that the sum of all the allegations is that we were the victims of a coup d'etat or an attempted coup. I weigh my words carefully. I am aware that the strict definition of a coup d'etat is "a sudden decisive exercise of force whereby the existing government is subverted". But, surely, an attempt to capture or retain control of a government by *illegal means* is action of the same genre.

### "SILENT GENERATION" WATERGATE PRINCIPALS WERE EDUCATED

Many of the principal "figures" involved are products of the silent generation following World War II. These are not men unschooled; almost all are products of higher education. This should give us at the universities particular reason to wonder what went wrong and why. Did we either through acts of commission or omission contribute in any way to the malaise which besets us?

Now academia has always been engaged in a search for truth. But have we passed that heritage on to our students? Is that an article of faith that has been rejected?

### HAS HIGHER EDUCATION TAUGHT VALUES?

Yet the concern now is less with reality and more with appearance—the difference between what is and what appears to be. Can it be that "appearances" of the sort projected by television have had a greater impact than the "reality" we contend we deal with in higher education? Have we taught men the price of everything and the value of nothing? Did higher education merely provide tools and technology, but no sense of ethics and morality to temper the far-flung influence of the military-industrial complex, an awesome floating power largely free of restraint?

### TWO GENERATIONS LACK COMMITMENT TO DEMOCRACY

In both the era of the silent generation of the fifties and the youth-quake of the sixties, we have witnessed a lack of commitment to democratic ideals and processes. And we permitted situations to develop where we did not respect the rights of others. Regrettably, at some of our finest tradition-laden temples of freedom, the right to listen as well as to speak was flagrantly violated and some of those scars have not only been altogether erased, but they helped speed the university's swift fall from grace in the public esteem.

### UNIVERSITIES SHARE THE RESPONSIBILITY

Is it unfair, then, to suggest that the happenings at our universities contributed to create a climate which permitted men at the pinnacle of political power to see nothing morally wrong in dealing cavalierly with democratic ideals, processes, and justice? I ask you to ponder that question, not as an exercise of self-flagellation but as a way of pointing up what needs to be done. For whatever the universities' responsibility, or lack of it, they can play a major role in restoring the tidemarks of trust.

Over the years there have been many disparaging themes about dethroning the eggheads from positions of influence in public affairs. What we need is just the opposite. Let us enthrone the egghead who is worthy of trust and the institutions that have nurtured their growth and immense capabilities. My source and documentation for this article of faith is unimpeachable—an authoritative volume titled *The Joy of Cooking*. Boldly and in immeasurably clear language it sets forth this principle: "Treat eggs gently. They like this consideration and will respond to kindness." Again from an equally authoritative source another stern warning: "The first principle that cannot be impressed too strongly is that eggs cook with a very low degree of heat."

Our universities comprise the nation's most inventive spearheads. They have been through a traumatic ordeal—some of it deservedly. But we need to restore our faith and reaffirm our confidence in them. This happens to be the track season. Remember, universities do not excel at the 100 yard dash. They are not sprinters. They are not geared to perform over the short course. They are distance runners and their performance and quest for excellence is enriched and ennobled over the long stretch.

In preparing this presentation, I did so under the heavy and constant reminder that I was born during a war and that for 24 of my 56 years—almost half of my life—this nation has been at war. And we are still not clear of conflict that defies the intellect. Not only the war, but the constellation of social, economic, and now environmental issues have brought colleges and universities to the very brink of perhaps their most difficult ordeal and trial, along with a severe financial crunch.

### POLITICS AND TEACHING ARE THE SAME

During the first third of this century, as Spain gasped and choked with internal disorders and descended toward total collapse under governments unable to govern, the brilliant philosopher, Unamuno, wanted to make all of Spain his classroom. He desired not just a chair as a platform at Salamanca, but really as a pulpit to give him an eminence to educate all of Spain. The Spanish government had insisted and indeed promulgated the doctrine that politics and teaching were incompatible. But Unamuno countered otherwise. He declared that politics and teaching were the same thing. In essence, he argued that while politics is teaching on a national level, teaching is politics on a personal level. And when his critics denounced him for speaking in paradoxes, his rejoinder was that paradoxes could not be disposed of when it was necessary to arouse and awaken an indolent nation—to rattle its very spine to the necessity of responding to challenge.

### CORPORATE POSITIONS ANATHEMA TO UNIVERSITIES

Clearly, members of university communities—faculty, students, and civil service personnel alike—wish to be heard on their deepfelt concerns for the way the nation is headed—and lustily so. But the axis of University life is not one of taking corporate positions. Ideally a university is like a live and open microphone where all the expressions and ideas of its component parts can be picked up and their vibrations stir response and enlighten debate across the nation.

### DOGMA THREATENS SCHOLARSHIP

The activism that seeks to convert universities, as institutions, into political partisans, thumping for this or that ideological position, is a threat to the unique relationship between the university and external social and political institutions. Specifically, universities are uniquely the place where society builds its capacity to gather, organize and transmit knowledge; to analyze and clarify controverted issues; and to define alternative responses to issues. Ideology is properly an object of study or scholarship. But when it becomes the starting point of intellect, it threatens the function uniquely cherished by institutions of learning.

### A BEING BOTH IN AND OUT OF THE WORLD

Like the individual scholar, the university itself is no longer the dispassionate seeker after truth once it adopts controverted causes which go beyond the duties of scholarship, teaching, and learning. But unlike the individual scholar, the university has no colleague to light the fires of debate on controverted public issues. And unlike the individual scholar, it cannot assert simply a personal choice of judgment when it enters the field of political partisanship, but must seem to assert a corporate judgment which obligates, or impinges upon, or towers over what might be contrary to choices by individuals within its community. To this extent, it loses its unique identity among our social institutions. And to this extent, it diminishes its capacity to protect the climate of freedom which nourished the efficiency of freedom. The activists who most passionately want freedom of individual choice and freedom for commitment to causes should understand that, when they seek to commit the university to their chosen political cause, they threaten the unique capacity of the university to walk the razor's edge of being both in and out of the world, and yet simultaneously in a unique relationship with it.

It is very easy for those of us who seek the eye of the hurricane to ride out the storm to become immensely irritated at how the press and the media handle news. How often those of us in university life have been belted by well-meaning, dedicated alumni who have chided us during the past six difficult years for not showing the good side of university life. Why, they insist, have the tiny willful minorities dominated the television screen of the front pages?

### WILLFUL MINORITIES JAG HISTORY

The press, of course, have come under a drumfire of criticism for seeming to give unbalanced coverage. But the universities reflect the strain and stress of society in microcosm. Willful minorities, moreover, have a way of jagging history.

It was the willful minority, the Bolsheviks, that overturned the majority, the Mensheviks, in the Russian Revolution, for which a terrible price has been paid. One might well ask, glancing back over our shoulders, what might have been the result in the tides of modern Russian history if the country had had a free press.

### NO AGE HAS A MONOPOLY ON MADNESS

Now, our antiquarian tradition of commencement exercises ordains that appropriately some word of advice and counsel be transmitted by the speaker to the graduating class. I have carefully refrained from so doing. I would remind you, though, that no age has a monoply on madness and even a madcap movement confronted by repressive force is like a kite against the wind. The stronger the wind the higher the kite flies.

We are confronted at times by an astounding velocity of change. When I was a boy, Miss America stood 5 feet one. Today she stands 5 feet nine. I will not comment on her other measurements, but all about us we are reminded that our problems are more explosively stacked.

And they do not sink out of sight. As my old mentor, the demolition expert on the *Baltimore Sun* once spoke of the "vacuum president:" "His way of dealing with the problems confronting him is to avoid them, as a sensible man avoids an insurance solicitor or his wife's relatives." Nor is a long gone French Prime Minister correct when he said: "The art of politics lies not in dealing with fundamental problems, but in keeping quiet those who raise them."

No, the late great artist Picasso found the touchstone when during a life that stretched over 90 years, he often referred to the privilege of the artist which is "to do," and when critics asked him what he was trying to explain or convey—what he was trying to get at—his rejoinder was: "You mustn't talk to the driver."

### THIS GENERATION CAN REINCARNATE DEMOCRACY

I have a fierce faith that your generation will invoke the privilege of the artist to do, and vigorously so, whether it be somewhere in the rainhow of the arts and humanities, medicine—bio-medical or spare-parts surgery, science, that of the solitary tinkerer and investigator, or in the drafty rooms of politics. So be free. Feel loose in your harnesses and do not be dismayed or deterred by the critics haranguing the driver from the back seat or from sheltered burrows.

Let us re-incarnate a commitment to democratic ideals and processes. Because America that has been so adventurous, so creative and so boldly buccaneerish in the building of industry, science, commerce, finance, and a dazzling technology—the envy of mankind, let us not drift downward spiritually with only a cosmetic concern for the light of the mind that tells us what is right.

So, as an aging Moos, let me conclude with the story of my first experience with a cricket match in Pakistan. Completely baffled after the first 20 minutes, I turned to an English newsman and asked: "What is the object of this game?" In a manner most condescending to one I am certain he regarded as a peasant from the prairie provinces, he stared at me stonily and said: "The object—the object, my dear sir, is to get on with it!"

So saying, Notre Dame graduating class of 1973, we should be about our work.

## ST. STANISLAUS CHURCH OF BUFFALO, N.Y. CELEBRATES ITS 100TH ANNIVERSARY

The SPEAKER pro tempore (Mr. DANIELSON). Under a previous order of the

House, the gentleman from New York (Mr. Kemp) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, on June 10, 1873 about 365 people gathered on a farm at Fillmore and Peckham in Buffalo, N.Y., where subscriptions were taken for a new church and school. This humble beginning was the start of St. Stanislaus Church, which on June 10 will celebrate its 100th anniversary as Buffalo's first spiritual center for the Polish Americans of western New York

A celebrated Mass of Thanksgiving will be held at the church on June 3 with the Most Reverend Edward D. Head, bishop of the diocese of Buffalo, leading the noon service. Bishop Stanislaus Rubin of Rome, Italy, representing Stefan Cardinal Wyszynski, archbishop of Gniezno-Warsaw, will be among his assisting prelates.

Others include Bishop Stanislaus J. Brzana of Ogdenburg, Bishops Alfred Abramovich of Chicago and Arthur Krawczak of Detroit, and the Buffalo diocese's two auxiliary bishops, the Most Reverend Pius A. Benincasa and the Most Reverend Bernard J. McLaughlin.

The Reverend Monsignor Peter J. Adamski, P.A., pastor of St. Stanislaus and a real leader in our community will head priests of the diocese participating in the climax to the church's 100th anniversary celebration.

Mr. Speaker, although St. Stanislaus is not in my district, I am proud to be the Representative in Congress of many Polish-Americans who attend its services. I am also both proud and honored to have received an invitation to participate in the 100th anniversary celebration dinner for St. Stanislaus which will be held the evening of June 3, when the bishops will gather with several hundred of western New York's Polish-American community at the Statler Hilton.

My very best wishes to a great American the Reverend Monsignor Peter J. Adamski, P.A., and to everyone at St. Stanislaus as they celebrate this important milestone for Buffalo's first Polish-speaking church.

Mr. Speaker, I include for the Record an article from the Buffalo Courier Express which gives an excellent historical account of St. Stanislaus and describes plans for its 100th anniversary celebration:

### Seven Bishops To Celebrate Founding of St. Stanislaus

(By Ed Toronto)

Seven Roman Catholic bishops will join in a concelebrated Mass of thanksgiving at St. Stanislaus Church June 3 in remembrance of the church's founding a century ago as the first spiritual beacon for Polish immigrants on the Niagara Frontier.

The Most Rev. Edward D. Head, bishop of the Diocese of Buffalo, will lead the service, beginning at noon in the Church at Wilson and Peckham.

Among his assisting prelates will be Bishop Stanislaus Rubin of Rome, Italy, representing Stefan Cardinal Wyszynski, archbishop of Gniezno-Warsaw.

Others will be Bishop Stanislaus J. Brzana of Ogdenburg, who will preach; Bishops Alfred Abramovich of Chicago and Arthur Krawczak of Detroit, and the late Buffalo diocese's two auxiliary bishops, the Most Rev. Pius A. Benincasa and the Most Rev. Bernard J. McLaughlin.

The Rev. Msgr. Peter J. Adamski, P.A., pastor of St. Stanislaus, will head priests of the diocese participating in the spiritual climax to the church's centennial observance.

The final celebration will come at 6:30 that evening when the bishops gather with hundreds of the Niagara Frontier's 350,000 Polish-Americans at the Statler Hilton Hotel for the centennial dinner.

Msgr. Adamski is only the third rector of St. Stanislaus. His awareness of the church's original purpose is vivid, and so he continues to make it the rallying point for Polish-Americans who find comfort in worshiping in the language of their fathers.

St. Stanislaus' founder, the Rev. John Pitass, had discovered early the anxieties of Polish families entering the Niagara Frontier in search of the promised peace, to find, instead barriers of communication and isolation in old country customs, the only ones they knew.

Father Pitass, as a young native of Poland preparing for the priesthood, apparently saw his vocation and the elevation of his transplanted people as inseparable commitments. He was ordained on June 8, 1873, and that same afternoon organized the first Polish speaking church in Buffalo.

Some believe it was the first in this country, possibly along with Chicago's Church of St. Stanislaus, but Sister Mary Donata, centennial historian, believes that isn't necessarily so. The point, to her, is that Father Pitass wanted the church to bring his people together, to help them see the American dream as the good day's work and community solidarity it always had been, and to see it from the spiritual, social and cultural points of view that were theirs by birth.

Father Pitass first took his congregation to the chapel of St. Michael's Church, on Washington St., to worship. His own church, a two-story frame building at Peckham and Townsend, was completed in late January, 1874, and its presence not only became a spiritual and social magnet for those already here but attracted increasing numbers of the immigrants pouring out of economically and politically troubled Poland in the 19th century.

By 1875, the parish had 330 families and, by 1882, it became clear that a larger, more imposing church, should rise for the multiplying devout. It would be of stone, the permanent place of worship for the new Polish-speaking Americans, and it was built as a twin church, each of two floors a complete place of worship.

It was a $200,000 undertaking, and would be under construction from the spring of 1884 to the fall of 1886. But the first floor was completed in January of 1885, consecrated and opened to the parishioners.

Completed, the church would accommodate 3,000. It would endure, Father Pitass thought, as the one church in the Buffalo diocese devoted to the spiritual needs of Polish-speaking Americans.

But the Polish community grew, and by 1886, the year of its consecration, the Church of St. Adalbert was organized. By 1898, St. Stanislaus was but one, if the first, of seven such churches in the city. It was just as well. There were 19,000 people in its parish by then.

Today, Msgr. Adamski ministers to about 1,200 families, fewer than half the number in the parish in the late 1880s but many descendants of the church's first worshippers. Their offspring, great-grandchildren of original parishioners, attend school on St. Stanislaus' first floor. The church now is on the second.

The monsignor became pastor of St. Stanislaus in 1944, succeeding the Rev. Msgr. Alexander Pitass, newphew of the founder, who had taken over from Father John in 1914, the year after the original church was demolished.

Msgr. Adamski has carried on in the Pitass tradition, even to the construction in 1965 of the $300,000 St. Stanislaus Social Center, near the church. His main interest was in giving the parish's 250 to 300 senior citizens a place of their own, as Father John Pitass cared for the lonely of his day.

St. Stanislaus, even as it shares its present day function with other churches, remains a monument to Father Pitass' wisdom in divining the need for such a church. Its power in drawing Polish immigrants to this area is conceded by Polish-American historians and is at least partially measured by the presence of Polish-descended figures in the Frontier's affairs.

One-third of Erie County's 1,100,000 residents are Polish-Americans, hundreds of these are in every profession, and at key levels of government.

It wasn't until 1950 that Buffalo gave itself a Polish-American mayor, the year that the late Joseph Mruk ascended to the chief executive office at City Hall. A dozen years later, Chester W. Kowal became the second and, today, with the rise of Stanley M. Makowski through political ranks, there again is a Polish-American mayor; now serving by appointment, seemingly ready to stage the third mayoral election drive by one of his origin.

Among well-wishers at St. Stanislaus' June 3 "civic dinner", as Msgr. Adamski calls it, will be Mayor Makowski; "paying his respects to the good monsignor," a mayor's aide says, "and mixing with the well-wishers."

---

## LEGISLATION REGARDING COAST GUARD SHORE ESTABLISHMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Froehlich) is recognized for 15 minutes.

Mr. FROEHLICH. Mr. Speaker, I am today introducing legislation to require the Coast Guard to notify the Congress when it proposes to consolidate or discontinue one of its shore establishments, require it to submit a detailed explanation of the reasons for its proposal, and permit either House of Congress to veto the proposal within 60 legislative days of notification.

I am delighted to be joined in sponsoring this legislation by Messrs. Aspin, Blatnik, Davis of South Carolina, Eilberg, Gilman, Hutchinson, Ketchum, McEwen, Moakley, Rose, and Steiger of Wisconsin.

The need for this legislation became evident to me quite recently when I was informed by Coast Guard Commandant Chester R. Bender that a Coast Guard search and rescue station in my district was to be "disestablished" within a month. This station, which had been in continuous operation since 1897, was located on Plum Island off the tip of the Door County peninsula in northeastern Wisconsin. It was and is vital to thousands of boaters, sailors, fishermen, shippers, and island residents who use the waters in that area.

Although I tried repeatedly to impress upon the Department of Transportation the importance of the station to the safety of my constituents and the economy of my district, my pleas were not heeded. Indeed, over a period of many weeks, the Department not only rejected my arguments for reopening the station, but also failed to supply me with any satisfactory explanation for the station's closure.

Reluctantly I have come to the conclusion that in order to achieve petty economies the Department of Transportation is willing to risk the safety of literally thousands of people.

I set out the facts of this matter at some length during the debate on the Coast Guard authorization, May 8, and in testimony submitted to the Transportation Subcommittee of the Appropriations Committee. The latter statement is printed below.

The station at Plum Island was not the only station to be abruptly discontinued. At the same time I received my letter from Admiral Bender, other Members were being advised of plans to disestablish stations at—

Cape Hatteras, N.C.; Sullivan's Island, S.C.; South Haven, Mich.; Harbor Beach, Mich.; Manistee, Mich.; Beaver Island, Mich.; Munising, Mich.; Portage, Mich.; North Superior, Minn.; Galloo Island, N.Y.; Sodus Point, N.Y.; and Racine, Wis.

My distinguished colleague from Ohio (Mr. Vanik) quite properly pointed out during the debate on the Coast Guard's authorization that 11 of these 13 closings occur on the Great Lakes. This indicates an unusually heavy concentration of closings in one area of the country.

Because the safety of my constituents and other citizens is at stake I am not willing to let this matter rest. Thus, section 3 of my bill would require the Coast Guard to reestablish the stations it has closed and to phase out these stations in the future only with the approval of Congress. This will give the Congress the right of determine whether economy and efficiency should be permitted to override compelling considerations of public safety.

With respect to the major provision of this bill, let me say that although I support responsible efforts to achieve economy in Government and willingly concede that the disestablishment of some search and rescue stations may now or in the future be justified, I believe that it is entirely reasonable and appropriate for Congress to have the final say when an important Coast Guard establishment is closed.

There is ample precedent for this kind of congressional veto. For instance, Congress may disapprove a Government reorganization plan. See (section 906(a) of title 5, United States Code. This is one of our most important checks on the executive.

Congress may disapprove the pay recommendations of the Commission on executive, legislative, and judicial salaries. See section 359 of title 2, United States Code.

Recently, Messrs. Saylor, Dorn, Hammerschmidt, and Teague introduced a bill, H.R. 4185, to freeze the Veterans' Administration schedule for rating disabilities and require congressional approval of all additions, deletions, changes, modifications, or other alterations thereto.

I believe I noticed a rather perceptible change in the reasonableness and tractability of the Veterans' Administration after the introduction of that bill.

I am hopeful that my bill will inspire a new spirit of cooperation and compromise in the Department of Transportation and the Office of Management and Budget.

The proposed legislation and my statement to the Transportation Subcommittee follow:

H.R.—

A bill to amend title 14 of the United States Code in order to require prior Congressional approval of any action by the Commandant of the Coast Guard to change the location of, consolidate, or discontinue any Coast Guard shore establishment; and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 5 of title 14, United States Code, is amended by inserting immediately after section 93 thereof the following new section:

"§ 93a. Coast Guard shore establishments

"(a) Before the Commandant takes any action, pursuant to section 93(b) of this title, to change the location of, consolidate, or discontinue any Coast Guard shore establishment, he shall transmit notification of his intention to take such action to Congress together with a detailed explanation of the reasons why he deems such action to be necessary.

"(b) The Commandant shall deliver the notification required under subsection (a) of this section to both Houses of Congress on the same day and to each House while it is in session.

"(c) Any action to change the location of, consolidate, discontinue any Coast Guard shore establishment proposed in any notification delivered to Congress pursuant to subsection (b) of this section shall take effect at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the notification is transmitted to it unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that the House does not favor the proposed action.

"(d) For the purpose of subsection (c) of this section—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period."

(b) The analysis of such chapter 5 is amended by inserting immediately after

"93. Commandant; general powers."

the following:

"93a. Coast Guard shore establishments."

Sec. 2. Section 93(b) of title 14, United States Code, is amended by inserting immediately after "(b)" the following: "subject to section 93a of this title,".

Sec. 3. (a) Notwithstanding any other provision of law, no action taken by the Commandant of the Coast Guard after March 1, 1973, and before the date of the enactment of this Act under section 93(b) of title 14, United States Code, to disestablish any Coast Guard shore establishment shall be effective unless Congress, within the 60-day period of continuous session of Congress immediately following such date of enactment, passes a resolution stating in substance that Congress approves such action.

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

### STATEMENT OF REPRESENTATIVE FROEHLICH TO THE TRANSPORTATION SUBCOMMITTEE OF THE HOUSE APPROPRIATIONS COMMITTEE

Mr. Chairman and Members of the Subcommittee:

I am appealing to the Transportation Subcommittee for funds to continue the operation of a vitally important Coast Guard station in my district. In order for the subcommittee to understand the basis for this appeal, I shall attempt to set out the circumstances that led to the closure of this station a few weeks ago.

On March 1, 1973, several Members and I received letters from Coast Guard Commandant Chester R. Bender informing us that a decision had been made to "disestablish" 13 search and rescue stations throughout the country.

The affected station in my district is located on Plum Island, a small island off the tip of the Door County peninsula in Northeastern Wisconsin.

The station at Plum Island has been operated by the Coast Guard since 1897. At last report, this facility had 13 men and two craft: a 40′ MLB and a 40′ UTB.

In his letter, Admiral Bender made the following comments to justify the closure of the Plum Island station:

"The Coast Guard is supporting the President's program to reduce Federal expenditures. At the same time new personnel and monetary resources are required to meet new responsibilities such as those contained in the Ports and Waterways Act of 1972. It therefore becomes necessary to review existing programs and to determine lower priority and less efficient operations which may be curtailed.

"A review of operations at rescue stations located throughout the United States has been completed and a determination made that, considering the aforementioned priorities, closure of the station listed, among others, is indicated. This determination results from a continuing appraisal by the Coast Guard of the number and severity of the rescue cases responded to by each station; the ability to make this response from adjacent stations or by alternative means, such as helicopter rescue; and the efficient allocation of available resources."

On April 23, 1973, Messrs. Aspin, Blatnik, Davis of South Carolina, Harvey, Vander Jagt, and I directed a communication to the President urging the continued operation of the 13 search and rescue stations. We received a reply, dated May 10, 1973, from Harold F. Eberle of the Office of Management and Budget. Mr. Eberle wrote in part as follows:

"In recent years, the demand for Coast Guard services has steadily increased throughout the country with some areas exhibiting very rapid growth, particularly in recreational boating, and great stress has been placed upon many Coast Guard search and rescue facilities. This growing demand coupled with increased responsibility under recent enacted legislation necessitated that the Department of Transportation and Coast Guard reassess the effectiveness of all of its present facilities with a view towards improving the efficiency of the entire Search and Rescue System. All the stations selected for closure have either consistently ranked low in utilization when compared to other Coast Guard search and rescue facilities or they are sufficiently close to another Coast Guard facility to permit disestablishment with minimum risk to life and property."

The second quoted paragraph of Mr. Eberle's letter makes it abundantly clear that a search and rescue station may be closed for the reason that it ranks low in utilization, even though it is not "sufficiently close to another Coast Guard facility to permit disestablishment with minimum risk to life and property." This must have been the reason for disestablishing the Plum Island station, for the Coast Guard has admitted in writing that:

The forty (40) foot utility boat at Sturgeon Bay Canal station would require approximately two hours and ten minutes to arrive at the Plum Island station location."

This damaging admission indicates a virtual abandonment of northern Door County, as far as Coast Guard search and rescue operations are concerned. Any rescue operation that takes two hours and ten minutes after notification to reach the scene is likely to find no survivors to rescue.

The Congress has been funding the operation of the Plum Island station in good times and bad since 1897. This means that for more than 75 consecutive years the Coast Guard has determined that a station at Plum Island was worth operating. For more than 75 years the Congress has determined that this station was worth funding.

Why, when Plum Island's search and rescue caseload is dramatically increasing, should this station now be closed?

The Plum Island station is strategically located in one of the most popular boating, fishing, and vacation areas of Wisconsin. Thousands upon thousands of boaters, sailors, and fishermen use the waters around Plum Island during the course of a year. About 100,000 passengers were transported by ferry between the mainland and Washington Island in 1972. The station is situated near an important shipping lane and across from the site of the projected Northport Harbor.

For the past 75 years, the Coast Guard has recognized its responsibilities in this area, where the waters are rough and treacherous, by operating a station at Plum Island. The evidence clearly indicates that the station has been performing important work. For instance, the station was involved in 31 search and rescue operations in fiscal 1972, more than twice its caseload in fiscal 1970. Its personnel have the responsibility of operating two fog signals and seven minor lights. They provide assistance to cross-lake traffic. They cooperate in important ways with the Door County sheriff. And they provide a means of radio communication for boaters and local residents. The functions and activities of this station must not be abruptly discontinued. They cannot be undertaken by the Sturgeon Bay Canal Station, which is not being augmented, without producing unsatisfactory and possibly tragic results.

Against this background, the projected savings of $113,000 is not a persuasive reason for disestablishing this station. The disestablishment of this station will have an adverse economic impact on Door County. But, more important, it will adversely affect the County's vitally important recreation industry because, to put it bluntly, it will jeopardize human lives.

Not all the great services of government can be performed with impressive statistical economy. This is one of them. As the chief policy maker of the government, Congress should make the final determination whether these important search and rescue stations should be continued or closed.

Other Members have voiced to this subcommittee similar concerns about the closing of Coast Guard stations, particularly in the Great Lakes, and they have made similar appeals. I wish to associate myself with their remarks, and to strongly urge the subcommittee to incorporate into the transportation appropriation a provision to continue the operation of the Plum Island station and all the other disestablished search and rescue stations for which a good case can be made. I am hoping this can be done consistent with the rules of the House. I also urge that the committee's report reflect unequivocally the committee's judgment that the continued operation of these stations is desirable and necessary in the public interest.

## SPECIAL ORDER HONORING THE HONORABLE JAMES A. FARLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CAREY) is recognized for 5 minutes.

Mr. CAREY of New York. Mr. Speaker, tomorrow, May 30, 1973, is the 85th birthday of Jim Farley. I think it most fitting that Jim's friends and admirers in the Congress have an opportunity to extend our congratulations and best wishes to him. For this reason, I request a special order of an half hour for tomorrow, May 30, 1973.

---

## U.S. FORCES IN EUROPE: A RESOLUTION AND HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 5 minutes.

Mr. ROSENTHAL. Mr. Speaker, I am introducing today a resolution concerning U.S. military forces in Europe. I have decided to proceed with legislation and hearings on this subject at an early date, because of several recent events.

First, the American balance-of-payments—BOP—situation continues to deteriorate. The latest figures show a first quarterly deficit for this year of $10.3 billion. I recognize that that much of this deficit is not due to U.S. military forces abroad, much less to those stationed in Europe.

But the military BOP loss is a constant one, not subject to either the short- or long-term remedies which we might apply to our trade balance or to the effects of capital flow. The military BOP loss is sizable, it is steadily growing and is not a negligible problem.

In the area of Europe alone, the net U.S. military BOP loss now totals about $1.7 billion annually—calendar year 1972. The two recent devaluations—December 1971 and March, 1973—have contributed, of course, to this basic European military deficit in BOP as has the steady inflation in the European countries where our troops and their dependents are stationed. The continuation of both that inflation and the instability of the dollar point to a continued increase of the U.S. military BOP loss.

The following preliminary figures show this serious and unfortunate progression:

NET FOREIGN EXCHANGE COSTS—US FORCES IN EUROPE

| *Calendar year* | *Cost in millions* |
|---|---|
| 1970 | $1,096.8 |
| 1971 | 1,014.8 |
| 1972 | 1,701.9 |

To keep these figures in perspective we should recall that the total world-wide American balance of payments loss in calendar year 1972 was about $9.25 billion—current accounts—and that our net military expenditures, world-wide, accounted for $3,558 billion of that amount.

These figures mean that our military BOP loss is responsible for more than one-third of all current accounts losses in our BOP accounts. The European part of the military BOP loss is about one-half of the military BOP problem and almost 20 percent of the worldwide figures. All of these military BOP figures take account of the sales—deliveries—of U.S. military equipment abroad and are, therefore, net figures for our military BOP losses.

These figures do not take account of the contention of the Department of Defense that other offsets should be subtracted from the above figures. I have asked for a detailed explanation of these other offsets which I will introduce, at the appropriate point in the hearings which I hope will be held in June.

In addition to the balance-of-payments problem, there are other considerations which make appropriate a consideration of our forces in Europe. I have just returned from a study mission to Europe where a group of House Members had discussions with our European colleagues on U.S. force levels in Europe. I would like to summarize my impressions from those meetings:

The Europeans are less concerned about the size of the U.S. force levels in Europe, particularly in the center region where European land forces are sizable, than they are about the ultimate that is nuclear commitment of the United States to the defense of Western Europe.

There exists in Europe, as in the United States, a variety of opinion about how and when U.S. force reductions should be made.

There exists in Europe, and this is my personal view, more skepticism about the Vienna talks on mutual and balanced force reductions than there is in the United States. The Europeans are much more concerned about appropriate "West-West" talks on these matters. In other words, I sense that the Europeans are quite willing to discuss and to agree to substantial U.S. land force reductions if we can reassure European public opinion—and their governments, of course—that those reductions do not lessen the long-term American commitment to the principle that the defense of Europe is also the defense of the United States.

Finally, and in summary, I concluded after this visit to Europe, that a substantial reduction can be made in the immediate future—within the next 12 to 18 months—in U.S. land forces on these principles: first, the reductions proceed from a coordinated NATO policy; second, the reductions be limited to U.S. land forces, leaving our air and naval units as presently deployed; third, the reductions be substantial enough to reflect the decrease in the perceived likelihood of a Soviet military threat in Western Europe and yet not so large as to erode European confidence in our ultimate defense commitment to NATO.

I believe that West-West talks should define "substantial" reductions but by that term I would mean about half of our 215,000 member land force now stationed in Germany. Despite the European skepticism about the MBFR talks, I believe that such a reduction, under the conditions I outlined above, could be the key to unlocking the armed confrontation in Europe, opening the door to successful MBFR talks and preserving the western alliance.

The reduction should be a coordinated NATO effort, reducing not only American troop levels but European as well. This will take careful and difficult negotiations to achieve.

This kind of reduction would make it clear to all that our action is not taken out of desperation but motivated by a sincere desire to facilitate force reductions. If handled with diplomatic skill, a synchronized reduction need not diminish the psychopolitical support our troops give to our European friends.

This reduction could trigger a similar response from the East. Showing one's good faith—while expecting the other side to reciprocate—is just as valid an approach in this negotiating area as the administration's current commitment to a bargaining-chip strategy. Beginning a modest downward spiral now would immeasurably assist the difficult MBFR negotiations themselves.

My resolution, which is included below, has, therefore, these three elements: first, a prescription for solving our balance-of-payments problems in our NATO expenditures by establishing a mechanism under which no NATO country suffers a major BOP loss from such expenditures; second, a substantial reduction in U.S. land forces in Europe over the next 12 months; and third, a recommitment by the United States to a concept of united defense with and of Europe through NATO.

I propose this resolution not as the final answer to the troublesome question of how we should adjust our NATO role to today's realities but as one approach, of many which have or will be offered, toward a solution. The Subcommittee on Europe of the House Committee on Foreign Affairs, which I chair, will consider a variety of proposals in June. I expect that the hearings will stimulate appropriate action by the NATO countries and particularly, by our own Government in the course of this year.

## HEW AND WELFARE GUIDELINES: RESTRICTIONS ON FAIR HEARINGS AND DUE PROCESS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. **ABZUG**. Mr. Speaker, the Department of Health, Education, and Welfare has issued another set of guidelines that will prove as disastrous for public assistance recipients as the social service regulations were for people receiving services under the Social Security Act.

To enable us to more fully understand the impact of these regulations I would like to include at this time an analysis of them prepared by Mr. Maurice O. Hunt, of the Federation of Protestant Welfare Agencies of New York. I hope that my colleagues, if they have not already done so, will offer their objections to these regulations to Secretary Weinberger.

The analysis follows:

The Department of Health, Education, and Welfare is now revising its regulations for determining eligibility for Public Assistance, for fair hearings and in regard to recouping over-payments. The changes are such that those of us concerned about the needs of the poor again need to express our opinions to the Department. The deadline for comment on these new Regulations is May 20th.

The conscientious administrator of Public Assistance has two major goals: he wants to be certain that no one who is not legally eligible receives public funds; he wants his organization to function in such a way that persons who are eligible receive the assistance they need as expeditiously as possible.

Over the years there have been numerous occasions when some state and local administrations have failed to assure these goals. From time to time the Federal government has taken steps through law and regulation to try to prevent these operational failures. The current Federal Administration is pushing States to be certain only eligibles receive assistance, a goal with which none can quarrel. As part of this effort, however, the Administration is proposing to remove a number of provisions in regulations which protect applicants and prevent deprivation by requiring prompt action by welfare departments. We are in a period of tight money for public welfare and the pressure to save funds at the expense of the needy is strong in some jurisdictions. The changes being proposed would make such exploitation more possible. For example:

1. If an administrator has as his primary goal the saving of money, one way to do it is to *stall* on *granting assistance* to new applicants. Current regulations require that eligibility be determined and assistance granted within 30 days after application. This is being changed to 45 days. Although payments would be retroactive to the 30th day, the way is further opened up for a slowdown, inasmuch as the time count would start only when a formal application has been signed rather than at the original request for help. No longer would the welfare agency be required to help applicants provide needed information if because of physical, mental or other difficulties they were unable to do it themselves.

2. Those who have followed public welfare operations in recent years will remember the "midnight raids" which were carried out in some States to find out whether there were men living in the households of AFDC families. These and other similar invasions of privacy are now specifically prohibited by regulation. Although general language remains in the new proposals which might cover such situations, the *specific prohibitions have been removed.*

No longer under the proposed regulations is it required that the applicant be the primary source of information necessary to establish eligibility, and welfare departments will be free to go to third parties for checking without the knowledge of the applicant. Such checking is permissible now in questionable cases, but only after the applicant or recipient has been informed and given a chance to clear up the question himself.

3. Changes in the *fair hearing procedures* which are disadvantageous to applicants and recipients are also proposed. Persons who feel they have been treated unfairly have always had the right under the law to ask for a hearing from the State. The most common reason for such fair hearing requests is either a termination or a reduction of assistance. Under regulations established two years ago when a recipient appeals such an action by a local department, assistance must continue unchanged until the State holds a hearing and renders a decision. The proposed regulations *would allow reductions and discontinuances of assistance* before the State hearing if the local agency provides an "evidentiary hearing meeting due process standards" which confirms the local workers decisions.

In addition to this, the way has been opened for the *hearing process to take longer*. Current regulations require a decision from the state no later than 60 days from the request for hearing. This is being extended to 90 days.

In view of the fact that national figures show one third of State fair hearing decisions reversing local decisions, these changes open the way for actions resulting in unfair hardships for many needy people.

4. Closely related to this is the fact that the proposed regulations would allow *assistance to be terminated on ten days notice* rather than the present fifteen days, and in some situations with no notice at all.

5. Present regulations allow the recoupment of overpayments to recipients if they resulted from the recipients willful withholding of information. Recoupment is also possible in other situations when the money is available to the recipient. Under the new proposals *welfare agencies may recoup all overpayments from future grants even though the mistake was made by the department* and the money has been spent by the recipient. Since departmental error accounts for a large portion of overpayments, recipients through no fault of their own could find themselves with extremely limited income for extended periods of time. The proposd regulations say such monthly deductions must not cause "undue hardship" on recipients.

In brief, the above are some of the highlights of these latest proposals. Full details may be obtained in a thorough analysis prepared by the Center on Social Welfare Policy and Law, 25 West 43 Street, New York 10036 (Telephone: 354–7670). No one knows how many States would take advantage of these proposed regulations, but if they are adopted the opportunity will certainly be present for changes that will work to the disadvantage of many needy people.

It is essential that agencies and individuals make known their opinions about these proposed regulations by sending communications to HEW (See complete address on page 1) on or before May 20. In view of the current Congressional interest regulations issued by the Administration, copies of your communications might well be shared with your Senators and Representatives.

## INTERSTATE HATE MAIL MUST BE STOPPED

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 5 minutes.

Mr. **BRINKLEY**. Mr. Speaker, the following vicious statement was part of a 10- and 12-sheet packet contained in letters mailed anonymously from outside the State to several organizations located in Columbus, Ga., within my congressional district, during the first half of April of this year:

### THE STORY OF THE CENTURY

This story had its beginning 94 years ago as that was the date when the jews began to dominate the Vatican. Did you know that we have had 18 to 20 jew Popes? You will learn that the crimes committed in the name of the Catholic Church were under jew Popes. The leader of the Inquisition was one—de Torquemada, a jew.

### THE GREATEST HOAX IN HISTORY

Giovanni Battista Montini, a jew was made Pope Paul VI. Montini—DeBenedictis, jews, (founders of family of Montini). Montini's mother was a full blooded jewess. The world however did not know this so apparently the planners felt secure in such a choice.

Equally apparent is the fact they did not realize that the records were still available showing that Giovanni Battista Montini had been a member of the Freemasons.

Montini never attended a Seminary and this is unheard of in the history of the Catholic Church and those who prepare themselves for the priesthood.

Montini was schooled in a private home, by a jewish priest. His entire grooming was by this professor and a series of jewish teachers who schooled him very carefully and tirelessly for this—"The Greatest Hoax of All Time".

During Montini's younger days he was actively engaged in Freemasonry and as most readers know—you cannot be a Mason and a member of the Catholic faith.

One obvious bit of evidence of Paul's false papacy can be found in the way he "blesses" the congregations at Rome. The fact is that Montini cannot, or will not, make the form of the cross with his hand; instead, he makes a crescent-shaped motion, a Masonic Symbol. He seldom wears the Cross—he wears the *Ephod* (vestment). Giovanni Battista Montini, presently referred to as Pope Paul VI is an imposter and a fraud.

Finally, the jews decided that the Church had to go, before governments could be destroyed.

The jewish conspirators with their worldwide connections were made aware that their time is indeed growing short so they decided—"we must wreck the Church, the Universities, and ALL schools of learning—and it must be done immediately". They secretly have led the fight for forced busing of America's school children.

The jews' next act is to install jews in every position of power and authority. The massacre of millions of Christians might follow so what do you have to lose by making your move first. The life you save might be your own, or those of your loved ones. Do not dally too long—unless you are one who might overlook the magnitude of this, "the greatest hoax in history".

* * * *

How widespread were the mailings? Was it coincidence that only days later during the same month, on April 28, after the conclusion of an important runoff election in Columbus, an Enquirer columnist wrote as follows?

### DEMOCRATS RAN SCARED IN POST 5 ELECTION

(By Paul Timm)

I'll be the first to admit that I took the whispering campaign against Mr. Hirsch with a grain of salt and felt that the whole thing had been blown out of proportion as a purely political expedient.

As the election results poured in and telephone callers asked results, my mind was changed.

Some of the language used by what started out to be nice old ladies and little old gentlemen turned almost obscene. In more than one case I hung up in disgust.

I wish I had the names of the anonymous callers. Some of them surely must have been wearing the hood of the KKK.

Strange! On the surface Columbus appears to be a city fortunately devoid of widespread or deep rooted bigotry. Underneath the veneer of the city, however (and I shed a tear because of it) there is a discrimination that is almost unbelievable.

Woe be unto us if this insidious germ of hatred spreads any further. Better it be rooted out and banished forever.

A lot of wars have been fought to this end, but there are those who insist on being maggots in the meat of humanity.

Notwithstanding that story, the publisher of the newspaper had the unmitigated gall to unleash a vicious editorial attack on the following letter which had sounded an alarm:

COLUMBUS, GA.,
*April 16, 1973.*

DEAR FRIEND AND FELLOW COLUMBUS CITIZEN: Why am I for Milton Hirsch?

It is not enough that he is a Democrat, although he and I are Democrats; it is not enough that he has been unfairly maligned, although he has been unfairly maligned.

I am for Milton because Columbus is too big, too complicated and too important for me to remain silent on what I consider to be an important issue. The men and women who are in charge of the operation of our city have enormous responsibilities. Their decisions can affect our future for the rest of our lives.

The issue here is one of *ability* not only to make decisions but to make correct decisions, and that is enough. Enough to make us stop and think what this election is all about. We are filling a job requiring all the competence, all the experience and all the capacity we can muster.

Won't you please consider Milton Hirsch—on his own merit?

Sincerely,

JACK BRINKLEY.

P.S. I would personally appreciate it very much if you would make it a *point* to vote Tuesday.

In attempting to make its case over several issues, the paper developed and attributed quotes such as "evidence," "justification," "who happened to be of the Jewish faith"—none of which terms were used, as anyone can see from the above letter. This was cruel, warped fabrication of the rankest order.

May not a *free* press ask the candidate himself as to whether or not he has been unfairly maligned?

Should not a *fair* press have printed the information contained in a two-page letter from Mr. Hirsch which was voluntarily brought to the executive editor for both local newspapers soon after the editorials raised their ugly innuendos?

Must not a *concerned* press condemn the mischiefmakers—even if their numbers are tens instead of thousands?—the presence of which the paper always acknowledged.

Mr. Speaker, the existence of these packets mailed into my State were called to my attention just this weekend. I have two in my possession—one addressed to recorder, Order of Rainbow Girls of Columbus; another to the conductress or secretary, Columbus Chapter No. 261, Order of Eastern Star; and a third packet was sent to secretary, Augusta Evans Chapter No. 177, Order of the Eastern Star. As a Mason myself, I particularly share the indignation of the recipients.

Today, Mr. Speaker, I have turned copies of these letters of vilification over to the U.S. Postal Service, asking that the envelopes in which they came be traced to the sender or senders, if possible, and that appropriate remedial action be taken to eliminate such funnels of hate.

---

## NOMINATION HEARINGS ON SCHLESINGER—LAST HOPE FOR MANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE), is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, the fallout from great events in history is usually impossible to predict at the time and almost impossible to trace with any degree of certainty years later, but that great events and upheavals in the body politick do have reverbrations and influence events for years to come is unquestionable. Certainly the Watergate affair by now is just such an event of major proportions in the political history of this Nation rivaling even the South Sea bubble or the affair Dreyfus or the Profumo case in terms of political crisis and in the confidence of the electorate in their Government.

But I am not taking to the floor today to in effect give a sermon on the Watergate affair; I will leave that to others at the moment, the professional moralists among us. However, without going so far as to see a bright side to an otherwise dismal episode, or to allow that out of every unfortunate turn of events comes some good, the Watergate episode has already resulted in a chain of events of profound significance for my congressional district. In choosing Elliot Richardson to be his new Attorney General the President has created a vacancy in the position of Secretary of Defense. While he has named his choice to succeed Mr. Richardson in this post, Mr. James Schlesinger, Mr. Schlesinger has as yet to be confirmed by the Senate. All I want to say that if ever there was a time that this confirmation process for high-level policymaking positions in the Government is to have any meaningful and lasting impact this should be one such time.

Before Secretary of Defense Richardson was selected for the difficult assignment of Attorney General he had, as I am sure this House is quite familiar, made a major announcement to close down countless bases across the country. While very few congressional districts were spared the impact of this widespread closing of bases, as every major newspaper pointed out at the time, the greatest impact, the real meat axe cutbacks, were made in New England—particularly in the State of Rhode Island and the Commonwealth of Massachusetts. Thousands of workers in both States are certain to lose their jobs because of the lopsided impact of these closings.

At the time of Secretary Richardson's confirmation as Secretary of Defense this decision had not been announced and, therefore, was not discussed. True, over the past months, or even years, preparation had already been made for this decision and all that prevented the announcement from being made by Secretary Laird was a little matter like the Presidential election of 1972 and a new Secretary of Defense's subsequent confirmation. You might remember in this connection one of the main thrusts of the last Presidential campaign by the Republican propaganda machine that Senator MCGOVERN's election to the Presidency would result in wholesale closing of bases with thousands of jobs being lost in the process. Little did the American electorate, certainly the electorate in Rhode Island, realize that the script had already been written for just such a dismantling of bases if President Nixon were reelected

My point in all of this is when the announcement was made there seemed to be a brooding pessimism in Congress that very little could be done to change this Executive decision—aside from making speeches and congressional gnashing of teeth, bewailing and bemoaning in public, pulling out of hair and the renting of garments. In the end the Pentagon juggernaut would ride over all these objections and have its way.

But now, I think for the first time, Members of Congress have a real opportunity, probably their only opportunity, to influence these decisions and to ameliorate the situation for the thousands of workers affected. The Senate must hold hearings on Schlesinger's confirmation and it seems to me inevitable that they must get around to questioning Schlesinger closely on the rationale and justification for the base closings. As Senator PELL so aptly pointed out the other day, if defense costs must be cut then a case may be made for proportionately reducing military establishments across the country. What we in Massachusetts object to, and the good Senator from Rhode Island concurs, is a meat-ax cut in a few States.

Massachusetts already has one of the highest unemployment rates in the country. The closing of the Boston Naval Yard, which has served this Nation so well for so long, can only further weaken the economy of the greater Boston area. Perhaps in better times an argument might be made that a vital, healthy economy could absorb this impact and ride out the closing of such a major installation employing thousands of workers. But this is not the situation we enjoy at the moment in Boston. The timing of the announcement could not have come at a worst time.

In making these announcements it seems to me that a major department of a government committed to a policy of full employment, must consider the economic impact of its decisions. After all, the closing is being justified on economic grounds. My question is why is not the Pentagon in step with the Department of Labor or Health, Education, and Welfare, which is spending millions in the State of Massachusetts to cure the problems of steady unemployment. What is the Government of the United States gaining if one department saves a few pennies and other departments spend more than these few pennies saved to tackle a more serious problem? What this Nation needs is more work, not more welfare.

And so fellow colleagues, I view the forthcoming Senate hearings on Schlesinger's confirmation as absolutely crucial hearings, an unexpected opportuity for the Members of Congress through their Senators to question closely these Defense Department's decisions and to convince the powers that be of the untold economic dislocation and personal hardship which will result from these closings as presently conceived. To those that argue that this amounts to little more than holding the Secretary of Defense to ransom, all we need say in reply is that the job of the representatives of the people is to influence the policies of this Government and to inform the bureaucrats here in Washington of conditions at the local level instead of being confronted with a fait accompli from the Secretary of Defense. What we now should have is a policy on American bases hammered out in coordination and consultation with the Congress. This is the way it should be.

## IN MEMORY OF HALE BOGGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, it has been many months now since Hale Boggs sat with us in this Chamber. Yet, in our minds and in our hearts, his presence, his courage, his leadership, his beliefs, and his dreams remain vibrant and strong.

The relationship built between one man and another differ with every friendship created. Each individual brings a part of himself into this bond, making each separate, distinct and uniquely special. We all knew Hale in our own ways, be it as family, colleague, as constituent, or as friend; and each of us cherishes the experiences and the memories we were privileged to share with him. Certain basic qualities of Hale's character, however, touched upon us all. His love, his compassion, his commitment to his fellow man, his desire to make possible a better life for everyone could be seen in his every deed and in his every word. So long as these memories remain alive, so long as we continue to carry forward the programs and the goals Hale wanted this Nation so desperately to achieve, his image will remain an integral part of the workings of this Chamber. For a large part of this man is indelibly printed in legislation of such great scope that his work has already enhanced the quality of American life and become inbued in the legacy and the principles of this Nation.

Of the many statements which have been made or will be spoken as time goes on, perhaps the words of St. Francis of Assisi best capture the essence of Hale's goals and of the endeavors and accomplishments he attained in his own lifetime in seeking their fruition.

Lord, make me an instrument of your peace.
Where there is hatred, let me so love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
And where there is sadness, joy.

O divine Master, grant that I may not so much seek to be consoled as to console;
To be understood as to understand;
To be loved as to love;
For it is in giving that we receive;
It is in pardoning that we are pardoned;
And, it is in dying that we are born to eternal life.

Sometimes, in paging through last session's CONGRESSIONAL RECORD, in rereading his words and the speeches he delivered on this floor day after day, it is difficult to realize Hale Boggs' words will appear no more on these familiar pages. Yet, though he may never walk this way again, and though he may not stand before us fighting for the culmination of his dreams and hopes, the steps he took have left their imprint and have shown us a direction and a way.

## TRIBUTE TO THOMAS HALE BOGGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, the Nation and the Democratic Party will forever be in debt to Thomas Hale Boggs who gave unselfishly of his time and energy to the Congress of the United States and the democratic process. The Congress will sorely miss his skill in the art of politics, his knowledge of legislation, and his ability to maneuver the legislative process into the viable, workable, and successful system that it was designed to be.

It is with sadness in my heart that I eulogize my friend and colleague of many years. A man who was a shining example to me when I came as a freshman to the Congress. And a man whom I continued to admire and learn from as he led the Congress on national issues such as the Civil Rights Act and many others laws too numerous to mention. His work was carried out with a perceptive national perspective that made him a true statesman in every sense of the word.

The pages of history are written with the words of Hale Boggs and we shall never lose that. We are fortunate to have LINDY, his faithful wife, as a part of our membership to carry on the good work of Hale Boggs. I extend to her and the family my profound sympathy in their bereavement.

## CONGRESSIONAL BUDGET REFORM PROPOSALS NEED IMPROVING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the Joint Study Committee on Budget Control recently reported out a congressional budget reform proposal, H.R. 7130. It is urgent that Congress give serious consideration to this bill, and to necessary changes in it.

Budget reform's purpose is to help Congress regain effective control over an expanding and increasingly technical and complex process—setting Federal spending levels and priorities.

H.R. 7130 is not ideal—no proposal of similar scope and sensitivity could be. But it is the best reform vehicle now before the House. I urge Members to improve the bill, not reject it.

Substantial changes in H.R. 7130 are necessary:

First. Budget Committee Membership.

### A. SIZE OF COMMITTEE

H.R. 7130 establishes a House Budget Committee of 21 members. The Report of the Joint Study Committee on Budget Control suggests a ratio of 4 Democrats to 3 Republicans on the committee. Instead, the amendment below sets up a committee composed of 25 members, permitting a ratio of 3 Democrats to 2 Republicans, as required in Democratic caucus Addendum No. 9. Future Congresses may provide for different ratios.

### AMENDMENT

Page 3, line 11, section 111(a) is amended by striking everything after "paragraph:" and inserting in lieu thereof:

(e) Committee on the Budget, to consist of twenty-five members.

### B. MEMBERSHIP OF COMMITTEE

H.R. 7130 requires that the committee consists of 7 members from Ways and Means, 7 from Appropriations, and 7 from other committees. This does not give members not on either Ways and Means or Appropriations adequate participation. The amendment to the Democratic Caucus Rules below sets forth that the committee consist of 4 Appropriation members, 3 Ways and Means members, and 8 other members. Republican members would be selected by appropriate party machinery.

### AMENDMENT TO DEMOCRATIC CAUCUS RULES

*Resolved,* that—

(1) the House Committee on the Budget consist of 15 Democrats, at least 4 of them members of the committee on Appropriations and 3 members of the Committee on Ways and Means, nominated and elected by the Caucus;

(2) members of the Committee on the Budget may also be members of two legislative committees, notwithstanding Caucus Addendum 3, which specifies that no member shall be a member of more than two committees with legislative jurisdiction; and

(3) members of the Committee on the Budget shall be nominated and elected by the Caucus, notwithstanding Caucus Addendum 6, which specifies that the Committee on Ways and Means shall nominate members.

### FUNCTION OF DEMOCRATIC CAUCUS

c. H.R. 7130 directs the Ways and Means Committee and Appropriations Committee each to select its 7 representatives, while the Speaker is to appoint the remaining 7 members of the Budget Committee. The amendments below require the Democratic caucus to elect all the Democratic members of the committee. Republican members would be selected by appropriate party machinery.

### AMENDMENTS

Page 32, line 25, section 161 is amended by striking subsections (a) through (c), and by renumbering subsections (d) through (k) as subsections (a) through (h) accordingly.

See also a. and b. above.

### ELECTION OF CHAIRMAN

d. H.R. 7130 requires the chairman of the Budget Committee to be selected by the committee members, alternating annually between Appropriations and Ways and Means members. The amendments below require the chairman to be selected in the first instance by the Democratic Caucus, just as other committee chairmen are, and then elected by the House.

### AMENDMENTS

Page 4, line 7, section 111(b) is amended by striking all language contained in "6.(a)" and renumbering "6.(b)" and "6.(c)" as "6.(a)" and "6.(b)" respectively.

(See also c. above.)

Second. Procedure and Timing.

H.R. 7130 locks the budget into an unrealistically short time span: First. It proposes a first concurrent budget resolution to be reported out by March 1, and sets a restraining "rule of consistency" (which requires proposed increases in one category to be offset by proposed decreases in another category by a tax increase, or by an increase in total budget outlays) for amendments to the concurrent resolution; Second. Effectively prevents Congress from passing spending bills which exceed these budget limitations between the first and the second concurrent resolutions; Third. It does not require a second concurrent resolution until the end of session. Fourth. It stipulates an automatic surcharge in certain conditions.

The following changes are needed:

### TENTATIVE CONCURRENT RESOLUTION

The first concurrent resolution should be seen as tentative, and Members of the House should be allowed to amend it on the floor freely. Of course, if a Member wishes to increase or decrease one category of spending or revenue-sharing, it is expected that he would also alter overall guidelines on spending, revenues, public debt, and deficit, as appropriate.

### AMENDMENTS

First. Page 15, line 15, section 125(b)(2) is amended by inserting "second" after "the" in line 15.

Second. Page 20, line 3, the title of section 141 is amended to read as follows:

SEC. 141. AMENDMENTS TO THE SECOND CONCURRENT RESOLUTION.

Third. Page 20, line 5, section 141(a) is amended by striking "any" in line 5, and by inserting in lieu thereof "the second".

H.R. 7130, through an oversight, requires an amendment procedure which would violate the rules of the House regarding amendments in the third degree. The amendment below changes the rules to permit all amendments to be offered—providing that they meet the "rule of consistency" for the second concurrent resolution.

### AMENDMENT

Page 22, line 23, section 141(g) is amended by inserting "(1)" before "For" in line 23, and by adding the following new paragraph:

(2) Rule XIX of the Rules of the House of Representatives is amended by designating the first paragraph Clause 1, and by adding the following new Clause:

2. This rule (governing amendments in the third degree) shall not apply to amendments to a concurrent resolution on the congressional budget for the United States Government. All amendments to such concurrent resolution may be offered, providing they do not duplicate an amendment previously offered to that same concurrent resolution.

### INTERIM SPENDING BILLS

Since the guidelines in the first concurrent resolution are only tentative, the following amendments would allow Congress to pass spending bills in excess of the resolution guidelines between the first and second resolution, provided that any bill or amendment in excess of a guideline is labeled with a statement from the Legislative Budget Director giving the amount of the excess.

### AMENDMENTS

First. Page 24, line 5, section 144 is amended by striking subsection (a), and by renumbering subsections (b) through (e) as subsections (a) through (d) accordingly.

Second. Page 24, line 18, section 144(b)(1) is amended to read as follows:

(1) a statement that the new budget authority provided by the bill of resolution as reported, and the outlays resulting the reform, do not exceed any limitation adopted under the most recent concurrent resolution on the budget, or, if the outlays do exceed the limitation, a statement of the amount by which the limitation is exceeded, and.

Third. Page 25, line 15, section 144(c)(2) is amended to read as follows:

(2) a statement prepared by the Legislative Budget Director indicating whether the new budget authority provided by the amendment, or the outlays resulting therefrom, would exceed any limitation adopted under the most recent concurrent resolution on the budget, and, if applicable, the amount by which such limitation is exceeded.

Fourth. Page 28, lines 9 through 16, section 145 is amended by striking subsection (c).

### SECOND CONCURRENT RESOLUTION

The amendments below would require a second concurrent resolution before August 15. The second resolution would reaffirm or revise the guidelines in the first resolution and would allocate the general contingency reserve for new or expanded programs.

It is expected that Congress will not have followed exactly the tentative guidelines in the interim. Also, economic conditions may have changed since the first resolution, calling for more or less fiscal stimulus. Finally, mid-year spending and revenue estimates may have been revised.

If the total effect of spending and revenue bills passed by Congress, considered in the light of revised estimates, leaves the Federal budget with the same gap between total outlays and revenues indicated in the first resolution, then the second resolution must contain the figures actually voted by Congress. If Congress' actions have altered the gap between outlays and revenues, the second resolution must either:

First, in case of increased outlays or decreased revenues, raise taxes or prorate counterbalancing spending cuts equally over all other spending bills passed that year, having first applied the emergency reserve, or

Second, in case of decreased outlays or increased revenues, reduce taxes or add the amount of unused outlay and authority allowance to the contingency reserve to be allocated among new and expanded programs.

The resolution may be amended on the floor, subject to the "rule of consistency" requiring proposed spending increase to be offset by an increase in total outlays, a tax increase, or a cut in outlays elsewhere.

### AMENDMENTS

Page 12, line 20, section 122 is amended to read as follows:

SEC. 122. REVISION OF CONGRESSIONAL BUDGET.

(a) ACTION TO BE COMPLETED BY AUGUST 15.—On or before August 15, Congress shall complete action on a concurrent resolution which reaffirms or revises the congressional budget for the United States Government adopted pursuant to section 121 for the fiscal year in which the date falls.

(b) MATTERS REQUIRED TO BE DEALT WITH IN SECOND CONCURRENT RESOLUTION.—The second concurrent resolution shall contain—

(1) if the spending bills passed by Congress since the first concurrent budget resolution, taken together with the mid-year revision of federal fiscal estimates, result in the same gap between total outlays and revenues indicated in the first resolution, the outlay and authority sums actually voted by Congress; or

(2) if the spending bills passed by Congress, taken together with the mid-year revision of federal fiscal estimates, result in a changed gap between total outlays and revenues—

(A) in the case of increased outlays or decreased revenues, either a decrease in outlays and authority prorated equally among all spending bills passed during the session or a directive to increase taxes; or

(B) in the case of increased revenues or decreased outlays, either an allocation of the outlay and authority allowance not used to the contingency reserve or a directive to decrease taxes.

See also amendments 2a 1, 2, and 3.

### TAX SURCHARGE

The following amendment would remove the automatic tax surcharge imposed in H.R. 7130. If Congress wishes to raise taxes, it may state the increase explicitly in the second concurrent resolution.

### AMENDMENT

Page 17, line 2, through page 19, line 24, part 3 is stricken and parts 4 through 7 are renumbered as parts 3 through 6 accordingly.

Third. Tax expenditures.

H.R. 7130 would exercise tight control over direct expenditures, but virtually no control over tax expenditures subsidizing individuals and activities through the Internal Revenue Code. The amendment below would require the Ways and Means Committee to present a list of all contemplated new tax legislation—grouped by budget category—which would affect Federal revenues by at least $25 million for the coming fiscal year, with revenue gain or loss estimates for each category. The amendment would require the Budget Committee to include the list in the first concurrent resolution, and the House would be given the opportunity to vote on proposed revenue changes at that time.

### AMENDMENT

Page 10, section 121(b) is amended—

First, by striking "and" in line 3,

Second, by changing the period in line 12 to a semicolon and inserting "and", and

Third, by adding the following new paragraph after line 12:

(6) a list of the tax measures, itemized by budget category, contemplated by the Committee on Ways and Means, which will affect revenues by more than $25 million in the fiscal year under consideration, with the revenue loss or gain specified for each budget category.

Fourth. Budget Committee staff.

H.R. 7130 does not specify that the Budget Committee staff shall be of adequate size and fully available to give all Members of both Houses whatever assistance they require. The following amendments would specify these changes:

### AMENDMENTS

First. Page 39, line 12, section 201(a) is amended by adding "of adequate size" between "staff" and the comma.

Second. Page 41, line 5, section 201 is amended by adding the following new subsection:

(e) The Joint Legislative Budget Staff shall be fully available to assist all members of both Houses.

## OVERSIGHT HEARINGS ON THE HUD NEW COMMUNITIES PROGRAM

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I would like to announce that the Subcommittee on Housing will hold oversight hearings May 30 and 31 on the new communities development program administered by the Department of Housing and Urban Development.

The new communities program is one of the few HUD programs which the administration seeks to expand in fiscal year 1974. The budget calls for additional guarantee authority of $195.5 million to make possible approval of an additional 10 new community projects. The Housing Subcommittee is extremely pleased with this proposed expansion of a program for which all of us had high hopes upon its enactment in 1970.

We have had called to our attention, however, a considerable number of administrative and substantive problems in the implementation of the program during its first 2 years. There are reports, for example, of excessive delays in approving projects due to the shortage of skilled staff, as well as reporters of problems likely to be faced by new communities if certain supplemental Federal aids are not made available as intended by the 1970 legislation.

To look into these problems, the subcommittee will hear from a variety of witnesses engaged in, planning, or otherwise affected by new community development projects. The witnesses are as follows:

WEDNESDAY, MAY 30

10:00 A.M., Room 2128 Rayburn Building.

William Nicoson, formerly Director of the HUD Office of New Community Development.

Lewis Manilow, representing the League of New Community Developers, accompanied by the League's Board of Directors.

P.M.

Delegations representing State and local government officials involved in new community development projects.

THURSDAY, MAY 31

10:00 A.M., Room 2128 Rayburn Building.

Honorable James T. Lynn, Secretary of Housing and Urban Development.

Repesentatives from National Governors Conference.

Mayor Moon Landrieu of New Orleans.

P.M.

Melvin Mister, Executive Director, Redevelopment Land Agency, Washington, D.C.

Organizations or individuals wishing to submit written statements for the hearing record should contact the staff of the Housing Subcommittee.

## JAPAN AND THE ARAB BOYCOTT AGAINST ISRAEL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Monday's New York Times included a story on Israel's efforts to widen trade with Japan and the history of Japan's accession to the Arab boycott against Israel. The latter is a problem that has long concerned me and one which I have raised in this body in the past.

The New York Times story by Richard Halloran, reporting from Tokyo, outlines the refusal of a number of large Japanese firms, particularly those manufacturing industrial goods, to market their products in Israel. Among others mentioned were Toyota and Nissan, who have long been infamous for their refusal to sell cars in Israel. What Japanese companies are doing is responding to the Arab threat that, if they sell a proscribed product in Israel, they no longer will have a market in the Arab countries.

Many Japanese, and particularly those affiliated with the government, try to deny that Japan is participating in a boycott of Israel. But, Mr. Halloran has gathered what appears to be irrefutable evidence that Japan, while not initiating the boycott, is giving it support and perpetuation by acceding to the Arabs' demand.

The degree to which the Japanese participate in the boycott is perhaps best illustrated by Mr. Halloran's astounding revelation that a Japanese diplomat sits in as an observer on the meetings of the Arab League's committee responsible for the boycott's implementation. This committee meets once or twice a year.

Mr. Halloran describes the committee's responsibilities in the following way:

> The boycott committee sets the regulations for doing business with Arab nations, maintains a list of Japanese and other companies around the world that are trading with Israel, and communicates its findings and instructions to Arab countries.
>
> Although both the regulations and the list are secret, the general Arab principle is that any Japanese company doing business in Israel or helping the Israeli economy, especially in transport or items that might be militarily useful, is subject to the boycott. The emphasis is on industrial goods rather than consumer products.

If large countries of Japan's trading potential did not consent to the trade "regulations" of the Arab countries, they could not succeed. And thus, I would submit that Japan's very economic position in the world places a singular responsibility on its shoulders for recognizing its present contributions to the boycott and doing something about it. Japan can no longer protest to herself or others that she is a small country struggling for world markets with no choice but to submit to Arab pressures.

Japan's strength in world markets has gained rapidly in recent years. We read about the success of her companies' representatives in Latin America, the initiatives she is taking in Africa and Southeast Asia, and of course the great number of exports to our own country.

Part of the reason of Japan's success is the quality and technical sophistication of her products. Just as the Israelis want Japanese products, the Arabs want, and, more important, need them, too. It simply defies the elemental forces of the marketplace and considerations of national self-interest to suggest that Arab countries would cut off all orders from Japanese companies if trade were commenced with Israel. This is another instance in which the Arabs' bark is bigger than its bite. There are many American and European companies that are trading with both Israel and the Arab countries. One such company is Peugeot, the French automobile manufacturer. One sees thousands of Peugeots in both Israel and the Arab countries. Why, then, cannot Toyota and Nissan sell their cars in both Israel and Arab countries?

It is time that the Japanese Government press to break this boycott. No freedom-loving country should tolerate a boycott on another, and certainly none should find itself effectively contributing to a boycott by acceding to its terms.

Some Japanese question why Americans should be concerned with Japan's trade relations with Israel. We must be concerned because we see one of our allies being victimized. Trade is axiomatic to a country's survival and prosperity. No citizen of any country can quietly stand by and ignore the abuse suffered by a country and her people by a trade boycott. In the instance of Israel, there are many people of the Jewish and Christian faiths in this country who have a particular affection and solicitude toward that country. And so they are particularly concerned. But, most important, a boycott of any democratic country by another country is simply an affront to one's sense of justice.

The Japanese may wish they could stay out of the problem of the Middle East. This is an understandable feeling, but surely participating in the boycott of one side is not the way to remain neutral. Furthermore, it may be impossible for a country that has ascended to such a prime position in the world's economic hierarchy to seek realistically such neutrality. Economic power, like any other form of power, is burdened with certain responsibilities.

Finally, Japan must know that participating in a boycott opens a Pandora's box that has its dangers to all, for boycotts breed boycotts.

## INTEREST IN STUDENT CREDIT UNIONS CONTINUES TO GROW

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, recently there has been a marked increase in the use of credit unions as a teaching tool in various school systems around the country.

We already have student-run credit unions at Fort Knox, Ky., Natick, Mass., and Norwalk, Conn. Many school systems are using credit union principles on an informal basis to teach students money management on the operations of a free enterprise system. In Yuma, Ariz., James B. Rolle School, a fifth-grade class has opened its own credit union designed to teach students the principles of money management. Students receive a 4-percent dividend on savings and are charged interest on loans at the rate of 2 cents for each 35 cents borrowed. That rate was established because 35 cents is the price for a lunch in the cafeteria, and most of the loans go to students who have forgotten to bring lunch money.

The student credit union principle has gained such widespread support that an editorial in the April 7 issue of the Phoenix Gazette suggests that the establishment of a student-run credit union is an excellent way for Arizona school systems to meet the required one-semester high school course on the free enterprise system. The editorial suggests that there "may be some skepticism about how helpful it is to start one living a life on credit at a tender age. On the other hand, an early exposure to the ins and outs of personal credit management could mean much in getting a young person off on the right financial foot."

The credit union learning process is not limited to students running their own credit unions. In the Webb Air Force Base Credit Union in Big Spring, Tex., students working through the vocational office education program are hired by the credit union in conjunction with a work study program. Under this program, students receive a minimum of 175 classroom hours and at least 525 hours of supervised on-the-job training. Since the VOE program was established in 1966, Webb Air Force Base Credit Union has employed 13 students. Four students have become full-time employees.

Wade Choate, manager of the credit union, points out that—

> This type of program provides excellent experience and training for the students. It provides on-the-job training plus business education subjects. Those students who do not plan to continue their education have received good experience and training to begin a career in business.

Mr. Speaker, I am including in my remarks a copy of the Youth Report from the April issue of the Credit Union magazine which discusses the Yuma Student Credit Union and the VOE at the Webb Air Force Base Credit Union, as well as a copy of the editorial from the Phoenix Gazette urging Arizona to include a study of credit unions in their course curriculum:

### FREE ENTERPRISE TEACHING AID

At least three eastern high schools have established an extracurricular activity that would seem to have a natural tie-in with Arizona's state-mandated free enterprise course. The activity is a high school credit union—the real thing, not merely a pretend exercise.

The first two such high school credit unions according to Rep. Wright Patman, D-Tex., were set up at Fort Knox, Ky., and Natick, Mass. A third one recently opened in Norwalk, Conn., the first to cover all high schools in the system, not just one.

The Norwalk credit union was organized after the school system's mathematics courses were updated to contain a unit on credit unions. State permission was obtained to allow the United Credit Unions of Norwalk, serving all of the school system's employes, to include all registered high school students in the city.

The United Credit Union is underwriting all expenses of the student credit unions until it becomes self supporting. While supplying management assistance, it will stay in the background, allowing the students to run the credit union themselves. The students have already elected their own board of directors and named their credit and supervisory committees.

Says Patman, "Not only will the credit union enable students to better understand our monetary system and to gain a firsthand look at how financial institutions are operated, but the credit union will also mean that the student can establish a credit rating while he is in school, and after he graduates, he can use that credit rating to good advantage."

There may be some skepticism about how helpful it is to start one living a life on credit at a tender age. On the other hand, an early exposure to the ins and outs of personal credit management could mean much in getting a young person off on the right financial foot.

In any event, such a practical extracurricular activity appears to have good possibilities as a tool to go along with Arizona's required one-semester high school course on the free enterprise system. Participation in a credit union might help the student better understand what the state has directed to be taught in the classroom.

---

[From the Youth Report, April 1973]

### AT YUMA: LUNCH PRICE SETS PRIME RATE

Involving youth in the credit union movement is not new, but interesting ways of doing it continue to originate from resourceful credit unions and their members.

From Yuma, Arizona comes the story of an experiment in credit unions where the prime lending rate was based on the price of school lunches. In Big Spring, Texas, parttime student employees earn school credits at the same time they earn wages.

An innovative teacher at Yuma's James B. Rolle School thought her fifth grade class needed an exercise in money management. Both Dorothy Green, the fifth grade teacher, and school principal Tony Martin, are members of the AEA No. 2 Federal Credit Union. So it was only natural that they turned to credit union manager Harry Moxon as well as local bankers for help.

The result was Credit Union-22, formed late last fall by the pupils in classroom-22 with forms supplied by Moxon.

The experiment involved 35 pupils. Membership was confined to the classroom. Each pupil paid five cents to join. He received a savings book, and a ledger was started for his account.

Credit Union-22 elected a full slate of officers, formed a loan committee, and cashiers rotated daily to extend the experience of receiving and recording money.

Lively business sessions last 15 to 20 minutes each morning, after which cashiers for the day had to balance the books.

"We sometimes tore our hair trying to balance the books, but managed to come out right," Dorothy Green said.

They used an unusual loan rate structure. Students borrowed money at the rate of two cents for each 35 cents owned. How did they arrive at that figure? Simple; it's the price of a school lunch, an essential loan if one has forgotten to bring his lunch money.

"It worked out nice. We have pay as you go lunches, and when students forgot their money, they borrowed through the credit union," Martin said.

It was only meant to be a temporary classroom experiment, so just before Christmas assets were liquidated and Credit Union-22 dissolved. During the exercise, assets had grown to almost $100 and savers received a 4 per cent dividend.

Will they do it again? "When a pilot project is successful, we like to use it again. Our staff is very cooperative in sharing ideas," Martin said.

AEA No. 2 Federal Credit Union is the largest of five credit unions in the Yuma area. It has 3,100 members with assets in excess of $3.25 million.

### IN TEXAS: EARN WHILE YOU LEARN

Another credit union that has shown an active interest in youth-oriented programs is Webb Air Force Base Federal Credit Union of Big Spring, Texas.

Just last June, Webb credit union initiated a Youth Advisory Board, only the second established in the state. But Webb's interest in youth started long before last June.

In 1966, the credit union joined in a Vocational Office Education program offered by Big Spring High School to introduce students to the business world and train them for careers.

It is a program in which students can earn while they learn. They attend school classes mornings and work afternoons.

Wade Choate, Webb general manager, serves as chairman of VOE's advisory board in Big Spring, and it was through him that part-time jobs were made available at the credit union.

Here is how it works. A student must be 16 or older and a senior to enroll. Students are accepted on the basis of training objective, aptitude, interest, physical and mental competency, and of course, according to the needs of business.

For a business to qualify under the VOE program, it must offer jobs in the "office occupation" realm, which includes everything from bookkeepers to library assistants, from typists to timekeepers.

To earn credit in the cooperative training program, students must receive a minimum of 175 classroom hours and at least 525 hours of supervised "on the job" training. This means one school year-length course coordinated with 15 to 20 hours per week on the job. Students are paid three-fourths of minimum wage.

Webb has employed 13 students through the VOE program since 1966. Many of them have stayed on to work full-time. Four students became full-time employees. Three are still with the credit union. They include Martha Hernandez, Polly Wade and Elizabeth Stewart, who was the VOE 1969 National 10-key Adding Machine Champion. Mrs. Hernandez, whose husband is also employed by the credit union, serves as correspondence clerk in the cash department. Miss Wade is a cashier, and Mrs. Stewart, wife of an Air Force captain, serves as membership officer.

At present, Robert Barton, a senior at Big Springs High School, is Webb's only student trainee. He is the first male to be employed through the program. Barton serves as filing clerk and processes outgoing mail.

"Being able to work half a day gives you experience and lets you see how the business world works," Barton said. "VOE is one course that prepares you for the job that best suits you." Barton plans to continue with the credit union in accounting.

Cooperative training-education programs that link business with education are becoming popular throughout the nation.

"This type of program provides excellent experience and training for the students," Wade Choate said. "It provides on the job training plus business education subjects. Those students who do not plan to continue their education have received good experience and training to begin a career in business."

Webb AFB FCU has 14,000 members, more than $14 million in assets, and 30 employees—28 full-time, two part-time.

Although Webb is a large credit union, Bill Brumfield, Webb's advertising and marketing officer, said credit union size shouldn't restrict participation.

"Because of the wage structure, I don't see that size makes that much difference," Brumfield said, adding "it's a two way process: The students learn, and we gain employees who stay with the credit union movement."

---

## CHANGING TIMES RECOMMENDS CREDIT UNION SERVICES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, throughout the year I receive a large number of inquiries from people who wish to start credit unions, but do not know how to go about forming a credit union. I refer letter writers to CUNA International, the worldwide credit union trade association, and the National Credit Union Administration for further information on seeking a charter.

Now an additional excellent source of information has been made available for those seeking a credit union charter or to learn more about credit unions. The May issue of Changing Times magazine carries an excellent article on "Credit Unions: Easier To Join, More Useful, Too." The article outlines in detail the workings of a credit union and includes a do-it-yourself section on how to start a credit union.

I am including a copy of the article in my remarks, so that all Members will have this information available in the event they receive letters from constituents seeking information on joining or organizing a credit union:

### CREDIT UNIONS: EASIER TO JOIN, MORE USEFUL, TOO—SEE THE CHANGES THAT ARE TAKING PLACE; MORE PEOPLE ELIGIBLE, MORE SERVICES OFFERED

Credit unions, the nation's cooperative saving and lending societies, have been adding more than 1,000,000 members a year for nearly a decade. Collectively, they have 25 billion dollars in assets.

Their appeal is reasonable-cost loans, good returns on savings, sympathetic service. But credit unions have certain limitations, too: Not everybody can join one because membership is limited to people with a "common bond," such as employment in the same company. And the services provided have been pretty much limited to accepting savings and making auto loans and relatively small, short-term cash loans.

Now changes are taking place on both fronts. The eligibility rules for joining (or organizing) a credit union are being liberalized. New types of financial services are being added or proposed.

Advocates of these trends say they will give still more impetus to credit-union growth. Critics say they threaten to wipe out the unique features of credit unions that give them their special value. Here's what is happening.

### MORE AND MORE PEOPLE CAN JOIN

The odds are that you are now eligible for at least one of the 23,000 credit unions set up in factories, military posts, offices, churches, associations and communities across the U.S. (Some of the military ones serve personnel no matter where they are based; Navy Federal, for example, the world's largest credit union, serves sailors and marines all over the world.)

If you couldn't find one to join a few years ago, look again.

#### *Charters broadened*

Some credit unions have received an okay from state or federal officials to take in new groups of members. For example, a credit union affected by automation, a company merger or a plant closing might, like Humble Employees Credit Union in Baytown, Tex., be able to extend services to people living in the nearby community. Credit unions serving teachers and college professors have been allowed to accept students. One that served a single church might now be allowed to serve all members of the same denomination in the area. A military credit union might accept civilians.

#### *Catch-all credit unions*

They have liberal definitions of their field of membership.

Central credit unions in about 25 states can, or are seeking changes to let them, serve people who can't get credit union benefits. Generally, centrals extend membership to small employe groups if the employer will allow payroll deductions. A few, such as Wisconsin State Central in Milwaukee, will take anyone who lives in the state.

Consumer co-ops sometimes run credit unions. Once you're a member of the cooperative, it's usually fairly easy to become a member of its credit union. Membership requirements and services vary. Motor City Consumers Co-op in Detroit accepts anyone who pays $2—a $1 membership fee plus $1 entrance charge. A $5 share deposit makes you a credit union member. But to get full benefits from the Co-operative Center Federal Credit Union in California you must be an active member of the Berkeley co-op. If you're not, you can add to your account without restriction, but you can get passbook loans only.

Community credit unions in some places can serve anyone who lives or works in the area. CUNA credit union in Madison, Wis., takes in members from all over the state. Rhode Island has some that can serve anyone who lives or works in the state.

A few credit unions have charters so broad they can serve nearly anyone. Kansas Federal in Wichita counts among its potential members anyone who belongs to the Kansas Consumer United Program. You join KCUP for an annual $2 fee, and a $5 share deposit makes you eligible for all benefits.

### START YOUR OWN?

If you still find yourself out in the cold, but want to belong to a credit union badly enough, maybe you can organize a new one. Any group can as long as they have some common tie and have a certain number of potential members. And recent changes in federal chartering by the National Credit Union Administration make it easier to set them up.

For instance, a new credit union can now take in employes of different stores in a shopping center, workers in different companies in an industrial park or office building, even an airport. Previously, federally chartered credit unions had to restrict membership to employes of only one company.

Also, community credit unions can be set up in places of up to 25,000 or so people; before they were limited to areas with a population of 7,500.

These are rules for federally chartered ones, by the way; rules for chartering by states vary.

Getting a credit union started takes more than desire. Before the NCUA will even consider granting a charter, it wants to know how many potential members you'll have (normally, a minimum of 200 for occupational groups, 300 for associations and 300 families for community credit unions). It will want assurance that you can get adequate numbers of people to serve as volunteer directors and committeemen, that you can get cooperation from sponsoring organizations (and it won't let you set up an association just to create a sponsor), that you can get at least minimal office space, equipment and supplies. Finally, you might not be able to set up a credit union if existing ones can serve the group.

Unofficially but in fact, you'll also need patience. It may take years before a new credit union can offer a full range of services and benefits.

### NEW WAYS TO SAVE AND BORROW

Some credit unions are now offering services people once got only from other lenders and other financial institutions.

An increasing number of state-chartered credit unions can accept deposits other than the usual share payments. (Normally, money you put in goes to buy shares in the organization—see the box on the opposite page.)

Several thousand credit unions (including federals) have set up open-end credit plans that let members float loans to make purchases or pay bills. Under these plans the member signs one application and is approved for a certain line of credit he can use whenever he likes. Finance charges aren't assessed until the credit is used. Frequently with these preapproved loans the member is given some kind of "negotiable order" that can be used like a check or credit card.

A few credit unions offer special extras like group travel or buying clubs that let members get autos at a discount. A few provide in-depth counseling to help bail out members with serious financial woes.

Further changes may be coming. Congress is considering legislation that could greatly affect the way credit unions operate.

One plan would "modernize" the federal credit union act by allowing federally chartered groups to offer new kinds of services, some of which are already being offered by state-chartered credit unions. Provisions would:

Let them broaden their field of membership.

Remove restrictions on loan maturity—now five years for unsecured loans, ten for certain secured loans. This change could allow a credit union to make mortgage loans.

Remove limits on how much can be lent on signature alone. Presently, a large federal credit union can lend up to $2,500 without security; very small ones may be limited to lending as little as $200 on signature.

Permit them to operate deposit accounts other than share accounts, pay dividends more frequently (figure them daily) and vary the amount they pay out, depending on the type of deposit.

Allow operation of trust services (the Texas Credit Union League has already set up a trust company).

Let them purchase conditional sales contracts signed by members at stores.

Permit them to provide a variety of group insurance plans for members.

The other plan would create a central bank for credit unions. Proponents say that in the event of another credit crunch, the central bank would be essential to a credit union's ability to lend money at survival rates by increasing its liquidity and giving it access to funds now outside the credit union movement. In better times the bank could make surplus funds of one credit union available to others.

Someday other changes may come. For instance, perhaps more credit unions may be able to operate checking accounts. A few state-chartered credit unions in Rhode Island already do.

The basic theory that the institutions should serve only a tightly knit group with some common bond may also be seriously challenged. A few leaders, such as James Jukes, managing director of the Kansas Credit Union League, think the common bond concept should be abolished, even if it means paying taxes on credit union income. They pay no federal income tax now. But a presidential commission last year agreed with the American Bankers Association that if credit unions start providing broad financial services to the general public, they should be regulated and taxed like other financial institutions.

A spokesman for Credit Union National Association says people like Jukes are exceptions and that most credit union people want to keep the common bond idea. But the spokesman added, "Maybe people like him are the exceptions that will pull the rest of the movement along with them."

### HOW A CREDIT UNION WORKS

To be eligible to join a credit union, you must share the common bond that defines its field of membership. To join, you make a minimum payment of $5 and usually pay an entrance fee, typically 25 cents.

That first $5 is your share in the credit union and, except in Illinois, gives you as much say in it as anyone else. Additional payments go toward additional shares, but give you no extra voting power. At least once a year members elect directors from the group, who set policy and control operations; with the possible exception of the treasurer, they are unpaid volunteers.

#### *Saving*

All encourage systematic thrift, a habit made easy by the fact that so many credit unions have payroll deduction plans. Dividends are usually based on fully paid up shares (if you have $39 in your account you'd have seven full shares plus $4). Federally chartered groups currently are restricted to paying no more than 6% annually. Some state-chartered groups don't face such limitations. Most credit unions, though, pay between 5% and 5.5%.

#### *Borrowing*

Nearly all credit unions are restricted to charging a maximum of 1% a month on the outstanding balance, an annual percentage rate (APR) of 12%, and the bulk of credit union loans are made at this rate. Many do charge less, especially on secured loans. For instance, a credit union serving teachers in Washington State recently charged 7.5% APR for new-car loans. Both the amount and the length of time a loan can be carried are limited, but limits vary widely.

Some credit unions distribute "profits" to borrowers via interest rebates.

#### *Safety*

All federal credit unions and many state-chartered ones have share insurance of up to $20,000 on each account through the National Credit Union Administration. A few states have their own insurance plans for state-chartered groups.

#### *Extra services*

Many credit unions provide loan protection insurance at no extra cost that will pay off credit debts if the member dies or is permanently disabled. Many credit unions also provide at no extra cost life insurance that matches a member's savings up to certain limits.

### FOR MORE INFORMATION

If you would like to find a credit union to join, write to the Credit Union National Association, P.O. Box 431, Madison, Wis. 53701. CUNA can supply you with a list of state leagues to aid you. The state leagues also have experts to assist you in setting up a credit union, though some discourage creation of new credit unions that will be too small to provide full service. You can also get information on setting up federal credit unions by writing to the Administrator, National Credit Union Administration, Washington, D.C. 20456.

### IT PAYS TO STAY A MEMBER

Most credit unions are allowed to continue serving people who have left the field of membership, no matter where they later live or work. The Fresno Consumers Credit Union in California, set up to serve people in the area, has made loans to members who have moved as far away as Japan.

If you're currently a credit union member, find out what your right will be if you leave. Perhaps a small share account (as little as $5) will let you tap the credit union for a sizable loan even if you live clear across the country. However, some credit unions do limit out-of-area members to certain kinds of loans or certain amounts. Some terminate membership altogether if you move away.

---

## ARTICLE ON "$10 BILLION FOOD SUBSIDY" SHOWS LACK OF UNDERSTANDING OF BASIC FACTS

(Mr. POAGE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. POAGUE. Mr. Speaker, I have just read an article published as an editorial in several newspapers. Evidently it was furnished by some kind of editorial service. It is entitled the "$10 Billion Food Subsidy."

I recognize that there is always serious difference of opinion about economic matters, and I do not want to contend that I have all the economic answers, but this article not only involves questionable economic judgment but shows a complete lack of understanding of the basic facts. Farm subsidies have never amounted to $10 billion or even $5 billion. They have averaged about $3 billion for a number of years and even this last fiscal year when payments were probably higher than they have ever been, they amounted to about $4 billion. Actually most of these statements as to the amount of farm subsidies include the cost of such programs as school lunches, commodities for the poor and the food stamp program which itself will cost approximately $2½ billion this year. Clearly these are not farm subsidies. They are social subsidies intended to assist the poor and they are not paid by consumers as such. Of course, all Government costs are paid by taxpayers and all taxpayers are consumers.

But back to economics, I very strongly feel that whatever subsidy there is, clearly reduces, rather than increases, the cost of food to consumers. Certainly if farmers get part of their return in the form of subsidy, consumers under normal conditions are going to have to pay less, not more. Yet the editorial in question categorically states "that the legislators are the cause of much of it, creating high food prices through the $5 billion in subsidies paid out to farmers, mostly the big farm operators." I cannot conceive any circumstances under which the cost of food to consumers would be greater because of the payment of subsidy to the farmer.

Congressman Findley and Congressman Conte have discovered a political bird nest on the ground. For a good many years they have suggested that we should reduce all farm payments made to any one corporation or individual. I believe that Mr. Findley at one time offered an amendment to put a limit of $5,000 on the payments.

It is perfectly true that when farm prices are high that such a proposal might work without any injury to the economy and the presently pending legislation in both House and Senate contemplates that when farm prices are as high as they are now that there would be no payment at all. It is only when farm prices are low as they have been for at least 18 of the last 20 years that the total of the payments allowed to one producer becomes a matter of any importance. When farm prices are down to 50 or 60 percent parity, as they have been for many years in the recent past, it seems rather clear that we are producing more farm products than either the domestic or export market will take at a fair price. We have, therefore, sought by various means to bring production into the balance with demand, although we have always carefully maintained a cushion of excess production that we might never create a shortage of food and fiber in the United States, and I think the history of the program shows that we have succeeded in this respect.

There has never been a time during our farm program's existence when we have actually faced any lack of needed food as a result of planned shortages. However, to obtain any kind of balance between what is actually produced and what is needed, there must be some program which will either use the stick or the carrot to bring about a degree of supply management. In the early days we used the stick. Acreage allotments and marketing quotas simply forced producers under penalty of law to forgo production. In more recent years we have used the carrot. We have made payments on production to those who voluntarily comply with the farm programs and we have made these payments in proportion to the contribution which each individual producer has made. Thus, we obtained the cooperation of most farm producers, and thus, we avoided the wasteful accumulation of unneeded stocks. However, had we had a limit of $5,000 or $10,000 on the payments that could have been made to any one producer, I think it is clear that a large number of the larger producers would have stayed out of the program. This would have meant that either a great many small producers of necessity would have been required to take a larger cut in production than they did take, or the Government has been required to buy up vast sums of surplus materials, or the program would have been completely ineffective and far more farmers than did would have left the land and moved to the city.

Congressman CONTE represents several overseas shipping firms which draw substantial subsidies from the U.S. Government, both on the construction of their ships and on their operation. He does not, however, favor any limitation on the size of the payments to these American shipping firms. On the contrary, he feels as I do, that these payments should be made in proportion to the number of Americans employed and the investment of the company.

The Readers Digest which receives a subsidy in the form of special postage rates has been very vocal in its criticism of payments to farmers. But the Readers Digest feels, and I think properly, that postal subsidies which are intended to help the people get information, should be on the basis of the amount of information moved through the mail, and not be limited to payments only sufficient to provide for the living expenses of the publisher.

I believe it is important that we maintain our basic concept of free enterprise, and that we extend the same kind of treatment to all of our citizens. Of course, this not to say that we should not provide any assistance to the needy, but assistance to the needy should come in programs clearly recognized as being for that purpose. Surely we cannot expect when trying to stabilize prices and production, that we can pay one producer for cooperation and refuse the same payment for the same cooperation to another.

I do not believe that there are many American housewives who would be willing to go into the grocery store and pay twice as much for a pound of tomatoes grown by a farmer who had but a two acre tract, as they would for a pound of tomatoes grown by a farmer on a 2,000 acre tract.

The basic failing in the Conte-Findley recommendation seems to me to be that of not drawing any distinction between social and economic programs. The farm program must operate as an economic program. By so operating we have given the American consumer the cheapest food in the world. The Russians have operated their farm program as a social program, and they have about the highest cost of food of any of the developed nations.

I am confident that we will all be pleased if the level of farm prices can stabilize at a point high enough to encourage farmers to keep producing without any subsidies at all, and that is exactly what we are attempting to achieve in the pending farm bill.

## GEN. BRUCE C. CLARKE HONORED

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, in 1971 the retired chiefs of the Army Corps of Engineers, along with the incumbent Chief, began what is to be an annual custom recognizing some retired corps officer for his achievements and contributions to the armed services and the Nation. Those who have served as Chief may not receive the award.

The first award went to Gen. Lucius Clay who had served with distinction in Texas. I am happy to say that the 1972 award, the second to be conferred, has been presented to my longtime friend, Gen. Bruce C. Clarke, now retired and living in nearby Arlington, Va.

General Clarke retired after a long and distinguished career, the first part of which was spent in the Engineer Corps. It was my pleasure to be associated with him closely in connection with the planning and construction of the Whitney Dam and Reservoir in Texas. General Clarke then served as commander of Fort Hood on two separate occasions. No man made a more favorable or a more lasting impression in this capacity. In the meantime General Clarke rendered outstanding service on the European battlefields. Since then he has commanded the Continental Army and more recently he has devoted his efforts to instilling patriotism in the American people.

Mr. Speaker, I include a copy of the citation presented to General Clarke, in ceremonies at Fort Belvoir, Va., on this past May 4, in the RECORD. The citation follows:

CITATION FOR THE CHIEFS OF ENGINEERS AWARD FOR OUTSTANDING PUBLIC SERVICE IS GIVEN TO BRUCE C. CLARKE, GENERAL, U.S. ARMY, RETIRED

With highest esteem and grateful appreciation for an inspiring and distinguished career in which he demonstrated superb leadership and selfless service to the Corps, the Army, the Nation, and the free world.

The impacts of his dynamic accomplishments are typified in his direction of surveys and approval of plans which led to the construction of the Whitney Dam, Texas; the brilliant and decisive action at St. Vith, Belgium, which proved to be a turning point for allied forces during the turbulent Battle of the Bulge; the ingenuity and statesmanship exercised in creating essential, amicable German-American relationships; and deep personal interest, pride, and unstinting support of the international movement of the Boy Scouts of America; his dedicated involvement in the affairs of youth and the service life of his numerous commands, and his intense efforts as an ambassador-at-large in fostering the building of a sound and responsive Modern Volunteer Army.

His eminence as a professional soldier, military engineer, public servant, and humanitarian are embodied in numerous testimonials to his unique and profound capacity to lead, to counsel, and to inspire all that come within the sphere of his influence.

RAYMOND A. WHEELER,
EMERSON C. ITSCHNER,
WALTER K. WILSON, JR.,
WILLIAM F. CASSIDY,
FREDERICK J. CLARKE,
*All Lieutenant Generals and Chiefs of the Corps of Engineers, United States Army.*

## OMNIBUS COPYRIGHT REVISION ACT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am today introducing legislation which would completely revise title 17 of the United States Code, the U.S. copyright law. The present statute was enacted in 1909, and has remained virtually unchanged despite the many revolutionary developments in communications during the intervening years.

In 1967, a similar copyright revision bill passed the House of Representatives, but was held up in the Senate Judiciary Committee while various interest groups lobbied for more favorable treatment.

The bill, which I am introducing today, has already been introduced in the other body by the chairman of the Subcommittee on Patents, Trademarks, and Copyrights, Senator JOHN McCLELLAN. Among the sweeping changes embodied in this legislation is a provision defining the term of American copyrights as the life of the author plus 50 years after his death. This clause brings our statute in line with the laws of virtually all other countries. The 1909 statute set a term of 28 years, renewable once, with the result that many authors watched helplessly in their old age as their works passed into the public domain.

The revision also abrogates the confusing distinction between the common-law copyright of unpublished works and the statutory copyright which followed publication. All copyright is now brought under the provisions of the Federal statute.

The new law would retain the requirement of copyright notice, but an inadvertent omission or misplacement of the required notice would not result in loss of the copyright.

The controversial "manufacturing clause" has also been modified. The 1909 statute denies copyright protection to American authors unless their books are published in the United States. The result is that our country has been discriminating against its own citizens, a legal outrage unparalleled in any other statute. Although the revision retains the basic manufacturing requirement, its provisions have been softened. While I personally would have preferred to discard the manufacturing clause entirely, I believe that on this point, and in toto, this bill represents a very workable compromise.

The main reason for the delay in congressional action on this revision has been the knotty problem of how to deal with community antenna television broadcasts, usually referred to as CATV or cable television. Last year the Federal Communications Commission adopted regulatory rules for the cable television industry, and a major stumbling block was thus eliminated. The revision bill provides for a compulsory license formula for the payment of copyright royalties by the CATV industry for programs broadcast by regular television stations and transmitted to CATV subscribers. The cable television industry has fully endorsed these provisions.

One subject of great general interest is that of photocopying. While the revision bill protects an author from unauthorized photocopying of his works, the bill also contains a broad "fair use" provision, which would allow students, teachers, newsmen, and other researchers to make photocopies without incurring any liability.

This revision represents many weeks of drafting and many months of hearings over the past 8 years. It is broad enough, I believe, to cover whatever new forms of communication may be developed within the foreseeable future. It brings our copyright law much closer to that of other countries, and gives greater protection to American authors and artists, both in their own country and abroad.

After all these years of delay, I hope that 1973 will be the year of this omnibus copyright reform. Our writers, composers, and other creative artists have been waiting for this revision for a long time.

---

## FINDING JOBS FOR IDLE STUDENTS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, the problem of jobs for young people this coming summer presents a contrast that the Congress should know about and do something about. On one hand, young college graduates are finding more and better opportunities for good jobs this year than anytime since the 1960's. And on the other hand, young high school students who need to work so they can earn the money that will help them return to school in September are running up against a blank wall.

Mr. Speaker, that blank wall has been put up by the administration's wrongheaded decision on funding the Neighborhood Youth Corps, and the Congress must find the wisdom and judgment to tear it down. I spoke on this several days ago, and I am commenting now because several publications are paying a considerable amount of attention to the matter.

The Louisville Courier-Journal of May 25 pointed out, in an editorial, that—

> It makes little sense to talk about the work ethic and to chide the unemployed for lack of initiative and at the same time turn away needy youngsters who are eager to work.

I shall insert the editorial in the RECORD following my remarks.

The May 28 issue of Newsweek has an interesting article on the job contrast between graduates and youths who need summer jobs so they can reregister in September. I will also insert it in the RECORD.

But I would also like to point out that unless we fund the Neighborhood Youth Corps, we will be encouraging a generation of dropouts, and not a generation of college graduates who can go on to the good jobs discussed in this article.

The material follows:

[From the Louisville Courier-Journal, May 25, 1973]

### FINDING JOBS FOR IDLE STUDENTS

The weather is getting warmer, the days are stretching out and one by one the schools are closing. But for many young people the start of summer is the beginning of a long spell of unwilling idleness, instead of the jobs they had hoped would bring in extra, and sometimes essential, money. This year, with an estimated 30,000 students looking for summer jobs in the Louisville area alone, the problem is so grave, in fact, that local and state governments should be digging now into their revenue-sharing coffers to create useful employment for at least the thousands of disadvantaged youngsters who need work and should have it.

As part of the Nixon philosophy of decentralizing government, many federal programs are being phased out through withholding of funds voted by Congress. Among them is the Neighborhood Youth Corps, which last year had $6.3 million to provide summer jobs for 1,500 low-income youths in the Louisville area and another 13,600 elsewhere in Kentucky. This year, with a budget about one-fifth as big, the program is expected to benefit only about 4,000 disadvantaged youngsters in the state.

The problem is national, of course. As Kentucky's Representative Carl Perkins observed in a House speech this week in which he attacked the Nixon administration's impoundment of $239 million in Youth Corps funds, New York City offered 54,800 jobs last summer but only 18,000 this year, and Detroit is down from 18,000 to 563.

The administration proposes that the summer jobs be financed from Emergency Employment Act money, $300 million appropriated to train poverty-level adults and veterans for unsubsidized jobs. But as Mr. Perkins observes, this is simply a proposal to "take mothers and fathers off the payroll and put on their children," and therefore will be resisted by many cities. Furthermore, the proposal is simply one more indication of the administration's blindness in the whole area of social welfare.

Given the impasse in Washington, however, the buck has been passed back to the cities and states. And it's important that they reestablish in the budgets they're now drafting, for at least some of the disadvantaged young people who will otherwise go jobless this summer.

Past experience has shown that a combination of a long, hot summer and large numbers of frustrated and bored young people invites trouble. But beyond the question of getting through the next few months without uproar, it makes little sense to talk about the work ethic and to chide the unemployed for lack of initiative and at the same time turn away needy youngsters who are eager to work.

---

[From Newsweek, May 28, 1973]

### JOBS: THE SUMMER AND BEYOND

As the nation's high schools and colleges recess for the summer, young jobseekers find the market a study in contradictions typified by Gary Ashley and Larry Johnson. For graduates starting their careers, the situation is the best since the boom late 1960s. Ashley, 23, who received an engineering degree last week from the University of Wisconsin, had four job offers. "I got the job I wanted. I'm satisfied," he says. But for those who want only summer work, the situation is the worst in years. Federal budget cuts eliminated the job that Johnson, a 16-year-old black from Chicago's South Side, held for the last three summers, and he says: "I'll take anything I can get this time around."

Men who earn bachelor's degrees this year are getting 46 per cent more job offers than last year's graduates, estimates the College Placement Council, a private research group. Most salaries, however, are only slightly higher. Dr. Frank Endicott, the former placement director at Northwestern University, estimates that the average starting salary for liberal-arts majors who graduate this summer is $8,700 vs. $8,328 last year.

Blacks, women and graduates with certain technical skills have an edge in the job market, according to college placement directors. Engineering and accounting offer the best job opportunities, but liberal-arts and education majors are in little demand. Massachusetts Institute of Technology placement director Robert Weatherall notes that West Coast engineering firms have started advertising in Eastern newspapers and are actively recruiting across the country. "The situation is good even for [engineering] undergraduates just seeking summer employment," says Weatherall. "Companies want to contact those who will be available in a year or so."

In the summer-job market, there are good opportunities for youths with typing or other office skills, but the outlook is bleak for the vast majority of unskilled young people. Joblessness among youths is already a staggering 15.4 per cent of the labor force vs. the 5 per cent over-all rate. Ghetto and poverty-line youngsters have been counting on the Federal Neighborhood Youth Corps (NYC), the largest single source of youth employment, which funded 700,000 jobs last summer. But the NYC's summer-job program has been put out of business by President Nixon's decision to impound the $230 million that Congress appropriated for it and so far no significant amount of government money has turned up to fill the gap.

As an alternate to the NYC, Mr. Nixon proposes to make $424 million in Federal funds available to the states to use for summer jobs if they wish. But the bulk of the money comes out of appropriations for the Emergency Employment Assistance Act, which provides year-round public-service employment, mostly for adults. Thus, as Republican Sen. Jacob Javits of New York puts it: "Cities [and states] are left with the Hobson's choice of firing the father in order to hire the son."

Down: Without NYC funds, city officials predict that the number of jobs they can offer youths will be sharply reduced (table) and they are worried about the possibility of increased street crime and disturbances this summer. In Atlanta, for example, there will be just 7,500 jobs in government and private industry that are open to the poor this summer vs. 10,000 last year. "We're talking about another 2,500 kids who have nothing to do but stand around on corners," says Percy Harlen, a mayoral aide. "A 2,500-youth population is an available resource for anything."

There are other youth-job programs financed with Federal and municipal funds, but these are modest in scale compared with the NYC program. They include Renta-Kid of Cambridge, Mass., a locally financed program that finds odd jobs such as car washing for 14- to 16-year olds. Under Just A Start, a federally funded program, 10 youngsters in Cambridge are being hired to rehabilitate substandard housing in their own community. And in San Francisco, a neighborhood center is organizing youngsters to run a recycling center.

Unfortunately, business doesn't seem able to compensate for the decline in government-sponsored jobs. The National Alliance of Businessmen is staying with last year's goal of 175,000 jobs for disadvantaged youth. In Chicago, the Mayor's Committee on Summer Employment for Youth, a panel of top corporate executives, has yet to appoint this year's chairman, let alone find jobs. And in Los Angeles, the Watts Labor Community Action Committee is having trouble finding private money to replace the Federal funds that it expects to lose this year. "No one is particularly committed to giving now," says a WLCAC spokesman.

Why: Commitment aside, there are other reasons why the summer-job out-look is dim. Many lucrative job opportunities are in auto plants and other factories that have moved to suburbia, and inner-city youth don't have transportation to get there. Dr. Charles L. Lapp, a placement counselor at Washington University in St. Louis, cites other trends: the cost of paper work is up, making short-term hiring prohibitively expensive; there are fewer unskilled jobs; labor unions are more restrictive in allowing students to do certain jobs; and manufacturers are spreading their production more evenly over the entire year, rather than letting it peak during the summer. Contrary to one fairly prevalent belief, the minimum wage does not seem to be an important factor in cutting down jobs for the young worker.

With the outlook so dim, young people are competing vigorously for whatever jobs are available. Fully 10,000 youths applied for New York Telephone's 1,500 summer openings; at Carowinds, an amusement park on the North-South Carolina line, ten youngsters applied for every host or hostess job. Others are picking up money by gardening and performing other chores or by peddling in streets. In Atlanta, black children under 16 stand at street corners and expressway exits, selling roses for $1.50 a dozen (on which they earn 20 cents). And in Cambridge, Alice Howard, a black, 16-year-old high-school sophomore, is still looking for work. Alice worked part-time last summer at a school, but that job isn't available this year and, she says, "I need the money to help at home." She has been checking Renta-Kid listings regularly. "If I can work cleaning houses, I'll do that," she says. "But if I get nothing, I'll just baby-sit."

*The job crunch—Government-funded jobs for youth this summer will be off sharply from 1972*

| | Number of jobs | |
|---|---|---|
| | *1972* | *1973** |
| Atlanta | 6,089 | 2,765 |
| Boston | 5,800 | 1,300 |
| Chicago | 33,200 | 15,300 |
| Houston | 4,000 | 716 |
| Los Angeles County | 25,000 | 12,000 |
| New York City | 50,000 | 16,666 |
| St. Louis | 8,926 | 3,900 |
| San Francisco | 5,722 | 750 |

* Estimated.

## MEDICAL CARE

(Mr. WALSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALSH. Mr. Speaker, medical care for patients is many things. It is a doctor, a nurse, medicines, a hospital—many things. But the psychological well-being of a patient is equally important to his or her recovery. All of the medical genius in the world will not make a patient fully recover unless the patient is ready and willing to do so.

I am today introducing legislation which will do several things. It will clarify a potential inequity in present law. It will allay the fears of many patients at extended care facilities. It will help people get well.

Let me begin with an actual case history. An aged patient was hospitalized on November 15. It became apparent after 2 weeks that his recuperation would be of some duration. He became eligible for medicare benefits in an extended care facility because of his age and income.

He was transferred to such a facility on December 1. By December 20, the attending physician felt that the medical condition of the patient would be greatly improved by allowing him to spend a few hours or days with his family during the holiday period.

As the medicare law is now interpreted, if the patient leaves the facility for even a short period of time, he is not receiving "daily"—formerly "continuous"—medical care. He might therefore be excluded from receiving benefits. Each case is judged on an individual basis. There is much room for error in judgment and much room for individual lack of compassion or objectivity. The patient can live in morbid fear of losing his funds.

The present regulation discourages home visits and conditional releases and is often not medically in the best interests of the patient. Present interpretation of the regulations can increase the cost of the medicare program for it results in delayed recovery in many cases.

The regulations presently make it necessary for the doctor to certify initially that the patient is in need of extended care. Following this, there are periodic instances when this certification must be updated.

Mr. Speaker, I feel that doctors make this evaluation every time they see the patient. They alone know what is best. Therefore, my legislation allows them to make the decision on their patient, and in doing so they simply recertify that the individual still needs extended care, but that the trip home would be medically in the best interest of the patient.

It eliminates the problem created by the present law, an interpretation of which could be that since the patient can go home he does not need the services of the extended care facility or the medicare program to provide them.

It makes the doctor responsible. If the doctor thinks it is in the medical best interest of the patient; if adequate arrangements can be made at home for necessary care and services; and if the absence is not inconsistent with his need for the care specified, then nothing in the Social Security Act shall be construed as implying that an absence from the facility be treated as terminating or otherwise affecting his right or the right of such facility to payments under medicare for posthospital extended care services.

Mr. Speaker, this legislation I am introducing today is only fair and equitable and can do much to correct a potential problem area and put many minds to rest. In addition, it can help speed the recovery of many patients by allowing their doctors to recommend a day or two at home without any fear of losing benefits to which the patient is entitled. I urge speedy enactment of this proposal.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. BOGGS (at the request of Mr. O'NEILL), for today through Friday, June 1, on account of official business.

Mr. O'NEILL, Mr. RANDALL and Mr. KASTENMEIER (at the request of Mr. McFALL), for this week, on account of official business.

Mr. COHEN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. BURKE of Florida (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. HUNT (at the request of Mr. GERALD R. FORD), for the week of May 29, on account of official business.

Mr. STEELMAN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. POWELL of Ohio (at the request of Mr. GERALD R. FORD), for week of May 29, on account of official business.

Mr. CRONIN (at the request of Mr. GERALD R. FORD), for week of May 29, on account of official business.

Mr. YOUNG of Florida (at the request of Mr. GERALD R. FORD), for week of May 29, on account of official business.

Mr. MURPHY of New York (at the request of Mr. McFall), for today through June 4, on account of official business.

Mr. Carey of New York (at the request of Mr. McFall), for today, on account of illness in family.

Mr. Winn (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gude, for 60 minutes, on Wednesday, June 6, and to revise and extend his remarks and include extraneous matter, to eulogize the late Honorable William O. Mills of Maryland.

(The following Members (at the request of Mr. Huber), to revise and extend their remarks, and to include extraneous matter:)

Mr. Treen, on May 30, for 5 minutes.
Mr. Ketchum, on June 5, for 1 hour.
Mr. Kemp, today, for 15 minutes.
Mr. Froehlich, today, for 5 minutes.
Mr. Landgrebe, on May 30, for 1 hour.
Mr. Don H. Clausen, today, for 5 minutes.

The following Members (at the request of Mr. Mezvinsky), to revise and extend their remarks, and to include extraneous matter:)

Mr. Flood, today, for 15 minutes.
Mr. Gonzalez, today, for 5 minutes.
Mr. Carey of New York, today, for 5 minutes.
Mr. Rosenthal, today, for 5 minutes.
Ms. Abzug, today, for 10 minutes.
Mr. Harrington, today, for 5 minutes.
Mr. Brinkley, today, for 15 minutes.
Mr. Burke of Massachusetts, today, for 10 minutes.
Mr. Rodino, today, for 5 minutes.
Mr. Murphy of New York, today, for 5 minutes.
Mr. Reuss, today, for 5 minutes.
Mr. Wolff, today, for 10 minutes.
Mr. Carey of New York, on May 30, for 30 minutes.
Mr. Gaydos, on May 30, for 60 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Huber) and to include extraneous material:)

Mr. Hanrahan in seven instances.
Mr. Wyatt.
Mr. Ashbrook in three instances.
Mr. Gross.
Mr. Huber.
Mr. Quie.
Mr. Derwinski in two instances.
Mr. Goldwater.
Mr. Armstrong.
Mr. Anderson of Illinois in two instances.
Mr. Wyman in two instances.
Mr. Walsh.
Mrs. Holt.
Mr. Zwach.
Mr. Veysey.
Mr. Treen in two instances.
Mr. Chamberlain in two instances.
Mr. Steiger of Wisconsin.
Mr. Kemp.
Mr. Froehlich.
Mr. Horton.
Mr. Sandman.
Mr. Hogan in two instances.
Mr. Maraziti.
Mr. Steele in five instances.
Mr. Davis of Wisconsin.
Mr. Taylor of Missouri.
Mr. Robison of New York.

(The following members (at the request of Mr. Mezvinsky) and to include extraneous material:)

Mr. Davis of Georgia in five instances.
Mr. Drinan in four instances.
Mr. Carney of Ohio in four instances.
Mr. Edwards of California in two instances.
Mr. Brown of California.
Mrs. Mink.
Mr. Waldie.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Chappell.
Mr. Riegle.
Mr. Hébert in two instances.
Mr. Harrington in two instances.
Mr. de Lugo.
Mr. Wolff.
Mr. Koch.
Mr. Dominick V. Daniels in five instances.
Mr. Ginn.
Mr. Preyer.
Mr. Vanik in two instances.

## ADJOURNMENT

Mr. MEZVINSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 30, 1973 at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

960. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the legislative branch for fiscal year 1973 (H. Doc. No. 93–105); to the Committee on Appropriations and ordered to be printed.

961. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1973 for certain international financial institutions and for the preparation of sites at the International Center, Washington, D.C. (H. Doc. No. 93–106); to the Committee on Appropriations and ordered to be printed.

962. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

963. A letter from the Secretary of Transportation, transmitting a report on the additional cost of providing mobility for the elderly and handicapped on the Washington Metropolitan Rail Rapid Transit System, pursuant to section 102 of Public Law 92–349; to the Committee on the District of Columbia.

964. A letter from the Acting Assistant Secretary of State for Congressional Relations; transmitting notice of the intention of the Department of State to approve a coproduction project for the manufacture of certain tactical radios in Korea, pursuant to section 42(b) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

965. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Pond-Poso Improvement District of Wasco, Calif., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

966. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of accommodations, facilities, and services for the public within Grand Teton National Park, Wyo., for the 30-year term ending December 31, 2002, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

967. A letter from the Chairman, Federal Power Commission, transmitting the Commission's annual report for fiscal year 1972; to the Committee on Interstate and Foreign Commerce.

968. A letter from the Chairman, Federal Power Commission, transmitting copies of a publication and a map entitled, respectively, "Steam-Electric Plant Air and Water Quality Control Data, Form No. 67, December 31, 1969," and "Major Natural Gas Pipelines, December 31, 1972"; to the Committee on Interstate and Foreign Commerce.

969. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the shrimp fishing agreement with Brazil; to the Committee on Merchant Marine and Fisheries.

970. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 27, 1973, submitting a report, together with accompanying papers and illustrations, on Matanuska and Little Susitna Rivers, Alaska, requested by resolutions of the Committee on Public Works, House of Representatives, adopted June 13, 1956, and August 31, 1960. It is also in response to items in the Flood Control Acts of 1948 and 1950; to the Committee on Public Works.

971. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed use of certain "Research and development" funds appropriated to NASA for fiscal year 1973, to provide additional air storage and pumping capacity to a high pressure air supply system at the Ames Research Center, Moffett Field, Calif., pursuant to section 3 of the NASA Authorization Act, 1973 (86 Stat. 160); to the Committee on Science and Astronautics.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 7670. A bill to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce (Rept. No. 93–234). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 7935. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes (Rept. No. 93-232). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 2303. A bill to continue mandatory price support for tung nuts only through the 1976 crop (Rept. No. 93-233). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 110. Concurrent resolution providing for the printing, as a House document, of the eulogies and encomiums of the late President of the United States, Harry S Truman; (Rept. No. 93-229). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 132. Concurrent resolution providing for the printing as a House document of a revised edition of "the Capitol"; with amendment (Rept. No. 93-230). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 200. Concurrent resolution providing for the printing of the compilation of the social security laws; with amendment (Rept. No. 93-231). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 7935. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; (Rept. No. 93-232). Referred to the Committee on Education and Labor.

Mr. POAGE: Committee on Agriculture. H.R. 2303. A bill to continue mandatory price support for tung nuts only through the 1976 crop. (Rept. No. 93-233). Referred to the Committee on Agriculture.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 7670. A bill to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce; (Rept. No. 93-234). Referred to the Committee on Merchant Marine and Fisheries.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG (for herself, Mr. Bell, Mr. Corman, Mr. Gibbons, Mr. Harrington, Ms. Holtzman, Mr. Lent, Mr. McCloskey, Mr. Moss, Mr. O'Hara, Mr. Podell, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Studds, and Mr. Tiernan):

H.R. 8163. A bill to prohibit discrimination on the basis of sex or marital status in the granting of credit; to the Committee on Banking and Currency.

By Mr. ARMSTRONG:

H.R. 8164. A bill to designate the Eagles Nest Wilderness, within the Arapaho and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. BARRETT:

H.R. 8165. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. BLATNIK:

H.R. 8166. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. BREAUX:

H.R. 8167. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. CHAPPELL:

H.R. 8168. A bill to amend title XVIII of the Social Security Act to provide for the administrative and judicial review of claims (involving the amount of benefits payable) which arise under the supplementary medical insurance program; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 8169. A bill to amend the Community Mental Health Centers Act to extend for one fiscal year the programs of assistance under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 8170. A bill for the establishment of a council on energy policy; to the Committee on Interstate and Foreign Commerce.

H.R. 8171. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. du PONT (for himself, Mr. Bevill, Mr. Bingham, Mr. Brown of California, Mr. Buchanan, Mr. Cleveland, Mr. Conyers, Mr. Coughlin, Mr. Dellenback, Mr. Esch, Mr. Fisher, Mr. Frenzel, Mr. Harrington, Mr. Horton, Mr. Leggett, Mr. McCloskey, Mr. McCormack, Mr. Mallary, Mr. Mazzoli, Mr. Nix, Mr. Podell, Mr. Seiberling, Mr. Stark, and Mr. Whitehurst):

H.R. 8172. A bill to promote public health and welfare by expanding and improving the family planning services and population sciences research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 8173. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD:

H.R. 8174. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide that where a State uses a uniform system for equalizing valuation for purposes of local taxes on real property, such State may provide that, for purposes of determining the general tax effort factors of units of local government, special weight is to be given to the respective rates of real property taxation applied by such units; to the Committee on Ways and Means.

By Mr. FROEHLICH (for himself, Mr. Aspin, Mr. Blatnik, Mr. Davis of South Carolina, Mr. Eilberg, Mr. Gilman, Mr. Hutchinson, Mr. Ketchum, Mr. McEwen, Mr. Moakley, Mr. Rose, and Mr. Steiger of Wisconsin):

H.R. 8175. A bill to amend title 14 of the United States Code in order to require prior congressional approval of any action by the Commandant of the Coast Guard to change the location of, consolidate, or discontinue any Coast Guard shore establishment; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRASSO:

H.R. 8176. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Burton, Mr. Conyers, Mr. Dellums, Mr. Eilberg, Mr. Fauntroy, Mr. Fraser, Mr. Gude, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Leggett, Mr. Long of Maryland, Mr. Mazzoli, and Mr. Meeds):

H.R. 8177. A bill to amend the Foreign Assistance Act of 1961 to require congressional authorization for the involvement of American Forces in further hostilities in Indochina, and for extending assistance to North Vietnam; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. Metcalfe, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Podell, Mr. Rees, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Stark, Mr. Stokes, Mr. Symington, Mr. Vanik, Mr. Waldie, Mr. Won Pat, and Mr. Yatron):

H.R. 8178. A bill to amend the Foreign Assistance Act of 1961 to require congressional authorization for the involvement of American Forces in further hostilities in Indochina, and for extending assistance to North Vietnam; to the Committee on Foreign Affairs.

By Mr. LENT:

H.R. 8179. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY (for himself, Mr. Coughlin, Mr. Hanna, and Mr. Riegle):

H.R. 8180. A bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. MARAZITI:

H.R. 8181. A bill to amend the Federal Aviation Act of 1958 to provide effective program to prevent aircraft piracy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MELCHER:

H.R. 8182. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. PERKINS:

H.R. 8183. A bill to amend title XI of the Social Security Act with respect to the categories of individuals to be considered in applying limitations on funds for certain social services; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 8184. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to permit the continuation of family fares; to authorize reduced-rate transportation for handicapped persons and their attendants; and to authorize reduced-rate transportation for elderly people and young people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 8185. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PODELL:

H.R. 8186. A bill for the general revision of the copyright law, title 17 of the United States Code, and for other purposes; to the Committee on Judiciary.

By Mr. RHODES:

H.R. 8187. A bill to amend section 2031 (b)(1) of title 10, United States Code, to remove the requirement that a junior reserve officer training corps unit at any institution must have a minimum number of physically fit male students; to the Committee on Armed Services.

By Mr. ROBINSON of Virginia (for himself, Mr. Mitchell of New York, and Mr. Lott):

H.R. 8188. A bill to improve and implement procedures for fiscal controls in the

U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. ROONEY of Pennsylvania:

H.R. 8189. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 8190. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. SEIBERLING (for himself and Mr. LEHMAN):

H.R. 8191. A bill to reduce the social security taxes to the 1972 rates and to provide a further reduction in such taxes for limited income individuals; to the Committee on Ways and Means.

By Mr. STEED:

H.R. 8192. A bill to amend Public Law 90-503 (82 Stat. 853) to authorize construction, operation, and maintenance of facilities to deliver water to the city of Frederick, Okla., from the Mountain Park reclamation project; to the Committee on Interior and Insular Affairs.

By Mrs. SULLIVAN (for herself, Mr. CLARK, Mr. DINGELL, Mr. DOWNING, Mr. MURPHY of New York, Mr. JONES of North Carolina, Mr. LEGGETT, Mr. ANDERSON of California, Mr. KYROS, Mr. BREAUX, Mr. ROONEY of Pennsylvania, Mr. SARBANES, Mr. GINN, Mr. STUDDS, Mr. LONG of Louisiana, Mr. HANNA, Mr. FOLEY, Mr. GROVER, Mr. MAILLIARD, Mr. LOTT, Mr. PRITCHARD, Mr. YOUNG of Alaska, and Mr. RONCALLO of New York):

H.R. 8193. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. VANDER JAGT (for himself, Mr. RAILSBACK, Mr. ESCH, Mr. O'HARA, Mr. METCALFE, Mr. HEINZ, Mr. SARASIN, Mr. MOLLOHAN, and Mr. DAVIS of Georgia):

H.R. 8194. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALSH:

H.R. 8195. A bill to amend title XVIII of the Social Security Act to provide that where an individual is an inpatient of a skilled nursing facility, his absence from such facility for a short period with the approval of his physician shall not (in and of itself) be considered as indicating a lack of need for the services being furnished him or as terminating his right to have payments made under the medicare program for such services; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 8196. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

H.R. 8197. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces; to the Committee on Armed Services.

By Mr. WOLFF:

H.R. 8198. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 8199. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections, and for other purposes; to the Committee on Agriculture.

By Mr. BAFALIS (for himself, Mr. YOUNG of Florida, Mr. BURKE of Florida, Mr. FASCELL, Mr. FREY, Mr. LEHMAN, Mr. ABDNOR, Mr. ANDERSON of California, Mr. BAKER, Mr. CLEVELAND, Mr. COCHRAN, Mr. CRONIN, Mr. GROVER, Mr. HANRAHAN, Mr. KETCHUM, Mr. RINALDO, Mr. SAYLOR, Mr. SHUSTER, Mr. SNYDER, Mr. STUDDS, and Mr. WALSH:

H.R. 8200. A bill to deauthorize permanently the recently halted Cross-Florida Barge Canal; to the Committee on Public Works.

By Mr. FAUNTROY (for himself, Mr. ASPIN, Mr. DIGGS, Mr. HARRINGTON, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. REES, Mr. REUSS, Mr. ROSENTHAL, Mrs. SCHROEDER, Mr. STARK, Mr. TIERNAN, and Mr. WON PAT):

H.R. 8201. A bill to repeal the provisions of law which prohibit the transfer of certain lands located in the District of Columbia; to the Committee on Armed Services.

By Mr. FRASER (for himself, Mr. DIGGS, Mr. BERGLAND, Mr. BURTON, and Mr. WALDIE):

H.R. 8202. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. KEATING (for himself, Mr. BREAUX, Mr. FORSYTHE, Mr. CLANCY, Mr. PEPPER, Mr. WALSH, Mr. SARASIN, Mr. BINGHAM, Mr. ST GERMAIN, Mr. LENT, Mr. MELCHER, Mr. YATRON, Mr. SHOUP, Mr. MAYNE, Mr. DIGGS, Mr. MEEDS, Mr. HAWKINS, Mr. LEHMAN, Mr. MADIGAN, Mr. BURGENER, Mr. YOUNG of Alaska, Mr. GUYER, Mrs. CHISHOLM, Mr. BURKE of Massachusetts, and Mr. WYMAN):

H.R. 8203. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING (for himself, Mr. MINISH, Mr. MITCHELL of Maryland, Mr. TIERNAN, Mr. DENHOLM, Mr. ADDABBO, Mr. STARK, Mr. BUCHANAN, Mr. WALDIE, Mr. ANDERSON of California, Mr. CEDERBERG, Mr. PREYER, Mr. COHEN, Mr. SYMMS, Mr. COUGHLIN, Mr. BROWN of California, Mr. RIEGLE, Mr. BUTLER, and Mr. BLACKBURN):

H.R. 8204. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. MELCHER:

H.R. 8205. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. O'HARA:

H.R. 8206. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. RARICK (for himself, Mr. WON PAT, Mr. WHITEHURST, Mr. MELCHER, Mr. JONES of North Carolina, Mr. HUNT, Mr. DAN DANIEL, Mr. ROE, Mr. DENHOLM, Mr. ZWACH, Mr. CLEVELAND, Mr. SHOUP, Mr. FROEHLICH, Mr. GUNTER, and Mr. SYMMS):

H.R. 8207. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to prohibit the importation of agricultural commodities when pesticides are used in connection with such commodities in a manner which is prohibited in the United States by any Federal law; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 8208. A bill to provide for the continued operation of the Public Health Service hospitals; to the Committee on Interstate and Foreign Commerce.

H.R. 8209. A bill changing the name of Bloomington Lake, Md., and W. Va., to Shaw Lake; to the Committee on Public Works.

By Mr. WILLIAMS:

H.R. 8210. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H.J. Res. 579. Joint resolution to end the bombing in Cambodia and Laos; to the Committee on Foreign Affairs.

By Mr. EVANS of Colorado (for himself, Mr. BREAUX, Mr. BRECKINRIDGE, Mr. CULVER, Mr. DENHOLM, Mr. FOLEY, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. OBEY, Mr. PODELL, Mr. ROE, Mr. ROY, Mr. SCHERLE, Mr. STEIGER of Wisconsin, Mr. THONE, and Mr. WON PAT):

H.J. Res. 580. Joint resolution relating to the taking of the 1974 Census of Agriculture; to the Committee on Post Office and Civil Service.

By Mr. FASCELL:

H.J. Res. 581. Joint resolution providing for the orderly review of fee-paid oil import licenses; to the Committee on Ways and Means.

By Mrs. GRASSO (for herself, Mr. MCCORMACK, Mr. STOKES, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. BURTON, and Mr. GUNTER):

H. Con. Res. 226. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H. Con. Res. 227. Concurrent resolution expressing the sense of the Congress with respect to an immediate reduction in the number of U.S. ground forces committed to the defense of central Europe and the development of an appropriate payments mechanism designed to eliminate the balance-of-payments deficit of any member nation of the North Atlantic Treaty Organization (NATO) attributable to NATO defense costs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself and Mr. MCKINNEY):

H. Con. Res. 228. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. BURTON:

H. Res. 414. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

224. By the SPEAKER: A memorial of the Senate of the Commonwealth of Puerto Rico, relative to the rural environmental assistance program; to the Committee on Agriculture.

225. Also, memorial of the Legislature of the State of Florida, relative to the achievement of peace in Vietnam; to the Committee on Foreign Affairs.

226. Also, memorial of the Legislature of the State of Oklahoma, relative to weather modification research; to the Committee on Interior and Insular Affairs.

227. Also, memorial of the Legislature of the State of Oklahoma, relative to legislation providing that no retirement or social security benefits shall be subject to offset withholding, garnishment and attachment by the Federal Government; to the Committee on the Judiciary.

228. Also, memorial of the Legislature of the State of Oklahoma, relative to changing the name of the Robert S. Kerr Lock and Dam and Reservoir to the Robert S. Kerr Harbor; to the Committee on Public Works.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 8211. A bill for the relief of Lenny Y. Alikpala; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 8212. A bill for the relief of Joseph P. Gerardi; to the Committee on the Judiciary.

### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

223. By the SPEAKER: Petition of the Palau District Legislature, Western Caroline Islands, Trust Territory of the Pacific Islands, relative to the construction of the Koror-Babelthaup Bridge; to the Committee on Interior and Insular Affairs.

224. Also, petition of Edward Vieira, Jacksonville, Fla., relative to the U.S. Secret Service; to the Committee on the Judiciary.

225. Also, petition of Boyd Gibson and 165 other members of the Fraternal Order of Police, Charlotte-Mecklenburg Lodge #9, Charlotte, N.C., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

226. Also, petition of Clarence W. Walker, Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

227. Also, petition of Richard W. Bowman, Graterford, Pa., relative to redress of grievances; to the Committee on the Judiciary.

228. Also, petition of the Council of Maui County, Hawaii, relative to the financing of ferry operations; to the Committee on Public Works.

229. Also, petition of the Council of Maui County, Hawaii, relative to financial and other assistance for the Hawaiian pineapple industry; to the Committee on Ways and Means.

230. Also, petition of the Council of Maui County, Hawaii, relative to the rates of duty on imported pineapple and pineapple products; to the Committee on Ways and Means.

---

# SENATE—*Tuesday, May 29, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Lord of all history, in whom we live and move and have our being, turn our minds from doubt and despair to confidence and hope in Thy providential care and guidance. Keep alive our faith in the invincibility of goodness and in the truth of the moral law. Help us to do our duty in this place with a sense of great expectation in the ultimate triumph of righteousness, to be prepared for every breakthrough and surprise of history, and to be ready for every open door which advances Thy kingdom. Grant us Thine enabling spirit and grace sufficient for our times.

In Thy holy name, we pray. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 29, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. CLARK thereupon took the chair as Acting President pro tempore.

### MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 23, 1973, the Secretary of the Senate, on May 24, 1973, and May 25, 1973, received messages in writing from the President of the United States, submitting sundry nominations, which were referred to the appropriate committees.

(The nominations are printed at the end of the Senate proceedings of today.)

### THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 23, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 24, 1973, the President had approved and signed the act (S. 721) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes.

### REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

*To the Congress of the United States:*

As required by Public Law 90–448, I am transmitting herewith the Fourth Annual Report of the independent National Corporation for Housing Partnerships and the National Housing Partnership. It covers the period of January 1, 1972—December 31, 1972.

RICHARD NIXON.

THE WHITE HOUSE, *May 29, 1973.*

### REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

*To the Congress of the United States:*

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1972.

During the period covered, railroad retirement and survivor benefits were paid to more than one million beneficiaries and totaled $2.1 billion; railroad unemployment and sickness insurance benefits totaling over $120 million were paid to over 360,000 claimants.

This document is of added interest now that the Congress has instructed railroad management and labor, and retirees, through negotiations, to recommend a plan that would protect the financial position of the railroad retirement system. Such a plan must take into consideration the report of the Commission on Railroad Retirement, a synopsis of which is included in this annual report.

RICHARD NIXON.

THE WHITE HOUSE, *May 29, 1973.*

### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. CLARK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. WILLIAM O. MILLS, late a Representative from the State of Maryland, and transmitted the resolutions of the House thereon.

The message announced that the House had passed a bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, was read twice by its title and referred to the Committee on Aeronautical and Space Sciences.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from Michigan (Mr. GRIFFIN) is now recognized for not to exceed 15 minutes.

Mr. BEALL. Mr. President, I ask unanimous consent that the time allotted to the distinguished assistant Republican leader be reserved, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. BEALL. On my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute, by unanimous consent, from time allotted to me under the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## NOMINATION OF WILLIAM M. SPRINGER

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask that the President be notified of the confirmation of the nomination of Mr. William M. Springer to be a member of the Federal Power Commission.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged to the time allotted to the Senator from Michigan (Mr. GRIFFIN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## DEATH OF REPRESENTATIVE WILLIAM O. MILLS OF MARYLAND

Mr. BEALL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives.

The ACTING PRESIDENT pro tempore laid before the Senate a resolution (H. Res. 411) which was read as follows:

H. RES. 411

*Resolved,* That the House has heard with profound sorrow of the death of the Honorable William O. Mills, a Representative from the State of Maryland.

*Resolved,* That a committee of twelve Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved,* That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved,* That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved,* That as a further mark of respect the House do now adjourn.

Mr. BEALL. Mr. President, on behalf of myself and Senator MATHIAS, I send to the desk a resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution offered by the Senator from Maryland will be read.

The resolution (S. Res. 119) was read, considered by unanimous consent, and unanimously agreed to, as follows:

S. RES. 119

*Resolved,* That the Senate has heard with profound sorrow the announcement of the death of Honorable William O. Mills, late a Representative from the State of Maryland.

*Resolved,* That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Mr. BEALL. Mr. President, our country lost a dedicated public servant in the untimely death last week of Congressman WILLIAM O. MILLS of Maryland.

First as administrative assistant to then Representative Rogers C. F. Morton and then as a Member of Congress in his own right, BILL MILLS demonstrated his sensitivity to the problems of his constituents from the First District of Maryland, whether it be a major project for the District or a small personal request from a citizen, he was always ready and willing to work on it and usually had success.

BILL MILLS enjoyed the friendship and respect of large numbers of people because of his genuine concern for their welfare and his constant availability day or night to be of service. Because he felt it kept him closer to the people and the land he loved, he never moved to Washington but, instead commuted daily from his Eastern Shore home. He reflected well the views of the people he represented and always brought credit to them by his actions in the Capitol.

I know that I will miss his advice and support.

I will miss his feeling for the people of the District he represented.

But more than anything, I will miss the kind, gentle man who was ever cheerful, ever helpful, and dedicated to his country, his family, and his principles.

## QUORUM CALL

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. BEALL. On my time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## REMAINING TIME VACATED ON ORDERS FOR RECOGNITION OF SENATORS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all remaining time under the orders be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes each.

## ORDER FOR RECOGNITION OF SENATOR MATHIAS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATOR GRIFFIN AND SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow following the recognition of the Senator from Maryland (Mr. MATHIAS), the Senator from Michigan (Mr. GRIFFIN) be recognized, and that he be followed by the Senator from West Virginia (Mr. ROBERT C. BYRD), each for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of orders for the recognition of Senators tomorrow there be a period for the transaction of routine morning business of not to exceed 15 minutes with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### PILOT TEST OF DAILY SUMMARY OF PROCEEDINGS AND DEBATE

Mr. METCALF. Mr. President, the past 4 weeks the Joint Committee on Congressional Operations has prepared and distributed, on a pilot test basis, a daily summary of proceedings and debate in the House of Representatives. We are beginning a similar test in the Senate today, and I hope that all Senators will take the opportunity to review its operation and give us the benefit of their comments and suggestions of the summaries.

As was the case in the House, we will be reporting proceedings and debate at approximately 15-minute intervals by teletype. After we have had some days' experience transmitting the running account—and the format and content have been worked out to our satisfaction—we plan to prepare and distribute a complete printed summary to your offices shortly after the close of each daily session.

Our purpose in conducting this test is to determine the practicality and value of supplementing the CONGRESSION RECORD with a running summary account while the Senate is in session and a concise statement of the day's events on the Senate floor. Let me emphasize this point: Our conception of the summary is as a supplement to the daily RECORD. We do not believe that such a summary can or should supplant any part of the printed RECORD.

Moreover, it is not the joint committee's intention to prepare and publish a summary after the conclusion of the test period. This is a study only, which we are carrying out in accordance with our mandate under the 1970 Legislative Reorganization Act. At its conclusion, we expect to report findings to both Houses of Congress. If it is determined that this or a similar service can be produced at reasonable cost—and that it can contribute significantly to the legislative process—we will recommend to the appropriate legislative committees that such a summary be prepared and distributed by agencies already established in the Congress.

To insure that we get the widest possible range of Senators' and staff comments and criticisms on the pilot test effort, a teletype receiving unit has been installed in the Senate lobby. Beginning today, the running summary account of proceedings and debate will be available for your inspection there. Receiving units have also been installed in, among others, the following locations readily accessible to Senators: Democratic Policy Committee; Republican Policy Committee; and Rules and Administration Committee offices.

Also, Senator members of the joint committee—Senators GRAVEL, CHILES, TAFT, HELMS, and myself—have installed receiving units, and they join me in welcoming your inspection of the summaries in their offices.

The Joint Committee on Congressional Operations will appreciate any thoughts that Senators, officers of the Senate, and floor or office staff may have on the format, content, and usefulness of the summaries.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. METCALF. I am happy to yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I commend the chairman of the Joint Committee on Congressional Operations for his initiative in regard to the matter of the pilot test of a daily summary of proceedings and debate.

The summary from the House of Representatives has been extremely useful with respect to what is going on in the other body in connection with our work in the Senate.

I feel that our work in the Senate, as the chairman has indicated, will be aided. I am told by the staff that there is a sample machine in the lobby at this time, which is in operation, if the Senators wish to take a look at it.

Mr. METCALF. Mr. President, if the Senator will yield, I am sure he joins me in inviting all Senators to our offices where sample machines are in operation, in order to demonstrate the complete operation, but the machine in the lobby is available for any Senator's inspection and preliminary questions.

Mr. TAFT. I thank the distinguished Senator.

Mr. METCALF. I thank the Senator.

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ENROLLED JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore (Mr. METCALF), on May 23, 1973, signed the enrolled joint resolution (S.J. Res. 112) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding, which had previously been signed by the Speaker of the House of Representatives.

### ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that, on May 24, 1973, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 112) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the Senate the following letters, which were referred as indicated:

#### REPORT ON PROPOSED USE OF RESEARCH AND DEVELOPMENT FUNDS

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the proposed use of $1,425,000 of "Research and Development" funds appropriated to the Admininistration, for fiscal year 1973 (with an accompanying paper). Referred to the Committee on Aeronautical and Space Sciences.

#### REPORT ON PROPERTY, SUPPLIES, AND COMMODITIES PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Acting Assistant Secretary of Defense (Comptroller), reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin Magistrat, and under German Offset Agreement, for the quarter ended March 31, 1973. Referred to the Committee on Appropriations.

#### REPORT ON CERTAIN CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), Department of Defense, reporting, pursuant to law, on certain construction projects proposed to be undertaken for the Army National Guard. Referred to the Committee on Armed Services.

#### REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1972 (with an accompanying report). Referred to the Committee on Commerce.

#### PROPOSED LEGISLATION FROM SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971 (with accompanying papers). Referred to the Committee on Commerce.

#### PROPOSED LEGISLATION FROM SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the restructuring of the rail system in the Northeast, and for other purposes (with an accompanying paper). Referred to the Committee on Commerce.

### Proposed Legislation From Department of State

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to be cited as the "Offshore Shrimp Fisheries Act of 1973" (with accompanying papers). Referred to the Committee on Commerce.

### Report on the Additional Cost of Providing Mobility for the Elderly and Handicapped on the Washington Metropolitan Rail Rapid Transit System

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the additional cost of providing mobility for the elderly and handicapped on the Washington Metropolitan Rail Rapid Transit System, dated May 1973 (with an accompanying report). Referred to the Committee on the District of Columbia.

### Report on Study of Police and Fire Retirement Annuities

A letter from the Mayor-Commissioner, Government of the District of Columbia, transmitting, pursuant to law, a study of the feasibility, cost and morale impact of basing police and fire retirement annuities on average pay (with an accompanying paper). Referred to the Committee on the District of Columbia.

### Report on Project for Manufacture of Certain Radios in Korea

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, reporting, pursuant to law, on the approval of a co-production project for the manufacture of certain tactical radios in Korea. Referred to the Committee on Foreign Relations.

### Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Assistance to Family Planning Programs in Southeast Asia," Agency for International Development, dated May 23, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

### Proposed Legislation From Secretary of Transportation

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the head of an executive department, a military department, an agency or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes (with accompanying papers). Referred to the Committee on Government Operations.

### Proposed Contract With FMC Corp., San Jose, Calif.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with FMC Corp., San Jose, Calif., for a research project entitled "Improved Sensors and Fire Control Systems—Long-Term Validation Testing" (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

### Proposed Concession Contract to the Grand Teton Lodge Co.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in Teton National Park, Wyo. (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

### Application For a Loan Under Small Reclamation Projects Act

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Pond-Poso Improvement District of Wasco, Calif., for a loan under the Small Reclamation Projects Act (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

### Proposed Legislation From the Administrative Office of the United States Courts

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes (with an accompanying paper). Referred to the Committee on the Judiciary.

---

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Clark):

A joint resolution of the Legislature of the State of California. Referred to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution No. 6

"Joint resolution relative to the Channel Islands National Monument

AJR 6, MacDonald. National monument: Channel Islands.

"Whereas, The Channel Islands National Monument consists of Anacapa and Santa Barbara Islands; and

"Whereas, California coastal sites in Ventura County are being considered by the National Park Service for the construction of a headquarters for its operations involving the islands and as a gateway to the islands; and

"Whereas, Federal funding is necessary for the development of whatever site is designated as gateway and headquarters for the Channel Islands National Monument; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States to support and enact legislation to provide federal funds for the development of a California coastal site as a gateway to the Channel Islands National Monument and as headquarters for National Park Service operations involving the islands; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Director of the National Park Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Post Office and Civil Service:

"Assembly Joint Resolution No. 22

"Joint resolution relative to United States Senate Bill 630 concerning the United States mail

"Whereas, Senator Gaylord Nelson has introduced legislation in Congress to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; and

"Whereas, From this country's inception, the national leadership has recognized that the essential service of educating the American people is best served by the widest distribution of newspapers, periodicals, and journals; and

"Whereas, The 'little press', the thousands of daily and weekly newspapers, opinion magazines and independent journals, whose role is to supplement the mass media by giving the public a source of new information concerning untested ideas, minority thoughts, and the wide range of human experience, has always been a part of the democratic tradition; and

"Whereas, Congress for 178 years has encouraged the education of the American people through the widest distribution of newspapers and periodicals by means of a national subsidy in the form of lower postal rates; and

"Whereas, The National Commission on the Causes and Prevention of Violence recommended in 1969 that private and governmental institutions encourage the development of competing news media and discourage increased concentration of control over existing media; and

"Whereas, In a time of great national controversy when a free and diverse flow of information is demanded, the small papers and independent journals of this country have been saddled with an oppressive increase of 143 percent in postal rates; and

"Whereas, Senator Nelson's legislation would freeze the postal rates of the first 250,000 isues of newspapers and magazines at the level of June 1, 1972, and to require that any increase in the second-class postal rates over the 250,000-issue level would be phased in during a 10-year period; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress and President of the United States to support Senator Nelson's legislation with its commendable goals; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolutions of the Massachusetts State Senate. Referred to the Committee on Armed Services:

"Resolution

"Memorializing the Congress of the United States and the Secretary of the United States Navy to encourage the preservation and maintenance of the USS Constitution in the Commonwealth of Massachusetts

"Whereas, USS Constitution, one of the first ships in the United States Navy, launched in the city of Boston in seventeen hundred and ninety-seven, has endured as living history of the earliest days of our nation; and

"Whereas, 'Old Ironsides' has had a distinguished history of naval achievements, breaking the blockade and the power of the Corsairs in the Mediterranean in eighteen hundred and three and gallantly destroying enemy ships in the war of eighteen hundred and twelve with the British; and

"Whereas, Once ordered to be destroyed but saved by public outcry and Oliver Wendell Holmes' inspired poem, the USS Constitution has been restored several times by the contributions and sentiments of a grateful public; and

"Whereas, The USS Constitution Museum Foundation has been incorporated in the city of Boston to preserve forever the historic artifacts, documents and paintings related to this fighting ship and to ready her for the bicentennial celebration in her port city of Boston in nineteen hundred and seventy-five; now, therefore, be it

"Resolved, That the Massachusetts Senate hereby memorializes the Congress of the United States and the Secretary of the United States Navy to encourage the preservation and maintenance in Boston of the world's oldest commissioned naval vessel and the flagship of the First Naval District; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Senate Clerk and Parliamentarian to the presiding officer of each branch of the Congress of the United States and to the members thereof from the Commonwealth and to the Secretary of the United States Navy."

"Senate, adopted, May 3, 1973."

Resolutions of the General Court of the Commonwealth of Massachusetts. Referred to the Committee on Commerce:

"RESOLUTIONS

"MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION THAT WILL CURB THE DECLINE OF THE SHIPBUILDING INDUSTRY IN MASSACHUSETTS

"Whereas, The shipbuilding industry is a major element of the Massachusetts economy; and

"Whereas, There are thousands of our citizens now employed in the shipbuilding-industry in Massachusetts; and

"Whereas, The plight and economic well-being of thousands of employees, their families and related industries depend on the continued prosperity of the shipbuilding industry in Massachusetts; and

"Whereas, The shipbuilding industry, located in the city of Quincy, is currently experiencing difficult times, loss of jobs and a decline in governmental contracts; and

"Whereas, Hundreds of employees in the ship industry have had and will have their jobs terminated; and

"Whereas, A decline in the shipbuilding industry in Massachusetts will adversely affect the entire economy of the northeast section of the United States and the lives of thousands of men, women and their families; now, therefore, be it

"Resolved, That the General Court of the Commonwealth of Massachusetts respectfully urges the Congress of the United States to enact legislation that will curb the decline in the shipbuilding industry in Massachusetts and will stabilize, promote and insure the continued existence and prosperity of said shipbuilding industry; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Comomnwealth to the President of the United States, the Secretary of Commerce, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, May 14, 1973.

"Senate, adopted in concurrence, May 17, 1973."

Resolutions of the General Court of the Commonwealth of Massachusetts. Referred to the Committee on Labor and Public Welfare:

"RESOLUTIONS

"Memorializing the Congress of the United States to oppose any closure of the United States Public Health Service Hospital in the Brighton District of the city of Boston

"Whereas, The Country's fourth oldest hospital, and the first in New England, was founded at Castle Island in Boston Harbor in 1799 as the Boston Marine Hospital and evolved over the years into the U.S. Department of Health, Education and Welfare as the United States Public Health Service Hospital located since 1940 at Brighton; and

"Whereas, The present 190 bed hospital with some 300 federal civil service employees is part of the extensive Federal Health Program research and medical teaching institute which provides medical care for federal beneficiaries which include active duty and retired Uniformed Service personnel and their dependents and employees of the federal government with job-related conditions; and

"Whereas, For the past few years the continued rumor and threat that the Secretary of HEW will terminate the federal sponsored USPHS Hospital system has caused constant worry and uncertainty to the employees and the numerous local active and retired Uniformed Services personnel and their dependents who have a need for medical, dental, surgical and ophthalmological assistance; and

"Whereas, Its closure would put an added strain on the overcrowded and understaffed VA hospitals at West Roxbury, Jamaica Plain, the Chelsea Naval Hospital and the Soldiers' Home; and

"Whereas, The transfer of the federal facility to any private hospital system would only add more unneeded beds to the ever soaring patient cost; and

"Whereas, The average per diem cost of a USPHS Hospital is $65–$70, which includes everything from doctors' salaries and laboratory tests to X-rays and drugs; and the daily charge in a typical civilian hospital is $90–$115 for room and board alone; thus, closing the USPHS Hospital system would cost taxpayers more rather than less; and

"Whereas, In 1971 the Comptroller General of the United States stated "There is no question that the Public Service Act represents the Congressional intent that a hospital system be operated and maintained by the service"; now, therefore, be it

"Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to oppose any impending closure of the USPHS Hospital system now and in the future; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

A resolution of the Legislature of the State of Minnesota. Referred to the Committee on Commerce:

"RESOLUTION No. 6

"A resolution memorializing the President and Congress to provide by law that industries may not move operations to escape environmental protection legislation

"Whereas, preservation and protection of the environment is of great concern to Minnesotans; and

"Whereas, preservation and protection of the environment is a legitimate state concern; and

"Whereas, the State of Minnesota and other states have enacted laws and regulations designed to preserve and protect their environment; and

"Whereas, some industries have either left the State of Minnesota or threatened to leave the State of Minnesota to avoid compliance with these laws; and

"Whereas, preservation and protection of the environment is a national problem; and

"Whereas, the United States Congress has enacted laws such as the Clean Air Amendments of 1970 and the Federal Water Pollution Control Act Amendments of 1972 to provide Uniform national standards for preservation and protection of the environment; now, therefore,

"Be it resolved, by the Legislature of the State of Minnesota that the United States Congress act to insure enforcement of the laws described above and enact additional laws to reduce incentives to industries to move from states to avoid compliance with reasonable standards designed to preserve and protect the environment of the states.

"Be it further resolved, that the Secretary of State of the State of Minnesota transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Minnesota Senators and Representatives in Congress."

A resolution of the Legislature of the State of Minnesota. Referred to the Committee on Finance:

"RESOLUTION No. 8

"A resolution memorializing Congress to further restrict deductions for 'tax loss farming'

"Whereas, the federal Tax Reform Act of 1969 recognized the serious problem of 'tax loss farming' and the consequent distortions in the farm economy and unfair competitive effects; and

"Whereas, 'tax loss farming' continues to be a problem although an effective method to control it was begun by the federal Tax Reform Act of 1969; now, therefore,

"Be it resolved, by the legislature of the state of Minnesota that the federal Tax Reform Act of 1969 be amended so that taxpayers required to maintain an excess deductions account because of farm operations be required to establish and maintain the account if their nonfarm adjusted gross income exceeds $25,000 and their farm net loss exceeds $10,000.

"Be it further resolved, that the Secretary of State of Minnesota transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the chairmen of the committees on Ways and Means and Agriculture of the United States House of Representatives, the chairmen of the committees on Finance and Agriculture and Forestry of the United States Senate and the Minnesota Representatives and Senators in Congress."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION No. 38

"Joint resolution memorializing Congress to provide that the State of Nevada may obtain surplus military equipment for use in vocational education programs.

"Whereas, The education of Nevada's youth in vocational skills is of great importance to the citizens of this state; and

"Whereas, Budgetary problems on the state and local levels of government prohibit Nevada from funding vocational education programs to the optimum extent desired; and

"Whereas, As a result of the diminishing efforts in the Vietnam War there exists billions of dollars of surplus military equipment; and

"Whereas, Much of this equipment may be scrapped or sold to commercial interests at a fraction of its actual value; now, therefore, be it

*"Resolved by the Assembly and the Senate of the State of Nevada, jointly,* That the legislature of the State of Nevada hereby respectfully memorializes the Congress of the United States to provide that Nevada have an opportunity to obtain surplus military equipment located in Nevada for vocational education programs offered by educational institutions within this state; and be it further

*"Resolved,* That such legislation provide that the State of Nevada or any of its agencies have an opportunity to bid on such equipment prior to the solicitation of offers from commercial interests by the United States Department of Defense; and be it further

*"Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

*"Resolved,* That this resolution shall become effective upon passage and approval."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Banking, Housing and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION No. 19

"Joint resolution memorializing Congress to repeal certain parts of the 1934 Gold Reserve Act

"Whereas, United States citizens have been forbidden since 1934 from owning gold by an Act of Congress; and

"Whereas, The 1934 Gold Reserve Act no longer furthers any compelling governmental interest; and

"Whereas, Citizens in ever-increasing numbers demand the rights and privileges of owning and enjoying gold; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the legislature of the State of Nevada respectfully memorializes Congress to repeal those sections of the 1934 Gold Reserve Act which prohibit private ownership of gold; and be it further

"*Resolved,* That a copy of this resolution be prepared and transmitted forthwith by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate and the members of the Nevada congressional delegation."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 35

"Joint resolution memorializing Congress to enact federal legislation restricting states from withholding income tax of nonresidents

"Whereas, In 1970 Congress adopted P.L. 91–569 requiring employers to withhold income taxes from wages of employees engaged in interstate transportation for any state wherein more than 50 percent of the employee's employed travel occurs, regardless of the domicile of the employee; and

"Whereas, The state of California inaugurated income tax withholding effective January 1, 1972; and

"Whereas, Numerous Nevada residents are employed in interstate travel into California and have as much as 90 percent of their employed travel occurring in California; and

"Whereas, California is now requiring Nevada-based employers to withhold income tax from the wages of such employees, according to the percentage of employed travel occurring in California, under threat of making the employer responsible for any withholding of taxes which are not withheld; and

"Whereas, the withholding of California income taxes from Nevada residents presents an unfair and discriminatory burden on employees who receive no benefit from the taxes paid to California; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That Congress is hereby memorialized to enact federal legislation prohibiting states from withholding income tax from nonresidents; and be it further

"*Resolved,* That a copy of this resolution be prepared and transmitted forthwith by the legislative counsel to the President and Vice President of the United States, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 26

"Senate joint resolution—memorializing the Congress of the United States to adopt legislation concerning the encouragement of recycling and shipment of recycled material.

"Whereas, the 57th session of the Nevada legislature recognizes the need for greater utilization of recycled metals and other recycled materials and products; and

"Whereas, Such utilization of recycled metals and other recycled materials and products would substantially alleviate the consequent solid waste problem critically affecting our environment and burdening our rapidly depleting natural resources; and

"Whereas, Economic and tax incentives attached to the shipment of recyclable metals and other materials and to the purchase and amortization of solid waste recycling facilities would provide for significant progress toward greater utilization of recycled metals and other recycled materials and products; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Congress of the United States is hereby memorialized to adopt legislation embodying the provisions of H.R. 15770 of the 92d Congress of the United States, which will provide reasonable and necessary tax incentives to encourage the utilization of recycled solid waste materials to offset existing income tax advantages which promote further depletion of virgin natural resources and to embody provisions for direct economic incentives for the shipment of recyclable materials which, while recognizing the competitive input in production between scrap metals and other materials and virgin materials, would result in the elimination of the existing shipping rate differential between recyclable metals and other materials and virgin materials; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to the members of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution become effective upon passage and approval."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 47

"Joint resolution memorializing Congress to enact legislation concerning casino dealers' tip income

"Whereas, The dealers in Nevada's gaming industry are employed in a unique trade; and

"Whereas, The tip income of such dealers is of a nature requiring special recognition and consideration by the internal revenue laws of the United States; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of Nevada, jointly.* That the legislature of the State of Nevada hereby respectfully memorializes the Congress of the United States to enact legislation extending special recognition and consideration to the unique features of casino dealers' tip income; and be it further

"*Resolved,* That federal law be amended to provide that the tips tendered to casino dealers be construed as gifts; and be it further

"*Resolved,* That, in the event the recognition of such tips as gifts is not forthcoming, such tips be considered wages to which full social security, state unemployment and industrial insurance benefits shall apply and recognition of which shall be required by officials processing Veterans' Administration and Federal Housing Administration loan applications; and be it further

"*Resolved,* That regulations of the Internal Revenue Service set forth specific guidelines for computation of dealers' tip income, giving consideration to fluctuations in the dealers' hours of employment as well as the seasons of the year; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 37

"Joint resolution—memorializing Congress to repeal 26 U.S.C. § 4401 et seq., thereby repealing federal taxes on certain forms of wagering

"Whereas, The gaming industry is an important and lawful segment of Nevada's economy; and

"Whereas, The wagering taxes imposed by 26 U.S.C. § 4401 et seq. places a significant burden on legitimate wagering establishments in states where gaming is legal by persuading some persons to patronize illegal establishments which do not collect the 10 percent tax; and

"Whereas, The economy and tax base in Nevada suffers when legal gaming establishments lose business to illegal establishments; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of Nevada, jointly,* That the legislature of the State of Nevada hereby respectfully memorializes the Congress of the United States to repeal 26 U.S.C. § 4401 et seq., thereby eliminating the federal tax on certain forms of wagering; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 41

"Joint resolution memorializing Congress to amend 5 U.S.C. § 6103 to provide that Veterans' Day will again be celebrated on November 11

"Whereas, The celebration of Veterans' Day on November 11 had become an American tradition practiced for 45 years; and

"Whereas, The significance of November 11 as a day to honor all men and women who have served America in its armed forces is deeply ingrained into the minds and hearts of all Americans; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the legislature of the State of Nevada respectfully memorializes the Congress of the United States to amend 5 U.S.C. § 6103 to provide that Veterans' Day will again be celebrated on November 11; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 7

"'Requesting the Congress of the United States to call a constitutional convention for the purpose of amending the United States Constitution to prohibit the assignment of students to particular public schools on account of race, religion, color or national origin

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That, pursuant to Article V of the United States Constitution, the legislature of the State of Nevada hereby makes application to the Congress of the United States to call a constitutional convention for the purpose of proposing the following amendment to the Constitution of the United States:

"'ARTICLE —

"'No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin;' and be it further

"*Resolved,* That this application by the legislature of the State of Nevada constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V.

"If Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and be it further

"*Resolved*, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the legislature of the State of Nevada interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and be it further

"*Resolved*, That a duly attested copy of this resolution be immediately transmitted by the legislative counsel to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to each member of the Congress from this state and to each house of each state legislature in the United States; and be it further

"*Resolved*, That this resolution shall become effective upon passage and approval."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Veterans' Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 42

"Memorializing Congress to extend and increase federal funding for veterans' nursing homes

"Whereas, The need for veterans' nursing homes is particularly acute in the wake of the Vietnam conflict; and

"Whereas, Such veterans' nursing homes cannot feasibly be constructed and operated without the assistance of federal funds; and

"Whereas, Senate Bill 59, currently pending before Congress, will extend P.L. 88–450 funding for veterans' nursing homes as well as increase the amount of such funding; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of Nevada, jointly*, That the legislature of the State of Nevada hereby respectfully memorializes the Congress and President of the United States to approve Senate Bill 59 of the current session of Congress; and be it further

"*Resolved*, That copies of this resolution be prepared and transmitted by the legislative counsel to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, all members of the Nevada congressional delegation, Senator Vance Hartke and Representative William J. Dorn."

A concurrent resolution of the Legislature of the State of New Hampshire. Referred to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION NO. 13

"Memorializing the Congress of the United States not to rebuild North Vietnam

"Whereas, The people of the State of New Hampshire have given strong support for the actions taken by the various administrations in prosecuting the conflict in Vietnam; and

"Whereas, The numerous sons and daughters of the Granite State have actively participated in this conflict as members of our armed forces; and

"Whereas, Many of these native sons and daughters made the supreme sacrifice along with their numerous comrades-in-arms from throughout the United States as well as those who shall bear the permanent scars of this conflict for the rest of their lives in their valiant and courageous efforts to secure and maintain freedom for their South Vietnamese allies; and

"Whereas, The United States government is under neither a legal nor moral obligation to render financial or other assistance to a former military enemy; Now therefore, be it

"Resolved by the House of Representatives of the State of New Hampshire with the Senate concurring, that this legislature respectfully petitions the Congress of the United States to deny any financial or material assistance to the people or government of North Vietnam.

"Be it Further Resolved that the secretary of state forward certified copies of this resolution to the members of the New Hampshire delegation, clerk of the United States Senate, clerk of the United States House of Representatives and to the President of the United States of America."

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations. Referred to the Committee on Commerce:

"H. 5419

"Memorializing the Congress of the United States to enact appropriate legislation for the uniform and coordinated observance of a year-'round system of daylight saving time

"Whereas, a uniform and coordinated system of reckoning time throughout the several states is convenient and necessary for the proper and efficient carrying on of interstate commerce; and

"Whereas, By the "Uniform time act of 1966" (P.L. 89–387; U.S.C. 15 section 260 et seq.), Congress provided for such a uniform and coordinated system, including the observance of Daylight Saving Time (except in those states which by law omit such observance) during the summer months, from 2:00 A.M. on the last Sunday of April until 2:00 A.M. on the last Sunday of October of each year; and

"Whereas, The benefits of Daylight Saving Time, in providing an extension of natural light into the evening hours, have been almost universally acknowledged, not only in the United States, but also in many foreign nations, some of which currently observe it on a year-'round basis; and,

"Whereas, The return each fall to Standard Time, whereby winter sunset occurs at 5:00 P.M. and earlier in most latitudes of the United States, causes an undesirable encroachment of darkness upon the latter part of the active day, requiring an unnecessary and undesirable drain upon valuable and increasingly scarce power resources to supply artificial light, creating conditions hazardous to vehicular and pedestrian traffic during a peak travel period, and offering unduly propitious conditions for violent and predatory criminal acts upon the streets and thoroughfares of many urban areas; and,

"Whereas, The value of Daylight Saving Time as a conservation measure, reducing the consumption of fuel for power generation (and the concomitant effusion of pollutants), was recognized by the Congress in providing for year-'round observance of this time reckoning during the war emergency period from February, 1942, to October, 1945; and

"Whereas, Urgent current needs for conservation of energy sources, control of pollution, deterrence of street crime and reduction of the human suffering and property damage due to accidents combine to support the advisability of a permanent year-'round advance in the system of time reckoning; and

"Whereas, Resolutions substantially identical to this have been submitted for the consideration of the Legislatures of the several states comprised, in whole or in part, in the Eastern Time Zone, for the purpose of permitting and encouraging a uniform expression and representation to the Congress by the said states acting in concert; now, therefore, be it

"Resolved, That the house of representatives memorializes congress to enact appropriate legislation for the uniform and coordinated observance of a year-'round system of Daylight Saving Time; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the members of the Rhode Island delegation in the congress of the United States, the vice president of the United States and the speaker of the house of representatives of the United States."

A joint resolution of the Legislature of the State of Utah. Referred to the Committee on Finance:

"H.J.R. No. 26

"A joint resolution of the 40th legislature of the State of Utah, requesting the Congress of the United States to pass legislation to return to the states a portion of the federal user charges flowing into the aviation trust fund

"*Be it resolved by the Legislature of the State of Utah:*

Whereas, the federal government has a vital interest in the development of a national air transportation system and to this end has concentrated its efforts in airport development in the major metropolitan areas of our nation, which airports serve the national and international traveler;

"Whereas, state government has a major responsibility for developing a state system of multi-sized airports which will complement and include the national system and bring air service to all citizens of our nation;

"Whereas, the federal government has levied user taxes of such magnitude on the aviation public as to preempt the field in taxation; and

"Whereas, the national policy has been established as being one to encourage the development of the small cities and towns of this nation and to avoid the problems associated with continued urban concentration.

"Now, therefore, be it resolved, by the Legislature of the State of Utah that Congress is requested to find the proper avenue and pass the necessary legislation to assure that the funds amassed by aviation user taxes on the federal level be returned in part to the state on an equitable and proportionate basis so as to allow the states themselves to provide and maintain their share of the total air transportation system.

"Be it further resolved, that the Secretary of State of Utah send copies of this resolution to the Senate and House of Representatives of the United States and to each Senator and Representative from the State of Utah."

A resolution of the Commonwealth of Puerto Rico. Referred to the Committee on Agriculture and Forestry:

"S.R. 165

"Resolution to direct the Senate of Puerto Rico to request from the President of the United States to reconsider the decision of eliminating the program known as "Rural Environmental Assistance Program"

"STATEMENT OF MOTIVES

"The program known as "Rural Environmental Assistance Program" was made extensive to Puerto Rico in 1936, then known as the Agricultural Conservation Program, and has been implemented by the federal agricultural conservation and stabilization service.

"This program provides incentives for the following practices, planting of greenbelts for protection against erosion; planting of trees, improvement of pasture lands through fertilization, establishment of pools, water facilities such as tubeworks, tanks, troughs, reorganization of the irrigation system, planting of pasture in lands with an accelerated erosion, oxidation pools and construction of stone gates.

"Since the beginning of this program in Puerto Rico, the farmers have been benefited with the amount of thirty (30) million dollars, a decisive element, not only in the development of the Livestock Industry, but also in soil, water, and forest conservation which are of a far-reaching importance for the life and development of our country.

"Be it resolved by this honorable Legislative Body, to address to the honorable President of the United States and to the honorable Congress of our Nation:

"Section 1. To express in the name of the People of Puerto Rico our concern for the suspension of the incentives offered under the program known as "Rural Environmental Assistance Program".

"Section 2. To request from him to reconsider his decision so that Puerto Rico may continue receiving the incentives from the program in question."

A resolution adopted by the city of Lompoc, Calif., relating to the supplemental watershed work plan—San Miguelito Subwatershed, Santa Ynez River Flood Prevention project. Referred to the Committee on Agriculture and Forestry.

A resolution adopted by the county legislature of Suffolk County, N.Y., praying for the restoration of the complete operating budget of the Brookhaven National Laboratories Associated University, Inc. Referred to the Committee on Appropriations.

A resolution adopted by the Caddo Parish Police Jury, Shreveport, La., objecting to the proposal of rebuilding North Vietnam. Referred to the Committee on Foreign Relations.

A proclamation of the National Society for the Preservation of the Black African American Peoples, Portland, Oreg. Referred to the Committee on the Judiciary.

A resolution adopted by The American Legion, urging the appointment of a permanent Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

A resolution adopted by the Philosophy of Education Society, New Orleans, La., praying for amnesty for certain persons. Referred to the Committee on the Judiciary.

A resolution adopted by Sierra College, Rocklin, Calif., relating to appointments to certain Health, Education, and Welfare positions. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by board of trustees of the Fremont-Neward Community College District, Fremont, Calif., relating to appointments to certain Health, Education, and Welfare positions. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the city council of Honolulu, Hawaii, praying for the enactment of legislation relating to the disposal of certain wastes. Referred to the Committee on Public Works.

A resolution adopted by the International Institute of Municipal Clerks, Pasadena, Calif., relating to preservation of the election system. Referred to the Committee on Rules and Administration.

A resolution adopted by the Court of Common Council, Hartford, Conn., praying for a ratification of the United Nations Convention on the Prevention and Punishment of Genocide. Ordered to lie on the table.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN (for himself, Mr. TOWER, Mr. STEVENSON, and Mr. PACKWOOD):

S. 1890. A bill to amend the Export-Import Bank Act of 1945, as amended, to extend for 4 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's loan, guarantee and insurance authority, to clarify its authority to maintain fractional reserves for insurance and guarantees, and to amend the National Bank Act to exclude from the limitations on outstanding indebtedness of national banks liabilities incurred in borrowing from the Bank, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1891. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful certain property tax assessments of transportation property of common or contract carriers, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1892. A bill to designate a network of essential rail lines; to require minimum standards of maintenance on such lines; to provide financial assistance for rehabilitation of rail lines; and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1893. A bill to provide for the restructuring of the rail system in the Northeast; and for other purposes. Referred to the Committee on Commerce.

By Mr. STEVENS (for himself, Mr. HANSEN, and Mr. TOWER):

S. 1894. A bill to further amend the Mineral Leasing Act of February 25, 1920, to provide for the extension of certain leases. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCOTT of Pennsylvania (for himself, Mr. TOWER, and Mr. CRANSTON) (by request):

S. 1895. A bill to regulate which State may escheat or take custody of certain intangible abandoned property. Referred to the Committee on Banking and Urban Affairs.

By Mr. YOUNG (for himself and Mr. BURDICK):

S. 1896. A bill to authorize the Secretary of the Interior to engage in a feasibility study of the Apple Creek Unit. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY (for himself, Mr. BAKER, Mr. JACKSON, and Mr. KENNEDY):

S. 1897. A bill to authorize the appropriation of such funds as may be necessary to effectuate the transfer of all Naval Weapons Range Activities from the islands of Culebra to the islands of Desecheo and Monito not later than July 1, 1975. Referred to the Committee on Armed Services.

By Mr. PACKWOOD:

S. 1898. A bill to provide for the mailing of absentee voting matter free of postage. Referred to the Committee on Post Office and Civil Service.

---

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (for himself, Mr. TOWER, Mr. STEVENSON, and Mr. PACKWOOD):

S. 1890. A bill to amend the Export-Import Bank Act of 1945, as amended, to extend for 4 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's loan, guarantee and insurance authority, to clarify its authority to maintain fractional reserves for insurance and guarantees, and to amend the National Bank Act to exclude from the limitations on outstanding indebtedness of national banks liabilities incurred in borrowing from the Bank, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself, Senator TOWER, Senator STEVENSON, and Senator PACKWOOD a bill to amend the Export-Import Bank Act of 1945, as amended, to extend for 4 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's loan, guarantee and insurance authority, to clarify its authority to maintain fractional reserves for insurance and guarantees, and to amend the National Bank Act to exclude from the limitations on outstanding indebtedness of national banks liabilities incurred in borrowing from the Bank, and for other purposes.

Mr. President, the bill which is being introduced has been recommended to us by the President of the Export-Import Bank of the United States. I ask unanimous consent that the letter of transmittal from the President of the Bank be inserted in the RECORD at this point in my remarks. In addition, I ask unanimous consent that a section-by-section summary of the proposed legislation be inserted in the RECORD following the letter from the Bank President.

There being no objection, the letter and summary were ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
*Washington, D.C., May 16, 1973.*

The PRESIDENT OF THE SENATE,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I have the honor of submitting herewith a draft of legislation "To amend the Export-Import Bank Act of 1945, as amended, to extend for four years the period within which the Bank is authorized to exercise its function, to increase the Bank's loan, guarantee and insurance authority, to clarify its authority to maintain fractional reserves for insurance and guarantees, and to amend the National Bank Act to exclude from the limitations on outstanding indebtedness of national banks liabilities incurred in borrowing from the Bank, and for other purposes."

The proposed legislation would amend the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635 and following) to (1) extend the life of the Bank from its present expiry date of June 30, 1974 to June 30, 1978; (2) increase the Bank's commitment authority from the present statutory ceiling of $20 billion to $30 billion; (3) clarify the Act by including the Bank's authority to issue insurance, coinsurance and reinsurance in the section of the Act which specifically enumerates its powers; (4) increase the limitation on the aggregate amount of guarantees and insurance which the Bank may charge against its total commitment authority on a fractional reserve basis from the present ceiling of $10 billion to $20 billion; and (5) permit the Bank in certain circumstances to obtain printing services directly from commercial printers. The proposal also would amend the National Bank Act (Section 5202 of the Revised Statutes; 12 U.S.C. 82) to permit borrowings from Eximbank by national banks to be excepted from the limitation on aggregate indebtedness which may be incurred by national banks under that Act.

The need to increase the Export-Import Bank's loan, guarantee and insurance authority at this time results from the substantial increase in the Bank's activity under all of its programs over the past few years and the additional increase in business projected through the next several years.

Eximbank's budget estimates through fiscal year 1974, its preliminary commitments outstanding in support of potential U.S. export sales and preliminary commitment applications pending, and its identification of potential new U.S. export business which may require support from the Bank over the next few years indicate clearly the necessity for increasing the Bank's present $20 billion commitment authority prior to June 30, 1974, when the Bank's statutory life and commitment authority expire. The Bank's budget estimates for FY 1974 indicate that total charges against authority will reach $20,414,893,000 at the end of that fiscal year. Similarly, those budget estimates indicate charges against the Bank's present $10 billion statutory limitation on guarantees and insurance which may be chargeable on a fractional charge basis to be $9,829,390,000 by the end of FY 1974.

The bill proposes an increase in the overall commitment authority to $30 billion and an increase to $20 billion in the statutory limitation on the aggregate amount of guarantees and insurance which may be chargeable on a fractional reserve basis against that commitment authority.

This legislation proposes to extend the statutory life of the Bank for four years from its present expiry date of June 30, 1974 to June 30, 1978. It is deemed advisable to provide a four year life span for the Bank so that its expiry date would fall in the second session of a Congress, thus permitting sufficient time for that Congress to review the Bank's activities and express its intent for continued operation of the agency. It provides, further, authority for the Bank to contract directly for private printing services where necessary to obtain specialized or timely publications and materials necessary to its functions without regard to present statutory requirements that such printing services must be arranged through the U.S. Government Printing Office.

The proposed bill would also amend the National Bank Act to permit national banks to exclude borrowings from Eximbank from their aggregate indebtedness permitted under that Act. This authority is needed to facilitate use by national banks of Eximbank's discount loan program and would be an additional exemption to several already contained in that Act. We understand that the Comptroller of the Currency is in sympathy with and will support legislation to permit this additional exception.

Enactment of the proposed legislation would provide the Bank with the resources it needs to accomplish its objective as set forth in its basic charter and repeatedly confirmed by Congress through prior amendments to the Export-Import Bank Act. This legislation will not require any appropriated funds yet will facilitate the necessary increases in export financing in amounts and flexibility necessary to meet competition from other exporting countries and will allow the Bank to further assist in a reversal of the current trade deficit.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the program of the Administration.

Sincerely,

HENRY KEARNS.

### SECTION-BY-SECTION SUMMARY OF S. 1890

Section 1(a). *Enumeration of powers of the Bank:* Amends Section 2(a)(1) of the Export-Import Bank Act of 1945, as amended, which section sets forth the general objects, purposes and powers of the Bank, to include the specific power to "insure, coinsure and reinsure" in that section. Although this power presently is implied in the general enabling powers contained in this section as well as specifically authorized in Section 2(c)(1) of the Act, this amendment will clarify that authority by including it within the powers specifically enumerated in this section.

Section 1(b). *Publication of documents:* Amends Section 2(a)(1) of that Act to empower the Bank to arrange for publication of documents, reports, contracts and other materials necessary to the conduct of its business without regard to any other statutory provisions requiring that such printing be accomplished through the U.S. Government Printing Office.

Section 1(c). *Guarantees and Insurance:* Amends Section 2(c)(1) of that Act to clarify the Bank's authority to maintain fractional reserves for guarantees and insurance and increases the limitation on the aggregate amount of such guarantees and insurance which can be charged on a fractional reserve basis against the total commitment authority contained in Section 7 of the Act from the present ceiling of $10 billion to $20 billion.

Section 1(d). *Increase in the Bank's commitment authority:* Amends Section 7 of that Act to increase the aggregate amount of loans, guarantees and insurance which the Bank can have outstanding at any one time from the present limitation of $20 billion to $30 billion.

Section 1(e). *Extension of the Bank's life:* Amends Section 8 of that Act to extend the life of the Bank from its present expiry date of June 30, 1974 to June 30, 1978. This extension of time during which the Bank may continue to exercise its function is in accord with past practice of providing the Bank with a multi-year operating period to correspond with the increase in its commitment authority provided in Section 1(d) of this bill to enable it to provide continuing export support.

Section 2. *Exemption of borrowings from the Bank from limitation on aggregate indebtedness of national banks:* Amends Section 5202 of the Revised Statutes (12 U.S.C. 82) to permit national banks to exclude borrowings from the Export-Import Bank from the limitation on their aggregate indebtedness permitted under the National Bank Act.

---

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1891. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful certain property tax assessments of transportation property of common or contract carriers, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Interstate Commerce Act, as amended, in order to make unlawful certain property tax assessments of transportation property of common or contract carriers, and for other purposes, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1891

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Interstate Commerce Act, as amended, is amended by inserting after section 26 of part I a new section 27 as follows:

"SEC. 27. (a) Notwithstanding the provisions of section 202(b), the following action by any State, or subdivision or agency thereof, whether such action be taken pursuant to a constitutional provision, statute, or administrative order or practice, or otherwise, is hereby declared to constitute an unreasonable and unjust discrimination against and an undue burden upon interstate commerce and is hereby forbidden and declared to be unlawful:

"(1) the assessment (but only to the extent of any portion based on excessive values as hereinafter described), for purposes of a property tax levied by any taxing district, of transportation property owned or used by any common or contract carrier subject to economic regulation pursuant to the provisions of this part, part II, part II, or part IV of this Act at a value which bears a higher ratio of the true market value of such transportation property than the assessed value of all other industrial and commercial property in the assessment jurisdiction of any State in which is included such taxing district and subject to a property tax levy bears to the true market value of all such other commercial and industrial property;

"(2) the collection of any tax on the portion of such assessment so declared to be unlawful; or

"(3) the collection of any ad valorem property tax on such transportation property at a tax rate higher than the tax-rate generally applicable to commercial and industrial property in the taxing district.

"(b) In the event that the ratio of the assessed value of all other commercial and industrial property in the assessment jurisdiction to the true market value of all such other commercial and industrial property cannot be established through the random-sampling method known as a sales assessment ratio study, conducted in accordance with statistical principles applicable to such studies, to the satisfaction of the court hearing the complaint that transportation property has been or is being assessed or taxed in contravention of the provisions of this section, then the court hearing the complaint shall hold unlawful: (1) assessment of such transportation property at a value which bears a higher ratio to the true market value of such transportation property than the assessed value of all other property in the assessment jurisdiction in which is included such taxing district and subject to a property tax levy bears to the true market value of all such other property; (2) the collection of any tax on the portion of such assessment so declared to be unlawful; and (3) the collection of any ad valorem property tax on such transportation property at a tax rate higher than the tax rate generally applicable to taxable property in the taxing district.

"(c) As used in this section—

"(1) The term 'transportation property' means transportation property as defined in the regulations of the Interstate Commerce Commission.

"(2) The term "assessment jurisdiction' means a geographical area, such as a State or a county, city, or township within a State, which is a unit for purposes of determining assessed value of property for ad valorem taxation.

"(3) The term 'commercial and industrial property' means property devoted to a commercial or industrial use, provided that such term shall not include land used primarily for agricultural purposes or primarily for the purpose of growing timber.

"(4) The term 'all other property' means all property, real or personal, other than land used primarily for agricultural purposes or primarily for the purpose of gowing timber.

"(d) Notwithstanding the povisions of section 1341, title 28, United States Code, or of the constitution or laws of any State, the district courts of the United States shall have jurisdiction, upon complaint and after hearing, to issue such writs of injunction or other property process, mandatory or otherwise, as may be necessary to restrain any State, or subdivision or agency thereof, or any persons from doing anything or performing any act declared by subsection (a) or (b) to be unlawful: *Provided, however*, That such jurisdiction shall not be exclusive of that which any Federal or State court may otherwise have: *And provided further*, That the provisions of this section shall not become effective until three years after the date of its enactment.

---

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1892. A bill to designate a network of essential rail lines; to require minimum standards of maintenance of such lines; to provide financial assistance for rehabilitation of rail lines; and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to designate a network of essential rail lines; to require minimum standards of maintenance on such lines; to provide financial assistance for rehabilitation of rail lines; and for other purposes, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill, and a report of the Interstate Commerce Commission.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1892

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Federal-aid Railroad Act of 1973".

### TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

#### CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. The Congress finds that modern, efficient rail service is essential to interstate commerce and to national defense; that utilization of existing rights-of-way offers economic environmental advantages in terms of land use, air pollution, noise levels, and energy conservation; that railroad tracks and roadbeds have greatly deteriorated in recent years, especially in the Northeast section of the country, resulting in slow orders and derailments; that such deterioration in plant and facilities has resulted in inferior railroad transportation for both freight and passengers, and the consequent diversion of traffic to other modes of transportation; that rehabilitation of such tracks and roadbeds will provide substantial public benefits through improved rail freight and passenger service; that the efficiency and quality of railroad service and the economic utilization of the railroad plant in the Northeast can be improved by coordination and joint use by rail carriers of lines they do not own; that these measures will be of material assistance in restoring viability to private rail operations in the Northeast; and that to assure preservation of essential rail services it is necessary to designate a Federal-aid Railroad System; to require minimum standards on the rail lines comprising such System; to rehabilitate, maintain, and modernize rail lines in the Northeast; to establish rights of access by rail carriers to the rail lines comprising such System; and to provide Federal financial assistance for rehabilitation, maintenance, and modernization of essential rail lines.

The Congress further finds that an emergency exists, particularly in the Northeast region, which threatens the continuation of adequate railroad service; that much of the railroad service in such region is performed by railroads in reorganization and that their continued operation is vital to the economic well-being of not only the Northeast region but also of the Nation; that such railroads may be unable to continue to provide such services without unduly impairing the rights of their creditors; that certain reorganization courts have under consideration the preservation of the debtors' estates by ordering the liquidation of the railroads in reorganization subject to their jurisdictions; and that the preservation of adequate railroad transportation in the Northeast region for the immediate future can be met only by emergency measures providing for the continuation of essential railroad services by railroads in reorganization and by the restructuring of all railroad services in the Northeast region in such a way as to assure the continuation of essential services in an efficient and profitable manner under private management, thereby facilitating the reorganization of the affected rail carriers.

#### DEFINITIONS

SEC. 102. For the purposes of this Act the term—

(a) "Commission" means the Interstate Commerce Commission;

(b) "lessor railroad" means a railroad in reorganization, the lines and other transportation properties of which have been leased to the United States pursuant to Sec. 201 of this Act;

(c) "main line" means all rail line equipped with two or more tracks (other than passing or side tracks) or equipped with automatic block signals, automatic train stop systems, automatic train control systems, automatic cab signal systems, or any system of centralized traffic control by which a train is operated in accordance with signal indications without train orders;

(d) "Northeast region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois; the District of Columbia; and those portions of contiguous States in which are located facilities owned or operated by railroads in reorganization;

(e) "rail carrier" includes all common carriers by railroad subject to the provisions of the Interstate Commerce Act (49 U.S.C. Sec. 1 *et seq.*);

(f) "rail line" includes main rail track or tracks; side tracks and yard tracks adjacent to such main tracks; classification yards; and station and terminal tracks and facilities;

(g) "railroad in reorganization" means a debtor railroad in reorganization under Section 77 of the Bankruptcy Act (11 U.S.C. Sec. 205);

(h) "Secretary" means the Secretary of Transportation; and

(i) "System" means the Federal-aid Railroad System established by this Act.

### TITLE II—INTERIM AND EMERGENCY MEASURES

#### LEASE OF RAIL PROPERTIES TO THE UNITED STATES

SEC. 201. (a) Within 90 days after enactment of this Act, the trustee or trustees of any railroad in reorganization, the majority of whose lines are located in the Northeast region, all owners of rail lines leased to such railroad, whether ratified or affirmed or not, and all wholly owned subsidiaries and affiliates of such railroad, upon authorization therefor from the reorganization court, may tender all lines and other transportation properties, assets, and interests of such companies to the United States for lease by the United States for a term not to exceed three years. The trustees or companies making such tender shall at the same time agree to the operation of such properties, assets, and interests so tendered and to all other terms and conditions of this Title. Within 30 days of the receipt of such tender, the United States shall execute a lease agreement, and shall concurrently execute an operating agreement with the trustees or companies making such tender, and the operating agreement shall be executed by such trustees or companies as of the same date.

(b) As consideration for leasing the lines and other transportation properties, assets, and interests tendered for lease under this Section, and for their operation by the lessor, the United States shall pay to the lessors an amount to be negotiated between the trustee or trustees of the railroad in reorganization and the Commission, which amount shall be the least amount necessary to protect the interests of the creditors of such railroad during the period such lease is in effect and to carry out the other purposes of this Title. The amount paid by the United States under this subsection shall be no more than the sum of (1) the net loss suffered by such railroad, excluding accrual for taxes and fixed charges deferred by the reorganization court, and excluding also depreciation expenses and extraordinary items unless approved by the Commission, (2) payments to meet equipment obligations, (3) any "buy-in" fee owing under the Rail Passenger Service Act of 1970 (45 U.S.C. Sec. 501 et seq.), and (4) capital expenditures as may be approved by the Commission as part of a restructuring plan adopted by the Commission under this Title.

During the period of such lease there shall be no further accrual of real estate or other taxes imposed by States or their subdivisions upon the lines and other transportation properties, assets, and interests of the lessor railroad leased to the United States.

Accounting terms used in this subsection shall be defined as in the Commission's Uniform System of Accounts for Railroad Companies.

(c) Any tender by a railroad in reorganization of the lines and other transportation property, assets, and interests for lease by the United States shall be made to the Commission, and any lease and operating agreement shall be executed by the Chairman of the Commission for the United States and shall be in such form and subject to such reasonable terms and conditions as the Commission shall prescribe.

(d) The lease and operating agreement shall terminate upon the discharge of the lessor railroad from reorganization proceedings under the Bankruptcy Laws or at the expiration of 3 years from the date of execution of the lease and operating agreement, whichever is the earlier, unless terminated before then by mutual consent of the lessor railroad and the United States.

(e) While the lease and operating agreement is in effect, the Commission may require prior approval by itself or by designated employees or agents of any expenditure or class of expenditure by the lessor railroad; it may require performance of such maintenance as it finds necessary to preserve the estate of the lessor railroad, to protect the rights of its creditors, and to assure the continuation of reasonably adequate rail transportation service; it may place upon the lessor railroads' premises agents or employees to supervise the operations and accounting and financial practices of such railroad; it may require the lessor railroad, at its own expense, to carry out such engineering, economic, and other studies as may be necessary to expedite and facilitate the restructuring of the lessor railroad's operations so as to preserve essential railroad services and to achieve a prompt and successful reorganization of the lessor railroad; and it may take whatever further reasonable action it deems necessary to protect the interests of the United States,

(f) At the expiration of the lease and operating agreement, a final audit of the amount paid thereunder shall be made by independent auditors, subject to review by the Commission, and the lessor railroad shall make payment to the United States in an amount equal to the amount paid to it under the lease and operating agreement, or shall issue to the United States debentures, in such form and subject to such terms and conditions as the Commission shall prescribe, in the face value of such amount. Such debentures shall mature twenty years from the date of issue, shall be subordinated to other securities or preferred claims against the lessor railroad's estate outstanding at the date of their issuance, and shall bear interest at the rate of 3 percentum per year for the first 5 years and at the rate of 6 percentum per year thereafter. Such debentures may be repurchased by the lessor railroad for their face value at any time, and may be sold by the United States on such terms as the Secretary of the Treasury may prescribe, subject to the repurchase rights of the lessor railroad.

### INVESTIGATION AND RESTRUCTURING

Sec. 202 (a) Within 30 days after the execution of a lease and operating agreement, as provided in this Title, the Commission shall enter into an investigation of the railroad service performed by the lessor railroad; whereupon the Commission may direct all railroads in the area served by the lessor railroad, including the lessor railroad, and other interested parties to submit within 30 days, unless such period is extended by the Commission, recommendations indicating steps deemed prudent to preserve essential services performed by the lessor railroad and to eliminate or reduce operating losses of the lessor railroad, including plans for restructuring railroad service in the area served by the lessor railroad.

(b) The Commission, upon the terms and conditions prescribed by it and consistent with the provisions of this Title, may declare, upon its own motion or upon petition, that certain service performed by a railroad in reorganization is threatened because such railroad may be compelled to suspend operations; whereupon the Commission may enter into an investigation of the railroad service performed by such railroad and direct all railroads in the area served by it, including the railroad in reorganization, and other interested parties, to submit within 30 days, unless such period is extended by the Commission, recommendations indicating steps deemed prudent to preserve essential services performed by such railroad and to eliminate or reduce operating losses of such railroad, including possible plans for restructuring railroad service in the area served by such railroad.

(c) Upon consideration of the recommendations submitted, and other information available to it, the Commission may adopt a plan which may (1) immediately permit, or in the case of a lessor railroad direct, a railroad or railroad in the area served by the lessor railroad or other railroad in reorganization, including the lessor railroad or such other railroad, to restructure their railroad service, which plan may permit or require, if found feasible, the joint use of the most economical railroad lines and terminals at a fair compensation, the abandonment of operations of lines, terminals, or other facilities which are not found to be essential to the public convenience and necessity, and the lease of facilities and equipment or the granting of trackage rights of essential railroad tracks and facilities of the lessor railroad or such other railroad, at a fair compensation to another railroad or railroads in the area, and (2) after hearings are set forth in this Title may permit or direct the abandonment of lines, terminals or other operations of facilities and the sale, merger or other unification, or lease or operation of essential railroad properties of the lessor railroad or such other railroad and purchase, lease or operation thereof by another railroad or railroads at a fair compensation and on reasonable terms. The emergency restructuring plan reflecting actions taken under this subsection shall become effective within 30 days after such order is served, unless such time is extended by the Commission, without the necessity of awaiting final determination of appeal on reconsideration to the Commission as provided in this Title.

### MATTERS TO BE CONSIDERED BY THE COMMISSION

Sec. 203 In adopting a plan of restructuring, the Commission shall give consideration to—

(a) The effect cessation of railroad service would have on industries and employment in the area involved;

(b) The interest of the United States, under any lease and operating agreement executed pursuant to this title, in reducing or eliminating the operating losses of a lessor railroad;

(c) The ability and willingness of State and local governments and users of railroad service to share in meeting the costs of sustaining railroad service that cannot be operated profitably;

(d) The availability of alternate transportation; and

(e) Any plans which Federal, State, or local governmental agencies may have looking toward the short- or long-term restructuring or rehabilitation of railroad services in the area served by the lessor railroad or other railroad in reorganization.

### LEASE OR PURCHASE PRICE

Sec. 204. In any plan of restructuring which involves the lease or sale of essential railroad properties of a lessor railroad or a railroad in reorganization to another railroad or railroads, the Commission, after hearings, under section 206 of this title, shall set the fair lease or purchase price, unless agreed upon by the parties involved.

### INTERIM FINDINGS

Sec. 205. In order to permit early implementation of a plan of restructuring as provided in this title, so as to achieve the purposes of this title, the plan or restructuring may provide for interim findings with respect to property rights affected or may defer consideration of property rights until after oral hearing as set forth in section 206 hereof.

### MODIFICATION OF THE PLAN

Sec. 206. After a plan of restructuring is adopted, all interested parties shall have an opportunity to present their views and comments in favor of or in opposition to such plan, and the Commission may, during such pending proceedings or within one year after the conclusion thereof, order such further changes, consistent with this part, and subject to such hearings as it shall conclude are desirable to improve such plan of restructuring, including the lease of the facilities of the lessor railroad or other railroad to, or their operation by, another railroad or railroads, and the fair price of such lease or contract to operate or the fair compensation for joint use of railroad lines and terminals if not agreed to by the parties, and shall set such other conditions as it deems necessary to assure that the plan of restructuring is carried out. The fair lease or purchase price for essential lines, terminals and other properties of a lessor railroad or a railroad in reorganization conveyed in accordance with a plan of restructuring shall be no less than is required by section 77 of the Bankruptcy Act and shall be subject to review by the reorganization court.

### EMPLOYEE PROTECTION

Sec. 207. (a) Any plan of restructuring adopted by the Commission under this Title shall provide for the protection of the railroad employees affected.

(b) During the period that a lease and operating agreement executed pursuant to this Title is in effect, no change in the condition of employment of employees subject to the Railway Labor Act (45 U.S.C. Sec. 151) shall be made, by a lessor railroad or its employees, except pursuant to an agreement which has been approved by the Commission.

(c) No lessor railroad, unless it shall first have obtained Commission approval, shall contract out any project for rehabilitation or maintenance work performed, during the period that a lease and operating agreement executed pursuant to this Title is in effect, which is normally performed by employees in any bargaining unit covered by a labor agreement between such railroad and any organization.

(d) Lessor railroads shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work performed during the period that a lease and operating agreement executed pursuant to this Title is in effect shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Sec. 267a). No one shall enter into any construction contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. Sec. 333) shall be applicable to all construction work performed under such contracts or agreements, except any construction work performed by an employee of the Corporation or of a railroad company. Wage rates provided for in collective bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act.

### PENALTIES

Sec. 208. The willful failure or refusal of any carrier or subsidiary, affiliate, or holding company, or of any officer or employee of any carrier, subsidiary, or holding company, to comply with the terms of any order of the Commission pursuant to this Title shall be a misdemeanor, and upon conviction thereof the carrier, subsidiary, affiliate, or holding company, or person offending shall be subject to a fine of not less than $1,000 or more than $5,000 for each offense, and each day during which such party shall willfully fail or refuse to comply with the terms of such order shall constitute a separate offense. It shall be the duty of the Attorney General of the United States to prosecute all necessary proceedings for the enforcement of the provisions of this part and for punishment of all violations thereof upon application by the Commission.

### PREEMPTION AND ANTITRUST IMMUNITY

Sec. 209. The provisions of this Ttitle shall preempt the provisions of the Interstate Commerce Act and of Sec. 77 of the Bankruptcy Act and action taken pursuant thereto shall not be subject to the antitrust laws as defined in Section 5a of the Interstate Commerce Act (49 U.S.C. Sec. 5b).

### SERVICES OF OTHER AGENCIES

Sec. 210. The Commission may use available services and facilities of other departments, agencies and instrumentalities of the Government, with their consent, on a reimbursable basis. Departments, agencies and instrumentalities of the Government shall exercise their powers, duties and functions in such manner as will assist in carrying out the objectives of this part.

### APPROPRIATIONS

SEC. 211. (a) Payments required to be made by the United States as a consequency of any lease and operating agreement executed pursuant to this Title shall be made by the Secretary of the Treasury from funds hereby authorized to be appropriated in such amounts that may be necessary for the purpose of carrying out the provisions of this Title.

(b) There is hereby authorized to be appropriated to the Commission such sums as may be necessary for administrative expenses under this Title, but not to exceed $5,000,000 in any one fiscal year.

## TITLE III—THE FEDERAL-AID RAILROAD SYSTEM

### INITIAL DESIGNATION OF THE SYSTEM

SEC. 301. The Federal-aid railroad system shall consist initially of those main lines, yards, and terminals, located in the Northeast region and operated by domestic railroad companies, found by the Commission to be essential to the present and future public convenience and necessity and best suited for inclusion on an integrated system of main-line, yard, and terminal facilities capable of meeting the needs of commerce of the United States and the national defense. In determining which main lines, yards, and terminals should be included on the Federal-aid railroad system, the Commission shall take into consideration the interests of the persons, communities, States, and regions affected thereby; the existing pattern of service by railroads and alternative modes; present and projected future economic and population patterns; and the public interest in a privately operated, balanced, integrated, competitive, and economical transportation system responsive to the needs of the public and the users of such system. To the extent consistent with the purposes of this Act, the Commission shall not designate as part of the System rail lines which are parallel to, and duplicative of, other lines included on the System. The designation of additional regions within which railroad main lines, yards, and terminals shall be deemed eligible for consideration for inclusion on the Federal-aid railroad system shall be made only by the Congress.

### PROCEDURE FOR MAKING FINAL DESIGNATION

SEC. 302. Within one hundred twenty days after the enactment of this Act, any railroad company or railroad companies jointly may file with the Commission an application seeking the designation of any main line, yard, or terminal operated by it or them, and located in the Northeast region, as part of the System. Applications shall be in such form, and shall contain such information, as the Commission shall prescribe. Within one hundred eighty days after the enactment of this Act, the Commission shall issue and make public its tentative findings as to those main lines, yards, and terminals which should be included on the system, including any which it finds should be considered for inclusion and which have not been the subject of applications filed by a railroad company or companies. Within sixty days of the issuance of the Commission's tentative report, the Secretary shall, and all other interested parties may, submit comments to the Commission. The comments of the Secretary shall, among other things, identify all short- to medium-distance corridors in densely populated areas in which the major upgrading of rail lines for high-speed passenger operation would return substantial public benefits in relation to the cost of such upgrading.

### FINAL DESIGNATION OF THE SYSTEM

SEC. 303. Upon consideration of such comments, and following the holding of such public hearings as it deems necessary, the Commission shall, within one year of the date of enactment of this Act, release and submit to the Congress the Federal-aid railroad system. The System as designated by the Commission shall become effective for the purposes of this Act upon the date that the report of the Commission is submitted to Congress, and shall not be reviewable in any court.

### ADDITIONS TO AND DELETIONS FROM THE SYSTEM

SEC. 304. At any time after the expiration of two years following the designation of the System under Sec. 303 of this Title, any railroad or Federal, State or local governmental agency may request the Commission to add or delete rail lines to or from such System. The Commission shall, with reference to the Secretary's report prepared in accordance with Sec. 305 of this Title, make the addition or deletion if provided with sufficient proof that such addition or deletion is consistent with the public interest. Approval of a deletion shall not be considered by the Commission as evidence in an abandonment proceeding that service on the line deleted is no longer required by public convenience and necessity.

### RAILWAY NEEDS REPORT

SEC. 305(a) The Secretary shall prepare and submit to the Congress on January 1 of the second year following enactment of this Act, and every second year thereafter, a report, hereinafter referred to as "The Railway Needs Report," setting forth major transportation services that should be provided by railroads in the United States. In formulating his report the Secretary shall take into consideration the interests of persons and communities affected thereby; existing rail facilities and the pattern of service by railroads; the facilities of alternative modes of transportation currently in existence; the cost of establishing transportation facilities in addition to existing facilities; the cost of providing service by extension of existing transportation services; the cost of providing transportation by rail and alternative modes; the existing investment in the transportation facilities of rail and alternative modes and the economic value thereof; the existing pattern of service by alternative modes; and the public interest in a balanced and economical transportation system responsive to the needs of the public and the users of such system.

(b) For the purposes of preparing The Railway Needs Report, the Secretary shall undertake and carry out a study of the long-term capital needs for line relocation, tunneling, highway grade crossing elimination, electrification, improvement of yards and terminals, and other major upgrading of the railroad system of the United States, including the high-density corridors identified by the Secretary under section 302 of this title. The study shall include recommendations for investment priorities among the various possible upgrading projects, and shall evaluate the form and extent to which the Federal Government should assist with the financing of such upgrading.

### SYSTEM STANDARDS

SEC. 306. Concurrently with the designation of the System under section 303 of this title, the Commission shall prescribe standards for the rehabilitation and maintenance of all main-line track on the system for dependable operation of freight trains at speeds up to sixty miles an hour and passenger trains at speeds up to eighty miles an hour, and of all yards and terminals on the system for the efficient switching and classification of cars. In formulating such standards, the Commission shall be guided by preferred or recommended practices from an engineering and economic standpoint as distinct from minimum requirements for safety. In all respects other than those numerated in this section, all mainline track included within the System shall meet the requirements for class four track of the track safety standards prescribed by the Secretary pursuant to the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.).

### PROGRAMS

SEC. 307. As soon as practicable after the designation of the system has been made, any railroad desiring to avail itself of the benefits of this title shall submit to the Commission for its approval a program or programs of proposed projects for the rehabilitation of lines, yards, and terminals included on the system. The Commission shall act upon programs submitted to it as soon as practicable after the same have been submitted. The Commission may approve a program in whole or in part, but it shall not approve any project in a proposed program which is not located on the System. In approving programs for projects on the System, the Commission shall give preference to such projects as will expedite the completion of an adequate and connected system of railroads, interstate in character.

### PLANS, SPECIFICATIONS AND ESTIMATES

SEC. 308. Railroads shall submit to the Commission for approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Commission may require. The Commission shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and its approval of any such project shall be deemed a contractual obligation of the Federal government for reimbursement of such railroads of the costs thereof, as determined by the Commission, as provided in this Title. In taking such action, the Commission shall be guided by the provisions of Section 309 of this Title.

### PROJECT STANDARDS

SEC. 309. (a) The Commission shall not approve plans and specifications for proposed projects on the system if they fail to provide for a facility that will adequately meet existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; that will encourage the standardization of equipment and operating practices; and that will be designed and constructed to accordance with the standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the system shall be approved by the Commission in cooperation with the participating railroads. Such standards, as applied to each actual construction project, shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the 20-year period commencing on the date of approval by the Commission, under Section 308 of this Title, of the plans, specifications, and estimates for actual construction of such project.

### PROJECT AGREEMENTS

SEC. 310. As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Commission shall enter into a formal project agreement with the railroad concerning the construction and maintenance of such project.

### RAILROAD EMPLOYEES

SEC. 311. All rehabilitation, maintenance, and improvement work performed pursuant to this Title shall be undertaken by the railroad and shall be done by railroad employees. Such work shall be subject to the inspection and approval of the Commission.

### REIMBURSEMENT

SEC. 312. Upon execution of a project agreement, the Commission is authorized to reimburse railroads for funds expended by them in carrying out the design and construction of projects approved by it for inclusion on the System. Partial payments may be made upon the completion by the railroad and acceptance by the Commission of identifiable tasks or sub-projects, and need not await completion and acceptance of the entire project.

### JOINT USE

SEC. 313. Upon application to the Commission by any rail carrier for the use of any rail line, yard, or terminal on the System for performing transportation services, if the applicant is fit, willing, and able to properly perform the service proposed; if such service is or will be required by the present or future public convenience and necessity; and if the operations of the applicant will not significantly impair the level of performance of the carrier or carriers already using the line who are adequately serving the public, the Commission shall by order require the joint use by the applicant of such rail lines, yards, or terminal upon such terms and conditions as are reasonable under the circumstances.

### APPROPRIATIONS

SEC. 314. There is hereby authorized to be appropriated to the Commission such sums as may be necessary to bring all rail lines, yards, and terminals on the system into compliance with the requirements of this title and of the Rail Safety Act of 1970, and for the administration of this title, but not to exceed $400,000,000 in any fiscal year.

### TRANSPORTATION TAX

SEC. 315. (a) There is hereby imposed upon the amount paid within the United States for the transportation of property, except by air, from one point in the United States to another, beginning 60 days after the date of enactment of this Act, a tax equal to one percentum of the amount so paid. In the case of property transported from a point without the United States to a point within the United States, the tax shall apply to the amount paid within the United States for that part of the transportation which takes place within the United States. The tax imposed by this subsection shall apply only to amounts paid to a carrier engaged in the transportation of property for hire, including amounts paid to a freight forwarder, express company, or similar person, but not including amounts paid by a freight forwarder, express company or similar person for transportation with respect to which a tax has previously been paid under this section.

(b) The tax imposed by this section shall be paid by the person making the payment subject to the tax. Each person receiving any payment specified in subsection (a) shall collect the amount of the tax imposed from the person making such payment, and shall, on or before the last day of each month, make a return, under oath, for the preceding month, and pay the taxes so collected to the Collector of Internal Revenue in the Internal Revenue District in which its principal place of business is located. Such returns shall contain such information and be made in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe.

(c) The Commissioner of Internal Revenue may extend the time for making returns and paying the taxes collected, under such rules and regulations as he shall prescribe with the approval of the Secretary of the Treasury, but no such extension shall be for more than 90 days.

(d) Every carrier engaged in the transportation, except by air, of property for hire within the United States shall, within 60 days after the effective date of this section, register its name and place or places of business with the Collector of Internal Revenue in the Internal Revenue District in which is located its principal place of business.

(e) Effective with respect to transportation beginning 10 years from the date of enactment of this Act, the tax imposed by Subsection (a) of this Section shall not apply.

## TITLE IV—LOCAL RAIL SERVICES

### RAILROAD ABANDONMENT PROCEDURES

SEC. 401. Paragraphs (18), (19), (20), (21), and (22) of section 1 of the Interstate Commerce Act (49 U.S.C. 1(18) et seq.) are amended to read as follows:

"(18) No carrier by railroad subject to this part shall undertake the extension of its line of railroad, or the construction of a new line of railroad, or shall acquire or operate any line of railroad, or extension thereof, or shall engage in transportation under this part over or by means of such additional or extended line of railroad, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line of railroad. Nothing in this paragraph or in section 5 shall be considered to prohibit the making of contracts between carriers by railroad subject to this part, without the approval of the Commission, for the joint ownership or joint use of spur, industrial, team, switching, or side tracks.

"(19) The application for and issuance of any such certificate shall be under such rules and regulations as to hearings and other matters as the Commission may from time to time prescribe, and the provisions of this part shall apply to all such proceedings. Upon receipt of any application for such certificate the Commission shall cause notice thereof to be given to and a copy filed with the Governor of each State in which such additional or extended line of railroad is proposed to be constructed or operated with the right to be heard as hereinafter provided with respect to the hearing of complaints or the issuance of securities; and said notice shall also be published for three consecutive weeks in some newspaper of general circulation in each county in or through which said line of railroad is proposed to be constructed or operated.

"(20) The Commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line of railroad, or extension thereof, described in the application, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. From and after issuance of such certificate, and not before, the carrier by railroad may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction or operation covered thereby.

"(21) The Commission may, after hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier by railroad subject to this part, party to such proceeding, to provide itself with safe and adequate facilities for performing as a common carrier its car service as that term is used in this part, and to extend its line or lines: *Provided*, That no such authorization or order shall be made unless the Commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier subject to this part which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall be liable to a penalty of $100 for each day during which such refusal or neglect continues, which shall accrue to the United States and may be recovered in a civil action by the United States.

"(22) Except in the case of an abandonment of operations pursuant to a restructuring plan adopted by the Commission as provided in Title II of the Federal-aid Railroad Act of 1973, no carrier by railroad subject to this part shall abandon all or any portion of a line of railroad, or the operation thereof, except in accordance with this paragraph unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity permit of such abandonment. A carrier or carriers may file with the Commission a notice to abandon a line of railroad, or the operation thereof, which notice shall be under such rules and regulations as the Commission may from time to time prescribe, and the provisions of this part shall apply to all such proceedings. Abandonments pursuant to such notice shall be governed by the provisions of this paragraph, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any court or State authority to the contrary notwithstanding. The carrier or carriers filing notice with the Commission pursuant to this paragraph shall file simultaneously with the Commission a certificate of service of the notice by mail upon the Governor of each State in which all or any portion of the line of railroad, or the operation thereof, is proposed to be abandoned, and a certificate of posting of notice in every station on such line and a certificate that notice has been published for three consecutive weeks in a newspaper of general circulation in each county in or through which said line of railroad operates. Notice shall also be given to all shippers and receivers who have used the line in the preceding eighteen months. All notices provided for in this paragraph shall be filed with the Commission at least ninety days in advance of any abandonment of any line of railroad or operation thereof pursuant to such notice and to this paragraph. Upon the filing of any notice pursuant to this paragraph, the Commission shall during said ninety days' notice period upon complaint of an aggrieved party, or may upon its own initiative, enter upon an investigation of the action proposed in the notice. If no such investigation is instituted, the Commission shall issue a certificate at the expiration of the ninety days' notice period that public convenience and necessity permit the abandonment proposed in the notice. If an investigation is instituted, the Commission, by order served upon the carrier or carriers affected thereby at least ten days prior to the day on which the abandonment proposed in the notice would otherwise become effective, shall postpone the abandonment in whole or in part, pending investigation, but not for a longer period than eight months beyond the date when such abandonment would otherwise have become effective. If, following such investigation, the Commission finds that the public convenience and necessity does not permit of the abandonment, it may, if necessary, order the restoration of the line or the operation thereof. Any investigation instituted under this paragraph may include full public hearings at a point or points on or reasonably adjacent to the line proposed to be abandoned, either on the Commission's own motion or when such hearings are requested by any intersted party. The abandonment proposed in the notice shall become effective 60 days after the Commission shall have issued an order finding such abandonment consistent with public convenience and necessity. The Commission may, in such order, and subject to the other provisions of this paragraph, authorize the abandonment of a portion or portions of the line of railroad, or the operation thereof, described in the notice, or the partial exercise only of such privilege, and attach to the issuance of the certificate of abandonment such terms and conditions as, in its judgment, the public convenience and necessity may require. In determining whether to make such finding the Commission shall consider the following: losses in operating the line proposed to be abandoned, as measured by costs of service including maintenance cost and such repairs or improvements necessary to continue the line at a physical standard necessary to provide safe, reliable, and efficient service; extent of actual use of and need for the line by shippers or receivers; and the development of an efficient and economical transportation system; *Provided, however,* That the abandonment shall be allowed unless continued operation of the line proposed to be abandonment will produce sufficient revenue to cover the avoidable costs of handling traffic to, from, and beyond the line; *And provided further,* That a finding permitting an abandonment shall be subject to the provisions of paragraph (27) of this section. Partial changes in operation or service shall be treated in accordance with paragraph (4) of this section. In any investigation hereunder, the burden of proof shall be on the carrier.

### ADDITIONAL ABANDONMENT PROCEDURES

SEC. 402. Section 1 of part I of the Interstate Commerce Act (49 U.S.C. 1) is amended by adding at the end thereof the following new paragraphs:

"(23) Any construction, operation, or abandonment contrary to the provisions of paragraph (18), (19), or (22) of this section may be enjoined by any United States district court of competent jurisdiction at the suit of the United States, the Commission, any commission or regulating body of the State or States affected, or any party in interest; and any carrier which, or any director, officer, receiver, operating trustee, lessee, agent, or person, acting for or employed by such carrier, who knowingly authorizes, consents to, or permits any violation of the provisions of paragraph (18), (19), or (22) of this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

"(24) The authority of the Commission conferred by paragraphs (18) to (22) of this section, both inclusive, shall not extend to the construction, acquisition, or abandonment of spur, industrial, team, switching, or side tracks located or to be located wholly within one State, or of street, suburban, or interurban electric railways, which are not operated as a part or parts of a general railroad system of transportation.

"(25) (a) Within one hundred and twenty days after enactment of this paragraph, each railroad shall prepare and file with the Commission and publish in accordance with regulations promulgated by the Commission a full and complete diagram of its transportation system describing its low-density rail lines, as that term shall be defined by the Commission. In defining 'low-density rail lines' for the purposes of this part, the Commission may adopt standards which vary among regions of the country or among individual railroads or groups of railroads. A railroad shall also identify on such diagram any other line for which it may seek authority to abandon. A railroad shall amend its diagram as the Commission shall require, to reflect any changes in this system.

"(b) No carrier shall abandon all or any portion of a line of railroad (or operation thereof), the abandonment of which is opposed by any person who has used the service provided thereon during the eighteen months preceding the date of filing of the abandonment application or is opposed by any State, county, or municipality served by that line, unless such railroad line has been identified on the diagram provided for in subparagraph (a) of this paragraph for at least eighteen months.

"(26) In the event the Commission shall during the eight months provided for in paragraph (22) make a finding that the public convenience and necessity permit abandonment, it shall also concurrently make a determination of the extent to which, if any, the revenues attributable to the line, lines, or operations in question cover the relevant avoidable costs referred to in paragraph (22).

"(27) Any carrier undertaking the abandonment of a line of railroad or a portion thereof or the operations thereover pursuant to the provisions of this section, shall be required to protect the interests of employees affected by such abandonment. Such protective arrangements shall be those agreed to by the carrier and the representatives of its employees or, in the absence of such agreement, as the Commission shall determine. Such protective arrangements shall be included in an order to be issued by the Commission at the end of the ninety days' notice period or the eight months' suspension period as the case may be.

"(28) Within one hundred and eighty days following the date of enactment of this title and as required thereafter, the Commission shall determine, pursuant to section 553 of title 5, United States Code, and shall publish standards for determining the 'avoidable costs of handling traffic' and 'revenues attributable to the line' as those terms are used in this section.

"(29) In any instance in which the Commission shall have found that the present or future public convenience and necessity permit the abandonment of any line of railroad, the Governor of any State in which all or a portion of such line is located may, prior to the effective date of the Commission's order, notify the Commission and the railroad performing the service involved if it is the State's intention to provide operating subsidies for the railroad in order to assure continuance of service found by the State to be essential. Upon such notice, the Commssion may order an additional postponement of the abandonment of not more than six months in order to permit arrangements for subsidy to be made.

"(30) In any instance in which the Commission finds that the present or future publice convenience and necessity permits the abandonment of any line of railroad, the Commission shall impose as a condition of such abandonment that tracks and other structures or facilities be removed so as to return the land held in conjunction with the operation of such abandoned line to a safe condition suitable for other use. The Commission shall also impose as a condition, where appropriate, an opportunity for acquisition of such land by any governmental body for public use or otherwise.

"(31) Applications for abandonment filed with the Commission before the date of enactment of this Act, shall be governed by the provisions of section 1 of the Interstate Commerce Act (49 U.S.C. 1) effective upon that date, except that the issuance of a certificate authorizing abandonment shall be stayed if, prior to the effective date of the Commission's order finding that the public convenience and necessity permit of the abandonment, the governor of any State within which the line authorized to be abandoned is located notifies the Commission and the railroad of the State's intention to provide an operating subsidy."

### MAINTAINING ESSENTIAL RAIL SERVICES

SEC. 403. (a) The Commission is authorized pursuant to regulations prescribed by it to reimburse a State for 70 per centum of the amount paid by such State as operating subsidy to continue service on a rail line or lines that would otherwise have been abandoned. In determining whether to make such reimbursement the Commission shall accept the State's determination of need for continuation of the railroad service which would otherwise have been abandoned. It may require adjustment in the amount of the subsidy to be paid if it finds such amount to be grossly disproportionate to the level of service to be provided.

(b) Within six months from the date of enactment of this title, the Commission shall prescribe regulations governing the procedure for application by a State for reimbursement of railroad operating subsidies and setting forth the conditions required of all contracts or other arrangements for operating subsidy.

(c) If the Commission finds that an operating subsidy contract or other arrangement as submitted fails to comply with its regulations or that the amount of the subsidy to be paid is grossly disproportionate to the level of service to be provided, it shall so advise the State within thirty days of the receipt of the application for reimbursement, in writing, together with the reasons therefor, and shall afford the State a period of fifteen days within which to revise such contract or other arrangement.

(d) An operating subsidy contract between a State and a railroad may be for any period of time, but the length of time during which the Commission may reimburse the State, as provided in this title, for operating subsidies paid to continue operation of any particular line of railroad shall not exceed three years.

(e) The Commission shall not reimburse a State for operating subsidy paid to a railroad unless such State has adopted legislalation extending authority to the Governor or other appropriate State official or agency to perform its obligations in accordance with the terms of this title and regulations issued by the Commission.

(f) There is authorized to be appropriated to the Commission not to exceed $50,000,000 in each fiscal year to carry out the purposes of this title.

(g) The initial capital costs of restoring or upgrading a line of railroad or other facilities to such condition as necessary for the provision of service may not be included in an operating subsidy contract or other arrangement. Such capital costs may be prorated over the life of such line or facilities and such prorated cost may be included as part of the cost of an operating subsidy contract or other arrangement.

---

INTERSTATE COMMERCE COMMISSION,
*Washington, D.C., March 23, 1973.*

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,*
*Washington, D.C.*

DEAR CHAIRMAN MAGNUSON: The Interstate Commerce Commission is pleased to submit its report containing comments, recommendations, and proposed legislation dealing with problems currently faced by the railroads in the Northeastern United States.

The Commission requests that the draft legislation attached to its report be introduced, and we urge that it be given prompt and careful consideration by your Committee.

If there is any way in which I, the Commission, or its staff can assist you and the Committee in solving this immensely difficult and important problem, please be assured that we stand ready to provide whatever help we can.

Sincerely yours,
GEORGE M. STAFFORD,
*Chairman.*

---

### EX PARTE NO. 293, NORTHEASTERN RAILROAD INVESTIGATION

(Report of the Interstate Commerce Commission to the Committee on Commerce, U.S. Senate and the Committee on Interstate and Foreign Commerce, U.S. House of Representatives, concerning means for preserving and maintaining essential rail services in response to Senate Joint Resolution 59)

The problems plaguing railroad service in much of the Northeastern United States are too well known to need any extensive repetition. Much of that service is being operated by railroads in reorganization under Section 77 of the Bankruptcy Act. Whether successful income-based reorganization for at least some of these carriers is possible is far from certain.

The situation reached a climax on February 8, 1973, when the trustees of the Penn Central Transportation Company put into effect work rule changes which would have reduced the size of crews on certain trains. Members of the United Transportation Union went on strike against the railroad. On the same date, the Congress responded by enacting Senate Joint Resolution 59, signed into law the next day by President Nixon, which ended the work stoppage by maintaining the status quo for a 90-day period. The Congress also directed the Secretary of Transportation, within not more than 45 days to prepare and submit a report which would provide "a full and comprehensive plan for the preservation of essential rail transportation services in the Northeast section of the Nation, including the President's proposals, if any, regarding Federal financial expenditures necessary for restoration or preservation of rail transportation services imperiled by the financial failure of rail carriers, and for alternative means for providing essential transportation services now provided by such carriers."

The Interstate Commerce Commission, at the time the Joint Resolution was passed, already had under consideration the institution of an investigation under Section 12(1) of the Interstate Commerce Act in which all the Eastern railroads in reorganization would be made parties. The purpose of the investigation, subsequently instituted as Ex Parte No. 293, *Northeastern Railroad Investigation*, as originally conceived, was to gather information concerning the actual operations of the carriers involved, to attempt to identify and plan for the preservation of essential rail services, to provide a vehicle for exploring with the reorganization courts and the trustees of the railroads in reorganization ways in which cooperative endeavors might permit operating efficiencies through the reduction of duplicative services and facilities without impairing service, and to develop recommendations for the consideration of the Congress.

When Senate Joint Resolution 59 was passed, the Commission decided that it would be appropriate to respond with its comments and recommendations within the same time frame assigned to the Department of Transportation in order that the Congress might have the opportunity to consider alternative solutions. We, therefore, asked parties to Ex Parte No. 293 to provide us with their initial comments by March 15, 1973, and subsequently supplemented that request by asking the railroads in reorganization to furnish us with detailed descriptions of their main lines and principal yard facilities. These comments have been reviewed by our staff, but time has not permitted their complete analysis prior to the preparation of this report. Supplemental statements in Ex Parte No. 293 are due on April 15, thus giving the parties the opportunity to comment not only on the initial statements filed in that processing, but on the ICC and DOT recommendations to the Congress.

Our report is necessarily not complete. Certain assumptions, conclusions, and recommendations must be tested in the light of data still to be gathered and analyzed. Not every recommendation could, in the time available, be fleshed out into the necessary draft legislation. You may be assured, however, that the Commission will be submitting to you further recommendations and supporting materials. If there are any particular areas in which you think our assistance would be helpful to your Committees, please do not hesitate to call them to our attention.

### BASIC ASSUMPTIONS

In approaching the Northeastern railroad problem, the Commission has made certain basic assumptions—some of them of a policy nature, others grounded more on the facts as we know them to date. Realizing that some of these underlying premises will have to be further scrutinized as our infomation is developed, we have approached the present task on the basis of the following assumptions:

1. The maintenance of high quality railroad service in the Northeast, capable of meeting the reasonable transportation requirements of the users and of the communities in the region, is essential to the economic health of the region and the Nation as a whole.

2. Elimination of duplicative and non-essential facilities, reduction in the size of the existing rail physical plant, and basic restructuring of the present system will be essential if needed. Northeastern rail services are to be preserved and to become financially viable.

3. The entire Northeastern railroad system of trackage, yards, and other facilities must be considered as a whole, rather than on a carrier-by-carrier basis, if the development of an effective system is to be successful.

4. The development of an effective system cannot be accomplished by reorganization courts or railroads acting unilaterally, and governmental guidance will be necessary.

5. The size of the work force now employed by the Northeastern railroads will diminish as duplicate and non-essential facilities are eliminated, and is not likely to increase until rail service can be improved to the point that substantial increases in traffic can be achieved.

6. Federal financial aid will be necessary because the cost of upgrading the basic rail system needed in the Northeast to the point that railroads can provide adequate service and compete effectively with other modes for available traffic will be too great for the carriers, the users of their services, or the State and local governments involved to bear. At the same time, Federal involvement should be kept to the minimum.

Moving from these basic assumptions to the development of means to accomplish what must be done, the Commission believes that any successful Northeastern railroad program must address and deal with the following points:

1. Identification of a "primary" rail system configuration made up of mainline trackage and major yards.

2. Means for funding needed improvements on the primary system.

3. Solution of the problem presented by low-density branch lines which, although unprofitable, provide rail service considered essential by users and State and local governments.

4. Solution of the problem presented by surplus labor.

5. Means to assure continuation of essential services while the restructuring program is being effectuated.

6. Means to compel cooperative use of primary system trackage and yards by surviving railroads.

We are submitting herewith a draft bill which we believe goes a long way toward accomplishing these objectives. It consists of four titles, as follows:

Title I. *Statement of Congressional purpose and definitions.*

Title II. *Interim and emergency measures*—This title is designed to deal with the imminent problems of the Eastern railroads in reorganization. Under it, essential services could be maintained, at the minimum public cost, while the longer-range programs proposed in Titles III and IV were being implemented.

Title III. *The Federal-aid railroad system*—This title would provide for the selection of the primary system of mainlines and terminals which would be upgraded through Federal aid.

Title IV. *Local rail services*—This title would include new abandonment provisions and a Federal-State matching fund program for maintaining essential but unprofitable local services.

The Commission has not attempted to address the problem presented by surplus railroad labor in sufficient depth to warrant our making a firm recommendation for Congressional action. We have some comments on this subject later in this letter, and a tentative suggestion is advanced, but the accompanying draft bill does not include a proposed program for dealing with the major aspects of the rail labor situation.

### THE NORTHEASTERN RAILROAD SYSTEM

*Initial policy considerations.*—Basic to the understanding of the problems of the Northeastern railroads is the realization of the nature of the rail system itself. The physical system in the Northeast is an agglomeration of track and yard facilities which grew up in another era, before the advent of trucks, private cars, and airplanes. In addition to changes in technology, there have been radical alterations in the type and volume of traffic available, in the kinds of industry prevalent in the Northeast, and in the location of principal traffic generating points. To cite only one example, the lines operating from the Northeastern Pennsylvania coal fields to New York City, originally profitable due to the heavy movement of anthracite coal, have had none of this traffic for several decades.

The result is a system which possesses far greater capacity than is needed; a system which is is antiquated not only with respect to the state of its physical plant but as regards the fundamental location and design of that plant. As already noted, it is one of this Commission's basic assumptions that elimination of duplicative and non-essential facilities, substantial reduction in the size of the existing rail physical plant, and basic restructuring of the present system will be essential, if needed Northeastern rail services are to be preserved and to become financially viable. There appears to be little chance, if any, that the Northeastern railroads in reorganization could, as a group, emerge as profitable businesses unless redundant facilities are eliminated.

Whatever the Federal government may or may not do—even if a hands off attitude is maintained and the courts proceed either to income-based reorganization or liquidation of the bankrupt roads—one or more new railroad systems is likely to be the ultimate result. A threshold question that the governmental policy maker must face is whether it would be in the public interest to allow, either by action or inaction, the development of a single-system Northeast.

It is the Commission's position that the creation of a single Eastern railroad system—presumably built around the Penn Central as the largest of the carriers in reorganization—would not be in the public interest. If competition in the Northeast is eliminated, and a railroad monopoly is thereby created, the traditional reliance on competition as a regulator in the marketplace would largely be lost. The effect would be nationwide inasmuch as industries sited throughout the country compete for the same markets and the cost of distribution for both raw and finished products materially affects their competitive ability. Intermodal competition is insufficient to provide the necessary service incentives and to stimulate the necessary innovations, hence the tendency of freight to move from the most efficient mode, railroads, to a less efficient mode will be even more greatly exaggerated. Even a single-system Northeast would require massive public support if the rail service is to be improved to the point that it could be competitive with other modes. Finally, the impact on the healthy railroads might well be disastrous, for a single railroad serving the entire populous area east of Buffalo and north of Philadelphia would mean the elimination of the independent lines upon which the Chesapeake and Ohio, Baltimore and Ohio, and Norfolk and Western Railroads now rely for the generation of much of their traffic.

*A community problem.*—Decisions as to the degree of competition demanded by the public interest, and other major policy matters such as the location of principal rail arteries, must be made publicly and with public participation. Certainly, they should not be made in the forum provided by a single railroad's reorganization court. Unique circumstances make the public approach practicable and feasible at this time, for what we have is essentially a public problem. Only by a public exposure of the problem's true nature and scope can we achieve the broad understanding necessary to a solution.

The Commission visualizes the Northeastern railroad situation as a community problem warranting resolution on a coordinated basis. In our view, as previously stated, the entire Northeastern railroad system of trackage, yards, and other facilities must be considered as a whole, rather than on a carrier-by-carrier basis if development of an effective system is to be successful.

We wish to stress here that it will not be enough to consider only the railroads in reorganization. This is so even if all of them could be looked at together—by consolidating the reorganization proceedings in a single court, for example, and directing DOT or ICC to produce a unified reorganization plan. Also to be considered is the place in the overall system of the healthy roads—and not only the long-haul connecting and competing carriers already mentioned, but also the numerous smaller lines and terminal railroads which provide the only rail access for many users. These carriers are able to operate at a profit, and are not subject to the jurisdiction of any reorganization court. They provide essential services, and no successful redrawing of the railroad map can be accomplished unless the continuation of those services is assured.

ICC staff members have undertaken contingency planning to preserve essential service in the event of a shutdown by certain railroads. In that context the Commission has encouraged the railroads to work and plan together seeking ways to rationalize the rail system in the Northeast. Unfortunately, the informal persuasion route has not been fruitful enough. Thus we have concluded that the development of an effective system cannot be accomplished by reorganization courts or by railroads acting unilaterally, and governmental guidance will be necessary.

Even if the Northeastern railroads' main lines and principal yards were successfully pared down to an efficient configuration, substantial upgrading of these facilities will be needed to bring them to the physical condition which will allow rail service to compete effectively with that of other modes for the available traffic. The cost of rehabilitation of an antiquated system, upon which maintenance has been neglected for many years, will be enormous. The Commission has not been able to develop a reliable figure as yet, but estimates of $600–800 million for the Penn Central, made by its trustees a few months ago, and of $8 billion, nationwide, made by the ASTRO report in 1970, are probably not unrealistic. The Northeastern railroads are clearly incapable of generating funds of anything like this magnitude either from increased revenues or in private money markets. Public funding appears to be the only alternative.

Government, local as well as Federal, has traditionally supported transportation projects in the United States. The railroads themselves were major beneficiaries of public aid in the years when they were being pushed across the continent. More recently, it has been their competitors that have benefited. Development, maintenance, and operation of highways, waterways, and airways have been funded through public investment. We believe that the time has come for the Congress to consider whether a correlative funding program to assure the maintenance of needed rail service should be undertaken.

### ROUTE AND FACILITIES SELECTION

Given the premises set forth above, how are the major routes to be selected? There is nothing to be gained by pretending that this will be an easy task. For anyone not intimately familiar with the Northeastern railway map and with the ways in which traffic actually moves, it might not seem as complicated as is the case. The layman tends to think in terms of a few through routes, each controlled by a single carrier. For example, Penn Central has main lines extending from New York City to Chicago through Philadelphia and Pittsburgh (an old Pennsylvania main line) and through Albany and Buffalo (an old New York Central main line). The Erie Lackawanna's main line extends from the New York area to Chicago through Scranton, Binghamton, and Youngstown.

These are, of course, important arteries for through traffic, but another highly competitive and heavily used route, known as the alphabet route, provides through service between New York and Chicago over the lines of the Jersey Central, Reading, Western Maryland, and Norfolk & Western. Joint line routings such as this must be considered in the route selection process, and some will undoubtedly have to be retained and upgraded, if effective competition is to be preserved in the Northeast.

We have attempted to describe the major long-haul routes in an accompanying paper. No claim for infallibility is made, and it should be stressed that this is but a preliminary step in the identification of essential long-line rail transportation corridors. Also, there are many other shorter corridors vital to the economy of the areas which they serve, and offering the opportunity for profitable operations for the railroads using them.

As we have already suggested, consideration cannot stop within main lines alone. Much of the decrepitude, inefficiency, and redundancy of the Northeastern railroad system is to be found in yard and terminal facilities. To rehabilitate only main lines would be similar to trying to construct the Interstate Highway System with no consideration for access routes and with no provision for interchanges.

Not only are yards and terminals desperately in need of upgrading, but the very number of terminal companies and small railroads that are essential for providing originating and terminating service for thousands of users militates against their being able to join together into an effective and efficient rail system without a positive public program directed toward that end. No program which ignores this aspect of the rail system as it exists today, and tackles the problem of improving terminal and yard performance, can be expected to provide a lasting solution.

There seems no feasible alternative to the location, somewhere within the Federal establishment, of the authority and expertise needed to make route selection decisions. These decisions will have to be made, and there is no reason why they should differ, regardless of the precise means for government involvement that is selected—whether it be government ownership of right-of-way and major yards, or government funding of improvements to facilities remaining under private ownership.

In the Commission's view, once the high-density corridors have been identified, the selection of lines to be upgraded should be made largely on engineering criteria. For right-of-way, this means the lines that have the best configuration with respect to grades and curvature and which have ample clearances. For yards, it means taking into account location, space available, local land-use planning, and the potential for needed future expansion. Present ownership of rail facilities, and even the present level of maintenance, should be of secondary importance in the selection process.

The route selection task, as we see it, has two distinct aspects. First, it is a determination of public need—the kind of public convenience and necessity decision which the Commission has been making for many years and which has traditionally been delegated by the Congress to regulatory agencies.

Moreover, it is a determination affecting the operations not of the public at large, but of franchised common carriers already subject to the Commission's jurisdiction. Secondly, the selection of routes is an administrative task in which basic concepts of engineering and economics must be given major consideration. Whatever body is given the responsibility of making the determination as to the public need for rail services, its decision must be followed up by complementary actions spelling out and applying technical criteria, approving contracts, and monitoring construction. These two activities, the making of the public need decision and the carrying out of that decision through physical reconstruction of our railroad plant, must be closely integrated, but they would not necessarily have to be delegated to the same agency.

The Interstate Commerce Commission stands willing, and we believe able, to assume all or any part of the facilities selection and reconstruction responsibility. We realize that in the actual carrying out of the selection decision we would have to rely, at least at the outset, on the technical staff and expertise of others. With adequate funding however, we would be prepared to develop that staff and expertise within this agency. Should the Congress decide that such tasks as fixing engineering standards and monitoring construction would better be performed in the Department of Transportation, the Commission believes it is quite capable of working closely and in harmony with the Department, and we would still be fully prepared to assume the task of making the preliminary determination of public need for continued rail service.

Selection of the basic route system is important enough, we think, to warrant a few additional cautionary comments. The railroad system in the Eastern United States is so complex, both from the point of view of physical layout and ownership, that any attempt by a government agency, whether a single administrator or a regulatory commission, acting on its own initiative, to select the optimal route system is almost certain to end in frustration. Moreover, we are dealing here with the basic skeleton of our common carrier rail system—something so important that hasty decisions, as well as uninformed decisions, simply cannot be tolerated. Thus, any quick redrawing of the Northeastern railroad map, such as that provided for in the Amtrak legislation, should be avoided.

While we believe that the Federal government must play the decisive role, we think it appropriate to provide the railroads themselves with an initial opportunity to propose routes and facilities to be included on the primary system. They should be better qualified than any civil servant to select lines and facilities on their own system as best suited for inclusion on an interstate system of long-line, high-density routes. In addition, the railroads, and particularly the smaller ones, should be in the best position to know which joint-line routes are essential and which gateways must be kept open if the competitive balance is to be maintained.

Not every route that will eventually be proposed for the primary system can be included. Preliminary estimates suggest that about one-half to two-thirds of the present main line routes should be kept up to high-speed and high-density standards. However, if the agency making the final route selection decision has before it the proposals and supporting reasoning of the carriers themselves, the selection process will be facilitated and the chance of error will be reduced.

### RENEWAL OF THE BASIC RAIL SYSTEM

The Commission's proposal provides both for the selection of the basic line-haul rail services needed for the Northeast, and for their needed rehabilitation and efficient operation. In arriving at the approach set forth in the draft bill, several alternatives were considered.

As already noted, we are convinced that the forces of the marketplace, acting through the income-based reorganization or liquidation of bankrupt railroads, will not do the job. Public participation is essential if the public interest is to be served.

The reorganization courts, in our view, cannot provide the degree or the kind of public participation that is needed, for they are not equipped to make decisions as to present and future public service requirements. It has been suggested to us by judges who have had experience in railroad reorganizations that they neither feel the desire nor claim the expertise to enter upon this kind of task. To cite only one example, the proposal that has been advanced elsewhere that the courts should preempt the Commission in authorizing summary route abandonments as means toward reorganization of a debtor railroad—to say nothing of its impact upon affected users and communities—simply does not meet the area-wide problem with which we are faced today in the Northeast.

One means of dealing with the needed rehabilitation and upgrading of main-line and related facilities which has been given serious attention would provide for the purchase of selected facilities by the Federal government or a Federal supported agency or corporation, and the lease by it of the facilities to operating railroads in return for user charges. Such a program has a number of advantages, for it provides an efficient way of placing control of all the principal regional railroad facilities in a single body, thus expediting and facilitating the development of a unified system. Despite certain obvious advantages, however, we are not convinced, on balance, that government ownership of rail facilities is the best answer. The cost of acquisition would be enormous, and so would be time, as well as the expense, of dealing with the multitude of property and other legal rights that would be affected. In addition, we think that the American people will prefer that solution which calls for the least government involvement and which leaves the greatest possible degree of control in the hands of the private sector.

In Title III of the accompanying draft bill, there is outlined a comprehensive plan which provides for—

The selection by the Interstate Commerce Commission of an integrated system of railroad main lines and related yard and terminal facilities.

The continuing review by the Secretary of Transportation of the Nation's railroad transportation needs and the updating by the Commission of the basic system.

A program of Federally funded rehabilitation, modernization, and upgrading of the basic main-line system, administered by the Commission.

A transportation tax which would raise revenues more than adequate to carry out the main-line rehabilitation program.

The draft bill limits the selection of the main-line system, and the Federally funded rehabilitation program, to lines located in the "Northeast region"—defined in Title I of the bill as the New England States, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois, the District of Columbia, and certain contiguous areas. Thus it encompasses what, in transportation parlance, is often referred to as "Official Territory". The determination that railroads in other regions of the United States should be made eligible for inclusion in this or a similar program would be left to the Congress to make at a later date.

Selection of what the draft bill describes as the "Federal-aid Railroad System" would be undertaken by the Commission. Railroads, singly or jointly, wishing to propose lines or facilities for inclusion on the system would have 120 days after the date of enactment to make appilcation to the Commission. Sixty days later, the Commission would issue its tentative plan for the system. Comments would be received from interested parties for another sixty days thereafter. The Secretary of Transportation would be required to comment on the Commission's tentative plan. His comments would include identification of corridors in which the provision of high-speed rail passenger service appears to be in the public interest. Having considered the comments, the Commission would submit to the Congress, not more than one year after enactment, its final determination of the Federal-aid System. That determination would become effective upon submission and would not be reviewable in any court. The makeup of the System could be altered by the Commission, upon petition or on its own motion, at any time beginning two years following its designation.

The draft bill also provides for a continuing study of railroad transportation requirements—for the entire Nation, not only the Northeast—to be undertaken by the Secretary of Transportation. His Railway Needs Report would be submitted to the Congress every other year. He would be required, in connection with the report, to carry out a study of the long-term capital needs for the upgrading of the national railroad system.

Title III of the Commission's proposed bill provides for a new Federally funded program for railroad rehabilitation, and for a three-step project approval and contracting procedure similar to that of the Federal-aid Highway Program. Individual railroads would submit reconstruction programs to the Commission. Upon approval, this submission would be followed up with detailed project designs and specifications. Approval by the Commission of a specific project at that point would obligate the Federal government to fund the work so approved. The final step would be the negotiation of a project agreement. Work would be carried out by the railroad, using railroad employees, and would be subject to inspection and approval by the Commission.

The program which we are proposing vests in the Federal government, inasmuch as it would be furnishing funds for the rehabilitation of selected facilities, the final voice as to how the funds will be expended. The Commission would make the decision as to what facilities are selected to receive Federal funds, and it would be able to attach conditions to the receipt of financial aid to assure that those facilities which have been upgraded through the investment of public funds are in fact operated in the public interest. Such facilities must, in our view, be operated as common carrier facilities open to use by all operating common carriers by rail. The bill provides, therefore, that the carrier owning a line selected for inclusion on the System would have to allow others, upon the payment of reasonable compensation and upon such conditions as the Commission might prescribe, to share in the use of its facilities.

### FUNDING

While the Commission is convinced that nothing short of a Federally supported grant-in-aid program will restore the Nation's railroad service to an acceptable level of quality and efficiency, we are equally convinced that no new Federal funding program should be advanced without provision for raising the revenues which it would absorb. Since an improved transportation system would be the result of the program which we are proposing, we think it appropriate to place the cost on those who will ultimately benefit—the users of transportation services. We are, therefore, proposing a transportation tax to be levied on all for-hire, domestic, surface transportation of property.

We believe that such a tax should apply to for-hire transportation generally, regardless of mode. This may at first sight appear to be an unfair imposition on the railroads' competitors. However, we think that further analysis will demonstrate that this is not the case. The tax which we propose would be levied, after all, on the user of transportation services, not on the carrier. Every user, we are convinced, will benefit from the improvement of rail service. Even if he does not use the railroads himself, better rail transportation will mean heightened competition, and the result should be higher quality service, at competitive rates, for all modes. As a practical matter, too, the imposition upon the railroads alone of a tax burden sufficient to fund the level of railroad aid that is needed could do no more than add to their present problems. Such a tax would have to be a rate of three or four percent on railroad billing, and the result could only be diversion of badly needed traffic to other modes.

We are proposing a general property transportation tax of only one percent, which would return approximately $500 million to the Treasury, based on 1972 estimated freight revenues. Such a sum would more than equal the cost of the program proposed by the Commission for the rehabilitation of main lines. It would be adequate, also to fund the program provided for in Title IV of the draft bill, and discussed immediately below, for the preservation of essential low-density lines.

### LOW DENSITY LINES

*Branch lines and abandonment procedures.*—The problem presented by branch lines which do not attract enough tonnage to cover costs but which, nevertheless, perform services essential to local communities, shippers, and consignees, was examined at length in the 92nd Congress. The principal emphasis then was on the impact of the cash drain from unprofitable services on the railroads themselves, and considerable attention was devoted to ways of speeding up the handling of rail abandonment proceedings by the Commission. Near the close of the last Congress, serious attempts were made to get to what we believe to be the heart of the problem; that is, how to enable the railroads to save themselves from these continuing cash losses and at the same time ease the impact on the users of possible loss of vitally needed services. S. 2362 as reported by the Senate Committee on Commerce and H.R. 16960 faced up clearly to this two-part problem.

Both bills recognized that, while the financial losses sustained through the operation of unprofitable lines could be of major significance to a railroad, the impact of a shutdown of needed service on the actual users and on whole communities could be truly disastrous. Their problem is, obviously, intensified if the threatened cessation of service comes on short notice, not leaving time for formulating and effecting plans for alternative transportation. The Commission is persuaded, based on long experience in administering the abandonment provisions of the Interstate Commerce Act, that the recognition that a particular line is a money loser does not come suddenly to the owning railroad. In most instances, the realization that traffic on a line is on the downgrade and that profitable operations cannot be sustained will be clear, or should be clear to a reasonably efficient management, a matter of years before the losses become so great that abandonment is inevitable. A reasonable requirement, in our view, would be one calling upon the railroads to give notice of their intentions well in advance—one or even two years—prior to seeking authority to abandon a line. This could be done by requiring publication and filing with the Commission of a list of low-density lines, for experience demonstrates that these are the ones that will be the likeliest candidates for abandonment.

On the other side of the coin, if such a notice requirement were adopted and if a financial aid program for essential branch-line operations such as that proposed below were to be approved, the Commission is convinced that abandonment applications could be processed much more rapidly than is now the case, largely because the likelihood of legitimate public opposition to the awarding of a certificate of abandonment would be greatly reduced. In such circumstances, we would endorse the fixing of a reasonable statutory time limit for the disposition of abandonment applications.

*A branch-line funding program*—Unlike a main line, a branch line usually has not declined to an unprofitable state because of poor physical condition, although this may be a factor, and in some cases rehabilitation may be essential if a line is to be operated in an acceptably efficient manner. A branch line operation which has become a losing proposition is normally one in which traffic volume is simply not great enough to cover operating costs. Little if any overhead traffic is usually handled, and originating and destination traffic is handled relatively short distances to a junction with a main line. High speed operation is rarely necessary, and gross tonnages are likely to be relatively small. Thus the maintenance level can be far lower than that required on main lines if railroads are to be able to compete with carriers of other modes. Branch line losses are basically operating losses, and major expenditures for capital improvements on the rights-of-way are not likely to provide an effective cure. The only answer, in our view, is some form of operating subsidy.

The preservation and improvement of branch-line rail service, in the Commission's opinion, is in the first instance a local problem. It is one, however, which affects the national interest, for individual rail lines must be looked at as parts of an integrated national system and, of course, the economic health of any community or region affects the health of the Nation as a whole.

To deal with the problem presented by low-density branch lines, the ICC suggests an approach which places a substantial share of the burden of paying for the maintenance of needed services upon those that benefit most—the affected State and local governments and their citizens. Recognizing the overall national interest that is involved, however, we propose a Federal-aid program, on a matching fund basis, which would provide a measure of revenue sharing and lessen the financial burden that the States would otherwise have to bear in full.

Under this program, the decision as to what services are essential would be left in the first instance to the States, with the requirement that they put up enough of the cost of service to assure that only those lines which were truly vital to their economy would be kept operating. Federal participation would be strictly limited in point of time to three years. Within that time, the State and the users would be expected to come up with a way of making the operation pay or of providing alternative transportation—or else they would have to bear the whole subsidy cost.

Title IV of the accompanying draft bill provides a comprehensive program for dealing with abandonments and the preservation of needed low-density rail lines. It provides for the filing with the Commission and for publication by each railroad of a description of its low-density lines, as defined by the Commission, and of any other lines it may propose to abandon. No line could be abandoned, if the proposal is opposed by a user, unless it has appeared on the list for 18 months. The ICC would handle abandonments on an expedited schedule, reaching its decision in no more than 8 months.

The Commission would be required to determine whether continued operation of the line will meet avoidable costs, and if it finds that the line's operation will not meet avoidable costs, it would have to provide that a certificate of abandonment would be issued within 60 days. It would also have to determine the amount of the avoidable losses which the railroad would incur if the service were to be continued. Excluded from the new abandonment requirements and procedures would be abandonment applications filed before the date of enactment and abandonments ordered by the Commission as part of a restructuring plan provided for in Title II of the proposed bill and discussed below.

The bill contains a provision by which the State in which the line to be abandoned is located can stay the issuance of the certificate of abandonment by notifying the Commission of its intention to provide an operating subsidy. If the State determines that the line is one which it is willing to subsidize, the bill provides for a Federally-funded matching grant program, administered by the Commission, under which there would be paid for up to 3 years, 70 percent of the cost of an operating subsidy agreed to by a State in order to provide for the continuation of rail services that would otherwise have been abandoned. Under the subsidy program the Commission would be authorized, as a condition to the commitment of Federal funds, to require that an operating subsidy contract between the State and a railroad be in such a form, and contain such conditions, as it would prescribe; and to reject an operating subsidy contract if it finds that the compensation agreed to by the State is grossly disproportionate to the level of services to be rendered by the railroad. The amount of any operating subsidy eligible for matching Federal funds could not include expenditures for capital improvements. The cost of improvements could, however, be prorated over the useful life of the improvements and the prorated amount included in the amount of the operating subsidy eligible for matching Federal funds. Title IV of the draft bill provides for an appropriation of up to $50 million a year to fund the operating subsidy program for low-density lines. This amount, in our view, should be ample, and it would be recouped from the revenues provided by the transportation tax discussed above in connection with Title III of the bill.

### MEETING EMERGENCY SERVICE FAILURES

Designing a new railroad policy and carrying it into effect is not something that can be done overnight. Time will be required for the legislative process. If, as we anticipate, a new and important Federal program is the result of that process, it will take time to fund it, to organize the machinery to carry it out, and to get that machinery operating smoothly. Even if substantial sums are made available, it will take still more time until funds earmarked for facilities improvement will begin to make a noticeable impression on the cash position of railroads in critical financial difficulties. In addition, as we have already noted, we are convinced that the task of devising and implementing a new railroad revitalization program is too complex and important to permit hasty action.

On the other hand, the financial condition of at least some of the carriers in reorganization poses the very real threat that vitally needed rail services may have to be curtailed. Thus immediate action is seemingly essential.

While we consider the position of some of the Eastern roads to be critical, we do not wish to paint a blacker picture than is absolutely necessary. Certain railroad spokesmen have apparently been trying to convince the Congress that the situation is hopeless, and that there is no possible solution short of massive cessation of service. We do not agree—either that immediate cessation of service is a panacea or that the situation is hopeless. To make the latter assumption is, if nothing less, to express a complete lack of confidence in the ability of the Congress of the United States to act successfully to assure that the transportation needs of our citizens and our commerce are met. Furthermore, the truth of the matter is that things have been looking at least a little better for the Eastern railroads in the last few months.

January saw a phenomenal upswing in traffic for the Penn Central, with its carloadings exceeding its own forecasts by 5 percent and topping the comparable 1972 period by 11 percent. Nationwide carloadings were up 8.3 percent from January 1972, and the Eastern district roads' traffic was up 4.6 percent. The Western roads, aided by grain shipments to the U.S.S.R., were up 13.5 percent. If the January results are a true precursor of things to come, and if we may expect a general improvement through 1973, the crisis at Penn Central and the other Eastern roads will be greatly eased, and there will be no cause for overly precipitous action by any court or other governmental body.

In considering the time available to act, another factor that must be considered is whether Constitutional provisions, upon which creditors rely, may very soon preclude continuing erosion of the debtor railroads' estates so that service cannot be maintained much longer.

Closing down a railroad, or abandoning substantial parts of its system, obviously has important considerations beyond the economics of any individual railroad's operation. Communities, shippers, and employees (of the railroad and of industries it serves) can be substantially affected. Providing relief to a railroad to the serious detriment of the public would be inequitable and inconsistent with the purposes of section 77 of the Bankruptcy Act. That Act was intended, at least in part, to provide for the continued performance of service to the public as well as the reorganization of the transportation company. It specifically imposes on the judge and trustee obligations to the public as well as to the creditors.

The Supreme Court in the *New Haven Inclusion Cases*, 399 U.S. 392, 490–493 (1970), made it clear that there is no constitutional bar to imposing substantial losses on bondholders by virtue of suspending their rights to enforce their liens, and that investors in a railroad assume the risk that, in reorganization, the interest of the public would be considered as well as theirs. The court noted that while the rights of bondholders are entitled to respect, they do not dictate that rail operations vital to the Nation be jettisoned despite the availability of a feasible alternative. The cue to the involved government agencies is the Supreme Court's concept of a "feasible alternative". Now that the various echelons of government are taking action indicating progress to a "feasible alternative", a precipitate shutdown of any one of the bankrupt railroads might well be averted.

In our judgment, then, it should be possible to assure that sufficient time is available to take whatever care may be necessary in drafting a new railroad policy and to permit the design of a program which will assure the making of careful decisions regarding all aspects of the railroad system needed in the Northeast. At the same time, we repeat that some of the railroads in reorganization are facing critical cash shortages which may make it impossible for them to continue to perform service over some or all of their lines. The Lehigh Valley has asked the court to set a date for the termination of all its rail operations. The Jersey Central has already had to cease operation over its lines in Pennsylvania. Only prompt action by trustees of the Lehigh Valley, the reorganization courts, and the Commission made it possible to continue service to the many businesses and communities located on CNJ's lines. Only continuing subsidies from the State of New Jersey, provided on the assumption that the essential railroad service in that state can eventually be successfully restructured, has made it possible for the Jersey Central to keep operating at all.

Despite the Supreme Court's finding in the *New Haven Inclusion Cases*, there is a strong possibility that certain reorganization courts may find, as to the individual cases before them, that continued drain on the assets of the debtor railroads' estates cannot be permitted Constitutionally if creditors' rights are to be adequately protected. Judge Fullam, presiding over the Penn Central reorganization, entered an order on March 6 which took note of the continuing losses suffered by that railroad, and directed the trustees, by July 2, if they could not propose a plan of reorganization, to provide him instead with a plan for liquidation.

If the potential shut-down of needed rail services is to be avoided and the time required to develop a truly rational railroad revitalization program made available, safeguards must be provided by the Congress. The Commission sees no alternative to the granting of Federal financial assistance, on an interim basis, to keep operational the vital services performed by railroads in reorganization. What is needed, in our view, is a means for providing these carriers with a sum sufficient to assure that their creditors' rights are not Constitutionally impaired by a continuing cash drain. If rights of the creditors can be protected, the courts would presumably be willing to allow continued operation while reorganization, or even liquidation, plans, developed in the light of a new Federal railroad policy, are being perfected.

The Commission made certain recommendations to the 92nd Congress which we continue to believe are worthy of serious consideration in dealing with the railroad situation in the Northeast. One (S. 2494 and H.R. 9748 in the 92nd Congress) would amend section 1(16) of the Interstate Commerce Act by empowering the Commission to direct one railroad to operate over the lines of another when, for any reason, the latter is unable to transport the traffic offered it so as properly to serve the public. With this jurisdiction the Commission could take steps to avoid crises precipitated by the shutdown or imminent shutdown of any railroad. It could also engage in the selection process by which essential rail services and facilities would be preserved while others could be relegated to secondary status or be phased out entirely. Another advantage of legislation such as this would be the promotion of inter-carrier cooperation and coordination on a voluntary basis to head off crises and thereby avoid Commission intervention under this jurisdiction. This proposal was resubmitted to the 93rd Congress on March 8, 1973.

The second bill (S. 2629 and H.R. 11029 in the 92nd Congress) would have empowered the Commission to guide the restructuring of bankrupt railroads in a given territory, by selecting the lines, routes and facilities to be retained, and those to be released from transportation. We have revised this proposal, amended it by the addition of a funding provision, and are submitting it now, as Title II of the attached draft legislation, for your consideration. We believe that it deserves prompt attention and early passage and funding because it provides a means for dealing quickly, on an emergency basis, with potential failures of needed railroad service.

Temporary funding to support essential rail services, limited to a three-year period, would be provided by a combination of a lease of the debtor railroad's transportation properties to the United States and the simultaneous execution of an operating agreement under which the railroad would continue to perform service, but under close government supervision. Stated in the simplest manner, payment to the railroad under the lease and operating agreement would be in an amount equal to its losses.

The precise amount would be negotiated by the Commission and the carrier, and could include payments to cover net operating losses, payments to meet equipment obligations and Amtrak "buy-in" fees. Depreciation expenses, extraordinary items, and capital expenditures could be included only if specifically approved by the Commission. The effect would be that the government would be paying an amount representing the loss in value of the estate caused by continued operation rather than immediate liquidation, a sum which should provide adequate protection of the creditors' Constitutional rights. Any mere accounting or "paper" losses would be eliminated from the computation.

While the lease and operating agreements were in effect, the Commission would be given the responsibility and authority to protect the interests of the United States by assuring that losses were reduced to the minimum, consistent with the maintenance of adequate rail service. It would be required to take immediate steps to guide the restructuring of rail services in the area served by the railroad in reorganization. Allowing 30 days for comments from interested parties, the Commission could act immediately to order a general restructuring of rail service in the area in the way best suited to meet the public need. Its restructuring plan might include provisions requiring one railroad to operate over the lines of another, the joint use of facilities by two or more railroads, the abandonment of non-essential lines, terminals, and other facilities, the granting of trackage rights, the leasing of facilities, and the making of capital improvements. In the interest of expedition, a plan of restructuring could provide for interim findings with respect to compensation due from one railroad to another or for the determination of property rights, with final determination of these matters deferred until full hearings could be held.

In order that the government's investment might be further protected, the Commission would be empowered to require prior approval of expenditures by the railroad; it could require performance of such maintenance as it finds necessary to preserve the estate of the railroad; and it could place upon the railroads' premises agents to supervise operations and accounting and financial practices. For the protection of railroad labor, and to preclude the possibility of a work stoppage that might adversely affect the public interest, no change in the conditions of employment of railroad employees could be made, except by agreement, while the lease and operating agreement were in effect. Also, the railroad would be required not to contract out work normally performed by railroad employees, and to assure that employees of contractors were compensated at prevailing wage scales.

It is the hope and conviction of the Commission that profitable, privately owned rail services can once again be possible in the Northeast, provided that the system is rationalized and the present crisis can be overcome. Thus we would expect that a substantial part of any funds invested in the kind of aid program described here could ultimately be recovered. The proposal provides, therefore, for the railroad, at the termination of the lease and operating agreement, to issue to the United States a subordinated security, drawing interest at a low rate for the first five years, and then at a more normal interest rate. Any railroad strong enough to emerge from reorganization should, in our view, be able to pay interest on, and finally retire, a security such as this.

It is our view, too, that the States and local communities, which would be the direct beneficiaries of continued rail service, should make some contribution. This we would provide by exempting railroad properties from State and local taxes during the period that they are the subject of a lease and operating agreement.

The Commission's restructuring proposal would make participating in the financial-aid program, provided under the lease and operation agreement, voluntary, leaving it to the courts and trustees of railroads in reorganization to tender the carrier's transportation properties for lease. The proposal also provides for the Commission, on its own motion or petition, to make the determination that services performed by a railroad in reorganization are threatened, and to enter into a restructuring investigation. If the Commission were to take this action, the ensuing investigation would follow basically the same course as one which the Commission were required to undertake in the case of a railroad deciding to lease its properties to the United States. In either case, the Commission could order one railroad to operate over the lines of another, the joint use of facilities, the abandonment of non-essential services, and the like. Thus the Commission would have the necessary authority to guide the restructuring of services provided by a railroad in reorganization even though its trustees and reorganization court chose not to accept Federal financial assistance.

### RAILROAD LABOR

Railroad workers have a special place in the Federal government's labor policies, as is evidenced by the Railway Labor Act itself and the government-run railroad retirement system. This special concern for railroad labor arises in large measure out of the desire to protect the interests of workers skilled in the performance of highly specialized tasks thought not to be readily marketable except in the field of railroading. Also, it reflects Congress' realization that railroads provide services so essential to the public interest that special provisions to guide and facilitate the employer-employee bargaining process are considered necessary.

The utilization of the railroad labor force as it affects railroad operation practices has been the subject of concern for many years. Attempting to resolve the many controversies that exist, or even to suggest specific steps that might be taken to improve productivity and working conditions, would be far beyond the scope of this presentation. But the fact must be faced that if the problems of the Northeastern railroads are to be resolved and the railroads of the Nation operated efficiently enough to allow them to compete effectively with carriers of other modes, traditional practices governing the utilization of the work force must be changed. We would emphasize that this need not be at labor's expense, but that it should instead be to labor's ultimate benefit. An efficient and profitable rail system should mean more business for management and more jobs for labor—jobs with greater security and with the assurance of regular work, regular pay and possibly, more regular hours than is possible for much of rail labor today.

In the short run, however, the outlook for the railroads in the Northeast is for the reduction in the size of the plant and in the number of rail operations performed—and hence reduction in the number of railroad employees. Those whose jobs are eliminated are entitled, legally and morally, to assistance in the pursuit of their contractual rights, to compensation, and to assistance in seeking other employment.

It should be recognized that the railroad worker has some very substantial legal rights to employment and employment benefits. His rights have been won over many years of collective bargaining. The railroad employee's rights, however high the price seems today, are legal rights, evidenced by binding contracts.

It must also be recognized that the Federal government's presence has long been felt at the bargaining table, and that that presence has been an influence exerted more on labor's behalf, than otherwise. Sometimes there has been direct government involvement, as when labor settlements have been imposed legislatively to ward off or terminate a work stoppage. Also, many of the benefits which would be owing to a worker in the event of his separation stem from the statutory requirements of the Interstate Commerce Act. The principal example is the requirement that labor's position be considered as a condition to approval by the Commission of a railroad merger. Thus it would appear clear that at least some of the cost of compensating railroad employees, should their jobs be eliminated, can be laid to a consistent government policy of protection for railroad labor—a policy which is not evident to the same extent in any other field.

These costs will be high. Many Penn Central employees, for example, are guaranteed virtually life-time jobs with no loss of pay or fringe benefits under the New York Central-Pennsylvania Railroad merger agreement. The Eastern railroads in reorganization clearly lack the ability to make the separation payments that would be necessary. To require them to do so, and to pass the cost on to those that use their services, would mean pricing those services at a level far higher than the market could bear, and would have a disastrous effect not only on the railroads themselves but on the economy of the entire Northeast as well. To permit liquidation or some form of bankruptcy reorganization under which labor would be forced to argue against other creditors for a priority position would be a solution which we feel would not only be inequitable, but would be wholly unacceptable to the Congress and the American people.

Again, the Commission doubts that there is any alternative to a Federally funded program to provide such payments. We have no firm recommendation as to the detailed course which such a program might take. We suggest, however, that consideration be given to a plan whereby the government would assume the railroads' liability and thus guarantee payment of what is owing under current agreements to any employee whose position is eliminated as a result of the carrying-out of a reorganization plan approved by the Commission and the court under Section 77 of the Bankruptcy Act. At the same time, as a condition to assuming this liability and undertaking this guarantee, organized railroad labor might be called upon to negotiate new collective bargaining agreements covering work rules and other conditions of employment. Federal payments, then, might be made only to employees in bargaining units which agreed to the termination of outstanding collective bargaining agreements and to their replacement, within a given period, with new agreements, which would be subject to approval by some Federally constituted, impartial body. The rights of separated employees represented by bargaining units not willing to make such an agreement would be left to be settled along with the rights of unsecured creditors upon final reorganization of the railroad.

---

## MAJOR LONG-HAUL ROUTES IN THE NORTHEAST

### PENN CENTRAL TRANSPORTATION CO.

The lines owned or operated by Penn Central are located in the States of Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia, the District of Columbia, and the Provinces of Ontario and Quebec, Canada.

The Penn Central lines extend from Boston, New York, Philadelphia, Baltimore and Washington, D.C., on the East to Chicago, Peoria, and St. Louis on the West. Other lines extend from Harrisburg to Buffalo; from Pittsburgh to Cleveland, Toledo and Detroit; from Columbus to Cincinnati, Cleveland and Chicago.

Primary routes are: Chicago to Buffalo via Detroit; Chicago to New York, Boston and New England via Toledo, Cleveland, Buffalo, and Albany; Chicago to Philadelphia and Washington via Pittsburgh.

St. Louis to Philadelphia via Indianapolis and Pittsburgh; St. Louis to New York, Boston and New England via Indianapolis, Cleveland and Buffalo.

Washington to New York and Boston.

### NORFOLK & WESTERN RAILWAY CO.

The lines of the N&W are located in the States of Iowa, Indiana, Illinois, Kentucky, Kansas, Maryland, Michigan, Missouri, North Carolina, Nebraska, New York, Ohio, Pennsylvania, Virginia, West Virginia and the Province of Ontario, Canada.

The N&W lines extend from Norfolk, Va. on the East to Chicago, Des Moines, Omaha, Buffalo, and Pittsburgh.

Other lines extend from Roanoke, Va. North to Hagerstown, Md. and South to Winston-Salem, N.C. At Hagerstown the N&W connects with the Western Maryland to form the so-called Blue Ridge Dispatch Route to New Jersey, New York and New England via WM-Reading-CNJ-LV-D&H; and from Toledo to Pittsburgh and Connellsville, Pa., where the N&W connects with the Western Maryland to form the so-called Alphabet Route to the East and Northeast via WM-Reading-CNJ.

Primary routes are: Chicago to Buffalo via Detroit; Chicago, Kansas City, and St. Louis; Buffalo via Bellevue, Ohio and Cleveland.

From Buffalo, access to New Jersey, New York and New England is via Penn Central or either Erie-Lackawanna or Lehigh Valley. New England traffic moves via EL or LV and D&H.

Chicago-Kansas City and St. Louis to Connellsville, Pa. via Bellevue, Ohio and Pittsburgh for through movement over the WM and the Alphabet Route.

Chicago-Kansas City-St. Louis-Detroit and Columbus to Norfolk via Roanoke, with connections to Hagerstown, Md. and the Blue Ridge Dispatch Route. The Petersburg, Va. connection with SCL provides a Gateway to the South.

### BALTIMORE & OHIO RAILROAD CO.

The lines of the B&O are located in the States of Delaware, Indiana, Illinois, Kentucky, Maryland, Ohio, Pennsylvania, West Virginia and the District of Columbia.

The B&O lines extend from Philadelphia, Baltimore and Washington, D.C. on the East to Chicago and St. Louis on the West. Other lines extend from Pittsburgh to Buffalo and Toledo to Cincinnati.

Primary routes are: St. Louis to Philadelphia via Cincinnati, Parkersburg, W. Va., Cumberland, Md. and Washington, D.C.

Chicago to Philadelphia via Pittsburgh and Cumberland, Md.

Access to New York, Boston and New England from Philadelphia is via the Reading, Central Railroad of N.J., Lehigh Valley, Delaware & Hudson and Boston and Maine.

At Cherry Run, W. Va. B&O connects with the Western Maryland for access to New Jersey, New York and New England via the Central States Dispatch Route B&O-WM-Reading-CNJ with connections to the LV, D&H and B&M.

Washington to Philadelphia and Toledo to Cincinnati are important North-South routes.

### CHESAPEAKE & OHIO RAILWAY CO.

The lines operated by C&O are located in the States of Indiana, Illinois, Kentucky, Michigan, New York, Ohio, Virginia, West Virginia, and the District of Columbia and also the Province of Ontario, Canada.

The C&O lines extend from Newport News, Va., and Washington, D.C. on the East to Detroit, Chicago and Louisville on the West.

Primary routes are: Chicago to Detroit and Buffalo via Grand Rapids, Michigan.

From Buffalo access to New Jersey, New York and New England is via Penn Central or either Erie-Lackawanna or Lehigh Valley. New England traffic moves from the EL or LV via the Delaware & Hudson.

Chicago and Detroit to Richmond, Va. and Washington via Cincinnati, Ashland, Ky. and Charleston, W. Va. At Richmond traffic for the South moves via the SCL. From Washington traffic from the North moves via Penn Central or the B&O.

The Elkhorn City, Ky. connection with the Clinchfield Railroad provides an important gateway between Chicago and Detroit and the South via CC&O-SCL.

### READING CO.

Reading operates in the States of Delaware, New Jersey and Pennsylvania.

The Reading system extends from Philadelphia, Pa. to Bound Brook, N.J. in the Northeast. Important lines extend West from Philadelphia to Reading, Pa., Harrisburg, Pa. and Shippensburg, also to Allentown and Bethlehem, Pa. Other lines extend to Chester, Pa., Wilmington, Del. and Trenton, N.J.

Primary routes are: Philadelphia to Bound Brook, N.J., connecting with the B&O at Philadelphia and the CNJ at Bound Brook to form the B&O-Reading-CNJ route between Washington and the New Jersey, New York area.

Reading interchanges with the LV at Allentown to establish a B&O-Reading-LV-DH routes between Washington and New England.

Reading connects with the Western Maryland at Shippensburg as part of the Central States Dispatch route (B&O-WM-Rdg-CNJ); the Alphabet route (M&W-WM-Rdg-CNJ) and the Blue Ridge Dispatch route (N&W-WM-Rdg-CNJ) with connections to New England via LV-D&H to the B&M, BAR and MEC.

### ERIE-LACKAWANNA RAILWAY CO.

EL lines are located in the States of Illinois, Indiana, Ohio, Pennsylvania, New York, and New Jersey. The Erie extends from Chicago on the West to Hoboken, N.J. and New York on the East, with important lines extending to Cleveland, Ohio and Buffalo, N.Y.

The EL interchanges traffic with the N&W, C&O, B&O, and Penn Central at Buffalo. At Binghamton, N.Y. EL interchanges New England traffic with the D&H and operates run-through service between Boston, Mass. and Chicago, Ill. with the D&H and B&M.

### LEHIGH VALLEY RAILROAD CO.

The LV lines are located in the States of New Jersey, New York and Pennsylvania.

Lehigh Valley operates between Buffalo and Niagara Falls, N.Y. on the West and Jersey City, N.J. in the East.

At Buffalo LV interchanges traffic with the N&W, B&O, PC and EL, at Niagara Falls interchange is with the C&O, CN and PC.

Primary routes are: Buffalo to the New Jersey-New York metropolitan area, in New Jersey the LV connects with the CNJ, Staten Island Railroad, Rahway Valley Railroad, Hoboken Shore Railroad and EL.

New England traffic is interchanged with the D&H at Oswego, N.Y. for termination on B&M and its lateral connections, including the Maine Central and the Bangor and Aroostook, Southern New England traffic is interchanged with the Lehigh & Hudson River Railroad.

LV participates in traffic moving between the Northeast, including New England and the Southeast, routed B&O-Reading-LV–D&H to the B&M–BAR and MEC.

### DELAWARE & HUDSON RAILWAY CO.

D&H lines operate in the States of New York, Pennsylvania and Vermont, extending from its Southern and Western termini at Wilkes-Barre, Pa., Oswego, N.Y. and Binghamton, N.Y. to its northern termini at Mechanicville, Rouses Point and Schenectady, N.Y.

Primary routes are between the termini named above. D&H interchanges traffic with PC and LV at Wilkes-Barre, Pa., with LV at Oswego, N.Y., and with EL at Binghamton, N.Y. At the Northern termini interchange is with the B&M at Mechanicville, N.Y., CN at Rouses Point, N.Y., and the PC at Schenectady, N.Y.

As an intermediate or overhead carrier, DH participates in routes between New England and the South and West.

### ABBREVIATIONS USED IN THIS ATTACHMENT

BAR, Bangor and Aroostook Railroad Company.

B&O, Baltimore and Ohio Railroad Company.

B&M, Boston and Maine Corporation.

CC&O, Clinchfield Railroad Company.

CN, Canadian National Railways.

CNJ, The Central Railroad Company of New Jersey.

D&H, Delaware and Hudson Railway Company.

EL, Erie Lackawanna Railway Company.

LV, Lehigh Valley Railroad Company.

MEC, Maine Central Railroad Company.

N&W, Norfolk and Western Railway Company.

PC, Penn Central Transportation Company.

SCL, Seaboard Coast Line Railroad Company.

WM, Western Maryland Railway Company.

---

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 1893. A bill to provide for the restructuring of the rail system in the Northeast; and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide for the restructuring of the rail system in the northeast; and for other purposes, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the Record.

I also ask unanimous consent that remarks of my colleague, the distinguished senior Senator from New Hampshire (Mr. Cotton) be printed in the Record at this point. I would like the Record to show that I concur in those remarks.

There being no objection, the analysis, letter, and statement were ordered to be printed in the Record, as follows:

The Secretary of Transportation,
*Washington, D.C., May 24, 1973.*

Hon. Carl Albert,
*Speaker of the House of Representatives, Washington, D.C.*

Identical letter to:

Hon. Spiro T. Agnew,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. Speaker: Enclosed is a draft and section-by-section analysis of a bill to provide for the restructuring of the rail system in the Northeast, and for other purposes.

As was pointed out in the Department's report to the Congress of March 26, 1973, entitled "The Northeastern Railroad Problem", there exists in the Northeast a short-term rail crisis of major proportions. Six Class I and one Class II railroads are in reorganization, and the largest railroad, the Penn Central, is on the verge of liquidation. It is urgent that immediate action be taken to resolve the crisis, since any prolonged delay would have serious results both for rail service in the Northeast and eventually for the national economic outlook. The bill seeks to implement the recommendations of the report for taking such action. The aim of the bill is to lay out a procedure for action whereby one or more new privately owned rail systems can be developed from the various railroads now in bankruptcy and operate over systems designed on the basis of economic viability.

The Department will submit to the Congress very soon two other bills the enactment of which is necessary to properly implement the Department's Report of March 26, 1973. The first bill provides for a number of significant changes to the system for the economic regulation of railroads throughout the Nation. The enactment of that bill is essential to providing a regulatory framework in which the restructured system in the Northeast can survive and thrive. It is also a requisite to preservation of a healthy private sector rail system in the United States generally. The second bill we will soon submit proposes revisions of the procedure for the reorganization of railroads under section 77 of the Bankruptcy Act.

With respect to the bill submitted herewith, first, it directs the Secretary of Transportation to prepare within 90 days after its date of enactment a Core rail service report identifying geographic zones in the Northeast within and between which rail service shall be provided, and the minimum number of railroads that shall provide such service. The principal factors the Secretary would take into account in preparing the report are the amount of rail traffic that is presently generated within the zones whether rail service is more economically efficient than available transportation alternatives, the need for achieving rail service that is economically self-sustaining, and the need to preserve rail service competition in markets of heavy rail traffic. Provision is made for the input of views by all interested parties, including the Interstate Commerce Commission.

Secondly, the bill would authorize the creation of a Northeast Railroad Corporation to serve as the vehicle of (1) preparing a service plan which identifies the rail lines which the Corporation proposes to operate and the method of operation proposed for each service; (2) negotiating agreements with bankrupt and other railroads for the acquisition of rail assets needed to provide service; (3) issuing and allocating stock to those railroads based upon the consideration they provide under those agreements; (4) negotiating agreements with railroad employees to be hired by the Corporation; (5) negotiating debt financing for the Corporation to provide working capital for modernization and improvement of the Corporation's system; and (6) providing for the operation of rail service on its own, by contract, or by creating and transferring its assets to one or more additional operating corporations. Provision also is made for the negotiating of agreements by the bankrupt railroads and representatives of their employees who are not to be hired by the new Corporation providing for fair and equitable arrangements for these employees.

The service plan devised by the Corporation and the agreements it negotiates would be subject to review by the Secretary on the basis of their consistency with the Core rail service report issued by the Secretary. Agreements the Corporation negotiates with bankrupt railroads would also be subject to review by the courts on the basis of whether the agreements are in the best interests of the debtor railroads' estates. We believe that the selected assets of the bankrupt railroads, at a going-concern value, will exceed their uncretain value under protracted and piecemeal liquidation and, thus, that it will be in the best interests of the bankrupt railroads to work out equitable agreements with the Corporation.

(Prior to its becoming an operator of rail service, the affairs of the Corporation would be managed by a three-member board of incorporators appointed by the President with the advice and consent of the Senate. The bill authorizes the appropriation of $40 million to the Secretary for payment to the Corporation to meet its organization expenses. No funds are made available for capital or operating expenses.

The bill also establishes a special procedure for the abandonment of rail service. First, it would permit bankrupt railroads to discontinue on 60 days' notice any service within a geographic zone for which rail service is not designated in the Secretary's Core rail service report. In most cases it would also permit bankrupt railroads which transfer assets to the Corporation to discontinue on similar notice any rail service not included in the service plan approved by the Secretary. During the first two years of providing service, the Corporation itself or any corporation it establishes to operate service would be permitted to discontinue service on 60 days' notice following changed market or other conditions or a natural disaster if the Secretary finds that there is no reasonable prospect that the service can become self-sustaining with efficient and economical management. Track used for discontinued service could not be abandoned, however, until State and local governments, shippers, or other persons have been given an opportunity within 120 days after the cessation of services to purchase the track for railroad purposes or to contract for the continuation of service thereon on terms ensuring that no losses are incurred as a result of the continued provision of the service. State and local governments could also use the 120-day period to determine whether they should take action to acquire the rights-of-way for rapid transit, recreational, or other purposes in the event no offers are made to permit the continuation of rail service.

The proposed bill is designed to provide a way out of the current rail crisis in the Northeast through the maximum use of the abilities and resources of the private sector. It will require the cooperation of all the affected parties to make a success of the overall plan, including bankrupt and other railroads, creditors of the bankrupt railroads, rail labor, the financial community, State and local governments, and the Federal Government. We believe, however, it can be a workable and effective approach and is a far superior alternative than the piecemeal liquidation of the bankrupt railroads.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

Claude S. Brinegar.

---

### Section-by-Section Analysis of a Bill To Provide for the Restructuring of the Rail System in the Northeast; and for Other Purposes

#### TITLE I—SHORT TITLE, ETC.

Sec. 101. This section titles the bill "The Northeast Railroad Restructuring Act of 1973".

Sec. 102. *Congressional Findings and Declaration of Purpose.*

This section states the findings of Congress that a rail crises exists in the Northeast due to the poor financial health of several of the railroads in that area, that prompt action is needed to avoid an abrupt shutdown of most of the bankrupt rail carriers in the Northeast, that the freight traffic in the Northeast is large enough to support one or more new railroads which could be developed from the various railroads now in bankruptcy, and that provision should be made for the establishment of a streamlined rail system in the Northeast free of the financial encumbrances of the bankrupt railroads and which would operate under a modernized system of economic regulation and over systems designed on the basis of economic viability.

SEC. 103. *Definitions.*

This section contains the definitions of eight terms used in the bill including "Eastern District" which is defined to mean the area served by railroads classified by the Interstate Commerce Commission for reporting purposes as eastern district carriers; and "Corporation" which is defined to mean the Northeast Railroad Corporation authorized to be created under title II of the bill. The term "Corporation" also includes the incorporators of the Corporation unless the context otherwise requires.

### TITLE II—CREATION OF THE NORTHEAST RAILROAD CORPORATION

SEC. 201. *Creation of the Corporation.*

This section authorizes the creation of a Northeast Railroad Corporation which would be established under the laws of a State, and not be an agency or establishment of the United States Government.

SEC. 202. *Incorporators and Board of Advisors.*

Subsection (a) of this section directs the President to appoint three incorporators by and with the advice and consent of the Senate, one of whom the President shall designate to serve as chairman. The incorporators would serve as the board of directors of the Corporation until their successors are elected and qualify under section 203 of the bill.

Subsection (b) of this section directs the President to appoint a board of advisors consisting of 17 persons. Nine members of the board would be selected by the President from recommendations made by leaders of the House of Representatives and the Senate, by governors of the various States in the Northeast, and by organizations representing such groups as shippers, consumers, railroad labor organizations and the railroads. Eight additional persons would be selected by the President on his own, one of whom he would designate as chairman. The board of advisors would formulate and submit from time to time to the incorporators recommendations respecting the preparation of the service plan under section 304 of the bill and the conduct of other functions of the incorporators. The board would cease to exist on the date the incorporators are succeeded by a board of directors elected under section 203 of the bill.

SEC. 203. *Directors and Officers.*

This section states that the Corporation shall not install a board of directors to succeed the incorporators if it does not undertake to perform rail service under the bill. However, if the Corporation undertakes to perform such service, the stockholders are directed to elect a board of directors as soon as practicable. This section also provides that the Corporation shall have a president and such other officers as may be named and appointed by the board of directors and that such officers shall serve at the pleasure of the board.

SEC. 204. *Authorization for Federal Financial Assistance.*

This section authorizes not to exceed $40 million to be appropriated to the Secretary for payment to the Corporation for the purpose of meeting the necessary expenses of the board of incorporators and the board of advisors and other expenses necessarily incurred in organizing the Corporation.

SEC. 205. *General Powers of the Corporation.*

This section provides that the Corporation and any corporation it may create under section 206(4) shall have the powers vested in the Corporation under the bill and the powers conferred upon them under the laws of the State in which they are incorporated and the usual powers of a railroad under the laws of any State in which they operate.

SEC. 206. *Special Powers and Functions of the Corporation.*

This section authorizes the Corporation to carry out various actions and to exercise powers as necessary to carry out the service plan and agreements approved under title III of the bill. They include: (1) the issuance and allocation of common and preferred stock to bankrupt or other railroads entering into agreements with the Corporation under Title III of the bill based upon the consideration provided by the railroads under those agreements; (2) the sale or lease of all or part of those assets in a manner conistent with the service plan approved by the Secretary under title III; (3) the management or operation (including by contract) of railroad service consistent with the provisions of the bill; and (4) the creation of and the transfer of any of its rights and assets to the additional corporation or corporations to operate railroad service as provided by the approved service plan.

SEC. 207. *Applicability of Other Laws.*

This section provides that the following laws shall not apply to the Corporation or to any transactions under the bill prior to the date rail service is implemented under the bill: (1) the Interstate Commerce Act; (2) to the extent it is inconsistent with the bill, section 77 of the Bankruptcy Act; (3) Federal and State anti-trust laws; (4) to the extent inconsistent with the bill, the Railway Labor Act and the National Labor Relations Act; (5) any State law pertaining to the economic regulation of railroads, including laws pertaining to the the consolidation or merger of railroads; and (6) any State law pertaining to the number of employees to be used on trains. Section 207 would apply to the transactions of a corporation necessary to the implementation of a rail service plan submitted for court review under section 309(d) of the bill.

### TITLE III—RESTRUCTURING OF THE NORTHEAST RAIL SYSTEM

SEC. 301. *Preliminary Report on Core Rail Service.*

This section requires the Secretary to prepare a preliminary report containing his recommendations for the identification of geographic zones in the eastern district within and between which rail freight service shall be provided and the minimum number of railroads that shall provide the service. In determining whether service shall be provided the Secretary shall take into consideration, among other things, long-term economic efficiency in the use of transportation resources, rail traffic presently generated within the zones, the objective of financially self-sustaining rail service, the objective of minimizing adverse environmental effects; and the importance of preserving rail competition in markets with heavy rail traffic. In preparing the preliminary report, the Secretary is also required to take into consideration the requirements for commuter and intercity passenger rail service in the eastern district.

SEC. 302. *Final Report.*

This section requires the Secretary, within 30 days after the date of enactment of the bill to make the preliminary report available for comment by the Interstate Commerce Commission, States, shippers, and others. After affording such parties 30 days to submit written comments, the Secretary is required within 90 days after the date of enactment of the bill to issue his final report on Core rail service.

SEC. 303. *Inventory of Rail Facilities.*

This section requires each railroad in the eastern district to compile and submit to the Secretary and the Corporation within 180 days after the date of enactment of the bill data respecting the physical and operating characteristics of its railroad lines.

SEC. 304. *Preparation of Service Plan.*

This section requires the Corporation to prepare a plan for the operation of rail services provided by bankrupt railroads in the eastern district and other railroads with which it negotiates agreements under section 305 of the bill. The plan must identify those rail lines which the Corporation proposes to operate and specify the method of operation proposed for each service including operation by the Corporation or operation by another carrier under lease or through purchase. The plan must be consistent with and include substantially all the rail service envisioned in the final report of the Secretary under section 302.

SEC. 305. *Negotiations of Agreements.*

Subsection (a) of this section requires the Corporation in a manner consistent with the service plan to enter into agreements—

(1) in return for stock of the Corporation as provided by section 206, with any railroad in the eastern district for acquisition of its rail assets;

(2) where appropriate, with third parties, including railroads and State and local governments, for the transfer to such parties of any right, interest, service, or privilege contracted for under item (1) above;

(3) with representatives of railroad employees to be hired by the Corporation respecting rates of pay, working conditions, employee protection and associated matters;

(4) where possible, with State and local governments, shippers and other persons for the continuation of unprofitable service which such persons are able to subsidize in accordance with section 403 of the bill;

(5) with financial institutions for financial assistance needed for the improvement or modernization of plant and equipment and for other purposes; and

(6) with the National Railroad Passenger Corporation and commuter agencies for the continuation of rail passenger services provided by these entities.

Subsection (b) of section 305 requires the trustees of any bankrupt railroad seeking to acquire stock of the Corporation under subsection (a)(1) of section 305 to reach first an agreement with representatives of its employees who are not to be hired by the Corporation on or prior to the date the Corporation implements rail service under the bill. Each such agreement must provide for fair and equitable arrangements for those employees. The trustees would be required to submit the agreements to the Secretary of Labor within 300 days after the date of enactment of the bill and the Secretary of Labor would be required to approve or reject the agreements within 30 days after he receives them. The Corporation would be prohibited from acquiring or utilizing the assets of any bankrupt railroad which does not enter into an agreement with respect to such employees approved by the Secretary of Labor under section 305(b)(2) and by the appropriate court under section 310 or 311 of the bill.

Subsection (c) of section 305 States that agreements entered into under section 305 would not be binding upon the Corporation or other parties involved if action taken by the Secretary, the Secretary of Labor, or the courts under the bill or by the Corporation under section 310 precludes the Corporation from beginning or providing for the beginning of rail services under section 310 as provided by a service plan approved under section 307 or 308.

SEC. 306. *Submission and Review of Service Plan and Agreements.*

This section requires the Corporation to submit to the Secretary within 300 days after the date of enactment of the bill the service plan and the agreements entered into under section 305(a). Upon receipt of the plan and agreements, the Secretary shall review the plan to determine whether it is financially self-sustaining, feasible and consistent with the final report issued under section 302, and review the agreements to determine whether they are consistent with and do not adversely affect the viability of the service plan and, after consultation with the Secretary of Labor, if they afford fair and equitable protection to railroad employees to be hired by the Corporation.

SEC. 307. *Findings of the Secretary.*

This section requires the Secretary to make the findings required by section 306 with 30 days after he receives the service plan and to approve the service plan and the agreements if he finds they meet the requirements of section 306. If the Corporation does not submit to the Secretary within 300 days after the date of enactment of the bill the agreements required by paragraphs (1), (2), and (3) of section 305(a), the Secretary may not approve any plan submitted by the Corporation under section 306.

SEC. 308. *Review of Amendments.*

This section requires the Corporation within 15 days after the Secretary rejects the service plan or agreements under section 307 to submit to the Secretary appropriate amendments correcting deficiencies noted by the Secretary. It also provides procedure whereby the Secretary may approve any part of a plan or amendment thereto which is inconsistent with the final report of the Secretary. Under that procedure, interested persons would have an opportunity to present written or oral comments on the inconsistent provision. The Secretary could approve the inconsistent provision upon a finding that the provision is necessary to assure the viability of the service plan. The Secretary is required to issue a decision on a request for the approval of an amendment to the service plan within 30 days after he receives it.

SEC. 309. *Court Review of Agreements.*

Subsection (a) of this section requires the trustees of bankrupt railroads to submit for approval to the appropriate reorganization courts (1) the agreements negotiated under section 305(a)(1) of the bill under which the Corporation is to acquire the assets of the bankrupt railroads, and (2) the agreements between bankrupt railroads and representatives of their employees providing for fair and equitable arrangements for employees of those railroads who are not to be hired by the Corporation by the time it implements rail service under the bill. The submissions are required upon the submission under section 307 of the service plan to the Secretary. If changes are made to any of the agreements negotiated under section 305(a)(1) or section 305(b) as a result of the review of the Secretary under section 308 or pending the approval of the agreements by the Secretary of Labor under section 305(b)(2), the changes must be submitted to the reorganization courts as soon as practicable after they are made.

(b) Subsection (b) of section 309 establishes procedure for the transfer to a single district court of all proceedings respecting the review of all agreements submitted to the reorganization courts for approval under subsection (a). The judicial panel on multi-jurisdictional litigation would select a judge to conduct the proceedings who is not assigned to any proceeding under section 77 of the Bankruptcy Act involving any bankrupt railroad in the eastern district. In order to expedite proceedings, an application to the judicial panel under this subsection could be made in advance of the submission of agreements to the reorganization courts.

(c) Subsection (c) of section 309 states that in the case of agreements negotiated under section 305(a)(1) under which the Corporation is to acquire the assets of bankrupt railroads, the sole issues before the court under subsection (a) or (b) of section 309 shall be whether the agreements are in the best interests of the debtor's estate and whether, in approving the service plan, the Secretary considered its overall environmental consequences in compliance with the policies of the National Environmental Policy Act of 1969. Subsection (c) also establishes time limits for action by the courts and precludes appeals of their decisions under section 309 or 310(c).

(d) Subsection (d) of section 309 provides that not later than 10 days after the Secretary approves the service plan under title III of the bill, any corporation may petition the judge conducting the proceeding under subsection (b) of section 309 to approve agreements it has negotiated with bankrupt railroads in the eastern district for the acquisition of their assets pursuant to its own plan for the operation of rail services in the eastern district. The judge would be required to approve the agreements if he found (1) the agreements were in the best interests of the debtor's estate; and (2) the petitioner's plan was substantially the same as the service plan approved by the Secretary, afforded fair and equitable protection to railroad employees, and preserved a proper level of rail service competition. Upon approval of the agreements by the court, the petitioner would stand in the shoes of the Corporation for the purposes of title IV (abandonment procedure). Also, the petitioner would be eligible for benefits under title V (tax loss carryovers).

SEC. 310. *Appraisal of Action of Courts; Assumption of Service.*

This section requires the Secretary within 15 days after all of the decisions of the courts are issued under section 309 to appraise the impact of the decisions and notify the Corporation whether the decisions of the courts would permit the implementation of a viable service plan. It further requires the Corporation, within 15 days after receiving notice from the Secretary whether it concurs in the determination of the Secretary. If the Secretary and the Corporation determine that the decisions of the courts would permit the implementation of a viable service plan, the Corporation, to the extent permissible under the decisions of the reorganization courts, shall within 60 days after receiving notice from the Secretary under this section acquire the assets of other railroads and begin or provide for the beginning of rail service. Contracts with bankrupt railroads revised in light of the decision of a court under section 309 shall be submitted for approval to that court by the trustees and the court shall issue its decision thereon as soon as practicable. If the Secretary or the Corporation determines that the decisions of the courts would not permit the implementation of a viable service plan, the Corporation would wind up its affairs and terminate its existence. If the Secretary fails to approve the service plan at any time under title III or finds under section 310 that the decisions of the reorganization courts preclude the implementation of a viable service plan, he is required to submit to Congress as soon as practicable a report of the activities under the bill and his recommendations as to any additional legislation he considers appropriate.

SEC. 311. *Court Review of Actions of the Secretary.*

This section provides that, except with respect to the judicial review provided in section 309, there shall not be any judicial review of any aspect of the Secretary's actions or failure to act under this Act.

### TITLE IV—REGULATION OF SERVICE

SEC. 401. *General.*

This section states that, except as otherwise provided in Title IV, on and after the date the Corporation begins rail service, it shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to that Act. It also defines the term "Corporation" to include any corporation established by the Corporation to provide rail service included in the service plan approved by the Secretary. However, the term "Corporation" would not include an entity or properties owned by the Corporation but managed or operated by another railroad.

SEC. 402. *Discontinuance of the Operation of Service.*

Subsection (a) of this section authorizes bankrupt railroads in the eastern district to abandon the operation of any rail service within any zone for which no rail service is designated in the final report issued by the Secretary under section 302 of the bill. However, the bankrupt railroad would be required to provide 60 days' notice of the discontinuance to State governors and publish notice in accordance with 1(19) of the Interstate Commerce Act. Subsection (a) also authorizes any bankrupt or any other railroad which agrees to transfer rail assets to the Corporation under section 305 of the bill and thereafter transfers any assets to the Corporation under section 310 to abandon the operation of any rail service not included in the service plan approved by the Secretary under Title III of the bill. Again, however, the above-mentioned notice procedures would apply.

Subsection (b) of this section authorizes any bankrupt or other railroad which does not agree to transfer rail assets to the Corporation under section 305 but thereafter transfers a portion of its rail assets to the Corporation to abandon the operation of any rail service provided over those assets on the date that the Corporation, by contract or otherwise, begins rail service thereon.

Subsection (c) of this section permits the Corporation during the first two years of providing service to abandon any rail service following changed market or other conditions or a natural disaster, after providing 60 days' notice as indicated above and after the Secretary finds that there is no reasonable prospect that the service can become self-sustaining under efficient and economical management.

SEC. 403. *Abandonment of Lines.*

This section states that if a rail line used for service discontinued under subsection (a) or (c) of section 402 is no longer required by the entity which provided the service, the line may be abandoned if the entity holds open for not less than 120 days after the discontinuance of service an offer to sell the rail line intact for railroad purposes or to contract with any person including a State or local government for the continuation of rail service thereon on terms and conditions that insure the entity does not incur any losses as a result of the provision of the service.

### TITLE V—FEDERAL INCOME TAX

SEC. 501. *Transfer of Assets to Railroad Corporations.*

This section contains special provisions applicable to the transfer of assets under the bill. First, no gain or loss would be recognized if property of the Corporation or another railroad corporation in the eastern district is transferred to the Corporation or another railroad corporation solely in exchange for stock or securities of the Corporation or such other railroad corporation in accordance with an agreement entered into in accordance with section 305 or 309(d) of the bill. Second, if property is transferred in a transaction referred to above, the basis of the property in the hands of the transferee would be the same as it would be in the hands of the transferor, and the basis of the stock or securities received in the exchange would be the same as that of the property transferred. Third, if property used in the provision of rail services is transferred in a transaction referred to above, the transferee would succeed to and take into account, as of the close of the day of the transfer, that portion of the net operating loss carryovers (determined under section 172 of the Internal Revenue Code of 1954) of the transferor as bears the same ratio to such net operating loss carryovers as the fair market value of the property transferred bears to the total fair market value of all of the Property of the transferor, including the property transferred. If rail property is transferred from a railroad corporation to the Corporation and subsequently transferred within 90 days from the Corporation to a third railroad corporation in accordance with an agreement entered into under section 305 or 309(d) of the bill, the Corporation would not succeed to any net operating loss carryovers of the first corporation, but the third corporation would succeed, as of the close of the day of the second transfer, to that portion of the carryovers of the first corporation as the Corporation would otherwise succeed to as of the close of the day of the first transfer.

### TITLE VI—MISCELLANEOUS

SEC. 601. *Separability.*

This section states that if any provision of the bill or the application thereof to any person or circumstance is held invalid the remainder of the bill and the application of the provision to other persons or circumstances shall not be affected thereby.

SEC. 602. *Access to Records.*

This section requires the Corporation to keep such records as the Secretary may prescribe which disclose the amount and disposition by the Corporation of payments received by the Corporation under section 204 of the bill. It also authorizes access by the Secretary and the Comptroller General for the purpose of audit and examination to any books and papers of the Corporation that are pertinent to such payments.

SEC. 603. *Reservation of Right to Appeal.*

This section reserves the right to repeal, alter, or amend the bill at any time.

SEC. 604. *State or local taxation.*

This section states that nothing in the bill shall preclude a State or local jurisdiction from imposing on the Corporation in accordance with laws of such State or local jurisdiction any valid nondiscriminatory tax.

SEC. 605. *Sanctions.*

This section states that if the Corporation (including any corporation established by the Corporation to provide rail service) engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of titles I, II, or III, or section 402(c) of the bill, or fails, refuses, or neglects to discharge its duties and responsibilities under those provisions, the U.S. District Court for any district in which the Corporation resides or may be found shall have jurisdiction, except as otherwise prohibited by law, only upon petition of the Attorney General of the United States to grant such equitable relief as may be necessary or appropriate to prevent or terminate any such violation or conduct.

---

U.S. DEPARTMENT OF TRANSPORTATION

The attached draft environmental impact statement has been prepared pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969. Any comments on the environmental impact statement should be submitted to the Office of the General Counsel, TGC–4, United States Department of Transportation, Washington, D.C. 20590. Comments should be received by June 30, 1973.

Pages 39–48 of the Department's March 26 Report to the Congress, which are referenced at page 2 of the draft impact statement, follow page 12 of the statement.

---

### NORTHEAST RAILROAD RESTRUCTURING ACT OF 1973—STATEMENT OF ENVIRONMENTAL IMPACT PURSUANT TO SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Both the Department of Transportation's Report to the Congress on the Northeastern Railroad Problem (March 26, 1973) and the Congress' Joint Resolution S.J. Res. 59–2 (February 9, 1973), which called for the DOT Report, recognize that the Northeast rail situation is an emergency calling for expeditious action to preserve rail service in that part of the Nation. The Report states:

"We wish to stress that the time for action is short. The Penn Central reorganization court has set July 2, 1973, as the date to hear proposals either for a workable plan or the trustee's blueprint for liquidation. If no plan is forthcoming, we see liquidation as the Court's only legal recourse. If, however, Congress acts expeditiously along the lines outlined in this report, we believe that the Court will have an alternative to liquidation that is better for all concerned and for the Nation as a whole."

In this situation we could not delay submission to the Congress of our proposed remedial legislation in order to pursue the environmental impact statement process ordinarily required by the National Environmental Policy Act and the Guidelines of the Council on Environmental Quality. Such a delay would endanger the prospect of successful resolution of the Northeast rail problem. On the other hand, we have considered environmental effects in developing the proposed legislation, and in this statement we discuss those effects to the extent that is possible in the circumstances.

#### 1. DESCRIPTION OF THE PROPOSED ACTION

The background, purpose, and design of the proposed legislation are described in the March 26 DOT Report to the Congress on the Northeastern Rail Problem, which is incorporated herein by reference. The legislative provisions are particularly described at pp. 39–48 of the Report.

#### 2. THE PROBABLE IMPACT OF THE PROPOSED ACTIONS ON THE ENVIRONMENT

The establishment of basic Core Rail Service would lead to the discontinuance of service on a large amount of existing low density or redundant rail trackage and ultimately to the abandonment of this right-of-way for rail purposes. Three central but inter-related impacts upon the human environment can be expected to result from such discontinuances: (a) social and economic effects on communities that lose railroad service; (b) energy use and pollution increases due to shift of rail freight to trucks; and (c) change of right-of-way to other uses where service has been abandoned.

The full extent of service discontinuances which would result from this legislation cannot be predicted at this time. The discontinuances, and thus the extent of environmental impacts associated with them, will be determined as a result of the identification of a viable northeastern rail system. The factors to be considered by the Secretary and by the Corporation in the establishment of that system include the impact of the decision on the environment.

Because of the emergency nature of this legislation, the Department has not been able to make detailed estimates of the environmental impacts involved, just as it has been unable to identify the expected components of the core system. The following discussion, however, outlines the general impacts envisioned, along with appropriate mitigating considerations.

##### (a) *Community impact*

Communities that will lose rail service will have the ability to use trucks (and in some instances barges) for intercity freight movement. (Note that the service discontinuances discussed here affect freight service only. It is not expected that the operation of rail passenger services provided by the National Railroad Passenger Corporation and commuter agencies will be materially affected by the bill.) The areas in which abandonment would be most prevalent are essentially areas where adequate highway development already exists.

This is so because rail and highway routes generally have been developed in parallel corridors over the years. Thus, it is anticipated that there will be few if any areas now served by rail lines subject to discontinuance which are not also served by arterial highways. These highways have pavement and bridge structures built to withstand the loadings imposed by the heavy trucks which would be required to take the place of the abandoned rail service. Hence, service to such facilities as manufacturing plants would be on arterial highways which are adequate to handle any weight load permitted by State law. Moreover, much of the additional carriage by truck would be to or from railheads at which the freight would be transferred to or from rail. In other words, additional truck service would be in the nature of feeder or distribution service for long-haul rail service that would be retained. Consequently, severe community disruption, loss of employment and similar impacts are not expected to follow from this action. Conversely, in those communities where economic activity centers around shipment of large volumes of bulk cargo, for which trucks are less well suited than rail transportation, it would generally be expected that rail service would be self-supporting and would not be discontinued.

##### (b) *Pollution increases and energy considerations*

The shift of freight from rail to truck carriage will impact upon the existing ambient air quality in some instances. While fuel consumption per revenue ton-mile, and emissions per revenue ton-mile may be less for rail than for truck under optimum operating conditions, the picture is mixed where less efficient rail operations are involved. In the case of a little used branch line, the use of a high powered diesel locomotive may be less efficient, from an emissions and fuel consumption standpoint, than the equivalent truck service. From the standpoint of the overall balance between truck and rail freight (and the resulting differential environmental impacts) this proposal is expected to have an overall beneficial impact.

The continuing deterioration of rail service in the Northeast (among other factors) has resulted in major shifts of freight from rail to truck carriage during the past decade. Only strong action, as proposed in this legislation, can stem the future deterioration of the rail system, with resulting further shifts of freight to the trucking industry. In fact, the creation of a viable northeast railroad system appears to be the best way, and perhaps the only way, to maintain a balanced transportation network in which both rail and trucks provide those types of service for which they are best suited.

##### (c) *Land use*

The discontinuance of rail service would result in the environmental impacts discussed above. The step following service discontinuance is abandonment. This will occur where other operators do not choose to continue rail service.

Any rail corridor must be considered as a resource of utmost importance. Rights of way, acquired over a period of years, and frequently extending into the center of high value, densely developed urban areas, often cannot be reproduced at any cost, due to the disruption and displacement of persons and property which would be involved.

In order to promote the preservation of these corridors, the legislation contains explicit protective provisions. First, the proposal provides that no rail line may be removed, after the discontinuance of service, until 120 days have elapsed from the date of discontinuance, during which time an offer would be held open to sell the rail line intact for railroad purposes or to contract with any person, including a State or local government, for the continuation of rail service on terms that would insure that the carrier does not incur any losses as a result of the provision of service.

In the event that no State or local governing body contracts to provide for the continuation of service as described above, lines where service has been discontinued may be abandoned. It is recognized, however, that these corridors may still have value *as corridors* which transcends their value as individual parcels of real estate. The 120-day period would provide the government of the State in which the line or facility is located the opportunity to determine whether it should acquire the rail line for other transportation, utility or recreation purposes, or a combination of uses for which the integrity of the corridor is essential. Urban mass transit, exclusive truck routes, utility or pipeline use, bicycle and hiking trails are some of the major potential uses which could be made of such corridors.

### 3. ANY PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED SHOULD THE LEGISLATION BE IMPLEMENTED

As discussed above, adverse environmental impacts which cannot be avoided are either nullified by safeguards in the proposed legislation or are more than offset by the beneficial effects. While there may be isolated instances of adverse impact upon communities, these cannot be identified or quantified in advance of the determination of the new rail system.

### 4. ALTERNATIVES TO THE PROPOSED ACTION

#### (a) *Inaction*

Because of poor earnings, poor prospects, high debt ratios, and the reality of several large bankruptcies, Northeastern railroads face a limited and high-cost capital market. The lack of capital has impeded modernization of plant and equipment and caused right-of-way maintenance to be neglected. It also may have caused an overuse of high-cost, indirect financing through leasing.

By any measure, the Northeastern railroads as a whole are in worse financial shape than those in other areas. Profits are lower, labor costs are higher, investment needs are greater, and utilization of manpower and investment resources is less efficient. The volume of freight ton-miles moved by the Eastern district railroads has declined over the past several years, while that of the Southern and Western railroads has increased. Also, relative capital and employee productivity improvements of the Eastern roads have failed to match those of the Southern and Western roads.

Economic growth in the Northeast has shifted more sharply than in other regions away from bulk commodities and more toward industries and services that require little freight movement. Also, environmental restraints have seriously cut the demand for high-sulfur coal, traditionally a major source of rail revenue in the Northeast.

The six major bankrupt Northeastern railroads—the Penn Central, the Erie Lackawanna, the Boston & Maine, the Central of New Jersey, the Lehigh Valley, and the Reading—together represent an important rail network moving about 45 percent of the freight in the Northeast. Their service area includes 19 states and the District of Columbia and stretches from Maine to Missouri.

Over 75 percent of all rail freight service is now provided by the bankrupt roads in Connecticut, Rhode Island, New Hampshire, Massachusetts, New York, Eastern Pennsylvania, New Jersey, and Delaware. They also dominate rail service in major areas of Ohio, Indiana, Michigan, Maryland, and Western Pennsylvania.

With this background, liquidation of the bankrupt carrier's property and consequent total cessation of service is the inevitable outcome of inaction at this stage. Shifting the freight handled on the high-density routes to highways would have the following impacts:

(1) Marked increase in congestion on many highway links.

(2) Significant degradation of air quality, since truck emissions are on the order of 2 or 3 times that of rail mainline service when compared on a ton-mile basis.

(3) Increase petroleum consumption, since truck carriage requires substantially more fuel per ton-mile than rail mainline operation.

(4) Increase ambient noise levels. Survey data indicates that truck noise already accounts for complaints that are an order of magnitude greater than rail.

In addition to these large scale environmental impacts, the obvious economic impact of inaction would be nothing less than a disaster.

#### (b) *Actions involving infusion of Federal funds*

The use of Federal money could take several forms: outright nationalization, grants, loan guarantees, or purchase and lease back of trackage. Some of these approaches would at first glance have an appeal because they would be "equalizing" rail with the modes that are presently either directly or indirectly subsidized. However, since the net result would be a perpetuation of a system already found lacking, they may be treated as essentially equal.

Experiences elsewhere have made it abundantly clear that nationalization only means increasing subsidies and declining resource efficiency—something our Nation can ill afford. The largely state-owned rail systems of Japan, Britain, Germany, France, and Italy now report losses that in total exceed $2 billion per year. Nor do we believe that partial or piecemeal nationalization, such as buying only the roadbeds of the bankrupt or ill carriers, is proper. It is a practical impossibility for the Federal government to become a "limited partner" in a private enterprise operation, for one thing most inevitably leads to another. Likewise, such piecemeal nationalization would weaken—and perhaps eventually destroy—the vigor of the private enterprise companies that would be forced to compete with this Federally-backed operation.

The inefficiency of resource use resulting from any form of nationalization must be considered detrimental from an environmental standpoint as well as from the economic view. Continued inefficiencies in rail transit would increase the competitive position of other modes of transport vis-a-vis rail, leading to the greater environmental problems associated with trucks.

In sum, to reap the environmental benefits that are correctly associated with rail transit, the Nation must not merely maintain a rail system, it must maintain an efficient, economically healthy system. We are firmly convinced that the legislative proposals we offer are the most likely alternative to lead to that result.

OFFICE OF THE SECRETARY
OF TRANSPORTATION.

May 24, 1973.

---

## KEY STEPS IN THE PLAN

The Department of Transportation will submit legislation to authorize the implementation of the plan proposed below. The key steps are as follows.

### 1. CORE RAIL SERVICE

Using projections of freight and passenger traffic, the Department of Transportation would identify Core Rail Service for the Northeast, based on the concept of long-term economic efficiency in the use of transportation resources. This review would take into account potential intermodal connections and substitutions and would serve as a guide for the long-term restructuring of the existing rail system.

The Core would be identified in terms of areas that should be served and connected by rail service; it would not deal with specific rail networks.

During a 90-day period following enactment of enabling legislation, the Secretary would prepare a report on the Core which would be made available for public comment. The Secretary would then make a final identification of the Core, and his decision would not be subject to judicial review.

### 2. FORMATION OF NEW FOR-PROFIT CORPORATION

After Core Rail Service has been identified, a way is needed to ensure that the rail system in the Northeast would, as a minimum, provide such service. Because of the fragmented and competitive nature of many of the present bankrupt estates, we think it unlikely that the estates, working separately, could agree on an acceptable plan to reduce excess facilities and share those facilities which remain. Consequently, we propose that a new, private, for-profit corporation be chartered and charged with the job of selecting certain assets from among the estates on the basis of the Core identified by the Secretary.

#### *a. Termination of service*

Once final Core Rail Service is identified, bankrupt railroads should be permitted to terminate rail service (but not abandon track), within a specific time period and without ICC approval, in those areas not included in the Core. A procedure should also be established whereby states and local communities, other viable railroads, shippers, and others would be afforded the opportunity to provide for the continuation of service not included in the Core by acquiring by purchase or lease the necessary assets of the bankrupt estates and either operating the service themselves or negotiating a contract with the new corporation or operating entities to operate the service.

The bankrupts would, however, have to continue to provide a minimum level of maintenance of those rights-of-way over which service has been discontinued until actual abandonment is achieved.

#### *b. Responsibilities of the new corporation*

The enabling legislation would authorize the establishment of the new corporation, with the Board of Incorporators appointed by the President. The initial purpose of the corporation would be to design one or more rail systems in the Northeast based upon providing Core Rail Service identified by the Secretary.

After appropriate study and analysis, the Board would:

(1) design one or more rail systems based on the Core;

(2) select for such a system(s) certain rail lines, facilities, and equipment presently operated by the bankrupts, and possibly others; and

(3) obtain rights of first refusal and agreements that such properties as selected above are available for purchase.

In designing the system(s) and allocating the elements, the Board would apply as its criteria:

(1) the economic viability of each element of the system(s) and,

(2) the continuation of rail service competition in high density markets to the greatest extent feasible.

Following a review by the Secretary of the Board's specific proposals to assure that they are reasonably consistent with Core Rail Service, the Board would take steps to acquire the facilities and equipment through negotiation wth the bankrupt estates and others. Because the "going-concern" value of the acquired assets should exceed their uncertain value under protracted, piecemeal liquidation, we belive that the trustees would find it in their best interests to work out equitable agreements with the Board within specific time limits. If more than one new system has been approved, the Board would establish such additional corporations as are required and assign the properties acquired to the appropriate corporations.

Within a specified time after the Secretary's approval of the Board's proposals, the bankrupts would be able, without ICC approval, to terminate service not included in the Board's final approved proposals or acquired by others, and to abandon such rights-of-way. At this point, additional facilities could be added to the system if those states, localities, or shippers who want them are willing to subsidize fully any deficits involved. Also, depending upon the actions of the Board with regard to operating rail passenger service, possible separate arrangements might have to be made with Amtrak and transit authorities to continue passenger service they consider necessary. Properties of the bankrupt railroads not acquired by a new corporation could then be liquidated by the bankrupt estates.

The actions of the Board of Incorporators and the Secretary's approval would not be reviewable in any court.

### *c. Valuing the corporation and distribution of assets*

The stock of the new corporation(s) would be placed in escrow until it could be allocated equitably to the bankrupt estates. One possibility would be on a pro-rata basis of assets contributed to the corporation. The stock could then be distributed to the bankrupt estates pursuant to the allocation procedure, and each new corporation would become an independent operating entity.

The establishment and operation of the streamlined system(s) would be timed to occur within one year of the date of enactment of enabling legislation.

### 3. TRANSITION

The period of transition, as the Northeast rail systems are streamlined and returned to a viable place in the private sector, will inevitably cause strains and dislocations. Three areas require particular consideration:

The impact on labor;

The impact on rail carriers, as they shift from today's over-built structure to the new streamlined structure; and

The impact on those state and local communities and shippers who will be required to deal with changing types and costs of freight service.

Proper and equitable handling of the various problems will require further analysis and planning. In this report we can suggest some tentative approaches.

### a. *Labor*

The six bankrupt railroads in the Northeast employed approximately 116,000 persons in 1971. (Figure 12 shows the breakdown of this total by railroad and by general classification of employee.)

Specific plans must be developed, in consultation with management and employee representatives, as well as with the trustees and creditors of the bankrupt estates, to provide adequate job protection or compensation to affected employees. Such plans can, of course, only be developed following an understanding of the numbers involved and the extent of dislocations.

RAILROAD EMPLOYMENT BY CLASSIFICATION[1]—YEAR 1971

| Occupational group | Penn Central | Reading | Central New Jersey | Lehigh Valley | Boston & Maine | Erie Lackawanna | Total |
|---|---|---|---|---|---|---|---|
| Executives, officials, etc | 1, 634 | 143 | 82 | 63 | 76 | 294 | 2, 292 |
| Professional, clerical, etc | 17, 327 | 1, 542 | 593 | 575 | 799 | 2, 501 | 23, 337 |
| Maintenance of way | 10, 382 | 756 | 331 | 433 | 540 | 1, 682 | 14, 124 |
| Maintenance of equipment | 21, 295 | 1, 474 | 534 | 469 | 715 | 2, 689 | 27, 176 |
| Transportation (other than T. & E.) | 6, 825 | 421 | 232 | 139 | 265 | 1, 083 | 8, 965 |
| Transportation (yard) | 1, 644 | 115 | 68 | 53 | 61 | 182 | 2, 123 |
| Transportation (train and engine) | 29, 411 | 1, 820 | 724 | 795 | 1, 141 | 4, 380 | 38, 271 |
| Total | 88, 518 | 6, 271 | 2, 564 | 2, 527 | 3, 597 | 12, 811 | 116, 290 |

[1] As reported to Interstate Commerce Commission.

Those employees of the bankrupts who are hired by a new entity would be guaranteed appropriate job protection in their agreements with the new corporation. Some of the employees of the bankrupts may also be hired by non-bankrupt railroads that acquire parts of the bankrupts' systems, or by other rail freight and passenger systems. Those employees would also be guaranteed appropriate employment and labor protection rights.

With respect to the labor protection rights of other employees, some form of appropriate compensation will have to be found. It is recognized that labor may seek a share of the estates. The cash required for any payments from the estates could come from receipts from early liquidation of assets or from advanced borrowing against the liquidation.* If additional cash were needed to finance such compensation, a loan secured by the stock in the new corporation would be a further possibility. If the various regulatory and other changes outlined in this plan are forthcoming, we believe that this stock would constitute ample security for such a loan.

### *b. Rail carriers*

Until new operating entities take over rail service from the bankrupt railroads in the Northeast, most existing service would be continued by the bankrupt railroads. Based on current experience, these operations will produce a continuing cash loss for these railroads.

We believe that the courts and creditors would permit these cash losses provided that they can reasonably expect a future higher liquidation value.

A key issue is the constitutional right of the creditors to prevent the continued erosion of the estates' assets. Certainly, if there were no end in sight, cessation of operations and prompt liquidation would be the proper course of action. However, with evidence that this plan would be implemented, it seems reasonable to expect the courts to permit further limited losses during the transition period.

Another area of consideration is the need for startup financing for the new corporation or other entities which will operate the restructured system. Financing will be required for initial working capital, deferred maintenance, and capital for equipment, facilities, and possibly some new connecting track. An analysis of these requirements, viewed in the context of the viable system which will emerge, leads us to believe that the private capital market will meet these needs. It would appear, however, to be proper to allow the new corporation to be able to use the tax losses of the bankrupt railroads. This action would help generate extra cash during the critical early years and would provide an incentive for immediate efficiency.

### *c. Communities and shippers*

Once the Core and additional service areas that are to be retained have been identified, the problem of communities and shippers who are affected by abandonments can be better understood. These groups, together with governmental agencies, can then determine the appropriate action to deal with these problems.

An important objective will be to provide the affected communities and shippers sufficient lead time to make plans for obtaining alternate means of transportation or new markets. Even with the substantial abandonment of light density branch lines, we would expect rail service to continue to be available close to most of these areas. In addition, shippers would have access to trucking service and rail terminals. Also, states and local communities will be given the opportunity to ensure the continuation of rail service if they find it necessary and are willing to subsidize the deficits fully.

While the Senate Joint Resolution asked that alternatives be considered for those areas which might not have future rail service, it is not possible to make specific recommendations until the Core is identified and the Board of Incorporators takes action.

## REMARKS OF SENATOR NORRIS COTTON ON THE (BY REQUEST) INTRODUCTION OF THE TWO BILLS CONCERNING RAIL SERVICE IN THE NORTHEAST

Mr. President, today I have joined with the distinguished Chairman of our Committee on Commerce (Mr. Magnuson) in cosponsoring the *by request* introduction of legislation proposing solutions to the current Northeastern railroad problem, which proposals were submitted to the Congress by the Chairman of the Interstate Commerce Commission and the Secretary of Transportation, respectively.

The proposal of the Interstate Commerce Commission (ICC) was submitted to the Congress on March 26 and bears the short title "Federal-aid Railroad Act of 1973". It is a legislative proposal growing out of the ICC's Northeastern Railroad Investigation (Ex Parte No. 293) and in response to the Senate Joint Resolution 59.

On the same date, March 26, Secretary of Transportation Brinegar submitted to the Congress his report pursuant to section 2 of Senate Joint Resolution 59, requiring "a full and comprehensive plan for the preservation of essential rail transportation services in the Northeast section of the Nation . . ." The first of three bills, bearing the short title of the "Northeast Railroad Restructuring Act of 1973", to implement DOT's report was submitted to the Congress by letter from the Secretary of Transportation dated May 24.

Mr. President, the Northeast railroad problem is complex. An effective and viable solution is necessary for the continued economic well-being of the Northeastern section of our Nation. I, therefore, believe that all proposed solutions should be given careful consideration. And, for this reason I have joined with the distinguished Chairman of our

---

*Such lump sum payments may be eligible for tax treatment that recognizes the special nature of the payments.

Commerce Committee (Mr. Magnuson) in cosponsoring the introduction of these two legislative proposals by request of the Interstate Commerce Commission and the Secretary of Transportation.

Although based upon a preliminary examination of these two respective legislative proposals, I personally find more merit in several of the concepts embraced in the proposal advanced by the Interstate Commerce Commission, I should reserve judgment until such time as the Surface Transportation Subcommittee of our Committee on Commerce concludes its hearings on these and other proposed solutions to the Northeast railroad problem. Accordingly, I view the two legislative proposals introduced today as no more than "working papers" to be considered, along with others, in fashioning the most effective and viable solution possible to this most important and complex problem confronting our Northeast region.

**Mr. MAGNUSON.** Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1893

A bill to provide for the restructuring of the rail system in the Northeast, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—SHORT TITLE, AND SO FORTH

SEC. 101. SHORT TITLE.—This Act may be cited as the "Northeast Railroad Restructing Act of 1973".

SEC. 102. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—The Congress finds that a rail crisis exists in the Northeast where six class I and one class II railroads are in reorganization and the largest railroad, the Penn Central, is on the verge of liquidation; that prompt action is needed to avoid an abrupt shutdown of most of the bankrupt rail carriers; that nationalization of rail freight operations is undesirable and is unnecessary to the establishment of a viable rail system in the Northeast; that while the rail system in the Northeast has lost some of its freight business in recent years, the overall freight traffic is large enough to support one or more new railroads which could be developed from the various railroads now in bankruptcy; and that provision should be made for the establishment of a streamlined rail system in the Northeast free of the financial encumbrances of the bankrupt railroads and which would operate under a modernized system of economic regulation and over systems designed on the basis of economic viability.

SEC. 103. DEFINITIONS.—(1) "Bankrupt railroad" means a railroad undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205).

(2) "Commission" means the Interstate Commerce Commission.

(3) "Corporation" means the Northeast Railroad Corporation authorized to be created under title II of this Act and, unless the context otherwise requires, includes the incorporators.

(4) "Eastern district" means that area served by railroads classified by the Commission for reporting purposes as eastern district carriers.

(5) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)).

(6) "Secretary" means the Secretary of Transportation or his delegate.

(7) "Service plan" means the plan for the operation of rail services required to be prepared under section 304 of this Act.

(8) "State" means a State of the United States or the District of Columbia.

### TITLE II—CREATION OF THE NORTHEAST RAILROAD CORPORATION

SEC. 201. CREATION OF THE CORPORATION.—There is authorized to be created a Northeast Railroad Corporation. The corporation shall be established under the laws of a State and shall not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act, and to applicable State laws to the extent consistent with this Act.

SEC. 202. INCORPORATORS AND BOARD OF ADVISORS.—(a) The President of the United States shall appoint three incorporators, by and with the advice and consent of the Senate, one of whom the President shall designate to serve as chairman. The incorporators shall also serve as the board of directors of the corporation until their successors are elected and have qualified under section 203 of this Act. The incorporators shall take whatever actions are necessary or appropriate to establish the corporation, including the filing in any State of articles of incorporation, as approved by the Secretary. Each incorporator shall receive compensation at the rate of $300 for each day of work, and shall be reimbursed for necessary travel and subsistence expenses.

(b) The President of the United States shall appoint a board of advisors consisting of seventeen persons. The board of advisors shall be appointed on the following basis: one to be selected from two or more joint recommendations of the majority and minority leaders of the Senate; one to be selected from two or more joint recommendations of the Speaker and minority leader of the House of Representatives; one to be selected from the several recommendations of the Governors of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; one to be selected from the several recommendations of the Governors of the States of Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, and the Commissioner of the District of Columbia; one to be selected from the several recommendations of the Governors of the States of Illinois, Indiana, Kentucky, Michigan, and Ohio; one to be selected from recommendations of organizations of shippers; one to be selected from recommendations of organizations of consumers; one to be selected from recommendations of railroad labor organizations; one upon recommendation of the Association of American Railroads; and eight additional persons selected by the President, one of whom the President shall designate to serve as chairman. The board of advisors shall meet not less than once each month for the purpose of formulating recommendations to be submitted from time to time to the incorporators respecting the preparation of the service plan and the conduct of other functions of the incorporators under this Act. Each member of the board of advisors shall receive compensation at the rate of $300 for each meeting of the board of advisors he attends, and shall be reimbursed for necessary travel and subsistence expenses incidental to attending the meetings. The salaries and expenses of the board of advisors and its members shall be paid by the corporation. The board of advisors shall cease to exist on the date the members of the board of directors of the corporation are elected and qualify under section 203 of this Act.

(c) In the event an incorporator or advisor shall cease to serve, the President shall appoint a successor in the same manner as such individual was appointed.

SEC. 203. DIRECTORS AND OFFICERS.—(a) The corporation shall not install a board of directors to succeed the incorporators if it does not undertake to perform rail service under this Act. However, if the corporation undertakes to perform such service, the stockholders shall elect a board of directors as soon as practicable. At any time after the enactment of this Act, the incorporators may nominate such persons as they consider appropriate to be members of the board of directors. No person who has served as an incorporator of the corporation may within two years after the first election of a board of directors be elected a member of the board.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the corporation. The bylaws shall not be inconsistent with this Act or the articles of incorporation.

(c) The corporation shall have a president and such other officers as may be named and appointed by the board of directors. The rate of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board.

SEC. 204. AUTHORIZATION FOR FEDERAL FINANCIAL ASSISTANCE.—There is authorized to be appropriated to the Secretary in fiscal year 1974, to remain available until expended not to exceed $40,000,000, for payment to the corporation, on such terms and conditions as the Secretary may prescribe, for the purpose of meeting the necessary expenses of the board of incorporators and the board of advisors and other expenses necessarily incurred in organizing the corporation.

SEC. 205. GENERAL POWERS OF THE CORPORATION.—To carry out their functions and purposes under this Act, the corporation and any corporation it creates under section 206(4) of this Act shall have, in addition to the powers vested in the corporation under this Act, the powers conferred upon them under the laws of the State or States in which they are incorporated and the usual powers of a railroad under the laws of any State in which they operate.

SEC. 206. SPECIAL POWERS AND FUNCTIONS OF THE CORPORATION.—In order to carry out the service plan and agreements approved under title III of this Act, the corporation is authorized to—

(1) issue and allocate common and preferred stock to bankrupt or other railroads entering into agreements with the corporation under title III of this Act based upon the consideration provided by the railroads under such agreements;

(2) manage, operate, or contract for the operation of railroad service consistent with the provisions of this Act;

(3) sell or lease all or part of its assets in a manner consistent with the service plan approved by the Secretary under title III of this Act;

(4) create, and transfer or assign any rights and assets it may acquire to, an additional corporation or corporations to operate railroad service as provided by the service plan approved by the Secretary under title III of this Act.

SEC. 207. APPLICABILITY OF OTHER LAWS.—The following laws do not apply to the corporation, or to any transactions under this Act, including those pursuant to section 309(d), prior to the date rail service is implemented under this Act:

(1) The Interstate Commerce Act (49 U.S.C. 1 et seq.);

(2) To the extent inconsistent with this Act, section 77 of the Bankruptcy Act;

(3) Federal and State antitrust laws;

(4) To the extent inconsistent with this Act, the Railway Labor Act (45 U.S.C. 151 et seq.), and the National Labor Relations Act (29 U.S.C. 151 et seq.);

(5) Any State law pertaining to the economic regulation of railroads, including laws pertaining to the consolidation or merger of railroads; and

(6) Any State law pertaining to the number of employees to be used on trains.

## TITLE III—RESTRUCTURING OF THE NORTHEAST RAIL SYSTEM

SEC. 301. PRELIMINARY REPORT ON CORE RAIL SERVICE.—The Secretary shall prepare a preliminary report containing his recommendations for the identification of geographic zones in the eastern district within and between which rail freight service shall be provided, and the minimum number of railroads that shall provide such service. The Secretary may use as a basis for the establishment of the zones standard metropolitan statistical areas used in the last United States census, groups of those areas, counties, or groups of counties having similar economic characteristics, such as mining, manufacturing, and agricultural activities. In determining whether service shall be provided, the Secretary shall take into consideration—

(1) long-term economic efficiency in the use of transportation resources;

(2) rail traffic presently generated within the zones;

(3) possible near-term changes in rail traffic that may result from such factors as population shifts and changes in manufacturing, agriculture, mining, and consumption, and the probable costs of alternative transportation;

(4) the objective of financially self-sustaining rail service;

(5) the objective of minimizing adverse environmental effects;

(6) the importance of preserving rail service competition in markets with heavy rail traffic; and

(7) the potential for achieving efficiencies and serving shippers through the joint use of facilities, and intermodal connections and substitutions.

In preparing the preliminary report, the Secretary shall also take into consideration the requirements for commuter and intercity passenger rail service in the eastern district.

SEC. 302. FINAL REPORT.—Within thirty days after the date of enactment of this Act, the Secretary shall make the preliminary report available to interested parties, including the Commission, the States and their public utility commissions, local governments, and consumer interest groups, and shall publish the preliminary report in the Federal Register. Interested parties may submit written comments, data, and arguments on the report within thirty days after it is issued. After affording due consideration to the relevant matter submitted, the Secretary shall, within ninety days after the date of enactment of this Act, issue his final report together with a summary of the recommendations of those who commented on the preliminary report and his reasons for not adopting such recommendations. The Secretary may request at any time before issuing the final report additional views, written or oral.

SEC. 303. INVENTORY OF RAIL FACILITIES.—(a) Within one hundred and eighty days after the date of enactment of this Act, each railroad in the eastern district shall, under such regulations as the Secretary may prescribe, compile and submit to the Secretary and the corporation data respecting the physical and operating characteristics of its railroad lines.

(b) Each bankrupt railroad in the eastern district shall provide such information as may be required by the Secretary in carrying out his functions under subsection (a) or any other provision of this Act. The Secretary may obtain such information by subpena. In case of contumacy by or a refusal to obey a subpena served upon a railroad under this section, the district courts of the United States, upon application by the Attorney General upon request of the Secretary, shall have jurisdiction to issue an order requiring the railroad to produce the information, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

SEC. 304. PREPARATION OF SERVICE PLAN.—The corporation shall prepare a plan for the operation of rail services provided by bankrupt railroads in the eastern district and other railroads with which it negotiates agreements under section 305 of this Act. The plan shall identify those rail lines which the corporation proposes to operate and those lines which it proposes not to operate. The plan shall also specify the method of operation proposed for each service, including, but not limited to, operation by the corporation or operation by another carrier under lease or through purchase. The plan shall be consistent with and shall include substantially all the rail service envisioned in the final report of the Secretary under section 302 of this title.

SEC. 305. NEGOTIATION OF AGREEMENTS.—(a) The corporation shall, in a manner consistent with the service plan, enter into agreements—

(1) with any railroad in the eastern district for acquisition of rail assets in return for stock of the corporation as provided by section 206 of this Act;

(2) where appropriate, with third parties, including railroads and State and local governments, for the transfer to such parties of any right, interest, service, or privilege contracted for under paragraph (1) of this subsection;

(3) with representatives of railroad employees to be hired by the corporation respecting rates of pay, working conditions, employee protection, and associated matters;

(4) where possible, with State and local governments, shippers, and other persons for the continuation of unprofitable service which such persons are able to subsidize in accordance with section 403 of this Act;

(5) with financial institutions for financial assistance needed for the improvement or modernization of plant and equipment and for other purposes; and

(6) with the National Railroad Passenger Corporation and commuter agencies for the continuation of rail passenger services provided by these entities.

(b) (1) The trustees of any bankrupt railroad seeking to acquire stock of the corporation under subsection (a) (1) of this section must first reach an agreement with established collective bargaining representatives of its employees who are not to be hired by the corporation on or prior to the date the corporation implements rail service under this Act. Each such agreement with representatives of its employees shall provide for fair and equitable arrangements for these employees.

(2) Within three hundred days after the date of enactment of this Act, the trustees shall submit to the Secretary of Labor the agreements entered into under paragraph (1) of this subsection. The Secretary of Labor shall approve or reject the agreements within thirty days after he receives them.

(3) The corporation may not purchase, acquire, lease, or utilize the assets of any bankrupt railroad which has not entered into an agreement under paragraph (1) of this subsection which has been approved by the Secretary of Labor under this subsection, and by the appropriate court under section 310 or 311 of this Act.

(c) Agreements entered into under this section shall not be binding upon the corporation and the other parties involved if action taken by the Secretary, the Secretary of Labor, or the courts under this title or by the corporation under section 310(b) precludes the corporation from beginning or providing for the beginning of rail service under section 310 of this Act as provided by a service plan approved under section 307 or 308.

SEC. 306. SUBMISSION AND REVIEW OF SERVICE PLAN AND AGREEMENTS.—Within three hundred days after the date of enactment of this Act, the corporation shall submit to the Secretary the service plan and the agreements entered into under section 305(a). Upon receipt of the service plan and agreements, the Secretary shall—

(1) review the service plan to determine whether it is financially self-sustaining, feasible, and is consistent with and includes substantially all the rail service envisioned in the final report issued under section 302 of this Act; and

(2) review the agreements to determine whether they are consistent with, and would not adversely affect the viability of, the service plan, and after consultation with the Secretary of Labor, whether they afford fair and equitable protection to railroad employees to be hired by the corporation.

SEC. 307. FINDINGS OF THE SECRETARY.—(a) The Secretary shall make the findings required by section 306 of this Act within thirty days after he receives the service plan. If he finds that the service plan and the agreements meet the requirements of section 306, he shall approve them. Except as provided by section 308 of this Act, if the plan or contracts do not meet these requirements, he shall reject them and inform the corporation of his reasons therefor.

(b) If the corporation does not submit to the Secretary within three hundred days after the date of enactment of this Act the agreements required by paragraphs (1), (2), and (3) of section 305(a) of this Act, the Secretary may not approve any plan submitted by the corporation under section 306.

SEC. 308. REVIEW OF AMENDMENTS.—If the Secretary rejects the service plan or agreements, the corporation shall within fifteen days thereafter submit to the Secretary appropriate amendments correcting the deficiencies noted by the Secretary. If within the fifteen-day period the corporation requests the Secretary to approve any part of a plan or amendment thereto which is inconsistent with the final report of the Secretary under section 302 of this Act and the Secretary finds merit in the proposal, the Secretary shall afford interested persons an opportunity to present oral or written views as to whether the part of the plan or amendment should be approved. After considering the relevant matter presented, the Secretary may approve the part of the plan or amendment if he finds in writing that such action is necessary to assure the viability of the service plan. The Secretary shall issue a decision on a request for the approval of an amendment within thirty days after the receipt thereof.

SEC. 309. COURT REVIEW OF AGREEMENTS.—(a) Upon submission under section 306 of this Act of the service plan and agreements to the Secretary, the trustees shall submit for approval to the appropriate reorganization courts (1) the agreements negotiated under section 305(a) (1) of this Act under which the corporation is to acquire the assets of bankrupt railroads; and (2) the agreements negotiated under section 305(b). Changes to the agreements resulting from the review of the Secretary under section 308 of this Act or made pending the approval of the agreements by the Secretary of Labor under section 305(b) shall be submitted to the courts as soon as practicable after they are made.

(b) Upon or in anticipation of submission of the agreements by the trustees for approval by the reorganization courts under subsection (a) of this section, an application may be made by any party in interest, including, but not limited to, the corporation or trustees or creditors of the bankrupt railroads, to the judicial panel on multidistrict litigation authorized by section 1407 of title 28, United States Code, for the transfer to any district court of all proceedings respecting the review of the agreements. The transfer shall be made by the panel to the district court which the panel determines is most convenient to the parties and will promote the just and efficient conduct of the review. The consolidated proceedings shall be conducted by a judge selected by the panel who is not assigned to any proceeding under section 77 of the Bankruptcy Act involving any bankrupt railroad in the eastern district. The judge to whom the proceedings are assigned may exercise the powers of a district judge in any district for the purpose of conducting the consolidated proceedings. No proceedings for review of any order of the panel under this subsection may be permitted. The panel may prescribe rules for the conduct of its functions under this subsection.

(c) In the case of the agreements referred to in clause (1) of the first sentence of subsection (a) of this section, the sole issues before the court under subsection (a) or (b) of this section shall be whether (1) the agreements are in the best interests of the debtor's estate; and (2) in approving the service plan, the Secretary considered its overall environmental consequences in compliance with the policies of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.). The court shall issue its decision within ninety days after the receipt of the agreements under subsection (a) of this section, or if changes are made to the agreements, within ninety days after the receipt of the changes. Court decisions under this section and section 310(c) of this Act shall not be reviewable in any court.

(d) Not later than ten days after the Secretary approves the service plan under this title, any corporation may petition the judge conducting a proceeding under subsection (b) of this section to approve agreements it has negotiated with bankrupt railroads in the eastern district for the acquisition of their assets pursuant to a plan for the operation of rail services in the eastern district. If the judge finds that (1) the agreements are in the best interests of the debtor's estate; and (2) the petitioner's plan is substantially the same as the service plan approved by the Secretary under this title, affords fair and equitable protection to railroad employees, and preserves a proper level of rail service competition, he shall, within the time prescribed in subsection (c) of this section for the review of agreements negotiated by the corporation, approve the agreements. If the judge approves the agreements, the petitioner shall be deemed to be the "corporation" for the purposes of title IV of this Act.

SEC. 310. APPRAISAL OF ACTION OF COURTS; ASSUMPTION OF SERVICE.—(a) Within fifteen days after all of the decisions of the courts are issued under section 309 of this Act, the Secretary shall appraise the impact of the decisions and notify the corporation whether in his opinion, the decisions of the courts would permit the implementation of a viable service plan. Within fifteen days after receiving such notice from the Secretary, the corporation shall inform the Secretary whether it concurs in the determination of the Secretary under this subsection.

(b) If the Secretary or the corporation determines that the decisions of the courts would not permit the implementation of a viable service plan, the corporation shall take whatever steps are necessary to wind up its affairs and terminate its existence.

(c) If the Secretary and the corporation determine that the decisions of the courts would permit the implementation of a viable service plan, the corporation, to the extent permissible under the decisions of the courts, shall within sixty days after receiving notice from the Secretary under subsection (a) of this section acquire the assets of railroads and begin or provide for the beginning of rail service. Agreements with bankrupt railroads revised in light of the decision of a court under section 309 of this Act shall be submitted for approval to the court by the trustees and the court shall issue its decision thereon as soon as practicable. The sole issue before the court under this subsection with respect to agreements under which the corporation is to acquire assets of bankrupt railroads shall be whether the agreements are in the best interests of the debtor's estate.

(d) If the Secretary fails to approve the service plan at any time under this title, or it is determined under this section that the decisions of the courts preclude the implementation of a viable service plan, he shall submit to the Congress as soon as practicable a report of the activities under this Act and his recommendations as to any additional legislation he considers appropriate.

SEC. 311. COURT REVIEW OF ACTIONS OF THE SECRETARY.—Except as provided in section 309, the Secretary's action or inaction under this Act shall not be reviewable in any court.

## TITLE IV—REGULATION OF SERVICE

SEC. 401. GENERAL.—(a) Except as otherwise provided in this title, on and after the date the corporation begins rail service under section 310 of this Act, the corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to the Interstate Commerce Act.

(b) For the purpose of this title, the term "corporation" includes any corporation established by the corporation to provide rail service included in the service plan approved by the Secretary. However, it does not include an entity or properties owned by the corporation but managed or operated by another railroad.

SEC. 402. DISCONTINUANCE OF THE OPERATION OF SERVICE.—(a) After providing sixty days' notice to State Governors and publishing notice in accordance with section 1(19) of the Interstate Commerce Act, (1) any bankrupt railroad in the eastern district may abandon the operation of any rail service within any zone for which rail service is not designated in the final report issued by the Secretary under section 302 of this Act; (2) any bankrupt railroad which agrees to transfer rail assets to the corporation under section 305 of this Act and thereafter transfers any rail assets to the corporation under section 310, or any other railroad which agrees to transfer a substantial part of its rail assets to the corporation under section 305 of this Act and thereafter transfers any rail assets to the corporation under section 310, may abandon the operation of any rail service not included in the service plan approved by the Secretary under title III of this Act.

(b) Any bankrupt or other railroad which does not agree to transfer rail assets to the corporation under section 305 of the bill but thereafter transfers rail assets to the corporation, or any railroad (other than a bankrupt railroad) which agrees to transfer less than a substantial part of its rail assets to the corporation under section 305 of this Act and thereafter transfers assets to the corporation under section 310, may abandon the operation of any rail service provided over those assets on the date that the corporation by contract or otherwise begins rail service thereon.

(c) During the first two years of providing service, the corporation may abandon the operation of any rail service following changed market or other conditions or a natural disaster and after providing sixty days' notice to State Governors and publishing notice in accordance with section 1(19) of the Interstate Commerce Act if the Secretary finds in writing, after hearing in accordance with section 553 of title 5, United States Code, that there is not any reasonable prospect that the service can become self-sustaining under efficient and economical management.

SEC. 403. ABANDONMENT OF LINES.—If a rail line used for service discontinued under subsection (a) or (c) of section 402 of this Act is no longer required by the entity which provided the service, the line may be abandoned if the entity holds open for not less than one hundred twenty days after the discontinuance of service an offer to sell the rail line intact for railroad purposes or to contract wih any person, including a State or local government, for the continuation of rail service thereon on terms and conditions that insure that the entity does not incur any losses as a result of the provision of the service.

## TITLE V—FEDERAL INCOME TAX

SEC. 501. TRANSFER OF ASSETS TO RAILROAD CORPORATIONS.—Notwithstanding any provision of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) to the contrary,

(a) No gain or loss shall be recognized if property of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), in the eastern district is transferred to another railroad corporation (as defined in section 77(m) of the Bankruptcy Act) solely in exchange for stock or securities of such other railroad corporation, in accordance with an agreement entered into in accordance with section 305 or section 309(d) of this Act.

(b) If property is transferred in a transaction to which subsection (a) applies, the basis of the property in the hands of the transferee shall be the same as it would be in the hands of the transferor.

(c) If property is transferred in a transaction to which subsection (a) applies, the basis of the stock or securities received in the exchange shall be the same as that of the property transferred.

(d) If property is transferred in a transaction to which subsection (a) applies, the transferee shall succeed to and take into account, as of the close of the day of the transfer, that portion of the net operating loss carryovers (determined under section 172 of the Internal Revenue Code of 1954, as amended, (26 U.S.C. 172)) of the transferor as bears the same ratio to such net operating loss carryovers as the fair market value of the property transferred bears to the total fair market value of all of the property of the transferor, including the property transferred. For purposes of the preceding sentence the ratio of such fair market values shall be determined as of the end of the calendar month immediately preceding the date of the agreement referred to in subsection (a), and the ratio so determined shall be set forth in such agreement. Approval of the agreement by a court pursuant to section 309 or section 310 of this Act shall constitute a final determination of such ratio. If property is transferred from a railroad corporation to the corporation in a transaction to which subsection (a) applies and is subsequently transferred within ninety days from the corporation to a third railroad corporation in a transaction to which subsection (a) applies, the corporation shall not succeed to and take into account any net operating loss carryovers of the first corporation, and the third corporation shall succeed to and take into account, as of the close of the day of the second transfer, that portion of the net operating loss carryovers of the first corporation as the corporation would succeed to and take into account as of the close of the day of the first transfer but for this sentence.

(e) In the event that a transferor agrees to transfer property in more than one transaction to which subsection (a) applies, then for purposes of applying subsection (d) the property of the transferor shall not include any property which the transferor has agreed in a prior calendar month to transfer and the net operating loss carryovers of the transferor shall not include any net operating loss carryovers to which any transferee shall succeed in accordance with any agreement referred to in subsection (a) which was entered into in a prior calendar month.

(f) For purposes of this section, the term "property" means property used in the provision of rail services on the last day of the calendar month immediately preceding the date of the agreement referred to in subsection (a). For purposes of subsections (a), (b), and (c), the term "property" also includes stock of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), in the eastern district.

### TITLE VI—MISCELLANEOUS

SEC. 601. SEPARABILITY.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 602. ACCESS TO RECORD.—The corporation shall keep such records as the Secretary may prescribe which disclose the amount and the disposition by the corporation of payments received by the corporation under section 204 of this Act. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the corporation that are pertinent to payments received under section 204.

SEC. 603. RESERVATION OF RIGHT TO REPEAL.—The right to repeal, alter, or amend this Act at any time is expressly reserved.

SEC. 604. STATE OR LOCAL TAXATION.—Nothing in this Act shall preclude a State or local jurisdiction from imposing, in accordance with the laws of such State or local jurisdiction, any valid, nondiscriminatory tax on the corporation.

SEC. 605. SANCTIONS.—(a) For the purposes of this section, the term "corporation" includes any corporation established by the corporation to provide rail service included in the service plan approved by the Secretary.

(b) If the corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of title I, II, or III, or section 402(c) of this Act, fails, refuses, or neglects to discharge its duties and responsibilities under title I, II, or III, or section 402(c) of this Act, or threatens any such violation, failure, refusal, or neglect, the district court of the United States for any district in which the corporation resides or may be found shall have jurisdiction, except as otherwise prohibited by law, only upon petition of the Attorney General of the United States to grant such equitable relief as may be necessary or appropriate to prevent or terminate any such violation, conduct, or threat.

---

By Mr. STEVENS (for himself, Mr. HANSEN, and Mr. TOWER):

S. 1894. A bill to further amend the Mineral Leasing Act of February 25, 1920, to provide for the extension of certain leases. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, today I am introducing a bill on behalf of myself, the Senator from Wyoming (Mr. HANSEN), and the Senator from Texas (Mr. TOWER) to extend certain oil and gas leases in Alaska.

Many Alaskan residents, as well as residents of other States, purchased from the Federal Government oil and gas leases on the North Slope. These were not merely offers or applications to lease. These are actual leases. They were issued at a time when the land was open to noncompetitive leasing with the usual 10-year exploration date. By their terms, virtually all of them will expire no later than December 31, 1974. Some will expire as early as the end of this year.

Some of these leases are still held by the original lessees. Others have been assigned to oil companies and other developers. Even in those cases in which assignments have been made, however, it is customary for the original lessees to retain royalty interests.

Since the land freeze was imposed by Public Land Order 4582 on January 17, 1969, it has been virtually impossible to explore or develop the lands embraced in these leases. It was impossible to obtain the proper permits. Construction of roads and other access ways has been prohibited. Airstrips could not be developed. These expensive developments are necessary before the leases can be utilized.

Under the Alaska Native Claims Settlement Act, the area became checkerboarded. This made development even more difficult.

As a result of these events, it has been difficult to obtain financing or interest in purchasing the leases. Additional problems have arisen due to the uncertainties in the granting of a right-of-way for the trans-Alaska pipeline.

The Federal Government has been responsible for some of these delays. Others have been caused by the protracted ecological litigation and the necessity for an extensive environmental impact statement.

In the meantime, the leases have continued to run. The lessees have continued to be charged annual rentals. This has been an unfair burden on the lessees. These restrictions were not imposed at the time the leases were purchased, nor were most of them foreseeable.

I do not know the exact number of leases so affected, but I am informed there are approximately 400.

We are introducing legislation today which is identical to H.R. 2051 introduced on January 15 by Congressman MAHON.

I urge the Senate to consider this legislation speedily in order that these American citizens who purchased valuable Federal oil and gas leases in good faith are not denied their fair value.

I request unanimous consent that the legislation be printed in its entirety in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1894

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of February 25, 1920, as amended, is further amended as follows:

Section 39 of such Act of February 25, 1920 (30 U.S.C. 209), is further amended by the insertion after the first paragraph of the following:

"All oil and gas leases issued by the authority of the Secretary of the Interior and in effect on April 1, 1970, which cover any lands situated north of the sixty-eighth parallel in the State of Alaska shall be and are hereby extended from the termination dates of the primary terms thereof for a period of time equal to the period from April 1, 1970, to the date of the first crude oil or natural gas deliveries into a major pipeline from any oil and gas leases lying north of the sixty-eighth parallel in the State of Alaska: *Provided*, that such extensions shall not be in excess of the period of the original leases.

"The Secretary of the Interior is authorized to extend said period of such additional time as may be necessary in his judgment to alleviate hardships to the owners of said leases. All obligations of the lessees of said leases as extended, including delay rentals, shall remain in force and effect during the period of this extension."

---

By Mr. SCOTT of Pennsylvania (for himself, Mr TOWER, and Mr. CRANSTON) (by request):

S. 1985. A bill to regulate which State may escheat or take custody of certain intangible abandoned property. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SCOTT of Pennsylvania. Mr. President, at the request of the Department of Justice of the Commonwealth of Pennsylvania, I am today introducing a bill relating to the interstate escheat of unclaimed property.

I ask unanimous consent to have the bill and an explanatory memorandum printed in the RECORD at this point.

There being no objection, the bill and memorandum were ordered to be printed in the RECORD, as follows:

S. 1895

A bill to regulate which State may escheat or take custody of certain intangible abandoned property

Whereas the books and records of banking and financial organizations and business associations engaged in issuing and selling money orders and travelers checks do not as a matter of business practice show the last known addresses of purchasers of such instruments, and

Whereas it has been determined that a substantial majority of such purchasers reside in the States where such instruments are issued or sold, and

Whereas the States wherein the purchasers of money orders and travelers checks reside should, as a matter of equity among the several States, be entitled to the proceeds of such instruments in the event of abandonment, and

Whereas it is a burden on interstate commerce that the proceeds of such instruments are not being distributed to the States entitled thereto, and

Whereas the cost of maintaining and retrieving addresses of purchasers of money orders and travelers checks is an additional burden on interstate commerce since it has been determined that most purchasers reside in the State of purchase of such instruments: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### DEFINITIONS

SECTION 1. (a) "Banking Organization" means any bank, trust company, savings bank, safe deposit company, or a private banker engaged in business in the United States.

(b) "Business Association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) "Financial Organization" means any savings and loan association, building and loan association, credit union, or investment company, engaged in business in the United States.

#### STATE ENTITLED TO ESCHEAT OR TAKE CUSTODY

SEC. 2. Where any sum is payable on a money order, travelers check, or similar written instrument on which a banking or financial organization or a business association is directly liable, and

(a) where the books and records of such banking or financial organization or business association show the State of origin of the transaction wherein such money order, travelers check or similar written instrument was issued, such State of origin of the transaction shall be entitled exclusively to escheat or take custody of the sum payable on such instrument, to the extent of that State's power under its own laws to escheat or take custody of such sum; or

(b) where the books and records of such banking or financial organization or business association do not show the State of origin of the transaction wherein such money order, travelers check, or similar written instrument was issued, the state in which the banking or financial organization or business association is organized or incorporated or, in the case of a national banking association or other entity organized under Federal law, the State of its principal place of business, shall be entitled to escheat or take custody of the sum payable on such money order, travelers check, or similar written instrument, to the extent of that State's power under its own laws to escheat or take custody of such sum, until another state shall demonstrate by written evidence that it is the State of origin of such transaction; or

(c) where the books and records of such banking or financial organization or business association show the State or origin of the transaction wherein such money order, travelers check, or similar written instrument was issued and the laws of the State of origin of the transaction do not provide for the escheat or custodial taking of the sum payable on such instrument, the State in which the banking or financial organization or business association is organized or incorporated or, in the case of a national banking association or other entity organized under Federal law, the State of its principal place of business, shall be entitled to escheat or take custody of the sum payable on such money order, travelers check, or similar written instrument, to the extent of that State's power under its own laws to escheat or take custody of such sum, subject to the right of the State of origin of the transaction to recover such sum from the State of organization, incorporation, or principal place of business if and when the law of the State of origin of the transaction makes provision for escheat or custodial taking of such sum.

### EFFECTIVE DATE

SEC. 3. This act shall take effect on ——— ——— and shall be applicable to sums payable on money orders, travelers checks, and similar written instruments deemed abandoned on or after February 1, 1965.

### MEMORANDUM IN SUPPORT OF PROPOSED FEDERAL DISPOSITION OF UNCLAIMED PROPERTY ACT OF 1973

The proposed Disposition of Unclaimed Property Act (the "Act") and this memorandum are submitted for consideration by Congress in response to an urgent need for clear, equitable and uniform rules governing the disposition among the several states of proceeds of abandoned travelers checks, money orders and similar instruments for transmission of money. The sole purpose and function of this bill is to resolve a long-standing and much litigated conflict problem as to which state (among several having contacts with a particular item of abandoned property) has the superior right to escheat proceeds from such property by means of its abandoned property or escheat laws.

The problem to which this bill is directed has been highlighted and made more severe recently by the Supreme Court in *Pennsylvania v. New York*, 407 U.S. 206 (1972). In that case the Court refused to depart from the rule which it laid down in *Texas v. New Jersey*, 379 U.S. 674 (1965) that the state of last-known address was entitled to escheat the proceeds of Western Union telegraphic money orders deemed abandoned under its laws and that if there were no addresses, the state of corporate domicile (i.e. New York) was entitled to escheat such proceeds.

The difficulty with the Supreme Court's decision is that in the case of travelers checks and commercial money orders where addresses do not generally exist large amounts of money will, if the decision applies to such instruments, escheat as a windfall to the state of corporate domicile and not to the other 49 states where purchasers of travelers checks and money orders actually reside.*

The proposed bill would solve the problem created by the Supreme Court's decision, not by a federal escheat statute preempting the proper role of the states, but by the simple rule that the last-known address of the purchaser of travelers checks and money orders shall be presumed to be in the state of purchase of such instruments.

It should be pointed out that *Texas v. New Jersey, supra*, makes it clear that there are no constitutional impediments to enacting the remedial legislation contemplated by the proposed bill. As Justice Black said in that case:

> "We realize that this case could have been resolved otherwise, for the issue here is not controlled by statutory or constitutional provisions or by past decisions, nor is it entirely one of logic. It is fundamentally a question of ease of administration and of equity." 379 U.S. at 683.

Thus, the proposed bill not only will promote the administration by the states of their own escheat laws (since issuers of travelers checks and money orders all have records of where their instruments are sold), but far more important, the bill will enable all of the states to obtain their equitable share in the abandoned proceeds of such instruments.

Finally, Congress should note that the problem to which this bill is directed is a matter of important public concern in that the bill would, in effect, free for distribution among the states several million dollars in proceeds from abandoned property now being claimed by one state. The bill is eminently fair and equitable because it would permit the state where a travelers check or money order was purchased and which is the state of the purchasers' actual residence in over 90% of the transactions to escheat the proceeds of such instruments. The bill will also allow future funds to flow to the state of purchase without the need for complicated record-keeping laws and regulations which would be a serious burden both to issuers and sellers of travelers checks and money orders and to the state themselves.

By Mr. HUMPHREY (for himself, Mr. BAKER, Mr. JACKSON, and Mr. KENNEDY):

S. 1897. A bill to authorize the appropriation of such funds as may be necessary to effectuate the transfer of all naval weapons range activities from the island of Culebra to the islands of Desecheo and Monito not later than July 1, 1975. Referred to the Committee on Armed Services.

### CULEBRA

Mr. HUMPHREY. Mr. President, I introduce for myself, Senator BAKER, Senator JACKSON and Senator KENNEDY a bill to authorize funds for the transfer of the Culebra training facility to the uninhabited islands of Desecheo and Monito.

Secretary Elliot Richardson's decision to cease bombing and shelling this island on which 750 U.S. citizens reside was a courageous and wise one.

If carried out, this decision will assure the protection of these civilians in a way that the establishment of "safety zones" could not. A Defense Department study concluded that the gross error rate at Culebra is "unduly high for training operations in an area where there are nonparticipants within the weapons delivery range." Even the non-explosive rounds which in 1972 replaced the explosive warhead shells traditionally fired at Culebra could kill or maim when they went astray.

To stop the shelling will help guarantee the preservation of Culebra's unique natural environment. A Navy study indicated that shelling of the island has done serious damage to this environment. It has resulted in "structural and sedimentary denigration of the reefs" and would in the long run have resulted in "the destruction of the recreation value of beaches on Culebra once they were no longer required by the Navy." Birds, eggs, and nests have been destroyed by the shelling.

The Department of the Interior and the Commonwealth Government are working in close cooperation to preserve Culebra's wondrous natural environment as a unique natural resource when the Navy ceases firing there.

The decision to move Navy training off Culebra reestablishes the credibility of the U.S. Government in Puerto Rico and elsewhere in Latin America by fulfilling a previous commitment. Secretary of Defense Melvin Laird announced on April 1, 1971, that he would reappraise the Culebra situation—by the end of 1972 in order to make a final decision where to relocate the naval training target areas now on Culebra. He later reneged on this commitment, announcing that the Navy would retain its training targets in Culebra for the indefinite future and at least until 1985.

The broader political consequences of this continued use of Culebra were expressed by Gov. Luis Ferre in a letter to the President on November 16, 1970:

> The issue has taken on potentially explosive proportions and has accordingly become a reason for the gravest concern to me and to my administration. Puerto Ricans everywhere are watching and waiting to see what the United States will do. Unless we can find a just and agreeable solution, our efforts to strengthen the ties between Puerto Rico and the mainland, to have Puerto Rico serve as a bridge of understanding to Latin America for the United States, will suffer a severe setback. Whether right or wrong, Puerto Ricans universally see in the Culebra question an issue of colonialism. So apparently do the citizens of Central and South American countries who are also watching and waiting to see what the Federal Government in Washington will ultimately do. . . . The United States has at stake in the Culebra matter a great deal more than the simple question of a place for the Navy to engage in target practice.

This sense of urgency on the Culebra issue was shared by all political factions in Puerto Rico. All four men who had been elected Governor in the country's history, representing three frequently differing political parties, signed a letter to U.S. Senators urging them to stop the shelling of Culebra.

---

* Recent surveys by a major issuer of travelers checks and money orders indicate that over 90% of the purchasers of its travelers checks reside in the state of purchase and that over 95% of the purchasers of its money orders reside in the state of purchase.

The decision to cease using Culebra as a target for Navy bombs and shells has finally been taken. It remains for us to appropriate the funds necessary to shift training to an uninhabited island. Department of Defense estimates indicate the cost could be up to $12 million, but this will have to be reviewed by the Committee on Armed Services and the Committee on Appropriations. According to a Navy study cited in Mr. Ben Schemmer's editorial in the Armed Services Journal—

> Much (possibly all) of this cost would be offset over time by gains to the total U.S. economy . . . remaining at Culebra is the most costly alternative on an annual basis.

To protect the 750 U.S. citizens living on Culebra.

To preserve their unique environment.

To reestablish the credibility of the U.S. Government in our only commonwealth country.

The cost of moving Navy training to an uninhabited island is a small price to pay.

Secretary Richardson's decision, and the enactment and funding of the bill we introduced today, will complete action long advocated by many Members of Congress.

On January 4 of this year, Senator BAKER and I introduced S. 156, to require the Department of the Navy to terminate all shelling and other weapon range activities on Culebra. We were joined by 39 cosponsors.

This bill reaffirms previous commitments made by the Department of Defense to the government of Puerto Rico. I believe it reaffirms a commitment of the American people to the people of Puerto Rico. I urge its immediate enactment.

### CULEBRA

Mr. KENNEDY. Mr. President, I am pleased to join with the distinguished Senator from Tennessee, Senator BAKER; and the distinguished Senator from Minnesota, Senator HUMPHREY; the distinguished Senator from Washington, Senator JACKSON; in introducing legislation to carry out the plans to end the Navy's use of the Island of Culebra as a target range.

We all welcome the decision made last week by Secretary of Defense Elliot Richardson to finally end the bombing and target practice by the Navy Department on the Puerto Rican Island of Culebra. For too long, the Defense Department has treated Culebrans as second class citizens and created a situation where the life of the Island revolved around the target practice of the Navy.

The decision by the Secretary reflects the determined efforts of the Governor of Puerto Rico, Rafael Hernandez Colon, to see that the administration lived up to the promises made prior to last year's election. In verbal and written correspondence, the Defense Department had agreed to leave Culebra by July 1, 1975. Then, on December 27, 1972, the Defense Department suddenly reversed itself in a decision that violated all of its previous promises.

The action by Secretary Richardson, which follows the introduction in the Senate of an amendment by 40 Senators led by Senator HOWARD BAKER to mandate a halt to the operations at Culebra, returns the U.S. Government to its proper place—on the side of the people and not on the side of the bombs.

The legislation we are introducing today provides the funds Secretary Richardson said were necessary to transfer operations from Culebra to the uninhabited Islands of Desecheo and Monito.

We would hope for the speediest consideration of this matter and its final resolution at an early date so that the people of Culebra can live their lives assured that the bombing has stopped forever.

I ask unanimous consent for Secretary Richardson's statement as well as recent press comments to be printed in the RECORD at this point.

There being no objection, the letter and articles were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, D.C., May 24, 1973.*

Hon. JOHN C. STENNIS,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: During the course of my confirmation hearings before the Senate last January, I promised that I would carefully study the necessity of continuing to conduct Navy weapons training operations on and near the Island of Culebra. My commitment was subsequently reaffirmed to other members of the Congress who requested my views on legislation proposed in both the House and the Senate which would require the Navy to terminate its Culebra operations by July 1, 1975.

I have completed my review. In the process, I have given careful consideration to the conclusions of the studies of the problem completed in the Department of Defense at the direction of the Congress. I have discussed the matter with Navy officials and members of my office. I have also consulted various members of the Congress and met with Puerto Rican officials.

Culebra cannot be considered in isolation from other Navy interests in the area. Its target complex and supporting facilities are important parts of the Atlantic Fleet Weapons Range and are closely related to the Fleet Marine Force training areas on the nearby island of Vieques. These vital Navy and Marine Corps facilities provide the training required to maintain the Atlantic Fleet in a high state of operational readiness. Their continued operation in the years ahead is essential. This operational readiness goal, which has been the primary consideration in my review, involves many factors.

Consequently any move of Naval facilities from Culebra must be to a location in the area of Puerto Rico which would satisfy the foregoing military operational requirements. The most recent study forwarded to the Secretary of Defense by the Navy in December 1972 concluded that although there were some operational and cost advantages to remaining on Culebra, several alternative sites using other islands off Puerto Rico were also suitable from an operational viewpoint and would meet military requirements.

But once military requirements are met, other considerations must be addressed. The Senate Committee on Interior and Insular Affairs has directed that the Department of the Interior and the Commonwealth of Puerto Rico conduct a joint study to determine the optimum land use for Culebra. I understand that study will consider the opportunities available on the island for plant and wild life conservation and public recreation.

Finally, there is the common aim of Puerto Rican and Defense officials, as well as members of the Congress, to reduce as much as possible the impact of Navy training activities on local inhabitants. All four governors of Puerto Rico, past and present, regardless of party, have joined in support of the proposed legislation that the Navy move its activities from Culebra. This legislation has attracted substantial support in the Senate and the House.

A solution to the problem which should reconcile all the relevant factors involved would also, in my judgment, facilitate the continued long-term operation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area.

According, I have decided it would be in the long-range interest of the various parties to move the current Navy training activities by July 1, 1975 from the Culebra complex east of Puerto Rico to the uninhabited islands of Desecheo and Monito off the western coast of Puerto Rico, provided:

1. That the Congress authorizes and appropriates the funds required, and
2. That a satisfactory overall arrangement can be worked out with the Government of Puerto Rico for carrying out the proposed move and for ensuring the long term continuation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area.

Until these provisions are met and the requirements of section 1022c of the National Environmental Policy Act of 1969 are satisfied, current Navy readiness training in the Culebra complex must continue.

I have informed Secretary of Defense-designate, James R. Schlesinger, of this decision.

With best regards,
Sincerely,

ELLIOT RICHARDSON.

---

[From the Washington Post, May 29, 1973]

### ON CULEBRA, A PROMISE REDEEMED

In acting to halt the use of Culebra—a little island off Puerto Rico—as a Navy firing range, outgoing Defense Secretary Elliot Richardson has done one of those small and decent but difficult and important things which governments all too often fail to do. In brief, he perceived the wrong in bombing an inhabited island, a part of the American dependency of Puerto Rico, and he perceived the risk that continued bombing and shooting would further exacerbate Puerto Rico-U.S. relations, undercut Puerto Rico moderates, and thereby jeopardize Navy access to *any* Puerto Rican firing range. Mr. Richardson then got a considerable number of bobbing ducks in a row and made his move.

Recall that his Pentagon predecessor, Melvin Laird, had defaulted under Navy pressure last December on an earlier pledge to close the Culebra range by 1975. Instead, said Mr. Laird, the firing would go on until 1985. Understandably enough, the Puerto Ricans went up in smoke. The political atmosphere there had to be calmed before San Juan could take the necessary step of finding a satisfactory alternative range and offering assurances of its permanent use. This has evidently been done. The new range, to be opened in 1975, will be on the *uninhabited* islands of Desecheo and Monito at the opposite (western) end of Puerto Rico.

On its part, the Navy had to reach a better understanding that, while custom and convenience dictated continued use of Culebra, the Navy's own interest in maintaining a Puerto Rican bombing range and the larger American interest in solidifying ties with San Juan made it necessary to stop pounding the island. To its credit, the Navy now does seem prepared to shift to Desecheo and Monito, where, its own studies show, its important operational requirements can adequately be met.

Some members of the House may not yet have seen the advantages of bending to the storm over Culebra. Sen. Howard Baker (R-Tenn.) set a powerful and useful example last January, however, by introducing a bill to compel the Navy to quit the island by 1975; a similar bill was entered in the House. Presumably, those legislators who wanted the Navy to stop bombing Culebra will support the modest appropriation needed to prepare Desecheo and Monito as replacements. We hope that Defense Secretary-designate James Schlesinger will want to start his Pentagon term right by speaking out clearly and promptly for the move.

The Baker bill charged the country with "a breach of faith with the people of Puerto Rico." For all that the Navy has done to make its bombing safer for the people of Culebra and to assist them with jobs, water and so on, this is the essence of the matter. The United States promised to stop bombing the island, and it broke its promise. One cannot help thinking that the United States would not so easily have ignored a similar promise to a group or nation considered to have more clout than Puerto Rico, of which Culebra is part. "The decision of Secretary Richardson is warmly welcomed by all Puerto Ricans," the commonwealth's resident commissioner, Jaime Benitez said. "It reinforces our faith in the basic integrity of the American system with its profound commitment to the fulfillment of understandings reached in good faith and in the pursuit of human values."

---

[From the New York Times, May 28, 1973]

### Culebra Over Goliath

Before ending his brief stint as Secretary of Defense to become Attorney General, Elliot Richardson came down decisively on the side of Culebra, the Caribbean mouse that roared at the United States Navy. Mr. Richardson ordered the Navy to terminate by mid-1975 the gunnery and air bombardment practice that for years has annoyed and harassed the 726 residents of the 7,000-acre island off Puerto Rico's east coast.

Former Defense Secretary Melvin Laird, who had promised in 1971 that the firing and bombing ranges would be removed from Culebra, reversed himself last December. He announced then that the Navy would remain at least until 1985—a reversal that may have owed more to Puerto Rico's election results than to the lack of alternative facilities. Forces aligned with the Nixon Administration were turned out by Rafael Hernandez Colon's Popular Democratic party, traditionally linked to the mainland Democrats.

Mr. Richardson's decision should settle the matter, once Congress provides $10 million to prepare new Navy ranges on the uninhabited islands of Desecheo and Monito on the other side of Puerto Rico. It will be a rare victory for human needs over military convenience.

---

### Flash! Ceasefire on Culebra

At press time on 24 May, on his last day as Secretary of Defense, Elliot Richardson announced that Navy target firing on the Puerto Rican island of Culebra will be terminated 1 July 1975. Richardson's courageous decision came after prolonged insistence by U.S. Navy that Culebra was an indispensable part of its Atlantic Fleet Weapons Range. Since 1970, AFJ has questioned the need for firing on Culebra where about 800 American citizens are living. Various governors of Puerto Rico (see Defense Forum, page 5 of this issue) have also protested the Navy firing. Although former Defense Secretary Laird promised to cease the firing, he reversed himself late last year. Senator Howard Baker (R-Tenn.), now a key member of the select Senate Committee on Watergate, took up the Culebran cause early this year. He and Representative Otis Pike (D-NY) have been pressing the Pentagon for a new look. Richardson took the new look and decided the Navy would have to alter its weapons training program in the Caribbean.

As he assumes his new responsibilities as Attorney General, Richardson leaves behind in the Pentagon a legacy of good will from those who share his views on the importance of people . . . in this case the Culebrans.

---

### Reversal Shocked Governor

I would like this opportunity to express my agreement with your courageous editorial entitled "Culebra—Go Away" that appeared in the April issue of the *Armed Forces Journal*.

We, too, were shocked by the reversal in December of last year of the clear commitment of the Department of Defense to terminate the shelling of Culebra by June, 1975. If this change of position was based on a belief that the people of Puerto Rico do not wish to see the Navy leave Culebra, it is simply incorrect. The leaders of all political parties in Puerto Rico have expressed, clearly and consistently, the desire to terminate Navy bombardment on that inhabited island. Recently, a letter was sent to the members of the United States Senate supporting the Baker-Humphrey bill which will force the Department of Defense to honor its prior commitment; significantly, this letter was signed not only by myself, but also by the three ex-governors of Puerto Rico.

I would like, once again, to express the position of the Commonwealth Government on this matter of great importance. Our position, succinctly, is that the shelling of the inhabited territory of Culebra is an unacceptable situation. We recognize the legitimate interest of the Armed Forces in having suitable sites for defense training, but also believe that those military interests need not necessarily conflict with the rights of American citizens to be able to live in peace and happiness. We are anxious to work in cooperation with the Department of Defense to settle upon alternatives which will satisfy both the defense needs of the United States Government and the human needs of the residents of the Commonwealth of Puerto Rico.

RAFAEL HERNÁNDEZ-COLÓN,
*Governor,*
*Commonwealth of Puerto Rico.*

---

[From the Boston Globe, May 25, 1973]

### Richardson To Shift Firing Range From Culebra

(By Jack Thomas)

Defense Secretary Elliot L. Richardson acted yesterday to end the long and rancorous dispute between the Navy and the 900 inhabitants of the tiny Caribbean island of Culebra, which has been used for military target practice for nearly 40 years.

Richardson's decision reversed a ruling last December by former Defense Secretary Melvin Laird, who said that Navy studies showed Culebra was the best place for the gunnery range and that the Navy would continue operations there at least through 1985.

Richardson's move, which climaxes two years of Pentagon vacillation, calls for the firing range to be moved by July, 1975 to the uninhabited islands of Desecheo and Monito off the west coast of Puerto Rico.

Culebra, a three-by-seven-mile volcanic out-cropping halfway between Puerto Rico and the Virgin Islands, is part of the Atlantic Fleet Weapons Range. The Navy has used a 328-acre target area there for bombing, strafing and shelling, both air to ground and ship to shore. Each year the United States invites 20 foreign nations to fire on Culebra.

Richardson said his action was contingent upon two factors, congressional approval of the $10 million necessary to build the new facilities, and an agreement with the government of Puerto Rico to ensure long term use of both islands.

For many Spanish-Americans, both in Puerto Rico and in the United States, the Culebra issue has involved not only the irritating presence of the Navy and the shooting, but also the credibility of the United States.

Forty senators, including Edward M. Kennedy and Edward W. Brooke, have endorsed legislation that would have required the Navy to evaculate the island by July 1, 1975.

The departure of the Navy will have an astonishing impact on the social and economic fabric of the 900 people who live there.

More than 50 civilians are employed by the Navy, and of the Navy's $430,000 annual budget, $270,000 of it is for salaries.

In April 1971, Laird promised the firing range would be moved by July 1975. Last November, a few days before the gubernatorial election in Puerto Rico, he said again that by December 1972 he would announce where the new facilities would be located.

But on Dec. 27, 1972, Laird reversed himself, saying studies showed that Culebra was indispensable to the Navy and not only would it remain there through 1985, but that air-to-ground activity would be increased by 50 percent and civilian employment cut by half.

The announcement set off a wave of protest in San Juan, and in Washington, Sen. Howard Baker (R-Tenn.) accused the Navy of a breach of faith and introduced legislation to force the Navy off Culebra.

Richardson said yestreday that "the most recent study . . . concludes that although there were some operational and cost advantages to remaining on Culebra, several optional sites using other islands were also suitable from an operational viewpoint and would meet all military requirements."

One Pentagon source said last night that the move represented an attempt to repair the explosive political differences between Washington and the Commonwealth of Puerto Rico, and to reduce the influence of the Independence Party in Puerto Rico.

---

[From the San Juan Star, May 25, 1973]

### Quit Culebra in 1975, Richardson Tells Navy

(By Ed Konstant, Betsy Lopez Shams and Connie Arena)

#### DECISION

The Navy will pull out of Culebra by July 1, 1975, if Congress follows the recommendation made Thursday by departing Secretary of Defense Elliot Richardson. It was Richardson's last official act as defense secretary before assuming his new duties as U.S. attorney general. Congressional acceptance is taken for granted in most quarters.

The announcement was made by Gov. Hernandez Colon at an emergency press conference called minutes after talking to Richardson.

Navy shelling practices are to move to the uninhabitated islands of Monito and Desecheo off the west coast of Puerto Rico, the Governor said.

Richardson's action met the governor's expectations that the secretary of defense would make a favorable decision on the matter before leaving for his new post.

Richardson, the Governor said, is informing the congressional armed forces committees that the Defense Department is willing to transfer all target operations from Culebra to Monito and Desecheo.

The alternatives were suggested by the Governor himself "because they are uninhabited islands."

Desecheo is now under federal jurisdiction, but Monito is not, which implies that an agreement will have to be made with the Commonwealth for its use as a target range.

However, the Governor said he anticipates no problems on such an agreement.

Desecheo Island is 11.5 miles west of Punta Higuero, which is the westernmost tip of mainland Puerto Rico. Punta Higuero is just north of Rincon. Monito is 40.5 miles from Mona Island.

Also pending to make the transfer feasible are congressional appropriations for this purpose. Again, the Governor anticipates no problems "because not much funds are needed for this transfer."

An obviously elated Governor termed Richardson's decision "brave" and added that "as Governor I am deeply happy because a problem affecting the life of our fellow citizens of Culebra and, in a more ample sense the relations between Puerto Rico and the U.S. has been solved.

The Governor, bursting with satisfaction, had the press called into his office immediately after talking to Richardson.

In the meantime, he located Culebra's Washington Atty. Richard Copaken who was at the airport about to board a plane.

"Copaken is jumping up and down," the Governor reported after talking to the young lawyer who has conducted the fight to move the Navy out of Culebra for several years.

"This calls for champagne," The Governor said and drank a toast with the press to "peace for Culebrans and all Puerto Rico."

Reactions were varied. They ranged from full endorsement by the former Gov. Ferre, Mayor Carlos Romero Barcelo, and Rep. Manuel Rivera Robledo, PDP-Culebra, to reservations by Sen. Severo Colberg, PDP, qualified approval by former Gov. Sanchez and outright opposition by Sen. Ruben Berrios, PIP at large.

Former Gov. Munoz said special congratulations were due to Hernandez Colon, Resident Commissioner Jaime Benitez, the people of Culebra, Culebra Mayor Ramon Feliciano and Secretary Richardson.

Richardson communicated directly Thursday with Ferre and Romero Barcelo to tell them of his decision. Ferre said that Richardson's decision honored the promise made by former defense Secretary Melvin Laird to the Ferre administration. He said it showed President Nixon's "great interest" in giving consideration to the welfare and tranquility of the Puerto Rican people.

Romero said the announcement "does justice to the fight that has been one of all Puerto Ricans."

Berrios said the announcement entailed nothing more than a recommendation to Congress. "No mention of Vieques was made," he said, reminding the Senate of an earlier resolution approved asking the Navy to also abandon Vieques.

Colberg and Rep. Roberto Rexach Benitez, PDP-at large, said the announcement added a new dimension to a proposal to create a superport-refinery complex in the area.

"The Defense Department has just destroyed the superport," Colberg said. "This is one more in a lengthy list of negative factors against establishing a superport either on Mona Island or in Aguadilla."

The Senate passed a motion with a vote of 13 to 4, over the objections of minority members to congratulate the Governor, Richardson and the mayor of Culebra. Two PDP members Sens. Juan Rivera Ortiz and Edwin abstained from voting.

Bello raised the question of U.S. credibility in commenting on the announcement.

Former Gov. Sanchez Villela said the choice of Desecheo and Monito was a good one "since no people live there," adding "It seems we have come out on the winning side."

Sanchez questioned, however, whether the Commonwealth can "guarantee in perpetuity" that the Navy use the two islands. "I would be in favor of guaranteeing their operations for a reasonable time. But I hope we don't get ourselves into a situation like the Panama Canal," he said.

Secretary of Natural Resources Cruz Matos noted that a bird sanctuary exists on Monito. However, he said, "People are always more important than birds. We would probably create another area with a similar habitat. We will not oppose such a move on ecological grounds because we think the people of Culebra have priority."

A Navy spokesman on the island, reached last night by telephone, said naval authorities here had not heard anything from Richardson, and were not informed of the details of his announcement.

"We will do whatever Congress tells us to do," the spokesman said.

### BACKGROUND

WASHINGTON.—House and Senate sources predicted Thursday that Congress will appropriate the funds the Navy will need to transfer target practice from Culebra to Desecheo and Monito Islands.

At the same time Resident Commissioner Jaime Benitez said the Commonwealth is willing to pay half the cost of relocation, which could total between $10 million and $12 million.

As his last act as secretary of defense, Elliot Richardson decided Thursday that the Navy should move from Culebra to the other two islands by July 1, 1975, providing Congress appropriates the money for the transfer and the Commonwealth guarantees the permanence of the new weapons range.

"It's going to be awfully difficult for the Navy to fight it," said an aide to Sen. Howard Baker, R-Tenn., author of a bill that would have forced the Navy to end target practice on Culebra by mid-1975. Thirty-nine other senators had added their names to that bill as cosponsors in an effort to force an administrative decision on the old controversy.

"Right now," he added, "the appropriation is the only problem, but it doesn't seem like much of one."

He and others said the money would probably be appropriated in this year's Military Construction Authorization Bill. It's also possible the Navy might refuse to request an appropriation for the transfer.

"But if they don't ask for it in that bill, you can be sure an amendment providing the money would be offered on the Senate floor,' Baker's aide said.

The "important thing now," he added, is for leading senators to get together immediately after the Memorial Day holiday congressional recess to smooth the way for the appropriation. "But I don't think anyone is going to fight a $10 million appropriation out of an overall $65 billion dollars appropriation," he added.

"There should be no problem in obtaining congressional consent for the use of the two other uninhabited islands," said Sen. Jacob Javits, R-N.Y.

Javits said he was "gratified" by the Richardson decision and noted he had "joined with others in protesting the continued use" of Culebra for Navy target practice.

"We all welcome the decision," said Sen. Edward Kennedy, D-Mass. "For all too long, the Department of Defense has treated the Culebrans as second-class citizens."

Culebra Atty. Richard Copaken had expected Richardson's announcement. Some congressional sources praised Copaken as the "moving force" in obtaining the decision.

There was also comment from the other side of congress, all favorable.

Richardson made his decision—which was not a formal order to the Navy—in a letter to the chairmen of the House and Senate Armed Services Committees.

"Of course," the House committee aide added," all appropriations bills are badly lagging in Congress at this point."

Normally, the Military Construction Authorization Bill is submitted to Congress at the end of summer and action follows in the fall. But even if there is a legislative lag on money measures, action on the annual Military Construction Funding Bill should certainly occur before the end of 1973.

The secretary made the decision to keep a commitment he had made to members of Congress dating back to his pledge to review the controversy early this year in testimony before the Senate Armed Services Committee.

Presumably, his successors-to-be, James Schlesinger, will be asked to adhere to Richardson's commitment when it becomes his turn to testify before that committee at confirmation hearings.

"That's great," said House Military Installations and Facilities subcommittee chairman Otis Pike, D-N.Y., when he learned of the decision.

Like Baker, Pike spent considerable time pressing the Pentagon in recent months "to do the right thing."

Benitez said he was "profoundly moved" by Richardson's decision to "fulfill the responsibilities of his office.

"From my first statement in Congress and through communications at all levels in the federal government, I have always reaffirmed my conviction that the word given by Secretary of Defense Laird publicly and repeatedly would be honored in spite of several signs to the contrary."

The resident commissioner's maiden speech in the House in February criticized a decision made last Dec. 27 by former Pentagon chief Laird to allow the Navy to continue using Culebra as a target range at least until 1985. Laird had publicly pledged as early as mid-1971 that a new study of the Culebra issue would lead to a Navy withdrawal by mid-1975.

Desecheo was fourth on the list of alternatives the Navy produced in its study report of last December. It was also known to be Hernandez Colon's personal choice.

### CELEBRATION

CULEBRA.—"I bring you tidings of peace," Gov. Hernandez Colon told the deliriously happy residents of this tiny island Thursday.

The Governor landed at the small, dusty airport with Mayor Ramon Feliciano shortly after announcing in San Juan the Defense Department commitment to terminate Navy target practice on the island.

The Governor alighted from the airplane flashing a victory sign and wearing a beaming smile.

Only a handful of residents had yet heard the news and waited at the airport but the group grew amoeba-like as the Governor toured the island in the mayor's jeep.

A celebration grew spontaneously around the Governor and the mayor as family feuds were forgotten and vows were honored.

Former public school principal John K. Vincent, who has long been involved in the fight against the Navy, for instance, had vowed to let his hair grow until the Navy finally capitulated.

Thursday he brought a pair of scissors and asked Hernandez Colon to cut off the first strands of hair. The Governor complied with an uneven cut.

Shortly after, a 60-year-old man introduced himself to Hernandez Colon saying he had "never had a drink in my life, but I promised myself that when this day came, I would. Forgive me, I'm drunk."

The man then turned and embraced a son to the glee of the surrounding crowd who knew the two had not spoken to each other for years.

The Governor's elation matched that of the Culebrenses.

"I have never seen him so happy," commented an aide who has long been close to Hernandez Colon.

The Governor had a reason:

"This was really difficult. It was really difficult," he said turning momentarily pensive.

But the hardships of obtaining the Defense Department commitment were soon forgotten.

Arriving at Dewey, the island's only town, the Governor jumped off the jeep and continued on foot. Drinks were brought out, Culebrenses embraced each other and the celebration began.

"I was shaving myself when I heard it and nearly cut my throat," said a young man rubbing his cut chin.

"I can't believe it," was heard repeatedly from broadly smiling and occasionally dazed faces.

"We want assurances," shouted a skeptic.

A microphone was produced and the Governor gave assurances to the skeptics in the crowd. He gave details on his conversation with outgoing Secretary of Defense Elliot Richardson that this case shows that problems between the U.S. and Puerto Rico can be solved "with reasonable arguments."

"This victory," he added, "also shows that whenever we are right, the people of Puerto Rico will prevail because reason and justice always prevail."

He assured the townspeople that the Commonwealth will take measures to guarantee that all the people employed by the Navy will find employment for equal pay.

"No Culebrense," he promised, "will be adversely affected by the Navy's pullout from Culebra."

Feliciano was as elated as the Governor. He had been in San Juan on business when the Governor's office located him. When informed of the decision he at first thought it was a joke.

"I'm speechless," he repeated over and over.

He was speechless, but not the Culebrenses—they were boisterous.

Cheering the Governor, the mayor and the people in the Governor's party, they demanded that today be declared a holiday. The mayor readily agreed and gave everyone the day off.

---

[From the San Juan Star, May 25, 1973]

### CULEBRA—AGAIN

Culebra is like a moving neon sign with changing messages—every time you look up it says something different.

Now the Navy is to move its shooting out of Culebra by July, 1975—again. Outgoing Secretary of Defense (incoming Attorney General) Richardson has told the congressional armed forces committees that the Defense Department is willing to transfer all target operations from Culebra to Monito and Desecheo Islands west of the Puerto Rican mainland.

Gov. Hernandez Colon, who had been pursuing just such a solution with Richardson, is taking the position that this is the final decision on Culebra, though the Navy, if it chose to do so, could still wage an uphill fight with the odds definitely against it.

We think the occasion was appropriately saluted by Hernandez Colon when he ordered champagne and shared it with the La Fortaleza press corps, topping it with this toast:

"Peace for Culebrans and all Puerto Rico."

We'll drink to that.

---

[From the Boston Globe, May 24, 1973]

### RICHARDSON SAYS HE'LL SETTLE CULEBRA DISPUTE

Att. Gen. designate Elliot L. Richardson gave private assurances on Capitol Hill yesterday that he would not resign as Defense Secretary without resolving the knotty issue of whether the Navy should continue to use the small Puerto Rican Island of Culebra as a gunnery range.

The 3-by-7-mile island off the east coast of Puerto Rico is populated by 900 persons who have been protesting the Navy's longtime use of the island for air-to-ground and ship-to-shore target practice.

Richardson's predecessor, Melvin Laird, promised in 1971 that he would move the target range. But last December he reneged, saying that Culebra was indispensible to the Navy.

During confirmation hearings in January, Richardson assured the Senate he would reconsider Laird's decision.

Richardson's special assistant Johnathan Moore has been working fulltime evaluating several options to Culebra, including construction of an artificial island in the Caribbean.

---

[From the New York Times, May 25, 1973]

### RICHARDSON TELLS NAVY TO CLOSE CULEBRA GUNNERY RANGE IN '75

WASHINGTON, May 24.— Elliot L. Richardson, as one of his final acts as Secretary of Defense, ordered today that the Navy end its controversial use of the small Puerto Rican island of Culebra as a practice gunnery range.

Starting in mid-1975, under the Richardson order, the Navy will shift its gunnery and air bombardment training to ranges on two small, uninhabited islands off the west coast of Puerto Rico—Desecheo and Monito.

In order a termination of practice firings on targets in Culebra, Mr. Richardson, in effect, reversed a decision made by his predecessor, Melvin R. Laird. In the process, Mr. Richardson, according to associates, was attempting to remove one of the principal irritants in relations between the Puerto Rican and United States Governments.

Since 1936 the Navy has been using a section of Culebra—a 7,000-acre island just off the east coast of Puerto Rico—for target practice by ships and naval aircraft. In recent years the Navy's operation has brought mounting protests by the 850 inhabitants of Culebra that in turn have made the Navy's use of the island a major political issue in Puerto Rico.

The protests have been met by a vacillating policy on the part of the United States, with the Navy reluctant to give up its use of the gunnery range.

In April, 1971, as the Puerto Rican protests increased, Secretary Laird announced that the Navy activities would be moved from Culebra by mid-1975—a policy that he reaffirmed in November, 1972, just before the Puerto Rican gubernatorial election. But a month later Mr. Laird reversed himself and announced that shelling and bombing operations at Culebra would continue until at least 1985.

In reversing himself, Mr. Laird said that Navy-sponsored studies had shown that "the present Culebra complex is clearly superior in every regard to the alternatives considered—including the use of Desecheo and Monito."

In a letter to Senator John C. Stennis, Democrat of Mississippi, who is chairman of the Senate Armed Services Committee, Mr. Richardson said that while there were "some operational and cost advantages" in remaining on Culebra, the two islands off the west coast of Puerto Rico "were also suitable from an operational viewpoint and would meet military requirements."

Defense officials said that it was not possible to terminate use of Culebra until mid-1975 because of the time required to prepare new gunnery ranges on Desecheo and Monito. The cost of moving the range was estimated at $10-million.

---

[From the Boston Globe, May 23, 1973]

### NAVY THINKS ISLAND EDEN DIVINE TARGET

(By Jack Thomas)

CULEBRA, PUERTO RICO.—The frustrations of city life finally got to Druso Daubon a few years ago. He quit his job as an architect in San Juan and fled with his family to this quaint, old-world island where he runs a small, seaside inn.

Culebra, a 3-by-7 mile island off Puerto Rico, is an example of what Nature can do if she is left to herself. It is an Eden of coral reefs and tropical forests, of coconuts and pomegranates, of wild orchids and colorful bougainvillaea. Blue-green water, warm, clear and unpolluted, washes along beaches of fine, brilliantly white sand.

But there is no peace on Culebra.

The island is inhabitated by 900 Spanish-speaking people who live a humble life, and although they are US citizens, they have been unable to persuade the US Navy to stop using their island as a training target for naval gunfire, for bombing, strafing and shelling, both air to ground and ship to shore. Indeed, the United States annually invites about 20 foreign nations to use Culebra for target practice.

For decades the Navy's relationship with the people of Culebra has been marked by imperiousness, deceit and broken promises, culminating last December when the Pentagon broke its pledge to move its air-gunnery training range somewhere else.

Former Defense Secretary Melvin Laird announced not only that the Navy would continue to shoot at Culebra at least through 1985, but also that air to ground weapons training would be increased and the number of civilian employees cut in half.

The Navy is the most dominating influence on Culebra. It touches every life, and there is no way to escape it.

When Druso Daubon wakes in the morning, he looks out his back window, up the hill to the police station to see if the red flag is flying. That is how the Navy warns Culebrans that it is a day of shooting, and they should take precautions.

They must avoid, for example, the island's best beaches, Civilian aircraft must be routed along secondary, less safe flight patterns into the Culebra airport. Fishing vessels and pleasure boats must avoid "hot" waters, and everybody must be prepared all day for the sound of gunfire.

For many Spanish-Americans both in Puerto Rico and in the continental United States, the Culebra issue involves not only the irritating presence of the Navy and the shooting, but also the credibility of the United States.

The United States treatment of Culebra in the past three decades has reinforced its reputation in the Caribbean for colonialism, imperialism and exploitation of minorities.

Puerto Ricans live daily with the frustrating awareness of rich tourists vacationing at luxurious resort hotels a few blocks from ghettoes of stunning, depressing poverty.

Culebrans are suspicious of mainland Americans and sometimes, when talking to people from the continental United States, they slip into the second person and say, "you, Americans." Walls and fences are painted with exhortations like, "Yanqui, go home."

Daubon makes no secret of his hostility against the United States. "You live in a house," he said to a reporter. "How would you like your neighbor to throw stones at you all day? The United States does not respect her own people," he said, referring to the Watergate controversy. "How can she respect us?"

"In school," he added, "we learn that everybody in government is good. When you get older, you realize this is not true. They should use the money they spend on military and bombs to build schools and roads."

No one has been more active in pressuring the Navy to leave Culebra than Richard D. Copaken of Washington, whose firm represents the Commonwealth of Puerto Rico.

"This is a long history of deception by the Navy," he said. "To Culebrans, the danger is real, but to the Navy it is just war games.'

Copaken accused the Navy of attempting to take over the whole island and of intervening in the 1968 campaign to elect a governor sympathetic to the Navy.

Two Navy studies in the past two years concede there are feasible alternatives to

Culebra, considered the most technologically advanced weapons training range in the world.

But the Navy insists that Culebra is the best option and that construction of artificial islands, estimated at up to $175 million, is too expensive.

Thirty five senators have endorsed legislation that would require the Navy to evaluate the island by July 1, 1975, as Laird promised in April 1, 1971.

On that day, in a joint announcement with then Gov. Louis Ferre, Laird said that a $2.5-million study would determine "where" the range would be transferred. The statement promised the announcement would be made by Dec. 31, 1972. Laird affirmed the promise as recently as last November.

But on Dec. 27, Laird said the study concluded that the present Culebra complex was "clearly superior in every regard."

Opponents of the Navy assert that the Defense Dept. is worried about a Caribbean domino effect—that if the Navy will begin to campaign to force it off Vieques, too.

Mayor Feliciano, however, believes the Navy will keep its word. "We put faith in them to stop all bombardment by July 1, 1975, and I believe in democracy. They will keep their promise.

The Navy spends about $430,000 a year to maintain Culebra as a military base. The Navy provides water for many residents, gasoline for municipal vehicles, beds, weekly movies, trucks for cleanup campaigns and emergency helicopter service for the ill.

Of the $430,000, about $270,000 is for civilian wages which tends to create an artificial economy.

"This is a problem," Feliciano said. "They hire about 50 people, and it makes it difficult to get people to work for the municipal government. We pay $300 a month, and the Navy pays that every two weeks. They do it to reduce opposition to the Navy."

"The whole hiring program is destructive," said Atty. Copaken.

"They hire at very high wages and drain off the meager local talent for unproductive guard jobs. It's make-work and the Navy knows it. They have hired away teachers, and justices of the peace. The whole fabric of the town has suffered."

One resident who wants the Navy to stay is Julio Ayala, a civilian employee of the Navy. "They pay me $350 a month as a maintenance man, and I could not earn that much at any other job. If they leave the island, I must leave, too."

The most difficult aspect to measure is the psychological influence of the Navy.

"It takes a great psychological toll." Copaken said. "Can you imagine what it's like for a child to grow up with a constant awareness of the military and the shot shooting of weapons.

But the commander of the base, Carlos Funt, disagrees about the psychological impact on children.

"I grew up during World War II," he shrugs.

Last January, Admiral Norval G. Ward was discussing Culebra with Copakan and Rep. Herman Badillo.

"We could move off there tomorrow," he said. "It's only a matter of dollars and cents."

Meanwhile, the 900 people on Culebra continue their farming and their fishing or their clerical duties for the municipal government, waiting and wondering what the United States will do.

But each morning that they look up the hill and see the red flag flying they are not surprised.

---

By Mr. PACKWOOD:

S. 1898. A bill to provide for the mailing of absentee voting matter free of postage. Referred to the Committee on Post Office and Civil Service.

Mr. PACKWOOD. Mr. President, today I am introducing a bill which will provide for the free mailing of absentee voting material. Under the provisions of this legislation, that material necessary to the registration of an absentee ballot in a State or political subdivision, including the application for the ballot and instructions regarding its execution, as well as the ballot itself, may be mailed to the absentee voter free of postage charges by those officials within the State or political subdivision having the authority to administer the election laws of same. Return postage of this material is guaranteed the absentee voter provided it is made in the return envelope or other cover furnished by the appropriate election official or agency and bearing the words, "Free Postage—Absentee Voting Matter."

Mr. President, I believe that this legislation will be of significant value to those who must employ the absentee ballot to register their vote; particularly those Americans, both military and civilian, who live and work overseas; the elderly, many of whom are limited in their mobility; and the student, often absent from the political district where he has registered at the time of elections. It will supply an added impetus to make use of the absentee ballot, rather than not vote at all, and facilitate its execution. I ask unanimous consent that the text of this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1898

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 34 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3406. Mailing of absentee voting matter

"(a) An official or agency of a State or political subdivision having authority to administer the election laws of the State or political subdivision may mail free of postage to an absentee voter of the State or political subdivision an application for an absentee ballot requested by the absentee voter, an absentee ballot, instructions explaining such application or ballot, and an envelope or other cover to return such application or ballot to the official or agency. The absentee voter may make a return mailing of his application or absentee ballot free of postage if such mailing is made in the return envelope or other cover provided by such official or agency.

"(b) Any envelope or other cover containing matter authorized to be mailed free of postage under subsection (a) of this section shall bear the words 'Free Postage—Absentee Voting Matter', or words to that effect specified by the Postal Service, in the upper right hand corner of the address area.

"(c) For the purposes of this section, the term—

"(1) 'State' shall include each of the several States and the District of Columbia; and

"(2) 'election' shall include any general, special, or primary election."

(b) The analysis of such chapter, immediately preceding section 3401 of such title, is amended by adding at the end thereof the following new item:

"3406. Mailing of absentee voting matter."

SEC. 2. (a) Section 2401(c) of title 39, United States Code, is amended by striking out "3403–3405" and inserting in lieu thereof "3403–3406".

(b) Section 3627 of such title is amended by striking out "3403–3405" and inserting in lieu thereof "3403–3406".

---

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 1378

At the request of Mr. Moss, the Senator from Pennsylvania (Mr. SCOTT) was added as a cosponsor of S. 1378, a bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision.

### S. 1418

At the request of Mr. HATFIELD, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1418, a bill to commemorate the 100th anniversary of the birth of Herbert Hoover by providing grants to the Hoover Institution on War, Revolution and Peace.

### S. 1611

At the request of Mr. MONDALE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1611, to amend the Federal Crop Insurance Act to extend insurance coverage under such act to all areas of the United States and to all agricultural commodities.

### S. 1625

At the request of Mr. TAFT, the Senator from Pennsylvania (Mr. SCOTT), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. BAYH), and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 1625, to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws.

### S. 1664

At the request of Mr. CHURCH, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 1664, to prohibit any material to be enclosed with any social security check which contains the name, signature, or title of any Federal officer other than the Commissioner of the Social Security Administration, and for other purposes.

### S. 1709

At the request of Mr. TUNNEY, the Senator from Montana (Mr. MANSFIELD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors to S. 1709, a bill relating to the reduction of civilian personnel at military installations in the United States and the closing of military installations in the United States.

### S. 1724

At the request of Mr. TUNNEY, the Senator from New Mexico (Mr. DOMENICI), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MONDALE), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1724, a bill to amend title 28, United

States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States.

S. 1789

At the request of Mr. BENTSEN, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1789, to designate certain lands in the Guadalupe Mountains National Park as wilderness.

S. 1790

At the request of Mr. BENTSEN, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1790, to designate a portion of the Rio Grande River as part of the Wild and Scenic Rivers Act.

Mr. TOWER. Mr. President, today, I became a sponsor of S. 1789, to designate certain lands in the Guadalupe Mountains National Park, Tex., as a wilderness; and S. 1790, to amend section 3(a) of the Wild and Scenic Rivers Act to add the lower canyons that bound the Rio Grande River in the Big Bend National Park to the system.

The first national parks were established for the prime purpose of preserving for future generations values which the leaders of the country thought important, that is, to preserve certain areas, and their wildlife, for the enjoyment of all Americans. As our country grows more populated, more and more land is developed, and American leisure time increases, we need to not only establish more parks and recreation areas but also wilderness areas and wild rivers which are left undeveloped. There is a need and an interest in leaving certain areas in their natural state, not only for our present enjoyment but for the enjoyment of future generations.

Texas is indeed a land of contrast and beauty and I am proud to become a sponsor of legislation which will preserve some of its beauty not only for the people of Texas but for the Nation as a whole.

The PRESIDING OFFICER. Without objection, the Senator's name will be added as a cosponsor.

S. 1813

Mr. TOWER. Mr. President, I am most pleased to join as a cosponsor of S. 1813 which was recently introduced by Senator DOMINICK of Colorado. After reviewing this legislation, I am convinced that it represents a most reasonable and constructive alternative to the present problems confronting Public Law 81–874, the Federal impacted aid program.

At the outset, it is important to note that this legislation does not in any way affect the category A students. Category A includes children whose parents both reside and work on Federal property. The immense Federal impact upon school districts under category A is obvious and consequently I am of the strong view that Federal allocations in this category should be maintained at the 90 percent to 100 percent range of entitlements as was so provided by the urgent supplemental appropriations bill.

Mr. President, I have always been a firm supporter of Public Law 81–874. When Congress initiated this program in 1950 it recognized that the Federal Government had an obligation to assist school districts experiencing financial burdens as a result of Federal activities in their localities. This underlying basis for the program has never been seriously questioned by the Congress. Nevertheless, for reasons which are not totally clear even now, the executive branch of the Federal Government, regardless of who was occupying the White House, has always questioned the rationale behind the program and has sought in one way or another to either eliminate Public Law 81–874 or seriously limit it. I have opposed this position on all occasions whether it was emanating from a Republican or Democratic administration. To eliminate Public Law 81–874 or to seriously limit entitlements to those school districts clearly deserving assistance under the program would be in my mind a serious breach of a recognized Federal commitment to quality education.

The executive branch has always pointed out particular abuses of the program whereby wealthy school districts reaped large amounts of Federal tax dollars when no discernible impact could be shown. I have agreed that abuses do exist but have always maintained that Public Law 874 should not be eliminated or downgraded until a reasonable substitute was proposed and implemented. I believe that S. 1813 offers the basis to restructure the impacted aid program so as to eliminate the abuses and effectuate a fiscally responsible program. Therefore, I commend Senator DOMINICK for introducing this constructive proposal.

S. 1813 would significantly alter the manner in which impacted aid funds were distributed to school districts under category B of the act. Category B students are those whose parents work on Federal property but reside on private property outside the confines of the Federal installation. It has been recognized that the impact caused by this group is significantly less than that caused by the presence of category A families. Therefore, full entitlement under category A families. Therefore, full entitlement under category B is calculated on a 50 percent basis since the number of federally connected students in a particular school district is halved before it is matched up against the local contribution rate. Moreover, in recent years, entitlements approved by Congress under this category have never approached the maximum figure. For fiscal year 1973 entitlements are set at 54 percent unless the House amendment contained in the Supplemental Appropriations bill calling for a 68 percent limit on category B entitlements is enacted into law.

S. 1813 continues to recognize the level of impact caused by the category B students and their families. However, it would do so by having an impacted school district count a B category student for every consecutive year he attends school on a fractional basis rather than utilizing the current method of counting him as one student for purposes of computing the local contribution rate. In other words, under S. 1813, the first year a B student attended school he will be counted as one student; the second consecutive year as three-fourths; the third consecutive year as one half; the fourth consecutive year as one fourth. After that particular student has attended the impacted school district for 5 consecutive years he will no longer be counted for purposes of computing impacted aid assistance.

Category B of Public Law 874 is subdivided into the civilian and military affected areas. The effect of the formula just described will be a major reduction in Federal assistance to school districts that have been obtaining funds as a result of the impact of nonmilitary Federal employees residing within the boundaries of the particular school district in question but not on Federal property. It is a fact that the levels of funding for these school districts cannot now be totally justified. The fact that huge payments have been made on a yearly basis to the counties surrounding the Washington metropolitan area, such as Fairfax and Montgomery Counties, are clear examples of the abuses of the clear purpose of the Federal impacted area aid program. In reality, no substantial impact is realized by the presence of these nonmilitary Federal Government employees since their residences are available for local taxation and have no discernible negative impact on the local property tax base.

Since there is not the major turnover in civilian Federal employment as there is in the military, payments for the category B civilian children will be drastically curtailed. Recognizing that a minor impact may be present and that this alteration in the formula might have an immediate negative effect on the school systems' ability to provide quality education, the 5-year phaseout will have the effect of allowing these school districts to adjust to the loss in Public Law 874 support.

On the other hand, Mr. President, I have always been convinced that the category B impact caused by the presence of military connected families and their children is quite justified. The 5-year formula will have the effect of stabilizing payments on a reasonable level to school districts impacted by military installations since there will always be a substantial turnover of personnel in the military as well as constant movement from one base to another. Many students will not attend school in the same district for 5 consecutive years while still others will be moving into that district with their families and be eligible to be counted at the maximum level the first year and at fractional levels in the next 3 years.

From personal conversations with Texas educators and citizens within districts impacted by military installations, I have been convinced that a genuine need for Public Law 874 funds exists. These people not only vigorously maintain that they are not taking advantage of Federal largesse but instead are very much concerned that many people feel they have abused the program. They are justifiably upset that in recent years their payments have been reduced at a time when the cost of providing quality education has significantly risen.

Unlike the case of Federal civilian employees, members of the military services tend to reside in property that does not widen the locality's property tax base. Additionally, these individuals and their families pay no sales tax when they obtain goods and services on the military base itself. In most instances they also claim residency in a State other than where the military base is located for purposes of any State income tax statute. These realities clearly result in a significant Federal impact upon these school districts that would be treated unfairly unless the Federal Government assumed its rightful duty in contributing to the cost of educating these children.

Mr. President, I agree with Senator DOMINICK that in passing this legislation, Congress should do so with the expectation that full 100-percent entitlements would be appropriated and spent as opposed to the 54 percent now provided or even the 68 percent contemplated by the supplemental appropriations bill. By counting the students on a fractional basis after the first year of residence, there would no longer be any justification for these limited entitlements.

Mr. President, in summary I believe that S. 1813 is a very constructive piece of legislation. It will eliminate the abuses heretofore apparent in the program while continuing the basic commitment that Congress assumed 23 years ago. I sincerely hope that it will eventually be accepted by the Nixon administration as a constructive compromise in lieu of the fact that it did not recommend any funding under category B for fiscal year 1974. I urge the Senate to give this legislation early consideration in recognition of the severe problems local school districts face by not knowing before the commencement of the school year any estimate of what their Federal payment might eventually be.

#### S. 1818

At the request of Mr. GURNEY, the Senator from Rhode Island (Mr. PASTORE), the Senator from South Carolina (Mr. THURMOND), the Senator from Nebraska (Mr. CURTIS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 1818, to amend the Land and Water Conservation Fund Act of 1965, to authorize the Secretary of the Interior to issue a "Meritorious Service Passport" to our Nation's returning prisoners of war so as to permit them free access and use to this Nation's National Park System and all of our National Recreation areas.

#### SENATE JOINT RESOLUTION 84

At the request of Mr. SCHWEIKER, the Senator from Texas (Mr. TOWER) was added as a cosponsor of Senate Joint Resolution 84, the school prayer amendment.

#### SENATE JOINT RESOLUTION 108

At the request of Mr. ROBERT C. BYRD (for Mr. CHURCH) the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Joint Resolution 108, to authorize the President to call Mini-White House Conferences on Aging every 2 years.

#### SENATE JOINT RESOLUTION 110

At the request of Mr. SCOTT of Pennsylvania, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of Senate Joint Resolution 110, to establish a Presidential study commission on campaign reform.

## SENATE RESOLUTION 119—SUBMISSION OF A RESOLUTION RELATING TO DEATH OF HON. WILLIAM O. MILLS

(Considered and agreed to.)

Mr. BEALL (for himself and Mr. MATHIAS) submitted a resolution (S. Res. 119) relative to the death of Representative WILLIAM O. MILLS, of Maryland, which was considered and agreed to.

(The resolution, printed in full when submitted by Mr. BEALL, appears at an earlier point in the RECORD.)

## AUTHORIZATION OF APPROPRIATIONS FOR THE U.S. INFORMATION AGENCY—AMENDMENTS

#### AMENDMENT NO. 149

(Ordered to be printed, and to lie on the table.)

Mr. ALLEN (for himself, Mr. SCOTT of Pennsylvania, and Mr. DOLE) submitted amendments, intended to be proposed by them, jointly, to the committee amendment to the bill (S. 1317) to authorize appropriations for the U.S. Information Agency.

## ADDITIONAL COSPONSORS OF AMENDMENTS

#### AMENDMENT NO. 61, TO S. 268

Mr. NELSON. Mr. President, I ask unanimous consent that Senator HUBERT HUMPHREY's name be added as a cosponsor of amendment No. 61 to S. 268, the proposed Second Home and Subdivision Regulation Act. This amendment to the national land use policy bill is designed to achieve programs in all 50 States to insure that the environmental impact of large scale recreation land developments in rural and scenic areas is reviewed and taken into account before such projects are built.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 136 TO H.R. 3153

At the request of Mr. CURTIS, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of amendment No. 136, to H.R. 3153, to amend the Social Security Act to make certain technical and conforming changes.

## NOTICE OF HEARINGS ON DRUGS

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Senate Small Business Committee will resume its hearings on over-the-counter drugs on June 6, 1973. Medical and pharmaceutical experts as well as representatives of Government agencies will testify. The hearings will be held in room G-219 New Senate Office Building starting at 10 a.m.

## NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM THE FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Members and the public that the Subcommittee on Criminal Laws and Procedures will hold open hearings on June 8, 1973, on bills to codify, revise and reform the Federal criminal laws. The hearings will commence at 10 a.m. in room 3302, Dirksen Senate Office Building. The following witnesses have been scheduled to appear on this day: Hon. ABNER J. MIKVA, on the recommendations of the National Commission on Reform of the Federal Criminal Laws; Mr. Grant Dillman, vice president and Washington bureau chief of UPI, representing the Joint Media Committee, on national security provisions; Ms. Heather Florence, representing the Association of American Publishers, on national security and obscenity provisions; Mr. Irwin Karp, general counsel of The Authors League of America, Inc., on obscenity provisions; and Mr. C. Sargent Carleton, director, government affairs, CBS, on national security provisions.

Additional information on these and further hearings is available from the subcommittee in room 2204, Dirksen Senate Office Building, telephone AC 202-225-3281.

## NOTICE OF HEARINGS ON BILL TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Members and the public that the Subcommittee on Criminal Laws and Procedures will hold open hearings on June 5 and 6 on bills to amend the Omnibus Crime Control and Safe Streets Act of 1968. Bills to be covered in the hearings include: S. 977 (Senator TAFT); S. 1023 (Senator HARTKE); S. 1114 (Senator EAGLETON); S. 1234 (Senator HRUSKA, by request); S. 1407 (Senator TUNNEY); S. 1645 (Senator JAVITS); and S. 1796 (Senator MATHIAS).

The hearings will commence each day at 10 a.m. in room 2228, Dirksen Senate Office Building.

Additional information on the hearings is available from the subcommittee in room 2204, Dirksen Senate Office Building, telephone AC 202-225-3281.

## NOTICE OF HEARINGS ON FLOOD INSURANCE AND DISASTER ASSISTANCE BILLS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, will hold 4 days of hearings, June 11, 12, 13, and 14, on several flood insurance and disaster assistance bills pending before the subcommittee, namely, S. 269, S. 390, S. 1144, S. 1495, S. 1578, S. 1840, and S. 1889.

The hearings will be held in room 5302, Dirksen Office Building, and will commence at 10 a.m. each day.

All persons wishing to testify should contact Miss Dorrie Thomas, room 5226, Dirksen Office Building—telephone 225-6348. The subcommittee would also invite statements for inclusion in the record of hearings.

## NOTICE OF HEARING ON S. 1052 AND S. 356

Mr. PROXMIRE. Mr. President, the Subcommittee on Consumer Credit of the Committee on Banking, Housing and Urban Affairs will commence hearings on S. 1052 and S. 356 at 10 a.m. on June 6 and 7 in room 5302, New Senate Office Building.

All persons wishing to testify should contact Mr. Kenneth A. McLean, room 5300, New Senate Office Building; telephone 225-7391.

---

## ADDITIONAL STATEMENTS

## SALUTE TO THE ARMY CORPS OF ENGINEERS

Mr. McCLELLAN. Mr. President, I know of no other organization or agency of Government that has made a more significant contribution to the conservation and enhancement of America's water resources than has the Army Corps of Engineers. For almost two centuries—ever since the birth of the Republic—the Corps of Engineers, under the direction of Congress, has responded to the changing needs of our Nation with respect to the control and usage of our many rivers and their abundant supply of water.

Following the American Revolution, the corps was called upon to build roads and bridges that would tie together all regions and sections of our then new Nation as it expanded and prospered. Army Engineers surveyed the Oregon Trail and the routes of the transcontinental railroads. And, in 1824, the Congress assigned to the Corps the task of clearing snags and sandbars from the Mississippi and Ohio Rivers in order to make navigation more feasible thereon.

From this early beginning, the Corps, by numerous acts of Congress, has been repeatedly charged with the responsibility of constructing navigation systems on our internal and intracoastal waterways together with many flood control, irrigation, recreational, and hydroelectric projects.

Thus, the Corps of Engineers—the world's largest engineering organization with some 31,000 civilian employees in addition to its military personnel—has been the chosen instrument of Government for the implementation of acts of Congress which authorize the construction of navigation and other water resource conservation and development projects.

In the course of its existence, the Corps has developed unparalleled skills for planning, constructing, and operating a fantastic diversity of water resource projects—projects ranging from the Panama Canal and the McClellan-Kerr Arkansas River navigational system to some of the largest dams and most beautiful recreational areas on our lakes and streams to be found anywhere in the world.

It is highly gratifying that the Corps has achieved a most impressive record. Over the years, it has been responsible for the planning and construction of more than 3,300 civil engineering projects—including at least 350 major dams and reservoirs, more than 9,000 miles of levees, and 22,000 miles of inland and intracoastal waterways. With these projects that it has constructed on our major streams and their tributaries, the Corps has provided protection works that have substantially reduced recurring loss of life and property damage caused by raging flood waters that sweep down our river valleys.

In recent years, there has been an unfortunate tendency by many, and an overt effort by some, to cast the Corps of Army Engineers in the role of an enemy of our ecology and natural environment. Too often the enormous protection from loss of life and destruction of property that the Corps has prevented is unrecognized or unacknowledged. In too many instances, programs of the Corps have been opposed when they should have been supported—condemned when they should have been commended.

The Corps of Engineers cannot by any process of sound reasoning and fair appraisal be adjudged an enemy of our natural environment or a foe of proper conservation of our natural resources.

Instead, it is a great leader in the struggle not only to preserve our heritage of abundant water resources but also to transform, convert, and adapt the natural qualities of these great resources into their fullest and most constructive usage for the benefit and enjoyment of mankind.

Environmental considerations are playing an increasingly important role in the proper and adequate husbandry of the abundant natural assets with which our land is so richly endowed. These assets must be properly conserved and appropriately used to meet the continuing essential needs of our ever-expanding population and national growth.

Mr. President, I believe the results—the great reduction in loss of life and property damage occasioned by the recent unprecedented floods which swept the valley of the great Mississippi River and its tributaries—give conclusive and unimpeachable evidence of the worth and benefit of the magnificent projects constructed by the Corps of Engineers. These results clearly establish the value and indispensable need of the great services rendered to our country by the marvelous works of the Corps of Engineers.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a table of most informative statistics reflecting the losses that occurred in this recent flood, together with a projection of what those losses would have been in the Mississippi River Valley had it not been for the improvement and protective works heretomore constructed by the Corps of Army Engineers.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MISSISSIPPI RIVER FLOOD, SPRING 1973

[Data as of May 7, 1973; dollar amounts in millions]

| | Damages incurred | Damages prevented | Damages without Corps projects | Acres flooded (thousands) | People evacuated |
|---|---|---|---|---|---|
| St. Louis District | 136.0 | 1,051.0 | 1,187.0 | 1,777 | 7,000 |
| Missouri | 84.0 | 354.0 | 438.0 | 727 | 4,000 |
| Illinois | 52.0 | 697.0 | 749.0 | 1,050 | 3,000 |
| Memphis District | 47.2 | 284.4 | 331.6 | 2,867 | 6,010 |
| Missouri | 7.4 | 94.9 | 102.3 | 400 | 1,000 |
| Arkansas | 19.8 | 167.0 | 186.8 | 1,574 | 1,970 |
| Kentucky | 1.2 | 6.8 | 8.0 | 44 | 240 |
| Tennessee | 16.8 | 7.7 | 24.5 | 717 | 1,800 |
| Mississippi | 1.6 | | 1.6 | 132 | 1,000 |
| Illinois | .4 | 8.0 | 8.4 | 0 | 0 |
| Vicksburg District | 208.5 | 2,342.2 | 2,550.7 | 5,177 | 18,900 |
| Arkansas | 18.1 | 382.0 | 400.1 | 872 | 400 |
| Mississippi | 127.0 | 973.0 | 1,100.0 | 3,105 | 14,500 |
| Louisiana | 63.4 | 987.2 | 1,050.6 | 1,200 | 4,000 |
| New Orleans District | 18.0 | 3,558.4 | 3,576.4 | 2,802 | 7,100 |
| Louisiana | 18.0 | 3,558.4 | 3,576.4 | 2,802 | 7,100 |
| Total LMVD | 409.7 | 7,236.0 | 7,645.7 | 12,623 | 39,010 |
| Rock Island District | 60.0 | 60.3 | 120.3 | 178 | 10,500 |
| Iowa | 14.0 | 18.8 | 32.8 | 36 | 400 |
| Illinois | 18.0 | 33.3 | 51.3 | 100 | 8,000 |
| Missouri | 28.0 | 8.2 | 36.2 | 42 | 2,100 |
| Kansas City District | 14.3 | 126.1 | 140.4 | 809 | 715 |
| Missouri | 14.3 | 126.1 | 140.4 | 809 | 715 |
| Total | 484.0 | 7,422.4 | 7,906.4 | 13,610 | 50,225 |
| Arkansas | 37.9 | 549.0 | 586.9 | 2,446 | 2,370 |
| Illinois | 70.4 | 738.3 | 808.7 | 1,150 | 11,000 |
| Iowa | 14.0 | 18.8 | 32.8 | 36 | 400 |
| Kentucky | 1.2 | 6.8 | 8.0 | 44 | 240 |
| Louisiana | 81.4 | 4,545.6 | 4,627.0 | 4,002 | 11,100 |
| Missouri | 133.7 | 583.2 | 716.9 | 1,978 | 7,815 |
| Mississippi | 128.6 | 973.0 | 1,101.6 | 3,237 | 15,500 |
| Tennessee | 16.8 | 7.7 | 24.5 | 717 | 1,800 |
| Total | 484.0 | 7,422.4 | 7,906.4 | 13,610 | 50,225 |

| | Sandbags issued | Pumps loaned |
|---|---|---|
| St. Louis District | 6,340,000 | 270 |
| Memphis District | 1,900,295 | 18 |
| Vicksburg District | 2,310,000 | 30 |
| New Orleans District | 1,145,000 | 45 |
| Rock Island District | 1,300,000 | 54 |
| Kansas City District | 1,230,000 | 0 |
| Total | 14,225,295 | 417 |

*Corps of Engineers—Personnel*

| | |
|---|---|
| St. Louis District | 530 |
| Memphis District | 310 |
| Vicksburg District | 471 |
| New Orleans District | * 636 |
| LMVD | 1,997 |
| Rock Island District | 31 |
| Kansas City District | 26 |
| Total | 2,054 |

* Does not include two reinforced companies from the 62nd Engr Bn (CONST). (391 Officers and Enlisted Personnel)

## SENATOR TALMADGE'S ADDRESS TO THE SENATE PRAYER BREAKFAST

Mr. THURMOND. Mr. President, last Wednesday, the senior Senator from Georgia gave a stirring address at the weekly Senate Prayer Breakfast. The remarks of Senator HERMAN TALMADGE concerning the meaning and importance of faith proved to be both wise and sound. I have never heard a better interpretation of what faith is and how we need to exercise faith in these troubled times.

I would now like to share these remarks with my colleagues. Therefore, Mr. President, I ask unanimous consent that the text of Senator TALMADGE's speech at the May 21 meeting of the Senate Prayer Breakfast be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

HERMAN E. TALMADGE SENATE PRAYER BREAKFAST, WEDNESDAY, 8:30 A.M., MAY 21, 1973

This morning, in the midst of troubled times, at home and abroad, it seems appropriate for us to direct our thoughts to the meaning, and the importance, of faith.

Faith can mean many things to many people. To some people, faith is a weapon. To others, it is a defense. To others, it is a very private, quiet and peaceful refuge.

Regardless of its personal meaning, regardless of how each individual takes his faith and dispenses it, faith is the essence of the quality of life.

Both men and nations can perhaps exist without faith . . . but not for long and never against any major challenge.

A man without faith is like a ship at sea without a rudder. There is no real direction to anything he does, or anywhere he goes.

All nations and all people need faith. In my humble and reverent opinion, men need it at their side all the time.

But, it does seem to me that there are times when we need faith more than at other times.

That is because life is so often a great test. It is a test of man's ability, intelligence, and reason, which God granted mankind alone in the Creation.

Life is a test of man's endurance in the face of enormous adversity. This has also been true since the Creation.

But life, as much as anything else that it means, is a test of man's faith. God did not give us life only to take sustenance and breathe for the maintenance of our bodies alone. He gave us a mind and a soul for the maintenance of faith.

Let us refresh our memory of the words of the great poet, Henry Wadsworth Longfellow in his immortal verse, "A Psalm of Life."

"Tell me not in mournful numbers,
  Life is but an empty dream!—
For the soul is dead that slumbers
  And things are not what they seem.

"Life is real! Life is earnest!
  And the grave is not its goal;
Dust thou art, to dust returnest,
  Was not spoken of the soul.

"Not enjoyment, and not sorrow,
  Is our destined end or way;
But to act, that each tomorrow
  Find us farther than today.

"Let us then be up and doing,
  With a heart for any fate;
Still achieving, still pursuing,
  Learn to labor and to wait."

Jesus rejected personal aggrandizement and material gain as the sole purpose of life. "Seek ye first the kingdom of God, and His righteousness," He directed in the Sermon on the Mount. (Matthew 6:33)

Jesus preached also that the way would not be easy. Saint Matthew records (Chapter 10, verse 22) these words upon sending His disciples on their first missionary venture:

"And ye shall be hated of all men for my name's sake: but he that endureth to the end shall be saved."

Jesus knew, and the Disciples understood, that faith would lead to endurance. Faith can move mountains, open the sea, and overcome all evil. But, there must also be a measure of courage.

For my own part, I do not find the meanings of faith and courage very far apart. Aside from their accepted definitions, we can consider the two terms in this light:

One must have faith to have courage and, though this is less than desirable, it is also true that one must have courage to have faith, in this day and time.

I sometimes think, with some sadness, that a person with faith must be willing to stand alone and apart from the crowd.

The dictionary defines courage as a quality of the mind or spirit which enable a person to face difficulty, danger or pain with firmness and without fear. In the final analysis, what is that if it is not faith?

In any event, faith and courage are characteristics that are far easier to define than to demonstrate. They are infinitely easier to picture than to possess.

But nonetheless, we are each day tested for these qualities of faith and courage. It has always been, and it always will be so long as man walks this earth.

Consider the test of Abraham, whom God told to take his only son, Isaac, to Mount Moriah and offer the boy as a burnt sacrifice.

This was Isaac, born to Abraham when he was 100 years old and to his wife Sarah when she was 90—which was in itself a blessing of God and the result of their faith.

Abraham struggled. He prayed. But he obeyed—because of his faith—and made his way with his beloved son to Mount Moriah.

God, of course, relented after Abraham had proved the depth of his faith.

Consider the faith of Job, a man perfect and upright in every way. It is impossible to measure the faith and courage of such a man.

Stripped of his family, and all his worldly belongings, and plagued by disease, Job never wavered:

"Naked was I born, naked shall I die. The Lord gave, and the Lord has taken away."

Through all his suffering, Job said, "Though He slay me, yet will I trust in Him."

Consider the faith and courage of Gideon, told by God to take a small force and destroy a whole army of Midianites.

Gideon started out with 32,000, but most of them were faint-hearted and fled to safer ground.

He was left with just 300, but they were 300 eager to do battle for the Lord and, more importantly, they were 300 men of faith.

The 300, with trumpets blaring and lamps aflame, routed the whole Midianite army. It was a victory won by an act of God. It was a victory of faith.

Consider also the faith of Jonathan, who put the Philistines to flight with only his armor-bearer at his side.

But, he had the courage of God in his heart when he told his companion it was time to go into battle. Said Jonathan:

"It is time for bold action. It is time for God to work."

The armor-bearer, as faithful as his leader, replied: "Do all that is in thine heart. I am with thee."

When we think on these acts and on the faith of those brave Christians, perhaps we can better understand the point that the pundit was trying to make when he wrote that a religious man on his knees sees more than a philosopher on tip-toes.

In spite of whatever difficulties our nation may face today, or what may come tomorrow, let us never forget that this country was founded upon faith in God.

It was built to greatness in the adherence of our people to His Commandments. Life was no bed of roses then. It is not now.

Paul said we are to be justified by faith and rejoice in the hope of the glory of God. In his Epistle to the Romans, the Apostle wrote:

"We glory in tribulations also;
Knowing that tribulation worketh patience;
And patience, experience;
And experience, hope."

Each day then is a test. In closing, recall how Henry Van Dyke suggested that each person of faith meet the new day. The poet wrote:

"Dear Lord, the newness of this day
Calls me to an untried way:
Let me gladly take the road,
Give me strength to bear the load,
Thou, my guide and helper be,
I can travel through with Thee."

Our faith can be strengthened, it can work wonders, if we never lose sight of the sure knowledge that—

"Standeth God within the shadow,
Keeping watch upon His own."

## ACCOUNTABILITY IN FOREIGN AND DOMESTIC OPERATIONS

Mr. PROXMIRE. Mr. President, a recent Washington Post article by Marilyn Berger has pinpointed one of the most dangerous aspects of conducting covert operations either domestically or in foreign countries. It is the principle of the accountability of the President of the United States.

In Miss Berger's revealing article, she points out that the concept of "plausible denial" has long been a critical part of "dirty tricks" or those activities known more professionally as covert action programs. It works this way.

The Forty Committee is the decision-making body for foreign covert operations. It has two functions. Not only does it give approval or disapproval for major operations overseas that might be an embarrassment if officially linked to the United States, but it also insulates the President from any operation that does not go well, or is "blown" in the parlance.

In just such an event—a blown operation—there are two backup courses of action. First, the U.S. Government can disassociate itself from the blown operation by stating that it was not sanctioned. All affiliation with the CIA would be denied. Such was the case with John Downey and Richard Fecteau who were held captive by the People's Republic of China since the 1950's.

If it appears that this step would not allow for "plausible denial" a more drastic step could be taken. In an extremely serious case it may be necessary to admit U.S. responsibility but deny that the President had anything to do with it, thereby attempting to salvage his prestige and reputation. The choice then is up to the President whether he wants to personally admit responsibility or continue to bluff his way through the crisis. This situation occurred with President Eisenhower and the U–2 affair.

President Eisenhower, to his enduring credit, flatly refused the deniability option and manfully assumed responsibility for the U–2 flights, although in doing so he endangered vital negotiations at that time with the U.S.S.R.

This brings up the critical point. Should there be clear accountability by the President? Mechanisms have been established for foreign operations which protect the President from failures and embarrassment. He can shift the blame to other people or organizations. The CIA, for example, has long been known as an organization willing to assume the public blame for operations approved by the President that ended in failure.

In this Senator's view there is never justification for a lie by anyone including, and I might say especially by, the President of the United States. Such deliberate, planned "official" lies undermine the credibility of the Government. The coverup becomes a way of life. It is a corroding compromise with integrity.

What is more, it is stupid because it frequently does not work. It is not believed and when it is exposed as a lie, the loss of faith in government is far greater then any gain.

In domestic affairs the use of "plausible denial" could be a most insidious antidemocratic political device.

I will explore the possible uses and misuses of "plausible denial" and accountability in a future speech. For now, however, it is enough to say that the concept of deniability of the President's responsibility is the beginning of a serious moral collapse, of little value in foreign policy, and tragically dangerous in domestic matters.

Mr. President, I ask unanimous consent that the excellent article by Marilyn Berger be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### "DIRTY TRICKS" HAVE HAD A LONG HISTORY

(By Marilyn Berger)

The techniques of Watergate—burglary, electronic surveillance, laundered money, "plausible denial"—have had a long history in the intelligence craft.

They are the so-called "dirty tricks" that for years have been the province of the Central Intelligence Agency and its foreign counterparts, tricks refined through nearly 30 years of a "cold war." In the United States, a mysterious group known as the Forty Committee has the last word, or sometimes the next-to-last word, about giving the green light to any specific operations.

Its role is clearly defined: to consider and approve covert activities in foreign countries in a manner that would be "disavowable" or "deniable" by the United States—or at least by the President of the United States.

Currently its designated members are Henry A. Kissinger, the President's national security adviser who serves as chairman; Deputy Secretary of Defense William P. Clements, Jr.; Under Secretary of State for Political Affairs William J. Porter; acting Director of the Central Intelligence Agency William E. Colby, and the chairman of the Joint Chiefs of Staff, Adm. Thomas H. Moorer. The head of the joint chiefs is an addition made during the Nixon administration. The Attorney General was also added while John N. Mitchell held the job.

In the years of its existence under five Presidents, the committee, which has been known by a variety of names, dealt with such activities as the 1954 overthrow of Guatemalan President Jacobo Arbenz Guzman, the 1953 coup in Iran that overthrew Premier Mossadegh, the Bay of Pigs invasion of Cuba in 1961, the "laundered" funding of friendly political parties in Europe and Latin America, the U–2 reconnaissance flights over China and the Soviet Union, and the mounting armies of Meo tribesmen and Thai "volunteers" in Laos.

"The committee was the President's surrogate," said one official familiar with national security operations. "The whole idea was to allow the President 'plausible denial' . . . It protected the President." The President never signed any papers so there was never any evidence on the record that he either had knowledge of or approved any of the covert operations undertaken, informed sources said.

Witnesses from the various government agencies were often brought before the handful of top officials to explain particular operations. Said one experienced official: "They were like a bunch of schoolboys. They would listen and their eyes would bug out. I always used to say that I could get $5 million out of the Forty Committee for a covert operation faster than I could get money for a typewriter out of the ordinary bureaucracy."

Another said that the committee was the most efficient in town. There were no "horse holders," no "colonels turning charts." Decisions came quickly, he said.

The core group had from the beginning been four officials who dealt exclusively with foreign affairs and who were just under the top—the national security adviser, the deputy secretary of defense, the under secretary for political affairs in the State Department and the director of Central Intelligence. The head of the joint chiefs was specifically excluded, according to one informed source, because political rather than military considerations were the subject of the committee's deliberations.

The Attorney General was specifically excluded because his concerns were supposed to be exclusively domestic. During the Kennedy administration Robert F. Kennedy is said by a number of sources to have sought membership but was refused.

For this reason the Mitchell appointment to this and other highly secret committees, such as the verification panel for arms control, raised serious concerns in the intelligence community about the "mixing up" of domestic and foreign matters.

#### INVITED CONFUSION

Mitchell, in the view of those familiar with the operation, was there because of his close relationship with the President. As the only Cabinet officer on the committee, he became its ranking member although the national security adviser continued as chairman.

To those who saw the committee in operation, "Mitchell served as the President's eyes and ears." When Richard Kleindienst succeeded Mitchell at the Justice Department, he did not move into the slot created for the Attorney General on the Forty Committee.

In the words of Thomas L. Hughes, former director of intelligence and research at the State Department, "the Mitchell appointment was an early and symbolic act, either of carelessness or purposefulness, which inevitably invited confusion and temptation for a partisan past and future campaign manager currently holding the office of Attorney General."

Hughes said the commitee "was originally set up carefully and exclusively as a small and responsible group limited to those people at the highest levels below the President whose official responsibilities were clearly in the foreign affairs area, to consider and propose foreign operations."

In the view of one source familiar with national security operations, clandestine matters—which were supposed to be examined from the long-range foreign policy point of view and from the national security point of view—imperceptibly became a question of whether they would get this administration into trouble. The question became to be whether immediate domestic implications would be too great.

#### VARIETY OF NAMES

Throughout its history, by whatever designation it had, the Forty Committee was to fulfill one overriding function: to assert political control of covert operations. The committee was to consider the wisdom of any proposed activity, its chances of success, whether it would accomplish the purposes desired and whether it was "moral," "proper" and in the interests of the United States. In the words of one person familiar with its operations: "This was an arm for the furtherance of American foreign relations."

But the existence of the committee itself was a subject of 'plausible denial.' In its first incarnation it was known as the 10/2 or 10/5 Committee, named after the documents creating it. Under President Eisenhower the name changed to the 54/12 Group, again named after the secret order establishing its role—"54" referring to the year of the order. It was also known at that time as the "Special Group." When someone inadvertently acknowledged the existence of the group, it was renamed the 303 Committee.

Thus if someone asked whether there was such a thing as the 54/12 Committee the answer could be, in truth, no. For by that time it was the 303 Committee, now named for the room in which it met.

The most recent christening—the Forty Committee—is derived from a national security decision memorandum redefining its duties, according to Morton H. Halperin, former member of the National Security Council Staff, and Jeremy J. Stone of the Federation of American Scientists.

During the Kennedy administration, covert operations were also under the control of a parallel secret committee with far more limited responsibilities. This was the counterinsurgency committee.

Sources familiar with national security operations at the time recall that the President's brother, Robert, then Attorney General, was fascinated by the covert operation being run by the CIA. He fervently wished to get on the 303 Committee, forerunner of the Forty Committee.

This was vetoed, apparently by Gen. Maxwell Taylor, who was brought into the White House after the Bay of Pigs fiasco. As a substitute, Taylor agreed to place Robert Kennedy on the counterinsurgency committee. Once this group started operating, a certain number of cases that might have gone to the Forty Committee (then the 303 Committee) went to the counterinsurgency section.

#### WEEKLY MEETINGS

At least since the Kennedy administration, there has grown an active debate over the propriety of any such covert operations perpetrated by an open society. The arguments in opposition has grown stronger during the current proclaimed era of negotiation and the warming of relations among former Cold War rivals.

In the Truman and early Eisenhower years, when the Forty Committee was known as the 10/2 or 10/5 Committee, meetings were irregular. Then, according to authoritative sources familiar with the operations, President Eisenhower decided that covert operations needed a closer look.

He ordered once-a-week meetings. There

was no official chairman but Allen Dulles, then head of the CIA, pretty much controlled the sessions which met in the office of the under secretary of State.

The meetings were said to be rather formal, with an agenda and well prepared staff papers. Few outsiders knew what it was doing, but occasionally witnesses were brought into present specific projects. By most accounts, the committee itself was empowered to consider and approve operations. Only in cases of disagreement was a specific project brought to the President.

But at all times the committee operated under the President's overall policy determination. Authoritative sources say that it was chiefly when Dean Acheson was Secretary of State that specifics were brought to the Oval Office, because of Acheson's frequent reservations.

"In its pristine days," according to one knowledgeable source, "the theory was that things were thrashed out here so that all departments understood each other." Often the committee's report went to the National Security Council with the President attending, said this source. "It was here that one of the Cabinet members might register the dissent of his agency if such dissent existed."

### FEWER MEETINGS

Because of the secrecy surrounding the very existence of the committee, it is difficult to give an accounting of its more recent functions. From recent Senate testimony it is known that the subject of "participation" in the 1970 Chile elections was one concern of the Forty Committee. That election brought Salvador Allende, a Marxist, to power in Santiago.

Informed sources say, however, that during the Nixon administration there were fewer and fewer formal meetings of the Forty Committee and more and more "telephonic concurrences"—involving quick checks rather than intensive discussions.

One possible reason for the slackening number of meetings could be that the number of covert operations has diminished, but some sources attribute it to a more ad hoc style and a greater than ever dedication to secrecy.

One source said there has not been a formal meeting of the group for more than a year—although it is always possible that some who formerly knew about the committee have been cut out as the White House became more secretive. "There grew up a narrow, incestuous secretive quality among the advisers to the President," said one source. "The old formality used to make this impossible."

Domestic implications became an increasingly important consideration, according to one official who noted that the Forty Committee was only one of a number of similar groups with virtually the same membership. For example, this source noted, the issue of arms to Israel might come to the Defense Programs Review Committee where domestic political implications in the United States might weigh in the considerations.

One official who occasionally had appeared before any White House committees which Mitchell attended spoke of the changed atmosphere during the Nixon administration.

"I never felt comfortable being there when Mitchell was there. I felt his presence caused the members to speak in a very guarded way, not saying what they really thought of foreign political risks for fear they would show themselves not mindful enough of the impact on this administration. He was the administration's presence, not the U.S. government . . .

"There was no real intellectual discussion . . . This was a travesty of serious governmental operations . . . There was inadequate staff work, secretiveness, narrow-based decisions. There was always an intense effort to make the President look good as the main consideration."

By their very nature, covert operations, if successful, become known only after the fact if at all. Sometimes it takes years, sometimes only months—as the domestic covert operations known under the heading of Watergate show.

Thus what, if anything, the Forty Committee or its successor by another name may be considering now is known to only a few men. Of greater interest for the moment is whether there was a domestic equivalent of the Forty Committee dealing with covert operations in this country, and if there was who was on it.

---

## ADDRESS BY DR. ROBERT M. WHITE TO THE SOUTHEASTERN STATES ENVIRONMENTAL MANAGEMENT CONFERENCE

Mr. THURMOND. Mr. President, on May 18 of this year, Dr. Robert M. White, Administrator of the National Oceanic and Atmospheric Administration, spoke to the Southeastern States Environmental Management Conference in Charleston, S.C.

His eloquent remarks dealt with the seemingly conflicting aspects of preserving the environment while continuing economic development. Dr. White made the point, however, that they are not mutually exclusive practices when handled properly.

Since this is a timely and much-discussed topic, I want to share Dr. White's views with my colleagues. Mr. President, I ask unanimous consent that Dr. White's remarks, entitled "Marine Environmental Management—A State-Federal Partnership," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### MARINE ENVIRONMENTAL MANAGEMENT—A STATE-FEDERAL PARTNERSHIP

(Address By Dr. Robert M. White)

Mr. Chairman and other distinguished guests, it is a pleasure to be in South Carolina once again. It is a welcome opportunity to be with you at this Environmental Management Conference of the Southeastern States. The awareness in the south of its environmental opportunities is gratifying. I use the word "opportunity" because the southern part of this country still retains much of the pristine environmental attractiveness which has made the region one of the most vigorously growing parts of the U.S. Here you have yet a chance to retain and preserve environmental values while still providing for the economic development so necessary to the well-being of your citizens.

The dilemma which results from the need to choose between economic development and environmental conservation daily becomes more insistent. And this conference is testimony to your will to do something about it. You are asking the right questions. Your search is particularly appropriate in this setting: the fact that the South is a beautiful place to live and work is being discovered and rediscovered at an accelerating rate. More people are coming here; more industry is springing up; and with the influx, more opportunity to despoil the environment.

Perhaps more than the heavily populated areas of the country, the South faces a series of critical choices. It has the benefit of the experience of other parts of the country which found that such choices, made singly and independently, could add up to cumulative disaster.

The task however is more difficult today than ever. It is not that the environment needs no further defense, for indeed a conservation faces us. But the past decade has seen much progress. Key steps to deal with the excesses of our society which were causing environmental degradation have been taken. We have moved institutionally and pragmatically at both the Federal and the state levels as well as internationally, to establish the organizations, and pass the legislation that have begun to arrest the desecration of our environment. On the Federal level the establishment of the Council for Environmental Quality, the Environmental Protection Agency, and my own agency, the National Oceanic and Atmospheric Administration were responses by President Nixon to the need to establish institutional mechanisms which could deal with our environmental problems. The President's proposal for a Department of Energy and Natural Resources is another key step on the horizon.

Similar organizations have been introduced in the states. Key legislation has been placed on the books over the past five years. We have had the Clean Air Act, passed in 1963 and frequently amended since that time; the Clean Water Restoration Act passed in 1966; the Marine Protection, Research and Sanctuaries Act—better known as the Ocean Dumping Bill—and the Coastal Zone Management Act, both passed last year. An edifice of law and regulation is being built. However, while our work continues I think we must recognize that we have entered a new stage in our environmental efforts.

We are at the point where the fundamental choices which face us in the rational use of our environment, are becoming clear not only to the specialist but to every citizen.

The choices can no longer be postponed:

Shall we, for example, allow our coastlines to be used in an unplanned fashion for industrial development, thereby risking the destruction of the spawning grounds of our valuable commercial and recreational fisheries?

Shall we shy away from the construction of deep-water ports required to accommodate oil tankers of 300 to 500 thousand tons dead weight, thereby raising the price of the fuel which is increasingly in short supply?

Shall we allow a pipeline to proceed through the Alaskan wilderness to bring oil to our energy-short nation and risk the sacrifice of some of the environmental values of that magnificent state?

Shall we increase the cost of automobile operations and the consumption of gasoline in order to have cleaner air?

The fact of the matter is that the decisions we will take in each case will represent a choice of values we place on the use of the environment. Fortunately, in our nation, such value decisions are made through the political processes.

It is not a question of right or wrong.

These critical choices must be based on the best scientific and technical assessment of risks and consequences, and not on the basis of emotionalism, unfounded facts, and speculation.

The National Oceanic and Atmospheric Administration was founded in part in response to the need to provide the kind of scientific and technical information about the oceans and atmosphere required for these choices. President Nixon created NOAA two years ago as part of his organizational steps to deal with the environmental matters, along with E.P.A. The President brought together some nine scattered agencies and functions of the Federal Government to establish a comprehensive environmental service and management organization in ocean and atmospheric affairs.

While many of you are familiar and have worked with many elements of the National Oceanic and Atmospheric Administration, you may not be aware of the full scope of NOAA's functions and activities.

I am sure that each of you is familiar with our National Weather Service. Certainly here in the South, so exposed to hurricanes and tornadoes, there is no need to elaborate upon our natural hazard warning activities.

I am sure that there is no need to tell this group of the National Marine Fisheries Service, since it works so closely with the fisheries and natural resources groups, in every coastal State government.

I am also sure that for coastal States, vitally concerned about marine transportation, there is no need to tell of the activities of our National Ocean Survey in producing the nautical charts essential for coastal navigation.

You may be less familiar with the fact that NOAA is the parent agency of the National Sea Grant College Program, a program patterned after the Land Grant College Program of a century ago, to improve the productivity of our marine industries and to provide the knowledge of our marine environment necessary for management of our coastal zones.

In the past year NOAA has become responsible for the implementation of the new pioneering coastal zone management legislation; key aspects of the ocean dumping legislation and the marine mammals protection legislation. Even less well known is the fact that NOAA is the national focus for seven different national data centers, including the National Climatic Center, and the National Oceanographic Data Center. NOAA is the only civil agency besides NASA in the Federal Government responsible for operating an earth-orbiting satellite system for the observation of environmental conditions. We further maintain an extensive network of research laboratories, probing the secrets of the environment so that we can have the base of knowledge and the technology necessary to deal with environmental problems as they arise.

The job we have to do in NOAA must be done cooperatively with the states and with private groups throughout our country. We welcome close working relationships with you and your participation with us in the tasks that we face.

In carrying out our responsibilities we have developed many different patterns of working with the states. Several examples will serve to illustrate.

Take the problem of fisheries management.

For the past several years we have been developing a state/Federal cooperative fisheries management program in conjunction with the coastal states. The problem, simply, is that fish are no observers of jurisdictional boundaries. The states have jurisdiction over fisheries resources out to three miles; the Federal Government between 3 and 12 miles, and beyond are international waters. If we are to manage fishery resources it must be done cooperatively between the states and the Federal Government.

We are developing with the States, cooperative management programs for individual species such as the American lobster, the Dungeness crab and the reef clam. For each of these management programs we have established State/Federal management committees to develop the plans. At the Federal level we are seeking the funds necessary to enable the States to join in the preparation of these management plans and to do the necessary research.

One of our problems is that insufficient authority is available to the Federal Government to exercise effectively management responsibility within the contiguous fisheries zone between 3 and 12 miles over which it has jurisdiction. A high seas Fisheries Conservation Act has now been submitted to the Congress by President Nixon to remedy this situation. It is important for the health of our fisheries that this act pass so that the Federal Government may join with the States in establishing comprehensive management procedures. The legislation provides for the adoption by the Secretary of Commerce of State fisheries regulations within the contiguous zone when they meet the specifications of the Secretary of Commerce. I hope after study of this bill, all here will agree it is essential.

Take coastal zone management. It is not my purpose here to go into the provisions of that act, but to illustrate our approach in working with the States in the formulation of implementation plans. We have asked the Governors of each of the coastal States to designate officers to work with our Office of Coastal Environment. These persons have been designated and we are in close contact with the various State governments on the implementation of this program. Working with the representatives of the States, the Council of State Governments, the National League of Cities and other groups representing environmental and industrial interests, we have produced guidelines in accordance with which these coastal zone management plans are to be prepared. At all times and in all steps in the procedure we have welcomed the participation of representatives of the State governments. Next month, at Annapolis, we have called the first national conference of State representatives on the problems of organizing and managing the coastal zone.

Marine environmental management problems are diverse, and NOAA's activities have a diversity to meet these needs,

Let me describe some of our efforts which I believe to be of critical interest to you.

### MINING OFFSHORE SAND AND GRAVEL

We have joined with the Massachusetts Department of Natural Resources to carry out a comprehensive study of the environmental impact of mining the sand and gravel deposits in our coastal zones. One of the fundamental building materials required for a modern society is sand and gravel. Our land-based deposits of sand and gravel are becoming increasingly expensive to work because of their remoteness from the metropolitan areas where the material is needed.

We have great deposits of sand and gravel off our shores, but we don't know what the environmental impact of mining will be. We aim to find out before large-scale mining takes place. The findings will be useful not only to Massachusetts but to all coastal states in deciding the issue.

### THE IMPACT OF OCEAN DUMPING

Working in conjunction with the States of New York, New Jersey and Delaware, NOAA is launching a comprehensive study of the New York Bight. We seek physical, chemical and biological data from the Bight to learn the implications of its use for dumping, recreation, or any other purpose. It is of great importance that this information be gathered in such a way as to be useful in the solution of states' management problems; thus the close collaboration with New York, New Jersey, and Delaware. We call this effort the Marine Ecosystem Analysis Program because we are fundamentally concerned with the basic health of the entire marine ecosystem. It is central to the use and protection of our oceans.

### DEVELOPING A STATE MARINE RESOURCE PROGRAM

The State of North Carolina and the Federal Government have recently initiated a program aimed at the comprehensive development of the marine resources of that state. We have assisted the state government in preparing a plan to develop all aspects of the state's marine resources—its fisheries, recreational and mineral resources—the plan proposes to bring to bear capabilities and talents of NOAA, other Federal agencies and those of the state to prosecute the plan. I'm pleased to say that today at Morehead City, a short way north along the coastline, my deputy, Howard Pollock, is assisting in the dedication of the first of a three-marine laboratory complex which will provide essential facilities for this effort. If this process of collaborative action with a state government is successful, it could serve as a model for other areas as well.

### EXECUTION OF A FEDERAL PROGRAM THROUGH STATE CONTRACT

Here in South Carolina, we have asked the State Marine Resources Agency to join with us in our nationwide marine resources assessment and prediction program. We have contracted to have the state perform a fixed part of a nationwide fisheries survey effort. This nationwide long-range program for the systematic assessment of fisheries stocks along our coasts is central to the ability of both the states and the Federal Government to manage our fisheries. Jim Timmerman's fine facility here in Charleston is the focal point for our cooperative efforts with the state government.

### MAPPING THE SHORELINE

A critical matter affecting marine resource decisions among the states is seaward boundary mapping. We have joined with Florida in a cooperative program for the mapping of its seaward boundary. This may seem simple. Actually it's a complex, difficult, highly technical procedure.

This is something that NOAA's capabilities in mapping and charting and especially its work in geodesy and tides fit us eminently to do. In this case, funding is split between the Federal Government and the States.

### COOPERATIVE RESEARCH PROGRAMS

Many of our programs are matching fund efforts with the States. This is true for instance, of our programs authorized under PL 88–309 and PL 89–304 to provide capabilities within each of the States for research and development of fisheries problems. This is also true in our Sea Grant College program which seeks to establish Sea Grant institutions in all of the coastal States.

Our Sea Grant institutions train the people and provide the knowledge which can buttress the marine resource needs of a State. Our Sea Grant effort has been focussing on problems of the coastal zone and can provide invaluable assistance for decision-making at the State level. The Sea Grant program is now moving to establish a Marine Advisory Service within each of the states, patterned after the agricultural extension service. Its purpose is to bring to all our marine industries the knowledge and technology needed to make them more productive and efficient.

### PROTECTING MARINE MAMMALS

Certain Southern states have a vital interest in the Marine Mammals Protection Act, recently passed and administered by the National Marine Fisheries Service. The Act effectively stops the taking of marine mammals—with some exceptions. Here too we have begun to work directly with the states to enforce the law, and you will remember that the Act provides for the adoption of state protective plans when they meet Federal specifications.

NOAA has no one particular way of working cooperatively with the states. We believe each cooperative program should be tailored specifically to meet a particular problem and to cut through as much red tape as possible. For our part, we wish to keep it simple. You will find NOAA not only willing but eager to cooperate in this sort of effort; the more red tape we can eliminate, the more real work we can do. And we—all of us—have a great deal of real work to do. We must catch up on centuries of environmental neglect. We are entering a period in which we must act with intelligence and prudence on both environmental and economic issues. To this end, together, we must achieve a far better environmental understanding than we now possess. Delay will impede our economic development as it will the betterment of our environment.

We in NOAA are prepared to join with you in this crusade. A crusade that can yield both a quality environment and the economic development that can yield a quality life.

Thank you.

## INAUGURAL ADDRESS OF PRESIDENT OF NEW HAMPSHIRE JAYCEES

Mr. McINTYRE. Mr. President, when a U.S. Senator is invited to address functions in his State, he would do well to listen as well as speak.

I found that piece of advice particularly appropriate at the recent annual meeting of the New Hampshire Jaycees in Nashua, N.H. The speech given by the incoming president of that organization, Alfred Simensen of Amherst, N.H., was so thoughtful and perceptive that I cannot resist the opportunity to share it with my colleagues.

A mechanical design supervisor for an electronics firm, Mr. Simensen has also held several important advisory positions with the State and regional offices of the Office of Economic Opportunity, as well as national consultant to the U.S. Jaycees Program on Human Development. He was named one of three Outstanding Young Men by the New Hampshire Jaycees last year.

In his inaugural address, Mr. Simensen brought to life a powerful section of the Jaycees creed:

> That earth's great treasure lies in human personality:
>
> And that service to humanity is the best work of life.

At this point in our Nation's history, it would be easy to accept the cynical belief that individual citizens cannot hope to accomplish worthwhile goals because our system is flawed and some of our leaders are corrupt. But Mr. Simensen argues against that loss of faith. He argues—

> By recognizing our shortcomings, we are reaffirming our faith in the fundamental ideals upon which this country was founded.

And to achieve our ideals, he continues—

> We must find unity in the diversity of America, we must love people for what they are, not hate them for what they are not.

Mr. President, I was very impressed with what Mr. Simensen had to say and I want to share his thoughts with my colleagues. I ask unanimous consent that his speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

### Inaugural Address of Alfred Simensen, President, New Hampshire Jaycees, May 19, 1973

I want to thank you for allowing me the honor and opportunity of leading the New Hampshire Jaycees. This I accept with total commitment because of my belief that this organization must develop the young men of action so desperately needed in our world today.

The goal of the Jayces is the development of the leadership abilities of young men through a process of developing their skills in decision making, planning, organizing, and implementing action projects to solve community problems. Thus, we become the technicians of change and the authors of accomplishment providing business and industry with more skilled employees, communities with involved citizens and government with knowledgeable participants.

We measure our success in two ways. First, if because of our efforts, our communities become not nicer but better places for everyone, and second, when we leave the Jaycees we continue our involvement in community affairs. Some of us will move forward into the leadership of the community, state, and Nation and our success in dealing with problems will depend on the sensitiveness we develop through our involvement in Jaycees.

The key to the solutions to our most pressing problems does not lie solely within the mechanics of leadership but also within the sensitivity and caring of people. The people problems of our society can only be solved with sensitivity and caring because that is the one way we can distinguish between solutions and expedient gestures.

Whether or not we become sensitive to the gut problems of the community will depend on one thing. Are our efforts directed toward solving genuine community problems? The relevancy of our community involvement can be judged on two criteria. Are we solving a problem affecting people and are we helping people with problems? If we cannot answer yes to either one, we are wasting a very valuable resource, voluntary hours.

I firmly believe that the motivating force behind the majority of active Jaycees in this state is the desire to see their efforts create a better community. I also believe that there are a great many frustrated Jaycees in this state because of the difficulty some chapters have in reaching out to solve gut problems. Consequently, we must focus our attention on solving the problem of translating knowledge into practice.

We are emerging from a very turbulent period in our history, the full impact of which will only be realized through the stabilizing influence of time. We have experienced a traumatic reassessment of our social, religious, and political values which was caused not so much by the issues, but more by a lack of understanding and confidence of the principles that are supposed to guide the decision making process. People were suspicious of anything that was not immediately identifiable with their traditional way of reasoning. Tradition is based on emotion and when people reacted emotionally, the principles which should be guiding the decision making became secondary. Emotions escalated to the point where sound reasoning ceased to prevail. Many people saw the fire and smoke and heard the noise—yet through it all failed to see the tears and hear the cries for help.

The greatest resource of America is not gross national product or balance of payments, or per capita income. And it is not purple mountains majesty or amber waves of grain, or clean air or clean water. It is people, 220 million different and beautiful human beings and if we are to find unity in the diversity of America, we must love people for what they are, not hate them for what they are not.

We are in a state of transition desperately seeking tranquility but we must realize that tranquility cannot be found by withdrawing into ourselves. The turtle draws his head and feet in only as a defensive measure. Many people felt that this social upheaval adequately exposed the problems and weakness of our socio-economic system for all to view. But these problems and weaknesses are still unresolved and we will not find our tranquility until they are resolved.

Admitting to these weaknesses is not a denial of love or patriotism to our country. On the contrary, by recognizing these shortcomings we are reaffirming our faith in the fundamental ideals upon which this country was founded. Some people responding to criticism of our country counter with, "Well, it's the best thing going." This may very well be true, but being the best does not mean being perfect and it is no justification to main the status quo.

As I look around I see chaos in state government created by men who see themselves as the ultimate authority. I see powerful men in Washington bartering with our best interests to become more powerful. I see men in government who no longer consider truth a virtue, but rather something to be feared. I see special interests profiting at our expense. I see people suffering the debilitating misery of poverty while we spend several billion dollars for another super aircraft carrier. I see the improvement and protection of our environment delayed by the impoundment of funds. But more disheartening than all of these things, I see the apathy that tolerates the existence of these inexcusable acts.

But I am not despondent for I also see something else. As I look around this room, I see the people in whom the supreme power of this democracy is vested. I see the power needed to create a state of being as described by a group of revolutionaries almost 200 years ago when they bequeathed to mankind the most profound set of ideals ever laid to paper, the Constitution. As I look around this room, I also see on the faces of every man and woman here, the compassion and caring needed to eliminate social injustice, to reach out with the hand of opportunity and say, "Come. Lets walk together."

God has provided everyone in this room with certain mental and physical resources and we are able to satisfy our basic needs with only a small percentage of these combined resources. Are we to deny our children and our grandchildren a better world because we are unwilling to commit a portion of the unused resources? Whether or not you believe that we are responsible for today's problems, we will be held accountable for their solutions. This moment in the history of mankind is ours. We cannot let it slip by. We must seize it! We must say, "This is my chance, my only chance to create a better world!"

It was Oliver Wendell Holmes who once wrote:

"I find the great thing in this world is not so much where we stand, as in what direction we are moving; to reach the port of heaven, we must sail sometimes with the wind and sometimes against it—but we must sail and not drift, nor lie at anchor."

## THE HUMAN COST OF GENOCIDE

Mr. PROXMIRE. Mr. President, veterans of even one session of Congress know well how easily the business of this body can pile up and accumulate. In that sense it is rather like any other business. Life on Capitol Hill assumes its own rhythm.

One of the most common complaints leveled against lawmakers and other politicians is that they do not pay enough attention to the human side of political issues. Sometimes it is not difficult for us to get caught up in a seemingly all-inclusive net of statistics, technicalities, facts, and figures which shroud the actual issues at stake.

The United States did not enter into combat against the suffering and atrocities of World War II without learning something about man's capacity and occasional willingness to commit infamous crimes such as genocide. We met their brutality with our own force—force which we felt was justified—and we were fortunate that we were strong enough to subdue our opponent's brutality.

But I submit, Mr. President, that nations will not always be able to conduct their international affairs from the standpoint of which power possesses the greatest strength. Megatonnage statistics mean little when the weapons debate is reduced to a comparison of how many times over each nation's arsenal is capable of destroying the Earth.

Mr. President, that is why lawmakers must not lose sight of basic human concerns. How shall we restrict man's awesome destructiveness? How shall we move further toward peace in the world?

Senate ratification of the Genocide Convention would be a step toward peace. It would outlaw genocide and establish procedures for the trial and punishment of genocidal acts. Admittedly, ratification would not make genocide impossible, just as the outlawing of murder does not make murder impossible. But it does make murder punishable. The Genocide Convention would make genocide punishable.

It is hoped that the fact that genocide is punishable would deter the crime; and that if it were not deterred, the criminal could be punished.

Mr. President, if we believe in the legitimacy of rule by law, and if we believe that genocide should be a criminal offense, it is incumbent upon the Senate to ratify the Genocide Convention soon. That is our hope—that the Genocide Convention will help to save human lives.

## CHARLES E. MERRITT

Mr. FANNIN. Mr. President, Mr. Charles E. Merritt of Phoenix, Ariz., is a remarkable citizen of great talent and energy who devotes most of his spare time to worthwhile and provocative projects with the youth of the community. He has been honored by the Boy Scouts of America for 50 years of service.

Last summer Mr. Merritt, accompanied by 19-year-old Kevin Seaman, flew in a light airplane to all 50 States. Kevin, a member of Mr. Merritt's Air Explorer Post and also his Sky-Hi Pioneer Sport Parachute Club, made parachute jumps in each of the States.

Mr. Merritt's ambition is to fly the small aircraft around the world.

His dedication to high principles of citizenship and his work with America's young people are truly outstanding.

Many of Mr. Merritt's accomplishments are detailed in a very well-written feature article by Sgt. Lenwood Y. Brown in a recent issue of the Desert Airman, published at Davis-Monthan Air Force Base in Tucson, Ariz.

Mr. President, I ask unanimous consent that Sergeant Brown's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Charles Merritt: A Pioneer Airman

(By Sgt. Lenwood Y. Brown)

Airmen assigned to MASDC and the Air Force Logistics Command (AFLC) learn a lot about military-civilian teamwork as members of organizations in which they are outnumbered nearly 10 to 1 by Air Force civilian employees.

Civilian employees of the Air Force become more recognized and appreciated members of the aerospace team as MASDC and AFLC airmen are exposed to their vast knowledge and experience.

For instance, there is 64-year-old Charles "Charlie" Merritt, a supply expediter at MASDC.

Charlie has been flying for over 44 years and started as a parachutist in 1935. He has flown everything from the Ford trimotor to amphibians, autogiros, gliders, and balloons.

Merritt was a flying instructor during World War II with the Enlisted Reserve Corps. One of his students, Maj. Jack H. Grasham, went on to become the fourth leading Army air ace in the nation with a record of 17 enemy planes shot down.

His inventive genius also sprouted wings during WWII when he built a model aircraft that was so simple but realistic that the Army used it for teaching aeronautics to student pilots.

Following military service, he pioneered and promoted the sport of sky diving by such barnstorming stunts as playing two trumpets and shooting arrows at balloons while under the silk canopy.

The Phoenix resident is president of the Ski-Hi Pioneer Sports Parachute Club there which he organized in 1958. Hundreds of military and civilian people have learned the art of sky diving through his club. Members of his club set a world's record in 1959 making a parachute jump every day of the year.

Many of Charlie's military parachuting students have also continued sky diving as members of the world championship holding Army parachute team, the Golden Knights. One of them, Billy Lockwood Jr., headed the team during his tour of service.

#### ADVENTUROUS AERONAUT

Just last summer, the adventurous aeronaut used a considerable amount of his savings and a month of his leave time to fly his Cessna Skylane 180 around the perimeter of the United States while 19-year-old Kevin Seaman, a member of his parachute club. made parachute jumps in all 50 states to establish a new world's record. Charlie is also a unicycle instructor, and Seaman, his young protege and a champion unicyclist, also gave unicycle demonstrations during their 50-state sky diving tour.

Merritt filed 75 flight plans during the state-hopping flight which covered 12,186 miles and took more than 133 flying hours His aircraft consumed 1,494.4 gallons of gas and 46 qts of oil.

He is now busy designing a chute-type modification for his Cessna and a harness which will enable Kevin to roll from the aircraft while it is in flight and land riding his unicycle. Also on his drawing board is a new and faster parachute opener and release.

Charlie joined the Boy Scouts of America in 1920 and started the Air Explorer Post No. 13 of Phoenix in 1949. Under his leadership, the Air Scouts constructed the world's largest air marker in Phoenix and in 1958, five of the scouts joined Charlie in a controversial but history-making parachute jump. He will soon receive his 50-year scouting award.

#### WRITER AND ARTIST

He is also a writer and an artist. He has written a book, titled Back Yard Sky Diving From The Ground Up, which will be published soon. He did all the illustrations for the publication himself. He also now has on the market an attractive, self-designed and illustrated post card which outlines his 50-state, sky-jumping flight as well as providing a map of the U.S.

Charlie has also written three parachute-oriented songs which have been published and recorded and for which he illustrated the covers.

He performs his job in the Expediter Section of the Item Accounting Branch of the Distribution Division at MASDC as well as he does his many avocations.

"Mr. Merritt performs his duties exceptionally well and is popular among both civilian and military personnel at MASDC," said his supervisor.

"He handles routine issues and turn-in documents, validates listings, and assists in processing priority requests for the section and has received several Zero Defects Awards for almost error-free work over extended periods of time."

#### HAPPY LIFE

"I have lived a full and happy life thus far," said the soft-spoken, silver-haired 'old gent' as he sat behind his paper-laden desk with neither his voice nor his appearance betraying that he is a veteran of many exciting avocations.

Charlie is one of more than 100,000 civilian employees of the Air Force Logistics Command who perform more than 800 different kinds of highly skilled jobs which help AFLC make sure that Air Force aircraft and missile units around the world have all the parts, supplies, maintenance and ammunition they need to be ready for action at any time.

## NATIONAL GROWTH AND DEVELOPMENT POLICY: WHERE DO WE GROW FROM HERE?

Mr. HUMPHREY. Mr. President, a fascinating and timely series of articles entitled "Where Do We Grow From Here?" written by Robert Cahn, is currently appearing in the Christian Science Monitor.

These articles highlight growing public discontent with urban congestion, air- and water-quality degradation continued immigration from rural to metropolitan areas, and related problems of growth.

Also included are insights into anti-growth action now being taken by private groups, small communities, and the States to preserve an acceptable "quality of life" for them and their families.

These studies once again indicate the urgent need for this country to develop a comprehensive policy for national growth and development.

I ask unanimous consent that the first three articles in this series be printed in their entirety in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### Where Do We Grow From Here?

#### MR. DEVELOPER, SOMEONE IS WATCHING YOU

(By Robert Cahn)

Washington.—As you drive south out of Santa Fe toward Albuquerque, N.M., on Interstate 25, a lone billboard irresistibly draws your attention with its bold, one-word message:

"Undevelop!"

The mural portrays what the highway traveler would see were there no billboard at all—the volcanic beauty of Black Mesa and the Rio Grande Valley. Carefully lettered in the lower right-hand corner is the name of the billboard's sponsor: New Mexico Underdevelopment Commission.

It is not entirely a gag. Although no such "commission" exists in governmental circles, this unofficial undevelopment commission has immeasurable gradfly influence throughout the state. Its founder, a young, articulate newspaper publisher, Mark Acuff, who writes a watchdog column in his weekly New Mexico Independent, has issued more than 500 commission membership cards and has sold 4,000

"Undevelop" bumper stickers. In these ways the "commission" keeps the advocates of unchecked development off balance with the knowledge that someone is watching.

Like their counterparts in many parts of the nation, New Mexico's self-appointed undevelopers are riding the spreading wave of national sentiment which questions what was heretofore unquestionable—the star-spangled theme of chambers of commerce from coast to coast: "Grow!" "Grow!" "Grow!"

The just-released report by the Task Force on Land Use and Urban Growth, headed by Laurence S. Rockefeller, says this questioning of growth is a "new mood" that is sweeping the nation. Its opponents refer to it as "anti-growth," "no-growth," or "zero growth," while advocates generally call it "controlled growth," "limited growth," or "quality growth."

### *"No growth" outlook dim*

The privately funded Rockefeller report, commissioned by President Nixon's Citizen Advisory Committee on Environmental Quality, arrives at the conclusion that absolute "no growth" is not a viable option in the near future. Population will grow. People will improve their status and seek more desirable living areas. A policy that would discriminate on individual freedom of mobility would be both legally and morally wrong.

Yet the report traces the pervasive opposition to uncontrolled growth throughout the nation. It points out that this opposition is motivated in part by concern for the quality of life. The report suggests that new institutions and procedures are needed to find ways of controlling the excesses that have resulted from the often unplanned or ill-planned development that has occurred in cities, suburbs, and countryside.

The anti-growth mood has been evident to me in travels around the country the last few years investigating environmental activities. According to the Rockefeller report and to urbanologists and planners, however, the mood is not being created by far-out environmentalists.

Many citizens are conscious that new development carries potential economic hardships as well as harmful environmental effects. The ready assumption of city or county officials that new growth automatically brings more jobs and more tax benefits has been sharply questioned in studies and in the personal experience of many taxpayers who find that the services required to accommodate the new growth can be more costly than the tax benefits derived therefrom.

But mostly, the new mood is just a feeling that creeps up on one as increased traffic extends commuting time or crowds impede shopping. Or the citizen finds new and often inappropriate buildings cluttering former open spaces or scenic landmarks. Or the signs of air, water, noise, and solid-waste pollution suddenly appear "next door" instead of being something to read about in the papers.

### *Exclusionary reaction involved*

In some areas, the new mood, consciously or unconsciously, rightly or wrongly, may be an exclusionary reaction of the citizen who likes things as they are and doesn't want others, and especially others who may have differing standards of living, to enter his city or neighborhood or block. This kind of reaction can come from the pioneer resident, or from the newest arrival all too ready to block the road behind him to others.

What is "new" about this many-faceted movement or mood opposing growth is that it has surfaced in action, instead of just in grumblings and letters to the editor. New restrictive laws, zoning actions, moratoriums on building permits, density limitations, size or height limitations, or bans on septic tanks, are sprouting all over. They are accompanied by citizen lawsuits to prevent development. Once-tranquil city council or county commission meetings have become arenas of protest, overflowing with citizens seeking to block new subdivisions or factories or amusement parks.

In New Mexico, before Mark Acuff started the New Mexico Undevelopment Commission, citizens had raised such loud and vigorous protests over a proposal to locate a Kraft paper mill near Albuquerque that the company finally gave up and settled elsewhere.

Most of the state is still relatively undeveloped. The average New Mexican wants to keep it that way.

Albuquerque, with its snowballing population and physical growth over the past two decades, and a crime rate that last year was the highest in the nation, no longer seeks new residents.

The Albuquerque City Commission, with a new antidevelopment majority, voted a temporary moratorium on providing sewage disposal, water, and utilities to new areas outside the city.

The once-enthusiastic Greater Albuquerque Chamber of Commerce last September adopted a policy statement recommending "a moderate growth policy. . . . geared to preservation of the quality of life."

A decade ago, citizens of Oregon were developing an anti-growth attitude, even though their then governor (now senator), Mark O. Hatfield, was trying to bring in new industry to help the state's depressed economy. But among Oregonians, many of whom had recently migrated to the state for wartime jobs, the Hatfield industrial push met with resistance. There were already too many people and too much polluting industry, the people said.

The current Governor, Tom McCall, has gone the opposite route. "Come, but don't stay," he told Oregon visitors two years ago. Then last year he suggested maybe they shouldn't come at all. This year he has requested the Legislature to slash the "Come to Oregon" travel advertising budget by 30 percent. The Legislature may reduce it another 30 percent.

### *Adequate planning encouraged*

Governor McCall believes some growth is inevitable. But he wants adequate planning for it. He is pushing strongly for a state land-use law with provisions to protect environmentally critical areas. A few months ago, he used the public-health laws of the state to force a booming coastal county to issue a moratorium on all new building permits until plans are devised for adequate sewage disposal and water supply. His latest move is a request to the Legislature to raise camping fees for out-of-state cars at state parks.

Florida and California, states that traditionally have vied with each other to attract visitors and industry, now are seeking to outdo each other in growth-control measures. Florida has only recently awakened to a need for stemming the tide of growth. Its extensive advertising of sunshine and the good life had increased population by almost 2 million, or 40 percent, from 1960 to 1970. But by 1970, a combination of new and old causes suddenly made the citizens aware that there were already too many people jammed into urban areas.

Added to the normal influx of tourists and retirees, thousands of Cuban refugees moved into southern Florida. Disney World brought a massive surge of unplanned growth to central Florida. And installment-land-sales companies increased their promotions to bring potential buyers to the state.

Under the immediate pressure of a severe drought, Governor Reuben Askew in 1971 called a conference of 150 experts in science, government, agriculture, and conservation to deal with the state's growth problems. Led by Profs. John DeGrove of Florida Atlantic University and Arthur R. Marshall of the University of Miami, the conference proposed remedies and formed teams to draft new legislation.

After continuing efforts by these citizen leaders, the State Legislature in 1972 passed four key planning and water conservation laws. This was despite opposition from forces of growth and development who succeeded in softening some of the measures but could not stop them.

"We have had a total and sudden shift in state policy from expansion to no-growth, from a pro-business climate to an attack on private enterprise," said one Tallahassee lobbyist in a speech to industry people.

### *New controls enacted*

The most vital new law, the Environmental Land and Water Management Act, provides the necessary land-planning control to protect areas designated to be of critical environmental concern. It also provides control over areas that are to have developments of regional impact. And last fall Florida voters, by a large majority, approved a $240 million bond issue for the purchase of environmentally endangered lands.

At the same election, the city of Boca Raton, north of Miami, became the first city in the nation to vote a population maximum by adopting a city charter law to limit to 40,000 the total number of dwelling units to be allowed within the city limits. City commissioners in nearby Hallandale and Hollywood have also passed ordinances lowering the density of future growth.

Dade County (Miami), faced with overcrowding, air and water pollution, and inadequate sewage treatment, had a citizen revolution. This saw three commissioners recalled. A new mayor and two new commissioners were elected on a platform that called for a moratorium on development-oriented rezoning whenever the water supply, sewage treatment facilities, or road capacity, were found to be inadequate.

Palm Beach and Martin Counties on the Atlantic Coast, Collier County on the Gulf of Mexico, and the St. Petersburg-Tampa area have recently adopted building moratoriums or density limitations.

Other evidences of the new mood in Florida are the efforts to preserve the Big Cypress Swamp and to protect Everglades National Park against development intrusions and water shortages, Governor Askew's appointment of Professors DeGrove and Marshall to the board of directors of the powerful and development-biased Central and Southern Florida Flood Control District, and an awakening by townspeople in central Florida that Disney World may eventually bring more troubles than profits. Disney World adopted some environmental protections for its own site. But it did nothing to help the many nearby towns that now are overrun with traffic, are sprouting new motel and tourist service facilities, and are faced with demands for water, sewage treatment, and electricity that far exceed supplies. Many of these central Florida towns are considering growth limitations.

At a recent conference sponsored by the Florida Defenders of Wildlife 65 of the state's top scientists, educators, conservationists, economists, land planners, and urban experts spent two days discussing the effects of growth on the ability of nature to serve man, on the ability of government to serve man, and on the cost of living.

Increases in population that raise the cost of services are devastating to those citizens with fixed incomes. Benefits that seem to accrue to the middle-income range of the population from increased salaries are largely illusory because of the increase in the cost of living and the environmental debt incurred by not paying the full costs of growth in the past.

### *In-migration discouraged*

Among other things, the conference recommended that the state discourage all in-migration "until we know what areas can accommodate growth;" limit commercial development and divert in-migration from areas known to be overloaded; produce an economic analysis that will clearly show the costs as well as the benefits of growth, and take strong steps to discourage land speculation, such as providing a tax on land sales.

California's anti-growth activities started earlier than those in Florida. In some ways they are more sweeping. Through statewide vote, the entire coastline is being protected for 1,000 yards inland. State and regional commissions have been established to control coastal development. A state environmental policy act, stronger than the national law, requires environmental-impact statements for most commercial development as well as for state actions. A powerful citizen group, California Tomorrow, has produced a comprehensive state plan for conservation and development. This explores alternatives for immediate actions and implications of these actions. It makes projections to the year 2000.

Ciizens of Livermore and Pleasanton, cities 50 miles east of San Francisco, passed an initiative limiting issuance of new building permits until school, sewage-treatment, and water facilities exist to serve new populations. The San Francisco Bay Area Governments Association adopted a regional policy to halt the area's population growth at 5.5 million by 1980, only a million more than at present.

San Diego has acted to deny services to developers who do not comply with provisions for needed services. And last November the city voted a height limitation on shoreline buildings, which will stop the growth of skyscraper condominiums.

Meanwhile, the San Francisco Bay Area Conservation and Development Commission is effectively curtailing deterioration of the bay and preventing damaging commercial development along the shoreline.

Among other areas in which the new mood has been translated into action and controversy are Colorado, Long Island and other Metropolitan New York areas, the suburban areas in Virginia and Maryland surrounding Washington, D.C., and a number of towns in New England.

---

## WHERE DO WE GROW FROM HERE? THWARTED DEVELOPERS ARE "TAKING THE FIFTH"

(By Robert Cahn)

WASHINGTON.—A Connecticut firm wants to build an industrial complex on 277 acres it has owned for 20 years in Stratford's Great Salt Meadow. The development would bring jobs and tax revenues to the area. But the state has denied the application because of projected environmental damage.

A man who, 12 years ago, bought 22 acres in the Palo Alto, Calif., foothills has been refused permission to subdivide his plot into small lots. The city has classified the foothills area as open space with 10-acre minimum zoning.

On the western shore of Lake Tahoe, a developer seeks to put 60 vacation condominium units on a 17-acre tract that was formerly a retreat for Henry J. Kaiser. The application has been blocked by low-density restrictions of the Tahoe Regional Planning Agency, a joint California-Nevada entity.

All of these thwarted landowners now are in court trying either to invalidate the restrictive regulations or to get compensation for the full development value of their property. All assert their constitutional rights have been violated because the actions of government constitute a "taking" without compensation. These claims are based on the Fifth Amendment provision that "private property" shall not be taken for public purposes "without just compensation." This provision is applicable to the states through the Fourteenth Amendment's provision that property shall not be taken "without due process of law."

### *Controls challenged*

The adoption by state and local agencies of laws and regulations to control the consequences of unplanned growth, to restrict development of environmentally critical lands, and to control pollution has caused many citizens to challenge the actions in court. They allege violation of their property rights. The results of these lawsuits and the precedents they set may play a large role in determining where, and in what setting, future Americans will live.

Public attention is being focused on these issues by a report on land use and urban growth issued by a citizen task force headed by Laurance S. Rockefeller. The task force points out that a new mood of limiting or controlling development and growth is sweeping the nation. When cities expand or suburban areas sprout new developments, natural features and open space that have been serving a common interest are threatened. Wetlands supporting the fish-bird-mammal food cycles, aquifer recharge areas (water-bearing bids of rock, sand, or gravel), coastal dunes, forests that reduce floods or prevent erosion of productive agricultural land or cherished scenic meadows—all are jeopardized.

The law has never allowed owners to do entirely as they please with their land. Regulation, however, has always brought owner resistance. Years ago, landowners attacked single-family zoning as a taking of property rights without compensation. But a wide variety of restrictions have evolved and been recognized as allowable regulatory activity within the public interest and not requiring compensation.

While various legal formulas are offered to explain just when compensation is required, courts traditionally uphold regulations designed to protect the public interest as long as some "reasonable use" is left to the property owner. Thus, the mere fact that a property owner cannot make the most personally beneficial use of his property, or is unable to realize speculative investment gains, does not mean that he must be compensated.

The crunch seems to come when regulations do not leave the owner with any economic use of his land at all. If development is the only possible use for the private owner, as is claimed, for instance, in the Great Salt Meadow Case, then it may be argued that an agency which restricts such development should be required to pay compensation.

But if governments are forced to pay full development value for all such areas of critical public interest, this could be so expensive it would inhibit protective legislation entirely. In the Great Salt Meadow Case, the plaintiffs are demanding $77.7 million compensation. More than $200 million in claims have already been filed by landowners against the Lake Tahoe Regional Authority.

"The takings issue is at the heart of the planning problem," says William K. Reilly, staff director of the Rockefeller task force. "If the public cannot compel landowners to maintain critical environmental property in present use without being required to pay compensation, then you can forget about preserving much of what we value in this country.

"It is important to recognize that a vast amount of property will remain in present use for decades to come even without strong public controls," Mr. Reilly adds. "But without these controls the market will decide which land gets developed and which remains as it is. What the task force is recommending is that a process of conscious public choice is a better way to make these decisions, so that development is steered away from the wetlands and beaches, the unique farmlands, and steep mountain slopes."

In a significant recommendation, the Rockefeller task force urges the U.S. Supreme Court to reexamine decisions made in an earlier era before land was recognized as an irreplaceable natural resource instead of as a commodity to be considered for its maximum market value.

In tracing court decisions on the takings issue, the report notes how the U.S. Supreme Court has apparently adapted constitutional language to meet what the court saw as society's contemporary needs.

Of particular importance has been a 1922 decision—Pennsylvania Coal Company v. Mahon. Pennsylvania had passed legislation forbidding coal mining that would cause the surface of land to subside under homes or public buildings. The mining company, in this case, argued that the law was an unconstitutional taking of property by the state because it interfered with the right to pursue mining on their property even if it disturbed other landowners nearby.

### *The Holmes opinion*

In the court's opinion favoring the coal company, Justice Oliver Wendell Holmes said that "the general rule at least, is that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking . . . we are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change."

In dissent, Justice Louis Brandeis argued that compensation should not be required where the facts demonstrated an important public need. A restriction upon the use of property deprives the owner of some right theretofore enjoyed is not a taking when the restriction is imposed to protect the public health, safety, or morals from threatened dangers, Mr. Brandeis said.

"The property so restricted remains in the possession of its owner," wrote Justice Brandeis. "The state does not appropriate it or make any use of it. The state merely prevents the owner from making a use which interferes with the paramount rights of the public."

A more recent (1962) Supreme Court decision, Goldblatt v. Hempstead, upheld state prohibitions for a gravel pit operation in an urban area and did not provide compensation for resulting economic loss. It may have given state courts a signal that they should be moving in this direction.

In the last half century, however, the Supreme Court has only rarely taken cases involving the regulation of land. It has preferred to leave the subject to state courts. Recently, courts in California, Wisconsin, Maine, and Maryland have sustained state land-use controls against owner challenges.

The Rockefeller report says that, at the time of earlier cases, such as Pennsylvania Coal, there was little knowledge of the interrelationships of land uses and their political environmental impacts.

"It would be inconsistent with our constitutional tradition to adhere blindly to these past precedents now that we have better information," the report says, recognizing that courts respond to basic change in society.

Lawmakers in states and localities are warned in the report not to be intimidated by older court decisions. The report urges them to "adopt stringent planning and regulatory legislation whenever they believe it fair and necessary to achieve a land-use objective."

That task force also recommends that courts presume that any change in existing natural ecosystems is likely to have adverse consequences that are difficult to foresee. The proponent of the change should therefore be required to demonstrate, as clearly as possible, the nature and extent of any changes that will result.

Another area of dispute over the "takings" question has developed as a result of recently adopted historic-site preservation laws. While some courts have indicated concern over whether aesthetic preservation is as important as the regulation of safety and health, other courts have upheld efforts to prevent activities that would deface or destroy places of historic or cultural significance.

Since property subject to historic-preservation requirements generally still has some economically reasonable use, preservationists argue that the mere fact that more profit might be made by destroying a historic structure or altering a site does not necessarily justify doing this.

### *Court role involved*

A major case now awaiting decision in the New York County Supreme Court tests the relevance of this rationale as applied to Grand Central Terminal, one of the nation's classic railroad stations. The present owner, who prefers to use the space for a 59-story office building, has challenged New York City's Landmark Preservation Law. Under this law, the station has been declared a historic landmark. The city has turned down the application for the skyscraper. The owner is asking $8 million a year in compensation.

The growth and development of the country will thus be greatly affected by the courts as they seek to determine the adjustments in property rights required in the general public interest. In a recent U.S. Court of Appeals decision, which denied a developer's complaint and upheld six-acre minimum lot zoning in Sanbornton, N.H., Chief Judge Albert W. Coffin summarized the view from the bench:

"This court, like other federal and state courts throughout the country, finds itself caught up in the environmental revolution. Difficult and novel legal and factual questions are posed which require the resolution of conflicting economic, environmental, and human values. The problem inherent in quantifying a 'way of life,' the beauty of an unspoiled mountain, may never be solvable with any degree of certitude.

"Thus basic value judgments will be made by legislatures and voters which courts can review in most instances, not on the basis of the wisdom of these decisions, but rather only to determine whether they are permissible within the relevant statutory and constitutional framework."

---

## Where Do We Grow From Here?

### "STOP GROWTH HERE, AND IT WILL POP UP THERE"

(By Robert Cahn)

WASHINGTON.—Is "no growth" a realistic answer to the overcrowding of the land and environmental decay that threaten many American communities today?

Citizens of some cities, such as Boca Raton, Fla., or Boulder, Colo., have so strong an anti-growth sentiment that they are trying to close their gates. Other cities, caught up in the new mood, are taking such steps as enacting zoning restrictions, denying sewer permits, or imposing building moratoriums to limit growth and development.

These actions appear to be needed and plausible, especially to the citizens living within a threatened area. However, a new report by a prestigious citizen group points out dangers in trying to stop growth on a piecemeal, city-by-city basis.

Nationwide, it must be recognized that, by the end of the century, an additional 54 million people will need living space. "Stop growth here, and it will pop up there; slow it down over there and it will speed up somewhere else, because people are not going to go away," states the report of the Task Force on Land Use and Urban Growth, chaired by Laurance S. Rockefeller.

### *Migrations expected to continue*

The study, commissioned by President Nixon's Citizens' Advisory Committee on Environmental Quality, notes that even with zero population growth the rate at which would not actually level off for about 75 years. The migrations from rural to urban areas and from inner city to outlying suburban areas are expected to continue for some time.

This concentration of population in regional urban constellations will result in five-sixths of the people living in large urban regions by the year 2000. Adding to the housing demand is increase in the number of both young and old living apart from their families. During the 1960's while total population increased about 11 percent, the number of households increased by 17 percent. Each new household takes up living space and requires services. From now until 1985, over 27,000 new households—as many as in a city the size of Ridgewood, N.J.—will be established each week.

Members of the Rockefeller task force warned that while limiting growth and development may be justifiable in order to protect the physical and social environment, restrictions should not be imposed purely for exclusiveness or economic reasons. Growth-limiting measures cannot be applied indiscriminately on a wide scale without affecting the aspirations of millions of Americans who may later seek to exercise their rights of mobility.

Options available for dealing with growth problems are expanding as communities seek their own solutions. The movement is so new that it is not yet clear which of the plans will eventually work out, and which may be unfair or unduly restrictive. Some of the current efforts, however, warrant careful analysis.

Take Boca Raton, Fla., for instance. This community of 41,000, north of Miami, composed mostly of middle-to-upper-income residents, voted last November to establish a ceiling on growth. The city was started as a wealthy private club. It had only 7,000 residents in 1960. But by 1970 it had grown to 28,500. With new oceanfront condominiums attracting retirees from the North, and with an expanding Florida Atlantic University drawing other residents, the city was becoming more crowded than its residents desired. Many of the loudest complainers were the newest arrivals.

### *Dwelling units limited*

At the polls last November, Boca Raton voted a "population cap." This limits to 40,000 the number of dwelling units—both houses and multiple dwellings such as apartments and condominiums—that can ever be built. With an average of 2.5 people per unit, this would mean an ultimate ceiling of 100,000. After that total is reached, the city could deny any more housing-construction permits.

The city already has imposed a moratorium on new building permits in order to prevent a rush of development before the new controls are clamped down. Some developers with building permits, and homeowners desiring to sell, will immediately benefit from the increase of demand over supply. But the law will impose hardships on land owners who expected to develop in the future. The law will undoubtedly be challenged at some time on whether this arbitrary ceiling is in fact exclusionary and goes beyond the constitutional powers of a municipality.

Voters in Boulder, Colo., narrowly defeated a maximum-population limit in November, 1971. The city, 22 miles northwest of Denver, has been one of the leaders in anti-growth sentiment, however, and is doing something about it. A recent report by the American Society of Planning Officials says Boulder is "probably the farthest along of any city in the country when it comes to a public consciousness that growth can be controlled or significantly affected as a matter of public policy."

### *Green-belt plan adopted*

Boulder adopted one of the nation's first locally financed green-belt programs in 1967, voted a sales tax to help support open-space purchase, and has already bought or optioned more than 2,700 acres. With the population jumping from 37,000 to 67,000 between 1960 and 1970, citizens became alarmed with the results of a comprehensive plan that predicted the population of the city and nearby county area would double again in 20 years.

In the same election, when the voters turned down the population ceiling, they adopted a 55-foot height limit on downtown buildings and approved a resolution directing that the local government "take all steps necessary" to hold the rate of growth in the Boulder valley to a level substantially below that of the 1960's. A study supported partly by the federal government is seeking to determine the physical, social, and economic effects of different growth strategies. And the city council in February, 1972, voted to discourage new primary employment centers from locating in the valley.

Although Boulder's planning may, in effect, work to exclude low-income residents, the city is the only one in the Denver area to have a public-housing program.

Meanwhile, a number of communities across the nation have expressed an interest in what has been called the "Ramapo plan," based on the actions of Ramapo, N.Y., in prosperous Rockland County about 35 miles from New York City. Ramapo, which had doubled its population from 1960 to 1970, adopted a time-controlled zoning ordinance in 1969 for the unincorporated 60 square miles of the township.

### *Discrimination charged*

Land for new housing in Ramapo can be developed only after the owner receives a "special permit." This is granted if the land is located in an area served by a minimum level of community facilities. These facilities—sewerage, drainage, parks and recreation areas, roads, and firehouses—are scheduled to be installed in accordance with an 18-year, capital-improvement program. In order to build, an applicant must have a minimum number of points (15) based on so many points for each of the services. He can speed up the schedule only by installing enough of the services himself to gain his required number of points.

This "development timing" plan was taken to court by a developer. But the New York Court of Appeals upheld it last year. Under the new ordinance, the building rate has been cut from approximately 1,000 new dwelling units a year to about 350 a year.

Critics claim that the development-timing regulations work to exclude minority groups. The town had banned any more apartment building. And, it is claimed, at the end of the 18 years, all new residential building could be denied. This would make the plan a measure for establishing a maximum population.

Palo Alto, Calif., throws yet another light on the growth issue. The city's 56,000 residents live within half of the town's acreage. The other half is undeveloped foothills. At one point, the city had been planning 3,480 dwelling units in the lower foothills. It had extended water and sewer lines to the area. But as part of an overall development study for the Palo Alto area, a startling discovery was made. It would actually be cheaper for the city to buy the foothills outright than to allow them to be developed.

The study by the San Francisco planning firm of Livingston & Blaney showed that the cost of schools, roads, police, fire, and other services would far exceed projected tax revenues. The city council used $4 million from its budget to start foothills acquisition. And to prevent development, the city then voted to reduce zoning density in the foothills from one unit per acre to one unit per 10 acres. It also voted to allow a variety of land uses such as golf courses, educational or research institutions, or farms that were consistent with open-space requirements.

### *Conclusions verified*

While the costs versus tax revenue estimates are frequently disputed, other students have verified the Palo Alto conclusions. It is rare these days for a city council or county board of supervisors to accept without questioning a developer's argument that his additional new homes or development will be economically beneficial to an area.

In 1972, the Urban Institute, Washington, D.C., studied 800 residential units and 30 acres of commercial development in a new area surrounding the city of Charlottesville, Va. It found that county expenditures associated with the proposed development would exceed county revenues by $101,000 per year. And a 1970 Stanford Law School study of a 690-acre tract in the city of Half Moon Bay, Calif., showed that the property and other local taxes would fail to pay for the cost of new schools, fire and police protection, and other services. By the time of the development's projected completion in 1982, the population of Half Moon Bay would be increased by 85 percent. The net loss (over tax revenues) to the city for providing services would come to $400,000 a year.

Another projection has been provided by Albert Veri, associate director of the Division of Applied Ecology at the University of Miami. Dr. Veri calculated costs for replacing 20 single-family units with a multiple-family apartment complex which would increase the population to 270 families.

The 270 families would, Dr. Veri calculates, generate a need for 12 acres of public land for open space and recreation, three acres for service industry, four acres for retail stores, 11 more classrooms, 400 more cars, 120,000 more gallons of water per day, and for disposal of 100,000 more gallons of effluent and wastes per day. They would also need two more firemen plus $8,100 per year more equipment, 12 more teachers plus $12,900 per year for facilities, 1,600 more library books, and two miles more of improved streets. An additional $39,000 would be required each year for health services, $4,160 for recreation, and $69,000 for other services.

### *Full challenge ahead*

While courts are beginning to support communities that seek to limit growth, the full dimensions of the challenge have yet to be confronted. No city or town, by itself, can deal with what is essentially a regional, indeed a national, problem.

As an antigrowth measure, the small town of Sanbornton, N.H. (population 1,000), adopted six-acre minimum zoning for the remote sections of the town. This new zoning effectively blocked the plans of a developer who expected to put about 500 family units on his 510 acres, mostly "second homes" for people from nearby metropolitan areas.

In the resulting lawsuit by the developer, U.S. Court of Appeals Judge Albert W. Coffin upheld the zoning as being reasonable to protect the general welfare. He held that the town could consider that hundreds of new homes would have an irreversible effect on the area's ecological balance. They would destroy scenic values, decrease open space, significantly change the rural character of this small town, pose substantial financial burdens for services, and open the way for tides of weekend "visitors" who would own second homes. If the federal government, Judge Coffin said, can require environmental concerns to be considered in its actions, he did not see why Sanbornton could not consider such values in its zoning ordinance.

But Judge Coffin warned in his decision that the town had accomplished its zoning in a most crude manner. He noted that no professional or scientific study was made showing why six-acre zoning rather than four, or eight, is the right way to protect the values cherished by the town. And, although the ordinance may be a legitimate stopgap measure, "Where there is natural population growth, it has to go somewhere, unwelcome as it may be, and in that case we do not think it should be channeled by the happenstance of what town gets its veto in first," said Judge Coffin.

The Sanbornton action typifies the present dilemma—how to prevent the separate actions of the individual communities from being exclusionary and, at the same time, protect the natural values and maintain a livable environment. Statewide land-use controls for critical areas and for placement of major developments, as well as regional planning, are needed, says the Rockefeller task-force report.

### Where the (Court) Action Is—From Connecticut to California

Great Salt Meadow,
*Stratford, Conn.*

The Rykar Industrial Corporation seeks to develop an industrial facility and fill the 277 acres it has owned for more than 20 years in Great Salt Meadow. Local zoning regulations have permitted industrial development in the area since 1927. Development would benefit the area with new jobs and an increased property tax base.

The Rykar application to fill the marsh has been denied by the Commissioner of Environmental Protection under recent state legislation to protect coastal wetlands. Rykar alleges this action constitutes a "taking." It wants $77.7 million compensation from the state.

The commissioner of environmental protection says the Rykar property is part of a tidal wetland subject to flooding, hurricanes, and other natural disasters and that dredging would destroy shellfish grounds. At local hearings, residents warned of dangers to adjoining Long Beach, if dredging is permitted. They argued that the meadow's use as a wildlife area would be damaged by development.

The case now is before the Superior Court of Hartford County, Conn.

Fleur du Lac,
*Lake Tahoe, Calif.*

Owners of Fleur du Lac, a 17-acre site on the western shore of Lake Tahoe, seek to build 60 second-home condominium units. The land, once a vacation retreat for Henry J. Kaiser, is heavily wooded. It has 12 or 13 old buildings and was zoned for medium density. The developer's plan would give maximum protection to trees and other vegetation. But the application has been denied by the Tahoe Regional Planning Agency. The developer says this constitutes a "taking" and asks $4.5 million in compensation. The case is awaiting trial.

The Tahoe agency, required by an interstate compact to deal with development pressures, has lowered the allowable density for Fleur du Lac to one unit per acre. The agency made engineering studies to determine the classification of the land. But it also made its rulings on the basis of reducing maximum use of the entire Lake Tahoe basin to preserve the ecology of the area.

Grand Central Station, New York.

In August, 1967, the New York City Landmarks Preservation Commission designated Grand Central Terminal a "landmark."

Penn Central Railroad, which owns the terminal, and UGP Properties, Inc., lessee of the air rights over the terminal, plan a 59-story structure that would demolish all but the main concourse. The landmarks preservation commission has turned down the plan. Under the landmarks ordinance, which protects only the exterior of the building, the commission is empowered to help the owner find alternative paying uses for an uneconomic landmark. The New York City Planning Commission's suggestion of alternative sites for the floor area that could be developed at Grand Central was not implemented.

The owner and lessee alleged a "taking" and are asking $8 million a year in damages. The case, already tried, is awaiting decision by the Supreme Court, New York County.

Palo Alto Foothills, Calif.

Much of the 7,500 acres composing the foothills behind Palo Alto is suitable for subdivision development. Water and sewage lines were extended to the area after it was annexed by the city. The owner of one 22-acre parcel in the meadows of the upper foothills applied for subdivision approval. This was denied. He claims he purchased the land in 1961 expecting to subdivide and that new low-density zoning comprises a "taking." He asks $445,000 compensation from the city.

Palo Alto, on the basis of a study showing that costs for services would substantially exceed revenues from development of the foothills, adopted an open space ordinance for the entire area, with 10-acre minimum parcel size. The ordinance recognized that open space is a land use equal in importance to the traditional residential and commercial categories.

---

## TRUTH ABOUT RED CHINA'S REPRESSION TOLD BY YOUNG MAN OF STRONG CONVICTIONS

Mr. HELMS. Mr. President, not long ago I had the privilege of meeting a young man who has strong convictions and the courage to act upon them. His name is Wu Shu-jen, and he is a former citizen of Communist China. Mr. Wu, who now lives in Hong Kong, had been groomed by the Communists to move rapidly up into the top cadres of the party. An outstanding student and athlete, he was a water polo champion and a fine swimmer. In fact, he was chosen as one of the bodyguards during Mao Tse-tung's famous swim across the Yangtze River.

But even though he was given every advantage in a Communist society—he was one of the relatively few who were given a college education—the vision of Mao began to go sour. He was also among the elite that was allowed to join the ruling Communist Party, and he became even more aware of the constant indoctrination, the constant control, and the constant repression of the people. Indeed, he saw his own father die after being tortured three times.

Ultimately, Wu Shu-jen chose freedom. His water polo skills paid dividends for his liberty, because he swam through the seas all the way to Hong Kong. Moreover, he had an old man strapped on his back and brought him to freedom, too.

Mr. President, I find the story of Wu Shu-jen inspiring. He has been traveling around the country in recent weeks telling Americans, particularly students, about life in Communist China today and the real possibilities of détente with a repressive system. Everywhere he has gone he has made a real impact, as evidenced in the many interviews published by the local press and campus newspapers.

Mr. President, I ask unanimous consent that a selection of these articles about Wu Shu-jen be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Lynchburg (Va.) News, May 5, 1973]

### REFUGEE'S REPORT EXPOSES LIBERAL LIES ABOUT RED CHINA

Wu Shu-jen, a water polo champion in Communist China, was one of those selected to make sure that Mao Tse-tung did not drown when he swam the Yangtze River in 1966. Mao made it safely, though not at the speed that was announced. Three years later, Wu took another long swim—eight hours in treacherous waters, from the mainland to Hong Kong. With him was the old farmer who had helped him evade Communist police and guided him to the sea.

Wu Shu-jen is one of the 60,000 mainland Chinese who successfully take the long swim to freedom. Many more drown or are intercepted by Red Chinese patrol boats. Every one of the escapees has put his life on the line, preferring death to what passes for existence under a Communist dictatorship. Wu made it, and today he is an engineer in Hong Kong. He is in the United States, speaking to groups around the country of his experience—a tour sponsored by the Committee for a Free China.

He sat in my office—a small, slim man with a quick smile and no bitterness in his eyes. But there was nothing of the "inscrutable Oriental" about him. His speech quickened and his expression darkened when he spoke about what the Communists had done to his father. Wu had once been a party member; he knew what he was talking about.

Wu's father had been a refugee in Hong Kong. For 40 years he had served as a customs officer in China, leaving when the Communists took over. But in 1954, he was persuaded to return by the Communists, who solemnly swore that he would be able to live out his days in peace in China. Two years later, all of his property was confiscated.

During the Cultural Revolution, in 1966, the Communists gave Wu's father, a man of 84, the peace they had promised him. He was dragged before three "struggle rallies" where mobs of 300 to 400 people howled at him, accused him of being a remnant of the Kuomintang, the Nationalist Party of pre-Red China, and systematically beat him. He died soon after.

But more than his father's brutal end turned Wu against the Communist regime. He had been sent to the famous Tsing Hua University in Peking where he became a mechanical engineer. This put him in a privileged class. But as a water polo star, he had other advantages. He was paid ten times what others doing his kind of work received, though he continued to qualify as an "amateur" in international competitions.

During the years of the Cultural Revolution, he witnessed the persecution of intellectuals, sentenced to hard labor for imaginary ideological crimes. He saw the farmers, compelled to turn over 70 per cent of their crop to the government, living in privation and on the borderline of starvation. In 1968, he watched the liquidation of the Red Guards.

Wu's first attempt to escape got him no further from Canton than a neighboring city where he went to work as a tractor repairman, using a false name. When his identity was discovered, a local militia commander helped him get back to Canton and a high official covered up for him. The corruption of the system was instrumental in the success of his second attempt. Scraping together all of his savings, about $100 ($43 U.S.), he bought a pass that could get him to the border. The old farmer showed him the way, cross country and along mountain trails, in exchange for Wu's help on the long swim.

In Hong Kong, Wu was able to elude police authorities for two years. Then, when the British stopped forcibly repatriating escapees, he turned himself in and was issued a residence permit. Like many mainland escapees he chose to remain in Hong Kong where there were family and friends. A free man, he resumed the practice of his profession.

Listening to Wu Shu-jen tell his story, I thought of the glowing accounts by American correspondents and other "instant experts" of life in the mainland paradise. I remembered what their counterparts in Soviet Russia had written of its freedom, prosperity, and tranquility—at the height of the Stalin Terror, when millions were being slaughtered and the rest of the country lived in cold fear of the midnight knock at the door. It's the triumph of propaganda, lived and relived.

---

[From the Marion (Ind.) Chronicle-Tribune, Apr. 26, 1973]

### UNITED STATES MAY HELP CHINESE TYRANTS

(By Paul Scott)

WASHINGTON.—The U.S. will be helping the Chinese Communist government tighten its vice-like grip over the lives of some 700,000,000 Chinese if the Nixon Administration goes through with plans to furnish large-scale credit and trade to the Peking regime. This is the timely warning from Wu Shu-jen, a 38-year-old defector from Communist China and former bodyguard of Mao Tse-tung, as he begins his one-man tour of main street America to tell the story of what is going on in his homeland. Unable to get any high Nixon Administration official to listen to his plea, Wu Shu-jen now is directing it to grass-roots America in hopes the man on the street can influence President Nixon to change his policy of accommodating Communist China.

The former Red Guard official stresses that the Peking regime is counting on massive U.S. help to suppress serious unrest now developing on the mainland from delayed adverse impact of the "cultural revolution" and shortages of food and other goods.

Based on his first hand knowledge and from contacts he still maintains on the mainland. Wu Shu-jen reports that disaffection is growing among the Chinese people and especially among the youth that took part in the "cultural revolution" as red guard members.

"There have been many incidents of open and armed resistance," he states. "Unorganized incidents occur frequently and include destruction of fuel depots, looting of grain storage facilities, and other attacks on local authorities."

By providing Peking with easy credit and large amounts of food grains, Wu Shu-jen contends, the U.S. will give the Mao government "new weapons" to suppress the Chinese people.

The former Chinese Communist Party member, who swam his way to freedom and now resides in Hong Kong, points out that the Mao regime is using a number of stringent measures in addition to the public security system to control the huge Chinese population. These measures include food rationing and household registration.

As Wu Shu-jen tells it:

"Residents do not have the freedom of moving from one place to another; nor are they allowed the freedom of travel. For instance, if an inhabitant of Fushan, which is about 20 kilometers from Canton, wishes to visit a relative in Canton and stay overnight there, he must apply for a 'pass' from the Revolutionary Committee of Fushan before hand.

"The pass would specify that the holder of this pass, a worker, is to travel to Canton and stay overnight at the house of his relative at such an address. Upon his arrival at his relative's he is required to immediately report to the local police precinct. If he violates the law in any way while staying there, the head of his relative's household would be held fully responsible. Besides, only persons of unquestionable background are allowed to travel and visit relatives. There is absolutely no freedom of movement for persons and households on the black list." This list includes several million Chinese.

"Food is strictly controlled. Food coupons are issued on the basis of household registration. To purchase food, one must have coupons. Money alone will not be sufficient. When one visits relatives, he must bring along his own coupons. Otherwise, it would be impossible for others to ask him to stay for lunch or dinner.

"In short, the Chinese Communists, by resorting to such tactics as household food control, background screening and close personal surveillance, have imposed a tight control over the mainland populace who dare not say what they want to say and are deprived of any freedom of movement. They are watched at all times. Such agony can be understood only by those who have experienced it. This explains why so many people have fled the mainland to freedom."

All communications systems are tightly controlled in China by either the Communist Party or the military. Television is uncommon. Receiving sets are extremely expensive and cost more than an ordinary skilled worker can earn in 14 months. Most sets are found in the offices and homes of high-ranking party cadres and military officers. There are only three TV stations—Peking, Shanghai and Canton.

The Peking government is definitely in the heroin business.

While serving as an engineer in a tractor factory in Loyang, Wu Shu-jen visited two "communes," or government farms, where hundreds of acres of poppies were under cultivation for the production of heroin. The names of these "communes" are Huatung and Huashan.

Wu Shu-jen has furnished officials of the Republic of China on Formosa with maps showing the location of a laboratory where the poppies were processed into heroin and packaged for shipment overseas. Much of the heroin is shipped through Hong Kong and Macao for sale by Communist agents to international dope smugglers, he reports.

Wu Shu-jen has offered to pin-point the location of the poppy fields and the heroin plant on maps for American officials so they can check his story by using U.S. satellites and infra-red detection devices. So far, there has been no takers by the Nixon Administration.

In discussing Communist China's aid to Hanoi, the defector reveals that in 1967 Chinese troops were sent to North Vietnam, using the code number of "third detachment" as their unit identification. Their mission was to give logistical support and aid Hanoi's antiaircraft defense.

"I know a man by the name of Chu, who was a section chief of the Hainan military district," states Wu Shu-jen.

"He told me once that Chinese Communist anti-aircraft units in North Vietnam joined Soviet guided missile troops there."

Wu Shu-jen's estimate is that the number of Chinese Communist troops in North Vietnam totaled at least an army corps, or nearly 100,000 personnel.

### Defector Does Not See Split

(By Paul Scott)

Washington.—Along the record number of tourists gathering in this city, two highly important Chinese delegations are in the nation's capital with conflicting missions indicating the signs of our time. Given the red-carpet treatment by the Nixon Administration and the national press is a group of 10 Chinese Communist diplomats led by Han Hsu. As the official representatives of non-free China, they came to open Peking's first mission in Washington and to sell the new "smiling face" diplomacy of the Mao Tse-tung government. Arriving at the same time but completely lost in the crowd was the one man delegation of Wu Shu-jen, a 38-year-old Chinese Communist defector and former Mao bodyguard. In a strange ironic twist of fate, Wu Shu-jen is here working for a free China.

Although a Communist Party member for 10 years before swimming to freedom and a former member of Mao's Red Guard Wu Shu-jen now is exposing the other face behind Peking's new "smiling face" diplomamcy.

As part of the new world of the Kissinger-Nixon diplomacy, Han Hsu's Communist delegation is meeting no roadblocks in telling Peking's cover story here in America. Their smiling faces are being transmitted by TV into every home in the nation. The group's arrival made every daily newspaper in the country. Their ready made forum comes from the new status given Peking by President Nixon.

On the other hand Wu Shu-jen is like a voice crying in the wilderness. In many ways comparable to Paul Revere, Wu Shu-jen now is touring the country warning Americans of the threat to their security from the new "red coat" invasion. His plea is being officially ignored by the Nixon Administration.

This iron curtain of silence comes despite the fact that he has one of the most important and interesting first-hand stories of inside operations of the Mao regime to come out of Communist China in recent years. Like the masses of tourists, with more money to spend than ever here, no official seems interested in what might adversely affect their lives tomorrow.

A graduate of Tsing Hua University with honors, Wu Shu-jen was an engineer in an arsenal in Hanan province and in tractor factories in Loyang and Canton. A member of Red China's water polo team, he was chosen one of Mao's bodyguards during his famed first (1956) swim across the Yangtze River.

As one of the elite Communist Party members, Wu Shu-jen was privy to information of Mao's regime that not even our Central intelligence Agency with its billions of dollars and other vast resources had been able to uncover.

A graphic illustration of his valuable information is his eye-witness report of how the Mao regime is stockpiling large amounts of grain despite withspread shortages and rationing on the mainland.

The reserves now consist of several million tons of wheat, corn and rice and are stored in air-conditioned warehouses in strategic underground areas of China. The gradual build-up of this huge emergency supply has been under way since 1966 when Premier Chou En-lai got Mao to order the stockpiling. The grain is to be used in case food production is disrupted by either war or civil strife when Mao dies.

These massive reserves are under the control of the military and Communist Party leadership close to Premier Chou En-lai, described by Wu Shu-jen is one of the shrewdest and cruelest Communist leaders in the world.

Wu Shu-jen's message is: The U.S. by furnishing U.S. food grains to Communist China, helps the Chou En-lai faction in Peking consolidate its control over the people and to build up the country's strategic food reserve for war. In effect, he says, whoever controls the food in China controls the most powerful weapon in China.

American grain shipments now are being used by Peking to replace some of the older reserve supplies which are being distributed to the Army for its use, according to Wu Shu-jen. U.S. grain also is being used to replace that looted by local residents. For instance, at Hoyuan on the East River in Kwangtung province, 2,000 peasants looted a reserve granary when faced with serious food shortages.

It is Wu Shu-jen's view that Chou En-lai is using the new "smiling diplomacy" to obtain large credits and trade from the Nixon Administration to consolidate the power position of his group before Mao dies.

After Mao is gone, Wu Shu-jen believes the question of leadership in Communist China will become a serious problem. He sees a bloody power struggle that could engulf most of China in a civil war with Russia's possible intervention. It is his opinion that a collective leadership, probably friendly to Moscow and headed by Chou En-lai, will emerge.

Although there is a policy conflict between the present Communist Chinese leadership and Moscow, Wu Shu-jen stressed that they are the common goal of world revolution and the eventual take over of the U.S. "What they are fighting over is the leadership of the Communist camp," states Wu Shu-jen.

Wu Shu-jen notes that a consolidation of power in China by Premier Chou En-lai following Mao's death could lead to a new Peking-Moscow alliance against the U.S. He urges Nixon Administration officials to consider this explosive factor before agreeing to use U.S. trade and credit to build up the economies of Communist China or Russia.

Wu Shu-jen's report on Peking's involvement in North Vietnam and the heroin death trade will be dealt with in the next column.

---

[From the Cleveland (Ohio) Plain Dealer, May 13, 1973]

### Red China's Fugitive Recalls Mao's Swim

(By Robert Dolgan)

Wu Shu-jen fled his native China in 1969 because he feared for his life. The Red Guards, Mao Tse-tung's youthful radicals, had killed his aristocratic father during the cultural revolution of 1966 and Wu thought they might have the same plans for him.

So one night Wu dived into the waters of the Deep Bay in the South China Sea and began swimming. Eight hours later, at 4 in the morning, he arrived in Hong Kong, much wetter and much happier.

Wu is still living there, earning 1,800 Hong Kong dollars a month as a mechanical engineer for a British firm. He is taking three months off from his job to tour the United States on behalf of the Committee for a Free China, which is based in Washington, D.C.

Wu is visiting most of the major U.S. cities, telling of China's troubles under Mao. He spoke at Oberlin College Friday night.

Wu wasn't always antagonistic toward Mao. At one time, he served as a bodyguard for the Chinese strong man. This was during Mao's famous swim through the Yangtze River in 1956.

Wu was picked for the honor because he was a member of the Chinese water polo team. He and 17 other swimmers on the squad, along with four vessels, escorted Mao as he dog-paddled about three miles.

"It was a strong current," said Wu through an interpreter. "It practically carried him downstream. He was about 60 years old at the time. . . . He looked strong for his age."

After graduating from Tsing Hua University, "China's MIT," Wu married, fathered a son and joined the Communist party. But he soon grew disenchanted with the austerity of Communist life. After all, he was the son of a man who had owned seven houses before the Communists confiscated them.

"We were in the factory from 8 in the morning until 9 at night," Wu said. "And everything was rationed. Each person was allowed to buy 25 pounds of rice a month, a pound and a half of pork and fish, a half pound of sugar and four ounces of soap.

"We didn't have cars, television sets or toilet facilities. We had to use outhouses."

Wu even contended that the Chinese moral revolution is overrated. The American delegation to Peking last year came back saying that prostitution was a thing of the past in China. Wu snickers at this. "The girls are in every big city," he said. The pretty ones get $8 a night and the others get $5. It is against the law for them to walk around in public and the penalties are very stiff. But anybody with money would know where to get them."

---

[From the St. Louis (Mo.) Post-Dispatch, May 10, 1973]

### Predicts Revolt in China After Death of Mao

When Mao Tse-tung dies the Chinese people will rise against their Communist rulers, a refugee from China has predicted.

This is the opinion of Wu Shu-jen, a former member of China's water polo team who fled by swimming five miles to Hong Kong in 1969. Wu, now a mechanical engineer in the British Crown Colony, spoke at a press conference yesterday at the Press Club of Metropolitan St. Louis. He is on a speaking tour of the United States sponsored nationally by the Committee for a Free China and locally by the Young Americans for Freedom. Wu spoke at Washington University last night and St. Louis University today.

Wu said that while Mao lives he has complete control over every segment of Chinese society.

Wu, asked about changes in China since the visit there of President Richard M. Nixon last year, said that he considered the Nixon visit part of Mao's plans. Wu said he viewed the rivalry between China and the Soviet Union as a real struggle between the two nations for world leadership.

Wu said he had admired Mao but gradually became disillusioned. For a number of reasons, including the death of his father at the hands of the Communist regime, he decided to leave the country.

Wu, 38 years old, said he expected to rejoin his wife, a son 10, and his mother in China in the foreseeable future "because the Chinese people no longer wish to be ruled by the Communists."

---

[From the Dallas (Tex.) Times Herald, May 1, 1973]

### Visitor Sees Threat to China Rulers

(By Larry Grove)

Refugees by the thousands are swimming to freedom from mainland China and 60 million former Red Guards committed to the hinterlands pose a real threat to Communist rule.

That opinion was expressed in Dallas by Wu Shu-jen, a former Red Guard who swam to freedom himself.

Wu, following an address for the Committee for a Free China at the University of Dallas, said he firmly believes freedom can return to the Chinese mainland under certain conditions:

"First there would have to be an invasion from the outside; or an internal uprising; or Mao's death which certainly will bring a fierce power struggle and a chaotic situation among the disenchanted in China," said the civil engineer who once helped engineer the manufacture of tanks and tractors on the mainland.

At 38, Wu Shu-jen's body still is muscular and well conditioned, befitting a man who once was a favorably treated athlete on Communist China's swimming and water polo team.

Some years ago, when Chairman Mao Tse-tung made his highly publicized swim across the Yangtse River, Shu-jen was swimming alongside—just in case the chairman should run into trouble as he floated with the swift current.

"My only feeling then," said the civil engineer in Dallas on a speaking tour, "was one of admiration. I was conditioned."

That was 1956. Shu-jen was "on top of the world": an engineering graduate of Tsing Hua University, chosen to represent mainland China on the water polo tour of the Soviet Union, Czechoslovakia, and Hungary.

"We never were allowed to be alone on our tours; never were given any local currency. Guards were with us always to discourage defection," he said.

But, at the time, Wu probably wouldn't have defected anyway.

Even before that, in 1955, he played the role of a happy and smiling student when Prime Minister Clement Attlee of Great Britain visited Red China in 1955.

"We would be issued cameras and transistor radios to give us an air of affluence and well-being," he said through a translator. "When the 'moving show' was over," he added, "we gave the transistor radios and cameras back."

He smiles and recalls the same procedure was used before and since—and surely during the Nixon visit. "There is a course in schools on setting up 'moving stages' and performing for foreign visitors," he explained.

His father was a long-time customs official who retired to Hong Kong. In 1954, his father was persuaded to return to Communist China to serve the people as a consultant. His property was confiscated in 1956, but the worst came in 1966. When his father was 84, Wu related. Red Guards broke into his room. He was accused of being a member of Chiang's party.

In front of some 500 people, he was tortured. He died later from the ordeal.

Immediately afterward, during a series of purges taking more and more of his friends, Wu began to fear for his own life. With $100, he bribed a local public security officer and got a travel permit that got him 20 kilometers from a seashore.

"I knew an old farmer and bargained with him. We would go together, by the cover of night, to the seashore. I would take him on a swim to freedom and pay him $3,000 Hong Kong ($600 American).

"We eluded guards and got into the water, an air-pillow strapped to the farmer and bound to me with a nylon cord. We used the lights of the police station in Kowloon as a marker and made the five-mile swim in just under eight hours . . ."

---

From the Dallas (Tex.) Morning News,
Apr. 30, 1973]

### Daily Party Control Told

(By Doug Domeier)

Wu Shu-jen joined the Communist party when he was a college student in Peking in 1958.

"I was never free of party control," he recalled here Sunday.

At Friday night meetings, the party wanted reports on the thoughts and actions of "all those around me," Wu said in an interview.

Unflattering statements about Chairman Mao Tse-tung led to 10-year jail sentences, provided the accused could prove an otherwise solid party record, he said.

"Every day every person is required to take part in three hours of political studies (stressing Mao's teachings), usually after work," said Wu, a 38-year-old engineer who swam to freedom in 1969.

During the Cultural Revolution in 1967, he joined a Red Guard faction in Canton, fighting rival Red Guards and even regular army troops.

Fearing retaliation, he bribed a local cadre into issuing him a travel permit. At the border town of Pao Am, opposite Hong Kong, he began his 8-hour swim to the British colony, where he now lives.

"The great majority of people in China have not benefited" by Communist control, Wu said at the Statler Hilton Hotel.

Using emphatic gestures and expressions, Wu told of daily life in a Chinese city: Food is rationed by stamps, with the government distributing 25 pounds of grain to each person monthly, plus half a pound each of sugar and oil, and one and a half pounds each of pork and fish.

"There is no private ownership (in housing) and each person is given six square meters (roughly six square yards) of living quarters," Wu said.

"When I left, the average monthly salary was $20 in American dollars.

Once a member of China's water polo team, Wu was chosen a "bodyguard" when Mao made his 1956 swim across the Yangtze River "I was swimming about four yards to his left," he recalled.

The "best opportunity" for revolution against the Communist regime will be after Mao's death, Wu said.

He predicted a severe power struggle and pointed out that Premier Chou En-lai, seemingly a logical successor, does not have the support of the Chinese military.

Wu described as a possible "time bomb" the 60 million young people he said have been sent to work on farms in remote provinces. Farm life "is even worse" than city life, he said.

"The final goal of Communism is to 'liberate' the whole world," Wu said.

Wu speaks at 10 a.m. Monday at the University of Plano, at 3 p.m. at Texas Christian University in Fort Worth, and at 8 p.m. at the University of Dallas.

His speaking tour in the United States is sponsored by the Committee for a Free China, based in Washington, D.C.

---

[From the University of Nebraska School of Journalism, Apr. 25, 1973]

### Chinese: Communist Goal Is Liberation

(By Carolyn Beyer)

President Nixon's visit to mainland China left people there with "a sense of disappointment," according to a former Red Guard and member of the Chinese Communist Party.

Wu Shu-jen, who escaped mainland China in 1969, said in an interview Tuesday that the people of Communist China once believed that the United States might relieve them of the miseries of everyday life by ridding them of the Communist regime.

"When Nixon visited mainland China, the Communist government told the people that their government was so strong and powerful the chieftain of the United States had come with the white flag of surrender," Wu said.

"The Communist regime has always been anti-American," he said. "This is because the democracy of the United States hurts their tyrannical rule. The people began to believe that the United States could save them, because the regime feared it. Now, hope has died."

Wu said that the long-range goal of the Communist government in China was to liberate the world.

'Liberate' in quotes," he said. "Their goal is to communize the world, and I don't believe the improvement of United States and Red China's diplomatic relations will affect these long-range goals."

"One of the main reasons for making friends is that Peking fears Soviet aggression from behind," he said. "The friendliness of the United States helped the Communist regime look more powerful. It also diverted the people's attention from domestic problems to diplomatic affairs."

Wu said he keeps in contact with the mainland by talking to other escapees who swim to Hong Kong. He said that about 80,000 attempts were made last year. Of the 80,000, one-fourth succeded.

"Many people hoped for nuclear war between the United States and China," Wu said. "Even if the mainland were destroyed, it would be preferable to a life of misery. The people are willing to die to put the regime out of power."

He said the long lines of people at the Hong Kong post offices sending parcels of clothing and money to their relatives in mainland China was proof of the bad conditions.

"The misery in mainland China has helped start a new business in Hong Kong," he said. "For a fee, businesses will send parcels to mainland China so people do not have to wait in long lines at the post office."

Wu is in the United States on a national speaking tour sponsored by The Committee For A Free China. He is staying at the home of Terrell R. Cannon, state chairman of Young Americans for Freedom, 3141 Prairie Rd.

---

[From the Irving (Tex.) Daily News,
May 3, 1973]

### Former Communist Values Freedom

(By Ginny Wells)

"You know the value of freedom only when you do not have it."

Quoting the ancient proverb in Irving Saturday evening with Wu Shu-jen who showed his appreciation of freedom by swimming eight hours in the dark carrying an elderly man on his back.

The 38-year-old Wu swam to freedom in 1969. He was a member of Communist China's national water polo team and was chosen one of Mao Tse-Tung's "bodyguards" during Mao's famed 1956 swim across the Yangtze River.

An engineering graduate of Ta Tsing Hua University, Wu is in the United States on a two-month tour of college campuses to talk about the situation in Red China.

In Irving on Saturday, he was guest of Dr. and Mrs. Tony Kubek of 2800 Mather Circle. Dr. Kubek lectures each year in the university at Taiwan. Interpreting for the former Communist was Chung-Kai Liu, editor with the Chinese Information Service in New York.

According to Wu, women's lib has "arrived" in Red China because 'all women are liberated' to do all the hard physical labor that only men do in this country. All university students, including women, must do manual labor in the fields and rural areas for two weeks every semester.

"In Red China, women receive maternity leave up to 40 days. If a woman is a Communist party official, she gets 56 days; the ordinary worker gets only 40. Abortion is legal, free and encouraged on mainland China."

Wu's father was a high official in the Chinese customs office. Accused by the Red Guards of being a member of the KMT (Kuomintang) party, his father was tortured and killed at the age of 84 and the family was blacklisted as a counter revolutionary family. Because Wu's wife was a loyal Communist, she was forced to divorce him.

Wu reported that newspapers in Red China carried only brief reports of the Nixon visit. In party meetings, the Communist officials explained why the leader of their number one enemy was coming to visit their country. Their explanation—'China is so strong that the chieftain of the number one enemy is coming to us with a white flag in his hand to surrender.' Nixon's visit was a great disappointment to a majority of the people on the Chinese mainland who had high hopes that the U.S. might be their savior. They realized that the U.S. was the only country in the world strong enough to defeat the Chinese Communist government.

"Most people in China are dissatisfied and if given a chance, would take steps to overthrow the Communists. In the Cultural Revolution a few years ago, many did get a chance to express their anger and resentment. From 1966–1968 there was a big upheaval and a lot of violence. The power struggle between Mao and his enemies gave the people a chance to rise up.

"Each year 60 million young people, women included, are sent to remote provinces to work and they have no choice. As far as college is concerned. there is no discrimination. It depends totally on political background which is carefully screened. The open entrance system has been abolished. There are three categories of colleges"—class one is for science and engineering; class two is for medicine, agriculture and physical education; class three is for literature, history, politics, finance and economics. Even history has been rewritten. All monarchs are 'bad.' Ben Franklin was not a good scientist because he served the ruling class. "Even romance is a subject of interest to the Communists. If you are a party member, your future spouse must be approved by party authorities. They do not try to control the love affairs of the non-party members.

"Girls and boys tend to look alike. All wear the blue or gray Mao tunic, long baggy shapeless trousers and checked jacket of the same material. Girls are not allowed to wear lipstick or colorful dresses. Sometimes in the summer in big cities, some women wear colorful dresses but never in rural areas or in the winter.

"Over 2 million women are party members but it is not easy to become one. Only 17 million or 2 per cent are Communist party members—the minority rule.

"A couple wanting to be married go to the government and apply for a permit. Then they buy candies. That is the only ceremony. In rural villages, sometimes they observe the old Chinese custom of inviting guests to a feast. If divorce is initiated by women, it is easy to obtain but harder for a man to get approval.

"It has never been a policy of the government to break up families but Communist policies succeed in doing it because men and women are put in separate communes. A man may not see his wife for a week. In one family, the six members had to live in six different places. The women have to work because a man does not make enough to support his family.

"Average family income is $42 in Red Chinese currency. That's the equivalent of $20 U.S. a month. For one person, income is 25 Red Chinese dollars or, in U.S. money, $11 a month."

After the Communists killed his father, Wu lived through a number of bloody purges. "I saw friends and relatives killed and realized that I might be the victim of the next purge. In every purge, a per cent of the government officials, party members and intellectuals are purged. After living through 20 such political movements, I decided to escape.

"Every block has its informers and there is a file on every person on the mainland. Every Friday night you have to attend a meeting where reports are made on and by neighbors. In addition, secret reports are constantly being made on individuals.

"Most Chinese know one thing. No place could be worse! That's why they try to escape in every direction. Some to Thailand, Russia, Burma, North Korea, North Vietnam.

"I gave $100 in Red Chinese money to bribe officials for a travel permit to the seaside. It was 150 kilometers, 100 miles, from my village. Hiding through the day, I went by train, bike and walked. After getting lost, I found an old man who said he would guide me if I would carry him to safety on my back because he did not know how to swim.

"At the seaside there were spotlights, guards and police dogs all over. Only four out of 10 succeed in escaping. Many are swept out to sea or captured and killed. It took me eight hours to swim five miles through Deep Bay, part of the South China sea. Currents are strong and many are drowned.

"Here in the United States you take freedom for granted. In China, food is rationed; there are no overweight Chinese. The average person gets 24 pounds of food a month. In rural areas, only 16 pounds each month which includes ½ pound of oil, ½ pound of pork, ½ pound of sugar, 1½ pound of fish. If you have a garden, 70 per cent goes to the government. Very few people can get beef. Oxen are used for plowing and only eaten when they die of old age. Chicken and eggs can only be bought on the black market and that is very expensive.

"There is no drug problem in Red China. Drugs are being grown and shipped abroad by the Communist government. I saw with my own eyes poppies planted on commune farms and navy gunboats carrying drugs produced in laboratories run by the Communists. That is a big source of income for them."

—

[From the University of Washington Daily, May 22, 1973]

### Speaker Gives Different View of Mainland China

(By James Kjeldsen)

The Peking atmosphere had become so unfavorable to Mao Tse Tung before the outbreak of the cultural revolution in 1966 that Mao had to move to his stronghold in Shanghai, said Wu Shu-jen, a former Chinese Communist Party member.

Wu spoke before a crowd of about 50 people Thursday afternoon in the HUB auditorium through an interpreter who translated his speech into English. He was here on behalf of the Young Americans for Freedom. He said that the People's Commune, set up by Mao in 1958, had destroyed the economy of the China mainland by not allowing the farmers to own anything, "not even a chicken," and by forcing them to produce steel in backyard furnaces.

The result, he said, was a complete lack of incentive since no one was willing to work. The People's Commune has now been revised to include three levels of ownership, whereby a "team" of farmers is allowed to keep part of their own harvest as incentive, he said.

Wu said the Chinese rural economy has not recovered since then. The backyard furnaces required fuel and many trees were cut down, he said, the result of which can be seen today in poor irrigation and a lack of food production.

After Mao moved to Shang-hai in 1966, Wu said, he made use of his loyal bosses there to create public opinion as a foundation for the cultural revolution. Mao went after the "cultural field" because that was where the reactionaries were, he said. The cultural revolution developed into an all-out power struggle and expanded into other government departments.

Wu left China after he had become a Communist Party member, he said, and after the Red Guard had tortured his 84-year-old father and black-listed his family. He said his father had been suspected of belonging to Chiang Kai-Shek's Nationalist Party, although he had never actually been associated with it. Wu said he swam across the sea to Hong Kong where he now lives and works.

The most serious danger to mainland China, Wu said, are the groups of young persons sent to work in the outlying provinces. They are forced to quit school, he said, and settle permanently in those places. He described them as the "most disenchanted of the Chinese people." He said there were about 60 million of them altogether.

Among the problems mainland China is experiencing, Wu said, are lack of food production, a total ignorance of light industry and an unwillingness of local military commanders to obey orders from the central command. He said the People's Commune has destroyed the farmers' incentive to work, that the Communist Party favored production of heavy industry so they could support "world revolution," and local officials were often corrupt.

Wu was one of Mao's 17 bodyguards in 1956 when he made his celebrated first swim across the Yangtze River. He described Mao as an "easy-going, chubby fat guy who didn't need a bodyguard, since he would have no trouble floating."

He began his speech saying, "It is my great fortune to have escaped China to come to this great land of freedom." He ended by saying he didn't know much about Chiang Kai-Shek's Nationalist Party policies, but that he would give his support to any government which was anti-communist.

## RECLAMATION OF SURFACE-MINED AREAS

Mr. FANNIN. Mr. President, the Department of the Interior earlier this month conducted a national conference on a resource issue that has received considerable attention within the Congress and across the land.

The conference dealt with reclamation of surface-mined areas and the conversion of them into new park and outdoor recreation sites. Quite appropriately, the conference was originated by Interior's Bureau of Outdoor Recreation under the leadership of its very able Director, James Watt. In order to assure the widest possible involvement of interested groups, Mr. Watt brought into the conference other Federal agencies and, more importantly, the mining and conservation segments of the private sector.

The list of conference sponsors is impressive: The American Fisheries Society, American Forestry Association, National Association of Conservation Districts, National Coal Association, National Recreation and Park Association, Society of American Foresters, Soil Conservation Society of America, and The Wildlife Society.

Representatives of these organizations and the nearly 200 conference participants devoted many hours to preparation and the actual work of the conference this week.

I want to commend them not only for their interest but for their commitment to improving the environment. And by starting now to develop the processes whereby we can institute planning and procedures into the current mining of many areas, we can lessen the need for massive reclamation efforts when the mining function is terminated.

Conferences such as the one sponsored by the Bureau of Outdoor Recreation will go far toward meeting this objective.

The conference high point was the first

major public appearance of Secretary of the Interior Rogers C. B. Morton since he returned to the Capitol from a series of radiation treatments in California. The Secretary's remarks to the conference exhibited a deep sensitivity to the often conflicting problems of development and conservation.

Mr. President, I ask unanimous consent that a transcript of Secretary Morton's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### REMARKS OF SECRETARY OF THE INTERIOR ROGERS C. B. MORTON

Co-sponsors of this conference, participants all, and ladies and gentlemen of the press, it's a real thrill for me to be here in the closing hour of this conference to participate in what I think is the most noble cause you can possibly get into—that is, the whole question of reshaping, remaking, the environment. We are not just executors of the estate of the generation that immediately preceded us. We are not writing the will for the assets and the disposition of assets that we will leave for the next generation. We are delighted at the new sense of awareness that has started in this country. This has to precede the development of technology, it has to precede the actions which we take jointly as individuals, the private sector, local government, national government, and all interested people who come together. It must result in something happening on the ground.

We are delighted to know that this awareness is beginning to exist across the land. I can see it in the mail, I can see it in the faces of those people with whom I talk as I go about the country, I can see it in expressions of people in meetings who are dedicated in getting something either preserved, reclaimed, restored, or set aside. There is a feeling, and we must stay with it, like the skilled and trained surfboarder who must get on his wave and stay with it. Otherwise we will tumble in the surf, the wave will go on behind us or in front of us, and we will not have—we won't have any of the professional input that we are capable of making during our time.

The first experience that I had in this proposition that we are in here today occurred a good many years ago, and I won't tell you how long! But I was able to climb a fence that none of my colleagues could climb. I could get a grip on the top bar; nobody else could do it. And I climbed over the fence into a privately operated quarry pool in Jefferson County, Kentucky, and used to swim at night without paying the 25 cent admission fee to that pool without benefit of lifeguard . . . and usually anything else. This was a limestone quarry, typical of the thousands that exist across this land, some of them no longer being quarried. I'm amazed all the time how many of them seem to hold water, good clear water.

That pool was an example of entrepreneurism taking a depleted resource and coming up with a new use. I don't know whether the man is still in business. I don't know if the quarry is still full of water and is used for swimming. I have a notion that by now someone probably has shut it down. But I don't know that, can't prove that, and won't attempt to.

I think that the fact that so many people sponsored this Conference and that so many people came to it is a good sign of the kind of pressure that is being put on all of us. I asked Jim Watt of BOR at the beginning of this conference how many people he was going to have; he said about a hundred. He ends up having 180. The work I think that we have to do in developing a total land use plan has been well articulated, well laid out. You know the history of land use legislation. We have gone forward with it to the Congress each of the four years that preceded this Administration's second term and we have gone forward with it again. It looks as though after everybody has taken a shot at it. That's the way legislation is usually born, we're going to have some good land use legislation which will institutionalize the States and local governments to take on their responsibility and provide a bridge or a connection between the Federal responsibility and the local input. And this, I think, will be sort of the wrapping around the whole thing, the machinery through which we will approach development of secondary or recycled uses for mined land. The same will apply, just as importantly to recycled uses for other land which has expired as far as its use in the first instance was concerned.

Before I talk about the excitement of recreation involving reclamation, let me say that this also is an opportunity for us to study other uses of mined land. Reforestation, which I think is just as important. Future industrial areas, future housing areas, and all the rest.

Mr. Dwight Rettie of the National Parks and Recreation Society and I were talking at lunch and he said that an interesting thing about Peking is that the central park there is a thousand years old. Well, this is interesting. I think there are at least two important characteristics of the Chinese from which we can learn: One is their infinite patience, and the other, the way they project themselves into the future. They look beyond their own physical lives on earth. I think this is something we've got to start doing a little more. We are not looking far enough into the future to guarantee that what we leave will be better than what we found. I don't think it's fun to live, unless we live under that ethic and under those circumstances. The fact is that the Bureau of Outdoor Recreation now, along with the Bureau of Mines, along with the United States Forest Service, and other agencies of the government have begun to put together a program that will develop the technology, taking its full motivation from awareness of the environmental ethic that exists. We hope we can proceed into the action phases through better land use plans and better land use organizations and better land use planning. The fact that we are attempting this ought to breed a sense of excitement across the country.

Here we are, beginning to do these things. Sure, a lot of Pennsylvania, a lot of my native Kentucky, a lot of West Virginia, a lot of other States in the Union—in fact, almost all—have got some mining blight which they're not proud of. But the interesting thing about it is that now we aren't taking the attitude that it's hopeless, that we've got to stop all mineral extraction from the land. We don't say that we can have no more cement because we are not going to permit any more sand and gravel or that we can have no more heat because we are not going to permit any more coal to be extracted from the land. I think we've passed through that. That was sort of a fog on our thinking horizon and we've come through it.

Now what we're saying is that we've got to achieve a balance; that the challenge of mining has got to be equalled by the challenge of reclamation.

I'm sure that the coal miners here, Carl Bagge of the National Coal Association and the Peabody Coal Company people, feel just as strongly as I do that they've got plenty of time during the course of a mining venture to think in terms of what the final end use of that land is going to be. There's no reason why we can't determine, with our modern technology—certainly after a strip mine area location has been opened up—how long it is going to last at such and such a rate of production. Then we can say to ourselves with reasonable confidence: I think that this mine is going to burn out or this mine is going to be completely depleted in the year of nineteen hundred X. If, for example, it is 1985, why not about 1980 begin setting the wheels in motion with the land planners and with the environmentalists and with all of the people that should be concerned in this second use for that land. I think we can do that; it is something we have never done before.

Dr. Elburt F. Osborn of the Bureau of Mines, in a recent memorandum to me, talked about the total cost of this kind of reclamation in terms of the value of the resource itself. I'm not going to put him on the hook because the cost varies, varies from one location to another. But it averages out at something in the neighborhood of ten or fifteen or twenty cents for $10 a ton value. Now it seems to me that this lies within the economic parameters within which we can deal.

It's with this kind of attitude that I think that we should proceed. If we don't do it, we're going to be in real rough shape, there's no question about it. If we do it, we're going to develop a sense of excitement and a sense of involvement among the many participants, the users. This will be true whether they be, in the case of reclaimed land for recreation, the enjoyer of the land or the facility itself; or in the case of land that's been reforested, the generation that will be able to harvest that land on a sustained yield basis which will be able to add that to the gross national product. So there's where we are.

I believe that Peabody Coal Company's donation of the thousand acres of surface mined coal land at Columbia, Missouri, to be converted into a State Park is still another example of what spirited vision industry and creative government can produce. I want to congratulate them for this. I think it's the way to go. And if I still were on the Ways and Means Committee, I'd probably point out that it probably didn't hurt them taxwise a bit! With the assistance of a matching grant from the Land and Water Conservation Fund, we are putting government and industry together into this $102,000 project. Think of it! We are going to create in central Missouri a park opportunity on land that would otherwise perhaps have been an eyesore or been something that wouldn't have been of very much value to very many people.

There are an awful lot of dimensions to this kind of a project. This effort cost the Federal Government very, very little, when you consider our basic standards for spending. BOR has funded $2½ million for this work of reclaiming surface mined land for recreation in these areas that have been selected across the land. The payoff for that is spectacular. You can't even warm up a space rocket for $2½ million. It costs you more than that to put the punk under it to light it off!

I feel that the right kind of economic incentives should be built into the whole proposition of restoration and reclamation of our mined land. I wasn't factitious when I said that there should be a tax benefit for the contribution that Peabody has made. There should be.

I'm really excited about the fact that the Bureau of Mines, which is essentially a developmental or mining organization, has gone into the research effort to try and come up with new technology, ways and means, of finding the end or searching for a new use that these properties should be put to for the benefit of all mankind. They're doing a good job. I think they have about $2,800,000 in their current budget for this. I hope that as we go downstream and the research proves effective, we could add to that. I think we can.

I believe that the abandonment of land, just abandoning it after it has been used, and of some of our historic old buildings, is a sin; a sin we should no longer live with. Land is too precious in the inventory of our heritage to let that happen. If we tend to abandon things, the next generation that comes along and sees that we didn't care enough to reclaim or restore or reorient will ask what's in it for them. They'll say "Why should we do it—this is part of civilization! This is the exhaust pipe of the civilized combustion operation or system, and we've just got to expect it." Other nations of the world that have had to live on a plot of ground, relatively small compared to ours, have found that they can't live in this atmosphere of abandonment—in this atmosphere of just letting a piece of land or a fine old building go. Either preserve it, reclaim it, or tear it down.

I think we must recognize those simply as housekeeping details that our civilization must have if it is to survive, particularly as we go forward into a more programed finite situation. Even though there's only 2300 years of coal remaining under one set of calculations, there's nothing finite about our basic fossil fuel or mineral resources in the ground. We are now importing minerals that we didn't import for a long time. Look at the amount of iron ore we are bringing in from other countries. Look at the amount of hard rock minerals and specialized minerals that we are bringing in from other countries. Unless we develop a domestic base, we are going to be in deep trouble.

I'm excited that we have not just provided recreation in the reclamation of these areas, and that we have put together these teams with the Bureau of Outdoor Recreation in the center as a catalyst, and with private industry and local government as part of the team. We aren't doing it just so somebody can go out and have a picnic with French bread and wine and a pretty girl in the park. We are leading the way to a new ethic, a new kind of architecture. An architectural ethic that says, and this is what we must do, this: We no longer can abandon, we no long can let the exhaust of our civilization lie unattended across the land. We have an opportunity to meld the works of man and the works of God and nature in a whole new reconstructive way. And when we do that, we develop a sense of excitement, of being a part of this whole thing which is wonderful. Perhaps if we can become part of the creation of new beauty and restoration we will abandon some of our other activities in the area of crime, in the area of self-abandonment that we are seeing in the inner cities. We are increasing the amount of habitat for those elements in the whole natural ecology which will not survive if man does not lend a helping hand such as migratory water fowl, the indigenous species on the land. They are part of us, they are part of us psychologically, they are part of our heritage on this planet. We cannot abandon them. If we will get excited about this proposition, which we can do within the foreseeable future, think of the pace we will set for the next generation.

This has been a good conference. The Bureau of Outdoor Recreation is doing one good job. Jim Watt, you particularly have given it a kind of leadership that I am proud of. You have provided wonderful leadership and I think that the fact that everybody is here, Jim, doing this, the fact that we are putting together a new ethic on the land, will give the Congress a sense of confidence, it will give the whole country a sense of confidence in what we're doing. The fact that you are involving everybody is great, I understand that everybody here has spoken and everybody I'm sure has spoken more wisely than I have. But I am excited about this proposition. We are at the beginning of a new ethic in the environment; I hope we are at the beginning of a new ethic in the consumption and development of energy. I believe that when we roll by the milestone the people who are then in these jobs and are in these seats and before this podium will say, Well, you know, back in the decade of the 70's, they got on the ball and began to do something, and we are all thankful. Thank you very much.

## DOE VERSUS McMILLAN

Mr. METCALF. Mr. President, today the U.S Supreme Court handed down its decision in Doe against McMillan (No. 71–6356). All Members of Congress should give the opinions in this case their closest attention.

The syllabus describes the action of the Court, as follows:

### Doe et al. versus McMillan et al.

### CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 71–6356. Argued December 13, 1972—Decided May 29, 1973.

Petitioners, parents of District of Columbia (D.C.) school children, brought this action seeking damages and declaratory and injunctive relief for invasion of privacy that they claimed resulted from the dissemination of a congressional report on the D.C. school system that included identification of students in derogatory contexts. The named defendants included members of a House committee, Committee employees, a Committee investigator, and a consultant; the Public Printer and the Superintendent of Documents; and officials and employees connected with the school system. The Court of Appeals affirmed the District Court's dismissal of the complaint on the grounds that the first two categories of defendants were immune by reason of the Speech or Debate Clause, and that the D.C. officials and the legislative employees were protected by the official immunity doctrine recognized in *Barr* v. *Matteo*, 360 U.S. 564. *Held:*

1. The congressional committee members, members of their staff, the consultant, and the investigator are absolutely immune under the Speech or Debate Clause insofar as they engaged in the legislative acts of compiling the report, referring it to the House, or voting for its publication. Pp. 4–7.

2. The Clause does not afford absolute immunity from private suit to persons who, with authorization from Congress, perform the function, which is not part of the legislative process, of publicly distributing materials that allegedly infringe upon the rights of individuals. The Court of Appeals, therefore, erred in holding that respondents who (except for the Committee members and personnel) were charged with such public distribution were protected by the Clause. Pp. 7–10.

3. The Public Printer and the Superintendent of Documents are protected by the doctrine of official immunity enunciated in *Barr* v. *Matteo, supra,* for publishing and distributing the report only to the extent that they served legitimate legislative functions in doing so, and the Court of Appeals erred in holding that their immunity extended beyond that limit. Pp. 10–17.

——— U.S. App. D.C. ———, 459 F. 2d 1304, reversed in part, affirmed in part, and remanded.

Mr. President, the committee of which I have the honor to be chairman, the Joint Committee on Congressional Operations, has the duty of identifying Court proceedings of vital interest to the Congress as an institution and calling the attention of the Congress to such proceedings.

Our committee, in discharging this duty, has published and distributed to the Members of Congress from time to time a discussion and compilation of Court decisions of vital interest to the Congress. Six of those reports were published as committee prints in the 92d Congress.

In addition, the committee commenced an inquiry into the constitutional immunity of legislators and recently published the text of preliminary hearings on this subject held by the committee March 21, 27, and 28, 1973, which are available in the committee offices, 1628 Longworth Building. We plan to continue our inquiry into this subject.

Today's decision can have profound effect on the operations of the Congress. It is a subject to which every Senator and every Representative should give his immediate and continuing attention. The Supreme Court decision with the concurring and dissenting opinions speak for themselves. For that reason, Mr. President, I ask unanimous consent the text of the opinions in the case of Doe against McMillan be printed in the Record.

There being no objection, the opinions were ordered to be printed in the Record, as follows:

### Doe Versus McMillan

Supreme Court of the United States; No. 71–6356, John Doe et al., Petitioners, *v.* John L. McMillan et al.; On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit, [May 29, 1973]

Mr. Justice White delivered the opinion of the Court.

This case concerns the scope of congressional immunity under the Speech or Debate Clause of the United States Constitution, Art. I, § 6, cl. 1, as well as the reach of official immunity in the legislative context. See *Barr* v. *Matteo*, 360 U.S. 564 (1959); *Tenney* v. *Brandhove*, 341 U.S. 367 (1951).

By resolution adopted February 5, 1969, H. Res. No. 76, 91st Cong., 1st Sess. 115 Cong. Rec. 2784, the House of Representatives authorized the Committee on the District of Columbia or its subcommittee "to conduct a full and complete investigation and study of . . . the organization, management, operation and administration" of any department or agency of the government of the District of Columbia or of any independent agency or instrumentality of government operating solely within the District of Columbia. The committee was given subpoena power and was directed to "report to the House as soon as practicable . . . the results of its investigation and study together with such recommendations as it deems advisable." On December 8, 1970, a Special Select Subcommittee of the Committee on the District of Columbia submitted to the Speaker of the House a report, H.R. Rep. No. 91–1681, 91st Cong., 2d Sess. (1970), represented to be a summary of the Subcommittee's investigation and hearings devoted to the public school system of the District of Columbia. On the same day, the report was referred to the Committee of the Whole House on the State of the Union and was ordered printed. 116 Cong. Rec. 40311 (1970). Thereafter, the report was printed and distributed by the Government Printing Office pursuant to 44 U.S.C. §§ 501 and 701.

The 450-page report included among its supporting data some 45 pages that are the gravamen of petitioners' suit. Included in the pertinent pages were copies of absence sheets, lists of absentees, copies of test papers, and documents relating to disciplinary problems of certain specifically-named students.[1] The report stated that these materials were included to "give a realisic view" of a troubled school and "the lack of administrative ef-

---

Footnotes at end of article.

forts to rectify the multitudinous problems there," to show the level of reading ability of seventh graders who were given a fifth-grade history test, and to illustrate suspension and disciplinary problems.[2]

On January 8, 1971, petitioners, under pseudonyms, brought an action in the United States District Court for the District of Columbia on behalf of themselves, their children and parents similarly situated. The named defendants were (1) the Chairman and members of the House Committee on the District of Columbia; (2) the Clerk, Staff Director, and Counsel of the Committee; (3) a consultant and an investigator for the Committee; (4) the Superintendent of Documents and the Public Printer; (5) the President and members of the Board of Education of the District of Columbia; (6) the Superintendent of Public Schools of the District of Columbia; (7) the principal of Jefferson High School and one of the teachers at that school; and (8) the United States of America.

Petitioners alleged that, by disclosing, disseminating, and publishing the information contained in the report, the defendants had violated the peitioners' and their children's statutory, constitutional, and common law rights to privacy and that such publication had caused and would cause grave damage to the children's mental and physical health and to their reputations, good names, and future careers. Petitioners also alleged various violations of local law. Petitioners further charged that "unless restrained, defendants will continue to distribute and publish information concerning plaintiffs, their children and other students." The complaint prayed for an order enjoining the defendants from further publication, dissemination, and distribution of any report containing the objectionable material and for an order recalling the reports to the extent practicable and deleting the objectionable material from the reports already in circulation. Petitioners also asked for compensatory and punitive damages.[3]

The District Court, after a hearing on motions for a temporary restraining order and for an order against further distribution of the report, dismissed the action against the individual defendants on the ground that the conduct complained of was absolutely privileged.[4] A divided panel of the United States Court of Appeals for the District of Columbia Circuit affirmed. Without determining whether the complaint stated a cause of action under the Constitution or any applicable law, the majority held that the Members of Congress, the Committee staff employees, and the Public Printer and Superintendent of Documents were immune from the liability asserted against them because of the Speech or Debate Clause and that the official immunity doctrine recognized in *Barr* v. *Matteo, supra,* barred any liability on the part of the District of Columbia officials as well as the legislative employees.[5] We granted certiorari, 408 U.S. 922.

## I

To "prevent intimidation of legislators by the Executive and accountability before a possibly hostile judiciary," *Gravel* v. *United States,* 408 U.S. 606, 617 (1972), Art. I, § 6, cl. 1, of the Constitution provides that "for any Speech or Debate in either House, they [Members of Congress] shall not be questioned in any other Place."

"The Speech or Debate Clause was designed to assume a co-equal branch of the government wide freedom of speech, debate, and deliberation without intimidation or threats from the Executive Branch. It thus protects Members against prosecutions that directly impinge upon or threaten the legislative process." *Gravel* v. *United States, supra,* at 616.[6]

---

Footnotes at end of article.

The Speech or Debate Clause has been read "broadly to effectuate its purposes," *United States* v. *Johnson,* 383 U.S. 169, 180 (1966); *Gravel* v. *United States, supra.* at 624, and includes within its protections anything "generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn* v. *Thompson,* 103 U.S. 168, 204 (1880); *United States* v. *Johnson, supra,* at 179; *Gravel* v. *United States, supra,* at 624; *Powell* v. *McCormack,* 395 U.S. 486, 502 (1969); *United States* v. *Brewster,* 408 U.S. 501, 509, 512–513 (1972). Thus "voting by Members and committee reports are protected" and "a Member's conduct at legislative committee hearings, although subject to judicial review in various circumstances, as is legislation itself, may not be made the basis for a civil or criminal judgment against a Member because that conduct is within the 'sphere of legitimate legislative activitv.'" *Gravel* v. *United States suvra.* at 624.

Without belaboring the matter further, it is plain to us that the complaint in this case was barred by the Speech or Debate Clause insofar as it sought relief from the Congressmen-Committee members, from the committee staff, from the consultant, or from the investigator, for introducing material at committee hearings that identified particular individuals, for referring the Report that included the material to the Speaker of the House, and for voting for publication of the report. Doubtless, also, a published report may, without losing Speech or Debate Clause protection, be distributed to and used for legislative purposes by Members of Congress, congressional committees, and intitutional or individual legislative functionaries. At least in these respects, the actions upon which petitioners sought to predicate liability were "legislative acts," *Gravel* v. *United States, supra,* at 618, and, as such, were immune from suit.[7]

Petitioners argue that including in the record of the hearings and in the Report itself materials describing particular conduct on the part of identified children was actionable because unnecessary and irrelevant to any legislative purpose. Cases in this Court, however, from *Kilbourn* to *Gravel* pretermit the imposition of liability on any such theory. Congressmen and their aides are immune from liability for their actions within the "legislative sphere." *Gravel* v. *United States, supra,* at 624–625, even though their conduct, if performed in other than legislative contexts, would in itself be unconstitutional or otherwise contrary to criminal or civil statutes. Although we might disagree with the Committee as to whether it was necessary or even remotely useful, to include the names of individual children in the evidence submitted to the Committee and in the Committee Report, we have no authority to oversee the judgment of the Committee in this respect or to impose liability on them if we disagree with their legislative judgment. The acts of authorizing an investigation pursuant to which the subject materials were gathered, holding hearings where the materials were presented, preparing a Report where they were reproduced, and authorizing the publication and distribution of that Report were all "integral part[s] of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House." *Id.,* at 625. As such, the acts were protected by the Speech or Debate Clause.

Our cases make perfectly apparent, however, that everything a Member of Congress may regularly do is not a legislative act within the protection of the Speech or Debate Clause. "[T]he Clause has not been extended beyond the legislative sphere," and "[l]egislative acts are not all-encompassing." *Id.,* at 624–625. Members of Congress may frequently be in touch with and seek to influence the Executive Branch of Government, but this conduct "though generally done, is not protected legislative activity." *Id.,* at 625; *United States* v. *Johnson, supra.* Nor does the Speech or Debate Clause protect a private republication of documents introduced and made public at a committee hearing, although the hearing was unquestionably part of the legislative process. *Gravel* v. *United States, supra.*

The proper scope of our inquiry, therefore, is whether the Speech or Debate Clause affords absolute immunity from private suit to persons who, with authorization from Congress, distribute materials which allegedly infringe upon the rights of individuals. The respondent insists that such public distributions are protected, that the Clause immunizes not only publication for the information and use of Members in the performance of their legislative duties but also must be held to protect "publications to the public through the facilities of Congress." Public dissemination, it is argued, will serve "the important legislative function of informing the public concerning matters pending before Congress . . . . " Brief for Legislative Respondents, p 27.

We do not doubt the importance of informing the public about the business of Congress. However, the question remains whether the act of doing so, simply because authorized by Congress must always be considered "an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings" with respect to legislative or other matters before the House. *Gravel* v. *United States, supra,* at 625. A Member of Congress may not with impunity publish a libel from the speaker's stand in his home district, and clearly the Speech or Debate Clause would not protect such an act even though the libel was read from an official committee report.[8] The reason is that republishing a libel under such circumstances is not an essential part of the legislative process and is not part of that deliberative process "by which members participate in committee and House proeedings." *Gravel* v. *United States, supra,* at 625. By the same token, others, such as the Superintendent of Documents or the Public Printer or legislative personnel, who participate in distributions of actionable material beyond the reasonable bounds of the legislative task, enjoy no Speech or Debate Clause immunity.

Members of Congress are themselves immune from ordering or voting for a publication going beyond the reasonable requirements of the legislative function, *Kilbourn* v. *Thompson, supra,* but the Speech or Debate Clause no more insulates legislative functionaries carrying out such nonlegislative directives than it protected the sergeant-at-arms in *Kilbourn* v. *Thompson* when, at the direction of the House, he made an arrest that the courts subsequently found to be "without authority." *Id.,* at 200.[9] See also *Powell* v. *McCormack,* 395 U. S., at 504; cf. *Dombrowski* v. *Eastland,* 387 U. S. 82 (1967). The Clause does not protect "criminal conduct threatening the security of the person or property of others, whether performed at the direction of the Senator in preparation for or in execution of a legislative act or done without his knowledge or direction." *Gravel* v. *United States, supra,* at 622. Neither, we think, does it immunize those who publish and distribute otherwise actionable materials beyond the reasonable requirements of the legislative function.[10]

Thus we cannot accept the proposition that in order to perform its legislative function Congress not only must at times consider and use actionable material but also must be free to disseminate it to the public at large, no matter how injurious to private reputation that material might be. We cannot believe that the purpose of the Clause—"to prevent intimidation of legislators by the Executive and accountability before a possibly hostile judiciary," *Gravel* v. *United States, supra,* at 617; *Powell* v. *McCormack, supra,* at 502; *United States* v. *Johnson, supra,* at 181—will suffer in the slightest if it is held that those who, at the direction of Congress or otherwise, distribute actionable material to the public at large have no automatic immunity under the Speech or Debate Clause but must respond to private suit to the extent that others must respond in light of the Constitution and applicable laws.[11] To hold otherwise would be to invite gratuitous injury to citizens for little if any public purpose. We are unwilling to sanction such a result, at least absent more substantial evidence that, in order to perform its legislative function, Congress must not only inform the public about the fundamentals of its business but also must distribute to the public generally materials otherwise actionable under local law.

Contray to the suggestions of our dissenting Brethren, we cannot accept the proposition that our conclusion, that general, public dissemination of materials otherwise actionable under local law is not protected by the Speech or Debate Clause, will seriously undermine the "informing function" of Congress. To the extent that the Committee report is printed and internally distributed to Members of Congress under the protection of the Speech or Debate Clause, the work of Congress is in no way inhibited. Moreover, the internal distribution is "public" in the sense that materials internally circulated, unless sheltered by specific congressional order, are available for inspection by the press and by the public. We only deal, in the present case, with general, public distribution beyond the halls of Congress and the establishments of its functionaries, and beyond the apparent needs of the "*due* functioning of the [legislative] process." *United States* v. *Brewster, supra,* at 516.

That the Speech or Debate Clause has finite limits is important for present purposes. The complaint before us alleges that the respondents caused the committee report "to be distributed to the public," that "distribution of the report continues to the present," and that "unless restrained, defendants will continue to distribute and publish" damaging information about petitioners and their children. It does not expressly appear from the complaint, nor is it contended in this Court, that either the Members of Congress or the Committee personnel did anything more than conduct the hearings, prepare the Report, and authorize its publication. As we have stated, such acts by those respondents are protected by the Speech or Debate Clause and may not serve as a predicate for a suit. The complaint was therefore properly dismissed as to these respondents. Other respondents, however, are alleged to have carried out a public distribution and to be ready to continue such dissemination.

In response to these latter allegations, the Court of Appeals, after receiving sufficient assurances from the respondents that they had no intention of seeking a republication or carrying out further distribution of the report, concluded that there was no basis for injunctive relief. But this left the question whether any part of the previous publication and public distribution by respondents other than the Members of Congress and Committee personnel went beyond the limits of the legislative immunity provided by the Speech or Debate Clause of the Constitution. Until that question was resolved, the complaint should not have been dismissed on threshold immunity grounds, unless the Court of Appeals was correct in ruling that the action against the other respondents was foreclosed by the doctrine of official immunity, a question to which we now turn.[12]

## II

The official immunity doctrine, which "has in large part been of judicial making," *Barr* v. *Matteo,* 360 U.S. 564, 569 (1959), confers immunity on government officials of suitable rank for the reason that "officials of government should be free to exercise their duties unembarrassed by the fear of damage suits in respect of acts done in the course of those duties—suits which would consume time and energies which would otherwise be devoted to governmental service and the threat of which might appreciably inhibit the fearless, vigorous, and effective administration of policies of government." *Id.,* at 571.[13] The official immunity doctrine seeks to reconcile two important considerations—

"[O]n the one hand, the protection of the individual citizens against pecuniary damage caused by oppressive or malicious action on the part of officials of the Federal Government; and on the other, the protection of the public interest by shielding responsible governmental officers against the harassment and inevitable hazards of vindictive or ill-founded damage suits brought on account of action taken in the exercise of their official responsibilities." *Id.,* at 565.

In the *Barr* case, the Court reaffirmed existing immunity law but made it clear that the immunity conferred might not be the same for all officials for all purposes. *Id.,* at 573; see also *Tenney* v. *Brandhove,* 341 U.S. at 378; *Dombrowski* v. *Eastland,* 387 U.S. 82, 85 (1967). Judges, like executive officers with discretionary functions, have been held absolutely immune regardless of their motive or good faith. *Barr* v. *Matteo, supra,* at 569; *Pierson* v. *Ray,* 386 U.S. 547, 553–555 (1967). But policemen and like officials apparently enjoy a more limited privilege. *Id.,* at 555–558. Also, the Court determined in *Barr* that the scope of immunity from defamation suits should be determined by the relation of the publication complained of to the duties entrusted to the officer. *Barr* v. *Matteo, supra,* at 573–574; see also the companion case, *Howard* v. *Lyons,* 360 U.S. 593, 597–598 (1959). The scope of immunity has always been tied to the "scope of authority." *Wheeldin* v. *Wheeler,* 373 U.S. 647, 651 (1963). In the legislative context, for instance, "[t]his Court has not hesitated to sustain the rights of private individuals when it found Congress was acting outside its legislative role." *Tenney* v. *Brandhove, supra,* at 377. Thus, we have recognized "the immunity of legislators for acts within the legislative role," *Pierson* v. *Ray, supra,* at 554 (1967), but have carefully confined that immunity to protect only acts within "the sphere of legitimate legislative activity." *Tenney* v. *Brandhove, supra,* at 376; cf. *Powell* v. *McCormack, supra,* at 486.

Because the Court has not fashioned a fixed, invariable rule of immunity but has advised a discerning inquiry into whether the contributions of immunity to effective government in particular contexts outweighs the perhaps recurring harm to individual citizens there is no ready-made answer as to whether the remaining federal respondents—the Public Printer and the Superintendent of Documents—should be accorded absolute immunity in this case. Of course, to the extent that they serve legislative functions, the performance of which would be immune conduct if done by congressmen, these officials enjoy the protection of the Speech or Debate Clause. Our inquiry here, however, is whether, if they participate in publication and distribution beyond the legislative sphere, and thus beyond the protection of the Speech or Debate Clause, they are nevertheless protected by the doctrine of official immunity. Our starting point is at least a minimum familiarity with their functions and duties.

The statutes of the United States create the office of the Public Printer to manage and supervise the Government Printing Office, which, with certain exceptions, is the authorized printer for the various branches of the Federal Government. 44 U. S. C. § 301. "Printing and binding may be done at the Government Printing Office only when authorized by law." § 501. The Public Printer is authorized to do printing for Congress, §§ 701–741, 901–910, as well as for the Executive and Judicial Branches of Government, §§ 1101–1123. The Public Printer is authorized to appoint the Superintendent of Documents with duties concerning the distribution and sale of documents. §§ 1701–1722.

Under the applicable statutes, when either House of Congress orders a document printed, the Printer is to print the "usual number" unless a greater number is ordered. § 701. The "usual number" is 1,682, to be divided between bound and unbound copies and distributed to named officers or offices of the House and Senate, to the Library of Congress, and to the Superintendent of Documents for further distribution "to the State libraries and designated depositories." *Ibid.*[14] There are also statutory provisions for the printing of extra copies, § 702, bills and resolutions, § 706–708, public and private laws, postal conventions, and treaties, §§ 709–712, journals, § 713, the Congressional Directory, § 721–722, memorial addresses, § 723–724, and the Statutes at Large, § 728–729. Section 733 provides that "[t]he Public Printer on order of a Member of Congress, on prepayment of costs, may reprint documents and reports of committees together with the evidence papers submitted, or any part ordered printed by the Congress."

With respect to printing for the Executive and Judicial Branches, it is provided that "[a] head of an executive department . . . may not cause to be printed, and the Public Printer may not print, a document or matter unless it is authorized by law and necessary to the public business." § 1102(a). The executive departments and the courts are to requisition printing by certifying that it is "necessary for the public service." § 1103.

The Superintendent of Documents has charge of the distribution of all public documents except those printed for use of the executive departments, "which shall be delivered to the departments," and for either House of Congress, "which shall be delivered to the Senate Service Department and House of Representatives Publications Distribution Service." § 1702. He is thus in charge of the public sale and distribution of documents. The Public Printer is instructed to "print additional copies of a Government publication, not confidential in character, required for sale to the public by the Superintendent of Documents," subject to regulation by the Joint Committee on Printing. § 1705.

It is apparent that under this statutory framework, the printing of documents and their general distribution to the public would be "within the outer perimeter" of the statutory duties of the Public Printer and the Superintendent of Documents. *Barr* v. *Mateo, supra,* at 575. Thus, if official immunity automatically attaches to any conduct expressly or impliedly authorized by law, the Court of Appeals correctly dismissed the complaint against these officials. This however, is not the governing rule.

The duties of the Public Printer and his appointee, the Superintendent of Documents, are to print, handle, distribute, and sell government documents. The Government Printing Office acts as a service organization for the branches of the Government. What it prints is produced elsewhere and is printed and distributed at the direction of the Congress, the departments, the independent agencies and offices, or the Judicial Branch of the Government. The Public Printer and Superintendent of Documents exercise discretion only with respect to estimating the demand for particular docu-

---

Footnotes at end of article.

ments and adjusting the supply accordingly. The existence of a Public Printer makes it unnecessary for every government agency and office to have a printer of its own. The Printing Office is independently created and manned and imbued with its own statutory duties; but, we do not think that its independent establishment carries with it an independent immunity. Rather, the Printing Office is immune from suit when it prints for an executive department for example, only to the extent that it would be if it were part of the department itself or, in other words, to the extent that the department head himself would be immune if he ran his own printing press and distributed his own documents. To hold otherwise would mean that an executive department could acquire immunity for non-immune materials merely by presenting the proper certificate to the Public Printer, who would then have the duty to print the material. Under such a holding, the department would have a seemingly foolproof method for manufacturing immunity for materials which the court would not otherwise hold immune if not sufficiently connected with the "official duties" of the department. *Howard* v. *Lyons*, 360 U.S., at 597.

Congress has conferred no express, statutory immunity on the Public Printer or the Superintendent of Documents. Congress has not provided that these officials should be immune for printing and distributing materials where those who author the materials would not be. We thus face no statutory or constitutional problems in interpreting this doctrine of "judicial making." *Barr* v. *Matteo*, 360 U. S., at 569. We do, however, write in the shadow of *Bd. of Regents of State Colleges* v. *Roth*, 408 U. S. 564 (1972), and *Wisconsin* v. *Constantineau*, 400 U. S. 433 (1971), where the Court advised caution "[w]here a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him. . . ." *Id.*, at 437. We conclude that, for the purposes of the judicially fashioned doctrine of immunity, the Printer and the Superintendent of Documents are no more free from suit in the case before us than would be a legislative aide who made copies of the materials at issue and distributed them to the public at the direction of his superiors. See *Dombrowski* v. *Eastland*, 387 U. S. 82 (1967). The scope of inquiry becomes equivalent to the inquiry in the context of the Speech or Debate Clause, and the answer is the same. The business of Congress is to legislate; congressmen and aides are absolutely immune when they are legislating. But when they act outside the "sphere of legitimate legislative activity," *Tenney* v. *Brandhove*, 341 U. S., at 376, they enjoy no special immunity from local laws protecting the good name or the reputation of the ordinary citizen.

Because we think the Court of Appeals applied the immunities of the Speech or Debate Clause and of the doctrine of official immunity too broadly, we must reverse its judgment and remand the case for appropriate further proceedings.[15] We are unaware, from this record, of the extent of the publication and distribution of the Report which has taken place to date. Thus we have little basis for judging whether the legitimate legislative needs of Congress, and hence the limits of immunity, have been exceeded. These matters are for the lower courts in the first instance.

Of course, like the Court of Appeals, we indicate nothing as to whether petitioners have pleaded a good cause of action or whether respondents have other defenses, constitutional or otherwise. We have dealt only with the threshold question of immunity.[16]

The judgment of the Court of Appeals is reversed in part and affirmed in part, and the case is remanded to the Court of Appeals for further proceedings consistent with this opinion.

*So ordered.*

#### FOOTNOTES

[1] The Court of Appeals' opinion terms the materials "somewhat derogatory." The absentee lists named students who were frequent "class cutters." Of the 29 test papers published in the report, 21 bore failing grades; all included the name of the student being tested. The letters, memoranda, and other documents relating to disciplinary problems detailed conduct of specifically named students. Some of the deviant conduct described involved sexual perversion and criminal violations.

[2] The information was obtained voluntarily from District of Columbia school personnel by Committee investigators.

[3] The prayer also included a request for an injunction prohibiting future disclosure of "confidential information" and requiring the District of Columbia School Board "to establish rules and regulations regarding the confidentiality of school papers and the right of privacy of students in the schools of the District of Columbia."

[4] The District Court also dismissed the suit against the United States for failure to exhaust administrative remedies. 28 U.S.C. § 2675(a). That ruling is not challenged here.

[5] The Court of Appeals also independently found that injunctive relief would not issue because of assurances from the federal defendants that no republication or further distribution of the Report was contemplated. With respect to petitioners' request for injunctive relief against the District of Columbia officials, the Court found that, because of the adoption of new policies concerning confidential information, "there is no substantial threat of future injury to appellants."

[6] "Our speech or debate privilege was designed to preserve legislative independence, not supremacy. Our task, therefore, is to apply the Clause in such a way as to insure the independence of the legislature without altering the historic balance of the three co-equal branches of Government." *United States* v. *Brewster*, 408 U.S. 501, 508 (1972).

[7] In *Gravel*, we held that "the Speech or Debate Clause applies not only to a Member but also to his aides insofar as the conduct of the latter would be a protected legislative act if performed by the Member himself." *Gravel* v. *United States*, 408 U.S., at 618.

[8] The republication of a libel, in circumstances where the initial publication is privileged, is generally unprotected. See generally Harper & James, The Law of Torts, § 5.18 (1956); Prosser, Torts, 766–769 (4th ed. 1971). See also *Gravel* v. *United States*, 408 U.S. at 622–627.

[9] "In *Kilbourn*, the Speech or Debate Clause protected House Members who had adopted a resolution authorizing Kilbourn's arrest; that act was clearly legislative in nature. But the resolution was subject to judicial review insofar as its execution impinged on a citizen's rights as it did there. That the House could with impunity order an unconstitutional arrest afforded no protection for those who made the arrest." *Gravel* v. *United States*, 408 U. S., at 61S.

[10] Although, as pointed out by my dissenting Brethren, the acts of Senator Gravel were not ordered or authorized by Congress or a congressional committee, *Gravel* v. *United States*, 408 U. S., at 626, the fact of congressional authorizational for the questioned act is not sufficient to insulate the act from judicial scrutiny. In *Powell* v. *McCormack*, 395 U. S. 486 (1969), for instance, we reviewed the acts of House employees "acting pursuant to express orders of the House." *Id.*, at 504. We concluded that "although an action against a Congressman may be barred by the Speech or Debate Clause, legislative employees who participated in the unconstitutional activity are responsible for their acts." *Ibid.* See also *Kilbourn* v. *Thompson*, 103 U. S. 168 (1881); *Dombrowski* v. *Eastland*, 387 U. S. 82 (1967).

[11] We have no occasion in this case to decide whether or under what circumstances, the Speech or Debate Clause would afford immunity to distributors of allegedly actionable materials from grand jury questioning, criminal charges, or a suit by the executive to restrain distribution, where Congress has authorized the particular public distribution.

[12] While an inquiry such as provided in the present case, because it involves two coordinate branches of Government, must necessarily have separation of powers implications, the separation of powers doctrine has not previously prevented this Court from reviewing the acts of Congress, see, e. g., *Kilbourn* v. *Thompson, supra; Dombrowski* v. *Eastland, supra*, even when the Executive Branch is also improved, see, e. g., *United States* v. *Brewster; Gravel* v. *United States, supra.*

[13] Both before and after *Barr*, official immunity has been held applicable to officials of the Legislative Branch. See *Tenney* v. *Brandhove*, 341 U.S. 367 (1951); *Dombrowski* v. *Eastland*, 387 U.S. 82 (1967).

[14] For the authorization to supply sufficient copies for such distribution see § 738. The Public Printer is also required to furnish the Department of State with 20 copies of all congressional documents and reports. 44 U.S.C. § 715.

[15] With respect to the District of Columbia respondents, the Court of Appeals found that they were acting within the scope of their authority under applicable law and, as a result were immune from suit. We do not disturb the judgment of the Court of Appeals in this respect.

[16] We thus have no occasion to consider Art. I, § 5, cl. 3, which requires that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy . . ."; nor need we deal with publications of the Judicial Branch and the legal immunities that may be attached thereto.

---

### Doe Versus McMillan

Mr. Chief Justice Burger, concurring in part and dissenting in part.

I cannot accept the proposition that the judiciary has power to carry on a continuing surveillance of what Congress may and may not publish by way of reports on inquiry into subjects plainly within the legislative powers conferred on Congress by the Constitution. The inquiries conducted by Congress here were within its broad legislative authority and the specific powers conferred by cl. 17, § 8, Art. I.

It seems extraordinary to me that we grant to the staff aides of Members of the Senate and the House an immunity that the Court today denies to a very senior functionary, the Public Printer. Historically and functionally the Printer is simply the extended arm of the Congress itself, charged by law with executing congressional commands.

Very recently, in *United States* v. *Brewster*, 408 U.S. 501, 516 (1972), we explicitly took note of the "conscious choice" made by the authors of the Constitution to give broad privileges and protection to Members of Congress for acts within the scope of their legislative function. As Justices Blackmun and Rehnquist have demonstrated so well, the acts here complained of were not outside the traditional legislative function of Congress. I join fully in the concurring and dissenting opinions of Mr. Justice Blackmun and Mr. Justice Rehnquist, *post*, ———.

---

### Doe Versus McMillan

Mr. Justice Douglas, whom Mr. Justice Brennan and Mr. Justice Marshall join, concurring

I agree with the Court that the issue tendered is justiciable, and that the complaint states a cause of action. Though I join the opinion of the Court, I amplify my own views as they touch on the merits.

I

Respondents, relying primarily on *Gravel* v. *United States*, 408 U.S. 606, urge that the Report, concededly part and parcel of the legislative process, is immune from the purview of the courts under the Speech or Debate Clause of Art. I, § 6, of the Constitution.[1] In *Gravel* we held that neither Senator Gravel nor his aides could be held accountable or questioned with respect to events occurring at the subcommittee hearing at which the Pentagon Papers were introduced into the public record. The immunity in that case attached to the Senator and his aides, and there is no intimation whatsoever that committee reports are sacrosanct from judicial scrutiny. In fact, the Court disclaimed any need to "address issues that may arise when Congress or either House, as distinguished from a single Member, orders the publication and/or public distribution of committee hearings, reports, or other materials."[2] *Id.*, at 626 n. 16.

"Legislative immunity does not, of course, bar all judicial review of legislative acts." *Powell* v. *McCormack*, 395 U.S. 486, 503. "The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions." *Id.*, at 505. This has been clear since Chief Justice Marshall's seminal decision in *Marbury* v. *Madison*, 1 Cranch. 137. We always have recognized the "judicial power to determine the validity of legislative actions impinging on individual rights." *Gravel* v. *Unted States, supra,* at 620.

In *Kilbourn* v. *Thompson*, 103 U.S. 168, the Court's first decision to consider the Speech or Debate Clause, the Court held unconstitutional a resolution of the House ordering the arrest of Kilbourn for refusing to honor a subpoena of a House investigating committee, since the House had no power to punish for contempt. Although the Court barred a claim for false imprisonment against Members of the House, it nevertheless reached the merits of Kilbourn's claim and allowed an action against the House's Sergeant At Arms, who had executed the warrant for Kilbourn's arrest.

*Dombrowski* v. *Eastland*, 387 U.S. 82 involved suits for an injunction and for damages against a Senator who headed a subcommittee of the Senate Judiciary Committee and counsel to the subcommittee for wrongful and unlawful seizure of property in violation of the Fourth Amendment. We agreed that the complaint against the Senator must be dismissed because the record "does not contain evidence of his involvement in any activity that could result in liability." *Id.*, at 84. As respects counsel to the subcommittee we held, in reliance on *Tenney* v. *Brandhove*, 341 U.S. 367, that the immunity granted by the Speech or Debate Clause "is less absolute, although applicable, when applied to officers or employees of a legislative body, rather than to legislators themselves." 387 U.S., at 85. Accordingly, we remanded the case against counsel to the subcommittee for trial because there was "a sufficient factual dispute" to require a trial. Acts done in violation of the Fourth Amendment—like assaults with fists or clubs or guns—or outside the protective ambit of the Speech or Debate Clause; *certainly violations of the Fourth Amendment are not within the scope of a legitimate legislative purpose.*

A striking illustration of the same principle was stated in *Watkins* v. *United States*, 354 U.S. 178, 188: "The Bill of Rights is applicable to investigations as to all forms of governmental action. Witnesses cannot be compelled to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the First Amendment freedoms of speech, press, religion, or political belief and association be abridged." And see *Barenblatt* v. *United States*, 360 U.S. 109, 153, 166 (dissenting opinions). A witness subpoenaed to testify before a congressional committee may not be forced to reveal his beliefs. One's conscience and thoughts are matters of privacy as is the whole array of one's beliefs or values. And, as *Watkins* indicates, a witness refusing to so testify may not be punished for contempt. *Violations of the commands of the First Amendment are not within the scope of a legitimate legislative purpose.*

I cannot agree, then, that the question for us is "whether [public dissemination], simply because authorized by Congress, must always be considered 'an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings' with respect to legislative or other matters before the House." A legislator's function in informing the public concerning matters before Congress or concerning the administration of Government is essential to maintaining our representative democracy. Unless we are to put blinders on our Congressmen and isolate them from their constituents, the informing function must be entitled to the same protection of the Speech or Debate Clause as those activities which relate directly and necessarily to the immediate function of legislating. See *Gravel* v. *United States, supra,* at 634–637 (DOUGLAS, J., dissenting), 649–662 (BRENNAN, J., dissenting). In my view the question to which we should direct our attention is whether the House Report infringes upon the constitutional rights of petitioners and therefore is subject to scrutiny by the federal courts.

II

The House authorized its District Committee "to conduct a full and complete investigation and study of . . . (1) the organization, management, operation and administration of any department or agency of the government of the District of Columbia; (2) the organization, management, operation and administration of any independent agency or instrumentality of government operating solely in the District of Columbia."[3]

It was pursuant to this investigation and study that the Report in effect brands certain named students as juvenile delinquents. As stated by Judge Wright in his dissent below:

"The material included in the Committee report is not, as the majority contends, merely 'somewhat derogatory.' One disciplinary letter, for example, alleges that a specifically named child was 'involved in the loss of fifty cents' and 'invited a male substitute to have sexual relations with her, gapping her legs open for enticement.' Similar letters accused named children of disrespect, profanity, vandalism, assault and theft. Of the 29 test papers published in the report, 21 bore failing grades. Yet appellants seek only to prohibit use of the children's names without their consent. They do not contest the propriety of the investigation generally, nor do they seek to enjoin the conclusions or text of the report. Indeed, they do not even challenge the right of Congress to examine and summarize the confidential material involved. They wish only to retain their anonymity." 459 F. 2d 1304, 1324.

We all should be painfully aware of the potentially devastating effects of congressional accusations. There are great stakes involved when officials condemn individuals by name. The age of technology has produced data banks into which all social security numbers go; and following those numbers go data in designated categories concerning the lives of members of our communities. Arrests go in, though many arrests are unconstitutional. Acts of juvenile delinquency are permanently recorded and they and other alleged misdeeds or indiscretions may be devastating to a person in later years when he has outgrown youthful indiscretions and is trying to launch a professional career or move into a position where steadfastness is required.

Congress, in naming the students without justification exceeded the "sphere of legitimate legislative activity." *Tenney* v. *Brandhove, supra,* at 376. There can be no question that the resolution authorizing the investigation and study expressed a legitimate legislative purpose. Nevertheless, neither the investigatory nor, indeed, the informing function of Congress authorizes any "congressional power to expose for the sake of exposure." *Watkins* v. *United States, supra,* at 200. To the contrary, there is simply "no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress." *Id.* at 187. The names of specific students were totally irrelevant to the purposes of the study. The functions of the Committee would have been served equally well if the students had remained anonymous.

It is true, of course, that members of Congress may, even in a case such as this, retain their immunity under the Speech or Debate Clause. But in this case, both the Public Printer and the Superintendent of Documents, official agencies entrusted by Congress with printing responsibilities, are named as defendants. And in the context of this case, such defendants may be held responsible for their actions. See *Powell* v. *McCormack, supra; Dombrowski* v. *Eastland, supra; Kilbourn* v. *Thompson, supra.*

At the very least petitioners are entitled to injunctive relief. The scope of the injunction and against whom it should operate only can be determined upon remand after a full hearing on the facts. We cannot say whether there is a threat of future public distribution or whether it will be feasible for any person subject to the equitable powers of the court to excise the students' names from Reports previously distributed. With respect to damages—that is, whether respondents, including the members of the District of Columbia government if a valid claim is stated against them, are protected by the doctrine of official immunity as set forth in the opinion for the Court—I agree that it is a matter for the lower courts in the first instance.

FOOTNOTES

[1] That Clause in relevant part provides: ". . . and for any Speech or Debate in either house, [Senators and Representatives] shall not be questioned in any other Place."

[2] The Committee report was transmitted to the House by the Chairman of the Committee, was referred to the Calendar of the Committee of the Whole House on the State of the Union, and was ordered to be printed.

[3] H. Res. 76, 91st Cong., 1st Sess., 115 Cong. Rec. 2784.

### DOE VERSUS MCMILLAN

MR. JUSTICE REHNQUIST, with whom THE CHIEF JUSTICE and MR. JUSTICE BLACKMUN join, and with whom MR. JUSTICE STEWART joins as to Part I, concurring in part and dissenting in part.

I concur in the Court's holding that the respondent Members of Congress and their committee aides and employees are immune under the Speech or Debate Clause for preparation of the Committee Report for distribution within the halls of Congress. I dissent from the Court's holding that Members of Congress might be held liable if they were in fact responsible for public dissemination of a committee report, and that therefore the Public Printer or the Superintendent of Documents might likewise be liable for such distribution. And quite apart from the immunity which I believe the Speech or Debate Clause confers upon congressionally authorized public distribution of committee reports, I believe that the principle of separation of powers absolutely prohibits any form of injunctive relief in the circumstances here presented.

### I

In *Gravel* v. *United States,* 408 U.S. 606 (1972), we decided that the Speech or Debate Clause of the Constitution did not protect private republication of a committee report, but left open the question of whether publication and public distribution of such reports authorized by Congress would be included within the privilege. 408 U.S., at 626 n. 16. While there are intimations in today's opinion that the privilege does not cover such authorized public distribution, the ultimate holding is apparently that the District Court must take evidence and determine for itself whether or not such publication in this case was within the "legitimate legislative needs of Congress," *ante,* at 18.

While there is no reason for a rigid, mechanical application of the Speech or Debate Clause, there would seem to be equally little reason for a completely ad hoc, factual determination in each case of public distribution as to whether that distribution served the "legitimate legislative needs of Congress." A supposed privilege against being held judicially accountable for an act is of virtually no use to the claimant of the privilege if it may only be sustained after elaborate judicial inquiry into the circumstances under which the act was performed. This disposition is particularly anomalous when viewed in light of our earlier views on the scope of the constitutional privilege to the effect that it is "not consonant with our scheme of government for a court to inquire into the motives of legislators." *Tenney* v. *Brandhove,* 341 U.S. 367, 377 (1951). A factual hearing in the District Court could scarcely avoid inquiry into legislative motivation.

Previous decisions of this Court have upheld the immunity of Members whenever they are "acting in sphere of legitimate legislative activity." *Tenney* v. *Brandhove, supra,* 341 U.S., at 376. In *Kilbourn* v. *Thompson,* 103 U.S. 168 (1880), we held that this immunity extends to everything "generally done in a session of the House by one of its members in relation to the business before it." 103 U.S., at 204. This relatively expansive interpretation of the scope of immunity has been consistently reaffirmed. *United States* v. *Johnson,* 383 U.S. 169, 179 (1966); *United States* v. *Brewster,* 408 U.S. 501, 509 (1972).

The subject matter of the Committee Report here in question was, as the Court notes, concededly within the legislative authority of Congress. Congress has jurisdiction over all matters within the District of Columbia, U.S. Const., Art. I, § 8, cl. 17, and the Committee was authorized by the full House to investigate the District's public school system. H.R. Res. 76, 91st Cong., 1st Sess., 115 Cong. Rec. 2784 (1969). And we have held that with respect to the preliminary inquiries, such as the findings here represent, concerning potential legislation, Congress' power "is as penetrating and far-reaching as potential power to enact and appropriate under the Constitution." *Barenblatt* v. *United States,* 360 U.S. 109, 111 (1959).

In *Kilbourn* v. *Thompson, supra,* 103 U.S., at 204, *Powell* v. *McCormack,* 395 U.S. 486, 502 (1969), and *Gravel* v. *United States, supra,* 408 U.S., at 624, the Court has held that committee reports are absolutely privileged. In neither *Kilbourn* nor *Powell* was any distinction intimated between internal and public distribution of the reports. And while the question was reserved in *Gravel,* a comparison of the factual background surrounding Senator Gravel's reading into the committee record, the Pentagon Papers, and the limited publication apparently undertaken here, indicates that the difference in actual effect between the two is indeed minimal. The only difference between Senator Gravel's widely publicized reading, in the presence of numerous spectators and journalists, and the public distribution of this report, is that the former was confined within the legislative halls. But it can scarcely be doubted that information produced at a publicly attended committee hearing within the legislative halls may well as a practical matter receive every bit as much public circulation as information contained in a committee report which is itself publicly circulated.

To the extent that public participation in a relatively open legislative process is desirable, the Court's holding makes the materials bearing on that process less available than they might be. And the limitation thus judicially imposed is squarely contrary to the expressed intent of Congress. The Committee Report was ordered printed by the full House sitting as a Committee of the Whole. Congressional Record, volume 116, part 30, page 40311. It was thereafter printed and distributed by the Government Printing Office solely in accordance with statutory provisions. 44 U.S.C. §§ 501, 701 (1970). These provisions state specifically that the Public Printer may print only the number of copies designated by the Congress, such number, in the absence of contrary indication, being "the usual number" established by statute as 1,682. These copies may be distributed only "among those entitled to receive them." *Id.,* at § 701(a). The distributees are specifically designated in the statute itself. *Id.,* at § 701 (c). Extra copies may be printed only by simple, concurrent, or joint resolution. *Id.,* at § 703. Thus every action taken by the Public Printer and the Superintendent of Documents, so far as this record indicates, was under the direction of Congress.

I agree with the Court that the Public Printer and the Superintendent of Documents have no "official immunity" under the authority of *Barr* v. *Matteo,* 360 U.S. 564 (1959). There is no immunity there when officials are simply carrying out the directives of officials in the other branches of government, rather than performing any discretionary function of their own. But for this very reason, if the body directing the publication or its Members would be immune from themselves publishing and distributing, the Printer and the Superintendent should be likewise immune. I do not understand the Court to hold otherwise. Because I would hold the Members immune had they undertaken the public distribution, I would likewise hold the Superintendent and the Printer immune for having done so under the authority of the resolution and statute. The Court's contrary conclusion, perhaps influenced by the allegations of serious harm to the petitioners contained in their complaint, unduly restricts the privilege. The sustaining of any claim of privilege invariably forecloses further inquiry into a factual situation which, in the absence of privilege, might well have warranted judicial relief. The reason why the law has nonetheless established categories of privilege has never been better set forth than in the opinion of Judge Learned Hand in *Gregoire* v. *Biddle,* CA2, 177 F.2d 579:

"It does indeed go without saying that an official, who is in fact guilty of using his powers to vent his spleen upon others, or for any other personal motive not connected with the public good, should not escape liability for the injuries he may so cause; and, if it were possible in practice to confine such complaints to the guilty, it would be monstrous to deny recovery. The justification for doing so is that it is impossible to know whether the claim is well founded until the case has been tried, and that to submit all officials, the innocent as well as the guilty, to the burdens of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties. Again and again the public interest calls for action which may turn out to be founded on a mistake, in the face of which an official may later find himself hard put to it to satisfy a jury of his good faith. There must indeed be means of punishing public officers who have been truant to their duties; but that is quite another matter from exposing such as have been honestly mistaken to suit by anyone who has suffered from their errors. As is so often the case, the answer must be found in a balance between the evils inevitable in either alternative. In this instance it has been thought in the end better to leave unredressed the wrongs done by dishonest officers than to submit those who try to do their duty to the constant dread of retaliation."

### II

Entirely apart from the immunity conferred by the Speech or Debate Clause on these respondents, I believe that the principle of separation of powers forbids the granting of injunctive relief by the District Court in a case such as this. We have jurisdiction to review the completed acts of the Legislative and Executive Branches. See *e.g., Marbury* v. *Madison,* 1 Cranch 137 (1803); *Youngstown Sheet and Tool Co.* v. *Sawyer,* 343 U.S. 579 (1952); *Kilbourn* v. *Thompson, supra.* But the prospect of the District Court enjoining a committee of Congress, which, in the legislative scheme of things, is for all practical purposes Congress itself, from undertaking to publicly distribute one of its reports in the manner that Congress has by statute prescribed that it be distributed, is one that I believe would have boggled the minds of the Framers of the Constitution.

In *Mississippi* v. *Johnson,* 4 Wall. 475 (1886), an action was brought seeking to enjoin the President from executing a duly enacted statute on the ground that such executive action would be unconstitutional. The Court there expressed the view that I believe should control the availability of the injunctive relief here:

"The Congress is the legislative department of the government, the President is the executive department. Neither can be restrained in its action by the judicial department; though the acts of both, when performed, are, in proper cases, subject to its cognizance." *Id.,* at 500.

In *Kilbourn* v. *Thompson, supra,* the Court reviewed the arrest and confinement of a private citizen by the Sergeant-at-Arms of the House of Representatives. In *Watkins* v. *United States,* 354 U.S. 178 (1957), the Court reviewed the scope of the investigatory powers of Congress when the executive had prosecuted a recalcitrant witness and sought a judicial forum for the purpose of imposing criminal sanctions on him. Neither of these cases comes close to having the mischievous possibilities of censorship being imposed by one branch of the Government upon the other as does this one.

In *New York Times* v. *United States,* 403 U.S. 713 (1971), this Court held that prior restraint comes before it bearing a heavy burden. *Id.,* at 714. Whatever may be the difference in the constitutional posture of the two situations, on the issue of injunctive relief, which is nothing if not a form of prior restraint, a Congressman should stand in no worse position in the federal courts than does a private publisher. *Cf. Hurd* v. *Hodge,* 334 U.S. 24, 34–35 (1948). Purely as a matter of regulating the exercise of federal equitable jurisdiction in the light of the principle of separation of powers, I would foreclose the availability of injunctive relief against these respondents.

---

### Doe Versus McMillan

Mr. Justice Blackmun, with whom The Chief Justice joins, concurring in part and dissenting in part.

I join Mr. Justice Rehnquist's opinion, *post,* —, but add some comments of my own.

Each step in the legislative report process, from the gathering of information in the course of an officially authorized investigation to and including the official printing and official distribution of that information in the formal report, is legitimate legislative activity and is designed to fulfill a particular objective. More often than not, when a congressional committee prepares a report, it does so not only with the object of advising fellow Members of Congress as to the subject matter, but with the further objects (1) of advising the public of proposed legislative action, (2) of informing the public of the presence of problems and issues, (3) of receiving from the public, in return, constructive comments and suggestions, and (4) of enabling the public to evaluate the performance of their elected representatives in the Congress. The Court has recognized and specifically emphasized the importance, and the significant posture, of the committee report as an integral part of the legislative process when, repeatedly and clearly, it has afforded speech or debate coverage for a Member's writing, signing, or voting in favor of a committee report just as it has for a Member's speaking in formal debate on the floor. *Gravel v. United States,* 408 U.S. 606, 617, 624 (1972); *Powell v. McCormack,* 395 U.S. 486, 502 (1969); *Kilbourn v. Thompson,* 103 U.S. 168, 204 (1881).[1] That protection is preserved by the Court in this case, *ante,* pp. 5–7, because the Court appreciates that Congress must possess uninhibited internal communication.

The Court previously has observed that Congress possesses the power "to inquire into and publicize corruption, maladministration or inefficiency in the agencies of the Government" because the public is "entitled to be informed concerning the workings of its government." *Watkins v. United States,* 354 U.S. 178, 200 and n. 33 (1957). Indeed, as to this kind of activity, Woodrow Wilson long ago observed. "The informing function of Congress should be preferred even to its legislative functions."[2] The Speech or Debate Clause is an outgrowth of the English doctrine that the courts should not be utilized as instruments to impede the efficient functioning of Parliament. *Kilbourn v. Thompson,* 103 U.S., at 201–205. Because the "informing function" is an essential attribute of an effective Legislative Branch, I feel the Court's curtailment of that function today violates the historical tradition signified textually by the Speech or Debate Clause and underlying our doctrine of separation of powers.

It may be that a congressional committee's activities and report are not protected absolutely by the Speech or Debate Clause. One may assume that there must be a legitimate legislative purpose in undertaking the investigation or hearing that culminates in the report. *Watkins* v. *United States,* 354 U.S. at 200; *Barenblatt* v. *United States,* 360 U.S. 109 (1959). I suggest, however, that the publication and distribution of a report compiled in connection with an officially authorized investigation is as much an "integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation," *Gravel* v. *United States,* 408 U.S. at 625, as is the gathering of information or writing and voting for the publication of the report. In the case before us, there can be no question that the activities of the District of Columbia Committee of the House of Representatives were officially authorized and undertaken for a proper legislative purpose. Plenary jurisdiction over the District of Columbia is specifically vested in Congress by Art. I, § 8, of the Constitution.[3] Matters such as the quality of education afforded by the District's schools, and the administrative problems they face, obviously are within the scope of the jurisdiction of the District Committee. In this case, it legitimately undertook its investigation of the administration of the school system.[4] At the conclusion of its investigation the Committee decided, as did the Committee of the Whole House on the State of the Union,[5] that, as a matter of legislative judgment, the report should be printed. It was stated that attachments to one portion thereof were included to "give a realistic view" of a troubled school "and the lack of administrative efforts to rectify the multitudinous problems there."[6] The report was printed and distributed by the Government Printing Office pursuant to 44 U.S.C. §§ 501 and 701.[7] This decision, though reasonable men well may differ as to its wisdom, was a conscious exercise of legislative discretion constitutionally vested in the Legislative Branch and not subject to review by the judiciary. Indeed, as Mr. Justice Rehnquist observes, *post,* p. 2, this Court has stated that it is "not consonant with our scheme of government for a court to inquire into the motives of legislators." *Tenncy* v. *Brandhove,* 341 U.S. 367, 377 (1951).

Although the Court in the present case holds that the gathering of information, the preparation of a report, and the voting on a resolution authorizing the printing of a committee report are protected activities under the Speech or Debate Clause, it renders that protection for Members of Congress and legislative personnel less than meaningful by further holding that the authorized public distribution of a committee document may be enjoined and those responsible for the distribution held liable when the document contains materials "otherwise actionable under local law." *Ante,* p. 10. The Court's holding thus imposes on Congress the onerous burden of justifying, apparently by "substantial evidence," *ibid.,* the inclusion of allegedly actionable material in committee documents.[8] This, unfortunately, ignores the realities of the "deliberative and communicative processes," *Gravel* v. *United States,* 408 U.S., at 625, by which legislative decisionmaking takes places.

Although it is regrettable that a person's reputation may be damaged by the necessities or the mistakes of the legislative process,[9] the very act of determining judicially whether there is "substantial evidence" to justify the inclusion of "automobile" information in a committee report is a censorship that violates the congressional free speech concept embodied in the Speech or Debate Clause[10] and is, as well, the imposition of this Court's judgment in matters textually committed to the discretion of the Legislative Branch by Art. I of the Constitution. I suspect that Chief Justice Marshall and his concurring Justices would be astonished to learn that the time-honored doctrine of judicial review they enunciated in *Marbury* v. *Madison,* 1 Cranch 137 (1803), has been utilized to foster the result reached by the Court today.[11]

Stationing the federal judiciary at the door of the Houses of Congress for the purpose of sanitizing congressional documents in accord with this Court's concept of wise legislative decisionmaking policy appears to me to reveal a lack of confidence in our political processes and in the ability of Congress to police its own members. It is inevitable that occasionally, as perhaps in this case, there will be unwise and even harmful choices made by Congress in fulfilling its legislative responsibility. That, however, is the price we pay for representative government. I am firmly convinced that the abuses we countenance in our system are vastly in our system are vastly outweighed by the demonstrated ability of the political process to correct overzealousness on the part of elected representatives.

FOOTNOTES

[1] We are to read the Speech or Debate Clause "broadly to effectuate its purposes." *United States* v. *Johnson,* 383 U.S. 169, 180 (1966); *Gravel* v. *United States,* 408 U.S. 606, 624 (1972). The "central role" of the Clause is "to prevent intimidation of legislators by the Executive and accountability before a possibly hostile judiciary," *Gravel* v. *United States supra,* 408 U.S., at 617. The breadth of coverage of the Speech or Debate Clause must be no less extensive than the legislative process it is designed to protect, for the Clause insures for Congress "wide freedom of speech, debate, and deliberation without intimidation from the Executive Branch," *Gravel* v. *United States,* 408 at 616, or I might suppose, from the judiciary.

[2] It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but, more than that, that the only really self-governing people is that people which discusses and interrogates its administration," W. Wilson, Congressional Government, 303 (1895).

[3] Article I, § 8:

"The Congress shall have Power . . .

* * * * *

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States. . . ."

[4] House Resolution 76, 91st Cong., 1st Sess., Congressional Record, vol. 115, pt. 3, p. 2784, authorized the Committee, "as a whole or by subcommittee . . . to conduct a full and complete investigation" of the "organization, management, operation, administration of any department or agency," and of "any independent agency or instrumentality" of government in the District of Columbia.

[5] Congressional Record, vol. 116, pt. 30, p. 40311.

[6] H. R. Rep. No. 91–1681, 91st Cong., 2d Sess., 212 (1970).

[7] The Court notes, *ante,* p. 17, apparently in alleviation of its conclusion as to possible liability, that a specific statutory grant of immunity to the Public Printer and the Superintendent of Documents relieving them of personal liability for the distribution of an unprotected document has not been conferred. But it is not clear how, if liability otherwise exists, such a grant of immunity would shield these public servants in a case involving alleged constitutional violations. Thus, the Court has placed the Public Printer and Superintendent of Documents in the untenable position either of accepting the risk of personal liability, whenever a congressional document officially is printed and distributed, or of violating the specific command of a congressional resolution ordering the printing and distribution.

[8] An interesting dilemma is presented by the possibility of an injunction against distribution where "otherwise actionable" material is printed in the Congressional Record. The Court recognizes the existence of this problem and reserves its resolution for another day. *Ante,* p. 19, n. 16. The Congressional Record, however, receives wide public distribution on a regular basis and it is not an uncommon occurrence for all or part of a committee report or other document to be

read into the Record by a Member of Congress. In light of the Court's holding in this case, it is conceivable that, in lieu of separate publication as a committee document, a committee report containing possibly actionable material hereafter will be printed in the Record in order to effectuate public distribution. It appears to me almost beyond question that an injunction against the distribution of the Congressional Record is clearly precluded by the Speech or Debate Clause and by the Constitution's Art. I, § 5, cl. 3, providing that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy."

[9] Only last Term, in *United States* v. *Brewster*, 408 U.S. 501, 516–517 (1972), the Court emphasized that

"In its narrowest scope, the [Speech or Debate] Clause is a very large, albeit essential, grant of privilege. It has enabled reckless men to slander and even destroy others with impunity, but that was the conscious choice of the Framers. . . . The authors of our Constitution were well aware of the history of both the need for the privilege and the abuses that could flow from too sweeping safeguards. In order to preserve other values, they wrote the privilege so that it tolerates and protects behavior on the part of Members not tolerated and protected when done by other citizens, but the shield does not extend beyond what is necessary to preserve the integrity of the legislative process."

[10] I do not reach the question whether the withholding of information from the public with respect to matters being considered by elected representatives in any way diminishes protected First Amendment values.

[11] "The premise that courts may refuse to enforce legislation they think unconstitutional does not support the conclusion that they may censor congressional language they think libelous. We have no more authority to prevent Congress, or a committee or public officer acting at the express direction of Congress, from publishing a document than to prevent them from publishing the Congressional Record. If it unfortunately happens that a document which Congress has ordered published contains statements that are erroneous and defamatory, and are made without allowing the persons affected an opportunity to be heard, this adds nothing to our authority. Only Congress can deal with such a problem." *Methodist Federation for Social Action* v. *Eastland*, 141 F. Supp. 729, 731–732 (DC 1956 (three-judge court)).

---

## ADDITIONAL NATIONAL FORESTS IN ALASKA

**Mr. STEVENS.** Mr. President, on April 6, local 60 in Seward, Alaska, of the International Longshoremen's and Warehousemen's Union passed Resolution No. 73–1 urging the inclusion of approximately 44-million acres in additional national forests for Alaska as part of the recommendations of the Joint Federal-State Land Use Planning Commission and recommendations of the Secretary of the Interior under the Alaska Native Claims Settlement Act. This resolution also supported legislation to create such new national forests.

This is an important concept and one of great interest to many Alaskans.

I request unanimous consent that this resolution be printed in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 73–1

A Resolution Relating To The National Conservation System: Designations Under Section 17(d)(2)(A) Of The Alaska Native Claims Settlement Act.

Be it resolved by the International Longshoremen's and Warehousemen's Union Local No. 60:

Whereas Section 17(d)(2)(A) of the Alaska Native Claims Settlement Act of December 18, 1971, provides for the creation of or for the addition to existing units of wildlife refuges, wild and scenic rivers, national forests and national parks; and

Whereas, of these four (4) systems, Congress did, in 1960, pass the Multiple Use and Sustained Yield Act which directed that National Forest lands be prudently managed to produce a combination of values, such as outdoor recreation, watershed, timber, wilderness, range or wildlife, in order to serve the best interests of the American people; and

Whereas, while this method is adopted by the other agencies for their management direction, only in the National Forest System is multiple use currently directed by an act of the Congress; and

Whereas the multiple use-sustained yield philosophy in management provides for considerably more options to meet the needs of the majority of Alaska workers, as well as all working Americans, now and in the future, consistent with sound environmental protection; and

Whereas the Joint Federal-State Land Use Planning Commission and the Secretary of the Interior, Rogers C. B. Morton, are to recommend to the Congress which lands are to be contained within each of the four (4) systems; and

Whereas these recommendations and their enactment into law are of paramount concern to the working people of the State of Alaska;

Be it resolved by the International Longshoremen's and Warehousemen's Union Local 60 that its members respectfully request the Joint Federal-State Land Use Planning Commission and the Secretary of the Interior to consider to the fullest practical extent, inclusion of at least the approximate 44 million acres in new national forests for Alaska, as set forth by the Forest Service's Alaska Planning Team Document, U.S. Department of Agriculture, dated July 1972, and that they subsequently make such a recommendation to the Congress of the United States; and be it

Further resolved that the Alaska delegation in the Congress is respectfully requested to join with the Joint Federal-State Land Use Planning Commission to encourage the introduction of legislation to create the approximate 44 million acres of new national forests within the 80 million acres provided for in Section 17(d)(2)(A) of the Alaska Native Claims Settlement Act.

Copies of this Resolution shall be transmitted to the Honorable Richard M. Nixon, President of the United States; the Honorable Rogers C. B. Morton, Secretary, Department of the Interior; the Honorable Earl L. Butz, Secretary, Department of Agriculture; the Chairman of the U.S. Senate and the U.S. House Interior and Insular Affairs Committees; Governor William A. Egan, Co-chairman, Joseph Josephson, Co-chairman Designee, and Mr. Jack O. Horton, Co-chairman, Land Use Planning Commission of Alaska; the Honorable Mike Gravel; the Honorable Ted Stevens, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Adopted by the International Longshoremen's and Warehousemen's Union this 6th day of April 1973.

---

## VENTURA COUNTY GENERAL APPRENTICESHIP ADVISORY COMMITTEE CONDUCTS 25TH ANNUAL GRADUATION CEREMONIES

**Mr. TUNNEY.** Mr. President, the Ventura County General Apprenticeship Advisory Committee will conduct their 25th annual graduation ceremonies on June 15, 1973. Eighty public spirited citizens representing both labor and management in the construction industry comprise this committee. Working in conjunction with Ventura College and the division of apprenticeship standards, they have trained young people to become journeymen bricklayers, carpenters, electricians, glaziers, lathers, painters, plasterers, plumbers, and sheet metal workers through the outstanding apprenticeship program which they have developed. Sixty-five graduates will receive joint apprenticeship committee diplomas in this 25th graduation ceremony held by the committee. Just as the diplomas will attest to the skills acquired by the graduates in the building trades, the program attests to outstanding initiative and leadership by, and cooperation between, labor, management, education, and government.

The Ventura County General Apprenticeship Advisory Committee should be congratulated and commended for its contributions to the future of California and to the lives of the graduates. A program such as this one, which provides young people with skills that are in great demand due to the unprecedented growth both in California and in the construction industry, warrants our support and our encouragement.

---

## OPIC AND THE DEVELOPMENT PROCESS

**Mr. JAVITS.** Mr. President, to complete the 5-year span originally contemplated for the operations of the Overseas Private Investment Corporation and because of delay in its organization after authorization in 1969 an extension is needed from June 30, 1974, to June 30, 1976. Today I had the honor to testify before the Foreign Economic Policy Subcommittee, Representative JOHN CULVER, chairman, in aid of legislation to this effect.

I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

### TESTIMONY OF SENATOR JACOB K. JAVITS

### OPIC AND THE DEVELOPMENT PROCESS

It is a privilege for me to appear again before the Subcommittee on Foreign Economic Policy, which I had the honor to chair from 1952 to 1954. It is also a privilege for me to appear before this Committee in support of the Overseas Private Investment Corporation, an institution which I had a hand in establishing. In appearing today, I recall my last appearance before the subcommittee was on August 12, 1969, when hearings were being held on the OPIC concept which subsequently overwhelmingly passed both Houses of Congress.

Today as then, the predominant factor basic to the whole question before us is the fact that a nation with the Gross National Product that we have—twice that of any other comparable industrial nation on earth—and with our resources, human and material alike—simply cannot live in the world which is endemically poor in the main, (as to about two-thirds of its population) and getting relatively poorer. It's immoral and unwise in the most elementary terms as well as in statesmanship.

Hence, the question is not whether we

should help to close the gap between the industrial and developing nations, but how. In late years we as a nation have turned more toward development through private investment because it has a higher multiplier in development and since publically financed development programs have encountered increasingly severe difficulties in the U.S. Congress.

Private foreign investment produces not only capital but also a great resource transfer in training and technology for the host country. Hence, OPIC represents basically a high policy decision for the United States. It means that in the necessary mix of public and private aid, increasing importance is given to the private side for good reasons of national policy. And, of course, we are not alone in this policy choice. Not only have the other major countries of the world followed us in insurance organizations similar to OPIC, but many devote far more of their Gross National Product to aid and come much closer than we do to the target set forth by the United Nations in the Second Development Decade to which we also have subscribed, of transferring one percent per annum of our Gross National Product to the developing world. It is my judgement that U.S. private investment flows to the developing world have been greatly assisted by the guarantee programs of the OPIC and this private foreign investment in turn is vital in the ongoing process of economic development.

The immediate issue in this session of Congress is the extension of OPIC authorities which would otherwise expire on June 30, 1974 for two years, until June 30, 1976. In appearing today, I recognize that considerable controversy surrounds the role and the future of OPIC as controversy surrounds the whole subject of the role of American aid or investment overseas. I wish to address myself to these broader concerns which are so essential to our future prosperity as a nation, to the future position of the United States in the world economy, and to our own and the world's peace and security.

The first question I wish to address is the question as to why the United States in this day and age should underwrite an insurance program for U.S. private foreign investment in the developing world. I use the word underwrite somewhat loosely since up until the present time even OPIC insurance losses—and there are considerable claims connected with the Chilean expropriations—have not cost the American taxpayer one penny.

The premiums and interest paid into OPIC considerably outweigh outlays—even though these outlays have been heavier than expected. A little realized fact is that OPIC now is earning some $30 million a year from insurance premiums and that during the life of the program investors have paid some $180 million in premiums—one third of which has been paid over the last two years. When OPIC was established some three years ago, exactly $50 million of these hard earned premiums were transferred from OPIC to the AID housing guarantee program. Paid claims to date have been in the $23 million range and outstanding claims only total $28 million. This $28 million figure does not take into account two major outstanding claims which are in arbitration.

Thus OPIC to date has paid its own way and depending on the outcome of pending arbitration decisions, it may well continue paying its own way. I note that the clear intent behind the new legislative proposals is that OPIC will continue to pay its own way. Up until today then, OPIC has run a highly successful and profitable insurance business. No less a firm than Lloyd's of London has been willing to re-insure portions of OPIC's risk portfolio.

But even if the magnitude of losses were such that the U.S. Treasury payments became necessary, my judgment would still be that OPIC is necessary and that the existence of OPIC programs is in our national interest and in the interest of every citizen of the United States. Developments since OPIC's enactment in 1969 give a vital added reason for OPIC's continued operation. I refer to the growing need of the United States to secure metals, minerals and fuels essential to the operations of our economy from outside the United States.

I have just received a 722 page book published by the U.S. Department of Interior entitled, *United States Mineral Resources*. This book sets forth in the minerals area what has now become common knowledge in the fuels area. What is set forth is the fact that our nation's continuing high rate of consumption of metals and minerals is leading to an increased U.S. dependence on foreign sources of supply. In many cases this increased dependence on foreign sources of supply is irreversible.

Let me give one example. We all recognize the importance of aluminum to our industrial society not only in the manufacture of consumer products but also the uses of aluminum in the construction industry, aircraft, motor vehicles, machinery, electrical equipment and supply etc.

Yet, the above referenced volume is quite definite in stating, "It is unlikely that new large deposits of metallurgical grade bauxite will be discovered in the United States. Elsewhere however, there are large unexplored areas in South America, Africa, Asia, and Australia that seem favorable for discovery of major new deposits of metallurgical-grade bauxite." "The study also notes that at the present time that imports of bauxite and alumina, mainly from Jamaica, Surinam and Australia, supply approximately 87 percent of the U.S. requirements for manufacture of aluminum metal and certain refractories, abrasives and chemicals."

OPIC insurance and guarantee programs have played a key role in promoting U.S. investments in areas like Jamaica and in turn in securing the supplies of this essential metal.

Would these essential investments have been made without the OPIC guarantee programs? A recent Business International Survey of 391 U.S. companies indicated over 90% considered OPIC insurance programs to be a "necessary or desirable factor" in their decisions to invest in a less developed country. In the extractive field, 70 percent of the companies responding said that it was essential pre-condition for making an investment. Then, too, without investment guarantees the nature of the investment might have been different and made more on a quick return—get in and get out quickly bases—whch would not have strengthened U.S.-Jamaican relations or led to the maximum possible economic development of Jamaica or best promoted the interests of the United States in securing a stable supply of bauxite.

In choosing bauxite, I did pick a specific example where OPIC investment guarantees have played an important role. But it is not a special case. If we look down the road a bit the question as to the role of future private U.S. foreign investment in securing the supply of such minerals and metals as antimony, asbestos, beryllium, chromium, cobalt, copper, fluoride, graphite, iron, manganese, etc. etc., looms very large indeed. Many of the richest deposits of these metals and minerals are found in the developing world and as such OPIC investment guarantees are applicable and often indispensable if investments are to be made in politically and economically turbulent areas.

In turn, while the Administration has not chosen this year to change the thrust of OPIC's legislation to allow OPIC to write guarantees for investment in petroleum, I certainly cannot rule out such guarantees at some future time. Can any one of us rule out the possibility that American firms will be willing to commit the billions in long-term capital needed to develop new petroleum and natural gas projects, only if U.S. government investment guarantees are forthcoming?

The second point I would like to make Mr. Chairman, and this point has been mentioned in the first point I have made, is the United States is in an increasingly competitive world. The competition for natural resources and for other good foreign investment projects will become increasingly fierce. New forces are entering the international capital markets and the devaluations of the dollar weaken our competitive position vis-a-vis the yen and mark and other strong currencies in competing for investment projects. In turn, there is the new element of vast amounts of Arab money becoming available to the international capital markets. In such a new competitive situation, investments guarantees are not only a useful tool, but a necessary tool.

It is worth noting that after OPIC became law, many industrialized nations emulated the U.S. A recent OECD study entitled "Investing in Developing Countries" indicates to date, thirteen DAC countries (Australia, Belgium, Canada, Denmark, France, Germany, Japan, Netherlands, Norway, Sweden, Switzerland, the United Kingdom and the United States) have established political guarantee system of general application. The OECD study notes that "the word 'guarantee' refers to a full cover of 100% of the value of the investment made." It is folly to believe that if the U.S. Congress draws back from supporting OPIC, that other governments will in turn follow suit. Rather such action by the U.S. Congress would be a unilateral act which would weaken the competitive nature of our private foreign capital overseas. This, in turn, could have adverse repercussions on our world-wide economic position at the very time when the U.S. is becoming increasingly dependent on sources of supply located in the developing world.

Is it in the U.S. interest to give a competitive advantage to non-U.S. private foreign capital backed by foreign government guarantees in making investments which increasingly are essential to the well being of the United States? This is exactly what we would do if OPIC programs were eliminated or curtailed. Private foreign capital would secure a competitive advantage over our private capital and this immediately raises questions as to security of supply as well as the cost including the balance of payments cost. Is it not preferable that an American firm compete on equal terms in terms of government incentives and that profits on foreign operations be remitted to the United States rather than Japan or West Germany?

In making this statement, I realize that I am making a value judgement. I am saying that private foreign U.S. investment has been good for the United States and has contributed to our standard of living, led to increased job creation within the United States and strengthened our balance of payments position. I am also making the value judgement that private foreign investment by U.S. capital will be increasingly essential in the years ahead and promotion of same will be an integral element in our continued economic well being. I realize that many disagree with me and make a different value judgement, but I have yet to see a study bearing out those who argue that U.S. foreign investment overseas runs contrary to the U.S. national interest.

An additional footnote to this is that OPIC is now playing an essential role in the ongoing process of strengthening our economic and commercial ties with Yugoslavia and Rumania. Again, it is my judgement that OPIC operations in these Eastern European countries are in the national interest of the United States.

The third and final point I wish to make returns to the opening of my statement on the relation of OPIC to the development process.

As stated, I remain convinced that OPIC programs encourage an increased flow of private foreign investment to the developing world. In turn, this flow of private foreign caiptal stimulates the development process. OPIC does not make an investment guarantee unless the host country desires the investment to be made in that country. At times the guarantee is an essential element in determining whether the investment is to be made at all. I do not feel that it is a function of our Government or our Congress to second guess a decision of the leadership of a developing country that a foreign investment in some sector of their economy is desirable.

It is for the leadership of the developing country to make such a decision and after this decision is made and only after it is made, does OPIC make the decision as to whether the investment in question should be guaranteed or not.

In the case of Chile, the expansion of copper production in Chile was a priority goal of the Frei Government. The U.S. as a means towards furthering this Chilean development objective, guaranteed some new American investments in copper. Shortly after these investments were made and in at least one case even before the new investment came "on stream," the investments were expropriated as a policy decision of the new Allende government. OPIC became involved since it guaranteed the investments. In turn, the Kennecott case (El Teniente Copper Mine) has been the largest OPIC claim settlement to date. However, by no stretch of the imagination can I regard these OPIC guarantees as being anti-Chilean or anti-Chilean economic development—rather, when they were made, they were made on the understanding that they were serving the development interests of the Chilean government and the national interest of that government.

In this regard, it is worth recalling that American capital, developed the three major Chilean copper mines and that without this capital, the mines probably would not have been developed. In turn, the substantial tax revenues that accrued to the Chilean government from the operation of these mines and their copper exports (even when they were 100 percent American owned subsidiaries), provided much of the revenue used by the Chilean government to develop other sectors of the economy. Increased copper production in the context of the President Frei Chileanization agreements would have, in turn, led to steadily increasing tax revenues for the state and this increased production in turn was dependent on new inputs of foreign capital. It is also worth noting that the copper workers were the most strongly unionized group in Chile, they stood at the forefront of the free labor movement, and won wage gains and other benefits including free hospital care, that set an example for the whole nation.

So I reject out of hand the contention that American private foreign investment in Chilean copper mines did little for Chile. This is not to say that the U.S. did not have an interest in Chilean copper. I remind my colleagues that since at least the early 1950s that the United States has not been self sufficient in copper and that lower priced Chilean copper was an essential element in President Johnson's price stabilization program of the 1966–68 period.

This leads to the frequently heard criticism of OPIC that it unnecessarily involves the U.S. government in investment disputes. In my opinion it is worth noting that OPIC rather than involving the U.S. government in investment disputes thereby politicizing them, in fact, helps establish conditions for the adjudication of investment disputes in which the U.S. Government necessarily is involved by the very nature of the foreign assistance legislation passed by the U.S. Congress. I refer to the Hickenlooper amendment to our bi-lateral aid legislation which mandates the cut-off of bi-lateral aid if an investment dispute is outstanding, and the Gonzalez amendment which mandates a negative vote by the United States on loans from multilateral aid agencies in the case of an outstanding investment dispute. The investment dispute settlement process which has been pioneered and refined by OPIC helps bring such disputes into negotiation between the private U.S. company and the foreign government. This in turn helps insure that Hickenlooper or Gonzalez are not involved. Also, OPIC has informed me that it has never directly negotiated with a foreign government. It is fair to say that if such negotiations were not in progress, Hickenlooper and/or Gonzalez would be triggered under the present wording of our laws.

It is my hope and expectation that by the time the U.S. Congress repeals the Hickenlooper and Gonzalez amendments—and I do feel they should be repealed—that OPIC will be operating as a private insurance agency independent of the U.S. Government.

In conclusion Mr. Chairman, I have not closed my eyes to the difficulties OPIC has faced in the first years of its operations. But a careful weighing of the record clearly establishes that OPIC continues to be a success story and the continued operation of OPIC type programs are essential to future economic growth and stability of the United States. In turn, the operation of OPIC programs by encouraging direct private foreign investment in the developing world including the developing countries of Eastern Europe is directly beneficial to the programs of economic development of these nations.

## CHILD ABUSE

**Mr. MONDALE.** Mr. President, in recent months my Subcommittee on Children and Youth has undertaken an extensive study of the tragic and pervasive problem of child abuse. We have been particularly moved by the publicity surrounding incidents of child abuse in the Washington area in recent months.

One of the main goals of the subcommittee's study has been to bring to the attention of the public the need for reporting the cases of child abuse so that youngsters can be protected from threatening situations before they are permanently harmed.

For this reason I was both pleased and saddened to read in the May 17 issue of the Washington Post that the number of reported cases of child abuse in the the Washington area has increased significantly in recent weeks. While I am saddened to know that acts of violence against children continue to occur, I am heartened to learn that the public is apparently becoming more aware of its role in helping to prevent and identify child abuse.

I ask unanimous consent that a copy of the article from the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Abuse Reports Increase, Publicity in Efforts To Aid Children

(By Judy Luce Mann)

Increasing public awareness of child abuse and neglect has led to a substantial increase in the number of cases being reported in the District and in Montgomery County, according to court and police officials.

Nearly 50 per cent more cases of neglect and abuse were reported in the District during the first four months of this year compared with the same period last year, and there has been a 200 per cent increase in reports in Montgomery County during the same period.

Court and police officials in both jurisdictions attribute the increase to the recent publicity about the problem and to extensive media coverage of several cases of child abuse, particularly the Donna Stern case in Montgomery County. Joanna Stern was convicted in March of first-degree murder in the torture-slaying of her 9-year-old daughter, Donna.

"There's no question in my mind it's the publicity we're getting," said police Capt. Gabriel LaMastra, head of the county's youth division. "It seems like everybody's interested in child abuse. We have an awareness in the county now. Of course the Stern case created quite a bit of talk about it."

There has been "a big increase" in reports from schools and from private citizens, although some turn out to be unfounded, he said. Of 50 child abuse cases reported so far this year, 24 were determined to be unfounded and 26 were founded. There were nine reports of abuse in the same period last year, all of which were founded, he said. Eight of the 28 neglect cases reported this year were unfounded and 12 of the 17 cases last year were unfounded.

"One of the problems a police officer has is distinguishing between discipline and abuse," LaMastra said. Most jurisdictions define abuse as acts against a child under 18 years of age that involve serious bodily injury. Neglect is a charge generally applied when a child is undernourished, unsupervised, lacks physical or medical care, adequate housing or is not allowed to attend school.

Nan Huhn, a member of a special unit that handles child neglect and abuse cases in the District's corporation counsel's office, also said that more reports are being made by District schools, "which we rarely got before."

"Poor Donna Stern made the public aware of what horrible things people can do to their children," said Mrs. Huhn. "People who wouldn't get involved in, say, a burglary will get involved in child abuse cases. Everyone who gets involved feels they are doing something positive.

"Teachers are beginning to pick up on these things. They call the principal and the principal calls the youth division." She said that while schools and hospitals are reporting more cases, private physicians are not.

She said she has not handled cases referred by private physicians. She said that in the course of investigating two cases referred by hospitals she has found that the children were injured previously and treated by private physicians who did not report suspected abuse. "We still have doctors who don't want to get involved," she said.

The District code, she said, provides for "an affirmative duty legally to report (suspected child abuse) but no penalty if they don't. A gunshot has a criminal penalty (against a doctor) for not reporting, which is kind of interesting."

There were 174 cases of neglect, two of abandonment and 20 of child abuse in the District during the first four months of 1972, according to statistics of the Intrafamily and

Neglect branch of Superior Court. So far in 1973, there have been 59 cases of child abuse, 14 of abandonment and 207 of neglect. Judges ruled that abuse existed in 18 of the 20 cases in early 1972 and have found 21 cases of neglect so far this year, with 27 cases awaiting trial. Court officials said neglect is found in 60 to 70 per cent of the neglect cases that are petitioned.

One court official said she felt the increase in cases was due "to the rather substantial ventilation in the press of some of the cases. Doctors and hospital authorities are beginning to look a little more closely at injuries that don't have satisfactory explanations."

Ty Cullen, coordinator of inpatient social work at Children's Hospital and a member of the hospital's battered child team, which specializes in recognizing and treating such cases, believes that recent media coverage has caused "the community to become more aware. Education in the community has increased because of the press. Other hospitals are taking a closer look and taking a look at criteria for recognition" of abuse cases.

"I don't think there's an increase in abuse, but in recognition," he said.

D.C. General Hospital is now setting up a child abuse team and a registry of abuse and neglect cases that come to the attention of the hospital. The team will be composed of a doctor, nurse and social worker.

Children's Hospital also has a registry, and the name of each child seen at the hospital for a suspicious injury is checked against the registry to see if there is previous history of suspected abuse against that child or a sibling.

Fairfax County officials, while reporting no significant increase in reports of child abuse or neglect, said they are also setting up a countywide registry.

Vincent Picciano, director of juvenile court services in Fairfax, said guidelines and special forms for reporting cases are being distributed to public and private agencies throughout the county "that have contact with children."

Copies of the report will be kept in court files from now on, he said. The reporting system is being set up because of public awareness and concern about the problem, he said.

---

## THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, a number of newspapers across the country have printed editorials urging the building of the trans-Alaska pipeline. I inserted a number of these in the CONGRESSIONAL RECORD on March 28. Since that date I have been apprised of additional editorials on the subject. I request unanimous consent for the printing of these in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Anchorage Daily Times, April 25, 1973]

### THE PRESIDENTIAL TEXT

There has been much attention given to President Nixon's strong endorsement of immediate construction of the trans-Alaska pipeline in his energy policy statement to the Congress on April 18.

But what exactly did the President say?

For the record, here is the full text of that portion of Mr. Nixon's message under the heading, "Alaskan Pipeline:"

"Another important source of domestic oil exists on the North Slope of Alaska. Although private industry stands ready to develop these reserves and the Federal Government has spent large sums on environmental analyses, this project is still being delayed. This delay is not related to any adverse judicial findings concerning environmental impact, but rather to an outmoded legal restriction regarding the width of the right of way for the proposed pipeline.

"At a time when we are importing growing quantities of oil at great detriment to our balance of payments, and at a time when we are also experiencing significant oil shortages, we clearly need the two million barrels a day which the North Slope could provide—a supply equal to fully one-third of our present import levels.

"In recent weeks I have proposed legislation to the Congress which would remove the present restriction on the pipeline. I appeal to the Congress to act swiftly on this matter so that we can begin construction of the pipeline with all possible speed.

"I oppose any further delay in order to restudy the advisability of building the pipeline through Canada. Our interest in rapidly increasing our supply of oil is best served by an Alaskan pipeline. It could be completed much more quickly than a Canadian pipeline; its entire capacity would be used to carry domestically owned oil to American markets where it is needed; and construction of an Alaskan pipeline would create a significant number of American jobs both in Alaska and in the maritime industry."

In these four paragraphs, Mr. Nixon laid it out for Congress.

Just in case there still remained some doubts about the Alaska pipeline situation, it was further covered in a White House fact sheet that was distributed with copies of the message itself.

In that separate document, the White House went into specific detail on the Canadian proposals.

"The alternative of a pipeline through Canada was thoroughly studied prior to the Secretary's decision to authorize construction of the Trans-Alaska Pipeline (TAPS)," the White House statement said. "The TAPS can be built much more quickly, creating U.S. jobs and utilized entirely for U.S. needs. Much more needs to be done prior to construction of a Trans-Canada line; detailed engineering and environmental studies would be required, hearings would be required, and permits prepared. At least three to five years delay would be involved for a Trans-Canada route which would probably cause greater environmental damage because of increased distance and the greater number of river crossings."

Yet Congress still delays, because a powerful group of Midwestern and Eastern senators and representatives want the Canadian route.

It borders on the tragic.

---

[From the Chicago Daily News, April 9, 1973]

### SPEED THE ALASKA PIPELINE

President Nixon has called for an "all-out" effort in behalf of a bill to allow construction of the trans-Alaska pipeline. The arguments are familiar in this dispute, and the need for this treasure of petroleum grows more critical as the United States heads for an energy crunch. The pipeline, as Interior Sec. Rogers C. B. Morton said, is "vital to the national interest."

Following the recent decision of the U.S. Supreme Court, Congress needs to amend the 1920 Mineral Leasing Act in order for the interior secretary to grant the 200-foot right-of-way required for the line across federal lands. Congress also could pass a law clearing up any environmental objections to the pipeline, as several years and millions of dollars have been spent to protect the Alaskan wilderness and to safeguard against oil spills at sea.

Morton estimates that even if Congress acts soon, it will be 1977 or 1978 before the oil will flow from the North Slope. And that will be near the time when the United States is importing nearly half of its oil—much of it from the politically unstable Middle East.

Some legislators are holding out for a trans-Canada route that would pump oil into Chicago. That plan would be attractive, but it is impractical. Canada is likely to want majority ownership of the line, plus a large share of the oil, the Canada line would take years longer to build.

The Alaska pipeline route is a clear case of a bird-in-the-hand. The oil is vitally needed, and to postpone the project only imperils the economic security of the United States.

---

[From the Columbus Citizen-Journal, Columbus, Ohio, March 5, 1973]

### PERILS OF THE PIPELINE

The Nixon Administration deserves high marks for its persistent efforts to pipe oil out of northern Alaska to an ice-free tanker port at Valdez.

Interior Secretary Rogers C. B. Morton says he'll ask Congress and the Supreme Court to remove all roadblocks this year to the 789-mile pipeline.

Congress will be asked to amend a 1920 law that severely restricts pipeline right-of-way on public lands.

The Supreme Court will be asked to decide, once and for all, whether the pipeline plan meets environmental standards.

This may sound like a fairly simple process. But the pipeline project has taken so much flak from courts, conservationists and congressmen in the past four years that nothing is simple anymore.

The most perilous thing about the pipeline is getting it approved. The dangers (real or imagined) of operating it seem inconsequential compared to that.

To argue, as some wildlife lovers do, that the line should go through Canada is not very convincing. Even more fish and caribou would be disturbed by the Canadian route than by the much shorter Alaskan route.

The primary consideration is that the nation needs Alaskan oil. Every barrel piped from Prudhoe Bay will be one less barrel we have to import from the unstable Middle East.

That alone should be enough to prod Congress and the Supreme Court into the prompt action that Secretary Morton suggests.

---

[From the Dallas Morning News, Mar. 9, 1973]

### ALASKAN OIL NEEDED

The Nixon administration has sent to Congress legislation which would provide a corridor across Alaska wide enough to build a pipeline to tap the vast Arctic petroleum reserves.

In view of the nation's critically low supply of available energy, the measure should receive prompt approval. But it likely will encounter strong opposition from environmentalists who want to save the Alaskan tundra from human activity, and from Eastern and Midwestern lawmakers who want the pipeline built across Canada to their front door instead of across Alaska.

The proposed trans-Alaskan pipeline has been stalled in federal courts for more than three years under challenge by environmental groups.

The latest setback to construction was the result of a Washington appeals court, which irresponsibly refused to rule on the environmental quesion. Instead, it blocked the pipeline on ground that the Interior Department could not grant a right of way more than 54 feet wide. A consortium of oil companies wanting to build the pipeline had requested 200 feet.

The proposed legislation would permit widening of the corridor to the desired 200 feet, a minimum believed necessary to construct the giant pipeline across the rugged Alaskan terrain.

A pipeline across Canada would cost far more than the $2 billion estimated to build the line across Alaska because of the greater distance. While the oil companies will pay for its construction, the higher cost would eventually be passed on to consumers.

The need for Alaskan North Slope petroleum is urgent. Congress should forget regional interests and give priority to the national need. Further delay only means higher construction costs, and ultimately higher energy costs to consumers.

[From the Dallas Morning News, Mar. 21, 1973]

### EARLY PIPELINE RULING

The Supreme Court has indicated it will take early action on a proposed trans-Alaska oil pipeline, a matter which has been dragging far too long in the lower courts.

While not formally accepting an appeal of an Appeals Court ruling which has blocked the line, the high court has set a March 28 deadline for opponents to file their views on the case.

Environmentalists successfully have halted the beginning of construction of the pipeline for more than three years on the grounds that it would destroy Alaskan ecology. A Washington appeals court, however, failed to rule on the environmental question but blocked construction on the grounds that the federal government is forbidden by law from granting the necessary width for right of way for the pipeline. The Interior Department has said it would approve the requested 200-foot width from the North Slope of Alaska to Valdez, in southern Alaska.

The Prudhoe Bay field, in northern Alaska, contains an estimated 10 billion barrels of oil and large quantities of natural gas, which are urgently needed at this time of serious energy shortages.

Early and affirmative action by the Supreme Court, Congress and the administration is needed to remove the blocks to the pipeline so that the nation can expect to tap this huge reservoir of petroleum at the earliest possible date.

[From the Denver Post, March 18, 1973]

### LET'S NOT SIDETRACK PIPELINE

If Canada wants to build a railroad to the Arctic that is a matter for the Canadians to decide. But the project shouldn't get any encouragement as an alternative to the trans-Alaska Pipeline.

Plans surfaced recently for an oil-carrying railroad, apparently as part of the old Canadian dream of developing the Arctic commercially.

But as an alternative to a pipeline consider:

That a railroad is far more costly and carries less. An oilman once suggested, only half in jest, that there is so much oil in the Alaska North Slope that a single train stretching 800 miles from the oilfield to Valdez might be needed—with the tank cars welded together.

The ballasting of a railroad would be far more extensive and damaging to the terrain than a pipeline.

With 63 100-car trains moving daily in both directions, wild animals would have trouble getting across. Many would be killed or find their migration patterns interrupted by fencing.

A Canadian oilman has called the railroad "a bunch of baloney" and we believe that—considered in the context of oil only—he isn't far off. Even the Canadian government doubts a railroad study would be productive.

For the Nixon administration and Congress, at any rate, the course is clear. The Alaska pipeline is still needed and we should act as quickly as possible to eliminate the technical roadblock erected recently by a U.S. federal appeals court. In the light of growing shortages we need the Alaskan oil as soon as possible.

[From the Indianapolis Star, March 11, 1973]

### TWO OIL ROUTES

The oil shortage in the Middle West and East this winter has flamed congressional support for an early start of the Alaskan pipeline, particularly the proposed trans-Canada route that would bring the oil into eastern markets.

But Interior Secretary Rogers C. B. Morton said the administration is not changing its preference for the land-water route down the North Slope to the West Coast.

While the West Coast route has been delayed by court action, there has been a growing environmental opposition to the trans-Canada route, drawing heat and attention from the original proposal. This is good news to the administration which has been bothered from a security standpoint about having a major energy source in the hands of a foreign power that might not always remain friendly.

The President is reported pressuring Interior to get on with the pipeline project, which has again been stymied by a U.S. Court of Appeals ruling that will require Congress to change the law restricting right-of-way provisions for the sale of federal lands.

This does not seem a serious hurdle in Congress, but it likely will cause debate over which route should be used. Meanwhile the Canadians are also experiencing an oil shortage and have clamped controls on the export of crude oil, most of which goes to the United States.

This is a western Canada shortage as eastern sections get imported oil from the Middle East and Venezuela. It's also more of a shortage of pipeline capacity rather than of well-head supplies. Even so, the western Canada problem could become another argument for the West Coast pipeline route from Alaska.

[From the San Francisco Examiner, April 3, 1973]

### ACUTE NEED FOR ALASKA PIPELINE

Congress should order the immediate construction of the Alaska oil pipeline, if necessary declaring a national fuel emergency for that purpose. Congress should also mandate that oil flowing through the pipeline be sold exclusively in the American market.

The pipeline is essential to the delivery of oil from the 10-billion-barrel pool locked in Alaska's ice-bound North Slope area. For three years construction of the pipeline has been blocked by environmental controversy. Yesterday the United States Supreme Court let stand a lower court ruling that, under existing federal law, permission cannot be granted for a right-of-way wide enough to build it.

During these three years of lost time the nation's energy crunch has grown steadily more acute. Gasoline rationing has begun in scattered areas. Both government and industry sources say that it is now too late to prevent growing shortages of both gasoline and fuel oils next year.

Foreign oil, which supplied one-fourth of the American market three years ago, today must be relied upon for nearly one-third of the daily 18.8 million barrels consumed. In 1970 the foreign oil cost $2 billion. This year it will cost $7 billion. By the mid-1980s, if current trends continue, foreign oil purchases will supply more than half of the American market and force an impossible trade deficit of $20 billion yearly from that source alone.

This too-heavy reliance on foreign oil is a risk the nation must not run. It is too dangerous, from both the economic and national security standpoints.

Pending in Congress are bills granting a wider right-of-way for the Alaska pipeline. That is no longer enough. Opponents would find some other ground on which to delay it. Congress should order it built immediately, applying all reasonable safeguards from the environmental standpoint.

Nor is even that enough. It would be senseless to drain the Alaskan pool without changing our careless energy habits. The nation needs prompt action on a policy of conservation and a crash program for developing new energy sources, including the extraction of gas and oil from coal and shale.

In short the country needs a coherent national energy policy, with action on Alaskan oil as just one part of the policy. President Nixon has already delayed too long in proposing such a policy to the Congress.

[From the Toledo Blade (Ohio), March 19, 1973]

### U.S. NEEDS ALASKA'S OIL

It is time for Congress to step in and speed the building of the trans-Alaska pipeline. After 3½ years of delay, the need for new supplies of oil and natural gas grows more critical each month that the deposits in the Arctic go untapped.

Frustrated by a round of court decisions blocking the issuance of right-of-way permits, the Nixon administration and several lawmakers acting on their own have introduced more than half a dozen bills in Congress to get the pipeline moving.

The latest court setback came when a federal appeals judge ruled that the 200-foot right of way planned for the line violated the 1920 Mineral Leasing Act. That law would limit the Alaskan right of way to 54 feet, which engineers say is not room enough for the construction and maintenance equipment to be used in Alaska.

The pipeline corridors width, however, is only one matter that would be solved under pending legislation.

A major dispute has been over the pipeline's potential damage to the Alaskan wilderness. The choice is between risking some environmental harm and reaping a guaranteed payoff in added energy resources. Protection of the wilderness is no small consideration, but it should be understood that extensive technical safeguards have been taken against the most feared occurrences—damage to the tundra's ecology and oil spills on land and at sea. In fact, the valid safety precautions mandated by the Government have contributed to a near tripling of the expected cost of building the line.

A second dispute is over whether the pipeline should traverse a 3,200-mile route through Canada and end in Chicago instead of crossing Alaska. The Canada route would parallel a natural-gas pipeline planned for the late 1970s or early '80s. The pipeline companies themselves, however, favor the trans-Alaska route for oil. They point out that natural gas, critically needed in the Midwest, cannot flow until after oil production begins in Alaska. To build the trans-Canada oil line first would only delay the gas flow by several years.

The economic payoffs from the Alaskan oil would be large. If the oil starts to flow about three years from now, it will come as U.S. dependence on oil imports is soaring. The President's Council of Economic Advisers estimates that over the expected 20-year life of the Alaskan field the United States would save $15 billion to $17 billion in foreign oil spending—at current prices.

Hearings on the pipeline-permit bills are under way in Washington. And on the basis of the vast store of evidence accumulated, the responsible action of Congress would be to clear the Alaska pipelines quickly with a bill specifically eliminating the legal problems that now block construction.

### UNLOCKING THE OIL

In the light of last week's Supreme Court action that barred construction of the trans-

Alaska oil pipeline. Congress's responsibility is clear: It must expedite the legislation needed to get this vital project started before another year passes. For this country's oil dilemma has reached a point at which any more indecision and fancy juggling of the issues involved can bring dire consequences. In fact, as congressmen debate the pipeline question, some may be hearing from constituents who have driven up to dry gasoline pumps while on vacation this summer.

Actually, the high court had no choice but to uphold a decision that blocked the work in Alaska. A 1920 federal law is specific in limiting land usage to 25 feet on either side of a pipeline that crosses government land. This mammoth tube, stretching 789 miles from Alaska's oil-rich North Slope to a seaport on the south coast, will require much more working space than that. The Interior Department had approved a wider corridor, and ran afoul of the law when challenged in federal court by environmentalists. To get around this obstacle, Congress can simply alter the old law to make the needed land available. That's what the Nixon administration is proposing, in a tone of extreme urgency.

But that probably isn't enough. The courts still haven't dealt with the strictly environmental objections to the pipeline, and these could stall the project several more years, as they are pressed in suits by environmental groups. So Congress might be well advised to avoid this critical delay through a device proposed by Senator Stevens of Alaska. He would declare by legislation that the Interior Department has, in its specifications for this undertaking, fully complied with the Environmental Protection Act, and further legal challenge on that score would be prohibited. And thereby the oil artery might be started within 90 days after Congress acts.

The idea of an alternate pipeline through Canada is being pushed much too late by some members of Congress, for that would entail more years of delay than the nation can risk. Nor does it seem likely that the environmental protections worked out by Interior for the Alaska line would be improved upon substantially by drawn-out litigations. As the country moves toward a petroleum crisis that could threaten both its economy and its security, Congress is obligated to unlock those vast Alaskan oil reserves. Slowness in doing that will only compound the penalties which the public will have to pay.

## COMMUNITY ACTION TO HALT NEIGHBORHOOD BLIGHT

Mr. TUNNEY. Mr. President, a unique organization in Oakland, Calif., is attempting to halt the tide against increasing neighborhood blight. This is a fine example of the business community joining with community officials to assist the area where the business is based. I hope that other communities will follow the fine example set in Oakland, Calif. I ask unanimous consent to have printed in the RECORD an article from the Oakland Tribune regarding this program.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### $10 MILLION PROGRAM TO HALT BLIGHT

(By Bill Martin)

Private investments totalling $10 million will be plowed into an East Oakland area during the next five years in a nongovernmental rehabilitation program aimed at curbing residential blight.

A neighborhood housing committee, backed by 26 savings and loan associations, will help make available grants and loans to low-income home owners for rehabilitating their property.

Community leaders had spent several years without success in attempting to obtain a federal urban renewal project to halt the spread of residential blight which they feared would destroy their neighborhood.

Details of the program were disclosed yesterday during a press conference in Kaiser Center's Mirabeau Restaurant.

Loans ranging from zero interest up to the market rates of interest would be made to "credit worthy" home owners who are unable to obtain financing through ordinary channels, according to Joseph H. Cowan, president of the Savings Association Mortgage Co. (SAMCO), a group of lending institutions which will pool funds to make rehabilitation loans.

The Oakland Neighborhood Housing Service, Inc., a nonprofit group composed of three community residents and two SAMCO representatives, will administer the program.

Involved is an area containing 3,200 housing units which is bounded by East 14th Street, 73rd Avenue, Bancroft Avenue and Durant Avenue.

But the project will get under way first in a 15-block section bounded by 94th Avenue, 103rd Avenue, Bancroft Avenue, and Walnut and Holly Streets.

Coupled with the program will be an intensive code enforcement inspection drive by the City of Oakland.

Lawrence A. Joyner, executive director of the Neighborhood Housing Service, said, "Deterioration will be reversed and effective rapport will be established between low and moderate income borrowers and lending institutions. Also, residents will gain working knowledge and understanding of financing, maintaining and upgrading properties, all as a direct result of this new program."

He said he expected little or no resistance to the program, especially since the East Oakland community had long sought governmental help to rehabilitate residential property.

In some cases, he said, outright grants will be made to property owners who cannot afford even low interest loans, such as retired persons on fixed incomes.

While no one will be coerced into taking part in the rehabilitation program, Joyner said, it is the responsibility of home owners to see that their property complies with the city codes.

"It is criminal for anyone to let their property run down," he said.

Richard Jaffie, president of the Neighborhood Housing Service and senior vice president of Golden West Savings and Loan Association, said, "What makes our program so unique and exciting is the implementation totally without the need for any federal funds whatsoever. This is unprecedented."

He said the project is based on a similar program established four years ago in Pittsburgh, Pa.

Jaffie said the housing service will provide advice to homeowners in the area on code violation reports, selection of contractors, rehabilitation expectations and inspection assistance.

Speaking at a luncheon marking the event were Mayor John H. Reading and Richard Polli, assistant Savings and Loan Commissioner for the State of California.

Reading said, "The coordination between the citizens, the private sector and our city agencies are certain to provide all of the elements of those valuable resources necessary to maintain the self-help effort that has become the key in many varied areas of development in our city."

He said the program "will provide the opportunity for many residents of our city to, perhaps for the first time in their lives, live in safe, decent housing which the public sector alone has not been able to provide."

## ADDITIONAL NATIONAL FORESTS IN ALASKA

Mr. STEVENS. Mr. President, I have received a resolution from the Seward, Alaska, City Council. This resolution, No. 872, is similar to legislation passed by the Alaska State Legislature urging the inclusion of more national forests in the recommendations of the Joint Federal-State Land Use Planning Commission and supporting future legislation on this subject. I request unanimous consent this resolution be printed in its entirety in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

### SEWARD CITY COUNCIL—RESOLUTION NO. 872

A resolution relating to the national conservation system designations under section 17(d) (2) (A) of the Alaska Native Claims Settlement Act

Be it resolved by the Seward City Council:

Whereas Section 17(d) (2) (A) of the Alaska Native Claims Settlement Act of December 18, 1971, provides for the creation of or for the addition to existing units of wild and scenic rivers, national parks, national forests and wildlife refuges; and

Whereas, of these four systems, the Congress did, in 1960, pass the Multiple Use and Sustained Yield Act which directed that National Forest lands be judiciously managed to produce a combination of inherent values, such as outdoor recreation, wildlife, range, wilderness, timber and watershed, in order to serve the best interests of the American people; and

Whereas, while this method is adopted by the other agencies for their management direction, only in the National Forest System is multiple use currently directed by an act of the Congress; and

Whereas the multiple use and sustained yield philosophy in management provides for considerably more options to meet the needs of the majority of Alaskans, as well as all Americans, now and in the future, consistent with paramount environmental protection; and

Whereas the Joint Federal-State Land Use Planning Commission and the Secretary of the Interior, Rogers C. B. Morton, are to recommend to the Congress which lands are to be contained within each of the four systems; and

Whereas these recommendations and their enactment into law are of great concern to the people of the State of Alaska;

Be it resolved that it is the will of this Seward City Council to lend official support to, and we respectfully request the Joint Federal-State Land Use Plannning Commission and the Secretary of the Interior to consider to the fullest practical extent, inclusion of at least approximately 44 million acres in new national forests for Alaska, as set forth by the Forest Service' Alaska Planning Team Document, U.S. Department of Agriculture, dated July 1972, and that they subsequently make such a recommendation to the Congress of the United States; and be it

Further resolved that the Alaska delegation in the Congress is respectfully requested to join with the Joint-Federal State Land Use Planning Commission to encourage the introduction of legislation to create approximately 44 million acres of new national forests within the 80 million acres provided for in Section 17(d) (2) (A) of the Alaska Native Claims Settlement Act.

Copies of this Resolution shall be transmitted to the Honorable Richard M. Nixon, President of the United States; the Honorable Rogers C. B. Morton, Secretary, Department of the Interior; the Honorable Earl L. Butz, Secretary, Department of Agriculture; the Chairmen of the U.S. Senate and the U.S. House Interior and Insular Affairs Committees; the Honorable Governor William A. Egan, Co-chairman, Mr. Joseph Josephson, Co-chairman Designee, and Mr. Jack O. Horton, Co-chairman, Land Use Planning Commission of Alaska; the Honorable Mike Gravel; the Honorable Ted Stevens, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Adopted by the Seward City Council this 23d day of April, 1973.

R. F. RICHARDSON,
*Mayor of the City of Seward.*

## UTAH STATE LEGISLATURE RESOLUTION ON SOUTHERN UTAH DEVELOPMENT

Mr. MOSS. Mr. President, the 40th Legislature of the State of Utah memorialized the President and the U.S. Congress to promote and facilitate the development of southern Utah.

The two areas in which the legislature felt the Federal Government could give greatest assistance were: The full development of the Lake Powell recreation area, including the building of access roads to and through the recreation area, and promoting the Kaiparowits coal project.

I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

### H.J. RES. No. 11

A joint resolution of the 40th Legislature of the State of Utah, memorializing the President of the United States, the Secretary of the Interior, and the Congress of the United States to promote and facilitate the development of southern Utah

*Be it resolved by the Legislature of the State of Utah:*

Whereas, the development of the Kaiparowits Coal Project and the Lake Powell Recreation Area are important elements in the economic growth of Utah and Southern Utah in particular; and

Whereas, the counties of Southern Utah directly affected by these developments have been declared by the federal government to be economically depressed areas (with a 14% unemployment factor); and

Whereas, the federal government has already studied the feasibility of full development in this area and found it economically sound; and

Whereas, private enterprise has signed contracts and is ready to develop the area as soon as the federal government and the Secretary of the Interior in particular permit; and

Whereas, in the past numerous promises have been given regarding federal permission and assistance in the development of these two areas of Southern Utah; and

Whereas, at the present time, many Kane County residents have to travel an unnecessarily long route of over 400 miles to the county seat because of non-existent or inadequate roads; and

Whereas, the American people are traveling more and overcrowding the existing accessible national parks and recreation areas; and

Whereas, tourism is a major factor in Utah's economy, demanding proper facilities and accessibility for our scenic attractions; and

Whereas, ninety percent of Lake Powell is in Utah with less than ten percent of accessibility from Utah.

Now, therefore, be it resolved, by the Legislature of the State of Utah that we call upon the President of the United States, the Secretary of the Interior, and the Congress of the United States to honor past commitments made, to take a positive view toward the future, and to further and to assist in the development of this potentially rich, economically depressed area.

Be it further resolved, that the Legislature of the State of Utah call upon the Congressional Delegation from the State of Utah to work avidly for the implementation of this resolution.

Be it further resolved, that the Secretary of State of Utah, be, and is hereby, directed to send copies of this resolution to the President of the United States, the Secretary of the Interior, to the Senate and House of Representatives of the United States and to the Senators and Representatives representing the State of Utah in Congress.

## TRANS-ALASKA PIPELINE URGED

Mr. STEVENS. Mr. President, an important column by Mr. James J. Kilpatrick entitled "Energy Crisis: Serious But Not Fatal," appeared in the Monday, April 30, Washington Evening Star and Daily News. This article gave some predictions about the current energy crisis. Public financing will become necessary. Public inconvenience will also occur. Said Mr. Kilpatrick, this country must be prepared to pay the price—

> The trans-Alaska pipeline must be built. That statement, it seems to me, has passed beyond opinion and become simple fact. Alaska's North Slope contains an estimated 10 billion barrels of proven reserves. Once the pipeline is built, some 600,000 barrels a day can be moved; after five years, production will rise to an estimated 2 million barrels a day. We have to have that oil—and the ecological price, painful and distressing as it may be, will have to be paid.

While I disagree with Mr. Kilpatrick's comments that there will be a significant ecological price under the rigid stipulations for the trans-Alaska pipeline, I am in total agreement with his basic concept that we must have Alaskan oil—the fastest and simplest way it can be obtained—through the trans-Alaska pipeline.

Mr. Kilpatrick gave other examples of action that must be taken by this country—the development of coal, increasing the acreage leased on the Outer Continental Shelf, and the development of nuclear power. All of these are actions that must be taken and that will be taken by Congress and the executive branch.

I request unanimous consent that Mr. Kilpatrick's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ENERGY CRISIS: SERIOUS BUT NOT FATAL

(By James J. Kilpatrick)

One of Mr. Webster's definitions for "crisis" goes this way: "a paroxysmal attack of pain, distress, or disordered function." So defined, our nation is indeed experiencing an energy crisis. The condition is serious, but not necessarily fatal. The crisis can be overcome. All that is required is that we pay the price to meet it.

A part of this price can be reckoned quite simply in dollars. Congress almost certainly will approve the President's recommendation for the deregulation of prices on new supplies of domestic natural gas. The price to gas consumers eventually will go up. The price of gasoline already is going up, and it will go much higher in the coming months. We can look for higher rates on electric power as well. A massive program of research on new energy sources will have to be financed from public funds.

Another part of the price will have to be reckoned in discomfort, inconvenience, and immeasurable risk—and it is this part of the price that needs to be understood. It might be called, for shorthand purposes, the ecological price.

The Trans-Alaska Pipeline must be built. That statement, it seems to me, has passed beyond opinion and become simple fact. Alaska's North Slope contains an estimated 10 billion barrels of proven reserves. Once the pipeline is built, some 600,000 barrels a day can be moved; after five years, production will rise to an estimated 2 million barrels a day. We have to have that oil—and the ecological price, painful and distressing as it may be, will have to be paid.

A second example: For at least the next 10 to 20 years, like it or not, we will have to put far greater reliance on coal than we have witnessed in recent years. Coal is by far the most abundant of our energy resources, yet it fills only 20 percent of our energy demands. The trend against coal has been spurred in recent years by environmentalists and by public health specialists who have complained—rightly and properly—against the ravaging of our land and the pollution of our cities. It is not necessary to retreat to the ugliness and grime of the old days, but there must be some retreat; and it will be painful.

The President has called for tripling the acreage leased on the Outer Continental Shelf for drilling for oil and gas. By 1985, according to industry projections, this accelerated leasing program could increase annual production by an estimated 1.5 billion barrels. We have to have it; and we will have to accept the added risk of spills and sea pollution.

At present, only 30 nuclear power plants are in operation; they produce barely 4 percent of our electricity requirements. The inescapable truth is that we must have many more such plants, and we must move ahead rapidly with research in both nuclear fission and nuclear fusion. If we are willing to pay the ecological price, we can obtain 25 percent of electrical energy requirements from nuclear plants by 1985, and 60 percent by the end of the century.

Now, none of these prospects is especially pleasant. Those who have fought so long for a better environment are bound to be dismayed at the thought of even a temporary retreat from the new standards they have won. Yet the alternatives, in my own view, are unrealistic or dangerous.

The principal alternatives are a drastic reordering of our way of life, or a foolhardy reliance upon other nations. A full-scale reordering, enforced by compulsions scarcely imaginable in a free society, would require a rationing of energy in the name of fuel conservation. Such a program might entail restrictions upon automobile use (or automobile horsepower), restrictions upon heating and air conditioning, and severe cutbacks in industrial production. Even greater dependence on foreign sources of energy would invite disaster.

The President's program provides too little for research, especially in the field of solar energy, but otherwise it is both prudent and

**necessary. It is also painful and distressing, but the pain and distress can be borne.**

## PRIVATE PENSION PLANS

Mr. NELSON. Mr. President, the Subcommittee on Private Pension Plans of the Senate Finance Committee is holding hearings on private pension plans. These hearings and panel discussions are designed to present a full and objective review of all the pertinent legislative issues involving pension plans and the tax treatment for retirement savings. The witnesses and panel members have been selected to include, to the extent possible, all interested parties and viewpoints.

These hearings are taking place at, I hope and believe to be, a propitious time for the enactment of substantial pension legislation. For the past several years, Members of Congress have learned about the workings of private pension plans from knowledgeable experts, from those who initiate and operate such plans, and also from individual employees who have found themselves deprived of pensions they had every right to expect on the basis of their employment. A consensus has developed, not only in Congress but by all interested parties, that certain legislated minimum standards are necessary to strengthen the private pension system.

Much of this consensus can be attributed to the hard work and leadership of the chairman of the Labor and Public Welfare Committee, Senator WILLIAMS, and its ranking minority member, Senator JAVITS. The culmination of this work, S. 4, now reported to the Senate by the Senate Labor and Public Welfare Committee, represents a thoughtful and comprehensive approach to the problems of private pension plans. As previously announced, the principles and policies of S. 4 will be among the subjects before this subcommittee along with bills introduced by two of its members, Senator CURTIS (S. 1631), whose bill represents the thinking of the administration, and Senator BENTSEN (S. 1179). Also before the subcommittee is Senator GRIFFIN's bill (S. 75), one of the first proposed to deal with private pension plans.

Private pension plans have experienced a dynamic growth in the last 30 years. In 1940, only 4 million employees were covered by private pensions; today about 30 million employees participate in private pension plans. Total assets of pension plans have grown from $2.4 billion in 1940 to $151.8 billion in 1973.

This rapid growth of the private pension system has been directly attributable to the favorable tax treatment of employer contributions. The current tax code includes a number of regulatory provisions affecting the tax qualifications status of pension trusts. These hearings will explore for the first time possible changes in the tax code which may be necessary to strengthen the private pension system. In addition, a number of other tax issues have been presented to the subcommittee, including, for example, tax deductions for retirement savings and the tax treatment of lump-sum distributions from retirement plans.

We want to make certain that these hearings consider all viewpoints and we are interested in moving forward in the legislative process as promptly as possible so that the early consideration of these questions will be assured. It is our hope to complete consideration of pension legislation in time for Senate action prior to the August recess.

It seems to me that pension legislation should accomplish the following:

A minimum vesting standard that will assure private pension participants a retirement benefit after a reasonable period of service.

At present, only one out of every three employees participating in employer-financed pension plans has vested rights to benefits. Moreover, 58 percent of covered employees between the ages of 50 and 60, and 54 percent of covered employees 60 years of age and over, do not have vested pension rights. As a result, even employees with substantial periods of service may lose pension benefits on separation from employment. Extreme cases have been noted in which employees have lost pension rights at advanced ages as a result of being discharged shortly before they would be eligible to retire. In addition, failure to vest more rapidly is interfering with the mobility of labor, to the detriment of the economy.

A strengthened funding requirement that will assure continuing accumulation of funds to meet private pension obligations.

The available evidence suggests that many pension plans are adequately funded, but that a significant proportion of the plans have not been adequately funded. This is indicated, for example, by a survey made by the Senate Labor Subcommittee of 469 trustee-administered pension plans covering 7.1 million employees. In 1970, about one-third of the plans covering one-third of the participants reported a ratio of assets to total accrued liabilities of 50 percent or less; while 7 percent of the plans covering 8 percent of the participants reported a ratio of assets to accrued liabilities of 25 percent or less.

In general, the older plans are better funded than the newer ones. Over one-half of the plans covered by the study which were 6 years old or less had an assets-liabilities ratio of 50 percent or less, while 35 percent or the plans in existence for 17 years to 21 years had a 50-percent or more assets-liabilities ratio.

A system of plan termination insurance to protect the vested benefits of private pension participants.

Concern has also been expressed over the possible loss of pension benefits as a result of termination of pension plans. The Studebaker case, which has been widely publicized, illustrates how pension benefits can be lost as a result of termination of a plan. When Studebaker closed its South Bend, Ind., plant in 1964, the employees were separated and the pension plan was terminated. The plan provided fairly generous vested rights and the funding apparently would have been adequate had the firm remained in business and the plan continued in operation. However, at termination, the plan had not yet accumulated sufficient assets to meet all its obligations. As a result, full pension benefits were paid only to employees already retired and to employees age 60 or over with 10 years or more of service. Little or no benefits were paid to large numbers of other employees, many of whom had vested rights.

A joint study by the Treasury Department and the Department of Labor indicates that there were 683 plan terminations in the first 7 months of 1972. These terminations resulted in the loss of $20 million of benefits—present value—by 8,400 pension participants in 293 of the terminated plans. The average loss of benefits for participants amounted to $2,400.

Serious consideration of procedures to assist the transfer of pension credits among different pension plans.

Strong provisions setting fiduciary standards and eliminating conflicts of interest in the management of pension funds.

Added requirements for private pension plans to report their financial and operating status to public authorities and above all to their individual participants.

Provisions to insure that any new pension laws or regulations are not a burdensome problem to the participants, especially the small businessman.

New tax provisions to improve the tax treatment of retirement plans of self-employed individuals and of employees not covered by pension plans.

Finally, these desired changes in the law regarding private pension plans will not weaken or destroy the private pension system. Quite the contrary, the system has proved a most useful mechanism for meeting the retirement needs of a large part of the working population. Our task is to reinforce this function by legislating certain key minimum standards so that the system itself can serve an even broader purpose in the years ahead.

## THE ONCE AND FUTURE NIXON

Mr. FULBRIGHT. Mr. President, Sunday's Washington Post contained an excellent article about the Watergate affair by one of America's great historians, Henry Steele Commanger.

Mr. Commanger's analysis of the meaning of Watergate and the impact of this series of events on the American political process indicates a profound faith in the American political system which I share. I believe, as he does, that Watergate may prove in the long run a "catalyst" from which will emerge what Mr. Commanger terms "a reassertion of political vitality and a reaffirmation of the primary role of ethics in public life."

Mr. President, I ask unanimous consent to have Mr. Commanger's article, "The Once and Future Nixon," printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 27, 1973]

### THE ONCE AND FUTURE NIXON

(By Henry Steele Commanger)

WATERGATE.—I use the term generically, embracing all those manifestations of lawlessness, deceit and corruption that seem inseparable from the Nixon administration—has brought the American people to a deep sense of shame and induced, in some, despair for the republic. While the shame is justified, the despair is misguided.

First, Mr. Nixon's greatest evil has not been Watergate but continuation of the war in Vietnam after every justification for it had evaporated. But then we forgive crimes against others more readily than crimes against ourselves. Second, while no good has come out of the Vietnam war—at least nothing that can compensate for the evil—with Watergate it may be different. It may be that, as the chorus of Medea sang more than 2,000 years ago:

The end men looked for cometh not
And a path is there where no man thought—
So hath it fallen here.

Watergate, in short, may well prove a great benefit, a turning point in the political and moral history of this generation. It may provide just that catharsis necessary to cleanse our political system of that perilous stuff which weighs upon our hearts.

Watergate, the Ellsberg trial, the misuse of wiretaps, the use of *agents provocateurs*, the corrupt use of money in elections—these are not isolated abuses. They are a logical product of the politics which the Nixon administration plays—a politics which, for some time now, has been threatening the integrity, the stability and the vitality of the American political system. We have survived earlier abuses of power, but none was as deep or as pervasive as this, and none composed a threat to our constitutional system, as well as to our political system, which was remotely comparable. The danger to that system from the lawless misuse of power in making foreign wars and from the lawless resort to power in domestic affairs has been far graver than most Americans have been prepared to recognize.

Watergate may enable us to surmount this danger. It may prove—indeed, it is already proving—just that catalyst which will transform the tissues of our national life. For what is emerging now is a reassertion of political vitality and a reaffirmation of the primary role of ethics in public life. What all the constitutional arguments, all the political maneuvers, all the high-minded editorials and rhetoric so conspicuously failed to do, Watergate may do: rally the Congress to a sense of its power and its responsibility, rally the public to the danger threatening to undermine the nation, and reinvigorate those principles which the Founding Fathers knew to be essential to the republic.

#### MORAL OBTUSENESS

What are the principles which this administration has imperiled, and which must now be restored?

Respect for the law, and for the majestic concept of due process.

Respect for the principle that, in republican governments, it is the people who set the limits of power.

Respect for the Bill of Rights, not only as the great shield of freedom but as the instrument of that freedom, without which the republic cannot flourish.

Respect for the principle of the separation of powers.

Respect for the principle that the power to declare war and the power of the purse are and should be lodged in the legislative, not the executive branch.

Respect for the intelligence, and sensitiveness for the honor, of the American people.

No other administration in American history has so ostentatiously violated these principles, but then no other administration has been so morally obtuse. President Grant was exploited by greedy and ambitious men, but Grant was himself a man of honor, untouched by the suspicion of personal wrongdoing or of connivance with wrongdoing, without ambition for himself or even for his party, and prepared to give his life to the preservation of the Union and the Constitution. Harding was foolish and vulgar and allowed himself to be betrayed by little men. But he was without ambition or vanity, and to undermine the constitutional system or betray the Bill of Rights was beyond his imagination and foreign to his character. None of these excuses can be made for President Nixon, for he clearly knows what he is about.

#### A PROPOSAL TO REGRET?

The Nixon threat can be summed up with perhaps misleading simplicity as that of executive usurpation of power on both the foreign and the domestic stages.

In foreign affairs, Mr. Nixon has waged war without congressional authorization and in clear violation of the Constitution, and even now persists in waging such war in Cambodia and Laos. Defying the Congress to put an end to his lawlessness, he has threatened that if Congress cuts off funds for further military activities in Southeast Asia, he will use other moneys not appropriated for that purpose.

He has evaded the constitutional provisions for Senate participation in treaty-making by substituting executive agreements (private and often secret) for treaties; thus, recent agreements pledging American aid to Spain in the event of a civil uprising there, and making possible, by generous subsidies, Portuguese imperialism in Africa.

He has persisted in secrecy in foreign affairs, denying to the Senate the information it needs to perform its constitutional obligations in that area, and to the House information essential to its effective use of the power of appropriation.

In the domestic area the record is equally discreditable. There Mr. Nixon has challenged the basic principle of the separation of powers as well as the equally basic principle of legislative control of the purse—two principles rooted in English and American history, written into our state and federal constitutions, and long thought essential to our government.

By enlarging the doctrine of executive privilege and extending that of executive immunity (an extension which theoretically covers every employee in the executive branch)—doctrines never specifically acknowledged in our constitutions and never before so audaciously asserted—he has challenged the principle that in our system no one, not even the President, is above the law.

By spreading a pall of secrecy over vast areas of government and seeking to maintain that secrecy by lawless means—illegal wiretaps, the use of *agents provocateurs*, the doctoring and forging of documents, the illegal use of the FBI and the CIA of political purposes—his administration has sought to deny Congress and the American people information essential to the very functioning of democratic government and has corrupted the very fountains of that government.

By flouting decisions of the courts in the areas of wiretapping and busing, by encouraging his attorneys general to seek not justice but political advantage for his administration, by systematically treating court appointments with contempt, he has sought to deny the judicial branch the equality and independence assigned by the Constitution.

Many in the Senate resisted these and other usurpations and challenges with vigor, but not with success; the House was, for the most part, pusillanimous and silent. Confident of Mr. Nixon's power, his attorney general even indulged in the unparalleled insolence of telling the Senate Judiciary Committee, "If you think you have a case, try impeachment." It may be one of the proposals Mr. Nixon will live to regret.

#### THE COVERT CHALLENGES

No less significant, no less dangerous, than these overt challenges are those challenges which we may call covert, though there is certainly nothing secret about them. They are threats not so much to specific provisions of the Constitution or of laws as to those institutions and practices, built up over a century and a half, designed to make the most complicated governmental mechanism in the world work. They disrupt and reject that delicate fabric of political compromise, trust and grace clearly envisioned by the Founding Fathers as essential to the functioning of our government.

Thus there is the atmosphere of contempt for so many of the traditional institutions of the American system: the Constitution, the Bill of Rights, the Congress, the courts, the press and other media, even the people themselves—a contempt which Mr. Nixon unconsciously confessed in his famous interview of the eve of his second inauguration: "The average American [not Mr. Nixon, obviously, or his cronies] is just like the child in the family. . . . If you make him completely dependent and pamper him and cater to him too much, you are going to make him soft, spoiled, and eventually a very weak individual."

In that same interview, Mr. Nixon spoke of fostering a sense of independence among the American people. But rarely in our history has there been a President so unreceptive to critical or dissenting views as Mr. Nixon. From his advisers and subordinates he requires not independent judgment but unquestioning loyalty—not to the Constitution, but to him. For four years he and his associates displayed an unflinching arrogance toward all who were recalcitrant, all who were independent, all who were critical, all who had minds of their own. Henry Kissenger is perhaps the only serious exception to this generalization.

There is, too, the atmosphere of secrecy—even of conspiracy—that permeates the White House and, indeed, all the executive offices. The President himself is almost inaccessible: For 12 months, Secretary of the Interior Walter Hickel was unable to break through the *cordon sanitaire* that surrounded him. Secrecy became in time an end in itself: The symbol of this was the frenzy for classifying everything "top secret." The kind of cloak-and-dagger, wiretapping, *agents, provocateurs* activities that are only now coming to light became, under Mr. Nixon, standard operating procedure. It was inevitable that sooner or later the FBI and the CIA would both be sucked into the maelstrom of party politics.

All this was something new in American history. Lincoln fought the Civil War, Wilson World War I and Roosevelt World War II without a thought for the kind of secrecy that the Nixon administration thinks essential to the normal working of government—a secrecy which is, needless to say, the outer manifestation of that suspicion, mistrust, insecurity and fear with which Mr. Nixon and his closest associates regard all "outsiders."

There is the atmosphere of—shall we say Madison Avenue?—in which those in power view government as a giant public-relations enterprise. This view assumes that policies are to be argued not on principle but on the merits of their packaging, as it were; that everyone and everything can be manipulated, never mind what methods are used, never mind how the products turn out. Just as political campaigns are turned over now to public-relations firms, so great issues of war and peace, of wealth and commonwealth, are to be decided not on their merits but through the manipulation of public opinion polls or the purveying of false information even by the President, who himself appears and sounds more and more like the head of a giant public-relations firm.

### A PLACE IN HISTORY

Watergate may change all this. For each of the scandals that erupts to the surface sends its waves lapping at the very threshold of the White House. They have already made that mansion uncomfortable; soon they may rise higher and make it uninhabitable.

The President, who assumed that his 17 million majority gave him carte blanche to do what he pleased, and who came to think—and to act—as if, like Louis XIV, he were the state, now finds that as public confidence in his judgment and even in his integrity evaporates, so does his power.

What changes are already under way as a consequence of Watergate?

First, the President is now on the defensive and Congress is on the offensive. Mr. Nixon will no longer be able to use the kinds of persuasions, pressures, and treats that he—and, of course, other Presidents—employed so successfully in the past. He who refused to cooperate with the Congress cannot now expect that Congress to be eager to cooperate with him. Nor can he count with any confidence on enough votes to sustain such vetoes as he threatens to use, for example, on the proposed termination of funds for the Cambodian war.

Nor can Mr. Nixon count with any confidence on support from his own party: The 24–0 vote of the Senate Appropriations Committee against money for Cambodia made that clear. Even stalwarts like Sens. Goldwater of Arizona, Cotton of New Hampshire and Baker of Tennessee appear to have "had enough."

Doubtless Mr. Nixon has been shaken and perhaps even weakened by the loss of so many of those political cronies with whom he had long associated. Getting rid of Haldeman and Ehrlichman, Mitchell and Kleindienst; Dean and Stans and a dozen others is, in the long run, all to the good both for Mr. Nixon and for the country. For their replacements will not, we may hope, try to seal him off from the public, deny him access to public opinion and the press, withhold from him that independent counsel which might have saved him from disaster. Nor is it probable that the remaining men—Kissinger, Richardson, Ruckelshaus, Schlesinger and others—will connive at or acquiesce in that violation of law and of ethics in the Department of Justice, the FBI and the CIA which is perhaps the blackest mark against this administration in the domestic arena.

Certainly Mr. Nixon cannot count on the courts to support his claims in the realm of war-making in Cambodia, of impounding congressional appropriations, or—in all likelihood—to support his interpretations of his right to authorize wiretapping on what he considers grounds of national security or his right to establish prior censorship through classification. Even the Supreme Court, with four Nixon appointees, has shown a gratifying independence of executive preferences and pressures: Thus in its refusal to accept the President's views of busing or wiretapping, or to seriously impair the guarantees of due process in civil rights and civil liberties cases which Mr. Nixon and his attorney general find so troublesome. Yet the balance here is a delicate one. One or two more appointments like that of Justice Rehnquist and we may see a retreat all along the judicial line.

All in all, this new situation—the product of Watergate and of all that it symbolizes—may leave Mr. Nixon so weakened that he will no longer dare to substitute his will for the law, no longer impose that will upon the Congress, no longer be able to carry the people with him in waging war or spending recklessly for future wars, no longer expect to intimidate the great newspapers and the networks, no longer cover over his misdeeds with the mantle of secrecy. He may be forced to abandon, in practice anyway, his usurpation of legislative powers. He may be induced to treat the judiciary with respect. He may even be persuaded to abandon those policies of secrecy, concealment and deception which have given his administration a unique place in our history.

---

## EXPANDING MINORITY PARTICIPATION IN ENGINEERING

Mr. HUMPHREY. Mr. President, on May 7, I addressed a special National Academy of Engineering symposium on minorities in engineering. I think that when we look at the poor national performance in promoting minorities to top professional leadership positions, we must look to a totally inadequate minority participation in engineering as an important part of the problem.

Given the predicted shortage of many categories of engineers in the next few years, it would be irresponsible if a serious effort were not made to fill a good portion of this gap with talented people from our minority groups.

I believe that the prime second generation civil rights problem of the 1970's is the slow progress of minorities into top levels of management. If we can produce more minority engineers in the 1970's, we will have a "seedbed" of talent for top level management positions in the 1980's and beyond.

I ask unanimous consent that my remarks to the National Academy of Engineering on May 7 be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### EXPANDING MINORITY PARTICIPATION IN ENGINEERING

America has made great progress in the civil rights area in the last decade. The most dramatic and important achievement has been related to jobs. Without an equal opportunity for decent jobs and income, I think we will all agree, there is little chance for full participation in other areas of society.

In one area, however, minority progress has been relatively slow. That is in the upper professional and managerial ranks. This, I believe, is the prime second generation civil rights problem of the 1970s. Unless it is addressed, inequality in our society will grow.

Engineering training has traditionally been and is today a key requirement for many of the upper level professional and managerial positions to be found in businesses and government. The current participation rate of minorities in the engineering field, however, is shamefully and distressingly inadequate:

98% of U.S. engineers are white males, a group which comprises only 42% of our population.

A group of 36 million Americans—blacks, Indians, Chicanos and Asians—contribute less than 2% of the U.S. scientific and technical personnel.

Women represent less than 1% of engineers.

Of 1.1 million engineers in 1971, only 7,300, or .7%, were black.

Out of 230,000 students enrolled in Engineering in 1970, only 1 out of 100 were black.

According to the experts, this country is headed for a severe shortage of engineers in many specialties within the next few years. If the quality of life for a growing population in an increasingly complex world is to be improved, this gap must be filled. This could be done in a number of ways. However, it would really be irresponsible, with this timely gap in the supply of engineers, if we failed to fill a large part of it with minorities and women. We must!

Of course, this will not happen on its own. A massive concerted effort by industry, government and our educational community is called for.

Why should we try to meet the anticipated demand with minorities? Some of the most important reasons are:

To reduce economic discrimination and provide potential managerial and professional leaders in the future from our minority groups. It takes 15 to 20 years to rise to top positions; we must not waste time.

To tap a valuable source of human capital that has not been fully utilized in the past, particularly in engineering and the hard sciences.

To provide a cadre of technically trained minority people to help find technological solutions to the socio-economic problems of the central cities, where many of these people have their roots.

To prevent the recurrence of a "brain drain" of engineers from foreign countries where their skills are urgently needed. And

To increase the number of non-white Americans available to respond to the technology needs of the third world.

Most agree that the problem of getting more minority engineers into industry, education and government is a supply problem, not one of demand. While equal opportunity legislation has succeeded in inducing demand, it is not being met by the educational establishment.

A number of related problems have been pointed to as the reason for the lack of trained minority engineers in the U.S. Some of the most important seem to me to be:

Inadequate preparation for engineering schools by inner city public schools (poor facilities, especially for sciences, poor curricula in math and science, insufficient guidance counseling, etc.).

Minorities have been generally unaware of opportunities in the engineering profession.

All too few successful engineering leaders from the minority community to serve as models for the careers of the young.

The economic condition of most minorities makes any advanced education difficult to obtain. When that education requires longer hours in school for laboratory work—making outside employment difficult to arrange—this economic problem is compounded.

The community colleges and predominately black institutions that most minorities attend have generally not been adequately funded to provide quality engineering education.

Another serious related problem is the lack of technically trained minorities at the top managerial and professional levels of industry, government and education. Besides the obvious reason that there is only a limited pool of lower level minority engineers in these organizations to put into the leadership positions, other reasons have been noted. Some of these are:

Rigidities in the promotional and seniority systems of public and private sector organizations:

Small number of the minority engineers with educational backgrounds that can compete with their peers who attended the U.S. "centers of excellence" in engineering. And

The persistence of bias in most organizations at many levels, despite the official policies of these institutions.

Now, what can be done to correct this situation, to improve the supply of minority engineers and see to it that they are given fair treatment in moving up in our private and public institutions?

It seems to me that today's symposium is a major step in the right direction. The first step is to recognize the problem, develop a strategy for dealing with it and mobilize a broad spectrum of business, education and government leaders to work together toward a solution.

I don't have any quick and easy solution to offer. I wish I did! The people in this room are much more qualified than I to chart the right course.

I do have a couple of ideas, however.

First, it seems to me that a series of regional consortia for minority engineering education might be established. With minority education in the lead, minority educational institutions could develop cooperative programs with the various "centers of excellence" in engineering around the country.

This would provide minority students with an opportunity to avail themselves of the facilities and expertise of these institutions and provide the "centers of excellence" with a pool of qualified minority students to draw into their programs. Exchanges of professors, opportunities for joint appointments of faculty, with research opportunities for all, would improve the quality of education at all consortia institutions. Perhaps, a series of federal "institution building" grants could be provided to the minority institutions to expand engineering faculties and finance needed facilities.

Second, a "blue ribbon" task force could be established with leaders of industry, government, and education as members. This group, with minorities in the lead, would be responsible for focusing public attention on the minority engineering problem. They would emphasize the growing shortage of engineers and rising demand for minorities in this field.

Third, this National Academy of Engineering group could establish direct contact with guidance counselors in secondary schools in areas with large minority populations. Minority students, more than most teenagers, are cut off from a view of what career opportunities exist in the country.

Providing information on future demand for engineers, industry demand for minority engineers, importance of the engineering profession in the solution of inner city socioeconomic problems, sources of financial assistance for engineering education, could go a long way toward stimulating more interest in engineering among the growing number of well trained minority youth in our high schools.

Finally, it seems to me that the best way for industry to get more minority engineers in their drafting rooms is by putting more minorities in their board rooms. Unless the possibility of rising to the top can be demonstrated to talented young minorities, they will choose other professions for their careers.

---

## THE CHILDREN OF VIETNAM

Mr. MONDALE. Mr. President, all of us in the Senate are deeply concerned about the injustices suffered by thousands of Vietnamese people as a result of the war. There is no more shocking and tragic effect of the war than the injury and abandonment of thousands of innocent, helpless children including many infants.

Two recent articles in the press have called our attention to the devastating effects of the war on children. One article cites an estimate that at least 800,000 children—and maybe as many as 1.5 million—have lost at least one parent. According to an article in the May 28 issue of Newsweek,

> Some 8 million Vietnamese—nearly half the nation's population—are under the age of 15, yet the government in Saigon allocates only 1 per cent of its national budget for the care and rehabilitation of its crippled, diseased or orphaned children.

As chairman of the Subcommittee on Children and Youth, I am particularly concerned about the future of these children, and about the prospects for their medical treatment and for adoption and a secure family life.

I ask unanimous consent that these two articles, "Children of War," an editorial which appeared in the Washington Star-News; and "Vietnam's War-Torn Children," be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### Children of War

Nothing about the Vietnam War is so painful to contemplate as its impact on the children caught in that devastation. Americans have an obligation to comprehend the magnitude of this suffering, and to respond with generous assistance. Failing that, this country assuredly will not have departed the war in a way that gives the conscience any relief.

And thus far, it certainly has failed. Of the estimated 700,000 orphans or half-orphans in South Vietnam, only about 23,000 reside in orphanages, most of which are deplorable in shocking degree. Thousands of other children simply roam the streets, many of them racked by malnutrition and disease. Non-orphan children in the teeming, impoverished refugee camps often are no better off. And mixed in this dismal picture are perhaps 25,000 Amerasian children, fathered by U.S. servicemen, whom the Vietnamese society frequently rejects.

All of this was laid out in appalling detail the other day before the Senate subcommittee on refugees, by a study team that recently returned from South Vietnam. A spokesman told of "steadily deteriorating conditions," and said he was "deeply disturbed by the lack of sensitivity and responsible initiative our government has shown to even the most minimal needs of these children." Voluntary organizations, which provide most of the orphan care, now are deprived of those heavy contributions that have come from American GIs in Vietnam. And they never have had more than a fraction of the needed resources.

At last the United States government is beginning to channel some increased allocations for these needs, which have a low priority with the South Vietanamese government. But the effort is too small and uncertain. Congress should appropriate funds specifically for assistance to Vietnamese children, and those of half-American parentage should be made more easily adoptable in this country. No less urgent is the need for more and larger donations, by individual Americans, to those voluntary agencies that now are the only hope of so many children in Vietnam.

---

### Vietnam's War-Torn Children

(By Loren Jenkins)

She was 13 years old, a frail and shy child named Huynh Thi Chi. Along with her parents and six brothers and sisters, she lived in the village of Dien Bang where she tended the family vegetable patch, helped her mother clean house and, on occasion, plowed the rice fields with her father's water buffalo. Then, on a hot and steamy day in 1968, the tranquil world of Huynh Thi Chi vanished in a blinding flash. Artillery shells began to fall as Chi was working in the fields, and when the barrage ended she lay in the paddy, bleeding and paralyzed from the waist down. Last week, with the aid of stiff metal braces and crutches, Chi stood on the veranda of a Saigon home where she lives with a dozen other paraplegic children. Casting her coal-black eyes to the ground, she whispered: "I do not even know which side fired the shell that left me like this. All I want and hope is to try to live again."

Hope is a rare quality in today's Vietnam—almost as rare as a child who has not been scarred, one way or another, by the war. Unlike conventional military conflicts, the Vietnamese war knew no fixed boundaries or front lines, and it made little distinction between soldier and civilian, adult and child. Although the pain the war inflicted upon the children is impossible to calculate statistically, the estimates are immense.

Foreign medical experts say there are hundreds of thousands of maimed and crippled youngsters like Chi, children who not only suffer their physical agony but face a life of isolation in a society that has traditionally turned its back on the weak and disabled. At least 800,000 children—and possibly as many as 1.5 million—have lost one or both of their parents to the war. While some have been taken in by relatives, countless others have been cast adrift in festering refugee camps, jammed into filthy and overcrowded orphanages or simply left to wander the streets and beg or steal. As one American doctor says, "It is a tragedy of life and limbs whose magnitude we simply will never know."

Some 8 million Vietnamese—nearly half the nation's population—are under the age of 15, yet the government in Saigon allocates only 1 per cent of its national budget for the care and rehabilitation of its crippled, diseased or orphaned children. "Orphans are not producers," Maj. Gen. Pham Van Dong, Minister for Veteran Affairs, explains. "They are spenders at a time when we need productive returns on our investment." The American Government is also niggardly when it comes to contributing funds for the children of Vietnam—despite the fact that many of those children fell victim to U.S. bombs and others are the illegitimate offspring of American servicemen. Some private American agencies have tried to ease the burden by arranging adoptions of Vietnamese children (page 56).

For the children injured by the war, medical facilities are antiquated and inadequate. The country suffers from a woeful lack of trained doctors—only one for every 8,000 hospital patients. "Some of the hospitals here," one U.S. official in Saigon said to me, "would make Dr. Schweitzer's African clinic look like Walter Reed hospital. As for doctors, the Vietnamese Army has drafted many and hundreds of others have gone abroad either to avoid military service or because the money is much better."

One bright spot in the medical picture is the modern 54-bed plastic-surgery hospital in Saigon set up by Dr. Arthur Barsky, a physician noted for his successful treatment of disfigured survivors of the Hiroshima A-bomb. The second-floor ward of the Barsky hospital is crowded with children, either waiting for their operations or just recovering from them.

Fourteen-year-old Lee Thi Ut, a tiny girl with a body seared by flame and torn by shrapnel, is about to undergo yet another of the dozen operations she must have. She sits in bed with her right leg and left arm in splints, and scarlet-red graft scars still healing on her thighs and hips. "I was out working in the fields," she told me, "when I found some bullets and grenades lying around. I wanted to get rid of them because I did not like war. I threw them into the fire but they exploded." Le Thi Bo, 13, was playing in her home in Saigon when a bullet tore her chin away. When I saw her she had just been wheeled out of surgery after the seventh operation to graft a rib onto her jaw to rebuild her chin. "It is horrible what has happened to some of these children," says Dr. Caesar Arrunategui, "but you would be surprised at how much we can do to fix them up so they will not have to go through life thinking they are freaks."

### FLOTSAM

Not all the children can be fixed up. One needs only to step outside the door of the venerable Continental Palace Hotel in Saigon to see the youthful human flotsam that the last decade of war has cast adrift. Ragged children of all ages and sizes—some orphaned, some maimed—swarm through the streets scraping a pittance by shining shoes or washing cars or selling garlands of jasmine. Some just beg; others steal or become prostitutes—and some, even the youngest have turned to pushing drugs.

Cau is a veteran of the streets, a tiny 8-year-old who has been selling peanuts at the Continental Palace's veranda bar since she was 3. For Cau there has never been a childhood, and it shows in her hardened face and eyes which hardly ever reveal even the hint of a smile or a sign of warmth. She doesn't know her surname—when I tried to ask her about herself and her life, she just shrugged, looked blank and said in nasal English: "Buy peanuts, Joe?"

Among the forlorn pack of street urchins, there is a sad and haunting unwillingness to talk about the past—if they remember it. To many, the past is only something to erase from their minds; to forget is to escape. Ten-year-old Doung would only tell me his name and age. He would not say how he had lost one leg, or how he got the napalm burns that scar his remaining leg and both his arms. He lives on the street and sleeps on the sidewalk, hoping that the horde of rats that infest Saigon will not bother him. When I asked Doung how he was wounded, he choked back tears and said, "I do not want to talk to anyone about it."

Other children have been so traumatized by their experiences they cannot recall what made them what they are. Nguyen Thanh Son is a tall, handsome boy of 12 whom I saw one day standing by himself at the tawdry Go Vap orphanage in the town of Tu Duc, gazing at the world through his one good eye. The other is just a gaping socket. At first, he would not reply to all of my questions, but finally he kicked the dirt and said, "I don't know what happened. I have been this way since I was 2."

As Son and I talked, other children among the orphanage's 200 charges sat in the dusty courtyard unattended. There are supposed to be six nuns to care for the children at Go Vap, but the only person around when I visited was the housekeeper. The children, most of them barefoot and in rags, many with sores or obvious maladies, simply wandered aimlessly with no guidance. In the nursery, emaciated and malnourished babies lay in the cribs in diapers made from old sacks, once used to hold rice donated by the U.S. Go Vap is not unique, almost all of the 133 "approved" orphanages are squalid, poorly equipped, understaffed and overcrowded—worse than any Charles Dickens described. "The state some of the babies are in when they are brought here is simply incredible," said a nurse at one orphanage. "And we have only enough staff to change their diapers and feed them." Too often, the children seem to be little more than swollen bellies carried on stalks of legs—and the mortality rate ranges between 50 and 70 per cent.

### BURDEN

In part, the tragic condition of Vietnam's orphanages stems from an Oriental belief that it is the responsibility of relatives—not strangers—to care for parentless children. "We intentionally do not want to build more orphanages," say Tran Nguon Phieu, the Minister of Social Welfare, "because we want the people themselves to take care of the children." Many orphans are indeed being tended by relatives—but U.S. Agency for International Development officials say that at least 150,000 of these are living in "severely disadvantaged" conditions and urgently need the kind of care and medical attention that impoverished relatives cannot provide. However laudable the government's child-care philosophy may be in principle, the fact remains that in Vietnam today the people cannot—or will not—assume the extra burden of caring for the children who need help.

Perhaps the children who suffer the most as a result are the 25,000 mixed-blood babies, mostly the offspring of American GI's. (Again, accurate statistics are not available; one American foundation official told me there could be as many as 100,000 such children.) "These are the forgotten souls of the Vietnam war," says Robert G. Trott, director of CARE in Vietnam. "When the soldiers left, the money that these children's fathers—or friends of their fathers—had provided left with them."

Many of the mixed-blood babies are half-black and, despite the Saigon government's official insistence that discrimination does not exist in Vietnam, Vietnamese readily admit that they consider the black babies "inferior." Even those who love and take care of the black babies worry about their future in Vietnam. Mrs. Vo Thi Nen, who has cared for her daughter's black baby since the child's mother died, told me: "He is too different from the other children in our community. I think he would be better off in the United States."

### RESCUERS

The Saigon government does not agree. Vietnamese policy is to discourage adoptions by non-Vietnamese—a policy that Saigon implements by entangling adoption papers in mounds of red tape. The feeling that Vietnamese children should be raised in Vietnamese society certainly has merit. But as Elsie Weaver, of the World Vision child-care agency in Vietnam, notes, "The question is not whether a child will be better off being raised in his own culture. The choice is not there. I see so many babies in orphanages who are simply going to die unless somebody rescues them." The ideal rescuers, the Vietnamese, do not seem to be up to the task—in part because of their own poverty, in part because of their demoralized state of mind. "To survive, Vietnam has had to rely on negative values: corruption, graft, self-interest," says Dr. Olivetti Nikolajczak, the only child pyschologist in Vietnam. "Morality has simply disappeared in much of the society."

To be sure, Washington has funneled massive amounts of aid to Saigon, and Nixon Administration officials point out that the U.S. is spending some $20 million this year on "children-related programs." But virtually all of that money goes for general-welfare programs, with only $1.1 million used directly to benefit the neediest children—the orphans, the crippled, the maimed. And that sum is considerably diluted as it trickles down through the corruption-riddled Vietnamese bureaucracy. "What surpasses surprise is the insensitivity of our government" said Dr. James R. Dumpson of Fordham University, who recently completed a visit to Vietnam to study postwar humanitarian programs. "There are simply a large number of children for whom [Americans] share a responsibility—who desperately need our help—help which is not now forthcoming." If that help does not come from the United States, it may not come at all.

---

## NATURAL FLOOD PLAINS VERSUS MANMADE DAMS FOR FLOOD CONTROL

Mr. PROXMIRE. Mr. President, severe river flooding in various parts of the country has put increased pressure on the Congress to fund flood control dams proposed by the Army Corps of Engineers. These projects are designed to contain storm waters upstream from population centers so as to prevent or reduce loss of life and property damage due to downstream flooding.

Because of the extensive flooding which we have already experienced in the past year it is important to carefully examine the proposals which have been brought forward to reduce the potential for future disasters of this sort. I am not at all convinced that a continuation of the feverish dambuilding which this Nation has seen for the last several decades will have the desired effect. In fact, in some instances dam construction would have an opposite result to that intended. The presence of a large dam or series of dams can lull the downstream populations into a false sense of security, thus encouraging expansion into flood plain areas which are the most susceptible to unusually severe floods. In one project, already authorized, a substantial portion of the project's flood control benefits are supposed to come from the protection of a flood plain which will need protection because it will also be extended by the project in order to encourage community development. This sets up a vicious circle: greater flood plain protection by dambuilding is predicated on extending the flood plain for residential development. A major flood could still strike the area with greater damage than would occur under a similar flood without the dam.

Mr. President, two articles in last month's issue of Science and Public Affairs suggest excellent alternatives to our present methods for protecting our communities from the disasterous effects of severe flooding. The first article concludes that flood control strategies based on containment of storm waters by dams are at best impractical and at worst potentially more costly than the floods themselves. The author suggests that the funds which have been earmarked for dams could be better directed gradually to relocating those residences, industrial facilities, highways, and railroads which at present are situated in flood plain areas. The outstanding capabilities of the Corps of Engineers could be redirected to the problem of developing a long-range plan for relocation.

The second article follows up with suggestions for preserving the flood plains in order to enable these natural formaltions to fulfill their geologic purpose of temporarily containing flood waters while the destructive force of the flood itself is spent in the main river channel.

Mr. President, I believe that my colleagues in the Senate will find these analyses helpful in their deliberations on flood management. I therefore ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### HURRICANE AGNES: FLOODING VERSUS DAMS IN PENNSYLVANIA

(By Franklin S. Adams)

"From the perspective of natural ecology, flood control dams may be considered technological man's ultimate folly! Flood plains belong to the rivers that created them. And if man is to reap safely the benefits of their transient existence, he must again learn to accommodate their geologic functions." Franklin S. Adams is assistant professor of biology at Pennsylvania State University.

Flood control dams are relatively permanent fixed structures located more or less strategically upstream from centers of human habitation and specifically designed to trap and contain storm waters thereby preventing or reducing loss of life and property damage due to downstream flooding. The ability of flood control dams to prevent disastrous floods is contingent upon the simultaneous interaction of two complex conditions. First, storm waters must fall within the fixed catchment basin and, second, the storage capacity of the impoundment must nearly equal or exceed the amount of runoff water received within the basin. When storm waters fall outside catchment basins or when the storage capacity of an impoundment is exceeded during the early stages of a storm, flood control dams are simply incapable of preventing damaging floods.

Hurricane Agnes, during a six day period June 20 to June 25, 1972, produced the most devastating floods ever encountered in the United States. At Harrisburg, Pa., the lower Susquehanna Basin, the flood waters crested 3.3 feet above the 1936 record flood readings. Property damage alone is expected to exceed $3 billion. The total costs, in terms of human discomfort and community dislocation, are truly incalculable. In the face of such widespread anguish, it is a difficult task to analyze the causes underlying the tragedy objectively. Yet, if similar disasters are to be avoided in the future, someone must begin by asking appropriate questions.

In talking with numerous flood victims, I was disturbed by the fact that most people did not believe the flood could occur. This attitude was reflected by the editor of a Harrisburg paper who said, "It was assumed that the 1936 flood was the worst Pennsylvania ever would have." It is apparent that most people in the Susquehanna Basin believed that the 23 dams north of Harrisburg and the several miles of dikes protecting riverside communities, most of which had been constructed since the 1936 flood, would adequately contain the flood waters. Even now that the present flood is over, many people remain confident that history will not be repeated. The feverish activity associated with rebuilding all that has been lost supports this contention. In the very best pioneering spirit, flood victims everywhere appear determined to restore every lost bridge, every damaged house and trailer, every waterlogged business, to its "rightful" place on the flood plain. Their faith in themselves and nature appears limitless.

Actually, there is very little reason to believe otherwise. Spokesmen for the Corps of Engineers and politicians alike have reaffirmed the public's faith. The fact that several large flood control dams had not spilled over is cited as evidence of their ability to reduce the extent of flood damage, if not entirely contain floods. Obviously, all that is needed are more dams.

Yet there are a few individuals, not the least of whom is the editor of the *Scranton Tribune*, who have suggested that "immunity" from floods is something worth thinking about. Most of all what the public needs to think about, if future disasters are to be properly avoided, is why the flood occurred at all.

To determine why serious flooding occurred in a region already protected by 66 flood control dams requires that several relevant questions be asked: How much rainfall was involved? Where in the river basins did the storm waters fall? Where were the flood control dams located in relation to runoff waters? What was the storage capacity of the flood control dams? How many new dams are needed to contain a storm of this magnitude? And, perhaps most important, what is the probability of containing a storm the size of Hurricane Agnes?

During the three week interval preceding the arrival of Hurricane Agnes, virtually the entire state had accumulated 4 to 6 inches of rain; Pennsylvania had quite literally become saturated with water and was in no way prepared for an additional 4 to 18 inches of rain. According to John Bex, U.S. Eastern Region Director of the Defense Civil Preparedness Agency, federal weather forecasting officials warned that 7 to 10 inches of rain would fall in Pennsylvania and Virginia. In fact, according to climatologist James J. Rahn, "Agnes lingered over Pennsylvania for nearly 6 days while moving slowly in a circular pattern over the center region of the state and finally dissipating over the state of New York." The total rainfall in the Delaware, Susquehanna and Allegheny River Basins in Pennsylvania is presented in Table 1.

TABLE 1.—HURRICANE AGNES RAINFALL ACCUMULATIONS IN DELAWARE, SUSQUEHANNA AND ALLEGHENY RIVER BASINS IN PENNSYLVANIA, JUNE 20-25, 1972

[Millions of gallons]

| Categories of accumulation (inches) | River basin | | |
|---|---|---|---|
| | Delaware | Susquehanna | Allegheny |
| 4 | 51, 993. 6 | 2, 617. 4 | 10, 693. 8 |
| 4 to 6 | 270, 022. 4 | 89, 092. 3 | 269, 544. 6 |
| 6 to 8 | 178, 807. 0 | 659, 074. 4 | 441, 317. 2 |
| 8 to 11 | 105, 144. 7 | 1, 067, 072. 9 | 296, 632. 5 |
| 10 to 12 | 36, 091. 9 | 733, 249. 9 | 178, 834. 4 |
| 12 to 14 | 11, 861. 4 | 434, 013. 9 | |
| 14 to 16 | | 336, 769. 9 | |
| 16 to 18 | | 138, 474. 5 | |
| 18 | | 26, 251. 7 | |
| Total | 653, 921. 0 | 3, 486, 607. 9 | 1, 197, 022. 5 |

Source: Calculations derived from official Hurricane Agnes rainfall distribution map prepared by James J. Rahn, climatologist for State of Pennsylvania.

The Commonwealth of Pennsylvania, Department of Forests and Waters (now the Bureau of Forests and Parks within the newly organized Department of Environmental Resources) has prepared a comprehensive inventory of Pennsylvania dams, reservoirs, and natural lakes. The inventory includes all significant bodies of water of less than 0.5 acre surface area or 0.5 million gallons storage capacity and larger, lists each impoundment according to permit number, precise geographic location, drainage area in square miles, surface area in acres, storage volume in millions of gallons, and dam height, type of construction, use and class (which includes an analysis of risk associated with failure due to large storms); and provides detailed maps of dam locations within each drainage basin. All flood control dams or multipurpose dams with a flood control function are clearly designated. Data for the 66 flood control dams in three major river basins are presented in Table 2.

TABLE 2.—FLOOD CONTROL DAM STATISTICS ON DELAWARE, SUSQUEHANNA AND ALLEGHENY RIVER BASINS

| River basin | Number of dams [a] | River basin area ($mi^3$) | Drainage area ($mi^2$) | Percent of river basin occupied [b] | Reservoir storage capacity (millions of gallons) | Reservoir surface area (acres) |
|---|---|---|---|---|---|---|
| Delaware | 31 | 6, 488 | 602. 6 | 9. 3 | 87, 038. 1 | 2, 284. 5 |
| Susquehanna | 23 | 20, 926 | 1, 726. 9 | 8. 3 | 147, 386. 0 | 4, 337. 0 |
| Allegheny | 12 | 9, 765 | 5, 286. 0 | 54. 1 | 639. 862. 0 | 18, 900. 0 |
| Total | 66 | 37, 179 | 7, 615. 5 | 20. 5 | 874, 286. 1 | 25, 521. 5 |

Source: Pennsylvania Bureau of Forests and Parks, "Dams, Reservoirs and Natural Lakes," Water Resources Bulletin, No. 5, Comprehensive Water Resources Planning Inventory No. 1 (Harrisburg, Pa.: The Bureau, 1970).

[a] Of the 66 dams officially designated "flood control" dams, at least 40 of these are mere ponds, designed specifically for very local protection.

[b] The area occupied by flood control dams includes all upstream lands within the fixed catchment basins.

The rainfall from Hurricane Agnes was unevenly distributed across the state. As shown in Table 1 the Susquehanna Basin received the greatest volume of rain while the Delaware and Allegheny Basins received significantly lesser amounts. A comparison of rainfall accumulations with the location of major flood control dams confirmed the fact that the largest dams were generally located in areas of least accumulation.

Of the 31 flood control dams in the Delaware Basin, only 2 possess greater than 500 million gallons storage capacity. These dams—the Gen. E. Jadwin Reservoir on Dyberry Creek (8,000 million gallons) and the Prompton Reservoir on the Lackawanna River (15,700 million gallons)—are located in Wayne County in the extreme northeast corner of the state, an area which received less than 6 inches of rainfall.

In the Susquehanna Basin, although there are 23 functional flood control dams, only 9 can accommodate more than 500 million gallons. The smallest—the Frances Slocum Dam on Abrahams Creek (500 million gallons)—is located in Luzerne County, an area which received generally less than 8 inches of rainfall. Among the largest dams, the Stillwater Reservoir on the Lackawanna River (3,780 million gallons) in Susquehanna County and the Curwensville Reservoir on the west branch of the Susquehanna River (38,875 million gallons) in Clearfield County have been highly praised for their ability to contain flood waters without spilling over. Both reservoirs are located in areas which received 6 to 8 inches of rainfall or less. Most of the other dams in the Susquehanna Basin, notably the Little Pine Creek Dam (8,081 million gallons) in Lycoming County and the Blanchard Reservoir (30,200 million gallons) in Centre County, were filled to capacity and spilled over by the third day.

Of the 12 dams in the Allegheny Basin, 10 are quite large and 1 is truly exceptionally large. The largest—Kinzua Dam on the Allegheny River (370,000 million gallons) in Warren County—received more than 10 inches of rainfall in the upper reaches of its drainage basin but generally received in the order of 6 to 8 inches. In general, half of the Allegheny Basin dams serve areas which received less than 8 inches of rainfall while the remainder received less than 6 inches. The extraordinary number of large dams in the Allegheny Basin can be explained by its superior position in relation to the Ohio and the Mississippi Rivers. The deep river valleys of western Pennsylvania provide ideal locations for dams in contrast to the rolling plains of the Ohio and Mississippi Basins. It is indeed fortunate for those regions that Hurricans Agnes was concentrated east of the Allegheny Basin.

By comparing the total rainfall for each river basin with the total storage capacity of existing flood control dams, it is possible to evaluate the relative intensity of flooding within and between each river basin (see Table 3).

TABLE 3.—SUMMARY OF RELATIVE INTENSITY OF HURRICANE AGNES FLOOD WITHIN AND BETWEEN DELAWARE, SUSQUEHANNA AND ALLEGHENY RIVER BASINS[1]

[Millions of gallons]

| River basin | Total rainfall[2] | Total storage capacity[3] | Flood waters[4] | Additional amount of floodwaters required to equal intensity of Susquehanna flood[5] | Additional amount of rainfall required[2] |
|---|---|---|---|---|---|
| Delaware | 653, 921.0 | 87, 038.1 | 566, 882.9 | 1, 081, 005 | 427, 084 |
| Susquehanna | 3, 486, 607.9 | 147, 386.0 | 3, 339, 221.9 | | |
| Allegheny | 1, 197, 022.5 | 639, 862.0 | 557, 160.5 | 1, 627, 006 | 429, 948 |

[1] These calculations ignore water losses due to infiltration and evapotranspiration which are here considered to be negligible for the Agnes storm interval. Even under the most ideal circumstances, including prestorm drought conditions and poststorm solar desiccation, water losses by these means probably would not exceed 40 percent, especially in the humid northeastern United States.

[2] See table 1.

[3] See table 2.

[4] Col. 4 equals col. 2 minus col. 3.

[5] Formula used to determine amounts required to equal intensity of Susquehanna flood: Amount required (millions of gallons) divided by drainage area (mi²) multiplied by Susquehanna flood (millions of gallons) divided by Susquehanna drainage area (mi²).

Assuming that the ideal flood control strategy would be to completely contain all flood waters, the difference between existing storage capacities and the additional amount required to achieve containment of an Agnes-type flood may be expressed as a *containment factor* for each watershed (see Table 4). The containment factor can then be used to calculate (a) the number of equivalent new dams that would be required to contain an Agnes-type storm; (b) the equivalent land area required as new drainage basins; (c) the proportion of available lands required to fulfill the containment objective; and (d) the equivalent number of acres to be occupied by the new flood control impoundments.

To achieve total containment and thereby fully protect the Susquehanna River Basin against flooding due to another Hurricane Agnes, 522 new equivalent dams would be required. It is highly significant to realize that this number of new dams would necessarily require the acquisition of twice the land area presently available. It must also be remembered that the new dams, once fixed in place, could not be expected to contain flood waters falling outside their fixed drainage basin. A freak storm falling in the wrong places could induce flooding despite magnificent flood control dams.

**If Hurricane Agnes had inundated the** Delaware River Basin proportionately to the Susquehanna **flood, 202 new equivalent** dams occupying nearly one-half of the available land area would be required. Similarly, 10 new equivalent dams would be required in the Allegheny River Basin occupying somewhat more than one-half of the available land area.

These new equivalent dams would also require greater than 14,000, 98,000 and 17,000 acres of new permanent impoundments for the Delaware, Susquehanna and Allegheny River Basins respectively. Acreage of this magnitude would occupy a significant portion of existing flood plains, precisely in those regions which are best suited for dams and are unfortunately presently occupied by forests, farms, town and cities. The total cost for 734 new equivalent flood control dams in terms of taxable lands lost and human discomfort due to community dislocation would probably exceed the losses due to Hurricane Agnes.

As the data developed here suggests, flood control strategies based upon containment by dams are at best impractical and at their worst potentially more costly than floods themselves. Assuming these criticisms to be in the main justified, what are the available alternatives? Any rational alternative strategy must necessarily account for the historical geologic function of river channels and their contiguous flood plains.

Geologically, a flood plain is the precise place where flood waters are temporarily and safely contained while the destructive force of the flood itself is dissipated in the main river channel. When the crest of a flood passes downstream, the excess water stored upon the flood plain gradually recedes either through existing channels back to the main stream or percolates through the flood plain soils leaving behind nutrient rich sediments. In old valleys possessing broad expansive flood plains, successive floods tend to form natural river bank levees. Natural levees provide a twofold function. First, only exceptional floods will overtop the levee thereby confining the destructive force of the high waters to the existing river channel. Second, exceptional floods overflowing or breeching the levee will tend to impound greater amounts of water and sediments which will be retained for longer periods of time thereby lessening the destructive force of the flood and retaining valuable silts that would otherwise be lost downstream.

TABLE 4.—PROJECTED NEW DAMS AND NEW LAND AREA REQUIRED FOR TOTAL CONTAINMENT OF A HURRICANE AGNES-TYPE FLOOD IN DELAWARE, SUSQUEHANNA AND ALLEGHENY RIVER BASINS

| River basin | Containment factor[a] | Number of new dams required | New drainage area required (mi²) | Proportion of available land required[b] | New area occupied by additional impoundment (acres) |
|---|---|---|---|---|---|
| Delaware | 6.5 | 202 | 3, 916.9 | >½ | 14, 849 |
| Susquehanna | 22.7 | 522 | 39, 200.6 | ≃2× | 98, 449 |
| Allegheny | 0.9 | 10 | 4, 757.4 | >½ | 17, 010 |

[a] Formula used to calculate containment factor: Delaware flood potential equals X divided by drainage area (mi²) equals Susquehanna flood (millions of gallons) divided by drainage area (mi²).

[b] The proportion of available land required is the amount of land that will be occupied by new dams in relation to the amount of land that is actually available.

Animal life occupying mature flood plains has adapted to intermittent floods. Such creatures abandon their temporary homes during the flood interval and return in due course. Farmers in the midwest who understand the vagaries of periodic floods typically live in similar temporary structures and have managed quite well to live in relative harmony with frequent floods at no untoward expense to themselves or their neighbors.

In young valleys possessing narrow, poorly defined flood plains, usually consisting of several irregular terraces bearing mute testimony to the historical sequence of floods in recent geologic times, floods are generally much more destructive. Major alterations in topography are the rule rather than the exception, for young valleys are yet destined to become mature valleys.

Somewhat less than a million years ago the Wisconsin Glacier helped to shape the prominent drainage features that characterize Pennsylvania today. It is obvious that nearly a million years of intermittent floods have done little to change the character of Pennsylvania's rivers. Primitive men resided here for nearly 9,000 years; technological man arrived 400 years ago: the "dam-men" have been doing their thing for only 36 years, more or less. The 66 existing flood control dams plus the equivalent new dams which have been proposed or planned promise to control finally the certain course of geologic events—or do they?

From the perspective of natural ecology, flood control dams may be considered technological man's ultimate folly! Flood plains belong to the rivers that created them. And if man is to reap safely the benefits of their transient existence, he must again learn to accommodate their geologic functions. What residential man needs to do most of all is to occupy flood plains only in a transient manner, complementing and accommodating the arrival and departure of intermittent floods.

This is not to suggest that man should immediately move to higher ground which would obviously require prohibitive technical and economic adjustments. What could be realistically accomplished is to abandon the flood plains gradually in direct proportion to the recurring threat of damaging floods.

Each time a destructive flood occurred, if 20 per cent of the most severely damaged residences, businesses, industrial facilities, highways and railroads were relocated to higher ground, eventually a functional flood plain would be reestablished in precisely those areas of greatest need. The cost of new construction could be financed by monies already earmarked for the planning and construction of unnecessary new dams. In addition, the existing planning and supervisory capabilities of the Corps of Engineers could be immediately redirected to the problem of developing a practical comprehensive long-range relocation plan, thereby making good use of an existing resource.

The alternative is simply to continue pouring valuable human resources and capital directly into the floodwaters only to be washed away again and again. Must it forever be necessary for the resources of an entire nation to be expended so carelessly to "protect" and insure the lives and welfare of a few who have unwisely remained on the dangerous and transient flood plain? Must we be forced to continue our unremitting support, without strenuously questioning the reasoning of the Corps of Engineers and its antiquated principle of flood containment at any unreasonable cost?

---

## FLOOD PLAIN DEVELOPMENT—THE SALT CREEK DISASTER

(By Donna Berry)

Salt Creek rises in northern Cook County, Illinois, flows sluggishly southward between the glacial moraines west of Chicago and empties into the Des Plaines River. The stream is only 45 miles long but its problems are typical of drainage basins overtaken by urban sprawl. The creek's entire 150 square mile drainage basin lies directly in the path of Chicago suburban expansion. Urbanization, while increasing the value of the open land along Salt Creek, has also increased the frequency and severity of periodic flooding.

On Friday evening, August 25, 1972, a summer thunderstorm dumped nearly seven inches of rain in the Lower Salt Creek Basin. The next day the creek rose to the top of its banks and by Sunday morning overflowed, flooding more than 1,200 acres of residential property. One person was killed and property damages exceeded $5 million in Du Page County, where the heaviest flooding occurred. On September 4, President Nixon declared the basin a major disaster area.

The U.S. Geological Survey estimates that stream-flow levels of the August flood are probable only once in 50 years. However, water levels are high enough to cause minor flooding in two years out of three.

The portion of northeastern Illinois now occupied by the Chicago metropolitan area has never recovered from the changes in its drainage pattern caused by the retreating Wisconsin glacier. Salt Creek Basin has narrow streambeds and poorly-defined flood plains. Naturally poor drainage has been aggravated by suburban development. The U.S. Department of Agriculture's Soil Conservation Service attributes the increasing frequency of flooding in the Upper Salt Creek Basin (northern Cook County) to five major factors: "(1) During the urbanization process many swamps and depressions are drained and storm sewered into the main channels. (2) As rooftops, streets and parking lots replace cropland, pasture and woods, the rate and volume of rainfall which runs off the land increases. (3) . . . Road fills and land fills across the natural floodways obstruct flood flows and increase floodwater elevations. (4) . . . Uncoordinated channel improvement in several areas has accelerated flood flows and as a result increased flooding in downstream areas. (5) Sedimentation of channels caused by urban construction is increasing flood stages."

Officials of the Du Page County Regional Planning Commission hold the same changes responsible for increased flooding along the Lower Salt Creek in Du Page, counting increasing run-off and land fill the two most important factors.

Some increase in run-off and sedimentation is inevitable as woods and pastures yield to streets and houses. Draining the swamps, filling the flood plain and dredging the channel were originally conceived as ways to prevent flooding, but they have made it worse. Such quick-fix approaches to flood plain management remove flood hazard from one area—at least temporarily—only to transfer it to another part of the watershed. Widespread land fill merely creates a new higher flood plain which suffers more frequent and more damaging floods.

Until recently, laissez-faire development was the rule on Illinois flood plains, with local ordinances reflecting lack of expertise and desire for maximum tax revenues. "The truth is that everybody is innocent, and on the other hand, everybody is guilty," said Tom T. Hamilton, chairman of the Salt Creek Watershed Steering Committee. "The problem in Illinois is that nobody is responsible for flood control."

Common sense and hindsight suggest, and planners agree, that if the flood plains were left undeveloped flood damages would be avoided. For the Salt Creek Basin it is too late to prevent buildup on most of the flood plain, so other solutions must be found.

Soil Conservation Service plans for the Upper Salt Creek Basin call for a $27 million dollar system of reservoir construction, channel improvement and flood plain preservation which is expected to reduce future flood damages by 85 to 90 per cent. Planning for the Lower Salt Creek is in its earliest stages, but has been given impetus by the heavy damages of the August 1972 floods.

Flood plain restoration is being considered for one section of Addison Township (about 20 miles west of Chicago). Kingery West, an unincorporated postwar development of about 140 homes, suffered over a million dollars in damages during the August 1972 floods.

The Du Page County Regional Planning Commission advocates acquiring the land and redeveloping it for open space and water retention purposes. John DuMerer, president of the Kingery West Howeowners Association, concedes there is some support among residents for this plan. He feels, however, that buying out Kingery West would be an expensive proposition. "Even those who most favor condemnation are not willing to settle for condemnation. They're ready to bargain with condemnation." An Addison real estate agent estimates the pre-flood value of Kingery West at $4 million.

Saving Kingery West may cost nearly $3 million. Small Business Administration federal disaster loans to area residents totaled nearly $1.5 million (somewhat more than actual damages because several mortgages were refinanced). The protective levee and pump system recommended by the Illinois Division of Water Resources will cost about $600,000 and an estimated $740,000 must be spent for a combined water and sewer system to replace individual wells and septic tanks now serving Kingery West. A new highway access road will cost another $100,000.

Extensive channel improvement for the Lower Salt Creek has been proposed by the Illinois Division of Water Resources. The Du Page Regional Planning Commission is not enthusiastic about this plan. They feel that while channelization solves the functional problem of dealing with flood waters, it is unsatisfactory from an ecological point of view.

The Division of Water Resources' chief engineer defines its primary responsibility as being the most effective flood control for the lowest cost. And while issues of conservation or creation are "considered" the loss or grain of wildlife habitat or open space is not usually figured into the Division's cost/benefit analyses.

Flood plain preservation, combined where necessary with multipurpose reservoirs is the alternative favored by planning groups. Northeastern Illinois Planning Commission (NIPC) recommends the acquisition of 90,000 acres of open space before 1976; 40,000 acres are in the flood plain.

The multipurpose approach was feasible along the Upper Salt Creek because most of the acreage needed for reservoirs had been owned by the Cook County Forest Preserve District since the 1930s. The Du Page County Forest Preserve District did not begin to acquire land on a large scale until the 1960s, and by that time the Lower Salt Creek Basin was considerably urbanized and land values would not allow acquisition of large tracts of flood plain.

Land use regulation can preserve the storage capacity of the flood plain without the expense of public purchase. In the Upper Salt Creek Basin the Chicago Metropolitan Sanitary District has required the villages it serves to adopt flood plain ordinances which require developers to raise structures on the flood plain above record flood heights and to provide compensatory storage—for every foot of fill, a foot of earth must be excavated. These ordinances, however, apply only to developments over a certain size—5 acres for commercial and 10 acres for residential. (They would not have prevented the piecemeal development of Kingery West.) In some cases developers with large tracts of land have agreed to leave their flood plain in open space in return for higher permitted densities on the remaining land in the tract.

Flood damages in the Upper Salt Creek Basin now average $412,600 per year. New development on the remaining open flood plain would raise that figure to $853,500 without the planned reservoir system. Of the 85 to 90 per cent reduction in future flood damages credited to the reservoir system, more than 50 per cent could have been prevented by halting flood plain build-up. However, except for 261 acres of flood plain preserve, restrictive zoning was "precluded as a reasonable alternative" because "the remaining flood plain land is intensely developed or committed to development" (Soil Conservation Service Work Plan).

"The public is giving away zoning and then taxing itself millions of dollars to buy itself out," said Howard C. Johnson, director of the Du Page County Forest Preserve District. He pointed out that as long as flood plain land reflects the potential for commercial development public acquisition will be expensive. "Somebody ought to have enough guts to pass strong flood plain ordinances—those figures would go down."

Tom T. Hamilton sees the problem as one of legal accountability. "In Illinois, you have the right to drain any piece of property you own. Whoever lies below you has the obligation to take the water. If your land lies on a stream, you may need a permit from the Division of Water Resources, but that has been granted almost automatically." For the land use regulation to be effective, he feels, "the law has got to be changed. A man has to be held accountable for the results when he drains his land."

Northeastern Illinois Planning Commission has no zoning authority; however, it has used its powers of review over grant applications for a wide range of federal programs to block flood plain build-up. In a recent case, commissioners blocked the construction of a shopping center and apartment complex planned for a 70-acre site on the Salt Creek flood plain. The site, which lies just south of Kingery West, was virtually all under water at the time of the August 1972 floods. NIPC officials doubt that any commercial or residential development of this tract could meet criteria of flood protection and water storage. However, the developer is still working with local village officials to further the plan. Recently, consultants preparing a feasibility study for the Division of Water Resources counted that tract as commercial property and valued it at $1.8 million.

The Commission has also attempted to

dry up private money for flood plain development. Two months after the August 1972 floods, the Commission wrote to bank and savings and loan officials in the Chicago area pointing out that "almost every building damaged by the stream flooding of this past summer was built in a flood hazardous location with the assistance of a lending institution." The letter encouraged the institutions to acquire and use the Commission's flood-hazard maps to identify high-risk flood-prone locations. In the past, the area's deceptively flat topography has made it difficult for investors to know the extent of the flood plain. Response has been enthusiastic, but it is too soon to tell what effect the widespread distribution of flood-hazard information will have on flood plain development.

## STATEMENT BY AMBASSADOR JOHN SCALI, U.S. REPRESENTATIVE TO THE UNITED NATIONS, IN THE SECURITY COUNCIL, ON THE RHODESIAN SANCTIONS COMMITTEE REPORT, MAY 16, 1973

Mr. KENNEDY. Mr. President, Ambassador John Scali, the U.S. Representative to the United Nations, reaffirmed our "Government's full support for majority rule in Southern Rhodesia," in a speech on May 16. His timing, appropriately, coincides with the introduction of S. 1868 which is designed to reimpose economic sanctions against Southern Rhodesia, in accord with our United Nations resolution.

I believe that Ambassador Scali's remarks deserve the full attention of the Senate. For that reason, I request unanimous consent to print in the RECORD the statement by Ambassador John Scali in the Security Council, on the Rhodesian Sanctions Committee report.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

### STATEMENT BY AMBASSADOR JOHN SCALI, U.S. REPRESENTATIVE TO THE UNITED NATIONS, IN THE SECURITY COUNCIL, ON THE RHODESIAN SANCTIONS COMMITTEE REPORT, MAY 16, 1973

Mr. President: The Fifth report of the Sanctions Committee gives me my first opportunity to speak to an issue to which the United States Delegation attaches great importance.

At the outset I wish to reaffirm my government's full support for majority rule in Southern Rhodesia and the sooner the better. This is the objective fixed by this Council and is the reason that it voted for sanctions in the first place.

That objective has not yet been achieved. At the same time there is no doubt that sanctions have inflicted hardships on the illegal regime in Southern Rhodesia. The original framework of sanctions as set out in Resolution 253 is a valid one. What is required is to act now to make the present sanctions more effective rather than to expand or widen their scope. For the first time the Sanctions Committee has come to grips with some of the fundamental stumbling blocks to full implementation. The agreed recommendations and suggestions in the report offer a serious prospect of making sanctions more effective. Therefore they have our full support.

What has the Committee accomplished? If we accept its recommendations and suggestions the Council would request states to take effective measures to examine cargoes which, because of their nature or because they were shipped from Angola, Mozambique or South Africa, can reasonably be suspected to be of Southern Rhodesian origin. States would also be asked to report on measures taken to prevent sanctions evasions. With the cooperation of governments, experts would be made available to an importing country, if so desired, to inspect suspicious cargoes to determine their true origin. If it is established that such cargoes originated in Southern Rhodesia they would be seized or disposed of in accordance with domestic laws and regulations. These recommendations are fundamental and can be effective if we, the members of the UN, respond quickly and positively without exception.

The Committee has also recommended that it urgently produce a manual, containing information on the necessary documentation and clearing procedures to help determine the true origin of suspected cargoes. My delegation will cooperate fully in the preparation of such a manual. We will, for example, pass on to the Committee the lessons that we have learned in testing products that might be of Southern Rhodesian origin. I would point out, however, that while such tests can be very effective for such products as chrome ore, ferrochrome and asbestos, we have not yet developed technical tests to determine the origin of some other products.

Members of the Council may recall Ambassador Phillips' statement September 29 in which he noted that close study of trade statistics contained in the Committee's own report would be illuminating. He underscored the fact that import statistics of certain materials—produced both in Rhodesia and neighboring countries—provided by importing states show considerably higher figures than export statistics provided by Rhodesia's neighbors. The natural inference is that trans-shipment of Rhodesian commodities through those areas accounts, in large part, for the discrepancies.

My delegation welcomes the fact that this point was stressed in paragraph 21 of the Committee's report. That paragraph noted the discrepancies in trade statistics in the Committee's fifth annual report and recommended that the Secretary General bring them to the attention of countries trading with Angola, Mozambique and South Africa. It also recommended that the comments of countries concerned be solicited along with information on those countries' procedures to insure that products from Southern Rhodesia are not being imported disguised as products of Angola, Mozambique and South Africa. These replies are to be published. However, it would have been more appropriate to ask states to take the necessary action to insure that such discrepancies do not mask the importation of disguised Rhodesian goods. This would have gone to the heart of the problem and been consistent with other recommendations of the Committee. We hope the Committee will give fuller attention to this matter with particular reference to the relevant sections of the fourth and fifth annual reports. In this connection the compendium on South Africa's external trade for the years 1965 and 1971 prepared for the Committee as Working Paper 65 of April 9, 1973 is also a useful document.

The Sanctions Committee has worked long and hard to prepare its report and, I am glad to say, my delegation actively participated in its preparation. I wish to express our appreciation to the delegations of Guinea, Kenya, and the Sudan for making a wide variety of proposals for the Committee's consideration. All these proposals were genuinely intended to obtain wider compliance with sanctions. If we could not accept all of them it was because they raised certain practical and legal difficulties. For the most part, however, the proposals were accepted, and we hope they will contribute to tightening sanctions against Southern Rhodesia.

The United States, Mr. President, has constantly reiterated its belief that sanctions could have more effect on the policies of the Smith regime if they were thoroughly implemented in the spirit which lies behind Resolution 253—the achievement of self-determination and majority rule in Southern Rhodesia. We commend the Committee for its efforts which are a concrete and realistic step toward that end.

## THE FRAGILE SEA

Mr. PELL. Mr. President, I wish to take this opportunity of recommending to the attention of my colleagues a most interesting and informative article which was published in the Lamp magazine's spring issue. The article was written by the Secretary of the Smithsonian Institution, S. Dillon Ripley.

Entitled "The Fragile Sea," the article calls dramatic attention to the ecological imbalances which has been created the world over by uncontrolled abuses which we have too long taken for granted in many areas.

As Secretary Ripley points out:

> We are gradually discovering the litter on a worldwide basis is one of the most threatening by-products of our skills and affluence.

He emphasizes that an increased program of marine research is essential to the solving of critical problems, if we are to reverse the present trends toward destruction not only of the beauties of the seas, but of the foods and other benefits they provide.

Mr. Ripley outlines the marine research undertaken by the Smithsonian, which I applaud. He refers also to the constructive steps taken at last year's United Nations Conference on the Human Environment in Stockholm, Sweden, which he and I attended.

Mr. President, as chairman of the Senate Subcommittee on the Smithsonian Institution, and as chairman of the Senate Subcommittee on Oceans and the International Environment, I commend this excellent article to my colleagues, and I ask unanimous consent that its text be printed in the RECORD at the conclusion of these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE FRAGILE SEA

(By S. Dillon Ripley)

For centuries people have felt the lure of the sea and have celebrated it in myths and legends. People have gone down to the sea in ships. They have walked along the lonely strand and cried out their longing to the empty, sounding waves. They have drawn food from the sea—still its largest resource. But only in recent times has the complicated web of life represented by the sea as an element in our biosphere become a subject of concern and study.

The emotional background of our sentiment about the sea must surely stem from a subconscious realization that all animal life has derived from an aquatic environment. Recent work on the ecology of the sea has shown the complicated interrelationships between sea and air, in which exchanges are constantly taking place, and in the close interrelationship also between sea and adjacent land. For indeed the sea is not a separate thing. In fact it is like a permeable membrane, part of a vast set of chemical and mineral interchange systems which have to do with the other living parts of the earth.

Today we are beginning to understand the close interconnection between the shallow parts of the sea and life itself. Most fish of direct concern to man, such as edible fish, spawn and live their first life in the shallower parts of the sea adjacent to the coast. Many fish migrate into fresh water to spawn, while others—as well as invertebrates like shrimp—spawn and lay eggs in the brackish waters of the intertidal estuarine zones. Thus the marshlands and the tidal estuaries adjacent to the sea form a kind of interstitial area, half land and half sea, which is of the utmost importance in the productivity of the sea itself. Open ocean fish of many species actually return to the shallow bays to spawn. The evolutionary history of many species of fish and invertebrates in the sea is directly traceable to fresh water or to a milder form of salt water than the sea now contains.

Thus over the years the condition of estuaries and the health of shallow waters have become increasingly a factor in the survival of much of the life of the sea upon which man is economically dependent. Striking illustrations of this phenomenon occur around the world. In the eastern Mediterranean recently a dramatic change has occurred since the creation of the high Aswan Dam in Egypt in 1965. Formerly the annual discharge of fresh floods into the Mediterranean from the Nile was about 80,000 million cubic meters per year. This came in late summer and early autumn as a reflection of the monsoon rains in the headwaters of the Blue Nile in Ethiopia 2500 miles upstream. The dam, which is some 364 feet high, has formed a basin holding back all but about 5 percent of the seasonal discharge of flood waters. The new basin, Lake Nasser, has a total area of one-and-a-quarter-million acres, the third largest man-made lake in existence, and can hold back Nile floods.

Formerly the Nile River floods carried huge quantities of silt which were a rich source of nutrients and minerals. In addition, various forms of dilute chemicals washing out of the soil itself and the agricultural and sewage products of more than 70 million people who live along the Nile Valley provided enrichment which reached the sea each year after flooding the adjacent low lands along the delta. After the flood there was a noticeable outburst of "bloom" in the Mediterranean—an immense reproduction of algae and other plant and animal organisms. This rich bloom, with some 50 to 100 million tons of silt that flooded into the brackish estuarine waters of the delta and the adjacent shallow sea, was a most effective marine fertilizer. It nourished more than half the fish caught by Egyptians annually. The end product of this food chain was *Tilapia* fish in the rivers and mullet and other edible saltwater species, as well as sardines further offshore. The sardine take alone was approximately 18,000 tons per year.

With the flood waters of the Nile no longer reaching the Mediterranean in such quantity, significant changes have occurred. The blooms of algae caused by the annual enrichment have virtually disappeared. Sardines have become scarce, and the catches have been reduced to some 500 tons per year, less than 3 percent of the former crop. The delta itself is being eroded. Some of the delta lakes have become less saline, lacking the blend of fresh and salt waters for ideal brackish conditions. The fish and shrimp that were formerly abundant in these shallow estuaries are unable to spawn.

This is a cycle which is dramatized in the Nile Delta, but it is a common phenomenon in coastal areas of the world today. Whether huge dams on the rivers prevent the normal introduction of nutrients into salt water, or whether marshlands are filled in for construction, the effect is much the same: reduction of available coastal areas where fish and invertebrates can reproduce.

Just as the Nile Delta changed because of man's intervention, another interesting phenomenon has been discovered in the eastern Mediterranean. When the Suez Canal was built in the 19th century, little thought was given to the fact that a passage had been created between the Mediterranean and the Red Sea for the possible interchange of related and unrelated species of fish. Fortunately the designers of the Suez Canal chose the easiest route through the Bitter Lakes of the Sinai Peninsula. Their water was so salty that it acted as a partial barrier to normal saltwater fish. But in the years since World War II, the saline residue of the Bitter Lakes had been leached out by the passage of water through the canal, and noticeble numbers of fish species have passed through. Curiously enough the vast majority of traffic has been one way. Red Sea fish and invertebrate species appear to be dominant, more aggressive and more able to penetrate through the canal than Mediterranean species. Recent research by the Smithsonian Institution in conjunction with the Hebrew University of Jerusalem has shown that some 153 species of Red Sea marine organisms have been identified as passing through the canal into the eastern Mediterranean. Sardines have hybridized with Mediterranean sardines and produced a smaller, less commercially attractive species. Others such as the barracuda may act as predators and seriously affect the food resource fish of the Mediterranean.

But aside from such vast engineering projects, even our day-to-day activities affect the sea in myriad ways. Swimming in a secluded cove in the eastern Mediterranean a couple of summers ago, I came upon a vast array of plastic objects floating in waters that seldom saw a ship. Discarded objects of all kinds float around the world, but of course this is only the tip of the iceberg. What about the heavier materials that are dumped and sink to the bottom?

Recent studies off New York harbor undertaken by the U.S. Army Corps of Engineers, in which the Smithsonian participated, showed the existence of a vast sump of sludge, offshore in fairly deep water but still quite lifeless. The persistent dumping of wastes at sea threatens to create such lifeless zones, in areas that normally support ample plant and animal life. What will be the effect in future years of creating such zones? We do not yet know the answer, but from my own observations in shallow water coral reef areas off the southern coast of Florida, dredging as well as dumping can affect coral banks several miles away.

The Smithsonian has an outpost at Fort Pierce, Florida, on the eastern Inland Waterway midway between Jacksonville and Miami. There, cruising along in a research sub 100 feet below the surface off the Key West coral reefs, I have had the thrill of watching marine life as if glimpsed through the porthole of an aquarium. However, I have seen graphic evidence of the effects of dredging at a harbor entrance several miles from the reefs. Silt and dust carried by the current slowly settle out, descending on the pores of the coral animals and suffocating them. Death to the animals means death to the reef itself.

Loss of offshore coral reefs can be critical for inshore navigation, as well as the preservation of coastlines. If major areas of barrier reefs are destroyed by man-made work, such as dredging and dumping, the eventual loss to commerce, and the threat during hurricanes or heavy storms to coastal real estate could be catastrophic.

The reefs have their own web of associated species. As they become gradually less habitable, aquatic plants and animals associated with the living reef become scarcer. It seems likely that in time wide belts of less habitable zones will be created, unless the currents are favorable and our human debris can be flushed down to greater depths. So dredging, like ocean dumping, can become a source of devastation and pollution. For the sea is no longer a readily available trash can for mankind any more than nearby land areas are. We are gradually discovering that litter on a worldwide basis is one of the most threatening by-products of our skills and affluence.

The Smithsonian's experience with comprehensive marine research has confirmed this. Our programs have covered arctic as well as tropical waters. We have charted corals and other tropical animals to unprecedented degrees of latitude north and south into the subtropical and temperate waters. We have studied marine mammals and birds, ends of the complicated food chains of the sea and vital indicators of the health of the sea. From our Chesapeake Bay station in Maryland, we hope to study changes in offshore waters as dumping and dredging affect the coasts. In the tropics we are studying reef-building organisms of several kinds, the effects of oil spills on reefs and coastal mangroves and the opportunities for overcoming and diverting the most serious repercussions of man's technology. If technology is with us to stay, as we believe it is, then our marine research can study ways to offset ill effects with knowledge gained by research. The Smithsonian's motto—"For the increase and diffusion of knowledge among men"—has never been so appropriate as in our efforts to understand the fragile sea.

The importance of ocean conservation to man's future was underlined at last year's United Nations Conference on the Human Environment in Stockholm. It was a positive conference, and I came away encouraged. All nations, developed or underdeveloped, showed awareness of the urgent need for technological skills to control and limit technological abuses. Careless technology can no longer be afforded, but advanced technology can go far to eliminate the careless. I hope that increased awareness will bring first policing, and eventually natural ingrown care. Most men do not throw themselves off high bridges. Eventually our conern for the marine environment will be as inherent in us as our instinct for self-preservation.

## NUTRITION FOR ELDERLY

Mr. KENNEDY. Mr. President, I want to express my appreciation and support for the action taken by the Appropriations Subcommittee on HEW and the full committee in accepting the amendment I proposed to raise the level of funding for the nutrition for the elderly program to $100 million.

As the chairman recalls, we discussed this matter during the debate on the urgent supplemental appropriations bill a month ago. At that time, I withheld an amendment on the assurance that this matter would be more appropriately considered during the regular supplemental appropriations measure. Now I am pleased that my amendment has been included in this bill.

The chairman of the subcommittee, Senator MAGNUSON, and the chairman of the full committee, Senator MCCLELLAN, have always been full supporters of this legislation, which I originally introduced on March 10, 1971. Because of previous vetoes of HEW appropriations measures during the 92d Congress, the initiation of this program, which became Public Law 92–258 on March 22, 1972, has been long delayed.

This authorizing legislation had passed the Senate 89 to 0 on November 30, 1971. On February 7, 1972, it was passed in the House of Representatives by a vote of 354 to 23.

Despite its early opposition, the administration asked for the full funding of $100 million for the first year of operation. It now supports the level of funding contained within this bill as well as the carry-over authority.

It is my understanding that the Administration on Aging which is responsible for the administration of this program intends to make the funds contained within this measure immediately available to the States.

Last August 19, AOA issued its final regulations after original regulations were revised following a hearing I chaired of the Senate Select Committee on Nutrition. Technical assistance from AOA to the States has been made available and the vast majority are fully ready to begin operations immediately.

A survey conducted by the Senate Special Committee on Aging with the research assistance of the Food Research and Action Center on February 16, 1973, demonstrated the strong support within the States for this program.

Some 41 already had submitted State plans, 40 had appointed advisory committees and 43 already had chosen target areas. All of this evidence indicates the necessity for a full year's activities to begin as soon as possible.

I would hope that the full level of funding also would be provided in the regular 1974 appropriations measure when that comes before the Senate. In the interim, I intend to seek continual oversight of this program through the Senate Select Committee on Nutrition, which will be meeting on this subject tomorrow, the Senate Subcommittee on Federal, State, and Local Services of the Special Committee on the Aging, and I am sure the Senate Subcommittee on the Aging intends the same.

I would expect the outcome of these oversight activities will be strong support for the extension of the program beyond fiscal year 1974 as part of the Congress' continued efforts to see that comprehensive services are made available to the elderly in a way that discourages costly and unnecessary institutionalization.

Mr. President, I would also ask unanimous consent for my letters to the chairman of the subcommittee and the full committee to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

U.S. SENATE,
*Washington, D.C., March 5, 1973.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: Thank you very much for your letter of February 22 in which you urged that the continuing resolution be amended to include the $100 million for the nutrition program for the elderly.

As your letter correctly states, the FY 1973 Labor-HEW appropriation bill included the full $100 million to initiate this program. Unfortunately, the President twice vetoed the Labor-HEW appropriation bill which would have provided a more nearly adequate level of funding for nutritious meals for the elderly. All this is very depressing and discouraging.

We were not successful in including this program in the continuing resolution, primarily because the House was interested in only a simple extension of the date of the continuing resolution. However, the second FY 1973 supplemental appropriation bill will be coming before us soon and this might offer another opportunity to fund this program before the end of FY 1973.

Thank you again for writing and sharing your views. Please be assured that they received careful consideration.

Sincerely,

WARREN G. MAGNUSON,
*Chairman,*
*Subcommittee on Labor, Health, Education and Welfare.*

---

FEBRUARY 22, 1973.

Hon. WARREN G. MAGNUSON,
*Chairman, Appropriations Subcommittee, Health, Education and Welfare, Washington, D.C.*

DEAR MR. CHAIRMAN: I realize that the Committee is now engaged in a mark-up session on the HEW continuing resolution. In that regard, I would simply urge approval of the President's amended budget request of $100 million to fund the Nutrition for the Elderly Program, S. 1163, now Public Law 92-258.

As the principle sponsor in the Senate of this measure, I have followed the process documenting the great need for this program through hearings in both the House and the Senate, through the recommendations of the White House Conference on Nutrition, the White House Conference on Aging, and finally, through the positive and persuasive evaluations of the pilot nutrition program.

I believe that this legislation is the first step toward providing adequate nutrition to the 5 million elderly who are now living in poverty, and in initiating a system of services that will prevent the unnecessary institutionalization of older Americans.

Since the House and Senate have twice before approved full funding, and since the Administration on Aging informs me that it is fully prepared to begin implementing this program, I would hope that we could include appropriations for this program as part of the continuing resolution. I would note that federal regulations and guidelines have been issued and the training program for nutrition project directors has been completed. I urge you to consider appropriations sufficient to operate this program at the $100 million level for the remainder of this fiscal year.

Sincerely,

EDWARD M. KENNEDY.

---

FEBRUARY 22, 1973.

Hon. JOHN L. MCCLELLAN,
*Chairman, Committee on Appropriations, Washington, D.C.*

DEAR MR. CHAIRMAN: I realize that the Committee is now engaged in a mark-up session on the HEW continuing resolution. In that regard, I would simply urge approval of the President's amended budget request of $100 million to fund the Nutrition for the Elderly Program, S. 1163, now Public Law 92-258.

As the principle sponsor in the Senate of this measure, I have followed the process documenting the great need for this program through hearings in both the House and the Senate, through the recommendations of the White House Conference on Nutrition, the White House Conference on Aging, and finally, through the positive and persuasive evaluations of the pilot nutrition program.

I believe that this legislation is the first step toward providing adequate nutrition to the 5 million elderly who are now living in poverty, and in initiating a system of services that will prevent the unnecessary institutionalization of older Americans.

Since the House and Senate have twice before approved full funding, and since the Administration on Aging informs me that it is fully prepared to begin implementing this program, I would hope that we could include appropriations for this program as part of the continuing resolution. I would note that federal regulations and guidelines have been issued and the training program for nutrition project directors has been completed. I urge you to consider appropriations sufficient to operate this program at the $100 million level for the remainder of this fiscal year.

Sincerely,

EDWARD M. KENNEDY.

---

## MEMORIAL DAY—A REMINDER OF OUR ROOTS AND OUR HISTORY

Mr. PELL. Mr. President, I am delighted to bring to the attention of my colleagues a Memorial Day address given in Tiverton, R.I., by Miss Louise Durfee, president of the Town Council of Tiverton.

I had the privilege of attending the ceremonies at which Miss Durfee spoke. In its eloquence and in its wisdom, this address moved us all, and I believe its inspirational quality will similarly appeal to all who believe that Memorial Day has a deep significance to our country.

Mr. President, I ask unanimous consent that the text of this excellent address be printed in the RECORD following my own remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### TEXT OF MEMORIAL DAY ADDRESS BY LOUISE DURFEE

Memorial Day, perhaps, more than any other holiday we celebrate is a reminder of our roots and our history.

Each of us stands here today before the other as the inheritors of our restless ancestors who sought a place to do things differently, and a willingness to sacrifice for certain common goals.

And those goals have survived generations: They tell us:

That there is strength in diversity;

That dissent and disagreement are to be valued;

That each individual and his or her own ideas really do matter;

That the ends really do not justify the means;

And that those ancient freedoms so embedded in our history do not abide unless we fight to preserve them.

The preservation of those values does not take place only because wars are fought and men die. They are preserved in this great land of ours because each day there are those who are willing to stand up for these rights, and because someone is willing to listen and to respect those rights.

And so as we stand here today—each of us—let us think of what it would be like if during our history those freedoms had not been nurtured and preserved. We would be living different lives indeed, more enclosed, more restricted—perhaps fearful of what we said.

Our job is to help safeguard and protect those values, and to pledge that we will live our lives mindful of their history and determined to preserve it.

Our job is not for the timid and fainthearted. It takes hard work, but let us pledge to one another that we will live each day mindful of our inheritance and determined to preserve it for those who will follow us.

And those who have given us this inheritance, let us be thankful to them for giving us this opportunity, and let us be sure that we know how lucky we all are.

## THE BOMBED MOONSCAPE OF CAMBODIA

Mr. KENNEDY. Mr. President, our bombers have now pounded, almost continuously, the small nation of Cambodia for nearly 4 months. According to official statistics released by the Department of Defense, in less than 100 days our aircraft flew 5,800 tactical air sorties and over 2,000 B–52 raids, dropping approximately 70.000 tons of bombs at a cost of over $110 million.

And what have the bombs produced? Not peace. Not even a cease-fire. As before, the bombs have only produced refugees, civilian war casualties, and more and more destruction—transforming parts of Cambodia into what one American reporter saw as a "moonscape" of destroyed villages.

Mr. President, the pattern of destruction and loss of life is tragically familiar, As are the flimsy reasons for it. Cambodia today is following the tragic path of Vietnam and Laos. As the tonnage of bombs increases, the flow of refugees steadily mounts. Nearly half of Cambodia's total population has been forced to flee the spreading war since the American-sponsored invasion just 3 years ago. A move that was called a decisive step toward peace has proved to be a decisive move toward disaster for the land and people of Cambodia.

Recent hearings of the Judiciary Subcommittee on Refugees, which I serve as chairman, documented the shattering impact the continued bombing has had on Cambodia. Some 3 million men, women, and children are now refugees and countless thousands are civilian war casualties. The destruction to civilian areas and installations has been massive, even according to official statistics: 40 percent of the roads are destroyed; 45 percent of Cambodia's hospitals have been bombed or shelled; 35 percent of all the bridges are down; 50 percent of all vehicles are damaged or destroyed; and through it all the Cambodian Government holds less than 20 percent of the territory, into which 65 percent of the population is crammed. A once rice-rich country now faces severe food shortages and the prospect of famine. The United States now provides three-quarters of all the rice consumed by the people of Cambodia.

Mr. President, these statistics only tell part of the story—a story of tragedy that is yet to end. Each day of bombing produces more of the same; more refugees, more civilian war casualties, more destroyed villages. Each day of bombing increases the moonscape of Cambodia.

No single press report has documented this tragedy more clearly that a recent dispatch by the New York Times correspondent Sydney Schanberg, and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the dispatch was ordered to be printed in the Record, as follows:

[From the New York Times, May 24, 1973]

### A Cambodian Landscape: Bomb Pits, Rubble, Ashes

(By Sydney H. Schanberg)

Phnom Penh, Cambodia.—The destruction in Cambodia has multiplied greatly since the escalation of the American bombing began here in February. Scores of villages have been blown away. Twelve-foot-deep bomb craters pock the ruins. Great numbers of livestock have been killed, harvested crops burned to ash, orchards destroyed—all creating a degree of damage, and therefore a reconstruction problem, that until now had been associated only with North and South Vietnam.

Although most of the bombed areas are impossible to get to, an idea of the extent of the damage can be gained by venturing as far as is safe on the roads leading out of Phnom Penh. Normally one can go no more than 25 to 30 miles in any direction, and sometimes much less.

#### BOMBING LARGELY RESPONSIBLE

But even in these short distances, the destruction is extensive, and the refugees along the roads say that the bombing caused a considerable part of it. Even without their testimony, the huge craters that have gouged the once-fertile earth tell the story.

Largely because of air power, whole series of villages no longer exist along Route 1, along the banks of the Mekong and Bassac Rivers southeast and south of Phnom Penh, along Route 30 south of Phnom Penh, and in many other areas.

Sometimes the devastation is continuous for several miles—not a house or a piece of one left standing. Along one 10-mile stretch of Route 30, there is total destruction for three miles, then a break, then two more miles of ruins, then another break, and finally another mile of rubble. Ashes, broken cooking pots, shattered banana and mango trees, twisted corrugated iron roofing and sometimes the concrete stilts of a house reaching toward nothingness—that is all that is left.

A few people wander forlornly through the rubble, still stunned by what has happened, skirting the craters, picking at the debris.

"When I came back to my village," said a farmer from the destroyed village of Svav Meas on Route 30, "there was no sound. No people. No children. Not even a dog. It was all quiet. I wanted to cry. Everybody wanted to cry."

The Americans say that every possible precaution is taken to avoid civilian destruction. But the visible evidence on the ground and information from other sources indicate considerable confusion in the conduct of the air war and widespread damage to civilian property.

There is no doubt that the Seventh Air Force is making a marked effort to avoid civilian casualties—at least outside the eastern third of the country, which is solidly held by the enemy. But the Americans are dependent for their information on the Cambodian military officials, who tend to panic under enemy pressure and have shown, in their requests for air strikes, almost no concern about civilian lives or property.

#### CAMBODIANS WILL BOMB IT

According to an informant close to the situation, even when the Americans reject a target because it is too close to a pagoda or school, or it otherwise violates the rules of engagement, the Cambodians will frequently give it to their own small air force—consisting of about 20 propeller-driven T–28 single-engine planes.

Officially, little is known about how many civilian casualties have been caused by the American bombing, for information is difficult to gather. Most of the areas bombed are inaccessible, either because of current fighting or because they are in enemy hands.

The many refugees interviewed in the last three weeks usually tell a story of having fled their village before the planes came to bomb—because the Cambodian rebels had arrived and a ground clash with Government forces was either believed imminent or had already begun.

These refugees report only a relatively small number of casualties in their own groups. They say they do not know about possible casualties among the considerable number of fellow villagers who went away, willingly or unwillingly, with the guerrilla forces.

However, there is a different category of American bombing, in a different part of Cambodia, and information about this area is even scarcer than what is known about the area hit by the recently escalated air attacks. This is the bombing in "Freedom Deal"—the name the Americans have given to the area east of the Mekong River that has never been ventured into by Government troops and has been used by the Communists for moving troops and supplies from North Vietnam into South Vietnam.

The Americans have been bombing heavily in "Freedom Deal" ever since the war began in Cambodia in 1970. It is essentially a free-fire zone, where the Seventh Air Force, now based in Thailand, can hit virtually what it wants to. The Nixon Administration has divulged almost nothing about this bombardment. Questions about the tonnage of bombs dropped, the number of sorties, the specific targets hit, the amount of enemy supplies destroyed and the number of enemy killed are not answered. The number of Cambodian civilians killed is also either not known or not revealed.

But every once in a while, some civilians make their way into Government territory from "Freedom Deal" and tell stories of bombing that has wiped out entire groups of villages and sizable numbers of the people who were living there under Communist administration.

Such was the story told a few days ago by a group of villagers who reached Phnom Penh from Svay Rieng Province in southeastern Cambodia, bordering South Vietnam. They are now living in a refugee camp here.

Ouk Nourm, a 23-year-old woodcutter, acted as their spokesman. Speaking in Cambodian through an interpreter, Mr. Ouk Nourm said that his own village, Kompong Rau, and seven nearby villages had been destroyed, bit by bit, during the three years of American bombing. He gave the names of these villages as Prey Ronong, Prey Trom, Prey Chamna, Wat Saray, Set, Prey Thom, and Phnom Srao. He said that the Vietcong were in these villages and controlled the area.

Mr. Ouk Nourm said that his sister-in-law was killed in a bombing raid on his village seven months ago. He also told of witnessing another, much more devastating air raid—one that killed 30 of his friends, who, he said, were among more than 100 men, including himself, taken prisoner by the Vietcong. He later escaped and moved north as a farm laborer to Kompong Cham Province.

It was there, he said, that the bombing took place one night when the 30 prisoners were camped in one building and the others elsewhere. A bomb from a B–52 scored a direct hit on the building. No one survived, he said.

Mr. Ouk Nourm and his wife said they had fled Svay Rieng Province for Phnom Penh because "we are afraid of the planes." Mr. Ouk Nourm also said that he was afraid of being taken away again by the Vietcong.

The American Embassy in Phnom Penh will say nothing about what is happening in "Freedom Deal," where the Seventh Air Force runs the bombing and the embassy play only a minor role. It says almost nothing about the bombing in other two-thirds of Cambodia, which was stepped up in February and which the embassy helps direct.

But the frightened villagers uprooted by the bombing have a great deal to say.

"Why does Nixon send airplanes to bomb our village and destroy our houses?" ask a refugee from a largely destroyed village, Plow Trei, about 16 miles southeast of Phnom Penh.

### TWO VERSIONS ON CASUALTIES

Another man from the village says he is angry only at the Cambodian Government because it was the Cambodians who called for the American planes. Still another says that he is bitter at both sides because the bombing would not have happened if the rebels had not attacked the Government troops in the area. "Both sides destroyed my village," he says.

Officials at the American Embassy say that they continually investigate such reports of civilian casualties and "have found that almost all the reports do not hold up."

Yet in half an hour one recent morning at the Khmer-Societ Friendship Hospital in Phnom Penh, three civilian casualties from the bombing were found, including a 15-year-old boy from Kompong Chnang Province named Sok Sam An.

The boy, recovering from fragment wounds in his lower back, said that he had been cutting soya in his father's field one morning late in February when "a plane came over and dived and dropped a bomb near me." He added that "there were no enemy troops around and no fighting in the area."

---

## SENATOR RANDOLPH BELIEVES NEED IS VALID FOR ADDITIONAL $50 MILLION FOR STATE GRANTS UNDER THE VOCATIONAL REHABILITATION PROGRAM

Mr. RANDOLPH. Mr. President, I call attention to a provision in the pending measure—second supplemental appropriations bill, 1973—which will provide an additional $50 million in spending authority for basic State rehabilitation grants under the vocational rehabilitation program. This provision is designed to clarify the intent of Congress with respect to the action taken in the Supplemental Appropriations Act (Public Law 92–607) which made appropriations at a level of $610 million for rehabilitation programs to aid the handicapped during this fiscal year. The language adopted by the Senate Appropriations Committee will accomplish the objectives contained in Senate Joint Resolution 29 which I introduced on January 23.

Briefly, this is the situation with regard to the need for this provision. The Supplemental Appropriations Act in making appropriations for rehabilitation programs contained a reference to the Rehabilitation Act of 1972. As Senators know, this latter measure was pocket-vetoed by the President. Because of this reference to the Rehabilitation Act of 1972, the administration determined that funds for rehabilitation services would be spent under the more restrictive authority of the continuing resolution. The lower level of funding, presently being used, is $560 million instead of the $610 million contained in the President's budget request and appropriated by the Congress. It should be noted that State rehabilitation agencies planned their programs based on the $610 million figure, since it was in the original fiscal year 1973 budget request and since there was every indication that the Congress would authorize the expenditure level of $610 million. Now, many States are faced with the prospect of curtailing services to the handicapped which were projected on the basis of the higher level of funding. As chairman of the Subcommittee on the Handicapped, I am intensely aware of the importance of this additional $50 million for the basic grant program.

It is my belief that the intent of Congress with respect to the appropriation was clear—funds were appropriated at a $610 million level for rehabilitation services regardless of what act might apply. The administration, however, determined otherwise despite numerous presentations by Senators that the Congress intended to appropriate $610 million and did not intend to restrict the spending to the vetoed Rehabilitation Act of 1972.

When it was clear that the administration would not change its position, I introduced Senate Joint Resolution 29 to clarify the intent of Congress. I ask unanimous consent that my remarks on Senate Joint Resolution 29 be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. WILLIAMS, Mr. TAFT, Mr. MONDALE, Mr. JAVITS, Mr. KENNEDY, Mr. STEVENSON, Mr. PELL, and Mr. EAGLETON):

S.J. Res. 29. A joint resolution to amend the Supplemental Appropriations Act of 1973. Referred to the Committee on Appropriations.

Mr. RANDOLPH. Mr. President, on November 20, 1972, the principal sponsors of H.R. 8395, the Rehabilitation Act of 1972, sent a joint letter to the Secretary of Health, Education, and Welfare urging that funds appropriated for rehabilitation services in the Supplemental Appropriations Act for fiscal year 1973 be expended. Similar requests had been made by Senator MAGNUSON as chairman of the Appropriations Subcommittee for Labor and HEW, and by Senator JAVITS, ranking minority member of the Committee on Labor and Public Welfare.

The Supplemental Appropriations Act is couched in terms of the Rehabilitation Act of 1972, which measure was subsequently vetoed by the President. Although the intent of Congress with respect to this appropriation was clear—funds were appropriated for rehabilitation services regardless of what act might apply—Secretary Richardson's response stated that since the Rehabilitation Act of 1972 did not become law, the reference to that act in the Supplemental Appropriations Act negated its effect and, therefore, vocational rehabilitation would be funded under the continuing resolution.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the correspondence between the members of the Committee on Labor and Public Welfare I have mentioned and Secretary Richardson.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
*November 20, 1972.*

Hon. ELLIOT L. RICHARDSON,
*Secretary of Health, Education, and Welfare, Washington, D.C.*

DEAR MR. SECRETARY: We have reviewed the November 10, 1972, and November 9, 1972, letters to you from, respectively, Senator Magnuson, Chairman of the Appropriations Subcommittee on Labor/HEW, and Senator Javits, ranking minority member of the Committee on Labor and Public Welfare.

As the principal Senate sponsors of H.R. 8395, the "Rehabilitation Act of 1972", we wish to express our strong support for the view expressed in those letters that an expenditure level of $610 million is authorized in the Supplemental Appropriations Act, FY 1973 (P.L. 92–607), to carry out the vocational rehabilitation program for FY 1973 We think that the intention of the Congress, in support of the President's budget request figure, is totally clear and feel that it would be extremely unfortunate to cause the disruption and confusion in the state programs which will follow from an apportionment to R.S.A. at the $560 million level—under the continuing resolution authority. Such an apportionment would force States to cutback expenditures from the level which they have anticipated in justifiable reliance upon approval of the $610 million figure by the President and Congress.

We urge your most immediate consideration of this very urgent matter and look forward to hearing from you at your earliest convenience.

JENNINGS RANDOLPH,
ALAN CRANSTON,
HARRISON A. WILLIAMS, Jr.,
ROBERT T. STAFFORD,
ROBERT TAFT, Jr.

---

WASHINGTON, D.C.,
*December 19, 1972.*

Hon. JENNINGS RANDOLPH,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR RANDOLPH: Thank you and Senators Cranston, Stafford, Taft, and Williams for the November 20 letter concerning actions which the Department of Health, Education, and Welfare is taking with respect to allocating funds to State vocational rehabilitation agencies under the recently enacted Supplemental Appropriation Act.

As you know, the President signed the Supplemental Appropriations Act but disapproved the "Rehabilitation Act of 1972." It is our view that the funds appropriated by the Supplemental Appropriation Act were directed to activities specified in the "Rehabilitation Act of 1972" and to no others. It is our opinion that since the "Rehabilitation Act of 1972" was never signed into law, the funds cannot be used to carry out that "act." At the same time, since the appropriations language expressly cites that "act," the funds cannot be used to carry out activities or provisions of the Vocational Rehabilitation Act.

In summary, it is our opinion that we must depend on the provisions of the Continuing Resolution of 1973 (section 101(b)) for carrying out vocational rehabilitation activities during fiscal year 1973. Section 101(b) establishes the level of funding for these purposes at the lower of the 1972 rate or the President's fiscal year 1973 budget. We are, therefore, continuing all previously authorized vocational rehabilitation activities at the lower of the two rates, the 1972 rate.

We are forced to this conclusion for three reasons. First, the Supplemental Appropriation Act expressly appropriated funds for the "Rehabilitation Act of 1972" rather than the Vocational Rehabilitation Act. Second, the House Committee Report (No. 92–1555) which accompanied the Supplemental Appropriation bill stated, in referring to appropriations for the Social and Rehabilitation Service, that "The authorizations for most of the programs covered by this appropriation are included in H.R. 8395, the Rehabilitation Act of 1972, . . ." (p. 15).

Third, the rehabilitation programs being carried out under the Vocational Rehabilitation Act and the programs authorized by the vetoed bill are not identical, either in how appropriations are to be distributed among the States or in terms of the purposes for which appropriations may be spent. For example, with regard to distribution of appropriations, under the provisions of the Vocational Rehabilitation Act, American Samoa and the Trust Territory of the Pacific Islands are not included among the "States" under the basic State program (Section 2) and therefore do not receive allotments. The vetoed bill included them as "States" under the replacement program (Section 110), and would have required allotments to those two territories with consequent changes in the amounts allotted to other States.

We share your concern that rehabilitation activities dependent on Federal funds be continued and assure you that they are being supported during the current fiscal year under the authority of the Continuing Resolution. However, we must reaffirm our view that the appropriation in question was made available only for carrying out the bill which did not become law.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
*Secretary.*

Mr. RANDOLPH. Mr. President, the result of this interpretation—more aptly misinterpretation—of congressional intent is that vocational rehabilitation will be funded at a level of $560 million rather than at $610 million as provided in the supplemental bill.

Since the President had requested $610 million for this purpose in his 1973 budget, and since State rehabilitation agencies have relied on this figure as a minimum for calculating their level of expenditures, the limitation to $560 million would work a severe hardship on those agencies and especially on the handicapped individuals who are served by the vocational rehabilitation program.

It is my intention, and if I assess the desire of Congress correctly, a general intention among Senate and House Members, to enact a new rehabilitation act as quickly as possible. In the meantime, however, the technicality relied on by the Secretary of Health, Education, and Welfare for the reduction of funding for rehabilitation services must be corrected now. Otherwise severe dislocations can be expected in the program.

I am, therefore, introducing a measure to resolve the technicalities of this situation, thereby eliminating any obstacle to expenditure under the vocational rehabilitation program at an annual level of $610 million for fiscal year 1973.

Mr. President, I ask unanimous consent that the joint resolution be inserted at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

### S. RES. 29

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Supplemental Appropriations Act of 1973 be amended to clarify the intent of Congress with respect to a particular provision thereof.

That the paragraph entitled "Social and Rehabilitation Services" of Chapter IV of the Supplemental Appropriations Act, 1973 (P.L. 92–607) is amended to read as follows:

"SOCIAL AND REHABILITATION SERVICES

"For carrying out, except as otherwise provided, the Vocational Rehabilitation Act, the Older Americans Act of 1965, as amended, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, $898,648,000, of which $610,000,000 shall be for grants under section 2 of the Vocational Rehabilitation Act and not to exceed $38,735,000 shall be for grants under section 3 of such Act: *Provided,* That none of the funds contained in this appropriation may be used for any expenses, whatsoever, incident to making allotments to States for the current fiscal year, under section 2 of the Vocational Rehabilitation Act, on a basis in excess of a total of $645,000,000: *Provided further,* That the $5,000,000 contained within this appropriation for the construction of the National Center for Deaf/Blind youths and adults shall remain available until expended."

Mr. RANDOLPH. Mr. President, I commend the Senate Appropriations Committee for inserting this clarifying language in the second supplemental appropriations bill. It is a particular privilege to note the splendid efforts and cooperation of the able Senator from Washington (Mr. MAGNUSON) in this regard, as well as the diligent Senator from New Hampshire (Mr. COTTON). Senator MAGNUSON presented this provision to the Subcommittee on Labor-HEW Appropriations, which he chairs, and secured its approval in subcommittee and in the full committee. This effort is a further indication of his dedication and constant work toward programs to aid the handicapped. He is a true friend of our handicapped citizens.

It is my genuine hope that the members of the House Appropriations Committee will accept this critical provision. I have urged them to do so.

## THE TRANS-ALASKA PIPELINE

Mr. GRAVEL. Mr. President, the major obstacle to construction of the trans-Alaska pipeline is, of course, environmental. The right-of-way question is a technicality which has been used successfully, in conjunction with the environmental question, to delay construction of the line for 4 very costly years. Since the law suit was instituted, the environmentalist groups have altered their positions. With the critical national energy shortage, they now concede that oil from Alaska's North Slope is essential—that oil is needed in the Lower 48 States and that increased domestic production would ease our balance-of-payments position.

In view of the energy crisis, the opponents of the trans-Alaska pipeline have become strong advocates for an all-land line of approximately 3,000 miles long from Prudhoe Bay through Canada to the Midwest. They now ask that we consider the feasibility of a trans-Canadian route and that a study be conducted.

A preliminary study of the trans-Canadian route has already been made by the Mackenzie Valley Pipeline Research Limited. I would like to share with my colleagues the environmental analysis of that study made by Dr. Max C. Brewer, Commissioner, Alaska Department of Environmental Conservation.

This analysis merits particular attention as it was made one of the foremost authorities on permafrost and problems of construction in the Arctic. From 1950 to 1956 Dr. Brewer served as chief of the Arctic ice and permafrost project, and from 1956 to 1971 as Director of the Naval Arctic Research Laboratory in Barrow, Alaska. In 1970 Governor Egan of Alaska proposed that a department be established devoted exclusively to Alaska's environmental concerns. This department became a reality in July, 1971, and Dr. Brewer became its first Commissioner.

I ask unanimous consent at this time to have Commissioner Brewer's analysis of the Mackenzie Valley Pipeline Research Limited Study printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

### ARCTIC OIL PIPELINE FEASIBILITY STUDY
### 1972

(By Max C. Brewer,[1] Commissioner, Alaska Department of Environmental Conservation)

The report is exactly as stated, "a feasibility study," nothing more and nothing less. It was sponsored by 16 major oil and pipeline companies and is designed to demonstrate that the consortium of these companies believe that a trans-Canada pipeline, from Prudhoe Bay to Edmonton, Alberta, *is* feasible. The report also generally indicates how the consortium would plan to approach the construction of a proposed pipeline.

The feasibility study, actually a very preliminary feasibility study, does not provide an analysis of the effects, including damages associated with construction activities, on the environment posed by the construction of such a pipeline although it does provide a general listing of the vegetation and wildlife to be encountered along the proposed generalized routing from Prudhoe Bay to Edmonton.

The feasibility study does not provide an analysis of the engineering difficulties to be encountered along the proposed route although it discusses some problems such as permafrost, amounts of pipeline expected to be buried, spanning capability of pipe, the results of isolated engineering studies at Inuvik, Norman Wells and Sans Sault Rapids, and construction materials.

However, these discussions, in some instances in error, also are heavily qualified in such statements as "permafrost thickness *probably averages* less than 40 feet at the north end, where the depth of the active layer commonly varies from 2 to 6 feet depending on drainage, soil type, elevation, amount of shade, and insulating cover" and "with large volumes of bedrock available for quarrying all along the route, *theoretically* all construction materials could be obtained from these sources" (emphasis added). (North end here refers to the north end of Physiographic Division XII, which lies just north of the Alberta-N.W.T. border.)

The report is well organized, is descriptive of the lands to be traversed, recognizes the types of problems expected to be encountered, tells of some of the studies needed to provide missing information, and strongly emphasizes economic considerations in the construction of a pipeline. The proposed pipeline routing, however, is only a proposed routing and was obtained largely from the study of aerial photography and existing reports. A heavy reliance on these methods of developing information, rather than through actual field investigations, is evident throughout the report.

In this regard, the report indicates that the consortium is at the approximate state of planning for a Canadian crude oil pipeline that TAPS, the predecessor to ALYESKA Pipeline Service Company, was in late 1969 when the United States federal interagency task force, coordinated by the Interior Department, provided TAPS with its long list of penetrating environmental and engineering questions and forced a real study, particularly as regards permafrost, of the proposed Alaska pipeline route.

Basically, the consortium, as did TAPS in its early days, has indicated that it recognizes all those good things that are now required of pipeliners, that it will abide by the requirements for protecting the environment, within reasonable economic considerations, and that it is ready to build a pipeline investigating and engineering as they build. Even though the report states, "The technical stipulations issued by the United States

---

[1] Director, Naval Arctic Research Laboratory, Barrow, Alaska, 1956–1971; Chief, Arctic Ice & Permafrost Project, 1950–1956.

Government for an oil pipeline through Alaska were also considered, although requirements were not rigidly applied where there was felt to be a rational basis for departure," the impression is given that this is a pipeline project to be conducted by pipeline companies. There is no indication of planning for either governmental review or supervision of either engineering plans or environmental protective measures in the proposed project.

An environmental analysis of the effects of a project can only be made on the basis of knowledge of the existing physical and biological environments and then reviewing the engineering proposed to pass through, over or nearby these physical or biological features. It is generally recognized that any pipeline route from Prudhoe Bay to Edmonton will cross about 1,400 miles of terrain subjected to permafrost conditions. In this report, the authors state that they will cross 482 miles of continuous permafrost and 918 miles of discontinuous permafrost, almost double the 730 miles of permafrost to be crossed by the proposed trans-Alaska pipeline.

Less generally recognized is that the proposed trans-Canada pipeline will cross a far richer area for the propagation of birdlife serving the midwestern and eastern flyways of the United States, and an area far richer in water loving animals such as muskrats, mink, otter, and beaver than would the proposed trans-Alaska pipeline.

Even less generally well recognized is the fact that any pipeline between Prudhoe Bay and Edmonton will *cross many* north flowing rivers, including the mighty MacKenzie which is the second greatest river in North America having a drainage basin equal to one-half of that of the Mississippi and the Missouri Rivers *combined*. The former drains 682,000 square miles; the Missouri-Mississippi combination drains 1,240,000 square miles. The MacKenzie River, crossed twice, at Sans Sault Rapids after crossing the Arctic Red River and again east of Fort Simpson, by the proposed trans-Canada line, is 2,514 miles long, the Mississippi without the Missouri tributary is 2,500 miles long, the Missouri 2,475 miles.

According to the report, the trans-Canada pipeline would make 77 river, 8 of them major crossings, and 326 stream crossings. Using well established techniques, 248 of these crossings would be below ground and 155 above ground, apparently a hanging pipe arrangement of some sort above the highest anticipated flood level. This is a major difference from the environment encountered by the trans-Alaska pipeline which, through benefit of geography crosses only one major river, the Yukon, which is the fifth largest river in North America, but makes the crossing on a bridge already designed. The proposed trans-Alaska route tends to parallel rivers and, where crossing the rivers, the pipeline is proposed for burial well beneath the bottom.

The location of such a large portion of the proposed trans-Canada oil pipeline within the MacKenzie River Basin poses an environmental hazard of potentially disastrous magnitude to both the river system and to several hundreds of miles of Arctic Coast of both northern Canada and northern Alaska because of the westward set of the Beaufort Sea current. Becaus of this westward set and the presence of ice not far distant from shore during the open water season, any oil spilled into the rivers could end up concentrated near shore in the most biologically sensitive area of the ocean. The report does not discuss these environmental problems nor does it discuss the difficult engineering problems to be expected where some of the rivers to be crossed are deeply incised. The report states amount to 34 miles of the pipeline distance.

Caribou migrations are not discussed but much of the caribou migration in the north- that the total amount of river crossings will ern Alaska section of the proposed trans-Canada pipeline is a north-south migration; the proposed pipeline, however, runs in an easterly or southeasterly direction, cutting the migration route and thus the pipeline would have to be bridged by mounded earth or crawled under by the caribou for 172 out of the 303 miles of pipeline (interior routing) inside Alaska. The more northerly proposed route in Alaska, crossing the Arctic Wildlife Range, would appear to have about 161 miles of above ground easterly trending pipeline out of the 194 miles of pipeline, including 14 miles of river crossings, in Alaska.

It is understandable that the MacKenzie River Pipeline Research Limited teams have not been able to obtain field studies in the Alaska section of their proposed interior pipeline route which would require a 14,900-foot tunnel, 16 feet in diameter, at an elevation of about 3,820 feet in the Brooks Range. It is difficult to estimate either the engineering difficulties to be expected or the possible environmental effects or even the cost of the tunnel with only the following information: "A 2.8 mile tunnel would be built between MP 151.5 and MP 154.3 in the vicinity of Cane Creek where the river crosses the Continental Divide. (Brooks Range). The location was not drilled, but the bedrock was interpreted to be limestone and shale." It should be noted that limestone and shale may not possess the best qualities for a good safe tunnel or be free from water problems. A wall collapse over even a short distance could disrupt the pipeline for several months.

The problems, engendered by permafrost conditions, are unique for major pipeline construction in North America. The MacKenzie Valley Pipeline Consortium has recognized the necessity for solution of these unique problems in planning for the trans-Canada pipeline. They also state that, "fine-grained soils, weathered bedrock, and some coarse-grained soils frequently contain excess ice. When these materials are encountered, *they must be investigated to see* (emphasis added) if the settlement on thawing will exceed reasonable limits, and if loss of strength could trigger slope failures."

However, like TAPS originally did for the proposed trans-Alaska line, the MacKenzie Valley Pipeline Consortium has relied very heavily on aerial photography and the development of a permafrost terrain classification to provide a basis for the preliminary planning and cost analysis of the pipeline. They also conducted concentrated ground investigations in three locations and spot checks in other areas drilling a total of 300 holes at fairly regular intervals to an average depth of 20 feet plus another 200 holes for concentrated engineering studies. This compares with the over 3,000 holes drilled by TAPS/ALYESKA in order to obtain the soils and permafrost information necessary to design and engineer the trans-Alaska pipeline, which is less than half the length of the trans-Canada pipeline.

The preliminary reconnaissance nature of the work can be gained through examination of three statements in the MacKenzie Valley report: 1) "The program was completed except for about 330 miles of low-level photography in Alaska, where cloud cover and poor visibility caused by smoke haze restricted operations." 2) "There are well-developed techniques for establishing the nature of ground conditions on a preliminary or reconnaissance basis. These techniques utilize a broad knowledge of surface geology and the recognition of land forms by interpreting mosaics prepared from aerial photographs," and 3) "These techniques, however, had not been applied previously to predicting surface and subsurface soil conditions in permafrost-affected terrain over the vast distances of the pipeline route."

When TAPS used a similar approach, they estimated, in 1969, that they could bury 95 percent of the pipeline through the permafrost areas leaving only 40 miles of pipeline to be installed above ground; however, when they were forced by the Federal Task Force to actually examine the soils enroute, they revised their estimate to only about 50 percent buried through the permafrost zone. The MacKenzie Valley Pipeline report states that the consortium can bury about 75 percent of the pipeline through their permafrost zone of some 1,400 miles.

This is seriously questioned since a far larger percentage, 918 of the 1,400 miles through the area affected by permafrost, is through the zone of sporadic permafrost. The latter, including a portion of the Peel Plateau, which is known for its difficult permafrost conditions, often is far more difficult for construction than are some areas of continuous permafrost. As with the trans-Alaska area, it is anticipated that about 50 percent of the trans-Canada pipeline crossing permafrost areas will be shown to require an above-ground mode of construction.

The report assumes an allowance of three feet of *total settlement*, during and after thaw of the affected depth of permafrost, as the cirterion separating the below-ground from the above-ground mode of construction. Using this criterion 359 miles of the pipeline are proposed for burial. However, if only one foot of total settlement were to be allowed, the report states that 702 miles of the pipeline would have to be buried. It also states that, "Further detailed engineering studies may indicate that the combination of *differential settlement* and combined pipe stresses suggests this more conservative approach."

This analysis essentially ignores the real problem resulting from settlement. If the pipe were to settle uniformly, both in rate and in depths, over a considerable distance, it would make little difference and provide little danger of rupture to the pipe if it were to settle one, three, five or even ten feet since the only change would be the surcharge from the overburden or perhaps a depression over the pipe. In some respects, the deeper burial could even be advantageous as it would reduce the tendency for the pipe to be buoyant.

The real culprit in the potential for pipe damage or rupture with the attendant danger of great environmental damage is the *differential settlement* which is to be expected in permafrost soils with segregated ice wedges or isolated ice masses. The latter commonly are found in the zone of sporadic permafrost. For example, a differential settlement of three inches over a distance of 50 feet is serious; a differential settlement of one foot over this distance could be disastrous.

The distances over which differential settlements become critical are 25 to about 200 feet. It thus becomes apparent that one can neither survey a pipeline route, engineer a pipeline, determine the potential for environmental damage, or even estimate the actual cost of a pipeline using aerial photography and spot ground checks. While TAPS was learning this painful lesson, their estimated costs of construction, including some inflation, climbed from $0.9 billion to $3.5 billion.

Other proposed engineering plans developed in the MacKenzie Valley Pipeline report also would be harmful to the environment. For example, under a section labeled spilled oil a statement is made that, *"Heavier crude residuals are of little danger, if not somewhat beneficial to plant life."* In some cases a very light sprinkle of crude oil has appeared to be beneficial to some plants, perhaps somewhat like a sprinkle of salt on a steak. However, few biologists would subscribe to the thought that a massive oil spill would make the grass grow greener.

The problems of pipe safety to be encountered from traversing muskeg soils was barely touched in the report. These muskegs, 3 to 12 feet deep, cause extreme danger to the safety and integrity of the pipeline because of the danger from differential settlement or in some instances bouyancy. These areas are frequently found between the Northwest Territories border and Edmonton.

The free-spanning capability of the pipe was estimated at almost 95 feet and a typical above ground configuration showed 100 feet between supports even though such a span could provide a pipe deflection, or differential settlement, of as much as three feet causing serious potential for damage and failure (hinging) of the pipe. This does not auger well for environmental safety although the spans can be easily corrected to a lesser separation by the addition of more supports, probably triple the number planned. The above ground configuration is stated to require a right-of-way 330 feet wide.

The report states that, "For some terrain conditions clayey silt would be adequate for bedding, padding and backfill material." This is not accepted as good pipelining practice and would allow large amounts of frost heave and pipe damage prior to the initiation of the pumping of hot oil. If the clayey silt contained cobbles or sharp rock there could be danger from development of excessive stress concentrations.

The report discusses logistics in some detail, sufficiently in detail, to indicate frightening potential for environmental damage. The report discusses pipe and fuel for construction, 1.1 million barrels of the latter, being routed through Fairbanks, Alaska, to the pipeline apparently over *winter trails*, at least from Circle to the Arctic, using trucks carrying 35–40 tons. Winter roads or trails for trucks would be used in Alaska, the Yukon Territory and, to a lesser degree, in the Northwest Territories for transport of materials for the interior segments of the pipeline route.

This type of road, particularly for heavy trucks, has been found to be extremely damaging to the environment promoting, at best, damaged vegetation, ponding, and ruts in succeeding seasons and, at worst, uncontrolled erosion in succeeding seasons. The use of two-foot gravel pads as temporary logistics roads (200 miles in Alaska and 450 miles in Canada) would only perpetrate the environmental damage too often seen in Arctic construction projects.

The planned use of only half as much gravel for the construction of the proposed trans-Canada line (1,738 miles) as for the much shorter trans-Alaska line (789 miles) indicates that this temporary type of construction for roads and gravel pads was planned for much of the trans-Canada line with resulting heavy environmental damage. It also should be noted that properly designed roads provide ease for maintenance of the pipeline and can, in some instances, serve as dikes in case of an oil spill.

The oil spill contingency plans are built around four major concepts: prevention, detection, containment, and cleanup. The plans outlined are weak in prevention because of areas of very questionable engineering, particularly river crossings, and a lack of appreciation of the problems of differential settlements. The plans outlined for detection are only fair relying far too much on throughput or daily balance measurements, weekly air patrol (weather permitting) and an annual ground inspection.

Containment procedures have not been developed and, with no bridges spanning 77 rivers (8 of them major) and 326 streams, there is no way of getting any real amount of protection equipment to much of the pipeline, should a major break occur, for eight months of the year, from May until January after the rivers have sufficient ice to support the crossing of equipment. Cleanup faces the same logistics problems as do containment plans.

The MacKenzie Valley Pipeline Research Limited report is as it states, only a feasibility study of a possible trans-Canada oil pipeline, It is not an environmental report even though it mentions numerous aspects of the environment, which should be considered in the construction of a pipeline, and contains photographs of wildlife and Eskimo children. It is not an engineering report because only a reconnaissance and three engineering spot studies have been made.

No design has been accomplished because the survey information required for design has not yet been obtained. The report also ignores the fact that the safest way of accomplishing construction of a pipeline in permafrost areas is to design the minimum possible amount of construction necessary to get out of the permafrost area, i.e., generally head south as much as possible rather than angling off to the southeast.

The report has been prepared by a consortium of 16 oil and pipeline companies experienced in building pipelines in other nonarctic areas of the world. They have used this experienced, good library research, aerial reconnaissance and limited field work to try to come up with a proposal for a pipeline that is geared to competitive economics and the proposal definitely shows this bias.

The proposal does not offer a plan that is safe from an engineering standpoint or that is even minimally environmentally acceptable for an arctic area in either Alaska or Canada, particularly a Canadian area having such a multitude of major northward flowing streams and such a richness in wildlife propagation habitat.

## CAMBODIAN CAPER: THE NEW WAR

Mr. MOSS. Mr. President, the mire of another Indochina war beckons our country as a result of the misguided bombardment of Cambodia by U.S. aircraft. The surest way to create a new POW issue is to fill the skies of Indochina with more planes conducting bombing runs, for as surely as they fly, some will be shot down, and pilots will be taken captive by enemy forces.

In fact, new POW's have probably already been captured. Two pilots are presently missing. Nine lives have been lost in the present bombing. Three planes have been shot down. The bombing runs have cost $159.5 million for sorties over Cambodia, and $99.2 million for runs over Laos. These figures cover the period January 27, 1973, to April 30, 1973, and were released May 8, by the Defense Department.

We can question the wisdom of the administration's present bombing.

We can question the legitimacy of the present Cambodian Government.

We can question our ties to that government.

But there is a more basic question that strikes at the very way this Nation goes to war or fashions peace. Do we follow legal constitutional processes, or are men in the executive branch above these restraints?

This republic is being shaken by the revelation of serious illegal activities in domestic politics. The courts are enforcing these laws. But who will enforce legality in international affairs?

I believe our courts could have.

I am sure that the Congress must.

The fallout from Watergate has been negative, but a positive result could develop by reestablishing the acceptance of law as a guidepost for all governmental activities. The destruction brought by Watergate pales when compared to the devastation of the Cambodian caper. In that struggle, people are dying, not simply going to jail.

Cambodia is now a new war. We ought to admit it, deplore it, and stop it. The administration seems trapped on the same path that led to years of bloodshed in Vietnam.

We cannot wait for the next rabbit to be plucked from Mr. Nixon's hat. Negotiations or not, bombing a foreign country is an act of war. Without an order from Congress, it is illegal. In the world of law, that should be enough. But in the extralegal world of executive branch activities in Indochina, that apparently is not enough.

Congress must act.

But Congress has acted. In the Military Procurement Act of 1971, Congress declared that it was the policy of this Government to terminate military operations in Indochina, subject to the release of prisoners of war. Those prisoners have been released. There is no legal basis for further continued military activity. Dr. Francis D. Wormuth, a noted constitutional scholar and legal expert on war powers, said in commenting on military activities in Indochina:

> Nor has Congress left this in doubt. In the National Procurement Authorization Act of November 17, 1971, Congress declared it the policy of the United States 'to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war. . . .' President Nixon in signing the bill announced his intention of defying it. Since then he has repeatedly said that he will end military operations in Vietnam only after an agreement to political terms stipulated by him. The war is being continued, not without Congress but in defiance of Congress. None of the policy arguments for Executive usurpation—'emergency' or 'national security'—applies to this war. No constitutional provision and no Executive precedent justifies the President in continuing the war against the expressed will of Congress. The case is unprecedented.

Is the law to be set aside for all occupants of 1600 Pennsylvania Avenue? For any occupants?

I think not.

We are coming to see that "looking the other way" when the executive feels unconstrained by law in matters of foreign affairs seems to lead to unrestrained behavior violating law in domestic activities. Habits learned by ignoring law in foreign affairs may be difficult to set aside in the conduct of domestic matters.

The bombing is illegal. It should be stopped. Though I will go further in developing arguments in opposition, these are supplementary. Illegal acts should be halted. The bombing is constitutionally and legally forbidden.

### WHAT DOES THE ADMINISTRATION SAY?

Secretary Richardson has told the Senate Foreign Relations Committee that since the President has the authority to negotiate a cease-fire, he has the power to enforce its compliance. This is flatly untrue. If the enforcement of a negotiation entails an act of war, only Congress can approve such enforcement. The power to negotiate is not equal to the power to force compliance. The Constitution says that Congress must declare war and it does not say "except in cases where the President feels he needs warfare to enforce negotiated agreements."

The next leg the administration attempts to stand on is the Commander in Chief clause. But we have no troops to command in Cambodia. Has the President of the United States suddenly become the Commander in Chief of Cambodian military operations? It is the Cambodian Army that is directing American air strikes. Whose orders are to be carried out by the Commander in Chief? The Constitution clearly designates Congress as the body to issue orders to the Commander in Chief to initiate warfare. He does not have that power alone.

The administration's policy still remains in search of a sound justification. The administration shifts its argument to one of tactics. It argues that Cambodia will become a staging area for attacks into South Vietnam if the present Cambodian Government does not continue in power. If we fear that, then we ought to be bombing North Vietnam, not Cambodia. It appears that the bombing is a desperate act, diverting our attention from the fundamental unresolved issues remaining between North and South Vietnam. One wonders if the cease-fire might not be on more solid ground if the United States exerted the same effort in aiding compromises between South Vietnam and North Vietnam over terms of the peace agreement, as it has and is expending in the bombing of Cambodia.

The situation is remarkably similar to conditions in 1964 in South Vietnam. Cambodia's Government is on very shaky ground, observers agree that the regime in power has little popular following, and the issue is primarily a civil war. The logic of engagement is not persuasive. The legality for our presence is nonexistent.

To repair the respect of a torn and tarnished office, the President must demonstrate his respect for law and for the constitutional foundation of the world's oldest republic by immediately ordering the end of all forms of hostile military action in Southeast Asia by U.S. forces. The vote that will occur here on the Senate floor to forbid the bombing of Cambodia will move Congress one step closer to taking action which the President ought to do on his own. Let us hope the message is clear.

---

## ENVIRONMENTAL PROTECTION

Mr. BAYH. Mr. President, in recent years the Congress has taken important steps to protect our environment. These first steps often have been encouraging and productive. They have laid the foundation for the tremendous work which lies ahead. But our task is not nearly complete. Those of us who are committed to federal policies which will create and maintain a clean and healthy environment for every American will have to continue to work to turn our Nation's concern for environmental quality into meaningful action.

Because the issues we will face are varied and complex, and because the impact of our decisions will be felt by government, business and working people all around the country, I would like to discuss briefly some of the most important environmental legislation which will come before the 93d Congress.

### IMPOUNDMENT OF FUNDS FOR THE ENVIRONMENT

Environmental rhetoric is a long way from environmental protection. Instead of talk we need high standards of performance, strict enforcement mechanisms, and the devotion of adequate financial resources to the job. This is just what Congress did last year when it passed the Federal Water Pollution Control Act Amendments. We provided more than $24 billion of Federal funds to help States and local communities clean up the Nation's waters. I was pleased to have been able to serve on the Public Works Committee which drafted the original bill, and on the conference committee which worked out the differences between the House and Senate versions. The Congress wisely overrode the President's veto of this important measure. Despite this clear indication of congressional determination the administration planned to release only a portion of the funds provided in the bill. The effect of this impoundment would have been devastating: it would cost the State of Indiana, for example, $200 million in water pollution control funds in the next 2 fiscal years. Fortunately, the courts have stepped in to prevent this unconstitutional withholding of funds. And the Senate has passed a bill which prohibits such impoundment unless specifically approved by Congress.

### AIR POLLUTION

Perhaps the most important issue today, as in the past, in the air pollution field is the control of auto emissions. I was a member of the committee which drafted the Clear Air Act of 1970, and I believe that it was, and is, basically a good bill. But our knowledge about the environment and ourselves has changed since we drafted it.

The Environmental Protection Agency now tells us, for example, that the standards we set for nitrogen oxide emissions in 1976 are higher than necessary to protect public health. If congressional hearings show this to be accurate, adjustments are plainly in order. But there is no reason or need to abandon the basic thrust of the Clean Air Act. This Nation must, and it can, produce automobiles and develop transportation policies which protect the air we breathe.

Though the 1975 emissions standards were recently extended for 1 year by the Environmental Protection Agency, there is no guarantee that the automobile companies will develop the technology to meet the standards by that time. Indeed, the technology they are banking on—catalytic converters added to existing engines—was termed by the National Academy of Sciences as "the most disadvantageous" of all available options in terms of initial costs, gas mileage, and durability. We face the very real prospect that next year we will be in the same position we were this year, with the American automobile companies saying they cannot meet the emission standards—though the foreign companies say they can—and threatening to close down operations entirely if the standards are enforced.

Thus, the extension, which may produce adverse health effects in several large cities, will provide very little to the Nation in the long run unless the delay is used for good purpose. Congress needs to act to get guarantees, in legislation if necessary, that the 1 year delay will result in some imaginative thinking in Detroit for a change about alternatives to the internal combustion engine; to establish penalties for noncompliance which do not result in workingmen and women being harmed by plants closing down; and to increase competition in the auto industry so every American company is not always saying about the same thing.

### ENERGY AND THE ENVIRONMENT

One of the most serious challenges this country faces is the provision of sufficient energy to run our homes and factories and transportation systems without destroying our environment. Many interrelated questions must be answered before we meet this challenge. One concerns the use and transportation of oil and gas from Alaska to the continental United States. I oppose legislation which would permit the Alaska pipeline to be built until all feasible alternatives have been thoroughly explored.

An all-land Canadian pipeline, for example, would bring the oil and gas to the Midwest, where it is needed, speedily and without the environmental damage which would inevitably result from the Alaskan pipeline and ocean transport of the oil. I have introduced a bill (S. 1565) along with the distinguished Senator from Minnesota (Mr. MONDALE) which provides for an expedited study of the Canadian line together with intensive negotiations with the Canadian Government so that Congress can quickly make a final decision on the most economical and environmentally sound way to bring these valuable natural resources to the lower 48 States.

It appears now that on all counts—environmental protection, cost to the consumer, assuring that the oil and gas meets American needs and is not shipped to Japan—the Canadian line is preferable to the Alaskan line.

Another crucial energy-environment issue related to our energy research and development priorities. In my view it is inappropriate and unwise for the Federal Government to rely as heavily as it does on the potential of nuclear power as an energy source. There are important unanswered questions about the safety and reliability of nuclear plants; and they have an unfortunate record of costing far more, and coming on line far later, than promised. More research—and this means more research dollars—must be put into making our enormous supply of coal usable without environmental damage.

We need additional research into making coal gasification or liquification economically feasible, and more research into economic ways of removing sulfur from coal in the stack. What we do not need is what the President has proposed—lowering our air pollution standards to permit the burning of high sulfur coal. The technology exists to use our vast coal supplies without environmental damage; we need to develop it to the point of economic viability.

### LAND USE PLANNING AND STRIP MINING

Two bills Congress considered last year will be before us again, both of which relate to man's use of the land—a bill to assist the States in developing land use plans, and a bill to regulate strip mining. Both bills are vitally important.

Land use planning will take us away from the era of crisis-by-crisis decision-making to a time of thoughtful, planned, environmentally sound decisions about the use, or nonuse, of important land areas. It will prevent the thoughtless waste of our countryside, and the needless destruction of farm and forest; at the same time it should permit the completion of desirable public and private projects which are in the public interest. Last year I voted for the Land Use Policy and Planning Assistance Act, and I will support similar legislation again this year. I hope that some of my concerns about last year's bill—concerns relating to the agency which is charged with its administration at the Federal level, the sanctions to be imposed on a State for its failure to comply with the act, and the substantive standards which will apply to State land use plans, for instance—will be worked out by the time the bill reaches the floor. I also hope that an amendment I successfully offered to the bill last year increasing the opportunities for public participation will be included when the bill is before us again.

Strip mining is a major environmental problem, not only because of what it does to the land which is mined, but also because of what it does to the surrounding land and water. In Indiana, well over 100,000 acres have been disturbed by strip mining, and over 3,000 additional acres a year are disturbed. Indiana first required reclamation in 1941, and again in 1967 passed legislation to require reclamation.

But now strong Federal legislation is needed—needed to assure that our valuable land is not stripped away, and needed to assure that States which are trying to do an adequate job do not suffer an economic disadvantage. The minimum we can accept is a strip mining bill which requires—and sets up a meaningful mechanism to assure—that land which is to be mined can and will be reclaimed. We cannot tolerate and we do not have to tolerate, the march of land-eating machines across the Nation, leaving only destruction in their wake.

### SOLID WASTE DISPOSAL

Another important environmental issue which should come before the Congress concerns solid waste disposal. Along with air pollution, this is perhaps our most serious urban environmental problem. The outlines of the debates on this issue are already clear: there will be those who believe dealing with solid waste pollution, and there will be others—and I count myself as one—who believe that the Federal Government must set high standards for communities to meet, must engage in significant research and development to find new ways to deal with this old problem, and must provide assistance to the States for effective solid waste disposal programs.

Another aspect of the problem concerns the use of recycled material. At a minimum the existing institutional and economic barriers to the use of recycled material must be removed.

Indeed, we ought to create economic incentives for recycling, incentives which would exist if the full social cost of new, non-recyclable products were charged the consumer. What we used to view as waste, we must now realize is raw material.

### POISONING AND TRAPPING

Preservation of the environment also includes protection of our precious and in some cases, dwindling species of wildlife. In 1971, I introduced legislation to end the Government's massive poisoning program which was killing thousands of innocent animals and may have been polluting our water supplies with non-degradable lethal poisons. A year later the administration terminated this $8 million program by Executive order. I have introduced a bill this year to give that order the force and permanence of law. I have also introduced a bill providing for humane trapping of wild animals. The bill specifies that only humane traps—those which kill instantly or capture painlessly—can be used on public lands or to trap animals whose fur will be used in interstate commerce. Since there are many inexpensive traps which will meet this standard, the bill would curtail careless trappers but not interfere with the trapping industry. Prospects for passage of both these bills in this Congress seem good.

### PARKS AND WILDERNESS

One of my main areas of interest since I came to the Senate more than 11 years ago has been the Indiana Dunes National Lakeshore. This unique ecological and recreational treasure is located on Lake Michigan near several population centers in Indiana and other States. The authorizing legislation was passed in 1966.

Since it now appears that an insufficient amount was authorized to complete the Dunes as originally approved, I introduced last year, and the Senate approved, a bill authorizing an additional $4.7 million for its completion. I have reintroduced the bill for consideration this year. I have also introduced the dunes expansion bill, a measure designed to authorize additional acreage for the lakeshore. But completing and expanding the lakeshore is not enough, for as fast as we act erosion is eating away at the dunes.

Fortunately, the Senate Appropriations Committee has adopted an amendment I offered to the 1973 second supplemental appropriations bill to provide $3.1 million for much-needed emergency erosion control work at the Dunes. This bill will hopefully be passed and the money available very shortly.

The preservation of parks and wilderness is important to all of us. I have joined as a cosponsor of S. 316, the eastern wilderness areas bill. This bill would designate 28 new wilderness areas in 16 States, for a total of 471,180 acres. The bill will also reaffirm the powers of Congress to determine what areas can be designated as wilderness. And to protect the Hoosier National Forest in my own State, I objected to an inadequate environmental impact statement on the use of off-road vehicles in the forest. The proposal was withdrawn for further study.

### CITIZEN SUITS

Without rigorous enforcement of our environmental laws we will never make any progress toward our goals. It is impossible for government to do all the investigating and litigating that is needed for effective enforcement. For that reason, and because citizen participation in these matters is desirable in itself, I am a strong supporter of citizen suit provisions in our environmental protection laws. Citizen suits have produced some of the most significant judicial decisions in this field and have kept countless persons and businesses who might otherwise risk breaking an environmental protection law from doing so.

Citizen suits have not proved to be frivolous or harrassing, as was feared by some, for the costs of litigation and the Cannon of Ethics combine to keep out of court cases which do not belong there. As the Council on Environmental Quality said in its 1971 report:

> [C]itizen litigation has not only challenged specific government and private actions which were environmentally undesirable. It has speeded court definition of what is required of federal agencies under environmental protection statutes. The suits have forced greater sensitivity in both government and industry to environmental considerations. And they have educated lawmakers and the public to the need for new environmental legislation.

### TRANSPORTATION

Urban areas in particular have felt the environmental impact of heavy automobile traffic—the air pollution, the noise pollution, and the dislocations caused by construction. In many areas the solution, according to local authorities, is not to build more roads, but to provide alternate means of transportation, particularly for commuters.

In all but a few of the very largest cities, this means new or expanded bus systems. To help allieviate this problem, I support provisions permitting urban areas to use money allocated to them from the highway trust fund either for highways or for bus systems, as local authorities deem best. I also support provisions for an additional $3 billion of funding for the Urban Mass Transit Administration from the general revenues for its activities, which include grants for both bus and rail transit systems.

In addition, I support proposals permitting UMTA to provide operating subsidy assistance to local communities. These provisions—and others allowing an urban area to decline to build an Interstate segment without losing the funds allocated to it, providing increased citizen participation in transportation planning, and requiring compliance with the Department of Transportation's environmental guidelines—will have an immediate and positive impact on the urban environment.

### CONCLUSION

Mr. President, I have been able to touch only briefly on a few of the major issues which will come before us. There will be many others we can be sure—

issues relating to control of toxic substances, to safe drinking water, to deepwater ports, powerplants siting, and the supersonic transport—SST—have already been raised. Our work is cut out for us. The task is difficult, but if we persevere, the rewards for Americans of this and later generations will be more than sufficient compensation.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

### SUPPLEMENTAL APPROPRIATIONS, 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of the unfinished business, H.R. 7447, which the clerk will state by title.

The assistant legislative clerk read as follows:

**Calendar No. 153, (H.R. 7447) a bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.**

The ACTING PRESIDENT pro tempore. The clerk will report the first committee amendment.

Mr. ROBERT C. BYRD. Mr. President, pending the arrival of the distinguished Senator from Arkansas (Mr. McCLELLAN), the manager of the bill and the chairman of the Committee on Appropriations—I shall suggest the absence of a quorum. However, before I do so, I wish to state the following and see if the Chair would agree.

There is no time limitation on the bill.

The ACTING PRESIDENT pro tempore. There is no time limitation on the bill.

Mr. ROBERT C. BYRD. Mr. President, the committee amendments have not yet been adopted en bloc, and it is assumed that there would be an objection to the inclusion of one or more of those committee amendments.

It is anticipated that at some point during the afternoon a point of order will be raised against the so-called Cambodia amendment. That point of order can be debated, prior to the raising of it, without a limitation on debate. Am I correct in stating that it could be discussed prior to the formal raising of a point of order without any limitation on debate?

The ACTING PRESIDENT pro tempore. The Senator is correct, if a point of order has not been made.

Mr. ROBERT C. BYRD. Mr. President, it is also assumed that once the point of order has been raised, a Senator, presumably the able Senator from Missouri (Mr. EAGLETON), will discuss the question of germaneness. However, prior to his raising that question, he may speak at length or any Senator may speak at length on it, presuming it is to be raised, but prior to the formal suggestion thereof.

The ACTING PRESIDENT pro tempore. The issue cannot be raised until the point of order has been made.

Mr. ROBERT C. BYRD. Mr. President, cannot a Senator, if he wishes at this time to take the floor, indicate that at some point during the afternoon it will be his intention to raise the question of germaneness prior to the ruling on the point of order with respect to the Cambodia amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. Once he does that, could he not then debate that question of germaneness at length in view of the fact that no question of germaneness had yet formally been raised?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. Once the question of germaneness, however, has been formally raised, I understand that there is no debate thereon?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. ROBERT C. BYRD. Mr. President, the leadership wishes to inform Senators that it is hoped, and there is reason to believe, that there will be a vote this afternoon on the question of germaneness. It is hoped, and there is reason to believe, that a time limitation agreement can be arrived at with the distinguished Senator from Nebraska (Mr. HRUSKA) and other Senators at the appropriate time, to allow time for discussion of a point of order on the Cambodia amendment and also to allow time for a discussion of the question of germaneness in regard thereto.

Otherwise, both questions may be discussed at length prior to the formal raising of them. Senators are hereby alerted that it is hoped that those questions and votes on them will be reached this afternoon and we hopefully anticipate a vote on the passage of the legislation also today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, the Second Supplemental Appropriation Act, 1973 (H.R. 7447), which was reported to the Senate on May 18, 1973, provides funds for general program supplemental appropriations, for Federal pay increases and their related costs, and includes a title relating to the expenditure of funds in Southeast Asia.

The grand total of new budget authority recommended by the committee in the bill is $3,201,939,279. This is an increase over the amount recommended in the bill as it passed the House of Representatives of $346,397,070. However, it is a reduction in the budget estimates of $105,166,225. Subsequent to House action on the measure, supplemental budget estimates in the amount of $114,207,970 were submitted to the Senate in Senate Documents 93–14, 93–15, and 93–18.

There are three titles in the bill: Title I, providing general supplementals; title II, providing increased pay and related costs; and title III—general provisions—relates to the expenditure of funds in Southeast Asia. The appropriations recommended in title I comprise 13 separate chapters which were individually considered by the respective Appropriations Subcommittees. With respect to title II, a total of $899,672,000 is recommended by the committee to finance increased pay and related activities.

Mr. President, I will highlight some of the significant amendments which have been proposed to the bill by the Senate committee. Complete details with respect to all of the amendments are found in the report, which is on the desk of each Member.

The House bill contained a provision prohibiting the use of any of the funds in this act to support combat activities in, over, or from off the shores of Cambodia by U.S. forces. The committee has amended the House provision to include Laos in this prohibition.

A proviso has also been included stipulating that none of the funds which may be transferred shall be available to support directly or indirectly combat activities in, over, or from off the shores of Cambodia or in or over Laos by U.S. forces.

I believe it important to note that, after full consideration, the committee voted 24 to 0 to support these provisions. Since these two provisions relate only to funds provided in the second supplemental appropriation bill, the committee considered another amendment proposed by the distinguished Senator from Missouri (Mr. EAGLETON), to forbid the use, not only of funds contained in this bill, but any funds heretofore appropriated under any other act from being used to support directly or indirectly combat activities in, over, or from off the shores of Cambodia or in or over Laos by U.S. forces. This latter amendment was also agreed to in committee on a rollcall vote of 24 to 0. It is contained in section 305 and can be found on page 58 of the bill.

On this subject of Southeast Asia, I would like to refer to the fact that the House included in this bill, under section 304, a prohibition on any funds appropriated in the second supplemental appropriation bill for 1973 from being expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam—North Vietnam. By a unanimous rollcall vote of 25 to 0, the committee voted to sustain this prohibitory language of the House.

The bill, as reported by the committee, contains no funds to aid or assist in the reconstruction of North Vietnam.

The administration had requested an increase of $500 million in transfer authority from $750 million to $1,250 million under section 735 of the Department of Defense appropriation of fiscal year 1973.

Since fiscal year 1971, the Department of Defense Appropriations Act has included a general provision authorizing general transfer authority with the intent of:

First. Consolidating into a single authority a number of previously existing authorities, such as the emergency fund transfer authority.

Second. Meeting emergency needs arising during a fiscal year that the Department can accommodate within currently available appropriations. This precludes the need to request supplemental appropriations for such purposes.

Third. Giving a measure of flexibility to the managers of the defense budget.

Amounts authorized and approved each year are:

Fiscal year 1971, section 836: Authorized, $600,000,000; approved, $279,512,000.

Fiscal year 1973, section 736: Authorized, $750,000,000; approved, $693,662,000.

Fiscal year 1973, section 735: Authorized, $750,000,000; approved, $537,284,000.[1]

According to the Department of Defense, the $500 million increase was based on the need to cover existing critical shortages of military personnel and operation and maintenance funds for baseline forces worldwide. According to then Secretary Richardson—

> If the transfer authority is not provided, it will be necessary to curtail drastically the operations of our forces—those in Europe, the Mediterranean and the Pacific, and the CONUS training and support establishment as well.

According to testimony received, the shortage of operating funds arises from three causes, primarily:

One. Currency reevaluation—about $110 million.

Two. Higher subsistence costs, in turn resulting from an increase in food prices—about $60 million.

Three. A higher than programed rate of activity in Southeast Asia during the second half of fiscal year 1973—about $175 million, most of which has been obligated to date.

The remaining amount of $155 million was requested—

> . . . to allow some flexibility in a highly dynamic situation.

The House Appropriations Committee recommended a $430 million increase in transfer authority. But, the House deleted the entire amount.

Secretary Richardson appealed this action to the Senate Subcommittee on Defense Appropriations and requested an opportunity to be heard on the matter. The subcommittee accordingly received testimony from the Secretary, and other DOD officials, and Secretary of State Rogers, as well.

The subcommittee, after due deliberation, then recommended, and the full committee approved, increasing the authority by $170 million with two major provisos:

First. That the additional transfer authority is to be used worldwide only in those military personnel and operation and maintenance accounts which incurred increased rates of expenditure due to the devaluation of the dollar—$110 million—and higher subsistence costs—$60 million.

Second. The committee adopted language prohibiting the transfer of funds under section 735 authority for the purpose of supporting combat activities in Cambodia and Laos by U.S. forces.

Another major amendment adopted by the committee was offered by Senator ROBERT C. BYRD of West Virginia and appropriates $25 million to implement Public Law 92-541, the Veterans' Administration Manpower Training Act of 1972.

This statute authorizes the establishment of up to eight medical schools in conjunction with ongoing VA hospitals and staffing and construction grants to existing medical and allied health training institutions.

Public Law 92-541 authorized $75 million for the balance of fiscal year 1973 and $75 million for each fiscal year thereafter for the next 6 years.

Finally, the President's revised budget estimates contained proposed rescissions of certain appropriations enacted in fiscal year 1973. These proposed rescissions total $382,888,000 and are tabulated on page 3 of the Senate report.

Mr. President, I ask unanimous consent to have printed in the RECORD page 3 of the committee report to which these figures are related.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROPOSED RESCISSION OF APPROPRIATIONS

The President's revised budget estimates contained proposed rescissions of certain appropriations enacted in fiscal year 1973. The Committee has review proposed rescissions of $342,888,000 and declines to recommend the withdrawal of the following appropriations:

| | |
|---|---|
| Department of Health, Education, and Welfare: | |
| Food and Drug Administration: | |
| Food, drug, and product safety | $17,252,000 |
| Health Services and Mental Health Administration: | |
| Indian health services | 4,708,000 |
| Office of Education: | |
| Indian education | 18,000,000 |
| Higher education | 44,300,000 |
| Library resources | 2,857,000 |
| Educational renewal | 11,890,000 |
| Department of Labor: | |
| Manpower Administration: | |
| Manpower Training Services | 283,881,000 |
| Total | 382,888,000 |

The Committee is aware that, while awaiting Congressional action on the proposed rescission, the funds in question have not been released. The Committee expects that these funds will be released and obligated before the close of the fiscal year.

With respect to the proposed rescission for the Department of Labor, the Committee strongly recommends againt the use of funds for public service employment to carry out the Neighborhood Youth Corps summer program. The committee feels that the programs involved are intended to serve two separate and distinct purposes, and that funds should not be commingled.

The Indian Health Service has withheld a total of $6,208,000, consisting of $4,708,000 proposed for rescission and $1,500,000 proposed to be reprogramed for Indian health manpower training. Departmental witnesses testified that of the total withheld $2,000,000 cannot be utilized in the balance of the year and will lapse. The committee approves reprograming $1,500,000 as proposed from the funds that would otherwise lapse and directs that the balance be obligated to the maximum extent possible.

Mr. McCLELLAN. Mr. President, the committee has reviewed these proposed rescissions and declines to recommend the withdrawal of these funds.

Mr. President, that completes my presentation of the significant items in this bill. The Senate committee report, which is on the desk of each Member, goes into detail with respect to each item in the various chapters and I will be glad to answer questions which any Member may have.

Mr. President, I make the usual request in connection with these bills. I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be considered for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, will the Senator yield briefly, until I can get the distinguished Senator from Wisconsin here?

Mr. McCLELLAN. Mr. President, I withhold the unanimous-consent request for the moment, while waiting for the Senator to come to the floor.

I yield to the distinguished Senator from North Dakota, the ranking minority member on the Appropriations Committee, so that he can proceed with his statement.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. YOUNG. I yield.

PRIVILEGE OF THE FLOOR

Mr. HRUSKA. Mr. President, I ask unanimous consent that a member of my staff, Ken Lazarus, be permitted the privilege of the floor during the debate and the vote on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG. Mr. President, the second supplemental appropriation bill (H.R. 7447) before the Senate today totals $3,201,939,279. The bill as recommended is $105,166,255 under the budget estimate and $346,397,070 over the House bill. This bill as recommended to the Senate today involves most Federal agencies, including the District of Columbia. It is probably the last sizable supplemental appropriation bill for fiscal year 1973.

The subcommittees received extensive testimony on all items in the bill and spent considerable time at the subcommittee level markup and the full committee markup, arriving at the various amounts of money recommended in the bill.

There are many items that are in the so-called uncontrollable area. In fact, more than $2 billion of the $3 billion plus dollars recommended is in the uncontrollable area. To name a few—$14 million for grants to States for public assistance—$899 million for pay costs—$190 million for payments to the Civil Service retirement fund—$370 million for flood and disaster relief program.

---

[1] As of May 25, 1973, DoD has submitted a total of $733,215,000 in FY 1973 reprogramming proposals under Section 735. The Congress has approved a total of $537,284,000.

As is getting to be the custom with these supplemental bills, the largest amount in the bill is for the Labor, Health, Education, and Welfare area. More than half of the new budget authority recommended in title I of the bill goes to this area. The House approved slightly more than $1 billion for this area and the Appropriations Committee is recommending an additional $181,940,000.

In recommending this increase in the human resources section of the budget, which has over the last 4 years reversed its proportion of Federal spending with Defense and now accounts for almost 50 percent of the Federal Government's outlays, the committee has appropriated funds to accelerate the campaign to find a cure for cancer, and expand the work of the National Eye Institute. The committee has doubled the amount the House provided for the new nutrition program for the elderly that will provide low-cost, nutritional meals to 250,000 older Americans. Similarily the committee has included language so that funds appropriated in the first supplemental for ACTION's older Americans programs can now be implemented.

Members of the Senate will recall that we provided for the student assistance items in the urgent supplemental. There were also other supplemental budget estimates for higher education amounting to $247,510,000 for nine other higher education programs. The House allowed the full budget estimate for all but two of these programs—special services for disadvantaged students in colleges, and strengthening the developing institutions. The committee has restored these two programs to the full level requested and also added $3 million to restore the graduate fellowships in language training and area studies programs authorized by title VI of the National Defense Education Act.

Senators will also recall that in the urgent supplemental we provided for the release of $86 million appropriated under the continuing resolution to restore the level of impact area aid for the category "A" children to last year's level. Similar action was taken on behalf of the "B" category children when this was on the House floor. Following the action by the House, to which the committee concurs, it raises the entitlement of the "B" class student from the 54 percent announced by HEW on April 13 to 68 percent, and would require the release of $59 million in funds already appropriated for this purpose.

I am pleased to note that we have voted in committee to include $25 million to start the financing of a bill Congress passed last October to provide support both for new State-supported medical schools and existing medical schools when they are connected to a Veterans' Administration medical facility. The $25,000,000 in this appropriation is just a beginning. The authorizing legislation provides for $75 million per year for the 6 years starting with fiscal year 1974. There is still a shortage of doctors in this country and we feel this shortage strongly in North Dakota, where we have just upgraded our medical school at the University of North Dakota to a 4-year course. This medical center operates in Fargo, and I know that they can use assistance.

Mr. President, the committee recommended the restoration of $170 million of the $500 million transfer authority requested by the administration for Defense in the supplemental bill.

The House denied additional transfer authority for Defense by floor action and adopted an amendment that prohibits the use of funds in this act to support combat activity in Cambodia. The committee concurred in the House action and included Laos in the same prohibition. In addition, the committee recommends similar language concerning the increase of transfer authority.

Mr. President, I was opposed to our involvement in the Vietnam war and spoke out against our involvement in any war in Southeast Asia as far back as 1954. I continue that opposition.

Once we became so deeply involved, I supported the necessary funds to bring this war to an honorable and quickest possible conclusion. Under the policies that were pursued, the war lasted much longer than I believed was necessary.

Now we are entering a new period in our relationships with Southeast Asia. We have disengaged our troops and brought them home and the Communists have released our POW's. This has been accomplished in an honorable and negotiated manner. We hoped that the North Vietnamese would have observed the articles of the agreement concerning Cambodia as they did with our POW's. Maybe this was too much to wish. Now we are faced with the bombing of Cambodia in an effort to force the North Vietnamese to comply with the agreement. In so doing, we are running the risk that some of our aircrews will be shot down and become POW's. There are those individuals who argue that should this happen, the United States will be back in the position it found itself in prior to the January 27 agreement. I would have difficulty opposing such an agreement. I am opposed to any further involvement in this war in Cambodia, Laos, or elsewhere.

Mr. President, the $170 million increase in transfer authority is approximately one-third of the amount requested by the administration. The committee has been advised that this amount is needed in military personnel and operation and maintenance accounts to pay for the cost incurred by the devaluation of the dollar and the increased food costs. I am confident that the prohibitive language contained in the House bill along with similar language the committee recommended to include transfer authority and funds appropriated by any other act establishes Congress position on the bombing and will permit the Defense Department to pay the increased costs worldwide for devaluation of the dollar and increased food costs.

I urge my colleagues to support this bill substantially as reported to the Senate by the committee.

Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, I believe that all Senators who desired to be present are now in the Chamber. I renew my unanimous-consent request that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded, for the purpose of amendment, as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, reserving the right to object, I object to making the Senate amendments original text except for a limited number of amendments that I have listed. I shall send the list to the desk shortly.

The purpose of my objections is very simple. By objecting to making the Senate amendments original text, except for the one's I have denoted, I am objecting to those items in the Senate bill which increase funds over the House bill.

That is the general effect of my objection and I believe I have carried it out by objecting to making the Senate amendments original text except for the items I have spelled out.

### WHY AVOID INCREASES?

The bill deals with the fiscal year 1973 spending. That is why it is so important.

The time to cut spending is now. A supplementary appropriation bill has as its purpose to appropriate funds to be spent now. Therefore, if Congress really wishes to cut spending this year, this is the place to cut back.

We talk about holding down spending as a way of counteracting inflation. The difficulty is that when we cut appropriation measures we are speaking of something that may occur in the future. But in this bill we are talking about spending that will take place in the next very few weeks. We know that the next very few weeks is the time to stem economic fiscal pressures in the current fiscal year.

In fiscal year 1972, the Government spent $232 billion. In fiscal year 1973, which we are still in, spending will be $250 billion. That is an increase of $18 billion or 7.7 percent, one of the biggest increases we have ever had.

Yet this big increase is coming at the peak of the inflation.

It is common economic sense that in times of inflation we should cut spending. If this were a period of recession or depression, such a large increase in spending would be in order.

But how do we justify a 7.7 percent increase in spending at the height of an inflation.

This bill affects the fiscal year 1973 budget. We have another month before the year ends. This is the last chance Congress will have to affect this fiscal year's spending this year.

Now—on the fiscal year 1973 budget—not next year, is the time to fight inflation. If we in Congress are to have any crucial effect on the inflation problem we must act on the fiscal year 1973 budget and not wait until the fiscal year 1974 budget figures are before us, some of them months from now.

As we all know, Congress appropriates "new obligational authority." We do not appropriate "outlays." Thus if we wait until the fiscal year 1974 budget before acting, we will act on many items of spending which will not become outlays until 1975 or 1976 or later.

If we are to have any effect on the rampaging inflation, we must act now.

### RAMPAGING INFLATION

And inflation is rampaging. It is out of hand. The figures which were released only last Tuesday on the Consumer Price Index showed that consumer prices rose in the last 3 months at an annual rate exceeding 9 percent. Not since 1951 have we had a 3-month period to rival the last 3 months. That is the consumer price index.

But the wholesale price index—an index which over the years has seldom increased at more than 1 or 2 percent per year—has gone through the roof.

The April wholesale price index rose at an annual rate of 12 percent.

In March it went up at a seasonally adjusted annual rate of 26.4 percent.

In the past, much of this has been due to food price increases. This continues, but now we also have a huge increase in industrial prices.

In the past 3 months, crude material prices went up by an annual rate of 18.8 percent.

Textile products and apparel rose by 16.4 percent on an annual basis.

Metals and metal products jumped 15.5 percent in the last 3 months on an annual basis.

### ACTION NEEDED

A great many things need to be done.

First, the President needs to completely overhaul the policies of phase III. They have been a bust.

Second, the Federal Reserve Board must act, and it has acted in many respects, to help control matters through its control over monetary policy.

Third, the President must cut spending.

But fourth and finally, Congress must cut spending.

Under the Constitution, we have power over the purse strings. That is one of our few unique prerogatives. We cannot escape responsibility for that. We should not escape it. But we should act and act now to cut fiscal year 1973 spending. And today is the time and this bill is the place.

The effect of my amendment—or in sticking with the House figures—is to cut $346 million or a third of a billion from this appropriation bill. That would indeed be a good day's work.

### SUPPLEMENTAL BILLS

Under our procedures, a supplemental appropriation bill is supposed to be an "emergency" bill to handle emergency items. But we all know that is not the case. We do not stick to our own procedures.

We cut the President's requests in the regular bills, and then fund many of them in the supplemental appropriations. This is one way we spin our wheels.

In the past I know of individual agencies which accepted cuts in their regular bills, in order to make their budgets look good while attention was focused on them. But later the funds would be made up in the supplemental or emergency bills while no one was watching.

No one can claim that this bill contains only emergency items.

Even a casual reading of it shows that it contains millions of dollars for questionable or frivilous items, from street surfacing in Kansas to an increase in impacted aid funds for some of the wealthiest school districts in the United States.

Consider some others. The Senate committee has given $2.8 million for the American Revolution Bicentennial Commission which was not in the House bill.

The Senate committee has allowed $350,000 for the Pennsylvania Avenue Development Corporation not in the House bill. And as I gather from the text of the committee report, both of these items were approved without statutory authorization—page 41 of report.

For the Senate itself we are providing $289,000 for the Office of Technological Assessment, an additional $1.7 million for the protection of the Capitol, $17.4 million for enlargement of the Capitol Powerplant, and $50,000 for parking for congressional employees, as well as added funds for the Botanic Gardens and increased pay costs.

### REDUCE, POSTPONE, OR CUT

Cannot a number, if not all, of these items be postponed or delayed? Are they really necessary?

There are other funds too, including funds for public works, new buildings abroad, funds for international expositions, money for the Fisherman's Protective Funds, special international exhibitions by the USIA in addition to the Commerce Department expositions, and many, many others.

Now a great many of these items would be justified in normal times, or perhaps later. But in the present circumstances of runaway inflation, these are not normal times.

Viewed in that light, a large number of items should not be funded at all.

In addition, many, many items could be postponed or further reduced.

I am not asking for a radical solution.

My objections go to only about $346 million of this $3.3 billion request by the President, or 10 percent. It is a modest proposal.

But, Mr. President, in view of this country's great financial difficulties, a cut or postponement of at least 10 percent of these funds is entirely in order now.

When a family or a business is in financial trouble, it does just that. It goes through its expenses and its needs, and it ranks them and gives them priority.

The United States is now in great financial trouble. Every knowledgable economist would admit that cutting Federal spending now is a major anti-inflationary weapon.

We should rank our needs. We should give them priorities. And we should reduce, postpone, or cut out entirely those whose priority is low on the fiscal totem pole.

### PURPOSE TO FOCUS ATTENTION ON INCREASES

Mr. President, I have entered my objection to those detailed amendments in the Senate committee bill which increase the funds over the House amounts.

If we were to take these up and vote on them one by one, it would take hours of the Senate's time. In addition, I am aware the overwhelming sentiment would be to pass them and to support the committee. I therefore intend to withdraw my objections when I finish this speech.

But I did want to take this occasion to indicate how important it is for us to act now.

This bill includes $3.2 billion in new spending to be spent now. That is the purpose of a supplementary appropriation. It is for funds needed now.

Yet we are in the midst of a financial crisis and a runaway inflation. Now is the time to cut spending, not to increase it.

One of the major ways to help stop inflation is to reduce Government spending. And since Congress, as well as the President, has a duty and responsibility in that area, it is my judgment that we should cut spending now.

I have made my point. I have never believed in attempting to perform a useless act. I do not intend, therefore, to make the Senate take up and vote on, one by one, 50 or 60, or 70 individual items, many of which have merit or substance in themselves but should be opposed because this is not the time to increase Federal spending.

Because of that fact and because I have made my point, I withdraw my objection to the additional amendments and no longer oppose them being made original text for the purposes of this debate.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, what is now pending?

The PRESIDING OFFICER. The unanimous-consent request by the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, if this unanimous-consent request were withdrawn, would we then read the bill and have each amendment considered at the time it is reached upon reading the bill?

The PRESIDING OFFICER. Yes, each committee amendment would be reported separately.

Mr. McCLELLAN. I would like to ascertain if there is any other objection. If it is the will of the Senate to spend all this time, I am perfectly willing to do so. This is the usual procedure. That is why I offered the unanimous-consent request.

I shall let the request stand to see if there is further objection.

Mr. HRUSKA. Mr. President, reserving the right to object, I address myself to the unanimous-consent request of the Senator from Arkansas.

I would like to request that he consider, in the interest of orderly procedure, the exemption from that unanimous-consent request of three amendments that I shall describe:

(1) On page 6, line 20, the amendment inserts the words "or in or over Laos.";

(2) On page 6, starting at line 22 and extending through line 6 of page 7;

Third. On page 58, lines 10 through 14.

There will be considerable discussion on these three amendments.

It seems to me that if we do allow for these exceptions to the unanimous consent request, we would expedite matters a great deal.

I might also say that there are individual views on file by several Members of the Senate pertaining to the amendments involving the International Radio Broadcasting appropriation and the United States Information Agency appropriation. On these two amendments, we do not ask for an exception.

I should like to inform my colleagues that before making this statement I consulted those who joined with me in those individual views, and that my recommended course of action meets with their approval.

Would the Senator from Arkansas modify his unanimous-consent request to include exceptions for the three amendments to which I have referred?

Mr. McCLELLAN. I understand that the Senator does not make any request for the item on page 30, nor does he make a request with regard to page 31, line 26. Am I correct?

Mr. HRUSKA. Yes, the Senator is correct.

Mr. McCLELLAN. Let me clarify the situation. What the Senator wants excepted from being adopted by unanimous consent, subject to having the bill considered as original text, is those three amendments that he has pointed out, two on page 6 and one page 58, dealing with provisions with respect to Laos?

Mr. HRUSKA. That is correct.

Mr. McCLELLAN. All right, unless there is someone on the committee who has objection. I hear no objection to the request.

Then, Mr. President, I modify my request to exclude the items referred to and which the Senator from Nebraska has mentioned, two of them on page 6, and one of them on page 58.

Mr. HRUSKA. And would the point of order be preserved under the unanimous-consent request?

Mr. McCLELLAN. I ask that it be preserved under the original request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request as modified? The Chair hears no objection, and it is so ordered.

Mr. HRUSKA. Mr. President, I might say, further, that it is the intention of the Senator from Nebraska, in due time, to raise a point of order on the last of these three amendments. I would prefer to make some extended remarks later this afternoon, designed to explain my position on the point of order that will be raised. I notify the Senator from Arkansas and would defer to any other requests for time prior to raising the point of order.

The amendments agreed to en bloc are as follows:

On page 2, after line 5, insert:

AGRICULTURE RESEARCH SERVICE

For an additional amount for "Agricultural Research Service," $18,000, to be made available for offsite improvements on property adjoining the boundary of the Grain Marketing Research Laboratory, Manhattan, Kansas, to be available until expanded.

On page 3, line 23, after "(33 U.S.C. 701b–1)", strike out "$12,500,000" and insert "$20,000,000".

On page 4, line 8, after the word "expended", strike out "$2,500,000" and insert "$15,000,000".

On page 4, after line 12, insert:

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount to carry out the provisions of the nonfood assistance program of the Child Nutrition Act, as amended, $18,700,000, to remain available until expended.

On page 5, line 5, after the word "Navy", strike out "$35,606,000" and insert "$46,597,000"; in line 8, after "1969", strike out "$50,000" and insert "$165,000"; in line 9, after "1971", strike out "$16,958,000" and insert "$23,834,000"; and, in line 10, after "1972", strike out "$17,598,000" and insert "$22,598,000".

On page 7, after line 8, insert:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal Payment to the District of Columbia", for the general fund of the District of Columbia, $8,500,000.

On page 9, after line 12, insert:

VETERANS' ADMINISTRATION

ASSISTANCE FOR HEALTH MANPOWER TRAINING INSTITUTIONS

For pilot programs for assistance in the establishment of new State medical schools, grants to affiliated medical schools, assistance to public and nonprofit institutions of higher learning, hospitals and other health manpower institutions affiliated with the Veterans Administration to increase the production of professional and other health personnel, and for expansion of Veterans Administration hospital education and training capacity as authorized by 38 U.S.C. Chapter 82, $25,000,000, to remain available until June 30, 1979.

On page 10, line 6, after the word "resources", strike out "$17,177,000" and insert "$18,500,000".

On page 10, line 10, strike out "$2,036,000" and insert "$2,900,000".

On page 10, after line 10, insert:

BUREAU OF MINES

HELIUM FUND

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, $34,000,000, in addition to amounts heretofore authorized to be borrowed.

On page 10, after line 19, insert:

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $3,100,000, to remain available until expended.

On page 11, line 6, after the word "management", strike out "$38,425,000" and insert "$38,948,000"; in line 7, after the amendment just stated, insert a colon and "*Provided,*"; in line 8, after the word "management", strike out "$3,600,000" and insert "$3,429,000"; and, in line 11, after the word "cooperation", insert a colon and "*Provided further,* That none of the funds currently available or made available under this Act shall be obligated or expended to change the boundaries of any region, or abolish any region, of the National Forest System of the Forest Service."

On page 11, after line 15, insert:

HISTORICAL AND MEMORIAL COMMISSIONS

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $2,868,000, of which not to exceed $1,200,000 shall be for grants-in-aid as authorized by section 9(1) of Public Law 92–236, to remain available until expended.

At the top of page 12, insert:

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17 of Public Law 92–578, $350,000, to remain available until expended.

On page 12, after line 17, insert:

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Departmental Management, Salaries and Expenses", $40,000.

On page 13, after line 4, insert:

MENTAL HEALTH

For an additional amount for "Mental Health", to carry out programs for Alaskan Natives under part C of the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), $2,000,000, to remain available until December 31, 1973.

On page 13, after line 10, insert:

HEALTH SERVICES PLANNING AND DEVELOPMENT

On page 13, line 14, after "section 304", insert "and title IX"; and, in line 15, after the word "Act", strike out "$12,000,000" and insert "$16,500,000".

On page 13, after line 16, insert:

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For an additional amount for expenses necessary to carry out title IV, part A, of the Public Health Service Act, including construction under grants and contracts and direct construction; $60,000,000 to remain available until June 30, 1974.

On page 14, after line 2, insert:

NATIONAL EYE INSTITUTE

For an additional amount for expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, $5,000,000.

On page 14, after line 6, insert:

HEALTH MANPOWER

For an additional amount for "Health manpower" to remain available until expended to carry out the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress), $100,000.

On page 14, after line 16, insert:

### EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $26,300,000.

On page 15, line 2, after "1969", strike out "$226,510,000" and insert "$260,510,000"; in line 3, after the word "exceed", strike out "$23,000,000" and insert "$48,000,000"; in the same line, after the word "the", strike out "$75,000,000" and insert "$100,000,000"; and, in line 13, after "$150,000,000", insert a colon and "*Provided further*, That the following amounts shall remain available until September 30, 1973: $15,360,000 for language training and area studies under title VI of the National Defense Education Act and the Mutual Educational and Cultural Exchange Act of 1961; and $15,000,000 for university community services, $10,000,000 for aid to land-grant colleges under section 22 of the Act of June 29, 1935, and $25,000,000 for veterans cost-of-instruction payments, for which funds were appropriated in Public Law 92–607."

On page 16, after line 4, insert:

### SOCIAL AND REHABILITATION SERVICE

Funds contained in the Supplemental Appropriation Act, 1973 (Public Law 92–607) for grants under section 103 of the Rehabilitation Act of 1972 shall be available for grants under section 2 of the Vocational Rehabilitation Act: *Provided*, That such funds made available for grants under section 2 shall not exceed $610,000,000 and that allotments to States under such section shall not, in the aggregate, exceed $645,000,000: *Provided further*, That the $5,000,000 contained in such Supplemental Appropriation Act, 1973 (Public Law 92–607) for the construction of the National Center for Deaf/Blind Youths and Adults, as authorized by said Vocational Rehabilitation Act, shall remain available until expended.

On page 16, line 21, after "1965", strike out "$50,000,000" and insert "$100,000,000"; and, in line 22, after "1973", insert a colon and "*Provided*, That funds in the amount of $100,000,000 contained in the Supplemental Appropriation Act, 1973 (Public Law 92–607), to carry out title III of the Older Americans Act of 1965, shall remain available until December 31, 1973, to carry out title III of the Older Americans Comprehensive Services Amendments of 1973 (Public Law 93–29)."

On page 17, after line 19, insert:

### ACTION

For expenses necessary for ACTION to carry out the provisions of title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044–3044e): $42,000,000, to be derived by transfer from funds appropriated for this purpose in the Supplemental Appropriation Act, 1973 (Public Law 92–607), of which $8,000,000 shall remain available until expended.

At the top of page 20, insert:

### OFFICE OF TECHNOLOGY ASSESSMENT

### SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), including rental of space in the District of Columbia; $289,000: *Provided*, That no officer or employee of the Office of Technology Assessment shall be paid compensation from such amount at a rate in excess of the rate for the level V of the Executive Schedule under section 5316 of title 5, United States Code.

On page 23, line 16, after the word "noise", strike out "attentuated" and insert "attenuated"; and, on page 24, line 3, after the word "appropriation", strike out "Provided" and insert "Provided further".

On page 25, line 24, after the word "Emergencies", strike out "$70,500,000" and insert "$103,000,000".

On page 26, after line 5, insert:

### WATER RESOURCES COUNCIL

### WATER RESOURCES PLANNING

For an additional amount for "Water resources planning", $500,000, to remain available until expended.

On page 29, line 3, after the word "Expositions", strike out "$6,500,000" and insert $8,000,000".

On page 29, line 20, after the word "organizations", strike out "$2,900,000" and insert "$3,043,000"; and, in line 22, after the word "exceed", strike out "$400,000" and insert "$543,000".

On page 30, line 10, after "(86 Stat. 807)", strike out "$240,000" and insert "$270,000".

On page 30, after line 20, strike out:

### COMMISSION ON INTERNATIONAL RADIO BROADCASTING

### INTERNATIONAL RADIO BROADCASTING ACTIVITIES

For an additional amount for "International radio broadcasting activities", $1,650,000: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

On page 31, after line 24, strike out:

### SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,600,000.

On page 32, after line 22, insert:

### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

### TRAFFIC AND HIGHWAY SAFETY

Not to exceed $2,000,000 shall be available until June 30, 1974, from amounts heretofore provided for the Traffic Safety Program and Research and Analysis Activities in the appropriation granted under this heading in the Department of Transportation and Related Agencies Appropriation Act, 1973, and the Supplemental Appropriations Act, 1973, to carry out the provisions of the Motor Vehicle Information and Cost Savings Act (Public Law 92–513).

On page 34, after line 7, strike out:

### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $164,000.

On page 34, line 13, after the word "including", strike out "$3,124,000" and insert "$5,600,000"; and, in line 15, after the word "authorized", strike out "$9,748,000" and insert "$9,600,000".

On page 34, after line 18, insert:

### ECONOMIC STABILIZATION ACTIVITIES

### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,400,000.

On page 35, line 13, strike out "$1,000,000" and insert "$900,000".

On page 35, line 21, after the word "in", insert "Senate Documents Numbered 15 and —— and"; and, in line 22, after the word "Congress", strike out "$20,368,059" and insert "$23,108,029".

On page 36, after line 14, insert:

### SENATE

### CONTINGENT EXPENSES OF THE SENATE

"Inquiries and investigations", $276,240, to be derived by transfer from the appropriation "Salaries, Officers and Employees", fiscal year 1973.

On page 38, after line 20, insert:

### SENATE OFFICE BUILDINGS

For an additional amount for Senate Office Buildings, $186,000.

At the top of page 39, insert:

### SENATE GARAGE

For an additional amount for Senate Garage, $3,100.

On page 44, line 12, after the word "Army", strike out "$180,651,000" and insert "$175,651,000".

On page 44, line 25, after the word "Army", strike out "$8,119,000" and insert "$7,924,000".

On page 45, at the beginning of line 2, strike out "National Guard Personnel, Air Force, $4,509,000;".

On page 45, line 5, after the word "Navy", strike out "$93,000,000" and insert "$103,068,000".

On page 45, line 11, after the word "lows", strike out "for Secretary of Defense Activities, $620,000;"; in line 14, after the word "Institute", strike out "$67,000" and insert "$18,000"; in line 15, after "$6,100,000", strike out "for the Defense Nuclear Agency, $140,000;"; at the beginning of line 19, strike out "$2,712,000" and insert "$3,045,000"; in line 20, after the word "Service", strike out "$225,000" and insert "$3,000"; and, in the same line, after the word "all", strike out "$23,700,000" and insert "$23,002,000".

On page 47, after line 14, insert:

### OFFICE OF CHILD DEVELOPMENT

"Child Development", $150,000, to be derived by transfer from the appropriation for "Special benefits for disabled coal miners", fiscal year 1973.

On page 53, line 24, after the word "expenses", strike out "$2,125,000" and insert "$2,050,000".

The PRESIDING OFFICER. The clerk will state the first amendment under the exception.

The legislative clerk read the committee amendment as follows:

On page 6, line 20, after the word "Cambodia," insert "or in or over Laos."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further consideration of the pending amendment be deferred pending the discussion of other amendments that may be offered at this time and that it be called up later.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Does the Senator from Arkansas want the remainder of the committee amendments dealt with at this time?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that they be withheld at this time so that we may receive amendments from the floor temporarily. I think that we can make more progress in this manner.

There is a conference in progress at this time that has to do with some amendments that are printed in the bill. I thought that we might proceed with other amendments and they might be offered from the floor and that we might dispose of them and thus expedite the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the figure "18" be inserted in the bill on page 35, line 21.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. I might say that when this bill was reported to the Senate on May 18, 1973, the committee had prior knowledge of a supplemental budget estimate being submitted for claims and judgments and, consequently, included in the bill the funds. However, since the formal document had not been received by the Senate, there was no number for it. It has now been received and the addition of this number "18" will correct the situation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I suggest if there are Senators present who have amendments to offer from the floor, that they offer them.

Mr. KENNEDY. Mr. President, I ask that Larry Barwick be accorded the privilege of the floor during the consideration of the health amendment.

Mr. EAGLETON. Mr. President, I make a similar request on behalf of Mr. Brian Atwood.

Mr. McCLELLAN. Mr. President, what is the request?

Mr. KENNEDY. To permit staff members to be present.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. I note that the Senate bill does not include a House provision which directs obligation of $300,000 for wildlife habitat management in the Mark Twain and Clark National Forests. This is money which already has been appropriated by the Congress but impounded by the executive branch. Directing its obligation will not increase overall appropriations but will make funds available for critically important work.

I understand that there are other differences between Senate and House bills with respect to certain Interior Department programs and that the items will be a matter for conference. I would hope that the Senate conferees will be able to work out a compromise that will preserve this particular item.

Mr. STEVENS. The item to which the Senator from Missouri refers was recognized by the committee as a worthy project, as are many others funded by the Congress but impounded by the administration. In an effort to curb new appropriations in this bill it was not possible to preserve all the Forest Service projects involved in proposed reprogramming for forest fire control.

I can assure the Senator from Missouri that his comments on the Mark Twain and Clark National Forests will be noted by the conferees and will have their sympathetic consideration in negotiations with the House.

### SUPPLEMENTARY FUNDS FOR SCHOOL LUNCH EQUIPMENT

Mr. HUMPHREY. Mr. President, I wish to commend the distinguished chairman of the Appropriations Committee, Senator McClellan, the chairman of the Agricultural Subcommittee on Appropriations, Senator McGee, and other members of the committee for including in this bill $18.7 million for nonfood assistance for our Nation's schools to either install or improve kitchen equipment required by them to serve school lunches.

On April 2, 1973, I wrote to Senator McGee asking that his subcommittee provide $25 million for this purpose. As indicated in the committee report, there are nearly 18,000 schools in the Nation today without such facilities, which means they are unable to offer school breakfasts and lunches to their students. There also are many thousands of schools that are in great need of improving and replacing existing facilities.

While I am willing to accept the $18.7 million amount, I want to make abundantly clear that such an amount should be considered as a bottom-line or minimum figure. In other words, I would hope and urge, Mr. President, that the Senate not only adopt this figure, but also insist that it be retained in any subsequent conference that might be held with the other body.

Making these funds available now, as indicated in the committee report, will make it possible for USDA to distribute these funds during the balance of this fiscal year so that schools may proceed with the necessary acquisition, construction, and modification of facilities during this summer. By making these adjustments during the summer months, when school is out, disruptions during school months can be avoided.

Mr. President, I would like to request unanimous consent that my letter to Senator McGee be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

April 2, 1973.

Hon. Gale W. McGee,
*Chairman, Subcommittee on Agriculture, Environment and Consumer Protection, Senate Committee on Appropriations, Washington, D.C.*

Dear Mr. Chairman: As you are now engaged in considering a supplemental appropriation for the Department of Agriculture's Fiscal Year 1973 budget, I want to call your attention to a serious shortage of funds in the national school lunch program. The shortage has occurred in the non-food assistance account which provides federal matching funds to help local schools buy the kitchen equipment they need to operate their own hot meal programs.

When Congress adopted the 1972 Amendments to the School Lunch and Child Nutrition Acts (P.L. 92–433) we recognized the importance of non-food assistance funds to the overall program because we were mindful of the fact that 18,000 schools still do not participate in the lunch program and more than 85,000 do not participate in the breakfast program. We therefore increased the authorization from $15 million for Fiscal Year 1973 to $40 million for Fiscal Year 1973.

The current appropriation for Fiscal Year 1973, however, is only $15 million for school kitchen equipment of which $7,500,000 was designated by the amendments for "no program" schools.

On March 7, 1973, a survey of the State Education Agencies' school food service directors was completed by the American School Food Service Association in conjunction with a non-profit research organization called the Food Research Action Center. The survey asked for State Directors to calculate the minimum amount of non-food assistance funds that they need this spring to meet their current demands. 43 states responded and stated emphatically that they needed $28,232,196 for their schools right away. I have attached a copy of this survey for your information.

The survey has persuaded me that there is an urgent need for Congress to appropriate the $25 million remaining in this year's authorization if the school lunch program is to continue to meet the demands being placed upon it. If these funds are appropriated now, then the local schools will receive the money by May at which time they can let bids and enter into contracts for installation of the equipment which could commence as soon as school recesses for the summer. This means that the normally disruptive installation work could go on without interrupting classes and it means that the work would be completed before school begins in the fall.

If, however, additional funds are not provided until the Fiscal Year 1974 appropriation has been passed, then the schools will lose these advantages. They will have to postpone the construction work until classes are in session in the fall and they will not be able to have the new equipment in place and functioning until after Thanksgiving.

I appreciate your consideration of this matter and if I can supply any additional information please call upon me.

Sincerely,

Hubert H. Humphrey.

### FUNDING FOR THE NUTRITION PROGRAM FOR THE ELDERLY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Idaho (Mr. Church) be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

### STATEMENT OF SENATOR CHURCH

I support the enactment of H.R. 7447, the Second Supplemental Appropriations bill for fiscal 1973.

As Chairman of the Senate Committee on Aging, I am especially pleased that the Appropriations Committee has approved the full $100 million—as recommended by Senator Kennedy and me—for the Nutrition Program for the Elderly. This money will, however, remain available throughout calendar

1973 because only about 1 month remains in fiscal 1973.

On May 10 the House of Representatives approved $50 million, with similar carry-over authority. This action was certainly a step in the right direction, but I am hopeful that the conferees will accept the Senate provision for the Nutrition Program for the Elderly.

For nearly one year this program has struggled in uncertainty because the President has twice vetoed the Labor-HEW Appropriations bill.

However, there has been no disagreement, at all, between the Administration and Congress on the need to fund the national hot meals program for older Americans. On this matter, the President and the Congress have been in full agreement.

The $100 million, I should add, is the same amount as requested by the President and approved on two earlier occasions by the Congress. As a result, many State agencies have operated on the assumption that $100 million will again be provided. Cutting back this anticipated amount by $50 million would, of course, require major changes in State plans. It would also mean that far fewer projects would be launched initially, although the need is so great.

However, there are other compelling reasons to provide the full $100 million now.

Malnutrition affects the aged with far greater impact than any other age group in our society. Isolation, lack of skills in preparing meals, eating alone, and the high price of food all affect the elderly's eating habits. These problems oftentimes result in poor nutritional diets, poor health, and malnutrition. However, the Nutrition Program for the Elderly can provide nutritionally well balanced meals in congregate sites and at the homes of persons 60 years and over.

Quite clearly, the health of our aged is related to their diets. And the Nutrition Program for the Elderly is a very positive response for counteracting hunger and health problems that affect older Americans.

For these reasons I strongly urge that H.R. 7447 include the full $100 million for the Title VII Nutrition Program.

Mr. President, I have received several telegrams and letters from agencies throughout the Nation in support of immediate funding for the hot meals program for older Americans.

Their message, it seems to me, is very clear and compelling.

Mr. President, I ask unanimous consent that two of these telegrams—from Mr. Emmett W. Eaton, Executive Director of the Alabama Commission on Aging, and Mrs. Roy Engle, Chairman of the Pennsylvania State Advisory Committee on Aging—be printed at this point in the Record.

---

Montgomery, Ala.,
*April 24, 1973.*

Senator Frank Church,
*U.S. Senate Office Building,*
*Washington, D.C.*

State of Alabama is fully prepared to begin implementing the nutrition program for the elderly shortly after funds are received. On behalf of our more than 475,000 older people we therefore support your efforts for full funding of the $100,000,000 appropriation for FY-1973 which will shortly be considered in the HEW supplemental appropriation bill for FY-1973.

Warm personal regards.

Emmett W. Eaton,
*Executive Director, Alabama Commission on Aging.*

---

Harrisburg, Pa.,
*April 10, 1973.*

Hon. Frank Church,
*Chairman, U.S. Senate Special Committee on Aging, Dirksen Building, Washington, D.C.:*

Once again we respectfully request your support in expediting funding for title VII of the Older Americans Act.

It has been over a year since the nutrition program for the elderly was passed into law. Much planning and program development has been taking place since that time. Resources from all levels of public and private agencies have been committed to this process in anticipation of imminent funding.

The frustration of seemingly non productive planning is reaching critical stage as each succeeding week elapses without a funded program. Deterioration will take its toll of the extensive preparation activities.

We therefore emphatically urge that all efforts be made to fund title VII at the earliest possible date at the full 100 million dollars.

We further urge that use of these funds not be restricted to the current fiscal year lest the pressure to encumber funds results in poorly planned and organized projects.

Your support will be greatly appreciated.

Mrs. Roy Engle,
*Chairman, Pennsylvania State Advisory Committee on Aging.*

## IMPACT AID AND PUBLIC SCHOOLS

Mr. MATHIAS. Mr. President, the Senate this afternoon will begin consideration of H.R. 7447, an act making supplemental appropriations for the fiscal year ending June 30, 1973.

As reported out of the Appropriations Committee, this second supplemental bill includes critically important provisions which affect U.S. military activity in and over Cambodia, Laos, and Southeast Asia generally.

But in addition, I would also like to point out to my colleagues that the bill coming before us will include a provision of great importance to a number of school districts throughout the Nation—wherever tax-exempt Federal installations significantly reduce the local property tax base on which most public school systems must rely.

The provision I am referring to would restore some much-needed impacted school aid for what is known as category B students. It has been approved by the Appropriations Committee, and I am confident that the full Senate will concur; for failure to adopt this provision would impose a severe financial shock on school districts in all areas of the country which have relied on receiving their full legal entitlement under this program.

There are some who argue that the impacted aid program has outlived its original purpose; but it would be both shortsighted and unfair if we penalized local schools and their students by precipitously cutting back such a program before a responsible alternative has been devised.

In this connection, I have recently received from Mr. Brian M. Benson, Federal legislative consultant to the Montgomery County, Md., public schools, a thoughtful letter discussing the merits of the impact aid program, and I commend it to the attention of my colleagues. I ask unanimous consent to have Mr. Benson's letter printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Montgomery County Public Schools,
*Rockville, Md., May 9, 1973.*

Hon. Charles McC. Mathias,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Mathias: Impact Aid for public schools is a justifiable federal program and should be continued. However, my saying so does not make it so; by the same logic, for another person, even a president of the United States, to say the program is bad, does not make it so.

Let's look at both sides, the justification for and the arguments against Impact Aid.

Before listing the pros and cons, I would like to make the following statements;

1. American democracy requires that public education be made available for all. The federal, state, and local governments should join forces to strengthen the financial structure and the effectiveness of our public educational system.

2. The principal source of income to support public education is the tax on residential and commercial property. Some day, perhaps a better financing arrangement may be devised, but at present, the property tax is the major source of revenue.

3. The Impact Aid law, Public Law 81–874, provides: Federal assistance to local educational agencies which have the burden of educating children of parents who reside and/or work on tax exempt federal property.

*"A" pupils*—parents *reside and work* on tax exempt federal property-federal entitlement 100% of local educational agencies contribution rate.

*"B" pupils*—(1) parents *reside* on tax exempt federal property, *or* (2) parent *works* on tax free federal property—federal entitlement 50% of local educational agencies contribution rate.

*Notes:* 1. Parent must be employed on *tax exempt* federal property, e.g.

a. Bureau of Standards, Gaithersburg, is tax exempt, and therefore is eligible.

b. HEW, Parklawn Building in Rockville, is *not* tax exempt, and therefore, is not eligible.

2. Federal entitlement rate is 100% for "A" pupils and 50% for "B" pupils.

### JUSTIFICATION FOR IMPACT AID

1. As long as the tax on residential and commercial property is the major source of revenue to finance public education, and as long as the federal government enjoys the tax exempt status for its properties, and as long as other employers pay taxes on commercial property; the federal government, as the nation's largest employer and largest owner of tax exempt property, should continue the Impact Aid program.

2. As stated in a recent editorial, ". . . there is no question but that federal subsidies are essential, and should continue, in the "A" category, where numerous families living on federal property and paying no real estate taxes send their children to nearby schools . . ."

"A" pupils entitlement is 100%. "A" pupils consist of two parts:

1. Parents *reside* on tax exempt federal property—(a "B" pupil) *and*,

2. Parent *works* on tax exempt federal property—(a "B" pupil)

Therefore, to justify the "A" pupil for 100% entitlement, are not the "B" pupils for 50% entitlement justified? In simple arithmetic—

Add:

"B" pupil—parents *reside* on tax exempt federal property—50% entitlement.

"B" pupil—parent *works* on tax exempt federal property—50% entitlement.

Equals:

"A" pupil—parent *resides and works* on tax exempt federal property—100% entitlement.

3. Major congressional studies of the Impact Aid program by Stanford Research Institute and Battelle Memorial Institute concluded that *the basic features of impact program are sound and should be continued.* These studies are available in the U.S. Office of Education and I recommend their review for a detailed study of the program.

### ARGUMENTS AGAINST THE IMPACT AID PROGRAM

1. Montgomery County in the state of Maryland, the county with the highest median family income in the nation, receives more assistance under this program than was paid to the 100 poorest counties in the nation.

This type statement has been given as an argument against the Impact Aid program on numerous occasions:

August 12, 1968, by Charles J. Zwick, director, Bureau of the Budget, at the conference of the National Association of State Budget Officers, San Antonio, Texas.

*January 5, 1970, Bryce N. Harlow,* counselor to the president, letter to members of Congress.

*January 9, 1970, Robert H. Finch,* secretary of HEW, in an interview with John Mathews, Star staff writer, article published in The Evening Star on January 10, 1970.

*January 26, 1970, President Richard M. Nixon,* on nationwide television to dramatize his veto of the Labor-HEW appropriation bill (HR 13111).

*February 6, 1973, Senator Hugh Scott,* on the TV evening news.

The relevance of the statement, relating Montgomery County to the nation's 100 poorest counties, is questionable because, according to correspondence from the Deputy Assistant Secretary for Congressional Liaison, U. S. Office of Education, only 18 of the 100 counties have any federally impacted school districts. Impact Aid is based on the number of "A" and "B" pupils times the educational agencies local contribution rate.

2. The Impact Aid program is a joke and a pork barrel that short changed poorer school districts and provides job security for some congressmen. (Per Secretary Finch in 1/9/70 interview with John Mathews, Star staff writer.)

3. In many cases these (impact) payments exceed the cost to local schools of educating federal pupils. In other instances the program enables wealthy districts to exert a lower tax effort than other districts in the same state. (Per Bryce N. Harlow's letter of 1/5/70.)

In closing, I quote from the Stanford Research Institute study:

"Thus, we conclude that P.L. 874 is a defensible, though somewhat unusual, piece of federal legislation; that it is properly conceived in terms of relieving burdens imposed upon school districts that educate federal pupils; and that permanent payments to impacted areas under P.L. 874 can be justified. The burden as defined by P.L. 874 relates entirely to the needs of each district as expressed by its own level of effort. Thus, the burden tends to be greater in rich than in poor districts. This concept of burden does not take into account educational "needs", which may be measured in terms of some educational standards or goals. This task has been delegated to Title II, P.L. 89–10, Financial Assistance to Local Educational Agencies for the Education of Children of Low Income Families."

I would like to extend an open invitation to anyone who would care to discuss the pros and cons of the Impact Aid program, or who would like additional information.

Respectfully submitted,

BRIAN M. BENSON,
*Federal Legislative Consultant.*

P.S.—Please take action to remove the 54% ceiling placed on "B" pupils by Urgent Supplemental Appropriations bill. Thank you.

B. M. B.

### DUNES EROSION CONTROL

Mr. BAYH. Mr. President, included in this supplemental appropriation is $3.1 million to construct a revetment and sand fill along the Beverly Shores section of the Indiana Dune National Lakeshore. Severe storms during the fall and winter of 1972 and spring of this year have caused an alarming amount of erosion at the lakeshore as well as the collapse of the access road.

While the National Park Service has the responsibility for the lakeshore, it does not have the expertise to cope with what is essentially an engineering problem. The Army Corps of Engineers lacks the authority to engage in erosion control projects on its own.

In an admirable display of cooperation the corps submitted to Interior a plan with cost estimates to protect the lakeshore. Interior in turn has transferred $91,000 to the corps so that the design work could begin immediately on this vitally needed revetment.

The nature of the erosion problem at the dunes is such that the revetment must be completed in this construction season lest another winter's storms do irreparable damage to this unique national resource.

In order to win this race against the elements the corps must advertise for bids by June 15 thus necessitating the project's inclusion in this supplemental appropriaton.

The Appropriations Committee has recognized the emergency nature of this request. I ask my colleagues to concur.

Mr. HATHAWAY. Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 15, line 20, after "June 29, 1935," insert the following: "$17,857,000 for library programs as authorized by title II (except section 231) of the Higher Education Act,"

Mr. HATHAWAY. Mr. President, this amendment is purely technical in nature. It does not seek to add a single dollar to that which was appropriated last October in the final supplemental of 1972, Public Law 92–607. This amendment is intended to redress a technical omission from H.R. 7447 as reported by the Senate Appropriations Committee. It deals with the problem of rescission.

Public Law 92–607 appropriated $17,857,000 for the college library resources, training and research programs authorized under title II—parts A and B—of the Higher Education Act as amended. This appropriation was signed into law on October 31, 1972. In January, however, we learned that this was one of the programs slated for rescission in the President's revised budget estimate which requested that $2,857,000 be rescinded from this appropriation. The Appropriations Committee, fortunately, declined to recommend the withdrawal of this appropriation, and the matter is clearly stated on page 3 of the committee's report on H.R. 7447. The committee expects the funds will be released and obligated.

The committee included specific language in the bill extending the availability of certain funds for higher education programs through September 30, 1973. In the same way, this amendment would extend the availability of funds for library resources through September 30, 1973. It would do no more and no less. It would allow the Office of Education the additional time it needs to expend the full appropriation which has not as yet been expended pending congressional action on the proposed rescission. This amendment would allow the Office of Education until September 30, 1973, to implement the grant awards cycle so that the full fiscal year 1973 appropriation of $17,857,000 can be expended.

Mr. President, an even more far-reaching problem for libraries, now approaching crisis stage, is the zero funding for fiscal year 1974 proposed in the President's budget for all the library programs. The budget recommends zero funding for the public library programs authorized by the Library Services and Construction Act, the elementary and secondary school library programs authorized by title II of the Elementary and Secondary Education Act, and the college and university library programs as well as training and research in librarianship authorized by title II of the Higher Education Act.

The impact of the proposed fiscal year 1974 zero funding for libraries is compounded by the uncertainty and severe curtailment of fiscal year 1973 funding under the continuing resolution. Totally contrary to the intent of Congress, programs under the continuing resolution are being funded at the level of the 1973 budget. The intent of Congress was made clear in a colloquy between the distinguished chairman, Senator MCCLELLAN, and the senior Senator from Minnesota, Senator MONDALE, on February 26, 1973. The subject of the colloquy was the meaning of the continuing resolution—Public Law 92–334 as amended, and it went like this. I quote from the Record (p. S3335):

> Mr. MONDALE. As I understand it, reference is to be made only to the House and Senate bills of last June, and no reference is to be made to either the appropriations for fiscal 1972 or to the administration's budget request for fiscal 1973.
>
> Mr. MCCLELLAN. The Senator is correct. The controlling factor is the lower of the two amounts—the amount of the House item and the amount of the Senate item in the appropriation.

The administration proceeded, however, to totally ignore the intent of Congress and fiscal year 1973 funds under the continuing resolution have been released at the rate of the President's 1973 budget. This means that public libraries across the Nation are receiving $32,730,000 for fiscal year 1973 rather than $84.5 million, the amount provided in both the Senate and House bills of last June—H.R. 15417—for the Library Services and Construction Act. It means, too, that elementary and secondary school libraries are receiving $90 million despite the fact that both Senate and House voted $100 million for this program authorized under title II of the Elementary and Secondary Education Act. In effect, HEW is withholding $61,770,000—$51,770,000 for LSCA and $10 million for ESEA II—that Congress intended our people to have for their various library programs. This is in direct conflict with the mandatory spending requirement provided to safeguard programs administered by the U.S. Office of Education under section 415 in the General Education Provisions Act—Public Law 91-230, as amended.

In my own State of Maine, for example, public libraries should be receiving $660,711 under the Library Services and Construction Act for fiscal 1973, but they are receiving only $336,631 under the continuing resolution. School libraries should be receiving $511,820 in the State of Maine. In fact, they are receiving only $460,638. To illustrate the costly cuts affecting library programs in all the States I ask unanimous consent to have printed in the RECORD at the close of my remarks, State allotment tables showing specific dollar amounts for the library programs in each State.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATHAWAY. Already, Mr. President, library employees throughout the Nation are being released from their jobs, and if the 1974 budget recommendations are allowed to prevail in the coming fiscal year, over 2,300 library employees will be laid off, and service cutbacks in every State will occur. I have every expectation that Congress will decide, contrary to the budget recommendation, that some priority should be accorded library programs, and that we will appropriate adequate funds to continue them in fiscal year 1974, just as we have always done in the past. But the harsh fact remains that unless our appropriations action is completed by June 30—and every indication is that it will not be—the library programs will be slated for extinction July 1 under the provisions of a new continuing resolution. Unless it is carefully worded to provide specific dollar amounts for library programs, no matter what the intent of Congress, there is no reason to think the administration will act any differently under a 1974 continuing resolution if it is similar to the year's.

It is of utmost importance, therefore, Mr. President, that if Congress intends to continue support for the library programs as we have in the past, we must make sure that specific dollar amounts are written into any 1974 continuing resolution applying to the library programs. To do otherwise would result in their extinction.

In conclusion, Mr. President, I repeat: This amendment does not add a single dollar to that appropriated last October 1972. It merely extends the availability of funds for library resources until September 30, so that full fiscal year 1973 appropriation can be expended.

EXHIBIT 1

ESTIMATED GRANTS FOR LIBRARY SERVICES—LSCA TITLE I

| | 1972 appropriation | 1973 allocation[1] | 1973 appropriation[2] | 1974 budget |
|---|---|---|---|---|
| Total | $46,568,500 | $30,000,000 | $62,000,000 | 0 |
| Alabama | 801,520 | 524,744 | 1,059,361 | 0 |
| Alaska | 252,774 | 228,491 | 275,396 | 0 |
| Arizona | 509,562 | 367,124 | 642,256 | 0 |
| Arkansas | 535,902 | 381,344 | 679,885 | 0 |
| California | 3,684,797 | 2,081,346 | 5,170,548 | 0 |
| Colorado | 585,496 | 408,119 | 750,738 | 0 |
| Connecticut | 729,574 | 485,902 | 956,575 | 0 |
| Delaware | 295,726 | 251,680 | 336,759 | 0 |
| District of Columbia | 332,124 | 271,330 | 388,758 | 0 |
| Florida | 1,385,770 | 840,165 | 1,894,048 | 0 |
| Georgia | 1,001,565 | 632,743 | 1,345,154 | 0 |
| Hawaii | 334,465 | 272,594 | 392,103 | 0 |
| Idaho | 324,526 | 267,228 | 377,904 | 0 |
| Illinois | 2,141,046 | 1,247,917 | 2,973,071 | 0 |
| Indiana | 1,107,070 | 689,702 | 1,495,883 | 0 |
| Iowa | 693,391 | 466,368 | 904,882 | 0 |
| Kansas | 592,798 | 412,061 | 761,170 | 0 |
| Kentucky | 762,250 | 503,543 | 1,003,257 | 0 |
| Louisiana | 836,278 | 543,509 | 1,109,017 | 0 |
| Maine | 373,542 | 293,691 | 447,931 | 0 |
| Maryland | 885,043 | 569,836 | 1,178,686 | 0 |
| Massachusetts | 1,193,608 | 736,422 | 1,619,517 | 0 |
| Michigan | 1,750,025 | 1,036,816 | 2,414,440 | 0 |
| Minnesota | 864,552 | 558,773 | 1,149,411 | 0 |
| Mississippi | $587,182 | $409,029 | $753,146 | 0 |
| Missouri | 1,016,903 | 641,024 | 1,367,068 | 0 |
| Montana | 321,278 | 265,475 | 373,263 | 0 |
| Nebraska | 459,143 | 339,904 | 570,224 | 0 |
| Nevada | 285,358 | 246,082 | 321,946 | 0 |
| New Hampshire | 328,835 | 269,555 | 384,060 | 0 |
| New Jersey | 1,451,913 | 875,874 | 1,988,543 | 0 |
| New Mexico | 377,443 | 295,797 | 453,504 | 0 |
| New York | 3,376,997 | 1,915,172 | 4,738,809 | 0 |
| North Carolina | 1,087,577 | 679,178 | 1,468,035 | 0 |
| North Dakota | 307,891 | 258,248 | 354,139 | 0 |
| Ohio | 2,060,365 | 1,204,360 | 2,857,807 | 0 |
| Oklahoma | 646,971 | 441,307 | 838,565 | 0 |
| Oregon | 565,258 | 397,193 | 721,826 | 0 |
| Pennsylvania | 2,259,795 | 1,312,027 | 3,142,723 | 0 |
| Rhode Island | 365,868 | 289,548 | 436,967 | 0 |
| South Carolina | 652,431 | 444,255 | 846,365 | 0 |
| South Dakota | 316,361 | 262,820 | 366,239 | 0 |
| Tennessee | 885,352 | 570,003 | 1,179,126 | 0 |
| Texas | 2,155,499 | 1,255,720 | 2,993,719 | 0 |
| Utah | 385,001 | 299,877 | 464,301 | 0 |
| Vermont | 277,672 | 241,933 | 310,966 | 0 |
| Virginia | 1,011,855 | 638,298 | 1,359,855 | 0 |
| Washington | 795,408 | 521,445 | 1,050,629 | 0 |
| West Virginia | 504,629 | 364,461 | 635,208 | 0 |
| Wisconsin | 971,588 | 616,559 | 1,302,328 | 0 |
| Wyoming | 258,056 | 231,343 | 282,942 | 0 |

ESTIMATED GRANTS FOR LIBRARY CONSTRUCTION—LSCA TITLE II

| | | | | |
|---|---|---|---|---|
| Total[3] | $9,500,000 | 0 | $15,000,000 | 0 |
| Alabama | 170,495 | 0 | 262,383 | 0 |
| Alaska | 106,185 | 0 | 114,247 | 0 |
| Arizona | 136,279 | 0 | 183,568 | 0 |
| Arkansas | 139,366 | 0 | 190,678 | 0 |
| California | 508,399 | 0 | 1,040,735 | 0 |
| Colorado | 145,178 | 0 | 204,066 | 0 |
| Connecticut | 162,063 | 0 | 242,961 | 0 |
| Delaware | 111,219 | 0 | 125,842 | 0 |
| District of Columbia | 115,484 | 0 | 135,667 | 0 |
| Florida | 238,966 | 0 | 420,104 | 0 |
| Georgia | 193,939 | 0 | 316,386 | 0 |
| Hawaii | 115,759 | 0 | 136,299 | 0 |
| Idaho | 114,594 | 0 | 133,616 | 0 |
| Illinois | 327,480 | 0 | 623,994 | 0 |
| Indiana | 206,304 | 0 | 344,867 | 0 |
| Iowa | 157,823 | 0 | 233,193 | 0 |
| Kansas | 146,034 | 0 | 206,038 | 0 |
| Kentucky | 165,893 | 0 | 251,782 | 0 |
| Louisiana | 174,568 | 0 | 271,766 | 0 |
| Maine | 120,338 | 0 | 146,849 | 0 |
| Maryland | 180,283 | 0 | 234,931 | 0 |
| Massachusetts | 216,445 | 0 | 368,229 | 0 |
| Michigan | 281,654 | 0 | 518,436 | 0 |
| Minnesota | 177,882 | 0 | 279,399 | 0 |
| Mississippi | 145,376 | 0 | 204,521 | 0 |
| Missouri | $195,737 | 0 | $320,527 | 0 |
| Montana | 114,213 | 0 | 132,740 | 0 |
| Nebraska | 130,370 | 0 | 169,957 | 0 |
| Nevada | 110,003 | 0 | 123,043 | 0 |
| New Hampshire | 115,099 | 0 | 134,780 | 0 |
| New Jersey | 246,717 | 0 | 437,960 | 0 |
| New Mexico | 120,795 | 0 | 147,902 | 0 |
| New York | 472,327 | 0 | 957,643 | 0 |
| North Carolina | 204,019 | 0 | 339,605 | 0 |
| North Dakota | 112,644 | 0 | 129,126 | 0 |
| Ohio | 318,025 | 0 | 602,214 | 0 |
| Oklahoma | 152,383 | 0 | 220,662 | 0 |
| Oregon | 142,806 | 0 | 198,603 | 0 |
| Pennsylvania | 341,396 | 0 | 656,051 | 0 |
| Rhode Island | 119,439 | 0 | 144,777 | 0 |
| South Carolina | 153,022 | 0 | 222,136 | 0 |
| South Dakota | 113,637 | 0 | 131,412 | 0 |
| Tennessee | 180,319 | 0 | 285,014 | 0 |
| Texas | 329,174 | 0 | 627,896 | 0 |
| Utah | 121,681 | 0 | 149,942 | 0 |
| Vermont | 109,103 | 0 | 120,968 | 0 |
| Virginia | 195,145 | 0 | 319,164 | 0 |
| Washington | 169,779 | 0 | 260,733 | 0 |
| West Virginia | 135,701 | 0 | 182,236 | 0 |
| Wisconisn | 190,426 | 0 | 308,294 | 0 |
| Wyoming | 106,804 | 0 | 115,673 | 0 |

Footnotes at end of table.

ESTIMATED GRANTS FOR INTERLIBRARY COOPERATION—LSCA TITLE III

| | 1972 appropriation | 1973 allocation [1] | 1973 appropriation [2] | 1974 budget |
|---|---|---|---|---|
| Total | $2, 640, 500 | $2, 730, 000 | $7, 500, 000 | 0 |
| Alabama | 48, 695 | 50, 190 | 129, 879 | 0 |
| Alaska | 40, 763 | 40, 894 | 47, 885 | 0 |
| Arizona | 44, 475 | 45, 244 | 86, 255 | 0 |
| Arkansas | 44, 855 | 45, 690 | 90, 190 | 0 |
| California | 90, 372 | 99, 034 | 560, 695 | 0 |
| Colorado | 45, 572 | 46, 530 | 97, 600 | 0 |
| Connecticut | 47, 655 | 48, 971 | 119, 129 | 0 |
| Delaware | 41, 384 | 41, 622 | 54, 303 | 0 |
| District of Columbia | 41, 910 | 42, 238 | 59, 742 | 0 |
| Florida | 57, 140 | 60, 087 | 217, 177 | 0 |
| Georgia | 51, 587 | 53, 579 | 159, 769 | 0 |
| Hawaii | 41, 944 | 42, 278 | 60, 092 | 0 |
| Idaho | 41, 800 | 42, 110 | 58, 607 | 0 |
| Illinois | 68, 058 | 72, 882 | 330, 030 | 0 |
| Indiana | 53, 112 | 55, 366 | 175, 534 | 0 |
| Iowa | 47, 132 | 48, 358 | 113, 722 | 0 |
| Kansas | 45, 678 | 46, 654 | 98, 692 | 0 |
| Kentucky | 48, 127 | 49, 525 | 124, 011 | 0 |
| Louisiana | 49, 197 | 50, 779 | 135, 072 | 0 |
| Maine | 42, 509 | 42, 940 | 65, 931 | 0 |
| Maryland | 49, 902 | 51, 605 | 142, 359 | 0 |
| Massachusetts | 54, 363 | 56, 832 | 188, 464 | 0 |
| Michigan | 62, 405 | 66, 258 | 271, 604 | 0 |
| Minnesota | 49, 606 | 51, 258 | 139, 297 | 0 |
| Mississippi | 45, 597 | 46, 559 | 97, 852 | 0 |
| Missouri | $51, 808 | $53, 839 | $162, 061 | 0 |
| Montana | 41, 753 | 42, 055 | 58, 121 | 0 |
| Nebraska | 43, 746 | 44, 390 | 78, 721 | 0 |
| Nevada | 41, 234 | 41, 446 | 52, 754 | 0 |
| New Hampshire | 41, 862 | 42, 183 | 59, 250 | 0 |
| New Jersey | 58, 096 | 61, 208 | 227, 060 | 0 |
| New Mexico | 42, 565 | 43, 006 | 66, 513 | 0 |
| New York | 85, 923 | 93, 820 | 514, 704 | 0 |
| North Carolina | 52, 830 | 55, 036 | 172, 621 | 0 |
| North Dakota | 41, 560 | 41, 828 | 56, 121 | 0 |
| Ohio | 66, 891 | 71, 515 | 317, 974 | 0 |
| Oklahoma | 46, 461 | 47, 572 | 106, 786 | 0 |
| Oregon | 45, 280 | 46, 188 | 94, 577 | 0 |
| Pennsylvania | 69, 774 | 74, 894 | 347, 773 | 0 |
| Rhode Island | 42, 398 | 42, 810 | 64, 784 | 0 |
| South Carolina | 46, 540 | 47, 664 | 107, 602 | 0 |
| South Dakota | 41, 682 | 41, 971 | 57, 387 | 0 |
| Tennessee | 49, 907 | 51, 610 | 142, 405 | 0 |
| Texas | 68, 266 | 73, 127 | 332, 189 | 0 |
| Utah | 42, 674 | 43, 134 | 67, 643 | 0 |
| Vermont | 41, 123 | 41, 316 | 51, 606 | 0 |
| Virginia | 51, 735 | 53, 753 | 161, 307 | 0 |
| Washington | 48, 607 | 50, 086 | 128, 965 | 0 |
| West Virginia | 44, 403 | 45, 161 | 85, 517 | 0 |
| Wisconsin | 51, 153 | 53, 071 | 155, 290 | 0 |
| Wyoming | | 40, 983 | 48, 675 | 0 |

[1] Based on President's fiscal year 1973 budget.

[2] Based on congressional intent in H.R. 15417 passed and sent to White House Aug. 10, 1972 and continuing resolution (Public Law 92–334, as amended).

Note: Totals include outlying territories not listed.

ESTIMATED GRANTS FOR SCHOOL LIBRARY RESOURCES—ESEA TITLE II

| | 1973 appropriation [1] | 1973 allocation [2] | Decrease | 1974 budget |
|---|---|---|---|---|
| Total | $100, 000, 000 | $90, 000, 000 | $10, 000, 000 | 0 |
| Alabama | 1, 576, 446 | 1, 418, 801 | 157, 645 | 0 |
| Alaska | 154, 768 | 139, 291 | 15, 477 | 0 |
| Arizona | 880, 504 | 792, 454 | 88, 050 | 0 |
| Arkansas | 899, 666 | 809, 699 | 89, 967 | 0 |
| California | 9, 555, 979 | 8, 600, 381 | 955, 598 | 0 |
| Colorado | 1, 114, 779 | 1, 003, 301 | 111, 478 | 0 |
| Connecticut | 1, 474, 526 | 1, 327, 073 | 147, 453 | 0 |
| Delaware | 284, 778 | 256, 300 | 28, 478 | 0 |
| District of Columbia | 316, 966 | 285, 269 | 31, 697 | 0 |
| Florida | 2, 913, 723 | 2, 622, 351 | 291, 372 | 0 |
| Georgia | 2, 138, 801 | 1, 924, 921 | 213, 880 | 0 |
| Hawaii | 395, 231 | 355, 708 | 39, 523 | 0 |
| Idaho | 359, 913 | 323, 922 | 35, 991 | 0 |
| Illinois | 5, 372, 023 | 4, 834, 821 | 537, 202 | 0 |
| Indiana | 2, 567, 276 | 2, 310, 548 | 256, 728 | 0 |
| Iowa | 1, 409, 424 | 1, 268, 482 | 140, 492 | 0 |
| Kansas | 1, 052, 428 | 947, 185 | 105, 243 | 0 |
| Kentucky | 1, 502, 616 | 1, 352, 354 | 150, 262 | 0 |
| Louisiana | 1, 839, 047 | 1, 655, 142 | 183, 905 | 0 |
| Maine | 511, 820 | 460, 638 | 51, 182 | 0 |
| Maryland | 1, 976, 418 | 1, 778, 776 | 197, 642 | 0 |
| Massachusetts | 2, 653, 547 | 2, 388, 192 | 265, 355 | 0 |
| Michigan | 4, 607, 269 | 4, 146, 542 | 460, 727 | 0 |
| Minnesota | 1, 989, 124 | 1, 790, 212 | 198, 912 | 0 |
| Mississippi | 1, 051, 644 | 946, 480 | 105, 164 | 0 |
| Missouri | $2, 276, 926 | $2, 049, 233 | $227, 693 | 0 |
| Montana | 361, 392 | 325, 253 | 36, 139 | 0 |
| Nebraska | 709, 282 | 638, 354 | 70, 928 | 0 |
| Nevada | 251, 573 | 226, 416 | 25, 157 | 0 |
| New Hampshire | 362, 994 | 326, 695 | 36, 299 | 0 |
| New Jersey | 3, 396, 759 | 3, 057, 083 | 339, 676 | 0 |
| New Mexico | 567, 813 | 511, 032 | 56, 781 | 0 |
| New York | 8, 159, 503 | 7, 343, 552 | 815, 951 | 0 |
| North Carolina | 2, 299, 340 | 2, 069, 406 | 229, 934 | 0 |
| North Dakota | 305, 974 | 275, 377 | 30, 597 | 0 |
| Ohio | 5, 282, 833 | 4, 754, 550 | 528, 283 | 0 |
| Oklahoma | 1, 212, 516 | 1, 091, 264 | 121, 252 | 0 |
| Oregon | 972, 750 | 875, 475 | 97, 275 | 0 |
| Pennsylvania | 5, 527, 967 | 4, 975, 170 | 552, 797 | 0 |
| Rhode Island | 441, 064 | 396, 958 | 44, 106 | 0 |
| South Carolina | 1, 250, 369 | 1, 125, 332 | 125, 037 | 0 |
| South Dakota | 339, 742 | 305, 768 | 33, 974 | 0 |
| Tennessee | 1, 772, 102 | 1, 594, 892 | 177, 210 | 0 |
| Texas | 5, 596, 863 | 5, 037, 176 | 559, 687 | 0 |
| Utah | 584, 952 | 526, 457 | 58, 495 | 0 |
| Vermont | 224, 964 | 202, 468 | 22, 496 | 0 |
| Virginia | 2, 154, 844 | 1, 939, 360 | 215, 484 | 0 |
| Washington | 1, 650, 100 | 1, 485, 090 | 165, 010 | 0 |
| West Virginia | 783, 532 | 705, 179 | 78, 353 | 0 |
| Wisconsin | 2, 305, 507 | 2, 074, 956 | 230, 551 | 0 |
| Wyoming | 170, 599 | 153, 539 | 17, 600 | 0 |

[1] Based on congressional intent in H.R. 15417 passed and sent to White House Aug. 10, 1972, and continuing resolution (Public Law 92–334, as amended).

[2] Based on President's fiscal year 1973 budget.

Note: Total includes outlying territories not listed.

Mr. EAGLETON. Mr. President, I would like to join with my colleague, Senator HATHAWAY, in support of his amendment to H.R. 7447 on behalf of college library programs and, further, to express my support for adequate funding for libraries generally.

If the administration's budget recommendations are allowed to prevail for the coming fiscal year, all Federal support for the Nation's libraries would be abruptly terminated on July 1, 1973. The impact of this elimination of all Federal support to libraries would be profound. Libraries of all kinds—whether they be local public libraries, those located in elementary and secondary schools, or college and university institutions—are an important and vital element in our national education system. They are becoming more important as the need increases for information than can be stored and recalled upon demand. This is no time to be cutting back on library buildings, services, and equipment.

Federal support for public libraries began in 1957 with a $2 million appropriation under the Library Services Act. This act has done a great deal to stimulate increased State and local support for library services. It has permitted public libraries to develop new services and to reach far greater numbers of persons. If Federal matching funds under the Library Services and Construction Act are withdrawn, the homebound, the handicapped, the aging—all recipients of outreach library services—will undoubtedly be among those who suffer greatest as a result.

Federal support for school libraries under the Elementary and Secondary Education Act has enabled thousands of schools to have a centralized school library for the first time. But there are still roughly 30 percent of the Nation's schools without libraries. It is interesting to note that the U.S. Office of Education itself, in a recently released study entitled "An Evaluative Survey Report on ESEA Title II" which it prepared, recommends that school library appropriations be increased to the total level of funds authorized, or $220 million.

College library programs, authorized under the Higher Education Act, have enabled institutions of higher education—from junior and community colleges to large 4-year institutions—to meet the increasing demands for books of an ever growing enrollment. Spiraling costs of books and journals, coupled with the financial plight of almost all schools, have left very little local resources for library programs. Without Federal support, it is almost certain that college libraries will have little or no purchasing power, and that the quality of the services will decline.

All of these programs have been gravely affected by the administration's meat ax approach to the Federal budget for library programs. The $61.7 million for this fiscal year which Senator HATHAWAY has pointed out the administration is presently withholding could substantially aid public libraries and school libraries across the Nation. In Missouri, a total of $1,154,793 in public library funds is being withheld. School libraries are receiving $227,693 less than the amount appropriated by Congress under the continuing resolution.

The Hathaway amendment to extend the availability of funds for college libraries will allow the Office of Education the time it needs to allocate the full appropriation for this fiscal year of $17.8 million for college libraries. We must then turn our attention to seeing that Federal support for library programs is maintained in the fiscal year 1974 appropriation action.

Mr. McCLELLAN. Mr. President, I have conferred briefly with the chairman of the subcommittee that handles this particular appropriation, the Senator from Washington (Mr. MAGNUSON), and I understood from him that he had no objection to this amendment.

I understand that what the amendment would do is simply extend the time for the expenditure of the money that was appropriated in the supplemental bill last October. In other words, the authority to spend it would otherwise expire on the 30th of next month. It does not increase appropriations and it is not a new appropriation; it simply extends the time for the expenditure to be made. I ask the Senator from Maine whether my understanding is correct.

Mr. HATHAWAY. The Senator is correct. As I understand, the Senator from Nebraska, Mr. HRUSKA——

Mr. TAFT. Mr. President, if the Senator will yield, I have no indication or assurance that the senior Senator from Nebraska has had a chance to review the substance of this amendment, and in view of that, until we have some contact with him, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I have no objection to this amendment, since it does not involve a new appropriation, but only authorizes the expenditure of the money up until September 30.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine (Mr. HATHAWAY).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I send an amendment to the desk—on behalf of myself, Senator JAVITS, Senator HUMPHREY, and Senator CRANSTON and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 13, line 16, insert the following: "; $20,000,000, for carrying out the regional medical programs, as authorized by title IX, sections 402(g), 403(a)(1), 433(a), and to the extent not otherwise provided, sections 301 and 311 of the Public Health Service Act; and $15,000,000 for construction of outpatient facilities, as authorized by title VI of the Public Health Service Act."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are now at the end of a long and arduous appropriations process, a process which has seen the President of the United States break all precedent by vetoing two separate appropriations measures. Throughout this long and difficult struggle, the Senate has been distinguished by the leadership of Senator WARREN MAGNUSON, chairman of the Labor-HEW Subcommittee. In spite of administration opposition. Senator MAGNUSON held firmly to his belief that this Nation could not turn its back on the recipients of its social and health programs. I for one am proud of the magnificent job he has done.

Mr. President, it should be noted that the ranking minority member on the Labor-HEW Appropriations Subcommittee, Senator NORRIS COTTON, also distinguished himself, as he has so often in the past.

The President's successive vetoes of the 1973 appropriations bills has placed increased importance on this supplemental legislation. For it has become clear that the administration is trying to achieve through the budgetary process what it has been unable to achieve through the legislative process. Regardless of one's interpretation of the continuing resolution, it is a fact that the administration is spending at a level consistent with the amended administration fiscal year 1973 budget request, and that amended request plays havoc with the Nation's health programs—eliminating some and crippling others.

Mr. President, on the 27th of March, the Senate overwhelmingly passed, by a vote of 72 to 19, S. 1136, A bill to extend all of the expiring provisions of the Public Health Service Act for 1 year. The reason that that measure was necessary is well known: the failure of the administration for more than 9 months to submit any substantive legislative proposals to the Congress dealing with the expiring health authorities. What the Congress received instead was a Presidential budget that eliminated many of those authorities and crippled the remaining ones.

The Senate rejected that HEW approach by passing S. 1136, and it must now reject the administration's attempt to terminate these programs via the budgetary process.

Mr. President, I am going to offer three amendments to this supplemental appropriations bill, designed to assure that existing health authorities will be continued and utilized until such time as the Congress decides the authority is no longer necessary. The first of these amendments would add $20 million to the regional medical program appropriation and $15 million to that portion of the Hill-Burton appropriation concerned with the development of ambulatory care—out-patient departments. These two programs have been targeted for elimination by the administration. No money has been requested for them in fiscal year 1974. The amended fiscel year 1973 administration budget request goes a long way toward the elimination of these programs. The regional medical programs had a 1972 appropriation of $99.5 million, but the administration is currently spending, according to an overall appropriation of $17.6 million for fiscal year 1973. Local RMP groups in various parts of the country have been consulted. And feel that with only 1 month left in the fiscal year, only an additional $20 million could be wisely spent. This amendment requests that $20 million, which would still leave the total figure $61.9 million below that which was expended in fiscal year 1972.

In fiscal year 1972 the Hill-Burton program had an appropriation for its ambulatory care—out-patient facilities of $70 million. The 1973 administration budget request, as amended in January, and the level at which the administration is now spending, is $37 million. This amendment would direct the expenditure of additional $15 million to build the needed out-patient departments. The need for a vigorous and expanding program of construction for ambulatory care facilities cannot be denied. The administration itself. In its Hill-Burton fact sheet publication, stated that the construction of ambulatory care facilities was now the "major thrust of the Hill-Burton program." HEW studies have documented the need for ambulatory care facilities. The Congress, has already expressed its will in S. 1136, to the effect that the Hill-Burton authority shall be continued, and that the focus shall be on the development of ambulatory care facilities. Even with the additional $15 million contained in my amendment, the total figure spent on ambulatory care facilities will be $52 million or $28 million below that which was spent in fiscal year 1972.

Mr. President, my second amendment speaks to the critical health manpower shortage in this country. It is only 2 short years since the Congress passed, and the President signed, the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971. The need for this legislation was clearly recognized by the President, who said in his health message of 1972:

> The Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971 which I signed last November will spur the greatet effort in our history to expand the supply of health personnel. Additionally and importantly, it will attract them to the areas of health care shortages, helping to close one of the most glaring gaps in our present system.

In spite of this, capitation support for schools of veterinary medicine, optometry, pharmacy and podiatry have been targeted for elimination in fiscal year

1974, with drastic reductions in effect in the current fiscal year.

My amendment would restore $6.3 million in capitation support to these schools in order to keep them in a solvent financial position during the time the Congress considers the appropriate course of action for fiscal year 1974. Even this additional $6.3 million keeps the total figure $5.2 million below the 1972 appropriated level.

Capitation support for schools of nursing is also targeted for virtual elimination by 1974, and that process is well underway in the 1973 budget request of this administration. From a 1972 appropriated level of $31.5 million, capitation funds are being spent at an annual rate of $16.8 million this year. My amendment would restore $10 million to that figure. At the same time that the administration was severely reducing capitation grants and putting a financial squeeze on the schools of nursing, it reduced the financial distress grants from $10 million in fiscal year 1972 to $.17 million in its 1973 request.

My amendment would restore $2 million to the financial distress category. So that those schools that simply cannot get the capitation grants they need to stay afloat could apply for the emergency financial distress grants. This would enable the Congress to consider the whole situation again for fiscal year 1974.

No schools are suffering more severe consequences from the proposed administration fiscal year 1974 budget than the schools of public health and allied health. Virtually all public support for these schools would be eliminated in the fiscal year 1974 budget, the fiscal year 1973 budget cuts the institutional support for graduate training in schools of public health from $4.5 million in fiscal year 1972 to $0 in fiscal year 1973. While cutting all institutional assistance to schools of allied health from $24.7 million in fiscal year 1972 to $15.7 in fiscal year 1973. This is indeed a crisis situation for these schools. Testimony before the Senate Health Subcommittee indicated dire consequences for schools of public health if administration policies were to be followed. Howard Hiatt, dean of the School of Public Health at Harvard stated:

> Consequences can include cutting 50% of the student body of the school of public health and 20% of the faculty by July 1.

Lewis Thomas, dean of the Yale School of Medicine stated that the President's budget would result in a cut of 75 percent of the students in his department of public health. The schools of public health and allied health are being merged at the University of Oklahoma with a major reduction in faculty and students in each component accompanying that merger. If we are to continue the schools of public health in this country, we must relieve this fiscal crisis. My amendment will restore $4 million of institutional support for graduate training in schools of public health, and would add $5 million to institutional assistance for schools of allied health. This is a small price to pay to insure their survival until the Congress can consider would still leave a $400 million slash. their fates in a more deliberate manner for the fiscal year 1974 appropriation.

Mr. President, my final amendment deals with research and research training. The transcripts of hearings before the Senate Health Subcommittee and the House Health Subcommittee are replete with predictions of dire consequences if this Nation retreats from its support of basic biomedical research. That retreat is in progress at the present time as the administration continues to spend at levels consistent only with the amended fiscal year 1973 administration budget request. No witnesses agreed with the administration's position, and no letters were received supporting the administration's position. Nobel laureate James D. Watson, a professor at Harvard University, called the policy "sheer lunacy." He and Dean Lewis Thomas of the Yale School of Medicine agreed that one of the consequences of following this policy would be a crippling of this Nation's war on cancer. All experts agreed that major breakthroughs in that effort will come from young research scientists whose work would be cut off in midstream by the termination of Federal support. Michael DeBakey, president of the Baylor College of Medicine and one of the world's greatest heart surgeons pointed out that this is the worst possible time to cut back on support for biomedical research.

One cannot expect breakthroughs in research at the same time that one is cutting back on training support and fellowship support for our brightest young scientists. My amendment would restore $9.1 million to the research fellowships appropriation in order to bring that level up to the fiscal year 1972 level. The amendment would restore $15 million to the research training grants appropriation to raise it from the $112.8 million level that the administration is currently spending at, to a $127.8 million level, which is still $11.9 million below the fiscal year 1972 appropriation.

The biomedical research community has been most vocal about their opposition to the severe cuts in general research grants, which have been slashed in fiscal year 1973 from $55.2 million to $26.1 million. This is a pool of flexible support needed by medical schools to support and encourage the faculty to pursue vigorous biomedical research. My amendment would restore $13.9 million of this money for a total of $40 million which is still $15.2 million below the fiscal year 1972 appropriation.

Mr. President, we have heard about a health-care crisis in this country for several years. If we do not act to rescue the schools of public health and allied health; to rescue the biomedical research training and fellowship programs of this Nation, then we will have little chance of solving that health-care crisis. And if we in the Congress do not rescue the Hill-Burton and regional medical programs, we will concede the right of the administration to legislate via the budgetary process. This administration has slashed over $500 million from the 1973 health budget in its amended request. The grand total of all my amendments would restore $100.3 million; it This is the minimum we can do and still have a viable opportunity to solve this Nation's health-care crisis in the years ahead.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HUMPHREY. Mr. President, I understand that there is no time limitation on this amendment. Is that correct?

The PRESIDING OFFICER. There is no time limitation on the amendment.

Mr. HUMPHREY. I just want to take a few moments to bring to the attention of the Senate, material presented by Dr. John Cooper, head of the Association of American Medical Colleges.

Dr. Cooper testified before the Consumer Economics Subcommittee of the Joint Economic Committee; and in his testimony, he substantiated, by volumes of evidence, the information that has just been presented to us by the distinguished Senator from Massachusetts.

Not long ago, I met with the dean of the Medical School of the University of Minnesota, the director of the Nursing School, the director of the School of Dentistry, and a number of our top people in the field of biomedical research.

I can simply add to the statement of the Senator from Massachusetts that the amounts for which we are asking in this amendment—an amendment that I am privileged to cosponsor—are the basic minimums for the survival of many of these programs. I emphasize in particular that unless we do this now, many of the programs that are underway at the great research laboratories in our medical schools and in other areas will be sharply curtailed; a number of the trainees—the graduate students—will be without assistance, and a number of the professors will have to be dropped from medical school faculties. We will be making a very serious mistake unless we provide the funds that are required and desperately needed.

I know that the administration can say, "Well, you can get by. There is a certain amount of money in the pipeline." In this instance, may I add, there is no pipeline for trainee grants. There is no pipeline for faculty assistance. There is no pipeline for biomedical research.

So that while you may momentarily make a budget saving and, therefore, have your accounts look a little more pleasant, you will pay seriously in the years to come. Research delayed today is research that will be denied.

I hope we will look with considerable favor and support upon the amendments offered by the Senator from Massachusetts, which would restore, as was indicated, $20 million to the regional medical program, leaving the funding still $61.9 million below fiscal 1972 spending rates. The regional medical program is critical to the coordination of medical facilities, and the providing of better health care. Yet, we see this program being inadequately funded, far below the rates of 1972. The amendment that has been offered is just enough to continue this program.

I would again underscore what has been said—that we would still be almost $62 million below the 1972 level of expenditures, despite the fact that inflation has taken its toll in these programs.

The amendment also provides for $15 million to the ambulatory care-outpatients provision of the Hill-Burton Act, leaving the funding $28 million below the 1972 levels. The outpatient service and facilities provided under Hill-Burton are desperately needed. As a matter of fact, this program has resulted in considerable savings to the individual consumer of health care. It is the kind of investment we ought to be making to assure a better delivery of health-care services.

A third amendment would provide for capitation grants: $6.3 million in capitation grants to schools of optometry, pharmacy, podiatry, and veterinary medicine, keeping the figure of $5.2 million below the 1972 spending levels. These capitation grants help keep these professional schools going. All these professional schools are national in scope. They serve not only the local people but also people and students throughout the United States.

One of the reasons why the Federal Government has a great obligation in the fields of science, technology, and health care is that the great professional schools we have in these disciplines are serving the Nation, not merely serving a locality or a State. Yet, in many instances we have placed the full burden for these schools upon local taxpayers, through the State legislatures. The Federal programs have come to be of assistance, because these schools are national in their impact and provide training for professional personnel who will be available for the Nation.

As was said by the Senator from Massachusetts, there is an item in this amendment of a little more than $9 million for research fellowships, bringing the program up to the level of fiscal 1972 appropriations; $15 million for research training grants, but still $11.9 million below the fiscal 1972 appropriations; and $13.9 million for biomedical research, still $15.2 million below the fiscal 1972 appropriation. Mr. President, these are all needed.

In my State of Minnesota, the associate dean of the school of dentistry told me recently:

> Current and pending decreases in Federal aid to our School of Dentistry will be a serious blow to our research and education programs.

The school of dentistry stands to lose $300,000 in research grants, $394,500 in loan and scholarship support, the possible loss of almost a million dollars in capitation grants, and a $450,000 loss in existing training grants.

The medical school at the University of Minnesota will lose $596,00 under the physical augmentation program; biomedical research will be reduced by $100,000.

In addition, the Public Health nursing program faces loss of funding for special projects such as adult and geriatric nursing, and maternity and family planning. The administration fiscal year 1973 budget will likely result in a $344,315 loss for the school of nursing, exclusive of capitation grants.

Finally, the School of Public Health, one of the finest regional public health schools in the Nation, has informed me that 50 percent of all graduate students registered at the Public Health School face a loss of support; of 50 full-time faculty, 20 are on services of support that are slated for elimination by President Nixon's budget recommendations.

Mr. President, I asked the Joint Economic Committee staff to prepare for me a preliminary memorandum on health manpower and general research support, and I ask unanimous consent to have the memorandum printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

### MEMORANDUM

### HEALTH MANPOWER

Institutional Support VOPP—The 1972 level was $25.2 million. In the original 1973 request, the Administration asked that this be increased to $27.4 million. However, when the amended 1973 numbers were made available, this had been cut to $13.7 million. The $6.3 million in this supplemental would bring the total for 1973 up to $20.0 million.

The following table gives the comparable figures for other parts of this section:

[In millions of dollars]

| | 1972 actual | 1973 original | 1973 amended | 1973 supplemental | Fiscal year 1974 request |
|---|---|---|---|---|---|
| VOPP | 25.2 | 27.4 | 13.7 | 6.3 | 0 |
| Nursing: | | | | | |
| Capitation | 31.5 | 33.5 | 16.8 | 10.0 | 0 |
| Distress | 10.0 | 2.0 | .2 | 2.0 | 0 |
| Public health | 4.5 | 6.0 | 0 | 4.0 | 0 |
| Allied health | 24.7 | 28.8 | 15.7 | 5.0 | 0 |
| Total | 95.9 | 97.7 | 46.4 | 27.3 | 0 |

As this table shows, if the funds in the supplemental are added to the amended '73 figures, the total is still only ¾ of the original '73 request.

The Administration's opposition to many of these basic manpower training programs has long been known in health circles. In fact, training programs were virtually eliminated from the original '72 budget, but were restored at the last minute. This year OMB requested a justification for NIH programs apart from the regular Department of Health, Education and Welfare presentation. It contains some 25 pages of answers to OMB's questions and 35 pages of supporting tables as well as additional material. The NIH's conclusion is very striking. They say that by eliminating the current program, "the Government would have succeeded in increasing the cost of research, in destroying a magnificent mechanism for developing new scientists, and in compromising the strengths and capabilities of the Nation's finest institutions for advanced biomedical science training."

Apparently the NIH did not convince OMB. With this information in hand the OMB proceeded to do exactly what they had been warned against and drastically cut support for these vital research programs. These cuts are so severe that the Association of American Medical Colleges estimates that one of every 12 faculty members will have to be fired.

Dr. John A. D. Cooper, President of the AAMC, warned the Subcommittee on Consumer Economics that as grave as the Administration's proposals are for the coming year, the implications for the future are even more serious. Dismantlement of faculty and loss of other resources are not easily reversed. The funds in this supplemental are just barely enough to keep schools together until funding can be provided on a more permanent basis.

### GENERAL RESEARCH SUPPORT GRANTS

The following table shows figures for research support and training programs:

[In millions of dollars]

| | 1972 actual | 1973 original | 1973 amended | 1973 supplemental | 1974 request |
|---|---|---|---|---|---|
| Fellowships | 46.2 | 49.1 | 36.7 | 9.1 | 30.6 |
| Training grants | 139.7 | 137.3 | 112.8 | 15.0 | 95.4 |
| General research support | 55.2 | 54.6 | 26.1 | 13.9 | 17.0 |

These grants are for purposes similar to those discussed under health manpower. About 60 percent of the general research money is used to support faculty. This program is an excellent example of how the Federal Government reneged on its commitment on a nation-wide scale. Notices of these awards for FY '73 were transmitted on February 9, 1973, retroactive to January 1, 1973. Schools of course had based their planning on the original '73 request.

The '74 request for training grants and fellowships is clearly a phase-out. No support may be provided for new students unless a firm commitment had been made prior to January 29, 1973.

### MEDICAL FACILITIES CONSTRUCTION

Legislative authority for the Hill-Burton program lapses January 30, 1973. Money appropriated for construction will be transferred to the medical facilities guarantee and loan fund in order to meet commitments on interest subsidies and loan guarantees. This appropriation provides new money for construction of outpatient facilities only. Since the idea is to hold things together until a new bill can be enacted, this amendment does not seem nearly as important as the training program.

### GENERAL

The thrust of the Administration's research program is to concentrate on heart and cancer research. With this exception, every program of the National Institutes will operate at a lower level in FY '73 and FY '74 than in FY '72. This policy of directing research at specific goals is highly debatable. Dr. James D. Watson, Harvard professor and Nobel laureate, has said, "One way clearly not to proceed is to spend much time with detailed planning sessions by middle-aged experts." We need more creative young research scientists—the very ones who will be diverted into other activities if the programs of the Nixon Administration are adopted.

Mr. HUMPHREY. Mr. President, as the memorandum indicates, with all the funds added for health manpower, total spending is still only three-fourths of the original fiscal year 1973 request. And, as far as general research support grants are concerned, the memorandum shows that dollar figures in almost every category are reduced.

Mr. President, I hope the Senate will accept these amendments offered today. They are minimal, but they are necessary. For, not to accept these amendments would threaten the basic foundation of our research program and medical care system.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. PASTORE. Mr. President, I wish to lend my voice in support of the argument made by the distinguished Senator from Minnesota. I think one of the best programs we have is the fellowship program. These young doctors are ready to go out and practice, and if they do go out and practice they can earn $40,000 to $50,000 a year. But they are willing to sacrifice those earnings in order to take a fellowship that in many instances only pays $10,000, which is hardly enough to maintain their families. Why are they willing to do that? They are willing to do that so they can become academic doctors and teach other young men to be better doctors.

This is one of the best programs that we have and I wish to support the amendment.

Mr. HUMPHREY. I thank the Senator.

I was reminded of a visit I had on an occasion of returning to my mother's home. The director of the school of nursing at St. John's Hospital came to me and said that unless there was some way they could find teachers with master's degree for their school of nursing they would have to close an accredited school of nursing. This is not an unusual practice; this is happening throughout the Nation. We cannot afford to go on in this matter without paying a high price tomorrow. That is what cutting off these training grants would mean.

Biomedical research has saved the Nation billions of dollars, if we had nothing more than treatment for polio and measles. That is at the heart of modern medicine. For us to cut training programs and programs in biomedical research and fellowship programs would be to deny ourselves the kind of modern medical care the times require.

Mr. STEVENS. Mr. President, I heard what the Senator from Minnesota said. I would like to ask the Senator from Massachusetts several questions. I think it would be improper if the RECORD were to show we are cutting expenditures. We are just not increasing expenditures as rapidly as the Senator would like to see them increased.

Having sat with the Senator from Washington for so many hours listening to testimony in the Appropriations Subcommittee, I can assure the Senator from Minnesota that we have not cut the appropriation and that includes the administration. They have not allowed the expenditure to increase as rapidly as we would like to see it increased.

I would like to address the Senator from Massachusetts to make certain I understand this matter because we have been going through the hearings, and the Senator from Washington and the ranking Republican member of the committee, the Senator from New Hampshire, have done great work in this area. We all appreciate what they have been doing. I want to make certain we will not complicate life for the subcommittee on which I spend a great deal of time.

I wish to ask the Senator from Massachusetts if my understanding is correct that this money is sought on a reappropriation, to be available until June 30 of this year, of moneys previously appropriated and then not made available by the administration. We are not seeking here to confuse the RECORD as far as the 1974 appropriation bill, because we are now hearing testimony on that 1974 appropriation bill.

This is the 1973 supplemental appropriation bill. It is not the intention of the Senator that those moneys be carried over into the next fiscal year; is it?

Mr. KENNEDY. The Senator is correct. It is not our intention to carry them over to the next year. Primarily it is based on a recognition that the administration has made the decision to try through its budgetary priorities, to terminate some of these programs, and to alter in a very dramatic way the thrust of other programs. It has been the feeling of the members of the Health Subcommittee that these programs should be continued, but that there is room for improvement and economizing within them. It is a real challenge to try to find those areas and eliminate duplications and inefficiencies, and we have every intention to do so.

Our only purpose here is to provide a minimum amount of funding to continue programs through June 30, and then leave to Congress the determination as to how we will handle the various programs for the next fiscal year.

It is no secret that the administration has indicated that it would end all funding for the regional medical programs in fiscal year 1974 and would provide no funding for Hill-Burton programs; it would undertake a very significant cutback in biomedical research and capitation grants programs, as I stated previously.

What we have tried to do is to make it clear that the Congress wishes to have continued expenditures under Hill-Burton for ambulatory care facilities. We are hopeful we will have a chance to consider other provisions of Hill-Burton Act that apply to modernization and will have an opportunity to consider any formula changes, or whatever.

But the Senator is correct: It applies only to June 30 of this year.

Mr. STEVENS. Mr. President, I want the Senator from Massachusetts to know that I agree. I think that many members of the subcommittee agree with respect to the HEW provisions. It is my understanding that there was $99.5 million for regional medical programs for 1972. In the 1973 budget, we increased the amount to $164 million, an increase in the spending level of somewhere in the vicinity of $60 million.

The Senator's appropriation request in this amendment, as I understand, would add $20 million to this supplemental bill, which would mean that that money would be available until June 30, 1973. There is already $164 million available under one interpretation of the continuing resolution; and, as I understand it, there is at least $99 million under any interpretation of the continuing resolution.

What the Senator is doing is to make $20 million more available for the balance of this year. Neither of us knows how much will be spent. Thus, in any event, it is still less than the Senate voted last year and would make available more money than the administration is willing to spend this year. That is the Senator's intent, is it not?

Mr. KENNEDY. The Senator is quite correct in describing the intention. I wish the administration would recognize the interpretation of the Senator from Alaska as to the amount of money to be expended. It is my understanding, reviewing the budget, that the understanding of the Secretary of HEW is not the same as the understanding of the Senator from Alaska as to how this money should be spent. Secretary Weinberger's interpretation is a much reduced estimate.

It is this reality of the spending level that we have recognized. If we have an increase, as the Senator has quite correctly stated, of $20 million, according to the figures that are being utilized at the present time, that is an increase over the rate the administration is expending for the program, and will mean that total expenditures will be actually $60 million less than the fiscal year 1972 expenditures.

There are a number of different interpretations placed on the funding that will be available to the administration. The reality of current expenditure levels is what we are responding to. Even so, with regional medical programs, for example, our addition of $20 million would result in expenditures of $60 million less than last year.

Mr. STEVENS. I thank the Senator from Massachusetts. There would be $60 million less than provided in the bill we passed last year, not $60 million less than the spending level.

As I understand the amendment, particularly regarding the regional medical program, the amendment would increase the spending authorization beyond what the Office of Management and Budget submitted in its last revised 1973 request, which was $60 million. This would mean, under my interpretation, that they would have available at least $80 million for expenditure in this year.

I want to proceed on the basis of what may be an interpretation all can agree to—and it is my understanding that this deals with what is the minimum available. I interpret it that $99.5 million is available, anyway, under the continuing resolution as I understand it. At the very least, we are reassuring that they have $80.1 million, even under the administration's interpretation, for expenditure this year.

Mr. KENNEDY. I will let the Senator from Washington explore it with the Senator from Alaska, but I would interpret the authority of the administration in the same way that the distinguished Senator from Alaska has interpreted the authority of the administration. Were the administration to interpret it that way, the figures that have been outlined in this discussion would be the figures which would be available, and it would be more than sufficient to carry on the RMP.

The difficulty is that the administration does not interpret its authority and power in that way. As a result, our amendments are keyed to not only the administration's interpretation of what their authority is, but the actual rate of expenditure of the administration. With that, for RMP, for example, our increase would be a $20 million increase over the present rate of expenditure by the administration, which would be $61.9 million less than was actually appropriated by the Congress last year.

I think the Senator from Alaska and I are not apart in terms of the figures, but in terms of the authority.

All we can deal with in the development of this is what the administration is actually spending and what they interpret their authority to be. It is my understanding, in the exchange with Secretary Weinberger, that he does not agree with the rate of expenditure described by the Senator from Alaska.

Mr. STEVENS. Mr. President, I have just received a prepared statement concerning the Senator from Massachusetts' amendment. It outlines the position the Senator has just stated concerning the position of HEW regarding his amendment. For the sake of clarity and to make sure we understand the HEW position, I ask unanimous consent to place that statement in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

KENNEDY AMENDMENT TO FISCAL YEAR 1973 SECOND SUPPLEMENTAL APPROPRIATION

Senator Kennedy will propose the following amendment to the fiscal year 1973 supplemental appropriation on the Senate floor this afternoon:

| | |
|---|---|
| Health Services Planning and Development: | |
| RMP program | $20,000,000 |
| Hill-Burton outpatient facilities | 15,000,000 |
| NIH | |
| Health manpower: | |
| Medical professions capitation grants (VOPPS) | 6,000,000 |
| Nursing capitation grants | 10,000,000 |
| Nursing schools financial distress grants | 2,000,000 |
| Public health graduate training | 4,000,000 |
| Allied health training | 5,000,000 |
| General research support grants | 13,900,000 |
| Research training: | |
| Fellowships | 9,100,000 |
| Training grants | 15,000,000 |
| Total | 100,300,000 |

The principal arguments against the amendment are:

These amounts and more are already available to HEW under the fiscal year 1973 Continuing Resolution.

In other words, these amounts have already been appropriated in each of the categories. However, HEW's spending plan, which has been transmitted to the Congress, does not intend to spend these sums, and in fact HEW would have trouble obligating the money before the end of the year. The amendment, therefore, does little, other than to reinforce the intent of Congress. It has no practical financial effect. It does, however, serve to increase the money in the fiscal year 1973 supplemental appropriation and therefore to increase its chances of veto.

Mr. STEVENS. Mr. President, I think the Senator from Massachusetts is correct in terms of the administration's misunderstanding of the continuing resolution and that this amendment would not be necessary if they properly interpreted the continuing resolution. That does not mean they will spend the money. We cannot spend money from the floor of the Senate, but at least it clarifies the argument over what money is available, and currently there is the argument about what is available under the continuing resolution. This amendment clarifies what is available.

Mr. KENNEDY. If the administration interpreted their power and authority in the way the Senator from Alaska has described it, none of these amendments would be offered. I think the administration has both the authority and power described by the Senator from Alaska, but the reality is that they do not believe they have that authority and, what is more important, they do not expend the funds at that level, and therefore it necessitates these amendments.

Mr. STEVENS. I am not sure what Members on this side of the aisle will do, but, as I understand the contention, this is not making more money available than we made available last year. I see nothing controversial about it, in an attempt to make clear what is available until June 30. I do not understand that this is clouding what the Senator from Washington and the Senator from New Hampshire were trying to work out. The problem is what to do with programs such as the regional medical program, Hill-Burton, and others. This is just until the end of the fiscal year. Therefore, I see no reason to oppose it.

Mr. MAGNUSON. Mr. President——

Mr. KENNEDY. Mr. President, could the Senator yield for a consent request?

Mr. MAGNUSON. I will yield the floor until the Senator is through.

Mr. KENNEDY. Mr. President, I send to the desk on behalf of myself, Senator JAVITS, Senator HUMPHREY and Senator CRANSTON, two other amendments.

The two amendments read as follows:

On page 14, line 11, insert the following: "and $27,300,000 to carry out section 309(c) and titles VII and VIII of the Public Health Service Act: *Provided*, That of this amount $6,300,000 shall be for capitation grants to schools of veterinary medicine, optometry, podiatry, and pharmacy; $10,000,000 shall be for capitation grants to schools of nursing and $2,000,000, shall be for financial distress grants to such schools; $4,000,000 shall be for graduate public health training; and, $5,000,000 shall be for allied health support".

On page 14, after line 11, insert the following:

GENERAL RESEARCH SUPPORT GRANTS

For an additional amount for "General Research Support Grants," as authorized in section 301 of the Public Health Service Act, $13,900,000.

RESEARCH TRAINING PROGRAMS

For an additional amount for "research training programs", $24,100,000, of which $9,100,000 shall be for fellowships, and $15,000,000 shall be for training grants.

Mr. KENNEDY. I am going to make a unanimous-consent request to consider all three of these amendments en bloc. They address the issues which I described in detail earlier. If there is no objection, I ask that they be considered en bloc. If there is, I will be glad to bring them in—separately.

Mr. TAFT. Mr. President, reserving the right to object—and I shall not object—I would like to assure the Senator from Massachusetts the same discussion that occurred with respect to the contents of the first amendment, the discussion he just concluded with regard to the availability of funds under the present continuing resolution, the interpretation we take and that the administration takes, applies also to the second and third amendments which are to be considered en bloc.

Mr. KENNEDY. The Senator is correct.

Mr. STEVENS. Mr. President, I might say I think that is my understanding, too. There are no requests that we should exceed the level under the interpretation I would give to the continuing resolution. The problem is that it does exceed the revision made in the Office of Management and Budget in the 1973 operating level, which was never approved by Congress, and we are continuing under the continuing resolution.

Mr. TAFT. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. AIKEN. Mr. President——

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, does the Senator reserve the right to object?

Mr. McCLELLAN. Mr. President, I would like to know what the request is.

The PRESIDING OFFICER. The request is that the three amendments be considered en bloc.

Is there objection?

Mr. AIKEN. Yes, for the time being, until I find out——

Mr. McCLELLAN. Mr. President, reserving the right to object, the distinguished Senator from Vermont has an amendment I think he wants to offer to the pending amendment before they are considered en bloc. Is that correct?

Mr. MAGNUSON. He does not need to do that at this time.

Mr. President, reserving the right to make a further statement, what we are trying to do is as follows: There are several line items and program activities to this amendment. They all reach out to do the same thing, in effect reappropriate a portion of the money that we talked about last year, so they will not usurp the congressional prerogative and do something determined to these programs between now and July 1 until Congress can determine what we are going to do.

I do not put much stock in the ruling of the Department and the Office of Management and Budget that they do not have the authority to spend these funds. Congress appropriated $150 million for the regional medical programs, but RMP is only being allowed to spend something like $60 million. They have proposed to zero out the whole regional medical programs in the 1974 budget. I do not think that is the intention of the Congress. I do not think it will be either in the Senate or the House. The first part of the amendment adds $15 million. That is under Hill-Burton, out-patient facilities.

There are research training fellowships and training grants. And the reason that the Senator from Massachusetts and I wanted to have them considered en bloc is because they all deal with the same question, the question that the Senator from Alaska brought out so vividly.

I do not think we want to go through each item. This chapter in this bill is $1.4 billion for Labor and HEW alone. And although the amounts involved add up to a sizable sum, it is not very much considering the whole HEW program.

We are trying to keep these things alive until Congress can determine what it wants to do. The total amount is less than that provided in the original bill and less than that which was provided in the continuing resolution, no matter how we interpret it.

I am not going to get into a discussion of how they interpret things downtown. They are gung-ho to phase out and kill programs.

We are taking up those items in our consideration of the 1974 budget. They have provided zero for Hill-Burton. They have not spent anything. If they do not like the Hill-Burton Act then I believe they ought to come up here and have that act repealed.

Land-grant colleges involves the same question and there are many others. The Senator from Massachusetts and some of the rest of us believe that some of these programs should be kept alive. We therefore want to put in a token amount so that the programs will remain operational.

As the Senator from Alaska has pointed out—and I do not know whether they will spend it or not—but here we are appropriating at least some money to spend over and above the administration's interpretation of the continuing resolution. I do not think their interpretation is correct.

We have the regional medical programs for which we appropriated $150 million under the continuing resolution.

We are now trying to put $20 million for RMP's back in which is less than the original bill provided and less than was provided in the continuing resolution. In effect, it is sort of a reappropriation by Congress reasserting the fact that it thinks these programs should stay alive until Congress has at least discussed and decided upon the fiscal 1974 budget. That is exactly what it amounts to.

With respect to capitation grants for health professions and nursing schools, this amendment would provide $6.3 million and $10 million, respectively.

There is also the question of the fellowships and training grants. We will never reach a solution to the the problem of health manpower, the delivery of health services in this country until we train some people who know how to do it. It involves a small amount. However, it is the best investment and it pays the best dividends of any investment we could ever make.

We are merely trying to keep the programs alive. The argument is over the interpretation of the continuing resolution. However, the effect will be that if we do not do something like this, these programs will disappear and be dismantled and we will never get them back.

I think that the regional medical program is one of the finest medical programs we have in this country. And the only reason that we want to consolidate these amendments is that we believe we do not need to discuss every single item. They are all directed at the same proposition.

Mr. AIKEN. Mr. President. will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. AIKEN. Mr. President, would agreement to the unanimous-consent request prevent the consideration of my amendment?

Mr. MAGNUSON. Agreement to the request will not prevent the consideration of the amendment of the Senator from Vermont.

The PRESIDING OFFICER. Is there objection to the amendments being considered en bloc? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, rather than take them all up now, there are some other items in the supplemental that include some more money for the older Americans program, the foster grandparents grant program. They are not comparatively large amounts. The bill provides $260 million to continue support for higher education. This amount includes $30 million for subsidized student loans and $20 million to support college teaching fellowships. This amount would support 2,100 college teacher fellowships, of which 880 are for returning veterans. We thought that was for a laudable purpose. There is added money for the National Cancer Institute. Under the interpretation downtown of the continuing resolution, they are spending, they claim, at the President's budget level of $432 million instead of the $492 million level that Congress intended. This merely reaffirms our original intent.

There is a small amount of $5 million in the National Eye Institute for training grants there. The chapter in this bill runs the gamut and summarizes it not only in terms of dollars, but also in terms of the thousands of people who will benefit from this.

Mr. President, I would like to take a few minutes now to very briefly describe the Labor-HEW section of H.R. 7447—the second supplemental appropriations bill for 1973.

The Senator from Arkansas, the committee chairman, did an excellent job of summarizing the bill in terms of dollars and cents. That is important. But I would like to go one step farther and ask my colleagues here to think of this portion of the bill, not only in terms of dollars, but in terms of the people who will benefit.

In many instances, supplemental bills are filled with so-called technical adjustments—errors in earlier budget estimates, unanticipated cost increases, and, as is also the case in this bill, increased pay costs. These are important items, do not get me wrong—but I believe the Labor-HEW section goes beyond that. From the smallest item, $40,000, to assist in the employment of the handicapped, to the largest—a $614 million item to pay the Federal share of public assistance costs, this section of the bill is benefiting the public.

The bill includes $100 million to launch the nutrition program for the elderly. This meals on wheels program will help provide low-cost, nutritional meals to about 250,000 older Americans. The committee has also included bill language that would extend the availability of funds already appropriated for community programs targeted at the older American volunteer programs, particularly the foster grandparents program run by the ACTION Agency.

Under the Social Security Administration, the committee bill provides the additional dollars required to administer the H.R. 1 bill enacted last year. This is going to provide increased benefit payments to 3.8 million widows and widowers, extended medicare protection to 1.7 million disabled persons, and enough to enroll about 1 million needy aged, blind, and disabled persons in a new supplemental security income program.

The bill provides $260.5 million to continue support for higher education programs. This includes: $70 million for special counseling programs that will aid approximately 265,000 disadvantaged persons; $100 million for aid to developing institutions, of which many are small, and represent minority enrollment; $30 million for subsidized student loans, and $20 million to support 2,100 college teacher fellowships, of which 880 are for returning veterans.

In concurring with the House, the bill includes language that requires the release of impounded funds to support school districts impacted by category "B" children. This group would receive 68 percent of entitlement instead of the 54 percent they are now getting. In addition, the committee has provided $26.3 million to replace that amount of funds lost to some 40,000 handicapped children because of HEW's illegal backdating of grants and contracts.

With respect to health programs, the bill includes $60 million for the Cancer Institute. This represents the amount the President has impounded under his interpretation of the continuing resolution. Presently, he is spending at the $432 million level, instead of the $492 million Congress intended be spent in the fight against cancer. Rather than hem and haw over whose interpretation is correct, the committee feels a direct appropriation or reappropriation is the best and quickest way to settle the argument. The same is true for a $5 million item included for the National Eye Institute. These funds were intended for training grants—not for the deep freeze.

Lastly, the bill includes $16.5 million to help construct two children's hospitals which, though far apart in distance, will work with a singleness of purpose in meeting critical child health needs, as well as serve as models to others.

As you can see, this bill—this chapter of the bill—runs the whole gamut—from grade school kids to senior citizens, and from students seeking financial aid for a college education to adults seeking vocational rehabilitation to get themselves back into the work force.

I, personally, think it is a good chapter in this bill. It provides the services needed to get the job done and, when viewed with the other items in the bill—it reasserts to the public exactly where the Congress' priorities lie.

Mr. McCLELLAN. Mr. President, my understanding is that the distinguished chairman of the subcommittee that handles this part of the appropriation bill and handles the regular appropriation of funds for these purposes is agreeable to accepting these amendments.

Mr. MAGNUSON. The Senator is correct.

Mr. McCLELLAN. Mr. President, did the committee have any hearings on this particular aspect of the matter?

Mr. MAGNUSON. We did. In the course of the regular appropriation hearings, we discussed all of these projects at some length and then discussed the interpretation of the budget. We also held hearings with HEW when they proposed to eliminate the programs covered by the pending amendment. We had Caspar Weinberger, the new Secretary before the committee for more than 2 days. The Senator from New Hampshire (Mr. COTTON) and some of the other Senators discussed all of the amounts involved here. It involved an argument over interpretation. We are not going above any amount previously provided. We are merely trying to suggest that they spend some of this money now to keep these programs alive.

Mr. McCLELLAN. Mr. President, I understand what is involved in the amount being appropriated here. These amounts, are less than the amounts that were originally appropriated, but which have been impounded.

Mr. MAGNUSON. Far less.

Mr. McCLELLAN. What we are really doing is continuing the availability of the amount of money for a period of time.

Mr. KENNEDY. For 1 month.

Mr. McCLELLAN. It gives an opportunity for us to keep these programs alive.

Mr. MAGNUSON. Mr. President, I suppose that the people downtown will hear about this debate. However, I am hopeful that they will release these funds to keep the programs going so that the Congress assert its proper role in determining which programs should stay and which should be terminated, if any. We do not know yet. If I had my way, I would add some additional money to high priority health items. These are modest sums compared to what Congress wanted to appropriate and have spent.

Mr. McCLELLAN. Mr. President, unless there is objection, I am prepared on behalf of members of the Appropriations Committee to accept the amendments with this information. We are actually not appropriating money that has not already been appropriated heretofore. We are simply allowing 1 month on the money heretofore appropriated for these programs and reasserting the original intent of Congress.

Mr. MAGNUSON. It is only a small percentage of the total amount already approved by Congresss in each case.

Mr. KENNEDY. Mr. President, I give assurance to the Senator from Arkansas that if this amendment is accepted, not one of these programs will exceed the amount of money provided by Congress in 1972. For the most part, they will be well under the 1972 figure.

It will certainly not exceed the money which was actually appropriated and which was vetoed by the administration.

Mr. McCLELLAN. That is what I wanted to be sure of.

Mr. KENNEDY. So the Senator is quite correct in interpreting it the way he has interpreted it.

The point is whether the administration has the authority to expend either at the fiscal year 1972 appropriations level or the level of the vetoed measure which is still before Congress.

The Senator from Washington (Mr. MAGNUSON), the Senator from Alaska (Mr. STEVENS), and I, and I am sure the Senator from Minnesota (Mr. HUMPHREY), would interpret the amendment as providing the power to expend either at the 1972 level or the level of the measure which was vetoed. But the administration says "No," and has reached another figure, a very dramatic reduction under the figures appropriated in 1972. We have addressed our proposal to the reality of expenditure levels by the administration, not to the interpretations of the continuing resolution.

Mr. MAGNUSON. It is way under the amount allowed in the continuing resolution. That is the key to it; not necessarily the amount appropriated here, but it is under the amount in the continuing resolution—way under.

Mr. McCLELLAN. What we are in effect doing is appropriating money that was heretofore appropriated, and it is hoped by the sponsors of the amendment that it will be expended for the purposes for which it is being appropriated. That is the interpretation I place on the amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HUMPHREY. I think the Senator is eminently correct. What it really is is a message to the administration that if there is any doubt as to the interpretation of the law, this clarifies the doubt. That is all it really boils down to.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. STEVENS. At least it is different. I would like to clarify one small thing the Senator from Massachusetts has said. This money would be available for this month—period. I believe we should take this action to be sure there is no cessation of spending because of misinterpretation of the continuing resolution. I am not hopeful that they will spend a dime more, but I do not want to see any program shut off because of a legalistic interpretatiton of the continuing resolution.

We should make sure the money is there, and make it a policy decision as to whether or not the money is actually spent. I happen to believe that we went pretty far afield last year—from $23.5 billion in 1972 to $27.5 billion in 1973—and that led to the veto. We finally arrived at a concept of about $25.5 billion as far as this program is concerned.

The problem is to make sure, in the interpretation of the continuing resolution. that for these specific programs there will be money if they want to spend it. As I understand it, there is nothing in the amendment which directs them to spend this money; it just continues its availability.

Mr. PASTORE. But will the Senator admit that if the President of the United States signs this bill, once we have agreed to the amendment, and then they refuse to spend the money, that is a further repudiation of the intent of Congress?

Mr. STEVENS. I would state to the Senator from Rhode Island that I would not interpret it that way.

Mr. PASTORE. Why not?

Mr. STEVENS. I hope he would not, either. I do not want to get the supplemental bill vetoed. As I told the Senator from Massachusetts, if I thought that was going to happen, I would change my mind.

Mr. PASTORE. But that is not my question. My question is, once the President has signed this resolution with the amendment in it, and then the President refuses to spend the money, is it not a further repudiation of our intent? I think that is a very important question, and the answer is either yes or no.

Mr. STEVENS. That is an unfortunate difference between us, because I would say I want to assure the continued availability of the money. The decision is still theirs as to how much is spent.

As a practical matter, I do not think there is any way in which anyone could spend $100 million in 3 weeks, and that is what it will be. This bill will get down there about a week from now, and we are talking about money which is to be available only until June 30. I do not think we should want the record to show it to be the intent of Congress that they spend $100 million in 3 weeks.

My point is that if they have any legitimate way to spend and commit this money before June 30th, it is the intent of Congress that they do it; but I would not be a part of any group that would say, "Go spend $100 million before June 30."

Mr. MAGNUSON. Mr. President, no one is saying that. We are saying that between now and then they can make some commitments on this matter. Moreover, section 601 of the basic Public Health Service Act specifically requires that funds appropriated for health programs must be spent. Until now, the administration has been claiming that under its own interpretation of the continuing resolution, all the funds available are being spent. What we are doing is proposing a specific appropriation—there will be no question about whose interpretation is correct.

Here is nursing capitation grants, for example, $10 milion more for the whole country. I know where they can spend that in two States, if they want to.

We are hoping they will make some commitments. The expenditure will come later on. They do not send the checks out between now and July 1.

Mr. PASTORE. Mr. President, if the Senator will yield, they have applications down there by the bushel which they have locked up in drawers. All they have to do is open up the drawers and take a good look at them.

Mr. MAGNUSON. You cannot do that nowadays.

Mr. STEVENS. Mr. President, I want to make sure that the Senator from Rhode Island understands my fate.

As I interpret the continuing resolution, there is $19 million available for nursing grants. As they interpret the situation, there is no money available because their revised request for 1973 did not include any funds. The supplemental appropriation bill will make available $10 million—less than we intended, but only for the balance of next month.

Obviously they are not going to spend in 3 weeks half of what they would spend in a whole year, but we do not want the program stopped now, based upon some legalistic interpretation of the continuing resolution.

When I voted for the continuing resolution, I thought it meant $19 million. Now the HEW says it means $10 million for the rest of the year. On that basis, Mr. President, I think we ought to accept the amendment, and I feel that if the Senator from New Hampshire were here, he would say the same thing.

Mr. KENNEDY. Could we have the yeas and nays?

Mr. McCLELLAN. Mr. President, I have been trying to tell the Senator I will accept the amendment. I do not see any need for the yeas and nays.

Mr. PASTORE. The yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, first I would like to outline this discussion and debate in the light of other actions which this body has taken previously. There are a number of provisions of the Public Health Service Act that this administration wishes to modify, adjust, and in some instances terminate. This body has gone on record overwhelmingly with S. 1136, to permit the Health Subcommittee to continue to study these programs and to report back to the Senate as to which programs ought to be eliminated, which ought to be consolidated, and which ought to be perfected and made more efficient, and we intend to do that.

Some of those programs are affected by this very appropriation, and we hope by this amendment to indicate to the administration the Senate's desire that they continue with the programs until a determination is made by Congress to terminate them or any part of them.

Mr. JAVITS. Mr. President, I am pleased to cosponsor with Senator KENNEDY three separate amendments to the second supplemental appropriations bill, 1973 (H.R. 7447) to provide urgently needed funding for health programs—programs which are effectively terminated by the administration's revised budget request. The sum total of the three amendments, the need for which I will discuss in detail, is $100,300,000, which, it should be noted, is still $400 million below the President's original 1973 budget request.

### REGIONAL MEDICAL PROGRAMS AND HILL-BURTON

The first amendment adds $20 million to the regional medical program appropriation of $60.1 million, which was a $70.2 million cut from the original fiscal 1973 budget request There are 56 functioning regional medical programs with varying capabilities, missions, and achievements, providing nationwide coverage. Until there is documentary evidence that regional medical programs should be terminated—as contemplated by the administration's fiscal 1974 zero budget request and the $70.2 million slash for 1973—I believe that these programs should be effectively continued until Congress can work its will on the future of regional medical programs. Congressional support for RMP's is evidenced by Senate passage of S. 1136 and the recently favorably reported companion bill in the House, H.R. 7806, to extend these programs for an additional year.

This amendment also adds $15 million to the Hill-Burton construction program appropriation for ambulatory care outpatient facilities. The issue of Federal hospital construction support funding may be debated, but no one questions the need for a vigorous and expanded program of construction for ambulatory care facilities. The $15 million add-on to the appropriation will raise the current level of spending, $37 million, to $52 million, but still $28 million below that which was spent in fiscal 1972.

### HEALTH MANPOWER

The second amendment would add $6.3 million to the schools of veterinary medicine, optometry, pharmacy, and podiatry capitation support appropriation of $13.7 million, which was a $13.7 million cut from the original 1973 budget request. Capitation support for these vitally professional schools must be continued and cannot be terminated, as provided by the administration's zero budget request for fiscal 1974 and the $13.7 million slash for 1973. These schools must be kept in a solvent financial position until such time as Congress determines the approprate appropriations for fiscal 1974.

This amendment also adds $10 million to the institutional support appropriation for nursing of $31.8 million, which was a $24.7 million cut from the original fiscal 1973 budget request; and $2 million to the nursing financial distress appropriation of $170,000 so that those schools who are unable to get capitation grants would have available emergency financial distress funding support. Financial distress money is grossly inadequate, because of other cutbacks. As competition among nurse training institutions increases in face of decreasing funds available, many institutions will be forced into dire financial straits. Such occurrences are already common across the Nation, with reports of faculty cuts and student body reductions, and this funding level is urgently needed.

This amendment also adds $4 million to the institutional support for graduate training in schools of public health appropriation of $15,571,000, which was a $6 million cut from the original fiscal 1973 budget request; and also adds $5 million to the institutional assistance for schools of allied health appropriation of $22,705,000, which was a $22,960,000 cut from the original fiscal 1973 budget request. It is most important to note that for the schools of public health and the schools of allied health—both of which provide urgently needed health manpower—the fiscal 1974 budget request is zero. The 18 schools of public health are a highly specialized national resource and the sole source of people professionally trained in the medical specialty of public health for the Nation. The schools of allied health are desperately needed if we are to produce allied health professionals and relieve our physicians of a significant portion of their responsibilities in health delivery, with which they struggle on a daily basis and make health care available more efficiently and effectively for all Americans.

### BIOMEDICAL RESEARCH

The third and final amendment restores $9,100,000 to the research and fellowships appropriation of $36,677,000, which was a $12,374,000 cut from the original fiscal 1973 budget request; and $15 million to the research training grants appropriation of $112,783,000, which was a $24,529,000 cut from the original fiscal 1973 budget request; and $13,900,000 for the general research support grant appropriation of $26,124,000, which was a $28,500,000 cut from the original fiscal 1973 budget request.

Major breakthroughs in any war against disease will come from young research scientists in basic biomedical research—as well as directed research—whose work in better understanding of diseases and disease processes should not be cut off in midstream by termination of Federal support for biomedical research. We cannot expect breakthroughs in research at the same time that one is cutting back on training support and fellowship support for our brightest young scientists—this is false economy. All our efforts at the Federal level to reduce skyrocketing health care costs become inconsequential in the face of the cost benefits realized through lifesaving biomedical research. Jonas Salk's research virtually eliminated polio as a dread disease, and the importance of this discovery in human terms for all Americans can also be measured in economic dimensions, by merely targeting in on the previously more than 50,000 annual polio victims, for whom there are now no medical or hospital bills or costly rehabilitative therapy for the treatment of polio and whose working life is saved for the Nation.

Mr. STEVENS. I do not like to anticipate a policy. We are getting to the position where we may have to consider a continuing resolution to continue a continuing resolution from 1972. This amendment is most important because of the misinterpretation given by the people downtown to what we intended to do last year. I hope we do not get to another veto of this legislation. I think our total in last year was in excess of a realistic figure but I think the President was also too low in his maximum figure. Somewhere there must be a middle ground.

If we are going to get a continuing resolution, there will be a continuing resolution for 1974 based on a continuing resolution for 1973, and no one will know what the basis is. This amendment may be helpful if that occurs.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. ROBERT C. BYRD. It is my understanding that following the vote on this amendment, the distinguished Senator from Vermont will offer an amendment, and following that——

Mr. HUMPHREY. I have an amendment.

Mr. ROBERT C. BYRD. It is my understanding also that the distinguished manager of the bill is going to call up the committee amendment on page 58, the Cambodian amendment, at that time. Am I correct?

Mr. MAGNUSON. Mr. President, reserving the right to object, can we not finish with these HEW amendments before we get into this other question of Cambodia? It should not take over 5 minutes for the Senator from Vermont, and it should not take over 5 minutes for the Senator from Maine.

Mr. ROBERT C. BYRD. If the Senator will yield——

Mr. MAGNUSON. I was just asking the question.

Mr. ROBERT C. BYRD. If the Senator will let me complete my statement, I hope to get an agreement on the Cambodian amendment, so all Senators will know there will be a final resolution of that amendment today.

Mr. PASTORE. Can we not go ahead now?

Mr. ROBERT C. BYRD. That is what I am trying to do. The Senator from Arkansas (Mr. McClellan) will then ask unanimous consent for a vote on the committee amendment on page 58.

Mr. President, I ask unanimous consent that, in view of the fact that a point of order will be raised by the distinguished Senator from Nebraska (Mr. Hruska), and it is my understanding that the distinguished Senator from Missouri (Mr. Eagleton) will then raise the question of germaneness on the point of order, there be a 2-hour limitation of debate, to be equally divided and controlled by the distinguished manager of the bill, Mr. McClellan, and the distinguished Senator from Nebraska (Mr. Hruska) on the point of order, with the understanding that if the question of germaneness is raised, there will be at least 30 minutes of that 2 hours allotted for discussion of the question of germaneness, to be equally divided between the Senator from Missouri (Mr. Eagleton) and the Senator from Nebraska (Mr. Hruska); with the further understanding that the statement by the Senator from Nebraska (Mr. Hruska), which will precede the making of the point of order, will not come out of the time.

Mr. HRUSKA. Is my understanding of the unanimous-consent request correct in that the overall debate will be only 2 hours on its outside limits, to include debate on the germaneness issue to be raised by the Senator from Missouri (Mr. Eagleton)?

Mr. ROBERT C. BYRD. That is correct

Mr. EAGLETON. Mr. President, could I ask the Senator from West Virginia, as to the unanimous-consent request, I take it, as I take it the Senator from Nebraska does, that the outside perimeter of the debate, in toto, will include the substance of the amendment, the merits of the amendment, the germaneness of the amendment, and so forth, all to be encompassed in the 2 hours, of which 30 minutes will be applied to the question of germaneness.

Mr. ROBERT C. BYRD. The Senator from Missouri has raised an important question. The unanimous-consent request would not include debate on the amendment, in the event the amendment is ruled germane. I wonder whether we could also include that in the 2 hours, or put a time limitation on that, on the amendment itself, say 10 minutes, to be equally divided.

Mr. HRUSKA. I would like to suggest that we resolve that issue at a later time?

Mr. GRIFFIN. Mr. President, reserving the right to object, as I understand it, the 2 hours of debate will be on the matter of germaneness which will be submitted by the Chair.

Mr. ROBERT C. BYRD. But on the point of order which will first be made by the Senator from Nebraska (Mr. Hruska). After some debate, the Senator from Missouri (Mr. Eagleton) will then raise the question of germaneness. Under the rules, that question would not be debatable. Under the rules, a point of order would not be debatable unless the Chair wished to submit it to the Senate. Under this request, there would be an outside limit of 2 hours on both matters.

Mr. GRIFFIN. Which would be limited to procedural questions and not to the merits.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. EAGLETON. Mr. President, do I correctly understand that during the 2 hours, some debate on the relative proposal would be appropriate?

Mr. PASTORE. Yes.

Mr. ROBERT C. BYRD. The Senator is correct.

The PRESIDING OFFICER (Mr. Domenici). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendments, en bloc, of the Senator from Massachusetts (Mr. Kennedy).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. Abourezk), the Senator from Nevada (Mr. Bible), the Senator from Delaware (Mr. Biden), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from North Carolina (Mr. Ervin), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Kentucky (Mr. Huddleston), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Illinois (Mr. Stevenson), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I further announce that the Senator from Florida (Mr. Chiles) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent on official business.

The result was announced—yeas 59, nays 14, as follows:

[No. 154 Leg.]

YEAS—59

Aiken
Allen
Bayh
Beall
Bentsen
Brock
Brooke
Burdick
Byrd, Robert C.
Case
Clark
Cranston
Dole
Domenici
Eagleton
Eastland
Fulbright
Gravel
Griffin
Haskell
Hatfield
Hathaway
Hughes
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Symington
Taft
Tunney
Weicker
Williams
Young

NAYS—14

Bartlett
Buckley
Byrd, Harry F., Jr.
Curtis
Fannin
Gurney
Hansen
Helms
Hruska
McClure
Proxmire
Scott, Va.
Thurmond
Tower

NOT VOTING—27

Abourezk
Baker
Bellmon
Bennett
Bible
Biden
Cannon
Chiles
Church
Cook
Cotton
Dominick
Ervin
Fong
Goldwater
Hart
Hartke
Hollings
Huddleston
Inouye
McGee
McGovern
Montoya
Saxbe
Stennis
Stevenson
Talmadge

So Mr. Kennedy's amendments were agreed to en bloc.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendments were adopted.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AIKEN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. Bartlett). The amendment will be stated.

The legislative clerk read as follows:

On page 13, line 15, strike "$16,500,000" and insert in lieu thereof "$17 million."

Mr. AIKEN. Mr. President, this amendment will enable a rural community of 22,000 permanent residents, and about twice as many during the vacation season, to complete a hospital in northern Vermont—the North Country Hospital and Health Center at Newport, Vt.—by providing an additional $500,000 for grants for hospital construction authorized by title IX of the Public Health Service Act.

The total cost of the hospital is about $4.5 million. Hill-Burton put up $1 million, EDA put up $600,000, the New England Regional Commission put up $100,000——

The PRESIDING OFFICER. The Senate will be in order.

Mr. AIKEN. And the local people passed the hat and raised——

Mr. McCLELLAN. Mr. President, we are unable to hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont may proceed.

Mr. AIKEN. As I was saying, the cost was to be about $4.5 million. I am not going into the small figures. The sum of $1 million was given by Hill-Burton, $600,000 was given by the Economic Development Administration, $100,000 was given by the New England Regional Commission, and $800,000 was raised by the local people asking for contributions in cash. Some of the remainder was loaned, and an additional amount was pledged from Hill-Burton, but is not available, because these funds are now frozen.

The hospital will serve 22,000 permanent residents and probably double that figure during the vacation and summer season. There is no other hospital within 40 miles, and most of them are farther away than that so that it will fulfill one of the key purposes of title IX—that of improving health services for persons residing in an area with limited health services.

Another reason they need the money now is that sometime over a year ago there was a strike on the construction, according to my information, which lasted for several months and by the time it was settled the additional Hill-Burton funds that were pledged to this project were no longer available from HEW. During that period the costs rose. The amount of $500,000 is approximately the amount they are short, and that is what I am asking to put in this bill. That is what my amendment provides, so that they can complete the hospital. The total cost is to be $4,542,000. The hospital will replace an old, outmoded 50-year-old hospital, and it will provide 80 beds. They need it, and this seems to be one way to get the hospital completed.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. McCLELLAN. Do I understand that this increase in cost is occasioned by a strike? Is it all attributable to that?

Mr. AIKEN. My understanding is that a year ago last month, in April, there was a strike called, and that strike went on for several months, during which time the cost of the hospital construction rose at a rate of about 10 percent.

Mr. McCLELLAN. Is the Senator saying that the cost of the hospital would not have been increased except for the strike?

Mr. AIKEN. That is what I understand. They could not help it and, as you know, the administration wants to eliminate the Hill-Burton program, so they could not get any funds from that source.

Mr. McCLELLAN. What I am trying to establish—I am very sympthetic. They need the hospital and it should be completed. But are we establishing a precedent here that whenever a strike in construction on projects in which the Federal Government is constructing or in which it has made substantial contributions—when such a strike occurs and as the consequence the cost goes up, then are the taxpayers supposed to bear the cost?

Mr. AIKEN. Perhaps I might correct the statement a bit. The problem arose because, under the Hill-Burton program, HEW is not releasing any funds. The strike, however, did result in increasing the total cost of construction.

Mr. McCLELLAN. Would they have been able to get more Hill-Burton money as the need for Hill-Burton funds arose?

Mr. AIKEN. My purpose is to get another $500,000 in construction funds—to hasten the completion of this project.

Mr. McCLELLAN. I am in sympathy so they can get the hospital built. But it does strike me that the Government is being put in the position of having to pick up the tab for losses occasioned by a strike.

Mr. AIKEN. I would like to say again that it was not the strike; it is the loss of the Hill-Burton money.

Mr. McCLELLAN. I misunderstood the Senator.

Mr. AIKEN. The hospital should be about 90 percent complete, I would think.

Mr. McCLELLAN. Will the Senator state whether Hill-Burton money was pledged that has not been paid?

Mr. AIKEN. Yes.

Mr. McCLELLAN. How much?

Mr. AIKEN. $527,000.

Mr. McCLELLAN. That much was pledged and has not been paid?

Mr. AIKEN. That is what I understand.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MAGNUSON. Under the Hill-Burton Act, we have appropriated for modernization, the total for hospital grants and outpatient care, and things that the Senator is talking about, $197 million.

Mr. AIKEN. Yes.

Mr. MAGNUSON. Originally.

The 1973 request had zero. The operating level is only $2 million. Therefore, projects such as the Senator's in Vermont had no chance to get anything. That is why we are adding the money.

Mr. AIKEN. That is why I am asking for it.

Mr. MAGNUSON. All strikes have a tendency to slow up construction and any time a project is slowed up for any period of time it is going to cost more when they get to it again. Costs go up and it costs more to get people back on the job. We want to get at this and do it now.

Mr. AIKEN. I agree.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. HATHAWAY. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was stated as follows:

On page 14, line 20, insert the following: ", to remain available until September 30, 1973".

### HANDICAPPED AMENDMENT

Mr. HATHAWAY. Mr. President, my amendment is a simple one to extend for 90 days the time in which the appropriation for education of the handicapped, which is recommended in the committee bill, will be available for obligation. I support wholeheartedly the committee's action to aid the more than 40,000 handicapped children who will be assisted by the committee bill, and my amendment is to assure that HEW and the Office of Education will have sufficient time to obligate these funds.

It has come to my attention that without this additional time period, the Department might not utilize these funds which we will approve today, claiming too little time remains in the fiscal year.

This would compound the problem which the committee has already moved to solve, that is to provide funds for deaf-blind children, for preschool handicapped children, and for teachers of handicapped children, which were lost because of late approval by the Office of Education in fiscal year 1972. The committee report points out emphatically that handicapped children should not suffer because of bureaucratic slowness, and this amendment will prevent that problem from arising this year.

My amendment is very simple. It simply extends for 90 days the $26 million appropriated in the bill for the education of the handicapped. This would give the administration more time to obligate the funds. Instead of June 30 the date would be September 30.

Mr. McCLELLAN. Mr. President, since this amendment only extends the time and does not add any money to the bill—it extends the time for expenditures for 3 months longer—I have no objection to the amendment. I accept the amendment.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCLELLAN. Mr. President——

Mr. JAVITS. Mr. President, I have an amendment——

Mr. McCLELLAN. Mr. President, I ask unanimous consent to bring up for immediate consideration the committee amendment in the bill on section 305 which appears on page 58 of the printed bill.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, and I do not expect to object, I just want to get an idea of the procedure, if the Senator would indulge me.

I have an amendment relating to the Neighborhood Youth Corps. I thought the idea was to clear miscellaneous items like those just acted on before we get into the major issue of Cambodia. Am I in error on that?

Mr. McCLELLAN. There were two or three amendments. Senator AIKEN's amendment, it was agreed, would be taken up next. We can dispose of this in a minute and then the Senate can take up this matter immediately. But under the unanimous-consent request, following the Aiken amendment I was to ask unanimous consent for the immediate consideration of this section.

Mr. JAVITS. Is it the chairman's desire, then, that he go ahead with the Cambodian matter?

Mr. McCLELLAN. I would prefer to follow this order. There will be a vote on it. It would be for the convenience of Members of the Senate. They are here now. They all know about it. I think we can dispose of it. I know we would like to dispose of it with as many Members present as possible. I appreciate the Senator's indulgence. He does have an amendment. I do not know how controversial it will be, but we will consider it after disposal of this amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. SYMINGTON. Mr. President, reserving the right to object—and I will not object—I would ask the able Senator from New York whether he is talking about the Eagleton amendment.

Mr. JAVITS. No; I am talking about the Eagleton amendment as something coming up right now.

Mr. SYMINGTON. What was the Senator talking about?

Mr. JAVITS. The Neighborhood Youth Corps.

Mr. SYMINGTON. And then when he talked about the Cambodian amendment, was the Senator talking about the Eagleton amendment?

Mr. JAVITS. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

> On page 58, after line 9, insert a new section, as follows:
>
> SEC. 305. None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

Mr. HRUSKA. Mr. President, earlier this afternoon I announced my intention to proceed under rule XVI of the Standing Rules of the Senate to make a point of order against the amendment which is now under consideration—section 305 which is known as the Eagleton amendment.

It is my understanding that limitations on the use of funds in general appropriation bills such as H.R. 7447 must be limited to the appropriations therein made. Section 305 however, would go beyond this by including a limitation on the spending of funds "heretofore appropriated under any other act" and to that extent it would appear that the amendment which is embraced in section 305 is in violation of rule XVI of the Senate.

Mr. President, I raise this point of order that section 305 would impose limitations and obstacles for the diplomatic talks which are now going on in Paris.

These ongoing negotiations are central to obtaining and maintaining the peace in Indochina and this is a most inopportune time for this move. It is therefore my belief that the language in the bill which would restrict the President's options or which would impair those negotiations should be foregone at this time.

The offensive words are those which seek to limit the use of funds appropriated "heretofore under any other act," and those are the words which render a point of order effective in the opinion of the Senator from Nebraska.

U.S. Air Force Brig. Gen. John P. Flynn of Shalimar, Fla., was the officer chosen to respond to President Nixon's toast to the returned POW's at the recent White House dinner. He had been shot down over North Vietnam in October 1967. He was in the enemy prison camps for more than 5 years.

And General Flynn said the truest words of that wonderful evening at the White House when he told how the POW's welcomed the B-52 raids on Hanoi last Christmas. He said:

> When we heard heavy bombs impacting in Hanoi, we started to go and pack our bags, because we knew we were going home, we were going home with honor.

And on January 27, 1973, when the United States and three Vietnamese parties signed the Agreement on Ending the War and Restoring Peace in Vietnam, the United States specifically achieved:

Withdrawal of U.S. military forces with honor.

Repatriation of the prisoners of war with honor, even though others had thought it would be necessary to go to Hanoi to beg for their release.

A full accounting for all those missing in action.

An imperfect cease-fire in Vietnam and also in Laos.

A clearly prescribed opportunity for the people of South Vietnam to determine their own political future, even though some had been ready to sell out our allies.

Mr. President, let us remember General Flynn—and the way our POWs felt when they heard the bombs impacting on Hanoi—as we now consider the question of Cambodia. Once again, our Air Force is in action. Why? One of my distinguished colleagues, a member of my party, has suggested that this is unwise. He made the point that, since our troops were out of Vietnam, and since our POWs were home, then it made little sense to continue the action in Cambodia. He termed this, "a new ball game."

But I would respectfully suggest that the opposite is the case.

Our Air Force is in action in Cambodia not, as in Vietnam, to win peace with honor. Our Air Force is in action there to maintain peace with honor. In immediate jeopardy, in my judgment, is the very Agreement on Ending the War and Restoring the Peace in Vietnam. Article 20 of this hard-won and carefully negotiated agreement includes a pledge by Hanoi "to refrain from using the territory of Cambodia—to encroach on the sovereignty and security of—other countries." And, as President Nixon said in his Armed Forces Day remarks:

> A peace agreement that is simply a piece of paper is something that we are not interested in. We want a peace agreement that is adhered to.

Our latest intelligence reports indicate that the North Vietnamese are currently maintaining some 40,000 troops in Cambodia. Of this total, some 30,000 are support troops, at least 3,500 are targeted against the Cambodian government forces, and some 30 military advisers per battalion are helping the Cambodian insurgent forces.

The North Vietnamese are occupying and administering rear areas, thereby freeing Cambodian insurgent forces for offensive operations. They plan and coordinate insurgent strategy, undertake special combat operations, and provide technical skills.

The North Vietnamese presence in Cambodia is even more disturbing in regional terms. The North Vietnamese seem intent upon reconstructing in eastern Cambodia those "sanctuaries" from which they can support their campaigns against the South Vietnamese government in Saigon. It was to eradicate similar sanctuaries that the administration conducted its limited probe into Cambodia in 1970. Although this move was severely criticized in the Senate and in the country, we now know that it reduced the enemy's capabilities and made our withdrawal far less costly than would otherwise have been the case.

The United States defined peace with honor as letting the South Vietnamese people have the chance to determine their own future. That choice would inevitably be endangered if a large North Vietnamese Army was once again mobilized in safe sanctuaries in Cambodia, awaiting the moment to strike.

Of direct concern to the United States—even more so—is the situation in Thailand. That country, to the western side of Cambodia, is in fact a formal ally of the United States. We are joined together in the SEATO Treaty. A threat against Thailand is construed as a threat against the United States. And the Thais right now are watching U.S. actions in Cambodia as an indication of whether or not we intend to live up to our treaty commitments.

What are we doing to help maintain article 20 in Cambodia?

And why is this U.S. action considered so controversial?

There are no U.S. ground forces operational in Cambodia. Our mission in Phnom Penh is limited by the Foreign Assistance Act of 1971 to a maximum of 200 U.S. employees and 85 third-country nationals paid with U.S. funds. Our country is providing limited military and economic assistance to the Cambodian Government. The request has been made by the administration for $181 million in military assistance and $75 million in reconstruction assistance for fiscal year 1973.

The United States is providing air support at the request of the Cambodian Government to counter North Vietnamese infiltration, and to support government forces under direct, tactical attack. As in the Vietnam war, these strikes are meticulously targeted and controlled to avoid civilian casualties. No strike is permitted without positive verification of the target.

These U.S. air operations were a precise response to the North Vietnamese violation of article 20. All previous air operations in Cambodia had been suspended when the cease-fire went into effect in Vietnam. The Cambodian Government declared a unilateral cease-fire in Cambodia 2 days after the signing of the agreement. But the Cambodian insurgents, with North Vietnamese help, went on to the offensive everywhere in Cambodia. The Cambodian Government asked the United States for help, and this was given.

Mr. President, surely this is a limited and prudent exercise of national power in support of national objectives?

Mr. President, surely the other body was in error when it voted not long ago to cut off the funds needed to maintain this limited and legitimate operation in Cambodia? Surely the timing was especially inappropriate—considering that Dr. Kissinger was at that moment preparing to meet with Le Duc Tho in Paris to tighten up the observance of the peace agreements everywhere in Indochina?

I would also note that some have said our action in Cambodia is not only unwise, but is also unconstitutional. Other speakers will address this point in great detail. I would merely state that the legislative branch has participated with the executive branch in the total process of appraisal, funding, and limitation of U.S. military activities from the earliest days in Indochina. In any event, the Commander in Chief is clearly empowered under article II of the Constitution to use our Armed Forces as instruments of our foreign policy.

President Nixon says that our actions in Cambodia are "not aimed at . . . renewing the war."

We seek instead "to preserve and strengthen the peace."

Our objective in Cambodia is simply to help achieve a real ceasefire and withdrawal of all foreign troops as agreed in article 20.

We are not committed to support any persons or even any form of government in Cambodia. We are committed only to help achieve a solution negotiated between the Cambodian parties.

Moreover, Mr. President, there is also in my judgment the very much larger question of how our country is to move in concert with the other great powers toward generations of peace, not just in Southeast Asia, but everywhere in the world.

We are increasingly aware, although we do not yet know the details, that the Russians and the Chinese were influential and helpful in the final winning of peace with honor in Vietnam. We are also aware that they were impressed by our administration's very evident determination to seek peace from those often-derided "positions of strength." We know that the Russians traditionally respect those who deal from strength and override those who attempt appeasement.

Sir Winston Churchill, in his Fulton, Mo., speech, drew attention to this historical fact—and he also pointed out that it would be highly dangerous for the Western Powers to negotiate with the Soviets any other way, for that would narrow the margins between peace and war.

Any failure now by the United States to deal with the North Vietnamese violations of article 20 would call into question the U.S. determination to maintain negotiated agreements anywhere in the world. And it is specific agreements, not inflated rhetoric, that underlie the generations of peace which we all seek.

Last year and at the beginning of this year, negotiating from strength, we obtained the opening to China, the SALT I agreements with Russia, and peace with honor in Vietnam. This year, we now face SALT II negotiations with Russia and the mutual balanced force reduction talks with the Russians and with our allies in Europe.

When we go into these vital discussions, I think we should remember how our POW's felt when we sent the B–52's over Hanoi. It was a very simple issue for them. Our POW's say—but for the B–52's, but for President Nixon—they would still be back there in Hanoi.

Mr. President, this is why I now declare my support for our administration's energetic defense of article 20 in Cambodia—and why I hail our valiant airmen who are continuing to risk their lives to help us win our generations of peace.

Mr. President, by staying within the language in the bill as adopted by the House of Representatives, another advantage would be had.

The period of time prior to the close of the current fiscal year is very brief. Therefore, the period of the application of the House limitation would be very narrow.

To declare that we have the means at our disposal which we will formally and by legislative action preclude the President from using would mean virtually losing half the battle, and the loss of the second half would not be long in coming.

It is for these reasons, Mr. President, that section 305, which is now pending before the Senate and which is subject to a point of order, should be declared out of order. We should confine the effective provisions of the bill to those that are legitimately included in a general appropriation bill of this kind.

Mr. President, at this time I am prepared to formally make my point of order.

Mr. EAGLETON. Mr. President, under the unanimous-consent agreement, the Senator from Nebraska having made his point of order, is it now timely for me to raise a point of germaneness?

Mr. HRUSKA. Mr. President, I have not yet made my point of order.

I would like to state it in formal fashion and then yield to the Senator from Missouri for the purpose of raising a question of germaneness, if he wishes.

Mr. SYMINGTON. Mr. President, will the able Senator from Nebraska yield for a question?

Mr. HRUSKA. I would be happy to do so. However, I would like to first make my point of order in order that the time will start to run.

Mr. SYMINGTON. I will wait then.

Mr. HRUSKA. Mr. President, under rule XVI of the Standing Rules of the Senate, I make a point of order against the amendment embraced by section 305 of the bill which is pending before the Senate at the present time. Mr. President, I make specific reference in the point of order to the pending language found in the words: "or heretofore appropriated under any other act."

The PRESIDING OFFICER. The Senator from Nebraska has made his point of order. There is an hour and a half of debate allowed under the unanimous consent agreement.

Mr. SYMINGTON. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. Mr. President, I do not normally yield to those who are opposed to my position.

Mr. EAGLETON. Mr. President, I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank my colleague.

Is it not true that the amendment which the Senator from Nebraska is now making a point of order on was passed by a vote of 24 to 0 in the Appropriations Committee?

Mr. HRUSKA. The Senator is correct.

Mr. SYMINGTON. Mr. President, in all good humor, I respectfully ask if the Senator believes it is satisfactory to make a point of order on a question passed unanimously by the Appropriations Committee after thorough study. If he does think so, what other way is there in which we could bring this matter before the Senate at the present time in accordance with the vote, the unanimous vote, of the Appropriations Committee designed to stop the unnecessary killing now going on in Cambodia, killing which has nothing to do with the security of the United States.

With all due respect, some of the figures which the able Senator from Nebraska presented are contrary to that of staff members we sent to the scene, men who lived in Cambodia recently for some time, and had the right to obtain full information thanks to the Secretary of State.

Mr. HRUSKA. Mr. President, the Senator from Missouri asked whether it is proper to raise a point of order on such a matter. In the 11 years that I have served on the Appropriations Committee, there has always existed the right on the part of any member of the committee, irrespective of his vote on any amendment to resist the bill or any amendment that had been adopted.

The adoption of the amendment is the means by which we get the matter to the floor. Each member reserves the right to proceed as he chooses from there on.

In addition, immediately upon the conclusion of that vote, I announced my intention to file individual views on that subject and asked for the minimum time allowed by the Senate rules in that regard.

Mr. SYMINGTON. Mr. President, if the Senator will yield further, I thought that would be his proper answer; but the argument he made when he presented his point of order to deal, as I understood it, with the merit of this tragic bombing. He supports those who would prefer to continue bombing, from 30,000 feet and above, these unfortunate people by the use of our B-52's. The evidence shows that each of these raids from Guam cost the American taxpayers some $39,000 per plane, per mission. Although the B-52 is the longest ranged jet bomber in the world, it has to refuel, because there is a distance of 2,700-plus miles to Cambodia from Guam.

I asked the Secretary of State, in an open hearing of the Foreign Relations Committee, whether it was true we intended to rehabilitate Cambodia. He said yes, that that was the plan, and that was agreed upon.

I asked, "Is it not true then that every bomb we drop on Cambodia simply increases the cost to you, to me, and to all American taxpayers?"

He said, well, he did not think much damage was being done to the important parts of Cambodia, that most of the bombing was being done in the northern part, and so forth.

That is not correct, based on the information we have received through those staff members. This bombing is actually doing very heavy damage to civilians and to the little towns. We are bombing heavily to prevent convoys from coming up the Mekong to Phnom Penh. Based on my visits to Cambodia—and I was there as late as last year, and discussed various matters with Lon Nol—we are very heavily damaging the civilian population in Cambodia with this bombing.

So, while I knew and know why the able Senator was raising this point of order, it was my impression, from listening to him, that he was justifying what I believe to be unnecessary killing of civilians in this little country, unnecessarily from the standpoint of the security of the United States, at the same time he requests approval of his point of order.

Several Senators addressed the Chair.

Mr. McCLELLAN. Mr. President, let us get this time situation straightened out. Will the Chair advise us what the situation is with reference to time and time control?

The PRESIDING OFFICER (Mr. BARTLETT). Time on the point of order is to be divided between the Senator from Nebraska and the Senator from Arkansas, and on the question of germaneness between the Senator from Nebraska and the Senator from Missouri (Mr. EAGLETON).

Mr. McCLELLAN. All right. How much time is allowed on the point of order, and how much on germaneness?

The PRESIDING OFFICER. A maximum of an hour and a half on the point of order.

Mr. McCLELLAN. A further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. On whose time was the Senator from Missouri speaking?

The PRESIDING OFFICER. The Senator from Missouri (Mr. EAGLETON) was the one who yielded to the Senator from Missouri (Mr. SYMINGTON), but he did not have time to yield.

Mr. McCLELLAN. I just want to clarify the situation. I suggest that the time that was used by the Senator from Nebraska and the Senator from Missouri, by unanimous consent, be divided equally on the question of germaneness and on the point of order.

Mr. HRUSKA. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield 5 minutes to the Senator from Texas on the point of order.

Mr. TOWER. Mr. President, the Senator from Missouri rightfully brought up the substantive question on the point of order, and I at this time will deal with that, rather than with the substantive merits of the Eagleton amendment, with which I very strongly disagree, and which I will no doubt have a great deal to say about.

There is a very good reason why we have a rule that prohibits legislation on appropriation bills. There was a time in the Congress of the United States when you could put legislation on appropriation bills, and experience taught us that there were many individuals Members, and some Members collectively, who were very much inclined to abuse that right. So now we have it spelled out in rule XVI. I should like to recite rule XVI, to refresh the memories of my colleagues:

> All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.
>
> The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

In his authoritative work on the legislative process, Mr. Galloway, who was at one time the senior specialist in the Legislative Reference Service of the Library of Congress, expanding on this question. This is what he said:

> As an appropriation bill may deny an appropriation for a purpose authorized by law, so it may by limitation prohibit the use of money for part of the purpose while appropriating for the remainder of it. The limitation must apply solely to the money of the appropriation under consideration, and may not be made applicable to a trust fund or to money appropriated in other accounts, nor to the use of property purchased with such appropriation. To be admissible, it must be a limitation on the appropriation and not an affirmative limitation on official discretion, and must not require affirmative action on the part of Government officials. The limitation must apply solely to the present appropriation, and may not be made a permanent provision of law.
>
> Closely related to the rule prohibiting legislation in bills reported by the Committee on Appropriations is the rule prohibiting appropriations in bills reported by legislative committees.

Now, this is the way we do our work around here. We do not put appropriations in legislative measures and authorization measures. We do not put legislation in appropriation measures. And that is the way it should remain.

If we, in a fit of emotion over a particular issue, are so opinionated about a specific issue that we are willing to overturn the established way of doing business in this body, then we will be setting a precedent for what I think are going to be some rather disorderly and sometimes dangerous practices in the future. So I hope that every Senator, when this issue comes to a vote, will consider the precedent that he sets here. It will be an evil precedent for us to follow, whatever you think of the merits of this measure.

Why was the measure included in an appropriation bill, in that it is legislation? Well, I suppose it was included in an appropriation bill because Senators feared that it could not stand by itself as independent legislation. Indeed, that is a usual reason for trying to attach riders to appropriation bills. So it occurs to me that if we want a debate on the substantive issue and a vote on the substantive issue of our policy in the matter of Cambodia and Laos, we should consider it in separate legislation and not on an appropriation bill, where it does not belong.

I fervently hope that the point of order will be sustained, because this is clearly legislation, clearly rejected by rule XVI, and I am hopeful that the ruling of the Chair on the matter—because I am certain that the Chair will have to rule that this is legislation and therefore the point of order will stand—will not be overridden by a simple majority of the Senate.

Why do we not, instead, get a vote on suspending the rules? If we are going beyond rule XVI, let us get a vote on suspension of the rules and see if we can get two-thirds to sustain that. That I seriously doubt. So we are going to go the easy route, in all probability, and raise the question of germaneness. Thus the point of order on whether or not this is legislation would fail by virtue of a majority vote on germaneness.

Mr. President, this is a terrible way to do business. If we set this kind of precedent today, I am sure that many other Senators with many other causes are going to attempt from time to time to see if they cannot take advantage of it, too, and we will have reversed the process. We will have gone back to the dark ages of legislative history, if we follow this procedure.

So, as a matter of precedent, as a matter of the way the Senate does its work, certainly the proposition that this is germane should be rejected.

Mr. BROOKE. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished majority leader.

The PRESIDING OFFICER (Mr. Bartlett). The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, we are talking about a point of order, which is proper, but we are also talking about the substance of what the Appropriations Committee did unanimously some 2 weeks ago. As the Senator from Nebraska stated at the time the committee undertook this action, he asked that he be allowed 3 days to file a supplementary report as I think he referred to it. That meant it would have been impossible to have brought up the urgent supplemental bill that week. I was further informed that once it did reach the calendar, another delay of at least 3 days would take place under the rules, which was allowable, and then there would be extended debate.

I hope that now that we have gone through this loss of 2 weeks, while the bombing continued we will face up to the issue and face it squarely.

The distinguished Senator from Texas (Mr. Tower) just said, "We are going the easy route."

Well, Mr. President, as a matter of fact, we are going at this the hard way. I hope sincerely that the Senate will back the distinguished Senator from Arkansas (Mr. McClellan), the distinguished Senator from Missouri (Mr. Eagleton), and the distinguished Senator from Massachusetts (Mr. Brooke), all of whom had a part in the compilation of this legislation now before us.

The able Senator from Nebraska (Mr. Hruska) seeks to strike out section 305. If I recall correctly, he emphasized the use of the word "heretofore"—"heretofore appropriated under any other act."

What does that mean, Mr. President? If that language is not in the bill, it will mean that the Defense Department can take funds from other sources and will reinforce what former Secretary of Defense Richardson had the gall to tell the Senate in committee some 3 or 4 weeks ago, when he was asked what would be done if they were not given the money and he said, "We would continue bombing." The next question was, "For how long?" and the answer was, "Indefinitely."

Mr. President, I wish we would genuinely and at long last stand up for our own rights once in a while in this body. I wish that we in this body would recognize that we are Senate men first, foremost, and always, and that we have a responsibility in the conduct of the affairs of this Nation, including foreign policy.

Oh, yes, Mr. President, they will tell you this will undercut Dr. Kissinger. If he was undercut, he was undercut in the Committee on Appropriations on the basis of that 24 to 0 vote. If he was undercut, he was undercut by the vote in the House of Representatives which, for the first time, sought to hold back further funds for bombing in Cambodia.

Here we are, using our B–52's from our airfields in Thailand and on Guam, and we are raining tens of thousands of tons—hundreds of thousands of tons by now, I dare say—on a hapless people who ask for nothing but peace. Their country has been pulverized, craterized, refugeeized to such an extent that the people have no place to go. But, here we are, 20,000, 30,000, 40,000 feet in the air, dropping bombs on them, dropping bombs on a people with whom we have no quarrel, dropping bombs on a country with which we have no connection, dropping bombs on behalf of a government which does not have the support of the people in the nation it pretends to rule.

When are we going to wake up to what our responsibilities are?

What has happened to the old ideals which made America what it was, but which it is losing rapidly today?

There are refugees by the hundreds of thousands in a country which refused under Prince Norodom Sihanouk to come in under the SEATO umbrella and which did the same thing under the present ruler, Lon Nol.

We do not know what we are doing in Cambodia. But I do know that we have lost 6 planes in the raids—of course they have no defenses—and I do recollect that there are a few new prisoners of war because of the loss of some of these planes, and I do know that we are spending tens of millions of dollars carrying on a war which we were told was ended several months ago.

Mr. President, let these people decide their own destinies. Let them plan their own futures. Let them look out for their own countries, their cultures, their civilizations, their societies.

Let us, for a change, tend to our own business, tend to our own affairs, and take into consideration the thoughts we feel deep down in this Chamber and the thoughts which the people of this Nation feel deep down as well.

So I would hope that as a coequal branch with the executive branch of Government, we will exercise our responsibility as Senators and stand up, for a change, and tell America what we believe in, and that we are prepared to assume the responsibility.

Mr. EAGLETON. Mr. President, will the Senator from Arkansas yield me 10 minutes?

Mr. McCLELLAN. The distinguished Senator from Massachusetts (Mr. Brooke) has been on his feet several times and I should like to yield to him.

Mr. HRUSKA. Mr. President, may I yield 4 minutes to the Senator from Texas to reply to the distinguished majority leader?

The PRESIDING OFFICER (Mr. Bartlett). The Senator from Texas is recognized for 4 minutes.

Mr. TOWER. Mr. President, in response to the distinguished majority leader, may I say that he is an extremely conscientious man I know. He is one of the finest gentlemen who ever came to the floor of the Senate. I know that he is a man who holds deep convictions and expresses them with great eloquence.

However, I would have to take sharp issue with the suggestion that we are bombing innocent civilians over there, that we are the ones who are continuing the war over there.

Let us think about the poor innocent civilians whom the North Vietnamese terrorize regularly. They shoot them. They rocket them. We are not sending rockets into the marketplaces at random, but that is what the North Vietnamese are doing. We are not bombing civilians over there. We are bombing North Vietnamese troops who are there in direct contravention of article 20 of the peace agreement.

Now what we propose to do here is to destroy the negotiations in Paris so that the peace agreement will never be lived up to.

When the cease-fire was signed, the Cambodian Government declared a cease-fire. We ceased our air activity over Cambodia. North Vietnam had agreed in writing that their troops would be withdrawn from Cambodia. They broke that agreement. We were perfectly right, then, in trying to enforce the provisions of article 20 of the peace agreement by resorting to bombing over Cambodia. That is what this is all about.

If we want to make sure of the killing of innocent civilians in Cambodia, then tie the President's hands, and tie Dr. Kissinger's hands, because as sure as we adopt this point of order, the negotiations in Paris will become meaningless. They will come to an end and we will not be able to go in there and try to recover or find our MIA's, or those who were killed over there. We cannot do that now. We will have no bargaining stick at all.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. TOWER. I will yield in just a moment.

What we will see is a continuation of killing, not a cessation of killing; and the North Vietnamese do not care who they kill or how they do it.

I yield to the Senator for a question.

Mr. JOHNSTON. In the opinion of the Senator from Texas, will the Lon Nol regime fall if we stop the bombing; and if so, in the Senator's opinion, how long will we have to continue the bombing until the Lon Nol regime can survive on its own?

Mr. TOWER. I do not think anybody can predict with reasonable accuracy whether the Lon Nol regime will survive, with or without the bombing. It may very well survive without the bombing, or it might fall while we continue the bombing.

We are trying to get the North Vietnamese troops out of there. The distinguished majority leader has rightfully suggested that we let these people work these things out for themselves. Well, let us get the North Vietnamese out of there so that the Cambodians can work it out for themselves.

Mr. BROOKE. Mr. President, will the Senator from Arkansas yield me time?

Mr. McCLELLAN. I yield to the distinguished Senator from Massachusetts. How much time does the Senator desire?

Mr. BROOKE. Six minutes.

Mr. McCLELLAN. I do not know whether we are going to have that much time, in view of the requests for time. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. BROOKE. Mr. President, I rise to encourage the Senate to consider the question of germaneness as opposed to the question of the point of order as raised.

I recently returned from Cambodia and Laos, where I went as a representative of the Committee on Appropriations, looking into the question of postwar reconstruction assistance. When I returned, I proposed an amendment for the supplemental appropriations bill, to include Laos under the prohibition as to the use of funds appropriated under H.R. 7447 for U.S. military activities in Indochina. The amended language on page 6, under "Operation and Maintenance" now reads:

> None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by the United States forces.

The distinguished junior Senator from Missouri has acted in compliance with the will of the committee and has added thereto "under any other Act" in section 305 of the Senate version of H.R. 7447.

I think the distinguished Senator from Missouri did this because of the arrogance of the response that the Appropriations Committee received when it had its hearings and the Secretary of Defense appeared before us. That response was mentioned by the distinguished majority leader. When the question was asked as to what would be the results if we did write this into the Supplemental Act, the response was that the administration still would have the money, and the bombing would continue and, further, that it would continue indefinitely.

I would like to correct some of my colleagues who have spoken on the floor, as to the effects of the bombing in Cambodia. I stayed in the residence of the American Ambassador, and every night I was there, B–52 bombing was carried on. The house was literally shaking, as were the windows, and literally thousands of refugees were pouring into the capital city of Phnom Penh. I had the opportunity to talk to some of these refugees, and many thought the real enemy was the United States of America, because they were being bombed out of their houses by the B–52's.

It has been said that our bombs are directly on target. Therefore, it is assumed by some that no civilians are being bombed. Mr. President, if anyone knows Cambodia—and some of my colleagues do—there is no semblance of an industry in Cambodia, no industrial complex whatever, similar to what is in North Vietnam. The proper targets for the B–52 would be industrial targets, certainly—manufacturing plants, railroads, and the like. B–52 bombing in this area, by the admission of the Air Force itself, has never been more than 10 to 13 percent effective. It is, in fact, counterproductive. We are losing by bombing in Cambodia and Laos.

The reason why we are bombing in Cambodia is not that we really want to hit military targets in Cambodia, as the prime objective. We are bombing in Cambodia in order to send a signal to Hanoi.

I, for one, think that the bombing we are carrying on is not only illegal, but it is also immoral to bomb one country, which is not the object of the bombing, in order to send a signal to another country.

The death and the deprivation in Cambodia primarily results from our bombing over there. Therefore, when I returned I attempted to persuade my colleagues that this bombing in Cambodia and in Laos should stop.

The Senator from Texas asks why we adopt this method in an appropriation bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Will the Senator yield me 1 additional minute?

Mr. McCLELLAN. I yield.

Mr. BROOKE. I ask him, in response, what other power does Congress have? We have had amendment after amendment on this floor, as he has suggested. We have been powerless to act. The country looks to Congress to act, and the only power, apparently, that Congress has to act is through the appropriations route.

It was not easy to get a unanimous vote of the Appropriations Committee. If my memory is correct, the maker of the motion on the question of a point of order voted in the unanimous vote by which the amendment was adopted in the Appropriations Committee.

So I say, Mr. President, that these are times of great crisis. The question is, Will the U.S. Senate stand up to its constitutional responsibility? I think that constitutional responsibility is to use the tool it has, and that tool is to provide that no funds be used, under this act or any other act, for bombing over Cambodia and Laos.

I hope the point of order will not be agreed to.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 10 minutes to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator.

Mr. President, 2 weeks ago the House of Representatives voted for the first time to end American combat activity in Southeast Asia. Technically, the House action only affected the use of funds appropriated by the bill we consider today. But Representative CLARENCE LONG, sponsor of the fund cutoff amendment, described the full meaning of the House action in the following way:

> It is a clear and definite message to the President, and to the world, that Congress does not want any more activity involving U.S. combat personnel in Cambodia.

That message may have been clear and definite to a majority in the House of Representatives, and it may have been clear and definite to the American people, but apparently it was not clear and definite to the White House. Since that historic House vote, administration spokesmen have stated categorically that the air bombardment of Cambodia will continue even if the requested transfer authority is denied.

A careful examination of the administration's position will demonstrate how Congress has been stripped of its options. On the one hand, then Secretary of Defense Richardson stated that the defeat of any amendment which would specifically restrict the use of funds for air support over Cambodia would be considered "as a vote to at least acquiesce in that activity." If, on the other hand, a restriction is approved limiting only funds within this bill, again according to Richardson, the administration will continue the air operations anyway, using money appropriated for other defense purposes.

We are left, therefore, with no room for compromise. A restriction limited only to funds in H.R. 7447 will be ignored, whereas the defeat of an amendment proposing such a restriction will be interpreted as legal acquiescence in a military action never approved by Congress.

If we are to take any meaningful action here today, therefore, we must act to cut off all funds for combat activity in Cambodia and Laos. Failure to take such action will be interpreted by the administration as a blank check to continue American involvement in Indochina indefinitely, a point ably made by the Senator from Massachusetts.

Today, the Senate must repeat the message delivered to the President by the House of Representatives. But we must repeat that message in language that cannot be ignored. We must state unequivocally that no appropriation enacted by Congress, past or present, can be used for combat activity in either Cambodia or Laos.

Congress now has the opportunity to accomplish what previous Congresses have tried, but failed to accomplish. We have the historic opportunity to show that the system can end, once and for all, what the system should never have allowed to begin.

In his testimony before the Appropriations Committee on this bill, Secretary Richardson demonstrated the paradoxical nature of the administration's legal position. In the following exchange with Senator COTTON, Mr. Richardson concedes that a limitation placed on the requested transfer authority would reflect congressional intent:

> Senator COTTON. If Congress should see fit to put the limitation on this $500 million—(that) none of it is to be used in Southeast Asia—the intent of Congress would be unmistakable, would it not?
>
> Secretary RICHARDSON. I believe you are right, Senator.

But the Secretary did not stop there. He went on to explain why that expression of intent would be ignored. He reiterated the argument that article 20 of the Paris agreement gives the President the legal right to continue combat activities without congressional approval.

Secretary Richardson argued that since the President had the legal authority to use military action in Cambodia before the cease-fire agreement was signed on January 27, then he retains that authority for the purpose of assuring that article 20 of the agreement is carried out. But what was the President's authority to conduct combat operations in Cambodia prior to January 27?

The following explanation of that prior authority comes from Mr. Richardson himself, when he explained the administration's position as Acting Secretary of State in 1970:

> The entry of U.S. forces into Cambodia was directed by the President in the exercise of his constitutional authority as Commander in Chief to protect U.S. forces which had previously been committed to action in Vietnam . . . The President has set and announced explicit limits on the action of U.S. forces in Cambodia . . . these limits clearly restrict the action of such forces to the direct threat posed to American and allied forces in Vietnam by the existence of the border sanctuaries.

To reinforce the "explicit limits" Secretary Richardson referred to as ordered by the President, Congress passed a number of measures setting forth its own explicit limits. These measures set limits on the number of military and civilian personnel assigned in Cambodia, prohibited the use of U.S. ground forces, and specified that U.S. airpower could not be used in support of the government of Cambodia. Thus, when President Nixon signed the Foreign Assistance Act of 1971, the Cooper-Church amendment, stating that the United States could not undertake a commitment to defend Cambodia, became law. The legislative history of that amendment shows that the clear intent of Congress was that U.S. airpower could be used only for the protection of U.S. forces in Indochina.

The President apparently agreed with the action taken by Congress. Following is a quote from the President's statement of June 3, 1970:

> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that it is necessary to protect the lives and security of our men in South Vietnam.

As we look at the authority Secretary Richardson states the administration had prior to January 27, therefore, we find that there was—as amazing as it may now seem—agreement between Congress and the Executive over the legal basis for that authority, that is, the protection of American forces.

We are now told that the very cease-fire agreement that removed those forces on March 28, 1973 will be used as legal justification for our continued military involvement in Indochina.

While Americans, including me, were paying tribute to the President and Dr. Kissinger for achieving peace through an elaborate, if ambiguous, agreement designed to carefully police the cease-fire in South Vietnam, the administration was apparently concentrating on the more obscure section of that agreement, article 20—a vague pronouncement of policy which deals with nations not even represented at the cease-fire negotiations.

We are now told that agreement carries with it an implicit American commitment to help force a cease-fire in Cambodia and Laos. And so the transition is performed before our eyes—a bombing policy which, on March 27 is legally based on the need to protect American forces becomes, on March 28, a policy commitment designed to bring about a cease-fire in Cambodia and Laos.

The President had no statutory authority to initiate combat activities in Cambodia. Prior to March 28, our air operations were based on the President's claimed authority as Commander in Chief "to protect the lives and security of our men in South Vietnam." The basis of the President's own claim thus has been eliminated by the completion of the withdrawal of U.S. Forces from Indochina and the return of our POW's.

But we are not asked to accept a new policy commitment as nothing more than an extension of authority the President had prior to the cease-fire. The administration is insulting our intelligence. Its legal position is a sham and, in my opinion, represents an effort to circumvent the legitimate power of Congress.

If we accept this position, we are sanctioning a new war—a Cambodian war. And we are acquiescing in a policy that could well lead us back into Indochina.

Almost 9 years ago Congress acted to legitimize our escalating involvement in Vietnam by passing the Gulf of Tonkin Resolution. When that vote was taken, few in this body understood its legal and political consequences. And few in America held Congress politically responsible when our Indochina policy failed.

But in the past 3 years, we have made our case to the American people loud and clear. We complained that the President was fighting a war without our consent—that the President did not inform us—that the President has not asked for our authorization—that the President has usurped our war powers. Over and over we have exposed the constitutional argument to our constituents. Now, according to a recent Gallup Poll, a full 76 percent of the American people believe that continued involvement in Indochina should be a matter for Congress to decide.

We can no longer hide behind the Presidency. We can no longer put off our responsibilities to await the latest word from Paris. And we can no longer rationalize that our individual vote—even though only one of 535—is unimportant. Now, because we have made the American people aware of the role Congress must play within our Government system, we will be held individually and collectively accountable for the action we take.

As we deliberate over a war we hear the familiar pleas from the White House to wait. Congress is again warned in ominous terms: Do not tie the President's hands—do not interfere with the negotiations—do not do anything.

But this time it will not wash. The American people have a genuine and justifiable fear that we will again become mired in the quicksand of Indochina. And if Congress allows that to happen, this time Congress will be held accountable by the American people.

We now hear reports that Dr. Kissinger and Le Duc Tho have drafted a new protocol to the Paris agreement. This document is said to contain, among other things, a proposal for truce discussions among the dissident parties of Cambodia. Ambassador Sullivan has traveled to Saigon, Phnom Penh and Vientiane to gain the approval of our allies. I sincerely hope that this latest initiative will succeed.

But as much as we all want real and lasting peace to come to Indochina, we should not again delude ourselves into believing that the United States can impose that peace at the end of a gun. Such a peace would only last so long as America remains intimately involved in the internal affairs of Indochina. If lasting peace is to come, it will come only as the exclusive expression of the Indochinese parties to the conflict.

We are warned that the administration will no longer be able to negotiate from strength if Congress prohibits combat activity in Indochina. But this agreement presumes that the American people have accepted the premise of the latest commitment—a commitment made on their behalf, but without their consent.

Adversary positions in diplomatic negotiations are constructed from a blend of real strength and bluff. But how much bluff can be left on either side after 5 years of negotiations between the United States and North Vietnam?

It is no secret that the American people want to get out of Indochina—that is why we began the negotiations 5 years ago.

It is no secret that the American people are concerned that we could become reinvolved in Indochina—that information is readily available from public opinion polls.

It is no secret that the morale of our military men assigned to carry out the bombing missions over Cambodia and Laos is at an all-time low—newspapers and television tell us that.

It is no secret that many Americans consider the military actions being carried out without congressional consent to be unconstitutional—that assertion can be heard daily in the galleries and hearing rooms of the House and Senate.

I, therefore, contend that it is no secret that the bombing will someday be stopped.

But each day Congress submits to the administration's waiting game, we increase the inordinate risk of reinvolvement. For each day we fail to perform our constitutional duty, we allow our system of law to be undermined. And if we wait too long, we may become involved again in spite of ourselves—we may lose the institutional capacity to stop it.

The legal and political considerations must weigh heavily in our minds as we vote today. But it is our more profound responsibility to consider the lives—American and Asian—that may be lost if we continue to pursue our present course. It is now up to Congress to decide whether the loss of life, the damage to property, and the great expenditure of funds is related to the national interest of the United States.

Since January 27, when the cease-fire agreement was signed, more than 146,000 tons of bombs have been dropped on Cambodia and Laos. Ten Americans have been killed, two are listed as missing in action and four planes have been lost in combat. This Memorial Day weekend another American was killed and two planes lost in Indochina. No, the war is not over for America.

And we must also consider the people of Cambodia and Laos—people who have suffered even greater losses. The following quote from a story by New York Times correspondent Sydney Schanberg describes the devastating effect of our bombs:

> The destruction in Cambodia has multiplied greatly since the escalating of the American bombing began here in February. Scores of villages have been blown away. Twelve-foot-deep bomb craters pock the ruins. Great numbers of livestock have been killed, harvested crops burned to ash, orchards destroyed.

And the bombing has also created a serious problem for the living. According to some estimates, 3 million of the 6.5 million Cambodians are now refugees. These are people deeply terrified at the prospect of having their villages destroyed by bombs. Their fear has no political coloration.

Some argue that the other side is equally guilty of the type of destruction described by Mr. Schanberg. It is obviously true that our adversaries are guilty of abuses. But we must recognize that the use of B-52's over an agrarian society has an impact far beyond the limited policy goals that cause us to deploy that type of sophisticated weapon. To simply satisfy the goal of stalling the attack on Phnom Penh we must use a kind of force whose devastation will be felt by Cambodians for a decade. It is a policy that risks making the prospect of victory or defeat a moot question for the people of Cambodia.

Are our goals in Indochina worth this pain and tragedy? Is it worth the risk that the list of MIA's will increase? Or that another American will be captured and held as a prisoner of war?

We must fact these questions today. They are hard questions but they cannot be avoided.

The American people are now more aware than they have been for 30 years of the awesome responsibilities assigned to Congress by the Constitution. If we base our vote today on a desire to defer our judgment to the President, then we will deal a heavy blow to the institutions of government devised by the Founding Fathers.

It is time to answer the hard questions for the American people. Either we vote to stop the war or we vote to grant the President our authority to continue to wage war in Indochina.

To those who will not defer their heavy responsibility, the words of George Santayana should be given our careful consideration:

> Those who refuse to learn from history are doomed to repeat it.

I urge my colleagues to end this war once and for all by adopting my amendment. America cannot afford to repeat the long and tragic history of its involvement in Indochina.

Mr. President, I realize that time is limited and that other Senators desire to speak on this subject. I will not speak further on the merits at this time, but I reserve the remainder of my time under the germaneness section of the unanimous-consent agreement.

Mr. McCLELLAN. Does the Senator wish to yield time?

Mr. HRUSKA. I yield 5 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, creeping into this debate today—indeed, galloping into the debate—is the repeated argument that we should scuttle the rules of the Senate in order somehow to show the White House who is boss. To be sure, the argument has not been made exactly in those words, but that is the effect—that is the thrust—of the argument being made over and over in this Chamber again.

I hope the Senate will not vote on that basis. I hope my colleagues will consider instead the question: Which course will help Dr. Kissinger in the current effort to give effect and meaning to the agreement signed in Paris.

Certainly, James Reston, of the New York Times, is not exactly a hawk. He has been as dovish as the most dovish Members of this body. He has been consistently critical of the policies of this administration and of previous administrations with respect to Southeast Asia. Recently James Reston, of the New York Times, wrote a column which in this particular paper is headlined "No Reason for Congress To Undercut Kissinger Negotiations Now." In this column Scotty Reston referred to the testimony of the then Defense Secretary Elliot Richardson before the Committee on Appropriations as follows:

> . . . Secretary of Defense Elliot Richardson is not saying the Administration will do as it likes regardless of what Congress says.
>
> He has testified in private before the McClellan committee that if Congress voted a clear prohibition in the expenditure of money for the air war, the Administration would respect that prohibition.
>
> In answer to a question from Sen. John L. McClellan of the Senate Appropriations subcommittee, Richardson said, "I am sure, Mr. Chairman, that the Administration would not proceed in defiance of any clear-cut congressional action intended to terminate the authority to use funds for continued operations in Cambodia."

So, there seems to be some difference of opinion in the interpretation of the testimony of Defense Secretary Richardson before the Committee on Appropriations. But the important message in the column by James Reston is that Congress should exercise responsible restraint at this particular time. Mr. President, I ask that the column referred to be printed in full at the conclusion of my remarks.

Mr. President, if Senators were convinced that the recent trip of Dr. Kissinger to Paris and Hanoi produced no results at all, perhaps it would be more understandable for a majority of the Senate to go ahead and follow the lead of those advocating the Eagleton amendment. But Senators know—or have good reason to believe—that substantial progress was made in those talks. Surely, this is not a time to dismantle our own Senate rules in order to find a way to undercut Dr. Kissinger's efforts at this time.

I do not know who in this body would seriously contend that the Eagleton language is not in violation of the Senate rules. But apparently a majority in the Senate is about to say: "To heck with the rules of the Senate."

Earlier the Senator from Texas (Mr. TOWER) read into the RECORD a portion of rule XVI. He read paragraph 2 thereof, and I should like to read section 7 of the same rule XVI:

> When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

That admonition in rule XVI applies to Senators as well as to the Parliamentarian and the Presiding Officer. Everyone in this Chamber knows the Eagleton amendment stands in violation of the rule.

But even more, we know—or ought to know—that enactment of the Eagleton amendment would damage the opportunity to obtain compliance with the Paris agreement.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. TOWER. I think it would be interesting to know if any Senator who favors the Eagleton position believes that this is not a general appropriation and not inconsistent with rule XVI. I would like to hear them argue that it is consistent with rule XVI.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield the distinguished Senator from Alaska (Mr. STEVENS) 4 minutes.

Mr. STEVENS. Mr. President, I did not intend to answer the Senator from Texas, but I will be happy to recall to the Senate that last year the Appropriations Committee unanimously, I recall objected to the revenue sharing bill that came out of the Finance Committee, on the basis that the rules provided that any continuing appropriation should go through the Appropriations Committee. But, I witnessed the revenue sharing concept taken away from the Appropriations Committee, not for 1 year, but for 5 years. We in the Appropriations Committee do not have anything to do with revenue sharing for 5 years because of the Senate's action, notwithstanding the rules of the Senate.

I rose to say that I supported the amendment in committee, and I do so now, because I do not think the question, with due respect to the Senator from Michigan, is whether or not we are helping Dr. Kissinger carry out in Paris a policy he has formulated. I think the question is whether Dr. Kissinger is going to achieve the goals of a policy formulated by the Congress, and in order to carry out those negotiations in Paris, this amendment is very clear. I think some of the proponents of the amendment may not read it the way I do, but I want to be sure people will understand why I support it. I will leave out a few words as I read it:

> None of the funds . . . may be expended to support . . . combat activities (by United States forces) in or over the shores of Cambodia or Laos.

That, to me, means we can continue to support Cambodian forces in order to defend themselves; that money, material, assistance can be delivered to Cambodia, and that Dr. Kissinger can negotiate in Paris; and so we will continue to support a Cambodia that wants to remain free in the sense that they want to defend themselves.

I am willing to support the amendment on that basis, because I think the mandate from the American public is clear that we should no longer use American men, American bombs, American forces, American know-how, other than the technology that goes into the equipment which we provide Cambodian forces, and money that we may give them to help them defend themselves through purchase of military equipment.

If I am wrong, I hope someone will clear it up, but I read the Brooke amendment and the Eagleton amendment as saying that nothing prohibits the United States from assisting Cambodia to stay free if they want to defend themselves.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from New York 4 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 4 minutes.

Mr. JAVITS. Mr. President, I would not rise otherwise, but I think the Senator from Michigan (Mr. GRIFFIN) tried to phrase the question of what is involved here, but I do not think he quite hit the point.

The Senator from Michigan seems to interpret the debate as a question of, "We are going to show the White House who is boss." With all respect, I do not think that is the question. The question is, Shall the President proceed alone, in a war, for ordering a war, for which I, as a student and lawyer, and many others, see no constitutional authority? Or must he seek the concurrence of Congress in order to wage it, in compliance with what the Constitution requires?

I have the feeling that a large enough majority here believes that what is at stake is so much greater than embarrassing Dr. Kissinger, whom I admire, and who is doing an outstanding job, and so much greater than the fighting in Cambodia—that it must be asserted. This is not proving or disproving who is boss; it is proving that we have a government of laws, and not of men. That is what the question is: Are the basic procedures of the Constitution to be upheld or not?

The Secretary of State—and I invite everybody to read it—submitted to the Foreign Relations Committee, a legal brief in which he sought to justify the President's action from a legal and constitutional viewpoint. I submitted a brief in opposition. I respectfully submit that there is no basis in law for the Secretary's position, except that he is stuck with the position he has asserted and has to do the best he can to defend it. Many of those arguments have been presented again today and they are no better law than they were when Secretary Rogers first offered them.

The State Department's constitutional argument cannot, in my judgment, withstand close scrutiny. First, as the question is posed whether the President can continue to bomb in Cambodia after the Vietnam peace agreement, we must examine the basis of the authority for bombing in Cambodia before the peace agreement. In announcing on April 30, 1970, his decision to initiate U.S. combat action in Cambodia, President Nixon stated:

> . . . I have concluded that the actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now and would constitute an unacceptable risk to those who will be there after withdrawal of another 150,000.
>
> To protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs, I have concluded that the time has come for action.

In his Interim Report to the Nation of June 3, 1970, concerning U.S. military operations in Cambodia, President Nixon stated:

> The only remaining American activity in Cambodia after July 1 [1970] will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

The basis of the President's own claim of authority to bomb in Cambodia thus has been eliminated by the completion of the withdrawal of U.S. forces from Vietnam and the return of U.S. prisoners, pursuant to the Vietnam peace agreement.

Second, as the State Department bases much of its claim of legal and constitutional authority on the terms of the Vietnam peace agreement, it is essential to point out that under constitutional law the President cannot acquire constitutional or legal authority on the basis of a unilateral action of his own. The "Agreement on Ending the War and Restoring Peace in Vietnam" is an executive agreement and, as such, it is for constitutional purposes strictly a unilateral action of the President. As an executive agreement, the Vietnam peace agreement short circuits the constitutionally prescribed treaty process which requires the advice and consent of the Senate in order for it to acquire status as the "law of the land."

There is an additional important constitutional point in this regard. It is an established principle of constitutional practice under our system of checks and balances that no one branch of the Federal Government may push the exercise of its constitutional authority to the limit where it effectively preempts and prevents another branch of the Government from exercising its constitutional powers and prerogatives. Accordingly, the President cannot push the exercise of his powers as Commander in Chief and Chief Executive to the point where the Congress is preempted and prevented from exercising its war powers under article I, section 8 of the Constitution.

The arguments presented on behalf of the administration position fail to establish that the Vietnam peace agreement does, or can, give the President the legal or constitutional authority to guarantee the right of South Vietnamese self-determination through the instrumentality of the continued aerial bombardment of Cambodia.

At issue is the question of legal and constitutional authority and not a question of the correctness of policy. Although it bases its case heavily upon it, the State Department memorandum further fails to prove—indeed, it scarcely discusses—the condition essential to its contention: that is, that the continued presence of a limited number of North Vietnamese support troops in Cambodia require or justify continued bombing because that continued presence threatens the right of self-determination in South Vietnam. Such a contention would be difficult to prove in light of Dr. Kissinger's explanation that the peace agreement countenances the continued presence within South Vietnam itself of approximately 145,000 North Vietnamese troops.

In those circumstances, I believe the President should come to Congress and say, "Look, as a matter of policy I think we should bomb Cambodia." I think he would have possibly a 50–50 chance that Congress would go along with him. He is a persuasive advocate of his policies, and so is Dr. Kissinger. But they cannot make war unilaterally on the President's say-so. They must persuade the Congress to give its concurrence. That is the wisdom and the safeguard of our Constitution.

What we seek to assert, therefore, is a rule of law, and not a rule of men. That, I think, in terms of the American people and their future and their freedom, is a most important question for us to decide, far greater than any other question which has been raised here today.

Finally, as to the Senate rules, yes, I think, a point of order will lie, but I think also the amendment is directly germane, because the courts have held that if we pass an appropriation, if we refrain from cutting off money, it may be an indication that we approve or authorize what is being done. In view of the short timespan involved, from now until the end of the fiscal year, how are we going to manifest our intention except in an appropriation bill?

Therefore, I shall vote to sustain the point of germaneness. That is what the vote is going to be.

I thank the Senator for yielding to me.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, it would be sad enough if the Senate were to disregard its rules to adopt the Eagleton language. But I believe we should also take into account whether such a provision is likely to become law. If not, we would be indulging here today in a very expensive as well as a very damaging psychological exercise.

Here we are considering whether to disregard our own rules to add legislation onto an appropriation bill. Certainly the House of Representatives will find such action most offensive. Anyone who knows the rules and attitude of the House of Representatives will know that such an action by the Senate will not stand much of a chance in the other body.

As the Senator from New York has already pointed out, the principal issue involved here can be dealt with in an orderly and proper way within the established rules of the Senate. The issue will come up when the Case-Church amendment to the foreign aid bill is before the Senate. And it may be that a majority of the Senate then will vote as the Senator from New York has suggested. However, it is unwise and most inappropriate to take up the issue in this way at this time. This exercise can only be damaging to the negotiations being carried on by Dr. Kissinger, and it will certainly be very damaging to the rules of the Senate.

Accordingly, I hope the Senate will vote to uphold the rules of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT of Pennsylvania. Mr. President, the Senate rarely votes to disregard its own rules except under certain pressures, particularly emotional pressures. The Senate, if it declares this amendment to be germane, is simply saying: "The truth is what I say it is." And the truth will be otherwise and the precedent will rise to plague us.

Mr. President, those of us who were at the joint leadership meeting this morning are well aware that the negotiations in Paris—and they will be resumed in Paris in a few days—involve the fact that the search for our missing in action, due to the action of the North Vietnamese. has been suspended.

What we are telling the people of the United States is that the attempt to determine the status of those missing in action—and do not misunderstand me; I am not saying that any of them are prisoners of war because we do not know that at all—is in danger. It is not only just that under the agreement for peace, a search for the MIA's should continue, but it is also a fact that that search has been made impossible by the position of the North Vietnamese. We learned that factually this morning. We learned that that search which has been suspended cannot be renewed unless and until we get a further agreement with Le Duc Tho in Paris. Le Duc Tho reads the papers, and he is aware of this debate. He will be reading the results of the votes.

Mr. President, if I were Le Duc Tho, I would remind Kissinger of the votes and say that this is a reason for not negotiating an overall cease-fire in Southeast Asia. I would say that this is a reason for ignoring the argument that we are terribly anxious for this search to continue.

Mr. President, I was there at the signing of the peace agreement, and afterward, out of respect, the Foreign Minister of the Soviet Union, Mr. Gromyko, said to me:

> What matters here is the will for peace.

I said to him:

> Yes, sir. If we have the will to go, all of us, for peace, we can have it. And I interpret that as good will.

Mr. Gromyko said:

> That is a good point—good will.

I associate myself with that remark. I think that most of the signatories to that agreement intend it to be carried out in good faith, and the further negotiations are for that purpose.

Congress, in its rush to judgment, or in its emotional reaction in its desire to get on with what I believe it mistakenly believes to be the right side of this argument, is entirely overlooking the missing in action. We are going to hear from the prisoners of war on this point from time to time during the debate, and I am going to introduce some statements from prisoners of war attacking this step and imploring us to go slow and give the agreement a chance to be signed, executed, and brought back.

In my judgment, real progress is being made. There is a very, very real chance for agreement. But it is not going to be helped, it is going to be hurt, by this action. It can be interpreted as helping the other side to read aloud our statements and add to those statements: "See, Congress is not in agreement with what you do. Congress says, 'We do not have these arguments.' Congress says we have arguments, and therefore we want an agreement to be executed on any terms, which include a resumption of the search and an overall extension of the cease-fire."

That is the wrong conclusion, but it is the conclusion the other side will draw.

Congress supports the peace agreement. Congress could not have negotiated for congressional acceptance of it. Congressional acceptance of it means congressional acceptance of total responsibility for peace in Southeast Asia.

Once the amendment becomes law, we take a risk; we take the liability that goes with it. It goes with the territory. Successful conduct of foreign affairs requires flexibility.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT of Pennsylvania. May I have 1 minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT of Pennsylvania. May I read a telegram from a former prisoner of war, and a rather well-known one, Brig. Gen. John Peter Flynn, U.S. Air Force, Shalimar, Fla.:

> To Senator Hugh Scott: I do support the current efforts to effect a cease-fire in Laos, Cambodia, and South Vietnam. I also support efforts currently underway to identify completely and finally dispose of the MIA problem.

There will be other telegrams. We shall read others into the RECORD from time to time.

If we want the search to continue; if we want to continue what we have set out to do; if we want a cease-fire; if we want Dr. Kissinger to negotiate it; we shall have to take time. The choice is ours. But at the end is responsibility. We must advance, and help to advance, by responsible action.

Mr. McCLELLAN. Mr. President, I yield 4 minutes to my distinguished colleague from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senators from Missouri (Mr. SYMINGTON and Mr. EAGLETON), have spoken on the matter of constitutional legality. I agree with them. I hope that Senators will support the motion of the Senators from Missouri that the subject is germane.

The war—at least our involvement in it—has been going on for approximately 8 years. Regardless of its legality, even if it were legal, even if there were no question about constitutionality, I think we have fought long enough. I think it is time that this war was stopped.

I thought President Nixon and this administration would have stopped the war 4 years ago, when he first took office. I talked with him about this during the first 2 or 3 months of his administration, in 1969. I thought he was going to stop it then. I thought he could have stopped it.

I think the war in Cambodia, just as it was in Vietnam, although we did not recognize it, is essentially a civil war. I think our intervention is simply propping up one side in a civil war, and apparently the side that is very weak, indeed. My position is influenced by the fact that our own country is now in serious difficulties. This war has contributed very certainly to the exhaustion of our financial resources.

The chaos in America's international and domestic affairs is traceable primarily to overexpansion—overexpansion of our military commitments, overexpansion of our military involvement abroad and of our arsenal of weapons.

The war has contributed to a degradation of the political processes in this city. I think it has been a major contributor, because it has created attitudes that are abnormal, attitudes of secrecy and suspicion.

All of this has created tremendous disruption. I am particularly impressed because over the weekend, on Saturday night and Sunday morning, my State was devastated by the forces of nature—the worst devastation, I believe, ever to be wrought upon my State. Many people were killed and enormous amounts of property were damaged. The city of Jonesboro looked very much like the cities we have been bombing in Indochina.

It is time for us to stop the deliberate destruction of free countries, regardless of all these considerations of constitutionality and legality. I do not care what we call it; I know those countries are not necessary to the security of this country. That has been proven. When the President went to Moscow, he competely devastated the arguments which have been advanced so long. His visit completely changed, I believe, the whole character of the international political situation.

So I think it is time we stopped taking lives and destroying property. The President this morning indicated, not explicitly, something to this effect: until the negotiations are completed satisfactorily, we cannot even contemplate reconstruction.

What does that mean? It has been hinted before that we will be called upon to reconstruct what we are now destroying. I submit it is time that this destruction be brought to a close, and that it is up to Congress to do it.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, may I ask how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Nebraska has 20 minutes remaining. The Senator from Arkansas has 5.

Mr. McCLELLAN. I suggest that the Senator from Nebraska use some time.

Mr. HRUSKA. Is that on the point of order, or on the germaneness issue?

The PRESIDING OFFICER. On the point of order.

Mr. McCLELLAN. There is still 30 minutes on the germaneness issue.

Mr. HRUSKA. I inquire of my colleagues if there is any further request for time.

I yield 4 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I am in full accord with the objective, in the pending appropriation bill, of the amendment of section 305. The question of germaneness was brought up in the Appropriations Committee when this bill was considered. I think everyone agreed that this was legislation on an appropriation bill, and that if a point of order was raised in the Senate, the Parliamentarian would have to hold that it was legislation on an appropriation bill and subject to a point of order.

Mr. President, I dislike going this route of breaking the rules of the Senate to accomplish something that could easily be accomplished in other ways. I understand that the Committee on Foreign Relations will report out an authorizing bill for foreign assistance which has a provision exactly like this one. That would be the preferable way to do it.

If the Senate holds that this amendment is germane, I shall vote for it, but I cannot find it possible for me to vote to call this germane when the Parliamentarian, as I understand, will hold it is not germane. I just do not believe in doing things that way, when we could accomplish the same results in a way that conforms to the rules of the Senate. May I state again I am for the objectives of the amendment.

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the arguments of law and constitutionality have been made well and brilliantly here today. The issue is essentially whether or not the Congress of the United States, in this instance the Senate, is going to assert its prerogative and fulfill its responsibilities under the Constitution.

There is now no Gulf of Tonkin resolution, whatever its merits or demerits may have been. There is no law that gives the President the authority to bomb Cambodia. There are no American forces in Cambodia. And, as has been stated so ably by the distinguished junior Senator from Missouri (Mr. EAGLETON), all of the justifications that the administration ever made for any entrance of American forces into Cambodia rested upon the premise that we were acting to protect American forces that were then in Vietnam.

Those forces are out. The issue before us is obviously on a technical point of germaneness, and germaneness supersedes the point of order.

The Senate is the judge of its rules, and the rule of germaneness will be determined by the votes of Senators. That rule of germaneness as to this particular section 305 relates to the paragraph on page 6 starting on line 17 and running through line 21; and that paragraph on page 6, lines 17 through 21, relates directly to military action by the United States in Cambodia. The difference is that in section 305 on page 58, starting on line 10 and ending on line 14, the Senate has seen fit to make sure that there are no escape hatches.

Why? Because Congress has been told by authorities from the executive branch that regardless of what we do here in Congress, they will continue to act militarily, to bomb.

Mr. President, I think Congress owes it to the American people to assert what its will is. I am not worried about whether, as has been said here, we will be helping Dr. Kissinger—a gentleman whom I respect and admire—or whether we will be hurting Dr. Kissinger. All I am concerned about is, are we going to to do what the American people know ought to be done, namely, disengage from this conflict?

There is nothing in any agreement that has the binding force of law that permits this bombing. There is nothing in any law that has the binding force of law that permits this bombing. There is nothing in the Constitution that permits it or condones it, and there is only one thing for the Senate of the United States to do, and that is to stand up and act as a responsible legislative body under its prerogatives under the Constitution, and state very frankly that not only is this bombing illegal, it is wrong, it is immoral, it is tearing at the very heart of this country, and we ought to quit it.

Mr. President, I therefore want to express my very strong support for the Appropriations Committee's recommendation that the transfer of funds under section 735 for the purpose of supporting American combat activities in Cambodia and Laos be prohibited.

Mr. President, the unanimous decision of the Appropriations Committee concerning the administration's request for this transfer authority is symbolic of the new resolve of the Congress that American military activity in Cambodia and Laos cease.

The continued bombing of Cambodia is a direct contradiction of past statements by the administration that the United States was not going to engage in military activities to support the Lon Nol government.

The President's insistence that he has the authority to bomb despite the lack of specific authorization to do so from the Congress is a challenge to our authority and responsibility which we must meet.

With its continued bombing, the administration has transformed our policy towards Cambodia from one of "neutrality" to direct involvement to support a very weak government.

As far back as June of 1970, Secretary Rogers stated emphatically that we were not prepared to use American forces to prevent the fall of the Cambodian Government. Apparently, this policy has been altered without the consent of the Congress. It was the very definite feeling of a majority of the House of Representatives and the Senate Appropriations Committee that American bombing in Cambodia cease.

Mr. President, the issue before the Senate now is whether the Congress will provide the Department of Defense with the necessary funds to continue its bombing in Cambodia.

But there is a larger issue here beyond the immediate consideration of the continued American involvement in a war which the President said was "ended" on March 30, 1973.

That issue is the extent of the President's war-making authority. The limitation and further definition of a president's war-making authority is one of the most important responsibilities before this session of Congress.

This is certainly our task today.

President Nixon has greatly expanded the use of Presidential power in the national security area.

He has gone further than any other chief executive in claiming an unlimited right to commit American forces to combat by his own initiative.

In 1970, without the consent of Congress, the President ordered American troops into Cambodia.

In 1971, again without consultation with Congress, widespread bombing of Laos was undertaken.

In May of 1972 he ordered the mining of Haiphong Harbor without consulting the Congress.

In December of 1972 he renewed and intensified American bombing of North Vietnam.

Today, the American bombing of Cambodia continues.

Cambodia is a clear example of the abuse of Presidential war power. The administraton has been desperately searching for a legal justification of the continued bombing when there is no justification.

The Gulf of Tonkin Resolution has been repealed. American troops have been withdrawn, our prisoners released.

Cambodia does not belong to SEATO.

Peace accords have been signed and conditions agreed to by both sides.

The House of Representatives has indicated that it does not approve of the bombing by refusing to allocate additional funds for this purpose. And this week the Senate is prepared to vote a complete funds cut-off for American operations in Cambodia.

President Nixon faces more than a

majority public opinion hostile to his continuation of American air activities in Cambodia. He faces a majority in Congress ready to enact legislation which will prevent him from sending American planes over Cambodia.

If he continues to order the bombing after the Congress has acted, he will be guilty of a serious violation of the law.

I am aware that the administration is prepared to seek an alternative source of funding for bombing missions in Cambodia if the Senate approves the recommendation of the Appropriations Committee.

But I want to warn the administration that in so doing they are directly contravening the intent of the Congress in a manner which will provoke a constitutional crisis. I do not wish to see this happen. Government has a responsibility to rule through cooperation and not confrontation.

At a time of national crisis brought about by massive wrongdoing on the part of numerous persons in government, a confrontation with Congress on the issue of bombing in Cambodia is clearly detrimental to the national interest and harmful to the task of creating public trust and confidence in government.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I have no further requests for time on the point of order. If the Senator from Arkansas is prepared to yield back his remaining time on the point of order, we can proceed to the germaneness issue. I am prepared to yield back the remainder of my time.

Mr. McCLELLAN. We have 2 minutes remaining on this side. Does anyone wish to use it in opposition to the point of order?

I yield it to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, earlier in the day we heard the statement of the minority leader about telegrams we were receiving from American prisoners of war. I would like, in the time remaining, to read a letter I received from an American maintenance officer on Guam. It reads as follows:

Dear Sir: Please do not misjudge this letter as the ravings of a "wild-eyed radical". I am, as my father, an officer in the United States Air Force. I am presently serving my second tour at Andersen Air Force Base, Guam, in support of what has been termed "Operation Bullet Shot". Ten of the last twelve months have found me on Guam doing my part in the maintenance and generation of B-52G and B-52D aircraft for their combat commitments. Although I am not particularly proud of these months, I have in the past been able to pacify my conscience with the hope that the aircraft we launched to target would save the lives of American ground troops. Now however, the rationalization is inadequate. I must protest. Had I the courage of Captain Heck or some of those whom the President and the Vice-President so vociferously condemn, I would do more.

Ostensibly there are no American ground troops in Cambodia and yet the bombing continues "at the request of the Cambodian government". The Cambodian government? What about the *American* government? Where are the American people, where is the Congress? I can only assume that both the people and the Congress are unaware of the magnitude of the "Bullet Shot" operation. While Americans back home blithely continue their daily routines of grocery stores, television programs and weekend outings, the airmen and officers at U-Tapao and Andersen continue the routine of relentless bombing. We do not sleep with our wives, we do not see our children. Instead, every hour we bloody our hands in this insane bombing. And we do not like it. Congress may offer token protests but *we* are the ones who must subjugate our consciences and carry on the day by day business of preparing and flying the aircraft. Sixty sorties each day, over six hundred tons of high explosives. Congress debates, *we* destroy. The American people wonder, *we* kill.

Are humanitarian motives insufficient? Is the destruction too remote to touch the conscience of America? Consider then the waste in terms of dollars. The cost of this operation is beyond comprehension. Each day Andersen AFB alone launches 33 aircraft on combat missions. Each month we generate almost 12,000 hours of flying time with staggering maintenance and pipeline costs. Does Congress know of the waste? Social legislation is vetoed by the President as "inflationary" and yet the mammoth cost of "Bullet Shot" and the continued Cambodian bombing is permitted. Why? I suspect and fear that the Congress is being intentionally misled as to the costs involved. I *know* that the American people are not even fractionally aware of the cost of the bombing.

Every day that this merciless bombing goes on is another day that we who participate must deny morality. Every day of bombing splashes blood on the face of America. What will we tell our children? I appeal to you as a Senator in the Congress of the United States, as a humanitarian, as a man, to demand an end to this murderous bombing.

Mr. President, this says it about as well and as eloquently as any statement made here. The letter reminds us all of our responsibilities.

I also ask unanimous consent to have printed in the Record an additional letter and an excerpt from another letter.

There being no objection, the letters were ordered to be printed in the Record, as follows:

May 9, 1973.

Dear Senator Kennedy: With the signing of the cease fire in Viet-Nam and the repatriation of our prisoners of war, I, like the great majority of the American people sincerely believed that our involvement in Indo China had come to the long awaited end. However, unbelievable as it is, here we are nearly two months later still dropping tons upon tons of bombs daily in Cambodia. To say that I am extremely disappointed with the Nixon administration and with Congress' ability to keep it in check would be an outrageous understatement.

Unfortunately, my dissatisfaction with Mr. Nixon is not the issue here nor the motivation that prompted my writing this letter. At present, I am a Staff Sergeant in the Air Force serving a second six month temporary duty assignment in Guam, with the distasteful prospect of returning for a third, to assist in the matter of more innocent people in Cambodia. This obviously insane slaughter of innocent people is not at all conducive to restful nights.

From my vantage point it is clear to see the rapid decay of morale among the airmen here in Guam. The maintainance personnel are so disheartened by the apparent futility of their efforts and by the family problems that have issued as a direct result of the many prolonged separations, that the situation here has become very volatile. The majority of the maintainance crews care less whether an aircraft is safe for flight or not, therefore increasing the possibility of additional American lives being lost in Indo China.

The flight crews are simply "fed up" with the "useless killing." Aborted take-offs are becoming increasingly common. The uninviting prospect of becoming an unretrievable prisoner in Cambodia coupled with the graver prospect of losing their lives for something they do not believe in is the prime reason.

The discontent here has even spanned acts of sabotage. I ask you, Sir, when the tide of discontent has risen so high as to prompt military personnel to commit deliberate acts of destruction upon their own equipment, is it not time to seriously look to the source of the discontent? Mr. Nixon, with his Cambodian policy, has single handedly done more to demoralize and consequently weaken the effectiveness of the Air Force in Guam than any form of communist propaganda.

Sir, I urge you and your colleagues to do all in your powers to bring to an end this insanity in Cambodia. I refuse to believe that Congress, the voice of the American people could be so naive as to believe what Mr. Nixon is forcing us to perpetuate in Cambodia is legal much less moral. Has not there been enough blood on American hands? Has not America bled enough in Southeast Asia?

Sir, I humbly request that my name be withheld to prevent possible reprisals by the Air Force.

Respectfully yours,

———— ————.

——

April 16, 1973.

Senator Kennedy: I am a B-52 navigator currently on temporary duty at Andersen AFB, Guam. I am writing to you to urge you to do your utmost to end our involvement in the continuing war in Southeast Asia.

I am on my 4th tour of duty now and have over 400 days fighting this war. I have over 120 combat missions, an Air Medal with five Oak Leak Clusters, and have been recommended for a Distinguished Flying Cross for heroism for action over Hanoi, North Vietnam. I am not unlike most of our forces *still* serving in Southeast Asia.

My question is, when has a man done all that anyone has a right to expect. I have put my life on the line for my country numerous times over the past two years. . . .

We are no more now than a mercenary army fighting solely on the discretion of our president, the people never having their say thru Congress as provided for in our constitution. Under what justification do we bomb a population merely upon the request of another government. We have no money for needed social programs at home, but we spend millions to bomb thousands of innocent civilians who have never done anything to us. Many, if not most, of the B-52 crew members are tired of killing for no reason. We think we deserve the chance to patch up the many personal problems we have that were created by these many years of war. If Mr. Nixon will not stop this insanity then the people must. How many bodies must there be, ours and theirs, before we get.

I give you permission to release all or any part of this letter. Please refrain, however, from using my name to protect me from repercussions from the Air Force. Thank you.

Sincerely,

Captain, USAF.

Mr. KENNEDY. I am hopeful that the point of order will not lie.

Mr. HRUSKA. Mr. President, I yield back the remainder of the time allotted to this side on the point of order.

Mr. EAGLETON. Mr. President, I raise the question of——

Mr. McCLELLAN. Mr. President, I think we have consumed our time. If not, I yield back the remainder.

Mr. EAGLETON. Mr. President, at this time, I raise the question of germaneness. I understand that under the unanimous-consent agreement, 30 minutes are allotted for this question, with 15 minutes divided between myself and the Senator from Nebraska (Mr. Hruska). Is that correct?

The PRESIDING OFFICER (Mr. Hathaway). The Senator from Missouri is correct.

Will the Senator from Missouri please suspend for a minute.

The question of germaneness having been raised under rule XVI, and Senate precedents, the Chair does not rule on the point of order, but submits the question of germaneness to the Senate for decision under the unanimous-consent agreement.

The Senator from Missouri may now proceed.

Mr. EAGLETON. I thank the Chair.

Mr. President, I shall not try to repeat or summarize the eloquent and moving arguments just made in support of section 305 which have come from many Senators, and with great eloquence. The letter just read to us by the Senator from Massachusetts (Mr. Kennedy) from the American Air Force officer on Guam is perhaps the most powerful argument in support of my amendment.

Comments have been made today about shattering the rules of the Senate. The Senator from Texas (Mr. Tower) said that we are shattering the precedents of the Senate; likewise, the Senator from Michigan (Mr. Griffin) talked about breaking the precedents of the Senate; the same from the Senator from Pennsylvania (Mr. Scott).

This entire bill, Mr. President, H.R. 7447, is replete with legislation on appropriations. Turn to any page in the bill and you find a piece of legislation on appropriations. Turn to page 42, Department of Commerce, general administration, salaries and expenses, $164,543 to be derived by transfer from the appropriations for salaries and expenses, and then on to any other page. The bulk of this bill contains legislative changes to appropriations acts passed by Congress last year. But now, this year, we decide that we will spend money in yet another and different way, and therefore we transfer, in effect legislating changes to the original appropriations act. Nothing could be more germane to this bill than section 305 as it relates to that provision of the bill originally included by the House.

I invite the attention of my colleagues to page 6 of the bill as received from the House, beginning on line 17, under "General Provisions,"

> None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia . . .

Then the amendment of the Senator from Massachusetts (Mr. Brooke)—

> or in or over Laos by the United States forces.

That was the amendment the House adopted. That is the amendment in the bill as it came to us from the House. It is there, whether some of us like it or not—and I like it.

The reason we needed to change the amendment was because of the statement of the Secretary of Defense, at that time Richardson, who said that regardless of that amendment, regardless of what we say there about what money will be spent with regard to this war—on bombing in Cambodia—we will bomb anyway, we have made up our mind, we will find money elsewhere—we will not have to pay any attention to the House language about transferring funds.

It then became clear that there was only one alternative left to us, to adopt section 305 which said that not only money contained in the bill but money heretofore appropriated would be prohibited from use in Cambodia and Laos.

Is there precedent, then, for what we are doing here today?

I say that there is. It is complete. It is clear. It is cogent.

Let me cite 2 paragraphs from the manual "Senate Procedure" written by Charles L. Watkins our former Parliamentarian, and Floyd M. Riddick, now our distinguished Parliamentarian, from page 92, relating to appropriations. I am reading from the section entitled "Germaneness of an Amendment to a General Appropriations Bill." Briefly these 2 short paragraphs state as follows:

> An amendment legislative in character is in order on a general appropriation bill if it is germane to the language as passed by the House.

I have already cited the interrelationship between section 305 and that language found on page 6 of the pending bill.

Quoting further from page 92:

> If the House of Representatives opens the door by incorporating legislation in a general appropriation bill, the Senate has an inherent right to amend such proposed legislation, and to perfect that language, notwithstanding its rules.

Mr. President, let me repeat that last sentence once again because it puts to rest the argument about shattering precedents of the Senate, that they will come back to haunt us, that the Halls of Congress will crumble, or that the Senate itself will crumble, or that it will mean the end of an era.

Let me read this one sentence again from the book "Senate Procedure," our manual:

> If the House of Representatives opens the door by incorporating legislation in a general appropriation bill, the Senate has an inherent right to amend such proposed legislation, and to perfect that language, notwithstanding its rules.

There it is—from the manual, which is the closest thing we have in this Chamber to a Bible. I see nothing shattering about supporting this precedent. I see nothing demoralizing about it. I see nothing degrading about it.

In fact, if we do any less and say that this precedent does not exist, then we are not rendering service to the precedent of this body.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, the precedents quoted by the Senator from Missouri are sound. They are very well stated and, where applicable, they should be operative.

However, when the precedents say that it is germane to act on a matter passed by the House in the nature of perfecting the House amendment we reach the question of whether this amendment merely perfects the House amendment or is qualitatively different.

The House amendment provides that no money from this bill may be used for certain purposes. The Senate amendment would reach dollars appropriated under any previous bill and thus vitiate over a decade of precedent in this area.

It is not a perfecting amendment. It is an entirely different attempt at general legislation.

Mr. CURTIS. Mr. President, will my colleague yield to me?

Mr. HRUSKA. I am happy to yield to my colleague from Nebraska.

Mr. CURTIS. Mr. President, I believe it is true that the language adopted in the House is not legislative language. It is a limitation. The rules of the House clearly provide that we can have a limitation on an appropriation and it is not legislation. Had the House Committee inserted legislation in an appropriation bill, it would have gone out on a point of order over in that body.

Mr. HRUSKA. Which leads to the conclusion that I just stated.

Mr. CURTIS. That there was no door opened by the House because they did not legislate on an appropriation bill. They merely had a limitation.

Mr. HRUSKA. I thank my colleague from Nebraska for his contribution.

Mr. President, I now yield 4 minutes to the distinguished Senator from Texas (Mr. Tower).

The PRESIDING OFFICER. The Senator from Texas is recognized for 4 minutes.

Mr. TOWER. Mr. President, I shall not require all of the 4 minutes. I should like to say it is interesting that no one has yet contended the Eagleton amendment is not general legislation. No one has contended that the Eagleton amendment is consistent with rule XVI, because it plainly is not.

We have other ways of passing legislation than by appropriation bills. This has been a matter of Senate concern for some time.

Why have we not acted on independent legislation to this subject, rather than follow the bad precedent of hanging legislation on an appropriation bill?

We do not let subject matter committees appropriate funds and commensurately, we should not let appropriations committees legislate. I think, if we wanted to follow an orderly procedure, if a matter of this sort appears in an appropriation bill, it should be referred to the appropriate subject matter committee.

Now, if the Senate is so eager to get on record on this matter and so eager to restrict the President in his military operations, why is it, then, that we could not with considerable dispatch get independent legislation on the matter without doing violence to the rules of the Senate?

So the question is, how much do we value our rules? I certainly hope we do not answer that question to the effect of not very much.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. LONG. May I say to the Senator that I, as one, see no reason for violating the rules of the Senate without some compelling necessity to do so. It may be that one may feel that the loss of a single American life is a compelling reason to do violation to the rules of the Senate.

But am I to understand that we have here a situation in which the House has done what we have repeatedly seen done to an appropriation bill—placed a mere limitation on the use of funds in that bill? Here is an amendment that seeks to rely upon that, to place a limitation on all funds and all laws, including not just the funds in this bill but the funds in other legislation.

Mr. TOWER. That makes it general legislation, in my mind, because it extends to matters that have been authorized and appropriated in other places. Rule XVI clearly states that the limitations have to be confined to that appropriation bill or it is general legislation.

Mr. LONG. I understand that.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I should like to inquire whether there is any further request for time of this Seantor.

Mr. EAGLETON. Mr. President, I yield 3 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, there is a compelling reason to consider the substance of the proposal before us and to cut away the froth in which it has been enshrouded.

The question today is not basically the rules and procedures of the Senate. It is not basically a point of order. It is not basically the question of germaneness. It is the question of what the Senate wants to do in an undeclared war being waged against a hapless country and to do it in such a way that there will be no doubt in the minds of anyone as to what the intent and the meaning is of what we do or do not do.

If you yield and bow down to the administration on this proposal, you are acquiescing in the continuation of the war in Cambodia. I think we are way beyond the time when we should have learned our lesson.

I am delighted that the distinguished senior Senator from Massachusetts (Mr. KENNEDY) read the letter he did from one of the men—there are thousands of them, because I have received letters from them, too—who are carrying on these bombing activities, and who are asking for what? They look to us, and we do not see them. They speak to us and we do not hear. They write to us, and we do not answer. By voting for appropriations down through the years we have, in effect ordered those men to do what they are doing now.

Yes, a lot of us are against the war in Indochina and have been for 13 years, because the count of the casualties began on January 1, 1961. None of us had to go to Indochina. None of us has ever had to fly those planes. None of us has ever been in combat in this war. But we have appropriated the money, while we talked about how much we abhor this tragedy.

Do you know what the war in Southeast Asia has cost this country, in addition to divisiveness and other issues already mentioned? 55,000 Americans dead. 303,000 Americans wounded, 25,000 of them paraplegics and quadriplegics. 130 million and more American dollars spent in carrying on this activity in that part of the world. Add the figures up. Ask yourselves some questions, and recognize this fact: The only truly ultimate weapon you have is the power of the purse, and I hope you will uphold what Senators MCCLELLAN, BROOKE, and EAGLETON have tried to do in this urgent supplemental bill now before us.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement of Senator CHILES be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR CHILES

The bombing of Cambodia clearly has no Constitutional basis. I wish to register my view that the Congress should not allow this violation of the law and the Constitution to continue and should prohibit all support of U.S. combat activities in Cambodia and Laos.

Whatever authority the President did have to conduct military activities in Indochina terminated when we withdrew our troops and got our prisoners of war back. The Gulf of Tonkin resolution has been repealed and no longer serves as a source of authority, and our commitments to the South East Asia Treaty Organization (SEATO) do not extend to Cambodia because Cambodia did not sign the SEATO Agreement.

The President has no new authority attributed to him by the Congress or any other means to engage in bombing in Cambodia which was undertaken in 1970 to protect our troops in South Vietnam. Now that those troops have been withdrawn, I see no legal basis at all for the President's actions. His powers as Commander in Chief do not extend to acts of war when U.S. citizens and property are not involved.

We must insist that the President seek through Constitutional means the authority required for him to do what he is doing. The President has come to Congress only for money to finance the bombing and not for the authority to bomb. We cannot provide money for war without implicitly granting authority to engage in war.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT of Pennsylvania. Mr. President, I have received this letter:

DEAR SENATOR SCOTT: I would like to assure you of my total and unqualified support in your efforts towards insuring the full implementation of the agreement signed in Paris last January ending the Indochina conflict. I and my fellow POW's have the most profound admiration for Dr. Henry Kissinger and the outstanding contributions he has made to world peace, particularly in his accomplishments in bringing about the agreements on Indochina. I feel that it is of the utmost importance at this time that we use all means available to insure that the North Vietnamese abide strictly by these agreements in all areas. Every effort should be made to insure a full accounting of our brave countrymen who are still listed as Missing in Action in Indochina and that their sacrifice along with thousands of other brave Americans would not have been in vain.

With warm regards,

Very Respectfully,

Lt. Comdr. JOHN S. MCCAIN,

*U.S. Navy, Naval Hospital, Naval Air Station.*

JACKSONVILLE, FLA.

I have other communications:

I strongly urge whatever action is necessary including military, if required, to insure the success of the ceasefire and adherence to all parts of the 27 January agreement and in particular to a full accounting of MIA. Recommend withholding all aid to North Vietnam until all conditions of the agreement are met.

Capt. HARRY JENKINS,

CORONADO, CALIF.

---

I strongly urge that the U.S. government take whatever action that it deems necessary to insure compliance by the government of North Vietnam of the 27th of January Paris agreements on ending hostilities in Vietnam to include military action if necessary and in particular demand a full accountability of all MIA's. It is requested that action be initiated to withhold all aid to North Vietnam until compliance by the government of North Vietnam to the January 27, 1973 agreement.

Comdr. EDWARD H. MARTIN,

*U.S. Navy.*

CORONADO, CALIF.

I have a telegram from Floyd J. Thompson, colonel, U.S. Army, Honesdale, Pa., which I ask unanimous consent to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

We have every right and need to continue bombing in Cambodia. If we do not it will allow other countries a free rein. We should leave no stone unturned until every man has been accounted for. I support Senator Scott one hundred percent and as an American citizen I demand that we continue our operations in Cambodia until the ceasefire is honorably observed by both sides.

I have a communication from Col. Norman C. Gaddis, Winston-Sálem, N.C. I think this is interesting.

I believe that the U.S. should continue to insist that the North Vietnamese abide by the agreements as signed in order to terminate the conflict throughout all Southeast Asia and at the same time to allow U.S. recovery teams to conduct search operations in Communist held territory to make determinations of the fate of our Missing in Action.

Have Senators heard from their POW's lately?

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield 1 minute.

Mr. BROOKE. Mr. President, I cannot understand how we can justify the bombing in Cambodia because of the existence of 35,000 to 40,000 North Vietnamese there, when the information is that of those 35,000 to 40,000 North Vietnamese in Cambodia, only 2,000, at the most, have ever been engaged in any combat; and, at the same time, by the peace agreement, we have accepted 145,000 North Vietnamese in South Vietnam. What is the tenable rationale for this contradiction?

Mr. President, we are not bombing in Cambodia for the protection of American troops. We are not bombing in Cambodia to destroy the North Vietnamese. We are actually bombing in Cambodia to send that signal to Hanoi, and that is illegal, and it is immoral.

How many of us have had the question put to us, "Why do you permit it to go on?" We say that we cannot do anything about it, and they say, "Yes, you can, because you are appropriating the money for that bombing."

What we are trying to do in the Appropriations Committee is to cut off the appropriations so that the bombing will cease. We are not trying to hurt Dr. Kissinger in his negotiations at all.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield 1 minute to the Senator from Georgia.

Mr. NUNN. Mr. President, I have one question I wish to ask the Senator from Missouri. Is there anything in this amendment that would prohibit taking action, whatever action might be deemed prudent, in South Vietnam or North Vietnam to enforce the peace agreement?

Mr. EAGLETON. The words "North Vietnam" and "South Vietnam" do not appear in section 305, and therefore that would not be covered by the amendment.

Mr. NUNN. Is there anything to prohibit us from enforcing the provision on the missing in action in North Vietnam or South Vietnam?

Mr. EAGLETON. Nothing would prevent that.

Mr. President, I conclude by reiterating what has been said by the Senator from Massachusetts. This war is illegal, immoral, and unconstitutional. Our bombing is being undertaken in pursuit of a policy commitment that has not been approved by Congress. I therefore urge my colleagues to vote "yes" on the germaneness question and in support of my amendment.

Mr. HRUSKA. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HRUSKA. I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, as the ranking member of the Committee on Armed Services I was invited to the White House last Thursday evening for the reception for the former prisoners of war. During the several hours I was there I had the pleasure of talking with between 25 and 50 POW's. Without exception they were backing the President in what he is doing. They raised the point with me invariably: Is Congress going to take any step to prevent the President from accomplishing his goal of trying to get the MIA's home? Are we going to take steps here to prevent him from pursuing the course he has pursued up to now, because they are more interested in getting their buddies home, those with whom they fought, than in any other thing.

As the distinguished Senator from Montana said, this war has gone on for years, and it has. It has cost, as he said, $130 billion. I would say it has. Fifty thousand men have been killed and 300,000 men have been wounded. That is true.

Now, are we going to throw it all away—50,000 killed and 300,000 wounded—right on the eve of implementing the cease-fire which the President is trying to do?

All that is being asked is jut to give him a little time here to let Dr. Kissinger negotiate in order to try to get these MIA's home and to implement the cease-fire so that there will be a permanent peace. Is that asking too much?

This Senate can act later. If we do not get results now Congress can act later. I know the temper of the Senate and I know that everyone wants to bring this war to a close. It is felt it has been going on too long. But a great many people feel if the President does not have the flexibility to act, if the Senate is not behind him, if they are going to cut the ground from under him, then what does Dr. Kissinger have to go on? I hope the Senate will not take precipitate action here to cut the ground from under Dr. Kissinger, who is trying to bring the MIA's home and to implement the cease-fire agreement.

### WAR IN INDOCHINA

Mr. PERCY. Mr. President, in the absence of legal justification for continued U.S. combat activities in Indochina, I have joined in the effort to deny further funds for prosecution of the war without specific, prior congressional authorization. This effort involves more than one piece of legislation, but the intent of the sponsors and cosponsors of each bill and amendment is the same—to bring an end, once and for all, to U.S. combat activities throughout Indochina.

These legislative initiatives are very important in an historical sense, because they can put an end to warmaking by unilateral executive decision. The Constitution gives the Congress a major role in decisionmaking on war. Now, with congressional moves to end U.S. combat in Indochina, we reaffirm our commitment to the Constitution and accept the responsibility assigned us by the Founding Fathers. This accounts for the broad support of the measures under consideration. I deeply hope that they will succeed.

Mr. BAYH. Mr. President, the question before us today is simple and clearcut: Shall the Senate uphold the action of its Appropriations Committee and exercise its right to terminate the heretofore unauthorized use by the President of the United States of American military personnel in combat over Cambodia? As one of the 24 members of the Appropriations Committee, all of whom voted to terminate funding for this activity on May 15, I strongly believe that this was a proper and long overdue step.

But although the issue is now presented in clearcut terms, it has in fact ramifications which extend to the heart of our constitutional system of Government. For what is involved is no less a question than who has the ultimate authority to take the Nation to war—Congress or the Executive?

Let me first address myself to what I understand the situation to be in Cambodia today.

While there are North Vietnamese forces inside Cambodia's borders, most observers agree that most of these troops are not directly involved in combat, but are serving in a supply and advisory capacity. In contrast, American military personnel are directly engaged in combat, and it is combat at its most destructive—mass bombing of large areas of the countryside.

The administration's justification for its policy rests on two propositions—neither one of which, in my view, will withstand scrutiny. The first is that our military actions are being undertaken at the request of the Cambodian Government. Leaving aside the question of whether the present government in Phnom Penh is either legitimate or in any real sense representative of the people, the fact is that our constitution does not provide for the President to unilaterally commit American forces to prolonged military action in the absence of some form of congressional authorization. There is no treaty, no Gulf of Tonkin-type of resolution, no American community in Cambodia whose lives and property require protection.

The administration has also justified its action on the basis of article 20 of the Vietnam cease-fire agreements. But the fact is that article 20 states with absolute clarity that all outside forces must refrain from intervening in the conflict. It is difficult for me to understand how the fact that one side may be violating these agreements by deploying forces inside Cambodia, whether they are involved in combat or not, can be turned around and used as a justification for the United States to violate the accords. And most importantly from the constitutional perspective, the Vietnam cease-fire agreements have never been submitted to the Congress for approval and not therefore a treaty obligation of the United States and cannot supersede sanction acts of war.

I would also like to point out to the Senate that President Nixon himself pledged to the American people on June 3, 1970, that after July 1 of that year, no American air power would be employed in Cambodia except for the purpose of interdicting North Vietnamese forces infiltrating into South Vietnam. The administration has not indicated that the purpose of its bombing in Cambodia is to interdict troops moving into South Vietnam, and even if it were, it would no longer be a sufficient justification now that American troops and prisoners of war have been removed from Vietnam.

It is also worth noting, Mr. President, that this bombing of Cambodia is extraordinarily expensive for the American taxpayer. For the 11-week period from February 16, 1973, to May 3, 1973, it is estimated that the bombing has cost some $244 million. The daily costs are now running at about $4.8 million. At a time of Federal budget austerity, such extraordinary expenses are particularly shocking.

Nations like individuals, Mr. President, are expected to learn from their mistakes. Indeed, one common measure of intelligence is precisely that ability to learn from experience. What, then, will be the judgment of history if it turns out that we are once again lurching, in a kind of blind fury, into exactly the same sort of involvement that debilitated us for more than a decade in Vietnam? Who among us would rise to defend the wisdom of this new involvement? Who would dare defend its morality?

Yet, the fact that the President apparently has felt free to embark on this policy without even a nod at the Congress is in part our fault as well. If we had retained over the past decade a clear sense of our place in the constitutional order, we should never have allowed this to happen. Many intelligent and perceptive observers have expressed the view that perhaps there is really nothing that the Congress can do at this late date. Perhaps the President has correctly calculated that he can parry this or any other legislative thrust we might devise to end our involvement in Cambodia. Perhaps the balance of actual decision-making authority has shifted so heavily against us that we have been reduced, for all practical purposes, to an assembly of speechmakers and handwringers.

I for one, however, do not believe that this need yet be the case. I believe that by supporting today the action of our Appropriations Committee we can take a major step toward reasserting our proper constitutional authority in the area of war and peace.

Finally, while the constitutional issue is grave, we must not lose sight of the fact that its outcome involves the life or death of American citizens serving in our Nation's Armed Forces. American lives are again being lost. Are we to place the Nation back in a position where we are obligated to continue to wage war to protect the lives of our pilots who may once again be taken prisoners? Thank God, our brave POW's have been released. Let us not create a new generation of POW's.

Let us end it. Let us ground the bombers and forbid their rising again except in defense of our own clear interests. Let us at long, long last write finish to America's nightmare in Indochina, and at long, long last leave those unhappy peoples to the working out of their own destinies.

### THE AUTHORITY OF THE PRESIDENT TO CONTINUE MILITARY OPERATIONS IN CAMBODIA WITHOUT CONGRESSIONAL CONTROL

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Arizona.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### THE AUTHORITY OF THE PRESIDENT TO CONTINUE MILITARY OPERATIONS IN CAMBODIA WITHOUT CONGRESSIONAL CONTROL

(Statement of Senator BARRY GOLDWATER before the House Subcommittee on Asian and Pacific Affairs, May 10, 1973)

### I. THE INEFFICIENCY OF CONGRESS ACTING AS AN EXECUTIVE

#### *A. Washington's troubles with the Continental Congress*

Mr. Chairman, on June 20, 1775, George Washington received his commission as general and Commander in Chief of the Continental Army. From that day forward, it was a constant struggle for Washington to overcome the obstacles put in his way by Congress.

Required by his commission "punctually to observe any such orders and directions" as he should receive from Congress, then clothed with the powers of an Executive, Washington was harassed, second-guessed, and overruled on his military plans and strategy throughout the War of Independence.

It was Congress who persisted in continuing an unwise American invasion of Canada long after the project was doomed to disaster; it was Congress who ordered that Manhattan Island must be defended to the last, after Washington had instructed its evacuation, and thereby caused the useless surrender of 2,000 American troops; it was Congress who first established the Army upon a hapless system of local militia who came and went every month rather than furnishing Washington with a permanent force.

It was Congress who appointed Gates, recently exposed for plotting against Washington, as commander for the Southern Department instead of Greene, who was Washington's first choice. The result was an immediate disaster. In his very first battle, Gates lost the entire American army in the South.

And, yes, it is Congress who must be held accountable for the tragedy of Valley Forge. In August of 1777, Congress threw out a military commissary general chosen by Washington and itself assumed complete charge of the commissariat. Separated from the military organization of the Army, the commissary department suffered a total breakdown. The entire want of clothing, food, and blankets grew into tragedy as the cold weather came on. A prominent military historian has written: "The amount of harm, caused by the unwise military control usurped by Congress, can only be measured in terms of the appalling sufferings of the American soldiers at Valley Forge, which Washington was powerless to prevent." T. Frothingham, Washington Commander in Chief 234 (1930).

There are some in Congress today who would have us revert to this discredited system. They propose that Congress shall dictate when and where, for what reasons and for how long, the United States can wage military operations. They would control by legislation how many American troops can be stationed in particular areas of the world, and even when United States forces shall withdraw from ongoing hostilities.

#### *B. The framers intended to prevent a recurrence of the interference Washington experienced*

But, Mr. Chairman, this is exactly the system which very nearly led to disaster during the Revolutionary War. For that reason it was repudiated by the Constitutional Convention. The Founding Fathers had witnessed at first hand the inefficiency of the legislature interfering with military operations. They made up their minds that the new Government which they formed would have a Commander in Chief who possessed real power.

This explains why they designated the President to be Commander in Chief. By this decision, Charles Evans Hughes wrote, the Framers planned to create "a union which could fight with the strength of one people, under one government intrusted with the common defense." "The prosecution of war," he said, "demands in the highest degree the promptness, directness and unity of action in military operations which alone can proceed from the executive." Hughes, *War Powers Under the Constitution*, 85 Cent. L.J. 206, 209 (1917).

Thus, did one of the great Chief Justices echo the words of Alexander Hamilton, who wrote in the Federalist No. 73, that, "Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of executive authority."

Therefore, I contend that efforts by some in Congress to seize the function of military command into the Legislative Branch runs counter to the division of powers planned by the Founding Fathers. If this Committee should seek to order the end of all air combat operations in Cambodia, it would nullify the purpose of the Framers to place the direction of war into a single hand, the Constitutional Commander in Chief.

### II. THE MAJORITY OF AUTHORITIES AGREE THE PRESIDENT IS CHARGED WITH PRIMARY RESPONSIBILITY FOR THE NATION'S SAFETY

Mr. Chairman, Constitutional authorities throughout our history have been almost unanimous in concluding that the President is vested with an independent control and direction over the military forces in all situations where he believes there is a threat to our country or its freedoms. The notion that the President is subject to the policy directives of Congress has been rejected by leading jurists time and again. It is only during the last decade or so, after the going got tough in Vietnam, that Constitutional revisionists began changing their minds.

In the famous book which first formulated the war powers of this country, William Whiting wrote:

"Congress may effectually control the military power by refusing to vote supplies, or to raise troops, and by impeachment of the President; but for the military movements and measures essential to overcome the enemy—for the general conduct of the war—the President is responsible to and controlled by no other department of government." W. Whiting, The War Powers of the President 82 (2d ed. 1862).

As if in anticipation of the legislation now before the Committee, Whiting added that the Constitution "does not prescribe any territorial limits, within the United States, to which his military operations shall be restricted." *Id.* at 83.

Dr. John Pomeroy, Dean of the University of New York Law School, emphatically rejected the idea that "the disposition and management of the land and naval forces would be in the hands of Congress. . . ." "The policy of the Constitution is very different," Pomeroy instructs. The Legislature may "furnish the requisite supplies of money and materials" and "authorize the raising of men" but "all direct management of warlike operations . . . are as much beyond the jurisdiction of the legisature, as they are beyond that of any assemblage of private citizens." J. Pomeroy, An Introduction to the Constitutional Law of the United States 288, 289 (1870).

Professor Clarence Berdahl, who published a comprehensive study on the Executive's war powers in 1921, squarely tackled this issue. He concluded:

"Although there has been some contention that Congress, by virtue of its power to declare war and to provide for the support of the armed forces, is a superior body, and the President, as Commander-in-Chief, is 'but the Executive arm . . . in every detail and particular, subject to the commands of the lawmaking power,' practically all authorities agree that the President, as Commander-in-Chief, occupies an entirely independent position, having powers that are exclusively his, subject to no restriction or control by either the legislative or judicial departments." C. Berdahl, War Powers of the Executive in the United States 116, 117 (1921).

Professor Willoughby, author of a famous multi-volume study on Constitutional law, agreed with this position. He wrote that the power of the President to commit troops outside the country "as a means of preserving or advancing the foreign interests or relations of the United States" is a "discretionary right constitutionally vested in him, and, therefore, not subject to congressional control." 3 W. Willoughby, The Constitutional Law of the United States 1567 (2d ed. 1929).

Mr. Chairman, there are many other legal scholars whom I could cite as having reached identical findings. The same theme of Presidential responsibility for the Nation's safety runs through 180 years of legal writings.[1] Are we now to cast this aside as if it were never written? Rather, I should think, the weight of authorities in support of Presidential prerogatives would place the burden of proof on the other side. Instead of confining the subject of these hearings to the authority of the President to continue the bombing in Cambodia, I would suggest that a very proper subject of your investigation would be a detailed analysis of what the authority of the Congress is to stop that bombing.

### III. THE PRESIDENT, ACTING TO DEFEND AMERICA'S INTERESTS, IS NOT SUBJECT TO THE COMMANDS OF CONGRESS

#### *A. The declaration of war power is not the exclusive way the United States can wage war*

Certainly, the declaration of war clause gives us no such power. The idea that the only way this nation can enter into war is through a declaration by Congress is a myth. The vast majority of wars are begun without any declaration. This was as well known to the Founding Fathers as it is to us today.

In the 87 years preceding the Constitutional Convention, 38 wars were held in the Western World and only one of them was preceded by a declaration. Maurice, Hostilities Without Declaration of War 12–27 (1883). That the Founders knew of this condition is proven by Hamilton's statement in the Federalist No. 25 that declarations of war were already in disuse in the Eighteenth Century.

Thus, there is no question that when the Constitutional Convention narrowed the authority of Congress by substituting "declare" for "make" in the declaration of war clause, the Framers understood that there had been and might continue to be many instances in which hostilities would occur with no declaration. To argue that no military operations can begin without a declaration by Congress is to ignore the historical setting in which the Constitution was drafted, and, indeed, is to ignore the ensuing 184 years of life under that document.

It may come as a surprise to many Americans, but there have been over 200 foreign military hostilities in the history of our Republic and only five of them were declared. These incidents show a consistent practice by which American Presidents have responded to foreign threats with whatever force they believed was necessary and technologically available at the particular moment.

The incidents have not been limited to the Western Hemisphere or to smallscale skirmishes. At least 103 of them took place outside this Hemisphere, and 53 of these occurred in the 18th and 19th centuries. One of them, the Philippine Insurrection, involved the employment of over 126,000 United States troops in a war begun and ended without any declaration of war.

These practices form an impressive source of Constitutional interpretation of a kind which has real meaning in the courts. In fact, the principle of usage has been accepted by the Supreme Court as a *determining* factor in Constitutional interpretation. For example, in *United States v. Midwest Oil Co.* 236 U.S. 459 (1915), the Court approved the validity of a long continued practice of the President to withdraw public land from private acquisition, even though this conflicted with a contrary Act of Congress. That practice fixed the construction, the Court explained, "is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or *the existence of a power*, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation." *Id.*, at 472, 473. (emphasis added)

A decade later the Court again relied on usage as a basis for rejecting Congressional control over the Presidency. In holding that Congress could not shift gears after 73 years of practice and set conditions on the removal by the President of executive officers, even though such practice had often been the subject of bitter controversy, the Court argued:

"Nor can we concur . . . that when Congress, after full consideration and with the acquiescence and long practice of all the branches of the Government, has established the construction of the Constitution, it may by its mere subsequent legislation reverse such construction. It is not given power by itself thus to amend the Constitution." *Meyers v. United States,* 272 U.S. 52, 152, 175 (1926).

These two cases closely parallel debate over the military command powers. Here there are over a hundred years of practice in which Presidents have reacted on their own initiative to any crisis which they believed might present, or might develop into, an unacceptable threat against our national security. Many Presidents have been denounced and condemned from the floor of both Houses for taking these strong military actions. But Congress has never once passed a law blocking or ordering a halt to any of these conflicts. Congress cannot now, after full consideration and acquiescence during almost two centuries, reverse the construction of the Constitution which has become so firmly set.

To those who fear this concept may give an unrestrained power to the President to do anything he wants, I would remind them that I am speaking only of defensive actions by the Executive. The President cannot conduct a war of aggression. He cannot bully another country with threats of armed action simply because we do not like its tariff policies or the way it governs its internal affairs. His Constitutional power of independent action is limited to the defense of our country, and its freedoms; but he may act whenever and wherever in his judgment a danger exists, immediately or prospectively, which compels a response on our part.

#### *B. Congress cannot pass laws under the "necessary and proper clause" which interfere with or limit the President's power as Commander in Chief*

Nor can Congress act to restrain Presidential military operations under the guise of the "necessary and proper" clause of Article I. This notion was considered and rejected over one hundred years ago when Whiting counseled President Lincoln that Congress is "bound to pass such laws as will *aid* him" in carrying into execution his military powers. Thus, Congressional measures under the "necessary and proper" clause must be supplementary to and in aid of, the functions of the President as Commander in Chief; they cannot restrict his exercise of those functions.

That this is the correct interpretation of the Constitution is clear from the decision of the Supreme Court in *Myers v. United States*, 272 U.S. 52 (1926), where the Court held that Congress could not limit the President's discretion of removal of executive officers even though Congress itself created those offices. Chief Justice Taft, writing for the Court, emphasized that Congress cannot vary the exercise of the President's separate powers. This, he said, "would be a delegation by the [Constitutional] Convention to Congress of the function of defining the primary boundaries of another of the three great divisions of government." *Id.*, at 127.

The Court also took a restrictive view of the Necessary and Proper Clause in *Kinsella v. Singleton*, 361 U.S. 234, 247 (1960). Here it held the Clause "is not a grant of power," but merely removes uncertainty that Congress may implement the powers *otherwise* vested by the Constitution.

#### *C. Congress cannot pass appropriation restrictions which limit the President's legal power as Commander in Chief*

Neither can Congress use its powers of the purse to legislate policy restrictions over the conduct of the President's defense powers. This would be placing "the keys of the Treasury and the command of the army into the same hands," something that Madison rejected in the Federalist No. 37 as being "particularly dangerous" and therefore unintended by the Constitutional Convention.

Congress has great powers over military matters. It controls the size and the strength of the Armed Forces and the amounts and kinds of materials with which we can wage war. Congress can enact or refuse a multitude of emergency powers involving foreign trade and strategic materials. Congress can approve or reject treaties or area resolutions having defense implications. If the President undertakes a truly disastrous course, he can be impeached.

But once Congress has made its decisions of how many men shall be enlisted, or what arms constructed, the President may station those forces and send out those arms to such parts of the world as he determines appropriate in the national defense. The Constitution gives the President the authority to protect American rights and interests abroad and Congress cannot by mere legislation redefine the allotment of powers made by the Framers.[2]

The applicable rule is stated in 41 Opinions of Attorneys General 230, 233 (1955), which took the position that a rider attached to the Department of Defense Appropriation Act, 1956, "serves to usurp power confided to the executive branch."

---

[1] Though the question has never been squarely resolved by the Supreme Court, which treats the issue as a "political question" outside the competency of the judiciary, four Members of the High Court have declared in a concurring opinion that "Congress cannot direct the conduct of [military] campaigns. . . ." *Ex parte Milligan,* 71 U.S. 2, (1866). Later, the Supreme Court affirmed a holding by the Court of Claims that "Congress cannot in the disguise of 'rules for the government' of the Army impair the authority of the President as Commander in Chief." *Swaim* v. *United States,* 28 Ct. Cl. 173, 221 (1893), *aff'd,* 165 U.S. 553 (1897). The Court also has broadly stated that the Commander in Chief provision confers upon the President "such *supreme* and *undivided* command as would be necessary to the prosecution of a successful war." (emphasis added) *United States v. Sweeny,* 157 U.S. 281, 284 (1895).

[2] Justice Stewart and Justice White have commented that the Constitution endows the President with "a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense." *New York Times Co. v. United States,* 403 U.S. 713, 729 (1971).

Justice Blackman has written: that "Article II of the great document vests in the Executive Branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the Nation's safety." *Id.*, at 761.

Also pertinent to this inquiry is the holding by Justice Rehnquist, joined by the Chief Justice and Justice White, that the Executive Branch is charged "with primary responsibility for the conduct of foreign affairs. . . ." *First Nat. City Bank v. Banco Nacional De Cuba,* 406 U.S. 759, 768 (1972).

Congress may, the Opinion concluded, "impose conditions with respect to the use of the appropriation, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution. If the practice of attaching invalid conditions to legislative enactments were permissible, it is evident that the constitutional system of the separability of the branches of Government would be placed in the gravest jeopardy." *Id.*

### IV. THE LEGAL BASIS OF THE PRESIDENT'S AUTHORITY TO CONTINUE MILITARY OPERATIONS IN CAMBODIA

Applying these principles to the situation in Cambodia and Laos, or even to all of Indochina, I believe the President could properly assert at least three grounds for his authority to continue military operations in that area. He might conclude, as did the Court of Appeals for the Second Circuit, that various legislative measures by Congress served as Congressional participation in the Indochina War. *Orlando* v. *Laird*, 443, F. 2d 1039 (1971).

Acting on this participation, which ratified the Executive's military activities, the President is empowered to continue any aspect of those activities which he finds necessary to successfully achieve the objectives of this nation. The Vietnam Agreement announced by the President in January specifically includes among its major elements the withdrawal of all foreign troops from Laos and Cambodia and a ban on the use of Laotian or Cambodian base areas to encroach on the sovereignty and security of South Vietnam. It also requires as an essential condition respect for the independence and neutrality of Laos and Cambodia. North Vietnam has clearly violated these requirements. Therefore, the President, as Commander in Chief, may respond with actions calculated to enforce the Agreement.

In the alternative, the President might find, as was suggested by the Court of Appeals for the District of Columbia, that "[e]ven if his predecessors had exceeded their constitutional authority, President Nixon's duty did not go beyond trying, in good faith and to the best of his ability, to bring the war to an end as promptly as was consistent with the safety of those fighting *and with a profound concern for the durable interests of the nation—its defense, its honor, its morality.*" (emphasis added) *Mitchell* v. *Laird*, ——— F. 2d ——— (No. 71-1510, D.C. Cir. March 20, 1973).

Finding this, the President could reasonably decide that the turn of events in Cambodia, or in Indochina for that matter, do not measure up to the results which he believes are necessary to protect the nation's "durable interests."

Finally, the President could rely solely upon his independent powers as Commander in Chief and conductor of the nation's foreign policy. So long as he determines that the Cambodian or Vietnamese situation threatens the vital security interests of the United States, he can use force to allay that threat. In an age of rampant dictatorships and a physically shrunken world of interrelated societies, the principle of an independent authority on the part of the President to wage war in crisis situations is a national life insurance policy.

Mr. HRUSKA. Mr. President, is there any further request for time on this side?

Mr. President, I am prepared to yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back. The question before the Senate is: Is the amendment germane?

Mr. EAGLETON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question before the Senate is: Is the amendment germane to the House-passed language to the bill. The Chair did not rule on the question but submits it to the Senate for decision.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Nevada (Mr. BIBLE), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. TALMADGE), and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), and the Senator from Hawaii (Mr. FONG) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

On this vote, the Senator from New Hampshire (Mr. COTTON) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Arizona would vote "nay."

The yeas and nays resulted—yeas 55, nays 21, as follows:

[No. 155 Leg.]

YEAS—55

Aiken
Bartlett
Bayh
Bentsen
Biden
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Clark
Cranston
Domenici
Eagleton
Fulbright
Gravel
Gurney
Haskell
Hatfield
Hathaway
Hughes
Humphrey
Javits
Johnston
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McClure
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—21

Allen
Beall
Brock
Buckley
Curtis
Dole
Eastland
Fannin
Griffin
Hansen
Helms
Hruska
Jackson
Long
Roth
Saxbe
Scott, Pa.
Taft
Thurmond
Tower
Young

NOT VOTING—24

Abourezk
Baker
Bellmon
Bennett
Bible
Cannon
Chiles
Church
Cook
Cotton
Dominick
Ervin
Fong
Goldwater
Hart
Hartke
Hollings
Huddleston
Inouye
McGee
McGovern
Montoya
Stennis
Talmadge

The PRESIDING OFFICER. On this question the yeas are 55, the nays are 21. The decision of the Senate is that the amendment is germane.

The question recurs on the adoption of the committee amendment.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote.

Mr. EAGLETON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT of Pennsylvania. Mr. President, I rise to ask the distinguished majority leader what is the order of business for today and thereafter, as best he can tell us.

The PRESIDING OFFICER. Will the Senator suspend for a minute to get order in the Chamber? The Senate will be in order.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, I have to ask a question in return. Would it be possible to vote on the pending amendment tonight?

Mr. TOWER. Mr. President, I think I can answer that question.

Mr. SCOTT of Pennsylvania. Mr. President, the Senator from Texas (Mr. TOWER) rises to indicate that he can answer that question. He rises in rather a negative fashion, I believe.

Mr. MANSFIELD. But in a fashion that is rather indicative, I suspect.

Mr. SCOTT of Pennsylvania. The Senator indicates that he wishes to peruse the question.

Mr. MANSFIELD. Mr. President, could the distinguished minority leader, for the information of the Senate, tell us when it might be possible to arrive at a vote? I ask the question with this thought in mind. The Senator may recall that when the urgent supplemental bill was reported out of the committee 2 weeks ago today by a vote of 24 to nothing, it was then that a member of the committee asked for the usual 3-day delay so that he could write supplemental views for the report.

The Senator was aware that some Members were going to ask for the usual 3 days when the urgent supplemental appropriations bill appeared on the calendar. They then thought that there might be some extended discussion because of the importance of certain aspects of the legislation. So we laid the measure down in response to the agreement by the distinguished minority leader on Wednesday last, just before we went out, and it was the pending business today upon our return.

We were hopeful that we could complete this measure today because it is an urgent supplemental appropriations bill. And I assumed that the "urgent" meant something. I gather from what the distinguished Senator from Texas has said that he is really in no hurry.

Mr. SCOTT of Pennsylvania. Mr. President, before the Senator from Texas answers, I would like to get a definition of "urgent" because I am informed by the Defense Department that if they are not permitted to transfer $170 million in the 30 days remaining of the fiscal year, it is very likely that a good many people will be laid off their jobs and that a substantial part of the Defense Department will have to be curtailed not because of the bombing of Cambodia, but because of the inability of the Defense Department to use that $170 million in the usual way in which they have been able to use appropriations.

I am not on the Defense Appropriations Subcommittee. I do not know how that works. However, I think there is an urgency. The urgency is to permit the Defense Department to function. Under the pending amendment, the Defense Department will have to curtail its functions. And when Senators come in to ask why 100, 200, or more people have been laid off in their States, I think we might give them the answer and tell them that it might well be due to the disposition we make of the so-called urgent supplemental appropriations bill.

In any event, I understand that there are some amendments to be offered to the Eagleton amendment. I am willing to proceed in an orderly manner and possibly we can work out certain time agreements later.

I believe that some Senators wish to consult tonight on the amendments they want to offer. Then there are amendments to other parts of the bill.

The Senate does not act on urgent supplemental bills within one day. And the effect of what the Senate is about to do here is so urgently destructive of the normal operations of the Defense Department that we would like to delay the consideration of this matter overnight and consider it tomorrow.

Mr. MANSFIELD. That would be fine. I am perfectly agreeable. If the Senator wants to go through the rest of next month, then there will be no need for an urgent supplemental.

I feel sorry for the 100 or 200 people who may be laid off because of the lack of money for the Defense Department. However, even on that basis it is a pretty high price to pay. I might like to get one of those jobs myself. However, the bombing of Cambodia will continue and millions of dollars will be spent to fly the planes, to drop the bomb tonnage, and to decimate the people and ravage the land.

I do not think it will do us much good. To be honest, I believe that to delay this much further will not do much except with respect to an amendment on the bill, the Eagleton amendment.

I hope that the distinguished Republican leader, with his usual courtesy and understanding, will recognize that we have other important pieces of legislation on the calendar and would like to take them up at an expeditious time. However, what the minority desires, the majority will try to comply with. If the distinguished Senator from Texas has a comment to make, I would be most appreciative.

Mr. SCOTT of Pennsylvania. Mr. President, I have a brief comment to make first. The distinguished majority leader spoke of a delay of a month. I do not think that anyone indicated such a delay. I spoke of a delay of a day or two. However, we spent 3 or 4 or 5 weeks talking about a postcard registration bill here.

Mr. MANSFIELD. The Senator is correct.

Mr. SCOTT of Pennsylvania. And we spent an infinite amount of time on some measures, some of which were nit picking. Now we have an Urgent Supplemental Appropriations bill. And the urgency cuts both ways. We have ways to dispose of this delay. I am an amiable man according to my own biography.

Mr. TOWER. Mr. President, I do not think any of us wants to string this out. However, it is a matter on which some feel very keenly about. We think it is necessary to address amendments to the Senate and debate the matter and vote on them as substantive issues. The amendments will be disposed of, and there will be procedural amendments.

A number of us wanted to discuss ways in which we could proceed tomorrow. This is not a filibuster threat or anything like that.

Mr. MANSFIELD. Mr. President, I appreciate that comment. There are those of us who would like to discuss the matter and vote on the substance of this amendment now that the question of germaneness has been settled.

I take the Senator at his word when he indicates that there is to be no filibuster and that we will face up to the issue shortly and dispose of it.

I wanted to get the record straight so that the Senate would be aware of whether or not there would be a possibility of voting tonight on this amendment or sometime tomorrow. This takes a little study.

### ORDER OF ADJOURNMENT

Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I suggest that if the Eagleton amendment is delayed, it would cause the bill to go over until tomorrow. Could we not set that amendment aside temporarily and proceed to other amendments and make as much progress tonight as we can?

I have other duties tomorrow in connection with the Appropriations Committee, and I would like, if we could, to get as far as we can tonight on this bill. However, I would like to make what progress we can and hopefully dispose of the Eagleton amendment without undue delay.

Mr. MANSFIELD. Mr. President, could the distinguished chairman of the committee inform the Senate if there are any difficult amendments or to the best of his knowledge whether there are amendments which could be disposed of?

Mr. McCLELLAN. Mr. President, I do not know what all the other amendments contain. The Senator from New York has an amendment. I hope that some agreement could be reached between the Senator from New York and the chairman of the subcommittee. If so, the amendment could be disposed of quickly.

We have an amendment here with respect to emergency disaster funds. We are out of funds in one category completely. There has been a great disaster since the bill was reported out. There is not enough money in the bill to assist those affected.

We are anxious to increase the amount of money in the bill to meet contingencies that have arisen.

I would like to get those amendments disposed of tonight if we can.

Mr. MANSFIELD. All right. If the Senator will yield, I would suggest, Mr. President, that we take up the Javits amendment and the disaster amendment tonight. Hopefully they can be taken up expeditiously; hopefully there will be no rollcalls; and hopefully we can get back onto the main part of this bill, as far as the Senate is concerned, tomorrow.

Mr. SCOTT of Pennsylvania. Mr. President, I have heard no objection to that suggestion. I make that comment specifically so that it will not be reported in the newspapers that we are unduly delaying the proceedings. Let us go ahead.

Mr. McCLELLAN. Mr. President, let me say that all I am undertaking to do is make as much progress as we can tonight.

Mr. JAVITS. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The Chair will state that it will require unanimous consent to proceed in that fashion.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to take up the Javits amendment and the disaster amendment this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. JAVITS. Mr. President, if I can withhold that for a moment and have the attention of the Senate, let me state that this is an amendment dealing with the Neighborhood Youth Corps. It can be argued in about 15 minutes. We may have to have a rollcall.

The PRESIDING OFFICER. Will the Senator suspend until order is restored? The Senate will be in order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. If I may have the attention of the distinguished Senator from New York, I ask that he allow the amendment of the distinguished Senator from Arkansas to be offered at this time, to be followed by his amendment.

Mr. JAVITS. Will unanimous consent follow so that we can dispose of them both either today or in the morning?

Mr. MANSFIELD. Yes, they will follow one another in order.

Mr. JAVITS. Very well.

Mr. McCLELLAN. Mr. President, on behalf of myself, my distinguished colleague (Mr. FULBRIGHT), and the distinguished Senators from Alabama (Mr. SPARKMAN and Mr. ALLEN), I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 31, line 19, strike out $500,000" and insert "$1,000,000".

On page 31, line 22, strike "$150,000,000" and insert $500,000,000".

Mr. McCLLELAN. Mr. President, in offering this amendment, I wish to state that I have been advised that the President will shortly submit to the Senate for consideration in connection with this appropriation bill a supplemental budget estimate of $300 million for the Small Business Administration disaster loan fund. In addition $500,000 will be requested in this supplemental request for salaries and expenses of the Small Business Administration to be derived from the disaster loan fund and to be used for administering the program. The Office of Management and Budget furnished to the Committee on Appropriations this morning a statement from the office of Mr. Eberle, Assistant Director of OMB justifying the need for these additional funds.

I ask unanimous consent that the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### SMALL BUSINESS ADMINISTRATION SUPPLEMENTAL

A $300 million supplemental appropriation is requested for the "Disaster Loan Fund" authorized by the Small Business Act. An additional $500,000 is also needed for "Salaries and Expenses" of the Small Business Administration, to be transferred from the Disaster Loan Fund.

The additional supplemental request for $300 million is needed to provide assistance to the victims of disasters which have been declared since the 1974 budget was transmitted. The request covers recent tornadoes in Texas, Alabama, Georgia and Virginia as well as the extensive flooding along the 1400-mile Mississippi River Valley, areas around the Great Lakes, and the recent flooding in Colorado. The supplemental also provides for additional requirements in connection with disasters covered by the $150 million supplemental appropriation provided in the bill presently before the Senate.

It is anticipated that $150 million of the $300 million will be available as a reserve for disasters which may be declared in the coming months.

The transfer of an additional $500,000 is needed for disaster loan making during the remainder of fiscal year 1973. These funds are primarily for the payment of salaries and expenses of temporary employees directly associated with the processing, acceptance and approval of Disaster Loan applications.

Damage assessments have not been completed for those tornadoes which have occurred during the past three or four days, and consequently, it is not possible to estimate relief requirements. However, to the extent these disasters qualify for Federal assistance, the supplemental will provide a reserve of funds for disaster relief.

Mr. McCLELLAN. Mr. President, I have been assured by the administration that at least $150 million of the $300 million that was reported in this request will be available for loans for relief from disasters such as tornadoes which inflicted personal losses and property damage in the States of Arkansas and Alabama, and other States, during the past few days. Three people were killed, 200 were injured, and 3,500 homes and businesses were destroyed in Arkansas within the past weekend. Preliminary estimates indicate damage to public facilities in Arkansas between $4 million to $6 million, and damage to private property anywhere between $45 million and $50 million. It is feared that these figures may well have to be revised upward as further estimates are made.

I do not have the figures of estimates for other States which have suffered comparably with Arkansas, but we know that those losses run into the millions and millions of dollars. The amendment which I am offering, for myself and my colleagues who are cosponsoring it, would insert in the bill $350 million instead of the $300 million that is recommended in the supplemental budget estimate. Since the bill the committees reported contained $150 million, this will provide a total of $500 million for this purpose.

I am suggesting this increase with the thought that we should not now, while we have the opportunity before us, to make sure that ample relief funds are available to those who have suffered from the tragic disasters. This is an emergency-type fund to be available as needed and until it is expended. There is no time limit attached to it and it is available beyond the remainder of this fiscal year.

Obviously, no one can predict a disaster, but we should make sure that we provide ample relief funds to be available if and when the need arises. We now have such a need. I urge the approval of the amendment.

With regard to the disaster loan fund administered by the Small Business Administration, the committee has been advised that as of the close of business today, the disaster loan fund will be completely depleted.

We have only added in this amendment another $50 million, over the administration request to be sure that we have enough to meet this situation.

Appropriations for the disaster loan fund remain available until expended. No additional funds for the disaster loan fund are contained in the President's fiscal 1974 budget. So, to have any carryover, we have to place it in this bill.

I now yield to my colleague from Arkansas.

Mr. FULBRIGHT. Mr. President——

Mr. MAGNUSON. I wonder whether the Senator would yield to me for one question.

Mr. McCLELLAN. I yield.

Mr. MAGNUSON. The new money will be under the terms of the loan, or the terms of the bill we passed last week, is that not correct?

Mr. McCLELLAN. That is correct.

Mr. MAGNUSON. I do not recall exactly, but did we not lower the $5,000 forgiveness to $4,000?

Mr. McCLELLAN. $4,000, yes.

Mr. MAGNUSON. $4,000, correct. So this money we are putting in here, we have to put it at $4,000, which will be the forgiveness.

Mr. McCLELLAN. Understand that we passed the bill in the Senate, but it has not yet been passed in the House.

Mr. MAGNUSON. I understand, but we arrived at the $4,000 figure for the forgiveness.

Mr. McCLELLAN. Yes, we passed the bill in the Senate, that is correct.

Mr. MAGNUSON. That is all I wanted to know and I thank the Senator for his information.

Mr. FULBRIGHT. Mr. President, I thank my colleague for yielding to me. I asked today about the bill and it is in the Banking Committee in the House. I was told that today.

Mr. President, I associate myself with the statement just made by my colleague (Mr. McCLELLAN) who is on top of this matter, and I am very much pleased that he has given that extra $50 million, because the reports coming in today are considerably larger, just from the one tornado which hit in Craighead County in my State, where the county judge, Bill Clark, estimated $30 million in damage. The estimate now is $40 million to $60 million.

It is by far the most serious disaster ever to hit Arkansas that we know of in its history—certainly in modern times. It is a coincidence that the Jonesboro area was hit 5 years ago by a much less destructive tornado insofar as property damage went, although the destruction in lives was enormous—34 lives were lost in 1968. Damage was approximately, as I recall it, between $5 and $10 million. This time, 3 lives were lost but the damage is estimated now, as of today, by County Judge Bill Clark as being between $40 million and $60 million. As the Senator has already stated, the damage to homes, and so forth, is tremendous.

Also, I invite attention to several tornadoes that swept through other counties. Crawford County, for instance, estimates $1 million damage. Jackson County estimates $750,000. It is amazing how many tornadoes struck this past weekend. As a matter of fact, I heard on the radio that something like 160 tornadoes took place all over the country. There was tremendous loss in Alabama, comparable to that in Arkansas. I have not checked that exactly. One town in Alabama, I believe Brent, was completely destroyed.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Arkansas Gazette on May 29, 1973, which gives further information, for the benefit of the Senate, as to the exact damage—which was truly devastating. It merely fortifies and gives more detail to what my colleague (Mr. McCLELLAN) had to say about it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### JONESBORO

The more the damage was examined the more the belief grew that Sunday's tornado was far worse than the one five years ago and might be the most damaging the state has known.

The school year was ended one week early because so many school buildings were damaged beyond use.

The tornado—it was probably two tornadoes—struck just before 1 a.m. Sunday and killed 1 person in Jonesboro and two at Otwell.

It did devastating damage to buildings and property across the residential south side of town, and up the business district along Caraway Road. St. Bernard's Hospital reported that 247 persons had been treated and 21 were admitted for treatment. Only one of those had been released by late Monday afternoon.

County Judge Bill Clark said, "It's going to be tough. There's going to be blood, sweat and tears, but we're going to make the thing."

Mayor Neil Stallings estimated Monday that the total area of destruction was four times that of the 1968 storm and estimated the property damage would be 20 times greater. He also noted that Sunday's storm struck areas of more dense population and unlike 1968 had heavily damaged commercial property. Clark said the damage would run to $30 million or more. Both Stallings and Clark commended the spirit of local residents in regrouping quickly and beginning repair efforts.

With several thousand persons homeless, all were being fed and sheltered as far as was known. Most of the churches in town abandoned formal services Sunday and set their congregations to preparing food. The Jonesboro Community Center furnished both food and a place to sleep, but no one slept there Sunday night. Instead the homeless families went to homes of friends or relatives or in many cases moved into hotels and motels, relying on homeowner insurance to cover that cost.

Superintendent Clarence H. Geis said that five of nine schools were damaged, the high school most of all. The district has insurance that is designed to cover 90 per cent of the cost of replacement up to $5.7 million, but the Superintendent wasn't sure that would be enough.

Red Cross officials estimate that 50 homes at Jonesboro were totally destroyed, 2000 suffered major damage and 2000 suffered lesser damage. The Red Cross classifies major damage as 30 per cent or more of the building destroyed.

Mr. FULBRIGHT. Mr. President, I believe that this is a measure of the highest priority. Together with the bill passed by the Senate, it will give some immediate relief, assuming the bill will pass the House in the near future. In any case, it is important that this amendment be passed at least to give the people who have been made completely homeless—and there are a great many people who lost all their personal belongings and their homes and are now being taken care of by the Red Cross or the National Guard—a lift to their spirits by the passage of this amendment, and I hope that the Senate will accept it.

Mr. ALLEN. Mr. President, I wish to associate myself with the remarks of the distinguished Senators from Arkansas (Mr. McCLELLAN and Mr. FULBRIGHT), with regard to the necessity for the adoption of this amendment.

I particularly wish to commend the Senator from Arkansas (Mr. McCLELLAN), the chairman of the Committee on Appropriations, for his initiative, his thoughtfulness, and his humanitarian approach to the problem.

I also wish to commend the administration for suggesting an addition to the $150 million already in the bill, of the additional $300 million to which the Senator from Arkansas (Mr. McCLELLAN), by this amendment, has added an additional $50 million, making a total of a half billion dollars.

Mr. President, the terrible tragedy which struck many sections of the country was most severe in my home State of Alabama. I wish to commend the Senator from Arkansas (Mr. McCLELLAN) for allowing me and my distinguished senior colleague from Alabama (Mr. SPARKMAN) to join him as cosponsors of the amendment.

I have been in communication with the office of the Governor of Alabama and am advised by his office that the property damage in Alabama ran well in excess of $25 million, that at least 8 Alabamians were killed in the various tornadoes that struck our State, that some 300 or more persons were seriously injured, homes were wiped out, factories were wiped out, and the town of Brent, Ala., having a population of some 2,200 people, was almost completely demolished.

Mr. President, the severity of the tornadoes which struck the States of Alabama and Arkansas is certainly evidenced by the fact that today, just 2 days after the occurrence of this tragedy, the President of the United States has declared Alabama and Arkansas major disaster areas. It sometimes takes weeks or months for such declarations to be made. But the severity and the enormity of this tragedy are well pointed out by this prompt action on the part of the President. I commend the President for his humanitarian approach to this entire problem. He certainly has demonstrated his concern for the families of those who were killed, for those who were injured, for those who lost their homes and their possessions.

I wish to add my commendation to the amendment and to recommend its adoption.

Mr. FULBRIGHT. Mr. President, I meant to add something a moment ago.

I realize that the bill referred to has passed the Senate and has gone to the House. I discussed this matter generally with the Senator from Ohio (Mr. TAFT) earlier in the day. He was a cosponsor, with the Senator from Illinois, of that bill. We discussed it, and I just want to say that I think that, in conjunction with some of my colleagues, I will consider a new bill. I do not think we should try to put it on this bill, because of the nature of the bill, but a bill setting up a better method of administration for this type of disaster and reconsidering the question of the amount of the forgiveness.

The thing that precipitated the criticism of the old forgiveness, the $5,000 forgiveness, was the abuse of that program, I believe, in California and Pennsylvania, where people took advantage of it and, according to the reports that were reported on the floor, made it almost an absurdity because of the degree.

In view of the extent of this type of disaster, I think we should reconsider the entire matter, with special regard to a better method of administration of it, to avoid the kind of abuse that developed in those two cases. But inasmuch as the bill has already passed the Senate, I did not think it would be useful to try to load this bill down with that.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. TAFT. I agree with the Senator. I think it is appropriate at this time to provide additional funds.

Unfortunately, as pointed out, when the Taft-Stevenson amendment was adopted by the Senate, the present program terminated, insofar as loan forgiveness is concerned, on April 30.

I also point out that, of course, the Committee on Banking, Housing and Urban Affairs has before it at the present time a comprehensive disaster relief bill into which the provisions of the Stevenson-Taft amendment might well be incorporated. Hopefully administrative changes and improved procedures will alleviate the very considerable burden on the Small Business Administration.

Mr. FULBRIGHT. I hope that bill, which is before the committee in the House, will receive notice. I am sure attention will be given to the statement Senator McCLELLAN has made, with the recommendation to incorporate it into that bill, together with the similar provisions as to forgiveness and interest rates. It might be done very soon if it could be done in that way.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment, together with the names of the cosponsors, be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment and the names of the cosponsors will be printed in the Record.

The amendment proposed by Mr. Javits (for himself, Mr. Abourezk, Mr. Burdick, Mr. Cannon, Mr. Clark, Mr. Cranston, Mr. Hathaway, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. Nelson, Mr. Williams, Mr. Bayh, Mr. Weicker, Mr. McGovern, Mr. Taft, Mr. Randolph, Mr. Mathias, Mr. Brooke, Mr. Haskell, Mr. Hatfield, Mr. Tunney, Mr. Fulbright, Mr. Mondale, Mr. Stafford, Mr. Pell, Mr. Biden, Mr. Eagleton, and Mr. Beall) reads as follows:

> On page 12, after line 21, insert the following:
>
> "MANPOWER ADMINISTRATION
>
> "MANPOWER TRAINING ACTIVITIES
>
> "For an additional amount for 'Manpower training activities', to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, $67,660,011, to remain available until September 30, 1973: *Provided*, That this appropriation shall not be available for the purposes of sections 106(d) and 309(b) of said Act."

Mr. JAVITS. Mr. President, the purpose of the amendment is to add an aggregate of $67,660,011 for the Neighborhood Youth Corps summer job program, which provides work experience between school years for economically disadvantaged youth 14 to 21 years of age, and for related transportation and recreation efforts for the coming summer.

The total consists of the following basic amounts:

For the Neighborhood Youth Corps summer job program, $55,730,000. When added to the $256,503,000 already specifically appropriated for the program, the amendment provide an aggregate of $312,233,000 which may be made available for 740,222 9-week slots—at a unit cost of approximately $422 per slot—the exact levels provided last year and documented as the very minimum necessary for this summer 1973, by the National League of Cities-U.S. Conference of Mayors. Each slot consists of 27 hours of work experience per week with public or nonprofit agencies. Our amendment will provide nationwide approximately 134,222 slots above the estimated 606,000 which could be made available under existing appropriations alone.

For recreational support which provides opportunities for poor youths ages 6 to 13, $9,946,580. When added to the $15 million already to be made available from other sources, it will provide an aggregate of $24,946,580, the amount documented as the minimum necessary by the National League of Cities-U.S. Conference of Mayors for approximately 3.7 million opportunities;

For transportation support for the job and recreation programs, $1,983,431. When added to the $1,700,000 already made available from other sources, it will provide an aggregate of $3,683,431, the amount documented as the minimum necessary by the National League of Cities-U.S. Conference of Mayors for approximately 1.8 million opportunities.

The administration originally requested and the Congress appropriated $256,503,000 for the Neighborhood Youth Corps summer program; these amounts were contained in the Supplemental Appropriations Act of 1972—Public Law 92–607—signed by the President on October 31, 1972, and the Continuing Appropriations Act (Public Law 93–9) signed on March 9, 1973.

However, in its fiscal 1974 budget submission, the administration requested rescission of its own request for the $256.5 million for the summer program as well as for other manpower training programs—such as Job Corps, the in-school Neighborhood Youth Corps program and New Careers—so that nothing would be provided for the Neighborhood Youth Corps summer program, which has been conducted since 1965. Instead the administration urged the cities and States to use for summer jobs for youth as much as $300 million of the $1.25 billion appropriated, also at the administration's request, for fiscal year 1973 for the specific purpose of the public employment program under the Emergency Employment Act of 1971 and it has sought to provide recreation and transportation from other sources.

Mr. President, the Emergency Employment Act of 1971 was established to deal with endemic unemployment and for the principal purpose of providing transitional public service jobs for adults, with emphasis on the needs of veterans and those on welfare, as well as persons displaced by technological change.

The report of the Senate Committee on Appropriations, like that of the House, has rejected the requests for rescission of manpower training funds—totaling $238,881,000—and specifically directed that funds already appropriated for the Neighborhood Youth Corps summer program—$256.5 million—be released and obligated before the close of this fiscal year. In addition, the Senate Committee on Appropriations states—at page 3 of the report:

> With respect to the proposed rescission for the Department of Labor, the Committee strongly recommends against the use of funds for public service employment to carry out the Neighborhood Youth Corps summer program. The Committee feels that the programs involved are intended to serve two separate and distinct purposes, and that funds should not be commingled.

However, if States and cities are to maintain the Neighborhood Youth Corps summer job program this summer, merely at last year's level, not to mention additional documented needs, they nonetheless will have to use at least $55,730,000 in Emergency Employment Act funds; in short the committee's own recommendation against use of Emergency Employment Act funds cannot be observed without appropriation of these additional funds for the Neighborhood Youth Corps summer job program.

Accordingly, under our amendment we seek only the amount necessary to prevent such a diversion in the public employment program—forcing cities and States to fire or to fail to hire adults—as well as meet related needs for transportation and recreation.

In this connection, it should be noted that the $55,730,000 requested under our amendment for the Neighborhood Youth Corps summer job program is the bare minimum necessary to maintain the program at last year's aggregate level of 740,222 opportunities.

Mr. President, in fact the substantiated needs for this summer are much greater. When I appeared before the HEW-Labor Subcommittee on March 28, 1973, regarding this matter, I urged that the subcommittee meet the needs documented by the National League of Cities-U.S. Conference of Mayors, January 12, 1973, for an aggregate of 1,018,991 opportunities in the summer job program.

To meet that need on a 9-week basis would have required a supplemental of $172,696,009—or $116,966,009 above the amount we seek today.

We are seeking the lesser amount in recognition of the fact that the beginning of the summer program is now only 2 weeks away and while the needs substantiated by the National League of Cities in January are still very real, there is some question whether such a substantial additional amount could be effectively used at this hour.

Accordingly, the amount we seek is very "trim" and can be used—without any question—effectively, since it will bring the program to exactly the level of last summer and therefore a level to which they can effectively gear up based on last year's experience.

Mr. President, if the funds I have requested and the amounts previously appropriated are not made available and the cities and States use the EEA funds to meet those needs, there will be a very real diminution in the man-years under the Emergency Employment Act.

This is where the "Hobson's choice" comes in for if funds are diverted to summer jobs for youth just at last year's level, the man-years under the EEA will go from 180,250 down to 131,931—a drop of almost 50,000.

Someone is going to get hurt and will either be out of a job because he or she was not hired under the public employment program or had to be let go earlier had the diversion of funds not taken place.

This effect is documented on a State and city basis by the Department of Labor's own statistics in charts provided to members and prepared at my request.

Mr. President, the suggested diversion of Emergency Employment Act funds to the purpose of summer jobs has more than an effect in terms of slots and dollars—it has a very disruptive administrative effect. This arises not only from the fact that States and cities are left up in the air, but because the delivery systems for these two programs vary.

As a general matter, the Emergency Employment Act is administered by program agents which are cities and counties of 75,000 population and are State governments in the remaining areas; in contrast, the Neighborhood Youth Corps has a more variable format with funds going through different levels of government depending upon the jurisdiction involved, in a number of cases with funding directly to cities below the 75,000 population level.

This means quite simply, that if summer jobs are provided through the EEA mechanism many localities that had programs last year will not have them this year.

Our amendment would remedy that situation by providing for distribution essentially through the same Neighborhood Youth Corps sponsors as last year.

Mr. President, it is important that my colleagues understand that although these programs are very necessary in the sweltering larger cities of our Nation, most of the funds will benefit smaller cities through the various States.

Of the 740,222 slots made available last year—which is the basis for the request under our amendment—only 247,964 were available in the 50 major cities; the balance of 492,258—approximately two-thirds of the total—were channeled through State and other units of general local government to smaller urban and rural areas.

This is reflected also generally in terms of dollars—the 50 largest cities received $104,640,800 out of a total of $321,233,000 provided in the summer of 1972—again the level which is sought under this amendment for this summer.

A good example of a rural and State—in relative terms—is Arkansas and there at least $3,900 and 9,242 slots are needed statewide; this amendment is designed to meet the specific needs of such areas as well as the major cities such as my own city of New York.

Also by way of example, last year, the following slots were provided in smaller cities:

| City | Population | 1972 slots |
|---|---|---|
| Akron, Ohio | 275, 425 | 1, 190 |
| Albany, N.Y | 114, 873 | 449 |
| Albuquerque, N. Mex | 243, 751 | 815 |
| Amarillo, Tex | 127, 010 | 820 |
| Baton Rouge, La | 165, 963 | 150 |
| Columbia, S.C | 113, 542 | 2, 030 |
| Columbus, Ga | 154, 168 | 1, 720 |
| Dayton, Ohio | 243, 601 | 1, 320 |
| Des Moines, Iowa | 200, 587 | 750 |
| Erie, Pa | 129, 231 | 950 |
| Flint, Mich | 193, 317 | 920 |
| Fort Lauderdale, Fla | 139, 590 | 600 |
| Gary, Ind | 175, 415 | 3, 500 |
| Greensboro, N.C | 144, 076 | 880 |
| Hartford, Conn | 158, 017 | 2, 495 |
| Jackson, Miss | 153, 968 | 403 |
| Knoxville, Tenn | 174, 587 | 1, 520 |
| Lansing, Mich | 131, 546 | 460 |
| Lincoln, Neba | 149, 518 | 386 |
| Little Rock, Ark | 132, 483 | 72 |
| Mobile, Ala | 190, 026 | 756 |
| Montgomery, Ala | 133, 386 | 557 |
| Riverside, Calif | 140, 089 | 75 |
| Santa Ana, Calif | 156, 601 | 1, 900 |
| Savannah, Ga | 118, 349 | 550 |
| Shreveport, La | 182, 064 | 628 |
| Syracuse, N.Y | 197, 208 | 1, 200 |
| Tacoma, Wash | 154, 581 | 588 |
| Wichita, Kans | 276, 554 | 1, 075 |
| Winston-Salem, N.C | 132, 913 | 750 |
| Worcester, Mass | 176, 572 | 705 |

Mr. President, one further point and that is the question of the extent to which the private sector can take up the slack.

The National Alliance of Businessmen has established as a goal an aggregate of 175,000 opportunities throughout the Nation, but this is the same number essentially as they actually provided last year, and so—all other things being equal—their effort cannot be expected to warrant any reduction in the principal public sector effort, which the Neighborhood Youth Corps program represents.

Mr. President, we are dealing here with very real needs—each slot represents a person—and as usual the situation as we approach the summer is very volatile. I hope therefore that we will provide alternatives to restlessness—either among youth or returning veterans and others by meeting minimum requirements for all.

I ask unanimous consent that there be printed in the RECORD the following: charts detailing the amounts available and the amounts necessary to maintain the Neighborhood Youth Corps summer job program in the 50 largest cities and each of the States; charts indicating the diminution in funds and man-years under the EEA if funds are diverted in each of the 50 largest cities and each of the States; documented transportation and recreational support needs; the President's statement of March 21, 1973, and a letter dated May 25, 1973 from the National League of Cities-U.S. Conference of Mayors, in support of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

|  | Amounts necessary to maintain neighborhood Youth Corps job program during summer 1973 at level of summer 1972 (Javits supplemental of $55,730,000 plus $256,503,000 already appropriated and to be made available under committee report)[1] |  | Amounts available under committee report (from $256,503,000 already appropriated)[2] |  |
|---|---|---|---|---|
|  | Amounts | Slots | Amounts | Slots |
| Alabama | $6, 671, 000 | 15, 808 | $5, 470, 220 | 12, 962 |
| Alaska | 1, 119, 000 | 2, 651 | 917, 580 | 2, 174 |
| Arizona | 4, 120, 000 | 9, 763 | 3, 378, 400 | 8, 006 |
| Arkansas | 3, 900, 000 | 9, 242 | 3, 198, 000 | 7, 578 |
| California | 34, 146, 000 | 80, 915 | 27, 999, 720 | 66, 350 |
| Colorado | 2, 602, 000 | 6, 165 | 2, 133, 640 | 5, 056 |
| Connecticut | 4, 361, 000 | 10, 334 | 3, 576, 020 | 8, 474 |
| Delaware | 745, 000 | 1, 765 | 610, 900 | 1, 448 |
| District of Columbia | 4, 773, 000 | 11, 310 | 3, 913, 860 | 9, 275 |
| Florida | 9, 182, 000 | 21, 758 | 7, 529, 240 | 17, 812 |
| Georgia | 7, 304, 000 | 17, 308 | 5, 989, 280 | 14, 193 |
| Hawaii | 839, 000 | 1, 988 | 687, 980 | 1, 630 |
| Idaho | 747, 000 | 1, 770 | 612, 540 | 1, 452 |
| Illinois | 16, 493, 000 | 39, 083 | 13, 524, 260 | 32, 048 |
| Indiana | 6, 842, 000 | 16, 213 | 5, 610, 440 | 13, 295 |
| Iowa | 2, 385, 000 | 5, 652 | 1, 955, 700 | 4, 634 |
| Kansas | 2, 234, 000 | 5, 294 | 1, 831, 880 | 4, 341 |
| Kentucky | 6, 158, 000 | 14, 592 | 5, 049, 560 | 11, 966 |
| Louisiana | 7, 327, 000 | 17, 363 | 6, 008, 140 | 14, 237 |
| Maine | 1, 615, 000 | 3, 827 | 1, 324, 300 | 3, 138 |
| Maryland | 5, 465, 000 | 12, 950 | 4, 481, 300 | 10, 619 |
| Massachusetts | 7, 321, 000 | 17, 348 | 6, 003, 220 | 14, 226 |
| Michigan | 13, 089, 000 | 31, 016 | 10, 732, 980 | 25, 433 |
| Minnesota | 4, 503, 000 | 10, 671 | 3, 692, 460 | 8, 750 |
| Mississippi | 5, 229, 000 | 12, 391 | 4, 287, 780 | 10, 161 |
| Missouri | 7, 525, 000 | 17, 832 | 6, 170, 500 | 14, 622 |
| Montana | 550, 000 | 1, 303 | 451, 000 | 1, 068 |
| Nebraska | 2, 083, 000 | 4, 936 | 1, 708, 060 | 4, 047 |
| Nevada | 895, 000 | 2, 121 | 733, 900 | 1, 739 |
| New Hampshire | $764, 000 | 1, 810 | $626, 480 | 1, 485 |
| New Jersey | 8, 617, 000 | 20, 419 | 7, 065, 940 | 16, 744 |
| New Mexico | 1, 618, 000 | 3, 834 | 1, 326, 760 | 3, 144 |
| New York | 29, 696, 000 | 70, 369 | 24, 350, 720 | 57, 703 |
| North Carolina | 7, 738, 000 | 18, 336 | 6, 345, 160 | 15, 036 |
| North Dakota | 702, 000 | 1, 664 | 575, 640 | 1, 364 |
| Ohio | 12, 119, 000 | 28, 718 | 9, 937, 580 | 23 549 |
| Oklahoma | 3, 940, 000 | 9, 336 | 3, 230, 800 | 7, 656 |
| Oregon | 2, 184, 000 | 5, 175 | 1, 790, 880 | 4, 244 |
| Pennsylvania | 14, 055, 000 | 33, 306 | 11, 525, 100 | 27, 311 |
| Puerto Rico | 7, 979, 000 | 18, 908 | 6, 542, 780 | 15, 504 |
| Rhode Island | 1, 309, 000 | 3, 102 | 1, 073, 380 | 2, 544 |
| South Carolina | 3, 868, 000 | 9, 166 | 3, 171, 760 | 7, 516 |
| South Dakota | 743, 000 | 1, 761 | 609, 260 | 1, 444 |
| Tennessee | 6, 424, 000 | 15, 223 | 5, 267, 680 | 12, 483 |
| Texas | 14, 730, 000 | 34, 905 | 12, 078, 600 | 28, 622 |
| Utah | 1, 261, 000 | 2, 988 | 1, 034, 020 | 2, 450 |
| Vermont | 544, 000 | 1, 289 | 446, 080 | 1, 057 |
| Virginia | 5, 686, 000 | 13, 474 | 4, 662, 520 | 11, 049 |
| Washington | 5, 356, 000 | 12, 692 | 4, 391, 920 | 10, 407 |
| West Virginia | 4, 249, 000 | 10, 068 | 3, 484, 180 | 8, 256 |
| Wisconsin | 4, 262, 000 | 10, 100 | 3, 494, 840 | 8, 281 |
| Wyoming | 337, 000 | 987 | 276, 340 | 655 |
| Indian Reservation | 3, 334, 000 | 7, 901 | 2, 733, 880 | 6, 478 |
| Territories | 495, 000 | 1, 173 | 405, 900 | 961 |
| Total (rounded) | 312, 233, 000 | 740, 222 | 256, 503, 000 | 606, 000 |
|  | (55, 730, 000) | (134, 222) |  |  |

[1] Based upon allocations documented by Department of Labor. 9-week opportunities (includes funds and slots for 50 major cities shown on accompanying chart).

[2] Based upon across-the-board reductions from col. (1).

| | Amounts necessary to maintain neighborhood Youth Corps job program during summer 1973 at level of summer 1972 (Javits supplemental of $55,730,000 plus $256,503,000 already appropriated and to be made available under committee report)[1] | | Amounts available under committee report (from $256,503,000 already appropriated)[2] | | Amounts documented by National League of Cities U.S. Conference of Mayors as those that could be effectively used this summer (would have required a supplemental of $172,696,009 to be added to $256,503,000 already appropriated)[3] | |
|---|---|---|---|---|---|---|
| | Amount | Slots | Amount | Slots | Amount | Slots |
| Region I: Boston | $2, 002, 000 | 4, 744 | $1, 641, 640 | 3, 890 | $2, 695, 680 | 6, 400 |
| Region II: | | | | | | |
| Buffalo | 1, 101, 000 | 2, 609 | 902, 820 | 2, 139 | 2, 878, 481 | 6, 834 |
| Newark | 2, 362, 000 | 5, 597 | 1, 936, 840 | 4, 590 | 6, 133, 481 | 14, 563 |
| New York | 22, 041, 000 | 52, 230 | 18, 073, 620 | 42, 828 | 32, 643, 000 | 77, 500 |
| Rochester | 438, 000 | 1, 038 | 539, 160 | 851 | 1, 958, 490 | 4, 650 |
| Region III: | | | | | | |
| Baltimore | 3, 183, 000 | 7, 543 | 2, 610, 062 | 6, 185 | 3, 967, 704 | 9, 420 |
| Norfolk | 413, 000 | 977 | 338, 660 | 803 | 1, 474, 200 | 3, 500 |
| Philadelphia | 3, 845, 000 | 9, 111 | 3, 152, 900 | 7, 471 | 6, 318, 000 | 15, 000 |
| Pittsburgh | 2, 312, 000 | 5, 479 | 1, 895, 840 | 4, 493 | 3, 902, 400 | 9, 265 |
| District of Columbia | 4, 772, 000 | 11, 308 | 3, 913, 040 | 9, 273 | 8, 424, 000 | 20, 000 |
| Region IV: | | | | | | |
| Atlanta | 1, 500, 000 | 3, 555 | 1, 230, 000 | 2, 915 | 2, 269, 426 | 5, 388 |
| Birmingham | 980, 000 | 2, 322 | 803, 600 | 1, 904 | 1, 168, 409 | 2, 774 |
| Jacksonville | 800, 000 | 1, 896 | 656, 000 | 1, 555 | 1, 053, 000 | 2, 500 |
| Louisville | 711, 000 | 1, 685 | 583, 020 | 1, 382 | 1, 474, 200 | 3, 500 |
| Memphis | 937, 000 | 2, 200 | 768, 340 | 1, 821 | 1, 008, 353 | 2, 394 |
| Miami | 937, 000 | 2, 200 | 768, 340 | 1, 821 | 3, 464, 791 | 8, 226 |
| Nashville | 704, 000 | 1, 668 | 577, 280 | 1, 368 | 842, 400 | 2, 000 |
| Tampa | | | | | 2, 744, 118 | 6, 515 |
| Region V: | | | | | | |
| Chicago | 13, 342, 000 | 31, 616 | 10, 940, 440 | 25, 925 | 16, 848, 000 | 40, 000 |
| Cincinnati | | [4](3, 592) | | | 2, 106, 000 | 5, 000 |
| Cleveland | 4, 307, 000 | 10, 206 | 3, 531, 740 | 8, 369 | 5, 265, 000 | 12, 500 |
| Columbus | 690, 000 | 1, 635 | 565, 800 | 1, 341 | 758, 160 | 1, 800 |
| Detroit | 7, 802, 000 | 18, 488 | 6, 397, 640 | 15, 160 | 10, 530, 000 | 25, 000 |
| Indianapolis | 886, 000 | 2, 099 | 726, 520 | 1, 722 | 1, 263, 600 | 3, 000 |
| Milwaukee | | [4](3, 379) | | | 1, 423, 235 | 3, 379 |
| Minneapolis | 1, 002, 000 | 2, 374 | 821, 640 | 1, 947 | 1, 297, 296 | 3, 080 |
| St. Paul | 489, 000 | 1, 159 | 400, 980 | 950 | 547, 560 | 1, 300 |
| Toledo | 512, 000 | 1, 213 | 419, 840 | 995 | 589, 680 | 1, 400 |
| Region VI: | | | | | | |
| Dallas | | | | | 960, 336 | 2, 280 |
| El Paso | 471, 000 | 1, 116 | 386, 220 | 915 | 1, 967, 846 | 4, 672 |
| Fort Worth | 451, 000 | 1, 069 | 369, 820 | 876 | 634, 748 | 1, 507 |
| Houston | 1, 495, 000 | 3, 543 | 1, 225, 900 | 2, 905 | 2, 385, 667 | 5, 664 |
| New Orleans | 1, 365, 000 | 3, 235 | 1, 119, 330 | 2, 652 | 2, 106, 000 | 5, 000 |
| Oklahoma | 340, 000 | 806 | 278, 800 | 661 | 644, 436 | 1, 530 |
| San Antonio | 1, 359, 000 | 3, 220 | 1, 114, 380 | 2, 641 | 2, 527, 200 | 6, 000 |
| Tulsa | 280, 000 | 664 | 229, 600 | 544 | 425, 833 | 1, 011 |
| Region VII: | | | | | | |
| Kansas City | 1, 306, 000 | 3, 095 | 1, 070, 920 | 2, 538 | 1, 684, 800 | 4, 000 |
| Omaha | 870, 000 | 2, 062 | 713, 400 | 1, 691 | 703, 404 | 1, 670 |
| St. Louis | 2, 901, 000 | 6, 874 | 2, 378, 820 | 5, 637 | 3, 790, 800 | 9, 000 |
| Region VIII: Denver | 871, 000 | 2, 064 | 714, 220 | 1, 692 | 884, 520 | 2, 100 |
| Region IX: | | | | | | |
| Honolulu | 587, 000 | 1, 391 | 481, 340 | 1, 141 | 1, 179, 360 | 2, 800 |
| Long Beach | 131, 000 | 310 | 107, 420 | 255 | 181, 958 | 432 |
| Los Angeles | 5, 314, 000 | 12, 592 | 4, 357, 480 | 10, 326 | 10, 530, 000 | 27, 491 |
| Oakland | 1, 437, 000 | 3, 405 | 1, 178, 340 | 2, 792 | 2, 464, 020 | 5, 850 |
| Phoenix | 608, 000 | 1, 441 | 498, 560 | 1, 181 | 7, 160, 400 | 17, 000 |
| San Diego | 1, 215, 000 | 2, 879 | 996, 300 | 2, 361 | 2, 316, 600 | 5, 500 |
| San Francisco | 1, 845, 000 | 4, 372 | 1, 512, 900 | 3, 585 | 3, 369, 600 | 8, 000 |
| San Jose | 800, 000 | 1, 896 | 656, 000 | 1, 555 | 1, 488, 942 | 3, 535 |
| Region X: | | | | | | |
| Portland | | | | | 2, 106, 000 | 5, 000 |
| Seattle | 2, 928, 000 | 6, 938 | 2, 400, 960 | 5, 689 | 2, 106, 000 | 5, 000 |
| Total (rounded) | 104, 640, 800 | 247, 964 | 85, 805, 463 | 203, 330 | 197, 463, 240 | 421, 930 |

[1] Based upon allocations documented by the Department of Labor. 9-week opportunities.

[2] Based upon across-the-board reductions from col. (1).

[3] Survey by National League of Cities U.S. Conference of Mayors dated Jan. 12, 1973.

[4] League of Cities figures; other amounts not available from the Department of Labor.

### DIMINUTION IN FUNDS AND MAN-YEARS UNDER PUBLIC EMPLOYMENT PROGRAM (EEA) IF SUCH FUNDS ARE DIVERTED TO MAINTAIN SUMMER JOBS FOR YOUTH AT FISCAL 1974 LEVEL[1]

| | Funds | | Man-years | | | Funds | | Man-years | |
|---|---|---|---|---|---|---|---|---|---|
| States | Before reduction | After reduction | Before reduction | After reduction | States | Before reduction | After reduction | Before reduction | After reduction |
| Alabama | $10, 824, 000 | $4, 153, 000 | 2, 083 | 799 | Nevada | $6, 647, 000 | $2, 752, 000 | 476 | 359 |
| Alaska | 7, 901, 000 | 6, 782, 000 | 900 | 772 | New Hampshire | 2, 342, 000 | 1, 578, 000 | 360 | 243 |
| Arizona | 8, 439, 000 | 4, 319, 000 | 1, 242 | 635 | New Jersey | 60, 634, 000 | 52, 017, 000 | 8, 316 | 7, 134 |
| Arkansas | 9, 972, 000 | 6, 072, 000 | 2, 692 | 1, 639 | New Mexico | 6, 578, 000 | 4, 960, 000 | 1, 279 | 965 |
| California | 197, 873, 000 | 163, 727, 000 | 23, 211 | 19, 206 | New York | 94, 050, 000 | 65, 263, 000 | 18, 261 | 12, 551 |
| Colorado | 5, 892, 000 | 3, 290, 000 | 912 | 509 | North Carolina | 12, 907, 000 | 5, 169, 000 | 2, 524 | 1, 011 |
| Connecticut | 26, 138, 000 | 21, 777, 000 | 3, 834 | 3, 194 | North Dakota | 2, 543, 000 | 1, 841, 000 | 320 | 232 |
| Delaware | 3, 211, 000 | 2, 466, 000 | 446 | 343 | Ohio | 42, 259, 000 | 30, 140, 000 | 5, 490 | 3, 915 |
| District of Columbia | 6, 595, 000 | 1, 822, 000 | 1, 068 | 295 | Oklahoma | 9, 482, 000 | 5, 542, 000 | 1, 829 | 1, 069 |
| Florida | 17, 398, 000 | 8, 216, 000 | 2, 646 | 1, 250 | Oregon | 16, 697, 000 | 14, 513, 000 | 2, 368 | 2, 058 |
| Georgia | 12, 075, 000 | 4, 771, 000 | 2, 813 | 1, 111 | Pennsylvania | 67, 515, 000 | 53, 460, 000 | 8, 696 | 6, 886 |
| Hawaii | 3, 550, 000 | 2, 711, 000 | 434 | 331 | Puerto Rico | 41, 666, 000 | 33, 687, 000 | 7, 548 | 6, 139 |
| Idaho | 3, 819, 000 | 3, 072, 000 | 682 | 549 | Rhode Island | 7, 181, 000 | 5, 872, 000 | 993 | 812 |
| Illinois | 42, 876, 000 | 26, 383, 000 | 4, 523 | 2, 783 | South Carolina | 12, 278, 000 | 8, 410, 000 | 2, 349 | 1, 609 |
| Indiana | 20, 051, 000 | 13, 209, 000 | 3, 393 | 2, 235 | South Dakota | 2, 921, 000 | 2, 178, 000 | 517 | 308 |
| Iowa | 6, 295, 000 | 3, 910, 000 | 930 | 578 | Tennessee | 13, 380, 000 | 6, 956, 000 | 2, 337 | 1, 215 |
| Kansas | 12, 105, 000 | 9, 871, 000 | 1, 694 | 1, 381 | Texas | 28, 933, 000 | 14, 203, 000 | 5, 029 | 2, 469 |
| Kentucky | 17, 083, 000 | 10, 925, 000 | 3, 265 | 2, 088 | Utah | 8, 824, 000 | 7, 563, 000 | 998 | 855 |
| Louisiana | 21, 935, 000 | 14, 608, 000 | 4, 384 | 2, 919 | Vermont | 2, 759, 000 | 2, 215, 000 | 443 | 356 |
| Maine | 7, 701, 000 | 6, 086, 000 | 1, 500 | 1, 186 | Virginia | 9, 415, 000 | 3, 729, 000 | 1, 451 | 1, 451 |
| Maryland | 12, 825, 000 | 7, 360, 000 | 1, 618 | 928 | Washington | 62, 143, 000 | 56, 787, 000 | 7, 834 | 7, 159 |
| Massachusetts | 48, 030, 000 | 40, 709, 000 | 6, 813 | 5, 775 | West Virginia | 14, 814, 000 | 10, 565, 000 | 3, 843 | 2, 748 |
| Michigan | 86, 765, 000 | 73, 676, 000 | 10, 070 | 8, 551 | Wisconsin | 20, 706, 000 | 16, 444, 000 | 3, 068 | 2, 437 |
| Minnesota | 20, 947, 000 | 16, 444, 000 | 3, 036 | 2, 383 | Wyoming | 2, 060, 000 | 1, 723, 000 | 361 | 302 |
| Mississippi | 8, 510, 000 | 3, 281, 000 | 1, 716 | 662 | Indian Reservation | 9, 315, 000 | 5, 981, 000 | 1, 472 | 945 |
| Missouri | 26, 407, 000 | 18, 882, 000 | 3, 978 | 2, 845 | Territories | 1, 822, 000 | 1, 327, 000 | 444 | 329 |
| Montana | 7, 224, 000 | 6, 674, 000 | 1, 098 | 1, 015 | | | | | |
| Nebraska | 4, 341, 000 | 2, 258, 000 | 653 | 340 | Total (rounded) | 1, 214, 562, 000 | 902, 329, 000 | 180, 250 | 131, 931 |

[1] Preliminary estimates provided by Department of Labor; EEA funds and include basic discretionary funds. (Includes funds and slots for 50 major cities shown on accompanying table.)

### 50 MAJOR CITIES

### DIMINUTION IN FUNDS AND MAN-YEARS UNDER PUBLIC EMPLOYMENT PROGRAM (EEA) IF SUCH FUNDS ARE DIVERTED TO MAINTAIN SUMMER JOBS FOR YOUTH AT FISCAL 1972 LEVEL[1]

| | Funds | | Man-years | |
|---|---|---|---|---|
| | Before reduction | After reduction | Before reduction | After reduction |
| Region I: Boston | $4,469,000 | $1,915,000 | 608 | 336 |
| Region II: | | | | |
| Buffalo | 2,538,000 | 1,437,000 | 347 | 196 |
| Newark | 8,013,000 | 5,651,000 | 1,165 | 822 |
| New York | 29,588,000 | 7,547,000 | 4,064 | 1,037 |
| Rochester | 2,161,000 | 1,723,000 | 382 | 305 |
| Region III: | | | | |
| Baltimore | 5,098,000 | 1,915,000 | 580 | 218 |
| Norfolk | 618,000 | 205,000 | 100 | 33 |
| Philadelphia | 25,386,000 | 2,541,000 | 3,049 | 2,588 |
| Pittsburgh | 4,097,000 | 1,785,000 | 607 | 265 |
| District of Columbia | 6,595,000 | 1,823,000 | 1,068 | 295 |
| Region IV: | | | | |
| Atlanta | 1,771,000 | 271,000 | 461 | 70 |
| Birmingham | 1,383,000 | 403,000 | 181 | 53 |
| Jacksonville | 825,000 | 25,000 | 159 | 5 |
| Louisville | 2,153,000 | 1,442,000 | 339 | 227 |
| Memphis | 1,714,000 | 777,000 | 266 | 121 |
| Miami | 2,340,000 | 1,403,000 | 266 | 159 |
| Nashville | 842,000 | 138,000 | 138 | 23 |
| Tampa | | | | |
| Region V: | | | | |
| Chicago | 17,519,000 | 4,177,000 | 1,957 | 467 |
| Cincinnati | | | | |
| Cleveland | 8,469,000 | 4,162,000 | 773 | 380 |
| Columbus | 1,567,000 | 1,567,000 | 213 | 92 |
| Detroit | 24,087,000 | 16,285,000 | 2,910 | 1,967 |
| Indianapolis | 2,886,000 | 2,000,000 | 444 | 307 |
| Milwaukee | | | | |
| Minneapolis | $2,308,000 | $1,306,000 | 217 | 123 |
| St. Paul | 2,152,000 | 1,663,000 | 236 | 182 |
| Toledo | 902,000 | 390,000 | 100 | 43 |
| Region VI: | | | | |
| Dallas | | | | |
| El Paso | 953,000 | 482,000 | 133 | 67 |
| Fort Worth | 1,359,000 | 908,000 | 146 | 97 |
| Houston | 2,737,000 | 1,242,000 | 408 | 185 |
| New Orleans | 5,101,000 | 3,735,000 | 1,077 | 789 |
| Oklahoma City | 571,000 | 231,000 | 93 | 38 |
| San Antonio | 2,180,000 | 821,000 | 307 | 116 |
| Tulsa | 1,489,000 | 1,209,000 | 208 | 169 |
| Region VII: | | | | |
| Kansas City | 4,494,000 | 3,188,000 | 632 | 448 |
| Omaha | 1,728,000 | 858,000 | 212 | 105 |
| St. Louis | 8,581,000 | 5,680,000 | 1,193 | 790 |
| Region VIII: Denver | 2,027,000 | 1,156,000 | 295 | 168 |
| Region IX: | | | | |
| Honolulu | 1,431,000 | 844,000 | 145 | 85 |
| Long Beach | 2,023,000 | 1,892,000 | 197 | 185 |
| Los Angeles | 30,294,000 | 24,980,000 | 3,403 | 2,806 |
| Oakland | 3,678,000 | 2,241,000 | 503 | 306 |
| Phoenix | 2,592,000 | 1,984,000 | 266 | 204 |
| San Diego | 8,274,000 | 7,059,000 | 954 | 814 |
| San Francisco | 6,709,000 | 4,864,000 | 970 | 703 |
| San Jose | 3,707,000 | 2,907,000 | 391 | 306 |
| Region X: | | | | |
| Portland | | | | |
| Seattle | 9,535,000 | 6,607 000 | 947 | 656 |

---

[1] Preliminary estimates provided by Department of Labor; EEA funds include basic and discretionary funds.

### SUMMER RECREATION SUPPORT PROGRAM (RSP)

| | 1972 need | 1972 actual | 1973 need |
|---|---|---|---|
| REGION I | | | |
| Boston | $180,000 | $168,000 | $350,000 |
| REGION II | | | |
| Buffalo | 120,000 | 123,000 | 125,000 |
| Newark | 140,000 | 100,000 | 200,000 |
| New York | 2,934,000 | 2,336,000 | 2,934,000 |
| Rochester | 95,000 | 68,000 | 136,000 |
| REGION III | | | |
| Baltimore | 335,000 | 302,910 | 335,000 |
| Norfolk | 180,000 | 132,000 | 201,500 |
| Philadelphia | 700,000 | 543,000 | 1,000,000 |
| Pittsburgh | 165,000 | 168,000 | 200,000 |
| District of Columbia | 364,000 | 245,000 | 364,000 |
| REGION IV | | | |
| Atlanta | 180,000 | 143,000 | 180,000 |
| Birmingham | 170,000 | 120,000 | 170,000 |
| Jacksonville | 175,000 | 150,000 | 250,000 |
| Louisville | 130,000 | 96,000 | 130,000 |
| Memphis | 305,000 | 264,000 | 305,000 |
| Miami (Dade County) | 192,000 | 126,000 | 192,000 |
| Nashville | 150,000 | 150,000 | 200,000 |
| Tampa | 175,000 | 132,000 | 175,000 |
| REGION V | | | |
| Chicago | 2,100,000 | 913,000 | 2,100,000 |
| Cincinnati | 175,000 | 135,000 | 175,000 |
| Cleveland | 205,000 | 230,000 | 380,000 |
| Columbus | 211,000 | 132,000 | 211,000 |
| Detroit | 897,000 | 399,000 | 897,000 |
| Indianapolis | 195,000 | 130,000 | 260,000 |
| Milwaukee | 155,000 | 144,000 | 160,000 |
| Minneapolis | 96,000 | 63,000 | 130,000 |
| St. Paul | 58,000 | 36,000 | 58,000 |
| Toledo | 120,000 | 84,000 | 120,000 |
| REGION VI | | | |
| Dallas | 285,000 | 228,000 | 285,000 |
| El Paso | 200,000 | 194,000 | 250,000 |
| Fort Worth | 173,000 | 108,000 | 175,000 |
| Houston | 440,000 | 350,000 | 440,000 |
| New Orleans | 300,000 | 306,000 | 500,000 |
| San Antonio | 400,000 | 324,000 | 500,000 |
| Tulsa | 115,000 | 92,000 | 200,000 |
| Oklahoma | 170,000 | 108,000 | 170,000 |
| REGION VII | | | |
| Kansas City | 130,000 | 118,000 | 200,000 |
| Omaha | 96,000 | 61,000 | 96,000 |
| St. Louis | 384,000 | 254,000 | 405,000 |
| REGION VIII | | | |
| Denver | 170,000 | 126,400 | 170,000 |
| REGION IX | | | |
| Honolulu | $99,000 | $70,000 | $140,000 |
| Long Beach | 125,000 | 72,000 | 125,000 |
| Los Angeles | 650,000 | 552,000 | 650,000 |
| Oakland | 125,000 | 104,000 | 125,000 |
| Phoenix | 200,000 | 144,000 | 288,000 |
| San Diego | 200,000 | 164,000 | 825,000 |
| San Francisco | 250,000 | 180,000 | 250,000 |
| San Jose | 100,000 | 85,000 | 100,000 |
| REGION X | | | |
| Portland- | 135,000 | 89,000 | 135,000 |
| Seattle | 129,000 | 89,000 | 129,000 |
| 50 largest, total | 15,928,000 | 11,451,310 | 18,096,500 |
| Balance of cities | 6,030,000 | 3,548,690 | 6,850,080 |
| Total | 21,958,000 | 15,000,000 | 24,946,580 |

### SUMMER YOUTH TRANSPORTATION PROGRAM (SYTP)

| | 1972 need | 1972 actual | 1973 need |
|---|---|---|---|
| REGION I | | | |
| Boston | $20,000 | $10,700 | $20,000 |
| REGION II | | | |
| Buffalo | 13,000 | 7,500 | 13,000 |
| Newark | 39,500 | 23,437 | 69,300 |
| New York | 251,400 | 149,130 | 500,000 |
| Rochester | 12,000 | 7,500 | 15,000 |
| REGION III | | | |
| Baltimore | 35,000 | 21,100 | 35,000 |
| Norfolk | 12,000 | 7,500 | 25,600 |
| Philadelphia | 24,360 | 24,360 | 100,000 |
| Pittsburgh | 22,000 | 12,650 | 22,000 |
| Washington, D.C- | 38,700 | 22,960 | 100,000 |
| REGION IV | | | |
| Atlanta | 30,000 | 12,080 | 30,000 |
| Birmingham | 24,000 | 13,790 | 24,000 |
| Jacksonville | 14,000 | 6,300 | 14,000 |
| Louisville | 12,500 | 7,500 | 12,500 |
| Memphis | 18,000 | 11,860 | 18,000 |
| Miami (Dade County) | 23,000 | 12,000 | 23,000 |
| Nashville | 12,000 | 7,000 | 12,000 |
| Tampa | 17,000 | 7,500 | 0 |
| REGION V | | | |
| Chicago | 70,000 | 42,240 | 70,000 |
| Cincinnati | 15,000 | 7,920 | 15,000 |
| Cleveland | 35,000 | 19,310 | 35,000 |
| Columbus | $17,000 | $8,640 | $17,000 |
| Detroit | 75,000 | 36,560 | 75,500 |
| Indianapolis | 15,000 | 8,480 | 15,000 |
| Milwaukee | 65,000 | 47,280 | 66,192 |
| Minneapolis | 20,000 | 12,380 | 75,000 |
| St. Paul | 12,500 | 7,500 | 12,500 |
| Toledo | 15,750 | 7,990 | 20,000 |
| REGION VI | | | |
| Dallas | 23,990 | 19,340 | 23,990 |
| El Paso | 58,900 | 38,900 | 77,800 |
| Fort Worth | 15,000 | 8,130 | 15,000 |
| Houston | 45,000 | 25,060 | 0 |
| New Orleans | 25,000 | 14,790 | 25,000 |
| Oklahoma City | 25,000 | 14,000 | 25,000 |
| San Antonio | 26,570 | 14,570 | 26,570 |
| Tulsa | 12,500 | 7,500 | 20,000 |
| REGION VII | | | |
| Kansas City | 50,000 | 13,970 | 50,000 |
| Omaha | 15,000 | 13,500 | 16,000 |
| St. Louis | 43,500 | 25,790 | 43,500 |
| REGION VIII | | | |
| Denver | 29,000 | 18,320 | 29,000 |
| REGION IX | | | |
| Honolulu | 15,000 | 7,500 | 15,000 |
| Long Beach | 16,000 | 7,500 | 16,000 |
| Los Angeles | 82,870 | 82,870 | 164,000 |
| Oakland | 28,000 | 15,000 | 28,000 |
| Phoenix | 23,000 | 11,740 | 25,000 |
| San Diego | 30,000 | 14,360 | 30,000 |
| San Francisco | 25,000 | 11,970 | 25,000 |
| San Jose | 8,160 | 7,500 | 9,000 |
| REGION X | | | |
| Portland | 13,000 | 25,000 | 25,000 |
| Seattle | 32,100 | 19,060 | 32,100 |
| 50 largest total | 1,608,940 | 979,487 | 2,155,552 |
| Balance of cities | 1,141,060 | 520,513 | 1,527,879 |
| Total | 2,750,000 | 1,500,000 | 3,683,431 |

Note: Documented by National League of Cities–U.S. Conference of Mayors survey dated Jan. 12, 1973.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
*May 25, 1973.*

HON. JACOB K. JAVITS,
*U.S. Senate,*
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR JAVITS: On behalf of the nation's cities we appreciate the leadership you have again taken this year in securing needed funds for summer youth programs throughout the nation.

It is our understanding that you plan to introduce an amendment to the FY 73 Second Supplemental Appropriation Bill to provide an additional $67.6 million beyond the $256.5 million already appropriated for the summer youth programs. We want to stress that the $55.7 million for youth employment is the bare minimum needed to provide jobs for the disadvantaged young of our cities at least year's level and that the remaining funds meet only minimum requirements in recreation and transportation.

As we pointed out in our letter of January 12, the survey we conducted last fall documents a need for 1,018,991 jobs this summer. The cities surveyed were asked to tell how many young people they could effectively supervise and provide with worthwhile work. Thus, the figures we offered were not a statement of total need—that figure is far higher—but a careful, conservative estimate of the cities' ability to provide, with federal funds, summer youth employment in 1973. While the overall national unemployment rate may have declined slightly, the unemployment rate among disadvantaged youth ranges as high as 30% to 40% in urban poverty areas.

The Administration's approach of funding these vital programs solely out of Emergency Employment Act funds is neither an adequate nor an equitable method of dealing with the problems of summer youth employment. Indeed, under these arrangements, the cities will be unable to come even closer to running programs at last year's levels.

We wish to take this opportunity to reiterate our support for appropriating an amount equivalent to last year's programs funding level. It is our hope that favorable Congressional action will be forthcoming and that such funds as Congress appropriates will be made available by the Administration.

Sincerely,

ALLEN E. PRITCHARD, JR.,
*Executive Vice President,*
*National League of Cities.*
JOHN J. GUNTHER,
*Executive Director,*
*U.S. Conference of Mayors.*

### STATEMENT BY THE PRESIDENT

Today I am pleased to report that a total of $424 million in Federal funds will be available this summer for youth programs, some $3 million more than last year.

This money should help in making the summer of 1973 a time for expanded opportunity for young Americans.

The outlook for young people this summer is encouraging in many ways. Job prospects are particularly promising, thanks in large measure to the rapid expansion of our economy. Last year the unemployment rate for youth dropped by 1.8 percent, even though the youth labor force increased by 1.1 million people. This summer, as we continue to lower the overall rate of unemployment, we can expect still further gains for young Americans.

One important element in the employment picture—especially for disadvantaged youth in our central cities whose unemployment rate is far too high—is that funding from Federal programs will be sufficient to support 776,000 job opportunities for young people. Total Federal funding available for this effort will be $354 million, slightly less than last year but more than the average of previous years.

Three different sources are available to States and localities in providing such jobs:

*The Emergency Employment Assistance Act.* Last year I asked that money for this program be increased from $1 billion in fiscal year 1972 to $1.25 billion for the current fiscal year. Under a continuing resolution passed by the Congress last month, full funding is now available for this program, and we estimate that the States and local communities will be able to use some $300 million of it for summer youth jobs.

*Direct Federal Employment.* An additional $50.4 million is available to the Federal Government itself for hiring young people through ongoing Federal programs. The Federal-State Employment Service should provide a total of 120,000 jobs for young Americans through its Youth Summer Placement Program.

Finally, another $3.5 million is available for summer job programs through the *Youth Conservation Corps.*

I am also happy to report that this Government commitment to summer jobs is being matched by significant efforts in the private sector. For example, the National Alliance of Businessmen plans a massive summer employment campaign to hire an additional 175,000 young people in 126 major metropolitan areas. Overall, I am hopeful that this summer will bring another significant increase in the employment rate of our youth.

For those under fourteen, a wide range of recreational opportunities will be available this summer through federally funded recreation programs operated by cities, colleges and universities across America. These programs are targeted to the needs of disadvantaged youth, providing them with healthful exercise, sports instruction and exposure to local cultural institutions. Such efforts will make the coming summer a better and more productive time for approximately 2.3 million people.

Other summer programs will provide transportation services to make these employment and recreational opportunities more accessible. Approximately 850,000 young people will benefit from federally financed transportation services concentrated in the Nation's largest cities. In another important effort—one that is also expanding this summer—the summer nutrition program will serve some 128 million meals to nearly 2 million needy young Americans.

Our Nation's youth are our most valuable natural resource. Each of these summer programs will enrich their lives and help develop their potential as well-rounded human beings and as good citizens. I pledge the fullest possible cooperation of the Federal Government to help make the summer of 1973 a great summer for all of our young people.

And I urge the American people to give their fullest cooperation and support to all of these efforts.

### THE 1973 SUMMER NEIGHBORHOOD YOUTH CORPS FUNDING

Mr. NELSON. Mr. President, I wish to join the senior Senator from New York (Mr. JAVITS) in urging the appropriation of sufficient funds to maintain the Summer Neighborhood Youth Corps program at last year's level.

To accomplish this it is necessary that the administration spend the funds already appropriated but thus far withheld—some $256.5 million—and that the Congress vote the additional $67.7 million proposed in the Javits amendment to the second supplemental appropriations bill (H.R. 7447).

The basic issue is simple. Will we provide summer jobs for young people in poverty communities?

We all know that unemployment rates for young people in poverty neighborhoods are disastrously high the year around.

In Milwaukee in 1970, the last time national unemployment figures were in the area of 5 percent, unemployment for innercity young people from ages 16 to 21 stood at 24.7 percent. For those who were out of school, the unemployment rate was 31.6 percent. We have no reason to believe that conditions have improved.

A country that is serious about the work ethic must make sure that there are job opportunities. It is especially important that young people just starting in life and confronting the world outside of school and family on their own for the first time be shown that there is in fact—as well as in rhetoric—economic opportunity for all.

We know that for youngsters in poor rural and innercity labor markets this is simply not the case today—and it has not been the case for many years. There is an obvious connection between the high rates of youth unemployment and the terrifying high rates of youth crime. A society serious about stopping youth crime must become serious about providing youth employment.

As long ago as 1957 Senator HUMPHREY drafted and proposed legislation to reestablish the conservation camps that proved so successful during the depression years as a beginning step in facing the problem of youth employment.

The Kennedy administration made a version of the Humphrey youth employment legislation a high priority in the 1961 Congress.

And when the Johnson administration put together its war on poverty much of title I was devoted to programs to relieve youth unemployment, including the Job Corps and the Neighborhood Youth Corps.

Vice President HUMPHREY as head of the President's Council on Youth Employment led the fight within the administration to secure adequate funding for these programs, and especially for the Summer Neighborhood Youth Corps.

Each year the Congress increased funding for the program—often over budgetary objections—of the administration. The Congress was responsive to the need for jobs for young people.

The spending pattern looks like this:

| | *Million* |
|---|---|
| 1967 | $133 |
| 1968 | 126 |
| 1969 | 148 |
| 1970 | 199 |
| 1971 | 253 |
| 1972 | 320 |

Enrollment opportunities—or slots—have increased from 114,500 in 1965 to 457,500 in 1970 and 719,800 in 1972.

Last fall the administration asked that the Congress appropriate $256.5 million for this summer's Neighborhood Youth Corps activities—in order that planning for the program could go forward in an orderly manner.

Congress did so—in the supplemental appropriation signed into law by the President, October 31, 1972.

However, that was before the administration's 1974 budget had been put into final shape.

While raising overall Federal spending by some $16 billions of dollars between 1973 and 1974, the budget cuts funds for jobs and job training by more than 50 percent.

In 1973 we are spending $1.2 billion for the Emergency Employment Act and $1.4 billion for training and other job programs, like the Neighborhood Youth Corps, a total of $2.6 billion.

For 1974, the administration proposed elimination of the Emergency Employment Act and outlay of only $1.1 billion for other training and job programs.

A tragically ironic position for an administration so firmly committed to the work ethic.

At the same time the administration proposed these crippling cuts in job and training programs, it also proposed to turn over control of all manpower programs to mayors and governors.

The administration not only cut 1974 training funds, it also asked that $287 million be cut from training and job funds for fiscal year 1974. This administration formally asked the Congress to "rescind" $287 milion already appropriated, including the $256 million already appropriated for the summer Neighborhood Youth Corps.

In March, after the Congress had appropriated in the continuing resolution signed March 9 the full $1.2 billion authorized for the Emergency Employment Act, the administration told State and local officials that if they wished they could divert funds from that program to summer youth jobs.

As one mayor put it, local officials were given the option of firing the parent to hire the child.

Such a proposal may in fact be contrary to law. The Emergency Employment Act is designed to aid the adult unemployed, with priority going to veterans and to helping people get off welfare. It pays prevailing wages—averaging over $2 an hour—to people holding down regular jobs in public service.

The Summer Neighborhood Youth Corps, in contrast, typically means part-time jobs at minimum wages for young people between terms at school. Usually the jobs last 9 weeks, involve at most 26 hours a week of employment, and pay $1.60 an hour.

As State and city officials have testified before our Subcommittee on Employment, Poverty, and Migratory Labor, it is quite impractical to fire regular jobholders, or cut short the jobs of adults providing needed public services in order to hire young people for short-term jobs.

Fortunately, the House, and the Senate Appropriations Committees have refused the administration's request to take back the funds already appropriated for the Summer Neighborhood Youth Corps.

In addition, Senator Javits is proposing that we appropriate another $67.6 million in order that the total funding be sufficient to support a program of the same size as we operated last year. It is a reasonable proposal and one that I hope will be supported in both Houses.

Mr. President, in closing I ask unanimous consent that a letter sent to me by the Governor of Wisconsin, Patrick Lucey, be placed in the Record at the close of my remarks.

In the letter, the Governor points out that Wisconsin received $5 million last summer, enough for some 12,000 summer NYC jobs in rural as well as poor urban areas.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Madison, Wis.,
*May 7, 1973.*

Hon. Gaylord Nelson,
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Nelson: I want to urge you as strongly as I can to support a special supplemental appropriation for a summer Neighborhood Youth Corps program, which I understand will be considered on the floor of the House and Senate within the coming week.

As you know, President Nixon has specifically directed that there shall be no summer Neighborhood Youth Corps program this year. He has suggested that some funds be taken out of the Emergency Employment Act programs, operated by cities, counties and states, to make up for this loss in summer youth employment opportunities. However, as the national organization of cities, counties and state governments have made clear, this is a completely impractical suggestion.

Senator Javits of New York has announced his intention to offer an amendment to the appropriations bill to provide funds specifically for a summer Neighborhood Youth Corp program. Congressional approval of such a specific appropriation is absolutely necessary if we are to avoid an extremely serious situation this summer. Please do not be diverted by arguments that we will somehow have a meaningful summer youth employment program even if Congress does not approve this supplemental appropriation for the Neighborhood Youth Corps. We will not.

This is not a partisan issue. Senator Javits, the sponsor, is of course a Republican. The Washington office of Republican Governor Milliken of Michigan has made a study of summer youth employment funding and has made the following statement regarding the President's suggestion that there be no summer Neighborhood Youth Corps program and funds be taken from the Emergency Employment Act:

"This proposal is in no way responsive to the need for summer youth jobs; it merely forces governors and mayors to determine who, out of restricted EEA funds, will work this summer—father or son. It proposes that youngsters be given jobs at the expense of adult breadwinners."

Last year under the summer Neighborhood Youth Corps program, Wisconsin received $5,053,028 to finance 11,974 summer youth employment opportunities. Of this amount, 8,595 jobs at a cost of $3,627,090 went to that portion of the state outside Milwaukee County. In addition, the State Board on Government Operations made available $100,000 to match funds under Title IV A of the Social Security Act to provide an additional 2,093 jobs in Milwaukee County. This made possible a total statewide summer youth employment program of more than 14,000 jobs, with funding exceeding $6,000,000.

Faced with the President's adamant refusal to allow funding for a summer Neighborhood Youth Corps program in Fiscal 1973, there will be no such program this year in Wisconsin unless Congress approves the special supplemental appropriation.

I think you are familiar enough with conditions in Wisconsin to know what a serious problem we will face if we lose 14,000 summer youth opportunities this year. This will have extremely serious consequences, not only in our congested urban areas but also in many of our rural areas which have very limited capacity to provide expanded youth job opportunities.

Surely the Congress is familiar enough with federal funding procedures to realize that we are being offered nothing in the way of a special summer youth employment program through the Emergency Employment Act. Last year we had a full-fledged EEA program plus 14,000 special summer youth jobs. This year we will have a very sharply reduced EEA program, to phase out most EEA workers within six months, and no summer Neighborhood Youth Corps program.

It is true that the Federal Government has taken some funds out of the EEA and specifically earmarked them for summer youth jobs. However, there are two crucial points to remember. In the first place, this money is *taken away* from the normal EEA program. Secondly, the funds are grossly inadequate. For example, the City of Milwaukee received nothing under this summer youth allocation. Milwaukee County received the ridiculous amount of $11,500; Dane County received an allocation of $900. Thirteen of the 17 EEA sponsors in Wisconsin received nothing. The state received an allocation sufficient to fund about 1,600 jobs. We will make the best possible use of this money but you must realize that it is no substitute for the summer Neighborhood Youth Corps program.

Once again, I hope you will strongly support this supplemental appropriation measure when it comes to the floor of the House and Senate in the next few days. If you have any questions, please contact my office.

Sincerely,

Patrick J. Lucey,
*Governor.*

### SUMMER JOBS FOR DISADVANTAGED YOUTH

Mr. HUMPHREY. Mr. President, I am an original joint sponsor of the amendment by Senator Javits to H.R. 7447, second supplemental appropriations, to provide an additional $67.6 million for the Neighborhood Youth Corps summer jobs program, and for further summer recreational and transportation support.

It is my understanding that these funds, when added to the $256.5 million already appropriated for the youth program this summer, will maintain this program at last summer's level of job slots provided directly under this program—reportedly, 740,222 9-week job opportunities.

I firmly believe that this is the minimum level of effort on behalf of disadvantaged youth that must be sustained. I am greatly encouraged by the report of the Senate Committee on Appropriations on the pending legislation, which categorically rejects the President's proposal that Governors and mayors divert over $1 out of every $4 available under the public employment program, to provide jobs for youth at the expense of creating jobs for unemployed adults. The committee also rejects the administration's request for a rescission of the appropriations already enacted by Congress for the NYC summer jobs program.

However, this language in the Senate committee report simply maintains the status quo, insisting that this administration uphold the laws and carry them out as intended by Congress. The fact remains that if the pending legislation is enacted into law, without amendment, all States will face a decline in the number of job opportunities that they would be able to offer to youth in areas of poverty. Minnesota, for example, would have almost 2,000 fewer job slots to allocate than it did last summer. It is in face of these developments that I join with the Senator from New York (Mr. Javits) in requesting additional funding.

Youth in poor rural and inner city labor markets deserve better from their Government. They should have a right to obtain occupational training and work experience, rather than be forced to remain idle. They deserve an opportunity to challenge the depressing living conditions they confront daily—conditions that can only breed a profound unrest. And they should not be denied the dignity and self-respect of being contributing members of society, and more immediately, of helping to meet their families' critical income needs through their job earnings.

It is for these reasons that I strongly urge the Senate to adopt this amendment to provide the funds that can enable our States and cities to provide the same number of jobs for disadvantaged youth that were made available last summer.

Mr. President, in a statement in the Senate on April 11, 1973, I focused on the critical need of jobs for youth and sharply criticized policies of the present administration which only give lipservice to this profound problem. The latest issue of Newsweek magazine, dated May 28, 1973, contains an article, entitled "Jobs: The Summer and Beyond," which spells out the human impact of cutbacks in Federal assistance. The article states emphatically that "for those who only want summer work, the situation is the worst in years." Noting that the unemployment level among youth is at a crisis point over three times the level of overall unemployment in the Nation, the article points out that the situation is particularly acute for the vast majority of unskilled young people. And it lists the severe cutbacks presently anticipated in Government-funded jobs for youth this summer in some of our major cities—for example, in Chicago, a job reduction from 33,200 in 1972 to 15,300 this year, and in New York, a major retrenchment from 50,000 jobs down to only 16,666.

In my previous statement in the Senate, I also cited numerous examples of the great importance of the NYC summer jobs program to Minnesota, which was able to provide over 10,000 job opportunities last summer with a $4.5 million allocation. Since then, I have received further communications from the Governor of Minnesota and from the mayor of Minneapolis, among others, which well express the crucial need to keep this program operating at least at last year's level. As Governor Anderson's letter states succinctly, the administration's proposals fail to "provide anywhere near the level of funding necessary for a meaningful program."

Such appeals deserve the most serious attention of Congress, and I urge that the Senate take the leadership in responding to the great need of disadvantaged youth for jobs by accepting this amendment to add $67,660,011 for the Neighborhood Youth Corps summer jobs program and for associated community activities for children and youth.

Mr. President, I ask unanimous consent that the article from Newsweek magazine, and the letters from the Honorable Wendell R. Anderson, Governor of Minnesota, and the Honorable Charles Stenvig, mayor of Minneapolis, cited in my remarks, be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### JOBS: THE SUMMER AND BEYOND

As the nation's high schools and colleges recess for the summer, young job-seekers find the market a study in contradictions typified by Gary Ashley and Larry Johnson. For graduates starting their careers, the situation is the best since the boomy late 1960s. Ashley, 23, who received an engineering degree last week from the University of Wisconsin, had four job offers. "I got the job I wanted. I'm satisfied," he says. But for those who want only summer work, the situation is the worst in years. Federal budget cuts eliminated the job that Johnson, a 16-year-old black from Chicago's South Side, held for the last three summers, and he says: "I'll take anything I can get this time around."

Men, who earn bachelor's degrees this year are getting 46 per cent more job offers than last year's graduates, estimates the College Placement Council, a private research group. Most salaries, however, are only slightly higher. Dr. Frank Endicott, the former placement director at Northwestern University, estimates that the average starting salary for liberal-arts majors who graduate this summer is $8,700 vs. $8,328 last year.

Blacks, women and graduates with certain technical skills have an edge in the job market, according to college placement directors. Engineering and accounting offer the best job opportunities, but liberal-arts and education majors are in little demand. Massachusetts Institute of Technology placement director Robert Weatherall notes that West Coast engineering firms have started advertising in Eastern newspapers and are actively recruiting across the country. "The situation is good even for [engineering] undergraduates just seeking summer employment," says Weatherall. "Companies want to contact those who will be available in a year or so."

In the summer-job market, there are good opportunities for youths with typing or other office skills, but the outlook is bleak for the vast majority of unskilled young people. Joblessness among youths is already a staggering 15.4 per cent of the labor force vs. the 5 per cent overall rate. Ghetto and poverty-line youngsters have been counting on the Federal Neighborhood Youth Corps (NYC), the largest single source of youth employment, which funded 700,000 jobs last summer. But the NYC's summer-job program has been put out of business by President Nixon's decision to impound the $230 million that Congress appropriated for it and so far no significant amount of government money has turned up to fill the gap.

As an alternate to the NYC, Mr. Nixon proposes to make $424 million in Federal funds available to the states to use for summer jobs if they wish. But the bulk of the money comes out of appropriations for the Emergency Employment Assistance Act, which provides year-round public-service employment, mostly for adults. Thus, as Republican Sen. Jacob Javits of New York puts it: "Cities [and states] are left with the Hobson's choice of firing the father in order to hire the son."

Down: Without NYC funds, city officials predict that the number of jobs they can offer youths will be sharply reduced (table) and they are worried about the possibility of increased street crime and disturbances this summer. In Atlanta, for example, there will be just 7,500 jobs in government and private industry that are open to the poor this summer vs. 10,000 last year. "We're talking about another 2,500 kids who have nothing to do but stand around on corners," says Percy Harden, a mayoral aide. "A 2,500-youth population is an available resource for anything."

There are other youth-job programs financed with Federal and municipal funds, but these are modest in scale compared with the NYC program. They include Renta-Kid of Cambridge, Mass., a locally financed program that finds odd jobs such as car washing for 14- to 16-year olds. Under Just A Start, a federally funded program, 100 youngsters in Cambridge are being hired to rehabilitate substandard housing in their own community. And in San Francisco, a neighborhood center is organizing youngsters to run a recycling center.

Unfortunately, business doesn't seem able to compensate for the decline in government-sponsored jobs. The National Alliance of Businessmen is staying with last year's goal of 175,000 jobs for disadvantaged youths. In Chicago, the Mayor's Committee on Summer Employment for Youth, a panel of top corporate executives, has yet to appoint this year's chairman, let alone find jobs. And in Los Angeles, the Watts Labor Community Action Committee is having trouble finding private money to replace the Federal funds that it expects to lose this year. "No one is particularly committed to giving now," says a WLCAC spokesman.

Why: Commitment aside, there are other reasons why the summer-job outlook is dim. Many lucrative job opportunities are in auto plants and other factories that have moved to suburbia, and inner-city youths don't have transportation to get there. Dr. Charles L. Lapp, a placement counselor at Washington University in St. Louis, cites other trends: the cost of paper work is up, making short-term hiring prohibitively expensive; there are fewer unskilled jobs; labor unions are more restrictive in allowing students to do certain jobs; and manufacturers are spreading their production more evenly over the entire year, rather than letting it peak during the summer. Contrary to one fairly prevalent belief, the minimum wage does not seem to be an important factor in cutting down jobs for the young worker.

With the outlook so dim, young people are competing vigorously for whatever jobs are available. Fully 10,000 youths applied for New York Telephone's 1,500 summer openings; at Carowinds, an amusement park on the North-South Carolina line, ten youngsters applied for every host or hostess job. Others are picking up money by gardening and performing other chores or by peddling in streets. In Atlanta, black children under 16 stand at street corners and expressway exits, selling roses for $1.50 a dozen (on which they earn 20 cents). And in Cambridge, Alice Howard, a black, 16-year-old high-school sophomore, is still looking for work. Alice worked part-time last summer at a school, but that job isn't available this year and, she says, "I need the money to help at home." She has been checking Renta-Kid listing regularly. "If I can work cleaning houses, I'll do that," she says. "But if I get nothing, I'll just baby-sit."

---

### THE JOB CRUNCH

Government-funded jobs for youths this summer will be off sharply from '72:

| | *Number of jobs* | |
|---|---|---|
| | *1972* | *1973 estimated* |
| Atlanta | 6,089 | 2,765 |
| Boston | 5,800 | 1,300 |
| Chicago | 33,000 | 15,300 |
| Houston | 4,000 | 716 |
| Los Angeles County | 25,000 | 12,000 |
| New York City | 50,000 | 16,666 |
| St. Louis | 8,926 | 3,900 |
| San Francisco | 5,722 | 750 |

---

ST. PAUL, MINN.,
*May 18, 1973.*

Hon. HUBERT H. HUMPHREY,
*U.S. Senate,*
*Washington, D.C.*

DEAR HUBERT: Last year, 10,000 of our youth obtained summer employment from a

$4.5 million Neighborhood Youth Corps program. The national administration has decided not to allocate any summer funds to the program this year. The result will be that 10,000 youths who otherwise would have needed employment will be without jobs.

The administration has suggested that other alternatives are available. Without going into a discussion of them, I can assure you that none of them will provide anywhere near the level of funding necessary for a meaningful program.

Last summer, even with the summer NYC program, youth unemployment was a serious problem in many parts of our state. We have no reason to expect that the situation will be substantially different this summer. The absence of the summer program thus further aggravates what already is a grave problem.

I am writing at this time because I recently was told that Senator Javits is considering an appropriation bill amendment to provide funds for a summer NYC program. I wanted you to know how strongly I feel regarding the need for such legislation. I know that you are aware of the need and that you share my concern.

Please let me know if there is any way that I can assist in the passage of this legislation.

With warmest regards.

Sincerely,

Wendell R. Anderson,
*Governor.*

---

City of Minneapolis,
*May 23, 1973.*

Hon. Hubert H. Humphrey,
*U.S. Senate, Old Senate Office Building, Washington, D.C.*

Dear Senator Humphrey: I am writing to urge your support for legislation to provide jobs for young people this summer.

Due to the recent reduction or discontinuance of some Federal programs, including the Neighborhood Youth Corps, there is a crucial need for programs to provide summer employment for young people. In previous summers, even with the Federal aid then available, there was a shortage of jobs for young people needing employment. Now, the lack of Federal funds for this purpose can only be expected to make this need more critical. The means which have so far been proposed by the Federal government for providing summer jobs for youth are not adequate and immediate attention is needed to alleviate the situation during the upcoming summer.

Your consideration in this urgent matter, and your leadership in enacting the necessary legislation, would be greatly appreciated.

Sincerely,

Charles Stenvig, *Mayor.*

### SUMMER JOBS FOR YOUTHS

Mr. BAYH. Mr. President, I am pleased to join with the distinguished Senator from New York (Mr. Javits) and others in introducing an amendment to the second supplemental appropriations bill to provide an additional $67.6 million for the Neighborhood Youth Corps summer job program. These additional funds, when combined with the $256.5 million already appropriated, will provide 740,222 9-week jobs for economically disadvantaged young persons between 14 and 21 years of age.

In my own State of Indiana a total of $6.8 million and 16,213 slots will be available. In Indianapolis, for example, this will mean about 2,100 summer jobs for young people and close to $900,000.

The amendment which I am cosponsoring will eliminate the necessity for the States to use Emergency Employment Act funds for summer jobs. The administration had recommended that EEA funds be used for this purpose; it had, in effect, suggested that States choose between providing employment for adults or summer jobs for young people. The Senate Appropriations Committee stated in its report that EEA funds should not be used for the summer program. I fully agree. These are two different programs designed to serve different but important social needs. We cannot take resources out of one and put them into another without doing severe damage.

I urge my colleagues to join with me in supporting the pending amendment and assure that this year as in the past years there will be at least some useful and productive summer activities for young people across the Nation.

Mr. JAVITS. With that full background I will now explain the amendment, briefly to the Senate, for Members who may not have been present.

The effort made here is to restore $55,730,000 for the Neighborhood Youth Corps summer job program, and to provide $9,946,580 for recreational support, and $1,983,431 for transportation support.

Mr. President, the fundamental item of $55,730,000 is proposed to be added to what the Appropriàtions Committee here and what the House have already done, which is to refuse rescission of $256,503,000 already specifically appropriated for the Neighborhood Youth Corps summer program.

If we add to it the amount I seek to add and that the 30 cosponsors with me wish to add, it would enable us to have a job program the same as that of last year and meet additional needs. Originally, much the same group had sought a program which would meet this year's needs and this year's capacities, which was for well over a million slots—$1,018,000—as fully certified by the National Conference of Mayors and the Conference of Cities.

But in considering the matter, in considering all our financial problems, I felt—and my cosponsors joined me—that we should seek no more than last year's program, which is all this does: A restoration to last year's program of roughly 740,222 slots with the additional supporting funds.

Mr. President, the need is irrefutable—and the Appropriations Committee recognized that need—first, in refusing the rescission which the President asked and, second, refused to go along with the President's reason for seeking the rescission—which was that funds appropriated for the Emergency Employment Act, which is employment to deal with endemic unemployment, should be utilized for this purpose to the tune of $300 million.

Therefore, the administration said, "You have enough money, if you go into that; so you do not have to appropriate any. Rescind what you have already appropriated."

But the Appropriations Committee here and in the other body rejected that. I wish to emphasize, as I have before when I have come to the Senate with the same plea, that what the committee has already done has been very noble and very responsive to what we originally claimed. I have no quarrels with the committee. It is simply a question of what we can do to meet the need. The committee has already stated, with respect to the proposed rescission for the Department of Labor:

> The committee strongly recommends against the use of funds for public service employment to carry out the Neighborhood Youth Corps summer program. The committee feels that the programs involved are intended to serve two separate and distinct purposes and that funds should not be commingled.

That is the biggest part of our plea.

Now we come to the Senate. We originally came to the committee, and we say: "Great. What you have done is fine." And that includes, I am confident the committee felt, the moral obligation to see that this is spent; because here we are dealing with what we have to do in a supplemental, because summer is tomorrow, right here, and the cities have to make their plans. Otherwise, we might as well forget about the whole thing. They cannot wait for next year's appropriation.

So I say to the committee that what they have done is splendid. The difficulty is that they have not even enabled us to equal last year's program, and to cut that program in the various cities is asking more than they should.

What is going to happen is exactly what the committee does not want to happen. Many areas will have to go into these emergency funds and put other people out of business. To repeat a phrase I have used in the past, they would fire the father to hire the son. It might cut out other programs in order to meet last year's goal in respect to the Neighborhood Youth Corps summer program this year.

I come to the Senate, together with a large number of other Senators, with a plea that we do at least as much as we did last year, and that is an adequte recognition of financial exegencies, needs certified by mayors and other organizations in testimony. Let us have at least what we had last year of 740,222 slots.

I know the Senator from Washington (Mr. Magnuson) has always been very sympathetic and so has the Senator from Arkansas (Mr. McClellan), as well as the Senator from New Hampshire (Mr. Cotton), to whom I have personally discussed this matter. I have been told, "I will go with the committee, but you know how I feel about it."

Mr. TAFT. Mr. President, I wish to associate myself with the remarks of the Senator from New York. I wish to read the figures regarding Ohio without the amendment. The total amount of money for Ohio would be $9.9 million, compared to $12,119,000 under the Javits amendment. This would mean a net loss of approximately $2 million for Ohio and a loss of 5,000 summer employment positions.

While the general employment situation has improved somewhat, I cannot report that youth employment has improved.

One of my colleagues, Representative Charles Whalen from Montgomery County, recently made a comprehensive study of his area and he found that in the model cities area of Dayton the rate of unemployment among black youth, ages 16 to 21, was approximately 60 percent, which is a shocking figure.

There is a great need for this program. I do not think the Congress can justify reducing the amount for the program or to terminate the program. The question of the continuance of the Emergency Employment Act, something on which I have an open mind, was tied into revenue sharing, and the situation will become extremely confused if we bring NYC programs into this special nonrevenue-type approach. If we adopt a Manpower Revenue Sharing Act we will still have the summer youth problem, a problem to which we would have to measure up because of the circumstances existing in many areas of the country.

Mr. President, I think this increase is merited, and I hope the Senate will approve it. I respect the committee's opinion on the matter, but I feel the approach used here does not adequately meet the problem as it exists today.

Mr. JAVITS. Mr. President, I would like to point out another important reason for an affirmative result on this amendment. I beg sympathetic members of the committee to give this matter their attention.

Having been refused by the President as to the money already appropriated, if an additional amount is added this would make it very clear we expect this job to be done and we do not expect it to be taken out in this financial legerdemain which the administration wanted to go through. That is an additional point in favor of an affirmative action in the Senate.

Mr. MAGNUSON. Mr. President, the Senator from Arkansas and I have discussed this matter. I do not think we disagree with the general proposition; $67 million would bring it up to last year's figure, but some of the money in last year's figure was not spent. I have been looking at these figures at some length. I would suggest and I would be hopeful that we could proceed with the great bulk of this program.

Someone asked why it is in the bill. As the Senator said, summer is here, and these people have to be taken care of now.

If the Senator will amend his amendment to provide $44.5 million for the Neighborhood Youth Corps program, which could be used as follows: $35 million for job, $8 million for the recreation, and $1.5 million for transportation, the Senator from Arkansas would be in a much better position in conference, and so would I, as a practical matter, in trying to get some more money for this program.

Mr. JAVITS. Mr. President, first I wish to say that this program does not have a better friend than the Senator from Washington (Mr. MAGNUSON). I am going to follow his advice. But I would like to ask him this question, as a friend, man, and Senator, and perhaps the Senator from Arkansas (Mr. MCCLELLAN) would help us, too. I hope these gentlemen will really try to bring it home for us because it is really deserving.

Mr. MAGNUSON. We will do the best we can. I am sure the Senator will find no lack of attention or an approach to the problem that is not sympathetic. It is an orphan matter that was advanced at the wrong time with the appropriation. I think this is something we could justifiably tell the House, where we could justify the amount with the House conferees. I am afraid that $67 million would be a little difficult.

Mr. JAVITS. If the Senator from Arkansas is willing, and I am sure he is, and I hope very much he will feel as the Senator from Washington does, I will modify the amendment.

Mr. McCLELLAN. I have discussed this matter with the distinguished Senator from Washington. I made some mention to the Senator from New York a moment ago that with this reduction in the amount I will be glad to do what I can on it and accept the amendment. I know we will have a real problem.

We kid ourselves here by loading this bill down. We are going to have real problems. I would like to go in with something reasonable. I can support something I think is reasonable. By this reduction, we might have a chance to get this in the bill.

Mr. JAVITS. I thank my colleague. Having served under the Senator from Arkansas (Mr. MCCLELLAN) in the Committee on Government Operations for a long time, I know that what others might consider as an understatement is a very strong commitment from him. I accept the suggestion as stated.

Mr. President, I modify the amendment by inserting in lieu of $67,660,000 the figure $44.5 million.

The PRESIDING OFFICER. The amendment is so modified.

The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL was recognized.

Mr. PELL. Mr. President, I yield to the majority whip.

### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, it is my understanding there will be no further action on the bill today and it will remain as the unfinished business tomorrow.

### ORDER FOR RECOGNITION OF SENATOR SCOTT OF VIRGINIA TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the distinguished Senator from Maryland (Mr. MATHIAS) has been recognized under the order previously entered, the distinguished Senator from Virginia (Mr. SCOTT) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR SENATE TO RETURN TO CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the transaction of routine morning business, the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1973

The Senate continued with the consideration of the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

Mr. PELL. Mr. President, I am disappointed that the second supplemental appropriations bill for fiscal year 1973 does not contain a supplemental appropriations for the basic educational opportunity grant program. As the Senators know, this program was authorized by the Education Amendments of 1972 and constituted a commitment on the part of the Congress to take a major step toward guaranteeing an equal opportunity for postsecondary education for all high school graduates. Since the enactment of that law, I have been somewhat disappointed with our failure to follow up on this commitment with the necessary appropriations. In the urgent supplemental appropriations bill which became law in April, the Congress appropriated a mere $122.1 million for basic grants. Such a small amount that it was necessary to place a limitation on the authorizing legislation confining basic grants to full-time freshman students.

During Senate consideration of that bill, the Senate by an overwhelming majority adopted an amendment which would have appropriated $384.5 million for the basic grant program. This amendment was lost in conference and the House allowance became law. I was disturbed by the action of the conferees on that bill and gave serious consideration to try to restore the amount for basic grants which the Senate had adopted when the conference report was being considered. I deferred taking those steps at that time, with the hope that additional funds would become available for the basic grant program with the second supplemental appropriations bill.

The second supplemental appropriations bill is now before us and it contains no additional amounts for basic grants. It is for this reason I considered offering an amendment which would appropriate additional amounts for basic grants. I would imagine that, on the basis of its previous record on this matter, the Senate might well adopt such an amendment. At the same time, I am reasonably certain that, regardless of the magnitude of the Senate vote on such an amendment, its chances of survival in conference would be slim, making the action of the Senate futile.

It is for this reason I desist from offering an amendment for additional appropriations for basic grants for fiscal year 1973. However, the Senate will soon be considering the regular HEW appropriations bill for fiscal year 1974. In that bill the President has requested $959 million for the basic grant program adequate to fulfill entitlements under the basic grant program. The House has not yet taken action on that request. I am hopeful that the House will allow the envisaged funding for this program. If the House does not do so, the Senate will again be asked to consider adequate appropriations necessary to fulfill our commitment to American young people. I want to place myself on record in favor of the amount of the budget request for basic grants and I would urge my colleagues to go on record with me on this matter for fiscal year 1974.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the record, what is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is the last committee amendment to H.R. 7447, the so-called Eagleton amendment.

Mr. ROBERT C. BYRD. Does that amendment go to section 305 on page 58 of the bill?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. MATHIAS, Mr. SCOTT of Virginia, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of the routine morning business, the Senate will resume the consideration of the unfinished business, H.R. 7447.

The question at that time will be on the amendment to the committee amendment, section 305, page 58 of the bill, the so-called Eagleton amendment.

I anticipate yea-and-nay votes on tomorrow.

## ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, as a further mark of respect to the memory of the deceased Hon. WILLIAM O. MILLS, late a Representative from the State of Maryland, and in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 6 34 p.m. the Senate adjourned until tomorrow, Wednesday, May 30, 1973, at 12 o'clock noon.

## NOMINATIONS

Executive nominations received by the Senate May 24, 1973:

### DEPARTMENT OF DEFENSE

James R. Schlesinger, of Virginia, to be Secretary of Defense, vice Elliot L. Richardson.

### CENTRAL INTELLIGENCE

William Egan Colby, of Maryland, to be Director of Central Intelligence, vice James R. Schlesinger.

Executive nominations received by the Senate May 25, 1973:

### DEPARTMENT OF THE TREASURY

James E. Smith, of Virginia, to be Comptroller of the Currency, vice William B. Camp, resigned.

### U.S. AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

*To be lieutenant general*

Lt. Gen. Royal B. Allison, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

### IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

*To be captain*

Deka, David J., [redacted]
Handcox, Robert C., [redacted]
Quann, Brendon T., [redacted]

*To be first lieutenant*

Bickford, Stephen M., [redacted]
Boucher, David W., [redacted]
Browning, Joseph W., [redacted]
Corbin, Robert P., [redacted]
Dickinson, James G., [redacted]
Dull, Robert J., [redacted]
Durkin, Denis L., [redacted]
Fagan, Peter T., [redacted]
Finch, William L., [redacted]
Fuchs, Lawrence M., [redacted]
Gleason, James C., [redacted]
Heller, Edward J., [redacted]
Henderson, Robert H., [redacted]
Jones, Robert D., [redacted]
Kodak, Robert D., [redacted]
Krieger, Paul T., [redacted]
Kuelbs, John T., [redacted]
Leeling, Gerald J., [redacted]
McDade, Lawrence G., [redacted]
Milne, John H., [redacted]
Monahan, Eugene J., [redacted]
Mullin, Timothy J., [redacted]
Nagle, James F., [redacted]
Osgard, James L., [redacted]
Pogge, Phillip T., [redacted]
Riley, Dennis J., [redacted]
Roberson, Gary F., [redacted]
Rovak, Stephen H., [redacted]
Simmons, Harvey O., III, [redacted]
Stauffer, Ronald E., [redacted]
Teele, Arthur E., [redacted]
Vissers, Christian F., [redacted]
Wickstead, Michael C., [redacted]

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

*To be major*

Heinlein, Joseph J., [redacted]
Scavarda, Angelo, [redacted]

*To be captain*

Adams, John B., [redacted]
Carmack, James Roy M., [redacted]
Clark, Louis R., [redacted]
Day, James R., [redacted]
Fuentes, Vincent O., [redacted]
Hartzell, Richard E., [redacted]
Hemmer, William J., [redacted]
Hopkins, Wyland W., [redacted]
Kraus, George F., [redacted]
Livingston, Robert O., [redacted]
Mason, Lloyd D., [redacted]
McNelis, Peter J., [redacted]
Meyers, Edward M., [redacted]
Ray Wilson, [redacted]
Rhoads, Thomas H., [redacted]
Shea, Jude E., [redacted]
Shiley, Roger D., [redacted]
Starr, Garrett C., Jr., [redacted]
Wallace, Douglas C., [redacted]
Waller, William D., [redacted]

*To be first lieutenant*

Angsten, Joseph J., Jr., [redacted]
Armstrong, William S., [redacted]
Aslanian, Roy C., [redacted]
Barrett, Ronald J., [redacted]
Bartley, Randall B., [redacted]
Bettin, Patrick J., [redacted]
Biscan, Kenneth T., [redacted]
Bishop, Eugene H., Jr., [redacted]
Bowden, Gerald, [redacted]
Bowen, James D., Jr., [redacted]
Branham, Terry W., [redacted]
Brennan, James M. C., [redacted]
Brown, Bradley N., [redacted]
Brown, Thomas C., Jr., [redacted]
Buchanan, John R., [redacted]
Burkhart, Ralph L., [redacted]
Burks, Ishmon F., [redacted]
Cantrell, David L., [redacted]
Carter, James H., [redacted]
Carty, John L., [redacted]
Champlin, Guy E., [redacted]
Childs, James E., [redacted]
Clifton, James L., [redacted]
Coleman, Thomas L., Jr., [redacted]
Collins, Van A., [redacted]
Crenshaw, Chauncy F., [redacted]
Daly, William F., [redacted]
Daves, Charles D., [redacted]
Davis, Gaylord E., [redacted]
Dodson, Michael L., [redacted]
Downes, Linus E., [redacted]
Dunn, George R., Jr., [redacted]
Enyart, John D., [redacted]
Fiske, Roger C., [redacted]
Fisher, Jerald W., [redacted]
Foster, Michael V., [redacted]
France, Charles R., [redacted]
Fritz, Harold A., [redacted]
Gamble, John A., [redacted]
Gerber, Marion D., [redacted]
Gibbons, Thomas U., [redacted]
Gibson, William R., [redacted]
Goertemiller, John C., [redacted]
Gordon, Ray C., III, [redacted]
Green, Kirby L., [redacted]
Gust, David R., [redacted]
Hardy, Christopher R., [redacted]
Hendry, Donald D., [redacted]
Hill, James R., [redacted]
Hillmer, Norval J., Jr., [redacted]
Hof, Frederic C., [redacted]
Hong, Erik A., [redacted]
Houck, Michael C., [redacted]
Howell, Robert N., Jr., [redacted]
Jackson, Phillip F., [redacted]
Jones, James M., Jr., [redacted]
Kain, Harold R., [redacted]
Kean, Robert B., [redacted]
Knipmeyer, Samuel C., [redacted]
Kondik, William T., [redacted]
Koren, Henry L. T., Jr., [redacted]
Kronenberger, Louis J., [redacted]
Krueger, Gordon E., [redacted]
Kunzman, Anthony T., [redacted]
Leibbert, Michael R., [redacted]
Leibrock, Larry R., [redacted]
Levay, Dean A., [redacted]

Locastro, Dominic J., [redacted].
Maggart, Lon E., [redacted].
Man, Louisa P., [redacted].
Martin, Albert G., [redacted].
Mattheis, Michael T., [redacted].
McGill, John G., [redacted].
McHugh, Conrad J., [redacted].
Meeks, Floyd D., [redacted].
Meisner, Bruce L., [redacted].
Mendes, Paul P., [redacted].
Michelli, John R., [redacted].
Mitcham, Thomas A., [redacted].
Mohr, Lawrence C., Jr., [redacted].
Moore, Charles E., [redacted].
Morgan, David T., Jr., [redacted].
Nihoul, Timothy R., [redacted].
O'Conner, Joseph W., [redacted].
Oseth, John M., [redacted].
Parker, Edson D., III, [redacted].
Parsons, James E., [redacted].
Pierson, Gary D., [redacted].
Pitts, Harold C., [redacted].
Platt, Richard W., Jr., [redacted].
Pomije, Henry W., [redacted].
Pond, Paul M., [redacted].
Price, Luther W., [redacted].
Quatrevaux, Edouard R., [redacted].
Railey, Stephen R., [redacted].
Rankin, Dennis R., [redacted].
Ranum, Curtis A., [redacted].
Reed, Edwin D., [redacted].
Reed, Stanley L., [redacted].
Reeder, Ellis G., [redacted].
Robbennolt, James C., [redacted].
Roberts, William E., [redacted].
Rogers, Oliver M., [redacted].
Sanders, Everette C., [redacted].
Schrader, Robert F., [redacted].
Serio, Joseph, [redacted].
Shepherd, William E., [redacted].
Shockley, Peter S., [redacted].
Shreve, Clifford N., [redacted].
Shumate, David M., [redacted].
Simpson, Fred E., [redacted].
Sims, Richard L., [redacted].
Sink, Duane E., [redacted].
Smith, Thurman R., [redacted].
Smith, Zannie D., [redacted].
Sosa, Gilbert, [redacted].
Steele, Edgar W., [redacted].
St. Pierre, Normand L., [redacted].
Stricklin, Toney, [redacted].
Sullivan, Bloomer D., [redacted].
Summers, Thomas M., [redacted].
Swihart, John B., [redacted].
Tanner, Robert W., [redacted].
Tarpley, John J., [redacted].
Tarpley, Richard W., [redacted].
Tercy, Michael J., [redacted].
Thomas, Rodney G., [redacted].
Thompson, Samuel S., III, [redacted].
Thornal, Benjamin C., III, [redacted].
Tsutsumi, Susumu, [redacted].
Treolo, Paul, Jr., [redacted].
Vavra, Robert W., [redacted].
Verona, Robert W., [redacted].
Vincent, William R., Jr., [redacted].
Walsh, Jerry C., [redacted].
White, Dennis M., [redacted].
Wilkin, Kenneth R., [redacted].
Williams, Joseph L., Jr., [redacted].
Williamson, John R., [redacted].
Wojtkun, Gregory, [redacted].
Young, David F., [redacted].

*To be second lieutenant*

Abraham, George, Jr., [redacted].
Clark, Willa R., [redacted].
Curry, Joe W., Jr., [redacted].
Danielson, Roger L., [redacted].
Durst, Cynthia S., [redacted].
Ehlinger, Thomas M., [redacted].
Fussman, Philip C., [redacted].
Henricson, Lawrence K., [redacted].
Hurst, Harry S., [redacted].
Kinsinger, Daniel H., [redacted].
Kobliska, Dorothy A., [redacted].
Piplana, Lalit K., [redacted].
Roach, John W., [redacted].
Schroeder, Carl W. F., II, [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Arnold, Jeffrey L., [redacted].
D'Antonio, Gregory D., [redacted].
Dunn, Rex, [redacted].
Gold, Steven D., [redacted].
Hartman, Jack M., [redacted].
Gulczynski, George M., [redacted].
Karmgard, Robert T., [redacted].
Melton, Frank L., [redacted].
Pool, David S., [redacted].
Renton, Richard F., [redacted].
Schultz, Stephen P., [redacted].
Walthal, George C., [redacted].
Yerger, John E., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Cejka, Oliver J., Jr., [redacted].
Dolan, Daniel A., [redacted].
Dunn, Philip E., Jr., [redacted].
Ferm, Dennis K., [redacted].
Gallaway, Robert L., [redacted].
Grimm, Paul W., [redacted].
Hansen, Karl E., [redacted].
Hatten, James N., [redacted].
King, Michael K., [redacted].
Lederer, Calvin M., [redacted].
McCann, James P., [redacted].
Rutter, Mark H., [redacted].
Selfridge, Keith C., [redacted].
St. John, Donald A., [redacted].
Tyrrell, David R., [redacted].
Van Hooser, Robert J., [redacted].

The following-named cadets, graduating class of 1973, United States Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 541, 3284 through 4353:

Britton, Dallas F., [redacted].
Rasmussen, Brian E., [redacted].

Executive nominations received by the Senate May 29, 1973:

### DIPLOMATIC AND FOREIGN SERVICE

W. Tapley Bennett, Jr., of Georgia, a Foreign Service Officer of the class of Career Minister, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

William E. Schaufele, Jr., of Ohio, a Foreign Service Officer of class 1, to be Deputy Representative of the United Nations, with the rank of Ambassador.

Clarence Clyde Ferguson, Jr., of New Jersey, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Barbara M. White, of Massachusetts, a Foreign Service Information Officer of the class of Career Minister for Information, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

### INTERNATIONAL MONETARY FUND

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years—reappointment.

Charles R. Harley, of Maryland, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years, reappointment.)

### SECURITIES AND EXCHANGE COMMISSION

John R. Evans, of Utah, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1978—reappointment.

---

# EXTENSIONS OF REMARKS

## GARRISON DIVERSION

### HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 29, 1973*

Mr. BURDICK. Mr. President, the lead editorial in the Forum, published today, at Fargo, N. Dak., points out clearly the advantages of the Garrison diversion, particularly in periods of uncertain rainfall.

Water is the most priceless commodity we have in this Nation and its conservation and use are essential to a viable economy.

The Forum's editorial is unassailable, and gives renewed support to a project that will mean so much to the people of North Dakota.

I include a copy of the editorial in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RECENT DRY WEATHER SHOWS NECESSITY FOR CONTINUING MISSOURI DIVERSION PROJECT

Farmers in eastern and central North Dakota have cleared the first hurdle in their annual contest with Mother Nature to get their crops planted and harvested.

Throughout all of April and the first three weeks of May, only scattered patches of rain dampened the area. The lack of rainfall made it pleasant for the farmers to plant their crops, but as the dry days stretched into late May, the farmers and even the city folks were beginning to worry about whether North Dakota was confronted with another drought as devastating as those which occurred in 1934–1936.

It was drought throughout Russia that forced that nation into the world wheat market last year, and its purchase of American wheat has brought our farmers the best prices for our principal farm product in the last 20 years.

If it happened in Russia, couldn't drought also wipe out a major portion of the North Dakota grain crop?

Well, drought can and has wiped out more than half of North Dakota's farm production in several years, but the immediate threat is gone for now. Last week's rains came at just the right time to erase the immediate worries. Of course, the farmers will need a consistent rainfall over the next two months to guarantee the harvest, but they can go for three or four weeks without worrying too much about a truly severe drought.

Even with the rainfall, the farmers aren't out of the woods. There are still hailstones to worry about, as well as insect ravages. Too much rain could also wash out some individual farmers. Too much, however, is better than too little. Only a relatively few farms are hurt by too much rain, but every farm gets hurt when there is too little.

It is interesting to note that North Dakota farms were getting drier and drier as a group of North Dakotans tried to stop in its track a major project which is intended to bring water to hundreds of thousands of acres of North Dakota farmland when the rain fails to come. Fortunately, the U.S. Circuit Court of Appeals at St. Louis upheld the U.S. District Court of Bismarck in its refusal to grant an injunction against the continuing construction of the Missouri River irrigation and diversion project now under way in central North Dakota.

The Bureau of Reclamation at the same time was holding a public hearing on its environmental impact statement regarding the same project at Minot. Some 80 witnesses, arguing the pros and cons, stretched the hearing out over three days, and repeated all the claims and counterclaims that have been voiced about the project over the last 20 or 30 years.

To find so much opposition against a project which was designed essentially to improve North Dakota's environment by making the best possible use of its water resources has been hard to understand. If the dry days of April and May had continued into June, we would have had a most forceful demonstration of the need for such a project. The rains came last week, but they may not repeat themselves in June and July. Or they may not come on time next year. That is why irrigation and its related benefits are such a necessity in the dryland farming areas of North Dakota.

Some years we are lucky and some years we are not. The irrigation project is designed to take the risk out of the weather gamble for farmers in those areas that are served by the project.

If the project is stopped by the legal protest now being raised, there is always a good chance that Congress will send the money to some other area and the project will never get restarted.

The close call that many North Dakota farmers have had with the weather already this year should convince North Dakotans who haven't been paying much attention to the protest that North Dakota needs irrigation, and that the only way that irrigation can be brought to this state on a large scale is through the Missouri project. Let us keep a good thing going.

## PRESIDENT HARRY S TRUMAN

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ROONEY of New York. Mr. Speaker, with the passing of former President Harry S Truman on December 26th last, one of the few remaining personages from a varietal and climatic period of American and world history was taken from our midst. His vociferous critics of his Presidential activities are now slowly realizing the integrity of his decisions and actions.

The chroniclers have done an excellent job of detailing the historical events and decisions of Harry Truman and I am sure that the politicans and historians will analyze and interpret them for many, many years to come. Therefore, I do not intend to include them here. However, they will be missing the intrinsic ingredient that garnishes my recollections of the era, and that is the privilege of not only working with him but also counting him as a friend.

The late President Truman faithfully followed his own advice—the buck stops here. During his tenure as President, he had to make many tough and painful decisions, a few of which were to use the atom bomb, to resist Communist aggression in South Korea, to fire Gen. Douglas MacArthur, and how to rebuild a world torn apart by World War II. He will also be long remembered, especially by some members of the press for his replies to picayunish news stories about his family.

Those of us who have long been concerned over finding workable solutions to the problems confronting our efforts to provide equal rights to all our citizens remember joining the late Harry Truman in his effort to provide continued appropriations to and the establishment of a permanent Fair Employment Practices Committee. It was my privilege to respond affirmatively to President Truman's requests that Congress establish such a permanent committee.

An episode in the Truman era that I am sure is seared into the minds of not only labor but also of business is the Republican-controlled 80th Congress passing the Taft-Hartley Act and overriding his veto of it. I disagreed with the passage of that act that time and continue to do so as I am sure that Harry Truman continued to do so.

My Jewish constituency in the 14th Congressional District of New York and most of the Jewish people throughout the United States remember the prompt action in 1948 of President Truman in diplomatically recognizing the new State of Israel, almost immediately after the new State was proclaimed at Tel Aviv.

No tribute to the late President Harry S Truman would be complete without praise for his lovely wife for her devotion and love that gave him great strength to be true to himself in arriving at the decisions that changed mankind. Our prayers and deepest sympathy go to her and their lovely daughter Margaret. I am sure that in this period of anguishment at our great loss the knowledge that Harry Truman accepted the challenges that life placed before him as President and met them with greatness will long remain in our memories.

## PRIVATE WINDMILL: "NOTHING SHORT OF EXHILARATING"

### HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 29, 1973*

Mr. GRAVEL. Mr. President, an engineer by the name of Henry Clews is one of the many individuals in this country who are proving that windpower is a practical nonpolluting source of electricity. Mr. Clews has a 50-acre farm in Maine, 5 miles from the nearest paved road.

I would like to quote a few passages from his letter in the November 1972 issue of the Mother Earth News:

> We paid $1,800 and I spent many hours this summer setting up a complete and self-contained wind-generated electrical system.
>
> The propeller and generator are from Quirk's in Australia and—to my knowledge—ours is the first large Quirk's unit to be installed in the U.S.
>
> It's a 2,000-watt, 120-volt, low-speed, geared alternator with a 12-foot diameter full-feathering propeller mounted atop a 50-foot steel tower.
>
> Other components in the system include 20 six-volt, 180 amp-hour "house lighting" batteries with built-in charge indicators, an automatic transistorized voltage control and various rectifiers and inverters designed to yield 120 volts A.C. or D.C. . . .
>
> Since our system was put into operation a month ago, we've had uninterrupted power for lights, shop tools, water pump, hi-fi, electric typewriter, and, yes, even television.
>
> We're so enthusiastic that we've formed a company to import Quirk's windplants, and I'm now the official agent for the units in New England and New York.
>
> Our company, Solar Wind, will eventually be expanded to produce and sell plans and kits for simpler, less expensive wind generators, solar heating units, and other alternative energy devices. . .
>
> The feeling of running a whole shop, lights, and appliances—with the stereo blaring away in the background—on a totally invisible, non-polluting and free power source is nothing short of exhilerating.

Henry Clews can be reached by mail at RFD 2, Happytown Road, East Holden, Maine 04429.

Perhaps individual windpower systems, as distinct from large-scale windpower systems, will be suitable only for homes in the country. It is interesting to note that 56 percent of Americans would prefer a rural life, if they could have it, 25 percent would choose suburban living, and 18 percent want to spend their lives in a city, according to a Gallup poll cited in the May 12, 1973, issue of Science News. Maybe there will be a huge market for private windmills very soon.

## TROUBLE IN SPACE

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, NASA is setting about the recovery of the Skylab mission. There is every expectation that full utilization will be made of Skylab. To do this requires assessment, improvision, and repair. These things have not been routinely done in space before. Yet our ability to do them now is turning possible failure to probable success. Skylab, the first true space station, points out the importance of developing a repair and refurbishment capability which will be offered by the upcoming Space Shuttle low-cost space transportation system in the late 1970's.

As the Skylab program is recovered it is worthwhile reading a recent editorial in the Evening Star of May 16, 1973, which succinctly describes the issues and importance of Skylab. The editorial follows:

TROUBLE IN SPACE

> America's first attempt to operate a manned, orbiting space laboratory is in serious difficulty. Shortly after the 88-ton Skylab was launched Monday, its power plant was found to be impaired by half, apparently by the failure of a pair of solar panels to unfold

properly. Then, more ominously, the interior of the unoccupied space station was reported yesterday to be overheated, with temperatures reaching 100 degrees. A malfunctioning gyroscope was put down as a lesser problem.

What all this means for the future of the Skylab mission is still being assessed. Fortunately no astronauts' lives are endangered right now with the dispatch of the first three-man crew, originally scheduled for yesterday, postponed at least until Sunday. Experts of the National Aeronautics and Space Administration in the meantime are working furiously to determine how much of the $2.6-billion experiment can be salvaged, and what measures might be attempted to correct or work around the problems.

At this point the range of possibilities is great. If the manning of the space station has to be abandoned completely, Skylab can be marked down as an almost unmitigated failure, at least for this year. On the optimistic side, the threatened mission could turn out to be a roaring success in the unlikely event that both the power shortage and the overheating can be corrected. The final result could turn out to be something in between. Operating at half power, the space station could permit the completion of most of the dozens of planned experiments.

The most important question, however, is whether Skylab operates well enough to meet the main objective of the program. This is to provide medical data on how long men can function effectively in the weightless environment of space. The first crew was to occupy the station for 28 days, and that, exceeding the Russian record of 25 days, could test the human limit. Two later Skylab crews were to try for 56 days aloft. If the current problems force drastic reductions of these targets, the principal purpose of the program will have been thwarted.

Skylab still has a chance to escape the disasters of the equivalent Russian program. The record-setting occupants of the first Soviet laboratory died in 1970 when their vehicle lost air upon returning to the earth. Another Salyut laboratory failed to orbit last year, and yet another broke up in space last month.

NASA's space wizards are impressive improvisers, as they proved in saving the Apollo 13 crew after an explosion aborted that trip to the moon. The present deadline for problem-solving is not quite as pressing, with the astronauts safe on the ground. But the decisions of the next few days could have much to say about how fast and how far the United States proceeds with what until now has been a spectacularly successful space effort.

---

## ARTHUR F. SAMPSON NAMED FIRE PROTECTION MAN OF THE YEAR

## HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 29, 1973*

Mr. SCHWEIKER. Mr. President, Arthur F. Sampson, Acting Director of the General Services Administration, has been named "Fire Protection Man of the Year" by the Society of Fire Protection Engineers. Mr. Sampson, a native of Erie, Pa., was cited for his leadership of GSA's programs to advance a goal-oriented approach to fire safety and to promote fire protection and fire prevention as management concerns.

Mr. President, I request unanimous consent that a statement describing the award be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### GSA HEAD SAMPSON NAMED FOR FIRE PROTECTION AWARD

Arthur F. Sampson, head of the General Services Administration, has been named "Fire Protection Man of the Year" by the Society of Fire Protection Engineers. The award will be presented May 16 at the Society's annual meeting in St. Louis.

Society president Martin M. Brown said Sampson is the first to receive the group's new annual award. "In bestowing this award, the Society wishes to recognize your leadership in the application of a sound systems approach to fire safety in building design," Brown said. "Your contribution is outstanding and will have lasting effects."

Sampson first gained attention of fire protection officials in April 1971, when he convened the GSA International Conference on Fire Safety in High-Rise Buildings. Over 70 experts from the U.S., Canada and Europe participated. Conference recommendations were incorporated into a total fire safety system for the Federal building under construction in Seattle—GSA's first major effort to include such comprehensive planning in design and construction of a new Federal facility. The agency has since required a re-evaluation of fire safety features in all planned buildings, as well as a progressive overhaul of fire protection features in existing Federal structures.

Under Sampson's direction, GSA has instituted a number of fire protection research projects. Chief among them is a $600,000 contract with the National Academy of Sciences to conduct a three-year statistical sample of existing fire loads in office and school buildings nationwide. GSA also has organized a three-day conference to be held in July 1973, to review existing fire protection research and determine future needs in co-operation with leading Federal agencies in the field. Participating with GSA will be the National Bureau of Standards, National Science Foundation and the Department of Housing and Urban Development.

In addition to fire protection advances, GSA has been cited for its achievements in fire prevention under Sampson's leadership. Seven of ten GSA regional headquarters were cited by the National Fire Protection Association in its 1972 fire prevention contest. Grand award went to GSA headquarters in New York.

Sampson joined GSA in 1969 as commissioner of the agency's Federal Supply Service. He moved later that year to the Public Buildings Service, where he served as commissioner until named acting GSA administrator by President Nixon in June 1972. Among his responsibilities as GSA chief are construction, leasing and maintenance of over 10,000 Federal facilities throughout the United States.

Prior to Federal service, Sampson spent six years in Pennsylvania state government as secretary of administration and budget under Governor William P. Shafer, and deputy secretary for procurement under Governor William Scranton. He was employed previously for 12 years by the General Electric Company.

A native of Warren, R.I., Sampson received a B.S. in business administration from the University of Rhode Island and is currently pursuing a master's degree in public administration at the George Washington University. He maintains a permanent residence with his wife and four children in Camp Hill, Pa.

The Society of Fire Protection Engineers, founded in 1950, is the multi-national professional organization of engineers involved in the field of fire protection. Chapters of the Society are located in the United States, Canada, Europe, and Australia. Society headquarters are located at 60 Batterymarch Street, Boston, Mass. 02110.

---

## A TRIBUTE TO DR. GEORGE E. DAVIS OF THE INDIANA COMMISSION ON AGING AND AGED

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BRADEMAS. Mr. Speaker, I take this time to pay tribute to one of Indiana's most dedicated public servants, Dr. George E. Davis, a retired professor at Purdue University who more than any other person established an effective Indiana Commission on Aging and Aged.

I insert at this point in the RECORD the text of an editorial from the May 4, 1973, LaPorte Herald Argus praising Dr. Davis for his outstanding service to the older people of Indiana.

The editorial follows:

### DR. DAVIS GAVE DECADE TO ELDERLY

This country would be stymied in a number of ways were it not for volunteers who devote the kind of time and effort to community causes that would be full time jobs for many of us.

Our attention was drawn to such a case when a group gathered in Indianapolis recently for a testimonial dinner to 80-year-old Dr. George E. Davis, retired Purdue university professor, who literally built the program offered under the Indiana Commission on Aging and Aged.

Dr. Davis, who will be 81 on July 7, is calling it quits after nearly twelve years devoted to developing an ongoing program involving the semiretired, retired and senior citizens generally.

After a teaching career that spanned many decades, including a quarter of a century on the Purdue faculty at West Lafayette, Dr. Davis responded to another call in 1961 and assumed the position of executive director of the then newly formed Commission on the Aging and Aged.

The project had been initiated for obvious reasons. Dr. Davis served three governors and their respective state administrations, and patiently worked with a structure endorsed by state government, but not funded to any great degree, to form commissions on the aging and the aged in each of Indiana's 92 counties.

Whatever remuneration he received was a pittance based on the enormous amount of work involved in organizing this program.

Over the past decade, which happens to include Dr. Davis' tenure, the nation has become increasingly concerned with the many and complex problems of the elderly.

Are we on the right course, taking them out of their homes and transferring them in their twilight years to the kind of communes we call nursing or rest homes?

Are we preparing people for retirement? Have social security, private pensions and other methods for retirement security maintained human dignity?

And finally: Is society suffering a significant loss of training and experience as a result of the sharp cutoff point characteristic of most mandatory retirement plans?

To each of those questions, and many more, Dr. Davis addressed his sharp faculties. The commission on the Aging and Aged helped create senior citizens programs and centers, housing programs, county groups solely devoted to the cause of the aging and aged; meanwhile, dispensing quantities of information designed to awaken the public to a problem that so suddenly dawns on many of us—that problem being retirement, and then old age.

The success of the project Dr. Davis headed for more than a decade depended almost entirely upon volunteers. Americans are conscious of the fact they are paying their way into old age, but many of them know not what to do when they have paid the price and suddenly are confronted with a life of leisure that is not as pleasant as it may sound.

Other than the direct help which Dr. Davis' county-by-county program helped create through senior citizens' centers, housing improvements and the like, we see his greatest contribution as the leadership he provided to help to alert the public to a problem.

Dr. Davis knows firsthand, as do the volunteers who worked with him statewide, of the frustrations which occur in a family when it is realized for the first time that the old home must go and the "children" must help find care and sometimes money for loved ones whose productive years are long past.

Dr. Davis, at age 80, is living proof of the many years of effective service that often remains available to society long after an individual has taken, or been forced into, retirement.

Indiana has benefited beyond measure because Dr. Davis extended his productive years.

---

## MAKE-IT-YOURSELF METHANE FOR VEHICLES, HEAT, AND LIGHT

### HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 29, 1973*

Mr. GRAVEL. Mr. Speaker, if we would tap into solar-driven natural energy systems all around us, we would not have a fuel-shortage. It is undeniable that solar energy could provide us with methane, hydrogen, and oil as well as electricity.

I cannot point to any large-scale solar-energy systems in operation simply because not one has been funded yet. But I can point to some of the very same solar energy systems in operation on a small scale. Heat, wind, photosynthesis—these solar gifts are there for the tapping.

If students in California and farmers in India can tap them today, it is nonsense to say it cannot be done on a large-scale for decades.

When tractors and cars and schools stop running for lack of fuel, or when a nuclear powerplant black outs 2.5 million people once more in Florida, we will probaby see more and more fed-up individuals and small communities just solve the power problem for themselves with solar energy. Some systems are simple enough to build in a few weeks. Of course they would not be perfect, but they will work.

Two pertinent articles have been brought to my attention by a lady in Woodstock, Ill., by the name of Anne Carroll, to whom I am most grateful. The first is a column from Chicago Today, November 19, 1972, entitled "Heat Your Home With Garbage" by the Mother Earth News Service. The second is from "Organic Gardening and Farming", June 1972, entitled "Methane Gas—an Overlooked Energy Source" by S. A. Klein plus remarks by R. B. Singh of India.

Mr. President, I ask unanimous consent that major excerpts from the two articles be printed here in the RECORD.

There being no objection, the excerpts from the articles were ordered to be printed in the RECORD, as follows:

[From Chicago Today, Nov. 19, 1972]

### HEAT YOUR HOUSE WITH GARBAGE

Sometimes it's hard to believe the blind manner in which we squander resources in this country. Consider natural gas, for example. The fuel is already in such short supply that gas companies in several sections of the United States have begun rationing it. Those companies are making a major effort to locate new fields of the gas and are currently laying thousands of miles of pipelines and mains with which to tap known reserves of the fuel.

That's an expensive proposition. It costs big dollars to locate those gas fields, drill the wells, build the pipelines, put in the mains and do all the other things that must be done to get that natural gas out of the ground and into our cities and towns where we want to use it.

While we're spending all those dollars to funnel that gas into town, we're also spending dollars to get rid of natural gas that is already right there in every city and village in the country.

It's cleverly disguised as garbage.

You see, when plant and animal matter decays, it doesn't just disappear. It changes into other forms. If you've ever made a compost pile, you know this quite well. You put dead leaves, vegetable cuttings, bone meal, dried blood, tankage, grass clippings, table scraps and a lot of other "garbage" in . . . and it comes out magically transformed into a rich, clean, natural fertilizer.

But, there's more to it than that. Perhaps you didn't know it, but while that stack of garbage was turning itself into compost . . . it was also generating methane gas. And methane is natural gas. You can cook with it, heat with it and otherwise use it as fuel.

This same production of methane takes place in every municipal sanitation facility in the country. But directors of the sanitation installations—intent only on getting rid of our garbage as rapidly as possible—consider the hundreds upon hundreds of thousands of cubic feet of gas so generated to be a positive nuisance. They do everything in their power to discourage the formation of methane in the first place and let the gas escape as quickly as they can when it is created.

Wouldn't it make more sense to design our sanitation plants so they'd produce as much of this fuel as possible? And wouldn't it further make sense to collect this methane—this natural gas—and pipe it to our factories and homes for use as fuel?

Collection of natural gas from municipal sewage stations is not an impractical idea. It's being done at present in India, China, Formosa, Korea and other parts of Asia. It's also done in Hungary, France, Germany and several additional European countries. It's only a matter of time before we pump our underground reserves of natural gas dry and adopt the idea ourselves, anyway . . . so why not get a head start and ease the transition?

A world-famous authority on the subject states that it is possible to manufacture small, family sized methane generators that can make every home and apartment in the United States at least semiindependent of outside power sources.

---

The authority is Ram Bux Singh, director for the last 18 years of a methane gas research laboratory at Ajitmal in northern India. In that position, Singh has personally supervised the construction and operation of at least 200 biogas plants and he and his staff have dramatically simplified and miniaturized the design of methane production units.

"It is now possible," Singh told us when he recently visited the United States, "to install a small prefab biogas plant in a home or apartment as easily as we now install a water heater . . . its plumbing is no more complicated."

Singh then went on to tell us how all the vegetable trimming, spoiled food, leftovers, grass clippings, weeds, leaves and other garbage generated by an average household could be recycled thru the biogas unit and turned into rich, garden-ready compost and methane gas for cooking, heating the house or even fueling the family automobile.

"This could go a long way toward cutting living expense, making our lives more enjoyable, preserving the earth's resources and drastically curbing pollution," says Singh.

"We would replace the belching incinerators, stinking land fills and sewage filled streams of the present waste disposal system with small, silent units that turn our garbage directly into valuable fertilizer with fuel. With biogas plants we can recycle our waste and use it again and again in a very simple, direct and natural way."

Well sir, that sounds almost too good to be true . . . so we asked Singh to help us build a prototype biogas plant at Mother's headquarters in northern Ohio. He did, we're experimenting with the unit now . . .

It may indeed be possible soon—for you to buy a factory made biogas plant the way you now buy a new stove or refrigerator. And once you install that unit in the basement or utility room and start routing all your family's waste thru it . . . you may be able to heat your house and cook without ever paying another gas, fuel oil, coal or electric bill again! Mother Earth News Service, POB 38, Madison, Ohio 44057.

---

[From Organic Gardening and Farming June 1972]

### METHANE GAS—AN OVERLOOKED ENERGY SOURCE

(By S. A. Klein)

Here's the key to a storehouse of power that can light lights, heat buildings, run machines, and make wheels turn—all without polluting the environment.

Manure and vegetable wastes, while they may be garbage to most people, are pure gold to the organic gardener. When composted, they fertilize and condition the soil at one time. By composting them without air, we can collect free, non-polluting and efficient natural gas.

This gas, methane, is mostly wasted nowadays. This article shows how some simple equipment can catch it for home use, completing yet another cycle in the closed organic system.

Methane, known also as marsh gas, swamp gas and natural gas, is abundant throughout the temperate regions of the world. It is colorless, odorless and burns cleanly without producing a smoky residue. Abundance plus desirable burning properties add up to a low cost fuel that can replace wood, coal and oil as the major fuel source for home and industrial heating purposes.

#### METHANE PRODUCED IN NATURE

Methane is produced in nature by the bacterial decay of vegetation and animal wastes in the absence of air—a process known as anaerobic decomposition. Methane production is often associated with swamps, (the famous "Will 'O the Wisp" is methane burning on the surface of swamps) since dying vegetation becomes immersed beneath the water, excluding air and providing the conditions for anaerobic bacteria to flourish.

* * * * *

#### USE OF METHANE PRODUCTION IN SEWAGE TREATMENT PLANTS

Man has found other benefits from the controlled use of the methane production process. For many years sanitary engineers have treated human fecal matter by this process at sewage treatment plants, rendering an offensive material into a useful organic residue. In the initial step of waste treatment, sewage solids are settled in sedimentation basins, and the settled sludge pumped into large heated vats—known as anaerobic digesters.

* * * * *

Anaerobic bacteria (naturally-occurring in sewage) convert the sludge to methane, carbon dioxide and water. Operation is continuous—that is raw sludge is added daily and an equal amount of digested sludge is withdrawn, but the average time for conversion to methane is 30 days. The gas produced is about 70 percent methane and serves as the fuel for all treatment plant heating purposes. Approximately two-thirds of the gas produced is "surplus" and is burned . . . and wasted.

### BENEFITS OF "HOME DIGESTERS"

Some farmers in Germany and France have used home digesters for many years to produce their own methane. Home digesters serve a two-fold purpose—they provide fuel and simultaneously dispose of unwanted wastes. Any large tank such as an oil drum or a concrete lined pit can be used as a digester. All that is required is an airtight lid, an outlet valve and a filter.

Feeding the digester is no problem—almost all organic wastes are suitable for digestion including garbage, animal manures, human manure, grass clippings, leaves, crop residues and paper. These wastes can be combined, or most of them digest successfully when added individually. For example, studies at the University of California[1] showed that methane digestors could be operated on green garbage alone producing gas at near the efficiency of a normal sewage sludge digester. Another example is chicken manure which produced gas at about half the efficiency of sewage sludge. Steer manure can also be digested, but is so inefficient (15% the efficiency of sewage sludge) that its use is not recommended.

Another type of material that should not be added is wood. Not only tree limbs and the like, but also newspaper (which contains about 75% woody pulp) do not digest and are of no benefit in the feed mixture.

Paper, other than newspaper, is an excellent addition to the feed since it is well over 90 percent digestible. No more than half the mixture should consist of paper, however, or the feed becomes nitrogen deficient and the methane-generating bacteria die off.

### CARS RUN ON METHANE GENERATORS

An ingenious English inventor, Harold Bate, has put the methane generation process to work to power an automobile as previously reported here.[2] He operates a large car—an old armored staff vehicle—on chicken manure. There was no need even to change the engine.

* * * * *

### HOW THE INDIANS COLLECT AND USE METHANE GAS

[The following was written by Ram Bux Singh of India.]

The gas produced in a bio-gas plant is very similar to natural gas in its composition. It can be used for nearly every application where natural gas is used, limited only by the amount the bio-gas plant is capable of producing. Plants can be designed to produce as little as 50 cubic feet of gas per day to as much as 9000 cubic feet per day or more.

Gas plants have been installed and used successfully for over 10 years. At a farm near Lucknow in northern India, one very progressive farmer installed a 225 cubic feet-capacity bio-gas plant in 1961, still woking today, using the gas regularly for cooking and lighting, and occasionally to heat an incubator, run a refrigerator, operate a fan, pump water, and drive an electric generator. A South African farmer at Johannesburg reported in 1962 that his plant had run a diesel engine continuously day and night, saving over 3,000 pounds in diesel fuel expenses, three years. The engine provided power for lighting his house, pumping water, spray irrigations, water heating, cooking, ironing, and heating lamps for piglets in winter. This plant is fed with about half a ton of manure daily collected from 700 hogs. The fertilizer has been spread by tanker truck in irrigation ditches with water, and by overhead large nozzle sprays. In France by 1952 there were around 1,000 installations. Today in India there are over 2500.

Generally speaking, one pound of fresh cow dung will produce 0.8 to 1 cft. of gas at a temperature of 75° F. This will be higher in the warm season and less in winter. If a temperature control system is installed (necessary for large plants, optional for small ones), yields of as much as 1.5 cft. of gas per pound of cow dung can be expected. Horse dung or pig dung will produce more gas per pound, and chicken droppings produce considerably more.

Vegetable waste produces about 7 cft. for each pound of dry weight fed into the plant. Green leaves are ⅔ to ¾ water by weight. Only the solid part contributes to gas production, thus one pound of green leaves fed to the digestor would yield ¼ to ⅛ of the 7 cft. say 2 cft. of gas. One pound of dry leaves, though, produces the full 7 cft.

Again many factors can affect the actual amount of gas and fertilizer produced per pound of raw material fed to the digestor. It would be wise to plan on feeding somewhat more dung and more vegetable waste than will be needed to supply the minimum gas and fertilizer required as calculated by these rough guides.

---

## CONFRONTATION BETWEEN THE HOUSE AND THE JUDICIARY

### HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. PREYER. Mr. Speaker, the precarious balance between our three branches of Government is a subject that merits continuous study. A recent clash between the Congress and the Federal judiciary has been the subject of an excellent article by our colleague, the gentleman from Missouri (Mr. ICHORD). The article was published in the spring, 1973, issue of the Maryland Law Forum:

### A CONFRONTATION BETWEEN THE HOUSE AND THE JUDICIARY

(By U.S. Congressman RICHARD H. ICHORD)

(EDITOR'S NOTE.—The Honorable Richard H. Ichord, a Member of the U.S. House of Representatives, received his B.S. and J.D. degrees from the University of Missouri in 1949 and 1952, respectively. On November 8, 1960, he was elected to the 87th Congress from the Eighth Congressional District of Missouri, and has been continuously reelected since that time. Presently, Congressman Ichord is the Chairman of the House Committee on Internal Security and serves as a member of the House Armed Services Committee as well.)

It has been a matter of surprise to me that a landmark action taken by the U.S. House of Representatives on December 14, 1970, in the enactment of House Resolution 1306 (91st Congress),[1] has attracted so little attention. In adopting this resolution, the legislative branch for the first time in the history of the nation exercised its contempt power to restrain the federal judiciary from enforcing one of its decrees.[2] Yet the significance of this historic action, as fundamental in relation to the doctrine of separation of powers as was the action of the Court in *Marbury v. Madison*,[3] seems to have escaped general public notice and, so far as I am aware, has received little discussion within the law schools of the nation. While I cannot, within the limitations of the space allotted to me, discuss this matter in great detail, it may be investigated more fully by researching the proceedings of the House, the U.S. District Court for the District of Columbia, and the Court of Appeals for that circuit.[4]

The matter came before the House as a consequence of a suit instituted on October 13, 1970, in the U.S. District Court for the District of Columbia to enjoin the filing and publication of a report by the House Committee on Internal Security, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." This suit, a class action on behalf of individuals named in the report, was brought against members of the Committee, its Chief Counsel, the Public Printer, and the Superintendent of Documents. On the same day, without notice the defendants, and on the *exparte* application of the plaintiffs, Judge Gesell entered a temporary restraining order, pending hearing, enjoining the defendants (excepting the named members of Congress) from printing, publishing, or distributing the report. This report, upon subjects within the jurisdiction of the Committee, was filed by me on the following day in accordance with the Rules of the House. On October 28, 1970, after hearing and argument, despite precedents of his circuit to the contrary,[5] Judge Gesell entered a permanent order[6] enjoining the Public Printer and Superintendent of Documents from printing and distributing any copy of the report or any portion or restatement thereof.

This was a direct interference with the legislative processes of the House in the face of explicit constitutional provisions to the contrary. Article I, §6, of the Constitution of the United States expressly provides that "for any Speech or Debate in either House, they (the Senators and Representatives) shall not be questioned in any other Place," That a committee report is "speech in the House" has long been settled by the Supreme Court.[7] That the provision prohibiting the questioning of any such speech "in any other place" is clearly intended to embrace the courts was likewise explicit in the history of the provision.[8] Moreover, complementary provisions of the Constitution, equally excluding the judicial power, were likewise thus overridden. Article I, § 5, authorizes each House to determine the rules of its proceedings, and requires each House to publish its proceedings.

Despite these unmistakable constitutional limitations upon the powers of the court, Judge Gesell, acting with perhaps more courage than wisdom, nevertheless restrained public dissemination of the report and did so on the ground that, in his opinion, it exceeded the legislative function of Congress and inhibited the speech of persons whose names were unfavorably noted therein.[9] He said, in effect, that since the speech of others was thus incidentally and in some way indirectly affected, the Congress itself, by virtue of the provisions of the First Amendment, was prohibited from speaking and publishing its proceedings. The logic of his decision appeared neither to me, nor to the House; nor did his assumption of jurisdiction justify obstructing the speech of the members of the House in the face of the constitutional prohibition denying him the power to do so.

To avoid a direct confrontation over the enjoined report, I prepared a restatement of it—likewise prohibited by his injunction—

---

Footnotes at end of article.

and concurrently introduced a resolution, House Resolution 1306, which ordered the Public Printer and Superintendent of Documents to print and disseminate the restatement, and enjoined all persons, whether or not acting under color of office, from interfering with the House's order or from molesting any person participating in its performance. In short, the resolution I introduced was an exercise of the contempt power of the House to enjoin the court from enforcing its decree. This resolution was adopted by the House and the restatement was accordingly filed, printed, and disseminated. No action was subsequently taken by the court to enforce its decree or to punish those participating in its "violation." Curiously, Judge Gesell's decision has since been cited frequently in the lower Federal courts without any notation of the subsequent action of the House.[10] Yet, whatever precedential value the decision had was wholly nullified by the action of the House and the court's subsequent failure to vindicate its judgment.

It was not my purpose in introducing the resolution, nor was it the motive of the House in enacting it, to attack the historic function of the judiciary under our constitutional system as enunciated in *Marbury v. Madison* or as explained in *The Federalist*.[11] The Constitution is and must be regarded by judges as the fundamental law, and it belongs to them to ascertain its meaning. In those "cases" and "controversies" where the courts have jurisdiction to act, to pronounce and enforce their judgments, their action must be conclusive upon the legislative and executive departments. Even in such cases, however, it is clear that the judiciary was never conceived as being a law unto itself or, as Selden complained of the early English Court of Chancery, that it was to have no measure more constant than the length of the Chancellor's foot. The judiciary cannot, under the guise of construction, assert its own will unrestrained by the discipline of the law, or arrogate to itself powers which the fundamental law has denied to it.

In committing to the judiciary the interpretation of the laws as its "proper and peculiar province," the framers of the Constitution conceived that it should be bound by the discipline of the law. It was contemplated that judges would perform as lawyers, not as legislators. The principles enunciated in *Marbury v. Madison* were not novel,[12] nor were they intended to be interpreted as freeing the judiciary from this discipline. "The courts must declare the sense of the law," and Hamilton, "and if they should be disposed to exercise *will* instead of *judgment*, the consequence would equally be the substitution of their pleasure to that of the legislative body."[13] This was none other than an expression of a fundamental libertarian principle in recognition of a rule of *law*, which our founding fathers sought to advance, as distinguished from the rule of men. It was accordingly expected, and it was so stated in *The Federalist*, that judges be qualified by training and study, that they be familiar with precedents, and that they conform to the discipline of the law.[14] Hence said Hamilton, "(t)o avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before the . . ."[15] Regrettably, it appears that some judges have not adhered to this discipline.

In view of the fact that our Constitution was the first comprehensive written expression of its kind for the governance of a nation, concededly on its adoption there was yet to be developed a body of direct precedents in the construction of its particular provisions, and there was yet to be a formal recognition by the judiciary of the precise limitations upon the diverse sources of power—the executive and legislative, as well as the judicial—which had been embodied, expressly or by implication, in its terms. While the founders drew heavily on Montesquieu for the theoretical basis of the separation of powers, there was, nevertheless, ample precedent in the constitutional and legal history of their ancestors elucidating the basic principles to be applied in its construction. Our founders were certainly familiar with the inhibitions upon power which had been applied in concepts of the common law, derived in turn from other written documents embracing restraints upon power, such as the Magna Charta and the English Bill of Rights, as well as their own experience with the written charters of the colonies. It was in this history, in these precedents, and in this experience, that in large part the provisions of the Constitution had found their origin. It was understood that liberty required not only a separation of the powers of government, but that as a necessary corollary there be restraints upon the separated powers as well. Hamilton's remarks, to which I have referred, were not abstractions divorced from experience. They were a practical consideration of means of coping with excesses in the employment of the judicial power.

The reviews advanced by Hamilton and Madison are indeed a reflection of earlier experiences memorialized in the provisions of the Magna Charta (1215) itself. Although not frequently observed, in the 45th Article of this celebrated document, which had been signed and delivered "in the meadow called Runingmede between Windsor and Staines," the barons extracted from King John a promise by which he agreed: "We will not make any justices, constables, sheriffs, or bailiffs, but of such as know the law of the realm and mean duly to observe it." Also, in the 61st Article of the Charter the doctrine of self-help was perhaps first formally recognized, and a foundation thus laid for the legislature's subsequent claim to contempt and impeachment powers. By this provision King John acknowledged, as security for keeping the many promises he had made, that if he or his "justiciary" were to fail in their performance, the "barons, together with the community of the whole kingdom, shall distrain and distress us (the King and his judiciary) in all the ways in which they shall be able, by seizing our castles, lands, possessions, and in any other manner they can, until the grievance is redressed . . ." Alone excepted from this authorization was harm to the King's person and that of the Queen and his children. There was no similar exception made for the "justiciary."

But power, as Madison said, is of "an encroaching nature."[16] The judicial power was neither then, nor is now, wholly curbed by agreement. Despite the assurances formalized in the Magna Charta, the judiciary nevertheless continued to reach out. Under Henry III, the stream of writs issuing from Chancery rapidly widened, and in the year 1244 the barons and prelates again protested. They perceived, in this enlargement of jurisdiction by the creation of new writs, and hence the recognition of new "rights," a process of legislating. Thus, in 1258 the Provisions of Oxford required that the King's chancellors be placed under oath to "seal no writs, excepting writs of course, without commandment of the king and of his council, who shall be present." Finally, the judiciary's obstruction of the proceedings of Parliament led to the enactment, in 1689, of the equally celebrated Bill of Rights, provisions of which were incorporated almost verbatim in Article I, § 6, of our own Constitution.

Of course, when we speak of the discipline of the law, we are referring to a form of self-restraint. Hamilton's supposition of the qualification of judges was one device for securing this necessary restraint. It seems obvious that the barons at Runingmede likewise exacted the 45th Article for a similar purpose. Moreover, in urging that the judges should be bound down by strict rules and precedents, as Hamilton suggested, we can also recognize an assertion of the doctrine of stare decisis.

Nevertheless, the doctrine of stare decisis, as others, must be qualified if we are to admit the validity of the contending doctrine of growth and reform in the common or constitutional law.[17] Hence, it is not always easy to distinguish those cases in which the judiciary is actually and materially trespassing upon the legislative function and power. Doubtless there are myriad opportunities for the courts to expand their power with plausible propriety in relation to the legislature, whether it be by the recognition of new rights or the creation of new writs and remedies, or the novel application or "discovery" of principles of the common law, or the construction or nullification of statutes, or the construction of provisions of the Constitution itself. However, in dealing with the question of the court's jurisdiction to restrain speech in the House, we are dealing with a narrower and perhaps more manageable aspect of this adversary relationship between the judiciary and the legislature.

The "Speech and Debate Clause" of the Constitution is precise in its terms and in the exclusion of the judicial power. While the English Bill of Rights, from which this provision is drawn, declares that "the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament," there has never been any doubt that the more succinct expression in the provisions of Article I, § 6 ("shall not be questioned in any other place") includes the courts. No similarly explicit exclusion of the judicial power is to be found in any other part of the Constitution.

Yet, even with respect to other constitutional provisions, the Court has recognized that there are, nevertheless, some powers conferred on the Congress and each of its Houses, which are to be regarded as "political" and not "justiciable." Thus in *Coleman v. Miller*,[18] the Court held that the question of how long a proposed amendment to the Federal Constitution remained open to ratification, and what effect a state's prior rejection had on its subsequent ratification, were committed to the Congress. There was, however, a difference of views as to the ability of the Court to deal with the issue at all. Four of the concurring justices, including some of the Court's most liberal members, thought that the opinion of the Court had incorrectly treated the amending process of the Constitution as being subject to judicial construction. They took the position that the Congress possessed an "exclusive power" over the amending process, that it could not be bound by, and was under no duty to accept, the pronouncements of either the state court or of the Supreme Court upon the issue.[19] Any judicial expressions concerning the power of the Congress in this respect, they said, must be in the nature of an advisory opinion only, wholly without constitutional authority.

More recently in *Powell v. McCormack*,[20] the Warren Court agreed that, primarily because of the separation of powers within the Federal Government, "political questions" were not "justiciable." The precise question then before the Court was the nature and scope of the constitutional commitment to the House (in Article I, § 5) to judge the qualifications of its members. Citing *Baker v. Carr*, the Court stated that a resolution of the issue involved a determination of whether there was a "textually demonstra-

Footnotes at end of article.

ble constitutional commitment of the issue to a coordinate political department."[22] However, unlike *Coleman,* the Supreme Court appeared to be unanimous in its assertion of authority to determine initially whether such a commitment had been made by the Constitution and, if so, what its scope was.

The concept that there are certain "political powers" which, by reason of the doctrine of separation of powers, are not subject to judicial restraint is not inconsistent, I believe, with the views expressed by Hamilton in his exegesis of the judicial function in relation to the fundamental law. In *The Federalist,* No. 78, although directing his attention to the function of the judiciary in pronouncing upon the validity of laws enacted by the legislative department, he wrote: "If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the Constitution."[23] Conversely stated, this proposition should be equally true. If we are to collect from a particular provision of the Constitution that the legislative body is to be the constitutional judge of the power conferred upon them by its terms, then it cannot be presumed that the judiciary may interpose itself in derogation of that power.

Nor does Hamilton's theory appear to be contrary to an early pronouncement by the Court upon the subject. Although *Marbury v. Madison* has frequently been cited on other points, it was there said (in relation to the executive power) that there are "certain important political powers" which "can never be examinable by the courts."[24] But let us suppose that such powers are, in fact, "examined" by the courts, and that in a particular case they adjudge the powers to be limited. This is indeed the practical question with which we were faced by the action of Judge Gesell. The problem did not wholly escape the attention of the early constitutional commentators, but it is also apparent that it was never wholly resolved.

It is no surprise that little attention was paid to the question of protecting other branches against incursions by the judiciary. Influential proponents of the Constitution regarded the judiciary as the weakest branch, a view shared by Montesquieu.[25] Their major point of concern was to limit what they regarded as the superior power of the legislative department. The judiciary, said Hamilton, has neither "*force* nor *will,* but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments."[26] It was his opinion, and evidently the prevailing one, that the power of the House of Representatives to institute impeachments, which were to be tried by the Senate, would be a sufficient check and safeguard against the encroachments of the judiciary on legislative authority.[27]

This view was not universally shared. The power of impeachment was later, and perhaps more soundly, characterized by Jefferson as "scarcely a scarecrow." He described the judiciary as being "an irresponsible body," advancing its noiseless step like a thief over the field of jurisdiction.[28] Indeed, it may well be that in the overriding concern to render the judiciary independent of the legislative branch, by granting them life tenure, our founding fathers had in fact and in large degree rendered them independent of the people.

It is, nevertheless, a fact inherent in our constitutional system that one department cannot be conclusively bound in all cases and in all matters by the judgment of any coordinate branch. On the other hand, the founding fathers did not construe the principle of separation of powers as meaning that the separated powers ought to have no partial agency in, or control of, the acts of each other.[29] Yet it is clear that, in their view, the independence of each was in a large measure to be maintained, and that the basic function of each was to be preserved.[30] How to keep the various departments in their proper places was thus necessarily a point of inquiry. Madison asked, "(t)o what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down by the Constitution?"[31] While it was hoped that the "interior structure" of the government would be so contrived that the several constituent parts would operate, in their mutual relations, as the means of keeping each other in their proper places, it was evident, he said, that each department should have "a will of its own."[32]

What this concept imported was a question with which we in the House were confronted as a consequence of Judge Gesell's restraint upon speech in the House. In assessing our position, it was evident that the court had obstructed the House in a manner which directly and vitally affected the legislative process itself, and in defiance of express provisions of the fundamental law. If the court may inquire into, censor, and enjoin the speech of the Committee on Internal Security, then it must follow that the court may inquire into, censor, and enjoin the printing and publication of the speech of every committee of the Congress. Moreover, since the speech of a committee is essentially the collective speech of individual members, the court may, a fortiori, similarly inquire into, censor, and enjoin the printing and publication of the speeches of the individual members of the Congress. The result, of course, would be to restrain communication within the House, between the House and the public, and between the members and their constituents. It was not to be expected that such a result would be tolerated by all members of the House.

In support of House Resolution 1306, I relied upon the authority of a line of cases in which the Supreme Court asserted that each House of Congress possesses a power, enforceable by contempt action at the bar of the House, to prevent and punish acts which, in and of themselves, inherently obstruct and prevent the discharge of legislative duty. This power is said to rest upon the right of self-preservation. While these cases—*Anderson* v. *Dunn, In re Chapman, Kilbourn* v. *Thompson,* and *Marshall* v. *Gordon*[33]—dealt with obstructions by individuals, yet it seems clear enough that, whether the obstruction is a consequence of individual action or, on the other hand, of action by the judiciary under color of office, such a distinction is one of fact, but not an essential distinction of principle. The question I put to the House, then, was whether the House would take the necessary steps to preserve and protect its constitutional function, as well as to assert those privileges expressly committed to it by the Constitution itself. The House answered decisively, adopting the resolution by a vote of 301 to 55.

Surely there is at least one lesson that may be derived from all of this. Those who inculcate a conception that lawyers (or judges) have a professional function, indeed a duty, to "change" the social, economic, and political system, without regard to the restraints inherent in the discipline of the law to which I have referred, do no service to the profession or to our constitutional system. Responsibility for effecting such changes belongs to the appropriate branch established for that purpose and to the amendment process. It is not a professional function to legislate or to employ the law as a weapon for overturning a system of liberty. Any such conception must have the inevitable consequence of fostering processes of violence. In the exercise of their professional duties, lawyers fundamentally have no revolutionary function. If they wish to exercise any such function, they may do so more appropriately in their private capacity at the hustings, or, if you will, at the barricades. It would appear to me that our law schools can, with profit to the students within their charge, and with profit to the nation, re-examine the fundamental principles underlying the true nature of our legal system and the profession which is intended to serve it.

### FOOTNOTES

[1] H.R. Res. 1306, 91st Cong., 2d Sess., Congressional Record, vol. 116, pt. 31, pp. 41358–41374.

[2] My research reveals only two other precedents of a related nature, which involved other than federal constitutional courts. The first precedent arose as a result of the arrest in 1800 of a disorderly spectator in the gallery of the House (named James Lane), who was detained by the Sergeant-at-Arms on order of the Speaker of the House. Thereafter, Lane obtained a warrant for the arrest of the Sergeant-at-Arms from a civil magistrate in the District of Columbia. The Sergeant-at-Arms was apprehended and conducted before a magistrate, being released after a time when Lane did not appear to prosecute. The matter was referred to a Select Committee on Privileges of the House, which declared the arrest of the Sergeant-at-Arms to be a high breach of the privileges of the House, but recommended no further action against the magistrate who appeared to have been deceived by false representations. The Committee's report was accepted by a vote of 50 to 38. A. Hinds, 2 Precedents of the House § 1605 (1907).

The second incident occurred in the year 1866. A member of the House, Mr. Culver, was arrested at his home during vacation by virtue of a warrant on civil process issued out of the Court of Common Pleas of Venango County, Pennsylvania. Mr. Culver was committed to the county jail in default of the required security. On report of the matter to the House, a resolution was adopted directing the Speaker to issue a warrant to the Sergeant-at-Arms commanding him to deliver Mr. Culver from the custody of the sheriff and jailer of said county. The warrant was duly executed and Mr. Culver's release was obtained without opposition from the sheriff or the court. A. Hinds, 3 Precedents of the House § 2676(1907).

[3] U. S. (1 Cranch) 368 (1803).

[4] The proceedings in the House are recorded in Congressional Record, vol. 116, pt. 27, pp. 36680 and 37110; Congressional Record, vol. 116, pt. 28, p. 37799; Congressional Record, vol. 116, pt. 31, pp. 39512–39522; Congressional Record, vol. 116, pt. 31, pp. 41358–41374; Congressional Record, vol. 117, pt. 8, p. 9931. The proceedings in U.S. District Court are indexed under Hentoff v. Ichord, 318 F. Supp. 1175 (D.D.C. 1950); and in the U.S. Court of Appeals under Hentoff v. Ichord, Civil No. 24.761.

[5] *See* Methodist Federation for Social Action v. Eastland, 141 F. Supp. 729 (D.D.C. 1956); Hearst v. Black, 87 F. 2d 68 (D.C. Cir. 1936).

[6] 318 F.Supp. 1175, 1183.

[7] *See* Kilbourn v. Thompson, 103 U.S. 168, 204 (1880); and Powell v. McCormack, 395 U.S. 486, 502 (1969).

[8] This is made clear in provisions of the English Bill of Rights (1689), as well as in explicit provisions of state constitutions adopted before the Federal Constitution, particularly: the Maryland Declaration of Rights of 1776, the Massachusetts Constitution of 1780, and the New Hampshire Constitution of 1784. Moreover, two state constitutions of 1776, those of South Carolina and New Jer-

sey, expressly preserved, by general provisions, English law. These precedents are more fully noted in my address to the House. CONGRESSIONAL RECORD, vol. 116, pt. 31, pp. 41358–41374.

[9] 318 F.Supp. 1175, 1181.

[10] *See* United States v. Doe, 455 F.2d 753, 759n.4 (1st Cir. 1972); and Gravel v. United States, 408 U.S. 06, 610n.6. *But see* Soucie v. David, 448 F.2d 1067, 1082n.4 (D.C. Cir. 1971) (Wilkey, J., concurring).

[11] A. HAMILTON, J. MADISON & J. JAY, 2 THE FEDERALIST (Dingwall-Rock ed. 1901) Nos. 78–81, at 98–129 (hereinafter cited as FEDERALIST).

[12] I can see no distinction between the principles enunciated in Marbury v. Madison and those previously enunciated by Hamilton and Madison in 2 FEDERALIST No. 78, at 98.

[13] 2 FEDERALIST No. 78, at 103.

[14] *Id.* at 106.

[15] *Id.* at 105.

[16] 1 Federalist No. 48, 338.

[17] For pronouncements relating to the doctrine of stare decisis, *see* Boys Markets v. Retail Clerks Union, 398 U.S. 235 (1970); Welsh v. United States, 398 U.S. 333 (1970); and Moragne v. States Marine Lines, 398 U.S. 375 (1970).

[18] 307 U.S. 433 (1939).

[19] *Id.* at 457.

[20] 395 U.S. 486 (1969).

[21] 369 U.S. 186, 217 (1962).

[22] 395 U.S. 486, 518 (1969).

[23] 2 FEDERALIST No. 78, at 101.

[24] 1 U.S. (1 Cranch) 368, 395 (1803).

[25] 2 FEDERALIST No. 78, at 99n. 1.

[26] *Id.* at 99.

[27] 2 FEDERALISTS No. 79, at 108–09 & No. 81, at 122–23.

[28] 7 THE WRITINGS OF THOMAS JEFFERSON 216 (H. Washington ed. 1861).

[29] 1 FEDERALIST No. 47, at 331.

[30] 1 FEDERALIST No. 48, at 338.

[31] 1 FEDERALIST No. 51, at 353.

[32] *Id.*

[33] 5 U.S. (6 Wheat.) 61 (1821); 166 U.S. 661 (1897); 103 U.S. 168 (1880); and 243 U.S. 421 (1917); respectively.

---

# REPLACING NUCLEAR ELECTRICITY BY 1975

## HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 29, 1973*

Mr. GRAVEL. Mr. Speaker, by 1975 the AEC expects nuclear powerplants to generate about 12 percent of the country's electric power. However, there are several safer, fission-free technologies available which could provide exactly the same amount of power in the same time frame. One of them is the combustion of urban trash.

Mr. Speaker, I ask unanimous consent that two items be printed in the RECORD. The first is a UPI story from the Houston Chronicle of February 4, 1973, entitled, "St. Louis Finding Powerplant Fuel in the City Dump." The second is a talk entitled, "Refuse as a Supplementary Fuel" by Wayne Sutterfield, refuse commissioner for the city of St. Louis. Both items were brought to my attention by a Houston lady named Madeline Framson, to whom I am most grateful.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, Feb. 4, 1973]

### ST. LOUIS FINDING POWER PLANT FUEL IN THE CITY DUMP

(By Dale Singer)

ST. LOUIS.—Part of the answer to America's power shortage may be found at the St. Louis city dump.

Wayne Sutterfield, St. Louis refuse commissioner for the past six years, is overseeing a new facility which converts trash into fuel for a power generating plant.

The process, the only one of its kind in the nation, went into operation last May. While all of the bugs aren't worked out yet, Sutterfield thinks it is a key to at least part of the fuel shortage threatening to curtail power in the future.

#### HOW IT WORKS

The process works like this: the trash is brought by trucks to the plant, where it is pushed in raw form onto a conveyor belt. It is carried to a hammermill where 200-pound hammers shred the material.

From there it is moved by conveyor to a magnetic metal detecting device which removes ferrous metals. The shredded remains, called confetti, are loaded into 35-ton trucks and taken to the Union Electric Co. plant outside the city.

Sutterfield said the modified boilers at the power plant normally operate on 60 tons of coal. Under this project 10 percent of the coal is replaced by the converted trash. Since the confetti has only half the heat value of coal it takes 12 tons of the shredded material to replace six tons of coal.

#### 30% OF TRASH

During the first full year of operation the project is budgeted at a cost of $2.8 million, including construction. The federal government and the city are sharing the costs on a two-thirds, one-third basis. In addition, Union Electric says it spent $550,000 to modify its boilers to receive the shredded trash.

Sutterfield said that after the first year operating costs are expected to be $600,000 yearly.

The system is designed to process 30 percent of the city's trash, but during its first months in operation it has not always run at full capacity. Only one major problem has cropped up, Sutterfield said.

"Our greatest problem so far is that we're only removing ferrous metal with our magnetic detector," he explained. "Some nonferrous metals and glass are getting into the mix and creating problems in the pneumatic system at the boiler."

To solve these problems, he said, an air classifier is to be installed this year. This phase of the process also will separate any plastic from other items in the trash by means of their weights to allow a more finely sifted confetti to be burned in the suspension boiler system at the electrical plant.

#### MAY SELL PART

The classifier will have an added benefit. While the main aim of the project is to develop another source of fuel, once the process of separating paper from metal has been refined the city may be able to sell the metal for scrap.

"We're working to produce particles that will be acceptable to steel manufacturers and therefore recyclable," Sutterfield said.

Work on the project began in 1969 and was finished a year later, he said. Once the initial planning was done, the next job was getting the federal money.

"We had enough foresight to plan this project," he said. "The federal government didn't choose us—we applied to them for a demonstration grant to try this process."

It's not the whole answer to fuel shortage problems, he said, but it's a start.

"It's a whole new technique for waste disposal," he explained. "We still have some way to go with our testing to complete our evaluation. Some testing of gases will have to be done at the power plant after our air classifier is installed to determine what difference the air classifier makes.

"We think that with the proper preparation we can burn more than 10 percent confetti in the boilers. We really don't know what we can burn eventually. That's one of the things we'll try to determine."

Sutterfield said trash may be the fuel of the future and St. Louis trash could lead the way. Such a project has never before been tried on such a large scale, he said.

"Everyone is pretty well waiting to see what happens here before they decide whether they'll go any further."

---

### MAJOR EXCERPTS FROM REFUSE AS A SUPPLEMENTARY FUEL

(By Wayne Sutterfield, Refuse Commissioner, city of St. Louis)

In April of 1972 for the first time in the United States, and perhaps for the first time in the world, an investor-owned utility began to burn municipal solid waste as supplementary fuel for the direct production of electrical power.

This unique venture is a cooperative effort between the City of St. Louis and the Union Electric Company, with financial support from the United States Environmental Protection Agency. The major potential benefits which are the objectives of this full-scale experiment include the development of an environmentally acceptable means of solid waste disposal, conservation of land use, and economic advantages to both the utility and the public.

Currently, Union Electric Company burns approximately 150 tons of low sulphur solid waste a day—about 15 percent of our city's daily output. The rest of our 850 tons of daily household refuse is incinerated in two ctiy facilities and then landfilled.

The processing facilities purposely were kept as simple as possible, consisting only of equipment to remove magnetic metal and to provide a uniform small particle size to permit the solid waste to be burned in suspension.

In general, although the operating results must at this time be regarded as preliminary since the testing program is far from complete, the project is operating essentially as predicted. These operating problems which so far have presented themselves are of a mechanical nature, and are due mainly to the quality and peculiar characteristics of milled municipal solid wastes. We are making some equipment changes which should resolve these problems.

Our operating experience has shown that an additional processing step would be highly desirable. This step will consist of an air classification device, to separate the heavier particles, which would be either non-burnable, or large burnable particles which will not burn in suspension, from the light fluffy particles which will burn readily under the conditions prevailing in a suspension-fired boiler. It is expected that an acceptable air gravity separation would produce about 80 percent light combustibles and 20 percent heavy non-burnable particles.

It is anticipated that a number of advantages will accrue from this process addition, including the enhancement of heating value of the supplementary fuel, a decrease in the ash content of the fuel, elimination of those larger solid particles which can cause blockage of equipment such as pneumatic feeders, a decrease in the abrasiveness of the fuel carried in pneumatic piping, provisions for the easy reclamation of non-magnetic metal, and the possibility to fire greater percentages of solid waste as supplementary fuel.

With the help of American Iron and Steel Institute we are adding a second shredder to turn our reclaimed steel cans into a recyclable product. After a second shredding the cans will meet the density, size and cleanliness requirements for steelmaking. A St. Louis-area steel company has agreed to buy several thousand tons of our reclaimed ferrous scrap—mainly cans. The scrap will replace an equal amount of iron ore in one of the company's blast furnaces.

The operating period from April 4, 1972, to this time, demonstrates that the refuse can be prepared, stored, transported, pneumatically blown into a boiler and burned.

The processed refuse is burned in a tangentially fired pulverized coal boiler. The boiler has a nominal rating of 125 MW with a maximum gross output of about 142 MW. Refuse is fired at a rate equal to 10 percent to 15 percent by heat value, of the full-load fuel requirement of the boiler. The refuse is fired at a more or less constant rate with the automatic combustion control system providing the additional coal necessary to carry the load on the boiler.

The refuse has an average heat value of about 4,500 BTU per pound—somewhat less than half the heat value of the coal used in the system. Each ton of refuse burned generates about 1000 kilowatt hours of electricity. Used as fuel, this solid waste is very low in sulphur, thus further enhancing the environment.

All in all, the results of the experimental project to date are quite encouraging, and there appears to be substantial promise that the project objectives will be achieved.

Present indications are that almost all fossil fuel-fired boilers, providing they have ash handling capability, could be adapted for burning refuse. Some, of course, could be more easily adapted than others. There also appears to be no reason why the combination burning of refuse with gas or oil, as well as with coal, would not be practical.

The capability of existing suspension-fired boilers to consume municipal solid waste is great enough to permit the process to serve as a principal means of refuse disposal for many metropolitan areas, even when the supplementary fuel is fired as only 10 percent of the total fuel requirements. A 600 MW unit, for example, could at full load consume on the order of 1,400 tons of prepared solid waste per day at the 10 percent firing rate.

In addition to the advantages St. Louis is getting from the burning of refuse for fuel, the city will soon be receiving revenues from its scrap steel cans. This is over-and-above the cost-savings of not having to bury the separated cans.

## AN ALTERNATIVE TO NO-FAULT

## HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. WYATT. Mr. Speaker, there is much discussion these days concerning Federal intervention into the no-fault insurance field. Oregon has adopted a program which is working very well and it appears to be a viable approach to this problem of automobile reparation.

The Oregon program includes the Wisconsin form of comparative negligence and contribution between joint tortfeasors and also incorporates advance payment programs. In addition, there is a provision which requires each motorist to carry $3,000 medical pay insurance and $6,000 loss of income insurance, payable without regard to fault. However, this provision does not grant any form of immunity to the negligent driver and totally preserves a person's right to full redress for all damages in a court of law.

The following is an excellent article written by Portland attorney, Thomas E. Cooney, which analyzes the complaints of no-fault proponents in relationship to how Oregon has handled this problem:

### AN ALTERNATIVE TO NO-FAULT

(By Thomas E. Cooney)

No-fault enthusiasts are again bombarding the Legislature with a variety of so-called no-fault proposals in the 1973 Oregon Legislature. There are presently seven bills dealing with some form of no-fault. Those of which I am aware are the following: Senate Bills—308, 511 and 699; House Bills—2401, 2537, 2682 and 2832.

The proponents of no-fault are voicing the usual reasons as to why the present tort system is ineffective. In this article I hope to fairly set forth the objections of the no-fault proponents and analyze their validity in light of the reforms adopted by the 1971 Oregon Legislature.

The advocates of "No Responsibility Insurance" usually list the following reasons for abolishing the present tort system.

1. Court congestion due to clogging of dockets with automobile BI accident cases.

2. Delay in payment of auto victims' losses either because of delay in payments from the insurance company or because of delay in getting a case to trial.

3. Juries are not capable of fixing liability in auto accident cases because the doctrine of negligence is too nebulous and accidents usually happen within a brief span of time and therefore juries cannot properly assess these claims.

4. The present tort system makes insurance too expensive in that only a small portion of the premium dollar is returned to the accident victim.

5. Small claims or nuisance claims are paid too much in order to avoid litigation and seriously injured victims are not adequately compensated.

6. The present system punishes negligent drivers and this is, in today's modern society, socially unacceptable.

7. Compensation by way of dollar damages for non-economic losses such as impairment of future earning capacity and pain and suffering, etc. are wasteful and generally not wanted by the public.

Let's look specifically at the Oregon situation and see how its present system stands up in light of these complaints.

1. *Court congestion.* Proponents of no-fault point to such cities as Los Angeles and Chicago where there is court delay of almost five or six years from the time of filing until the time of trial. Such court congestion *does not* exist in Oregon. In Multnomah County, the largest and most litigious county in the state, the Honorable William Dale, Presiding Judge, advises that cases are currently receiving a trial date within four months from the date of filing.

Insofar as the contention that automobile BI cases are clogging the dockets, we should make the following analysis of case filings in Multnomah County.

(a) In the year 1970 there were a total of 13,804 cases of all kinds filed in Multnomah County. Of these, only 1,549 were automobile BI accident cases, or only 11.22 percent of all cases filed. During that same year there were more than 5,000 divorce cases and more than 2,500 criminal cases.

(b) In 1971 there were a total of 13,723 cases of all kinds filed in Multnomah County. Of these only 1,394 were bodily injury auto cases or a percentage of 10.16 percent of all cases filed. That same year there were again over 5,000 divorce cases and more than 3,000 criminal cases.

(c) In 1972 there were a total of 14,028 cases of all kinds filed in Multnomah County. Of these only 1,212 were automobile BI cases only 8.64 percent of all cases filed. More than 5,500 were divorce cases and again more than 3,000 were criminal cases.

Any person who would spend time in the Presiding Judge's chambers where cases are daily assigned to trial would soon learn that it is not the automobile bodily injury claim that congests our docket but rather than the increase in criminal cases. The advocates of no-fault would seem to feel that the grievances of private citizens have a lesser place in the courtroom than do the rights of criminal defendants.

Again, look to Multnomah County. In 1970 of the 1,549 automobile BI cases filed, only 181 were tried out of a total number of jury trials that year of 833, or only 21.73 percent. In 1971 there were only 122 automobile BI cases tried out of a total number of jury trials in Multnomah County of 798, or a percentage of 15.29 percent. In 1970 150 auto BI cases were tried out of a total number of jury trials of 872, or a percentage of 17.20 percent.

In 1970 approximately 88½ percent of the filed auto BI cases were settled or dismissed without trial; in 1971 approximately 91 per cent of the auto BI cases filed were settled or dismissed without trial; in 1972 approximately 88 percent of the filed auto BI cases were settled or dismissed without trial.

It is interesting to note that between 1970 and 1972 there was a *drop of over 382 automobile* BI cases filed in Multnomah County.

Why the decreases in filed cases in 1971 and 1972? It should be noted that it was on September 9, 1971 that the comparative negligence law went into effect and in January of 1972 the PIP (ORS 743.800) benefits became mandatory on all auto insurance policies issued or renewed after that date. At least for part of the year 1972 Oregon motorists were, therefore, insured without regard to fault for medical expense up to $3,000 and wage loss up to $6,000 due to injuries suffered in auto accidents. ORS 743.800 specifically provides for *prompt* payment of economic loss without regard to fault. It does not, however, grant immunity to the wrongdoer. It preserves the injured victim's right to recover all of his damage in a court of law before a jury if he chooses.

It is anticipated that in 1973, because of the comparative negligence law and the existence of no-fault benefits of the PIP bill now on *all* Oregon policies for the whole year, the number of jury trials and auto BI filings will continue to drop even more drastically than in the preceding year.

Coupled with the implementations of the 1971 Legislature, there has been a reappraisal by insurance companies of methods and ways of handling and settling claims. More cases are settled today than ever before. Statistically we know that at least 382 fewer cases were filed in 1972 than in 1970. Of necessity this means either that larger portions of the premium dollar are going to the injured victim and not by way of defense costs, and/or that the insurance companies will be realizing a greater profit and, therefore, will be in a position to reduce premiums. This is of paramount importance to the public.

A check of the statistical information from Clackamas County shows an even smaller percentage of automobile BI case filings and trials. A check of other counties around the state, although using somewhat different systems of docketing cases, will show that if the litigants are desirous of going to trial, courts are available, in almost every instance, within six months. With this statistical information, it is difficult to see how anyone can honestly contend that in Oregon court congestion because of automobile BI cases is honestly a problem.

2. Delay in payment. No-fault proponents say that because of the court congestion and

delay, victims of automobile accidents are not compensated for years. The preceding paragraph shows that in Oregon there is not this prolonged period of delay for trial. Therefore, this argument cannot be sustained.

Insofar as delay in payment of economic loss, the PIP bill, ORS 743.800, provides expressly for prompt payment of medical and wage loss within the prescribed limits of the statute. Therefore, accident victims, even though they may must wait from four to six months for a trial date, are being compensated for their economic loss immediately. This delay aspect, therefore, is not present in the Oregon system.

3. Juries are not capable of fixing liability in auto negligence cases.

This argument is obviously made by those persons who have not worked regularly in the courtrooms with juries. If this argument is valid, no indictment should be issued for negligent homicide or any other type of crime or civil action filed wherein standards of behavior are set by law which may be violated in a short period of time. Experience shows us that juries in most instances are capable of reconstructing and re-enacting the accident with the assistance of skilled attorneys. If the no-faulter's argument is valid, we should adopt no-fault criminal law.

4. The tort system is too expensive—too little of the premium dollar goes to the injured victim.

This argument finds great sympathy with many persons because all persons feel their insurance rates are too high. Oregon rates are among the lowest in the nation. The Department of Transportation issued an estimate that only $.40 of the premium dollar in the BI tort system goes to the injured victim and that if a no-fault system were adopted more of the premium dolar would end up in the hands of the injured victims since we could eliminate investigation of fault and legal expenses. In a recent survey, Lester Rawls, Insurance Commissioner for the State of Oregon, quoted more accurate statistics from Alfred M. Best & Co. for the year 1967 showing ratios of incurred losses to earned premiums.

*All stock companies*

Types of insurance and losses incurred as a percentage of earned premiums:

| | Percent |
|---|---|
| Health and accident insurance, non-group | 50.2 |
| Fire insurance | 56.2 |
| Workmen's compensation insurance | 63.9 |
| Automobile bodily injury insurance | 62.2 |
| Auto collision insurance | 56.8 |
| Auto comprehensive insurance | 51.1 |

*All mutual companies*

| | |
|---|---|
| Health and accident insurance, non-group | 53.4 |
| Fire insurance | 51.3 |
| Workmen's compensation insurance | 65.0 |
| Auto bodily injury liability insurance | 63.7 |
| Auto collision insurance | 60.1 |
| Auto comprehensive insurance | 53.6 |

It can be seen from these figures that the type of insurance which reimburse persons for losses irrespective of fault have not returned a higher percentage of the premium dollar than does the casualty insurance rate for BI claims where *fault is* involved. I am advised by Commissioner Rawls that these are national figures and in Oregon the percentage return of premium dollar under BI casualty rates is even higher. Commissioner Rawls advises that insurance companies writing in Oregon are beginning now to file proposed premium cuts in auto BI premiums for the upcoming year. These proposed cuts speak loudly for effectiveness of the program adopted by the 1971 Legislature.

5. Small claims are paid too much and seriously injured persons are not properly compensated.

There can be little doubt that the decrease in the filings of automobile BI cases has been predominantly in the area of the small claim. Ask any defense or plaintiff's lawyer how many small BI cases he filed or defended in the last year and you will find that these cases have almost completely disappeared. Many persons are content with their PIP benefits and therefore this program has effectively eliminated the need to overcompensate small claims. Insofar as insufficient compensation for the seriously injured victim, the Department of Transportation figures showed the following:

Economic loss to date of settlement and number of paid claimants:

| | Percent |
|---|---|
| None | 6.9 |
| $1 to $500 | 72.0 |
| $501 to $1,000 | 10.2 |
| $1,001 to $1,500 | 4.0 |
| $1,501 to $2,500 | 3.2 |
| $2,501 to $5,000 | 2.2 |
| $5,001 to $10,000 | 1.1 |
| $10,001 to $25,000 | .4 |
| Over $25,000 | .1 |

Oregon's present PIP bill, therefore, covers economic loss for all auto victims except slightly more than 1.6 percent. State Representative George Cole's Bill (House Bill 2537) which is currently before the Legislature increases the PIP benefits to $5,000 medical and $9,000 wage loss. Therefore, it covers the economic loss of all but .1 percent of auto accident victims according to the DOT studies.

The answer to fuller compensation for the seriously injured auto victim is not in removing the valuable rights of innocent auto victims to recover their full damage before a jury, but rather in an ultimate increase in the requirements of minimum automobile bodily injury limits. The right to drive an automobile carries with it certain responsibilities. The minimum limits such as we have in Oregon of $10/20/5 are, in this day, insufficient. It is difficult to perceive of many instances in which accident victims would not be almost totally compensated if the minimum bodily injury limits were $25 and $50 and Representative Cole's proposed new PIP limits were enacted.

However, in order to have the public enjoy reduced premiums, the increase in BI limits should be either delayed or gradual so that we don't eat up the insurance savings that we are about to realize. For this reason expanding the scope of damages in death cases and the abolishment of the family immunity and the abolishment of the guest statute should also be delayed. There is even less reason now to remove these laws than in the past because of the PIP benefits now available to these persons.

6. Some theorists in no-fault say that it is socially inappropriate or morally wrong to punish the tortfeasor and claim that the present tort system in effect does this. But under no-fault who is punished? Oregon's plan as it now stands provides for replacement of economic loss without regard to fault for all but slightly more than 1.6 percent of auto victims. Under Representative Cole's bill it covers economic loss of auto victims except for .1 percent. What more compensation should a negligent driver or motorist have? Who would be punished if we removed the valuable rights of innocent auto victims to recover their full damage in exchange for granting immunity to negligent motorists in order that they may recover more. No-fault punishes the non-negligent driver and not the negligent driver. Under the present system both parties are protected from an economic loss but the negligent driver can be required to reimburse the non-negligent motorist for his full damage.

7. No-fault proponents seem to feel that the dollar damages should not be recoverable for non-economic loss for such items as impairment of future earning capacity, pain and suffering. They claim these are not important rights and therefore they should be removed or limited. Yet recently in the State of Colorado where the voters of that state were allowed to consider a no-fault proposal they voted down the proposal by a margin of 2 to 1.

Further evidence of how the general public feels about the right to be fairly compensated for non-economic loss is available merely by looking at jury verdicts around the state. Jurors are ordinary people. It is within their power to award what sum, if any, they feel is fair compensation for general damages for non-economic loss. The fact that this is considered a valued and important right is borne out by the awards of the jurors for this type of claim. If jurors did not feel that this was a valuable right it would be within their power to drastically limit the amount of such awards. The fact that they do not is an indication of the way people feel about these rights.

It is anticipated this coming year that there will be fewer and fewer auto BI cases tried and filed, therefore, even further decreasing the number of cases that are currently filed. The problem of court congestion is just nonexistent. Victims in Oregon now receive prompt payment for economic loss yet preserve their valuable rights to full redress for all of their damage in a court of law. Negligent drivers are not granted immunity. Most of all, insurance premiums are going to drop.

Adoption of any of the no-fault plans that are now proposed can only result in an increase in rates according to studies made by State Farm Insurance Company. How can any person truly say that granting immunity to negligent drivers and removing non-negligent driver's right to full and complete compensation at an increased cost is what people really want?

If the present Legislature will allow the reforms adopted by the 1971 Legislature to have a few years of experience, I am sure that they will be very favorable insofar as answering the complaints that have been leveled at the tort system. We have had inquiry from legislators from Arizona, Montana and New Jersey seeking to copy the Oregon plan. To change now when some of the states have adopted various proposals would deny the public the right to visualize how really effective the Oregon plan can be.

State and Federal Affairs Committee—AuCoin, Chairman; Blumenauer, Vice Chairman, Fadeley, Grannell, Lindquist, Sumner, Bazett, Hanneman, Kinsey.

Transportation Committee—Willits, Chairman; Priestley, Vice Chairman; Grannell, Sumner, Wolfer, M., Markham, Ragsdale, Stults, D., Walden.

Judiciary Committee—Cole, Chairman; Paulus, Vice Chairman; Katz, Magruder, Marx, Bunn, Wolfer, C., Hampton, Stults, R.

Consumer and Business Affairs Committee—Magruder, Chairman; Gilmour, Vice Chairman; Cole, Otto, Stevenson, Shallon, Willits, Gwinn, Hampton, Johnson, L., Stults, R.

I commend for your review the January, 1973, issue of the Mississippi Law Journal, Volume No. 44, No. 1, which has a complete and excellent analysis of no-fault from all sides and a very interesting article on the Massachusetts experience.

## DILLON GRAHAM

## HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. EDWARDS of Alabama. Mr. Speaker, the House Press Gallery has a vacant chair now that will be hard to fill. Dillon Graham of the Associated Press and his wife, Gigi, have retired and are moving to Myrtle Beach, S.C., to find new beginnings.

We cannot let Mr. Graham retire from our midst without an expression of appreciation for the outstanding manner in which he performed his duties as regional writer for the Associated Press. He is a professional journalist in every sense of the word and it was a great pleasure working with him.

Mr. Graham's journalism career began in Gainesville, Fla., where he was a reporter, sports editor and city editor of the Gainesville Daily Sun while attending the University of Florida.

Mr. Graham joined the Associated Press in Atlanta, Ga., January 15, 1929, and has been an AP man ever since.

In Atlanta, he was named regional sports editor and became one of the best known sportswriters in the South, largely through his colorful and accurate reporting of football and golf.

The Associated Press transferred Mr. Graham to Washington in 1934 to write sports here. Mr. Graham was sent to New York in 1937 as national feature sports editor. In 1943, he went to Charlotte, N.C., as bureau chief responsible for news coverage in the Carolinas.

Mr. Graham returned to Washington in 1947 where he covered the entire spectrum of national affairs with emphasis on the Southeastern States.

Mr. Graham has much of which to be proud during his successful career on Capitol Hill. He has a reputation of honesty and integrity which has won for him the respect of those with whom he worked and those he covered in the House Chambers.

We wish for Mr. Graham and his wife a lifetime of sunshine and blue skies.

---

## ATLANTIC-RICHFIELD RIDICULES WINDPOWER WHILE OTHERS MAKE IT WORK

### HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 29, 1973*

Mr. GRAVEL. Mr. President, energy from the wind can be stored in batteries, in flywheels, in compressed air, and in hydrogen gas. Storage is so well understood that I was appalled by the Atlantic-Richfield television spot on energy conservation which was broadcast over WTOP in Washington on May 7, 1973.

That TV spot showed a picturesque old windmill with lights in its windows. As the windmill blades stopped turning, the lights went out and the TV audience was treated to a voice saying, "A good idea—until the wind dies down."

Atlantic-Richfield and other big energy companies are neglecting our capability to tap windpower and other forms of direct and indirect solar energy with today's technology. While they often claim that solar power would take decades for them to develop, individuals with no money at all are building systems which work.

#### $400 HAS DONE IT

A small windpower system which can be built in any ordinary home woodworking shop was described in detail in the March 1973 issue of the Mother Earth News. The power rig was christened "The Sencenbaugh $O_2$ Powered Delight" by a friend of the designer, Jim Sencenbaugh.

This modest wooden system, like the others I have described in the CONGRESSIONAL RECORD, provides for energy storage so that power is available even when the wind is not blowing.

Mr. President, I ask unanimous consent that major excerpts from the article by Jim Sencenbaugh entitled, "I Built a Wind Charger for $400" be printed here in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the Mother Earth News, March 1973]

#### I BUILT A WIND CHARGER FOR $400!

(By Jim Sencenbaugh)

Intrigued—as many folks are nowadays—by the idea of free, non-polluting electrical energy, I set about constructing (with a little help from my friends) a wind charger of my own design. The research, planning, blueprinting and building consumed a little over a year's worth of spare time . . . but the months of work seemed well worth the investment the first evening we enjoyed stereo music and fluorescent lighting powered by our self-contained system.

The total cost of my homebuilt unit was a little over $400 and—now that I've pioneered the design—I'm sure you can duplicate the rig for from $300 to $350, depending on your choice of batteries. I'm also reasonably confident that you should be able to construct a wind charger like mine in any ordinary home woodworking shop. Everything but the blades can be made with hand tools and an electric drill. If you're exceedingly clever and determined, I suppose you might even fabricate the propeller with a 14" band saw and hand sand them . . . but I recommend that you figure on using a tilting table saw and belt sander for building the three airfoils.

My complete wind-driven electrical system consists of five main parts: [1] the fan, which is rotated by the wind and which—in turn—drives [2] the unit that generates direct current, [3] a tower that supports the first two components, [4] batteries and [5] an inverter that changes the direct current to alternating current.

#### THE ROTOR ASSEMBLY

The fan on my wind charger is a wooden, three-bladed variable pitch (constant speed) propeller ten feet in diameter. The prop is made of *clear* white pine and is sealed and protected by an epoxy resin compound called Envirotex.

This summer, after school is over, we plan to experiment with an entirely different kind of windmill prop called a *sailwing*. It's currently being developed at Princeton University (see *Aviation Week and Space Technology*, November 13, 1972, page 47) and is a foldable, lightweight, flexible wing with a high lift-to-drag ratio. The concept is both unique and exciting in that the airfoil actually twists as rpm increases . . . thus creating a very efficient angle of attack at all wind speeds. Stay tuned to Mother for news of our work with the idea.

I planned, from the beginning, to install my windmill in a remote area and took pains to design the machine to be both reliable and—equally important—self-regulating.

To prevent propeller overspeed (and potential disaster), I fell back on a device used in 1908 by Kenwood Manufacturing, a maker of prairie windmills. This is a *pilot vane* (or air governor) placed at right angles to the main vane (or tail) which holds my machine's fan into the wind. The idea, of course, is that as wind velocity approaches a critical level, the pilot vane will increasingly counteract the main tail and turn the fan further and further away from directly facing the moving air mass.

The pilot vane is a simple and effective device . . . when winds are steady. During gusty and outright violent conditions, though, it's sometimes better to completely shut down a wind plant. One of the easiest ways to do this is by designing the main vane to fold into position alongside its little brother so that—as it continues to streamline itself—it safely faces the prop out of the blasting flow of air. The foldable main vane was popular among homebuilders in the 1920's and '30's and is quite effective.

In addition to the pilot vane and folding main vane that I've put on my windmill to prevent overspeeding, I've added yet a third device that accomplishes the same end. This is a mechanism that automatically feathers the propeller (lessens the angle of attack of its blades) as the fan starts to over-rev, thereby spilling off lift and maintaining a safe prop rpm. This system is activated by centrifugal force.

Actually, this latter technique for controlling propeller overspeed is probably the most effective of all. We've retained the pilot vane on our wind plant, however, as a measure of insurance and kept the movable main vane as a simple and effective means of completely stopping the fan whenever we desire.

#### THE ALTERNATOR

We chose to mount an automobile alternator on our wind plant for the production of electricity for good reasons such a unit is now readily available in junkyards for little or nothing and it produces usable current at lower rpm's than a generator.

An alternator is simply an AC (alternating current) generator with its cycle unregulated and its output rectified through a diode bridge so that the unit yields fullwave DC (direct current). The main advantage of DC over AC, of course, being that direct current can be stored in batteries for use when the wind isn't blowing.

Due to the fact that an alternator creates electrical energy by inducing a field current into the rotating field of an armature, we did have to overcome one problem before we could satisfactorily drive such a unit with an irregular source of power like the wind. An alternator will generate AC (which, changed into DC, can be stored in batteries) only as long as the armature spins and cuts across the field current's lines of electromagnetic force. If the field current is left on while the armature is at rest, however, the unit will slowly drain any batteries to which it's connected.

The obvious solution to this hang-up is to build a device that will turn the alternator on only when the wind is blowing strong enough to generate power. Our approach was to use a vane (another vane!) dampened with a spring (another spring!) to operate a relay capable of switching on and off the alternator's three amps of field current. We call this our "wind sensor" and we set it to turn field current into the alternator when the breeze reaches a velocity of 8 mph. It works beautifully.

The alternator is coupled to the windmill rotor with standard go-cart chains and gears so that the generating unit turns faster than the prop (if you build a system like mine the suggested ratio of alternator to rotor rpm's should be somewhere between 7:1 and 9:1). I used two sets of chains (see view of generator assembly) to minimize any stretching and derailing tendencies and when our prop turns over at 100 rpm in a

12 mph wind, the alternator spins up fast enough to produce electricity at a medium charging rate.

### THE TOWER

The structure which supports the rotor-alternator combination is 22 feet high and fabricated of 2x2 Douglas fir. Although my choice of lumber may seem to be somewhat on the light side, the tower has steadfastly withstood the rather large loads imposed upon it. The secret is in the framework's careful design and construction—a lattice design with opposing diagonals on each side. The structure is reinforced with internal bracing at its top where the rotor-alternator support pipe anchors . . . it's strengthened again halfway down by a horizontal 3/4-inch plywood plate . . . and it's reinforced once more at the bottom by a plywood storage cabinet. All joints are secured with galvanized nails and Resorcinol, a waterproof marine glue. The wood is sealed with three coats of outdoor sealer and painted with two coats of Sears "Sky Blue" latex house paint.

There's a built-in ladder up one side of the structure and the tower is guyed at four points and anchored to 2 x 2-inch angle iron embedded three feet deep in a 4 x 4 x 3-foot deep concrete foundation. The whole plant is hinged on two of the angles and can be pushed upright by four people (just make sure the shortest fella is closest to the pivot point). A brush arrangement built into the support bracket on top allows power to be transferred down the framework to the cabinet at the bottom while the rotor-alternator assembly remains free to weathercock through a full 360 degrees.

### BATTERIES AND THE INVERTER

The cabinet at the base of the tower houses several surplus 70-amp/hour nickel-cadmium aircraft batteries, a regulating system and a solid-state DC-to-AC inverter that produces 500 watts of 60-cycle, 110-volt AC (typical house current).

The batteries and inverter are located close to the generator for a very important reason: the dome that my wind plant was set up to power is 125 feet away from the tower and DC transmission through a conductor of that length would result in an unacceptably large voltage drop. AC transmission losses, on the other hand, are very low . . . so, by converting the DC to AC as soon as possible and then making the long run with alternating current, our whole system becomes much more practical.

If you try to duplicate my wind-powered generating station you may be tempted to save some money by substituting new or used automobile lead-acid batteries for the nickel-cadmium batteries I've used. If you do, be sure to include a regulator between the generating unit and the storage units to protect the batteries from being overcharged. Overcharging lead-acid batteries can warp their plates, severely damage them in other ways and make them worthless.

Lead-acid electrical storage units have additional disadvantages. They can lose up to 50% of their capacity in cold or freezing weather, they do not dissipate heat well when under high-current stress, they contain acid that can violently burn the flesh, they're large, bulky and heavy and—sooner or later—they deteriorate internally. Why do we use them? Because they're economical to produce and they work well enough when installed in a car or truck.

Nickel-cadmium aircraft batteries make far better electrical storage units. They're virtually indestructible (broken cells are repaired with epoxy), smaller, lighter and retain 100% of their capacity in cold weather. Ni-Cad batteries also charge faster, high currents can be drawn from them without damaging the units internally and their electrolyte (an alkaline) is less hazardous than acid. Since N-C batteries cannot be overcharged, you can omit the voltage regulator when you use them. (The alternator—unlike a DC generator—will not pass reverse current through itself because of its diodes . . . and will charge only to the load it "sees". If it sees a fully charged N-C battery, the alternator will produce just a minimum amount of current . . . which will not bother a nickel-cadmium storage unit.)

The only real drawback to N-C batteries is their cost. New, they are *very* expensive . . . BUT, given proper care, they're considered by many mechanics to be true lifetime batteries and they can be obtained through surplus houses for just about the cost of new lead-acid storage units. Write to *ESSE Radio Co., 368 S. Meridian St., Indianapolis, Indiana 46225* and ask for their price sheet on Ni-Cad batteries and you'll be surprised at the bargains you find listed.

For converting my system's 12-volt DC into usable 60-Hz (cycle), 110-volt AC, I picked a Heathkit Model MP-14 solidstate inverter from the *Heath Co., Benton Harbor, Michigan 49022.* The unit will produce 400 watts of 110-volt AC continuously or 500 watts intermittently at 80—85% efficiency. This is enough alternating current to operate fluorescent lights (which consume much less power than incandescent lamps), phonographs, electric razors, TV's with transformer power supplies, drill motors and almost anything else within its design parameters. In other words—with the exception of ridiculously gluttonous electric appliances such as room heaters, stoves and air conditioner—the little Heath inverter supplies more than enough AC power for almost anything you'd care to operate electrically in a home or small cabin.

Once the "juice" developed by my wind-driven system is converted to AC, it's carried to the home via underground outdoor cable. There, on a master control panel in the building, we can monitor AC output and battery charge (respectively) on a combination AC-DC voltmeter. By flicking the normal rate or—during winds of short duration—fast charge the storage units by changing the field windings of the alternator from their usual 12 volts DC to 110 volts DC.

Another panel switch controls a relay which turns the inverter on and off at the base of the windwill. This relay, it should be noted, requires about .25 amps of 12-volt DC current for its operation . . . which is nothing compared to the electrical loss that would take place if we tried to bring direct—instead of alternating—current to the dome.

### ADDITIONAL TIPS AND HINTS ABOUT COMPONENTS

The Heathkit inverter dented my pocketbook $130 but I think it was worth it . . . especially since it has a built-in provision for remote control (which I use every time I turn the unit on or off from the home 125 feet away) and its output transformer secondary taps can be switched to compensate for low battery voltage input or AC voltage drop due to load changes.

The Dodge Dart alternator I adapted to my system goes, used, for $15.00-$20.00 out here on the West Coast . . . but I got three absolutely free from a mechanic who said that he didn't want them lying around anymore!

I spent a little better than $70.00 for my bank of Ni-Cad batteries and I'd advise you to lay out the cash to assemble yourself enough storage units to total a minimum of 100 amp/hrs. . . . more if your local winds are very sporadic.

If you're careful how you spend your money you should be able to build a copy of my system for $300-$350 . . . which isn't bad, considering that one U.S. firm wants $500 for a wind plant that was designed 40 years ago and which produces nothing but DC. The only alternative worth considering is Quirk's fine gear which, at $1,800 or more, is out of reach for most people with limited funds.

Nor are there any other good homebuilt designs being widely circulated. None, at any rate, that I know of. In researching this project I found much information on mechanical theory, but little on the actual construction of a practical wind-driven power plant for the small homestead. Most articles with plans for such equipment were published before 1940 (and are now outdated). The only recent respectable attempt in the field that I've run across was featured in the November, '72 Popular Science . . . and that unit is somewhat impractical for continuous use since it exhibits no facilities for autoregulation or DC conversion.

I have decided, therefore—upon the urging of John and O'Malley Stouman (the people for whom I built this plant) Henry Clews (the authorized Quirk agent for the U.S.), my parents and friends and the folks at Mother—to produce a complete and highly detailed set of plans for the Sencenbaugh $O_2$ Powered Delight. The format of these drawings is similar to homebuilt aircraft plans and all components and specifications, parts substitutions, addresses of suppliers, etc., are given. Sencenbaugh $O_2$ Powered Delight Plans, c/o Jim Sencenbaugh, 673 Chimalus Drive, Palo Alto, California 94306.

---

## CANADIAN PIPELINE

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ASPIN. Mr. Speaker, at present the Subcommittee on Public Lands is holding a series of public hearings that revolve around the question of a Canadian versus an Alaskan pipeline. As many of my colleagues know, I believe that the environmental risks of a Canadian pipeline and the economic advantages to the Midwest and East of a Canadian pipeline dictate that we must proceed with a Canadian route.

Often the question arises: "How interested is Canada in having a pipeline?" The answer to that question is provided in a recent statement by Canada's Minister of Energy, Mines and Resources before Parliament. He told the Commons on May 16:

> The view we take continues to be that the Mackenzie Valley would be the best route for bringing Prudhoe Bay oil to southern markets.

Despite claims of the Department of Interior and the giant oil companies to the contrary, the Canadian Government is seriously interested in building a Canadian route. For my colleagues' information, I would like to include in the RECORD the questions and answers concerning the Alaska oil question which occurred during Canadian House of Commons debate on May 14 and 16.

The Commons debate follows:

[Oral questions]

OIL

Proposed west coast tanker route—Government policy in light of recent statements by U.S. officials and Premier Barrett's proposal

Mr. JOHN A. FRASER (Vancouver South). Mr. Speaker, my question is addressed to the Prime Minister. In view of some recent statements by the United States officials about Canadian energy and oil policy being in a quagmire and nothing but fantasy, can the Prime Minister tell the House whether it is government policy to give the Alaskan oil tanker route the green light, as published on Thursday?

Right Hon. P. E. TRUDEAU (Prime Minister). Mr. Speaker, I am not aware of the publication on Thursday that the hon. member refers to. I can say that government policy has not changed in this regard. It is that we do not favour the route from Alaska which would take oil tankers over the ocean into waters that are very narrowly confined between the United States and Canada. That is still our policy, and our policy is still to indicate that the Mackenzie route is one which we would be prepared to consider if there is application made in the proper form, and that we would be very happy to follow up on that.

Mr. FRASER. In view of the Prime Minister's reply, can the Prime Minister tell the House why the government is presently studying Premier Barrett's alternative oil and gas route through Alaska, the Yukon and British Columbia? Does that indicate some change in government policy?

Mr. TRUDEAU. Mr. Speaker, I am not even sure of the premise of the question. As of a week ago we had not received the studies behind Premier Barrett's proposal, although we had asked for them repeatedly. So we cannot say that we are studying them. We have not received them This may have changed in the past week. The minister is to return from Europe today and he no doubt will be in the position to supplement this answer when he is in the House tomorrow.

ENERGY

Government policy in light of transportation route for Prudhoe Bay oil proposed by B. C. Premier

Mr. JOHN FRASER (Vancouver South). Mr. Speaker, my question is supplementary to a question I asked the Prime Minister on Monday when he referred the matter to the Minister of Energy, Mines and Resources. In view of the fact that Canadian policy, as stated by the Prime Minister the other day, seems to favour an overland gas and oil route down the Mackenzie, do the recent discussions with Premier Barrett of British Columbia and the apparent study of his suggested oil route which would come down from Alaska through the Yukon and British Columbia indicates a change in government policy?

Hon. DONALD S. MACDONALD (Minister of Energy, Mines and Resources). No, Mr. Speaker. The view we take continues to be that the Mackenzie Valley would be the best route for bringing Prudhoe Bay oil to southern markets. However, in the case of a serious proposal, such as we believe Premier Barrett's was intended to be, the government does feel an obligation to have an investigation of this alternative route to determine whether or not it is feasible and, in general, whether it would be in the national interest to promote it further.

Mr. FRASER. It has been stated that the policy is to bring Prudhoe oil down the Mackenzie. While we know that some studies have been carried out with respect to a gas pipeline, may I ask whether equivalent studies have been made under the aegis of the government of Canada with respect to an oil pipeline from Prudhoe Bay? Can the minister tell the House what co-ordination exists with respect to planning some kind of joint application with respect to gas and oil? If we proceed on the basis of just one, we shall not end up with any cohesive policy.

[Mr. Marshall.]

Mr. MACDONALD (Rosedale). Mr. Speaker, the studies carried out by the government of Canada, about $20 million worth up to this point, relate to both a right of way for gas and an oil pipeline in the sense that they deal with ecological problems, soil quality and other related matters. With regard to the possibility of constructing an oil line, I would remind the hon. member that the Mackenzie Valley pipeline research group, made up principally of the Prudhoe Bay consortium, has completed an exhaustive study of the feasibility of such an oil line, the results of which have been made available to the government of Canada. It is fair, however, to point out to the hon. gentleman that while we have reason to believe there will be an application for a gas line in the fourth quarter of this year, there is no indication on the part of any private parties that at this time they will be coming forward with an application for an oil line. It could well be that, depending on the turn of events with regard to TAPS in the United States, they would do so, but neither they nor the United States government——

Mr. SPEAKER. Order, please. The hon. member for Edmonton West.

---

## ALUM ROCK VOUCHER PLAN

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. EDWARDS of California. Mr. Speaker, the following article which appeared today in the New York Times, points out a first in educational experimentation, the Alum Rock School District voucher system in San Jose, Calif. Although not as revolutionary as some voucher proposals, the Alum Rock plan, involving six schools and a high percentage of minority group children who qualify for compensatory education, has had a most interesting and exciting first year of operation. Basically, the program offers parents a choice of which school and which type of educational program they would like their children to be involved in.

The apparent success and resultant expansion of the program is largely due to the enthusiasm and dedication of Mr. Bill Jefferds, the district superintendent. His experience at all levels of school operation has made him singularly responsive to the needs of both the school system and the community it serves. It is his contention, and the families participating seem to concur, that the two main aspects of the voucher system—parental choice and educational alternatives—are what is wanted and needed in developing educational programs for the future. I feel that the Alum Rock School District is a valuable example of the constructive and innovative possibilities available to schools in meeting the needs of their communities:

A SCHOOL VOUCHER EXPERIMENT RATES AN "A" IN COAST DISTRICT

(By Evan Jenkins)

SAN JOSE, CALIF.—On the east side of this city of half a million an hour's drive south of San Francisco, six schools are finishing the first year of a project that has made them the focus of national attention and controversy.

The project is described as the first experiment anywhere with educational vouchers, the explosive concept that would let parents use public funds to send children to schools of their choice, and make the schools compete for pupils and money or fall by the wayside.

If the voucher system became widespread, its friends and enemies agree, it could revolutionize American education.

At the end of the first hectic year of the experiment here, those involved in it see a revolution of sorts in their schools—less absenteeism and vandalism, more variety in educational offerings, more enthusiasm for school on all sides. Their version of the voucher system has widespread local support, partly because it is carefully limited.

In its purest form, known as the Friedman model after the conservative economist Milton Friedman, the voucher concept has aroused fierce opposition from educational groups, civil rights organizations and citizens.

SOME FEAR ILL EFFECTS

The chief arguments are that unrestricted vouchers would promote racial and economic segregation, provide unconstitutional backdoor aid to sectarian schools and cripple or even destroy public education.

The experiment here is a far cry from the Friedman model—so much so that both supporters and critics of the voucher principle contend that it is not a true test of voucher education. They say it may be seriously misleading as an example of the concept in practice at a time when districts around the country are considering voucher experiments.

Voucher purists think private and parochial schools should be part of the competition they would like to see in education. Here, only public schools are involved. Affluent parents may not supplement the basic sum—the voucher—allocated to each child, as they could under a pure voucher system. Nor may schools choose among applicants.

Moreover, safeguards have been built into this city's program to keep teachers and administrators on the payroll even if their programs are uncompetitive and to give parents the right to keep their children in neighborhood schools.

ABUSES WERE FEARED

Some of the restrictions were placed on the concept by the Federal Office of Economic Opportunity after a study headed by Christopher Jencks of Harvard concluded in 1970 that an unregulated voucher system could lead to abuses and probably would be thrown out by the courts. Other modifications were made at the insistence of local officials for this experiment.

Finally, the unusual nature of the school district and its leadership raise the question of whether anything that happens here can be a lesson for anyplace else.

The six schools in the experiment are among 24 in the ethnically mixed, economically strapped Alum Rock Union School District, where the project and the Federal funds that go with it landed after other places turned the idea down.

With a two-year grant of $2-million from the Office of Economic Opportunity, the six schools have developed a total of 22 elementary education programs, called "minischools." Parents have been given the right to enroll their children in any program they like.

Every child carries with him a voucher, worth $680 a year for children in kindergarten through sixth grade and $970 for seventh and eighth graders.

The amounts represent the average per-pupil expenditure in Alum Rock, one of the poorer districts in California, and the money comes from the regular district budget.

EXTRA FUNDS FOR FOOD

For children poor enough to qualify for the Federal school lunch program—more than half the Alum Rock children qualify—O.E.O. provides compensatory vouchers worth about a third more. The goal is to encourage school staffs to develop programs that would help and be attractive to the poor.

The range of educational choices starts with the traditional—straight rows of desks, teacher-imposed regimen, structured group learning. With some wrinkles added here and there, each of the six schools in the voucher offers a traditional program.

At the other end of a spectrum that stops short of radical pedagogy is School 2000 at the Donald J. Meyer Elementary School. Standard subjects are taught in the context of such modern and future concerns as space exploration and ecology, and pupils in a single classroom may range in age from 5 to 10.

Between the two extremes are such offerings as the fine arts minischool, also at Meyer, Mrs. Bonnie Jacobsen says she finds her pupils more responsive this year because art is an integral part of school and not just a reward for getting through the dull stuff; and the multicultural program at Grandin H. Miller Elementary School, where Ruth Domingo, 11 years old, and Rosalind Wyman, 12, says they enjoy "the cultures"—the supplement to standard elementary fare that involves learning how Chicanos, blacks, Japanese and Hawaiians live.

### PARENTS WERE CAREFUL

Faced with such a variety of choices for their children, Alum Rock's parents have reacted conservatively in the first year of the voucher project.

Only about 5 per cent have chosen programs that take their children away from their neighborhood schools, and for them the Federal grant provides transportation money.

Traditional education is the single most popular offering, enrolling almost 1,400 of the 3,800 pupils in the six voucher schools.

The voucher project is to be expanded next year to seven more schools under a new two-year grant, approved in Washington, that will bring the total Federal investment in the program to just under $7-million. And there are signs that the parental caution that marked the first year may be easing.

Paul Hutchinson, spokesman for the nonprofit Sequoia Institute, which administers the project under contract with the school district, said the selection process now under way among parents for next year showed a developing pattern of willingness to leave the neighborhood school—"going with the program instead of the building," as he put it.

Mrs. Thelma Atterbury, who works part time in the voucher project's parent information program, backs the district's experiment on the ground that "there was something wrong in the past, why not try something new." But she chose traditional education programs for her two children this year.

"I felt it would take a year for this thing to get off the ground," she said, "and I was afraid the kids might lose something if they went into a new kind of program. But I plan to change now."

### EVALUATIONS NEXT YEAR

Are children learning more under the voucher program than they did before?

Detailed evaluations are to be done by the Sequoia Institute and the Rand Corporation, but results will not be known before the end of the project's second year.

No one in more than a score of interviews suggested that the children were learning less, and many thought that there was marked improvement.

Is the Alum Rock experience applicable elsewhere?

Daniel F. Joy 3d, a former official of Young Americans for Freedom and one of the political conservatives now running O.E.O., said he believed that the voucher concept was hardly being tested at all. He was much more enthusiastic about a proposed experiment in New Hampshire that would include nonpublic schools and in general come as close to "pure" voucherism as possible.

Joel M. Levin, president of the Sequoia Institute and director of the Alum Rock project, said he thought that with proper preparation and civil rights safeguards, at least part of the program here could be duplicated anywhere. But he conceded that Alum Rock was in an extraordinary school district.

### HARMONY AMONG LEADERS

It would be hard to imagine any abuse of parental choice that could lead to segregation here, for example. The district's enrollment is 50 per cent Chicano, 35 per cent white, 10 per cent black and 5 per cent Oriental and other minorities. The ethnic ratios in the voucher schools have reflected those proportions.

Alum Rock also presents a picture of exceptional harmony in its leadership.

B. Luke Levers, head of the local affiliate of the California Teachers Association, shares with the state group and its parent body, the National Education Association, a distrust of the voucher concept. But he feels that the local program is working well, for purely local reasons.

"We're probably unique in our school board," he said: "It's the best I've ever been around. But the key to the whole thing is the superintendent, Bill Jefferds. When he tells you something is going to be a certain way, that's the way it is."

Most observers credit Mr. Jefferds with the success of the exhausting local consultations and negotiations with Federal officials that brought the experiment to Alum Rock.

### AUGMENTED RESOURCES

Even before the Federal project came along, though, Mr. Jefferds had proved himself adept at augmenting Alum Rock's meager resources through conventional and unconventional channels. One program, involving use of school buildings for community activities, has financial help from a pair of improbable sources—the Junior League and a Federal crime-control act.

"The justification was that we were helping to prevent juvenile delinquency," Mr. Jefferds said.

Ed Gehrhardt, president of the East San Jose local of the American Federation of Teachers, echoed the praise of Mr. Jefferds. But he said he thought most of the schools opted for the voucher program to get O.E.O. money, and added:

"As a local we're particularly concerned because the experience in Alum Rock might be used to form a conclusion that a less regulated voucher model is workable."

Mr. Jefferds became superintendent three years ago after a career in Alum Rock that included teaching and various administrative jobs. He immediately started a process of decentralization in the district, once so rigidly structured that it was possible to tell at any hour of the day almost exactly what a pupil in any classroom was doing.

### FEARS ELITISM

Mr. Jefferds said he thought two aspects of the voucher experiment—parental choice and educational alternatives—could be introduced in many school districts.

"I'm against the Friedman model because it could produce a separate, elite school system," the superintendent said. "But I'd like to see private and parochial schools involved in vouchers if they had the same ground rules we have—the same resources, the same admissions procedures. I think the public schools could compete very effectively."

---

## "THE PAPERS OF ADLAI E. STEVENSON," A REVIEW BY JAMES A. ELDRIDGE

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BRADEMAS. Mr. Speaker, as the Nation lives through times made troubled by the events we sum up in the word "Watergate," I am sure that many of us must all the more be reminded of the integrity and dedication to freedom and decency of the late Adlai E. Stevenson.

I ask unanimous consent, in this respect, to insert in the RECORD the text of a review, by James A. Eldridge, editorial page columnist and book critic of the Chillicothe, Ohio, Gazette, of the recently published book, "The Papers of Adlai E. Stevenson."

The review follows:

### THE READING ROOM: INDEED, A PROPHET WITH HONOR

(By James A. Eldridge)

"He honored the Presidency merely by seeking the office." With these words the New York Times Book Review hailed the publication of "The Papers of Adlai E. Stevenson."

Stevenson, governor of Illinois from 1949 to 1953 and the Democratic nominee for the Presidency in 1952 and 1956, was the most intellectually gifted politician on the hustings since Woodrow Wilson.

Americans for generations to come will be grateful for this large publication project undertaken by Little, Brown and Co. of Boston. There will be eight separate volumes in all.

To date two volumes have been released. The first volume carries the subtitle "Beginnings of Education—1900–1941." The second volume is called "Washington to Springfield—1941–1948."

The publishers have been singularly fortunate in being able to have Walter Johnson and Carol Evans as the editors of the Stevenson papers.

Johnson is one of the most distinguished professors of history in our time. For many years he was a member of the faculty of the University of Chicago from which he received both his master's degree and doctorate.

He held the post of Harmsworth Professor of American History at Oxford University and he now teaches at the University of Hawaii.

Carol Evans was Stevenson's personal secretary for many years. She first worked for him in the Chicago law firm where he was a junior partner and in 1949 she went with him to Springfield after he became governor of Illinois. She remained with him until 1961.

She is remembered by the working press who covered the various Stevenson campaigns with warmth and affection. Her legendary efficiency and good humor made their assignments considerably easier.

It is apparent to this reader of the first two volumes that the completed project of the publication of the Stevenson papers will be more than a documentary biography of a great American—much more—it will be a documentary history in his own words of the extraordinary and bewildering changes that remade the United States and the world during Stevenson's lifetime—from 1900 to 1965.

And what a joy it is to read Stevenson's words. The cello-like beauty of his voice re-echoes through these pages. The Foreword of Volume I puts it this way: "Stevenson was a master of a distinguished writing style: witty, pungent, humorous, clear; and when occasion demanded, effectively sharp. He was free of the pomposities of prose that make the pronouncements of some leaders sound like the suckings of leaky bilge pumps."

Volume I traces Stevenson's early development and from his childhood letters, innumerable postcards and early speeches one senses his belief that education is a life-long process and a personal responsibility.

His growing desire to participate in the affairs of government came early in his childhood in Bloomington, Ill., and grew during the years at Choate School and Princeton University. It blossomed during the years at Harvard and Northwestern law schools.

Adlai was born to politics and American history. Jesse Fell, his great-grandfather was a founder of the Republican Party, a close friend and early political supporters of Lincoln's.

His grandfather, the first Adlai, was Grover Cleveland's second vice-president and in 1908 lost the election for governor of Illinois by 22,000 votes.

Adlai once wrote, "I have been preoccupied with public affairs—probably at the expense of private affairs—I mean business and professional obligations."

For that, generations of Americans to come will be greatful as these papers are destined to become classic guidelines to which men will return as long as this Republic endures as a free society.

Bear in mind there is no mistaking his Americanism—his energy, curiosity, good spirit and frank good will toward all mankind.

He was midwestern to the core. The land of Lincoln, Sandburg and Archibald MacLeish was in the very marrow of his bones.

It should be noted here that the Stevenson family had a deep religious tradition of strict Presbyterianism. But the children were brought up in the tolerant, humanistic Unitarian faith of their mother. There was also a strong Quaker tradition in Stevenson's maternal ancestors. Thus, as historian Herbert J. Muller put it, "Stevenson was spared the prejudice and intolerance that flourished on the common fundamentalism of rural America."

And it was his hallmark that he had the 18th Century Enlightment's belief in reason, the possibility of progress, fundamental optimism and intellectual curiosity.

Volume II traces his career from 1941 when he became assistant to secretary of the navy Frank Knox to his election as governor of Illinois in 1948.

For Adlai those seven years were a period of growing personal political maturity, and for the nation they were the time during which the central policies, public attitudes and the intellectual conflicts that were to dominate American political life until the late 1960s were shaped.

And for Adlai they were also the years of apprenticeship. Like Churchill, his entire adult life was but a preparation for the greatness that was inevitably to come.

At the time of Stevenson's death in 1965 newsman Eric Sevareid wrote, "When he was 50 years old, almost nobody but his friends knew his rare quality; when he died 15 years later, a million people cried. And he had this effect on the world of civilized people without using any of the instruments of power. He did it with words alone, and with that wry grin on his battered, lopsided face."

The publication of the papers of Adlai Stevenson prove the validity of Sevareid's words.

---

## CRISIS FOR NONPROFIT ORGANIZATIONAL PRESS

## HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. MATSUNAGA. Mr. Speaker, presently a traditional source of information to the American people faces extinction. I speak of the vast numbers of publications traditionally disseminated to the memberships of nonprofit organizations under special second-class postal rates.

The Postal Rate Commission, ignoring 55 years of congressional policy, has effected new rates which will make it extremely difficult, perhaps impossible, for many of these publications to continue operating. In a day when much of our information comes to us from giant media chains, it is more important than ever to protect the existence of such publications, whether they be a small college alumni journal, a trade union newsletter, or a church magazine.

As many of my colleagues may know, I have cosponsored with the gentleman from Arizona (Mr. UDALL) H.R. 6001, a bill which seeks to remedy this unfortunate situation. In hope that many House Members will join us in solving this problem, I share with you this convincing editorial from the April 7, 1973 AFL-CIO News:

### CRISIS FOR THE LABOR PRESS

Early in 1971 the Postal Service proposed to raise the minimum second-class rate for publications of non-profit organizations by 750 percent over a ten-year period, with a 100 percent increase effective at once. This proposal was subsequently accepted without change by the hearing examiner and by the Postal Rate Commission.

Substantial increases were also promulgated for pound rates, which will bring about an overall rise in excess of 800 percent for some periodicals—for example, about 815 percent for a typical eight-page tabloid newspaper.

These figures are not in dispute. The basis for this sensational increase is a per-piece surcharge, over and above any other postage rate paid by publications in the non-profit second-class category.

The smallest, lightest, thinnest—and, almost by definition, the poorest—publications traveled at a minimum rate of 0.2¢ a copy before the rate proceedings began.

This minimum won't change. The difference lies in a sort of super-minimum in the form of a surcharge.

The surcharge started at 0.2¢ in July 1972 and will proceed in alternate steps of 0.1¢ and 0.2¢ until it reaches 1.5¢ in 1981. The next increment is due to fall in July of this year.

So the smallest, lightest, thinnest and poorest publication, the one that paid 0.2¢ in 1970, will be paying 1.7¢ a copy for postage in 1981—provided it survives at all.

Not only trade union publications are bearing the brunt of this. Equally affected are church bulletins, and the college alumni newsletters, and the conservation people—and yes, the chambers of commerce. All of these, and many more, are part of the chorus of democracy. And all but the wealthy ones will be throttled by the postal rates presently scheduled.

The labor press—apart from its role as advocate and adversary—performs a great many nuts and bolts tasks, including some mandated by the government of the United States. We believe its healthy survival is very much in the public interest.

The labor press is the principal line of communication between the union and the members—often the only one. It's where the members find out what's going on in the organization, and in the labor movement—information that is available nowhere else.

And the labor press is the instrument—the virtually indispensable instrument—through which unions carry out obligations legislated by Congress in the Landrum-Griffin Act. Periodic financial reports, for example, and timely notice of elections are distributed to the members in the pages of the labor press.

We realize there are some who question the magnitude of the rate problem to trade unions generally. One of these questions is the ability to pay. Unions are not in the publishing business. Their periodicals are simply instruments employed in carrying out their primary functions—even though, as noted, they are well-nigh indispensable within that range.—From testimony presented by the AFL-CIO and the International Labor Press Association to the Senate Post Office Committee on postal rates for non-profit organizations.

---

## MAN IN SPACE

## HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. GOLDWATER. Mr. Speaker, 1903 might be be described as a "Wright turn of the century." It was Orville Wright who launched us into the age of powered flights. Simple aviation evolved into specialized aeronautics.

On October 4, 1957, the U.S.S.R. successfully orbited a manmade satellite, Sputnik I. America's Explorer I followed a year later, and the race into space began.

Sixty-six years after Orville Wright had lifted off the sands of Kitty Hawk, another pilot, Neil Armstrong, descended from a strange craft onto the soil of the lunar surface.

Man was on the moon. The promise of yesterday became the dramatic, unforgettable fact of today. Man had successfully probed beyond the constrictions of his own planet, and in the greatest of adventures reached out into space and found a sure foothold.

We are now standing on the threshold of tomorrow. Where do we go from here? Will America retain her leadership in this new era? Will America accept the challenge, and continue to dominate the world in science and technology? And will American aviation make the changes needed to compete successfully in the world market?

If America neglects this vital industry, if America turns its back on its many accomplishments to date, much will be lost and the great loser will be the American people.

Aerospace exports contribute $4 billion per year toward a favorable balance of trade. The aerospace industry remains the Nation's largest manufacturing employer with an estimated 917,000 workers. The taxes paid, the advancement of technology, the solutions to future problems—all this is at stake. To better understand where we are, and what it is all about, I refer my colleagues to an article written by Floyd E. Smith, president of the International Association of Machinists and Aerospace Workers, in the March Issue of "Aerospace", a publication of the Aerospace Industry Association of America, Inc.:

### MAN IN SPACE: A LOOK FORWARD

(By Floyd E. Smith, President, International Association of Machinists and Aerospace Workers)

The Apollo 17 command module splashed down in the Pacific Ocean on December 19, 1972.

This marked not the end of manned space efforts, but the beginning of a new era of space exploration by man that will see a reaping of incalculable benefits through

Skylab, the joint U.S-U.S.S.R. Apollo-Soyuz Test project (orbital rendezvous and docking) and the Space Shuttle, the key program for the 1980s. All are based on the foundation created by the Apollo program of the 1960s and early 1970s.

Dr. James C. Fletcher, Administrator of the National Aeronautics and Space Administration, in a thoughtful assessment of the meaning of the Apollo program, made these important points.

Apollo re-asserted U.S. technological leadership long before we reached the Moon. That was an important fact of international life in the Sixties. It still is.

After Sputnik, but before Apollo, there was a theory that only a controlled economy and a Communist society could succeed with large scientific and technological undertakings such as space exploration. Apollo exploded that theory. Apollo demonstrated that we could respond effectively to a totalitarian challenge without resorting to totalitarian methods. Apollo produced the kind of government-industry-labor cooperation on large scale research and development programs needed to make the American system work, and keep it competitive with any other systems in the world.

On the way to the Moon, we discovered planet Earth. This may be the most important return from the Apollo program for decades to come. The startling new perspective of a lonely, lovely, fragile Earth as seen from the Moon gave great strength and impetus to the environmental movement worldwide, and it helped establish the fact that space technology was something new that could contribute greatly to the quality of life on Earth. It made us realize that although our Earth is just a place in space, it is the only home we have.

Building upon Apollo, our next venture in manned space will be Skylab. This project, ready to be launched soon, has not received much public attention. However, it will provide dramatic evidence of the great advances made in the development of capabilities for scientific and practical work in manned spacecraft in Earth orbit. Skylab will have the same living and working room as a three-bedroom house for its three-man crews. The first Skylab will have a mission duration of 28 days and the second and third units will have missions of 56 days.

Its objectives are:

*Advancement of the Sciences*—To increase knowledge of medicine, astronomy, weather and physics. A prime goal is to collect previously unobtainable information on the Sun-Earth relationship and its effects on our environment here on Earth.

*Practical Applications*—To perfect Earth-looking camera and sensor systems, and their related data systems, to benefit mankind's agriculture, forestry, oceanography, geography, geology, water and land management, communications, and ecology and pollution control. Skylab also will open up a dramatic new field—the development of manufacturing techniques in gravity-free conditions, a field that has the potential for yielding such products as higher quality vaccines and machined parts, such as ball bearings, with a degree of near perfection that cannot be achieved on Earth where gravity is a factor.

*Human and Materiel Endurance*—To determine the ability of both human beings and Earth materials and systems to maintain their qualities and capabilities during long absence from gravity.

The Apollo-Soyuz Test Project, planned for 1975, is the result of an agreement between President Nixon and Chairman Kosygin of the U.S.S.R., made last May, for the rendezvous and docking of a U.S. spacecraft with a Russian spacecraft. An Apollo spacecraft will link up with a Soviet Soyuz spacecraft and while docked together astronauts and cosmonauts will visit both spacecraft and perform a number of scientific experiments.

A major purpose of the Apollo-Soyuz project is to develop a rescue capability by demonstrating systems that will permit the docking in orbit of any future manned spacecraft of either nation.

But perhaps the greatest benefit from this project is not definable in visible progress: The Apollo-Soyuz project could form the viable basis for our nations to work together at an engineering level in a program that could well spread to other areas of technical cooperation.

The main thrust of our manned space program for the future is the Space Shuttle. An analysis of what the U.S. has done in space would show that we have devoted most of our space effort in the Sixties to overcoming gravity on the way to the Moon and back. In the Seventies NASA aims to overcome the high costs of operating effectively in earth orbit.

The cost of the Space Shuttle is estimated at $5.15 billion compared with the $25 billion price tag on Apollo. This, however, should not be an index of the importance of the Shuttle. The Shuttle calls for much greater technological advances and adds more to our capabilities in space than the general public realizes.

NASA Administrator Fletcher puts it this way:

"Suppose we were back in 1961, and President Kennedy instead of choosing the lunar landing goal, had said: 'Build a Space Shuttle before this decade is out.' Believe me, without the technological progress we have since made in Apollo, building the Space Shuttle in the Sixties would have been an almost impossible assignment. And the cost would have approached that of Apollo. As it is, the cost is much less, but the Shuttle remains a challenging assignment for NASA and the skilled hands and minds of the aerospace industry. Comparing the usefulness of Apollo and the Space Shuttle in Earth orbit would be like comparing Lindbergh's New York to Paris plane of 1927 with an intercontinental airline of today."

The Space Shuttle appropriation for Fiscal Year 1973 was overwhelmingly passed by the Congress last year. *The Machinist*, our union weekly, noted in a front-page article in a May 1972 issue: "More than 50,000 aerospace workers will be employed on the program between now and its first mission."

Now that figure means a lot to every aerospace worker. It underscores a point I have made many times: The U.S. did not spend one thin dime on the Moon; the entire $25 billion was spent right here on Earth.

Representative Don Fuqua, of Florida, chairman of the Manned Space Flight Subcommittee of the House Committee on Science and Astronautics, in a speech on the floor of the House, made these cogent points:

One dollar spent on the space effort generates $2.50 in Gross National Product (GNP), $2.00 in personal income and $1.50 in consumer outlays.

A conservative evaluation of a $5.15 billion, six-year shuttle program, applying the multiplier effect, indicates a $12.9 billion addition to our GNP. Personal income contribution would be $10.9 billion with consumer outlays of $7.9 billion.

The net federal tax return from this activity would be on the order of $2.6 billion, returning half of the original investment.

Congressman Fuqua concluded: "Not all federal activity is or can be such an outstanding contributor to our economy."

These are the direct, identifiable economic benefits.

What is this program all about in terms of indirect benefits such as cutting the costs of our manned and unmanned space projects?

Courtland Perkins, Dean of Engineering, Princeton University, emphatically states that we must, as a nation, continue our remarkable activities in space exploration.

However, he adds: "At the heart of all this is the potential expansion of these activities through the reduction of the cost of the space operation. Today we are impeded across the full spectrum of activities due to the extremely high launch costs and the cost of space payloads. The National Aeronautics and Space Administration must consider this to be their number one objective in fulfilling their mission of advancing space technology."

Dean Perkins mentions these possibilities for reducing costs: Antigravity; a propulsion breakthrough; recovery and re-use of launch systems *and* payloads.

Today the only one offering a payoff is the recovery and re-use approach—the Space Shuttle. He lists these other major justifications for the Shuttle:

Takes full advantage of the NASA capabilities developed through their manned space program.

Reduces our complicated stable of rocket launchers required for a wide variety of missions.

Lowers the cost and increases the flexibility of space operations.

Signals our young people that we are not about to throw away our carefully developed technical capability.

Can provide the focus for many new technical advances during the next decade.

"We are orienting our national space program along new lines and developing new motivations," Dean Perkins says. "There is a solid base for our national space program which can be expanded further in many practical ways if we can reduce the cost. The shuttle program can do this . . ."

Physically, the Shuttle will consist of a manned reusable orbiter craft, mounted piggy-back at launch in a large, expendable liquid propellant booster and two recoverable and re-usable solid propellant rocket boosters. The orbiter will look like a delta-winged airplane, about the size of a McDonnell Douglas DC–9. In fact, after it completes an Earth orbit mission, the orbiter returns to Earth and lands in the same fashion as a jetliner.

NASA has made studies of Space Shuttle missions over the next 18 years that indicate approximately 26 per cent are likely to be manned or man-tended, including the manned sortie missions.

Man-tended payloads are concentrated in physics, astronomy and processing in space because such missions involve either complicated laboratory equipment and human judgment or selective observations, in the case of astronomy.

The remaining 74 per cent, involving delivery of unmanned missions, are expected to be made up as follows:

Applications: Earth resources, communications and navigation, 27 per cent.

Science: Physics, astronomy and planetary, 35 per cent.

Department of Defense, 22 per cent.

In launching unmanned automated payloads the Space Shuttle flight crew will be able to check out the satellite in space, make adjustments, and calibrate instrumentation to ensure successful operation before leaving the satellite unattended.

If necessary, the satellite can be retrieved and returned to Earth for more extensive repair to avoid a complete loss. The Shuttle will also provide a capability to repair in space or to retrieve a malfunctioning satellite from Earth orbit.

In a study of 131 satellite failures which have occurred in the past, 78 were related to launch problems, which could have been avoided with the more reliable shuttle vehicle. Of the remaining 53, the spacecraft were inoperable or erratic and could have been returned to Earth for further work if the Shuttle were available.

An example of the usefulness of the Shuttle is in the Orbiting Astronomical Observatory program (OAO) where millions of dollars could have been saved by using the Shuttle's operational flexibility. A battery charge failure of OAO 1 could have been corrected by returning it to Earth. The shroud jettison problem that prevented OAO 3 from attaining orbit could have been avoided if it had been launched from a Shuttle.

I am proud that on my motion the AFL-CIO Executive Council last year adopted a statement backing the Space Shuttle.

The Council said: "The benefits of next generation space applications in such fields as the management of natural resources, monitoring of pollution, weather modification and climate control, television distribution, earthquake prediction and public health and safety will not be fully realized unless we can reduce costs and raise efficiency and acquire a flexibility of action not yet possible. That is what the space shuttle is for. Without it, we will lose many valuable programs.'"

The Council concluded: "We can no more ignore space than we can ignore the oceans or the continents. We would not have the free world without ships, without aircraft or without land mobility. We cannot envision a secure, technologically advanced western world without technologies that allow us the freedom of space as well."

The statement was valid then. It is even more valid today as the Shuttle moves toward operational readiness.

MANNED SPACE FLIGHT BUDGET PLAN—PRINCIPAL PROGRAMS

[In thousands]

| | Fiscal year— | | |
|---|---|---|---|
| | 1972 | 1973 | 1974 |
| Space Shuttle | $100,000 | $200,000 | $475,000 |
| Skylab | 538,500 | 502,000 | 233,800 |
| Apollo-Soyuz test project | 6,900 | 38,500 | 90,000 |
| Apollo | 601,200 | 76,700 | |

## THE POLITICAL USE OF POW'S

## HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. RIEGLE. Mr. Speaker, I wish to insert a most thoughtful editorial from the Detroit Free Press of May 26, 1973. I commended it to all who read the CONGRESSIONAL RECORD.

### POW'S ARE NIXON'S PAWNS IN WATERGATE DEFENSE

Mr. Nixon is back on the attack, using national security as his shield and the returned prisoners of war as his sword.

No one, certainly, expects the President of the United States, and particularly this President, to roll over and play dead. But Mr. Nixon's use of the returned POWs for his own defense was absolutely shameless.

His speech Thursday was the second salvo in his battle to recover credibility lost in the Watergate scandal; the first was his lawyers' brief issued Tuesday in which he tried to explain away his failure in dealing with the scandal on grounds of national security.

Mr. Nixon's strategy to soften the impact of the scandal, is to mix the Watergate break-in with national security, a tactic he feels possible because some of the same burglars who broke into the Democratic national headquarters were employed in the White House security detail. If that sounds confusing, it was meant to be.

The prisoners came in after Mr. Nixon injected his disapproval of Daniel Ellsberg and his belief that everything should be kept secret. If it had not been for secrecy in dealing with the North Vietnamese, Soviets and Chinese, the President told the prisoners, "You men would still be in Hanoi rather than Washington today."

The ex-POWs cannot be blamed for favoring anything that got them out of Hanoi, and opposing anything that might have made their stay there any longer. Thus, Mr. Nixon told them, they must support him and his ideas, presumably including "excesses" by his aides during the re-election campaign.

The President also explained that classified documents must necessarily be kept classified. "It is time for a new sense of responsibility in this country and a new sense of dedication of everybody in the bureaucracy that if a document is classified, keep it classified."

Mr. Nixon apparently has not been let in on the de-classified information that more documents are stamped "classified" to hide mistakes and to keep the American public in the dark than to facilitate diplomacy.

Of course, he denies that. "It isn't that we are trying to keep anything from the American people that the American people should know. It isn't that we are trying to keep something from the press that the press should print. But what we are trying to do is to accomplish our goal, make a deal. And when we are dealing with potential adversaries, those negotiations must have the highest degree of confidentiality."

The theory, and in some cases the fact, of that statement is true. But it leaves to one man the determination of what is and what is not to be kept secret; for whatever good or evil intentions, it leaves it to one man to determine what information is to be spoon-fed to the public. Carried to the extreme, a police state could be hidden under the umbrella of national security secrecy.

The prisoners, mostly career military men, will probably back their commander-in-chief. Career military men generally have difficulty in understanding the need for openness in a democracy. And perhaps they don't mind being used by the President; to them, that is what troops are for.

But Mr. Nixon should know better. The troops are for protecting the country, not for helping him pass a personal political crisis.

And while the occasional need for national security secrecy is undoubted, a better way to keep secrets would be to bring honorable and trustworthy people into the highest levels of government. Instead of going on the attack, Mr. Nixon could try that.

## PERSECUTION OF JEWS IN IRAQ AND SYRIA MUST CEASE

## HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. SANDMAN. Mr. Speaker, the plight of approximately 3½ million Jewish people living in the Soviet Union has become a matter of grave concern to millions of Americans. Those people are being penalized for their religious faith by an emigration tax which the Soviet Government applies almost exclusively to Russian Jews.

However, although a few Jews in the Soviet Union may die in forced labor camps, they are not being physically wiped out on a methodical basis. Today Russian Jews are relatively immune from the old practices of mass murder that dominated the lives of their ancestors for many centuries.

That type of persecution has shifted location and now characterizes the lives of Jews living in certain nations of the Arab World. The persecution of small Jewish communities in Syria and Iraq is most alarming and distressing.

Approximately 5,000 Jews presently live in Syria under conditions of oppression and suppression. They are restricted in their movements and limited in their opportunities for employment. They are spied upon and subjected to unannounced arrests, interrogations, and torture. Syrian Jews live in an atmosphere of violence. They are denied any basic human rights and are not permitted to emigrate.

Earlier this year, 10 prominent members of the Iraqi Jewish community were reportedly executed in the Nihaya Castle Prison in Baghdad. Despite widespread media attention to that incident, Iraq issued no charges, announced no trials and refused to confirm or deny reports of their deaths. There is a fear that there may be a repetition of the dark period of 4 years ago when, in January 1969, 14 persons, including 9 Jews, were accused of spying, executed in a public square in Baghdad before a large crowd and their corpses hung there as a relic of some ancient barbarism.

It is estimated that only about 500 Jews remain in Iraq out of a community that once numbered 4,000. Most of them have fled since 1969.

The Iraqi Government has recently reversed an earlier decision allowing Jews to emigrate and has severely tightened emigration restrictions. Those few who are allowed to leave are permitted to take only minimal possessions with them. Those who remain live in constant fear of arbitrary arrest, imprisonment, and even death.

We must not ignore the violations of basic human rights being perpetrated on the small Jewish communities in Iraq and Syria. These people are the victims of bigotry and hatred. Not since the 1930's and early 1940's in Germany has the world witnessed such a campaign of harassment and persecution against a minority as the political, economic, social, and cultural policies of oppression and intimidation that Iraq and Syria are now pursuing vis-a-vis their Jewish citizens.

The actions of the Iraqi and Syrian Governments make a mockery of their membership in the United Nations and their supposed adherence to the Universal Declaration of Human Rights and other international agreements that most civilized nations observe.

A man is born free, whether in the United States, Iraq, or Syria, and his individual freedom cannot be capriciously restricted or otherwise violated simply because he may belong to a minority.

The people in these two isolated Jewish communities only seek the privilege of emigrating from those countries that are persecuting them. There are no logical reasons for the Iraqi, and Syrian Governments to prevent them from doing so.

Emigration of the Jewish people in Iraq and Syria will certainly not harm the economy of those two countries.

Moreover, if either government has a serious concern about a threat from its minute Jewish population, the easiest thing to do would be to permit them to emigrate rather than continue to subject them to harassment, danger, and death.

I urge the Iraqi and Syrian Governments to grant two reasonable requests to its Jewish people: first, those wishing to emigrate should be allowed to do so with an adequate amount of personal property; and second, those Jews who remain in Iraq and Syria should be treated in the same manner, with the same rights and privileges that other Iraqi and Syrian citizens presently enjoy.

In my opinion, it would be both logical and humane for the Iraqi and Syrian Governments to take this action immediately.

## ENERGY CRISIS

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. TEAGUE of Texas. Mr. Speaker. I insert the following editorial from the Waco, Tex., News Tribune of May 15, 1973, which touches on the subject of the energy crisis being experienced in this country today:

### CONFUSION IS KEY WORD REGARDING ENERGY CRISIS

Indications are the Nixon administration is handling the oil and gas shortage in the same manner as it has handled the inflation problem: go on saying there's not much to be concerned about until suddenly the whole thing blows up in American's face.

President Nixon has taken some steps to relieve shortages—scrapping oil import quotas effective May 1, ordering the Interior Department to move toward tripling the amount of off-shore acreage under lease for oil and gas production, and asking Congress to remove ceilings on natural gas prices from "new" gas sources, to expedite construction of the Alaskan pipeline and to extend investment tax credits to cover drilling for new oil and gas fields.

From the standpoint of immediate needs, this may be too little too late. The only one of these moves that will have much effect on fuel supplies within the next year is the elimination of oil import quotas. No one seems quite sure what the effect of that action will be.

All these other steps should increase domestic production of oil and gas within the next few years, but they do not address themselves to the long-range energy needs or to building up an emergency reserve of petroleum in case foreign supplies are suddenly cut off.

U.S. Sen. Henry Jackson, D-Wash., has made proposals which go well beyond anything. Mr. Nixon has offered and which have real potential for meeting what is described as the energy crisis.

Recognizing that known reserves of oil and gas in the United States are insufficient to meet even half the anticipted need a decade or two from now, Jackson proposes a massive program to develop alternate sources of energy—coal, oil, shale, atomic power and solar energy—and to do it in manner that will be environmentally acceptable.

He also proposes that in conjunction with increased imports and with increased drilling on offshore and other federal lands, the petroleum industry and government be required to gradually establish a reserve of oil stored mostly underground the way gas is stored now. Over a three-year period, this reserve would be built up to 90-day supply.

Perhaps most important of all, Jackson proposes a consolidation of government agencies dealing with energy supply to get a handle on the situation, define goals and set up an organized identifiable national policy on energy resources.

One of the sad things about the present situation is that the people are confused about it. They suspect a massive conspiracy to create shortages for the purpose of eliminating competition and increasing prices. They can't understand why the United States could fight a war in Indochina consuming enormous amounts of gasoline and other petroleum products, seemingly without creating a shortage, then when the war's over a shortage suddenly develops.

And no one in government appears to be providing any authoritative answers.

We just hope our energy production and supply doesn't become the same kind of mess as the Nixon economic program or that it doesn't end up the subject of congressional and grand jury investigations the way the Watergate mess has.

## THE DEATH OF MSGR. WILLIAM J. SHANNON

## HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. WALSH. Mr. Speaker, I am deeply sorry to report the passing on May 25 of an outstanding religious leader of my community and the Nation, the Rev. Msgr. William J. Shannon, vice rector and administrator of the Cathedral of the Immaculate Conception in Syracuse.

Monsignor Shannon, who had been in ill health for some time, and whose forthcoming retirement from his formal duties had only recently been announced, was vice rector and administrator at the cathedral for the past 9 years. But his career spanned a lifetime of ecumenical achievement and knew no geographical bounds.

Monsignor Shannon was born in Syracuse in 1910. He attended St. Vincent de Paul and Christian Brothers Academy.

At the age of 18, he became the youngest radio director in the country—at WFBL—and from 1935 to 1939 was a coast-to-coast radio personality with his own show on CBS: "Jack Shannon Sings."

He could claim fame as the man who gave former Syracusans Gordon MacRae, Bill Lundigan and songwriter Jimmy Van Heusen their starts in show business.

While engaged in radio in New York, he simultaneously prepared himself for the priesthood at Manhattan College in 1935. He received a bachelor of arts as valedictorian of the class of 1939. Then he attended St. Bernard's Seminary in Rochester.

He was ordained on June 5, 1943, at the Cathedral of the Immaculate Conception by Bishop Walter Foery.

Except for a 7½-year period when he was an associate pastor at St. Catherine's parish in Binghamton, Monsignor Shannon has served his priesthood at the Cathedral of the Immaculate Conception, being assigned there on November 30, 1950.

On June 12, 1965, Pope Paul VI named him as a domestic prelate. He has been priest adviser and coordinator of the National Catholic Office of Radio and Television in New York City.

He was instrumental in beginning a project of increased communication for the dioceses of this country.

From July 1, 1958 to October 10, 1959, he was Bishop Foery's representative in the campaign drive and renovation and modernization of the Cathedral of the Immaculate Conception.

In June, 1967, Monsignor Shannon was awarded an honorary degree of a doctor of law by St. Michael's College in Vermont in recognition for his work in communications.

While working as liaison between the broadcasting world and the bishops, he retained his post as administrator of the Syracuse cathedral and returned to his Syracuse parish from New York on as many weekends as possible.

He was appointed to coordinate the new National Catholic Office for Radio and Television in September 1966.

Active in all phases of community life, Monsignor Shannon in 1971 was chairman of the Cancer Crusade.

He was chaplain of Court Grimes, Catholic Daughters of American and on the board of directors of the mental health committee of the Onondaga Health Association.

Monsignor Shannon was widely known to all the clergy and laity of central New York, and a beloved and faithful servant of the Lord and his people.

The attached clipping from the Syracuse Post Standard of May 25, 1973, describes the funeral services for the beloved priest. The report of the homily delivered at the Pontifical Mass by the Most Rev. Francis J. Harrison, auxiliary Bishop of the Diocese of Syracuse is a truly brilliant description of the life and work of Monsignor Shannon. I commend it to my colleagues:

### MONSIGNOR'S "GIFT OF CONCERN" CITED

(By Ramona B. Bowden)

The Cathedral of the Immaculate Conception was filled to capacity yesterday by those who knew and loved the Rev. Msgr. William J. Shannon, who died Friday after a long illness.

A pontifical Mass of the Resurrection was concelebrated by the Most Rev. David F. Cunningham, bishop of Syracuse, principal celebrant; the Most Rev. Francis J. Harrison, auxiliary bishop, the homilist, and with the Most Rev. Walter A. Foery, retired bishop, in the chancel.

It was significant that before the Mass began, Duane A. Sutton, organist and choir director, played some of the monsignor's favorite sacred music, Mozart's "Ave Verum" and Bach's "Jesu, Joy of Man's Desiring."

And also, as a sign both of his and the church's faith in the triumph of life over death, the choir and congregation sang at the end the "Battle Hymn of the Republic," for indeed the monsignor's "eyes have seen the glory of the coming of the Lord," and his soul does "go marching on."

"If you look about this beautiful cathedral, you will find here an understanding of the energy that tortured Msgr. Shannon always to seek new accomplishments," said Bishop Harrison in his homily.

"When he first came here as an assistant, he expressed the hope that some day the old cathedral would be renovated," said the bishop, adding, "When the decision for renewal was made, he threw himself into the work, carrying the burden of the reconstruction and finally was able to rejoice in the accomplishment.

"That tenacious drive was characteristic of his whole life. Once he made up his mind to do something, he would pursue the objective."

The bishop spoke of Msgr. Shannon's dedication to his family and how faithfully he cared for his mother. "The need for funds was one reason for his going into radio and TV, where his superb voice brought him enough fortune to meet his obligations," he said.

"Instead of a promising future in the entertainment world, Msgr. Shannon had a burning desire to become a priest. For that reason he entered St. Bernard's Seminary and was ordained by Bishop Foery in this cathedral on June 5, 1943. Following ordination, he went to St. Catherine's parish in Binghampton, where he served for seven years before coming to the cathedral, where he was active for 33 years," he said.

"We are all witnesses to his fruitful apostolate here. He served the diocese without reserve, he was loyal to his bishops and ministered to the needs of the community—especially the wonderful work he did in the Cancer Society," said the bishop.

"If one were to look for a distinctive mark of Msgr. Shannon's ministry in the priesthood, one would say it was the wonderful rapport he had with people—he loved being with people and enjoying them."

The bishop pointed out that because of his background in TV and the position he held in communications for the National Conference of Bishops, he was on a friendly footing with many persons in high places. "Yet he always appreciated the friendship of the man in the street, the workers at the cathedral, and whoever came his way. He had the gift of concern for others in bringing them happiness. And certainly bringing joy to others has a definite part in the ministry of Christ," declared the bishop.

Bishop Harrison pointed out that Msgr. Shannon was true to his priesthood, never hesitating to admonish, to instruct or correct. And, like the prophet of old, moved by the spirit of Christ, he knew he must not serve himself, but the Lord, in preaching the good news.

"It was tragic that in his illness his voice was impaired. The things he loved best were denied him—to sing and to preach. This loss caused a certain restlessness. Finally death came as a blessing for therein he found peace and calm," the bishop stated.

"Today as we pay our last tribute to Msgr. Shannon we have a sense of sadness, but the sadness is on our part—we have lost a friend, a wonderful priest we will long remember," he declared.

"In faith and hope of the resurrection we rejoice, confident that Christ will accept his sacrifice—for he gave himself to God for His people. Within him was kindled a spark of that divine love that illumined our lives for a while, and brought us occasions of joy. May he now forever rest in the peace of the Lord," said Bishop Harrison.

Bishop Cunningham gave the final absolution with the large group of priests and monsignori passing around the casket offering a prayer for their beloved colleague.

"Happy are those who die in the Lord. Happy indeed, the spirit says; now they can rest forever after their work, since their good deeds go with them," says the Book of Revelation.

## LOOK WHO BOYCOTTS MEAT

---

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ZWACH. Mr. Speaker, boycotts are dangerous instruments of policy, mainly, because in all too many cases, people who take part in the boycotts, do so out of sentiment and do not have a real understanding of the problem involved.

Such was the case with the lettuce and meat boycotts.

This proposition recently was developed in an editorial by Roe C. Black, editor of Top-Op, a Farm Journal publication.

Mr. Speaker, this editorial, I believe, merits insertion in the CONGRESSIONAL RECORD where it can be read by my colleagues:

### LOOK WHO BOYCOTTS MEAT

There were quite a few surprises in the "official" meat boycott period during the first week in April, and there may be more to come in the wake of it. But one development deserves a lot of thought, because it can guide us in future efforts in educating the public to fundamentals of farm food production.

We found out that the citizens and businessmen of small towns and smaller cities located in largely rural areas *do* appreciate livestock and meat producers. While most of the headlines went to the hysterical boycotters, let's recognize the housewives, businessmen and professional people in towns like St. Paul, Neb., Macon, Ga., and Plainview, Tex. who staged various "meat appreciation" events during boycott week. Reports were also fairly consistent that lower income buyers, consumers in hard-working "hard hat" neighborhoods, restaurant patrons and citizens of most sizable cities in the South, Southwest and Midwest did *not* support the meat boycott.

Who did support the boycott? The most prosperous, supposedly most intelligent people in the nation from Boston to Beverly Hills. The housewives in affluent suburbs were largely responsible for reducing meat sales from 25% to 50% in major metropolitan areas on both the East Coast and West Coast.

You would think that these people would be the first to understand how a boycott in the livestock and meat industry will eventually be self-defeating if it is successful in driving down prices sharply. As they say in the lead article in this issue, stockmen don't want to risk expansion if pressures on the demand side can batter down market prices as much as 25% in a matter of a few days as happened in late March on hogs. But it's obvious that smart people do not necessarily use good judgment. It's widely known now that the farm labor battle in the West is basically a fight between two union groups. Yet there are still good people, many of them church leaders and college students, who will back a lettuce boycott whether they're informed or not.

So what can we do to head off such damaging and misguided attacks on the food industry? We need to step up all consumer-oriented agricultural education campaigns. There are a host of programs now and new ones are being established, like the promising National Agricultural Communications Board supported by agribusiness firms, many of which have their own individual programs. But support in time and money is not enough. We now can see that education programs had better be focused sharply on those who least understand agriculture and are the farthest from it physically and in generations away from farm roots.

It's high time that we put the promotional experts to work on the major problem areas in consumer relations—in New York, Boston, Los Angeles and Chicago. It's gratifying to see Eat More Beef signs in the Nebraska Sandhills, Kansas Flinthills and Alabama Black Belt. But that just amounts to talking to each other.

We make far more progress when there are sensible analyses of the meat supply/demand situation on TV newscasts, in national magazines and big city newspapers. And there have been some recently. There can be more, and there should be more. Almost every producer these days is checking off money to be spent on promotion. Let's see that it's spent where it will do the most good.

---

## AN APPEAL PROCEDURE FOR MEDICARE PART B

---

## HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. CHAPPELL. Mr. Speaker, I am introducing legislation today to permit administrative and judicial review of part B, medicare claims. This remedial legislation is needed to correct a serious inequity in the medicare program which affects the majority of our retired citizens.

This bill, which I introduce with the strong support of the American Association of Retired Persons and the National Retired Teachers Association, would extend the hearing and judicial review procedures now part of the law for part A claims to part B claims.

Under current law, hospital bills which are covered by medicare part A are subject to review by the Commissioner of Social Security if the insurance carrier questions the charges of $100 or more. If the amount in question is $1,000 or more, the courts may review the claim.

In the case of physicians' charges, which are covered by medicare part B, there is no such review process. The insurance carrier conducts a "fair hearing" using its own personnel, who are not required to have legal training or experience. Beyond this, there is no appeal process.

During my tenure in the Congress, it has become increasingly evident that this fair hearing procedure is simply not working. I have seen numerous examples of decisions which needed a second look. This lack of an appeal process is not only inconsistent with our system of checks and balances but it also causes our senior citizens to question the credibility of a program which the Congress initiated to help them meet the rising costs of medical care.

This bill provides for review and judicial procedures for part B and recognizes that noninstitutional services are more likely to involve lower sums. It therefore sets the minimum for administrative review at $50 and judicial review at $500.

Mr. Speaker, I urge swift action on this legislation. It is incredible to me that we failed to provide for appeal when we wrote the law. For the sake of our senior citizens and in keeping with the system of checks and balances we seek to foster, let us extend the right of appeal to medicare recipients for part B claims.

I insert the letter of endorsement by AARP–NRTA into the RECORD:

AMERICAN ASSOCIATION OF RETIRED PERSONS—NATIONAL RETIRED TEACHERS ASSOCIATION,
*May 14, 1973.*

Hon. BILL CHAPPELL, Jr.
*Longworth House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN CHAPPELL: I wish to express the strong support of our organizations for your proposed amendments to Section 1869 of Title 18 of the Social Security Act. Our Associations have, for many years, supported the elimination of the Part B premium of Medicare and the combination of Parts A and B. Implicit in that policy position is our support for an extension of the hearing and judicial review procedures of Part A to claims that arise under the Supplementary Medical Insurance program of Part B.

Under existing law the hearing and judicial review procedures under Part A are more liberal than those under Part B. As a minimum, our Associations would support an extension of Part A hearing and review procedures to Part B claims where the amount in controversy equals or exceeds the existing $100 hearing entitlement amount and $1000 review entitlement amount for claims under Part A.

We note that your proposed amendments would go beyond this minimum setting the amount in controversy for a hearing on a Part B claim at $50 and the amount in controversy for judicial review on such a claim at $500. In view of the probability that claims involving noninstitutional services are more likely to involve smaller sums than claims involving institutional services, we think the establishment of lower minimum amounts for hearing and review of Part B claims than those presently existing for Part A claims is justified and advisable.

As Legislative Counsel to our organizations, I shall commend your proposed amendments to our membership.

Sincerely,

CYRIL F. BRICKFIELD,
*Legislative Counsel.*

---

## TRIBUTE TO MR. BENJAMIN M. TUCKER

## HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. GINN. Mr. Speaker, our Nation is built upon the foundation of the strength of the individual in America. There are many stories about men and women who have worked hard within the so-called establishment to achieve success, but unfortunately most of these stories are pushed to the back pages of the news media by the stories of tragedy and wrongdoing.

It is my great pleasure today to report to the House about the story of one of my constituents, Mr. Benjamin M. Tucker, whose success story is of such significance that it is already a national news story.

Mr. Tucker is the general manager of radio station WSOK in the city of Savannah. He is a black man who I think is representative of many of the finest qualities that can be found in America: A sense of pride in his country, a drive to succeed through honest, hard work, and the ability to inspire the same type of achievement in others.

Mr. Tucker is an outstanding example of how a minority citizen in our Nation can make things happen. I am proud that he makes his home in the First Congressional District of Georgia, and I look forward to following his career for many years to come.

To more fully illustrate the work of Mr. Tucker, I would like to insert in the RECORD at this point the text of an article that appeared in the January 16 edition of the Wall Street Journal:

### BENJAMIN M. TUCKER

(By Bernard E. Garnett)

SAVANNAH, GA.—A black-oriented radio station has climbed to the top of the ratings against tough white competition in this Deep South city.

Station WSOK gambled on an unorthodox strategy: With a general manager who had never worked at a radio station before, it turned off gospel and rhythm and blues in favor of jazz and classical music and turned away advertising that had been its lifeblood.

It worked. WSOK has done more than survive. It has become the number one station in Savannah and 11 surrounding counties, according to a survey made last spring by a major radio rating service, the American Research Bureau. In doing so, the station topped 11 others serving the area. (One more station has since entered the market.)

"I walked into this market and caught 11 stations sleeping," says former jazz bass player Benjamin M. Tucker, who took over as general manager last January. "Everybody thought another jive nigger was coming in with the same old format, and that's where I caught them off guard." (In black jargon, a "jive nigger" is a stupid black who needn't be taken seriously.) Mr. Tucker figures one of his big assets was his lack of experience; others, he says, might have been too wedded to the tried-and-true to experiment.

#### NO MORE RAUCOUS MUSIC

And experiment he did. The station still plays rhythm and blues and gospel, but not exclusively and no longer raucously. He expanded the station's album collection to 4,000 from 20—and began to give listeners jazz, popular songs, black comedians and classical pieces by black performers and composers.

News coverage, formerly a "rip and read" operation in which disc jockeys tore off wire copy to read over the air, has been beefed up considerably. ("It was really 'rip-and-try-to-read,'" Mr. Tucker says, referring to the many mispronounciations before he and his wife began coaching announcers in public speaking.) A local newspaperman was hired as news director, and the station subscribed to Mutual Black News, the black-oriented radio news service of the Mutual Broadcasting System, Inc.

The station has also put more emphasis on public service, both on and off the air. For example, it has been boosting a drive for information and treatment of sickle cell anemia.

There are 7,000 radio stations in the U.S., and some 300 of them cater to black audiences. The vast majority of these black-oriented stations are believed to be profitable. There is no one formula for success in the radio business, and the changes made at WSOK might not bring success elsewhere. But they have apparently succeeded here not only in building up the audience but also in bringing in the dollars.

The changes came shortly after WSOK was acquired for $400,000 last January by Black Communications Corp., a New York-based concern of which Mr. Tucker is chairman. Formed by a small group of investors including former jazz pianist Billy Taylor, Black Communications set out to buy up magazines and radio and TV stations and try to make them more responsive to the needs and interests of black listeners.

"We started out figuring we could acquire a station a year," Mr. Tucker says. But experience with WSOK, the concern's first venture, quickly altered plans for future acquisitions. With WSOK providing more headaches than had been bargained for, the group decided to concentrate on one project before moving on to the next.

Indeed, for a time it looked as if WSOK would be the group's last venture. For one thing, promised help didn't materialize. "I asked three friends to come in and look over my shoulder every now and then for a consultant's fee, but they never showed up," Mr. Tucker says.

He also walked into a snake-pit of problems with his staff. Though it wasn't surprising that in a Dixie city some whites would resent a black boss, black employes, too showed bitterness over changes.

Mr. Tucker recalls that at a staff meeting, disc jockeys balked when "I told them they didn't have to keep shouting black, black, black. The minute they opened their mouths people knew they were black." He also stopped the practice of screaming commercials and "talking on" records (gabbing or bantering while music is playing).

Black staffers, he says, also resented his instructions on behavior outside the office. He told them: "I don't ever want to see a WSOK employe standing on the corner half drunk and talking loud. Sure, touch bases with the community; find out their needs and problems. But give them something to look up to and respect."

Blacks showed their resentment by loafing on the job, Mr. Tucker says. He would leave the office, for example, and find a pinochle game in progress when he returned. Five blacks finally resigned; another was dismissed.

Nevertheless, one good break came his way. Ten minutes after the sales manager walked out, Scipio Collins, a 58-year-old black native of Savannah and veteran of 18 years in radio sales and announcing, walked in. He had come home to be with his ailing mother and was looking for a job. "He told me he'd work for $50 a week," Mr. Tucker recalls. "I hired him for $75 and put him on trial as sales manager." He now averages $1,000 a month.

#### A SEARCH FOR ADVERTISING

When Mr. Collins came aboard, he had his work cut out for him. As part of its new image, WSOK had begun refusing to continue running ads for "easy credit" sources, high-interest loan companies, faith healers and the like. But new business wasn't coming in to replace them.

Benjamin Aronson, the station's accountant, says he kept hounding Mr. Tucker to look for new ads, "but he kept insisting he couldn't until he had the station the way he wanted it." It took several months before WSOK began actively seeking new ad business.

When salesmen first approached whites for new ads, there was considerable reluctance to do business with a black-owned station. "I had one merchant tell me he didn't want to deal with any black people, and if I was working for them, he didn't want to deal with me either," says Lee Knight, a white ad salesman.

But eventually, the new format—and higher ratings—paid off. When Black Communications took over a year ago, Mr. Tucker says, WSOK had 40 advertising accounts—mostly "Mom and Pop" businesses. Now, it has about 400, many of them national accounts from leading agencies and some of the larger Savannah businesses.

Revenue last year was $280,000, up more than 20% from the $229,000 of a year earlier. The station had a loss of $25,000 in the latest year, but that was because of heavy expenses for equipment and other start-up costs, Mr. Tucker says. He expects to be "comfortably in the black" this year on revenue of $350,000.

### CHALLENGERS WAIT IN THE WINGS

WSOK won't be resting on its laurels, however. One challenger to its number-one rating is WEAS–FM, formerly a rock outlet with low ratings that has switched to what it calls "progressive black radio." Although most black Savannahians claim they're devotees of WSOK, even Mr. Tucker admits the station has recently lost some of its audience to WEAS.

And Jerry Rogers, program director of WSGA, the rock station that was number one before WSOK, says, "WSOK has always had about 40% to 45% of the market (the black population) to itself. We had to fight other stations for our rating. It might be a different story when the next ARB (rating) is out."

---

## METRIC NONSENSE

## HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. GROSS. Mr. Speaker, in and out of Congress the drive continues to install in this country the metric system of weights and measures.

Advocates of the metric system are hard pressed for a valid reason for making a change that would affect the everyday lives of every citizen. Their main argument is that the United States is one of the few nations in the world that maintains the old system. We are old-fashioned and out-of-step, say the metrically enthralled. And this despite the fact that our system of weights and measures has served us well through the years.

What the change-for-the-sake-of-change lobbyists never seem to want to discuss is the staggering cost of $60 billion to Americans for the change to the so-called metric system.

This is one burden American taxpayers and consumers should not be forced to bear as they try to extricate themselves from the serious financial-economic problems that beset the entire Nation.

The Washington Star of May 27, 1973, prints an article on this subject written by Mr. J. W. Batchelder who heads his own engineering company in Chester Depot, Vt. Mr. Batchelder describes the reasons for change to the metric system as nonsense. The article follows:

### METRIC NONSENSE

(By J. W. Batchelder)

CHESTER DEPOT, VT.—For some time certain apostles of "progress" have been urging us all to "think metric," and it appears that, sooner or later, the Congress is going to impose this inadequate system of weights and measures on the United States.

We are, after all, the only major industrial nation that still clings to its old system, say the proponents of change, so it's time to get in line with the rest of the world. This, I think, is nonsense.

Much of the current deluge of propaganda for the metric system reiterates so many similar misconceptions, illusions, biased half-truths and even lies that it almost suggests a conspiracy based on a deliberately deceptive and misleading single source.

Any virtues in our present system of weights and measures, which have so amply served as the foundation of our vastly superior technology, are conspicuous by their absence in the metric propaganda. It is most presumptuous of persons obviously unfamiliar with the entire metric system to imply that our highly skilled, ingenious and astute technicians are so stupid as not to know which system best suits their pursuits.

In any system of weights and measures, the optimum efficiency and convenience is attained when the size of the unit employed to express weight, length or volume is an approximate average of those sizes encountered most frequently. A Utopian ideal could only be achieved if the size and quantity of everything were the same and could be expressed by the figure 1, which is the shortest and most comprehensible figure which can be expressed or written.

In our daily experience we deal in very large and very small quantities. For example, small units of measurement, such as inches, are far more practical for measuring the size of letter paper than miles. On the other hand, it is impractical to use inches in expressing the distance from New York to Washington. Consequently over the years we have adopted several sizes of units, some small and some large, to reduce the number of digits required in figures to express quantities in readily comprehensible values. This not only saves time and writing space but, most importantly, it greatly reduces the probability of errors. In other words, we sensibly fit the pattern to the cloth.

The best compromise results when extremely small or large values of any unit involve about the same number of digits on either side of decimal points. This minimizes the number of digits required to express values, thus greatly simplifying computations.

Now from out of the woodwork comes a swarm of self-made "experts" with fifth grade technological intellects (or divine intuition) concerning weights and measures, who inform us that we don't know what we are doing and claim to be able to lead us to the metric Promised Land, if only we will trust and blindly follow them.

Ignorant of the definite advantages of a range of sizes of measurement units, such as we have, they cast aspersions upon this practice by calling it archaic, cumbersome, entangled, bewildering, sloppy, jerry-built and just about every derogatory adjective they can find in dictionaries, conveniently ignoring technical reference works.

They urge instead the metric Utopia which is limited to only one unit for length, one for weight and one for volume. Of the three, the only unit of practical size is that for volume, the liter. The meter (nearly 4 inches longer than our yard) is as unsuitable for length measurements as our unpopular yard has proven to be—used mainly for sports, textiles, etc. It is too great a length or distance for general application and is used nowhere in our technical formulae.

The metric gram, being absurdly small, is ridiculously impractical. It requires exceedingly large numbers to express the weight of relatively light objects, usually being amplified a thousand times to kilograms for ordinary purposes.

Many countries have evolved assorted and convenient sizes of units astonishingly similar to—but independent—of ours. We find many units quite near to our foot. The Eygption feddan is nearly equal to an acre. Their kantar is practically 100 of our pounds. The Greek mina is very nearly 1 pound. The polish garniec is close to our gallon. And so on. Thus it becomes evident that the evolution of practical and convenient sizes of measurement units is logical, reasonable and worldwide. Also equally universal is the custom of using various sizes of measurement units proportional to the size of the object or quantity being measured.

Most technical calculations are handled on office calculating machines, slide rules, etc. Whenever it is necessary to deal with numbers having many numerals, calculators must have an excessive number of places, far more than ordinary. The very large or minute quantities involved in metric technical calculations, because their units are so large or small, are difficult to handle on regular calculating machines.

Moreover, experienced technical personnel usually have a rough comprehension of the number of pounds, feet or horsepower to be expected in solving formulae. This affords a mental means of verification in checking answers. The metric system involves such extremely large quantities of such minute units that they defy human comprehension, thus breed errors. For example, an ordinary 100 watt electric light bulb burns 36,000,000,000,000 ergs per hour, (erg is the metric unit for energy). This example, rather than being extreme, is typical of metric technology.

Those persons who may think that tera, the metric prefix for trillionfold (abbreviation T) is too large to be frequently used might well reflect that the above quantity of ergs is 36 trillion, equivalent to a mere 100 watt-hours, only a tenth of a kilowatt hour. This is representative of what the self-appointed "experts" call the "simple" metric system so easy to learn and so much better than ours. They would turn us into a nation of zero-counters.

These preposterous metric quantities logically could account for so many non-metric units of measurement being used in "pure" metric countries. Possibly if the residents of metric countries realized how much easier it is to cope with our system they would want to change over to it.

Our system evolved over the centuries as a direct consequence of its being best adapted for the most widespread usage. This gradual evolution has been going on since the beginning and still is, without in any way upsetting or disturbing our entire system. Such a high degree of flexibility to suit changing conditions is a most valuable advantage.

Over the years, units have been added to our system and some, proving too large or small to be practical, have withered away. The gill is on its way out. The rood (¼ acre), the hand (4 inches), the span (9 inches) and the ancient cubit (about 18 inches) have disappeared due to impracticality. The old digit was ¾ inch.

From a purely objective viewpoint the entire metric system (including power, force, inertia and energy units) has about as many units as our system. When the totally unnecessary 15 prefixes and 16 abbreviations for the same are included, it has far more than our system. We have never needed any prefixes in our system, and it is thus easier to learn and teach.

Our system is well adapted to our needs like an old shoe. It grew to fit our requirements like bark fits trees.

Our system being flexible, it can be modified at will and with minimal disturbance. Moreover, decimals can be, as they long have been, applied to any of our units which we choose. It is a myth that we should convert to metric in order to be able to take advantage of decimals. Land surveyors use feet and decimals thereof. Mechanical and structural engineers use inches and decimals thereof. If it were sufficiently beneficial we could adopt a unit representing 10 inches without upsetting the rest of our system. So far, this has not proved sufficiently advantageous.

The trick employed by the proponents of the metric system to deceive their readers consists of counting all of our units of weights and measures—including many seldom used—and only a few of the very many metric units. Our mechanical technology is almost entirely comprised of only five of our units: inches, feet, pounds, quarts and gallons. Time and angle are used for both systems. Horsepower is derived simply from foot pounds per minute. Deflections and strengths of building girders and beams, plus many machinery parts, are calculated using only inches and pounds.

If it were possible to reduce our technology to simpler terms, cut-throat competition would long ago have forced us to do so. By comparison, the metric system is inflexible, i.e., not readily adaptable to revision to meet changing needs because of its unalterable relationship between weight, volume and length.

We would not ordinarily engage a monastery to devise or invent a highly technical system of weights and measures. But that is the atmosphere in which the metric system was devised in 1670, in Lyons, France. They came no closer to conceiving a practical system meeting our requirements 300 years hence than could be expected.

Doubtless they were undecided whether to call their meter the 10,000,000th part or the 100,000,000th part of the distance from the pole to the equator. It was a calamity of disastrous magnitude that they guessed wrong by choosing the former. Had they selected the latter figure the meter would have been 3 15/16 inches long, far more generally practical than our yard; or their present meter. Since the metric gram (unit of weight) is based in the meter it also is an impractical quantity. One cubic meter of water does NOT equal 1 gram. Neither does it equal 1 liter (unit of volume).

Thus their conversion is NOT on a 1-to-1-to-1 basis. Their gram is only 1 cubic centimeter of water or millionth part of a cubic meter. Their liter is based, in turn, on their gram, also throwing it off practical balance between large and small numbers. The liter equals one thousand grams of water. Consequently, since they do not use a 1-to-1-to-1 ratio between their basic units of length, weight and volume, they must use conversion factors between length, weight and volume, just as we do.

It is indeed a great pity that the monastic "engineers and technicians" of 300 years ago made a very bad guess when they dreamed up what now has become the metric nightmare, but how could they possibly have foreseen the industrial revolution and what it would require in the way of flexibility adaptable weights and measures?

## A TRIBUTE TO SENATOR WILLIAM BENTON

### HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. STEELE. Mr. Speaker, on March 18, 1973, America lost a great man. I would like to express grave sorrow at the passing of former U.S. Senator William Benton and pay tribute to the life of this devoted statesman and educator.

During his education at Yale University, William Benton met Chester Bowles, who was later to become Governor of Connecticut. Out of this meeting grew a lasting friendship that was to have an important effect on their futures as statesmen.

William Benton refused a Rhodes Scholarship and instead went into partnership with Chester Bowles in an advertising agency in 1929. The agency became the sixth largest in the world, and the 9-year partnership made both men financially independent at an early age. This financial independence enabled them to seek out elective and appointive public offices with no concern for the financial rewards that might be in them. When confronted with the opportunity to serve the public, they were thus able to judge the situation on the basis of merit alone.

William Benton was soon to become appointed Assistant Secretary of State in 1945. It was in this capacity that he organized the first peacetime program of international information, including Voice of America broadcasts, U.S. Information Offices overseas and student exchanges.

Early in his career of public service, William Benton joined the University of Chicago as vice president, where he helped launch two network radio programs, "The University of Chicago Radio Round Table," a seminar on contemporary political, economic, and social issues, and "The Human Adventure," dealing with university research. William Benton was named assistant to the chancellor at Chicago in 1945, and consequently a university trustee, a post he held to his death. He also held trusteeships at Carleton College, the University of Bridgeport, the University of Connecticut, Hampton Institute, and Brandeis University.

William Benton's life in public service continued in 1949, when Gov. Chester Bowles appointed him to fill a Senate vacancy created by the resignation of Senator Raymond E. Baldwin who became chief justice of the State supreme court. A margin of 1,100 votes in a special election in 1950 allowed him to retain his seat until 1953.

Courage marked Senator Benton's short tenure. His introduction of a Senate resolution denouncing Senator Joseph McCarthy was boldly presented despite the silence of most of his colleagues. Indeed, it took courage to be the first to call for the censure or resignation of Senator McCarthy at the height of the latter's popularity. Senator Benton was an ardent supporter of the United Nations, NATO, and the administration's foreign aid program.

In 1961, President John F. Kennedy appointed Senator Benton as the first U.S. Ambassador to UNESCO, a post which he held for 3 years.

Mr. Speaker, we have truly lost a great statesman and educator, but the effects of the work and accomplishments of William Benton will surely outlive us all.

## RECOGNITION FOR ANTHONY J. NATALIZIO

### HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. DAVIS of Wisconsin. Mr. Speaker, on May 19, 1973, over 450 of the friends, neighbors, colleagues, and kin of Anthony J. Natalizio attended a recognition dinner in his honor at the Waukesha County Technical Institute, Pewaukee, Wis. It was a moving and fitting tribute to one of Waukesha's finest citizens, who has been affiliated with the technical institute for more than a score of years as the director of that greatly expanded institution which was recently housed in a fine set of buildings.

It was one of those affairs which left a feeling of warmth upon its conclusion. A committee consisting of Sig Ross, past-president of the Waukesha Chamber of Commerce, Richard Anderson, district director-elect of Waukesha County Technical Institute, and William Moylan, community relations director of Waukesha County Technical Institute, brought people from all walks of life together to pay tribute to Tony Natalizio.

My tribute to Tony, a long-time friend, was as follows:

RECOGNITION FOR ANTHONY J. NATALIZIO

We are gathered here to share in these few minutes of regret, of nostalgia, and of pride.

Regret in behalf of our community and those of us who live here.

Nostalgia, for this marks the end of an era—the Natalizio Age.

Pride, in what you Tony have contributed to our community, the indelible, permanent tracks which you have left.

We know the struggle behind the reaching of this point. The struggle which has spanned the era, the generation, which marked the passage of vocational, technical and adult education from a very junior partner in our overall educational establishment to a fully recognized valuable partner in preparing our people to live and to work. To borrow Dr. Brill's terminology, it is an era in which vocational, technical and adult education has moved, nationally, and locally, across the tracks.

Through it all, Tony has moved ahead here with an equability that has only been disturbed when Tony got over his head in sheepshead game.

This institution where we meet tonight is in a sense a monument to Tony Natalizio. It is also a monument to the citizens of this community and the people of this state.

The federal government has played some part, but I recall, a few years ago, I learned that vocational, technical, and adult education has represented but one in 14 federal dollars that went for educational assistance. That doesn't sound like full partnership. But I think at all levels, including this one, true partnership is becoming a reality.

You, Tony, have made that partnership a reality here. Every one of us here considers you his friend. You have been a friend of us. You have been, you are, a good American, and I can think of no higher compliment.

As much as we regret losing you as Director of this fine institution, we are happy that our loss is not total. We are happy that you and Mary will continue to remain here among us continuing with many of your civic endeavors, staying here among your fine family, and among lasting friends, so many of whom are gathered here tonight.

## IN PRAISE OF BUSINESS

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. HANRAHAN. Mr. Speaker, the week of May 13–19 was observed as National Small Business Week. The small businessmen of our country are the backbone of the Nation. The editorial which appeared in the Southwest News-Herald paid tribute to the small businessmen. I would like to add my support to the sentiment expressed in that article and to bring this salute to small businessmen to the attention of my colleagues:

> IN PRAISE OF BUSINESS
>
> This week is being observed as National Small Business week, so it's as good a time as any to express some opinions about what small business means to a community like ours.
>
> Nationally, small business actually amounts to big business when it comes to compiling figures. There are now more than eight million small business men in the United States, comprising 95 per cent of all commercial enterprises and providing more then 35 million jobs.
>
> Locally, a small businesman is much more than just a merchant who supplies some of your needs. He may be a neighbor, a friend, a bridge partner, a fellow church member, a vocal community leader, or possibly a relative.
>
> In addition to helping provide the things you eat, wear or use, he may be spending much of his time, effort and money working for such organizations as the Kiwanis or Lions club, serving as a chairman for the American Cancer society or the Crusade of Mercy, coaching a Little League team or sponsoring some of the boys, or lending his talents to a church organization.
>
> When President Nixon proclaimed May 13 to 19 as National Small Business week, he paid tribute to the average small business man with these words:
>
> "In no facet of our national life is the American genius for independence, innovation and self-improvement better displayed than in the small business community.
>
> "I ask all Americans to share with me during this week a deep pride in the many accomplishments of our nation's small business men and women, and in the invaluable contribution they have made to our free way of life."
>
> We agree with President Nixon. The record of small business is one of which Americans can truly be proud.

---

## FORD MOTOR CO. CRITICIZED FOR PAYING RANSOM TO ARGENTINE TROTSKYITES

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ASHBROOK. Mr. Speaker, Ford Motor Co.'s yielding to international blackmail by cutthroat Communists in Argentina is outrageous and merits further investigation.

The automaker's agreement to provide the terrorists with supplies valued at $1 million can only encourage revolutionary Communists in the United States and throughout the world to try the same tactics.

Secret documents of Trotskyite Communists recently obtained by my minority committee staff, clearly establishes a chain of international, militant conspiracy designed to plunder and kill Americans, Israelis, British subjects, and others.

Ford probably will deduct this shameful Trotsky tribute from its income tax report as a business expense. That revenue has to be obtained somewhere and that means you and I will be paying for this international piracy.

Ford is no stranger in Communist countries. It built one of the largest U.S.S.R. motor vehicle plants at Gorki. This plant produced thousands of vehicles for use in Vietnam and the Arab States against Israel.

I plan to recommend hearings on international terrorism and I have asked the minority staff to begin gathering information about the situation.

On May 22, according to news accounts, a team from Argentina's Ejercito Revolucionario Popular—People's Revolutionary Army—or ERP, opened fire with machineguns at the front gate to Ford's factory in a Buenos Aires suburb.

Two middle-management people, a man and a woman, were hit and are hospitalized, the man in serious condition.

The next day, the ERP demanded ambulances for hospitals in each Argentine province and medical supplies.

The ERP, according to my investigation is the armed detachment of the Partido Revolucionario de los Trajabadores—Revolutionary Workers' Party.

ERP teams were responsible for the kidnapping of Stanley Sylvester, British Consul in Rosario, Argentina, in 1971. He was ransomed unharmed.

Both the ERP and its parent organization PRT, were praised for that kidnapping by the British International Marxist Group because the victim was British.

All three are sections of the Trotskyite umbrella organization known as the Fourth International, according to testimony before the House Internal Security Committee in 1971.

Secret documents uncovered by my minority staff show that in 1970 the PRT established an armed terrorist off-shoot, the ERP. It was to be tightly controlled by the party, with what PRT documents call "political commissars" assigned to each unit.

One "secret" PRT internal pamphlet says:

> No member of the party is exempt from participation in military action, but must carry out small scale actions (seizures), disarmings and seek by any means these expropriations to acquire the things they need to carry out their tasks efficiently.

A "seizure" is the Trotskyite euphemism for a kidnapping; "disarming" means attacking police to steal their weapons and "expropriations" translates to muggings, holdups, burglary, and arson.

These "Resolutions on the Party and the Army" were adopted at a PRT executive committee meeting in April 1971 and supplied to the members of the Socialist Workers Party, the U.S. section of the Fourth International in April, 1973 as a secret, "International Internal Discussion Bulletin."

The Fourth International was so pleased with these plans for death and destruction in Argentina that it adopted a resolution in December 1972 lauding the PRT and its enforcing ERP.

Praise was heaped upon the death dealers for—

Actions aimed at accumulating financial resources—in the tradition of the Bolsheviks;

Actions aimed at acquiring arms, medical supplies, medical equipment, and so forth;

Actions of confiscating food, clothing, and so forth, and distributing it in poor neighborhoods in order to win the sympathy of the most deprived strata of the population;

Actions inflicting punishment on the hangmen of the dictatorship who are well known and hated for their crimes; and

Certain actions in particular armed intervention in Fiat. The participation of ERP teams in the second Cordoba uprising.

The civilian manager of Fiat was kidnapped and murdered by the ERP.

It is easy to see the pattern of the Trotskyite terrorists. Their targets are foreign businessmen whose presence in their host country provides employment, a better standard of living, improved technology, capital, and valuable dollars from the United States and elsewhere.

Although a majority of the American Socialist Workers Party has been critical of the ERP and its guerrilla warfare tendencies supported by the Fourth International, a violent, militant minority of the SWP and a majority of its British counterpart, support such terrorism.

Both the U.S. SWP and the British International Marxist Group support the Palestinian terrorists responsible for the deaths of two U.S. Foreign Service officials in the Sudan and similar attacks against Israel is worldwide.

This is an incredible chain in which the Ford Motor Co. has become the latest link.

But this acquiescence and encouragement of international piracy and terrorism cannot be regarded as one of Ford's "Marks of Excellence."

---

## BOARDMAN NEWS, OHIO, PUBLISHES TIMELY EDITORIAL ON WATERGATE AND PRESS FREEDOM

### HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. CARNEY of Ohio. Mr. Speaker, as the debate over the Watergate affair grows, both in the Congress and throughout the country, the Boardman News, a weekly newspaper published in Youngstown, Ohio, printed a timely editorial concerning the relationship between Watergate and freedom of the press.

Mr. Speaker, I share the view expressed by Mr. Jack A. Darnell, publisher of the Boardman News, that this editorial carries an important message about the essential principles upon which our great Nation was founded.

Mr. Speaker, I would like to insert in the RECORD at this time the editorial which appeared in the Boardman News during the week of April 26–May 2, 1973, for the information and consideration of my colleagues in the Congress of the United States. The editorial follows:

WATERGATE AND PRESS FREEDOM

Maybe Martha Mitchell didn't speak long enough or loudly enough about the Watergate before her husband departed the U.S. Attorney General's office.

Remember the hub-bub that rocked Washington every time she made one of her phone calls to reporters, or the reports that one of here husband's security guards allegedly bruised her while trying to stop Mrs. Mitchell from making one of those phone calls?

Much deeper into the battle over Watergate there is another story, that being the battle over freedom of the press.

Where are the administration men who, with regularity, used to ferret abuse at the media with claims of irresponsibility? Certainly Mr. Agnew dosn't dare speak, for fear of a quick end to his aspirations of being the next President. And the President himself has taken a back seat, seemingly allowing the press to report all it can find.

Maybe this is because under legislation Mr. Nixon hopes to pass, freedom of the press, as far as reporting national affairs, would all but be eliminated.

So why let the press run rampant over Watergate? Because, as in the past, the press knows what it's talking about.

Specifically, in the Watergate case, if it weren't for the investigative reporting of the Washington Post, there would have been little, if any, news about the case. So then, it is logical to raise the question, if Watergate went unreported, or there were limits imposed upon the press during its reporting, then just how free would the November elections have been, and, in turn, just how eroded would the very roots of the democracy have been?

Now, as exemplified by Watergate, attempts to keep the press quiet have backfired and the very press that had been under heavy attack is the very medium which Washington and the Republican party must use to clear the air.

So there is a lesson that should be learned from the whole affair: A democracy is founded upon certain principles, one of which is freedom of the press. And when a democracy seeks to restrict that freedom with policies guarded in secrecy, then ultimately that democracy must use that freedom and those secrets it once guarded to plead for public understanding and support.

---

## CHICAGO AND THE SOUTH END OF LAKE MICHIGAN

## HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. LANDGREBE. Mr. Speaker, ever since the Army Corps of Engineers unveiled its wastewater-management study for Chicago and the south end of Lake Michigan, the project which has become known to Indiana residents as C–SELM, the residents of northwestern Indiana have been appalled at the study which seems to cast aside all human elements to the problem of waste disposal in favor of a master project which would condemn much of that area to nothing more than an open sewage dump.

The residents of Indiana have voiced much opposition to this study, including two bills which were passed by the Indiana Legislature.

In order to further document the opposition of the residents of the Second Congressional District in Indiana to this study, I submit copies of the bills passed by the legislature in Indiana to halt such a project from ever being implemented and wish those bills to be made a part of the RECORD:

HOUSE ENROLLED ACT NO. 1001

(An act to amend IC 1971, 13–1 by adding a new chapter to prohibit interstate flow of sewage)

*Be it enacted by the General Assembly of the State of Indiana:*

Section 1. IC 1971, 13–1 is amended by adding a new chapter to be numbered 11 and to read as follows:

Chapter 11. Interstate Sewage.

Sec. 1. No predominantly domestic sewage and surface run-off or sludges derived from domestic sewage or surface run-off shall be transported through any drain, pipe, railroad car, truck or barge from another state into Indiana there to be used in any land filtration or land treatment project without the express approval of the Indiana General Assembly and the county commissioners of each county or counties affected by such land filtration or transportation.

Section 2. Whereas a need exists for the more immediate taking effect of this act, the same shall be in full force and effect from the date of passage.

HOUSE ENROLLED ACT NO. 1002

(An act to amend IC 1971, 18–7 by adding a new chapter concerning the powers of certain regional planning commissions)

*Be it enacted by the General Assembly of the State of Indiana:*

Section 1. IC 1971, 18–7 is amended by adding a new chapter to be numbered 1.2 and to read as follows: Chapter 1.2. Limitations on Regional Planning Commissions Powers.

Sec. 1. A commission created in accordance with IC 1971, 18–7–1 or 18–7–1.1 shall under no circumstance act as an implementor or in any way help implement any land disposal provisions of the Chicago-South End of Lake Michigan (C-S.E.L.M.) Waste Water Management Study conducted by the Army Corps of Engineers, or any other similar study that would create a multi-state waste disposal system: Provided, however, That nothing in this chapter shall prevent the commission from assisting in an exchange of information concerning waste water management studies.

Section 2. Whereas an emergency exists for the more immediate taking effect of this act, the same shall be in full force and effect from the date of passage.

---

## LET THE PEOPLE FILL VIRGIN ISLANDS LEGISLATIVE VACANCIES

## HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. DE LUGO. Mr. Speaker, earlier this month I introduced legislation to empower the Legislature of the Virgin Islands to determine the procedure for filling vacancies in its membership. Under present law the Governor appoints citizens to fill these vacant positions. In an accompanying statement, I stated by contention "that democratic principles demand that vacancies in the Legislature be filled by the people at special elections."

Although it was the first time legislation of this nature has been introduced, this is not a novel idea. The roots of this bill are the principles which define the legislative branch as the people's representatives, designating it to be the democratic forum responsible for the creation of law.

A resolution in this spirit, petitioning Congress to provide for special elections, was passed by the Legislature of the Virgin Islands 2 years ago. It was sponsored by a Senator who earned great respect for his work, Ariel Melchior, Jr.

In the editorial column of its May 16 issue this year the Daily News of the Virgin Islands, of which Mr. Melchior is the editor, again spotlighted this issue. The editorial puts the matter of filling legislative vacancies into perspective. I am sure that my colleagues will find it worthwhile and informative guidance on the subject as they consider this legislation. I am pleased to include it at this point:

TIME FOR CONGRESS TO ACT

The introduction by the Virgin Islands Delegate to Congress of legislation to correct the peculiar manner in which vacancies in the territorial Legislature are filled is the third time in two years that the lawmakers attention has been drawn to this problem. We trust that this prodding will encourage Congress to amend that portion of the Revised Organic Act dealing with Senate vacancies, for this year, for the second time in two years, a vacancy in the Legislature was filled by the Governor in a manner that can only be described as contrary to the democratic process.

Congress' attention was first called to this problem two years ago in a resolution introduced by then Senator Ariel Melchior Jr. petitioning that body to amend the Revised Organic Act to provide for special elections to fill vacancies in the Senate that occur more than six months prior to the next general election. Surprisingly this resolution passed by but a narrow eight to six margin, and it is interesting to note that some of those who voted against the measure then have been among the loudest in their criticism of the Governor's latest action in naming a Republican to fill a seat vacated by a Democrat.

The proposed Virgin Islands Constitution, which received a rather lukewarm endorsement from the voters last year, also provides a new means of dealing with Senate vacancies. It provides for a special election in the case of vacancies occurring more than 12 months prior to the next general election, and for vacancies occurring less than 12 months before a general election provides for the territorial committee the former senator was a member of to select a replacement. If the former senator was a member of no party then the seat would be filled by a two-thirds vote of the Legislature. Again, some of those who voted against this have been loudest in their criticism of the latest replacement.

Unlike either of these proposals, the Virgin Islands Delegate's measure before Congress simply asks for the Revised Organic Act to be amended to permit the Legislature itself to determine the procedure to fill vacancies. In addressing the House, he explained that he did not specify any procedure because of his commitment to self-determination and belief that such a decision is one that should rightfully be made by the Legislature.

The fact that for three times in two years Congress has been urged to correct this poorly thought out section of the Revised Organic Act is solid evidence of the need to do so. If there are any doubts, the lawmakers have only to think of how inconsistent with the democratic process it would be if the President were empowered to fill vacancies in the House of Representatives or Senate without any regard to the voters wishes. In these islands with their unicameral Legislature of but 15 seats the situation could be even more perilous.

---

## IMMINENT DISASTER IN THE EAST BAY HILLS

## HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. STARK. Mr. Speaker, I have today introduced the following testimony into the RECORD of the House Agriculture Committee Subcommittee on Forests in support of S. 1697 and H.R. 7669. These bills would compel the President to release up to $11 million in disaster relief funds, for private citizens and public agencies alike. The Office of Emergency Preparedness has now declared a situation of "imminent disaster" in the East Bay Hills, but proposes to make only a fraction of the above-mentioned funds available. It then remains of utmost importance that this bill be reported out of the committee favorably, and adopted by the House, in response to Senate passage of S. 1697 last week.

The testimony follows:

### STATEMENT OF CONGRESSMAN FORTNEY H. STARK, JR.

Mr. Chairman, I am pleased to have the opportunity to appear before this Subcommittee in support of the bills introduced by Senators Cranston and Tunney, and Congressmen Dellums, Waldie and myself. As you are aware, I spoke before the Senate Subcommittee on Small Business, as did many present today, to urge support for S. 1697, requiring the President to declare the East Bay Hills a Disaster Area. That bill subsequently passed the Senate, and I respectfully urge you, and the Members of this Committee, to work for its passage in the House. Time is of the essence. I need not restate the nature of the emergency, for you are familiar with it, and with its ramifications. Yet, I do submit that the danger of fire grows with each dry spring day. We are clearly dealing with an "imminent disaster."

The testimony you will hear from those living and working in the Hills paints a clear picture of the situation. The winter freeze killed more than a million eucalyptus trees which now stand, dry and highly inflammable, in densely populated areas. Even the trees in parklands can, it is estimated, shoot off burning crowns that can carry flames within a radius of eleven miles. No area surrounding the Hills is safe. Fuel breaks can only be partially effective, at best. All the representatives and officials of the agencies involved concur—massive tree removal and subsequent reforestation must be undertaken immediately. Estimated costs of such action vary, but I believe that the $11 million named here is a conservative figure for the amount of additional funds needed. Clearly this can only be provided by the federal government. State and local agency resources have been used to the fullest extent. There simply is no more California money available. The President must declare the Hills in a state of "imminent disaster" so that under P.L. 91-606, federal funds can be released.

Nearly all other efforts to date have been futile. Money is traditionally available from various sources and government agencies, but for various technical reasons, this situation in the Hills did not qualify. Money that might have been released by HUD, the Department of Labor, the U.S. Forest Service, or other smaller agencies simply has not been forthcoming. We have been forced to see that this situation is not deemed of a sufficiently "imminent" nature. It is indeed a sad commentary that tragedy must appear on the brink before funds that would have been preventive can be released. It must also be noted that a precedent exists, one that convinces me of the magnitude of the impending disaster. Fire struck the Hills after a similar freeze in 1923, burning 130 acres, leaving 4,000 persons homeless and resulting in an estimated $10,000,000 damage. The acreage involved was only a fraction of the area threatened today.

All avenues of relief have now been explored and exhausted. We have all investigated every possible source of aid. For your information, I would like briefly to trace for you the series of attempts made at securing federal or other funds.

Beginning in mid-winter, the U.S. Forest Service claimed jurisdiction in the matter and began working with State and local officials on the scene. Aerial views and infrared photos were used as evidence, but proved to be disappointingly inconclusive. Portions of the trees themselves were analyzed in laboratory tests and determined to be alive, but still dangerously inflammable. The magnitude of the threat was thereby documented. This precipitated a flurry of activity by local agencies, but they could do little on a large scale. The money simply wasn't there.

At this same time, my staff was investigating relief programs of federal agencies even remotely related to fire disaster. The Library of Congress, the Department of the Interior, and the Public Works Committee proposed various possibilities, but all were unsuitable. Watershed programs seemed likely to be applicable, but their overall budget had been so drastically cut in recent years that no substantial funds could be made available. We were then speaking conservatively of $5 million in damages. The total budget of the Watershed programs amounted to very little more than that. Similar findings were made in all the other federal relief programs.

The only conclusion to this exhaustive study was that money would have to be made available through the Office of Emergency Preparedness. This necessitates a Presidential designation of the area as in a state of "imminent disaster." I conveyed this message to the President by letter on April 4. After a lengthy review, Governor Reagan arrived at the same conclusion. In the first week of April, he declared a "state of emergency" in Alameda and Contra Costa Counties, and requested President Nixon to "declare the counties major disaster areas due to the extreme fire hazard presented by the dead trees."

The Governor has also made some funds available for land clearance, and the State Ecology Corps has been enlisted in the land clearing effort. While an earnest beginning, this is still pitifully insufficient. Estimates of damage to public and private lands now range upwards of $5 million, and $20 million is no longer considered a liberal figure. Few private citizens have adequate resources to meet these costs. A homeowner with several dead trees on his property is faced with an expensive operation, but a family living on a fixed income with even just a few trees in the yard may encounter serious financial hardship. All those who have not yet made large expenditures must be assisted before that should become necessary. The Fire Marshal of Oakland set June 1 as the deadline. By that date, all dead trees must be cleared from private land. Estimates range upwards of $300 per tree.

As a last resort, the manpower element was explored. It was thought that the Department of Labor might have sufficient funds to deploy large groups of unemployed men and women into land-clearing operations. Public Service Employment has in the past given jobs to people in projects similar to this one. This year's drastic shortage of funds in the program, however, rendered this impossible. The City of Oakland could not afford to hire anyone. Public funds existed for the immediate future, but under the same laws it is stipulated that no one may be hired temporarily unless the City can guarantee him continuing employment. No such money for salaries could be found in the Oakland city government.

At this time, though, I am pleased to be able to report that we have made one small step in the area of compensation to property owners. The Internal Revenue Service has agreed that the decrease in property value may be claimed as a single deduction for 1972. We are presently seeking a further clarification of this decision.

Mr. Chairman and Members of the Committee, we have explored every avenue. Senators Cranston and Tunney, and Congressmen Dellums, Waldie and I have done all within our power and authority to attempt to secure relief for this endangered area. The local governments, the mayors, county supervisors, state officials and innumerable citizens have worked tirelessly to avoid disaster. The Governor has intervened and declared a state of "imminent disaster."

We have all answered our constituencies. We have lived up to our responsibilities as elected officials. The future safety of the East Bay Hills is now in the hands of the President. It is up to him to take the necessary action for the Office of Emergency Preparedness to go to work. I fear a worn-out phrase is in order—the buck stops at his office. Even the recent re-evaluation by OEP has not yet elicited a Presidential response.

It is for these reasons, then, that we must now turn to Congress to compel the President to respond. Only he can authorize the release of Federal Disaster Relief Funds and other monies to aid any public agency or private property owners. The President alone, too, can provide reimbursement to all who have paid so much for tree removal on their land.

I therefore urge that the Members of this Committee give favorable consideration to this legislation. You shall be acting on behalf of people who stand to be severely afflicted for years to come in event of fire. You can be responsible for preventing this disaster.

Thank you, Mr. Chairman.

---

## UAW TESTIFIES ON OCCUPATIONAL SAFETY AND HEALTH

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ASPIN. Mr. Speaker, Mr. Franklin Wallick, the editor of the UAW Washington Report, recently testified before the Subcommittee on Labor and HEW of the Committee on Appropriations concerning fiscal year 1974 budget for occupational safety and health.

Mr. Wallick argues, very convincingly, that we must spend more than $2 per worker on on-the-job protection.

He believes, and I agree, that $100.1 million proposed in the fiscal 1974 budget for occupational safety and health is too little. In his words, it is "a feeble, grossly unfair response to the congressional mandate to clean up and make safe the American workplace environment for 60 million workers."

Mr. Speaker, the problem of on-the-job safety and environmental hazards in many of our workplaces is too often ignored. I recommend Mr. Wallick's testimony as must reading for anyone interested in learning how little the Federal Government is doing to make the American workers' environment safe.

Mr. Wallick's testimony follows:

### OCCUPATIONAL SAFETY AND HEALTH

(By Franklin Wallick)

I am pleased to present the testimony for the United Auto Workers regarding the Labor/HEW appropriation for Fiscal 1974 with emphasis on implementation of the Occupational Safety and Health Act of 1970. In this we are joined by a battery of union, environmental and minority organizations dedicated to cleaning up the workplace environment.

Our union has testified at each set of appropriations hearings since enactment of this law and has each time urged a stronger level of funding. Our track record, and that of other unions which have joined us in these appeals, is not good. Both congressional and executive response to our appeals has been sorely disappointing.

### $2 PER WORKER IS SHORTSIGHTEDNESS

It seems shortsighted that a great, industrious nation like ours should spend less than $2.00 per worker for on-the-job protection from hazards that endanger life and limb. It is even more shortsighted that we are spending less than 50 cents per worker covered by the law for enforcement purposes.

The $100.2 million proposed for Fiscal 1974 ($69.8 million for the Occupational Safety and Health Administration, Department of Labor; $25.6 million for the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare, and the $4.89 million for the independent agency, Occupational Safety and Health Review Commission) is a feeble, grossly unfair response to the congressional mandate to clean up and make safe the American workplace environment for 60 million workers.

### TOO MUCH LIPSERVICE TO HARDWORKING AMERICANS

We have recently gone through a national political campaign where much lip service was paid to the hardworking American worker by both political parties. Yet Congress, the Office of Budget and Management and the executive agencies have consistently failed to provide the funds, the personnel and the programs required to make good on the promises of this new and far-reaching legislation of such recent vintage.

We are not here today to argue nickles and dimes. Let the record show that we in the UAW—and this holds true for all of the American labor movement—believe that Congress by its actions has given a low fiscal priority to worker safety and health. Nor can the Executive Branch be exonerated. The proposals which reach you from the other end of Pennsylvania Avenue have been limp and anemic gestures when compared to the extent of the problem.

The first annual report to Congress, as required by PL 91–596 suggests that 100,000 deaths a year may be caused by occupational exposures. This projection is based on a ratio of violent to nonviolent deaths of 1 to 8, and by extrapolation from several epidemiological studies which show the actual death rate from groups of workers based on their occupational exposures. This figure of 100,000 comes to 400 deaths a day on an 8 hour, 40 hours week, and 50 deaths an hour on a 2,000 hour work year. It is a death rate which ought to challenge all in government to redirect our national priorities, and it is why we are here today.

### NIOSH TREATED AS UNWANTED CHILD

Despite the staggering impact of this data, the National Institute for Occupational Safety and Health in HEW has been treated as an unwanted child by the Nixon Administration. And Congress has not corrected the executive errors. The latest horror story involved a switch of NIOSH from the now defunct Health Services and Mental Health Administration to the Center for Disease Control. When PL 91–596 was enacted the legislative history of the law will show that the House and Senate clearly desired to give the research, training and service functions of NIOSH both special and unique standing within HEW. But instead NIOSH was placed four layers down in the HEW bureaucracy, and has had to fight for its life and integrity every step of the way.

We in the UAW have worked closely with NIOSH, particularly in Ohio which next to Michigan has the largest concentration of UAW members in the nation. We have used and consulted with the hardpressed staff of NIOSH and we are dismayed by the pattern of neglect imposed on this vital agency.

The actual money expended last year by NIOSH, if coal mine health and safety items are eliminated, comes to $20.5 million and this level is to be continued in Fiscal 1974. Congress to its credit has raised this amount, but NIOSH has suffered from two succeeding presidential vetoes. Thus the workers of this country have not yet received any benefit of additional NIOSH appropriations.

The real damage to NIOSH is not done only by way of weak funding, but by the bureaucratic games imposed on this agency which prevents NIOSH from hiring or keeping competent professional staff. The number of people in NIOSH has never exceeded 600 which represents one federal employee to every 100,000 workers covered by the law—certainly an impotent response to worker health on the job.

What is more outrageous is the fact that 100 NIOSH workers have received their RIF (reduction in force) notices within recent weeks, so the weak staffing of this agency will be further reduced and made more powerless at a time when an estimated 40 workers are dying each working hour from health hazards on the job.

NIOSH was promised 701 workers for Fiscal '72, but because of a ceiling on grade point averages imposed by HEW the actual staff increase never occurred. This can be illustrated when you realize that the Civil Service rating for an industrial hygienist is in GS 11 to 15 range, a board certified physician is in a GS range of 15 to 16 and a toxicologist is in an 11 to 16 range. By giving NIOSH a grade point ceiling of 7.62, the agency has never been able to staff up properly to do its duty to the American worker.

One keystone function of the federal safety and health law is to respond to requests for health hazard evaluations sent to NIOSH by worker representatives. This program has never been properly publicized nor have NIOSH staffers been adequately equipped to handle requests. At present NIOSH can handle only 50 health hazard requests per year. There are 54 requests now pending, with a growing workload evident. Once again the American worker will be shortchanged by HEW's bungling of a great opportunity and a responsibility to serve millions of hardworking Americans who are frequently forced to be the environmental guinea pigs for the rest of the non-working population.

The decision to put NIOSH training on a fee for service basis is another body blow to millions of workers, especially those who belong to small unions or to no union whatsoever. The most that NIOSH ever spent for training was $2.9 million in Fiscal '72 and $1.9 million in Fiscal '73—which represents a spending level of about 3 cents per worker.

### THE SHORTAGE OF COMPETENT STAFF

There is today a serious shortage of industrial hygienists. There are probably less than 3,000 in the whole country—with a need for at least 8,000. In the absence of trained personnel, the need for paraprofessionals in occupational health—which NIOSH has been able to furnish to government, employers and workers—becomes more urgent. Yet HEW has drastically scaled down the modest training facilities which worked so well at great handicap during the past three years. For workers who must lose work to attend training programs, the added burden of a $50 or $70 a day fee with laboratory work, is a burden many workers and their unions cannot assume. This is especially unfair in the face of a $268.7 billion budget, which contains few services items which working people or their unions can obtain.

So much for NIOSH. We think it deserves far more than benign neglect. It ought to rank with the great HEW institutes of health, and ought to be treated as an HEW prize property, not hidden away in Cincinnati or Atlanta, hobbling along with uncertain budgets, lopping off vital staff and programs which can meet the urgent needs of millions of workers who face terrible hazards every day they go to work.

### OSHA DOES NOT NEED $30 MILLION FOR PAPERWORK

Now for OSHA. We will refrain from playing a numbers game—how many inspectors, how many complaints, how many citations. We think OSHA could do much better with more money. But the real complaint we have—and again this is shared by all unions—is the $30 million in paperwork which the federal government is financing for state developmental plans. Without getting into the pros and cons of state plans, we feel that $30 million is far too much to spend for more paperwork, when the money could be so much better spent on enforcement, education, and training. OSHA today has only 50 industrial hygienists—or a ratio of less than 1 industrial hygienist to every 1 million workers. In the face of this staff shortage, OSHA ought to spend less on bailing out the states and more on doing what Congress set out to do—establish a strong federal commitment to make the workplace safe and healthful for the 60 million workers covered by the Act.

### OSHRC MUST KEEP UP ITS CASELOAD

The Occupational Safety and Health Review Commission is an independent agency set up to handle appeals. It has acquired increasing importance and if its funding is neglected its case load will suffer correspondingly. Much more could be done by OSHRC to better acquaint both workers and employers of their rights of appeal under the law.

Only 6 percent of all citations issued by OSHA go to appeal. Our union has several vital appeals which are currently pending which directly affect the life and health of our members on the job. We must not let OSHRC fall behind and its competency to deal with appeals must not erode.

### THE URBAN ENVIRONMENT CONFERENCE

Finally we are pleased to announce that our views are shared by a broad coalition of groups representing unions, environmental organizations, and minority groups who work together under the umbrella of the Urban Environment Conference. I ask to put into the record at this time a statement which has been approved by these groups, and wish to indicate that these groups have been polled and join in our presentation on their behalf at this time.

## THIRD DISTRICT OF TEXAS SPEAKS OUT ON ISSUES

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. COLLINS. Mr. Speaker, each spring I send a questionnaire to my constituents in the Third Congressional District. I have always found this one of the best ways for me to get direct feedback of my constituents' views on national issues. This spring in response to my questionnaire I received thousands and thousands of responses which I have tabulated. I am entering the results of this questionnaire into the CONGRESSIONAL RECORD today to officially record the views of the constituents of the Third District of Texas and in the hope that this information will be of value to my colleagues here in the House of Representatives.

Third District residents have clearly gone on record as being opposed to the United States sending money for reparations or any other purposes to North Vietnam. Many comments noted that in light of the torture of our prisoners of war, repeated and serious violations of the peace agreement, and lack of serious commitment, as promised, in the accounting for our missing in action, it would be singularly inappropriate; 90.7 percent of all respondents indicated that no money should be sent to North Vietnam.

In an issue also related to the Vietnam war, 69 percent of those indicated their opposition to the granting of amnesty for draft evaders, 8 percent supported amnesty for all and 23 percent favored amnesty based on certain conditions.

In answer to the question whether news reporters should have the right not to reveal their sources, 71 percent of responding Third District residents said yes.

In light of the recent transition of the U.S. Post Office Department from a Government agency to semi-independent public corporation, it is important to continually monitor the quality of mail service. Only 4.5 percent of Third District residents felt that service had improved since the creation of the U.S. Postal Service, 42 percent felt that mail service had deteriorated and 53.5 percent indicated that their service had remained about the same.

Perhaps the subject on which there is most unanimity in the third district is capital punishment, 98 percent of those responding indicated that capital punishment is appropriate in certain major crimes, and 79.5 percent approved of the President's decision to phase out the Office of Economic Opportunity—OEO—while 20.5 percent favored its retention. Most respondents argued that the termination of this program was justified because of severe abuses within this program, duplication of services presently performed by other departments and agencies, and that it has been a huge bureaucratic organization that was neither efficient nor effective.

The dissatisfaction expressed with the poverty program also extended to the present welfare system, 21.7 percent of those responding indicated that a reduction of welfare spending was the most important budget that could be made, 35 percent argued for the elimination of foreign aid spending, and 17.5 percent listed the Federal bureaucracy as most needing reduction. Other subjects listed included farm subsidies and defense.

By a large margin, 31.5 percent, third district citizens listed inflation as the gravest issue facing America today, and 11.5 percent pointed to a deterioration of the moral fiber of the country, while 8.6 percent listed crime. Many subjects were mentioned including busing, the Supreme Courts, drugs, poverty, and the Vietnam war.

It is with a great deal of gratitude that I thank those of my constituents who completed the questionnaire or sent letters setting forth their views.

Mr. Speaker, I hope that this analysis of the view of the Third District of Texas will prove valuable to all Members of Congress.

## HONORING PAUL GYGAX

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to recognize Paul Gygax, of Newark, Calif., who is being honored June 20 by the Newark School Administrators Association for his long and dedicated service to the schools of Newark.

First elected to the Washington Township School Board in 1961, Mr. Gygax served as its president in 1963. With the creation of the Newark Unified School District, he was elected to that board and over the years has served as its president three times and also as its clerk. In addition, he has served both as a member and as president of the Alameda County School Board.

An active participant in community as well as the school activities, he was one of the original promoters of the incorporation of the city of Newark, spending hours going from door to door, talking to citizens, and selling them on the idea of making Newark a full-fledged city. His enthusiasm and persuasive abilities were also a major force in bringing the Central Valley Bank to Newark as the new city's first banking institution. A charter member of the Newark Chamber of Commerce, he has also served as its president a number of times.

In sum, Paul Gygax has devoted a great deal of his time and energy to make Newark a community that offers not only a healthy economic and social atmosphere, but also the best school system possible. His generous donation of his talents and abilities are greatly appreciated by all the citizens of Newark.

## VICE PRESIDENT AGNEW ON WATERGATE

### HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. TREEN. Mr. Speaker, the break-in at Watergate was an act which I deplore, as I deplore wrongdoing of any kind, regardless of who is involved. It is equally deplorable however, given the urgent issues facing this country today, that so much of the Nation's attention and resources must be diverted from these other very pressing problems.

Watergate is clearly an issue which must come under the public's closest scrutiny. But I believe that the time has also come to allow the judicial process to take its course. If we allow Watergate to become a partisan political issue, the ultimate victim will not be the President, it will not even be the Republican Party, it will be the political process itself.

We have not reached the unfortunate stage where hearsay evidence, innuendo, and dubious aspersions are not only being leaked to the press, but are also being given live daily coverage by the Nation's television networks.

A recent statement by Vice President AGNEW, which was presented at the Bull Elephants Luncheon on May 21, 1973, directs itself to the Watergate. Because this speech has been misinterpreted in the press I am inserting it in the RECORD so that my colleagues will have the opportunity to read what the Vice President did, in fact, say at last week's luncheon.

VICE PRESIDENT AGNEW ON WATERGATE

This is not the easiest time to be a high-profile Republican in Washington.

But it may well be the best time for Republican partisans to give evidence, in every appropriate way, of our Party pride and loyalty.

There are times when people momentarily lose sight of what would otherwise be obvious, and when to remind them of the obvious is not to belabor it. This is such a time.

No matter when or how each of us in this room came to join the Republican Party, I am sure that each of us did so because we sensed that the Party's historic ideals, and its approaches to solving the major problems of the day, offered the best hope of accomplishing, quite simply, the greatest good for the greatest number.

The Republican Party's record of service to the States, the Nation, and the Nation's communities is a legitimate source of pride to us all. The philosophical underpinnings of that record are not so shallow or wispy that the sensation of the moment warrants a retreat from the battle to implement our philosophy through positive and progressive programs for the achievement of our major national goals.

I am as proud of my Republican identification today as I was last year, or four years ago, or twenty years ago. And I know all of you share this sense of pride.

You who work on the Hill have every reason to be proud of the contribution which you have made, year in and year out, this year as in prior years, to the shaping of the Nation's laws.

The Republican contingent in Congress has worked determinedly and constructively to protect the public interest by promoting legislation that is needed, opposing legislation that is not. And, with the help of like-thinking friends on the other side of the aisle, you have achieved a degree of success in this regard that often leaves one wondering who is in the majority and who is in the minority.

The American people have been well served by the Republican Members of Congress and by their supporting minority staff members. You merit and will continue to receive the support and appreciation of those of our citizens who demand efficient and fiscally responsible Government, a strong national defense and a deep commitment to reversing the continued flow of power to Washington.

It is understandable that those of us who are subjected to the incessant drumbeat of publicity given to Watergate tend to feel coerced by the seeming weight of it all and to grope anew each day for ever stronger words of condemnation and dissociation from the alleged and insinuated wrongdoing, lest we be thought to protest too little.

But I believe it is importnat that we not be stampeded into protesting entirely too much. Republicans must not allow the content of their speeches, statements and even private conversations to be controlled by those who are literally obsessed with one subject, some of whom do now and always wish our Party nothing but ill.

Some people in this town, in and out of Government, never wanted Richard Nixon to become President. They will never be satisfied with him and this would be true whether or not Watergate had ever happened. Some people do not subscribe to either the President's or the Republican Party's goals in such areas as revitalization of the Federal system through the return of resources, responsibilities and initiative to our States and localities, or the maintenance of a strong national defense and a strong bargaining position vis-a-vis those other nations with whom we must from time to time negotiate on matters affecting our vital national interests.

Presidential accomplishment under Richard Nixon has been formidable; Presidential initiative under Richard Nixon has been unprecedented. Richard Nixon has advanced the United States by discarding the conventional utopian rhetoric for solid, pragmatic action. As a result, other nations, allies and adversaries, know where we stand and respect our positions.

It is time Republicans resume talking about the underlying merits of the issues before the Congress. We have the programs. We have the policies. And we are prepared to offer real and imaginative solutions to the real—as opposed to the manufactured—problems of our times. It is time, gentlemen, that we went back to work.

---

## A TRIBUTE TO MSGR. STANISLAUS SIERAKOWSKI

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. KEMP. Mr. Speaker, on May 26, Rt. Rev. Msgr. Stanislaus J. Sierakowski, P.A., pastor of St. John Gualbert's Church in Cheektowaga, N.Y., celebrated his 50th year in the priesthood.

For this past half century, Monsignor Sierakowski has been a leading citizen in western New York and his devotion to God has been reflected in his public life and in his service to his fellowman.

The Right Reverend Monsignor Sierakowski was born in Buffalo, N.Y., on November 16, 1896. He was baptized and reared in St. Stanislaus B.M. Parish where he graduated from the parish parochial school. He continued his studies at Canisius High School and Canisius College and later completed his philosophy and theological studies at St. Bonaventure University where he obtained his B.A. and M.A. degrees.

On May 26, 1923, Monsignor Sierakowski was ordained by His Excellency Bishop William Turner. His first assignment was at St. Stanislaus B.M. Church where he had the privilege of offering his first mass. Monsignor Sierakowski's motto—to give of himself to God and mankind—was displayed in his first assignment at St. Stanislaus Parish where he served as youth coordinator, dramatic director, athletic adviser, and moderator of the altar boys. The monsignor was instrumental in organizing nationally, the Catholic Chaplain Boy Scout Organization. He also became Diocesan Chaplain of the Boy Scout Family, a position he has held for 50 years in his diocese.

Monsignor Sierakowski was assigned as chaplain at Villa Maria Academy in October, 1941, where for 11 years he was a source of guidance and inspiration to the students. In 1950, the monsignor was appointed censor librorum for the Buffalo diocese and in 1952 His Excellency, Bishop Joseph A. Burke, assigned him as pastor of St. Barbara's Church in Lackawanna. His assignment as pastor of St. John Gualbert's came on March 2, 1957. His Holiness, Pope Paul VI, in a Vatican decree, elevated Monsignor Sierakowski to Prothonotory Apostolic and on January 25, 1968, Monsignor Sierakowski honorably was invested by His Excellency, Bishop James Aloysius McNulty.

In addition to Diocesan and parochial positions, Monsignor Sierakowski has held other offices including: Officer of the Copernicus Student Aid Society; president of the Polish clergy for 6 years; advisor on the board of Bishop Turner High School; and chaplain of the Walden District Taxpayers' Association. He is also a member of the Polish Union of America and the Polish Roman Catholic Union of America.

During his 16 years at St. John Gualbert's, Monsignor Sierakowski has instituted a building program for the school and auditorium and has updated the church according to the new liturgy. His outstanding leadership has established his parish as one of the finest in the diocese of Buffalo.

This past weekend, Monsignor Sierakowski celebrated his 50th year in the priesthood with a concelebrated Mass in St. John Gualbert's Church. Bishop Edward D. Head of the Buffalo diocesse was cheif celebrant at the 5 p.m. mass and a banquet followed at the Hearthstone Manor in Depew.

Monsignor Sierakowski has been superbly endowed by his Maker to discharge his appointed commission. His spiritual guidance and practical leadership have been a never ending source of strength to all who have known him.

My warmest congratulations to Monsignor Sierakowski—a faithful servant of God—on the occassion of his 50th anniversary. May the western New York area be blessed with his services for many years to come.

---

## THE IMMORTALITY OF LORRAINE HANSBERRY

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. STOKES. Mr. Speaker, Mayor Walter E. Washington of the District of Columbia has set aside May 30, 1973, as "Lorraine Hansberry Day." The high point of the day's celebrations will be the opening—at the Arena Stage Theater here in Washington—of a new musical play called "Raisin," based on Ms. Hansberry's internationally acclaimed, "Raisin in the Sun." In 1959, this play received the New York Drama Critics Circle Award for "The Best Play of the Year." Lorraine Hansberry was the first black writer, the youngest individual, and the fifth woman ever to receive this coveted award. It was only the beginning of a career that was triumphant, but too short. Lorraine Hansberry was taken from us, much too soon, only 5 years after the opening of "Raisin in the Sun."

When Lorraine Hansberry passed away, she was mourned throughout the world. But she left a legacy for black Americans and particularly for black writers which is still bearing fruit today. Her continuing influence in the artistic community is Lorraine Hansberry's immortality.

In "To Be Young, Gifted and Black," Lorraine Hansberry left this message for young black writers:

> O, the things that we have learned in this unkind house that we have to tell the world about!
>
> *Despair?* Did someone say despair was a question in the world? Well then, listen to the sons of those who have known little else if you wish to know the resiliency of this thing you would so quickly resign to mythhood, this thing called the human spirit. . . .
>
> *Life?* Ask those who have tasted of it in pieces rationed out by enemies.
>
> *Love?* Ah, ask the troubadors who come from those who have loved when all reason pointed to the uselessness and fool-hardiness of love. Perhaps we shall be the teachers when it is done. Out of the depths of pain we have thought to be our sole heritage in this world—O, we know about love!
>
> And that is why I say to *you* that, though it be a thrilling and marvelous thing to be merely young and gifted in such times, it is doubly so, doubly dynamic—to be young, gifted *and black.*
>
> Look at the work that awaits you!
>
> Write if you will: but write about the world as it is and as you think it *ought* to be—if there is to be a world.
>
> Write about all the things that men have written about since the beginning of writing and talking—but write *to a point*. Work hard at it, *care* about it.
>
> Write about *our people:* tell their story. You have something glorious to draw on begging for attention. Don't pass it up. *Use* it.
>
> Good luck to you. This Nation needs your gifts.
>
> Perfect them!

I urge my colleagues to join me in celebrating the immortality of Lorraine Hansberry on her day, Lorraine Hansberry Day.

## ENERGY CRISIS

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ASPIN. Mr. Speaker, all of us are receiving many letters from constituents concerned about the so-called "energy crisis." Our distinguished colleague from California (Mr. Moss) has developed one of the most comprehensive and informative statements on the energy crisis in a response to an inquiry from one of his constituents.

He has outlined precisely what is wrong with President Nixon's energy message—too much emphasis on helping the vested interests and not enough on assisting consumers. The President's energy message emphasizes increasing supply, plays lip service to conservation, but does nothing to encourage Americans to cut their energy consumption.

Furthermore, our distinguished colleague from California (Mr. Moss) indicates that the President's energy message did not call for an increase in R. & D. spending on energy at a time when funds should be funneled into this field.

For my colleagues' information, I wish to include in the RECORD Mr. Moss' complete statement which I believe summarizes my objections and the objections of many of my colleagues to President Nixon's approach to the energy crisis.

Mr. Moss' letter follows:

CONGRESS OF THE UNITED STATES,
*Washington, D.C., May 15, 1973.*

DEAR ———: Thank you for your letter concerning the energy crisis and your questions in relationship to an interview with me which appeared in the *Sacramento Bee* on April 25th.

I read the President's energy message with a feeling of disappointment and skepticism. The message deals more with the energy problems of the 1950's and 1960's instead of the potential energy crisis of the coming decades. After further analysis I am convinced that it reflects a bias towards the vested interests of the oil conglomerates instead of the consumer rights of the general public. In essence, the President's message is not equal in resolution to the enormity of the present potential crisis.

Let me be more specific:

The President is right in recognizing one of the basic problems, that the United States, with about 6% of the world's population, consumes more than one-third of the available energy supplies. Ironically, the U.S. still has ample domestic sources of oil to last another two decades and immense reserves of coal to fill domestic needs for centuries. The immediate problems, however, are a man-made shortage of natural gas, an inadequate oil-refining capacity and an ever increasing demand for energy by the American public.

But America's problem is not only consumption, it is waste. Electric heating which is so lavishly advertised on television, is notoriously wasteful. Most American made cars use only about 20% of the energy potential in gasoline. Indeed, Americans annually waste as much energy with automobiles and electric heat, as the Japanese nation uses in one year.

The President's Office of Emergency Preparedness last year estimated that the U.S. could reduce energy consumption by the equivalent of 7.3 million bbl. of oil a day. By 1980 this could save about $11 billion in foreign exchange. Americans could also save, for example, the equivalent of 100 million tons of coal per year by turning down their home thermostats by only two degrees.

Unfortunately, in his energy message, the President primarily emphasized the need to increase supply, but not the need to eliminate waste and curb demand. The serious attention that energy conservation deserves was bypassed for vague rhetoric. It is one thing, for example, to give lip service to the President's idea of an "energy conservation ethic," but it is something else to specify what such an ethic would require of our governmental institutions, and more importantly, of the American people themselves.

A recent report by a group of American researchers and businessmen, the National Commission on Materials Policy, recommended additional ideas that were also ignored by the President.

It concluded that the United States must reduce its consumption of certain raw materials in order to help avert a global crisis in natural resources. It called for efficiency in conversion, transmission and end use of energy and strongly supported zero population growth.

Unfortunately, these are ideas the President does not seem to understand. More people means more energy demands, more consumption, more scarcity, more waste, more pollution, more poverty, more problems.

In essence, in order to resolve our present energy crisis we have to get away from our traditional Chamber of Commerce mentality where bigness is equated with goodness and quantity confused with quality.

Another salient problem with the President's message is its lack of international solutions concerning the Organization of Petroleum Exporting Countries. By 1980, the petroleum-producing regions in the Middle East will collect $30 billion to $40 billion in annual revenues from the sale of oil to the United States and other industrial nations. If, as anticipated, the U.S. increases its oil imports to 45 and 60 per cent by 1980, this could cause a trade imbalance of $20 to $25 billion.

The President calls rather simply for more "international cooperation", but avoids the more difficult questions concerning O.P.E.C.

M.I.T. economist M.A. Adelman in an article entitled "Is the Oil Shortage Real," *Foreign Policy Magazine,* documents how the U.S. State Department has actually re-enforced the ability of the cartel and the multinational companies to maintain a monopoly price 10 to 20 times the cost of producing oil.

An editorial in the *Wall Street Journal* stated that Professor Adelman "has made a convincing argument that it is not a 'shortage' of crude oil, but the changed relationship between oil companies and producing countries that faces consumers with problems of price and supply." Adelman suggests ways to break up " 'the greatest monopoly in history,' " but unfortunately, the President advances few specific solutions that would curtail the growing economic power of these governments and oil monopolies.

S. David Freeman, Director of the Ford Foundation's Energy Policy project and a former White House energy advisor, recently stated that, "The 'energy crisis' could well serve as a smoke screen for a massive exercise in picking the pockets of the American consumer to the tune of billions of dollars a year."

The deregulation of interstate natural gas called for by the President in his energy message, indicates he believes that what is good for the oil industry is also good for the country. If prices of natural gas, for example, were allowed to increase by 30%, the value of natural-gas reserves would climb by $300 billion. More drilling would perhaps occur, but "windfall profits" for the industry would be staggering. It is incomprehensible to me how the President believes that the oil and gas industry, already fettered with monopolies, depletion allowance, tax write-offs and an international cartel, should be allowed to set market prices for their goods. In 1971, the eighteen largest oil companies paid an average of only 6.7% of their net income in Federal taxes. The policies advocated by the President would increase such benefits for the industry, at the expense of the American consumer.

Another major disappointment in the President's recent message is the lack of funding for research and development in the energy field. There are promising sources of energy that have hardly been touched, including solar energy, geothermal power, magnetohydrodynamics and synthetic fuels. The Administration's new budget calls for only $770 million, which is far less than what most scientists say is necessary to develop alternative energy sources and less than 1/80th of the total military budget.

No one knows all the answers to our energy crisis. But what America needs is what we still do not have—a truly national, public-oriented energy policy that addresses itself to the harsh realities of our present crisis while presenting rational solutions towards their resolution. To paraphrase a current industry slogan: A nation that runs on oil cannot afford to run short—of governmental policies that allocate energy reserves effectively, sagaciously and in a manner that will most productively contribute to the improvement of the general welfare.

Thank you again for your letter and inquiry into my knowledge and interest in the energy crisis facing the United States today.

Sincerely,

JOHN E. MOSS,
*Member of Congress.*

---

## OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART 4

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ASHBROOK. Mr. Speaker, last week, on May 23 and May 24 three items concerning the confirmation of Mr. Helmut Sonnenfeldt as Under Secretary of the Treasury appeared in the CONGRESSIONAL RECORD. The material included an extensive statement by Mr. John D. Hemenway, a former colleague of Mr. Sonnenfeldt's at the State Department; an affidavit by Mr. Otto Otepka, who was directly involved in the Sonnenfeldt case as Chief of Evaluations of the State Department Security Office; a letter from Mr. Otepka to Senator CARL CURTIS commenting on Mr. Sonnenfeldt's testimony before the Senate Finance Committee on May 15; and an article by a top investigative reporter, Clark Mollenhoff, who served as legal adviser in the Nixon administration before he resigned. The leaking of classified information was a major allegation raised during the May 15 hearing.

The New York Times of May 17 ran a front page story by Seymour Hersh reporting that, according to Justice Department sources, Henry A. Kissinger, head of the highly sensitive National Security Council, requested that a number of his aides be wiretapped by the FBI for security reasons. Among them was Mr. Sonnenfeldt, who was and still is a top official with the Council. According to the Times article, the FBI wiretap cleared Mr. Sonnenfeldt. If the Hersh account is factual, the question logically arises as to why it was thought necessary to include Mr. Sonnenfeldt in the surveillance. This is but one of a number of questions that must be answered before he is confirmed.

I insert at this point the above-mentioned New York Times article of May 17, 1973:

[From the New York Times, May 17, 1973]

### Cook Quits SEC Over Vesco Case; Kissinger Said To Have Asked FBI To Wiretap a Number of His Aides

(By Seymour M. Hersh)

Washington, May 16.—Henry A. Kissinger personally provided the Federal Bureau of Investigation with the names of a number of his aides on the National Security Council whom he wanted wiretapped, Justice Department sources said today.

Among those tapped at Mr. Kissinger's request, the sources said, was Helmut Sonnenfeldt, a top council official who was nominated last month to be Under Secretary of the Treasury Department.

The sources said that Mr. Kissinger's role in the wiretapping was far more extensive than previously reported. It was Mr. Kissinger, they said, who initially forwarded the formal request for the taps to the F.B.I. director, J. Edgar Hoover, after being authorized to do so by President Nixon.

#### AUTHORIZATION BY NIXON

The White House formally acknowledged that the President provided such authorization in May, 1969, after an article in The New York Times disclosing that American B-52's were bombing Cambodia.

"The request came from Kissinger," one Justice Department source said. "Henry wanted some of those guys bugged himself."

"If Henry didn't approve of all this," the official added, "he could have said so."

Another source, explaining Mr. Kissinger's decision to authorize the tapping of Mr. Sonnenfeldt, said it was designed to clear him. He said, "Henry had a high regard for Sonnenfeldt."

This source noted that Mr. Sonnenfeldt "prides himself on his brilliance and his intellectual capability" and added, "In a very innocent way, a man like that can let things slip.'"

The F.B.I. wiretap cleared Mr. Sonnenfeldt, the source said.

Still another official, who has worked closely with Mr. Kissinger since 1969, said that the national security adviser was only trying "to protect" Mr. Sonnenfeldt.

"The man's working for him [Mr. Kissinger] today," the official added. "Do you think if Kissinger distrusted the guy, he would be with him in Paris seeing Le Duc Tho?"

Mr. Kissinger flew to Paris today for further talks on Vietnam and was not available for comment.

In an interview published in the New York Times yesterday, Mr. Kissinger acknowledged that he saw summaries from several wiretaps in 1969 and 1970, but said that he had not asked that they be installed nor had he specifically approved them in advance.

William D. Ruckelshaus, the acting director of the F.B.I., disclosed Monday that wiretaps were placed in on Government officials and four newsmen in 1969. His announcement came after an affidavit made public at the Pentagon papers trial in Los Angeles trial of Dr. Daniel Ellsberg and Anthony J. Russo disclosed that Dr. Ellsberg had been overheard while a guest at the suburban Washington home of Dr. Morton Halperin, a former Kissinger aide.

#### THREE OTHERS REPORTED TAPPED

The New York Times reported today that two former members of the National Security Council staff—Anthony Lake and Daniel I. Davidson—and one current staff member, Winston Lord, were among those tapped. It could not be learned whether any of the three was put under surveillance at the request of Mr. Kissinger.

Mr. Lord, who served as a personal aide to Mr. Kissinger during the Paris peace talks and the Presidential visits to China and the Soviet Union, was said to have been cleared by the wiretaps, which were ended in February 1971. He is taking a one-year leave from Mr. Kissinger's staff to do research and travel.

Sources also named Marvin Kalb, a diplomatic correspondent for the Columbia Broadcasting System, as among the four newsmen who were wiretapped beginning in May, 1969.

"I don't know why I was selected," Mr. Kalb said, "but what I had done in 1969 as a reporter I had done for the past 15 years and hope to do for the next 15 years."

High Government officials have defended the wiretaps as necessary and legal in view of the publication, beginning in May, 1969, of reports of secret material. One official was quoted yesterday as saying, "Hell, yes, I was aware that it was going on. To have done less would have been the highest order of irresponsibility."

Another official said that some White House officials had not been determined to be "blabbermouths" and were eventually eased out of their positions.

One source with access to some of the wiretap transcripts declared today, however, that "there wasn't one member of the [National Security Council] staff who was disloyal to the country."

"But," the official added, "they were disloyal to Kissinger, and they were giving him real problems."

The official declared that Mr. Kissinger had hired a number of liberals for his staff early in 1969.

"Some of them began to disagree with him and they weren't with him," the source said. "Actually, they were disloyal—not to the country, but to him," the source said.

"Henry didn't mind disagreement in the family," the source added, "but what he didn't like was these fellows arguing and losing and then going outside to leak things."

Another Government official who was closely involved in the bugging operations noted that the wiretaps had produced nothing "from a standpoint of evidence that could be proven in court."

Nonetheless, the official said, "we had awful good reason to feel that we had found something and it justified the whole operation."

"There were a couple of good suspects," he said. One left and the other was shifted to other matters. After that, they [the National Security Council] didn't have that problem."

Mr. Sonnenfeldt, who served as the National Security Council's expert on Soviet and European problems, is considered a close associate of Mr. Kissinger. Both men were born in Germany and came to the United States as teen-agers.

One White House source, in attempting to explain why the wiretapping of Mr. Sonnenfeldt was designed for his protection, pointedly referred a reporter to yesterday's confirmation hearings on Mr. Sonnenfeldt's Treasury post.

Michael M. Stern, assistant chief clerk of the Senate Finance Committee, which held the hearing, said today that Mr. Sonnenfeldt had been challenged by John D. Hemenway, a former State Department employe, for being responsible for at least two security violations in the late nineteen-fifties. At the time, Mr. Sonnenfeldt was a State Department research analyst. Investigations at the time cleared him of both accusations, Mr. Stern said.

Mr. Stern said that Mr. Sonnenfeldt was accused of leaking classified information to reporters in 1955 and of providing classified information to aides of Senator John F. Kennedy during his Presidential campaign against Mr. Nixon in 1960. The Senate confirmations have not yet been completed, Mr. Stern said.

There was a dispute between the Government and those who were wiretapped over its legality. Justice Department spokesman declared that the President's authority to install such national security wiretaps derive from the Constitution and the Omnibus Crime Control and Safe Streets Act of 1968.

Statutory authority for the President to authorize national security wiretaps was specifically written into the 1968 crime act, legal experts said. The bill provides for the President to take "such measures to protect the nation against . . . hostile acts of foreign powers to obtain foreign intelligence information deemed essential to the United States."

The law's blanket authority for national security wiretaps without a court order have not yet been tested in the Federal courts.

But Mr. Halperin, who is now associated with the Brookings Institution, said that "I think they were clearly illegal."

"They violated my constitutional rights," he added. "Could the F.B.I. have broken into my house and searched it? I don't believe anybody would argue that. And a tap on my phone is just as illegal as breaking into my house."

## POLISH GROUP STARTS A LIBRARY

### HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. NEDZI. Mr. Speaker, when one begins to trace the roots of one's family, one's community, and one's ethnic heritage, the search can turn to one of utter fascination. Book collecting often is one aspect of such an adventure. Once "hooked," the adventure can be endless.

Recently, a group of young Polish-American Detroiters began the Adam Mickiewicz Memorial Library. As far as I know, it has already attained the distinction of having the largest collection of Polish-oriented books and records in Michigan.

The interesting story of how this library began was contained in the May 14, 1973, issue of the Detroit News. Under leave to extend my remarks in the Record, the article follows:

### POLISH GROUP STARTS A LIBRARY

(By Diane R. Pawlowski)

There's a new library in Detroit, designed by and for young Polish-American Detroiters. The Adam Mickiewicz Memorial Library, 17322 Fenelon, on Detroit's east side, was started by 80 members of a local folk group.

The group, Galicja Song and Dance Ensemble of the Polish-American Folk Theater (PAFT), has performed its intricate, in-costume dances before audiences in Michigan and Poland.

To raise the $8,000 needed to buy the small house they converted into a library, members performed dance concerts. They also held bake sales, washed cars, held dances, and worked at odd jobs.

Because of their work, the Adam Mickiewicz Memorial Library now contains more than 8,000 books, 1,000 records, current and back issues of more than 100 different periodicals published in Polish communities in Paris, London, New York, and other cities all over the world.

Although many of the books are in Polish, an equal number are in English by many authors. All books concern Polish culture, art, and history. The library also contains a number of fiction works set in Poland or Polish communities.

The whole idea of a library was started when our group was visiting Poland in 1970," PAFT Director Michael Krolewski explained.

"We were buying scores of books to bring back to Detroit when someone wondered out loud why we couldn't find good Polish books in Detroit. By the time we got back home, the group had made up its mind to start a library."

Friends and relatives in Detroit began to donate old Polish books as well as priceless examples of Polish folk art and costumes to the library. Krolewski became aware of another problem.

"It's surprising how much Polish history is lost when Detroit housewives do their spring cleaning," Krolewski said. "People get rid of this old book, that old piece of art, that old folk costume. We're begging people not to throw this stuff out. Whenever it's destroyed, a page of Polish history is lost forever."

He added, "If people have some books or Polish folk art they don't want any more, please let us know. We'll come and get it. And we'll take good care of it, too."

The library opened its doors officially on December 24. Soon after, articles appeared in periodicals and daily papers in Poland. Donations of additional books and money began to trickle in.

The children in a school in the Polish city of Zabrze walked from door to door collecting books.

Then, because they didn't have enough money to ship the books to Detroit, they also held a carnival to raise the money. So far, about half of the 1,600 books they collected have arrived. More are expected.

"It's really heartwarming," Krolewski said. "For instance, we'll get small packages from Poland. They'll contain one small book or a record that some 8- or 9-year-old purchased. Or maybe two or three children saved their money and bought us something. They send us little notes, too, telling us how they want to help us to preserve Polish culture in America."

Right now, the library is still in disarray. Its first shelves are on order and expected to arrive later in the month. And the group needs to raise more money.

Besides the salary for a full-time librarian, it needs to purchase card catalogues, index cards, additional shelving, and the other incidental equipment needed for an efficient library.

Even so, the library will be open to the public between 6 and 9 p.m. each evening of the week.

The library is also becoming a source for Polish language and culture classes taught at three locations, St. Ladislaus High School, Hamtramck, St. Vincent Ferrer, Warren, and the library itself.

Classes in Polish handcrafts, such as paper cutting, pysanki, and embroidery also are taught at the library.

As a sideline, the library group has a pen-pal project that has matched more than 1,250 Polish-Americans with persons in Poland.

"We're just a young group," Krolewski said. "Most of us are second, third and even fourth generation Polish-Americans. Only a few of us can really speak or read Polish, but we all want to know as much as we can about our heritage so we can teach others. And we're convinced that this is the best way to do it."

---

## ONE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF WISCONSIN STATEHOOD

## HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. FROEHLICH. Mr. Speaker, it was recently brought to my attention by a young man from my district, Mr. Fred Olk of Clintonville, that today, May 29, 1973, marks the 125th anniversary of Wisconsin's admission to the Union. I would like to commend Mr. Olk on his astuteness in recognizing this occasion and to extend my congratulations to the 4½ million residents of Wisconsin on this significant milestone in our history.

Over the past 10 years, it has been my privilege to serve the people of the "Badger State" and to share in the accomplishments of our 125-year history. As a State and congressional representative, I have grown justifiably proud of Wisconsin and the notable contributions our citizens have made to the political development, social progress, and economic prosperity of this country. The story of Wisconsin has been one of initiative and invention—a history that has put Wisconsin in the vanguard of our national life.

One hundred and twenty-five years ago today, President Polk signed the bill which officially admitted Wisconsin as the 30th State to the Union. From the very beginning, the citizens of Wisconsin sought to establish a tradition of progressive and responsible government.

Of course, I am proud that Wisconsin gave birth to the Republican Party, an event of substantial historic significance. But, more important, Wisconsin's sons and daughters have served their Nation honorably during the past 125 years, far beyond the demands of political partisanship and variant ideologies.

Wisconsinites have held prominent offices in both Republican and Democratic national administrations, serving in numerous Cabinet positions. They have played prominent roles in the Congress, helping to direct and influence the business of the legislative branch. Robert M. LaFollette, who was named as one of the five greatest Senators, also served in this Chamber. Wisconsinites have been leaders in the drive for equity and responsiveness in government. Wisconsin was the first State to provide pensions for the blind, to aid dependent children, to help the aged, and to ratify the 19th amendment granting women the right to vote. Wisconsin citizens have served courageously to protect and defend our Nation at home and abroad.

Mr. Speaker, it is not inappropriate on this day to acclaim Wisconsin for its leadership in agriculture and business. Our farmers have made Wisconsin known throughout the world as "America's Dairyland." They have pioneered in quality control of milk production and agricultural sciences. The innovation and hard work of our businessmen have catapulted Wisconsin's industries to the forefront of the Nation. Wisconsin is a leader in the pulp and paper industry, ranking second among the 50 States in paper production.

Hand in hand with this economic success has been the prominent commitment to education in my State, which has produced an intelligent and skilled workforce.

The University of Wisconsin, the third largest university system in the country, is a national leader in scientific research, and her professors have achieved worldwide recognition. It is a particular source of pride to me that my hometown of Appleton is the site of the Institute of Paper Chemistry—a unique institution of higher learning which is entirely devoted to the science and technology of the paper industry. Together with her 32 other private colleges and universities and an extensive system of technical schools, Wisconsin has established an educational heritage of great value and importance.

The first residents of Wisconsin, both Indians and whites, were attracted by her natural beauty and bounty. In recent years, Wisconsinites have experienced substantial growth and development without sacrificing their natural surroundings. In those cases in which abuse has occurred, we are seeking to reduce the effects and restore the environment. Meanwhile, Wisconsin's 9,000 lakes and 33,000 miles of streams have been a vital economic resource. Together with 59 State parks and forests, they provide a natural wonderland for recreation and leisure-time activities.

We from Wisconsin are fully aware that the greatest asset our State holds is her people: a people who take pride in their State's natural beauty and progressive traditions, a people of varied cultures, professions, and aspirations who are united by their dedication to Wisconsin's and America's future.

Mr. Speaker, as we celebrate this 125th anniversary, it is only right that Wisconsinites rededicate themselves to the values and traditions which have made Wisconsin a great participant in this Union.

We have made substantial progress in preserving our heritage and restoring our natural environment which has given so much pleasure to so many Wisconsin residents and visitors. In full view of the past and with full confidence in the future, I am sure that Wisconsin will play an even more vital role in our Nation's progress during the next 125 years than she has in the past.

---

## HUDSON MEN WHO DIED IN VIETNAM

## HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, on this Memorial Day weekend the Jersey Journal, a highly respected newspaper in New Jersey published a list of the men of Hudson County who died in the tragic war in Vietnam. Whatever one thought of the war there is only one thought about those who fell: an overwhelming feeling of sorrow.

Mr. Speaker, to honor the memory of those whose lives were snuffed out in Asia, I ask that the list of men from Hudson County, N.J., be published at this point in the RECORD, lest we forget.

The list follows:

### MEMORIAL DAY, 1973: HUDSON MEN WHO DIED IN VIETNAM

Traditionally Memorial Day is a day on which we honor the memory of our war dead. It is particularly fitting that this year we pay special homage to the Hudson County men who died in Vietnam.

From the records of the U.S. Department of Defense and the New Jersey Department of Defense, The Jersey Journal has compiled the following list of 131 men.

Undoubtedly the list is not complete. If any reader wishes to supply additional names, they will be published after verification with the armed forces.

The names are listed alphabetically, followed by the man's home community, the branch of service and the date of his death. If the date of death is not listed, it is unavailable in the records checked.

Robert Allen, North Bergen, Army, May 5, 1968.

Joseph Amejka, Jersey City, Marines, Nov. 11, 1968.

Frank Andrisano, Bayonne, Marines, Nov. 19, 1967.

David Atkins, Kearny, Marines, Sept. 2, 1969.

Richard Bambrick, Jersey City, Army, April 8, 1968.

Raymond Bardet, North Bergen, Army, May 28, 1968.

Lawrence Barnes, Jersey City, Marines, Dec. 27, 1967.

Bernard Barrios, West New York, Army, April 6, 1966.

Alfred Bauer, North Bergen, Navy, Jan. 16, 1969.

George Beeres, Union City, Army, Feb. 11, 1966.

Thomas Bekiempis, Bayonne, Marines, March 28, 1967.

Michael Branin, Jr., Kearny, Army, Nov. 13, 1968.

Gerald Breen, West New York, Army, March 5, 1967.

Timothy Brennan, Weehawken, Army.

Raymond Brereton, Hoboken, Marines, Feb. 26, 1968.

Hans Bretschneider, Hoboken, Army, July 9, 1966.

Robert Brockmann, Hoboken, Army, Oct. 7, 1966.

Peter Brydun, Jersey City, Army, Dec. 10, 1967.

Ronald Bukowski, Jersey City, Marines, May 2, 1968.

Joseph Bursis, Jr., Jersey City, Army, Dec. 3, 1968.

Dennis Cannito, West New York, Army, Aug. 26, 1969.

Robert Casey, Guttenberg, Navy, May 16, 1968.

Salvatore Cemelli, Weehawken, Army, Dec. 8, 1966.

Lawrence Covington, Jersey City, Marines, Jan. 8, 1968.

Charles Crawford, Jersey City, Army, Feb. 9, 1968.

Donald Cruden, Jersey City, Marines, Dec. 27, 1967.

Daniel Cummings, Jersey City, Army, Jan. 17, 1967.

John Dabonka, West New York, Army, Feb. 2, 1967.

James Dalton, Jersey City, Army, Aug. 30, 1968.

Timothy Daly, Hoboken, Army Feb. 3, 1967.

Joshua Daniels, Jersey City Army.

Adamo de Angelis, North Bergen, Army.

Gregory Delguidice, Jersey City, Army, Aug. 13, 1969.

Edward Delikat Jr., Bayonne, Army, May 13, 1970.

Stanley Demboski, Jersey City, Army, March 4, 1966.

Alfred Desimone, Jersey City, Marines, June 24, 1969.

Stanley Diehl, North Bergen, Army.

John Duffy, Bayonne, Army, April 28, 1968.

Jasper Ellison, Jersey City, Marines, June 14, 1968.

Joseph Falato, West New York, Army, Feb. 15, 1967.

Michael Fallon, Jersey City, Army, May 27, 1968.

Jesse Felder, Jersey City, Army, June 29, 1966.

William Feskin, Hoboken, Army, May 2, 1967.

John Folger, Bayonne, Army, May 13, 1969.

Michael Fordi, Jersey City, Army, May 20, 1968.

James Gaines, Jr., Jersey City, Army, Feb. 2, 1969.

Joseph Gerwatkoski, Jersey City, Army, Jan. 19, 1968.

Frederick Goczal, Bayonne, Marines, Sept. 5, 1968.

Jeffrey Goss, Jersey City, Army, March 17, 1969.

Robert Gotthardt, Jersey City, Army, May 12, 1968.

Kenneth Greene, Jersey City, Army, March 14, 1968.

Malcolm Grim, Jersey City, Army, Jan. 23, 1970.

John Hall Jr., Jersey City, Marines, Jan. 24, 1968.

James Hanlon, Kearny, Army, Feb. 27, 1969.

Larry High, Hoboken, Marines, Sept. 23, 1967.

Eugene Hill, Jersey City, Army, Aug. 23, 1968.

Bradford Hippie, Jersey City, Marines, May 29, 1968.

Harold Holmes, Jersey City, Army, March 3, 1968.

William Jackson, Bayonne, Army, March 15, 1969.

John Jacobson, Bayonne, Army, Oct. 7, 1969.

Jerome Jacobs, Bayonne, Army, May 5, 1968.

Chester Jarmolinski, Jersey City, Marines, April 16, 1969.

Clifford Jenkins, Jersey City, Army, June 12, 1968.

James Johnson, Jersey City, July 2, 1969.

John Jones, Jersey City, Army, Oct. 21, 1967.

William Jursza, Bayonne, Army, April 27, 1968.

Wladislaw Kaus, Bayonne, Army, April 13, 1970.

Robert Keenan, Jersey City, Army, April 26, 1966.

Francis Keller, Bayonne, Army, May 28, 1970.

Leonard Keller, Bayonne, Army, March 10, 1970.

John Koch, Jersey City, Army, Oct. 3, 1970.

Stanley Kopcinski, Bayonne, Marines, May 14, 1966.

Francis Kulbatski, Jersey City, Army, Feb. 15, 1969.

John Lavell, Bayonne, Army, July 29, 1970.

Fred Le Blanc, Bayonne, Army, Feb. 2, 1970.

Oneal Legette, Jersey City, Army, Dec. 5, 1965.

Frank Lyons, Jersey City, Army, June 16, 1966.

George Lyons, Jersey City, Army, June 22, 1969.

Waclaw Maczulski, Bayonne, Army, March 21, 1968.

Francis Mack, Jersey Cty, Navy, Aug. 17, 1966.

Michael Majeski, Jersey City, Army, July 27, 1968.

Garry Matorella, Bayonne, Marine, May 31, 1968.

George Matuscsak, Kearny, Army, Aug. 3, 1966.

Thomas McDermott, West New York, Army, Dec. 2 1967.

Gregory McFadden, Jersey City, Army, Nov. 11, 1967.

Francis McQuire, Bayonne, Army, March 20, 1967.

Emery Mikula, Jersey City, Army, Oct. 13, 1966.

Anthony Mione, Bayonne, Army, Aug. 22, 1969.

Joseph Mobus, Harrison, Army, Aug. 19, 1969.

Albert Molnar, North Bergen, Army, Nov. 4, 1967.

Robert Morgan, Jersey City, Army.

John Morely, Bayonne, Army, Oct. 24, 1968.

Louis Muser, Hoboken, Army, Aug. 29, 1967.

Victor Negron, Bayonnen, Air Force, Sept. 19, 1967.

James Nugent, Jersey City, Army, Dec. 15. 1969.

Jose Ortiz-Burgos, West New York, Army, July 23, 1968.

Luis Ortiz-Corredore, Jersey City, Marines, Sept. 21, 1967.

John O'Shaughnessy, Jersey City, Army, Feb. 7, 1966.

Ismael Paredes, Jersey City, Army, Nov. 17, 1965.

William Pleasant, Jersey City, Army, Nov. 17, 1965.

John Priest, Jersey City, Army, Nov. 20, 1968.

Nelson Ramirez, West New York, Army, May 5, 1968.

Angel Ramos, Jersey City, Army, Oct. 10, 1963.

John Reck, North Bergen, Army, May 13, 1968.

David Robertson, Kearny, Army, June 27, 1968.

Gus Robinson, North Bergen, Army, April 1970.

Ricardo Romero, Jersey City, Army, April 13, 1969.

Vincent Salemi, North Bergen, Army, Dec. 11, 1968.

Raymond Schopmann, Secaucus, Army, Dec. 11, 1968.

Anthony Scivolino, Union City, Army, Dec. 12, 1966.

Donald Scott, Harrison, Marines, Aug. 2, 1968.

John Shaw, Jersey City, Army, Jan. 29, 1967.

Victore Sherman, North Bergen, Army, Feb. 1968.

Michael Sinibaldi, Kearny, Army, Aug. 14, 1968.

Dennis Smith, Bayonne, Marines, April 4, 1968.

James Sosnowski, Bayonne, Army, Feb. 16, 1968.

Ovell Spruill, Jersey City, Army, Aug. 4, 1970.

William Stefko, Jersey City, Army, Jan. 9, 1970.

Dennis Sydor, Jersey City, Army, July 4, 1969.

Robert Trivisonno, North Bergen, Army, Nov. 15, 1968.

Anthony Urrutia, Jersey City, Army, April, 1969.

Edgar Vallecillo, West New York, Marines, June 6, 1967.

Carlos Vega-Lopez, Jersey City, Army, Dec. 1968.

Thomas Welsh, Kearny, Army, May 16, 1966.

John West, North Bergen, Army, March 7, 1969.

Alfred Wiggins, Jersey City, Army, June 5, 1970.

Frank Williams, West New York, Army, June, 1968.

Elroy Wilson, Jersey City, Army, April 12, 1969.

Sylvester Wilson, Jersey City, Army, Nov. 24, 1967.

James Witt, Bayonne, Marines, March 17, 1968.

Gerald Wynn, Arlington, Army, Nov. 14, 1967.

---

## THE INDIAN OCEAN I: WORLD POWERS JOCKEY TO FILL VACUUM

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. DERWINSKI. Mr. Speaker, Ray McHugh, the distinguished Washington bureau chief of the Copley News Service, has recently returned from an extensive factfinding mission. Of special interest are his views on the very pivotal arena of the Indian Ocean and, since his tour included the region from the Strait of Malacca to the Persian Gulf and the Middle East, I believe his observations are worth noting. This article is entitled, "World Powers Jockey To Fill Vacuum." I believe it to be a very objective commentary on the subject. The article follows:

### THE INDIAN OCEAN I: WORLD POWERS JOCKEY TO FILL VACUUM

(By Ray McHugh)

MALACCA, MALAYSIA.—The crumbling Porta de Santiago sleeps in the tropical sun, no longer alert for British or Dutch men-of-war, pirate raiders from Brunei or Chinese war junks.

It ignores the strategic Strait of Malacca at its feet and the giant tankers and freighters of a score of nations that beat past in unending procession between the Indian Ocean and the Pacific carrying the riches of East and West, the new world and the old. No alarm is sounded at the sight of sleek gray American or Russian warships.

The old brick wall and portal is the last vestige of Portuguese power that discovered and once dominated the Indian Ocean. In the town behind, Dutch and British churches and homes fade in the equatorial heat, silent reminders of the rise and fall of other European empires.

But the struggle for control of the strait highway to the Pacific has not ended. In fact, the entire 24 million square miles of the Indian Ocean has curiously reverted to the status in which Vasco de Gama found it when he rounded the Cape of Good Hope in 1498.

For 400 years Europe's trader-colonial powers dominated this ocean.

First Portugal, then Holland, and finally Britain which held sway from Suez to Malacca for more than two centuries. But in 1971 Britain, too, bowed to the tides of history and withdrew leaving a power vacuum.

Russia's growing navy and merchant marine is already probing that vacuum. The U.S. Navy is under heavy pressure to re-establish Western supremacy.

The Indian Ocean is unique in that it does not touch any of the world's superpowers. Yet all have a vital interest. The United States and the Soviet Union have the naval power to assert, but Communist China views the waters as a back-door route through which Moscow might try to "encircle" the Chinese mainland. Japan sees the Indian Ocean as perhaps its most important lifeline. More than 80 per cent of its oil flows from the Persian Gulf and the Strait of Malacca is the funnel through which Japan pours its technology and investments into Southeast Asia, India, the Arab nations and Europe.

For Western Europe the ocean is the carrier for its raw materials, oil, textiles, manufactured goods, technology and, above all, it is the link to now-independent former colonies where old ties of empire are still profitable lines of commerce.

British freighters still steam across the usually calm blue-green waters to Bombay, Calcutta, Mombasa, Singapore, Penang, Rangoon and on through the straits to Hong Kong and Tokyo. Dutch ships still dominate the pathways to Jakarta and the myriad ports of Indonesia. Portugal lost its last foothold in Asia a decade ago when India seized the enclave of Goa, but Lisbon fiercely defends its claim to Mozambique on East Africa's coast.

Even France, never a major threat to dominate the Indian Ocean, particularly after its defeat at Trafalgar and the failure of Napoleon, clings to French Somaliland on the same East African coast and the remote, but strategic, Reunion islands. And Paris continues to hope that old ties can be re-established with war-torn Indochina.

But change, not tradition, is the mood in this part of the world. Of 33 states of the littoral of the Indian Ocean, only two can trace their sovereignty into antiquity—Iran and Ethiopia. The others have come into being as a result of the upheavals of World War I and World War II.

They range in size from India to Singapore. And each has felt the pressures of communism's challenge to the free world. But none has the power to police the ocean.

Red China has established a major economic-political foothold in Tanzania where Dar es Salaam greets a steady stream of Chinese ships bearing men and supplies to build its railroad to Zambia's rich copper fields. Peking's influence also is felt in the tiny sultanates of the Persian Gulf. The overwhelming Chinese population in Singapore and the substantial Chinese minority in Malaysia are potential targets. Close relations are maintained with Pakistan, which remains an Asian power despite its 1971 humiliation in which India helped Bangladesh (East Pakistan) achieve independence.

Russia has followed a typical "third party" course in its Indian Ocean strategy.

Its support of the Arab cause against Israel has won it important footholds in Yemen and Iraq. Somalia has been a virtual Soviet puppet for a decade. Soviet technicians and perhaps naval men have free rein in Aden, the old British bastion that controls the entrance to the Red Sea. Although Yemen denies it, the Soviet navy apparently has important rights on the island of Socotra that dominates the westward approaches to the closed Suez Canal.

Russian warships and submarines also are welcome at Goa, Bombay and Visakhapatnam on India's coast. Its fishing trawlers have important rights in the island state of Mauritius and Moscow is cautiously edging into Singapore's shipyard picture.

India has shown some indications of a growing nervousness about its ties to the Soviets, but the persistent fear of Communist Chinese intentions and a "once-bitten-twice-shy" aloofness in Washington works against Premier Indira Gandhi, Deputy Secretary of State Kenneth Rush and Undersecretary Joseph Sisco have just visited New Delhi to measure Indian attitudes.

Singapore, Malaysia and Indonesia have thrown up a barrier of suspicion that so far, has stymied Soviet ambitions in the eastern ocean and Premier Lee Kuan Yew of Singapore has made it plain that he wants a major American naval presence in the area, plus, continued airbases in Thailand to cool Soviet ambitions.

Malaysia and Indonesia both prefer a neutralized Southeast Asia, free of big power influence, but officials in both countries make it plain that their hopes are timed with reality.

"We don't want the United States to be as 'obvious' as it was in Vietnam," said a Malaysian government spokesman.

"But we don't want you to leave the area right now. Perhaps you could retreat just over the horizon?"

History, unfortunately, sets few precedents for foreign policy and naval planners in Washington. The Indian Ocean has been dominated by one power or another for the last 400 years.

Since czarist times Russia has dreamed of expanding southward to claim warm water ports. Britain blocked those ambitions in the 19th Century. Adolf Hitler rejected Joseph Stalin's bid for control of Iran when the two dictators figuratively carved up the world in their 1939 "nonaggression" treaty. President Franklin D. Roosevelt and Prime Minister Winston Churchill denied similar Soviet demands at Yalta.

The cold war had its beginnings in Iran's northernmost province of Azerbaijan. Russia surrendered its control over the strategic Caspian Sea region only after a tense showdown with the late President Harry Truman.

Had Truman not stood firm, Soviet influence would have quickly spread over Iran and perhaps Pakistan, diplomats agree. Stalin would have had his route to the Indian Ocean by 1949 or 1950.

---

## RETIREMENT OF DILLON GRAHAM

### HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. JONES of Alabama. Mr. Speaker, the Washington Press Corps and the Members of the House of Representatives have lost a dedicated and conscientious journalist in the retirement of Dillon Graham of the Associated Press.

Because of his assignment of recent years in covering activities of interest to the southeastern part of the country, I had numerous contacts with Mr. Graham. He was always informed, sensible, and courteous in his interviews. His reports were interesting and accurate in the highest traditions of the journalism profession. He has served the people well by engaging his knowledge and expertise to provide balanced accounts of the activities in the Congress.

Like others who knew him, I will miss Dillon Graham. He has my best wishes for many enjoyable and rewarding years in his retirement.

## "STOP THE PRICE SWINDLE," A STATEMENT BY PRESIDENT EDWARD J. CARLOUGH OF THE SHEET METAL WORKERS UNION

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD the text of an article in the April 1973 issue of the Sheet Metal Workers Journal by Edward J. Carlough, general president of the Sheet Metal Workers International Association, AFL–CIO.

The editorial, entitled, "Stop the Price Swindle," follows:

STOP THE PRICE SWINDLE

The working people of this country are being swindled down to their socks by a political administration that's either too ignorant to understand us, or just doesn't give a damn. Make no mistake about it! Despite President Nixon's professed admiration for the "hard hats," the guy in overalls is getting it in the neck. We need more than a "hard hat" to help us. We need a full suit of armor to protect us from the economic body blows of this Administration. Let's take a look at the score card.

While 3 million union construction workers and their families continue to work under mandatory wage controls, and the rest of working people labor in the shadow—and negotiate under the threat—of "voluntary" (stick-in-the-closet) controls, everybody else in this country is going crazy with the blessing of the government.

*Item*—Business Week magazine has now revealed that the 880 biggest companies in the United States last year made profits—after taxes—of 52.6 billion dollars, *an all-time record*. This was in a year when the guy in overalls had his wages frozen part of the year, and controlled the rest of the year.

*Item*—During the period January 1971–January 1973, overall lumber prices rose by 56 percent in this country. According to the National Association of Home Builders, this rise in lumber prices alone has added $1,200 to the site cost of a $28,000 home, during the past two years. During this entire period of course, the wages of construction workers who build these houses has been controlled.

*Item*—During the period January 1, 1972–December 31, 1972, profits of building material supplies rose by an overall rate of 31 percent.

*Item*—Within the past two weeks, several leading banks have announced a ½ percent rise in their prime interest rate, which will both further swell the already swollen profits of bankers while further squeezing the ability of working people to buy the necessities of life on credit.

We could go on and on, but why bother. President Nixon's Phase III has become, in the title of a best-selling novel, The Day of the Jackal, and the guy in overalls is the prey. And the biggest jackal of them all is the food industry. Nixon's Secretary of Agriculture, Earl Butz said a few weeks ago, that anyone who advocates a freeze on food prices is a "damn fool." Put me at the top of the "damn fool" list. I'm not just advocating—I'm saying it's got to be.

On the evening of March 29, President Nixon went on national television and appeared to be joining the rest of us on Secretary Butz's "damn fool" list, when he announced a freeze on beef, lamb and pork prices, excluding sale of live cattle. Upon closer inspection of the President's message, we can't put him on that list. That fact is Richard Nixon is nobody's fool, but after this latest action, I get the feeling he thinks a lot of the rest of us are.

First, he didn't roll back meat prices, he froze them—and at their highest levels in twenty years. Second, his action leaves untouched live cattle prices, and the morning after the President's speech the Agriculture Department announced that live cattle prices rose another nine percent the previous thirty days. Third, he took no action whatsoever on any other food prices, nothing on interest rates, nothing on rent, nothing on lumber or home prices, nothing on soaring medical costs. Let's lay it out in language everyone can understand. *What we got from the President on March 29 was not relief, it was Phase 3½ of the Price Swindle.*

Food prices in grocery stores last month rocketed 2.4 percent, the biggest single month's rise in food prices since the government has been keeping records. If that same rise continued during the rest of the year, food prices would climb a sickening 28 percent by the end of the year. If you want to see a real swindle, tell your wife you'll go shopping next Saturday, instead of her. You'll find two and even three different prices on a can of beans or a package of beef. The lower prices are taped over or hastily inked out, and the higher prices are what we're forced to pay in the great swindle. Earl Butz calls us "damn fools" and his boss, Richard Nixon, advises us to eat fish. When the French peasants protested about the price of bread in the 18th Century, Marie Antoinette told them to eat cake. 200 years later we get a guy in our country who tells us to eat fish. That's what it's all about. To this administration we're a bunch of peasants. And so long as we act like a bunch of peasants, we're going to be treated like them.

We so-called great and powerful American trade unionists have become a tray of cream puffs. We're being gouged by the price fixers and clobbered by the tax collectors, while all the time our unemployment rate continues at over 5 percent nationally, and over 10 percent for construction workers. We're so puffed up and polite with our middle class status—we great "silent majority"—that the jackals are eating us alive.

It's time to remember again where we came from . . . it's time to remember again what militant trade unionism is all about . . . it's time to start marching to the sound of a different drummer—that old drummer who screamed and scratched and got us where we are . . . It's time to begin being ourselves again!

We're up on Capitol Hill right now banging away at the Congress on this whole subject of controls. Our position is straight-forward. It's the same one we've had since controls initially began in the construction industry in early 1971. We'll support controls that are fair and equitable to all; we won't buy a straitjacket for our members wages while the price jackals roam the countryside. We're asking for an immediate freeze—and rollback—on food, rent, and medical prices, and interest rates, and *effective* price control on all the other necessities of life that our members and their families need to buy to maintain a decent standard of living. And we need your help! If you've never written your Congressman, write him now. Tell him, or her, to support your Union's position on amendments to the Economic Stabilization Act. Tell them you're tired of being pushed around. And don't accept any "eat fish" answers. The next thing you know they'll tell us to go barefooted to protest rising shoe prices. What are we supposed to do when the price of our pants goes up? Get arrested? Don't accept any silly, do without, do-it-yourself answers.

And write the White House . . . especially those of you who voted for Mr. Nixon last time. Tell him we labor people are beef-eaters, but we want the price to be right. In the words of one politician, "send him a message."

And if all of this doesn't work, maybe we'll just throw a picket line around the White House and start Phase IV.

## NEW ENGLAND AS A REGION

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. HARRINGTON. Mr. Speaker, regionalism is an extremely important concept in solving the severe economic problems of New England. The southern States have proven how successful the regional approach to economic problems can be.

Philip H. Hoff knows the problems that face New England quite well since he was the Governor of Vermont from 1962 to 1969. He is a strong supporter of a unified New England effort in the economic field. His article, from the May 1973 issue of New Englander, provides an excellent testimony for and the benefits to be derived from regionalism. I hereby request that the article, "Let's Launch the United States of New England," be included in the RECORD.

The article follows:

LET'S LAUNCH THE UNITED STATES OF NEW ENGLAND

Six years as governor of Vermont established for me the need and potential for a unified regional aproach in numerous areas both private and governmental. Nothing demonstrates the need for such an approach more forcibly than the matter of energy.

New England is sadly lacking in energy resources and, because of this, has the highest energy rates in the country. While there is some hope for the future in nuclear energy and the possibility of oil off our New England coast, these, at best, are long-term solutions.

Oil in commercial quantities has yet to be established, and the environmental implications are enormous. The great promise of nuclear power has been badly tarnished. The Vermont Yankee plant, for example, which was widely advertised as producing four-mill power when ground was broken in 1966, will come in at 13½ mills and probably more.

Politically we have been unable to shake off the yoke of the oil import quota system which works to the advantage of certain American oil companies at our expense.

All of this occurs at a time when the unstated but, nevertheless, clear national policy of cheap energy and unlimited consumption will be replaced in the near future by a stated national energy policy largely decided in Washington. The implications of that policy are staggering. It will have a profound impact upon such things as the quality of life, economic growth and development, distribution of wealth, and the environment. It is clear that those with energy will prosper and those without will suffer.

It is important to understand that the formulation and establishment of a national energy policy is a political question. The question is not so much whether there will be a national energy policy, rather, what that policy will be, who will control it, and what its impact will be here in New England.

In the face of this, New England should at this moment be mobilizing every political force at its command. In particular, three groups, the New England Council, the New England Governors' Conference and the New England Congressional delegation should be in full motion. Failure to so mobilize will certainly bring about a further decline in the influence and fortunes of New England in the national scheme of things.

New Englanders are traditionally an independent and self-sufficient lot, traits to be nurtured and encouraged. But it is clear that in an era of increasing interdependence, independence can creep into a form of provincialism which works to the disadvantage of everyone.

The defeat in the 1966 Vermont legislature which would have provided legislation to create a vehicle for the importation of some two million kilowatts of cheap Canadian power is a classic example of this kind of provincialism. By no means would it have entirely solved New England's electrical energy problems, but it would have been a decided boost and given us some breathing room.

In that situation, intelligent and healthy cooperation between the private and public sectors was replaced by suspicion and distrust, and the opportunity was lost. Now power interests in the State of New York have picked up this block of power.

The activities of the congressional delegations and governors from the Southern states provide a fruitful and interesting comparison. They meet frequently. The lines of communications between members of the delegation and the governors are nurtured and encouraged Staff work is thorough. By emphasizing those matters which bind them together and minimizing those matters that divided them, they manage to adopt a common approach on most matters vital to their region and thus exercise an influence far greater than their numbers would seemingly indicate. In addition, they work very closely with the business interests of their region.

While the New England delegation has a loose organization, the fact is that, until recently at least, meetings were infrequent and poorly attended with very little staff preparation. As a result, very little has occurred. In the latter part of the 1960's, the New England Governors' Conference held one of its meetings in Washington to which the New England Congressional delegation was invited with the hope of further meetings and meaningful cooperation. The delegation put in an appearance and was at all times cordial but showed no enthusiasm, and no further attempts at meetings were made.

The New England Council, representing the business interests of New England, long ago saw the need for regional cooperation in business matters. Ultimately the Council saw that political cooperation was essential to its objectives, and its members were instrumental in bringing the New England Governors' Conference into being.

For many years the Council supplied the New England governors with a part-time secretariat. This worked well during the formative years of the Conference, but in the 1960's, as the scope of the work increased and meetings went from a couple of times a year to five or six a year, it became apparent that a full-time secretary and staff was needed and that it was unreasonable to impose this burden on the Council.

Moreover, it was felt that from a public relations viewpoint it was best that any hint of the Governors' Conference being a captive organization be removed. Thus, a full-time secretary and staff, hired and paid for by the Governors' Conference, was established. It has worked reasonably well.

Regrettably, this move seemed to tarnish the special relationship between the Conference and the Council. Day-to-day consultation and communication between the two groups diminished, much to the regret of the Governors' Conference. Particularly regrettable was the apparent retreat of the Council from matters of social concern.

Historically, the New England Council has been the bastion of a regional outlook. Over the years it has proven itself an enlightened organization in the sense that it recognized that it must concern itself not simply with the problems of New England but the social problems as well. Its seeming vacation from matters of social concern is most unfortunate. Recently it has showed signs of a return to its concerns of old, and it is hoped that there will also be a return to the special relationship with the New England Governors' Conference.

It is difficult to understand why this should be a deterrent to the formation of an effective New England Congressional Caucus. The time has come for the business and other interests of New England to stop considering themselves as mortal enemies and start identifying and working together in those areas in which we share common concerns.

It also would be helpful to explore in detail those areas of difference with the hope of achieving better understanding and meaningful accommodation so that we can create unified positions on the part of our Congressional delegation.

The same could be said of the New England Governors' Conference. Failure to adopt such an approach can only result in a divided Caucus and Conference, with a resultant loss of effective political influence.

In the end, we would all be the losers. This is certainly true in the energy area, but the same can be said of many other areas of mutual concern.

I would hope that the research arms of the Governors' Conference and the Caucus can be vastly expanded to secure maximum input from all segments and interests of New England. The greatest resource that we have is our colleges and universities. The array of talent in these institutions is enormous, but we have yet to effectively tap that talent. The means must be found for establishing and supporting a meaningful research effort embodying this potential.

The need for an exhaustive and unified New England effort in the energy field is readily apparent. Using the energy field as a springboard, let us create vehicles which will minimize our differences and maximize our agreements to the end that the position of New England in the national scheme will be assured.

---

## VOTE FOR NASA AUTHORIZATION BILL

## HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. DAVIS of Georgia. Mr. Speaker, during the vote on final passage of the NASA authorization bill, I was engaged in a conference having to do with the anti-impoundment feature of the National Science Foundation authorization bill.

When I entered the House Chamber, the gavel had already been pounded, announcing that the time for voting had elapsed. You, as well as the entire membership of the House, are well acquainted with my long record of support for NASA's authorization.

I was present during the Committee of the Whole's deliberations and voted, as the RECORD will show, in support of the committee bill. I regret the inadvertence that caused me not to be present during vote on final passage and wish to say that had I been present, I would have voted for the bill.

---

## PRESSURE AGAINST CHINESE NATIONALISTS ON TAIWAN

## HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. HUBER. Mr. Speaker, America's media has been giving great play to the efforts of our Government to more nearly normalize relations with Peking, a move most of us applaud.

Too few journalists, however, have looked at the other side of the coin and discussed the compelling arguments for continuing close economic, military, and cultural ties with our staunchest and most reliable allies, the Republic of China and its freedom-loving citizens. Even fewer media reports have detailed the efforts of the Communist Chinese to keep "unremitting pressure against the Chinese Nationalists on Taiwan," as the May 21, 1973, Christian Science Monitor expressed it.

The article relates two recent, specific examples of naked Communist power plays. The first tells of the ultimatum—and ultimatum is the only word that seems to apply—given the New York Times to quit running paid advertisements unfriendly to the Peoples' Republic of China or that paper would not receive permission to open a news bureau in Peking. The second incident is of a similar nature. Japan's government-owned international airline was told to drop their flights to Taiwan if they wanted to serve Peking and Shanghai.

I commend the article, reprinted below, to the attention of my colleagues.

[From the Christian Science Monitor]

### PEKING KEEPS UP PRESSURE AGAINST TAIWAN NATIONALISTS

(By Henry S. Hayward)

HONG KONG.—China is keeping up unremitting pressure against the Chinese Nationalists on the island of Taiwan.

The squeeze takes many forms, all of which tend to show Peking's sensitivity about Taiwan's continued separate existence.

At an American journalistic level, for example, the Chinese protest against anti-Peking political advertisements in the New York Times can scarcely be viewed out of context with that newspaper's application for permission to open a news bureau in Peking.

The implication is that if anti-Chinese

Communist ads continue, the Times application is not likely to be granted.

### AIRLINE PRESSURED

Some weeks ago Peking also put direct pressure on Japan's international airline—and indirectly on the Japanese Government—to terminate lucrative flights to and from Taiwan as the price for obtaining desired air rights to fly to Peking and Shanghai.

There once again the Chinese political motif stood out strongly in what ordinarily would be considered a normal commercial venture involving a mutual exchange of air services. In the process, many a Western or Asian businessman or government official is being reminded that the mainland Chinese mean exactly what they say about their real friends renouncing the Nationalists on Taiwan.

In an equally obvious intensification of the propaganda battle with Taiwan, Peking reportedly is stepping up its barrage of radio broadcasts aimed at the ears of the islanders.

The theme of the broadcasts, which are not new in themselves but only in their increased frequency, is for native Taiwanese, and any former mainlanders willing to listen, to accept the inevitable—reunification with the mainland.

For many years past, such appeals from the Peoples Republic have awakened very little response on the Nationalist-dominated island. But Peking appears to be working on the principle that endless hammer blows of his sort eventually will shatter the rock.

One hears unconfirmed reports that some Taiwan students and businessmen living in the United States or Europe have been persuaded by Communist overtures to make secret trips to Peking for an on-the-scene presentation of the mainland position. Such visits, which in some cases may include a chat with Prime Minister Chou En-lai, are deliberately kept secret, it is said, so as not to impair the visitor's ability to return to Taiwan.

The step-up in broadcasting activity meanwhile follows apparently unproductive appeals by two former Nationalists long resident on the mainland for an open or secret dialogue between the two sides.

---

## A NATIONAL INSTITUTE OF POPULATION SCIENCES

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. HORTON. Mr. Speaker, on May 24, I joined with my colleague from California (Mr. BROWN) and 25 additional cosponsors in introducing legislation to create a National Institute of Population Sciences within the National Institutes of Health. I would like to urge my colleagues on the Public Health and Environment Subcommittee to give this proposal their serious consideration at the earliest possible date.

The new National Institute would be responsible for the programs currently carried out by the Center for Population Research now housed within the National Institute for Child Health and Human Development—NICHD. In my judgment, the work of the Center for Population Research is among the most important programs contained within NIH, but its present location has been beneficial neither for population research nor for the other areas of NICHD's responsibility—aging, mental retardation, neonatalogy, and development processes. Last year, Congress attempted to solve part of this problem of overly diverse functions by passing a bill to create a separate Institute for problems of the aging.

Since the establishment of the Center for Population Research in 1968, the progress of population research is not heartening. The Center is not moving ahead fast enough to provide us with the new knowledge about reproductive biology and contraception that we need so badly. The response to the passage of State abortion laws has revealed that hundreds of thousands of women have been unable to exercise adequate control over conception. The debate on abortion is a debate over a massive human tragedy. A full solution to this tragedy cannot be reached until every couple who wants to can exercise control over conception in a manner that is within their financial means, accessible, safe, and acceptable to their individual ethical and religious beliefs. These goals will remain elusive unless we give the Federal population research effort the priority and direction it so urgently needs.

The present location of population sciences within NICHD has created three types of problems. First, the linkage within one Institute of such diverse scientific concerns has rendered it very difficult for each program to develop at its own appropriate rate. Two years ago, the House Appropriations Committee's report on this Institute made it clear that one of the considerations affecting the amount of funds for population research was a desire to maintain "balance" among the different activities of the Institute. The same very understandable reluctance to see the population component of NICHD totally outgrow the other components is visible in the declining rate of growth for CPR and in the increasing gap between HEW and other observers' estimates of what ought to be allocated to population research and what actually has been spent. We should not allow bureaucratic considerations to remain the determinant factor for funding allocations for the different programs of NICHD.

Second, the Director of the Institute and the NICHD Council are prevented from developing adequate expertise in any one of the areas of concern to the Institute. The Council, in particular, is comprised of experts in a number of very different fields, and has been unable to develop an adequate capability to exercise its assigned function of reviewing the decisions made by the various NIH study panels which review grant proposals. Since these study panels are in no way responsible even to the individual Institute, the Center for Population Research has no means whatever to establish priorities for the grant programs which comprise about half of its funding. This inability to establish priorities is particularly troublesome since, due to inadequate funding, CPR has been unable in past years to fund many grants of extremely high scientific merit.

Third, unlike most NIH Institutes, the Center for Population Research has an extremely important nonmedical responsibility: To advance our knowledge of and understanding about population dynamics. At present, the Center's program in the social sciences is inadequately funded. It has traditionally suffered from a lack of focus and from an inability to establish procedures more appropriate to social science research in place of those used throughout NIH for biomedical research.

In conclusion, Mr. Speaker, the present administrative structure of the population research program is hampering both the search for better understanding of population dynamics and the development of new knowledge about human reproduction. It is now several years since HEW first indicated that it would establish a separate Institute for this program. This question has also been studied by internal HEW panels, by the Commission on Population Growth and the American Future, by the American Public Health Association, and by the American Academy for the Advancement of Science. Last year, the House Republican Task Force on Environment joined all of these groups in calling for a separate Institute for population sciences. I hope that Congress will now move quickly to respond to that call.

---

## AN ADDRESS BY R. SARGENT SHRIVER, JR.

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD the text of an address, "In the Wake of Watergate: A Return to Justice," delivered on April 28, 1973, at the Kennedy-Johnson-King Dinner sponsored by the Alabama Democratic Conference.

The address was delivered by the Honorable R. Sargent Shriver, Jr., and I commend it to the attention of my colleagues.

The address follows:

### IN THE WAKE OF WATERGATE: A RETURN TO JUSTICE

(By the Honorable R. Sargent Shriver, Jr.)

We meet tonight to renew the dreams of the past and to reach anew for a vision of the future.

And we remember the work and the words that stirred us in other times.

We remember that August day of freedom when Martin Luther King told thousands who marched on Washington and millions more who marched with him in spirit: "I have a dream."

We remember another day in the same year when John Kennedy said to a country caught between ancient prejudice and moral principle: "Race has no place in American life or law."

And we remember a moment of terrible agony when Dr. King was killed and Robert Kennedy comforted us with a plea to "tame the savageness of man and make gentle the life of the world."

And we remember a night when Lyndon Johnson committed the prestige and power of his office to the struggle for equal justice under law, and proclaimed to all the land: "We shall overcome."

### LEGACY OF FORMER LEADERSHIP BETRAYED BY CYNICISM

But these voices are no longer heard in the land. And what has been lost is not just the men, but the moral leadership. They did so much that was right and changed so much that was wrong in America! Now their legacy has been betrayed at the highest levels of Government.

It has been betrayed by a cynical and false Southern strategy that insults the South. We do not need a Southern strategy in this nation, or a Northern strategy, or a Western or an Eastern strategy. We need to recover the American strategy expressed in our Declaration of Independence—that all men are created equal and have equal rights—before the law and in the courts, but also in the schools, on the streets and farms, and in the neighborhoods of this nation.

But our best and most traditional and most American hopes and ideals have been betrayed, not just in civil rights, but in every area of our national life.

Our leaders have told us that we have peace with honor in Southeast Asia. But we have just had sixty consecutive days of American bombing over there. Is that peace? Do we want an endless illegal war? Our officials may say peace, peace, but even Henry Kissinger now admits there is no peace.

And this Administration has accepted defeat with dishonor in the War on Poverty—which is the real war America must wage and win.

They sent an insensitive and inexperienced young man to dismantle OEO. He is an expert wrecker. He is destroying our national commitment to help deprived people help themselves. Instead, Mr. Nixon should have sent him to dismantle the White House high command.

### PREACHING INITIATIVE WHILE DISMANTLING HOPE

The President has said: "Ask not what your country can do for you, but what you can do for yourself." And that is good advice for the wealthy. They can do for themselves—and do very well. But a hungry child cannot eat the New Federalism. The Puritan work ethic cannot create new jobs. Special revenue sharing cannot secure a fair share of our country's wealth to every citizen. Our officials may preach individual initiative, but they practice and permit individual suffering—for the other guy, never for themselves.

What they have really lost in Washington and in the White House is that passion for justice which has been at the heart of the proud moments in our history. In our own era, it was a passion for justice that led Martin Luther King to walk the streets of Selma and Chicago, and John Kennedy to oppose Bull Connor, and Robert Kennedy to seek a newer world, and Lyndon Johnson to sound again the cry for equality only weeks before he died and despite the pain that almost prevented him from speaking.

But today justice is denied. It is denied by official attempts to destroy the Voting Rights Act. It is denied by official plots to subvert legal services for the poor. Justice is denied—and even mocked—by the nomination to the Supreme Court of a man whose most famous public remark was a racial slur.

### ADMINISTRATION BARTERS JUSTICE AWAY

And today justice is bartered away. It is bartered away when ITT offers a lavish subsidy to the Republican Convention, and the government then offers ITT a favorable antitrust settlement. It is bartered away when the Assistant Attorney General of the United States in charge of the Criminal Division is forced to resign because he is heavily in debt to the central figure in a banking scandal. And justice is bartered away when the Attorney General phones across the ocean to intervene with Swiss authorities for an international financier under criminal investigation—and the financier immediately repays the favor by giving thousands of dollars in cash to the Republican Party. By the way, how often did John Mitchell ever pick up the phone to help a Black man who was in trouble?

Worst of all, today injustice is done in the name of justice. Men who are sworn to control crime are charged with committing it instead.

What are we to say when, in the span of a single week, the former Attorney General is called before a Grand Jury in Washington, another Grand Jury in New York, and a court in Florida? We expect the Attorney General to appear in legal proceedings—but not as a potential defendant.

What are we to say when the Acting Director of the FBI is revealed to be, not an enforcer of law, but a pawn of politics—a man who has allowed a criminal investigation to be controlled by those who are under investigation?

### WHITE HOUSE IS MADE OVER INTO TAMMANY HALL

What are we to say when many of the highest officials of the Executive Branch—including the President's top staff—are implicated in burglary, bugging, and obstruction of justice—and their only apparent defense is that they were all duped by each other?

What are we to say when they have made the White House—the home of Jefferson, Lincoln, and Roosevelt—into a Tammany Hall clubhouse fit for a modern day Boss Tweed?

George McGovern said during the campaign that: "This is the most corrupt administration in American history." For that, he was attacked, ridiculed, and rejected. But he spoke the truth—and everyone knows it now.

In Europe, officials and newspaper editors who have been our friends for a generation are today characterizing American political life as "a cesspool"—as "shameful" and "shameless," corrupt and dirty and untrustworthy. Pity the poor Peace Corps volunteer trying to represent American idealism to the people of foreign lands. Pity the VISTA volunteer; pity the loyal soldier, the West Pointer with his code of military conduct and honor; pity our children, who are taught to believe in America, as they observe the spectacle of White House staff leaders hastening to employ lawyers to defend themselves from criminal prosecution.

Truly these are days of dishonor for America, and each day brings new and even more incredible revelations. Just twenty-four hours ago, we learned that public funds—our taxes—were used to pay a White House official to invent documents to defame President Kennedy. And we also learned that the Acting FBI Director has destroyed evidence at the direction of the White House staff.

What kind of moral beliefs do these people have?

What do they think this country is all about?

This is not the Soviet Union, where the truth is what the government says it is.

### COME CLEAN AS A HOUND'S TOOTH

This is the United States of America, and it is time for the President of the United States to heed the advice Dwight Eisenhower gave him twenty-one years ago during the Nixon fund scandal and "come clean as a hound's tooth." It is time for our national leadership to recognize that official injustice is the greatest of all violence.

And it is time for Americans to be able to say again: "We have a dream." All we can say today amidst the spreading scandal is: "We have a nightmare."

There have been months of cover-up. There have been attempts to make the press shut up. Now it is time for this Administration to open up.

It is not enough to entrust the investigation to an Assistant Attorney General who is subject to the President, who got his job from John Mitchell and who plays golf with Mr. Mitchell's lawyer. The Watergate investigation must no longer be a family affair. No matter how fair and scrupulous the Administration now tries to be, in this case they can never be above suspicion. And in this case, the appearance of justice is as important as the substance of justice.

Therefore, I believe the President should ask five retired Justices of the Supreme Court—Chief Justice Warren, and Justices Reed, Clark, Whittaker and Goldberg—to serve on a panel responsible for selecting a Special Prosecutor with jurisdiction over every aspect of every case arising out of the Watergate Scandal. This Special Prosecutor should be someone independent of the Nixon Administration and free from partisan influence.

That person is easy to describe, but hard to find. But I do not understand how anyone who genuinely wants an honest, open investigation could object to a Special Prosecutor chosen—not by the interested parties or their political foes—but by the men of the greatest integrity and competence, who were themselves appointed to the highest court in the land by four different Presidents, Republican as well as Democratic. Mr. Nixon should move without delay to adopt this or a similar course of action. That is the only way to dispel the gathering clouds of suspicion and even conviction that the worst is true. We must prove that even in politics, there are some things that are not done.

### WATERGATE CHALLENGE: THE PERFECTION OF JUSTICE

Yet our challenge is not only to leave Watergate to an impartial justice, but to learn from Watergate how to perfect justice in America.

We must begin with a commitment to restore honesty to political affairs. I do not mean honesty merely with respect to public money—though that is important. But what has been stolen in recent years is more important than money; it is nothing less than our tradition of talking straight and dealing straight with each other. As we have worried more about truth in advertising, we have seen more deception in government. Instead of trying to persuade people, government and politicians now try to propagandize them. The central aim seems to be to tell it like it isn't.

Past White House statements that were false were not called false, but "inoperative"—which somehow sounds a lot better. Just as "protective reaction" sounds better than it means—blowing up villages in Vietnam. Just as "pacification" sounds better than what it did—executing thousands of South Vietnamese civilians on mere suspicion and without trial as part of the Phoenix Program. Indeed, if the present trend continues, the Defense Department—which started out as the War Department—will end up as the Peace Department.

### IMPROPER ACTIONS GARBED IN TECHNICAL TERMS

Tricky language is bad enough. But more than the manipulation of words is at stake here. Far worse is the calculated, continual evasion of moral questions in decision-making. Just as it is easier to kill with a bomb from 30,000 feet than with a bullet from thirty feet, so also it is easier to approve a policy that is wrong or painful if it can be masked in terms that make it sound right or technical.

The corruption of the language leads to the corruption of liberty. What we need in America, not just in this Administration, but in politics everywhere, are fewer hired hucksters and more honest men. We need politicians who use words to communicate meaning instead of abusing words to confuse meaning.

Eight years ago, Martin Luther King was told to be silent about the Vietnam War because his opposition might offend the President and set back the cause of civil rights. It is to Lyndon Johnson's credit that he pushed on toward equality even as Dr. King spoke out. And it is to Martin Luther King's credit that he did speak out—that he told it as he saw it—and that he rejected the central tenet of the age of advertising: Never tell a man something that is hard for him to hear.

BENIGN NEGLECT IS MALIGNANT

Now we must hear and face the hard things—whether they are about Watergate, or discrimination, or the injustice which still blights our own land and which we still inflict on other lands. So let us hear no more the easy phrase "benign neglect"—for the neglect of minority rights is a malignancy in a free society. Let us hear no more the technical term "protective action"—for bombing by any other name still kills the same people. And let us hear no more about law and order from lawless men who prosecute the press and persecute priests, even while they themselves are plotting crimes and protecting criminals, according to the Director of the FBI.

And we must seek to change not only the character of our political debate but the shape of our public institutions.

This is another important lesson of Watergate—and it applies with special force to the Department of Justice.

In my view, the appropriate committees of the House and the Senate must investigate the Justice Department with the purpose of restructuring it from top to botom.

The first step is to take politics out of law enforcement. We should restrict the power of the Attorney General to criminal investigation and prosecution, and require that the Attorney General be a career public official who serves for a fixed term of years, rather than a partisan appointee who serves at the pleasure of the President.

CREATE A DEPARTMENT COMMITTED TO JUSTICE

At the same time, we should create an expanded Department of Justice, headed by a Secretary of Justice, and committed to a positive concept of justice, not just the negative task of catching criminals. As I have said many times in recent years, justice is a more fundamental, all embracing concept than the criminal law. An expanded Department of Justice should take up the questions that finally determine whether people are treated as they should be—questions ranging from safe food and drugs and working conditions, to consumer rights, to a new assault on the slumlords who victimize the poor. The Department of Justice should be loved by the many, not just feared by the few. Its role in our society must be affirmative. It must be a source of change and reform. And it must be respected for the rights it guarantees and protects, rather than for the rights it invades.

An activist, open Department of Justice could make a difference in the way we live—as the Department of Justice once made a difference to those of you who lived in the South in the 1960s. That is also what the Poverty Program did at its best, when it sought innovative methods to protect the legal rights of the poor. I will never forget the tears in the eyes of an old man in Detroit who told me that the Neighborhood Legal Services attorney had helped him get a few precious dollars owed to him by a local merchant. He said to me: "Mr. Shriver, this is the first time I ever won anything, the first time anyone was on my side . . ."

RETURN GOVERNMENT TO THE SIDE OF THE PEOPLE

Now we must put government back on the side of the people. We must seek justice for the people, instead of injustice for them and permissiveness for powerful politicians in the White House. We have a Secretary of Defense and the Treasury and Commerce. Now let us insist on a Secretary of Justice as well.

But ultimately the fight for justice must be won by the people themselves. Only the stubborn, intense efforts of citizens in places like this can move the system in the right direction. It was not an agency of government that struck the most important blow for justice in the 1950s. It was a lady named Rosa Parks, here in Montgomery, who decided that she would not go to the back of a bus because she was Black.

Now, when we are told that politics must be corrupt, or that nothing much can be done about poverty and discrimination, or that there is not enough money for quality education, we must reply: We will not go to the back of the bus. And if we bring the same determination and conviction to that effort that Rosa Parks brought with her when she boarded a bus in Montgomery sixteen years ago, then—like her—ultimately we will prevail.

Not long after the publication of the Pentagon Papers, Daniel Ellsberg received a letter from someone who wrote: "Are you the same Dan Ellsberg I used to know in college?" He replied: "I was not for a long time, but now I am again."

So let us look beyond the shame of Watergate, beyond a senseless war abroad and official injustice at home, to a future moment when we will ask: "Is this the America we believe in." And let us so conduct ourselves in these days of dishonor that we will be able to say on a later, better day: "America was not truly America for a long time, but now it is again."

---

## GENESIS OF LEADERSHIP

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, a recent editorial in the Northern Virginia Sun summarizes most aptly the importance of our national space program. This editorial which appeared in the Tuesday, April 24, edition of the Northern Virginia Sun, outlines the crucial need for the development of new technologies and the important role that space plays in this effort. The editorial follows:

### GENESIS OF LEADERSHIP

One of the great plus factors of the U.S. space program has been the development of new knowledge and new technologies permitting us to make and do things never done before. To meet space age requirements, new techniques of management and problem solving had to be developed that are applicable to almost any human activity.

A major U.S. company that has been a pioneer in the development of space technologies and hardware, and is developing the revolutionary new Space Shuttle, is also a major producer of a wide range of commercial products, including everything from heavy-duty truck axles to miniature calculating machines. This company is now investing $10 million to speed the transfer of aerospace technology to commercial activities. The president of the company has observed of his own firm, "A decade ago we were so engrossed in getting ready for the moon it never occurred to us we were simultaneously preparing men and techniques for use in industries that, at the time, seemed more remote than the moon itself."

The Space Shuttle is now the central effort of the U.S. space program. Its importance to the nation is, at this point, incalculable. With its capacity to carry 60,000-pound payloads into space, four times as much as we have up till now been capable of lifting, the Shuttle will be able to transport and make the space environment available for the use of hundreds of scientists, engineers and technical people, instead of merely a handful of highly-trained astronauts. Oil exploration teams, for example, could explore in two or three weeks the entire surface of the Earth with the aid of the most advanced sensing devices known to man.

Most significantly, the Space Shuttle will carry on the advance of technology which will lead down paths now unknown and uncover benefits now unimagined, but which will inevitably contribute to the technological leadership of the United States. This will be vital to the military security and economic well-being of the U.S.—to our grandchildren and upwards of 250 million other Americans likely to be living here by the year 2000.

---

## JAPAN'S SURPLUS

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. GAYDOS. Mr. Speaker, Japan, according to her information services report as released by the consulate general in New York, again is acting to ease for us supposedly the oversized trade balance in that country's favor.

The report lists a five-point program, formally adopted recently by the Japanese cabinet ministers, to do the following: Expand imports, restrain exports, liberalize capital transactions, expand economic cooperation and, perhaps as window dressing, "strengthen welfare measures" at home.

The point of this program, however, is that it is the third such unilateral effort in the last 2 years made by Japan to correct the trade imbalance with the United States. The first was undertaken in January 1971. The second was last May. Both, it is obvious by the new program, failed of their purposes. The trade balance remains heavily in Japan's favor. So another program has come about.

Included in this new one is a 20-percent across-the-board tariff reduction on a long list of items and a cut of 1 percent in the interest rate charged by Japan's Export-Import Bank on loans for import financing and a corresponding 1 percent increase in the rate on export financing. Also, the Japanese promise to expand their import quotas by 30 percent or more over those of the last fiscal year.

Should we Americans take heart from these developments? If the past provides any lesson, we should not because we are merely seeing once more a country with which we do billions of dollars' worth of business annually pledging itself to be a little less unfair in its dealings if we only persist in doing nothing about the situation on our own. In other words, we are in the process of being lulled again into putting up with Japan's discriminatory measures against our products while permitting her products to flood our markets in growing volume at severe loss in American jobs and dollars.

The list of products reportedly in line for Japanese tariff reductions, as published in the report, is long, but nowhere in it can be seen a threat to Japanese sales in its home market. Most are processed foods, some of little demand in Japan, and machine parts. Notably included are "transistors"—that Japanese item so prevalent here. Imagine a U.S. transistor manufacturer meeting Japan's home price even after a tariff decrease. Not included in the list are steel, autos, and the other major factors in our trade imbalance. These still are to suffer Japanese import barriers far in excess of any erected here.

The disparity in Japanese-United States trade never will be rectified by leaving the job to the privileged party alone. It is nonsense to expect this. The Japanese are not trade dummies. They have demonstrated that repeatedly in their rising prosperity since World War II. They are not going to give up the overall advantage as long as they can hold it. What is needed are moves on our part to get our countries on equal trading grounds by matching, if need be, tariff for tariff, quota for quota and import restriction for import restriction.

Until such a series of events takes place and also until Japan is compelled to assume her proper share of the free world defense burden, Japan products will continue to replace American jobs and threaten American manufacturers in the American market. The administration must face up to this fact and quit consoling itself on periodic Japanese proposals, to solve the problem by Japanese means which never go far enough. We cannot let this matter run on much longer.

---

## THE LATE HONORABLE J. EDGAR HOOVER

## HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ROONEY of New York. Mr. Speaker, I noted recently that a former Assistant Director of the Federal Bureau of Investigation, William C. Sullivan, in a viciously untruthful statement alleged that certain confidential files were kept from the late J. Edgar Hoover because the Director in his last years "was not of sound mind."

In a very intelligent move Mr. Sullivan was forced to resign from the FBI by Director Hoover on October 6, 1971. I must state that on March 2, 1972, the late Director Hoover was the principal witness at an extended hearing before my appropriations subcommittee on the Department of Justice and the Bureau's fiscal year 1973 budget requests. I presided at that hearing and Director Hoover discussed the activities of the FBI in his usual minute detail and his usual knowledgeable and informative way. Over a period of almost 25 years J. Edgar Hoover never denied the subcommittee the truth and intimate details of any activity.

As other members of my subcommittee on Department of Justice appropriations have already stated, the late highly competent Director Hoover was in full possession of his faculties on that day and on a number of occasions around that time, and did not portray any characteristics at all of being of unsound mind as alluded to by the unfortunate Mr. Sullivan who resented his having been fired.

In life the late Director Hoover, who I have no hesitancy in saying was my sincere and accepted friend, accepted the brickbats of his renegade opponents as the price for his dedication to the Federal Bureau of Investigation. It is regrettable that Sullivan, for his own expediency, has been fit to attempt to discredit a great man after his death.

---

## THE 125TH ANNIVERSARY OF DYKE AND SPENCERIAN COLLEGE, 1848–1973

## HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. STOKES. Mr. Speaker, the 125th anniversary of the founding of this college in Cleveland, Ohio, is an opportunity to pay tribute to innovations and techniques that have contributed to the progress of our economic and industrial system. E. G. Folsom opened the first commercial school in 1848 near Cleveland's Public Square. Later a chain of like practical schools of business sprung up in cities and towns throughout the country. Platt Rogers Spencer, Sr., the "father of penmanship"—a style developed for bookkeeping, but eventually to become the handwriting style taught in all the elementary schools of the Nation—became principal of the college for several of its earliest years.

Folsom's School enrolled two students named Bryant and Stratton who, upon completing their course of studies, formed a partnership that culminated in a new system of schools emphasizing applied business practices that was a model for hundreds of other schools that followed. Among the early graduates of the college who were to become leaders of the business community were John D. Rockefeller, Sr., 1855, and Harvey S. Firestone, Sr., 1887.

Among the institution's investors, during the time when the school was operated as an incorporated proprietorship, were businessmen of vision including Samuel Mather, Daniel Eells, T.C. and J. L. Severance, Liberty Holden, and Truman Handy—all powerful influences on the growth of Cleveland as a major urban center. They invested in the school, because they were convinced that the institution would have a salutary impact on the growth of their city and its industry.

The first typewriting classes in America were offered by the college, and textbooks published by teachers and administrators of the institution were adopted as standard classroom texts in commercial classes of both high schools and colleges in every State. The respect accorded the college is evidenced by eight medals awarded during national and international expositions between 1893 and 1936.

Ernest E. Merville—president of Spencerian College, 1904–42—was one of seven business educators mobilized by President Woodrow Wilson as a task force during World War I. This task force prepared women for governmental office responsibilities to release men for military duty. Later, Mr. Merville became a consultant who planned curriculums adopted by 42 States for commercial education programs in high schools.

The college has an illustrious past, and it is fitting to commemorate its achievements, because these achievements have contributed to the vitality of the Cleveland community and the evolution of business as a profession. It is appropriate that this occasion coincides with the institution's recent enrollment growth signifying renewed interest in a practical approach to higher education.

The merger of Dyke School and Spencerian College, its reincorporation as a not-for-profit institution, and authorization by the Ohio Board of Regents to award the bachelor of science degree have been followed by substantive recognition of the college's academic status. In 1972, the college was admitted to full membership in the Ohio College Association and was awarded an "A" rating in the register of the American Association of Collegiate Registrars and Admissions Officers. In January 1973, the college achieved full membership in the Cleveland Commission on Higher Education.

Mr. Speaker, I salute Dyke College for its illustrious history in the field of business education and wish them well as they branch out into the public administration area in the fall of this year.

---

## CLOSING COAST GUARD STATIONS IN MICHIGAN

## HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. CHAMBERLAIN. Mr. Speaker, the recently announced plans of the U.S. Coast Guard to close six search and rescue stations in Michigan has caused a great deal of concern within our State. An editorial in the Jackson Citizen Patriot very aptly demonstrates this concern, and I insert it into the RECORD so that others may also be aware of the problem. With boat registrations on the increase, the imposition of such budget restraints on the U.S. Coast Guard's search and rescue operations should be given most careful consideration.

The editorial follows:

COAST GUARD CUTS SACRIFICE SAFETY

We're all for governmental economy, but when safety is sacrificed, that's a different matter.

We applaud the protests submitted by Michigan Senators Philip A. Hart and Robert P. Griffin, asking the U.S. Coast Guard to explain why six search and rescue stations in Michigan are being closed.

Stations affected are at South Haven, Manistee, Beaver Island, Harbor Beach, Portage and Munising. The Coast Guard says rescue duties will be handled by adjacent stations which will rely heavily on helicopters to reach disabled boats.

The six Michigan stations were among 13 in the nation closed by Coast Guard officials, who cited an economy move dictated by the White House. The Coast Guard also said the closed stations had a lighter work load than others.

In his protest, Sen. Griffin said, "Statistically, it may appear that the workload of these stations is below the national average. But it must be taken into account that their search and rescue operations are not spread over the entire year, but are concentrated during a few very busy summer months."

Because of introduction of coho and chinock salmon on the Great Lakes and restoration of lake trout, boat activity has increased greatly. Michigan leads all states with 535,000 registered watercraft plus 120,000 nonpower boats that are not registered, say Department of National Resources officials.

The Coast Guard estimates that the Michigan closings will eliminate 74 jobs and save $508,000 a year.

If only one life is lost because of this economy measure, the savings mean nothing.

No matter how many claims made by the Coast Guard that helicopters from other stations will take over the slack, there will still be considerable time delays.

The primary purpose of Coast Guard duties is to prevent loss of life and property due to unsafe or illegal practices.

We hope the Coast Guard command weighs carefully the protests of the Michigan senators. Safety should be the deciding factor.

## AP'S DILLON GRAHAM RETIRES

## HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. FASCELL. Mr. Speaker, it is a pleasure to join our colleagues today in paying tribute to Dillon Graham, who is retiring this month after 44 years of continuous service with the Associated Press. Twenty-five of those years were spent right here in the Capitol covering the House of Representatives.

It has been my privilege to work with and know Dillon since I first came to the House in 1955. He has represented during that time the finest aspects of a true journalist. He has been consistently accurate and fair in his reporting and has always gotten his story.

Dillon Graham will be very much missed around these Halls and Chambers, but I know we all wish him and his wife, Gigi, a healthy and happy retirement. It is richly deserved.

## MEMORIAL DAY IN SHARPSBURG

## HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BYRON. Mr. Speaker, each year since 1971 I have participated in the annual Memorial Day ceremonies in Sharpsburg, Md. This is always a moving experience. There is a parade followed by speeches in the National Cemetery of the Antietam National Battlefield. I would like to share with my colleagues an article by Wilmer M. Mumma entitled "A Quiet Town—A Big Day" about the ceremonies in Sharpsburg. The article follows:

A QUIET TOWN—A BIG DAY

(By Wilmer M. Mumma)

Decoration Day has been second only to Christmas Day in historic Sharpsburg, Maryland, since its inception well over 100 years ago in 1867.

This annual affair is Christmas, Fourth of July, Sunday School picnic and family reunion all rolled into one. With flags galore, it is highlighted by band concerts, wreath layings, speaking and a huge parade, all, within a small but clean country town. Sharpsburg awakes that morning to a population of some eight hundred and through-out the day swells to eight or ten thousand people. Most of these people have returned year after year to witness and enjoy a program that has varied little in the past century in this small hilly village which itself has changed but little more since that historic day, September 17, 1862.

Here, in and about the village and on the several banks of the Antietam Creek, was fought the bloodiest single-day battle of the Civil War. There fell here in one day more brave men (all fighting, sometimes brother against brother, for a cause they felt right) than in any other battle of the Civil War, some 23,000. More men died here on that fateful day than in any other one day battle of any war until Hiroshima at the end of World War II. Mansfield fell, Burnside made his mark in history and if McClellan had followed through, the war could have ended here. Instead it went down in history as an indecisive victory for the Union and gave President Lincoln cause to issue his Proclamation of Emancipation. It was here that Clara Barton first tended the wounded and it is said to be the birthplace of the American Red Cross.

Here, on a hill overlooking the battlefield and town, guarded by a 45 foot granite monument (the Private Soldier, known as "Simon") some 4,800 Union soldiers bivouac peacefully in their final camping ground.

This bit of history is known as Sharpsburg to the South and as Antietam to the North and it is this bit of history that the townspeople of Sharpsburg and surrounding communities commemorate every Memorial Day.

The National and Citizens' Cemeteries, having been scrupulously mowed and groomed, are the scene of much activity on the day before the "Day". Flags by the thousands are placed, on each at the grave of every soldier of every war from the Revolution on. Sharpsburg has never failed to give her share to the service of her country. Hundreds of car loads of flowers are heaped upon the graves in both cemeteries. This goes on, sometimes, far into the night and this same activity has gone on for the past one hundred years. From horses and carriages to automobiles, and more recently on aerial flower drop, transportation has been the most noticeable change.

People are up before the sun on that "Day" every year. Flags are out by the score, surrounding the town green, and banners and flags by the dozen wave over the town square. By the time the shadows lengthen enough to be measured, the town is ready for the influx of visitors. The reviewing is up and recorated. Red, white and blue abound. The stores are heavily laden with goodies. Eating stands are in evidence on almost every main street corner. Soda pop and ice cream by the truckfull roll in. Countless hotdogs and hamburgers are prepared, not to mention the many family picnics planned by the townspeople.

The balloon and novelty men are there too, displaying their wares and by 10 a.m. that "Day", the bands begin to arrive along with people and more people. At 11 o'clock, the oldest active brass band in the United States (the famous Rohrersville Band, founded in 1837) gives a concert in the town square. This band has missed only two *Decoration Days* in Sharpsburg in the past century.

Promptly at 12 noon, wreathes by the dozen are laid at the foot of the soldiers' monument in front of the Town Hall by the various service organizations, lead by the Officers and Ladies of Antietam Post 236 American Legion of Sharpsburg, Maryland. This Post sponsors and funds the activities of the day. The firing squad is furnished by the reactivated troop of "Sharpsburg Rifles" in full regalia of the period.

This writer recalls the return of the Civil War Veterans on this historic day, both Blue and Gray. As a lad, he remembers seeing them escorted from Antietam Station (of the N. & W. R.R. one mile west of town) under the beautiful arch of Norway Maples which extended two miles, from the station to the National Cemetery. These trees were planted in 1888 for the purpose of providing shade for the return of these Blue and Gray Veterans to the various conclaves at Antietam. At first, many came and marched but as the ravages of time thinned their ranks there became but few and in 1923 this writer recalls seeing the last of them, just two, riding in an open touring car. Although this may have been the end of that era, the writer is proud of the fact that the Brave veterans of World War I & II and more lately of Korea and Viet Nam have not let this institution fall by the wayside nor the Flag to the ground and are proudly marching and honoring the country they had elected to defend.

On or about 2 in the afternoon, the large parade forms at the west end of town and moves an easterly course through town and up the "Hill" to the National Cemetery. Here, after the strains of Chopin's Funeral Dirge, a program of speaking and remembrance is held.

After the speaking, the crowds disperse and the many people return to their homes and friends for an evening of feasting, celebrating and reminiscing.

Then as dusk draws near, the town thins out and by nightfall returns to the small sleepy village, tired but proud, and, by the morning after, is looking forward to another year and another big "Day".

## TRIBUTE TO COLONEL DALFERES

## HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. HÉBERT. Mr. Speaker, it is with mixed emotions that I note the retirement from active duty of a good friend and fellow Louisianian, a truly outstanding Air Force officer, Col. George L. J. Dalferes. George has been serving as Deputy Assistant Secretary of Defense for Legislative Affairs, a position which he has filled with distinction. To this, I can personally attest. During his service in Legislative Affairs, he has consistently anticipated the needs and questions of my committee in particular and the Congress in general. He has always been forthright in his dealings with us even when he had to tell us something we did not want to hear.

I am happy that Colonel Dalferes is capping a long and distinguished career in the Air Force, but his absence will certainly be felt by those of us on the Hill who have learned to trust his judgment and to depend on him for assistance. I know that all my colleagues want to join me in wishing George and his family the very best for the future.

## YOUNG SOVIET JEW RELEASED

## HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BIAGGI. Mr. Speaker, the Talmud says:

> And whosoever preserves a single soul of Israel, the Scripture ascribes to him as though he had preserved a complete world.

It was with great joy in my heart that I heard a young Soviet Jew for whom I had interceded during my trip to Moscow in January was released from that country and granted an exit visa to Israel.

This week he journeyed to this country to share that joy with me. The youth is 22-year-old Matvei Gerranovich Weig.

This is a heartening and wonderful development. I only hope that all those being kept in the Soviet Union against their will shall also be allowed one day soon to be released and reunited with their families.

When I visited the Soviet Union last January, I was the first American legislator to ever be granted an interview with Andrei Verein, head of the Office of Visas and Registrations—OVIR—in the MVD. He indicated he was impressed with my accomplishments as a police officer during my 23 years on the New York City police force. We talked about police matters and then I tactfully brought up the question of Soviet Jewry and the specific cases of five young men, one of which was Weig.

He looked a little put out at first, but asked me to give him the names of the five. I wrote them on a piece of paper. He took it and said he would see what he could do.

All during my discussions in Moscow, the Soviet officials were surprised to hear how much importance was placed by the American people on the problems of the Soviet Jews. They were especially impressed with the arguments being presented by myself—a non-Jew.

The release of this youth should give us all reason to renew our commitment not to grant most-favored nation status to the Soviet Union until they completely remove their oppressive exit visa tax and stop the harassment of the Soviet Jews. Any talk that they have relaxed their policies is false. Of the five young men for whom I pleaded, only one was released. The rest will have to "wait for next year."

In the interim, they will suffer persecution, loss of jobs, possible arrest and imprisonment. The price of freedom in the Soviet Union is especially dear.

## ST. STANISLAUS "MOTHER CHURCH OF POLONIA," OBSERVES CENTENNIAL

## HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. DULSKI. Mr. Speaker, St. Stanislaus B.M. Church will hold its 100th anniversary celebration June 3, 1973.

Known as the "Mother Church of Polonia," St. Stanislaus has been the center of daily life as well as spiritual inspiration to the Polish community in Buffalo since newly ordained Father John Pitass organized the parish June 8, 1873. Although the church has been rebuilt and refurbished several times since completion of the first modest church, school, and rectory in early 1874, its influence has remained constant and steadfast for Polish immigrants and their descendants in the Buffalo area for the past century.

Symbolic of St. Stanislaus' constancy has been the permanence of its pastors—only three men have served there since its founding. The present pastor, Monsignor Peter J. Adamski, P.A., began his service in 1945, and has been most active in furthering the educational goals of the parish.

An article in the Magnificat for May 24, 1973, describes "the center of Polish Catholicism in Buffalo," and the dedicated work of the pastors of St. Stanislaus, and I would like to share that inspiring history with my colleagues at this time:

[From the Magnificat, May, 24, 1973]

### "MOTHER CHURCH OF POLONIA" TO NOTE 100TH ANNIVERSARY

(By Cecelia Viggo)

St. Stanislaus B.M. Church, Peckham and Wilson Sts., is not just another parish about to celebrate its 100th anniversary. To the Polish community in Buffalo, St. Stanislaus is the "Mother Church of Polonia." The Church was not only a source of spiritual strength to the immigrants, it nurtured them intellectually, was the hub of their social and commercial life, and even influenced the direction of their settlement.

There had been Polish immigrants to Buffalo as early as 1830, but the real immigration did not begin until the 1870's. At first, the newcomers who settled on Ash, Spruce, Walnut, Sycamore and Genesee Streets, attended St. Mary's Church, on Pine and Broadway. A little later, St. Michael's Church offered a special Mass for them in the side chapel each Sunday.

But as more and more immigrants came, it became increasingly clear that they needed their own Church and their own pastor. The Polish in Buffalo were first assisted by Rev. John Gartner, a Bohemian priest, who helped them found the St. Stanislaus Bishop and Martyr Society, the group which was to be the nucleus of the future parish.

While Father Gartner was meeting with the society during a sojourn in Rome. Buffalo Bishop John Ryan happened to meet a Polish student from Silesia who was completing his theological studies in the Holy City.

That encounter was to have great significance for the future of the Polish people in Buffalo. For Bishop Ryan convinced the seminarian. Rev. John Pitass, to come to Buffalo and to minister there.

On June 7, 1873, Bishop Ryan ordained Father Pitass. The following day, the young priest called a meeting and organized St. Stanislaus B.M. parish. About 82 families enrolled.

While still a new priest, Father Pitass had become the director of a parish. But there was one hitch—he had to build his Church first. While struggling to get necessary money to start St. Stanislaus, the priest met Joseph Bork, a German real estate agent who owned tracts of land east of Buffalo. The agent donated the land which was to become the site of the new Church.

Within a few months after the June 8 meeting, work had begun on the new church and it was completed Jan. 25, 1874. A joyful congregation went on horseback in an informal "parade" to the dedication, presided over by Bishop Ryan. The first Church was a simple structure which combined a church, school and rectory.

"The area around St. Stanislaus was wilderness," observes Sister M. Donata, CSSF, editor of Ave Marie, a Polish publication. "The land had been surveyed, but there were no streets or sidewalks. It was still farmland." In this area, realtor Bork began building homes. By the time of the Church's dedication, 50 frame houses surrounded it.

"To a large extent," comments Sister Ellen Marie Kuznicki, CSSF, an assistant professor of social sciences and French at Villa Maria College, "the Polish immigrants did not dislocate any other group when they settled in Buffalo. They built their first homes around St. Stanislaus in open country, to the east of the city, and from that starting point, many immigrants moved further east."

By 1874, St. Stanislaus B.M. school was organized. Classes not only provided secular and religious education, but also helped the newcomers preserve their Polish culture and language.

Seven years after the school's beginning, Father Pitass secured the assistance of the Felician order.

One of the first parish censuses, taken about 1875, listed about 1,042 parishioners. "356 donors," Sister Ellen Marie relates, "gave $118 to the Church during the year, at a time when a weekly wage was scarcely more than $3.50."

By 1881, the original Church could no longer accommodate its congregation, swollen by hundreds and hundreds of new immigrants. Father Pitass planned a large two-level church, big enough, he hoped, to serve as the parish for the entire Polish population of Buffalo. Groundbreaking took place on Aug. 10, 1882. A little less than four years later, on Oct. 17, 1886, the new Church, whose upper level was built of Flint stone with Lockport trimmings, was dedicated by Bishop Ryan. The building still serves as parish Church. Several years later, its distinctive towers were added.

By the 1890's, the parish had increased to almost 20,000 families. In the years from 1887–1891, the number of Polish immigrants to Buffalo had jumped from 15,000 per year to 25,000 per year. "By the turn of the century," comments present pastor, Msgr. Peter Adamski, "St. Stanislaus was one of the largest parishes in the country." Due to the great influx of immigrants, Father Pitass realized that no one Church could hope to serve all of Buffalo's Polish population. So the pastor began to help other parishes to organize. First to be founded was St. Adalbert, Bishop and Martyr.

St. Stanislaus school was also experiencing growing pains. Father Pitass built a large two-story building in Peckham St., between Wilson and Fillmore Aves., in 1882. At first, the building housed classrooms and the living quarters of the Felician Sisters. Soon, however, classrooms took up the entire building, and a separate convent was erected next to the school. When the new Church was completed, more classrooms were added in the original Church building.

But this proved only to be an interim measure. In 1887, the pastor and his trustees decided to build a new school to house all the school children. A four-story brick school was ready for use by September 1890. The Felician Sisters had been entrusted only with the instruction of the female pupils; male teachers supervised the boys. But in 1890, the Sisters took charge of both boys and girls up to grade four; 16 years later, they administered the entire school. Father Pitass, himself, however, planned out the course of studies for the children until 1913.

In 1891, a 20-acre site on Pine Ridge Rd. was blessed to be used as a burial ground for the deceased members of the parish.

The last large project undertaken by the pastor was the completion of the towers, and the installation of the bells and clocks which had been designed for the new Church. Begun around 1907, the project was fulfilled when the statues which adorn the roof of the Church were blessed on Aug. 7, 1910.

While planning the erection of a new rectory after fire destroyed the old building, Rev. John Pitass died Dec. 11, 1912. After serving at St. Stanislaus for 39 years, the entire duration of his pastoral career, Father Pitass had earned the distinction of founder and patriarch of the Polish community in Buffalo.

On Jan. 12, 1914, the second pastor of St. Stanislaus was installed. He was Rev. Dr. Alexander Pitass, a native of Silesia and a nephew of Father John Pitass. Energetic and learned, Father Pitass renovated the Church by the addition of a new marble main altar and rails and the installation of electricity. In 1916, he also began construction of a new brick convent.

Like his uncle, Father Pitass was concerned with other parishes, and was instrumental in the organization of St. John Gualbert Church. Fire struck the parish twice. In 1920, fire damaged the school's fourth floor. This damage was repaired and red brick structure on the corner of Wilson and Peckham Streets was acquired and remodeled into an auditorium-hall for parish functions. In 1923, during a renovation of the church for the parish's 50th anniversary, fire again broke out, inflicting considerable damage to the bells, clocks and stained glass windows.

Despite these mishaps, St. Stanislaus celebrated its golden anniversary from Oct. 28–31 with several religious and social events. Father Pitass also compiled a historical memoir of the Church's growth, in honor of the occasion. During his 30 years at St. Stanislaus, Father Pitass was made a Monsignor in 1925, and witnessed and played an active role in the Polish American Congress in 1944. That same year, the priest died. His health had been failing steadily for some time.

For a year parish assistant, Rev. Stanislaus Kulpinski, now pastor of Queen of Martyrs, served as administrator. July 2, 1945 marked the installation of St. Stanislaus' third and present pastor, Msgr. Peter Adamski, P.A. A native of Poland, Msgr. Adamski came to America as a young man.

He attended St. Bonaventure University, and was ordained there June 10, 1915. Following assignments as an assistant at St. Stanislaus, St. Casmir and Holy Trinity parishes, he became pastor of St. John Gualbert parish. He served there for 26 years, until his appointment as pastor of St. Stanislaus B.M.

As St. Stanislaus' leader, Msgr. Adamski's first concern was education. In September, 1945 he began a high school program for the parish school. Through his efforts, two diocesan high schools were established the following year: Bishop Colton High School for girls and Bishop Ryan High for boys. Msgr. Adamski leased the parish school's third and fourth floors to Bishop Colton, when no suitable quarters for the school were available.

As parish enrollment declined and Bishop Colton's needs increased, Msgr. Adamski leased the lower Church section to the diocese; this area housed the Bishop Colton High School annex. When plans were made to build a high school, Msgr. Adamski relinquished the parish garden, providing the diocese with a site for the new school.

As pastor, Msgr. Adamski made considerable repairs on the Church buildings and renovated the Church interior. Two new side altars, St. Joseph's and Our Lady of Czestochowa, were installed in the Church in 1956. And in 1960, the parish built a new social center.

The priest, who was named a Monsignor in 1942 and further honored by the title, Prothonotary Apostolic in 1958, is well known to those of Polish descent throughout Western New York and Canada, through his Sunday Mass broadcasts on radio station WWOL, aired each week since 1945.

In 1965, Msgr. Adamski celebrated his 50th jubilee as a priest. At that time, the late Bishop McNulty praised the pastor, a "great priest of God . . . held in veneration by clergy, religious and faithful of the diocese as well as his parishioners." An editorial honoring the Monsignor in the Am-Pol Eagle observed: "He has tried to propagate and keep alive the heritage of Polonia and through his radio broadcasts and sermons, has been able to bring the 'Word of God' to hundreds of thousands all over the area and also bring the people a chance to hear Christ's message in the Polish language. The real record of Msgr. Adamski's service to his community lies in the hundreds of projects in Polonia that have become a reality because he had the patience and the unending determination to champion their cause."

St. Stanislaus' congregation has decreased in the past years, as Polish immigration has stopped and as more and more parishioners move to the suburbs. Nevertheless, St. Stanislaus remains vital. Many parish clubs are still active and the parish is still known as the center of Polish Catholicism in Buffalo.

---

## DILLON GRAHAM

## HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. GINN. Mr. Speaker, one of Washington's most distinguished journalists, Mr. Dillon Graham, will retire from his position here with the Associated Press tomorrow. I would like to take this opportunity to pay personal tribute to Mr. Graham both for his exceptional professional performance and his own personal dedication as an outstanding citizen.

It has been my honor to know Mr. Graham for more than a decade during my previous service as a staff member in the House and the Senate. He is retiring after 25 years of service as a Capitol correspondent for the Associated Press and after some 44 years of total service with the Associated Press.

There has been a good deal of criticism of the news media from many sources during recent years. Much of the criticism has had some validity to it, and I believe that the press in general has listened to the criticism with an open mind. Like any enterprise, the news media has its faults and it has employees who do less than their best. But Dillon Graham is one of the handful of men in any profession who deliver only the highest quality of work. As a result, the whole of the Fourth Estate has enjoyed a reflected good name in the eyes of those of us who have dealt with Mr. Graham.

He is a penetrating inquisitor, a hard worker, and a man who has dedicated himself to giving his readers the very best quality of news reporting that can be delivered.

I think that all too often we in government forget that the press plays a crucial role in our democracy. Our democratic institutions are fragile. They are strong for only so long as our people are well informed and for only so long as our leaders put the public interest ahead of their own interests. The press is the guardian of those interests and Dillon Graham has never forgotten that responsibility. He is a newsman in the highest sense of the word, and I can think of no better testament to his service than to say just that.

I want Dillon to know that his years of labor have had an important impact on preserving those things that are good in government. There are very few men who can say that. I salute Dillon today, and I am confident that his good citizenship will continue to be important to us in the years to come.

---

## U.S. BOMBING IN CAMBODIA

## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BINGHAM. Mr. Speaker, the continuation of American bombing operations in Cambodia is a national disgrace. Despite unmistakable mandates by the Congress to cease all U.S. military operations in Cambodia, the administration has continued to ignore arrogantly the expressed desires of the American people. This callous flouting of governmental responsibility and democratic principle adds to the present national lack of confidence in the administration.

WCBS-TV in New York City recently broadcast a fine editorial sharply criticizing the administration for its insistence on continued U.S. military involvement in Cambodia's internecine struggle, the text of which I request to have printed in the RECORD:

### CAMBODIAN BOMBING

> In January a cease-fire was signed in Paris and Americans rejoiced that, for them at least, the war in Indochina was over. But in the three months since then, the United States has dropped 146,000 tons of bombs on Cambodia and Laos at a cost of almost $260 million. But the real price of this bombing is nine Americans dead, two missing, three planes lost in action, and countless numbers of Cambodians and Laotians killed or left homeless.
>
> In the past, the administration's rationale for such brutal, massive bombing was that we were protecting American troops. Now the reason given for the daily bombing of Cambodia—where the fighting has been the heaviest—is to keep the Lon Nol government in power and thus prevent the country from being used as a staging area for an attack on the Saigon government.
>
> This continued daily bombing appears to indicate an open-ended commitment to fight a war most Americans do not support A recent Harris poll shows that Americans disapprove of the bombing of Cambodia 49 percent to 33 per cent. And Congress also expressed its resistance when last Thursday the House of Representatives refused to vote additional funds to pay for the continued bombing of Cambodia. It was the first time that the House voted to curtail funds for the war.
>
> The Senate took even stronger action yesterday. The Senate Foreign Relations Committee approved an amendment sponsored by Republican Sen. Clifford Case of New Jersey and Democratic Sen. Frank Church of Idaho that would cut off all funds for military purposes in Indochina unless specifically authorized by Congress. We hope the Case-Church amendment is passed by Congress.
>
> It seems incredible to us that after 12 years of war—after all our troops are out and our prisoners of war released—that it is still necessarry to call for the end of American military involvement in Indochina—involvement that does not have the support of Congress or the American people. The Harris poll last week showed that 70 per cent of the American public feels that the United States involvement in Vietnam was a "national mistake." A wise man once suggested that the nation that doesn't learn from its mistakes is doomed to repeat them.

---

## SCHOOLBUS SAFETY LEGISLATION NEEDED

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ASPIN. Mr. Speaker, 76 Members of Congress have joined with me in sponsoring a Schoolbus Safety Act of 1973. Recently the Subcommittee on Commerce and Finance of the House Interstate and Foreign Commerce Committee conducted 2 days of excellent hearings which placed on the record the need for schoolbus safety legislation now.

This legislation is gaining nationwide support. Recently, the three Bee newspapers—the Sacramento Bee, the Fresno Bee, and the Modesto Bee—editorially endorsed schoolbus safety legislation. The newspaper concludes that:

> Parents must have every assurance that when their children board the schoolbus, the risk is as minimal as the law and its administrators can make it. There is really not such a thing as too much safety.

I am sure that many of my colleagues agree that there is an immediate need for schoolbus legislation. For their information, I would like to include the editorial which appeared on May 19 in the RECORD. The editorial follows:

### PROTECTING LIVES OF SCHOOLCHILDREN

> How safe are school buses?
>
> A Department of Transportation official insists a child is 50 times less likely to get hurt on a school bus than when he is driven to school in his mother's car, and no new laws are needed.
>
> Not so, says Rep. Les Aspin, of Wisc., cosponsor with Rep. John E. Moss of Sacramento, of a bill to make the government speed up rules on school bus safety.
>
> In Aspin's view, the school bus is probably the unsafest vehicle on the road. He is talking about vast fleet of 250,000 buses which carry 20 million youngsters to classes throughout the country.
>
> The Moss-Aspin bill would require the DOT to issue comprehensive new school bus safety standards within six months, to investigate every new school bus by the manufacturer and distributor, look into every school bus-related fatality and build a prototype of a safe schoolbus.
>
> The records list 150 persons killed and 5,600 injured in 1971–72 accidents involving a school bus. True, it is a lower death rate than for autos but this should hardly discourage any effort to reduce ever-present potential danger.
>
> Parents must have every assurance that when their child boards a school bus, the risk is as minimal as the law and its administrators can make it. There really is not such a thing as too much safety.

---

## ENERGY: OFF IN ALL DIRECTIONS

## HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. HANNA. Mr. Speaker, the short article below from the May issue of Government Executive says a great deal; in fact, it may just put the whole discussion of energy into the proverbial "nutshell." A fragmented and disjointed structure cannot produce policy in any true sense of the word. We cannot afford the high cost of "muddling through," as Mr. Raynes puts it. We will only overcome the energy crisis with a coordinated, positive, and imaginative program:

### ENERGY: OFF IN ALL DIRECTIONS

> Last March, five "energy" associations—the American Gas Association, the American Petroleum Institute, Atomic Industrial Forum, Edison Electric Institute and National Coal Association—jointly blamed piecemeal Federal policy and public apathy for the U.S. energy crisis.
>
> Added *Government Executive* author John Wilpers, confirming the indictment (as the result of research for a series on the subject): "More than 60 Federal agencies are involved in the energy problem, in one way or another."
>
> Will Congress straighten out the clutter? They may not have the tools. Noted Burt Raynes, chairman of Rohr Industries, in an interview while he was in Washington last month for a National Association of Manufacturers meeting on the crisis:
>
> "Congress is being torn by so many people, they probably are going to go a little bit in all directions." As with other things, he hopes "eventually we'll muddle through." As to the proposal that anti-pollution standards (which tend to increase fuel consumption) be shelved while the energy crisis is on, Raynes said:
>
> "First, the crisis is going to be with us a long time. Second, those anti-pollution Acts Sen. Edmund S. Muskie (D-Maine) got through Congress are great Acts." Raynes' primary answer to the dilemma: fuel conservation. Unfortunately for his proposal, at the five-group meeting attended by several hundred top industrialists, he was the only one who spoke up for conservation. Everyone else seemed interested only in looking for alternative (to oil and coal) sources of fuel. "We *homo sapiens*," said Raynes afterwards, succinctly, "are a greedy bunch."

---

## THE CROSS-FLORIDA BARGE CANAL MUST BE PUT TO REST PERMANENTLY

## HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BAFALIS. Mr. Speaker, 2 years ago, President Nixon made a decision which won unanimous approval from conservationists and environmental groups all across the Nation—he ordered a halt to construction of the reckless and extremely damaging Cross-Florida Barge Canal.

But there are those who refuse to accept that decision, who would have the Congress ignore the dire warnings issued by the Council on Environmental Quality, the U.S. Geological Survey, the Florida Game and Fresh Water Fish Commission, and every other scientific body which studied the canal and its effects.

Those warnings were specific and left no room for doubt.

As the Council on Environmental Quality put it:

> This project could seriously affect the environment in Florida by degrading water quality, altering the water supply in central Florida, vitally affecting the fish and wildlife of the area and combining what are now separate ecological systems.
>
> Potential pollution from the project may be transferred to the Florida aquifer, setting off a destructive chain reaction affecting the water supply for many users.

But that was not all. CEQ also warned:

> The Canal could add to the spread of pests from the Gulf to the Atlantic Coast where they would spread virtually unobstructed throughout the East Coast Waterways.

The U.S. Geological Survey studied the canal and issued its own warnings of:

> Potential aquifer contamination and pollution of canal waters which could affect estuarine waters and their ecologies.

Then there was the study by 126 Florida scientists who condemned the canal as "a classic example of the reckless degradation of the natural environment," and the Florida Game and Fresh Water Fish Commission report which warned that the Rodman Reservoir, a small part of the canal system, "created ecological problems almost beyond comprehension."

So, Mr. Speaker, it is obvious that the canal must be allowed to die. The Congress must say once and for all that it will not support any project so obviously detrimental to man's quest for the beauties of nature and—more important—to man's need for fresh, drinkable water.

But even if that were not the case—even if the canal could be considered solely on economic grounds—it would still be a tragic waste of the taxpayers' money.

The Corps of Engineers says the canal has a 1 to 1.4 cost benefit ratio—but 25 percent of the alleged benefits come in the form of recreation, according to the Council on Environmental Quality.

Yet the Florida Game and Fresh Water Fish Commission, in a 1970 study, challenged that, saying:

> The previously assumed benefits from fishing and hunting will not be realized throughout the project life of the Cross-Florida Barge Canal.

In fact, the Council on Environmental Quality said the long-term effect of the canal:

> Would be replacement of the present desirable sport fishery by what are largely trash fish, including gars, bowfin, shad and bullhead.

If that is the case, and studies have proven that it is, there can be no real defense of the Cross-Florida Barge Canal on economic grounds.

That leaves us with no solid justification for the project.

On the other hand, there is more than enough justification for stopping it—and not just for the reasons already outlined.

As President Nixon stated in his January 1971 order halting construction:

> A national treasure is involved in the case of the Barge Canal—The Oklawaha River, a uniquely beautiful, semitropical stream, one of the very few of its kind in the United States, which would be destroyed by construction of the Canal.

Now, there are those who will say the Federal Government has already invested $53 million in this proposed 185-mile ditch and, to keep that investment from being wasted, should spend at least another $150 million to finish the canal.

That is a spurious argument and everyone knows it.

I am also opposed to the request, so often repeated, for another study on the canal.

I know of no other project in history which has been studied so much. First suggested back in 1836, the concept of a canal across Florida was studied eight times prior to 1930 and heaven only knows how many times since.

And practically every study said no, the canal should not be built.

Now, the canal's backers want a study of alternative routes. But there is no need for such a study, A 100-man U.S. Forest Service Task Force, in drawing up the final environmental impact statement on the canal, looked at possible alternative routes and said no.

The Forest Service said in a study undertaken after the presidential order halting construction:

> Many of the above environmental considerations apply to the canal with the alternative routes as much as to the original canal route: The dangers of pollution of surface waters and consequent threat of pollution to the aquifer apply to the canal with alternative routes since the major areas of interconnection between the aquifer and the canal lie west of the proposed alternative routes, in the parts of the canal where the route would remain unchanged.

The Forest Service also emphasized:

> Regardless of the route chosen, the canal will provide a direct infestation route and means of transport of potential pest organisms.

So the dangers are still there, even if the canal is rerouted away from the scenic Oklawaha.

But even more telling is the Forest Service's concern that routing the canal a few miles away from the scenic Oklawaha River may not be enough to save the river itself.

> The proposed bypass would protect the Oklawaha from direct physical damage.

Said the Forest Service:

> However, there may be indirect impacts from altered surface and subsurface water levels or regimes.

And, the Service added:

> The canal, running parallel to the main river course, will alter the sub-surface water level which will have an effect upon the vegetation and wildlife of the surrounding area, including the river valley.

Therefore, it is readily apparent that the Cross-Florida Barge Canal is a bad deal no matter where you put it.

In fact, if it had not been for World War II and the desire to protect U.S. shipping from Nazi submarines, I doubt that the canal would ever have been authorized by Congress.

The U-boat menace is gone. And in these days of missile-firing submarines, a canal offers no real protection.

So, where, I ask, where can you find justification for this ditch?

There is none. And most people of Florida realize that.

They support the President's decision to halt construction on this project. I support that decision. I oppose the further funding.

But most of all, I oppose these continued attempts to circumvent a well-thought-out and environmentally sound order to kill the canal.

The only way to stop these efforts, once and for all, is to withdraw Congressional authorization for the canal.

Therefore, a week ago, I introduced a bill H.R. 7904 to do just that.

Today, I am reintroducing that bill with 21 cosponsors—Representatives C. W. "Bill" Young, Dante Fascell, William Lehman, J. Herbert Burke, Lou Frey of Florida; James Abdnor, Glenn Anderson, LaMar Baker, James Cleveland, Thad Cochran, Paul Cronin, Jim Grover, Robert Hanrahan, William Ketchum, Matthew Rinaldo, John Saylor, E. G. Shuster, Gene Snyder, Gerry Studds, Gene Taylor, and William Walsh.

Let me emphasize one thing: my purpose in so doing is not to do battle with my distinguished colleagues from Florida who, although a minority of the delegation, support this project.

They are men whose wisdom and judgment I admire and respect. I consider them my friends and I value their friendship highly.

But this is an issue which I feel must be resolved.

And I know of no better way to do this than to subject the Cross-Florida Barge Canal to a straight up-and-down vote of the Congress.

Once the Congress has spoken, we can move on and consider legislation to give the Oklawaha River the "wild river" status recommended by the administration.

---

## AMTRAK: HERE TO STAY—AND GROW

## HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 22, 1973*

Mr. HUDNUT. Mr. Speaker, the May 1973 issue of Railway Age included a very interesting article on the National Railroad Passenger Corp. known as Amtrak. It is noted that Amtrak's 1,200 unit fleet of stainless steel passenger cars is undergoing refurbishing at nine locations, one of which is the Penn Central's shop located at Beech Grove, Ind., in my congressional district. This work constitutes an important contribution to the economy of my district and of central Indiana.

The Amtrak passenger service operation has been depicted by some as being an ailing operation, but this article paints a different picture. I believe it will be of particular interest to all Members at this time in view of the fact that Amtrak's authorization request is before the Congress. Therefore, I am pleased to insert this piece for the benefit of my colleagues who may have missed seeing it:

> AMTRAK: HERE TO STAY—AND GROW
>
> Amtrak continues to be depicted by its enemies (and, sad to say, by some of its friends) as an ailing, awkward enterprise with one foot in the grave and the other in its mouth. This issue's cover story will, we hope, help to correct that picture.
>
> Amtrak's ridership is up; its losses are down; it has a capital investment program for FY 1974 bigger than that of most Class I railroads. The 13 contracting railroads are operating more Amtrak trains than they did two years ago. There is, obviously, considerable merit in President Roger Lewis's claim that the Amtrak experiment can now be pronounced a success. He is not unaware of the mountain of problems that Amtrak still must tunnel through. Poor on-time performance is a source of great worry (though it must be remembered that a train is late when it is five minutes off schedule; a plane is not late until it has missed its schedule by 15 minutes). And the 13 railroads which Mr. Lewis deals with are not always anxious to take the extra step toward better service. A patient, tough bargainer, Mr. Lewis is working hard behind the scenes to correct this.
>
> As for Amtrak's future, Mr. Lewis has good reason to be optimistic, based on the recent findings of a Harbridge House study. The study found, in the first place, that rail service is already far more important in the national picture than that well-worn statistic—that rail accounts for less than 1% of

all intercity passenger travel—would indicate. That statistic, suggests Harbridge House, is misleading because the total transportation market includes many areas which have no rail service at all. Considering only those market areas served by rail, the rail share rises to 5.9%. In the New York-Washington corridor, the rail share is 18.6%.

As for the future, Harbridge House made these points:

Over-all travel demand is rising. DOT foresees a 105% increase in commercial travel during the present decade, from 195 billion passenger miles in 1970 to 400 billion in 1980; and a further doubling in the following decade.

The ability of autos and buses to cope with this demand will be constrained by a slowdown in construction of new highways and arterial roads due to greater public awareness of the high economic and social costs. Meanwhile, airports are approaching capacity and air congestion problems are worsening.

It has been demonstrated by the Metroliner that improved rail service will bring riders back to the rails. Public attitudes also favor rails. A Louis Harris & Associates survey found that the public, by an 82–10% majority, feels it must have the rail option.

(There is evidence that even unimproved service will bring riders back to the rails. The New York Times recently reported that 100 people a day are now riding trains between New York and Montreal on a newly-restored service, though that service is far from ideal. That's one-tenth as many people as the airlines carry between those two points daily. Which may be one reason why Eastern Airlines last week introduced air shuttle service on the run.)

### RIDERSHIP WILL INCREASE

Harbridge House concluded: "Rail ridership will increase as the ability of other modes to grow is subjected to an increasing number of constraints resulting in a corresponding deterioration in quality of service."

Amtrak seems to be here not only to stay—but to grow.

Isn't it a fact that the Amtrak system, after July 1, will be a much-shrunken version of the network that the National Railroad Passenger Corp. began business with two years ago?

Isn't it also true that Amtrak is so hard put to meet its $260,000-a-day operating losses that there's next to nothing left to invest in new cars and locomotives?

And isn't it irrefutably a matter of record that Amtrak has nothing to pour into roadway improvements?

In a word—no.

The facts, which may come as a shock to Amtrak' poor-mouthers, are these:

Even if its much-publicized service reductions are permitted by the ICC to become effective after the beginning of FY 1974, Amtrak will still be operating more trains over more route miles than it did on May 1, 1971. The planned reductions include abandonment of the "Floridian" with substitute service offered between Chicago and Florida via Richmond; elimination of the New York-Washington-Kansas City and the Newport News-Richmond schedules; and some service combinations in the West. But they are more than compensated for by experimental services which Amtrak has introduced since 1971 and is retaining (e.g., the "North Coast Hiawatha") and other new services added with the finanical assistance of state and local governments.

Amtrak, though anticipating a $95.6-million loss in FY 1974, has nonetheless been able to budget $150 million for capital improvements—far more than most Class I roads will spend. This will include $40 million for new cars ($15 million for locomotive-hauled equipment, for which specs are now being rushed to completion; and $25 million for new corridor cars—possibly trailers cars to beef up the Metroliners); plus $13 million for refurbishing old cars. Another $27 million will go for new locomotives, and $4 million for overhaul of old ones. All of this comes on top of locomotive expenditures which totaled $32.5 million in FY 1973; plus a car-and-related-facility investment estimated at $65.1 million. (The latter included the purchase of two ANF-Frangeco turbotrains from France and two United Aircraft turbos from Canada. The French trains will be shipped June 15 and will arrive in Chicago via the St. Lawrence Seaway around July 15. The Canadian trains will arrive a little earlier. All are to go into service in the Chicago-St. Louis and Chicago-Milwaukee corridors around Sept. 1.)

And $50 million—a third of the total capital budget—will go into roadway in FY 1974, mostly for corridor improvements. This is in addition to $16 million earmarked for station and other facility improvements.

Does all of this sound like a company that is preparing for a going-out-of-business sale? Hardly. Nor does Amtrak President Roger Lewis talk much like the "liquidator" that he says people were calling him a scant two years ago.

Amtrak has big problems, still—and one of the biggest, from Lewis's point of view, is poor on-time performance. In March the 6,072 trains operated by Amtrak had average on-time performance of 68%—up from, February's 66.7% but down from the 75% averaged in 1972. This is something Lewis is anxious to correct. What he would like to see is incentives for good performance, penalties for the reverse.

Lewis also has his problems with the 13 railroads that run his trains. Right now he's hassling with Southern Pacific over Amtrak's proposal for a new Dallas-Houston service. SP says it will take $7.5 million to bring the line up to passenger-train standards. The matter is in arbitration.

But on the whole Lewis is pleased with Amtrak's first two years, and bullish for its future. So is Amtrak's marketing vice president, Harold Graham, whose estimate is that Amtrak will attract an additional 2 million riders this year, a 15% increase, and who is skilfully using a $4-million ad budget to make his forecast come true. ("We tell them how they get there and what it costs; this is what the pre-Amtrak American public did not know about trains.")

As Amtrak approached its second birthday, Railway Age talked with its president—about the corporation's first two years, and its immediate future.

RA. If Amtrak is to grow, or even maintain its status quo, it is clearly going to require a lot of money. Is that money available?

Lewis. The Secretary of Transportation sits on $8 billion a year. It's a question of whether the money already available is going to be channeled to railroads or to airways or to highways. What we have to prove is that railroad passenger service is viable, provides a solid option, and that people will use it. That's what we're busy doing. This country can do what it wants to do. If it feels that railroad passenger service is important, then it is going to have railroad passenger service.

RA. Do you have the feeling that the importance of this service is beginning to get across?

Lewis. I think that beginning is the key word. I felt two years ago that there was no beginning. Many of the people I was talking to had already made up their minds that this thing wasn't viable. They called me a liquidator, among other things. But when we began to bring the deficit down, and ridership up, people began to think, "If they can do that with those resources, maybe we ought to think about giving them more." So you could say the beginning has begun.

RA. Then the Amtrak experiment has been, so far, a success?

Lewis. Yes. and I'll tell you why. Look at it first from the point of view of public policy. The railroads of this country reported a loss of nearly $500 million on the operation of passenger services in 1969. When Amtrak was created, the route mileage was cut in about half. That was the first big step. In our first year we lost $156 million. In the second year we lost $124 million, and we absorbed a $23 million labor increase. In the third year the loss is going to be about $95 million, though we will absorb another $20 million increase. Now that's pretty good, from $500 million to $124 million to $95 million in a period of rapidly rising prices.

And that isn't the whole story. We had Arthur Andersen compute what the railroads are now paying in Federal income taxes, due to their being relieved of their passenger-service losses, which they were not paying before. That comes to around $80 million. So in three years, to go from a $500 million clipping down to $95 million, with a credit for $80 million—I'd say that's very good government policy.

Now look at it from the point of view of the passenger. Everybody loves options. And we now have the option of railroad passenger service. That can take the pressure off the problem that's worrying the public most—which is automobile congestion around the big cities. And a third thing was established by the study which Harbridge House did for us recently. The pressure on the bus and the airplane is going to grow. Costs are going to rise. But the private rail right of way is relatively underutilized. We can carry an enormous increase in traffic without increasing our costs.

Yes, Amtrak is a success. And the proof is that the system we have been discussing with the DOT and the OMB and the Congress isn't very different from the system we began with. Even if we drop certain services—if we're permitted to do that by the ICC—we will still be operating more route miles and more trains than we were operating in the basic system in May 1971. So in a sense people have bought the experiment by agreeing to continue it.

RA: You're looking forward to a good third year in terms of ridership?

Lewis: I think the signs are all go. I think the railroad is going to grow.

That is not to say we don't have some big problems. There's the question of costs, and we're going to talk to the railroads about that. We are certainly going to talk to the railroads about performance. The contract that we signed with the railroads was not a bad contract. But we have learned some things we want, and railroads have learned some things they want. The contracts probably ought to be reviewed. It's only the cost provisions that are reopenable, but whenever you get into costs you always get into other things. I think our main concern is that we have not clearly spelled out performance standards, and that we don't have incentives for doing better or penalties for doing worse.

If we want to improve performance standards beyond the levels possible on May 1, 1971, then we may have to give the railroads the money, or furnish them the equipment. If it's a problem of holding performance to the levels that were possible on May 1, then it's a matter of holding the railroads responsible. Now, we have some money for right of way improvements. It's unsatisfactory, I know, to fix up other people's property but there are certain places where the gain is going to be so significant that we're going to find a way to do it.

### A SMOOTHER METROLINER RIDE

A big chunk of the $50 million which Amtrak has available for right of way improvement in FY '74 will go into the Northeast Corridor. But as Lewis has often observed, it isn't just track, but a track/truck combination, that provides a smooth ride.

And Metroliner trucks are now coming in for attention.

The Federal Railroad Administration has just awarded a contract for the design, fabrication, testing and supply of improved trucks for the Metroliners. The $3.8-million project is being undertaken by the Ground Transportation Division of LTV Aerospace Corp.

"Redesign of the Metroliner trucks is contemplated as the most important step that can be taken to improve the quality of ride in these passenger cars," says Federal Railroad Administrator John W. Ingram. "Only when reliable and comfortable rail services are available to the public will rail passenger service be able to take its full place in the national transportation system."

Six competitive proposals were evaluated by FRA. As awarded, LTV will test a newly designed Metroliner truck prior to fabrication of four prototypes. These prototype trucks will then be thoroughly road tested and the results evaluated. If the results meet expectations, it is FRA's intent to equip the remainder of the fleet with the new trucks; this will involve production of an additional 96 under the contract.

Actually, the LTV entry is a service-proven design from the Swiss firm of SIG, beefed up for service under the heavy Metroliner cars. Many of Swiss Federal Railway passenger coaches already have the SIG-ML truck or its predecessor design. In addition to the Swiss truck finally accepted, FRA also appraised other overseas designs.

OLD EQUIPMENT GETS NEW LIFE AND NEW LOOK

Until new ones come along, refurbished locomotives and passenger cars are being called upon to provide Amtrak service with the vehicular attractiveness and comfort—and importantly, the reliability—that will enable it to thrive and grow. Currently, three railroad shops—Milwaukee Road's shop in Milwaukee; Seaboard Coast Line's, in Jacksonville, Fla.; and Illinois Central Gulf's Paducah (Ky.) shops—are engaged in the task of completely reworking vital components, replacing some, and giving 15-to-20-year-old Amtrak locomotives a thorough spruce-up. A fourth shop, located in the East, is expected to join these three in the refurbishing program at some time in the future.

Amtrak's 1,200-unit fleet of stainless steel passenger cars, mostly post-World War II vintage, is undergoing refurbishing at nine locations, some railroad-operated and the others commercially-operated. Performing this work are: Santa Fe's Topeka (Kan.) shops; Burlington Northern's Como Shop, St. Paul, Minn.; ICG's Woodcrest Shop, south of Chicago; Penn Central's Beech Grove Shop at Indianapolis; Jacksonville (Fla.) Terminal Co., in cooperation with Hoover Industries; Pullman-Standard, Chicago; Hamburg Industries, Hamburg, S.C.; Auto-Liner, Omaha, Neb.; and Rohr Systems, Mira Loma Calif.

More than a facelift. Neither the locomotive program nor the one for the cars should be regarded as merely stop-gap, glossed-over efforts at a superficial lift. At the Milwaukee Road shops, for example, 17-year-old, 2,400-hp E9 passenger locomotives, part of Amtrak's 262-unit fleet, are emerging from the assembly station with at least another 15 years of service life built into them. Performance of the units that have been coming out of the Milwaukee Road shops at the rate of one a month since the first of the year has been superior. These first of 13 units contracted for refurbishing at the Milwaukee location are operating the St. Louis-Chicago-Milwaukee run (and sometimes to the Twin Cities). And, says David C. Goehring, Amtrak's general superintendent-locomotives, "They're proving themselves to be Class One passenger train haulers."

In a way, the units emerging from all three shops doing the Amtrak work are probably much better performers than when they were new. Some of the more notable improvements the Milwaukee Road shop is making are:

Installing 645E cylinder assemblies in modified and reconditioned Model 567 engines.

Upgrading the traction motors to D77 status.

Equipping each unit with a pair of rebuilt steam boilers.

Replacing all the wiring, about 3½ miles of it.

Increasing fuel capacity by 25%.

Fitting exhaust manifolds with retention type internal spark arrestors.

New devices which were unknown when the E9 was first designed are being incorporated into various systems of the refurbished units. Magnetic switch-gears, emergency fuel trip systems, compatible electric and pneumatic sanding system, retention type rather than flush toilets—these and scores of other examples of new technology are part of the latter-day units. Furthermore, certain weaknesses in the original design are being corrected. "No locomotive is ever designed perfectly," advises R. J. Donovan, Milwaukee Road's supervisor-diesel maintenance. "Over the years we've been able to determine the weak areas of the original design, and now we're correcting them in this program."

Milwaukee Road is, in fact, stripping each unit down to its bare skeleton. Trucks are disassembled and completely reworked, body work is performed where necessary, and eventually—after everything is put back in its designated place and Amtrak's colors and logo are added—a unit still rated at 2,400 hp, but fully capable of generating a lot more than that, is ready for load test and finally, intercity service. At a cost equal to about half that of a new unit, Amtrak has acquired a locomotive that can haul seven or eight cars without even straining.

"Better reliability." The car-refurbishing program although not as extensive or involved as the locomotive program, is, nevertheless, every bit as effective. The work being performed at the Pullman-Standard plant in Chicago is typical of what all the car shops—both railroad and commercial—are doing. Cars of all types—chair cars, baggage-dormitory cars, lounge cars, and so forth—are entered in the program. Before they leave the shops they have been assigned to for the refurbishing, each of the cars undergoes a complete examination inside and out. As happens with the locomotives, all trucks are dissassembled and re-worked. All "rotating" equipment is removed, examined and replaced or re-worked before going back on the car. Truck springs are calibrated, certain parts are magnafluxed, brakes are thoroughly examined, couplers are checked, batteries are replaced, diaphragm canvas is replaced, and so forth. Actually, there is probably as much work done beneath the car and in areas that passengers will never see as there is in the areas where people will have direct contact. All this type of work adds up to better reliability, and that's one of Amtrak's major goals in the program.

Inside, seats are being renovated and fitted with new covers, windows and window shades are being put in first class shape, exposed surfaces are getting a new coating of paint, floors and wainscoting are being carpeted and, all in all, each car is being "jazzed up" to appeal to today's traveler. Airliner influence is evident in many areas and perhaps even a little bit of the Auto-Train spirit has been picked up. For example, the seating in the coach-bar cars is a rich purple, a color which Auto-Train used with rare abandon—and very effectively—in its cars.

Amtrak is fortunate to have shops in various parts of the nation that are capable of performing the high-caliber refurbishing work needed to improve the standards of its existing equipment. Having engaged in extensive rebuilding programs on their own 1950-era freight locomotives, the three shops with the Amtrak locomotives refurbishing contracts have been able to ease into the work with relatively few problems. The Milwaukee Road is coming off a year in which it completely re-worked 18 GP-9 freight units. Meanwhile, ICG has perhaps one of the most ambitious ongoing rebuild programs for freight units in the railroad industry today.

Although P-S hasn't built a new mainline passenger car since the early '60s, it has been able to keep active in the field of passenger-equipment construction by building commuter and transit cars. As a matter of fact, the Amtrak cars at the P-S plant are being refurbished in the company of commuter cars (both new and rebuilt) for service on the Erie Lackawanna, and gas turbine/electric cars in the early stages of construction for Garrett Corp. Meanwhile, preparatory work for the start of construction of a huge 752-car rapid transit order for the New York City Transit Authority is quite evident. P-S is geared to handle 160–200 Amtrak cars a year.

The total cost of Amtrak's car and locomotive program is estimated at $60 million through FY 1974.

---

## SUPPORT FOR AMENDING TITLE I OF ESEA

## HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. QUIE. Mr. Speaker, once again I am submitting to the RECORD excerpts from letters of educators from around the country in support of H.R. 5163, the Educationally Disadvantaged Children's Act of 1973. As you know, this is a bill designed to amend title I of ESEA by distributing the funds to educationally disadvantaged children not on the basis of economic need but directly on the basis of educational need as determined by criterion-referenced testing.

Every week the support for this bill is mounting. It is especially gratifying to note that people who work directly with children view this legislation as of clear benefit to these children. Many have said that the bill incorporates ideas they have long worked for in the schools. Among these are direct assessment of educational need, greater parental involvement in the education of their child, individualized plans of instruction, and improvement of existing instruments for assessment of educational achievement.

I invite all Members to read the letters which follow:

UNIVERSITY OF MINNESOTA, DULUTH,
*May 7, 1973.*

I have received a copy of H.R. 5163, the new ESEA Title I authorization bill, and after reviewing it, I am impressed with what I consider to be some very progressive elements within the bill. I am particularly pleased to see the emphasis on individualized educational planning for children, since the use of Title I funds is aimed at children who have experienced significant learning difficulties. . . .

In summary, it appears to me that this bill is a significant improvement over the existing Title I legislation, and I would like very much to see it enacted. If I can be of any help, please do not hesitate to let me know.

M. STEPHEN LILLY,
*Associate Professor of Special Education.*

VIRGINIA STATE DEPARTMENT
OF EDUCATION,
*May 16, 1973.*

Your letter to Dr. Woodrow W. Wilkerson requesting him to review your Bill (HR 5163) and react to it has been referred to me for acknowledgment. My reaction to your Bill will be largely as it relates to Virginia's Standards of Quality.

1. The principle of this Bill is educationally sound; that is, it is based on documented educational need. As I read it, aid would be available to any child in any public school once educational need is established.

2. The requirement of an educational plan and the involvement of parents is not in conflict with the Standards of Quality, nor are the requirements for assessment and individualized programs. . . .

4. The planning required for each child in the program, and the provision for nonpublic school participants are acceptable.

5. Requirements on the State agency are not excessive, nor do they appear inconsistent with what we are now doing under Standards of Quality. Indeed, the Quie Bill would appear to require a strong department of education as do the Standards of Quality.

It is my feeling that the implementation of this Bill would be compatible with our aims under the Standards of Quality and Objectives.

ROBERT V. TURNER,
*Special Assistant for Federal Programs and Relations.*

---

CENTER FOR THE STUDY OF
PUBLIC POLICY,
*Cambridge, Mass., May 14, 1973.*

Thanks for the Quie bill, which I studied with interest. . . .

The proposed revision in the fund distribution formula makes sense, both educationally and politically. I'm for it, 100 percent. . . .

CHRISTOPHER JENCKS.

---

LEADERSHIP TRAINING INSTITUTE/
SPECIAL EDUCATION, UNIVERSITY
OF MINNESOTA, MINNEAPOLIS,
*April 27, 1973.*

I'm very interested in your proposal and pleased to offer my reactions. First let me say that I'm grateful to you for the interest and strong leadership you have offered in the area represented by this legislation. All of us in Minnesota take much pride in your work.

There has always been a kind of embarrassment about the assumption that low income was a good index to educational disadvantagement. The ESEA Title I requirements along this line apparently have been such as to target only schools and not individuals which has helped some—but surely you are right in seeking a more directly relevant criterion for fund distribution. Even more clearly you are right in insisting on something more current than 1960 data in setting fund distribution rates.

Your proposal to use criterion-referenced tests on basic skills—as administered by an independent agency—is as good an index for distribution as I've heard. . . .

I'm interested and agree with you in the emphasis you give to basic academic skills. An idea along this line which I've found useful is a distinction made by George Stoddard (in his book entitled The Dual Progress Plan) between "cultural imperatives" and "cultural electives". He believes, as I do, that a public school system owes every child an opportunity to master the truly basic tools of his culture or the "cultural imperatives"; these are the fundamental tools which equip him to open up wide varieties of awareness opportunities. In the case of the handicapped we often have to deal with some other "imperatives" such as physical mobility, ability to speak intelligibly, and so on. It is important, of course, for schools to move on to some of the "electives"; but I agree that the first and fundamental obligation in insuring a "right to education" is to deliver on the basics or imperatives. . .

A key point in your proposal which I applaud is that it would definitely include many handicapped children in programs. Under the old ESEA arrangements there has been a continuing ambiguity about that point and it would be helpful to have your new slant on it.

Thanks for hearing me out.

MAYNARD C. REYNOLDS,
*Director.*

---

LEADERSHIP TRAINING INSTITUTE/
SPECIAL EDUCATION, UNIVERSITY
OF MINNESOTA, MINNEAPOLIS,
*April 16, 1973.*

I have my own 'criterion referenced tests' which I apply to legislation aimed at improving educational opportunities for handicapped children. It includes such items as those which follow. My assessment of H.R. 5163 with respect to these criteria follow each item.

1. Does the bill establish essential parameters in the law while at the same time leaving responsibility for establishing regulatory details (which may need to be responsive to new evidence) to more readily modified authorities?

The bill scores well on this item to my way of thinking. I like the mechanism of the Commission which is in position to search for the best ways to define problems and control quality of performance.

Though the bill does get specific in such details as the primary basis on which the population to be served is to be defined, it leaves open to systematic inquiry how poor reading and math skills are to be operationally defined . . .

2. Are the provisions of the bill such that improvement of the regular and special education system interface is enabled under the bill?

The bill seems well developed in this respect. I hope federal, state and local agencies have the wit to capitalize on its potential. What is more likely to deteriorate the interface than any of the bill's provisions is inadequate funding which will inevitably lead every system to attenuate its outreach in order to guard its funds. In the main, I think the directions of investment that you suggest be pursued if funds are short seem appropriate, given the way administrators have characteristically behaved in the past. Their "greatest good of the greatest number" and the "most able to profit" criterion have indeed been the basis for abrogation of the rights of the most disabled.

Ensuring that the physically or mentally handicapped children can be served via programs funded through this bill should make for smoother integration of systems.

3. Are eligible population definitions such that denigrating labeling and prejudicial categorization of children is minimized?

The bill scores high on this count since child targets are described in terms of socially-relevant skills rather than on presumed child or background defects and the responsibility for failure to achieve the skill is placed on the instructional methods used. . . .

4. Does the bill recognize and allow for the fact that the child learns from many teachers besides the certified ones he meets in school and under many conditions besides the classroom?

I'm glad your bill brings parents in on the educational team. That's essential. It also supports some parent choice in how their children shall be educated through giving aid to children enrolled in non-public schools.

5. At the same time that it enables attention to the influence of broad factors contributing to educational achievement does it focus educational system attention on meeting basic obligations?

It has been our experience that encouraging educators to pin-point their objectives improves their performance. Though some may object that the bill's focus on reading and math fails to recognize the many other kinds of important things the schools are trying to promote. The bill does not prevent them from promoting other kinds of skills but does encourage them to at least help us achieve a literate citizenry, a legitimate minimum public expectation from tax-supported school systems. . . .

"I like the fact that districts must turn in proposals which SEAs then approve for funding. We (in Minnesota) have operated Title VI ESEA in that way to good effect. It has made it possible to encourage certain directions in school district functioning to insure adequate needs assessment and adequate systems for continuous monitoring of individual child progress under prescribed programs while still keeping basic responsibility for decisions and accountability as close as possible to the direct service.

"On the overall, there are so many good features in that bill that I'm eager to see it get adopted. As always, we're very glad you're there in Washington helping to set directions for educational effort at the federal level. Your thoughtful presence is reassuring at a time when federal level support for so many services essential to a better life for handicapped children seem to be in jeopardy. Your record of concern for them is so longstanding and action-effective that we hang on to hope that you will work to ensure a successful shift to less fractionation of effort (which I fervently favor) while at the same time ensuring that the rights of handicapped children are not abrogated."

EVELYN DENO,
*Associate Director.*

---

STATE OF MONTANA,
*April 18, 1973.*

After reading H.R. 5163, I think it is a particularly good move for young handicapped persons at a time when our needs for such services far exceed available resources. I heartily endorse your efforts!

DR. JACK L. RUDIO,
*Supervisor, Special Education.*

---

UNIVERSITY OF VERMONT,
*May 8, 1973.*

I have read with interest H.R. 5163, which was recently introduced by you as a replacement for Title I, ESEA.

It is clear to me that H.R. 5163 is worthy of support for the following reasons:

1. It is directly aimed at *educationally* disadvantaged;

2. Need is determined through criterion referenced tests; and

3. It requires that an individualized program, approved by parents, be devised for each child served.

In summary, H.R. 5163 represents a major step forward in providing adequate instruction to the educationally disadvantaged.

DR. HUGH S. MCKENZIE,
*Chairman, Special Education Program.*

---

MITCHELL INDEPENDENT
SCHOOL DISTRICT NO. 45,
*Mitchell, S. Dak., May 9, 1973.*

Our staff has been following closely the news releases on the stand you are taking concerning the development of an evaluation program for the educationally disadvantaged. We have been concerned about this very issue ever since the federal programs to aid disadvantaged students became a reality. At the time that President Johnson called the first Title I meeting in Washington in 1966 I remember that this concern was voiced by a number of us in attendance, for past experience had shown us that present testing programs do not give us the kind of information that will insure admittance of students for whom the programs are intended.

At this time we are engaged in the annual evaluation of students who have been receiving services under Title I funding and, also, those who should be receiving the services during summer months. We have spent many hours trying to find the testing program that will allow students who are in great need of academic help to qualify for it. We are told that students cannot be admitted unless they score at certain levels below average on standardized instruments. Our whole thrust has been to train teachers who can, through observation and teacher-developed techniques, diagnose and prescribe the programs that can make an academic difference for these children. However, these diagnostic and prescriptive efforts are not considered valid criteria when it comes to the point of admitting students to the program. Federal auditors in the last two years have been very firm about the use of the standardized instruments.

Parents, teachers and administrators who live with this problem every day are very concerned. We surely want to and are obeying federal guidelines, but in so doing, we are having to exclude students who must have this help if they are to develop their potential.

This comes as a plea to you to continue in the direction you have taken concerning the development of new evaluative instruments. There are many of us who are depending on you.

Shirley Barns, Special Services Director; Darlene Lueken, Diagnostic Teacher; Beverly Dierks, Diagnostic Teacher; Mildred Willougby, Diagnostic Teacher; Doris Hooker, Diagnostic Teacher; Jane Frick, Diagnostic Teacher; Mildrid Lassegard, Developmental Teacher; Barbara Rebhuhn, Developmental Teacher; Elenor Holt, Developmental Teacher.

ARLINGTON, VA.
*May 21, 1973.*

Views of The Council for Exceptional Children on H.R. 5163—A bill to amend Title I of the Elementary and Secondary Education Act of 1965 to provide for a more concerted and individualized attack on educational disadvantage based upon assessments of educational proficiency, and other purposes.

The Council for Exceptional Children supports the basic concept of H.R. 5163 to link federal education financial support monies to education, in this instance Title I of ESEA, to educational achievement. Despite years of federal assistance there still remains in almost all school districts throughout the country children who are excluded from education, children who fail to learn, and children whose potential is never challenged. It is important to note that in 1973, 50% of the 6 million handicapped children of school age and 13% of the gifted children of school age are receiving any special educational assistance.

These realities should not be interpreted as implying that present federal efforts such as Title I have been a failure. The reality is that no one really knows how successful or unsuccessful these programs have been in improving learning. The only measure of effectiveness that can legitimately be used presently are quantitative, such as how many programs are started, how many teachers are hired, and how many children are served. Other measures such as group achievement tests tell us that 60% of the children in a particular program improved 2 grade levels in reading, but these measures do not reflect concern for the 40% who didn't or those children in the 60% who were capable of doing better. H.R. 5163 provides the mechanism for focusing on the learning needs of the individual child rather than groups of children, through the use of individualized written educational plans setting objectives, procedures for achieving the objectives and evaluation criteria and procedures. The requirement that these plans be mutally agreed upon by the schools, the parents and the child where appropriate is consistent with increasing litigation supporting the parental right to participate in educational decision making regarding their children, but even more importantly it may make the school and parents a united force to help children.

"For these reasons The Council for Exceptional Children supports the provisions in H.R. 5163 that direct funds to childen's learning needs. . . ."

FREDERICK J. WEINTRAUB,
*Assistant Executive Director for Governmental Relations, The Council for Exceptional Children.*

## THE LATE HONORABLE WILLIAM O. MILLS

## HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mrs. HOLT. Mr. Speaker, last week we suffered the loss of a dedicated Representative and good friend. I think the following article by Norman Harrington provides an accurate portrayal of the character of our departed colleague WILLIAM O. MILLS:

[From the News American, May 27, 1973]

### MILLS' DEATH AN ENIGMA

(By Norman Harrington)

EASTON.—Why did he do it?

One hundred and sixty-seven days ago, William O. Mills won one of the most smashing election victories in First Congressional District history.

The Easton Republican, who had been elected May 25, 1971, in a special contest to fill the seat vacated when his former boss and mentor, Rogers C. B. Morton, was named Secretary of the Interior, took 214 of the 216 precincts in the sprawling 13-county area. The official tally showed he polled 69.90 per cent of the 114,742 votes cast, swamping his Democratic opponent, Del. John R. Hargreaves of Caroline county by a plurality of 45,670.

Bill Mills was buried Saturday, the victim of a self-inflicted gunshot blast.

Why did he do it?

I have known Bill Mills for 23 years, since he came to Easton in 1950 as commercial manager for the C. & P. Telephone Company. I was editor of the weekly Eastern Star Democrat at the time, and as he joined the Morton campaign trail, ran the Morton staff for a decade and then became a Congressman in his own right, a close relationship continued.

Yet, why did he do it?

I can't answer that question with any more certainty than can members of his family, the countless friends of both political parties whose respect and admiration he earned throughout the district, or especially, Rog Morton who told Lee Belser of the News American Washington Bureau on Friday that Mills' death was a "mystery" to him.

Sure, there was that overplayed bit about a $25,000 contribution from the President's campaign committee to Mills' special congressional race in 1971 which went unreported under Maryland law.

But commit suicide over that?

Mills noted in response that ordinarily such details were the responsibility of his campaign manager, a veteran of seven successful contests during each of which he had meticulously detailed receipts and disbursements and filed reports on time in Annapolis even if it meant driving there, rather than trust mail delivery. When the chairman in this instance was apparently assured that no less a person than the attorney general of the United States was heading the President's committee and that all necessary reports would be made, how could there be any question in his mind that everything was being done according to law?

But charges were made and innuendos hinted.

Others would have regarded this as a minor thing, a correctible mistake, an oversight, at most a slap on the wrist and a campaign issue for next year's opponent.

Bill Mills took the charges to heart, no matter how untrue he knew them to be. This was his nature.

Outwardly, he appeared always smiling seemingly unflappable. Inwardly, anything imputing his integrity or even hinting of dishonesty got to him.

It is a sad commentary but the political arena can be a rough place for a man like Bill Mills who was really quite thin-skinned and easily hurt.

To say that in this he was being a characteristically simple, honest, hard-working Eastern Shoreman through and through would be something understood fully by only another native.

Perhaps others will understand if I say Bill Mills was the kind of a person, who, finding a dime on the pavement near a parking meter, would go up and down both sides of the block to locate the person who dropped it rather than put it in his pocket.

Someone else described Mills as so conscientious that if he felt a single letter had gone out from his office in a franked envelope that should have a stamp, he would rush to the nearest post office to give the postmaster eight cents.

That explains why he got so up tight when a charge was made by his opponent during one campaign that he had abused the franking privilege for a political mailing. He agonized over that for weeks, although it was wholly without basis in fact.

The sheer size of Maryland's First Congressional District, encompassing as it does, nearly half of the state's geography and its proximity to Washington is a man-killing job for anyone who represents it on the Hill.

The Congressman and his aides must be in Washington during the day and appear at functions throughout the District at night.

There's no way to avoid it and survive politically.

Mills had hoped to get some respite this summer on a boat he had purchased and in fact, discussed certain details with the broker the day before his death. He had figured he and his family could enjoy the boat this year, because all next summer he would be on the campaign trail.

Parenthetically, it should be said that money could hardly have been a factor in what he did.

He had continued to live modestly as a congressman in the same house he had built as a telephone company employe in Clifton, a suburb of Easton, 15 years ago.

Mills was undoubtedly physically exhausted when the disclosure of the campaign contribution hit. He described the harassment he and his staff endured from Washington news media as "unbelievable."

"They would call and make the most outlandish statements, hoping to get an angered response," he asserted.

Come to think of it, his wariness of metropolitan media had been apparent over the years; he felt somehow that anything he said would be distorted. They found him inaccessible, while the experience of newsmen in the First District was the opposite—he was always available and spoke in complete candor. Fact is, I guess his country boy innate distrust of the city never left him.

When I talked with Mills on Wednesday morning, he did appear disturbed by what he regarded as suprious charges, by the unfairness of it all not only to him, but to his family, to his staff and those who worked for him previously and because of death in a tragic automobile accident were no longer able to defend themselves.

Mills was obviously unaware of any details of the $25,000 contribution other than the fact that help had been promised from the President's committee for his special election campaign.

"Golly, if I had known this was hanging over me all these months, I don't know what I would have done," he said. The first he knew about it was what he read in the papers.

He said he thought under the circumstances he should cancel several public appearances, especially commencement addresses, because of "this cloud over me." I said, "Bill, there's no cloud. People will believe you. Just tell them the truth."

He changed his mind and decided to go ahead with his schedule.

There was more conversation about the ambiguity of the election contribution reported law—how a candidate is responsible for making reports of expenditures and has absolutely no control over any group that decides to raise money and spend it in his behalf. Mills mentioned specifically an organization in Annapolis that had raised and spent $8,000 in the special election campaign.

"The first I knew about it was when they filled a report which, fortunately, they did," he said.

Mills appeared in better spirits when I left him. He certainly gave no indication of extreme depression or other sign of suicidal intent. House colleagues, aides and others who were with him throughout the day and evening have confirmed this impression.

Mills talked with George Detrich, news director of Easton radio station WEMD at 10 o'clock Wednesday evening. He made a tape which was replayed on the air before news of his death came shortly before 8 a.m. Thursday. Mills voice sounded a bit strained according to some who heard it but that could have been an afterthought on their part.

## LEGISLATION AIMED AT PREVENTING AIRCRAFT PIRACY

### HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. MARAZITI. Mr. Speaker, with the Congress considering legislation aimed at preventing the crime of aircraft piracy, I am today introducing a bill with three unique features.

First, as many others do, my bill provides for the death penalty if a person is convicted of the crime of aircraft piracy. However, it specifically states that there will be no death penalty if the hijacker ceases his actions and surrenders to the captain of the aircraft. This allows the captain to bargain with the hijacker and provides the necessary incentive for the hijacker to return the craft and its passengers unharmed.

Second, when Mr. Hoover was in charge of the Federal Bureau of Investigation, there was an understanding between that agency and the airline pilots that no action would be taken without the prior knowledge and approval of the captain of the aircraft. Since the passing of Mr. Hoover this agreement has not been honored by the FBI. My bill mandates that as long as the captain of the aircraft is on board, any action without his prior approval, shall not be taken by the FBI or its agents.

Third, many bills provide for boycotts of flights to nations that harbor hijackers and also to those nations which continue to allow flights to nations that harbor hijackers. My bill would strengthen these first and secondary boycotts by providing that no foreign aid of any sort would be given to these nations.

We are extremely lucky that no plane has been lost with all passengers and crew. Unless we act immediately and forcefully to stem this heinous crime, we may very well bear witness to a hijacking with a tragic ending. The time to act is now—tomorrow—next week may be too late.

## OBJECTIONS TO EFFORTS TO CLOSE THE RHODESIAN GOVERNMENT'S WASHINGTON-BASED INFORMATION OFFICE

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ASHBROOK. Mr. Speaker, a congressional committee is trying to stifle dissenting views legitimately voiced by the Rhodesian Government by putting its Washington Information Office out of business.

The House of Representatives' Subcommittee on Africa, chaired by Representative CHARLES C. DIGGS, JR., Democrat of Michigan, is holding hearings that could lead either to closing the Office or to deportation of its two-man staff.

Subcommittee testimony seems designed to prove that the Office is violating sections of the United Nations resolution imposing sanctions against Southern Rhodesia's government because it legally requires separation of blacks and whites.

Although the separation policy, known as apartheid, is part of the problem, it is not the issue in this instance. What is at issue is whether another government's office and its staff will be denied its legal rights because it disagrees with a subcommittee and whether Americans who might be interested in that government's views will be denied the access to them guaranteed by the U.S. Constitution.

Barbara Rogers, a key witness, testified that the United States could make a contribution, "in the context of tightening the enforcement of sanctions by closing down the Rhodesian Information Office."

The present method of funding the Office, she told the subcommittee, is likely to be illegal.

The section of the sanctions to which Ms. Rogers referred prohibits U.N. members from making funds available to Rhodesia.

Ms. Rogers says she is a "research consultant" who uses a desk in Representative DIGGS' office. She also uses his franked envelopes. Ms. Rogers admitted that she is "not exactly" on DIGGS' staff.

Another section of the sanctions orders U.N. members to prevent Rhodesians from entering their countries.

The acting commissioner of the U.S. Immigration and the Naturalization Service, James Greene, reviewed the status of the Information Office's two-man staff at Representative DIGGS' request.

Greene testified that the Office's Kenneth Towsey entered the United States in March 1964, 4 years before the sanctions, and legally was granted "permanent resident alien status" in December 1967, 5 months before the sanctions. There is no legal basis for deporting Towsey.

Henry Hopper, the other Information Office staffer, came to the United States in September 1966, more than 2½ years before the sanctions. His application for permanent resident alien status was pending when sanctions were imposed and his legal status is that of a nonimmigrant foreign government official, Greene testified. Hopper is not legally required to leave the country, either.

We have come to a sad state if we must copy the style of Communist countries that close those foreign government and nongovernment offices with which they disagree.

## CHICAGO TRIBUNE AND CHICAGO SUN-TIMES RECEIVE PULITZER PRIZES

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. HANRAHAN. Mr. Speaker, recently two Chicago newspapers were honored when they received Pulitzer prizes for the work they had done in reporting: The Chicago Tribune and the Chicago Sun-Times.

Mr. Ron Powers received the Pulitzer from the Sun-Times for criticism. Ten of Mr. Powers columns were cited for excellence.

The Chicago Tribune received the award for the best general local reporting. This award came as the result of the in-depth investigation and all-out war against the rigging of elections in the Chicago area.

The following is an account of the newspaper's role in uncovering the city vote fraud. It is a good example what the press is capable of and the service that good reporting provides for the community.

[From the Chicago Tribune, May 8, 1973]

## How Tribune Exposed City Vote Fraud

For years, vote fraud in Chicago was a topic like the weather.

People talked about it, often deplored it, but no one believed you could do anything about it.

That was before The Tribune launched its year-long, all-out war against the entrenched and cynical system of rigging elections that had become a way of life here.

As a result of this campaign, veteran vote-fraud fighters acclaimed last November's election in Chicago as the most honest in decades.

And yesterday, the effort won the Pulitzer Prize for general local reporting, the most coveted award in journalism.

Here are some of the highlights of The Tribune's campaign against vote fraud:

More than 1,000 specific acts of frauds exposed and documented from the primary election of March 21, 1972.

Seventy-nine election workers indicted for vote fraud in the March primary by a federal grand jury called as a result of The Tribune disclosures. The grand jury is still meeting on the fraud issue.

Thirty election workers found guilty and sentenced for fraud.

Forty-four indicted election workers awaiting trial and five others cleared of wrongdoing.

Twenty-six reporters assigned to work on different aspects of the investigation. Many served as election judges and poll watchers in both the March primary and the November general election. One worked undercover as a clerk in the Board of Election Commissioners.

But the statistics, impressive as some of them may be, don't begin to tell the vast scope of the project or show just how much hard work went into it.

No one has attempted to total the thousands of man-hours spent by Tribune reporters—often in tedious chores such as poring over election records to dig out evidence of fraud.

No one has kept track of the miles of city streets walked by Tribune staff members to expose ghost voters and track down cheating election officials. And no one kept count of the threats, slurs and other abuse some reporters endured—in polling places and elsewhere—from those who didn't want to see elections conducted honestly in Chicago.

The idea for a comprehensive campaign against vote fraud came in December, 1971, from George Bliss, now chief investigative reporter for The Tribune, then head of its investigative task force.

Bliss, a veteran Tribune staff member, won a Pultizer Prize of his own in 1962 for exposing corruption in the Metropolitan Sanitary District.

With the support of Clayton Kirkpatrick, editor of The Tribune, Bliss spent all of 1972 directing the campaign to expose vote fraud with the skill of a master craftsman.

Members of the Task Force, Pamela Zekman, William Currie, now an assistant city editor, and Philip Caputo, now The Tribune's Rome correspondent, played major roles in the campaign thruout the year. Other reporters were enlisted as needed.

Among them were Ronald Koutlak, science editor, and Casey Bukro, environment editor, both prize-winners in their own fields, who worked in precinct polling places to gather evidence of fraud.

With so many reporters involved, the campaign was primarily a team effort. But the work of one reporter was in a class by itself.

William Mullen, a general assignment reporter, wangled a clerk's job in the office of the Chicago Board of Election Commissioners and gathered material that guaranteed the success of The Tribune's campaign.

The election board keeps the records and administers elections in Chicago. The office is completely controlled by the ruling Democratic Party here and has long been suspected as the nerve center for rigging elections.

The only trouble was that no outsider ever got into a position where he could see how things worked. Mullen changed all that.

With an unassuming manner that disguises his quick mind and sharp eye for detail, Mullen won acceptance by the Democratic Party patronage workers who staff the office and soon got access to the files.

In those files lay the whole sordid story of vote fraud in Chicago.

Obtaining this material was essential to the success of Bliss' plan.

Chicago newspapers, including The Tribune, had been writing about vote fraud for generations. The stories were almost always the same:

Many charges, a few facts, and no results.

The Tribune's new campaign differed from the others. It concerned itself not with accusations alone, but with facts—the kind of overwhelming evidence a prosecutor can take into court to convict the guilty.

Once he had the facts, Bliss knew exactly where to take them—to James R. Thompson, the United States attorney in Chicago. Thompson, a Republican appointee, already had a reputation of being a smart, tough, and thoroughly honest prosecutor.

Bliss knew that if The Tribune got the evidence, Thompson would prosecute.

It was important that some election cheats went to jail—as a warning to others.

The failure to convict was what made previous newspaper efforts to expose vote fraud a joke in the eyes of those rigging elections. As soon as the newspaper stories stopped, the politicians went back to their old tricks.

Bliss' plan was based on exposing fraud in the March primary in such massive detail that the heat generated would ensure an honest election in November.

In late 1971, Bliss knew that Mayor Daley's regular Democratic organization faced some tough primary fights from Daniel Walker, Edward V. Hanrahan, and others. The potential for fraud was there.

The Tribune began its investigation where many others ended—with a search for ghost voters.

These are the thousands of people who wind up listed as registered voters in certain inner-city and transient neighborhoods, even tho they don't live there. Some have died, others moved away years ago.

Yet every election day, votes are cast in the names of these missing persons—in violation of the law.

Before the primary in March, the Task Force pinpointed 14 precincts in 6 West and South side wards where past experience in vote fraud investigations indicated election day cheating could be expected.

Then, registered letters were sent to 5,495 persons listed as voters in those precincts. About 700 letters, just under 13 per cent, came back with the notation that the person couldn't be found.

Task Force members, personally checking out each suspected ghost, confirmed that the vast majority were dead, or had moved. Sixty-two of them were registered as living on various vacant lots or in abandoned buildings.

The Tribune drew up lists of these ghosts and set out to see if attempts would be made to cast ballots in their names in the primary.

This meant getting reporters into the polling places in an official capacity—as election judges, for example.

The effort paid of. Votes by the score were cast in the name of the ghosts despite challenges by reporters serving as judges.

This was possible because of the way polling places are operated in some areas of the city.

According to law, the operation of a polling place and the counting of ballots is the responsibility of the election judges.

There are supposed to be five of them in each polling place—sometimes three Democrats and two Republicans, other times three Republicans and two Democrats. All are officers of the Circuit Court who have sworn to uphold the election laws.

But in precincts where vote fraud is rampant, there are no Republican judges, just Democrats posing as Republicans.

The real boss in these polling places is the Democratic precinct captain, tho by law he has no right in the polling place at all, except to cast his own vote.

His job is to round up votes for his party's candidates. When he picks all the judges and can order them around like so many flunkies, the potential for fraud is enormous.

The Democratic precinct captain is, of course, a party patronage worker employed in some government office controlled by a leader of the party organization. He will keep his patronage job as long as he functions successfully as a precinct captain. His interest in honest elections is often overshadowed by his desire to remain employed.

The Republican Party, smaller and with far fewer patronage workers in Chicago, relies on volunteers—often suburbanites—to be judges in many city polling places.

Recruited in the past from the ranks of young lawyers, college students, and members of civic watchdog organizations, volunteer Republican election judges have told harrowing tales of the treatment they receive in some precincts.

Often their credentials as judges were ignored and they were shunted aside or even thrown bodily out of polling places.

Their accounts of what happened to them made interesting stories in the press, but that's about all.

In the March primary, however, Republican judges in 14 suspected precincts included trained newspaper reporters. Seventeen Tribune staff members, many of them young and thus unknown to the aging Democratic Party leadership, volunteered for this duty.

Eight investigators for the Better Government Association, a civic group specializing in exposing fraud, also agreed to serve.

All were given intensive training in how to spot fraud. The Republicans gladly sponsored them as judges—or as poll watchers—a less responsible job that still permits a person to spend the day in a polling place.

Afterwards, the reporters and B.G.A. investigators came back with similar reports to those told by Republican volunteers in other elections.

There was ghost voting, there were threats, there were irregularities. The identities of voters were not checked. The precinct captains ran everything.

There was campaigning in the polling place, party workers went into the voting booths with voters and tampered with the voting machines—all in violation of the law.

In many of the precincts, the so-called Republican judges who were supposed to be serving with the reporter-judges admitted being Democrats in disguise.

This, of course, was talk, not proof. By Election Day, the reporters had seen and heard plenty, but hard evidence that would stand up in court was still in short supply.

That's where Mullen came in. Bliss learned in May that there was an opening for a clerk at the election board office and the lone Republican on the three-member board would be allowed to fill it with a Republican appointee.

Edmund J. Kucharski, Cook County Republician chairman, agreed to place a Tribune reporter in the job. .

Mullen was picked. A reporter with proven skill, he had never covered politics and was unknown to the politicians.

Tho no one ever suspected him of being

a Tribune employe, at first he faced suspicion as a Republican. Of the 200 employes in the election board office, 196 were dedicated Democrats.

For a while, assistants to Stanley Kusper, the election board chairman, followed Mullen after he left the office at night, but this surveillance was soon dropped.

Mullen's assignment was tough. He had to gather a lot of information for The Tribune without attracting attention. He had to work very hard without preparing to, since hard work alone arouses suspicion in a patronage office such as the election board.

Mullen had lists of judges who had taken the oath as Republicans, but were suspected of being Democrats. He checked and found many pseudo-Republican judges with long voting records as Democrats—a violation of the law.

All of this was on record because prior to 1972 a voter had to declare his political party before he could vote in a primary election—and no good Democratic party worker ever misses voting in a primary.

But Mullen found much more.

There were hundreds of signatures on applications for ballots—those records you have to sign before being allowed to vote—which even to his untrained eye looked like forgeries. Ballot application after ballot application carried signatures of different citizens, but the handwriting appeared identical.

Each night after work at the election board, Mullen turned over documents with these signatures to Bliss, who had them examined by handwriting experts. The experts confirmed that they were forgeries.

Bliss and Mullen spent their days off, and the Task Force members worked full time, contacting people whose names had been forged.

One had died before the primary. Another was confined to a hospital on Election Day. Scores of others said that they had not voted in the primary and the signature on the ballot application was not theirs.

Evidence of more than 1,000 cases of election fraud in the primary was uncovered. Mullen is certain that with the large staff available to it, a conscientious election board could find thousands of additional examples.

After four months, Mullen left the election board. The evidence of ghost voters, phony judges, and forged signatures was turned over to the federal prosecutor, while The Tribune began publishing a series of articles on Mullen's findings.

Five days after The Tribune series began, the federal grand jury indicted 40 election judges for fraud. Two weeks later, 35 more were indicted, and since then four others have been indicted.

Of the 79 indicted, 27 pleaded guilty, 3 were found guilty by juries, and 44 are awaiting trial. Sentences so far have ranged from two years' probation to two years in prison. Two persons were acquitted and charges against three others were dropped.

The general election last November, tho far from perfect, was considered a vast improvement over previous elections, including the March primary. There were complaints of fraud in November, but not as many as in the past.

### HONOR ROLL FOR A PULITZER

Here is the honor roll of those who helped clean up elections in Chicago.

George Bliss, chief investigative reporter.

William Mullen, general assignment reporter.

Task force members: Pamela Zekman.

William Currie, now an assistant city editor.

Philip Caputo, now the Tribune's Rome Correspondent.

Investigative reporters:

Thomas Powers.

John O'Brien.

Casey Bukro, environment editor.

Ronald Kotulak, science editor.

General assignment reporters:

Peter Negronida.

William Crawford.

Daniel Egler.

James Elsener.

Cornelia Honchar.

Marcia Opp.

Clarance Page.

Brenda Stone.

David Thompson, now a rewriteman.

Gerry West, now a photographer.

Former Tribune reporters:

Kathleen Burns.

Luci Horton.

Angela Parker.

Judy Roberts.

Terri Schultz.

Jeannye Thorton.

Sally Wagner Jones.

Better Government Association employees:

J. Terrence Brunner, director.

William A. Recktenwald, chief investigator.

Investigators: Harold Bergan, Richard Samuels, William Hood, Patrick Oster, Charles Neubauer, Michael Fastert, Geoffrey Sjostrom, and Scott Kreutz.

---

## PEOPLES TEMPLE CHRISTIAN CHURCH SUPPORTS FIRST AMENDMENT

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BROWN of California. Mr. Speaker, I was recently made aware of the fact that the congregation of the Peoples Temple Christian Church of Redwood Valley, Calif., has donated a total of $4,400 for the defense of William Farr and other reporters jailed for refusing to reveal their sources of information. I would like to commend the Rev. James W. Jones, who is pastor of the church, and every member of his congregation for this outstanding demonstration of their commitment to the principles on which this country was founded.

I would like to include in the RECORD at this point a few items which appeared in the press recently about Peoples Temple. The first is an article from the IAPA News, which is published bimonthly by the Inter American Press Association. This item appeared in the February-March edition, and reads as follows:

### CHURCH DONATION AIDS FIGHT FOR PRESS FREEDOM

The Inter American Press Association, we all know, operates strictly on dues paid by members and does not solicit outside contributions for its main task of defending and promoting freedom of information in the Americas. Recently, however, we received an unsolicited contribution that moved us deeply. We accepted it with gratitude and full appreciation of the high principles that moved the donors.

The donation of $250 came from the congregation of the Peoples Temple Christian Church, of Redwood Valley, California, whose pastor, the Reverend James W. Jones, has sparked a campaign in defense of the First Amendment to the constitution.

"We believe," wrote James R. Pugh, in behalf of the Board of Elders, "that the American way of life is being threatened by the recent jailings of news reporters for refusal to reveal their sources. As a church, we feel a responsibility to defend the free speech clause of the First Amendment, for without it America will have lost freedom of conscience and the climate will become ripe for totalitarianism."

The elders voted the donation after hearing the Rev. Jones read "to an overflow congregation" excerpts from a report on the state of the press in the U.S. made by Brady Black, editor of the Cincinnati Enquirer, and regional vice chairman of the IAPA's Committee on Freedom of the Press, at the IAPA's annual meeting last October in Chile. Mr. Black," the covering letter said, "gave a lucid and convincing account of developments in our country constituting a threat to the people's right to know." The letter was addressed to Francis Dale, Publisher of The Enquirer.

Mr. Pugh reported that a grand total of $4,400 had been contributed by the congregation, made up of "ordinary working people of all backgrounds," for the defense of William Farr and other reporters jailed for refusing to reveal their sources of information.

"No acknowledgement for this contribution is necessary," wrote Mr. Pugh. "We wish simply to demonstrate . . . that there are churches and other groups in society which are not connected with the institutional press who do indeed care about this threat to freedom of speech, press and conscience."

He said the donation was "to be used as you see fit in defense of a free press."

The Peoples Temple Christian Church, under the Rev. Jones does not only take a stand on constitutional rights. The church also has established a drug rehabilitation program, two convalescent homes, a 40-acre home for mentally retarded boys, three senior citizen's homes and an animal shelter.

The next item appeared in the San Francisco Chronicle of January 17 of this year, and without further introduction, I place it in the RECORD:

### A CHURCH GIVES $4,400 TO THE PRESS

Twelve newspapers—among them The Chronicle—and a newsmagazine and a television station have been awarded grants totaling $4400 by Peoples Temple Christian Church of the Disciples of Christ for use "in the defense of a free press."

Announcement of the grants was made yesterday in Ukiah, Mendocino county, by the board of trustees of the church, which has a statewide membership of more than 7500.

#### THREAT

Speaking for the board, trustee James R. Pugh said:

"We believe the American way of life is being threatened by the recent jailings of news reporters for refusal to reveal their sources.

"As a church, we feel a responsibility to defend the free speech clause of the First Amendment, for without it America will have lost freedom of conscience and the climate will become ripe for totalitarianism."

Pugh said the church's pastor, the Rev. Jim Jones, had "publicly commended" The Chronicle and its "fine editorial staff" for taking a strong editorial position in defense of the First Amendment and for "the high quality of the newspaper."

"The San Francisco Chronicle has shown itself to be fair, lucid, comprehensive and courageous in confronting many issues head on," trustee Pugh said.

#### SOCIAL

Called less formally Peoples Temple, the church is best known and highly regarded for its social works which include housing and feeding senior citizens and medical convalescents, maintaining a home for retarded boys, rehabilitating youthful drug users, and assisting non-members as well as members of the faith through college and legal difficulties.

In accepting the grant in behalf of The Chronicle, Charles de Young Thieriot, editor and publisher, expressed his thanks to the Peoples Temple Christian Church.

Thieriot said the $500 awarded to The Chronicle will be turned over to Sigma Delta Chi. the professional journalistic society, which is active in defense of freedom of the press.

And next I would like to share with our colleagues the text of a resolution which the Christian Church of Northern California-Nevada—Disciples of Christ—passed by an overwhelming margin on May 19 at their 1973 annual meeting. The resolution was offered by the First Christian Church of San Jose and won broad support from the 230 delegates attending the convention at the First Christian Church of Modesto, Calif. The delegates represented about 16,000 members from 79 congregations.

The text of the resolution follows:

Whereas, the church stands for freedom, and the free flow of information, and

Whereas, the public media, namely the press, is under increased challenge as to its exercising freedom in news and programming, as guaranteed by the First Amendment of the Constitution, and

Whereas, one of our congregations, *Peoples Temple Christian Church*, Redwood Valley, California, has made a financial contribution for use in defense of a free press as guaranteed by the First Amendment;

Therefore, be it resolved that the Christian Church of Northern California-Nevada (Disciples of Christ) meeting in its Annual Meeting May 18, 19 and 20, 1973, at First Christian Church, Modesto, California, encourage its member congregations to make their voice heard in support of a free and responsible press by either making financial contributions to insure a free and responsible press or by letting our elected officials, representatives of the communications media, and others know that we oppose any action which infringes on the First Amendment.

And be it further resolved that the Christian Church of Northern California-Nevada (Disciples of Christ), meeting in its Annual Meeting, May 18, 19 and 20, 1973 at First Christian Church, Modesto, California make known to our elected officials, representatives of communications media, and others our support of a free and responsible press and our commitment to that position and our rejection of any action which infringes on the First Amendment.

The Church Board, First Christian Church San Jose, California.

---

## VEYSEY ASKS LEGISLATION TO ENCOURAGE MEMBERS TO RETIRE AT 70 YEARS

## HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. VEYSEY. Mr. Speaker, last week I introduced, and this week I will offer for the cosponsorship of our colleagues, legislation to equitably solve the problem of superannuation which this Nation increasingly associates with the Congress. With some real justification, the American public is becoming more critical of the fact that Members of Congress can remain overly long in office, sometimes to the detriment of the legislative process, because we have no mechanism to encourage retirement of our elder statesmen.

My legislation, H.R. 7982, will provide such a retirement procedure—one which will encourage retirement at the age of 70, by decreasing our retirement benefits by 10 percent for each year we hold these seats after that age.

Mr. Speaker, I have seen a similar system work in California where I served for 8 years in the legislature. There, our judicial retirement system has been an important factor in improving the efficiency of our State court system. Our judges retire with dignity, serving not only their own best interests, but the best interests of the public, encouraged by a retirement plan with tapering benefits such as I propose for the Congress.

I appeal for serious consideration of this legislation at the earliest possible time. We must take an unselfish attitude in our approach to this problem, before we can ever hope to restore the American public's confidence in its legislative arm.

---

## CAMBODIA MUST NOT BECOME ANOTHER VIETNAM

## HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BRASCO. Mr. Speaker, today the Armed Forces of the United States are engaged in the daily bombing of Cambodia. Congress has not given any permission for such a course of action. Yet the President and the Pentagon, in unprecedented defiance of the will of Congress and opinions of the mass of Americans, continue to pursue this sterile policy.

To begin with, no legitimate, effective, long-term gains can or will emerge as a result of this endeavor. We are only turning the Cambodian landscape into another cratered surface similar to that of South Vietnam. In the process, we are earning for ourselves still more hatred and villification by millions of people who previously have been relatively well disposed toward our Nation.

Further, we are once more handing to the enemies of America yet another club with which to beat her. In the eyes of most of the world, we are now compounding in Cambodia by this illegal bombing the mistake and waste of our involvement in South Vietnam.

Such offensive bombing is costing the taxpayers of the United States millions upon millions of desperately needed dollars. How senseless to pound the jungles of Cambodia with high explosives at random in the hope of rolling back an irresistible tide of nationalism. In the long run we do more for the Communists by such action than we aid any so-called allies over the short term.

The regime we are allegedly allied with in Cambodia commands little respect, devotion or loyalty from the people it purports to represent. No coherent, responsible government exists there. We have merely propped up a group of individuals willing to mouth a few pro-American anti-Communist slogans, and called them a government.

In the end, the result shall be the same. Nationalist elements will inevitably and eventually force a change in Government or take over the nation. The little group now in control will enjoy luxurious exile in Europe on American dollars as a result of continued lack of understanding of the U.S. Government.

Did we not learn from the disaster in neighboring Vietnam? Have we no sense or memory of previous calamities? Are we, as Santayana stated, doomed to repeat past mistakes? Under this administration's existing Cambodian policies, we not only may, but are actually engaged at this moment in doing exactly that.

I will not condone going to war by Executive order, as was the case in Vietnam. I do not believe that Congress will ever again tolerate such a policy.

No legislation empowering the President to wage war has been passed. Therefore, the Cambodian bombing offensive is an illegal prosecution of conflict by Presidential order, without constitutionally required congressional sanction.

The prisoners are home. The Pentagon has expressed its satisfaction that all our men who can be identified have been accounted for, and efforts are underway to attempt to account for the missing in action.

Cambodian bombing does not protect American troops. Nor does it cover any withdrawal.

We have no treaty commitments to Cambodia, and have never had any. Every Cambodian Government on record has rejected formal ties with us in defense arrangements. What is going on there is a civil war, just as was the case in Vietnam. Finally, we have no critical interests at stake there. American security is not endangered. All we are doing is wasting money and endangering American lives in support of a dictatorship.

What, then, is the cause of our aberrant behavior and continued illegal involvement? The action of the President is the only answer; action which makes it appear he believes he is a law unto himself.

Congress has not declared war against Cambodia. To correct that misapprehension this Congress has already voted to put off further funding of our Cambodian involvement. The entire Cambodian imbroglio is not worth the life of another American boy, and the Congress has so stated by its recent action. Yet, this administration, arrogantly and unrealistically, still sees fit to serve notice upon the Nation and Congress that bombing will continue.

With these facts before us, our source of action is clear. Congress must reassert its constitutional right to make war. Already a series of measures curbing the President's usurpation of this power are winding their way through the Congress.

It is my belief that one or more of these bills will eventually emerge as new law. I fully support these endeavors and shall cast my vote for the one which will most strongly draw the line against repetition of what has transpired and is continuing. The President has already shown unprecedented behavior in continuing his present course of action and is precipating an inevitable clash between the executive and legislative branches of Government.

Is it not time for these two branches to coordinate their efforts, so that the actions of both will truly serve the American people—in the best interest of the American people?

---

## A RELIGIOUS CALL FOR AMNESTY

## HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. DRINAN. Mr. Speaker, I bring to the attention of my colleagues a remarkable statement on behalf of amnesty issued on Memorial Day 1973 by the national executive board of the Roman Catholic Conference of Major Superiors of Men. This group promotes the interests of more than 40,000 Catholic priests and brothers in the United States.

This statement has been approved by all of the 14 members on the national board of the Conference of Major Superiors of Men after lengthy discussions of the issues involved in the amnesty question.

I insert here the full text of the statement on amnesty followed by the names of the priests and brothers who signed the proclamation:

### A RELIGIOUS CALL FOR AMNESTY

Aware of the need to speak to value issues in American society, and mindful of our role as religious leaders within the Catholic community, we members of the National Executive Board of the Conference of Major Superiors of Men address ourselves to the critical question of amnesty.

We consider amnesty to be a positive act of compassion directed to our fellow citizens who are in prison or in exile because of their response to laws relating to military service. It is a proclamation that these persons are free to return to their families and homes, exempt from all legal prosecution for whatever actions they may have felt obliged to take regarding participation in the Vietnam war. It restores them to their full legal status of living and working in the United States as free and useful members of society.

Amnesty does not mean "forgiving"; it is a judgment of condemnation, not an act of condonation. It is simply an act of "forgetting," a wiping clean of the slate, an overlooking of any past legal transgression.

### A. WHY AMNESTY NOW?

We feel that the most urgent need facing the United States at this moment is the need for *reconciliation*. After a decade of bitter dispute over the Vietnam war, we Americans need to be brought together, to bind up our wounds, to unite in a common purpose to promote peace and justice.

Thousands of young men are currently in prison or in exile from the U.S. because of the positions which they took on the Vietnam war. Their status is both a symbol and a cause of division in our country. Amnesty would be a healing and reconciling measure designed to overlook the past and move a united nation into the future. It would restore confidence in the ability of our government and its people to foster a sense of renewed purpose, especially as we approach the 1976 Bicentennial Celebration.

### B. WHAT KIND OF AMNESTY?

We feel that the criterion to be used in deciding what kind of amnesty is chosen is clear: what best promotes the goal of reconciliation? We believe that a *universal* and *unconditional* amnesty will do the most at this time to promote reconciliation.

1. It should apply to all individuals who have broken laws regarding conscription into military service or who have withdrawn from participation in military service. This will affect those who have avoided the draft through going underground or leaving the country, those who have been imprisoned because of non-cooperation or forms of conscientious objection not recognized by our courts, and those who have left military service or have been imprisoned because of refusal to take part in combat. (We are not speaking here of criminal offenses unrelated to the draft and the war.)

2. If it is to be a true forgetting, the amnesty must not impose any penalizing conditions, such as alternative service or recording the facts of the case in public records. Any penalizing conditions would not heal division nor restore harmony to the nation.

### C. CALL FOR AMNESTY?

As American Catholic religious leaders committed to justice and peace, we call upon the President and the Congress to take the necessary steps to grant such an immediate universal and unconditional amnesty.

We are aware of the political difficulties involved in such an action and of the heated debate to which the issue of amnesty gives rise. There are certainly honest differences of opinion about the desirability, feasibility, and consequences of such action. However, it is our considered opinion that the amnesty we call for is the surest path to the promotion of reconciliation in our nation.

### D. PLEDGE FOR ACTION

In order to commit ourselves to the task of reconciliation, we are taking the following actions:

1. We are sending a copy of our Call to all of the members of the Conference of Major Superiors of Men, inviting them to share this statement with their own communities, to thereby stir up discussion and reaction, and to send their response to us.

2. We are communicating our position directly to President Nixon and to all the members of the Congress.

3. We are inviting members of the Conference of Major Superiors of Men to join their signatures to ours in support of this statement on amnesty at the Annual Assembly in June, 1973.

4. We are asking the American Catholic Theological Society to commission a task force on the theological dimensions of amnesty in order to deepen the understanding and further acceptance of this act of reconciliation by Americans.

### MEMBERS OF THE CMSM NATIONAL EXECUTIVE BOARD

Rev. Paul M. Boyle, C.P., President, Conference of Major Superiors of Men, 5700 N. Harlem Avenue, Chicago, Illinois 60631.

Rev. Alan McCoy, O.F.M., 1500 34th Avenue, Oakland, California 94601.

Rev. Joseph Francis, S.V.D., 2181 West 25th Street, Los Angeles, California 90018.

Brother Leonard Voegtle, F.M.S., 1044 Northern Blvd., Roslyn, New York 11576.

Rev. Flavian Dougherty, C.P., 1901 West Street, Union City, New Jersey 07087.

Rev. Thomas Stransky, C.S.P., 86 Dromore Road, Scarsdale, New York 10583.

Rt. Rev. Jerome J. Tremel, O. Praem., St. Norbert Abbey, De Pere, Wisconsin 54115.

Rev. Charles Hughes, P.O. Box 46404, Cincinnati, Ohio 45246.

Rev. William G. Guindon, S.J., 393 Commonwealth Avenue, Boston, Massachusetts 02115.

Rev. Michael F. Daniel, S.A., P.O. Box 167, Chappaqua, New York 10514.

Rev. Donald Ehr, S.V.D., 1025 Michigan Avenue, N.E., Washington, D.C. 20017.

Brother Francis Beck, F.S.C., De La Salle Provincialate, Lafayette, Louisiana 70501.

Rev. Justin Ryska, O.S.M., 3401 So. Home Avenue, Berwyn, Illinois 60402.

Rev. Stephen M. Ryan, O.S.M., 5210 Somerset Street, Buena Park, California 90620.

---

## REV. JAMES GERALD JOYCE, O.P., OF ST. DOMINIC CHURCH IN YOUNGSTOWN, OHIO, RECEIVES GOVERNOR'S AWARD FOR COMMUNITY ACTION

## HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. CARNEY of Ohio. Mr. Speaker, recently I was advised that the Governor's Award for Community Action has been presented to the Reverend James Gerald Joyce, O.P., of St. Dominic Church in Youngstown. Ohio Governor John J. Gilligan singled out Reverend Joyce for his interest and efforts in behalf of his fellow senior citizens. The award was made by State Representative Thomas Gilmartin of Youngstown at a gathering of the St. Dominic Senior Citizens Group in Friar Hall.

Father Joyce, who spent more than half his priestly life in the mission fields of China, at age 73 is still working actively to make the lives of his fellow senior citizens more meaningful. He has served as moderator of many parish organizations, especially as organizer and director of the senior citizens group, which was formed 5 years ago for all faiths and has been a model group in Youngstown.

Throughout his long and active life, Father Joyce has shown compassion for his fellow man. His first assignment was to the foreign missions in Fukien, China in the 1930's, where he served until 1955. During that period he was known affectionately as Hus Shen Fu—Noble Spiritual Father—to older Chinese and as Big Shot Spiritual Father to the children.

With two other Dominican friars, the Revs. Frederick Gordon and Joseph Hyde, laboring in Fukien, Father Joyce was placed under house arrest in 1953 on trumped up charges of being capitalist American spies. From August 20, 1953, to September 1955, the three were in solitary confinement in separate 10-foot square cells, and never permitted to see or talk with one another or communicate with the outside world. Their release received worldwide notice. Today all three priests are together again as assistants at St. Dominic's.

Upon his return to the United States, Father Joyce served in St. Gertrude Parish, Cincinnati, for 6 years, the Dominican Mission Band, and presently St. Dominic's.

Mr. Speaker, it is indeed a pleasure and a privilege to acknowledge the accomplishments of this fine human being.

## CHEMICAL WARFARE (V)

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. RANGEL. Mr. Speaker, the American misadventure in Southeast Asia may best be symbolized in the years to come by our utilization of poisonous chemicals in that war.

The following articles just recently appeared in newspapers in New York.

[From the Daily News, May 2, 1973]

S. Viet Shrimp Called Tainted By Defoliant

Saigon, May.—Japanese newspapers have quoted a South Vietnamese botanist as saying that marine life in the South China Sea has been contaminated by defoliant chemicals dropped on forests by American planes during the Vietnam war.

Japan's Social and Health Ministry disclosed today in Yokohama that it has impounded 24 tons of frozen shrimp from South Vietnam pending the outcome of tests. The action was apparently based on the press reports.

The botanist, Pham Hoang Ho, a sanitary engineer employed by South Vietnam's Agriculture Ministry, could not be reached for comment.

FOREIGN EXCHANGE

In the last year, at least 20 firms have gone into the frozen shrimp and sea food business in South Vietnam. The country has been counting on one of the world's last largely untapped fishing grounds to provide it with badly needed foreign exchange.

A finding by Japan that the shrimp are unfit for human consumption would virtually rule out foreign markets for shrimp, crabs, and fish.

It would also revive the 1970 controversy in which use of Agent Orange, one of three defoliants employed in the United States Air Force "Ranch Hand" operation, was banned because it was found to cause birth defects in animals.

Use of two other defoliants, Agent Blue and Agent White, continued, but their use was restricted to the immediate adjacent areas around U.S. artillery firing bases.

[From The New York Times, Apr. 6, 1973]

Contamination of Vietnam River Fish Laid to Defoliant

(By Richard D. Lyons)

Washington, April 5.—Two Harvard biochemists have found that a component of a defoliant chemical used by United States forces in South Vietnam has contaminated fish and shellfish in Vietnamese waters and they say it may pose longterm hazards for the human population.

Dr. Matthew Meselson, a professor of biochemistry, and Robert Baughman, a graduate student, reported that they had detected dioxin, a contaminant part of the herbicide known as 2,4,5–T, in a variety of fish and shrimp caught in South Vietnamese rivers and coastal waters. The rivers drain areas in which 45,000 tons of "agent orange," containing the herbicide, were sprayed between 1962 and 1970 to reduce forest and jungle growth that provided cover for Communist forces.

Dioxin is known to cause birth defects in animals and, in theory, may have the same effect on humans, but Dr. Meselson said in a telephone interview that it was not known what effect it has had or would have on people in South Vietnam.

"No massive problem has been seen there in public health but it either might have occurred on a very small scale it is yet to build up," he said.

The samples of marine life that the Harvard biochemists studied were collected in 1970. The researchers reported that a catfish had the highest amount of dioxin—814 parts per trillion—which, they said, would be a lethal dose for some animals such as guinea pigs.

A report in the biochemists' research was presented on Monday to a meeting at the National Institute of Environmental Health in Chapel Hill, N.C., and made public here by the Center for the Study of Responsive Law, which is directed by Ralph Nader, the consumer advocate.

A spokesman for the Pentagon said that the Departemnt of Defense would have no immediate comment on the dioxin report.

Dr. Meselson said that dioxin "a nasty poison that is 100 times more toxic than the deadliest nerve gas" and had additional troublesome qualities. These, he said, are that it remains stable in an environment and that either it seems to collect in the tissues or its effects do.

For at least four years, questions have been raised about the safety of using 2,4,5,-T. Dioxin apparently is formed in the herbicide during the manufacturing process, but relatively little is known about the substance.

Because of the uncertainties over the use of 2,4,5,–T, the science adviser to President Nixon, Dr. Lee A. DuBridge, restricted the use of "agent orange" in 1969 to South Vietnamese areas remote from the population. At that time, Dr. DuBridge noted an unusually high incidence of fetal deformities in mice and rats.

The samples of marine life studied at Harvard were collected a year later along the Dong Nai and Saigon Rivers and on the coast of Can Gio, about 50 miles from Saigon.

The research was started by the herbicide assessment commission of the American Association for the Advancement of Science and was financially supported by that group, the Ford Foundation and the National Institute of Environmental Health Sciences.

Officials of the center that made the study public also sent a letter to William D. Ruckelshaus, Administrator of the Environmental Protection Agency, asking that he extend his partial ban on the domestic use of 2,4,5–T in view of the findings.

[From The Daily News, May 4, 1973]

Cambo Rebels Use Toxic Gas To Take Post

Phnom Penh, Cambodia, May 3.—Cambodian forces, attacking behind a "toxic gas" barrage, overran two battalions of government troops at an outpost southeast of Phnom Penh, killing 20 and capturing 580 others who were disabled by the gas, military sources said today.

The sources said the attack occurred Monday near Neak Luong, an important ferry town and naval outpost on the Mekong River about 35 miles southeast of Phnom Penh. They said details of the attack were sketchy. Only one of the prisoners escaped and returned.

The exact type of "toxic gas" used by the rebel forces was not disclosed. However, it was believed to be one of the varieties of tear gas, which has been used widely by the allies and fairly frequently by the Communists in South Vietnam.

ATTACK NOT RECORDED

The gas attack near Neak Luong was not reported by the Cambodian high command, but was confirmed by Cambodian and United States military sources. Command spokesmen earlier had reported a number of "toxic gas" shellings against Cambodian forces in the area recently.

The heavy government losses along the Mekong jeopardized future supply convoys up the river to Phnom Penh from South Vietnam. The last river convoy to reach the Cambodian capital arrived on April 23.

Elsewhere in Cambodia, heavy fighting was reported around the provincial capital of Takeo, 55 miles south of Phnom Penh. The city has been surrounded since April 13.

In Saigon, the Viet Cong said today its forces had fired on a U.S. reconnaissance aircraft flying in an air corridor assigned to the International Commission for Control and Supervision over South Vietnam.

[From the New York Times, May 9, 1973]

Vietcong Say Saigon Sprayed Chemicals

Saigon, South Vietnam, May 8.—The Vietcong charged today that Saigon troops fighting in a Communist-held area had sprayed toxic chemicals that "ruined" more than 1,500 acres of land and caused serious illness to "large numbers of persons."

The area involved is within five miles of the site where a helicopter of the International Commission of Control and Supervision was fired on Sunday.

Capt. Phuong Nam, a Vietcong press officer, said the toxic chemicals were sprayed on an area in the Mekong delta near Hoa Hung, in Chuong Thien Province, about 100 miles southwest of Saigon. The helicopter was fired on in the same area but it was not hit and there were no injuries.

Captain Nam said the Vietcong filed an official protest Monday with the international commission over the spraying incident and asked truce supervisers to go to the area to investigate.

Swift and decisive actions must be taken by this legislative body to curb this increasing utilization of poisonous chemicals in war.

I will soon be introducing "The Herbicide Export Control Act of 1973" and "The Chemical Warfare Prevention Act of 1973" in the House of Representatives.

The former proposal will halt the exportation of 2,4,5-T herbicides, heavily used in Vietnam.

The latter will halt the exportation of all classes of herbicides to Portugal and the Republic of South Africa, nations presently engaged in chemical aggressions against African citizens.

I welcome the support of my colleagues in these efforts to arrest the developing trend toward chemical warfare.

## SALUTE TO WILLIAM C. KAHL AND ROLLAND NOCK

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. STEIGER of Wisconsin. Mr. Speaker, in the next few days Wisconsin educators will be paying warm tribute to two deserving individuals who, between them, have devoted 82 years to public education. These are extraordinary men: State Superintendent of Public Instruction William C. Kahl and the director of special education for the Appleton Public Schools, Mr. Rolland Nock.

In the past 42 years Bill Kahl has served, as teacher, principal, superintendent, and—since 1966—as State superintendent of public instruction for the State of Wisconsin. Education at every level—elementary, secondary, vocational, and higher education—is immeasurably stronger and better in our State, because of the efforts, imagination, and devotion of State Superintendent Bill Kahl.

During this same period, Rolland Nock has developed one of the truly outstanding programs offering special educational opportunities for handicapped children. He has built a staff of more than 50 people who work with children of central Wisconsin who are handicapped by deafness, orthopedic disabilities, speech defects, mental retardation, emotional problems, and learning disabilities.

Mr. Speaker, Wisconsin has been lucky to have the leadership and influence of Mr. Kahl and Mr. Nock. I join their many students and colleagues who are marking their retirement with the mixed feelings of appreciation, good wishes, and a sense of loss.

## DISTINGUISHED NEWSMAN RETIRES

### HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. BEVILL. Mr. Speaker, it is a distinct honor for me to join today with my colleagues in the U.S. House of Representatives in paying tribute to Dillon Graham who retires on the 31st of May, following an outstanding career as a journalist.

As you know, Dillon has covered the legislative branch of the U.S. Government for the last 25 years and has been with Associated Press for 44 years. During this time Dillon has distinguished himself as one of the hardest working reporters on Capitol Hill, dedicated to seeking out the truth, and insistent on accuracy in reporting.

I am proud to say that Dillon is one of the hardest working and most dedicated reporters I have known during my public service career.

In these times when many reporters prefer to "gather" and "report" events from their offices, Dillon can be found in the corridors of the Capitol and in the office buildings of the Senate and House, talking with the Members, gathering the facts, doing the job right.

Dillon exemplifies the highest qualifications of a newsman it has been a privilege for me to know him during my service in the Congress.

Along with his friends and supporters, I am grateful for his many accomplishments and I am pleased to have this opportunity to wish him the very best during the coming years.

## THE PEOPLE SPEAK

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Ms. ABZUG. Mr. Speaker, I respectfully insert into the Record just a few of the hundreds of letters that I have received regarding Watergate and requesting that the House investigate the conduct of the President to determine whether he should be impeached:

RALEIGH, N.C.

Hon. BELLA ABZUG,
*The House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSWOMAN: To begin, let me say that I am not your biggest fan. I do not share your opinion on the matter of women's liberation. But please do forgive me, as I am only sixteen.

I saw on the CBS Evening News tonight that you plan to sponsor a bill establishing a committee to examine evidence for any future Presidential impeachment action. Bravo!!

In my opinion, the President should immediately resign. While there is any air of wrongdoing hanging over the White House, President Nixon cannot be the needed, effective leader. He, more than anyone else, should realize that.

Any impeachment action will have my complete support. I can't give money because I get $1.50 per week for an allowance. But any volunteer organization in need of membership, can count on me to write letters, editorials, etc.

Please tell me what I can do to help either your proposed bill, or the impeachment proceedings.

To finish, let me say that after Senator Hubert Humphrey lost the Democratic Presidential nomination, I was bitter, and supported the President. In October, I realized the error of that action, and began to support Senator McGovern. I was a little too late. And besides, I gave the Nixon campaign a total of $1.75 in contributions. That probably wasn't the largest contribution, but it burned me up when I thought that my $1.75 might have paid part of Hunt's or McCord's salary. As I said before, please write to tell me what I can do to help. Thanks.

---

LONG BEACH, N.Y.,
*May 23, 1973.*

In view of the President's speech of this date it is obvious that Mr. Nixon has no hesitation of violating legal principles and the Constitution of the United States. He waves the flag and screams national security when convenient to cover illegal activities.

This man frightens me. God help us if he decides to create an international situation in order to take the heat away from himself. The question in my mind in addition is who will be made the scapegoat if he is allowed to continue.

My wife and I earnestly request you to support any move to remove Mr. Nixon from office.

---

NEW YORK, N.Y.,
*May 18, 1973.*

DEAR CONGRESSWOMAN ABZUG: I urge that you give serious consideration to the possibility of initiating impeachment proceedings against Mr. Nixon. There are some who would argue that such an action would seriously undermine the confidence of the people in the President and his office. It is my opinion that Mr. Nixon, by his arrogant, methodical usurpation of the rights of the individual and other branches of the government, has already rendered such an argument moot.

Watergate served primarily to more fully expose and underscore ongoing policies of illegal and unethical practices in the pursuit of power by the administration. The instances of such criminal activities as perjury, burglary, conspiracy, slander, etc., committed by the members of the Executive branch, has more deeply shattered the confidence in this high office than an impeachment proceeding, aimed at securing the truth, possibly could. It is Mr. Nixon's failure to make even one thing perfectly clear (except that we all need the help of Billy Graham's God) regarding Watergate that prompts my major concern.

Whether Mr. Nixon knew of Watergate or not does not change the fact that as the President, the chief executive, he demonstrated total ineptness in character assessment in selecting his most trusted aides; he willingly abdicated presidential powers and responsibilities to a few ersatz ad executives; and, was apparently gullible past the point of naivety and well into the realm of stupidity. Even now, while most of his former staff face indictment, and several former cabinet members are already under criminal indictment, Mr. Nixon advises a stunned nation and world that it was an unfortunate incident. Either this man is completely out of touch with reality (perhaps facts are simply too alien to his office to be recognized) or he is maintaining a "Divine Right" arrogance which deems it unseemly to account with candor and correct with dispatch. In either instance, there is no basis, pre- or post-Watergate, for confidence in this man as Chief Executive of this nation.

Rather than four more years of the present administration I would prefer to see us swap leaders with some tiny banana republic. I have every confidence, in this instance, that Mr. Nixon would easily adapt.

Sincerely,

—— ——.

---

EVANSTON, ILL.

DEAR CONGRESSWOMAN BELLA S. ABZUG: We have crime in the streets because we have crime in the White House. How can any foreign government trust Mr. Nixon's word when we Americans cannot trust his judgment? Please banish the—corruptibles—and save American integrity at home and abroad.

Former Republicans,

Dr. and Mrs. —— ——.

---

WOOSTER, OHIO,
*May 15, 1973.*

HONORABLE BELLA ABZUG: As a concerned citizen, World War II Vet, College Graduate, Middle Management Executive and patriot I urge you to introduce legislation to establish a commission to investigate the circumstances of the "Watergate Affair," relative to improprieties in the office of the President. Only a thorough investigation of and conduction if necessary of an impeachment proceeding against Richard M. Nixon can this stigma against the American Government be removed.

I talk with common people every day who feel that Mr. Nixon's and his associates conduct is typical of all politicans only the most dramatic and decisive repudiation of this, by an impeachment proceeding or censure, will demonstrate this is not the manner our electoral system functions in.

Yours truly,

——— ———.

New York, N.Y.,
*May 25, 1973.*

U.S. Representative Bella Abzug,
*U.S. House of Representatives*
*Washington, D.C.*

Dear Congresswoman Abzug: Although I have lived in and voted from New York State for the last 25 years, I spent my growingup years in Montana.

As a New York resident, as a Montana native, but far more importantly, as an American citizen, I wish to voice my outrage at all the elements involved in "the Watergate Affair"—and my hopes that the current investigations will unearth and lay bare every one of those elements.

I was taught, in my Montana schooldays, that in this country the three branches of government are co-equal. I fervently hope that Congress will now both remember and insist on that, and that should the President of the United States be proven to be unworthy of that office, the Congress that our forefathers invested with that power, will rectify this.

Sincerely yours,

——— ———.

New York, N.Y.,
*May 23, 1973.*

Dear Congressperson Abzug: I hope to see you in the leadership of any movement to impeach Richard Nixon. I think you would agree that he has to be forced into a position of accountability both for what he may have done and for what he was negligent in stopping. It seems essential that he be stopped before he can consolidate more power and initiate another cover-up. I certainly hope the Congress won't be squeamish about initiating a process that should be no more feared than any other lawful jury trial.

Very truly yours,

——— ———.

May 20, 1973.

The present Watergate miasma is too stifling. The unending executive double talk, the tenuous pretensions of no knowledge and the repeated efforts to compromise many levels of Government indicate a morally bankrupt Administration. Resignations by "fall guys" or political lackeys will not restore faith in the Government. We have an Administration whose utter arrogance of power now mandates the President's resignation.

Whether the President personally knew or did not know of the many machinations of "Watergate" is not the basic issue, although assumption of the latter premise indicates an inordinate naivete. The repeated attempts to obstruct justice and the flagrant attempts to subvert our political processes have left a taint on the White House that only a prompt resignation could hope to erase. If Nixon loves his country and respects his office, as much as he incessantly publicly professes, then he must resign.

But if the President persists in maintaining his pomposity, if the President's Napoleanic egomania persists then Congress must take immediate impeachment action. Partisanship must be forgotten, the integrity of our Government is truly at stake. The integrity of the White House and Government can only be restored by the forthright exit of the White House's present occupant.

Sincerely,

——— ———.

## FAREWELL TO A REPORTER

## HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 1973*

Mr. HÉBERT. Mr. Speaker, Washington is a reporter's battleground, and there are many that fall by the wayside.

Therefore, it is with a touch of sadness that I say goodby to Dillon Graham, who concludes an illustrious 44-year-career with the Associated Press, 25 of those years spent covering the Nation's Capital.

In these trying times, we need more reporters who report events accurately and effectively, but above all, those who never succumb to pressure and grab for headlines.

Dillon is a reporter's reporter. He always got his story, and he did so in a courteous, professional manner. Those of us who are subjected to the press because of our positions in government appreciate the Dillon Grahams, and in all honesty, there are too few of them.

Dillon has performed his task of keeping the public informed above and beyond the call of duty, and I wish him all the best upon his retirement.

## DETROIT UKRAINIANS TO MARK ANNIVERSARY OF STALIN'S "FAMINE" AND ITS 7 MILLION VICTIMS

## HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. NEDZI. Mr. Speaker, we have a sort of emerging United States-Russian détente today, but we should be careful not to romanticize the state of the world.

As I have stated on other occasions, there is a very dark side to the nature of the Soviet Union. This dark side is especially underlined in the tragic history of the Ukrainian people during this century.

The Ukrainian-American community of Greater Detroit is calling attention to the continuing plight of the Ukraine. The observance notes the anniversary of the devastating famine imposed by the Soviet Union 40 years ago.

A press release on this matter, issued by the Ukrainian Congress Committee of America, Inc., is set forth below:

Ukrainian Congress Committee of America, Inc.—Press Release

Sunday, May 27, 1973, Detroit's 100,000 Ukrainian-Americans will join with others around the world in a solemn commemoration of the deaths of seven million of their countrymen who perished in a Kremlin-imposed famine 40 years ago.

A rally at Cobo Hall and march to Kennedy Square will launch a "year of remembrance", according to Michael Smyk of Detroit, Chairman of the Commemoration Committee. Special masses and services also are to be held in the Ukrainian Catholic, Orthodox and Protestant Churches of Metropolitan Detroit.

The famine of 1932–33 wiped out 19 percent of Ukraine's rural population. Additional hundreds of thousands perished in the Urban centers, Smyk said, but it was the avowed policy of Joseph Stalin to attach Ukrainian nationalism by destroying what he considered to be its base: the farmer.

In his 1935 book, "Marxism and National Colonial Problems," the Russian premier wrote: "The peasantry represents in itself the main force of the nationalistic movement. Without the peasantry, there could be no strong national movement. That's exactly what we have in mind when we say that the national problem is, in essence, a problem of peasants."

Smyk warned that the pattern of "Stalin's famine," its brutal efficiency so similar to Hitler's "final solution" in exterminating six million European Jews, offered a grim reminder that nothing has changed in Moscow's policy, particularly toward its satellite republics.

"The starvation of Ukrainian farmers was not an isolated attack on dissidents, but a forward step in Russian colonialism," Smyk said.

"Lenin had recognized Ukrainian sovereignty soon after the Bolshevik revolution, but this recognition of independence then became only lip service while every vestige independent nationalism was trampled."

Collectivization of Ukrainian farms in the 1920's proceeded faster and more smoothly than it did even in Russia, Smyk added. By 1930, 59 percent of Russian land had been turned into collectives, while 65 percent in Ukraine—the breadbasket of Europe—had been socialized. Russian statistics show that by 1937, collectivization covered 90 percent of Russian farmland, and 91 percent in Ukraine.

The relentless Russification policies, and Stalin's fear of reactionary outcrops, in 1930 led to a purge of Ukrainian intellectuals. That year, Smyk said, 80 percent of the intellectuals were liquidated within the Ukrainian Communist Party ranks, 46 percent of the members were purged (most of these disappeared forever); and 40 percent of the Comsomol (Young Communist) members were eliminated.

When removal of independent thinkers still failed to end Ukrainian nationalism, the Kremlin instituted its starvation policy, seizing virtually all foodstuffs. The Ukrainian death toll in two years—seven million, and 19.4 percent of a smaller population—was greater than that of the 1941–45 World War II years, when Ukraine was caught in the Nazi-Russian crossfire killing 5.6 million persons (15.6 percent of the population).

Paul Postyshev, the Russian Supreme Soviet's special emissary charged with implementing collectivization in Ukraine, reported to the Russian Communist Party's 12th Congress in 1934 that: "The year 1933 was the year in which the Ukrainian nationalistic counterrevolution was destroyed."

"The stage appears to be set for another era of savage repression and liquidation by Russia in Ukraine and other Eastern European countries," Smyk said.

He noted that a new wave of purges of intellectuals began in Ukraine in 1968. Philosophers, writers, literary critics, many of them, even sincere Communists and officeholders within the party, have been arrested, tried and convicted on trumped-up charges of fostering secessionist movements.

The purge reached a new high point on April 27, 1973, when the Kremlin stripped Pyotr Y. Stelest, former Communist Party leader in Ukraine and noted as one of Russia's most subservient puppets in the satellite nations, of Politburo membership.

"We fear that this may be the forerunner of a new and bloody terror," Smyk said. "It is our hope that in remembering the Russian attempt at genocide of 1933, we should alert ourselves and the entire free world to the continuing perils." Survivors of the Stalinist famine now living in Detroit will be among speakers at next Sunday's ceremonies. U.S. Rep. John Dingell and representatives of the Detroit Captive Nations Committee will address the estimated 5,000 persons expected to rally at Cobo Hall at 2:30 p.m. Rep. Robert Huber will speak to the group at Kennedy Square following the march from Cobo Hall, and religious memorial services are to be held.

A busload of Detroit Ukrainians will join with thousands of others from around the United States in a protest at the Russian embassy in Washington next Saturday.

Detroit Ukrainian Catholics will be visited Thursday by Josyf Cardinal Slipyj, their 82-year old prelate and himself a victim of Russian treachery and imperialism. A press conference will be held in conjunction with the famine remembrance year at the Detroit Press Club, on Friday, May 25, 1973 at 9:30 a.m.

---

## STEPS TO THE STARS

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, the Daily Press of Newport News, Va., describes well the deeper significance of the Skylab program, its interaction with both past and future national space effort and its expected contributions. Because of the value of this article, I am including it in the RECORD for the benefit of my colleagues and the general public:

### STEP TO THE STARS

The American space program has always had an element of precocity about it and, as such, was treated with the same respect as a precocious child.

It developed in quite remarkable ways, and showed a real flair for special objectives. We were fascinated by it, and rightly so.

But precocity has its own limitations. At some point, basic decisions must be made about training, talent, direction and the like. And thus it has been in the space program.

The decisions that had to be made may take from us the joy of space spectaculars and the thrill of national triumphs. But none of us who witnessed them will ever forget those that have taken place in our lifetime. We have been to the moon with our astronauts, sped with them through space and anxiously awaited the final splashdowns in the Pacific.

These glories have had a great deal of dedicated, concentrated effort behind them—and we got only small glimpses of these. For one thing, it was not possible to show it in detail. For all that, we were not all that interested in the how, just the what.

The immediate future of the space program has more how than what in it, and much of this too will escape us. That does not mean that it is insignificant; only that it is not as spectacular as what we are used to. Indeed, what will take place in the next few years could turn out to be more important than what has gone before.

We may even learn that from Skylab 1, a double shot which will put a space laboratory into earth orbit and man it with astronauts for a 28-day period. New technology involved in this is particularly limited; in this case, we are dealing with scientific exploration almost exclusively.

Man will learn how he and his artifacts react to weightlessness over long periods of time—in short, whether he can ever wander into deep space and, if so, what it will require of him. He will study, from beyond the obscuring atmosphere of earth, the pathways that lie before him in space. Having leaped over the moon, he will now begin building steps to the stars.

It may seem a bit ironic that, at this moment, we do not know when, or even whether, man will ever follow his mind on this long, long journey. After all, unmanned vehicles such as the important Viking Mars probe being managed by Langley Research Center, can satisfy much of our curiosity. But man once pushed canoes into unknown waters ahead of him to test them, and he has always followed them eventually. Somehow, some time it must be with space, too.

---

## "BROADCASTING AND GOVERNMENT", A PAPER BY JOHN W. MACY, JR.

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. BRADEMAS. Mr. Speaker, I believe that the current debate concerning the role of public broadcasting in the United States will be illuminated by a most thoughtful paper delivered by John W. Macy, Jr., the distinguished former President of the Corporation for Public Broadcasting.

Mr. Macy's essay, entitled, "Broadcasting and Government," was delivered on February 16, 1973, at the Center for the Study of Democratic Institutions in Santa Barbara, Calif.

The text of Mr. Macy's paper follows:

### BROADCASTING AND GOVERNMENT

(By John W. Macy, Jr.)

The relations between government leadership and the press have never been cordial. Presidents since Washington have railed against the torture inflicted upon them by practicing journalists. At times their misery has in fact been caused by excesses and sensationalism expressed by those who cover their actions. Calumny has flowed from pen or voice in unfair treatment. Political destinies have been shaped by a reporter's catch phase or partial account. But abuse of this type is a small price to pay for open government, for the public's right to know and for essential of a free press in preserving democratic principles.

These essential relations are undergoing disturbing changes in contemporary Washington. The Nixon Administration in an unprecedented manner has been attempting to manipulate the flow and availability of information from the presidency through the activities of a large, residence public relations staff. On the other hand, spokesmen for the President have mounted and sustained attacks upon the media and their reporters who fail to applaud every act of the Administration. This control and attack combination has been particularly evident in the area of broadcast journalism, or more precisely, video journalism.

There is no doubting that the President personally understands and appreciates the high political power of the visual medium. For more than 20 years this instrument has been a major factor in determining his political course through crisis, failure and to ultimate success. In the White House he created a director of communications position from which his close, long time associates, Herbert Klein, supervised the President's exposure on and by the medium. Other assistants have designed and operated elaborate monitoring systems to permit the President and his immediate advisors to have an immediate, daily assessment of all video journalism.

### ADMINISTRATION CONTROL AND ATTACK

The attack on the media was launched early in the Administration from near the top, the Vice President. In his Des Moines speech Spiro Agnew in purple prose excoriated the objectivity and ethics of the national network journalists. He criticized what he called their personal bias, their facial editorials and their corporate captivity and location. Properly detecting public favor toward his attack he sustained it until he was returned to central casting for a new and more friendly role.

But the attack was not confined to language. A critical correspondent was subjected to an unexplained FBI investigation. Local television stations were courted to resist public affairs programs from the networks. Threats of license renewal difficulties were circulated. One White House operative, Pat Buchanan, raised the spector of possible anti-trust action against allegedly biased liberals on the air.

It is natural that journalists would react negatively to such attack upon themselves and their craft. Their complaints may be dismissed by some as the cries of the guilty. But there are other observers who join the chorus of concern. One is the respected Senator from North Carolina, Sam Ervin, Chairman of the Senate Subcommittee on Constitutional Rights, who remarked that government has often responded intemperately, sometimes justifiably to press criticism, "but the actions of the present Administration appear to go beyond simple reactions to incidents of irresponsible or biased reporting to efforts at wholesale intimidation of the press and broadcast media. A free press is vital to the democratic process. . . . For to make thoughtful and efficacious decisions—whether it be at the local school board meeting or in the voting booth—the people need information. If the sources of that information are limited to official spokesmen within government bodies, the people have no means of evaluating the worth of their promises and their assurances."

### THE PEOPLE NEED INFORMATION

Yes, the people need information. Unfortunately, the capacity of video journalism to meet that need is being seriously stunted in these times when the complexity and criticality of public issues make that need particularly urgent.

In my view, the most potent means for achieving democracy's goal of a well informed citizenry is today suffering from arrested development. Video journalism, with its visual power to illuminate vital issues, has failed to gain the strength, reach or diversity commensurate with its potential. Its freedom to range the field of public problems is inhibited by these ambiguous threats from public officials and by those built-in commercial imperatives that dominate so many decisions in the industry. Less and less time is devoted by broadcasting to the exposition of these problems; only 2% of prime time on commercial networks is committed to this purpose. More and more caution is applied in dealing with those few issues that are exposed. While these negative trends persist the public is advising the pollsters that television has become the principal source of information. Contrary to the White House line a significant majority of citizens consider video reporting to be "fair and balanced in showing different points of view."

Commercial networks provide remarkable coverage of the major events—space shots, natural disasters, presidential inaugurals and funerals. They provide the home screen viewer with a sense of historic participation. But their commentary on public decisions and statements tends to be fleeting and cryptic. While occasionally offering penetrating and hard hitting thrusts, their investigative journalism is less frequent and less daring. "The Selling of the Pentagon" is well remembered for the controversy it stirred. It should be even better remembered because of its uniqueness. The pursuit of diverse views on controversial issues is mild and limited with the exception of a very few programs like "60 Minutes" from CBS. Most of the journalist efforts that are attempted usually set new lows in that all important ratings competition with the result that their attraction for the sponsor dollar is reduced.

Now to these economic hurdles are added the obstacles designed by Agnew, Bunchanan and Whitehead. Critics can scarcely condemn broadcasters for displaying lack of eagerness in extending their journalistic efforts over such a hazardous obstacle course. The real victim of these adverse conditions is the citizen himself who turns on his set to learn more and to better understand the baffling world in which he lives.

### VIDEO JOURNALISM IN PUBLIC TELEVISION

And so I come to my most immediate area of media concern—video journalism, or if you prefer, public affairs programming, as broadcast by the public television stations. With an even more pronounced obligation for public service these non-commercial stations have an inherent mandate to inform their viewers. Without the economic or time stresses with which commercial broadcasting must contend the journalist on the public station should be able to treat public issues in depth and with breadth. There should be opportunities for him to experiment with new techniques and formats which more fully employ the electronic versatility of the medium. With educational service a principal raison d'etre, the education for citizenship through presentation and discussion of current controversy should be a fundamental program objective.

When the first educational television stations were licensed by the FCC for some of the 242 channels reserved for non-commercial purposes, they sought, each in its own way, to serve the viewing public in a journalistic fashion. Limited technical and professional capacity, as well as meager budgets and leadership, permitted only partial and amateur performance in journalism. To overcome this admitted deficiency stations joined together to form cooperative regional networks, seek funds from the Ford Foundation for more significant local productions, and campaign for a national service which would offer the quality, coverage and topicality at the national level. These moves were moderately successful, largely due to the generosity and understanding of the Ford Foundation in supporting local newsroom projects in cities like San Francisco, Dallas, Jacksonville, Pittsburgh, Boston, and Washington and the one national public affairs program source, National Educational Television, which it established and financed. Although these supportive moves were greeted with dissent as well as applause from the benefiting stations, they demonstrated the important supplementary role educational television could play in providing journalistic substance on the television schedule. The content of these programs ranged far and wide in use of technique to inform the viewers: live coverage of government in action, documentary treatment of issues, institutions and events, discussion of critical public problems by expert panels, interviews with opinion and decision makers, assessment of leadership policy statements, and direct news reporting.

"Public" television was coined by the distinguished citizens who formed the Carnegie Commission to study the educational medium as it was functioning in the mid 1960's. In its report recommending future actions to develop a national system for the production and delivery of public service television programs, this Commission clearly encompassed the program area of video journalism in its proposal. E. B. White, in his poetic statement of purpose for the new enterprise, called for this message on the public medium when he identified the need "to restate and clarify the social dilemma and political pickle." Much of the Commission's debate centered around the need for adequate insulation of journalistic programming from the potential interference of the recommended sponsor, the U.S. Government. To achieve such insulation and to guide the system's development, the Commission proposed a non-governmental corporation to distribute federal funds for the total effort and a long range financing plan to avoid the inherent pressures in the annual appropriations process.

### LONG RANGE FINANCING SLIPPED AWAY

When, in 1967, President Johnson proposed and Congress disposed of the Commission's recommendations, that Corporation was created but the long range financing feature had slipped away with only a promise for a later presidential plan to meet this need. That promise has not been fulfilled by either of the two Administrations in the past five years. The prospect of such a plan is more remote than ever today in the wake of President Nixon's veto of a modest congressional initiative in this direction last year—a two year authorization with decidedly higher funding levels.

The incorporation of that new organization, the Corporation for Public Broadcasting (CPB) with its fifteen directors appointed by the President and confirmed by the Senate, brought up again the sensitive issue of journalistic freedom when financial support flowed from the federal treasury. There remained serious qualms about independence of programming under such conditions. This apprehension had been reflected in the legislative consideration of public broadcasting and was incorporated in the statutory prohibition of facility ownership or operation by CPB and in explicit statutory language:

"Facilitate the full development of educational broadcasting in which programs of high quality, obtained from diverse sources, will be made available to non-commercial educational television and radio stations with strict adherence to *objectivity* and *balance* in all programs and 'series of programs of a controversial nature'" (g)(1)(A) Public Broadcasting Act of 1967.

Combined with the strictures already enunciated by the FCC in the so-called *fairness* doctrine, these requirements formed public broadcasting's own FOB factor.

These flashing yellow lights were clearly visible as the infant corporation contemplated the journalism component of public television programming. There was whispered advice from some quarters to avoid all controversy in national programs for at least five years or until long-range financing became a reality; "play it safe, stick to symphony concerts and children's programs" was the counsel offered to the Corporation leadership. However, the mandate to construct "one or more systems of interconnection" to permit live, instantaneous broadcasts of topical subjects implemented congressional intent in this area. It was concluded that public broadcasting would fail in its public mission if it turned the cameras away from the stormy landscape of national controversy over vital issues.

In establishing the interconnected system linking 200 stations for program distribution, the CPB management sought to place that system in the hands of the station users of the product distributed; after all, as independent licensees, who controlled and had legal responsibility for program transmission, they were to receive and use this source. So the Corporation recognized the essential involvement of the stations in program selection, scheduling and coordination from the expanding circle of production sources in individual stations if a national system was to respond to local needs and desires. With advice from station leadership, the Public Broadcasting Service (PBS) was formed in 1970 with the stations to exercise these responsibilities within the framework of that organization in close collaboration with, but removed from, CPB, the federal funding source. By this action, essential additional distance was obtained between the program producer and the government and CPB would function as a heat shield, protecting the system from political fire that might be generated from opposition to certain program presentations.

While CPB might determine, after station advice, the need for a specific type of program, the capability of a particular station to produce that type and the availability of funds to finance the project, it would be the producer, working with PBS, that would develop program content, create the format, select the talent and produce the program for national distribution by PBS to the stations throughout the interconnection lines. The station management would then determine whether, when, and how many times the program would be transmitted to the potential audience within the reach of its signal. This admittedly complex set of relationships formed a delicate balance of responsibilities, to be sure. But not an inappropriate balance in view of the sensitivity of the journalist-government relationship in the highly exposed environment of television.

With the federal funds from CPB to supplement past Ford Foundation initiatives, creative formats and new production sources were explored. The concentration of coverage from that target of unpopularity, the effete northeast, was reduced when program contributions were discovered at other points around the country.

### A BROADER AND MORE PROFESSIONAL JOURNALISM

To strengthen the professional journalism base in Washington, the National Public Affairs Center for Television (NPACT) was formed by the leadership of the local station in the Nation's Capitol (WETA) augmented by national directors from business, labor, journalism, law, and education. Its charter assumed responsibility for Washington-originated or related projects for national distribution. There was no news coverage as such. That was properly left in the commercial domain. Issues and trends were discussed in a weekly round-table of top Washington journalists and in one-to-one interviews by the "Atlantic Monthly's" political reporter, Elizabeth Drew. With the advent of the political year 1972, two experienced broadcast journalists, Sander Vanocer and Robert McNeil, were hired by NPACT to develop and present video accounts of the presidential campaign from the citizen's point of view. In addition, these correspondents moderated live or taped coverage of hearings or presidential speeches and arranged for expert reaction and analyses after such events. Though based in Washington, many of these programs were prepared in other locations around the country or called in reporters from other public stations for local or regional news.

From San Francisco came a weekly program in which foreign press was analysed by experts. From Boston and Los Angeles came the novel "Advocates" program in which a courtroom setting provided well-developed arguments in support of and opposition to precisely stated public issues that faced early decision; viewers were urged to consider both arguments and then make their own decisions and advise their representatives and the Advocates; on certain issues responses flowed in from 10,000 to 20,000 citizens. From New York came Black Journal, a direct communications with the black audience, designed and performed by black production teams. From South Carolina and across the country came William Buckley and his "firing line" which was added to the national program roster in response to station requests for an articulate moderater with a conservative philosophy. From around the country in 1972, and produced out of New York, came Bill Moyers' Journal in which the former newspaper published discussed with Americans the issues and problems of their concern. And from the same New York source came documentaries and an innovative video feature called The Great American Dream Machine which employed satire as a means of commentary about the passing scene.

It was in this area where sensitive nerves were struck. Certain individual programs, limited in number in relation to the total inventory, are well remembered for the controversy they evoked:

Castro's Cuba, a sympathetic treatment of the Cuban leader.

Who Invited Us?, a condemnatory thesis on U.S. intervention abroad.

The Banks and the Poor, a critical video essay about bankers' treatment of the disadvantaged, including inferences of conflict of interest for congressmen with bank board membership.

FBI subsidy of violence, an investigative piece of the Great American Dream Machine, which was deleted from national distribution and then broadcast anyway after the producing station transmitted.

The Woody Allen political message which was withdrawn by the producer before broadcast.

These five and a few others brought focus on this type of program. Liberal journalists perceived the difficulty to be government pressure on a weak CPB, conservative critics claimed that CPB failed to exercise adequate control over program decisions and neutrals questioned the quality and fairness of the journalism and the ability of a government financed system to exercise press freedom. These experiences within the system exacerbated the relationships between PBS and the producing centers, particularly in New York, and between producers and stations. But demands for greater editorial control by the stations or PBS or CPB were redirected to the formulation of standards and processes for video journalism by the system itself, PBS, stations and producers. With PBS in the lead, this action involved the expert advice of journalists themselves from inside and outside the system. The following broad standards became the foundation; more detailed guidance spelled out how they might be observed:

we recognize the obligation to be fair

we pledge to strive for balanced programming

we recognize the obligation to strive for objectivity

we acknowledge the obligation not to let technique become the master of substance

we recognize the obligation to reflect voices both inside and outside society's existing consensus.

To implement these intentions, PBS appointed James Lehrer, the anchor man of the Newsroom at KERA Dallas, as Public Affairs coordinator, a 12 member Public Affairs Panel was appointed "to advise the PBS staff concerning judgments in handling public affairs programs," each producing agency was urged to prepare "its internal manual of guidelines for journalistic production." The CPB board formally resolved its support for these actions and reaffirmed its previous action in support of public affairs programming.

After preliminary experience and evaluation, it was concluded that public affairs programs should constitute about 30% of the prime time material distributed to the stations by PBS. The balance of the schedule would include music, drama, children's programs, and specialized features. The funds from CPB and the Ford Foundation would be applied to sustain that 30%; some attempts were made to gain underwriting from other foundations and corporations to spread and increase the investment, but they were not successful. This percentage was supported by most of the stations. A small but vocal minority considered it—or any percentage—excessive and in a few instances individual programs or series were not transmitted at all by stations.

PURSUIT OF BALANCE

The desired balance in programming, both within series and in the total schedule, was purposefully pursued through the addition of new reporters or panelists with differing views, through live or taped coverage of events not carried on commercial television and through the pro and con exposition of issues in the "Advocates." Nevertheless, the new personalities associated with previous political positions—William Buckley, Bill Moyers and Sander Vanocer—drew criticism despite their current performance.

Vanocer became the prime target. His alleged close association with the Kennedys and certain of his public statements about presidential press relations gave him a low popularity position at critical power centers. Even those who acknowledged his professional capacity would not believe his on-air performance could be truly objective. His appointment attracted extra attacks when it was revealed, in answer to a congressional inquiry, that NPACT would pay him $85,000 a year, exactly twice the sum received by Congressmen.

His journalistic performance in the program conformed fully to the FOB factor except to those determined to find bias even where it did not exist, but most critics maintained their opposition by not bothering to watch the programs that he contributed to citizen understanding of the workings of the electoral system.

STRESS AND STRAIN ON THE BALANCE

The delicacy in the structure for program decision-making and the balance in the program schedule itself were subject to stress and strain. Certain subjects, editorial judgments, issue interpretations and personnel selections sparked protesting observations from special interests, station representatives and government spokesmen. Within the system disputes of this type sustained intramural rivalries and undermined collective progress. Bitter and accusatory letters were exchanged between station managers and producers. Favored press representativs were coveted by the opposing parties. Devil theories on individual motivations were circulated. Although these episodes were infrequent, when they came they reflected the uncertainty and frustrations remaining within the system. Moves toward corrective action were perceived to be in response to official objections and evidence of federal control over the system by CPB. Variety used the CPB initials to stand for Corporation for Patsy Broadcasting. On the other side, those opposed to public broadcasting or its involvement in journalism considered their opposition substantiated through these disputes.

The Nixon administration's reservations about public broadcasting were not openly revealed. Delay in submitting the promised long range financing plan could be attributed to an understandable desire to evaluate this new approach to the media. Modest annual increases in appropriation, from $5 million in fiscal year 1969 to $35 million in fiscal year 1972, actually represented support where it counted. But complaints about individual journalistic ventures were communicated to CPB. Certainly not in the intensity that provided early warning of the dissenting judgment of the entire system's development that was delivered by Clay T. Whitehead, the director of the Office of Telecommunications Policy, before the assembled public broadcasters at Miami Beach in October, 1971.

His broadside attack was more intensely political and more in line with other Administration attacks on the media than might have been expected. The charges were designed to shake that uneasy structure by condemning the alleged centralization of CPB and PBS while courting the stations through his cry for more financial recognition for the "bedrock of localism". The principal trigger for that barrage was the journalism included in the national program. The content and personalities had displeased executive leadership which was fully aware of television's potency. So aware that the prospect of supporting potentially critical coverage of administration actions with federal funds was distinctly unattractive.

Whitehead's view of video journalism was elaborated in a radio interview several weeks after his Miami blast:

"There is a real question as to whether public television, particularly the national federally funded part of public television, should be carrying public affairs, news commentary and that kind of thing, for several reasons. One is the fact that the commercial networks, by and large, do quite a good job in that area. Public television is designed to be an alternative to provide programming that isn't available on commercial television. So you could raise the legitimate question as to should there be as much public affairs, as much news and news commentary, as they plan do . . . When you're talking about using federal funds to support a journalism activity, it's always going to be the subject of scrutiny. The Congress will always be watching it closely. It just invites a lot of political attention."

An earlier warning along these lines had been sounded in less militant tones by FCC chairman Dean Burch in September 1970. He pointed out that "Congress seems to call upon public broadcasting to be fairer than fair." He appealed for the behavior of Caesar's wife and urged the hiring of some non-creative conservatives if it was indeed true that all creative staff members were liberals.

But the threat of interference was brandished by the executive and not the Congress. Objection to programs were infrequent from Capitol Hill until the Administration opened its attack. While deploring the centralized control in CPB and PBS, the Administration representatives applied pressure on the same organization behind the scenes to exercise more control over video journalism. These demands were more openly directed in late 1972 after the President's veto of the CPB authorization bill, the addition of six Nixon appointed board members, the selection of Henry Loomis, the deputy director of the United States Information Agency, as president following my resignation in September 1972, and the election of former Congressman Tom Curtis to succeed Frank Pace as chairman. In the authorization bill Congress had, after debate and compromise, passed with bipartisan majorities and over Administration opposition lobbying a two year extension and much higher funding for CPB. The veto message from the President was a delayed rerun of the indictment issued by Whitehead eight months earlier in Miami Beach.

Even though the CPB board had endorsed the public affairs programming decisions in April, after the veto and the change in leadership, its position was reversed rapidly. In December the board deleted from the list of programs to receive CPB funding certain public affairs features in the current schedule—Black Journal, Buckley's Firing Line, Moyer's Journal, World Press, and Washington Week in Review. All of the programs had been recommended for renewal by PBS as representative of the stations. Various objections were offered by Mr. Loomis to these programs:

1. they duplicated programs on commercial television,
2. they featured personalities,
3. they are too topical, and
4. they are not scholarly and educational enough.

The real reason emerged at a Curtis-Loomis press conference on January 11, 1973. Curtis admitted four different times that CPB was under White House pressure on these programs. "The Nixon Administration," he said, "or some of its spokesmen are very worried about this area."

### PBS FUNCTIONS ASSUMED BY CPB

These program deletions in response to Administration worries was accompanied by a board decision to withdraw from PBS its functions to coordinate and schedule national programming and to limit it to the mechanical operation of the interconnection. In defiance of past decisions to avoid CPB involvement in program selection in detail the board directed Mr. Loomis to prepare plans to assume the PBS functions and to construct a new pattern of consultation with the stations. The centralization condemned by the Administration the previous year was more tightly concentrated and closer to White House influence. There is even serious questioning of the necessity for the interconnection without which topical journalism would be frustrated.

These developments lead to the sorrowful conclusion that the heat shield has been penetrated and video journalism, public style, severely burned. The endeavor to establish freedom of expression, with balance and responsibility, has at this point failed.

Perhaps this result would have occurred under any Administration. No President has welcomed the natural hostility of free press. And yet that free press, cruel and unreasonable as it may be, is an essential force in democratic government.

But the present possessor of Presidential power has displayed an accentuated distaste for the media. Public television's agony is shared with other practitioners of the information cult. Its role is only different in an important way: its existing level of journalistic programming is dependent upon Federal funds. That dependency with the accompanying restrictions, I regretfully conclude, is too high a price for the American people to pay.

The cause should not be abandoned. Those who believe in the potential of video journalism to serve the citizen must seek new or expanded sources, outside of government, to advance the cause. The portion of support from government for this area of national program activity can be replaced from other sources. Increased individual contributions, cooperative funding by stations, shared or combined local programming, unrestricted corporate or foundation support should all be explored and evaluated. Concurrently the creative forces in non-commercial television have an obligation to stimulate new and more effective programs to exploit the visual opportunities of the medium. Higher quality and editorial responsibility constitute worthy goals for those privileged to illuminate the world and its human problems in the quest for greater understanding by all people.

Political scientists, media critics and citizens should study this development as a warning of new and potentially destructive trends in the relations between the executive and the media. The power of video journalism must remain free to inform without government pressure—and if necesary without government financing.

## EAGLES NEST WILDERNESS BILL

### HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. ARMSTRONG. Mr. Speaker, I am today introducing the Eagles Nest wilderness bill.

This legislation will enlarge the wilderness area from the present proposed 87,775 acres to 125,000 acres and will add forest coverage and meadow areas required for adequate and balanced wildlife preservation.

While the preservation of wilderness is necessary for present day Americans and will offer millions of them the opportunity to relax away from the pressures of our increasingly complex society, it is even more important to insure this heritage for the future.

If vitally necessary, the use of this land can be reconsidered by future generations, but to open it for exploitation now would be a breach of faith with the future. Colorado has been favored with abundant natural resources to share with all Americans, and thus has a special trust to assure that this, and other, wilderness areas, are passed on in their natural state for future generations to learn from and to enjoy.

## CYRUS EATON—VICTIM OF FBI SURVEILLANCE

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 29, 1973*

Mr. STOKES. Mr. Speaker, I have often had the privilege of bringing the wisdom of Mr. Cyrus Eaton before this Chamber. Today I am honored to present an article about Mr. Eaton which appeared in the May 13, 1973, edition of the Cleveland Plain Dealer. In this interview, Mr. Eaton revealed information about domestic surveillance which is extremely relevant in view of the Watergate scandal and which, to my knowledge, has never been published before.

According to Mr. Eaton, he is aware of having been the victim of FBI surveillance on at least two occasions. In the first instance, according to Mr. Eaton, the FBI staged a protest demonstration when Mr. Eaton entertained some Soviet journalists in 1955. In 1958, when Mr. Eaton appeared on national television and criticized J. Edgar Hoover, FBI personnel staged a letter-writing campaign in defense of their boss.

I personally believe that, although almost 25 years have passed since these incidents, the FBI owes Mr. Eaton a full explanation and apology. In any case, I share Mr. Eaton's hope that the Watergate scandal will end the American public's tolerance of internal domestic spying.

The Plain Dealer article follows:

### Spy Network Era Doomed, Eaton Says

Watergate will change America's thinking about "the cloak-and-dagger fellows," in the view of Cyrus S. Eaton, with Washington paying more attention now to business leaders with many years of personal contacts abroad.

The industrialist and financier, who is board chairman of the Chespeake & Ohio Railway, said "these CIA and FBI people," never short of money, have proved in the Watergate scandal that "they are not the highest-grade men in the world."

Eaton, in an interview, said he had personal experience with the FBI "organizing mob protests" in Cleveland when he entertained Soviets here. Another time, he said, the FBI prepared letters to newspapers and signed and mailed them to discredit him.

The financier, who will be 90 in December, said, "We have been wrong to rely on spies, at home and abroad. These cloak-and-dagger fellows, with their unreliable information, have misled us; the Bay of Pigs is a fine example. They've mislead us in Russia and in China with their contrived yarns. Now we are seeking their business."

Turning to the FBI and the Russians he has entertained in Cleveland from time to time, Eaton said:

"A group of Soviet journalists, you remember, came here in 1955, and the State Department wanted me to entertain them. They said, 'We want them to see the home of a typical American capitalist.' So they came to Cleveland and stayed at a Cleveland hotel on Public Square and I sent two automobiles to pick them up and bring them to my farm.

"When the Soviets were preparing to leave the hotel, there was a howling mob in the square. We asked the State Department representative to allow us to take these people out the back, but he would not permit any change in the plans. He insisted on going out the front. So the mob started howling.

"They arrived at the farm, and the men from the CIA or the FBI were expressing dismay and terror. They wanted to make the Soviets think it was a spontaneous outburst. It was organized by the FBI. I had it checked out."

Eaton, who has visited with government leaders abroad, especially with Communist leaders, for years, said he appeared on a national TV show in 1958, "and I was a little critical of J. Edgar Hoover." He said, reporting what he had told to news media some time ago.

"Later, all over the country, there were letters to the editor, attacking me and defending the FBI. We checked them out. They were well-written, as if by professionals. Every one, without exception, it turned out, had been written at FBI headquarters and sent to persons they knew for signing and mailing. The editors were deceived and the country was deceived."

The FBI office here declined comment on Eaton's charges.